



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, JANUARY 10, 2006
Closed Session – 8:30 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

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

8:30 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: Castle Property(s)

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED 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(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): County of Merced, et al v. City of Atwater, Merced County Superior Court Consolidated Case No. 148355 and Erin K. Ristine et al v. County of Merced, et al: Federal Case No. 1:05-cv-01501-REC-LJO

THE BOARD RECESSED AT 8:30 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)

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)

REVIEW BOARD ORDER – SEE PAGE 9

REVIEW OF THE 2005 YEAR - CHAIRMAN O'BANION

NOMINATION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2006 YEAR
SUPERVISOR NELSON IS ELECTED TO SERVE AS 2006 CHAIRMAN AND SUPERVISOR PEDROZO IS ELECTED TO SERVE AS VICE-CHAIRMAN FOR THE 2006 YEAR

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Mental Health-\$125,450 and \$42,000; Public Works- \$75,000 and Sheriff-\$9,000 and \$1,000

PEDROZO/CROOKHAM AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 21)

PEDROZO/CROOKHAM AYES: ALL

10:30 A. M.

PUBLIC WORKS - PUBLIC HEARING

To consider sale of surplus property at County Storm Drainage Basin located on Crawford Street in Winton for fair market value and authorize Contract with Ryland Homes of California, Inc. and signing of Grant Deed

REVIEW BOARD ORDER – SEE PAGE 9

PUBLIC WORKS - CONTINUED PUBLIC HEARING

To consider certification that the Final EIR for the Campus Parkway Project has been completed in compliance with CEQA; select a preferred alignment for Campus Parkway direct staff to return to the Planning Commission and the

Board with a General Plan Amendment to modify the Circulation Element subsequent to completion of the Final EIS (NEPA) by the Federal Highway Administration

REVIEW BOARD ORDER – SEE PAGES 9 THROUGH 11

PLANNING - PUBLIC HEARING

To consider Appeal of Planning Commission Denial of Minor Subdivision Application No. 05029 submitted by Anthony Medeiros, Jr. Said application is to divide a 196 acre parcel into four 38.3 acre parcels with a 42.3 acre remainder parcel on property located a 1/2 mile north of Avenue 26 and 1 1/4 miles east of Bliss Road in Chowchilla

REVIEW BOARD ORDER – SEE PAGES 11 AND 12

AUDITOR - PUBLIC HEARING - PROPOSED ORDINANCE

To consider Amendment to proposed Ordinance for Annual County Clerk and Recorder's Fees

REVIEW BOARD ORDER – SEE PAGES 12 AND 13

REPORTS/BOARD DIRECTION

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

LUNCH BREAK

CONSENT CALENDAR (Items #1 - 21)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Adopt Resolution annexing Minor Subdivision No. 04055 into the Glenwood Estates Street Lighting and Storm Drainage Maintenance Zone of Benefit Number 229 in County Service Area Number One.

ADOPTED RESOLUTION NO. 2006-01

2. Adopt Resolution annexing Minor Subdivision No. 05049 into the Village Greens Lighting and Drainage Maintenance Zone of Benefit Number 250 in County Service Area Number One.

ADOPTED RESOLUTION NO. 2006-02

3. Award the Contract for Repainting and New Flooring at the Human Services Agency to Commercial Construction Company to include the Base Bid and Alternate Bid No. 1 and authorize Chairman to sign Contract No. 2006001.
4. Remove the following Fixed Assets from the Merced County Fleet Maintenance Management Fixed Asset Inventory: Nos. 0032521, 0032926, 0039453, 0041030 and 0041032.

District Attorney

5. Approve and authorize Chairman to sign Renewal Contract No. 2003027 with Joe and Michelle Corvello for lease of property for the District Attorney's Multi-Disciplinary Interview Center.

Mental Health

6. Approve and authorize Chairman to sign Amendment to Contract No. 2003025 with BHC Heritage Oaks Hospital for Inpatient Hospital services for non-Medi-Cal clients.
7. Approve and authorize Chairman to sign Amendment to Contract No. 2002217 with Aspira Children's Services for Specialty Mental Health Services and Therapeutic Behavioral Services.
8. Approve and authorize Chairman to sign Amendment No. 2002218 with Sierra Vista Child and Family Services as a provider of Specialty Mental Health Services for children who are in Education Special Day Schools in Merced County.
9. Approve and authorize Chairman to sign Amendment to Contract No. 200217 with State Dept. of Mental Health for policies on services provided to Medi-Cal eligible beneficiaries.

Human Services Agency

10. Approve and authorize Chairman to sign Amendment to Contract No. 200105 with Tinetti Realty Group for office spaces that houses Human Services Agency staff and is used as an outstation to serve customers on property that is located at 2926 G Street.
11. Approve and authorize Chairman to sign Amendment to Contract No. 2004396 with Challenged Family Resource Center for Services to Adopted/Foster Parents.

Ag. Commission

12. Set public hearing for January 24, 2006 at 10:30 a.m. to consider amending Ordinance No. 1506 An Ordinance to set device registration fees which may be charged by the County Sealer of Weights and Measures in accordance with State Law. (Amends Ordinance Nos. 1132, 1387, 1446 and 1483 and County Code Section 6.58.040)

Health

13. Approve and authorize Chairman to sign Amendment to Contract No. 2004112 with State Water Resources Control Board for Water Quality Studies related to Animal Feed Operations and adopt Resolution.

ADOPTED RESOLUTION NO. 2006-03

14. Approve and authorize Chairman to sign Renewal Contract No. 2006002 with James Andrews, MD for Emergency Medical Services Agency Medical Director.

Executive Office

15. Act on Claims for Damages received from Laura Jeske (2005-120), Byron S. Jeske (2005-121), Spencer Jeske (2005-122), Daniel Bouche (2005-123) and Roger Creviston (2005-131) as recommended by Risk Management.
16. Approve Budget Transfers received from Public Works-\$0-, Child Support Services-\$15,000 and Tax Collector-\$5,000 as recommended by Executive Office.

Board of Supervisors

- 17. Change Board Meeting dates for February, 2006 as follows: Cancel February 7, 2006 Board Meeting and set February 14, 2006 as a Board Meeting date.
- 18. Approve Board of Supervisors Minutes of October 4 and 18, 2005, as submitted.

Board Recognition

- 19. Authorize Certificate of Recognition to Merced Lao Family Community in recognition of the 2005 Merced Hmong New Year Celebration set to begin December 16, 2005.
- 20. Authorize Certificates of Recognition to Alicia Bohlke, Kennoris Bates, Ericka Peterson and Barbara Harmon for their effort and dedication as members of the Merced/Mariposa County Asthma Coalition Steering Committee.
- 21. Authorize Certificates of Recognition to members of the Merced City Police Department Explorers who have volunteered more than 20,405.5 hours of community service over the past three years.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

- 22. Resolution authorizing Public Works to apply for a Grant from the U.S. Dept. of Agriculture for the Re-roof of the El Nido Recreation Building/Community Hall and committing to provide local matching funds and authorize Public Works Director to sign the necessary documents.
ADOPTED RESOLUTION NO. 2006-04 AS RECOMMENDED AYES: ALL
- 23. Authorize Memorandum of Understanding, Contract No. 2006003, with MCAG, City of Turlock, County of Stanislaus and Stanislaus Council of Governments for the State Route 165 Project Study Report preparation.
APPROVED AS RECOMMENDED AYES: ALL
- 24. Contract No. 2006004 with Economic Planning Systems (EPS) to assist in the review of Critical Habitat designations (Red Legged Frog, California Tiger Salamander and Vernal Pool species) countywide.
APPROVED AS RECOMMENDED AYES: ALL
- 25. Contract No. 2006005 with EIP and Associates to convert data gathered during the Eastern Merced County Conservation Planning Process to a Geographic Information System (GIS) format acceptable to the California Dept. of Fish and Game.
APPROVED AS RECOMMENDED AYES: ALL

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

- 26. Accept and approve the 2004-2005 Foreign-Trade Zone No. 226 Annual Report and authorize Commerce, Aviation and Economic Development Director/FTZ Administrator to submit said report to the U.S. Foreign-Trade Zones Board.
APPROVED AS RECOMMENDED AYES: ALL
- 27. Contract with Alphonse Peterson to provide Business Assistance Counseling Services.
PULLED FROM THE AGENDA – NO ACTION TAKEN

28. Authorize purchase of two Aircraft Rescue and Firefighting Unit (ARFF) not to exceed \$125,000; approve purchase of additional equipment/tools and the servicing of the unit, if purchased, not to exceed \$16,000 and approve necessary budget transfer-\$141,000, if the bid is successful.

APPROVED AS RECOMMENDED AYES: ALL

29. Revolving Loan Fund Administration Board - Authorization for change of name from Business-Economic Opportunities Revolving Loan Fund Loan Administration Board to Commerce, Aviation and Economic Development Revolving Loan Fund Loan Administration Board and recommended reappointment of Loretta Garcia, Bill Kitchen and Denard Davis until December 22, 2007 and adopted Resolution No. 2006-06.

APPROVED AS RECOMMENDED AYES: ALL

MENTAL HEALTH

30. Contract No. 2006006 with Five Acres, The Boys' and Girls' Aid Society of Los Angeles County for Therapeutic Behavioral Services.

APPROVED AS RECOMMENDED AYES: ALL

31. Contract No. 2006007 with Excelsior Youth Centers, Inc., a Residential Care Facility Level 14 for mental health services and approve out-of state travel for FY 2005/06 for mental health staff who provide on-site case management for youth placed at the Excelsior Youth Services, Colorado for approximately four visits at \$869 each for a total of \$3,500.

APPROVED AS RECOMMENDED AYES: ALL

32. Contract No. 2006008 with Merced County Office of Education for Grant Funds for one Clinician for services at the Youth Opportunity Zone located at the MCOE complex.

APPROVED AS RECOMMENDED AYES: ALL

SHERIFF

33. Approve Alternate Work Schedule (Four 10 Hour Shift Per Week) for Sheriff Dispatcher and Supervising Sheriff Dispatcher classifications assigned to the Sheriff Department.

APPROVED AS RECOMMENDED AYES: ALL

34. Authorize Sheriff to apply for the 2006 Federal Drug Enforcement Agency Domestic Cannabis Eradication/Suppression Grant with the DEA to be returned to the Board should the grant be awarded.

APPROVED AS RECOMMENDED AYES: ALL

35. Accept the 2005 State Criminal Assistance Award with the Department of Justice, Bureau of Justice Assistance and authorize Sheriff to process the INTERNET draw down and deposit the award into Trust Fund 2576, Sheriff Adult Correctional Facilities.

APPROVED AS RECOMMENDED AYES: ALL

36. Contract No. 2004286 with National Insurance Crime Bureau to authorize lease of 2001 GMC Jimmy to the Sheriff Department due to success in deterring auto theft in Merced County understanding the vehicle will be used for undercover investigations pertaining to auto theft.

APPROVED AS RECOMMENDED AYES: ALL

HEALTH

37. Authorize preparation and release of a Request for Proposal for an interim children's health insurance product, select a provider to perform these services and return to the Board for

final approval.

APPROVED AS RECOMMENDED AYES: ALL

38. Contract No. 2006009 with Pacific Health Consulting Group to conduct a feasibility study and action plan for the development of a local health plan and approve the budget transfer-\$327,000.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

39. Approve Nationwide Retirement Solutions, Inc. 457(b) Governmental Plan Document for Merced County's Deferred Compensation Program which reflects changes and modifications of language consistent with legislation and regulations that became effective January 1, 2006.

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

40. Resolution No. 2006-05 supporting the Highway 99 Task Force and the "Great Valley Center/Caltrans Route 99 Improvement Guide and Corridor Master Plan" and authorize local legislators be so notified.

APPROVED AS RECOMMENDED AYES: ALL

41. Authorize \$1,500 of Special Board Project Funds-District One to be used for the Boys and Girls Club of Merced and approve the necessary budget transfer.

APPROVED AS RECOMMENDED AYES: ALL

42. Authorize \$3,725 of Special Board Project Funds-District Five to be utilized for the Los Banos Court to assist with the purchase of a walk-through metal detector and approve the necessary budget transfer.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

43. Hilmar Municipal Advisory Council – Appoint Pat Sparks to serve until May 3, 2009

APPROVED AS RECOMMENDED AYES: ALL

44. Advisory Board on Alcohol and Other Drug Problems, District Three Appointment – Appoint Lori Newman to serve until June 30, 2008.

APPROVED AS RECOMMENDED AYES: ALL

45. Merced Cemetery District – Appoint Roberta Saling to serve until August 16, 2009.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION ACCEPTED AND PLACED ON FILE

ACCEPTED AND PLACED ON FILE AYES: ALL

46. Sheriff re: 2005/2006 Rural and Small County Award of \$500,000 in accordance with Government Code 30070 to the Sheriff Department Trust Fund 2610.

47. City of Merced-Merced Redevelopment Agency re: Public Hearing to consider the Extension of Project Area Two by One Year.

48. Calif. State Association of Counties re: Challenge Awards Directory. (On file with Clerk)

49. California Regional Water Quality Control Board Central Valley Region re: Notice of California Environmental Quality Act (CEQA) Scoping Meeting and Public Workshop on the Development of Amendments to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (Basin Plan) to Control the Discharge of Pesticides.
50. California Fish and Game Commission re: Letter in support of further dialogue with county governments on the subject of oak woodlands conservation.
51. State Water Resources Control Board re: North Coast Regional Water Board and the Humboldt District Attorney's Office News Release.
52. State Water Board re: Notice of Board Meeting set for January 13, 2006.
53. Merced County Office of Education re: Certification of Resolution #13/2005-2006 All Proceedings in the November 8, 2005 General Obligation Bond Election including the Statement of the Vote, Merced County Statewide Consolidated Special Election as required by Education Code Section 15274.

ADOPTED RESOLUTIONS AND ADJOURNED MEETING IN MEMORY OF JACK WEAVER, DOROTHY M. BENAFIELD, FRANCES M. HOLLOWAY AND AMADOR COUNTY SUPERVISOR MARIO BIAGI UNTIL TUESDAY, JANUARY 24, 2006 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – JANUARY 10, 2006

10:00 A.M. SCHEDULED ITEM

2006-01-10 PUBLIC OPPORTUNITY

Donna Crowder submits a letter dated January 10, 2006 stating we need a law that will stop counties from using the sheriff as coroner and advises many counties have separated and changed the Sheriff from the Coroner Department. Ms. Crowder also states she is listed as deceased in the local school system and has contacted Merced County Superintendent of Schools Lee Anderson regarding this matter.

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

10:30 A.M. SCHEDULED ITEM

2006-01-10 PUBLIC WORKS - PUBLIC HEARING

The time and date previously set for a public hearing to consider sale of surplus property at County Storm Drainage Basin located on Crawford Street in Winton submitted by Public Works.

Assistant Public Works Director Mike Edwards states the developer has requested the land for the Quail Hollow Storm Drain Basin be sold back from the County to the developer.

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.

Upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2006010 with Ryland Homes of California, Inc. for the sale of surplus property at County Storm Drainage Basin located in Winton for the fair market value and authorizes the Chairman to sign the Grant Deed upon Ryland Homes of California, Inc. satisfaction of the conditions of sale as described in the agreement.

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

10:30 A.M. SCHEDULED ITEM

2006-01-10 PUBLIC WORKS - CONTINUED PUBLIC HEARING

The time and date previously set for a Continued Public Hearing to consider certification that the Final Environmental Impact Report for the Campus Parkway Project has been completed in compliance with CEQA; select a preferred alignment for Campus Parkway and direct staff to return to the Planning Commission and the Board with a General Plan Amendment to modify the Circulation Element subsequent to completion of the Final Environmental Impact Statement (NEPA) by the Federal Highway Administration submitted by Public Works.

Assistant Public Works Director Mike Edwards briefly reviews the recommendation before the Board.

Public Works Supervising Engineer Steve Rough provides a review and history of the project and presents the Campus Parkway Project power point presentation.

The Chairman opens the Public Hearing.

The following speak in favor of the Yellow Alternative:

Karen Fife submits Petitions in favor of the yellow alternative, Christina Fife, Jerry Callister, Dennis Jordan, Larry McCandle, Kim Rogina, Audrey Pierelle and Erin Camp.

The following speak in favor of the Green Alternative:

Kenneth Groefsema and Noel Douglas.

The following also speak:

Greg Avelar states the Board should look at existing routes and not consider the green nor yellow alternatives, Jeanette Benson states concern with farming impacts as urbanization continues to grow. Diana Westmoreland Pedrozo, representing the Merced County Farm Bureau Board of Directors, submits and reads into the record Minutes from the Merced Irrigation District dated August 16, 2005 and September 6, 2005 and states development should occur in north Merced not eastern Merced and encourages the preservation of farmland.

The Chairman closes the Public Hearing.

Supervisor Kelsey inquires about the necessity of a new Environmental Impact Report (EIR) when changes are made to a project after the EIR has been completed.

County Counsel Ruben Castillo advises if there are substantive changes to the project, a supplemental EIR is required but if the changes are minor there is no need for a supplemental EIR.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, the Board certifies that the Final EIR for the Campus Parkway Project has been completed in compliance with CEQA.
Ayes: Nelson, Pedrozo, Crookham, Kelsey, O'Banion

Supervisor Kelsey states she feels there will be impacts on the community and neighbors and impacts on ag. land conversion from this project and feels the Board needs to take a stand on the Urban Limit Line. She also states the County needs a long-term vision to limit the sound effects on the neighborhood by placing this project below grade and ensure that it will be an expressway without stops at every intersection and without backing up at crossroads.

Supervisor Crookham states the route is through District Two and she cannot justify postponing this matter. During the review process, the cost for the under grade was too great and the sources of revenue were unknown.

Following discussion Supervisor Crookham moves, seconded by Supervisor Pedrozo, the Board select the Yellow Alternative for the Campus Parkway and direct staff to return to the Planning Commission and Board of Supervisors with a General Plan Amendment to modify the Circulation Element subsequent to completion of the Final Environmental Impact Statement (NEPA) by the Federal Highway Administration.

Supervisor O'Banion agrees the Yellow Alternative is the logical route. He states the under grade issue was discussed but very costly and would delay the project because it is a major change to the project and would require another EIR.

Supervisor Kelsey states the proposal discussed is to place the route below grade which is similar to the Highway 99 that runs through Livingston. She states concern with long term impacts of this road to agriculture in eastern Merced County and states the Green Alternative would have been an acceptable proposal but it impacts shifting the road back on the area below Yosemite Avenue.

The Chairman calls for a vote on the Motion.

Motion carries.

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

10:30 A.M. SCHEDULED ITEM
2006-01-10 PLANNING - PUBLIC HEARING

The time and date previously set for a public hearing to consider Appeal of Planning Commission Denial of Minor Subdivision Application No. 05029 submitted by Anthony Medeiros, Jr. Said application is to divide a 196 acre parcel into four 38.3 acre parcels with a 42.3 acre remainder parcel on property located a ½ mile north of Avenue 26 and 1 ¼ miles east of Bliss Road in Chowchilla submitted by Planning.

Assistant Planning Director Bill Nicholson reviews the history of the project.

Planner Gene Berrera reviews the powerpoint presentation and advises staff is recommending Condition No. 5 be modified to require an irrigation easement rather than irrigation improvements.

The Chairman opens the public hearing.

Anthony Medeiros states his primary goal is to divide the property so that it can be farmed by family members and that it is difficult to obtain a loan on a large parcel. He assures the Board his intent is not to build homes on the property.

Rick Medeiros states he and his family would like to keep the property for family farming.

Martin DeJager, neighbor, states he does not object to the division of the parcel if the land remains in agriculture but is concerned with future use.

Diana Westmoreland Pedrozo, Merced County Farm Bureau, states concern with premature parcelization of agricultural land and concern with the future use of the subject property. She requests the Board limit the number of homes that can be on the property should the Appeal be granted or suggests another alternative is to hold the item over until the General Plan has been updated.

Gene Hayworth states he owns property south of the Medeiros property and there is property south of him that is a 20-acre parcel which is being developed for a subdivision with no water access on this property.

The Chairman closes the public hearing.

Supervisor Kelsey states she understands the difficulty of obtaining a loan on large parcels; however, she wants assurances that accumulated impacts have been addressed for this parcel.

Mr. Nicholson advises this project has been regarded as an exemption to CEQA and has been considered as an individual project.

Supervisor Pedrozo states concern that the land remain in agriculture and should the project be approved, he does not want to see that family members are not farming the land and it is sold for development.

Supervisor Kelsey asks if there was an attempt by the Planning Department to require an irrigation easement to ensure it remains in farming.

Mr. Nicholson states the intent was to ensure the availability of an adequate water supply.

Supervisor O'Banion reviews the issues in which the Medeiros family has been cooperative with the county and states he understands the financial issue as the bank will not loan money that is needed for improvements on a large parcel.

Supervisor Kelsey states concern that an accumulated analysis has not been prepared, whether the water easement is adequate and the parcelization status.

Supervisor Pedrozo requests the Board postpone the matter to allow him time to further review the property.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Kelsey, duly carried, the Board continues the matter until February 14, 2006, with the understanding no further public testimony will be taken and the Board will make a decision at that time.

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

10:30 A.M. SCHEDULED ITEM

2006-01-10 AUDITOR - PUBLIC HEARING – ORDINANCE NO. 1773

The time and date previously set for a public hearing to consider a Proposed Ordinance for Amending the Annual County Clerk and Recorder's Fees submitted by the Auditor-Controller/Recorder/Clerk.

County Counsel Ruben Castillo states the Proposed Ordinance has been changed to an "Urgency Ordinance and reads the title: An Urgency Ordinance Adopting the Merced County Clerk's/Recorder's Fee in the 2005-2006 and 2006-2007 Fiscal Year (Amends Ordinance No. 1769)

Upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo, duly carried, the Board waives further reading of the Proposed Ordinance.
Ayes: Nelson, Pedrozo, Crookham, Kelsey, O'Banion

Auditor-Controller-Recorder Steve Jones states the urgency stems from the State law put into place after this item was scheduled. The County has State fees included in its local fees and the Attorney General has stopped electronic recording at this time and that fee has been removed.

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.

Upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo, duly carried, the Board adopts Ordinance No. 1773 as an Urgency Ordinance that becomes effective immediately.
Ayes: Nelson, Pedrozo, Crookham, Kelsey, O'Banion