



# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting  
TUESDAY, MAY 16, 2006  
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  
KATHLEEN M. CROOKHAM....DISTRICT 2  
CHAIRMAN MICHAEL G. NELSON.....DISTRICT 3  
DEIDRE F. KELSEY....DISTRICT 4  
JERRY O'BANION.....DISTRICT 5  
Lydia A. Beiswanger, Chief Clerk

DEMITRIOS O. TATUM  
COUNTY EXECUTIVE OFFICER

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*

**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

SCHEDULED ITEMS

9:00 A. M.

**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): Two Cases

**THE BOARD RECESSED AT 9:00 A.M. WITH ALL MEMBERS PRESENT AND RECONVENED AT 10:00 A.M. AND THE CHAIRMAN ADVISED NO ACTION WAS TAKEN**

**GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)**

10:00 A. M.

**PLEDGE OF ALLEGIANCE**

**PUBLIC OPPORTUNITY TO SPEAK ON ANY MATTER OF PUBLIC INTEREST WITHIN THE BOARD'S JURISDICTION INCLUDING ITEMS ON THE BOARD'S AGENDA, EXCEPT FOR THOSE ITEMS SPECIFICALLY SCHEDULED AS PUBLIC HEARINGS** (Testimony limited to five minutes per person)

**REVIEW BOARD ORDER – SEE PAGE 12**

**PRESENTATIONS**

Recognition of Golden Valley High School - Newsweek Magazine named GVHS one of the nation's top 1,000 high schools

Recognition of Yamato Colony Elementary School and Livingston Union School District – Named as California Distinguished School

Recognition of Denard Davis and Lewis Braxton

**HEALTH** - Pandemic Flu Plan, Consideration of approval of the Pandemic Flu Plan

**REVIEW BOARD ORDER – SEE PAGE 12**

**BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES** (4/5 Vote Required) Ag. Commission-\$47,000 and Human Services Agency-\$75,000

**APPROVED AS RECOMMENDED AYES: ALL**

**APPROVAL OF CONSENT AGENDA CALENDAR** (Items #1 - 45)

**APPROVED AS RECOMMENDED AYES: ALL**

**SHERIFF - PUBLIC HEARING**

To consider 2006/2007 Criminal Justice Administrative Fee (Booking Fee)

**REVIEW BOARD ORDER – SEE PAGE 12**

**PLANNING - PUBLIC HEARING**

Zone Code Text Amendment No. 05001 and No. 05003 - Kenneth Giesbrecht, Kewal Singh Pannu and Harbhatan Kaur Pannu - To modify Sections 18.02, 18.47 and 18.56 the Merced County Zoning Code to allow the location of churches and related religious facilities on specific parcels of agriculturally zoned land. The provisions of this text amendment would be effective in all unincorporated areas within the County

**REVIEW BOARD ORDER – SEE PAGE 13**

**PLANNING - PUBLIC HEARING**

General Plan Amendment No. 05001, Parallel Zone Change No. 06005, Agricultural Preserve Amendment No. 06002 - Delhi Community Plan. Proposal is to adopt the Delhi Community Plan, an amendment of the Merced County General Plan; related re-zonings; and withdrawal of land from the Merced Agricultural Preserve, in an area generally bounded by Bradbury Road to the north, Merced Avenue to the west, August Road/Second Avenue to the south, to the east an irregular line commencing east of Second Avenue and Petaluma Avenue northwestward to Vincent Road and Bradbury Road encompassing an area of approximately 2,000 acres

**REVIEW BOARD ORDER – SEE PAGE 13 AND 14**

**REPORTS/BOARD DIRECTION**

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

**LUNCH BREAK**

CONSENT CALENDAR (Items #1 - 45)

**APPROVED AS RECOMMENDED AYES: ALL**

Public Works

- 1. Set Public Hearing for June 20, 2006 at 10:00 a.m. to consider Resolution authorizing the revising of the solid waste disposal fee.

Sheriff

- 2. Approve and authorize Chairman to sign Amendment to Contract No. 2004328 with Evergreen Memorial Park for rotational deceased removal services.
- 3. Approve and authorize Chairman to sign Amendment to Contract No. 2005040 with Sentinel Offender Services for home surveillance monitoring and Kiosk services for inmates residing in their residence for the Sheriff's Department.
- 4. Accept award of \$600 from the Officer Down Memorial Page, Inc. Memorial Grant Program in support of the Merced County Law Enforcement Memorial construction and authorize transfer to 17200/83619 for the Memorial Fund.
- 5. Accept a used ambulance from Westside Ambulance Service in support of Coroner issues for the purchase of \$1.00.

## Human Services Agency

6. Approve and authorize Chairman to sign Renewal Contract No. 2004083 with Merced County Office of Education for Community Development and Support Services under the Promoting Safe and Stable Families (PSSF) Program.
7. Approve and authorize Chairman to sign Renewal Contract No. 2005171 with Merced County Office of Education for Child Care Services.
8. Approve and authorize Chairman to sign Amendment to Contract No. 2004116 with Merced County Office of Education for Vocational Training Services to welfare-to-work participants.
9. Approve and authorize Chairman to sign Amendment to Contract No. 2005016 with Child Advocates of Merced County for Family Mentoring services.
10. Approve and authorize Chairman to sign Renewal Contract No. 2002123 with Merced College to identify and evaluate Welfare to Work participants with learning disabilities.
11. Approve and authorize Chairman to sign Renewal Contract No. 2004145 with Merced College for Welfare to Work participants Educational Services.
12. Approve and authorize Chairman to sign Amendment to Interdepartmental Contract No. 2004141 with Dept. of Workforce Investment for Employment Services to increase the budget to purchase new computers for ADA compliance for period of June 1, 2005 through May 31, 2006.
13. Approve and authorize Chairman to sign Renewal Interdepartmental Contract No. 2004141 with Dept. of Workforce Investment for Employment Services for Welfare to Work participants for period of June 1, 2006 through May 31, 2007.
14. Approve and authorize Chairman to sign Renewal Interdepartmental Contract No. 2004356 with Public Health for Parenting/Bonding Classes.
15. Approve and authorize Chairman to sign Amendment to Contract No. 2006042 with Total Self Insight, Inc. for Family Group Decision Making Conference.
16. Approve and authorize Chairman to sign Amendment to Contract No. 2004042 with A Woman's Place increasing the budget for Welfare-to-Work participants who are victims of domestic violence.
17. Approve and authorize Chairman to sign Amendment to Contract No. 2004254 with A Woman's Place increasing the budget for domestic violence services providing a counselor to children and families.
18. Approve and authorize Chairman to sign Renewal Contract No. 2004280 with University of California, Davis for staff training and development for child welfare services.

## Health

19. Approve and authorize Chairman to sign Renewal Contract No. 2004106 with State Water Resources Control Board for Oversight Underground Storage Tank Program and adopt Resolution.

### **ADOPTED RESOLUTION NO. 2006-83**

20. Approve and authorize Chairman to sign Renewal Contract No. 200239 with Mercy Medical Center Merced for Base Hospital function in compliance with the policies and procedures of the County.

## Mental Health

21. Approve and authorize Chairman to sign Renewal Contract No. 2004065 with Delhi United Drug for Pharmacy Services to clients.
22. Approve and authorize Chairman to sign Renewal Contract No. 2004058 with Rite Aide Corporation for Pharmacy Services to clients.
23. Approve and authorize Chairman to sign Renewal Contract No. 2002217 with Aspira Children's Services for Mental Health and Therapeutic Behavioral Services.
24. Proclaim the month of May, 2006 as Mental Health Month in the County of Merced.
25. Approve and authorize Chairman to sign Amendment to Contract No. 2004110 with State Dept. of Alcohol and Drug Programs for local alcohol and drug services to reflect fund changes from state and federal budget action (Negotiated Net Amount and Drug Medi-Cal Contract) and adopt Resolution.

### **ADOPTED RESOLUTION NO. 2006-84**

26. Approve and authorize Chairman to sign Amendment to Contract No. 2006058 with Rutan and Tucker, LLP for Outside Counsel for two adolescent clients who are wards of Merced County.
27. Approve and authorize Chairman to sign Amendment to Contract No. 2003024 with BHC Hospital Sierra Vista Medi-Cal for Medi-Cal Inpatient Hospital Services.

## Planning

28. Approve and authorize Chairman to sign Addendum to Contract No. 2004131 with Riverside Motorsports Park LLC for Review and Processing of EIR and related processing for the General Plan Amendment and Zone Change applications due to additional review resulting from change in consultant, additional costs and time extension to be funded by the applicant.
29. Approve and authorize Chairman to sign Addendum to Contract No. 2004130 with Planning Partners for Review and Processing of EIR and related processing for General Plan Amendment and Zone Change applications for the Riverside Motorsports Park project.

## Dept. of Workforce Investment

30. Proclaim May, 2006 as Worknet One-Stop Centers Month in the County of Merced.

## Fire

31. Approve and authorize Chairman to sign Renewal Contract No. 2005019 with Calif. Dept. of Forestry and Fire Protection for FY 2005/06 and adopt Resolution.

### **ADOPTED RESOLUTION NO. 2006-85**

32. Approve Budget Transfer in the amount of \$3,600 for Fire-Office of Emergency Services.

## Executive Office

33. Approve Travel Requests submitted by Dept. of Workforce Investment, District Attorney (2), Human Services Agency, Child Support Services and Ag. Comm.-Weights and Measures as recommended by Executive Office.
34. Approve and authorize Chairman to sign Amendment to Contract No. 2006127 with Dwight Peace dba The Injury Prevention Group for worksite evaluations and ergonomics at an amount not to exceed \$18,000.

35. Act on Claims for Damages from Alex Abarca (2005-111) and Espiridion Cantu (2006-40) as recommended by Risk Management.

#### Board Recognition

36. Authorize Certificates of Recognition to Atwater Chamber of Commerce Quarterly Awards to Alexis Enos for Student of the Quarter-Peggy Heller School, Business of the Quarter to George Azevedo-Azevedo Painting and Volunteer of the Quarter to Joan Faul.
37. Authorize Certificates of Recognition to The Greater Merced Chamber of Commerce and Junior Leadership Merced Graduation Class 2 Awards to: Golden Valley High School - Gracie Barragan, Marisa Brooks, Jeff Fuller and Edward Samaniego; Merced High School - Lisa Chow, Adam Cox, Jose Garcia, Nou Her and Elizabeth Patterson; Buhach Colony High School - Chessie Garcia, Ivana Hatfield and Stefanie Williams; Livingston High School - Jaspreet Kaur and Jai Thao.
38. Authorize plaque to Merced Irrigation District in celebration of the 10th Anniversary serving Retail Electricity.
39. Authorize Certificate of Recognition to Vera Soriano in recognition of 2006 Dos Palos Good Samaritan Award.
40. Authorize Certificate of Recognition to Rodney Avilla as recipient of the Hilmar Distinguished Service Award.
41. Authorize Certificate of Recognition to Western Farm Service recognizing service and completion of the road work and clean up of Arboleda through Highway 99.
42. Authorize Certificate of Recognition to Walnut Energy Center congratulating the Turlock Irrigation District on the Induction into service of the new Walnut Avenue Power Plant.
43. Proclaim April 24, 2006 as National Volunteers Week in Merced County and authorize Certificates of Recognition to Manuel Mello for selection as Volunteer of the Year and Rose Mello and Antionette Garbini as Runners Up for Volunteer of the Year.
44. Authorize Certificates of Recognition to Law Enforcement Officers of the Year selected by the American Legion Merced, Post 83 as follows: Atwater Police-Darin Jantz and Atwater CHP-Michael Colodziej, Dos Palos Police-David Humphrey, Gustine Police-Miguel Villalobos, Los Banos Police-Marcelino Cortez, Merced Police-Jeff Eastman, Sheriff Dept.-Roy Tighe and Sheriff-Corrections-Israel Rosales.
45. Proclaim April 29, 2006 as Relay for Life Day in the County of Merced.

#### REGULAR CALENDAR

#### BOARD ACTION

#### PUBLIC WORKS

46. Contract No. 2006122 with California Dept. of Parks and Recreation for Proposition 40 Per Capita Block Grant Program for the upgrade to the irrigation system at Lake Yosemite and to separate the domestic water from the irrigation water and approve the necessary budget transfer-\$1,200,000.00. (4/5 Vote Required).

**APPROVED AS RECOMMENDED AYES: ALL**

47. Contract No. 2006123 with California Dept. of Parks and Recreation for Proposition 40 Roberti Z'Bert Harris Block Grant Program for the upgrade to the irrigation system at Lake Yosemite and to separate the domestic water from the irrigation water and approve the necessary budget transfer-\$342,051.00. (4/5 Vote Required)

**APPROVED AS RECOMMENDED AYES: ALL**

48. Acknowledge completion of the Campus Parkway Biological Opinion; authorize circulation of Request for Proposal to hire a firm to assist with the acquisition of conservation easements and authorize Public Works to evaluate and negotiate with recommendation to the come to the Board for approval.

**APPROVED AS RECOMMENDED AYES: ALL**

49. Authorize Contract No. 2006124 with State Dept. of Transportation covering maintenance of the In-Roadway Warning Lights at Campbell and Echo Streets in Hilmar.

**APPROVED AS RECOMMENDED AYES: ALL**

50. Approve plans and specifications for construction of Highway 59 Landfill Phase 6, Cell 1A and authorize Public Works to conduct bid opening and return to the Board with recommendation.

**APPROVED AS RECOMMENDED AYES: ALL**

51. Approve extending the Annual Retainer Contracts from July 1, 2006 to June 30, 2008 as follows: Environmental with URS Corp. (Contract No. 2004001), Landfill Engineering with SCS Engineers (Contract No. 2000125), Transportation Engineering with MRO Engineers (Contract No. 2003225), Bridge Design with Quincy Engineering (Contract No. 2000173), Aerial Photogrammetry with Aero Tech Surveys (Contract No. 2004404) and approve changing the per project limits as recommended by Public Works.

**APPROVED AS RECOMMENDED AYES: ALL**

#### MENTAL HEALTH

52. Adopt the Merced County Continuum of Care Plan, certify the cash match in the amount of \$105,905 is available for Project Home Start and authorize Mental Health Director to sign the certifications and application documents.

**APPROVED AS RECOMMENDED AYES: ALL**

#### HEALTH

53. Authorize preparation and release of Request for Proposal for exclusive air ambulance service as outlined in the scope of work with the Health Department and Emergency Medical Services Agency to return to the Board with final recommendation.

**APPROVED AS RECOMMENDED AYES: ALL**

54. Resolution approving submission of Household Hazardous Waste Coordination Grant Application for FY 2006-07 with the California Integrated Waste Management Board and authorize Contract No. 2006128 in the amount of \$7,000 to develop a county-wide universal waste program.

**ADOPTED RESOLUTION NO. 2006-86 AS RECOMMENDED AYES: ALL**

55. Resolution approving submission of the Household Hazardous Waste Infrastructure Grant Application for FY 2006-07 with the California Integrated Waste Management Board and authorize Contract No. 2006130 in the amount of \$210,000 for funding to plan and design two permanent household hazardous waste collection facilities to replace the existing facilities at Highway 59 and Billy Wright Landfills.

**ADOPTED RESOLUTION NO. 2006-87 AS RECOMMENDED AYES: ALL**

**HUMAN SERVICES AGENCY**

56. Authorize Sole Source Contract No. 2006131 with Merced Community College for Independent Living Program services enabling eligible youth to achieve self-sufficiency prior to leaving the foster care support system.

**APPROVED AS RECOMMENDED AYES: ALL**

57. Authorize Sole Source Contract No. 2006132 with University of California, Davis for Staff Training and Development.

**APPROVED AS RECOMMENDED AYES: ALL**

58. Authorize release of a multi-part Request for Proposal for the Family Group Decision Making (FGDM) and Transitional Planning Conferences (TPC) Program Vendor contracts, authorize negotiation with recommendation to come back to the Board for final approval.

**APPROVED AS RECOMMENDED AYES: ALL**

59. Authorize release of a Request for Proposal for the family mentoring/home visitor services; authorize negotiation with recommendations to come back to the Board for approval.

**APPROVED AS RECOMMENDED AYES: ALL**

60. Authorize Human Services Agency to abandon Request for Proposal No. 6098 for a Learning Management Program with notification to be provided to the bidders.

**APPROVED AS RECOMMENDED AYES: ALL**

61. Authorize Overhire of one Management Information System Technician I/II, Position No. 2, for up to six months in BU 50500.

**APPROVED AS RECOMMENDED AYES: ALL**

**DEPT. OF WORKFORCE INVESTMENT**

62. Contract No. 2006133 with Merced Community College to provide PLATO basic education services.

**APPROVED AS RECOMMENDED AYES: ALL**

63. Contract No. 2006134 with Calif. Dept. of Employment Development for One-Stop services office space at 1200 and 1204 West 16th Street, Merced.

**APPROVED AS RECOMMENDED AYES: ALL**

64. Authorize submittal of Funding Request to State Employment Development Department for Dislocated Worker Additional Assistance Project Funding in the amount of \$175,000 to provide assistance to Merced County workers laid off since March 2006 to be returned to the Board for final approval if awarded.

**APPROVED AS RECOMMENDED AYES: ALL**

**SHERIFF**

65. Authorize Sheriff to donate \$2,500 to the Non-Profit public benefit Merced County Sheriff Activities League in Planada and approve the necessary budget transfer-\$2,500. (4/5 Vote Required)

**REVIEW BOARD ORDER – SEE PAGE 14**

66. PULLED

**COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT**



67. Contract No. 2006113 with Kevin L. Benz dba Turning Point Industries for Sublease for Building 1332 at Castle Airport Aviation and Development Center.

**APPROVED AS RECOMMENDED AYES: ALL**

68. Authorize use of Castle Airport under the supervision of the Airport Manager and Commerce, Aviation and Economic Development Director for Blue Star 2006 set for May 18-22, 2006 and authorize Contract No. 2006121.

**APPROVED AS RECOMMENDED AYES: ALL**

69. Contract No. 2006114 with Federal Merced Associates, LLC for Castle Airport Sublease for Lot 76A (approximately 1.625 acres) to construct a medical equipment assembly facility.

**REVIEW BOARD ORDER – SEE PAGE 15**

70. Contract No. 2006115 with Federal Merced Associates, LLC for Sublease for Building 428 (approximately 9,360 square feet) for temporary workforce housing for the medical assembly plant at Castle Airport Aviation and Development Center.

**APPROVED AS RECOMMENDED AYES: ALL**

71. Contract No. 2006116 with Federal Merced Associates, LLC for Sublease for Building 1107 for temporary workforce housing for the medical assembly plant at Castle Airport Aviation and Development Center.

**APPROVED AS RECOMMENDED AYES: ALL**

72. Contract No. 2006117 with Federal Merced Associates, Inc. for Sublease for Building 175 (approximately 100,976 square feet) for the Builder's Exchange which will be operating in Buildings 175 and 1360 at Castle Airport Aviation and Development Center.

**APPROVED AS RECOMMENDED AYES: ALL**

73. Contract No. 2006118 with Federal Merced Associates, LLC for Sublease for Building 429 (approximately 9,360 square feet) for purpose of temporary workforce housing for the Builder's Exchange which will be operating in Buildings 175 and 1360 at Castle Airport Aviation and Development Center.

**APPROVED AS RECOMMENDED AYES: ALL**

74. Contract No. 2006119 with Federal Merced Associates, LLC for Sublease for Building 1360 (approximately 72,992 square feet) at Castle Airport Aviation and Development Center.

**APPROVED AS RECOMMENDED AYES: ALL**

**DISTRICT ATTORNEY**

75. Contract No. 2006135 with Cassabon & Associates for Forensic Accounting Services in connection with Merced County Superior Court Case No. MF42000 from July 1, 2005 to June 30, 2007 in a total sum not to exceed \$25,000.

**APPROVED AS RECOMMENDED AYES: ALL**

**CHILD SUPPORT SERVICES**

76. Authorize submission of Grant Application to the Federal Office of Child Support Enforcement for a grant to fund a collaborative demonstration project for specialist positions to work onsite with the Department of Workforce Investment for a period of two years in the amount of \$200,000 and a total project cost of \$465,517 and authorize Contract No. 2006125.

**APPROVED AS RECOMMENDED AYES: ALL**

**EXECUTIVE OFFICE**

77. Contract No. 2006136 with Bay Area Economics (BAE) for advisory services for the reuse of Castle and assistance with negotiations of a lease/development agreement with Federal Merced Associates, LLC.

**APPROVED AS RECOMMENDED      AYES: ALL**

78. Contract No. 2006137 with Bay Area Economics for analysis and negotiation services related to the property tax revenue sharing agreements.

**APPROVED AS RECOMMENDED      AYES: ALL**

79. Contract No. 2006138 with Kelling, Northcross & Nobriga to perform general municipal services.

**APPROVED AS RECOMMENDED      AYES: ALL**

#### BOARD OF SUPERVISORS

80. Authorize Special Board Project Funds-District Three in the amount of \$16,500 for Kitchen Improvements at Atwater Veterans of Foreign Wars Post 9946, authorize Chairman to sign Contract No. 2006120 with Atwater VFW Post 9946 and approve the necessary budget transfer-\$16,500.

**APPROVED AS RECOMMENDED      AYES: ALL**

81. Authorize Special Board Project Funds-District One in the amount of \$1,000 for the Merced County Sheriff Activity League and \$1,500 for the Tenaya Band Boosters and approve the necessary budget transfer-\$2,500.

**APPROVED AS RECOMMENDED      AYES: ALL**

82. Authorize Special Board Project Funds-District Four in the amount of \$1,500 to Gustine Chamber of Commerce and \$3,500 to the Merced County Sheriff Explorer Post #322 and approve the necessary budget transfer-\$5,000.

**APPROVED AS RECOMMENDED      AYES: ALL**

83. Authorize Special Board Project Funds-District Four in the amount of \$5,500 to Delhi Senior Club and approve the necessary budget transfer-\$5,500.

**APPROVED AS RECOMMENDED      AYES: ALL**

84. Authorize Special Board Project Funds-District Four in the amount of \$2,500 to D & D Associates for Hilmar Municipal Advisory Council Training.

**PULLED FROM THE AGENDA – NO ACTION TAKEN**

#### BOARD APPOINTMENTS

#### BOARD INFORMATION & POSSIBLE ACTION

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

85. City of Merced re: Copies of letters to local legislators regarding Merced Streams Project, Merced County, California.

86. San Joaquin Valley Air Pollution Control District re: 2005 Annual Report on Toxic Emissions from Valley Facilities.

87. San Joaquin Valley Air Pollution Control District re: Emergency Internal Combustion Engines - Modified Permit to Operate (PTO) for Compliance with District Rule 4702, Internal Combustion Engines, Phase II and the State of California's Airborne Toxic Control Measure for Stationary Compression Ignition Engines.

88. University of California re: Transportation Research, Spring 2006.
89. State Insurance Commissioner re: Proposed Changes to the Department of Insurance regulations concerning automobile rating factors.
90. State Dept. of Insurance re: Notice of Availability of Changed Text - Notice of Proposed Action and Notice of Public Hearing proposing amendments to Title 10, California Code of Regulations regarding the weight to be given to an insurer's automobile rating factors in determining automobile insurance rates and premiums.
91. State Board of Equalization re: County Assessment Appeals Filing Period for 2006.
92. State Water Resources Control Board re: Progress on Border Environmental Issues.
93. Governor Arnold Schwarzenegger re: California Watershed Network Awareness Month.
94. State Water Resources Control Board re: Upgrade to Willows Wastewater Plant.
95. State Water Resource Control Board re: Regional Water Board limits sediment and runoff from Palco's Timber Operations in Elk River and Freshwater Creek.

**ADOPTED RESOLUTIONS IN MEMORY OF EMILY KATHLEEN PEREIRA, HARVEY WADE AND EARL RHODES AND ADJOURNED MEETING UNTIL TUESDAY, JUNE 13, 2006 AT 5:00 P.M.**

---

**CHAIRMAN**

---

**CLERK**

## BOARD ORDERS – SUMMARY ACTION MINUTES – MAY 16, 2006

### **10:00 A.M. SCHEDULED ITEM** **2006-05-16 PUBLIC OPPORTUNITY**

Grant Wilson appears stating his concerns with Proposition 215 and asks the Board to vote on the issue.

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

### **10:00 A.M. SCHEDULED ITEM** **2006-05-16 PRESENTATION**

Public Health Director John Volanti reviews the Staff Report and Plan (supplement to the Merced County Dept. of Public Health Emergency Response Plan) and provides a power-point presentation on the Pandemic Influenza Response Plan. He states the Plan is consistent with the guidelines and recommendations from both the Calif. Dept. of Health Services and Federal Dept. of Health and Human Services and contains activities necessary for local response actions.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board approves the Health Department Pandemic Influenza Plan.

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

### **10:00 A.M. SCHEDULED ITEM** **2006-05-16 SHERIFF – PUBLIC HEARING**

The time and date previously set for a public hearing to consider establishing the 2006/2007 Criminal Justice Administrative Fee (Booking Fee) submitted by the Sheriff's Department.

Under Sheriff Bill Blake reviews the Staff Report and advises the cities have been notified of the administrative fee.

Upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo, duly carried, the Board adopts the Criminal Justice Administrative Fee (Booking Fee) at \$55.25 for Fiscal Year 2006/2007 per Government Code 29550(a) (1) for Merced County Bookings.

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

### **10:00 A.M. SCHEDULED ITEM** **2006-05-16 PLANNING – PUBLIC HEARING**

The time and date previously set for a public hearing to consider Zone Code Text Amendment No. 05001 and No. 05003 submitted by Kenneth Giesbrecht, Kewal Singh Pannu and Harbhatan Kaur Pannu and to consider proposed ordinance to allow the location of churches and related religious facilities on agriculture zoned land in all unincorporated areas within the County.

Assistant Planning Director Bill Nicholson reviews the Staff Report and Planner James Holland provides the power-point presentation.

The Chairman reads the complete title of the proposed ordinance into the record as follows: An Ordinance allowing for Churches and Other Religious facilities to locate on parcels of A-1 (General Agricultural) zoned land that are 10 acres or less in size (Amending Chapter 18 Merced County Code, Section 18.02, entitled "Agricultural Zones", Section 18.47, Entitled "Development Standards for Specific Uses" and Section 18.56, "Definitions and Construction of Words and Phrases").

The Board discusses the Conforming and Non-Conforming status of churches and the applicability of the Grandfather Clause.

The Chairman asks if there is anyone from the public wishing to speak.

Duane Andrews, Golden Valley Engineering, states the Mennonite Community is in support of the recommendation before the Board.

The following speak in favor of the proposal: Mr. Singh, Temple leader; S. Singh 15-year Livingston resident and Mr. Singh, resident of Livingston and scholar in the Sikh religion.

The Chairman closes the Public Hearing.

Upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board approves Zoning Code Text Amendments No. 05001 and 05003 as modified by the Planning Commission to only apply to the A-1 Zone; modifies Sections 18.02, 18.47 and 18.56 of the Merced County Zoning Code to allow the location of churches and related religious facilities on specific parcels of agriculturally zoned land as recommended by the Planning Commission and adopts Ordinance No. 1781.

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

**10:00 A.M. SCHEDULED ITEM**  
**2006-05-16 PLANNING – PUBLIC HEARING**

The time and date previously set for a public hearing to consider General Plan Amendment No. 05001, Parallel Zone Change No. 06005, Agricultural Preserve Amendment No. 06002 to adopt the Delhi Community Plan, an amendment of the Merced County General Plan; related rezonings; and withdrawal of land from the Agricultural Preserve in an area generally bounded by Bradbury Road to the north, Merced Avenue to the west, August Road/Second Avenue to the south, to the east an irregular line commencing east of Second Avenue and Petaluma Avenue northwestward to Vincent Road and Bradbury Road encompassing an area of approximately 2,000 acres in the Delhi area.

Assistant Planning Director Bill Nicholson reviews the Staff Report and Planners Robert King and RRM Design representative Gary Conte provide the power point presentation.

The Chairman asks if there is anyone from the public wishing to speak.

Dennis Wilson, Horizon Development and representative for the Gritton family, references letter provided to the Board dated May 12, 2006 advising his client has not received constructive notice of hearings and the County is in violation of Government Code 65092. He also states he has requested meeting dates for the Municipal Advisory Councils and Planning Commission meetings and to date has not received any information. The future zone changes will affect the property and fair notice has not been received.

Deputy County Counsel Walter Wall responds advising the County is in compliance with Government Code 65091 and 65092.

The following speak concerning the Delhi Community Plan:

Richard Jantz speaks in favor of the Plan and states support of new commercial development.

Dennis Cote, Delhi MAC member, reviews his concerns requesting the matter be referred back to the Planning Commission to address concerns with bicycle routes and water/sewer issues.

Susan Mead, Delhi resident, speaks in support of the Plan.

Ms. Silveria, Delhi resident, reviews concerns on redevelopment in the older neighborhoods.

Tim Miller, Miller Planning & Design, speaks in support of the Plan.

The Chairman closes the Public Hearing.

Following discussion and upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, duly carried, the Board adopts the Environmental Findings, certifies the Environmental Impact Report, adopts the Statement of Overriding Considerations, and states its intended decision to adopt the Delhi Community Plan (GPTA No. 05001), to approve the parallel Zone Changes (ZC No. 06005), and to approve the Agricultural Preserve Amendment (APA No. 06002).  
Ayes: Nelson, Pedrozo, Crookham, Kelsey, O'Banion

**ACTION ITEM NO. 65**  
**2006-05-16 SHERIFF**

Upon motion of Supervisor Pedrozo, seconded by Supervisor O'Banion, duly carried, the Board authorizes the Sheriff to donate \$2,500 to the Non-Profit public benefit Merced County Sheriff Activities League in Planada; authorizes the Chairman to sign Contract No. 2006126 with Merced County Sheriff Activities League and approves the necessary budget transfer-\$2,500.  
(4/5 Vote Required)

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

**ACTION ITEM NO. 69**

**2006-05-16 COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT**

The Clerk announces the Contract with Federal Merced Associates for use of Lot 76A at Castle Airport is before the Board for consideration.

Commerce, Aviation and Economic Development Director John Fowler clarifies for the record that Lot 76A is approximately 1.625 acres.

Upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2006114 with Federal Merced Associates, LLC for Sublease of Lot 76A (approximately 1.625 acres) to construct a medical equipment assembly facility at Castle Airport Aviation and Development Center.

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