



# SUMMARY ACTION MINUTES BOARD OF SUPERVISORS

Regular Meeting  
TUESDAY, OCTOBER 24, 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**

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

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) for the County of Merced pursuant to Government Code Section 54956.8 as follows: 440 6th Avenue, Gustine, CA

**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 - INITIATION**

**OF LITIGATION:** It is the intention of the Board to meet in Closed Session concerning Initiation of Litigation pursuant to Government Code of Section 54956.9(c): One Case

**REVIEW BOARD ORDER – SEE PAGE 10**

**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 PAGES 10 AND 11**

**PRESENTATIONS**

Domestic Violence Awareness Month - A Woman's Place and Human Services Agency

**REVIEW BOARD ORDER – SEE PAGE 11**

Lower Merced River Rainbow/Steelhead Restoration Proposal - Merced Fly Fishing Club

**REVIEW BOARD ORDER – SEE PAGES 11 AND 12**

10:00 A. M.

**BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES** (4/5 Vote Required) Health-\$6,142 and \$1,486 and Public Works-\$167,301

**APPROVED AS RECOMMENDED AYES: ALL**

**APPROVAL OF CONSENT AGENDA CALENDAR** (Items #1 - 25)

**APPROVED AS RECOMMENDED AYES: ALL**

**PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION**

An Ordinance entitled the Facility Use Policy, Facility Rental Rates, Vehicle Entrance Fees, Parking Fees and Special Event Fees for County Parks (Amends Ordinance No. 1744 and County Code 10.28.140)

**REVIEW BOARD ORDER – SEE PAGE 12**

**COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT - PUBLIC HEARING**

To consider the issuance of a proposed decision and findings regarding the Airport Land Use Commission (ALUC) October 1, 2003 finding of inconsistency between the Merced County Airport Land Use Plan and the Riverside Motorsports Park Project and adopt the recommended Resolution

**REVIEW BOARD ORDER – SEE PAGES 12 AND 13**

**FIRE - PROPOSED ORDINANCE - FIRST READING - SET SECOND READING FOR OCTOBER 31, 2006 AT 10:00 A.M.**

An Ordinance Amending Sections 9.24.010 and 9.24.080 of the Merced County Code to allow for a 25 percent reduction in required fire flow for one and two family dwellings when the building is provided with an approved automatic sprinkler system

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

**REPORTS/BOARD DIRECTION**

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

**LUNCH BREAK**

CONSENT CALENDAR (Items #1 - 25)

**APPROVED AS RECOMMENDED AYES: ALL**

Public Works

1. Adopt Resolution accepting the Permanent Easement Deeds for conveyance of permanent easements for utility and road purposes associated with Building Permit No. HST-2006053 from Lupe Avila.

**ADOPTED RESOLUTION NO. 2006-190**

2. Adopt Resolution authorizing Right-of-Way Contract No. 2006281 accepting required Easement Deed from Dale Lingenfelter for acquisition of 2,846 square feet necessary for the construction of improvements to the northwest corner of Meadow Drive and Shaffer

Road in Winton.

**ADOPTED RESOLUTION NO. 2006-191**

Health

3. Approve and authorize Chairman to sign Renewal Contract No. 2001161 with State Dept. of Health Services for automated filing of Death Certificate Registration.
4. Approve and authorize Chairman to sign Renewal Contract No. 2000146 with State Dept. of Health Services for administration funding of the AIDS Drug Assistance Program.

Mental Health

5. Approve and authorize Chairman to sign Renewal Contract No. 200218 with State Dept. of Mental Health for State Mandated Performance Contract for Fiscal Year 2006/07.
6. Approve and authorize Chairman to sign Renewal Contract No. 2002217 with Aspira Children's Services for Mental Health Services Act Behavioral Specialist for WeCan Program as successful bidder to RFP No. 6123.

Human Services Agency

7. Approve and authorize Chairman to sign Amendment to Contract No. 2004379 with Hilmar Unified School District for Child Welfare Social Worker services.
8. Approve and authorize Chairman to sign Renewal Contract No. 2004335 titled Subvention Certificate of Compliance for FY 2006/2007 with the State Dept. of Veterans Affairs to receive the Veterans Service Program funds.
9. Approve and authorize Chairman to sign Renewal Contract No. 2004334 titled Medi-Cal Certificate of Compliance for Medi-Cal Cost Avoidance Program with the State Dept. of Veterans Affairs to receive Veterans Service Medi-Cal Program funds.
10. Approve and authorize Chairman to sign Amendment to Contract No. 2006131 with Merced Community College for the Independent Living Program.
11. Approve and authorize Chairman to sign Renewal Contract No. 2004046 with Chae Sun Lee Family Revocable Living Trust for lease of the Livingston Cal Works Facility.
12. Approve and authorize Chairman to sign Renewal Contract No. 2005256 for Calworks Investigation and Prosecution and Renewal Contract No. 2005257 for Foodstamp Fraud Investigation and Prosecution with the District Attorney.

Probation

13. Approve and authorize Chairman to sign Renewal Contract No. 2004307 with Merced County Office of Education for reimbursement of .5 FTE Deputy Probation Officer.

Dept. of Administrative Services

14. Declare Surplus Property recommended by Dept. of Admin. Services and labeled as Exhibit A and authorize its disposal and a Public Auction to be held on November 18, 2006 by Nelson Auctions.

Executive Office

15. Act on Claims for Damages received from Bryana Jack, Richard Marks Souza, Matthew Storment, Dorothy Angle, Wayne and Patricia Burkhart, Church Mutual Insurance Company,

Danny Henley and William Henry Price, Sr. and Application for Leave to Present Late Claim received from Eliseu Mendonca as recommended by Risk Management.

16. Approve Travel Requests for Child Support Services, Public Works and Sheriff as recommended by Executive Office.

#### Commerce, Aviation and Economic Development

17. Authorize release of accountability for Capital Asset No. 045536 one Panasonic FP-5060 Copier and authorize the Auditor to remove said Asset from its Capital Asset Inventory List.

#### Board of Supervisors

18. Approve Minutes of August 1, 15 and 29, 2006 as submitted.

#### Board Recognition

19. Authorize Certificate of Recognition to Big Creek Lumber for Ground Breaking Ceremony.
20. Proclaim September 30, 2006 as Teen Success Day in the County of Merced.
21. Authorize plaque to Merced City School District in recognition of Joe Stefani Elementary School campus.
22. Authorize Certificates of Recognition to Modesta Ayala, Maria Bautista, Carlota Birrueta, Graciela Naranjo and Raquel Sotelo as Graduates of the Golden Valley Health Centers-Poder Popular Program.
23. Authorize Certificate of Recognition to Big Bubba's Bad BBQ for Ribbon Cutting.
24. Authorize Certificate of Recognition to Randy Beard for his dedicated service to the Delhi Municipal Advisory Council.
25. Authorize Certificate of Recognition to John Voris for dedicated service to the McSwain Municipal Advisory Council.

### REGULAR CALENDAR

#### BOARD ACTION

##### PUBLIC WORKS

26. Approve the 3.8% Adjustment to the Regional Transportation Impact Fee (RTIF) schedule per Chapter 5.60.130 (b) of the Merced County Code.

**APPROVED AS RECOMMENDED AYES: ALL**

27. Authorize Chairman to sign Letter of Assurances received from Tower Asset Sub, LLC (a subsidiary of American Tower corporation) regarding the current status of the site lease (Contract No. 2003091) of County owned land at the Correctional Facility for the placement of a wireless communications tower.

**AUTHORIZED CONTRACT NO. 2003091 AS RECOMMENDED AYES: ALL**

28. Authorize development and release of Request for Proposal (RFP) for Energy Conservation Project for major Merced County Facilities to two companies who indicated an interest in conducting a detailed engineering study necessary to provide a final proposal, targeting the energy retrofit and facility upgrade measures that are the priorities of Merced County under CCR 4217 which permits sole source energy retrofit contracts to be returned to the Board at

a later date with energy retrofit and facility upgrade proposal measures.

**APPROVED AS RECOMMENDED AYES: ALL**

29. Authorize circulation of a Request for Proposal (RFP) for Architectural firms to provide phased design services for a new Downtown Government Center Services Building for Merced, authorize Public Works to review and rank proposals and negotiate contract to be returned to the Board for approval and approve the related Budget Transfer to change the Budget Unit Account name from Countywide Facility Master Plan, Budget Account 17000/87156 to Downtown Government Center Budget Account 17000/87516.

**REVIEW BOARD ORDER – SEE PAGE 14**

**HEALTH**

30. Contract with San Joaquin County Health Services for a Grant from the State Dept. of Health to implement a computerized immunization registry in Merced County and approve the necessary budget transfer-\$6,126. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2006282 AS RECOMMENDED AYES: ALL**

31. Contract with Mariposa County for Household Hazardous Waste Collection and Disposal Services.

**AUTHORIZED CONTRACT NO. 2006283 AS RECOMMENDED AYES: ALL**

32. Contract with State Dept. of Health Services for AIDS Drug Assistance Program incorporating the HIPAA Business Associate into the ADAP enrollment site requirements.

**AUTHORIZED CONTRACT NO. 2000146 AS RECOMMENDED AYES: ALL**

**MENTAL HEALTH**

33. Contract with Tulare County Superintendent of Schools for the Friday Night Live partnership Mentoring Grant to provide a Youth Mentoring Program and approve the necessary budget transfer-\$6,000. (4/5 Vote Required).

**AUTHORIZED CONTRACT NO. 2002220 AS RECOMMENDED AYES: ALL**

**DEPT. OF ADMINISTRATIVE SERVICES**

34. Contract with Holt of California to provide repair services for landfill equipment and permit payments for individual service calls to be paid against a Blanket Purchase Order.

**AUTHORIZED CONTRACT NO. 2006284 AS RECOMMENDED AYES: ALL**

**DEPT. OF WORKFORCE INVESTMENT**

35. Approve nomination of Holly Newlon to the Workforce Investment Board Youth Council.

**APPROVED AS RECOMMENDED AYES: ALL**

**PLANNING**

36. Resolution approving the use of California Dept. of Conservation Grant Funds for the purchase of agricultural conservation easements in the Livingston area.

**ADOPTED RESOLUTION NO. 2006-192 AS RECOMMENDED AYES: ALL**

37. Contract with Jones & Stokes Associates, Inc. for preparation of an Environmental Impact Report required for the Redevelopment Plan at Castle Airport.

**AUTHORIZED CONTRACT NO. 2006285 AS RECOMMENDED AYES: ALL**

38. Resolution authorizing Development Services Director and Assistant Development Services Director to sign Loans and related Grant Documents for the 2002, 2003 and 2004 HOME

Program.

**ADOPTED RESOLUTION NO. 2006-193 AS RECOMMENDED AYES: ALL**

39. Resolution authorizing Development Services Director and Assistant Development Services Director to sign Loans and related Grant Documents for the 2004 and 2005 CDBG Program.

**ADOPTED RESOLUTION NO. 2006-194 AS RECOMMENDED AYES: ALL**

**COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT**

40. Contract with Vincent DeAngelo dba Moore's Martial Arts Academy for Castle Airport Sublease of a portion of Building 395 (approximately 3,920 sq. ft).

**AUTHORIZED CONTRACT NO. 2006286 AS RECOMMENDED AYES: ALL**

41. Authorize allocation of additional funds to the Revolving Phase of the Agricultural Waste Management Loan Program in the amount of \$1 million and authorize Staff to administer the Loan Funds.

**APPROVED AS RECOMMENDED AYES: ALL**

**AUDITOR**

42. Authorize the Sheriff and District Attorney request for Citizens Option for Public Safety (COPS) Program Funding in accordance with the allocation of the Supplemental Law Enforcement Services Fund and authorize the Auditor to apportion the COPS funds.

**APPROVED AS RECOMMENDED AYES: ALL**

43. Approve loaning Spring Fair \$150,000 which includes the current loan of \$70,000 to be repaid over a three-year period beginning June 30, 2006; Interest to be repaid at the Treasury Earnings Rate, mandate that no operating expenditures are to be paid out of any checking accounts and that all checking accounts will be closed except for the Livestock Account.

**REVIEW BOARD ORDER – SEE PAGES 14 AND 15**

**BOARD OF SUPERVISORS**

44. Authorize Special Board Project Fund-District One expenditure in the amount of \$10,000 to be forwarded to the Le Grand High School for school athletic programs and approves the necessary budget transfer.

**REVIEW BOARD ORDER – SEE PAGE 15**

45. Authorize Special Board Project Funds-District Four in the amount of \$1,500 for Trans Valley Youth Football League for Winton Cowboys Football Program and approve the necessary budget transfer.

**APPROVED AS RECOMMENDED AYES: ALL**

46. Amend Planada Municipal Advisory Council Membership from 15 members to 11 members and adopt Resolution.

**ADOPTED RESOLUTION NO. 2006-195 AS RECOMMENDED AYES: ALL**

**EXECUTIVE OFFICE**

47. Resolution approving the Revenue Sharing Agreement with City of Gustine.

**ADOPTED RESOLUTION NO. 2006-196 AND AUTHORIZED CONTRACT NO. 2006288 AS RECOMMENDED AYES: ALL**

48. Contract with Robert Chase for Indigent Defense Services.

**AUTHORIZED CONTRACT NO. 2006287 AS RECOMMENDED AYES: ALL**

## BOARD APPOINTMENTS

49. Snelling Cemetery District – Appoint Jeremy Boland to serve until July 1, 2010 and Richard Krumm to fill unexpired term until July 1, 2007.  
**APPROVED AS RECOMMENDED      AYES: ALL**
50. Snelling Municipal Advisory Council – Appoint Gordon Grey to serve until February 16, 2007.  
**APPROVED AS RECOMMENDED      AYES: ALL**
51. Local Child Care and Development Planning Council – Appoint Jennifer Duda to serve representing Consumer until June 1, 2008.  
**APPROVED AS RECOMMENDED      AYES: ALL**
52. May Day Fair Board – Appoint Lyle Davis to serve representing District One until July 1, 2008 and reappoint Sandy Morimoto to serve representing District Four until July 1, 2010.  
**APPROVED AS RECOMMENDED      AYES: ALL**

## BOARD INFORMATION & POSSIBLE ACTION

53. Dept. of Administrative Services re: Surplus Public Sale on August 26, 2006 Report.
54. Probation re: Mentally Ill Offender Crime Reduction Grant Program.
55. Dept. of Workforce Investment re: 2005/2006 WIA Subgrant Agreement R692484, Modification 8 with the State Employment Development Department.
56. Dept. of Workforce Investment re: Notification of Subgrant Agreement R760332, Modification 2 with the State Employment Development Department.
57. CSAC re: Selection of CSAC Board of Directors Member.  
**REVIEW BOARD ORDER – SEE PAGE 15**
58. NACo re: Notification of appointment of Supervisor Nelson to serve on the National Association of Counties (NACo's) following committees: Telecommunications & Technology Steering Committee, Rural Action Caucus Steering Committee and Information Technology Committee.
59. State Business, Transportation and Housing Agency re: Request for review and comment on Draft Strategic Action Proposal from the California Partnership for the San Joaquin Valley titled "The San Joaquin Valley: California's 21st Century Opportunity".
60. State Water Resources Control Board re: Consideration of the Southern Delta Water Quality Objectives for Salinity in the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary.
61. State Water Resources Control Board re: Notice of Opportunity for Public Comment on a proposed amendment to the Water Quality Plan for the North Coast Region to establish total maximum daily loads (TMDLs) for dissolved oxygen and water temperature in the Shasta River Basin.
62. State Water Resources Control Board re: Proposed Amendments to the California Code of Regulation Title 23, division 3, State Water Resources Control Board Chapter 6 Rules Governing Review by State Board of Action or Failure to act by Regional Board.
63. State Water Resources Control Board re: Notice of Opportunity for public comment on a proposed amendment to the Water Quality Control Plan for the Los Angeles Region



Incorporating a total maximum daily load for bacteria in Ballona Creek, Ballona Estuary and Sepulveda Channel.

64. State Board of Equalization re: Notice to County Assessors- Summons to a State Board of Equalization Meeting.
65. State Water Resources Control Board re: Lower Yuba River Accord - 2007 Pilot Program. (On file with Clerk)
66. State Water Resources Control Board re: Notice of Public Hearing - Consideration of an Amended Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary. (On file with Clerk)
67. State Water Resources Control Board re: Draft 2006 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary. (On file with Clerk)
68. Federal Emergency Management Agency re: Flood Insurance Study Report and Flood Insurance Rate Map revision for Fahrens Creek and Cottonwood Creek. (On file with Clerk)

**ADOPTED RESOLUTION IN MEMORY OF PAUL ANTONIO LEONARDO AND  
ADJOURNED MEETING UNTIL TUESDAY, OCTOBER 31, 2006 AT 10:00 A.M.**

**BOARD ORDERS – SUMMARY ACTION MINUTES – OCTOBER 24, 2006**

**10:00 A.M. SCHEDULED ITEM**  
**2006-10-24 CLOSED SESSION**

The Board recesses into Closed Session at 9:00 a.m. with all members present to discuss the following:

**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) for the County of Merced pursuant to Government Code Section 54956.8 as follows: 440 6th Avenue, Gustine, CA

**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 - INITIATION OF LITIGATION:** It is the intention of the Board to meet in Closed Session concerning Initiation of Litigation pursuant to Government Code of Section 54956.9(c): One Case

The Board reconvenes 10:15 a.m. with all members present and the Chairman advises direction was given to Counsel to join the Amicus Brief in the case entitled Fresno County vs. Fresno County Deputy Sheriff's Association, Case No. F049691.  
Present: Nelson, Pedrozo, Crookham, Kelsey, O'Banion

**10:00 A.M. SCHEDULED ITEM**  
**2006-10-24 PUBLIC OPPORTUNITY**

Bryant Owens, Plainsburg, submits documentation on behalf of the Planada Association relative to the Notice of Preparation in the Environmental Review of an H & S Development in Planada. He also submits a document requesting the Board vacate approval of Election Ballot Measure "G" and withdraw Measure G from the November 2006 Ballot based upon legal insufficiencies of the Measure.

Wayne Hein, Merced, states the Fancher Monument in Cathey's Valley is in need of restoration.

The following speak in opposition to the Riverside Motorsports Park project:

Lisa Kayser-Grant, Merced, states air pollution information previously provided by Riverside Motorsports Park (RMP) Developer was misleading and states there is a serious air pollution problem with this proposed project.

Mark Rivard, Altamont, representing Committee for a Better Altamont, provides history and concerns of the speedway advising he lives on 57 acres adjacent to the Altamont Speedway; he speaks in opposition to the RMP Project.

Ivy Faye reads a letter from Anette Allsup in opposition to the RMP Project.

Tom Grave, Merced, advises he will submit the copy of the letter on behalf of Mr. Rivard who did not finish reading due to time constraints.

Lydia Miller, Merced, representing the San Joaquin Raptor Rescue Center and Steve Burke-Protect Our Water, requests verification from the Board on receiving faxed and emailed information regarding the RMP Project and requests the document be taken into consideration.

Pam Spittler, Atwater, states the valley is surrounded by mountains and it is impossible to mitigate the effects the RMP Project will have on our air quality.

The following speak in support of the Riverside Motorsports Park project:

Dale Westfall, Merced, works for Porter Racing and is in support of the RMP Project.

Dan Hultgren, Merced, states growth in this area will cause pollution whether or not the RMP Project is approved.

Stan Thurston, Atwater and co-owner of Gemini Flights at Castle Airport and Aviation Center, states the project will add business to the community and advises there will always be pollution in the valley regardless of whether the RMP Project is approved.

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

#### **10:00 A.M. PRESENTATION**

#### **2006-10-24 Domestic Violence Awareness Month**

The Board presents a Proclamation to A Woman's Place Executive Director Diana Almanza recognizing October as Domestic Violence Awareness Month.

Ms. Almanza reviews a powerpoint presentation regarding the Domestic Violence Prevention and Response highlights for Fiscal Year 2005/06.

Human Services Agency Deputy Director Rhonda Walton reviews a powerpoint presentation regarding Family Violence Protocol which provides an overview of the Protocol, Next Steps and the Domestic Violence Services provided.

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

#### **10:00 A.M. PRESENTATION**

#### **2006-10-24 BOARD OF SUPERVISORS**

Ken Jensen, representative and member of the Merced Fly Fishing Club, reviews a powerpoint presentation regarding the Lower Merced River Rainbow/Steelhead Restoration proposal and requests the Board support the proposal.

Following discussion and upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board authorizes the Chairman to sign a letter in support of the

Merced Fly Fishing Club's request to the California Fish and Game Commission to restore the Rainbow Sports Fishery on the lower Merced River.

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

**10:00 A.M. SCHEDULED ITEM**

**2006-10-24 PUBLIC WORKS – PUBLIC HEARING**

The time and date previously set for a public hearing to consider a Proposed Ordinance entitled the Facility Use Policy – Facility Rental Rates, Vehicle Entrance Fees, Parking Fees and Special Event Fees for County Parks (Amends Ordinance No. 1744 and County Code 10.28.140) submitted by Public Works.

Public Works Director Paul Fillebrown provides a brief summary of the proposed rates.

The Clerk reads the Proposed Ordinance by title only: An Ordinance Entitled the Facility Use Policy, Facility Rental Rates, Vehicle Entrance Fees, Parking Fees and Special Event Fees for County Parks (Amends Ordinance No. 1744, Ordinance No. 1701, Ordinance No. 1573, Ordinance No. 1442, and Ordinance No. 1470).

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

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

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

The Chairman closes the public hearing.

Following discussion and upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo, duly carried, the Board continues the matter until October 31, 2006, at 10:00 a.m. for further consideration.

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

**10:00 A.M. SCHEDULED ITEM**

**2006-10-24 COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT – PUBLIC HEARING**

The time and date previously set for a public hearing to consider issuance of a proposed decision and findings regarding the Airport Land Use Commission (ALUC) October 1, 2003 finding of inconsistency between the Merced County Airport Land Use Plan and the Riverside Motorsports Park Project (RMP) submitted by Commerce, Aviation and Economic Development.

Commerce, Aviation and Economic Development (CAED) Director John Fowler provides background information and reviews the powerpoint presentation regarding the Castle Airport Land Use Compatibility Plan.

The Chairman opens the public hearing.

Bryant Owens submits and reads a letter into the record asking the Board to defer the decision of the Airport Land Use Commission to change its Plan until the Board has adopted the updated Castle Airport Master Plan.

Ray Beverly, professional aviator, speaks in support of the RMP and his experience stating the two operations - Castle Airport and Riverside Motorsports Park - could not be more compatible.

Kenny Shepherd (Atwater resident, local business owner, NASCAR touring driver and pilot) speaks stating Castle Airport and Riverside Motorsports Park are very compatible and there are no concerns of the two activities from a pilot's viewpoint.

The Chairman closes the public hearing.

Following questions and discussion, Deputy County Counsel James Fincher confirms the proposed recommended action will provide ALUC and Caltrans a 30-day comment period prior to the matter being returned to the Board for final action.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, Based on Findings, the Board authorizes issuance of a proposed decision and findings regarding the Airport Land Use Commission October 1, 2003 Finding of Inconsistency between the Merced County Airport Land Use Plan and the Riverside Motorsports Park Project, directs staff to circulate the proposed findings to the Airport Land Use Commission and the Caltrans Division of Aeronautics pursuant to Public Utilities Code Section 21676(b) and adopts Resolution No. 2006-189.

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

**10:00 A.M. SCHEDULED ITEM**

**2006-10-24 FIRE – PROPOSED ORDINANCE – FIRST READING – SET SECOND READING FOR OCTOBER 31, 2006 AT 10:00 A.M.**

The time and date previously set to consider First Reading of Proposed Ordinance to allow for a 25 percent reduction in required fire flow for one and two family dwellings when the building is provided with an approved automatic sprinkler system (Amends Sections 9.24.010 and 9.24.080 of the Merced County Code) as submitted by the Fire Department.

The Clerk reads the Proposed Ordinance by title only: An Ordinance Amending Sections 9.24.010 and 9.24.280 of the Merced County Code to allow for a 25 percent reduction in required fire flow for one and two family dwellings when the building is provided with an approved automatic sprinkler system.

Fire Division Chief Doug Hicks briefly reviews the ordinance.

Tally Robinson, KB Homes representative, and Rick Marlin, Fresno Fire Protection representative, speak in support of the proposal.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board waives further reading of the proposed ordinance and sets second reading and possible adoption for October 31, 2006, at 10:00 a.m.  
Ayes: Nelson, Pedrozo, Crookham, Kelsey, O'Banion

**ACTION ITEM NO. 29**  
**2006-10-24 PUBLIC WORKS**

The Clerk announces the circulation of a Request for Proposal for Architectural firms to provide phase design services for a new Downtown Government Center Services Building is before the Board for consideration.

Public Works Director Paul Fillebrown briefly reviews the staff report and requests Board approval of the Phasing Plan and the approval to issue an RFP to seek a qualified Architectural firm to provide phased design services.

County Executive Officer Demitrios Tatum comments on the non-traditional (design-build) approach as well as the same traditional design bid build process and reviews other counties processes. Mr. Tatum states discussion will need to occur on the placement of employees in the new complex and the Administration Building.

Diana Westmoreland states she hopes the new building will facilitate the One-Stop Permitting Center that has been discussed in the past.

Upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, duly carried, the Board authorizes Public Works to circulate Request for Proposals (RFP) for Architectural firms to provide phased design services for a new Downtown Government Center Services Building for Merced, authorizes Public Works to review and rank proposals and negotiate a contract to be submitted to the Board for approval, approves the necessary budget transfer changing the Budget Unit Account name from Countywide Facility Master Plan, Budget Account 17000/87156 to Downtown Government Center Budget Account 17000/87156.  
Ayes: Nelson, Pedrozo, Crookham, Kelsey, O'Banion

**ACTION ITEM NO. 43**  
**2006-10-24 AUDITOR-CONTROLLER**

The Clerk announces the Loan to the Spring Fair as recommended by the Auditor is before the Board for consideration.

Supervisor O'Banion suggests instead of closing accounts as stated in the staff report, the language be changed to "review of accounts be made by the Auditor and at his discretion the accounts be closed or not closed".

Auditor Controller Steve Jones advises the loan amount is \$150,000 with \$100,000 to be paid immediately after the fair with the remaining \$50,000 disbursed with approval of the County Executive Officer and County Auditor.

Following discussion Supervisor O'Banion moves, seconded by Supervisor Kelsey, the Board approve loaning the Spring Fair \$150,000 which includes the current loan of \$70,000 with the loan to be repaid over a three-year period beginning June 30, 2006, with interest to be repaid at the treasury earnings rate; \$100,000 shall be reimbursed immediately after the fair with the remaining \$50,000 disbursed upon approval of the County Executive Officer and County Auditor; no operating expenditures are to be paid out of any checking accounts and review of all accounts will be made by the County Auditor and at his discretion, the accounts will either be closed or not closed.

Following discussion it is agreed the Board Members will receive further information on the Spring Fair funding and disbursements.

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

**ACTION ITEM NO. 44**  
**2006-10-24 BOARD OF SUPERVISORS**

The Clerk announces Special Board Project Funds-District One expenditure is before the Board for consideration.

Supervisor Pedrozo states for clarification the request to expend \$10,000 from Special Board Project Funds-District One is to help the Le Grand High School Booster Club finish baseball and softball fields sprinkler systems and dugouts.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Kelsey, duly carried, the Board authorizes Special Board Project Fund-District One expenditure in the amount of \$10,000 to be forwarded to the Le Grand High School to help the Booster Club in finishing the baseball and softball fields sprinkler systems and dugouts and approves the necessary budget transfer.

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

**INFORMATION ITEM NO. 57**  
**2006-10-24 CSAC**

The Chairman states correspondence has been received from CSAC and CSAC requires each county representative be selected prior to the Annual CSAC Meeting to be held November 28-30, 2006 in order to commence with the CSAC Annual Conference .

Upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board appoints Supervisor Mike Nelson as the Director Member and Supervisor John Pedrozo as the Alternate Director Member on the CSAC Board of Directors for 2007.

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