

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, APRIL 24, 2012

Closed Session – 9:30 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

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

9:30 A. M.

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

CLOSED SESSION : 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 Merced County Sheriff Employee Association (MCSEA), Unit 2; and Non-Safety Corrections, Unit 12.

**THE BOARD RECESSED AT 9:30 A.M. WITH SUPERVISOR
KELSEY NOT PRESENT AND RECONVENED AT 10:00 A.M. WITH THE
CHAIRMAN ADVISING THERE WERE NO REPORTABLE ITEMS.**

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 13

PRESENTATIONS

1) Volunteer Recognition - 2012 Volunteers nominated by the community:

District One: Olivia Gomez and Tony Slaton

District Two: Bruce Logue and JMJ Mary's Mantle

District Three: Dorothy Bizzini and Kiwanis of Atwater

District Four: Francisca Briones and Susan & Bobby Ryan

District Five: Dos Palos Youth Baseball Board of Directors and Women's Improvement Club of Dos Palos

District Four certificates are presented by the Chairman in the absence of Supervisor Kelsey. The screening committee members consisting of Alicia Rodriguez, Frances Thengvall, Bev Baker, Mary Ford, and Shirley Napilatano are recognized for their efforts. A reception was held in Room 310 in honor of awards.

2) Recognition of April 28, 2012 as "Relay for Life Day" in Merced County.

Melissa Puita, Co-Chair of Merced Relay for Life, provides the Board with information pertaining to the annual American Cancer Society Relay for Life.

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 50)

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

PLANNING - PUBLIC HEARING - CONTINUED FROM MARCH 27, 2012

Continue the Public Hearing and receive testimony; close the Public Hearing; and Direct Staff to re-notice and re-agendize the Public Hearing of Major Subdivision No. MAS04-014 to cure and correct alleged violations of the Brown Act for a Public Hearing on May 22, 2012.

REVIEW BOARD ORDER – SEE PAGE 13

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-50)

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

Public Works

1. Adopt Resolution for the Notice of Intention to Vacate a portion of Healy Road located in the El Nido area, and set a Public Hearing for May 22, 2012 at 10:00 a.m. to hear evidence offered by persons interested.

ADOPTED RESOLUTION NO. 2012-30 AS RECOMMENDED

2. Adopt Resolution restricting parking along a portion of Jefferson Street in the Le Grand area, and provide authorization for painting the curb and posting the sign to inform motorists of said parking restriction.

ADOPTED RESOLUTION NO. 2012-31 AS RECOMMENDED

3. Adopt Resolution restricting parking along a portion of Bloss Avenue in the Hilmar area and, provide authorization for painting the curb and posting the sign to inform motorists of said parking restriction.

ADOPTED RESOLUTION NO. 2012-32 AS RECOMMENDED

4. Adopt Resolution authorizing the installation of an All-Way Stop at the intersection of August Avenue and Tegner Road and authorize the Director of Public Works to install stop signs on the August Avenue approaches to the intersection in the Hilmar area.

ADOPTED RESOLUTION NO. 2012-33 AS RECOMMENDED

5. Adopt Resolution authorizing the installation of an All-Way Stop at the intersection of Arena Way and Bell Drive, and authorize the Director of Public Works to install stop signs on the Arena Way approaches to the intersection in the Atwater area.

ADOPTED RESOLUTION NO. 2012-34 AS RECOMMENDED

6. Adopt Resolution for the Summary Vacation of Excess Right-of-Way along a portion of Washington Street and Adams Street in the Le Grand area.

ADOPTED RESOLUTION NO. 2012-35 AS RECOMMENDED

7. Approve Budget Transfer in the amount of \$112,500 for balance of reroofing project of building 1230 at the Emergency Operations Center. (4/5 Vote Required)
8. Approve Budget Transfer in the amount of \$65,800 from Structures and Improvements to allow Building Services to use appropriate projects and maintenance accounts to complete necessary maintenance and repairs for fire sprinkler systems, freight elevator, emergency generator repairs, and other heating and cooling projects necessary to be completed at this time of year.
9. Approve and authorize Chairman to sign Amendment to Contract No. 2007171 with MB Sports for testing of newly constructed power boats at Lake Yosemite.

Planning

10. Approve and authorize Chairman to sign Amendment to Contract No. 2011107 with CAL SP X and CAL SP XI, LLC for the consultant, ICF Jones & Stokes, Inc. to complete Swainson's Hawk Protocol Survey as part of the Environmental Impact Report for the Cal SP X and XI El Nido Solar Facility project (CUP10-016, CUP10-017, PLA11-002).
11. Approve and Authorize Chairman to sign Amendment to Contract No. 2011108 with ICF Jones & Stokes, Inc. to complete a Swainson's Hawk Protocol Survey as part of the Environmental Impact Report for the Cal SP X and XI El Nido Solar Facility project (CUP10-016, CUP10-017, PLA11-002), and approve related budget transfer. (4/5 Vote Required)

Mental Health

12. Approve and authorize Chairman to sign Amendment to Contract No. 2010119 with the State Dept. of Alcohol and Drug Programs for FY 11/12 and 12/13, and adopt resolution.
ADOPTED RESOLUTION NO. 2012-39 AS RECOMMENDED
13. Approve and authorize Chairman to sign Renewal Contract No. 2004103 with Human Services Agency for mail courier services during the period of July 1, 2012 to June 30, 2013.
14. Approve and authorize Chairman to sign Renewal Contract No. 2009168 with Public Health to provide Alcohol and Drug HIV services.
15. Approve and authorize Chairman to sign Renewal Contract No. 2004230 with Probation for the services of a Deputy Probation Officer for youth concurrently enrolled in Mental Health and Probation services.
16. Approve and authorize Chairman to sign Renewal Contract No. 2009117 with Value Options, Inc. to maintain a mental health service provider network.
17. Approve Budget Transfer in the amount of \$10,000 to increase realignment revenue to cover office expenses for remainder of the year.

Human Services Agency

18. Approve and authorize Chairman to sign Amendment to Contract No. 2011094 with Valley Caregiver Resource Center for support networks for family caregivers.
19. Approve and authorize Chairman to sign Renewal to Contract No. 2004213 with Public Health for Public Health Nurse for the Multipurpose Senior Services Program.
20. Approve and authorize Chairman to sign Renewal to Contract No. 2004379 with Hilmar Unified School District for a Child Welfare Services Social Worker.

21. Approve and authorize Chairman to sign Renewal to Contract No. 2007091 with County Counsel for Departmental Legal Services.
22. Approve Budget Transfer in the amount of \$241,737 for Capital Improvements project for HVAC system replacement design and electrical panel expansion and to Capital Assets to replace 6 mid-size vehicles, and 1 van due to high mileage, and two projectors due to increased repair costs.

Health

23. Approve and authorize Chairman to sign Amendment to Contract No. 2011019 with Dignity Health (formerly known as Catholic Healthcare West, dba Mercy Medical Center), and Wells Fargo Bank, N.A. for Escrow Funding, and subject to County Counsel approval, authorize the Chairman and the Director of Public Health to sign all related documents and incorporate such documents into the Healthcare Operating agreement.
24. Approve and authorize Chairman to sign Amendment to Contract No. 2010268 with California Dept. of Public Health-Office of AIDS for AIDS Program Master Agreement increasing the HIV Care program budget and decreasing the HIV Surveillance budget in FY 11/12 and FY 12/13.
25. Approve Budget Transfer in the amount of \$20,600 for Hospital Preparedness Program (HPP).

Fire

26. Approve Budget Transfer in the amount of \$540,340 to purchase new Self-Contained Breathing Apparatus (SCBA) gear. (4/5 Vote Required)

Auditor

27. Set Public Hearing for May 22, 2012 at 10:00 a.m. regarding submitted plans for the District Attorney and the Sheriff's Office for the Citizens' Option for Public Safety (COPS) Program pursuant to Government Code 30061 (c)(1).

Assessor/Recorder

28. Approve Budget Transfer in the amount of \$20,107 for remodel of the Recorder/Clerk office to allow for combining space. (4/5 Vote Required)
29. Approve Budget Transfer in the amount of \$1,627 to transfer Electronic Recording Fees to pay the Department of Justice oversight costs for electronic recording and travel for California Electronic Recording Transaction Network Authority board meeting and conference. (4/5 Vote Required)
30. Approve Budget Transfer in the amount of \$89,619 to purchase Poll Equipment and Poll Books for increased number of polling sites due to redistricting. (4/5 Vote Required)

REVIEW BOARD ORDER – SEE PAGE 14

Probation

31. Approve and authorize Chairman to sign Amendment to Contract No. 2007063 with Behavioral Interventions to provide juvenile and adult global positioning system monitoring and adult rehabilitative services.

REVIEW BOARD ORDER – SEE PAGE 14

32. Approve Budget Transfer in the amount of \$15,000 to purchase items for mandatory recreational activities at the Iris Garrett Juvenile Justice Correctional Complex, and to purchase recreational equipment for activities for the Bear Creek Academy Program. (4/5 Vote Required)

REVIEW BOARD ORDER – SEE PAGE 15

Executive Office

33. Act on Claims for Damages received from Justin Griffin, Cecilia Alejo, Maria Gonzales, Efrain Perez, Maria Perez and David Nesbitt.
34. Approve travel request from Sheriff as recommended by Executive Office.

Board Recognition

35. Authorize Plaque in Recognition of Gustine Chamber of Commerce 100th Anniversary.
36. Authorize Plaque in Recognition of California Women for Agriculture 35th Anniversary.
37. Authorize Certificate of Recognition to Dollar General Market in celebration of Ribbon Cutting.
38. Authorize Certificate of Recognition to The Cookie Lady's Bakery & Cafe in celebration of Ribbon Cutting.
39. Authorize Certificates of Recognition to the following individuals selected as 2011 Firefighters of the Year by the American Legion: City of Atwater-Apparatus Engineer, Richard Freitas; City of Dos Palos-Paid Call Firefighter, Michael Bryant; City of Gustine-Paid Call Firefighter, Jesse Prado; City of Livingston-Paid Call Firefighter, Carol Walter; City of Los Banos-Career Firefighter, Fernando Garcia and Volunteer Lieutenant, Daniel Freeman; County of Merced CDF-Career Fire Captain, Jeremy Rahn and Paid Call Firefighter, Christopher Crooks, and City of Merced-Apparatus Engineer, Richard Ramirez.
40. Authorize Certificate of Recognition to Golden Valley Health Senior Health and Wellness Center in celebration of Ribbon Cutting.
41. Authorize Certificate of Recognition to Sam Samra in honor and celebration of promotion to Captain with California Highway Patrol.
42. Authorize Certificates of Recognition to various individuals graduating from Junior Leadership Merced Class 8.

REVIEW BOARD ORDER – SEE PAGE 16

43. Authorize Certificate of Recognition to Merced College Child Development Center in recognition for being selected as a member of the PITC Demonstration Program.
44. Authorize Certificates of Recognition to the following individuals for being selected as 2012 Common Threads Women in Agriculture Honorees: Susan Abundis (Fresno), Liz Hudson (Sanger), Mary Nunes (Tulare), and Beth Brookhart Pandol (Shafter).
45. Authorize Resolution for the Alpha Pregnancy Help Center.
46. Authorize Resolution for Fresno Pacific University Open House.
47. Proclaim April 28, 2012 as "Relay for Life Day" and urge citizens to honor survivors and remember those who have lost the battle to cancer in Merced County.
48. Proclaim May, 2012 as "Mental Health Month" in Merced County.

49. Proclaim May, 2012 as "Drug Court Month in Merced County.

Board of Supervisors

50. Approve Minutes of June 24, 2011-Study Session; June 28, 2011; June 28, 2011-Proposed Budget; July 12, 2011; July 12, 2011-Special Meeting; July 26, 2011; August 9, 2011; August 23, 2011; August 23, 2011-Budget; August 23, 2011-IHSS; and August 23, 2011-RDA; September 13, 2011; September 13, 2011-IHSS; September 27, 2011; September 27, 2011-IHSS; and October 4, 2011 as submitted.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

51. Contract with Taber Consultants for Geotechnical Engineering Services, and authorize the Director of Public Works to execute Project Supplemental agreements and Amendments to the retainer agreement.

**AUTHORIZED CONTRACT NO. 2012063 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4**

52. Contract with Calif. Dept. of Transportation (Caltrans) for Relinquishment of Oakdale Road at State Route 59 Intersection Project and adopt resolution.

ADOPTED RESOLUTION NO. 2012-36 AND AUTHORIZED CONTRACT NO. 2012064 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

53. Approve Plans and Specifications for the Demolition of Structures at 3533 E. Olive Avenue, Merced and the Lake Yosemite Concession Area Projects; authorize the Acting Road Commissioner to include the demolition of the Lake Yosemite Concession Building as part of the total contract in order to gain efficiencies in bidding and administrative costs; and direct the Department of Public Works to return to the Board with an Informational Item disclosing all actions taken on the project.

**AUTHORIZED CONTRACT NO. 2012065 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4**

54. Approve Plans and Specifications for the Probation/Sheriff Department AB 109 Realignment Program Interior Refinish and Reroof Project; authorize Department of Public Works to Advertise for bids and conduct a Public Bid Opening; authorize the Acting Director of Public Works to award a construction contract to the lowest responsive bidder provided said bid is within the established project budget; and direct Public Works to return to the Board of Supervisors with an Informational Item of all actions taken.

**AUTHORIZED CONTRACT NO. 2012066 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4**

55. Contract with Veterans of Foreign Wars Post 9946 for lease of Atwater Veteran's Memorial Hall for operation and maintenance. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2012067 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4**

56. Approve upgrade of HVAC at Human Services Agency, Building 1; authorize Public Works to work with retained mechanical engineer, Turley & Associates to complete plans and specifications sufficient for bidding, and approve related Budget Transfer.

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

57. Approve upgrade of electrical system at Human Services Agency, Building 1; authorize Public Works to work with retained electrical engineer, Capital City Design, Inc. to complete plans and specifications sufficient for bidding, and approve related budget transfer.
APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

PLANNING

58. Contract with Tony Meirinho & Sons Dairy, LLC, applicant for the consultant, Environmental Planning Partners, Inc., to prepare the Environmental Impact Report for the Meirinho Dairy Expansion project (CUP11-012).
AUTHORIZED CONTRACT NO. 2012068 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4
59. Contract with Environmental Planning Partners, Inc. to prepare tasks for an Environmental Impact Report for the Meirinho Dairy Expansion project (CUP11-012), and approve related budget transfer. (4/5 Vote Required)
AUTHORIZED CONTRACT NO. 2012069 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4
60. Contract with Bobby Borba Dairy applicant, for the consultant, Environmental Planning Partners, Inc. to prepare initial tasks for an Environmental Impact Report for the Bobby Borba Dairy Expansion project (CUP12-002).
AUTHORIZED CONTRACT NO. 2012070 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4
61. Contract with Environmental Planning Partners, Inc. to prepare tasks for an Environmental Impact Report for the Bobby Borba Dairy Expansion project (CUP12-002), and approve related budget transfer. (4/5 Vote Required)
AUTHORIZED CONTRACT NO. 2012071 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

62. Resolution to 1) declare intent to sell 15.60 acres of land including Building 175 located at 3600 B Street, Castle Commerce Center, Atwater, California at public auction to the highest responsible bidder for cash; 2) establish the minimum bid price at \$2.8 million, and imposing other conditions, including but not limited to, a commitment to economic activity and job creation, as reflected in the resolution; 3) and authorize staff to advertise for bids once per week for three consecutive weeks and to provide notice of the adoption of the resolution and of the time and place of holding the meeting by posting copies of the resolution in three public places in the County, not less than 15 days before the meeting of May 22, 2012.
ADOPTED RESOLUTION NO. 2012-37 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4
63. Approve Castle Airport's application to the Military Airport Program (MAP); and ratify the application submitted with the signature of the Director of Commerce, Aviation and Economic Development.
APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

MENTAL HEALTH

64. Contract with Dos Palos-Oro Loma Joint Unified School District for placement of County clinical staff at school sites to provide mental health services, outreach and education for students.

AUTHORIZED CONTRACT NO. 2012072 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4

65. Contract with Trilogy Integrated Resources LLC for Network of Care website maintenance and e-learning for the Mental Health Community.

AUTHORIZED CONTRACT NO. 2012073 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4

66. Contract with University of California, Merced for On-Campus Psychiatric Services.

AUTHORIZED CONTRACT NO. 2012074 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4

HUMAN SERVICES AGENCY

67. Contract with California Endowment for acceptance of grant award of \$50,000 from the California Endowment for "Leadership for Life", a component under All Dads Matter; authorize Human Services Agency to return to the Board with a negotiated contract with an appropriate vendor following the sole source process, and approve related budget transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2012075 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4

HEALTH

68. Contract with Calif. Dept. of Public Health-Office of AIDS for administration of the AIDS Drug Assistance Program.

AUTHORIZED CONTRACT NO. 2012061 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4

FIRE

69. Contract with Calif. Emergency Management Agency for acceptance of supplemental award from the Emergency Management Performance Grant (EMPG) FY11 totaling \$419,930, and approve related budget transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2012076 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4

70. Contract with Calif. Emergency Management Agency for acceptance of award from the California Emergency Management Agency FY11 State Homeland Security Grant Program (SHSGP) totaling \$417,135, and approve related budget transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2012077 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4

71. Approve submittal of application to the Calif. Dept. of Forestry and Fire Protection for the Volunteer Fire Assistance Program (VFA), and direct the Fire Chief to return to the Board with results and authorization prior to accepting the award.

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

72. Approve submittal of application to Federal Emergency Management Agency for FY12 Staffing for Adequate Fire and Emergency Response (SAFER) grant, and direct Fire Chief to return to the Board with results and authorization prior to accepting award.

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

73. Approve submittal of application to FY12 Assistance to Firefighters Grant (AFG) for Fire Prevention and Safety (FP&S); direct Fire Chief to return to the Board with results and

authorization prior to accepting award, and adopt resolution.

ADOPTED RESOLUTION NO. 2012-38 AS RECOMMENDED **AYES: 1, 2, 3, 5**
NOT PRESENT: 4

AG. COMMISSION

74. Contract with VIP Pet Care Services for low cost pet vaccination clinics in response to RFP# 6591.

AUTHORIZED CONTRACT NO. 2012078 AS RECOMMENDED **AYES: 1, 2, 3, 5**
NOT PRESENT: 4

REVIEW BOARD ORDER – SEE PAGE 16

75. Relieve the Department of Agriculture/Animal Control Division of the liability for Fixed Asset numbers 41587 and 49050 (Truck Utility Beds).

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

EXECUTIVE OFFICE

76. Contract with Merced County Association of Governments (MCAG) for General Membership contributions of \$46,139; and approve MCAG's FY 12/13 Work program and corresponding budget reflecting the contributions from Merced County.

AUTHORIZED CONTRACT NO. 2012080 AS RECOMMENDED **AYES: 1, 2, 3, 5**
NOT PRESENT: 4

77. Approve Nationwide Retirement Solutions, Inc. 457(b) Governmental Plan Document for Merced County's deferred compensation program which reflects changes in legislation and regulations.

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

WORKFORCE INVESTMENT

78. Contract with City of Los Banos for supplemental MOU to the Dept. of Housing and Community Development for Enterprise Zone Management.

AUTHORIZED CONTRACT NO. 2012079 AS RECOMMENDED **AYES: 1, 2, 3, 5**
NOT PRESENT: 4

AUDITOR

79. Approve and accept the Supplemental Law Enforcement Services Fund report for year ended June 2011.

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

PROBATION

80. Approve retroactive merit increase to employee #52061, Budget Unit 23300, position #10 Juvenile Institutions Officer II, from step 4 to 5 for pay periods 21, 22, 23, 24 and 25, 2009, and approve change in anniversary pay period from 25 to 21.

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

BOARD OF SUPERVISORS

81. Authorize \$1,000 of Special Board Project Funds-District One to be forwarded to the Airwave Angels in care of Marci Goins for the Airwave Angels/Planada Outreach 2012

event.

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

82. Authorize \$1,000 of Special Board Project Funds-District One to be forwarded to the Le Grand Lions Club in support of the Every Fifteen Minute Program.

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

83. Authorize \$15,055 Special Board Project Funds-District Two to be forwarded to the Merced County Library to be used for the Purchase and installation of computer workstations, and approve related budget transfer.

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

84. Authorize \$2,500 Special Board Project Funds-District Four to be forwarded to the Delhi Community Unity to offset the costs of the Delhi Multi Cultural Festival, and approve related budget transfer.

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

BOARD APPOINTMENTS

85. Deferred Compensation Standing Committee – Appointed Scott Ball to serve as Management Designee until March 1, 2014; Shawnesti Machado to serve as the Independent Employees of Merced County (IEMC) Representative until March 1, 2014; Jason Jacklitsch to serve as the representative for the Deputy Sheriff Association (DSA) until March 1, 2014; Scott DeMoss to serve as the member of the County Executive Office until March 1, 2014; and Reappointed eight members to serve until March 14, 2014, as follows: Elected position, Lisa Cardella-Presto; County Counsel, James Fincher; Management Designees, Robert Morris and David Robinson; American Federation of State, County & Municipal Employees Association (AFSCME) Local 2703 Representative, Mary McWatters; Merced Lawyers; Association (MCLA) Representative, David Elgin; Merced County Sheriff's Employees Association (MCSEA) Representative, Frank Melo; and Merced County Sheriff Sergeants' Association (MCSSA) Representative, Gerard Verderber.

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

86. Winton Municipal Advisory Council – Appointed Shiella Shamblin to serve as until March 31, 2015, and Diane Silva to serve until March 31, 2016.

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

87. Winton Cemetery District – Reappointed Fred Silveria and John Herkert to serve until February 18, 2015 and appointed Barbara Heller to serve until February 18, 2016.

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

88. Recommendations from Standing Committee for At Large Memberships for the following committees: Mosquito Abatement District – reappointed Alex McCabe representing County Member to serve until April 31, 2015; Commerce, Aviation and Economic Development Revolving Loan Fund Loan Administration Board – reappointed Denard Davis representing Business Person to serve until December 22, 2013; Merced County Employees Retirement Board – reappointed Alfonse Peterson representing Appointed Member to serve until January 1, 2015; Housing Authority of the County of Merced – reappointed Rachel (Perez) Torres and Lyle Davis representing Board of Supervisors to serve until February 18, 2016; and Santa Cruz, Monterey, Merced, Managed Medical Care Committee – David Dunham representing Hospital Representative and Dorothy Bizzini representing Public to serve until April 22, 2016.

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

89. Department of Administrative Services re: Pursuant to Ordinance 1678, Chapter 5.12.040 (category 2), to inform the Board of the purchase of diving dry suits to support the Sheriff's Office from Dolphin Scuba.
90. State Fish and Game Commission re: Notice of Proposed Regulatory Action relative to Section 660, Title 14, California Code of Regulations, relating to Election of Commission Officers which was published in the California Regulatory Notice Register on April 6, 2012.
91. State Fish and Game Commission re: Notice of Proposed Emergency Regulatory Action relating to Blue Cavern State Marine Conservation Area (SMCA).
92. State Fish and Game Commission re: Notice of Receipt of Petition to list the Gray Wolf (Canis lupus) as endangered under the California Endangered Species Act which appeared in the California Regulatory Notice Register on April 13, 2012.
93. State Fish and Game Commission re: Continuation Notice of Proposed Regulatory Action relative to Section 27.80, Title 14, California Code of Regulations, relating to ocean salmon sport fishing regulations for May to November 2012.
94. State Fish and Game Commission re: Continuation Notice of Proposed Regulatory Action relative to Section 7.50, Title 14, California Code of Regulations, relating to Klamath-Trinity Rivers salmon sport fishing.

ADOPTED RESOLUTIONS IN MEMORY OF LOUIE AMABILE, PAUL HUNGER JR., DAVID BLISS, AND DOROTHY PANNER, AND ADJOURNED THE MEETING UNTIL MAY 8, 2012, AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – APRIL 24, 2012

10:00 A.M. SCHEDULED ITEM **2012-04-24 PUBLIC OPPORTUNITY**

Richard Jantz, Delhi Municipal Advisory Committee Chairman, provides the Board with an update on the State Parks and San Joaquin Restoration Project.

Sohan Singh Sahota, Livingston resident, addresses the Board concerning law enforcement issue involving his son.

Nancy Young Bergman, President of Court Appointed Special Advocates (CASA) introduces Char Herrera, CASA Executive Director, who informs the Board of an upcoming CASA event to be held at the Merced County Fairgrounds. Ms. Herrera also gives the Board a general update on CASA. Ms. Young Bergman submits CASA of Merced County brochures for the Board.

Francisca Briones, Delhi resident informs the Board of the upcoming Third Annual Multicultural Festival to be held in Delhi at the High School.

Present: Walsh, Pedrozo, Davis, O'Banion

Not Present: Kelsey

10:00 A.M. SCHEDULED ITEM **2012-04-24 PLANNING – PUBLIC HEARING CONTINUED FROM MARCH 27, 2012**

The Clerk announces the Continued Public Hearing on the Lakeview Properties Major Subdivision Application No. MAS04-014 located in the Snelling area, which was continued from March 27, 2012 Board Meeting, is before the Board for consideration.

Interim Development Services Director Mark Hendrickson requests no action be taken today with respect to the hearing and requests that the Board direct staff to re-notice and re-agendize the item to provide the public with ample time to understand the project and proposed actions before the Board.

The Chairman opens the Public Hearing for comments, no one appears, and the Chairman closes the Public Hearing.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board directs staff to re-notice and re-agendize the Public Hearing for Major Subdivision MAS04-014, Lakeview Properties, to cure and correct alleged violations of the Brown Act, for a Public Hearing on May 22, 2012.

Ayes: Walsh, Pedrozo, Davis, O'Banion

Not Present: Kelsey

CONSENT ITEM NO. 30

2012-04-24 ASSESSOR/RECORDER

The Clerk announces a Budget Transfer to purchase Poll Equipment and Poll Books is before the Board for consideration.

Supervisor Davis questions the need for increased poll equipment and poll books as a result of redistricting.

Registrar of Voters Kent Christensen states that the need for increased poll equipment and poll books is a result of the population increase in the last ten years, and they are required to keep precincts under 1,000 people. He states that as a result of the increase in population, 11 new precincts were created.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board approves the budget transfer of \$89,619 to purchase Poll Equipment and Poll Books for increased number of polling sites. (4/5 Vote Required)

Ayes: Walsh, Pedrozo, Davis, O'Banion

Not Present: Kelsey

CONSENT ITEM NO. 31

2012-04-24 PROBATION

The Clerk announces amendment to the contract with Behavioral Interventions to provide juvenile and adult global positioning system monitoring and adult rehabilitative services is before the Board for consideration.

Supervisor Davis requests clarification on the daily rates for monitoring and questions if the contract will go out to bid after the 16 month extended period of the contract.

Chief Probation Officer Scott Ball states the item before the Board today requests an extension of the contract for 16 months and AB 109 realignment plan increases the Day Reporting Center from 50 beds to 65. He states that current GPS contract is \$13.50 per day per individual, and Electronic Monitoring contract is \$5.50 per day per individual. Mr. Ball further states that the amended contract would be \$3.95 for a passive system and \$4.95 for an active system – a significant savings. Mr. Ball states that the contract will go out to bid after the 16 month extended period of the contract.

Upon motion of Supervisor Pedrozo, seconded by Supervisor O'Banion, duly carried, the Board authorizes the amendment to Contract No. 2007063 for juvenile and adult electronic monitoring.

Ayes: Walsh, Pedrozo, Davis, O'Banion

Not Present: Kelsey

CONSENT ITEM NO. 32
2012-04-24 PROBATION

The Clerk announces a Budget Transfer to purchase items for mandatory recreational activities at the Iris Garrett Juvenile Justice Correctional Complex and recreational equipment for activities for the Bear Creek Academy Program is before the Board for consideration.

Supervisor Davis asks if there is a list of what we need to provide.

Chief Probation Officer Scott Ball states the Assistant Chief Probation Officer is currently working on a list, but he is aware of the need for antennae for TV service as well as recreational equipment such as ping pong and foosball tables.

Supervisor Davis states his biggest concern is TV and asks if there are TVs in place.

Chief Probation Officer Scott Ball informs the Board that there are old TVs in place and movies and educational material are played over and over again. He further states that the criticism from the Corrections Standard Authority is the lack of connection with the outside world besides family, and there is a strong desire to have TV accessible for the kids.

Supervisor Davis states that the official report before the Board from the Corrections Standard Authority does not reflect any problems, and he is concerned with the violence that is so prevalent on TV.

Chief Probation Officer Scott Ball informs the Board that he met with the Corrections Standard Authority representative the day before the full inspection and it is at that time that the TV concern was mentioned. Mr. Ball confirms that the concern is not included in the official report. He states that the kids would not have any control on the viewing of TV stations. The Correction staff will have control. Mr. Ball further states that they have thousands of dollars saved from the inmate welfare funds which come from the telephone contract service. It is these funds that will be utilized, and the intent of the fund is to provide programming for the minors for recreation items including TVs.

Supervisor Walsh also makes reference to the official report lacking the issue of the need for TV, and clarifies that the need for TV was not mentioned in the official report, but it came up in the walk-through discussion.

Chief Probation Officer Scott Ball confirms and states that Steve Keithly is the Corrections Standard Authority representative, and he had a meeting with him the day before the full inspection which included a walkthrough at which time the lack of TV was discussed.

Supervisor Pedrozo moves, seconded by Supervisor O'Banion, to approve the Budget Transfer in the amount of \$15,000 to purchase items for mandatory recreational activities at the Iris Garrett Juvenile Justice Correctional Complex, and to purchase recreational equipment for activities for the Bear Creek Academy Program.

Chairman Walsh and Supervisors Pedrozo and O'Banion vote "yes". Supervisor Davis votes "no."

Supervisor Pedrozo calls for a motion to reconsider to continue the matter to the next Board meeting to allow time for further information.

The Chairman calls for the vote on the reconsideration.

Chairman Walsh and Supervisors Pedrozo, Davis, and O'Banion vote "yes". Motion carries.
Ayes: Walsh, Pedrozo, Davis, O'Banion
Not Present: Kelsey

CONSENT ITEM NO. 42

2012-04-24 BOARD OF SUPERVISORS

Upon motion of Supervisor Pedrozo, seconded by Supervisor O'Banion, duly carried, the Board authorizes Certificates of Recognition to the following individuals for their graduation from Junior Leadership Merced Class 8:

Atwater High School: Jessica Uriostegui; Buhach Colony High School: Chue Dong Chang, Stephen J. Hillyer, Joe Marquez, Trevor Anthony Surrock, Emma Blakeley Sweigard, Abigail Vue, Linda Xiong, and Yee Yang; Golden Valley High School: Rahel Demissie, Griselda Peral Estrada, Ariadne Villegas Gomez, and Veronica N. Sandoval; Livingston High School: Sara Cervantes and Sareena Kaur Rai; Merced High School: Jose Chairez, Khou Chang, James K. Cummings, Abraham Housini, Tatyana N. Londono, Alexis McKinnon, Jasmine V. Ooka, Megan Pemberton, and Kiko Tyson

Ayes: Walsh, Pedrozo, Davis, O'Banion
Not Present: Kelsey

ACTION ITEM NO. 74

2012-04-24 AG COMMISSIONER

The Clerk announces contract with VIP Pet Care Services for low cost pet vaccination clinics is before the Board for consideration.

Supervisor Davis requests explanation for contracting with vendors from outside of Merced County, and Chairman Walsh requests a general overview of the award and bid process.

Ag Commissioner David Robinson informs the Board they went out to bid because his department was having trouble providing the mandated services of monthly low cost vaccination clinic. They had to utilize all staff out of the shelter facility and officers out of the field to conduct the clinic. He states that the two bids were very good; however, the vendor selected will provide all staffing, and the vendor not selected would require the use of County facility staff.

Upon motion of Supervisor Pedrozo, seconded by Supervisor O'Banion, duly carried, the Board authorizes Contract No. 2012078 with VIP Pet Care Services to provide public low cost pet vaccination clinic.

Ayes: Walsh, Pedrozo, Davis, O'Banion
Not Present: Kelsey