

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, SEPTEMBER 11, 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

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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 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 Section 54956.9(a): Lopez v. County of Merced, Eastern District Court Case No. 1:06-CV-01526 and Affholter v. Franklin County Water District, et al., Eastern District Court Case No. 1:07-CV-0388

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 OF BOARD ORDER – SEE PAGE 9

PRESENTATION - Recognition of Cappi Quigley

REVIEW OF BOARD ORDER – SEE PAGE 9

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 12)

APPROVED AS RECOMMENDED AYES: ALL

10:00 A.M.

PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE, POSSIBLE ADOPTION

To consider: An Ordinance to Adjust the Fees for Improvement Plan Review and Construction Inspection of Subdivision Projects and Miscellaneous Document Review and Processing (Amends Ordinance No. 1794 and Sections 16.08.030.D.3 and D.4 of County Code)

REVIEW BOARD ORDER – SEE PAGE 9

PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE, POSSIBLE ADOPTION

To consider: An Ordinance Regulating the Erection Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion, Occupancy, Equipment, Use, Height, Area, and Maintenance of all Buildings or Structures in the County of Merced and providing for the Issuance of Building Permits and Collection of Fees therefore (Amends Ordinance No. 1702 and Chapter 16.12 of Title 16 of the County Code)

REVIEW BOARD ORDER – SEE PAGE 10

PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE, POSSIBLE ADOPTION

To consider: An Ordinance Amending the Fee Schedule to increase Fees for processing and examining Parcel Maps, Subdivision Maps, and record of Survey Maps. (Amends Ordinance No. 1793 and Section 17.040.020 of the County Code)

REVIEW BOARD ORDER – SEE PAGE 10

PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE, POSSIBLE ADOPTION

To consider: An Ordinance to Adjust the Fees for Encroachment Permit Fees (Amends Ordinance No. 1795 and Section 13.30.030 of the County Code)

REVIEW BOARD ORDER – SEE PAGE 11

HEALTH - PUBLIC HEARING - PROPOSED ORDINANCE, POSSIBLE ADOPTION

To consider: An Ordinance Amending the Health Department Fee Ordinance by Adopting or Changing Fees set for Health Services performed by the Health Officer of Merced County (Amends Ordinance No. 1797 and Title 9, Chapter 9.49 of the County Code)

REVIEW BOARD ORDER – SEE PAGE 11

PLANNING - PUBLIC HEARING

To consider Resolution to Adjust fees established by Resolution No. 2006-215 concerning the Planning and Community Development Department's Review Fee Schedule

REVIEW BOARD ORDER – SEE PAGE 12

REPORTS/BOARD DIRECTION

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

CONSENT CALENDAR (Items #1 - 12)

APPROVED AS RECOMMENDED

AYES: ALL

Mental Health

1. Set public hearing for October 2, 2007 at 10:00 a.m. to consider Proposed Ordinance amending Mental Health Fees for 2007-2008.
2. Approve and authorize Chairman to sign Renewal Contract No. 2006176 with Turning Point Community Services for MHSA Community Assistance Recovery Enterprise (CARE) Program.
3. Approve and authorize Chairman to sign Renewal Contract No. 2007161 with Dr. Jonathan Harry for psychiatric services.

Health

4. Approve and authorize Chairman to sign Amendment to Contract No. 2001278 with California Forensic Medical Group (CFMG) for Correctional Health Services.

Commerce, Aviation and Economic Development

5. Approve and authorize Chairman to sign Renewal Contract No. 2003194 with Wire One Technologies, Inc. for FOCUS Program Procurement Vehicle.

Board of Supervisors

6. Approve Budget Transfer in the amount of \$20,000 for Special Board Project Funds-District Two.
7. Approve Minutes of June 5, 19 and 26, 2007 as submitted.

Board Recognition

8. Authorize Certificates of Recognition to Roy Harding as Volunteer of the Quarter and Kilgore Insurance as Business of the Quarter by the Atwater Chamber of Commerce.
9. Authorize Certificate of Recognition to Adam Bain in celebration as New Smith Barney Advisor at Citibank.
10. Authorize Certificates of Recognition in celebration of the Freedom Fund Banquet to Mary Green-2007 Humanitarian Award, Vondell McKenzie-Citizen of the Year Award and Rev. G.B. Blackmon III-In Tribute of the Messenger for peace, hope, brotherhood and respect..
11. Authorize Certificate of Recognition to Golden Valley Health Center for Mobile Medical Van "LaConexcion/The Connection".
12. Authorize Certificate of Recognition to Mike Campbell in recognition of dedicated service to UC Merced and the community.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

13. Annual Retainer Contracts for Construction Materials Testing (\$75,000 per project limit, no per year limit) to Kleinfelder and Wallace-Kuhl & Associates.
AUTHORIZED CONTRACT NO. 2007224-KLEINFELDER INC. AND NO. 2007225-WALLACE-KUHL & ASSOC. AS RECOMMENDED AYES: ALL
14. Authorize circulation of Request for Qualifications (RFQ) for a Water Resource Services Consulting Firm for services relating to floodplain management activities, levee evaluation and design and hydraulic structure analysis and design for County and Merced Streams Group projects and authorize Public Works to review and rank qualifications as well as negotiate a preliminary contract to be submitted to the Board for final review and approval.
APPROVED AS RECOMMENDED AYES: ALL
15. Authorize relief of liability for Fixed Asset No. 50096, CAD Workstation (Property No. 50096) by allowing the Auditor's Office to remove the item from Professional Services Inventory List.
APPROVED AS RECOMMENDED AYES: ALL
16. Contract with Merced Community Action Network for exclusive use of Courthouse Park between 20th and 21st Streets and between "M", "N" and "O" Streets and portions of the Library Ground Floor on October 6 and 7, 2007 for the Ninth Annual Central Valley Blues Festival and Car Show; authorize set up on October 4 and clean up on October 8, 2007; approve sale of alcoholic beverages and authorize Merced Community Action Network to charge admission.
AUTHORIZED CONTRACT NO. 2007226 AS RECOMMENDED AYES: ALL
17. Adopt Resolution accepting the Grant Deed and Easement Deed from Comcast of San Joaquin for additional road right-of-way and public utility easement associated with Administrative Permit No. 04056 and authorize the Clerk to record said documents.
ADOPTED RESOLUTION NO. 2007-139 AS RECOMMENDED AYES: ALL

AUDITOR

18. Approve and accept the Supplemental Law Enforcement Services Fund (SLESF) Report in connection with Government Code Section 30061 through 30065, COPS Funding.
APPROVED AS RECOMMENDED AYES: ALL

DEPT. OF ADMIN. SERVICES

19. Contract Amendment with Public Surplus, LLC for Public Surplus Property Disposal and approve the sale of light duty trucks, passenger cars and heavy equipment.
AUTHORIZED CONTRACT NO. 2006294 AS RECOMMENDED AYES: ALL
20. Declare Exhibit A as Surplus Property, authorize its disposal and authorize an Internet Public Auction to be conducted per Contract No. 2006294.
APPROVED AS RECOMMENDED AYES: ALL
21. Contract with Merco Credit Union for Model 162 ATM Machine in the County Administration Building, Merced.
AUTHORIZED CONTRACT NO. 2007228 AS RECOMMENDED AYES: ALL

PLANNING

22. Contract with Ricci Thoreson for reimbursement of costs related to consultant services provided by EIP Associates for the preparation of an initial study/mitigated negative declaration for Conditional Use Permit No. 05-014, Boulders Unlimited, Inc.; Thoreson Sand Mine Project.

AUTHORIZED CONTRACT NO. 2007229 AS RECOMMENDED AYES: ALL

LIBRARY

23. Approve Revised Hours of Operation for the Merced County Main Library (from 40 hours to 51 hours) and the Livingston Branch Library (changes in opening/closing hours, 45 hours total) effective September 17, 2007.

APPROVED AS RECOMMENDED AYES: ALL

24. Authorize rescinding and terminating the Joint Powers Agency Agreement with 49-99 Cooperative Library System and authorize participation in the 49-99 Cooperative Library System as an organization by joint resolution.

ADOPTED RESOLUTION NO. 2007-140 (RESCIND & TERMINATE) AND RESOLUTION NO. 2007-141 (PARTICIPATION) AS RECOMMENDED AYES: ALL

HEALTH

25. Contract with Cal-COOP (Continuity of Operations Planning) to provide consultant services for the development of Continuity of Operations Plans for the County, not to exceed \$80,000 and approve the necessary budget transfer-\$80,000. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2007223 AS RECOMMENDED AYES: ALL

26. Contract with California Dept. of Health Services accepting TB Subvention Grant Award in the total amount of \$36,142 and authorize Chairman to sign Acceptance of Award form.

AUTHORIZED CONTRACT NO. 2007230 AS RECOMMENDED AYES: ALL

DISTRICT ATTORNEY

27. Contract with Carolyn Quigley, Trustee of the Quigley Family Trust for 36 month lease for property located at 642, 644, 646 and 650 West 20th Street, Merced for District Attorney Office Space.

AUTHORIZED CONTRACT NO. 2007227 AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

28. Authorize \$700 of Special Board Project Funds-District Four to be paid to the Delhi Municipal Advisory Council for a direct mail flyer to community residents in Delhi and approve the necessary budget transfer.

APPROVED AS RECOMMENDED AYES: ALL

29. Authorize \$2,000 of Special Board Project Funds-District Four to be paid to Mustard Seed Publications for community feature editions run in the Delhi Express Newspaper and approve the necessary budget transfer.

APPROVED AS RECOMMENDED AYES: ALL

30. Authorize \$4,000 of Special Board Project Funds-District Three to the Castle Air Museum Foundation for assistance with cost to repair the museum roof and approve the necessary budget transfer.

APPROVED AS RECOMMENDED AYES: ALL

31. Authorize \$10,000 from Special Board Project Funds- District One to Livingston Rotary Club for Building Repairs to BBQ area.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

32. Hilmar Municipal Advisory Council – Reappointed David Anderson until May 3, 2011.

APPROVED AS RECOMMENDED AYES: ALL

33. Boards, Commissions and Committees, Vacant Positions - August 2007.

PLACED ON FILE

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

34. San Joaquin Valley Air Pollution Control District re: 2007 San Joaquin Valley Air Quality Symposium, Taking the Fast Track, Continuing to reach air quality goals in the Valley.
35. State Dept. of Fish and Game re: Notice of Intent to Adopt a Negative Declaration prepared by the Calif. Dept. of Fish and Game in compliance with Environmental Quality Act (CEQA Guidelines Section 15072(a)).
36. Governor's Office of Emergency Services re: U.S. Dept. of Agricultural (USDA) granted a Secretarial disaster designation for the Counties of Alpine, Calaveras, Colusa, El Dorado, Lake, Madera, Mariposa, Merced, Mono, Nevada, Sacramento, Solano, Sonoma, Stanislaus, Sutter, Yolo and Yuba due to agricultural losses caused by drought that occurred on January 1, 2007 and continuing.
37. Governor's Office of Emergency Services re: U.S. Dept. of Agricultural granted a Secretarial Disaster Designation for the County of Madera and the contiguous counties of Fresno, Mariposa, Merced, Mono and Tuolumne due to agricultural losses caused by drought that occurred October 15, 2006 through March 26, 2007.
38. Governor's Office of Emergency Services re: U.S. Small Business Administration has declared the primary counties of Santa Clara and Yolo and contiguous counties of Alameda, Colusa, Lake, Merced, Napa, Sacramento, San Benito, San Mateo, Santa Cruz, Solano, Stanislaus, and Sutter a disaster area due to the agricultural losses caused by drought that occurred on January 1, 2007 and continuing.
39. Governor's Office of Emergency Services re: U.S. Small Business Administration has declared the primary County of Madera and contiguous Counties of Fresno, Mariposa, Merced, Mono and Tuolumne a disaster area as a result of an August 9, 2007 USDA disaster designation due to agricultural losses caused by drought that occurred October 15, 2006 through March 26, 2007.
40. Governor's Office of Emergency Services re: U.S. Small Business Administration has declared the primary County of San Benito and contiguous Counties of Fresno, Merced, Monterey, Santa Clara and Santa Cruz a disaster area as a result of a July 31, 2007 USDA disaster designation due to agricultural losses caused by drought that occurred January 1, 2007 and continuing.
41. Governor's Office of Emergency Services re: U.S. Small Business Administration has declared the primary Counties of Napa, Placer and Tuolumne and contiguous counties of Alpine, Calaveras, Colusa, El Dorado, Lake, Madera, Mariposa, Merced, Mono, Nevada, Sacramento, Solano, Sonoma, Stanislaus, Sutter, Yolo, and Yuba a disaster area as a

result of an August 9, 2007 USDA disaster designation due to agricultural losses caused by drought that began January 1, 2007 and continuing.

42. U.S. Small Business Administration re: Disaster Assistance Available for Small Businesses - Notice of Small, non-farm businesses in 36 California counties may now apply for low-interest disaster loans from the U.S. Small Business Administration.
43. San Francisco Planning Department re: Draft PEIR on the SFPUC's Water System Improvement Program - Public Hearings in September on the Environmental Review of the SFPUC's Water System Improvement Program.

ADOPTED RESOLUTIONS IN MEMORY OF FRANK VAN VLIET JR, JANINE BLAIS, NORVAL GENE BARNES AND EDDIE BALDES AND ADJOURNED MEETING UNTIL TUESDAY, SEPTEMBER 18, 2007 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – SEPTEMBER 11, 2007

10:00 A.M. SCHEDULED ITEM
2007-09-11 PUBLIC OPPORTUNITY

Ed Torres (Merced) states appreciation for the recent changes at the County Library.

UC Merced Executive Director of Government Relations Larry Salinas appears and introduces Heidi Peterson who will be assisting with local government issues.

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

10:00 A.M. SCHEDULED ITEM
2007-09-11 PRESENTATION

The Board presents a Certificate of Recognition to Cappi Quigley for her dedicated service as a past member of the First 5 Merced County Commission.

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

10:00 A.M. SCHEDULED ITEM
2007-09-11 PUBLIC WORKS - PUBLIC HEARING – ORDINANCE NO. 1816

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 to adjust the fees for Improvement Plan Review and Construction Inspection of Subdivision Projects and Miscellaneous Document Review and Processing (Amends Ordinance No. 1794 and Sections 16.08.030.D.3 and D.4 of the Merced County Code).

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

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

Public Works Director Paul Fillebrown briefly reviews the Staff Report and recommendation.

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

Upon motion of Supervisor Nelson, seconded by Supervisor Crookham, duly carried, the Board adopts Ordinance No. 1816.

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

10:00 A.M. SCHEDULED ITEM

2007-09-11 PUBLIC WORKS - PUBLIC HEARING – ORDINANCE NO. 1817

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 Regulating the Erection Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion, Occupancy, Equipment, Use, Height, Area, and Maintenance of all Buildings or Structures in the County of Merced and providing for the Issuance of Building Permits and Collection of Fees Therefore (Amends Ordinance No. 1702 and Section 16.12.090 of the Merced County Code). For clarification, the Clerk states the effective date is 60 days not 30 days as indicated in the Proposed Ordinance.

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

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

Public Works Director Paul Fillebrown briefly reviews the Staff Report and recommendation.

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

Following discussion and upon motion of Supervisor Crookham, seconded by Supervisor O'Banion, duly carried, the Board adopts Ordinance No. 1817 as presented by Public Works to be effective in 60 days.

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

10:00 A.M. SCHEDULED ITEM

2007-09-11 PUBLIC WORKS - PUBLIC HEARING – ORDINANCE NO. 1818

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 Amending the Fee Schedule to increase Fees for processing and examining Parcel Maps, Subdivision Maps, and record of Survey Maps (Amends Ordinance No. 1793 and Section 17.040.020 of the Merced County Code).

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

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

Public Works Director Paul Fillebrown briefly reviews the Staff Report and recommendation.

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

Upon motion of Supervisor Nelson, seconded by Supervisor Crookham, duly carried, the Board adopts Ordinance No. 1818.

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

10:00 A.M. SCHEDULED ITEM
2007-09-11 PUBLIC WORKS - PUBLIC HEARING – ORDINANCE NO. 1819

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 Adjusting the Fees for Encroachment Permit Fees (Amends Ordinance No. 1795 and Section 13.30.030 of the Merced County Code).

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

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

Public Works Director Paul Fillebrown briefly reviews the Staff Report and recommendation.

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

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Crookham, duly carried, the Board adopts Ordinance No. 1819.

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

10:00 A.M. SCHEDULED ITEM
2007-09-11 HEALTH - PUBLIC HEARING – ORDINANCE NO. 1820

The time and date previously set for a public hearing to consider a Proposed Ordinance submitted by the Health Department. The Clerk reads the Proposed Ordinance by title only: An Ordinance Amending Fees set for Health Services performed by the Health Officer of Merced County (Amends Ordinance No. 1797 and title 9, Chapter 9.49 of the Merced County Code).

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

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

Director of Public Health John Volanti briefly reviews the Staff Report and advises the recommendation is part of a three-year plan to recover more of the county costs in implementing environmental health plans.

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

Upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board adopts Ordinance No. 1820 as presented by the Health Department to be effective in 60 days.

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

10:00 A.M. SCHEDULED ITEM
2007-09-11 PLANNING - PUBLIC HEARING

The time and date previously set for a public hearing to consider a Proposed Resolution amending the Development Review Fee Schedule submitted by the Planning Department.

Development Services Director Robert Lewis briefly reviews the Staff Report and recommendation on the fee adjustments for development project review and processing.

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

Upon motion of Supervisor Nelson, seconded by Supervisor O'Banion, duly carried, the Board adopts Resolution No. 2007-138 as presented by the Planning Department.

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