

# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, OCTOBER 21, 2008

Closed Session – 8:00 a.m.

Interviews (Housing Adv. and Building Code Board of Appeals)– 8:45 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 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

8:00 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): Two 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): San Joaquin Raptor Rescue Center vs. County of Merced, Christopher Robinson RPI Merced County Superior Court Case No. CU151468

**THE BOARD RECESSED AT 8:00 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED THERE ARE NO REPORTABLE ITEMS**

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

8:45 A.M.

**INTERVIEWS - HOUSING ADVISORY AND BUILDING CODE BOARD OF APPEALS**

Board of Supervisors Representatives, Five At-Large Positions  
Applicants: Alan Arnold, Walter Burr, Monty Davenport, Gary Knox, Wendy Sue Ewald, Craig Mooneyham and David Verstoppen

**REVIEW BOARD ORDER- SEE PAGE 10**

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 10**

10:00 A.M.

**PRESENTATIONS:**

(1) Recognition - Joseph Farms

(2) Recognition to Human Services Agency - Lowest Food Stamp Payment Program Error Rate Award in the State of California

(3) Recognition to Human Services Agency - CSAC Awards: Innovation Award: All Dads Matter Program and Merit Award: High Schooled Assistance Dog Program

(4) Presentation

**REVIEW BOARD ORDER – SEE PAGE 11**

**BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES** (4/5 Vote Required) Health-\$39,735; Library-\$1,000; Mental Health-\$1,000; Probation-\$13,500 and Sheriff-\$894

**APPROVED AS RECOMMENDED AYES: ALL**

**APPROVAL OF CONSENT AGENDA CALENDAR** (Items #1 - 17)

**APPROVED AS RECOMMENDED AYES: ALL**

**PLANNING - PUBLIC HEARING**

To consider an Appeal received from Robert Garcia/Tom Clendenin to Appeal the Planning and Community Development Director's decision to require CEQA evaluation of the 4th modification to CUP3643, due to piecemealing involving the construction of a proposed 12,500 square foot sweet potato storage building as an addition to previously approved agricultural-industrial buildings in Livingston.

**RECOMMENDATION:** Deny Appeal Application No. APEA08-002 and uphold the Director's decision to require preparation of a CEQA Initial Study for Minor Modification No. MM08-008 based on CEQA Findings

**REVIEW BOARD ORDER – SEE PAGES 11 AND 12**

**REPORTS/BOARD DIRECTION**

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

CONSENT CALENDAR (Items #1 - 17)

**APPROVED AS RECOMMENDED AYES: ALL**

Public Works

1. Adopt Resolution accepting Grant Deed from Rowland and Delia Suico for the conveyance of additional Corner Street and Shanks Road right of way and public utility easement associated with Building Permit No. BP 2006-0889 in Delhi.

**ADOPTED RESOLUTION NO. 2008-192**

2. Reject all bids received at the Bid Opening held on September 4, 2008 for the Asphaltic Emulsion Cape Seal at the Santa Nella Trailer Park; void Contract No. 2008202 and authorize re-advertisement of the project with bid date to be set and award of project with Public Works directed to return to the Board at a later date with a report of action taken.

3. Terminate Contract No. 2004129 with Bible Christian Church for the use of the Le Grand Courts Building effective October 1, 2008.
4. Set public hearing for November 18, 2008 at 10:00 a.m. to consider Notice of Intent to Vacate a portion of Knowles Road, between El Nido Road and Washington Road in El Nido and adopt Resolution.

**ADOPTED RESOLUTION NO. 2008-193**

Human Services Agency

5. Authorize submission of Community-Based Child Abuse Prevention (CBCAP) SFY 2008/09 Application for allocated CBCAP Incentive Funds from the California Dept. of Social Services and authorize HSA to accept the funding in the amount of \$22,504 to come back to the Board for final approval.

Mental Health

6. Approve and authorize Chairman to sign Renewal Contract No. 2008044 with Calaveras County Behavioral Health Services for the provisions of Inpatient Services at the Marie Green Facility.

Health

7. Approve and authorize Chairman to sign Amendment to Contract No. 2006225 with Health Net of California, Inc. for Health Insurance premiums for Children's Health Initiative.
8. Adopt Resolution authorizing submission of Application to the Calif. Integrated Waste Management Board for the Waste Tire Enforcement Grant for 2008-09 (Cycle 16) in the amount of \$100,899 to be returned to the Board to accept the Grant if awarded.

**ADOPTED RESOLUTION NO. 2008-194**

Commerce, Aviation and Economic Development

9. Approve and authorize Chairman to sign Amendment to Contract No. 2006024 with Al Peterson for Business Assistance Counseling.
10. Approve the change of name on Contract No. 2003194 from Wire One Communications, Inc. to BT Conferencing Video, Inc. in connection with FOCUS Program Procurement Vehicle.
11. Set public hearing for November 4, 2008 at 10:00 a.m. to consider Request for Joint Venture Proposal No. 6374 for Fast Open Contracts Utilization Services (FOCUS) Program specializing in Technology Expertise, Equipment, Services and Systems.

Ag. Commission

12. Approve and authorize Chairman to sign Renewal Contract No. 2004324 with Calif. Dept. of Food and Agriculture for Pink Bollworm Cotton Plowdown Enforcement Program and adopt Resolution.

**ADOPTED RESOLUTION NO. 2008-195**

Sheriff

13. Authorize Sheriff to use the southeast corner County Parking Lot located on M Street and 23rd Street on December 9, 2008 from 7:00 a.m. to 1:30 p.m. for Operation Christmas.

Probation

14. Approve and authorize Chairman to sign Renewal Contract No. 2004307 with Merced County Office of Education for 100% reimbursement of 1.5 FTE Deputy Probation Officer at Valley Community School.

Executive Office

15. Act on Claims for Damages received from David Lovato (2008-113) and Rhonda Lovato (2008-112) as recommended by Risk Management.
16. Approve and authorize Chairman to sign Renewal Contract No. 2008257 (Memorandum of Understanding) with CSAC for changes to the Entity Insurance Authority Property Program.
17. Approve Budget Transfers submitted by Fire-\$31,387; Public Works-\$4,160 and \$-0-; Sheriff-\$48,000 and Dept. of Workforce Investment-\$5,000 as recommended by Executive Office.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

18. Resolution approving the revised Merced County Regional Bicycle Transportation Plan and authorize submission to Caltrans by deadline of December 1, 2008.

**ADOPTED RESOLUTION NO. 2008-196 AS RECOMMENDED AYES: ALL**

19. Resolution authorizing submittal of 2009-2010 Bicycle Transportation Grant Application for construction of a Class One Bicycle Path along Campus Parkway from Coffee Street to Childs Avenue and direct Public Works to return to the Board with results of grant application.

**ADOPTED RESOLUTION NO. 2008-197 AS RECOMMENDED AYES: ALL**

20. Approve plans and specifications for the Delhi Veterans Hall Restroom Remodel & Door and Hardware Replacements at Delhi, Los Banos and Le Grand Veterans Halls and authorize Public Works to advertise for bids, set bid opening and return to the Board with actions taken.

**AUTHORIZED CONTRACT NO. 2008258 AS RECOMMENDED AYES: ALL**

21. Award Contract to Zacco Companies for the Los Banos Spring Fair Underground Fuel Storage Contamination Clean-up in the amount of \$277,600 and authorize Public Works to amend Contract No. 2007028 with Environmental Remediation Group in an amount not to exceed \$60,000 to provide oversight and confirmation testing during the project and authorize Public Works Director to sign and approve the necessary budget transfer-\$200,000. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2008255 WITH ZACCOR COMPANIES AS RECOMMENDED AYES: ALL**

HEALTH

22. Approve revisions to Indigent Health Care Programs Policy Manual that clarify the required identification for a qualifying medical condition and adopt the Medi-Cal Income Guidelines,

including the re-establishment of a Patient Share of Cost.

**APPROVED AS RECOMMENDED AYES: ALL**

23. Contract with Central Coast Alliance for Health for the County Organizational Health System for the expansion of managed care programs.

**AUTHORIZED CONTRACT NO. 2008259 AS RECOMMENDED AYES: ALL**

**HUMAN SERVICES AGENCY**

24. Contract with California Dept. of Social Services for Operating the SB 163 Wraparound Program for Foster Care placements and delegate the Human Services Agency Director authority to enter into any future written amendments as long as the contract is within the budgeted amounts previously approved.

**AUTHORIZED CONTRACT NO. 2008260 AS RECOMMENDED AYES: ALL**

**DISTRICT ATTORNEY**

25. Contract with Kris Mohandie, Ph.D. for Special Consultant Services as Psychiatric Expert Witness for period of July 6, 2008 through July 31, 2010 in a total sum not to exceed \$30,000.

**AUTHORIZED CONTRACT NO. 2008261 AS RECOMMENDED AYES: ALL**

26. Relieve the District Attorney's Office from further accountability for Fixed Assets No. 42807-Computer IBM Corp and 51016-Mita DC 2355 Photocopier and authorize removal from the Fixed Asset Inventory List.

**APPROVED AS RECOMMENDED AYES: ALL**

**DEPT. OF ADMIN. SERV.-ADMIN. SERVICES**

27. Contract with G&K Services for rental and cleaning of Uniforms and authorize payments through various Purchase Orders.

**AUTHORIZED CONTRACT NO. 2008262 AS RECOMMENDED AYES: ALL**

28. Declare Miscellaneous Office Furniture, Miscellaneous Office Equipment and a Service Truck shown on Exhibit A as Surplus Equipment and authorizes its disposal through Internet Public Auction.

**APPROVED AS RECOMMENDED AYES: ALL**

**LIBRARY**

29. Allow County Librarian to annually apply for E-Rate discounts with the Schools and Libraries Program of the Universal Service Fund for the Library's Communication Bill and accept any and all E-Rate discounts on a yearly basis.

**APPROVED AS RECOMMENDED AYES: ALL**

30. PULLED

**AG. COMMISSION**

31. Contract with Calif. Dept. of Food and Agriculture for Weed Management area and approve the budget transfer-\$2,000. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2008263 AND ADOPTED RESOLUTION NO. 2008-198 AS RECOMMENDED AYES: ALL**

## SHERIFF

32. Contract with U.S. Dept. of Justice accepting the 2008 Edward Byrne Memorial Justice Assistance (JAG) Grant in the amount of \$17,011 and approve the budget transfer-\$3,511. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2008264 AS RECOMMENDED AYES: ALL**

33. Authorize purchase of a Command Post Satellite upgrade from Wavestop Satellite and authorize Chairman to sign Contract.

**AUTHORIZED CONTRACT NO. 2008265 AS RECOMMENDED AYES: ALL**

## MENTAL HEALTH

34. Award Bid to Resource Development Associates as successful bidder to RFP No. 6363 for Mental Health Services Act - Capital Facilities and Technological Needs Component Proposals consultant services and authorize Chairman to sign Contract and approve the necessary budget transfer-\$95,350. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2008266 AS RECOMMENDED AYES: ALL**

35. Contract with BHC Sierra Vista Hospital for Inpatient Hospital Services for Medi-Cal clients.

**AUTHORIZED CONTRACT NO. 2008267 AS RECOMMENDED AYES: ALL**

36. Contract with BHC Sierra Vista Hospital for Inpatient Hospital Services for Non-Medi-Cal clients.

**AUTHORIZED CONTRACT NO. 2008268 AS RECOMMENDED AYES: ALL**

37. Contract with BHC Heritage Oaks Hospital for Inpatient Hospital Services for Medi-Cal clients.

**AUTHORIZED CONTRACT NO. 2008269 AS RECOMMENDED AYES: ALL**

38. Contract with BHC Heritage Oaks Hospital for Inpatient Hospital Services for Non-Medi-Cal clients.

**AUTHORIZED CONTRACT NO. 2008270 AS RECOMMENDED AYES: ALL**

## MERCED COUNTY SPRING FAIR

39. Review and approve the Spring Fair 2009 State Operating Budget for State Funding.

**AUTHORIZED CONTRACT NO. 2008338 AS RECOMMENDED AYES: ALL**

## DEPT. OF WORKFORCE INVESTMENT

40. Workforce Investment Youth Council, Recommendation to appoint Samuel Rangel.

**APPROVED AS RECOMMENDED AYES: ALL**

## EXECUTIVE OFFICE

41. Contract with Judicial Council of California, Administrative Office of the Courts (Superior Court of California, County of Merced) for lease of Adobe Building located on the eastside portion of the building located at 670 West 22nd Street, Merced.

**AUTHORIZED CONTRACT NO. 2008271 AS RECOMMENDED AYES: ALL**

42. PULLED

BOARD OF SUPERVISORS

- 43. Authorize reimbursement of costs up to \$6,500 from Special Board Project Funds-District One to be paid to Administrative Services-Support Services Division for janitorial services to the Le Grand Community Hall and approve the necessary budget transfer.

**APPROVED AS RECOMMENDED      AYES: ALL**

BOARD APPOINTMENTS

- 44. Mental Health Advisory Board – Reappointed Audrey Kotrich-Spangler, representing District Four, and Mary Ellis, representing District Two, as members of the Mental Health Advisory Board until June 30, 2011.

**APPROVED AS RECOMMENDED      AYES: ALL**

- 45. Housing Advisory & Building Code Board of Appeals - Appoint up to five At Large Members based on the five high scores of candidates above the 70% threshold and should fewer than five candidates be selected, direct the Clerk to continue to receive applications for any positions that remain.

**REVIEW BOARD ORDER – SEE PAGE 10**

BOARD INFORMATION & POSSIBLE ACTION

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

- 46. Public Works re: Notice of Intention to consider a Resolution to approve an Update to the Merced County Dept. of Public Works Improvement Standards and Specifications.
- 47. Sheriff re: Merced County Area Network (RAN) Board approval of the 2008/2009 CAL ID Budget (BU 22102) which is funded by Sheriff Trusts 2621 Automated Fingerprint and Sheriff Trust 2878 Cal ID Vehicle Assessments.
- 48. State Water Resources Control Board re: Notice of Preparation and of Scoping Meetings for an Environmental Impact Report for 401 Water Quality Certification of the Klamath Hydroelectric Project.
- 49. State Water Resources Control Board re: Petition of California Sportfishing Protection Alliance (Waste Discharge Requirements Order No. R5-2007-0134 {NPDES NO. CA0079260} for the City of Yuba City Wastewater Treatment Plant, Sutter County), Central Valley Water Board; Board Meeting Notification SWRCB/OCC FILE A-1895.
- 50. State Water Resources Control Board re: Petition of Environmental Law Foundation (Waste Discharge Requirements Order No. R5-2007-0036 {NPDES NO. CA0079154} and time schedule Order No. R5-2007-0037 for City of Tracy) and California Sportfishing Protection Alliance (Waste Discharge Requirements Order No. R5-2007-0036 ({NPDES NO. CA0079154} and Time Schedule Order No. R5-2007-0037 for City of Tracy), Central Valley Water Board: Board Meeting Notification SWRCB/OCC FILE A-18946(a) and A-1846(b).
- 51. Governor's Office of Emergency Services re: Notification U.S. Small Business Administration has declared the primary Tuolumne and contiguous counties of Alpine, Calaveras, Madera, Mariposa, Merced, Mono and Stanislaus a disaster area due to agricultural losses caused by drought beginning March 2008 and continuing.
- 52. State Fish and Game Commission re: Notice of Proposed Regulatory action relative to various sections under Title 14, Calif. Code of Regulations, relating to recreational fishing



regulations for federal groundfish and associated species for 1009 and 2010 which will be published in the California Regulatory Notice Register on September 26, 2008.

53. NACo re: Notice of appointment of Supervisor Michael Nelson to serve on the Information Technology Committee.
54. California Water Board re: California Aquatic Bioassessment Workgroup Meeting set for November 19, 2008.
55. California State Water Resources Control Board, East Merced Resource Conservation District and Stillwater Sciences re: Merced River Alliance Project - Final Report and Volume 1-Project Overview, Outreach and Education; Volume II-Biological Monitoring & Assessment and Appendices. (On file with Clerk)
56. Central Valley Regional Water Quality Control Board re: Notice of Meeting set for October 23, 2008.
57. State Water Resources Control Board re: Notice of Water Quality Coordinating Committee Meeting set for October 27 - 28, 2008.

**ADOPTED RESOLUTIONS AND ADJOURNED MEETING IN MEMORY OF ERNESTINE RODRIGUEZ, HARRY FLOOD, ROBERT STOCKING AND JASON ARNOLD UNTIL TUESDAY, NOVEMBER 4, 2008 AT 10:00 A.M.**

**BOARD ORDERS – SUMMARY ACTION MINUTES – OCTOBER 21, 2008**

**8:45 A.M. SCHEDULED ITEM**

**2008-10-21 INTERVIEWS - HOUSING ADVISORY AND BUILDING CODE BOARD OF APPEALS**

The time and date previously set for Interviews for five (5) At-Large positions to be appointed by the Board of Supervisors for the Housing Advisory and Building Code Board of Appeals.

The Board interviews Alan Arnold, Walter Burr, Monty Davenport, Gary Knox and David Verstoppen.

Director of Governmental Affairs Mark Hendrickson states Wendy Sue Ewald and Craig Mooneyham did not appear for their respective interviews. He states the Board Members will need to finalize scores and provide the score sheets to the Board Clerk for discussion later in the Board Meeting.

\*\*\*\*\*

Later in the day, the Clerk announces Action Item No. 45 is before the Board for consideration: Housing Advisory and Building Code Board of Appeals - Appoint up to five At Large Members based on the five high scores of candidates above the 70% threshold and should fewer than five candidates be selected, direct the Clerk to continue to receive applications for any positions that remain

Mr. Hendrickson advises the scores for the Housing Advisory and Building Code Board of Appeals interviews have been calculated and validated and scored as follows: Gary Knox-371, David Verstoppen-362.5, Walter Burr-351, Monty Davenport-349 and Alan Arnold-347.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, the Board appoints Gary Knox, David Verstoppen, Walter Burr, Monty Davenport and Alan Arnold to serve as At Large Members of the Housing Advisory and Building Code Board of Appeals until March 26, 2010.  
Ayes: Crookham, Pedrozo, Nelson, Kelsey, O'Banion

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

**2008-10-21 PUBLIC OPPORTUNITY**

Assistant Director of Child Support Services Karen Rodriguez states the Child Support Service Office will be installing a new statewide phone system that provides 24 hour access to clients and members.

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

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

**2008-10-21 PRESENTATIONS**

The Board presents a Certificate of Recognition to Peter Gallo on behalf of Joseph Farms in recognition of their award for eight Gold Medals, two Silver Medals and one Bronze Medal for their varieties of cheeses at the Los Angeles County Fair; a Gold Medal for their Pepper Jack Cheese and two Bronze Medals for other cheese varieties at the California State Fair.

Acting Branch Chief Yvonne Lee and Regional Director Dennis Stewart for the State Food Stamp Program and the Board present Awards to Merced County Human Services Agency for Achieving the Lowest Food Stamp Error Rate in the State for 2007.

CSAC Deputy Director Jim Wiltshire and the Board present a Merit Award for the “High Schooled Assistance Dog Program” and an Innovation Award for the “All Dads Matter Program” to the Merced County Human Services Agency.

District Attorney Larry Morse presents a 15-year Service Pin to employee Jeannette Pacheco.

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

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

**2008-10-21 PLANNING – PUBLIC HEARING**

The time and date previously set for a public hearing to consider an Appeal received from Robert Garcia/Tom Clendenin to Appeal the Planning and Community Development Director's decision to require CEQA evaluation of the 4<sup>th</sup> modification to CUP3643, due to piecemealing involving the construction of a proposed 12,500 square foot sweet potato storage building as an addition to previously approved agricultural-industrial buildings in Livingston.

Development Services Director Robert Lewis reviews the Staff Report.

Planner James Holland reviews the powerpoint presentation.

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

Robert Garcia, owner of Garcia Farms, speaks in support.

Tom Clendenin, 28 years construction business in Merced County, speaks in support and questions requirement changes and submits and reviews a comparison sheet.

Merced County Farm Bureau Executive Director Diana Westmoreland-Pedrozo speaks in support and asks the Board to support the agriculture industry.

The Chairman closes the public hearing.

County Counsel James Fincher reviews the Staff Report outlining the possible actions to be taken on this matter.

The Board recesses at 12:00 noon and reconvenes at 12:15 p.m. with all members present.

Upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, duly carried, the Board upholds the Appeal thereby rejecting the Planning Director's CEQA decision and exempting the Application under Section 15061(b)(3) of the CEQA Guidelines, the "Common Sense" exemption and finds there is a credible explanation that removes any doubt that there is a potential for causing a significant affect on the environment based upon the following Findings:

1. No evidence of piecemealing was presented.
2. The applicant and the Farm Bureau testified and presented evidence that there would be a net reduction of average daily truck trips by allowing added storage on sight instead of spreading it to multiple off-site locations.
3. All speakers at the Planning Commission and Public Hearing before the Board of Supervisors refuted the fair argument that the additional building would have a significant adverse environmental affect. The evidence was that the additional building would reduce existing environmental affects. The applicant stated there is no additional water or sewage usage as a result of the building.

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