



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, JANUARY 23, 2007
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

CHAIRMAN JOHN PEDROZO.....DISTRICT 1
KATHLEEN M. CROOKHAM.....DISTRICT 2
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

JAMES N. FINCHER
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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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

THE BOARD RECESSED AT 9:00 A.M. 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 6

PRESENTATIONS

DEPARTMENT OF WORKFORCE INVESTMENT - Merced County Workforce Housing Taskforce. Recommendation: Accept the Workforce Housing Toolkit and dissolve the Merced County Workforce Housing Taskforce

REVIEW BOARD ORDER – SEE PAGES 6 AND 7

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Auditor-\$30,000; District Attorney-\$24,000; Public Works-\$22,251, Probation-\$130,000 and \$72,500 and Sheriff-\$9,000

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 4)

APPROVED AS RECOMMENDED AYES: ALL

10:00 A. M.

REPORTS/BOARD DIRECTION

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

LUNCH BREAK

CONSENT CALENDAR (Items #1 - 4)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Set Public Hearing for March 13, 2007 at 10:00 a.m. to consider Resolution of Necessity regarding Intent to Condemn Property for construction of the Santa Fe Drive at California Street Intersection Improvement Project in Winton and adopt Resolution.

ADOPTED RESOLUTION NO. 2007-09

2. Approve Budget Transfers in the amount of \$115,000 and \$28,000.

Board of Supervisors

3. Approve Minutes of September 19 and 26, 2006, October 3, 24, and 31. 2006, November 7 and 14, 2006, and December 5, 12 and 19, 2006 as submitted.

Auditor

4. Approve Budget Transfer from Auditor-Revenue and Reimbursement in the amount of \$8,000.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

5. Contract with Fagundes Brothers Dairy for Grazing Rights on Lake Yosemite Property. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2007008 AS RECOMMENDED AYES: ALL

6. Contract with Source Group, Inc. for Environmental Assessment Services and further development of remediation options for petroleum contaminated soil and groundwater at Public Works-Gustine Yard Division in a not-to-exceed amount of \$41,140.

AUTHORIZED CONTRACT NO. 2007009 AS RECOMMENDED AYES: ALL

7. Authorize Sole Source Purchase and issuance of a Purchase Order from GFI-GenFare for components, parts and fare boxes for the Merced County Transits electronic validating fare collection system until such time as other sources become available.

AUTHORIZED CONTRACT NO. 2007010 AS RECOMMENDED AYES: ALL

8. Reject the bid from Zim Industries for the Bicentennial Grove Well Replacement received on November 30, 2006; authorize re-advertisement of project and set new bid opening date and return to the Board for recommendation.

APPROVED AS RECOMMENDED AYES: ALL

9. Approve plans and specifications for Re-roofing of Los Banos Fire Station, Hagaman Park Pit No. 1 Picnic Shelter, Lake Yosemite Bicentennial Grove Restroom, El Nido Community Hall, Merced, Delhi, Gustine, Los Banos and Livingston Veterans Halls and authorize Public Works to advertise and return to the Board with a recommendation for possible award.

APPROVED AS RECOMMENDED AYES: ALL

10. Award Contract to John Rohrer Construction for Remodel of the Los Banos Judicial Center Offices for Recorder, Probation and Public Defender.

AUTHORIZED CONTRACT NO. 2007010 AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

11. Contract with Far West Business Systems to dismantle and rebuild of two media stations.

AUTHORIZED CONTRACT NO. 2007011 AS RECOMMENDED AYES: ALL

HEALTH

12. Contract with California Dept. of Health Services for the Disaster Planning Assistance services and authorize the Chairman to sign the necessary documents.

AUTHORIZED CONTRACT NO. 2007013 AS RECOMMENDED AYES: ALL

SHERIFF

13. Accept the Grant Funding in the amount of \$48,500 for the 2005 Buffer Zone Protection Plan from the State Homeland Security and authorize purchase from Southern Precision Armory Fixed Asset 86519, Night Observation Devices with Ancillary Equipment and Nord Atlantic USA Fixed Asset 86520, 4 head mount night vision with ancillary equipment and Fixed Asset 86521, 4 Mini-Monocular night vision with ancillary equipment and approve the budget transfer in the amount of \$48,500. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2007022 AS RECOMMENDED AYES: ALL

14. Add one Deputy Sheriff I/II position to BU 22100 and approve the necessary budget transfer-\$26,453.

APPROVED AS RECOMMENDED AYES: ALL

DISTRICT ATTORNEY

15. Authorize accepting the additional funding from the Governor's Office of Emergency Services for the Vertical Prosecution Block Program, approve the budget modifications and add one District Attorney Investigator and Victim Witness Advocate (Limited Term only for FY 2006/07) in BU 20408, and adopt Resolution. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2004181 AND ADOPTED RESOLUTION NO. 2007-10 AS RECOMMENDED AYES: ALL

16. Resolutions authorizing the District Attorney participation in the Criminal Restitution Program and contract with Victim Compensation and Government Claims Board for funding of the Program for February 1, 2007 to June 30, 2007; add one Full Time Paralegal (Limited Term only FY 2006/07 in BU 20401. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2007023 AND ADOPTED RESOLUTION NO. 2007-11 (CRIMINAL RESTITUTION PROGRAM) AND RESOLUTION NO. 2007-12 (SALARY) AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

17. Approve the 2007 Legislative Agenda with any revisions as recommended by the Board of Supervisors; authorize the Chair and Executive Officer to periodically provide letters of support or opposition on legislation as needed based on any benefit or detriment to the County of Merced and direct staff to forward to Merced County's legislative representatives and advocates.

APPROVED AS RECOMMENDED AYES: ALL

18. Approve Travel Requests submitted by Sheriff, Executive Office and Human Services Agency as recommended by Executive Office.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

19. Commerce, Aviation and Economic Development re: Notification of Charter Communications upcoming pricing adjustments effective February 2007.
20. State Water Resources Control Board re: Central Valley Regional Water Quality Control Board on the San Francisco Bay Regional Water Quality Control Board.

ADOPTED RESOLUTIONS IN MEMORY OF KENNETH JACKSON, JOHN ROBERT "JACK" ESCOLA, VALERIE FEEDAM, PAST-COUNTY SUPERVISOR HARRY P. SCHMIDT, EDWARD HANSEN, BOBBIE HANSEN, JUANITA GREEN AND SADIE WATTS-THOMAS AND ADJOURNED MEETING UNTIL JANUARY 30, 2007 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – JANUARY 23, 2007

10:00 A.M. SCHEDULED ITEM **2007-01-23 PUBLIC OPPORTUNITY**

County Executive Officer Demitrios Tatum reviews meetings with local legislators regarding the Mental Health funding.

Mental Health Director Troy Fox provides an update on the Medi-Cal revenues, the State's delays in payments, Early and Periodic Screening Diagnosis and Treatment (EPSDT) appropriation and Prior Year Revenue to be released, reconsideration of Baseline for 93/94 Fiscal Year and possible modification to the base year for On-Going Assistance. Mr. Fox reviews job placement efforts for employees placed on a RIF list approved by the Board on January 9, 2007.

Grant Wilson (Merced resident) states concern with the implementation delay of Proposition 215 in Merced County and with the Mental Health Department cutbacks negative affect on his son who receives the services.

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

10:00 A. M. SCHEDULED ITEM **2007-01-23 PRESENTATION – DEPARTMENT OF WORKFORCE INVESTMENT**

Department of Workforce Investment Director Andrea Baker, representing the Merced County Workforce Housing Task Force, reviews the powerpoint presentation entitled "2006 Merced County Workforce Housing Taskforce, A Toolkit for Workforce Housing in Merced County" and submits the written report presented by the Task Force.

Supervisor Kelsey states there is a concurrent effort with HUD and the San Joaquin Valley Partnership to make available affordable housing and the Toolkit synthesizes the gathered information and recommendations. Supervisor Kelsey reviews the housing developments visited and thanks staff and members of the Task Force.

Assistant Development Services Director David Gonzalves comments stating the Toolkit was developed to lead our community and benefit the citizens.

Following discussion, Supervisor Kelsey requests the Board's indulgence to continue to look at programs, incentives for builders and zoning issues.

Supervisor O'Banion refers to the definition of "inclusionary" and states his preference with voluntary and not mandatory and agrees incentives should be considered. He speaks regarding affordable housing issues in Los Banos and Dos Palos and states this should be included in the County's General Plan discussions.

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board accepts the Merced County Workforce Housing Task Force Toolkit, abolishes the Merced County Workforce Housing Taskforce and directs staff to send all members a letter of appreciation.
Ayes: Pedrozo, Crookham, Nelson, Kelsey, O'Banion