

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, MAY 25, 2010

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
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 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: It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957.6 concerning a Conference with County of Merced Staff Negotiators concerning negotiations with American Federation of State, County and Municipal Employees (AFSCME), Units 4, 5, 6 and 8; Independent Employees of Merced County (IEMC), Unit 3; Merced County Lawyers Association, Unit 7; Merced County Sheriff Employee Association (MCSEA), Unit 2; Merced County Law Enforcement Sergeants, Unit P; Deputy Sheriff Association, Unit 10 and Non-Safety Corrections, Unit 12

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): San Joaquin Raptor Rescue Center v. County of Merced, Jim Abbate, Real Party in Interest, Merced County Superior Court Case no. CV 000788

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title, County Executive Officer

REVIEW BOARD ORDER – SEE PAGE 12

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

10:00 A. M.

PLEDGE OF ALLEGIANCE

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

REVIEW BOARD ORDER – SEE PAGE 12

10:00 A. M.

PRESENTATIONS

(1) PRESENTATION OF SERVICE PINS:

25 Years: Human Services Agency-Mary Ellen Arana

20 Years: Public Works-Lana Spurlock, and

15 Years: Ag. Commission-Weights & Measures- Margaret Kohn and Sheriff-Samuel Spangler and Thomas Mckenzie

REVIEW BOARD ORDER – SEE PAGE 13

(2) **Recognition:** Boy Scout Troop 88 – “Flex Your Power Outreach Program” To Save Energy In Order To Save Money And Save The Environment, coordination With United Way

REVIEW BOARD ORDER – SEE PAGE 13

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 38)

APPROVED AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1

PLANNING - PUBLIC HEARING

To consider the Reversion of lots back to acreage for "Lexington Park" Major Subdivision Application No. MAS10-001 submitted by KB Home. Said application consisted of 40 recorded residential lots, one recorded detention basin lot and dedicated public roads into one single 8.75 acre parcel located on the east side of Lexington Avenue, 865 feet north of Christian Avenue in Dos Palos (original subdivision approved by the Planning Commission on May 26, 2004 under MAS04-001

RECOMMENDATION: Determine the Application is exempt from CEQA review under Section 15305 - "Minor Alterations in the Land Use Limitations" of the California Environmental Quality Act (CEQA) Guidelines based on the two CEQA Findings contained in the Staff Report and, Approve Major Subdivision Application No. MAS10-001 based on the Findings and subject to the Conditions of approval

REVIEW BOARD ORDER – SEE PAGES 13 THROUGH 16

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT - PUBLIC HEARING

To consider the Transfer of \$22,217 from Commerce, Aviation and Economic Development Program Income from the Economic Development Revolving Loan Account to the Planning and Community Development Department Homeownership Assistance Revolving Loan Account

RECOMMENDATION: Authorize the Transfer and adopt Resolution

REVIEW BOARD ORDER – SEE PAGES 16 AND 17

PLANNING - CONTINUED PUBLIC HEARING

To consider an Appeal of the Planning Commission determination and approval of the Lakeview Properties Subdivision (Application No. MAS04-014) due to alleged violation of the Ralph M. Brown Act and CEQA on March 10, 2010 filed by San Joaquin Raptor Rescue Center/Protect Our Water. Said Application submitted by Ed Grossman to subdivide a 58 acre parcel into 35 single family residential lots, an 8 acre remainder parcel, a 4 acre ecological

preserve and a 9 acre passive recreational area on property located on the northeast corner of Merced Falls Road and La Grange Road in the Snelling area

RECOMMENDATION: Deny the San Joaquin Raptor Rescue Center/Protect Our Water Appeal regarding alleged violation of the Ralph M. Brown Act, and regarding the alleged violations of CEQA. Further, that the Board: Determine the Mitigated Negative Declaration prepared for the Lakeview Properties Major Subdivision Application No. MAS04-014 is legally adequate based on the CEQA Findings therein; Determines the project approval, including the public meeting agenda for the project, comply with the Ralph M. Brown Act, Government Code Sections 95450 et seq. and 95452.2, and with Board of Supervisors Policy Directive of January 26, 2010; and, Adopts the Mitigated Negative Declaration prepared for the Lakeview Properties Major Subdivision Application No. MAS04-014 based on the CEQA Findings therein and including the CEQA Mitigation Measures; and, Approves Lakeview Properties Major Subdivision Application No. MAS04-014 based on the associated project findings, recommended conditions of approval and the CEQA mitigation measures

REVIEW BOARD ORDER – SEE PAGE 17

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items #1 - 38)

APPROVED AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1

Public Works

1. Approve and authorize Chairman to sign Amendment to Contract No. 2005203 with Community Action Board for lease of the Del Hale Community Hall providing senior nutrition meals in Dos Palos.
2. Approve and authorize Chairman to sign Amendment to Contract No. 2006183 with SCS Engineers for extension of additional two year for the Highway 59 Landfill Gas Collection and Control System
3. Adopt Resolution prohibiting parking on each side of Santa Fe Drive, between Highway 59 and Business Park Way in Merced and authorize installation of signs.

ADOPTED RESOLUTION NO. 2010-95

4. Authorize Valve Burners Car Club Annual Car Show exclusive use of Henderson Park on September 12, 2010; waive the County's Vehicle Entrance Fee and authorize Valve Burners Car club to charge \$4 Entrance Fee and vendors to sell products during the event.
5. Set a public hearing for June 22, 2010 at 10:00 a.m. to consider proposed ordinance amendment establishing User Charge Rates for Zones of Benefit in County Service Area No. One for 2010/2011 FY.

Planning

6. Set public hearing for June 8, 2010 at 10:00 a.m. to receive comments on submission of application for funding under the 2010/11 Community Development Block Grant (CDBG)

General Allocation for First Time Homeownership Assistance and Housing Rehabilitation Assistance Programs.

7. Set public hearing for June 8, 2010 at 10:00 a.m. to consider proposed changes to the Homeownership Assistance Program and Housing Rehabilitation Program Guidelines.
8. Set public hearing for June 8, 2010 at 10:00 a.m. to consider Final Grantee Performance Report for Merced County's 2005/2006/2007 CDBG Grant (05-STBG-1409).
9. Set public hearing for June 22, 2010 at 10:00 a.m. to consider the Merced County Housing Element update and related Negative Declaration.

Mental Health

10. Approve and authorize Chairman to sign Renewal Contract No. 2004230 with Probation for on-site Probation services to Youth concurrently enrolled in Mental Health and Probation services.
11. Approve and authorize Chairman to sign Renewal (Interdepartmental) Contract No. 2007151 with Probation to provide assessment and enhanced supervision of eligible Offender Treatment Program clients.
12. Approve and authorize Chairman to sign Renewal Contract No. 2007161 with Dr. Jonathan Harry for provision of psychiatric services.
13. Approve and authorize Chairman to sign Renewal Contract No. 2009117 with Value Options to maintain a mental health service provider network.
14. Approve and authorize Chairman to sign Renewal Contract No. 2007199 with Guardo Security Services for security services at the inpatient unit and other facilities.
15. Approve and authorize Chairman to sign Renewal Contract No. 2008316 with Dr. Cynthia Hunt for the provision of psychiatric services.
16. Approve and authorize Chairman to sign Amendment to Contract No. 2009096 with Joseph Melton for certification review hearing services and approve the necessary budget transfer-\$3,000.
17. Approve and authorize Chairman to sign Amendment to Contract No. 2008160 with Mariposa County Behavioral Health and Recovery for inpatient services at Marie Green Psychiatric Health Facility.
18. Approve Budget Transfers in the amount of \$21,700 for Children Services of Care Program funding; \$225,000 for IMD facilities and placements and \$32,000 for client care supplies. (4/5 Vote Required)

Human Services Agency

19. Approve and authorize Chairman to sign Renewal Contract No. 2006272 with Trilogy Integrated Resources LLC for Network of Care and Case Coordination System maintenance.
20. Approve and authorize Chairman to sign Renewal Contract No. 2010044 with Foundation for Improved Living-Merced (FIL-Merced) for Circle Leader Mentorship Program through Circles Campaign.
21. Approve and authorize Chairman to sign Renewal Contract No. 2007125 with MCOE for Family Resource Council community development and support.

22. Approve Budget Transfer in the amount of \$10,000 for the purchase of one Document Folder and one Tabloid Printer.

Dept. of Workforce Investment

23. Approve and authorize Chairman to sign Amendment to Contract No. 2009215 with Fresno County Workforce Investment Board for changes recommended by the State for the San Joaquin Valley Green Jobs Corps Grant.
24. Approve and authorize Chairman to sign Amendment to Contract No. 2010012 with Rexel, Inc. to add \$83,950 Workforce Investment Act Funding to provide incumbent worker, dislocated worker, and/or adult training for up to 50 additional participants for a total of up to 100 participants for Programmable Logic controller (PLC) training not to exceed \$167,900.
25. Approve Budget Transfer in the amount of \$484,900 for adding the revenue and appropriations necessary to pay for the WIA Youth Contracts. (4/5 Vote Required)

Ag. Commission

26. Approve and authorize Chairman to sign Renewal Contract No. 2001105 with Calif. Dept. of Food and Agriculture for Fruit and Vegetable Inspection Services and adopt Resolution.
ADOPTED RESOLUTION NO. 2010-96
27. Approve and authorize Chairman to sign Renewal Contract No. 2004260 with Calif. Dept. of Food & Agriculture for Egg Quality Control Inspections and adopt Resolution.
ADOPTED RESOLUTION NO. 2010-97

District Attorney

28. Approve and authorize Chairman to sign Renewal Contract No. 2007148 with Calif. Emergency Management Agency for participation in the Victim Witness Assistance Program Grant Funding; authorize the District Attorney to sign the Grant Award Agreement and the Chairman to sign the Certificate of Assurance of Compliance and adopt Resolution.
ADOPTED RESOLUTION NO. 2010-98
29. Approve Budget Transfer in the amount of \$1,000 for support of youth programs in High Schools and \$11,408 since Forensic software is no longer needed.

Health

30. Approve Budget Transfer in the amount of \$4,800 for Fixed Asset Account for printer purchase and \$8,000 for replacement photocopier. (4/5 Vote Required)

Sheriff

31. Approve Budget Transfers in the amount of \$16,000 for purchase of two body scan metal detecting chairs for jail security and \$7,000 for purchase of video camera and lighting equipment necessary to complete training videos for Deputy Sheriff's and Correctional Officers. (4/5 Vote Required)

Fire

32. Approve Budget Transfer in the amount of \$20,000 for purchase of equipment approved through the 2008 Homeland Security Grant previously approved by the Board.

Executive Office

33. Approve Travel Requests submitted by the Sheriff (2) and Dept. of Workforce Investment as recommended by Executive Office.

Board Recognition

34. Proclaim June, 2010 as "All Dads Matter Month" in Merced County.
35. Authorize Certificate of Recognition to Charles and Shirley Bauer in celebration and honor of 60th Wedding Anniversary.
36. Authorize Certificate of Recognition to Hilltop Ranch in recognition of Solar Farm Open House.
37. Authorize Certificates of Recognition honoring extraordinary women in agriculture through the Common Threads Awards as follows: Jean Okuye-Merced County; Robin Rogers-Dale-Fresno County; Susie Snedden-Kern County; Sue Laferty-Kings County; Judy Walt Jameson-Tulare County and Barbara Bigelow-Madera County.
38. Authorize Certificates of Recognition honoring individuals who attended 85 years of age and 50 years of residency in the County of Merced.

REVIEW BOARD ORDER – SEE PAGE 18

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

39. Resolution authorizing the Chairman to sign Contract with Caltrans for Federal Apportionment Exchange and State Match Program Contract (Agreement No. X10-5939(072) to exchange Federal Funds with Non-Federal State Highway Account Funds.

AUTHORIZED CONTRACT NO. 2010132 AND ADOPTED RESOLUTION NO. 2010-99 AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1

40. Terminate Contract No. 2006196 with Cimarex Energy Company for sub-surface extraction of gas and/or oil under O'Banion Park in Dos Palos based on the Surrender and Quitclaim dated July 31, 2007 and filed with Merced County Recorder's Office November 21, 2007.

APPROVED AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1

MENTAL HEALTH

41. Resolution authorizing Chairman to sign Contract with State Dept. of Alcohol and Drug Programs for Negotiated Net Amount and Drug Medi-Cal for FY 2010-2011, 2011-2012 and 2012-2013.

AUTHORIZED CONTRACT NO. 2010119 AND ADOPTED RESOLUTION NO. 2010-100 AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1

42. Resolution authorizing Chairman to sign Contract with State Dept. of Rehabilitation for provision of vocational rehabilitation.

AUTHORIZED CONTRACT NO. 2010120 AND ADOPTED RESOLUTION NO. 2010-101 AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1

HUMAN SERVICES AGENCY

43. Contract with Aspiranet for SB 163 Wraparound Services.
AUTHORIZED CONTRACT NO. 2010135 AS RECOMMENDED **AYES: 2, 3, 4, 5**
NOT PRESENT: 1
44. Contract with Aspiranet to provide Transitional Housing Program-Plus services.
AUTHORIZED CONTRACT NO. 2010136 AS RECOMMENDED **AYES: 2, 3, 4, 5**
NOT PRESENT: 1

DEPT. OF WORKFORCE INVESTMENT

45. Contract with Yosemite Community College District for Licensed Vocational Nursing Training extending the Dept. of Labor Community Based Job Training Grant to September 30, 2010 not to exceed \$334,621.
AUTHORIZED CONTRACT NO. 2010125 AS RECOMMENDED **AYES: 2, 3, 4, 5**
NOT PRESENT: 1
46. Contract with Stanislaus County Alliance Worknet for Licensed Vocational Nursing Training extending the Dept. of Labor Community Based Job Training Grant to September 30, 2010 not to exceed \$159,086.
AUTHORIZED CONTRACT NO. 2010126 AS RECOMMENDED **AYES: 2, 3, 4, 5**
NOT PRESENT: 1
47. Contract with Merced College for Licensed Vocational Nursing Training extending the Dept. of Labor Community Based Job Training Grant to September 30, 2010 not to exceed \$322,338.
AUTHORIZED CONTRACT NO. 2010127 AS RECOMMENDED **AYES: 2, 3, 4, 5**
NOT PRESENT: 1
48. Contract with Madera County Workforce Development Office for Licensed Vocational Nursing Training extending the Dept. of Labor Community Based Job Training Grant to September 30, 2010 not to exceed \$137,692.60.
AUTHORIZED CONTRACT NO. 2010128 AS RECOMMENDED **AYES: 2, 3, 4, 5**
NOT PRESENT: 1
49. Contract with State Center Community College District-Madera Center for Licensed Vocational Nursing Training extending the Dept. of Labor Community Based Job Training Grant to September 30, 2010 not to exceed \$358,412.
AUTHORIZED CONTRACT NO. 2010129 AS RECOMMENDED **AYES: 2, 3, 4, 5**
NOT PRESENT: 1
50. Award Contract to Merced Adult School for Basic Education Services based on recommendation from Evaluation Committee on RFP No. 6501.
AUTHORIZED CONTRACT NO. 2010130 AS RECOMMENDED **AYES: 2, 3, 4, 5**
NOT PRESENT: 1
51. Award Contract to Merced College for Basic Education Services based on recommendation from Evaluation Committee on RFP No. 6501.
AUTHORIZED CONTRACT NO. 2010131 AS RECOMMENDED **AYES: 2, 3, 4, 5**
NOT PRESENT: 1

SHERIFF

52. Authorize the Sheriff to electronically submit the Application of the 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) through the Internet Based Grant Management System in the amount of \$51,557 to fund computer equipment in support of the implementation of mobile computing and automated field reporting modules of the New World Software with the Sheriff to return to the Board if awarded funding.

APPROVED AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1

53. Authorize Sole Source Contract with Mobile Communications for the purchase of EF Johnson Two-Way Radios in the amount of \$56,561.57 maintaining grant funding eligibility and requirements of APCO-25 compliant for interoperable communications and departments existing abilities.

APPROVED CONTRACT NO. 2010137 AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

54. Authorize 1.0% of the 5.1% Loan Interest collected from Agricultural Waste Management Loans be directed to CAED as Discretionary Funds, consistent with practices since 1998.

APPROVED AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1

55. Direct all departments issuing Requests for Qualifications, Requests for Proposals, Sole Source Projects, and competitively bid construction, road, and housing projects of all types, to encourage the successful lowest responsible bidders or sole source contract recipients to hire 50% of all project workforce within the legal boundaries of Merced County.

REVIEW BOARD ORDER – SEE PAGE 18

DISTRICT ATTORNEY

56. Authorize Sole Source Contract with SpectraTek for the procurement of Video Surveillance Equipment for the District Attorney and authorize issuance of purchase order.

AUTHORIZED CONTRACT NO. 2010134 AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1

DEPT. OF ADMIN. SERVICES

57. Authorize utilization of Los Rios Community College District competitive bid process to contract with ATI for new telecommunications hardware and software for the Human Services Agency and approve the necessary budget transfer-\$474,042. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2010121 AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1

RETIREMENT

58. Adopt Recommended Retirement Contribution and Interest Rates effective for the July 9, 2010 Payroll: Employer Rate: 30.23%, Member Contribution Rate: General Tier 1 - 9.04%, Tier 2 - 7.39%; Safety Tier 1 - 10.28%, Tier 2 - 7.27%.

REVIEW BOARD ORDER – SEE PAGES 18 AND 19

APPOINTMENTS

59. Planada Municipal Advisory Council – Appointed Rachel Perez to fill an unexpired term until March 31, 2011.

APPROVED AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1

60. Library Advisory Commission – Appointed Gloria Hennessey representing District One until August 31, 2013.

APPROVED AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: 2, 3, 4, 5 NOT PRESENT: 1

61. Public Works re: Notification of Contract Award to Peterson Excavation, Inc. for the Installation of Backflow Prevention Devices at Human Services Agency, Ag. Center and Mental Health Project.

AWARDED CONTRACT NO. 2010040

62. CAED re: Notification of lease agreement with Hoffman Electronic Systems, Inc. for .80 acres of land and Building #115 (approximately 8,700 sq ft) located at Castle Commerce Center.

CONTRACT NO. 2010138

63. CAED re: Notification of lease agreement for Hoffman Electronic Systems, Inc. for .24 acres of land and Building 1562 (approximately 2,400 sq. ft) located at Castle Commerce Center.

CONTRACT NO. 2010139

64. State Water Resources Control Board re: Notice of Opportunity for Public Comment on underground storage tank closure for former Chevron Service Station 20-5929, 631 West Carrillo Street, Santa Barbara due by May 28, 2010.

65. State Water Resources Control Board re: Notice of Opportunity for Public Comment on underground storage tank closure for Cold Springs store, 1628 Cold Springs Road, Placerville, CA, due by May 28, 2010.

66. State Water Resources Control Board re: Notice of Opportunity for Public Comment on underground storage tank closure for New Performance, 186 East Lewelling Boulevard, San Lorenzo, due by May 28, 2010.

67. State Water Resources Control Board re: Notice of Opportunity for Public Comment on underground storage tank cleanup fund (fund), meeting notification for case closure recommendation pursuant to Health and Safety Code Section 25299.39.2: Claim Number 524; Site Address: 400 Healdsburg Avenue, Healdsburg; meeting set for June 15, 2010 commencing at 9:00 a.m.

68. State Water Resources Control Board re: Notice of Opportunity for Public Comment on underground storage tank cleanup fund (fund), meeting notification for case closure recommendation pursuant to Health and Safety Code Section 25299.39.2: Claim Number 2757; Site Address: 401 Healdsburg Avenue, Healdsburg; meeting set for June 15, 2010 commencing at 9:00 a.m.

69. State Water Resources Control Board re: Notice of Opportunity to Comment on proposed approval of an amendment to the Water Quality Control Plan for the Central Coast region (Basin Plan) to: (1) Remove the Shellfish Harvesting Beneficial use for Soquel Lagoon, (2) Add the Soquel Lagoon Watershed to the Human Fecal Material Discharge Prohibition and the Domestic Animal Waste Discharge Prohibition and (3) Adopt total maximum daily loads for Pathogens in Soquel Lagoon, Soquel Creek and Noble Gulch - must be received by May 28, 2010 by 12 noon.
70. State Water Resources Control Board re: Notice of Opportunity to Comment on proposed approval of an amendment to the Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) to incorporate organochlorine compounds total maximum daily loads (TMDLs) for San Diego Creek and Upper and Lower Newport Bay - must be received by May 28, 2010 by 12 noon.
71. State Fish and Game Commission re: Copy of Notice of Proposed Regulatory Actions relative to "ALDS and Commercial Applications" in the section identified in Title 14, California Code of Regulations, which will appear in the California Regulatory Notice Register.
72. State Fish and Game Commission re: Copy of Notice of Proposed Regulatory Actions relative to "Commercial Rock Crabs" in the section identified in Title 14, California Code of Regulations, which will appear in the California Regulatory Notice Register.
73. Central Valley Regional Water Quality Control Board re: Meeting of May 27 2010 at 8:30 a.m.
74. State Water Resources Control Board re: Notice of Petition for Temporary Change involving the transfer of up to 4,377 acre-feet of water from the City of Sacramento and Sacramento Suburban Water District to eight State Water Contractor Agencies under Permit 11360 (Application 12622)
75. State Water Resources Control Board re: Notice of Petition for Temporary Change involving the transfer of up to 7,295 acre-feet of water from Stevinson Water District and East Side Canal & Irrigation Company to U.S. Bureau of Reclamation's San Luis National Wildlife Refuge under License 6222 (Application 7012) in Merced County.
76. State Water Resources Control Board re: Notice of Wildlife Conservation Board - May 27, 2010 Meeting, Item No. 12, Los Banos Wildlife Area Lift Pumps; Item No. 13, Merced River Riparian Habitat Restoration, Merced County.
77. Sheriff re: Notification of the Sheriff-Coroner appointment as the 1st Vice President of the California State Sheriff's Association.

ADOPTED RESOLUTIONS IN MEMORY OF VERNA CHASE, MARY WALSH, ROBERT MUMBY, HERLESS WAYNE HEIN AND VERNE L. DAVIS AND ADJOURNED THE MEETING UNTIL TUESDAY, JUNE 8, 2010 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – MAY 25, 2010

9:00 A.M. SCHEDULED ITEM

2010-05-25 CLOSED SESSION

The Board recesses into Closed Session at 9:00 a.m. with Supervisor Pedrozo not present.

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL: It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957.6 concerning a Conference with County of Merced Staff Negotiators concerning negotiations with American Federation of State, County and Municipal Employees (AFSCME), Units 4, 5, 6 and 8; Independent Employees of Merced County (IEMC), Unit 3; Merced County Lawyers Association, Unit 7; Merced County Sheriff Employee Association (MCSEA), Unit 2; Merced County Law Enforcement Sergeants, Unit P; Deputy Sheriff Association, Unit 10 and Non-Safety Corrections, Unit 12

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): San Joaquin Raptor Rescue Center v. County of Merced, Jim Abbate, Real Party in Interest, Merced County Superior Court Case no. CV 000788

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title, County Executive Officer

The Board reconvenes at 10:00 a.m. with Supervisor Pedrozo not present and Chairman O'Banion states the Board provided Staff direction for the Closed Session matters and continued the matter titled 'Public Employee Performance Evaluation–Title, County Executive Officer' and it was not discussed.

Present: O'Banion, Walsh, Nelson, Kelsey

Not Present: Pedrozo

10:00 A.M. SCHEDULED ITEM

2010-05-25 PUBLIC OPPORTUNITY

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

Anita Richardson, Merced, provides information and advises the Board of the upcoming "Run for the Fallen" taking place on August 21, 2010 which honors the brave men and women who have fallen in Battle in Operation Enduring Freedom and Operation Iraqi Freedom.

Present: O'Banion, Walsh, Nelson, Kelsey

Not Present: Pedrozo

10:00 A.M. SCHEDULED ITEM

2010-05-25 PRESENTATION

John Derby, Merced County Times, is presented with a Certificate of Recognition for the Merced County Times recognizing the selection by the California Newspaper Publishers Association as the Better Newspapers Contest Second Place Winner in the Public Service Category.

Present: O'Banion, Walsh, Nelson, Kelsey

Not Present: Pedrozo

10:00 A.M. SCHEDULED ITEM

2010-05-25 PRESENTATION

The Board presents the Service Pins to the following recognizing their years of service:

25 Years: Human Services Agency-Mary Ellen Arana;

20 Years: Public Works-Lana Spurlock;

15 Years: Ag. Commission-Weights & Measures- Margaret Kohn and Sheriff-Samuel Spangler and Thomas Mckenzie

Present: O'Banion, Walsh, Nelson, Kelsey

Not Present: Pedrozo

10:00 A.M. SCHEDULED ITEM

2010-05-25 PRESENTATION

Boy Scout Troup 88 Members Sean Pamer, Jordan Pamer and Joshua Pamer are presented with a Certificate of Recognition for their community service with United Way Flex Your Power Outreach Program of enlisting the promises of citizens in Merced to save energy in order to save money and save the environment.

Present: O'Banion, Walsh, Nelson, Kelsey

Not Present: Pedrozo

10:00 A.M. SCHEDULED ITEM

2010-05-25 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider the reversion of lots back to acreage for "Lexington Park" Major Subdivision Application No. MAS10-001 submitted by KB Home; said Application consists of 40 recorded residential lots, one recorded detention basin lot and dedicated public roads into one single 8.75 acre parcel located on the east side of Lexington Avenue, 865 feet north of Christian Avenue in Dos Palos (original subdivision approved by the Planning Commission on May 26, 2004 under MAS04-001).

Development Services Director Robert Lewis reviews the staff report.

Planner Dave Gilbert reviews the power point presentation.

Discussion is had on the unincorporated area boundaries of the specific urban development plan and the subdivision designation.

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 Nelson, seconded by Supervisor Kelsey, duly carried, the Board determines that the application is exempt from California Environmental Quality Act (CEQA) review under Section 15305–“Minor Alterations in Land Use Limitations” of the CEQA Guidelines based on the two CEQA findings:

1. Staff finds that the application is exempt from CEQA review under Section 15305 – “Minor Alterations in Land Use Limitations” based on the following:
 - Reversion to acreage is allowed per the Subdivision Map Act.
 - The project site has a slope of less than 20% (relatively flat terrain).
 - The project is consistent with the Merced County General Plan.
2. The determination that the application is exempt from CEQA review reflects the independent judgment of the County.

Upon motion of Supervisor Nelson, seconded by Supervisor Walsh, the Board approves Major Subdivision Application No. MAS10-001 based on the following 8 Findings and subject to 6 Conditions of Approval:

FINDINGS

1. Major Subdivision Application No. MAS10-001 proposes to revert to acreage the “Lexington Park” subdivision by combining 40 single-family parcels, one detention basin lot, and vacate dedicated public roads into one single 8.75 acre parcel.
2. The project site is located on the east side of Lexington Avenue, 665 feet north of Christian Avenue in the Dos Palos area.
3. The project is consistent with the Merced County General Plan and Development Standards contained in Section 18.18.03 of the Zoning Code.
4. The project has been reviewed by the Department of Public Works/Roads Division, Public Works/Building & Safety Division, Merced County Fire Department, Environmental Health Division, City of Dos Palos, and the Midway Community Service District.
5. The proposed reversion to acreage, as conditioned, is compatible with adjacent uses and properties and neighborhoods.
6. The reversion to acreage, if carried out in compliance with all conditions and requirements, will not be a nuisance or detrimental to the public health, safety, or general welfare.
7. The public hearing has been adequately noticed and advertised.

8. The Board of Supervisors finds that the subdivided real property may be reverted to acreage based upon the following findings:
 - a. Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and,
 - b. All of the following conditions exist with respect to the “Lexington Park” subdivision
 - All owners of an interest in the real property within the subdivision have consented to reversion; and,
 - None of the improvements required to be made have been made within two years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later; and
 - No lots shown on the final or parcel map have been sold within five years from the date such map was filed for record.

CONDITIONS

Planning and Community Development

1. The property owner shall dedicate or offer to dedicate necessary streets or easements.
2. The retention of all or a portion of previously paid subdivision fees, deposits, or improvement securities if the same are necessary to accomplish any of the provisions of Section 17.04.060 of the Merced County Subdivision Code.
3. A Final Map shall be recorded within two years of the Board of Supervisors approval date as required by the Merced County Subdivision Code.
4. The applicant shall comply with all applicable local, state and federal standards and regulations.

County Counsel

5. Ray Panek, representing KB Home, must indemnify, defend and hold harmless, the County of Merced, its Board of Supervisors, commissions, officers, employees, agents and assigns (hereinafter “County”) from and against any and all claims, petitions, demands, liability, judgments, awards, interest, attorney’s fees, expert witness and consultant fees and other costs and expenses of whatsoever kind or nature, at any time arising out of or in any way connected with the approval, modification, denial, or the exhaustion of administrative appeals associated with the Lexington Park Reversion to Acreage (“project”) whether in tort, contract, writ of mandamus, or otherwise. This duty shall include, but not be limited to, claims, petitions, or the like for bodily injury, property damage, personal injury, contractual damages, writ of mandamus, or otherwise alleged to be caused to any person or entity including, but not limited to employees, agents, commissions, boards, and officers of KB Home and Ray Panek. The liability of KB Home and Ray Panek for indemnity under this term and condition shall apply, regardless of fault, to any acts or omissions, willful misconduct, or negligent conduct of any kind, on the part of KB Homes and Ray Panek, its employees, subcontractors, agents, and officers. The duty shall extend to any allegation or claim of liability, or petition, except in circumstances found by a jury or judge to be the sole and legal result of the willful misconduct of County. This duty shall arise at the first notice of filing a

lawsuit, claim, petitions, or allegation of liability against County. KB Home and Ray Panek will on request and at its expense, defend any action suit or proceeding arising hereunder. This term and condition shall not be limited to any claim, petition, demand, liability, judgment, award, interest, attorney's fees, expert or consultant witness fees, legal research fees, staff and administrative costs, administrative record costs, materials, and costs and expenses of whatsoever kind or nature, that may arise at the time of project approval, modification, or denial, but shall also apply to all such claims and the like, after project approval, modification, denial, or the exercise or exhaustion of administrative appeals, including but not limited to actions arising from public interest, land use and environmental legal actions. Attorney's fees shall include any and all attorney's fees but not limited to attorney's fees and staff time incurred by the offices of County Counsel. County shall have full discretion to select legal counsel of its own choosing to represent County, at a cost not exceeding the prevailing and reasonable rates for counsel practicing environmental and land use law in the State of California, or practicing any other area of law that the County determines the claim may reasonably require. This term and condition for indemnification shall be interpreted to the broadest extent permitted by law.

Public Works/Road Division

6. Recordation of the reversion to acreage map shall initiate the process for the release of Faithful Performance and Labor and Material Bonds.

Ayes: O'Banion, Walsh, Nelson, Kelsey

Not Present: Pedrozo

10:00 A.M. SCHEDULED ITEM

2010-05-25 COMMERCE, AVIATION, AND ECONOMIC DEVELOPMENT – PUBLIC HEARING

The time and date previously set for a public hearing to consider the Transfer from Commerce, Aviation, and Economic Development (CAED) Program Income from the Economic Development Revolving Loan Account to the Planning and Community Development Department Homeownership Assistance Revolving Loan Account submitted by CAED.

CAED Director Mark Hendrickson reviews the staff report stating the recommendation is to transfer \$22,217 of Program Income from Economic Development Revolving Loan Account to the Homeownership Assistance Revolving Loan Account in order to comply with CDBG requirements for program income and to be eligible to apply for 2010-2011 CDBG funding. He advises the state suggested our excess funds be transferred so that funds may be immediately expended on eligible Homeownership Assistance activities to bring the program income balance under \$250,000.

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 Kelsey, seconded by Supervisor Nelson, duly carried, the Board authorizes the transfer of \$22,217 of Program Income from the Economic Development Revolving Loan Account operated by Commerce, Aviation and Economic

Development to the Homeownership Assistance Revolving Loan Account operated by Planning and Community Development and adopts Resolution No. 2010-94.

Ayes: O'Banion, Walsh, Nelson, Kelsey

Not Present: Pedrozo

10:00 A.M. SCHEDULED ITEM
2010-05-25 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider an Appeal of the Planning Commission determination and approval of the Lakeview Properties Subdivision (Application No. MAS04-014) due to alleged violation of the Ralph M. Brown Act and CEQA on March 10, 2010 filed by San Joaquin Raptor Rescue Center/Protect Our Water; said Application submitted by Ed Grossman to subdivide a 58 acre parcel into 35 single family residential lots, an 8 acre remainder parcel, a 4 acre ecological preserve and a 9 acre passive recreational area on property located on the northeast corner of Merced Falls Road and La Grange Road in the Snelling area.

Development Services Director Robert Lewis reviews the staff report.

Planner James Holland reviews the power point presentation. Mr. Holland advises a letter has been received from Marsha Burch, Attorney At Law, dated May 25, 2010, identifying one more issue and this issue has been fully considered (Supplemental Board Meeting Material Letter dated May 25, 2010).

The Chairman states that all information presented for the Public Hearing must be new information and nothing should be repeated from the last meeting.

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

Weldon Mattos, Attorney for Applicant, requests continuance to allow for further time to speak to staff and work on issues.

Gordon Gray, Snelling Municipal Advisory Council (MAC), states the Council feels the Plan should address the Safe Routes to School issue and make it part of the community plan and speaks in support of a safe walk route to school.

The Chairman closes the Public Hearing.

Following discussion and upon motion of Supervisor Kelsey, seconded by Supervisor Nelson, duly carried, the Board continues the Public Hearing to July 13, 2010.

Ayes: O'Banion, Walsh, Nelson, Kelsey

Not Present: Pedrozo

CONSENT ITEM NO. 38

2010-05-25 BOARD OF SUPERVISORS

Upon motion of Supervisor Kelsey, seconded by Supervisor Nelson, duly carried, the Board authorizes Certificates of Recognition to the following individuals for attaining 85 years of age and 50 years of residency in the County of Merced: Dorothy Andersen, John J. Areias, John Red Areias, Hiro Asai, Mary H. Avila, Miye Baba, Leon Bartlett, Michael Berklich, John Borba, Jr., Norman Bradford, Joe Brown, Ralph Busby, Mary Areias Cardoza, Nellie A. Cherry, Timothy Oliver Cooksey, Verne Davis, Alice DeWitt Dean, Amelia Duni, Epifania A. Fuentes, Toni Gaestel, Thelma (Rusty) Ganci, William Ganci, Paul Garibay, Raymond Harcksen, Charley Huddleston, Margarita Huerta, Berent Isenberg, Elmer Jantz, John Kollman, Janet Larsen, Julia Larson, Domenico Marchini, Frank Martin, Ines E. Martin, Albertina Martinelli, George Naumann, Roland Noya, Lois Parker, Blix Pluim, June (McHugh) Rahilly, Seraphina Rios, Yeichi Sakaguichi, Charles Sawyer, Charles Sidebotham, Gilbert Silva, Levongia Slaton, Clara Soares, William C. Stephens, Lloyd "Lefty" Stepp, Joan Edmondson Stribling, Helen Swickard, John Joseph Teixeira, Charlie Testa, Vernal Tornquist, Alfred J. Torres, Gustavo Villalta, David Wenrich, Lorraine Costa (Murphy) Wenrich

Ayes: O'Banion, Walsh, Nelson, Kelsey

Not Present: Pedrozo

10:00 A.M. ACTION ITEM NO. 55

2010-05-25 COMMERCE, AVIATION, AND ECONOMIC DEVELOPMENT

The Clerk announces the Proposal to encourage local employment opportunities with Requests for Qualifications, Requests for Proposals, Sole Source Projects, and competitively bid construction, road, and housing projects of all types is before the Board for consideration.

CAED Director Mark Hendrickson reviews the staff report stating the proposal aims to assist local residents to return to full employment in the construction and development trades and reduce unemployment and this proposal will further enhance the existing policy of helping create and retain jobs in the County.

Upon motion of Supervisor Nelson, seconded by Supervisor Kelsey, duly carried, the Board directs all departments issuing Requests for Qualifications, Requests for Proposals, Sole Source projects, and competitively bid construction, road, and housing projects of all types, to encourage the successful lowest responsible bidders or sole source contract recipients to hire 50 percent of all project workforce within the legal boundaries of Merced County.

Present: O'Banion, Walsh, Nelson, Kelsey

Not Present: Pedrozo

10:00 A.M. ACTION ITEM NO. 58

2010-05-25 RETIREMENT BOARD

The Clerk announces the Retirement System Contribution Rates for FY 10/11 is before the Board for consideration.

Assistant Executive Officer Jim Brown states this is an Actuarial Report annual process.

Merced County Employees Retirement Association (MCERA) Plan Administrator Maria Arevalo reviews the staff report.

Following discussion and upon motion of Supervisor Nelson, seconded by Supervisor Kelsey, duly carried, the Board adopts the recommended Retirement contribution and interest rates effective for the July 9, 2010 payroll as follows: Employer Rate: 30.23%, Member Contribution Rates: General Tier 1=9.04%, Tier 2=7.39%, Safety Tier 1=10.28%, Tier 2=7.27%.

Present: O'Banion, Walsh, Nelson, Kelsey

Not Present: Pedrozo