

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, MARCH 25, 2014
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
HUBERT “HUB” WALSH, JR.....DISTRICT 2
LINN DAVIS.....DISTRICT 3
DEIDRE F. KELSEY.....DISTRICT 4
CHAIRMAN 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
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 action and usually are approved by a single 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 - EXISTING LITIGATION: It is the intention of the Board to meet in Closed Session concerning Existing Litigation pursuant to Government Code Section 54956.9(d)(1): 1) California Clean Energy Committee v. County of Merced, Real Parties in Interest Bob Borba, aka. Bobby Borba, an individual; Bob Borba Dairy, Merced Superior Court Case No. CVM017121; 2) Alvarez v. County of Merced, et al. Merced Superior Court Case No. CV002613; 3) Verizon California, Inc. v. California State Board of Equalization, et al., Sacramento Superior Court Case No. 34-2014-00157245.

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; United Public Employees (UPE), Unit 3; Merced County Attorney Association (MCAA), Unit 7; Teamsters (Corrections), Unit 2; Merced County Law Enforcement Sergeants, Unit 30; Merced County Deputy Sheriff Association (DSA), Unit 10; Teamsters (Non-Safety Corrections), Unit 12; Merced County Public Safety Services Unit (MCPSSU), Unit 14; and Probation Supervising Employees, Unit 11. Agency Negotiator: Marci Barrera.

THE BOARD RECESSED AT 8:30 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 12

PRESENTATION:

Executive Office - Budget Presentation.

REVIEW BOARD ORDER – SEE PAGES 12 AND 13

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 30)

PUBLIC HEARINGS:

PUBLIC HEARING - AUDITOR

To consider the Citizens' Option for Public Safety (COPS) Program Funding and Requests for Funding.

RECOMMENDATION: 1) Open Public Hearing, receive comments, and close public hearing; 2) approve the submitted requests from the District Attorney and the Sheriff's Office for the Citizens' Option for Public Safety (COPS) Program; 3) and authorize the Auditor's Office to distribute COPS funding based on approved submitted requests.

REVIEW BOARD ORDER – SEE PAGE 13

PUBLIC HEARING - PUBLIC WORKS

To consider General Vacation for a portion of Schropp Drive and Rob Court located in the Franklin-Beachwood area.

RECOMMENDATION: 1) Open the Public Hearing and accept public comments, close Public Hearing; 2) Adopt the Resolution for the General Vacation of a portion of Schropp Drive and Rob Court, located in the Franklin-Beachwood area; and 3) Instruct the Board Clerk to record a certified copy of the Resolution.

REVIEW BOARD ORDER – SEE PAGE 13

PUBLIC HEARING - COMMUNITY AND ECONOMIC DEVELOPMENT

To consider General Plan Amendment No. GPA13-002 and Parallel Zone Change No. 13-003 propose to change the land use designation and zoning of a 0.75 acre parcel from Winton Urban Community Medium Density Residential and R-2 (Two Family Residential) zoning to General Commercial and C-2 (General Commercial) zoning. The property is located on the north side of Walnut Avenue, 150 feet east of Santa Fe Drive in the Community of Winton.

RECOMMENDATION: 1) Open Public Hearing, receive testimony and close the Public Hearing; 2) Determine General Plan Amendment No. GPA13-002 and Parallel Zone Change No. ZC13-003 are exempt from CEQA review under Section 15061(b)(3), "Common Sense", of the CEQA Guidelines based on the two CEQA findings in the Staff Report; and 3) Make the intended decision to approve General Plan Amendment No. GPA13-002 and Parallel Zone Change No. ZC13-003 which is located on the north side of Walnut Avenue, 150 feet east of Santa Fe Drive in the Community of Winton with related Zone Change Ordinance based on the eight (8) project findings in the Staff Report, as part of the next General Plan Amendment Cycle.

REVIEW BOARD ORDER – SEE PAGES 14 AND 15

PUBLIC HEARING - COMMUNITY AND ECONOMIC DEVELOPMENT

To consider General Plan Amendment No. GPA14-001 and Parallel Zone Change No. 14-001 propose to change the land use designation of five parcels consisting of five acres from Delhi Urban Community- Business Park to Low Density Residential and to change the zoning from M-1 (Light Manufacturing) to R-1-5,000 (Single-Family Residential). The properties are located on the east side of Hillside Drive and south of South Avenue in the Community of Delhi.

RECOMMENDATION: 1) Open the Public Hearing, receive testimony and close the Public Hearing; 2) Determine General Plan Amendment No. GPA14-001 and Parallel Zone Change No. ZC14-001 are exempt from CEQA review under Section 15061(b)(3), "Common Sense", of the CEQA Guidelines based on the two CEQA findings in the Staff Report; and 3) Make the intended decision to approve General Plan Amendment No. GPA14-001 and Parallel Zone Change No. ZC14-001 which are located on the east side of Hillside Drive and south of South Avenue in the Community of Delhi with related Zone Change Ordinance, based on the 11 project findings in the Staff Report, as part of the next General Plan Amendment Cycle.

REVIEW BOARD ORDER – SEE PAGES 15, 16 AND 17

PUBLIC HEARING - COMMUNITY AND ECONOMIC DEVELOPMENT - PROPOSED ORDINANCES

To consider Adoption of the 2014 Cycle I General Plan Amendment and the Related Zone Change Ordinances.

RECOMMENDATION: 1) Adopt the 2014 Cycle I General Plan Amendment Resolution approving General Plan Amendment No. GPA13-002 and General Plan Amendment No. GPA14-001; and 2) adopt the related Zone Change Ordinances to approve two Parallel Zone Changes: (1) Zone Change No. ZC13-003; and (2) Zone Change No. ZC14-001.

REVIEW BOARD ORDER – SEE PAGE – SEE PAGE 17

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-30)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Approve budget transfer in the amount of \$12,000 for Parkland Dedication Fees to repair basketball court fencing at Planada Houlihan Park. (4/5 Vote Required)
2. Set Public Hearing on April 22, 2014 at 10:00 a.m. to amend Merced County Ordinance No. 1899 entitled: "Amending Membership Requirements of a Local Area Recreation Committee".
3. Adopt Resolution accepting an Easement Deed from Gallo Cattle Company, a California Limited Partnership for Gallo Cattle Company Natural Gas Line Project.

ADOPTED RESOLUTION NO. 2014-22

4. Adopt a Resolution prohibiting the stopping, parking, or standing of vehicles along existing curbing on Franklin Road, from Autumn Drive north to approximately 100' north of Lucich Drive, in the Franklin-Beachwood area; and authorize staff to paint the curb "red", and install and maintain "No Stopping" signs along said portion of Franklin Road.

ADOPTED RESOLUTION NO. 2014-23

Ag. Commissioner

5. Approve Budget Transfer in the amount of \$15,000 to purchase copier to replace seven year old department copier. (4/5 Vote Required)

Health

6. Approve Budget Transfer in the amount of \$69,659 to purchase 25 tablets, printers and extra batteries to be used for Certified Unified Program Agency (CUPA) related activities. (4/5 Vote Required)
7. Approve no-cost extension to Contract No. 2013045 with The California Endowment for health care improvement opportunities available through the Affordable Care Act (ACA).
8. Approve and authorize the Chairman to sign Amendment to Contract No. 2013046 with Pacific Health Consulting Group to provide consulting services for related activities of the Local Affordable Care Act Readiness Project Grant.
9. Approve and authorize the Chairman to sign Amendment to Contract No. 2013047 with Diringer and Associates to provide consulting services for related activities of the Local Affordable Care Act Readiness Project Grant.

Mental Health

10. Approve and authorize the Chairman to sign Amendment to Contract No. 2011089 with 7th Avenue Center, LLC, a Mental Health Rehabilitation Center, for client placement services; and approve the related budget transfer. (4/5 Vote Required)
11. Approve and authorize the Chairman to sign Amendment to Contract No. 2013149 with Turning Point Community Programs to increase client capacity and services provided in the Community Assistance Recovery Enterprise Program; and approve the related budget transfer. (4/5 Vote Required)
12. Approve and authorize the Chairman to sign Amendment to Contract No. 2009143 with Merced County Office of Education to add Anti-Bullying Program services; and approve the related budget transfer. (4/5 Vote Required)

District Attorney

13. Approve Budget Transfer in the amount of \$60,882 to replace obsolete portable radios.
14. Approve the District Attorney's participation in the Anti-Drug Abuse Enforcement Program and authorize the District Attorney to accept a grant award from the Board of State and Community Corrections in the amount of \$147,245 for FY 13/14; adopt Resolution authorizing the District Attorney to execute the FY 13/14 grant award agreement; and approve the related budget transfer. (4/5 Vote Required)

ADOPTED RESOLUTION NO. 2014-24

Fire

15. Approve Budget Transfer in the amount of \$30,000 to combine two fixed assets into one fixed asset account for the purpose of one command vehicle for FY 13/14.

Community & Economic Dev.

16. Approve Budget Transfer in the amount of \$32,299 to address unanticipated repairs to the communications system at Castle Commerce Center. (4/5 Vote Required)

County Counsel

17. Set First Reading for April 8, 2014 at 10:00 a.m. for a proposed ordinance entitled "To re-establish vehicle parking and other restrictions" (Repeals Ordinance Nos. 1482, 1372, 1310 1298 and 1020 and adds Chapter 25 of Title 11 to the Merced County Code); and set a second reading and possible adoption for proposed ordinance for April 22, 2014 at 10:00 a.m.
18. Set the First Reading for April 8, 2014 at 10:00 a.m. for a proposed ordinance entitled "Setting the bail schedule of parking penalties for parking citations and vehicle infractions in Merced County and affirming the Board of Supervisors' authority to authorize other law enforcement agencies to enforce Chapter 5.78 of the Merced County Code on County owned or controlled facilities" (Amends Ordinance No. 1780 and Amends Chapter 5.78 to Title 5 of the Merced County Code); and set a Second Reading and possible adoption for proposed ordinance for April 22, 2014 at 10:00 a.m.

Executive Office

19. Adopt Resolution to support Merced Irrigation District's New Exchequer Dam Spillway Modification Project.
ADOPTED RESOLUTION NO. 2014-25
20. Approve and authorize the Chairman to sign Amendment to Contract No. 2004069 with John T. Roberts, dba. Ashgrove Risk Management Services to provide risk management consulting services.
21. Act on Claims for Damages received from Arturo and Eulalia Avila and Lucy Montgomery as recommended by Risk Management and County Counsel.

Board Recognition

22. Authorize Certificates of Recognition to Sol Rivas and Rosa Barraga for Outstanding Leadership in organizing the 2014 Parent Institute Conference.
23. Authorize Certificates of Recognition to Jessica Edwards-Independence High, Edith Castillo-Atwater High, Christine Manuel-Golden Valley High, Alexis Comer-Buhach Colony High, Sam Scheidt-Merced High, Stephanie Gonzalez-Livingston High and Natalie Salas-Yosemite Valley High for being selected by the Good Citizens Committee as Good Citizen of the Year.
24. Authorize Certificate of Recognition to Rod Webster in celebration of accomplishments to encourage development of Sustainable Healthy Environment.

25. Authorize Certificates of Recognition to various individuals for accomplishments in the Merced/Mariposa FFA Project Competition.

REVIEW BOARD ORDER – SEE PAGES 17 AND 18

26. Authorize Certificate of Recognition to Primary Residential Mortgage, Inc. in celebration of Grand Opening.
27. Authorize Certificate of Recognition to 7-Eleven in celebration of Grand Opening.
28. Authorize Certificates of Recognition to individuals for being selected by the Merced County Historical Society for Volunteer Awards as follows: Merced High School 2013 Oral History Project, 2013 Letus Wallace Award; Ann Bean, 2013 Docent of the Year Award; Dan Nelson, 2013 Heacox Pioneer Award; Stefany Arceo and Greg Pina, 2013 Museum Youth Volunteer Award-Merced High; Planada School district, 2014 Estep-Burchell Community Grant; Milliken Museum Society, 2014 Estep-Burchell Community Grant; Gustine Historical Society, 2014 Rossotti Capital Improvement Grant; Rosalie Heppner, 2013 Past-President; Emily Tenaya Dayhoff, 2013 Merced County Historical Society History Scholarship; and Taylor Ann Doo, 2013 Merced County Historical Society Bill and Tom Kirby Agricultural Scholarship.
29. Authorize Certificate of Recognition to Los Banos Elks Club #2510 in celebration of Flag Raising and Dedication of Monument to Honor Veterans and POW-MIA.
30. Authorize Certificate of Recognition to Pastor Dr. E.P. Goodin in honor of Retirement after 36 years in Pastoral Ministry at Antioch Missionary Baptist Church.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

31. Approve Plans and Specifications for the Whiterock Road and Le Grand Road Reconstruction Project; and direct the Department of Public Works to return to the Board with an Informational Item disclosing all actions taken.

AUTHORIZED CONTRACT NO. 2014034 AS RECOMMENDED AYES: ALL

32. Approve Plans and Specifications for the Pave Parking Lot at Ag. Center Project; authorize the Public Works to advertise said plans and specifications for a Public Bid Opening; authorize the Director of Public Works to award the construction contract to the lowest responsible bidder if the bid is within budget; authorize the Chairman of the Board to execute said contract after review by Public Works and County Counsel; and direct Public Works to return to the Board with an informational item describing all actions taken.

AUTHORIZED CONTRACT NO. 2014035 AS RECOMMENDED AYES: ALL

33. Approve Plans and Specifications for the Castle Airport Apron Area Lighting Construction Project; authorize Public Works to advertise said plans and specifications for a Public Bid Opening; authorize the Director of Public Works to award the construction contract to the lowest responsible bidder provided said bid is within the established budget, and upon concurrence of the Federal Aviation Administration; authorize the Chairman of the Board to execute said contract upon review of Public Works and County Counsel; and director Public Works and Community & Economic Development to return to the Board with an informational item describing all actions taken.

AUTHORIZED CONTRACT NO. 2014036 AS RECOMMENDED AYES: ALL

34. Adopt Resolution authorizing the Chairman to sign a Grant Deed transferring property to Ballico Community Service District; and direct County Counsel to coordinate with the Ballico Community Service District to accept and record the executed Grant Deed and both the County's Resolution and the District's Resolution accepting the Grant Deed.

ADOPTED RESOLUTION NO. 2014-26 AS RECOMMENDED AYES: ALL

HEALTH

35. Contract with University of California Cooperative Extension for nutrition education and obesity prevention adult engagement services.

AUTHORIZED CONTRACT NO. 2014037 AS RECOMMENDED AYES: ALL

36. Contract with Calif. Dept. of Food & Ag., Dairy Marketing for California Central Valley Dairy Compliance Planning and Reporting System (Merced Reporting Tool) No. 13-0228 to maintain software developed for California dairy producers located in the Central Valley to comply with General Order R5-2007-0035; adopt resolution authorizing the Chairman to sign the 15 month contract and all future amendments to this agreement; grant authority to the Director of Public Health or Designee to sign all payment requests; direct the Department to return to the Board for approval of all future amendments; and approve the related budget transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2014033 AND ADOPTED RESOLUTION NO. 2014-27 AS RECOMMENDED AYES: ALL

MENTAL HEALTH

37. Interdepartmental Contract with Public Health for expansion of the Community Outreach Program Engagement and Education (COPE) services improving access and integration of mental health and public health services; and approve the related budget transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2014038 AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

38. Authorize the destruction of identified Public Guardian/Conservator/Administrator records which have been retained beyond the required retention period. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

39. Approve the negotiation of a formal lease agreement between Human Services Agency (HSA) and Jim Moulton Corporation, allowing HSA to come back with a negotiated lease for Board approval.

APPROVED AS RECOMMENDED AYES: ALL

SHERIFF

40. Approve and authorize the Sheriff (or his designee) to submit and electronically sign the on-line application for grant funding from the FY 2014 Paul Coverdell Forensic Science Improvement Grant program; and return to the Board for acceptance of funding if awarded.

APPROVED AS RECOMMENDED AYES: ALL

41. Contract with Merced County Fair 35th District Agriculture Association for Law Enforcement Services at the Merced County Fair from June 11, 2014 to June 15, 2014.

AUTHORIZED CONTRACT NO. 2014039 AS RECOMMENDED AYES: ALL

42. Contract with Merced County Jail Ministry to provide religious services, counseling and educational services to inmates confined in the Merced County Jail facilities.

AUTHORIZED CONTRACT NO. 2014040 AS RECOMMENDED AYES: ALL

COMMUNITY & ECONOMIC DEV.

43. 1) Adopt a Resolution authorizing the County's participation in the California HERO Program, which will enable property owners to finance permanently fixed renewable energy, energy and water efficiency improvements and electric vehicle charging infrastructure on their properties; 2) Authorize the Chairman to sign the JPA Amendment (Exhibit A); 3) Authorize and direct CED staff to coordinate with Authority staff to facilitate operation of the California HERO Program within the County, and report back periodically to the Board of Supervisors on the success of such program; and 4) Direct staff to send a certified copy of the resolution to the Secretary of the Authority Executive Committee.

AUTHORIZED CONTRACT NO. 2014041 AND ADOPTED RESOLUTION NO. 2014-28 AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 18

44. Authorize the closure of the Department of Community and Economic Development Department for one day on May 9, 2014, for staff and organizational development training; and direct staff to post signs and take all other necessary steps to notify the public in advance of the office closure.

APPROVED AS RECOMMENDED AYES: ALL

45. Approve Changing the Assistant Development Services Director-Temp, Range 81.3, A Level Management, Position Number 30 in Budget Unit 28500 to Deputy Director-Planning, Range 81.4, B Level Management in Budget Unit 28500 effective March 31, 2014; and approve the amendments to the Position Allocation Resolution 06-120/A and Salary Allocation Resolution 06-120.

ADOPTED RESOLUTION NOS. 2014-29 (Position) AND 2014-30 (Salary) AS RECOMMENDED AYES: ALL

ELECTIONS

46. Request the Board approve the consolidation of the City of Dos Palos, and School District Bond Measures for Merced River, Merced City, Le Grand Union High, and Planada with the June 3, 2014 Gubernatorial Primary Election.

APPROVED AS RECOMMENDED AYES: ALL

47. Approve the contract with the Secretary of State in an amount not to exceed \$52,764.61 for reimbursement of costs related to the VoteCal Voter Registration System Project.

AUTHORIZED CONTRACT NO. 2014042 AS RECOMMENDED AYES: ALL

FIRE

48. Contract with Turlock City Fire Department for Automatic Aid/Mutual Aid Agreement.

AUTHORIZED CONTRACT NO. 2014043 AS RECOMMENDED AYES: ALL

49. Authorize the Merced County Office of Emergency Services to accept the California Department of Water Resources Grant for the Merced County Regional Flood Emergency Response Project Program; authorize the Chairman and Office of Emergency Services Director to sign the Agreement with State of California Dept. of Water Resources; authorize Office of Emergency Services in conjunction with Administrative Services to start the Request for Proposal process for a consultant to develop flood emergency plans and direct

the department to return to the Board with results; and approve the related budget transfer.
(4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2014044 AS RECOMMENDED AYES: ALL

50. Approve the continuation of the resolution proclaiming the existence of a local emergency due to drought.

APPROVED AS RECOMMENDED AYES: ALL

AUDITOR

51. Authorize the Department of Administrative Services on behalf of the Auditor-Controller's Office, to release a Request for Proposal to secure a qualified independent auditor to select the most responsive bidder to negotiate an agreement; and return to the Board for final agreement execution.

APPROVED AS RECOMMENDED AYES: ALL

LIBRARY

52. 1) Approve Option 1 which includes: a) Close branch libraries George, Cressey, Stevinson, and South Dos Palos; b) change Library hours of operation at remaining Main, Large, Medium and Small libraries; c) develop bookmobile routes and services; d) direct staff to work with appropriate agencies and departments to implement facility re-purpose; or 2) Approve Option 2 which includes a) changing branch libraries George, Cressey, Stevinson and South Dos Palos to library service stations with reduced hours; b) changing hours to remaining Main, Large, Medium and Small libraries; c) develop bookmobile routes and services; and d) direct staff to work with the appropriate agencies and departments for implementation; 3) Change ten (10) Library Assistant I/II positions (Pos. 10, 17, 18, 4, 6, 7, 13, 24, 9, 29) and four (4) Library Resource Technician I/II positions (Pos. 15, 3, 23, 34) in Budget Unit 60000 from Variable Shift to Full Time; 4) Approve the amendments to the Position Allocation Resolution No. 06-120/A; 5) Adopt the Merced County Library Plan of Service with changes based on the approved option; and 6) Approve the Librarian to proceed with appropriate public notification procedures to implement changes in hours and services effective April 14, 2014.

**ADOPTED RESOLUTION NO. 2014-31 / MODIFIED RECOMMENDATION
AYES: 1, 2, 3, 4 NOES: 5**

REVIEW BOARD ORDER – SEE PAGES 18 AND 19

EXECUTIVE OFFICE

53. Establish the classification of Contract Interim County Librarian; approve the contract with Diane Satchwell to serve as Interim County Librarian providing temporary oversight of the Library and authorize the Chairman to sign the contract; and approve the amendments to the Position Allocation Resolution 06-120/A and Salary Allocation Resolution 06-120.

**AUTHORIZED CONTRACT NO. 2014045 AND ADOPTED RESOLUTION NOS.
2014-32 (Position) and 2014-33 (Salary) AS RECOMMENDED AYES: ALL**

BOARD OF SUPERVISORS

54. Authorize \$1,500 of District One's Special Board Project Funds to be forwarded to the Bible Christian Church at Nineveh Outreach Food Pantry for providing food to the Planada, Le Grand and Plainsburg areas.

APPROVED AS RECOMMENDED AYES: ALL

55. Authorize \$500 of District One's Special Board Project Funds to be forwarded to the Young Women's Conference which will be held in the City of Livingston.
APPROVED AS RECOMMENDED **AYES: ALL**
56. Authorize \$500 of District One's Special Board Project Funds to be forwarded to the Agribusiness Committee for support of the twelfth annual Progressive Agricultural Safety Day for Merced County third graders.
APPROVED AS RECOMMENDED **AYES: ALL**
57. Authorize \$900 of District Four's Special Board Project Funds to be forwarded to the Hot Rod Diner in Hilmar for weekly meeting space for the Hilmar Senior Social Club from April through December 2014.
APPROVED AS RECOMMENDED **AYES: ALL**
58. Authorize \$12,000 of District Five's Special Board Project Funds to be utilized to install concrete slab, electrical connections and new storage container at the Milliken Museum; authorize Administrative Services to issue a Purchase Order to The Container Traders for purchase of the container; authorize Administrative Services to issue a Purchase Order to Best Electric for the electrical work; authorize the reimbursement of Public Works Roads for the installation of the concrete slab foundation; and approve the related budget transfer.
APPROVED AS RECOMMENDED **AYES: ALL**

BOARD APPOINTMENTS

59. Appoint and re-appoint the following individuals to serve on the Emergency Medical Care Committee: Richard E. Watts-Ambulance Company representative until 6/30/16, Kraig Riggs-Ambulance Company representative until 6/30/16, Malikiat Samra, Captain-Commander to the Law Enforcement Rep-CMDR until 6/30/16, Jeff Buttici to the CHP representative until 6/30/15, Dr. Timothy Livermore to Designated Member-County Health Officer until 6/30/18, Jeremy Rahn to Designated Member-OES until 6/30/18, Bryan Donnelly to Emergency Medical Services Educator until 6/30/17, Robert Smith to EMT 1 or P until 6/30/17, Mickey Brunelli to EMT 1 or P until 6/30/15, Tim Marrison to Fire Services representative until 6/30/15 and Jeff Pate to Hospital representative position until 6/30/15.
APPROVED AS RECOMMENDED **AYES: ALL**
60. Reappoint Mike Marchini to serve as a member of the Le Grand Recreation Committee, until December 1, 2017.
APPROVED AS RECOMMENDED **AYES: ALL**

BOARD INFORMATION & POSSIBLE ACTION

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

61. Merced County Mosquito Abatement District re: Manager's Report for January 2014.
62. Fish and Game Commission re: Notice of Location Change of Adoption Hearing on Proposed Regulatory Action regarding ocean salmon sport fishing.
63. California Gas Gathering Inc. re: Verified Statement and Annual Payment Franchise Ordinance No. 1650 Right of Way #19CGG0003-00.
64. Central Valley Regional Water Quality Control Board re: Notice of Public Meeting Thursday, March 27, 2014 at 9:00 a.m. and Friday, March 28, 2014 at 8:30 a.m. located at Central Valley Regional Water Quality Control Board, 11020 Sun Center Drive, #200, Rancho Cordova, CA 95670.

BOARD ORDERS – SUMMARY ACTION MINUTES – MARCH 25, 2014

10:00 A.M. SCHEDULED ITEM **2014-03-25 PUBLIC OPPORTUNITY**

Shawnesti Machado, President of the Merced County Public Employees Union Local 1, informs the Board that the membership and current Unit 3 employees within the County libraries support Item 52, Options 2, 3) to change 14 positions from variable shift to full-time. Ms. Machado submits a letter on behalf of the Union.

Catrina Buchol, Delhi resident, addresses the Board regarding an increase in pay for In-Home Supportive Services (IHSS) workers; Carrie Young, Merced resident and UDW representative, speaks in support of an increase in pay; Josh Franco, UAW representative, speaks in support of an increase in pay for IHSS workers.

Mark Faurot, Merced resident, submits motions for review by the Board, and submits a document for the Board's review.

California Highway Patrol Captain Sam Samra introduces Alberto Moises Onsurez as the new Public Information Officer. Officer Onsurez states he looks forward to working with the Board.

Karen Ann, Merced resident, thanks Annie Becke for her efforts with the Tahiti Fest. She further provides her opinion with regard to law enforcement.

Scott Nieves, President of the California Houndsmen of Modesto Association, and Andrea Winn, Chowchilla resident and Vice-President of the California Houndsmen of Modesto Association, provide the Board with information on AB 2205, requesting the Board's support to reverse the bill that takes away rights to use dogs to hunt bears and bobcats. Mr. Nieves and Ms. Winn provide the Board with documentation regarding AB 2205.

Anonymous citizen submits letter dated March 25 regarding Roles and Responsibilities of the Board.

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

10:00 A.M. SCHEDULED ITEM **2014-03-25 PRESENTATION – EXECUTIVE OFFICE - BUDGET**

County Executive Officer James Brown states they are in the process of developing next year's budget and provides an update on the current year and will provide a "sneak peek" at next year.

Assistant Executive Officer Scott DeMoss provides the Board with a powerpoint presentation on 2014/2015 Status Update and covers the following: Current Year Update – FY 2013/14 Revenues v. Expenditures (General Fund); Feb Expenditures to Revenues (Enc); Cumulative February Expenditures by Category – General Fund (Enc); Cumulative February Revenue by Category - General Fund; Cash Flow Comparison (General Fund); Next Year – FY 2014/15 Requested Budget; Available Fund Balance – After Reserves; Local Revenue – Annual

Revenue Trend; Local Resources - \$'s in Millions; Reserves; Initial Request; Local Requirements; and Issues May Consider.

The Board briefly discusses public safety and groundwater issues.

Concerned citizen states that public safety is a major issue and more funding is needed for Mental Health services.

Josh Franco states that the public needs to be given choices regarding the future of the Merced Community, using UC Merced as leverage to develop the economy, and states that water is a complex issue.

Carrie Young, Merced resident and UDW representative, states a raise for IHSS workers will not cost the County anything, but it would increase revenue.

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

10:00 A.M. SCHEDULED ITEM
2014-03-25 AUDITOR – PUBLIC HEARING

The time and date previously set for a public hearing to consider the Citizens' Option for Public Safety (COPS) program Funding and Request for Funding as submitted by the Auditor.

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 Walsh, seconded by Supervisor Davis, duly carried, the Board approves the submitted request from the District Attorney and the Sheriff's Office for the Citizens' Option for Public Safety (COPS) Program; and authorizes the Auditor's Office to distribute COPS funding based on approved submitted requests.

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

10:00 A.M. SCHEDULED ITEM
2014-03-25 PUBLIC WORKS – PUBLIC HEARING

The time and date previously set for a public hearing to consider General Vacation for a portion of Schropp Drive and Rob Court located in the Franklin-Beachwood area as submitted by Public Works.

Public Works Director Dana Hertfelder reviews the staff report and informs the Board that on February 26, 2014, notices were posted and no comments were received.

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 Pedrozo, seconded by Supervisor Davis, duly carried, the Board adopts Resolution No. 2014-20 for the General Vacation of a portion of Schropp Drive and Rob Court, located in the Franklin-Beachwood area, and instructs the Board Clerk to record a certified copy of the Resolution.

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

10:00 A.M. SCHEDULED ITEM

2014-03-25 COMMUNITY AND ECONOMIC DEVELOPMENT – PUBLIC HEARING

The time and date previously set for a public hearing to consider General Plan Amendment No. GPA13-002 and parallel Zone Change No. 13-003 as submitted by Community and Economic Development.

Director of Community and Economic Development Mark Hendrickson reviews the staff report and informs the Board that the property owner plans to build a small restaurant.

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 Pedrozo, seconded by Supervisor Davis, duly carried, the Board: A.) Determines General Plan Amendment No. GPA13-002 and Parallel Zone Change No. ZC13-003 are exempt from CEQA review under Section 15061(b)(3), "Common Sense", of the CEQA Guidelines based on the two CEQA findings in the Staff Report:

CEQA Findings

1. The projects can be found to be exempt from CEQA review under Section 15061(b)(3), "*Common Sense*", of the CEQA Guidelines based on the following findings:
 - The property is located within the Winton Community Plan boundary.
 - The property consists of an existing modular single family residence on a 0.75 acre infill site. The residence currently receives water services from the Winton Water and Sanitary District. However, it remains on a private septic system which is no longer allowed under modern Public Health development standards for properties located within existing service districts.
 - The site is surrounded on three sides by commercial trucking, storage, and gasoline station businesses which potentially expose the residence (a sensitive receptor) to air emissions, noise, and traffic on a regular basis. Therefore, the continued use of this property for residential purposes is not preferred and a change to a commercial use will help resolve land use incompatibility issues.
 - The small project site of only 0.75 acres will not accommodate a significant amount of new commercial activity.
 - The C-2 zone allows for smaller commercial uses such as small retail, recreational, institutional, and office uses "by-right". Larger retail development and more intensive commercial uses such as transportation facilities, warehousing, and communications facilities would require future discretionary actions which may be subject to CEQA.
 - The 0.75 acre redesignation and rezoning does not represent a significant change to the 1,180 acre Winton Community Plan boundary.
 - The project would not move the existing commercial area closer to the school, as the proposed boundary would match the designation and zoning boundary to the north.
 - No comments were received from any of the responsible agencies who received a notice of the project that there may be a potentially significant impact associated with allowing this project.

2. The determination that the applications are exempt from CEQA review reflects the independent judgment of the County

And upon motion of Supervisor Kelsey, seconded by Supervisor Davis, duly carried, the Board: B.) makes the intended decision to approve General Plan Amendment No. GPA13-002 and Parallel Zone Change No. ZC13-003 which is located on the north side of Walnut Avenue, 150 feet east of Santa Fe Drive in the Community of Winton with related Zone Change Ordinance based on the eight (8) project findings in the Staff Report, as part of the next General Plan Amendment Cycle.

Project Findings

1. General Plan Amendment No. GPA13-002 and Parallel Zone Change No. 13-003 propose to change the land use designation of a 0.75 acre parcel from Winton Urban Community - Medium Density Residential to General Commercial and to change the zoning from R-2 (Two Family Residential) to C-2 (General Commercial).
2. The property is located on the north side of Walnut Avenue, 150 feet east of Santa Fe Drive in the Community of Winton.
3. The project site is surrounded by commercial designations, zoning and land uses on three sides is in a transitional area of the Winton community. Therefore, the proposal may be logical to resolve future incompatibility issues.
4. The property owner has expressed his intent to develop a restaurant on the property which is permitted by a Plot Plan Review (allowed "by right") in the C-2 (General Commercial) zone.
5. The application was referred to the following public agencies for review: Merced County Department of Public Health/Environmental Health Division, Fire Department, Department of Public Works/Roads, Department of Public Works/Building and Safety, Winton Water and Sanitary District and the Winton MAC.
6. The proposed redesignation of the property to commercial land use and zoning is compatible with adjacent land uses, properties and neighborhoods, and any future development will be subject to the development standards in the Zoning Code.
7. The redesignation to commercial will not be a nuisance or detrimental to the public health, safety and general welfare.
8. The public hearing has been adequately noticed and advertised.

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

10:00 A.M. SCHEDULED ITEM

2014-03-25 COMMUNITY AND ECONOMIC DEVELOPMENT – PUBLIC HEARING

The time and date previously set for a public hearing to consider General Plan Amendment No. GPA14-001 and Parallel Zone Change No. 14-001 as submitted by Community and Economic Development.

Director of Community and Economic Development Mark Hendrickson reviews the staff report.

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 Kelsey, seconded by Supervisor Davis, duly carried, the Board A.) Determines General Plan Amendment No. GPA14-001 and Parallel Zone Change No. ZC14-001 are exempt from CEQA review under Section 15061(b)(3), "Common Sense", of the CEQA Guidelines based on the two CEQA findings in the Staff Report;

CEQA Findings

1. The project can be found to be exempt from CEQA review under Section 15061(b)(3), "Common Sense", of the CEQA Guidelines based on the following findings:
 - The property is located within the Delhi Community Plan boundary.
 - The proposed designation and zoning are less intensive than currently assigned to the properties and there are no existing intensive commercial or industrial projects located adjacent to the property.
 - The proposed designation and zoning are consistent with the existing inhabited residences and residential use of the five parcels.
 - No comments were received from any of the responsible agencies who received a notice of the project that there may be a potentially significant impact associated with this General Plan Amendment and Rezoning proposal.
2. The determination that the applications are exempt from CEQA review reflects the independent judgment of the County.

And Upon motion of Supervisor Davis, seconded by Supervisor Kelsey, duly carried, the Board: B.) Makes the intended decision to approve General Plan Amendment No. GPA14-001 and Parallel Zone Change No. ZC14-001 which are located on the east side of Hillside Drive and south of South Avenue in the Community of Delhi with related Zone Change Ordinance, based on the 11 project findings in the Staff Report, as part of the next General Plan Amendment Cycle.

Project Findings

1. General Plan Amendment No. GPA14-001 and Parallel Zone Change No. ZC14-001 proposes to change the land use designation of five parcels consisting of five acres from Delhi Urban Community - Business Park to Low Density Residential and to change the zoning from M-1 (Light Manufacturing) to R-1-5,000 (Single-Family Residential).
2. The properties are located on the east side of Hillside Drive and south of South Avenue in the Community of Delhi.
3. All properties fronting Hillside Drive are designed and zoned residential.
4. The properties are contiguous to residential zoning on three sides.
5. All five properties consist of existing, inhabited residences.
6. The current zoning prevents the residences from being rebuilt or replaced should substantial damage occur, unless a business enterprise is established on the property.

7. The proposed designation and zoning are consistent with the existing residential land uses.
8. Since the adoption of the Delhi Community Plan in 2006, there has been no expressed interest in commercial or office development on these properties.
9. The application was referred to the Delhi Municipal Advisory Council and Delhi County Water District.
10. The redesignation would not be a nuisance or detrimental to the public health, safety and general welfare.
11. The public hearing has been adequately noticed and advertised.

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

10:00 A.M. SCHEDULED ITEM
2014-03-25 COMMUNITY AND ECONOMIC DEVELOPMENT – PUBLIC HEARING –
ORDINANCE NOS. 1915 (ZC 13-003) AND 1916 (ZC 14-001)

The time and date previously set for a public hearing to consider adopting the 2014 Cycle I General Plan Amendment and the Related Zone Change Ordinances as submitted by Community and Economic Development.

Assistant Director of Community and Economic Development Bill Nicholson explains to the Board why this Public Hearing is necessary and states that the Board will traditionally adopt the individual general plan amendment applications four times a year.

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 Walsh, seconded by Supervisor Davis, duly carried, the Board adopts the 2014 Cycle I General Plan Amendment Resolution No. 2014-21 approving General Plan Amendment No. GPA13-002 AND General Plan Amendment No. GPA14-001; and adopts Ordinance No. 1915 (Zone Change No. ZC13-003) entitled An Ordinance Changing the Boundaries of and the Classification of Property Uses Within Zones Established by Merced County Code Title 18 Title "Zoning"; and adopt Ordinance No. 1916 (Zone Change No. ZC14-001) entitled An Ordinance changing the Boundaries of and the Classification of Property Within Zones Established by Merced County Code Title 18 title "Zoning".

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

CONSENT ITEM # 25
2014-03-25 BOARD RECOGNITION

Upon motion of Supervisor Pedrozo seconded by Supervisor Davis, duly carried, the Board authorizes Certificates of Recognition to the individuals selected by the Merced/Mariposa FFA Project Competition Committee for accomplishments in the FFA Project Competition as follows:

Atwater FFA: Gold – Emma Reyes, Austin Burris, Katelyn Baptista, Daniel Mesa, Heather Lewandowski, Keith Wright, Blake Brigham; Silver – Wyatt Pimentel, Kirsten Knoblock

Buhach Colony FFA: Gold – Scott Avila, Amanda Skidmore, Joslyn Campos, Deena Migliazzo, Wyatt Gibson; Silver – Marc Olds, Macy Oh, Camille Silvera, Emily Voris, Michaela Clark

Dos Palos FFA: Gold – Jarod Cozzi, Blayne Weaver, Theresa Frey, Wyatt O'Banion; Silver – Kaitlin Moore, Calah Zapata
Golden Valley FFA: Mark Baroso, Michaela Vindel; Silver – Connor Erickson, Keith Erickson, Donte Allen, Jesica Baker
Gustine FFA: Gold – Mikayla Toste, Adrianna Toste, Nico Marsigli, Lawrence Borba, Marc Abdallah, Meg Abdallah, Tony Lopes, Alexandria Lopes, Lexie Nunes, Javier Rodriguez
Hilmar FFA: Gold – Rebecca Sanders, Kristen Jascimento, Brandon Almeida, Dominic Borrelli, Donovan Miguel, Jason Edwards, Brittney Fielder, Trey Johnson; Silver – Dominique Cozzitorto
Le Grand FFA: Gold – Liz Yanez, Kinsey Haas, Shane Grissom, Trevor Waag, E.L. Wyatt Hewlett, Isaiah Clinton, Katelyn Grinder
Livingston FFA: Gold – Lindsay Silva, Blaine Chance, Gerardo Aguilar, Hannah Friesen; Silver – James Petanan, Danielle Brusenski
Los Banos FFA: Caitlin Lopes, Kaitlyn Alanis, Jocelyn Alanis; Silver – Seth Bascue, Paul Borba, Logan Pires, Amelia Leonard, Anthony Machado
Mariposa FFA: Gold – Kaymen Smith, Sierra Hartsog, Brandon Wingate, Ross Williams; Silver – Wyatt Wass, Elaina Mero
Merced FFA: Gold – Cassandra Hay, Tiffany Nance; Silver – Morgan Brass, Madeline Viss, Cole Huie, Gaby Verduco
Pacheco FFA: Gold – Breana Rodriguez, Maci Jurado, Brianna Chappellear
Ayes: O'Banion, Walsh, Pedrozo, Davis, Kelsey

ACTION ITEM NO. 43

2014-03-25 COMMUNITY AND ECONOMIC DEVELOPMENT

The Clerk announces a Resolution for participation in the HERO program and a JPA Contract, are before the Board for consideration.

Director of Community and Economic Development Mark Hendrickson provides the Board with a brief staff report.

Mr. Boyken, local contractor and Winton MAC member, speaks in support of the HERO PACE program. He states the program is a threefold stimulus; 1) for homeowners and families through energy efficiency and renewable energy has potential to reduce or eliminate costs; 2) for business/construction by increasing the need for goods and services; and, 3) for energy efficiency and water conservation. Mr. Boyken thanks the Board on behalf of the community for considering this item.

Upon motion of Supervisor Davis, seconded by Supervisor Pedrozo, duly carried, the Board authorizes Contract No. 2014041 to amend the Joint Powers Agreement Adding Merced County as an Associate Member of the Western Riverside Council of Governments to Permit the Provision of Property Assessed Clean Energy (PACE) Program Services and adopt Resolution No. 2014-28 authorizing the County's participation in the California HERO Program.

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

ACTION ITEM NO. 52

2014-03-25 LIBRARY

The Clerk announces the Merced County Library Plan of Service and Reorganization is before the Board for consideration.

Supervisor O'Banion states, for the record, that he received a letter from Bonnie Key in support of Action Item No. 52, Option 1, and a letter was received from Mary Hofmann in support of Action Item No. 52, Option 1.

County Executive Officer James Brown provides the Board with a staff report and states that in 2013 Merced County Librarian Diane Satchwell conducted an overall assessment of the library system meaning that all 16 library branches needed to be looked at regarding the hours of service, quality of collection, technology needs, proximity to locations, physical condition of the facilities, and especially the patronage and usage. It also included looking at how to bring the bookmobile into the delivery of services within existing resources.

Supervisor Kelsey states, for the record, that she received a letter from Kathy Weber in support of Item No. 52, Option 1.

Mary Hoffman, President of League of Women Voters; Judy Boyer, Soroptomist; Susan Walsh, Merced resident; Necola Adams, Merced resident; Barbara Ellington, Hilmar resident and President of the Hilmar Friends of the Library; support Option 1. Ms. Ellington submits a letter for the record.

Merced County Librarian Diane Satchwell, provides a powerpoint covering the following: Library System at a Crossroads; Community Survey; Community Survey-Poll: Most important day to be open; Stakeholder Meeting; Library Data Analysis; By the Numbers (2010-11 data); Library Plan of Service; Option 1, Key Points); Option 1, Service Model; Option 2, Key Points; Option 2, Service Model; Fixed Sites (hours/week); Potential Hours (Option 1); Expand Reach Through Bookmobile; Enhance Service and Reach Through Bookmobile; Summary. Ms. Satchwell submits a copy of the Library Plan

Supervisor Pedrozo states he received an e-mail from Le Grand resident Gloria Hennessy in support of Option 1.

Following discussion and upon motion of Supervisor Walsh, seconded by Supervisor Pedrozo, duly carried, the Board approves Option 1 which includes: a) Close branch libraries George, Cressey, Stevinson, and South Dos Palos; b) change Library hours of operation at remaining Main, Large, Medium and Small libraries; c) develop bookmobile routes and services; d) direct staff to work with appropriate agencies and departments to implement facility re-purpose; adopts Resolution 2014-31 amending the Position Allocation Resolution No. 06-120/A to change ten (10) Library Assistant I/II positions (Pos. 10, 17, 18, 4, 6, 7, 13, 24, 9, 29) and four (4) Library Resource Technician I/II positions (Pos. 15, 3, 23, 34) in Budget Unit 60000 from Variable Shift to Full Time; adopts the Merced County Library Plan of Service with changes based on the approved option; and approve the Librarian to proceed with appropriate public notification procedures to implement changes in hours and services effective April 14, 2014; and direct staff to look into adding services back in the future.

Ayes: Pedrozo, Walsh, Davis, Kelsey

Noes: O'Banion