

# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting  
TUESDAY, AUGUST 23, 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](http://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

**REVIEW BOARD ORDER – SEE PAGE 8**

**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 8**

**PRESENTATION:** Resolution in Memory of Darren Ross Perez

**REVIEW BOARD ORDER – SEE PAGE 9**

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 16)**

**APPROVED AS RECOMMENDED AYES: ALL**

**COUNSEL - PUBLIC HEARING - PROPOSED ORDINANCE - SECOND READING AND POSSIBLE ADOPTION**

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

RECOMMENDATION: Consider proposed ordinance; waive further reading of proposed ordinance; and adopt Ordinance

**REVIEW BOARD ORDER – SEE PAGE 9**

**REPORTS/BOARD DIRECTION**

County Executive Officer, County Counsel, Board of Supervisors Members

FINAL BUDGET HEARINGS AT 1:30 P.M.

SEE SEPARATE AGENDA

CONSENT CALENDAR (Items #1 - 16)

**APPROVED AS RECOMMENDED AYES: ALL**

Mental Health

1. Approve and authorize the Chairman to sign Amendment to Contract No. 2007220 with State Dept. of Rehabilitation for Cooperative Agreement to provide Vocational Rehabilitation.
2. Approve and authorize the Chairman to sign Renewal Contract No. 2010105 with California State University, Stanislaus to implement the Mental Health Services Act Stipend Program.

Probation

3. Approve and authorize the Chairman to sign Renewal Contract No. 2004151 with Delhi Unified School District to place Deputy Probation Officer at Delhi High School.

Ag. Commissioner

4. Approve and authorize the Chairman to sign Renewal Contract No. 2004324 with Calif. Dept. of Food and Agriculture for Pink Bollworm Cotton Plowdown and Host Free Monitoring Program and adopt Resolution.

**ADOPTED RESOLUTION NO. 2011-148**

5. Approve and authorize the Chairman to sign Renewal Contract No. 2006217 with Calif. Dept. of Food and Agriculture for Sudden Oak Death Inspections and Annual Surveys and adopt Resolution.

**ADOPTED RESOLUTION NO. 2011-149**

Human Services Agency

6. Approve and authorize the Chairman to sign Renewal Contract No. 2006159 with the Governor's Office of Emergency Services for Child Abuse Treatment (CHAT) Program Funding and authorize the Chairman and Auditor to sign the Certificate of Assurances as the designated positions.

## Health

7. Approve and authorize the Chairman to sign Amendment to Contract No. 2008171 with California Forensic Medical Group, Inc. for Correctional Health Services.

## Child Support Services

8. Approve and authorize the Chairman to sign Amendment to Contract No. 2009156 with Calserve, Inc. for twenty-two month extension to perform legal process of service of documents (service of process).

## Executive Office

9. Act on Claims for Damages submitted by M. Golden Management, Inc./Moraga, LP (2011-056) as recommended by Risk Management and Counsel.
10. Approve and authorize the Chairman to sign Renewal Contract No. 2004144 with The Standard Insurance Company for Group Life and Employee Voluntary Term Life for period August 1, 2011 to July 31, 2013.
11. Approve and authorize the Chairman to sign Renewal Contract No. 2007201 with The Standard Insurance Company for Management Short Term/Long Term Disability Insurance for the period of August 1, 2011 through July 31, 2013.

## Board Recognition

12. Authorize Certificates of Recognition in honor of the Winton Chamber of Commerce Awards to Anthony Pitchford-President, Diane Dixon-Vice President, Phyllis Pitchford-Secretary, Carol Bonin-Treasurer and Paul Pitchford, Marlys Flores and Sherry Pitchford as Directors.
13. Authorize Certificates of Recognition to honorees selected by the Los Banos Chamber of Commerce: Mark Menchaca-Friend of the Chamber Award; Rhonda Lowe-Outgoing President; Ned Ryan-Wilma Keokuk Volunteer of the Year; Penny Glick-Betty Trauba Business Person of the Year; Worknet of Los Banos-Bill Marchese Business of the Year and Richard Gerbi, Gwen Partida and Nikki Tuft for Outgoing Directors.
14. Authorize Certificate of Recognition to Michael Lane upon his retirement from the Visalia City Council.
15. Authorize Certificates of Recognition to American Legion Manuel M. Lopes Post 240 and Joseph G. Rose Post 7635 of the Veterans of Foreign Wars in celebration of Veterans and Foreign Wars 90th Memorial Day Celebration.
16. Authorize Certificates of Recognition in honor of recognition of the Greater Merced Chamber of Commerce as Graduates of the Leadership Merced, Class 26: Tammy Alveraz, Mary Bigleow, Mark Bonilla, Luis Flores, Scott Malta, Jennifer Mockus, Jillian Nord, Mary Porter, Janet Spangler, Samantha Thompson and Ashlee Williams.

REGULAR CALENDAR

BOARD ACTION

SHERIFF

17. Contract with The Regents of the University of California, Davis for mandatory medical monitoring of Methamphetamine Laboratory Investigators.

**AUTHORIZED CONTRACT NO. 2011156 AS RECOMMENDED AYES: ALL**

18. Contract with Delhi Unified School District for School Resource Officer.

**AUTHORIZED CONTRACT NO. 2011157 AS RECOMMENDED AYES: ALL**

AG. COMMISSIONER

19. Contract with Dr. William Bell, DVM, Santa Fe Pet Hospital, for Veterinary Medical Services in response to RFP No. 6578.

**AUTHORIZED CONTRACT NO. 2011158 AS RECOMMENDED AYES: ALL**

MENTAL HEALTH

20. Contract with San Benito County Behavioral Health Services for the provision of inpatient services at the Marie Green Psychiatric Health Facility.

**AUTHORIZED CONTRACT NO. 2011159 AS RECOMMENDED AYES: ALL**

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

21. Contract with Tulare Aircraft Service, Inc. for Buildings 1550 (approximately 32,291 sq. ft), 1555 (approximately 1,800 sq. ft.) and 1556 (approximately 1,200 sq. ft) and 6.30 acres of land at Castle Commerce Center for a 20 year term.

**AUTHORIZED CONTRACT NO. 2011154 AS RECOMMENDED AYES: ALL**

22. Contract with Tulare Aircraft Service, Inc. for Building 1147 (approximately 9,360 sq. ft) for transient housing for airport related personnel and customers of TAS, Inc. at Castle Commerce Center.

**AUTHORIZED CONTRACT NO. 2011155 AS RECOMMENDED AYES: ALL**

23. Castle Airport - Acceptance of Federal Aviation Administration (FAA) Grant Funding for design of New Taxiway "B" and authorize Chairman to sign the associated FAA Grant Offer/Acceptance Documents, Contract No. 2011160 related to the design upon receipt from FAA and direct staff to return to the Board with necessary budget adjustments.

**APPROVED AS RECOMMENDED AYES: ALL**

24. Resolution stating Intent of the County of Merced to make the required payments pursuant to AB1X 27 in order to avoid dissolution of the Merced County Redevelopment Agency on October 31, 2011 and enter into a Voluntary Alternative Redevelopment Program (VARP).

**REVIEW BOARD ORDER – SEE PAGE 9 AND 10**

TREASURER

25. Accept the Treasury Investment Report for the Quarter Ending June 30, 2011 (April 1, 2011 - June 30, 2011).

**APPROVED AS RECOMMENDED AYES: ALL**

BOARD OF SUPERVISORS

26. Sierra Academy of Aeronautics EB-5 Proposal - (1) The Board endorse the Project, authorizing Sierra to commit the County's property as part of their application to the Federal Government and authorize the Chairman to execute the Letter of Support; and, (2) Direct staff to negotiate and return to the Board a long term lease (with satisfactory protective conditions for the County) of Buildings 1509, 1529 and 10 acres of ramp space, upon Sierra obtaining Regional Center Designation.

**REVIEW BOARD ORDER – SEE PAGE 10 AND 11**

27. Authorize Special Board Project Funds-District One in the amount of \$1,500 to Merced Atlas Soccer Club to support their activities.

**APPROVED AS RECOMMENDED AYES: ALL**

BOARD APPOINTMENTS

28. Le Grand Municipal Advisory Council – Reappointed Maria Giampaoli and John Cardoza until December 7, 2014.

**APPROVED AS RECOMMENDED AYES: ALL**

BOARD INFORMATION & POSSIBLE ACTION

**ACCEPTED AND PLACED ON FILE AYES: ALL**

29. Dept. of Admin. Services re: Net Proceeds of the Internet Surplus Property Sale held during the period of April 1, 2011 through June 30, 2011 for a total of \$30,262.56.
30. City of Merced re: (1) Certified Resolution No. 2011-53-A Resolution of the City Council of the City of Merced, California, Requesting the Board provide for the consolidation of a General Municipal Election with the Consolidated/Unified District Election to be held on November 8, 2011; and (2) Certified Resolution No. 2011-54 - A Resolution of the City Council of the City of Merced, CA, calling for a General Municipal Election for the Election of the Mayor and Three Members of the City Council at the General Municipal Election to be held on November 8, 2011.
31. California Emergency Management Agency re: Notification of U.S. Dept. of Agriculture granted a Secretarial disaster designation for the primary counties of Stanislaus, Yuba, and the contiguous counties of Alameda, Butte, Calaveras, Mariposa, Merced, Nevada, Placer, Plumas, San Joaquin, Santa Clara, Sierra, Sutter and Tuolumne due to agricultural losses caused by storms with excessive rain and high winds that occurred June 3, 2011 through June 6, 2011.
32. California Emergency Management Agency re: Notice the U.S. Small Business Administration declared the primary counties of Stanislaus, Yuba, and the contiguous counties of Alameda, Butte, Calaveras, Mariposa, Nevada, Placer, Plumas, San Joaquin, Santa Clara, Sierra, Sutter and Tuolumne a Disaster area as a result of a July 29, 2011, USDA disaster designation due to agricultural losses caused by storms with excessive rains and high winds that occurred June 3, 2011 through June 6, 2011.
33. U.S. Dept. of the Interior re: Petitions for Temporary Change Permits 11885, 11886 and 11887 (Application 234, 1465, and 5638) Friant Division, Central Valley Project, California.
34. Sierra County Board of Supervisors re: Letter to Governor Brown re: AB 109 - Sierra County Opposition.

35. State Water Resources Control Board re: Notice of Petition involving the long-term transfer of up to 5,000 acre-feet of water from Stevinson Water District and East Side Canal and Irrigation Company to San Luis Canal Water Company under License 5940 (Application 5724) in Merced County, Comments to be received by September 3, 2011.
36. State Water Resources Control Board re: Notice of Opportunity to Comment - Proposed Approval of an Amendment to the Water Quality Control Plan for the Colorado River Basin Region to prohibit the discharge of Wastewater into the Ground from Septic Systems in the Town of Yucca Valley in San Bernardino County; comments must be received by September 1, 2011.
37. State Water Resources Control Board re: Notice of Opportunity to comment - Proposed Approval of an Amendment to the Water Quality Control Plan for the Colorado River Basin Region to Establish a Conditional Prohibition for Agricultural Wastewater Discharges originating within the Palo Verde Valley and the Palo Verde Mesa and to incorporate an implementation Plan, comments must be received by September 1, 2011.
38. State Water Resources Control Board re: Notice of Opportunity to comment - Proposed Approval of Amendments to the Water Quality Control Plan for the Central Coast Basin Regarding onsite Wastewater System Criteria and Implementation Program; comments must be received by August 25, 2011.
39. State Water Resources Control Board re: Revised Notice of Opportunity for Public Comment - Draft General National Pollutant Discharge Elimination System (NPDES) Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4s), extended deadline to comment-September 8, 2011.

**ADOPTED RESOLUTIONS IN MEMORY OF BILL SPAIN, DAVE WIDELL, SARAH GREENE AND LOIS GIGUERE AND RECESSED UNTIL 1:30 P.M. FOR FINAL BUDGET HEARINGS**

## BOARD ORDERS – SUMMARY ACTION MINUTES – AUGUST 23, 2011

### **8:30 A. M. SCHEDULED ITEMS** **2011-08-23 CLOSED SESSION**

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

The Clerk reads the following matters set for Closed Session:

**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 recesses at 8:30 a.m. and reconvenes at 10:05 a.m. with all members present and states Staff has been provided direction. The Chairman advises he has a statement to read into the record: The Board has received a letter of resignation from Mr. Combs and his effective date will be December 2, 2011. The Board has decided not to open the position of CEO for recruitment, the Board will appoint the CEO from within the organization and is in discussion with the potential appointee now.

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

### **10:00 A. M. SCHEDULED ITEMS** **2011-08-23 PUBLIC OPPORTUNITY**

Carey Young, Merced resident, speaks in support of the United Domestic Workers program stating as long as clients are kept at home with families or provided care with homecare, they are still paying rent and taxes and support the infrastructure that holds the county together and requests the program be protected.

Benjamin Perez, Atwater resident, speaks in support of the United Domestic Workers program stating his child needs full time care to not only protect the community but herself.

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



**10:00 A. M. SCHEDULED ITEMS**

**2011-08-23 PRESENTATION**

Kevin Smith, on behalf of Merced Fire, and Chairman Pedrozo present a Resolution in Memory of Darren Ross Perez to his wife Danielle for his dedicated service as a paid firefighter in Merced County.

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

**10:00 A.M. SCHEDULED ITEM**

**2011-08-23 COUNTY COUNSEL – REDISTRICTING - ORDINANCE NO. 1887**

The time and date previously set for a public hearing and to conduct the Second Reading and possible adoption 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 Second Reading of the Proposed Ordinance to enact Plan E. He states the Board has held three public hearings on the County's preferred draft redistricting plan and held the First Reading of the proposed Ordinance on August 9, 2011.

Counsel Fincher names numerous County Staff and expresses thanks for their extra work and participation in the redistricting efforts by insuring all the steps, documents and information was completed to provide the information to the public and communities. He further advises Commerce, Aviation and Economic Development Director Mark Hendrickson and Assistant County Administrator James Brown attended all of the meetings that were held in the communities to provide information and answer questions.

Upon motion of Supervisor O'Banion, seconded by Supervisor Davis, duly carried, the Board waives further reading of the proposed ordinance titled: An Ordinance Establishing Boundaries of Supervisorial Districts (Repeals Ordinance No. 1660).

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Davis, duly carried, the Board adopts Ordinance No. 1887.

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

**ACTION ITEM NO. 24**

**2011-08-23 COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT**

The Clerk announces the Voluntary Alternative Redevelopment Program proposed resolution is before the Board for consideration.

Commerce, Aviation and Economic Development Director Mark Hendrickson reviews the proposed resolution stating the intent of Merced County to make payments pursuant to AB1X 27 in order to avoid dissolution of the Redevelopment Agency.

Upon motion of Supervisor O'Banion, seconded by Supervisor Davis, duly carried, the Board states its intent of the County of Merced to make remittances required by AB1X 27 in order to avoid dissolution of the Merced County Redevelopment Agency on October 1, 2011 and enter into a Voluntary Alternative Redevelopment Program (VARP) and adopts Resolution No. 2011-150.

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

## **ACTION ITEM NO. 26**

### **2011-08-23 BOARD OF SUPERVISORS**

The Clerk announces the Sierra Academy of Aeronautics EB-5 Proposal is before the Board for consideration and states a Letter dated August 18, 2011 from County Executive Office confirming the Sierra Development LLC and Sierra Air Center EB-5 Proposal is submitted (Supplemental No. 1).

Commerce, Aviation and Economic Development Director Mark Hendrickson reviews the Staff Report and recommendation stating Sierra is willing to pay Merced County to secure the properties during their application process.

Supervisor Davis briefly states Sierra Academy of Aeronautics would like to apply for designation as a Federal Regional Center which may encourage foreign investment in the United States. He provided a brief review of the proposal stating in order to begin the application process Sierra must obtain an endorsement and letter of support from the Board of Supervisors as the property owners. Mr. Davis advises he has a slight modification to the recommended action No. 1.

Bob Deklinski, Director of Public Affairs at Sierra Academy, speaks on behalf of the Sierra Company and reviews the PowerPoint outlining the proposal and states it is time to build a new castle.

Supervisor Davis moves, seconded by Supervisor O'Banion, duly carried, the Board (1) endorse the project, authorizing Sierra to submit the County's property as part of their application to the Federal government and authorize the Chairman to execute a Letter of Support but that these actions not occur until after execution by Sierra and Board Chairman upon review and approval by CEO and County Counsel of an agreement between the County and Sierra specifying the conditions under which the letter of support is to be issued; and (2) direct Staff to negotiate and return to the Board with a long term lease (with satisfactory protective conditions for the County) of Buildings 1509, 1529 and 10 acres of ramp space, Contract No. 2011190, upon Sierra obtaining Regional Center Designation.

Bill Spriggs speaks not as Mayor but as a community member from Merced and speaks in support of the project and the potential improvement to Castle.

Gino Graziano, CFO of G&G Construction, speaks in support of the proposal and job opportunities.

Amanda Carvajel, Merced County Farm Bureau but not speaking on behalf of the Board but speaking on behalf of the general consensus of the meeting itself, states we do need jobs but there was concerns on the ag industry and the actual business prospect, each agriculturist that attended the meeting understands the aviation industry and how the exporting business works, and they did not feel it was feasible and that the business plan was lacking in viable options for this business.

Following a lengthy discussion, Supervisor Davis re-reads his recommendation that outlines the change to recommendation no. 1.

CEO Combs comments stating it is important to protect the county interests and because of reservations, conditions have been incorporated and Merced County has been supportive of economic development activities and this is another opportunity for Merced County.

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