



# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting  
TUESDAY, JULY 01, 2008  
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

DEMITRIOS O. TATUM  
COUNTY EXECUTIVE OFFICER

JOHN PEDROZO.....DISTRICT 1  
CHAIRMAN 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

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.*

Any material related to an Item on this Agenda submitted to the Clerk after distribution of the Agenda packet is available for public inspection in the Office of the Clerk of the Board.

**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 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 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 54956.9(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): County of Merced v. Ameripride, Merced County Superior Court Case No. 150266

**CLOSED SESSION:** It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Title: Child Support Services Director

**THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED THERE WAS NOTHING TO REPORT**

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

**REVIEW BOARD ORDER – SEE PAGE 14**

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 PAGES 14 AND 15**

10:00 A. M.

**PRESENTATIONS**

**Assessor** - Assessment Roll for 2008/09

**REVIEW BOARD ORDER – SEE PAGE 15**

**Proclamation - Healthy Air Living Week**, sponsored by San Joaquin Valley Air Pollution Control District and approve the District's Activities in support of the Healthy Air Living Initiative

**REVIEW BOARD ORDER – SEE PAGE 15**

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 32)**

**APPROVED AS RECOMMENDED AYES: ALL**

**1. PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION**

To consider proposed Ordinance: An Ordinance to Adjust the Fees for Improvement Plan Review and Construction Inspection of Subdivision Projects and Miscellaneous Document Review and Processing (Amends Sections 16.08.030.D.3 and D.4 of the Merced County Code and Ordinance No. 1816)

**REVIEW BOARD ORDER – SEE PAGES 15 AND 16**

**2. PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION**

To consider Proposed Ordinance: An Ordinance to Adjust the Fees for Encroachment Permit Fees (Amends Section 13.30.030 of the Merced County Code and Ordinance No. 1819)

**REVIEW BOARD ORDER – SEE PAGE 16**

**3. PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION**

To consider Proposed Ordinance: An Ordinance to increase Fees for Processing and Examining Parcel Maps, Subdivision Maps, and Record of Survey Maps. (Amends Section 17.040.020 of the Merced County Code and Ordinance No. 1818)

**REVIEW BOARD ORDER – SEE PAGE 16**

**4. PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION**

To consider Proposed Ordinance: 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 Section 6.12 of the Merced County Code and Ordinance No. 1817)

**REVIEW BOARD ORDER – SEE PAGE 17**

10:00 A.M.

**5. PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION**

To consider Proposed Ordinance: An Ordinance Amending Regional Transportation Impact Fee (RTIF) (Amends Chapter 5.68 of the Merced County Code and Ordinance No. 1749)

**REVIEW BOARD ORDER – SEE PAGES 17 & 18**

**6. COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION**

To consider Proposed Ordinance: An Ordinance regarding the operation of Water and Sewer Systems at Castle Commerce Center and Charges related thereto (Amends Chapter 5.48 of the Merced County Code and Ordinance No. 1833)

**REVIEW BOARD ORDER – SEE PAGE 18**

**7. FIRE - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION**

To consider Proposed Ordinance: An Ordinance regarding the Fire Department's Fee Schedule and Charges Related Thereto (Amends Chapter 9.24, Section 9.24.055 and Chapter 9.25, Section 9.25.120 of the Merced County Code and Ordinance No. 1763, 1581 and 1106)

**REVIEW BOARD ORDER – SEE PAGES 18 AND 19**

**8. PUBLIC WORKS - PUBLIC HEARING**

To consider Adopting Fire Facilities Impact Fee Schedule and adopt Resolution

**REVIEW BOARD ORDER – SEE PAGE 19**

**9. SHERIFF - PUBLIC HEARING**

To consider adjusting the Law Enforcement Facilities Fee and adopt Resolution

**REVIEW BOARD ORDER – SEE PAGE 19**

**10. PLANNING - PUBLIC HEARING**

To consider Amending the Planning Department Development Review Fee Schedule and adopt Resolution (Amends Resolution No. 2007-138)

**REVIEW BOARD ORDER – SEE PAGES 19 AND 20**

**11. LIBRARY - PUBLIC HEARING**

To consider New Fines and Fees for the Merced County Library and adopt Resolution

**REVIEW BOARD ORDER – SEE PAGE 20**

**12. PUBLIC WORKS - PUBLIC HEARING**

To consider Adjustment of Fees for the Winton Bridge and Major Thoroughfare Area of Benefit and adopt Resolution

**REVIEW BOARD ORDER – SEE PAGE 20**

**13. PUBLIC WORKS - PUBLIC HEARING**

To consider Adjustment of Fees for the Planada Bridge and Major Thoroughfare Area of Benefit and adopt Resolution

**REVIEW BOARD ORDER – SEE PAGE 21**

**14. PUBLIC WORKS - PUBLIC HEARING**

To consider Adjustment of Fees for the Hilmar Bridge and Major Thoroughfare Area of Benefit and adopt Resolution

**REVIEW BOARD ORDER – SEE PAGE 21**

**15. PUBLIC WORKS - PUBLIC HEARING**

To consider Adjustment of Fees for the Delhi Bridge and Major Thoroughfare Area of Benefit and adopt Resolution

**REVIEW BOARD ORDER – SEE PAGES 21 AND 22**

**16. PUBLIC WORKS - PUBLIC HEARING**

To consider Adjustment of Fees for the Santa Nella Bridge and Major Thoroughfare Area of Benefit and adopt Resolution

**REVIEW BOARD ORDER – SEE PAGE 22**

**17. PUBLIC WORKS - PUBLIC HEARING**

To consider Adjustment of Fees for the Atwater Rural Residential Center Bridge and Major Thoroughfare Area of Benefit and adopt Resolution

**REVIEW BOARD ORDER – SEE PAGE 22**

**18. PUBLIC WORKS - PUBLIC HEARING**

To consider Adjustment of Fees for the Franklin-Beachwood Bridge and Major Thoroughfare Area of Benefit and adopt Resolution

**REVIEW BOARD ORDER – SEE PAGE 23**

**19. PLANNING - PUBLIC HEARING**

To receive testimony and comments directed only to a supplemental staff report and any new information due to comments already received at the June 10, 2008 public hearing (Continued from June 10, 2008 Board Meeting)

Appeal of the Planning Commission approval of Minor Subdivision Application/Parcel Map Waiver No. MS07-058

**REVIEW BOARD ORDER – SEE PAGE 23**

**20. PLANNING - PUBLIC HEARING**

To consider an Appeal of Planning Commission decision on 1st Modification No. MM07-025 to Conditional Use Permit No. CUP05-031 and Minor Deviation No. MD08-004 submitted by Felix Torres Housing Center to revise the approved site development plan for the Felix Torres Housing Center by moving the site for construction of the previously approved child care facility to the southeast corner of the site and to reduce the required front yard setback by 25% (five feet) for three proposed buildings on property located on the west side of Plainsburg Road, approximately 2,000 north of Highway 140 in Planada

**REVIEW BOARD ORDER – SEE PAGES 23 AND 24**

**21. PLANNING - PUBLIC HEARING**

To consider Appeal of the Planning Commission approval of Conditional Use Permit Application No. CUP08-002 submitted by Maureen McCorry, et al. Said Application submitted by Brett Tate to establish a micro-brewery within a 1,800 square foot portion of a 3,600 square foot metal building with on-site consumption and sales of beer prohibited on property located east of Mahoney Road, 1/2 mile south of Riverside Avenue in the Hilmar area

**REVIEW BOARD ORDER – SEE PAGES 24 THRU 26**

**22. PLANNING - PUBLIC HEARING**

To consider an Appeal of the Planning Commission approval of Conditional Use Permit CUP06-014 by Maureen McCorry, et al. Said Application submitted by Central Valley Concrete/Thoreson to excavate and remove approximately 75,000 cubic yards of sand material from a 7 acre portion of a 35 acre parcel over a five year period and to reclaim the property back to grazing lands on property located on the south side of El Capitan Way and approximately 0.5 miles west of Santa Fe in the Cressey area

**REVIEW BOARD ORDER – SEE PAGE 26**

1:30 P.M.

**JOINT STUDY SESSION WITH BOARD OF SUPERVISORS AND PLANNING COMMISSION**

- Merced County General Plan Update

**REVIEW BOARD ORDER – SEE PAGE 27**

**REPORTS/BOARD DIRECTION**

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

CONSENT CALENDAR (Items # 1 - 32)

**APPROVED AS RECOMMENDED AYES: ALL**

Public Works

1. Set public hearing for August 5, 2008 to consider Proposed Ordinance entitled: An Ordinance adopting the County Service Area Number One User Charge Rates for Zones of Benefit in the 2008/2009 Fiscal Year (Amends Chapter 5.64 of the Merced County Code and Ordinance No. 1815).
2. Adopt Resolution stating Notice of Intent to Vacate a Segment of Edminster Road in Stevinson and set public hearing for July 22, 2008 at 10:00 a.m.

**ADOPTED RESOLUTION NO. 2008-127**

3. Approve and authorize Chairman to sign Amendment to Contract No. 2003124 with U.S. Dept. of Agriculture Farm Service Agency for leased office space at the Merced County Ag. Center.

## Mental Health

4. Approve and authorize Chairman to sign Renewal Contract No. 2004168 with Lifestyle Management Inc, for provision of Multiple Offender Drinking Driver Program services.
5. Approve and authorize Chairman to sign Renewal Contract No. 2006098 with Crisis Support Services of Alameda County for After Hours Crisis Screening services.
6. Approve and authorize Chairman to sign Renewal Contract No. 2008008 with Dr. Maria Daisy Illano for provision of Psychiatric Services.
7. Approve and authorize Chairman to sign Renewal Contract No. 2004007 with Staff Care Incorporated for Licensed Psychiatrist Services.
8. Approve and authorize Chairman to sign Renewal Contract No. 2004170 with Health for Alcohol and Drug HIV Services.
9. Approve and authorize Chairman to sign Renewal Contract No. 2007199 with Guardco Security Services for security services at the Mental Health facilities.

## Human Services Agency

10. Approve and authorize Chairman to sign Renewal Contract No. 2006171 with Lifeline Systems Company for Emergency Response Device.
11. Approve and authorize Chairman to sign Renewal Contract No. 2006173 with Merced Medical Supply for non-Medical Home Equipment for MSSP/Linkages Program services.
12. Approve and authorize Chairman to sign Renewal Contract No. 2006168 with John Rohrer Construction for minor home repairs, maintenance for accessibility, safety and security services for the Multipurpose Senior Services Program and Linkages Program.
13. Approve and authorize Chairman to sign Renewal Contract No. 2007163 with Aspira Foster and Family Services for SB 163 Wraparound Services.
14. Approve and authorize Chairman to sign Renewal Contract No. 2004213 with Health Department for Public Health Nurse for the Multipurpose Senior Services Program.
15. Approve and authorize Chairman to sign Renewal Contract No. 2007183 with Catholic Charities of the Diocese of Fresno for the Senior Companion Program.

## Health

16. Approve and authorize Chairman to sign Amendment to Contract No 2008038 with Calif. Electronic Asset Recovery for Electronic Waste Recycling Program adding Merced County Surplus Warehouse and Household Hazardous Spring and Fall Events.
17. Approve and authorize Chairman to sign Renewal Contract No. 2004106 with State Water Resources Control Board for oversight of the Underground Storage Tank Program.

### **ADOPTED RESOLUTION NO. 2008-128**

18. Approve and authorize Chairman to sign Amendment to Contract No. 2004009 with Decade Software Company, LLC for support of Envision Software.
19. Set public hearing for July 22, 2008 at 10:00 a.m. to consider Revisions to Proposed Ordinance for Fees for services provided by the Health Department. (Amends Ordinance No. 1820)

### Probation

20. Approve and authorize Chairman to sign Renewal Contract No. 2006021 with Corrections Standards Authority for Juvenile Probation Camp Funding (JPCF) Program.
21. Approve and authorize Chairman to sign Renewal Contract No. 2007019 with Corrections Standards Authority for Mentally Ill Offender Crime Reduction Grant.

#### **ADOPTED RESOLUTION NO. 2008-129**

### District Attorney

22. Approve and authorize Chairman to sign Renewal Contract No. 2003088 with Governor's Office of Emergency Services for Anti-Drug Abuse Enforcement Program.

#### **ADOPTED RESOLUTION NO. 2008-130**

23. Approve and authorize Chairman to sign Renewal Contract No. 2004181 with Governor's Office of Emergency Services for Vertical Prosecution Block Grant Program.

#### **ADOPTED RESOLUTION NO. 2008-131**

24. Approve and authorize Chairman to sign Renewal Contract No. 2001104 with Governor's Office of Emergency Services for Central Valley Rural Crime Prevention Program.

#### **ADOPTED RESOLUTION NO. 2008-132**

### Planning

25. Approve and authorize Chairman to sign Renewal Contract No. 2006107 with Self-Help Enterprises for Housing Loan Portfolio Management Services.
26. Approve and authorize Chairman to sign Renewal Contract No. 2007143 with Self-Help Enterprises for Implementation and Administration of Grant for First Time Home Buyers and/or Home Rehabilitation Loans (06-HOME-2470).
27. Set public hearing for July 22, 2008 at 10:00 a.m. to consider Annual Grantee Performance Report for the 2005/2006/2007 CDBG General Allocation for Homebuyer Assistance and Housing Rehabilitation Programs, 2005 CDBG Economic Development Allocation for Public Airport Infrastructure (05-EDBG-2201), Program Income Reuse Activities for Business Assistance, Housing Rehabilitation and Housing Acquisition; future activities under the 2009 CDBG funding cycle and proposed changes to the Housing Rehabilitation Program Participation Guidelines.

### Board of Supervisors

28. Set public hearing for August 5, 2008 at 10:00 a.m. to consider an Appeal received from Villages of Laguna San Luis Consortium to Community Plan CP07-002.

### Board Recognition

29. Authorize Certificate of Recognition to Sharon Spinardi in recognition of service to the Merced City School District.
30. Authorize Certificate of Recognition to the Social Security Office for Grand Opening of new location.
31. Authorize Plaque to Gladys Uhrich in recognition of 100th Birthday on June 10, 2008.



Executive Office

32. Act on Claim for Damages received by Rolando Garibay as recommended by Executive Office.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

33. Approve Plans and Specifications for Atwater Penitentiary Access Project, contingent to Caltrans approval and direct Public Works to return to the Board with an informational item disclosing all actions taken on the project.

**AUTHORIZED CONTRACT NO. 2008156 AS RECOMMENDED AYES: ALL**

34. Find pursuant to Section 15313 of the Calif. Code of Regulations, the acquisition of credits is exempt from CEQA (Class 13 Exemption) and approve purchase of 0.240 acres of vernal pool preservation credits and 0.120 acres of vernal pool creation credits to offset the impacts of the Atwater Penitentiary Access Project from Wildlands, Inc. as a result of the Biological Opinion prepared by the USFWS.

**AUTHORIZED CONTRACT NO. 2008155 AS RECOMMENDED AYES: ALL**

35. Authorize Sole Source Contract with Patrick Sullivan Associates in an amount not to exceed \$100,000, including reimbursable expenses and authorize the departments to proceed with development of architectural program from the Needs Assessment Report completed in 2007, Conceptual Design, Cost Estimates and to write a Grant Application for a 60-bed Juvenile Correctional Camp Facility and return to the Board for authority and authorization for submission of Grant to the Calif. Dept. of Corrections and Rehabilitation.

**PULLED FROM THE AGENDA – NO ACTION TAKEN**

MENTAL HEALTH

36. Contract with Lifestyle Management, Inc. for provision of First Offender Drinking Driver Program services.

**AUTHORIZED CONTRACT NO. 2008157 AS RECOMMENDED AYES: ALL**

37. Contract with Milhouse Children's Services ensuring that Out-of-County Dependents, Wards and Students pursuant to GC, Chapter 26.5 shall be served.

**AUTHORIZED CONTRACT NO. 2008158 AS RECOMMENDED AYES: ALL**

38. Contract with 7th Avenue Center for Mental Health Rehabilitation Services to clients.

**AUTHORIZED CONTRACT NO. 2008159 AS RECOMMENDED AYES: ALL**

39. Contract with Mariposa County Behavioral Health and Recovery for the provision of inpatient services at the Marie Green Facility.

**AUTHORIZED CONTRACT NO. 2008160 AS RECOMMENDED AYES: ALL**

40. Contract with Bryan Harrelson, M.D. for provision of psychiatric services at the Los Banos Clinic.

**AUTHORIZED CONTRACT NO. 2008161 AS RECOMMENDED AYES: ALL**

## HEALTH

41. Contract with First 5 Merced County for the First Steps Program.  
**AUTHORIZED CONTRACT NO. 2008162 AS RECOMMENDED AYES: ALL**
42. Contract with California Integrated Waste Management Board for Farm and Ranch Solid Waste Clean Up and Abatement and adopt Resolution.  
**AUTHORIZED CONTRACT NO. 2007264 AND ADOPTED RESOLUTION NO. 2008-133 AYES: ALL**
43. Contract with State Water Resources Control Board for Aboveground Petroleum Storage Act Program Grant Agreement and adopt Resolution.  
**AUTHORIZED CONTRACT NO. 2008163 AND ADOPTED RESOLUTION NO. 2008-134 AYES: ALL**
44. Contract with Calif. Integrated Waste Management Board for Used Oil Block Recycling Grant Application funds and adopt Resolution.  
**AUTHORIZED CONTRACT NO. 2007100 AND ADOPTED RESOLUTION NO. 2008-135 AYES: ALL**
45. Contract with Calif. Integrated Waste Management Board for Solid Waste Local Enforcement Agency Grant Application funds and adopt Resolution.  
**AUTHORIZED CONTRACT NO. 2007062 AND ADOPTED RESOLUTION NO. 2008-136 AYES: ALL**

## HUMAN SERVICES AGENCY

46. Contract with In-Home Supportive Services Public Authority for In-Home Supportive Services program administration.  
**AUTHORIZED CONTRACT NO. 2008164 AS RECOMMENDED AYES: ALL**
47. Approve and authorize Chairman to sign Renewal Contract No. 2004188 with Community Action Board for Home Delivered Meals Program.  
**APPROVED AS RECOMMENDED AYES: ALL**
48. Approve and authorize Chairman to sign Renewal Contract No. 2004189 with Community Action Board for Congregate Meals Program.  
**APPROVED AS RECOMMENDED AYES: ALL**

## SHERIFF

49. Authorize Sheriff to serve as Proxy for Merced County in the Internet Grants.gov and Grants Management Systems for submission as an Authorized organization Representative (AOR) for the 2008 Edward Byrne Memorial Justice Assistance Grant, US DOJ/OJP/BJA funding in the amount of \$17,011 to be returned to the Board if awarded.  
**APPROVED AS RECOMMENDED AYES: ALL**
50. Authorize Sole Source Contract with Comp Health Associates, Inc. for recruitment of a Forensic Pathologist for the Coroner Department.  
**AUTHORIZED CONTRACT NO. 2008153 AS RECOMMENDED AYES: ALL**

## ASSESSOR

51. Contract with Calif. Counties Cooperative Audit Service Exchange Joint Powers Agreement for a pooling of audit services between California Counties.

**AUTHORIZED CONTRACT NO. 2008165 AS RECOMMENDED AYES: ALL**

## COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

52. Approve the Foreign Trade Zone No. 226 Tariff Schedule Adjustments to XI. Fee Schedule, Fines, Penalties and Notices and Enforcement of Charges and adopt Resolution.

**ADOPTED RESOLUTION NO. 2008-137 AS RECOMMENDED AYES: ALL**

53. Authorize letter commenting on the U.S. Foreign Trade Zones Board Proposal for Available Alternative Site Designation and Management Framework as published in the Federal Register (Docket No. E8-10274).

**APPROVED AS RECOMMENDED AYES: ALL**

## EXECUTIVE OFFICE

54. Authorize Chairman to sign Grand Jury Response Letter for 2007/08 to the Merced County Grand Jury Report.

**APPROVED AS RECOMMENDED AYES: ALL**

55. Review identified options and provide policy direction regarding continuance or modifications of the Unrepresented Management Resolution (2007-165), Section 5.D. pertaining to Successor Delineation and adopt Resolution. (HELD OVER)

**REVIEW BOARD ORDER – SEE PAGE 27**

## LIBRARY

56. Authorize acceptance of Grant Application Funds for Out-of-School Time Online Homework Help Program with the Library Services and Technology Act (LSTA) and authorize purchase of Tutor.com program services for the Merced County Library.

**AUTHORIZED CONTRACT NO. 2008166 AS RECOMMENDED AYES: ALL**

## BOARD OF SUPERVISORS

57. Consider Continuation of Service of Current County Executive Officer or, in the alternative, initiation of procurement process for a recruitment service.

**REVIEW BOARD ORDER – SEE PAGE 28**

58. Authorize \$1,029 each of District One, District Three and District Four Special Board Project Funds, for a total of \$3,087, to be forwarded to the Merced County 4-H Resource Board for purchase of a computerized router.

**APPROVED AS RECOMMENDED AYES: ALL**

## BOARD APPOINTMENTS

59. Workforce Investment Board – Appointed Debra Glass (Education) until June 30, 2011, Loretta Schlosser (Economic Development) until June 30, 2012 and Amalee Jayasinghe (Private Sector) until June 30, 2011.

**APPROVED AS RECOMMENDED AYES: ALL**

60. Workforce Investment Board – Reappointed Darren Hughes (Community Based Org/Veterans), Henry Ildefonso (Labor Organizations), Rennise Ferrario (One-Stop

Partners/Housing Authority of the Co. of Merced and Terry Nichols (One-Stop Partners/State Dept. of Rehabilitation) until June 30, 2012.

**APPROVED AS RECOMMENDED AYES: ALL**

61. Library Advisory Commission – Reappointed Ed Mentz, Sr. (District Three Representative) until August 31, 2010.

**APPROVED AS RECOMMENDED AYES: ALL**

BOARD INFORMATION & POSSIBLE ACTION

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

62. Public Works re: Notification of Bid Award Contract for the Fire Station #75 Reconstruction Project award to Clark Bros, Inc.

**AWARDED CONTRACT NO. 2008020**

63. Dept. of Workforce Investment re: 2006/2007 WIA Subgrant Agreement R760332, Modification 9, with the State Employment Development Department.

64. Stanislaus County re: Notice of Preparation of a Draft Environmental Impact Report for the West Park Specific Plan Project. (On file with Clerk)

65. U.S. Dept. of the Interior re: Notice that the Bureau of Land Management and the U.S. Forest Service have initiated a 90-day public comment period on a Draft Programmatic Environmental Impact Statement (PEIS) for leasing Federal geothermal resources in the Western States and Alaska.

66. The Secretary of the Interior re: Notification that the Dept. of the Interior will issue a payment to Merced County for FY 2008 under the Payment In Lieu of Taxes (PILT) Program.

67. Governor's Office of Emergency Services re: Notification the U.S. Small Business Administration has declared the primary Counties of Del Norte, Mendocino, Monterey, San Mateo, Santa Clara, Santa Cruz, Shasta and Sonoma and contiguous counties of Alameda, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Marin, Merced, Modoc, Napa, Plumas, San Benito, San Francisco, San Luis Obispo, Siskiyou, Solano, Stanislaus, Tehama and Trinity disaster area as a result of the economic impacts caused by the 2008 salmon fishery closure on the California coast.

68. State Water Resources Control Board re: Notice of Petition for Temporary Change Involving the Transfer of 7,000 Acre-feet of Water to areas within the Westlands Water District under California Dept. of Water Resources' Permit 10482 (Application 17512).

69. State Water Resources Control Board re: Notice of Petition for Temporary Change Involving the Transfer of up to 2,000 acre feet of water from River Garden Farms Company to the Semitropic-Rosamond Water Bank Authority under License 1718 (Application 575).

70. State Water Board re: Notice of Board Meeting set for July 1, 2008 in Sacramento.

71. State Corrections Standards Authority re: Pursuant to AB 478, the Corrections Standards Authority was directed to draft minimum standards relative to the care of pregnant inmates and the use of restraints on pregnant inmates and this announcement provides an opportunity for all interested parties to comment in writing and/or present commentary during the public hearing regarding the proposed regulations, prior to the finalization and

formal adoption by the CSA Board - Public Hearing set for July 21, 2008 at 10:00 a.m., San Diego Sheriff's Department Headquarters.

**ADOPTED RESOLUTIONS FOR MARK JAMES KELLOGG AND JOSE VASQUEZ RIVERA AND ADJOURNED MEETING UNTIL TUESDAY, JULY 8, 2008 AT 9:00 A.M.**

## BOARD ORDERS – SUMMARY ACTION MINUTES – JULY 1, 2008

### **10:00 A.M. ADDED AGENDA ITEM** **2008-07-01 EXECUTIVE OFFICE**

The Clerk advises subsequent to posting of the Agenda for the Board Meeting of July 1, 2008, the need for action arose to schedule a Meeting of the Board of Supervisors prior to July 22, 2008.

Upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, duly carried, the Board finds the need to take action arose subsequent to posting of the July 1, 2008, Agenda and places the item on the agenda for consideration.

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

Upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, duly carried, the Board sets a Regular Meeting of the Board of Supervisors on July 8, 2008, at 9:00 a.m.

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

### **10:00 A.M. SCHEDULED ITEM** **2008-07-01 PUBLIC OPPORTUNITY**

Laurie Newman, Tranquility Village, expresses appreciation to the Board for prior funding approval of alcohol and drug residential care and submits numerous letters of appreciation.

Robby Avilla (Stevinson), representing Valley Land Alliance, reads and submits a statement concerning Board Members remarks during the June 10, 2008 Meeting.

Maureen McCorry, et al states she feels the public was castigated for submitting items to the Board late and is concerned with censorship of documents and staff reports and objects to the critical comments made by Board Members during the June 10, 2008 Meeting.

Grant Wilson (Merced) states local legislative representatives are assisting in clarifying regulations for Medical Marijuana Dispensaries statewide and he is awaiting a response from County staff on censorship and an explanation why the Sheriff addressed him after appearing before the Board on June 10, 2008.

Merced County Fire Division Chief Scott Newman provides an update on the California fires assuring the Board of the adequate personnel and equipment to serve Merced County.

Bryant Owens reads and submits LAFCo Executive Officer's Report dated January 28, 1993, concerning Sphere of Influence Revision No. 2 to Planada Community Services District and a letter from Supervisor Pedrozo dated June 18, 2008, concerning Head Start Program in conjunction with proposed Felix Torres Camp on Plainsburg Road and requests the Board consider revocation of CUP05-031 for the Felix Torres project since conditions and the project have changed significantly.

Alicia Rodriguez (Merced), formerly from Planada, reads a statement in support of the Felix Torres project and submits petition with 500 signatures in support of the project.

Daniel Chavez, President of Planada Community Service District, provides information concerning services provided by the Planada Community Service District to the Felix Torres Camp, Bear Creek Housing and Planada Village.

Jamie Gonzalez, Manager and tenant of Planada Village apartments, speaks of the undesirable living conditions at the Planada Village apartments and states the proposal is to improve the existing structure.

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

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

**2008-07-01 ASSESSOR**

Assessor Kent Christiansen reviews a powerpoint presentation and Staff Report regarding the analysis, status and conclusion of the 2008/09 Assessment Roll.

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

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

**2008-07-01 PRESENTATION**

Sayed Sadredin, Executive Director/Air Pollution Control Officer of the San Joaquin Valley Air Pollution Control District, provides information on air quality in the Valley, reviews material previously submitted on the Air District's Activities in support of the Healthy Air Living Initiative and invites anyone interested to attend a one-day conference on July 9<sup>th</sup> at UC Merced.

The Board presents a Proclamation declaring July 7-13, 2008 as "Healthy Air Living Week" in Merced County to Mr. Sadredin.

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

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

**2008-07-01 PUBLIC WORKS – PUBLIC HEARING – ORDINANCE NO. 1840**

The time and date previously set for a public hearing to consider Proposed Ordinance submitted by Public Works. The Clerk reads the 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 Sections 16.08.030.D.3 and D.4 of the Merced County Code and Ordinance No. 1816).

Public Works Director Paul Fillebrown 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 Pedrozo, duly carried, the Board waives further reading and adopts Ordinance No. 1840.

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

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

**2008-07-01 PUBLIC WORKS – PUBLIC HEARING – ORDINANCE NO. 1841**

The time and date previously set for a public hearing to consider Proposed Ordinance submitted by Public Works. The Clerk reads the Ordinance by title only: An Ordinance to Adjust the Fees for Encroachment Permit Fees (Amends Section 13.30.030 of the Merced County Code and Ordinance No. 1819).

Public Works Director Paul Fillebrown 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 Nelson, duly carried, the Board waives further reading and adopts Ordinance No. 1841.

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

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

**2008-07-01 PUBLIC WORKS – PUBLIC HEARING – ORDINANCE NO. 1842**

The time and date previously set for a public hearing to consider Proposed Ordinance submitted by Public Works. The Clerk reads the Ordinance by title only: An Ordinance to increase Fees for Processing and Examining Parcel Maps, Subdivision Maps, and Record of Survey maps (Amends Section 17.040.020 of the Merced County Code and Ordinance No. 1818).

Public Works Director Paul Fillebrown 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 Pedrozo, duly carried, the Board waives further reading and adopts Ordinance No. 1842.

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



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

**2008-07-01 PUBLIC WORKS – PUBLIC HEARING – ORDINANCE NO. 1843**

The time and date previously set for a public hearing to consider Proposed Ordinance which includes amendments to the Housing Advisory and Building Code Board of Appeals membership specifically: Two Members shall serve a two year term and Three members shall serve a three year term and no member shall serve more than three consecutive terms as submitted by Public Works. The Clerk reads the 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 Sections 6.12 of the Merced County Code and Ordinance No. 1817).

Public Works Director Paul Fillebrown reviews the Staff Report.

The Board discusses the proposed fee increase.

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

Bryant Owens, Plainsburg Road, asks what services the proposed fees cover.

The Chairman directs County Counsel to meet with Mr. Owens to discuss this matter.

The Chairman closes the Public Hearing.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board waives further reading and adopts Ordinance No. 1843.

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

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

**2008-07-01 PUBLIC WORKS – PUBLIC HEARING – ORDINANCE NO. 1844**

The time and date previously set for a public hearing to consider Proposed Ordinance submitted by Public Works. The Clerk reads the Ordinance by title only: An Ordinance Amending Regional Transportation Impact Fee (RTIF) (Amends Chapter 5.68 of the Merced County Code and Ordinance No. 1749).

Public Works Director Paul Fillebrown reviews the Staff Report.

Merced County Association of Governments Executive Director Jesse Brown reports on the RTIF fee status of each city.

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

The Chairman closes the Public Hearing.

The Board discusses the process in the event not all projects are approved by each jurisdiction.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board waives further reading and adopts Ordinance No. 1844.

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

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

**2008-07-01 COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT – PUBLIC HEARING – ORDINANCE NO. 1845**

The time and date previously set for a public hearing to consider Proposed Ordinance submitted by Commerce, Aviation and Economic Development. The Clerk reads the Ordinance by title only: An Ordinance regarding the Operation of Water and Sewer Systems at Castle Commerce Center and Charges related thereto (Amends Chapter 5.48 of the Merced County Code and Ordinance No. 1833).

Commerce, Aviation and Economic Development Executive Director John Fowler reviews the Staff Report.

The Board discusses the proposed rates and installation of water meters.

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 Nelson, duly carried, the Board waives further reading and adopts Ordinance No. 1845.

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

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

**2008-07-01 FIRE – PUBLIC HEARING– ORDINANCE NO. 1846**

The time and date previously set for a public hearing to consider Proposed Ordinance submitted by Fire. The Clerk reads the Ordinance by title only: An Ordinance regarding the Fire Department's Fee Schedule and Charges Related Thereto (Amends Chapter 9.24, Section 9.24.055 and Chapter 9.25, Section 9.25.120 of the Merced County Code and Ordinance No. 1763, 1581 and 1106).

Merced County Fire Division Chief Scott Newman 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 Nelson, duly carried, the Board waives further reading and adopts Ordinance No. 1846.  
Ayes: Crookham, Pedrozo, Nelson, Kelsey, O'Banion

**10:00 A.M. SCHEDULED ITEM**  
**2008-07-01 PUBLIC WORKS – PUBLIC HEARING**

The time and date previously set for a public hearing to consider the Consumer Price Index (CPI) Adjustment of Fire Facilities Impact Fee Schedule submitted by Public Works.

Public Works Director Paul Fillebrown reviews the Staff Report.

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board adopts the Fire Facilities Impact Fee Schedule and adopts Resolution No. 2008-116.  
Ayes: Crookham, Pedrozo, Nelson, Kelsey, O'Banion

**10:00 A.M. SCHEDULED ITEM**  
**2008-07-01 SHERIFF – PUBLIC HEARING**

The time and date previously set for a public hearing to consider the Consumer Price Index (CPI) adjustment of the Law Enforcement Facilities Fees as submitted by the Sheriff.

Undersheriff Bill Blake 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 Pedrozo, duly carried, the Board adjusts the Law Enforcement Facilities Fees based on the consumer price index adjustment as recommended and adopts Resolution No. 2008-117 (Amends Resolution No. 2004-148).  
Ayes: Crookham, Pedrozo, Nelson, Kelsey, O'Banion

**10:00 A.M. SCHEDULED ITEM**  
**2008-07-01 PLANNING – PUBLIC HEARING**

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

Development Services Director Robert Lewis 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 Nelson, seconded by Supervisor O'Banion, duly carried, the Board adjusts the Planning Department's Development Review Fee Schedule as recommended by Planning and adopts Resolution No. 2008-118 (Amends Resolution No. 2007-138).

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

**10:00 A.M. SCHEDULED ITEM**  
**2008-07-01 LIBRARY – PUBLIC HEARING**

The time and date previously set for a public hearing to consider new Fines and Fees for the Merced County Library submitted by the Library.

County Librarian Jacque Meriam 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 Nelson, seconded by Supervisor Pedrozo, duly carried, the Board approves new Fines and Fees for the Merced County Library as recommended by the Library and adopts Resolution No. 2008-119 (Amends Resolution No. 92-285).

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

**10:00 A.M. SCHEDULED ITEM**  
**2008-07-01 PUBLIC WORKS – PUBLIC HEARING**

The time and date previously set for a public hearing to consider adjustment of fees for the Winton Bridge and Major Thoroughfare Area of Benefit Schedule as submitted by Public Works.

Public Works Director Paul Fillebrown 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 Kelsey, seconded by Supervisor O'Banion, duly carried, the Board adjusts fees for the Winton Bridge & Major Thoroughfare Area of Benefit as recommended by Public Works and adopts Resolution No. 2008-120.

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

**10:00 A.M. SCHEDULED ITEM**  
**2008-07-01 PUBLIC WORKS – PUBLIC HEARING**

The time and date previously set for a public hearing to consider adjustment of fees for the Planada Bridge and Major Thoroughfare Area of Benefit Schedule as submitted by Public Works.

Public Works Director Paul Fillebrown reviews the Staff Report.

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

Bryan Owens, representing Planada Corporation, and David Corser speak in opposition.

The Chairman closes the Public Hearing.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Kelsey, duly carried, the Board adjusts fees for the Planada Bridge and Major Thoroughfare Area of Benefit as recommended by Public Works and adopts Resolution No. 2008-121.

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

**10:00 A.M. SCHEDULED ITEM**  
**2008-07-01 PUBLIC WORKS – PUBLIC HEARING**

The time and date previously set for a public hearing to consider adjustment of fees for the Hilmar Bridge and Major Thoroughfare Area of Benefit Schedule as submitted by Public Works.

Public Works Director Paul Fillebrown 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 Kelsey, seconded by Supervisor Pedrozo, duly carried, the Board adjusts fees for the Hilmar Bridge and Major Thoroughfare Area of Benefit as recommended by Public Works and adopts Resolution No. 2008-122.

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

**10:00 A.M. SCHEDULED ITEM**  
**2008-07-01 PUBLIC WORKS – PUBLIC HEARING**

The time and date previously set for a public hearing to consider adjustment of fees for the Delhi Bridge and Major Thoroughfare Area of Benefit Schedule as submitted by Public Works.

Public Works Director Paul Fillebrown 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 Kelsey, seconded by Supervisor Pedrozo, duly carried, the Board adjusts fees for the Delhi Bridge and Major Thoroughfare Area of Benefit as recommended by Public Works and adopts Resolution No. 2008-123.

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

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

**2008-07-01 PUBLIC WORKS – PUBLIC HEARING**

The time and date previously set for a public hearing to consider adjustment of fees for the Santa Nella Bridge and Major Thoroughfare Area of Benefit Schedule as submitted by Public Works.

Public Works Director Paul Fillebrown 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 Nelson, duly carried, the Board adjusts fees for the Santa Nella Bridge and Major Thoroughfare Area of Benefit as recommended by Public Works and adopts Resolution No. 2008-124.

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

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

**2008-07-01 PUBLIC WORKS – PUBLIC HEARING**

The time and date previously set for a public hearing to consider adjustment of fees for the Atwater Bridge and Major Thoroughfare Area of Benefit Schedule as submitted by Public Works.

Public Works Director Paul Fillebrown 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 Nelson, duly carried, the Board adjusts fees for the Atwater Bridge and Major Thoroughfare Area of Benefit as recommended by Public Works and adopts Resolution No. 2008-125.

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

**10:00 A.M. SCHEDULED ITEM**  
**2008-07-01 PUBLIC WORKS – PUBLIC HEARING**

The time and date previously set for a public hearing to consider adjustment of fees for the Franklin-Beachwood Bridge and Major Thoroughfare Area of Benefit Schedule as submitted by Public Works.

Public Works Director Paul Fillebrown 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 Nelson, seconded by Supervisor Pedrozo, duly carried, the Board adjusts fees for the Franklin-Beachwood Bridge & Major Thoroughfare Area of Benefit as recommended by Public Works and adopts Resolution No. 2008-126.

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

**10:00 A.M. SCHEDULED ITEM**  
**2008-07-01 PLANNING – PUBLIC HEARING**

The time and date previously set for a public hearing to receive testimony and comments directed only to a Supplemental Staff Report and any new information due to comments already received at the June 10, 2008, public hearing relative to Appeal of the Planning Commission approval of Minor Subdivision Application/Parcel Map Waiver No. MS07-058 submitted by Valley Land Alliance. Said application submitted by Chris Robinson to divide parcels (194.52 acres, 516.80 acres and 315.88 acres) totaling 1,027.20 acres into 3 parcels of: Parcel 1 = 198.63 acres, Parcel 2 = 343.18 acres, Parcel 3 = 165.63 acres and Remainder Parcel = 320.14 acres of property located on the east side of Highway 59, ½ mile north of Youd Road in the Snelling area.

County Counsel James Fincher recommends the Board continue the public hearing so that the County will have all documents available to the public prior to the public hearing to remain in compliance with the Brown Act.

The Board continues the public hearing to July 8, 2008, at 9:00 a.m.

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

**10:00 A.M. SCHEDULED ITEM**  
**2008-07-01 PLANNING – PUBLIC HEARING**

The time and date previously set for a public hearing to consider an Appeal of Planning Commission decision on 1<sup>st</sup> Modification No. MM07-025 to Conditional Use Permit No. CUP05-031 and Minor Deviation No. MD08-004 submitted by Felix Torres Housing Center to revise the approved site development plan for the Felix Torres Housing Center by moving the site for construction of the previously approved child care facility to the southeast corner of the site and to

reduce the required front yard setback by 25% (five feet) for three proposed buildings on property located on the west side of Plainsburg Road, approximately 2,000 north of Highway 140 in Planada.

County Counsel James Fincher recommends the Board continue the public hearing so that the County will have all documents available to the public prior to the public hearing to remain in compliance with the Brown Act.

The Board continues the public hearing to July 8, 2008, at 9:00 a.m.  
Present: Crookham, Pedrozo, Nelson, Kelsey, O'Banion

**10:00 A.M. SCHEDULED ITEM**  
**2008-07-01 PLANNING – PUBLIC HEARING**

The time and date previously set for a public hearing to consider an Appeal of the Planning Commission approval of Conditional Use Permit Application No. CUP08-002 submitted by Maureen McCorry, et al. Said application submitted by Brett Tate to establish a micro-brewery within a 1,800 square foot portion of a 3,600 square foot metal building with on-site consumption and sales of beer prohibited on property located east of Mahoney Road, ½ mile south of Riverside Avenue in the Hilmar area.

Planner Dave Gilbert reviews the powerpoint presentation and Staff Report.

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

Appellant Maureen McCorry, et al, (Merced) states concern with the siting of the project and requests an environmental study be prepared. She submits and reviews a letter from Marsha Burch that was sent to the Board Members via e-mail and reviews an excerpt from the May 14, 2008, Planning Commission minutes.

Applicant Brett Tate (Hilmar) states the proposed project is located at his residence and is for small-scale production. He reviews the topography of the area showing that water will flow away from the river.

Don Oliver, Brewmaster, (Hilmar) speaks on the flow of the liquid stating the water flow and septic system will run northward away from the river.

The Chairman closes the public hearing.

Following discussion and upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, duly carried, the Board determines the Application is exempt from CEQA review under Section 15303 of CEQA Guidelines, "New Construction or Conversion of Small Structures," based on the following CEQA Findings:

1. The application can be found to be exempt from CEQA review based on Section 15303 "New Construction or Conversion of Small Structures" in that the maximum area excepted under said section is 10,000 square feet, and applicant's proposal is for a 3,600 square-foot steel building (60' x 60') of which 1,800 square feet (30' x 60') will be used for the



proposed micro-brewery and the other 1,800 square feet will be used as recreation/storage area.

2. The proposed use does not involve the use of significant amounts of hazardous substances, and the surrounding area is not environmentally sensitive.
3. The determination that the application is except from CEQA review reflects the independent judgment of the County.

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

Upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, duly carried, based on Findings the Board approves Conditional Use Permit No. CUP08-022 upholding the Planning Commission decision based on the following Conditions and denies the Appeal:

Planning and Community Development Department

1. Conditional Use Permit CUP08-022 is granted to allow a micro-brewery operation as described in the applicant's operational statement, the approved plot plan, submitted application and subject to conditions herein. Minor modifications may be approved by the Development Services Director upon submittal of an acceptable application.
2. Annual production shall be a maximum of 500 barrels/kegs (15,500 gallons) per year.
3. The purpose of the micro-brewery operation shall be research and development of test batches of specialty beer for retail distribution locally to selected vendors for off-site consumption and for special events at off-site locations only.
4. The applicant shall obtain necessary permits from local, state and federal agencies for micro-brewery manufacturing and comply with all applicable regulations.
5. The applicant shall comply with all standard conditions of approval listed in Planning Commission Resolution No. 97-1.
6. The hours of operation shall be from 6:00 a.m. to 8:00 p.m. and limited to no more than three days per week on weekdays. A certified brewmaster shall be present at all times during operating hours of the micro-brewery.
7. No customers shall visit the micro-brewery operations and no beer tasting facilities or any sales facilities for consumption shall be permitted on site.
8. If this conditional use permit is not implemented within one year from the date of Planning Commission approval, it shall expire and become null and void. The Planning Commission may extend the permit if a request is filed by the applicant prior to its expiration.
9. For the purpose of condition monitoring, an inspection fee in the amount of \$304.00 is required. This fee shall be paid within 30 days of the approval date. Should additional inspections be required, inspection time shall be billed to the applicant at the established hourly rate at the time of the inspection.

Public Works Department/Administrative Division

10. The parcel is located within FEMA Flood Zone A, therefore, prior to application for building permits the applicant shall contact the Merced County Public Works Department Administrative Division to initiate the National Flood Insurance Program (NFIP) screening process. Please contact Kellie Jacobs at (209) 385-7602, Ext. 4678.

Public Works Department/Building and Safety Division

11. The owner must submit plans to the Building Department for a permit prior to the start of any work. Three (3) sets of plans and two (2) sets of all calculations are required.

12. A soils report must be prepared by a licensed soils engineer for all new construction. The soils engineer must make certain that liquefaction is addressed in the report. No plans will be accepted and no permit will be started without this soils report.

Department of Health/Environmental Health Division

13. Prior to beginning construction/erection of the proposed building, applicant must obtain approval for the proposed septic system from the Division of Environmental Health. In addition, a Hazardous Materials Business Plan must be filed if required by Environment Health. Contact Mary Coakley at 209-710-6096, [MCoakley@co.merced.ca.us](mailto:MCoakley@co.merced.ca.us).
14. Significant amounts of hazardous substances shall not be used or housed in the building.
15. The proposed engineered septic system shall be subject to inspection and approval by Merced County Department of Health Environmental Division.

Fire Department

16. Prior to beginning construction/erection of the proposed building, applicant must contact Merced County Fire Department regarding on-site water storage requirements. Applicant shall comply with all County Fire regulations.

Commerce, Aviation and Economic Development

17. The property owner shall obtain a business license within 30 days from the Planning Commission's approval. This business license shall be renewed annually.

Turlock Irrigation District (TID)

18. The owner/developer must apply for a facility change for any pole or electrical facility relocation. Facility changes are performed at developer's expense.

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

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

**2008-07-01 PLANNING – PUBLIC HEARING**

The time and date previously set for a public hearing to consider an Appeal of the Planning Commission approval of Conditional Use Permit CUP06-014 by Maureen McCorry, et al. Said Application submitted by Central Valley Concrete/Thoreson to excavate and remove approximately 75,000 cubic yards of sand material from a 7 acre portion of a 35 acre parcel over a five year period and to reclaim the property back to grazing lands on property located on the south side of El Capitan Way and approximately 0.5 miles west of Santa Fe in the Cressey area.

County Counsel James Fincher recommends the Board continue the public hearing so that the County will have all documents available to the public prior to the public hearing to remain in compliance with the Brown Act.

The Board continues the public hearing to July 8, 2008, at 9:00 a.m.

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

**1:30 P.M. SCHEDULED ITEM**  
**2008-07-01 PLANNING – JOINT STUDY SESSION**

The time and date previously set for a Joint Study Session with the Planning Commission concerning the Merced County General Plan Update.

Board Chairman Crookham calls the meeting to order and notes no Planning Commissioners are present.

The Board discusses notification to the Planning Commissioners and rescheduling the Joint Study Session due to lack of a quorum.

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

Collette Alvernaz requests e-mail notification of the next Joint Study Session date.

Planning Commissioner Cindy Lashbrook arrives at 1:55 p.m. and apologizes for not arriving on time and states the lack of quorum does not serve the public process very well.

John Grant states there should be a mechanism in place to ensure there is a quorum.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board continues the Joint Study Session to a date set by the Planning Department and directs staff to ensure the Planning Commissioners are available.

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

**ACTION ITEM NO. 55**  
**2008-07-01 EXECUTIVE OFFICE**

The Clerk announces Successor Delineation options for Unrepresented Management requiring policy direction is before the Board for consideration.

County Executive Officer Demitrios Tatum reviews the Staff Report and options.

Following discussion relative to June 17, 2008 intended decision and upon motion of Supervisor Nelson, seconded by Supervisor O'Banion, duly carried, the Board modifies the Unrepresented Management Resolution 2007-165 pertaining to Section 5.D. and eliminating Successor Delineation for all Elected Officials, except those which the Board has accepted their notice of retirement, and remain in effect for all appointed "A" Level Management and adopts Resolution No. 2008-138.

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

**ACTION ITEM NO. 57**

**2008-07-01 EXECUTIVE OFFICE**

The Clerk announces continuation of service of the current County Executive Officer or, in the alternative, initiation of procurement process for a recruitment service is before the Board for consideration.

Supervisor Kelsey states this item is before the Board for determination of whether or not the County Executive Officer wishes to rescind his letter of resignation.

County Executive Officer Demitrios Tatum agrees to rescind his resignation letter.

The Board discusses the rescission of the letter of resignation and future compensation.

Following discussion and upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, duly carried, the Board accepts the rescission of Mr. Tatum's resignation letter and in accordance with Management Resolution 2001-121, CEO Tatum will remit the Five Percent Successor Delineation Pay taken since Pay Period One, 2008 totaling \$5,498.31 with the matter to return to the Board as soon as possible for consideration of outstanding issues.

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