

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, AUGUST 19, 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

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

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.*

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 Clerk of the Board

The Agenda is available online at www.co.merced.ca.us

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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 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 -

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): Three cases

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): Miramontes v. Lizarraga, Merced County Superior Court Case No. 151261 and San Joaquin Raptor Rescue Center and Protect Our Water vs. County of Merced, Case No. 151466

THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 10:10 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED STAFF WAS PROVIDED DIRECTION

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

10:00 A. M.

PLEDGE OF ALLEGIANCE

PUBLIC OPPORTUNITY TO SPEAK ON ANY MATTER OF PUBLIC INTEREST WITHIN THE BOARD'S JURISDICTION INCLUDING ITEMS ON THE BOARD'S AGENDA, EXCEPT FOR THOSE ITEMS SPECIFICALLY SCHEDULED AS PUBLIC HEARINGS (Testimony limited to five minutes per person)

REVIEW BOARD ORDER – SEE PAGE 8

PRESENTATIONS

- (1) Recognition of Cameron Henry, Lake Yosemite Lifeguard

REVIEW BOARD ORDER – SEE PAGE 8

10:00 A. M.

PRESENTATIONS

(2) MCEDCO - Comprehensive Economic Development Strategy (CEDS) Program: Receive input and update on Projects for funding from the U.S. Dept. of Commerce, Economic Development Administration

REVIEW BOARD ORDER – SEE PAGE 8

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 22)

APPROVED AS RECOMMENDED REMOVING ITEM NO. 18
AYES: ALL

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957: PUBLIC EMPLOYEE APPOINTMENT – Auditor/Controller/Recorder/Clerk

REPORTS/BOARD DIRECTION

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

CONSENT CALENDAR (Items #1 - 22)

APPROVED AS RECOMMENDED REMOVING ITEM NO. 18 **AYES; ALL**

Public Works

1. Adopt Resolution for the Summary Vacation of excess right-of-way along Snelling Road near Merced River in the Snelling area.

REVIEW BOARD ORDER – SEE PAGES 8 AND 9

2. Approve and authorize Chairman to sign Renewal Contract No. 2004102 with City of Merced for lease common area in the Merced Transpo Center.
3. Authorize Valve Burners Car Club of Merced to reserve and rent all facilities and park area east of Le Grand Canal at Lake Yosemite on September 14, 2008 for Annual Car Show; waive the Vehicle Park Fee; authorize Club to charge an Admission Fee of \$3 per person; waive payment of deposits for each rental facility; authorize Car Club and Vendors to sell products; authorize Car Club admittance to Park at 6:00 a.m. to set up and open gates at 7:00 a.m. and authorize Contract No. 2008197.

Human Services Agency

4. Approve and authorize Chairman to sign Renewal Contract No. 2008198 with San Mateo Consortium for Cash Assistance Program for Immigrants (CAPI).
5. Approve and authorize Chairman to sign Renewal Contract No. 2008199 with Bloss Memorial Healthcare District for lease renewal.
6. Approve and authorize Chairman to sign Renewal Contract No. 2007182 with Alz Care Inc. for Alzheimer's Day Care Resource Center.
7. Approve and authorize Chairman to sign Renewal Contract No. 2005235 with Merced County Food Bank for Brown Bag Program.

8. Approve and authorize Chairman to sign Renewal Contract No. 2007181 with Valley Caregiver Resource Center for National Family Caregiver Support Program.
9. Approve and authorize Chairman to sign Renewal Contract No. 2004398 with Central California Legal Services, Inc. for Senior Legal Assistance Program.

Ag. Commissioner

10. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2001105 with Calif. Dept. of Food and Agriculture for Fruit and Vegetable Inspection Services.

ADOPTED RESOLUTION NO. 2008-163

11. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2007214 with California Dept. of Food and Agriculture (CDFA) for Pest Exclusion County Nematode Control Program.

ADOPTED RESOLUTION NO. 2008-164

12. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2004247 with Calif. Dept. of Pesticide Regulation for Electronic Pesticide Use Reporting Services and Support.

ADOPTED RESOLUTION NO. 2008-165

Probation

13. Approve and authorize Chairman to sign Renewal Contract No. 2007063 with Behavioral Interventions for Juvenile and Adult Electronic Monitoring Programs.

Commerce, Aviation and Economic Development

14. Approve and authorize Chairman to sign Renewal Contract No. 2004252 with NEC Unified Solutions for FOCUS Program Procurement Vehicle for Telecommunications Technology Solutions and authorize Chairman to sign Announcement Letter.

Board of Supervisors

15. Approve Minutes of April 1 and 29, 2008 and May 13 and 20, 2008 as submitted.

Health

16. Approve and authorize Director of Public Health (Per Resolution No. 2008-34) to sign Renewal Contract No. 2008055 with California Tobacco Control for Tobacco Use Prevention Program funding acceptance for FY 2008-09 in the amount of \$150,000.

Planning

17. Set public hearing for September 2, 2008 at 10:00 a.m. to consider Certification of Final EIR for the re-establishment of the Enterprise Zone within Merced County.

Executive Office

18. Approve and authorize Chairman to sign Renewal Contract No. 2003282 with Superior Court of California, County of Merced for services and reimbursements for Court Operations.

PULLED FROM THE AGENDA – NO ACTION TAKEN

Board Recognition

- 19. Authorize Certificate of Recognition to UC Merced for Social Sciences and Management Building Groundbreaking.
- 20. Authorize Certificate of Recognition to Super Target for Ribbon Cutting.
- 21. Authorize Certificate of Recognition to Envy Fine Clothing for Ribbon Cutting.
- 22. Authorize Certificates of Recognition to Les Papazian and Milton McDowell for their dedicated services as Chairman and Vice-Chairman to the Area Agency on Aging Advisory Council.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

- 23. Approve plans and specifications for Construction of Flashing Beacons at Charleston Elementary (Los Banos); Le Grand Elementary (Le Grand) and Sybil Crookham Elementary (Winton) in connection with Safe Routes to Schools Program Improvements, with Public Works to return to the Board with report back on actions taken.

AUTHORIZED CONTRACT NO. 2008200 AS RECOMMENDED AYES: ALL

- 24. Resolution to sign Relinquishment Contract (District Agreement #10-301) with the California Dept. of Transportation (Caltrans) related to the realignment of portions of Wolfsen Road and Santa Fe Grade Road planned to occur with State Route 165 Improvement Project.

AUTHORIZED CONTRACT NO. 2008201 AND ADOPTED RESOLUTION NO. 2008-166 AS RECOMMENDED AYES: ALL

- 25. State Route 165 Project Study Report - Traffic Modeling Forecasts and recommended Actions 1 – 4.

REVIEW BOARD ORDER – SEE PAGE 9

- 26. Resolution recommending the Merced County Association of Governments certify the Final EIR for Atwater-Merced Expressway and select Alternative 1B as the designated alignment.

PULLED FROM THE AGENDA - NO ACTION TAKEN

- 27. Approve plans and specifications for Asphaltic Emulsion Cape Seal on the Roads at the Santa Nella Trailer Park and direct Public Works to return to the Board with report back on actions taken.

AUTHORIZED CONTRACT NO. 2008202 AS RECOMMENDED AYES: ALL

HEALTH

- 28. Contract with California State University, Fresno Foundation for transferring project responsibility of the Central California Regional Obesity Prevention Project funded by the California Endowment.

AUTHORIZED CONTRACT NO. 2008203 AS RECOMMENDED AYES: ALL

- 29. Contract with Memorial Hospital, Los Banos for Health Care Services to Indigent residents of Merced County.

REVIEW BOARD ORDER – SEE PAGES 9 AND 10

30. Resolution authorizing submission of the Household Hazardous Waste Grant Application for FY 2008-2009 in the amount of \$400,000 to the California Integrated Waste Management Board and if Grant is awarded, to be returned to the Board for final approval.

ADOPTED RESOLUTION NO. 2008-167 AS RECOMMENDED AYES: ALL

SHERIFF

31. Authorize purchase of Canine "Rio" for \$1.00 from Deputy Sheriff Mark Taylor.

AUTHORIZED CONTRACT NO. 2008205 AS RECOMMENDED AYES: ALL

32. Accept donation from Laci/Conner Search and Rescue Fund of \$3,720.60 in equipment in support of the Merced County Sheriff's Department Underwater Rescue and Recovery Team.

APPROVED AS RECOMMENDED AYES: ALL

33. Authorize acceptance of donation in the amount of \$894 by Triple J Partners and place in the Sheriff's Ag. Task Force Fund.

APPROVED AS RECOMMENDED AYES: ALL

34. Contract with Tulare County Sheriff's Department for the Regional Anti-Gang Intelligence-Led Policing Program from funds awarded by the U.S. Dept. of Justice to the Calif. Governor's Office of Emergency Services.

AUTHORIZED CONTRACT NO. 2008206 AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

35. Accept rescission of Mr. Robert Morris resignation letter and continue to utilize expertise as Director of Human Resources in accordance with Management Resolution No. 2007-165 and Mr. Morris is to remit the 5% Successor Delineation Pay taken since Pay Period 1 since 2008 totaling \$3,765.60.

APPROVED AS RECOMMENDED AYES: ALL

36. Consider and review Department Restructuring - Functional Realignment for the Auditor/Controller/Recorder/Clerk, Treasurer/Tax Collector and Assessor.

REVIEW BOARD ORDER – SEE PAGES 10 AND 11

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

37. Authorize Merced County projects for inclusion in the Comprehensive Economic Development Strategy (CEDs) Program required for funding from the U.S. Dept. of Commerce, Economic Development Administration.

REVIEW BOARD ORDER – SEE PAGE 11

TREASURER

38. Resolution providing for the temporary borrowing of funds through the issuance of 2008 Tax and Revenue Anticipation Notes (TRAN) in the name of the Dos Palos Oro Loma Joint Unified School District in an amount not to exceed \$3 million.

ADOPTED RESOLUTION NO. 2008-170 AS RECOMMENDED AYES: ALL

AG. COMMISSION

39. Authorize acceptance of donations totaling \$6,775 from Pedigree Brand, in partnership with Save Mart and Lucky Stores, for Animal Control for its efforts on behalf of homeless animals.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

40. Mental Health Advisory Board – Reappointed Sally Ragonut, representing District 3, until June 30, 2011.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

41. Public Works re: Notification of Contract Award - Reroof of Area Agency on Aging Senior Center to George Roofing.

AUTHORIZED CONTRACT NO. 2008167

42. Public Works re: Notification of Contract Award - Reroof Falasco Judicial and HVAC to Commercial Construction.

AUTHORIZED CONTRACT NO. 2008065

43. Dept. of Admin. Services re: Notification of proceeds of Sale of Surplus Property for period of April 1 through June 30, 2008.

44. Dept. of Workforce Investment re: 2007/2008 Workforce Investment Act Subgrant Agreement R864568, Modification 4, with the State Employment Development Department.

45. State Wildlife Conservation Board re: Notice that Dept. of Fish and Game, through Wildlife Conservation Board, is involved in a land acquisition program that is focused on the long-range protection and enhancement of habitat for fish and wildlife with the possible sites for acquisition are identified: Los Banos Wildlife Area, Gadwall Unit, Merced County, Project ID 2007137 and Big Water Wetland Enhancement, Merced County, Project ID 2008085.

46. State Water Resources Control Board re: Application 14804-Order approving Petition for Temporary Transfer of Water from South Sutter Water District to Several State Water Contract Agencies.

47. State Fish and Game Commission re: Notice of Proposed Emergency Regulatory Action relating to incidental take of longfin smelt.

48. Governor's Office of Emergency Services re: Notice U.S. Dept. of Agriculture granted a Secretarial disaster designation for the County of Fresno and the contiguous counties of Inyo, Kings, Madera, Merced, Mono, Monterey, San Benito and Tulare due to agriculture losses caused by drought conditions beginning March 1, 2008 and continuing.

**ADOPTED RESOLUTIONS IN MEMORY OF BARBARA CLERKIN AND JOHN MENEZES
AND ADJOURNED MEETING UNTIL TUESDAY, SEPTEMBER 2, 2008 AT 10:00 A.M.**

BOARD ORDERS – SUMMARY ACTION MINUTES – AUGUST 19, 2008

10:00 A.M. SCHEDULED ITEM
2008-08-19 PUBLIC OPPORTUNITY

Tom Grave (Merced) urges the Board to meet with the cities within Merced County to discuss the General Plan Update.

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

10:00 A.M. SCHEDULED ITEM
2008-08-19 PRESENTATION

The Board presents a Certificate of Appreciation to Cameron Henry in recognition of his successful lifesaving efforts on July 20, 2008, at Lake Yosemite.

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

10:00 A.M. SCHEDULED ITEM
2008-08-19 PRESENTATION – MCEDCO

MCEDCO Executive Director Scott Galbraith provides an update on the Comprehensive Economic Development Strategy (CEDS) Program and funding streams and states the next process is the Board's endorsement.

City of Los Banos Director of Development and Economic Development Elaine Post comments on the CEDS process and advises this program will assist the Westside in saving one of its local agricultural businesses.

Commerce, Aviation and Economic Development Director John Fowler advises Action Item No. 37 of the Board Agenda authorizes the inclusion of the Merced County projects in the CEDS Program and states the list is available for public review until September 7, 2008, and the final CEDS project will return to the Board on September 16, 2008, for further consideration.

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

CONSENT ITEM NO. 1
2008-08-19 PUBLIC WORKS

The Clerk announces the Summary Vacation along Snelling Road near the Merced River is before the Board for consideration.

Responding to Board concerns, Public Works Director Paul Fillebrown reviews the location of the proposed Summary Vacation and advises the requested action will clear any prior right of way issues on this property.

Upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, duly carried, the Board approves the Summary Vacation of excess right-of-way along Snelling Road near Merced River in the Snelling area and adopts Resolution No. 2008-162.

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

ACTION ITEM NO. 25

2008-08-19 PUBLIC WORKS

The Clerk announces the State Route 165 Project Study Report - Traffic Modeling Forecasts with recommended actions is before the Board for consideration.

Upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board approves the analysis of two traffic modeling forecast scenarios for the State Route 165 Project Study Report: (a) "Existing General Plan Scenario"-which assumes full build-out in the Year 2035 of the land uses included in the General Plans for Merced County, Stanislaus County and the City of Turlock; and (b) "Accelerated Growth Scenario"-which assumes conditions included in the Existing General Plan Scenario plus additional contemplated, but not approved, developments in Merced County represented by 6,000 residential units (approximately \$18,000 people) in the Stevinson area between the Merced River and State Route 140 and approximately 1,500 to 2,000 residential units (4,500 to 6,000 people) in the area north of Hilmar and west of Delhi; Approves the use of a 3% per year rate to calculate anticipated growth to background traffic from the Year 2030 to 2035; Approves the use of documented engineering principles to determine the volume of truck traffic anticipated to be traveling on SR 165 in the Year 2035; Approves the use of a 2-lane "limited-build" traffic model for the initial analysis of alternative alignments for SR 165 with the understanding that additional modeling will be done for the preferred alternative alignments to determine the number of lanes needed to meet the anticipated demand and determine the effect of the improved roadway on the circulation system.

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

ACTION ITEM NO. 29

2008-08-19 HEALTH

The Clerk announces the Contract with Memorial Hospital, Los Banos for Health Care to indigents is before the Board for consideration.

Public Health Director John Volanti requests the Board also authorize the Chairman to sign the Certification required by the State Dept. of Health and Human Services the Contract is to provide Health Care Services to Low Income Individuals which County Counsel has approved.

Upon motion of Supervisor Nelson, seconded by Supervisor Kelsey, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2008204 and Certification with Memorial Hospital, Los Banos for Health Care Services to low income individuals.
Ayes: Crookham, Pedrozo, Nelson, Kelsey, O'Banion

ACTION ITEM NO. 36
2008-08-19 EXECUTIVE OFFICE

The Clerk announces Department Restructuring – Functional Realignment for the Auditor/Controller/Recorder/Clerk, Treasurer/Tax Collector and Assessor is before the Board for consideration submitted by Executive Office.

Human Resources Director Robert Morris reviews slides of current and proposed organizational charts for the Auditor/Controller/Recorder/Clerk/Registrar of Voters, Treasurer/Tax Collector and Assessor offices.

County Executive Officer Dee Tatum reviews the proposed organizational changes to be effective January 5, 2009 and advises a letter has been received from Auditor/Controller/Recorder/Clerk/Registrar of Voters Steve Jones supporting the proposed changes which will enable the Auditor's Office to focus on its core business function.

Treasurer/Tax Collector Karen Adams submits and reads a statement requesting the Board not take action today and allow her to make a formal presentation at a future date which will include the entire consolidation vision with all necessary considerations to make the functional realignment successful.

Chief Auditor Appraiser Patty Houbein, appearing on behalf of Assessor Kent Christiansen, speaks in favor of the restructuring requesting the action move forward today.

Chief Deputy Recorder Connie Hamilton requests the Board not take action and allow Ms. Adams to make a presentation so all options are available before making a decision.

The Board discusses the current operations, the history of the consolidation of the Auditor-Controller/Recorder/Registrar of Voters/County Clerk and the input received today.

The Board agrees Treasurer/Tax Collector Karen Adams be allowed to return to the Board with a presentation as soon as is practical.

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board approves the following Departmental Personnel Actions and Reorganization for Auditor/Recorder/Registrar of Voters/County Clerk, Assessor and Treasurer/Tax Collector Departments effective January 5, 2009, as proposed in Option 2: Assessor-BU 11200, change one Assessor, Range 85.8 to Assessor/Recorder, Range 87.8 and change one Assistant Assessor to Assistant Assessor/Recorder, Range 82.2; Treasury-BU 11400, change one Treasurer/Tax Collector, Range 83.8 to one Treasurer/Tax Collector/Clerk/Registrar of Voters, Range 87.8 and change one Assistant Treasurer/Tax Collector, Range 77.3 to Assistant Treasurer/Tax Collector/Clerk/Registrar of Voters; Auditor-BU 11000, change

Auditor/Controller/Recorder/Clerk/Registrar of Voters to one Auditor/Controller and adopts Resolution No. 2008-168 (Position Allocation) and 2008-169 (Compensation).
Ayes: Crookham, Pedrozo, Nelson, Kelsey, O'Banion

ACTION ITEM NO. 37

2008-08-19 COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

The Clerk announces the Comprehensive Economic Development Strategy (CEDS) Program is before the Board for consideration.

Commerce, Aviation and Economic Development Director John Fowler states the proposed list of Merced County projects for inclusion in the CEDS Program is available for public review until September 7, 2008, and the matter will return to the Board on September 16, 2008, for final consideration.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board authorizes the following proposed projects be included in the Comprehensive Economic Development Strategy (CEDS) to qualify for Economic Development Administration funding assistance:

District 1:

State Highway 140 at Plainsburg Road Pedestrian Crossing.

District 2:

Complete Campus Parkway to UC Community (Childs Avenue north to Yosemite Avenue).

District 3:

Atwater-Merced Expressway (Phase 1), Replacement of the Runway 31 Approach Lighting System, Design and Construct new Taxiway "B1" and Reconstruct Taxiway D.

District 4:

Castle/Winton Regional Wastewater Treatment Plant and Hilmar Bypass Bridge over the Merced River.

District 5:

South Dos Palos Sewer Line Replacement, Dos Palos Water Plan Expansion, Dos Palos Sewer Plant Expansion and Santa Nella (State Highway 33 and Interstate 5) Impact Relief for Water, Sewer and Road Capacity.

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