



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, MARCH 17, 2009

Closed Session – 9:00 a.m.

Interviews – Merced County Mosquito Abatement District – 9:30 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

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

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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 REAL PROPERTY

NEGOTIATOR: It is the intention of the Board to meet in Closed Session concerning a Conference with Real Property Negotiator(s) Mark Hendrickson, Director-Commerce, Aviation and Economic Development pursuant to Government Code Section 54956.8 as follows: Castle

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): Four Cases

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957: PUBLIC EMPLOYEE APPOINTMENT Title: Mental Health Director

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 9:50 A.M. WITH ALL MEMBERS PRESENT WITH THE CHAIRMAN ADVISING THE BOARD WILL MEET IN CLOSED SESSION THIS AFTERNOON

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

9:30 A. M.

INTERVIEWS - MERCED COUNTY MOSQUITO ABATEMENT DISTRICT
Applicants: Alex McCabe and Jerry Moore

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

SERVICE PIN PRESENTATION

REVIEW BOARD ORDER – SEE PAGE 11

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Mental Health-\$37,156, \$54,150 and \$135,204

APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 23)

APPROVED AS RECOMMENDED SEPARATING ITEM NO. 23 AYES: ALL

PLANNING - PUBLIC HEARING

To consider Setting Aside the CEQA Determination and the approval of Minor Subdivision Application No. MS07-058 filed by Chris Robinson approved by the Board of Supervisors on July 8, 2008 to subdivide three existing parcels totaling 1,027.2 acres into three parcels and a remainder parcel: Parcel 1=198.63 acres; Parcel 2=343.18 acres; Parcel 3=165.25 acres and a remainder parcel=320.14 acres on property located on the east side of Highway 59, approximately 1/2 mile north of Youd Road in Snelling

REVIEW BOARD ORDER – SEE PAGE 11

PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCES AND POSSIBLE ADOPTION

To consider a proposal from Waste Management, Inc. (dba Winton Disposal) to implement Refuse Collection Rate increases for the unincorporated urban areas within County Solid Waste Franchise Areas 1 through 5 and consider the following proposed ordinance(s)

(Select One):

(1) Proposed Ordinance Amending Refuse Service Fees and Charges for County Solid Waste Franchise Areas *CPI Adjustment* (Amends Code Chapter 5.90 and Ordinance No. 1832) and/or

(2) Proposed Ordinance Amending Refuse Service Fees and Charges for County Solid Waste Franchise Areas *CPI & Fuel Adjustment* (Amends Code Chapter 5.90 and Ordinance No. 1832)

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 - 23)

APPROVED AS RECOMMENDED SEPARATING ITEM NO. 23 AYES: ALL

Public Works

1. Authorize Public Works Director to sign Amendment No. 3 and No. 4 to Contract No. 2008242 with Environmental Resolutions, Inc. for Environmental Assessments training and reports and authorize the Chairman to sign Amendment No. 5 and No. 6 after review by Counsel.

Human Services Agency

2. Approve and authorize Chairman to sign Renewal Contract No. 2007091 with County Counsel for Legal Services for period of June 1, 2009 through May 31, 2010.

Health

3. Approve and authorize Chairman to sign Amendment to Contract No. 2008203 with Calif. State University Fresno Foundation for obesity prevention activities.

Ag. Commissioner

4. Approve and authorize Chairman to sign Renewal Contract No. 2008013 with Calif. Dept .of Food and Agriculture for Light Brown Apple Moth Pest Detection/Emergency Projects and adopt Resolution.

ADOPTED RESOLUTION NO. 2009-24

Planning

5. Set public hearing for April 14, 2009 at 10:00 a.m. to consider Appeal of Minor Subdivision Application No. MS08-011, David Theodore.
6. Set public hearing for April 14, 2009 at 10:00 a.m. to consider Proposed Zone Code Text Amendment No. ZCTA09-001 "Castle Commerce Center and Airport Special Planning Zone (SPZ) proposed Ordinance.
7. Set public hearing for April 14, 2009 at 10:00 a.m. to consider the 2009 General Plan Cycle 1 Application: General Plan Amendment No. GPA08-002, Merced County, Public Hearing held January 27, 2009 Board Meeting.
8. Approve and authorize Chairman to sign Addendum to Contract No. 2007127 with Quad Knopf for Environmental Review and Permit Processing.
9. Set public hearing for April 14, 2009 at 10:00 a.m. to consider the Appeal to Administrative Application No. AA8-054, Ernesto and Merced Monarrez.

Sheriff

10. Approve and authorize Chairman to sign Renewal Contract No. 200198 with Mental Health for officer meal food services to the Marie Green Psychiatric Center.

Executive Office

11. Act on Claims for Damages submitted by Muey Saephanh (2009-013) and Erin Nolen-Skinner (2009-015) as recommended by Risk Management.

12. Approve Budget Transfers submitted by Health-\$13,200; Human Services Agency-\$4,353; Ag. Commissioner-\$21,929 and Public Works-\$67,000 as recommended by Executive Office.
13. Approve Travel Request received from Human Services Agency as recommended by Executive Office.

Human Resources

14. Approve and authorize Chairman to sign Amendment to Contract No. 2008254 with Troy Dean Fox as Interim Director of Mental Health.

Board Recognition

15. Proclaim February 23 through March 2, 2009 as "Peace Corps Week" in Merced County.
16. Proclaim March 6, 2009 as "Arbor Day 2009" in Merced County.
17. Proclaim the Week of March 8 through March 14, 2008 as "Portuguese Immigrant Week" in Merced County.
18. Authorize Certificate of Recognition to Kiwanis Club of Merced in celebration of their 80th Anniversary.
19. Authorize Certificates of Recognition to individuals in recognition of commitment and dedication as a 4-H Volunteer.

REVIEW BOARD ORDER – SEE PAGE 12

20. Authorize Certificate of Recognition to Valerie Sterrett for years of service to the County of Merced.
21. Authorize Certificates of Recognition to the Gustine Chamber of Commerce for 2009: Richard Vierra-Lowell N. Peters Award; Manuel Vaz-Citizen of the Year; Anthony and Charlotte Peters Trucking-Agriculturalist of the Year; Diamond Food Service-Business of the Year; Pauline Griset-Teacher of the Year and Wolfsen's Meat & Sausage Company-Ceferino Jamero Memorial Award.
22. Authorize Certificate of Recognition and Resolution for Jeff Palsgaard for his years of service to the County of Merced.

Board of Supervisors

23. Approve Minutes of November 4, 2008 as submitted.

APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 ABSTAINED: 2

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

24. Approve Plans and Specifications for Public Works Martin Luther King Jr. Way Site Soil Remediation Equipment and authorize Public Works to solicit bids and to issue purchase orders for the Soil Vapor Extraction and Air Sparge System Components and direct Public

Works to return to the Board with information on action taken.

AUTHORIZED CONTRACT NO. 2009049 AS RECOMMENDED AYES: ALL

25. Authorize design and construction of two fenced staging area enclosures in the Exercise Yard at the John Latorraca Adult Correctional Center for a total estimated cost not-to-exceed \$90,000; approve construction documents and authorize Public Works to advertise and bid the project and authorize awarding of the contract to the lowest responsible bidder as long as the bid is within the project budget and authorize the Chairman to sign the Contract with Public Works to return to the Board with information on actions taken.

AUTHORIZED CONTRACT NO. 2000050 AS RECOMMENDED AYES: ALL

MENTAL HEALTH

26. Authorize initiation of procurement for medical services consisting of physical exams and histories for patients admitted to the Marie Green Psychiatric Health Facility, select the most responsive bidder and return to the Board for approval of final agreement.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

27. Authorize acceptance of \$2,000 from First 5 of Merced County, authorize use of funds to purchase participant incentives for the Celebration of Fatherhood Event set for June 13, 2009 and approve the necessary budget transfer-\$2,000. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

28. Contract with Merced Lao Family Community, Inc. for Refugee Employment and Social Services Program (RESS).

AUTHORIZED CONTRACT NO. 2009051 AS RECOMMENDED AYES: ALL

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

29. Determine Board interest in concept of forming a Business and Economic Development Advisory Committee and if inclined to explore the concept, direct Staff to return to the Board with a proposed role statement, committee structure, membership guidelines and staffing plan at a future Board Meeting.

REVIEW BOARD ORDER – SEE PAGE 13

DEPT. OF ADMIN. SERVICES

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

APPROVED AS RECOMMENDED AYES: ALL

31. Authorize Core Business Interiors as the single provider of all services related to acquisition of Haworth modular Furniture and its installation.

AUTHORIZED CONTRACT NO. 2009052 AS RECOMMENDED AYES: ALL

DISTRICT ATTORNEY

32. Contract with Roberts & Allan, CPA's for Forensic Accounting services for the District Attorney in cases involving embezzlement in a total sum not to exceed \$15,000.

AUTHORIZED CONTRACT NO. 2009053 AS RECOMMENDED AYES: ALL

LIBRARY

33. Authorize Librarian to accept a \$2,000 First Five Grant to be used toward Literacy Programming for the Winton Library.

AUTHORIZED CONTRACT NO. 2009054 AS RECOMMENDED AYES: ALL

DEPT. OF WORKFORCE INVESTMENT

34. Accept the increased Dislocated Worker Appropriation of the Governor's 25 percent Workforce Investment Act Funds and amend the 2008/2009 WIA Subgrant Contract R970546, Modification 2 with the State of Calif. Employment Development Department for the State's Economic Stimulus and approve necessary the budget transfer-\$166,528.

AUTHORIZED CONTRACT NO. 2009055 AS RECOMMENDED AYES: ALL

PLANNING

35. Select the desired area for additional study, analysis and public outreach provided by Mintier Harnish for the General Plan Update Program and direct Staff to return with a contract amendment to include the revised scope of work, additional costs and project schedule modifications.

REVIEW BOARD ORDER – SEE PAGE 13

36. Addendum to Contract No. 2008006 with Colorscape II for the reimbursement of additional costs related to consultant and county staff costs for preparation of an Initial Study/Mitigated Negative Declaration for Conditional Use Permit No. CUP05-034 for the facility located at 2983 East Washington Road in the El Nido area.

**AUTHORIZED CONTRACT NO. 2008006 AS RECOMMENDED AYES: 1, 2, 3, 4
NOT PRESENT: 5**

CHILD SUPPORT SERVICES

37. Authorize release of Request for Proposal for Process Serving Services, select the most responsive vendor and negotiate a contract to be returned to the Board for final approval.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN RESOURCES

38. Confirm the Appointment of Manuel J. Jimenez as the Director of Mental Health effective April 7, 2009.

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

39. Authorize \$2,000 of Special Board Project Funds-District Four to be forwarded to the Merced County Food Bank to purchase government cheese to place in the Senior Brown Bag Program.

REVIEW BOARD ORDER – SEE PAGE 14

40. Authorize \$2,558 of Special Board Project Funds-District One to be paid to D&D Associates for training services to the Planada Municipal Advisory Council.

APPROVED AS RECOMMENDED AYES: ALL

41. Approve amendment to membership for the Milliken Museum Advisory Committee and adopt Resolution amending Resolution No. 92-26.

ADOPTED RESOLUTION NO. 2009-25 AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

42. Underground Utility District Review Committee – Appointment.

REVIEW BOARD ORDER – SEE PAGE 14

43. First 5 Merced County – Reappointed Patrick Bowman, District One Representative, until March 23, 2012.

APPROVED AS RECOMMENDED AYES: ALL

44. Planada Recreation Committee – Appointed Rene Perez and Lucinda Martinez until July 12, 2011.

APPROVED AS RECOMMENDED AYES: ALL

45. Le Grand Municipal Advisory Council – Appointed James Pacheco until December 7, 2012.

APPROVED AS RECOMMENDED AYES: ALL

46. Delhi County Water District – Appointed Dillard Worsham and Jim Clarot until December 7, 2009.

APPROVED AS RECOMMENDED AYES: ALL

47. San Joaquin Valley Unified Air Pollution Control District, Citizens Advisory Committee – Appointed Tim Durham, Industry/Agriculture Primary Member, until January 31, 2012.

APPROVED AS RECOMMENDED AYES: ALL

48. Merced County Mosquito Abatement District - Selection of At Large Member.

REVIEW BOARD ORDER – SEE PAGE 10

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

49. Public Works re: Winton Veterans Hall and Community Hall Re-roof Project, Award of Contract to Pacific Valley Roofing in the amount of \$37,497.

AWARDED CONTRACT NO. 2008277

50. Public Works re: Veteran's Buildings Restroom Remodel and Door Replacement Project, Award of Contract to John Rohrer Construction in the amount of \$85,000.

AWARDED CONTRACT NO. 2008258

51. Board of Supervisors: Notification, Certification Statement for the composition of the Merced County Local Child Care and Development Planning Council as required by the Calif. Dept. of Education completed and signed by the Clerk.

52. Calif. High-Speed Rail Authority re: Notice of Preparation of a Project Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for a San Jose to Merced High Speed Train System through Pacheco Pass - Review period ends April 10, 2009.

53. Pacific Gas and Electric Company re: Merced Falls Project, FERC Project No. 2467, Notice of Intent to File Application for New License and Pre-Application Document.

54. State Dept. of Alcoholic Beverage Control re: Notice to Shiella Shamblin, dba Winton Snack Shop to remove or modify conditions of alcoholic beverage license.

55. TNT Fireworks, Inc. re: Fundraising Opportunity for Merced County Non-profit organizations.
56. U.S. Dept of Justice re: 2009 National Crime Victims Rights Week Resource Guide in observance of National Crime Victims' Rights Week on April 26 - May 2, 2009. (On file with Clerk)
57. State Fish and Game Commission re: Copy of proposed regulatory action relative to Sections 265, 353, 360, 361, 362, 363, 364, 365, 555 and 708, Title 14, California Code of Regulations and relating to tag quota changes, clarifications and urgency changes for 2009-2010 mammal hunting regulations to be published in the California Regulatory Notice Register.
58. State Fish and Game Commission re: Copy of proposed regulatory action relative to subsection (b) (01.1) of Section 7.50, Title 14 Calif. Code of Regulations, relating to Klamath Trinity River Sport Fishing to be published in California Regulatory Notice Register.
59. State Fish and Game Commission re: Copy of proposed regulatory action relative to Section 27.80, Title 14, Calif. Code of Regulations, relating to ocean salmon sport fishing to be published in the Calif. Regulatory Notice Register.
60. State Fish and Game Commission re: Copy of proposed regulatory action relative to Sections 7.00 and 7.50, Title 14, Calif. Code of Regulations, relating to Central Valley sport fishing to be published in the California Regulatory Notice Register.
61. Calif. Emergency Management Agency re: A Quarantine was imposed in California on December 23, 2008 by the U.S. Dept. of Agriculture, Deputy Administrator for Farm Programs, based on damages caused by the Light Brown Apple Moth and as a result of this action, the Farm Service Agency Emergency Loan Program has been made available to eligible family farmers in the counties of Alameda, Contra Costa, Marin, Monterey, San Francisco, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano and Sonoma and the contiguous counties of Fresno, Kern, Kings, Lake, Mendocino, Merced, Napa, Sacramento, San Benito, San Joaquin, San Luis Obispo, Stanislaus, Ventura and Yolo.
62. San Joaquin River Group re: 2008 Annual Technical Report on Implementing and Monitoring of the San Joaquin River Agreement and the Vernalis Adaptive Management Program. (CD on file)
63. State Water Resources Control Board re: Revised Notice of Public Hearing for Manchester Ridge LLC et al Unnamed Stream Tributary to Alder Creek in Mendocino County - set for April 20, 2009.

ADOPTED RESOLUTIONS IN MEMORY OF GRANT KUHR, ANNIBALE "BERNIE" BERNARDI, MANUEL LOBAO, HANNA ZOE SMALL AND DENISE PORTER AND ADJOURNED MEETING UNTIL TUESDAY, APRIL 7, 2009 AT 4:00 P.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – MARCH 17, 2009

10:00 A.M. SCHEDULED ITEM/ACTION ITEM NO. 48

2009-03-17 MERCED COUNTY MOSQUITO ABATEMENT DISTRICT - INTERVIEWS

The time and date previously set for interviews of One (1) At Large Representative to be appointed by the Board of Supervisors for the Merced County Mosquito Abatement District.

The Board interviews Alex McCabe and Jerry Moore.

Later in the day, Director of Governmental Affairs Katie Albertson advises the scores for the appointments to the Merced County Mosquito Abatement District have been calculated and validated and scored as follows: Alex McCabe–354 and Jerry Moore-336.

Upon motion of Supervisor Walsh, seconded by Supervisor Nelson, duly carried, the Board appoints Alex McCabe to serve as the At-Large Member of the Merced County Mosquito Abatement District until December 31, 2009.

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

10:00 A.M. SCHEDULED ITEM

2009-03-17 PUBLIC OPPORTUNITY

Jesse Rodriguez, Department of Claims and Census Bureau, speaks to the importance of the census advising the 2010 Census is beginning and he looks forward to partnering with the County of Merced.

Stanley Slaughter, Merced, a homeless veteran, asks the Board's assistance in providing veteran services locally. The Chairman directs Mr. Slaughter and Human Services Director Pagan work together.

Harlan Dake, 2008 Merced County Grand Jury Foreperson, states the Grand Jury received a complaint concerning three new Board appointments to the Housing Authority of the County of Merced and submits a report dated March 17, 2009.

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

10:00 A.M. SCHEDULED ITEM

2009-03-17 PRESENTATION

District Attorney Larry Morse presents a 30-year Service Pin to Assistant District Attorney Joe Tresidder recognizing his dedicated service to the County of Merced.

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

10:00 A.M. SCHEDULED ITEM

2009-03-17 PLANNING-PUBLIC HEARING

The time and date previously set for a public hearing to consider setting aside the CEQA Determination and the approval of Minor Subdivision Application No. MS07-058 filed by Chris Robinson approved by the Board of Supervisors on July 8, 2008 to subdivide three existing parcels totaling 1,027.2 acres into three parcels and a remainder parcel: Parcel 1=198.63 acres; Parcel 2=343.18 acres; Parcel 3=165.25 acres and a remainder parcel = 320.14 acres on property located on the east side of Highway 59, approximately ½ mile north of Youd Road in the Snelling area.

Development Services Director Robert Lewis reviews the Staff Report and recommendation before the Board.

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

Supervisor O'Banion states the Board should decide whether or not it has the authority to approve subdivisions without the threat of lawsuits and the County should go forward with challenging the matter; therefore, he opposes the recommended action.

Following discussion, Supervisor Pedrozo moves, seconded by Supervisor Nelson, the Board set aside the CEQA determination and set aside approval of Minor Subdivision Application No. MS07-058 submitted by Chris Robinson.

The Chairman calls for a vote on the Motion.

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

Ayes: Kelsey, Pedrozo, Walsh, Nelson

Noes: O'Banion

10:00 A.M. SCHEDULED ITEM

2009-03-17 PUBLIC WORKS - PUBLIC HEARING – ORDINANCE NO. 1853

The time and date previously set for a public hearing to consider request from Waste Management, Inc. (dba Winton Disposal) to implement Refuse Collection Rate increases for the unincorporated urban areas within County Solid Waste Franchise Areas 1 through 5 and consider the following proposed ordinances: An Ordinance Amending Refuse Service Fees and Charges for County Solid Waste Franchise Areas *CPI Adjustment* and/or An Ordinance Amending

Refuse Service Fees and Charges for County Solid Waste Franchise Areas *CPI & Fuel Adjustment* (Amends Code Chapter 5.90 and Ordinance No. 1832) submitted by Public Works.

Public Works Director Paul Fillebrown reviews the Staff Report.

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

Tom Sanchez, Waste Management representative, reviews the request from Waste Management for fuel increases and requests the Board approve the 4.24 percent and additional 2.21 percent rate increase.

The Chairman closes the public hearing.

Following discussion and upon motion of Supervisor Walsh, seconded by Supervisor Pedrozo, duly carried, the Board approves adjusting rates to 100 percent of the C.P.I. (4.24 percent) as recommended by staff and adopts Ordinance No. 1853.

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

CONSENT ITEM NO. 19

2009-03-17 BOARD OF SUPERVISORS

Upon motion of Supervisor Nelson, seconded by Supervisor O'Banion, duly carried, the Board authorizes Certificates of Recognition to the following individuals for their commitment and dedication as 4-H Volunteers:

Ballico-Cressey 4-H Club: Silver Clover Award: Dave Hunsuck

Countywide 4-H Club: Silver Clover Award: Jennifer Foster

Dos Palos 4-H Club: Silver Clover Award: Tina Frey, Marnie Hamilton, Todd Hamilton and Kelly Vincent; Gold Clover Award: Brianne Mills; Pearl Clover Award: Danny Hennagan

El Nido 4-H Club: Silver Clover Award: Mark Montague

Lancers 4-H Club: Silver Clover Award: Ted Pedrozo; Gold Clover Award: Jeffrey Heyer, Louise King and Michelle Nance; Emerald Clover Award: Shannon De Anda

Los Banos Community 4-H Club: Silver Clover Award: Janice Cobb and Kathi Hendrickson

Merced River 4-H Club: Silver Clover Award: Diane Sardella

Our Lady of Fatima 4-H Club: Silver Clover Award: Victoria Pires

Snelling 4-H Club: Silver Clover Award: Robert Ryan and Susan Ryan

St. Anthony's 4-H Club: Silver Clover Award: Richard Dodson, Kristi Migliazzo, Julie Trindade and Elisa Asbury; Pearl Clover Award: Jamie Lockwood

Weaver 4-H Club: Silver Clover Award: Manual Avila, Mary Donovan, Carrie Harrison, Danny Harrison and Melissa Hernandez

Westside 4-H Club: Silver Clover Award: Laura Souza

McSwain 4H Club: Gold Clover Award: Mark Roduner and Terry Roduner

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

ACTION ITEM NO. 29

2009-03-17 COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

The Clerk announces exploration of forming a Business and Economic Development Advisory Committee is before the Board for consideration.

Following discussion on economic development issues in the unincorporated and rural areas needing representation, possible duplication of the Merced County Economic Development Corporation and exploring other counties efforts in this area and upon motion of Supervisor Pedrozo, seconded by Supervisor Walsh, duly carried, the Board determines its interest in the concept of forming a Business & Economic Development Advisory Committee and directs staff to explore the concept, and to return to the Board with a proposed role statement, committee structure, membership guidelines and staff plan.

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

ACTION ITEM NO. 35

2009-03-17 PLANNING

The Clerk announces the General Plan Update Program additional studies, analysis and public outreach is before the Board for consideration.

Development Services Director Robert Lewis advises this is the follow-up Report from the February 3, 2009 Joint Study Session between the Board and Planning Commission on the General Plan Update.

Jim Harnish (Mintier Harnish) and Dave Richard (Nolte Associates) review the powerpoint presentation titled Additional Studies: Summary or Work Tasks by Topic, Cost and Time.

The Board recesses at 11:55 a.m. with all members present and reconvenes at 2:47 p.m. with Supervisor O'Banion not present.

Dave Richard (Nolte Associates) and Dave Zender (EPS) continue reviewing the powerpoint presentation titled Additional Studies: Summary or Work Tasks by Topic, Cost and Time .

The Board and Consultants discuss the various issues and related costs presented in the powerpoint presentation report.

Following discussion, the General Plan Update Program discussion is continued until May 5, 2009, at 10:00 a.m.

Present: Kelsey, Pedrozo, Walsh, Nelson

Not Present: O'Banion

ACTION ITEM NO. 39

2009-03-17 BOARD OF SUPERVISORS

The Clerk announces Special Board Projects Funds-District Four expenditures to the Merced County Food Bank is before the Board for consideration.

Chairman Kelsey states the purchase is for cheese not government cheese as indicated on the Board Agenda Item.

Upon motion of Supervisor Nelson, seconded by Supervisor O'Banion, duly carried, the Board authorizes \$2,000 of Special Board Project Funds-District Four be forwarded to the Merced County Food Bank to purchase cheese to place in the Senior Brown Bag Program.

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

ACTION ITEM NO. 42

2009-03-17 UNDERGROUND UTILITY DISTRICT REVIEW COMMITTEE

Upon motion of Supervisor Pedrozo, seconded by Supervisor Walsh, duly carried, the Board appoints the following to serve as Members of the Underground Utility District Review Committee at the Pleasure of the Board: Voting Members - Angelo Lamas (representing Executive Office), Richard Schwarz (representing Public Works Administration), Curt Royer (representing Public Works Road), Bill Nicholson (representing Planning), Jim Pichner (representing Commerce, Aviation and Economic Development) and Advisory - Anthony Martinez (representing AT&T), Rudy Merino/Tom Driscoll (representing PG&E), Bill Barger/Jim Gaskin (representing Comcast Cable).

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