

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, JUNE 16, 2009
Closed Session – 9:00 a.m.
Regular Meeting – 10:00 a.m.
Proposed Budget – 1:30 p.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....DISTRICT 2
MICHAEL G. NELSON.....DISTRICT 3
CHAIRMAN DEIDRE F. KELSEY....DISTRICT 4
JERRY O’BANION.....DISTRICT 5
Lydia A. Beiswanger, Chief Clerk

DEMITRIOS O. TATUM
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

Persons who require accommodation for any audio, visual or other disability in order to review an agenda, or to participate in a meeting of the Board of Supervisors per the American Disabilities Act (ADA), may obtain assistance by requesting such accommodation in writing addressed to the Clerk of the Board, 2222 M Street, Merced, CA 95340 or telephonically by calling (209) 385-7366. Any such request for accommodation should be made at least 48 hours prior to the scheduled meeting for which assistance is requested

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 - ANTICIPATED 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(b): Two Cases

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): Richardson v. County of Merced, et al. Merced County Superior Court CU151501

THE BOARD RECESSED AT 9:00 A.M. WITH ALL MEMERS PRESENT AND RECONVENED AT 10:00 A.M. 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 18

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 78)
APPROVED AS RECOMMENDED WITH ITEM #66 PULLED FROM THE AGENDA **AYES: ALL****

10:00 A. M.

PUBLIC WORKS - PUBLIC HEARING

To consider changing the name of Bhupinder Sahota Avenue to Sahota Avenue and Bhupinder Sahota Court to Sahota Court in the Franklin-Beachwood area

RECOMMENDATION: Change the name of Bhupinder Sahota Avenue to Sahota Avenue and Bhupinder Sahota Court to Sahota Court, authorize installation of new road signs and adopt Resolution

REVIEW BOARD ORDER – SEE PAGE 18

PLANNING - PUBLIC HEARING PROPERTY OWNER HAS SUBMITTED REQUEST FOR CONTINUANCE

To consider Appeal of the Planning Commission approval of Minor Subdivision Application No. MS07-052. Applicant -Thomas and Joyce Stillman; Appellant - San Joaquin Raptor Rescue Center/Protect Our Water. Said Application is to propose to divide an 80 acre parcel into two parcels: Parcel 1 and 2 being 40 acres a piece on property located on the north side of Childs Avenue, approximately 750 feet east of Burchell Avenue in Le Grand area

REVIEW BOARD ORDER – SEE PAGE 19

PLANNING - PUBLIC HEARING PROPERTY OWNER HAS SUBMITTED REQUEST FOR CONTINUANCE

To consider an Appeal of the Planning Commission approval of MS07-048. Applicant - Lawrence Cattle Company; Appellant - San Joaquin Raptor Rescue Center and Protect Our Water. Said application is to re-divide two existing parcels totaling 179.66 acres into six parcels: Parcels 1, 2, and 3=23.5 acres in size, Parcel 4=41 acres; Parcel 5=43 acres and Parcel 6=25.2 acres on property located on Deep Well Road, one mile south of Henry Miller Avenue in Los Banos

REVIEW BOARD ORDER – SEE PAGE 19

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

LUNCH BREAK

1:30 P. M.

FY 2009/10 PROPOSED BUDGET

1. COUNTY EXECUTIVE OFFICE

(1) Adopt the Proposed Budget for FY 2009/10 as an Operating Budget until the Board adopts a Final Budget. (2) Direct that no expenditures be made for any item requiring policy direction, as listed in the Proposed Budget, without specific Board authorization. (3) Request the Clerk of the Board make available copies of the FY 2009/10 Proposed Budget to all interested people and advertise the Final Budget Hearings to commence on August 18, 2009 at 1:30 p.m. (4) Schedule the Public Hearing on Proposition 4 Appropriation Limitation on August 18, 2009 at 1:30 p.m. (5) Direct Administration to identify actions necessary to balance the remainder of the Proposed Budget based on the outcome of the final state budget and present recommendations at or before Final Budget Hearings

REVIEW BOARD ORDER – SEE PAGE 20

2. COUNTY EXECUTIVE OFFICE

- (1) Approve the Schedule of Out-of-State Travel and Training for FY 2009/10
- (2) Direct that no Out-of-County Overnight or Out-of-State Travel take place unless authorized by the County Executive Officer or designee

REVIEW BOARD ORDER – SEE PAGE 21

3. PUBLIC WORKS

Approve Vehicle User Mileage Rates as recommended by the Vehicle User Committee for the 2009/2010 Fiscal Year

4. COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

Contract with Merced County Economic Development Corporation:

Option A - Discontinue contract with MCEDCO post June 30, 2009 for economic development services.

Option B - Renegotiate and fund MCEDCO contract at \$30,000 level for economic development services post June 30, 2009 expiration

REVIEW BOARD ORDER – SEE PAGE 21

5. HEALTH

Indigent Health Care Program Funding:

(1) Authorize the Director of Public Health to: (a) eliminate benefits to match Medi-Cal Optional Benefits, (b) raise co-pays for Emergency Room Visits, (c) eliminate retroactive emergency room coverage for non-MAP patients (d) establish co-pays for Outpatient visits, (e) make the necessary preparations for conducting Beilenson hearings:

(2) Direct Staff to implement either Option 1 or Option 2 as presented to stabilize Indigent Health funding.

(3) Direct Staff to return at Final Budget with additional solutions

REVIEW BOARD ORDER – SEE PAGE 22

CONSENT CALENDAR (Items #1 - 78) APPROVED AS RECOMMENDED WITH ITEM #66 PULLED FROM THE AGENDA AYES: ALL

Public Works

1. Set public hearing for July 7, 2009 at 10:00 a.m. to consider Proposed Ordinance Amending the County Service Area Number One User Charge Rates for Zones of Benefit in the 2009/2010 Fiscal Year (Amends Ordinance No. 1848)
2. Adopt Resolution authorizing Public Works Director and Auditor-Controller to sign and file the Local Transportation Fund Claim for the 2009/2010 Fiscal Year with Merced County Association of Governments.

ADOPTED RESOLUTION NO. 2009-83

Mental Health

3. Approve and authorize Chairman to sign Renewal Contract No. 2009027 with Devereux Texas Treatment Network for Adolescent Residential Treatment Facility for Mental Health services.

4. Approve and authorize Chairman to sign Renewal Contract No. 2006221 with Public Works for bus services for The Wellness Center.
5. Approve and authorize Chairman to sign Renewal Contract No. 2006058 with Rutan and Tucker, LP for Outside Counsel for legal counsel for clients who are Merced County wards.
6. Approve and authorize Chairman to sign Renewal Contract No. 2006213 with State Dept. of Health and Human Services Agency for Drug Court Partnership Program Grant and adopt Resolution.

ADOPTED RESOLUTION NO. 2009-84

7. Approve and authorize Chairman to sign Renewal Contract No. 2007151 with Probation for Offender Treatment Program Assessment and Supervision Services.
8. Approve and authorize Chairman to sign Renewal Contract No. 2008009 with Quest Diagnostics for Laboratory Testing for consumers at all Mental Health Department facilities.
9. Approve and authorize Chairman to sign Renewal Contract No. 2008091 with Sylmar Health and Rehabilitation Center for State Licensed Mental Health Rehabilitation Center.
10. Approve and authorize Chairman to sign Amendment to Contract No. 2008139 with Country Villa Merced Behavioral Health for Institute for Mental Disease and approve the necessary budget transfer-\$120,000.
11. Approve and authorize Chairman to sign Amendment to Contract No. 2007250 with Aspira Foster and Family Services for Specialty Mental Health Services for SB 163 Wraparound Program.
12. Approve and authorize Chairman to sign Amendment to Contract No. 2008133 with Larry Dumford for Licensed Board and Care Facilities.
13. Approve and authorize Chairman to sign Renewal Contract No. 2006057 with State Dept. of Alcohol and Drug Programs for Comprehensive Drug Court Implementation Grant for Dependency Drug Treatment Court and adopt Resolution.

ADOPTED RESOLUTION NO. 2009-85

14. Approve and authorize Chairman to sign Renewal Contract No. 2008003 with State Dept. of Alcohol and Drug Programs for Comprehensive Drug Court Implementation Grant and adopt Resolution.

ADOPTED RESOLUTION NO. 2009-86

15. Approve and authorize Chairman to sign Renewal Contract No. 2005149 with Community Social Model Advocates, Inc. for Alcohol and Drug Residential Recovery Services.
16. Approve and authorize Chairman to sign Renewal Contract No. 2008188 with Merced County Association of Governments for the Continuum of Care Homeless Project.

Human Services Agency

17. Approve and authorize Chairman to sign Renewal Contract No. 2006182 with Brawley Enterprises for office space located at 1112 West 16th Street, Merced, CA.
18. Approve and authorize Chairman to sign Renewal Contract No. 2005128 with Public Works for Reduced Cost Transportation Program providing subsidized bus pass for seniors.

REVIEW BOARD ORDER – SEE PAGES 22 AND 23

19. Approve and authorize Chairman to sign Renewal Contract No. 2003134 with Public Works for No Cost Transportation Program providing a minimum of 14 Fixed Route and 11 Dial A Ride Bus passes to senior citizens at no cost.
20. Approve and authorize Chairman to sign Renewal Contract No. 2004249 with Calif. Dept. of Aging for Health Insurance Counseling and Advocacy Program (HICAP) and adopt Resolution.

ADOPTED RESOLUTION NO. 2009-87

21. Approve and authorize Chairman to sign Renewal Contract No. 2004222 with Calif. Dept. of Aging for Area Plan for Title III, VII, IIIE and CBSP Programs and adopt Resolution.

ADOPTED RESOLUTION NO. 2009-88

22. Approve and authorize Chairman to sign Renewal Contract No. 2007182 with Alz Care, Inc. for Alzheimer's Day Care Resource Center to prevent premature or inappropriate institutional placement of persons with dementia by providing community-based services and support.
23. Approve and authorize Chairman to sign Renewal Contract No. 2006172 with Landy Care, Inc. for personal care services for MSSP/Linkages clients.
24. Approve and authorize Chairman to sign Renewal Contract No. 2006272 with Trilogy Integrated Resources LLC for Network of Care and Case Coordination System.
25. Approve and authorize Chairman to sign Renewal Contract No. 2008172 with CareAccess for Q Continuum software system for a mandated reporting system.
26. Approve and authorize Chairman to sign Renewal Contract No. 2005235 with Merced County Food Bank for Brown Bag services distributing surplus and donated edible fruits, vegetables and other food products to low income individuals 60 years of age and older.
27. Approve and authorize Chairman to sign Renewal Contract No. 2007181 with Valley Caregiver Resource Center for National Family Caregiver Support Program.
28. Approve and authorize Chairman to sign Renewal Contract No. 2007183 with Catholic Charities of the Diocese of Fresno for Senior Companion Program to provide volunteer community service opportunities to low-income older individuals who need assistance in daily living.

Health

29. Approve and authorize Chairman to sign Renewal Contract No. 2004106 with State Water Resources Control Board for oversight of the Underground Storage Tank Program, authorize payment requests to be signed by Health designee and adopt Resolution.

ADOPTED RESOLUTION NO. 2009-89

30. Approve and authorize Chairman to sign Renewal Contract No. 2004009 with Decade Software Company, LLC for support of Environmental Health data management system, Envision Software.

Ag. Commissioner

31. Approve and authorize Chairman to sign Renewal Contract No. 2002112 with Calif. Dept. of Food and Agriculture for Red Imported Fire Ant Survey and adopt Resolution.

ADOPTED RESOLUTION NO. 2009-90

32. Approve and authorize Chairman to sign Renewal Contract No. 200256 with Calif. Dept. of Food and Agriculture to assist with maintenance of permanent crop records and adopt Resolution.

ADOPTED RESOLUTION NO. 2009-91

33. Approve and authorize Chairman to sign Renewal Contract No. 2006109 with Calif. Dept. of Food and Agriculture for Petroleum and Weighmaster Enforcement Inspections and adopt Resolution.

ADOPTED RESOLUTION NO. 2009-92

34. Approve and authorize Chairman to sign Renewal Contract No. 2004057 with Calif. Crop Improvement Association for Certified Seed Inspections Services.
35. Approve and authorize Chairman to sign Renewal Contract No. 2008335 with Calif. Dept. of Pesticide Regulation for Electronic Pesticide Use Reporting Services and adopt Resolution.

REVIEW BOARD ORDER – SEE PAGE 23

Commerce, Aviation and Economic Development

36. Approve and authorize Chairman to sign Renewal Contract No. 2005154 with Bennett Telecom for Telecommunications operations, maintenance and expansion services at Castle Commerce Center.

Public Defender

37. Approve and authorize Chairman to sign Renewal Contract No. 2008339 with Cindy Merino for Investigative Services
38. Approve and authorize Chairman to sign Renewal Contract No. 2004338 with Williams & Company Investigations for Investigative Services.
39. Approve and authorize Chairman to sign Renewal Contract No. 2008220 with Big Valley Investigations for Investigative Services.
40. Approve and authorize Chairman to sign Renewal Contract No. 2007185 with Colleen Tucker Investigations for Investigative Services.
41. Approve and authorize Chairman to sign Renewal Contract No. 2005041 with Peter Wann Investigations for Investigative services.

Sheriff

42. Approve and authorize Chairman to sign Renewal Contract No. 2008152 with Public Works for Inmate Work Crew for county roadway and facility cleanup.

Dept. of Child Support Services

43. Approve and authorize Chairman to sign Renewal Contract No. 2004387 with D.A.S.-Information Systems for Plan of Cooperation defining responsibilities related to equipment and delivery of child support services.
44. Approve and authorize Chairman to sign Contract No. 2009156 with Calserve, Inc. for Service of Process.

Dept. of Administrative Services

45. Approve and authorize Chairman to sign Amendment to Contract No. 2006294 with Public Surplus LLC for future internet auctions to sell county surplus property.
46. Declare miscellaneous office furniture, equipment, a passenger van and cars on Exhibit A as Surplus Property and authorize its disposal through internet public auction.

District Attorney

47. Approve and authorize Chairman to sign Renewal Contract No. 2007023 with California Victim Compensation and Government Claims Board for participation in the Criminal Restitution Program for funding in the amount of \$76,000 and adopt Resolution.

ADOPTED RESOLUTION NO. 2009-94

48. Approve and authorize Chairman to sign Renewal Contract No. 2007148 with Calif. Emergency Management Agency for Victim/Witness Assistance Program continued funding and adopt Resolution.

ADOPTED RESOLUTION NO. 2009-95

Dept. of Workforce Investment

49. Approve and authorize Chairman to sign Amendment to Contract No. 2007104 with State Center Community College District-Madera Center for Licensed Vocational Nursing Training.
50. Approve and authorize Chairman to sign Amendment to Contract No. 2007108 with Madera County Workforce Development Office for Licensed Vocational Nursing Training.
51. Approve and authorize Chairman to sign Amendment to Contract No. 2007120 with Merced College for Licensed Vocational Nursing Training.
52. Approve and authorize Chairman to sign Amendment to Contract No. 2007107 with Yosemite Community College District for Licensed Vocational Nursing Training.
53. Approve and authorize Chairman to sign Amendment to Contract No. 2007121 with Stanislaus County Alliance Worknet for Licensed Vocational Nursing Training.

Probation

54. Approve and authorize Chairman to sign Amendment to Contract No. 2007063 with Behavioral Interventions for Juvenile and Adult Electronic Monitoring Programs to include use of TAD (trans-dermal alcohol device) and sobriety equipment on adult offenders at no cost to the County.
55. Approve and authorize Chairman to sign Amendment to Contract No. 2007186 with City of Atwater for office space at the Atwater Police Department for Deputy Probation Officers.

Planning

56. Set public hearing for July 7, 2009 at 10:00 a.m. to consider Application for 2009/2010 Community Development Block Grant (CDBG) Funds for First Time Homebuyer Assistance/Housing Rehabilitation Assistance and Public Service Activities.
57. Set public hearing for July 21, 2009 at 10:00 a.m. to consider General Plan Amendment No. GPA08-003 and Zone Change No. ZC08-004 for property located on the southside of Lindsey Court, 170 feet west of Cypress Avenue in the Winton area.

58. Set public hearing for July 21, 2009 at 10:00 a.m. to consider 2009 General Plan Cycle II consideration
59. Set public hearing for August 4, 2009 at 10:00 a.m. to consider Appeal to Planning Commission decision on MS08-010 submitted by Manroop Purewal. (Applicant has submitted Request for Continuance; therefore, this item will be held in abeyance)

REVIEW BOARD ORDER – SEE PAGE 23

Human Resources

60. Approve and authorize Chairman to sign Renewal Contract No. 2004311 with Liebert Cassidy Whitmore for Legal and Labor Relations Services.
61. Approve and authorize Chairman to sign Renewal Contract No. 2007154 with Dr. Jocelyn Roland for Pre-employment/Fitness for Duty Psychological examination for safety employees.
62. Approve and authorize Chairman to sign Renewal Contract No. 2005181 with TalX Corporation for unemployment compensation services.

Executive Office

63. Act on Claims for Damages submitted by Margaret Johnson (2009-035), Sean Howard (2009-003), Randol Wright (2009-036) and All Angels Preschool/Day Care (2009-037) as recommended by Risk Management.
64. Approve and authorize Chairman to sign Renewal Contract No. 2005155 with Freese & Gianelli Claims Service, Inc. for Liability Claims Management Services.
65. Approve and authorize Chairman to sign Renewal Contract No. 2005143 with Horizon Health for Employee Assistance Program (EAP) services.
66. Approve and authorize Chairman to sign Amendment to Contract No. 2003093 with Merced Defense Associates for Indigent Defense Services.

PULLED FROM THE AGENDA – NO ACTION TAKEN

67. Approve Budget Transfers submitted by Ag. Commission-\$17,000; Board of Supervisors-\$7,000; Executive Office/Risk Management-\$9,000; Fire-\$2,423; Health-\$3,000; Tax Collector-Treasurer/Elections-\$11,000, Registrar of Voters-\$4,000 and R&R-\$3,500 and Executive Office (Operating Transfers)-\$430,643.

Board Recognition

68. Authorize Certificates of Recognition to Millie Simonick (Mercy Medical Center Gift Shop), Volunteer of the Quarter and Fernando Palomini (Fernando's Bistro), Good Business Citizen Award as selected by Merced County Chamber of Commerce.
69. Proclaim May 7, 2009 as National Day of Prayer in Merced County.
70. Authorize Certificates of Recognition to Kathy Fowler and Phyllis Legg as recipients of the "Good Samaritan Award".
71. Authorize Certificates of Recognition to Officers of the Year as follows: Officer David Walker-Atwater, Officer Jim Hamera-Gustine, Sergeant Ray Fong-Livingston, Officer Jake Bento and Officer Jesus Parras-Los Banos and Officer Keith Pelowski-Merced Police Department; Deputy Brian Miller-Merced County Sheriff Department Operations and Correctional Officer Gina Saldana-Corrections; Deputy District Attorney Thomas Cooke-

District Attorney; Officer Vince Villegas-California Highway Patrol (Atwater) and Officer Joel Gonzalez (Los Banos); Officer Josephine Salcido-UC Merced Police and Officer Armando Arceo (Juvenile) and Officer Christopher Habeman (Probation)-Merced County Probation as selected by American Legion Merced Post 83.

72. Authorize Certificates of Recognition to the following High School Seniors chosen by the Central Valley Opportunity Center of \$750 scholarships: Merced County - Andrea Machado, Miriam Espinoza, Mai Yang, Rubi Almanza and Francisco Amancio; Stanislaus County - Irma Chavez, Carolina Gutierrez, Teresa Baez, Maria Lua and Pablo Rosas; and Madera County - Veronica Bellot, Karen Alvarez, Joseph Aviles, Ryan Rogers and Philip Rodriguez.
73. Authorize Certificates of Recognition to Terry Solano, Nellie Smith, Vielk Martinez, Flora Martinez, Maricela Estrada and Alicia Dicochea upon their selection by the Merced County Hispanic Chamber of Commerce for "Latinas Making a Difference."
74. Authorize Certificate of Recognition to Ink and Stitches for Ribbon Cutting.
75. Authorize Certificates of Recognition to Juan and Oralia Bettencourt and Martin and Juana Maldonado for selection as Grand Marshals of Planada Community Day.
76. Authorize Certificates of Recognition to individuals for contributions to the Community as Senior Volunteers.

REVIEW BOARD ORDER – SEE PAGE 23

77. Authorize Certificates of Recognition to G&G Construction - Business of the Year; Darlene and Scott Dover (Envy Fine Clothing) - Entrepreneur of the Year; Lena Mendoza - Volunteer of the Year and Roy Browning (Atwater Pro Glass) - 2008/09 Outgoing Chamber President selected by the Atwater Chamber of Commerce.
78. Authorize Certificates of Recognition to the 911 Dispatchers of the Year as follows: Colleen Nissen-California Highway Patrol; Nora Ramirez - Los Banos Police Department; Adam Kadach - Riggs Ambulance Service and Vickie Robbins - Merced County Sheriff Department.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

79. Contract with American Legion Post 660 for the Operation and Maintenance of the Le Grand Veterans Memorial Building.
AUTHORIZED CONTRACT NO. 2009131 AS RECOMMENDED AYES: ALL
80. Contract with American Legion Post 86 for operation and maintenance of Dos Palos Veterans Memorial Building.
AUTHORIZED CONTRACT NO. 2009132 AS RECOMMENDED AYES: ALL
81. Contract with Veterans Memorial Hall Association for the operation and maintenance of the Gustine Veterans Memorial Hall Association.
AUTHORIZED CONTRACT NO. 2009133 AS RECOMMENDED AYES: ALL

82. Contract with American Legion Post 166 for the operation and maintenance of the Los Banos Veterans Memorial Building.

AUTHORIZED CONTRACT NO. 2009134 AS RECOMMENDED AYES: ALL

83. Authorize Closure and Exclusive Use of Henderson Park on May 15, 2010 for the Kylie Lax Wedding and Reception.

APPROVED AS RECOMMENDED AYES: ALL

84. Contract with Navdeep Riar and Parneet Parmar for acquisition of Right-of-Way for the Campus Parkway Project and accept Grant Deed needed for construction; approve payment to Trans County Title Company for the appraised value of property plus escrow and any other transaction fees and adopt Resolution.

AUTHORIZED CONTRACT NO. 2009128 AND ADOPTED RESOLUTION NO. 2009-96 AS RECOMMENDED AYES: ALL

85. Contract with Robert and Michelle Rucker for acquisition of Right-of-Way for the Campus Parkway Project and accept Grant Deed needed for Right-of-Way and Slope Easement Deed for construction; approve payment to Trans County Title Company for the appraised value of property plus escrow and any other transaction fees and adopt Resolutions.

AUTHORIZED CONTRACT NO. 2009129 AND ADOPTED RESOLUTION NO. 2009-97 (GRANT DEED) AND 2009-98 (EASEMENT DEED) AS RECOMMENDED AYES: ALL

86. Contract with Williams + Paddon Architects for Hospital Re-Use Study in an amount not-to-exceed \$325,000.

REVIEW BOARD ORDER – SEE PAGE 24

87. Reject all bids received at Public Bid Opening held on May 21, 2009 and approve plans and specifications for Replacement of an Emergency Transfer Switch at the John Latorraca Adult Correctional Facility, authorize Public Works to advertise bids and conduct Public Bid Opening; authorize Public Works Director to award the project to the lowest responsive bidder and authorize Chairman to sign if within the established budget and subject to approval of Counsel and direct Public Works to return to the Board with a Report of actions taken.

AUTHORIZED CONTRACT NO. 2009070 AS RECOMMENDED AYES: ALL

88. Authorize submittal of Transportation Investment Generating Economic Recovery "TIGER" Discretionary Grant Application to the Calif. Dept. of Transportation to fund construction of Campus Parkway Segments 2 and 3; authorize Letter of Support to be signed by the Chairman and recommend the MCAG Governing Board select the Campus Parkway Project as the Regions Choice for submittal of a TIGER Discretionary Grant Application.

APPROVED AS RECOMMENDED AYES: ALL

89. **PULLED**

MENTAL HEALTH

90. Contract with Regents of the University of California to continue Institute of Study of Social Change consulting services to the impacts of alcohol and drug use through June 30, 2009 for a total contract amount of \$43,600 and approve the necessary budget transfer-\$17,962. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2009127 AS RECOMMENDED AYES: ALL

91. Contract with State Dept. of Mental Health for State Hospital Bed Usage and adopt Resolution.
AUTHORIZED CONTRACT NO. 2009140 AND ADOPTED RESOLUTION NO. 2009-99 AS RECOMMENDED AYES: ALL
92. Contract with Merced County Office of Education for expansion of existing Caring Kids Program.
AUTHORIZED CONTRACT NO. 2009141 AS RECOMMENDED AYES: ALL
93. Contract with Merced Faculty Associates for consumer Physicals at the Marie Green Facility.
AUTHORIZED CONTRACT NO. 2009142 AS RECOMMENDED AYES: ALL
94. Contract with Merced County Office of Education for expansion of existing Second Step Program.
AUTHORIZED CONTRACT NO. 2009143 AS RECOMMENDED AYES: ALL
95. Contract with Freedom Direct Corporation for office space located at 3305 and 3313 (Suite B) G Street, Merced and authorize to exercise the provision of cancellation for lease termination of Contract No. 2007114 with Thorington Building Properties for space located at 658 West Main Street and 1628 N Street, Merced.
AUTHORIZED CONTRACT NO. 2009130 AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

96. Contract with Calif. Dept. of Aging for a Nutrition Stimulus Funded Program for Seniors and adopt Resolution.
AUTHORIZED CONTRACT NO. 2009144 AND ADOPTED RESOLUTION NO. 2009-100 AS RECOMMENDED AYES: ALL
97. Contract with Central Calif. Legal Services, Inc. for Senior Legal Assistance Program.
AUTHORIZED CONTRACT NO. 2009145 AS RECOMMENDED AYES: ALL
98. Contract with Community Action Board for Home Delivered Meals Program and approve the necessary budget transfer.
REVIEW BOARD ORDER – SEE PAGE 24
99. Contract with Community Action Board for Congregate Meals Program and approve the necessary budget transfer.
REVIEW BOARD ORDER – SEE PAGE 24

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

100. Contract with IMS Worldwide, Inc. for Foreign-Trade Zone No. 226 Consulting Services.
AUTHORIZED CONTRACT NO. 2009159 AS RECOMMENDED AYES: ALL

DISTRICT ATTORNEY

101. Contract with Calif. Emergency Management Agency for Victim/Witness Assistance (VOCA Stimulus) Program participation and adopt Resolution.
AUTHORIZED CONTRACT NO. 2009147 AND ADOPTED RESOLUTION NO. 2009-101 AS RECOMMENDED AYES: ALL

DEPT. OF WORKFORCE INVESTMENT

102. Contract with Merced Adult School for provision of PLATO Basic Education Services (GED preparation).

AUTHORIZED CONTRACT NO. 2009146 AS RECOMMENDED AYES: ALL

103. Contract with Merced County Office of Education for Workforce Investment Act (WIA) In-School Youth Program.

AUTHORIZED CONTRACT NO. 2009148 AS RECOMMENDED AYES: ALL

104. Contract with Merced County Office of Education for Workforce Investment Act Out-of-School Youth Program Services.

AUTHORIZED CONTRACT NO. 2009149 AS RECOMMENDED AYES: ALL

105. Contract with Merced College for Thrive and Survive Workshops.

REVIEW BOARD ORDER – SEE PAGE 25

AUDITOR

106. Approve borrowing up to \$3.1 million from the Treasury to supplement funding the Teeter Plan and authorize repayment to the Treasury with interest at the Treasury rate as funds from delinquent secured property taxes become available.

APPROVED AS RECOMMENDED AYES: ALL

FIRE

107. Cressey Fire Station and the Cressey Park Improvement Funds - authorize funds from 1988 held in the Cressey Volunteer Fire Company Saving Account to be used for improvements and equipment for the Cressey Fire Station and Cressey Community.

APPROVED AS RECOMMENDED AYES: ALL

108. Authorize Application online for FEMA Assistance to Firefighters Grant to purchase 280 30 minute composite Cylinders (\$272,160) and 1 Flashover Simulator with 2 day trainer course included (\$39,995) total Project cost of \$312,155 and direct the Fire Chief to return to the Board with results and recommendation prior to accepting the award.

APPROVED AS RECOMMENDED AYES: ALL

PLANNING

109. Contract with Merced Local Agency Formation Commission (LAFCo) for support services from the Planning and Community Development Department through June 30, 2010.

AUTHORIZED CONTRACT NO. 2009151 AS RECOMMENDED AYES: ALL

DEPT. OF ADMIN. SERVICES

110. Authorize Sole Source Contract with Kronos Incorporated for the procurement of a Timekeeping and Scheduling System and associated annual maintenance and authorize issuance of Purchase Order for purchase and approve the necessary budget transfer.

PULLED FROM THE AGENDA – NO ACTION TAKEN

SHERIFF

111. Contract with Los Angeles County Sheriff's Department for Intrastate Prisoner Transportation Services.

AUTHORIZED CONTRACT NO. 2009152 AS RECOMMENDED AYES: ALL

112. Contract with SNA International for Mass Fatality consultant services for the development of the Merced County Mass Fatality Management Plan.

AUTHORIZED CONTRACT NO. 2009153 AS RECOMMENDED AYES: ALL

113. Contract with Regents of the University of California, Davis for mandatory medical monitoring of Methamphetamine Laboratory investigators.

AUTHORIZED CONTRACT NO. 2009154 AS RECOMMENDED AYES: ALL

HEALTH

114. Contract with State Water Resources Control Board for Development and Field Testing of a Model Comprehensive Nutrient Management Plan, authorize Designee to sign payment requests and adopt Resolution.

AUTHORIZED CONTRACT NO. 2009126 AND ADOPTED RESOLUTION NO. 2009-102 AS RECOMMENDED AYES: ALL

115. Authorize Side Letter Agreement with Catholic Healthcare West (CHW) authorizing payment of (1) \$187,951 to cover "net unexpended funds" for FY 2007/08 and all prior years under the current agreement and (b) an amount equal to 22% of Health Realignment for FY 2008/09 not to exceed a total payment of \$430,643; and, (2) approve Budget Transfer (4/5 Vote Required) and (3) Direct Staff to re-open discussions with CHW to address issues of future funding for Indigent Health Care in light of declining revenues to support the program and return to the Board with additional amendments as may be required.

REVIEW BOARD ORDER – SEE PAGE 25

TREASURER

116. Adopt Resolution providing for the temporary borrowing of funds through issuance of 2009 Tax and Revenue Anticipation Notes (TRAN) in the name of the Dos Palos Oro Lomas Joint Unified School District in an amount not to exceed \$3 million.

REVIEW BOARD ORDER – SEE PAGE 26

117. Approve personnel action of changing one Legal Clerk I/II to one Collection Agent I/II/III in Revenue and Reimbursement, BU 11100 and adopt Resolution.

REVIEW BOARD ORDER – SEE PAGE 26

EXECUTIVE OFFICE

118. Contract with Katherine Hart for Indigent Defense Services.

AUTHORIZED CONTRACT NO. 2009155 AS RECOMMENDED AYES: ALL

119. Nationwide Retirement Systems - Post Employment Health Plan - Recommendations: (1) Adopt Resolution authorizing Nationwide Retirement Solutions (NRS) Post Employment Health Plan (PEHP) for all eligible employees and authorize Contract and other necessary documents; and Approve Employer Participation Agreement with NRS which includes the Plan, Declaration of Trust and appointment of Trustee for the PEHP for the following Management Groups: (2) Department Head Managers (A Level); (3) Assistant Department Head Managers (B Level); (4) Middle Managers (C Level); (5) Supervisory Managers (D Level); (6) Confidential Managers (E Level) and (7) Approve Amendments to Resolution No. 2008-138 relating to Unrepresented Management and (8) Authorize staff to continue working with all employee bargaining units on the PEHP and bring back to the Board any implementing participation agreements.

REVIEW BOARD ORDER – SEE PAGES 26 AND 27

HUMAN RESOURCES

120. Approve and effect the modifications and additions to the Merced County Human Resources Rules and Regulations Resolution 2007-22 regarding definitions of immediate family as noted in Section 2.F.2.a.-Sick Leave, and for the use of accumulated unused sick leave upon service retirement for Unrepresented Management as noted in Section 2.7-Sick Leave and adopt Resolution.

ADOPTED RESOLUTION NO. 2009-107 AS RECOMMENDED AYES: ALL

121. Add one Administrative Assistant-At Will (Variable Shift), Range 61.5 in Board of Supervisors, BU 10013 and adopt Resolution.

ADOPTED RESOLUTION NO. 2009-108 AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

122. Authorize Special Board Project Funds-District Three in the amount of \$500 to be forwarded to the UC Regents for the UC Merced Police Mentor Summer Program.

APPROVED AS RECOMMENDED AYES: ALL

123. Authorize Special Board Project Funds-District Three in the amount of \$4,550 to be forwarded to the Castle Air Museum Foundation for the installation of the 93rd Bomb Wing Shield and Memorial.

APPROVED AS RECOMMENDED AYES: ALL

124. Authorize Special Board Project Funds-District One in the amount of \$4,000 to be forwarded to the Merced County Sheriff Department to assist with the cost of a Resource Officer at Le Grand School.

APPROVED AS RECOMMENDED AYES: ALL

125. Authorize Special Board Project Funds-District Four in the amount of \$300 to be forwarded to Public Works to assist with the cost of installing "Share the Road" signs on G Grade in Merced.

APPROVED AS RECOMMENDED AYES: ALL

126. Authorize Special Board Project Funds-District Four in the amount of \$4,000 to be forwarded to Merced County Rescue Mission to assist with feeding the needy in the communities of Stevinson, Hilmar and Delhi.

APPROVED AS RECOMMENDED AYES: ALL

127. Authorize the Chairman to sign the NACo Credential ID Form on behalf of the Board authorizing CSAC President Gary Wyatt to pick up Merced County's Voting Credentials and, if the County is not represented, to vote the Merced County ballot at the NACo Annual Meeting to be held on July 24 - 28, 2009.

APPROVED AS RECOMMENDED AYES: ALL

128. Resolution opposing Proposition 1A Borrowing and urging the California Legislature and Governor to reject proposals that would shift billions of dollars of local revenue from Counties as part of the Budget solution.

ADOPTED RESOLUTION NO. 2009-109 AS RECOMMENDED AYES: ALL

129. Authorize Staff to explore establishing an Ad Hoc Housing Advisory Committee to be returned to the Board with recommendations and details regarding the roles and structure of an Ad Hoc Housing Advisory Committee.

REVIEW BOARD ORDER – SEE PAGE 27

130. Appoint the County Chamber of Commerce as the official representative of Merced County, to be responsible for Merced County's exhibit at the California State Fair for 2009 and ratify the Chairman's signature on the Counties Exhibit Entry Form.

REVIEW BOARD ORDER – SEE PAGE 27

BOARD APPOINTMENTS

131. Workforce Investment Board – Appointed Agustin Beltran until June 30, 2010 and James Wood Jr. until June 30, 2012, to serve as Representatives of the Labor Organizations.

APPROVED AS RECOMMENDED AYES: ALL

132. Advisory Board on Alcohol and Other Drug Problems – Appointed Su Briggs, representing District Two, until June 30, 2013.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED BOARD INFORMATION ON FILE EXCEPT ITEM NO. 147, WHICH WAS PULLED AND VOTED SEPARATELY AYES: ALL

133. State Fish and Game Commission re: Notice of Findings pertaining to Section 2075.5, Fish and Game Code, Peregrine Falcon warrants delisting from the endangered species status.
134. San Joaquin Valley Air Pollution Control District re: Notice of Public Meeting of the Climate Change Action Plan on June 30, 2009.
135. Stanislaus County Redevelopment Agency re: Redevelopment Plan - Crows Landing Air Facility Project Area.
136. State Fish and Game Commission re: Notice of Proposed Regulatory Action relative to Section 502, Title 14, California Code of Regulations, relating to waterfowl hunting.
137. State Fish and Game Commission re: Notice of proposed Regulatory Action relative to Section 122, Title 14, California Code of Regulations, relating to commercial lobster permits.
138. California Emergency Management Agency re: U.S. Department of Agriculture Secretarial disaster designation for the Primary County of Madera and the contiguous counties of Fresno, Mariposa, Merced, Mono, and Tuolumne due to agricultural losses caused by freeze that occurred March 9 to March 11, 2009.
139. California Emergency Management Agency re: U.S. Small Business Administration declared the Primary County of Madera and the contiguous counties of Fresno, Mariposa, Merced, Mono, and Tuolumne a disaster area due to agricultural losses caused by freeze that occurred on March 9 to March 11, 2009
140. State Water Resources Control Board re: Notice of Public Hearing on Proposed Revocation of Permits 19164 and 19165 on July 20, 2009.
141. State Water Resources Control Board re: Third Revised Notice of Public Staff Workshop and Cancellation of Potential Future Meetings commencing at 2 p.m. on June 19, 2009.
142. State Water Board and the Water-Energy Climate Action Team re: Climate Change Scoping Plan Implementation Workshop, Urban Water Reuse on June 17, 2009.

143. State Water Resources Control Board re: Notice of Proposed State Fiscal Year 2009-2010 Clean Water State Revolving Fund Project Priority List to be considered on September 15, 2009.
144. State Water Resources Control Board re: Notice of Public Hearing to determine whether to modify Part A of Order WR 2006-0006 which, in part, adopted a Cease and Desist Order against the Department of Water Resources and the U.S. Bureau of Reclamation.
145. State Office of Historic Preservation re: Merced Theatre Listing on the National Register of Historic Places, Notification that the property has been placed on the National Register of Historic Places (National Register) and is listed in the Calif. Register of Historical Resources.
146. State Water Resources Control Board re: Notice of Petitions for Temporary Change involving the transfer of up to 12,000 acre feet of water from the Placer County Water Agency and Sacramento Suburban Water District to the Dept. of Water Resources 2009 Drought Water Bank under Permits 13856 and 13858 (Applications 18085 & 18087).
147. California Dairy Campaign re: Request urging the Board to consider the adoption of a resolution to address the ongoing dairy crisis caused by low producer prices.

REVIEW BOARD ORDER – SEE PAGE 28

148. San Joaquin River Restoration Program re: Public Circulation of the Draft Environmental Assessment/Proposed Finding of No Significant Impact under NEPA and Notice of Availability and Intent to Adopt an Initial Study/Draft Mitigation Negative Declaration Under CEQA for the Water year 2010 Interim Flows Project, June 3, 2009.

**ADOPTED RESOLUTIONS IN MEMORY OF KIRK LINDSEY AND LONEUA WATERSON
AND ADJOURNED THE MEETING UNTIL TUESDAY, JULY 7, 2009 AT 10:00 A. M.**

BOARD ORDERS – SUMMARY ACTION MINUTES – JUNE 16, 2009

10:00 A.M. SCHEDULED ITEM **2009-06-16 PUBLIC OPPORTUNITY**

Les Paloscy (Los Banos), Library Advisory Commission, states during these difficult economic times, the services provided by the Library are of the utmost importance and requests the Board take this into consideration during budget discussions.

Kevin Abernathy (Delhi), Executive Director of the California Dairy Campaign and Delhi resident, and Scott Magneson (Cressey), owner of dairy in Ballico, speak regarding the dairy industry crisis and request the Board adopt the proposed resolution addressing the ongoing dairy crisis in California which is Board Information Item #147 on the Agenda.

Andrea Krebs, property owner on Bhupinder Sahota Avenue and Bhupinder Sahota Court, speaks in support of the road name change of Bhupinder Sahota Avenue to Sahota Avenue and Bhupinder Sahota Court to Sahota Court.

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

10:00 A.M. SCHEDULED ITEM **2009-06-16 PUBLIC WORKS – PUBLIC HEARING**

The time and date previously set for a public hearing to consider changing the name of Bhupinder Sahota Avenue to Sahota Avenue and Bhupinder Sahota Court to Sahota Court in the Franklin-Beachwood area submitted by Public Works.

The Chairman asks if there is anyone present wishing to speak.

Earlier in the meeting, Andrea Krebs, resident of subject area, spoke in favor of the road name changes.

The Chairman closes the public hearing.

Upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board changes the name of Bhupinder Sahota Avenue to Sahota Avenue and Bhupinder Sahota Court to Sahota Court, authorizes installation and maintenance of new road signs and adopts Resolution No. 2009-72.

Ayes: Kelsey, Pedrozo, Walsh, Nelson

Not Present: O'Banion

10:00 A.M. SCHEDULED ITEM
2009-06-16 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider Appeal of the Planning Commission approval of Minor Subdivision Application No. MS07-052 submitted by San Joaquin Raptor Rescue Center/Protect Our Water. Said Application submitted by Thomas and Joyce Stillman is to divide an 80 acre parcel into two parcels: Parcels 1 and 2 being 40 acres a piece on property located on the north side of Childs Avenue, approximately 750 feet east of Burchell Avenue in the Le Grand area.

The Clerk announces a Request for Continuance has been received from Duane Andrews, Golden Valley Engineering & Surveying, on behalf of Applicants Thomas and Joyce Stillman.

Development Services Director Robert Lewis states the Applicants and Planning staff will work together and the matter will go back to the Planning Commission after the Initial Study has been completed. In addition, a letter has been received from Marsha Burch on behalf of the appellants requesting a refund of fees that were paid by the Appellants.

The Chairman asks if there is anyone present wishing to speak. No one speaks.

The Board continues the matter to a date uncertain and directs staff to return to the Board with a recommendation regarding the refund of fees.
Present: Kelsey, Pedrozo, Walsh, Nelson, O'Banion

10:00 A.M. SCHEDULED ITEM
2009-06-16 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider Appeal of the Planning Commission approval of Minor Subdivision Application No. MS07-058 submitted by San Joaquin Raptor Rescue Center/Protect Our Water. Said Application submitted by Lawrence Cattle Company is to re-divide two existing parcels totaling 179.66 acres into six parcels: Parcels 1, 2 and 3 = 23.5 acres in size, Parcel 4 = 41 acres; Parcel 5 = 43 acres and Parcel 6 = 25.2 acres on property located on Deep Well Road, one mile south of Henry Miller Avenue in Los Banos.

Development Services Director Robert Lewis advises a Request for Continuance has been received from Larry Bowers, Bedesen-Cardoza-Associates, Inc. on behalf of Applicant Lawrence Cattle Company and states a letter has been received from Marsha Burch on behalf of the appellants requesting a refund of fees that were paid by the Appellants.

The Chairman asks if there is anyone present wishing to speak. No one speaks.

The Board continues the matter to a date uncertain and directs staff to return to the Board with a recommendation regarding the refund of fees.
Present: Kelsey, Pedrozo, Walsh, Nelson, O'Banion

1:30 P.M. SCHEDULED ITEM
2009-06-16 EXECUTIVE OFFICE – PROPOSED BUDGET

Assessor/Recorder Ken Christensen provides an overview of the 2009/2010 Assessment Roll and submits a letter dated June 16, 2009, and documents titled Secured and Unsecured Roll for Atwater City, Dos Palos City, Gustine City, Livingston City, Los Banos City, Merced City, Inside Incorporated Cities Outside Incorporated Cities for 2008 and 2009, 2009 Assessment Roll (Except State Assessed Utilities) Merced County (including all cities) and 2009 Assessment Roll (Except State Board of Equalization Assessed Utilities) Merced County (including all cities).

County Executive Officer Demitrios Tatum reviews the Staff Report and states for the last two years at least 159 positions have been held vacant, and among many other recommendations at Final Budget, staff will recommend these positions be eliminated.

Deputy County Executive Officer-Budget Scott DeMoss reviews the powerpoint presentation highlighting Budget Uncertainties, Financing Requirements, General Purpose Revenues, Available Fund Balance, Local Resources, Budget Summary, General Purpose Revenue Requirements and Options to Balance Final Budget.

The Chairman asks if there is anyone present wishing to speak. No one speaks.

The Chairman closes the public hearing.

The Board discusses the following issues: Ten Percent Overall Budget Reduction by County Departments, Policy for Oversight of Overtime, Budget Reduction Days, Change in Governance of Bus Service Transportation and the Landfill.

Mr. Tatum states staff will review all the issues and meet with the appropriate representatives and staff and will provide the Board with additional information for consideration at Final Budget.

Upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board takes the following actions relative to the Fiscal Year 2009/2010 Proposed Budget:

1. Adopts the Proposed Budget for Fiscal Year 2009/10 as an Operating Budget until the Board adopts a Final Budget.
2. Directs that no expenditures be made for any item requiring policy direction, as listed in the Proposed Budget, without specific Board authorization.
3. Requests the Clerk of the Board make available copies of the Fiscal Year 2009/10 Proposed Budget to all interested people and advertise the Final Budget Hearings to commence on August 18, 2009, at 1:30 p.m.
4. Schedule the Public Hearing on Proposition 4 Appropriation Limitation on August 18, 2009, at 1:30 p.m.

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

1:30 P.M. SCHEDULED ITEM

2009-06-16 EXECUTIVE OFFICE – PROPOSED BUDGET - TRAVEL POLICY

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board approves the Out-of-State Transportation and/or Training for Fiscal Year 2009/2010 as follows: BU 28100, 2 Staff Attend Masters-Continuing Education Conference-Forensic Death in St. Louis, Missouri with an estimated County Cost of \$2,136; BU 60000, 1 Staff Attend Association of Small and Rural Libraries Conference in Gatlinburg, Tennessee with no cost to the County; BU 75200, 1 Staff attend Airport Regulatory Board Meeting in Reno, Nevada with no County Cost and 1 staff attend Airport Regulatory Board Meeting in San Antonio Texas with no County Cost and directs that no Out-of-County Overnight or Out-of-State Travel take place unless authorized by the County Executive Officer, or designee.

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

1:30 P.M. SCHEDULED ITEM

2009-06-16 EXECUTIVE OFFICE – PROPOSED BUDGET

The Clerk announces the contract with Merced County Economic Development Corporation (MCEDCO) is before the Board for consideration.

Commerce, Aviation and Economic Development Director Mark Hendrickson provides information on services provided by MCEDCO, reviews the two Options provided in the Staff Report and advises if the contract is approved there would be a duplication of services which will result to a reduction-in-force in the Commerce, Aviation and Economic Development Department.

The Board discusses the options in the Staff Report and past services provided by MCEDCO.

Following further discussion Supervisor O'Banion moves, seconded by Supervisor Walsh, the Board continue the matter to allow staff time to gather additional information and return to the Board prior to Final Budget Hearings.

Supervisor Nelson states he cannot support the motion due to the lack of policy or discussions on how or if the General Fund will be utilized to save jobs.

Supervisor O'Banion withdraws the Motion stating the motion did not include employees being eliminated.

Upon motion of Supervisor Nelson, seconded by Supervisor O'Banion, duly carried, the Board postpones the matter until Final Budget Hearings and directs the issues discussed be brought back to the Board as a whole package.

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

1:30 P.M. SCHEDULED ITEM

2009-06-16 EXECUTIVE OFFICE – PROPOSED BUDGET - HEALTH

The Clerk announces the Indigent Health Care Program Funding is before the Board for consideration.

Public Health Director John Volanti reviews the Staff Report and the options before the Board.

Supervisor Nelson questions where the Medical Assistance Program patients currently receive care and if the program is eliminated, where will care be provided.

Mr. Volanti responds stating current MAP patients receive care at Catholic Healthcare West outpatient services or inpatient services. He states when the Hospital cannot provide the services, the patients can receive care at a specialist's office or other locations outside the County. If the MAP Program is eliminated, the patients can still receive care but the County will no longer pay for those services and the hospital would be required to pay.

Following further discussion Supervisor Nelson moves, seconded by Supervisor O'Banion, the Board authorize the Public Health Director to eliminate benefits to match Medi-Cal Optional Benefits, raise co-pays for Emergency Room visits, eliminate retroactive emergency room coverage for non-MAP patients, establish co-pays for Outpatient visits, make the necessary preparations for conducting Beilenson Hearings and direct staff to reduce income eligibility for MAP from 200% of the Federal Poverty Level (FPL) to 100% of FPL which would eliminate approximately 400 patients per year and would save the program an additional \$300,000 per year.

Following discussion, The Chairman calls for a vote on the Motion.

Supervisor Walsh votes "no", stating he would like staff to provide additional alternatives.

Motion carries.

Ayes: Kelsey, Pedrozo, Nelson, O'Banion

Noes: Walsh

CONSENT NO. 18

2009-06-16 HUMAN SERVICES AGENCY

The Clerk announces the contract with Public Works for Reduced Cost Transportation Program from Human Services Agency is before the Board for consideration.

Human Services Agency Director Ana Pagan advises the cost for the Reduced Cost Transportation Program to provide bus passes for seniors is funded from the County's General Fund and not subvented.

Supervisor Walsh states the Board may want to reconsider this matter when considering budget scenarios.

Upon motion of Supervisor Pedrozo, seconded by Supervisor O'Banion, duly carried, the Board approves and authorizes the Chairman to sign Renewal Contract No. 2005128 with Public Works for the Reduced Cost Transportation Program for bus passes for seniors.

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

CONSENT NO. 35

2009-06-16 AG. COMMISSION

The Clerk announces the contract with Calif. Dept. of Pesticide Regulation from the Ag. Commission is before the Board for consideration.

Ag. Commissioner Dave Robinson explains the different methods in which Pesticide Use Reports can be provided to the Agricultural Commissioner.

Upon motion of Supervisor Pedrozo, seconded by Supervisor O'Banion, duly carried, the Board approves and authorizes the Chairman to sign Renewal Contract No. 2008335 with the California Department of Pesticide Regulation for Electronic Pesticide Use Reporting Services and adopts Resolution No. 2009-93.

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

CONSENT NO. 59

2009-06-16 PLANNING

The Clerk announces Manroop Purewal submitted a Request for Continuance of the Appeal of Minor Subdivision Application No. MS08-010; therefore, the matter of setting the public hearing will be held in abeyance.

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

CONSENT NO. 76

2009-06-16 BOARD OF SUPERVISORS

Upon motion of Supervisor Pedrozo, seconded by Supervisor Nelson, duly carried, the Board authorizes Certificates of Recognition to the following for their contributions to the community as Senior Volunteers: Atwater AARP 2194-Barbara Medeiros and Alfred Medeiros, Atwater Senior Social Club-Ray Wright and Maria Wright, Circle of Love-Marilyn Strohmeier and Peggy Stanfill, Delhi Seniors Club-Joan McCurdy and Clyde Cole, Dos Palos Senior Citizens Club-Mildred Gillian and Billie Jordan, Hilmar Seniors Club-Ruth Stiles and Betty Warren, Kiwanis Club-Cecilia McKenzie, Los Banos Golden Age Club-Benny Gamino and Dorothy Gamino, Merced AARP #282-Walter Lopez and Kathleen D. Wollen, Merced Senior Citizen's Inc.-Mae Cotton and Orrie L. Taylor, Merced Senior Social Club-John Fisher and Loyd Demaree, Merced-Mariposa Retired Teacher's Association-Arthur Villarruz, Winton Senior Social Club-Josephine Trindade and Larry Pacheco.

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

ACTION NO. 86

2009-06-16 PUBLIC WORKS

The Clerk announces the contract with Williams + Paddon Architects for Hospital Re-Use Study from Public Works is before the Board for consideration.

Supervisor Walsh questions the Scope of Work and if additional information and utilizations might be forthcoming from the Board or community.

Public Works Director Paul Fillebrown states the Scope of Work is a starting point for the consultant to provide a fee for services and information may change by the Study completion.

Upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2009032 with Williams + Paddon Architects for Hospital Re-Use Study not to exceed \$325,000.

Ayes: Kelsey, Pedrozo, Walsh, Nelson

Not Present: O'Banion

ACTION ITEM NO. 98 and 99

2009-06-16 HUMAN SERVICES AGENCY

The Clerk announces contracts with Community Action Board for Home Delivered Meals Program and Congregate Meals Program from Mental Health Department are before the Board for consideration.

Several Board members state concerns with these contracts when there is so much uncertainty due to the economic times and further discuss the County Match impact upon the General Fund and suggests Staff work with federal agencies to see if costs can be brought down.

County Executive Officer Demitrios Tatum states there is a non-funding outclause in the contracts should funding not be available for these programs and prior to Final Budget Hearings, staff will be exploring all options.

Upon motion of Supervisor O'Banion, seconded by Supervisor Walsh, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2004188 with Community Action Board for Home Delivered Meals Program and approves the budget transfer-\$1,034 and Contract No. 2004189 for Congregate Meal Program and approves the budget transfers-\$11,034 and \$19,724.

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

ACTION ITEM NO. 105

2009-06-16 DEPT. OF WORKFORCE INVESTMENT

The Clerk announces the contract with Merced College from Dept. of Workforce Investment is before the Board for consideration.

Workforce Investment Director Andrea Baker states Transportation Costs listed on Exhibit B of the Contract should reflect \$331.00.

Upon motion of Supervisor Walsh, seconded by Supervisor Pedrozo, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2009150 with Merced College for Thrive and Survive Workshops.

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

ACTION ITEM NO. 115

2009-06-16 HEALTH

The Clerk announces the Health Care Operating Agreement with Catholic Healthcare West (CHW) from the Health Department is before the Board for consideration after being held over from the morning Board session.

Public Health Director John Volanti reviews the Staff Report and states due to the Board's action regarding the reduction in people eligible for the Medical Assistance Program, he recommends staff go back and discuss the matter of future year payments with CHW and recommends the Board authorize payment of \$187,951 for previous years and \$242,000 for 2008-09.

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board authorizes the Public Health Director to negotiate a Side Letter and/or Agreement with CHW to authorize payment of \$187,951 to cover "net unexpended funds" for Fiscal Year 2007/08 and all prior years and payment of an amount equal to 22% of Health Realignment, \$242,692, for health care services provided under the current contract during Fiscal Year 2008/09 not to exceed a total payment of \$430,643; approves the budget transfer-\$430,643 and directs staff to re-open discussions with CHW to address issues of future funding for Indigent Health Care in light of declining revenues to support the program and return to the Board with additional amendments as may be required.

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

Following discussion, Supervisor O'Banion states the Auditor and Counsel and any individuals that were involved in 1990 hospital negotiations should participate in future negotiations with CHW.

Mr. Volanti advises Public Health Deputy Director Tammy Moss and Assistant County Counsel Fernanda Saude also participated in the negotiations with CHW.

The Chairman states Supervisor O'Banion should also participate in the future contract negotiation discussions with CHW due to his prior hospital negotiations experience.

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

ACTION ITEM NO. 116

2009-06-16 TREASURER

The Clerk announces the temporary borrowing of funds through issuance of 2009 Tax and Revenue Anticipation Notes in the name of the Dos Palos Oro Lomas Joint Unified School District from the Treasurer/Tax Collector/County Clerk is before the Board for consideration.

Supervisor Walsh questions the risk and costs associated with the issuance of the Notes.

Treasurer/Tax Collector/County Clerk Karen Adams states Merced County is the lead for the issuance of bonds to meet the cash flow needs of the Dos Palos Oro Lomas Joint Unified School District who will pay the money back within 13 months and if the District were to default, Merced County would take an active role as lead agency to make sure the County would be made whole.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board authorizes providing for the temporary borrowing of funds through the issuance of 2009 Tax and Revenue Anticipation Notes in the name of the Dos Palos Oro Lomas Joint Unified School District not to exceed \$3 million and adopts Resolution No. 2009-103.

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

ACTION ITEM NO. 117

2009-06-16 TREASURER

The Clerk announces a personnel action in the Revenue and Reimbursement Office from the Treasurer/Tax Collector/County Clerk is before the Board for consideration.

Human Resources Director Robert Morris advises there was a discrepancy on the salary resolution and the resolution has been changed to reflect the correct salary range and salary.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board authorizes changing one Legal Clerk I/II to Collection Agent I/II/III, from Range 58.9/60.9 to Range 62.0/64.0/66.0 and adopts Resolution No. 2009-104.

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

ACTION ITEM NO. 119

2009-06-16 EXECUTIVE OFFICE

The Clerk announces the Nationwide Retirement Systems Post Employment Health Plans (PEHP) from Executive Office are before the Board for consideration.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Nelson, duly carried, the Board takes the following action: (1) Adopts Resolution authorizing Nationwide Retirement Solution (NRS) Post Employment Health Plan (PEHP) for all eligible employees and authorizes the Chairman and/or County Executive Officer, with concurrence of Counsel, to execute any and all necessary implementing documents; approves and authorizes the Chairman to sign the following Employer Participation Contracts with Nationwide Retirement Systems for PEHP, which includes Declarations of Trust and appointments of Trustee for the PEHP for the following Management Groups (2) Contract No. 2009135 for Department Head Managers (A Level); (3) Contract No. 2009136 for Assistant Department Head Managers (B Level); (4) Contract No. 2009137 for Middle Managers (C Level);(5) Contract No. 2009138 for Supervisory Managers (D Level); (6) Contract No. 2009139 for Confidential Managers (E Level); (7) authorizes staff to continue working with all employee bargaining units on the PEHP and bring back to the Board any implementing participation agreements; (8) authorize amending Resolution No. 2008-138 (Unrepresented Management) and adopts Resolution No. 2009-105 (PHEP) and 2009-106 (Amendments to Unrepresented Management).

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

ACTION ITEM NO. 129
2009-06-16 BOARD OF SUPERVISORS

The Clerk announces the establishment of an Ad Hoc Housing Advisory Committee from Supervisor Kelsey is before the Board.

Supervisor Kelsey briefly reviews the staff report and advises authorizing staff to explore the establishment of the Committee will provide Merced County with advice on the best housing program to get involved in.

Following discussion and upon motion of Supervisor Pedrozo, seconded by Supervisor O'Banion, duly carried, the Board authorizes Staff to explore establishing an Ad Hoc Housing Advisory Committee and directs Staff to return to the Board with recommendations and further details regarding the roles and structure of the Ad Hoc Housing Advisory Committee.

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

ACTION ITEM NO. 130
2009-06-16 BOARD OF SUPERVISORS

The Clerk announces the 2009 State Fair Exhibit is before the Board for consideration.

Supervisor Walsh recuses himself advising he serves on the County Chamber Board of Directors and leaves the Board Chambers.

Upon motion of Supervisor Pedrozo, seconded by Supervisor O'Banion, duly carried, the Board appoints the Merced County Chamber of Commerce as the official representative of Merced County to be responsible for Merced County's Exhibit at the California State Fair for 2009 and ratifies the Chairman's signature on the County's Exhibit Entry Form.

Ayes: Kelsey, Pedrozo, Nelson, O'Banion

Abstain: Walsh

INFORMATION ITEM NO. 147

2009-06-16 BOARD OF SUPERVISORS

The Clerk advises Board Information Item No. 147, correspondence from the California Dairy Campaign, has been pulled from Board Information to be discussed and acted on separately.

During Public Opportunity, Kevin Abernathy (Delhi), Executive Director of the California Dairy Campaign and Delhi resident, and Scott Magneson (Cressey) owner of dairy in Ballico, speak regarding the dairy industry crisis and request the Board adopt the proposed resolution addressing the ongoing dairy crisis in California.

Following discussion and upon motion of Supervisor Pedrozo, seconded by Supervisor O'Banion, duly carried, the Board goes on record encouraging the President, Congress and the United States Department of Agriculture to acknowledge the importance of the dairy industry nationwide as well as the unique aspects of the dairy industry region-by-region through updating the federal dairy product price support program to reflect today's cost of production, implementing fair tariffs on unregulated imported dairy solids, mandating greater market transparency and establishing a milk inventory management program as recommended by the California Dairy Campaign and adopts Resolution No. 2009-110.

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