

# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

### Regular Meeting

**TUESDAY, JANUARY 10, 2012**

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

JOHN PEDROZO.....DISTRICT 1  
CHAIRMAN HUBERT “HUB” WALSH, JR....DISTRICT 2  
LINN DAVIS.....DISTRICT 3  
DEIDRE F. KELSEY....DISTRICT 4  
JERRY O’BANION.....DISTRICT 5

JAMES L. BROWN  
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

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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 LEGAL COUNSEL - 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): Two Cases

**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 8:35 A.M. WITH SUPERVISOR KELSEY NOT PRESENT, RECONVENED AT 10:00 A.M. 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 8**

**NOMINATION OF CHAIRMAN AND VICE CHAIRMAN FOR THE YEAR 2012  
THE BOARD NOMINATES SUPERVISOR WALSH AS 2012  
CHAIRMAN AND SUPERVISOR KELSEY AS 2012 VICE-CHAIRMAN  
AYES: 1, 2, 3, 5 NOT PRESENT: 4**

**PRESENTATION - 2011 Public Safety Realignment Update  
REVIEW BOARD ORDER – SEE PAGE 8**

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 25)  
APPROVED AS RECOMMENDED EXCEPT ITEM NO. 7 PULLED  
AYES: 1, 2, 3, 5 NOT PRESENT: 4**

**REPORTS/BOARD DIRECTION**  
County Executive Officer, County Counsel, Board of Supervisors Members

**CONSENT CALENDAR (Items # 1-25)**

**APPROVED AS RECOMMENDED EXCEPT ITEM NO. 7 PULLED AYES: 1, 2, 3, 5  
NOT PRESENT: 4**

Mental Health

1. Set Public Hearing for February 7, 2012 at 10:00 a.m. to consider Proposed Ordinance amending Mental Health Services Fees (Amends County Ordinance Code Chapter 9.48, Section 9.48.030 and Supersedes Ordinance 1884).
2. Approve and authorize Chairman to sign Amendment to Contract 2007249 with Aspiranet for the WeCan Program and approve the related Budget Transfer. (4/5 Vote Required)
3. Approve and authorize Chairman to sign Amendment to Contract No. 2010246 with Aspiranet for the DoWith Program and approve the related Budget Transfer. (4/5 Vote Required)

Sheriff

4. Approve and authorize Chairman to sign Amendment to Contract No. 2009169 with B.I. Inc. for Electronic Monitoring Services for adult inmates.

Fire

5. Approve Budget Transfer in the amount of \$59,000 for additional equipment to upgrade Haz-Mat Vehicle using State Homeland security grant funds.

Dept. of Workforce Investment

6. Set January 24, 2012 at 10:00 a.m. as the Joint Meeting of the Board of Supervisors and the Workforce Investment Board for presentation of the Workforce Investment Board's End of the Year 2010/11 Report and Future Goals.
7. Amend Contract No. 2011151 with State Employment Development Department for Workforce Investment Act Subgrant Agreement K282484; accept modification (2) adding Workforce Investment Act (WIA) Adult and Dislocated Worker formula funds and modification (3) incorporating and adding (WIA) Rapid Response formula funds and

approve the related Budget Transfer. (4/5 Vote Required)  
**PULLED FROM THE AGENDA – NO ACTION TAKEN**

Health

8. Approve Budget Transfer in the amount of \$234,000 for increased Emergency Medical Services Fund (Maddy/SB12) payments due to increased volume of claims processing.

Dept. of Admin. Services

9. Approve Budget Transfer in the amount of \$50,000 for additional infrastructure required to support the automated database system used for storage and retrieval of Vital Birth, Death and Marriage records.

Board of Supervisors

10. Approve Minutes of March 1, 1-IHSS and 22; April 5, 5-IHSS, 5-RDA, April 19, 19-IHSS, May 3, 10 and 24, 24-IHSS; and June 7, 7-IHSS, 7-RDA as submitted.

County Counsel

11. Approve Budget Transfer in the amount of \$7,350 to replace an aged and outdated copier that is not functioning properly, is no longer serviceable in a cost effective manner and is an essential piece of equipment for legal functions.

Board Recognition

12. Authorize Resolution of Appreciation commending Lydia A. Beiswanger for 35+ years of service with the County of Merced.
13. Authorize Resolution of Appreciation commending Lana Spurlock for 21+ years of service to the County of Merced.
14. Authorize Resolution of Appreciation commending Dale Roger Higginbotham for 13+ years of service to the County of Merced.
15. Authorize Resolution of Appreciation commending Jessie M. Thompson for 13+ years of service to the County of Merced.
16. Authorize Certificates of Recognition to recipients of 2011 Community Star Awards as follows: Arturo Barajas, Man of the Year; Alicia Rodriguez, Woman of the Year; State Farm Insurance, Business of the Year; and Radio Merced, Member of the Year.
17. Authorize Certificates of Recognition to 4-H Volunteers for service through various 4-H Clubs.

**REVIEW BOARD ORDER – SEE PAGE 8 AND 9**

18. Authorize Certificates of Recognition to the recipients of the Agricultural Leadership Award for Outstanding Agricultural Contributions to Merced County during National Farm City Week as follows: Yosemite Farm Credit and American Ag. Credit, Agribusiness; Steve Obad, Ag. Education; Bob & Jeanne Giampaoli, Field Crops; Peter & Rochelle Koch, Livestock & Dairy; Benina Montes, Trees & Vines; Alison Inman and Jim Farley, Retiring Board Members.
19. Authorize Certificate of Recognition to Merced Chevrolet in celebration of Grand Opening and Chevrolet Centennial Anniversary.

20. Authorize Certificate of Recognition to Connie Corvelo for dedicated service to the Atwater Community.
21. Authorize Certificates of Recognition to Shay Lopez, Volunteer of the Quarter; Dave Luna, Good Business Citizen of the Quarter honored at the Merced County Chamber of Commerce Community Awards 3rd Quarterly Luncheon.
22. Authorize Certificates of Recognition to Bear Creek Ranch Partnership and Alvernaz Farm in celebration of placement of agricultural conservation easements.
23. Authorize Certificate of Recognition to Jessica Porter for serving as Miss Gustine.
24. Authorize Certificate of Recognition to Suzi Hultgren for receiving the 2011 Cattleman of the Year award.
25. Authorize Certificates of Recognition to Hilmar Cheese Company for receiving the 2011 Outstanding Corporate Donor in Philanthropy and in recognition of Commitment to Sustainability Report.

**REGULAR CALENDAR**

**BOARD ACTION**

HEALTH

26. Contract with State Dept. of Public Health for immunization subvention services for FY 11/12 -12/13 and adopt Resolution.  
**AUTHORIZED CONTRACT NO. 2012002 AND ADOPTED RESOLUTION NO. 2012-01 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

27. Adopt the Castle Airport 5-Year Airport Capital Improvement Plan Annual Update.  
**APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

DEPT. OF ADMIN. SERVICES

28. Declare cab and chassis truck, miscellaneous office furniture, assorted office equipment and miscellaneous supplies indentified (Exhibit A) as Surplus Property as recommended and authorize its disposal by approved internet public auction.  
**APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**
29. Contract with Crown Castle MU LLC for site lease of property located at McKee Fire Station for the housing of a communications tower.  
**AUTHORIZED CONTRACT NO. 2012001 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

DISTRICT ATTORNEY

30. Relieve the District Attorney's Office from further accountability for Fixed Assets No. 50317 (Price Verification System), No. 51050 (Router Cisco) and No. 51562 (Router Cisco); and authorize removal of Fixed Assets from their Fixed Asset Inventory List.  
**APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

EXECUTIVE OFFICE

31. Adopt Resolution to support expansion of Yosemite Area Regional Transportation System Board of Commissioners from three to six members.

**ADOPTED RESOLUTION NO. 2012-02 AS RECOMMENDED      AYES: 1, 2, 3, 5  
NOT PRESENT: 4**

BOARD OF SUPERVISORS

32. Authorize Special Board Project Funds - District Four in the amount of \$686.87 to Trophy Case for purchase of items for the Winton Recreation Committee's Youth Baseball Program.

**APPROVED AS RECOMMENDED      AYES: 1, 2, 3, 5      NOT PRESENT: 4**

BOARD APPOINTMENTS

33. Library Advisory Commission – Appointed Carol Shopfner, representing District 5 until August 31, 2015

**APPROVED AS RECOMMENDED      AYES: 1, 2, 3, 5      NOT PRESENT: 4**

34. Merced Cemetery District – Reappoint Sandy Teague until November 25, 2015.

**APPROVED AS RECOMMENDED      AYES: 1, 2, 3, 5      NOT PRESENT: 4**

**BOARD INFORMATION & POSSIBLE ACTION**

**ACCEPTED AND PLACED ON FILE      AYES: 1, 2, 3, 5      NOT PRESENT: 4**

35. Public Works re: Notification of Contract Award to Merit Floor Care in the amount of \$15,890 for the Merced Veteran's Memorial Building Hardwood Floor Restoration project.

**CONTRACT NO. 2011163**

36. Commerce, Aviation and Economic Development re: Redevelopment Agency Annual Report for FY 2010/11.

37. Merced County Mosquito Abatement District re: Manager's Report for November 2011.

38. State Fish and Game Commission re: Notice of Proposed Regulatory Action relating to incidental take of the Black-Backed Woodpecker.

39. State Dept. of Health and Human Services Agency re: Elimination of Funding for Fraud Investigations and Program Integrity Efforts Related to the In-Home Supportive Services Program Pursuant to the California State Budget Act of 2011.

40. State Water Resources Control Board re: Notice of Opportunity to Comment - Proposed Underground Storage Tank (UST) case closure for the Sonoma County Department of Health Services Division of Environmental Health UST case number 00000139, 195 West Napa Street, Sonoma Calif., comments must be received by 12:00 noon, Friday January 20, 2012.

41. State Water Resources Control Board re: Notice of Public Workshop on Tuesday, January 24, 2012 at 9:00 a.m., Coastal Hearing Room, Second Floor, Joe Serna, Jr. Cal/EPA Headquarters Building 1001 "I" Street, Sacramento, Calif. concerning the revisions to the Sanitary Sewer System Waste Discharge Requirements (SSS WDRs) proposed by staff as part of the SSS WDRs review and update.

42. State Water Resources Control Board re: Notice of Opportunity to Comment - Proposed Underground Storage Tank (UST) case closure for the County of Santa Barbara Fire Department, Fire Prevention UST case number 50877, 702 East Montecito Street, Santa Barbara, Calif. and comments must be received by 12:00 noon on Friday, January 20, 2012.
43. State Water Resources Control Board re: Update of the State Water Resources Control Board (SWRCB) Clean Water State Revolving Fund (CWSRF) Application Status Report, [www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/srf/index.shtml](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/index.shtml).
44. State Water Resources Control Board re: California Rapid Assessment Method peer review and staff comments posted at: [www.waterboards.ca.gov/water\\_issues/programs/peer\\_review/cram.shtml](http://www.waterboards.ca.gov/water_issues/programs/peer_review/cram.shtml).
45. State Water Resources Control Board re: Notice of Petitions for Long-Term Transfer and Instream Flow Dedication from Merced Irrigation District to U.S. Bureau of Reclamation under License 2685 (Application 1224) in Merced and Mariposa Counties.

**THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF DON HYMILLER, MICHAEL BRADLEY, AND FRANK PARREIRA AND ADJOURNED THE MEETING UNTIL JANUARY 24, 2012 AT 10:00 A.M.**

## BOARD ORDERS – SUMMARY ACTION MINUTES – JANUARY 10, 2012

### **10:00 A.M. SCHEDULED ITEM** **2012-01-10 PUBLIC OPPORTUNITY**

Commerce, Aviation and Economic Development Director Mark Hendrickson gives a brief update on the elimination of the Redevelopment Agencies and advises they will be holding meetings and evaluating options on the dissolutions of the agencies.

Present: Walsh, Pedrozo, Davis, O'Banion

Not Present: Kelsey

### **10:00 A.M. SCHEDULED ITEM** **2012-01-10 PRESENTATION – 2011 Public Safety Realignment Update**

Chief Probation Officer Scott Ball presents a power-point presentation on AB109 covering CDCR Returns, Implementation Plan Update, County Center & Task Force and Funding Initiatives. Mr. Ball also states they are working closely with the Sheriff and the Courts with the realignment.

Supervisor Davis comments he had an opportunity to participate in the mobile command center at Castle and was impressed with the work of Probation and Sheriff.

Mr. Ball comments the Sheriff did a lot of the work and a long term mobile command center should be considered.

County Executive Officer Jim Brown comments on the Governor's State budget and the shifting of Juvenile offenders to the local level from the State. Mr. Brown also states the County is looking at what can be done at the local level and where we will locate the individuals.

The Chairman comments on parole, probation revocations and where hearings occur.

Mr. Ball explains the hearing process.

Present: Walsh, Pedrozo, Davis, O'Banion

Not Present: Kelsey

### **CONSENT ITEM #17** **2012-01-10 BOARD RECOGNITION**

Upon motion of Supervisor Pedrozo, seconded by Supervisor Davis, duly carried, the Board authorizes Certificates of Recognition to the following individuals for their commitment and dedicated services to the 4-H Clubs.

Silver Clover Award – 5 Years of Service: Don Clinton Jr. and Samantha Downey-Le Grand; Corey Fagundes-El Nido; Alice Flores, Jennifer Lower, Debra Price, Pam Reinbold and Cheri Worthy-Los Banos Community; Rachel Little-Our Lady of Fatima; Anne Mahacek-Lancers; Jill McGinnis-Ballico/Cressey.



Gold Clover Award – 10 Years of Service: Christina Aaron-Los Banos Community; Larry Burrow-Countywide; Sally Evans-Snelling; Marie Janz-McSwain; Alicia Migliazzo-Lancers; Ka Xiong-Weaver; Susan Younce-Dos Palos Community.

Pearl Clover Award – 15 Years of Service: Linda Borba-Countywide; Betty Coderniz-Dos Palos Community; Marcia Downey-Le Grand; Kimberly Heyer-Lancers; Diane Norton-McSwain.

Diamond Clover Award – 20 Years of Service: Nick Farinelli-Le Grand; Marsha Seivert-McSwain.

Emerald Clover Award – 25 Years of Service: Jill Campos-St. Anthony's; Shannon De Anda-Lancers.

Ayes: Walsh, Pedrozo, Davis, O'Banion

Not Present: Kelsey