



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, MAY 08, 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

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

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

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

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 of Section 54956.9(a): Lopez v. County of Merced, et al. U.S. District Court - Eastern District Case No: 1:-06-CV-1526 OWW DLB

THE BOARD RECESSED AT 9:00 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 7

PRESENTATION

Judge Frank Dougherty, Recognition as Presiding Judge

REVIEW BOARD ORDER – SEE PAGE 7

10:00 A. M.

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Department of Admin. Services - \$3,200 and Dept. of Workforce Investment - \$18,662

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 18)

APPROVED AS RECOMMENDED AYES: ALL

HEALTH - PUBLIC HEARING

To consider assessing the costs of demolition and cleanup as a special assessment and lien upon APN 078-254-042

REVIEW BOARD ORDER – SEE PAGE 7

TREASURER-TAX COLLECTOR - PROPOSED ORDINANCE - SECOND READING AND POSSIBLE ADOPTION

To consider Proposed Ordinance - An Ordinance Repealing Ordinance No. 1600, Section 17.12.180, Chapter 17.12.-Minor Subdivisions and Section 17.16.80, Chapter 17.16, Property Line Adjustments which waived 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 and adding and requiring that estimated taxes be collected prior to recording a Final Parcel Map

REVIEW BOARD ORDER – SEE PAGE 8

REPORTS/BOARD DIRECTION

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

CONSENT CALENDAR (Items #1 -18)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Adopt Resolution restricting parking on a portion of Ashby Road in Franklin-Beachwood area and authorize installation of signs.

ADOPTED RESOLUTION NO. 2007-55

Health

2. Approve and authorize Chairman to sign Interdepartmental Renewal Contract No. 2005216 with District Attorney for investigation of fraud/abuse within the Indigent Health Care Program with compensation not to exceed \$3,000.
3. Approve and authorize Chairman to sign Renewal Contract No. 2002223 with Valley Auto Wreckers for Removal and Disposal of Abandoned Vehicles.

ADOPTED RESOLUTION NO. 2007-56

4. Approve and authorize Chairman to sign Amendment to Contract No. 2005195 with Golden Valley Health Centers, Inc. for Community Health Specialist services.

Mental Health

5. Approve and authorize Chairman to sign Amendment to Contract No. 2005232 with California Psychiatric Transitions for mental health services.
6. Approve and authorize Chairman to sign Amendment to Contract No. 2004006 with Davis Guest Home for Specialized residential placement for clients in need of assisted living.
7. Approve and authorize Chairman to sign Amendment to Contract No. 2004156 with Larry Dumford for Licensed Board and Care Facilities.
8. Approve and authorize Mental Health Director to sign Amendment to the Mental Health Services Act - Community Services and Supports Three-Year Plan and authorize submission to the State Dept. of Mental Health.
9. Approve and authorize Chairman to sign the Implementation Progress Report for the Initial Mental Health Services Act - Community Services and Supports Three-Year Plan and authorize submission to the State Dept. of Mental Health covering the period of April 1, 2006 through December 31, 2006.
10. Approve and authorize Chairman to sign Renewal Contract No. 2006274 with Central Valley Coalition for Affordable Housing for Project Home Start housing lease.

Executive Office

11. Act on Claims for Damages received by Ramon Zepeda as recommended by Executive Office.
12. Approve Travel Requests for Sheriff and Human Services Agency as recommended by Executive Office.

Human Services Agency

13. Approve and authorize Chairman to sign Renewal Contract No. 2004116 with Merced County Office of Education for Vocational Training Services.
14. Approve and authorize Chairman to sign Amendment to Contract No. 200297 with Valley Caregiver Resource Center for National Family Caregiver Support Program.
15. Approve and authorize Chairman to sign Amendment to Contract No. 2006308 with Merced County Office of Education for Outcomes Improvement Project (OIP) Services.

Sheriff

16. Approve and authorize Chairman to sign Amendment to Interdepartmental Contract No. 200198 with Mental Health for officer meal food services at the Marie Green Psychiatric Center.

Board Recognition

17. Authorize Certificates of Recognition to Linda Hansen (San Joaquin), Sandra Gist-Langiano (Tulare), Sharron Thornton (Merced), Lonna Torrico (Fresno) and Louise Draxler (Hanford) for selection as 2007 Honorees by the Common Threads Honoring Women in Agriculture.

District Attorney

18. Approve Budget Transfer in the amount of \$95,799 as recommended by Executive Office.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

19. Approval of Plans and specifications for Law Library Repair and authorize bid process with award to the lowest responsive bidder so long as the cost is within the contract amount approved and direct Public Works return to the Board with a recommendation.

APPROVED AS RECOMMENDED AYES: ALL

20. Contract with City of Merced for Roadway Maintenance Agreement for Oleander Avenue between Alexander Avenue and North Bear Creek Drive.

AUTHORIZED CONTRACT NO. 2007096 AS RECOMMENDED AYES: ALL

21. Contract with City of Merced for Scrub Seal rehabilitation to include approximately 11 miles of City roads that interconnect with County Roads identified and approved in the 2006/2007 Annual Work Program.

AUTHORIZED CONTRACT NO. 2007101 AS RECOMMENDED AYES: ALL

22. Authorize Sole Source Purchase from California Surveying and Drafting Supply of a Trimble R8 Model 2 GNSS Rover Kit with data collector and Carbon Fiber Range Pole with Bipod in the amount of \$26,557, authorize negotiation to find a suitable site to host a reference station for California Surveying and Drafting Supply's Virtual Surveying Network, direct Public Works to return to the Board for necessary contract and authorize issuance of Purchase Order for said equipment and approve the budget transfer-\$26,557.

APPROVED AS RECOMMENDED AYES: ALL

HEALTH

23. Authorize development and release of RFP for qualified contractor to package, transport, dispose and recycle Household Hazardous Waste and return to the Board with recommended award.

APPROVED AS RECOMMENDED AYES: ALL

24. Accept the Maternal, Child, and Adolescent Health Allocation for FY 2006/07 in the amount of \$694,434 from the State Dept. of Health Services for local programs providing services to the target populations.

AUTHORIZED CONTRACT NO. 2007203 AS RECOMMENDED AYES: ALL

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

25. Authorize use of Castle Airport under supervision of the Airport Manager and Director of CAED for West Coast Formation Clinic 2007 and authorize Contract with Golden Gate Wing of the Commemorative Air Force.

AUTHORIZED CONTRACT NO. 2007097 AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

26. Authorize Special Board Project Funds-District One, Three and Four in the total amount of \$2,500 to be split equally between funds to D & D Associates for development of a resource guide and handbooks for Municipal Advisory Councils and approve the budget transfer.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE **AYES: ALL**

27. Bureau of Reclamation re: San Joaquin River Restoration Program (SJRRP) Update.
28. California Environmental Protection Agency re: Announcement of 2007 Governor's Environmental and Economic Leadership Awards Application.
29. State Water Resources Control Board re: Third Revised - Notice of Public Hearing, In the Matter of Perchlorate Contamination at a 160-acre site in the Rialto Area (SWRCB/OCC File A-1824)
30. State Wildlife Conservation Board re: Ingomar Ranch Wetland Restoration - Merced County - Project ID 2006089, to consider a project to restore wetlands on privately-owned land in Merced County.

ADOPTED RESOLUTION IN MEMORY OF CINTHIA ARDUENGO AND ADJOURNED MEETING UNTIL TUESDAY, MAY 15, 2007 AT 6:00 P.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – MAY 8, 2007

10:00 A.M. SCHEDULED ITEM
2007-05-08 PUBLIC OPPORTUNITY

Philippe Furlan (Atwater resident) speaks regarding property management at Castle, Aviation and Development Center.

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

10:00 A. M. SCHEDULED ITEM
2007-05-08 PRESENTATION – Superior Court

The Board presents a Plaque in recognition of the services of the Frank Dougherty as Presiding Judge of the Superior Court in Merced County, California during the period of September 2003 through April 2007.

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

10:00 A.M. SCHEDULED ITEM
2007-05-08 HEALTH – PUBLIC HEARING

The time and date previously set for a public hearing to consider assessing costs of demolition and cleanup as a special assessment and lien upon APN 078-254-042 submitted by the Health Department.

Environmental Health Director Jeff Palsgaard reviews the staff report.

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 Crookham, duly carried, the Board authorizes an assessment for costs of demolition and cleanup as a Special Assessment and Lien upon APN 078-254-042 and directs the Tax Collector, Assessor and Auditor to record the assessment and add the amount to the next regular property tax bill.

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

10:00 A.M. SCHEDULED ITEM

2007-05-08 TREASURER-TAX COLLECTOR – ORDINANCE NO. 1809

The time and date previously set for second reading and possible adoption of a Proposed Ordinance. The Clerk reads the Proposed Ordinance by title only: An Ordinance repealing Ordinance No. 1600, Section 17.12.180, Chapter 17.12-Minor Subdivisions and Section 17.16.80, Chapter 17.16, Property Line Adjustments which waived 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 and adding and requiring that estimated taxes be collected prior to recording a Final Parcel Map submitted by Treasurer-Tax Collector.

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

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

Treasurer/Tax Collector Karen Adams reviews the powerpoint presentation.

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

Upon motion of Supervisor Kelsey, seconded by Supervisor Crookham, duly carried, the Board adopts Ordinance No. 1809 as presented.

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