



# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting  
TUESDAY, OCTOBER 03, 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](http://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**

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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 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, Director-Commerce, Aviation and Economic Development pursuant to Government Code Section 54956.8 as follows: Castle Property

**CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL -**

**ANTICIPATED LITIGATION:** It is the intention of the Board to meet in Closed Session concerning 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 of Section 54956.9(a): Circle One Ranch, LLC v. County of Merced, Case No. 149705

**CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL -**

**SIGNIFICANT EXPOSURE TO LITIGATION** - Pursuant to Government Code Section 54956(b): One case

**CLOSED SESSION:** It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957.6 concerning a Conference with County of Merced Staff Negotiators concerning negotiations with American Federation of State, County and Municipal Employees (AFSCME), Units 4, 5, 6 and 8; Independent Employees of Merced County (IEMC), Unit 3; Merced County Lawyers Association, Unit 7; Merced County Sheriff Employee Association (MCSEA), Unit 2; Merced County Law Enforcement Sergeants, Unit P; Deputy Sheriff Association, Unit 10 and Non-Safety Corrections, Unit 12

**THE BOARD RECESSED AT 9:00 A.M. WITH ALL MEMBERS PRESENT AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT**

**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**

**BUDGET TRANSFER FROM REVENUE/CONTINGENCIES** (4/5 Vote Required) Mental Health-\$50,000

**APPROVED AS RECOMMENDED AYES: ALL**

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

**APPROVED AS RECOMMENDED AYES: ALL**

**PLANNING - PUBLIC HEARING – 2006 CYCLE III GENERAL PLAN AMENDMENT**

General Plan Amendment No. 05-003, Zone Change Application No. 05-003 and Minor Subdivision Application No. 05-030 submitted by James and Phylena Herrin Recommendation: Adopt the 2006 Cycle III General Plan Amendment Resolution and Related Zone Change Ordinance

**REVIEW BOARD ORDER – SEE PAGE 7**

**REPORTS/BOARD DIRECTION**

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

**LUNCH BREAK**

CONSENT CALENDAR (Items #1 - 14)

**APPROVED AS RECOMMENDED AYES: ALL**

Ag. Commissioner

1. Approve and authorize Chairman to sign Renewal Contract No. 2000138 with Calif. Dept. of Food and Agriculture for Pest Detection Inspections and adopt Resolution.

**ADOPTED RESOLUTION NO. 2006-184**

Mental Health

2. Approve and authorize Chairman to sign Amendment to Contract No. 200012 with Stephen and Joan Tinetti for Administration and Information Systems of Mental Health lease at 2926 G Street, Merced.
3. Proclaim October 21-31, 2006 as Red Ribbon Celebration Week in Merced County and encourage all county departments and employees to wear red ribbons and to display.

Board of Supervisors

4. Approve Minutes of July 25, 2006 as submitted.

5. Adopt Resolution supporting California-Mexico Health Initiative and send correspondence to interested parties and proclaim October 7-14, 2006 as "Bi-National Health Week" in the County of Merced.

**ADOPTED RESOLUTION NO. 2006-185**

**Public Works**

6. Adopt Resolution accepting the Grant Deed from Turlock Irrigation District for road purposes along Echo Street in connection with Towe Subdivision No. 05003 in the Hilmar SUDP area.

**ADOPTED RESOLUTION NO. 2006-186**

7. Set Public Hearing for October 24, 2006 at 10:00 a.m. to consider An ordinance to Update the Facility Use Policy, Establish Facility Rental Rates, Vehicle Entrance Fees and Parking Fees for County Parks (Amends Ordinance No. 1744 and Merced County Code Chapter 10.28.140).
8. Set public hearing for October 31, 2006 at 10:00 a.m. to consider An Ordinance Amending Refuse Service Fees and Charges for County Solid Waste Franchise Areas (Amends Ordinance No. 1759 and Chapter 5.90).

**Probation**

9. Approve and authorize Chairman to sign Renewal Contract No. 2005010 with Merced County Office of Education for Contract to place a Deputy Probation Officer at Valley Community School/Los Banos campus.

**Executive Office**

10. Approve Travel Requests for District Attorney as recommended by Executive Office.

**Board Recognition**

11. Authorize Certificates of Recognition to Lt. Col. Clifford James, Tom Clendenin and Mary Ward as Volunteers of the Year as selected by the Merced County Chamber of Commerce.
12. Authorize Certificates of Recognition to Hunter Farms as Business of the Quarter and Mary Pickford as Volunteer of the Quarter as selected by the Atwater Chamber of Commerce.
13. Authorize Certificates of Recognition to Student Artists-Valleria Herrera, Meliton Maravilla, Francisco Rodriguez, Antonio Sagaste, Jose Valencia, Michelle Vang and Amanda Winn; Mural Supervisors-Carole J. Kameron and Candace Rauch and Student Volunteer-Michael Rauch for participation in the Mural Unveiling at the Merced County Office of Education.
14. Authorize Certificate of Recognition to Olivia Andrade for her creative artwork in designing the 2006 Fall Community Health Fair Flyer for the Health Department.

**REGULAR CALENDAR**

**BOARD ACTION**

**PROBATION**

15. Approve Progress Report for Juvenile Justice Crime Prevention Act and authorize Chief Probation Officer to submit said report to Corrections Standards Authority (formerly known

as Board of Corrections).

**APPROVED AS RECOMMENDED AYES: ALL**

16. Contract with American Bio Medica Corporation to provide instant results in urinalysis drug testing tools to Probation.

**AUTHORIZED CONTRACT NO. 2006275 AS RECOMMENDED AYES: ALL**

#### HEALTH

17. Approve Merced County contribution of \$5,000 to the Turlock Groundwater Basin Association for the Study to simulate groundwater impacts associates with water use changes within the Turlock Groundwater Basin.

**APPROVED AS RECOMMENDED AYES: ALL**

#### FIRE

18. Accept and authorize Chairman to sign Contract No. 2006276 with CDF Rural Community Fire Protection Program for the Volunteer Fire Assistance Program Grant in the amount of \$20,000 and authorize the purchase of 10 positive pressure fans and 20 portable 1,000 watt generators with lights (CDF #75G60125).

**ADOPTED RESOLUTION NO. 2006-187 AS RECOMMENDED AYES: ALL**

#### DISTRICT ATTORNEY

19. Authorize Chairman to sign Federal Annual Certification Report for the Federal Forfeiture Program with the Dept. of Justice for funds received and expended in the Federal Equitable Sharing Program for FY 2005/2006.

**AUTHORIZED CONTRACT NO. 2005240 AS RECOMMENDED AYES: ALL**

#### COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

20. Authorize Chairman to sign Memorandum of Understanding with Federal Merced Associates, LLC for the Castle Master Developer Project.

**AUTHORIZED CONTRACT NO. 2006277 AS RECOMMENDED AYES: ALL**

#### COUNSEL

21. Contract with Epstein Becker & Green P.C. for Professional Legal Services for healthcare agreements.

**AUTHORIZED CONTRACT NO. 2006278 AS RECOMMENDED AYES: ALL**

22. Contract with Porter, Scott, Weiberg & Delehant for Professional Legal Services for complex litigation matters.

**AUTHORIZED CONTRACT NO. 2006279 AS RECOMMENDED AYES: ALL**

#### MENTAL HEALTH

23. Authorize Option to Lease with Central Valley Coalition for Affordable Housing in order to gain site control of four apartments located at 108 West 20th Street, Merced and secure grant funding from HUD for Project Home Start with contract to be returned to the Board for final approval.

**AUTHORIZED CONTRACT NO. 2006274 AS RECOMMENDED AYES: ALL**

BOARD OF SUPERVISORS

- 24. Authorize expenditure of Special Board Project Funds-District Two to the University of California Mentor Program for assistance with their community cleanup project in the amount of \$1,300 and approve the necessary budget transfer.

**REVIEW BOARD ORDER – SEE PAGE 7**

BOARD APPOINTMENTS

- 25. Vacant Positions through September, 2006 for Board Commissions and Committees.
- 26. Expired Terms through September, 2006 for Boards, Commissions and Committees.

BOARD INFORMATION & POSSIBLE ACTION

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

- 27. Mental Health re: Notification of submission of California Friday Night Live Partnership's Funding for the Friday Night Live Mentoring Project, said contract to be returned to the Board upon grant award.
- 28. State Water Resources Control Board re: Notice of Status Report Workshop and Public Scoping Meeting - Sediment Quality Objectives for Enclosed Bays and Estuaries of California.
- 29. State Wildlife Conservation Board re: Notice of Minutes of May 25, 2006.
- 30. State Water Resources Control Board re: Notice of Opportunity for Public Comment on the Proposed 2006 Federal Clean Water Act Section 303(d) List of Water Quality Limited Segments for California.

**ADOPTED RESOLUTIONS IN MEMORY OF JOSEPH R. SOUZA, JR AND STEVEN EARL OWEN AND ADJOURNED MEETING UNTIL TUESDAY, OCTOBER 24, 2006 AT 10:00 A.M.**

**BOARD ORDERS – SUMMARY ACTION MINUTES – OCTOBER 3, 2006**

**10:00 A.M. SCHEDULED ITEM**  
**2006-10-03 PUBLIC OPPORTUNITY**

Grant Wilson speaks on Proposition 215 implementation, requests the Board vote on Proposition 215 or place the matter on a future agenda for consideration. He states objection to a letter he received from County Counsel regarding addressing the Board Members.

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

**10:00 A.M. SCHEDULED ITEM**  
**2006-10-03 PLANNING – PUBLIC HEARING – 2006 CYCLE III GENERAL PLAN AMENDMENT**

The time and date previously set for a public hearing to consider 2006 Cycle III General Plan Amendment which consists of:

General Plan Amendment No. 05-003, Zone Change Application No. 05-003 and Minor Subdivision Application No. 05-030 submitted by James and Phylena Herrin.

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board adopts 2006 Cycle III General Plan Amendment and approves General Plan Amendment No. 05-003, Zone Change Application No. 05-003 and Minor Subdivision Application No. 05-030, adopts Resolution No. 2006-188 and Ordinance No. 1789, An Ordinance Changing the Boundaries of and the Classifications of Property Uses within Zones Established by Merced County Code Title 18 Titled "Zoning" (Zone Change No. 05-003).

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

**ACTION ITEM NO. 24**  
**2006-10-03 BOARD OF SUPERVISORS**

The Clerk announces Special Board Project Funds-District Two expenditures to the University of California Mentor Program is before the Board for consideration.

University of California Officer Maria Botwright states Officer Nick Navarrette and Chief Rita Spaur worked together to create a UC Mentor Program and provides an overview of the Program and its Goals. Officer Nick Navarrette reviews the implementation process and phases of the Program and introduces the following Bobcats and Mentors: Celina Chung, Brenda Ramirez, Paul De Guzman and Jenny Crawford.

Upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo, duly carried, the Board authorizes \$1,300 of Special Board Project Funds-District Two to be forwarded to the University of California Mentor Program for assistance with Community Cleanup Program and approves the necessary budget transfer.

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