

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, JUNE 22, 2010

Closed Session – 7:30 a.m.

Regular Meeting – 10:00 a.m.

Proposed Budget – 1:30 p.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

7:30 A. M.

THE PUBLIC IS INVITED TO SPEAK ON ANY ITEM ON THE AGENDA – TESTIMONY IS LIMITED TO FIVE MINUTES PER PERSON

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

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED 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 - 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

REVIEW BOARD ORDER – SEE PAGE 15

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

REVIEW BOARD ORDER – SEE PAGES 15 AND 16

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 16

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 48)
APPROVED AS RECOMMENDED AYES: ALL

PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION

To consider proposed ordinance entitled: Amended Ordinance adopting the County Service Area Number One User Charge Rates for Zones of Benefit in the 2010/2011 Fiscal Year (Amends Ordinance No.1866 and County Code Chapter 5.64)

RECOMMENDATION: Waive further reading; open public hearing, consider public testimony and close public hearing; and adopt proposed Ordinance

REVIEW BOARD ORDER – SEE PAGES 16 AND 17

BOARD OF SUPERVISORS - PROPOSED ORDINANCE - SECOND READING AND POSSIBLE ADOPTION

To consider Proposed Ordinance entitled: An Ordinance Amending membership requirements of a Local Area Recreation Committee - Le Grand Recreation Committee (Amends and Supersedes Ordinance No. 1575)

RECOMMENDATION: Waive further reading, consider public testimony and adopt Proposed Ordinance

REVIEW BOARD ORDER – SEE PAGE 17

PLANNING - PUBLIC HEARING - INTENDED DECISION

To consider the 2010 Merced County Housing Element, General Plan Text Amendment No. GPTA10-001

RECOMMENDATION: Adopt the Negative Declaration prepared for the 2010 Housing Element Update, General Plan Text Amendment No. GPTA10-001 and make an Intended Decision to Amend the General Plan by repealing the existing Housing Element and adopting the 2010 Housing Element Update

REVIEW BOARD ORDER – SEE PAGES 17 AND 18

PLANNING - PUBLIC HEARING

2010 Cycle 1 General Plan Amendment

Public Hearing held June 22, 2010 - General Plan Text Amendment No. GPTA10-001, 2010 Merced County Housing Element

RECOMMENDATION: Approve 2010 Cycle 1 General Plan Amendment - 2010 Merced County Housing Element of the Merced County General Plan, General Plan Text Amendment No. GPTA10-001 and adopt Resolution

REVIEW BOARD ORDER – SEE PAGES 18 AND 19

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

1:30 P.M.

FY 2010/11 PROPOSED BUDGET

1. COUNTY EXECUTIVE OFFICE

(1) Adopt the Proposed Budget for FY 2010/11 as an Operating Budget until the Board adopts a Final Budget. (2) Direct that no expenditures be made for any item requiring policy direction, except approve the following listed capital asset at the sub-object level as appropriated in the FY 2010/11 Proposed Budget: (a) Budget Unit 75200 Account 83617 Building Rehab at Castle of Buildings 1333 and 1335 if necessary, (b) Budget Unit 17000 Account 87011 Martin Luther King Cleanup, (c) Budget Unit 17000 Account 87071 District Attorney Tenant Improvement Project. (3) Direct that no Out-of-County Overnight or Out-of-State Travel take place unless authorized by the County Executive Officer, or designee, and authorize the County Executive Officer, or designee, to approve Out-of-State Travel submitted between Proposed and Final Budget. (4) Request the Clerk of the Board make available copies of the FY 2010/11 Proposed Budget to all interested people and advertise the Final Budget Hearings to commence on August 24, 2010 at 1:30 p.m. (5) Schedule the Public Hearing on Proposition 4 Appropriation Limit on August 24, 2010 at 1:30 p.m.

REVIEW BOARD ORDER – SEE PAGES 19 AND 20

2. PUBLIC WORKS

Approve the Vehicle User Committee's Recommended Vehicle User Mileage Rates for the 2010/2011 Fiscal Year.

APPROVED AS RECOMMENDED AYES: ALL

3. EXECUTIVE OFFICE - CAPITAL PROJECTS

Transfer the funds budgeted to establish a Reserve of Funds to match State Grants for the possibility of a new Correctional Facility back to the General Fund and approve the necessary Budget Transfer-\$4,972,000. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

4, EXECUTIVE OFFICE - RETIREMENT SYSTEM EMPLOYER CONTRIBUTION RATES FOR FY 2010/11

Adopt the requested Employer Rate increase of 1.0% for Miscellaneous/Safety Tier 1 and Tier 2 and have it applied to Merced County's portion of the UAAL effective on the payroll of July 9, 2010.

APPROVED AS RECOMMENDED AYES: ALL

CONSENT CALENDAR (Items #1 - 48)

APPROVED AS RECOMMENDED AYES: ALL

Health

1. Approve and authorize acceptance of Renewal Contract No. 2007203 with Calif. Dept. of Health for the Maternal and Child Health Program and the Adolescent Family Life Program funding for FY 2009-10 in the amount of \$678,641.
2. Approve and authorize Chairman to sign Renewal Contract No. 2008191 with Merced County Office of Education to purchase medical therapy services in an amount not to exceed \$100,000 to be budgeted in FY 2010-11.
3. Approve and authorize Chairman to sign Renewal Contract No. 2006016 with Calif. Dept of Resources, Recycling and Recovery for the Waste Tire Enforcement Grant and adopt Resolution directing the Health Officer to sign all payment requests.

ADOPTED RESOLUTION NO. 2010-112

Mental Health

4. Approve and authorize Chairman to sign Amendment to Contract No. 2007093 with Mission Linen Supply for Linen and Laundry Services at Marie Green.
5. Approve and authorize Chairman to sign Amendment to Contract No. 2008159 with 7th Avenue Center for Mental Health Placement Services increasing the contract to \$312,445.
6. Approve and authorize Chairman to sign Amendment to Contract No. 2009127 with Regents of the UC, Institute for the Study of Social Change to continue consulting services relating to the impacts of alcohol and drug use in our community and authorize the Mental Health Director to sign the Request for Extension Letter from UC Regents extending the end date to June 30, 2011.
7. Approve and authorize Chairman to sign Amendment to Contract No. 2009018 with Madera County Behavioral Health Services for inpatient services at Marie Green facility increasing contract to \$190,000.
8. Approve and authorize Program Administrator to sign Renewal Contract No. 2008003 with State Dept of Health and Human Services Agency for Comprehensive Drug Court Implementation Grant funding to support operation of the Drug Treatment Court Program and adopt Resolution.

ADOPTED RESOLUTION NO. 2010-113

9. Approve and authorize Program Administrator to sign Renewal Contract No. 2006057 with State Dept of Health and Human Services Agency for Comprehensive Drug Court Implementation/Dependency Drug Court Grant funding to support operation of the Dependency Drug Treatment Court Program and adopt Resolution.

ADOPTED RESOLUTION NO. 2010-114

10. Approve and authorize Program Administrator to sign Renewal Contract No. 2006213 with State Dept of Health and Human Services Agency for Drug Court Partnership grant funding to support operation of the Drug Treatment Court Program and adopt Resolution.

ADOPTED RESOLUTION NO. 2010-115

11. Approve and authorize Chairman to sign Renewal Contract No. 2007178 with Merced Drug for pharmacy services to clients and bulk pharmaceuticals to Marie Green Psychiatric Center.
12. Approve and authorize Chairman to sign Renewal Contract No. 2009248 with Stars Behavioral Health Group for staff training and fidelity support during the implementation of the Transition to Independence Process.
13. Approve and authorize Chairman to sign Renewal Contract No. 2009143 with Merced County Office of Education for expansion of their existing Second Step Program.
14. Approve and authorize Chairman to sign Renewal Contract No. 2009141 with Merced County Office of Education for expansion of their existing Caring for Kids Program.
15. Approve and authorize Chairman to sign Renewal Contract No. 2009140 with State Dept. of Mental Health for State Hospital bed usage and adopt Resolution.

ADOPTED RESOLUTION NO. 2010-116

Human Services Agency

16. Approve and authorize Chairman to sign Renewal Contract No. 2009164 with University of Calif. Davis for child welfare services training.
17. Approve and authorize Chairman to sign Renewal Contract No. 2006132 with University of Calif. Davis for staff training and development.
18. Approve and authorize Chairman to sign Renewal Contract No. 2009186 with Mountain Crisis Services for shelter-based domestic violence services.
19. Approve and authorize Chairman to sign Renewal Contract No. 2004211 with Calif. Dept. of Aging for Multipurpose Senior Services Program (MSSP) and adopt Resolution.

ADOPTED RESOLUTION NO. 2010-117

20. Approve and authorize Chairman to sign Renewal Contract No. 2004222 with Calif. Dept. of Aging for Area Plan for Title III, VII, IIIE and CBSP Programs and adopt Resolution.

ADOPTED RESOLUTION NO. 2010-118

21. Approve and authorize Chairman to sign Renewal Contract No. 2004249 with Calif. Dept. of Aging for Health Insurance Counseling Advocacy services and adopt Resolution.

ADOPTED RESOLUTION NO. 2010-119

22. Approve and authorize Chairman to sign Renewal Contract No. 2008172 with CareAccess for a mandated reporting system for Area Agency on Aging and Multipurpose Senior Services Programs.
23. Approve and authorize Chairman to sign Renewal Contract No. 2007181 with Valley Caregiver Resource Center for caregiver support networks.
24. Approve and authorize Chairman to sign Renewal Contract No. 2009145 with Central Calif. Legal Services for a Senior Legal Assistance Program.
25. Approve and authorize Chairman to sign Renewal Contract No. 2009166 with Community Action Board for a Congregate Nutrition Program.
26. Approve and authorize Chairman to sign Renewal Contract No. 2009167 with Community Action Board for Home Delivered Meals Program.

Planning

27. Set public hearing for July 13, 2010 to consider Amending the Planning and Community Development Department Development Processing Services Fee Schedule.

Public Defender

28. Approve and authorize Chairman to sign Renewal Contract No. 2008039 with Cindy Merino, C. Garretson Investigations for investigator services.
29. Approve and authorize Chairman to sign Renewal Contract No. 2004338 with Lynda Williams, Williams & Co. Investigations for investigator services.
30. Approve and authorize Chairman to sign Renewal Contract No. 2008220 with Stan Scott, Big Valley Investigations, for investigator services.
31. Approve and authorize Chairman to sign Renewal No. 2007185 with Colleen Tucker, Colleen Tucker Investigations, for investigator services.
32. Approve and authorize Chairman to sign Renewal Contract No. 2005041 with Peter Wann Investigations for investigator services.

District Attorney

33. Approve and authorize Chairman to sign Renewal Contract No. 2006233 with Calif. Dept. of Insurance for Workers Compensation Insurance Fraud Program, authorizing the District Attorney to accept Grant Funds and adopt Resolution.

ADOPTED RESOLUTION NO. 2010-120

34. Approve Budget Transfer in the amount of \$8,924 for cover costs of rents due for 09/10 as costs were higher than anticipated due to additional storage unit and \$2,000 for placement of funds back into appropriate Accounts as two high schools did not participate in Sober Grad. (4/5 Vote Required)

Probation

35. Approve and authorize Chairman to sign Renewal Contract No. 2004151 with Delhi Unified School District for placement of Deputy Probation Officer at Delhi High School.

Ag. Commissioner

36. Approve and authorize Chairman to sign Renewal Contract No. 2007129 with Calif. Dept. of Food and Agriculture for Japanese Dodder eradication and adopt Resolution.

ADOPTED RESOLUTION NO. 2010-121

37. Approve and authorize Chairman to sign Renewal Contract No. 2004201 with Calif. Dept. of Food and Agriculture for Exotic Insect Pest Detection and adopt Resolution.

ADOPTED RESOLUTION NO. 2010-122

Dept. of Workforce Investment

38. Approve and authorize Chairman to sign Addendum to Contract No. 2009222, Workforce Investment Act Subgrant modification with State Employment Development Department adding \$499,855 funding for "Bridges to Success" Project in Merced County for the Grant Application to support the development of hands-on projects for At-Risk Youth in Merced County and authorize the Dept. of Workforce Investment Director to negotiate the required

agreement with grant partner to provide these services for the Project and return to the Board with a recommendation and resulting contract.

39. Approve and authorize Chairman to sign Addendum to Contract No. 2009222 with State Employment Development Department for Workforce Investment Act Subgrant modification rescinding \$60,489 of WIA Governor's 15% Discretionary Funding which rescinds unexpended funds in Grant in the New Start Program and decreases the total allocation for a new total of \$5,573,059.00.

Treasurer

40. Approve Budget Transfers in the amount of \$6,848 and \$900 for Unanticipated Revenue increase used to offset overage in costs associated with unexpected RIF. (4/5 Vote Required)

Commerce, Aviation and Economic Development

41. Approve Budget Transfer in the amount of \$35,000 for set up of Chlorinating Equipment Appropriations to replace existing system required to meet regulatory requirements and \$18,000 for Emergency Repair of the Air Conditioner Unit at Building 1340, Control Tower/FBO at Castle. (4/5 Vote Required)

Dept. of Admin. Services

42. Approve Budget Transfer in the amount of \$100,000 for replacement of mainframe based hardware and software that will host the Sheriff's new Case Management System and provide a disaster recovery/backup capability that will be used to host all County public safety and justice systems. (4/5 Vote Required)

Clerk-Registrar of Voters

43. Approve Budget Transfer in the amount of \$30,000 for increased revenue transferred to cover staff for election services. (4/5 Vote Required)

Executive Office

44. Approve and authorize Chairman to sign Renewal Contract No. 2005115 with Hazelrigg Risk Management Services, Inc. for Workers' Compensation Claims Administration Services for two additional months.
45. Approve and authorize Chairman to sign Renewal Contract No. 2005155 with Freese & Gianelli Claims Services Inc. for Liability Claims Administration Services and authorize Dept. of Admin. Services to conduct an RFP for such services and return to the Board with the final contract for approval.
46. Approve and authorize Chairman to sign Renewal Contract No. 2006127 with Dwight Peace, DBA Injury Prevention Group for Ergonomic Evaluations for worksite with an annual contract cost not to exceed \$20,000 and authorize an automatic renewal for one succeeding year through 6/30/2012 with a service fee increase of 3% maintaining the annual contract cost not to exceed \$20,000 unless terminated by either party.

Board Recognition

47. Authorize Certificates of Recognition to Atwater VFW Post 9946 as follows: Dick Compton-Atwater Police Volunteer of the Year; Robert Blais-Atwater Fire/CAL Fire Firefighter of the

Year; Samuel Garcia-Sheriff Department Correctional Officer of the Year; Patrick Bradley-Probation Deputy Probation Officer of the Year; Jennifer Jones-Probation Juvenile Institutional Officer of the Year; Joe Cardenas-Sheriff Officer of the Year and Evan Pitney-Atwater Police Officer of the Year.

48. Authorize Certificates of Recognition to the following individuals selected by the Merced Lao Family for contributions to the Southeast Asian Community: Boua Song, Dr. Tru Chang, Eugene K. Her, Keamalyvon Thao and Seng Xiong.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

49. Resolution authorizing Director of Public Works to sign Regional Surface Transportation Program (RSTP) Exchange Fund Apportionments Claim for FY 09/10 in the amount of \$523,387 and submit said Claim to MCAG for processing.

ADOPTED RESOLUTION NO. 2010-123 AS RECOMMENDED AYES: ALL

50. Resolution committing the 10% local match for a State Safe Routes to School Grant Application for the 9th Cycle in the Snelling and Winton areas and direct Public Works to return to the Board upon receipt of an approved Caltrans Grant for acceptance.

ADOPTED RESOLUTION NO. 2010-124 AS RECOMMENDED AYES: ALL

51. Resolution approving the Amendment to the Joint Exercise of Powers Agreement providing for the withdrawal of Fresno County and the inclusion of Merced County due to the county boundary line change effective January 1, 2008, which provides for Water Supply and Delivery System from the California Aqueduct (for water supply in the Dos Palos area) which includes a Contract of Indemnification between Fresno County and Merced County.

ADOPTED RESOLUTION NO. 2010-125 AS RECOMMENDED AYES: ALL

52. Reject bid from J & M Phillips Electrical & Plumbing as being Non-Responsive and authorize the award of Contract to GWS Automotive/Truck Equipment Sales for the Merced County Transit-Rehabilitate Existing Bus Wash, RFP Number 6485 and authorize Chairman to sign Contract upon approval by Counsel.

AUTHORIZED CONTRACT NO. 2010152 AS RECOMMENDED AYES: ALL

53. Contract with LWH Farms, LLC for acquisition of right-of-way for the Campus Parkway Project and accept Grant Deed and Easement Deed for a Public Utility Easement, approve payment to Fidelity National Title Company for the appraised value of property reimbursement for preparation of an independent appraisal plus escrow and any other transaction fee and adopt Resolution.

ADOPTED RESOLUTION NO. 2010-126 (GRANT DEED) AND 2010-127 (EASEMENT DEED) AS RECOMMENDED AYES: ALL

54. (1) Approve Option No. 1 and direct Purchase alternative for the installation of a 1.4 Megawatt Solar Photovoltaic Array at the Sandy Mush Correctional Facility with a cost not to exceed \$8,500,000 utilizing Tobacco Securitization Funds, (2) adopt the policy that all savings and rebates received as a result of this project are to be set aside for future capital projects into either the Capital Facilities Reserve or the Tobacco Securitization fund; (3) authorize Public Works, Risk Management and Counsel to negotiate the final terms and

conditions of the Performance Contracting Agreement with Siemens Industry, Inc. for construction of the 1.4 Megawatt Solar Array in an amount not to exceed \$8,500,000 and (4) direct Public Works to return to the Board for final approval of the Performance Contracting Agreement.

REVIEW BOARD ORDER – SEE PAGE 20

55. Authorize Alternative D2/D4 and Alternative I2 as the Alternative Alignments to be studied in the State Route 165 Project Study Report. (**Alternative D2/D4**: new alignment crosses the river at either a new bridge adjacent to the existing State Route 165 Bridge or a new crossing to the east of Hagaman Park, proceeds directly north to the east of the community of Hilmar between Golf Link Road and Griffith Avenue, the new State Route 165 will join State Route 99 at a new interchange located on the Stanislaus/Merced County border and **Alternative I2**: new alignment crosses the river at either a new bridge adjacent to the existing State Route 165 Bridge or a new crossing to the east of Hagaman Park, North of the Merced River, the I2 alignment traverses northeast and then proceeds directly north, to the west of Griffith Avenue, at Letteau Avenue, the new alignment curves to tie into the existing Bradbury Interchange)

APPROVED AS RECOMMENDED **AYES: ALL**

56. Approve the rate adjustments for Solid Waste Collection Services as provided by Waste Management, Inc. effective July 1, 2010 for Franchise Area No. 1, 2, 3, 4 and 5.

APPROVED AS RECOMMENDED **AYES: ALL**

57. Approve the rate adjustments for Solid Waste Collection services as provided by Gilton Solid Waste Management, Inc. effective July 1, 2010 for Franchise Area No. 6 and 7.

APPROVED AS RECOMMENDED **AYES: ALL**

PLANNING

58. Contract for Williamson Act Application WA10-001 for Hall Family Land Trust thereby taking the land out of the Williamson Act Non-Renewal Status.

AUTHORIZED CONTRACT NO. 2010-005WA AS RECOMMENDED **AYES: ALL**

59. Memorandum of Understanding with Merced Local Agency Formation Commission (LAFCo) for support services from Planning and Community Development Department.

AUTHORIZED CONTRACT NO. 2010158 AS RECOMMENDED **AYES: ALL**

MENTAL HEALTH

60. Authorize Application to Calif. Friday Night Live Partnership for Friday Night Live Mentoring Grant Funds and authorize Chairman to sign and authorize Administrator to sign related application documents to be returned to the Board for final approval.

APPROVED AS RECOMMENDED **AYES: ALL**

61. Contract with U.S. Dept. of Housing and Urban Development for 2009 Supportive Housing Grant Contract (CA0780B9T200901) for Project Home Start with a term of 12 months.

AUTHORIZED CONTRACT NO. 2010140 AS RECOMMENDED **AYES: ALL**

HUMAN SERVICES AGENCY

62. Contract with Merced County Office of Education for Summer Youth Program to serve CalWORKs Youth Ages 18 to 24.

AUTHORIZED CONTRACT NO. 2010153 AS RECOMMENDED **AYES: ALL**

63. Contract with Dept. of Workforce Investment for Summer Youth Program to serve CalWORKs Youth Ages 18 to 24 and approve the budget transfer.

REVIEW BOARD ORDER – SEE PAGE 21

HEALTH

64. Authorize submission of Application for Used Oil Payment Program Grant with Dept. of Resources, Recycling and Recovery in the amount of \$75,000 with the Health Dept. to return to the Board for approval if awarded and adopt Resolution.

ADOPTED RESOLUTION NO. 2010-128 AS RECOMMENDED AYES: ALL

65. Contract with Catholic Healthcare West dba Mercy Medical Center Merced for lease for Southside Outpatient Services which includes a Memorandum of Lease and a Medical Office Lease for Building 2 and Building 9 located at 315 E. 13th Street and 200 E. 15th Street, Merced, CA.

AUTHORIZED CONTRACT NO. 2010151 (MEMORANDUM OF LEASE) AND CONTRACT NO. 2010152 (MEDICAL OFFICE LEASE) AS RECOMMENDED AYES: ALL

66. Approve Sole Source Purchase and authorize Contract with Netsmart Technologies to provide the Health Department with Information Technology Software "Insight" approved by the State Emergency Preparedness Office for H1N1.

AUTHORIZED CONTRACT NO. 2010142 AS RECOMMENDED AYES: ALL

DEPT. OF WORKFORCE INVESTMENT

67. Contract with City of Atwater as a Supplemental Memorandum of Understanding to the Dept. of Housing and Community Development to agreement to formally designate the Director of Dept. of Workforce Investment as the new Merced County Enterprise Zone Manager.

AUTHORIZED CONTRACT NO. 2010155 AS RECOMMENDED AYES: ALL

68. Contract with City of Merced as a Supplemental Memorandum of Understanding to the Dept. of Housing and Community Development to agreement to formally designate the Director of Dept. of Workforce Investment as the new Merced County Enterprise Zone Manager.

AUTHORIZED CONTRACT NO. 2010156 AS RECOMMENDED AYES: ALL

69. Contract with City of Livingston as a Supplemental Memorandum of Understanding to the Dept. of Housing and Community Development to agreement to formally designate the Director of Dept. of Workforce Investment as the new Merced County Enterprise Zone Manager.

AUTHORIZED CONTRACT NO. 2010157 AS RECOMMENDED AYES: ALL

70. Contract with Commerce, Aviation and Economic Development for Business Assistance Services through counseling and classroom training to small businesses located throughout Merced County.

AUTHORIZED CONTRACT NO. 2010159 AS RECOMMENDED AYES: ALL

71. Contract with Commerce, Aviation and Economic Development for increased business retention services to local businesses by capturing survey data providing information of existing resources and minimize duplicate services.

AUTHORIZED CONTRACT NO. 2010160 AS RECOMMENDED AYES: ALL

DEPT. OF ADMIN. SERVICES

72. Contract with Merced County Times, DBA Mid Valley Publications, Derby Publications, Inc. for county-wide newspaper advertising services.

AUTHORIZED CONTRACT NO. 2010161 AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

73. Authorize Special Board Project Funds-District One in the amount of \$1,000 to be forwarded to the Friends of the Fair Committee for repairs to the Agricultural barns.

APPROVED AS RECOMMENDED AYES: ALL

74. Authorize Special Board Project Funds-District Two in the amount of \$20,000 for Re-carpeting project for the Main Library in place of previously authorized funds from the Main Branch Trust Fund and approve the necessary budget transfer.

APPROVED AS RECOMMENDED AYES: ALL

75. Authorize Special Board Project Funds-District Three in the amount of \$10,000 to be forwarded to the Atwater 4th of July Committee to support their activities.

APPROVED AS RECOMMENDED AYES: ALL

76. Authorize Special Board Project Funds-District Four in the amount of \$1,750 to be forwarded to the Winton Baseball and ASA Cheer Committee to support their baseball program for Winton area youth.

APPROVED AS RECOMMENDED AYES: ALL

77. Authorize Special Board Project Funds-District Four in the amount of \$7,500 to be forwarded to the Lifeline Community Development Corporation Bus Boutique to support their program for providing clothing to under resourced communities in Merced County.

APPROVED AS RECOMMENDED AYES: ALL

78. Authorize NACo Credential ID Form on behalf of the Board authorizing CSAC designee to pick up Merced County's voting credentials and if the County is not represented, to vote the Merced County ballot at the NACo Annual Meeting, scheduled for July 16-20, 2010.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

79. Lower San Joaquin Levee District – Reappointed Robert D. Kelley, Jr. until June 4, 2014.

APPROVED AS RECOMMENDED AYES: ALL

80. Mental Health Advisory Board – Reappointed Keng Ger Cha, representing District Three, until June 30, 2013.

APPROVED AS RECOMMENDED AYES: ALL

81. First Five, Merced County - Reappointed Shirley Brown, representing District Three; Eva Delong, representing District Four, and Ashlee Williams, representing District Five until March 23, 2013.

APPROVED AS RECOMMENDED AYES: ALL

SHERIFF

82. Approve the retirement and sale of Sheriff's Department Canine "Charlie" for \$1.00 and authorize Contract.

AUTHORIZED CONTRACT NO. 2010162 AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE

AYES: ALL

83. Public Works re: Notification of Contract Award to Carter Construction Company for the Merced Veteran's Memorial Building Main Hall Ceiling and Lighting Retrofit Project.
AWARDED CONTRACT NO. 2010066
84. Commerce, Aviation and Economic Development re: Notification of Facility Use Contract with Moore's Karate for Moore's Karate Camp 2009 held on May 14 - 16, 2010.
CONTRACT NO. 2010163
85. Dept. of Admin. Services re: Current Status Update on the Public Safety Mobile Radio Project Report.
86. Merced County Chamber of Commerce Roundtable re: Letter dated June 4 and June 14, 2010 relative to Initiative to Amend the General Plan of Merced County to Save Farmland and Open Spaces: A Proposal by the Citizens for Quality Growth to Establish a Requirement that re-designation of Agricultural and Open Space Lands to Residential Use be Approved by a Vote of the Public.
87. San Joaquin Valley Resource Conservation & Development Area Council re: Request for Designated Representative and Alternative Representative to the Council.
REVIEW BOARD ORDER – SEE PAGE 21
88. City of Los Banos re: Certified Copies of Resolution Nos. 5240 and 5241 pertaining to the General Municipal Election to be held on November 2, 2010.
89. City of Gustine re: Certified Resolutions 2010-2190 requesting consolidation of Municipal Election with Statewide General Election.
90. 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 to prohibit On-site wastewater disposal systems in the Malibu Civic Center area.
91. State Water Resources Control Board re: Notice of Continued Special Meeting for consideration of Personnel Item set for June 22, 2010.
92. State Water Resources Control Board re: Notice of Opportunity to comment on proposed approval of an amendment to the Water Quality Control Plan for the Central Coast Region (Basin Plan) to: (1) add the Aptos Creek Watershed to the Human Fecal Material Discharge Prohibition and the Domestic Animal Waste Discharge prohibition and (2) Establish total maximum daily loads for pathogens in Aptos Creek, Valencia Creek and Trout Gulch.
93. State Fish and Game Commission re: Copy of Notice of Findings resulting from the Commission's March 3 2010 meeting when it made a finding pursuant to Section 2075.5 Fish and Game Code that the California tiger salamander warrants listing to threatened species status.
94. State Fish and Game re: Draft Environmental Document regarding Migratory Game Bird Hunting (Waterfowl, Coots, Moorhens). (On file with Clerk)
95. State Water Resources Control Board re: Notice of Continued Public Hearing to determine whether to adopt a cease and desist order against Woods Irrigation Company, Middle River in San Joaquin County.

RECESSED TO MEET AS A REDEVELOPMENT AGENCY AND RECONVENED TO MEET AS A BOARD OF SUPERVISORS

ADOPTED RESOLUTIONS IN MEMORY OF DOLORES NUNES , RUTH MEYERS AND MATHEW FRAGO, JR. AND ADJOURNED THE MEETING UNTIL TUESDAY, JULY 13, 2010 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – JUNE 22, 2010

7:30 A.M. SCHEDULED ITEM **2010-06-22 CLOSED SESSION**

The Board recesses into Closed Session at 7:30 a.m. with all members.

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

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED 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 - 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 Chairman reconvenes at 10:00 a.m. and reports the Board continued the Public Employee Performance Evaluation-Title: County Executive Officer Closed Session matter until after the Regular Board Meeting and provided Staff direction on other Closed Session matters.
Present: O'Banion, Pedrozo, Walsh, Nelson, Kelsey

10:00 A.M. ADDED AGENDA ITEM **2010-06-22 COUNTY COUNSEL**

The Clerk states subsequent to posting of the Agenda for the Board Meeting of June 22, 2010, the need for legislative action regarding an Elections matter arose with action required at this scheduled meeting pursuant to Elections Code Section 9115.

Upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, duly carried, the Board finds the need to take action arose subsequent to posting of the June 22, 2010, Agenda and places the matter from the County Clerk-Registrar of Voters on the agenda for consideration pursuant to Elections Code Section 9115 as recommended by Counsel.

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

County Counsel James Fincher states an Initiative Petition known as "Save Farmland" has been filed in the Registrar of Voters Office and reviewed by Elections Staff pursuant to Elections Code Section 9115 and the Election Official certifies the petition is sufficient. Pursuant to Elections Code Section 9118, Mr. Fincher reviews the options identified in the Staff Report for the Board to consider.

He further states the acceptance of the Certification from the Elections Office of the Proposal to Establish a Requirement that Redesignation of Agricultural and Open Space Land to Residential Use be approved by a Vote of the Public (also known as the "Save Farmland" Initiative) is required at this regularly scheduled meeting pursuant to Elections Code Section 9115.

The Chairman asks if there is anyone present that wishes to speak.

Alan Schoff, Citizens for Quality Growth, speaks about smarter growth policies and management and encourages the Board to adopt an Ordinance.

Following discussion and upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board accepts the Certification of the Results of the Petition known as "Save Farmland" and orders a Report pursuant to Elections Code Section 9111 with the Board Meeting date being selected by County Counsel and Elections to ensure that the deadline for placing on the November ballot is met and adopts Resolution No. 2010-129.

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

10:00 A.M. SCHEDULED ITEM
2010-06-22 PUBLIC OPPORTUNITY

Jean Okuye provides the Board with a Newspaper Article and a CD of an Audio Tour Featuring the Original Yosemite Highway, Highway 140 presented by Country Ventures with support from Calif. Women for Agriculture, UC Coop. Extension, Farm Bureau, Valley Land Alliance and Merced Visitors Services.

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

10:00 A.M. SCHEDULED ITEM
2010-06-22 PUBLIC WORKS – PUBLIC HEARING – ORDINANCE NO. 1875

The time and date previously set for a public hearing to consider Proposed Ordinance entitled: An Ordinance Adopting the County Service Area Number One User Charge Rates for Zones of Benefit in the 2010/2011 Fiscal Year (Amends Ordinance No. 1866) submitted by Public Works.

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

The Chairman closes the Public Hearing.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Walsh, duly carried, the Board waives further reading and adopts Ordinance No. 1875.
Ayes: O'Banion, Pedrozo, Walsh, Nelson, Kelsey

10:00 A.M. SCHEDULED ITEM
2010-06-22 BOARD OF SUPERVISORS – SECOND READING OF PROPOSED ORDINANCE – ORDINANCE NO. 1876

The time and date previously set for the Second Reading and Possible Adoption of Proposed Ordinance entitled: An Ordinance Amending Membership Requirements of a Local Area Recreation Committee submitted by the Board of Supervisors.

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

Upon motion of Supervisor Pedrozo, seconded by Supervisor Nelson, duly carried, the Board waives further reading and adopts Ordinance No. 1876.
Ayes: O'Banion, Pedrozo, Walsh, Nelson, Kelsey

10:00 A.M. SCHEDULED ITEM
2010-06-22 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider the 2010 Merced County Housing Element, General Plan Text Amendment No. GPTA10-001 submitted by Planning and Community Development.

Development Services Director Robert Lewis reviews the staff report.

The Board recesses at 10:45 a.m. and reconvenes at 11:00 a.m. with all members present.

Assistant Planning Director Bill Nicholson reviews the 2010 Housing Element Update power point covering Unincorporated Areas of Merced County, 2010 Housing Element Update, Public Agency Review, Public Notice, Policy Document Discussion including Goals, CEQA Guidelines, and Public Comment Period.

Chelsea Norton of Mintier Harnish Planning Consultants reviews the 2010 Housing Element Update power point covering Regional Housing Needs Allocation (RHNA), and Residential Sites Inventory.

Mr. Nicholson states Mr. Harnish will respond to the 2nd Letter received from the Building Industry Association of Central California.

Jim Harnish of Mintier Harnish Planning Consultants addresses the Building Industry Association (BIA) of Central California concerns with Policy 1-20, Page 1-3 Revised Public Review Draft Housing Element. Mr. Harnish suggests a change in Policy 1–20 that would address the concerns and the language be modified to state “update and review new community plans”. This

policy would guide that update, address the BIA concerns and if this slight modification is made, it would remove the reference to 'existing plans'.

Supervisor Kelsey agrees with this change recommended by Mr. Harnish and comments on the concerns and recommendations submitted by the BIA.

Assistant Planning Director Bill Nicholson further reviews the Planning Commission public hearing and reviews the recommendations before the Board.

The Chairman states a letter was received from Maureen McCorry, Director, San Joaquin et al, dated June 22, 2010, outlining concerns with the process of approving the Draft Housing Element (Supplemental Document dated June 22, 2010). Mr. Nicholson responds advising Staff does not feel there is anything significant on any issues that have not been addressed previously in relation to state law and protocol.

The Board discusses the existing and future housing needs, dwelling/housing units and affordable housing needs.

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

Jean Okuye, Livingston, states she is involved with Valley Land Alliance and Farm Bureau and speaks in support of the need for affordable housing.

The Chairman closes the Public Hearing.

Upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, duly carried, the Board adopts the Negative Declaration prepared for the 2010 Housing Element Update General Plan Text Amendment No. GPTA10-001; and approves the General Plan Text Amendment No. GPTA10-001 and makes the Intended Decision to amend the General Plan by repealing the existing Housing Element and adopting the 2010 Housing Element Update of the Merced County General Plan to include the amendment to Policy 1-20 to read:

"The County shall ensure that updated and new Community/Specific Urban Development Plans maximize housing choice and encourage socio-economic integration by providing a range of housing types that accommodate all economic segments of the community."

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

10:00 A.M. SCHEDULED ITEM
2010-06-22 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider the 2010 Cycle 1 General Plan Amendment submitted by Planning and Community Development.

Development Services Director Robert Lewis reviews the staff report.

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

The Chairman closes the Public Hearing.

Upon motion of Supervisor Walsh, seconded by Supervisor Pedrozo, duly carried, the Board approves General Plan Text Amendment No. GPTA10-001 and adopts 2010 Cycle 1 General Plan Amendment and adopts Resolution No. 2010-111.

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

The Board recesses and reconvenes at 1:30 p.m. to consider the 2010/11 Proposed Budget with all members present.

1:30 P.M. SCHEDULED ITEM
2010-06-22 EXECUTIVE OFFICE – 2010/11 PROPOSED BUDGET

County Executive Officer Larry Combs summarizes the Staff Report advising the Executive Officer respectfully submits the Proposed Budget for FY 2010/11 and Executive Office staff will review the proposals.

Deputy County Executive Officer-Budget Scott DeMoss reviews the powerpoint presentation highlighting the Budget Overview, Financing Requirements, General Purpose Revenue, Local Resources, and Budget Summary, and Proposed Budget Position Recommendations.

Assistant County Executive Officer Jim Brown reviews the powerpoint presentation highlighting Available Funding and the Contingency Fund.

The Chairman opens the Public Hearing and asks if there is anyone wishing to speak.

AFSCME Representative Kristy Waskiewicz appears stating concerns with the A Level Staffing and pay and states concerns with the following staffing levels: Budget Units 10100-County Executive Office, 11200-Assessor, 19900-Public Works, 18200-Commerce, Aviation and Economic Development, 23400-Probation, 28500-Planning & Community Development. Ms. Waskiewicz reviews various positions and potential layoff of positions and states the Governmental Affairs position should be deleted.

The Chairman closes the Public Hearing.

Following discussion, County Executive Officer Larry Combs states that the intent is to delete the Governmental Affairs position from the budget.

The Board discusses funding of vacant positions, Project expenditures, furlough days and implications of the State Budget.

Following a lengthy discussion the Board takes the following actions:

(1) Upon motion of Supervisor Walsh, seconded by Supervisor Pedrozo, duly carried, the Board adopts the Proposed Budget for Fiscal Year 2010/11 as an Operating Budget until the Board adopts a Final Budget.

(2) Upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, duly carried, the Board directs that no expenditures be made for any item requiring policy direction except approve the following listed Capital Asset at the Sub-Object Level as appropriated in the Fiscal Year 2010/11 Proposed Budget:

- a. Budget Unit 75200 Account 83617 Building Rehab at Castle of Buildings 1333 and 1335 if necessary.
- b. Budget Unit 17000 Account 87011 Martin Luther King Cleanup
- c. Budget Unit 17000 Account 87071 District Attorney Tenant Improvement Project

(3) Upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, duly carried, the Board directs that no Out-of-County Overnight or Out-of-State Travel take place unless authorized by the County Executive Officer, or designee, and authorize the County Executive Officer, or Designee, to approve Out-of-State Travel submitted between Proposed and Final Budget.

(4) Upon motion of Supervisor Kelsey, seconded by Supervisor Walsh, duly carried, the Board requests the Clerk of the Board make available copies of the FY 2010/11 Proposed Budget to all interested people and advertise the Final Budget Hearings to commence on August 24, 2010 at 1:30 p.m.

(5) Upon motion of Supervisor Kelsey, seconded by Supervisor Walsh, duly carried, the Board sets the Public Hearing on Proposition 4 Appropriation Limit on August 24, 2010 at 1:30 p.m.

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

ACTION ITEM NO. 54

2010-06-22 PUBLIC WORKS

The Clerk announces the options for the 1.4 Megawatt Solar Photovoltaic (PV) Array at Sandy Mush Correctional Facility is before the Board for consideration.

Public Works Director Paul Fillebrown reviews the staff report, the various options available for lease and/or purchase and the costs and the recommendation before the Board.

Assistant County Executive Officer Jim Brown reviews the Tobacco Fund balance and the projects that have been committed and identified to be funded by the Tobacco Funds.

Following a lengthy discussion and upon motion of Supervisor Pedrozo, seconded by Supervisor Kelsey, duly carried, the Board approves Option No. 1, the Direct Purchase Alternative for the installation of a 1.4 Megawatt Solar Photovoltaic Array at the Sandy Mush Correctional Facility with a cost not to exceed \$8,500,000 utilizing Tobacco Securitization Funds, (2) adopts the Policy that all Savings and Rebates received as a result of this project are to be set aside for future Capital Projects; (3) authorizes Public Works, Risk Management and Counsel to negotiate the final terms and conditions of the Performance Contracting Agreement with Siemens Industry, Inc. for construction of the 1.4 Megawatt Solar Array in an amount not to exceed \$8,500,000 and (4) directs Public Works to return to the Board for final approval of the Contract.

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

ACTION ITEM NO. 63

2010-06-22 HUMAN SERVICES AGENCY

The Clerk announces the Summer Youth Program Contract for CalWORKs Youth Ages 18 to 24 is before the Board for consideration.

Human Services Agency Director Ana Pagan reviews the staff report and reports there is an error in the Maximum Payment Section of the Contract provided to the Board and the Contract Amount outlined in the Board Agenda Item (BAI) is correct.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Kelsey, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2010154 with Dept. of Workforce Investment for Summer Youth Program Employment with corrections as noted by Human Services Agency and approves the necessary budget transfer-\$79,108. (4/5 Vote Required)

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

INFORMATION ITEM NO. 87

2010-06-22 BOARD OF SUPERVISORS

The Chairman reports on Information Item No. 87, stating a request has been received by the San Joaquin Valley Resource Conservation & Development Area Council requesting the Board consider a Designated Representative and Alternate Representative to the Council. Mr. O'Banion states a letter will be sent to the Council advising Supervisor Kelsey is the current Representative on behalf of the Board and if the Council desires for an Alternate Representative to be considered in January when the Board considers their Assignments to various Boards, the Board will consider and take action at that time.

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