

# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting  
TUESDAY, JULY 31, 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**

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INQUIRE WITHIN THE BOARD OF SUPERVISORS OFFICE

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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

8:30 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 -**

**SIGNIFICANT EXPOSURE TO LITIGATION:** It is the intention of the Board to meet in Closed Session concerning significant exposure to litigation pursuant to Government Code Section 54956(b): One Case

**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:** It is the intention of the Board to meet in Closed Session

pursuant to Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Director of Workforce Investment

**CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING**

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

**THE BOARD RECESSED AT 8:30 A.M. AND RECONVENED AT 10:00 A.M. WITH SUPERVISOR KELSEY NOT PRESENT AND THE CHAIRMAN ADVISED DIRECTION WAS PROVIDED TO STAFF**

**GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)**

10:00 A. M.

**PLEDGE OF ALLEGIANCE**

10:00 A.M.

**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**

**BUDGET TRANSFER - Fire - \$3,081**

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

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 13)**

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

**PUBLIC WORKS - PUBLIC HEARING**

To consider Proposed Ordinance entitled "Conduct in Parks" (Amends Chapter 10.28 of the County Code and Ordinance No. 1719) (4/5 Vote Required)

**REVIEW BOARD ORDER – SEE PAGE 7**

**COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT - PUBLIC HEARING**

To consider Proposed revisions to Ordinance Establishing Water and Sewer Systems Rates and Related Charges at Castle Airport (Supercedes Ordinance No. 1765)

**REVIEW BOARD ORDER - SEE PAGE 8**

**PLANNING - PUBLIC HEARING**

To receive comments on the Flood Plain Management 8-Step Review Process for all home loans located within designated Flood Hazard Zones

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

**PLANNING - PUBLIC HEARING**

To consider review of the Community Development Block Grant (CDBG), HOME and CALHOME Housing Rehabilitation Guidelines from one set per Funding Source to One Combined Set that meets the requirements of CDBG, HOME and CALHOME

**REVIEW BOARD ORDER – SEE PAGE 9**

**REPORTS/BOARD DIRECTION**

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

CONSENT CALENDAR (Items #1 - 13)

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

Mental Health

1. Approve and authorize Chairman to sign Renewal Contract No. 2003024 with BHC Sierra Vista Hospital for Inpatient Hospital Services for Medi-Cal Clients.
2. Approve and authorize Chairman to sign Renewal Contract No. 2003026 with BHC Sierra Vista Hospital for Inpatient Hospital Services for Non-Medi-Cal Clients.
3. Approve and authorize Chairman to sign Renewal Contract No. 2006018 with Healthy House within a Match Coalition for Interpreter Services.

District Attorney

4. Authorize the District Attorney's participation in the Rural Crime Prevention Program, authorize Chairman to sign Contract No. 2001104, authorize application for continued funding in the amount of \$284,155 for FY 2007/08 and adopt Resolution.

**ADOPTED RESOLUTION NO. 2007-116**

Executive Office

5. Approve and authorize Chairman to sign Renewal Contract No. 2003144 with The Standard Insurance Company for Group, Management, and Voluntary Term Life Insurance.
6. Approve and authorize Chairman to sign Renewal Contract No. 2005247 with David Donn Consulting, Inc. for Workers Compensation Medical Cost Management for specialized services to facilitate and maximize workers compensation medical cost control.

Board of Supervisors

7. Approval of Minutes of April 17 and 24, 2007.

Child Support Services

8. Proclaim August, 2007 as Child Support Awareness Month in the County of Merced.

Board Recognition

9. Authorize Certificates of Recognition to Pope Lawrence and Judith Hartman for Merced County Arts Council recipients of the 2007 Arts Angel Award and to the Merced Sun-Star for 2007 Arts Advocate Award.
10. Authorize Certificates of Recognition to Diana Ingram, Caroline Venable and DJ Barcellos as Merced County Chamber of Commerce Volunteers of the Quarter.
11. Authorize Certificates of Recognition to The Greater Merced Chamber of Commerce Leadership Merced, Graduation Class 22.

**REVIEW BOARD ORDER – SEE PAGE 10**

12. Authorize Certificates of Recognition to Los Banos Chamber of Commerce Awards: Freda Chounet-Volunteer of the Year, Los Banos Flower Shop-Business of the Year, Debbie Bento-Jurado-Business Person of the Year and Big John Whala as Outgoing President.
13. Authorize Certificates of Recognition to Expressions of Love Ribbon Cutting and Grand Opening celebration.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

14. Authorize development and issuance of Request for Proposal for a new Five Year Contract for advertising and promoting awareness of "The Bus" - Merced County Transit in an amount not to exceed \$100,000/year and to return to the Board with a recommendation.

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

15. Authorize development and issuance of a Request for Proposal for a Five Year Contract for Display Advertising on Merced County Transit Buses for a 5 Year Period from 12/1/2007 through 11/30/2012 to be returned to the Board with a recommendation.

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

16. Letter of Agreement with FEMA - U.S. Dept. of Homeland Security for PAL (Provisionally Accredited Levee) Agreement for FEMA Region IX (Black Rascal Diversion Channel).

**AUTHORIZED CONTRACT NO. 2007197 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

17. Resolution authorizing the signing and filing of the Local Transportation Fund Claim for the 2007/2008 Fiscal Year with the Merced County Association of Governments.

**ADOPTED RESOLUTION NO. 2007-117 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

HEALTH

18. Contract with State Dept. of Health Services for funding of the Ryan White Care Act Program for FY 2007/08, FY 2008/09 and FY 2009/10 for a total funding of \$234,984 or \$78,328 per year.

**AUTHORIZED CONTRACT NO. 2007198 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

MENTAL HEALTH

19. Contract with Guardco Security Services for the Security at Inpatient Unit and other facilities.

**AUTHORIZED CONTRACT NO. 2007199 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

DISTRICT ATTORNEY

20. Authorize participation in the Anti-Gang Block Grant with Governor's Office of Emergency Services, authorize Chairman to sign Contract No. 2007200 in the amount of \$170,000 and adopt Resolution.

**ADOPTED RESOLUTION NO. 2007-118 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

EXECUTIVE OFFICE

21. Contract with The Standard Insurance Company for Management Short-Term and Long-Term Disability for period through July 31, 2010.

**AUTHORIZED CONTRACT NO. 2007201 AS RECOMMENDED AYES: 1, 2, 3, 5  
NOT PRESENT: 4**

22. Approve designation change of the Alternate Representative for the CSAC EIA Board of Directors from Terry Roberts, Interim Risk Management Director to Brad Smith, Risk Management Director.

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

**PLANNING**

23. Resolution supporting Applications for Funding on behalf of the Housing Authority of the County of Merced through the Resident Opportunities and Self-Sufficiency Program and authorize Chair to sign Certifications.

**REVIEW BOARD ORDER – SEE PAGE 10**

**AUDITOR**

24. Authorize purchase of VoteHere, Inc. Ballot Tracking System for Absentee Voter Ballots as a Sole Source purchase upon approval of the Final Budget and authorize signing of Contract No. 2007202 subject to Auditor-Controller and County Counsel concurrence.

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

**BOARD APPOINTMENTS**

25. Board, Commission and Committee (BCC) Vacancy Report, July, 2007.

**BOARD INFORMATION & POSSIBLE ACTION**

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

26. San Joaquin Valley Unified Air Pollution Control District re: Notice of Public Workshop on proposed Environmental Justice Strategy.
27. Multi-State Information Sharing and Analysis Center re: Educational effort to enhance state and local government cyber security preparedness by providing easy-to-read, non-technical cyber security booklets which are designed to raise awareness level about computer security issues and provide information about how to address. (On File with Clerk)
28. California Environmental Protection Agency-Air Resources Board re: Timing of new conformity determinations for the Valley.
29. Central Valley Regional Water Quality Control Board re: Notice of Public Meeting on August 2, 2007.
30. State Board of Equalization re: 2006/07 Salary and Benefits for California Assessor's Offices and Appeals Boards' - Survey Report. (On file with Clerk)
31. Governor Arnold Schwarzenegger re: Letter of response on funding for the California High-Speed Rail Authority.

**ADOPTED RESOLUTION IN MEMORY OF WILLIAM "BILL" DESIMONE AND  
ADJOURNED MEETING UNTIL TUESDAY, AUGUST 7, 2007 AT 6:00 P.M.**

**BOARD ORDERS – SUMMARY ACTION MINUTES – JULY 31, 2007**

**10:00 A.M. SCHEDULED ITEM**  
**2007-07-31 PUBLIC OPPORTUNITY**

County Librarian Jacque Miriam introduces the new Children's Librarian Erica Carr.

The Chairman recognizes Cooperative Extension Director Richard Mahecek and 4-H Members Hou Vang and Der Voo who are "Emerald Star" candidates and advises their project is the Merced County General Plan Update.

Child Support Services Director Rhonda Walton states August is Child Support Awareness Month advising Merced County services over 22,000 families and last year \$28 million were collected on behalf of children in Merced County.

Tom Grave (Merced resident) thanks staff for updates on the G Street Bike path status ("G" Street/Bellevue Road) and states the newly formed bicycle coalition will be developing information on bike riding being good recreation and a form of transportation.

Present: Pedrozo, Crookham, Nelson, O'Banion

Not Present: Kelsey

**10:00 A.M. SCHEDULED ITEM**  
**2007-07-31 PUBLIC WORKS - PUBLIC HEARING – ORDINANCE NO. 1813**

The time and date previously set for a public hearing to consider a Proposed Ordinance submitted by Public Works. The Clerk reads the Proposed Ordinance by title only: An Ordinance Entitled "Conduct in the Parks" (Amends Ordinance Nos. 1719, 1388 and 1231 and Chapter 10.28 of the Merced County Code.)

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

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

Assistant Public Works Director Richard Schwarz reviews the Staff Report and recommended changes to the Proposed Ordinance.

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board adopts Ordinance No. 1813.

Ayes: Pedrozo, Crookham, Nelson, O'Banion

Not Present: Kelsey

**10:00 A.M. SCHEDULED ITEM**  
**2007-07-31 COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT - PUBLIC HEARING**  
**- ORDINANCE NO. 1814**

The time and date previously set for a public hearing to consider a Proposed Ordinance submitted by Commerce, Aviation and Economic Development. The Clerk reads the Proposed Ordinance by title only: An Ordinance Regarding the Operation of Water and Sewer Systems at Castle Airport, Aviation and Development Center and Charges Related Thereto (Supersedes Ordinance No. 1788, 1765 and 1736 and Amends Chapter 5.48 of the Merced County Code.)

Commerce, Aviation and Economic Development Director John Fowler and Assistant Airport Manager James Pichner review the staff report and the powerpoint presentation.

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

The Chairman closes the public hearing.

Upon motion of Supervisor Nelson, seconded by Supervisor O'Banion, duly carried, the Board adopts Ordinance No. 1814.

Ayes: Pedrozo, Crookham, Nelson, O'Banion

Not Present: Kelsey

**10:00 A.M. SCHEDULED ITEM**  
**2007-07-31 PLANNING - PUBLIC HEARING**

The time and date previously set for a public hearing to receive comments on the Flood Plain Management 8-Step Review Process submitted by the Planning Department.

Development Services Director Robert Lewis advises Self-Help Enterprises Program Manager-Housing Rehabilitation Denise Fletcher and Administrative Analyst Sheri Rawlins will review the process and recommendations.

Ms. Fletcher states Merced County is required by both HUD and the State Housing and Community Development Department to hold at least one public hearing per year for the review process. Ms. Rawlins reviews the powerpoint presentation on the Flood Plain Management 8-Step Review Process for all home loans located within designated Flood Hazard Zones.

The Board discusses the areas that are in the flood plain area and Assistant Public Works Director Richard Schwarz advises FEMA is currently reviewing and developing the FIRM Maps which identifies specific properties within flood plain areas.

Following questions on the required action, Ms. Rawlins advises this process is a requirement when federal funds are used.

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

The Chairman closes the Public Hearing.



Following discussion, Supervisor Nelson moves, seconded by Supervisor Crookham, the Board direct the Planning and Community Development Department and the County's consultant, Self-Help Enterprises, to perform the Flood Plain Management 8-Step Review Process for all home loans located within designated Flood Hazard Zones.

Ms. Fletcher advises the 8-Step Review Process has been completed and requests the recommendation be changed to accept the Flood Plain Management 8-Step Review Process.

Supervisor Nelson agrees to Amend the Motion, To accept the Flood Plain Management 8-Step Review Process. Supervisor Crookham agrees to the Amendment to the Motion.

The Chairman calls for a vote on the Amended Motion. Motion carries.  
Ayes: Pedrozo, Crookham, Nelson, O'Banion  
Not Present: Kelsey

**10:00 A.M. SCHEDULED ITEM**  
**2007-07-31 PLANNING - PUBLIC HEARING**

The time and date previously set for a public hearing to review the Community Development Block Grant (CDBG), Home Investment Partnership Act (HOME) and CALHOME Housing Rehabilitation Guidelines from one set per Funding Source to One Combined Set that meets the requirements of CDBG, HOME and CALHOME submitted by the Planning Department.

Development Services Director Robert Lewis reviews the Staff Report.

Self-Help Enterprises Program Manager-Housing Rehabilitation Denise Fletcher requests the Board approve combining the Guidelines as proposed by staff.

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 O'Banion, duly carried, the Board authorizes approval of the revisions to the CDBG, HOME and CALHOME Housing Rehabilitation Guidelines from one set per funding source to one combined set that meets the requirements of CDBG, HOME and CALHOME, adopts the implementation of the Consolidated Housing Rehabilitation Program Participation Guidelines and adopts Resolution No. 2007-115.

Ayes: Pedrozo, Crookham, Nelson, O'Banion  
Not Present: Kelsey

**CONSENT ITEM NO. 11**  
**2007-07-31 BOARD OF SUPERVISORS**

Upon motion of Supervisor Crookham, seconded by Supervisor Nelson, duly carried, the Board authorizes Certificates of Recognition to the Greater Merced Chamber of Commerce and Leadership Merced-Graduation Class 22: Denise Arrollo, Cindi Deegan, Daniel Del Real, Restituto

Gonzalez, Elisabeth Graves, Robin Hauck, Rosa Kindred-Winzer, Vanessa Lara, Barbara J. Levey, Stefani Martinez, Matthew May, Mark Melville, Daphne Lei Post, Michelle A. Smith, John Thompson, Abigail Urquizo, Alan Ward, Carole Whitehill and Katherine Wohlford.

Ayes: Pedrozo, Crookham, Nelson, O'Banion

Not Present: Kelsey

**ACTION ITEM NO. 23**

**2007-07-31 PLANNING**

Supervisor Crookham moves, seconded by Supervisor O'Banion, the Board approve supporting applications for funding on behalf of the Housing Authority of the County of Merced through the Resident Opportunities and Self-Sufficiency Program.

Supervisor Nelson questions Board action when the County is not affiliated with the Housing Authority of the County of Merced.

Following discussion, Supervisor Crookham rescinds the motion.

Upon motion of Supervisor Crookham, seconded by Supervisor O'Banion, duly carried, the Board tables the item and places the matter on the August 7, 2007, Board Agenda to allow further review.

Ayes: Pedrozo, Crookham, Nelson, O'Banion

Not Present: Kelsey