

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, JANUARY 04, 2011

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
LINN DAVIS.....DISTRICT 3
DEIDRE F. KELSEY....DISTRICT 4
CHAIRMAN JERRY O’BANION.....DISTRICT 5
Lydia A. Beiswanger, Chief Clerk

LARRY T. COMBS
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 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 Properties, Buildings 1248, 1509 and 1529

**CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL -
ANTICIPATED 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 - 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 STATED DIRECTION
WAS PROVIDED TO STAFF**

**GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA
ITEMS)**

10:00 A. M.

PLEDGE OF ALLEGIANCE

**PUBLIC OPPORTUNITY TO SPEAK ON ANY MATTER OF PUBLIC
INTEREST WITHIN THE BOARD'S JURISDICTION INCLUDING ITEMS ON
THE BOARD'S AGENDA, EXCEPT FOR THOSE ITEMS SPECIFICALLY
SCHEDULED AS PUBLIC HEARINGS (Testimony limited to five minutes per
person)**

**NOMINATION OF CHAIRMAN AND VICE CHAIRMAN FOR THE 2011 YEAR
THE BOARD NOMINATES SUPERVISOR PEDROZO AS 2011
CHAIRMAN AND SUPERVISOR WALSH AS 2011 VICE-CHAIRMAN
AYES: ALL**

10:00 A. M.

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 24)

APPROVED AS RECOMMENDED AYES: ALL

PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION

To consider proposed ordinance entitled: An Ordinance to amend Refuse Service Fees and Charges for County Solid Waste Franchise Areas 1 through 5 (Amends Ordinance No. 1872 and Merced County Code Chapter 5.90)

RECOMMENDATION: Waive further reading and adopt Ordinance

REVIEW BOARD ORDER – SEE PAGE 8

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items #1 - 24)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Award Contract No. 2010074 to RMC Enterprises for the El Nido Community Hall/Main Hall Refurbishment Project, authorize the Chairman to sign the Contract subject to Counsel and Public Works approval and approve the necessary Budget Transfer-\$27,000.
2. Approve Budget Transfer in the amount of \$60,000 for leaks in the roof, carpet and painting repairs in the Jury Assembly Room to be occupied by the Sheriff Dept.

Mental Health

3. Set public hearing for February 1, 2011 at 10:00 a.m. to consider Proposed Ordinance Amending Mental Health Services Fees (Amends Ordinance No. 1873 and Merced County Code Chapter 9.48).
4. Approve Budget Transfer in the amount of \$45,584 to add appropriations to balance overdrawn Accounts. (4/5 Vote Required)

Fire

5. Approve Budget Transfer in the amount of \$12,500 to cover costs of new engines which was higher than anticipated. (4/5 Vote Required)

Commerce, Aviation and Economic Development

6. Approve and authorize Chairman to sign Amendment to Contract No. 2008029 with Hunt's Water Services for Community Water System Management and Maintenance extending the expiration date to January 31, 2012.

Dept. of Workforce Investment

7. Approve and authorize Chairman to sign Amendment to Contract No. 2009089 with State Employment Development Dept. for Workforce Investment Act Subgrant R970546, Modification No. 9 replacing original Exhibits (grant planning documents) with Revised Exhibits for the San Joaquin Valley Green Jobs Corps Project under Grant Code 120.

Human Resources

8. Approve and authorize Chairman to sign Renewal Contract No. 2009173 with Professional Health Services, Inc. for Comprehensive Occupational Health Examinations.

Sheriff

9. Approve Budget Transfer in the amount of \$56,789 to match revenues and appropriations with actual HIDTA allocation. (4/5 Vote Required)

Library

10. Approve Budget Transfer in the amount of \$8,000 to increase appropriation for George Branch rent. (4/5 Vote Required)

Human Services Agency

11. Approve and authorize Chairman to sign Amendment to Contract No. 2010043 with District Attorney for In-Home Supportive Services Program Fraud Investigation and Prevention, with a Match of \$24,726 from the District Attorney, and approve the necessary budget transfer-\$137,296. (4/5 Vote Required)

Executive Office

12. Act on Leave to Present Late Claim received from Irene Garcia (2010-114) as recommended by Counsel and Risk Management.
13. Act on Claims for Damages received from Salvador Gonzalez-Cendejas (2010-117) and Kelly Silva (2010-118) as recommended by Counsel and Risk Management.
14. Approve Budget Transfer in the amount of \$20,000 for addition of funds to Grand Jury for increase in both civil and criminal grand jury proceedings.

Board Recognition

15. Adopt Resolution honoring Gloriana Souza for her years of service to the County of Merced.
16. Authorize Certificate of Recognition to Merced College Veterans Resource Center in recognition of Grand Opening.
17. Authorize Certificates of Recognition to Scott Mentz; Fernando Garcia, Jr.; Alejandro Flores; Pamela Cole, Donald Tyson, Alfred Peguero, Don Thomas and Jason Poynor for their selection as Grand Marshals of the 6th Annual Veterans Day Parade.
18. Authorize Certificate of Recognition to Women's Improvement Club of Dos Palos for their Centennial Celebration.
19. Authorize Certificate of Recognition to Coach Sparks, Dos Palos High School, for the Varsity Football Team's record from 1988-2010.
20. Authorize Certificate of Recognition to Golden Valley Health Centers in recognition of Ground Breaking Ceremony for healthcare home for seniors.
21. Authorize Certificate of Recognition to Colton Smith Memorial for Dedication Ceremony in Delhi.
22. Authorize Certificates of Recognition to the recipients of the Agricultural Leadership Award for Outstanding Agricultural Contributions to Merced County during National Farm City

Week as follows: Tony Regalo-Agribusiness; Steve Gallichio-Ag. Education; Mike Kleiber-Field Crops, Duarte and Mary Fernandez-Livestock & Dairy; Robert Chad-Trees & Vines; Patti Kishi-Trees and Vines; and to Maria Azevedo, Don Bergman and Wil and Connie Hunter as Retiring Board Members and to the Agribusiness Committee of Merced County in recognition of the Farm City Week Banquet.

23. Authorize Certificates of Recognition to the individuals selected for Highest Honor in Junior Girl Scouting, Girl Scout Troop 117: Bronze Award-Bridget Lopez, Taylor Limon, Savanna Hudson, Marrissa Gutierrez, Julia Gonzales, Ayianna Del Rio and Annalee Scott.
24. Proclaim November 19 through 25, 2010 as Farm City Week in the County of Merced.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

25. Terminate Contract No. 2009310 with The Dog House for mobile food vending services at Lake Yosemite Park effective December 14, 2010; authorize Dept. of Admin Services-Support Services to issue an RFP for mobile food vending concessions at Lake Yosemite Park; and authorize Dept. of Admin. Services to sign contract subject to review and approval of Counsel and Public Works and direct Public Works to return to the Board with Informational Item.

APPROVED AS RECOMMENDED AYES: ALL

26. Terminate Contract No. 2009309 with The Dog House for mobile food vending services at 23rd Street Parking Lot effective December 14, 2010; authorize Dept. of Admin Services-Support Services to issue an RFP for mobile food vending concessions in the Courthouse area; and authorize Dept. of Admin. Services to sign contract subject to review and approval of Counsel and Public Works and direct Public Works to return to the Board with Informational Item.

APPROVED AS RECOMMENDED AYES: ALL

27. Contract with Golden State Warriors for Junior Warriors Youth Basketball League subject to review of Counsel.

AUTHORIZED CONTRACT NO. 2011003 AS RECOMMENDED AYES: ALL

HEALTH

28. Authorize release of Request for Proposal (RFP) for Consultant Services to assist in the development and execution of an RFP for Advanced Life Support Ground Ambulance and Secondary Public Safety Answering Point services.

APPROVED AS RECOMMENDED AYES: ALL

29. Authorize submission of Grant Application to Calif. Dept. of Resources Recycling and Recovery for Waste Tire Enforcement Activities for FY 2010-11 (Cycle18) in the amount of \$114,000; authorize Chair to sign and direct Environmental Health to return to the Board if awarded for approval.

ADOPTED RESOLUTION NO. 2011-01 AS RECOMMENDED AYES: ALL

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

30. Adopt Resolutions changing the signature authority from Planning & Community Development Staff to Commerce, Aviation and Economic Development Staff for the County's Housing Programs funded from: (1) Community Development Block Grant (CDBG), (2) Home Investment Partnership Program (HOME), and (3) Neighborhood Stabilization Program (NSP1).

ADOPTED RESOLUTION NO. 2011-02 (CDBG), NO. 2011-03 (HOME), AND NO. 2011-04 (NSP1) AS RECOMMENDED AYES: ALL

DEPT. OF WORKFORCE INVESTMENT

31. Contract with State Employment Development Dept. for Workforce Investment Act (WIA) Subgrant PY 2010/11 Youth Formula Funding in the amount of \$1,553,679 under Grant Code 301.

AUTHORIZED CONTRACT NO. 2011002 AS RECOMMENDED AYES: ALL

32. Contract with Geographic Solutions for Virtual OneStop (VOS) Subscriptions for Workforce Investment Act.

AUTHORIZED CONTRACT NO. 2011004 AS RECOMMENDED AYES: ALL

LIBRARY

33. Contract with Mariposa County Library for Literacy Services support.

AUTHORIZED CONTRACT NO. 2011005 AS RECOMMENDED AYES: ALL

DEPT. OF ADMIN. SERVICES

34. Declare Miscellaneous Office Furniture, Assorted Office Equipment and Miscellaneous Supplies identified in Exhibit A as Surplus Property and authorizes its disposal through Internet Public Auction.

APPROVED AS RECOMMENDED AYES: ALL

SPRING FAIR

35. Approve the 2011 State Operating Budget for the Spring Fair for State Funding and authorize the Chairman to sign.

AUTHORIZED CONTRACT NO. 2011006 AS RECOMMENDED AYES: ALL

TREASURER

36. Contract with City of Merced for Jail Booking and Emergency Response Fee Collection Services effective February 1, 2011.

AUTHORIZED CONTRACT NO. 2011001 AS RECOMMENDED AYES: ALL

SHERIFF

37. Contract with Merced Community College District for provision of one Sheriff Sergeant to provide Law Enforcement Management Services to Merced Community College Police Department; approve the following personnel actions: Add one Sheriff Sergeant, Range 74.5 and delete one Deputy Sheriff/Coroner I/II, Range 67.3/69.3 in BU 22100 and adopt the Resolution.

ADOPTED RESOLUTION NO. 2011-05 AND AUTHORIZED CONTRACT NO. 2011007 AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

38. Authorize Special Board Project Funds-District One in an amount not to exceed \$1,250 to be used to purchase two table caddies for the Planada Community Hall and authorize issuance of purchase order for equipment at Office Depot.

APPROVED AS RECOMMENDED AYES: ALL

APPOINTMENTS

39. Treasury Oversight Committee - Appointment.

REVIEW BOARD ORDER – SEE PAGE 8

40. Los Banos Area Recreation Commission – Reappointed Michael Neu to serve until January 1, 2015.

APPROVED AS RECOMMENDED AYES: ALL

41. Library Advisory Commission – Proposed Resolution to revise the By-Laws of the Commission and amend the Membership.

REVIEW BOARD ORDER – SEE PAGE 9

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

42. Commerce, Aviation and Economic Development re: Redevelopment Agency Annual Report for FY 2009-10.
43. State Controller re: Notice of performance of Audit of Merced County's Road Fund for the period of July 1, 2004 through June 30, 2010 in accordance with Sections 2150 and 2153 of the Streets and Highways Code.
44. State Water Resources Control Board re: Notice of Public Hearing - Big Sur River in Monterey County, Water Right Application No. 30166 set for March 8, 2011.
45. State Water Resources Control Board re: Notice of Comment Deadline Extension - Constituents of Emerging Concern (CEC) monitoring for Recycled Water - deadline for response January 10, 2011.
46. Merced College re: Notification of Intent to Sell Surplus Property Pursuant to Education Code Section 81363.5(a) and Government Code Section 54222.

ADOPTED RESOLUTIONS IN MEMORY OF CHARLES FRANKLIN WHARTON AND JOHN STANLEY BOHN AND ADJOURNED MEETING UNTIL TUESDAY, JANUARY 18, 2011 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – JANUARY 4, 2011

10:00 A.M. SCHEDULED ITEM

2011-01-04 PUBLIC WORKS – PUBLIC HEARING

The time and date previously set for a public hearing to consider proposed ordinance entitled: An Ordinance to amend Refuse Service Fees and Changes for County Solid Waste Franchise Areas 1 through 5 (Amends Ordinance No. 1872 and Merced County Code Chapter 5.90) 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, provides a brief statement regarding the cost increase.

The Chairman closes the public hearing.

Upon motion of Supervisor Davis, seconded by Supervisor O'Banion, duly carried, the Board waives further reading and adopts Ordinance No. 1882.

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

ACTION ITEM NO. 39

2011-01-04 APPOINTMENTS – Treasury Oversight Committee

The Clerk announces the Treasury Oversight Committee appointment is before the Board for consideration.

Supervisor Walsh moves, seconded by Supervisor Davis, to appoint Joseph Allison as the Merced College Member of the Treasury Oversight Committee.

Following discussion, Supervisor O'Banion moves, Amendment to the Motion to include the Chairman of the Board be the designated Board Representative of the Committee.

Supervisor Davis seconds the Amendment to the Motion.

The Chairman calls for the vote on the Amendment to the Motion. Motion carries.

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

Following further discussion, the Chairman calls for the Vote on the original Motion on the Floor. Motion carries.

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

ACTION ITEM NO. 41

2011-01-04 LIBRARY ADVISORY COMMISSION – Proposed Amendments

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board approves the revised By-Laws for the Library Advisory Commission as recommended; amends the Membership to include one additional member to be recommended by the Commission for approval by the Board of Supervisors which amends the total membership to 16 and adopts Resolution No. 2011-06.

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