

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, JUNE 28, 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

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

Members of the public are advised that all pagers, cellular telephones and any other communication devices are to be turned off upon entering the Board Chambers

HEARING ASSISTANCE DEVICES ARE AVAILABLE FOR PUBLIC USE
INQUIRE WITHIN THE BOARD OF SUPERVISORS OFFICE

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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) Buildings 1509 and 1529, and related 10 acres of property at Castle, and (2) 3460 Challenger Way, Atwater, CA 95301

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

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): County of Merced v. Bandoni, Inc., et al., Merced Court Case No.: CV000818

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - INITIATION

OF LITIGATION: It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54945.9(c): One Case

**THE BOARD RECESSED AT 8:35 A.M. AND RECONVENED AT
10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN
ADVISED DIRECTION WAS PROVIDED TO STAFF**

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 15

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 – 51)

APPROVED AS RECOMMENDED EXCEPT REMOVAL OF ITEM NO. 45 AYES: ALL

PUBLIC WORKS - PUBLIC HEARING

To consider the vacation of a portion of Sunny Acres Avenue located in the Ballico area. The Public Right-of-Way previously dedicated for use as a public road, Sunny Acres Avenue, by Deeds recorded, have been determined to be unnecessary for present or prospective public use and if approved and vacated pursuant to Section 8324 of the California Streets and Highways Code, said segment of right-of-way no longer constitutes a street or highway, excepting that this vacation of said road right-of-way shall not affect any existing private easement or public service easement necessary to maintain, operate, replace, remove, or renew public utility facilities which currently exist along or adjacent to said right-of-way.

RECOMMENDATION: Open Public Hearing to receive testimony and adopt Resolution for the General Vacation of a portion of Sunny Acres Avenue located in Ballico.

APPROVED AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 15 AND 16

COUNTY COUNSEL - PUBLIC HEARING

To consider Proposed Amendment to Resolution No. 97-191 Endorsing Registration Fees for Court Appointed Counsel and make fees consistent with the current Legislative Fee pursuant to Penal Code Section 987.5 effectively increasing the fee from \$25.00 to \$50.00

RECOMMENDATION: Open public hearing and adopt Resolution (amends Resolution No. 97-191)

APPROVED AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 16

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

LUNCH BREAK

1:30 P. M.

FY 2011-2012 PROPOSED BUDGET

(SEE SEPARATE AGENDA)

CONSENT CALENDAR (Items #1 - 51)

APPROVED AS RECOMMENDED EXCEPT REMOVAL OF ITEM NO. 45 AYES: ALL

Public Works

1. Adopt Resolution annexing Atwater Acres Street Lighting and Drainage Zone of Benefit No. 212 into the Fleming Acres Lighting and Maintenance Zone of Benefit No. 227 in County Service Area No. 1.

ADOPTED RESOLUTION NO. 2011-92

2. Approve and authorize Chairman to sign Amendment to Contract No. 2009238 with Wood Brothers, Inc. to assign and transfer the contract from Merced County to Regional Waste Management Authority (RWMA); the County will continue to provide Project Management for the construction contract on a time and material basis to the RWMA.
3. Approve and authorize Chairman to sign Amendment to Contract No. 2009336 with Bryan A. Stirrat & Associates for Billy Wright Landfill Expansion to assign and transfer the contract from Merced County to Regional Waste Management Authority (RWMA).
4. Approve and authorize Chairman to sign Amendment to Contract No. 2006183 with SCS Engineers for Highway 59 Landfill Gas Collection System to assign and transfer the contract from Merced County to Regional Waste Management Authority (RWMA).
5. Approve and authorize Chairman to sign Amendment to Contract No. 2007169 with Bryan A. Stirrat & Associates for Highway 59 Landfill Scalehouse Design to assign and transfer the contract from Merced County to Regional Waste Management Authority (RWMA).
6. Approve and authorize Chairman to sign Amendment to Contract No. 2009270 with Teichert Construction, Inc. for Highway 59 Landfill Scalehouse Construction to assign and transfer the contract from Merced County to Regional Waste Management Authority (RWMA).

Health

7. Approve and authorize Chairman to sign Amendment to Contract No. 2008171 with California Forensic Medical Group, Inc. for Correctional Health Services to extend the contract for one month through July 31, 2011.
8. Set public hearing for July 12, 2011 at 10:00 a.m. to consider Report of Demolition for 2326 Linden, Atwater, CA; 9513 Stanford, Planada, CA and 9376 Broadway, Planada, CA and set the cost of the Special Assessment on the Assessment Roll as a lien on the property.
9. Approve and authorize Chairman to sign Renewal Contract No. 2006037 with Marin County as Host County for the Medi-Cal Administration Activities/Targeted Case Management Program (MAA/TCM) for FY 12/13.
10. Approve Budget Transfer in the amount of \$700 to Fixed Assets for improvement of the emergency medical emergency dispatch on the west side of the County.
11. Approve Budget Transfer in the amount of \$8,400 to Fixed Assets for the purchase of emergency medical services radios.

Child Support Services

12. Approve and authorize Chairman to sign Amendment to Contract No. 2006034 with Moonlight Investment Group to terminate the lease at 750 Loughborough, Merced and enter into a new month-to-month tenancy for the same property.

Counsel

13. Approve and authorize Chairman to sign Amendment to Contract No. 2008223 with Abbott & Kindermann for Professional Legal Services related to the General Plan per Government Code Section 31000 and extends the contract term from June 30, 2011 to June 30, 2014 with no increased costs.

Human Services Agency

14. Approve and authorize Chairman to sign Renewal Contract No. 2010171 with Transit Joint Powers Authority for Merced County for bus passes for seniors and disabled adults through the MSSP Program.
15. Approve and authorize Chairman to sign Renewal Contract No. 2010175 with Transit Joint Powers Authority of Merced County for a No Cost Transportation Program for the seniors.
16. Approve and authorize Chairman to sign Amendment to Contract No. 2009167 with Community Action Board for Home Delivered Meals Program to people age 60 or older.
17. Approve and authorize Chairman to sign Amendment to Contract No. 2009166 with Community Action Board for Congregate Meals Program to people age 60 or older that are handicapped or disabled.
18. Approve and authorize Chairman to sign Renewal Contract No. 2009145 with Central California Legal Services Inc. for Senior Legal Assistance Program.
19. Approve and authorize Chairman to sign Renewal Contract No. 2010104 with Changing Lives in the Central Valley LLC DBA Comfort Keepers for non-medical in-home personal care services and communication system for MSSP Clients.
20. Approve and authorize Chairman to sign Renewal Contract No. 2009204 with Merced County Office of Education for parenting services through the Family Resource Center
21. Approve and authorize Chairman to sign Renewal Contract No. 2009203 with First 5, Merced County accepting the Grant Award of \$200,000 for the Third Year of Parenting Center services expansion.

District Attorney

22. Approve and authorize Chairman to sign Renewal Contract No. 2008075 with Merced Irrigation District for lease of office at 720 West 20th Street, Merced, for a month-to-month tenancy.

Mental Health

23. Approve and authorize Chairman to sign Amendment to Contract No. 2008142 with University of Phoenix for Nursing Clinical Experience at Marie Green Psychiatric Inpatient Facility as training for students enrolled in the program.
24. Approve and authorize Chairman to sign Amendment to Contract No. 2007249 with Aspiranet for the WeCan Wraparound Services adding the 2011-12 service rates and increasing the total contract amount from \$2,273,000 to \$3,173,000.
25. Approve and authorize Chairman to sign Amendment to Contract No. 2008059 with Mother Cynthia's Residential Care Facility for specialized residential placement for clients in need of assisted living and decreases the total contract amount from \$274,665 to \$213,110.

26. Approve and authorize Chairman to sign Renewal Contract No. 2010211 with Challenged Family Resource Center for Family Advocacy Services of Peer Mentors through June 30, 2012.
27. Approve and authorize Chairman to sign Renewal Contract No. 2010230 with the Transit Joint Powers Authority of Merced County-The Bus for bus transportation services for The Wellness Center.
28. Approve and authorize Chairman to sign Renewal Contract No. 2010244 with Regents of the University of California, Davis for Staff Training and Development.
29. Approve and authorize Chairman to sign Renewal Contract No. 2011046 with Nursefinders, Inc. for Temporary Nursing Services for RN's, LVN's, CNA's and LPT's at the Marie Green Psychiatric Center when there are needs in both the Marie Green and the Crisis Stabilization unit.
30. Approve and authorize Chairman to sign Renewal Contract No. 2009141 with Merced County Office of Education for Expansion of the Caring Kids Program providing services to young children.
31. Approve and authorize Chairman to sign Renewal Contract No. 2009338 with Los Banos Unified School for placement of County clinical staff at school sites to provide mental health services, outreach and education.
32. Approve and authorize Chairman to sign Renewal Contract No. 2009248 with Stars Behavioral Health Group for staff training, fidelity support and evaluation during the implementation of the Transition to Independence process.
33. Approve and authorize Chairman to sign Renewal Contract No. 2010220 with Merced County Association of Governments for the Continuum of Care Homeless Project.
34. Approve and authorize Chairman to sign Renewal Contract No. 2010170 with Community Social Model Advocates for residential alcohol and drug residential recovery services.
35. Approve and authorize Chairman to sign Renewal Contract No. 2010219 with Community Social Model Advocates, Inc. for provision of Medical Director services.
36. Approve and authorize Chairman to sign Renewal Contract No. 2009247 with Aspiranet for implementation of the Transition to Independence Process as part of the MHSA Prevention and Early Intervention.
37. Approve and authorize Chairman to sign Amendment to Contract No. 2004184 with RMC Homes for Board and Care Home services, updating the rates and increasing the total amount from \$117,000 to \$127,000.

Planning

38. Set public hearing for July 26, 2011 at 10:00 a.m. to consider General Plan Amendment No. GPA10-002 and Zone Change. No. ZC10-002 in the Merced area submitted by Jerald Jorgensen and Merced County.
39. Set public hearing for July 26, 2011 at 10:00 a.m. to consider General Plan Cycle I for Year 2011.
40. Set July 12, 2011 at 1:30 p.m. to consider and provide direction on the Revised Draft General Plan and the June 22, 2011 Planning Commission revisions and recommendations thereto, and, to authorize preparation and release of the Draft EIR for the 2030 Merced County General Plan Update, in accordance with CEQA.

Human Resources

41. Approve and authorize Chairman to sign Renewal Contract No. 2004311 with Liebert Cassidy Whitmore for legal/labor relation services.

Treasurer-Tax Collector

42. Approve and authorize Chairman to sign Renewal Contract No. 2011101 with Tax Sale Services of Calif. to perform Parties of Interest Research on all tax delinquent properties to be offered for sale at the public auctions set for 2012, 2013 and 2014.

Executive Office

43. Exercise Option to extend the lease term to June 30, 2012 for Department 10 (portion of Sheriff's Building) located at 700 West 22nd Street, Merced, CA for court proceedings with Administrative Office of the Courts and authorize renewal of Contract No. 2007140.
44. Approve and authorize Chairman to sign Amendment to Contract No. 2005155 with Freese and Gianelli for Liability Claims Services.

Board of Supervisors

45. Approve Minutes of January 4, and 18, 2011 and February 1 and 1-IHSS and 15, 2011 as submitted.

PULLED FROM THE AGENDA – NO ACTION TAKEN

Board Recognition

46. Authorize Certificate of Recognition to Caltrans in celebration of the Groundbreaking Ceremony for the Bradley Overhead Project.
47. Authorize Certificates of Recognition to the following Law Enforcement Officers recognized by the American Legion Post 83: Robert Vargas-Atwater Police; John M. Patterson and Jesse Lopez-Calif. Highway Patrol; Bruce Gilbert-Prosecutor and Darryl Davis-Investigator, District Attorney; Chris Russell-Merced Police; Deputy Joe Lara-Operations and Antoinette Murillo-Corrections, Sheriff Department and George Gongora-UC Merced Police.
48. Authorize Certificates of Recognition to 2011 Central Valley Opportunity Center Scholarship recipients: Jose Cortez Vargas and Ikneet Kaur Kandola-Atwater High; Cynthia Lopez-Le Grand Union High; Jessica Marquez-Delhi High and Jaspreet Kaur-Livingston High for Merced County.
49. Authorize Certificate of Recognition to the Stevinson Pentecost Association in support of their Annual Religious Parade.
50. Authorize Certificate of Recognition to Roy Hart for Good Samaritan Award and Proclamation for National Day of Prayer on May 5, 2011.
51. Proclaim the week of April 8 through 16, 2011 as Early Years are Learning Years and urge the citizens to join together to support "Week of the Young Child" in Merced County.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

52. Approve the Merced County Central Fire Station No. 81 and Shop/Storage Building Re-roofing Project Budget in the amount of \$127,000; authorize Contract to Kings Roofing in the amount of \$107,553 to re-roof both buildings and authorize commencement of the project effective July 1, 2011 as part of the FY 2011/12 Proposed Budget.

AUTHORIZED CONTRACT NO. 2011102 AS RECOMMENDED AYES: ALL

53. Approve Merced County Central Fire Station No. 81 Remediation and Repair Project Budget in the amount of \$34,000; authorize Public Works, in conjunction with Dept. of Admin. Services, to commence with the project as of July 1, 2011 as part of the FY 2011/12 Proposed Budget understanding Public Works will work with Fire and Admin. Services in using retained consultants and contractors to repair and remediate (if required) caused by the roof leaks and correct any potential safety and environmental concerns with a report back to the Board.

AUTHORIZED CONTRACT NO. 2011103 AS RECOMMENDED AYES: ALL

PLANNING

54. Contract (MOU) with Merced County Local Agency Formation Commission (LAFCo) for support services from the County's Planning and Community Development Department through June 30, 2012.

AUTHORIZED CONTRACT NO. 2011104 AS RECOMMENDED AYES: ALL

55. Contract with CAL SP VI, LLC for the consultant, Willdan Engineering, to prepare an Environmental Impact Report for the CAL SP VI, LLC Le Grand Solar Energy Facility Project (CUP10-006).

AUTHORIZED CONTRACT NO. 2011105 AS RECOMMENDED AYES: ALL

56. Contact with Willdan Engineering to prepare an Environmental Impact Report for the CAL SP VI, LLC Le Grand Solar Energy Facility Project (CUP10-006).

AUTHORIZED CONTRACT NO. 2011106 AS RECOMMENDED AYES: ALL

57. Contract with CAL SP X, LLC & CAL SP XI, LLC for the Consultant, Jones & Stokes Associates, Inc. a wholly owned subsidiary of ICF Consulting Group, Inc. to prepare an Environmental Impact Report for the CAL SP X, LLC & CAL SP, XI, LLC El Nido Solar Energy Facility Project (CUP10-016, CUP10-017 & PLA11-002).

AUTHORIZED CONTRACT NO. 2011107 AS RECOMMENDED AYES: ALL

58. Contract with Jones & Stokes Associates, Inc., a wholly subsidiary of ICF Consulting Group, Inc. to prepare an Environmental Impact Report for the CAL SP X, LLC & CAL SP SX, LLC El Nido Solar Energy Facility Project (CUP10-016, CUP10-017 & PLA11-002).

AUTHORIZED CONTRACT NO. 2011108 AS RECOMMENDED AYES: ALL

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

59. Grant authority designating the Director of Commerce, Aviation and Economic Development (CAED) as the Sponsor's designated Representative and submit an acknowledgement that Castle Airport has no Residential Through The Fence (RTTF) issue at Castle and subsequently agree to the FAA's modified terms and conditions when accepting Airport Improvement Program Grants and amend Contract No. 2009193 with Federal Aviation

Administration, Airport Improvement Program Grant with all correspondence to be reviewed by Counsel prior to distribution to the FAA.

APPROVED AS RECOMMENDED AYES: ALL

60. Approve the Foreign Trade Zone No. 226 Tariff Schedule Adjustments to Schedule IX. Activation and Appendix B. III. 6 and 7. which reflects the removal of the Grantee Bond Requirement from the Tariff Schedule and adopt Resolution.

ADOPTED RESOLUTION NO. 2011-93 AS RECOMMENDED AYES: ALL

HEALTH

61. Contract with Santa Cruz-Monterey-Merced Managed Care Commission dba The Central California Alliance for Health for the provision of the Healthy Kids Program premiums.

AUTHORIZED CONTRACT NO. 2011096 AS RECOMMENDED AYES: ALL

62. Contract with The Central California Alliance for Health accepting the Premium Contribution of \$100,416 which authorizes the County to act as Trustee on behalf of 100 6-18 year-old Healthy Kids.

AUTHORIZED CONTRACT NO. 2011097 AS RECOMMENDED AYES: ALL

63. Review and approve the 2010 Merced County Contract Compliance Committee 2010 Annual Report and authorize the EMS Agency to submit said Report to the California EMS Authority.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

64. Contract with Lifeline Systems Company for Emergency Response Devices and services for Multipurpose Senior Services Program (MSSP) clients.

AUTHORIZED CONTRACT NO. 2011109 AS RECOMMENDED AYES: ALL

65. Approve the Child and Family Services Review System Improvement Plan for Merced County; authorize the submission of the update to the Calif. Dept. of Social Services and the Chairman to sign the necessary documents.

APPROVED AS RECOMMENDED AYES: ALL

MENTAL HEALTH

66. Authorize termination of Contract No. 2010210 with San Benito County Behavioral Health Services effective June 30, 2011 pursuant to the Termination clause and return to the Board with a new contract effective July 1, 2011.

APPROVED AS RECOMMENDED AYES: ALL

67. Contract with Larry Dumford for the provision of Licensed Board and Care Facility services to mental health consumers.

AUTHORIZED CONTRACT NO. 2011110 AS RECOMMENDED AYES: ALL

68. Contract with Catholic Healthcare West dba Mercy Medical Center for placement of County clerical staff to provide mental health services at Family Care Clinic.

AUTHORIZED CONTRACT NO. 2011112 AS RECOMMENDED AYES: ALL

69. Contract with Crestwood Behavioral Health, Inc. for services of an Institute for Mental Disease.

AUTHORIZED CONTRACT NO. 2011113 AS RECOMMENDED AYES: ALL

70. Contract with Healthy House within a Match Coalition for Interpreter services.
AUTHORIZED CONTRACT NO. 2011114 AS RECOMMENDED AYES: ALL

SHERIFF

71. Contract with JK Mortuary Services for Deceased Transportation Services for the Coroners Division.

AUTHORIZED CONTRACT NO. 2011115 AS RECOMMENDED AYES: ALL

72. Contract with NEC Corp. of America for the replacement of the Automated Fingerprint Identification System (AFIS) in the amount of \$401,979.

AUTHORIZED CONTRACT NO. 2011116 AS RECOMMENDED AYES: ALL

73. Authorize submission of Application for the 2011 State Criminal Alien Assistance Program (SCAAP) to the Bureau of Justice Assistance through the computerized internet application process and direct the Sheriff to return for approval, if awarded.

APPROVED AS RECOMMENDED AYES: ALL

LIBRARY

74. Authorize submission of Application for California Reads Grant with the Calif. Council for the Humanities and return to the Board for acceptance of funding if awarded.

APPROVED AS RECOMMENDED AYES: ALL

DEPT. OF WORKFORCE INVESTMENT

75. Declare Vehicles No. 64028 and No. 64030 (two large vans that are no longer needed) as Surplus Property and authorize the donation of these vehicles to the Boys & Girls Club of Merced effective July 1, 2011.

APPROVED AS RECOMMENDED AYES: ALL

DEPT. OF ADMIN. SERVICES

76. Declare the light duty trucks and passenger sedans, listed on Exhibit A, as Surplus Property and authorize its disposal through internet public auction by Public Surplus LLC.

APPROVED AS RECOMMENDED AYES: ALL

77. Declare the property of forty-two cell phones turned in by various County departments (no longer needed) as Excess Property and authorize the donation to the Valley Crisis Center.

APPROVED AS RECOMMENDED AYES: ALL

TREASURER-TAX COLLECTOR

78. Contract with Housing Authority of the County of Merced for collection of Accounts Receivable to be provided by Revenue & Reimbursement effective July 1, 2011.

AUTHORIZED CONTRACT NO. 2011098 AS RECOMMENDED AYES: ALL

79. Contract with City of Los Banos for collection of jail booking fees services to be provided by Revenue & Reimbursement to the City of Los Banos Police Department effective July 1, 2011.

AUTHORIZED CONTRACT NO. 2011099 AS RECOMMENDED AYES: ALL

80. Grant an increase in the Change Fund in the Revenue and Reimbursement Division from \$1,020 to \$1,340 for a total increase of \$320.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

81. Contract with Superior Court of California, County of Merced for services and reimbursement for Court Operations for FY 2011/2012 and 2012/2013.

AUTHORIZED CONTRACT NO. 2011100 AS RECOMMENDED AYES: ALL

82. Contract with Judicial Council of California, Admin. Office of the Courts for the benefit of Superior Court of California, County of Merced for the west portion of the Adobe Building, 2,033 square feet, at 620 West 22nd Street, Merced beginning July 1, 2011 for two years with the State reimbursing the Court for the cost of the utilities.

AUTHORIZED CONTRACT NO. 2011101A AS RECOMMENDED AYES: ALL

83. Other Post Employment Benefits (OPEB) Retirement Investment Trust Contribution - (1) Authorize suspending the Board Policy Goal of funding a contribution of 3% to 6% of annual payout charges to the OPEB Retirement Investment Trust for FY 11/12 and the upcoming fiscal years; and (2) Direct staff to continue exploring options and alternatives to the existing plan design and contribution structure to address the long term liability and short term funding shortfall in FY 12/13 of retiree health and dental benefits.

APPROVED AS RECOMMENDED AYES: ALL

84. Approve the Amendment to Memorandum of Understanding (MOU) with Merced County Attorney's Association (MCAA), representing Bargaining Unit 7; rescind the scheduled 3% salary increase for 2011 and 2012 for Merced County Attorney's Association (MCAA), representing Bargaining Unit 7 and approve a Voluntary Retirement Plan (VRP) in accordance with Section O of the agreed upon MOU with Merced County Attorney's Association (MCAA), representing Bargaining Unit 7 for employees that meet the eligibility criteria and who retire between July 1, 2011 and December 18, 2011.

AUTHORIZED CONTRACT NO. 2011117 AS RECOMMENDED AYES: ALL

85. Unrepresented Management Salary Adjustments - Rescind the FY 11-12 3% salary increase for Unrepresented Management (Unit 20); direct Staff to bring back to the Board, the following adjustments for Unrepresented Management (Unit 20) once agreements are reached with representatives of other bargaining units: 5% salary reduction, calendar of Paid Furlough Days Off, Tier 3 Retirement Plan, Loyalty Bonus and modification to the Health Insurance Plan; and in conjunction with the Contract Amendment with Merced County Attorney Association, approve a Voluntary Retirement Plan (VRP) for Unrepresented Management (Unit 20) Employees who meet the eligibility criteria and retire between July 1, 2011 and December 18, 2011.

APPROVED AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 16 AND 17

HUMAN RESOURCES

86. Approve the Resolution to impose the County's last, best and final offer to the Merced County Sheriffs Employees Association (Unit 12) pursuant to Government Code Section 3504.4 and adopt Resolution.

PULLED FROM AGENDA – NO ACTION TAKEN

87. Approve the Resolution to impose the County's last, best and final offer to the Merced County Sheriff's Employees Association (Unit 2) pursuant to Government Code Section 3504.4 and adopt Resolution.

PULLED FROM AGENDA – NO ACTION TAKEN

88. Ratify the Memorandum of Understanding with Merced County Sheriff Employees Association (MCSEA) representing Bargaining Unit 2; and, ratify the Memorandum of Understanding with Merced County Sheriff Employees Association (MCSEA) representing Bargaining Unit 12.

AUTHORIZED CONTRACT NO. 2011118, MCSEA-UNIT 2 AND CONTRACT NO. 2011119, MCSEA-UNIT 12 AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

89. Authorize Special Board Project Funds-District Four in the amount of \$6,000 to be forwarded to the Sheriff Activity League for their youth programs in the communities of Delhi and Winton.

APPROVED AS RECOMMENDED AYES: ALL

90. Authorize Special Board Project Funds-District Four in the amount of \$10,000 to be forwarded to the Merced County Library to support branch library services.

APPROVED AS RECOMMENDED AYES: ALL

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

PULLED FROM AGENDA – NO ACTION TAKEN

92. Authorize Special Board Project Funds-District One in the amount of \$1,000 to be forwarded to the Friends of the Fair Committee to assist with projects at the Fair.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

93. Workforce Investment Board – Reappointed Edward Dietz (Business-Private Sector), Karyn Dower (Education) and Brenda Callahan-Johnson (One-Stop Partners) to serve until June 30, 2014 and reappointed Debra Glass (Education) and Steve Gomes (One Stop Partners) to serve until June 30, 2015.

APPROVED AS RECOMMENDED AYES: ALL

94. Advisory Board on Alcohol and Other Drug Problems – Reappointed Claude Scheiner, Jr. (District Three) to serve until June 30, 2013.

APPROVED AS RECOMMENDED AYES: ALL

95. Merced County Local Child Care and Development Planning Council – Appointed Danielle Waite (Public Member) and Vanessa Minerger (Community Member) until June 1, 2012.

APPROVED AS RECOMMENDED AYES: ALL

96. Dairy Technical Advisory Committee – Reappointed Ed Hoekstra (District One) until January 28, 2013.

APPROVED AS RECOMMENDED AYES: ALL

97. Ballico Community Services District – Appointed Manuel Jimenez until December 7, 2013, Siria Jimenez until December 1, 2013 and Gail LaRosa until December 5, 2015.

APPROVED AS RECOMMENDED AYES: ALL

98. Los Banos Cemetery District – Reappointed Tony Melillo, Michael Villalta and Duane Brehm until June 7, 2015.

APPROVED AS RECOMMENDED AYES: ALL

99. Merquin Cemetery District – Appointed Dennis Pierre until June 10, 2013 and Danny Drummond until June 10, 2015 and Reappointed Liliana Freitas until June 10, 2015,

Matthew Green until June 10, 2013 and Adam Azevedo until June 10, 2014.

APPROVED AS RECOMMENDED AYES: ALL

100. McSwain Municipal Advisory Council – Appointed Maria Skardos-Moore until July 26, 2015.

APPROVED AS RECOMMENDED AYES: ALL

101. Planada Municipal Advisory Council – Appointed Anna Moreno and Maria Bautista until March 31, 2015 and reappointed John Adame until March 31, 2013 and Alicia Rodriguez, Rachel Perez and Fabiola Alvarez until March 31, 2015.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

102. Commerce, Aviation and Economic Development re: Facility Use Agreement issued to J2 Engineering for an Accident re-enactment at Castle Commerce Center held on May 31, 2011.

CONTRACT NO. 2011120

103. U.S. Dept. of Homeland Security, FEMA Region IX re: Letter dated June 10, 2011 concerning the development of revised Flood Insurance Rate Map (FIRM) panels and Flood Insurance Study (FIS) for Merced County and incorporated areas by the U.S. Dept. of Homeland Security's Federal Emergency Management Agency (FEMA) proposing special flood hazard areas behind the Black Rascal Diversion levee because the levee system has not been certified to provide protection from the 1% annual chance (base) flood.

104. The Secretary of the Interior re: Notification that on June 16, 2011, the Department of the Interior issued a payment to your county under the Payments in Lieu of Taxes (PILT) Program and for Fiscal Year 2011, Merced County is entitled to a PILT Payment of \$85,475.00.

105. MBK Engineers re: Merced Irrigation District Petition for Temporary Transfer under License 2685 (Application 1224).

106. State Water Resources Control Board re: Notice of Public Workshop to Consider Comments Regarding Proposed Changes to the NPDES Fee Structure; comments due by June 29, 2011 and Workshop set for July 6, 2011 in Sacramento, CA.

107. State Water Resources Control Board re: Notice of Public Scoping Meeting - California Ocean Plan Amendment, State Water Quality Protection Areas and Marine Protected Areas - set for July 8, 2011 in Sacramento, CA.

108. State Water Resources Control Board re: Notice of Opportunity to Comment - Proposed approval of amendments to the Water Quality Control Plan for the Sacramento and San Joaquin Basins to establish site-specific water quality objectives for chloroform, chlorodibromomethane, and dichlorobromomethane for new Alamo and Ulatis Creeks, Solano County and Permit Implementation Provisions - comment letters due by July 8, 2011.

109. State Water Resources Control Board re: Notice of Availability for Comment and Notice of Intent to Adopt - Draft Mitigated Negative Declaration and Draft Statewide Conditional Waiver of Waste Discharge Requirements for Nonpoint Source Discharges Related to

Certain Activities on National Forest System Lands in California - review and comment period for the MND and Waiver is from June 10 until July 26, 2011.

110. State Water Resources Control Board re: Revised Notice of Opportunity for Public Comment on proposed approval of an amendment to the Water Quality Control Plan for the Los Angeles Region to update the bacteria objections for freshwaters designated for water contact recreation by removing the fecal coliform objective - extended deadline to submit comments due by July 8, 2011.
111. State Water Resources Control Board re: Notice of Opportunity to Comment - Proposed Approval of an Amendment to the Water Quality Control Plan for the San Diego Region to include a definition of a commercial growing operation in Conditional Waiver No. 4 for Agricultural and Nursery Operations; comment letters due by July 13, 2011.

**ADOPTED RESOLUTIONS IN MEMORY OF ANDREW P. MALONEY, AL SIETSEMA,
JESSE FREEMAN AND RICHARD PEREIRA AND ADJOURNED THE MEETING UNTIL
TUESDAY, JULY 12, 2011 AT 10:00 A.M.**

BOARD ORDERS – SUMMARY ACTION MINUTES – JUNE 28, 2011

10:00 A.M. SCHEDULED ITEM **2011-06-28 PUBLIC OPPORTUNITY**

Tony Schiena, Reality Spike TV, appears before the Board and reviews the background for his Reality TV show and addresses what will be filmed while at the Sheriff's Department.

Robert Davies, Merced College Teacher, speaks in support of the Challenger Learning Center.

Greg Rich, Sheriff Correctional Officer and union member, reviews the staffing issues at the facility, requests the Board review staffing levels and inspect the correctional facilities before cuts are made and reviews concerns with the overcrowding and the Main Jail shutdown.

Chris Navarro, Correctional Officer and Chief Steward of Union, states his concerns with Main Jail closure, overpopulating Sandy Mush Jail Facilities and understaffing and reviews the Sheriff's intent by recommending these changes.

Cleveland Price, Union Member and former public service member, states his concerns with closing the Main Jail.

Rachel Wilkenson reviews concerns with the Winton Library closure.

Supervisor Kelsey provides an update on the Winton Library stating the landlord has offered an extension on the lease.

County Executive Officer Larry Combs states these options will be reviewed as the intent is to keep the Winton Library open.

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

10:00 A.M. SCHEDULED ITEM **2011-06-28 PUBLIC WORKS – PUBLIC HEARING**

The time and date previously set for a public hearing to consider general vacation of a portion of Sunny Acres Avenue located in the Ballico Area as submitted by Public Works.

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.

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board approves the General Vacation of a portion of Sunny Acres Avenue located in the Ballico area has been determined to be unnecessary for present or prospective public use and is hereby vacated pursuant to Section 8324 of the California Streets and Highways Code and adopts Resolution No. 2011-90.

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

10:00 A.M. SCHEDULED ITEM
2011-06-28 COUNTY COUNSEL – PUBLIC HEARING

The time and date previously set for a public hearing to consider proposed amendment to Resolution No. 97-191, Endorsing Registration Fees for Court Appointed Counsel and to make the resolution consistent with the current legislative fee pursuant to California Penal Code Section 987.5 as submitted by County Counsel.

County Counsel James Fincher reviews the staff report stating since 1997, the Penal Code has been amended to make the County's fee for Court Appointed Counsel registration consistent with the statutory fee cap and this will establish the costs associated with the penal code.

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.

Upon motion of Supervisor Walsh, seconded by Supervisor Davis, duly carried, the Board approves the Amendment to the Resolution Endorsing Registration Fees for Court Appointed Counsel and making the Resolution consistent with the current Legislative Fee pursuant to California Penal Code Section 987.5 and adopts Resolution No. 2011-91.

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

ACTION ITEM NO. 85
2011-06-28 EXECUTIVE OFFICE

The Clerk announces Unrepresented Management Salary Adjustments are before the Board for consideration.

Chairman Pedrozo states he has a personal conflict since his wife is a county employee and states he will recuse himself from this discussion and leaves the Chambers.

Vice-Chairman Walsh presides as Chairman.

Supervisor Davis moves, seconded by Supervisor Kelsey, the Board take the following action: 1) Rescind the FY 11-12 3% salary increase for Unrepresented Management (Unit 20); 2) Direct staff to bring back the following adjustments to the Board for Unrepresented Management (Unit 20) once agreements are reached with representatives of other bargaining units: 5% salary reduction, calendar of Paid Furlough Days Off, Tier 3 Retirement Plan, Loyalty Bonus and modification to the Health Insurance Plan; and 3) In conjunction with the Contract Amendment with Merced County Attorney Association, approve a Voluntary Retirement Plan (VRP) for Unrepresented Management (Unit 20) Employees who meet the eligibility criteria and retire between July 1, 2011 and December 18, 2011.

Following discussion, County Executive Officer Larry Combs responds to the Board stating the 5% reduction is contingent on all other employee units agreeing to the reduction and the amount of savings if employees take it are significant.

Following further discussion, Assistant County Executive Officer Jim Brown reviews the immediate cost saving option to forego the expected 3% Cost-of-Living Adjustment increase

promised and the offer of a Voluntary Retirement Plan (VRP) for Unrepresented Management (Unit 20). He further states due to the long term financial issues the County is facing, it is necessary to look at all management salary and benefits contingent upon Merced County reaching agreement with representatives of other bargaining units.

Discussion is had on the 5% salary reduction, the calendar of Paid Furlough Days Off and office closures.

Vice-Chairman Walsh calls for the Vote on the Motion. Motion carries.

Ayes: Walsh, Davis, Kelsey, O'Banion

Not Present: Pedrozo