STRIVING FOR EXCELLENCE

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, NOVEMBER 10, 2009

Closed Session – 9:00 a.m.
Regular Meeting – 10:00 a.m.

MERCED COUNTY
ADMINISTRATION BUILDING
2222 "M" STREET
BOARD ROOM, THIRD FLOOR
MERCED, CALIFORNIA 95340
(209) 385-7366

JOHN PEDROZO…..DISTRICT 1
HUBERT "HUB" WALSH, JR…..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

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The Agenda is divided into three sections:
CONSENT CALENDAR – These matters include routine financial and administrative actions and are approved by a single majority vote.
SCHEDULED ITEMS – These items are noticed hearings, work sessions and public hearings.
REGULAR CALENDAR – These items include significant policy and administration actions. Immediately after approval of the CONSENT CALENDAR, if the time of the hearing of SCHEDULED ITEMS has not arrived, the REGULAR CALENDAR will be considered.

SCHEDULED ITEMS

9:00 A. M. **THE PUBLIC IS INVITED TO SPEAK ON ANY MATTER ON THE AGENDA - TESTIMONY IS LIMITED TO FIVE MINUTES PER PERSON**

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION: It is the intention of the Board to meet in Closed Session concerning significant exposure to litigation pursuant to Government Code Section 54956(b): Two Cases

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: It is the intention of the Board to meet in Closed Session concerning Anticipated Litigation pursuant to Government Code Section 54956.9(b): One Case

THE BOARD RECESSED AT 9:00 A.M. AND RECONVENES AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED DIRECTION WAS PROVIDED TO STAFF

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)

PRESENTATION
Merced County Office of Education: Williams Settlement Report presented by Cindy Heaton, Director of District and School Services
REVIEW BOARD ORDER – SEE PAGE 8

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) District Attorney - $36,225
APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 14)
APPROVED AS RECOMMENDED AYES: ALL

10:00 A.M. **PLANNING - FIRST READING - PUBLIC HEARING - PROPOSED ORDINANCE, SET SECOND READING AND POSSIBLE ADOPTION FOR DECEMBER 1, 2009 AT 10:00 A.M.**

To consider proposed Ordinance, An Ordinance amending "Noise Control" by defining "Off Highway Vehicles" and other provisions related thereto (Amends Merced County Code Chapter 10.60)

RECOMMENDATION: Set Second Reading for December 1, 2009 at 10:00 a.m. to consider Proposed Ordinance for possible adoption

REVIEW BOARD ORDER – SEE PAGE 8

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

11:00 A. M.	UC Merced Solar Array Dedication Solar Array Site, University of California, Merced, 5200 North Lake Road, Merced

1:30 P. M. **JOINT STUDY SESSION WITH BOARD OF SUPERVISORS AND PLANNING COMMISSION** - Merced County General Plan Update Revised Growth Alternatives

REVIEW BOARD ORDER – SEE PAGE 8 - 10

CONSENT CALENDAR (Items #1 - 14)

APPROVED AS RECOMMENDED AYES: ALL

Ag. Commissioner

1. Approve and authorize the Chairman to sign Renewal Contract No. 2009080 with County of Glenn for Permit Database Programming Services.

Probation

2. Approve and authorize the Chairman to sign Renewal Contract No. 2004307 with Merced County Office of Education for reimbursement of 1.5 FTE Deputy Probation Officer.

Planning

3. Set public hearing for December 1, 2009 at 10:00 a.m. to consider the Appeal of the Planning Commission approval of Minor Subdivision Application No. MS07-030 (William Morris) received by San Joaquin Raptor Rescue Center and Protect Our Water.

Health

4. Approve and authorize the Chairman to sign Amendment to Contract No. 2008163 with State Water Resources Control Board for amendment to the Aboveground Petroleum Storage Act Program Grant and adopt Resolution.

   ADOPTED RESOLUTION NO. 2009-231

Dept. of Workforce Investment

5. Approve and authorize the Chairman to sign Amendment to Contract No. 2009222 with State EDD modifying the Workforce Investment Act Subgrant adding $277,964 of WIA Adult Funding and $530,267 of Dislocated Worker Funding and Rapid Response Funding.

Human Services Agency

6. Approve and authorize Chairman to sign Amendment to Contract with Mental Health for Mental Health and Substance Abuse Services.

REVIEW BOARD ORDER – SEE PAGE 10 and 11

7. Approve and authorize the Chairman to sign Renewal Contract No. 2006315 with Larry Wolfsen for space located at 625 J Street, Los Banos, CA.

PULLED FROM THE AGENDA – NO ACTION IS TAKEN

Assessor-Recorder

8. Set public hearing for December 1, 2009 at 10:00 a.m. to consider Proposed Ordinance Amending Recorder's Fee Schedule (Amends Ordinance No. 1834 and Code Chapter 5.36).

Auditor-Controller

9. Set public hearing for December 1, 2009 at 10:00 a.m. to consider the Citizens Option for Public Safety (COPS) Program funds for the District Attorney and Sheriff pursuant to GC Code Section 30061(c)(1).

Executive Office

10. Approve Budget Transfers submitted by Commerce, Aviation and Economic Development-$39,276 and Sheriff-$9,500 as recommended by Executive Office.

Board of Supervisors

11. Accept Board Travel Report Summaries in compliance with Government Code Section 53232.3(d).
12. Approve Minutes of July 7 and 21, 2009 as submitted.

Board Recognition

13. Authorize Certificates of Recognition to individuals selected by Merced County Office of Education as 2009 Teacher of the Year as follows: Laura Austin, Career and Alternative Education Department; Kimberly Ball, Dos Palos-Oro Loma Joint Unified; Nickola Boyd, Los Banos Unified School District; Kyle Clinton, Merced Union High School District; Carol Kunnen, Delhi Unified School District; Candace Mucci, Special Education Department; Susan Neu, Livingston Union School District; Kristina Price, Early Care and Education; and Cheryl Rowton, Gustine Unified School District.
14. Authorize Certificates of Recognition to individuals selected as 2009 HOPe Pillar of the Community Honorees.

REVIEW BOARD ORDER – SEE PAGE 11

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

15. Contract with Siemens Building Technologies, Inc. with a not-to-exceed amount of $25,000 to prepare stimulus funding grant applications for the State Energy Program and the Energy Efficiency Conservation Block Grant Program for energy efficiency projects and authorize Public Works to submit the Grant Applications to be returned to the Board for acceptance if awarded and approve the necessary budget transfer$25,000. (4/5 Vote Required)

    AUTHORIZED CONTRACT NO. 2009305 AS RECOMMENDED AYES: ALL

16. Approve plans and specifications for the Martin Luther King Jr. Way Site Soil Remediation System Construction; authorize advertisement of bids and conduct public bid opening; authorize Public Works Director to award contract to lowest responsible bidder as long as said bid is within the project budget with department to return to the Board with results of action.

    AUTHORIZED CONTRACT NO. 2009305 AS RECOMMENDED AYES: ALL

MENTAL HEALTH

17. Contract with Challenged Family Resource Center for Family Advocacy Services and approve the necessary budget transfer-$36,500.

    AUTHORIZED CONTRACT NO. 2009315 AS RECOMMENDED AYES: ALL

18. Add one Mental Health Clinician I/II, one Accounting Technician and one Program Assistant to BU 41522; adopt Resolution and approve the necessary budget transfer. (4/5 Vote Required)

    REVIEW BOARD ORDER – SEE PAGE 12

HEALTH

19. Contract with HerSchy Environmental Inc. to provide Environmental Assessment and Clean Up Services for the Underground Storage Tanks located on Sycamore Avenue in Atwater, CA.

    AUTHORIZED CONTRACT NO. 2009316 AS RECOMMENDED AYES: ALL

20. Contract with Moore Twining Associates, Inc. to provide Environmental Assessment and Clean Up Services for the Underground Storage Tanks located on 715 Atwater Blvd., Atwater in an amount not to exceed $101,778.15.

    AUTHORIZED CONTRACT NO. 2009317 AS RECOMMENDED AYES: ALL

21. Contract with Moore Twining Associates, Inc. to provide Environmental Assessment and Clean Up Services for the Underground Storage Tanks located on 8024 Azusa Road, Dos Palos in an amount not to exceed $43,363.15.

    AUTHORIZED CONTRACT NO. 2009318 AS RECOMMENDED AYES: ALL

22. Contract with Golden Valley Health Centers to provide Immunization Services and Outreach to Children 0-5 not to exceed $100,000 and approve the necessary budget transfer-$100,000. (4/5 Vote Required)

    AUTHORIZED CONTRACT NO. 2009319 AS RECOMMENDED AYES: ALL

23. Contract with State Dept. of Public Health for TB Control and Prevention Services Grant Funds for FY 2009-10 and approve the necessary budget transfer-$5,000. (4/5 Vote

Required)

AUTHORIZED CONTRACT NO. 2009320 AS RECOMMENDED AYES: ALL

DEPT. OF ADMIN. SERVICES

24. Declare Miscellaneous Office Furniture, Office Equipment, Trucks, Heavy Equipment and Miscellaneous Supplies identified in Exhibit A as Surplus Property and authorize its disposal and authorize Public Surplus, Inc. to conduct an Internet Auction.

    APPROVED AS RECOMMENDED AYES: ALL

25. PULLED

PLANNING

26. Authorize release of Request for Proposal for a Community Plan Environmental Consultant to prepare EIRs for three Community Plan Updates for the existing Communities of Winton, Le Grand and Franklin/Beachwood and direct Staff to return to the Board for final approval of contract and award.

    APPROVED AS RECOMMENDED AYES: ALL

27. Contract with Self-Help Enterprises for administration of the Community Development Block Grant, (CDBG), Home Investment Partnerships (HOME) and Neighborhood Stabilization Program (NSP) Affordable Housing Grant Programs and approve the necessary budget transfer-$49,520. (4/5 Vote Required)

    AUTHORIZED CONTRACT NO. 2009301 AS RECOMMENDED AYES: ALL

28. Contract with Planning Partners for preparation of Environmental Documents and Permit Processing for the Michael Brasil Dairy Expansion.

    AUTHORIZED CONTRACT NO. 2009302 AS RECOMMENDED AYES: ALL

29. Contract with Michael Brasil for the reimbursement of Consultant Costs for Initial Steps in preparation of a Supplemental EIR for CUP07-004 (Brasil Dairy Project).

    AUTHORIZED CONTRACT NO. 2009303 AS RECOMMENDED AYES: ALL

SHERIFF

30. Accept the donation of an UH-1H Bell Helicopter from the California Emergency Management Agency under the Calif. Public Safety Procurement Program and approve the necessary budget transfer. (4/5 Vote Required)

    REVIEW BOARD ORDER – SEE PAGE 12

COUNTY CLERK-REGISTRAR OF VOTERS

31. Authorize issuance of Commitment Letter to the Secretary of State and negotiation of Contract for Help American Vote (HAVA) reimbursement of all migration costs and return the final contract to the Board for approval; authorize negotiation of contract with DFM Associates for the EIMS Election Management System and return the final contract to the Board for approval and adopt Resolution to accept HAVA funding.

    REVIEW BOARD ORDER – SEE PAGE 12 and 13

EXECUTIVE OFFICE

32. Contract with Gould and Lamb for the State Children's Health Insurance Program (SCHIP) Medicare Reporting Service for Liability and Workers Compensation Claims.
    AUTHORIZED CONTRACT NO. 2009320 AS RECOMMENDED AYES: ALL

33. Authorize Request for Proposal for Third Party Workers' Compensation Claims Administration Services.
    APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

34. Commerce, Aviation and Economic Development re: Contract with Merced Pest Control for Building #54 (approximately 4,575 sq ft) for lease of a portion of the building for administrative space at Castle Commerce Center.
    CONTRACT NO. 2009321

35. Caltrans re: Notice of CTC Relinquishment Resolution R3745 recorded on October 28, 2009, Document No. 2009-051781 recorded which is the last act that transfers, in addition to all obligations, all of the State of California's rights, title and interests in and to the portions of those collateral facilities located in the County of Merced, along Route 99, from 0.3 miles easterly of Arena Way to the City of Livingston city limits and all rights, title and interests now vest in the County of Merced per Section 73 of the Streets and Highways Code.

36. CSAC re: Challenge Awards Directory, 2009. (On file with Clerk)

37. State Water Resources Control Board re: Notice of Public Hearing - West Side Irrigation District, Old River in San Joaquin County, Proposed Partial Revocation of License 1381 (Application 301).

38. State Water Resources Control Board re: Revised Notice of Public Hearing - Proposed Regulation that provides an Interim Variance from Specific Independent Testing and Approval Requirements for Underground Storage Tank (UST) Systems Storing Certain Biodiesel Blends.

39. State Water Resources Control Board re: Notice of Proposed Re-adoption of Emergency Regulation - an Interim Variance for Underground Storage Tank Systems Storing Certain Biodiesel Blends from Third-Party Material Compatibility Testing and Approval Requirements.

40. State Fish and Game Commission re: Notice of Findings regarding the American Pika (Ochotona Princeps) which will be published in the Calif. Regulatory Notice Register.

ADOPTED RESOLUTION IN MEMORY OF PFC. LUKAS C. HOPPER AND ADJOURNED MEETING UNTIL TUESDAY, DECEMBER 1, 2009 AT 10:00 A.M.

10:00 A.M. SCHEDULED ITEM
2009-11-10 PRESENTATION

Director of District and School Services Cindy Heaton on behalf of the Merced County Office of Education, appears before the Board to present the Annual Report for FY 2009-2010 as required by Education Code Section 1240(c)(2)(B) pursuant to the Williams Settlement. Ms. Heaton reviews the Report and Findings of visits and reviews of schools at the following districts within Merced County: Atwater, Delhi, Dos Palos, Gustine, Hilmar, Le Grand Elementary, Le Grand High, Los Banos, Merced City, Planada and Winton.
Present: Kelsey, Pedrozo, Walsh, Nelson, O'Banion

10:00 A.M. SCHEDULED ITEM
2009-11-10 PLANNING – PUBLIC HEARING – FIRST READING

The time and date previously set for a public hearing to consider a Proposed Ordinance: An Ordinance Amending "Noise Control" by defining "Off Highway Vehicles" and other provisions related thereto (Amends Ordinance No. 1726 and Merced County Code Chapter 10.60).

Code Compliance Manager Jeff Wilson reviews the powerpoint.

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

The Chairman closes the public hearing.

Following discussion and upon motion of Supervisor Pedrozo, seconded by Supervisor Walsh, duly carried, the Board waives further reading of proposed ordinance and sets Second Reading and possible adoption for December 1, 2009 at 10:00 a.m.
Ayes: Kelsey, Pedrozo, Walsh, Nelson, O'Banion

1:30 P.M. SCHEDULED ITEM
2009-11-10 PLANNING – JOINT STUDY SESSION

The time and date previously set for a Joint Study Session with the Planning Commission concerning the Merced County General Plan Update and Revised Growth Alternatives.

Board Chairman Kelsey calls the meeting to order.

The Clerk takes Roll Call for the Board of Supervisors Members: Board Members present are Supervisors Kelsey, Pedrozo, Walsh, Nelson and O'Banion.

Assistant Planning Director Bill Nicholson takes Roll Call for the Planning Commissioners and Commissioners present are Commissioners Buendia, Tanner, Mobley, Lashbrook and Erreca.

Development Services Director Robert Lewis states the General Plan Update Study Session will be a review and discussion of Alternatives D and E and introduces Water Consultant Dave Richard, Nolte Associates, Inc. to review the report.

Mr. Richard briefly reviews the powerpoint titled Revised Alternatives Report in absence of Jim Harnish and covers Project Status, Revised Alternatives Reports, and Alternatives D and E.

Jim Harnish, Mintier Harnish, arrives and continues with review of the powerpoint presentation and covers Questions and Answers, Preferred Alternative Selection, and Next Steps. For the record, a correction is noted on page 23 of report; Alternative E, first paragraph percentages of 355 and 24% are transposed.

The Board recesses at 2:46 p.m. with all members present and reconvenes at 3:00 p.m. with all members present.

The Chairman asks if there is anyone from the public wishing to speak.

Jean Okuye, Valley Land Alliance, states she submitted a letter and requests that the Board not make a decision today.

Tom Graves, Merced Alliance for Responsible Growth, addresses the Board and states that he favors Alternative E.

Richard Hariman, Modesto Attorney, states he is very supportive of ag and states he is pleased that the General Plan is Open-Space focused and discusses the importance of mandatory duties to provide open space, AB 232 legislation, and negative impacts on ag.

William Miller, Project Manager of Villages of Laguna San Luis, speaks on his belief that Alternative D is the best choice and provides a direct fiscal benefit, provides growth and development on the West Side to balance the East Side and provides resolution of issues and growth for the next 20 years.

Richard Jantz comments that balanced growth, retail and residential, is important and requests the Board keep different scenarios in mind.

John Myer speaks on demographics and new banks in Merced area that focus on ag.

James Bates, landowner in Villages, states he believes Alternative E is the most appealing and based on density assumptions, but would support Alternative D so that growth can be determined.

The Chairman closes public comment period.

Supervisor Nelson addresses Mr. Harnish regarding accuracy of numbers represented in the Alternatives Report. Mr. Harnish states that the numbers are roughly accurate based on models and are relative comparisons.

Supervisor O'Banion states the majority of Alternative D includes new towns, questions the number of productive ag land stating as long as we have growth, there is an impact on ag. He comments on Alternative E being identified as less impact on ag, but that is not the case. Supervisor O'Banion states he believes Alternative D is best and discusses the idea of a process where each Board member would be provided with a form to fill out and would discuss results with Planning Commission.

Commissioner Lashbrook requests clarification on Alternative D and asks if Alternative D would mean no new towns could be created.

Mr. Harnish states that the new town policy is not going away but could make development of new towns more difficult.

Supervisor Pedrozo comments on the water situation in Planada and Le Grand stating that when the park is watered, the water pressure in every household is affected.

Commissioner Tanner discusses the economy and its impact on the developers.

The Chairman requests the policy scenarios be summarized with water information.

Supervisor O'Banion emphasizes that zero population growth is not feasible and a solution is needed. He requests the consultants relook at the calculations and figures in the report.

Commissioner Mobley states that ag land is our hub and more efficient use of water is needed.

Following further discussion, Mr. Harnish states that a revised Summary of Alternatives D and E, which compares the two revised alternatives, including water study conclusions will be provided before Thanksgiving and the water report will be provided by November 11, 2009.

No further action is taken.
Present: Kelsey, Pedrozo, Walsh, Nelson, O'Banion

CONSENT ITEM NO. 6
2009-11-10 HUMAN SERVICES AGENCY

The Clerk announces the Contract with Mental Health that is before the Board needs a clarification for the record and the Agenda does not reflect the budget transfer approval; however, the Board Agenda Item is correct as submitted and includes all actions.

Upon motion of Supervisor O'Banion, seconded by supervisor Pedrozo, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2009099 with Mental Health for Mental Health and Substance Abuse Services and approves the necessary budget transfer in the amount of $182,566. (4/5 Vote Required)
Ayes: Kelsey, Pedrozo, Walsh, Nelson, O'Banion

CONSENT ITEM NO. 14
2009-11-10 BOARD OF SUPERVISORS

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board authorizes Certificates of Recognition to individuals selected as 2009 HOP*e* Pillar of the Community Honorees as follows: Gloria Sandoval, High School Youth Counselor/Youth Health; Maryam S. Chew, Christian Schools Donor & Supporter; Patty Little, Pastoral & Needy Family Emergency Housing; Leteesha Scott, Images & Visions for Young Girls/Teens; Annette White, Youth Mentor Church & Young Black Girls; Deeann Ruelas, Volunteer/Laborer at Large Hispanic Community; John Pedrozo, Government Advocate Youth Merced; Lamar Henderson, Human Services Agency-All Dads Matter Project; Marilyn Silva, Retired-Beloved English High School Teacher/Mentor; Pastor Rodrick Cochran, New Pastor/Merced, Faith & Family Values; Dr. Herb Opalek, Rescue Mission/Homeless/Drug & Substance Abuse; Frank "Flip" Hassett, United Way of Merced/Faithful Stakeholder; Mother Ernestine Woods, HF Youth Founding Committee & 75th Birthday Honors; Michelle Allison, NAACP Past President & Performing Arts; Chris Tafoya, Hispanic Chamber/Past President/Community at Large; Chief Norm Andrade, Merced Chief of Police/Community VIP–Young Gang & Crime Prevention/Intervention; Kathy Fowler, Healthy Community Merced Food Bank; Phyllis Legg, Healthy Community Dos Palos Food Bank; and Dr. Kelly Bentz, MUHSD/Character Counts & Child, Welfare & Safety Issues.
Ayes: Kelsey, Pedrozo, Walsh, Nelson, O'Banion

ACTION ITEM NO. 18
2009-11-10 MENTAL HEALTH

The Clerk announces the CalWorks Program Impacts on the Mental Health Department is before the Board for consideration.

Supervisor Pedrozo confirms with the Mental Health Director Manuel Jimenez that people who are being hired are those people who were laid off.

Upon motion of Supervisor Pedrozo, seconded by Supervisor O'Banion, duly carried, the Board adds one Mental Health Clinician I/II, one Accounting Technician, and one Program Assistant to BU 41522; approves the necessary budget transfer in the amount of $182,565 reallocating restored CalWorks Funding; and adopts Resolution No. 2009-232. (4/5 Vote Required)
Ayes: Kelsey, Pedrozo, Walsh, Nelson, O'Banion

ACTION ITEM NO. 30
2009-11-10 SHERIFF

The Clerk announces the Sheriff Helicopter donation is before the Board for consideration.

Supervisor Walsh requests information regarding funding for upkeep of the UH-1H Bell Helicopter.

Sheriff Mark Pazin responds stating funding will be forthcoming through grants and forfeiture dollars. Commander Tom Cavallero reviews the helicopter equipment and amenities of the UH-

1H Bell Helicopter including the ability to utilize for disaster assessment and use for supplies or equipment in emergency situations.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Nelson, duly carried, the Board authorizes acceptance of the donation of a UH-1H Bell Helicopter from the California Emergency Management Agency under the California Public Safety Procurement Program and approves the necessary budget transfer-$54,000. (4/5 Vote Required)
Ayes: Kelsey, Pedrozo, Walsh, Nelson, O'Banion

ACTION ITEM NO. 31
2009-11-10 COUNTY CLERK-REGISTRAR OF VOTERS

The Clerk announces the Election Management System (EMS) for Votecal Compliance is before the Board for consideration.

Supervisor O'Banion requests the Resolution be amended to include authorizing Chairman to sign and execute all contracts on behalf of Merced County.

Following discussion and upon motion of Supervisor Walsh, seconded by Supervisor Pedrozo, duly carried, the Board authorizes the issuance of the Commitment Letter to the Secretary of State and negotiation of Contract No. 2009322 for Help American Vote (HAVA) reimbursement of all migration costs and return the final contract to the Board for approval; authorizes negotiation of Contract No. 2009323 (EIMS) with DFM Associates for the EIMS Election Management System and return the final contract to the Board for approval and adopts Resolution No. 2009-233.
Ayes: Kelsey, Pedrozo, Walsh, Nelson, O'Banion