

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, MARCH 27, 2012

Closed Session – 9:00 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

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

9:00 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.

THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED THERE WERE NO REPORTABLE ITEMS

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 - 28)

APPROVED AS RECOMMENDED AYES: ALL

BID OPENING

COMMERCE, AVIATION, AND ECONOMIC DEVELOPMENT

Receive sealed bids for the sale of surplus real property owned by the County of Merced located in Merced County.

RECOMMENDATION: 1) Open, examine, and declare written proposals for conformance to all terms and conditions specified in Resolution No. 2012-12 and which are made by responsible bidders; 2) Call for and receive oral bids; 3) Accept the highest proposal/bid if deemed appropriate and consistent with

the County's goal of promoting economic activity that involves significant job creation and generates tax revenue for the County and other taxing jurisdictions; and 4) Adopt resolution accepting the highest proposal that conforms to all terms and conditions specified in Resolution 2012-12.

REVIEW BOARD ORDER – SEE PAGE 11

HUMAN RESOURCES - PUBLIC HEARING

To consider appointment of Acting Road Commissioner

RECOMMENDATION: 1) Consider the qualifications of the candidate, Deputy Director Public Works-Roads, Dana S. Hertfelder; 2) Declare that it is the intention of the Board that Resolution 2001-81 shall be applied, during the period of this interim appointment, to vest the contracting authority delegated therein to reside in the Acting Road Commissioner, as provided by Sections 20395 and 20396 of the California Public Contract Code; 3) Appoint Deputy Director Public Works-Roads, Dana S. Hertfelder as Acting Road Commissioner effective March 31, 2012.

REVIEW BOARD ORDER – SEE PAGE 11 AND 12

PLANNING - PUBLIC HEARING - ACTIONS CONTINUED FROM APRIL 5, 2011 AND MAY 3, 2011

To consider Lakeview Properties Project

RECOMMENDATION: 1) Approve Major Subdivision Application No. MAS04-014 "Lakeview Properties" based upon the 9 Project Findings, and subject to the 21 Conditions of Approval, 14 of which are CEQA mitigation measures, as presented in the Second Supplemental Staff Report; 2) Approve a "Lakeview Subdivision Developer-Community Benefits Agreement (Major Subdivision Application No. MAS04-014)" to implement approval Condition No. 6 of Major Subdivision Application No. MAS04-014 "Lakeview Properties."

CONTINUED TO APRIL 24, 2012

REVIEW BOARD ORDER – SEE PAGE 12

FIRE - Fire Engine Rescue Tour Located outside of the Administration Building next to the County Parking Lot by the Law Enforcement Memorial

REPORTS/BOARD DIRECTION

CONSENT CALENDAR (Items # 1 - 28)

APPROVED AS RECOMMENDED AYES: ALL

Commerce, Aviation, and Economic Development

1. Approve Budget Transfer in the amount of \$18,000 for replacement of a non-functioning HVAC Unit for Building 748 at 3333 G Street at Castle. (4/5 Vote Required)
2. Approve Budget Transfer in the amount of \$20,000 for unanticipated replacement of a fire hydrant and sidewalk ramp at Castle due to a tree root causing the water line to collapse.

Human Services Agency

3. Approve and authorize Chairman to sign renewal Contract No. 2010078 with Merced Union High School District for Adult Education Services.
4. Approve and authorize Chairman to sign renewal Contract No. 2009078 with Treasurer-Tax Collector, Revenue & Reimbursement Division, for collection services of delinquent accounts.
5. Approve and authorize Chairman to sign renewal Contract No. 2009296 with Merced County Library for Literacy Training Services.
6. Approve and authorize Chairman to sign amendment to Contract No. 2007091 with Merced County Counsel for legal services.
7. Approve and authorize Chairman to sign amendment to Contract No. 2004222 with California Department of Aging for Senior Programs - Title III, VII, III E, and CBSP programs; adopt Resolution and approve related Budget Transfer. (4/5 Vote Required)
ADOPTED RESOLUTION NO. 2012-18
8. Approve and authorize Chairman to sign amendment to Contract No. 2010175 with Transit Joint Powers Authority of Merced County for No Cost Transportation Program.

Health

9. Approve and authorize Chairman to sign renewal Contract No. 2007030 for the Child Health and Disability Prevention (CHDP) Program, Health Care Program for Children in Foster Care (HCPCFC), and the California Children's Services (CSS) Program Plan allocations for fiscal year 2011/2012; approve related Budget Transfer. (4/5 Vote Required)

Mental Health

10. Approve and authorize Chairman to sign amendment to Contract No. 2011194 with Gary C. Ernst for consulting services related to State cost reporting procedures and administrative claiming.

Department of Workforce Investment

11. Approve and authorize Chairman to sign amendment to Contract No. 2010155 with City of Atwater for the Enterprise Zone Management.
12. Approve and authorize Chairman to sign amendment to Contract No. 2010071 with Merced County Commerce, Aviation, and Economic Development for the Enterprise Zone Management.
13. Approve and authorize Chairman to sign amendment to Contract No. 2010222 with City of Dos Palos for the Enterprise Zone Management.
14. Approve and authorize Chairman to sign amendment to Contract No. 2010277 with City of Gustine for the Enterprise Zone Management.
15. Approve and authorize Chairman to sign amendment to Contract No. 2010157 with City of Livingston for Enterprise Zone Management.
16. Approve and authorize Chairman to sign amendment to Contract No. 2010156 with City of Merced for Enterprise Zone Management.

County Executive Office

17. Act on claims for Damages received from Ralph Offermann and Lenora Penfold.
18. Approve and authorize Chairman to sign amendment to Contract No. 2004069 with John T. Roberts, dba Ashgrove Risk Management Services, for risk management consulting services.
19. Approve travel request from Human Services Agency as recommended by Executive Office.

Ag Commissioner

20. Approve and authorize Chairman to sign renewal of Contract No. 200256 with California Department of Food and Agriculture (CDFA) to maintain records on permanent plantings of tree and vine crops in Merced County and adopt Resolution.

ADOPTED RESOLUTION NO. 2012-19

Library

21. Approve Budget Transfer in the amount of \$11,473 for necessary replacement of existing security system cameras and enhanced security features. (4/5 Vote Required)

Dept. of Admin. Services

22. Approve Budget Transfer in the amount of \$19,500 for 911 system replacement in order to receive vendor support.

Board of Supervisors

23. Approve Budget Transfer in the amount of \$5,750 to replace scanner that is no longer cost effective to repair due to excessive wear and tear as a result of high volume usage.

Board Recognition

24. Proclaim the month of May 2012 as "Older Americans Month" in Merced County.
25. Authorize Resolution of Appreciation commending Ryan A. Schwarz for his outstanding volunteer work at Lake Yosemite County Park.
26. Authorize Certificates of Recognition for individuals honored by the Gustine Chamber of Commerce as follows: Al Romero, Lowell N. Peters Award; Pat Schultz, Citizen of the Year Award; Lynn Schultz, Citizen of the Year Award; The Gustine Club, Business of the Year Award; Pine Country Christmas Tree Farm, Agriculturalist of the Year; Pat's House of Beauty, Beautification Award; Harley Brinkman, Young Volunteer Award; Sage Brinkman, Young Volunteer Award; Adelyne DeGregori, Chamber President's Award; Wilbur Gomes, Gustine Rotary Award; and Gustine City Band, 100 Years of Community Services.
27. Authorize Certificate of Recognition for Charles and Sally Magneson Family for receiving the 2012 Valley Land Alliance Land Stewardship Award.
28. Authorize Certificates of Recognition for individuals for service with the Merced County Housing Authority as follows: Glenn Lyle Davis, Outgoing Vice-Chair; and Jose Delgadillo, Outgoing Chairperson.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

29. Resolution restricting parking along a portion of Zinfandel Way in the Winton area and authorize the Department of Public Works to paint the curb and post the sign to inform motorists of said parking restriction.

ADOPTED RESOLUTION NO. 2012-20 AS RECOMMENDED AYES: ALL

30. Terminate Contract No. 2010255 with All Phase Security, Inc., for security services for the Old County Hospital effective April 9, 2012.

APPROVED AS RECOMMENDED AYES: ALL

31. Contract with Four Leaf, Inc., Bureau Veritas, CSG Consulting, Interwest Consulting Group, Naffa, Inc., Precision Inspection, TRB & Associates, Inc., and West Coast Consultants, Inc. after review by County Counsel for Retainer Agreements for plan reviews and related building code services; authorize the Director of Public Works to execute Project Supplement Agreements and amendments to the Retainer Agreement.

AUTHORIZED CONTRACT NO. 2012030 (4-Leaf), 2012031 (Bureau Veritas), 2012032 (CSG Consult), 2012033 (Interwest Consult.), 2012034 (Naffa), 2012035 (Precision Inspect.), 2012036 (TRB & Associates) & 2012037 (West Coast Consult.) AS RECOMMENDED AYES: ALL

32. Approve plans and specifications for the Cottonwood Road at Ingomar Road Intersection Improvement Project; direct Department of Public Works to return to the Board with an informational item disclosing all actions taken on the project.

AUTHORIZED CONTRACT NO. 2012062 AS RECOMMENDED AYES: ALL

33. Consider acquiring approximately 6.1 acre site in Los Banos adjacent to property acquired by the Administrative Office of the Courts; direct Public Works staff, in consultation with the County Executive Office and County Counsel, negotiate a reimbursement agreement with the City of Los Banos; and return to the Board for consideration of approval and execution of the Agreement.

APPROVED AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 13

PLANNING

34. Resolution in support of the CalTrans Community-Based Transportation Planning Grant application involving the following components: a) Franklin/Beachwood Safe Route to Schools Studies; b) Franklin/Beachwood Bicycle and Pedestrian Safety Enhancement Studies; c) Planada Bicycle and Pedestrian Safety Enhancement Studies; and d) Planada Traffic Calming Studies; authorize Chairman to sign the Grant application; and direct Planning to return to the Board to accept the Planning Grant if awarded.

ADOPTED RESOLUTION NO. 2012-21 AS RECOMMENDED AYES: ALL

HEALTH

35. Contract with Supplemental Health Care for Occupational and Physical Therapy services for the California Children's Services-Medical Therapy Program, for increased occupational and

physical therapy services for the Medical Therapy Unit; and approve related budget transfer.

AUTHORIZED CONTRACT NO. 2012038 AS RECOMMENDED AYES: ALL

MENTAL HEALTH

36. Authorize research of lower lease rates for the Mental Health Department for Alcohol and Drug by working with Department of Administrative Services to obtain reduced lease rates from the current landlords or, if necessary, identify alternative locations; and return to the Board for authorization to proceed with the identified plan of action.

APPROVED AS RECOMMENDED AYES: ALL

37. Contract with Delhi Unified School District for placement of County clinical staff at school sites to provide mental health services, outreach, and education for students.

AUTHORIZED CONTRACT NO. 2012039 AS RECOMMENDED AYES: ALL

38. Contract with Hilmar School District for placement of County clinical staff at school sites to provide mental health services, outreach, and education.

AUTHORIZED CONTRACT NO. 2012040 AS RECOMMENDED AYES: ALL

39. Contract with Le Grand Union High School District for placement of County clinical staff at school sites to provide mental health services, outreach, and education.

AUTHORIZED CONTRACT NO. 2012041 AS RECOMMENDED AYES: ALL

40. Contract with Planada Elementary School District for placement of County clinical staff at school sites to provide mental health services, outreach, and education.

AUTHORIZED CONTRACT NO. 2012042 AS RECOMMENDED AYES: ALL

41. Contract with Merced Union High School District for placement of County clinical staff at school sites to provide mental health services, outreach, and education.

AUTHORIZED CONTRCT NO. 2012043 AS RECOMMENDED AYES: ALL

COMMERCE, AVIATION, AND ECONOMIC DEVELOPMENT

42. Contract with Federal Aviation Administration for operating the Castle Control Tower; contract will supersede Contract No. 2006334.

AUTHORIZED CONTRACT NO. 2012029 AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 14

43. Resolution to 1) declare intent to sell Building 1323 and 0.30 acres of land located at 3981 West Perimeter Avenue, Castle Commerce Center, Atwater, California, at public auction to the highest responsible bidder for cash and proposed improvements; and 2) establish minimum bid price at \$215,000, and impose other conditions as reflected in the Resolution; 3) authorize staff to advertise for bids once per week for three consecutive weeks and to provide notice of the adoption of the resolution and of the time and place of holding the meeting by posting copies of the Resolution in three public places in the County, not less than 15 days before the meeting of April 24, 2012.

PULLED FROM THE AGENDA – NO ACTION TAKEN

ASSESSOR/RECORDER

44. Contract with City of Merced for Pictometry Aerial Imagery.

AUTHORIZED CONTRACT NO. 2012044 AS RECOMMENDED AYES: ALL

45. Contract with ACS Enterprise Solutions for software license for CeRTNA Integration and Electronic Recording Implementation; approve related Budget Transfer.
AUTHORIZED CONTRACT NO. 2012045 AS RECOMMENDED AYES: ALL

46. Resolution for participation in the California Electronic Recording Transaction Network Authority (CeRTNA) and approve Joint Powers Agreement with CeRTNA.
AUTHORIZED CONTRACT NO. 2012046 AND ADOPTED RESOLUTION NO. 2012-22 AS RECOMMENDED AYES: ALL

DISTRICT ATTORNEY

47. Contract with Dr. Ann Bucholtz for special consulting services.
AUTHORIZED CONTRACT NO. 2012047 AS RECOMMENDED AYES: ALL
48. Authorize reduction in force of one filled District Attorney Investigator I/II, position number 108 in Budget Unit 20408, effective April 22, 2012; amend Position Allocation Resolution.
ADOPTED RESOLUTION NO. 2012-23 AS RECOMMENDED AYES: ALL

CHILD SUPPORT SERVICES

49. Consider relief of liability for Fixed Asset No. 54996 (Work Station Walls) and 49046 (Work Station Setup).
APPROVED AS RECOMMENDED AYES: ALL

SHERIFF

50. Contract with Le Grand High School for School Resource Officer and cancel Contract No. 2009188.
AUTHORIZED CONTRACT NO. 2012048 AS RECOMMENDED AYES: ALL

SPRING FAIR

51. Contract with Dutch Holland Racing Promotions to host the destruction derby events during the Merced County Spring Fair.
AUTHORIZED CONTRACT NO. 2012049 AS RECOMMENDED AYES: ALL

FIRE

52. Approve amendment to the Emergency Management Performance Grant (EMPG) FY 10 for the total grant award of \$314,327; approve related Budget Transfer. (4/5 Vote Required)
MODIFIED RECOMMENDATION
REVIEW BOARD ORDER – SEE PAGE 14

HUMAN RESOURCES

53. Designate Assistant Public Works Director, Richard Schwarz, as Acting County Public Works Director effective March 31, 2012, and approve a 10% temporary promotion effective April 9, 2012.
APPROVED AS RECOMMENDED AYES: ALL
54. Appoint Deputy County Surveyor, John S. Reichmuth, as Acting County Surveyor effective March 31, 2012.
APPROVED AS RECOMMENDED AYES: ALL
55. 1) Confirm completion of Paul A. Fillebrown's duties as Planning Director, Interim Secretary of the Airport Land Use Commission, Interim Secretary of the Planning Commission, and

Interim Planning Hearing Officer for the County of Merced; 2) Confirm the appointment of Director of Commerce, Aviation, and Economic Development, Mark J. Hendrickson, as Interim Planning Director, Interim Secretary of the Planning Commission and Interim Planning Hearing Officer for the County of Merced, effective March 31, 2012; 3) Authorize a temporary transition pay differential for Interim Planning Director, up to a maximum of 10%, subject to the approval of the County Executive Officer, effective April 9, 2012; 4) Direct Mr. Hendrickson, as Interim Planning Director, to designate Assistant Development Services Director Bill Nicholson as Interim Secretary of the Airport Land Use Commission effective March 31, 2012, and to have no involvement in Mr. Nicholson's discharge of these duties, which shall be overseen by the County Executive Office.

APPROVED AS RECOMMENDED AYES: ALL

COUNTY EXECUTIVE OFFICE

56. Resolution supporting PG&E application for an enhanced economic development rate for local businesses in the PG&E service area and authorize Chairman to sign a letter of support.

ADOPTED RESOLUTION NO. 2012-23A AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

57. Authorize Special Board Project Funds-District One in the amount of \$1,000 to be utilized by the Hispanic Chamber of Commerce to support the One Step Forward Job Fair.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

58. First Five Commission – Reappointed Marilyn Scorby to serve until March 23, 2015, representing District One.

APPROVED AS RECOMMENDED AYES: ALL

59. May Day Fair Board – Appointed Luis Lara to serve until July 1, 2015, representing District Three.

APPROVED AS RECOMMENDED AYES: ALL

60. Mental Health Advisory Committee – Appointed Janet Morita and Linda O'Donnell to serve until June 30, 2014, both representing District Four.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

61. Commerce, Aviation, and Economic Development re: Lease Agreement with Fresno Sports Car Club of America.

CONTRACT NO. 2012052

62. State Fish and Game Commission re: "Economic Impact Analysis" added as attachments to the Initial Statements of Reasons for Sections 360, 361, 362, 363, 364, 365, and 708.12, Title 14, California Code of Regulations, relating to the 2012-2013 Mammal Hunting Regulations, which were published in the California Regulatory Notice Register on December 30, 2011.

63. State Department of Finance re: Next steps to implement Assembly Bill 26, First Extraordinary Session (ABX1 26, Chapter 5, Statutes of 2011), which dissolved redevelopment agencies (RDAs) effective February 1, 2012, and replaced them with successor agencies.
64. State Water Quality Control Board re: Central Valley Regional Water Quality Control Board Meeting scheduled for Friday, March 30, 2012.

BOARD ORDERS – SUMMARY ACTION MINUTES – MARCH 27, 2012

10:00 A.M. SCHEDULED ITEM **2012-03-27 PUBLIC OPPORTUNITY**

Richard Jantz, Delhi Municipal Advisory Committee Chairman, provides the Board with an update on the closure of State Parks McConnell and Hatfield. He also speaks regarding the San Joaquin River Restoration Project.

Gary Walker, Merced resident and Occupy Merced representative, addresses the Board and provides the Board with the mission and goals of Occupy Merced.

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

10:00 A.M. SCHEDULED ITEM **2012-03-27 BID OPENING-COMMERCE, AVIATION, AND ECONOMIC DEVELOPMENT**

The Clerk announces the Bid Opening for the sale of 15.60 acres of land within Castle Commerce Center is before the Board for consideration.

Commerce, Aviation, and Economic Development Director Mark Hendrickson explains the bid process and states he is not aware of any written bids and states it is incumbent upon the Chair to request oral bids.

The Chair calls for oral bids. No bids are received. The Chairman states the matter is closed with no further consideration.

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

10:00 A.M. SCHEDULED ITEM **2012-03-27 HUMAN RESOURCES – PUBLIC HEARING**

The time and date previously set for a public hearing to consider the qualifications of the candidate, Deputy Director Public Works-Roads, Dana Hertfelder.

Human Resources Director Robert Morris states that the candidate to consider qualifications for the Acting Road Commissioner is Dana S. Hertfelder, Deputy Director Public Works-Roads. He states Mr. Hertfelder is a registered Civil Engineer with the California Board for Professional Engineers, Land Surveyors and Geologists, and his license number is 56601 with a clear status, and the Public Hearing was advertised on March 8, 2012.

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

Gary Walker states that he lived in Mariposa County for five years where Mr. Hertfelder was the Director of Public Works, and he believes that Mr. Hertfelder is one of the finest public officials he has ever known.

County Executive Officer James Brown states that Human Resources Director Morris read Mr. Hertfelder's qualifications; however, Mr. Hertfelder's qualifications need to be part of the record of the Public Hearing. Mr. Brown states for the record that Mr. Hertfelder is a qualified Engineer, and as stated by a member of the audience, Mr. Hertfelder is a good public servant. He further states that Mr. Hertfelder is a good public employee and meets all the qualifications and credentials of a Road Commissioner.

The Chairman closes the public hearing.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board declares that it is the intention of the Board that Resolution 2001-81 shall be applied, during the period of this interim appointment, to vest the contracting authority delegated therein to reside in the Acting Road Commissioner, as provided by Sections 20395 and 20396 of the California Public Contract Code; and appoints Dana S. Hertfelder as Acting Road Commissioner effective March 31, 2012.

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

10:00 A.M. SCHEDULED ITEM

2012-03-27 PLANNING – PUBLIC HEARING CONT'D FROM April 5, 2011 and May 3, 2011

The Clerk announces the Continued Public Hearing on the Lakeview Properties Major Subdivision Application No. MAS04-014 located in the Snelling area, which was continued from April 5, 2011 and May 3, 2011 Board Meeting, is before the Board for consideration.

County Counsel James Fincher states that a letter dated March 26, 2012, was received from Marsha Burch. He states that the letter is a Supplemental which has been provided to the Board and there are copies available for the public. Mr. Fincher states that we also received a letter this morning from Emily Haden who is counsel for the project applicant requesting a continuance.

Assistant Director of Planning Bill Nicholson states that the letter received from Ms. Haden says "continued to no sooner than April 24, 2012". Mr. Nicholson requests a continuance to April 24, 2012.

The Chairman opens the Public Hearing.

Emily Haden, counsel for Snelling Restoration Group, thanks the Board for their continued cooperation.

The Chairman closes the public hearing.

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board continues the Public Hearing to April 24, 2012.

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

ACTION ITEM # 33
2012-03-27 PUBLIC WORKS

The Clerk announces new courthouse property in Los Banos is before the Board for consideration.

Supervisor Kelsey requests further explanation of this item.

Public Works Director Paul Fillebrown states that if the Board is interested in pursuing this matter further, which would involve acquisition of land by the County with a future payback by the City of Los Banos for a portion of that property, an agreement that lays out the terms of such reimbursement is needed before the actual acquisition of land. Mr. Fillebrown recommends that the first step should be the negotiation of an agreement for reimbursement by the City of Los Banos, bring that back to the Board for consideration and possible approval, and then take steps for the acquisition.

Supervisor Kelsey states she sees the logic in building future facilities in that area, but it is a matter of not having the money and there is no way to say how long the County will be in this position.

Supervisor Davis asks if the actions on the part of the City Los Banos hinges on the Board's vote today. He further asks if the County will still go forward with the project if a reimbursement agreement is not reached with the City of Los Banos.

Public Works Director Paul Fillebrown states that it is the Board's prerogative. If an agreement is not reached with Los Banos, the Board could acquire the land without reimbursement. He states that regardless of the outcome of negotiations, Public Works will report back to the Board and at that time, the Board can decide.

Supervisor Walsh states that he has heard that there are other groups interested in the property.

Public Works Director Paul Fillebrown states that he understands that the California Highway Patrol (CHP) might be interested in a portion of the property although he has not had any discussion with anyone from CHP.

Supervisor O'Banion states that interest has been expressed by the CHP, and he has had conversation with Los Banos City Manager Steve Rath who referred CHP to Mr. Watson, the property owner. Supervisor O'Banion states that if an agreement is not reached with Los Banos that the County might want to consider acquiring less property.

Supervisor Walsh states he is supportive of the recommended action but he still has many questions regarding the need for acquisition of property at this point in time.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board directs that Public Works staff, in consultation with the County Executive Office and County Counsel, negotiate a reimbursement agreement with the City of Los Banos and return to the Board for consideration of approval and execution of the agreement.

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

ACTION ITEM # 42

2012-03-27 COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

The Clerk announces a contract with Federal Aviation Administration (FAA) is before the Board for consideration.

Supervisor Walsh requests clarification on the FAA continuing its operations of the Castle Control Tower and what the implication of this contract means to that process.

Commerce, Aviation, and Economic Development Director Mark Hendrickson states that the item before the Board today is essentially clean up requested by FAA to have a seamless flow of paper, only to get consistency on contracts on towers.

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board authorizes Contract No. 2012029 with the Federal Aviation Administration for the operation of the Castle Control Tower; contract supersedes Contract No. 2006334.

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

ACTION ITEM # 52

2012-03-27 FIRE

The Clerk announces amendment to the Emergency Management Performance Grant (EMPG) FY10 and related Budget Transfer is before the Board for consideration.

Supervisor O'Banion states that as he reviewed the documents he noticed that the contract is not being signed by the Chairman on behalf of the County and asks if there is a reason for that.

Fire Chief Koerperich states they would be happy to include any signatory and that in the past, generally the Director of OES or the designee signs the contract, and this is mainly for expediency.

Upon motion of Supervisor Pedrozo, seconded by Supervisor O'Banion, duly carried, the Board authorizes Contract No. 2012049A with CalEMA for the FY 10 Emergency Management Performance Grant (EMPG) Program and directs the Fire Chief to include a signature line for the Chair.

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