



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, AUGUST 29, 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

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

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INQUIRE WITHIN THE BOARD OF SUPERVISORS OFFICE**

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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

8:30 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

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): Rinderia Reader v. Merced County Superior Court Case No. CV 146195

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 8:30 AM AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED THERE WAS NOTHING TO REPORT

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 13

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) District Attorney-\$10,000; Mental Health-\$71,353 and Sheriff-\$12,000

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 30)

APPROVED AS RECOMMENDED AYES: ALL

REPORTS/BOARD DIRECTION

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

LUNCH BREAK

CONSENT CALENDAR (Items #1 - 30)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Adopt Resolution designating the intersection of Roseann Court and Hillside Drive, as part of Minor Subdivision No. 04059, as a Stop Intersection and authorize installation of a stop sign on the Roseann Court Approach in Delhi.

ADOPTED RESOLUTION NO. 2006-159

2. Accept Final Map for Luis Estates Subdivision in Santa Nella.
3. Waive the restriction on amplified sound equipment for live entertainment; waive restriction on alcohol and authorize the sale of alcohol to the public and authorize the closure of adjacent portions of 21st and N Streets for the Raise the Roof Fundraiser at Courthouse Park on September 23, 2006 subject to conditions.

REVIEW BOARD ORDER – SEE PAGE 13

4. Approve and authorize Chairman to sign Amendment to Contract No. 2005158 with Rolfe Construction Company for the Castle Airport Utility Upgrade Project.
5. Approve and authorize Chairman to sign Addendum to Contract No. 2005205 with University Sports & Cycle for license to rent bicycles, roller skate, kayak and kites at Lake Yosemite Park. (4/5 Vote Required pursuant to GC 25536)

Aq. Commissioner

6. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2004247 with Calif. Dept. of Pesticide Regulation for Electronic Pesticide Use Reporting Services and Support.

ADOPTED RESOLUTION NO. 2006-160

Human Services Agency

7. Approve and authorize Chairman to sign Renewal Contract No. 2004142 with Airport Warehouse Rentals for Grogan Avenue Storage Space.
8. Approve and authorize Chairman to sign Amendment to Contract No. 2006181 with Office of Systems Integration (OSI) for the inter-jurisdictional exchange of county employee for Subject Matter Expertise (SME) for Case Management Information and Payrolling System

(CMIPS) Project changing term of July 1, 2006-June 30, 2008 to August 28, 2006-June 30, 2008.

9. Approve and authorize Chairman to sign Amendment to Contract No. 2006041 with Total Self Insight, Inc. for Transitional Planning Conferencing extending term for 30 days.
10. Approve and authorize Chairman to sign Amendment to Contract No. 2006042 with Total Self Insight, Inc. for Family Group Decision Making, Inc. extending term through September 30, 2006.

Mental Health

11. Approve and authorize Chairman to sign Renewal Contract No. 2004137 with Atwater Elementary School for mental health services at the school.
12. Approve and authorize Chairman to sign Renewal Contract No. 2004203 with Merced Union High School District for mental health services at Livingston High School.
13. Approve and authorize Chairman to sign Renewal Contract No. 2001127 with Calif. State University-Stanislaus for placement of student interns to complete their field practicum requirements with Mental Health.
14. Approve and authorize Chairman to sign Renewal Contract No. 2003025 with BHC Heritage Oaks Hospital for Inpatient Hospital Services for non-Medi-Cal clients.
15. Adopt Resolution authorizing Chairman to sign Amendment Contract No. 2004110 with State Dept. of Health and Human Services Agency for Negotiated Net Amount and Drug Medi-Cal services.

ADOPTED RESOLUTION NO. 2006-161

Auditor

16. Authorize increase in Change Fund from \$950 to \$1,020 in Revenue and Reimbursement to be paid from Office Expense; approve Relief of Accountability for shortages in the amount of \$357 and authorize replenishment from Office Expense.
17. Authorize increase in Change Fund from \$150 to \$375 in the County Clerk's Office.
18. Approve and authorize Chairman to sign Addendum to Contract No. 2005265 with State Dept. of Justice for Electronic Recording Delivery System.

Commerce, Aviation and Economic Development

19. Approve and authorize Chairman to sign Renewal Contract No. 2004294 with StateStore, Inc. for FOCUS Program Procurement Vehicle and authorize Announcement Letter.
20. Approve and authorize Chairman to sign Renewal Contract No. 2000201 with Jeffrey Mann for Water System Operation and Maintenance.
21. Set public hearing for September 26, 2006 at 10:00 a.m. to consider Proposed Ordinance amending Water and Sewer Rates and Related Charges at Castle Airport (Amends County Code Chapter 5.60).

District Attorney

22. Approve and authorize Chairman to sign Renewal Contract No. 2000180 with Robert and Yvonne Ayers and Margaret Lawler for office space located at 652 West 20th Street, Merced.

23. Approve and authorize Chairman to sign Renewal Contract No. 2001167 with Robert & Yvonne Ayers and Margaret Lawler for office space located at 656 West 20th Street, Merced.
24. Approve and authorize Chairman to sign Renewal Contract No. 2006232 (formally Contract No. 8709) with Robert & Yvonne Ayers and Margaret Lawler for office space located at 658 West 20th Street, Merced.
25. Adopt Resolution authorizing Chairman to sign Renewal Contract 2006233 (formally Contract No. 8868) with Governor's Office of Emergency Services for Worker's Compensation Insurance Fraud Program.

ADOPTED RESOLUTION NO. 2006-162

26. Adopt Resolution authorizing Chairman to sign Renewal Contract 2006234 (formally Contract No. 8868) with Governor's Office of Emergency Services for Automobile Insurance Fraud Program.

ADOPTED RESOLUTION NO. 2006-163

Executive Office

27. Approve and authorize Chairman to sign Renewal Contract No. 2003282 with Merced County Superior Court for services and reimbursement of court operations and directs Staff to begin discussions with the Court regarding the contract for FY 2007/08.

Sheriff

28. Approve and authorize Chairman to sign Amendment to Contract No. 2006059 with Los Banos High School District for canine drug patrol services.

Board Recognition

29. Authorize Certificate of Recognition to Luis and Hermina Moreno in honor of their 60th Wedding Anniversary.
30. Authorize Certificate of Recognition to Guy Maxwell in celebration of his 40th Birthday.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

31. Amendment to Contract No. 200278 with TETER a+e, LLP for Annual Retainer Architectural Services Contract changing the per project limits as follows: from \$75,000 per project limit, no per year limit to \$150,000 per project limit, no per year limit.

APPROVED AS RECOMMENDED AYES: ALL

32. Reject the non-responsive bid of LNI Custom Mfg.; award the Contract to Lacor Streetscapes for the Bus Shelters & Amenities and authorize issuance of Purchase Order in an amount not to exceed \$98,046.82.

AUTHORIZED CONTRACT NO. 2006229 AS RECOMMENDED AYES: ALL

33. Authorize establishment of McSwain Community Clean-Up starting with Fiscal Year 2006/07.

APPROVED AS RECOMMENDED AYES: ALL

34. Amendment to Contract No. 2001236 with Shaw Environmental, Inc. for the Engineering Study and Feasibility Report for 2006 Bonds for Merced County Solid Waste Facility Improvements and approve the necessary budget transfer-\$67,500.

APPROVED AS RECOMMENDED AYES: ALL

35. Authorize Contract with Valve Burners Car Club of Merced to reserve and rent all facilities east of the Le Grand Canal at Lake Yosemite on September 10, 2006 for Annual Car Show; waive vehicle park fee for participants and visitors; authorize Car Club to charge for an Admission Fee of \$3 per person, children under 12 free; authorize vendors to sell products during the event and operate concessions; require the Car Club to provide the County of Merced with a Certificate of Insurance for comprehensive general liability naming the County of Merced as the additional insured in the amount required by Risk Management; authorize the Car Club admittance to the park at 6:00 a.m. to setup and open gates at 7:00 a.m. and to park cars on the turf areas of the park and waive the restriction on amplified sound equipment.

AUTHORIZED CONTRACT NO. 2006230 AS RECOMMENDED AYES: ALL

36. Amendment to Contract No. 2005007 with Mark Thomas and Company for Tasks 1 through 8 of the Design of Phase 2 of the Campus Parkway Project in the amount of \$1,985,729 (net increase after applying cost savings for Design of Phase 1) and approve the necessary budget transfer. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

37. Accept donation of \$12,000 from Society of St. Jorge for local match requirements of Proposition 12 Grant Funds; approve plans and specifications for Re-roofing of the El Nido Recreation Building/Community Center; authorize the bid opening for the Re-roofing and Foundation Attachment Project to be returned to the Board with recommendation for action and approve the necessary budget transfer-\$40,000.

APPROVED AS RECOMMENDED AYES: ALL

38. Authorize expenditure of funds originally identified for the Plaster Restoration on the Old Courthouse Museum in the amount of \$57,514.16 to be utilized for the installation of new water supply line for the public restrooms and boiler; authorize solicitation of bids with award to the lowest responsive bidder if within budget to be returned to the Board as Informational and approve the necessary budget transfer.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

39. Contract with Merced Lao Family, Inc. for Home Visitor Services.

PULLED FROM AGENDA - NO ACTION TAKEN

40. Contract with Merced County Office of Education for consulting services relative to the mandated Child Welfare Services.

AUTHORIZED CONTRACT NO. 2006235 AS RECOMMENDED AYES: ALL

FIRE

41. Accept Funding from the Governor's Office of Emergency Services for the Emergency Management Performance Grant for operation of the Office of Emergency Services in the amount of \$77,055.

AUTHORIZED CONTRACT NO. 2006280 AS RECOMMENDED AYES: ALL

42. Resolution allowing the Office of Emergency Services to execute necessary documents for the purpose of obtaining federal financial assistance provided by the Governor's Office of

Homeland Security for FY 2006 Homeland Security Grant Program in connection with action taken on July 25, 2006.

ADOPTED RESOLUTION NO. 2006-164 AS RECOMMENDED AYES: ALL

SHERIFF

43. Authorize purchase and re-installation of the backup repeater from Mobile Communications, Inc. for back-up Public Safety Communications (22100/86483).

APPROVED AS RECOMMENDED AYES: ALL

44. Authorize purchase of one Palm Print Criminal Live Scan Machine-LB (22102/86464) for the Los Banos Police Department Jail from Biometrics4all, Inc. to ensure consistent communications between all assigned Criminal Live Scan units in the County (22102-86464).

APPROVED AS RECOMMENDED AYES: ALL

45. Contract with Kagome, Inc. for Canine Drug Patrol services.

PULLED FROM AGENDA – NO ACTION TAKEN

46. Contract with Merced Cemetery District for Indigent Burials.

AUTHORIZED CONTRACT NO. 2006236 AS RECOMMENDED AYES: ALL

47. Contract with Merced Cemetery District for maintenance of the portion of cemetery area designated as Indigent Burials.

AUTHORIZED CONTRACT NO. 2006237 AS RECOMMENDED AYES: ALL

48. Approve Retro-Pay for a missed merit increase to Correctional Officer (Employee 34599) Corrections from Pay Period 4, 2006 to present and to Deputy Sheriff (Employee 17436) Sheriff Operations from Pay Period 6, 2006 to present.

APPROVED AS RECOMMENDED AYES: ALL

AG. COMMISSION

49. Ratify Letter of request for Merced County Disaster Declaration due to Animal and Animal production loss caused by excessive heat and humidity during July sent to the Governor's Office of Emergency Services on August 10, 2006.

APPROVED AS RECOMMENDED AYES: ALL

HEALTH

50. Approve Application with State Dept. of Health Services for FY 2006/07 for California Healthcare for Indigents Program (CHIP) funding in the amount of \$230,731.

APPROVED AS RECOMMENDED AYES: ALL

51. Contract with HealthNet as the vendor for the Children's Health Initiative (CHR); authorize Health to serve as Intermediary for the payment of premiums and authorize CHI Steering Committee to provide oversight and periodic reports back to the Board.

REVIEW BOARD ORDER – SEE PAGE 14

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

52. Authorize Castle Airport Sublease with U.S. Propane LP Heritage Holdings, Inc. dba Pro-flame, Inc. for 1.5 acres of land for propane storage and distribution facility at Castle Airport Aviation and Development Center.

AUTHORIZED CONTRACT NO. 2006238 AS RECOMMENDED AYES: ALL

53. Resolution supporting the Application for Merced County Enterprise Zone designation and authorize submission of Application to State Housing and Community Development Department.

REVIEW BOARD ORDER – SEE PAGE 14

54. Authorize negotiation of a sole source tower controller contract with SERCO, Inc. and return to the Board for contract approval.

APPROVED AS RECOMMENDED AYES: ALL

55. Acceptance of State Match from Division of Aeronautics, Caltrans for Federal Aviation Administration Grant Contract for Project Nos. 3-06-0364-07 for Airport Master Plan Study in the amount of \$7,500 and 3-06-0364-08 for Rehabilitate Taxiway (design only), install access control gate system (analysis and design) and rehabilitate taxiway lighting (design only) in the amount of \$3,386.

AUTHORIZED CONTRACT NO. 2006226 FOR AIRPORT MASTER PLAN STUDY AND CONTRACT NO. 2006227 FOR TAXIWAY DESIGN WORK AS RECOMMENDED AYES: ALL

PROBATION

56. Authorize Contract with San Diego County for Office of Traffic Safety Grant Funding and adopt Resolution accepting the Grant.

AUTHORIZED CONTRACT NO. 2006239 AND ADOPTED RESOLUTION NO. 2006-166 AS RECOMMENDED AYES: ALL

AUDITOR

57. Adopt Resolution setting the Secured Property Tax Rates for 2006/2007 Fiscal Year.

ADOPTED RESOLUTION NO. 2006-167 AS RECOMMENDED AYES: ALL

58. Accept the Supplemental Law Enforcement Services Fund Report as recommended by the Auditor.

APPROVED AS RECOMMENDED AYES: ALL

MENTAL HEALTH

59. Contract with EMQ Children and Family Services for SB 163 trainings.

AUTHORIZED CONTRACT NO. 2006240 AS RECOMMENDED AYES: ALL

60. Contract with Mary Ann Barr, Ph.D. for Mentally Ill, Chemical Abuser (MICA) trainings for treatment of clients.

AUTHORIZED CONTRACT NO. 2006241 AS RECOMMENDED AYES: ALL

SPRING FAIR

61. Authorize development and release of Request for Proposal for Carnival Services and evaluation and selection of the most responsive and responsible proposal to be returned to the Board for final approval.

APPROVED AS RECOMMENDED AYES: ALL

62. Authorize development and release of Request for Proposal for Sound Service, with evaluation and selection of the most responsive and responsible proposal to come back to the Board for recommended approval.

APPROVED AS RECOMMENDED AYES: ALL

63. Approve Budget Transfer in the amount of \$5,000 as recommended by Executive Office.

APPROVED AS RECOMMENDED AYES: ALL

PLANNING

64. Contract with Jones and Stokes for preparation of an Initial Study and Negative Declaration for the County Boundary Change with Fresno County.

AUTHORIZED CONTRACT NO. 2006228 AS RECOMMENDED AYES: ALL

DEPT. OF WORKFORCE INVESTMENT

65. Accept resignation and post vacancy of Robert Fore from the Workforce Investment Board.

APPROVED AS RECOMMENDED AYES: ALL

66. Authorize submittal of Application to the Employment and Training Administration (ETA), U.S. Dept. of Labor (DOL) to support capacity building of community colleges.

APPROVED AS RECOMMENDED AYES: ALL

COUNSEL

67. First Amendment to Contract No 2005140 with Rossmann and Moore, LLP for professional legal services to extend term to December 31, 2007 and increase funding to continue services.

APPROVED AS RECOMMENDED AYES: ALL

68. Contract with DeGoede & Associates for professional legal services for the period of August 1, 2006 to December 31, 2007.

AUTHORIZED CONTRACT NO. 2006242 AS RECOMMENDED AYES: ALL

69. Contract Amendment with Epstein Becker & Green, P.C. for professional legal services in connection with legal opinions on healthcare agreements.

AUTHORIZED CONTRACT NO. 2006243 AS RECOMMENDED AYES: ALL

70. Contract with Weakley, Ratliff, Arendt & McGuire, LLP for legal services in tort claim matters.

AUTHORIZED CONTRACT NO. 2006244 AS RECOMMENDED AYES: ALL

71. Direct Staff as to desired changes to Spring Fair Ordinance No. 1457, Ordinance Code Section 2.96.040, if any.

REVIEW BOARD ORDER – SEE PAGE 15

BOARD OF SUPERVISORS

72. Contract with Gustine American Legion Post #240 for Improvements/Remodel to the Gustine Veterans Memorial Hall and authorize expenditure of Special Board Project Funds-District Four in the amount of \$25,000 and approve the necessary budget transfer.

AUTHORIZED CONTRACT NO. 2006231 AS RECOMMENDED AYES: ALL

73. Authorize reimbursement of costs up to \$5,100 from Special Board Project Funds-District One to be paid to Administrative Services-General Services Division for janitorial services for the Le Grand Community Hall for FY 2006-07.

APPROVED AS RECOMMENDED AYES: ALL

74. Appoint Mr. James Fincher as County Counsel Designee effective September 4, 2006 and appoint Mr. James Fincher as County Counsel effective November 27, 2006.

APPROVED AS RECOMMENDED AYES: ALL

DISTRICT ATTORNEY

75. Contract with Pacific Holt Corporation for property located at 806 West 19th Street, Merced as an Alternative Facility for the District Attorney's Office as a 24 month lease agreement (with a 12 month option to extend).

AUTHORIZED CONTRACT NO. 2006245 AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

76. Merced County Mosquito Abatement District - Appoint Ron Wolff to serve representing Northern Rural until December 31, 2008.

APPROVED AS RECOMMENDED AYES: ALL

77. Mental Health Advisory Board – Appoint Kim Cruz-Marks to serve representing District One until June 30, 2009.

APPROVED AS RECOMMENDED AYES: ALL

78. McSwain Municipal Advisory Council - Appoint Charles Galatro to serve until July 26, 2010.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN RESOURCES

79. Contract with Leibert Cassidy Whitmore for Legal/Labor Relations Services.

AUTHORIZED CONTRACT NO. 2004311 AS RECOMMENDED AYES: ALL

80. Authorize Payment of the amount(s) assessed by the State Employment Development Department for County of Merced unemployment.

PULLED FROM AGENDA – NO ACTION TAKEN

EXECUTIVE OFFICE

81. Approve Travel Requests for District Attorney and Risk Management as recommended by Executive Office.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

82. Sheriff re: Notification of request for State mediation assistance in accordance with Government Code Section 69926(d) for Court Security contract negotiations between the Sheriff and the Superior Court of California, Merced County.
83. Dept. of Workforce Investment Board re: 2005/2006 WIA Subgrant Agreement R692484, Modification 6, with State Employment Development Department.
84. Dept. of Workforce Investment re: 2005/2006 WIA Subgrant Agreement R692484, Modification 7, with State Employment Development Department.
85. Central Valley Regional Water Quality Control Board re: Notice of Special Meetings scheduled for August 21, 23 and 28, 2006.
86. California Regional Water Quality Control Board Central Valley Region re: Notice of Public Workshop and California Environmental Quality Act (CEQA) Scoping Meeting on September 28, 2006.
87. Central California Citizens Against Lawsuit Abuse re: Invitation to join supporters throughout the Central Valley and Sacramento Region in promoting public awareness of

lawsuit abuse and its effects on our local communities, schools and governments.

REVIEW BOARD ORDER – SEE PAGE 15

88. State Department of Corrections and Rehabilitation re: Public Hearings scheduled for August 23, 2006 and September 25, 2006.
89. State Water Resources Control Board re: Notice of opportunity for public comment on a proposed amendment to the Water Quality Control Plan for the Central Coast Region to establish Total Maximum Daily Loads (TMDLs) and a Land Disturbance Prohibition for Sediment in Pajaro River (including Llagas Creek, Rider Creek, and San Benito River).
90. State Water Resources Control Board re: Blue-Green Algae on Klamath River.
91. State Water Resources Control Board re: Comment period for California Ocean Plan/ASBS - Special Protections to Address Storm Water and Nonpoint Source Discharges has been extended to September 1, 2006.

ADOPTED RESOLUTIONS AND ADJOURNED MEETING IN MEMORY OF PEDRO FUENTES AND THOMAS GARTON UNTIL TUESDAY, SEPTEMBER 19, 2006 AT 6:00 P.M.



ADDENDUM SUMMARY ACTION MINUTES BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, AUGUST 29, 2006
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
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DEMITRIOS O. TATUM
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RUBEN E. CASTILLO
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*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.*

REGULAR CALENDAR

BOARD ACTION

COMMERCE AVIATION AND ECONOMIC DEVELOPMENT

1. Approve Budget Transfer in the amount of \$198,000 for the CDBG Airport Over-the-Counter Grant to purchase Control Tower Equipment. (4/5 vote required)

APPROVED AS RECOMMENDED AYES: ALL

BOARD ORDERS – SUMMARY ACTION MINUTES – AUGUST 29, 2006

10:00 A.M. SCHEDULED ITEM **2006-08-29 PUBLIC OPPORTUNITY**

Grant Wilson speaks regarding the San Diego County lawsuit to ban medical marijuana and the Merced Sun-Star article.

Supervisor Nelson and Deputy County Counsel Walter Wall respond advising November 17, 2006 is the San Deigo Court date.

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

CONSENT ITEM NO. 4 **2006-08-29 PUBLIC WORKS**

Upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board waives the restriction on amplified sound equipment for live entertainment; waive restriction on alcohol and authorize the sale of alcohol to the public and authorize the closure of adjacent portions of 21st and N Streets for the Raise the Roof Fundraiser at Courthouse Park on September 23, 2006 subject to the following conditions:

1. The Save the Old Library Committee to provide the County of Merced with a Certificate of Insurance certifying liability, property damage, product liability, and host liquor liability insurance coverage of a minimum of one million dollars (\$1,000,000.00) combined single limits for all activities to be conducted at the Park.
All Certificates of Insurance must include the endorsement, "County of Merced, its agents, officers, and employees are additional insureds." The certificate must be mailed or faxed to Merced County Parks and Recreation Office by September 8, 2006.
2. The sale of alcoholic beverages shall comply with the rules, regulations, and requirements of the California State Department of Alcoholic Beverage Control.
3. The Committee will also sign the Merced County Application and Agreement, agreement to hold harmless, defend and indemnify County, its officers, agents and employees from any and all claims and losses arising out of the Applicant's use.
4. The Committee shall provide portable restroom facilities as required by the Health Department, at no cost to the County of Merced.
5. Contract with the Sheriff's Department for security personnel, or should a private security be used, the Sheriff's Department will need to approve the firm used and coordinate its activities.
6. Provide additional refuse bins as may be required or arrange for the removal of refuse and arrange with the City of Merced to dump the refuse containers at no cost to the County.
7. Obtain all necessary Health Permits and Business License Permits as required by the Health Department and the Department of Castle, Aviation and Economic Development.
8. Coordinate with the City of Merced and County of Merced Road Division to obtain approval and barricades for Street Closures

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

ACTION ITEM NO. 51
2006-08-29 HEALTH

The Clerk announces a Contract with Health Net as a vendor for the Children's Health Initiative (CHR) is before the Board for consideration.

Supervisor Kelsey moves, seconded by Supervisor Pedrozo, the Board approve Contract No. 2006225 with Health Net as the vendor for the Children's Health Initiative (CHI) Health Premiums, authorizes the Health Department to serve as intermediary for payment of premiums and authorizes the CHI Steering Committee to provide oversight and periodic reports back to the Board.

Director of Public Health John Volanti reviews the Staff Report and introduces the members in attendance from the Merced County Children's Health Initiative Steering Committee.

Supervisor O'Banion states there is not a request for county money to insure the children in Merced County and requests Board support.

The Chairman calls for a Vote on the Motion. Motion carries.
Ayes: Nelson, Pedrozo, Crookham, Kelsey, O'Banion

ACTION ITEM NO. 53
2006-08-29 COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

The Clerk announces a Resolution supporting the Application for Merced County Enterprise Zone is before the Board for consideration.

Supervisor Crookham moves, seconded by Supervisor O'Banion, the Board approve and authorize Chairman to sign Contract No. 2006223 with Dept. of Workforce Investment and Merced County Economic Development Corporation for Vouchering Performed in the Merced County Enterprise Zone and Contract No. 2006224 with Merced County Economic Development Corporation for Administration of Merced County Enterprise Zone; support the application for Enterprise Zone designation and authorize Staff to prepare and submit an Application to the State Dept. of Housing and Community Development Department and adopts Resolution No. 2006-165.

Supervisor Kelsey expresses concerns on the communication with the lead agency.

Following further discussion, Commerce, Aviation and Economic Development Director John Fowler assures the Board that this is part of the Contract and the process.

The Chairman calls for a Vote on the Motion. Motion carries.
Ayes: Nelson, Pedrozo, Crookham, Kelsey, O'Banion

ACTION ITEM NO. 71

2006-08-29 COUNTY COUNSEL

The Clerk announces discussion on the Spring Fair Ordinance No. 1457; Ordinance Code Section 2.96.040 is before the Board for consideration.

Supervisor Kelsey states she requested the Spring Fair Board membership be discussed and expresses concern on the appointment authority of the membership.

The Board discusses the current composition and requests additional information on the creation and the background information.

Supervisor O'Banion briefly comments on the current membership.

Following a lengthy discussion, County Counsel Ruben Castillo states he will gather the information on the creation and ordinances for the Spring Fair/May Day Fair Board and bring this item back to the Board on September 19, 2006.

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

INFORMATION ITEM NO. 87

2006-08-29 BOARD OF SUPERVISORS

The Board supports a Proclamation declaring October 2 – 6, 2006 as Lawsuit Awareness Week as requested by the Citizens Against Lawsuit Abuse.

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