

SUMMARY ACTION MINUTES BOARD OF SUPERVISORS

Regular Meeting TUESDAY, OCTOBER 27, 2009

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

DEMITRIOS O. TATUM COUNTY EXECUTIVE OFFICER

JOHN PEDROZO.....DISTRICT 1
HUBERT "HUB" WALSH, JR.....DISTRICT 2
MICHAEL G. NELSON.....DISTRICT 3
CHAIRMAN DEIDRE F. KELSEY....DISTRICT 4
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

Persons who require accommodation for any audio, visual or other disability in order to review an agenda, or to participate in a meeting of the Board of Supervisors per the American Disabilities Act (ADA), may obtain assistance by requesting such accommodation in writing addressed to the Clerk of the Board, 2222 M Street, Merced, CA 95340 or telephonically by calling (209) 385-7366. Any such request for accommodation should be made at least 48 hours prior to the scheduled meeting for which assistance is requested

The Agenda is divided into three sections:

CONSENT CALENDAR – These matters include routine financial and administrative actions and are approved by a single majority vote.

SCHEDULED ITEMS – These items are noticed hearings, work sessions and public hearings.

REGULAR CALENDAR – These items include significant policy and administration actions. Immediately after approval of the CONSENT CALENDAR, if the time of the hearing of SCHEDULED ITEMS has not arrived, the REGULAR CALENDAR will be considered.

SCHEDULED ITEMS

9:00 A. M. THE PUBLIC IS INVITED TO SPEAK ON ANY MATTER ON THE AGENDA TESTIMONY IS LIMITED TO FIVE MINUTES PER PERSON

<u>CLOSED SESSION:</u> It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957.6 concerning a Conference with County of Merced Staff Negotiators concerning negotiations with American Federation of State, County and Municipal Employees (AFSCME), Units 4, 5, 6 and 8; Independent Employees of Merced County (IEMC), Unit 3; Merced County Lawyers Association, Unit 7; Merced County Sheriff Employee Association (MCSEA), Unit 2; Merced County Law Enforcement Sergeants, Unit P; Deputy Sheriff Association, Unit 10 and Non-Safety Corrections, Unit 12

<u>CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION:</u> It is the intention of the Board to meet in Closed Session concerning significant exposure to litigation pursuant to Government Code Section 54956 (b): One Case

<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): In the Matter of Fonseca

<u>CLOSED SESSION:</u> It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Title: County Counsel

THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED STAFF HAD BEEN PROVIDED DIRECTION

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

10:00 A. M. PLEDGE OF ALLEGIANCE

10:00 A. M.

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

REVIEW BOARD ORDER - SEE PAGE 10

10:00 A. M. PRESENTATION

Recognition of Award Honorees selected by the Merced County NAACP Branch 1047

REVIEW BOARD ORDER - SEE PAGE 10

BUDGET TRANSFERS FROM REVENUE/CONTINGENCIES (4/5 Vote Required) Public Works-\$2,048; Health- \$35,718; Commerce, Aviation and Economic Development-\$10,000; District Attorney-\$550 and Sheriff-\$280,000 APPROVED AS RECOMMENDED AYES: ALL

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 11) APPROVED AS RECOMMENDED AYES: ALL

PUBLIC WORKS - PUBLIC HEARING

To consider Terminating Maintenance of Green House Road located in the rural central area of Merced County

<u>RECOMMENDATION:</u> Make Finding that Green House Road is unnecessary for the public convenience because the traffic on this road is intermittent and of low volume; authorize installation of gate on said roadway by petitioners at their own expense and direct Public Works regulate the installation of said gate, regulate the distribution of keys for said gate locks and to post signs at said terminal notice giving public notice that the road is no longer maintained by the County and adopt Resolution

REVIEW BOARD ORDER - SEE PAGE 10

MENTAL HEALTH - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION

To consider amending the Fee Schedule for Mental Health Services and amend Ordinance titled: An Ordinance Amending Mental Health Fees (Supersedes Ordinance No. 1861 and amends Chapter 9.48 of the County Code)

<u>RECOMMENDATION:</u> Waive further reading and adopt proposed Ordinance `REVIEW BOARD ORDER – SEE PAGE 11

10:30 A. M. INTERVIEWS - AIRPORT LAND USE COMMISSION

One At-Large Position. Applicants: Galen Chastain and Fred Honore **REVIEW BOARD ORDER – SEE PAGE 11**

10:30 A. M. INTERVIEWS - SOLID WASTE INDEPENDENT HEARING

PANEL One At-Large Position. NO APPLICANTS

REVIEW BOARD ORDER - SEE PAGE 12

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items #1 - 11) APPROVED AS RECOMMENDED AYES: ALL

Mental Health

1. Approve and authorize Chairman to sign Amendment to Contract No. 2007249 with Aspira Behavioral Health reducing the total contract amount to \$1,253,000 through the Mental Health Services Act, WeCan Wraparound Services.

Ag. Commissioner

- Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2004324 with Calif. Dept. of Food and Agriculture for Pink Bollworm Cotton Plowdown Enforcement Program. ADOPTED RESOLUTION NO. 2009-212
- Adopt Resolution authorizing Chairman to sign Renewal Contract No. 2007214 with Calif. Dept. of Food and Agriculture for Pest Exclusion County Nematode Control Program. ADOPTED RESOLUTION NO. 2009-213

Executive Office

- 4. Approve and authorize Chairman to sign Renewal Contract No. 2003093 with Merced Defense Services for Indigent Defense Services.
- Approve Travel Requests for Sheriff and Mental Health as recommended by Executive Office.
- 6. Approve Budget Transfers for Fire-\$6,700 and Public Works-\$6,507 as recommended by Executive Office.

Board Recognition

- 7. Authorize Certificate of Recognition to Mae Pierini for 29 Years of service to Merced County Office of Education-Regional Occupation Program.
- 8. Authorize Certificate of Recognition to Ruff House for Ribbon Cutting.
- Authorize Certificate of Recognition to Al Romero, Richard Warne and Lee Anderson for selection by the Merced Boy Scouts of America "Greater Yosemite Council" as recipients of the 2009 Visionary Award.
- 10. Authorize Certificate of Recognition to Le Grand High School in celebration of their 100th Year Anniversary.
- 11. Authorize Certificate of Recognition to The National Council of Negro Women, Inc. (Merced Section) in celebration of the 2009 Bethune Recognition Luncheon.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

12. Contract with Calif. Dept. of Fish and Game for Streambed Alteration Permit for routine Channel Maintenance in Garzas Creek.

REVIEW BOARD ORDER - SEE PAGE 12

13. Contract and Grant Deed with Charles/Sandra Parish and Gregory/Cheryl Ramirez for acquisition of Right-of-Way (includes a portion of ~907 sf from APN 061-110-014) needed for construction of the Campus Parkway Project; approve payment to Trans County Title Company for the appraised value of property plus escrow and any other transaction fees and adopt Resolution.

<u>AUTHORIZED CONTRACT NO. 2009288 AND ADOPTED RESOLUTION NO. 2009-214 AS RECOMMENDED AYES: ALL</u>

14. Contract and Grant Deed, Easement Deed and a Public Utility Easement Deed with Charles/Sandra Parish and Gregory/Cheryl Ramirez for acquisition of Right-of-Way (Grant Deed-includes a portion of ~2,677 square feet, Easement Deed- ~7,063 square feet, Public Utility Easement Deed-~448 square feet of APN 061-110-001) needed for construction of the Campus Parkway Project; approve payment to Trans County Title Company for the appraised value of property plus escrow and any other transaction fees and adopt Resolutions.

AUTHORIZED CONTRACT NO. 2009289 AND ADOPTED RESOLUTION NO. 2009-215 GRANT DEED, RESOLUTION NO. 2009-216 EASEMENT DEED, AND RESOLUTION NO. 2009-217 PUBLIC UTILITY DEED AS RECOMMENDED AYES: ALL

15. Contract and Grant Deed, Storm Drainage Easement Deed and Public Utility Easement Deed with Beard Enterprises, LTD needed for acquisition of Right-of-Way needed for construction of the Shanks/Letteau Intersection Project and approve payment to Fidelity National Title Company for the appraised value of property plus escrow and any other transaction fees and adopt Resolutions.

AUTHORIZED CONTRACT NO. 2009290 AND ADOPTED RESOLUTION NO. 2009-218 GRANT DEED, RESOLUTION NO. 2009-219 STORM DRAINAGE, AND RESOLUTION NO. 2009-220 PUBLIC UTILITY AS RECOMMENDED AYES: ALL

16. Authorize issuance of Request for Proposal for new Contracted Operator Agreement for "The Bus" - Merced County Transit for the 5 Year Period from July 1, 2010 through June 30, 2015 and direct Staff to return to the Board with a recommendation for contract award.

APPROVED AS RECOMMENDED AYES: ALL

17. Authorize issuance of Request for Proposal for the Automated Bus Wash Rehabilitation and direct staff to return with a recommendation for contract award.

APPROVED AS RECOMMENDED AYES: ALL

18. Authorize issuance of Request for Proposal for the Vehicle Location System Phase One and direct Staff to return with a recommendation for contract award.

APPROVED AS RECOMMENDED AYES: ALL

19. Approve plans and specifications for the Installation of Backflow Prevention Devices on various County Buildings in the City of Merced; authorize advertisement of bids and conduct

public bid opening; authorize Public Works Director to award project to the lowest responsible bidder if within the established budget; authorize Contract be signed by Chairman upon review by Counsel and Public Works and direct Public Works to return to the Board with actions taken.

AUTHORIZED CONTRACT NO. 2009291 AS RECOMMENDED AYES: ALL

20. Approve use of funds from Structures and Improvement in the amount of \$8,640 to fund the Engineering Design and Cost Estimate of the Snelling Courthouse Wall Reconstruction, direct Public Works to return with an estimated total project cost to complete the Snelling Courthouse Wall Reconstruction and approve the necessary budget transfer-\$8,640.

APPROVED AS RECOMMENDED AYES: ALL

21. Approve Funds from Parkland Dedication Fees for Delhi to reimburse the Delhi School District to replaster the pool and cool decking and necessary upgrades to the pool at the Delhi Educational Park and approve the necessary budget transfer-\$41,000. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

FIRE

22. Accept Grant and sign Contract with CDF & Fire Protection Rural Community Fire Protection Program for the Volunteer Fire Assistance Program Grant and authorize Dept. of Admin. Services to purchase 100 new Generation Fire Shelters and 100 Wildland Packs with Harness and adopt Resolution.

AUTHORIZED CONTRACT NO. 2009292 AND ADOPTED RESOLUTION NO. 2009-221 AS RECOMMENDED AYES: ALL

LIBRARY

23. Accept the Los Banos Friends of the Library donation of \$825 and authorize the Librarian to open the Los Banos Library Branch an additional two hours each week.

APPROVED AS RECOMMENDED AYES: ALL

SHERIFF

24. Contract with Merced County Treasurer for Los Banos Bank Deposit Transportation.

AUTHORIZED CONTRACT NO. 2009293 AS RECOMMENDED AYES: ALL

HEALTH

25. Contract Addendum with State Dept. of Health for continued funding through FY 09/10 to proceed with the H1N1 related activities including mass vaccination clinics and support for the medical/health system and approve the necessary budget transfer. (4/5 Vote Required)
REVIEW BOARD ORDER – SEE PAGE 12

NEVIEW BONNE ONBEN CEET NOE IN

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

26. Resolution certifying the Business Revolving Loan Fund Plan is consistent with and supportive of the area's current economic adjustment strategy to provide financial assistance to small businesses located in Merced County that create or retain jobs as required by the U.S. Dept. of Commerce, Economic Development Administration.

ADOPTED RESOLUTION NO. 2009-222 AS RECOMMENDED AYES: ALL

27. Contract with California Consulting, LLC for Grant Writing Services and approve the necessary budget transfer-\$25,200. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

PLANNING

28. Contract Amendment with Michael Brandman Associates for preparation of environmental documents and permit processing applications for the County and approve the necessary budget transfer-\$51,150. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2006071 AS RECOMMENDED AYES: ALL

29. Set the Joint General Plan Update Study Session (6th) with the Planning Commission on November 10, 2009 at 1:30 p.m. to receive information on revised growth alternatives.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

30. (1) Authorize the addition of 35 new positions and change of 5 filled positions at Human Services Agency, effective with this Board Action, to be filled in increments between November 1, 2009 and March 1, 2010; (2) Authorize transfer of two staff positions from BU 50500 to BU 50000; (3) Authorize Amendment to Contract No. 2009099 with Mental Health for Alcohol and Drug/Mental Health services; (4) Authorize Amendment to Contract No. 2005171 with Merced County Office of Education for Stage 1 Child Care Services; (5) Authorize Amendment to Contract No. 2004116 with Merced County Office of Education for Regional Occupational Program Services; (6) Contract with Health for Cal-Learn/AFLP Services; (7) Contract with Library for CalWORKs Literacy Services; (8) Approve increases for CalWORKs Client Supportive Services; (9) Contract with Sheriff's Department for reinstatement of position for Child Welfare Services; (10) Authorize purchase of Capital Assets; (11) Approve increases to Service and Supply Line Accounts for Operational Purposes; (12) Authorize pursuit of 1000 square feet of space for Foster Parent training site in Merced and return with lease for Board approval; (13) Approve Budget Transfers for BU 50000 and 50500 and (14) adopt Resolutions. (4/5 Vote Required)

REVIEW BOARD ORDER - SEE PAGE 13

31. Authorize District Attorney to submit a County Plan for Funding for Fraud Investigations and Program Integrity Efforts related to the In-Home Supportive Services (IHSS) Program to the State Dept. of Social Services pursuant to Calif. State Budget Act of 2009 and authorize the Chairman to sign the necessary documents with the final approved plan to be returned to the Board for approval.

APPROVED AS RECOMMENDED AYES: ALL

MENTAL HEALTH

32. Contract with Telecare Corporation dba La Paz Geropsychiatric Center for Institute for Mental Disease and Skilled Nursing Facility.

AUTHORIZED CONTRACT NO. 2009298 AS RECOMMENDED AYES: ALL

33. Authorize termination of Contract No. 2009118 with Unity Care Group, Inc. pursuant to Termination for Convenience clause and issuance of thirty calendar day written notice to Unity Care Group, Inc. of termination of Contract.

APPROVED AS RECOMMENDED AYES: ALL

34. Amend Resolution No. 2006-120 to add one Mental Health Clinician I/II, two Mental Health Workers I/II and one Office Assistant III in BU 41522, approve reallocating restored CalWorks Funding and approves the related budget transfer-\$400,000 and adopt Resolution. (4/5 Vote Required)

REVIEW BOARD ORDER - SEE PAGE 14

DISTRICT ATTORNEY

35. Accept Funding in the amount of \$300,000 from the California Emergency Management Agency for the Vertical Prosecution Recovery Act Program and authorize Chairman to sign Contract and approve the necessary budget transfer-\$157,238. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2009299 AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

36. Contract Renewal (Memorandum of Understanding) with Coalition of Unions (MCSEA Unit 2 & 12; IEMC Unit 3; AFSCME Units 4, 5, 6, 8; MCLES Unit P; MCDSA Unit 10; MCLA Unit 7) for Health, Dental and Vision Coverage for 2010.

AUTHORIZED CONTRACT NO. 2003283 AS RECOMMENDED AYES: ALL

37. Resolution authorizing participation in the Proposition 1A Program and adopting "A Resolution approving the Form of and Authorizing the Execution and Delivery of a Purchase and Sale Agreement and Related Documents with Respect to the Sale of the Seller's Proposition 1A Receivable from the State and Directing and Authorizing Certain Other Actions in Connection Therewith" and approve Contract known as the Sale and Purchase Agreement and other related documents and authorize the officers to do any and all things to execute and deliver any and all documents.

<u>AUTHORIZED CONTRACT NO. 2009286 AND ADOPTED RESOLUTION NO. 2009-225 AS RECOMMENDED AYES: ALL</u>

BOARD OF SUPERVISORS

38. Add one County Executive Officer Designee, Class 7825, with Designee position to be deleted upon the incumbent's retirement; Appoint Mr. Larry Combs as County Executive Officer Designee effective November 30, 2009; Appoint Mr. Larry Combs as County Executive Officer effective December 21, 2009 and approve the Employment Agreement with the provisions as included and authorize the Chairman to sign. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2009300 AS RECOMMENDED AYES: ALL

39. Selection of CSAC Board of Directors' Member for FY 2010.

REVIEW BOARD ORDER - SEE PAGE 14

40. Authorize Special Board Project Funds-District Three in the amount of \$2,500 to be forwarded to Castle Air Museum Foundation, Inc. to purchase an air compressor for Castle Air Museum.

APPROVED AS RECOMMENDED AYES: ALL

41. Reappoint James N. Fincher as County Counsel effective October 27, 2009 and approve the Employment Agreement with the provisions as included and authorize the Chairman to sign.

REVIEW BOARD ORDER - SEE PAGE 14

APPOINTMENTS

42. Advisory Board on Alcohol and Other Drug Problems – Reappointed Laura DeCocker to serve representing Human Services Agency, serving at the Pleasure of the Board..

APPROVED AS RECOMMENDED AYES: ALL

43. San Luis Resource Conservation District - Reappointed Larry Borelli to serve until February 26, 2012.

APPROVED AS RECOMMENDED AYES: ALL

44. Airport Land Use Commission (ALUC) - Selection: Appoint One At-Large Member to fill the currently expired term, based on the high score of candidates, if above the 70% threshold; should no candidate be selected, direct the Clerk of the Board to continue to receive applications for the position that remains.

REVIEW BOARD ORDER - SEE PAGE 11

45. Solid Waste Independent Hearing Panel - Selection: Appoint One At-Large Member to fill the currently expired term, based on the high score of candidates, if above the 70% threshold; and should no candidate be selected, direct the Clerk of the Board to continue to receive applications for the position that remains.

REVIEW BOARD ORDER - SEE PAGE 12

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

- 46. Mental Health re: Notification of Contract No. 2008213 with Golden Living Center-Fresno Behavioral Care has been terminated by contractor effective June 29, 2009 due to closure of their facility (discontinued operations).
- 47. Law Library re: Annual Report for 2008/09 submitted by Merced County Law Library Board of Trustees pursuant to Business and Professions Code Section 6349.
- 48. NACo re: Notice of confirmation of nomination of Supervisor Nelson to serve as a member of the Rural Action Caucus Steering Committee.
- 49. NACo re: Notice of confirmation of nomination of Supervisor Nelson to serve as a member of the Transportation Steering Committee.
- 50. State Water Resources Control Board re: Permits 11885, 11886 and 11887 (Applications 234, 1465 and 5638) of U.S. Bureau of Reclamation, San Joaquin River in Madera and Fresno Counties.
- 51. State Fish and Game Commission re: Copy of Notice of Proposed Emergency Regulatory Action relating to Incidental Take of Pacific Fisher.
- 52. State Water Resources Control Board re: Notice of Proposed Emergency Rulemaking Annual Waste Discharge Permit Fees, Amendments to Division 3 of Title 23 of the Calif. Code of Regulations.
- 53. State Water Resources Control Board re: Notice of Water Quality Coordinating Committee Meeting October 26 & 27, 2009.

- 54. Diepenbrock Harrison, A Professional Corporation re: San Luis & Delta-Mendota Water Authority and Westlands Water District Permits 11885, 11886 and 11887 (Applications 234, 1465 and 5638 of U.S. Bureau of Reclamation.
- 55. Mental Health re: Mental Health Advisory Board Annual Report for FY 2008/09.

ADOPTED RESOLUTIONS IN MEMORY OF CAROL TOMLINSON-KEASEY AND ANTONIO PEREIRA AND ADJOURNED MEETING UNTIL TUESDAY, NOVEMBER 3, 2009 AT 10:00 A.M.

BOARD ORDERS - SUMMARY ACTION MINUTES - OCTOBER 27, 2009

10:00 A.M. SCHEDULED ITEM 2009-10-27 PUBLIC OPPORTUNITY

Flip Hassett, Executive Director of United Way, requests the Board accept the Top 5 Campaign Partner Award on behalf of Merced County and states the new campaign will begin and encourages everyone to participate.

Director of Child Support Services Rhonda Walton advises that the Child Support Services office will be closed on November 18, 2009, from noon until 1:00 p.m. for a staff teambuilding session and celebration of office successes.

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

10:00 A.M. SCHEDULED ITEM 2009-10-27 PRESENTATION

The Board presents Certificates of Recognition to the Merced County NAACP Branch 1047 in celebration of the 49th Annual Freedom Fund Banquet; Zephani Smith in recognition as guest speaker at the Merced County NAACP 49th Annual Freedom Fund Banquet; and James Bethune, Sammie Carter, Dr. Larry Johnson, Estella Dunn, Lieutenant Andre Matthews, Kenneth Roberts, Tony Slaton, and Paul Smith for tireless service during the 49th Annual NAACP Freedom Fund Banquet.

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

10:00 A.M. SCHEDULED ITEM

2009-10-27 PUBLIC WORKS – PUBLIC HEARING

The time and date previously set for a public hearing to consider terminating maintenance of Green House Road located in the rural central area of Merced County submitted by Public Works.

Public Works Director Paul Fillebrown reviews the Staff Report.

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

Kim Forrest, U.S. Fish & Wildlife Refuge Manager, comments on closing the road to the public and states that the U.S. Fish & Wildlife Refuge Service will work with property owners to open the gate during the waterfowl hunting season.

The Chairman closes the Public Hearing.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board finds that Green House Road is unnecessary for the public convenience because the traffic on this road is intermittent and of low volume; authorizes installation of gate on said roadway by petitioners at their own expense and directs Public Works regulate the installation of said gate, regulate the distribution of keys for said gate locks, and to post signs at said terminal point giving public notice that the road is no longer maintained by the County; terminates the maintenance of Green House Road, located in the rural central area of Merced County and adopt Resolution No. 2009-211.

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

10:00 A.M. SCHEDULED ITEM

2009-10-27 MENTAL HEALTH - PUBLIC HEARING - ORDINANCE NO. 1868

The time and date previously set to consider a Proposed Ordinance: An Ordinance Amending the Fee Schedule for Mental Health Services (Supersedes Ordinance No. 1861 and Chapter 9.48 of the Merced County Code).

Mental Health Director Manuel Jimenez 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 waives further reading and adopts Ordinance No. 1868.

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

10:30 A.M. SCHEDULED ITEM / ACTION ITEM 44 2009-10-27 AIRPORT LAND USE COMMISSION

The time and date previously set for interviews for One At-Large Representative member to be appointed by the Board of Supervisors to serve on the Airport Land Use Commission.

Director of Governmental Affairs Katie Albertson advises two applicants to be interviewed for the position are present.

The Board interviews Galen Chastain and Fred Honore.

Later in the day, the Clerk announces Action Item No. 44, Appointment to the Airport Land Use Commission is before the Board for consideration.

Ms. Albertson advises scores for the Airport Land Use Commission At-Large member interviews have been calculated and validated and scored as follows: Fred Honore – 351 and Galen Chastain – 291.

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board appoints Fred Honore as a member of the Airport Land Use Commission, representing At Large, until May 2, 2011.

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

10:30 A.M. SCHEDULED ITEM / ACTION ITEM 45 2009-10-27 SOLID WASTE INDEPENDENT HEARING PANEL

The time and date previously set for interviews for One At Large Representative member to be appointed by the Board of Supervisors to serve on the Solid Waste Independent Hearing Panel. The Clerk announces no applications were received for this position.

Supervisor O'Banion suggests the interviews be referred to Merced County Association of Governments since Solid Waste is an operation of Merced County Association of Governments.

Upon motion of Supervisor O'Banion, seconded by Supervisor Nelson, duly carried, the Board directs the Clerk to coordinate referral to Merced County Association of Governments with Executive Staff.

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

ACTION ITEM NO. 12 2009-10-27 PUBLIC WORKS

The Clerk announces the California Department of Fish and Game Contract for Streambed Alteration Permit for routine Channel Maintenance in Garzas Creek is before the Board for consideration.

Public Works Director Paul Fillebrown states and clarifies for the record the permits will be paid for by the County and other work will be paid for by the property owner.

Upon motion of Supervisor Nelson, seconded by Supervisor O'Banion, duly carried, the Board approves and authorizes the Chairman to sign Contract No. 2009287 with California Department of Fish and Game for Routine Maintenance in Garzas Creek.

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

ACTION ITEM NO. 25 2009-10-27 HEALTH

The Clerk announces the State Department of Health Contract Disaster Planning Assistance contract is before the Board for consideration.

Public Health Director John Volanti states an additional recommendation needs to be added to include the addition of the Storage Building located at the corner of 15th and D Streets to the Merced County Capital Improvement Project list to accommodate the Emergency Procurement of H1N1 Products and Supplies. He provides an update on the flu situation and the availability of future vaccinations.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Walsh, duly carried, the Board approves and authorizes the Chairman to sign Addendum to Contract No. 2009252, and the associated required forms, with the State Department of Health for continued funding through Fiscal Year 2009/2010 for disaster planning assistance; approves the addition of the Storage Building located at the corner of 15th and D Streets to Merced County's CIP list to accommodate the emergency procurement of H1N1 Products and Supplies and approves the necessary budget transfers-\$255,045 and \$49,574.

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

ACTION ITEM NO. 30

2009-10-27 HUMAN SERVICES AGENCY

The Clerk announces FY 2009/2010 Human Services Agency Staff and Contracts are before the Board for consideration and clarifies Recommendation No. 1 should read, "Authorize the addition of thirty-five (35) new positions and change five (5) filled positions at the Human Services Agency, effective in increments between November 1, 2009 and April 1, 2010."

County Executive Officer Demitrios Tatum states that the addition of positions is due to caseload growth.

Human Services Agency Director Ana Pagan states the acquisition of this funding for growth will allow Human Services Agency to also assist other County departments.

Following a brief discussion and upon motion of Supervisor Pedrozo, seconded by Supervisor Nelson, duly carried, the Board takes the following actions: (1) Authorizes addition of 35 new positions and change of 5 filled positions at Human Services Agency, effective in increments between November 1, 2009 and April 1, 2010; (2) Authorizes immediate transfer of two staff positions from BU 50500 to BU 50000; (3) Authorizes Amendment to Contract No. Health for Alcohol and Drug/Mental Health services; (4) Authorizes 2009099 with Mental Amendment to Contract No. 2005171 with Merced County Office of Education for Stage 1 Child Care Services; (5) Authorizes Amendment to Contract No. 2004116 with Merced County Office of Education for Regional Occupational Program Services; (6) Authorizes Contract No. 2009295 with Health for Cal-Learn/AFLP Services; (7) Authorizes Contract No. 2009296 with Library for CalWORKs Literacy Services; (8) Approves increases for CalWORKs Client Supportive Services; (9) Approves Contract No. 2009297 with Sheriff's Department for reinstatement of position for Child Welfare Services; (10) Authorizes purchase of Capital Assets; (11) Approves increases to Service and Supply Line Accounts for Operational Purposes; (12) Authorizes pursuit of 1000 square feet of space for Foster Parent training site in Merced and return with lease for Board approval; (13) Approves Budget Transfers for BU 50000-\$4,254,902.00 and BU 50500-\$119,682.00 and (14) adopts Resolution Number 2009-223.

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

ACTION ITEM NO. 34

2009-10-27 HUMAN SERVICES AGENCY

The Clerk announces the CalWORKs Program Impacts on the Mental Health Department is before the Board for consideration.

County Executive Officer Demitrios Tatum states that the addition of positions is a direct result of sharing caseload growth dollars with the Human Services Agency.

Following discussion and upon motion of Supervisor Pedrozo, seconded by Supervisor O'Banion, duly carried, the Board adds one Mental Health Clinician I/II, two Mental Health Workers I/II and one Office Assistant II, approves reallocating restored CalWORKs funding and approves the related budget transfer-\$400,000, and adopts Resolution No. 2009-224.

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

ACTION ITEM NO. 39

2009-10-27 BOARD OF SUPERVISORS

The Clerk announces the 2010 CSAC Board of Directors Member and Alternate Member Representatives selection is before the Board for consideration.

Supervisor Jerry O'Banion nominates Supervisor Nelson as the CSAC Board of Director Member and Supervisor Pedrozo as the Alternate Member to represent Merced County.

Supervisor Nelson declines the nomination and nominates Supervisor Walsh as the Member with Supervisor Pedrozo as the Alternate Member.

Upon motion of Supervisor Nelson, seconded by Supervisor Pedrozo, duly carried, the Board appoints Supervisor Walsh as the Member and Supervisor Pedrozo as the Alternate Member of the 2010 CSAC Board of Directors representing Merced County.

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

ACTION ITEM NO. 41

2009-10-27 BOARD OF SUPERVISORS

The Clerk announces the County Counsel Employment Agreement is before the Board for consideration.

County Counsel James Fincher recuses himself to avoid conflict of interest.

Following discussion and upon motion of Supervisor Pedrozo, seconded by Supervisor Walsh, duly carried, the Board reappoints James N. Fincher as Merced County Counsel and authorizes the Chairman to sign Contract No. 2009285, Employment Agreement.

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