

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, APRIL 19, 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: (1) Building 395, (2) Building 1550 and (3) Castle Airport properties

**CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL -
SIGNIFICANT EXPOSURE TO LITIGATION:**

It is the intention of the Board to meet in Closed Session concerning significant exposure to litigation pursuant to Government Code Section 54956(b): Two Cases

NOT DISCUSSED IN CLOSED SESSION

**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): County of Merced v. Rooker, et al., Merced Superior Court case no.: CV001238

NOT DISCUSSED IN CLOSED SESSION

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

**THE BOARD RECESSED AT 9:00 A.M. AND THE CLERK ADVISED
SIGNIFICANT EXPOSURE AND EXISTING LITIGATION HAS BEEN
REMOVED FROM CLOSED SESSION AND THE BOARD RECONVENED
AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN
STATED DIRECTION HAS BEEN 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)

PRESENTATIONS

- (1) **Service Pin Presentation:**
Dawn McGranahan-Human Services Agency, 20 years of service
- (2) **Volunteer Recognition** - 2011 Volunteers nominated by the community:
 - DISTRICT ONE:** Read & Succeed Adult Literacy Program and the Spirit of Christmas Group
 - DISTRICT TWO:** Sally Ragonut and Central Presbyterian Church
 - DISTRICT THREE:** Stephanie Rivero and Nancy Hladek,
 - DISTRICT FOUR:** Richard Jantz and Rick Nagle,
 - DISTRICT FIVE:** Continuum of Care-Homeless Count Volunteers and Jan & Friends

A RECEPTION WILL BE HELD IN ROOM 310 IN HONOR OF AWARDS

- (3) **Executive Office:** Budget Presentation
REVIEW BOARD ORDER – SEE PAGE 11

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 30)
APPROVED AS RECOMMENDED REMOVING ITEM #21 FROM THE AGENDA AYES: ALL

HEALTH - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION

To consider Proposed Ordinance entitled: An Ordinance changing Fees set for Environmental Health Services as provided by the Dept. of Public Health
REVIEW BOARD ORDER – SEE PAGES 11 AND 12

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

1:15 P. M.

PRESENTATION – REDISTRICTING

Presentation from Nielsen Merksamer Parrinello Gross & Leoni LLP and National Demographics Corporation regarding Merced County's redistricting of current supervisorial district boundaries plans and processes including legal and policy criteria governing redistricting and demographics of existing supervisorial districts, per California Elections Code Section 21500 et seq.
REVIEW BOARD ORDER – SEE PAGES 12 AND 13

CONSENT CALENDAR (Items #1 - 30)

APPROVED AS RECOMMENDED REMOVING ITEM #21 FROM THE AGENDA
AYES: ALL

Public Works

1. Approve and authorize ratification of the Public Works Director to sign Amendment to Contract No. 2006183 with SCS Engineers for the design, installation and close out of a temporary Granular Activated Carbon (GAC) Treatment System for the Highway 59 Landfill Gas Collection and Control system.

2. Adopt Resolution designating the intersection of San Estevan Drive and Centinella Drive constructed as part of the Santa Nella Village Unit No. 4A Subdivision No. 04077 as a Stop Intersection and authorize enforcement of the Stop Sign installed on the San Estevan approach to the intersection located in the Santa Nella SUDP area.

ADOPTED RESOLUTION NO. 2011-39

3. Adopt Resolution designating the intersection of Las Flores Court and Centinella Drive constructed as part of Santa Nella Village Unit No. 4A Subdivision No. 04007 as a Stop Intersection and authorize enforcement of the Stop Sign installed on the Las Flores Court approach to the intersection located in the Santa Nella SUDP area.

ADOPTED RESOLUTION NO. 2011-40

4. Adopt Resolution designating the intersection of Las Flores Drive and Centinella Drive constructed as part of Santa Nella Village Unit No. 4A Subdivision No. 04007 as a Stop Intersection and authorize enforcement of the Stop Sign installed on the Las Flores Drive approach to the intersection located in the Santa Nella SUDP area.

ADOPTED RESOLUTION NO. 2011-41

5. Adopt Resolution designating the intersection of Failte Court and Buhach Road constructed as part of Failte Meadows Subdivision No. 05014 as a Stop Intersection and authorize enforcement of the Stop Sign installed on the Failte Court approach to the intersection located in the Atwater RRC #1 area.

ADOPTED RESOLUTION NO. 2011-42

6. Adopt Resolution designating the intersection of Vera Cruz Drive and Centinella Drive constructed as part of Santa Nella Village Unit No. 4A Subdivision No. 04007 as an All Way Stop Intersection and authorize enforcement of the Stop Sign installed on both the northbound and southbound Vera Cruz Drive approaches and the westbound Centinella Drive approach to the intersection located in the Santa Nella SUDP area.

ADOPTED RESOLUTION NO. 2011-43

7. Adopt Resolution designating the intersection of Jeff Street and Quinley Avenue constructed as part of Silva Meadows Phase 2 Subdivision No. 03017 as a Stop Intersection and authorize enforcement of the Stop Sign installed on the Jeff Street approach to the intersection located in the Atwater RRC #1 area.

ADOPTED RESOLUTION NO. 2011-44

8. Adopt Resolution designating the intersection of Luis Avenue and Centinella Drive modified as part of Santa Nella Village Unit No. 4A Subdivision No. 04007 as an All-Way Stop intersection and authorize enforcement of Stop Signs installed on both the northbound and southbound Luis Avenue approaches and the eastbound Centinella Drive approach to the intersection located in the Santa Nella SUDP area.

ADOPTED RESOLUTION NO. 2011-45

Ag. Commissioner

9. Approve and authorize Chairman to sign Renewal Contract No. 2006109 with Calif. Dept. of Food and Ag. for conducting Petroleum Products and Weighmaster Inspections and adopt Resolution.

ADOPTED RESOLUTION NO. 2011-46

10. Approve and authorize Chairman to sign Renewal Contract No. 2010218 with Calif. Dept. of Food and Agriculture for European Grapevine Moth Regulatory and Enforcement Program and adopt Resolution.

ADOPTED RESOLUTION NO. 2011-50

Mental Health

11. Approve and authorize Chairman to sign Renewal Contract No. 2008104 with Dr. Elmer Ignacio for provision of psychiatric services at the Saturday Meds Clinic.
12. Approve and authorize Chairman to sign Renewal Contract 2010194 with Regents of the University of California for medical student interns from UC Davis to obtain clinical learning experience at Mental Health.
13. Approve and authorize Chairman to sign Renewal Contract No. 2009168 with Health to provide Alcohol and Drug HIV services for Mental Health.
14. Approve and authorize Chairman to sign Renewal Contract No. 2009096 with Joseph Melton, LMFT for certification review hearing services not to exceed \$18,000.
15. Approve and authorize Chairman to sign Renewal Contract No. 2008190 with Merced County Office of Education (MCOE) for provision of services of the Family Resource Council between Probation, Mental Health and MCOE.

Human Services Agency

16. Approve and authorize Chairman to sign Amendment to Contract No. 2005256 with District Attorney for Welfare Fraud Investigation Services and approve the necessary budget transfer-\$115,436. (4/5 Vote Required)
17. Approve and authorize Chairman to sign Renewal Contract No. 2009296 with Library for Literacy Training services for CalWORKs Welfare to Work participants.
18. Approve and authorize Chairman to sign Renewal Contract No. 2010079 with Merced County Office of Education for the Vocational Training Services through the Regional Occupation Program (ROP).

Assessor

19. Approve Budget Transfer in the amount of \$70,000 to authorize increase in appropriation to allow for payment of AES Appraisal software. (4/5 Vote Required)

Fire

20. Approve Budget Transfer in the amount of \$700 for Revenue from Sheriff Office for radio upgrade costs above grant approval. (4/5 Vote Required)

Dept. of Admin. Services

21. Approve and authorize Chairman to sign Amendment to Contract No. 2010122 with Kronos for the purchase of additional licenses and consulting support relative to the Time Management System.

PULLED FROM THE AGENDA – NO ACTION TAKEN

Library

22. Approve and authorize Chairman to sign Amendment to Contract No. 2003032 with the Housing Authority of the County of Merced to house the George Branch Library located at 401 Leshner Drive, Merced reducing the payment to the Housing Authority for 12 months.

Board Recognition

23. Adopt Resolution commending Louis Cordero for service to the County of Merced.
24. Proclaim the month of May, 2011 as Mental Health Month in Merced County.
25. Proclaim May, 2011 as Drug Court Month in Merced County.
26. Authorize Certificates of Recognition to individuals selected by Gustine Chamber of Commerce: Rico, Pfitzer, Pires & Associates for Beautification Award; Judy Quinn for Citizen of the Year; Mark D. Melville for Lowell N. Peters Award; Hills View Packing for Agriculturalist of the Year and Pioneer Drug Store for Business of the Year.
27. Authorize Certificate of Recognition to Scott Newman for years of service to Cal Fire/Merced County.
28. Authorize Certificate of Recognition to City of Los Banos for Arbor Day.
29. Authorize Certificate of Recognition to Subway in recognition of Pre-Opening Celebration.
30. Authorize Certificate of Recognition to Merced Organics for Ribbon Cutting.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

31. Certify the Information and Findings of the Final Initial Study and Mitigated Negative Declaration for the former Merced County Hospital Re-Use and Partial Demolition Project.
APPROVED AS RECOMMENDED AYES: ALL
32. Approve the Applicant Agreement for encroachment permits and authorize the authority for the Public Works Director to approve and sign Applicant Agreements between Merced County and applicants seeking encroachment permits per Merced County Code Section 2.52.010.
APPROVED AS RECOMMENDED AYES: ALL

DISTRICT ATTORNEY

33. Accept Funding from the Calif. Emergency Management Agency and for Underserved Victim Advocacy and Outreach Program in the amount of \$125,000 and authorize Contract to provide specialized assistance to victims and witnesses of gang violence and approve the

necessary budget transfer-\$54,905. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2011049 AS RECOMMENDED AYES: ALL

HEALTH

34. Accept the Grant Award from the National Association of County & City Health Officials to provide capacity building funds to the local Medical Reserve Corps Unit in Merced County; approve Out-of-State Travel for one staff to attend the 2011 Integrated Medical, Public Health, Preparedness and Response Training Summit held May 1-5 in Texas and authorize Contract to be signed and approve the necessary budget transfer-\$5,000. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2011050 AS RECOMMENDED AYES: ALL

35. Accept the Child Health and Disability Prevention (CHDP) Program and the Health Care Program for Children in Foster Care (HCPCFC) and the California Children's Services (CCS) Program Plan Allocations for FY 10-11 in the amount of \$2,126,029 and authorize the Chairman to sign the Contract with the California Dept. of Health Care Services and Certification Statement and approve the necessary budget transfer-\$60,000.

AUTHORIZED CONTRACT NO. 2007030 AS RECOMMENDED AYES: ALL

MENTAL HEALTH

36. Contract with Dos Palos Memorial Hospital & Clinic for placement of County Clinical Staff to provide mental health services involving no compensation.

AUTHORIZED CONTRACT NO. 2011051 AS RECOMMENDED AYES: ALL

37. Approve and authorize submission to the State Dept. of Mental Health Services Oversight and Accountability Commission on the Mental Health Services Act Fiscal Year 2011-2012 Annual update, including all comments and any updates from the March 29, 2011 Mental Health Board Public Hearing; authorize the Chief Information Officer and the HIPAA Privacy/Security Officer to sign the necessary documents and the Mental Health Director to sign all necessary documents for submission.

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOES: 3

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

38. Award Contract for Residential Real Estate Agent Services to Andy Krotik, Caldwell Banker Gonella Realty in connection with purchase/rehabilitation/resale model of Neighborhood Stabilization Program funds Request for Proposal No. 6562.

AUTHORIZED CONTRACT NO. 2011052 AS RECOMMENDED AYES: ALL

39. Award Contract for Residential Real Estate Appraisal Services to The Appraisal Group in connection with purchase/rehabilitation/resale model of Neighborhood Stabilization Program funds Request for Proposal No. 6564.

AUTHORIZED CONTRACT NO. 2011053 AS RECOMMENDED AYES: ALL

40. Support AB 153 (Skinner) and AB 155 (Calderon) and authorize Chairman to sign Letter of Support and direct Staff to send Letter to Assembly Member Fuentes, Chair of Assembly Committee on Appropriations.

APPROVED AS RECOMMENDED AYES: ALL

41. Support HR Bill 869 (Denham) and authorize Chairman to sign Letter of Support and direct Staff to send Letter to U.S. Senators Feinstein and Boxer and U.S. House of Representatives Cardoza, Costa, McCarthy, Nunes and Denham and support Merced

Irrigation District's New Exchequer Dam Spillway Modification Project and adopt Resolution.

ADOPTED RESOLUTION NO. 2011-47 AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

42. Contract with Health for Clinic Services and approve the necessary budget transfer-\$111,557. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2011054 AS RECOMMENDED AYES: ALL

43. Contract with Probation for Adult Probation Services and approve the necessary budget transfer-\$138,163. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2011055 AS RECOMMENDED AYES: ALL

44. Authorize release of Request for Proposal for an Elderly Nutrition Program and authorize solicitation and selection of potential vendors and negotiation of contract to be returned to the Board for approval.

APPROVED AS RECOMMENDED AYES: ALL

SHERIFF

45. Contract with Le Grand Elementary School District for School Resource Officer.

AUTHORIZED CONTRACT NO. 2011056 AS RECOMMENDED AYES: ALL

AUDITOR

46. Approve the updated Policies and Procedures for the Property Control Manual in connection with the County Fixed Asset Policy.

APPROVED AS RECOMMENDED AYES: ALL

TREAS-TAX COLL-COUNTY CLERK

47. Resolution approving the Special District Resolution of the Planada Community Services District to change their election cycle from November of odd-numbered years and coincide with statewide elections in even-numbered years with the general election.

REVIEW BOARD ORDER – SEES PAGE 13 AND 14

DEPT. OF ADMIN. SERVICES

48. Declare Miscellaneous Office Furniture, assorted Office Equipment, and Miscellaneous Supplies identified in Exhibit A as Surplus Property and authorize its disposal by conducting an Internet Public Auction.

APPROVED AS RECOMMENDED AYES: ALL

49. Authorize use of any Western States Contracting Alliance "WSCA" Contract already established if it is favorable to the County; final approval and execution of contracts would proceed through normal processes including Board Approval and execution by Chairman where required by state law or County Code.

APPROVED AS RECOMMENDED AYES: ALL

SPRING FAIR

50. Contract with Holland Racing Promotions to host the Destruction Derby's during the Merced County Spring Fair on April 29-30, 2011.

AUTHORIZED CONTRACT NO. 2011048 AS RECOMMENDED AYES: ALL

51. Authorize the request from the May Day Fair Board Loan Committee to approve the payment schedule to repay the Spring Fair Operating Loan in the sum of \$150,000 as

follows: June 2011-\$3,000; June 2012-\$3,000; June 2013-\$5,000 and June 14, 2014-\$8,000 and return to the Board in June, 2014 to re-evaluate the Operating Loan.

REVIEW BOARD ORDER – SEE PAGE 14

PLANNING

52. Set the 8th Joint General Plan Update Study Session with the Board of Supervisors and Planning Commission for May 3, 2011 at 1:30 p.m. to involve presentations on draft policies, have discussions and obtain direction and receive from public input.

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

53. Provide policy direction that \$15,000 of Special Board Project Funds-District Four be utilized for a match to Public Telecommunications Facilities Program Grant for the Westside Theatre Foundation over a two year period; authorize the first \$7,500 to be utilized towards the match in FY 10/11 and direct staff to return to the Board next fiscal year for the remaining \$7,500 match.

PULLED FROM THE AGENDA – NO ACTION TAKEN

54. Authorize Special Board Project Funds-District One in the amount of \$500 to be forwarded to the Young Women's Conference held in the City of Livingston on March 26, 2011.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

55. Merced County Association of Governments- (1) Approve Merced County's General Membership Contribution of \$28,299; (2) Approve MCAG FY 2011/12 Work Program with or without One Voice and corresponding budget reflecting the contributions from Merced County; (3) Determine that Merced County will not participate in One Voice in FY 2011/12 and request the MCAG Board to remove the One Voice Program from the Work Program.

REVIEW BOARD ORDER – SEE PAGE 14

56. Review and authorize establishment of 'Standing Committee for the At Large Membership' Appointments and Amend Resolution to include and clarify the purpose of the Standing Committee.

ADOPTED RESOLUTION NO. 2011-49 AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 15

APPOINTMENT

57. First 5 Commission – Reappointed Iantha Thompson, representing District Two, to serve until March 23, 2014.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

58. Commerce, Aviation and Economic Development re: Notification of Contract issued to Moore's Karate for Moore's Karate Camp 2011 to be held May 1-15, 2011.

CONTRACT NO. 2011058

59. Commerce, Aviation and Economic Development re: Report back on Community Development Block Grant with State Dept. of Housing and Community Development Department for Homebuyer Assistance with Rehabilitation and Owner Occupied Housing Rehabilitation Grant approved by the Board on June 8, 2010 to benefit the very low and low income families within the unincorporated communities of Planada, South Dos Palos, and Winton (10-STBG-6729 Standard Agreement).

AWARDED CONTRACT NO. 2011214

60. Commerce, Aviation and Economic Development re: Report back on 2010 Home Investment Partnership Program (HOME) Grant with State Dept. of Housing and Community Development Department for Homebuyer Assistance with Rehabilitation and Owner Occupied Housing Rehabilitation Grant approved by the Board on August 24, 2010 to benefit the very low and low income families within the unincorporated areas of the County (10-HOME-6846 Standard Agreement).

AWARDED CONTRACT NO. 2011043

61. Auditor re: New Governmental Accounting Standards Board Statement #54 (GASB #54).

62. Tulare County Board of Supervisors re: Letter of support of Tulare County for inclusion in the Service Area of Foreign-Trade Zone (FTZ) Number 226.

63. Calif. Emergency Management Agency re: Notification on March 31, 2011, the U.S. Small Business Administration declared the primary counties of Del Norte, Humboldt, Marin, Mendocino, Monterey, San Francisco, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Sonoma and the contiguous counties of Alameda, Glenn, Kern, Kings, Lake, Merced, Napa, San Benito, Siskiyou, Solano, Stanislaus, Tehama and Trinity a disaster area as a result of the economic impacts caused by the closure of the 2010 salmon fishery season that occurred April 10, 2010 through September 30, 2010.

64. U.S. Senator Barbara Boxer re: Letter of acknowledgment regarding federal funding for Workforce Investment Act (WIA) Programs and support of important and successful job training programs.

65. U.S. Dept. of Commerce re: U.S. Census Bureau will conduct the 2010 Census County Question Resolution Program between June 1, 2011 and June 1, 2013 which provides state, local, and tribal officials or their designated representatives in the U.S. and Puerto Rico an opportunity to challenge the 2010 Census counts of housing units and group quarters.

66. Pacific Gas & Electric Company re: Merced Falls Hydroelectric Project (FERC Project No. 2467) Pacific Gas and Electric Company's Reply to Agency Comments on the Licensee's Initial Study Report.

67. State Water Resources Control Board re: Draft Order regarding Merced Irrigation District's Petition for Reconsideration and Request for Stay of Investigation Order WR 2011-0003-EXEC.

68. State Water Resources Control Board re: Revised Notice of Preparation and Notice of Additional Scoping Meeting for: Project Area-San Joaquin River Flow Objectives and Southern Delta Water Quality Objectives and the area of potential environmental effects.

ADOPTED RESOLUTIONS IN MEMORY OF CATALINA SANCHEZ, JOSE REDONDO AND HERB OPALEK AND ADJOURNED THE MEETING UNTIL TUESDAY, MAY 3, 2011 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – APRIL 19, 2011

10:00 A.M. SCHEDULED ITEM

2011-04-19 PRESENTATION – Budget Presentation

County Executive Officer Larry Combs briefly summarizes the State Budget and reviews some changes that will be affecting the county advising further updates will continue to be provided as more information is received on the State Budget.

Deputy County Executive Officer/Budget Scott DeMoss provides an update report and power point presentation on FY 11/12 State Budget Update and reviews AB 109 and AB 111.

Discussion is had on AB 109 and AB 111 and concern is stated on the public safety impacts.

No further action is taken.

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

10:00 A.M. SCHEDULED ITEM

2011-04-19 HEALTH – PUBLIC HEARING

The time and date previously set for a public hearing to consider Proposed Ordinance entitled: An Ordinance Changing Fees set for Environmental Health Services as provided by the Department of Public Health.

Public Health Director Tammy Moss Chandler reviews the staff report and presents a power-point presentation (Supplemental #1) on Proposed Fee Increases for Environmental Health for FY 2011-2012.

Environmental Health Officer William Peeler continues the review of the power-point presentation regarding the FY 11/12 Environmental Health Budget.

The Chairman opens the public hearing and asks if there is anyone present wishing to speak. No one speaks. The Chairman closes the public hearing.

The Board discusses and expresses concern on: the proposed fee increases and the economy stating there has been a 60% increase in fees since 2008 and now a proposal for an additional 20% increase, department employee costs, the above-ground storage tank inspection fees, well and water systems and well abandonment fees, permits and inspections.

Public Health Director Moss Chandler provides an overview of the department staffing and Environmental Health Officer Peeler clarifies the fees.

Following discussion, Supervisor O'Banion moves, the Board adopt the proposed ordinance changing fees set for Environmental Health Services as provided by the Department of Public Health.

The Chairman states the Motion dies for lack of a Second.

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

The Board further discusses the increases proposed and requests guidance from Counsel if this is not adopted.

County Counsel James Fincher states the Board has only rejected what is submitted before them and this can come back with more information at a later time. Mr. Fincher also states based on Proposition 26, fees cannot be raised or provided to supplant a deficit.

Following further discussion, Supervisor O'Banion moves, seconded by Supervisor Walsh, the Board continue the Public Hearing to the next Board Meeting to gather further information on the fee schedules.

Discussion is had on fees charged based on rules and regulations, general fund responsibilities, environmental health fees, and budget and costs comparisons with neighboring counties and requests this information be provided for consideration when reviewing the proposed fees at the public hearing.

Following discussion, Supervisor O'Banion withdraws his motion on the floor. Supervisor Walsh withdraws his second. The Chairman states the motion is withdrawn.

Upon motion of Supervisor O'Banion, seconded by Supervisor Walsh, duly carried, the Board continues the Public Hearing on Amending the Fees for Services provided by the Health Department, including Environmental Health Division by proposed Ordinance to the date of May 24, 2011 at 10:00 a.m.

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

1:15 P.M. SCHEDULED ITEM
2011-04-19 PRESENTATION - Redistricting

The Clerk announces the presentation regarding Merced County's redistricting of current supervisorial district boundary plans and processes is before the Board for consideration.

County Counsel James Fincher states Nielsen, Merksamer, Parrinello, Gross & Leoni LLP and National Demographics Corporation are here to conduct the presentation for Merced County's Redistricting of Current Supervisorial District Boundary Plans and Processes including Legal and Policy Criteria Governing Redistricting and Demographics of Existing Supervisorial Districts, per California Elections Code Section 21500 et seq. He introduces Christopher Skinnell, Legal Consultant from Nielsen, Merksamer, Parrinello, Gross & Leoni LLP and Douglas Johnson from National Demographics Corporation and suggests the Board consider the matter before opening for public comment.

Christopher Skinnell, Nielsen Merksamer, Parrinello, Gross & Leoni LLP, reviews the power-point regarding Criteria Governing Supervisorial Redistricting covering the following areas: Drawing the Lines: Legal Considerations; Legal Considerations, Voting Rights Act Section 2 Description, Voting Rights Act Section 2: Cracking, Voting Rights Act Section 2, Packing, Legal Considerations, Voting Rights Act 2, Legal Considerations: Voting Rights Act Section 5, Legal Considerations: No Racial Gerrymandering, Legal Considerations: Statutory Criteria and Legal Considerations: Other Criteria.

The Chairman asks if there is anyone from the public wishing to speak.

Susan Walsh, Merced County resident, inquires if the public hearing dates are set.

Mr. Skinnell and Counsel Fincher review the schedule of Public meetings and also advises the information is available on the County website.

Discussion is had on information available for the public and Counsel Fincher advises pamphlets are available for the public.

Douglas Johnson, National Demographics, reviews the Power-point Regarding Merced County 2011 Redistricting: Demographic Introduction covering the following areas: Merced County Demographics, Current District Total Population, Deviation Map, Total Population by District, Voting Age Population by District, Citizen Voting Age Population by District, Change Since 2001 in each District, Population by City and Demographics by City.

The Chairman asks if there is anyone from the public wishing to speak.

Discussion is had on the boundary lines divisions, criteria for breaking up districts and Section 5 requirements.

Mr. Fincher states the next meeting will be held on May 3, 2011 to consider the proposed criteria for redistricting. He further states Informational Meetings will be held through April 30, 2011 to solicit testimony regarding criteria to be used for redistricting and there will be one meeting in each supervisorial district.

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

ACTION ITEM NO. 47

2011-04-19 TREASURER-TAX COLLECTOR-COUNTY CLERK

The Clerk announces the Planada Community Services District Resolution requesting to change their election cycle is before the Board for consideration.

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board approves the Resolution from Planada Community Services District to change their election cycle from November of odd-numbered years to coincide with statewide elections in even-numbered years with the General Election and 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 and adopts Resolution No. 2011-48.
Ayes: Pedrozo, Walsh, Davis, Kelsey, O'Banion

ACTION ITEM NO. 51

2011-04-19 SPRING FAIR

The Clerk announces the May Day Fair Board payment schedule on the Operating Loan is before the Board for consideration.

County Executive Officer Larry Combs reviews the payment schedule for 2011 through 2014 and states there will be no interest on the loan and the loan will be re-evaluated in 2014.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Davis, duly carried, the Board authorizes the request from the Spring Fair Board Loan Committee to approve the payment schedule on the \$150,000 Spring Fair Operating Loan as follows: June 2011-\$3,000, June 2012-\$3,000, June 2013-\$5,000 and June 2014-\$8,000 with no interest attached and the Board to reevaluate the Operating Loan in June 2014.

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

ACTION ITEM NO. 55

2011-04-19 EXECUTIVE OFFICE

The Clerk announces the Merced County Association of Governments (MCAG) Service Agreement for FY 2011/12 covering Work Program, Budget, and Dues is before the Board for approval.

County Executive Officer Larry Combs states Staff recommends the Board eliminate One Voice funding and indicate to MCAG this item be removed from the Work Plan.

Executive Director Jesse Brown is present stating MCAG has submitted a Letter dated March 23, 2011 summarizing the MCAG work program, budget and membership dues schedule and comments on the funding situation both at the local and federal level and advises this area of funding can be added at a later time as financial changes occur.

Following discussion, Supervisor Davis moves, seconded by Supervisor Kelsey, the Board approve Merced County's General Membership Contribution of \$28,299; approve Merced County Association of Governments FY 2011/12 Work Program without the One Voice Program and corresponding budget reflecting the contribution from Merced County; and request MCAG remove the One Voice Program from the Work Program.

Supervisor Kelsey states this would give Merced County a better opportunity to work with MCAG to further define the topics of the One Voice Program and the costs to continue with the Program.

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

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

ACTION ITEM NO. 56

2011-04-19 EXECUTIVE OFFICE

The Clerk announces the Standing Committee for At Large Membership Appointments is before the Board for consideration.

Following discussion and upon motion of Supervisor Davis, seconded by Supervisor Kelsey, duly carried, the Board approves the recommendation to establish a "Standing Committee for the At Large Membership" Appointments with Counsel to serve for guidance; the 'Standing Committee for At Large Membership Appointments' to be responsible for interviewing candidates for the At Large Appointments with the individuals selected to be recommended and submitted for Board approval at a regularly scheduled meeting and amend Resolution No. 2010-43 to include and clarify the purpose of the Standing Committee and adopt Resolution No. 2011-49.

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