

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, OCTOBER 16, 2012

Closed Session – 9:00 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

HEARING ASSISTANCE DEVICES ARE AVAILABLE FOR PUBLIC USE
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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

9:00 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 significant exposure to litigation pursuant to Government Code Section 54956.9(c): One Case

**CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING
LITIGATION:** It is the intention of the Board to meet in Closed Session concerning Existing Litigation pursuant to Government Code Section 54956.9(a): Children and Families Commission of Fresno County, et al. v. Edmund G. Brown Jr., et al., Fresno Superior court Case No. 11CECG01077.

**THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT
10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN
ADVISED STAFF WAS GIVEN DIRECTION**

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

10:00 A. M.

PLEDGE OF ALLEGIANCE

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

REVIEW BOARD ORDER – SEE PAGE 10

PRESENTATION

San Joaquin Valley Regional Broadband Consortium
Rachel Audino, Fresno State Consortium, provided the
Board with a brief update on expanding services.

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 34)

PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE, FIRST READING AND SET SECOND READING FOR OCTOBER 30, 2012, AT 10:00 A.M.

To consider proposed Ordinance: An Ordinance amending Merced County Code, Title 9, by adding Chapter 9.53 "Regulation of Stormwater."

RECOMMENDATION: Conduct Public Hearing and accept public comment; waive further reading; close Public Hearing and set second reading for October 30, 2012 at 10:00 a.m.

REVIEW BOARD ORDER – SEE PAGE 10

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items #1 - 34)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Adopt Resolution for the summary vacation of the public service easement, Lot "A", of the Sahota Brother Clinton Subdivision, in the Franklin-Beachwood area.

ADOPTED RESOLUTION NO. 2012-105

2. Adopt Resolution designating the intersection of Healy Road and Sandy Mush Road as a stop intersection and authorize the installation of a stop sign at the southbound Healy Road approach to the intersection.

ADOPTED RESOLUTION NO. 2012-106

3. Approve Budget Transfer in the amount of \$20,000 for Information System enhancement at John Latoracca Correctional Center to allow more staffing flexibility and improved workflow of the facility (4/5 Vote Required).

Planning

4. Approve and authorize the Chairman to sign Amendment Contract No. 2012087 with Environment Planning Partners to complete Tasks 3, 4, 5, and two optional tasks, extensive comments and contingency, as part of the Initial Study for the Highway 99 Truck Stop project (GPA11-001/ZC11-001/CUP11-011); and approve related budget transfer (4/5 vote required).
5. Approve and authorize the Chairman to sign Amendment Contract No. 2012086 with Ibrahim Alwareeth and Ayida S. Mohamed, dba American RV & Truck Stop, for the consultant Environmental Planning Partners, Inc., to complete Tasks 3, 4, 5, and two optional tasks, extensive comments and contingency, as part of the Initial Study for the Highway 99 Truck Stop project (GPA11-001/ZC11-001/CUP11-011).
6. Approve and authorize the Chairman to sign Amendment Contract No. 2011207 with Environmental Planning Partners, Inc., to complete Tasks 7, 8, 9, 10, 11, and contingency, as part of the Initial Study for the Templo La Hermosa project (CUP11-005); and approve related budget transfer (4/5 vote required).
7. Approve and authorize Chairman to sign Amendment Contract No. 2011206 with Templo La Hermosa for the consultant, Environmental Planning Partners, Inc., to complete Tasks 7, 8,

9, 10, 11, and contingency, as part of the Initial Study for the Templo La Hermosa project (CUP11-005).

8. Set a public hearing for November 6, 2012, at 10:00 a.m. to receive public comment; to consider the Quinto Solar Photovoltaic Project, Conditional Use Permit No. CUP10-008 (River West Investments Inc., and SunPower Corporation).

Human Services Agency

9. Approve Budget Transfer in the amount of \$39,027 to increase community outreach activities during the Health Insurance Counseling and Advocacy Program (HICAP) enrollment period (4/5 Vote Required).
10. Approve and authorize the Chairman to sign Renewal Contract No. 2005234 with Caton Properties for lease of the building located at 1577 Main Street, Merced.

Health

11. Set Public Hearing for November 6, 2012 at 10:00 A.M. to consider amending Ordinance No. 1885, establishing fees for services provided by the Department of Public Health, Division of Environmental Health.
12. Approve and authorize Chairman to sign Renewal Contract No. 2007062 with California Department of Resources Recycling and Recovery for Solid Waste Enforcement Agency Grant for FY 2012-13; authorize Director of Public Health or designee to sign all payment requests; and adopt Resolution.

ADOPTED RESOLUTION NO. 2012-107

13. Approve Budget Transfer in the amount of \$3,800 for an ergonomic modular workstation (4/5 Vote Required).

Department of Workforce Investment

14. Accept Modification seven (7) to Contract No. 2011151 with State of California Employment Development Department for Rapid Response Activities for participants who have become unemployed due to layoffs and provide services for re-employment.

Sheriff

15. Approve and authorize the Chairman to sign Amendment Contract No. 2009256 with Forensic Medical Group, Inc., for forensic autopsies services.
16. PULLED

County Executive Office

17. Approve and authorize the Chairman to sign Renewal Contract No. 2004364 with Professional Benefit Services for dental claims administration.
18. Approve and authorize the Chairman to sign Renewal Contract No. 2004363 with United Health Care for Secure Horizons, a Medicare HMO.
19. Approve and authorize the Chairman to sign Renewal Contract No. 2003283 with Merced County Coalition of Unions for health, dental, and vision coverage for 2013.

REVIEW BOARD ORDER – SEE PAGE 11

20. Approve travel request received from the Sheriff's office.

REVIEW BOARD ORDER – SEE PAGE 11

County Counsel

21. Set the First Reading for October 30, 2012 at 10 A.M. for a proposed Ordinance entitled "An Ordinance Amending Membership of a Local Area Recreation Committee (Le Grand Recreation)", and set Second Reading and possible adoption of proposed Ordinance for November 6, 2012 at 10:00 A.M.

Elections

22. Approve Budget Transfer in the amount of \$5,380 for the purchase of a scanner to be used with the Elections management software to increase productivity, save staff time, and accomplish final election results more efficiently.

Board of Supervisors

23. Proclaim October 2012 as "Railroad Safety Month" in Merced County.
24. Proclaim the week of October 20-28, 2012 as Red Ribbon Celebration Week in Merced County.
25. Authorize Certificates of Recognition presented to individuals selected as American Legion Auxiliary Girls State Delegates as follows: Valerie Lua (Merced High), Christine Charitar (Golden Valley High), Kadie Jacobsen (Buhach Colony High), Colleen Doke (Atwater High), and Angelica Solorio (Livingston High).
26. Authorize Certificate of Recognition for Providence Christian School in celebration of Grand Opening.
27. Authorize Certificates of Recognition to the following individuals for being selected as 2011 Miss Dos Palos queens: McKenzie Jacobo, Tiny Miss Dos Palos; Amanda Bravo, Little Miss Dos Palos; Allie Calvert, Miss Pre-Teen Dos Palos; Courtney Kee, Teen Miss Dos Palos; Amanda Benadum, Miss Dos Palos.
28. Authorize Certificate of Recognition to Bear County Preschool in celebration of 25th Anniversary.
29. Authorize Certificate of Recognition to Food 4 Less, Store Director Boyd Fuller, in appreciation of sponsorship of 10th Annual "Battle" of the Westside Big Game Rally Dos Palos High vs. Los Banos High
30. Authorize Certificate of Recognition to Ameriprise Financial Services, Inc. in celebration of Ribbon Cutting.
31. Authorize Certificate for Rev. Msgr. Patrick McCormick in recognition of service to Merced County as pastor of St. Patrick's parish and Our Lady of Mercy Catholic School and 37 years of dedicated service to the priesthood.
32. Authorize Certificate of Recognition for Joshua Sean Pamer for achieving the Boy Scouts of America rank of Eagle Scout.
33. Authorize Certificates of Recognition to the following individuals selected as 2012 Outstanding Senior Volunteer: Josie Bosworth, Linda Galindez, Danny Galindez, Ruby Cooper, and Norma Sheppard.
34. Authorize Certificate for First Christian Church in recognition of Centennial Anniversary.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

35. Contract with Stephen Anthony Lucich for property acquisition for Atwater-Merced Expressway project; approve payment by the Merced County Association of Governments to Fidelity National Title Company for the agreed value of the property plus escrow and any other transaction fees; and adopt Resolution.

AUTHORIZED CONTRACT NO. 2012201 AND ADOPTED RESOLUTION NO. 2012-108 AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 11 AND 12

36. Contract with Roger Cleary for property acquisition for Atwater-Merced Expressway project; approve payment by the Merced County Association of Governments to Fidelity National Title Company for the agreed value of the property plus escrow and any other transaction fees; and adopt Resolution.

AUTHORIZED CONTRACT NO. 2012202 AND ADOPTED RESOLUTION NO. 2012-109 AS RECOMMENDED AYES: ALL

37. Contract with Justino Contreras & Estela DePerez for property acquisition for Atwater-Merced Expressway project; approve payment by the Merced County Association of Governments to Fidelity National Title Company for the agreed value of the property plus escrow and any other transaction fees; and adopt Resolution.

AUTHORIZED CONTRACT NO. 2012203 AND ADOPTED RESOLUTION NO. 2012-110 AS RECOMMENDED AYES: ALL

38. Contract with John C. Huckaby and Matthew C. Schwark for property acquisition for Atwater-Merced Expressway project; approve payment by the Merced County Association of Governments to Fidelity National Title Company for the agreed value of the property plus escrow and any other transaction fees; and adopt Resolution.

AUTHORIZED CONTRACT NO. 2012204 AND ADOPTED RESOLUTION NO. 2012-111 AS RECOMMENDED AYES: ALL

PLANNING

39. Contract with Hinds Manure Spreading, Jim Hinds, Gib Hinds Jr. and Muriel Hinds for the consultant Environmental Planning Partners, Inc., to prepare preliminary tasks of the Initial Study for the Hinds Manure Spreading project.

AUTHORIZED CONTRACT NO. 2012204A AS RECOMMENDED AYES: ALL

40. Contract with Environmental Planning Partners, Inc., to prepare tasks 1, 2, and 11 for an Initial Study for the Hinds Manure Spreading project (AA12-003); and approve related budget transfer (4/5 vote required).

AUTHORIZED CONTRACT NO. 2012205 AS RECOMMENDED AYES: ALL

41. Simultaneously rescind existing Williamson Act Contracts and re-enter into new Williamson Act contracts with the following property owners to reflect new property lines resulting from prior-approved property line adjustments: Frank L. and Arlene Vierra (Williamson Contract No. WA2000-0202) and Border Valley Trading Ltd. (Williamson Contract No. WA2005-026); make seven (7) legal findings required by Williamson Act Section 521257(a).

AUTHORIZE CONTRACT NO. 2012-01WA-Border Valley Trading AND CONTRACT NO. 2012-02WA-Vierra AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

42. Authorize sponsorship of 2012 Veterans Day Parade to be held on November 11, 2012; authorize County Risk Management to secure Special Event Insurance naming the City of Merced as additional insured for this event; authorize the Chairman to sign the Street Closure Application.

APPROVED AS RECOMMENDED AYES: ALL

43. Authorize Administrative Services in conjunction with HSA, to prepare and release a Request for Proposal for Transitional Housing Program Plus services; select the most responsive provider, negotiate an agreement; and direct HSA to return to the Board for final approval.

APPROVED AS RECOMMENDED AYES: ALL

44. Authorize Administrative Services, in conjunction with HSA, to prepare and release a Request for Proposal for DoWith Services; select the most responsive provider, negotiate an agreement; and direct HSA to return to the Board for final approval.

APPROVED AS RECOMMENDED AYES: ALL

45. Accept the 2011/2012 FY Domestic Violence Annual Report from Mountain Crisis Services, and Proclaim October 2012 as "Domestic Violence Awareness Month."

APPROVED AS RECOMMENDED AYES: ALL

46. PULLED

47. PULLED

MENTAL HEALTH

48. Contract with Freedom Direct Corporation and Farmers & Merchants Bank of Central California for Subordination, Non-disturbance and Attornment Agreement, and Estoppel Certificate related to the lease of office space located at 3305 and 3313 (Suite B) G Street in Merced.

AUTHORIZED CONTRACT NO. 2012200 AS RECOMMENDED AYES: ALL

HEALTH

49. Authorize release of a Request for Proposal for engineering consultant services for the Local Oversight Program as required by the State Water Resources Control Board, and direct Health to return to the Board for final approval.

APPROVED AS RECOMMENDED AYES: ALL

AUDITOR

50. Contract with Commerce Bank for Accounts Payable Program; adopt Resolution.

AUTHORIZED CONTRACT NO. 2012206 AND ADOPTED RESOLUTION NO. 2012-112 AS RECOMMENDED AYES: ALL

ADMINISTRATIVE SERVICES

51. Authorize use of any National Joint Powers Alliance "NJPA" contract already established to procure goods and services when it is favorable to the County.

APPROVED AS RECOMMENDED AYES: ALL

PROBATION

52. Approve progress report for the Juvenile Justice Crime Prevention Act for Fiscal Year 2011/12 and authorize the Chief Probation Officer to submit report to the Board of State and Community Corrections.

PULLED FROM AGENDA NO ACTION TAKEN

53. Authorize the Chief Probation Officer to formally decline the Corrections Standards Authority Intent to Award Conditional Financing through Senate Bill 81 Local Youthful Offender Rehabilitative Facilities Construction Financing Program, Proposal ID J07-09.

APPROVED AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 12

BOARD APPOINTMENTS

54. Workforce Investment Board - Appoint Eva Rios as a One-Stop Partners/State EDD representative to serve until June 30, 2015.

APPROVED AS RECOMMENDED AYES: ALL

55. Selection of CSAC Board of Directors Member and Alternate for Merced County for 2012-2013 Year beginning November 27, 2012.

THE BOARD SELECTED SUPERVISOR WALSH AS MEMBER AND SUPERVISOR PEDROZO AS ALTERNATE FOR THE CSAC BOARD OF DIRECTORS REPRESENTATIVES FOR 2012-2013 YEAR AYES: ALL

COUNTY COUNSEL

56. Adopt Resolution to decrease the required membership of the Le Grand Municipal Advisory Council from fifteen (15) to eleven (11) members, and to define the staggered terms in such a manner to reflect the decreased membership totals.

ADOPTED RESOLUTION NO. 2012-113 AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

57. Public Works Department re: Contract No. 2012161 awarded to Teichert Construction in the amount of \$1,746,152.10 for the Merced Falls Road and Olive Avenue Reconstruction Project.

58. Public Works Department re: Contract No. 2012066 awarded to Harris Builders in the amount of \$187,450 for the Probation/Sheriff Department AB109 Realignment Program-Interior Refinish and Reroof Project.

59. Commerce, Aviation, and Economic Development re: Lease Agreement with County Counsel for records storage within Building 1230 (approximately 252 sq. ft.) at Castle Commerce Center.

CONTRACT NO. 2012207

60. Commerce, Aviation, and Economic Development re: Contract with County Agricultural Commissioner for landscape maintenance at Castle Commerce Center.

CONTRACT NO. 2012208

61. Commerce, Aviation, and Economic Development re: Facility Use Agreement issued to Velo Promo LLC and Golden Chain Cyclists for a bicycle race held at Castle Commerce Center on July 1, 2012.

CONTRACT NO. 2012209

62. Central Valley Regional Water Quality Control Board re: Public Meeting Agenda for October 4 and October 5, 2012.
63. Merced County Mosquito Abatement District re: Manager's Report for August 2012.
64. California Fish and Game Commission re: Notice of receipt of petition from Oceana, Center for Biological Diversity, and Shark Stewards, to list the white shark as threatened or endangered under the California Endangered Species Act.
65. Central Valley Regional Water Quality Control Board re: Public meeting on October 30, 2012, at 9 a.m. to discuss and solicit comments and suggestions regarding a proposal to amend the Water Quality control Plan for the Sacramento River and San Joaquin River Basins for the control of discharges of the herbicide diuron.
66. Central Valley Regional Water Quality Control Board re: Public workshops and California Environmental Quality Act scoping meetings in October and November to discuss and solicit comments and suggestions regarding evaluation of the Municipal and Domestic Supply Beneficial Use (MUN) in Agriculturally Dominated Water Bodies.
67. Central Valley Regional Water Quality Control Board re: Public workshop dates concerning the 2013 Joint Triennial Review of the Water Quality Control Plans for the Sacramento River and San Joaquin River Basins and the Tulare Lake Basin.

**ADOPTED RESOLUTIONS IN MEMORY OF SHEILA BLISS, STANLEY G. ZAJAC,
ANNA MARIE MAYORGA, AND MARVA LEA JENSEN, AND ADJOURNED THE
MEETING UNTIL OCTOBER 30, 2012, AT 10:00 A.M.**

BOARD ORDERS – SUMMARY ACTION MINUTES – OCTOBER 16, 2012

10:00 A.M. SCHEDULED ITEM **2012-10-16 PUBLIC OPPORTUNITY**

Nancy Young-Berman, Court Appointed Special Advocates representative provides information regarding the CASA Wild West Hoedown to be held on October 20, 2012. She states that they currently have over 50 trained advocates who are assisting 65 children. She requests desserts to support the auction.

Lesley Brewer, Cressey resident, addresses the Board regarding the disrepair of sidewalks in Cressey. She requests the County assess the condition of the sidewalks and asks how long they must wait for attention to be given to the sidewalks. Mrs. Brewer provides photos of the sidewalks for the Board to review.

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

10:00 A.M. SCHEDULED ITEM **2012-10-16 PUBLIC WORKS – PUBLIC HEARING**

The time and date previously set for a public hearing to consider Proposed Ordinance entitled "Regulation of Stormwater" amending County Code, Title 9, by adding Chapter 9.53, is before the Board for consideration.

Director of Public Works Dana Hertfelder reviews the staff report and states that this Ordinance would amend Merced County Code by adding Chapter 9.53 "Regulation of Stormwater" and is required to satisfy the pollution control mandates of the Federal Clean Water Act and the State Porter-Cologne Water Quality Control Act. He further states that this also falls under the National Pollution Discharge Elimination System permit program which controls water pollution by regulating various non-point sources including what is referred to as municipal separate storm sewer systems, which is what we are and consists of a defined network of streets, curbs, gutters, storm drains, and other conveyances that discharge stormwater from urbanized areas into creeks, streams, and other natural habitats. Approval of the Ordinance would create and establish a County storm water program to prohibit, control and monitor the discharge of polluted stormwater. The Ordinance includes procedures for the protection of the environment including education, training, best management practices, and enforcement mechanisms to protect against illicit discharges.

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.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board waives further reading of the Ordinance entitled "Regulation of Stormwater", and set the Second Reading and possible adoption of the ordinance for October 30, 2012 at 10:00 a.m.

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

CONSENT ITEM NO. 19

2012-10-16 COUNTY EXECUTIVE OFFICE

The Clerk announces Renewal Contract No. 2004364 with Professional Benefit Services is before the Board for consideration.

Supervisor O'Banion states he noticed that the Board's copy of the contract has not been signed by MCSEA. He asks if it has been signed or if there is a problem with MCSEA.

Merced County Risk Analyst Marla Pettygrove states that although the MCSEA representative has been non-responsive, she has had contact with others within the organization and there are no issues. It has just been difficult to obtain a signature.

Upon motion of Supervisor Pedrozo, seconded by Supervisor O'Banion, duly carried, the Board authorizes the Chair to sign Health Care Memorandum of Understanding, Contract No. 2003283, with the Coalition of Unions.

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

CONSENT ITEM NO. 20

2012-10-16 COUNTY EXECUTIVE OFFICE

The Clerk announces travel requests are before the Board for consideration.

Supervisor O'Banion states he fully supports education of the Medical Examiner and request that in the future the travel request be made before the travel takes place rather than after the fact.

Upon motion of Supervisor Pedrozo, seconded by Supervisor O'Banion, duly carried, the Board approves the travel requests received from the Sheriff's office.

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

ACTION ITEM NO. 35

2012-10-16 PUBLIC WORKS

The Clerk announces a Contract with Stephen Anthony Lucich for property acquisition for Atwater-Merced Expressway project is before the Board for consideration.

Supervisor Kelsey states it is important to discuss where this project is because she was confused when she first read this item. Supervisor Kelsey invites Matt Fell of Merced County Association of Governments to provide an update to the Board.

Matt Fell, Merced County Association of Governments, states that this item is for the Atwater-Merced Expressway. Mr. Fell states that they have been on an accelerated timeframe to try and get all of the right-of-way acquired because there is a December 2012 deadline for getting money from the state. He states there are construction costs for the interchange project of about \$50 million, and they will be applying to the State of California Transportation Commission from 99 bonds savings funds, and it is necessary to have right-of-way certification by December in order to

be able to request that allocation of \$50 million. He states that these acquisitions, and other acquisitions to follow, will all lead toward that right of way certification that CalTrans requires before they can request the \$50 million allocation for the construction. If the funds are received, the construction would probably commence next summer.

Following discussion and upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, duly carried, the Board authorizes the chairman to sign Contract No. 2012201 with Stephen Anthony Lucich for acquisition of right-of-way for the Atwater-Merced Expressway Project; adopts Resolution No. 2012-108 accepting a Grant Deed for right-of-way from Stephen Anthony Lucich needed for construction of the Atwater-Merced Expressway Project; and approves payment by the Merced County Association of Governments to Fidelity National Title Company for the agreed value of the property plus escrow and any other transaction fees.

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

ACTION ITEM NO. 53
2012-10-16 PROBATION

The Clerk announces declination of Corrections Standards Authority Juvenile Corrections Projects Grant Funding is before the Board for consideration.

Supervisor Walsh asks Chief Ball about the flexibility regarding the possible use on this and asks if the declination of these dollars at this time precludes us from possibly talking to them in the future about alternative sites with regard to these dollars.

Chief Probation Officer Scott Ball responds and states that in terms of this exact allocation, yes, but in terms of future allocations, no.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Kelsey, duly carried, the Board authorizes the Chief Probation Officer to formally decline the Corrections Standards Authority Intent to Award Conditional Financing through Senate Bill 81 Local Youthful Offender Rehabilitative Facilities Construction Financing Program Proposal ID #J07-09.

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