



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, APRIL 24, 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 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

9:00 A. M.

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): Garcia v. City of Merced et al, Merced County Superior Court Case No. 150143

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957: Public Employee Appointment, Title: Mental Health Director

THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 10:00 A.M. WITH SUPERVISOR KELSEY NOT 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)

PRESENTATIONS

San Joaquin Valley Air Pollution Control District Board - Update/Report
REVIEW BOARD ORDER – SEE PAGE 9

Recognition of Award from the California State Controller's Office - Achieving Excellence in Financial Reporting for Fiscal Year June 30, 2005; and Certificate from Government Financial Officers Association - for Comprehensive Annual Financial Report

REVIEW BOARD ORDER – SEE PAGE 9

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Ag. Commissioner-\$14,800 and \$79,000; District Attorney-\$11,500; Capital Improvements-\$2,000,000; Health-\$304,037 and \$5,766 and First 5-\$774,800

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

THE PUBLIC IS INVITED TO SPEAK ON ANY ITEM ON THE AGENDA

10:00 A. M.

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 28)

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

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT - PROPOSED ORDINANCE - SECOND READING AND POSSIBLE ADOPTION

To consider Second 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 9

REPORTS/BOARD DIRECTION

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

CONSENT CALENDAR (Items #1 - 28)

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

Public Works

1. Authorize Amendment to Contract No. 2006183 with SCS Engineers for the Highway 59 Landfill Gas Collection and Control System and ratify the Public Works Director authorization to sign.
2. Adopt Resolution of Appreciation to David G. Johnson for 27 years of service to the County of Merced.
3. Adopt Resolution Accepting Grant Deed from Juan and Guadalupe Lomeli for additional road right-of-way and public utility easements associated with Building Permit Application No. BP2006-1743.

ADOPTED RESOLUTION NO. 2007-44

Treasurer-Tax Collector

4. Set First Reading for May 1, 2007 at 10:00 a.m. and Second Reading and Possible Adoption for May 8, 2007, at 10:00 a.m. to consider Proposed Ordinance Waiving the Requirement to secure the payment of estimated taxes or special assessment for a final parcel map of four or fewer parcels for a lot line adjustment.

Dept. of Workforce Investment

5. Proclaim May, 2007 as Workforce Development Professionals Month in the County of Merced.

Mental Health

6. Approve and authorize Chairman to sign Renewal Contract No. 2004149 with Value Options, Inc. for managing of the network provider of Specialty Mental Health services.
7. Approve and authorize Chairman to sign Renewal Contract No. 2004231 with Merced County Office of Education for Educational Psychologist services.

8. Approve and authorize Chairman to sign Amendment to Contract No. 2004110 with State Dept. of Alcohol and Drug Programs for Drug Medi-Cal Contract and adopt Resolution.

ADOPTED RESOLUTION NO. 2007-45

Human Services Agency

9. Approve and authorize Chairman to sign Renewal Contract No. 2005171 with Merced County Office of Education for Child Care Services.
10. Approve and authorize Chairman to sign Renewal Contract No. 2006112 with Central Valley Opportunity Center for Employment and Training Services.
11. Ratify the purchase and installation of equipment for the HICAP Van from Styles Truck Body by Administrative Services in conjunction with Area Agency on Aging utilizing FY 06/07 Federal One Time Only Funding from the Calif. Dept. of Aging.
12. Approve and authorize Chairman to sign Amendment to Contract No. 2004188 with Community Action Board for Home Delivered Meals Program.
13. Approve and authorize Chairman to sign Amendment to Contract No. 2004189 with Community Action Board for Congregate Meals Program.
14. Approve and authorize Chairman to sign Renewal Contract No. 2004141 with Department of Workforce Investment for employment services for Welfare to Work participants.
15. Approve and authorize Chairman to sign Renewal Contract No. 2004117, Interdepartmental Agreement, with Department of Mental Health for Counseling Services to Welfare to Work participants.
16. Approve Budget Transfer in the amount of \$6,000, \$14,000 and \$4,000 as recommended by Executive Office.

Health

17. Set public hearing for May 8, 2007 at 10:00 a.m. to consider Special Assessment and Lien on Parcel Number 078-254-042 for the costs of demolition and cleanup.

Counsel

18. Approve and authorize Chairman to sign Amendment to Contract No. 2006279 with Porter, Scott, Wieberg & Delehant for previously assigned litigation cases.

Ag. Commissioner

19. Approve Budget Transfer in the amount of \$13,450 as recommended by Executive Office.

Planning

20. Approve Budget Transfer in the amount of \$9,500 and \$12,400 as recommended by Executive Office.

Fire

21. Approve and authorize Chairman to sign Amendment to Contracts for Homeland Security Grant Program purchases with the Cities of Atwater-2005287, Dos Palos-2005288, Livingston-2005290, Gustine-2005289, Los Banos-2005291 and Merced-2005292 and Contract No. 2005293 with State Office of Emergency Services for 2005 Homeland Security Grant Program.

Board Recognition

- 22. Authorize Certificates of Recognition to individuals for the 2007 Firefighter of the Year.
REVIEW BOARD ORDER – SEE PAGE 10
- 23. Authorize Certificates of Recognition to individuals recognized by Merced College Grandparent Appreciation for priceless contributions to the community-raising children the second time around.
REVIEW BOARD ORDER – SEE PAGE 10
- 24. Authorize Certificate of Recognition to Merced Union High School District in celebration of Open House of the District Instructional Support Center.
- 25. Authorize Certificate of Recognition to the California Poppy Project in celebration of the 104th Anniversary of the California State Flower and proclaim April 6, 2007 as "California Poppy Day" in Merced County.
- 26. Authorize Certificates of Recognition to Pedro Paz and Mark Melville for dedicated service to First 5 of Merced County.
- 27. Authorize Certificate of Recognition to the Lighthouse Development in celebration of Ribbon Cutting of the new location.

Sheriff

- 28. Approve Budget Transfer in the amount of \$6,200 as recommended by Executive Office.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

- 29. Contract for Right-of-Way and Resolution accepting Grant Deed from Peter and Celia Klikovits for acquisition of 406 square feet necessary for the construction of Santa Fe Drive at California Street Intersection improvements in Winton.
AUTHORIZED CONTRACT NO. 2007079 AND ADOPTED RESOLUTION NO. 2007-46 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4
- 30. Award Contract to Amerine Systems, Inc. for Lake Yosemite Park - Upgrade of the Domestic Water System at Bicentennial Grove Well Replacement.
AUTHORIZED CONTRACT NO. 2007080 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4
- 31. Contract with Calif. Dept. of Transportation for Improvement of State Route 99 between Madera/Merced County Line and Mission Avenue and Adopt Resolution.
AUTHORIZED CONTRACT NO. 2007081 AND ADOPTED RESOLUTION NO. 2007-47 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4
- 32. Approve plans and specifications for the construction of the New Animal Control Facility at Castle Airport and authorize Public Works to hold bid opening with Bid Results and recommendation to return to the Board and approve Budget Transfer in the amount of \$2,500,000.
APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

HEALTH

33. Resolution authorizing Chairman to sign Contract with State Water Resources Control Board for preparing dairy waste management plans in the amount of \$1.2 million; authorize Environmental Health to coordinate the development and release of a Request for Proposal to seek qualified contractors to prepare plans and return to the Board and authorize Environmental Health to sign all payment requests.

AUTHORIZED CONTRACT NO. 2007084 AND ADOPTED RESOLUTION NO. 2007-48 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

34. Adopt Resolution authorizing submission of State Revolving Fund Loan Application for Dairy Improvements to the State Water Resources Control Board in the amount of \$20 million.

ADOPTED RESOLUTION NO. 2007-49 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

35. Contract with Counter Terrorism and Chemical Training to provide consultant services for a functional Pandemic exercise.

AUTHORIZED CONTRACT NO. 2007085 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

36. Declare equipment as Surplus at Castle Airport as identified and authorize the transfer and donation (per Calif. Government Code 25372.(a) to Merced Elk's Lodge #1240. (4/5 Vote Required).

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

37. Authorize submission of Grant Application to Dept. of Transportation for the Small Community Air Service Development Program to develop cost-effective air services to communities and authorize the Director of CAED as the Authorized Organization Representative, to submit the electronic Merced County proposal and direct CAED to return to the Board for acceptance of Grant if awarded.

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

CHILD SUPPORT SERVICES

38. Authorize preparation and release of a Request for Proposal for Process Serving Services, select the most responsive vendor and return to the Board for final contract approval.

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

HUMAN SERVICES AGENCY

39. Amendment to Contract No. 2004028 with California Dept. of Aging for Senior Community Services Employment Program and approve Budget Transfer in the amount of \$7,006. (4/5 Vote Required)

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

MENTAL HEALTH

40. Contract with Community Action Agency for participation in the Homeless Management Information Systems (HMIS) for collection and management of data regarding the homeless population at no cost to the County and authorize the Mental Health Director to sign necessary documents and Memorandum of Understanding.

AUTHORIZED CONTRACT NO. 2007086 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

41. Joint Funding Agreement with City of Merced, UC Institute for Study of Social Change (ISSC) and the County for the provision of consulting services relating to impacts of alcohol and drug use, through October 31, 2008 (18 month term) for a total County portion of \$31,000 and approve Budget Transfer in the amount of \$3,445. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2007087 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4

DISTRICT ATTORNEY

42. Contract for Special Consultant Services with James A. Wilkerson, IV, MD for Expert Witness in the area of forensic pathology.

AUTHORIZED CONTRACT NO. 2007082 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4

PROBATION

43. Authorize submission of Juvenile Justice Crime Prevention Act Application for continuation funding with the Corrections Standards Authority and adopt Resolution.

ADOPTED RESOLUTION NO. 2007-50 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4

SHERIFF

44. Contract with Victor Delgado of V.M. Delgado & Associates for customer service training.

AUTHORIZED CONTRACT NO. 2007083 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4

45. Accept donation of an IFR Certified Cessna 172P Aircraft from the Office of Emergency Services Program 1122 California Counter-Drug Procurement Program (OES); approve the Out-of-State Travel to ferry the aircraft to Merced County.

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

AUDITOR

46. Authorize establishment of Non-Revolving Line of Credit with Wells Fargo-Los Banos to provide payment to sellers of the Jr. Livestock Auction; funds to be repaid as payments are received from buyers, loan will be for a maximum of \$550,000 and will mature 10/31/07, bear an Interest Rate set at prime which is currently 8.25% and a loan cost of \$350; authorizing the Auditor to sign the documents and issue a change fund in the amount of \$8,000 for operation of the Fair and adopt Resolution.

ADOPTED RESOLUTION NO. 2007-51 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4

EXECUTIVE OFFICE

47. Authorize Letter of Support to Senator Jeff Denham and Assemblywoman Calgiani for State Budget Item 5175, seeking to increase the State General Fund Allocation to the Dept. of Child Support Services by 3.5% and any additional State Budget items that will support the Department's request for additional funding for FY 2008.

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

HUMAN RESOURCES

48. Confirm the appointment of Mr. Frank Whitman as Director of Mental Health and approve "A" Level benefits effective May 29, 2007.

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

BOARD APPOINTMENTS

49. Henry Miller Reclamation District, Recommended Reappointments and Amendment to appropriate terms of office as reflected in Resolution No. 2006-036 adopted by the Henry Miller Reclamation District. – Reappointed Anthony Neves, Jim Nickel and Greg Pearl to serve until November 6, 2007 and reappointed David Carlucci, David Pruitt, Jack Threlkeld and Aldo Sansoni to serve until November 3, 2009.

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

BOARD INFORMATION & POSSIBLE ACTION

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

50. Governors Office of Emergency Services re: Notice pursuant to President Bush's March 14, 2007, major disaster declaration due to damages caused by severe freeze that occurred January 11 - 17, 2007 relative to the processing of U.S. Dept. of Agriculture Farm Service Agency Emergency loans for physical and production losses which have been authorized for the primary Counties of Fresno, Imperial, Kern, Los Angeles, Monterey, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Tulare, and Ventura; and the contiguous Counties of Inyo, Kings, Madera, Merced, Mono, Orange, San Benito and Santa Cruz.
51. Petrogulf Corporation re: Franchise Tax Ordinance No. 1777 dated February 28, 2006 granting a Countywide Non-exclusive Pipeline Franchise.
52. Governor's Office of Emergency Services re: Request for designation of Merced County a disaster area due to a combination of the lack of adequate rainfall at critical times and abnormally cold weather limiting the rangeland grass growing season that began October 15, 2006 and continuing.
53. U.S. Dept. of the Interior re: Invitation to submit comments to proposal of \$2.00 per person/\$5.00 per vehicle increase to the entrance fee as outlined in Fact Sheet for Yosemite National Park.

REVIEW BOARD ORDER – SEE PAGE 10

54. Sheriff re: 2007 Merced County Peace Officer Memorial Recognition Program set for May 9, 2007 to be held in the front court yard of the County Administration Building.
55. Mariposa County Board of Supervisors re: Proposed Increase to Entrance Fees to Yosemite National Park.

ADOPTED RESOLUTIONS IN MEMORY OF JESS BOWLING, MARJANE LOCHER WOOD AND PEGGY HELLER AND ADJOURNED UNTIL TUESDAY, MAY 1, 2007 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – APRIL 24, 2007

10:00 A.M. SCHEDULED ITEM

2007-04-24 PRESENTATION – San Joaquin Valley Air Pollution Control District

Supervisor Nelson, Board representative on the San Joaquin Valley Air Pollution Control District, introduces Seyed Sadredin, Executive Director of the San Joaquin Valley Air Pollution Control District (SJVAPCD).

Mr. Sadredin reviews a powerpoint presentation and updated report on the San Joaquin Valley air pollution.

Supervisor Nelson states this update will be provided to the cities within Merced County.

Present: Pedrozo, Crookham, Nelson, O'Banion

Not Present: Kelsey

10:00 A.M. SCHEDULED ITEM

2007-04-24 PRESENTATION – AUDITOR

The Board presents the California State Controller's Office for Achieving Excellence in Financial Reporting for Fiscal Year June 30, 2005 and a Certificate from the Government Financial Officers Association for Comprehensive Annual Financial Report Awards to Auditor/Controller/Recorder M. Stephen Jones.

Present: Pedrozo, Crookham, Nelson, O'Banion

Not Present: Kelsey

10:00 A.M. SCHEDULED ITEM

2007-04-24 COMMERCE, AVIATION, AND ECONOMIC DEVELOPMENT – ORDINANCE NO. 1808

The time and date previously set for the second reading and possible adoption of the Proposed Ordinance 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 Appeals Board Members to four year terms (Amends Ordinance No. 1705 and Chapter 6.02 of the Merced County Code).

Director of Commerce, Aviation and Economic Development John Fowler reviews the staff report.

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

Upon motion of Supervisor Crookham, seconded by Supervisor Nelson, duly carried, the Board waives further reading and adopts Ordinance No. 1808.

Ayes: Pedrozo, Crookham, Nelson, O'Banion

Not Present: Kelsey

CONSENT ITEM NO. 22

2007-04-24 BOARD OF SUPERVISORS

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board authorizes Certificates of Recognition to the following 2007 Firefighter of the Year Awards: Kanwardip Kailey/Livingston City Fire, Mark Frontella (Engineer)/Los Banos City Fire, Gary O'Rear/Gustine City Fire-Volunteer, Pat Borrelli/Merced County Fire-Volunteer, Rich Bohn/Merced County Fire, Captain Larry Fister/Merced City Fire, Andrew Hathaway/Atwater City Fire-Reserve , Andy McMurry (Engineer)/Atwater City Fire and Casey Campbell/Dos Palos City Fire-Volunteer.

Ayes: Pedrozo, Crookham, Nelson, O'Banion

Not Present: Kelsey

CONSENT ITEM NO. 23

2007-04-24 BOARD OF SUPERVISORS

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board authorizes Certificates of Recognition to the following recognized by Merced College Grandparent Appreciation for priceless contributions to the community-raising children the second time around: Bishop Dwight Amey, Gwen Amey, Jose Arroyo, Jeane Batty, Otto Batty, Del Blicht, John Blicht, Betitia Boscolo, Luigi Boscolo, Mary Cardenas, Beverly Cooper, Joyce Dale, Yvette Davis, Benjamin Duenas, Lucille Eastman, Rex Eastman, Diane Enchill, Gloria Ford, Carmen Fuentes, Dennis Garcia, Kimberley Garcia, Jesus Garibay, Ofelia Garibay, Georgia Gonzaga, Tav Gonzaga, Marie H. Gonzales, Arnold Harthcock, Judith Hartman, Rosetta Henegan, Howard Hill, Vickie Hill, Ester Holland, Almetres Huddleston, Jerri James, Daphne Jenkins, Phil Jenkins, Beverly Jennings, Betty Johnson, Rosetta Johnson, Celeste Jones, Ruby Langston, Diane Loeffers, Jerry Loeffers, Maria Londono, Mario Londono, Lucia Lopez, Mary Lopez, Jeweline Mays, Beverly McCormich, Maria Melo, Pedro Melo, Diane Moreno, Glennis Neese, Marvin Neese, Victoria Oforlea, Diane Padilla, Anna Partida, Lorenzo Partida, Nick Perez, Ophelia Perez, Lisa Rice, Ana Santiago, Ethel Slaton, Patty Smith, Lorrie Snyder, Loretta Spence, Lottie Stewart, Virginia Tolleson, Maria Vargas, Pete Vargas, Rose Veasley, Lola Vega, Tony Vega, Lytania Walker, Betty Ward, Roy Ward, Florine Williams, Shirley Winzer and Roxine Wright.

Ayes: Pedrozo, Crookham, Nelson, O'Banion

Not Present: Kelsey

BOARD INFORMATION ITEM NO. 53

2007-04-24 BOARD OF SUPERVISORS

Supervisor Crookham comments on correspondence received from the U.S. Dept. of the Interior relative to the proposed \$2.00 per person/\$5.00 per vehicle increase to the Entrance of Yosemite National Park and states several counties have taken a position on the increase and recommends Merced County consider a position.

Following discussion, County Executive Officer Dee Tatum states the matter can be placed on next week's Board Agenda as an action item based on Board direction.

Present: Pedrozo, Crookham, Nelson, O'Banion

Not Present: Kelsey