

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, NOVEMBER 02, 2010

Closed Session – 9:00 a.m.

Interviews – Housing Authority of the County of Merced – 9:45 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 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: Properties: Building 1350, Building 115 at Castle and Castle properties

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL -

SIGNIFICANT EXPOSURE TO LITIGATION: It is the intention of the Board to meet in Closed Session concerning Significant Exposure to Litigation pursuant to Government Code Section 54956.9(b): One Case

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): Valley Citizens, Justin Bernard v. County of Merced, et al [George Simmons, Jeanne Simmons, The Blohm Road Joint Venture, The Don Chapin Co., Inc.], Merced Court Case No. CV001427

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL - INITIATION

OF LITIGATION 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

CLOSED SESSION: 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

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

9:00 A. M. **GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)**

9:45 A. M. **INTERVIEWS - HOUSING AUTHORITY OF THE COUNTY OF MERCED**
At Large Position: One Vacant Position, Unexpired Term until 2/18/2014
Applicants: Richard Orosio and Tru Chang
CONTINUED TO A LATER DATE

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

PRESENTATIONS

Recognition: Jon Grissom, Sr. – NAACP President, Branch 12AA
CONTINUED TO A LATER DATE

(1) MEDI-CAL MANAGED CARE IN MERCED COUNTY - REPORT

Central California Alliance for Health

Alan McKay, Executive Director and Rachel Nava, Chief Operating Officer

REVIEW BOARD ORDER

(2) MERCED COUNTY OFFICE OF EDUCATION ANNUAL REPORT

FY 2010-11, School Review of Atwater, Delhi, Dos Palos, Gustine, Hilmar, Los Banos, Merced City, Planada and Winton School Districts

Merced County Superintendent of Schools (as required by Education Code Section 1240(c)(2)(B) pursuant to Williams Settlement)

REVIEW BOARD ORDER

APPROVAL OF CONSENT AGENDA CALENDAR

APPROVED AS RECOMMENDED REMOVING ITEM #19 FOR SEPARATE DISCUSSION AND ACTION AYES: ALL

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT - PUBLIC HEARING

To consider the request from California Communities to issue bonds to University of California Board of Regents for the purposes of constructing UC Merced's Student Housing Phase 4 Project as required under Government Code Section 6586.5

RECOMMENDATION: Adopt Resolution approving the issuance by the California Statewide Communities Development Authority of Recovery Zone Economic Development Bonds for the UC Merced Student Housing Phase 4 Project

REVIEW BOARD ORDER

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items #1 - 34)

APPROVED AS RECOMMENDED REMOVING ITEM #19 FOR SEPARATE DISCUSSION AND ACTION AYES: ALL

Public Works

1. Approve Budget Transfer in the amount of \$5,000 for carport needed for the Household Hazardous Waste Program that was transferred from Environmental Health.
2. Approve and authorize Chairman to sign Amendment to Contract No. 2008185 with Merced County Rescue Mission to defer monthly reimbursement payments of \$1000 for an additional fourteen (14) months and extends the contract to February 10, 2020 with payments to resume on February 10, 2011 in the amount of \$1,304.56 and continue on an annual, rather than a monthly basis until paid in full.

Mental Health

3. Approve and authorize Chairman to sign Amendment to Contract No. 2007249 with Aspiranet for WeCan Wraparound Services revising the rates and decreasing the contract amount from \$2,393,000 to \$2,273,000.
4. Approve and authorize Chairman to sign Amendment to Contract No. 2008141 with Aspiranet dba Aspira Behavioral Health for Specialty Mental Health Services and Therapeutic Behavioral Services increasing the total contract amount from \$489,750 to \$812,075 and approve the necessary budget transfer. (4/5 Vote Required)
5. Approve and authorize Chairman to sign Amendment to Contract No. 2008215 with Victor Treatment Center for Residential Treatment Facility for Youth (Ages 7-20).

Ag. Commission

6. Approve and authorize Chairman to sign Renewal Contract No. 2000138 with Calif. Dept. of Food and Agriculture for Pest Detection Inspections and adopt Resolution.
ADOPTED RESOLUTION
7. Approve and authorize Chairman to sign Renewal Contract No. 2008252 with Calif. Dept. of Food and Agriculture for High Risk Exclusion Inspections and adopt Resolution.
ADOPTED RESOLUTION
8. Approve and authorize Chairman to sign Renewal Contract No. 2007246 with Calif. Dept. of Food and Agriculture for Pest Exclusion County Nursery Program and adopt Resolution.
ADOPTED RESOLUTION

Public Defender

9. Approve and authorize Chairman to sign Amendment to Contract No. 2008039 with Cindy Merino, C. Garretson Investigations, for public defender investigative services to include Penal Code 187 cases and increase the contract amount.
10. Approve and authorize Chairman to sign Amendment to Contract No. 2008220 with Stan Scott, Big Valley Investigations, for public defender investigative services to include Penal Code 187 cases and increase the contract amount.

11. Approve and authorize Chairman to sign Amendment to Contract No. 2005041 with Peter Wann, Peter Wann Investigations, for public defender investigative services to include Penal Code 187 cases and increase the contract amount.
12. Approve and authorize Chairman to sign Amendment to Contract No. 2004338 with Lynda Williams, Williams & Co. Investigations, for public defender investigative services to include Penal Code 187 cases and increase the contract amount.
13. Approve and authorize Chairman to sign Amendment to Contract No. 2007185 with Colleen Tucker, Colleen Tucker Investigations, for public defender investigative services to include Penal Code 187 cases and increase the contract amount.

Fire

14. Approve Budget Transfer in the amount of \$56,562 for Sheriff's Department purchase of radios from OES Grant funds.

Dept. of Workforce Investment

15. Approve and authorize Chairman to sign Amendment to Contract No. 2009214 with San Joaquin County Employment and Economic Development for San Joaquin Valley Green Jobs Corps project reducing the contract by \$25,000.
16. Approve and authorize Chairman to sign Amendment to Contract No. 2009216 with Merced County Office of Education for San Joaquin Valley Green Jobs Corps project increasing the contract by \$25,000 and extending the duration to February 28, 2011.

Assessor-Recorder

17. Set public hearing for November 30, 2010 at 10:00 a.m. to consider the Proposed Ordinance Amending the Merced County Clerk and Records Office Fees (Amends Ordinance No. 1870 and Code Chapter 5.36).

Sheriff

18. Approve and authorize Chairman to sign Amendment to Contract No. 2003157 with Hilmar School District for Canine Patrol services.

Health

19. Set public hearing for November 30, 2010 at 10:00 a.m. for a Bielson Hearing for the proposed reduction of medical services; authorize a range of transportation services from a contracted van service to a taxi voucher system and approve the move of Outpatient Pharmacy Services from the Southside Community Campus to the Dominican Campus.

REVIEW BOARD ORDER

20. Approve Budget Transfer in the amount of \$394,417, funds originally budgeted in Account 95388 and should be in Account 96940. (4/5 Vote Required)

Commerce, Aviation and Economic Development

21. Approve Budget Transfer for \$30,000 for replacement of telephone cables to provide telephone service to Castle tenants.

Human Services Agency

22. Authorize Human Services Agency to accept cash and gift donations from the "Operation Holiday Toy Drive" and gift donations from The United Way and other community efforts beginning November 2 through December 31, 2010.
23. Approve use of the County Administration Parking Lot located at 2222 M Street, Merced, from 7:30 a.m. until 2:30 p.m. on December 1, 2010 to start the "Operation Holiday Toy Drive" collection benefiting children of Merced County.

Executive Office

24. Act on Leave to Present a Late Claim filed by Kered Armstrong and direct Risk Management to issue notice.
25. Act on Application for Leave to Present Late Claim filed by Martha Armstrong and direct Risk Management to issue notice.
26. Approve Travel Requests submitted by Sheriff (2) and Commerce, Aviation and Economic Development as recommended by Executive Office.

Board of Supervisors

27. Designate the Merced County Arts Council to serve as the local partner in the California Arts Council's State-Local Partnership Program Grant and authorize Letter of Support.
28. Approve Minutes of August 18 and 24; September 22 and 29; October 6, 20 and 27; November 3, 10 and November 3-RDA and December 1, 8, 29 and December 8-RDA for 2009 as submitted.

Board Recognition

29. Authorize Certificates of Recognition to Outstanding Senior Volunteers in the Los Banos community: Benny Gamino, Victor Marques, Beverly Sousa, Carmen Miranda, Paul Riso, Anthony Pricolo, Syble Darnell, Lena Pyle, Josie Correllus Bosworth and Mary Silva.
30. Authorize Certificates of Recognition to Dwaine Davis, Donna Winzer Yancey, Shirley Winzer, Lavelle "Snap" Winzer,Carolyn Smith, Wanda Lax, David Hagin, Roosevelt Dean, Greg "Baby Chill" Winzer and Joey Alvarez as recognized by the Boys and Girls Club for dedicated support as Friends of the Club.
31. Authorize Certificates of Recognition to Community Presbyterian Church for 100 Years of Service; Soroptimist International for 50 Years of Service and Greg Greeson, Gustine City Manager for service to the Gustine/Newman community.
32. Authorize Certificate of Recognition to Central Valley Geeks in recognition of Ribbon Cutting.
33. Authorize Certificate of Recognition to Hilmar Cheese for selection by Hilmar Chamber of Commerce for the 2010 Distinguished Service Award.
34. Authorize Certificates of Recognition to Kirby Manufacturing-Good Business Citizen, Tony Shukle and Jim Farley-Volunteers of the Quarter as recognized by the Merced County Chamber of Commerce.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

35. (1) Approve the Merced County Public Defender's Office as the tenant in the vacant County-owned Building at 777 West 22nd Street, (2) Approve a preliminary overall budget of \$1,200,000 for the remodel, (3) Authorize Public Works to design and produce plans and specifications (bid documents) utilizing retained Architect Taylor-Teter Partnership, (4) Approve Budget Transfer in the amount of \$125,000 from Tobacco Securitization Fund for said design and bid documents and (5) direct Public Works to return to the Board for approval of the completed bid documents and authorization to publically bid this project. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

36. Contract with All Phase Security, Inc. for security services at the Old County Hospital site.

APPROVED AS RECOMMENDED AYES: ALL

37. Approve plans and specifications for the Billy Wright Landfill Perimeter Fence Project; authorize Public Works Director to advertise the project, set bid opening date and award the project if within the established budget; authorize Chair to sign Contract after review by Counsel and direct Public Works to return to the Board with Informational Item summarizing the results of the Bid Opening and Award.

APPROVED AS RECOMMENDED AYES: ALL

38. Contract (License Farm Lease) with Parmar Farms for leasing of the property for productive agricultural purposes until the land is needed for construction as part of the Campus Parkway Project, Segment 3.

APPROVED AS RECOMMENDED AYES: ALL

39. Contract (License Farm Lease) with Gregg A. Benson Farms for leasing of the property for productive agricultural purposes until the land is needed for construction as part of the Campus Parkway Project, Segment 3 and approve the necessary budget transfer. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

40. Authorize circulation of Request for Proposal (RFP) from qualified contractors for services related to the inspection, testing and maintenance of fire protection systems and related components and authorize Public Works to review and rank proposals and negotiate a contract for Fire Protection Services with the most qualified contractor, to come back to the Board for final approval.

APPROVED AS RECOMMENDED AYES: ALL

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

41. Resolution for the Merced County Business Revolving Loan Fund Plan Certification as required by the U.S. Dept. of Commerce, Economic Development Administration.

APPROVED AS RECOMMENDED AYES: ALL

MENTAL HEALTH

42. Contract with Aegis Medical Systems, Inc. to provide Drug Medi-Cal Outpatient Narcotic Treatment Program Services.

APPROVED AS RECOMMENDED AYES: ALL

SHERIFF

43. Contract with Merced County Jail Ministry to provide religious, counseling and education services to inmates confined in the Merced County Jail facilities.

APPROVED AS RECOMMENDED AYES: ALL

44. PULLED

TREASURER-TAX COLLECTOR-CLERK

45. Grant the Treasurer-Tax Collector-Clerk to increase the Change Fund for Revenue and Reimbursement of \$320 to increase the total to \$800.

PULLED - REVIEW BOARD ORDER

DEPT. OF ADMIN. SERVICES

46. Contract with AES Tyler Company for purchase of software and implementation services for the Assessor to provide value calculations utilized for comparative analysis in support of the processing of Proposition 8 declines in value and approve the necessary budget transfers (2). (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

47. Authorize Special Board Project Funds-District Three in the amount up to \$25,000 for painting the Commerce, Aviation and Economic Development section of Building 1230 at Castle and authorize issuance of Purchase Order to the lowest responsible bidder and approve the necessary budget transfer. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

48. Authorize Special Board Project Funds as follows: District One and District Two in the amount of \$2,500 each and District Three in the amount of \$5,000 for a total of \$10,000 to be forwarded to the Tree Partners Foundation for development of a site plan and entry garden for a botanical garden at Merced College.

APPROVED AS RECOMMENDED AYES: ALL

49. Resolution to support the High Speed Rail Merced to Fresno Corridor as the priority corridor and as the first section of the California High Speed Rail Statewide System to be built.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

APPOINTMENTS

50. Workforce Investment Board - Resignation and vacancy.

APPROVED AS RECOMMENDED AYES: ALL

51. Merced County Local Child Care and Development Planning Council - Reappointments.

APPROVED AS RECOMMENDED AYES: ALL

52. Mosquito Abatement District – Appointment.

APPROVED AS RECOMMENDED AYES: ALL

53. Housing Authority of the County of Merced - Re-Interview Rick Osorio and Tru Chang and appoint one At Large Member to the Housing Authority of the County of Merced to fill the vacant unexpired term until February 18, 2014 based on the high score of candidates, if above the 70% threshold; and should no candidate be selected, direct the Clerk of the Board to continue to receive applications for the position that remains.

CONTINUED TO A LATER DATE

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE **AYES: ALL**

54. State Board of Equalization re: Summons to all County Assessors to a State Board of Equalization meeting set for November 16, 2010 in Sacramento, CA.

55. Public Works re: Notification of Award of Contract No. 2010167 to Talley Oil, Inc. for the Henry Miller Road Scrub Seal Project.

AWARDED CONTRACT

56. Public Works re: Notification of Award of Contract No. 2010144 to Harris Builders for the New Snelling Community Building at Henderson Park.

AWARDED CONTRACT

57. Library re: Notification of 2009-2010 Annual Report pursuant to Business and Professions Code Section 6349.

58. Dept. of Administrative Services re: Notification of Net Proceeds of the Sale of Surplus Property on the Internet Auction for period of July 1 through September 30, 2010 amounted to \$19,059.32.

59. Atwater Elementary School District re: Resolution in support of Bailout of Merced County from Federal Voting Rights Act, Section 5.

60. U.S. Dept. of Transportation re: Letter in response to support of the Application for funding to advance intercity passenger rail in California advising the merit-based review of the applications is being conducted and selection for funding will be announced later this year.

61. State Water Resources Control Board re: State of the State's Wetlands Report.

62. 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 Sacramento River and San Joaquin River Basins Incorporating Non-Regulatory Revisions.

63. State Water Resources Control Board re: Notice of Public Workshop to receive information relating to the San Joaquin River Restoration Program set for November 18, 2010 at 10:00 a.m.

64. State Water Resources Control Board re: Notice of Workshop and Public Comment on the Draft Policy for Toxicity Assessment and Control - Policy includes a new method to determine the toxicity of effluents, statewide numeric objectives and further standardization of toxicity provisions for National pollutant Discharge Elimination System permittees, facilities subject to other Waste Discharge Requirements and operations regulated under conditional waivers set for November 16, 2010 at 9:00 a.m.

65. State Water Resources Control Board re: Notice of Board Meeting set for November 2, 2010 at 9:00 a.m.

66. State Water Resources Control Board re: Notification the Final 2010 Integrated Report to the U.S. EPA was submitted and list of impaired waters and report on the quality of waters as required has been submitted.

67. Federal Emergency Management Agency re: 90-Day Comment Period Notification of intended filing on behalf of your entity on the proposed floodplain boundary modifications, Black Rascal Creek Diversion Levee.

ADOPTED RESOLUTION IN MEMORY OF JOSEPHINE LEOS AND ADJOURNED MEETING UNTIL TUESDAY, NOVEMBER 30, 2010 AT 10:00 A.M.