

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, NOVEMBER 22, 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

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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: Castle Properties, Building 1550, 1555, and 1556.

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 - 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): Alys Scoggins v. Greater Yosemite Council, Inc., et al., Merced Superior Court Case No. CV001885.

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; Non-Safety Corrections, Unit 12; and Probation Supervising Employees, Unit 11.

**THE BOARD RECESSED AT 8:30 A.M. AND RECONVENED AT
10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN
ADVISED DIRECTION WAS GIVEN 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 9

PRESENTATIONS

Beth Knapp - 2011 National Agriscience Teacher of the Year (Atwater High School)

The Chairman presented Beth Knapp with a Certificate of Recognition.

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

APPROVED AS RECOMMENDED AYES: ALL

PLANNING - PUBLIC HEARING

To consider Major Subdivision Application No. MAS11-001 requesting the Reversion of lots back to acreage in the "Fleming Hills" subdivision originally approved as Application No. MAS04-006 approved by the Planning Commission on September 11, 2004. Said application proposes to revert 25 recorded single-family residential lots and dedicated public roads into one single 28 acre parcel located at the southwest corner of Fleming Road and Herrod Avenue in the Atwater area.

RECOMMENDATION: Determine the application is exempt from CEQA review under Section 15305 - "Minor Alterations in Land Use Limitations" of the California Environmental Quality Act (CEQA) Guidelines based on the two CEQA findings, and Approve Major Subdivision Application No. MAS11-001 based on the 8 findings and subject to the 7 conditions of approval.

CONTINUED TO DECEMBER 6, 2011 BOARD MEETING

REVIEW BOARD ORDER – SEE PAGE 9 AND 10

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1 - 22)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Approve Budget Transfer in the amount of \$16,000 for the Water Treatment System CIP to complete the purchase and installation of the controls for the Water Treatment System at John Latorraca Correctional Facility.

Health

2. Approve and authorize Chairman to sign Amendment to Contract No. 2006302 with Hammon Family Properties for modification to current lease to allow for continuous operation as amended for the period December 1, 2011 to June 30, 2012.

3. Approve and authorize Chairman to sign Renewal Contract No. 2007062 with California Dept. of Resources Recycling and Recovery for Solid Waste Local Enforcement Agency Grant Cycle EA22 for FY 2011-12; authorize the Director of Public Health or Designee to sign all payment requests and adopt Resolution.

ADOPTED RESOLUTION NO. 2011-182

Sheriff

4. Approve and authorize Chairman to sign Amendment to Contract No. 2010124 with New World Systems for Jail, Records, Dispatch Computer Software for a total amount of \$1,152,574.
5. Approve and authorize Chairman to sign Amendment to Contract No. 2005239 with U.S. Department of Justice for 2010/11 Equitable Sharing Agreement for Federal Forfeiture Program.
6. Authorize the use of the County Parking Lot located on "M" street and 23rd, on December 6, 2011 from 7:00 a.m. to 1:30 p.m. for the acceptance of donations of toys for "Operation Christmas" toy drive for the disadvantaged children in Merced County.

Executive Office

7. Act on Claims for Damages received from Ralph Biederman and Nathaniel Copeland as recommended by Risk Management and County Counsel.

Treasurer-Tax Collector-County Clerk

8. Approve and authorize Chairman to sign Renewal Contract No. 2009011 with Franchise Tax Board for Court Ordered Debt Collection Program and reappoint the Treasurer-Tax Collector as Contract Administrator.
9. Acceptance of the Quarterly Investment Report for the period of July 1, 2011 to September 30, 2011.

County Counsel

10. Set a First reading for December 6, 2011, at 10:00 a.m. for a proposed Ordinance Amending County Code Section 1.08 by codifying Ordinance 1887 to adopt new Supervisorial District Boundaries and a Second reading and possible adoption for the proposed ordinance for December 20, 2011.

Planning

11. Ratify the Participation Agreement between the County of Merced and the Great Valley Center for participation in the Local Government Operation Greenhouse Gas Emission Inventories Program.

Board Recognition

12. Authorize Resolution of Appreciation commending Angela Resendez for 20+ years of service to the County of Merced.
13. Authorize Resolution of Appreciation commending Robert King for 14+ years of service to the County of Merced.

14. Authorize Resolution of Appreciation commending Guadalupe "Lupe" Acosta for 38+ years of service to the County of Merced.
15. Authorize Resolution of Appreciation commending Richard S. Graves for 18+ years of service to the County of Merced.
16. Authorize Certificate of Recognition to Diane Parga for 35+ years of service to the County of Merced.
17. Authorize Certificate of Recognition to Chuck Baucom for 19+ years of service to the County of Merced.
18. Authorize Certificate of Recognition in celebration of Bi-National Health Week October 1 - 16, 2011.
19. Authorize Certificates of Recognition to recipients of 2011 Teacher of the Year and 2011 District Teacher of the Year as follows: 2011 Teacher of the Year, Julie A. Rivard; and 2011 District Teacher of the Year, Austin Worden, Winton School District; Heather Vargas, Gustine Unified School District; Thomas Quiambao, Delhi Unified School District; Karen Patterson, Weaver Union School District; Jonathan A. Fincher, Los Banos Unified School District; Steven Cripe, MCOE/Special Education; and Monica Avila, Merced City School District.
20. Authorize Certificate of Recognition to House of Dogz in celebration of Ribbon Cutting.
21. Authorize Certificate of Recognition to Hobby Lobby in celebration of Ribbon Cutting.
22. Authorize Certificate of Recognition to Jean Okuye for receiving the 2011 California Women for Agriculture Bellringer Award.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

23. Authorize Request for Proposal for qualified consultants to provide geotechnical engineering services and authorize Public Works to review proposals and negotiate a preliminary contract to be returned to the Board for approval.

APPROVED AS RECOMMENDED AYES: ALL

MENTAL HEALTH

24. Contract with Livingston Community Health Services for placement of clinical staff to provide mental health services at Livingston and Hilmar.

AUTHORIZED CONTRACT NO. 2011215 AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

25. Authorize Administrative Services to prepare and release Request for Proposal for Home Visitor services; select the most responsive provider, negotiate an agreement, and direct HSA to return to the Board for final approval.

APPROVED AS RECOMMENDED AYES: ALL

26. Approve the designation of 195 computer workstations and 5 printers as surplus property and approve transfer of the title for the computer workstations from HSA to Plainsburg Union Elementary School District (75 workstations), Atwater Elementary School District (50 workstations), and Snelling-Merced Falls School District (70 workstations and 5 printers).

APPROVED AS RECOMMENDED AYES: ALL

DEPT. OF ADMIN SERVICES

27. Declare Miscellaneous Office Furniture, assorted office equipment, and miscellaneous supplies identified as Surplus Property (Exhibit A) as recommended and authorize its disposal by approved internet public auction.

APPROVED AS RECOMMENDED AYES: ALL

LIBRARY

28. Accept donation of \$50,000 from the Estate of Robert Baxter and deposit into the Merced Library Trust Account #02646.

APPROVED AS RECOMMENDED AYES: ALL

29. Approve Budget Transfer in the amount of \$66,630 for the Bookmobile.

APPROVED AS RECOMMENDED AYES: ALL

DEPT. OF WORKFORCE INVESTMENT

30. Contract with Stanislaus County Alliance Worknet to provide employment and training related services to local companies in the Renewable and Recyclable sector and approve the necessary budget transfers. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2011216 AS RECOMMENDED AYES: ALL

HUMAN RESOURCES

31. Ratify the Memorandum of Understanding between Merced County and American Federation of State, County and Municipal Employees (AFSCME) representing bargaining Units 4, 5, 6, & 8 and approve amendments to the Salary Allocation Resolution as outlined in the contract.

AUTHORIZED CONTRACT NO. 2011217 AS RECOMMENDED AYES: ALL

32. Approve furlough program for Unrepresented Management; authorize staff to work with union representatives in coalition setting to identify and implement health insurance plan changes to reduce premiums; and authorize staff to return to the Board with a third tier retirement plan for implementation once negotiations are completed with other bargaining units.

APPROVED AS RECOMMENDED AYES: ALL

33. Approve amendment to Memorandum of Understanding between Merced County and the Independent Employees of Merced County (IEMC) representing Bargaining Unit 3.

AUTHORIZED CONTRACT NO. 2011218 AS RECOMMENDED AYES: ALL

34. Ratify the Memorandum of Understanding between Merced County and Merced County Law Enforcement Sergeant's Association (MCLES) representing bargaining Unit 30 and approve amendments to the Salary Allocation Resolution as outlined in the contract.

AUTHORIZED CONTRACT NO. 2011219 AS RECOMMENDED AYES: ALL

COUNTY EXECUTIVE OFFICE

35. Adopt Resolution approving remedial action against Merced County Treasurer/Tax Collector/Clerk/Registrar of Voters, Karen Adams.

ADOPTED RESOLUTION NO. 2011-183 AS RECOMMENDED AYES: ALL
REVIEW BOARD ORDER – SEE PAGE 10 AND 11

36. Approve the appointment of Registrar of Voters/Elections from Treasurer/Tax Collector/Clerk Registrar of Voters to the Assessor/Recorder effective immediately; direct staff to obtain Department of Justice pre-clearance authority for the assignment of Registrar of Voters to Assessor/Recorder; authorize a temporary transition pay differential up to a maximum of 7.5%, subject to the approval of the County Executive Officer; adopt amendments to Position and Salary Allocation Resolutions pursuant to Board direction in this item and approve Resolution transferring the County Clerk from the Treasurer/Tax Collector/Clerk to the Assessor/Recorder effective the end of the current Treasurer/Tax Collector's term of office.

ADOPTED RESOLUTIONS NOS. 2011-184(SALARY), 2011-185(POSITION) AND 2011-186(REASSIGNMENT) AS RECOMMENDED AYES: ALL
REVIEW BOARD ORDER – SEE PAGE 11 AND 12

BOARD OF SUPERVISORS

37. Authorize Special Board Project Funds-District Four in the amount of \$200 and District One in the amount of \$200 to be forwarded to the Merced County Youth Accountability Board.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

38. McSwain Municipal Advisory Council – Appoint Darren Olguin to serve until July 26, 2015.

APPROVED AS RECOMMENDED AYES: ALL

39. Local Agency Formation Commission (LAFCo) – Reappoint Deidre F. Kelsey to serve until May 7, 2015.

APPROVED AS RECOMMENDED AYES: ALL

40. Merced County Mosquito Abatement District – Reappoint Greg O'Banion to serve as County Western Rural representative for a four year term until December 31, 2015.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

41. Merced Irrigation District re: Notice to Federal Energy Regulatory Commission (FERC), pursuant to 18 CFR S. 5.16(a) and (c), MID, owner and operator of the Merced River Hydroelectric Project FERC Project No. 2179-042, files a Draft Application for New License Major Project - Existing Dam and files Volumes I, II, III, IV and V at the website <http://www.merced-relicensing.com/>, hardcopies are available at MID, 744 West 20th Street, Merced, CA (place of business), at the Mariposa County Public Library and Merced County Public Library, and by contacting bkelly@mercedid.org.

42. State Fish and Game Commission re: Copy of Notice of Proposed Regulatory Action relative to Sections 29, 17 and 127, Title 14, California Code of Regulations relating to

Kellet's Whelk (*Kelletia kelletii*) Sport and Commercial Fisheries which will be published in the California Regulatory Notice Register on October 28, 2011.

43. State Wildlife Conservation Board re: Castle Wetland Hydrology Enhancement Project ID: 2011118, Request from Ducks Unlimited, Inc. to enhance approximately 240 acres of wetland habitat on privately owned lands in Merced County.
44. Merced County Mosquito Abatement District re: Manager's Report of September 2011.
45. Delta Stewardship Council re: Notice of Availability of a Draft Program Environmental Impact Report for the Delta Plan - a legally enforceable, comprehensive, long-term management plan for the Sacramento-San Joaquin Delta and the Suisun Marsh (Delta) that achieves the coequal goals (Water Code Section 85300(a), available for public review and comment for 60 days from November 4, 2011 through and including January 3, 2012.
46. Stanislaus County re: Notice of Preparation of a Draft Environmental Impact Report for the West Park Logistic Center Project in the Crows Landing area, public comments to be received at public scoping meetings set for November 10, 2011 in Crows Landing, CA and November 17, 2011 in Modesto, CA.
47. State Dept. of Conservation re: Letter to California High Speed Rail Authority response to September 7, 2011 letter of California High-Speed Train Project, Merced to Fresno Section with regard to intention to acquire properties located within agricultural preserves on which to locate the 65-mile long Merced to Fresno Section and recommendations with respect to the project's impacts on agricultural lands.
48. State Water Resources Control Board re: Notice of Opportunity to Comment and Notice of Intent to Adopt Revised Draft Statewide Conditional Waiver of Waste Discharge Requirements for Nonpoint Source Discharges Related to Certain Activities on National Forest System Lands in California with public comments to be received by November 21, 2011 by 12 noon with comments to address only revisions to the Waiver.
49. State Water Resources Control Board re: Notice of Opportunity to Comment on Proposed Approval of Non-Regulatory Amendments to the Central Valley Water Board Water Quality Control Plans for the Sacramento River and San Joaquin River Basins and the Tulare Lake Basin (Basin Plans) to Provide a Cost Estimate and Potential Sources of Financing for a Long-Term Irrigated Lands Program, public comments must be received by December 2, 2011 by 12 noon.

BOARD ORDERS – SUMMARY ACTION MINUTES – NOVEMBER 22, 2011

10:00 A.M. SCHEDULED ITEM **2011-11-22 PUBLIC OPPORTUNITY**

Treasurer/Tax Collector/Clerk/Registrar of Voters Karen Adams gives a brief statement regarding the sexual harassment claim filed against her and does not believe she has had adequate time to review the complaint and submits a press release regarding the matter.

Mental Health Director Manuel Jimenez introduces the new Assistant Mental Health Director Jean Anderson.

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

10:00 A.M. SCHEDULED ITEM **2011-11-22 PLANNING – PUBLIC HEARING**

The Clerk announces consideration of Major Subdivision Application No. MAS11-001 requesting the Reversion of lots back to acreage in the "Fleming Hills" subdivision originally approved as Application No. MAS04-006 approved by the Planning Commission on September 11, 2004 is before the Board for consideration.

Assistant Planning Director Bill Nicholson reviews staff report and states this is only the second Reversion due to the economic decline. Mr. Nicholson also introduces Planner Dave Gilbert who presents a powerpoint presentation.

Supervisor Davis states he has no problem putting the lots back to one parcel but is concerned about fees and taxes not paid on the property since 2007. Supervisor Davis states he would like to see the issue rectified before the item moves forward.

County Counsel James Fincher reviews Government Code 66499.2 which does not allow a county to require tax bonding or taxes be paid before reversion. Mr. Fincher clarifies the property was not owned by Westamerica Bank since 2007, the property was originally owned by a developer that defaulted on the loan which was financed by County Bank, then Westamerica acquired property.

Discussion is had regarding the reversion of the property, back taxes and a two acre parcel owned by the Roth family which is not clarified in the map.

Joseph Mc Gowen, Counsel for Finance Pacific Bonding Company, states he has been working with the owner Westamerica to extend the tax payment and states delinquent taxes were paid at the foreclosure sale. Mr. Mc Gowen clarifies one lot is still owned by the Roth family but agrees it is not clear in the map.

Mr. Nicholson states the tentative map does not reflect the two acre parcel being separate from the rest of the parcel.

Further discussion is had regarding the two acre parcel still owned by the Roth family and a correction is needed on the map.

Supervisor O'Banion comments this is a public hearing and the Board needs to open the hearing first.

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.

Supervisor Davis moves to proceed with the item as recommended, seconded by Supervisor Pedrozo.

Supervisor Walsh states there is clarity needed on the item before he moves forward so he would vote no if the item moves forward. Supervisor Walsh also states the issue should be continued for two weeks.

Supervisor Kelsey states she is in favor of continuing the item until the matter is clarified.

Supervisor Pedrozo asks the maker of the motion if he would like to withdraw his motion.

The motion and second is withdrawn.

Upon motion of Supervisor Walsh, seconded by Supervisor Davis, duly carried, the Board continues Major Subdivision Application No. MAS11-001 requesting the Reversion of lots back to acreage in the "Fleming Hills" subdivision originally approved as Application No. MAS04-006 approved by the Planning Commission on September 11, 2004 to revert 25 recorded single-family residential lots and dedicated public roads into one single 28 acre parcel located at the southwest corner of Fleming Road and Herrod Avenue in the Atwater area for two weeks, until corrections can be made to the final map.

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

ACTION ITEM NO. 35

2011-11-22 COUNTY EXECUTIVE OFFICE

The Clerk announces resolution approving remedial action against Merced County Treasurer/Tax Collector/Clerk/Registrar of Voters Karen Adams is before the Board for consideration.

Supervisor Kelsey asks County Executive Officer Larry Combs if the action requested today is adequate.

County Executive Officer Larry Combs states the recommendation staff is making is the only recommendation available to staff for an elected official. Elected Officials are responsible to the people not the Board and the only option the Board has is to publicly censure the official.

Supervisor Kelsey states concerns regarding the wage scale staying the same.

Mr. Combs reiterates the only option available is before the Board, and the wage scale cannot be reduced until 2015.

The chairman asks if there is anyone from the public wishing to speak. No one speaks.

Supervisor O'Banion states it's a sad day to be in the position to take an action of this type. Supervisor O'Banion also questions Ms. Adams comments regarding inadequate time to review the complaint filed against her.

County Counsel James Fincher reviews the time frame from when the complaint was filed and notifications given and states adequate time was provided.

Lengthy discussion is had regarding the remedial action against Ms. Adams.

Upon motion of Supervisor Davis, seconded by Supervisor O'Banion, duly carried, the Board approves remedial action against Merced County Treasurer/Tax Collector/Clerk/Registrar of Voters Karen Adams and adopts Resolution No. 2011-183.

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

ACTION ITEM NO. 36

2011-11-22 COUNTY EXECUTIVE OFFICE

The Clerk announces approval of the appointment of Registrar of Voters/Elections from Treasurer/Tax Collector/Clerk Registrar of Voters to the Assessor/Recorder effective immediately; Department of Justice pre-clearance authority for the assignment of Registrar of Voters to Assessor/Recorder; temporary transitional pay differential up to a maximum of 7.5%, subject to the approval of the County Executive Officer; amendments to Position and Salary Allocation Resolutions; and Resolution transferring the County Clerk from the Treasurer/Tax Collector/Clerk to the Assessor/Recorder effective the end of the current Treasurer/Tax Collector's term of office is before the Board for consideration.

The Clerk states there are typographic errors that need to be corrected in the Resolutions, where the effective date is January 6, 2014, should state January 5, 2015.

Supervisor Kelsey comments she is not in total support of the temporary pay differential and is concerned with Ms. Adams continuing to receive the same pay and we are paying additional people for same duties, which creates unfunded liabilities. Supervisor Kelsey also states she is not happy with the proposal but is not going to oppose it, she believes people should get paid for what they do, and supports the transfer of duties.

Supervisor O'Banion states he motioned to approve the action and believes we need to move forward with the recommendation of staff and this also gives an opportunity to look further and evaluate what can be done with elections department. Supervisor O'Banion also states the

elections office has been under the jurisdiction of an elected official and we need to evaluate and see if it should be place under independent entity or a department that is not an elected official.

Supervisor Walsh questions requiring Department of Justice (DOJ) pre-clearance authority and if we can still go forward with the action pending pre-clearance. Supervisor Walsh also questions if during the interim period the Board takes action to reaffirm recommendation being made and if we take a different action do we need pre-clearance.

County Counsel James Fincher states the item would be pre-cleared after the Board adopts it because the Department of Justice will not evaluate speculative things in nature.

Supervisor O'Banion comments unless between now and later we get out from pre-clearance which the county is attempting to do.

The chairman asks if there is anyone from the public wishing to speak. No one speaks.

Upon motion of Supervisor O'Banion, seconded by Supervisor Davis, duly carried, the Board approves appointment of Registrar of Voters/Elections from Treasurer/Tax Collector/Clerk Registrar of Voters to the Assessor/Recorder effective immediately; directs staff to obtain Department of Justice pre-clearance authority for the assignment of Registrar of Voters to Assessor/Recorder; authorizes a temporary transition pay differential up to a maximum of 7.5%, subject to the approval of the County Executive Officer; approves amendments to Position and Salary Allocation Resolutions pursuant to Board direction in this item and approve Resolution transferring the County Clerk from the Treasurer/Tax Collector/Clerk to the Assessor/Recorder effective the end of the current Treasurer/Tax Collector's term of office and adopts Resolution Nos. 2011-184 (Salary), 2011-185 (Position) and 2011-186 (Reassignment).

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