

# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

### Regular Meeting

**TUESDAY, DECEMBER 20, 2011**

Closed Session – 8:30 a.m.

Regular Meeting – 10:00 a.m.

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

CHAIRMAN JOHN PEDROZO.....DISTRICT 1  
HUBERT “HUB” WALSH, JR.....DISTRICT 2  
LINN DAVIS.....DISTRICT 3  
DEIDRE F. KELSEY.....DISTRICT 4  
JERRY O’BANION.....DISTRICT 5

JAMES L. BROWN  
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**

8:30 A. M.

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

**CLOSED SESSION:** It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957.6 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; Non-Safety Corrections, Unit 12; and Probation Supervising Employees, Unit 11.

**THE BOARD RECESSED AT 8:30 A.M. TO MEET IN CLOSED  
SESSION AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS  
PRESENT, AND THE CHAIRMAN ADVISED THERE WAS NO  
REPORTABLE ACTION**

**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 8**

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 16)**

**APPROVED AS RECOMMENDED AYES: ALL**

**COUNTY COUNSEL - PROPOSED ORDINANCE - SECOND READING AND  
POSSIBLE ADOPTION**

To consider Proposed Ordinance: An Ordinance amending Section 1.08 of the Merced County Code, by codifying Ordinance No. 1887 which established New Supervisorial District Boundaries (Repeals and replaces Chapter 1.08; encodes Ordinance No. 1887)

RECOMMENDATION: Conduct (or Waive) further reading of proposed "Ordinance Amending Section 1.08 of the Merced County Code which Established New Supervisorial Boundaries" and adopt proposed ordinance.

**ADOPTED ORDINANCE AS RECOMMENDED      AYES: ALL**  
**REVIEW BOARD ORDER – SEE PAGE 8**

**REPORTS/BOARD DIRECTION**

County Executive Officer, County Counsel, Board of Supervisors Members

**CONSENT CALENDAR (Items # 1 - 16)**

**APPROVED AS RECOMMENDED      AYES: ALL**

Public Works

1. Approve Budget Transfer in the amount of \$600,000 for tracking Bridge Replacement Projects in the Roads Division.
2. Approve and authorize Chairman to sign Amendment Contract No. 2010255 with All Phase Security Inc. for Security Services at the Old County Hospital.

Planning

3. Approve and authorize Chairman to sign Amendment Contract No. 2011271 with Hillcrest Dairy LLC for the consultant, Environmental Planning Partners, Inc., to complete Tasks 8 and 9 as part of the Environmental Impact Report for the Hillcrest Dairy Expansion project (CUP10-005).
4. Approve and authorize Chairman to sign Amendment Contract No. 2011272 with Environmental Planning Partners, Inc. to complete Tasks 8 and 9 as part of the Environmental Impact Report for the Hillcrest Dairy Expansion project (CUP10-005) and approve the related Budget Transfer. (4/5 Vote Required)

Treasurer/Tax Collector

5. Accept the 2012 Investment Policy and the 2012 Treasury Oversight Committee Directive as recommended.
6. Resolution delegating Investment Authority to the County Treasurer for the 2012 Calendar Year pursuant to Government Code Section 27000.1 and 53607.

**ADOPTED RESOLUTION NO. 2011-193**

Health

7. Approve and authorize Chairman to sign Amendment Contract No. 2007230 with State Dept. of Public Health-Tuberculosis Control Branch for TB Control and Prevention Services.

Mental Health

8. Approve and authorize Chairman to sign Amendment Contract No. 2006176 with Turning Point Community Services for specialty mental health, employment and housing services and approve the related Budget Transfer. (4/5 Vote Required)

District Attorney

9. Approve Budget Transfer in the amount of \$2,221 for additional License for MS Enterprise Case Management system.

Human Services Agency

10. Approve and authorize Chairman to sign Amendment Contract No. 2008164 with Merced County In-Home Supportive Services Public Authority for administration of In-Home Supportive Services.
11. Approve and authorize Chairman to sign Renewal Contract No. 2008198 with San Mateo County Consortium for Cash Assistance Program for Immigrants.

Assessor

12. Approve and authorize Chairman to sign Amendment Contract No. 2009207 with Nielson Merksamer, Parrinello, Gross & Leoni, LLP for special legal services with respect to election law matters.

Dept. of Administrative Services

13. Approve and authorize Chairman to sign Amendment Contract No. 2010250 with City of Fresno to accept the additional Federal Homeland Security Public Safety Interoperable Communication (PSIC) Grant Funds designated for Interoperable Communications in Merced County.

Library

14. Approve Budget Transfer in the amount of \$11,611 for Main Library parking lot maintenance and repair, and handicap access door to comply with ADA standards. (4/5 Vote Required)

Executive Office

15. Approve and authorize Chairman to sign Amendment Contract No. 2011100 with Merced County Superior Court which modifies court security funding and implements mandatory and optional amnesty programs.
16. Approve travel request received from Human Services Agency as recommended by Executive Office.

**REGULAR CALENDAR**

**BOARD ACTION**

PUBLIC WORKS

17. Approve plans and specifications for the Ballico Fire Station Re-Roof project; authorize Public Works to advertise for bids, hold the public bid opening and award the construction contract to the lowest responsive bidder as long as it is within the established budget; authorize the Chairman to sign upon review and approval of Counsel; direct Public Works to return to the Board with an informational item disclosing all actions taken and approve the related Budget Transfer.

**AUTHORIZED CONTRACT NO. 2011226 AS RECOMMENDED AYES: ALL**

## HEALTH

18. Authorize Public Health to submit the Adolescent Family Life Program (AFLP) application and return to the Board for acceptance of funding if awarded; and adopt resolution authorizing Public Health Director to sign the necessary application forms.

**ADOPTED RESOLUTION NO. 2011-194 AS RECOMMENDED AYES: ALL**

19. Resolution authorizing the receipt of up to the maximum site budget (total of \$250,000) from the Emergency, Abandoned, Recalcitrant (EAR) account funds for cleanup action at one Underground Storage Tank (UST) located at 2104 G Street, Merced, site #R10-063; authorize Chairman to sign the Award Letter, and Authorization and Appointment Form; authorize the Director of Public Health to sign all other reports; approve the release of a Request for Proposal to seek a qualified contractor to perform corrective action at the EAR site and approve the related Budget Transfer. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2011227 AND ADOPTED RESOLUTION NO. 2011-195 AS RECOMMENDED AYES: ALL**

## MENTAL HEALTH

20. Contract with Quest Diagnostics for laboratory testing for consumers at all Mental Health Department facilities.

**AUTHORIZED CONTRACT NO. 2011228 AS RECOMMENDED AYES: ALL**

## HUMAN SERVICES AGENCY

21. Approval for Human Services Agency and District Attorney's Office to submit a County Plan to the Department of Social Services for acquiring In-Home Supportive Services Fraud funding and authorize the Chairman to sign Enclosure B County Response.

**APPROVED AS RECOMMENDED AYES: ALL**

22. Contract with Merced Community College District for Cultural Diversity and Civil Rights training.

**AUTHORIZED CONTRACT NO. 2011229 AS RECOMMENDED AYES: ALL**

## COMMERCE, AVIATION & ECONOMIC DEVELOPMENT

23. Contract with Self-Help Enterprises for administration and implementation of the County's Housing Programs for the period of December 9, 2011 through February 29, 2012.

**AUTHORIZED CONTRACT NO. 2011230 AS RECOMMENDED AYES: ALL**

24. Approve amendment Contract No. 2010195 with Alfonse Peterson for Business Assistance Counseling; and authorize Administrative Services-Purchasing, in conjunction with CAED, to release a Request for Proposal (RFP) for a business consultant, select the most responsive bidder and return to the Board for approval.

**APPROVED AS RECOMMENDED AYES: ALL**

## DEPT. OF WORKFORCE INVESTMENT

25. Contract with Geographic Solutions for Virtual One Stop Subscription (VOS) for Workforce Investment Act services through the Dept. of Workforce Investment at a cost not to exceed \$57,720.

**AUTHORIZED CONTRACT NO. 2011231 AS RECOMMENDED AYES: ALL**

COUNTY EXECUTIVE OFFICE

26. Authorize the County Executive Officer to approve any changes in office hours or closures during the furlough schedule.

**APPROVED AS RECOMMENDED      AYES: ALL**  
**REVIEW BOARD ORDER – SEE PAGE 8**

27. Designate Chief Deputy Public Defender, Eric Dumars as Acting County Public Defender and approve a 10% increase, effective December 19, 2011.

**APPROVED AS RECOMMENDED      AYES: ALL**

HUMAN RESOURCES

28. Approve the amendment to Memorandum of Understanding (MOU) between Merced County and the Merced County Attorney's Association (MCAA) representing Bargaining Unit 7.

**AUTHORIZED CONTRACT NO. 2011232 AS RECOMMENDED      AYES: ALL**

BOARD OF SUPERVISORS

29. Authorize Special Board Project Funds - District Four in the amount of \$500 for Winton Friends of the Library for start up costs.

**APPROVED AS RECOMMENDED      AYES: ALL**

30. Authorize Special Board Project Funds - District One in the amount of \$1000 for the Multicultural Connection Inc. (Fitness Camp) to support the Second Annual Health and Fitness Youth Camp.

**APPROVED AS RECOMMENDED      AYES: ALL**

31. Approve Special Board Project Funds - District One in the amount of \$150 for Healthy House Within A MATCH Coalition to support their program of providing interpreter services to the community.

**APPROVED AS RECOMMENDED      AYES: ALL**

32. Authorize Special Board Project Fund - District One in the amount of \$100 for Planada en Accion, in support of their program supplying soccer goal nets for the children of the community to use at Houlihan Park.

**APPROVED AS RECOMMENDED      AYES: ALL**

BOARD APPOINTMENTS

33. First 5 Commission – Appointed Rhonda Walton, representing District 5 to serve until March 23, 2013.

**APPROVED AS RECOMMENDED      AYES: ALL**

**BOARD INFORMATION & POSSIBLE ACTION**

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

34. Commerce, Aviation and Economic Development re: Interdepartmental Agreement with County Counsel for a portion of Building #1230 (approximately 102 sq. ft.) at Castle Commerce Center.

**CONTRACT NO. 2011233**

35. Commerce, Aviation and Economic Development re: Facility Use Agreement with California Youth Connection held on October 19 - 28, 2011.

**CONTRACT NO. 2011234**

36. Corrections Standards Authority re: Re-Notice of Proposed Action for the Adoption of Emergency Regulations for the 2007 Local Jail Construction Funding Program (public comment will close January 23, 2012 at 5:00 p.m.

**THE BOARD RECESSED TO MEET AS AN IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY AND RECONVENED TO MEET AS A BOARD OF SUPERVISORS**

**THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF DINO NICOLETTI, BARBARA AYERS, AND ARTHUR BRIGHT AND ADJOURNED THE MEETING UNTIL TUESDAY, JANUARY 10, 2012 AT 10:00 A.M.**

**BOARD ORDERS – SUMMARY ACTION MINUTES – DECEMBER 20, 2011**

**10:00 A.M. SCHEDULED ITEM**  
**2011-12-20 PUBLIC OPPORTUNITY**

Human Services Agency Director Ana Pagan introduces Michelle Roe as the new Deputy Director of Administration.

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

**10:00 A.M. SCHEDULED ITEM**  
**2011-12-20 COUNTY COUNSEL – PUBLIC HEARING – ORDINANCE NO. 1891**

The time and date previously set for a Public Hearing to consider Proposed Ordinance: An Ordinance amending Section 1.08 of the Merced County Code, by codifying Ordinance No. 1887 which established New Supervisorial District Boundaries (Repeals and replaces Chapter 1.08; encodes Ordinance No. 1887) submitted by County Counsel.

County Counsel James Fincher reviews the staff report.

The Chairman asks if there is anyone from the public wishing to speak. No one speaks.

Upon motion of Supervisor O'Banion, seconded by Supervisor Davis, duly carried the Board waives further reading of the proposed ordinance.

Ayes: Pedrozo, Walsh, Davis, O'Banion

Upon motion of Supervisor, O'Banion, seconded by Supervisor Walsh, duly carried the Board adopts Ordinance No. 1891.

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

**ACTION ITEM NO. 26**  
**2011-12-20 COUNTY EXECUTIVE OFFICE**

The Clerk announces authorization of changes in office hours or closures during the furlough schedule by the County Executive Officer is before the Board for consideration.

The Chairman requests an overview of the changes.

County Executive Officer Jim Brown reviews the furlough schedule and states a press release will be issued today. Mr. Brown also states and the County is working in conjunction with the Courts on the furlough schedule and staffing.

Upon motion of Supervisor O'Banion, seconded by Supervisor Davis, duly carried the Board authorizes the County Executive Officer to approve any changes in office hours or closures during the furlough schedule.

Ayes: Pedrozo, Walsh, Davis, O'Banion