



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, AUGUST 15, 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.*

The Agenda is available online at www.co.merced.ca.us

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
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The Agenda is divided into three sections:

CONSENT CALENDAR – These matters include routine financial and administrative actions and are approved by a single majority vote.

SCHEDULED ITEMS – These items are noticed hearings, work sessions and public hearings.

REGULAR CALENDAR – These items include significant policy and administration actions. Immediately after approval of the CONSENT CALENDAR, if the time of the hearing of SCHEDULED ITEMS has not arrived, the REGULAR CALENDAR will be considered.

SCHEDULED ITEMS

9:00 A. M.

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 of Section 54956.9(a): Richard Byrd v. County of Merced, et al, Case No. 1:06-CV-00900; Tiffany Fenters v. County of Merced, et al, Case No. 1:05-CV-01630

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957:

PUBLIC EMPLOYEE APPOINTMENT. Title: County Counsel

REVIEW BOARD ORDER – SEE PAGE 7

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 7

PRESENTATION - DIGITAL COUNTY SURVEY AWARD BY NACO PRESENTED TO PAUL CLANTON, DIRECTOR OF ADMINISTRATIVE SERVICES

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 14)

APPROVED AS RECOMMENDED AYES: ALL

PLANNING - PUBLIC HEARING

To consider an Appeal to Revocation of Administrative Application No. 05-10 submitted by Gary and Terry Souza. Said application submitted by Andrew and Amanda Harrington to expand an existing horse boarding and training facility with a maximum of 80 horses (approved for 40 horses) and to construct a barn to house the additional 40 horses on property located on the north side of Dickinson Ferry Road, 2,050 feet west of Gurr Road in Merced

REVIEW BOARD ORDER – SEE PAGE 7 and 8

COUNSEL - PUBLIC HEARING

To consider issuance by the California Statewide Communities Development Authority of multifamily housing revenue bonds in a principal amount not to exceed Three Million Dollars (\$3,000,000) to assist in the financing of the acquisition, rehabilitation and development of a 40-unit multifamily rental housing development commonly known as the Dos Palos Apartments located at 21100 South Highway 33 in an unincorporated area of the County of Merced (California) and adopt Resolution

REVIEW BOARD ORDER – SEE PAGE 8

REPORTS/BOARD DIRECTION

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

LUNCH BREAK

1:30 P. M. FINAL BUDGET HEARINGS - PUBLIC HEARING

SEE SEPARATE AGENDA

CONSENT CALENDAR (Items #1 - 14)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Accept the Final Map for Silva Meadows Phase 1B Subdivision located in Atwater.
2. Accept Final Map for Quail Hollow Estates Phase 4 Subdivision located in Winton.
3. Approve and authorize the Chairman to sign Amendment to Contract No. 2003124 with U.S. Dept. of Agriculture Farm Service Agency for office site lease to include janitorial services.

Mental Health

4. Proclaim the month of September, 2006 as Alcohol and Drug Prevention, Treatment and Recovery Month in the County of Merced.
5. Approve and authorize the Chairman to sign Renewal Contract No. 2006213 with State Dept. of Alcohol and Drug Programs for Drug Court Partnership Program Grant and adopt Resolution.

ADOPTED RESOLUTION NO. 2006-148

6. Approve and authorize the Chairman to sign Renewal Contract No. 2003025 with BHC Hospital Heritage Oaks for Non-Medi-Cal inpatient hospitals services for an adjustment to increase the contract.

District Attorney

7. Approve and authorize the Chairman to sign Renewal Contract No. 2003042 with the Housing Authority of the County of Merced for Investigative Services for applicants requesting assistance.

8. Approve and authorize the Chairman to sign Renewal Contract No. 200288 with the Housing Authority of the County of Merced for the investigation of suspected housing subsidy fraud.

Health

9. Approve and authorize the Chairman to sign Renewal Contract No. 2006214 with Medi-Flight for Air Ambulance Provider Services while Dept. of Admin. Services-Support Serv. works with the EMS Agency on the exclusive air ambulance provider RFP process.
10. Approve and authorize the Chairman to sign Renewal Contract No. 2006099 with Health Plan of San Joaquin for California Children Services Program services for FY 2006-2007.

Executive Office

11. Approve and authorize the Chairman to sign Renewal Contract No. 2004268 with Reliance Standard Life Insurance for Short-Term/Long-Term Management Disability Insurance.

Board of Supervisors Office

12. Approve Minutes of June 13, 20, and 27, 2006 as submitted.

Board Recognition

13. Authorize Certificate of Recognition to Robert Wear for his 17 years of dedicated service to the Ballico Cressey School District.
14. Authorize Certificate of Recognition to the Warren Harris Family in Celebration of their 44th Family Reunion.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

15. Contract with Shaw Environmental for Quality Assurance/Quality Control Consultant for Highway 59 Landfill, Phase 6, Cell 1 Construction.
APPROVED AS RECOMMENDED AYES: ALL
16. Ratify the Sole Source Purchase of new irrigation pump/motor from Cavanaugh Pump for Winton Park and authorize issuance of Purchase Order using Funds from Trust Fund #02497 (Parkland Dedication Fees).
AUTHORIZED CONTRACT NO. 2006216 AS RECOMMENDED AYES: ALL
17. Approve plans and specifications for the Site Works for the Passenger Terminal Relocatable Building at Castle Airport, advertise and set bid opening date for the site development and direct Public Works to return to the Board with a recommendation on the lowest responsible bidder if within the identified budget subject to review of Counsel.
APPROVED AS RECOMMENDED AYES: ALL
18. Authorize Grant Application for REMOVE II Grant Funds for Bicycle Lanes on Bellevue Road approved by the Board on June 27, 2006 which requested \$50,000 was amended to a request for \$100,000 understanding Public Works will return to the Board upon receipt of any approved SJVAPCD Grant to accept and sign all grant related documents based on

review by Counsel and Auditor.

APPROVED AS RECOMMENDED AYES: ALL

AG. COMMISSION

19. Adopt Resolution authorizing Chairman to sign Contract with Calif. Dept. of Food and Agriculture for Sudden Oak Death Emergency Response inspections.

AUTHORIZED CONTRACT NO. 2006217 AND ADOPTED RESOLUTION NO. 2006-149 AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

20. Contract with A Woman's Place for Domestic Violence Services Welfare to Work (WtW) participants who are victims of domestic violence.

AUTHORIZED CONTRACT NO. 2006218 AS RECOMMENDED AYES: ALL

21. Contract with A Woman's Place for Domestic Violence liaison services on a full time basis to Child Welfare Services (CWS) families who have been subjected to domestic violence.

AUTHORIZED CONTRACT NO. 2006219 AS RECOMMENDED AYES: ALL

22. Contract with A Woman's Place for Domestic Violence Services.

AUTHORIZED CONTRACT NO. 2006220 AS RECOMMENDED AYES: ALL

MENTAL HEALTH

23. Interdepartmental Contract with Public Works-Transportation for Bus Services for the Wellness Center.

AUTHORIZED CONTRACT NO. 2006221 AS RECOMMENDED AYES: ALL

FIRE

24. Appoint Fire Division Chief Doug Hicks as the Merced County Office of Emergency Services Deputy Director-Operations pursuant to Ordinance No. 1567 and amend Resolution No. 2005-178 designating officers.

ADOPTED RESOLUTION NO. 2006-150 AS RECOMMENDED AYES: ALL

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

25. Authorize the Chairman to sign Contract with Tinetti Realty Group-Schedule of Lease Commissions for the sublease of Big Creek Lumber, Inc. at Castle Airport Aviation and Development Center.

AUTHORIZED CONTRACT NO. 2006222 AS RECOMMENDED AYES: ALL

HUMAN RESOURCES

26. Authorize the overhire of one Office Assistant I/II (Position 449) and one Janitor (Position 466) for Human Services Agency, BU 50054 and one Medical Claims Clerk I (Position 6) for Health, BU 49500 for Limited Term Appointments for a period of no more than six months.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

27. Public Works re: Notification that Merced County did not receive Safe Routes to School Grant Funding for the 6th Cycle for Sybil N. Crookham, Franklin and Charleston Elementary Schools and Le Grand High School submitted by Public Works.
28. Dept. of Workforce Investment re: Los Banos Worknet Employment Resource Center certified as affiliate One Stop by the Merced County Workforce Investment Board.
29. Secretary of State re: AB 1634 (McCarthy) Special Election County Reimbursement.
30. Merced Union High School District - Board of Trustees re: Resolution of the Board of Trustees of the Merced Union High School District ordering an election to authorize the issuance of school bonds, establishing specifications of the election order, and requesting consolidation with other elections occurring on November 7, 2006.
31. Westside Community Healthcare District re: Resolution of the Board of Directors requesting Consolidation of the Healthcare District Election with the State General Election.
32. Federal Emergency Management Agency re: Letter of Map Revision on New Century Park Subdivision.
33. Governor's Office of Emergency Services re: Notification the U.S. Small Business Administration has declared the primary County of Mariposa and contiguous Counties of Madera, Merced, Stanislaus and Tuolumne a disaster area based on the economic injury disaster declaration as a result of the Ferguson Rockslide on Highway 140 that occurred on April 29, 2006.
34. State Water Resources Control Board re: Notice of Board Member Quorum at the Public Scoping Meeting at the California Ocean Plan, Areas of Special Biological Significance Special Protections to Address Storm Water and Nonpoint Source Discharges on August 15, 2006.
35. Governor's Office of Emergency Services re: Notification due to physical and crop production losses caused by extreme heat that has occurred over the last few weeks that has allowed the U.S. Dept. of Agriculture (USDA) Secretary for a disaster designation.

ADOPTED RESOLUTION IN MEMORY OF JOHN C. WOOD AND RECESSED UNTIL 1:30 P.M. TO MEET IN A PUBLIC HEARING TO CONSIDER FINAL BUDGET HEARINGS

BOARD ORDERS – SUMMARY ACTION MINUTES – AUGUST 15, 2006

9:00 A.M. SCHEDULED ITEM

2006-08-15 CLOSED SESSION

The Clerk announces the following items are scheduled for Closed Session:

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 of Section 54956.9(a): Richard Byrd v. County of Merced, et al, Case No. 1:06-CV-00900; Tiffany Fenters v. County of Merced, et al, Case No. 1:05-CV-01630

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

The Board recessed at 9:00 a.m. and reconvened at 10:00 a.m. with the Chairman stating the Board meet in Closed Session and is reporting pursuant to Government Code Section 54957, the Board considered the appointment of County Counsel and the Board has made a final decision and James Fincher has been appointed as the new County Counsel for the County of Merced.

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

10:00 A.M. SCHEDULED ITEM

2006-08-15 PUBLIC OPPORTUNITY

Tom Grave speaks relative to Foster Farms and their property adjacent to the Riverside Motorsports Park and concerns on the negative impacts on Foster Farms.

Rod Webster submits a letter regarding the Draft Environmental Impact Report, Riverside Motorsports Park Bioresources Related Concerns.

Ron Welling speaks in opposition of Riverside Motorsports Park.

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

10:00 A.M. SCHEDULED ITEM

2006-08-15 PLANNING – PUBLIC HEARING

The date and time previously set for a public hearing to consider an Appeal to Revocation of Administrative Application No. 05010 submitted by Gary Souza. Said application submitted by Andrew and Amanda Harrington is to expand an existing horse boarding and training facility with a maximum of 80 horses (approved for 40 horses) and to construct a barn to house the additional 40 horses on property located on the north side of Dickinson Ferry Road, 2,050 feet west of Gurr Road in Merced.

Richard Harriman, Attorney representing the appellants Gary and Terri Souza, requests the Board continue the hearing to provide the parties an opportunity to further discuss the application and place the item on an agenda in September.

Applicant Andrew Harrington advises he is in agreement with this request.

Development Services Director Robert Lewis states the Planning Department is in agreement with continuing the Public Hearing until September.

The Chairman opens the Public Hearing. No one speaks.

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board continues the public hearing until September 19, 2006 at 6:00 p.m.

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

10:00 A.M. SCHEDULED ITEM
2006-08-15 COUNTY COUNSEL – PUBLIC HEARING

The date and time previously set for a public hearing to consider issuance by the California Statewide Communities Development Authority of multifamily housing revenue bonds in a principal amount not to exceed Three Million Dollars (\$3,000,000) to assist in the financing of the acquisition, rehabilitation and development of a 40-unit multifamily rental housing development commonly known as the Dos Palos Apartments located at 21100 South Highway 33 in an unincorporated area of the County of Merced.

County Counsel Ruben Castillo introduces Mr. Terrance Murphy with California Statewide Communities Development Authority to provide a summary of the proposal.

Mr. Murphy briefly reviews the staff report stating the public hearing is a requirement process, there are no financial obligations placed on the County for project financing costs or debt repayment. He further states the tax-exempt revenue bonds are payable solely out of the revenues derived by the Developer from the applicable Project and a no vote from the Board would decline the bond.

The Chairman opens the Public Hearing. No one speaks.

Upon Motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board approves issuance of Revenue Bonds by the California Statewide Communities Development Authority for the Dos Palos Apartments project and adopts Resolution No. 2006-151.

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