



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, JULY 30, 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

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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): Children and Families Commission of Fresno County, et al. v. Edmund G. Brown, Jr., et al., Appellate Case No. F066233.

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

PRESENTATIONS

1) Department of Water Resources - SB 1278 Flood Mapping
Paul Marshall, Department of Water Resources Assistant Division Chief, provides the Board with a powerpoint presentation on Flood Mapping.

2) Child Support Services - Child Support Awareness Month
Child Support Services Director Sharon Wardale-Trejo provides the Board with a powerpoint presentation on The Benefits of Child Support.

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 21)

PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE

To consider ordinance amending Ordinance No. 1894 and Chapter 5.64 of the Merced County code entitled "County Service Area Number One User Charge Rates for Zones of Benefit.

RECOMMENDATION: 1) Open Public Hearing; 2) Waive further reading; 3) Receive testimony; 4) Close Public Hearing; and 5) Adopt Ordinance.

REVIEW BOARD ORDER

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-21)

APPROVED AS RECOMMENDED AYES: ALL

Ag. Commissioner

1. Approve and authorize the Chairman to sign Renewal Contract No. 2004082 with Calif. Dept. of Food and Ag. for Organic Producer Registration and Inspection; and adopt Resolution.

ADOPTED RESOLUTION

2. Approve and authorize the Chairman to sign Renewal Contract No. 2007246 with Calif. Dept. of Food and Ag. for Nursery Stock Inspection Activities at County nursery locations; and adopt Resolution.

ADOPTED RESOLUTION

3. Approve and authorize the Chairman to sign Renewal Contract No. 2004260 with Calif. Dept. of Food and Ag. for Egg Quality Control Program Inspections; and adopt Resolution.

ADOPTED RESOLUTION

Health

4. Approve and authorize the Chairman to sign Renewal Contract No. 2007230 with Calif. Dept. of Public Health - Tuberculosis Control Branch for acceptance of the Tuberculosis Subvention grant award totaling \$38,431.

5. Approve and authorize the Chairman to sign Renewal Contract No. 2008135 and Certification with Calif. Dept. of Health Services for Medi-Cal Administration Activities (MAA) associated with the administration of the Medi-Cal Program; and adopt Resolution.

ADOPTED RESOLUTION

6. Approve and authorize the Chairman to sign Renewal Contract No. 2008298 with Paperless Knowledge, Inc. for software to track staff time associated with program.

PULLED FROM AGENDA – NO ACTION TAKEN

7. Set a Beilenson Hearing for August 27, 2013 for the proposed elimination of Family Planning and Sexually Transmitted Disease Clinic Services as required by California Health and Safety Code section 1442.5.

Mental Health

8. Approve and authorize the Chairman to sign Amendment Contract No. 2012126 with Merced Drug for Pharmacy Services.

Community and Economic Development

9. Approve and authorize the Chairman to sign Amendment Contract No. 2008029 with Hunt's Water Services extending the expiration date to September 30, 2013 for Community Water System Management and Maintenance.

District Attorney

10. Approve and authorize the Chairman to sign Renewal Contract No. 2006234 for participation in the Automobile Insurance Fraud Program and to receive grant funds in the amount of \$93,327 for fiscal year 2013/2014; and adopt Resolution.

ADOPTED RESOLUTION

Executive Office

11. Approve and authorize the Chairman to sign Renewal Contract No. 2004144 with The Standard Insurance Group for Group Life and Employee Voluntary Term Life insurance.
12. Approve and authorize the Chairman to sign Renewal Contract No. 2007201 with The Standard Insurance Company for Management Short-Term and Long-Term Disability.
13. Set first reading for August 13, 2013 at 10:00 a.m. for a proposed ordinance entitled "Regulation of Medical Marijuana Cultivation" and a second reading and possible adoption of the proposed ordinance for September 10, 2013 at 10:00 a.m. to add Chapter 9.29 to Title 9 of the Merced County Code.

Board Recognition

14. Authorize Certificate or Recognition to Stevinson Pentecost Association in support of their annual religious parade.
15. Authorize Certificate of Recognition to Dolores Mello for 22 years of dedicated service to the District Attorney's Office.
16. Authorize Certificates of Recognition to the following individuals honored by Merced Lao Family Community, Inc. for contributions to the Southeast Asian Immigrant community: Dr. Lesley Xiong, Paul Ge Yang, Seng Xiong, Dr. Lasley Xiong, and Dr. Nancy Xiong.
17. Authorize Certificates of Recognition in individuals selected by the Friends of the Public Defender as follows: John Garcia, Esq.,- Distinguished Alumni Award; Lifeline Community Development Corporation - Dedicated Service to the Communities of Merced County; and Darlene Wolfe - Professionalism and Respecting Human Dignity Award.
18. Authorize Certificates of Recognition to the following individuals selected by the Father of the Year Committee as Essay Contest Winners as follows: Winners - Matthew Dillsaver, Klarissa Painter, Zaynab Quazi, Jae'la Bates, Susana C. Grijalva, Beckham Gleason, Karlee Hobbs, Jessica Cabral, Julienne Silveira, Leila Melgar, Michael Hernandez, and Taylor Brooks; 1st Runners Up - Leila Laranjo, Taylor Leeper, Nevaeh Howe, Alana Garcia, Sarah Barragan, Joseph Silveira, Carly Scheuerman, Bailey Malone, Jasmine Esquivel, Cristian Garnica, and Issac Samaniego; 2nd Runners Up - Benson Soares, Miles Stoddard, Breana Pulido, Emelia Madalag, Brianna Prince, Jesus Hernandez, Cynthia Macias, John Hagerman, Josh Bustamante, Nicholas Cano, and Lorena Gomez.
19. Authorize Certificate of Recognition to Timothy Gleason for being selected by the Father of the Year Committee as 2013 Father of the Year.

20. Authorize Certificates of Recognition to the following individuals for graduation from Leadership Merced Class 28 as follows: Rosa Barragan, Merced County Office of Education; Yolanda Campos, Merced County Office of Education; Steven Gale, APG Solar; Mayra Garcia, State Farm Insurance; Ronita Margain, Central California Alliance for Health; Jana Mowrer, Landy Care, Inc.; Lou Ohki, Boys and Girls Club of Merced County; Tracy Staiger, City of Merced; Kelly Turner-Phillips, Symple Equazion; and Tsia Xiong, Merced Organizing Project.
21. Authorize Certificates of Recognition to individuals for being selected by the Greater Merced Chamber of Commerce to receive awards as follows: Leah Fisher, Ambassador of the Year; Jana Mower, Volunteer of the Year; Kathy Wyman, Woman of the Year; David Melin, Man of the Year; Janice Rogge, Educator of the Year; Merced Fruit Barn, Small Business of the Year; Rabobank, Medium Business of the Year; Pacific Gas & Electric Co., Large Business of the Year; and United Way of Merced County, Non-Profit of the Year.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

22. Adopt modified Resolution revising Underground Utility District No. 10 map boundaries, and the times and dates of performance of work for the Underground Utility District No. 10 along Walnut Avenue in the community of Winton.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

23. Authorize the Chairman to sign the Letter of Intent to the Army Corps of Engineers requesting them to proceed with completion of Project Management Plan (PMP) and 905B Report for the Black Rascal Creek Flood Control Project at a cost of \$100,000.

APPROVED AS RECOMMENDED AYES: ALL

24. Contract with Dos Palos Lions Club to manage and maintain the Del Hale Community Recreation Building and the Softball Fields in O'Banion Park.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

25. Authorize Administrative Service Support Services, in conjunction with Human Services Agency to prepare and release a Request for Proposal for Mobile Grocery Services for the Supplemental Nutrition Assistance Program Education (SNAP-Ed) Get Fresh project, to select the most responsive provider for such services, and negotiate an agreement; and return to the Board with a negotiated Contract for final approval.

APPROVED AS RECOMMENDED AYES: ALL

HEALTH

26. Approve acceptance of the \$147,981 grant from the Blue Shield of California Foundation to support enrollment assistance related to the transition into Medi-Cal.

APPROVED AS RECOMMENDED AYES: ALL

27. Contract with Pacific Health Consulting Group to provide consulting services for related activities of the Blue Shield County Enrollment Assistance Grant.

APPROVED AS RECOMMENDED AYES: ALL

28. Contract with Golden Valley Health Centers to provide consulting services for related activities of the Blue Shield County Enrollment Assistance Grant.
APPROVED AS RECOMMENDED AYES: ALL

29. Contract with Dinger and Associates to provide consulting services for related activities of the Blue Shield County Enrollment Assistance Grant.
APPROVED AS RECOMMENDED AYES: ALL

MENTAL HEALTH

30. Contract with Mariposa County Behavioral Health and Recovery for the provision of inpatient services at the Marie Green Psychiatric Health Facility.
APPROVED AS RECOMMENDED AYES: ALL

31. Contract with Aegis Medical Systems, Inc. to provide Drug Medi-Cal outpatient narcotic treatment services.
APPROVED AS RECOMMENDED AYES: ALL

32. Contract with Guardco Security Services to incorporate and re-establish the terms and conditions of Fiscal Year 2012-2013 Contract No. 2012114 for security services at inpatient unit and other facilities.
APPROVED AS RECOMMENDED AYES: ALL

COMMUNITY AND ECONOMIC DEVELOPMENT

33. Adopt Resolution approving the fourth expansion of the Merced Regional Enterprise Zone boundaries in Merced County and contiguous boundaries in Madera County, subject to receipt of expansion approval from the cities of Atwater, Chowchilla, Dos Palos, Gustine, Livingston, Los Banos, Madera, Merced and the County of Madera.
ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL
REVIEW BOARD ORDER

34. Contract with Wright Solar Park LLC, applicant for the consultant ICF Jones & Stokes, Inc., to prepare the initial task of the Peer Review of the Environmental Impact Report, and include a contingency, for the Wright Solar Facility project (CUP12-017).
APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5
REVIEW BOARD ORDER

35. Contract with ICF Jones & Stokes, Inc. for the initial task of the Peer Review of the Environmental Impact Report, and include a contingency for the Wright Solar Facility project (CUP12-017).
APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5
REVIEW BOARD ORDER

36. Contract with Sun Harvest Solar, LLC, applicant for the consultant, EMC Planning Group, Inc., to prepare an Initial Study for the the Sun Harvest Dos Palos Y Solar Facility project (CUP13-009).
APPROVED AS RECOMMENDED AYES: ALL

37. Contract with EMC Planning Group, Inc. to prepare an Initial Study for the Sun Harvest Dos Palos Y Solar Facility project (CUP13-009).
APPROVED AS RECOMMENDED AYES: ALL

38. Contract with Chabin Concepts, Inc. for the period of August 1, 2013 through June 30, 2014 to develop a County-specific Economic Development Plan and Comprehensive Economic

Development Strategy (CEDs).

APPROVED AS RECOMMENDED AYES: ALL

FIRE

39. Authorize the Merced County Office of Emergency Services to apply for the California Governor's Office of Emergency Services FY13 Emergency Management Performance Grant (EMPG) in the amount of \$356,850; adopt Resolution authorizing OES to execute any actions necessary to obtain funding; and direct Fire Chief/OES Director or designee to return to the Board with results prior to accepting award.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

40. Authorize Merced County Office of Emergency Services to apply for the California Governor's Office of Emergency Services FY13 State Homeland Security Program (SHSP) for the Merced Operational Area in the amount of \$293,711; adopt Resolution authorizing OES to execute any actions necessary to obtain funding; and direct Fire Chief/Office of Emergency Services Director or designee to return to the Board with results and authorization prior to accepting award.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

DEPT. OF ADMINISTRATIVE SERVICES

41. Contract with Bear Data Systems to purchase the Public Safety Video Arraignment System utilizing the CMAS contract, for use by the Sheriff's Office; and authorize Director of Administrative Services to negotiate and sign a final Statement of Work.

APPROVED AS RECOMMENDED AYES: ALL

WORKFORCE INVESTMENT

42. Contract with Merced County Office of Education to provide Workforce Investment Act In-School youth services.

APPROVED AS RECOMMENDED AYES: ALL

43. Contract with Merced County Office of Education to provide Workforce Investment Act Out-of-School youth services.

APPROVED AS RECOMMENDED AYES: ALL

CHILD SUPPORT SERVICES

44. Authorize Proclamation for August 2013 as Child Support Awareness Month in Merced County; and authorize the Department to work in conjunction with the City of Merced Fire Department to display a banner over G Street between 19th and 20th Streets for one week starting August 12, 2013, as part of Child Support Awareness Month.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

45. Contract with Superior Court of California, County of Merced for Court Operations at Merced County Superior Court for Fiscal Year 2013/2014 through Fiscal Year 2015/2016.

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

46. Authorize \$1,000 of District One's Special Board Project Funds to be forwarded to the Boys and Girls Club to support the Adventure Risk Challenge Program that will provide a trip to

Yosemite National Park for Planada area youth.

APPROVED AS RECOMMENDED **AYES: ALL**

47. Authorize \$2,500 of District One's Special Board Project Funds to be forwarded to the Le Grand High School to assist with the cost to replace the softball field fence.

APPROVED AS RECOMMENDED **AYES: ALL**

48. Authorize up to \$236 from District Three's Special Board Project Funds to be paid to A & A Portables for rental of portable restrooms for the Junior Giants program.

APPROVED AS RECOMMENDED **AYES: ALL**

49. Authorize \$16,000 of District Four's Special Board Project Funds to be donated to the Snelling Community Hall and Building Foundation for new flooring and paint for the Old Snelling Courthouse restoration project.

APPROVED AS RECOMMENDED **AYES: ALL**

50. Authorize \$42,000 of District Five's Special Board Project Funds to be forwarded to Dos Palos Memorial Rural Health Clinic for HVAC at Skilled Nursing Facility.

APPROVED AS RECOMMENDED **AYES: ALL**

BOARD APPOINTMENTS

51. Merquin Cemetery District - Appoint Lloyd Vierra until June 10, 2017.

APPROVED AS RECOMMENDED **AYES: ALL**

52. Winton Cemetery District - Appoint JoAnn Machado to fill unexpired term until February 18, 2015.

APPROVED AS RECOMMENDED **AYES: ALL**

53. Winton Municipal Advisory Council - Appoint Diane Dixon until March 31, 2017.

APPROVED AS RECOMMENDED **AYES: ALL**

54. Los Banos Cemetery District - Appoint Pat Gallichio, effective August 5, 2013, to fill an unexpired term until June 7, 2015.

APPROVED AS RECOMMENDED **AYES: ALL**

55. Local Agency Formation Commission (LAFCO) - Appoint a Board Member to serve a four-year term as a member of LAFCO Commission, until May 7, 2017.

APPROVED AS RECOMMENDED **AYES: ALL**

REVIEW BOARD ORDER

BOARD INFORMATION & POSSIBLE ACTION

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

56. Community & Economic Development re: Lease agreement issued to Bess Testlabs, Inc. for Building 88 (approximately 2,290 sq. ft.) and 1.05 acres of land located at Castle Commerce Center.

CONTRACT

57. Community & Economic Development re: Special Event Facility Use agreement issued to Atwater 4th of July Committee, Inc. for a concert and fireworks show held July 4, 2013 at Castle Commerce Center.

CONTRACT

58. Community & Economic Development re: Facility Use agreement issued to Pacific Gas & Electric Co. for a Safety Driving Rodeo held on May 21, 2013.

CONTRACT

59. Public Works re: Contract No. 2013020 awarded to Granite Construction of Sacramento, Calif. in the amount of \$33,819,571.91 for the Atwater-Merced Expressway (AME) project.
60. Dept. of Fish and Game re: Notice of Proposed Rulemaking (OAL File Number Z-2013-0611-08) regarding Commercial Herring Regulations, which was published in the California Regulatory Notice of Register on June 21, 2013.
61. Dept. of Fish and Wildlife re: Notice of Proposed Rulemaking and Public Hearing set for September 19, 2013, at 1416 9th Street, Sacramento, CA, at 1:30 P.M. concerning Section 251.4, Title 1, CCR (Mountain Lion Possession Permit).
62. MBK Engineers re: Merced Irrigation District Petition for Change Involving Water Transfer under License 2685, Application 1224 (San Luis Water District and Westlands Water District).
63. MBK Engineers re: Merced Irrigation District Petition for Change Involving Water Transfer under License 2685, Application 1224 (East Bear Creek Unit of the San Luis National Wildlife Refuge Complex).
64. Governor's Office of Emergency Services re: U.S. Dept. of Agriculture granted a Secretarial disaster designation for the primary counties of Mariposa, Merced, San Benito, Stanislaus, Tuolumne, and the contiguous counties of Alameda, Alpine, Calaveras, Fresno, Madera, Mono, Monterey, San Joaquin, Santa Clara, and Santa Cruz due to drought severity.
65. Governor's Office of Emergency Services re: U.S. Small Business Administration declared the primary counties of Mariposa, Merced, San Benito, Stanislaus, Tuolumne, and the contiguous counties of Alameda, Alpine, Calaveras, Fresno, Madera, Mono, Monterey, San Joaquin, Santa Clara, and Santa Cruz a disaster area due to drought severity.

THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF STANLEY MUMBY, CHARLES PAFFORD, CHARLES ZUSPAN, THOMAS WILIAMS, USBALDO CAMPOS, WILLIAM SNFORD, AND THEODORE PLETT AND ADJOURNED THE MEETING UNTIL TUESDAY, AUGUST 13, 2013, AT 10:00 A.M.