

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, APRIL 05, 2011
Closed Session – 8:30 a.m.
Regular Meeting – 10:00 a.m.

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

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

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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

8:30 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 - 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): Valley Citizens v. County of Merced, George and Jeanne Simmons and The Don Chapin Company, Real Parties in Interest, Merced County Superior Court Case No. CV001427

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION–Title: Public Defender

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957.6 concerning a Conference with County of Merced Staff Negotiators concerning negotiations with American Federation of State, County and Municipal Employees (AFSCME), Units 4, 5, 6 and 8; Independent Employees of Merced County (IEMC), Unit 3; Merced County Lawyers Association, Unit 7; Merced County Sheriff Employee Association (MCSEA), Unit 2; Merced County Law Enforcement Sergeants, Unit P; Deputy Sheriff Association, Unit 10 and Non-Safety Corrections, Unit 12

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): Two Cases

THE BOARD RECESSED AT 8:30 A.M. AND RECONVENED AT 10:00 A. M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN 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)

REVIEW BOARD ORDER – SEE PAGE 10

10:00 A. M.

PRESENTATIONS

(1) Merced Irrigation District - Spillway Modification Project for Lake McClure
REVIEW BOARD ORDER – SEE PAGE 10

(2) Budget Presentation by Executive Office

REVIEW BOARD ORDER – SEE PAGE 10 AND 11

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 29)

APPROVED AS RECOMMENDED WITH CORRECTION TO ITEM #21

AYES: ALL

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items #1 - 29)

APPROVED AS RECOMMENDED WITH CORRECTION TO ITEM NO. 21 AYES: ALL

Public Works

1. Authorize the Merced Custom Auto Show Committee to host a Custom Car Show on August 20, 2011 at Lake Yosemite Park and authorize the Committee to charge an Entrance Fee and Waive the Vehicle Entrance Fee for participants and individuals attending the Show and authorize the sale of beer to the public.
2. Approve Budget Transfer in the amount of \$136,000 to add Street Sweeper from CMAQ Funds. (4/5 Vote Required)

REVIEW BOARD ORDER – SEE PAGE 11

Planning

3. Approve and authorize Chairman to sign Amendment to Contract No. 2010285 with John Pires, Applicant, for the consultant Environmental Planning Partners, Inc. to prepare tasks for an Environmental Impact Report for the Pires Dairy Expansion Project (CUP10-007).
4. Approve and authorize Chairman to sign Amendment to Contract No. 2010286 with Environmental Planning Partners, Inc. to prepare Tasks for the Environmental Impact Report for the Pires Dairy Expansion Project (CUP10-007) and approve the necessary budget transfer-\$7,900. (4/5 Vote Required)

County Counsel

5. Approve and authorize Chairman to sign Amendment to Contract No. 2011044 with Silveira Mattos & Lewis for legal services in the matter of Somach Simmons & Dunn v. County of Merced.

Commerce, Aviation and Economic Development

6. Approve Budget Transfer in the amount of \$200,000 to assist the City of Atwater billing issues. (4/5 Vote Required)

REVIEW BOARD ORDER – SEE PAGE 11

7. Approve and authorize Chairman to sign Renewal Contract No. 2009121 with AMS.NET, Inc. for use of FOCUS Program Procurement Vehicle for Telecommunications Technology solutions services and authorizes the Chairman to sign the two-year extension Announcement Letter.

Fire

8. Approve Budget Transfer in the amount of \$10,500 to replace Server for Fire Connection to State System.

Ag. Commission

9. Approve and authorize Chairman to sign Renewal Contract No. 2008335 with Calif. Dept. of Pesticide Regulation for Electronic Pesticide Use Reporting Services and adopt Resolution.

ADOPTED RESOLUTION NO. 2011-34

10. Approve and authorize Chairman to sign Renewal Contract No. 2004047 with Calif. Dept. of Boating and Waterways for Water Hyacinth Control on Merced County Waterways and adopt Resolution.

ADOPTED RESOLUTION NO. 2011-35

Human Services Agency

11. Approve Budget Transfer in the amount of \$3,500 to shift federal one-time only funds to purchase copiers for Area Agency on Aging reception area.
12. Approve and authorize Chairman to sign Renewal Contract No. 2008302 with Merced Lao Family Community, Inc. for Home Visitor services.
13. Approve and authorize Chairman to sign Renewal Contract No. 2009297 with Sheriff's Department for Social Worker Safety and Support for At Risk case situations.

Dept. of Workforce Investment

14. Approve and authorize Chairman to sign Amendment to Contract No. 2010199 with Workforce Investment Board of Tulare County to add the necessary Dept. of Labor contract provision language to the Regional Economic Impact/National Emergency Grant.

Mental Health

15. Approve and authorize Chairman to sign Renewal Contract No. 2004105 with Health to transport incoming and outgoing interdepartmental mail courier services.

16. Approve and authorize Chairman to sign Renewal Contract No. 2009242 with Probation for mail courier services.
17. Approve and authorize Chairman to sign Renewal Contract No. 2004103 with Human Services Agency for mail courier services for interdepartmental mail.
18. Approve and authorize Chairman to sign Renewal Contract No. 2004230 with Probation for on-site probation services for youth concurrently enrolled in Mental Health and Probation Services.
19. Approve and authorize Chairman to sign Amendment to Contract No. 2008058 with Central Valley Coalition for Affordable Housing for property at 1806 Parsons Avenue, Merced, for residential home for consumers, extending the term through June 30, 2012 and increasing the rent to \$636.82 per month effective July 1, 2011.
20. Set public hearing for May 3, 2011 at 10:00 a.m. to consider Proposed Ordinance amending Mental Health Services Fees (Amends Ord. No. 1883 and County Code 9.48).

Executive Office

21. Approve Travel Request received from Dept. of Workforce Investment as recommended by Executive Office.

APPROVED WITH CORRECTION, TRAVEL IS FOR HUMAN SERVICES AGENCY

Dept. of Admin. Services

22. Approve Budget Transfer in the amount of \$2,600 to increase the Fixed Asset amount as the cost of the Router was greater than anticipated.

Board Recognition

23. Proclaim the week of April 10 through 16, 2011 as "Crime Victims' Rights Week" in Merced County.
24. Proclaim the month of May, 2011 as "Canal and Water Safety Month" in Merced County.
25. Authorize Certificate of Recognition to The Cue Spot Billiards for their Ribbon Cutting.
26. Authorize Certificate of Recognition to BloodSource for their 10th Anniversary.
27. Authorize Certificates of Recognition by the Merced County Historical Society Board: Native Daughters of the Golden West-Veritas Parlor #75 and Le Grand United Methodist Church for 2011 Estep-Burchell Community Grant; Ty Shaeffer for 2010 Docent of the Year; Adria Torres for Service to Courthouse Museum; Patti Kishi, 2010 Outgoing President; John McMillen for 2010 Letus Wallace Award and Mike Bik for 2010 Heacox Pioneer Award.
28. Authorize Certificate of Recognition to Zachary Andrew Wilson for achieving the Boy Scouts of America Rank of Eagle Scout.
29. Authorize Certificate of Recognition to Comfort Keepers for their Grand Opening.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

30. Contract, Grant Deed and Temporary Construction Easement Deed with Calif. Dept. of Transportation for Right-of-Way needed to complete the SR 99 Project southeast of Merced and adopt Resolutions (2).

ADOPTED RESOLUTION NO. 2011-36 (EASEMENT DEED) AND RESOLUTION NO. 2011-37 (GRANT DEED) AND AUTHORIZED CONTRACT NO. 2011045 AS RECOMMENDED AYES: ALL

31. Resolution authorizing the Chairman to sign the Quitclaim Deed for the incomplete portion of Doppler Road as part of the Mission Interchange Project in Merced.

ADOPTED RESOLUTION NO. 2011-38 AS RECOMMENDED AYES: ALL

MENTAL HEALTH

32. Approve the Mental Health Services Act Fiscal Year 2011-2012 Annual Update, and all comments received and updates received at the Mental Health Advisory Board Public Hearing on March 29, 2011; authorize the Mental Health Director to sign all necessary documents and authorize submission to the State Dept. of Mental Health and the Mental Health Services Oversight and Accountability Commission.

REMOVED FROM THE AGENDA – NO ACTION TAKEN

33. Authorize the Banner over and above the streets of the City of Merced, on G Street between 19th and 20th Streets, for two weeks starting May 8, 2011 as part of the Mental Health Services Act Prevention and Early Intervention Public Awareness and Education Campaign.

APPROVED AS RECOMMENDED AYES: ALL

34. Contract with Nursefinders, Inc. for the provision of Registered Nurses (RN's), Licensed Vocational Nurses (LVN's), Certified Nursing Assistants (CNAs) and Licensed Psychiatric Technicians (LPTs) on a temporary basis when short-staffed and authorize the increase from original estimates for 2010-2011 to \$20,000; authorize the terms and conditions of the original Administrative Services Contract which was for \$10,000 and approve the necessary budget transfer-\$10,000. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2011046 AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

35. Authorize negotiation of Sole Source Contract with National Council on Crime and Delinquency (NCCD) to provide SafeMeasures, an internet reporting service, and return to the Board for final approval.

APPROVED AS RECOMMENDED AYES: ALL

DEPT. OF WORKFORCE INVESTMENT

36. Appoint Mary Ann Navarra to serve on the Merced County Youth Council as the Juvenile Justice Representative as recommended by Workforce Investment Board.

APPROVED AS RECOMMENDED AYES: ALL

LIBRARY

37. Approve the Tutor Policy for the Main Library and all Library Branches.

APPROVED AS RECOMMENDED AYES: ALL

38. Authorize Livingston Library to be open on Saturday, April 16, 2011 from 10:00 a.m. to 7:00 p.m. as part of the Library Centennial with Livingston Friends of the Library volunteering their time to staff the library.

APPROVED AS RECOMMENDED AYES: ALL

39. Authorize Los Banos Library to be open on Sunday, May 8, 2011 from 9:30 a.m. -2:30 p.m. as part of the Mother's Day in the Park Fair with Los Banos Friends of the Library volunteering their time to have the library open.

APPROVED AS RECOMMENDED AYES: ALL

40. Authorize circulation of Request for Proposal from qualified vendors for design and construction of a Bookmobile and authorize review of proposals and negotiation of contract to come back to the Board for approval.

APPROVED AS RECOMMENDED AYES: ALL

SHERIFF

41. Authorize one-time retroactive pay adjustment for thirteen (13) pay periods for one Deputy Sheriff (employee ID 30464) in accordance with Human Resources Rules and Regulations.

APPROVED AS RECOMMENDED AYES: ALL

COUNSEL

42. Set a Special Meeting of the Board of Supervisors for May 10, 2011 at 10:00 a.m. and reschedule the presentation and proposed redistricting plan actions presently scheduled for May 3, 2011 to May 10, 2011.

REVIEW BOARD ORDER – SEE PAGE 12

PLANNING

43. Continue the Lakeview Properties Major Subdivision Application No. MAS04-014 final project decision set for April 5, 2011 to May 3, 2011 in order to allow finalization of the Community Benefits Agreement/Developer Agreement for Major Subdivision Application No. MAS04-014, Lakeview Properties.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

44. Provide direction on the Spring Fair Operating Loan from the General Fund to the Spring Fair of \$150,000 and Interest with the primary options of: A) Waiving the \$150,000 loan and interest in its entirety; or B) Extending the \$150,000 loan and continue charging interest at the Treasury Earnings Rate.

REVIEW BOARD ORDER – SEE PAGE 12 AND 13

BOARD OF SUPERVISORS

45. Authorize Special Board Project Funds-District Five in the maximum amount of \$10,000 to be reimbursed to the Fire Department for purchase of a Tuff Shed for the Dos Palos Y Fire Station and authorize issuance of a Purchase Order to the selected lowest responsive

bidder and approve the necessary budget transfer.

APPROVED AS RECOMMENDED AYES: ALL

46. Authorize Special Board Project Funds-District Five in the amount of \$3,500 to be forwarded to the Merced County Spring Fair to assist with the cost to reroof the Livestock Barn and approve the necessary budget transfer.

APPROVED AS RECOMMENDED AYES: ALL

47. Authorize Special Board Project Funds-District Four in the amount of \$500 to be transferred to Public Works Recreation Division to assist with the cost of an April Movie Night in Delhi to be co-sponsored by First 5 in recognition of the Week of the Young Child.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

48. Commerce, Aviation and Economic Development re: Notice of Contract issued to Maria's Taco Shop for use of Building #728 (approximately 1,500 sq. ft.) with adjacent parking area located at Castle Commerce Center.

CONTRACT NO. 2011047

49. Dept. of Admin. Services re: Notification of procurements per Ordinance No. 374, Chapter 5.12.040: Category 1, Item 1: Professional Services to support the Planning Department, and Category 1, Item 2: Retention of Office Depot on a new cooperative agreement.

50. California Emergency Management Agency re: Notification on March 16, 2011, the U.S. Dept. of Agriculture granted a Secretarial disaster designation for the primary counties of Tuolumne and the contiguous counties of Alpine, Calaveras, Madera, Mariposa, Merced, Mono and Stanislaus due to agricultural losses caused by heavy snow and freezing temperatures that occurred November 20, 2010 through November 24, 2010.

51. California Emergency Management Agency re: Notification the U.S. Small Business Administration declared the primary county of Tuolumne and the contiguous counties of Alpine, Calaveras, Madera, Mariposa, Merced, Mono and Stanislaus a disaster area. This declaration is a result of a March 16, 2011, USDA disaster designation due to agricultural losses caused by heavy snow and freezing temperatures that occurred November 20, 2010 through November 24, 2010.

52. CSAC re: AB 153 (Skinner) Support - to change the definition of the retailers that are required to collect sales and use taxes to include out-of-state retailers with commission-based associates in the state; applies to retailers whose sales related to their associates' referrals exceed \$10,000; and AB 153 would attempt to collect taxes that Californians currently owe but do not pay and a portion of these uncollected taxes would benefit counties.

53. Somach Simmons & Dunn, A Professional Law Corporation re: Copy of Letter to State Water Resources Control Board to Petition for Long Term Transfer of Water and the required Environmental Information for Petitions and supporting documentation for a proposed transfer of up to 5,000-acre feet of water from the Stevinson Water District in Merced County to the San Luis Canal Company, also located in Merced County. {Documents are on file with Clerk-exceed 130+pages and are as noted: Petition for Long Term Transfer of Water/Water Rights with State Water Resources Control Board;

Environmental Information for Petitions with Calif. Environmental Protection Agency and Draft Environmental Assessment/Initial Study - Eastside Conveyance Project with U.S. Dept. of Interior for Henry Miller Reclamation District No. 2131 dated September, 2010}

54. State Water Resources Control Board re: Notice of Opportunity to comment - Draft Waste Discharge Requirements for Sanitary Sewer Systems.
55. State Water Resources Control Board re: Notice of Public Workshop to consider comments on a Proposed Russian River Frost Protection Regulation to commence on April 6, 2011 in Sacramento, CA.
56. State Water Resources Control Board re: Announcement of intention to amend the State Fiscal Year 2010-11 Clean Water State Revolving Fund (CWSRF) Project Priority List (PPL) and the SFY 2008-09 CWSRF PPL.
57. State Water Resources Control Board re: Notice of Board Meeting and Agenda set for April 5 and 6, 2011 in Sacramento, CA.
58. State Fish and Game Commission re: Notice of Proposed Regulatory Action relative to Sections 353, 354, 360, 361, 362, 363, 364, 365, 366, 702, 708, 711 and new Sections 708.1, 708.2, 708.3, 708.4, 708.5, 708.5, 708.7, 708.8, 708.9, 708.10, 708.11, 708.12, 708.13, 708.14, 708.15, 708.16 and 708.17, Title 14, Calif. Code of Regulations, relating to Mammal Hunting Regulations which will be published in the Calif. Regulatory Notice Register.
59. State Fish and Game Commission re: Notice of Proposed Regulatory Action relative to Section 632, Title 14, Calif. Code of Regulations, relating to Southeast Farallon Island Special Closure which will be published in the Calif. Regulatory Notice Register.
60. State Fish and Game Commission re: Notice of Proposed Regulatory Action relative to Section 27.80, Title 14, Calif. Code of Regulations, relating to Ocean Salmon Sport Fishing, which will be published in the Calif. Regulatory Notice Register.
61. State Fish and Game Commission re: Notice of Emergency Regulatory Action, the Emergency Regulatory language in strikeout/underline format, and the Statement of Facts Constituting Need for Emergency Action relative to Ocean Salmon Sport Fishing.

ADOPTED RESOLUTION IN MEMORY OF RICK OULES AND ADJOURNED TO MEET IN CONTINUED CLOSED SESSION. RECONVENED LATER IN THE DAY WITH CHAIRMAN ADVISING STAFF HAS RECEIVED DIRECTION AND ADJOURNED UNTIL TUESDAY, APRIL 19, 2011 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – APRIL 5, 2011

10:00 A.M. SCHEDULED ITEM **2011-04-05 PUBLIC OPPORTUNITY**

Merced Irrigation District representative requests the Board support May as Water and Canal Safety Month.

Judge McCabe introduces the new Superior Court Executive Officer Linda Romero Soles.

Craig Schmidt, Schmidt and Associates representing the Fresno Nuclear Energy Group, provides an overview of the Fresno Nuclear Energy Group and requests the endorsement and continued support of the Board of Supervisors.

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

10:00 A.M. SCHEDULED ITEM **2011-04-05 PRESENTATION – MERCED IRRIGATION DISTRICT**

Merced Irrigation District Representative Will Hunter provides a brief presentation on the spillway modification project for Lake McClure stating MID is not asking or seeking financial support but does request assistance of elected officials to support the relicensing process.

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

10:00 A.M. SCHEDULED ITEM **2011-04-05 PRESENTATION – EXECUTIVE OFFICE - BUDGET**

County Executive Officer Larry Combs provides an overview of the past few months stating County departments have been asked to reduce their budgets by 20% and are working with departments in identifying potential cuts and possible layoffs.

Assessor Kent Christensen reviews the powerpoint outlining the Property Tax Update for 2011/2012 covering: 2010 recap, County 2011 data, County Wide Total 2011 and Atwater, Gustine, Livingston, Los Banos, Merced, and Dos Palos 2011 stating there is a potential risk of losing \$1.7 billion relative to the Assessment Appeals matters.

Assistant County Executive Officer-Budget Scott DeMoss and Assistant County Executive Officer Jim Brown review the powerpoint presentation covering State Budget/Realignment, Fiscal Year 2011/12 State Budget, State Budget–Expenditure Reductions, Historic Realignment Proposal, Current Year Update–Fiscal Year 2010/11, Revenues vs. Expenditures (General Fund), Through February Comparisons Fiscal Year 2010/11–General Fund, Cash Flow (General Fund), Next Year–Fiscal Year 2011/12 Initial Budget, Available Fund Balance–After Reserves, General Purpose Revenue–Annual Trend, Local Resources, Local Requirements, Reserves, County of

Merced–Service Breakdown, General Fund–Functional Areas, Fiscal Year 2010/11–Local Requirements, and Shortfall–Conceptual Reductions.

The Board discusses Spring Fair, Fire, First 5, Williamson Act, and statutory requirements relative to the budget to provide services so priorities can be set and the need to provide budget information to the community.

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

CONSENT ITEM NO. 2

2011-04-05 PUBLIC WORKS

The Clerk announces a Budget Transfer from Public Works is before the Board for consideration.

Public Works Director Paul Fillebrown advises for clarification of the record, the Street Sweeper will be purchased with CMAQ funds and will help with construction projects as Public Works does not do regular street sweeping.

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board approves the budget transfer in the amount of \$136,000 to add a street sweeper from CMAQ funds.

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

CONSENT ITEM NO. 6

2011-04-05 COMMERCE, AVIATION, AND ECONOMIC DEVELOPMENT

The Clerk announces a Budget Transfer from Commerce, Aviation and Economic Development is before the Board for consideration.

Commerce, Aviation, and Economic Development Director Mark Hendrickson states the budget transfer is needed to meet financial obligations with the City of Atwater for wastewater services both rendered and anticipated.

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board approves the budget transfer in the amount of \$200,000 to assist the City of Atwater billing issues.

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

ACTION ITEM NO. 42

2011-04-05 COUNTY COUNSEL

The Clerk announces an Amendment to the Redistricting Project Plan timeline is before the Board for consideration.

County Counsel James Fincher reviews the staff report advising it is not possible to get all meetings aligned and therefore a special meeting is being requested for May 10, 2011 at 10:00 a.m. and the May 3, 2011 presentation and related actions will be rescheduled to that time.

Upon motion of Supervisor O'Banion, seconded by Supervisor Davis, duly carried, the Board reschedules the presentation of demographic information and proposed redistricting plan actions scheduled for May 3, 2011 to May 10, 2011, and sets a special meeting of the Board of Supervisors for May 10, 2011 at 10:00 a.m.

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

ACTION ITEM NO. 44

2011-04-05 EXECUTIVE OFFICE

The Clerk announces the Spring Fair Operating Loan is before the Board for consideration.

County Executive Officer Larry Combs reviews the staff report and states at the March 22, 2011 Board Meeting the Board acknowledged the letter from the Spring Fair requesting forgiveness of the Cash Flow Loan from the County of Merced to the Spring Fair that is due in June, 2011. At that time, the Board acknowledged the letter would come back to the Board on this date for further discussion. He states Fair Board Members are present to answer questions.

Supervisor O'Banion introduces the Fair Board members present: Pat Gallichio, Larry Bergman, Kim Rogina, Jeremy O'Banion, Jonathan Andrews, Paul Parreira, Scott Silveira and Larry Borelli.

Spring Fair Manager Ron Brandt summarizes the Spring Fair accounts stating the loan was to help with the general cash fund and reviews factors that make it hard to pay back which is the cost of additional general liability insurance required, cuts in the budget at the State level, and projected revenue increases.

Discussion is had on the costs and funding of the Spring Fair, the use of the facility, and the additional insurance costs.

Following discussion, Supervisor O'Banion moves, the Board approve the forgiveness of the Loan provided to the Spring Fair.

The Chairman calls for a Vote on the Motion. Motion dies for lack of a second.
Present: Pedrozo, Walsh, Davis, Kelsey, O'Banion

Following further discussion, Supervisor Kelsey moves, the Board amortize the debt over how many years we have left at \$12,000 for repayment, without interest.

CEO Combs clarifies for the record if this amortizing of the debt also includes waiving the \$9,000 of interest.

Supervisor Kelsey states the loan amount she was referencing is \$150,000.

The Chairman calls for a Vote on the Motion. Motion dies for a lack of a second.
Present: Pedrozo, Walsh, Davis, Kelsey, O'Banion

Following a lengthy discussion regarding costs that occurred at the Spring Fair, Supervisor Davis moves, the Board forgive the \$12,000 per year for the number of years we costed the Fair Board to pay for this additional insurance, and the remainder to be paid off for a determined amount at no interest.

Supervisor Kelsey seconds the Motion.

Discussion is had on meeting with the Fair Board and the Director, responsibility of additional insurance requirements, festivals held throughout the county, terms of the loan and providing updated information to the Board.

Following further discussion, Supervisor O'Banion amends the Motion, the Board consider action at the next Board Meeting after there has been discussion with the Fair Board in regards to the consideration stated by Supervisor Davis.

After discussion on the Amendment, the Chairman calls for a Vote on the Amended Motion. Motion carries.
Ayes: Pedrozo, Walsh, Davis, Kelsey, O'Banion

The Chairman states the matter will be back on the Agenda for April 19, 2011.
Present: Pedrozo, Walsh, Davis, Kelsey, O'Banion