



# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting  
TUESDAY, OCTOBER 31, 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 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): Three Cases

**CLOSED SESSION:** It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Director of Public Health

**REVIEW BOARD ORDER – SEE PAGE 8**

**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 8**

**SERVICE PIN PRESENTATIONS**

**PLANNING** - David Gonzalves, 15 years; **AUDITOR** - M. Stephen Jones, 30 years; **ASSESSOR** - Barry Peiffer, 30 years; **PUBLIC WORKS** - Louis Cordero, 15 years and **HEALTH** - Rita Rodriguez, 15 years

**A RECEPTION WILL BE HELD IN ROOM 310 IN HONOR OF AWARDS**

**BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES** (4/5 Vote Required) Health - \$500 and \$2,600; Human Services Agency - \$162,426; Library - \$7,500 and Public Works-\$36,882

**APPROVED AS RECOMMENDED AYES: ALL**

**APPROVAL OF CONSENT AGENDA CALENDAR** (Items #1 - 15)

**APPROVED AS RECOMMENDED AYES: ALL**

10:00 A. M.

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

To consider Proposed Ordinance "An Ordinance Amending Refuse Service Fees and Charges for County Solid Waste Franchise Areas (Amends Chapter 5.90 to Merced County Code and Ordinance No. 1759)

**REVIEW BOARD ORDER – SEE PAGES 8 AND 9**

**FIRE - PROPOSED ORDINANCE - SECOND READING AND POSSIBLE ADOPTION**

To consider 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 PAGE 9**

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

To consider An Ordinance entitled 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 10**

**REPORTS/BOARD DIRECTION**

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

**LUNCH BREAK**

CONSENT CALENDAR (Items #1 - 15)

**APPROVED AS RECOMMENDED AYES: ALL**

Health

1. Approve and authorize Chairman to sign Renewal Contract No. 200243 with State Dept. of Health Services for Emergency Medical Services Appropriation (EMSA)/AB 1807.
2. Approve and authorize Chairman to sign Addendum to Contract No. 2006211 with State Dept. of Health Services for Proposed Plan of Expenditures for the California Health Care for Indigents Program (CHIPS) for FY 2005-06.
3. Approve and authorize Chairman to sign Renewal Contact No. 2006002 with Dr. James Andrews for Emergency Medical Services Agency Medical Director.
4. Approve and authorize Chairman to sign Renewal Contract No. 200249 with John and Ila Lucas for First 5 Merced County office space.

Mental Health

5. Approve and authorize Chairman to sign Amendment to Contract No. 2004149 with Value Options, Inc. for manager services of network provider of Specialty Mental Health Services.

Board Recognition

6. Authorize Certificate of Recognition to Xiong Family in celebration of Annual Unification Feast for 2006/2007.
7. Authorize Certificates of Recognition to Ranell Merrell, Rose Mello, Manuel Mello, Vernel Rowe, Gloria Mendonca, Joe Roberts, Tesse Mazzina and Rick Dahlgren for being selected as a 2006 Outstanding Volunteer in Los Banos for the 22nd Annual Salute to Seniors Fair.
8. Authorize Certificate of Recognition and Plaque to Delhi Seniors Center in recognition of the Delhi Seniors Center Remodeling.
9. Authorize Certificates of Recognition to individuals for their support and contribution towards the remodel of the Delhi Seniors Center.

**REVIEW BOARD ORDER – SEE PAGE 10**

10. Authorize Certificate of Recognition to Castle Family Health Center in recognition of Ribbon Cutting of the new Pediatric Wing.
11. Authorize Certificates of Recognition to Delores Mosley Maples-Educational Service, Odise Manning-Pastoral Service, Junious Pigg-Community Activist, Lilliemae Powers-Community Support and Esther M. "Madea" Marshall-Community Support as selected by the South Dos Palos/Midway Communities.
12. Authorize Certificate of Recognition to Katie Favier for Dedicated Service to the McSwain Municipal Advisory Council.
13. Authorize Certificate of Recognition to A Woman's Place of Merced County in celebration of 7th Annual Los Banos "Take Back the Night" Candlelight Vigil for Domestic Violence.

**Board of Supervisors**

14. Set public hearing for December 12, 2006 at 6:00 p.m. to consider General Plan Amendment GPA05-009, Zone Change No. ZC05-010 and Major Modification Application No. MM05-016 to Conditional Use Permit (CUP) No. 2870 submitted by Black Diamond Aggregates, Inc. in the Snelling area.
15. Set public hearing for December 19, 2006 at 10:00 a.m. to consider Appeal filed by Stillman Family Trust to Planning Commission decision on Minor Subdivision Application No. MS05-021 in the Planada area.

**REGULAR CALENDAR**

**BOARD ACTION**

**HEALTH**

16. Authorize Certifications for the California Children's Services (CCS) and Child Health and Disability Prevention (CHDP) Programs as required to meet new Medi-Cal requirements.  
**AUTHORIZED CONTRACT NO. 2006290 (CCS) AND CONTRACT NO. 2006291 (CHDP) AS RECOMMENDED AYES: ALL**

## PUBLIC WORKS

17. Stormwater Retention Study - Merced Streams Group; authorize preparation of feasibility study regarding stormwater retention on Black Rascal Creek with a total project budget of \$135,000 and approve the necessary budget transfer-\$85,000. (4/5 Vote Required)

**APPROVED AS RECOMMENDED AYES: ALL**

18. Resolution authorizing filing of the Revised State Transit Assistance (STA) Funds and the Local Transportation Funds (LTF) with Merced County Association of Governments (MCAG) for the 2006-2007 Fiscal Year; authorize Public Works Director and Auditor to sign Claim on behalf of the County and approve the necessary budget transfer-\$1,371,467.

**ADOPTED RESOLUTION NO. 2006-197 (STATE TRANSIT FUNDS) AND RESOLUTION NO. 2006-197A (LOCAL TRANSPORTATION FUNDS) AS RECOMMENDED AYES: ALL**

19. Contract with City of Merced for design of improvements to the Merced Airport Pipeline Replacement Project.

**AUTHORIZED CONTRACT NO. 2006289 AS RECOMMENDED AYES: ALL**

## PROBATION

20. Authorize submission of a Request for Proposal to the State Corrections Standards Authority to participate in the Mentally Ill Offender Crime Reduction Grant Program and authorize the Chairman to sign the Grant Application.

**APPROVED AS RECOMMENDED AYES: ALL**

21. Appoint Larry Morse, District Attorney and Tony Slayton, representing Community Based/Organization Working with Youth to serve as members of the Ad Hoc Committee on Juvenile Offender Resource Options.

**APPROVED AS RECOMMENDED AYES: ALL**

## PLANNING

22. Authorize preparation and release of Request for Proposal for Transportation and Economic Consulting Services for the Delhi Community Plan Implementation, select the most responsive provides to perform such services and negotiate a contract to be returned to the Board for final approval and award.

**APPROVED AS RECOMMENDED AYES: 3, 1, 2, 5 NOT PRESENT: 4**

23. Contract with EIP Associates, A Division of PBS and J for the preparation of Environmental Documents and Permit Processing.

**AUTHORIZED CONTRACT NO. 2006292 AS RECOMMENDED AYES: 3, 1, 2, 5 NOT PRESENT: 4**

## LAW LIBRARY

24. Approve increase of Merced County Law Library's share of the uniform civil fees from \$26 to \$29 effective January 1, 2007.

**ADOPTED RESOLUTION NO. 2006-198 AS RECOMMENDED AYES: 3, 1, 2, 5 NOT PRESENT: 4**

DEPT. OF WORKFORCE INVESTMENT

25. Approve Modification 7 of the Five-Year Strategic Plan as required by the Workforce Investment Act of 1998 as recommended by the Workforce Investment Board.

**APPROVED AS RECOMMENDED AYES: 3, 1, 2, 5 NOT PRESENT: 4**

26. Appoint Rennise Ferrario, Housing Authority of the County of Merced Interim Director, to serve as a member of the Workforce Investment Board representing One-Stop Partners.

**APPROVED AS RECOMMENDED AYES: 3, 1, 2, 5 NOT PRESENT: 4**

MENTAL HEALTH

27. Resolution authorizing commitment performance incentive funds and/or realignment funds up to \$27,100 to meet the match requirement in requesting Substance Abuse Offender Treatment Program funds for Fiscal Year 2006-07 with the Department to return to the Board for approval of the necessary position and budget changes.

**ADOPTED RESOLUTION NO. 2006-199 AS RECOMMENDED AYES: 3, 1, 2, 5 NOT PRESENT: 4**

SHERIFF

28. Authorize application for the Mentally Ill Crime Reduction Grant with the California Dept. of Corrections and Rehabilitation Corrections Standards Authority and authorize Chairman to sign Application with Staff to return to the Board with the proposal for final Board approval.

**APPROVED AS RECOMMENDED AYES: 3, 1, 2, 5 NOT PRESENT: 4**

BOARD APPOINTMENTS

29. Hilmar Municipal Advisory Council – Re-appoint Lewis W. Drake, Karen Woicik and Robert Mitchell until May 3, 2010.

**APPROVED AS RECOMMENDED AYES: 3, 1, 2, 5 NOT PRESENT: 4**

30. Merced County Local Child Care and Development Planning Council – Appoint Mike Souza as a Community Representative until June 1, 2008.

**APPROVED AS RECOMMENDED AYES: 3, 1, 2, 5 NOT PRESENT: 4**

BOARD INFORMATION & POSSIBLE ACTION

**ACCEPTED AND PLACED ON FILE AYES: 3, 1, 2, 5 NOT PRESENT: 4**

31. State Water Resources Control Board re: Notice of Board Member Quorum and Public Meeting on October 30, 2006 at 9:30 a.m. and October 31, 2006, at 8:30 a.m. at the Cal/EPA Building, Coastal Hearing Room, 1001 I Street, Sacramento.

32. State Water Resources Control Board re: Notice of Public Workshop on November 3, 2006, at 10:00 a.m. at Cal/EPA Building, Byron Sher Auditorium, 1001 I Street, Sacramento to Communicate with Water Right Stakeholders Regarding the Development of eWRIMS, a new water right software program.

33. State Water Resources Control Board re: Notice of Public Workshop on January 16, 2007 thru January 19, 2007, if necessary, with all sessions beginning at 10:00 a.m. for 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.

34. Verizon Wireless re: Notification Letters for Chowchilla and Dos Palos of California RSA No. 4 Limited Partnership of California 4 - Madera RSA.

**ADOPTED RESOLUTION IN MEMORY OF JOSEPH MAIORINO AND ADJOURNED THE MEETING UNTIL TUESDAY, NOVEMBER 7, 2006 AT 10:00 A.M.**

**BOARD ORDERS – SUMMARY ACTION MINUTES – OCTOBER 31, 2006**

**10:00 A.M. SCHEDULED ITEM**  
**2006-10-31 CLOSED SESSION**

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

**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): Three Cases

**CLOSED SESSION:** It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Director of Public Health

The Board reconvenes at 10:00 a.m. with all members present. Chairman Nelson states at the Board Meeting of October 24, 2006 the Board stated Spring Fair discussion would be continued in Closed Session and he clarifies that any Spring Fair discussion will be held during open session of the Board meeting and not in Closed Session.

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

**10:00 A.M. SCHEDULED ITEM**  
**2006-10-31 PUBLIC OPPORTUNITY**

Judy Douchette, Atwater, states opposition to the proposed location of the Riverside Motorsports Park (RMP) project and concern on the Federal Penitentiary operation effect and possible lawsuits that may be filed at taxpayers' expense.

Lisa Kayser-Grant requests a night meeting be set to allow for all public input on the RMP Project.

Planada School District Superintendent Steve Gomes expresses thanks for the crossing lights installed for the Planada Middle School.

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

**10:00 A.M. SCHEDULED ITEM**  
**2006-10-31 PUBLIC WORKS – PUBLIC HEARING**

The time and date previously set for a public hearing to consider a Proposed Ordinance entitled An Ordinance Amending Refuse Service Fees and Charges for County Solid Waste Franchise Areas (Amends Chapter 5.90 to Merced County Code and Ordinance No. 1759) submitted by Public Works.

Public Works Director Paul Fillebrown advises waste hauler rates in Merced County have not been increased since 1998 and Gilton and Waste Management Inc., the two franchise waste



haulers that service Merced County, have requested an increase to cover the increased cost of the overall operation. He further states a representative is present from each franchise for questions.

The Clerk reads the Proposed Ordinance by title only: An Ordinance Amending Refuse Service Fees and Charges for County Solid Waste Franchise Areas (Amends Chapter 5.90 to Merced County Code and Ordinance No. 1759).

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, 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.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board adopts Ordinance No. 1790.  
Ayes: Nelson, Pedrozo, Crookham, Kelsey, O'Banion

**10:00 A.M. SCHEDULED ITEM**  
**2006-10-31 FIRE – PROPOSED ORDINANCE AND SECOND READING**

The time and date previously set for the Second Reading and possible adoption of the 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) 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.

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

Fire Chief Armando Rios states the Proposed Ordinance should be corrected in Section 3 to read: "Hydrants shall be able to deliver a flow of not less than one thousand (1,000) g.p.m. for two hours at 20# residual pressure from any hydrant".

Deputy County Counsel James Fincher advises the correction is a minor typographical error and will not affect the process.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board adopts Ordinance No. 1791.  
Ayes: Nelson, Pedrozo, Crookham, Kelsey, O'Banion

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

**2006-10-31 PUBLIC WORKS – CONTINUED PUBLIC HEARING**

The time and date previously set for a continued public hearing to consider 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.

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 Nos. 1744, 1701, 1573, 1442, and 1470).

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, 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.

Upon motion of Supervisor Crookham, seconded by Supervisor Pedrozo, duly carried, the Board adopts Ordinance No. 1792.

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

**CONSENT ITEM NO. 9**

**2006-10-31 BOARD OF SUPERVISORS**

Upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, duly carried, the Board authorizes Certificates of Appreciation for contributions and/or support toward the remodel of the Delhi Senior Center as follows: Donna Cardozo, Paul Juneman, Dave Fliflet, Reverend Dave Britton, Julie Britton, Joel Britton, Shirley Patrick, Doug & Laura Cameron, Phyllis Lohman, Don De Boer, Jan Boatwright, Reverend Zeke Nelson, Elbert Grider, Reverend Paul Fandl, Dorothy Taylor, Ruth Bush, Reverend Tim Rempel, Charles Hogue, Glen Catlin, Paul Fillebrown, Brian Beene, Delgado's Cabinet Shop, The Warden's Office, Home Depot, Don's Mobile Glass, Jana & Scott Swanson, Mark & Laura Cardoza, Hilda Desper, Jan Sanchez, Vintage Chef, Pat & Steve Fells, John Cardozo, Gary & Jane Boucher, Manuel & Barbara Miguel, Countz Counter Tops, Elegant Bull, M & M Market, Mavi's Restaurant, KC's Pizza, Meyers Mini Storage, Alexandra Britton, Natasha Britton and Hanna Britton, Delhi Fire Department, PG&E, Allan Colquhoun, Azmar M. Fard, Martha Colquhoun, Trophy Works, Delhi Evangelical Churches Association & Members, Delhi Seniors Friends & Members, Dream Racing, Jesse's Kitchen, Liberty Market, Raley's Supermarket, Save Mart Supermarkets, Senator Jeff Denham and Turlock Salvation Army.

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