

# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting  
TUESDAY, NOVEMBER 18, 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 the Clerk of the Board

**The Agenda is available online at [www.co.merced.ca.us](http://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 -**

**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): Appeal of Merced County Correctional Officer John Watters v. Merced County Sheriff's Department, SPB Case No.: 08-386M

**CLOSED SESSION:** It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957.6 concerning a Conference with County of Merced Staff Negotiators concerning negotiations with American Federation of State, County and Municipal Employees (AFSCME), Units 4, 5, 6 and 8; Independent Employees of Merced County (IEMC), Unit 3; Merced County Lawyers Association, Unit 7; Merced County Sheriff Employee Association (MCSEA), Unit 2; Merced County Law Enforcement Sergeants, Unit P; Deputy Sheriff Association, Unit 10 and Non-Safety Corrections, Unit 12

**THE BOARD RECESSED AT 9:00 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)**

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 12**

**PRESENTATION**

**Merced County Office of Education** - Annual Report for FY 2008-09 pursuant to Williams Settlement. Review of Atwater, Delhi, Dos Palos, Gustine, Hilmar, Le Grand Elementary, Le Grand High School, Los Banos, Merced City, Planada and Winton Districts

**REVIEW BOARD ORDER – SEE PAGES 12 AND 13**

**BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES** (4/5 Vote Required) Auditor-Recorder -\$70,000 and District Attorney-\$36,977

**APPROVED AS RECOMMENDED AYES: ALL**

**APPROVAL OF CONSENT AGENDA CALENDAR** (Items #1 - 19)

**APPROVED AS RECOMMENDED AYES: ALL**

**PUBLIC WORKS - PUBLIC HEARING**

To consider Resolution for the General Vacation of that portion of Knowles Road between El Nido Road and Washington Road in the El Nido area

**REVIEW BOARD ORDER – SEE PAGE 13**

**HEALTH - PROPOSED ORDINANCE AND POSSIBLE ADOPTION**

To consider Proposed Ordinance: An Ordinance Creating the Santa Cruz-Monterey-Merced Managed Medical Care Commission and adding Chapter 9.43 to Title 9 of the Merced County Code

**REVIEW BOARD ORDER – SEE PAGE 13**

**REPORTS/BOARD DIRECTION**

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

CONSENT CALENDAR (Items #1 - 19)

**APPROVED AS RECOMMENDED AYES: ALL**

Public Works

1. Adopt Resolution designating the intersection of Bloss Avenue and Sycamore Street as an All-Way Stop Intersection in the Delhi area and authorize installation of signs on the eastbound and westbound approaches.

**ADOPTED RESOLUTION NO. 2008-207**

2. Approve and authorize Chairman to sign Amendment to Contract No. 2005007 with Mark Thomas and Company for the Campus Parkway Project for construction staking and geotechnical monitoring/inspection of lime treatment during construction of Phase I.
3. Approve and authorize Chairman to sign Amendment to Contract No. 2008293 with Cressey Volunteer Fire Department to allow the installation of a storage tank, pump and wharf hydrant.
4. Cancel Request for Proposal No. 6375 for the Mobile Food Concessions at Courthouse Park and 23rd Street Parking area and authorize reissuance of an RFP for Mobile Food Vending Concessions at Courthouse Park and an RFP at 23rd Street Parking Lot after January 1, 2009.

**AUTHORIZED CONTRACT NO. 2008296-COURTHOUSE PARK AND NO. 2008297-23<sup>RD</sup> STREET PARKING AREA**

Planning

5. Cancel Request for Proposal No. 6317 for Consultant to assist with Surface Mining Inspections under the Surface Mining and Reclamation Act (SMARA).

Health

6. Approve and authorize Chairman to sign Renewal Contract No. 2004200 with State Dept. of Public Health for FY 2008/09 Childhood Immunization Program.
7. Approve and authorize Chairman to sign Renewal Contract No. 2008298 with Maxime Management Systems for software to track Federal Title V funds within the Nursing and Maternal & Child Health Programs and costs of non-federally funded programs.

Mental Health

8. Set public hearing for December 9, 2008 at 10:00 a.m. to consider Proposed Ordinance Amending Mental Health Services Fees for 2008/2009 (Amends Ordinance No. 1836 and Code Chapter 9.48).

Commerce, Aviation and Economic Development

9. Release Cable Franchise Bond No. 103226856 00 475 to Travelers Casualty and Surety Company of America held with Charter Cable TV and authorize the Chairman to sign the Release Cancellation.

Library

10. Approve and authorize Chairman to sign Renewal Contract No. 2008299 with Delhi Unified School District for Joint Use Facility Contract for Delhi Branch Library.

Probation

11. Approve and authorize Chairman to sign Renewal Contract No. 2004151 with Delhi Unified School District for placement of Deputy Probation Officer at Delhi High School.

Dept. of Workforce Investment

12. Approve and authorize Chairman to sign Renewal Contract No. 2008294 with Brocchini Family Partnership, LP for lease of office space at 1880 W. Wardrobe Avenue, Merced.

Treasurer

13. Review and accept the Quarterly Investment Report for the Period Ending September 30, 2008 as submitted by Treasurer.

Executive Office

14. Approve and authorize Chairman to sign Renewal Contract No. 2004363 with United Health Care (formerly PacifiCare) for Secure Horizons, a Medicare HMO.
15. Approve and authorize Chairman to sign Renewal Contract No. 2004364 with Professional Benefit Services for Dental Claims Administration.
16. Approve Travel Request submitted by Dept. of Workforce Investment as recommended by Executive Office.

Board Recognition

17. Authorize Certificates of Recognition for the Xiong Family Unification Annual Feast 2008-09 to: Chue Wang Xiong (President), Tony P. Xiong (1st VP), Vang Pao Xiong (2nd VP), Kia Neng Xiong (3rd VP), Richard Chao Xiong (1st Secretary), William Xiong (2nd Secretary), Larry Xiong (3rd Secretary), Sam Xiong (Treasurer), and Wang Meng Xiong, Pang Lee Xiong, Cheng Geu Xiong, Kang Yee Xiong, Song Vue Xiong, Chong Neng Xiong, Youa Pao Xiong and Chong Vang Xiong (Advisors).
18. Proclaim October 6 - 10, 2008 as Lawsuit Abuse Awareness Week in Merced County.
19. Proclaim December 1, 2008 as World AIDS Day in Merced County.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

20. Authorize renovation of Building 1230 at Castle Airport for use as an Emergency Operations Center (EOC) and authorize Public Works to proceed to negotiate a fee with an architectural firm and return to the Board with recommendations and final approval.

**APPROVED AS RECOMMENDED AYES: ALL**

21. Approve plans and specifications for South Dos Palos Park Restroom Remodel; authorize Public Works to advertise bids and conduct bid opening and authorize award of contract to lowest responsible bidder as long as bid is within the project budget and direct Public Works to return to the Board with action taken as a Board Informational Item and approve use of Parkland Dedication Fees in the amount of \$75,000.

**AUTHORIZED CONTRACT NO. 2008300 AS RECOMMENDED AYES: ALL**

22. Approve plans and specifications for Porch Reconstruction for the El Nido Community Hall Building; authorize Public Works to advertise bids and conduct bid opening and authorize award of contract to lowest responsible bidder as long as bid is within the project budget and direct Public Works to return to the Board with action taken as a Board Informational Item.

**AUTHORIZED CONTRACT NO. 2008301 AS RECOMMENDED AYES: ALL**

23. Contract with Planada Elementary School District for Joint Use Agreement for Cesar Chavez Multipurpose Room.

**AUTHORIZED CONTRACT NO. 2008291 AS RECOMMENDED AYES: ALL**

24. Contract with Caltrans for Hilmar Bicycle/Pedestrian Bridge Project and accept Bicycle Transportation Account Project grant funds and authorize signing of Local Agency-State Contract (BTA 08/09-10-MER-01) and approve the budget transfer-\$22,200.00. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2008295 AS RECOMMENDED AYES: ALL**

25. Authorize payment of fees in the amount of \$17,620.01 to the City of Merced for sewer connection and inspection fees related to the construction of Phase 1 of Campus Parkway.

**APPROVED AS RECOMMENDED AYES: ALL**

26. Authorize Contract with Dennis/Geniece Knight for acquisition of Right-of-Way for the Buhach at Ashby Project and accept Grant Deeds; approve payment to Trans County Title Company for the accepted value of property plus escrow and any other transaction fees and adopt Resolution.

**AUTHORIZED CONTRACT NO. 2008292; GRANT DEED CONTRACT NOS. 200807GD FOR APN 005-120-015 AND NO. 200808GD FOR APN 005-120-017 AND ADOPTED RESOLUTION NO. 2008-208 AS RECOMMENDED AYES: ALL**

27. Extension Request for Local Assistance Project with State of California to extend budget authority for Road Projects with lapsing unspent Federal or State Funds for the Avenue Two Canal Creek Bridge Replacement Project.

**APPROVED AS RECOMMENDED AYES: ALL**

28. Relieve Public Works of accountability for Asset #LI1981A (Bailer pad and electrical supply wiring), which served as a paved area in the temporary transfer station which had to be demolished in order to construct the project, and allow the Auditor to remove the item from Public Works-Solid Waste Inventory.

**APPROVED AS RECOMMENDED AYES: ALL**

29. Approve the Revised FY 2008/09 Priority List for Merced County Community and Veterans Halls which adds the Merced Veterans Hall Auditorium Ceiling Replacement Project with an estimated budget of \$60,000 and authorize Public Works to proceed with completion of the Projects on the approved list in Priority Order, commensurate with the amount available in the approved budget.

**APPROVED AS RECOMMENDED AYES: ALL**

#### MENTAL HEALTH

30. Contract with Calif. Office of Traffic Safety for expansion of the Friday Night Live Chapters at Los Banos and Gustine High Schools in the amount of \$9,400 and approves the necessary budget transfer. (4/5 Vote Required)

**REVIEW BOARD ORDER – SEE PAGE 14**

#### HUMAN SERVICES AGENCY

31. Contract with Merced Lao Family Community, Inc. for Home Visitor Services.

**AUTHORIZED CONTRACT NO. 2008302 AS RECOMMENDED AYES: ALL**

HEALTH

32. Contract with The California Endowment for Healthy Kids Premium Subsidy Support for \$100,000 Grant to provide premium support for Merced County Healthy Kids eligible children ages 6-18 and approve the budget transfer-\$67,000.00. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2008290 AS RECOMMENDED AYES: ALL**

33. Authorize cancellation of the local enforcement of the Employee Housing Program effective January 1, 2009 in accordance with Calif. Health & Safety Code Section 17050(h).

**APPROVED AS RECOMMENDED AYES: ALL**

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

34. Approve amendment to Castle Airport "Minimum Standards for Commercial Aeronautical Activities" at Castle Airport and adopt Resolution.

**REVIEW BOARD ORDER – SEE PAGE 14**

35. Authorize Chairman to sign Major Subdivision Map (MAS08-002) for the Castle Commerce Center for the creation of eight parcels that was transferred to the County by the Federal Government through Economic Development Conveyance and the deed transfer on December 19, 2006 and approved by the Planning Commission on May 14, 2008.

**APPROVED AS RECOMMENDED AYES: ALL**

36. Find the declaration of 3.61 acres of land, including Building 1260, within the Castle Airport Aviation and Development Center as Surplus and the conveyance of this property by Quitclaim Deed to the Merced County Redevelopment Agency for the purpose of sale to TCW, Inc. is within the scope of the Subsequent Environmental Impact Report for the Castle Redevelopment Plan certified by the Merced County Redevelopment Agency on December 18, 2007; authorize the Chairman to sign Quitclaim Deed and adopt Resolution.

**ADOPTED RESOLUTION NO. 2008-210 AS RECOMMENDED AYES: ALL**

37. Find that the declaration of 1.16 acres of land, including Buildings 4112, 4114 within the Castle Airport Aviation & Development Center as Surplus and the conveyance of this property by Quitclaim Deed to the Merced County Redevelopment Agency for the purpose of sale to Western Farm Service, Inc. is within the scope of the Subsequent Environmental Impact Report for the Castle Redevelopment Plan certified by the Merced County Redevelopment Agency on December 18, 2007; authorize the Chairman to sign the Quitclaim Deed and adopt Resolution.

**ADOPTED RESOLUTION 2008-211 AS RECOMMENDED AYES: ALL**

PROBATION

38. Authorize submission of Application to the Corrections Standards Authority to participate in the Juvenile Accountability Block Grant Program and authorize the Contract to be signed by the Chief Probation Officer to receive the funds in the amount of \$13,372 and adopt Resolution.

**AUTHORIZED CONTRACT NO. 2008303 AND ADOPTED RESOLUTION NO. 2008-212 AS RECOMMENDED AYES: ALL**

SHERIFF

39. Authorize purchase of EF Johnson Mobile Radios from Mobile Communications, Inc.

**APPROVED AS RECOMMENDED AYES: ALL**

40. Accept \$112 Donation received from Dennis Bauer and Universal Service Recycling Merced, Inc. to help and support the Sheriff's Ag. Crimes Task Force in their fight against the agricultural community.

**APPROVED AS RECOMMENDED** **AYES: ALL**

41. Authorize Request for Proposal to hire a consultant service for analysis, coordination and development of the Merced County Mass Fatality Management Plan that meets Homeland Security goals and compliance requirements and approve the budget transfer-\$20,000.

**APPROVED AS RECOMMENDED** **AYES: ALL**

42. Authorize purchase of two Law Enforcement Canines from World K-9, Inc. and return to the Board for final approval prior to purchase.

**APPROVED AS RECOMMENDED** **AYES: ALL**

43. Authorize purchase of 100 Triple Bunk Beds to be fiscally supported by Trust 1810 - Capital Projects Correctional Facility and approve the budget transfer-\$100,000. (4/5 Vote Required)

**APPROVED AS RECOMMENDED** **AYES: ALL**

44. Authorize purchase of a Used 2000 Road Rescue Ambulance from the Westside Community Healthcare District in the amount of \$1.00 for Coroner Services.

**APPROVED AS RECOMMENDED** **AYES: ALL**

45. Authorize Fees collected from Outside Agencies for Law Enforcement Classes sponsored by the Sheriff Dept. be re-deposited into the Line Items that are affected by holding the class when revenue is recognized and approve the budget transfer-\$525. (4/5 Vote Required)

**APPROVED AS RECOMMENDED** **AYES: ALL**

46. Authorize the Application to the Governor's Office of Homeland Security for the FY 2007 Buffer Zone Protection Program Grant to increase security at the two sites determined by the Federal Government in an amount not to exceed \$1,000,000.00 with the Sheriff to return to the Board for acceptance of said Grant.

**APPROVED AS RECOMMENDED** **AYES: ALL**

#### MERCED COUNTY SPRING FAIR

47. Authorize Sole Source Contract with AMP Racing and allow the Spring Fair Manager to return to the Board with a Contract with AMP Racing for Motocross Racing during the Annual Fair.

**APPROVED AS RECOMMENDED** **AYES: ALL**

#### TREASURER-TAX COLLECTOR

48. Contract with Commerce, Aviation and Economic Development for lease space for records storage in a portion of Building 1230 (approximately 170 square feet).

**AUTHORIZED CONTRACT NO. 2008304 AS RECOMMENDED** **AYES: ALL**

49. Authorize the Tax Collector to absorb the E-Check Processing Fee as a cost of doing business and to be paid from available appropriations in Line Item #22376-Special Dept. Expense-Bank Fee.

**APPROVED AS RECOMMENDED** **AYES: ALL**

50. Approve Notice of Intent to Sell Tax Defaulted Properties at Public Auction which may include an Internet Auction in March, 2009 subject to the Tax Collector's power; authorize



the reduction of the minimum bid price if no bids are received or approve the re-offer of unsold parcels at the same day or next scheduled auction within 90 days with parties of interest notification.

**REVIEW BOARD ORDER – SEE PAGES 14 AND 15**

51. Delegate the Investment Authority to the County Treasurer for the 2009 Calendar Year pursuant to Government Code Section 27000.1 and 53607 and adopt Resolution to renew its delegation.

**ADOPTED RESOLUTION NO. 2008-213 AS RECOMMENDED AYES: ALL**

**LIBRARY**

52. Authorize closure of the Merced County Library System on the Saturday after an official County Friday holiday and that precedes an official County Monday Holiday.

**APPROVED AS RECOMMENDED AYES: ALL**

**DEPT. OF ADMIN. SERVICES**

53. Declare Miscellaneous Office Furniture and Miscellaneous Office Equipment as Surplus Property shown on Exhibit A and authorize its disposal and authorize an Internet Public Auction to be conducted by Public Surplus LLC.

**APPROVED AS RECOMMENDED AYES: ALL**

**COUNSEL**

54. Authorize transfer of territory between the Merced City School District and the Weaver Unified School District and order the change in boundaries of the School Districts and adopt Resolution.

**ADOPTED RESOLUTION NO. 2008-214 AS RECOMMENDED AYES: ALL**

55. Amend the Conflict of Interest Code for Merced County to include, delete and modify the positions identified in the County and adopt the Merced County Conflict of Interest Code in accordance with the 2008 Biennial Review.

**APPROVED AS RECOMMENDED AYES: ALL**

**BOARD OF SUPERVISORS**

56. Accept and approve recommendations from the Special Districts and notify the Special Districts of the action taken, authorize the Clerk to complete and sign the Local Agency Biennial Notice as required.

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

57. Authorize Special Board Projects-District Two to be forwarded as follows: (1) Disencumber \$187,000 from Account 22300 to be used to offset salaries and wage deficit in Human Services Agency; (2) \$5,000 to the Merced County Arts Council for art and education programs; and, (3) \$100,000 to the Merced Theatre Foundation for construction and the creation of jobs for economic development in the County of Merced and approve the necessary budget transfer.

**REVIEW BOARD ORDER – SEE PAGE 16**

**EXECUTIVE OFFICE**

58. (1) Rescind September 16, 2008 Final Budget Action Item No. 9, Action 3 to approve Resolution adding the AG STAR Sheriff Sergeant/Sheriff Senior Sergeant; (2) Deliberate

and add the AG STAR Sheriff Sergeant/Sheriff Senior Sergeant and adopt Position Allocation Resolution; (3) Rescind November 4, 2008 Action Item 44, Action 6 adopting Position Allocation Resolution; (4) Deliberate and approve the deletion of 93 positions from Human Services Agency and 12 positions from Dept. of Workforce Investment and adopt Position Allocation Resolution; (5) Rescind November 4, 2008 Action Item 43, Action 24 approving Salary, Position and Rules and Regulation Resolutions; and, (6) Deliberate and approve the Position Allocation Resolution, Salary Resolution and Rules and Regulations Resolution related to November 4, 2008 Personnel Actions.

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

**AUDITOR**

59. Contract Amendment No. 2001300 with ACS Exigent Solutions for Automated Indexing and Redaction as required by AB 1168 for the Recorder's Program and approve the budget transfer-\$302,000.00. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2001300 AS RECOMMENDED AYES: ALL**

**BOARD APPOINTMENTS**

60. Advisory Board on Alcohol and Other Drug Problems – Appointed Michelle Symes as the Education Representative to serve at the Pleasure of the Board.

**APPROVED AS RECOMMENDED AYES: ALL**

61. Library Advisory Commission – Reappointed Bonnie Key representing District 1 until August 31, 2010 and Martha Acevedo representing District 2 until August 31, 2011.

**APPROVED AS RECOMMENDED AYES: ALL**

62. Gustine-Romero Resource Conservation District – Reappointed Joe Borrelli and Frank Cardoza until November 29, 2012 and George Griset until November 24, 2010.

**APPROVED AS RECOMMENDED AYES: ALL**

63. Henry Miller Reclamation District – Reappointed Anthony Neves, Jim Nickel and Greg Pearl until November 6, 2011.

**APPROVED AS RECOMMENDED AYES: ALL**

64. Merced County Employees Retirement Board - Appointment to At Large position, Term begins 1/1/2009: Option 1) Reopen the application process for the Retirement Board position currently held by Ralph Busby (term to expire January 1, 2009), direct the Clerk to accept applications and set a date for Interviews at a 2009 Board Meeting; Option 2) Direct Staff to contact the Applicant with the next highest score from the At Large Interviews held on October 7, 2008 Board Meeting to determine his willingness and eligibility to accept the position to be effective January 1, 2009. If the next highest scoring candidate is not willing or eligible to serve, staff will continue on to the other scored candidates, in order of highest score, until a willing and eligible appointee is determined.

**REVIEW BOARD ORDER – SEE PAGE 18**

**BOARD INFORMATION & POSSIBLE ACTION**

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

65. Public Works re: Notification of Purchase Order and Contract Award issued to Carter Construction for the Planada Deep Pit at Planada Park in the amount of \$39,954.

**AUTHORIZED CONTRACT NO. 2008305**

66. Dept. of Admin. Services re: Net Proceeds received from Internet Auction during the period of July 1, 2008 through September 30, 2008 was \$3,700.62.
67. Dept. of Workforce Investment re: 2008/2009 WIA Subgrant Contract R970546, Modification 1 with the State Employment Development Department.
68. California Water Boards re: California Aquatic Bioassessment Workgroup - 15th Annual Meeting set for November 19 - 20, 2008.
69. State Water Resources Control Board re: Notice of Public Hearing - Golden State Water Company, San Dimas Canyon Tributary to San Gabriel River in Los Angeles County.
70. State Water Resources Control Board re: Notice of Public Hearing - Irish Beach Water District, Mallo Pass Creek Tributary to Pacific Ocean in Mendocino County.
71. California Air Resources Control Board re: Notice of Public Hearing to consider the adoption of a regulation to reduce Greenhouse Gas emissions from Heavy Duty Vehicles.
72. Federal Emergency Management Agency re: Flood Insurance Study - Revised December 2, 2008, Merced County, California and Incorporated Areas. (On file with Clerk)
73. Turlock Irrigation District re: Notice of public hearing on December 9, 2008 to consider a proposal by the TID to increase rates charged for irrigation water.
74. San Joaquin Valley Air Pollution Control District re: Annual Report to the Community, October 2008. (On file with Clerk)
75. University of California re: Notice of Completion - Draft Environmental Impact Statement/Environmental Impact Report. (On file with Clerk)
76. State Water Resources Control Board re: Draft Decision partially approving Water Right Application 31174 - Orange County Water District, Santa Ana River, Orange and Riverside Counties.
77. State Wildlife Conservation Board re: Notice of Meeting - Wildlife Conservation Board Notice of Meeting November 20, 2008.
78. State Fish and Game Commission re: Notice of Proposed Emergency Changes in Regulations relating to incidental take of longfin smelt.

**ADOPTED RESOLUTIONS IN MEMORY OF THELMA ROBINSON, JOE RIVERO, DARWIN NELSON, ROY WARD AND DELIA GALLEGOS (TELLES) AND RECESSED TO SIT AS A REDEVELOPMENT AGENCY**

## **BOARD ORDERS – SUMMARY ACTION MINUTES – NOVEMBER 18, 2008**

### **10:00 A.M. SCHEDULED ITEM** **2008-11-18 PUBLIC OPPORTUNITY**

Jeff Miller, Member of the Merced County Sheriff's Employee Association (MCSEA), reads a letter from MCSEA President Terry Adams in opposition to the pay differential for Mental Health Administrative Operations Manager and expresses concerns regarding the County Executive Officer's alleged actions.

John Alexander, Merced County Health Consortium, urges the Board to adopt the Managed Medical Care Commission Ordinance that is on the Board Agenda.

Grant Wilson, Merced, states he agrees that County employees should not receive raises, suggests the Brown Act may have been violated and is very concerned with Child Protective Services' actions.

Chris Carpenter, prior Mental Health employee, states concern with Mental Health Services and problems within the Merced County system as a whole and urges the Board to make sure Mental Health services are provided to those people in need.

Anita Richards, Health Department employee, speaks regarding accountability in the workplace and community and states opposition to large pay raises during these difficult times.

Amy Martinez, Human Services Agency employee, asks the Board to be fair when making decisions about pay increases, states disappointment with the handling of the county current personnel issues and suggests the Board Meetings be held in the evening.

Herb Opalek, Merced, states the Merced Rescue Mission will be providing free Thanksgiving meals in the Merced, Los Banos and Planada areas and invites the Board Members, CEO and County staff to help serve meals and states food donations are also greatly appreciated.

Dr. Allen Rutledge, President of the Medical Society and Chief of Staff at Mercy Medical Center, states the Medical Care Commission Ordinance before the Board today, will increase the flow of funds to facilities and physicians as well as keeping local control and urges the adoption of the Ordinance creating the Commission.

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

### **10:00 A.M. SCHEDULED ITEM** **2008-11-18 PRESENTATION**

Merced County Superintendent of Schools Lee Andersen advises pursuant to California Education Code Section 1240(c)(2)(B) pursuant to the Williams Settlement, the Superintendent shall visit schools identified in our County, review information and report back to the Board the results of the visits. Superintendent Andersen provides the FY 2008-09 School Facilities review of

Atwater, Delhi, Dos Palos, Gustine, Hilmar, Le Grand Elementary, Le Grand High School, Los Banos, Merced City, Planada and Winton Districts.

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

**10:00 A.M. SCHEDULED ITEM**  
**2008-11-18 PUBLIC WORKS – PUBLIC HEARING**

The time and date previously set for a public hearing to consider the General Vacation of that portion of Knowles Road between El Nido Road and Washington Road in the El Nido area.

Public Works Director Paul Fillebrown states concerns were expressed by the El Nido School District due to the school bus transportation route, and now an easement has been agreed to be provided to the School and Staff is recommending approval of the Vacation.

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 approves the general vacation of that portion of Knowles Road between El Nido Road and Washington Road in the El Nido area and adopts Resolution No. 2008-206.

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

**10:00 A.M. SCHEDULED ITEM**  
**2008-11-18 HEALTH – ORDINANCE NO. 1850**

The time and date previously set to consider a Proposed Ordinance Creating the Santa Cruz-Monterey-Merced Managed Medical Care Commission (Adding Chapter 9.43 to Title 9 of the Merced County Code) submitted by the Health Department.

Public Health Director John Volanti reviews the Staff Report and proposed ordinance.

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

Upon motion of Supervisor Pedrozo, seconded by Supervisor O'Banion, duly carried, the Board establishes the Santa Cruz-Monterey-Merced Managed Medical Care Commission, authorizes staff to return with recommendations to implement the Commission and adopts Ordinance No. 1850.

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

**ACTION ITEM NO. 30**

**2008-11-18 MENTAL HEALTH**

The Clerk announces the California Friday Night Live Partnership Friday Night Live Chapter Expansion Funding submitted by Mental Health is before the Board for consideration.

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board authorizes acceptance of the California Friday Night Live Partnership Friday Night Live Chapter Expansion funding in the amount of \$9,400 for October 1, 2008, through September 30, 2009, and approves the budget transfer in the amount of \$6,800 with the understanding the contract will come back to the Board for approval.

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

**ACTION ITEM NO. 34**

**2008-11-18 COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT**

The Clerk announces Amendment to the Castle Airport Minimum Standards for Commercial Aeronautical Activities at Castle Airport submitted by Commerce, Aviation and Economic Development is before the Board for consideration.

Commerce, Aviation and Economic Development Director John Fowler reviews the Staff Report and states there are four references to the word "visitor" in the Minimum Standards document and requests "visitor" be changed to "customer".

Upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board approves the Amendment to the Castle Airport Minimum Standards for Commercial Aeronautical Activities at Castle Airport changing the term "visitor" to "customer" as requested by Commerce, Aviation and Economic Development and adopts Resolution No. 2008-209.

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

**ACTION ITEM NO. 50**

**2008-11-18 TREASURER/TAX COLLECTOR**

The Clerk announces Notice of Intent to Sell Tax-Defaulted Properties submitted by the Treasurer/Tax Collector is before the Board for consideration.

Upon motion of Supervisor Pedrozo, seconded by Supervisor O'Banion, duly carried, the Board approves selling of the following properties subject to the Tax Collector's power to sell at a Public Auction which may include an Internet Auction in March, 2009, and authorize the reduction of the minimum bid price if no bids are received or approve the re-offer of unsold parcels at the same day or next scheduled auction within 90 days with parties of interest notification:

- Lloyd & Martha Svitak, 001-036-007/DEF 010-000-001, \$7,900.00;
- Mid State Fuels, Inc., 003-076-011/DEF 020-000-043, \$51,505.00;
- Joseph S. & Eva E. Lankford, 003-102-011/DEF 010-000-047, \$5,329.00;
- Kia L. Lee, 004-120-008/DEF 920-000-0063, \$3,671.00;
- Rodgers Evangelistic Assoc., 009-163-009/DEF 030-000-186, \$12,309.00;
- John Overholtzer, 003-320-007/DEF 030-000-210, \$19,972.00;
- Pope Enterprises A Partnership, 011-090-001/DEF 030-000-235, \$2,269.00;

Erie Franks, 013-090-006/DEF 960-001-684, \$4,136.00;  
Minnie Simpson, 014-090-014/DEF 030-001-405, \$5,423.00;  
Albert Briseno, 014-110-011/DEF 020-001-384, \$13,342.00/014-110-012/  
DEF 020-001-385, \$3,027.00/014-110-013/DEF 020-001-381, \$3,874.00;  
Mary Amaya, 024-191-006/DEF 020-000-304, \$2,233.00;  
Estate of Heirs of John/Clara W. Peckham, 024-241-004/DEF 030-000-345, \$3,042.00;  
Juan R. Aguilar, 025-063-003/DEF 020-000-329, \$5,439.00;  
Joe M./Mary E. Chavez, 032-133-016/DEF 020-000-454, \$18,428.00;  
Mary F. Baker, 032-161-002/DEF 030-000-492, \$6,759.00;  
Nina J. Shingler, 073-170-024/DEF 960-000-799, \$41,570.00;  
James Long, 040-015-014/DEF 020-000-544, \$5,210.00;  
Anastacio/Rita Escamilla, 040-024-009/DEF 020-000-545, \$2,628.00;  
Estate of Heirs of Jess/Alice Moore-040-041-005/DEF 930-000-751, \$24,876.00;  
Estate of Heir of Loma Mae Magness, 040-092-009/DEF 95-000-930, \$4,444.00;  
John F./Fran Miranda, 042-040-010/DEF 990-000-815, \$2,164.00;  
Steve W./Rose E. Quinn, 049-270-004/DEF 030-000-730, \$3,938.00;  
Verlan Ray Sherrell Jr, 052-120-004/DEF 020-000-661, \$6,084.00;  
Chris/Jeanne Denham, 055-221-004/DEF 030-000-787, \$7,369.00;  
Joe D. Dennett, 055-238-050/DEF 020-000-747, \$2,559.00;  
Hans Felix Krebs, 056-330-015/DEF 010-000-797, \$4,874.00;  
Enrique C./Maricela Aguilar, 056-040-026/DEF 030-000-826, \$6,747.00;  
Kenneth Charles Gerhard, 066-064-008/DEF 020-000-849, \$19,309.00;  
Johnny/Jerry Williams, 066-080-020/DEF 020-000-952, \$3,000.00;  
Marjorie Pitka, 070-250-004/DEF 020-001-024, \$2,274.00;  
Santa Nella Plaza Partnership, 070-260-006/DEF 020-001-025, \$406,739.00/  
070-260-018/DEF 20-001-031, \$440,736.00/070-260-021/DEF 020-001-033, \$880,270.00;  
Budmire Golomeic, 081-080-009/DEF 010-001-101, \$2,522.00;  
Rodrigo R./Maria Angelica Sandoval, 083-200-007/DEF 020-002-277, \$22,027.00;  
John O. Germino, 088-200-010/DEF 960-001-671, \$4,324.00;  
Donald Tallent, 146-020-014/DEF 020-001-429, \$5,611.00;  
Dorothy Anne Taylor, 146-091-004/DEF 990-001-616, \$4,670.00;  
James J. Hammond, 269-090-003/DEF 020-001-541, \$2,595.00;  
Juan Hernandez, 373-074-002/DEF 010-001-094, \$6,275.00 and  
Jose Avelar-373-082-025/DEF 030-001-117, \$7,828.00.

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

#### **ACTION ITEM NO. 56**

#### **2008-11-18 BOARD OF SUPERVISORS**

The Clerk announces the Biennial Notice for the Conflict of Interest Codes for the Special Districts are before the Board for consideration.

Upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board accepts and approves recommendations from the following Special Districts and notify the Special Districts of the action taken, authorize the Clerk to complete and sign the Local Agency Biennial Notice as required:

Cemetery Districts: Dos Palos, Merquin (Sunnyside) and Winton;

Community Service Districts: Le Grand, Planada, Snelling and Volta;  
Drainage Districts: Charleston and Gustine.  
Irrigation District: Merced;  
Resource Conservation District: East Merced and Grassland;  
School Districts: Atwater Elementary, Delhi Unified, El Nido, Gustine, Hilmar, Le Grand Union Elementary and Le Grand Union High, Livingston Union, McSwain Union Elementary, Merced County Office of Education, Merced River, Merced Union High, Plainsburg Union Elementary, Planada Elementary; Snelling-Merced Falls and Winton;  
Water Districts: Centinella (Inactive), Country Club, Delhi, Franklin, Laguna, Landsale (Inactive), Le Grand-Athlone, Merquin, Santa Nella, Turner Island and Winton Water and Sanitary.  
Miscellaneous Districts: Bloss Memorial Hospital and Mosquito Abatement District.  
Ayes: Crookham, Pedrozo, Nelson, Kelsey, O'Banion

**ACTION ITEM NO. 57**

**2008-11-18 BOARD OF SUPERVISORS**

The Clerk announces Special Board Project Funds-District Two expenditures is before the Board for consideration.

Chairman Crookham reviews the proposed expenditures stating all the allocations will provide jobs in Merced County.

Supervisor O'Banion moves, seconded by Supervisor Crookham, the Board authorize Special Board Project Funds-District Two be forwarded as follows: 1) Disencumber \$187,000 from Account 22300 to be used to offset salaries and wage deficit in Human Services Agency, 2) \$5,000 to the Merced County Arts Council for art and education programs, 3) \$100,000 to the Merced Theatre Foundation for construction and the creation of jobs for economic development in the County of Merced and approve the related budget transfer.

Supervisor Nelson recites rules regarding the reconsideration of a motion and states he cannot support the motion.

Supervisor O'Banion states the amounts are different than what was previously before the Board and there is no reason why the item cannot be brought forward.

Supervisor Pedrozo states concern with the amount of expenditures being proposed and states the theater is in District One and not District Two.

The Chairman calls for a vote on the Motion.

Supervisors Pedrozo, Nelson and Kelsey vote "no". Motion fails.

Ayes: Crookham, O'Banion

Noes: Pedrozo, Nelson, Kelsey



## **ACTION ITEM NO. 58**

### **2008-11-18 BOARD OF SUPERVISORS**

The Clerk announces Salary, Position and Rules and Regulations Allocations Resolutions regarding actions of September 16, 2008 Final Budget Hearings and November 4, 2008 board action to address impacts from the State Budget is before the Board for re-consideration.

Supervisor Pedrozo recuses himself from voting on Recommendation Nos. 5 and 6 as proposed in the Staff Report due to his spouse's employment at Child Support Services.

County Counsel James Fincher explains the intent of the recommended action stating at the September 16, 2008 and November 4, 2008 Board Meeting, recommendations were presented to the Board that need to be rescinded based on material not included in the board packet and not before the Board for action.

County Executive Officer Demitrios Tatum requests Page Two, third paragraph of the Staff Report be corrected to reflect a decrease of \$460,000 instead of an increase of \$460,000.

Human Resources Director Robert Morris reviews the Staff Report and the recommendations stating the Staff Report presented on November 4, 2008 did not include the resolutions to amend the Salary, Position and Rules and Regulations Resolutions and therefore it is recommended the Board rescind the previous actions taken and reconsider the item with the full text of the resolutions provided at this time.

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

Following discussion relative to the Agenda meeting packets and upon motion of Supervisor Pedrozo, seconded by Supervisor Kelsey, duly carried, the Board takes the following action on the Recommendations before the Board:

1. Rescind Item No. 9, Action No. 3 on the September 16, 2008 Final Budget Hearing Agenda to approve the resolution adding the Ag Star Sheriff Sergeant/Sheriff Senior Sergeant.
2. Add one AG STAR Sheriff Sergeant/Sheriff Senior Sergeant, Range, 73.6/72.6 to BU-22100 and adopt Resolution No. 2008-215.
3. Rescind Item No. 44, Action No. 6 on the November 4, 2008 Agenda approving the resolution amending the Position Allocation Resolution.
4. Approve the Position Resolution deleting 93 positions from Human Services Agency and 12 positions for Department of Workforce Investment and adopt Resolution No. 2008-216.

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

Supervisor Pedrozo leaves the Board Chambers at 11:20 a.m.

Supervisor Kelsey moves, seconded by Supervisor Nelson, the Board take the following action on Recommendations 5 and 6:

5. Rescinds Item No. 43, Action No. 24 and Resolution No. 2008-205 on the November 4, 2008 Agenda approving the resolutions amending the Salary, Position, and Rules and Regulation Resolutions.
6. Approve the Positions Resolution, Salary Resolution and Rules and Regulations Resolution related to the November 4, 2008 Personnel Actions and adopts Resolution No. 2008-217, Final Budget-Personnel Actions for 2008/09; Resolution No. 2008-218, Special

Compensation-Special Duty Pay and Bilingual/Biliterate Pay Differential and 2008-219, Additional Compensation for Volunteer Firefighter (Rules and Regulations Amendment).

The Chairman calls for a vote on the Motion. Motion carries.

Ayes: Crookham, Nelson, Kelsey, O'Banion

Not Present: Pedrozo

**ACTION ITEM NO. 64**

**2008-11-18 MERCED COUNTY EMPLOYEES RETIREMENT BOARD**

The Clerk announces the At Large Vacancy selection and Appointment to the Merced County Retirement Board is before the Board for consideration.

The Chairman reviews Options 1 and 2 as set forth in the Staff Report.

Supervisor Pedrozo moves, seconded by Supervisor Nelson, the Board select Option 2 and direct staff to contact the applicant from the October 7, 2008 Board Meeting with the next highest score to determine his willingness and eligibility to accept a position to the Merced County Employees Retirement Board of Directors in the position currently held by Ralph Busby, contingent upon his acceptance and eligibility, the appointment will be effective January 2, 2009, and if the next highest scoring candidate is not willing or eligible to serve, staff will continue on to the other scored candidates, in order of highest score, until a willing and eligible appointee is determined.

Supervisor O'Banion states he is in favor of another Interview Process to fill the At Large Position.

The Chairman calls for a vote on the Motion.

Supervisor O'Banion votes "no". Motion carries.

Ayes: Crookham, Pedrozo, Nelson, Kelsey

Noes: O'Banion