

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, AUGUST 09, 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

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: 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): Four Cases

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957(b)(1): Consideration of Appointment of County Executive Officer

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; Non-Safety Corrections, Unit 12; and Probation Supervising Employees, Unit 11

**THE BOARD RECESSED AT 8:30 A.M. AND RECONVENED AT
10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN
ADVISED STAFF WAS PROVIDED DIRECTION**

**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

PRESENTATION

Certificate of Recognition to Jennifer Buitron in honor of her selection as recipient of the Vera Salcido Foundation Heroism Award

SUPERVISOR PEDROZO PRESENTED TO JENNIFER BUITRON

10:00 A. M.

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 22)

APPROVED AS RECOMMENDED AYES: ALL

PLANNING – Review and direction on remaining Policy Issues on the Planning Commission Review Draft 2030 County General Plan Update

- (1) Receive responses from Planning Staff and Consultants on the remaining three policy areas from the July 12, 2011, Board Meeting:
 - 1) Exemption of commercial and industrial development from 1:1 agricultural mitigation: Whether additional justification as part of the General Plan CEQA process will be required if commercial and industrial projects, unlike residential projects, are not required to satisfy a 1:1 acre agricultural mitigation policy.
 - 2) "New Towns." Possible policy criteria that must be satisfied regarding the status of existing, approved "New Towns", prior to considering an application to establish any "New Towns" or urban communities within the unincorporated area of the County.
 - 3) Minimum Parcel Size: Information regarding the current agricultural parcel sizes established in other counties within the San Joaquin Valley, and whether the Draft EIR could evaluate the effects of maintaining the current 20 acre A-1 (General Agricultural) Zone minimum parcel size in addition to the draft policy language that would increase the minimum parcel size to 40 acres.
- (2) Provide direction to Planning Staff on the inclusion of the remaining three policy issues in the Revised Draft 2030 General Plan; and,
- (3) Authorize preparation and release of the Draft EIR for the 2030 Merced County General Plan Update, in accordance with CEQA

REVIEW BOARD ORDER – SEE PAGE 10, 11 AND 12

COUNTY COUNSEL - PUBLIC HEARING - PROPOSED ORDINANCE, FIRST READING AND SET SECOND READING ON AUGUST 23, 2011 AT 10:00 A.M.

To consider Proposed Ordinance titled: An Ordinance Establishing Boundaries of Supervisorial Districts (Repeals Ordinance No. 1660)

REVIEW BOARD ORDER – SEE PAGE 12

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items #1 - 22)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

- 1. Set public hearing for September 13, 2011 at 10:00 a.m. to consider proposed ordinance titled "An Ordinance establishing County Service Area Number One amending User Charge Rates for Zones of Benefit for 2011/2012 Fiscal Year (Amends Ordinance No. 1875).
- 2. Authorize Valve Burners Car Club to have exclusive use of Henderson Park on September 11, 2011 for Annual Car Show; waive County's Vehicle Entrance Fee and authorize Valve

Burners Car Club Committee to charge a \$4 entrance fee since they will pay the Special Event Fee in addition to all of the rental facility fees; authorize vendors to sell products during the event based on insurance requirements unless a non-profit organization, and the Car Club will donate any profit from this event to Hinds Hospice and Atwater Toys for Tots as a non-profit organization.

Sheriff

3. Approve and authorize Chairman to sign Renewal Contract No. 2008152 with Public Works for inmate work crew for county roadway and facility cleanup.

Ag. Commissioner

4. Approve and authorize Chairman to sign Renewal Contract No. 2008013 with Calif. Dept. of Food and Ag. for Light Brown Apple Moth Pest Detection/Emergency Projects and adopt Resolution.

ADOPTED RESOLUTION NO. 2011-145

Commerce, Aviation and Economic Development

5. Approve and authorize Chairman to sign Amendment to Contract No. 2008319 with Self-Help Enterprises, Inc. for administration and implementation of the County's Housing Programs.

Dept. of Workforce Investment

6. Approve and authorize Chairman to sign Amendment to Contract No. 2011002 with State Employment Development Dept. for WIA Subgrant Agreement K178669 accepting Modification Three adding \$950,000 of Dislocated Worker 25% WIA funds to assist participants that have become unemployed due to the recent economic downturn, and adding \$100,000 15% WIA funds to increase the number of youth being served through the Year-Round In-School Youth Program in Merced County to June 30, 2012.

Fire

7. Approve and authorize Chairman to sign Renewal Contract No. 2010181 with Howell Consulting for Revision Services to the Emergency Operations Plan.

Health

8. Approve and authorize Chairman to sign Renewal Contract No. 2004009 with Decade Software Company LLC for the support of Envision Connect dba management system software not to exceed \$76,850.

Human Services Agency

9. Approve and authorize Chairman to sign Renewal Contract No. 2007091 with Counsel to provide legal services to Human Services Agency for Adult and Aging Services, Child Welfare Services, Eligibility Services, Employment and Training Services, personnel matters, contract review and services relating to the administration on H.S.A.

Probation

10. Approve and authorize Chairman to sign Renewal Contract No. 2004261 with Sheriff Dept. to provide meals and laundry services to the Iris Garrett Juvenile Justice Correctional Complex.

Executive Office

11. Act on Claims for Damages received from Phillip Cooksey (2011-047) and Manual Salacup (2011-049) as recommended by Risk Management and Counsel.

12. PULLED

Board Recognition

13. Authorize Certificate of Recognition to Reverent Bob Kuyper in recognition of Retirement and dedicated service to Livingston United Methodist Church.
14. Authorize Certificate of Recognition and Celebration of 75th Annual Portuguese Festa.
15. Authorize Certificate of Recognition to Merced Elks Lodge 1240, in celebration of 100th Anniversary Centennial Celebration, 1911 through 2011.
16. Authorize Certificate of Recognition to Los Caporales in recognition of Ribbon Cutting.
17. Authorize Certificate of Recognition to Terry Raley, Executive Director of Love INC of Greater Merced in recognition of dedicated service.
18. Authorize Certificates of Recognition to Chancellor Sung Mo "Steve" Kang and Mrs. Mia Kang for dedicated service to UC Merced and the Merced County community.
19. Authorize Certificate of Recognition to BBVA Compass Bank in recognition of Ribbon Cutting.
20. Authorize Certificates of Recognition to Joe Ramirez, Nellie McGarry, Tony Slaton, Michelle Allison, Dr. Napoleon Washington, John Wainwright, Peter Fluetsch and Dr. Herb Opelak as Local Hero's in our Community and their selection by the Rescue Mission.
21. Authorize Resolution of Commendation for Christina Kraushar for service to the County of Merced.
22. Proclaim August, 2011 as "Child Support Awareness Month" in Merced County.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

23. Approve the Vehicle User Committee's Recommended Vehicle User Mileage Rates for the 2011/2012 Fiscal Year.

APPROVED AS RECOMMENDED AYES: ALL

HEALTH

24. Contract with Mercy Medical Center to utilize helipad as an emergency landing site for ground to air ambulance transfers.

AUTHORIZED CONTRACT NO. 2011135 AS RECOMMENDED AYES: ALL

PLANNING

25. Contract with The Don Chapin Co., Inc. for the Consultant Michael Brandman Associates, to prepare an EIR for the Simmons Subdivision and Don Chapin Concrete Batch Plant Project in Volta (Minor Subdivision Application No. MS07-027 and Administrative Plan Permit Application No. AA08-033).

AUTHORIZED CONTRACT NO. 2011136 AS RECOMMENDED AYES: ALL

26. Contract with Michael Brandman Associates to prepare an Environmental Impact Report for the Simmons Subdivision/Don Chapin Concrete Batch Plant Project in Volta (Minor Subdivision Application No. MS07-027 and Administrative Plan Permit Application No.

AA08-033).

AUTHORIZED CONTRACT NO. 2011137 AS RECOMMENDED AYES: ALL

27. Contract with HCC Properties for the Consultant ICF Jones & Stokes, Inc. to prepare an Initial Study for the Hilmar Cheese Expansion Project (Major Modification No. MM11-014 to Conditional Use Permit No. CUP08-011).

AUTHORIZED CONTRACT NO. 2011138 AS RECOMMENDED AYES: ALL

28. Contract with ICF Jones & Stokes, Inc. to prepare an Initial Study for the Hilmar Cheese Expansion Project (Major Modification No. MM11-014 to Conditional Use Permit No. CUP08-011).

AUTHORIZED CONTRACT NO. 2011139 AS RECOMMENDED AYES: ALL

29. Williamson Act Program - AB 1265, the Board consider and amend the Williamson Act Program in order to re-affirm SB 863 and conform with AB 1265 and amends the Rules of Procedure to implement the Land Conservation Act of 1965; make the determination, as required by Government Code Section 16142(e), that the State provided less than one-half of the actual foregone general fund property tax revenues related to the Williamson Act Program in FY 10/11 and adopts Resolution (Amends Resolution No. 2010-202).

Rule of Necessity:

Supervisors O'Banion, Kelsey and Pedrozo declare a conflict of interest due to the ownership of land in their districts that is under Williamson Act contracts. Supervisors O'Banion, Kelsey and Pedrozo leave the Chambers.

County Counsel James Fincher states three members of the Board have stated a conflict with the Williamson Act due to their or their family's Williamson Act Contracts and may have a direct financial impact on property taxes, or at the very least a remote interest. The Williamson Act program options require a simple majority of the Board to take action. With three Board members leaving the Chambers, there is no longer a quorum. Therefore, the County will enact the Rule of Necessity to pick a supervisor to sit for this item and the Board will draw straws and whoever gets the short straw will determine the voting member to remain. Supervisors Pedrozo, Kelsey and O'Banion enter the Chambers for the drawing of the straws. Counsel Fincher holds the straws and Supervisor Kelsey selects the short straw. Supervisor Walsh continues to preside over the Meeting as Vice-Chairman, Supervisor Kelsey remains in the Chambers to participate and Supervisors O'Banion and Pedrozo leave the Chambers.

**ADOPTED RESOLUTION NO. 2011-146 AS RECOMMENDED AYES: 2, 3, 4
NOT PRESENT: 1, 5**

REVIEW BOARD ORDER – SEE PAGE 13 AND 14

MENTAL HEALTH

30. Contract with Merced City School District to provide educational program services for students referred to Merced County Alcohol and Drug Services adolescent program.

AUTHORIZED CONTRACT NO. 2011140 AS RECOMMENDED AYES: ALL

31. Contract with RMC Homes, Inc. for residential care services for consumers who have difficulty living in close proximity to local businesses and who need to be in a more secluded area to perform successfully in living independently.

AUTHORIZED CONTRACT NO. 2011141 AS RECOMMENDED AYES: ALL

32. Contract with Community Social Model Advocates for the provision of Perinatal Residential Substance Abuse Services.

AUTHORIZED CONTRACT NO. 2011142 AS RECOMMENDED AYES: ALL

33. Contract with Aegis Medical Systems, Inc. to provide Drug Medi-Cal Outpatient Narcotic Treatment Services.
AUTHORIZED CONTRACT NO. 2011143 AS RECOMMENDED AYES: ALL
34. Contract with Calaveras County Behavioral Health Services for the provision of Inpatient Services at Marie Green Psychiatric Health Facility.
AUTHORIZED CONTRACT NO. 2011144 AS RECOMMENDED AYES: ALL
35. Contract with Human Services Agency for implementation of the Cultural and Linguistic Outreach for Veterans as part of the Mental Health Services Act Prevention and Early Intervention not to exceed \$100,000.
AUTHORIZED CONTRACT NO. 2011145 AS RECOMMENDED AYES: ALL
36. Contract with Aspiranet dba Aspira Behavioral Health to provide specialty mental health services including Therapeutic Behavioral Services.
AUTHORIZED CONTRACT NO. 2011146 AS RECOMMENDED AYES: ALL
37. Contract with JDT Consultants for the provision of Therapeutic Behavioral Services to serve high risk youth who currently reside in other counties and are in need of services.
AUTHORIZED CONTRACT NO. 2011147 AS RECOMMENDED AYES: ALL
38. Contract with Victor Treatment Center for the provision of specialty mental health services for Residential Treatment Facility for Youth, ages seven to twenty.
AUTHORIZED CONTRACT NO. 2011148 AS RECOMMENDED AYES: ALL

DEPT. OF ADMIN. SERVICES

39. Contract with MERCOCREDIT Credit Union for Automatic Teller Machine (ATM) Services at the County Administration Building.
AUTHORIZED CONTRACT NO. 2011149 AS RECOMMENDED AYES: ALL
REVIEW BOARD ORDER – SEE PAGE 14

COUNSEL

40. Rescission of Auction Tax Sale of Assessor's Parcel Number 011-090-001-000, and Tax Deed to purchaser, Nanjat D. Oshana, of tax-defaulted property which was declared to be tax-defaulted for FY 2002-2003 under Default Number 030000235, recorded April 27, 2009, and said tax deed is declared null and void as this parcel should have become nonexistent effective July 2, 2001 and therefore not sold for back taxes and based on the Consent to the Rescission by the purchaser, the Board approves the Rescission of Auction of Tax Sale of APN 011-090-001-000 as required pursuant to Revenue and Taxation Code Section 3731(a).
APPROVED AS RECOMMENDED AYES: ALL

DEPT. OF WORKFORCE INVESTMENT

41. Contract with Merced County Office of Education to provide Case Management, Supportive Services, Work Experience and Training to 30 Merced County Youth with Disabilities in connection with the High Concentration of Youth Grant.
AUTHORIZED CONTRACT NO. 2011150 AS RECOMMENDED AYES: ALL
42. Contract with State Employment Development Dept. accepting WIA Subgrant K282484 initiating Program Year 2011-12 for Youth Formula Funds in the amount of \$1,375,000 to Merced County under Grant Code 301.
AUTHORIZED CONTRACT NO. 2011151 AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

43. Authorize retroactive pay adjustment for Family Assistance Representative II, Employee #74156, exceeding five pay periods for a total of \$219.12.

APPROVED AS RECOMMENDED AYES: ALL

44. Contract with Health for Targeted Case Management and Home Visitor services to clients referred by H.S.A.

AUTHORIZED CONTRACT NO. 2011152 AS RECOMMENDED AYES: ALL

SHERIFF

45. Authorize a one-time Retroactive Pay Adjustment for sixteen pay periods for the correct special pay for one Sheriff Deputy/Coroner (employee #36454) in accordance with Human Resources Rules and Regulations.

APPROVED AS RECOMMENDED AYES: ALL

46. (1) Approve the following departmental personnel actions: Add two (2) Systems Security Operators, Range 62.7; add six (6) Correctional Officer I/II, Range 65.1/67.1; and add 2 Correctional Sergeant/Correctional Senior Sergeant, Range 71.5/72.5 to BU 23000 and delete one (1) Sheriff Dispatcher I/II, Range 63.1/65.1 from BU 22100; and, (2) adopt the Position Resolution.

ADOPTED RESOLUTION NO. 2011-147 AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 14 AND 15

BOARD OF SUPERVISORS

47. YARTS - Board Membership and possible expansion.

REVIEW BOARD ORDER – SEE PAGE 15

48. Authorize Special Board Project Funds-District One in the amount of \$520 to be forwarded to the Planada Parks and Recreation to assist with the renovation of the baseball field in Planada and amends Board Action of July 12, 2011.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

49. Workforce Investment Board (WIB) – Appointed Jean Haskell, Jerry Sterner, and Dave Sharafrian, representing Business/Private Sector, until June 30, 2015.

APPROVED AS RECOMMENDED AYES: ALL

50. Dairy Technical Advisory Committee – Reappointed Marvin Hoogendam, representing Hilmar Cheese, until January 28, 2013.

APPROVED AS RECOMMENDED AYES: ALL

51. Snelling Cemetery District – Reappointed Joe Souza until July 1, 2014.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

52. Fire: Notification of Atwater Volunteer Fire Department Pancake Breakfast Fundraiser on September 11, 2011.

53. Commerce, Aviation and Economic Development re: Foreign Trade Zone Operating Agreement with The Gap, Inc.

AWARDED CONTRACT NO. 2011153

54. Merced County Office of Education/County Superintendent of Schools re: Merced County Local Child Care and Development Planning Council notification of Reports required by California Dept. of Education with no changes to priorities (no signatures required) - Reports provided for informational purposes: (1) Local Planning Council County Priorities Report Form - State Preschool Child Care and Development programs; (2) Local Planning Council County Priorities Report form - General Child Care and Development Programs; and, (3) Meeting Minutes from May 17, 2011 where a public hearing was held and action taken to accept the priorities report by the Merced County LPC.
55. Inyo County Board of Supervisors re: Letter to Governor Brown urging he reject the requirement for a 4/5ths 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.
56. California Mental Health Planning Council re: Adult System of Care Subcommittee - Advocacy Document encouraging local jurisdictions to support Wellness and Recovery Centers in their communities.
57. State Dept. of Social Services re: Funding for Fraud Investigations and Program Integrity Efforts Related to the In-Home Supportive Services Program pursuant to California State Budget Act of 2011 - clarification on the State Budget Act of 2011 as it relates to funding county fraud prevention proposals for FY 2011/12.
58. State Water Resources Control Board re: Revised Notice of Public Workshop to consider comments on the Draft General National Pollutant Discharge Elimination System (NPDES) Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4) on August 14, 2011 at 9:00 a.m.
59. State Water Resources Control Board re: Revised Notice of Availability for Public Comment and Revised Notice of Intent to Adopt Draft Mitigated Negative Declaration and Draft Statewide Conditional Waiver of Waste Discharge Requirements for Nonpoint Source Discharges Related to Certain Activities on National Forest System Lands in California, Extended Deadline to Submit Written Comments - August 24, 2011; and Notice of Board Workshop - September 20, 2011 at 9:00 a.m. and Adoption Meeting - October 18, 2011 at 9:00 a.m.
60. State Water Resources Control Board re: Notice of Staff Workshop - Draft Policy for Toxicity Assessment and Control set for August 22, 2011 at 1:00 p.m.

ADOPTED RESOLUTION AND ADJOURNED THE MEETING IN MEMORY OF DR. GREGORY MEYER UNTIL TUESDAY, AUGUST 23, 2011 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – AUGUST 9, 2011

10:00 A.M. SCHEDULED ITEM **2011-08-09 PUBLIC OPPORTUNITY**

Treasurer-Tax Collector-County Clerk Karen Adams requests consideration of the Registrar of Voters (ROV) position and submits the following documents for the record: August 9, 2011-Statement requesting ROV appointment, Current Organization Structure with deleted Chief Deputy positions, August 19, 2008-Statement – Department Restructuring; May 11, 2009 Response to Findings and Recommendations of EPS (Consultant) and May 2009 County Clerk-Registrar of Voters Presentation.

Diane Mejia Greene, In-Home Provider, speaks in opposition of proposed salary reduction for In-Home Supportive Services (IHSS) providers from \$9.00 to \$8.10.

Robbie Avila, Valley Land Alliance Representative/Stevinson resident, speaks regarding Valley Land Alliance's request to provide the Board with a report titled Minor Subdivisions of Agricultural Land in Merced County; advises the Valley Land Alliance wants to be placed on a Board Meeting Agenda for presentation prior to public release and submits a copy of the Report and a CD for the Board.

Della Landell, Hilmar resident and United Domestic Workers (UDW) union member, speaks in opposition of proposed .90 cent per hour salary reduction for IHSS providers.

Susan Acre, IHSS Provider, speaks in opposition of reduction in pay for IHSS providers.

Gloria Perez, Atwater resident, IHSS Provider, speaks in opposition of reductions, stating many parents must stay home with loved ones and need this additional income.

Mike Wilson, Regional Coordinator for UDW, speaks in opposition of reduction in pay for IHSS providers and the devastation it would create for the workers.

Chris Navarro, Sheriff Correctional Officer and MCSEA member, speaks regarding staffing for the Sheriff's Office and states that the Board's action on Item 46 of the Board Agenda is a step in the right direction.

Rudy Gonzales, MCESA member, speaks in support of Item 46 action on the Board Agenda. Present: Pedrozo, Walsh, Davis, Kelsey, O'Banion

10:00 A.M. SCHEDULED ITEM **2011-08-09 PLANNING – Draft 2030 County General Plan Update**

The Clerk announces the remaining policy issues on the Planning Commission Review Draft 2030 County General Plan Update is before the Board for consideration. A letter dated August 8 has been provided from Marsha A. Burch relative to the Report on the Minor Subdivisions of Ag. Land in Merced County from Valley Land Alliance (Supplemental No. 1).

Interim Development Services Director Paul Fillebrown reviews the Staff Report and states there are three (3) policy issues before the Board and in summary the issues are: 1) Exemption of commercial and industrial development from 1:1 ag. mitigation; 2) "New Towns" criteria; and 3) Minimum Parcel Size. Before proceeding into board discussion, Mr. Fillebrown points out that the Board will not be asked to vote or approve anything, this will follow later after environmental documents and release of public review documents.

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

Aldo Sansoni, Los Banos resident and Delta Farms owner, states he is in concurrence with action/recommendation of staff and states his recommendations are: must maintain 1 to 1 ratio, any new town must be a complete community (nothing else) and have a 20-acre limitation.

Johnny Andrews, Dos Palos resident and diversified farm of 4,000 acres with 80% in Merced County, reviews reasons and urges the Board to maintain the 20-acre parcel.

Dave Spaur, Chief Executive Officer of Economic Development Corporation, in support of #1, exemption of commercial industrial and further states supports 1-1 ag. mitigation and particularly exemption on commercial industrial and largely because we are interested in attracting food processing companies that are complementary to ag. and ag. promotion.

Rochelle Koch, Valley Land Alliance, speaks relative to 20-acre parcel minimums and asks the Board to consider 40-acre minimums; requests the Board read the American Farmland Trust report and the Minor Subdivision Report provided by the Valley Land Alliance and requests the Board consider putting this on a future agenda item to be presented. She further states ag. preserve was not one of the three items listed and requests the Board protect ag. lands.

Amanda Carvajel, Executive Director Merced County Farm Bureau, references Page 4, current policy that exists for New Towns stating there is no mention of preservation or protection of ag. and the Farm Bureau asks for stronger criteria under the County control if this is what is being considered; speaks in support of 4-1 ratio and would like stronger wording throughout the document on preservation and protection of ag. land.

Jeff Marchini, Le Grand resident and current President of the Merced County Farm Bureau, states this document will be with us for the next 20 years and we believe the seven items provided are critical for the general plan update and strongly ask the Board to consider these 7 items and acknowledge the value of ag. in Merced County and what it means in revenue to the County and the State.

Diana Westmoreland Pedrozo, California Women for Agriculture, states the CWA supports ag. mitigation at 4-1 ratio, LESA Model with no exceptions, and states Merced County needs to be the leader in establishment of the mitigation program with the Central Valley Farmland Trust, and the Williamson Act should be held as our #1 ag. mechanism. She asks the Board to support the city centered growth alternative as the responsible decision working with cities to use our tax dollars wisely for the benefits of all county residents and to please consider ag. in all decisions.

The Board recesses at 11:30 a.m. and reconvenes at 11:45 a.m. with all members present.

Interim Development Services Director Paul Fillebrown reviews the list of issues that resulted from July 12, 2011 Board Meeting and the options available in the three policy issues.

Discussion is had as the policy issues are shown on the PowerPoint and the additional hand out provided by Planning. Assistant Planning Director Bill Nicholson and Planner Jeff Fugelsang responds to Board questions and concerns.

Each Board member responds and provides feedback and information on the three policy issues identified and following a lengthy discussion, the following action is taken:

(1) Exempting commercial and industrial land from the 1:1 ratio agricultural mitigation policy – Board consensus is selection of Option 1, Indicate a preference to modify Policy AG-2.2 to exempt commercial and industrially designated property from the need for agricultural mitigation;

(2) Economic or other justification for New Towns – Board consensus is selection of Option 2, Include additional requirements for submittal of a “Guidance Package” to Policy LU-5.F.2 as identified in the BAI as items (a) through (c) to include: a) Fiscal Impact Analysis comparing projected revenues to projected County service costs; b) Identification of a mix of commercial, employment and public uses to support the planned residential development; and, c) A Market Demand Study demonstrating how the new town will affect existing unincorporated communities in the County and where the demand for the proposed housing and jobs will come from.

(3) Minimum Agricultural Parcel Size – Board consensus is selection of Option 1, Provide Alternative language for Policy AG-2.13 to maintain the current agricultural 20 acre minimum parcel size and keep the proposed Draft policy proposing an increase to 40 acres. The General Plan EIR will evaluate both options and selection of the preferred language be made prior to adoption of the 2030 General Plan.

Following discussion and upon motion of Supervisor O’Banion, seconded by Supervisor Davis, duly carried, the Board approves the releasing of the Draft EIR for the 2030 Merced County General Plan Update, in accordance with CEQA, with the guidance given by the Board today.

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

10:00 A.M. SCHEDULED ITEM
2011-08-09 COUNTY COUNSEL – PUBLIC HEARING

The time and date previously set for a public hearing and to consider First Reading of Proposed Ordinance titled: An Ordinance Establishing Boundaries of Supervisorial Districts (Repeals Ordinance No. 1660) as submitted by County Counsel.

County Counsel James Fincher briefly reviews the Staff Report and states this is the third of the three public hearings on Merced County’s Draft Redistricting Plan and the First Reading of the proposed ordinance to enact Plan E if the Board approves this first reading. He states the Second Reading and possible adoption will be held on August 23, 2011 at 10:00 a.m.

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

Upon motion of Supervisor O’Banion, seconded by Supervisor Davis, duly carried, the Board waives further reading of the proposed ordinance and sets the Second Reading and possible adoption for August 23, 2011 at 10:00 a.m.

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

ACTION ITEM NO. 29
2011-08-09 PLANNING

The Clerk announces the Williamson Act Program – AB 1265, is before the Board for consideration.

Supervisors O'Banion, Kelsey and Pedrozo declare a conflict of interest due to the ownership of land in their districts that are under the Williamson Act and state they will recuse themselves. Supervisors O'Banion, Kelsey and Pedrozo leave the Chambers.

County Counsel James Fincher states three members of the Board have stated a conflict with the Williamson Act due to their or their family's Williamson Act Contracts and may have a direct financial impact on property taxes, or at the very least a remote interest. The Williamson Act program options require a simple majority of the Board to take action. With three Board members leaving the Chambers, there is no longer a quorum. The Board of Supervisors is the only body that decides this action so there is a legal situation for the County to enact the Rule of Necessity to pick a supervisor to sit for this item and the Board will draw Straws and whoever gets the short straw will determine the voting member to remain.

Supervisors Pedrozo, Kelsey and O'Banion enter the Chambers for the drawing of the straws. Counsel Fincher holds the straws with Supervisor Kelsey being chosen for selecting the short straw. Supervisor Walsh presides over the meeting as Vice-Chairman, Supervisor Kelsey remains in the Chambers and Supervisors Pedrozo and O'Banion leave the Chambers.

Assistant Development Services Director Bill Nicholson briefly summarizes the staff report and reviews the technical changes to Resolution No. 2010-202 and the Williamson Act Rules in order to re-affirm SB 863 and conform the local program with AB 1265. He reviews the recommendations before the Board.

Amanda Carvajal, Executive Director for the Merced County Farm Bureau, speaks in support of the program as our only preservation tool to protect our ag. land.

Discussion is had on the Determination that is required by Government Code Section 16142(e) and shown as Recommendation No. 2 before the Board. Assistant Development Services Director Bill Nicholson and Assistant County Executive Officer Jim Brown review Recommendation No. 2 and the FY impacts on 10/11 and 11/12.

Following discussion, Supervisor Davis moves, seconded by Supervisor Kelsey, the Board amends Resolution No. 2010-202 and the Merced County Rules of Procedure to implement the Land Conservation Act of 1965, as modified by SB 863, to make technical changes to conform with AB 1265 and adopts Resolution No. 2011-146.

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

Ayes: Walsh, Davis, Kelsey

Not Present: Pedrozo, O'Banion

Following further discussion, Supervisor Davis moves, seconded by Supervisor Kelsey, the Board makes the determination, as required by Government Code section 16142(e) that the State provided less than one-half of the actual foregone general fund property tax revenues related to the Williamson Act Program in FY 10/11.

The Chairman calls for a Vote on the Motion. Motion carries.
Ayes: Walsh, Davis, Kelsey
Not Present: Pedrozo, O'Banion

ACTION ITEM NO. 39
2011-08-09 DEPT. OF ADMIN. SERVICES

The Clerk announces the ATM Services Contract with MERCO Credit Union is before the Board for consideration.

Supervisor O'Banion questions the change in the contract and requests information on why the Merced Schools Employees Credit Union will not be able to use this machine free of charge.

MERCO Credit Union CEO Mike Malone appears before the Board and reviews the history of the ATM machine installed in the County Administration Building and states times have changed and the Merced Schools Employees Credit Union will now charge transaction fees to MERCO credit union members and therefore, it is MERCO's decision to discontinue free services for Merced School Employees Credit Union members. He recommends the Board approve the contract.

Following discussion, Supervisor Kelsey moves, seconded by Supervisor Walsh, the Board approve and authorize the Chairman to sign Contract No. 2011149 with MERCO Credit Union for ATM Services.

The Chairman calls for a Vote on the Motion.

Supervisor O'Banion votes "no". Motion carries.
Ayes: Pedrozo, Walsh, Davis, Kelsey
Noes: O'Banion

ACTION ITEM NO. 46
2011-08-09 SHERIFF

The Clerk announces the Sheriff Correctional Staffing is before the Board for consideration.

Supervisor Kelsey moves, seconded by Supervisor Walsh, the Board take the following action relative to the Sheriff Correctional Staffing: (1) Add two (2) Systems Security Operators, Range 62.7; add six (6) Correctional Officer I/II, Range 65.1/67.1; and add 2 Correctional Sergeant/Correctional Senior Sergeant, Range 71.5/72.5 to BU 23000 and delete one (1) Sheriff Dispatcher I/II, Range 63.1/65.1 from BU 22100; and, (2) adopt Resolution 2011-147.

Supervisor O'Banion questions where the funds are coming fund to re-introduce these items.

Following discussion, Assistant County Administrator Jim Brown states AB 109 funds are anticipated and \$900,000 has been identified by the Sheriff in the operating budget from the Sheriff's Trust.

Discussion is had on the positions and the funding availability, the \$600,000 from carryover dollars to fund these positions and the effect on the entire county.

Supervisor Kelsey expresses concern about the library funding and bridging the gap next year.

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

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

ACTION ITEM NO. 47

2011-08-09 BOARD OF SUPERVISORS

The Clerk announces the YARTS Board Membership and possible expansion is before the Board for consideration.

Supervisor Walsh states as the Board's YARTS representative, the YARTS Joint Powers Authority has been discussing the alternatives to the existing structure and is considering increasing the number of members of the YARTS Board from its current three to six to increase the effective function of the Board. He summarizes the materials provided and states each county is to discuss their preferred preference on how to proceed.

Following discussion, Supervisor O'Banion moves, seconded by Supervisor Kelsey, the Board speaks in support of its current YARTS membership and of appointing an additional Merced County Supervisor and appoints Supervisor Davis as the 2nd Representative.

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

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