

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, NOVEMBER 08, 2005

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

DEMITRIOS O. TATUM
COUNTY EXECUTIVE OFFICER

JOHN PEDROZO.....DISTRICT 1
KATHLEEN M. CROOKHAM.....DISTRICT 2
MICHAEL G. NELSON.....DISTRICT 3
DEIDRE F. KELSEY.....DISTRICT 4
CHAIRMAN JERRY O'BANION.....DISTRICT 5
Lydia A. Beiswanger, Chief Clerk

RUBEN E. CASTILLO
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.
(209) 385-7366*

SCHEDULED ITEMS

9:00 A. M.

CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATOR: It is the intention of the Board to meet in Closed Session concerning a Conference with Real Property Negotiator(s) John Fowler-Commerce, Aviation and Economic Development Director pursuant to Government Code Section 54956.8 as follows: Castle Property

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: It is the intention of the Board to meet in Closed Session concerning Anticipated Litigation pursuant to Government Code Section 54956.9(b): 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(a): AFSCME Local 2703 v. County of Merced, Case No. SA-CE-343-M

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 and Non-Safety Corrections, Unit 12

THE BOARD RECESSED AT 9:00 A.M. WITH ALL MEMBERS PRESENT AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED DIRECTION WAS GIVEN TO STAFF

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

REVIEW BOARD ORDER – SEE PAGE 8

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 (See Board Clerk - Testimony limited to five minutes per person)

PRESENTATION OF SERVICE PINS

A Reception will be held in Room 310 to honor the awards:
20 Years of Service, John Cunningham-Assessor and Jan Bradley-Human Services Agency; 15 Years of Service, John O'Brien-Human Services Agency; James Tarhalla-Counsel; Julie Collura-Child Support Services and Michelle Allison- Dept. of Workforce Investment

REVIEW BOARD ORDER – SEE PAGE 8

BUDGET TRANSFER FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Coroner-\$10,000

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items # 1 - 9)

APPROVED AS RECOMMENDED AYES: ALL

10:30 A. M.

COUNTY CLERK-RECORDER - PUBLIC HEARING - PROPOSED ORDINANCE, POSSIBLE ADOPTION

To consider Proposed Ordinance adopting the Merced County Clerk's/Recorder's Fees in the 2005-2006 and 2006-2007 Fiscal Year

REVIEW OF BOARD ORDER – SEE PAGES 8 AND 9

PROBATION - PUBLIC HEARING - PROPOSED ORDINANCE - FIRST READING - SET SECOND READING AND POSSIBLE ADOPTION FOR NOVEMBER 22, 2005 AT 10:30 A.M.

To consider Proposed Ordinance to establish Juvenile Camps within the County of Merced

REVIEW BOARD ORDER – SEE PAGE 9

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT - PUBLIC HEARING

To consider proposed Redevelopment Plan for the Castle Airport and Aviation and Development Center Redevelopment Project and a concurrent public hearing with the Merced County Redevelopment Agency to consider and act upon Delay of Application of the California Environmental Quality Act to adoption of the proposed Redevelopment Plan

REVIEW BOARD ORDER – SEE PAGES 9 THRU 12

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT - PUBLIC HEARING

Resolution Finding the use of taxes allocated from the Project Area for the purpose of increasing, improving and preserving the community's supply of low- and moderate-income housing available at affordable housing cost outside the Project Area will be of benefit to the Project

REVIEW BOARD ORDER – SEE PAGES 9 THRU 12

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT - PUBLIC HEARING - PROPOSED ORDINANCE - FIRST READING - SET SECOND READING FOR NOVEMBER 22, 2005 AT 10:30 A.M.

To consider An Ordinance of the County of Merced approving and adopting the Redevelopment Plan for the Castle Airport Aviation and Development Center Redevelopment Project

REVIEW BOARD ORDER – SEE PAGES 9 THRU 12

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, County Auditor, Board of Supervisors Members

CONSENT CALENDAR (Items # 1 - 9)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Set public hearing for December 20, 2005 at 10:30 a.m. to consider Mitigated Negative Declaration for the Merced County Flood Control Channel Maintenance and Bridge/Culvert Maintenance and Replacement Program
2. Adopt Resolution authorizing Chairman to sign Right-of-Way Contract accepting the required Easement Deed from Kelly Crediford-Pacheco for acquisition of the land necessary

for construction of the California Street Improvement Project and an adjacent public utility easement in Winton.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005269 AND ADOPTED RESOLUTION NO. 2005-192

3. Set public hearing for December 20, 2005 at 10:30 a.m. to consider Resolution revising the fees for the Franklin-Beachwood Bridge and Major Thoroughfare Area of Benefit.
4. Set public hearing for December 20, 2005 at 10:30 a.m. to consider Resolution revising the fees for the Santa Nella Bridge and Major Thoroughfare Area of Benefit.
5. Set public hearing for December 20, 2005 at 10:30 a.m. to consider Resolution revising the fees for the Winton Bridge and Major Thoroughfare Area of Benefit.

Commerce, Aviation and Economic Development

6. Set public hearing for November 22, 2005 at 10:30 a.m. to consider proposed Ordinance to allow for the appeal of the Business License requirement, change department name and the name of the Business License Appeals Board (Amends Chapter 6.02 of the County Code and Ordinance).

Admin. Services

7. Set public hearing for December 6, 2005 at 10:30 a.m. to consider Proposed Ordinance to establish Fee Schedule for services provided by Dept. of Admin. Services-Support Services.

Executive Office

8. Approve Budget Transfers submitted by Treasurer-\$3,000 and Sheriff-\$4,827 as recommended by Executive Office.
9. Approve Travel Requests submitted by Commerce, Aviation and Economic Development as recommended by Executive Office.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

10. Resolution revising Solid Waste Disposal Fees and Charges for mixed construction and demolition waste.

REVIEW BOARD ORDER – SEE PAGE 12

11. Approve plans and specifications for Repainting and Recarpeting of Human Services Agency, Social Services area and authorize Public Works to advertise for bids and direct the results be returned to the Board for Award and approve the necessary budget transfer-\$8,575 (DPW-016).

APPROVED AS RECOMMENDED AYES: ALL

12. Contract Award to Viking General Contractors for Castle Airport Spaceport Entry Improvement Project.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005270 AYES: ALL

13. Resolution in support for Atwater-Merced Expressway Project.

REVIEW BOARD ORDER - SEE PAGE 12

PROBATION

14. Grant Re-application with the Office of Emergency Services for the Violence Against Women Probation Specialized Unit and authorize the Chief Probation Officer to sign the Certificate of Assurance of Compliance.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005266 AYES: ALL

HEALTH

15. Contract with Lea's Backhoe and Demolition to complete the solid waste cleanup of the Manual Site in Dos Palos in the amount of \$100,000 and adopt Resolution.

REVIEW BOARD ORDER - SEE PAGE 13

DEPT. OF ADMIN. SERVICES

16. Declare Surplus Property listed on Exhibit A, existing miscellaneous office supplies and equipment turned into Administrative Services by various Departments, and authorize disposal of existing Miscellaneous Office Equipment and Supplies through an Invitation for Bid.

APPROVED AS RECOMMENDED AYES: ALL

SHERIFF

17. Authorize Contract for canine drug patrol services to San Luis High School.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005272 AYES: ALL

18. Accept donated gift of three standard office desks from Gonella Realty to the Sheriff Department.

APPROVED AS RECOMMENDED AYES: ALL

19. Authorize the purchase of a Patrol Canine from Evolution Training Center for the use of Corrections and approve the necessary budget transfer-\$4,827.

APPROVED AS RECOMMENDED AYES: ALL

20. Contract with Merced College for co-sponsorship of a State certified Correctional Officer Core Academy; approve Contract with Library for Facility Usage and authorize the Sheriff to maintain any remaining reimbursement sums received from the College in Trust for future program development and potential expansion.

AUTHORIZED CONTRACT NO. 2005273 WITH MERCED COLLEGE AND CONTRACT NO. 2005274 WITH MERCED COUNTY LIBRARY AYES: ALL

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

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

ADOPTED RESOLUTION NO. 2005-197 AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

22. Contract Amendment with Mental Health to provide for an additional counselor for Alcohol and Drug Counseling to Welfare-to-Work Participants and approve the necessary budget transfer-\$94,749. (4/5 Vote Required)

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2004118 AYES: ALL

23. Contract with Merced County Office of Education for the Community-Based Family Resource and Services funding and approve the necessary budget transfer-\$4,552. (4/5 Vote Required)

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002141 AYES: ALL

TREASURER-TAX COLLECTOR

24. Authorize selling of properties listed subject to the Tax Collector's Power to Sell at Public Auction which may include an Internet Auction in March 2006 and authorize the Tax Collector to reduce the minimum bid price if no bids are received or approve the re-offer of un-sold parcels at the same day or next scheduled auction within 90 days with parties of interest notification: (list like this: APN 004-010-028, minimum bid of \$244,161.65; etc)

SEE BOARD ORDER – SEE PAGE 13

25. Accept the Quarterly Investment Report for the Quarter Ended September 30, 2005, pursuant to Government Code Section 53646.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN RESOURCES

26. Authorize preparation and release of a Request for Proposal for a comprehensive classification study for Human Services Agency with results to be returned to the Board for final contract approval.

APPROVED AS RECOMMENDED AYES: ALL

PLANNING

27. Authorize Subordination of Financing for an existing Homeowner Investment Partnership Program Loan and authorize the Planning Director to sign the Subordination Agreement.

APPROVED AS RECOMMENDED AYES: ALL

28. Contract with Fox Hills Management Group to allow the hiring and reimbursement of consultants to assist with review of the Fox Hills Expanded Community Specific Plan project and approve the necessary budget transfer-\$85,000.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005267 AYES: ALL

29. Contract with RB Associates for Planning and Environmental Review for Fox Hills SUDP Expansion.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2005268 AYES: ALL

30. Extension of Agreement with the Local Agency Formation Commission (LAFCO) to March 31, 2006, authorizing staff to provide assistance to LAFCO until March 31, 2006, to assist with negotiating a contract with a bidder and with the transition procedures, files and accounts.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2002143 AYES: ALL

COUNTY COUNSEL

31. Contract with Lozano Smith for continuing legal services in the Planada appeal and legal review services in support of County processing the Fox Hills Expanded Community Specific Plan project.

AUTHORIZED CHAIRMAN TO SIGN CONTRACT NO. 2003150 AYES: ALL

AG. COMMISSION

32. Resolution changing the hourly rate of Contract Veterinarian from \$30.20 per hour to \$36.00 per hour and approve Contract with Dr. Katy Howden, DVM, for provision of veterinary services for the Animal Control Department.

**APPROVED RECOMMENDATION AND AUTHORIZED CONTRACT NO. 2005275
AND ADOPTED RESOLUTION NO. 2005-198 AYES: ALL**

BOARD OF SUPERVISORS

33. District Three and District Four - Special Board Project Funds expenditure of \$1,500 each for a total of \$3,000 to be forwarded to the Atwater High School Band to assist economically disadvantaged students with the cost of the upcoming band trip to participate in the Hawaii Invitational International Music Festival and approve necessary budget transfer.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

34. San Joaquin Valley Air Pollution Control District re: Notice of Public Workshop on the Draft Natural Events Action Plan set for November 10, 2005 at 2:00 p.m.
35. County of Mendocino re: Mendocino County Board of Supervisors Action in support of Marriage Equality.
36. Regional Water Quality Control Board re: Surface Water Ambient Monitoring Program Monitoring and Quality Assurance Workshops.
37. California Endowment re: Issue of Preventing Obesity in California - A Call for Policy and Community-Based Approaches. (On file with Clerk)
38. San Joaquin Valley Regional Association of California Counties re: The San Joaquin Valley Strategies for Sustainable Growth.

REVIEW BOARD ORDER – SEE PAGE 13

**ADOPTED RESOLUTION AND ADJOURNED MEETING IN MEMORY OF GREGG
BENSON UNTIL TUESDAY, NOVEMBER 22, 2005 AT 10:00 A.M.**

BOARD ORDERS – SUMMARY ACTION MINUTES – NOVEMBER 8, 2005

9:00 A.M. SCHEDULED ITEM

2005-11-08 CLOSED SESSION

The Chairman states pursuant to Government Code Section 54950, there is an additional item to consider to be added to the Agenda.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Crookham, duly carried, the Board finds a need arose subsequent to the posting of the agenda and places the following item on the Board Agenda for consideration:

Closed Session - Conference with Legal Counsel–Anticipated Litigation, Significant Exposure to Litigation pursuant to Government Code Section 54956.9(b) – One Case.

Ayes: O'Banion, Pedrozo, Crookham, Nelson, Kelsey

The Board recesses at 9:05 a.m. to meet in Closed Session with all members present.

Present: O'Banion, Pedrozo, Crookham, Nelson, Kelsey

10:00 A.M. SCHEDULED ITEM

2005-11-08 PRESENTATION OF SERVICE PINS

The Board presents Service Pins to the following employees:

20 Years of Service: John Cunningham-Assessor and Jan Bradley-Human Services Agency.

15 Years of Service: John O'Brien-Human Services Agency, James Tarhalla-County Counsel, Julie Collura-Child Support Services and Michelle Allison-Dept. of Workforce Investment

Present: O'Banion, Pedrozo, Crookham, Nelson, Kelsey

10:30 A.M. SCHEDULED ITEM

2005-11-08 COUNTY CLERK-RECORDER – PUBLIC HEARING – ORDINANCE NO. 1769

The time and date previously set for a public hearing to consider a Proposed Ordinance adopting the Merced County Clerk's/Recorder's Fees for the 2005-2006 and 2006-2007 Fiscal Years submitted by the County Auditor-Controller/Recorder.

Upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo, duly carried, the Board waives further reading of the Proposed Ordinance.

Ayes: O'Banion, Pedrozo, Crookham, Nelson, Kelsey

The Chairman asks if there is anyone present wishing to speak. No one speaks.

The Chairman closes the public hearing.

Upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo, duly carried, the Board adopts Ordinance No. 1769.

Ayes: O'Banion, Pedrozo, Crookham, Nelson, Kelsey

10:30 A.M. SCHEDULED ITEM

2005-11-08 PROBATION – PROPOSED ORDINANCE - PUBLIC HEARING

The time and date previously set for a public hearing to consider a Proposed Ordinance to establish Juvenile Camps within the County of Merced and name the camp as Bear Creek Academy submitted by Probation.

The Clerk reads the Proposed Ordinance by title only: An Ordinance to Establish Juvenile Camps within the County of Merced (Adds Chapter 2.99 to the Merced County Code).

The Chairman asks if there is anyone present wishing to speak. No one speaks.

The Chairman closes the public hearing.

Upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo, duly carried, the Board waives further reading of the Proposed Ordinance and sets second reading and possible adoption for November 22, 2005, at 10:30 a.m.

Ayes: O'Banion, Pedrozo, Crookham, Nelson, Kelsey

10:30 A.M. SCHEDULED ITEMS

2005-11-08 COMMERCE AVIATION AND ECONOMIC DEVELOPMENT – PUBLIC HEARING

The time and date previously set for a joint and concurrent public hearing of the Merced County Redevelopment Agency and the Merced County Board of Supervisors to consider and act upon the Redevelopment Plan for the Castle Airport Aviation and Development Center Redevelopment Project and a concurrent public hearing of the Agency to consider and act upon delay of application of the California Environmental Quality Act to adoption of the Redevelopment Plan.

The Clerk reads the public hearing items from Commerce Aviation and Economic Development that are before the Board for consideration:

BOARD 1: To consider proposed Redevelopment Plan for the Castle Airport and Aviation and Development Center Redevelopment Project and a concurrent public hearing with the Merced County Redevelopment Agency to consider and act upon Delay of Application of the California Environmental Quality Act to adoption of the proposed Redevelopment Plan.

BOARD 2: To consider a resolution finding the use of taxes allocated from the Project Area for the purpose of increasing, improving and preserving the community's supply of low and moderate income housing available at affordable housing cost outside the Project Area will be of benefit to the Project.

BOARD 3: To consider a Proposed Ordinance approving and adopting the Redevelopment Plan for the Castle Airport Aviation and Development Center Redevelopment Project.

RDA 1: To consider proposed Redevelopment Plan for the Castle Airport and Aviation and Development Center Redevelopment Project and a concurrent public hearing with the Board of Supervisors to consider and act upon Delay of Application of the California Environmental Quality Act to adoption of the proposed Redevelopment Plan.

RDA 2: To consider a Resolution delaying the Application of the California Environmental Quality Act for the proposed Redevelopment Plan for the Castle Airport Aviation and Development Center Redevelopment Project.

RDA 3: To consider a Resolution finding that the use of taxes allocated from the Project Area for the purpose of increasing, improving and preserving the community's supply of low and moderate income housing available at affordable housing costs outside the Project Area will be of benefit to the Project.

The Chairman opens the public hearing and states speaker cards are available for those that wish to speak.

The Clerk takes roll call for the Board of Supervisors and Redevelopment Agency and all Board Members and Redevelopment Agency Members respond present.

There being no objection, the following Exhibits are received into evidence: Exhibit 1 – Affidavit of Publication, Exhibit 2 – Certificate of Mailing, Exhibit 3 – Certificate of Mailing, Exhibit 4 – Certificate of Mailing, Exhibit 5 – Certification of Certain Official Actions.

Executive Director John Fowler provides general background comments and summarizes goals and objectives of the Castle Airport Aviation and Development Center Redevelopment Project, including Base Closure Legislation.

Special Counsel Brent Hawkins reviews the Redevelopment Plan, Report of Redevelopment Agency to the Board, and delay in the Application of CEQA to adoption of the Redevelopment Plan.

There being no objection, the following Exhibits are received into evidence: Exhibit 6 – Redevelopment Plan, Exhibit 7 – Report for the Castle Air Force Base Redevelopment Project, and Exhibit 8 – Comment Letter from Merced Irrigation District dated October 10, 2005.

Mr. Fowler advises the letter from the Merced Irrigation District is the only comment letter received.

The Chairman asks if there is anyone present wishing to speak in favor of the proposed Plan or Delay in the Application.

Stan Thurston, Castle Airport business owner, speaks in favor of the Plan proposal.

The Chairman asks if there is anyone present wishing to speak in opposition to the Proposed Plan or Delay in Application.

No one speaks in opposition.

The Chairman advises it is time to close the public hearing and asks if there are comments from the Board Members. No comments made.

Upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the joint and concurrent public hearing is closed.

Ayes: O'Banion, Pedrozo, Crookham, Nelson, Kelsey

The Clerk reads the title of the Resolution as follows: A Resolution Delaying Application of the California Environmental Quality Act for the Proposed Redevelopment Plan for the Castle Airport Aviation and Development Center Redevelopment Project.

Upon motion of Director Pedrozo, seconded by Director Nelson, duly carried, the Agency approves delaying the application of the California Environmental Quality Act for the proposed Redevelopment Plan for the Castle Airport Aviation and Development Center Redevelopment Project and adopts RDA Resolution No. 2005-14.

Ayes: O'Banion, Pedrozo, Crookham, Nelson, Kelsey

Upon motion of Director Nelson, seconded by Director Crookham, duly carried, the Agency finds the use of taxes allocated from the Project Area for the purpose of increasing, improving, and preserving the community's supply of low and moderate income housing available at affordable housing cost outside the Project Area will be of benefit to the Project and adopts RDA Resolution No. 2005-15.

Ayes: O'Banion, Pedrozo, Crookham, Nelson, Kelsey

The Chairman announces that the Redevelopment Development Agency meeting is adjourned and advises the Board of Supervisors will now consider and act upon the Redevelopment Plan for the Castle Airport Aviation and Development Center Redevelopment Project.

The Clerk reads the resolution by title only: A Resolution finding that the use of taxes allocated from the Castle Airport Aviation and Development Center Redevelopment Project for the purpose of increasing, improving and preserving the community's supply of low and moderate income housing outside the project area will be of benefit to the project.

Upon motion of Supervisor Kelsey, seconded by Supervisor Nelson, duly carried, the Board finds that the use of taxes allocated from the Project Area for the purpose of increasing, improving, and preserving the community's supply of low and moderate income housing available at affordable housing cost outside the Project Area will be of benefit to the Project and adopts Resolution No. 2005-192.

Ayes: O'Banion, Pedrozo, Crookham, Nelson, Kelsey

The Clerk reads the Proposed Ordinance by title only: An Ordinance Approving and Adopting the Redevelopment Plan for the Castle Airport Aviation and Development Center Redevelopment Project.

Upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board waives further reading of the Proposed Ordinance and sets second reading and possible adoption for November 22, 2005 at 10:30 a.m.

Ayes: O'Banion, Pedrozo, Crookham, Nelson, Kelsey

No written objections having been received, the Board of Supervisors concludes the discussion on the Redevelopment Plan Project.

Present: O'Banion, Pedrozo, Crookham, Nelson, Kelsey

ACTION ITEM NO. 10

2005-11-08 PUBLIC WORKS

The Clerk announces the Resolution revising Solid Waste Disposal Fees and Charges for mixed construction and demolition waste from Public Works is before the Board for consideration.

The Chairman asks if there is anyone from the public that wishes to comment.

Jennie Knight, Atwater, states homeowners should not be charged \$60.00 per ton for mixed construction and demolition waste and suggests a percentage rate for homeowners.

Public Works Director Paul Fillebrown advises a surcharge for homeowners has been considered but has not gone forth as there is no way of measuring the surcharge. Staff will work with the public as loads come in to consider appropriate leeway, in addition, there will be review of public agencies awarded contracts that may be locked into an older rate.

Following discussion and upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo, duly carried, the Board approves the Solid Waste Disposal Fee Schedule as recommended increasing the fee for mixed construction and demolition waste and adopts Resolution No. 2005-194.

Ayes: O'Banion, Pedrozo, Crookham, Nelson, Kelsey

ACTION ITEM NO. 13

2005-11-08 PUBLIC WORKS

The Clerk announces the Resolution of support for the Atwater-Merced Expressway Project from Public Works is before the Board for consideration.

Vice President of Friends of the Parkway and employee of Union Pacific Homes Chris Tyler, Atwater, speaks in support.

Upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo, duly carried, the Board supports the Atwater-Merced Expressway Project and adopts Resolution No. 2005-195.

Ayes: O'Banion, Pedrozo, Crookham, Nelson, Kelsey

ACTION ITEM NO. 15
2005-11-08 HEALTH

The Clerk announces the Contract with Lea's Backhoe and Demolition to complete the solid waste cleanup of the Manuel Site in Dos Palos is before the Board for consideration.

Supervisor Kelsey requests clarification on the clean up and if the contract amount of \$100,000 is to clean up one site only.

Environmental Health Director Jeff Palsgaard states the new contractor will finish the cleanup and the \$100,000 is remaining from the \$300,000 grant from the State.

Upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2005271 with Lea's Backhoe & Demolition to complete the solid waste clean up of the Manuel Site in Dos Palos and adopts Resolution No. 2005-196.

Ayes: O'Banion, Pedrozo, Crookham, Nelson, Kelsey

ACTION ITEM NO. 24
2005-11-08 TAX COLLECTOR

Upon motion of Supervisor Kelsey, seconded by Supervisor Nelson, duly carried, the Board authorizes selling of properties listed subject to the Tax Collector's Power to Sell at Public Auction which may include an Internet Auction in March 2006 and authorize the Tax Collector to reduce the minimum bid price if no bids are received or approve the re-offer of un-sold parcels at the same day or next scheduled auction within 90 days with parties of interest notification: APN 004-010-028, minimum bid of \$244,161.65; APN 004-010-029, minimum bid of \$300,066.99; APN 007-062-027, minimum bid of \$4,039.22; APN 007-193-004, minimum bid of \$6,837.46; APN 007-213-002, minimum bid of \$6,692.78; APN 026-024-001, minimum bid of \$2,264.31; APN 027-151-007, minimum bid of \$5,244.99; APN 030-253-004, minimum bid of \$7,408.56; APN 031-131-010, minimum bid of \$56,116.15; APN 031-322-015, minimum bid of \$4,797.13; APN 033-082-012, minimum bid of \$7,761.59; APN 037-170-024, minimum bid of \$31,285.86; APN 037-301-014, minimum bid of \$2,764.50; APN 055-190-016, minimum bid of \$2,801.97; APN 067-090-004, minimum bid of \$7,251.21; APN 081-060-002, minimum bid of 3,847.59; APN 088-200-010, minimum bid of \$2,436.90; APN 089-210-057, minimum bid of \$3,440.00; APN 089-140-008, minimum bid of \$1,986.08.

Ayes: O'Banion, Pedrozo, Crookham, Nelson, Kelsey

INFORMATION ITEM NO. 38
2005-11-08 BOARD OF SUPERVISORS

Supervisor Kelsey states the draft San Joaquin Valley Strategies for Sustainable Growth from Chairman of the San Joaquin Valley Regional Association of California Counties Bob Waterson contains principles that may be helpful as the General Plan Update process is completed for Merced County.

Present: O'Banion, Pedrozo, Crookham, Nelson, Kelsey