

# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

### Regular Meeting

**TUESDAY, MARCH 13, 2012**

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

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

JAMES L. BROWN  
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**

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:** 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.

**CLOSED SESSION - INITIATION OF LITIGATION:** It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54956.9 (c): One Case

**THE BOARD RECESSED AT 8:30 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND COUNTY COUNSEL ADVISED THAT THE BOARD GAVE AUTHORITY FOR COUNTY COUNSEL TO INITIATE LITIGATION. COUNTY COUNSEL STATES IF LITIGATION IS COMMENCED, THE ACTION, THE DEFENDANTS AND OTHER PARTICULARS SHALL, ONCE FORMALLY COMMENCED, BE DISCLOSED TO ANY PERSON UPON INQUIRY, UNLESS TO DO SO WOULD JEOPARDIZE THE COUNTY'S ABILITY TO EFFECTUATE SERVICE OF PROCESS ON ANY OF THE PARTIES.**

**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)**

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 18)  
APPROVED AS RECOMMENDED                      AYES: ALL**

## REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

### **CONSENT CALENDAR (Items # 1-18)**

**APPROVED AS RECOMMENDED**

**AYES: ALL**

#### Public Works

1. Accept Final map for reversion to acreage of Fleming Hills, Major Subdivision No. MAS11-001, in the Atwater area.
2. Approve Budget Transfer in the amount of \$5,500 for the purchase of 2 solar flashing beacons to be installed on Oakdale Road at Washington School.

#### Planning

3. Set public hearing for March 27, 2012, at 10:00 a.m. to consider Major Subdivision Application No. MAS04-014 "Lakeview Properties". (Continued from April 5, 2011)

#### Human Services Agency

4. Approve and authorize Chairman to sign renewal Contract No. 2011071 with Merced County Office of Education for child care services.
5. Approve and authorize Chairman to sign renewal Contract No. 2009297 with Merced County Sheriff's Office for social worker safety support.

#### Mental Health

6. Approve and authorize Chairman to sign amendment to Contract No. 2010244 with Regents of the University of California, Davis, for staff trainings and development; and approve related Budget Transfer. (4/5 Vote Required)
7. Approve Budget Transfer in the amount of \$140,209 to purchase new vehicles to allow the department the ability to provide community and school-based outreach services. (4/5 Vote Required)
8. Approve and authorize Chairman to sign Amendment to Contract No. 2011010 with Willow Glen Care Center to update the 2011-2013 service rates for the provision of residential care for consumers.

#### Commerce, Aviation, and Economic Development

9. Set Public Hearing for April 3, 2012, at 10:00 a.m. to receive comments on submission of an application for funding under the 2012 State Community Development Block Grant (CDBG) to continue the County's Homeownership Assistance and Housing Rehabilitation Assistance Programs.

#### Fire

10. Approve Budget Transfer in the amount of \$4,000 for medical supplies covered by First Responder Fees; includes defibrillation components and medical gloves. (4/5 Vote Required)

Health

11. Approve and authorize Chairman to sign amendment to Contract No. 2006002 with James Andrews, MD, to serve as the Medical Director for the Merced County Emergency Medical Services Agency.

District Attorney

12. Approve Budget Transfer in the amount of \$2,545 for office supplies.

County Executive Office

13. Act on Claims for Damages received from Michael Murray.
14. Approve travel request received from Human Services Agency and Revenue and Reimbursement.
15. Approve Budget Transfer in the amount of \$25,000 as the County's share of the electricity costs related to the County fiber optic communications room located in the building occupied by Challenger at Castle.

Board of Supervisors

16. Authorize Resolution of appreciation commending Paul A. Fillebrown for 23+ years of service to the County of Merced.
17. Authorize Certificates of Recognition for individuals selected by the Merced County Historical Society for 2011 Awards as follows: Alma Stone, Letus Wallace Award; Charlie Galatro, Heacox Pioneer Award; Judi Arthur, Docent of the Year Award; Justin Fernandez, Lie Moua, Blia Moua, Mindy Yang, and Devan Hinojosa, Museum Youth Volunteer Award; Native Daughters of the Golden West, Veritas Parlor #75, Estep-Burchell Community Grant; American Legion Post 83, Estep-Burchell Community Grant; Hilmar-Irwin-Stevinson Historical Society, Rossotti Capital Improvement Grant; Don Bragonier, 2011 Outgoing Board Member; and Bob Souza, 2011 Past-President; presented February 12, 2012.
18. Authorize Certificate of Recognition for City of Los Banos for Arbor Day.

**REGULAR CALENDAR**

**BOARD ACTION**

PUBLIC WORKS

19. Resolution authorizing Public Works Director or his designee to sign Regional Surface Transportation Program (RSTP) Exchange Fund Apportionments Claim for Fiscal Year 11/12 in the amount of \$870,916 and submit said claim to the Merced County Association of Governments for processing.

**ADOPTED RESOLUTION NO. 2012-13 AS RECOMMENDED AYES: ALL**

HUMAN SERVICES AGENCY

20. Terminate Contract No. 2010043 for IHSS Fraud Investigation and Program Integrity Efforts with the District Attorney's Office; inform the Board of intention to administratively claim \$24,845 in expenditures in fiscal year 2011/2012; amend Position Allocation Resolution to

delete position #83 from Budget Unit 20409, (1) Welfare Fraud Investigator I/II; and approve related Budget Transfers. (4/5 Vote Required)

**ADOPTED RESOLUTION NO. 2012-14 AS RECOMMENDED AYES: ALL**

21. Authorize Administrative Services to prepare and release Request for Proposal for Home Delivered Meals Program; solicit and select potential vendors, negotiate an agreement, and direct HSA to return to the Board for final approval.

**APPROVED AS RECOMMENDED AYES: ALL**

#### MENTAL HEALTH

22. Contract with Vicki Jones Transcription for medical transcription services incorporating the terms and conditions of Administrative Services Contract No. 11246, including a new total contract amount of \$15,000; and approve related budget transfer. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2012022 AS RECOMMENDED AYES: ALL**

#### COMMERCE, AVIATION, AND ECONOMIC DEVELOPMENT

23. Contract with Self-Help Enterprises for Grant Writing, Administration, and Implementation of the Affordable Housing Program.

**AUTHORIZED CONTRACT NO. 2012023 AS RECOMMENDED AYES: ALL**

24. Approve the Castle Electrical Distribution System Facilities Transfer and Grant of Easements to Merced Irrigation District.

**AUTHORIZED CONTRACT NO. 2012024 AS RECOMMENDED AYES: ALL**

#### HUMAN RESOURCES

25. Designate Assistant Director of Child Support Services, Karen D. Rodriguez, as Acting Director of Child Support Services effective March 31, 2012, and approve a 10% temporary promotion effective April 9, 2012; upon the incumbent's retirement, authorize reducing the salary range from 87.4 to 85.4 for the Director of Child Support Services, effective April 9, 2012; and amend Position and Salary Allocation Resolutions.

**ADOPTED RESOLUTION NO. 2012-15 (POSITION) AND NO. 2012-16 (SALARY AS RECOMMENDED AYES: ALL**

#### EXECUTIVE OFFICE

26. Resolution supporting the efforts to maintain affordable energy rates in Merced County by recognizing large scale hydro-electric projects as a qualifying renewable energy source and authorize the Chairman to sign a letter of support.

**ADOPTED RESOLUTION NO. 2012-17 AS RECOMMENDED AYES: ALL**

**REVIEW BOARD ORDER – SEE PAGE 8**

#### BOARD OF SUPERVISORS

27. Authorize Special Board Project Funds-District Four in the amount of \$1,000 to be utilized by the San Joaquin Valley Housing collaborative to support the Housing Summit in Fresno.

**APPROVED AS RECOMMENDED AYES: ALL**

28. Authorize Special Board Project Funds-District Four in the amount of \$1,300 to be utilized by the Hilmar Chamber of Commerce to provide a meeting space for the Hilmar Senior Social Club.

**APPROVED AS RECOMMENDED AYES: ALL**

29. Authorize Special Board Project Funds-District Five in the amount of \$4,400 to be utilized to trim trees at O'Banion Park.

**APPROVED AS RECOMMENDED AYES: ALL**

30. Authorize Special Board Project Funds-District Three up to the amount of \$3,000 to be utilized for travel by the Director of Commerce, Aviation, and Economic Development (CAED) to attend meetings in Anyan and Beijing, China related to marketing/promotion of air cargo and potential EB5 program; authorize Director of CAED to travel to Anyan and Beijing, China for marketing/promotion meetings; and approve related budget transfers. (4/5 Vote Required)

**APPROVED AS RECOMMENDED AYES: ALL**

**REVIEW BOARD ORDER – SEE PAGE 8 AND 9**

**BOARD INFORMATION & POSSIBLE ACTION**

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

31. Commerce, Aviation, and Economic Development re: Lease Agreement with Maria's Taco Shop for Building #728 (approximately 1,500 sq. ft.) with adjacent parking area located at Castle Commerce Center.

**CONTRACT NO. 2012025**

32. Commerce, Aviation, and Economic Development re: Lease Agreement with Merced Commercial Pest Control, Inc. for a portion of Building #54 (approximately 4,575 sq. ft.) with adjacent parking area located at Castle Commerce Center.

**CONTRACT NO. 2012026**

33. Commerce, Aviation, and Economic Development re: Lease Agreement with Ralph Parga dba Game Time MMA Boxing for a portion of Building #395 (approximately 3,920 sq. ft.) located at Castle Commerce Center.

**CONTRACT NO. 2012027**

34. Commerce, Aviation, and Economic Development re: Lease Agreement with Merced County Sheriff Activities League for Building #395 (approximately 3,920 sq. ft.) with adjacent parking area located at Castle Commerce Center.

**CONTRACT NO. 2012028**

35. Commerce, Aviation, and Economic Development re: draft Recognized Obligation Payment Schedule as the successor agency to the Merced County Redevelopment Agency.

36. Child Support Services re: Update status of the relocation from 780 Loughborough Drive to 3368 N. Highway 59, Suite A, Merced, California.

37. California Gas Gathering, Inc. re: Verified Statement and Annual Payment in accordance with Franchise Ordinance No. 1650 in the total amount of \$1,984.94 covering the CPI adjusted rate for the pipeline installed within the encroachment areas for the period January 1, 2011 to December 31, 2011.

38. State Fish and Game Commission re: Notice of Proposed regulatory action relative to Section 7.50, Title 14, California Code of Regulations, relating to Central Valley Salmon sport fishing, which will be published in the California Regulatory Notice Register on February 24, 2012.

39. State Fish and Game Commission re: Notice of proposed regulatory action relative to Section 7.50, Title 14, California Code of Regulations, relating to Klamath-Trinity Rivers

salmon sport fishing, which will be published in the California Regulatory Notice Register on February 24, 2012.

40. State Fish and Game Commission re: Notice of findings for the southern mountain yellow-legged frog and the Sierra Nevada yellow-legged frog, which will be published in the California Regulatory Notice of Register on February 24, 2012.
41. Merced County Mosquito Abatement re: January 2012 Manager's Report.
42. State Board of Equalization re: Taxpayers Bill of Rights public hearings set for Tuesday April 24, 2012, in Culver City and Tuesday June 26, 2012, in Sacramento, to address the issues identified in the Taxpayers' Rights Advocate's Annual Report, to discuss means to correct problems described in the Report, and to comment on all Board-administered revenue programs or local property tax issues.

**ADOPTED RESOLUTION IN MEMORY OF ANDY BERTUCCIO AND ANTONE PARREIRA AND ADJOURNED THE MEETING UNTIL MARCH 27, 2012, AT 10:00 A.M.**

## **BOARD ORDERS – SUMMARY ACTION MINUTES – MARCH 13, 2012**

### **ACTION ITEM NO. 26**

#### **2012-03-13 EXECUTIVE OFFICE**

The Clerk announces a Resolution supporting the efforts to maintain affordable energy rates in Merced County is before the Board for consideration.

County Executive Officer James Brown informs the Board that this Item is before them as a result of a request by the Merced Irrigation District (MID). Mr. Brown states that a new State mandate requires energy producers to produce 1/3 of their energy from renewable sources by 2020, and there will be a long-term impact on Merced County residents.

Mike Jensen, Merced Irrigation District Representative, addresses the Board on this issue. Mr. Jensen provides background on SB X2 legislation which requires that 33% of energy be procured through renewal sources such as wind and solar by the year 2020. He states that MID has long supported renewable energy citing the building of Exchequer hydro project in the 1920s, expansion of that project in the 1960s to the Exchequer Dam, and sponsorship of the UC Solar Institute at UC Merced. Mr. Jensen states that the current law sets a cap on qualifying hydro-electric projects at 30 mega-watts, which means MID's larger scale project cannot be counted toward the State mandate. This will result in MID spending \$30 million over the next 9 years in purchasing additional renewal energy. Mr. Jensen speaks about the Federal re-licensing issues MID is facing. Mr. Jensen requests the Board's support to rein-in costs of new state mandates.

Following discussion and upon motion of Supervisor Pedrozo, seconded by Supervisor O'Banion, duly carried, the Board adopts Resolution No. 2012-17 supporting the efforts to maintain affordable energy rates in Merced County by recognizing large scale hydro-electric projects as a qualifying renewable energy source and authorizes the Chairman to sign a letter of support.  
Ayes: Walsh, Pedrozo, Davis, Kelsey, O'Banion

### **ACTION ITEM NO. 30**

#### **2012-03-13 BOARD OF SUPERVISORS**

The Clerk announces Special Board Project Funds-District Three is before the Board for consideration and states that the Board Agenda Item inadvertently identified this item as 4/5 vote.

Supervisor Kelsey requests more information on this item and states that generally when a delegate is chosen to make an official business visit, the Board is given a briefing on the goals, purpose, and need of the particular visit.

Supervisor Davis responds and states that there is an opportunity, at the invitation of the Chinese government, to go to China and meet in a specific city where they are building a large aerospace complex. Supervisor Davis states he views this as an opportunity to send Commerce, Aviation, and Economic Development Director Mark Hendrickson to interface with individuals, keeping in mind the advertising of Castle as a place to do business in the U.S. Supervisor Davis states he spoke with County Counsel and was advised to go this route to fund the travel. He



discusses the fact that when an invitation is received, considering the time it takes to get a passport, there may not be a Board meeting scheduled to approve the travel.

Supervisor Kelsey requests a briefing package to include goals and objectives prior to Mr. Hendrickson's travel.

Upon motion of Supervisor O'Banion, seconded by Supervisor Davis, duly carried, the Board authorizes up to \$3,000 of District Three's Board Special Project funds to be utilized for travel by the Director of Commerce, Aviation and Economic Development to attend meetings in Anyan and Beijing, China related to marketing/promotion of air cargo and potential EB5 program; authorizes travel; and approves related budget transfer.

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