

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, MAY 21, 2013

Closed Session – 9:30 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
HUBERT “HUB” WALSH, JR....DISTRICT 2
LINN DAVIS.....DISTRICT 3
CHAIRMAN 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

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 action and usually are approved by a single 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

9:30 A. M.

**THE PUBLIC IS INVITED TO SPEAK ON ANY ITEM ON THE AGENDA-
TESTIMONY IS LIMITED TO FIVE MINUTES PER PERSON**

**CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL -
SIGNIFICANT EXPOSURE TO LITIGATION:** It is the intention of the Board to meet in Closed Session concerning significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): One Case

**CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING
LITIGATION:** It is the intention of the Board to meet in Closed Session concerning Existing Litigation pursuant to Government Code Section 54956.9(d)(1): City of Livingston v. Lisa Cardella-Presto, as Auditor-Controller of the County of Merced, et al. (Real Parties in Interest: County of Merced, et al.); Sacramento Superior Court Case No. 34-2012-80001460.

**THE BOARD RECESSED AT 9:30 A.M. AND RECONVENED AT
10:00 A.M. WITH ALL MEMBERS PRESENT, AND THE CHAIRMAN
ADVISED THE BOARD UNANIMOUSLY APPROVED AND AUTHORIZED
THE CHAIR TO SIGN A WAIVER OF POTENTIAL CONFLICT OF
COUNSEL SO THAT A SINGLE ATTORNEY IN THE OFFICE OF THE
COUNTY COUNSEL MAY REPRESENT LISA CARDELLA-PRESTO AND
THE COUNTY OF MERCED IN THE CASE OF CITY OF LIVINGSTON, ET
AL VS. LISA CARDELLA-PRESTO, ET AL.**

**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 - 33)

PUBLIC HEARING - FIRE

To consider amending Ordinances 1149 and 294, amending Merced County Code Chapter 9.24 and establishing 9.26 to prescribe regulations governing

sale and use of safe and sane fireworks in the unincorporated areas of Merced County.

RECOMMENDATION: Waive further reading. Amend the Ordinance per the Staff recommendation, and continue the item until the regular meeting of June 4, 2013, with the intention of proceeding to adoption and final passage of the amended ordinance as an urgency Ordinance, by a 4/5 vote, on that date.

REVIEW BOARD ORDER – SEE PAGE 11 AND 12

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-33)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Approve Budget Transfer in the amount of \$4,305 for recreation programs and to allow El Nido Recreation building to be open to the community for events. (4/5 Vote Required)
2. Ratify Change Order No. 2 (Contract No. 2013021) in the amount of \$39,881 to Harris Builders for the fiber optic connection at the HSA Ag Center Remodel.

Planning

3. Approve and authorize the Chairman to sign Amendment Contract No. 2012070 with Bobby Borba Dairy for the consultant, Environmental Planning Partners, Inc., to complete Tasks 6, 7, 8, 9, and direct costs for the Environmental Impact Report for the Bobby Borba Dairy Expansion project (CUP12-002).
4. Approve and authorize the Chairman to sign Amendment Contract No. 2012071 with Environmental Planning Partners, Inc., to complete Tasks 6, 7, 8 9, and direct costs as part of the Environmental Impact Report for the Bobby Borba Dairy Expansion project (CUP12-002).; and approve related Budget Transfer. (4/5 Vote Required)

Human Services Agency

5. Approve and authorize the Chairman to sign Amendment Contract No. 2009186 with Mountain Crisis Services for shelter-based domestic violence services, funded by marriage license fees.
6. Approve and authorize the Chairman to sign Amendment Contract No. 2004222 with California Department of Aging for Senior Programs; adopt Resolution, and approve related Budget Transfers. (4/5 Vote Required)

ADOPTED RESOLUTION NO. 2013-67

7. Approve and authorize the Chairman to sign Renewal Contract No. 2010078 with Merced Union High School District for Adult Education Services.
8. Approve and authorize the Chairman to sign Amendment Contract No. 2009296 with Merced County Library for Literacy Training Services; and approve related Budget Transfers. (4/5 Vote Required)

Mental Health

9. Set public hearing for July 16, 2013, at 10:00 a.m. to consider Proposed Ordinance amending Mental Health Services Fees.
10. Approve and authorize the Chairman to sign Renewal Contract No. 2010219 with Community Social Model Advocates, Inc., for \$17,590 estimated revenue for the provision of Medical Director's services.
11. Approve and authorize the Chairman to sign Renewal Contract No. 2010170 with Community Social Model Advocates, Inc., for residential alcohol and drug residential recovery services.
12. Approve and authorize the Chairman to sign Renewal Contract No. 2012114 with Guardco Security Services for security guard services.
13. Approve and authorize the Chairman to sign Renewal Contract No. 2010059 with Kings View Corporation to provide support services necessary for successful implementation and daily functioning of the Anasazi Software system.
14. Approve and authorize the Chairman to sign Renewal Contract No. 2012127 with Mission Linen Supply for linen and laundry services at the Marie Green Psychiatric Facility.
15. Approve and authorize the Chairman to sign Amendment Contract No. 2013010 with State Department of Alcohol and Drug Programs for Strategic Prevention Framework State Incentive Grant Agreement 12-08 revising language in two grant forms.
16. Approve and authorize the Chairman to sign Renewal Contract No. 2011010 with Willow Glen Care Center for board and care services.
17. Approve Budget Transfer to change the asset name from 3 Polycom Lines to Fiber Optic.

Probation

18. Approve and authorize the Chairman to sign Amendment Contract No. 2012172 with Community Social Model Advocates, Inc., to increase the maximum compensation for residential alcohol and drug treatment services.
19. Approve Budget Transfer in the amount of \$10,000 to purchase incentives and materials for the Leadership for Life program at the Trident Center. (4/5 Vote Required)

Ag Commissioner

20. Approve and authorize the Chairman to sign Renewal Contract No. 2001105 with California Department of Food and Agriculture for fruit and vegetable quality standards inspections; and adopt Resolution.

ADOPTED RESOLUTION NO. 2013-68

21. Approve and authorize the Chairman to sign Renewal Contract No. 2004047 with California Department of Boating and Waterways for Water Hyacinth Control on Merced County Waterways; and adopt Resolution.

ADOPTED RESOLUTION NO. 2013-69

22. Approve Budget Transfer in the amount of \$42,000 for increased costs in veterinary services due to extended court delays for seized animals. (4/5 Vote Required)

Workforce Investment

- 23. Approve and authorize the Chairman to sign Amendment Contract No. 2010155 with City of Atwater for the Enterprise Zone marketing and management.
- 24. Approve and authorize the Chairman to sign Amendment Contract No. 2010071 with Commerce, Aviation and Economic Development for the Enterprise Zone marketing and management.
- 25. Approve and authorize the Chairman to sign Amendment Contract No. 2010222 with City of Dos Palos for the Enterprise Zone marketing and management.
- 26. Approve and authorize the Chairman to sign Amendment Contract No. 2010277 with City of Gustine for the Enterprise Zone marketing and management.
- 27. Approve and authorize the Chairman to sign Amendment Contract No. 2010157 with City of Livingston for the Enterprise Zone marketing and management.
- 28. Approve and authorize the Chairman to sign Amendment Contract No. 2012079 with City of Los Banos for the Enterprise Zone marketing and management.
- 29. Approve and authorize the Chairman to sign Amendment Contract No. 2010156 with City of Merced for the Enterprise Zone marketing and management.

Treasurer-Tax Collector

- 30. Approve and authorize the Chairman to sign Amendment Contract No. 2011099 with City of Los Banos for collection services provided by Merced County Revenue and Reimbursement.

REVIEW BOARD ORDER – SEE PAGE 12

Assessor

- 31. Approve Budget Transfer to correct asset name from scanner to multifunctional copier, printer, scanner; name correction is necessary to allow for purchase.

Library

- 32. Approve Budget Transfer in the amount of \$5,000 to cover the cost of the Pitch an Idea program/grant. (4/5 Vote Required)

Board of Supervisors

- 33. Approve Minutes of January 10, 2012; January 24, 2012; February 7, 2012; February 28, 2012; March 13, 2012; and March 27, 2012 as submitted

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

- 34. Contract with California Conservation Holdings, LLC (managed by Wildlands, Inc.) for the purchase of 74.336 habitat conservation credits for San Joaquin Kit Fox which includes purchase of 7.71 habitat conservation credits for California Tiger Salamander as required for

the Atwater-Merced Expressway (AME) Project.

AUTHORIZED CONTRACT NO. 2013086 AS RECOMMENDED AYES: ALL

35. Contract with Drayer Ranch Conservation Bank for the purchase of 80.614 habitat conservation credits for the San Joaquin Kit Fox as required for the Atwater-Merced Expressway (AME) Project; and approve related Budget Transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2013087 AS RECOMMENDED AYES: ALL
REVIEW BOARD ORDER- SEE PAGE 13

36. Contract with Olga Cavazos and Cory Ross for purchase of Real Property for acquisition of right-of-way for the Atwater-Merced Expressway Project (APN: 005-110-031); adopt Resolution accepting a Grant Deed for property from Olga Cavazos and Cory Ross needed for construction of the Atwater-Merced Expressway Project; and approve payment to Fidelity National Title Company for the agreed value of the property plus escrow and any other transaction fees.

AUTHORIZED CONTRACT NO. 2013088 AND ADOPTED RESOLUTION NO. 2013-70 AS RECOMMENDED AYES: ALL

37. Contract with City of Atwater for purchase of Real Property for acquisition of property for the Atwater-Merced Expressway Project (Portion of APN: 005-552-012 & 005-552-016); adopt Resolution accepting a Grant Deed for property from the City of Atwater needed for construction of the Atwater-Merced Expressway Project; and approve payment to Fidelity National Title Company for agreed value of the property plus escrow and any other transaction fees.

AUTHORIZED CONTRACT NO. 2013089 AND ADOPTED RESOLUTION NO. 2013-71 AS RECOMMENDED AYES: ALL

38. Contract with Brookfield California Land Holdings, LLC for purchase of Real Property for acquisition of property for the Atwater-Merced Expressway Project (APN: 005-110-020); adopt Resolution accepting a Grant Deed for property from Brookfield California Land Holdings LLC needed for construction of the Atwater-Merced Expressway Project; and approve payment to Fidelity National Title for the agreed value of the property plus escrow and any other transaction fees.

AUTHORIZED CONTRACT NO. 2013090 AND ADOPTED RESOLUTION NO. 2013-72 AS RECOMMENDED AYES: ALL

39. Contract with CVIN, LLC to grant the Easement for the fiber optic telecommunications infrastructure into the Main Administration Building to CVIN, LLC.

AUTHORIZED CONTRACT NO. 2013091 AS RECOMMENDED AYES: ALL

40. Contract with Siemens Industry Inc. for the Main Library Chiller Replacement Project; and approve related Budget Transfer (4/5 Vote Required).

AUTHORIZED CONTRACT NO. 201392 AS RECOMMENDED AYES: ALL

41. Contract with CVIN, LLC to grant the Easement for the fiber optic telecommunications infrastructure into the Main Library to CVIN, LLC.

AUTHORIZED CONTRACT NO. 2013093 AS RECOMMENDED AYES: ALL

42. Create a Trust Fund for the "Movie in the Park" program; and approve Budget Transfer. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

43. Approve Plans and Specifications for Castle Airport Airfield Marking Removal and Rehabilitation Construction Project; set Public Bid Opening for Thursday July 11, 2013;

authorize the Director of Public Works to award the Castle Airport Airfield Marking Removal and Rehabilitation Construction Project if within the established budget and upon concurrence of the Federal Aviation Administration; and return to the Board with an Informational Item on all actions taken.

MODIFIED RECOMMENDATION AYES: ALL
REVIEW BOARD ORDER – SEE PAGE 13

PLANNING

44. Approve Lakeview Properties Major Subdivision Application No. MAS04-014 for the applicant, Omni Financial, LLC, based on the 9 project findings, and subject to the 21 conditions of approval, 14 of which are CEQA mitigation measures, as presented in the Third Supplemental Staff Report.

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOES: 4

45. Approve the Lakeview Subdivision Developer-Community Benefits Agreement to implement approval condition No. 6 of Major Subdivision Application No. MAS04-014 "Lakeview Properties".

**AUTHORIZED CONTRACT NO. 2013094 AS RECOMMENDED AYES: 1, 2, 3, 5
NOES: 4**

HUMAN SERVICES AGENCY

46. Contract with Mountain Crisis Services for domestic violence services to Child Welfare clients.

AUTHORIZED CONTRACT NO. 2013095 AS RECOMMENDED AYES: ALL

47. Contract with Merced County Office of Education to provide a camp for foster youth.

AUTHORIZED CONTRACT NO. 2013096 AS RECOMMENDED AYES: ALL

48. Contract with Mountain Crisis Services, Inc. for domestic violence services for Welfare to Work program participants; and approve related Budget Transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2013097 AS RECOMMENDED AYES: ALL

49. Approve Interdepartmental Agreement with Merced County Department of Public Health for clinic services for CalWORKS clients; and approve the related Budget Transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2013098 AS RECOMMENDED AYES: ALL

50. Approve Interdepartmental Agreement with Probation for Adult probation services; and approve related Budget Transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2013099 AS RECOMMENDED AYES: ALL

51. Approve the Interdepartmental Agreement with Workforce Investment for Los Banos Plato Lab Services for WtW and CalLearn clients; and approve the related Budget Transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2013100 AS RECOMMENDED AYES: ALL

MENTAL HEALTH

52. Contract with Elmer Ignacio, M.D., for the provision of psychiatric services at the Saturday Meds Clinic.

AUTHORIZED CONTRACT NO. 2013101 AS RECOMMENDED AYES: ALL

HEALTH

53. Contract with California Forensic Medical Group, Inc., to provide health services at the adult and juvenile hall correctional facilities.

AUTHORIZED CONTRACT NO. 2013102 AS RECOMMENDED AYES: ALL

SHERIFF

54. Authorize Sheriff to submit the 2013 State Criminal Alien Assistance Program (SCAAP) through the computerized Internet application process, and return if funding awarded.

APPROVED AS RECOMMENDED AYES: ALL

55. Approve and authorize the Sheriff to sign the Letter of Agreement and supporting documents with the Drug Enforcement Administration to accept funding in the amount of \$75,000 for the 2013 Domestic Cannabis Eradication and Suppression Program (DCESP) for the eradication of illegal cannabis in Merced County.

AUTHORIZED CONTRACT NO. 2013013 AS RECOMMENDED AYES: ALL

DISTRICT ATTORNEY

56. Contract with Jones & Mayer for specialized legal services effective May 6, 2013.

AUTHORIZED CONTRACT NO. 2013085 AS RECOMMENDED AYES: ALL

TREASURER

57. Rescind Resolution No. 86-223 dated August 26, 1986; and adopt Resolution to authorize the Treasurer and designated staff as officers utilizing the Local Agency Investment Fund program.

ADOPTED RESOLUTION NO. 2013-73 AS RECOMMENDED AYES: ALL

58. Accept the Quarterly Investment Report for the period of January 1, 2013 to March 31, 2013.

APPROVED AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 13

ADMINISTRATIVE SERVICES

59. Declare all items identified (listed on Exhibit A) as Surplus Property consisting of non-operational computers, printers, copiers, and other miscellaneous equipment as recommended, and authorize its disposal by approved internet public auction.

APPROVED AS RECOMMENDED AYES: ALL

60. Contract with Bear Data Systems to purchase Remote Video Access System, utilizing the State's approved California Multiple Award Schedules (CMAS) contract, for use by the Public Defender and Sheriff's Office; authorize the Director of Administrative Services to sign the Statement of Work; and approve related Budget Transfers. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2013104 AS RECOMMENDED AYES: ALL

FIRE

61. Contract with Howell Consulting to create the Pre-Disaster Hazard Mitigation Plan for the County of Merced and the cities of Atwater, Dos Palos, Gustine, Livingston, Los Banos, and Merced.

AUTHORIZED CONTRACT NO. 2013105 AS RECOMMENDED AYES: ALL

COUNTY COUNSEL

62. Authorize and direct the Clerk of the Board to execute and issue the Memorandum or Notice of Non-Authorization, pursuant to Government Code section 53853(b) and serve notice to the relevant District that the Board of Supervisors will not authorize issuance of the TRANS within 45 calendar days, thereby freeing the District to issue the TRANS on their own respective behalf.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

63. Approve and authorize the Board Chair to execute the Property Tax Administration Fee Settlement Agreement with the City of Merced for reimbursement of administration fees.

AUTHORIZED CONTRACT NO. 2013106 AS RECOMMENDED AYES: ALL

64. Approve Merced County's General Membership contribution of \$46,193; and approve Merced County Association of Governments' FY 2013/2014 work program and corresponding budget reflecting the contributions from Merced County.

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

65. Approve support for SB 391, the California Homes and Jobs Act of 2013, and authorize the Chair to sign and submit a letter of support.

REVIEW BOARD ORDER – SEE PAGE 14

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

66. Department of Public Works re: Contract No. 2012160 awarded to Rolfe Construction of Atwater, California, in the amount of \$469,477, for the Planada Pedestrian Improvement Project.

CONTRACT NO. 2012160

67. Commerce, Aviation, and Economic Development re: Facility Use Agreement issued to Fresno Sports Car Club of America for the following dates: March 16 and 17, May 11, June 8 and 9, September 22, October 6, and October 20, 2013.

CONTRACT NO. 2013107

68. Commerce, Aviation, and Economic Development re: Lease Agreement issued to Merced Pest Control for a portion of Building 54 (approximately 16,025 sq. ft.) with adjacent parking area located at Castle Commerce Center.

CONTRACT NO. 2013108

69. State Water Resources Control Board re: Notice of Petition for temporary change involving the transfer of up to 3,520 acre-feet of water from Tule Basin Farms to State Water contractor agencies under license 2840 (Application 10030).

70. State Water Resources Control Board re: Notice of Petition for temporary change involving the transfer of up to 5,000 acre-feet of water from Garden Highway Mutual Water Company to State Water Contractor agencies under license 2033 (Application 1699).

71. State Water Resources Control Board re: Notice of Petition for temporary change involving the transfer of up to 1,730 acre-feet of water from Pelger Mutual Water Company to San Luis & Delta-Mendota Water Authority under License 8547B (Application 12470B).

72. State Department of Water Resources re: First Notice - Milepost 62 Pipeline Relocation Project. (On file with Clerk)
73. State Department of Water Resources re: 2013 Petition for Temporary Change to Modify the State Water Project and Central Valley Project Authorized Places of Use. (On file with Clerk)
74. MBK Engineers re: Pelger Mutual Water Company Petition for Change Involving Water Transfer under License 8547B (Application 12470B).
75. MBK Engineers re: Reclamation District No. 1004 Petition for Change Involving Water Transfer under License 3165 (Application 27). (On file with Clerk)
76. MBK Engineers re: Eastside Mutual Water Company Petition for Change Involving Water Transfer under License 3527 (Application 11274). (On file with Clerk)
77. MBK Engineers re: Pleasant Grove-Verona Mutual Water Company Petitions for Change Involving Water Transfers. (On file with Clerk)
78. State Fish and Game Commission re: Notice of proposed regulatory action relative to Sections 401 and 480, Title 14, California Code of Regulations, relating to Depredation Permit Application and Form, and Bobcat Depredation, which was published in the California Regulatory Notice Register on May 3, 2013.
79. State Fish and Game Commission re: Notice of proposed regulatory action relative to sections 190 and 195, Title 14, California Code of Regulations, relating to commercial fishing activity reports and commercial passenger fishing vessel logbooks, which was published in the California Regulatory Notice Register on May 3, 2013.
80. State Board of Equalization re: Taxpayers Bill of Rights public hearings set for Wednesday, May 22, 2013, in Sacramento, and Wednesday, July 17, 2013, in Culver City, 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 ESTHER CEILIA AMABILE, AND
ADJOURNED THE MEETING UNTIL JUNE 4, 2013, AT 10:00 A.M**

BOARD ORDERS – SUMMARY ACTION MINUTES – MAY 21, 2013

10:00 A.M. SCHEDULED ITEM **2013-05-21 PUBLIC OPPORTUNITY**

The following In-Home Supportive Services (IHSS) Providers speak in favor of a pay raise: Kayla Ward, Bertha Hurtado, Naomi Graham, Mary Lemos, Tameka Henry, and Carmelita Wallace. In addition, the following speak in support of a raise for IHSS Providers: Brenda Sand Jewels, IHSS recipient, Rito Ramirez, Mike Losa, UDW-Modesto Representative, and Carrie Young, Merced resident.

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

10:00 A.M. SCHEDULED ITEM **2013-05-21 FIRE – PUBLIC HEARING – CONTINUED FROM MAY 7, 2103**

The time and date previously set for a public hearing to consider amending County Ordinance 1149 and 294 to prescribe regulations governing sale and use of Safe and Sane Fireworks in the unincorporated areas of Merced County.

Fire Division Chief Mark Lawson reviews staff report and provides the Board with a powerpoint presentation covering the following: Merced County Safe and Sane Fireworks, Changes from May 7, 2013, Public Hearing, Permit Process for 2013, and Next Steps. Chief Lawson states staff will return to the Board after the fireworks season and, in conjunction with County Counsel, will recommend further modifications if necessary.

Supervisor O'Banion asks the effect of this proposed ordinance on the fireworks booth that sets up on Valeria Avenue in Dos Palos. He further states that this area was annexed into Merced County from Fresno County, and the action was to grandfather-in until the family no longer owned it. Supervisor O'Banion also suggests changing Section 9.26.010(e) to read "his or her" as the designee instead of "her."

County Counsel Calabrese suggests adding Section 9.26.050 to include the language "unless previously permitted." Mr. Calabrese also reiterates Supervisor O'Banion's suggestion to change Section 9.26.010(e) to read "his or her" as the designee instead of "her."

County Counsel James Fincher requests, prior to opening the Public Hearing, a break to allow for further review of the Proposed Ordinance to discuss the Proposed revisions to ensure what the public is commenting on during the Public Hearing.

Following a break, County Counsel Calabrese states that staff met and the recommendation is to go forward with the staff recommendations outlined on the Board Agenda with the sole modification that in Section 9.26.010(e) "her designee" would be changed to "his or her designee."

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

Louis Linney, TNT Representative, states he is available to answer any questions from the industry standpoint.

The Chairman closes the public hearing.

Following lengthy discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Davis, duly carried, the Board waives further reading of the Proposed Ordinance and approves the recommendation to amend the Ordinance; and upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board approves this item to be continued until June 4, 2013, at which time the Board will be asked if they wish to adopt the Ordinance.

Ayes: Pedrozo, Walsh, Davis, O'Banion

Noes: Kelsey

CONSENT ITEM NO. 30

2013-05-21 TREASURER-TAX COLLECTOR

The Clerk announces the contract with City of Los Banos is before the Board for consideration.

Supervisor O'Banion states that this item does not identify exactly the revenue, and he would like to know how much is generated from collecting from the City of Los Banos.

County Executive Officer James Brown states he understands that they are charging 15% of whatever is collected, it appears the City of Los Banos has some delinquencies between \$30,000 and \$50,000, and Revenue and Reimbursement will be trying to recover those accounts which would mean \$3,000 to \$5,000 to the County.

Supervisor O'Banion clarifies that the full amount is sent to the City of Los Banos and then the City of Los Banos is billed. He further questions why the service fee is not held and the balance sent to Los Banos. Supervisor O'Banion states he is in support of this item.

County Executive Officer James Brown states that he is not sure how the relationship is being set up with Los Banos, but there can be follow up discussion on this and that perhaps the administrative fee can be taken off the top with the remainder being sent to Los Banos.

Treasurer-Tax Collector Karen Adams states that Los Banos will deliver 233 accounts in the value of \$43,000 in administrative citations and states Revenue & Reimbursement collects as a fee a percentage of collections. Ms. Adams states the initial setup fee is \$45 and states that if collection is made on all accounts, it would equal \$10,000 in set up fees and the 15% would be in excess of \$6,000 for a total of approximately \$17,000. Ms. Adams states all fees are collected before sending any money to Los Banos.

Upon motion of Supervisor Pedrozo, seconded by Supervisor O'Banion, duly carried, the Board authorizes amendment Contract No. 2011099 with the City of Los Banos for collection of City of Los Banos Citation Fees by Merced County Revenue & Reimbursement.

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

ACTION ITEM NO. 35

2013-05-21 PUBLIC WORKS

The Clerk announces the contract with Drayer Ranch conservation Bank is before the Board for consideration and announces that the Budget Transfer has been revised to reflect the appropriate accounts.

Upon motion of Supervisor O'Banion, seconded by Supervisor Davis, duly carried, the Board authorizes Contract No. 2013087 with Drayer Ranch Conservation Bank for the purchase of 80.614 habitat conservation credits for the San Joaquin Kit Fox as required for the Atwater-Merced Expressway Project and approves the related Budget Transfer in the amount of \$2,840,000.

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

ACTION ITEM NO. 43

2013-05-21 PUBLIC WORKS

The Clerk announces the Plans and Specifications for Caste Airport Airfield Marking Removal and Rehabilitation Construction Project is before the Board for consideration.

Assistant Director of Public Works Richard Schwartz requests that Recommendation Item (3) on this item be modified as follows: "Authorize the Director of Public Works in coordination with the Director of Commerce, Aviation, and Economic Development to award the project to and sign all contract documents with the lowest responsible bidder."

Upon motion of Supervisor O'Banion, seconded by Supervisor Davis, duly carried, the Board (1) approves the Plans and Specifications for Castle Airport Airfield marking Removal and Rehabilitation construction Project; (2) Sets Public Bid Opening for Thursday July 11, 2013; (3) Authorize the Director of Public Works in coordination with the Director of Commerce, Aviation, and Economic Development to award the project to and sign all contract documents with the lowest responsible bidder; (4) and directs Public Works to return to the Board with an information item on all actions taken.

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

ACTION ITEM NO. 58

2013-05-21 TREASURER

The Clerk announces the Treasury Investment Report for the quarter ending March 31, 2013, is before the Board for consideration.

Treasurer-Tax Collector Karen Adams addresses the Board regarding the Portfolio and states that the Portfolio balance is \$607 million as of March and is significantly low as a result of the Federal sequester.

Upon motion of Supervisor O'Banion, seconded by Supervisor Walsh, duly carried, the Board Accepts the Quarterly Investment Report for the period of January 1, 2013 to March 31, 2013.

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

ACTION ITEM NO. 65

2013-05-21 BOARD OF SUPERVISORS

The Clerk announces a request for support of Senate Bill (SB) 391, The California Homes and Jobs Act of 2013, is before the Board for consideration.

Supervisor Davis questions the fees, how the County will be reimbursed, and what the formula will be for money coming back to the County.

County Recorder Barbara Levey informs the Board that there are four documents required for a refinance and the fee is \$75 per document which adds approximately \$300 to the other recording fees.

County Executive Officer James Brown informs the Board that there is still some uncertainty with regard to cost recovery and staff from the author's office state that cost recovery is available; however, some of the opponents of the Bill allege that it is not part of the \$75 fee. Mr. Brown reads text from the Bill and states that there is wording that the intent is to provide for administrative recovery, but the wording is being interpreted in different ways depending on whether you are on the support side or opposition. He further states that the language is vague. Regarding the allocation and distribution of funds question, he states that Supervisor Davis is correct in that there is no specific language on how the funding would be allocated across the State. In speaking to the author's office, Mr. Brown states that the funds would flow similar to the way bonds were distributed but there is no specific process set up.

Supervisor Walsh presents questions pertaining to statewide fees, differentiation of fees for those above/below median income, and which counties support this Bill.

Supervisor Kelsey states that the Recorders would be reimbursed for the work done and currently they are on salary.

County Recorder Levey states that the fee would pertain to all documents regarding real estate except those recorded in conjunction with the purchase of real estate.

Denard Davis, Merced resident, speaks in support of IHSS workers and SB 391 and requests that the Board provide a letter of support of SB 391. Mr. Davis submits a letter of support of SB 391.

Supervisors Pedrozo, Walsh, Davis, and O'Banion state they are supportive of affordable housing, but have concerns regarding SB 391.

Following lengthy discussion, Supervisor Kelsey withdraws this item.
Present: Kelsey, Pedrozo, Walsh, Davis, O'Banion