

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, FEBRUARY 03, 2009

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
HUBERT “HUB” WALSH, JR.....DISTRICT 2
MICHAEL G. NELSON.....DISTRICT 3
CHAIRMAN 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

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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.

THE PUBLIC IS INVITED TO SPEAK ON ANY ITEM ON THE AGENDA – TESTIMONY IS LIMITED TO FIVE MINUTES PER PERSON

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION: It is the intention of the Board to meet in Closed Session concerning Initiation of Litigation pursuant to Government Code Section 54956.9(c): 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): San Joaquin Raptor Rescue Center et al v. County of Merced, RMP, Real Party in Interest, Merced Superior Court Case No. 150013 and 150014 Cons.

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: Dept. of Workforce Investment Director and Title: County Librarian

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

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

PRESENTATION OF SERVICE PINS

20 YEARS OF SERVICE:

Human Services Agency: Pamela Szabo

Child Support Services: Kelley Presol

A RECEPTION WILL BE HELD IN ROOM 310 IN HONOR OF THE AWARDS

10:00 A. M. **BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES** (4/5 Vote Required) Human Services Agency-\$47,879; Health-\$144; Library-\$12,000; Sheriff-\$6,383 and Grand Jury-\$14,000

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 13)

APPROVED AS RECOMMENDED REMOVING ITEM #7 FROM THE AGENDA AYES: ALL

2:00 P. M. **JOINT STUDY SESSION WITH BOARD OF SUPERVISORS AND PLANNING COMMISSION**

Merced County General Plan Update Growth Alternatives

REVIEW BOARD ORDER

REPORTS/BOARD DIRECTION

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

CONSENT CALENDAR (Items #1 - 13)

APPROVED AS RECOMMENDED REMOVING ITEM NO. 7 AYES: ALL

Health

1. Approve and authorize Chairman to sign Renewal Contract No. 2006162 with Livingston Medical Group dba Livingston Community Health Services for Immunization Services.

Human Services Agency

2. Set public hearing for February 24, 2009 at 10:00 a.m. to consider Domestic Violence shelter services and program.
3. Approve and authorize Chairman to sign Amendment to Contract No. 2007163 with Aspiranet for SB 163 Wraparound Services increasing the contract amount from \$906,336 to \$1,208,448 and increasing children served from 12 to 24.
4. Approve and authorize Chairman to sign Renewal Contract No. 2005234 with Caton Properties for lease for Teen Center located on Main Street, Merced.
5. Approve and authorize Chairman to sign Renewal Contract No. 2004354 with State Dept. of Veterans Affairs for county veterans services funding.
6. Approve and authorize Chairman to sign Renewal Contract No. 2004334 with State Dept. of Veterans Affairs for Medi-Cal Cost Avoidance Program funds.

Fire

7. Approve and authorize Chairman to sign Renewal Contract No. 2005019 with Calif. Dept. of Forestry and Fire Protection for Fire Protection for FY 2008/09 and adopt Resolution.

NO ACTION IS TAKEN – REMOVED FROM FROM THE AGENDA

Dept. of Child Support Services

8. Approve and authorize Chairman to sign Amendment to Contract No. 2006056 with UC Davis for Staff Development and Training.

Planning

9. Set public hearing for February 24, 2009 at 10:00 a.m. to consider Appeal of Minor Subdivision Application No. MS08-020 to divide 139.7 acres into four parcels and a remainder parcel on property located on the east side of Whitworth Road, 1/2 mile south of Gun Club Road in Gustine.

Sheriff

10. Approve and authorize Chairman to sign Amendment to Contract No. 2006022 with Biometrics4all, Inc. to provide 24/7 on-site maintenance for the Livescan Machines.

Board Recognition

11. Authorize Recognition to Gerardo Medina for years of service to Public Works-Solid Waste.
12. Authorize Certificate of Recognition to Pizza + Fun for Ribbon Cutting.
13. Authorize Certificate of Recognition to Castle Youth Center and Atwater Pal for Ribbon Cutting and Grand Opening.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

14. Authorize negotiation of purchase price of office space located within the Hacienda Business Park, Los Banos for Mental Health Department; authorize Public Works to return to the Board to consummate the purchase if price is within budget and approve the necessary budget transfers. (4/5 Vote)

APPROVED AS RECOMMENDED AYES: ALL

15. Authorize purchase of Arsenic Reduction Media replacement for Correctional Facility Arsenic Treatment Plant from Severn-Trent Water Purification, Inc.; authorize issuance of Purchase Order for Bayoxide E33 Medica in the amount of \$55,036 and authorize Request for Proposal to suppliers of arsenic reduction media for ongoing arsenic media replacement services and return to the Board for contract approval.

APPROVED AS RECOMMENDED AYES: ALL

MENTAL HEALTH

16. Amendment to Contract No. 2005149 with Community Social Model Advocates, Inc. for the provision of Men's and Women's Alcohol and Drug Residential Recovery Services for FY 2008/09 and approve the necessary budget transfer. (4/5 Vote Required).

APPROVED AS RECOMMENDED AYES: ALL

17. Contract with Residential Care Facility Devereux Texas for Adolescent Residential Treatment for Mental Health services; approve Out-of-State Travel for FY 2008/09 for mental health staff providing on-site case management for the Youth for approximately four visits @ \$1,000 each for a total of \$4,000, which will replace the Out-of-State Travel approved in Final Budget to Utah and approve the budget transfer.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

18. Authorize submission of Application for nomination to the Child Abuse Prevention Center for the 2009 Community Service Provider Award Category and return to the Board if awarded.

APPROVED AS RECOMMENDED AYES: ALL

19. Amendment to Contract No. 2004118 with Mental Health for Alcohol and Drug Services changing the Budget from \$558,969 to \$569,307 and approve the necessary budget transfer. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

20. Amendment to Contract with Mental Health for Mental Health Services changing the contract budget from \$660,978 to \$698,134 and approve the budget transfer. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

21. Approve the FY 2007-2008 Area Plan Year End Report for the Merced County Area Agency on Aging and authorize Chairman to sign the Transmittal Letter.

APPROVED AS RECOMMENDED AYES: ALL

22. Approve release of the Request for Proposal for the Congregate Nutrition Program, solicit and select potential vendors with recommended action to be returned to the Board for final approval.

APPROVED AS RECOMMENDED AYES: ALL

23. Approve release of the Request for Proposal for the Home Delivered Meals Program, solicit and select potential vendors with recommended action to be returned to the Board for final approval.

APPROVED AS RECOMMENDED AYES: ALL

24. Approve release of the Request for Proposal for the Senior Legal Assistance Program, solicit and select potential vendors with recommended action to be returned to the Board for final approval.

APPROVED AS RECOMMENDED AYES: ALL

HEALTH

25. Contract renewal with San Joaquin County Health Services for a Grant from the State Dept. of Health for the Immunization Registry Services and approve the necessary budget transfer. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

26. Contract with State Dept. of Health for AIDS Drug Assistance Program administration for FY 2008/09.

APPROVED AS RECOMMENDED AYES: ALL

PLANNING

27. Contract with Alliance Church of Merced for reimbursement of consultant costs for preparation of an Initial Study for GPA08-003, ZC08-004 and CUP08-016 and of the required CEQA environmental documents. (Construct 9,900 square foot church facility and install 7,680 square feet of portable classrooms, office space and restrooms on 15.7 acres in Winton)

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

28. Approve the NACo Achievement Award Applications for Human Services Agency for the High-Schooled Assistance Dog Program and All Dads Matter and authorize the Chairman to sign the Letter of Authorization for Merced County's entries.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN RESOURCES

29. Authorize a one year (2080 hour) Probationary Period for the classifications of Deputy County Counsel I/II/III/IV (3052/3051/3048/3047) for Employees hired after February 3, 2009, amend Human Resources Rules and Regulations Resolution No. 2007-22 and adopt Resolution.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

30. Authorize Public Works (PW) and Commerce, Aviation and Economic Development (CAED) to work with Mead & Hunt to complete the project designs for the Replacement of Taxiway "A" and "D" runway connectors, Repair failing section of Runway 13/31 and make needed improvements to Taxiway edge lighting, vault electrical and drainage on the Airport under existing Contract No. 2005129; authorize the bidding of the projects; authorize the Chair to sign the applicable FAA Grant Application documents for submittal by CAED and direct the Departments return to the Board for acceptance of the grant, if awarded and approval of the bids and approve the budget transfer. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

FIRE

31. Appoint Dale A. Hutchinson as Merced County Fire Chief and Director of Merced County Office of Emergency Services (OES) pursuant to Ordinance No. 1567; identify authorized agents for Merced County Office of Emergency Services and adopt Resolution.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

32. Authorize the sole source purchase of Hurst Auto Extrication Systems for Fire and authorize issuance of Purchase Order to LN Curtis and Sons for said purchase.

APPROVED AS RECOMMENDED AYES: ALL

33. Authorize the Fire Department participation in the "Fill the Boots for Burns" fund raising campaign for the period of February 13 through 16, 2009 for the Fire Fighters Burn Institute.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

34. Snelling Cemetery District - Appointment.

APPROVED AS RECOMMENDED AYES: ALL

35. Dos Palos Cemetery District - Appointments and Reappointment.

APPROVED AS RECOMMENDED AYES: ALL

36. Merced County Mosquito Abatement District - Reappointment.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

37. Mariposa County Board of Supervisors re: Supervisor Bibby to serve as Representative to the Foreign Trade Zone Advisory Board on behalf of Mariposa County.

38. Central Valley Regional Water Quality Control Board re: Meeting time changed Notice for February 5, 2009 to 8:00 a.m.

39. Calif. Association of County Fish & Game Commissions re: Invitation to attend the 2009 California Association of County Fish and Game Commission Conference set for February 4, 2009.

40. State Fish and Game Commission re: Notice of date change for Public Hearing on Proposed Regulatory action to February 5, 2009 at 8:30 a.m. in Sacramento, CA.

41. State Fish and Game Commission re: Notice of Proposed Regulatory Action, as well as Notice of Findings, resulting from the Commission's August 7, 2008 meeting that delta smelt warrants uplisting from endangered to threatened species status - Notice of Proposed Regulatory Action and Notice of Findings will be published in the California Regulatory Notice Register on January 16, 2009.

42. State Board of Forestry and Fire Protection re: Policy Statement entitled Board of Forestry and Fire Protection Policy Number 12 for Professional Foresters Registration - Guidance on the Certified Rangeland Manager Program.

43. State Board of Equalization re: Taxpayers Bills of Rights Hearings set for March 17 and April 28, 2009.

44. State Water Resources Control Board re: Notice of Opportunity to comment: Proposed approval of an amendment to the Water Quality Control Plan for the San Diego Region (Basin Plan) to incorporate implementation provisions for indicator bacteria water quality objectives to account for loading from natural, uncontrollable sources within the context of a total maximum daily load.

45. State Water Resources Control Board re: Notice of Opportunity to comment: Proposed approval of an amendment to the Water Quality Control Plan for the Lahontan Region (Basin Plan) establishing a total maximum daily load for sediment in the middle Truckee River Watershed.

46. State Water Resources Control Board re: Notice of Public Opportunity for public comment on proposed approval of an amendment to the water quality control plan for the Los Angeles Region (Basin Plan) to incorporate a total maximum daily load (TMDL) for trash in the Malibu Creek Watershed.

47. Federal Emergency Management Agency re: Notice when a new Flood Insurance Rate Map (FIRM) panel becomes effective, it automatically supersedes previously issued Letters of Map Revision-based on Fill (LOMR-Fs) and Letters of Map Amendment that have been issued on that map panel, even if they are still valid and should apply to the new FIRM as well - and this letter is to correct panel numbers inadvertently left off of the LOMC -VALID Letter as well as removing one case that has been superseded by the new FIRMs.

ADJOURNED MEETING UNTIL TUESDAY, FEBRUARY 24, 2009 AT 10:00 A.M.