

# SUMMARY ACTION MINUTES BOARD OF SUPERVISORS

Regular Meeting  
TUESDAY, JULY 26, 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

**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**

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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: Buildings 1509, 1529 and 10 acres of ramp space at Castle Airport

**CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL -  
SIGNIFICANT EXPOSURE TO LITIGATION:**

It is the intention of the Board to meet in Closed Session concerning significant exposure to litigation pursuant to Government Code Section 54956(b): 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) Medeiros v. Merced County Sheriff Deputy Clark, et al., US Eastern District Case No.: 1:09-cv-1177 OWW GSA; and (2) Bauer v. County of Merced, Merced Superior Court Case No. 150392

**CLOSED SESSION - 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): Two Cases

**CLOSED SESSION:** It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957(b)(1): Consideration of Appointment of County Executive Officer

**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 AT 8:35 A.M. AND RECONVENED AT 10:15 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 11**

**APPROVAL OF CONSENT AGENDA CALENDAR** (Items #1 - 22)

**APPROVED AS RECOMMENDED WITH ITEMS 2, 10, 11 AND 14 DISCUSSED SEPARATELY**                      **AYES: ALL**

**PLANNING - PUBLIC HEARING - INTENDED DECISION**

General Plan Amendment No. GPA10-002 and Zone Change No. ZC10-002 - To consider General Plan Amendment GPA10-002 to change the land use designation of 14 parcels, consisting of 12.46 acres, within the Dos Palos SUDP from Agricultural to Low Density Residential and Zone Change No. ZC10-002 from A-1 (General Agricultural) to R-1 (Single-Family Residential) on property located on the north side of Christian Avenue between Lexington Avenue and Reynolds Avenue in Dos Palos

RECOMMENDATION: The Board determine that General Plan Amendment No. GPA10-002 and Zone Change No. ZC10-002 are exempt from CEQA review under Section 15183, Projects Consistent with a Community Plan or Zoning, of the CEQA Guidelines and that these projects do not require additional environmental review based on the CEQA Findings in the Staff Report; and, make an intended decision to approve General Plan Amendment No. GPA10-002 and Zone Change No. ZC10-002 based on the nine (9) project findings, as part of the next General Plan Amendment Cycle

**REVIEW BOARD ORDER – SEE PAGE 11, 12, AND 13**

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

To consider 2011 Cycle 1 General Plan Amendment and Proposed Ordinance entitled: An Ordinance Changing the Boundaries of and the Classification of Property Uses Within Zones Established by Merced County Code Title 18 Titled Zoning (Zone Change No. ZC10-002): Public Hearing held July 26, 2011 - General Plan Amendment GPA 10-002 and Zone Change No. ZC 10-002

RECOMMENDATION: Approve General Plan Amendment GPA 10-002 and adopt Resolution approving the 2011 Cycle 1 General Plan Amendment and approve related Zone Change ZC10-002 and adopt Ordinance

**REVIEW BOARD ORDER – SEE PAGE 13**

**COUNSEL - PUBLIC HEARING**

To consider draft redistricting plans; hear presentations on public outreach and on additional alternative maps and consider selecting a single plan for further comment by the public and possible direction to modify either of the plans

RECOMMENDATION: To consider selecting a single plan for further comment by the public; possible direction to modify either of the plans

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

**REPORTS/BOARD DIRECTION**

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items #1 - 22)

**APPROVED AS RECOMMENDED EXCEPT PULLING ITEMS 2, 10, 11 AND 14 FOR SEPARATE DISCUSSION AYES: ALL**

Public Works

1. Adopt Resolution authorizing the installation of Stop signs on the Ivett Road approaches to the intersection of Hyde Street and Ivett Road in the Planada area.

**ADOPTED RESOLUTION NO. 2011-127**

Ag. Commission

2. Approve and authorize Chairman to sign Renewal Contract No. 2007214 with Calif. Dept. of Food and Ag. for providing Nematode Control Program Enforcement Activities at Nursery locations and adopt Resolution.

**ADOPTED RESOLUTION NO. 2011-128**

3. Approve and authorize Chairman to sign Renewal Contract No. 2010106 with Calif. Dept. of Food and Ag. for European Grapevine Moth Pest Detection Trapping Activities and adopt Resolution.

**ADOPTED RESOLUTION NO. 2011-129**

4. Approve and authorize Chairman to sign Renewal Contract No. 2007246 with Calif. Dept. of Food and Ag. for Nursery Stock Inspection Activities at County Nursery locations and adopt Resolution.

**ADOPTED RESOLUTION NO. 2011-130**

Dept. of Workforce Investment

5. Approve and authorize Chairman to sign Amendment to Contract No. 2011002 with State Employment Development Dept. for the Workforce Investment Act Subgrant Agreement K178669 extending the term end date for Workforce Investment Act activities under grant codes 540 and 541 (Rapid Response) through to June 30, 2012.

District Attorney

6. Approve and authorize District Attorney to sign Renewal Contract No. 2007148 and Application with Calif. Emergency Management Agency for continued Victim Witness Assistance Program Grant Funding for FY 11/12 in the amount of \$209,926; and authorize Chairman to sign Certificate of Assurance of Compliance and adopt Resolution.

**ADOPTED RESOLUTION NO. 2011-131**

7. Approve and authorize District Attorney to sign Renewal Contract No. 2007023 and Application with Victim Compensation and Government Claims Board for participation in the Criminal Restitution Program Grant Funding in the amount of \$73,528; authorize the Chairman to sign Certificates of Assurance of Compliance and adopt Resolution.

**ADOPTED RESOLUTION NO. 2011-132**

Fire

8. Adopt Resolution approving the California Dept. of Forestry and Fire Protection Agreement for Services in accordance with Action taken on July 12, 2011.

**ADOPTED RESOLUTION NO. 2011-133**

9. Approve and authorize Chairman to sign Renewal Contract No. 2006251 with Merced Community College District for firefighting training.

Health

10. Approve and authorize Chairman to sign Renewal Contract No. 2007274 with First 5 Merced County for Children's Health Initiative-Healthy Kids Program.

**REVIEW BOARD ORDER – SEE PAGE 14**

11. Approve and authorize Chairman to sign Renewal Contract No. 2010251 with First 5 Merced County for Comprehensive Children's Injury Prevention Program services.

**REVIEW BOARD ORDER – SEE PAGE 13, 14 AND 15**

12. Approve and authorize Chairman to sign Renewal Contract No. 2009278 with First 5 Merced County for Universal Developmental Screening for Merced County in the amount of \$88,299.

13. Approve and authorize Chairman to sign Renewal Contract No. 2009269 with First 5 Merced County for the Ready, Set, Go! Program in the amount of \$184,868 providing health consultation, child health resource information and technical assistance to children.

14. Approve and authorize Chairman to sign Renewal Contract No. 2008191 with Merced County Office of Education for Physical, Therapy and Occupational Therapy (purchase Medical Therapy services) in an amount not to exceed \$75,000 to be budgeted in the FY 11-12 for California Children's Services-Medical Therapy Program.

**REVIEW BOARD ORDER – SEE PAGE 15**

Executive Office

15. Approve Travel Request for Human Services Agency as recommended by Executive Office.
16. Act on Claims for Damages received from State Farm Insurance Companies (2011-044) as recommended by Risk Management and Counsel.

17. Endorse and concur with requested action and authorize the Chairman to sign the NACo Credential ID Form on behalf of the Board authorizing CSAC President or Designee to pick up Merced County Voting Credentials, and, if the County is not represented, to vote the Merced County ballot at the NACo Annual Meeting.

Board of Supervisors

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

Board Recognition

19. Proclaim the Bike Path adjacent to Lake Road between Yosemite Avenue and Bellevue Road as the "Verne L. Davis Bike Path" in Merced County.
20. Authorize Certificate of Recognition to Hilmar Cheese Company for their continued support of agriculture and agriculture education programs.
21. Authorize Certificate of Recognition to Pastor Paul Lundberg for 10 years of dedication and commitment to the Father of the Year Program and authorize Certificates of Recognition to the individuals selected by the Father of Year Committee.

**REVIEW BOARD ORDER – SEE PAGE 15, AND 16**

22. Authorize Certificates of Recognition to Sally Magnuson, Flip Hasset and Atwater-Merced Delta Sigma Theta Sorority as recognized by the League of Women Voters of Merced County for the 2011 Making Democracy Work Awards.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

23. Resolution authorizing Public Works Director to sign Regional Surface Transportation Program (RSTP) Exchange Fund Apportionments Claim for Fiscal Year 10/11 in the amount of \$653,250 and submit said Claim to the Merced County Association of Governments for processing.

**ADOPTED RESOLUTION NO. 2011-134 AS RECOMMENDED AYES: ALL**

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

24. Authorize Chairman to sign the Federal Aviation Administration (FAA) Grant Application related to the Design of Taxiway B and direct CAED to return to the Board for acceptance if awarded and the necessary budget transfers.

**APPROVED AS RECOMMENDED AYES: ALL**

HEALTH

25. Contract with Merced County Office of Education to provide technical assistance and Tdap vaccine for school-based immunization services.

**AUTHORIZED CONTRACT NO. 2011124 AS RECOMMENDED AYES: ALL**

26. Contract Amendment with California Forensic Medical Group, Inc. (CFMG) for Correctional Health Services through August 31, 2011.

**AUTHORIZED CONTRACT NO. 2008171 AS RECOMMENDED AYES: ALL**

MENTAL HEALTH

27. Contract with Madera County Behavioral Health Services for the provisions of Inpatient Services at the Marie Green Psychiatric Health Facility.

**AUTHORIZED CONTRACT NO. 2011134 AS RECOMMENDED AYES: ALL**

COUNSEL

28. Authorize and direct the Clerk of the Board to execute and issue the "Memorandum" or Notice of Non-Authorization, pursuant to GC Section 53853(b) and serve Notice to the Los Banos Unified School District that the Board will not authorize issuance of the TRANS within 45 calendar days, thereby freeing the District to issue the TRANS on its own behalf.

**APPROVED AS RECOMMENDED AYES: ALL**

**REVIEW BOARD ORDER – SEE PAGE 16**

DEPT. OF WORKFORCE INVESTMENT

29. Approve Modification 11 of the 5 Year Plan for consistency with the State Plan and a projection of participants to be served as Adults, Dislocated Workers, and Youth under the Workforce Investment Act Programs in Merced County.

**APPROVED AS RECOMMENDED AYES: ALL**

30. Contract with Merced County Office of Education (MCOE) to provide In-School Youth Program Services (Ages 16-18) through June 30, 2012 at a cost not to exceed \$340,000.

**AUTHORIZED CONTRACT NO. 2011132 AS RECOMMENDED AYES: ALL**

31. Contract with Merced County Office of Education (MCOE) to provide Out-of-School Youth Program Services (Ages 17-21) through June 30, 2012 at a cost not to exceed \$361,250.

**AUTHORIZED CONTRACT NO. 2011133 AS RECOMMENDED AYES: ALL**

EXECUTIVE OFFICE

32. **Probation:** Designate the Probation Department as the County Agency to Provide Post-Release Community Supervision pursuant to AB 109, titled "2011 Realignment Legislation Addressing Public Safety" as recommended by the Community Corrections Partners and adopt Resolution pursuant to California's Adult Public Safety Realignment. *(To supervise prison inmates, beginning October 1, 2011, that will be released from State Detention onto County-Level Supervision rather than onto State Parole)*

**ADOPTED RESOLUTION NO. 2011-135 AS RECOMMENDED AYES: ALL**

33. **Probation:** Approve the Community Corrections Local Plan and the Proposed Programs as recommended by the Community Corrections Partnership pursuant to AB 109 titled "2011 Realignment Legislation Addressing Public Safety". *(Local Plan staffing includes five (5) Deputy Probation Officer positions, four (4) Deputy Sheriff officer positions, five (5) Correctional Officer positions, two (2) Probation Assistant positions and one (1) Dispatch position)*

**APPROVED AS RECOMMENDED AYES: ALL**

34. **Executive Office,** Community Corrections Partnership Committee - Staffing Recommendations (AB 109):

- (1) Remove the deletion of one (1) Probation Assistant, Position 76, BU 23404; one (1) Probation Assistant, Position 69, and three (3) Deputy Probation Officer I/II/III, Positions 24, 52, 98, BU 23406 (Amend Resolution No. 06-120/A as altered by Resolution No. 2011-102);
- (2) Remove the deletion of four (4) Deputy Sheriff/Coroner I/II, Positions 62, 85, 111, 156, BU 22100 (Amend Resolution No. 06-120/A as altered by Resolution No. 2011-108);
- (3) Remove the deletion of five (5) Correctional Officers I/II, Positions 130, 134, 137, 141, 144, BU 23000 (Amend Resolution No. 06-120/A as altered by Resolution No. 2011-107)

(4) Add two (2) Deputy Probation Officer I/II/III, BU 23406, and one (1) Sheriff Dispatcher I/II, BU 22100 effective September 26, 2011.

(5) And adopt Resolutions

**ADOPTED RESOLUTIONS NO. 2011-136 (PROBATION), NO. 2011-137 (SHERIFF OPERATIONS), AND NO. 2011-138 (SHERIFF CORRECTIONS) AS RECOMMENDED AYES: ALL**

35. **Dept. of Admin. Services-Information Services:** (1) Extend the deletion of one (1) Programmer Analyst I/II, Position 33, BU 75601, (Amend Resolution No. 06-120/A as altered by Resolution No. 2011-111) from July 31, 2011 to be effective September 12, 2011 contingent upon the position becoming vacant by September 11, 2011; (2) And adopt Resolution.

**ADOPTED RESOLUTION NO. 2011-139 AS RECOMMENDED AYES: ALL**  
**REVIEW BOARD ORDER – SEE PAGE 16**

#### HUMAN RESOURCES

36. (1) Authorize the change of one (1) Senior Deputy County Counsel, Position 1, to Deputy County Counsel I/II/III/IV, BU 12502, effective September 12, 2011, (2) And adopt Resolutions.

**ADOPTED RESOLUTIONS NO. 2011-140 (SALARY) AND NO. 2011-140A (POSITION) AS RECOMMENDED AYES: ALL**

#### SHERIFF

37. Approve the following departmental personnel actions:

(1) Establish and allocate to BU 22100 and 22109: Extra Help (EH) Reserve Level 1 Deputy Sheriff/Coroner-Up to \$23/hr, EH Level II-Deputy Sheriff/Coroner-Up to \$18/hr and EH Level III Deputy Sheriff/Coroner-Up to \$14/hr; Delete the classification/positions in BU 22100: Extra Help (EH) Reserve Deputy-Level 1-\$12.03/hr, EH Reserve Deputy Level II-\$10.70/hr and EH Reserve Deputy Level III-\$8/hr; and delete Extra Help (EH) Deputy Sheriff II (1)-\$25.66/hr, Deputy Sheriff II (2)-\$26.94 and Deputy Sheriff II (3)-\$28.30/hr and Extra Help Deputy Sheriff I-\$23.38/hr;

(2) Establish specifications for EH Reserve Level I Deputy Sheriff/Coroner, EH Reserve Level II Deputy Sheriff/Coroner and EH Reserve Level III Deputy Sheriff/Coroner Classifications;

(3) And adopt Resolutions.

**ADOPTED RESOLUTIONS NO. 2011-141 (SALARY) AND NO. 2011-142 (POSITION) AS RECOMMENDED AYES: 1, 2, 4, 5 NOES: 3**

**REVIEW BOARD ORDER – SEE PAGE 17**

#### ASSESSOR

38. (1) Establish the classification of Senior Appraiser, BU 11200, and change one vacant Appraiser I/II/III, Position 13, BU 11200, to a Senior Appraiser; (2) Establish the Senior Appraiser Classification Specification, (3) And adopt Resolutions.

**ADOPTED RESOLUTIONS NO. 2011-143 (SALARY) AND NO. 2011-144 (POSITION) AS RECOMMENDED AYES: 1, 2, 4, 5 NOES: 3**

#### BOARD OF SUPERVISORS

39. (1) Review identified options provided regarding Board of Supervisors Compensation: Option 1-5% Reduction, Option 2-8% Reduction and Option 3-9% Reduction and provide policy direction;



(2) And if directed by the Board, set First Reading of proposed amendment to Ordinance No. 1825 for August 9, 2011 at 10:00 a.m. and set second reading and possible adoption for August 23, 2011 at 10:00 a.m.

**REVIEW BOARD ORDER – SEE PAGE 17, 18 AND 19**

**BOARD APPOINTMENTS**

40. Library Advisory Commission – Reappointed Ginny Farmer, representing District Five, to serve until August 31, 2015.  
**APPROVED AS RECOMMENDED      AYES: ALL**
41. Snelling Cemetery District – Reappointed Jeremy Boland and Joe Homen to serve until July 1, 2014, and Danny Mendoza to serve until July 1, 2015.  
**APPROVED AS RECOMMENDED      AYES: ALL**
42. Delhi Municipal Advisory Council – Reappointed Dennis Cote and Francisca Briones to serve until January 3, 2015.  
**APPROVED AS RECOMMENDED      AYES: ALL**

**BOARD INFORMATION & POSSIBLE ACTION**

**APPROVED AS RECOMMENDED      AYES: ALL**

43. Public Works re: Notification of Contract Award to King's Roofing in the amount of \$41,260 for the Henderson Park Picnic Shelter Re-roof Project.  
**AWARDED CONTRACT NO. 2011111**
44. Public Works re: Update Information on mobile food vendors at Lake Yosemite and Courthouse Park/23rd Street Parking Lot - Aquas Frescas Mexicanas and La Natural Penquin will provide mobile food vending at Lake Yosemite and are continuing to work with Dept. of Admin. Services on contracting food services at Courthouse Park.
45. Kings County Board of Supervisors re: Letter of support of Kings County for inclusion in the Service Area of Foreign Trade Zone (FTZ) No. 226 and to continue active participation within this FTZ.
46. 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 Francisco Bay Basin to add surface water bodies and designate beneficial uses, written comments must be received by July 28, 2011.
47. State Water Resources Control Board re: Notice of Opportunity to comment - Draft General National Pollutant Discharge Elimination System (NPDES) Permit for Storm Water Discharges from Small Municipal Separate Storm Water Systems (MS4s), written comments must be received by August 8, 2011.
48. State Water Resources Control Board re: Notice of Comment - Underground Storage Tank Case Closure for Andersen Excavating Robert Andersen (Petitioner) 1175 Cloverdale Blvd, Cloverdale, CA, comments must be received by August 1, 2011.
49. Calif. Regional Water Quality Control Board - Central Valley Region re: Notice of Public Workshop and CEQA Scoping Meeting - Development of a Total Maximum Daily Load Program and a Basin Plan Amendment for the Control of Methylmercury and Total Mercury in the American River Watershed - set for July 28, 2011.

50. State Water Resources Control Board re: Notice of Cancellation of Public Workshop set for August 3, 2011 - Merced Irrigation District under Investigation Order WR 2011-003-EXEC, State Board has determined a workshop is no longer necessary based on documents submitted by MID.
51. State Water Resources Control Board re: Notice of Postponement of Public Hearing set for August 29, 2011 re: Mr. Charles Grace Wastewater Treatment Plant Operator Certification from Grade V to Grade II.
52. State Water Resources Control Board re: Notice of Public Hearing on a Water Right Petition for Long-Term Transfer under Permit 16482 (Application 17512) of the Dept. of Water Resources, to determine whether it should approve, subject to terms and conditions, a petition for long-term transfer of 10,000 acre-feet (af) of water to portions of the Westlands Water District (Westlands), the majority of which is served solely by the U.S. Bureau of Reclamation Central Valley Project; Hearing scheduled for August 22, 2011.

**ADOPTED RESOLUTIONS IN MEMORY OF MR. SALY XIONG, ANDREW BONTA, KENNETH ZACHARIAS AND RICHARD PARSLEY AND ADJOURNED THE MEETING UNTIL TUESDAY, AUGUST 9, 2011 AT 10:00 A.M.**

## **BOARD ORDERS – SUMMARY ACTION MINUTES – JULY 26, 2011**

### **10:00 A.M. SCHEDULED ITEM** **2011-07-26 PUBLIC OPPORTUNITY**

Rachel Wilkinson, Winton resident, provides letters from members of the Winton Community and proposals for alternatives to financial constraints for the Winton Library.

Luisiana Drumonde, Hilmar resident, speaks in opposition to the reduction of operating hours of the Hilmar library and stating she pays for taxes and where will her tax money go if the Library is closed.

Rebecca Erickson, Hilmar resident, speaks in opposition to the reduction of operating hours of the Hilmar library and states the reduction in hours is leading to closing of the library.

Julie Barroso, Hilmar resident, speaks in opposition to the reduction of operating hours of the Hilmar library stating salaries should be cut in order to keep the library open.

Supervisor Kelsey thanks those who spoke and advises wages are part of negotiations and cannot be cut.

The Chairman closes public opportunity.

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

### **10:00 A.M. SCHEDULED ITEM** **2011-07-26 PLANNING – PUBLIC HEARING**

The time and date previously set for a public hearing to consider General Plan Amendment No. GPA10-002 and Zone Change No. ZC10-002 submitted by Jerald N. Jorgensen to change the land use designation of 14 parcels, consisting of 12.46 acres, within the Dos Palos SUDP from Agricultural to Low Density Residential and Zone Change No. ZC10-002 from A-1 (General Agricultural) to R-1 (Single-Family Residential) on property located on the north side of Christian Avenue between Lexington Avenue and Reynolds Avenue in Dos Palos.

Planner Jeff Fugelsang reviews the power point covering Project Introduction, Vicinity, General Plan, Consistency, Planning Commission Review, and Environmental Review, Recommendations, and Project Action.

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 Walsh, duly carried, the Board determines that General Plan Amendment No. GPA10-002 and Zone Change No. ZC10-002 are exempt from CEQA review under Section 15183, Projects Consistent with a Community

Plan or Zoning, of the CEQA Guidelines and that these projects do not require additional environmental review based on the CEQA Findings as follows:

**CEQA Findings**

1. The project can be found to be exempt from CEQA review under Section 15183, *Projects Consistent with a Community Plan or Zoning*, of the CEQA Guidelines based on the following findings:
  - a. The affected properties are located within the City of Dos Palos Specific Urban Development Plan (SUDP) boundary for which the Dos Palos City General Plan was adopted.
  - b. Although the County's General Plan designation for the properties is *Agricultural*, the city's General Plan designates the properties as *Medium Density Residential* which allows for single-family residential development with lot sizes of approximately 6,000 square feet and densities between two (2) to (6) dwelling units per gross acre. This General Plan Amendment would designate the properties as *Low Density Residential* which allows for single-family residential development with densities between 3.5 to 8.0 dwelling units per gross acre. The *Low Density Residential* designation is the County's most consistent designation with the City's *Medium Density Residential* designation is the County's most consistent designation with the City's *Medium Density Residential* designation.
  - c. The proposed designation and zoning is consistent with the city of dos Palos General Plan for which an EIR was certified.
2. The determination that the application is exempt from CEQA reviews reflects the independent judgment of the County.

and, makes an intended decision to approve General Plan Amendment No. GPA10-002 and Zone Change No. ZC10-002 based on the following nine (9) project findings:

**Project Findings**

1. This project proposes a General Plan Amendment to change the land use designation of 14 parcels, consisting of 12.46 acres, within the Dos Palos SUDP from *Agricultural to Low Density Residential* and a Zone Change from A-1 (General Agricultural) to R-1 (Single-Family Residential).
2. The project site is located on the north side of Christian Avenue between Lexington Avenue and Reynolds Avenue in the Dos Palos SUDP.
3. On December 6, 1994, the Board of Supervisors adopted Resolution No. 94-279 and Ordinance No. 1510 which changed the designation and zoning of these properties from residential to agricultural in order to provide a short-term solution to legalize a previously existing agricultural-commercial trucking and repair business.
4. The proposed re-designation and re-zoning of the parcels is consistent with the existing land uses, surrounding land uses, and the Dos Palos General Plan. The Planning Commission had found that these projects would resolve future incompatibilities with adjacent land uses.
5. The parcels on the north side of Christian Avenue have existing urban infrastructure such as curb, gutter, and sidewalk.
6. The application was referred to the following public agencies for review: Merced County Department of Public Health/Environmental Health Division, Fire Department, Department of Public Works/Roads, Department of Public Works/Building and Safety, Midway Community Services District, City of Dos Palos Planning Department, and the Dos Palos School District.
7. The project is compatible with adjacent land uses, properties, and neighborhoods.

8. The project will not be a nuisance or detrimental to the public health, safety and general welfare.
9. The public hearing has been adequately noticed and advertised.

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

**10:00 A.M. SCHEDULED ITEM**

**2011-07-26 PLANNING – PUBLIC HEARING – ORDINANCE NO. 1886**

The time and date previously set for a public hearing to consider 2011 Cycle 1 General Plan Amendment and Proposed Ordinance entitled: An Ordinance Changing the Boundaries of and the Classification of Property Uses Within Zones Established by Merced County Code Title 18 Titled "Zoning" (Zone Change No. ZC10-002) as submitted by Planning.

Interim Development Services Director Paul Fillebrown reviews the Staff Report stating Cycle 1 General Plan Amendment is for General Plan Amendment No. GPA10-002 and Zone Change No. ZC10-002.

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 and upon motion of Supervisor O'Banion, seconded by Supervisor Walsh, duly carried, the Board approves General Plan Amendment No. GPA 10-002 and Zone Change No. ZC10-002; adopts 2011 Cycle 1, General Plan Amendment and Resolution No. 2011-126, and waives further reading and adopts Ordinance No. 1886.

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

**10:00 A.M. SCHEDULED ITEM**

**2011-07-26 COUNTY COUNSEL - PUBLIC HEARING**

The time and date previously set for a public hearing to consider revisions to the county supervisorial district plans and draft redistricting plans, hear presentations on public outreach and consider additional alternative maps submitted by County Counsel.

County Counsel James Fincher reviews the Staff Report stating at the meeting of July 12, 2011 and after hearing the presentations, public testimony and comment, the Board discussed the demographics and legal and policy criteria. Following that discussion, the Board selected Maps E and F for consideration and further comments by the public, and narrowed the number of maps from six to two. Mr. Fincher references the Supplemental correspondence received that is before the Board today as follows: Supplemental No. 1: Email dated July 20, 2011 from Gary Eno in favor of Plan E; Supplemental No. 2: Letter dated July 22, 2011 from Michael Moroni, Chairman of the Le Grand Municipal Advisory Council in support of either Draft Plan E or F; and, Supplemental No. 3: Letter dated July 21, 2011 from Sergio and Sheila Flores in support of Plan E.

Assistant County Executive Officer Jim Brown reviews a summary of the outreach meetings held in the community and states maps were presented by the Redistricting Team for public consideration and comment.

The Chairman opens the public hearing and asks if there is anyone present wishing to speak.

Nicola Adams speaks in support of Plan E.

The Chairman closes the public hearing.

Consultant Douglas Johnson, National Demographics Corporation, reviews the power point presentation and outlines the boundaries, similarities and differences of Plan E and Plan F.

Counsel Fincher states this is the second of three public hearings and a subsequent public hearing is scheduled for August 9, 2011.

Following discussion and upon motion of Supervisor Walsh, seconded by Supervisor O'Banion, duly carried, the Board selects Plan E as the single preferred plan and sets August 9, 2011, at 10:00 a.m. for consideration of a Proposed Ordinance to select the preferred plan as Merced County's Supervisorial District plan.

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

**CONSENT ITEM NO. 10**

**2011-07-26 HEALTH**

The Clerk announces the Contract Renewal with First 5 Merced County for Healthy Kids Program is before the Board for consideration.

Public Health Director Tammy Moss Chandler reviews the staff report outlining funding, staffing, and overhead costs of the program.

Upon motion of Supervisor Walsh, seconded by Supervisor O'Banion, duly carried, the Board approves and authorizes the Chairman to sign Renewal Contract No. 2007274 with First 5 Merced County accepting the Grant in the amount of \$211,000 for the Children's Health Initiative—Healthy Kids Program.

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

**CONSENT ITEM NO. 11**

**2011-07-26 HEALTH**

The Clerk announces the Contract Renewal with First 5 Merced County for Childhood Injury Prevention Program is before the Board for consideration.

Public Health Director Tammy Moss Chandler reviews the staff report outlining funding, staffing, and overhead costs of the program.

Upon motion of Supervisor Walsh, seconded by Supervisor O'Banion, duly carried, the Board approves and authorizes the Chairman to sign Renewal Contract No. 2010251 with First 5

Merced County accepting the Grant in the amount of \$80,000 for the Comprehensive Childhood Injury Prevention Program.

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

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

##### **2011-07-26 HEALTH**

The Clerk announces the Contract Renewal with Merced County Office of Education for is before the Board for consideration.

Public Health Director Tammy Moss Chandler reviews the staff report outlining the funding of the program.

Upon motion of Supervisor Davis, seconded by Supervisor Walsh, duly carried, the Board approves and authorizes the Chairman to sign Renewal Contract No. 2008191 with Merced County Office of Education for the California Children's Services-Medical Therapy Program for Physical Therapy and Occupational Therapy in an amount not to exceed \$75,000.

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

#### **CONSENT ITEM NO. 21**

##### **2011-07-26 BOARD OF SUPERVISORS**

Upon motion of Supervisor Kelsey, seconded by Supervisor Walsh, duly carried, the Board authorizes Certificate of Recognition to Pastor Paul Lundberg for 10 years of dedication and commitment to the Father of the Year Program and authorizes Certificates of Recognition to the following selected by the Father of the Year Committee as Essay Contest Winners:

###### **Doug Fluetsch-2011 Father of the Year:**

Grade K: Davis Rowan-2011 Essay Contest Winner; Leah Chapman, 1<sup>st</sup> Runner Up and Ethan Patrick-2<sup>nd</sup> Runner Up;

Grade 1: Giselle Zavala-Alvarado-2011 Essay Contest Winner; Talya Quirarte-1<sup>st</sup> Runner Up and Ephraim Evans-2<sup>nd</sup> Runner Up;

Grade 2: Anthony Bargas-2011 Essay Contest Winner; Danny Murphy-1<sup>st</sup> Runner Up and Brent Hodge-2<sup>nd</sup> Runner Up;

Grade 3: Nasier Muldrow-2011 Essay Contest Winner; Hannah Nelson-1<sup>st</sup> Runner Up and Alex Hernandez-2<sup>nd</sup> Runner Up;

Grade 4: Nathan Felix-2011 Essay Contest Winner; Udhayraj Kahlon-1<sup>st</sup> Runner Up and Rom Tristan-2<sup>nd</sup> Runner Up;

Grade 5: Spencer Fluetsch-2011 Essay Contest Winner; Jessica Cabral-1<sup>st</sup> Runner Up and Sarah Churchman-2<sup>nd</sup> Runner Up;

Grade 6: Carmille Sapiera-2011 Essay Contest Winner; Hope Carter-1<sup>st</sup> Runner Up and Mikaela Sarmiento-2<sup>nd</sup> Runner Up;

Grade 7: Kristin Troxell-2011 Essay Contest Winner; Lisa Miao-1<sup>st</sup> Runner Up and Emily Mercado-2<sup>nd</sup> Runner Up;

Grade 8: Sean Patterson-2011 Essay Contest Winner; Annalyssa Haro-1<sup>st</sup> Runner Up and Caleb Musquiz-2<sup>nd</sup> Runner Up;

Grade 9: Connor Hoppe-2011 Essay Contest Winner; Laura Torres-1<sup>st</sup> Runner Up and Ellen Klelly-2<sup>nd</sup> Runner Up;

Grade 10: Teddy Sanchez-2011 Essay Contest Winner; Taylor Deges-1<sup>st</sup> Runner Up and Rosemary Oliveira-2<sup>nd</sup> Runner Up.

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

**ACTION ITEM NO. 28**

**2011-07-26 COUNTY COUNSEL**

The Clerk announces the School District Cash Reserve Program is before the Board for consideration.

County Counsel James Fincher reviews the staff report advising numerous school districts and community college districts and county boards of education will participate in this program. Counsel states no money of Merced County will ever be used to pay the principal and interest on the notes or any expenses related to the program. Staff believes it is more appropriate for the District to issue the Notes in its name and that the perfunctory act of executing the notes on behalf of the District is unnecessary.

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board authorizes and directs the Clerk of the Board to execute and issue the Memorandum or Notice of Non-Authorization, pursuant to GC Section 53853(b) and serve Notice to the Los Banos Unified School District that the Board will not authorize issuance of the TRANS within 45 calendar days, thereby freeing the District to issue the TRANS on its own behalf.

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

**ACTION ITEM NO. 35**

**2011-07-26 COUNTY EXECUTIVE OFFICE**

The Clerk announces Dept. of Admin. Services-Information Systems change in Reduction of Force is before the Board for consideration.

County Executive Officer Larry Combs reviews the staff report advising the department will absorb these costs within their own budget and each department will be charged for all the services provided. He clarifies the period of July 31, 2011 to September 12, 2011 is to extent the date of deletion of a position in order to prevent a layout while still providing for a reduction in ongoing costs with a retirement.

Upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board extends the deletion of one (1) Programmer Analyst I/II, position 33, assigned to BU 75601, effective September 12, 2011, contingent upon the position becoming vacant by September 11, 2011, and adopts Resolution 2011-139.

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



**ACTION ITEM NO. 37**  
**2011-07-26 SHERIFF**

The Clerk announces Adjustments to the Extra Help Reserve Deputy Sherriff and Extra Help Deputy Sheriff classifications are before the Board for consideration.

Sheriff Mark Pazin reviews the staff report advising this is an internal realignment with the extra help classifications in conformance with Penal Code sections and this will not determine if the Main Jail will remain open or not.

Supervisor Kelsey moves, seconded by Supervisor Walsh, the Board approve the following departmental personnel actions:

- (1) Establish and allocate to BU 22100 and 22109: Extra Help (EH) Reserve (Res) Level 1 Deputy Sheriff/Coroner, Up to \$23/hr; EH Res Level II Deputy Sheriff/Coroner, Up to \$18/hr and EH Res Level III Deputy Sheriff/Coroner, Up to \$14/hr; and delete the classification/positions in BU 22100: EH Reserve Deputy-Level 1, \$12.03/hr; EH Reserve Deputy-Level II, \$10.70/hr and EH Reserve Deputy-Level III, \$8/hr; and delete EH Deputy Sheriff II (1), \$25.66/hr; EH Deputy Sheriff II (2), \$26.94; EH Deputy Sheriff II (3), \$28.30/hr and EH Deputy Sheriff I, \$23.38/hr;
- (2) Establish specifications for EH Reserve Level I Deputy Sheriff/Coroner, EH Reserve Level II Deputy Sheriff/Coroner and EH Reserve Level III Deputy Sheriff/Coroner Classifications; and
- (3) adopt Resolution No. 2011-141 (Salary) and Resolution No. 2011-142 (Position).

The Chairman calls for the Vote on the Motion.

Supervisor Davis votes "no". Motion carries.

Ayes: Pedrozo, Walsh, Kelsey, O'Banion

Noes: Davis

**ACTION ITEM NO. 39**  
**2011-07-26 BOARD OF SUPERVISORS**

The Clerk announces the Board of Supervisors Compensation is before the Board for consideration.

Supervisor Kelsey briefly summarizes the Staff Report provided stating the information includes 2007 actions taken and includes the seven-county survey. She states there has been a tremendous drop in property taxes and the drop in revenue is a long-term situation and requests the Board look at their compensation considering declining revenues advising Unrepresented Management increases were removed and, as of January, will have taken a 9% pay cut. Supervisor Kelsey suggests Option 2 with 8% reduction for 4 years retroactive to April and includes removal of Chair stipend excluded in the final compensation calculations for retirement.

Supervisor Davis states he feels 5% pay cut is nothing and would go along with 8% although 20% would be best. He states it is significant for all members to be willing to step up to the plate and take the reduction also and supports an 8% reduction and would support a permanent reduction in Board salaries.

Supervisor Pedrozo states he has already taken a 5% reduction in pay.

Supervisor O'Banion reminds the Board that when Ordinance No. 1825 went into effect, the seven-county survey was no longer utilized but rather the Board salary was then tied to 54.2% of the judge's salary. He states a Board member can set their own salary with the current Ordinance and since 2007 he has taken a 5% reduction in trying to deal with the financial situation. He further states he does not support changing the Ordinance because it does allow a pay cut and each Board Member has the option if they so desire.

Supervisor Walsh states he submitted his request of a 5% pay cut to the Auditor; however, his understanding is that there is some limitation with regard to compensation of elected officials' salaries while in office.

County Counsel Fincher states that there is a general principal of law that says elected officials' salaries may not be adjusted during their term. This does not apply to voluntary reductions, but a forced reduction cannot be done during a term. He further states if some action is passed by the Board to recommend amending the ordinance, it would not go into effect until the next election cycle.

Following a lengthy discussion regarding the Board's salaries and being consistent with employee salary cuts, Supervisor O'Banion states he has given over \$10,000 in the last two years of his salary.

Discussion is had on the Chairperson salary and Supervisor Kelsey states her concern is the \$4,800 that adds to the end of that particular year and spikes the retirement and creates an unfunded liability.

Supervisor Walsh requests information on the unfunded liability be brought back to the Board in a report for further discussion and possible action.

Supervisor Kelsey moves, to approve Option 2, approximately 8% Reduction with duration of 4 years and the cut be permanent and only base salary, excluding chair stipend shall be based on retirement calculations.

The Chairman calls for a Vote on the Motion.

Supervisors Pedrozo, Walsh, and O'Banion vote "no". Motion fails.

Ayes: Davis, Kelsey

Noes: Pedrozo, Walsh, O'Banion

Supervisor O'Banion moves, seconded by Supervisor Walsh, to leave Ordinance No. 1825 intact as is, and asks the staff to come back for discussion or consideration of the Board Chair salary, the benefits or the detriment that it has to the retirement system.

The Chairman calls for a Vote on the Motion.

Supervisors Davis and Kelsey vote "no". Motion carries.

Ayes: Pedrozo, Walsh, O'Banion

Noes: Davis, Kelsey