

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, SEPTEMBER 13, 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

Persons who require accommodation for any audio, visual or other disability in order to review an agenda, or to participate in a meeting of the Board of Supervisors per the American Disabilities Act (ADA), may obtain assistance by requesting such accommodation in writing addressed to the Clerk of the Board, 2222 M Street, Merced, CA 95340 or telephonically by calling (209) 385-7366. Any such request for accommodation should be made at least 48 hours prior to the scheduled meeting for which assistance is requested

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 LEGAL COUNSEL -
ANTICIPATED LITIGATION:** It is the intention of the Board to meet in Closed Session concerning significant exposure to litigation pursuant to Government Code Section 54956.9(b): One Case

**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): One Case

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 and Probation-Supervising Employees, Unit 11

**THE BOARD RECESSED AT 8:30 A.M. WITH THE CLERK STATING
CEO CONSIDERATION HAS BEEN REMOVED AND CONFERENCE
CONCERNING NEGOTIATIONS (Meet and Confer) NEEDS TO BE
AMENDED TO INCLUDE “AND PROBATION-SUPERVISING EMPLOYEES,
UNIT 11”.**

**THE BOARD RECONVENED AT 10:00 A.M. WITH SUPERVISOR
DAVIS NOT PRESENT AND THE CHAIRMAN ADVISED NO ACTION IS TO
BE REPORTED AT THIS TIME**

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

10:00 A. M.

PLEDGE OF ALLEGIANCE

10:00 A. M.

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

PRESENTATIONS

(1) **PROCLAMATION - CONSTITUTION WEEK**, September 16-23, 2011
Merced River Chapter, Daughters of the American Revolution (DAR)
PRESENTED TO MERCED RIVER CHAPTER, DAR MEMBER KAREN THEOFANIDES

(2) **San Joaquin Valley Air Pollution Control District**
Report by Director Seyed Sadredin: "Air Quality Challenges and Update"
REVIEW BOARD ORDER – SEE PAGE 11

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 26)

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION

To consider Proposed Ordinance titled: Amended Ordinance adopting the County Service Area Number One User Charge Rates for Zones of Benefit in the 2011/2012 Fiscal Year (Amends Ordinance No. 1875)

RECOMMENDATION: Open public hearing; Waive further reading of proposed ordinance and adopt Ordinance

ADOPTED ORDINANCE AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

REVIEW BOARD ORDER – SEE PAGE 11 AND 12

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items #1 - 26)

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

Public Works

1. Approve and authorize Chairman to sign Amendment to Contract No. 2003019 with Comcast of San Joaquin, Inc. (Televents of San Joaquin, Inc.) for an additional five years for the lease of existing County-owned land in the Santa Nella area for the transmission, reception, and related activities of radio communication.
2. Set public hearing for September 27, 2011 at 10:00 a.m. to consider proposed Ordinance titled "Conduct in Park" (Amends Ordinance No. 1813, Ordinance No. 1388 and Ordinance No. 1231 and Chapter 10.28 of the Merced County Code).

District Attorney

3. Approve and authorize the District Attorney to sign Amendment to Contract No. 2004181 with Calif. Emergency Management Agency for Vertical Prosecution Grant Program Award, increasing the amount by \$60,644 for a total Grant Award in the amount of \$563,145.
4. Approve and authorize the District Attorney to sign Amendment to Contract No. 2001104 with Calif. Emergency Management Agency for Central Valley Rural Crime Prevention Program Grant Award, increasing the amount by \$63,963 for a total Grant Award in the amount of \$594,071.
5. Approve and authorize the District Attorney to sign Renewal Contract No. 2003088 with Calif. Emergency Management Agency for the Anti-Drug Abuse Enforcement Program and accept the grant funds in the amount of \$188,695 for FY 11/12; authorize signing of the necessary documents and adopt Resolution.

ADOPTED RESOLUTION NO. 2011-158

6. Approve and authorize the District Attorney to sign Renewal Contract No. 2006234 with Calif. Dept. of Insurance for participation in the Automobile Insurance Fraud Program in the amount of \$95,015 and adopt Resolution.

ADOPTED RESOLUTION NO. 2011-159

7. Approve and authorize Chairman to sign Renewal Contract No. 2005240, and necessary Certification, with U. S. Dept. of Justice for participation in the Federal Equitable Sharing Agreement accounting for funds received through the forfeiture of illegally obtained assets.

Probation

8. Approve and authorize Chairman to sign Renewal Contract No. 2003059 with Merced County Jail Ministry to provide educational, counseling and religious services to minors confined at the Juvenile Justice Correctional Complex.
9. Approve and authorize Chairman to sign Renewal Contract No. 2005010 with Merced County Office of Education for placement of one Deputy Probation Officer at Valley Community School-Los Banos Campus.
10. Approve and authorize Chairman to sign Renewal Contract No. 2004307 with Merced County Office of Education for 100% reimbursement of 1.5 Deputy Probation Officers to be located at Valley Community School campus.
11. Approve and authorize Chairman to sign Renewal Contract No. 2004238 with Merced Union High School District to station three Deputy Probation Officers at various high school campuses in accordance with the Giving Responsibility to Adolescents to Develop Success (GRADS) Program with the Juvenile Justice Crime Prevention Act.
12. Approve and authorize Chairman to sign Renewal Contract No. 2004237 with Los Banos Unified School District to station a Deputy Probation Officer at Los Banos High School campus in accordance with the Giving Responsibility to Adolescents to Develop Success (GRADS) Program with the Juvenile Justice Crime Prevention Act.

Sheriff

13. Approve and authorize Chairman to sign Amendment to Contract No. 2010169 with Jose & Salvador Walle for Winton Office Space located at 6584 N. Winton Way.

14. Approve and authorize Chairman to sign Renewal Contract No. 2005239, and necessary Certification, with U. S. Dept. of Justice for participation in the Federal Equitable Sharing Agreement accounting for funds received through the forfeiture of illegally obtained assets.

Dept. of Workforce Investment

15. Approve and authorize Chairman to sign Amendment to Contract No. 2011002 with State Employment Development Dept. for Workforce Investment Act Subgrant Agreement K178669 adding Grant Code 241 for participants only for the Rapid Response Additional Assistance Program to assist participants that have become unemployed due to the recent economic downturn to June 30, 2012.

Treasurer-Tax Collector

16. Grant the County Tax Collector Relief of Shortages in the amount of \$20 and authorize the Tax Collector to replenish the amount for counterfeit bill.

Ag. Commissioner

17. Approve and authorize Chairman to sign Renewal Contract No. 2007168 with City of Livingston for animal control services.

Executive Office

18. Approve Budget Transfer submitted by Executive Office to replace the deteriorating communication lines to the Old Courthouse Museum; repair shall include replacement of current communication lines in the amount of \$12,000.

Board Recognition

19. Proclaim the Month of September, 2011 as "Alcohol and Drug Addiction Recovery Month" in Merced County.
20. Proclaim the Month of September, 2011 as "Railroad Safety Month" in Merced County.
21. Declare Sundays to be "Eat Local, Buy California Grown Day" in Merced County to support California-grown food products and adopt Resolution.
22. Authorize Certificate of Recognition to Robert Rodarte for dedicated service as a member of the Delhi Municipal Advisory Council.
23. Authorize Certificate of Recognition to Sandra Morimoto for dedicated service as a member of the May Day Fair Board.
24. Authorize Certificate of Recognition to Darlene and Ed Mentz in honor and celebration of their 50th Wedding Anniversary.
25. Authorize Certificates of Recognition to Don Bergman as Volunteer of the Quarter; and John Wainwright as Good Business Citizen of the Quarter as selected by the Merced County Chamber of Commerce Quarterly Meeting/Luncheon.
26. Authorize Certificates of Recognition to the individuals selected by The Greater Merced Chamber of Commerce: Ashley Smith-Jenkins, Ambassador of the Year; Jennifer West, Volunteer of the Year; Dr. Rosemary Parga-Duran, Educator of the Year; Carole Whitehill, Woman of the Year; E.J. Lorenzi, Man of the Year; and, Peggy Biddison (State Farm Insurance) Business of the Year.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

27. Approve plans and specifications for the Merced Veteran's Memorial Building Hardwood Floor Restoration Project; authorize Public Works to advertise for bids and conduct a Public Bid Opening and award the contract to the lowest responsible bidder as long as within the established budget; authorize the Chairman to sign Contract after review by Counsel and direct Public Works to return to the Board with an Informational Item on all actions taken at a subsequent Board Meeting.

AUTHORIZED CONTRACT NO. 2011163 AS RECOMMENDED AYES: 1, 2, 4, 5
NOT PRESENT: 3

28. Resolution prohibiting parking on the south side of Valeria Avenue, between Dos Palos City Limits and Bryant Avenue, and on the west side of Bryant Avenue, between Valeria Avenue and Bryant Middle School, in the Dos Palos area and authorize installation of signs informing motorists of the prohibited parking.

ADOPTED RESOLUTION NO. 2011-160 AS RECOMMENDED AYES: 1, 2, 4, 5
NOT PRESENT: 3

29. PULLED

AUDITOR

30. Set the Secured Property Tax Rates for 2011/2012 Fiscal Year and adopt Resolution.

ADOPTED RESOLUTION NO. 2011-161 AS RECOMMENDED AYES: 1, 2, 4, 5
NOT PRESENT: 3

MENTAL HEALTH

31. Contract with State Dept. of Rehabilitation for provision of Vocational Rehabilitation services to clients with severe and persistent mental disabilities in the amount of \$181,818; authorize the signing of the necessary documents and adopt Resolution.

AUTHORIZED CONTRACT NO. 2011164 AND ADOPTED RESOLUTION NO. 2011-162 AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

32. Contract with Lifestyle Management, Inc. for First Offender and Multiple Offender Drinking Driver Program services to Merced County residents.

AUTHORIZED CONTRACT NO. 2011165 AS RECOMMENDED AYES: 1, 2, 4, 5
NOT PRESENT: 3

33. Contract with Health Department for expansion of the Integrated Primary Care and Mental Health Services for Prevention and Early Intervention for Youth 6-18 years as part of the MHSA not to exceed \$100,000 and approve the necessary budget transfer-\$100,000. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2011166 AS RECOMMENDED AYES: 1, 2, 4, 5
NOT PRESENT: 3

34. Contract with University of California, Merced for provision of psychiatric services on campus.

AUTHORIZED CONTRACT NO. 2011167 AS RECOMMENDED AYES: 1, 2, 4, 5
NOT PRESENT: 3

35. Contract with First 5 Merced County for Infant-Family Early Childhood Mental Health Provider Training and approve the necessary budget transfer-\$20,000. (4/5 Vote Required)
AUTHORIZED CONTRACT NO. 2011168 AS RECOMMENDED AYES: 1, 2, 4, 5
NOT PRESENT: 3

DISTRICT ATTORNEY

36. Contract with Calif. Dept. of Justice for electronic access to case disposition information contained in the District Attorney's case management system.
AUTHORIZED CONTRACT NO. 2011169 AS RECOMMENDED AYES: 1, 2, 4, 5
NOT PRESENT: 3

DEPT. OF ADMIN. SERVICES

37. Contract with The Public Group, Inc. for the sale of County Surplus Property.
AUTHORIZED CONTRACT NO. 2011161 AS RECOMMENDED AYES: 1, 2, 4, 5
NOT PRESENT: 3

PLANNING

38. Contract with BAP Power Corporation (DBA Cenergy) for the consultant EMC Planning Group, Inc. to prepare an Initial Study and Optional Tasks as needed for the Cenergy Solar Project (CUP11-001 and CUP11-002).
AUTHORIZED CONTRACT NO. 2011170 AS RECOMMENDED AYES: 1, 2, 4, 5
NOT PRESENT: 3
39. Contract with EMC Planning Group to prepare an Initial Study and Optional Tasks as needed for the Cenergy Solar Project (CUP11-001 and CUP11-002) and approve the necessary budget transfer-\$18,997. (4/5 Vote Required)
AUTHORIZED CONTRACT NO. 2011171 AS RECOMMENDED AYES: 1, 2, 4, 5
NOT PRESENT: 3

FIRE

40. Authorize Office of Emergency Services to apply for the California Emergency Management Agency FY 11 State Homeland Security Grant Program for the Merced Operational Area to purchase specialized equipment and provide training to enhance the capability of local agencies to prevent, respond to and mitigate incidents of terrorism involving Weapons of Mass Destruction in conjunction with the State Anti-terrorism plan, direct Fire to return to the Board for authorization prior to accepting the Grant Award and adopt Resolution.
ADOPTED RESOLUTION NO. 2011-163 AS RECOMMENDED AYES: 1, 2, 4, 5
NOT PRESENT: 3
41. Authorize Fire to apply for the Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant in the amount of \$798,989.93 to fund the purchase of 173 units of Self Contained Breathing Apparatus which would fund 80% of the cost and direct the Fire Chief to return for authorization prior to accepting the Grant Award.
APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3
42. Authorize Fire to apply online with the Fireman's Fund Insurance Company for the Fireman's Fund Grant Program in the amount of \$5,092 to purchase 15 sets of structural turnout boots that meet Structural and Airport Firefighting requirements and would fund 100% of purchase, and direct the Fire Chief to return to the Board for authorization prior to

accepting the Grant Award.

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

HUMAN SERVICES AGENCY

43. Authorize Human Services Agency (HSA) to submit the "Notice of Intent" to contract to the Calif. Dept. of Social Services to provide services with funds associated with Child Abuse Prevention, Intervention and Treatment (CAPIT), Community Based Child Abuse Prevention (CBCAP) and Promoting Safe and Stable Families (PSSF) in accordance with Welfare and Institution Code and designate HSA as the public agency to administer CAPIT, CBCAP and PSSF.

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

44. Authorize Renewal Contract No. 2010022 with California Canine Academy/Assistance Dogs (CCAAD) for the High Schooled Assistance Dog Program Training.

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

DEPT. OF WORKFORCE INVESTMENT

45. Contract with South Bay Workforce Investment Board to provide employment and training assistance to dislocated (laid off) individuals who reside in economically vital regions of the State under the Calif. Multi-Sector Workforce Partnership National Emergency Grant in order to fulfill the grant requirements at a cost not to exceed \$455,022.

**AUTHORIZED CONTRACT NO. 2011172 AS RECOMMENDED AYES: 1, 2, 4, 5
NOT PRESENT: 3**

46. Contract with Workforce Investment Board of Tulare County to provide skills assessment supportive services, work experience and individual and/or group employment-related training in order to fulfill the Regional Economic Impact/National Emergency Grant requirements in the amount of \$200,844.

**AUTHORIZED CONTRACT NO. 2011162 AS RECOMMENDED AYES: 1, 2, 4, 5
NOT PRESENT: 3**

47. Contract with Stanislaus County Alliance Worknet to provide employment and training assistance to veterans under the Vet Connect Program to fulfill grant requirements at a cost not to exceed \$90,000.

**AUTHORIZED CONTRACT NO. 2011173 AS RECOMMENDED AYES: 1, 2, 4, 5
NOT PRESENT: 3**

EXECUTIVE OFFICE

48. Authorize Chairman to sign Letter from the Board requesting cooperation from high speed rail agencies regarding the Merced to Fresno section of the California High Speed Rail Project.

**APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3
REVIEW BOARD ORDER – SEE PAGE 12**

BOARD OF SUPERVISORS

49. Authorize Special Board Project Funds-District One in the amount up to \$11,000, to be paid to Administrative Services-Support Services for reimbursement of janitorial services to be provided FY 2011/12 for the Planada Recreation Building and approve the necessary budget transfer.

AMENDED RECOMMENDATION TO INCLUDE LE GRAND COMMUNITY

BUILDING AYES: 1, 2, 4, 5 NOT PRESENT: 3
REVIEW BOARD ORDER – SEE PAGE 12

50. Authorize Special Board Project Funds-District Two 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 the Castle Air Museum.

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

PUBLIC DEFENDER

51. Authorize the Public Defender's Office to hold Free Legal Clinics throughout Merced County.

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

SHERIFF

52. Contract with U.S. Dept. of Justice for modification of Community Oriented Policing Services (COPS) Grant to a re-hiring Grant for five (5) Deputy Sheriff's and adopt Resolution.

AUTHORIZED CONTRACT NO. 2010275 AND ADOPTED RESOLUTION NO. 2011-164 AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

BOARD APPOINTMENTS

53. Snelling Cemetery District – Appointed Andy Fagundes to serve until July 1, 2015.

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: 1, 2, 4, 5 NOT PRESENT: 3

54. Mental Health Advisory Board re: Submission of the Mental Health Advisory Board Annual Report for FY 2010/11.
55. Lake County Board of Supervisors re: Notice - Lake County has adopted a Resolution Requesting the Governor Declare a Statewide Emergency Resulting from Infestation of Dreissenid Mussels into the Water Bodies of the State of California and request to join in calling for a uniformly applied strategy, formulated at the State and Federal levels, designed to ensure the Quagga and Zebra mussels are effectively contained and further contamination is prevented.
56. State Board of Equalization re: Annual Report for 2009-2010.
57. San Joaquin River Restoration Program re: Program Update/Newsletter, dated August, 2011.
58. State Water Resources Control Board re: Notice of cancellation of Public Hearing on a Water Right Petition for Long-Term Transfer under Permit 16482 (Application 17512) of 10,000 acre-feet of water per year to portions of the Westlands Water District, the majority of which is served solely by the US Bureau of Reclamation's Central Valley Project.
59. State Water Resources Control Board re: Notice of Hearing Cancellation - Fresno/Kings County, Petition for Long-Term Transfer from Dept. of Water Resources to Westlands Water District set for August 22 is cancelled.

60. State Water Resources Control Board re: Revised Notice of Public Hearing - Proposed Amendments to the Calif. Ocean Plan regarding Model Monitoring Control of Commercial Vessel, Discharges and Invasive Species and non-substantive Administrative Changes and the Draft Substitute Environmental Documentation for the proposed amendments set for November 1, 2011, Extended Deadline to submit written comments to October 24, 2011.
61. State Water Resources Control Board re: Notice of Adoption Hearing, Notice of Opportunity to Comment, Exception to the Calif. Ocean Plan Waste Discharge Prohibition for Humboldt State University Telonicher Marine Laboratory Discharges into the Trinidad Head area of Special Biological Significance, including Special Protections for Beneficial Uses and the Associated Mitigated Negative Declaration/Initial Study set for October 18, 2011.
62. State Water Resources Control Board re: Notice of Opportunity for Public Comment and Notice of Public Workshop - State Dept. of Transportation Municipal Separate Storm Water System (MS4) Permit Revised Draft Tentative Order, written comments must be received by September 19, 2011.

**RECESSED TO MEET AS AN IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY
AND RECONVENED TO MEET AS A BOARD OF SUPERVISORS**

**ADOPTED RESOLUTIONS IN MEMORY OF JOHN WAINWRIGHT, GUS KILVERIOS,
JERRY BROCKMAN AND STEVE WIGHT AND ADJOURNED THE MEETING UNTIL
TUESDAY, SEPTEMBER 27, 2010 AT 10:00 A.M.**

BOARD ORDERS – SUMMARY ACTION MINUTES – SEPTEMBER 13, 2011

10:00 A.M. SCHEDULED ITEM **2011-09-13 PUBLIC OPPORTUNITY**

Safiya Morgan, Staff Attorney for Central California Legal Services-Merced, speaks in support of the Free Legal Clinics as proposed by the Merced County Public Defender's Office.

Ernest Solis, Lifeline Community Development, speaks on the benefits of the Free Legal Clinics.

Monika Grasley, Executive Director-Lifeline Community Development, speaks in support of the Free Legal Clinic and the benefits for senior citizens to use the service.

Present: Pedrozo, Walsh, Kelsey, O'Banion

Not Present: Davis

10:00 A.M. SCHEDULED ITEM **2011-09-13 SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT-Presentation**

Sayed Sadredin, Executive Director for the San Joaquin Valley Air Pollution Control District, (SJVAPCD) provides a revised power-point presentation and submits a handout on the 2010 Air District Annual Report.

Jaime Holt, Chief Communications Officer, SJVAPCD, speaks on the Air Quality Alert Program.

Supervisor Walsh also comments on the programs offered by the District and provides an update on the "Tune in-Tune-out" Car Smog Program.

SJVAPCD Chief Communications Officer Ms. Holt provides additional information on the Car Smog Program and advises the event is set for October 29, 2011 and the first 300 cars needing smog repairs will get a voucher up to \$500 to help with those repairs.

The Board thanks the District for the update and presentation.

Present: Pedrozo, Walsh, Kelsey, O'Banion

Absent: Davis

10:00 A.M. SCHEDULED ITEM **2011-09-13 PUBLIC WORKS – PUBLIC HEARING**

The time and date previously set for a Public Hearing to consider Proposed Ordinance entitled: Amended Ordinance adopting the County Service Area Number One User Charge Rates

for Zones of Benefit in the 2011/2012 Fiscal Year (Amends Ordinance No. 1875 and Chapter 5.64 of the Merced County Code) submitted by Public Works.

Public Works Director Paul Fillebrown advises Staff is available for questions.

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 waives further reading of the proposed ordinance and adopts Ordinance No. 1888.

Ayes: Pedrozo, Walsh, Kelsey, O'Banion

Not Present: Davis

ACTION ITEM NO. 48

2011-09-13 EXECUTIVE OFFICE

The Clerk announces a draft letter from Merced County relative to the Merced to Fresno section of the California High Speed Rail is before the Board for consideration.

Discussion is had on the process and recommendation, and the Board requests the matter be further discussed or that a report be brought back on the status and progress.

Upon motion of Supervisor O'Banion, seconded by Supervisor Walsh, duly carried, the Board authorizes the Chairman to sign a Letter from the Merced County Board of Supervisors requesting cooperation from high speed rail agencies regarding the Merced to Fresno section of the California High Speed Rail Project.

Ayes: Pedrozo, Walsh, Kelsey, O'Banion

Not Present: Davis

ACTION ITEM NO. 49

2011-09-13 PUBLIC WORKS/BOARD OF SUPERVISORS

The Clerk announces Special Board Project Funds-District One to provide janitorial services to the Planada Recreation Building for FY 2011/12 is before the Board for consideration. The Clerk states there is a modification to the recommendation to include the Le Grand Community Hall.

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board authorizes Special Board Project Funds-District One in the amount of \$11,000 be paid to Administrative Services-Support Services Division for reimbursement of costs for janitorial services to be provided for FY 2011/12 for the Planada Recreation Building and Le Grand Community Hall and approve the necessary budget transfer.

Ayes: Pedrozo, Walsh, Kelsey, O'Banion

Not Present: Davis