

# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting  
TUESDAY, MAY 22, 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](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

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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 - 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): Cervantes, et al. v. County of Merced, Case No. CV002381.

**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 Merced County Sheriff Employee Association (MCSEA), Unit 2; and Non-Safety Corrections, Unit 12.

**THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED STAFF WAS GIVEN DIRECTION ON THE EXISTING LITIGATION MATTER AND THERE WERE NO REPORTABLE ITEMS ON THE STAFF NEGOTIATORS MATTER**

**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 12 AND 13**

**BID OPENING - COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT**

Request the Board 1) Open and examine written proposals for conformance to all terms and conditions specified in Resolution No. 2012-37 and which are made by responsible bidders; 2) Call for and receive oral bids; 3) Accept the highest proposal/bid on May 22, 2012, 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 No. 2012-37.

**REVIEW BOARD ORDER – SEE PAGE 13**

**PRESENTATION:**

Court Appointed Special Advocates (CASA) for Children of Merced County  
Presenters: Presiding Judge John Kirihara, Shar Herrera, Executive Director and Nancy Young-Bergman, Ph.D

**Shar Herrera and Nancy Young-Bergman review a powerpoint to provide the Board with an update of CASA.**

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 48)  
APPROVED AS RECOMMENDED EXCEPT ITEM NO. 34  
CONSIDERED SEPARATELY AYES: ALL**

**PUBLIC WORKS - PUBLIC HEARING**

To consider proposed Resolution on General Vacation of a portion of Healy Road located in the El Nido area and accept public comments

**RECOMMENDATION:** Adopt Resolution for the General Vacation of a portion of Healy Road.

**REVIEW BOARD ORDER – SEE PAGE 13**

**AUDITOR - PUBLIC HEARING**

To receive comments regarding the Citizens' Option for Public Safety (COPS) Program Funding (Allocation of the Supplemental Law Enforcement Services Fund) and Requests for Funding

**RECOMMENDATION:** Approve the submitted requests from the District Attorney and the Sheriff's Office for the Citizens' Option for Public Safety (COPS) Program; and authorize the Auditor's Office to distribute COPS funding based on approved submitted requests.

**REVIEW BOARD ORDER – SEE PAGE 14**

**PLANNING - PUBLIC HEARING - CONTINUED FROM APRIL 24, 2012**

To consider Lakeview Properties Project Major Subdivision Application No. MAS04-014 and receive testimony.

**RECOMMENDATION:** Refer Major Subdivision No. MAS04-014 "Lakeview Properties" back to Staff, direct Staff to conduct additional analysis as may be needed; and bring back the application to the Board for its consideration at a future meeting.

**REVIEW BOARD ORDER – SEE PAGE 14**

**REPORTS/BOARD DIRECTION**

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-48)

**APPROVED AS RECOMMENDED EXCEPT ITEM NO. 34 CONSIDERED SEPARATELY**

**AYES: ALL**

Public Works

1. Approve Budget Transfer in the amount of \$20,000 for Maintenance on Street Lights. (4/5 Vote Required)
2. Approve Budget Transfer in the amount of \$126,713 for extra help and other accounts related to vacant positions. (4/5 Vote Required)
3. Approve Budget Transfer in the amount of \$41,905 to cover unanticipated expenses in various accounts.
4. Approve Budget Transfer in the amount of \$19,200 to pay for two invoices from Precision Inspection for outside work for plan check services.

Mental Health

5. Approve and authorize the Chairman to sign Renewal Contract No. 2010209 with Merced Lao Family for the implementation of the Southeast Asian Community Advocacy Program.
6. Approve and authorize the Chairman to sign Renewal Contract No. 2009246 with Merced Lao Family Community, Inc. for implementation of the Integrated Mental Health in Primary Care Settings Program and Cultural Brokers for Mental Health Services Program as part of the Mental Health Services Act Prevention and Early Intervention.
7. Approve and authorize the Chairman to sign Renewal Contract No. 2010211 with Challenged Family Resource Center for the support and advocacy services of Peer Mentors.
8. Approve and authorize the Chairman to sign Renewal Contract No. 2008104 with Elmer Ignacio, M.D., for the provision of psychiatric services.
9. Approve and authorize the Chairman to sign Renewal Contract No. 2010220 with Merced County Association of Governments for the Continuum of Care Homeless Project.
10. Approve and authorize the Chairman to sign Renewal Contract No. 2009339 with Juan C. Garcia, PhD, LMFT for consulting services related to clinical supervision and training.
11. Approve and authorize the Chairman to sign Renewal Contract No. 2012022 with Vicki Jones Transcription for medical transcription services.

Ag. Commissioner

12. Approve and authorize the Chairman to sign Amendment Contract No. 2004201 with California Dept. of Food and Ag. for exotic insect pest detection and adopt resolution.

**ADOPTED RESOLUTION NO. 2012-44**

13. Approve and authorize the Chairman to sign Renewal Contract No. 2006109 with California Dept. of Food and Ag. for conducting petroleum products and weighmaster inspections and adopt resolution.

**ADOPTED RESOLUTION NO. 2012-45**

14. Approve and authorize the Chairman to sign Renewal Contract No. 2007214 with California Dept. of Food and Ag. for Nematode control program enforcement activities at nursery locations and adopt resolution.

**ADOPTED RESOLUTION NO. 2012-46**

15. Approve and authorize the Chairman to sign Renewal Contract No. 2004158 with USDA-APHIS Wildlife Services for fiscal year 2012/2013 Annual Work Plan (Agreement Number: 12-73-06-0262-RA).
16. Approve and authorize the Chairman to sign Renewal Contract No. 2004047 with California Dept. of Boating and Waterways (DBW) for providing water hyacinth control on the Merced and San Joaquin Rivers and adopt resolution.

**ADOPTED RESOLUTION NO. 2012-47**

**Planning**

17. Approve and authorize the Chairman to sign Amendment Contract No. 2011170 with BAP Power Corporation for the consultant, EMC Planning Group, Inc. to complete biological and cultural resources tasks as part of the Environmental Impact Report for the Cenergy Highway 152 Solar Energy project (CUP11-001 and CUP11-002).
18. Approve and authorize the Chairman to sign Amendment Contract No. 2010171 with EMC Planning Group, Inc. to complete biological and cultural resources tasks as part of the Environmental Impact Report for the Cenergy Highway 152 Solar Energy project (CUP11-001 and CUP11-002) and approve related budget transfer. (4/5 Vote Required)
19. Approve and authorize the Chairman to sign Amendment Contract No. 2006072 with Mintier Harnish Planning Consultants in an amount of \$19,745 for the Merced County General Plan Update.

**Human Services Agency**

20. Approve and authorize the Chairman to sign Amendment Contract No. 2009099 with the Mental Health Department to increase contract amount by \$65,538 for mental health and substance abuse services for the period 6/1/2011 through 5/31/2012; and approve related budget transfer. (4/5 Vote Required)
21. Approve and authorize the Chairman to sign Renewal Contract No. 2007125 with Merced County Office of Education-Family Resource Council for Community Development and Support.
22. Approve and authorize the Chairman to sign Renewal Contract No. 2009099 with the Mental Health Department to provide mental health and substance abuse services for the period of 6/1/2012 through 5/31/2013.
23. Approve and authorize the Chairman to sign Renewal Contract No. 2011067 with the University of California, Davis, for Human Services Agency staff training and development.
24. Approve and authorize the Chairman to sign Renewal Contract No. 2009164 with the University of California, Davis for child welfare services training and development.

**Sheriff**

25. Approve and authorize the Chairman to sign Renewal Contract No. 200198 with the Mental Health Department for Patient's Meal Food Services to the Marie Green Psychiatric Center for FY 2012/2013.

26. Approve and authorize the Chairman to sign Amendment to Contract No. 2003217 with Evercom Systems, Inc. to allow sufficient time to complete a competitive process for Inmate Phone Services.
27. Approve Budget Transfer in the amount of \$13,500 to purchase forensic microscope needed by the County Forensic Pathologist.

#### Fire

28. Approve Budget Transfer in the amount of \$18,200 to purchase items related to Homeland Security Grant for Operational Area needs.
29. Approve and authorize the Chairman to sign Renewal Contract No. 2004382 with U.S. Fish and Wildlife Service, San Luis and Merced National Wildlife Refuge for Fire Aid and Coordination.

#### Child Support Services

30. Approve and authorize the Chairman to sign Amendment to Contract No. 2009342 with DNA Diagnostics Center, Inc. for Genetic Testing Services.

#### Public Health

31. Accept Allocation (Contract No. 2007203) with California Dept. of Public Health from the Maternal and Child Health Program, Adolescent Family Life Plan/Positive Youth Development Allocations for FY 2011/2012 in the amount of \$441,489.00.
32. Approve Budget Transfer in the amount of \$20,600 for Hospital Preparedness Program.

#### Probation

33. Approve and authorize submittal of application (Renewal Contract No. 2008303) to the Corrections Standards Authority to participate in the Juvenile Accountability Block Grant Program; authorize the Chief Probation Officer to sign the grant award; and adopt the resolution.

#### **ADOPTED RESOLUTION NO. 2012-49**

#### Treasurer/Tax Collector

34. Set Public Hearing for June 26, 2012 at 10:00 a.m. to consider Proposed Ordinance adding Merced County Code subsection 17.04.070.E (Amends. Ord. Nos. 1246, 1349 and 1367), requiring security for the payment of estimated taxes or special assessments prior to the recordation of a Notice of Merger to voluntarily merge contiguous parcels.

#### **REVIEW BOARD ORDER – SEE PAGE 14 AND 15**

#### Human Resources

35. Approve and authorize the Chairman to sign Renewal Contract No. 2004311 with Liebert Cassidy Whitmore for Legal Services.

#### Executive Office

36. Act on Claims for Damages received from Richard Hanna, Elton Ervin and Yvette Martin.

## Board Recognition

37. Proclaim May 2012 as "Neurofibromatosis Awareness Month" in Merced County.  
**REVIEW BOARD ORDER – SEE PAGE 15**
38. Proclaim June 2012 as "All Dads Matter Month" in Merced County.
39. Proclaimed April 21-27, 2012 as "Week of the Young Child- Early Years are Learning Years" in Merced County.
40. Authorize Certificates of Recognition to various individuals selected to receive Merced County Chamber of Commerce Awards as follows: Cynthia Montoya-Good Business Citizen of the Quarter; Judy Arthur-Volunteer of the Quarter; Dorothy Bizzini-Volunteer of the Quarter, and Brittney Thurman for being accepted with honors to the University of California, Santa Barbara.
41. Authorize Certificate of Recognition to Peter Balakian for being selected for the Alice and Clifford Spendlove Prize in Social Justice, Diplomacy and Tolerance.
42. Authorize Certificates of Recognition to Angelica Campos, Keith Casillas, Lawrence Garavito, Michael Gomes, Kenneth Graham, Joseph Herrera, Federico Higareda, Debbie Merrell, Pao Moua, Michael Neumark, Dean Robinson, and Brett Yaple for accomplishments and graduation from Merced Day Reporting Center.
43. Authorize Certificate of Recognition to Rosemary Wallace for being selected by Memorial Hospital of Los Banos as Volunteer of the Year.
44. Authorize Certificates of Recognition to various individuals for being selected by the Merced Union High School District as Character Counts Art Contest winners.  
**REVIEW BOARD ORDER – SEE PAGE 15 AND 16**
45. Authorize Certificates of Recognition to various individuals in honor of attaining 85 years of age and 50 years of residency in the County of Merced.
46. Authorize Certificates of Appreciation for the 2012 Volunteer Nominees for their dedicated contributions to the County of Merced as follows: Mary Porter, Norma Abarca, Continuum of Care-2012 Homeless Count, Merced Read and Succeed, Allen Kratzer, Gabriel Miramontes, Rosemarie Solis, Wilene Nelson, Rosemary Ouse, Delhi Community Unity, Juanita Husted, Gloria Mendoca, Jim Valentine, and Los Banos Friends of the Library.
47. Authorize Certificates of Recognition to individuals selected to receive the Hands on Heroes Award as follows: Teresa Torres (Merced), Maria Williams (Atwater), Samuel Rodriguez (Merced), Octavio Rojas (Planada), Steve Hunt (Merced), Lance Eber (Merced), Maria Rodriguez (Planada), Anna Cox Silveira (Merced), Frank & Helen Gallichio (Los Banos), and Eugene Drummond (Merced).
48. Authorize Certificate of Recognition to The Armory in Celebration of Ribbon Cutting.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

49. Authorize the Department of Public Works to circulate a Request for Proposal (RFP) for a qualified consultant to conduct Environmental Studies and prepare Environmental Clearance Documents for County projects; authorize the Department of Public Works to review and rank proposals as well as negotiate a preliminary contract to be submitted to the Board for consideration.

**APPROVED AS RECOMMENDED AYES: ALL**

50. Contract with Jason Todd Haugen for License (Farm Lease) agreement, for a period of seven months for property acquired for the Campus Parkway Project.

**AUTHORIZED CONTRACT NO. 2012099 AS RECOMMENDED AYES: ALL**

51. Contract with RGW Construction of Livermore for Building Land Lease for property located at 200 E. 15th Street, Merced; and execute said agreement upon review by County Counsel.

**AUTHORIZED CONTRACT NO. 2012100 AS RECOMMENDED AYES: ALL**

MENTAL HEALTH

52. Authorize Mental Health Department to work in conjunction with the City of Merced Fire Department to hang a banner over and above G Street between 19th and 20th Streets in Merced for one week starting June 17, 2012 as part of the Mental Health Services Act Prevention and Early Intervention Public Awareness and Education Campaign.

**APPROVED AS RECOMMENDED AYES: ALL**

53. Contract with Aspiranet for psychiatric services for the WeCan Program.

**AUTHORIZED CONTRACT NO. 2012101 AS RECOMMENDED AYES: ALL**

54. Contract with BHC Heritage Oaks Hospital for Inpatient Hospital Services for Medi-Cal clients.

**AUTHORIZED CONTRACT NO. 2012102 AS RECOMMENDED AYES: ALL**

55. Contract with BHC Heritage Oaks Hospital for Inpatient Hospital Services for Non-Medi-Cal clients.

**AUTHORIZED CONTRACT NO. 2012103 AS RECOMMENDED AYES: ALL**

56. Contract with Panoramic Software Corp. for Public Guardian Software (PG-Pro Web) maintenance and support.

**AUTHORIZED CONTRACT NO. 2012104 AS RECOMMENDED AYES: ALL**

HUMAN SERVICES AGENCY

57. Approve and authorize retroactive pay adjustment for Social Worker II, Employee #54699, exceeding five pay periods.

**APPROVED AS RECOMMENDED AYES: ALL**

58. Contract with Probation Department for adult rehabilitation services; and approve related budget transfer. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2012105 AS RECOMMENDED AYES: ALL**



59. Contract with Public Health Department for clinic services for CalWORKS clients; and approve related budget transfer. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2012106 AS RECOMMENDED AYES: ALL**

60. Contract with Mountain Crisis Services, Inc. for Domestic Violence Services; and approve the related budget transfer. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2012107 AS RECOMMENDED AYES: ALL**

**COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT**

61. Approve the Construction Permit for CVIN, LLC to install Fiber Optics infrastructure within the confines of Castle Commerce Center; authorize the Director of Commerce, Aviation and Economic Development to sign the Construction Permit; and direct staff to return to the Board with an Easement Agreement.

**PUBLIC HEALTH**

62. Approve submittal of the Solid Waste Local Enforcement Agency grant application for FY 2012/2013 to support local solid waste enforcement programs; return to the Board for approval of grant award; and adopt resolution.

**ADOPTED RESOLUTION NO. 2012-48 AS RECOMMENDED AYES: ALL**

**SHERIFF**

63. Contract with Merced County Fair-35th District Agriculture Association for law enforcement services.

**AUTHORIZED CONTRACT NO. 2012108 AS RECOMMENDED AYES: ALL**

**FIRE**

64. Authorize the Merced County Fire Department to accept the 2011 Assistance to Firefighters Grant (AFG) Program-Fire Operations and Safety; authorize the Fire Department, in conjunction with Support Services, to purchase Self Contained Breathing Apparatus (SCBA) using the SCBA consortium contract procured with the City of Clovis with Bauer Compressors dated September 7, 2010; authorize Chairman to sign the FEMA Obligatory Document for Award/Amendment; and approve related Budget Transfer. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2012109 AS RECOMMENDED AYES: ALL**

**COUNTY CLERK**

65. Contract with SouthTech Systems, Inc. for software license agreement for ClerkDocs Notary Registration, Journal & Authentication and Cornerstone Cashiering systems; and approve related budget transfer.

**AUTHORIZED CONTRACT NO. 2012110 AS RECOMMENDED AYES: ALL**

**RETIREMENT**

66. Adopt recommended Retirement Contribution and Interest Rates effective for the July 6, 2012 payroll.

**REVIEW BOARD ORDER – SEE PAGE 16**

TREASURER/TAX COLLECTOR

67. Acceptance of the Quarterly Investment Report for the period of January 1, 2012 to March 31, 2012.

**REVIEW BOARD ORDER – SEE PAGE 16**

LIBRARY

68. Approve design of bookmobile to include "Maude's Ramblin' Reading Room," Soroptimist International Merced, and the Soroptimist logo.

**APPROVED AS RECOMMENDED AYES: ALL**

BOARD OF SUPERVISORS

69. Authorize \$500 of Special Board Project Funds-District One to be forwarded to Livingston High School Sober Grad Committee; and authorize \$500 of District One Funds to be forwarded to Le Grand High School Sober Grad Committee.

**APPROVED AS RECOMMENDED AYES: ALL**

70. Authorize \$2,500 of Special Board Projects Funds-District Three to be forwarded for the 4th of July celebration at Castle Airport and direct that \$2,500 be included in the Proposed FY 12/13 budget.

**REVIEW BOARD ORDER – SEE PAGE 16 AND 17**

BOARD APPOINTMENTS

71. Agricultural Waste Management Loan Committee-Appointment

**APPROVED AS RECOMMENDED AYES: ALL**

BOARD INFORMATION & POSSIBLE ACTION

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

72. Commerce, Aviation and Economic Development re: Lease agreement issued to Tulare Aircraft Services, Inc. for Building 1566 (approximately 2,400 square feet) located at Castle Commerce Center.

**AWARDED CONTRACT NO. 2012111**

73. Public Works Department re: Contract awarded to George Reed, General Engineering Contractors of Modesto in the amount of \$2,193,761 for the Ashby Road/Buhach Road Widening and Intersection Improvement project.

**AWARDED CONTRACT NO. 2012112**

74. Central Valley Regional Water Quality Control Board re: Workshop to discuss activities related to the Pacific Forest and Watershed Stewardship Council and the Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) Initiative on Tuesday, June 12, 2012 at 1:00 p.m. at 1685 E. Street, Fresno, CA, during a Central Valley Regional Water Quality Control Board meeting.

75. State Fish and Game Commission re: Continuation Notice of Proposed Regulatory Action relative to sections 550, 550.5, 551, 630, and 703, Title 14, California Code of Regulations, regarding Public Use of Department of Fish and Game Lands, which appeared in the California Regulatory Notice Register 2011, No. 41-Z. (Complete notice on file with Clerk)

76. State Fish and Game Commission re: Notice of Proposed Regulatory Action relative to Section 502, Title 14, California Code of Regulations, relating to waterfowl hunting which was published in the California Regulatory Notice Register on May 4, 2012.

**ADOPTED RESOLUTIONS IN MEMORY OF HENRY FIALHO, DEBBIE PARREIRA, HELEN PARADISO, AND JOSEPH PEDROZO, AND ADJOURNED THE MEETING UNTIL JUNE 5, 2012, AT 10:00 A.M.**

## **BOARD ORDERS – SUMMARY ACTION MINUTES – MAY 22, 2012**

### **10:00 A.M. SCHEDULED ITEM** **2012-05-22 PUBLIC OPPORTUNITY**

Richard Jantz, Delhi Municipal Advisory Committee Chairman, informs the Board of efforts made to keep McConnell and Hatfield State Parks open. He states that the target of \$65,000 was reached and thanks the Board and County Executive Officer for taking a leadership position in arranging the funding necessary to meet the target. Mr. Jantz states there is an ad hoc committee which has made a commitment to East Merced Resource Conservation District to become part of a subcommittee called Save Our River Parks. He further states that their agreement with the State is predicated upon available funds and they have made certain that the language is in the agreement to reflect that the commitment will not go beyond available funds. Mr. Jantz thanks the Board for their effort, support, and direction.

Tony Azevedo, East Merced River Conservation District President, provides the Board with an update on donations and three-year agreement on available funds with regard to keeping McConnell and Hatfield State Parks open. Mr. Azevedo thanks the Board for their efforts, support, and direction with this issue.

Cindy Lashbrook, farmer on Merced River, thanks the Board for their efforts made to save McConnell and Hatfield State parks, and states there is \$37,000 in funds from the community along with what the Board provided by way of the foundation grant. Ms. Lashbrook thanks the Board for the support letter written to the Governor and State Parks in support of the Parks Initiative, and invites the Board to the upcoming 8<sup>th</sup> Annual Pick and Gather at Riverdance Farms and Merced River Fair to be held June 2 and 3, 2012. The proceeds from the festival will go to "Save Our River Parks".

Supervisor Kelsey thanks Ms. Lashbrook and Mr. Jantz for their efforts with the Parks Initiative and thanks the Board for supporting the effort.

Mr. Tahir Yaqub relays his concerns to the Board regarding neighborhood groundwater supplies in the area of Bellevue Road between Highway 59 and G Street due to a development of a 1,000 acre orchard with no direct Merced Irrigation District water so they will have to dig wells. Supervisor Kelsey responds to Mr. Yaqub's concern stating the county does not regulate groundwater. Supervisor Kelsey informs Mr. Yaqub regarding Merced Area Regional Groundwater Pooled Interests (MAGPI). Supervisor O'Banion provides Mr. Yaqub with information on water issues on the Westside and suggests contacting Regional Water Quality.

John Fowler, Merced resident and retired Director of Commerce, Aviation, and Economic Development, speaks regarding the proposed sale of building 175 and the 15+ acres associated with the property at Castle. He states within the last 15 months the United States Department of Agriculture (USDA) has raised an issue which clouds the deed to the entire Economic Development Conveyance parcel. The county has contested the USDA claim and filed suit in federal court to clear the title and deed. USDA in response has filed a counter-suit which is believed to be pending still today. Mr. Fowler presents the following questions: 1) how can

property be sold when it is part of a contested deed? 2) if the Court rules the Air Force erred in not identifying a lien on a portion of the property, does not a new deed need to be created? 3) If the court rules for USDA and the current deed is invalidated, are not lease hold interests by tenants under the preceding Air Force master lease still valid until a new deed is created? 4) have prospective bidders been advised of the cloud? 5) with the sale of another property, when is a subdivision map required under the Map Act? and 6) what is the overall development plan for the non-airport parcels of Castle.

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

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

**2012-05-22 COMMERCE, AVIATION, AND ECONOMIC DEVELOPMENT – BID OPENING**

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 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**

**2012-05-22 PUBLIC WORKS – PUBLIC HEARING**

The time and date previously set for a public hearing to consider proposed Resolution on General Vacation of a portion of Healy Road located in the El Nido area.

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 and requests that the Road Commissioner give a brief summary of this item.

Road Commissioner Dana Hertfelder states the County received the request to vacate this portion of Healy Road from two property owners. The two property owners live on Healy Road and made this request because of increased vandalism. He states that Healy Road is not a through road and the County maintains 1.7 miles of the road; the rest is private easement.

Upon motion of Supervisor Pedrozo, seconded by Supervisor O'Banion, duly carried, the Board adopts Resolution No. 2012-43 for the General Vacation of a portion of Healy Road located in the El Nido area.

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

**10:00 A.M. SCHEDULED ITEM**  
**2012-05-22 AUDITOR – PUBLIC HEARING**

The time and date previously set for a public hearing to receive comments regarding the Citizens' Option for Public Safety (COPS) Program Funding and requests for funding.

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.

The Chairman asks if the revenue is associated to specific positions. County Executive Officer James Brown responds by stating it is not tied directly to staff specifics, but has, when allocated, been used toward staff. Mr. Brown states that revenue has declined a little bit but not enough to bring back staff related to those type things.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board approves the submitted requests from the District Attorney and Sheriff's Office for the Citizens' Option for Public Safety (COPS) Program and authorizes the Auditor's Office to distribute COPS funding based on approved submitted requests.

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

**10:00 A.M. SCHEDULED ITEM**  
**2012-05-22 PLANNING – PUBLIC HEARING CONTINUED FROM APRIL 24, 2012**

The time and date previously set for a public hearing to consider Lakeview properties Project Major Subdivision Application No. MAS04-014 and receive testimony.

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.

Interim Development Services Director Mark Hendrickson reviews the staff report and states that he does not believe any violations existed from the outset; however, any perceived violations of the Brown Act have been cured and corrected.

Upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board refers Major Subdivision Application No. MAS04-014 "Lakeview Properties" back to staff, and directs Staff to conduct additional analysis as may be needed and bring back the application to the Board for its consideration at a future meeting.

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

**CONSENT ITEM NO. 34**  
**2012-05-22 TREASURER/TAX COLLECTOR**

The Clerk announces setting of a Public Hearing to consider a proposed ordinance to require security for the payment of estimated taxes or special assessments prior to the recordation of a notice of merger is before the Board for consideration.

Supervisor O'Banion states his opposition to the implementation of an amendment to the ordinance requiring property owners who are up to date on their taxes to pre-pay taxes on a voluntary merger. He states this is an added burden for the property owner.

Merced County Tax Collector Karen Adams informs the Board that some mergers create a loss of tax money, and the proposed ordinance would provide for no lost taxes and efficiency for all.

Following discussion Supervisor Kelsey moves, seconded by Supervisor Davis, the Board set a Public Hearing for June 26, 2012 at 10:00 a.m. to consider a proposed ordinance adding Merced County Code subsection 17.04.070.E requiring security for the payment of estimated taxes or special assessments prior to the recordation of a Notice of Merger to voluntarily merge contiguous parcels under subsection 17.04.070.C.

The Chairman calls for a Vote on the Motion.

Supervisors Pedrozo and O'Banion vote "no." Motion carries.

Ayes: Walsh, Davis, Kelsey

Noes: Pedrozo, O'Banion.

#### **CONSENT ITEM NO. 37**

#### **2012-05-22 BOARD OF SUPERVISORS**

The Clerk announces a Proclamation of May as Neurofibromatosis Awareness Month is before the Board for consideration.

Supervisor Pedrozo requests that April Anderson provide the Board with an explanation of neurofibromatosis.

April Anderson states she has a child who suffers from neurofibromatosis and informs the Board that neurofibromatosis is a tumor disorder of the nervous system and affects 1 in 3,000 people. She states that her daughter Dakota has this disorder, and it is hoped that, by awareness and fundraising, a cure will be found.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Kelsey, duly carried, the Board proclaims May 2012 as Neurofibromatosis Awareness Month in Merced County.

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

#### **CONSENT ITEM NO. 44**

#### **2012-05-22 BOARD OF SUPERVISORS**

Upon motion of Supervisor Pedrozo, seconded by Supervisor Kelsey, duly carried, the Board authorizes Certificates of Recognition to the following for being selected by the Merced Union High School District as Character Counts Art contestant winners: Natalie Medina, Ecliserio Blanquet, Beatriz Iglesias, Rudy Aguilar, Erika Gutierrez, Sebastian Tabares, Alex Avila, Mark

Anthony Aguayo, Pang Houa Xiong, Bao Xiong, Angel Carlquist-Hernandez, Andrea Pulido, Sophia Virk, Julie Reynoso, Daniel Enriquez, Amanda Galvan, Hilda Flores, Evelyn Bucio, Clyndel Camposo, Gurpreet Aulak, Reema Singh, Jessica Valadez, Huver Mejia, Andre Amavizca, Amber Antener, Linda Chang, Jourdan French, Daniel Munoz, Brenda Villafana, Victor Aguilar, Seng Veng Vang, Lilibeth Jimenez, Miranda Andrade, Anastasia Llimet, Mai Cee Xiong, Roy Campos. Ayes: Walsh, Pedrozo, Davis, Kelsey, O'Banion

**ACTION ITEM NO. 66**  
**2012-05-22 RETIREMENT**

The Clerk announces Retirement Contribution and Interest Rates are before the Board for consideration.

Supervisor O'Banion asks if the increase is included in the proposed budget that is being prepared.

County Executive Officer James Brown responds that the increase will be built into the structure for Proposed Budget.

Upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board adopts the recommended Retirement contribution and interest rates effective for the July 6, 2012 payroll: Employer rate of 40.05%.

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

**ACTION ITEM NO. 67**  
**2012-05-22 TREASURER/TAX COLLECTOR**

The Clerk announces acceptance of the Quarterly Investment Report is before the Board for consideration.

Merced County Tax Collector Karen Adams points the Board to page 21 and 22 of the report and states that she is pleased that the committee saw fit to include Merced in the pool to be compared with other counties throughout California. She points out that the County is excelling above some of the counties because of the efficiencies in costs applied to participants.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board accepts the Quarterly Investment Report for the period of January 1, 2012 to March 31, 2012.

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

**ACTION ITEM NO. 70**  
**2012-05-22 BOARD OF SUPERVISORS**

The Clerk announces Special Board Project Funds for District Three are before the Board for consideration.



County Executive Officer James Brown suggests that the funds utilized for this item come from current year dollars.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Davis, duly carried, the Board modifies the recommendation for funds to be utilized from current year and authorizes \$2,500 of District Three Board Special Project Funds to be utilized for the 4<sup>th</sup> of July celebration at Castle Airport.

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