STRIVING FOR EXCELLENCE

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, SEPTEMBER 28, 2010

Closed Session – 9:00 a.m.
Interviews – Airport Land Use Commission – 9:30 a.m.
Regular Meeting – 10:00 a.m.

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

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

LARRY T. COMBS
COUNTY EXECUTIVE OFFICER

JAMES N. FINCHER
COUNTY COUNSEL

All supporting documentation is available for public review in the Office of the Clerk of the Board of Supervisors located in the County Administration Building, Third Floor, 2222 "M" Street, Merced, California, 95340
During regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday.

The Agenda is available online at www.co.merced.ca.us

Any material related to an item on 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

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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 Properties

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): Abarca, et al. v. Merck & Co. Inc., et al., Federal Case no.: 1:07-cv-388 OWW DLB, United States Eastern District Court

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 RECESSES AT 9:00 A.M. AND RECONVENES AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED DIRECTION WAS GIVEN TO STAFF

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

9:30 A. M. **INTERVIEWS - AIRPORT LAND USE COMMISSION**
At Large Position: One Expired Term Position
Applicants: Leon Teague and Anthony Whitehurst
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 – SEE PAGE 14

PRESENTATIONS

(1) **U.S. Marshal's Office**, Deputy U.S. Marshal Tim Merrell
Recognition of State Parole Agent Craig Donnahoe (Sheriff's STAR Team), Deputy Ruben Orozco, Deputy Nichol Ramos and Sergeant Paul Roseman for the capture of Paul Clouston, one of the 15 Most Wanted Persons in the United States

REVIEW BOARD ORDER – SEE PAGE 14

(2) **Health-EMS**, Presentation by John Wagner and Chris Streeb
Air Ambulance Safety - a local perspective

REVIEW BOARD ORDER – SEE PAGE 14 AND 15

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 44)
APPROVED AS RECOMMENDED AYES: ALL

PLANNING - PUBLIC HEARING

Appeal of Planning Commission Determination and Approval of the Lakeview Properties Subdivision (No. MAS04-014) due to Alleged Violation of the Brown Act and CEQA on March 10, 2010 (Continued from May 25, 2010)

RECOMMENDATION: Re-open the continued public hearing and take testimony; deny the Appeal filed by San Joaquin Raptor Rescue Center/Protect Our Water and uphold the March 10, 2010 Planning Commission CEQA determination and project approval of MAS04-014; Adopt the Mitigated Negative Declaration prepared for the Lakeview Properties Major Subdivision Application No. MAS04-014 based on Two Findings in the Staff Report on Appeal to the Board of Supervisors dated May 11, 2010; and, Approve Major Subdivision Application No. MAS04-014 based upon the Nine Project Findings and subject to Five Conditions of approval and 14 Mitigation Measures (Staff Report dated May 11, 2010)

REVIEW BOARD ORDER – SEE PAGE 15 THROUGH 20

PLANNING - PUBLIC HEARING - PROPOSED ORDINANCE - FIRST READING - SET SECOND READING FOR OCTOBER 19, 2010 AT 10:00 A.M.

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: Set Second Reading and Possible Adoption for October 19, 2010 at 10:00 a.m.

REVIEW BOARD ORDER – SEE PAGE 20 AND 21

PUBLIC WORKS - PUBLIC HEARING

To consider General Vacation of various portions of Titus Road in the Stevinson area

RECOMMENDATION: Adopt Resolution for the General Vacation of various portions of Titus Road in Stevinson

REVIEW BOARD ORDER – SEE PAGE 21

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items #1 - 44)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Approve Budget Transfer in the amount of $30,000 for purchase of a Curve Warning Flashing Beacon Project. (4/5 Vote Required)
2. Approve Budget Transfer in the amount of $3,870 for repair to the Administration Building railings.
3. Approve and authorize Chairman to sign Amendment to Contract No. 2007298 with Siemens Industry, Inc. to complete the permanent arsenic treatment system improvements for Sandy Mush Facility Arsenic Treatment Plant.

Ag. Commissioner

4. Approve and authorize Chairman to sign Renewal Contract No. 2008263 with Calif. Dept of Food and Ag. to conduct Eradication of "A" and "B" rated weeds in Merced County and adopt Resolution.

   ADOPTED RESOLUTION NO. 2010-167
5. Approve and authorize Chairman to sign Renewal Contract No. 2010106 with Calif. Dept of Food and Ag. to provide for European Grapevine Moth pest detection trapping activities and adopt Resolution.

   ADOPTED RESOLUTION NO. 2010-168
6. Approve and authorize Chairman to sign Renewal Contract No. 2007214 with Calif. Dept of Food and Ag. for providing nematode control program enforcement activities at nursery locations and adopt Resolution.

   ADOPTED RESOLUTION NO. 2010-169

Commerce, Aviation and Economic Development

7. Approve and authorize Chairman to sign Amendment to Contract No. 2001260 with Weather Nav Incorporated for Airport Navigational Aids Maintenance extension to September 30, 2012.

8. Approve Budget Transfer in the amount of $15,000 for awnings and building cleanup. (4/5 Vote Required)

Dept. of Workforce Investment

9. Approve and authorize Chairman to sign Amendment to Contract No. 2010131 with Merced College reducing the amount of basic education services from 49 to 33 hours per week at the Los Banos Employment Resource Center at a cost not to exceed $59,991.

REVIEW BOARD ORDER – SEE PAGE 22

10. Approve and authorize Chairman to sign Amendment to Contract No. 2010130 with Merced Adult School reducing the amount of basic education services from 35 to 20 hours per week at the Merced Employment Resource Center at a cost not to exceed $44,455.03.

REVIEW BOARD ORDER – SEE PAGE 22

11. Approve and authorize Chairman to sign Amendment to Contract No. 2010177 with Merced College-Los Banos Campus for Certified Nursing Assistant Course for up to six WIA eligible participants at a cost not to exceed $22,275.
12. Authorize termination of Contract No. 2010148 with Merced Adult School providing Computer Literacy Lab at Castle Learning Center in the amount of $12,729 due to lack of funding and authorize notification be issued.
13. Authorize termination of Contract No. 2010176 with Merced College (Los Banos Campus) providing Child Development (Infant/Toddler) courses in the amount of $37,000 due to lack of funding and authorize notification be issued.
14. Authorize termination of Contract No. 2010160 with Commerce, Aviation and Economic Development for Business Retention and Expansion Visitation Program in the amount of $27,702 due to lack of funding and authorize written notification be issued.

Mental Health

15. Approve and authorize Chairman to sign Amendment to Contract No. 2009246 with Merced Lao Family Community, Inc. for implementation of the Integrated Primary Care and Mental Health and Cultural Brokers for Mental Health Services Programs as part of the MHSA-PEI Plan increasing the amount to $187,609 from $117,615.
16. Approve and authorize Chairman to sign Amendment to Contract No. 2009249 with Golden Valley Health Centers for Integrated Primary Care and Mental Health as part of the MHSA-PEI Plan increasing the amount to $194,905 from $111,374.
17. Approve and authorize Chairman to sign Amendment to Contract No. 2010006 with Golden Valley Health Centers for implementation of the Culture Brokers for Mental Health Services Program as part of the MHSA-PEI Plan increasing the amount to $118,603 from $94,999 and approve the necessary budget transfer-$47,499. (4/5 Vote Required)
18. Approve and authorize Chairman to sign Amendment to Contract No. 2009247 with Aspiranet for implementation of the Transition to Independence Process as part of the MHSA-PEI Plan increasing the amount to $309,159 from $249,997.
19. Approve and authorize Chairman to sign Amendment to Contract No. 2009267 with Human Services Agency for implementation of the Program to Encourage Active, Rewarding Lives for Seniors (PEARLS) as part of the MHSA-PEI Plan increasing the amount to $145,221 from $110,000.

20. Approve and authorize Chairman to sign Amendment to Contract No. 2010004 with Fresno County Dept. of Behavioral Services for Inpatient Services at the Marie Green Psychiatric Health Facility.

Planning

21. Approve and authorize Chairman to sign Amendment to Contract No. 2006071 with Michael Brandman Associates for consultant services extending the term to March 31, 2011 and adding completion of an Initial Study/Mitigated Negative Declaration for the Foster Farms Merced Chicken Shelter Replacement Project (CUP10-003).

Sheriff

22. Approve and authorize Chairman to sign Renewal Contract No. 2008152 with Public Works for Inmate Work Crew utilizing correctional inmates for County roadway and facility cleanup with one Correctional Officer to coordinate, supervise and transport.

Human Services Agency

23. Approve and authorize Chairman to sign Renewal Contract No. 2005234 with Caton Properties for Teen Center office lease.
24. Approve and authorize Chairman to sign Renewal Contract No. 2010022 with Calif. Canine Academy/Assistance Dogs for High Schooled Assistance Dog Program Training and approve necessary budget transfer-$14,400. (4/5 Vote Required)
25. Approve Budget Transfer in the amount of $2,000 to provide Area Agency on Aging funds to host Regional Meeting. (4/5 Vote Required)

Dept. of Admin Services

26. Declare light duty trucks, passenger cars, miscellaneous office furniture, office equipment, and other miscellaneous equipment (identified on Exhibit A) as Surplus Equipment and authorize its disposal through internet public auction.
27. Approve Budget Transfer in the amount of $6,100 to replace Server.

Probation

28. Authorize the submission of the Application to the Corrections Standards Authority in the amount of $15,500 for continued participation in the Juvenile Accountability Block Grant Program; authorize the Chief Probation Officer to sign the Contract and adopt Resolution.
    ADOPTED RESOLUTION NO. 2010-170

Health

29. Approve and authorize Chairman to sign Renewal Contract No. 2008038 with Calif. Electronic Asset Recovery for Electronic Waste Recycling Services and approve the necessary budget transfers-$37,500 (Public Works) and $37,500 (Health). (4/5 Vote Required)
30. Approve and authorize Chairman to sign Renewal Contract No. 2007234 with 21st Century Environmental Mgmt. of Calif., LP for Household Hazardous Waste Disposal and approve the necessary budget transfer-$138,750. (4/5 Vote Required)

31. Approve and authorize Chairman to sign Contract No. 2010225 with Calif. Dept of Health amending the Disaster Planning Services Contracts for all Public Health Emergency Response (PHER) Grants as follows: Public Health Emergency Response Phase I and II (No. 2009252); PHER Phase III (No. 2009332) and PHER Phase IV (No. 2010099).
32. Approve and authorize Chairman to sign Renewal Contract No. 2009205 with Calif. Emergency Medical Services Authority for coordination of data submitted to the State.
33. Approve Budget Transfer in the amount of $26,467 for increased funding for Ready, Set, Go Contract with First Five. (4/5 Vote Required)

District Attorney

34. Approve Budget Transfer in the amount of $26,925 for increased revenue for FY 09 Recovery Act-Edward Byrne Memorial Justice Assistance Grant (JAG) Program. (4/5 Vote Required)
35. Approve and authorize District Attorney to sign Certification and Renewal Contract No. 2003088 with Calif. Emergency Mgmt. Agency for participation in the Anti-Drug Abuse Enforcement Program and adopt Resolution.

    ADOPTED RESOLUTION NO. 2010-171
36. Approve and authorize Chairman to sign Certification and Renewal Contract No. 2005240 with U.S. Dept. of Justice for participation in the Federal Equitable Sharing Program.

Library

37. Approve Budget Transfer in the amount of $9,550 to install salvaged energy efficient lighting in the Main Library. (4/5 Vote Required)

Fire

38. Approve and authorize Chairman to sign Addendum to Contract No. 2006251 with Merced Community College District for firefighting training.

Board Recognition

39. Fire Prevention Week campaign, October 3-9, 2010, Merced County Fire Department reinforces Newer Smoke Alarm Recommendations to call for action for households to inspect their homes to ensure families have the full smoke alarm protection that is recommended and to promote nationwide newer smoke alarm recommendations.
40. Authorize Certificate of Recognition to Gold Star Families in recognition of 'Run for the Fallen' in honor of the brave men and women who have fallen in battle in "Operation Enduring Freedom" and "Operation Iraqi Freedom".
41. Authorize Certificates of Recognition to Shane Ferriera, Glin Lamerson and Jerry Elrod for their service at the California Highway Patrol serving the residents of Merced County.
42. Authorize Certificate of Recognition to Joseph and Juliette Marchini in honor and celebration of their 50th Wedding Anniversary.
43. Authorize Certificate of Recognition to San Joaquin Drug in recognition of 10th Health Fair Anniversary.
44. Authorize Certificates of Recognition to the American Legion Post 83 members for their service: Ernie Amezcua-Commander; Carlos Ramirez-1st Vice Commander; Denise

Murphy-3rd Vice Commander; Bob Martratt-Chaplain; Al Torres-Finance Officer; Don Wery-Assistant Finance Officer; Bill Dacus-Adjutant; Rodney Holmes-Judge Advocate; Frank Paredes-Sergeant At Arms; Jose Vasquez-Historian; Bud Minor and Randy Wharton--Executive Committee.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

45. Authorize placement of a memorial in Merced County Courthouse Park dedicated to Hmong-Lao soldiers killed in action from 1961-1975 in accordance with standards previously adopted and approved and with the support of Merced/Atwater Chapter of the Disabled American Veterans and the Vietnam Veterans of America, Chapter 691.
    APPROVED AS RECOMMENDED AYES: ALL

46. Approve Large Animal Holding Facility Project (Horse Barn) at the New Animal Control Facility with an estimated project budget of $51,000; approve use of $30,000 of Special Board Project Funds-District Three; approve use of public and private donations from Trust 2506 Ag. Comm.-Animal Control; approve advertisement of a Bid Package by Admin. Services/Purchasing for the purchase, construction and installation of the Horse Barn and the Board approve the issuance of a Purchase Order to the lowest responsive bidder provided said bid is within the established project budget and return to the Board with information and approve necessary budget transfer-$51,000. (4/5 Vote Required)
    AUTHORIZED CONTRACT NO. 2010227 AS RECOMMENDED AYES: ALL

47. Find and declare that due to construction of a new Animal Control Facility that the former Animal Control Facility is no longer needed by the County; declare the interest of Merced County in termination of its lease with City of Merced for this parcel; authorize Public Works to notify the City of Merced, in writing, of interest in terminating lease known as Contract No. 7313.
    APPROVED AS RECOMMENDED AYES: ALL

48. Approve the Final Construction Documents (Phase 2) for the District Attorney Tenant Improvements for Interior Remodel (former County Bank Building), authorize advertisement of Construction Documents for Public Bid Opening and direct Public Works to return to the Board for award.
    APPROVED AS RECOMMENDED AYES: ALL

49. Contract with Williams + Paddon Architects, Inc. for Design Services in the amount of $400,500 for the Old County Hospital Re-Use Project upon review of Counsel, approve the necessary budget transfer from prior lease funds or Tobacco Securitization Funds-$420,500 and direct Public Works to return to the Board with updates and estimates of the upcoming phases of the project related to the Williams + Paddon Architects Contract. (4/5 Vote Required)
    AUTHORIZED CONTRACT NO. 2010205 AS RECOMMENDED AYES: ALL

50. Award Contract to Siemens Industry Inc. to upgrade the Energy Management Control System at the Merced Main Library in the amount of $90,000; authorize use of $100,000 in Special Board Project Funds-District Three and approve the necessary budget transfer-$100,000.
    AUTHORIZED CONTRACT NO. 2010228 AS RECOMMENDED AYES: ALL

51. Authorize relief of accountability for Fixed Assets #0007615-Hyster Grid Roller, #0027738-Ford Truck Tractor, #0018683-Ford Tractor Truck, #0039917-Unique Roller and authorize the Auditor to remove the items from Public Works-Road Division Fixed Asset Inventory.
APPROVED AS RECOMMENDED AYES: ALL

52. Void Contract No. 2008083, action taken on May 13, 2008, for an Environmental Assessment and Remediation firm for development of remediation options for subsurface contamination at the Public Works Administration Complex, 715 Martin Luther King Jr. Way due to March 17, 2009 action approving Contract No. 2008242 for preparation and design of a subsurface remediation system.
APPROVED AS RECOMMENDED AYES: ALL

53. Void Contract No. 2009335, action taken on December 8, 2009 with Siemens Industry, Inc. for Solar Photovoltaic Array Feasibility Analysis at Sandy Mush Correctional Facility due to August 24, 2010 action approving Contract No. 2010202 for installation of Solar PV Array.
APPROVED AS RECOMMENDED AYES: ALL

MENTAL HEALTH

54. Contract with Tulare County Superintendent of Schools, dba Calif. Friday Night Live Partnership, for the Friday Night Live Partnership Mentoring Grant to provide a Youth Mentoring Program.
AUTHORIZED CONTRACT NO. 2010229 AS RECOMMENDED AYES: ALL

55. Contract with Transit Joint Powers Authority of Merced County for bus transportation services for the Wellness Center.
AUTHORIZED CONTRACT NO. 2010230 AS RECOMMENDED AYES: ALL

56. Authorize identification of available space on the Northside of Merced County and authorize negotiation of lease to be returned to the Board for final approval.
APPROVED AS RECOMMENDED AYES: ALL

PLANNING

57. Contract with Fresno Farming LLC/Foster Farms LLC for Michael Brandman Associates (consultant) to prepare an Initial Study/Mitigated Negative Declaration for the Merced Chicken Shelter Replacement Project (CUP10-003) and approve the necessary budget transfer-$21,300. (4/5 Vote Required)
AUTHORIZED CONTRACT NO. 2010231 AS RECOMMENDED AYES: ALL

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

58. Resolution authorizing submission of a Matching Grant Application to Caltrans for Federal Aviation Administration (FAA) Grant for Airfield Infrastructure Project for the rehabilitation of Taxiway D to reduce the local match fund amount; and authorize execution of documents if awarded.
ADOPTED RESOLUTION NO. 2010-172 AND AUTHORIZED CONTRACT NO. 2010226 AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

59. Authorize preparation and release of RFP for Stage One Child Care services, select the most responsive bidder and return to the Board for final approval.
REVIEW BOARD ORDER - SEE PAGE 22 AND 23

60. Sponsor the 2010 Veterans Day Program; authorize Additional Insured status for the City of Merced for the event; authorize Chair to sign the Street Closure Application and approve submission of said application.

APPROVED AS RECOMMENDED AYES: ALL

FIRE

61. Authorize filing Application for FY 10 State Homeland Security Grant Program for the Merced Operational Area with Calif. Emergency Management Agency, with Fire to return for approval prior to accepting award.

APPROVED AS RECOMMENDED AYES: ALL

DISTRICT ATTORNEY

62. Accept the District Attorneys Real Estate Fraud Report in accordance with GC 27388.

APPROVED AS RECOMMENDED AYES: ALL

PROBATION

63. Contract with Mental Health for one Alcohol and Drug Counselor to assess minors and provide counseling services as they enter the Juvenile Justice Correctional Center and Bear Creek Academy.

AUTHORIZED CONTRACT NO. 2010232 AS RECOMMENDED AYES: ALL

AUDITOR

64. Review and approve the Supplemental Law Enforcement Services Fund Report for the COPS Funding for the District Attorney, Sheriff and Corrections Departments for the Year Ended June 30, 2010 in accordance with Government Code Section 30063(i).

APPROVED AS RECOMMENDED AYES: ALL

HUMAN RESOURCES

65. As an Administrative Correction to the December 8, 2009 Board Action moving Court Security Staff into the Sheriff's Operations Budget, approve the transfer of Extra Help employees from Budget Unit 22000 to Budget Unit 22109 effective September 27, 2010.

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

66. Authorize Special Board Project Funds-District One in the amount of $200 to be forwarded to the Planada Beautification Program (care of Larry Gonzales).

APPROVED AS RECOMMENDED AYES: ALL

67. PULLED

68. Authorize Special Board Project Funds-District Three in the amount of $20,000 to be forwarded to the Merced County Spring Fair to purchase livestock pens and approve necessary budget transfer-$20,000. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

69. Authorize Special Board Project Funds-District Three in the amount of $5,580 to be utilized for ADA ramps at Castle CAED Office and the FBO/Tower Building and authorize issuance of Purchase Order to Commercial Construction.

APPROVED AS RECOMMENDED AYES: ALL

70. Authorize Special Board Project Funds-District Three in the amount of $3,002 to be utilized for purchase of a Veterans Monument for the Atwater Veterans Park and authorize issuance of Purchase Order to Merced Monuments.

APPROVED AS RECOMMENDED AYES: ALL

71. Authorize Special Board Project Funds-District Four in the amount of $2,500 to be forwarded to the Merced County Sheriff Activity League (c/o Deputy Joe Cardenas) to support their Youth Boxing Program at Delhi School.

APPROVED AS RECOMMENDED AYES: ALL

72. Authorize Special Board Project Funds-District Four in the amount of $300 to be forwarded to the Merced County Sheriff Deputy Association (c/o Deputy Joe Cardenas) in support of a Delhi Community project and memorial located at the Sheriff Substation.

APPROVED AS RECOMMENDED AYES: ALL

73. Authorize Special Board Project Funds-District Five in the amount of $1,500 to be forwarded to the PW-Road Division for discrete shoulder improvements to West Hutchins Avenue between Elgin Avenue and South Loma Avenue in Dos Palos Y area and approve necessary budget transfer-$1,500. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

74. Authorize the Chair to sign the Grand Jury Letter of Response to matters under the control of the Board of Supervisors as noted in FY 2009/10 Grand Jury Report.

APPROVED AS RECOMMENDED AYES: ALL

HEALTH

75. Accept the Grant in the amount of $195,000 from the Blue Shield of Calif. Foundation and authorize Chairman to sign Contract in support of planning efforts for health care coverage in Merced County and approve budget transfer-$195,000. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2010233 AS RECOMMENDED AYES: ALL

76. Contract with State Dept of Health for Emergency Preparedness Funding for FY 2010-11 for disaster planning assistance and approve budget transfer-$87,193. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2010234 AS RECOMMENDED AYES: ALL

77. Authorize revised Permit By Rule Notification Form for Permanent Household Hazardous Waste Collection Facilities as part of the transfer of operations of the Household Hazardous Waste (HHW) program from Health-Environmental Health Division to Public Works-Solid Waste Division.

AUTHORIZED CONTRACT NO. 2010235 AS RECOMMENDED AYES: ALL

78. Approve Health-Environmental Health Division participation with Merced Irrigation District and the City of Merced to complete the Integrated Regional Water Management Planning Grant Application and track staff time in planning activities to be used as part of the required in-kind match and return to the Board if awarded for finalization of documents needed.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

79. Approve Merced County Employee Retirement Association amended Bylaws as recommended and adopted by the Retirement Board: Amendments and Additions to By-Laws in Article I, Sections 2 and 7; Article III, Sections 1 and 4; Article IV, Section 1; and Article V.

REVIEW BOARD ORDER – SEE PAGE 23

80. Winton Municipal Advisory Council – Reappointed Joyce Dutra until March 31, 2013.
APPROVED AS RECOMMENDED AYES: ALL

81. Commerce, Aviation and Economic Development Revolving Loan Fund Loan Administration Board – Appointed Roni Alcazar (F & M Bank-Hilmar Branch), representing District 4 as Commercial Lender until December 22, 2011.
APPROVED AS RECOMMENDED AYES: ALL

82. Library Advisory Commission – Appointed Karen Naquin, representing District 3, until August 31, 2011..
APPROVED AS RECOMMENDED AYES: ALL

83. Airport Land Use Commission - Appoint one At-Large Member of the Airport Land Use Commission to fill the term until May 2, 2014 based on the high score of candidates, if above the 70% threshold; should no candidate be selected, direct the Clerk to continue to receive applications for the position that remains.
CONTINUED TO LATER DATE

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

84. Public Works re: Notification of Award of Contract No. 2009305 to ETIC Engineering for the Public Works Corporation Yard Remediation System Construction.
CAWARDED CONTRACT NO. 2009305

85. Winton School District re: Resolution No. 091310-01 requesting Rescheduling Election of Governing Board Members.

86. Le Grand Union Elementary School District re: Resolution No. 10-11-04, Rescheduling Election of Governing School Board Members.

87. Snelling Merced Falls School District re: Resolution No. 03 Rescheduling Election of Governing Board Members.

88. Merced River School re: Resolution No. 11-01, Rescheduling Election of Governing Board Members.

89. Merced River School District re: Resolution in support of Bailout of Merced County from Federal Voting Rights Act, Section 5, Resolution No. 11-05.

90. Livingston Union School District re: Resolution in support of changing board member elections to be consolidated with the California Statewide General Election in even years.

91. State Wildlife Conservation Board re: Minutes of May 27, 2010. (Full set of Minutes on file with Clerk due to volume)

92. State Water Resources Control Board re: Application 16186-Order approving petition for temporary transfer of 15,000 acre-feet of water from Merced Irrigation District to four state water contractor agencies.

93. State Water Resources Control Board re: Notice of Petitions for Temporary Change Involving the Transfer/Exchange of up to 220,000 acre-feet of water under the Dept. of Water Resources Permit 16482 (Application 17512) and the Specified License and Permits of the U.S. Bureau of Reclamation.

94. State Water Resources Control Board re: Notice of Opportunity for Public Comment on proposed approval of an amendment to the Water Quality Control Plan for the Los Angeles Region (Basin plan) to incorporate a total maximum daily load for organochlorine Pesticides, polychlorintated Biphenyls, sediment toxicity, polycyclic aromatic hydrocarbons, and metals in Colorado Lagoon, Comments due by Octboer 20, 2010.

95. State Fish and Game Commission re: Proposed Regulatory Action relative to Section 632, Title 14, Calif. Code of Regulations relating to marine protected areas which will be published in the California Regulatory Notice Register. (Regulations on file with Clerk)

96. State Fish and Game Commission re: Proposed Regulatory Action relative to Section 27.20, et al, Title 14, Calif. Code of Regulations relating to recreational and commercial groundfishing, which will be published in the California Regulatory Notice Register. (Regulations on file with Clerk)

97. State Water Resources Control Board re: 2010 Petition change to modify the State Water Project, Central Valley Project and Friant Authorized Places of Use.

98. East Merced Resource Conservation District re: Request an active role in the Integrated Regional Water Management Planning process and to be included as a partner in the grant that will enable development of the plan.

ADOPTED RESOLUTIONS IN MEMORY OF MICHAEL SHELLY AND ROY MARTINELLI AND ADJOURNED MEETING UNTIL TUESDAY, OCTOBER 19, 2010 AT 10:00 A.M.

10:00 A.M. SCHEDULED ITEM
2010-09-28 PUBLIC OPPORTUNITY

The Chairman calls for anyone interested in speaking at the Public Opportunity and welcomes the Valley Community School Leadership Program. The Chairman announces that the Airport Land Use Commission interviews scheduled for 9:00 A.M. have been cancelled and rescheduled.

Mr. Lynch, California High Speed Rail representative, states the California High Speed Rail will provide a public information session on October 5, 2010, at the Senior Center from 4 p.m. to 7 p.m. and invites the Board and constituents to attend.
Present: O'Banion, Pedrozo, Walsh, Nelson, Kelsey

10:00 A.M. SCHEDULED ITEM
2010-09-28 PRESENTATION

Sheriff Pazin provides a brief recap of the capture of one of the 15 Most Wanted Persons in the U.S. and introduces Deputy U.S. Marshal Tim Merrell from the U.S. Marshal's Office.

Deputy U.S. Marshal Tim Merrell commends the Deputies for their capture of Paul Clouston, one of the 15 Most Wanted Persons in the United States and he presents Recognition to State Parole Agent Craig Donnahoe (Sheriff's STAR Team), Deputy Ruben Orozco, Deputy Nichol Ramos, and Sergeant Paul Roseman.
Present: O'Banion, Pedrozo, Walsh, Nelson, Kelsey

10:00 A.M. SCHEDULED ITEM
2010-09-28 PRESENTATION

Supervisor Nelson introduces John Wagner, Field Operations Manager for Medi-Flight and Mercy Air, and Chris Streeb, Air Methods Aviation Manager for California who will provide information about Medi-Flight and the service provided to our community and what they do to insure our residents are taken care of.

Mr. Wagner and Mr. Streeb review Air Ambulance Safety power point covering Air Methods At A Glance; Our History; Who We Are; Hospital-Based Flight Programs; Community-Based Flight Programs; Combined Flight Services; Safety Equipment on Legacy Aircraft; Air Medical Flight Hours; Cumulative 5-Year Fatal Accidents; Safety Equipment; Safety Technologies Currently Installed; Safety Management System Metrics; FAA Safety Management System Pilot Project; Taking the Lead in Flight Safety – LOSA; LOSA; Taking the Lead in Flight Safety – FOQA; Flight Safety Foundation FOQA Project; U.S. Department of Defense CARB Certification; Operational

Control Center; Other Capabilities; Flight Training Devices; Weather Minimums; Risk Assessment – Day; and Medi-Flight.
Present: O'Banion, Pedrozo, Walsh, Nelson, Kelsey

10:00 A.M. SCHEDULED ITEM
2010-09-28 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider an Appeal of Planning Commission Determination and Approval of the Lakeview Properties Subdivision No. MAS04-014 due to Alleged Violation of the Brown Act and CEQA on March 10, 2010 (Continued from May 25, 2010) submitted by Planning and Community Development.

Assistant Development Services Director Bill Nicholson reviews the Staff Report stating this matter has been continued from the May 25, 2010 Board Meeting which was continued based on late correspondence that needed to be addressed as well as a request from the applicant to work with the appellant to address the issues. He states the issues have not been solved and Planning will begin with the public hearing presentation.

Planner III Oksana Newmen reviews the PowerPoint presentation which reviews the following: Project Information, Project Vicinity, General Plan Designation, Zoning Designations, Project Site, Tentative Subdivision Map, Looking West from Eastern Boundary, Merced Falls Road, Looking North Across Project Site, Intersection of La Grange Road and Merced Falls Road, Appeal History, Appeal Issues and the Alleged Violation of CEQA and SJRRC/POW Allegations which were addressed and responded to at the Board Meeting of May 11, 2010 as shown on Page 5-15 of the Staff Report.

Since the May 25th Hearing, Planning has addressed the late letter received by Marsha Burch dated May 24, 2010 on behalf of the San Joaquin Raptor Rescue Center and Protect Our Water that addressed four primary issues. These issues are addressed in the Supplemental Staff Report provided dated September 28, 2010 and reviewed by Planner Newmen as follows:

First Issue, Off-Site Walking Route from La Grange Road to the Snelling School brought by Snelling Municipal Advisory Council (MAC). Planning reviews the two possible alignments suggested and the requirements and processes needed if a path, pedestrian walkway, advance flashing beacons and the funding determinations required in addition to facts to support this need. While the MAC urged the County to require this Off-Site Walking Path, Planning recommends the preparation of a Study to aid the Board in the determination if there is sufficient Nexus and Proportionality Study needed to support the walking route and whether the cost is roughly proportional to the walking trips generated by the Project and reviews the uniqueness of the Project.

Second Issue, Concern A relates to Cumulative Impacts which was addressed in May 11, 2010 Staff Report on Pages 6, 11 and 12; and Impacts to Open Space, listed Species and Habitat which was addressed in May 11, 2010 Staff Report, Pages 6, 7, 11 and 12;

Concern B relates to Current Relevance of the Initial Study and Mitigated Negative Declaration which was addressed in May 11, 2010 Staff Report on Pages 5, 7, 11, 12, 13, 14 and

15 and further comment is made there has been no activity on this site for years and growth in Snelling is stagnant;

Concern C relates to Compliance with Green House Gases which was addressed in May 11, 2010 Staff Report on Pages 8, 9, 12 and 13 and further that the Project meets the needs of the San Joaquin Regional Valley Blue Print Plan produced by MCAG;

Concern D. Comment that not all Letters from the Agencies were made available. Staff contacted all Agencies that sent letters regarding the project and the responses are summarized in the staff report but it is determined that no new information is contained in them nor is further study warranted and therefore all agency comments have been considered in the IS/MND.

Third Issue, Snelling MAC recommends a 'path to the School be built off the project property'. Planning notes Measure 14 was added to the Mitigation Measures which extends the walking path, however, this alignment is not yet determined.

Fourth Issue, Irrigation Ditch that is located on the southern portion of the Project Site, letter was received from Jim Arsenio on behalf of the Canavero Ditch Users. Planning Staff states the concerns were the liability related to the ditch and possible loss of water and issues were responded to in the IS/MND, Page 27, Comments 19 and 20. It should be noted that Fish and Game did not wish for it to be completely fenced off, because this is considered as habitat and wildlife should be able to access through the area; however, permanent fencing protecting the blue elderberry shrubs, including a 30-foot buffer along the ditch, is part of Mitigation Measure 5, Section D2 and, further, a fence placed between the ditch and houses is to be put in place, IS/MND, Page 27, C-20.

Planner Newmen also states a letter was received yesterday from Marsha Burch on behalf of the San Joaquin Raptor Rescue Center/Protect Our Water dated September 27, 2010. Planner Newmen addresses the EIR requirements stating as a general rule, an EIR is required when substantial evidence is provided and in the record supports a fair argument that significant impacts may occur even when other substantial evidence supports the opposite conclusion. Evidence is not substantial if it is erroneous, inaccurate, speculation, unsubstantiated opinion or narrative. The letter received from Marsha Burch offers no substantial evidence that significant impacts may occur and there is no substantial evidence of any biological or other impact offered.

Specifically there were 5 concerns addressed:

Agency Letter concerns. Planner Newmen again re-reviews the documentation that addressed this which included the Planning Commission Staff Reports of both January 13 and March 10th;

Irrigation Ditch Requirements, requiring an EIR. There will be no use of this water, so there is no conflict.

Greenhouse Gases, suggesting this was not studied. This was evaluated in the Mitigated Negative Declaration, Page 55.

Calififfornia Tiger Salamander should require additional study based on the Endangered & Threatened Listing. The biologist assessed the site through biological study and none were found on-site and the project does not have vernal pool and grassland habitat that is part of and critical to Tiger Salamander.

Walking route, suggested this was a deferred analysis. It is not a phase of the project that would have new or significant impacts and the project makes no commitment to a walking route and it may never be a part of the project at all.

Planner Newmen reviews the recommended determination the Board may adopt on the Appeal and the recommended actions on the project.

The Chairman opens the Public Hearing and asks if there is anyone present wishing to speak. No one speaks. The Chairman closes the Public Hearing.

Discussion is had on the Off-Site Walking Path and CCR mitigation measures and enforcement. Supervisor Kelsey further questions enforcement on the conditions or mitigation measures put in place.

Consultant Bob Klousner, Planning Partners, reads the various species that the mitigation measures address and states some are associated with the ditch, and many are not.

Deputy County Counsel Marianne Green and Assistant Planning Director Bill Nicholson respond to various questions on enforcement issues. Mr. Nicholson states if the Conditions of Approval or Mitigation Measures are adopted by the Board as recommended by Planning, the Conditions and Mitigation Measures are enforceable and will be monitored by the Planning Department and Planning is responsible.

Discussion is had on the dedication of the road right of way frontage and the public utility easement and whether or not these will affect the ditch. Mr. Klousner responds to the standard county policy requirements and what the county will accept or require stating as he understands it, the county will not accept the right of way on this project.

Supervisor Kelsey questions the liability on the access to the ditch stating a condition should be put in place where the applicant works with the Fish and Game to construct a fence that is mutually agreeable among the parties since it is hard to build a fence to allow animal access to waterways and also make sure children do not get into the waterways.

Deputy County Counsel Marianne Greene states the project does intend to include a fence between the subdivision and the ditch. However, if it is the Board's recommendation to require this as a condition, it is advised the design be with the Department of Fish and Game because of the habitat.

Supervisor Kelsey also expresses concern on the walking path stating the school is on the other side of Snelling and there are no residents on the other side of the school and therefore there is an empty area that is under Caltrans jurisdiction and other property owners. She suggests a solution be worked out with Caltrans.

Deputy County Counsel Greene clarifies if the intent is to refer and/or direct Public Works to investigate options for preparation of a Bridge and Thoroughfare Study for Snelling SUDP.

Supervisor Kelsey confirms stating a Nexus and Proportional Study is needed.

Supervisor Walsh speaks in support of the county responsibility to monitor and the community concerns of Safe Route to Schools with a Nexus and Proportionality Study.

Supervisor O'Banion expresses concern on the possible additional requirements on this project and questions the fence need and comments on the walking path difficultly.

Following a lengthy discussion on a Bridge and Thoroughfare Study, it is determined that an existing study for Snelling does not exist and a Study is needed and Supervisor Kelsey states she is inclined to continue the hearing for 120 days to get the Nexus Study completed and provide direction to Staff of the interest in the Bridge and Major Thoroughfare Funding in Snelling.

The Chairman suggests the Board take action on the recommendations before the Board that are possible to be approved with direction provided to Staff on the Bridge & Thoroughfare.

The Board discusses the study review, funding options and requirements.

Supervisor Kelsey states her concerns of approving an item without all the conditions being before them.

The Board recesses at 11:50 a.m. and reconvenes at 12:05 p.m. with all members present.

County Counsel James Fincher states the Board can consider and take the following action:

The first recommended motion by Planning, the Board can make the determination on the appeal and this would be unaffected by statements made today, so the Board would be free to vote on this motion.

The second recommended motion by Planning, if the Board is inclined to approve the Mitigated Negative Declaration, the Board can take that action as well.

The third recommended motion by Planning, Mr. Fincher states we will read this language to continue approval of this project for 120 days and direct the County to do the Nexus Study to determine the cost of the Path and see if there is any relation to the burden of the 35 homes; if the Board determines not, then it would be spread across the community and this would also give time for planning to coordinate with Fish and Game on the fence because there was also a statement to see and that would be part of the third recommended action.

The Chairman calls for the first action by the Board and reads the recommendation.

Supervisor Nelson moves, seconded by Supervisor Pedrozo, the Board denies the San Joaquin Raptor Rescue Center/Protect Our Water Appeal and upholds the Action of March 10, 2010 Planning Commission CEQA Determination and Project Approval of MAS04-014.

Supervisor Kelsey expresses concern stating she has a problem with approval of an item and not having all of the conditions before her and questions the CEQA determination and project approval if conditions are later considered.

Deputy County Counsel Greene states when the matter comes back to the Board, if there is determined a Nexus and Proportionality Study and if the Board found in its discretion to require a Walking Route - that would be a term and a condition of the project, and not an approval of a mitigation measure and the CEQA document stands alone.

The Chairman calls for a Vote on the Motion. Motion carries.
Ayes: O'Banion, Pedrozo, Walsh, Nelson, Kelsey

The Chairman calls for the second recommended action by the Board and reads the recommendation into the record.

Supervisor Nelson moves, the Board adopt the Mitigated Negative Declaration prepared for Major Application No. MAS04-014, Lakewood Properties based on two Findings (Staff Report on Appeal to the Board dated May 11, 2010):

CEQA FINDINGS

1. The Mitigated Negative Declaration was prepared and circulated in accordance with Sections 15070 through 15073 of the CEQA Guidelines and reflects the independent judgment of the County.
2. Based on the Initial Environmental Study and comments received, the proposed project will not have a significant effect on the environment with incorporation of the 14 identified mitigation measures.

Following discussion, Supervisor O'Banion seconds the Motion.

Supervisor Walsh questions the discussion on the Nexus Study impact.

Counsel Fincher states those are terms and conditions of the Project Approval.

Supervisor Kelsey questions the Findings stating "aren't we also making findings?".

Counsel Fincher responds, "Yes".

The Chairman calls for the Vote on the Motion.

Supervisor Kelsey votes "no".

Counsel Fincher states he must clarify about the Findings.

The Chairman states he withdraws the Vote on the Motion on the Floor that just occurred.

Counsel Fincher states he may have responded too quickly. There are two Findings in the CEQA Report and there are also nine Project Findings and these are deferred. You will only be making two findings of the CEQA.

The Chairman calls for the Vote on the Motion.

Supervisor Kelsey votes that she will abstain.

The Chairman states the record will reflect an Abstention. Motion carries.
Ayes: O'Banion, Pedrozo, Walsh, Nelson,
Abstain: Kelsey

Deputy County Counsel Marianne Greene reads the third recommendation before the Board:

The Board of Supervisors continues the hearing on Major Subdivision No. MAS04-014 for 120 days, and directs the County to hire an independent expert consultant to prepare a "Nexus and Proportionality Study" to determine the need and cost of a proposed Off-Site Walking Route from La Grange Road to the Snelling School, to be reviewed by the Board of Supervisors prior to a final decision on Major Subdivision Application No. MAS04-014. The Proportionality Study shall be completed within 120 days, with the cost to and scope of work to be prepared by the County. The "Nexus and Proportionality" Study shall analyze trip generation rates of the subdivision relative to the costs of the facility including design, construction, environmental permitting, right of way acquisition, and maintenance district assessments, and shall analyze the opportunities and constraints, based on surrounding land uses and zoning, for a reimbursement agreement as an alternative funding mechanism.

If upon review of the "Nexus and Proportionality" Study, the Board, in its discretion, finds the study supports "Nexus and Proportionality," and if the Board requires as a project term and condition the Off-Site Walking Route, then that shall be so required.

If, however, the Board, in its discretion, finds the study does not support "Nexus and Proportionality," then in the alternative, the Board of Supervisors shall approve Major Subdivision Application No. MAS04-014 based on the 9 Project Findings and subject to the 19 Conditions of Approval (including 14 CEQA mitigation measures) as recommended by the Planning Commission, as presented in the Board Staff Report of Appeal dated May 11, 2010, and direct the Department of Public Works to investigate options for the preparation of a Bridge and Thoroughfare Study for the Snelling SUDP, to address vehicle and pedestrian circulation improvements and funding.

Following further discussion, County Executive Officer Larry Combs clarifies for the record that the hearing continuance be corrected and instead of 120 days the motion read:

The Board of Supervisors continues the Meeting ~~hearing~~ on Major Subdivision No. MAS04-014 <u>to the first available Board Meeting after</u> 120 days <u>from the September 28, 2010 Board Public Hearing,</u> and it is stated the remainder of the Motion will continue and remain as read into the record.

Supervisor O'Banion states he cannot support the Motion and the continuance of the project.

Supervisor O'Banion and Nelson vote "no". Motion carries:
Ayes: Pedrozo, Walsh, Kelsey
Noes: Nelson, O'Banion

<u>10:00 A.M. SCHEDULED ITEM</u>
<u>2010-09-28 PLANNING – PROPOSED ORDINANCE – FIRST READING</u>

The time and date previously set to consider the proposed Ordinance and first reading of 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).

Upon motion of Supervisor Nelson, seconded by Supervisor Walsh, duly carried, the Board waives further reading of the Proposed Ordinance.
Ayes: O'Banion, Pedrozo, Walsh, Nelson, Kelsey

Interim Director of Planning James Brown reviews the staff report and informs the Board that the Ordinance is a result of the 2006 Water Conservation in Landscaping Act which required January 1, 2010, that every city and county adopt a water efficient landscape ordinance at least as effective as the Model Water Efficient landscape Standards adopted by the Department of Water Resources on September 10, 2009.

Senior Planner Dave Gilbert reviews the power point highlighting Proposed Text Amendment, Background, Goals of the Model Ordinance, Current Landscape Standards, Purpose, Model Ordinance Applies to Larger Landscapes, Existing landscaping Over One Acre, Model Ordinance Excludes, New Landscape Plans, Water Budget Calculations, Environmental Review, and Required Action.

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

Upon motion of Supervisor Nelson, seconded by Supervisor Walsh, duly carried, the Board sets second reading and possible adoption of the Proposed Ordinance for October 19, 2010, at 10:00 a.m.
Ayes: O'Banion, Pedrozo, Walsh, Nelson, Kelsey

10:00 A.M. SCHEDULED ITEM
2010-09-28 PUBLIC WORKS – PUBLIC HEARING

The time and date previously set for a public hearing to consider the Resolution vacating various portions of Titus Road located in the Stevinson area.

Public Works Director Paul Fillebrown reviews the Staff Report and states he is present to answer questions.

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

Upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, duly carried, the Board finds that the various segments of public right-of-way, known as Titus Road, have been determined to be unnecessary for present or prospective public use and are hereby vacated pursuant to Section 8324 of the California Streets and Highways Code and approves the General Vacation of various portions of Titus Road located in the Stevinson area and adopts Resolution No. 2010-166.
Ayes: O'Banion, Pedrozo, Walsh, Nelson, Kelsey

CONSENT ITEM NO. 9
2010-09-28 DEPT. OF WORKFORCE INVESTMENT

The Clerk announces the Contract with Merced College is before the Board for consideration.

In response to questions, Director of Workforce Investment Andrea Baker clarifies that this action reduces the service hours but does not eliminate the service, lower than anticipated federal funding and limited ARRA funding was received and further, the Westside Plato Lab is the only place for General Educational Development (GED) in Los Banos.

Following discussion and upon motion of Supervisor Pedrozo, seconded by Supervisor Kelsey, duly carried, the Board approves and authorizes the Chairman to sign Amendment to Contract No. 2010131 with Merced College reducing the amount of basic education services from 49 to 33 hours per week at the Los Banos Employment Resources Center at a cost not to exceed $59,991.
Ayes: O'Banion, Pedrozo, Walsh, Nelson, Kelsey

CONSENT ITEM NO. 10
2010-09-28 DEPT. OF WORKFORCE INVESTMENT

The Clerk announces the Contract with Merced Adult School is before the Board for consideration.

In response to questions, Director of Workforce Investment Andrea Baker clarifies that this action reduces the service hours but does not eliminate the service, lower than anticipated federal funding and limited ARRA funding was received and further, Merced Adult School does not have the capacity to serve all needs.

Following discussion and upon motion of Supervisor Pedrozo, seconded by Supervisor Kelsey, duly carried, the Board authorizes the Chairman to sign Amendment to Contract No. 2010130 with Merced Adult School reducing the amount of basic education services from 35 to 20 hours per week at the Merced Employment Resources Center at a cost not to exceed $44,455.03.
Ayes: O'Banion, Pedrozo, Walsh, Nelson, Kelsey

ACTION ITEM NO. 59
2010-09-28 HUMAN SERVICES AGENCY

The Clerk announces Request for Proposal (RFP) for Stage One Child Care Services is before the Board for consideration.

Supervisor Walsh requests an analysis and comparison of the cost internally vs. going out to bid on the proposal.

Human Services Agency Director Ana Pagan states this analysis was previously completed and it would require additional staff and would be more costly.

Supervisor Walsh requests a copy of the analysis.

Upon motion of Supervisor Walsh, seconded by Supervisor Nelson, duly carried, the Board authorizes preparation and release of a Request for Proposal (RFP) for Stage One Child Care Services, authorizes the selection of the most responsive bidder for such services and negotiation of a contract with the provider, and authorize Human Services Agency to return to the Board for final approval.
Ayes: O'Banion, Pedrozo, Walsh, Nelson, Kelsey

ACTION ITEM NO. 79
2010-09-28 RETIREMENT BOARD

The Clerk announces Merced County Employees' Retirement Association (MCERA) Amendment to the By-Laws are before the Board for consideration.

Chief Deputy County Counsel Michael Calabrese reviews the Staff Report advising there are no substantive changes and the law requires the amendments must be approved by the Board.

Upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, duly carried, the Board approves the Merced County Employees' Retirement Association (MCERA) Bylaws as Amended with amendments and additions to Article I, Section 2; Article III, Sections 1 and 4; Article IV, Section 1 and Article V. as recommended.
Ayes: O'Banion, Pedrozo, Walsh, Nelson, Kelsey