

SUMMARY ACTION MINUTES BOARD OF SUPERVISORS

Regular Meeting TUESDAY, JULY 13, 2010

Closed Session – 9:00 a.m. Regular Meeting – 10:00 a.m.

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

LARRY T. COMBS
COUNTY EXECUTIVE OFFICER

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

JAMES N. FINCHER COUNTY COUNSEL

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

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

Any material related to an item on 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 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: (1) Hoffman Electronic Systems, Building 115 at 2301 Aviation Drive at Castle Airport, and (2) Castle Airport Parcel at Castle Airport

<u>CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:</u> It is the intention of the Board to meet in Closed Session concerning Existing Litigation pursuant to Government Code Section 54956.9(a): Sofranek v. County of Merced, Merced Superior Court Case No. 148246

<u>CLOSED SESSION:</u> It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957: PUBLIC EMPLOYEE APPOINTMENT, Title: Public Health Director

THE BOARD RECESSED AT 9:00 A.M TO MEET IN CLOSED SESSION AND RECONVENED AT 10:00 A.M. WITH SUPERVISOR O'BANION NOT PRESENT

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

10:00 A. M. PLEDGE OF ALLEGIANCE

PUBLIC OPPORTUNITY TO SPEAK ON ANY MATTER OF PUBLIC INTEREST WITHIN THE BOARD'S JURISDICTION INCLUDING ITEMS ON THE BOARD'S AGENDA, EXCEPT FOR THOSE ITEMS SPECIFICALLY SCHEDULED AS PUBLIC HEARINGS (Testimony limited to five minutes per person)

REVIEW BOARD ORDER - SEE PAGE 11

10:00 A. M.

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 33)

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

PRESENT: 5

COUNTY COUNSEL - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION

An Ordinance Prohibiting Camping and Storage or Personal Belongings in Publically Accessible Areas under the jurisdiction of Merced County (Amends Chapter 10.32 of the Merced County Code by adding Section 10.32.035)

<u>RECOMMENDATION</u>: Waive further reading and adopt proposed Ordinance **REVIEW BOARD ORDER – SEE PAGES 11 AND 12**

PLANNING - PUBLIC HEARING

<u>PUBLIC HEARING WILL BE CONTINUED TO ALLOW FOR</u>
READVERTISEMENT

To consider Proposed Resolution adjusting the Development Processing Services Fee Schedule (Amends Resolution No. 2009-57) and authorize refunds of fees paid since January 1, 2010 of Community Plan Update and General Plan Update for solar panel installations charged to building permits valued over \$10,000

<u>RECOMMENDATION</u>: Continue Public Hearing to July 27, 2010 at 10:00 a.m. to allow re-advertisement of Proposed Fee Adjustments by Resolution

REVIEW BOARD ORDER - SEE PAGE 12

PLANNING - PUBLIC HEARING - CONTINUED FROM MAY 25, 2010 (REQUEST FOR CONTINUANCE RECEIVED FROM APPLICANT ED GROSSMAN DATED JUNE 28, 2010)

To consider an Appeal of the Planning Commission determination and approval of the Lakeview Properties Subdivision (Application No. MAS04-014) due to alleged violation of the Ralph M. Brown Act and CEQA on March 10, 2010 filed by San Joaquin Raptor Rescue Center/Protect Our Water. Said Application submitted by Ed Grossman to subdivide a 58 acre parcel into 35 single family residential lots, an 8 acre remainder parcel, a 4 acre ecological preserve and a 9 acre passive recreational area on property located on the northeast corner of Merced Falls Road and La Grange Road within the Snelling SUDP

RECOMMENDATION: Deny the San Joaquin Raptor Rescue Center/Protect Our Water Appeal and uphold the March 10, 2010 Planning Commission CEQA determination and project approval of MAS04-014, Lakeview Properties; Determine that the agenda language used for the March 10, 2010 Planning Commission agenda items was consistent with previous Board direction and fully address all the Ralph M. Brown Act compliance defects alleged by San Joaquin Raptor Rescue Center and Protect Our Water; Adopt the Mitigated Negative Declaration prepared for the Lakeview Properties Major Subdivision Application No. MAS04-014 based upon the Two Findings in the "Staff Report on Appeal to the Board of Supervisors" and, Approve Major

Subdivision Application No. MAS04-014 based upon the Nine Project Findings, and subject to the Five Conditions of Approval and 14 Mitigation Measures presented in the "Staff Report on Appeal to the Board of Supervisors"

REVIEW BOARD ORDER - SEE PAGES 12 AND 13

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items #1 - 33)

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

Public Works

1. Adopt Resolution for Summary Vacation of an Emergency Access Easement within Silva Meadows Subdivision located in Atwater.

ADOPTED RESOLUTION NO. 2010-130

2. Adopt Resolution authorizing installation of an All-Way Stop at the intersection of Bert Crane Road and Atwater Jordan Road authorize installation of stop signs on Atwater Jordan Road approaches to the intersection.

<u>REVIEW BOARD ORDER – SEE PAGE 13</u>

- 3. Accept Final Map for reversion to acreage of Lexington Park Subdivision No. 10001 located in Dos Palos.
- 4. Approve and authorize Chairman to sign Amendment to Contract No. 2009273 with Hacienda Business Park LLC for Los Banos Mental Health Tenant Improvements.

Mental Health

- 5. Approve and authorize Chairman to sign Renewal Contract No. 2008214 with Los Banos Drug for pharmacy services for mental health clients in the Los Banos area.
- 6. Approve and authorize Chairman to sign Renewal Contract No. 2008160 with Mariposa County Behavioral Health and Recovery for Inpatient Services at Marie Green Psychiatric Health Facility.
- 7. Approve and authorize Chairman to sign Renewal Contract No. 2006176 with Turning Point Community Services for specialty mental health, employment and housing services.
- Approve and authorize Chairman to sign Renewal Contract No. 2009339 with Juan C. Garcia, PhD., LMFT for Clinical Supervision and Training Consultant Services.
- Approve and authorize Chairman to sign Renewal Contract No. 2009338 with Los Banos Unified School District for placement of county clinical staff at school sites to provide mental health services, outreach and education.

Human Services Agency

10. Approve and authorize Chairman to sign Renewal Contract No. 2006171 with Lifeline Systems Company for Emergency Response Devices and services for multipurpose senior services program clients.

- 11. Approve and authorize Chairman to sign Renewal Contract No. 2008164 with Merced County In-Home Supportive Services Public Authority for administration of services.
- 12. Approve and authorize Chairman to sign Renewal Contract No. 2009204 with Merced County Office of Education for Parenting Center Services Expansion throughout Merced County.
- 13. Approve and authorize Chairman to sign Renewal Contract No. 2009203 with First 5 Merced County for Parenting services.
- 14. Approve and authorize Chairman to sign Amendment to Contract No. 2004249 with Calif. Dept. of Aging for Health Insurance Counseling and Advocacy Program (HICAP) services.

Ag. Commission

 Approve and authorize Chairman to sign Renewal Contract No. 2008335 with Calif. Dept. of Pesticide Regulation for Electronic Pesticide Use Reporting services and adopt Resolution. ADOPTED RESOLUTION NO. 2010-132

Human Resources

16. Approve and authorize Chairman to sign Renewal Contract No. 2004311 with Leibert Cassidy Whitmore for Legal and Labor Relations Services.

Dept. of Workforce Investment

17. Approve and authorize Chairman to sign Addendum to Contract No. 2010172 with State Employment Development Department for Workforce Investment Act Subgrant Agreement R865468 de-obligating \$32,250 of Workforce Investment Act Funding and closing the grant code for the California Gang Reduction, Intervention and Prevention Pilot Project in Merced County.

Probation

18. Approve and authorize Chairman to sign Renewal Contract No. 2004237 with Los Banos Unified School District to station a Deputy Probation Officer at the campus.

Sheriff

19. Approve and authorize Chairman to sign Renewal Contract No. 200198 with Mental Health for officer meal food services to the Marie Green Psychiatric Center.

Treasurer-Tax Collector-County Clerk

- 20. Set public hearing for July 27, 2010 at 10:00 a.m. to consider Proposed Ordinance titled: An Ordinance Amending Revenue and Reimbursement Fee Schedule (Amends Ordinance No. 1838 and Merced County Code Chapter 5.38).
- 21. Adopt Resolution to certify Election Results of the Statewide Primary Elections held on June 8, 2010.

ADOPTED RESOLUTION NO. 2010-133

Executive Office

22. Approve and authorize Chairman to sign Renewal Contract No. 2007201 with The Standard Insurance Company for Management Short Term and Long Term Disability Insurance.

23. Approve and authorize Chairman to sign Renewal Contract No. 2004144 with The Standard Insurance Company for Group Life and Employee Voluntary Term Life Insurance.

Board Recognition

24. Authorize Certificates of Recognition to American Legion Post 83 selections for Law Enforcement Officer of the Year.

REVIEW BOARD ORDER - SEE PAGES 13 and 14

- 25. Authorize Certificate of Recognition to John Pacini for receiving the Dos Palos Good Samaritan Award.
- 26. Proclaim May 6, 2010 as National Day of Prayer in the County of Merced.
- 27. Authorize Certificate of Recognition to Mary Furey in recognition of serving as Grand Marshal in the Planada Community Day.
- 28. Authorize Certificates of Recognition to individuals selected as 2010 Outstanding Senior Volunteers in the County of Merced.

REVIEW BOARD ORDER - SEE PAGE 14

29. Authorize Certificates of Recognition to individuals selected as Merced Union High School District Character Counts Art Contest Winner.

REVIEW BOARD ORDER - SEE PAGE 14

- 30. Authorize Certificates of Recognition to Christina Luna (Merced Police Explorer Post Committee), Robert Mikkelsen (Wawona District Operating Committee) and Melissa Puita (Wawona District Operating Committee) as Recipients of the District Award of Merit which is the highest award presented to a volunteer scout leader in a Boy Scout District for services to Youth beyond the call of duty as selected by the Greater Yosemite Council-Boy Scouts of America, Wawona District.
- 31. Authorize Certificate of Recognition to Annette Thomas for her years of service to Merced County.
- 32. Authorize Certificate of Recognition to the Family of Robert Nolte for his dedication to the Delhi Municipal Advisory Council for the period of February 2006 through May, 2010.
- 33. Authorize Certificates of Recognition to individuals selected and recognized by the Soroptimist International of Los Banos.

REVIEW BOARD ORDER - SEE PAGES 14 and 15

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

34. Contract with State Controller for Annual Street and Road Report of FY 2009/2010 preparation at an estimated cost of \$3,200.

<u>AUTHORIZED CONTRACT NO. 2010166 AS RECOMMENDED</u> AYES: 1, 2, 3, 4 NOT PRESENT: 5 35. Approve plans and specifications for Henry Miller Road Scrub Seal Project and direct Public Works return to the Board with an Informational Item advising of actions taken.

AUTHORIZED CONTRACT NO. 2010167 AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

36. Reject the bid from ETIC Engineering as the bid exceeded available funding for the Public Works Corporation Yard Site Soil Remediation System Construction; authorize Public Works to advertise for bids and conduct a public bid opening; authorize the Public Works Director to award the contract to the lowest responsible bidder as long as said bid is within the project budget and authorize Chairman to sign upon review by Counsel with Public Works to report back to the Board on actions taken.

<u>AUTHORIZED CONTRACT NO. 2009305 AS RECOMMENDED</u> AYES: 1, 2, 3, 4 NOT PRESENT: 5

37. Contract with Lemos Enterprises LLC for acquisition of Right-of-Way for the Shanks/Letteau Intersection Project and authorize acceptance of Grant Deeds for Right-of-Way for APN 009-030-014 and 009-030-024; Public Utility Easement Deeds for APN 009-030-014 and 009-030-024; authorize the Summary Vacation of Excess Right-of-Way along Shanks Road Frontage, APN 009-030-024 and authorize Chairman to sign Deeds to transfer excess property to Lemos Enterprises LLC; approve payment to Fidelity National Title Company in the amount of \$41,000 plus escrow and any other transaction fees and adopt Resolutions.

AUTHORIZED CONTRACT NO. 2010165 AND ADOPTED RESOLUTION NO. 2010-134 (SUMMARY VACATION), NO. 2010-135 (DEED-APN 009-030-024), NO. 2010-136 (EASEMENT-APN 009-030-024), NO. 2010-137 (DEED-APN 009-030-014), NO. 2010-138 (EASEMENT-APN 009-030-014) AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

SHERIFF

38. Contract with Jose and Salvador Walle for Winton Community Law Enforcement Office space located at 6584 N. Winton Way, Winton, CA.

AUTHORIZED CONTRACT NO. 2010169 AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

39. Accept the Federal Asset Forfeiture of a 2007 Chrysler Town and Country LX Wagon for official law enforcement purposes under the Federal Equitable Sharing Agreement as recommended by DEA with the 20% Federal Share being waived.

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

MENTAL HEALTH

40. Approve Community Social Model Advocates as the successful bidder to RFP No. 6511 as recommended for the Residential Alcohol and Drug Residential Recovery Services and authorize Chairman to sign Contract for provision of services.

AUTHORIZED CONTRACT NO. 2010170 AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

41. Authorize submission of Mental Health Services Act (MHSA) Innovation Plan to the State Dept. of Mental Health and the Mental Health Services Oversight and Accountability Commission for approval and authorize the Mental Health Director to sign all necessary documents.

REVIEW BOARD ORDER - SEE PAGE 15

HUMAN SERVICES AGENCY

42. Contract with Transit Joint Powers Authority for Merced County in the amount of \$10,000 for the provision of monthly bus passes for seniors and disabled adults in the MSSP Program.

<u>AUTHORIZED CONTRACT NO. 2010171 AS RECOMMENDED</u> AYES: 1, 2, 3, 4 NOT PRESENT: 5

FIRE

43. Authorize submission of Application for FEMA Assistance to Firefighters Grant with Department of Homeland Security (DHS) in the amount of \$503,583 to purchase 1 Medium Rescue Fire Vehicle and direct the Fire Chief to return to the Board for approval prior to acceptance.

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

44. Authorize submission of Application for FEMA Assistance to Firefighters Grant Funding with Department of Homeland Security in the amount of \$169,735 to purchase Critically Important and Legally Mandated Personal Protection Equipment for Merced County Volunteer and Career Firefighters and directs the Fire Chief to return to the Board for final approval prior to acceptance.

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

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

45. Contract with The EDCCO Group, Inc. for modifications to existing Supervisory Control and Data Acquisition (SCADA) system in connection with the integration of the chlorination system at Castle Commerce Center.

<u>AUTHORIZED CONTRACT NO. 2010164 AS RECOMMENDED</u> AYES: 1, 2, 3, 4 NOT PRESENT: 5

DEPT. OF ADMIN. SERVICES

46. Declare Miscellaneous Office furniture, Office Equipment, Industrial Equipment and Miscellaneous Supplies identified in Exhibit A as Surplus Property and authorize its disposal by Internet Public Auction.

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

BOARD OF SUPERVISORS

47. Authorize \$3,316 of Special Board Project Funds-District Four to be forwarded to the Delhi Chamber of Commerce in support of various community programs.

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

48. Authorize \$1,000 of Special Board Project Funds-District One to be forwarded to Golden Valley High School for Golden Valley Football Team equipment and supplies.

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

49. Authorize \$6,968 of Special Board Project Funds-District Three to be expended for four garage door openers for Castle Fire Station #62, authorize Dept. of Admin. Services to issue a Purchase Order to Barton Overhead Door, Inc. for purchase, installation, removal and disposal of four garage door openers.

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

50. Authorize \$1,182 of Special Board Project Funds-District Three be forwarded to the Atwater Library for purchase of furniture and supplies for the Children's area.

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

BOARD APPOINTMENTS

51. Accept resignation of Amalee Jayasinghe as Business/Private Sector representative on the Workforce Investment Board and authorize posting of vacancy of term that expires on June 30, 2011.

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

52. Appoint Joanne Presnell, replacing Andrea Baker as a One-Stop Partner/WIB Representative, to serve on the Workforce Investment Board until June 30, 2014.

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

PROBATION

53. Authorize submission of Grant Application for funding in the amount of \$90,000 with an "in kind" match of \$33,297 for the Violence Against Women Probation Specialized Units Program through a Request for Proposal process to the California Emergency Management Agency with the Grant to be returned to the Board for final approval if awarded and authorize the Chairman to sign the necessary Certificate of Assurance.

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

EXECUTIVE OFFICE

53. Approve Budget Transfer for the Santa Nella Impact Fee Fund and authorize the mechanism necessary for the Road Fund to repay the General Fund for the Loan in the amount of \$500,000 for FY 2009/10. (4/5 Vote Required)

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

55. Confirm the Appointment of Tammy Moss as the Public Health Director and approve "A" Level Benefits effective July 19, 2010.

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

56. Report Pursuant to Elections Code Section 9111 - The "Report" shall be provided to the Board which comprises the Legal and Fiscal Analysis directed at the Initiative: "A Proposal to Establish a Requirement that Redesignation of Agricultural and Open Space Land to Residential Use" be Approved by a Vote of the Public; commonly known as "Save Farmland".

REVIEW BOARD ORDER - SEE PAGES 15 and 16

TREASURER-TAX COLLECTOR-COUNTY CLERK

57. Taking Action on the "Merced County Citizen's Right to Vote on Expansion of Residential Areas" Initiative Petition - Consider and take action to adopt a Resolution either: (a) Adopting the ordinance without alteration, (b) Ordering an Election pursuant to Elections Code Section 9116(b) at the General Election scheduled for November 2, 2010.

*The Board took action to order an election pursuant to Elections Code Section 9116(b) at the General Election scheduled for November 2, 2010.

REVIEW BOARD ORDER - SEE PAGES 16 and 17

BOARD INFORMATION & POSSIBLE ACTION

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

- 58. Westside Community Healthcare District re: Resolution No. 2010-1 requesting consolidation of the Healthcare District Election with the State General Election.
- 59. The Secretary of the Interior re: Notification of June 29, 2010 issuance of payment under the Payments in Lieu Taxes Program by the Dept. of the Interior Merced County is eligible to a PILT Payment of \$84,770.
- 60. Senator Jeff Denham re: Letter of response to SB 974 Opposition which would eliminate use of Targeted Employment Areas for Hiring Credits, otherwise known as Enterprise Zones.
- 61. ZipRealty re: Notification of layoffs of California employees currently holding the position of Real Estate Sales Agent.
- 62. U.S. Dept. of the Interior re: Petitions for Temporary Change Permits 11885, 11886 and 11887 (Applications 234, 1465, 5638), Friant Division, Central Valley Project. (Petitions on file)
- 63. Calif. Water Quality Monitoring Council re: Implementation of State Wetland and Riparian Area Monitoring Program (WRAMP).
- 64. 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 North Coast Region (Basin Plan) to establish: (1) Site Specific Water Quality Objectives for dissolved oxygen in the Klamath River; (2) an Action Plan for the Klamath River total maximum daily loads addressing temperature, dissolved oxygen, nutrient and icocystin impairments in the Klamath River and (3) an implementation plan for the Klamath River and Lost River Basins.
- 65. State Water Resources Control Board re: Notice of Petition for temporary change involving the transfer of up to 15,000 acre-feet of water from the Merced Irrigation District to four State Water Contractor Agencies under License 11395 (Application 16186) comments must be filed by 2:00 p.m. on July 26, 2010.
- 66. State Water Resources Control Board re: Notice of Opportunity for Public Comment on Underground Storage Tank Case Closure for Kelly Gate Associates 27821 Dutcher Creek Road, Cloverdale.
- 67. Public Works re: Contract awarded to Garrett Thompson Construction for the Franklin Road Improvements (Curb, Gutter and Shoulder Widening) Project in Merced County.

AWARDED CONTRACT NO. 2010073

THE BOARD RECESSED TO MEET AS AN IN-HOME SUPPORTIVE SERVICES (IHSS) AUTHORITY BOARD AND RECONVENED AS A BOARD OF SUPERVISORS WITH SUPERVISOR O'BANION NOT PRESENT

ADOPTED RESOLUTIONS IN MEMORY OF LUCILE EDMONSON AND SAM NORTON AND ADJOURNED THE MEETING UNTIL TUESDAY, JULY 27, 2010 AT 10:00 A.M.

BOARD ORDERS - SUMMARY ACTION MINUTES - JULY 13, 2010

10:00 A.M. SCHEDULED ITEM 2010-07-13 PUBLIC OPPORTUNITY

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

Janet Young, Associate Chancellor and Chief of Staff, University of California, speaks regarding potential implications for the University Community as a result of the "Save Our Farmland" initiative.

Ana Pagan, Director of Human Services Agency, introduces new Deputy Director Janice Rector. Janice Rector, Deputy Director, states she looks forward to embracing the challenges ahead.

Tracie Gannon, Merced, states she wishes to comment on the homeless issue before the board today.

Vice Chairman Mike Nelson informs Ms. Gannon that she will be given an opportunity to speak on this item during the Public Hearing.

Present: Nelson, Pedrozo, Walsh, Kelsey

Not Present: O'Banion

10:00 A.M. SCHEDULED ITEM

2010-07-13 COUNTY COUNSEL – PUBLIC HEARING – ORDINANCE NO. 1877

The time and date previously set for a public hearing to consider a Proposed Ordinance titled: An Ordinance Prohibiting Camping and Storage or Personal Belongings in Publically Accessible Areas under the jurisdiction of Merced County (Amends Chapter 10.32 of the Merced County Code by adding Section 10.32.035).

Deputy County Counsel Marianne Green reviews the Staff Report and advises a Letter dated June 22, 2010 from Hank Moore, Merced County Fire Marshal was received after the posting of the Agenda (Supplemental Document).

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

Mark Faurot, Merced, requests that the Board carefully consider the rights of the campers.

Dr. Sandoval, Merced, states his concern about Penal Code 290 Offenders, who are also homeless and will not be permitted to stay in their camps and suggests involving State Representatives in this homeless issue.

Carolyn Goins, Merced, speaks in favor of the Proposed Ordinance.

John Carlisle, Merced, speaks regarding Jessica's Law and the need for the City, County, and State to work together on this issue.

The Chairman closes the public hearing.

County Counsel Fincher states for clarification purposes, this ordinance is tailored to only camping purposes so not to interfere with the rights of others to use and share areas for which they are intended and puts in place the enforcement process.

Following discussion and upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, duly carried, the Board waives further reading of proposed ordinance and adopts Ordinance No. 1877.

Present: Nelson, Pedrozo, Walsh, Kelsey

Not Present: O'Banion

10:00 A.M. SCHEDULED ITEM

2010-07-13 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider the Proposed Resolution adjusting the Development Processing Services Fee Schedule (Amends Resolution No. 2009-57) submitted by Planning and Community Development.

The Clerk announces the recommendation is to continue this Public Hearing to July 27, 2010 at 10:00 a.m. to allow re-advertisement of Proposed Fee Adjustments by Resolution.

The Chairman states the matter is continued to July 27, 2010 at 10:00 a.m.

Present: Nelson, Pedrozo, Walsh, Kelsev

Not Present: O'Banion

10:00 A.M. SCHEDULED ITEM

2010-07-13 PLANNING – PUBLIC HEARING

The time and date previously set for a public hearing to consider an Appeal of the Planning Commission determination and approval of the Lakeview Properties Subdivision, Application No. MAS04-014 filed by San Joaquin Raptor Rescue Center/Protect Our Water. The Application has been submitted by Ed Grossman to subdivide a 58 acre parcel into 35 single-family residential lots, an 8 acre remainder parcel, a 4 acre ecological preserve and a 9 acre passive recreational area on property located at the northeast corner of Merced Falls Road and La Grange Road within the Snelling SUDP.

The Chairman states a request for continuance has been received from the Applicant Ed Grossman and a Letter dated July 12, 2010 has been received from Marsha Burch, representing

San Joaquin Raptor Rescue Center and Protect Our Water, the Appellants, in agreement with the request for continuance (Supplemental Material).

County Executive Officer Larry Combs suggests that a date be set so that the hearing does not have to be re-noticed.

The Clerk states the date agreeable to both parties is September 28, 2010.

Upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, duly carried, the Board continues the Public Hearing to September 28, 2010 at 10:00 a.m..

Present: Nelson, Pedrozo, Walsh, Kelsey

Not Present: O'Banion

CONSENT ITEM NO. 2 2010-07-13 PUBLIC WORKS

The Clerk announces installation of an All-Way Stop at the intersection of Bert Crane Road and Atwater Jordan Road is before the Board for consideration.

Bernice Vigil, Atwater, appears before the Board to state the need for speed bumps and reduction in speed limit at the intersection of Bert Crane Road and Atwater Jordan Road in addition to the All-Way Stop.

Public Works Director Paul Fillebrown states the Board does have authority to approve speed bumps, however, these are usually installed when the speed limit is 25 MPH and he further states State Law governs the speed zones.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Kelsey, duly carried, the Board authorizes the installation of an All-Way Stop at the intersection of Bert Crane Road and Atwater Jordan Road and authorizes installation of stop signs on the Atwater Jordan Road approach to the intersection and adopts Resolution No. 2010-131.

Ayes: Nelson, Pedrozo, Walsh, Kelsey

Not Present: O'Banion

CONSENT ITEM NO. 24

2010-07-13 BOARD OF SUPERVISORS

Upon motion of Supervisor Pedrozo, seconded by Supervisor Kelsey, duly carried, the Board authorizes Certificates of Recognition to the following individuals selected by the American Legion, Merced Post 83 for Law Enforcement Officer of the Year: Officer Eduardo Solis, Los Banos Police; Officer Evan Pitney, Atwater Police; Detective John Ramirez, Livingston Police; Officer Vance Walker, Merced Police; Deputy Joey Cardenas, Merced Sheriff-Operations; Correctional Officer Sam Garcia, Merced Sheriff-Corrections; Officer Shane C. Ferriera, California Highway Patrol-Atwater; Officer Adam Rose, California Highway Patrol-Los Banos; Officer George Gongora, UC Merced Police; Officer Jennifer Jones and Officer Patrick Bradley, Merced County

Probation; Deputy District Attorney David Sandhaus and Investigator Anna Hazel, Merced County

District Attorney's Office.

Ayes: Nelson, Pedrozo, Walsh, Kelsey

Not Present: O'Banion

CONSENT ITEM NO. 28

2010-07-13 BOARD OF SUPERVISORS

Upon motion of Supervisor Pedrozo, seconded by Supervisor Kelsey, duly carried, the Board authorizes Certificates of Recognition to the following individuals for being named 2010 Outstanding Senior Volunteers: Hilmar Senior Club: Barbara Silveira, Pat Hudson; Los Banos Circle of Love: Gladys Lisenbee; Dos Palos Circle of Love: Betty Savvy; Dos Palos Senior Social Club: Mildred Gillian; Atwater AARP: Richard Dodson; Winton Senior Social Club: Sharon Wade, Helen Fragulia; Los Banos Golden Agers: Richard Frontella, Beverly Brown; Merced-Mariposa Retired Teachers Association: Shirley Vaughn-Hulbert; Delhi Senior Citizens Club: Dave Fliflet, Alice Fliflet; Merced Senior Citizens, Inc.: Joe Welch, Don Kope; Atwater Senior Social Club: Maria Chaves, Isabel Vervoort; AARP, Merced Chapter #282: Hilda Freeman, Jeannine Humphries; Merced Senior Social Club: Georgia Mathiesen, Francis Ortega.

Present: Nelson, Pedrozo, Walsh, Kelsey

Not Present: O'Banion

CONSENT ITEM NO. 29

2010-07-13 BOARD OF SUPERVISORS

Upon motion of Supervisor Pedrozo, seconded by Supervisor Kelsey, duly carried, the Board authorizes Certificates of Recognition to the following individuals for being named Character Counts Art Contest winners by Merced Union High School District: Atwater High School: Jesus Guillen, Marizabel Amador, Lacy Sargent, Jonathan Mayor, Joana Pena, Kevin Xiong, Sandy Xiong and Chee Vue; Buhach Colony High School: Roy Campos, Nickhom Lee, Azua Xiong, Lea Lor, Stephanie Baeza-Diaz, Mai Ying Lee, Eduardo "Eddy" Carrillo, Elizabeth Padilla and Brittany Fournier; Golden Valley High School: Elizabeth Soto, James Dominguez and Rachel Martin; Independent High School: Lisa Van Sickle and Jazmyn Alaniz; Livingston High School: Ana Salmeron, Angelina Millan, Briseida Belmonte, Erick Arias, Joel Aguilar, Harleen Dhillon, Matt Brown, TJ Metcalf, Yesenia Herrera, Diana Aguilar and Earvin Mendoza; Merced High School: Guadalupe Grijalva, Chueyee Xiong, Mai Xiong and Meagan Smith; SHS: Julio Zambrano and Rigo Vivanco.

Present: Nelson, Pedrozo, Walsh, Kelsey

Not Present: O'Banion

CONSENT ITEM NO. 33

2010-07-13 BOARD OF SUPERVISORS

Upon motion of Supervisor Pedrozo, seconded by Supervisor Kelsey, duly carried, the Board authorizes Certificates of Recognition to the following individuals for being selected by the Soroptimist International of Los Banos: Soroptimist of the Year-Tina Bohr; The Soroptimist Ruby Award-Kathy Enea; Women of Distinction Award-Laree Rogers; Friends of Soroptimist Award-John

Brodil; Friends of Soroptimist Award-Marty Oates; Women's Opportunity Award-Coryna Magaña; Women of Distinction Award- Claire Jensen; The Violet Richardson Award-Ashleigh Areias and

The June Erreca Award-Alysha Izoco Present: Nelson, Pedrozo, Walsh, Kelsey

Not Present: O'Banion

ACTION ITEM NO. 41 2010-07-13 MENTAL HEALTH

The Clerk announces the Mental Health Services Act Innovation Plan is before the Board for consideration.

Mental Health Director Manuel Jimenez, Jr. submits for the record an updated copy of Exhibit C, Page 13 of the Mental Health Services Act Innovation Plan stating the original plan submitted included a Support Analyst and it has been determined that a Quality Assurance Specialist would better serve the Plan and the Personnel estimated will be updated.

Upon motion of Supervisor Kelsey, seconded by Supervisor Walsh, duly carried, the Board approves submission of the Mental Health Services Act Innovation Plan to the State Dept. of Mental Health and Mental Health Services Oversight and Accountability Commission and authorizes the Mental Health Director to sign all necessary documents.

Ayes: Nelson, Pedrozo, Walsh, Kelsey

Not Present: O'Banion

ACTION ITEM NO. 56 2010-07-13 EXECUTIVE OFFICE

The Clerk announces a Report pursuant to Elections Code Section 9111 is before the Board for consideration.

County Executive Officer Larry Combs reviews the Staff Report stating on June 22, 2010, the Board accepted the Certification from Elections of the Initiative Petition, A Proposal to Establish a Requirement that Re-designation of Agricultural and Open Space Land to Residential Use be Approved by a Vote of the Public; commonly known as "Save Farmland". He states in accordance with Elections Code Section 9111, the Board ordered a Report.

Director of Special Programs Robert Smith reviews the recommendations before the Board and states two Reports have been provided from Economic & Planning Systems, Inc. titled Potential Economic and Fiscal Issues related to the Proposed "Save the Farmland" Growth Control Initiative, EPS #20491 dated July 9, 2010 and Public Analysis of Legal Issues Arising from Initiative dated July 9, 2010 from Counsel Fincher (Supplemental Material #1).

Mr. Smith reviews the PowerPoint Presentation on the Potential Economic and Fiscal Issues (Supplemental Material #2).

Deputy County Counsel Michael Calabrese reviews the PowerPoint Presentation on "Save Farmland" Initiative, Legal Issues Summary (Supplemental Material #3).

Following a lengthy discussion, Counsel Fincher states at this time, no action is required and the Board is provided the Reports, pursuant to Elections Code Section 9111, which comprises of the Legal and Fiscal Analysis directed at the Initiative "A Proposal to Establish a Requirement that Re-designation of Agricultural and Open Space Land to Residential Use be Approved by a Vote of the Public; commonly known as "Save Farmland".

*It is noted for the Record a letter is received from Sharon Hunt Dicker dated July 12, 2010 titled: Save Farmland Initiative and University Community Plan (Supplemental Material #4).

Present: Nelson, Pedrozo, Walsh, Kelsey

Not Present: O'Banion

ACTION ITEM NO. 57

2010-07-13 TREASURER-TAX COLLECTOR-CLERK-Registrar of Voters

The Clerk announces the Merced County Citizen's Right to Vote on Expansion of Residential Areas Initiative Petition is before the Board for consideration.

County Executive Officer Larry Combs reviews the Staff Report and clarifies there are two options for the Board to select: Adopt the Ordinance without alteration and Ordering an Election pursuant to Elections Code Section 9116(b), at the General Election scheduled for November 2, 2010.

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

Citizens for Quality Growth Representative Alan Schoff speaks regarding smart growth and urges the Board to vote this measure into law.

Associate Chancellor and Chief of Staff of the University of California Janet Young speaks on behalf of the UC Merced campus and the University Community Land Company, LLC, which owns the northern portion of the University Community and requests the Board consider the planning, economic, and environmental consequences of this initiative.

Gordon Gray speaks about the Initiative not having a provision to deal with current projects.

Chair of the UC LLC, Attorney Ralph Temple urges the Board to place the Initiative on the ballot.

Alan Sano, Merced, speaks about the zoning of the land he owns near the UC.

Robbie Silva speaks about citizens educating themselves before voting.

Kim Rogina states she is a long time farmer of three generations and states upon her preliminary review of the petition many policies and goals are listed but everyone needs to read this because it will be in effect until 2040.

Jeanette Benson, farmer/property owner, speaks regarding the current system and asks that the Board not throw the system out.

The Chair closes the Public Hearing.

Following discussion and upon motion of Supervisor Walsh, seconded by Supervisor Kelsey, duly carried, the Board orders an Election pursuant to Elections Code Section 9116(b), at the General Election scheduled for November 2, 2010, and adopts Resolution No. 2010-138A.

Ayes: Nelson, Pedrozo, Walsh, Kelsey

Not Present: O'Banion