

# SUMMARY ACTION MINUTES BOARD OF SUPERVISORS

Regular Meeting  
TUESDAY, OCTOBER 04, 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**

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The Agenda is divided into three sections:

**CONSENT CALENDAR** – These matters include routine financial and administrative actions and are approved by a single majority vote.

**SCHEDULED ITEMS** – These items are noticed hearings, work sessions and public hearings.

**REGULAR CALENDAR** – These items include significant policy and administration actions. Immediately after approval of the CONSENT CALENDAR, if the time of the hearing of SCHEDULED ITEMS has not arrived, the REGULAR CALENDAR will be considered.

SCHEDULED ITEMS

8:30 A. M.

**THE PUBLIC IS INVITED TO SPEAK ON ANY ITEM ON THE AGENDA-  
TESTIMONY IS LIMITED TO FIVE MINUTES PER PERSON**

**CLOSED SESSION - CONFERENCE WITH REAL PROPERTY**

**NEGOTIATOR:** It is the intention of the Board to meet in Closed Session concerning a Conference with Real Property Negotiator(s) Mark Hendrickson, Director-Commerce, Aviation and Economic Development pursuant to Government Code Section 54956.8 as follows: Challenger Learning Center, 3460 Challenger Way, Atwater, CA

**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; 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 DIRECTION WAS GIVEN TO STAFF**

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

10:00 A. M.

**PLEDGE OF ALLEGIANCE**

**PUBLIC OPPORTUNITY TO SPEAK ON ANY MATTER OF PUBLIC INTEREST WITHIN THE BOARD'S JURISDICTION INCLUDING ITEMS ON THE BOARD'S AGENDA, EXCEPT FOR THOSE ITEMS SPECIFICALLY SCHEDULED AS PUBLIC HEARINGS (Testimony limited to five minutes per person)**

10:00 A. M.

**PRESENTATION**

Human Services Agency and Mountain Crisis Services: Domestic Violence Annual Report and Proclamation declaring October, 2011 as "Domestic Violence Awareness Month"

**RECEIVED ANNUAL REPORT FROM MOUNTAIN CRISIS SERVICES EXECUTIVE DIRECTOR GENEVIEVE BARDINI-DAVIS AND THE CHAIRMAN PRESENTED THE PROCLAMATION**

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 10)**

**APPROVED AS RECOMMENDED REMOVING CONSENT ITEM NOS. 5 AND 6 AYES: ALL**

**COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT - PROPOSED ORDINANCE - FIRST READING, SET SECOND READING AND POSSIBLE ADOPTION FOR OCTOBER 18, 2011 AT 10:00 A.M.**

To consider Proposed Ordinance entitled: An Ordinance Determining Merced County will comply with the Voluntary Alternative Redevelopment Program pursuant to Part 1.9 of Division 24 of the California Health and Safety Code in order to permit the continued existence and operation of the Merced County Redevelopment Agency

RECOMMENDATION: Waive further reading and set Second Reading and possible adoption for October 18, 2011 at 10:00 a.m.

**REVIEW BOARD ORDER – SEE PAGE 7**

**REPORTS/BOARD DIRECTION**

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items #1 - 10)

**APPROVED AS RECOMMENDED PULLING ITEM NOS. 5 AND 6 FROM THE AGENDA AYES: ALL**

Health

1. Approve and authorize Chairman to sign Amendment to Contract No. 2007084 with State Water Resources Control Board for Dairy Nutrient Management Plans and Waste Management Plans to allow for final reporting, not to exceed \$1.2 million; authorize the Director of Public Health or designee to sign all payment requests and adopt Resolution.

**ADOPTED RESOLUTION NO. 2011-169**

Mental Health

2. Approve Budget Transfer in the amount of \$10,245 for purchase of laptops with docking stations for Mental Health Clinicians/Counselors that are school based, Revenue Trust 2901 Fund, said Fund designated for disbursement. (4/5 Vote Required)
3. Approve Budget Transfer in the amount of \$108,514 to fund MHSA Innovation Component 3 Year Plan positions approved by the Board with Trust Funds 2933 & 2946, said Funds designated for disbursement. (4/5 Vote Required)

Dept. of Workforce Investment

4. Approve and authorize Chairman to sign Amendment to Contract No. 2011151 with State Employment Development Department to incorporate and add 1st Round of Workforce Investment Act Adult, Dislocated Worker and Rapid Response Formula Funds to Merced County in the amount of \$398,658.

Treasurer-Tax Collector-County Clerk

5. Approve and authorize Chairman to sign Renewal Contract No. 2009011 with Franchise Tax Board for Court Ordered Debt Collection Program and reappoint the Treasurer-Tax Collector as Contract Administrator.

**NO ACTION TAKEN – PULLED FROM AGENDA**

Executive Office

6. Approve and authorize Chairman to sign Amendment to Memorandum of Understanding with Merced County Attorneys' Association (MCAA), Unit 7 and authorize the Chairman to sign the Employer Participation Agreement with Nationwide Retirement Solutions (NRS) for Merced County Attorneys' Association (MCAA), Unit 7 which includes the Plan, Declaration of Trust and appointment of Trustee for the PEHP and associated documents.

**NO ACTION TAKEN – PULLED FROM AGENDA**

7. Approve Travel Requests submitted by Human Services Agency and Sheriff-Coroner as recommended by Executive Office.

Board Recognition

8. Proclaim October 9-15, 2011 as National Fire Prevention Week in the County of Merced.
9. Authorize Certificate of Recognition to Chiaras Creations in recognition of Grand Opening and Ribbon Cutting.
10. Authorize Certificate of Recognition to Big Mike's Big Sandwich Shop in recognition of Ribbon Cutting.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

11. Contract with Snelling Community Building Foundation for management of the Snelling Community Building in Henderson Park; authorize the negotiation of the final terms and conditions and authorize the signing subject to review of Counsel.

**AUTHORIZED CONTRACT NO. 2011185 AS RECOMMENDED AYES: ALL**  
**REVIEW BOARD ORDER – SEE PAGE 7**

12. Authorize submission of Grant Application to the to the California Natural Resources Agency for the Proposition 84 River Parkways Program Grant for the Henderson Park River Parkway Project in Snelling and adopt Resolution; designate Public Works Director as the authorized representative to sign and submit the Grant and administer the funds and return to the Board if awarded; and, approve the habitat restoration activities as a component of

the Henderson Park River Parkway Project with funding through the U. S. Fish and Wildlife Service.

**ADOPTED RESOLUTION NO. 2011-170 AS RECOMMENDED AYES: ALL**

**HEALTH**

13. Contract with The Source Group, Inc. to complete the Dairy Nutrient and Dairy Waste Management at a cost not to exceed \$78,923.

**AUTHORIZED CONTRACT NO. 2011186 AS RECOMMENDED AYES: ALL**

**COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT**

14. Approve the Caltrans Matching Grant Application with California Department of Transportation for the Castle Airport – Design of New Taxiway “B”; authorize the Chairman to sign the associated Cal Trans Matching Grant Agreement and documents accepting funds, adopt the Resolution and approve the necessary budget transfer-\$117,800. (4/5 Vote Required)

**ADOPTED RESOLUTION NO. 2011-171 AND AUTHORIZED CONTRACT NO. 2011184 AS RECOMMENDED AYES: ALL**

**DISTRICT ATTORNEY**

15. Accept the District Attorney's Real Estate Fraud Report for FY 2010/11.

**APPROVED AS RECOMMENDED AYES: ALL**

**LIBRARY**

16. Joint Use Contract with Delhi Unified School District for Delhi Branch Library for Library Services and Operations.

**AUTHORIZED CONTRACT NO. 2011187 AS RECOMMENDED AYES: ALL**

17. Authorize the cancellation of RFP 6581 for the design and construction of a Bookmobile from All American Specialty Products and authorize the utilization of Kern County Competitive Bid for purchase of Bookmobile from Meridan Specialty Vehicles.

**AUTHORIZED CONTRACT NO. 2011188 AS RECOMMENDED AYES: ALL**

**DEPT. OF ADMIN. SERVICES**

18. Authorize the release of Request for Proposal (RFP) for the design and production of the Merced County Exhibit at the 2012 California State Fair.

**APPROVED AS RECOMMENDED AYES: ALL**

19. Declare Miscellaneous Office Furniture, Assorted Office Equipment, Automotive Parts, Industrial Supplies, Miscellaneous Supplies, Light Duty Trucks, and Passenger Sedans identified (Exhibit A), as Surplus Property as recommended, and authorize its disposal by approved internet public auction.

**APPROVED AS RECOMMENDED AYES: ALL**

**PROBATION**

20. AB 109 - 2011 Realignment Recommendations: Approve Amended Budget as recommended by the Community Corrections Partnership pursuant to AB 109 titled "2011 Realignment Legislation Addressing Public Safety"; add two Deputy Probation Officer I/II/III

to BU 23406 and add two Legal Process Clerk I/II to BU 23400; adopt Resolution and approve the necessary budget transfers (3). (4/5 Vote Required)

**ADOPTED RESOLUTION NO. 2011-172 AS RECOMMENDED AYES: ALL**  
**REVIEW BOARD ORDER – SEE PAGE 8**

**BOARD OF SUPERVISORS**

21. (1) Appoint Mr. James L. Brown as County Executive Officer effective December 3, 2011, (2) Approve Employment Agreement with James L. Brown and authorize the Chair to sign; and (3) Allocate one County Executive Officer Designee, Job Class 7832, appoint James L. Brown, effective October 24, 2011 and delete the Designee position upon the incumbent's retirement.

**AUTHORIZED CONTRACT NO. 2011189 AS RECOMMENDED AYES: ALL**  
**REVIEW BOARD ORDER – SEE PAGE 8**

**BOARD APPOINTMENTS**

22. Gustine Drainage District – Appointed Pat Borrelli to serve until December 6, 2012.

**APPROVED AS RECOMMENDED AYES: ALL**

**BOARD INFORMATION & POSSIBLE ACTION**

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

23. CSAC re: Notice of Merced County's Outstanding Program selected to receive a Merit Award in the 2011 CSAC Challenge Awards Competition - Merced's Foster Parent Orientation: Experience the Reality.
24. State Water Resources Control Board re: Board Meeting set for October 4, 2011.
25. State Water Resources Control Board re: Notice of Public California Environmental Quality Act Scoping Meeting - Statewide Policy for Nutrient Control in Inland Surface Waters in California set for Thursday, October 27, 2011 at 9:00 a.m.
26. State Water Resources Control Board re: Revised Notice of Opportunity to comment - Extended Deadline to submit written comments until Thursday October 27, 2011 - Proposed approval of an amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to incorporate a total maximum daily load for debris in nearshore and offshore Santa Monica Bay.
27. State Water Resources Control Board re: Notice of Opportunity to comment -Proposed approval of an amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to incorporate a total maximum daily load for toxic pollutants in Dominguez Channel and Greater Los Angeles and Long Beach Harbors Waters.
28. State Water Resources Control Board re: Notice of Opportunity to Comment - Proposed Approval of an amendment to the Water Quality Control Plan for the San Francisco Bay Region (Basin Plan) to refine the beneficial uses of Hayward Marsh.
29. State Water Resources Control Board re: Notice of Minutes of the Dept. of Fish and Game Wildlife Conservation Board - of June 2, 2011, Summary Item No. List. (On file with Clerk)
30. State Fish and Game Commission re: Copy of Notice of Proposed Emergency Regulatory Action relating to the Recreational Take of Abalone.

**THE BOARD ADJOURNED UNTIL TUESDAY, OCTOBER 18, 2011 AT 10:00 A.M.**

**BOARD ORDERS – SUMMARY ACTION MINUTES – OCTOBER 4, 2011**

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

**2011-10-04 COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT – PROPOSED ORDINANCE – FIRST READING**

The time and date previously set for the First Reading of the Proposed Ordinance titled: An Ordinance Determining Merced County will comply with the Voluntary Alternative Redevelopment Program pursuant to Part 1.9 of Division 24 of the California Health and Safety Code in order to permit the continued existence and operation of the Merced County Redevelopment Agency submitted by Commerce, Aviation and Economic Development.

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 waives further reading of the proposed ordinance and sets the Second Reading and possible adoption for October 18, 2011 at 10:00 a.m.

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

**ACTION ITEM NO. 11**

**2011-10-04 PUBLIC WORKS**

The Clerk announces Snelling Community Building in Henderson Park is before the Board for consideration. The Clerk states for the record there is Supplemental Material provided: Updated Draft Contract between Merced County and the Snelling Community Building Foundation (Supplemental No. 2).

Upon motion of Supervisor Kelsey, seconded by Supervisor Davis, duly carried, the Board authorizes the Chairman to sign Contract No. 2011185 with Snelling Community Building Foundation for the Snelling Community Building in Henderson Park for a Management Agreement subject to review by Counsel and authorizes Public Works, Risk Management and County Counsel to negotiate the final terms and conditions of said contract.

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

**ACTION ITEM NO. 20**

**2011-10-04 PROBATION**

The Clerk announces AB 109 titled "2011 Realignment Legislation Addressing Public Safety" is before the Board for consideration. The Clerk states for the record a Supplemental Document was provided to the Board titled: AB 109, 2011 Realignment Recommendations power-point presentation (Supplemental No. 1).

Chief Probation Officer Scott Ball reviews the PowerPoint presentation.

Discussion is had regarding funding, Day Reporting hours, Evening Reporting services, adult realignment, financing and mental health issues of individuals in the program.

Mr. Ball clarifies conditions of parole and the tracking system operation relative to the AB 109 program.

Following lengthy discussion and upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board approves the amended budget as recommended by the Community Corrections Partnership pursuant to AB 109 titled "2011 Realignment Legislation Addressing Public Safety"; adds two (2) Deputy Probation Officer I/II/III to BU 23406 and two (2) Legal Process Clerk I/II to BU 23400 in Probation; approves the related Budget Transfers-\$168,994, \$97,171 and \$1,071,820 and adopts Resolution No. 2011-172.

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

**ACTION ITEM NO. 21**

**2011-10-04 BOARD OF SUPERVISORS**

The Clerk announces the appointment of the County Executive Officer is before the Board for Consideration.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board appoints Mr. James L. Brown as County Executive Officer effective December 3, 2011; authorizes the Chairman to sign the Employment Agreement, Contract No. 2011189 and allocates one (1) County Executive Officer Designee, Job Class 7832, appointing James L. Brown effective October 24, 2011 and delete the Designee position upon the incumbent's retirement.

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