

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, APRIL 14, 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.*

The Agenda is available online at www.co.merced.ca.us

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

Members of the public are advised that all pagers, cellular telephones and any other communication devices are to be turned off upon entering the Board Chambers

HEARING ASSISTANCE DEVICES ARE AVAILABLE FOR PUBLIC USE
INQUIRE WITHIN THE BOARD OF SUPERVISORS OFFICE

Persons who require accommodation for any audio, visual or other disability in order to review an agenda, or to participate in a meeting of the Board of Supervisors per the American Disabilities Act (ADA), may obtain assistance by requesting such accommodation in writing addressed to the Clerk of the Board, 2222 M Street, Merced, CA 95340 or telephonically by calling (209) 385-7366. Any such request for accommodation should be made at least 48 hours prior to the scheduled meeting for which assistance is requested

The Agenda is divided into three sections:

CONSENT CALENDAR – These matters include routine financial and administrative actions and are approved by a single majority vote.

SCHEDULED ITEMS – These items are noticed hearings, work sessions and public hearings.

REGULAR CALENDAR – These items include significant policy and administration actions. Immediately after approval of the CONSENT CALENDAR, if the time of the hearing of SCHEDULED ITEMS has not arrived, the REGULAR CALENDAR will be considered.

SCHEDULED ITEMS

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 – 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): Davis v. Merced County, et al. United States Eastern District Court Case No.: 1:07-cv-0108

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: Director of Workforce Investment

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

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

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 16

10:00 A. M.

PRESENTATIONS

County Assessor Update

REVIEW BOARD ORDER – SEE PAGE 16

Executive Office – Budget Briefing

REVIEW BOARD ORDER – SEE PAGE 16

JOINT BOARD OF SUPERVISORS AND WORKFORCE INVESTMENT BOARD MEETING

(1) Presentation of Year End Report, July 2007 - June 2008

(2) Future Goals Discussion

REVIEW BOARD ORDER – SEE PAGE 17

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) District Attorney-\$26,486 and \$12,000; Health-\$39,000; Public Works-\$26,000 and Sheriff-\$97,601 and \$80,000

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT

PRESENT: 3

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 57)

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT

PRESENT: 3

PUBLIC WORKS - CONTINUED PUBLIC HEARING (PUBLIC HEARING IS VACATED AND WILL NOT BE HELD)

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

RECOMMENDATION: Vacate the Public Hearing continued from March 3, 2009. (See Action Item #60 for Real Estate Contract – Page 21)

(PUBLIC HEARING IS VACATED AND WILL NOT BE HELD)

PLANNING - PUBLIC HEARING

To consider Appeal of Planning Commission denial of Minor Subdivision Application No. MS08-011 submitted by Dave Theodore for division of a 315.23 acre parcel into four parcels: Parcel 1=40.78 acres, Parcel 2=40.87 acres, Parcel 3=40.00 acres, Parcel 4=40.63 acres and a remainder parcel of 152.95 acres on property located on the northwestern corner of Atwater-Jordan Road and Washington Boulevard in the Livingston area

RECOMMENDATION: Deny Appeal and uphold the Planning Commission's denial of Minor Subdivision Application No. MS08-011

REVIEW BOARD ORDER – SEE PAGES 17 AND 18

PLANNING - PUBLIC HEARING

To consider the Appeal of the Planning Commission's denial of Administrative Permit Application No. AA08-054 submitted by Merced and Ernesto Monarrez to permit the raising of up to 40 roosters as a hobby and occasional sales on property located on the north side of Third Avenue, approximately 1/8 mile west of Cemetery Road in the Stevinson area.

RECOMMENDATION: Deny the Appeal and uphold the Planning Commission denial of Administrative Application No. AA08-054

REVIEW BOARD ORDER – SEE PAGES 18 AND 19

10:00 A.M.

PLANNING - PUBLIC HEARING

To consider 2009 Cycle I General Plan Amendment: General Plan Amendment No. GPA08-002 to amend the General Plan Circulation Diagram to include the SR 152 Los Banos Bypass Alignment (Public Hearing held January 27, 2009)

RECOMMENDATION: Approve General Plan Amendment No. GPA08-002 and adopt the 2009 Cycle 1 General Plan Amendment and Resolution

REVIEW BOARD ORDER – SEE PAGE 19

PLANNING - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION

To consider Proposed Ordinance entitled "An Ordinance Amending the Castle Special Planning Zone (SPZ) Establishing Development Regulations for the Castle Commerce Center and Airport Special Planning Zone as Zone Code Text Amendment No. ZCTA09-001 to add Chapter 18.28.00 "Castle Commerce Center and Airport Special Planning Zone" (SPZ) to the Zoning Code

RECOMMENDATION: Make the Finding that the Castle SPZ Text Amendment ZCTA09-001 is in compliance with CEQA under the provisions of Section 15180(b) of CEQA Guidelines based on: (1) The CEQA Guidelines in Section 15180 Redevelopment Project states that components of a redevelopment plan are not subject for further environmental review; (2) On December 18, 2007, the Board of Supervisors certified the Final Subsequent Environmental Impact Report (SEIR) for the Castle Airport Aviation and Development Center Redevelopment Plan; (3) There was neither substantial nor credible evidence presented that changes have occurred pursuant to Section 15162 of the CEQA Guidelines that further environmental review is necessary; and, (4) This determination is solely based on the independent judgment of the County; and, approve Zone Code Text Amendment No. ZCTA09-001 to add Chapter 18.28.00 "Castle Commerce Center and Airport Special Planning Zone" (SPZ) to the Zoning Code based on Findings of the Staff Report and adopt Ordinance

REVIEW BOARD ORDER – SEE PAGES 19 AND 20

2:00 P. M.

WATER PRESENTATION – MERCED COUNTY WATER AGENCIES

REVIEW BOARD ORDER – SEE PAGE 20

REPORTS/BOARD DIRECTION

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

CONSENT CALENDAR (Items #1 - 57)

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

Public Works

1. Set public hearing for May 12, 2009 at 10:00 a.m. to consider Proposed Ordinance to Update the Facility Use Policy, Establish Facility Rental Rates, Vehicle Entrance Fees and Parking Fees for County Parks (Amends Ordinance No. 1792 and County Code Chapter 5.60).

2. Set public hearing for May 12, 2009 at 10:00 a.m. to consider Proposed Ordinance Adjusting all Building Permit Fees (Amends Ordinance No. 1843 and County Code Section 16.12.090).
3. Set public hearing for May 12, 2009 at 10:00 a.m. to consider Proposed Ordinance adjusting the Fees for Improvement Plan Review and Construction Inspection of Subdivision Projects and Miscellaneous Document Review and Processing (Amends Ordinance No. 1840 and County Code Section 16.08.030.D.3 and D.4).
4. Set public hearing for May 12, 2009 at 10:00 a.m. to consider Proposed Ordinance Adjusting the Fee Schedule for the County Surveyor's Fees (Amends Ordinance No. 1842 and County Code Section 17.040.020).
5. Set public hearing for May 12, 2009 at 10:00 a.m. to consider Proposed Ordinance Adjusting the Regional Transportation Impact Fee (RTIF) Program (Amends Ordinance No. 1844 and County Code Chapter 5.68).
6. Set public hearing for May 12, 2009 at 10:00 a.m. to consider Proposed Ordinance adjusting Fees for Encroachment Permits (Amends Ordinance No. 1841 and County Code Section 13.30.030).
7. Set public hearing for May 12, 2009 at 10:00 a.m. to consider Proposed Resolution adjusting the Public Facilities Impact Fees for the unincorporated area located within the City of Merced Sphere of Influence.
8. Set public hearing for May 12, 2009 at 10:00 a.m. to consider Proposed Resolution adjusting the Law Enforcement Facilities Impact Fees.
9. Set public hearing for May 12, 2009 at 10:00 a.m. to consider Proposed Resolution Adjusting the Fire Facility Impact Fee Schedule.
10. Set public hearing for May 12, 2009 at 10:00 a.m. to consider Proposed Resolution Adjusting the Santa Nella Community Specific Plan Development Impact Fees.
11. Set public hearing for May 12, 2009 at 10:00 a.m. to consider Proposed Resolution adjusting Fees for the Franklin-Beachwood Bridge and Major Thoroughfare Area of Benefit.
12. Set public hearing for May 12, 2009 at 10:00 a.m. to consider Proposed Resolution adjusting Fees for the Hilmar Bridge and Major Thoroughfare Area of Benefit.
13. Set public hearing for May 12, 2009 at 10:00 a.m. to consider Proposed Resolution adjusting Fees for the Atwater Rural Residential Center #1 Bridge and Major Thoroughfare Area of Benefit.
14. Set public hearing for May 12, 2009 at 10:00 a.m. to consider Proposed Resolution adjusting Fees for the Winton Bridge and Major Thoroughfare Area of Benefit.
15. Set public hearing for May 12, 2009 at 10:00 a.m. to consider Proposed Resolution adjusting Fees for the Delhi Bridge and Major Thoroughfare Area of Benefit.
16. Set public hearing for May 12, 2009 at 10:00 a.m. to consider Proposed Resolution adjusting Fees for the Planada Bridge and Major Thoroughfare Area of Benefit.
17. Set public hearing for May 12, 2009 at 10:00 a.m. to consider Proposed Resolution adjusting Fees for the Santa Nella Bridge and Major Thoroughfare Area of Benefit.

Mental Health

18. Approve and authorize Chairman to sign Renewal Contract No. 2008104 with Dr. Elmer Ignacio for psychiatric services at the Saturday Meds Clinic.
19. Approve and authorize Chairman to sign Renewal Contract No. 2008161 with Dr. Bryan Harrelson for provision of psychiatric services at the Los Banos Clinic.
20. Approve and authorize Chairman to sign Renewal Contract No. 2008008 with Dr. Maria Daisy Ilano for psychiatric services, on-call coverage and conservatorship renewal evaluations.
21. Approve and authorize Chairman to sign Renewal Contract No. 2007093 with Mission Linen Supply for Linen and Laundry Services for the Marie Green Psychiatric Health Facility.
22. Approve and authorize Chairman to sign Renewal Contract No. 2007052 with Trilogy Integrated Resources, LLC for Network of Care website maintenance for mental health community.
23. Approve and authorize Chairman to sign Renewal Contract No. 2004006 with Davis Guest Home for Specialized Residential Placement for Clients in need of assisted living increasing the daily rate.
24. Approve and authorize Chairman to sign Renewal Contract No. 2008058 with Central Valley Coalition for Affordable Housing for housing lease for 2806 Parsons Avenue, Merced.
25. Approve and authorize Chairman to sign Renewal Contract No. 2004149 with Value Options, Inc. for Manager of Network Provider of Specialty Mental Health Services and approve the budget transfer-\$30,000.
26. Approve and authorize Chairman to sign Renewal Contract No. 2007265 with Rebekah Children's Services for Therapeutic Behavioral Services.
27. Approve and authorize Chairman to sign Renewal Contract No. 2008159 with 7th Avenue Center expanding scope of services to include residential care services.
28. Set public hearing for May 12, 2009 at 10:00 a.m. to consider Proposed Ordinance amending Mental Health Services Fees (Supersedes Ordinance No. 1851 and amends County Code Chapter 9.48).

Human Services Agency

29. Approve and authorize Chairman to sign Renewal Contract No. 2008302 with Merced Lao Family Community, Inc. for home visitor services.
30. Approve and authorize Chairman to sign Amendment Contract No. 2006132 with University of California-Davis for Staffing Training and Development.
31. Approve and authorize Chairman to sign Amendment to Contract No. 2004118 with Mental Health for alcohol and drug services for Welfare-to-Work participants.
32. Approve and authorize Chairman to sign Amendment to Contract No. 2004117 with Mental Health for mental health services for Welfare-to-Work participants.
33. Approve and authorize Chairman to sign Amendment to Contract No. 2007048 with Mental Health for Mental Health Clinician services.
34. Approve and authorize Chairman to sign Amendment to Contract No. 2007103 with Aspiranet for Youth Housing and Supportive Services.

35. Approve and authorize Chairman to sign Amendment to Contract No. 2004143 with Merced Union High School District for Adult Education and Training Services and approve the budget transfer.

REVIEW BOARD ORDER – SEE PAGE 20 AND 21

36. Approve and authorize Chairman to sign Amendment to Contract No. 2007181 with Valley Caregiver Resource Center for National Family Caregiver Support Program.
37. Approve and authorize Chairman to sign Amendment to Contract No. 2005171 with Merced County Office of Education for child care services decrease for Welfare-to-Work Participants and approve the budget transfer-\$19,660.

Health

38. Approve and authorize Chairman to sign Amendment to Contract No. 2007252 with The Source Group, Inc. for preparation of Dairy Waste Management Plans changing contract term and authorize Health Director or designee to sign all payment requests and adopt Resolution.

ADOPTED RESOLUTION NO. 2009-32

39. Approve and authorize Chairman to sign Amendment to Contract No. 2007208 with State Dept. of Health for AIDS Program Master Contract decreasing funding and therefore amend Contract No. 2007211-HIV Counseling and Testing and 2007210-AIDS Surveillance Program.
40. Approve and authorize Chairman to sign Amendment to Contract No. 2007084 with State Water Resources Control Board for Dairy Nutrient Management Plans and Waste Management Plans, authorize Health Director or designee to sign all payment requests and adopt Resolution.

ADOPTED RESOLUTION NO. 2009-33

41. Approve and authorize Chairman to sign Renewal Contract No. 2007030 with Calif. Dept. of Health Care Services for Child Health and Disability Prevention (CHDP) Program, the Foster Care Administrative and the Health Care Program for Children in Foster Care (HCPCFC), the California Children's Services (CCS) Program Plan and Budgets for FY 08-09 and Certification Statements.
42. Set public hearing for May 12, 2009 at 10:00 a.m. to consider Proposed Ordinance Establishing Fees for Services provided by the Environmental Health Department (Amends Ordinance No. 1847 and County Code Chapter 9.49)
43. Set public hearing for May 12, 2009 at 10:00 a.m. to consider Proposed Ordinance Revising Fees for Services provided by the Department of Public Health (Amends Ordinance No. 1847 and County Code Chapter 9.49).

Ag. Commissioner

44. Approve and authorize Chairman to sign Renewal Contract No. 2004158 with USDA-APHIS-Wildlife Services for Predatory Animal Control in Merced County.
45. Set public hearing for May 12, 2009 at 10:00 a.m. to consider Proposed Ordinance An Ordinance Revising and Amending the Merced County Animal Control Fee Schedule (Amends Ordinance No. 1675 and County Code Chapter 7.04).

Planning

46. Set public hearing for May 5, 2009 at 10:00 a.m. to consider the Appeal of the Planning Commission denial of Minor Subdivision Application No. MS08-010 submitted by Manroop Purewal to subdivide one existing 240.8 acre parcel into six parcels, each being approximately 40 acres in size at the southeast corner of Plainsburg Road and Mission Avenue in the Planada area.
47. Set public hearing for May 12, 2009 at 10:00 a.m. to consider Resolution Amending the Planning and Community Development Department Processing Services Fee Schedule (Amends Resolution No. 2008-118).

Fire

48. Set public hearing for May 12, 2009 at 10:00 a.m. to consider Proposed Ordinance Amending Fire Department Fee Schedule and Charges (Amends Ordinance No. 1763 and County Code Section 9.24.055).

Sheriff

49. Approve and authorize Chairman to sign Renewal Contract No. 2004326 with Ivers and Alcorn Funeral Home for deceased removal services.

Dept. of Workforce Investment

50. Approve and authorize Chairman to sign Amendment to Contract No. 2008087 with Merced Adult School for PLATO Basic Education Services.

Executive Office

51. Act on Claims for Damages filed by Emzie Cobb (2009-019), Mira Reyes-Espino (2009-020) and Thomas McBride and Brenda McBride (2009-021) as recommended by Risk Management.
52. Approve Travel Request submitted by Child Support Services and Sheriff as recommended by Executive Office.
53. Approve Budget Transfers submitted by Fire-\$1,003, Mental Health-\$3,000; Planning-\$15,000; Public Works-\$9,000 and \$720 and Sheriff-\$20,000 as recommended by Executive Office.

Board Recognition

54. Proclaim April 26 through May 2, 2009 as "Crime Victims' Rights Week" in Merced County submitted by District Attorney and adopt Proclamation.
55. Proclaim the Month of May, 2009 as Mental Health Month in Merced County submitted by Mental Health and adopt Proclamation.
56. Proclaim the Month of May, 2009 as "Drug Court Month" in Merced County submitted by Mental Health and adopt Proclamation.

Board of Supervisors

57. Designate the Merced County Arts Council as the Local Partner in the California Arts Council State-Local Partnership Program and authorize Letter of Support.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

58. Adopt Resolution authorizing Public Works Director and Auditor-Controller to sign the Second Revised State Transit Assistance Fund Claim for 2008-09 Fiscal Year and file the claim with MCAG.

ADOPTED RESOLUTION 2009-34 AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

59. Authorize development and issuance of Request for Proposal for new contracted operator agreement for "The Bus" - Merced County Transit for a five year period with Staff to return to the Board with a recommendation for the contract award.

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

60. Approve Real Estate Contract with John Haskett, Trustee of John K. Haskett Revocable Living Trust for acquisition of right-of-way for the Buhach @ Ashby Project; authorize Contract after approval of Counsel; adopt Resolution accepting Grant Deeds and Public Utility Easements; approve payment to Trans County Title Company for accepted value of property, the reimbursement for the appraisal, plus escrow and any other transaction fee and vacate the Public Hearing continued from March 3, 2009 Board Meeting related to Eminent Domain Proceedings for the property involved in the Real Estate agreement.

REVIEW BOARD ORDER – SEE PAGE 21

61. Approve plans and specifications for construction of the Castle Airport Rehabilitation Project (Runway Rehabilitation and Taxiway Markings); set bid opening for May 7, 2009; authorize Public Works to award the bid if within the established budget and upon concurrence of Federal Aviation Administration and direct Public Works to return to the Board for grant acceptance of the project and summary of actions taken.

REVIEW BOARD ORDER – SEE PAGES 21 AND 22

62. Approve plans and specifications for replacement of an Emergency Transfer Switch at the John Latorraca Adult Correctional Facility; set bid opening and authorize Public Works to award the bid to the lowest responsive bidder if within the established budget after approval by Counsel and direct Public Works to return to the Board with report of actions taken.

AUTHORIZED CONTRACT NO. 2009070 AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

63. Approve plans and specifications for Marie Green New Flooring Project; authorize issuance of Requests for Bids and issue a Purchase Order to the lowest responsive bidder provided the bid is within the available project funding and direct Public Works to return to the Board with a report of actions taken.

AUTHORIZED CONTRACT NO. 2009071 AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

64. Reject all bids received at Bid Opening held on March 26, 2009 and approve plans and specifications for El Nido Community Hall Porch Reconstruction; authorize Public Works to re-advertise bids and conduct bid opening; authorize Award of Construction Contract to lowest responsible bidder as long as bid is within the established budget and authorize Contract upon review by Counsel and direct Public Works to return to the Board at a subsequent Board Meeting with summary of actions taken.

**AUTHORIZED CONTRACT NO. 2009072 AS RECOMMENDED AYES: 1, 2, 4, 5
NOT PRESENT: 3**

65. Approve Real Estate Contract with Hacienda Business Park LLC for purchase of office space for Mental Health Department and authorize Chairman to sign; approve payment to TransCounty Title Company for accepted value of property plus escrow and other transaction fees; accept Grant Deed from Hacienda Business Park, LLC for 40 G Street, Building No. 2, Suites A through E in Los Banos, California and adopt Resolution.

AUTHORIZED CONTRACT NO. 2009073 AND ADOPTED RESOLUTION NO. 2009-47 AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

66. Authorize preparation of an EIR for a proposed Joint Wastewater Treatment Plant to serve Castle Airport and the Winton Water and Sewer District with a total budget of \$200,000 and approve the budget transfer-\$200,000. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

MENTAL HEALTH

67. Contract with Recorder for Mail Courier Services between Los Banos and Merced.

**AUTHORIZED CONTRACT NO. 2009076 AS RECOMMENDED AYES: 1, 2, 4, 5
NOT PRESENT: 3**

68. Contract with Staff Care, Inc. for placement of licensed psychiatrists to provide medical services.

**AUTHORIZED CONTRACT NO. 2009077 AS RECOMMENDED AYES: 1, 2, 4, 5
NOT PRESENT: 3**

HUMAN SERVICES AGENCY

69. Contract with Treasurer-Tax Collector for collection of delinquent accounts through Revenue & Reimbursement for Food Stamp and Temporary Assistance for Needy Families (TANF) program.

**AUTHORIZED CONTRACT NO. 2009078 AS RECOMMENDED AYES: 1, 2, 4, 5
NOT PRESENT: 3**

70. Authorize negotiation of Sole Source Contract with National Council on Crime and Delinquency (NCC) for SafeMeasures, an Internet Reporting System and return to the Board for approval.

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

71. Approve Merced County Refugee Employment Social Services County Plan FFY 2008-2009, 2009-2010, 2010-2011 to accept funds from the Calif. Dept. of Social Services for administration of the Program and adopt Resolution.

AUTHORIZED CONTRACT NO. 2009209 AND ADOPTED RESOLUTION NO. 2009-48 AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

72. Contract Amendment No. 2004249 with California Dept. of Aging for Health Insurance Counseling Advocacy Services and approve the budget transfer-\$17,682. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

HEALTH

73. Contract with Calif. Integrated Waste Management Board for Farm and Ranch Cleanup and Abatement Grant Contract to reimburse the property owner for proper removal and disposal of waste tires; adopt Resolution and approve the budget transfer-\$6,434. (4/5 Vote

Required)

AUTHORIZED CONTRACT NO. 2009079 AND ADOPTED RESOLUTION NO. 2009-49 AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

AG. COMMISSIONER

74. Contract with Glenn County for Permit Database Programming Services as Merced County is the primary developer of a prototype Permit 6/Ag GIS pesticide permitting program system in use in 26 Ag. Commissioners' offices.

AUTHORIZED CONTRACT NO. 2009080 AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

75. Contract with East San Joaquin Water Quality Coalition for special services which consist of identifying potential discharge points into Merced County waterways.

AUTHORIZED CONTRACT NO. 2009081 AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

PLANNING

76. Authorize Contract with Cities of Dos Palos, Gustine and Livingston for purpose of submitting combined application to administer Neighborhood Stabilization Program (NSP) in order to access available NSP funding in the amount of \$3,844,680.

AUTHORIZED CONTRACT NO. 2009074 AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

77. Contract with Sheriff's Department to provide Driver's Training at area near Building 175 at Castle and in return for dedicated usage of roads, the Sheriff's Department will maintain immediate area around Building 175 by utilizing inmate labor and personnel from Sheriff's Department.

AUTHORIZED CONTRACT NO. 2009082 AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

78. Contract with C/B Designs for lease of 4.0 acres (approximately 173,230 sq. ft.) to hold a custom truck and car show known as Valley Crossroads Truck and Custom Show and authorize Chairman to sign Special Event Facility Use Contract.

AUTHORIZED CONTRACT NO. 2009083 AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

SHERIFF

79. Contract with Merced County Jail Ministry to provide Ministry Services to inmates housed in Merced County's correctional facilities.

AUTHORIZED CONTRACT NO. 2009084 AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

80. Contract with Biometrics4all, Inc. for purchase of two new Livescan Machines as a single source provider and authorize issuance of Purchase Order.

AUTHORIZED CONTRACT NO. 2009085 AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

81. Contract with Los Banos Spring Fair for general patrol and supervision, as well as gate security during 2009 Los Banos Spring Fair-Merced County Fair.
AUTHORIZED CONTRACT NO. 2009086 AS RECOMMENDED AYES: 1, 2, 4, 5
NOT PRESENT: 3
82. Accept funding from California Emergency Management Agency (CalEMA) for the California Multi-Jurisdictional Methamphetamine Enforcement Team (Cal-MMET) Grant in the amount of \$496,198 and authorize Chairman to sign Contract.
AUTHORIZED CONTRACT NO. 2009087 AS RECOMMENDED AYES: 1, 2, 4, 5
NOT PRESENT: 3
83. Approve request from the Sheriff for Mutual Aid and Assistance for the planned visit by the First Lady to UC Merced on May 16, 2009.
APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3
84. Authorize Sheriff as authorized organization representative to electronically submit the 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) through the Internet Based Grants.gov and Grants Management System in the amount of \$225,364 with the Sheriff to return to the Board for acceptance and final approval, if awarded funding.
APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

CHILD SUPPORT SERVICES

85. Contract with Mariposa County Department of Child Support Services for Plan of Cooperation effective March 1, 2009.
AUTHORIZED CONTRACT NO. 2009088 AS RECOMMENDED AYES: 1, 2, 4, 5
NOT PRESENT: 3

PROBATION

86. Designate the Probation Department as the authorized organization representative in the County of Merced and to submit a Grant Application to U.S. Dept. of Justice for the 2009 Recovery Act Byrne Memorial Competitive Grant Program to provide funding of neighborhood Probation and parole officers and authorize the Chairman to sign as Certifying Officer for the Certification as to Recovery Act Reporting Requirements and the General Certification as to Requirement for Receipts of Funds with Probation to return to the Board for acceptance of funds, if awarded..
APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

DEPT. OF WORKFORCE INVESTMENT

87. Contract Amendment No. 2008148 with Merced County Office of Education for In-School Youth Employment Services Program and approve the necessary budget transfer-\$142,185. (4/5 Vote Required)
APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3
88. Contract with State Employment Development Department for Workforce Investment Act Subgrant (State Agreement R970546) modification increasing Dislocated Worker Appropriation of the Governor's 25 percent Workforce Investment Act Funds for the State's Economic Stimulus and approve the budget transfer-\$46,632. (4/5 Vote Required)
AUTHORIZED CONTRACT NO. 2009089 AS RECOMMENDED AYES: 1, 2, 4, 5
NOT PRESENT: 3
89. Contract with Merced County Office of Education for Out-of-School Youth Program adding American Recovery and Reinvestment Act (ARRC) funding for youth employment services

and approve the budget transfer-\$19,634. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2008149 AS RECOMMENDED AYES: 1, 2, 4, 5
NOT PRESENT: 3**

TREASURER-TAX COLLECTOR- COUNTY CLERK

90. Authorize the County Clerk to work with Dept. of Administrative Services to negotiate a new five year property lease to store records and equipment and return to the Board for final approval.

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

HUMAN RESOURCES

91. Authorize allocation of Extra Help Special Project Coordinator to BU 27200-Agricultural Commissioner Sealer of Weights and Measures Division and adopt Resolution.

**ADOPTED RESOLUTION NO. 2009-50 AS RECOMMENDED AYES: 1, 2, 4, 5
NOT PRESENT: 3**

92. Authorize Request for Proposal #6411 for a Qualified Third Party Occupational Health Examination Provider to be cancelled and closed and authorize preparation and release of new Request for Proposal to secure a qualified third party Occupational Health Provider to perform health examinations for the County of Merced; select the most responsive and responsible bidder and return to the Board with a negotiated contract for approval.

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

EXECUTIVE OFFICE

93. Accept the retirement of John Volanti, Public Health Director, effective March 26, 2010 and add one Public Health Director Designee, Job Class 7817, Range 87.8 understanding this position will be deleted upon the incumbent's retirement; and, accept the retirement of Rhonda Walton, Director of Child Support Services, effective May 7, 2010 and add one Director of Child Support Services Designee, Job Class 7818, Range 86.8 understanding the position will be deleted upon the incumbent's retirement.

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

BOARD OF SUPERVISORS

94. Authorize Special Board Projects Fund-District Three in the amount of \$5,000 to be forwarded to the Tree Partners Foundation for landscaping project at the Atwater Library.

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

COUNTY COUNSEL

95. Adopt Resolution supporting the Eastern District Court's request for the appointment of additional permanent judges.

**ADOPTED RESOLUTION NO. 2009-51 AS RECOMMENDED AYES: 1, 2, 4, 5
NOT PRESENT: 3**

DISTRICT ATTORNEY

96. Accept Grant Award Amendment for the Vertical Prosecution Block Grant Program with the California Emergency Management Agency and approve the budget transfer-\$6,414.

**AUTHORIZED CONTRACT NO. 2004181 AS RECOMMENDED AYES: 1, 2, 4, 5
NOT PRESENT: 3**

97. Authorize submission of Application for a Competitive Grant through the California Emergency Management Agency (CalEMA) for the Violence Against Women Vertical Prosecution Program through the federal Violence Against Women Act (VAMA) in the amount of \$200,000 to create a specialized unit to vertically prosecute cases involving violent crimes against adult women with the District Attorney to return to the Board for acceptance if the grant is awarded.

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

98. Authorize submission of Grant Proposal to the U.S. Department of Justice for funding under the Recovery Act Edward Byrne Memorial Competitive Grant Program and return to the Board if the grant is awarded; designate the District Attorney as the authorized organization representative (AOR) and the Chairman to sign the Certification as to the Recovery Act Reporting Requirements with the District Attorney to return to the Board for acceptance if the grant is awarded.

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

BOARD APPOINTMENTS

99. Appoint Lisa Cardella-Presto, Auditor-Controller, to the Agricultural Waste Management Loan Committee to serve at the Pleasure of the Board.

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: 1, 2, 4, 5 NOT PRESENT: 3

100. Dept. of Workforce Investment re: Notification of Modification Five to Subgrant (State Agreement R865468) with State Employment Development Department replacing new participant plan and expenditure plan for the Merced County CalGRIP Pilot Project (Grant Code 414).

101. Senator Bob Dutton re: Request for support of SB 295 (Dutton, the AB 32 Regulatory Timeline Bill).

102. State Water Resources Control Board re: Notice of Special Meeting - April 15, 2009 at 1:00 p.m. in Sacramento regarding the implementation of the Water Boards' Strategic Plan Update 2008-2012 as it pertains to salinity in the Central Valley.

103. State Water Resources Control Board re: Notice of Opportunity for Public Comment on proposed Resolution approving a Mitigated Negative Declaration covering General Waste Discharge Requirements for landscape irrigation uses of municipal recycled water and proposed adoption of the general permit.

104. State Water Resources Control Board re: Notice of Petition for Temporary Change involving the transfer of up to 3,500 acre feet of water from River Garden Farms Company to the Dept. of Water Resources Drought Water Bank under License 1718 (Application 575).

105. State Water Resources Control Board re: Notice of Petition requesting Change in place of use for certain water rights of the Dept. of Water Resources and Bureau of Reclamation and Notice of Public Hearing and Pre-Hearing Conference - April 16, 2009 at 1:00 p.m. and April 27, 2009 at 9:00 a.m.

106. State Water Resources Control Board re: How to Apply for Clean Water State Revolving Fund Financing.

107. State Water Resources Control Board re: Notice of Opportunity to Comment - Draft Annual Enforcement Report for Fiscal Year 2007-2008.
108. San Joaquin Valley Air Pollution Control District re: Healthy Air Living 2008 - showcase of outreach created in partnership between the Valley Air District and Jeffrey Scott Agency.
109. State Fish and Game Commission re: Copy of Continued Notice of Proposed Regulatory Action relative to Section 124, Title 14, California Code of Regulations relating to commercial halibut trawl gear.
110. State Dept. of Fish and Game Commission re: Copy of Notice of Proposed Emergency Regulatory action relating to incidental take of Pacific fisher as well as proposed regulatory language and DRAFT Statement of Facts Constituting Need for Emergency Action.
111. SafetyBeltSafe U.S.A. re: Safety Seat Checkup Week set for April 19-25, 2009.
112. State Water Resources Control Board re: Order WR 2009-0010-EXEC In the Matter of the Petition for Reconsideration of the San Luis & Delta-Mendota Water Authority and Westlands Water District regarding water right fee determinations for fiscal year 2008-2009.
113. State Water Resources Control Board re: Perchlorate Contamination at the 160-acre site in the Rialto Area Board Meeting Notification.

**ADOPTED RESOLUTIONS IN MEMORY OF DORIS THORNE AND DELORES DUCKETT
AND ADJOURNED THE MEETING UNTIL TUESDAY, MAY 5, 2009 AT 10:00 A.M.**

BOARD ORDERS – SUMMARY ACTION MINUTES – APRIL 14, 2009

10:00 A.M. SCHEDULED ITEM
2009-04-14 PUBLIC OPPORTUNITY

Ed Gassaway, Atwater, requests the Board reconsider its Ordinance pertaining to Medical Marijuana Dispensaries and allow dispensaries in Merced County.

Grant Wilson, Merced, states the City has charged him with possession of a controlled substance even though he is in compliance with the law and suggests a liaison between the County and the City concerning the Medical Marijuana Program.

Present: Kelsey, Pedrozo, Walsh, O'Banion

Not Present: Nelson

10:00 A.M. SCHEDULED ITEM
2009-04-14 ASSESSOR

Assessor-Recorder Kent Christiansen reviews a powerpoint presentation titled 2009 Assessment Overview.

Present: Kelsey, Pedrozo, Walsh, O'Banion

Not Present: Nelson

10:00 A.M. SCHEDULED ITEM
2009-04-14 EXECUTIVE OFFICE – BUDGET BRIEFING

County Executive Officer Demitrios Tatum briefly comments on information to be provided relative to the Budget stating it is a work in progress and has been reviewed with all department heads. He states the County has been holding 150+ vacancies for over 18 months and that does not include the vacant positions eliminated at Human Services Agency over the past year.

Assistant County Executive Officer James Brown reviews the powerpoint presentation before the Board highlighting: Overview, Statewide Unemployment, General Fund Summary and Eye to the Future. Deputy County Executive Officer Scott DeMoss reviews the Fiscal Foundation, General Fund Contingencies, Reserves, General Purpose Revenues, Available Fund Balance, Local Resources, Budget Summary, General Purpose Revenue Requirements, Previous and Future Project Funding Assumptions, Ongoing Projects and Capital Program.

CEO Tatum refers to the Fiscal Foundation slide stating currently there exists \$49.9 million in Reserves, Contingency and Tobacco Discretionary funds. At this point, it is necessary to balance actions regarding employees and programs and department heads will be asked to provide information on mandated services vs. not mandated in their respective departments.

Following discussion, no action is taken.

Present: Kelsey, Pedrozo, Walsh, O'Banion

Not Present: Nelson

10:00 A.M. SCHEDULED ITEM

2009-04-14 WORKFORCE INVESTMENT BOARD – JOINT MEETING

Department of Workforce Investment (DWI) Director Andrea Baker appears, reviews the Staff Report advising the Joint Meeting is a requirement in accordance with Section 4, Chief Local Elected Official Agreement and introduces the members of the Workforce Investment Board and thanks them for their volunteer services.

Workforce Investment Board (WIB) Chairman Albert Montejano reviews the powerpoint presentation End of Year Report from July 2007 through June 2008 highlighting the 2007/08 Goals/Accomplishments and Goals for 2008/09.

DWI Director Andrea Baker reviews the powerpoint presentation highlighting 2007/08 Accomplishments, Business Services, Regional Collaboration, Participant Data, Customer Satisfaction, Fiscal and Performance for Adults, Dislocated Workers, Youth and Rapid Response and Job Placement that has been achieved.

The Joint Meeting is concluded and the Board thanks the members for their services.

Present: Kelsey, Pedrozo, Walsh, O'Banion

Not Present: Nelson

10:00 A.M. SCHEDULED ITEM

2009-04-14 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider an Appeal received from Dave Theodore to Appeal the Planning Commission's denial of Minor Subdivision Application No. MS08-011 for division of a 315.23 acre parcel into four parcels: Parcel 1=40.78 acres, Parcel 2=20.87 acres, Parcel 3=40.00 acres, Parcel 4=40.63 acres and a remainder parcel of 152.95 acres on property located on the northwestern corner of Atwater-Jordan Road and Washington Boulevard in the Livingston area.

Development Services Director Robert Lewis reviews the Staff Report.

Planner Brian Guerrero reviews the powerpoint presentation advising the Planning Commission denied the Minor Subdivision Application due to inability to make the project findings.

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

David Theodore, Livingston, speaks in support stating concerns with the same people appearing and objecting to project after project and assures the Board there will be no impact to surrounding neighbors. Mr. Theodore reviews the plans for the future use of the property.

The Chairman closes the public hearing.

The Board discusses the environmental process, testimony at the Planning Commission hearing and Staff's recommendations.

Following further discussion, Supervisor O'Banion states the matter should be referred back to the Planning Department but states concern with the applicant paying for the Initial Study since he met all the requirements.

The Chairman reviews the Planning Commission action questioning the Common Sense Exemption, therefore, agrees the matter should go back to the Planning Department with the understanding an in-house Initial Study be done.

Following further discussion, Supervisor Pedrozo moves, seconded by Supervisor Kelsey, the Board refer the matter back to the Planning Department Staff to work with the applicant on the details of the Common Sense Exemption with an In-House Initial Study to be prepared and direct staff to return the matter to the Board of Supervisors for final consideration.

The Chairman calls for a Vote on the Motion.

Supervisor Walsh votes "no". Motion carries.

Ayes: Kelsey, Pedrozo, O'Banion

Noes: Walsh

Not Present: Nelson

10:00 A.M. SCHEDULED ITEM

2009-04-14 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider an Appeal received from Merced and Ernesto Monarrez to the Planning Commission denial of Administrative Permit Application No. AA08-054 to permit the raising of up to 40 roosters as a hobby and occasional sales on property located on the north side of Third Avenue, approximately 1/8 mile west of Cemetery Road in the Stevinson area.

Development Services Director Robert Lewis reviews the Staff Report.

Code Compliance Manager Jeff Wilson reviews the powerpoint presentation advising the Planning Commission denied the project.

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

Speaks in Support: Appellants' Grandson Antonio Huerta, Fresno, submits a letter from Michael W. Stewart, M.D.; Alice Huerta, Fresno; Appellants' Granddaughter Maribel Gutierrez, Sanger; Appellants' Daughter Elena Monarrez submits letters from three neighbors; Livingston FFA Poultry Coach Alex McCabe and Family Friend Jesse Renteria, Ceres.

The Chairman closes the public hearing.

Following discussion and upon motion of Supervisor Walsh, seconded by Supervisor Kelsey, duly carried, the Board denies the Appeal and upholds the Planning Commission denial of Administrative Application No. AA08-054 based upon the projects inconsistencies with the General Plan and Zoning Code, and upholds the Planning Commission's determination that the

project is exempt from CEQA based upon the denial pursuant to Section 15270(a) of the CEQA Guidelines.

Ayes: Kelsey, Pedrozo, Walsh, O'Banion

Not Present: Nelson

10:00 A.M. SCHEDULED ITEM
2009-04-14 PLANNING - PUBLIC HEARING

The time and date previously set for a public hearing to consider 2009 Cycle I General Plan Amendment submitted by Planning as follows:

Public Hearing held on January 27, 2009 with Intended Decision for General Plan Amendment No. GPA08-002 to amend the General Plan Circulation Diagram to include the SR 152 Los Banos Bypass Alignment.

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 General Plan Amendment No. GPA08-002 and adopts the 2009 Cycle 1 General Plan Amendment and Resolution No. 2009-52.

Ayes: Kelsey, Pedrozo, Walsh, O'Banion

Not Present: Nelson

10:00 A.M. SCHEDULED ITEM
2009-04-14 PLANNING - PUBLIC HEARING – ORDINANCE NO. 1854

The time and date previously set for a public hearing to consider a Proposed Ordinance amending the Castle Special Planning Zone (SPZ) Establishing Development Regulations for the Castle Commerce Center and Airport Special Planning Zone as Zone Code Text Amendment No. ZCTA09-001 by adding Chapter 18.28.00 "Castle Commerce Center and Airport Special Planning Zone" (SPZ) (amends County Code Title 18).

Development Services Director Robert Lewis reviews the Staff Report.

Planner Bob King reviews the powerpoint presentation advising the Planning Commission recommended approval.

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

The Chairman closes the public hearing.

Upon motion of Supervisor Walsh, seconded by Supervisor Pedrozo, duly carried, the Board finds that the Castle Special Planning Zone Text Amendment ZCTA09-001 is in compliance with CEQA under the provisions of Section 15180(b) of the CEQA Guidelines based on the 4 CEQA Findings in the Staff Report.

Ayes: Kelsey, Pedrozo, Walsh, O'Banion

Not Present: Nelson

Upon motion of Supervisor Walsh, seconded by Supervisor O'Banion, duly carried, the Board approves Zone Code Text Amendment No. ZCTA09-001 to add Chapter 18.28.00, "Castle Commerce Center and Airport Special Planning Zone (SPZ)" to Title 18, Zoning Code, based on the Findings and adopts Ordinance No. 1854.

Ayes: Kelsey, Pedrozo, Walsh, O'Banion

Not Present: Nelson

2:00 P.M. SCHEDULED ITEM

2009-04-14 PRESENTATION - MERCED COUNTY WATER AGENCIES

The Clerk announces a water presentation by the Merced County Water Agencies is before the Board for consideration.

Attorney Ken Robbins, representing Merced Irrigation District, reviews the powerpoint presentation and provides an overview of water quality and water supply issues occurring in California and how Merced County's operations and water supply activities are being affected.

General Manager of Central California Irrigation District (CCID) Chris White reviews the powerpoint presentation highlighting the Water Supply Outlook for the 2009 Season, Future Water Supply-Challenges and Issues, Water Conservation Program, System Map and advises CCID is not in critical water year this year. Mr. White also reviews Drainage Issues, Monitoring Sites, Issues in 2008, Summary of Management Plan Action Items, Water Discharge and Summary of Issues.

San Joaquin River Water Authority Executive Director Steve Chedester gives an overview of the Exchange Contractors' Core Mission and Current Issues and regulations that are impacting California's water supply.

Steve Boyd, representing the Turlock Irrigation District, submits and reviews a powerpoint presentation highlighting Watershed Features, Land Ownership and the water, power service areas of the Turlock Irrigation District and speaks to the issue of regulations affecting the water supply.

Following Board discussion, no action is taken.

Present: Kelsey, Pedrozo, Walsh, O'Banion

Not Present: Nelson

CONSENT ITEM NO. 35

2009-04-14 HUMAN SERVICES AGENCY

The Clerk announces a contract with the Merced Union High School District from Human Services Agency is before the Board for consideration. It is noted the Budget Transfer is not necessary with the recommendation before the Board.

Upon motion of Supervisor Pedrozo, seconded by Supervisor O'Banion, duly carried, the Board approves and authorizes the Chairman to sign Amendment to Contract No. 2004143 with Merced Union School District for Adult Education and Training Services.

Ayes: Kelsey, Pedrozo, Walsh, O'Banion

Not Present: Nelson

ACTION ITEM NO. 60

2009-04-14 PUBLIC WORKS

The Clerk announces the Real Estate Contract with John Haskett, Trustee of John K. Haskett Revocable Living Trust from Public Works is before the Board for consideration.

Upon motion of Supervisor Pedrozo, seconded by Supervisor O'Banion, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2009075 with John K. Haskett, as Trustee of the John K. Haskett Revocable Living Trust for acquisition of Right of Way for the Buhach at Ashby Project; approves payment to Trans County Title Company for accepted value of property, the reimbursement for the appraisal, plus escrow and any other transaction fees; vacates the Public Hearing continued from the March 3, 2009 Board Meeting related to Eminent Domain Proceedings for the property involved in the Real Estate agreement and adopts the following Resolutions:

Resolution No. 2009-35-Grant Deed and No. 2009-36-Public Utility Easement Deed for Portion of APN 005-120-007; No. 2009-37-Grant Deed and No. 2009-38-Public Utility Easement Deed for a portion of APN 005-120-009; No. 2009-39-Grant Deed and No. 2009-40-Public Utility Easement Deed for Portion of APN 005-120-010; No. 2009-41-Grant Deed and No. 2009-42-Public Utility Easement Deed for Portion of APN 005-120-025; No. 2009-43-Grant Deed and No. 2009-44-Public Utility Easement Deed for Portion of APN 005-120-026 and No. 2009-45-Grant Deed and 2009-46-Public Utility Easement Deed for Portion of APN 005-120-027.

Ayes: Kelsey, Pedrozo, Walsh, O'Banion

Not Present: Nelson

ACTION ITEM NO. 61

2009-04-14 PUBLIC WORKS

The Clerk announces the Castle Airport Rehabilitation Project proposal from Public Works and Commerce Aviation and Economic Development is before the Board for consideration.

Commerce, Aviation and Economic Development Director Mark Hendrickson provides a slide of the project area advising the plans and specifications are before the Board for the construction of the Rehabilitation Project which includes the Runway Rehabilitation and Taxiway Markings improvements and Public Works will return to the Board for Grant Acceptance of the project.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board approves the Plans and Specifications for construction of the Castle Airport Rehabilitation Project (Runway Rehabilitation and Taxiway Markings); set bid opening for May 7, 2009; authorizes Public Works to award the bid if within the established budget and upon concurrence of

Federal Aviation Administration and directs Public Works to return to the Board for grant acceptance of the project and summary of actions taken.

Ayes: Kelsey, Pedrozo, Walsh, O'Banion

Not Present: Nelson