

SUMMARY ACTION MINUTES BOARD OF SUPERVISORS

Regular Meeting TUESDAY, JUNE 08, 2010

Closed Session – 8:30 a.m. Regular Meeting – 10:00 a.m.

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

> LARRY T. COMBS COUNTY EXECUTIVE OFFICER

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

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

8:30 A. M. THE PUBLIC IS INVITED TO SPEAK ON ANY ITEM ON THE AGENDA – TESTIMONY IS LIMITED TO FIVE MINUTES PER PERSON

CLOSED SESSION - CONFERENCE WITH 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: Southwest corner of Castle Commerce Center

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

<u>CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - INITIATION</u>
<u>OF LITIGATION:</u> It is the intention of the Board to meet in Closed Session concerning Initiation of Litigation pursuant to Government Code Section 54956.9(c): One Case

<u>CLOSED SESSION:</u> 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

<u>REVIEW BOARD ORDER – SEE PAGE 12</u>

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 PAGES 12 AND 13

PRESENTATION – Sheriff - Lifesaving Award

REVIEW BOARD ORDER – SEE PAGE 13

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 38)
APPROVED AS RECOMMENDED AYES: ALL

PUBLIC WORKS - PUBLIC HEARING

To consider Resolution of Necessity to commence Eminent Domain Proceedings to Acquire Property from the Rooker Family for the Campus Parkway Project

<u>RECOMMENDATION</u>: Adopt Resolution to commence Eminent Domain Proceedings to Acquire Property for Campus Parkway Project from the Rooker Family

REVIEW BOARD ORDER - SEE PAGE 13

PLANNING - PUBLIC HEARING

To consider the revisions to the CalHome Program, Community Development Block Grant (CDBG) Program and the HOME Investment Partnership Program, Homebuyer Program Guidelines and Housing Rehabilitation Program Guidelines

<u>RECOMMENDATION</u>: Adopt Resolution approving Revisions to the Homebuyer Guidelines and Housing Rehabilitation Guidelines for the Cal Home, CDBG and HOME Programs

REVIEW BOARD ORDER - SEE PAGES 13 AND 14

PLANNING - PUBLIC HEARING

To consider the Community Development Block Grant Application from Dept. of Housing and Community Development (HCD) to continue funding the Owner-Occupied Housing Rehabilitation and Homeownership Assistance Programs targeted in the communities of South Dos Palos, Planada and Winton

RECOMMENDATION: Adopt Resolution to submit Application to the State Dept. of Housing and Community Development for \$600,000 and designate \$260,000 for the Housing Rehabilitation and \$260,000 for the Homeownership Assistance with a concentration in the communities of Planada, South Dos Palos and Winton to benefit very low and low-income families and \$80,000 for code enforcement to alleviate blight, with Staff to return to the Board for approval if awarded

REVIEW BOARD ORDER - SEE PAGE 14

PLANNING - PUBLIC HEARING

To consider the Final Grantee Performance Report for the CDBG General Allocation for Homeownership Assistance and Housing Rehabilitation for the 2005/2006/2007 Period (Grant 05-STBG-1409)

<u>RECOMMENDATION</u>: Approve the Final Grantee Performance Report and direct Staff to proceed with the Grant Closeout Process

REVIEW BOARD ORDER - SEE PAGES 14 AND 15

BOARD OF SUPERVISORS - PROPOSED ORDINANCE - FIRST READING - SET SECOND READING AND POSSIBLE ADOPTION FOR JUNE 22, 2010 AT 10:00 A.M.

To consider Proposed Ordinance entitled: An Ordinance Amending Membership Requirements of a Local Area Recreation Committee - Le Grand Recreation Committee (Amends and Supersedes Ordinance No. 1575) RECOMMENDATION: Conduct First Reading, Waive further reading and set

Second Reading and Possible Adoption for June 22, 2010 at 10:00 a.m. **REVIEW BOARD ORDER – SEE PAGE 15**

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items #1 - 38) APPROVED AS RECOMMENDED AYES: ALL

Public Works

- Approve and authorize Chairman to sign Amendment to Contract No. 2001134 with Foothill Associates for Biological Monitoring and Consulting Services at the Highway 59 Landfill vernal habitat extending the term through June 30, 2013 in the amount of \$60,000 per fiscal year for a total of \$180,000.
- Authorize the increase of the original Project Budget of \$238,688 to \$286,688 for the George Washington Carver Center Project located in South Dos Palos and authorize the addition of \$48,000 to the project budget from Special Board Project Funds-District Five and approve the necessary budget transfer-\$48,000.
- 3. Approve Budget Transfer in the amount of \$3,681 for purchase of uninterruptable power supply necessary for life and safety issues for the Juvenile Justice Facility.
- Approve Budget Transfer in the amount of \$4,220 for costs associated with El Nido Building. (4/5 Vote Required)

Mental Health

- 5. Approve and authorize Chairman to sign Amendment to Contract No. 2007018 with JDT Consultants, Inc. for Therapeutic Behavioral Services for specialty mental health services increasing the contract from \$265,286 to \$392,295 and approve the necessary budget transfer-\$24,000.
- 6. Approve and authorize Chairman to sign Amendment to Contract No. 2008141 with Aspiranet dba Aspira Behavioral Health for specialty mental health and therapeutic

- behavioral services increasing contract from \$314,625 to \$487,750 and approve the necessary budget transfer-\$40,000. (4/5 Vote Required)
- 7. Approve and authorize Chairman to sign Amendment to Contract No. 2008091 with Sylmar Health & Rehabilitation Center for State Licensed mental health services.
- 8. Approve and authorize Chairman to sign Amendment to Contract No. 2008139 with Country Villa Merced Behavioral Health for mental health placement services decreasing the contract from \$1,430,000 to \$1,240,000.
- 9. Approve and authorize Chairman to sign Amendment to Contract No. 2008173 with Community Care Center for mental health placement services increasing the contract from \$186,000 to \$188,000.
- 10. Approve and authorize Chairman to sign Amendment to Contract No. 2008134 with Crestwood Behavioral Health, Inc. for mental health placement services.
- 11. Approve and authorize Chairman to sign Amendment to Contract No. 2005232 with Calif. Psychiatric Transitions for Mental Health Rehabilitation Services increasing the contract from \$265,000 to \$320,000.
- 12. Approve and authorize Chairman to sign Amendment to Contract No. 2007178 with Merced Drug to provide bulk pharmaceuticals to the Marie Green Psychiatric Center increasing the contract from \$50,000 to \$70,000 and approve the necessary budget transfer-\$20,000. (4/5 Vote Required)
- 13. Approve and authorize Chairman to sign Renewal Contract No. 2009096 with Joseph Melton, LMFT for certification review hearing services.
- 14. Approve and authorize Chairman to sign Renewal Contract No. 2009142 with Merced Faculty Associates (MFA) to provide histories and physical exams for clients at Marie Green Facility.
- 15. Approve and authorize Chairman to sign Renewal Contract No. 2009008 with Merced City School District for educational program services for students referred to Merced County Alcohol and Drug Services Adolescent Program.
- 16. Approve and authorize Chairman to sign Renewal Contract No. 2007052 with Trilogy Integrated Resources LLC for Network of Care Website maintenance.

Human Services Agency

- 17. Approve and authorize Chairman to sign Renewal Contract No. 2004213 with Health for providing one full time Public Health Nurse for the Multipurpose Senior Services Program.
- 18. Approve and authorize Chairman to sign Renewal Contract No. 2010043 with District Attorney for In-Home Supportive Services Program Fraud Investigation and Prevention.
- 19. Approve and authorize Chairman to sign Renewal Contract No. 2005256 with District Attorney for CalWORKs & Food Stamp Welfare Fraud Investigation Services.

Sheriff

20. Approve and authorize Chairman to sign Renewal Contract No. 2004327 with Stratford Evans Merced Funeral Chapel for deceased removal services and authorize initiation of Request for Proposal Procurement Process for deceased removal services and return to the Board for contract recommendation upon review of Counsel. 21. Approve and authorize Chairman to sign Amendment to Contract No. 2004326 with Ivers and Alcorn Funeral Home for deceased removal services and authorize initiation of Request for Proposal Procurement Process for deceased removal services and return to the Board for contract recommendation upon review of Counsel.

Ag. Commissioner

 Approve and authorize Chairman to sign Renewal Contract No. 2004082 with Calif. Dept. of Food & Agriculture for Organic Producer Registration and Inspection and adopt Resolution.
 ADOPTED RESOLUTION NO. 2010-105

Human Resources

23. Approve and authorize Chairman to sign Renewal Contract No. 2007154 with Dr. Jocelyn Roland for pre-employment/Fitness for Duty Psychological Examination.

District Attorney

24. Approve and authorize Chairman to sign Amendment to Contract No. 2007023 with State Dept. of Victim Compensation and Government Claims Board to continue participation in the Criminal Restitution Program.

County Counsel

25. Set public hearing for July 13, 2010 at 10:00 a.m. to consider Proposed Ordinance entitled: To Prohibit Camping and Storage of Personal Belongings in public areas under the jurisdiction of Merced County (Adds Section 10.32.035 to the Merced County Code).

Executive Office

- 26. Approve and authorize Chairman to sign Renewal Contract No. 2008236 with Administrative Office of the Courts, Judicial Council of California for Superior Court of California-County of Merced to extend the lease of the Adobe Building (West Portion), 670 West 22nd Street-Merced, beginning July 1, 2010 through June 30, 2011 at a rate of \$1,017 per month with the State reimbursing the County for the utility cost.
- 27. Act on Claims for Damages submitted by Guadalupe Cortez (2010-038) and Darmahn Dixon (2010-037) as recommended by Risk Management and Counsel.
- 28. Approve Travel Requests received from Human Services Agency (2) as recommended by Executive Office.

<u>Library</u>

29. Approve Budget Transfer in the amount of \$25,400 for donation and increases Special Dept. Expense for Books. (4/5 Vote Required)

Dept. of Admin. Services

30. Approve Budget Transfer in the amount of \$24,125 for creation of Fixed Asset for main telecommunications at Human Services Agency approved by the Board on May 25, 2010.

Fire

31. Approve Budget Transfer changing the title from 6 to 10 Data Computers, no funds involved.

Board Recognition

- 32. Authorize Certificates of Recognition to Albert and Sue Catrina in honor of their 50th Wedding Anniversary.
- 33. Authorize Certificate of Recognition to Memorial Hospital-Los Banos in recognition of 2010 National Volunteers Week and authorize Certificate of Recognition to Rose Mello for selection as 2010 Volunteer of the Year.
- 34. Authorize Certificate of Recognition to Realty Executives of Atwater in celebration of Ribbon Cutting.
- 35. Authorize Certificates of Recognition to the Early Learning Educators of the Year Awards selected by the Merced County Office of Education: Maria Williams, Teresa Aguilar, Patricia Aguilar and Yvonne Quale.
- 36. Authorize Certificate of Recognition to DiCicco's Italian Restaurant in celebration of Ribbon Cutting.
- 37. Authorize Certificate of Recognition to Central California Alliance for Health in recognition of Ribbon Cutting.
- 38. Authorize Certificates of Recognition to Diana Aragon, Volunteer of the Quarter and Tri-County Flooring, Business of the Quarter as selected by the Atwater Chamber of Commerce.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

39. Contract with Eduardo Ventura for acquisition of Road Right-of-Way and Slope Easement for the Shanks/Letteau Intersection Project and adopt Resolution accepting Grant Deed for Road Right-of-Way and Easement Deed for Slope Easement and authorize payment to Fidelity National Title Company for the appraised value of property plus escrow and any other transaction fees.

AUTHORIZED CONTRACT NO. 2010133 AND ADOPTED RESOLUTION NO. 2010-106 (GRANT DEED) AND 2010-107 (EASEMENT DEED) AS RECOMMENDED AYES: ALL

40. Contract with Calif. State Lands Commission allowing the continued use and maintenance of the Hills Ferry Road (River Road) Bridge over the San Joaquin River and adopt Resolution.

<u>AUTHORIZED CONTRACT NO. 2010143 AND ADOPTED RESOLUTION NO. 2010-108 AS RECOMMENDED AYES: ALL</u>

41. Reject the bid from Huff Construction due to significant irregularities; award the construction contract to Teichert Construction, Inc. in the amount of \$4,957,987.60 for the Highway 59 Landfill New Vehicle Weighing & Processing Facility and approve the necessary budget transfer. (4/5 Vote Required)

REVIEW BOARD ORDER - SEE PAGES 15 AND 16

42. Approve new Snelling Community Building Project to be located at Henderson Park; approve funding of \$397,000 from Proposition 40 Funds, \$50,000 from Special Board Project Funds-District Four, \$25,000 from Snelling Special Recreation Funds and \$8,000 from Snelling Parkland Dedication Funds; authorize Public Works Director to approve the plans and specifications once completed and authorize advertisement of bid opening and award of construction contract to lowest responsible bidder provided said bid is within the established project budget and authorize Chairman to sign; direct Public Works to return with a summary of all actions taken and approve the necessary budget transfer-\$480,000. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2010144 AS RECOMMENDED AYES: ALL

43. Approve plans and specifications for the Personal Property Storage Room to Holding Cells Modification at John Latoracca Adult Correctional Center; authorize Public Works to advertise for bids and conduct bid opening; authorize Public Works to award contract to lowest responsible bidder as long as bid is within the project budget and authorize Chairman to sign after review by Counsel; direct Public Works to return with information of all actions taken and approve the necessary budget transfer-\$42,000.

AUTHORIZED CONTRACT NO. 2010145 AS RECOMMENDED AYES: ALL

44. Authorize the proceeding of the design of the Highway 59 Landfill Waste Transfer Processing Facility and authorize Chairman to sign Contract with Bryan A. Stirrat Associates with a not-to-exceed fee of \$150,000 upon review of Counsel; direct Public Works to return to the Board upon completion of the bidding documents with a total project estimate and authorization for Public Works to advertise the completed bidding documents for a public bid opening.

AUTHORIZED CONTRACT NO. 2010146 AS RECOMMENDED AYES: ALL

45. Authorize the use of Proposition 1B Local Street and Road Funds for the Shanks/Letteau Intersection Improvements Project.

APPROVED AS RECOMMENDED AYES: ALL

46. Approve the Project Revision of the Lake Yosemite Park Main Beach and Concession Area Improvement Project (Contract No. 2010064) to be only funded by the existing CIP funds; authorize Public Works Director to approve plans and specifications for the Project when completed and advertise and conduct bid opening; authorize Public Works to award contract to lowest responsible bidder as long as bid is within the project budget and authorize Chairman to sign after review by Counsel and direct Public Works to return with information of all actions taken.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

47. Approve the FY 2010-2011 Area Plan Update for the Merced County Area Agency on Aging as required by the Calif. Dept. of Aging and authorize the Chairman to sign the Transmittal Letter.

APPROVED AS RECOMMENDED AYES: ALL

48. Authorize Human Services Agency to transfer County funds from the Foster Care and General Assistance Line Accounts to cover the increased costs in the In-Home Supportive Services Program due to unanticipated increased cost in provider wages and health benefits resulting from a court injunction which occurred during Fiscal Year 09/10 and approve the necessary budget transfer. (4/5 Vote Required)

REVIEW BOARD ORDER - SEE PAGE 16

49. Accept and use the Temporary Assistance for Needy Families (TANF) Emergency Contingency Fund Non-Recurrent Short Term Benefits (NSTB) Funds in the Federal Fiscal Years (FFY) 2009 and 2010 for expending to CalWORKs families with minor children for an episode of need and approve the necessary budget transfer-\$4,250,000. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

DEPT. OF WORKFORCE INVESTMENT

50. Contract with Merced College for ten Thrive and Survive Workshops serving Workforce Investment Act (WIA) and American Recovery and Reinvestment Act (ARRA) eligible participants in Merced and Los Banos.

AUTHORIZED CONTRACT NO. 2010147 AS RECOMMENDED AYES: ALL

- 51. Contract with Merced Adult School to provide Computer Literacy Lab instructional services located at Castle Learning Center to participants under the Workforce Investment Act (WIA).

 AUTHORIZED CONTRACT NO. 2010148 AS RECOMMENDED AYES: ALL
- 52. Contract with Merced Adult School to provide a Computer Literacy Lab instructional services located at East Campus Learning Center for Workforce Investment Act (WIA) participants.

 AUTHORIZED CONTRACT NO. 2010149 AS RECOMMENDED AYES: ALL
- 53. Appoint Carol Greenburg to serve as a member of the Workforce Investment Board Youth Council.

APPROVED AS RECOMMENDED AYES: ALL

54. Appoint Robert Bittner to serve as a member of the Workforce Investment Board Youth Council.

APPROVED AS RECOMMENDED AYES: ALL

- 55. Appoint Baljit Gill to serve as a member of the Workforce Investment Board Youth Council.

 APPROVED AS RECOMMENDED AYES: ALL
- 56. Appoint Christina Kulina to serve as a member of the Workforce Investment Board Youth Council.

APPROVED AS RECOMMENDED AYES: ALL

FIRE

57. Authorize Office of Emergency Services to apply for the 2010 Governor's Office of Emergency Services Emergency Management Performance Grant in the amount of \$168,385.85 to be returned to the Board if approved and adopt Resolution authorizing OES designated staff to act on behalf of the Merced County Operational Area in obtaining federal assistance provided by the Federal Dept. of Homeland Security and sub-granted through the State.

ADOPTED RESOLUTION NO. 2010-109 AS RECOMMENDED AYES: ALL

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

58. Contract with Jones and Stokes Associates, Inc. a subsidiary of ICF International for the preparation of an Initial Study under the provisions of CEQA for the revised Castle Airport Master Plan and approve the necessary budget transfers-\$29,605 each from Capital Improvement Program and CAED. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2010150 AS RECOMMENDED AYES: ALL

59. Resolution in support of the Enterprise Zone Program and direct CAED Staff to distribute it as appropriate to the State Legislative Committees.

ADOPTED RESOLUTION NO. 2010-110 AS RECOMMENDED AYES: ALL

COUNSEL

60. Authorize Chairman to sign a Letter granting the request from the Law Firm of Cox, Castle & Nicholson to waive any potential future conflict of interest that might arise from Cox's simultaneous representation of the Greater Merced High Speed Rail Committee and the UC Merced.

APPROVED AS RECOMMENDED AYES: ALL

61. Authorize the Clerk of the Board to execute and issue the "Memorandum" or Notice of Non-Authorization, pursuant to Government Code Section 53853(b), and serve notice to the relevant Districts that the Board of Supervisors will not authorize issuance of the TRANS within 45 calendar days, thereby freeing the Districts to issue the TRANS on their own respective behalves.

REVIEW BOARD ORDER - SEE PAGES 16 AND 17

DEPT. OF ADMIN. SERVICES

62. Declare passenger cars, trucks, miscellaneous office furniture, office equipment and miscellaneous supplies identified in Exhibit A as Surplus Property and authorize its disposal through an Internet Public Auction.

APPROVED AS RECOMMENDED AYES: ALL

63. Approve the procurement process and the selection and award and authorize Chairman to sign Contract with Kronos as the successful bidder for the purchase of computer software and services and approve the necessary budget transfers (2)-\$250,000 and \$323,316. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2010122 AS RECOMMENDED AYES: ALL

SHERIFF

64. Contract with Calif. Dept. of Corrections and Rehabilitation for the In-Custody Drug Treatment Program for parolees; authorize the Revenue for Fiscal Years 2010/11 and 2011/12 to reimburse the County for General Fund costs and for Fiscal Year 2012/13, the Revenues be split 40% to reimburse the County for General Fund cost, and the remaining 60% to be placed in Capital Project Fund-Correctional Facility 23000/17200 to be utilized to support future jail improvements, jail remodeling and jail expansion projects.

AUTHORIZED CONTRACT NO. 2010123 AS RECOMMENDED AYES: ALL

65. Authorize Dept. of Admin. Services to utilize the Scott County Iowa competitive bid process to contract with New World Systems for a new computer software system for the Sheriff's Department and authorize Chairman to sign Standard Software License and Service and Additional Software License Contract for the purchase and approve the necessary budget transfer-\$1,363,874. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2010124 AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

66. Rescind the FY 10-11 3% salary increase for Unrepresented Management (Unit 20).

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

67. Authorize \$5,000 of Special Board Project Funds-District One to be forwarded to the Greater Merced High Speed Rail Committee to assist with costs of consultant services.

APPROVED AS RECOMMENDED AYES: ALL

APPOINTMENTS

68. Mental Health Advisory Board - Recommended Amendments to the Mental Health Advisory Board Bylaws.

APPROVED AS RECOMMENDED AYES: ALL

69. Workforce Investment Board – Reappointed Steve Newvine, Business/Private Sector Representative, until 6/30/2014.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

70. Public Works re: Notification of Contract Award to International Surfacing Systems for the Scrub Seals at various locations in Merced County.

AWARDED CONTRACT NO. 2009162

- 71. City of Atwater re: Certified Copies of City of Atwater Resolution No. 2528-10 and 2529-10 regarding consolidation of City's General Municipal Election with the Statewide General Election on November 2, 2010 adopted on May 10, 2010 City Council Meeting.
- 72. Calif. Regional Water Quality Control Board-Central Valley Region re: Notice of Public Workshop and CEQA Scoping Meetings for development of a Basin Plan Amendment for the Control of Methylmercury and total Mercury in the Lower American River and Lake Natoma.
- 73. National Resource Council re: Notice of Public Meeting and Request for Information National Research Council (NRC) Science Study Sea Level Rise Projects for California, Oregon and Washington.
- 74. State Water Resources Control Board re: Notice of Rescheduling of Public Meetings in San Joaquin County for: Nelly Mussi and Rudy M. Mussi Investment LP-Whiskey Slough; George Speckman Testamentary Trust-Whiskey Slough and Juan Navarro-Middle River.
- 75. State Water Resources Control Board re: Notice of Public Solicitation of Water Quality Data and Information for 2012 Calif. Integrated Report Surface Water Quality Assessment and List of Impaired Waters Extension to August 30, 2010.
- 76. State Water Resources Control Board re: Notice of Continuance of Public Hearings in San Joaquin County for: Yong Pak and Sun Young-Duck Slough and Rudy Mussi, Toni Mussi and Lory C. Mussi Investment LLP-Middle River.

ADOPTED RESOLUTIONS IN MEMORY OF FLORENCE MURPHY, FLORA MAE CROMWELL, CATHY ANN TANNER AND MARIA MACHADO AND ADJOURNED THE MEETING UNTIL TUESDAY, JUNE 22, 2010 AT 10:00 A.M.

BOARD ORDERS - SUMMARY ACTION MINUTES - JUNE 8, 2010

9:00 A.M. SCHEDULED ITEM 2010-06-08 CLOSED SESSION

The Board recesses into Closed Session at 8:30 a.m. with all members present.

<u>CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATOR:</u> 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: Southwest corner of Castle Commerce Center

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

<u>CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION:</u> It is the intention of the Board to meet in Closed Session concerning Initiation of Litigation pursuant to Government Code Section 54956.9(c): One Case

<u>CLOSED SESSION:</u> 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 all members present. Chairman O'Banion reports the Board continued the Public Employee Performance Evaluation-Title: County Executive Officer; provided Staff direction on other Closed Session matters and announces the Redevelopment Agenda has been pulled and there will be no discussion or meeting today. Present: O'Banion, Pedrozo, Walsh, Nelson, Kelsey

10:00 A.M. SCHEDULED ITEM 2010-06-08 PUBLIC OPPORTUNITY

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

Karen Adams, Treasurer-Tax Collector-Clerk-Registrar of Voters, speaks to the changes with the sample ballot and the addition of Centralized Satellite Voting locations and reminds everyone to vote

Tom Grave, Merced, requests information pertaining to the County Executive Officer vehicle allowance. Chairman O'Banion refers Mr. Grave to the Clerk of the Board office for further information.

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

10:00 A.M. SCHEDULED ITEM 2010-06-08 PRESENTATION

Sheriff Pazin and Commander Buttrey provide details of the lifesaving event at Lake Yosemite and Sheriff Pazin congratulates Deputy Erick Macias and presents him with the 1st Lifesaving Medal presented by the Sheriff's Department.

The Board presents Deputy Erick Macias, Sheriff's Dive Recovery Team Unit member, with a Certificate of Recognition for being honored as a Good Samaritan Hero and acknowledges the receipt of the Lifesaving Medal Award.

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

10:00 A.M. SCHEDULED ITEM

2010-06-08 PUBLIC WORKS – PUBLIC HEARING

The time and date previously set for a public hearing to consider a Resolution of Necessity to Commence Eminent Domain Proceedings to Acquire Property from the Rooker Family for the Campus Parkway Project submitted by Public Works.

Assistant Director of Public Works Richard Schwartz reviews the staff report.

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

The Chairman closes the Public Hearing.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Kelsey, duly carried, the Board adopts Resolution No. 2010-102 to commence Eminent Domain Proceedings to Acquire Property from the Rooker Family for the Campus Parkway Project.

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

10:00 A.M. SCHEDULED ITEM

2010-06-08 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider Revisions to the Cal-Home Program, Community Development Block Grant (CDBG) Program and the HOME Investment Partnership Program, Homebuyer Program Guidelines and Housing Rehabilitation Program Guidelines submitted by Planning and Community Development Department. Assistant Planning Director Bill Nicholson reviews the staff report.

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

The Chairman closes the Public Hearing.

Upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, duly carried, the Board approves the Revisions to the Homebuyer Guidelines and Housing Rehabilitation Guidelines for the Cal Home, CDBG and HOME Programs and adopts Resolution No. 2010-103. Ayes: O'Banion, Pedrozo, Walsh, Nelson, Kelsey

10:00 A.M. SCHEDULED ITEM 2010-06-08 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider the Community Development Block Grant Application from Dept. of Housing and Community Development (HCD) to continue funding the Owner-Occupied Housing Rehabilitation and Homeownership Assistance Programs targeted in the communities of South Dos Palos, Planada, and Winton submitted by Planning and Community Development Department.

Assistant Planning Director Bill Nicholson reviews the staff report.

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 Pedrozo, duly carried, the Board approves and authorizes submission of Application to the State Dept. of Housing and Community Development for \$600,000 to continue the owner-occupied housing rehabilitation and homeownership assistance programs and designates \$260,000 for the Housing Rehabilitation and \$260,000 for the Homeownership Assistance with a concentration in the communities of Planada, South Dos Palos and Winton to benefit very low and low-income families and \$80,000 for code enforcement to alleviate blight, and directs Staff to return to the Board for approval if awarded and adopts Resolution No. 2010-104.

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

10:00 A.M. SCHEDULED ITEM 2010-06-08 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider the Final Grantee Performance Report for the CDBG General Allocation for Homeownership Assistance and Housing Rehabilitation for the 2005/2006/2007 Period (Grant 05-STBG-1409) submitted by Planning and Community Development.

Assistant Planning Director Bill Nicholson introduces Karen Saucedo of Self-Help Enterprises.

Self-Help Enterprises Representative Karen Saucedo provides an overview of the Final Grantee Performance Report for the CDBG General Allocation for Homeownership Assistance and Housing Rehabilitation program.

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 Walsh, seconded by Supervisor Pedrozo, duly carried, the Board approves the Final Grantee Performance Report for 2005/2006/2007 for Grant No. 2005-STBG-1409 and directs Staff to proceed with the Grant Closeout Process.

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

10:00 A.M. SCHEDULED ITEM

2010-06-08 BOARD OF SUPERVISORS - PROPOSED ORDINANCE - FIRST READING AND SET SECOND READING FOR JUNE 22, 2010

The time and date previously set to consider Proposed Ordinance titled: An Ordinance Amending Membership Requirements of a Local Area Recreation Committee (Le Grand Recreation) (Amends and Supersedes Ordinance No. 1575) submitted by the Board of Supervisors.

The Chairman states this is the First Reading of the Proposed Ordinance and Second Reading will be set for June 22, 2010.

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

Upon motion of Supervisor Walsh, seconded by Supervisor Pedrozo, duly carried, the Board waives further reading of the Proposed Ordinance and sets the Second Reading and possible adoption for June 22, 2010 at 10:00 a.m.

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

ACTION ITEM NO. 41

2010-06-08 PUBLIC WORKS

The Clerk announces the Highway 59 Landfill New Vehicle Weighing & Processing Facility bid results and recommendations are before the Board for consideration.

Assistant Director of Public Works Richard Schwartz reviews the staff report outlining the bid opening and recommends the Board reject the bid from Huff Construction due to significant irregularities and award the contract to Teichert Construction, Inc. for the Project.

Supervisor Pedrozo moves, seconded by Supervisor Nelson, the Board reject the bid from Huff Construction due to significant irregularities; award contract to Teichert Construction, Inc. and authorize the Chairman to sign contract No. 2009270 with Teichert Construction, Inc. for \$4,957,987 for the Highway 59 Landfill New Vehicle Weighing & Processing Facility and approve the necessary budget transfer-\$6,050,000.

Following discussion, the Chairman states for the record, the Board members received a Letter from Teichert Construction and asks if there is anyone present that wishes to address this matter.

Attorney Tyson Shower, McDonough, Holland and Allen, P.C., representing Teichert Construction, is present and states the Board received the letter from Teichert and seeing that there are no objections from Huff Construction on the bid rejection, he will make no further comment but is present to answer any concerns.

The Chairman calls for the Vote on the Motion. Motion carries. (4/5 Vote Required) Ayes: O'Banion, Pedrozo, Walsh, Nelson, Kelsey

ACTION ITEM NO. 48

2010-06-08 HUMAN SERVICES AGENCY

The Clerk announces the In-Home Supportive Services Program Court Injunction and transfer of funds is before the Board for consideration.

Human Services Agency Director Ana Pagan reviews the staff report advising HSA is requesting approval to transfer County funds from Foster Care and General Assistance Accounts to cover increased costs in the In-Home Supportive Services (IHSS) Program and IHSS Public Authority due to unanticipated increased cost in provider wages and health benefits resulting from a court injunction which occurred during FY 09/10.

Following discussion and upon motion of Supervisor Walsh, seconded by Supervisor Pedrozo, duly carried, the Board authorizes the Human Services Agency to transfer funds from the Foster Care and General Assistance line accounts to cover the increased costs in In-Home Supportive Services Program related to a court injunction which occurred in Fiscal Year 09/10 and approve the necessary budget transfer-\$303,036. (4/5 Vote Required)

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

ACTION ITEM NO. 61 2010-06-08 COUNTY COUNSEL

The Clerk announces the School District Cash Reserve Program is before the Board for consideration.

County Counsel James Fincher states numerous school districts throughout the state will participate in the School District Cash Reserve Program for the 2010/11 FY by issuance of tax and revenue anticipation notes. He summarizes that California law pursuant to provisions of GC Section 53853 provides that the board of supervisors shall issue the Notes in the name of the district as soon as possible after receipt of a resolution of the District's governing board. He reviews the letters received from the school districts stating staff believes it is more appropriate for the Districts to issue the Notes in their respective names and that the perfunctory act of executing the notes on behalf of the Districts is unnecessary.

Following discussion and upon motion of Supervisor Nelson, seconded by Supervisor Walsh, duly carried, the Board authorizes and directs the Clerk of the Board to execute and issue the "Memorandum" or Notice of Non-Authorization, pursuant to Government Code Section 53853(b), and serve notice to the relevant Districts that the Board of Supervisors will not authorize issuance of the TRANS within 45 calendar days, thereby freeing the Districts to issue the TRANS on their own respective behalves

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