

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, FEBRUARY 15, 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

CHAIRMAN JOHN PEDROZO.....DISTRICT 1
HUBERT “HUB” WALSH, JR.....DISTRICT 2
LINN DAVIS.....DISTRICT 3
DEIDRE F. KELSEY....DISTRICT 4
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 - INITIATION

OF LITIGATION: It is the intention of the Board to meet in Closed Session to consider Initiation of Litigation pursuant to Government Code Section 54956.9(c): 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): (1) Somach, Simmons & Dunn v. County of Merced, Merced Superior Court case no: CV000529; (2) Crane-McNab, LLC, et al. v. County of Merced, United States Eastern District Court Case No.: 1:08-cv-1218 and (3) Personnel Grievance

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL -

SIGNIFICANT EXPOSURE TO LITIGATION: It is the intention of the Board to meet in Closed Session to consider Conference with Significant Exposure to Litigation pursuant to Government Code Section 54956(b): One Case

REVIEW BOARD ORDER – SEE PAGE 12

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

10:00 A. M.

PLEDGE OF ALLEGIANCE

10:00 A. M.

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 12

10:00 A. M.

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 27)
APPROVED AS RECOMMENDED AYES: ALL

PLANNING - PUBLIC HEARING

(Action Continued from September 28, 2010)

To consider Lakeview Properties Major Subdivision Application No. MAS04-014 - Ed Grossman, Applicant - Application proposes to subdivide a 58 acre parcel into 35 single family residential lots, an 8 acre remainder parcel, a 4 acre ecological preserve and a 9 acre passive recreational area located at the northeast corner of Merced Falls Road and La Grange Road in Snelling.

RECOMMENDATION: Consider two primary alternative motions depending on the Board's desire to include the off-site walking route from the Snelling-Merced Falls Elementary School to La Grange Road as part of the project.

a) Pursuant to Government Code Section 66001(b), the Board finds an offsite walking route from the Snelling-Merced Falls Elementary School to La Grange Road should be required, that it meets the nexus/proportionality requirement under Government Code section 66001(a), and therefore the Board of Supervisors:

- i) Directs Staff, in accordance with and pursuant to CEQA Section 21092.1 and CEQA Guidelines section 15073.5(b), to prepare and re-circulate a revised CEQA document to reflect a substantial revision to Major Subdivision Application No. MAS04-014 "Lakeview Properties" due to the addition of an off-site walking route from Snelling School to La Grange Road; and,
- ii) Returns Major Subdivision Application No. MAS04-014 "Lakeview Properties" to the Planning Commission with direction to consider the addition of an off-site walking route from Snelling-Merced Falls Elementary School to La Grange Road, following completion, recirculation, and public review of a revised CEQA document.

[OR if the Board also requires a ditch line fence:]

- ii) Returns Major Subdivision Application No. MAS04-014 "Lakeview Properties" to the Planning Commission with direction to consider:
 - a) A new condition to install a ditch line fence, and
 - b) The addition of an off-site walking route from Snelling-Merced Falls Elementary School to La Grange Road, following completion, recirculation, and public review of a revised CEQA document.

OR

(b) The Board finds an off-site walking route from Snelling-Merced Falls Elementary School to La Grange Road is neither required nor justified, and

therefore the Board of Supervisors approves Major Subdivision Application No. MAS04-014 "Lakeview Properties" based upon the 9 Project Findings, and subject to the previous 5 Conditions of Approval and 14 Mitigation Measures presented in the Supplemental Staff Report, dated February 15, 2011.

[OR if the Board also requires a ditch line fence:]

The Board finds an off-site walking route from Snelling-Merced Falls Elementary School to La Grange Road is neither required nor justified, and therefore the Board of Supervisors approves Major Subdivision Application No. MAS04-014 "Lakeview Properties" based upon the 9 Project Findings, and subject to the previous 5 Conditions of Approval and 14 Mitigation Measures presented in the Supplemental Staff Report, dated February 15, 2011 and subject to 1 New Condition of Approval

REVIEW BOARD ORDER – SEE PAGES 13 THROUGH 17

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items #1 - 27)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Approve and authorize Chairman to sign Amendment to Contract No. 2010245 with Carter Construction for Snelling Courthouse Wall Repair.
2. Approve and authorize Chairman to sign Amendment to Contract No. 2010103 with The Source Group for additional site investigation and pilot testing activities at the Gustine Corporation Yard.
3. Approve Budget Transfer in the amount of \$11,750 for updates to the Tracket GIS Software system and provision of training on the new upgrades. (4/5 Vote Required)

Planning

4. Approve and authorize Chairman to sign Amendment to Contract No. 2006072 with Mintier Harnish Planning Consultants to add additional tasks for the Merced County General Plan Update and to extend the term of the contract.

Ag. Commissioner

5. Approve and authorize Chairman to sign Renewal Contract No. 2004201 with the California Dept. of Food and Agriculture for Exotic Insect Pest Detection Inspections and adopt Resolution.

ADOPTED RESOLUTION NO. 2011-19

Fire

6. Approve Budget Transfers in the amount of \$98,000 and \$166,230 to reconcile expenditures and appropriations to the State Homeland Security Grant Program for FY 07 and FY 08, and approve Budget Transfer in the amount of \$15,630 for the purchase of two Midland VHF Repeaters FY 09. (4/5 Vote Required)

Health

7. Approve and authorize Chairman to sign Amendment to Contract No. 2008163 with State Water Resources Control Board (Cal/EPA) to extend the term of the grant for the Aboveground Petroleum Storage Act.
8. Approve Budget Transfer in the amount of \$2,100 to set aside the salary and benefit portion of the TB augmentation as a Contingency offset.

Human Services Agency

9. Approve and authorize Chairman to sign Amendment to Contract No. 2004249 with California Dept. of Aging for Health Insurance Counseling Advocacy services to increase the amount by \$62,131 for FY 10/11, adopt Resolution and approve necessary Budget Transfer-\$62,131. (4/5 Vote Required)

ADOPTED RESOLUTION NO. 2011-20

10. Approve and authorize Chairman to sign Amendment to Contract No. 2009262 with California Dept. of Aging for Medicare Improvement for Patient and Provider Act Program increasing the amount by \$204.00 and approve the necessary Budget Transfer-\$1,582. (4/5 Vote Required)
11. Approve and authorize Chairman to sign Amendment to Contract No. 2004222 with California Dept. of Aging for Title III, VII, IIIE and CBSP Area Plan Programs increasing funds to the Ombudsman Programs, and adopt Resolution.

ADOPTED RESOLUTION NO. 2011-21

12. Approve and authorize Chairman to sign Amendment to Contract No. 2008172 with CareAccess increasing the amount by \$245 for an additional user access account to the Q Continuum software reporting system for AAA and MSSP programs.

Mental Health

13. Approve and authorize Chairman to sign Amendment to Contract No. 2007249 with Aspiranet for the WeCan Program to revise the 2010-2011 Budget and approve necessary Budget Transfer-\$120,000. (4/5 Vote Required)
14. Approve and authorize Chairman to sign Amendment to Contract No. 2008141 with Aspiranet for specialty mental health services increasing the contract amount by \$120,000 due to a court order for an increase in access to services, and approve necessary Budget Transfer-\$120,000. (4/5 Vote Required)

Dept. of Workforce Investment

15. Approve and authorize Chairman to sign Amendment to Contract 2009216 with Merced County Office of Education for the San Joaquin Valley Green Jobs Corps project, extending the term and increasing the amount by \$21,000 in order to maximize funding expenditures.

Sheriff

16. Approve Budget Transfer in the amount of \$21,937 for adjustments based on the AOC revised estimates for court security. (4/5 vote required)
17. Approve Budget Transfer in the amount of \$25,334 for new equipment for the HIDTA Task Force.

Dept. of Admin Services

18. Approve Budget Transfer in the amount of \$29,700 for computer hardware and associated office expense.

Executive Office

19. Act on Claims for Damages received from Leia Perez (2011-003), Sheri McKay (2011-004), and Cynthia Sequeira (2011-002) as recommended by Counsel and Risk Management.
20. Approve Travel Requests submitted by Commerce, Aviation and Economic Development and Human Services Agency (2) as recommended by Executive Office.

Board of Supervisors

21. Approve Minutes of April 27; May 11 and 25; June 8, 8-RDA, 22, 22-RDA and 22-Budget; July 13, 13-IHSS, 27 and 27-RDA; August 10, 24, 24-RDA, 24-IHSS and 24-Budget; September 14 and 28; October 5 and 19; November 2, 2-IHSS and 30; and, December 14, 2010 as submitted.

Board Recognition

22. Authorize Certificates of Recognition for Merced County Chamber of Commerce 2010 Awards: Shay Lopez-2010 Good Business Citizen of the Year; Jack Mobley-2010 Business of the Year (Owner ServiceMaster); Damien Galarza-2010 Businessman of the Year; Kathy Andrade-2010 Businesswoman of the Year; Jim Cunningham-2010 Ambassador of Good Will Award and Dawn Kinney-2009-2010 Outgoing President.
23. Authorize Certificate of Recognition to Gallery on the Square for their Grand Opening.
24. Authorize Certificate of Recognition to San Joaquin Drug Pharmacy for increasing accessibility to service and programs for the community of Planada.
25. Authorize Plaque to Evie and Bob Ayers in recognition of their 65th Wedding Anniversary.
26. Authorize Certificate of Recognition to Maria's Taco Shop for their Grand Opening.
27. Authorize Certificate of Recognition to Max Charles Hilken for achieving the Boy Scouts of America Rank of Eagle Scout.

REGULAR CALENDAR

BOARD ACTION

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

28. Recommendations for Neighborhood Stabilization Program 3 (NSP3) Abbreviated Action Plan Application:
 - (1) Identify the community of Winton as the primary target area for the purposes of completing the NSP3 Application and authorize the Chairman to sign;
 - (2) Authorize Staff to utilize the Purchasing/Rehabilitation/Re-sell model for the purposes of NSP3 implementation and direct Staff to return to the Board with future actions to: 1) amend the Self-Help Enterprises special services Contract to include the NSP3 Program

and 2) select a realtor(s), appraiser(s) and home inspector(s) to handle the real estate transactional issues;

(3) Direct Staff to work with Purchasing and Self-Help Enterprises to develop means by which to use local contractors for the rehabilitation of property acquired by the County for the purposes of resale through NSP3.

(4) Authorize: 1) the Board to execute the NSP3 Application and any additional documents necessary to complete the NSP3 application process; 2) upon successful award, execute standard contracts and any subsequent amendments that are necessary to participate in the NSP3 Program subject to approval by Counsel; 3) the CAED Director to transfer or modify budget amounts and activities as necessary to fully expend NSP program funds; and 4) CAED Director and the Business & Castle Operations Manager execute residential purchase and sale documents, loan documents, funds requests and other required reporting forms upon a successful award.

REVIEW BOARD ORDER – SEE PAGE 17 AND 18

29. Authorize Amendment to the Agricultural Waste Management Loan Committee Guidelines delegating limited signature authority to Staff to streamline and facilitate minor requests from senior real estate lien holders that do not affect the County's junior lien position.

APPROVED AS RECOMMENDED AYES: ALL

PUBLIC WORKS

30. Approve Plans and Specifications for the Re-Roof of Henderson Park Picnic Shelter and Re-roof of Merced Central Fire Station in Merced; authorize Public Works to advertise for bids and conduct Bid Opening; authorize Public Works to award contract to lowest responsive bidder provided said bid is within the established project budgets; authorize Chairman to sign Contract upon review of Counsel, and direct Public Works to return to the Board with Informational Item reporting on action taken.

AUTHORIZED CONTRACT NO. 2011111 AS RECOMMENDED AYES: ALL

31. Contract with Gerald W. Carroll and Dorothy A. Carroll 1996 Revocable Family Trust (Carroll Family Trust) and accept public utility easement (portion of APN 009-041-003) needed for construction of the Shanks/Letteau Intersection Project and approve payment to Fidelity National Title Company for the appraised value of property plus escrow and any other transactions fees and adopt Resolution.

ADOPTED RESOLUTION NO. 2011-23 AND AUTHORIZED CONTRACT NO. 2011020 AS RECOMMENDED AYES: ALL

FIRE

32. Appoint Kevin Smith as the Acting Merced Division Chief and Merced County Office of Emergency Services Acting Deputy Director-Operations effective February 1, 2011 pursuant to County Ordinance No. 1567 and adopt Resolution.

ADOPTED RESOLUTION NO. 2011-24 AS RECOMMENDED AYES: ALL

HEALTH

33. Establish Escrow Account at Wells Fargo Bank as requested by Catholic Healthcare West dba Mercy Medical Center; authorize Chairman to sign Amendment to Contract for Wells Fargo Escrow Account (replaces Escrow Account Contract No. 2005249); authorizes the Chairman to sign the Certificate of Authorized Signatures and authorize Public Health Director to sign as additional authorized signatory (Original Operating Contract No.

2000239).

AUTHORIZED CONTRACT NO. 2011019 AS RECOMMENDED AYES: ALL

34. Authorize submission of revised Waste Tire Enforcement Grant Application for FY 10-11 (Cycle 18) with the California Dept. of Resources Recycling and Recovery in the amount of \$114,000 and authorize Chairman to sign, with Health to return to the Board for approval if awarded.

ADOPTED RESOLUTION NO. 2011-25 AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

35. Contract with California Dept. of Aging for Medicare Improvement and Patient and Provider Act Program to expand enrollment and outreach efforts, adopt Resolution and approve necessary Budget Transfer-\$28,801. (4/5 Vote Required)

ADOPTED RESOLUTION NO. 2011-26 AND AUTHORIZED CONTRACT NO. 2011021 AS RECOMMENDED AYES: ALL

TREASURER-TAX COLLECTOR-COUNTY CLERK

36. Acceptance of the Quarterly Investment Report showing all investment changes and interest earned from October 1, 2010 to December 31, 2010.

APPROVED AS RECOMMENDED AYES: ALL

37. Resolution accepting School Districts and Special Districts Resolutions for the following applicant districts to change their election cycle from November of odd-numbered years to coincide with the statewide elections in even-numbered years, with the General Election: Atwater Elementary School District, Ballico-Cressey School District, and Gustine Unified School District.

REVIEW BOARD ORDER – SEE PAGE 18

LIBRARY

38. Authorize the County Librarian to close all libraries on Thursday, February 24, 2011, for a general staff meeting.

APPROVED AS RECOMMENDED AYES: ALL

COUNSEL

39. Authorize and direct the Clerk of the Board to execute and issue the "Memorandum" or Notice of Non-Authorization, pursuant to Government Code section 53853(b), and serve notice to the relevant Districts that the Board of Supervisors will not authorize issuance of the Mid-Year TRANS within 45 calendar days, thereby freeing the Districts to issue the TRANS on their own respective behalves.

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

40. Recognize April 10-16, 2011, as Volunteer Week in order to coincide with National Volunteer Week, direct staff to coordinate applications, nominations, and screening committee; set March 11, 2011 as the deadline to receive applications/nominations; set April 19, 2011, as the date for awarding the Volunteer Recognition and Service Program certificates.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

41. Reappoint David A. Robinson as the County Agricultural Commissioner/Sealer of Weights & Measures/Director of Animal Control for a four-year term effective February 18, 2011.

APPROVED AS RECOMMENDED AYES: ALL

42. Centralization of County Information Systems:

1. Approve the following departmental personnel actions effective February 28, 2011:

(1) Child Support Services-BU 20100: Transfer 1 Automation Systems Analyst I/II to Information Systems-BU 75601;

(2) Dept. of Public Works-BU 19900: Transfer 1 Automation Systems Analyst I/II to Information Systems-BU 75601;

(3) Dept. of Workforce Investment -BU 55000: Transfer 1 Automation Systems Analyst I/II to Information Systems-BU 75601;

(4) Mental Health-BU 41506: Transfer 1 Automation Systems Analyst I/II to Information Systems-BU 75601; and,

(5) Human Services Agency-BU 50052: delete 1 Network Systems Support Analyst I/II;

2. Approve the Centralization of Information Systems as presented;

3. Direct Human Resources in conjunction with the District Attorney, Human Services Agency, and Mental Health departments to perform a classification study for the seven remaining positions and return to the Board with results and recommendations on or before FY 2011/2012 Proposed Budget;

4. Amend Position Resolution;

5. Limit use of Programmer Analyst, Automation Systems Analyst, and Network Systems Analyst Classifications to IS unless otherwise approved by the CEO; and,

6. Approve the necessary Budget Transfer-\$116,351. (4/5 Vote Required)

ADOPTED RESOLUTION NO. 2011-28 AS RECOMMENDED AYES: ALL

43. FY 2011/12 Budget Planning: (1) Deliberate and direct the Director of HSA to work with the CEO to return with specific recommendations and necessary program steps to reduce the County's costs related to the overmatch of funds to the Home Delivered Meal's Program; (2) Allow posting of annual assessment value notices, effective March 1, 2011, on county website per Revenue and Taxation Code Section 621; and (3) Approve Amendments to Personnel Resolution No. 06-120/A to include the deletion of 23 vacant positions and the transfer of one position as outlined:

County Executive Office - BU 10100

Delete 1 Management Analyst I/II/III and 1 Administrative Support Aide-Conf.

Auditor-Controller – BU 11000

Delete 1 Accounting Technician

Assessor/Recorder - BUs 11200/28000

Delete 1 Recorder Clerk I/II/III

Administrative Services - BUs 11500/75600

Transfer 1 Accounting Technician from BU 11500 to BU 75601

Delete 1 Programmer Analyst I/II, Programmer Analyst II-Confidential and Programmer Analyst III from 75600

Human Resources, BU 13000

Delete 1 Support Services Assistant-Conf.

Risk Management - BU 19000

Delete 1 Risk Analyst I/II/III

District Attorney - BU 20400

- Delete 2 Deputy District Attorney I/II/III/IV
- Delete 1 Legal Process Clerk I/II
- Public Defender - BU 20600
- Delete 1 Deputy Public Defender I/II/III/IV
- Juvenile Hall/Probation - BU 23300/23400
- Delete 2 Legal Process Clerk I/II from BU 23400
- Delete 1 Supervising Probation Officer from BU 23405
- Delete 1 Probation Assistant from BU 23405
- Delete 2 Deputy Probation Officer I/II/III from BU 23406
- Agricultural Commissioner/Animal Control - BUs 27000/28700
- Delete 1 Agricultural Biologist I/II/III from BU 27000
- Delete 1 Assistant Director Animal Control from BU 28700
- Library - BU 60000
- Delete 1 Library Assistant I/II
- Public Works - BU 70200
- Delete 1 Grounds Maintenance Worker I/II

REVIEW BOARD ORDER – SEE PAGE 19 AND 20

BOARD APPOINTMENTS

- 44. Law Library Board of Trustees – Appointed Al Whitehurst, Board Representative, to serve as President and James Fincher, Board Representative, to serve as Vice-President on the Board of Trustees until 1/1/2012.
APPROVED AS RECOMMENDED AYES: ALL
- 45. Workforce Investment Board – Appointed Joanne Presnell, as Business/Private Sector Representative, until 6/30/2014.
APPROVED AS RECOMMENDED AYES: ALL
- 46. Milliken Museum Advisory Committee – Appointed Sarah Post, replacing Henry Mello, until 3/10/2014 and reappointed June Erreca and Alveda Parreira, all Milliken Museum Representatives, until 3/10/2014.
APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

- 47. Public Works re: Notification of Award of Contract to Teichert Construction in the amount of \$799,540.00 for the Campus Parkway Segment 1 Bike Path Project.
AWARDED CONTRACT NO. 2010201
- 48. Commerce, Aviation and Economic Development re: Tenant's Lease-Agreement with Merced Irrigation District for Building #1263 (approximately 400 sq.ft.), Pole Yard (approximately 2.54 acres), and Storage Area (approximately 2.02 acres) located at Castle Commerce Center.
CONTRACT NO. 2011022
- 49. Commerce, Aviation and Economic Development re: Tenant's Agreement with Merced County Sheriff's Department for Building #1509 (approximately 21,355 sq. ft.) at Castle Commerce Center.
CONTRACT NO. 2011023

50. Commerce, Aviation and Economic Development re: Facility Use Agreement with International Miniature Aircraft Association (IMAA), Chapter 679, to hold the IMAA West Coast Festival 2011 on May 25 through May 30, 2011.

CONTRACT NO. 2011024

51. Mental Health re: Contract No. 2010178 with Juan Cruz, MPH for California Brief Multicultural Service (CBMCS), Trainings terminated by Contractor effective January 6, 2011.

PULLED FROM THE AGENDA - NO ACTION TAKEN

52. Wildlife Conservation Board re: North Grasslands Wildlife Area Hunter Check Station, Merced County, Project ID 2009170. (Page ix, #25.)
53. PG&E re: Merced Falls Hydroelectric Project, FERC Project No. 2467, Initial Study Report Meeting Summary, Initial Study Report (ISR).
54. San Joaquin River Group re: Annual Technical Report for the San Joaquin River Agreement Vernalis Adaptive Management Plan (VAMP).
55. Central California Alliance for Health re: Annual Report of the Santa Cruz-Monterey-Merced Managed Medical Care Commission - 2010.
56. State Water Resources Control Board re: Notice of Public Hearing - Draft Statewide General National Pollutant Discharge Elimination System (NPDES) Permit for the Discharge of Storm Water Associated with Industrial Activities (Industrial General Permit) set for March 29, 2011 in Sacramento, CA.
57. San Joaquin River Restoration Program re: January 2011 Issue.
58. National Association of Counties re: Serving Our Veterans, Armed Forces and Their Families - National County Government Month, April 2011.
59. State Fish and Game re: Participation in Wetland-related Activities.

ADOPTED RESOLUTIONS IN MEMORY OF DOROTHY MAE MC COMB, DEREK S. ROCHA, DELTON NYMAN, WILLIAM "BILL" KIRBY, AND LLOYD DAVID COTTA UNTIL TUESDAY, MARCH 1, 2011 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – FEBRUARY 15, 2011

9:00 A.M. SCHEDULED ITEM
2011-02-15 CLOSED SESSION

The Board recesses into Closed Session at 9:00 a.m. to discuss the following matters with all members present:

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 - INITIATION OF LITIGATION: It is the intention of the Board to meet in Closed Session to consider Initiation of Litigation pursuant to Government Code Section 54956.9(c): 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): (1) Somach, Simmons & Dunn v. County of Merced, Merced Superior Court case no: CV000529; (2) Crane-McNab, LLC, et al. v. County of Merced, United States Eastern District Court Case No.: 1:08-cv-1218 and (3) Personnel Grievance

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION: It is the intention of the Board to meet in Closed Session to consider Conference with Significant Exposure to Litigation pursuant to Government Code Section 54956(b): One Case

The Board reconvenes at 10:00 a.m. with all members present and County Counsel James Fincher states relative to Existing Litigation matter, the Board voted in favor of restoring \$2,833 with regard to the Personnel Grievance, and Staff direction was provided on the other two items discussed under Existing Litigation.

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

10:00 A.M. SCHEDULED ITEM
2011-02-15 PUBLIC OPPORTUNITY

Paul Lundberg provides information pertaining to the 10th Annual Father of the Year Essay Contest as Coordinator of the 2011 Father-of-the-Year Committee.

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

10:00 A.M. SCHEDULED ITEM
2011-02-15 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider Lakeview Properties Major Subdivision Application No. MAS04-014 submitted by Ed Grossman, Applicant, to subdivide a 58 acre parcel into 35 single family residential lots, an 8 acre remainder parcel, a 4 acre ecological preserve and a 9 acre passive recreational area located at the northeast corner of Merced Falls Road and La Grange Road in Snelling (Continued from September 28, 2010).

Interim Development Services Director Paul Fillebrown reviews the Staff Report stating this matter has been continued from the September 28, 2010 Board Meeting which was continued to allow Planning staff to evaluate particular aspects of the project.

Planner III Oksana Newmen reviews the PowerPoint presentation which highlights the following: Board of Supervisors direction from September 28, 2010 hearing; Project Vicinity; Project Site; Tentative Subdivision Map; Photo of Intersection of La Grange Road and Merced Falls Road; Photo Looking West Along CA-59 from La Grange Road; Photo Looking East Along CA-59 from Snelling School; Photo Looking West Along Proposed Off-site Walking Route; Photo and Map of On-site Ditch; Supplemental Information; Nexus Study/Cost Information for Off-Site Walking Route; Relative Distances – Walkway; Consultation with Fish & Game on Ditch Fencing; Ditch Line Fence Condition and proposed recommendations.

Planner III Oksana Newmen addresses Supplemental documents provided after distribution of the Agenda packet and meeting material as follows:

Supplemental #1. Letter from Marsha Burch, Attorney At Law. Ms. Newmen states the letter is vague and non-specific with respect to the full EIR requirement for the project, and the ditch line issue and appellant's appeal fee refund issue are addressed in the staff report.

Supplemental #2. Letter from Maureen McCorry, San Joaquin et al. Ms. Newmen states the letter does not contain anything new or of any significance and the issues are fully addressed in the staff report.

Also entered into the record as Supplemental Documents provided to the Board: Supplemental #3, Letter from Attorney Chelsey Quaide to Attorney Weldon J. Mattos, Jr. dated December 22, 2010, which goes with the Planning Submittal No. 8.

The Chairman opens the Public Hearing and asks if there is anyone present wishing to speak.

Tony Madruga, Hilmar, and Louie Ott, Modesto, farmer of the grape vineyard property adjacent to proposed walking path, state a fence needs to be erected between the walkway and the grape vineyard for safety reasons.

Ms. Newmen responds advising the route location is not final and this selection is a means to generate and obtain a cost estimate only.

Snelling Municipal Advisory Council member Gordon Gray summarizes the history of the Municipal Advisory Council's position on the safe walking path.

Snelling resident and Attorney for Snelling Restoration Group Weldon Mattos submits and reviews pictures of the areas around the walking path and fences around the ditches in Snelling

stating the developer will do whatever the Board directs, however, he requests the developer not be “singled out” and be treated the same as the ditch in town that is unfenced.

Snelling resident Don Weber speaks in support of a fenced ditch and in favor of a walkway.

Snelling resident George Jones speaks in favor of project.

The Chairman closes the Public Hearing.

The Board discusses the alignment with the wine vineyard, habitat boundaries, county costs, jurisdictional wetlands, zoning, nexus report and community service district expansion abilities.

Following discussion, Supervisor Kelsey moves, seconded by Supervisor Pedrozo, the Board deny the Lakeview Properties Major Subdivision Application No. MAS04-014.

County Counsel James Fincher suggests the motion be a tentative motion and direct Staff to develop and return with findings to come back to the Board, stating the current findings in the record are not supportable of a denial for the project; so if you are going to have a record that would establish a challenge, you would have the findings that support the decision.

Supervisor Kelsey moves to amend the motion as recommended and the Board tentatively deny the Lakeview Properties Major Subdivision Application No. MAS04-014 based on further findings to be developed by Staff and returned to the Board.

Supervisor Pedrozo seconds the Motion.

Supervisor O’Banion states he cannot support the motion stating this is a continuous delay of the project and this has been an application that has been before the County for at least four years if not longer.

Supervisor Davis states his agreement with Supervisor O’Banion.

The Chairman calls for a Vote on the Motion.

Supervisors O’Banion, Walsh, and Davis vote “no”. Motion Fails.

Ayes: Pedrozo, Kelsey

Noes: Walsh, Davis, O’Banion

The Board discusses with Staff the Nexus Study need and the cost allocation, fence location, protection of habitat from human interference and protection of children from the ditch, Fish and Wildlife meeting on type of fence/affect on wildlife, Caltrans encroachment, safety concerns, bridges and major thoroughfares, alternative alignments, community service district abilities and future growth.

The Chairman calls for the action by the Board and reads Recommendations before the Board as provided in Recommendation #3 in the Staff Report.

Supervisor Kelsey moves, the Board find an off-site walking route from the Snelling-Merced Falls Elementary School to La Grange Road should be required, that it meets the nexus/proportionality requirement under Government Code section 66001(a), and therefore:

i) directs Staff, in accordance with and pursuant to CEQA Section 21092.1 and CEQA Guidelines section 15073.5(b), to prepare and re-circulate a revised CEQA document to reflect a substantial revision to Major Subdivision Application No. MAS04-014 "Lakeview Properties" due to the addition of an off-site walking route from Snelling School to La Grange Road; and,

ii) Returns Major Subdivision Application No. MAS04-014 "Lakeview Properties" to the Planning Commission with direction to consider the addition of such an off-site route including discussions with Caltrans utilization of a right-of-way, from Snelling-Merced Falls Elementary School to La Grange Road, following completion, recirculation, and public review of a revised CEQA document.

Supervisor Pedrozo seconds the Motion.

Supervisor O'Banion states he cannot support the motion and we need to move forward with this project.

Discussion is had with Planning staff and Economic and Planning Systems Representative Russ Powell relative to walkway discussion for the Community Hall and the Nexus Study and fee comparison that is directed to cities only.

County Counsel James Fincher reviews the requirement of Government Code Section 66001 stating the Board must find there is a need for this type of walking path for this project.

The Board recesses at 1:05 p.m. and reconvenes at 1:15 p.m. with all members present.

The Board further discusses the concerns of the Municipal Advisory Council, concerns on the route, treatment water capacity, vineyard location adjacent to prime ag. land and fence lines adjacent to schools.

The Chairman calls for a Vote on the Motion on the Floor.

Supervisor O'Banion, Walsh, and Davis vote "no". Motion Fails.

Ayes: Pedrozo, Kelsey

Noes: Walsh, Davis, O'Banion

Supervisor Kelsey expresses her concern with the location and condition of the ditch, types of fence and the affect upon the wildlife and the walking path requirement for the safety of the children.

Following further discussion, Supervisor O'Banion moves, to find that an off-site walking route from Snelling-Merced Falls Elementary School to La Grange Road is neither required nor justified, and therefore approve Major Subdivision Application No. MAS04-014 "Lakeview Properties" based upon the 9 Project Findings, and subject to the previous 5 Conditions of Approval and 14 Mitigation Measures presented in the Supplemental Staff Report, dated February 15, 2011.

Supervisor Davis seconds the Motion.

Supervisor Kelsey urges the Board to not support this Motion stating it will not serve the community well, there will be liabilities and there will be people not able to make it across the street.

The Chairman calls for a Vote on the Motion.

Supervisor Pedrozo, Walsh, and Kelsey vote “no”. Motion Fails.

Ayes: O’Banion, Davis

Noes: Pedrozo, Walsh, Kelsey

Supervisor O’Banion states he cannot see the County imposing the requirement of a public school path and reviews the concerns.

Following discussion, Supervisor Kelsey moves, the Board continue this item to March 1, 2011, at 10:00 a.m. and direct Staff to bring back other options on the community walking path and the larger portions of the community including the Henderson Park area.

Following further discussion on the Municipal Advisory Council concerns, Supervisor Walsh seconds the Motion.

Supervisor O’Banion questions does this include to direct Staff and Consultant Staff to continue and elaborate on the Nexus Study and will this be an additional cost to the County.

Supervisor Kelsey states she does not agree with the city analysis of the cost of the walking path and suggests Staff develop additional information building on the existing Study.

Counsel Fincher states as far as the possibility of community votes, a community can certainly decide and vote amongst its own community, but you cannot require a developer to do this process, that is something you cannot order as far as going forward on this and you cannot make it a condition. Additionally, it is prohibitive for the County to use county resources to bring forth a vote like this and it must be community driven with no tax dollars.

Mr. Fillebrown addresses the broader base walking path, safe to school route, impact fees, sewer capacity and cost of study.

Discussion is had on other county fees or possible fees, community fees or funds, changes to the analysis when community-wide rather than a Safe to Route School Project, cost to other properties and the requirement of off-site trail or community trail/recreational trail development,

The Board recesses at 1:45 p.m. and reconvenes at 1:55 p.m.

Interim Development Services Director Fillebrown suggest the hearing be continued to the next meeting which is March 1st, at which point in time Public Works will bring a report considering all options for evaluating the various issues that came up, various ways for incorporating the walking path into a community-wide path, various funding options and whether or not we need additional consultant work or not and what the cost might be and the time frames, so a plate of options will be presented and since the matter is continued, Staff will come back and discuss the information received.

Counsel Fincher clarifies, the public hearing will not be continued, the hearing has been heard and is concluded, you will continue your discussion and action with more information to follow from staff which will allow more research and estimates of staff and they can also do the outreach to Caltrans and see what can be accomplished in this time frame.

Supervisor Kelsey withdraws her Motion on the Floor and Supervisor Walsh withdraws his second.

Supervisor Kelsey moves, seconded by Supervisor Walsh, the Board continue the matter to the Board Meeting of March 1, 2011.

The Chairman calls for a Vote on the Motion. Motion Carries.

Ayes: Pedrozo, Walsh, Kelsey

Noes: O'Banion, Davis

ACTION ITEM NO. 28

2011-02-01 COMMERCE, AVIATION, & ECONOMIC DEVELOPMENT

The Clerk announces the Neighborhood Stabilization Program 3 (NSP3) Abbreviated Action Plan Application is before the Board for consideration.

Commerce, Aviation, and Economic Development Director Mark Hendrickson reviews the staff report advising NSP3 was established to assist and stabilize communities that have suffered from foreclosures and abandonment. He states Merced County has been awarded \$2.7 million in NSP3 Funds to support efforts to reverse these effects and reviews the evaluation data provided by HUD in order to locate in Merced County, which had the highest concentration of foreclosures. Mr. Hendrickson reviews the recommendations and states the recommended target area is being made on the basis of the funding available and the ability to meet HUD's impact number to achieve the greatest impact possible.

Mr. Hendrickson reviews the powerpoint presentation. (Supplemental #4)

The Board discusses the needs of all communities in the County and the focus of the single target area selection and CDBG funding use.

Marilyn Forebaugh, Winton, advises she has worked in Winton for 41 years and submits letters from the School Board and a group of informed citizens in support of Option 1.

Following discussion, Supervisor Kelsey moves, seconded by Supervisor Davis, the Board take the following actions:

- (1) Direct Staff to identify the community of Winton as the primary target area for the purposes of completing the NSP3 Application and authorizes the Chairman to sign;
- (2) Authorize Staff to utilize the Purchasing/Rehabilitation/Re-sell model for the purposes of NSP3 implementation and direct Staff to return to the Board with future actions to:
 - 1) amend the Self-Help Enterprises Special Services Agreement/Contract to include

- the NSP3 Program, and 2) select a realtor(s), appraiser(s) and home inspector(s) to handle the real estate transactional issues;
- (3) Direct Staff to work with Purchasing and Self-Help Enterprises to develop means by which to use local contractors for the rehabilitation of property acquired by the County for the purposes of resale through NSP3.
 - (4) Authorize the following: 1) Chairman to execute the NSP3 Application and any additional documents necessary to complete the NSP3 application process; 2) the Chairman, upon successful award, execute Contract No. 2011123 and any subsequent amendments that are necessary to participate in the NSP3 Program subject to approval by Counsel; 3) the CAED Director to transfer or modify budget amounts and activities as necessary to fully expend NSP program funds; and 4) CAED Director and the Business & Castle Operations Manager to execute residential purchase and sale documents, loan documents, fund requests and other required reporting forms upon a successful award.

And adopts Resolution No. 2011-22.

The Board discusses CDBG fund allocations for the communities, pursuing funding for other areas affected by foreclosure and Los Banos CDBG funding.

Following further discussion, Counsel responds to discussions stating the Board can provide direction to staff to explore other funding opportunities and to work with the cities, our congressman and state/federal legislators to explore funding and determine what Merced County can do to assist seeking additional funds.

The Chairman calls for a Vote on the Motion on the Floor. Motion carries.

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

ACTION ITEM NO. 37

2011-02-15 TREASURER-TAX COLLECTOR-COUNTY CLERK

The Clerk announces the Special Districts Resolutions to change their election cycle to coincide with statewide elections in even-numbered years is before the Board for consideration.

Upon motion of Supervisor Kelsey, seconded by Supervisor Walsh, duly carried, the Board approves the Resolutions from Atwater Elementary School District, Ballico-Cressey School District and Gustine Unified School District requesting that the new election date be moved from November 2011 to November 2012 with Board members whose terms would have expired in 2011 being extended to 2012 and board members whose terms would have expired in 2013 being extended to 2014; and pursuant to California Election Code Section 10404.5(b), the Board consolidates the election date for the Governing Board members of the said Districts with the date for the California General Election in November in even years.

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

ACTION ITEM NO. 43

2011-02-15 COUNTY EXECUTIVE OFFICE

The Clerk announces the FY 2011-12 Budget Planning is before the Board for consideration.

County Executive Officer Larry Combs reviews the staff report advising the County is facing an estimated shortfall of \$13 million this fiscal year 11-12 and states Executive Office is bringing forth \$7 million in reductions and the remainder will be presented between now and the Proposed Budget.

Deputy County Executive Officer Scott DeMoss presents and reviews the 2011-12 Budget Planning power point (labeled Supplemental 5) outlining the budget process for State and County, the 2011-12 Budget Calendar and Board Dates, Initial Reduction, Uncertainties, Balance of Reductions, and Planning Steps.

County Executive Officer Larry Combs requests that the Board endorse the plan and states that Budget staff will continue to work with departments.

Following discussion and in response to questions, Human Services Agency Director Ana Pagan and Deputy Director Janice Rector provide a brief report on funding and monies disbursed stating there is no intent to eliminate the Meals on Wheels Program and what is being discussed is in the areas of cost savings in order to continue to deliver services. Currently there is an overmatch of \$240,000.

John Carlos, Merced, requests information regarding the term "overmatch" and discusses elimination of senior bus passes stating a \$15 a month bus pass is significant for a senior citizen and suggests Board members use Special Board Project Funds for bus passes.

In response, County Executive Officer Larry Combs reviews the overmatch process stating "when the State or Federal government requires counties to match funding and this is usually a percentage" of the funds allocated.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Walsh, duly carried, the Board takes the following action: (1) Directs the H.S.A. Director to work with the CEO to return with specific recommendations and necessary program steps to reduce the County's costs related to the overmatch of funds to the Home Delivered Meal's Program; (2) Authorizes the County Assessor to use the County Website to provide value notices pursuant to Revenue and Taxation Code 621 effective March 1, 2011, and adopts Resolution No. 2011-29 (Assessor); and, (3) Approves amendments to Personnel Resolution No. 06-120/A to include the deletion of the following 23 vacant positions and the transfer of one position as follows:

County Executive Office - BU 10100

Delete 1 Management Analyst I/II/III and 1 Administrative Support Aide-Conf.

Auditor-Controller - BU 11000

Delete 1 Accounting Technician

Assessor/Recorder - BU 11200/28000

Delete 1 Recorder Clerk I/II/III

Administrative Services - BU 11500/75600

Transfer 1 Accounting Technician from BU 11500 to BU 75601

Delete 1 Programmer Analyst I/II, Programmer Analyst II-Confidential and Programmer Analyst III from 75600

Human Resources, BU 13000

Delete 1 Support Services Assistant-Conf.

Risk Management – BU 19000

Delete 1 Risk Analyst I/II/III

District Attorney - BU 20400

Delete 2 Deputy District Attorney I/II/III/IV

Delete 1 Legal Process Clerk I/II

Public Defender - BU 20600

Delete 1 Deputy Public Defender I/II/III/IV

Juvenile Hall/Probation - BU 23300/23400

Delete 2 Legal Process Clerk I/II from BU 23400

Delete 1 Supervising Probation Officer from BU 23405

Delete 1 Probation Assistant from BU 23405

Delete 2 Deputy Probation Officer I/II/III from BU 23406

Agricultural Commissioner/Animal Control - BUs 27000/28700

Delete 1 Agricultural Biologist I/II/III from BU 27000

Delete 1 Assistant Director Animal Control from BU 28700

Library - BU 60000

Delete 1 Library Assistant I/II

Public Works - BU 70200

Delete 1 Grounds Maintenance Worker I/II; And adopts Resolution No. 2011-30 (Personnel).

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