



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, MARCH 03, 2009

Closed Session – 8:30 a.m.

Interviews – Santa Cruz-Monterey-Merced Managed Medical Care

Commission - 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

8:30 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 - 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(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): Corser v. County of Merced, et al. United States Eastern District Court Case Number 1:05-CV-00985-OWW-DLB; Somach Simmons Dunn v. County of Merced, et al. Sacramento County Superior Court Case Number 34-2009-00033797-CU-FR-GDS and Jimenez v. County of Merced, et al. Merced County Superior Court Case Number 150266

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

9:00 A. M.

INTERVIEWS - SANTA CRUZ-MONTEREY-MERCED MANAGED MEDICAL CARE COMMISSION

Applicants: Frank Baudino, M.D.; Dorothy Bizzini; John G. Cale; Kacey M. Carr; David Dunham; Cora Gonzales; JoAnne Gray and Ronita Pal

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

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Dept. of Admin. Services-\$264,000

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1-20)

APPROVED AS RECOMMENDED AYES: ALL

10:00 A. M.

PUBLIC WORKS - PUBLIC HEARING

To consider Resolution of Necessity to commence Eminent Domain Proceedings to acquire property for the Buhach/Ashby Intersection Project

RECOMMENDATION: Open public hearing, receive input and continue the public hearing to April 14, 2009

REVIEW BOARD ORDER – SEE PAGE 11

PLANNING - PUBLIC HEARING

To consider an Appeal to the Planning Commission approval of Minor Subdivision Application No. MS08-025 filed by San Joaquin Raptor Rescue Center/Protect Our Water. Said application submitted by James and Karen Barstow to divide an 80.18 acre parcel into two parcels: Parcel 1=39.31 acres and Parcel 2=40.87 acres on property located on the southeast corner of Pepper Street and Linwood Road in the Turlock area

RECOMMENDATION: Make a determination that the Application is exempt from CEQA review under Section 15061(b)(3) - "Common Sense" Exemption of the CEQA Guidelines and Deny the Appeal and uphold the Planning Commission's approval of Minor Subdivision Application No. MS08-025

REVIEW BOARD ORDER – SEE PAGE 11

REPORTS/BOARD DIRECTION

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

CONSENT CALENDAR (Items #1 - 20)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Approve and authorize Chairman to sign Amendment to Contract No. 2008185 with Merced Rescue Mission for necessary studies and CEQA compliance documentation for the construction of a 100-bed men's homeless shelter on County-owned property at a cost of \$20,045.58.
2. Authorize Merced Custom Car Show Committee to rent the three picnic shelters and park area between Veterans Cove and Scout Island at Lake Yosemite on August 1, 2009 for a Custom Car, Truck and Motorcycle Show; waive the vehicle park fee for participants and individuals attending the show; authorize an admission fee of \$10.00 per person; authorize the Committee to sell alcohol and food during the event; authorize the Committee admittance to the park at 6:00 a.m. and authorize Chairman to sign Contract No. 2009043

Mental Health

3. Approve and authorize Chairman to sign Amendment to Contract No. 2007250 with Aspira Foster and Family Services for Specialty Mental Health Services for SB 163 Wraparound Program.
4. Approve and authorize Chairman to sign Amendment to Contract No. 2007018 with JDT Consultants for Therapeutic Behavioral Services.
5. Approve and authorize Chairman to sign Amendment to Contract No. 2006018 with Healthy House within a Match Coalition for Interpreter services and approve the necessary budget transfer-\$17,200.

Human Services Agency

6. Approve and authorize Chairman to sign Amendment to Contract No. 2001102 with Calif. Statewide Automated System Consortium IV (C-IV) for Welfare and Employment Services Automation Services.
7. Approve and authorize Chairman to sign Amendment to Contract No. 2004249 with Calif. Dept. of Aging for Health Insurance Counseling and Advocacy Program (HICAP).

Ag. Commissioner

8. Approve and authorize Chairman to sign Renewal Contract No. 2004201 with Calif. Dept. of Food and Agriculture for Exotic Insect Pest Detection and adopt Resolution.

ADOPTED RESOLUTION NO. 2009-18

Planning

9. Approve and authorize Chairman to sign Amendment to Contract No. 2007128 with Willdan Corporation for Environmental Review and Permit Processing based on RFQ No. 6034.
10. Set public hearing for March 17, 2009 at 10:00 a.m. to consider Setting Aside the CEQA Determination and Project Approval of Minor Subdivision Application No. MS07-058 Project submitted by Chris Robinson.
11. Set public hearing for March 17, 2009 at 10:00 a.m. to consider the Appeal received to Minor Subdivision Application No. MS07-048 filed by San Joaquin Raptor Rescue Center, Protect Our Water for Application submitted by Lawrence Cattle Company to redivide two existing parcels totaling 179.66 acres into six parcels.
12. Set public hearing for March 17, 2009 at 10:00 a.m. to consider Appeal to Minor Subdivision Application No. MS08-021 filed by San Joaquin Raptor Rescue Center, Protect Our Water for Application submitted by Lorinne McKnight to subdivide a 42 acre parcel into two parcels.

Dept. of Admin. Services

13. Approve and authorize Chairman to sign Renewal Contract No. 2006051 (Participation Certificate) with Office Depot for participation in the U.S. Communities Government Purchasing Alliance through the use of Los Angeles Contract No. 42595.

Treasurer

14. Accept the Quarterly Investment Report for the Period Ending December 31, 2008.

Executive Office

15. Approve Travel Request submitted by Sheriff as recommended by Executive Office.
16. Approve Budget Transfer submitted by Health-\$22,000 as recommended by Executive Office.

Board of Supervisors

17. Approve Minutes of October 7 and October 21, 2008 as submitted.

Board Recognition

18. Authorize Resolution recognizing Larry Shankland for years of service to the County.
19. Authorize Certificates of Recognition to the Merced County Historical Society 2008 Award recognition as follows: Anthony Ochoa-Letus Wallace Award; Ann Carson-Docent of the Year; Mike Bik-Leadership as Past President; Kathleen Crookham-Heacox Pioneer Award; Joel Guerra and Julio Virgen-Youth Volunteers; Japanese American Citizens League Livingston-Rossotti Capital Improvement Grant and Hilmar-Irwin-Stevenson Historical Society for Rossotti Capital Improvement Grant Office Equipment Project for Mobile Museum.
20. Authorize Certificate of Recognition for celebration and dedication of the Richard Bernasconi Neighborhood Park.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

21. Authorize relocation and remodel of an existing 2,840 square feet modular office building for installation at the Ag. Center site; approve plans and specifications and authorize Public Works to conduct bid opening and authorize the Public Works Director to award the contract to the lowest responsible bidder so long as the bid is within the established budget with Public Works to return to the Board with actions taken.

AUTHORIZED CONTRACT NO. 2009044 AS RECOMMENDED AYES: ALL

22. Approve plans and specifications for the Break Room Sink Addition and Cabinetry Retrofit at Senior Center Facility; authorize Public Works to advertise for bids and conduct public bid opening; authorize Public Works Director to award the project to the lowest responsible bidder and authorize Chairman to sign contract if within the established budget and after approval by Counsel and direct Public Works to return to the Board with actions taken.

AUTHORIZED CONTRACT NO. 2009045 AS RECOMMENDED AYES: ALL

23. Approve Public Works to prepare plans and specifications for the George Washington Carver Center, South Dos Palos and authorize Public Works Director to approve, advertise and obtain public bids; authorize Public Works to award to lowest bidder if the bid is within the budgeted amount; authorize Admin. Services to obtain bids for furniture and issue a Purchase Order to the lowest bidder if within the budgeted amount and direct Public Works to return with information on action taken and approve the necessary budget transfer -

\$238,688. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2009046 AS RECOMMENDED AYES: ALL

MENTAL HEALTH

24. Approve submission to Mental Health Services Oversight and Accountability Commission of the Mental Health Services Act Fiscal Year 2009-2010 Annual Update to the State Dept. of Mental Health and authorize the Director to sign the necessary documents.

APPROVED AS RECOMMENDED AYES: ALL

25. Authorize Driving-Under-the-Influence Program licensure for Lifestyle Management Inc.'s operation at the Los Banos Facility to better provide First Offender and Multiple Offender Program services for Merced County residents and adopt Resolution.

ADOPTED RESOLUTION NO. 2009-19 AS RECOMMENDED AYES: ALL

26. Contract Amendment with State Dept. of Alcohol and Drug Programs for FY 2008-2009; approve the necessary budget transfer-\$48,513 and adopt Resolution. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2004110 AND ADOPTED RESOLUTION NO. 2009-20 AS RECOMMENDED AYES: ALL

27. Accept donation in memory of Colan Bettis in the amount of \$150.00 and authorize the use of donated funds for consumer needs and activities.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

28. Amendment to Contract with Calif. Dept. of Aging for Area Plan Contract for the Title III, VII, IIIE and CBSP Program and approve the necessary budget transfer-\$70,971. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2004222 AS RECOMMENDED AYES: ALL

29. Authorize submission of Application for Parenting Center to First 5 Merced County for up to \$300,000 per year for up to three fiscal years beginning 2009-10 and direct Human Services Agency Director to return to the Board if awarded.

REVIEW BOARD ORDER – SEE PAGES 11 AND 12

HEALTH

30. Contract Amendment with Abaris Group to provide consultant services for the development of emergency preparedness plans and approve the necessary budget transfer-\$32,560. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2008105 AS RECOMMENDED AYES: ALL

FIRE

31. Authorize Application for the 2009 Governor's Office of Emergency Services Emergency Management Performance Grant to be submitted by Office of Emergency Services to the Federal Dept. of Homeland Security and subgranted through the State and adopt Resolution designating Staff to act on behalf of the County of Merced in the application process.

ADOPTED RESOLUTION NO. 2009-21 AS RECOMMENDED AYES: ALL

PLANNING

32. Contract Addendum with George Reed, Inc. for reimbursement of costs provided by PBS&J for preparation of an EIR for Major Modification MM05-016 to Conditional Use Permit No. 2870 and related applications for the George Reed Mine Expansion Project and approve the necessary budget transfer-\$53,860. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2008318 AS RECOMMENDED AYES: ALL

33. Contract Amendment with PBS&J for preparation of Environmental documents and Permit Processing Applications for the George Reed Mine Expansion Project.

AUTHORIZED CONTRACT NO. 2006292 AS RECOMMENDED AYES: ALL

HUMAN RESOURCES

34. Authorize the addition of Paid Family Leave (PFL) to be included in calculating Seniority while the employee is coordinating with vacation, sick leave or compensatory time off and adopt Resolution amending Resolution No. 2007-22 Rules and Regulations to include the addition.

ADOPTED RESOLUTION NO. 2009-22 AS RECOMMENDED AYES: ALL

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

35. Contract with United States Marine Corps and Gemini Flight Support for use of Building 1310 and Hangar 1509 facilities at Castle in support of planned exercise for March 25, 2009 to April 8, 2009.

AUTHORIZED CONTRACT NO. 2009047 AS RECOMMENDED AYES: ALL

36. Contract with Valley Motorcycle Training, Inc. for classroom space (approximately 1000 sq. feet) on a non-exclusive basis in Building 1340 (Control Tower/General Aviation Terminal Building) in addition to 4.65 acres to provide actual motorcycle riding experience and classroom training.

AUTHORIZED CONTRACT NO. 2009048 AS RECOMMENDED AYES: ALL

SHERIFF

37. Authorize Sheriff to donate Asset Forfeiture Funds up to \$30,000 to the United Way to distribute to the Merced Rescue Mission and approve the necessary budget transfer. (4/5 Vote Required)

REVIEW BOARD ORDER – SEE PAGE 12

AUDITOR

38. Accept the Audited Merced County Comprehensive Annual Report and Single Audit for the Fiscal Year Ended June 30, 2008.

APPROVED AS RECOMMENDED AYES: ALL

LIBRARY

39. Accept the \$500 donation from Soroptimist International of Merced to be used toward developing Women's History materials, authorize the Librarian to deposit in the Library Merced Trust Fund #022305 and approve the necessary budget transfer-\$500. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

40. Approve the Amended Merced County Library Patron Conduct Policy that will supersede and replace the Merced County 1992 Rules of Behavior Policy.

APPROVED AS RECOMMENDED AYES: ALL

COUNTY CLERK

41. Adopt Resolution appointing the County Clerk the authority as agent to conduct all negotiations, execute and submit all documents, relating to the Standard Agreement 08G25112 with the Secretary of State, for payment requests, and other documentation which may be necessary for the execution of the duties and responsibilities under the Help America Vote Act (HAVA) of 2002.

ADOPTED RESOLUTION NO. 2009-23 AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

42. Authorize the Chairman to sign the Letter opposing the Draft Regulations for onsite sewer systems and impressing upon the State Water Resources Board the need for some regional flexibility within the regulations to allow modification of the requirements, with concurrence by the appropriate Regional Board, as long as groundwater quality and public health are not impacted.

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

43. Authorize \$5,000 from Special Board Project Funds-District Three to be forwarded to the Japanese American Citizens League (JACL) Merced Assembly Center Commemorative Committee for building a monument.

APPROVED AS RECOMMENDED AYES: ALL

APPOINTMENTS

44. Ad Hoc Committee on Juvenile Offender Resource Options – Appointed Troy Fox, Interim Mental Health Director, and Michael Pro, Public Defender to serve at the Pleasure of the Board.

APPROVED AS RECOMMENDED AYES: ALL

45. In-Home Supportive Services Advisory Committee – Reappointed Peg Eyerman, Area Agency on Aging Council Member, Deborah Albert, District One-Consumer and John Mowrer, Private Health Service Provider until July 3, 2011.

APPROVED AS RECOMMENDED AYES: ALL

46. Santa Cruz-Monterey-Merced Managed Medical Care Commission - Appoint up to Five At-Large Members of the Santa Cruz-Monterey-Merced Managed Medical Care Commission, in accordance with the classification requirements detailed above and based on the five high scores of candidates, above the 70% threshold; and should fewer than five candidates be selected or fewer than the required number in any one classification, 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

47. Public Works re: Notice of Contract Award to Lemke Homes, Inc. for Refurbishment of Gracey and Staff Rooms at the Main Library.
AUTHORIZED CONTRACT NO. 2008240
48. State Water Resources Control Board re: Notice of Public Hearing regarding Emergency Drought Conditions.
49. State Water Resources Control Board re: Water Rights and Notices of Transfers and Temporary Urgency Actions.
50. State Water Resources Control Board re: Notice of Preparation and Scoping Meeting for Environmental Documentation and Notice of Public Workshop pertaining to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary.
51. Notice of Public Workshop, Climate Change Water Recycling Measure Implementation set for March 4, 2009.
52. State Fish and Game Commission re: Title 14 Fish and Game Commission, Notice of Date and location change for Public Hearing to be held on March 4, 2009 at 10:00 a.m. at Yolo Fliers Club in Woodland, CA.
53. California Water Board re: Public Workshop - Using Green Infrastructure to address hydromodification issues within the Arid West.
54. State Water Resources Control Board re: Notice of a Proposed Amendment to the Policy for Implementing the Clean Water State Revolving Fund (CWSRF) for the construction of Wastewater Treatment Facilities.
55. State Water Resources Control Board re: Notice of Public Hearing - North Gualala Water Company in Mendocino County.
56. San Joaquin River Restoration Program re: Program Update 2009.
57. Sierra County Board of Supervisors re: Response to proposed regulations, proposed statewide conditional waiver of waste discharge and draft environmental impact report for the implementation of statewide standards for "Onsite Wastewater Treatment Systems (OWTS)" promulgated under Assembly Bill 885 as released by the State Water Resources Control Board on November 7, 2008.

ADOPTED RESOLUTIONS IN MEMORY OF GAYLE BONDS, CODY ANTHENIEN AND RODERICK HERLITZ AND ADJOURNED MEETING UNTIL MARCH 17, 2009 AT 9:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – MARCH 3, 2009

10:00 A.M. SCHEDULED ITEM/ACTION ITEM NO. 43

2009-03-03 SANTA CRUZ-MONTEREY-MERCED MANAGED MEDICAL CARE COMMISSION - INTERVIEWS

The time and date previously set for Interviews for five (5) At Large positions to be appointed by the Board of Supervisors for the Santa Cruz-Monterey-Merced Managed Medical Care Commission.

The Board interviews David Dunham, Dr. Frank Baudino, Cora Gonzales, Dorothy Bizzini, John G. Cale and Kacey M. Carr.

Later in the day, Director of Governmental Affairs Katie Albertson advises the scores for the appointments to the Santa Cruz-Monterey-Merced Managed Medical Care Commission have been calculated and validated and scored as follows: Hospital Category: David Dunham–379; Provider Category: Dr. Frank Baudino–383 and Cora Gonzales–369 and Community Members: Dorothy Bizzini–383, Kacey M. Carr–353 and John G. Cale–336.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board appoints David Dunham (Hospital Representative), Dr. Frank Baudino and Cora Gonzales (Provider Representatives) and Dorothy Bizzini and Kacey M. Carr (Community Representatives). Ayes: Kelsey, Pedrozo, Walsh, Nelson, O'Banion

10:00 A.M. SCHEDULED ITEM

2009-03-03 PUBLIC OPPORTUNITY

Merced County Healthcare Consortium Executive Director John Alexander advises the consortium received a \$15,000 community grant from Catholic Healthcare West through the Children's Healthcare Initiative.

UC Merced Student Yang Li states currently there are two student-led initiatives at UC Merced and are: The campaign to invite First Lady Michele Obama to the UC Merced Commencement Ceremony on May 16th, 2009, and the Bob Cat Attack Community Services Event which involves students helping with city and county projects.

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

10:00 A.M. SCHEDULED ITEM

2009-03-03 PUBLIC WORKS-PUBLIC HEARING

The time and date previously set for a public hearing to consider a Resolution of Necessity to commence Eminent Domain Proceedings to acquire property for the Buhach/Ashby Intersection Project.

Public Works Director Paul Fillebrown states a new independent appraisal from the property owner has been received which will probably lead to an agreement and requests the public hearing be continued to April 14, 2009, at 10:00 a.m.

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

Upon motion of Supervisor Pedrozo, seconded by Supervisor Nelson, duly carried, the Board continues the public hearing until April 14, 2009, at 10:00 a.m.

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

10:00 A.M. SCHEDULED ITEM

2009-03-03 PLANNING-PUBLIC HEARING

The time and date previously set for a public hearing to consider an Appeal to the Planning Commission approval of Minor Subdivision Application No. MS08-025 filed by San Joaquin Raptor Rescue Center/Protect Our Water. Said application submitted by James and Karen Barstow to divide an 80.18 acre parcel into two parcels: Parcel 1=39.31 acres and Parcel 2=40.87 acres on property located on the southeast corner of Pepper Street and Linwood Road in the Turlock area.

Development Services Director Robert Lewis states the applicants and appellants have agreed the matter be continued to a date uncertain.

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

Upon motion of Supervisor Pedrozo, seconded by Supervisor Nelson, duly carried, the Board continues the public hearing to an unspecified date.

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

ACTION ITEM NO. 29

2009-03-03 HUMAN SERVICES AGENCY

The Clerk announces consideration of Application for Parenting Center to First 5 Merced County is before the Board for consideration.

Human Services Agency Director Ana Pagan clarifies the request is to submit a proposal for grant funding for the Parenting Center, not exclusively Boot Camp for New Dads.

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board authorizes submission of an Application to First 5 Merced County for up to \$300,000 per year for up to three fiscal years beginning 2009/10 for Grant Funding in support of the Parenting Center with the Director to return to the Board with the results.

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

ACTION ITEM NO. 37
2009-03-03 SHERIFF

The Clerk announces donation of Asset Forfeiture Funds by the Sheriff is before the Board for consideration.

Sheriff Mark Pazin states there is a direct nexus between substance abuse and the homeless and requests authorization to donate \$30,000 to the United Way for distribution to the Merced Rescue Mission to assist the homeless.

Renee Davenport, Sierra Presbyterian Church and homeless advocate, states currently the church is housing between 15 to 30 people a day/night and requests some of the asset funds be given to help serve the homeless the church houses.

Herb Opaleck, Merced County Rescue Mission, states the Rescue Mission picks up the homeless and estimates the cost will be approximately \$22,000 per month.

Flip Hassett, CEO for Merced County United Way, states the United Way will insure recipients have appropriate safeguards such as insurance and permits and states these issues need to be addressed if the community is to be sustainable and healthy.

Following Board questions on the money distribution, operation of the recommended program and the fund distribution, County Counsel James Fincher states the recommendation before the Board obligates the expenditure to the Rescue Mission, funds have to be used for victims of drug problems or serve the drug use population and the Board does have the ability to allow the funds to be distributed to others but it must be related to drug use victims.

Following discussion and upon motion of Supervisor Pedrozo, seconded by Supervisor O'Banion, duly carried, the Board authorizes the Sheriff to donate Asset Forfeiture Funds up to \$30,000 to the United Way to distribute to the Merced Rescue Mission and approves the budget transfer-\$30,000 with any excess funds to go to drug-related homeless issues.

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