



# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

### Regular Meeting

**TUESDAY, JANUARY 12, 2010**

Closed Session – 9:00 a.m.

Regular Meeting – 10:00 a.m.

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

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](http://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**

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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 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): Under Seal v. Under Seal, Court/Case number is confidential and withheld pursuant to Cal. Government Code Section 12652(c) (3 cases); San Joaquin Raptor Rescue Center, Protect Our Water v. County of Merced, Merced Superior Court Case No. CV 000 629; San Joaquin Raptor Rescue Center, Protect Our Water v. County of Merced, Ginger and Pietro Bandoni Merced County Superior Court Case No. CV 000 689; San Joaquin Raptor Rescue Center, Protect Our Water v. County of Merced, Merced County Superior Court Case No. CV 000 688

**THE BOARD RECESSED AT 9:00 A.M. TO MEET IN CLOSED SESSION AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND COUNSEL STATED DIRECTION WAS PROVIDED TO STAFF ON THREE SAN JOAQUIN RAPTOR MATTERS AND ONE OTHER CASE AND TWO OF THE CLOSED SESSION MATTERS WILL BE CONTINUED TO ANOTHER BOARD DATE**

**GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)**

10:00 A. M.

**PLEDGE OF ALLEGIANCE**

**NOMINATION OF CHAIRMAN AND VICE CHAIRMAN FOR 2010 YEAR**  
**THE BOARD NOMINATES SUPERVISOR O'BANION TO SERVE AS 2010 CHAIRMAN AND SUPERVISOR NELSON TO SERVE AS 2010 VICE-CHAIRMAN AYES: ALL**

**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 13**

**BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES** (4/5 Vote Required) Health-\$4,105, \$3,201, \$11,758 and \$472,886; Library-\$2,700; Public Works-\$7,000,000 and Sheriff-\$14,625

**APPROVED AS RECOMMENDED AYES: ALL**

**APPROVAL OF CONSENT AGENDA CALENDAR** (Items #1 - 31)

**APPROVED AS RECOMMENDED EXCEPT ITEM #14 AYES: ALL**

10:00 A. M.

**PLANNING - PUBLIC HEARING**

To consider Appeal of the Planning Commission Project Determination and Approval of Major Subdivision Application No. MAS06-011. Application filed by Pietro Bandoni, Inc.; Appellant-San Joaquin Raptor Rescue Center/Protect Our Water. Application is to divide two parcels totaling 22.2 acres into 17 single-family residential lots ranging in area from 1.0 acre to 1.97 acres on property located on the east side of Leeds Road, 1,450 feet north of Olive Avenue in Merced

**RECOMMENDATION:**

1. Deny the Appeal and uphold the Planning Commission approval of Application No. MAS06-011 on October 28, 2009 and the related action on November 18, 2009 denying the appellant's notice to cure and correct alleged violations of the Brown Act.
2. Adopt the Mitigated Negative Declaration prepared for Major Subdivision Application No. MAS06-011 based on two Findings.
3. Deny the appeal and approve Major Subdivision Application No. MAS06-011 based upon the 11 Project Findings and subject to 29 Conditions of Approval and 8 Mitigation Measures presented

**REVIEW BOARD ORDER – SEE PAGE 13**

**PLANNING - PUBLIC HEARING PUBLIC HEARING WILL BE CONTINUED TO FEBRUARY 23, 2010 AT 10:00 A.M.**

To consider Appeal of the Planning Commission denial of Modification No. MM09-011 of Modification No. MM07-025 to Conditional Use Permit No. CUP05-031. Application filed by Stanislaus County Office of Education, Appellant - Stanislaus County Office of Education. Application is to consider removal or modification of approval of Conditions 7 and 8 of Minor Modification No. MM07-025 to allow operation of the Migrant and Seasonal Head Start Child Care Center prior to opening of the Felix Torres Farm Worker Housing Center on property located on Plainsburg Road, 2000 feet north of Highway 140 in the Planada area

**THE CHAIRMAN ANNOUNCES THIS PUBLIC HEARING WILL BE CONTINUED TO FEBRUARY 23, 2010 AT 10:00 A.M.**

**HEALTH - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION**

To consider Proposed Ordinance entitled: An Ordinance Amending the Health Department Fee Schedule relative to Environmental Health Fees regarding a State Mandated Pool Surcharge Fee performed by the Health Officer of

Merced County (Amends Ordinance No. 1862 and Merced County Code Chapter 9.49)

RECOMMENDATION: Waive further reading of Proposed Ordinance and adopt Ordinance

**REVIEW BOARD ORDER – SEE PAGE 13 AND 14**

**REPORTS/BOARD DIRECTION**

County Executive Officer, County Counsel, Board of Supervisors Members

1: 30 P.M.

**SIXTH JOINT STUDY SESSION - BOARD OF SUPERVISORS AND PLANNING COMMISSION**

General Plan Update to review revised Growth Alternatives prepared by Mintier-Harnish

RECOMMENDATION: Receive report and provide direction to the consultant and county staff on the desired growth alternative to begin preparation of the draft General Plan Update policies

**REVIEW BOARD ORDER – SEE PAGE 14, 15 AND 16**

**CONSENT CALENDAR (Items #1 – 31)**

**APPROVED AS RECOMMENDED EXCEPT ITEM #14 PULLED AYES: ALL**

Public Works

1. Set public hearing on January 26, 2010 at 10:00 a.m. to consider Proposed Ordinance amending Refuse Service Fees and Charges for County Solid Waste Franchise Areas (Amends Ordinance No. 1853).
2. Set public hearing on February 23, 2010 at 10:00 a.m. to consider proposed Resolution of Necessity to commence Eminent Domain Proceedings to acquire property from Thiara et al for the Campus Parkway Project.
3. Set public hearing on February 23, 2010 at 10:00 a.m. to consider proposed Resolution of Necessity to commence Eminent Domain Proceedings to acquire property from Donald/Karen Rinehart for Shanks/Letteau Intersection Project.
4. Set public hearing on February 23, 2010 at 10:00 a.m. to consider proposed Resolution of Necessity to commence Eminent Domain Proceedings to acquire property from the Estate of Adelina Vasquez for the Shanks/Letteau Intersection Project.
5. Adopt Resolution prohibiting parking on the west side of Shanks Road and the south side of August Avenue in Delhi and authorize Public Works to install signs informing motorists of this prohibition of parking.

**ADOPTED RESOLUTION NO. 2010-01**

6. Approve and authorize Chairman to sign Amendment to Contract No. 2007008 with Fagundes Brothers Dairy for Grazing Rights at Lake Yosemite Property. (4/5 Vote Required, GC 25537(b))

## Mental Health

7. Approve and authorize Chairman to sign Amendment to Contract No. 2009315 with Challenged Family Resource Center updating the hourly rates for the Peer Mentors.
8. Approve and authorize Chairman to sign Amendment to Contract No. 2009298 with Telecare Corporation dba La Paz Geropsychiatric Center to add the rate for one to one supervision services with no change to the contract total of \$180,000.
9. Adopt Resolution authorizing Chairman to sign Amendment to Contract No. 2004110 with State Dept. of Alcohol and Drug Programs for FY 2009/2010 for Negotiated Net Amount and Drug Medi-Cal Contract.

### **ADOPTED RESOLUTION 2010-02**

10. Approve and authorize Chairman to sign Renewal Contract No. 2009127 with UC Regents to continue consulting services with the Institute for the Study of Social Change relating to the impacts of alcohol and drug use.

## Ag. Commissioner

11. Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2008013 with Calif. Dept. of Food and Agriculture for Light Brown Apple Moth Pest Detection/Emergency Projects.

### **ADOPTED RESOLUTION NO. 2010-03**

12. Approve and authorize the County Ag. Commissioner to sign Renewal Contract No. 2010002 (MOU) with Calif. Dept. of Food and Agriculture for Pest Exclusion County Seed Inspections.
13. Adopt Resolution authorizing the Chairman to sign Amendment to Contract No. 2004047 with Calif. Dept. of Boating and Waterways for providing Water Hyacinth Control on the Merced and San Joaquin Rivers.

### **ADOPTED RESOLUTION NO. 2010-04**

## Planning

14. Set public hearing for January 26, 2010 at 10:00 a.m. to consider an Appeal to the Planning Commission Project Determination and approval of Major Subdivision Application No. MAS05-015 submitted by Jim Abbate for Park Street Estates.

### **PULLED FROM THE AGENDA – NO ACTION TAKEN**

## Human Services Agency

15. Approve and authorize Chairman to sign Renewal Contract No. 2004335 with State Dept. of Veterans Affairs for the Veterans Services Program Funds and authorize the signing of the Certificate to qualify for the current fiscal year subvention funds.
16. Approve and authorize Chairman to sign Renewal Contract No. 2004334 with State Dept. of Veterans Affairs for Medi-Cal Cost Avoidance funds and authorize the signing of the Certificate to qualify for current fiscal year subvention funds.
17. Approve and authorize Chairman to sign Amendment to Contract No. 2009051 with Merced Lao Family, Inc. for a decrease in the Refugee Social Services Program and approve the necessary budget transfer-\$100,584. (4/5 Vote Required)

### Dept. of Workforce Investment

18. Approve and authorize the Dept. of Workforce Investment Director to sign Addendum to Contract No. 2009222 with State Employment Development Dept. adding \$1,323,462 of WIA Adult Funding; \$60,489 of WIA Special Projects "New Start" Funding; \$130,684 of Rapid Response Funding and \$1,228,935 of Dislocated Worker Funding to increase the total allocation by \$2,743,570 for a total of \$5,269,898.
19. Approve and authorize Chairman to sign Renewal Contract No. 2005137 with Richard Gerbi for Los Banos office space.

### Dept. of Admin. Services

20. Approve and authorize Chairman to sign Amendment to Contract No. 2009265 with Televate, LLC for countywide radio coverage analysis services.

### Executive Office

21. Approve Budget Transfers for Health-\$8,000; Public Works-\$9,874, \$3,000 and \$-0-; Sheriff-\$-0- and Treas-Tax Coll/Registrar of Voters-\$3,120 as recommended by Executive Office.
22. Approve Travel Requests submitted by Human Services Agency and Sheriff as recommended by Executive Office.

### Board Recognition

23. Authorize Resolution of Appreciation to George Honiker for 10+ years of service to the County of Merced.
24. Authorize Resolution of Appreciation to Alfred L. Alvarnez for 25+ years of service to the County of Merced.
25. Authorize Certificate of Recognition to Mid Valley Health Nutrition and Tanning in celebration of Ribbon Cutting.
26. Authorize Certificate of Recognition to Merced College in recognition of Allied Health Center and Dr. Lakireddy School of Health Ribbon Cutting and Open House.
27. Authorize Plaque in Recognition and Celebration of the 100 Years of community service by Probation.
28. Authorize Certificate of Recognition to Urla Garland for dedicated service to the Library Advisory Commission.
29. Authorize Certificates of Recognition to recipients of the Agricultural Leadership Award for Outstanding Agricultural Contributions to Merced County as follows: Pierre Perret, Sr.,-Field Crops; Jim and Carol Ahlem-Livestock and Dairy; Galen and Melba Miyamoto-Trees and Vines; Carolyn Tassej-Ag. Education and Shannon Pump (Jerry Shannon)-Agri-Business.
30. Authorize Certificate of Recognition for Stacie Dabbs for dedicated service to Congressman Cardoza and the constituents of California's 18th Congressional District.

Board of Supervisors

31. Authorize the Chief Clerk to sign the Certification Statement for the membership composition of the Merced County Local Child Care and Development Planning Council as required by the California Dept. of Education.

**REGULAR CALENDAR**

**BOARD ACTION**

PUBLIC WORKS

32. Authorize Real Estate Contract with Lisetta Viani for acquisition of Right-of-Way for the Campus Parkway Project and adopt the following Resolutions: Accepting Grant Deed for Right-of-Way and Temporary Construction Easement Deed, Irrigation and Drainage Easement Deed, Access Easement Deed and License Agreement, and approve payment to Trans County Title Company for the appraised value of property plus escrow and any other transaction fees.

**AUTHORIZED CONTRACT NOS. 2010014 (REAL ESTATE) AND 2010015 (LICENSE AGREEMENT) AND ADOPTED RESOLUTION NOS. 2010-05 (GRANT DEED), 2010-06 (IRRIGATION & DRAINAGE EASEMENT), 2010-07 (TEMPORARY CONSTRUCTION DEED), AND 2010-08 (ACCESS EASEMENT) AS RECOMMENDED AYES: ALL**

33. Review and approve the Public Facilities Impact Fees 2008/2009 Annual Report in accordance with the Reporting Requirements per Section 66001(d) and 66006 of the California Government Code.

**APPROVED AS RECOMMENDED AYES: ALL**

PROBATION

34. Authorize Probation to submit the Request for Application with the Cal Emergency Management Agency (Cal EMA) for the 2009 Recovery Act Byrne Memorial Non-Competitive Grant for the Evidence-Based Probation Supervision Program (EBSP) for the one-time grant program funding in the amount of \$388,405 and authorize the signing of the Certificate of Assurance of Compliance.

**AUTHORIZED CONTRACT NO. 2010001 AS RECOMMENDED AYES: ALL**

MENTAL HEALTH

35. Contract with Fresno County for the provision of Inpatient Services at the Marie Green Psychiatric Health Facility.

**AUTHORIZED CONTRACT NO. 2010004 AS RECOMMENDED AYES: ALL**

36. Contract with Merced Community College District for California Association of Social Rehabilitation Agencies Instructional Courses as part of the MHSA Workforce, Education and Training (WET) Plan.

**AUTHORIZED CONTRACT NO. 2010005 AS RECOMMENDED AYES: ALL**

37. Approve Golden Valley Health Centers as the successful bidder to RFP No. 6466 for implementation of Cultural Brokers for Mental Health Services Program-Spanish and authorize Contract with Golden Valley Health Centers for implementation as part of the MHSA Prevention and Early Intervention for a maximum not to exceed \$94,999 and

approve the necessary budget transfer-\$47,500. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2010006 AS RECOMMENDED AYES: ALL**

38. Authorize initiation of Request for Proposal for Patients' Rights Advocate Services, select the most responsive bidder and negotiate an agreement to be returned to the Board for final approval.

**APPROVED AS RECOMMENDED AYES: ALL**

#### HUMAN SERVICES AGENCY

39. Contract with Health for Nursing Case Management and Clinic Services in the amount of \$501,457 and approve the necessary budget transfer. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2010007 AS RECOMMENDED AYES: ALL**

40. Authorize Sole Source Contract negotiation with Stergios Roussos, Alliance for Community Research and Development as an independent evaluator and return to the Board for final approval.

**APPROVED AS RECOMMENDED AYES: ALL**

41. Authorize Sole Source Contract negotiation with California Canine Academy for services to the High Schooled Assistance Dog Program Training for At-Risk Youth of Merced County, with Contract to come back for final approval.

**APPROVED AS RECOMMENDED AYES: ALL**

#### HEALTH

42. Contract with City of Los Banos for use of their radio tower to increase the communications footprint for EMS radio traffic on the West side of the County.

**AUTHORIZED CONTRACT NO. 2010008 AS RECOMMENDED AYES: ALL**

43. Contract with Central California Alliance for Health for reimbursement of Medi-Cal services.

**AUTHORIZED CONTRACT NO. 2010009 AS RECOMMENDED AYES: ALL**

#### SHERIFF

44. Contract with Deputy Sheriff Mark Taylor for the sale of Canine "Rio" who is retiring from the Canine Unit for \$1.00.

**AUTHORIZED CONTRACT NO. 2010010 AS RECOMMENDED AYES: ALL**

45. Contract with Deputy Sheriff Mark Taylor for \$1.00 to purchase canine "Basa" who has met all requirements to be a member of the Sheriff Canine Unit and has a certificate from the Calif. Narcotic Canine Association.

**AUTHORIZED CONTRACT NO. 2010011 AS RECOMMENDED AYES: ALL**

46. Contract with Calif. Emergency Management Agency for 2007 Buffer Zone Protection Program (BZPP) Grant -Dept. of Homeland Security Funding in the amount of \$367,600 and adopt Resolution.

**AUTHORIZED CONTRACT NO. 2010016 AND ADOPTED RESOLUTION NO. 2010-09 AS RECOMMENDED AYES: ALL**

#### DEPT. OF WORKFORCE INVESTMENT

47. Contract with Rexel, Inc. to provide Incumbent Worker, Dislocated Worker, or Adult Training for up to 50 participants in the WIB sponsored industry cluster of "manufacturing" for Programmable Logic Controller (PLC) Training at a cost not to exceed \$83,950.

**AUTHORIZED CONTRACT NO. 2010012 AS RECOMMENDED AYES: ALL**



48. Contract with Merced College to provide marketing, recruitment, assessment and reporting for the Career Advancement Academy Grant and approve the necessary budget transfer-\$15,500. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2010013 AS RECOMMENDED AYES: ALL**

**DEPT. OF ADMIN. SERVICES**

49. Declare Miscellaneous Office Furniture, Office Equipment, Industrial Equipment and Miscellaneous Supplies as Surplus Property (Exhibit A) and authorize an Internet public auction by Public Surplus LLC.

**APPROVED AS RECOMMENDED AYES: ALL**

**MERCED COUNTY SPRING FAIR**

50. Approve the Merced County Spring Fair 2010 State Operating Budget for State Funding as recommended by the Merced County Spring Fair Board of Directors and authorize Chairman to sign.

**APPROVED AS RECOMMENDED AYES: ALL**

**COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT**

51. Approve the 2008-2009 Foreign-Trade Zone No. 226 Annual Report and authorize the Commerce, Aviation & Economic Development Director/FTZ Administrator to submit the Report to the U.S. Foreign-Trade Zones Board.

**APPROVED AS RECOMMENDED AYES: ALL**

52. Find that the Airport Capital Improvement Plan (AICP) is an action contemplated by the Castle Reuse Subsequent Environmental Impact Report (SEIR) and no further environmental review is necessary under CEQA; Find that the ACIP is consistent with the Castle Airport Master Plan, the Castle Reuse Plan and is therefore consistent with the County General Plan; adopt the Castle Airport 5-Year Capital Improvement Plan Annual Update and authorize the Chairman to sign the necessary documents.

**APPROVED AS RECOMMENDED AYES: ALL**

53. Designate the entire County of Merced a Recovery Zone for purposes of issuing public and private bonds pursuant to Sections 1400U-1, 1400U-2 and 1400U-3 of the Internal Revenue Code and direct Staff to develop and implement Recovery Zone guidelines and procedures to elicit interest and proposals from qualified applicants and adopt Resolution.

**REVIEW BOARD ORDER – SEE PAGE 16**

54. Affirm support for a Castle site as identified for the purpose of a Heavy Maintenance Facility (HMF), authorize Chairman to sign a letter to the Greater Merced High Speed Rail Committee, Inc. authorizing submission of the site as identified on Exhibit A to the California High Speed Rail Authority (CHSRA) and adopt Resolution of Support.

**REVIEW BOARD ORDER – SEE PAGE 17**

**HUMAN RESOURCES**

55. Approve update to Rules and Regulations Section 2.H. 12. "Military Caregiver Leave" and Section 11 "Management Employees Grievance and Appeals Procedure" of Resolution No. 2007-22 and adopt Resolution amending the Human Resources Rules and Regulations reflecting changes to Section 2 and Section 11 as recommended.

**ADOPTED RESOLUTION NO. 2010-12 AS RECOMMENDED AYES: ALL**

56. Approve January 15, 2010 as the retirement date for the Public Health Director; designate the Deputy Public Health Director Tammy Moss as Acting Public Health Director on January 18, 2010 and approve a 10% increase effective February 1, 2010.

**APPROVED AS RECOMMENDED      AYES: ALL**

#### EXECUTIVE OFFICE

57. Approve the 2010 Legislative Agenda with any revisions as recommended by the Board; authorize the Chair and the County Executive Officer to periodically provide letters of support or opposition as needed based on any benefit or detriment to the County of Merced and direct Staff to forward the 2010 Legislative Agenda to Merced County legislative representatives and advocates.

**APPROVED AS RECOMMENDED      AYES: ALL**

58. Review and determine Merced County's Contribution of \$38,516 for the One Voice Membership applicable to FY 2009/10.

**REVIEW BOARD ORDER – SEE PAGE 17**

#### BOARD OF SUPERVISORS

59. Authorize Special Board Project Funds-District One in the amount of \$1,000 and District Four in the amount of \$1,500 for a total of \$2,500 to be forwarded to the Merced Lao Family Community, Inc. to help support the Youth Cultural Activity Program.

**APPROVED AS RECOMMENDED      AYES: ALL**

60. Authorize Special Board Project Funds-District One in the amount of \$5,000 to be forwarded to the Bible Christian Church at Nineveh Outreach Food Pantry for providing food to the Planada, Le Grand and Plainsburg areas.

**APPROVED AS RECOMMENDED      AYES: ALL**

61. Authorize Special Board Project Funds-District One and District Two in the amount of \$600 each for a total of \$1,200 to be forwarded to the Golden Valley Health Center for purchase of a storage shed to maintain gardening equipment for use in South Merced.

**APPROVED AS RECOMMENDED      AYES: ALL**

62. Approve the recommended changes to the Boards, Commissions and Committees (BCC's) At Large Representatives and: (1) Add four Business Person At Large positions on the Commerce, Aviation and Economic Development Revolving Loan Fund Board to the At Large Representatives Listing for Appointment through the Interview Process, and (2) Remove two Public Members (Discretionary)-Board of Supervisors Representatives on the Merced County Local Child Care and Development Council currently assigned to the At Large Representatives.

**APPROVED AS RECOMMENDED      AYES: ALL**

#### BOARD APPOINTMENTS

63. Workforce Investment Board – Appoint Greg Vincelet, representing Labor Organization, until June 30, 2013 and adds the additional slot per Workforce Investment Act membership criteria.

**APPROVED AS RECOMMENDED      AYES: ALL**

64. Assessment Appeals Board – Reappoint Grey Roberts, representing Accountant, and Timothy Doss, representing Appraiser, to serve until September 6, 2012.

**APPROVED AS RECOMMENDED      AYES: ALL**

## **BOARD INFORMATION & POSSIBLE ACTION**

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

65. Public Works re: Notification of Contract Award to Agee Construction for the Shanks/Letteau Intersection Project Box Culvert Construction.  
**AWARDED CONTRACT NO. 2009266**
66. Dept. of Admin. Services re: Notification of the Net Proceeds of the Sale of Miscellaneous Surplus Property with Public Surplus LLC for period of October 1, 2009 through December 31, 2009 amounted to \$269,828.66.
67. Commerce, Aviation and Economic Development re: Redevelopment Agency Annual Report of Activities in the FY 2008-09, pursuant to Section 33080.1 of the California Health and Safety Code.
68. San Joaquin Valley Air Pollution Control District re: 2009 Annual Report to the Community, December 2009.
69. Pacific Gas & Electric Company re: Merced Falls Hydroelectric Project, FERC Project No. 2467 Filing of Licensee's Revised Study Plans.
70. Gustine Redevelopment Agency re: Statement of Preparation of Redevelopment Plan or Amended Redevelopment Plan for Gustine Redevelopment Project.
71. Central Valley Regional Water Quality Control Board re: Issue Paper - Drinking Water Supply and Public Health Related Issues, Proposed NPDES Permit Renewal for Sacramento Regional County Sanitation District, Sacramento Regional Wastewater Treatment Plan, 14 Dec 2009.
72. California Emergency Technology Fund re: Invitation to become a supporter and champion of Get Connected!-an historic public awareness and education program designed to reach California residents that have not yet adopted broadband technology.
73. State Dept. of Social Services re: Funding Plan for Fraud Investigations and Program Integrity in the In-Home Supportive Services Program pursuant to the California State Budget Act of 2009.
74. State Water Resources Control Board re: Notice of Postponement of Public Hearing on Proposed Partial Revocation of License 1381 (Application 301) - West Side Irrigation District, Old River in San Joaquin County on January 11, 2010 no later than 1:00 p.m.
75. State Water Resources Control Board re: Notice of Proposed Rulemaking, Title 23. Waters, Div. 3. SWRCB and Regional Water Quality Control Boards, Chapter 27. Regulations for Implementation of the Environmental Quality Act of 1970 - Notice of Public Hearing on February 17, 2010 at 9:00 a.m.
76. State Water Resources Control Board re: Notice of Clean Water State Revolving Fund Annual Report is available on website.
77. State Water Resources Control Board re: Notice of Public Hearing on Proposed Revocation of Permits 18257, 19159, 19160 and 19161 of B.J. Deis, A California Corporation on February 22, 2010 no later than 1:00 p.m.

78. State Water Resources Control Board re: Notice of Public Hearing, Revised, for Hidden Lakes Estates Homeowners Association, Granite Bay in Placer County on the Alleged Waste and Unreasonable Use of Water on February 1, 2010 at 10:00 a.m.
79. State Water Resources Control Board re: Notice of Public Informational Proceedings and Pre-Proceeding Conference to develop Flow Criteria for the Delta Ecosystem Necessary to Protect Public Trust Resources - Pre-Proceeding on January 7, 2010 at 10:00 a.m. and Proceedings on March 22, 2010 at 9:00 a.m.
80. State Water Resources Control Board re: Notice of Public Hearing - To Determine Whether To Adopt a Cease and Desist Order and Impose an Administrative Civil Liability Complaint Against Garrapata Water Company, Inc. on February 22, 2010 at 9:00 a.m.
81. State Fish and Game Commission re: Notice of Proposed Regulatory Action relating to Incidental Take of Pacific fisher.

**ADOPTED RESOLUTIONS IN MEMORY OF MARY COZZI, LIA SEARC BRADY, CHARLOTTE M. OLIVEIRA, HELEN NIXON, CHARLES WILLIAM "BILL" RANDRUP, JOHN DWIGHT BENAFIELD AND STEPHEN CARDOSO AND ADJOURNED MEETING UNTIL TUESDAY, JANUARY 26, 2010 AT 10:00 A.M.**

**BOARD ORDERS – SUMMARY ACTION MINUTES – JANUARY 12, 2010**

**10:00 A.M. SCHEDULED ITEM**  
**2010-01-12 PUBLIC OPPORTUNITY**

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

Kenra Bragonier, League of Women Voters representative, submits and provides an overview of the two year study with results produced on a CD titled: Final Library Study Report 2009.

John Whitaker provides information regarding the Downtown Merced Art Hop taking place on January 23, 2010.

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

**10:00 A.M. SCHEDULED ITEM**  
**2010-01-12 PLANNING – PUBLIC HEARING**

The time and date previously set for a public hearing to consider an Appeal of the Planning Commission Project Determination and Approval of Major Subdivision Application No. MAS06-011 for Lucca Villa filed by San Joaquin Raptor Rescue Center and Protect Our Water; said Application filed by Pietro Bandoni, Inc.

The Clerk states Supplemental Board Meeting material was filed, a letter from Duane Andrews, Golden Valley Engineering & Surveying, Inc., on behalf of the Bandoni Family, requesting a continuance of the hearing.

Development Services Director Robert Lewis informs the Board that the Planning Department is in receipt of the request for continuance and the Planning Department concurs with the request and will come back at a later date.

Following discussion and upon motion of Supervisor Pedrozo, seconded by Supervisor Nelson, duly carried, the Board continues the matter as requested by the property owner.

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

**10:00 A.M. SCHEDULED ITEM**  
**2010-01-12 HEALTH – PUBLIC HEARING – ORDINANCE NO. 1871**

The time and date previously set for a public hearing to consider Proposed Ordinance titled: An Ordinance Amending the Health Department Fee Ordinance, by adopting or changing

fees set for Health services, performed by the Health Officer of Merced County submitted by the Health Department.

Environmental Health Director Joan Mulcare reviews the Staff Report advising the proposed fee is an Environmental Health fee for a State mandated pool surcharge fee and services are performed by the Health Officer of Merced County.

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

The Chairman closes the public hearing.

Following discussion and upon motion of Supervisor Walsh, seconded by Supervisor Kelsey, duly carried, the Board waives further reading of proposed ordinance and adopts Ordinance No. 1871.

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

**1:30 P.M. SCHEDULED ITEM**  
**2010-01-12 PLANNING – JOINT STUDY SESSION**

The time and date previously set for the continuation of the Joint Study Session with the Planning Commission on Revised Growth Alternatives for the Merced County General Plan Update submitted by Planning. Supplemental Board Meeting Material was filed, letter from Marsha A. Burch dated January 8, 2010 titled Consideration of Revised Alternatives Report for the Merced County General Plan Update.

Board Chairman O'Banion calls the meeting to order. The Clerk takes Roll Call for the Board of Supervisors Members present: O'Banion, Pedrozo, Walsh, Nelson, Kelsey.

Assistant Planning Director Bill Nicholson takes roll Call for the Planning Commissioners that are present: Lashbrook, Tanner, Mobley.

Development Services Director Robert Lewis reviews the Staff Report stating this is the continuation of the Sixth Joint Study Session on the Revised Growth Alternatives for the Merced County General Plan. Mr. Lewis states at the last Joint Meeting of November 10, 2009, additional information was requested to understand the differences between the two revised growth alternatives – D-“City Centered Growth with New Town Emphasis” and E-“Resource Protection/ Infrastructure Availability/Increased Residential Densities”.

Jim Harnish, Mintier Harnish Associates, reviews the powerpoint titled “Preferred Alternative Selection”.

The Chairman asks if there is anyone from the public wishing to speak.

Jean Okuye, Valley Land Alliance, speaks relative to the plan time frame, existing cities being maintained and growth.

Bryant Owens, on behalf of the Planada Association, submits letter dated January 12, 2010 and briefly reviews and comments on the water supply and management plan, the housing element, and the agriculture and farmland preservation section.

Ralph Temple, Attorney, reviews properties around the University of California, Merced and the Specific Urban Development Plan (SUDP) application amendments.

Sharon Hunt Dicker, LWH Farms, states she is supportive of not hindering the partnership with UC development and supports higher density.

Peter Koch, Farm Bureau President, discusses the ag. economy stating the Farm Bureau is supportive of Alternative E.

Diana Westmoreland Pedrozo, on behalf of California Women for Agriculture, states they are in agreement with the Farm Bureau and comments on the water study stating cooperation between cities and counties is critical.

John Gray, Bear Creek Drive resident, speaks about water, population, growth, and the homeless.

Melissa Kelley Ortega states she would like to see highest density, improvements in the Planada and Le Grand areas before new towns are considered and advises she is supportive of Alternative E.

Mary Ann Reynolds speaks regarding the Mountain House community foreclosures and closed businesses, states her support of Alternative E and discourages new towns.

Lisa Kayser-Grant speaks in favor of Alternative E and encourages higher density.

Glenn Andersen, Hilmar resident, speaks regarding climate changes in various places, population increase, water from the Sierra Nevada, and conservation.

Mary Michal-Rawling speaks in support of Alternative E and briefly comments on the document submitted regarding ambient air and in-fill focus.

The Chairman closes the Public Opportunity to speak.

Supervisor Kelsey briefly comments on the water report, groundwater banking, healthy communities, the importance of jobs and housing balance and speaks in support of Alternative E.

Commissioner Lashbrook discusses water and the need for information regarding impact of added roadways and impact on endangered species and states she would like information on new town success.

Supervisor Pedrozo states unincorporated areas such as Le Grand, Planada, Winton, and Delhi must all receive focus with regard to water and sewer.

Following discussion, County Counsel James Fincher states a consensus can be reached by both the Planning Commissioners and the Board of Supervisors Members regarding the

Alternatives and Density selection or preferred alternative to provide information to the consultant to be used as the basis for drafting of the General Plan goals and policies.

The Chairman calls for a vote from the Planning Commissioners and Board Members, and the votes are recorded as follows:

Commissioner Tanner	Alternative D
Supervisor Walsh	Alternative D
Commissioner Lashbrook	Alternative E
Supervisor Kelsey	Alternative E
Supervisor Pedrozo	Alternative E
Commissioner Mobley	Alternative D
Supervisor Nelson	Alternative D
Supervisor O'Banion	Alternative D

Mr. Harnish reviews the next steps for the process outlining the time frame of Goals and Policies Report targeted for March, 2010; Draft EIR targeted for June 2010, Public comment period targeted for June–August 2010, Public Hearings targeted for September and October, 2010 with the General Plan Adoption and EIR certification targeted for November, 2010.

With no further action required, the meeting is adjourned.

Board of Supervisors Members Present: O'Banion, Pedrozo, Walsh, Nelson, Kelsey

Planning Commissioners Present: Tanner, Mobley, Lashbrook

### **ACTION ITEM NO. 53**

#### **2010-01-12 COMMERCE, AVIATION, AND ECONOMIC DEVELOPMENT**

The Clerk announces the Resolution designating the County of Merced Recovery Zone submitted by Commerce, Aviation and Economic Development is before the Board for consideration.

Director of Commerce, Aviation and Economic Development Mark Hendrickson reviews the Staff Report and recommendation before the Board.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Nelson, duly carried, the Board designates the entire County of Merced as a Recovery Zone for purposes of issuing public and private bonds, pursuant to Sections 1400U-1, 1400U-2 and 1400U-3 of the Internal Revenue Code and directs Staff to develop and implement Recovery Zone guidelines and procedures to elicit interest and proposals from qualified applicants and adopts Resolution No. 2010-10.

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



**ACTION ITEM NO. 54**

**2010-01-12 COMMERCE, AVIATION, AND ECONOMIC DEVELOPMENT**

The Clerk announces the High Speed Rail Heavy Maintenance Facility site proposal is before the Board for consideration.

Director of Commerce, Aviation and Economic Development Mark Hendrickson reviews the Staff Report and recommendation before the Board.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Nelson, duly carried, the Board supports the High Speed Rail Maintenance Facility for Merced County; affirms support for a Castle site as identified for the purpose of the High Speed Rail Maintenance Facility and authorizes the Chairman to sign a Letter to the Greater Merced High Speed Rail Committee, Inc. authorizing the submission of the site as identified as Exhibit A (provided as Exhibit with the Letter of Support) to the California High Speed Rail Authority (CHSRA) and adopts Resolution No. 2010-11.

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

**ACTION ITEM NO. 58**

**2010-01-12 COUNTY EXECUTIVE OFFICE**

The Clerk announces Merced County Association of Government contribution from Merced County is before the Board for consideration.

Supervisor Kelsey states concerns and questions if all the cities are participating, discusses the level of support received and the selection of the MCAG delegates.

Bryant Owens requests a copy of the legislative platform.

Following discussion and upon motion of Supervisor Pedrozo, seconded by Supervisor Walsh, duly carried, the Board approves Merced County's contribution of \$38,516 for the One Voice Membership applicable to Fiscal Year 2009/10.

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