

SUMMARY ACTION MINUTES BOARD OF SUPERVISORS

Regular Meeting TUESDAY, OCTOBER 19, 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

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 the 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: Castle Property

<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>LITIGATION:</u> It is the intention of the Board to meet in Closed Session concerning Existing Litigation pursuant to Government Code Section 54956.9(a): (Writ of Mandate) Valley Citizens, and Justin Bernard vs. Merced County; et al., Merced County Superior Court, Case No. TBA

<u>CLOSED SESSION:</u> 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 RECESSES AT 9:00 A.M. WITH SUPERVISOR PEDROZO NOT PRESENT AND RECONVENES AT 10:00 A.M. WITH THE CHAIRMAN ADVISING STAFF WAS PROVIDED DIRECTION. COUNSEL FINCHER STATES FOR THE RECORD, INITIATION OF LITIGATION CASE NUMBER IS: CV001427

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 10

10:00 A. M. PRESENTATIONS

(1) <u>Human Services Agency</u>: Update and Report, Usage of Electronic Benefit Transfer (EBT) Cards

REVIEW BOARD ORDER - SEE PAGE 10

(2) <u>Human Services Agency</u>: Mountain Crisis Services - Domestic Violence Services Annual Report and Proclamation

REVIEW BOARD ORDER – SEE PAGE 10

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 24)

PLANNING - PROPOSED ORDINANCE - SECOND READING AND POSSIBLE ADOPTION

To consider proposed Ordinance for Zone Code Text Amendment No. ZCTA09-003 entitled: An Ordinance adopting the Model Water Efficient Landscape Ordinance mandated by the State of California, Landscaping Standards (Amends Section 18.38 of the Merced County Zoning Code)

RECOMMENDATION: Waive further reading of Proposed Ordinance and adopt Ordinance

REVIEW BOARD ORDER - SEE PAGES 11 THROUGH 13

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items #1 - 24)

APPROVED AS RECOMMENDED WITH ITEM NO. 1 TO COME BACK TO THE BOARD AT A LATER DATE AYES: 2, 3, 4, 5 NOT PRESENT: 1

Public Works

 Approve and authorize the Chairman to sign Amendment to Contract No. 2008185 with the Merced County Rescue Mission to defer monthly reimbursement payments of \$1,000 for an additional fourteen months and extends the contract to March 5, 2012 with monthly payments to resume on February 10, 2011 and continue until paid in full.

REVIEW BOARD ORDER - SEE PAGE 13

Planning

2. Approve and authorize Chairman to sign Amendment to Contract No. 2006292 with PBS&J to extend term and add consultant services for the preparation of the Environmental Impact

- Report and fees for Snelling Mine Expansion Project (MM09-002/GPA05-009/ZC05-010) and approve the necessary budget transfer-\$22,895. (4/5 Vote Required)
- 3. Approve and authorize Chairman to sign Amendment to Contract No. 2008318 with George Reed, Inc. to update contract indemnity language, extend term and add consultant services for preparation of EIR and fees for the services for the Snelling Mine Expansion Project (MM09-002/GPA05-009/ZC05-010).

District Attorney

4. Adopt Resolution for the Criminal Restitution Program for FY 10/11 as required by the State in accordance with Board action approval on June 8, 2010.

ADOPTED RESOLUTION NO. 2010-174

<u>Fire</u>

- 5. Approve Budget Transfer in the amount of \$4,600 for purchase of 2 Iron Keys for compliance with National Incident Mgmt. System required with 2009 Homeland Security Grant previously approved.
- 6. Approve Budget Transfer in the amount of \$15,630 for purchase of Midland VHF Repeaters as part of ongoing quest to make the County and Unincorporated Cities within the County Operable as part of the 2009 Homeland Security Grant previously approved.

Dept. of Admin. Services

7. Approve and authorize Chairman to sign Amendment to Contract No. 2010121 with ATI for purchase of telecommunications hardware and software for Human Services Agency and approve the necessary Budget Transfers-\$112,758 (Dept. of Admin Services) and \$112,758 (Human Services Agency). (4/5 Vote Required)

Mental Health

- 8. Authorize Mental Health to co-sponsor, in conjunction with Kiwanis Club of Merced and City of Merced Police Department, the Red Ribbon Parade hosted by Merced Lions Club to be held on October 29, 2010 on Main Street in Downtown Merced from 3:45 to 4:45 p.m.
- 9. Approve Budget Transfer in the amount of \$35,000 for the Los Banos Mental Health furniture purchases with revenues to be used from Trust Fund 2901. (4/5 Vote Required)

Health

- Approve and authorize Chairman to sign Renewal Contract No. 2007230 with State Dept. of Public Health for TB Control and Prevention Services and accept the Grant Award and sign Acceptance.
- 11. Approve and authorize Vice-Chairman to sign Renewal Contract No. 2009269 with First 5 Merced County for Ready, Set Go! Program.
- 12. Approve and authorize Vice-Chairman to sign Renewal Contract No. 2009278 with First 5 Merced County for Universal Development Screening for Merced County for children 0-5 ages and approve the necessary Budget Transfer-\$11,300. (4/5 Vote Required)
- 13. Approve and authorize Chairman to sign Amendment to Contract No. 2009331 with The Abaris Group for Emergency Preparedness Planning Consultant services for the development of emergency preparedness plans.

Executive Office

- 14. Approve and authorize Chairman to sign Renewal Contract No. 2004364 with Professional Benefit Services for Dental Claims Administration.
- 15. Approve and authorize Chairman to sign Renewal Contract No. 2003283 with Merced County Coalition of Unions for Health, Dental, and Vision Coverage for 2010.
- 16. Approve and authorize Chairman to sign Renewal Contract No. 2004363 with United Health Care for Secure Horizons, for Medicare HMO.

REVIEW BOARD ORDER - SEE PAGE 13

17. Approve Travel Requests for Sheriff (2) and Commerce, Aviation and Economic Development as recommended by Executive Office.

Human Services Agency

18. Approve Budget Transfer in the amount of \$110,000 for the PEARLS Program Contract with Mental Health. (4/5 Vote Required)

Commerce, Aviation and Economic Development

19. Set public hearing for November 2, 2010 at 10:00 a.m. to consider the request from California Communities to issue bonds to the 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.

REVIEW BOARD ORDER - SEE PAGE 14

Board Recognition

- 20. Authorize plaque to Los Banos Community Center in recognition of Grand Opening.
- 21. Authorize Resolution in recognition of a lifetime of hard work and dedication by Josephine Giampaoli for the Catholic Charities in her community.
- 22. Authorize Certificate of Recognition to Tumble Time Gymnastics in recognition of Ribbon Cutting.
- 23. Authorize Certificate of Recognition in celebration of 50th Wedding Anniversary to Rene and Virginia Campos.

Public Defender

24. Approve Budget Transfer in the amount of \$54,000 to provide resources to meet the statutory responsibility of the department in providing counsel.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

25. Adopt Resolution agreeing to conduct Resolution of Necessity Hearings relative to the acquisition of Right-of-Way for the Atwater-Merced Expressway (AME) Project as requested by Merced County Association of Governments (MCAG) for the final project which will be a

State Highway (realignment of State Route 59). (4/5 Vote Required)

ADOPTED RESOLUTION NO. 2010-175 AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1

26. Approve plans and specifications for the Snelling Courthouse Wall Repair Project and authorize Public Works to advertise for bids, conduct Public Bid Opening, award the project to the lowest responsive bidder, provided said bid is within the established budget, and authorize Chair to sign the contract upon review of Public Works and Counsel and direct Public Works to return to the Board reporting on final action taken.

<u>AUTHORIZED CONTRACT NO. 2010245 AS RECOMMENDED</u> AYES: 2, 3, 4, 5 NOT PRESENT: 1

27. Approve the amended Road Division Work Program for Fiscal Year 2010/2011 to include: (A) Preparing Plans of Action for Scour Critical Bridges, (B) Replacement of County Road Crossing at Colony Main Canal @ Denton & Leak Avenue, in conjunction with the Central Calif. Irrigation District and approve the necessary budget transfer-\$212,642. (4/5 Vote Required)

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

MENTAL HEALTH

28. Contract with Aspiranet to provide specialty mental health services as part of the DoWith Program.

AUTHORIZED CONTRACT NO. 2010246 AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1

29. Contract with State Dept. of Health Care Services for a new Privacy and Security Agreement authorizing staff access to the Medi-Cal Eligibility Data system and authorize the Mental Health Director to sign.

<u>AUTHORIZED CONTRACT NO. 2010247 AS RECOMMENDED</u> AYES: 2, 3, 4, 5 NOT PRESENT: 1

30. Contract with Regents of the University of California, Davis for staff trainings and development and authorize the Mental Health Director to sign the Training and Services Plan and approve the necessary Budget Transfer-\$68,816. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2010244 AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1

31. Contract with Healthy House Within a MATCH Coalition to further the outreach and education services and approve the necessary budget transfer-\$18,274. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2010248 AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1

SHERIFF

32. Accept Funding from U.S. Dept. of Justice for FY 2010 Edward Byrne Memorial Justice Assistance Grant Program to partially fund the mobile computing and automated field reporting modules of the New World Systems software project and authorize Sheriff to sign Contract.

<u>AUTHORIZED CONTRACT NO. 2010249 AS RECOMMENDED</u> AYES: 2, 3, 4, 5 NOT PRESENT: 1

33. Accept Funding and Contract with California Emergency Management Agency for 2008 and 2009 State Homeland Security Grant Program administered through Cal-Fire for the purchase of portable radio's and night vision rifle scopes and authorize issuance of Purchase Order for purchases and approve necessary budget transfers-\$150,000. (4/5 Vote Required)

<u>AUTHORIZED CONTRACT NO. 2010291 AS RECOMMENDED</u> AYES: 2, 3, 4, 5 NOT PRESENT: 1

DEPT. OF ADMIN. SERVICES

34. Contract with City of Fresno to participate in the Federal Homeland Security Public Safety Interoperable Communication (PSIC) Grant Program administered by the City of Fresno for the purchase and installation of two multi-band repeaters.

AUTHORIZED CONTRACT NO. 2010250 AS RECOMMENDED AYES: 2, 3, 4, 5
NOT PRESENT: 1

HEALTH

35. Contract with First 5 Merced County for Comprehensive Children's Injury Prevention Program Services.

<u>AUTHORIZED CONTRACT NO. 2010251 AS RECOMMENDED</u> AYES: 2, 3, 4, 5 NOT PRESENT: 1

36. Contract with Paul Deis for consultant services in implementing Statewide Medical and Health Training and Exercise Program for Disaster Exercise Consultant services.

<u>AUTHORIZED CONTRACT NO. 2010252 AS RECOMMENDED</u> AYES: 2, 3, 4, 5 NOT PRESENT: 1

TREAS.-TAX COLLECTOR-COUNTY CLERK

37. Resolution accepting the School District Resolutions filed by the following Applicant Districts to change the election cycle from November of odd-even numbered years and coincide with Statewide Elections in even-numbered years with the General Election: El Nido Elementary, Winton, Le Grand Union Elementary, Snelling Merced Falls, Merced River, Livingston Union and Delhi Unified School Districts and Merced County Office of Education.

ADOPTED RESOLUTION NO. 2010-176 AS RECOMMENDED AYES: 2, 3, 4, 5
NOT PRESENT: 1

HUMAN RESOURCES

38. Approve changes to the classification overtime exemption statuses as requested for 61 classifications effective October 25, 2010 to ensure Fair Labor Standards Act compliance and adopt Resolution.

ADOPTED RESOLUTION NO. 2010-177 AS RECOMMENDED AYES: 2, 3, 4, 5
NOT PRESENT: 1

BOARD OF SUPERVISORS

39. San Joaquin Valley Unified Air Pollution Control District - Board Assignment for 2011.

REVIEW BOARD ORDER - SEE PAGE 14

40. Local Child Care and Development Planning Council - Accept and approve the Merced County Child Care Needs Assessment prepared by the Merced County Local Child Care

and Development Planning Council dated August 2010 for Assessment Period 2008 - 2010. APPROVED AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1

APPOINTMENTS

41. Library Advisory Commission – Reappointed Bob Olsen and Catherine Weber, District Four representatives, until August 31, 2011.

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

42. Housing Authority of the County of Merced – Reappointed Jose Resendez as a Tenant Member representing Public Housing At-Large and Evelyne Dorsey as a Tenant Member representing Section 8 At Large until October 19, 2012.

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

43. Housing Authority of the County of Merced - Selection of option to fill the vacant position.

REVIEW BOARD ORDER - SEE PAGE 14 AND 15

BOARD INFORMATION & POSSIBLE ACTION

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

44. Commerce Aviation and Economic Development re: Contract with Turning Point Industries for Building #1332 for approximately 5,840 sq. ft with adjacent land and parking area located at Castle Commerce Center.

CONTRACT NO. 2010253

- 45. Plainsburg Union Elementary School District re: Support of removal of Merced County from Federal Voting Rights Act, Section 5 coverage.
- 46. Gustine Unified School District re: Resolution in support of the bailout of Merced County from Federal Voting Rights Act, Section 5.
- 47. City of Merced re: City of Merced Public Facilities Impact Fees (Current Rates).
- 48. Merced County NAACP Branch 1047 re: Support of bailout effort of Merced County.
- 49. State Water Resources Control Board re: Notice of Adoption Hearing Modifications to Order No. 2009-0009-DWQ [NPDES No. CAS000002] General Petition for Discharge of Storm Water Associated with Construction and Land Disturbance Activities (Construction General Permit) set for November 16, 2010 at 9:00 a.m. in Sacramento, CA.
- 50. State Water Resources Control Board re: Notice of Public Hearing Draft Statewide General National Pollutant Discharge Elimination System (NPDES) Permit for Pesticide Discharges to Waters of the United States from Spray Applications (Spray Applications Permit) set for November 2, 2010 at 9:00 a.m. in Sacramento, CA.
- 51. State Water Resources Control Board re: Notice of Adoption Hearing Notice of Filing Notice of Opportunity for Public Comment, Proposed Amendment to the Water Quality Control Policy on the use of Coastal and Estuarine Waters for Power Plant Cooling set for December 14, 2010 at 10:00 a.m. in Sacramento, CA.
- 52. State Fish and Game Commission re: Notice of Findings for the Pacific Fisher, which will be published in the California Regulatory Notice Register on October 1, 2010.

- 53. State Fish and Game Commission re: Notice of Findings for the Mountain Yellow-Legged Frog, which will be published in the California Regulatory Notice Register on October 1, 2010.
- 54. State Water Board Meeting re: Agenda for October 19, 2010 at 9:00 a.m. Sacramento, CA.

ADOPTED RESOLUTIONS IN MEMORY OF RICHARD MACIAS, MARGARET MCDONALD, ONIS CLINE, HENRY FAVIER, ELEANOR OLIVAREZ AND CATHERINE HOSTETLER AND ADJOURNED MEETING UNTIL NOVEMBER 2, 2010 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – OCTOBER 19, 2010

10:00 A.M. SCHEDULED ITEM

2010-10-19 PUBLIC OPPORTUNITY

County Librarian Jacque Meriam invites the Board to the 100th Birthday of the County Library and submits invitations and lapel pins for the Board.

Matt Hirota, representing the homeless, invites the Board to the first meeting on the 10 Year Plan to End Homelessness and submits fliers regarding a Community Meeting to Help End Homelessness.

Rick Osorio makes a statement regarding his interests in serving on the Housing Authority.

Elaine Lai and Johnny Moua, University of California-Merced students, state they are here today providing an update on the Center of Excellence on Health Disparities at UC Merced Program and review the progress made.

Tom Grave makes a statement regarding Fox Hills LLC being listed on the Merced Tax Collectors default list and submits a newspaper article regarding Merced County Tax Default (Delinquent) List.

Matthew Green and Liliana Freitas from Sunnyside (Merquin) Cemetery District state the Cemetery is having funding issues and would like the Board to look into redistricting to help financially.

Present: O'Banion, Walsh, Nelson, Kelsey

Not Present: Pedrozo

10:00 A.M. SCHEDULED ITEM

2010-10-19 HUMAN SERVICES AGENCY – PRESENTATION

Human Services Agency Director Ana Pagan and Deputy Director Scott Pettygrove submit and review the revised and updated Out-of-State Usage of Electronic Benefit Transfer (EBT) Cards Report. (Supplemental #1)

Discussion is had on cash aide provided to recipients vs. program aide and out-of-state utilization.

Ms. Pagan advises the State is preparing a new report that will identify clients who have used their entire month's benefits outside of California in a given month and we will use this report, in conjunction with existing EBT Reports, to determine if a client has indeed moved from Merced County and then take appropriate actions to insure their benefits in California are discontinued and may use the information to identify fraudulent activities and refer them to the District Attorney for investigation as appropriate.

Present: O'Banion, Walsh, Nelson, Kelsey

Not Present: Pedrozo

10:00 A.M. SCHEDULED ITEM

2010-10-19 HUMAN SERVICES AGENCY – PRESENTATION

Genevieve Bardini, Program Director of Valley Crisis Center (Mountain Crisis), submits and reviews the Annual Report of shelter-based domestic violence services provided in Merced County for the 2009/2010 FY by Mountain Crisis Services in accordance with W&I Code Section 18300.

Supervisor Walsh presents a Proclamation in recognition of Domestic Violence Awareness Month for October, 2010 to Ms. Bardini.

Present: O'Banion, Walsh, Nelson, Kelsey

Not Present: Pedrozo

10:00 A.M. SCHEDULED ITEM

2010-10-19 PLANNING - PUBLIC HEARING - ORDINANCE NO. 1880

The time and date previously set for a public hearing to consider proposed Ordinance for Zone Code Text Amendment No. ZCTA09-003 entitled: An Ordinance adopting the Model Water Efficient Landscape Ordinance mandated by the State of California "Landscaping Standards" (Amends Section 18.38 of the Merced County Zoning Code) as submitted by Planning.

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

The Chairman closes the public hearing.

Upon motion of Supervisor Nelson, seconded by Supervisor Walsh, duly carried, the Board waives further reading of the proposed ordinance.

Ayes: O'Banion, Walsh, Nelson, Kelsey

Not Present: Pedrozo

Following discussion and upon motion of Supervisor Kelsey, seconded by Supervisor Nelson, duly carried, the Board determines Zone Code Text Amendment No. ZCTA09-003 is exempt from CEQA review under Section 15307 – "Actions by Regulatory Agencies for Protection of Natural Resources" of the CEQA Guidelines based on the following two CEQA findings;

CEQA Findings

- The Planning Commission finds that this proposed Zone Code Text Amendment is exempt from CEQA review under Section 15307 – "Actions by Regulatory Agencies for Protections of Natural Resources" of the CEQA Guidelines based on the following.
 - The Model Water Efficient Landscape Ordinance is mandated by the State of California.
 - The ordinance promotes the conservation and efficient use of a natural resource (water).
 - No Construction activities will occur as a result of this ordinance.
 - The ordinance regulates the installation of landscaping that previously would only have needed to comply with County requirements.

2. The determination that this Zoning Code amendment is exempt from CEQA review reflects the independent judgment of the County.

and approves Zone Code Text Amendment No. ZCTA09-003 and adopts Ordinance No. 1880 based on the following nine findings:

Project Findings

- Zoning Code Text Amendment No. ZCTA09-003 proposes to amend Sections 18.38 (Landscape Standards) of the Merced County Zoning Code by incorporating provisions in the State mandated Model Water Efficient Landscape Ordinance.
- 2. This Zoning Code Text amendment applies to all unincorporated areas of Merced County.
- The 2006 Water Conservation in Landscaping Act added Section 1353.8 to the Civil Code, Section 25401.9 to the Public Resources Code, and Section 535 to the Water Code. The goal of the state legislature was to promote efficient use of water in landscaping throughout the state.
- 4. The Water Conservation in Landscaping Act required that by January 1, 2010, every city and county adopt a water efficient landscape ordinance at least as effective as the Model Water Efficient Landscape Standards, adopted by administrative rule making by the Department of Water Resources on September 10, 2009. (California Code of Regulations, Title 23, Division 2, Chapter 2.7) The Model Water Efficient Landscape Standards attempt to achieve the following:
 - a) To minimize landscape irrigation overspray and runoff;
 - b) To include provisions for a landscape water budget, for the appropriate use and grouping of plants, for automatic irrigation systems and irrigation schedules based on climatic conditions, for assessment of onsite soil conditions, and for soil management plans:
 - c) To encourage the capture and retention of storm water onsite, the use of recycled water, and the use of economic incentives to promote efficient water use;
 - d) To educate water users;
 - e) To address regional differences, including fire prevention needs;
 - f) To protect registered historical sites by exempting them from the ordinance;
 - g) To foster long term water conservation; and,
 - h) To promote the benefits of consistent local regulation.
- 5. The Water Conservation in Landscaping Act provided, in the alternative, where a county or city did not adopt its own ordinance, the Model Water Efficient Landscape Standards would become applicable as if adopted by the county or city. Merced County has determined to incorporate the model ordinance into the County Zoning Code and have complied with the instructions for modifying the model ordinance for local adoption prepared by the Department of Water Resources on October 19, 2009.
- 6. On January 27, 2010, the Merced County Planning and Community Development Department notified the Department of Water Resources that the County of Merced would be adopting the Model Water Efficient Landscape Standards into a local ordinance.

- 7. The purpose of this ordinance is for the County of Merced to adopt, and incorporate by reference, the Model Water Efficient Landscape Standards, as modified by the October 19, 2009 instructions for modifying the model ordinance for local adoption, into the County Code and to harmonize the application of State and County landscaping standards in Merced Zoning Code, Section 18.38.
- 8. These revisions to the Merced Zoning Code, Section 18.38, are necessary to provide consistency with terms used in the Model Water Efficient Landscaping Standards, to clarity the applicability of each regulation to landscape projects, permit applications or to building permit applications, and to provide efficient landscape plan review.
- 9. The public hearing has been adequately noticed and advertised.

Ayes: O'Banion, Walsh, Nelson, Kelsey

Not Present: Pedrozo

CONSENT ITEM NO. 1 2010-10-19 PUBLIC WORKS

The Clerk announces Merced County Rescue Mission Contract is before the Board for consideration.

Supervisor Kelsey moves, seconded by Supervisor Walsh, to remove the Contract with Merced County Rescue Mission from the Agenda and direct the County to bring it back at the next Board Meeting with language to amortize the payments over ten years and in 10 equal payments.

The Chairman calls for a vote on the motion. Motion carries.

Ayes: O'Banion, Walsh, Nelson, Kelsey

Not Present: Pedrozo

CONSENT ITEM NO. 16

2010-10-19 EXECUTIVE OFFICE

The Clerk announces the United Healthcare for Secure Horizons Contract is before the Board for consideration.

County Counsel James Fincher states a correction needs to be made on Page 2 of the Contract to read "The County of Merced will be contributing 97% of the premium" and not 100%.

Upon motion of Supervisor Walsh, seconded by Supervisor Kelsey, duly carried, the Board approves and authorizes the Chairman to sign Renewal Contract No. 2004363 with United Healthcare for Secure Horizons, a Medicare HMO.

Ayes: O'Banion, Walsh, Nelson, Kelsey

Not Present: Pedrozo

CONSENT ITEM NO. 19

2010-10-19 COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

The Clerk announces the public hearing date of November 2, 2010 to consider issuance of bonds for UC Merced's Student Housing Phase 4 Project is before the Board for consideration.

Commerce, Aviation and Economic Development Director Mark Hendrickson states there is a correction in the dollar amount stated as \$48,700,000 and it should be changed to \$49,700,000

Upon motion of Supervisor Walsh, seconded by Supervisor Kelsey, duly carried, the Board sets a Public Hearing for November 2, 2010 at 10:00 a.m. to consider the request from California Communities to issue bonds to the 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 and direct publication and distribution of notice as required by GC 6586.5(a)(3).

Ayes: O'Banion, Walsh, Nelson, Kelsey

Not Present: Pedrozo

ACTION ITEM NO. 39

2010-10-19 BOARD OF SUPERVISORS

The Clerk announces the San Joaquin Valley Unified Air Pollution Control District representative designation is before the Board for consideration.

Supervisor Nelson states he will not be here after January 2, and states he will step down from his appointment on the District and suggests the Board consider a new appointee now so information can be shared.

Supervisor Nelson moves, to appoint Supervisor Walsh as the new Board representative to the San Joaquin Valley Unified Air Pollution Control District for 2011.

Supervisor Kelsey seconds the motion. Supervisor Kelsey states concerns have been expressed to her by some individuals from the statewide agricultural organizations and they would like to work with the District as they have input on some of the operating conditions.

The Chairman calls for the Vote on the Motion. Motion carries.

Ayes: O'Banion, Walsh, Nelson, Kelsey

Not Present: Pedrozo

ACTION ITEM NO. 43

2010-10-19 HOUSING AUTHORITY

The Clerk announces the Housing Authority of the County of Merced Appointment is before the Board of consideration.

Supervisor Walsh moves, seconded by Supervisor Nelson, to Select Option 2 and make an exception to fill the vacant position with an unexpired term through February 18, 2014 by the resignation of Michael Kelly, and consider the individuals with the next highest score from the last interviews.

The Chairman calls for a Vote on the Motion. Motion carries.

Ayes: O'Banion, Walsh, Nelson, Kelsey

Not Present: Pedrozo

Upon motion of Supervisor Kelsey, seconded by Supervisor Walsh, duly carried, the Board requests Interviews be scheduled to consider the two individuals –Rick Osorio and Tru Chang - who met the 70% threshold and tied in their score to be the next highest score from the last interviews for the vacant position on the Housing Authority of the County of Merced.

Ayes: O'Banion, Walsh, Nelson, Kelsey

Not Present: Pedrozo