



# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

### Regular Meeting

**TUESDAY, OCTOBER 30, 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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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**

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): Brum, et al. v. County of Merced, et al. Federal Case No. 1:12-cv-01636-AWI-SKO.

**CLOSED SESSION:** It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION Title: County Counsel

**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**

**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)**

**PRESENTATIONS:**

1) **Special Recognition: Patricia Leisman, Merced County Library**  
Supervisor O'Banion presented a plaque to Patricia Leisman in recognition of her dedicated service to the Dos Palos library.

2) **Land Subsidence in Western Merced County**  
**REVIEW BOARD ORDER**

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 24)**

**PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE,  
SECOND READING**

To consider proposed Ordinance: An Ordinance amending Merced County Code, Title 9 adding Chapter 9.53 "Regulation of Stormwater."

RECOMMENDATION: Conduct Second Reading and accept public comment; waive further reading; close Public Hearing and adopt ordinance amending Merced County Code, Title 9 adding Chapter 9.53 "Regulation of Stormwater."

**REVIEW BOARD ORDER**

**COUNTY COUNSEL - PUBLIC HEARING - PROPOSED ORDINANCE,  
FIRST READING AND SET SECOND READING FOR NOVEMBER 6, 2012,  
AT 10:00 A.M.**

To consider proposed Ordinance: An Ordinance amending Ordinance 1876, to decrease the Le Grand Recreation Committee members from 9 to 7.

RECOMMENDATION: Conduct Public Hearing and accept public comment; waiver further reading; close Public Hearing and set second reading for November 6, 2012 at 10:00 a.m.

**REVIEW BOARD ORDER**

**REPORTS/BOARD DIRECTION**

County Executive Officer, County Counsel, Board of Supervisors Members

**CONSENT CALENDAR (Items # 1-24)**

**APPROVED AS RECOMMENDED AYES: ALL**

Public Works

1. Set Public Hearing for November 20, 2012 at 10:00 AM to consider adoption of a Resolution of Necessity to Commence Eminent Domain Proceedings to acquire a portion of APN 005-120-005 from Joe B. Amarant for the Atwater-Merced Expressway (AME) project.
2. Adopt Resolution for the Summary Vacation of a portion of White Rock road, in the Le Grand area.

**ADOPTED RESOLUTION**

3. Adopt Resolution designation the intersection of Westside Boulevard and Sultana Drive as an All-Way Stop Intersection and authorize the installation of stop signs on the Westside Boulevard approaches to the intersection, in the Livingston area.

**ADOPTED RESOLUTION**

4. Adopt Resolution authorizing the installation of stop signs on Camino Avenue at its intersection with Santa Rosa Drive, Sonora Drive at De La Coloma Drive, Centinella Drive at Vera Cruz, Santa Rosa Drive at Centinella Drive, De La Coloma Drive at Centinella Drive and Yerba Buena Avenue at Centinella Drive in the Santa Nella SUDP area.

**ADOPTED RESOLUTION**

Human Services Agency

5. Approve and authorize the Chairman to sign Renewal Contract No. 2010022 with California Canine Academy/Assistance Dogs for the High Schooled Assistance Dog Program.
6. Ratify the Human Services Agency Director's signature on Renewal Contract No. 2004026 with Drug Endangered Children Program (DEC) for participation in the DEC which allows the participation of one Social Worker on the Program's multi-disciplinary team.

7. Approve and authorize the Chairman to sign Amendment to Contract No. 2012133 with the Community Action Board for Home Delivered Meals Program.

**REVIEW BOARD ORDER**

8. Approve and authorize the Chairman to sign Amendment to Contract No. 2012132 with Community Action Board for Congregate Meals Program.

**REVIEW BOARD ORDER**

**Library**

9. Approve Budget Transfer in the amount of \$45,368 to increase appropriations for Office Expenses and Special Department Expenses to cover cost incurred for Bookmobile expenses which is funded by USDA grant. (4/5 Vote Required)

**Sheriff**

10. Authorize the Sheriff to use the Southeast corner of the County parking lot located on "M" Street and 23rd Street on Tuesday, December 4, 2012 from 7:00 a.m. to 1:30 p.m. for the acceptance of donations for the Operation Christmas toy drive.
11. Approve and authorize the Chairman to sign Renewal Contract No. 2012096 with the County Treasurer for a Reserve Level I Deputy Sheriff/Coroner to provide security at the Tax Collector/Treasurer Office.
12. Approve and authorize the Chairman to sign Amendment Contract No. 2011157 with Delhi Unified School District for School Resource Officer.
13. Approve and authorize the Chairman to sign Amendment Contract No. 2003249 with the City of Atwater Police Department for Law Enforcement Communication Assistance.
14. Approve and authorize the Chairman to sign Amendment Contract No. 2010124 with New World Systems for the purchase of 125 view only licenses and \$12,500 for additional annual maintenance fees and approve the necessary budget transfer. (4/5 Vote Required)
15. Approve Budget Transfer in the amount of \$19,350 to support the Mass Fatality Plan funded through the Homeland Security Grant Program. (4/5 Vote Required)

**Fire**

16. Approve Budget Transfer in the amount of \$19,350 to reimburse the Sheriff's Office for the Mass Fatality Plan.

**District Attorney**

17. Approve Renewal Contract No. 2011049 with California Emergency Management Agency for participation in the Unserved/Underserved Victim Advocacy and Outreach Program; authorize the District Attorney to submit the grant application for FY 12/13 for \$145,525; authorize the District Attorney to sign the Grant Award agreement; authorize the chairman to sign the Certification and adopt the resolution.

**ADOPTED RESOLUTION**

18. Approve the District Attorney's participation in the Anti-Drug Abuse Enforcement Program and authorize the District Attorney to submit an application to the Board of State and Community Corrections for grant funds in the amount of \$152,636 for FY 12/13; and adopt resolution.

**ADOPTED RESOLUTION**

Executive Office

19. PULLED

Board of Supervisors

20. Approve Budget Transfer in the amount of \$100,000 from district Two Funds per Board policy direction given at Final Budget for the One Stop Project.

Board Recognition

21. Authorize Plaque for Soroptimist Diamond Jubilee in celebration of 75 Anniversary.

22. Authorize Certificates of Recognition to individuals for being selected as 2012 District Teacher of the Year: Ellen Avellar/Winton School District, Andrea Hogue/Weaver Union School District, Alexie Parle/Merced Union High School District, Wrenda Holt/Merced River School District, Danny Ramos/Merced County Office of Education-Special Education, Brenda Tovar/Merced City School District-Preschool, Valentina Mascorro/Los Banos Unified School District, William J. Burke/Gustine Unified School District, and Johnny E. Flores/Merced City School District.

23. Authorize Certificate of Recognition to Pacheco Place in celebration of Grand Opening and Dedication.

24. Authorize Certificates of Recognition to St. Anthony's Church and St. Anthony's School for 25 years of volunteer work with Meals on Wheels in Atwater.

**REGULAR CALENDAR**

**BOARD ACTION**

PUBLIC WORKS

25. Approve Plans and Specifications for the Upgrade HVAC at Human Services Agency, Building 1; authorize the Department of Public Works to advertise said plans for a Public Bid Opening; authorize the Director of Public Works to award the Construction Contract provided the lowest responsible bid is within the project budget; authorize the Chairman to execute said contract upon approval of Public Works and review of County Counsel; direct Public Works to return to the Board with an informational item describing all actions taken; and approve related budget transfer.

**APPROVED AS RECOMMENDED AYES: ALL**

26. Approve the Plans and Specifications for the Upgrade Electrical at HSA, Building 1; authorize the Department of Public Works to advertise said plans for a Public Bid Opening; authorize the Director of Public Works to award the Construction Contract provided the lowest responsible bid is within the project budget; authorize the Chairman to execute said contract upon approval of Public Works and review of County Counsel; direct Public Works to return to the Board with an informational item describing all actions taken; and approve related budget transfer.

**APPROVED AS RECOMMENDED AYES: ALL**

HUMAN SERVICES AGENCY

27. Authorize the Director of Human Services Agency to sign the Central Valley High Intensity Drug Trafficking Area, Merced Multi Agency Narcotic Task Force which allows participation

of one Social Worker on the Task Force's multi-disciplinary team.

**APPROVED AS RECOMMENDED AYES: ALL**

#### MENTAL HEALTH

28. Contract with Golden Valley Health Centers in order to augment mental health services at primary care clinics; and approve the necessary budget transfer. (4/5 Vote Required)

**APPROVED AS RECOMMENDED AYES: ALL**

#### SPRING FAIR

29. Terminate County Contract No. 2010046 with Speeda Sound, Inc. for sound services for the Spring Fair effective November 18, 2012.

**APPROVED AS RECOMMENDED AYES: ALL**

30. Accept the FY 2011/2012 CalRecycle/TDP grant award; authorize the Spring Fair Manager or designee to sign all grant reports and payment requests; and adopt resolution.

**ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL**

#### PROBATION

31. Approve the progress report for the Juvenile Justice Crime Prevention Act for FY 2011/2012 and authorize the Chief Probation Officer to submit said report to the Board of State and Community Corrections.

**APPROVED AS RECOMMENDED AYES: ALL**

32. Contract with City of Los Banos Police Department for daily jail booking fees associated with probation violator booking.

**APPROVED AS RECOMMENDED AYES: ALL**

#### ADMINISTRATIVE SERVICES

33. Approve transfer of the designated surplus property on Exhibit A to the Los Banos Cemetery District. (4/5 Vote Required)

**APPROVED AS RECOMMENDED AYES: ALL**

#### COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

34. Adopt Resolution for the Revolving Loan Fund Plan Certification as required by the U.S. Department of Commerce, Economic Development Administration.

**ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL**

35. Contract with Weather Nav Inc., to provide Airport navigational Aids maintenance at Castle Airport.

**APPROVED AS RECOMMENDED AYES: ALL**

#### COUNTY COUNSEL

36. Adopt Resolution to decrease the required membership of the Franklin/Beachwood Municipal Advisory Council from eleven to seven members.

**ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL**

37. Adopt Resolution amending to decrease the required membership of the Planada Municipal Advisory Council from eleven to seven members.

**ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL**

**BOARD OF SUPERVISORS**

38. Approve Minutes for October 18, 2011, October 18, 2011-IHSS, November 8, 2011, November 8, 2011-RDA, November 22, 2011, December 6, 2011, December 20, 2011, and December 20, 2011-IHSS as submitted.

**APPROVED AS RECOMMENDED AYES: ALL**

**BOARD APPOINTMENTS**

39. Appoint Spencer Supinger to serve as a member of the Solid Waste Independent Hearing Panel representing Technical Expert, until April 7, 2016.

**APPROVED AS RECOMMENDED AYES: ALL**

40. Appoint Sheilah Brooks as a member of the Merced County Local Child Care and Development Planning Council, representing Community until June 30, 2014.

**APPROVED AS RECOMMENDED AYES: ALL**

**BOARD INFORMATION & POSSIBLE ACTION**

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

41. Commerce, Aviation, and Economic Development re: Special Event Facility Use Agreement issued to the Central California Model Flyers for the 16th Annual West Coast Mini-Fest.
42. Commerce, Aviation, and Economic Development re: Facility Use Agreement issued to Sierra Academy of Aeronautics for Long-term aircraft parking/storage on Castle Airport.
43. Commerce, Aviation, and Economic Development re: Lease Agreement issued to Cleanway Carpet Cleaners, LLC for Building 1327 located at Castle Commerce Center.
44. Commerce, Aviation, and Economic Development re: Facility Use Agreement issued to Moore's Karate for Moore's Karate Camp 2012.
45. Human Services Agency re: Inform the Board that Mr. Lamar Henderson and Mr. Cesar Vera will be honored with the 2012 President's Volunteer Service Award on Friday, November 2, 2012 on the campus of the University of Southern California for their work in the All Dads Matter Program.

**REVIEW BOARD ORDER**

46. State Department of Fish and Game re: Notice of Receipt of Petition to list the northern spotted owl as threatened or endangered under the California Endangered Species Act.
47. State Department of Fish and Game re: Notice of Receipt of Petition to list Clear Lake Hitch as threatened or endangered under the California Endangered Species Act.
48. State Department of Fish and Game re: Notice of Proposed Regulatory action relative to sections 27.25, 27.30, 27.35, 27.45, 27.50, 27.65, 28.26, 28.27, 28.28, 28.29, 28.49, 28.54, 28.55, 28.56, and 28.58, Title 14 California Code of Regulations, relating to recreational fishing regulations for federal groundfish and associated species for consistency with federal rules for 2013 and 2014, which were published in the California Regulatory Notice Register on October 19, 2012.

**ADOPTED RESOLUTION IN MEMORY OF TROY FOX, AND ADJOURNED THE MEETING UNTIL NOVEMBER 6, 2012, AT 10:00 A.M**