



# SUMMARY ACTION MINUTES BOARD OF SUPERVISORS

Regular Meeting  
TUESDAY, APRIL 17, 2007  
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

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](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 PUBLIC IS INVITED TO SPEAK ON ANY ITEM ON THE AGENDA**

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 Section 54956.9(a):

San Joaquin Raptor et al., v. County of Merced, Merced County Superior Court Case No. 150017;

Fred Fagundes, et al. v. County of Merced, Merced County Superior Court Case No. 150012;

Merced County Farm Bureau, et al. v. County of Merced & San Joaquin Raptor v. County of Merced - Consolidated Merced County Superior Court Case No. 150013

**THE BOARD RECESSED AT 8:30 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED STAFF WAS PROVIDED DIRECTION**

**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 9**

**PRESENTATIONS**

**MERCED COUNTY 2007 VOLUNTEER RECOGNITION AWARDS**  
Denis Wells, District One; Merced Museum Volunteers, District Two; Castle Air Museum Volunteers District Three; American Legion and Veterans of Foreign Wars, Gustine, District Four and Rosemarie Santos, District Five

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

10:00 A. M.

**HUMAN SERVICES AGENCY - NETWORK OF CARE WEB SITES STATUS**  
**REVIEW BOARD ORDER – SEE PAGE 9**

**BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES** (4/5 Vote Required) District Attorney - \$7,500; Health - \$16,971 and \$71,750; Planning - \$21,000 and Executive Office - \$750,000

**APPROVED AS RECOMMENDED AYES: ALL**

**APPROVAL OF CONSENT AGENDA CALENDAR** (Items #1 - 31)

**APPROVED AS RECOMMENDED AYES: ALL**

**PLANNING - PUBLIC HEARING - PROPOSED ORDINANCE, POSSIBLE ADOPTION**

To consider Zone Code Text Amendment No. ZCTA06-001. To consider Proposed Ordinance - An Ordinance amending Merced County Code Chapter 18.02 entitled "A-1, A-1-40, A-2 Agricultural Zones", Section 18.02.02, "Allowable Land Uses and Permit Requirements" to all existing mini-storage facilities to expand under certain conditions in all Agricultural zoning districts

**REVIEW BOARD ORDER – SEE PAGES 9 AND 10**

**COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT - PROPOSED ORDINANCE - FIRST READING - SET SECOND READING FOR APRIL 24, 2007 AT 10:00 A.M.**

To consider First Reading of Proposed Ordinance "An Ordinance to Extend the Term Limit of Business License Appeals Board Members" (Amends Chapter 6.02 of the Merced County Code)

**REVIEW BOARD ORDER – SEE PAGE 10**

**REPORTS/BOARD DIRECTION**

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

CONSENT CALENDAR (Items #1 - 31)

**APPROVED AS RECOMMENDED AYES: ALL**

Public Works

1. Adopt Resolution accepting Grant Deed from Jeff and Cara Strom for the conveyance of a public utility easement associated with Building Permit No. 2006-1176.  
**ADOPTED RESOLUTION NO. 2007-41**
2. Approve plans and specifications for replacement of Arboleda Drive Bridge over Duck Slough, contingent to Caltrans approval, and direct Public Works to return to the Board with an informational item disclosing award results.
3. Waive restriction on the use of alcoholic beverages; approve the sale of food and alcohol and approve the various road closures from 8:00 a.m. - 11:00 p.m. on May 26, 2007 for the Le Grand Community Day Celebration.

4. Authorize the sale of food on May 12, 2007 and approve the following Road Closures on May 12 from 10:00 a.m. – 12:00 p.m.: Bigler at Sutter, Watts and Vallejo and De La Guerra at Sutter and Bigler for a parade and from 10:00 a.m. – 5:00 p.m. close Sutter from Stanford to Santa Fe and Gage Street between Santa Fe and Sutter for the Planada Community Day Celebration.
5. Approve Budget Transfer in the amount of \$14,800 as recommended by Executive Office.

Ag. Commissioner

6. Approve and authorize Chairman to sign Contract No. 2007076 with County of Mariposa for rental of weights and measures test equipment and personnel.

**ADOPTED RESOLUTION NO. 2007-42**

7. Ratify the Letter of Request sent to Governor's Office of Emergency Services on March 28, 2007 requesting Merced County Disaster Declaration due to rangeland crop loss from lack of rainfall and January freezing temperatures.

Human Services Agency

8. Approve and authorize Chairman to sign Renewal Contract No. 2004145 with Merced College for Educational Services for Welfare to Work Program participants.
9. Approve and authorize Chairman to sign Renewal Contract No. 2004143 with Merced Union High School District for Adult Education and Training Services.
10. Approve and authorize Chairman to sign Renewal Contract No. 2004033 with Health Department for Public Health Nurse.
11. Approve and authorize Chairman to sign Renewal Contract No. 2003090 with Mental Health for Alcohol and Drug Counseling services.

Mental Health

12. Approve and authorize Chairman to sign Renewal Contract No. 2004239 with Central Valley Regional Center (CVRC) to provide accessible and appropriate levels of service to individuals who are developmentally disabled and seriously emotionally disturbed.
13. Approve and authorize Chairman to sign Renewal Contract No. 2004230 with Probation Department to provide on-site Probation services to youth concurrently enrolled in Mental Health and Probation services.
14. Approve and authorize Chairman to sign Renewal Contract No. 2005027 with Challenged Family Resource Center for Family Advocacy Services.
15. Approve and authorize Chairman to sign Renewal Contract No. 2006314 with Livingston Medical Group for Mental Health Services.
16. Approve and authorize Chairman to sign Amendment to Contract No. 2004007 with Staff Care Incorporated for Licensed Psychiatrist Services.
17. Approve and authorize Chairman to sign Renewal Contract No. 2006098 with Crisis Support Services of Alameda County for After Hours Crisis Screening Services.
18. Approve and authorize Chairman to sign Renewal Contract No. 2004017 with Merced County Office of Education for transfer of funds for Mental Health Services to school districts and special education local plan areas (as prescribed in GC Section 7570).

### Auditor-Controller

19. Approve and authorize Chairman to sign Amendment to Contract No. 2004251 with Macias, Gini & O'Connell, LLP for Audit Services.
20. Accept the audited Merced County Comprehensive Annual Report and Single Audit for the Fiscal Year Ended June 30, 2006.

### Probation

21. Approve Budget Transfer in the amount of \$1,150 as recommended by Executive Office.

### Executive Office

22. Approve Travel Request submitted by District Attorney as recommended by Executive Office.

### Board of Supervisors

23. Approve Minutes of February 13 and 27, 2007 as submitted.

### Board Recognition

24. Authorize Certificate of Recognition to Sierra Vista Child and Family Services for Ribbon Cutting and Open House of new Merced Office.
25. Authorize Certificate of Recognition to Jack Threlkeld for dedicated service as Director to the San Luis Canal Company.
26. Authorize Certificate of Recognition to Christine Krebs-Belluomini for dedicated service to Merced County.
27. Authorize Certificates of Recognition to Charlie Parish, Delores Mosley Maples and Billie Razzari for selection as Volunteers of the Quarter by the Merced County Chamber of Commerce.
28. Authorize Certificates of Recognition to Atwater Senior Social Club in celebration of their 40th Anniversary and Les Papazian's 90th Birthday.
29. Authorize Certificate of Recognition to Merced County Farm Bureau in celebration of their 90th Anniversary.
30. Authorize Certificates of Recognition to the following Merced Hmong New Year Volunteers: Chairman Moua Thoa, Vice Chairman Chong Sue Xiong, Vice Chairman Chong Zang Xiong and Executive Director Houa Vang.
31. Authorize Certificates of Recognition to the following individuals for being selected by the Atwater Chamber of Commerce: Papa Murphy's Pizza (Miranda Blakes) - Business of the Quarter, Terry Solano (State Farm Insurance) - Volunteer of the Quarter, and Juan Murillo (Peggy Heller Elementary), Noemi Mejia (Bellevue Elementary) and Tanner Dodson (Mitchell Elementary) - Students of the Quarter.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

32. Contract with Wakecraft Boats, Inc. to use Lake Yosemite to test newly constructed power boats during normal park operating hours Monday through Friday and during off season for a period of five years with fees to be paid quarterly. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2007074 AS RECOMMENDED AYES: ALL**

33. Contract with Nacht & Lewis Architects for Phase I, Scenario I (Needs Assessment, Programming, Conceptual Floor Plans for build out of total beds) as recommended in completed Needs Assessment Report for a fee not-to-exceed \$259,450 for Phase 1, Scenario I.

**AUTHORIZED CONTRACT NO. 2007075 AS RECOMMENDED AYES: ALL**

AUDITOR

34. Authorize increase in Change Fund for the Recorder's Office from \$450 to \$700.

**APPROVED AS RECOMMENDED AYES: ALL**

HEALTH

35. Contract with Air Methods Corporation to provide exclusive Air Ambulance Services to the entire County.

**AUTHORIZED CONTRACT NO. 2007078 AS RECOMMENDED AYES: ALL**

EXECUTIVE OFFICE

36. Authorize Chairman to sign Letter of Support for SB 445 (Torlakson), establishment of an 11-member Task Force to examine how the switch to more fuel efficient vehicles and alternative fuels will affect the state budget.

**APPROVED AS RECOMMENDED AYES: ALL**

37. Authorize Chairman to sign Letter of Support for AB 171 (Beall), extending to Attorneys in Counsel's Office the same loan repayment privileges offered to attorneys who opt for other public service specifically DA's, Public Defenders and Child Support Services attorneys.

**APPROVED AS RECOMMENDED AYES: ALL**

38. Authorize Chairman to sign Letter of Support for SB 497, to allow for the electronic submission of filing of Form 700 as required by the Political Reform Act of 1974.

**APPROVED AS RECOMMENDED AYES: ALL**

39. Authorize Chairman to sign Letter of Support for SB 114, to allow homeowners and businesses in the counties of Fresno, Kern, Madera, Merced, Monterey, San Luis Obispo, Santa Barbara, Tulare and Ventura that sustained damage from freezing conditions to be eligible for property tax relief.

**APPROVED AS RECOMMENDED AYES: ALL**

40. Authorize Chairman to sign Letter of Support requesting a fair share of Proposition 1B Air Quality Mitigation funding to the San Joaquin Valley.

**APPROVED AS RECOMMENDED AYES: ALL**

41. Authorize Chairman to sign Letter of Concern regarding SB 798 (Battin) which would require background checks for all persons operating aircraft over land or waters of California.

**APPROVED AS RECOMMENDED AYES: ALL**

42. Contract with Superior Court of California, County of Merced for Court Operations reimbursements, adds seven additional Deputy Sheriff I/II positions, Job Class 4079/4080 (100% Revenue Supported), approve the necessary budget transfer-\$266,003 and adopt Resolution. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2003282 AND ADOPTED RESOLUTION NO. 2007- 43 AS RECOMMENDED AYES: ALL**

**HUMAN RESOURCES**

43. Approve and grant Retroactive Merit Step Increases for Assessor, Budget Unit 11200, Position #30, 4 Pay Periods; Administrative Services, Budget Unit 11505, Position #30, 15 Pay Periods; Registrar of Voters, Budget Unit 14000, Position #3, 2 Pay Periods and Sheriff, Budget Unit 22100, Position #96, 9 Pay Periods.

**APPROVED AS RECOMMENDED AYES: ALL**

**BOARD APPOINTMENTS**

44. Emergency Medical Care Committee - Recommendation of Appointments and Reappointments.

**REVIEW BOARD ORDER – SEE PAGE 11**

45. Workforce Investment Board – Reappointed Peter Fluetsch, Nellie McGarry, Albert Montejano, Alfonse Peterson, Al Romero and Thomas Tsubota, representing Private Sector and Lee Andersen, Bob Bittner and Ernie Flores representing Public Sector until June 30, 2011.

**APPROVED AS RECOMMENDED AYES: ALL**

46. Workforce Investment Board – Appointed Edward A. Dietz, representing Private Sector, until June 30, 2010.

**APPROVED AS RECOMMENDED AYES: ALL**

47. Airport Land Use Commission – Reappointed Anthony Whitehurst, Board Appointee, until May 2, 2010.

**APPROVED AS RECOMMENDED AYES: ALL**

48. Delhi Municipal Advisory Council – Reappointed Dennis Cote, Francisca Briones, Richard Jantz and Brian Duggan until January 3, 2011.

**APPROVED AS RECOMMENDED AYES: ALL**

**BOARD INFORMATION & POSSIBLE ACTION**

**APPROVED AS RECOMMENDED AYES: ALL**

49. State Water Resources Control Board re: Notice of Petition for Temporary Change Involving the Transfer of 5,000 Acre-Feet of Water to Areas within the Westlands Water District under California Dept. of Water Resources Permit 16482 (Application 17512).
50. State Water Resources Control Board re: Notice of Petition for Temporary Change involving the transfer of up to 25,000 acre-feet of water under Merced Irrigation District's License 2685 (Application 1224).
51. State Water Resources Control Board re: Application 5632 - Order approving Petition for Temporary Transfer of up to 125,000 acre-feet of water to the Dept. of Water Resources.
52. State Water Resources Control Board re: Second Revised Notice of Public Hearing, In the Matter of Perchlorate Contamination at a 160-acre site in the Rialto Area.

53. Calif. Dept. of Food and Agriculture re: California Ag. Resource Directory 2006. (On file with Clerk)

**ADOPTED RESOLUTION IN MEMORY OF ELDON LEROY ELLEN AND ADJOURNED MEETING UNTIL TUESDAY, APRIL 24, 2007 AT 10:00 A.M.**



**BOARD ORDERS – SUMMARY ACTION MINUTES – APRIL 17, 2007**

**10:00 A.M. SCHEDULED ITEM**  
**2007-04-17 PUBLIC OPPORTUNITY**

County Librarian Jacque Meriam announces it is National Library Week and distributes applications for library cards.

Grant Wilson (Merced resident) appears stating he feels Merced County should have a distribution center for medical marijuana and there should be a waiver form for those that cannot afford the \$225.00 fee for the medical marijuana card.

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

**10:00 A.M. SCHEDULED ITEM**  
**2007-04-17 PRESENTATION**

Human Services Agency Director Ana Pagan provides a brief overview of the Network of Care websites that have been built for Merced County by Trilogy Integrated Resources, LLC and invites the Board to attend the kickoff for the launch of the sites which will be held at the Multicultural Arts Center on April 26, 2007, from 10:00 a.m. to 12 noon.

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

**10:00 A.M. SCHEDULED ITEM**  
**2007-04-17 PLANNING - PUBLIC HEARING – ORDINANCE NO. 1807**

The time and date previously set for a public hearing to consider Zone Code Text Amendment No. ZCTA06-001, Proposed Ordinance Amending Merced County Code Chapter 18.02 entitled "A-1, A-1-40, A-2 Agricultural Zones", Section 18.02.02, "Allowable Land Uses and Permit Requirements" to all existing mini-storage facilities to expand under certain conditions in all Agricultural zoning districts in the County of Merced.

Planner Oksana Newmen reviews the powerpoint presentation, the Staff Report and the Planning Commission recommendation.

The Chairman asks if there is anyone present wishing to speak.

Applicant Dan Andersen speaks in favor.

The Chairman closes the public hearing.

Upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board, Based on Findings acknowledges the project is exempt from CEQA Guidelines and approves Zone Code Text Amendment No. ZCTA06-001, approves the recommendation that a maximum building coverage requirement be added to the Merced County Zoning Code for the expansion of existing mini-storage facilities in all Agricultural Zones within the County understanding the 80% building coverage requirement apply to this project; waives further reading and adopts Ordinance No. 1807.

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

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

**2007-04-17 COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT - PUBLIC HEARING**

The time and date previously set for a public hearing to consider First Reading of Proposed Ordinance "An Ordinance to Extend the Term Limit of Business License Appeal Board Members (Amends Chapter 6.02 of the Merced County Code) as submitted by Commerce, Aviation and Economic Development.

The Clerk reads the Proposed Ordinance by title only: "An Ordinance to Extend the Term Limit of Business License Appeal Board Members (Amends Chapter 6.02 of the Merced County Code).

Commerce, Aviation and Economic Development Director John Fowler reviews the Staff Report and recommended change to the Term Limit.

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

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

Supervisor O'Banion questions if the Board establishes the terms as four-year terms with no limits on the number of terms, would this legally require an additional First Reading.

County Counsel James Fincher advises the change would be a minor change and the matter can continue as scheduled and not require an additional First Reading.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, the Board amends the Proposed Ordinance by establishing the terms of the Business License Appeal Board Members as four-year terms with no limits on the number of terms and sets second reading and possible adoption for April 24, 2007, at 10:00 a.m.

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

**ACTION ITEM NO. 44**

**2007-04-17 EMERGENCY MEDICAL CARE COMMITTEE**

The Clerk announces the Emergency Medical Care Committee Appointments and Reappointments are before the Board for consideration.

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board appoints the following:

Phillip Brown, RN (Nurse Representative), Dr. Allen Rutledge (District One Representative) and Sharon Palmer, RN (Hospital Representative) until June 30, 2011; Doug Hicks, Fire Chief Position, until June 30, 2010; and Dr. Robert Thrailkill (ER Physician representative) until June 30, 2008;

Reappoints Dr. Tim Livermore (Health Officer) and Tom Wells (OES Representative) until June 30, 2010; Tim Marrison (Fire Representative) Gary Tamkin, MD, (ER Physician Representative) and Jose Vasquez (CHP Representative) until June 30, 2011.

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