

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, JULY 16, 2013

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
LINN DAVIS.....DISTRICT 3
CHAIRMAN 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

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 action and usually are approved by a single 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(d)(1): 1) San Joaquin Raptor Rescue Center, et al. v. County of Merced, et al. (Real Parties in Interest: Ginger Bandoni, et al.), Appellate Case No. F064675, 2) San Joaquin Raptor Rescue Center, et al. v. County of Merced, et al. (Real Party in Interest: William Morris), Appellate Case No. F064930 and 3) Medeiros v. Clark, et al., Appellate Case No. 11-16978

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION: It is the intention of the Board to meet in Closed Session concerning significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2); Two Cases

THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT, AND THE CHAIRMAN ADVISED THERE WERE NO REPORTABLE ITEMS.

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

PRESENTATION: Sheriff's Department - Officer of the Year and Deputy Officer of the Year Pin presentation

Sheriff Pazin presents Officer of the Year pins to Deputy Sheriff Lucas Hukill and Deputy Sheriff John Hendon.

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

MENTAL HEALTH - PUBLIC HEARING-PROPOSED ORDINANCE

To consider ordinance amending the Fee Schedule for Mental Health Services (Supersedes Ordinance No. 1900 and Amends Chapter 9.48 Section 9.48.030 of the County Code)

RECOMMENDATION: 1) Open Public Hearing; 2) Waive further reading; 3) Close Public Hearing; and 4) Adopt Ordinance.

REVIEW BOARD ORDER

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-31)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Adopt Resolution accepting a Grant Deed from Gallo Cattle Company, a California Limited Partnership, for the Gallo Cattle Company Natural Gas Line Project.

ADOPTED RESOLUTION

Ag. Commissioner

2. Set a Public Hearing for August 13, 2013 at 10:00 a.m. to consider amending the Department of Agriculture's Master Fee Resolution 2004-150.
3. Set a Public Hearing for August 13, 2013 at 10:00 a.m. to consider amending ordinance entitled "Weighing and Measuring Device Registration Permit" (Amends Ord. Nos. 1775, 1506, 1483, 1446, 1387 and 1132 and amends Chapter 6.58, Section 6.58.040) Application and Fees and Delete Section 6.58.045 Mobile Home Park, Recreational Vehicle Park, Apartment Complex Fees.
4. Approve and authorize the Chairman to sign Renewal Contract No. 2006109 with the Calif. Dept. of Food and Agriculture for conducting Petroleum Products Labeling and Advertising inspections; and adopt Resolution.

ADOPTED RESOLUTION

5. Approve and authorize the Chairman to sign Renewal Contract No. 2004158 with USDA-APHIS-Wildlife Services for Predatory Animal Control and the FY2013/2014 Annual Workplan.

Community and Economic Development

6. Approve and authorize the Chairman to sign Amendment Contract No. 2011136 with The Don Chapin Co., Inc. for the consultant, Michael Brandman Associates, to utilize additional funds in preparation of the Environmental Impact Report for the Simmons Subdivision and Don Chapin Concrete Batch Plant project (MS07-027/AA08-033).
7. Approve and authorize the Chairman to sign Amendment Contract No. 2011137 with Michael Brandman Associates to add funds in order to complete the Environmental Impact Report for the Simmons Subdivision and Don Chapin Concrete Batch Plant project (MS07-027/AA08-033).

Human Services Agency

8. Approve and authorize the Chairman to sign Renewal Contract No. 2011094 with Valley Caregiver Resource Center for caregiving support networks.
9. Approve and authorize the Chairman to sign Renewal Contract No. 2008164 with In-Home Supportive Services Public Authority for administration for IHSS and PA services.
10. Approve and authorize the Chairman to sign Amendment Contract No. 2013064 with Merced County Office of Education for provisions of screening for development delays to children, increasing the original budget of \$83,373 by \$5,966.
11. Approve and authorize the Chairman to sign Amendment Interdepartmental Agreement No. 2011060 with the District Attorney for Investigation of CalWORKS and CalFRESH Fraud, increasing the original budget of \$579,440 by \$21,438.

Health

12. Approve and authorize the Chairman to sign Amendment Contract No. 2012093 with Public Health Institute (PHI) for Chronic disease intervention services, accepting year one carry forward funds of \$150,769.61 through September 29, 2013.
13. Approve and authorize the Chairman to sign Amendment Contract No. 2011032 with The California Endowment for linking Public Health data to community priorities.

Mental Health

14. Approve and authorize the Chairman to sign Amendment Contract No. 2011086 with Davis Guest Home, a board and care facility, to update the daily rate for the 2013-2014 portion of the contract.
15. Approve and authorize the Chairman to sign Amendment Contract No. 2011113 with Crestwood Behavioral Health Inc. for Institute for Mental Disease services to add the rates for the 2013-2014 portion of the contract.
16. Approve and authorize the Chairman to sign Amendment No. 2 to Contract No. 2013010 with the State Dept. of Alcohol and Drug Programs (ADP) for the Strategic Prevention Frameworks State Incentive Grant, updating the grant agreement to allocate Year 2 grant funds, updating budget forms and work plan and revising language, with total grant amount remaining \$380,000 for the period of April 1, 2012 through September 28, 2015 and; approve and authorize the Chairman to sign Amendment No. 3 to Contract No. 2013010 to grant agreement assigning and transferring all rights and interests in Grant SPF SIG 12-08 from State ADP to the State Dept. of Health Care Services under Grant No. 13-90207 as of July 1, 2013.
17. Approve and authorize the Chairman to sign Amendment Contract No. 2011088 with Country Villa Merced Behavioral Health for Institute for Mental Disease services, to update the rates for 2013-2014 portion of the contract.
18. Approve and authorize the Chairman to sign Amendment Contract No. 2008321 with Cerner Corporation, successor in interest to Anasazi Software, Inc. for Integrated Behavioral Health Information System services.

Sheriff

19. Approve and authorize the Chairman to sign Renewal Interdepartmental Agreement No. 2009293 with County Treasurer for Los Banos bank deposit transportation.

20. Approve and authorize the Chairman to sign Renewal Interdepartmental Agreement No. 2012096 with County Treasurer for a Reserve Level I Deputy Sheriff/Coroner to provide security at the Tax Collector/Treasurer Office in the County Administration Building.
21. Approve and authorize the Chairman to sign Amendment Contract No. 2011007 with Merced Community College District to extend services until June 30, 2016 for Law Enforcement Management Services.
22. Approve and authorize the Chairman to sign Amendment Contract No. 2010260 with Merced County Jail Ministry to extend services until December 31, 2013 to provide ministry services to inmates housed in Merced County's correctional facilities.
23. Approve and authorize Chairman to sign Amendment Interdepartmental Agreement No. 2003153 with the Department of Public Works for Law Enforcement Services at Lake Yosemite.

Executive Office

24. Act on Claim for Damages received from Cleon Mixon as recommended by Risk Management and County Counsel.

Board of Supervisors

25. Approve Minutes for April 3, 2012, April 17-Claims Board, and April 24, 2012; May 8 and May 22, 2012; June 5, June 5-IHSS, and June 18, 2012-Special, June 26, 2012, June 26-IHSS and June 26 - Addendum as submitted.

Board Recognition

26. Authorize Certificate of Recognition to Barbara J. Guth for 42 years of dedicated service to Merced College and tenure as Library Media Technician.
27. Authorize Certificates of Recognition for individuals selected by the Soroptimist International of Los Banos.
28. Authorize Certificates of Recognition to various individuals selected as 2013 Outstanding Senior Volunteers.
29. Authorize Certificate of Recognition to Jantz Cafe & Bakery for Ribbon Cutting.
30. Authorize Certificates of Recognition to various individuals for their accomplishments and graduation from Merced County Day Reporting Center.
31. Authorize Certificate of Recognition to Dos Palos Community Resources for Ribbon Cutting.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

32. PULLED
33. Approve Plans and Specifications for the Echo Street Safe Routes to School Project; and direct Public Works to return to the Board with an informational item disclosing all actions taken on the project.

APPROVED AS RECOMMENDED AYES: ALL

34. Contract with the Dept. of Transportation (Caltrans) to sign the Federal Apportionment Exchange and State Match Program Agreement No. X13-5939(095) to exchange Federal Funds with Non-Federal State Highway Account Funds; and adopt resolution.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

35. Contract with Office of the State Controller, Division of Audits for services to prepare the annual Street and Road Report of Fiscal Year 2012/2013 at an estimated cost not to exceed \$3,200.

APPROVED AS RECOMMENDED AYES: ALL

36. Contract with Capitol City Design for Electrical Engineering Services; authorize the Director of Public Works to negotiate and execute Project Supplements within the fee limits established for each project upon review of County Counsel; authorize Chairman to sign retainer contract; and authorize Public Works to issue an RFP for Electrical Engineering Consultant Contract in Fiscal Year 2013/2014 and return to the Board with recommendations for award for Fiscal Year 2014/2015.

APPROVED AS RECOMMENDED AYES: ALL

37. Contract with Teter, LLP for Architectural Services; authorize the Director of Public Works to negotiate and execute Project Supplements within the fee limits established for each project upon review of County Counsel; authorize Chairman to sign retainer contract; and authorize Public Works to issue an RFP for Architect Consultant Contract in Fiscal Year 2013/2014 and return to the Board with recommendations for award for Fiscal Year 2014/2015.

APPROVED AS RECOMMENDED AYES: ALL

38. Contract with Hazardous Management Services for Hazardous Materials Services; authorize the Director of Public Works to negotiate and execute Project Supplements within the fee limits established for each project upon review of County Counsel; authorize Chairman to sign retainer contract; and authorize Public Works to issue an RFP for Hazardous Materials Consultant Contract in Fiscal Year 2013/2014 and return to the Board with recommendations for award for Fiscal Year 2014/2015.

APPROVED AS RECOMMENDED AYES: ALL

39. Contract with Turley & Associates for Mechanical Engineering Services; authorize the Director of Public Works to negotiate and execute Project Supplements within the fee limits established for each project upon review of County Counsel; authorize Chairman to sign retainer contract; and authorize Public Works to issue an RFP for Mechanical Engineering Consultant Contract in Fiscal Year 2013/2014 and return to the Board with recommendations for award for Fiscal Year 2014/2015.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

40. Contract with California Dept. of Aging for Senior Service Programs in the amount of \$250,130 for the period of July 1, 2013 through September 20, 2013; and adopt resolution.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

41. Contract with California Dept. of Aging for Senior Service Programs in the amount of \$637,409 for the period October 1, 2013 through June 30, 2014; and authorize Chairman to sign forms CDA1024 and CCC307; and adopt resolution.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

42. Contract with California Dept. of Aging for Health Insurance Counseling Advocacy services; authorize Chairman to sign form CDA1024; and adopt resolution.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

43. Contract with Central California Legal Services Inc. for a Senior Legal Assistance Program.
APPROVED AS RECOMMENDED **AYES: ALL**
44. Contract with Merced County Office of Education to provide a camping trip for foster youth.
APPROVED AS RECOMMENDED **AYES: ALL**

HEALTH

45. Contract with California Dept. of Public Health - Office of AIDS for administration of the AIDS Drug Assistance Program for the period of July 1, 2012 thru June 30, 2015; and adopt resolution.
ADOPTED RESOLUTION AS RECOMMENDED **AYES: ALL**
46. Contract with Public Health Institute-Berkeley Media Studies Group for communications training.
APPROVED AS RECOMMENDED **AYES: ALL**

MENTAL HEALTH

47. Contract with Aspiranet to provide specialty mental health services as part of the DoWith Program.
APPROVED AS RECOMMENDED **AYES: ALL**
48. Contract with Turning Point Community Programs for specialty mental health, employment and housing services under the Mental Health Services Act CARE Program.
APPROVED AS RECOMMENDED **AYES: ALL**
49. Contract with Community Action Agency for property management and operating service activities related to the implementation of Project Home Start.
APPROVED AS RECOMMENDED **AYES: ALL**
50. Contract with Sunbridge Harbor View Rehabilitation Center for Institute for Mental Disease services for youth clients.
APPROVED AS RECOMMENDED **AYES: ALL**
51. Contract with FCS, Inc. for psychiatric recruitment services.
APPROVED AS RECOMMENDED **AYES: ALL**
52. Contract with Bayfront Youth & Family Services for the provision of specialty mental health services.
APPROVED AS RECOMMENDED **AYES: ALL**

WORKFORCE INVESTMENT

53. Approve the new Five Year Plan for consistency with the State plan and a projection of participants to be served as Adults, Dislocated Workers, and Youth under the Workforce Investment Act Program; and authorize Chairman to sign Plan.
APPROVED AS RECOMMENDED **AYES: ALL**
54. Accept Subgrant K491027 initiating Program Year 2013/2014 providing Workforce Investment Act Youth formula funds in the amount of \$1,203,175 under grant code 301 for employment-related activities.
APPROVED AS RECOMMENDED **AYES: ALL**

SHERIFF

55. Authorize the Sheriff to electronically submit the application for the 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) through the Internet based grant management system in the amount of \$36,363 to fund the "Water Rescue/Dive Recovery Safety Project"; and return to the Board for acceptance if awarded.

APPROVED AS RECOMMENDED AYES: ALL

PROBATION

56. Authorize preparation and release of a Request for Proposal for securing the services of a qualified contractor to provide a Warrant Reduction Advocates Program (WRAP) to adult clients and return to the Board for contract approval.

APPROVED AS RECOMMENDED AYES: ALL

57. Authorize proclamation proclaiming July 21-27, 2013 as Probation Services Week in Merced County.

APPROVED AS RECOMMENDED AYES: ALL

FIRE

58. Contract with Newman City Fire Dept. for Automatic Aid Agreement.

APPROVED AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER

59. Contract with West Stanislaus County Fire Protection District for Automatic Aid Agreement.

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

60. Rescind the action of June 4, 2013, and authorize \$1,500 of District One's Special Board Project Funds to be forwarded to the Boys and Girls Clubs of Merced County in Support of the Lifeline 4 Healing project.

APPROVED AS RECOMMENDED AYES: ALL

61. Authorize \$1,000 of District Three's Special Board Project Funds to be forwarded to the Merced County Farm Bureau to support the 2nd Annual Farm 2 U Day event to be held October 17, 2013.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

62. Mental Health Advisory Board - Reappoint Kim Carter until June 30, 2016.

APPROVED AS RECOMMENDED AYES: ALL

63. Advisory Board on Alcohol and Other Drug Problems - Reappoint Susan Briggs representing District Two, until June 30, 2017.

APPROVED AS RECOMMENDED AYES: ALL

64. Assessment Appeals Board - Appoint Bill Spriggs as the Alternate Appraiser, until September 4, 2015.

APPROVED AS RECOMMENDED AYES: ALL

65. May Day Fair Board - Reappoint Brett Silva, Larry Bergman and Paul Parreira representing District 5, until July 1, 2017.

APPROVED AS RECOMMENDED AYES: ALL

66. East Merced Resource Conservation District - Appoint Richard Jantz until January 28, 2017.

APPROVED AS RECOMMENDED AYES: ALL

67. Los Banos Cemetery District - Reappoint Toni Russell and Geri Alves, until June 7, 2017.

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE

AYES: ALL

68. Community and Economic Development re: Facility Use Agreement issued to Moore's Karate for Moore's Karate Camp 2013 held May 17, 18 & 19, 2013.
69. Community and Economic Development re: Facility Use Agreement issued to Central California Conference Pathfinder Bike-a-Thon held on April 26-28, 2013.
70. Dept. of Administrative Services re: Purchase of Material Handling Equipment to support the new Records Storage Warehouse from Grainger, Inc.
71. Merced County Mosquito Abatement Dist. re: Manager's Report for May 2013.
72. State Board of Equalization re: County Assessment Appeals Filing Period for 2013.
73. Dept. of Fish and Wildlife re: Notice of Proposed Rulemaking for new regulations for the practice of falconry.
74. Fish and Game Commission re: Notice of Proposed Regulatory action relative to sections 300 and 313, Title 14, California Code of Regulations, relating to upland game bird hunting, which was published in the California Regulatory Notice Register on June 21, 2013.
75. Fish and Game Commission re: Notice of Proposed Regulatory action relative to sections 502 and 510, Title 14, California Code of Regulations, relating to waterfowl hunting, which was published in the California Regulatory Notice Register on June 21, 2013.
76. Fish and Game Commission re: Notice of Proposed Regulatory action relative to sections 163 and 164, Title 14, California Code of Regulations, relating to the commercial herring fishery, which was published in the California Regulatory Notice Register on June 21, 2013.

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 GUADALUPE DE VILLARREAL, RICHARD STEVERSON, WILMA NUNES, LIA MILLER, ANNIS STOUT, AND ALVIN MARQUES AND ADJOURNED THE MEETING UNTIL TUESDAY, JULY 30, 2013, AT 10:00 A.M.