



SUMMARY ACTION MINUTES BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, MAY 05, 2009
Closed Session – 9:00 a.m.
Regular Meeting – 10:00 a.m.

MERCED COUNTY
ADMINISTRATION BUILDING
2222 “M” STREET
BOARD ROOM, THIRD FLOOR
MERCED, CALIFORNIA 95340
(209) 385-7366

JOHN PEDROZO.....DISTRICT 1
HUBERT “HUB” WALSH, JR.....DISTRICT 2
MICHAEL G. NELSON.....DISTRICT 3
CHAIRMAN DEIDRE F. KELSEY....DISTRICT 4
JERRY O’BANION.....DISTRICT 5
Lydia A. Beiswanger, Chief Clerk

DEMITRIOS O. TATUM
COUNTY EXECUTIVE OFFICER

JAMES N. FINCHER
COUNTY COUNSEL

*All supporting documentation is available for public review in the Office of the Clerk of the Board of Supervisors located in the County Administration Building, Third Floor, 2222 “M” Street, Merced, California, 95340
During regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday*

Any material related to an item on this Agenda submitted to the Clerk after distribution of the Agenda packet is available for public inspection in the Office of the Clerk of the Board

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

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The Agenda is divided into three sections:

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

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

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

SCHEDULED ITEMS

9:00 A. M.

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

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - 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): One Case

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION: It is the intention of the Board to meet in Closed Session concerning Existing Litigation pursuant to Government Code Section 54956.9(a): Angle v. County of Merced, et al. Merced County Superior Court Case No. 150139

THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED 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 10

PRESENTATIONS

(1) Treasurer-Tax Collector-County Clerk - Organization Consolidation of County Clerk's Office and Registrar of Voters

REVIEW BOARD ORDER – SEE PAGE 10

(2)

Recognition of service provided by Members of Yosemite Church

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Fire-\$19,500; Human Services Agency-\$1,667,106; Library-\$73,224 and Sheriff-\$60,000

APPROVED AS RECOMMENDED AYES: ALL

10:00 A. M.

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1-17)

APPROVED AS RECOMMENDED AYES: ALL

PLANNING - PUBLIC HEARING

To consider an Appeal of the Planning Commission denial of Minor Subdivision Application No. MS08-010 submitted by Manroop Purewal for application to subdivide 240.8 acre parcel into six parcels, each being approximately 40 acres in size on property located at the southeast corner of Plainsburg Road and Mission Avenue in the Planada area

RECOMMENDED ACTION: Uphold the decision of the Planning Commission that the Project is not exempt from CEQA under Section 15061(b)(3) – “Common Sense” exemption and deny the Appeal and uphold the Planning Commission’s denial of Minor Subdivision Application No. MS08-010 based upon the inability to make the Project Findings

REVIEW BOARD ORDER – SEE PAGES 10 AND 11

REPORTS/BOARD DIRECTION

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

CONSENT CALENDAR (Items #1 - 17)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Adopt Resolution designating the Intersection of Liberty Avenue and Cressey Way as an All-Way Stop Intersection in Atwater and authorize installation of stop signs on the northbound and southbound approaches.

ADOPTED RESOLUTION NO. 2009-53

Mental Health

2. Approve and authorize Chairman to sign Amendment to Contract No. 2008173 with Community Care Center for Institute for Mental Disease services.

Human Services Agency

3. Approve and authorize Chairman to sign Renewal Contract No. 2007103 with ASPIRANET to provide Transitional Housing Program Plus services to youth.

Sheriff

4. Approve and authorize Chairman to sign Renewal Contract No. 2003157 with Hilmar School District for Canine Drug Patrol Services for their school campuses.
5. Approve and authorize Chairman to sign Renewal Contract No. 2009095 with U.S. Dept. of Justice for 2009 Domestic Cannabis Eradication & Suppression Program.

Fire

6. Approve and authorize Chairman to sign Addendum to Contract No. 2006251 with Merced Community College District for Firefighting Training.

Counsel

7. Approve and authorize Chairman to sign Amendment to Contract No. 2008176 with Allen, Fagalde, Albertoni & Flores, LLP for professional legal services for the Abarca et al v. Franklin, et al (a.k.a. Affholter, et al. v. Franklin, et al) flood litigation.

Executive Office

8. Act on Claim for Damages submitted by Teresa Pleasant (2009-023) as recommended by Counsel and Risk Management.
9. Approve Budget Transfers submitted by Fire-\$10,399; Health-\$22,048 and Mental Health-\$2,845 as recommended by Executive Office.

Board Recognition

10. Authorize Certificates of Recognition to Christina Bylsma and Tom Roduner for dedicated service to the Merced County Farm Bureau.
11. Authorize Certificates of Recognition for the Firefighters of the Year Awards as recommended by the American Legion Post 83: Atwater-Captain Robert Blais and Firefighter Kevin Benson (Reserve); Dos Palos-Firefighter Ray Echevarria; Gustine-Volunteer Captain Daniel Freeman and Firefighter Bart Garcia; Livingston-Firefighter Adolfo Aguilar; Los Banos-Captain Robert Strauch and Volunteer Captain-Daniel Freeman; Merced City-Engineer Billy Alcorn and Merced County-Engineer Robert Carvalho and Firefighter Donald Thrasher.
12. Authorize Certificate of Recognition to Mary Avila for years of dedicated service to Public Education in the Atwater Elementary School District.
13. Authorize Certificates of Recognition to Los Banos Chamber of Commerce Committee of Community Solutions for the Solutions Hero Awards: Tesse Mazzina and Helen Gallichio-Central Calif. Blood Bank; Pastor Joe Roberts and Bonnie Roberts-Salvation Army; Sandy Lemas-City Wide Recycling Program and Lynn "Sandy" T. Wakeling-Youth Activities.
14. Authorize Certificate of Recognitions to the Veterans of Foreign Wars, Post 9946 and Ladies Auxiliary for 60 years of service to Atwater Veterans and the local community.
15. Authorize Certificate of Recognition to Lonn Boyer for years of service to the County of Merced.
16. Proclaim the month of May, 2009 as Workforce Development Professionals Month in Merced County.
17. Authorize Certificate of Recognition for Ribbon Cutting of Patricia Garretson (Realtor).

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

18. Resolution accepting Grant Deed from M.A. and A.L. Maxwell for fee title of Village Greens No. 1 Storm Drainage Basin.

ADOPTED RESOLUTION NO. 2009-54 AS RECOMMENDED AYES: ALL

19. Resolution accepting Grant Deed, Storm Drain Basin Easement for Tumbleweed Estates from JMH Holdings, LLC, for Parcel A of Book 103 of Parcel Maps of Pages 44 and 45.
ADOPTED RESOLUTION NO. 2009-55 AS RECOMMENDED AYES: ALL
20. Approve plans and specifications for the Husman Road Reconstruction Project and direct Public Works to return to the Board with Informational Item disclosing actions taken.
AUTHORIZED CONTRACT NO. 2009090 AS RECOMMENDED AYES: ALL
21. Accept Federal Apportionment Exchange and State Match Program and authorize the Chairman to sign Contract with CalTrans for exchanging of Federal Funds and Non-Federal State Highway Account Funds and adopt Resolution.
AUTHORIZED CONTRACT NO. 2009091 AND ADOPTED RESOLUTION NO. 2009-56 AS RECOMMENDED AYES: ALL

MENTAL HEALTH

22. Contract with Joseph Melton, LMFT for provision of services as Certification Review Hearing Officer.
AUTHORIZED CONTRACT NO. 2009096 AS RECOMMENDED AYES: ALL

SHERIFF

23. Authorize submission of 2009 State Criminal Alien Assistance Program (SCAAP) through computerized Internet Application process and authorize completion of process for the County Executive Officer to be returned to the Board for acceptance of funding if awarded.
APPROVED AS RECOMMENDED AYES: ALL
24. Contract with Merced Irrigation District for Canal Security Patrol Services with emphasis on summer months.
AUTHORIZED CONTRACT NO. 2009097 AS RECOMMENDED AYES: ALL
25. Authorize acceptance of \$1,000 donation from Yosemite Kennel Club from Mariposa for the Sheriff's K-9 Unit.
APPROVED AS RECOMMENDED AYES: ALL

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

26. Delegate lease execution authority at Castle Commerce Center and Castle Airport to provide an updated process that better meets the needs of prospective tenants and delegates the lease execution authority to the Commerce, Aviation and Economic Development (CAED) Director and adopts defined parameters for a CAED Track or a Board Track for said authority with the lease to come back to the Board as an Informational Item or as an Agenda Item for Board approval.
REVIEW BOARD ORDER – SEE PAGE 11
27. Authorize Commerce, Aviation and Economic Development Director to utilize Castle Project funds in an amount totaling \$83,265 for landscaping and general appearance improvements at Castle.
APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

28. Contract with Cooper, Hoffman & Powell, LLC to provide 2-day Circle of Security Training and approve travel for a Social Worker in the amount of \$2,360 to attend a 9-day Intensive Training and approve the budget transfer-\$11,500.
AUTHORIZED CONTRACT NO. 2009098 AS RECOMMENDED AYES: ALL

29. Contract with Mental Health for mental health and substance abuse services for CalWORKS Welfare-to-Work participants.
AUTHORIZED CONTRACT NO. 2009099 AS RECOMMENDED AYES: ALL
30. Authorize purchase of five hybrid vehicles and issuance of Purchase Order and approve the budget transfer-\$104,999.
APPROVED AS RECOMMENDED AYES: ALL
31. Authorize purchase of 200 computers, two Monitors and two Cables as replacement computers from the Joint Powers Authority (JPA) of California Statewide Automation System Consortium IV (C-IV) and authorize acceptance when title and ownership is transferred to HSA; and approve the budget transfer-\$123,787.
AUTHORIZED CONTRACT NO. 2009092 AS RECOMMENDED AYES: ALL
32. Authorize reimbursement to the California Statewide Automation System Consortium IV (C-IV) JPA for imaging software licenses, license maintenance and other systems operation costs for a total cost of \$541,544 using the Privacy Information Security Allocation, authorize Chairman to sign the Purchase Agreement and approve the budget transfer-\$201,100.
AUTHORIZED CONTRACT NO. 2009093 AS RECOMMENDED AYES: ALL

DEPT. OF WORKFORCE INVESTMENT

33. Accept Modification Four to Subgrant Contract increasing Workforce Investment Act (WIA) Adult, Dislocated Worker, Rapid Response, and Youth with American Recovery and Reinvestment Act (ARRA) funding by \$5,256,642 for President's Economic Stimulus Plan; Establish the aligned Extra Help classifications of EH Employment & Training Specialist II (Class #0758) at \$19.70/hr., EH Staff Services Analyst I (Class #0760) at \$20.68/hr. and EH Support Services Analyst II (Class #0759) at \$20.28/hr.; Authorize the allocation of EH Employment & Training Specialist II, EH Staff Services Analyst I, EH Staff Services Analyst II and EH Support Services Analyst II to BU 55000 based on additional funding to DWI for the ARRA projects through the federal Workforce Investment System; Adopt the Resolutions to the Salary and Position Allocation Resolutions and the necessary Budget Transfers. (4/5 Vote Required)
PULLED FROM THE AGENDA - NO ACTION TAKEN

EXECUTIVE OFFICE

34. (1) Approve Merced County Association of Governments FY 2009/10 Work Program; (2) Approve Merced County General Membership contribution of \$28,018; (3) Approve Merced County's contribution of \$38,516 for the One Voice Membership; and, (4) Approve Merced County's Association of Governments FY 2009/10 Budget reflecting the contributions from Merced County.
REVIEW BOARD ORDER – SEE PAGES 11 AND 12

BOARD OF SUPERVISORS

35. Direct Staff to draft possible ordinance amendments for the use and operation of Off-Highway Vehicles within the unincorporated territory of Merced County and coordinate with representatives of Sheriff, Planning and Counsel and any other necessary community outreach if necessary.
REVIEW BOARD ORDER – SEE PAGE 12
36. Authorize Special Board Project Funds-District Four in the amount of \$1,750 to be forwarded to the Winton CLEO to support programs in the Winton community.
APPROVED AS RECOMMENDED AYES: ALL

37. Support the efforts of Mr. Leonard Holmquist and the Gustine City Council to complete their "Broken Heart" Safety Project and authorize the Chairman to sign Letter of Support.
REVIEW BOARD ORDER – SEE PAGE 12 AND 13
38. Authorize Special Board Project Funds-District One in the amount of \$500 to be paid to the City of Livingston for the Futures-Unlimited Mayors Mentorship Program for area youth.
APPROVED AS RECOMMENDED AYES: ALL
39. Authorize Special Board Project Funds-District One in the amount of \$5,000 to be forwarded to the Bible Christian Church at Nineveh Outreach Food Pantry for providing food to the Planada, Le Grand and Plainsburg areas.
APPROVED AS RECOMMENDED AYES: ALL
40. Contract with Cooperative Personnel Services (dba CPS Human Resource Services) to provide executive recruitment services for the position of County Executive Officer in Merced County and upon approval of contract, eliminate advisory subcommittee.
REVIEW BOARD ORDER – SEE PAGE 13

BOARD APPOINTMENTS

41. Emergency Medical Care Committee - Appointed Dr. Monica McMillan, E.R. Physician Representative, to serve until June 30, 2011; and reappointed JoAnn Wyatt, EMS Educator Representative; Ken Mitten, District 2 Representative and Fred Buckingham, District 3 Representative, to serve until June 30, 2013.
APPROVED AS RECOMMENDED AYES: ALL
42. Mental Health Advisory Board – Reappointed Dave Baker to serve as District Two representative until June 30, 2012.
APPROVED AS RECOMMENDED AYES: ALL

PLANNING

43. Contract with Santiago Guitron for reimbursement of consultant costs for preparation of an Initial Study/Mitigation Negative Declaration by Willdan for Conditional Use Permit CUP08-009, Jesucristo Es La Respuesta Church Retreat in Dos Palos.
AUTHORIZED CONTRACT NO. 2009100 AS RECOMMENDED AYES: ALL
44. General Plan Update Program - Board Direction on Additional Tasks for Studies, Analysis and Public Outreach for the General Plan Update Program - Continued Discussion and Possible Action: Recommended Action: (1) Accept the four Tasks identified by Tasks 4.A.1 through 4.A.4, which have no cost increase or schedule delay for the General Plan Update Program; and, (2) Accept the five Tasks provided by Mintier-Harnish to reflect statutory changes since 2006, specifically, Tasks 4.A.17 through 4.A.21 which have a total estimated cost of \$114,078 and will add 4 months to the General Plan Update Program schedule; (3) Select from seventeen (17) optional Tasks as identified by individual motions of the Board for Tasks 4.A.5 through 4.A.16, and for Tasks 4.A.22 through 4.A.27 with cost and time required to be determined cumulatively based on the selected tasks of the Board; and (4) Direct Staff to prepare a Contract Amendment with Mintier-Harnish to include all selected tasks, a revised scope of work, cost proposal and program schedule, and return to the Board for final contract approval.
REVIEW BOARD ORDER – SEE PAGES 13 THRU 18

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

45. Public Works re: Notification of installation of Bench at Courthouse Park next to the Victim Rights Memorial Area in honor of Jackie McDonald's daughter Debi on March 13, 2009.
46. Sheriff re: 2009 Peace Officer Memorial Recognition Program set for May 13, 2009 at County Administration Building Courtyard.
47. Dept. of Admin. Services re: Net Proceeds of the Sale of Surplus Property from Public Auction held on February 21, 2009.
48. Dept. of Admin. Services re: Net proceeds of the sale of Surplus Property on the Internet for period of October 1, 2008 through March 31, 2009.
49. San Joaquin Valley Unified Air Pollution Control District re: Notice of Public Meeting of the Climate Change Action Plan.
50. Gottschalks re: Notice provided pursuant to Federal Worker Adjustment and Retraining Notification Act, 29 U.S.C. 2101 et seq., and California Labor Code Section 1400-1408 of notice to employees at the Store that they will be laid off on or about June 1, 2009 or within 14 days of that date and cannot assure that any employees laid off will be recalled and when an employee is terminated, there will be no bumping rights.
51. Sonoma County Land Rights Coalition re: Letter of request urging support of AB 268 (State Onsite Water Management System).
52. Pacific Gas and Electric Company re: Merced Falls Hydroelectric Project, FERC Project No. 2467 Filing of Licensee's Preliminary Proposed Study Plan Volume. (On file with Clerk)
53. State Water Resources Control Board re: Notice of Adoption Hearing - Proposed Amendments to the California Ocean Plan.
54. State Water Resources Control Board re: Petition for Temporary Transfer of Water/Water Rights - Petition for Change to License 11118 (Application 14804) held by South Sutter Water District. (On file with Clerk)
55. State Water Resources Control Board re: Notice of Opportunity for Public Comment on proposed approval of an amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to revise the waste load allocations for the Calleguas Creek Watershed Nitrogen Compounds and related effects total maximum daily load (TMDL).
56. State Water Resources Control Board re: Notice of Public Hearing - Draft National Pollutant Discharge Elimination System General Permit for Discharges of Storm Water Associated with Construction Activities.
57. State Water Resources Control Board re: Notice of Public Workshop - Workshop to receive comments on Sonoma County Water Agency's Petition for Temporary Urgency Change regarding Permits 12947A, 12949, 12950 and 16596 (Applications 12919A, 15736, 15737, 19351).
58. State Fish and Game Commission re: Notice of Emergency Regulatory Action relating to Incidental Take of Pacific Fisher, the revised Regulatory language and the Statement of Facts Constituting Need for Emergency Action. (On file with Clerk)
59. MBK Engineers re: Garden Highway Mutual Water Company Petition for Temporary Transfer under License 2033 (Application 1699). (On file with Clerk)

60. MBK Engineers re: Reclamation District No. 1004 Petition for Temporary Transfer under License 3165 (Application 27). (On file with Clerk)
61. MBK Engineers re: Greg Amaral Ltd. Pension Plan and Trust and Tule Basin Farms, LLC (Giusti Ranch) Petition for Temporary Transfer under License 2840 (Application 10030). (On file with Clerk)
62. MBK Engineers re: Pelger Mutual Water Company Petition for Temporary Transfer under License 8547B (Application 12470B). (On file with Clerk)
63. MBK Engineers re: Pleasant Grove-Verona Mutual Water Company Petitions for Temporary Transfer. (On file with Clerk)
64. MBK Engineers re: DL Goose Farms, LLC and Teichert Aggregates Petition for Temporary Transfer under License 8267 (Application 3206). (On file with Clerk)
65. State Water Board re: Board Meeting Notice of Hearing set for May 5, 2009.
66. State Fish and Game Commission re: Notice of Candidacy Status for the Pacific Fisher - to be published in the California Regulatory Notice Register on April 24, 2009.
67. California Dept. of Water Resources re: Bay Delta Conservation Plan EIR/EIS Public Scoping Meetings with deadline of May 14, 2009.

ADOPTED RESOLUTIONS IN MEMORY OF MANUEL SALLES, EVA MARIE MARCHINI, BILLY DALE ROBERTS, GEORGE STRAWBRIDGE AND MANUAL CARDOZA AND ADJOURNED MEETING UNTIL TUESDAY, MAY 12, 2009 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – MAY 5, 2009

10:00 A.M. SCHEDULED ITEM **2009-05-05 PUBLIC OPPORTUNITY**

Director of Public Health John Volanti provides the Board with an update on the Swine Flu virus advising updated information will be on the county website.

Sohan Singh Sahota, Livingston, submits Letter dated May 4, 2009 concerning a lease of premises located at 602 W. 20th Street, Merced.

Beverly Smith, Delhi, displays a poster of her daughter Vanessa Smith who has been missing for several years and asks for donations to the Vanessa Smith Trust Fund to help pay for laminated posters.

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

10:00 A.M. SCHEDULED ITEM **2009-05-05 PRESENTATION/TREASURER/TAX COLLECTOR/COUNTY CLERK**

The Clerk announces a Presentation for the Treasurer/Tax Collector/County Clerk consolidation of the County Clerk's Office and the Registrar of Voters is before the Board.

Treasurer/Tax Collector/County Clerk Karen Adams reviews a powerpoint presentation regarding the Treasurer/Tax Collector/County Clerk and Registrar of Voters consolidation highlighting the Current Organization, Proposed Organization Consolidation, County Clerk/Registrar of Voters Office Improvements, Recommended Facility, Clerk Document Software/Current System, Vote by Mail Process/Improvements to Process, and Voter Outreach.

Supervisor Nelson references the Findings and Recommendations made by Election Solution Providers regarding the Elections Department operations and requests Ms. Adams provide the Board with a written update on the Report Findings and information on how the deficiencies have been addressed to date.

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

10:00 A.M. SCHEDULED ITEM **2009-05-05 PLANNING - PUBLIC HEARING**

The time and date previously set for a public hearing 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.

Development Services Director Robert Lewis states he received notification that the applicant is requesting the Board continue the public hearing.

Supervisor Pedrozo states the Planada Municipal Advisory Council and neighbors adjacent to the area are against the project and he prefers the matter not be continued.

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

Larry Bowers, Applicant representative from Bedesen-Cardoza and Associates, submits and reads Letter dated May 5, 2009 requesting the meeting be continued to allow the property owner to be present.

The Chairman advises letters have been submitted for the record and there is Supplemental Board Meeting Material provided from Raymond and Maria Giampaoli dated May 4, 2009.

Following further discussion, Supervisor Nelson moves, seconded by Supervisor O'Banion, the Board continue the public hearing to a later date.

The Chairman calls for a vote on the Motion.

Supervisor Pedrozo votes "no". Motion carries.

Ayes: Kelsey, Walsh, Nelson, O'Banion

Noes: Pedrozo

ACTION ITEM NO. 26

2009-05-05 COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

The Clerk announces the lease delegation authority to accommodate potential tenants from Commerce, Aviation and Economic Development is before the Board for consideration.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, the Board delegates lease execution authority at Castle Commerce Center and Castle Airport to provide an updated process that better meets the needs of prospective tenants and delegates the lease execution authority to the Commerce, Aviation and Economic Development (CAED) Director and adopts defined parameters for a CAED Track or a Board Track for said authority with the lease to come back to the Board as an Informational Item or as an Agenda Item for Board approval.

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

ACTION ITEM NO. 34

2009-05 05 EXECUTIVE OFFICE

The Clerk announces the Merced County Association of Governments (MCAG) Service Agreement, Work Program, Membership and Budget are before the Board for consideration.

Supervisor Nelson expresses concern on the One Voice Membership dues compared to the MCAG dues.

County Executive Officer Dee Tatum states numerous agencies participate with the One Voice Conference and not all participate in membership.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board requests more information on the options identified and continues this matter to the next board meeting.

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

ACTION ITEM NO. 35

2009-05 05 BOARD OF SUPERVISORS

The Clerk announces the regulation and use of Off-Highway Vehicles in the unincorporated area of Merced County is before the Board for consideration.

Supervisor Nelson states concerns have been raised due to the noise affecting the McSwain residential area caused by motorcycles, quads and ATV vehicles.

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

Carol Silva, Atwater, states her residence is located on agricultural zoned land adjacent to agricultural-residential land and she has contacted the Sheriff on numerous occasions because of excessive noise and requests the Board support amendments that would assist in minimizing the noise level.

Ezio Sansoni, Atwater, states he lives in an agricultural community interspersed with a residential community and states concern with the noise level from off-road vehicles and requests assistance from the Board in curtailing this activity to alleviate the excess noise.

Inge Adair, Atwater, states concern with the noise level in the area where she lives and requests the Board pass a law for more peace and quiet.

Supervisor Nelson clarifies that the action before the Board is to direct staff to come back with suggested language for an ordinance. He further states that he wants to make sure the District Attorney's Office is included in these discussions because he wants to make sure the District Attorney's Office is going to be willing to prosecute any violations of this ordinance.

Upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board directs appropriate Staff to draft possible ordinance amendments to the Merced County Code to address and regulate the use and operation of off-highway vehicles within the unincorporated territory of Merced County and coordinate with representatives of Sheriff, Planning, District Attorney and Counsel and any other community outreach if necessary.

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

ACTION ITEM NO. 37

2009-05 05 BOARD OF SUPERVISORS

The Clerk announces the "Broken Heart" Safety Project is before the Board for consideration.

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

Leonard Holmquist, Gustine, reviews the history of the proposed project advising this is the site of the tragic death of an 8 year old girl and he has the full support of the Gustine community in an effort to have a five to six foot red heart painted on the road at the place of the accident and requests the Board approve the Letter of Support so that he can continue with this project.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board supports the efforts of Mr. Leonard Holmquist to complete the "Broken Heart" Safety Project and authorizes the Chairman to sign Letter of Support.

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

ACTION ITEM NO. 40

2009-05 05 BOARD OF SUPERVISORS

The Clerk announces the Cooperative Personnel Services contract for the position of County Executive Officer is before the Board for consideration.

County Counsel James Fincher reviews modifications that were made to the contract that are not part of the packet, submits a copy for the record and advises copies of the revised contract are available.

Human Resources Director Robert Morris states a Subcommittee consisting of the Board Chairman and Vice Chairman interviewed six firms that submitted proposals to provide executive recruitment services for the position of County Executive Officer and there was a unanimous selection of Cooperative Personnel Services (dba CPS Human Resource Services).

Upon motion of Supervisor Pedrozo, seconded by Supervisor Nelson, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2009094 with Cooperative Personnel Services (dba CPS Human Resource Services) to provide executive recruitment services for the position of County Executive Officer in Merced County and upon approval of the contract, eliminate the Advisory Subcommittee.

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

ACTION ITEM NO. 44

2009-05-05 PLANNING

The Clerk announces the General Plan Update Program for continued discussion and possible action is before the Board for consideration.

Development Services Director Robert Lewis reviews the Staff Report.

James Harnish, Principal with Mintier Harnish, reviews a powerpoint presentation regarding the Estimated Timeline, Action 1 (Tasks 4.A.1. - 4.A.4.); Action 2 (Tasks 4.A.17. - 4.A.21.); Action 3A (Tasks 4.A.5. - 4.A.9.); Action 3B (Tasks 4.A.10. - 4.A.22.); Action 3C (Tasks 4.A.23. - 4.A.27.); General Plan Update Program Time & Costs; General Plan Expenditures and Funds Available and Needed.

County Executive Officer Demitrios Tatum states funds have been put aside for the General Plan Update and Community Specific Plans; however, there may be other costs that will need to be addressed.

Following discussion and upon motion of Supervisor Pedrozo, seconded by Supervisor Nelson, duly carried, the Board accepts the four Tasks identified in Action 1 with no increased cost and no extra time adjustment for the General Plan Update Program as follows: Task 4.A.1. – High Speed Rail Alternatives; Task 4.A.2. – Adequate School Facility Policies; Task 4.A.3. – Policies for Protection & Promotion of Castle Airport; and Task 4.A.4. – Policies for Early Childcare and Education.

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

Following further discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board accepts the five Tasks identified in Action 2 provided by Mintier-Harnish that reflect statutory changes required since 2006 which have a total estimated cost of \$114,078.00 and will add an estimated time of 4 months to the General Plan Update program schedule as follows: Task 4.A.17. – State & Federal Changes to Biological Resources (Cost: \$12,364; Time: 3 months); Task 4.A.18. – Mineral Resources and Safety Hazards (Cost: \$11,154; Time: 3 months); Task 4.A.19. – Water Supply/Hydrology/Flooding (Cost: \$21,876; Time: 3 months); Task 4.A.20. – Wildland Fire Hazards (Cost: \$15,752; Time: 3 months); and Task 4.A.21. – Global Warming (Climate Action Plan) and Green House Gases (Cost: \$52,932; Time: 4 months).

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

Following discussion, Supervisor O'Banion moves, seconded by Supervisor Pedrozo, the Board reject the 4 tasks identified in Action 3A addressing Water Supply Issues with an estimated cost of \$121,744.00 and estimated time of 2 to 4 months as follows: Task 4.A.5. – Countywide Public Sewer or Water System (Cost: \$27,490; Time: 3 months); Task 4.A.6. – Ag. Wells Impacts on Urban Communities (Cost: \$16,516; Time: 3 months); Task 4.A.7. – Regional Water Planning: A historical summary of County-wide Water Supply and Demand Comparisons & 20 year projection analysis (Cost: \$50,013; Time: 3 months); and Task 4.A.9. – Drought Management for Urban Communities (Cost: \$27,755; Time: 2 months).

Chairman Kelsey states concern with Task 4.A.7. for Regional Water Planning but concurs with Task 4.A.5. for creation of a Countywide public water and sewer system.

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

Tom Grave, Merced, speaks in favor of water use planning related to Task 4.A.7.

The Board discusses the Water Supply Issues identified in Action 3A.

Following further discussion, Supervisor O'Banion withdraws the Motion on the floor.

Counsel Fincher reviews the legal alternatives and options available to the Board.

The Chairman states the Board will proceed on each item individually.

Following further discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board rejects Action 3A, Task 4.A.5. - Countywide Public Sewer or Water System (Cost: \$27,490; Time: 3 months).

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board rejects Action 3A, Task 4.A.6. – Ag. Wells Impacts on Urban Communities (Cost: \$16,516; Time: 3 months).

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

Supervisor O'Banion moves, seconded by Supervisor Nelson, the Board reject Action 3A, Task 4.A.7. – Regional Water Planning: A historical summary of County-wide Water Supply and Demand Comparisons & 20 year projection analysis (Revised Cost: \$50,013; Time: 3 months).

The Chairman calls for a vote on the Motion.

Supervisors Pedrozo, Walsh and Kelsey vote “no”. Motion fails.

Ayes: Nelson, O'Banion

Noes: Pedrozo, Walsh, Kelsey

Supervisor Pedrozo moves, seconded by Supervisor Walsh, the Board accept Action 3A, Task 4.A.7. – Regional Water Planning: A historical summary of County-wide Water Supply and Demand Comparisons & 20 year projection analysis (Cost: \$50,013; Time: 3 months).

Supervisor O'Banion states this work is being done by other districts and the results were provided to the Board during the April 14, 2009 Board Meeting.

The Board discusses the current regional water planning by various agencies in the Central Valley.

Chairman Kelsey states concern with areas in Merced County that are not covered by irrigation districts, therefore, those areas will not have analysis or supply comparisons available and the County should look at this separately but hand and hand with irrigation districts to provide a historical summary.

Supervisor Nelson states it was his understanding this task would be included in Task 4.A.19.

Mr. Harnish states if this task is not accepted, the Board will receive informational updates from other agencies on the state of water supply in the County and whether or not there are shortfalls in water, but the County will not have a solution to those issues and this task could identify options on how to address such issues.

The Board discusses Tasks 4.A.7. - Regional Water Planning and 4.A.19. -Water Supply/Hydrology/Flooding.

The Chairman calls for a vote on the Motion.

Supervisors Nelson and O'Banion vote "no". Motion carries.

Ayes: Kelsey, Pedrozo, Walsh

Noes: Nelson, O'Banion

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board rejects Action 3A, Task 4.A.9. – Drought Management for Urban Communities (Cost: \$27,755; Time: 2 months).

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

Upon motion of Supervisor Nelson, seconded by Supervisor Walsh, duly carried, the Board rejects Action 3B, Task 4.A.10. – Techniques to Increase Development Densities (Cost: \$2,800; Time: 1 month).

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

Upon motion of Supervisor Nelson, seconded by Supervisor Walsh, duly carried, the Board rejects Action 3B, Task 4.A.11. – Cost analysis of development impacts: Study the costs of providing public services in the County versus the City (Cost: \$15,000; Time: 1 month).

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

Supervisor Walsh speaks to Task 4.A.12., Housing Supply Impacts, advising he feels that all municipalities have a sense of housing supply impacts on public services and states this information already exists and questions the gathering and compiling of the information.

Supervisor Kelsey states she supports this task because a number of new towns in Merced County have been approved that have not been built and the county would benefit from this information.

Supervisor Walsh moves, seconded by Supervisor Pedrozo, the Board reject Action 3B, Task 4.A.12. – Housing Supply Impacts on Existing Cities/Towns, Viability, Growth Policies, and Public Service Provision (Cost: \$27,500; Time: 1.5 months).

The Chairman calls for a vote on the Motion.

Supervisor Kelsey votes "no". Motion carries.

Ayes: Pedrozo, Walsh, Nelson, O'Banion

Noes: Kelsey

Upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board rejects Action 3B, Task 4.A.13. – Urban Density Effects on Public Services (Cost: \$11,000; Time: 1 month).

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

Supervisor Nelson moves, seconded by Supervisor O'Banion, the Board reject Action 3B, Task 4.A.14. – Growth Alternative Impacts to Prime Farmland (Cost: \$7,500; Time: 1 month).

The Chairman calls for a vote on the Motion.

Supervisor Kelsey votes "no". Motion carries.

Ayes: Pedrozo, Walsh, Nelson, O'Banion

Noes: Kelsey

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board rejects Action 3B, Task 4.A.15. – Rural Ag. Visitor Commercial Opportunities (Cost: \$27,500; Time: 1 month).

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

Supervisor Nelson moves, seconded by Supervisor Pedrozo, the Board reject Action 3B, Task 4.A.16. – Land Banking Commercial & Industrial Areas (Cost: \$16,500; Time: 1 month).

Supervisor Nelson states land banking is important and we already have at least three industrial sites in Merced County.

Supervisor Walsh asks the Board to reconsider as he has concerns and feels options of where to grow are critical with this plan.

Supervisor Kelsey states this is identified through the community specific plan process and can identify future growth.

The Chairman calls for a vote on the Motion.

Supervisor Walsh votes "no". Motion carries.

Ayes: Kelsey, Pedrozo, Nelson, O'Banion

Noes: Walsh

Upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board accepts Action 3B, Task 4.A.22. – Growth Alternatives Refinement, New "D" and "E" (Cost: \$15,000; Time: 2 months).

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

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Walsh, duly carried, the Board accepts Action 3C addressing Public Outreach as follows: Task 4.A.26. – Additional Joint Board/Planning Commission Study Sessions (Cost: \$2,200-\$3,500; Time: 1 month preparation per meeting); and Task 4.A.27. – General Plan Update website, e-mail and post mail (Cost: \$1,400; Time: 2 weeks).

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

Supervisor O'Banion moves, seconded by Supervisor Pedrozo, the Board reject the tasks identified in Action 3C as follows: Task 4.A.23. – One Round of Six Additional Focus Group Meetings (Cost: \$13,200-\$21,000; Time: 2 months); Task 4.A.24. – One Round of 15 Community Workshops (Cost: \$33,000-\$52,500; Time: 2 months); and Task 4.A.25. – Eight MAC Meetings (Cost: \$17,000-\$28,000; Time: 2 months).

The Chairman calls for a vote on the Motion.

Supervisor Walsh votes "no". Motion carries.

Ayes: Kelsey, Pedrozo, Nelson, O'Banion

Noes: Walsh

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board directs Staff to prepare a contract amendment with Mintier-Harnish to include all selected tasks, a revised scope of work, cost proposal and program schedule, and return to the Board of Supervisors for final contract amendment approval.

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