

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, APRIL 27, 2010

Closed Session – 9:30 a.m.

Regular Meeting – 10:00 a.m.

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

JOHN PEDROZO.....DISTRICT 1
HUBERT “HUB” WALSH, JR.....DISTRICT 2
MICHAEL G. NELSON.....DISTRICT 3
DEIDRE F. KELSEY....DISTRICT 4
CHAIRMAN JERRY O’BANION.....DISTRICT 5
Lydia A. Beiswanger, Chief Clerk

LARRY T. COMBS
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 to 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

9:30 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 REAL PROPERTY

NEGOTIATOR: It is the intention of the Board to meet in Closed Session concerning a Conference with Real Property Negotiator(s) Mark Hendrickson, Director-Commerce, Aviation and Economic Development pursuant to Government Code Section 54956.8 as follows: 1.5 acre portion of APN 051-030-007 at Castle, located by Hospital Road

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 549557: PUBLIC EMPLOYEE APPOINTMENT - Title, Child Support Services Director

THE BOARD RECESSES AT 9:30 A.M. AND RECONVENES AT 10:00 A.M.

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 11

PRESENTATIONS

(1) 2010 VOLUNTEER RECOGNITION AWARDS

District 1: Ben Esquivel-Youth Activities, Frank Vierra-Key Club, Samantha Valladao-FFA;

District 2: Chris & Bob Luna-Merced Explorers, Ellen Taylor-Youth Activities (Kiwanis & Elks), Luis Neto-Merced VIPS, Merced Volunteer In Police Services (VIPS), Merced Police Reserve Unit;

District 3: Mary Ellen Estrella-JMJ Maternity Home Volunteer, Castle Air Museum Aircraft Restoration Crew, Jan & Friends

10:00 A. M.

PRESENTATIONS

(1) 2010 VOLUNTEER RECOGNITION AWARDS – CONTINUE

District 4: Ernest Solis-Lifeline CDC, Robert Taniguchi-Japanese American Memorial, Kenra Bragonier-League Of Women's Voters Library Project (Countywide), Irene & Luis De La Cruz-Assortment Of Volunteer Activities (Countywide)

District 5: Velma Bisordi-Youth Accountability Board, Noelle Westbrook-Youth Activities, Dennis Morris-Youth Activities, Chiyoko Sager-Dos Palos Memorial Hospital, Los Banos Police Volunteers

(2) Special Recognitions:

Lifetime Achievement Award Recognition By Handson Central California - Presented To Mike Smith

Good Samaritan Hero Award - Presented To Gregory "Doc" Wilson

REVIEW BOARD ORDER – SEE PAGES 11 AND 12

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 41)

APPROVED AS RECOMMENDED AYES: ALL

COUNTY COUNSEL - PUBLIC HEARING

To consider proposal whether Merced County should consider filing a lawsuit seeking to "bailout" of its coverage under Section 5 of the Federal Voting Rights Act

REVIEW BOARD ORDER – SEE PAGE 12

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, County Auditor, Board of Supervisors Members

CONSENT CALENDAR (Items #1 - 41)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Set public hearing for June 8, 2010 at 10:00 a.m. to consider Resolution of Necessity to Commence Eminent Domain Proceedings to acquire property from the Rooker Family for the Campus Parkway Project.
2. Approve and authorize Chairman to sign Amendment to Contract No. 2009336 with Bryan A. Stirrat & Associates for the Billy Wright Landfill Expansion Project and approve the necessary budget transfer-\$101,468. (4/5 Vote Required)
3. Approve and authorize Chairman to sign Contract with Hipolito Aguilar for acquisition of Road Right-of-Way and Public Utility Easement for the Shanks/Letteau Intersection Project; accept Grant Deed for Road Right-of-Way and Easement Deed for Public Utility needed for construction of the Project; approve payment to Fidelity National Title Company for appraised value of property plus escrow and any other transaction fees and adopt Resolutions.

ADOPTED RESOLUTION NO. 2010-81 (GRANT DEED) AND RESOLUTION NO. 2010-82 (PUBLIC UTILITY) AND AUTHORIZE CONTRACT NO. 2010100

4. Approve and authorize Chairman to sign Contract with Ramiro A. Guillen for acquisition of Road Right-of-Way and Public Utility Easement for the Shanks/Letteau Intersection Project; accept Grant Deed for Road Right-of-Way and Easement Deed for Public Utility needed for construction of the Project; approve payment to Fidelity National Title Company for appraised value of property plus escrow and any other transaction fees and adopt Resolutions.

ADOPTED RESOLUTION NO. 2010-83 (GRANT DEED) AND RESOLUTION NO. 2010-84 (PUBLIC UTILITY) AND AUTHORIZED CONTRACT NO. 201001

5. Approve Budget Transfer in the amount of -0- to change the Name of the Account only from 2 Gate Operators to 4 Gate Operations for Public Works (Building Division).
6. Approve Budget Transfer in the amount of \$170,105 for coverage of various salary accounts shortages. (4/5 Vote Required)

Human Services Agency

7. Approve and authorize Chairman to sign Renewal Contract No. 2005171 with Merced County Office of Education for Child Care Services.
8. Approve and authorize Chairman to sign Renewal Contract No. 2009295 with Health for Adolescent Family Life Program & Cal Learn Program.
9. Approve and authorize Chairman to sign Renewal Contract No. 2009297 with Sheriff for Social Worker Safety and Support in At-Risk Case situations.
10. Approve and authorize Chairman to sign Renewal Contract No. 2009296 with Library for Literacy Training Services.
11. Approve and authorize Chairman to sign Amendment to Contract No. 2004222 with Calif. Dept. of Aging for Area Plan Contract for Title III, VII, IIIE and CBSP Programs and approve the necessary budget transfer-\$1,892. (4/5 Vote Required)
12. Approve and authorize Chairman to sign Amendment to Contract No. 2009166 with Community Action Board for Congregate Meals Program decreasing the amount from \$414,208 to \$304,791
13. Approve and authorize Chairman to sign Amendment to Contract No. 2009167 with Community Action Board for Home Delivered Meals Program increasing the amount from \$414,932 to \$449,863 and approve the necessary budget transfer-\$34,931. (4/5 Vote Required)
14. Approve and authorize Chairman to sign Amendment to Contract No. 2007181 with Valley Caregiver Resource Center for the National Family Caregiver Support Program increasing the funds from \$81,526 to \$93,827 and approve the budget transfer-\$12,301. (4/5 Vote Required)
15. Approve and authorize Chairman to sign Amendment to Contract No. 2004249 with Calif. Dept. of Aging for Health Insurance Counseling and Advocacy Program (HICAP) services increasing the amount from \$248,850 to \$274,312 and approve the budget transfer-\$25,462. (4/5 Vote Required)

Health

16. Authorize Chairman to sign Certification to the Targeted Case Management Contractor Certification Clause 307 in connection with Contract No. 2004115 approved on 8/28/2007 and the Dept. of Health Care Services Guidelines for Clause to be renewed every three years.
17. Approve and authorize Chairman to sign Amendment to Contract No. 2006038 with State Water Resources Control Board (SWRCB) for development and field testing of a model Comprehensive Nutrient Management Plan (CNMP) to add additional funding of \$202,000 and to change contract end date from December 31, 2008 to June 30, 2010 and adopt Resolution.

ADOPTED RESOLUTION NO. 2010-85

Ag. Commissioner

18. 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. 2010-86

19. Approve and authorize Chairman to sign Renewal Contract No. 2004158 with USDA for Predatory Animal Control and the Annual Work Plan.
20. Approve Budget Transfer in the amount of \$3,863 for purchase of floor scrubber for the cleaning and sanitation of the Animal Control staff work area.

Mental Health

21. Set public hearing for May 11, 2010 at 10:00 a.m. to consider Proposed Ordinance amending Mental Health Services Fees (Supersedes Ordinance No. 1868 and amends Merced County Code Chapter 9.48).
22. Approve and authorize Chairman to sign Renewal Contract No. 2008008 with Dr. Maria Daisy Ilano for the provision of psychiatric services.
23. Approve and authorize Chairman to sign Amendment to Contract No. 2009018 with Madera County Behavioral Health Services for Inpatient Services at the Marie Green Psychiatric Health Facility increasing the total amount from \$75,000 to \$150,000.
24. Approve and authorize Chairman to sign Amendment to Contract No. 2005149 with Community Social Model Advocates, Inc. for provision of men's and women's alcohol and drug residential recovery services and increasing the total amount from \$44,000 to \$55,500.

District Attorney

25. Approve and authorize Chairman to sign Renewal Contract No. 2008075 with Merced Irrigation District for lease of Office Space located at 720 West 20th Street, Merced, CA.

Dept. of Workforce Investment

26. Approve the Addendum to Contract No. 2009222 with State Employment Development Department Modification Three to Workforce Investment Act Subgrant K074150 adding \$363,650 of Workforce Investment Act Rapid Response for Additional Assistance

Dislocated Worker Adult funding and approve the necessary budget transfer-\$50,000. (4/5 Vote Required)

27. Approve and authorize Chairman to sign Amendment to Contract No. 2009148 with Merced County Office of Education for Workforce Investment Act In-School Youth Development Program to add \$20,000 of WIA formula funding for Youth Services at a cost not to exceed \$942,493 and approve the necessary budget transfer-\$20,000. (4/5 Vote Required)

Planning

28. Set public hearing for May 11, 2010 at 10:00 a.m. to consider the Appeal of the Planning Commission Project Determination and Approval of Minor Subdivision Application No. MS09-014 submitted by Pacheco, LLC.
29. Set public hearing for May 11, 2010 at 10:00 a.m. to consider the Appeal of the Planning Commission Project Determination and Approval of Major Subdivision Application No. MAS04-014 submitted by Lakeview Properties.
30. Approve and authorize Chairman to sign Amendment to Contract No. 2006071 with Michael Brandman Associates to the liability insurance, contract indemnity language and changes to Tasks/Job and Fees for the Panther Energy Project (AA09-023, 024, 031 and 032).
31. Approve and authorize Chairman to sign Amendment to Contract No. 2009221 with Panther Energy Company, LLC to upgrade the contract indemnity language, add Tasks for the Consultant for the Panther Energy Four Exploratory Natural Gas Wells Project (AA09-023, AA09-024, AA09-031 and AA09-032) and approve the necessary budget transfer-\$8,500. (4/5 Vote Required)

Library

32. Approve Budget Transfer in the amount of \$6,050 for purchase of DVD/CD Repair Machine.

Executive Office

33. Approve and authorize Chairman to sign Amendment to Contract No. 2003282 with Superior Court of California, County of Merced for Court Operations with Merced County Superior Court and modifies the Administrative Office of the Courts new court security allocation and allows for additional Sheriff services for the 2009/2010 Fiscal Year.

Board of Supervisors

34. Designate the Merced County Arts Council as the Local Partner in the California State Local Partnership Program and authorize the Letter of Support.
35. Set public hearing for May 11, 2010 at 10:00 a.m. to consider Proposed Ordinance establishing a Fee for the Merced County Assessment Appeals Board Application for Changed Assessment.

Board Recognition

36. Proclaim the month of May, 2010 as "Workforce Development Professionals Month" in Merced County.
37. Proclaim the month of May, 2010 as Mental Health Month in Merced County.
38. Proclaim the month of May, 2010 as "Drug Court Month" in Merced County.

Sheriff

- 39. Approve Budget Transfer in the amount of \$52,217 in connection with 2007 Dept. of Homeland Security Grant for purchase of additional portable radios.
- 40. Approve Budget Transfer in the amount of \$44,000 for adjusting Fixed Asset Accounts to meet the deadline for the purchases of the 2007 Buffer Zone Protection Grant.

Dept. of Admin. Services

- 41. Approve Budget Transfer in the amount of \$3,000 for unanticipated revenue and expenditures from Public Auction Surplus Sale. (4/5 Vote Required)

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

- 42. Contract with The Source Group, Inc. for completing Revised Phase III Investigation and Pilot Testing Activities at the Public Works Gustine Road Yard.

AUTHORIZED CONTRACT NO. 2010103 AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

- 43. Contract with Comfort Keepers for non-medical in-home personal care services for Multi-purpose Senior Services Program clients.

AUTHORIZED CONTRACT NO. 2010104 AS RECOMMENDED AYES: ALL

DEPT. OF WORKFORCE INVESTMENT

- 44. Contract with Merced College to implement a training program for Computed Tomography (CT) Technologists training for Workforce Investment Act eligible participants at a cost not to exceed \$168,500.

AUTHORIZED CONTRACT NO. 2010102 AS RECOMMENDED AYES: ALL

DEPT. OF ADMIN. SERVICES

- 45. Approve the designation of 300 computer workstations currently housed at the Human Services Agency as Surplus and authorize the transfer of title for the computer workstations from the County to the Merced City School District.

APPROVED AS RECOMMENDED AYES: ALL

HEALTH

- 46. Contract with State Dept. of Health for Emergency Response Phase IV Funding and approve the necessary budget transfer-\$237,291. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2010099 AS RECOMMENDED AYES: ALL

MENTAL HEALTH

- 47. Contract with Calif. State University-Stanislaus to implement the Mental Health Services Act Stipend Program for Master of social work students.

AUTHORIZED CONTRACT NO. 2010105 AS RECOMMENDED AYES: ALL

LIBRARY

48. Authorize the County Librarian to allow the Los Banos Library to be open on Sunday, May 9, 2010 from 9:00 a.m. to 4:00 p.m. in connection with the Mother's Day in the Park Fair as part of the Library Centennial Celebration understanding the Los Banos Friends of the Library are volunteering their time to have the library open on May 9, 2010.

APPROVED AS RECOMMENDED AYES: ALL

AG. COMMISSION

49. Contract with Calif. Dept. of Food and Agriculture for European Grapevine Moth Pest Detection Trapping Activities and adopt Resolution.

AUTHORIZED CONTRACT NO. 2010106 AND ADOPTED RESOLUTION NO. 2010-87 AS RECOMMENDED AYES: ALL

SHERIFF

50. Contract with 35th District Agriculture Association for Law Enforcement Services at the County Fairgrounds.

AUTHORIZED CONTRACT NO. 2010107 AS RECOMMENDED AYES: ALL

51. Contract with Mariposa County Sheriff's Department for participation in the High Intensity Drug Trafficking Area (HIDTA) Project.

AUTHORIZED CONTRACT NO. 2010108 AS RECOMMENDED AYES: ALL

52. Contract with U.S. Dept. of Justice-Drug Enforcement Administration (DEA) for 2010 Domestic Cannabis Eradication & Suppression Program funding in the amount of \$60,000 for the eradication of illegal cannabis in Merced County.

AUTHORIZED CONTRACT NO. 2010109 AS RECOMMENDED AYES: ALL

53. PULLED

PLANNING

54. Change the program guidelines for the Neighborhood Stabilization Program (NSP) by removing the Residency requirement for loans funded under the NSP; and, change the Program Guidelines for the NSP Program to allow the purchase, rehabilitation and resale of homes under the NSP Program.

REVIEW BOARD ORDER – SEE PAGES 12 AND 13

55. Contract with Robert Klousner dba Planning Partners to prepare an Initial Study/Mitigated Negative Declaration for the Luis Dairy Expansion Project (CUP10-001) and associated fees.

AUTHORIZED CONTRACT NO. 2010110 AS RECOMMENDED AYES: ALL

56. Contract with Brian Luis for the consultant Planning Partners to prepare an Initial Study /Mitigated Negative Declaration for the Luis Expansion Project (CUP10-001) and approve the necessary budget transfer-\$26,503. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2010111 AS RECOMMENDED AYES: ALL

57. Contract with Caltrans Division of Aeronautics and the Merced County Airport Land Use Commission to receive \$225,000 in Grant Funds for the preparation of the Airport Land Use Compatibility Plan, which is a State Mandate, to ensure compatibility of land uses with, and protection of public use airports located within each county and approve the necessary

budget transfer-\$250,000. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2010088 AS RECOMMENDED AYES: ALL

58. Contract with Mead & Hunt, Inc. for Special Services to perform the environmental review to update the Airport land use Compatibility Plan, in accordance with RFP 6460 and acceptance of Grant Funds from Caltrans.

AUTHORIZED CONTRACT NO. 2010089 AS RECOMMENDED AYES: ALL

59. Authorize Planning and Community Development Department to incorporate an "Indemnity and Hold Harmless Agreement" as part of the Discretionary Application Packet to be accepted and signed by the Applicant upon the submittal to the County and authorizes revisions to the Planning Application Package to include the changes as recommended.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

60. Merced County Association of Governments - Service Agreement Options: (1) Approve Merced County's contribution of \$38,858 for the One Voice Membership; (2) Approve Merced County General Membership Contribution of \$28,268; and (3) Approve Merced County Association of Governments FY 2010/11 Work Program with or without One Voice and corresponding budget reflecting the contributions from Merced County.

REVIEW BOARD ORDER – SEE PAGE 13

61. Confirm the appointment of Kathryn B. Hassett as the Director of Child Support Services and approve "A" Level Benefits effective April 26 2010.

REVIEW BOARD ORDER – SEE PAGES 14 AND 13

BOARD OF SUPERVISORS

62. Authorize \$300 of Special Board Project Funds-District Four to be forwarded to the California Coalition for Rural Housing to support programs which provide affordable housing funding opportunities.

APPROVED AS RECOMMENDED AYES: ALL

TREASURER-TAX COLLECTOR

63. Approve the Application for Relief of Accountability for collection of Unsecured Property Taxes duly assessed for the Calendar Years 1984 through 2000, in the amount of \$916,989, plus \$91,688 in Penalties and \$32,205 in Fees and Costs as provided; execute the Order of Discharge and authorize the Auditor-Controller to reduce the Outstanding Delinquent Unsecured Tax Roll by the sum of \$1,040.882.

REVIEW BOARD ORDER – SEE PAGE 14

BOARD APPOINTMENTS

64. Merced Cemetery District – Reappointed Lois Jimenez to serve until July 1, 2014.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

65. Public Works re: Contract Award for Public Works Site Remediation Project with Stratus Environmental Inc. for the Soil Vapor Extraction and Air Sparge System Components.

AWARDED CONTRACT NO. 2009049

66. Public Works re: Contract Awards for Main Library Re-carpeting Project (PO #47759) to Better Flooring, Inc. and Award for Fountain Removal (PO #47766) to Commercial Construction Company.

AWARDED CONTRACT NO. 2009058

67. Public Works re: Notification of Relinquishment of Roads to Merced County from Caltrans re: the recently completed Sultana Interchange Project which resulted in several newly constructed and realigned roadways including: Olive Avenue (new frontage road which will ultimately extend from the Sultana Interchange to the City of Atwater), Campbell Boulevard (New frontage road extending from the Sultana Interchange to the City of Livingston), Liberty Avenue, Arena Way, Sultana Drive and Peach Drive.
68. San Joaquin River Restoration Program re: Program update dated April, 2010.
69. Pacific Gas and Electric Company re: Merced Falls Hydroelectric Project, FERC No. 2467 Response to Comments on Proposed Study Plan FA-S2.
70. Verizon Wireless re: Notification Letter for North Hilmar of California RSA No. 4 Limited Partnership of California 4 - Madera, CA RSA.
71. Auditor re: Update Report and Status of Spring Fair Loan from General Fund.

ADOPTED RESOLUTION IN MEMORY OF LINDA MACEDO AND ADJOURNED MEETING UNTIL TUESDAY, MAY 11, 2010 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – APRIL 27, 2010

10:00 A.M. SCHEDULED ITEM **2010-04-27 PUBLIC OPPORTUNITY**

The Chairman calls for anyone interested in speaking at the Public Opportunity.

Ed Torres, Merced, speaks regarding diversity of Merced County and gives thanks to the County agencies who help people reach their potential.

Sally Ragonut, Atwater resident and member of the Mental Health Advisory Board thanks the Board for their support in appointing new members to the Board and announces May is Mental Health Awareness Month and the celebration festivities will take place on Friday, May 14 from 10 – 2 at Lake Yosemite.

Ashlee Williams, HandsOn Central California which promotes volunteerism in the community, invites the Board to their Grand Opening on May 11, 2010 from 4 – 7 p.m. in Bob Hart Square.

Tom Grave, Merced, states May is National Bike Month and reviews the events taking place in Merced County.

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

10:00 A.M. SCHEDULED ITEMS **2010-04-27 PRESENTATION – VOLUNTEER RECOGNITION**

The Board, along with Assembly Member Galgiani, Senator Denham and Congressman Cardoza Representatives, presents Awards to the 2010 Volunteers of Merced County that were nominated by the members of the community as follows:

District 1: Ben Esquivel-Youth Activities, Frank Vierra-Key Club, Samantha Valladao-FFA;

District 2: Chris & Bob Luna-Merced Explorers, Ellen Taylor-Youth Activities (Kiwanis & Elks), Luis Neto-Merced VIPS, Merced Volunteer In Police Services (VIPS), Merced Police Reserve Unit;

District 3: Mary Ellen Estrella-JMJ Maternity Home Volunteer, Castle Air Museum Aircraft Restoration Crew, Jan & Friends

District 4: Ernest Solis-Lifeline CDC, Robert Taniguchi-Japanese American Memorial, Kenra Bragonier-League of Women's Voters Library Project (Countywide), Irene & Luis De La Cruz-Assortment of Volunteer Activities (Countywide)

District 5: Velma Bisordi-Youth Accountability Board, Noelle Westbrook-Youth Activities, Dennis Morris-Youth Activities, Chiyoko Sager-Dos Palos Memorial Hospital, Los Banos Police Volunteers.

Special Recognitions: Lifetime Achievement Award Recognition by Handson Central California, presented to Mike Smith; and Good Samaritan Hero Award, presented to Gregory "Doc" Wilson
Present: O'Banion, Pedrozo, Walsh, Nelson, Kelsey

10:00 A.M. SCHEDULED ITEM
2010-04-27 COUNTY COUNSEL – PUBLIC HEARING

The time and date previously set for a public hearing to receive public comment and testimony whether Merced County should consider filing a lawsuit seeking to “bailout” of its coverage under Section 5 of the Federal Voting Rights Act submitted by County Counsel.

County Counsel James Fincher introduces consultant Christopher Skinnell of Nielsen, Merksamer, Parrinello, Mueller & Naylor, LLP.

Mr. Skinnell, Nielsen, Merksamer, Parrinello, Mueller & Naylor, LLP, reviews the power point covering an Introduction to Section 5 of the Federal Voting Rights Act, Ongoing Voting Rights Protections, Background of Section 5 (Covered Jurisdictions), Merced County: Factors Underlying Coverage, Background of Section 5: Preclearance Required, Background of Section 5: “Changes Affecting Voting”, Background of Section 5: Preclearance Standard, County of Merced: Voting Rights Act Compliance History, Background of Section 5: “Bailing Out.” He states this presentation was to discuss why Merced County is covered and what Section 5 requires and the reasons for considering the “bailout” and the purpose of the hearing is to raise public awareness and seek public support to get approval from the U.S. Attorney General and the federal courts to end its coverage so that it is no longer subject to the unique requirements of Section 5, but only to the voting rights laws that apply to all the other California counties.

The Chairman opens the public hearing and asks if there is anyone present that wishes to speak. No one speaks.

The Chairman closes the public hearing and states no further action is required. The Chairman states the purpose was to receive public testimony regarding whether the County should consider filing a lawsuit seeking to “bailout” of its obligations under Section 5 of the federal Voting Rights Act while leaving it subject to Section 2 of the Voting Rights Act which is applicable to all jurisdictions in the Nation, the Act’s bilingual provisions and constitutional provisions governing voting rights.

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

ACTION ITEM NO. 54
2010-04-27 PLANNING

The Clerk announces the Neighborhood Stabilization Program (NSP) Guidelines proposed revisions and changes are before the Board for consideration.

Supervisor Walsh inquires of any new owner-occupied guidelines.

Development Services Director Robert Lewis states new changes will allow competition with the expending funds and there are 60 days to utilize the funds. He reviews the proposed changes in the Program Guidelines for the Neighborhood Stabilization Program (NSP) by removing the Residency requirement for loans funded under the NSP and states the change in the Program Guidelines for the NSP Program will allow the purchase, rehabilitation and resale of homes under the NSP Program

Upon motion of Supervisor Nelson, seconded by Supervisor Kelsey, duly carried, the Board approves the revisions to Merced County's Neighborhood Stabilization Program (NSP) Activities and Guidelines as follows: Remove the one-year residency requirement for loans funded under the NSP program; and, allow the county to purchase, rehabilitate, and resell homes under the NSP program.

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

ACTION ITEM NO. 60

2010-04-27 COUNTY EXECUTIVE OFFICE

The Clerk announces the Merced County Association of Governments (MCAG) Service Agreement and options for FY 2010/11 is before the Board for consideration.

The Board discusses duplication of services and lowering the funding level of the One Voice Membership contribution.

Upon motion of Supervisor Nelson, seconded by Supervisor Kelsey, duly carried, the Board approves the Merced County General Membership Contribution of \$28,268 and approves the Merced County Association of Governments FY 2010/11 Work Program without One Voice and corresponding budget reflecting the contributions from Merced County and authorizes the Chairman to sign Contract No. 2010264.

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

The Chairman states at this time no action was taken on the One Voice Program and this does not mean it cannot come back at a later time.

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

ACTION ITEM NO. 61

2010-04-27 COUNTY EXECUTIVE OFFICE

The Clerk announces the appointment of Kathryn B. Hassett as the Director of Child Support Services is before the Board for consideration.

Supervisor Pedrozo states he will abstain from voting on this matter as his wife is employed in the Child Support Services Department.

County Counsel James Fincher states Supervisor Pedrozo may abstain.

Upon motion of Supervisor Walsh, seconded by Supervisor Kelsey, duly carried, the Board confirms the appointment of Kathryn B. Hassett as the Director of Child Support Services and approves "A" Level Benefits effective April 26, 2010.

Ayes: O'Banion, Walsh, Nelson, Kelsey

Abstain: Pedrozo

ACTION ITEM NO. 63

2010-04-27 TREASURER-TAX COLLECTOR

The Clerk announces the Relief from Accountability for Unsecured Taxes deemed stale and uncollectible is before the Board for consideration.

Tax Collector Karen D. Adams states the recommended Relief from Accountability for Unsecured Taxes deemed stale and uncollectible are in accordance with GC 25257 and the discharge will not constitute a release of personal liability for the payment of any amount but they will be moved from the active tax role database to a collections database established by Revenue and Reimbursement for future collection opportunity.

Following discussion and upon motion of Supervisor Kelsey, seconded by Supervisor Walsh, duly carried, the Board approves the Application for Relief of Accountability as submitted by the Tax Collector for collection of Unsecured Property Taxes duly assessed for the Calendar Years 1984 through 2000 in the amount of \$916,989, plus \$91,688 and \$32,205 in fees and costs as submitted on Schedule A; and authorizes the Auditor-Controller to reduce the outstanding delinquent unsecured tax role by the sum of \$1,040,882 and executes the Order of Discharge and adopts Resolution No. 2010-87A.

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