

# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

### Regular Meeting

**TUESDAY, MAY 24, 2011**

Closed Session – 8:30 a.m.

Regular Meeting – 10:00 a.m.

MERCED COUNTY  
ADMINISTRATION BUILDING  
2222 “M” STREET  
BOARD ROOM, THIRD FLOOR  
MERCED, CALIFORNIA 95340  
(209) 385-7366

CHAIRMAN JOHN PEDROZO.....DISTRICT 1  
HUBERT “HUB” WALSH, JR.....DISTRICT 2  
LINN DAVIS.....DISTRICT 3  
DEIDRE F. KELSEY....DISTRICT 4  
JERRY O’BANION.....DISTRICT 5  
Lydia A. Beiswanger, Chief Clerk

LARRY T. COMBS  
COUNTY EXECUTIVE OFFICER

JAMES N. FINCHER  
COUNTY COUNSEL

*All supporting documentation is available for public review in the Office of the Clerk of the Board of Supervisors located in the County Administration Building, Third Floor, 2222 “M” Street, Merced, California, 95340  
During regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday.*

**The Agenda is available online at [www.co.merced.ca.us](http://www.co.merced.ca.us)**

Any material related to an item on this Agenda submitted to the Clerk after distribution of the Agenda packet is available for public inspection in the Office of the Clerk of the Board

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The Agenda is divided into three sections:

**CONSENT CALENDAR** – These matters include routine financial and administrative actions and are approved by a single majority vote.

**SCHEDULED ITEMS** – These items are noticed hearings, work sessions and public hearings.

**REGULAR CALENDAR** – These items include significant policy and administration actions. Immediately after approval of the CONSENT CALENDAR, if the time of the hearing of SCHEDULED ITEMS has not arrived, the REGULAR CALENDAR will be considered.

## **SCHEDULED ITEMS**

8:30 A. M.

### **THE PUBLIC IS INVITED TO SPEAK ON ANY ITEM ON THE AGENDA- TESTIMONY IS LIMITED TO FIVE MINUTES PER PERSON**

#### **CLOSED SESSION - CONFERENCE WITH REAL PROPERTY**

**NEGOTIATOR:** It is the intention of the Board to meet in Closed Session concerning a Conference with Real Property Negotiator(s) Mark Hendrickson, Director-Commerce, Aviation and Economic Development pursuant to Government Code Section 54956.8 as follows: (1) Castle-Buildings 1509, 1529 & associated land; (2) Castle-500 acres of vacant land and (3) Castle-Buildings 1007, 1015 & 1038

#### **CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - INITIATION**

**OF LITIGATION:** It is the intention of the Board to meet in Closed Session concerning Initiation of Litigation pursuant to Government Code Section 54956.9(c): Number of Cases: One Case

#### **CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING**

**LITIGATION:** It is the intention of the Board to meet in Closed Session concerning Existing Litigation pursuant to Government Code Section 54956.9(a): (1) Molina, Juan v. Joseph Gomes, Jr. and County of Merced, Merced Court Case no. CV001812; (2) Abarca, et al. v. Merck & Co., Inc., et al., Federal Case no: 1:07-CV-0388 OWW DLB; (3) Bauer v. County of Merced, et al., Merced Superior Court case no. 150392; and (4) County of Merced v. Rooker, et al., Merced Superior Court case no. CV001238

**CLOSED SESSION:** It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957.6 concerning a Conference with County of Merced Staff Negotiators concerning negotiations with American Federation of State, County and Municipal Employees (AFSCME), Units 4, 5, 6 and 8; Independent Employees of Merced County (IEMC), Unit 3; Merced County Lawyers Association, Unit 7; Merced County Sheriff Employee Association (MCSEA), Unit 2; Merced County Law Enforcement Sergeants, Unit P; Deputy Sheriff Association, Unit 10 and Non-Safety Corrections, Unit 12

**THE BOARD RECESSED INTO CLOSED SESSION AT 8:30 A.M.  
AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND  
THE CHAIRMAN ADVISED STAFF WAS PROVIDED DIRECTION**

**GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA  
ITEMS)**

10:00 A. M.

**PLEDGE OF ALLEGIANCE**

**PUBLIC OPPORTUNITY TO SPEAK ON ANY MATTER OF PUBLIC INTEREST WITHIN THE BOARD'S JURISDICTION INCLUDING ITEMS ON THE BOARD'S AGENDA, EXCEPT FOR THOSE ITEMS SPECIFICALLY SCHEDULED AS PUBLIC HEARINGS** (Testimony limited to five minutes per person)

**REVIEW BOARD ORDER – SEE PAGE 13**

**PRESENTATION:** Executive Office - Budget Presentation

**REVIEW BOARD ORDER – SEE PAGE 13 AND 14**

**COUNSEL - PRESENTATION ON PROPOSED REDISTRICTING MAPS**

**RECOMMENDATION:** Review and consider possible additional direction to the demographer and staff regarding the proposals

**REVIEW BOARD ORDER – SEE PAGE 14**

**APPROVAL OF CONSENT AGENDA CALENDAR** (Items #1 - 47)

**APPROVED AS RECOMMENDED      AYES: ALL**

**HEALTH - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION**

To Consider the proposed Ordinance entitled: An Ordinance Amending the Health Department Fee Ordinance by adopting or changing fees set for Health Services Performed by the Health Officer of Merced County (Amends Ordinance No. 1871 and adds to Title 9 General Health and Safety Code, Chapter 9.49)

**RECOMMENDATION:** Reopen the public hearing; waive further reading and adopt Proposed Ordinance

**REVIEW BOARD ORDER – SEE PAGE 14 AND 15**

**REPORTS/BOARD DIRECTION**

County Executive Officer, County Counsel, Board of Supervisors Members

**CONSENT CALENDAR (Items #1 - 47)**

**APPROVED AS RECOMMENDED      AYES: ALL**

Planning

1. Approve and authorize the Chairman to sign Amendment to Contract No. 2010025 with Environmental Planning Partners, Inc. to extend the contract term for the Environmental Impact Report (EIR) for the Azevedo Dairy Expansion Project (CUP09-011).
2. Approve and authorize the Chairman to sign Amendment to Contract No. 2008318 with George Reed Inc., to extend the term for the preparation of the Environmental Impact Report (EIR) for the Snelling Mine Expansion Project (MM09-002/GPA05-009/ZC05-010).

3. Approve and authorize the Chairman to sign Amendment to Contract No. 2006292 with Atkins North America, Inc. (formerly PBS&J) to extend the term and formalize the name change, for the preparation of the Environmental Impact Report (EIR) for the Snelling Mine Expansion Project (MM09-002/GPA05-009/ZC05-010).

#### Public Works

4. Approve Budget Transfer in the amount of \$1,800 for replacement air conditioner at Jury Assembly, sufficient funds exist.
5. Approve Budget Transfer in the amount of \$80 for Atwater Lighting Zone of Benefit No. 212 for payment of utilities. (4/5 Vote Required)
6. Approve Budget Transfer in the amount of \$120 for unexpected lighting repairs needed for Bryant Meadows Lighting and Drainage Zone No. 331. (4/5 Vote Required)
7. Approve Budget Transfer in the amount of \$7,129 to replace funds used in the operation of the El Nido Recreation Building. (4/5 Vote Required)

#### District Attorney

8. Approve and authorize Chairman to sign Renewal Contract No. 2005189 with Richard S. Michaels, Attorney At Law, for consulting and legal services to the District Attorney's office for investigation and prosecution of consumer protection cases.

#### Ag. Commissioner

9. Approve and authorize Chairman to sign Renewal Contract No. 2004107 with California Cantaloupe Advisory Board for Anti-Theft Inspection/surveillance of cantaloupe fields.
10. Approve and authorize Chairman to sign Renewal Contract No. 2010218 with California Dept. of Food and Agriculture for European Grapevine Moth Regulatory Enforcement Program and adopt Resolution.

#### **ADOPTED RESOLUTION NO. 2011-55**

11. Approve and authorize Chairman to sign Renewal Contract No. 2010115 with California Dept. of Food and Agriculture for Asian Citrus Psyllid Pest Detection and Survey Program and adopt Resolution.

#### **ADOPTED RESOLUTION NO. 2011-56**

12. Approve and authorize Chairman to sign Renewal Contract No. 2001105 with California Dept. of Food and Agriculture for Fruit and Vegetable Inspection Services and adopt Resolution.

#### **ADOPTED RESOLUTION NO 2011-57**

13. Approve and authorize Chairman to sign Renewal Contract No. 2004082 with California Dept. of Food and Agriculture for Organic Producer Registration and Inspection and adopt Resolution.

#### **ADOPTED RESOLUTION NO. 2011-58**

14. Approve and authorize Chairman to sign Renewal Contract No. 2004158 with USDA-Wildlife Services for the 2010/2011 Annual Work Plan Predatory Animal Control in Merced County.

#### **REVIEW BOARD ORDER – SEE PAGE 15**

## Mental Health

15. Approve and authorize Chairman to sign Renewal Contract No. 2010209 with Merced Lao Family for Southeast Asian Community Advocacy Program (SEACAP) through the Mental Health Services Act Three Year Plan.
16. Approve and authorize Chairman to sign Renewal Contract No. 2009246 with Merced Lao Family Community, Inc. for implementation of Integrated Mental Health in Primary Care Settings Program and the Cultural Brokers for Mental Health Services Program as part of the Mental Health Services Act Prevention and Early Intervention Program (MHSA-PEI).
17. Approve and authorize Chairman to sign Renewal Contract No. 2010140 with U.S. Dept. of Housing and Urban Development for 2010 Supportive Housing Program Renewal Grant for Project Home Start.
18. Approve and authorize Chairman to sign Renewal Contract No. 2009339 with Juan C. Garcia, PhD, LMFT, for consulting services for clinical supervision and training of interns and pre-licensed staff members.
19. Approve and authorize Chairman to sign Renewal Contract No. 2003108 with Human Services Agency for Money Management Services for consumers who are unable to manage the receipt and disbursement of their funds without assistance.
20. Approve and authorize Chairman to sign Renewal Contract No. 2010068 with Kings View Corporation for provision of Patients' Rights Advocates Services.
21. Approve and authorize Chairman to sign Renewal Contract No. 2007093 with Mission Linen Supply for linen and laundry services for the Marie Green Psychiatric Facility.
22. Approve and authorize Chairman to sign Renewal Contract No. 2009117 with Value Options, Inc. to maintain specialty mental health service provider network.
23. Approve and authorize Chairman to sign Renewal Contract No. 2007052 with Trilogy Integrated Resources, LLC for Network of Care website maintenance and e-learning.
24. Approve and authorize Chairman to sign Renewal Contract No. 2006176 with Turning Point Community Services in connection with the MHSA Community Assistance Recovery Enterprise (CARE) Program.
25. Approve and authorize Chairman to sign Amendment to Contract No. 2008160 with Mariposa County Behavioral Health and Recovery for inpatient services at Marie Green Psychiatric Health Facility.
26. Approve and authorize Chairman to sign Amendment to Contract No. 2007199 with Guardco Security Services for security at all Mental Health department facilities.

## Human Services Agency

27. Approve and authorize Chairman to sign Contract No. 2011067 with University of California, Davis for staff development training.
28. Approve and authorize Chairman to sign Renewal Contract No. 2009164 with University of California, Davis for Staff Training and Development for Child Welfare Services.
29. Approve and authorize Chairman to sign Renewal Contract No. 2010044 with Foundation for Improved Living-Merced to provide services from the Circles Campaign to eleven CalWORKs participants.

30. Approve and authorize Chairman to sign Renewal Contract No. 2010043 with District Attorney's Office for In-Home Supportive Services (IHSS) Program Fraud Investigation and Prevention.
31. Approve and authorize Chairman to sign Renewal Contract No. 2009099 with Mental Health for mental health and substance abuse services.
32. Approve and authorize Chairman to sign Renewal Contract No. 2010135 with Aspiranet for SB 163 Wraparound Services.
33. Approve and authorize Chairman to sign Renewal Contract No. 2010136 with Aspiranet for Transitional Housing Program-Plus services to the youth who are aging out of foster care.

Health

34. Approve and authorize Chairman to sign Amendment to Contract No. 2010233 with Blue Shield of California Foundation for funding to support planning efforts to expand health care coverage for uninsured adults in Merced County now known as Low Income Health Program (LIHP).
35. Approve and authorize Chairman to sign Renewal Contract No. 2004106 and Certification Clauses Form with State Water Resources Control Board for the Local Oversight Program, authorize the Director of Public Health or Designee to sign all payment requests and adopt Resolution.

**ADOPTED RESOLUTION NO. 2011-59**

36. Approve and authorize Chairman to sign Amendment to Contract No. 2008135 with Calif. Dept. of Health Services for Medi-Cal Administrative Activities extending the term from June 30, 2011 to June 30, 2013 and increasing the total grant award from \$660,000 to \$1,060,000 and adopt Resolution.

**ADOPTED RESOLUTION NO. 2011-60**

Sheriff

37. Approve and authorize Chairman to sign Renewal Contract No. 2009293 with Treasurer for Los Banos Bank Deposit Transportation.
38. Approve and authorize Chairman to sign Renewal Contract No. 200198 with Mental Health for the patients' meal food services at Marie Green Psychiatric Center.

Dept. of Workforce Investment

39. Approve and authorize Chairman to sign Amendment to Contract No. 2009216 with Merced County Office of Education for San Joaquin Valley Green Jobs Corps to continue to provide grant elements of paid "green" work experience, environmental stewardship, community service and civic responsibility education to participating youth and approve the necessary budget transfer-\$38,838. (4/5 Vote Required)

Fire

40. Approve Budget Transfer in the amount of \$800 for different estimates than anticipated for Drying Cabinets and Extractor Machine.
41. Approve Budget Transfer in the amount of \$1,305 due to higher cost than anticipated for the Midland VHF Repeater Package.

## Board Recognition

42. Authorize Certificates of Recognition to Lloyd Erlandson and Clay Skinner in recognition of service as Outgoing Board of Director Members and Sergio De Alba for selection of the Dr. Les McCabe Educator of the Year Award as recognized by the Merced County Farm Bureau.
43. Authorize Certificates of Recognition to Junior Leadership Class 7 Graduation students from Livingston, Buhach Colony, Golden Valley, Merced, Atwater, and Yosemite High Schools.  
**REVIEW BOARD ORDER – SEE PAGE - 16**
44. Authorize Certificates of Recognition to Roberta Flanagan for Good Business Citizen of the Quarter and Roger Wood for Volunteer of the Quarter as recognized by Merced County Chamber of Commerce.
45. Authorize Certificate of Recognition to Katie Favier for selection as the Merced County 2011 Honoree for the Common Threads Award Honoring Women in Agriculture.

## Executive Office

46. Approve Travel Requests submitted by Mental Health (2) as recommended by Executive Office.
47. Act on Claim for Damages submitted by Bonnie Farley (2011-29) as recommended by Risk Management and Counsel.

## **REGULAR CALENDAR**

### **BOARD ACTION**

#### PUBLIC WORKS

48. Contract with Calif. Dept. of Transportation (Caltrans) for the realignment of a portion of Wolfsen Road and Santa Fe Grade Road planned to occur with the State Route 165 Reconstruction Project (Agreement No. 10-385) and adopt Resolution.  
**AUTHORIZED CONTRACT NO. 2011070 AND ADOPTED RESOLUTION NO. 2011-61 AS RECOMMENDED AYES: ALL**
49. Proposition 84 Statewide Park Development Grant Application: (1) Designate Public Works Director as the authorized representative as required by the State to conduct all negotiations, sign and submit documents including but not limited to applications, agreements, and payment requests which may be necessary for the completion of the grant scope; (2) authorize Public Works Director to sign and submit the Grant Applications for the proposed projects in Planada and Winton which both feature a new skate park, walkways/pedestrian paths, restrooms and facility improvements, lighting, landscaping, parking, playground equipment and facilities such as covered picnic areas, benches, and staging areas for a total of up to \$5 million in grant funds per project which may change since the projects are not due until July 1, 2011; and Public Works will return to the Board with amendments for grant as they occur or execution of contracts and adopt Resolution.  
**ADOPTED RESOLUTION NO. 2011-62 AS RECOMMENDED AYES: ALL**
50. Certify the Information and Findings of the Mitigated Negative Declaration for the Cottonwood Road and Ingomar Road Intersection Re-design as prepared by Environmental

Science Associates (EAS) dated April, 2011.

**APPROVED AS RECOMMENDED AYES: ALL**

51. Contract with State Dept. of Transportation (Caltrans) for Landscape Maintenance for State Highway 33 at Henry Miller Avenue; authorize Public Works, Risk Management and Counsel to negotiate the final terms of Contract to be signed by the Chairman after review by Counsel.

**AUTHORIZED CONTRACT NO. 2011068 AS RECOMMENDED AYES: ALL**

52. Contract with In-N-Out Burgers, Inc. for Landscape Maintenance Assignment and Assumption Agreement for State Highway 33 at Henry Miller Avenue; authorize Public Works, Risk Management and Counsel to negotiate final terms of Contract to be signed by the Chairman after review by Counsel and adopt Resolution.

**AUTHORIZED CONTRACT NO. 2011069 AND ADOPTED RESOLUTION NO. 2011-63 AS RECOMMENDED AYES: ALL**

53. Authorize the Notice of Intention to Vacate a portion of Sunny Acres Avenue located in the Ballico area and set a public hearing for June 28, 2011 at 10:00 a.m. to consider said road to be vacated as a public roadway and adopt Resolution.

**ADOPTED RESOLUTION NO. 2011-64 AS RECOMMENDED AYES: ALL**

#### HUMAN SERVICES AGENCY

54. Contract with Merced County Office of Education for Child Care services as recommended by Evaluation Committee in response to RFP No. 6537 to provide Stage One Child Care Services for families in the CalWORKs Program.

**AUTHORIZED CONTRACT NO. 2011071 AS RECOMMENDED AYES: ALL**

55. Contract with the National Council on Crime and Delinquency for the Safe Measures web-based internet reporting service.

**AUTHORIZED CONTRACT NO. 2011072 AS RECOMMENDED AYES: ALL**

56. Approve the transfer of \$20,000 from Human Services Agency to Merced County Association of Governments (MCAG) for initial implementation efforts related to the "Merced County 10-Year Plan to End Chronic Homelessness" during the period of April 1, 2011 through June 30, 2011.

**APPROVED AS RECOMMENDED AYES: ALL**

#### FIRE

57. Appoint Nancy Koerperich as Merced County Fire Chief and Director of Merced County Office of Emergency Services pursuant to Ordinance No. 1567; identify the authorized agents for the Merced County Office of Emergency services (OES) substituting Nancy Koerperich as the Director/Office of Emergency Services and retaining Kevin Smith as the Acting Deputy Director-Operations/Office of Emergency Services and Cecil Banks as the Deputy Director-Administration/Office of Emergency Services and adopt Resolution.

**ADOPTED RESOLUTION NO. 2011-65 AS RECOMMENDED AYES: ALL**

58. Approve Grant Application submission for the Volunteer Fire Assistance Program in the amount of \$18,500 to purchase 100 New Generation Fire Shelters and 100 Wildland Packs with harness with the Calif. Dept. of Forestry and Fire Protection; direct Fire return to the Board with results and authorization prior to accepting award and authorize Fire Division-Operations Chief to sign as Authorized Representative.

**APPROVED AS RECOMMENDED AYES: ALL**



## MENTAL HEALTH

59. Contract with California Psychiatric Transitions for Mental Health Rehabilitation Center services.

**AUTHORIZED CONTRACT NO. 2011073 AS RECOMMENDED AYES: ALL**

60. Contract with Central Valley Regional Center for provision of services to individuals who are both developmentally disabled and seriously emotionally disturbed.

**AUTHORIZED CONTRACT NO. 2011074 AS RECOMMENDED AYES: ALL**

## SHERIFF

61. Contract with 35th District Agriculture Association-Merced Fair located at the Merced Fairgrounds for law enforcement services.

**AUTHORIZED CONTRACT NO. 2011075 AS RECOMMENDED AYES: ALL**

62. Authorize initiation of Request for Proposal (RFP) process for inmate commissary services at the Adult Correctional Facilities to evaluate the cost-benefits of providing these services in-house versus having an outside company provide services and authorize the Sheriff and Dept. of Admin. Services-Purchasing to evaluate the responses and return to the Board with recommended action.

**APPROVED AS RECOMMENDED AYES: ALL**

## COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

63. Designate the Commerce, Aviation and Economic Development Director as the National Environmental Protection Act (NEPA) Certifying Officer for U.S. Dept. of Housing and Urban Development (HUD) and State Dept. of Housing and Community Development (HCD) Grants, assuming responsibility for complying with NEPA laws and regulations, subject to review and concurrence by Planning and Counsel.

**ADOPTED RESOLUTION NO. 2011-66 AS RECOMMENDED AYES: ALL**

64. Contract with Jones & Stokes Associates, Inc. for preparation of Initial Study under the provisions of the California Environmental Quality Act (CEQA) for the revised Castle Airport Master Plan.

**AUTHORIZED CONTRACT NO. 2011076 AS RECOMMENDED AYES: ALL**

## RETIREMENT BOARD

65. Adopt recommended Retirement Contribution and Interest Rates as recommended effective for the July 8, 2011 Payroll as follows: Employer rate-36.14%; Member Contribution Rates-General Tier 1- 11.23%, Tier 2- 9.92%; Safety Tier 1- 13.42% and Tier 2- 8.84%.

**REVIEW BOARD ORDER – SEE PAGE 16**

## HEALTH

66. Contract with State Dept. of Health Care Services; Amendment to Contract No. 2010280 with Central California Alliance for Health for physician services effective May 24, 2011 with the authorization to execute conditional upon Centers for Medicare and Medicaid Services (CMS) approval in substantially the form presented here; authorize the establishment of Health-IGT Trust Fund and approve the necessary budget transfer-\$1,000,000. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2010280 (CENTRAL CALIF. ALLIANCE FOR HEALTH) AND CONTRACT NO. 2011079 (STATE DEPT. OF HEALTH CARE SERVICES) AS RECOMMENDED AYES: ALL**

## TREASURER

67. Review and accept the Quarterly Investment Report for the Period of January 1, 2011 to March 31, 2011.

**APPROVED AS RECOMMENDED**      **AYES: ALL**

## DEPT. OF ADMIN. SERVICES

68. Accept the donation of two multi-band repeaters, associated equipment and services from the City of Fresno in participation with the Federal Homeland Security Public Safety Interoperable Communication Grant Program.

**APPROVED AS RECOMMENDED**      **AYES: ALL**

## BOARD OF SUPERVISORS

69. Authorize Special Board Project Funds-District Two in the amount of \$20,000 to be transferred to Capital Improvement Projects (CIP 17000/83642) for Merced American Legion Hall Floor Refinishing and approve the necessary budget transfer-\$20,000.

**APPROVED AS RECOMMENDED**      **AYES: ALL**

70. Authorize Special Board Project Funds-District Two in the amount of \$1,500 to be forwarded to the Merced County Chamber of Commerce for sponsorship of the Merced County Fair Exhibit at the 2011 California State Fair.

**APPROVED AS RECOMMENDED**      **AYES: ALL**

71. Authorize Special Board Project Funds-District Four in the amount of \$1,250 to be utilized to purchase 125 yards of compost from Solid Waste Landfill which will then be donated to the community garden project in Delhi.

**APPROVED AS RECOMMENDED**      **AYES: ALL**

72. Designate the Merced County Arts Council as the local partner in the California State-Local Partnership Program and authorize the Letter of Support.

**APPROVED AS RECOMMENDED**      **AYES: ALL**

73. Authorize Special Board Project Funds-District One in the amount of \$1,000 to the Merced American Legion Post 660 for repairs/maintenance of the Le Grand American Legion Hall.

**APPROVED AS RECOMMENDED**      **AYES: ALL**

74. Authorize Special Board Project Funds-District One in the amount of \$500 to be forwarded to the Livingston High School Sober Graduation Committee for Sober Grad Program.

**APPROVED AS RECOMMENDED**      **AYES: ALL**

75. Authorize Special Board Project Funds-District Five in the amount of \$3,000 to be forwarded to the Castle Air Museum Foundation, Inc. to assist with the cost of rehabilitation of the parking lot facility at Castle Air Museum.

**APPROVED AS RECOMMENDED**      **AYES: ALL**

## HUMAN RESOURCES

76. Solid Waste Division Transition from Public Works to Merced County Regional Waste Management Authority/Merced County Association of Governments: (1.) Authorize Reduction In Force of the following thirty-four (34) filled positions, delete two (2) vacant positions and delete nine (9) Extra Help allocations effective June 19, 2011; (2.) Authorize Solid Waste Joint Powers Authority employees that retire from Merced County Employees Retirement Association (MCERA) by August 31, 2011 to participate in the Merced County Retiree Health Plan as if they were Merced County employees; and (3.) Adopt Resolutions:

Effective June 19, 2011, delete the following thirty-four (34) filled positions: one Deputy Director Pub Wks-Solid Waste (Pos 2); one Environmental Resource Manager (Pos 50), one Solid Waste Manager (Pos 26); one Solid Waste Superintendent (Pos 43); two Solid Waste Supervisors (Pos 4, 13); one Heavy Equipment Mechanic I/II (Pos 51); eleven Solid Waste Equipment Operators (Pos 6, 7, 8, 9, 17, 18, 19, 28, 29, 41, 42); eight Solid Waste Maintenance Worker I/II (Pos 12, 30, 33, 40, 46, 47, 48, 49); five Solid Waste Scale Attendants (Pos 5, 34, 36, 37, 44); one Account Clerk III (Pos 24); one Accounting Technician (Pos 27); and one Staff Services Analyst I/II (Pos 38);

Effective June 19, 2011, delete the following two (2) vacant positions and nine (9) allocations: one Solid Waste Equipment Operator (Pos 10); one Solid Waste Supervisor (Pos 3); EH Student Intern; EH Solid Waste Equipment Operator; EH Solid Waste Maintenance Worker I; EH Solid Waste Maintenance Worker II; EH Solid Waste Scale Attendant; EH Laborer; EH Project Engineer; EH Office Assistant I and EH Account Clerk I.

**ADOPTED RESOLUTION NO. 2011-67 (POSITION) AND RESOLUTION NO. 2011-68 (SALARY) AS RECOMMENDED AYES: ALL**

### **BOARD APPOINTMENTS**

77. Mental Health Advisory Board – Reappointed Mary Ellis, representing District Two, until June 30, 2014.

**APPROVED AS RECOMMENDED AYES: ALL**

78. Mental Health Advisory Board – Reappointed Sally Ragonut, representing District Three, until June 30, 2014.

**APPROVED AS RECOMMENDED AYES: ALL**

79. Dairy Technical Advisory Committee – Appointed Kirsten Clause Russell (Hilmar Cheese) until January 28, 2013 and Reappointed Simon Vander Woude (California Dairies, Inc.), Alejandro Castillo (Cooperative Extension), Anselmo Souza and Frank Azevedo (Western United Dairyman) to serve until January 28, 2013.

**APPROVED AS RECOMMENDED AYES: ALL**

### **BOARD INFORMATION & POSSIBLE ACTION**

**ACCEPTED AND PLACED ON FILE AYES: ALL**

80. Public Works re: Notice of Award - Contract No. 2009090 to Teichert Construction for the Husman Road Reconstruction Project.

**AWARDED CONTRACT NO. 2009090**

81. Commerce, Aviation and Economic Development re: Notice of Contract Award of the Grant Application submitted on February 15, 2011 with U.S. Dept. of Housing & Urban Development (HUD) for the Neighborhood Stabilization Program Grant with funds to be used for acquisition/rehabilitation/resale of single family homes in the a specific target area in Winton to benefit the very low and low income families.

**AWARDED CONTRACT NO. 2011077**

82. Commerce, Aviation and Economic Development re: Facility Use Contract with Central California Conference Pathfinder Bike-a-Thon that was held on April 15-17, 2011.

**CONTRACT NO. 2011078**

83. Fire re: Notice of Fire Department participation in the International Association of Firefighter (IAFF) "Fill the Boot for Muscular Dystrophy Association (MDA)" Fundraiser for May 25-31, 2011.
84. Dept. of Admin. Services re: Notice of purchase for the Fire Department pursuant to Ordinance No. 1678, Chapter 5.12.040 and which fall under Category 1: Purchase of Rescue Vehicle and the subsequent assembly of the equipment compartments from Fire Truck Headquarters.
85. State Wildlife Conservation Board re: North Grassland Wildlife Area, Gadwall Unit Wetland Restoration, Merced County, Project ID 2003121.
86. California Emergency Management Agency re: Amendment of the major disaster declaration (FEMA-1952-DR-CA), the processing of U.S. Dept. of Agriculture Farm Service Agency emergency loans for physical and production losses has been authorized for the primary counties of Madera, Mariposa and the contiguous counties of Fresno, Merced, Mono, Stanislaus and Tuolumne, disaster is due to damages caused by severe winter storms, flooding, and debris and mud flows that occurred December 17, 2010 through January 4, 2011.
87. California Citizens Redistricting Commission re: Letter of thanks to the Board and County for allowing the Board of Supervisors Chambers to be used for a Commission hearing on April 16, 2011.
88. State Water Resources Control Board re: Notice of Public Workshop to receive information concerning technical studies to be conducted by the Merced Irrigation District under Investigation Order WR-2011-0003-EXEC set for June 22, 2011 at 9:00 a.m.
89. Bureau of Reclamation and Calif. Dept of Water Resources re: San Joaquin River Restoration Draft Program Document available and public hearings scheduled for May 24 in Fresno, Visalia; May 25 in Los Banos and May 26 in Sacramento.
90. State Board of Equalization re: County Assessment Appeals Filing Period for 2011 for each county in the State of California per clerks of the county assessment appeals boards and boards of equalization requirements of Revenue and Taxation Code Section 1603.
91. State Board of Equalization re: Taxpayers' Bill of Rights public hearings set for June 21, 2011 in Culver City and September 20, 2011 in Sacramento, CA to address the issues identified in the Taxpayers' Rights Advocates 2009-10 Annual Report and means to correct problems described in Report and to discuss and/or comment on all Board administered revenue programs or local property tax issues.
92. Alzheimer's Association re: California State Plan for Alzheimer's Disease: An Action Plan for 2011-2021. (On file with Clerk or in electronic version online at: [www.caalz.org/policy/stateplan](http://www.caalz.org/policy/stateplan))

**ADOPTED RESOLUTIONS AND AJOURNED MEETING IN MEMORY OF JOHN E. BARNES, SR., WILLIAM G. VANDER WOUDE, ESTHER LEVEY AND DARREN PEREZ UNTIL TUESDAY, JUNE 7, 2011 AT 10:00 A.M.**

## **BOARD ORDERS – SUMMARY ACTION MINUTES – MAY 24, 2011**

### **10:00 A.M. SCHEDULED ITEM** **2011-05-24 PUBLIC OPPORTUNITY**

Dave Olsen, President of Challenger Learning Center Foundation, speaks in support of the center remaining open and requests the County honor their original lease.

Mike Lynch, California High Speed Rail Authority representative, provides an update on upcoming rail meetings and states the EIR report will be released soon.

Correctional Officer Chris Navarro and Sheriff's Association member, states concerns with the Sheriff's proposal to close the Main Jail, reviews the process involved with transferring prisoners to the Sandy Mush facility and states consideration needs to be given to the consequences to the local community.

Roger Norris, Atwater resident, states concerns with closure of mail jail and states moving to Sandy Mush will hinder safety of the community.

Correctional Officer Greg Rich and member of the Merced County Sheriff's Association, states his concerns with transferring medium-to-high risk criminal from Mail Jail to less secure and less equipped for response time at Sandy Mush Facility.

Javier Arteaga, Sheriff County employee, states concerns with closure of Mail Jail and the release of non-violent criminals.

Rudy Gonzales, representing the Sheriff's Department, states concerns with the forum to review the Sheriff's proposal of cuts advising this type of cutback puts inmates and other staff at risk, there is an understanding among the employees that cuts need to be made, however, vision and leadership needs to occur stating the main objective is to preserve public safety and meet the budget cuts that are necessary.

William Snyder speaks on the use of his geese in the disposal of green waste and the cost savings and reviews his concerns with the price of the permit fees.  
Present: Pedrozo, Walsh, Davis, Kelsey, O'Banion

### **10:00 A.M. SCHEDULED ITEM** **2011-05-24 PRESENTATION - Budget**

Deputy County Executive Officer/Budget Scott DeMoss provides a power point presentation on the County Budget for FY 10/11 through April, 2011; Cash Flow Comparison (General Fund), Thru April Comparisons FY 10/11 (General Fund) [Current Year-No Enc]; Cumulative April Expenditures by Category (General Fund) [Current Year-No Enc], Cumulative April Revenue by Category (General Fund) and Proposed Budget Timeframes.

The Board discusses additional study sessions on the budget review.

County Executive Officer Larry Combs states this is in discussion and it is anticipated this would be coming back to the Board for possible consideration.

Present: Pedrozo, Walsh, Davis, Kelsey, O'Banion

**10:00 A.M. SCHEDULED ITEM**  
**2011-05-24 COUNTY COUNSEL – REDISTRICTING**

The Clerk announces the presentation on the proposed Redistricting Maps is before the Board for consideration.

County Counsel James Fincher advises on May 10, 2011, the Board heard presentations regarding the legal and demographic criteria for the redistricting and adopted a Resolution which approved the criteria to be used in drafting the County's proposed redistricting plans. He advises Douglas Johnson, National Demographics Corporation, is present to introduce the three proposed alternative maps and will review the power point (Supplemental #1).

Mr. Douglas Johnson, National Demographics Corporation, introduces the three alternative maps and reviews the demographics of Plan A, B and C and presents a powerpoint reviewing the boundaries of maps shown as Plan A, B and C highlighting Livingston changes, downtown/ South Merced, North Merced, Le Grand and the Airport/Prison area. Mr. Johnson summarizes the proposed plans and reviews the similarities and differences and states the biggest change will occur in District 1 because it has to pick up the most territory.

The Board discusses the proposed maps, boundaries and borders and suggests various alternatives being considered and possibly come back to the Board.

Supervisor Pedrozo states his concern with Planada and Le Grand being divided since they are two small unincorporated communities.

Following discussion, Counsel Fincher states the Board is not taking any action on these maps today; and the consultant will take this information and possibly submit an additional map at the next meeting before the Board. In the weeks that follow, the proposed draft maps will be presented to the public for consideration and comment.

The Chairman states there is no further action to come to the Board.

Present: Pedrozo, Walsh, Davis, Kelsey O'Banion

**10:00 A.M. SCHEDULED ITEM**  
**2011-05-24 HEALTH – PUBLIC HEARING**

The time and date previously set to consider Public Hearing to consider Proposed Ordinance by title only: An Ordinance Amending the Health Department Fee Ordinance, by adopting or changing fees set for Health services performed by the Health Officer of Merced County (Amends Ordinance No. 1871 and codifies Ordinance as Title 9, General Health and Safety Chapter 9.49) submitted by Health.

Director of Public Health Tammy Moss Chandler provides a brief overview and a power point presentation.

Discussion is had on the fee structure, Sludge Management Program, abandon vehicle fees, dumping of vehicles on private property, appeal process/complaints and the fees.

The Chairman opens the public hearing and asks if there is anyone present wishing to speak. No one speaks. The Chairman closes the public hearing.

Following discussion, Supervisor O'Banion moves, seconded by Supervisor Kelsey, the Board waive further reading of the proposed ordinance and adopt Ordinance No. 1885.

The Chairman calls for a Vote on the Motion.

Supervisor Davis votes "no". Motion carries.

Ayes: Pedrozo, Walsh, Kelsey, O'Banion

Noes: Davis

#### **CONSENT ITEM NO. 14**

#### **2011-05-24 AG. COMMISSIONER**

The Clerk announces the Renewal Contract with U.S. Dept. of Agriculture, Animal and Plant Health Inspection Service-Wildlife Services (APHIS-WS) is before the Board for consideration.

Supervisor Davis requests information on the contract amount funded by the County and the services provided.

Agriculture Commissioner Dave Robinson advises General Fund monies are used to contract for beaver, coyote, skunks and other predatory animal control services with the U.S. Dept. of Ag. covering 1/3 of the cost and the County covering 2/3 (approximately 63%). He states this is a cooperative service agreement to provide professional predatory services and this is now down to one person providing the services.

Supervisor O'Banion reviews services provided stating coyotes can damage a flock of sheep in one night.

Supervisor Kelsey states this program provides an essential service in Snelling keeping mountain lions and bears under control and acknowledges the large cuts this program has taken over the years.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2004158 with the U.S. Dept. of Agriculture, Animal and Plant Health Inspection Service-Wildlife Services (APHIS-WS) for the 2010/11 Annual Work Plan Predatory Animal Control in Merced County.

Ayes: Pedrozo, Walsh, Davis, Kelsey, O'Banion

**CONSENT ITEM NO. 43**

**2011-05-24 BOARD OF SUPERVISORS**

Upon motion of Supervisor O'Banion, seconded by Supervisor Walsh, duly carried, the Board authorizes Certificates of Recognition to the following individuals for their graduation from Junior Leadership Merced Class 7:

Atwater High School: Samuel Lord-Huff, Huriel Martinez; Buhach Colony High School: Jessica Estrada; Golden Valley High School: Pearl Figueroa-Ocampo, Elena Gonzales, Adam Kane, Devon Moulton, Annie Saetern, Karen Vang, Jennifer Vang; Livingston High School: Gagandeep Dhugga, Roy Gomez II, Alexxis Louro, Herjot Thiara; Merced High School: Madison Foss, Denise Marquez, Megan Maxwell, Giovanni Merino; and Yosemite High School: Francisco Rodriguez  
Ayes: Pedrozo, Walsh, Davis, Kelsey, O'Banion

**ACTION ITEM NO. 65**

**2011-05-24 RETIREMENT**

The Clerk announces the Retirement System Contribution Rates for FY 11/12 is before the Board for consideration.

Supervisor Kelsey moves, seconded by Supervisor Walsh, the Board adopt the recommended Retirement Contribution and Interest Rates effective for the July 8, 2011 Payroll as follows: Employer rate: 36.14%; Member Contribution rates: General – Tier 1-11.23%, Tier 2-9.92% and Safety – Tier 1-13.42% and Tier 2-8.84%.

Supervisor Davis questions the County increased cost provided.

Merced County Employees' Retirement Association (MCERA) Plan Administrator Maria Arevalo reviews the Staff Report and states the actuarial review and analysis report provides a summary of the significant increase in the employer contribution rate and she the net result of several factors that contributed and the number of factors that can be expected to impact costs in the future. She further states not only do the actuarial gains and losses increase the plan costs but also reviews the other changes that will affect the plan cost that are also outlined in the Report. She advises the Report is available on the Retirement website. MCERA Plan Administrator Arevalo states the fiscal impact is an increase of approximately \$6.9 million dollars in County retirement contributions.

The Chairman calls for a Vote on the Motion.

Supervisor Davis votes "no". Motion carries.

Ayes: Pedrozo, Walsh, Kelsey, O'Banion

Noes: Davis