

SUMMARY ACTION MINUTES BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, JULY 12, 2011

Closed Session – 8:30 a.m.

Special Meeting – Administrative Study Session – 9:30 a.m.

Regular Meeting – 10:00 a.m.

Planning–Draft 2030 General Plan Update Review – 1:30 p.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

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 -
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): One Case

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 8:35 A.M. TO MEET IN CLOSED
SESSION AND RECONVENED AT 9:30 A.M. TO MEET IN AN
ADMINISTRATIVE STUDY SESSION. THE BOARD RECESSED AT 9:45
A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT
AND ADVISED THE BOARD MEET IN CLOSED SESSION AND
DIRECTION WAS PROVIDED TO STAFF**

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

9:30 A. M.

**SEE SEPARATE AGENDA: SPECIAL MEETING
ADMINISTRATIVE STUDY SESSION – AB 109**

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 11

10:00 A. M.

Introduction - Father of the Year

REVIEW BOARD ORDER – SEE PAGE 11

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 20)

APPROVED AS RECOMMENDED AYES: ALL

HEALTH - PUBLIC HEARING

To consider the Report of Demolition for the following properties:

- (1) 2326 Linden (APN 002-241-019), Atwater;
- (2) 9513 Standford (APN 037-161-006), Planada; and,
- (3) 9376 Broadway (APN 037-155-01), Planada;

and authorize the cost of Demolition for each parcel for a total amount of \$28,610 on the Assessment Roll as a Special Assessment and a Lien on the properties and authorize the Auditor and Tax Collector to assess said cost pursuant to Uniform Housing Code Section 1605.

RECOMMENDATION: Authorize the Auditor and Tax Collector to assess the cost of Demolition for each parcel for a total amount of \$28,610 on the Assessment Roll as a Special Assessment and a Lien on the properties, pursuant to the Uniform Housing Code Section 1605

APPROVED AS RECOMMENDATION AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 11 AND 12

COUNTY COUNSEL - PUBLIC HEARING

(This is the First of Three Public Hearings)

To consider revisions to the County Supervisorial District Plans and draft redistricting plans, hear presentations on public outreach and consider additional Alternative Maps

RECOMMENDATION: To consider selecting a preferred plan for public consideration and/or possible direction to modify any of the plans.

REVIEW BOARD ORDER – SEE PAGE 12 AND 13

EXECUTIVE OFFICE REPORT BACK FROM PROPOSED BUDGET, 6/28/11

(1) Dept. of Workforce Investment:

Remove the deletion of two (2) Employment and Training Specialist I/II (Positions 32, 117); one (1) Secretary III (Position 8); one (1) Supervising Employment & Training Specialist (Position 26); one (1) Support Services Analyst I/II (Position 11) and add one (1) Variable-Shift Employment Training Specialist, BU 55000 and adopt Resolution (Amends Resolution No. 2011-95 adopted on June 28, 2011)

ADOPTED RESOLUTION NO. 2011-110 AS RECOMMENDED

AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 13

(2) Human Services Agency /Mental Health:

Remove the deletion of one (1) Veterans Claim Representative I/II (Position 464), BU 50054 and adopt Resolution (Amends Resolution No. 2011-99 on June 28, 2011)

APPROVED RESOLUTION NO. 2011-111 AS RECOMMENDED

AYES: ALL

EXECUTIVE OFFICE REPORT BACK FROM PROPOSED BUDGET, 6/28/11

(3) Public Works:

Remove the deletion of one (1) Grounds Maintenance Worker I/II (Position 22), BU 70200 and adopt Resolution (Amends Resolution No. 2011-101 adopted on June 28, 2011)

ADOPTED RESOLUTION NO. 2011-112 AS RECOMMENDED

AYES: ALL

(4) Library:

Update and Progress of the Winton Library - Contract for month-to-month has been signed at current location until new location can be found; Current Staff will remain for 10 hours a week; Friends of the Library information has been shared with the community and there is a search for a new location

REVIEW BOARD ORDER – SEE PAGE 14

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

REVIEW BOARD ORDER – SEE PAGE 14

LUNCH BREAK

1:30 P. M.

PLANNING - REVIEW OF THE DRAFT 2030 MERCED COUNTY GENERAL PLAN UPDATE

Receive a presentation from Consultants and Planning Staff on the Revised Draft Plan, and the recommendations from the June 22, 2011 Planning Commission Meeting; provide an opportunity for the public to provide additional comments; provide direction on the Revised Draft Plan and Planning Commission recommendations and authorize preparation and release of the Draft EIR for the 2030 Merced County General Plan Update in accordance with CEQA

CONTINUED DISCUSSION TO AUGUST 9, 2011 BOARD MEETING

REVIEW BOARD ORDER – SEE PAGE 14, 15 AND 16

CONSENT CALENDAR (Items #1 - 20)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Adopt Resolution designating the intersection of Mercado Court and Hinton Avenue, a part of Mercado Ranch Subdivision No. 05013, as a Stop Intersection and authorize the installation of a Stop Sign on the Mercado Court approach to the intersection located in Delhi.

ADOPTED RESOLUTION NO. 2011-113

2. Adopt Resolution annexing the Mercado Ranch Subdivision No. 05013 into the Delhi Street Lighting Maintenance Zone of Benefit No. 102 in County Service Area No. 1.

ADOPTED RESOLUTION NO. 2011-114

3. Adopt Resolution annexing the Mercado Ranch Subdivision No. 05013 into the Harmony Ranch Drainage Park Maintenance Zone of Benefit No. 121 in County Service Area No. 1.
ADOPTED RESOLUTION NO. 2011-115

4. Accept Final Map for Mercado Ranch Subdivision No. 05013 in the Delhi area.

Counsel

5. Approve and authorize Chairman to sign Amendment to Contract No. 2008083 with Nielsen, Merksamer et al for legal service related to Section 5 of the Voting Rights Act, extending the contract from June 30, 2011 to June 30, 2013.

Mental Health

6. Approve and authorize Chairman to sign Renewal Contract No. 2008003 with State Dept. Of Alcohol and Drug Programs for funding to support operation of the Drug Treatment Court Program in connection with the Comprehensive Drug Implementation Grant Award and adopt Resolution.

ADOPTED RESOLUTION NO. 2011-116

Human Services Agency

7. Approve and authorize Chairman to sign Renewal Contract No. 2004211 with Calif. Dept. Of Aging for Multi-Purpose Senior Services Program and adopt Resolution.

ADOPTED RESOLUTION NO. 2011-117

Probation

8. Approve and authorize Chief Probation Officer to sign Application and Renewal Contract No. 2008303 with Corrections Standards Authority for participation in the Juvenile Accountability Block Grant and adopt Resolution.

ADOPTED RESOLUTION NO. 2011-118

Planning

9. Approve and authorize Chairman to sign Amendment to Contract No. 2006072 with Mintier Harnish Planning Consultant for the Merced County General Plan Update.

Executive Office

10. Approve Travel Request for Commerce, Aviation and Economic Development as recommended by Executive Office.
11. Approve and authorize Chairman to sign Amendment to Contract No. 2003093 with Merced Defense Services for indigent services and reduces contract costs for the next two fiscal years and extending the term an additional two years.

Board Recognition

12. Authorize Certificates of Recognition to the individuals selected by Merced Union High School District as Character Counts Art Contest winners.

REVIEW BOARD ORDER – SEE PAGE 16

13. Authorize Certificate of Recognition to Merced Meadows New Home Community in celebration of their Grand Opening and Ribbon Cutting.
14. Authorize Certificates of Recognition to Jarrod Nickerson, Heroism Award; and Danean Stanke, James Doyle and Karla Jean Scott, District Award of Merit; Chris Huffman, John

Garcia, Sean Stanke and Zachary A. Wilson, Scout of the Year as recognized by the Wawona District of the Boy Scouts of America, Greater Yosemite Council.

15. Authorize Certificate of Recognition to Daniel Chavez for selection as Grand Marshal of the Planada Community Day Parade.
16. Authorize Certificates of Recognition to the Soroptimist International of Los Banos Awards as follows: Shawna Marie Moseell-Women's Opportunity Award; Reina Nino, Ruby Award; Joyce and Ted Meza, Friends of Soroptimist Award and Sue Cardoza, 2011 Soroptimist of the Year Award.
17. Authorize Certificates of Recognition to the individuals selected as 2011 Outstanding Senior Volunteers as follows: Dorothy Sousa and Margaret Warmack-Merced Senior Citizens, Inc.; Nancy Buckingham-Merced Over 50 Club; William Warner and Dora Davidson-AARP, Merced Chapter 282; Lela Martens-Atwater AARP #2194; Carol Luhring-Merced Mariposa Retired Teachers Association; Helen Fragulia and Carol Martin-Atwater Senior Social Club; Donna Foley and Helen Whittecar-Merced Senior Social Club; Anna Herrera and Doris Krikorian-Hilmar Senior Citizens; Albert Mitzel and Della Mitzel-Delhi Senior Club; Juan Scott and Donnie Cahoon-Sierra Meadows Senior Apartments; Julia Duran and Magdalen Fong-Winton Seniors and Joe Alamo and Charlene DiGiorno-Gustine Senior Citizens Club.
18. Authorize Certificate of Recognition to Retro Lux Salon in celebration of the Ribbon Cutting and Open House.
19. Authorize Certificate of Recognition to New Bethany Franciscan Hospitaller Sisters of Immaculate Conception for their Beautification Celebration.
20. Authorize Certificate of Recognition to Jeff and Carolyn Tassej in honor of their retirement.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

21. Resolution authorizing the County Road Commissioner to approve and sign Change Orders to County Highway and County Bridge construction Contracts administered by Public Works consistent within the limits specified in Public Contract Code Sections 20395 (d)(1) & Sections, 20405(d) and rescind Resolution No. 77-82.

ADOPTED RESOLUTION NO. 2011-119 AS RECOMMENDED AYES: ALL

22. Resolution authorizing Public Works Director to approve and sign Amendments to Architectural and Engineering Contracts administered by Public Works consistent with the limits defined in Public Contract Code Section 2014 and rescind Resolution No. 95-188.

ADOPTED RESOLUTION NO. 2011-120 AS RECOMMENDED AYES: ALL

23. Adopt Resolution authorizing Public Works Director to approve and sign Change Orders for construction projects administered by Public Works consistent within the limits specified in Section 20142 of the Public Contract Code amended September 30, 2010 and rescind Resolution No. 97-218.

ADOPTED RESOLUTION NO. 2011-121 AS RECOMMENDED AYES: ALL

24. Contract with Calif. Dept. of Transportation (Caltrans) to sign the Federal Apportionment Exchange and State Match Program [No. X11-5939 (079)] to exchange Federal Funds with Non-Federal State Highway Account Funds.

AUTHORIZED CONTRACT NO. 2011125 AND ADOPTED RESOLUTION NO. 2011-122 AS RECOMMENDED AYES: ALL

25. Contract with State Controller for Annual Street and Road Report for FY 2010/2011.

AUTHORIZED CONTRACT NO. 2011126 AS RECOMMENDED AYES: ALL

26. Resolution supporting submittal of a Safe Route to School (SRTS) Grant with Caltrans for road infrastructure Improvements in the vicinity of the Planada Elementary School.

ADOPTED RESOLUTION NO. 2011-123 AS RECOMMENDED AYES: ALL

27. Contract with Signature Life-Safety Services, Inc. for Routine Testing and Maintenance of Fire Systems and Components for 5 years after review by Counsel.

AUTHORIZED CONTRACT NO. 2011127 AS RECOMMENDED AYES: ALL

28. Certify the Information and Findings of the Mitigated Negative Declaration for the Emergency Operations and 911 Dispatch Center; approve plans and specifications; authorize the increase of the Building Project Budget to \$4,525,000; authorize Public Works to advertise for bids, set the bid date, conduct public bid opening and award a construction contract to the lowest responsive bidder provided said bid is within the established project budget; authorize the chairman to sign contract after review by Public Works and direct Public Works to return to the Board with an informational item to come back to the Board with actions taken.

AUTHORIZED CONTRACT NO. 2011128 AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 17

HEALTH

29. Contract with Environmental Resources, Inc. to provide professional toxicologists services for the corrective action of a hazardous site not to exceed \$17,350.

AUTHORIZED CONTRACT NO. 2011129 AS RECOMMENDED AYES: ALL

COUNSEL

30. Authorize the Clerk to execute and issue the Acknowledgment, pursuant to Government Code Section 53853(b) and serve notice to Merced Community College regarding 2011-12 Tax and Revenue Anticipation Note Program Series A, that the Board will not authorize issuance of the Notes within 45 calendar days, thereby freeing the District to issue the Notes on its own behalf.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

31. Approve the FY 2011-12 Area Plan Update for the Area Agency on Aging and authorize Chairman to sign Transmittal Letter.

APPROVED AS RECOMMENDED AYES: ALL

SHERIFF

32. Authorize the Sheriff to electronically submit the Application with the US Dept. of Justice for the 2011 Edward Byrne Memorial Justice Assistance Grant through the Internet-based grant management system in the amount of \$42,648 to fund computer equipment to support the implementation of New World Software System understanding the Sheriff will return to the

Board for acceptance if funded.

APPROVED AS RECOMMENDED AYES: ALL

MENTAL HEALTH

33. Contract with Fresno County for the provisions of inpatient services at the Marie Green Psychiatric Health Facility.

AUTHORIZED CONTRACT NO. 2011130 AS RECOMMENDED AYES: ALL

34. Contract with State Dept. of Alcohol and Drug Programs for operation of the Dependency Drug Court Program through Grant Award in the amount of \$186,990; authorize the Program Administrator (currently Mental Health Director) to sign and adopt Resolution.

AUTHORIZED CONTRACT NO. 2011121 AND ADOPTED RESOLUTION NO. 2011-124 AS RECOMMENDED AYES: ALL

35. Contract with Sate Dept. of Alcohol and Drug Program to support operation of the Drug Treatment Court Program through Grant Award in the amount of \$126,270; authorize the Program Administrator (currently Mental Health Director) to sign and adopt Resolution.

AUTHORIZED CONTRACT NO. 2011122 AND ADOPTED RESOLUTION NO. 2011-125 AS RECOMMENDED AYES: ALL

FIRE

36. Contract Renewal with Calif. Dept. of Forestry and Fire Protection (CAL FIRE) for Fire Protection Services for FY 10/11.

AUTHORIZED CONTRACT NO. 2005019 AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

37. Authorize Special Board Project Funds-District One in the amount of \$1,520 to be forwarded to the Planada Parks and Recreation as follows: \$520 to assist with the cost of taking community youth to a Fresno Grizzly Baseball Game and \$1,000 to assist with the renovation of the baseball field in Planada.

APPROVED AS RECOMMENDED AYES: ALL

PROBATION

38. Executive Committee of the Community Corrections Partnership (CCP) Designation - Appointment of Norman Andrade, Chief of Police-City of Merced and Manuel Jimenez, Mental Health Director.

APPROVED AS RECOMMENDED AYES: ALL

APPOINTMENTS

39. Snelling Municipal Advisory Council – Reappointed Aleta Bauer and Maxine Price until February 16, 2014 and Gordon Grey until February 16, 2015.

APPROVED AS RECOMMENDED AYES: ALL

40. Delhi Municipal Advisory Council – Reappointed Richard Jantz until January 3, 2015.

APPROVED AS RECOMMENDED AYES: ALL

41. Dairy Technical Advisory Committee – Appointed Brad Nyman, representing District 4, until January 28, 2013.

APPROVED AS RECOMMENDED AYES: ALL

42. Advisory Board on Alcohol and Other Drug Problems – Appointed Stephen Pierce, representing Human/Social Services, serving at the Pleasure of the Board.

APPROVED AS RECOMMENDED AYES: ALL

43. Plainsburg Cemetery District – Reappointed Aaron Johnson until July 20, 2015 and Joan Dickinson, Warren Brown and Kenneth Mc Pherson until July 20, 2014.
APPROVED AS RECOMMENDED AYES: ALL
44. Le Grand Municipal Advisory Council – Reappointed Stephanie Marchini until December 7, 2012.
APPROVED AS RECOMMENDED AYES: ALL
45. May Day Fair Board – Reappointed James Buttrey, representing District Three, until July 1, 2015.
APPROVED AS RECOMMENDED AYES: ALL
46. May Day Fair Board – Appointed Stacey Machado, representing District Four, effective August 1, 2011, until July 1, 2014.
APPROVED AS RECOMMENDED AYES: ALL
47. May Day Fair Board – Reappointed Jonathan Andrews, Larry Borelli and Michael Santos, representing District Five, until July 1, 2015.
APPROVED AS RECOMMENDED AYES: ALL
48. Mental Health Advisory Board – Reappointed Audrey Kotrich-Spangler, representing District Four, until June 30, 2014.
APPROVED AS RECOMMENDED AYES: ALL
49. Underground Utility District Review Committee – Appointed Dana Hertfelder representing Public Works/Roads, Tom Driscoll representing PG&E Advisory Member and Frank Castro representing Comcast Cable all serving at the Pleasure of the Board.
APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE EXCEPT FOR ITEM NO. 51 PULLED FOR SEPARATE ACTION AYES: ALL

50. Public Works re: Notification of Grant Award to Nation's Roof West for the Old Jury Commissioner Building Emergency Re-roofing Project.
AWARDED CONTRACT NO. 2011131
51. County of Santa Cruz re: Santa Cruz urges similar action by all California Counties to reject the requirement for a 4/5 majority vote for approval or disapproval of any Community Corrections Plan and reconsider the plan to exclude the Board or CAO from the Community Corrections Partnership Executive Committee - AB 109.
REVIEW BOARD ORDER – SEE PAGE 17
52. Central Valley Regional Water Quality Control Board re: Hearing Panels for Dairy Enforcement Orders - set for July 14, 2011 and July 20, 2011 at 9:00 a.m.
53. State Water Resources Control Board re: Notice of Petition for Temporary Change Involving the Transfer of up to 6,000 acre-feet of water from Merced Irrigation District to Merced Irrigation District's Sphere of Influence Lands under License 2685 (Application 1224) in Merced County.
54. State Water Resources Control Board re: Notice of Public Workshop - Water Diversion Measurement set for July 21, 2011.

55. State Water Resources Control Board re: Notice of Public Hearing - State of California Dept. of Transportation, Municipal Separate Storm Sewer System Permit - Draft Tentative Order, set for July 19, 2011.
56. California Regional Water Quality Control Board - Central Valley Region re: Notice of Public Scoping/Early Consultation Meeting - Amending the Sacramento/San Joaquin Basin Plan to Revise Groundwater Beneficial Use Designations in the Hodson/Littlejohns Fault Zone Area located near Copperopolis in Calaveras County.

ADOPTED RESOLUTION IN MEMORY OF LINDA LOPEZ AND ADJOURNED THE MEETING UNTIL TUESDAY, JULY 26, 2011 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – JULY 12, 2011

10:00 A.M. SCHEDULED ITEM

2011-07-12 PUBLIC OPPORTUNITY

Chris Navarro, Sheriff Correctional Officer and Union member, reviews his concerns with the Main Jail closure advising he does not believe the Sheriff is working in the interest of the people and the personnel.

Craig Rich, Sheriff Correctional Officer and Union member, states concerns with structural integrity of the Latarocca Facility, staff layoffs and the possible escape of inmates.

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

10:00 A.M. SCHEDULED ITEM

2011-07-12 PRESENTATION – Father of the Year

Reverend Paul Lundberg introduces the Doug Fluetsch, winner of the Father of the Year contest for Essay submitted by Spencer Fluetsch and Spencer Fluetsch reads his Essay.

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

10:00 A.M. SCHEDULED ITEM

2011-07-12 HEALTH – PUBLIC HEARING

The time and date previously set for a Public Hearing to consider the Report of Demolition for the following properties: (1) 2326 Linden (APN 002-241-019), Atwater; (2) 9513 Standford (APN 037-161-006), Planada; and, (3) 9376 Broadway (APN 037-155-01), Planada and to consider the cost of demolition to be part of the Assessment Roll as a Special Assessment pursuant to Uniform Housing Code Section 1605 as submitted by the Health Department.

Environmental Health Director William Peeler reviews the staff report and provides an overview of the power-point presentation.

Assessor/Recorder Ken Christensen appears advising funds will go to the Auditor and Tax Collector only.

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.

Upon motion of Supervisor O'Banion, seconded by Supervisor Walsh, duly carried, the Board accepts the Reports of Demolition for the properties located at 2326 Linden (APN 002-241-019), Atwater in the amount of \$9,414; 9513 Standford (APN 037-161-006), Planada in the amount of \$9,803; and, 9376 Broadway (APN 037-155-01), Planada in the amount of \$9,393 and

authorizes the Auditor-Controller and Tax Collector to assess the cost of Demolition for each parcel for a total amount of \$28,610 on the Assessment Roll as a Special Assessment and a Lien on the properties pursuant to the Uniform Housing Code Section 1605.

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

10:00 A.M. SCHEDULED ITEM
2011-07-12 COUNTY COUNSEL – PUBLIC HEARING

The time and date previously set for a Public Hearing to consider revisions to the County Supervisorial District Plans and draft redistricting plans, hear presentations on public outreach and consider additional Alternative Maps as submitted by County Counsel.

County Counsel James Fincher reviews the Staff Report and further states following the May 24, 2011 Board Meeting, the Redistricting Committee went out into the communities and had 14 different community meetings with the cities and the municipal advisory councils and discussed and reviewed the proposals. He advises as a result of the Board and public comments, additional maps have been created for consideration. He states the material is available on Merced County's website titled Redistricting.

Assistant County Executive Officer Jim Brown states this is the first of three public hearings to consider revisions to the District Plans. He comments on the community meetings stating the Redistricting Committee has worked with additional meetings being held to further reach the people in the community. Mr. Brown advises as stated by Counsel, additional maps have been created and advises Maps A, B, C, D, E and F are before the Board for consideration along with the demographics and the Board may select a preferred plan for future public consideration or may give direction to modify any of the plans.

Consultant Douglas Johnson, National Demographics Corporation, reviews each district's boundaries, proposed changes, population movement, primary differences between the proposed plans and the variances.

County Counsel James Fincher reviews the ten supervisorial redistricting criteria.

Christopher Skinnell, Legal Consultant from Nielsen, Merksamer, Parrinello, Gross & Leoni LLP, reviews areas that the Board has discretion.

The Chairman asks if there is anyone present that wishes to speak.

Tim Dinwoodie, Chairman of the McSwain Municipal Advisory Council, thanks the County and the Redistricting Committee for the informational process. He states Map F is what was talked about in their community and states his concern of the maps that split Planada and Le Grand, both unincorporated areas, stating there was agreement that both of those communities need to have only one supervisor that represented them.

Discussion is had on retrogression and each map is reviewed.

Counsel Fincher states the Board may select a preferred plan for future public consideration or may give direction on the narrowing of the maps.

Discussion is had on the process of circulating the current maps and reaching the community.

Following discussion and upon motion of Supervisor Kelsey, seconded by Supervisor Davis, duly carried, the Board selects Plans E and F to be circulated to the public and to bring the matter back at the next Public Hearing of July 26, 2011.

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

10:00 A.M. SCHEDULED ITEM
2011-07-12 EXECUTIVE OFFICE

The Clerk announces the Executive Office Report back from Proposed Budget of June 28, 2011, Item No. 1-Dept. of Workforce Investment is before the Board for consideration.

County Executive Officer Larry Combs reviews the Staff Report.

Dept. of Workforce Investment Director Andrea Baker briefly reviews the Staff Report stating there are four (4) different funding sources and two (2) are for 12 months, one (1) is for 18 months and one (1) is for 21 months.

Upon motion of Supervisor O'Banion, seconded by Supervisor Walsh, duly carried, the Board removes the deletion of two (2) Employment and Training Specialist I/II (Positions 32, 117); one (1) Secretary III (Position 8); one (1) Supervising Employment & Training Specialist (Position 26); one (1) Support Services Analyst I/II (Position 11) and adds one (1) Variable-Shift Employment Training Specialist, BU 55000 and adopts Resolution No. 2011-110 (Amends Resolution No. 2011-95 adopted on June 28, 2011)

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

10:00 A.M. SCHEDULED ITEM
2011-07-12 EXECUTIVE OFFICE

The Clerk announces the Executive Office Report Back from Proposed Budget of June 28, 2011, Item No. 4, Winton Library Status is before the Board.

County Executive Officer Larry Combs briefly reviews the Staff Report for the Winton Library, Item No. 4.

Supervisor Kelsey questions if the hours lost will be credited since the Winton Library is still closed even though now the lease will be continuing.

County Librarian Jacque Meriam reviews the staff report highlighting the activities of the Winton Library and states the Library has been open and not closed but she will check into the status of the activities.

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

10:00 A.M. SCHEDULED ITEM
2011-07-12 BOARD REPORTS

Supervisor Kelsey states she has received a letter from the Merced County Chamber of Commerce informing the Board there will not be a State Fair Exhibit this year and expresses concerns based on the previous Board's action and hopefully next year participation will be open for everyone's participation in the Exhibit.

Following discussion, Supervisor Walsh states for the record, his Special Board Project Funds designation of funds to the State Fair Exhibit will be cancelled.

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

1:30 P.M. SCHEDULED ITEM
2011-07-12 PLANNING – DRAFT 2030 GENERAL PLAN UPDATE

The Chairman announces the continued review of the Draft 2030 Merced County General Plan Update is before the Board for consideration.

Interim Development Services Director Paul Fillebrown briefly reviews the Staff Report and introduces Consultant Dan Amsden, AICP, Project Manager, MintierHarnish & Associates.

Consultant Amsden reviews the powerpoint and the following slides: Purpose of Review; Next Steps; Summary of the Planning Commission Review Draft 2030 General Plan covering Part I: General Plan Overview, Part II: Countywide Goals, Policies, and Programs, Part III: Community Plans, and General Plan Glossary; Results of Joint Study Session (May 3, 2011); Results of Planning Commission Meeting (May 22, 2011); and Planning Commission Suggested Changes to the Draft 2030 General Plan.

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

Janet Young, Associate Chancellor for University of California, Merced, submits Letter of request seeking amendment of the draft County General Plan update to incorporate revised information regarding the sites of the UC Merced campus and University Community-North dated July 11, 2011. (Supplemental No. 1)

Paula Fitzgerald, Planning Director, City of Los Banos, speaks in support of Policy LU-7.11 and LU-7.12.

Cindy Lashbrook, Livingston resident, requests the Board consider a grading ordinance and speaks in support of such ordinance.

Rochelle Koch, Valley Land Alliance, requests revision be made to Policy AG-2.2 so that the Land Evaluation and Site Assessment Model, known as LESA, be used; requests Merced County continue the Ag Preserve as it stands now (Policy AG-2.7) and requests the County adopt Plan E.

Cathy Webber, Snelling resident, Focus Group member states concern with NR-1.1 regarding Habitat Protection and the recommendation to remove the term “and protect.”

Dave Spaur, Merced County Economic Development Corporation, states agreement with the blueprint process; addresses the Planning Commission Suggested Changes to the Draft 2030 General Plan and agrees with Comment #7; states there should be greater focus on Ag. with regard to Comment #3; Comment #30 and #31 needs more specificity to avoid conflict; Comment 34, Land Mitigation-agrees with mitigation ratio of 1:1; and submits documents for the record pertaining to Economic Development Element Existing Business Expansion and retention (ED-4).

Frank Borges, Gallo representative, speaks in support of Land Mitigation 1:1 ratio.

Amanda Carbajal, Merced County Farm Bureau Executive Director, speaks in support of the mitigation of ag land at a 4:1 ratio; 40 acre minimum for all commercially ag zoned land, and does not want new urban or rural communities; states agriculture is the heart and soul of our community; and submits copy of Letter from Planning Commission with suggested Changes to Draft of 2030 General Plan Update. (Supplemental No. 2)

Chuck Marchini, Merced County Farm Bureau President, supports Focus Groups comments on a consensus that Ag preservation is a priority in Merced County and speaks in favor of mitigation of ag land at a 4:1 ratio, the LESA model, keeping ag intact, and the 40 acre minimum for commercially ag zoned land.

Peter Koch, Farm Bureau Director, states the county should see ag preserve as high priority, urges mitigation of ag land at 4:1 ratio, supports 40 acre minimum for commercially ag zoned land and a 160 acre minimum for grasslands and foothill pasture.

Diana Westmoreland Pedrozo, Merced resident, supports ag land at 4:1 ratio, 40 acre minimum for commercially ag zoned land, a 160 acre minimum for grasslands and foothill pasture, and city-centered growth.

The Chairman closes the Public Hearing.

Consultant Amsden continues with powerpoint and discusses goals and next steps.

Interim Development Services Director Paul Fillebrown explains the Planning Commission Suggested Changes to the Draft 2030 General Plan matrix and states that the red text in the Staff Recommendation column indicates the action the consultants took to change the General Plan and changes will be made based on blue text in the Study Session Direction column.

County Counsel Fincher states based on the lengthy discussion with regard to Comment #34, Ag Land Mitigation, exception for industrial commercial development to exempt mitigation - this causes inconsistency and that justification is needed to support an inconsistency. He further explains that an economic override would be needed, a study and evidence to support will be necessary, and extra analysis to justify the override and that disparate treatment in the two types of land uses is also needed.

Supervisor O'Banion requests County Counsel's opinion regarding the legality of exempting classes of development, commercial and industrial, from the requirements that are placed on residential development.

County Counsel Fincher states that absent an overriding consideration, absent economic study, you could not exempt because that would be an internal inconsistency in the EIR. He further states that it could be done legally but it would need additional study and some additional material to show that the economic benefit overrides the impact in some way.

Discussion is had regarding minimum acreage in the A1 zone or the ag zone.

Interim Planning Director Paul Fillebrown states that due to discussion regarding potential impacts of exempting commercial and industrial and also based on discussion on new town concept, whether there should be additional criteria prior to approving new towns, rather than authorize the release of the county general plan update and prepare the public release document, that staff should make one more visit to the Board to review those specific items to the board. Staff will provide additional information on the 20 vs. 40 acre issue and limit the discussion to those items and get firm direction prior to releasing the public draft. These items will be brought before the Board on August 9, 2011.

There being no further business before the Board, the discussion is continued until August 9, 2011 Board Meeting.

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

CONSENT ITEM NO. 12

2011-07-12 BOARD OF SUPERVISORS

Upon motion of Supervisor Davis, seconded by Supervisor O'Banion, duly carried, the Board authorizes Certificates of Recognition to the following for being selected by the Merced Union High School District as Character Counts Art contestant winners: Matthew Dirks, Pa Lee, Rayanna Yonan, Daisy Ledesma, Andrew Grey, Veronica Martinez, Elizabeth Lambaren, Diego Diaz, Vanessa Domingez, Amber Flowers, Albert Gonzales, Morgan Lemas, Alex Avila, Varalyn Xiong, Maria Mena, Brittney Fournier, Mekenna Hagerman, Daneli Janzen, Ashley Brauchler, Dalia Alvarez, Louisa Lopez, Padoo Thao, Vue Xiong, Marina Flores, Danielle Saldana, Dulce Mendez, Tida Xiong, Alexis Carballo, Mikaila Hickman, Veronica Pulido, Marissa Medina, Monica Serrano, Amber Antener, Yaritza Garcia, Chueyee Xiong, Mai Xiong, Aaron Beck, Thien Cao-H, Miguel Garza, Magdalena Castaneda, Rachel Ludwig and Mary Lee.

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

ACTION ITEM NO. 28

2011-07-12 PUBLIC WORKS

The Clerk announces Certification of the Information and Findings of the Mitigated Negative Declaration for the Emergency Operations and 911 Dispatch Center is before the Board for consideration.

Supervisor Davis states his concerns with the refurbishing costs on the 911 facilities.

Public Works Director Paul Fillebrown reviews the staff report, grant funding and other funding along with other possible consolidations.

Discussion is had on the bidding process, consolidation of departments and staffing issues.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Walsh, duly carried, the Board certifies the Information and Findings of the Mitigated Negative Declaration for the Emergency Operations and 911 Dispatch Center; approves the Plans and Specifications; authorizes the increase of the Building Project Budget to \$4,525,000; authorizes Public Works to complete public bid opening process and award Contract No. 2011128 to the lowest responsive bidder provided said bid is within the established project budget and subject to review by County Counsel and directs Public Works to return to the Board with an informational item of all actions taken.

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

INFORMATION ITEM NO. 51

2011-07-12 BOARD OF SUPERVISORS

The Clerk announces Information Item No. 51, County of Santa Cruz urging all California Counties to reject the requirement for a 4/5 majority vote for approval or disapproval of any Community Corrections Plan and reconsider the plan to exclude the Board or CAO from the Community Corrections Partnership Executive Committee - AB 109.

Discussion is had on the composition of the committee, exclusions and the process of approval that will come back to the Board for approval.

County Executive Officer Larry Combs advises the Board the appropriations in the plan will have to come to the Board for approval and states Staff will prepare a Letter and bring this matter back to the Board for a possible presentation and approval.

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