

# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

### Regular Meeting

**TUESDAY, AUGUST 13, 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](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 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 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-Community and Economic Development pursuant to Government Code Section 54956.8 as follows:

Property: Castle Property - Non Airport Parcel

Agency Negotiator: Mark Hendrickson, Community and Economic Development Director

Under negotiations: Approximately 50 Acres

**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:** UC Merced 2020 Project

UC Merced Chancellor Dorothy Leland, UC Merced Provost Tom Peterson, and UC Merced Vice Chancellor for Planning and Budget Dan Feitelberg provide the Board with a powerpoint presentation on the UC Merced 2020 Project.

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 11)**

#### **AGRICULTURAL COMMISSIONER - PUBLIC HEARING**

To consider Resolution amending the Merced County Department of Agriculture's Master Fee Resolution 2004-150.

**RECOMMENDATION:** 1) Open Public Hearing; 2) Receive testimony; 3) Close Public Hearing; 4) Adopt Resolution.

**REVIEW BOARD ORDER**

**AGRICULTURAL COMMISSIONER - PUBLIC HEARING - PROPOSED ORDINANCE**

To consider ordinance amending Ordinance No. 1775 and Chapter 6.58; (amends Section 6.58.040 and deletes Section 6.58.045) of the Merced County Code entitled "An Ordinance to Set Device Registration Fees Which May be Charged by the County Sealer and Weights and Measures in Accordance with State Law."

**RECOMMENDATION:** 1) Introduce Proposed Ordinance to Amend Chapter 6.58 of the Merced County Code entitled "An Ordinance to Set Device Registration Fees Which May be Charged by the County Sealer and Weights and Measures in Accordance with State Law." 2) Waive Further Reading; 3) Open Public Hearing and accept public comments; 4) Close Public Hearing; and 5) Adopt Ordinance.

**REVIEW BOARD ORDER**

**SHERIFF/COUNTY EXECUTIVE OFFICE - PUBLIC HEARING - PROPOSED ORDINANCE, FIRST READING**

To consider proposed ordinance entitled "Regulation of Medical Marijuana Cultivation" to add Chapter 9.29 to Title 9 of the Merced County Code.

**RECOMMENDATION:** 1) Introduce and conduct First Reading of Proposed Ordinance to add Chapter 9.29 to Title 9 of the Merced County Code entitled "Regulation of Medical Marijuana Cultivation." 2) Waive Further Reading; 3) Open Public Hearing and accept public comments; 4) Close Public Hearing and set second reading and possible adoption of Ordinance for September 10, 2013, at 10 a.m.

**REVIEW BOARD ORDER**

**REPORTS/BOARD DIRECTION**

County Executive Officer, County Counsel, Board of Supervisors Members

**CONSENT CALENDAR (Items # 1-11)**

**APPROVED AS RECOMMENDED AYES: ALL**

Public Works

1. Approve and authorize the Chairman to sign Amendment Contract No. 2011221 with Malm Fagundes, LLP for legal services related to the Campus Parkway right-of-way acquisition.

Human Services Agency

2. Approve and authorize the Chairman to sign Amendment Contract No. 2009119 with Airport Warehouse Rentals for Grogan Avenue storage space to add one storage unit to the lease.

Ag Commissioner

3. Approve and authorize the Chairman to sign Renewal Contract No. 200256 with California Department of Food and Agriculture (CDFA) to maintain records on permanent plantings of

tree and vine crops; and adopt Resolution.

**ADOPTED RESOLUTION**

District Attorney

4. Approve the District Attorney's participation in the Victim Witness Assistance Program (Renewal Contract No. 2007148); authorize the District Attorney to apply for continued grant funding for FY 13/14 in the amount of \$198,168; authorize the District Attorney to sign the Grant Award Agreement; authorize the Chairman to sign the Certifications of Assurance of Compliance; and adopt Resolution.

**ADOPTED RESOLUTION**

Probation

5. Approve and authorize Chairman to sign Renewal Interdepartmental Agreement No. 2004261 with Merced County Sheriff's Department to provide meals and laundry services to the Iris Garrett Juvenile Justice Correctional Complex.

Sheriff

6. Approve and authorize the Chairman to sign Renewal Contract No. 2005239 with United States Department of Justice for Federal Equitable Sharing Agreement and Certification for the Federal Forfeiture Program.

County Executive Office

7. Act on Claims for Damages received from Maryann Houlihan, Eugene Forte, Natalie Vazquez, Rachel Bruce/Funch, Leonard Jones, Noah Ruiz, and Suzanne Swett.

Board Recognition

8. Authorize Certificate of Recognition to Mr. and Mrs. Anthony Abbate in honor and celebration of their 50th Wedding Anniversary.
9. Authorize Certificate of Recognition to Big 5 Sporting Goods for Ribbon Cutting and Open House.
10. Authorize Certificate of Recognition to Assemblymember Adam Gray in honor of 1st Annual Merced District Office Open House.
11. Authorize Certificate of Recognition to Castle Family Health Centers for 6th Annual Summer Family Health Festival.

**REGULAR CALENDAR**

**BOARD ACTION**

HUMAN SERVICES AGENCY

12. Declare approximately 96 textbooks (provided for CalWORKs clients for various fields of study at Merced College) as County surplus and authorize the books to be donated to the Merced College Department of Anthropology to help fund future digs through book sales.

**APPROVED AS RECOMMENDED AYES: ALL**

13. Contract with California Department of Health Care Services (DHCS) for Medi-Cal Data Privacy and Security.

**APPROVED AS RECOMMENDED AYES: ALL**

## MENTAL HEALTH

14. Contract with Merced City School District for educational program services for students referred to Merced County Mental Health's Alcohol and Drug Services' adolescent program.  
**APPROVED AS RECOMMENDED      AYES: ALL**
15. Contract with Nevada County Behavioral Health Department for the provisions of inpatient services at the Marie Green Psychiatric Health Facility.  
**APPROVED AS RECOMMENDED      AYES: ALL**
16. Contract with County of Humboldt through its Department of Health and Human Services, Mental Health Branch, for use of its Northern California Regional Facility (NCRF), New Horizons Program for mental health treatment services of Juvenile Court Wards.  
**APPROVED AS RECOMMENDED      AYES: ALL**
17. Contract with Merced County Association of Governments for coordination of the Continuum of Care Homeless Project.  
**APPROVED AS RECOMMENDED      AYES: ALL**
18. Authorize Mental Health to electronically submit a grant application for the Basic Center Program grant to the U.S. Department of Health & Human Services, Administration for Children and Families, to provide shelter and services to runaway and homeless youth in Merced County; and if the grant is awarded, return to the Board for acceptance.  
**APPROVED AS RECOMMENDED      AYES: ALL**

## COMMUNITY AND ECONOMIC DEVELOPMENT

19. Contract with Global Logistics Development (GLD) Partners, LLC to develop a market analysis for Castle Airport/Commerce Center.  
**APPROVED AS RECOMMENDED      AYES: ALL**

## ELECTIONS

20. Approve the consolidation of the following Election Entities and associated Measures with the November 5, 2013, UDEL Election: City of Dos Palos, City of Merced, City of Los Banos, Turlock Unified School District, Delhi County Water, Central California Irrigation District, Turlock Irrigation District, and Celeste County Water District.  
**APPROVED AS RECOMMENDED      AYES: ALL**

## EXECUTIVE OFFICE

21. Approve and authorize the Board Chair to execute the Property Tax Administration Fee Settlement Agreement with the City of Gustine for reimbursement of administration fees.  
**APPROVED AS RECOMMENDED      AYES: ALL**
22. Approve a revision to the 2013 Board Meeting Calendar rescheduling the September 24, 2013 Board Meeting for Tuesday, September 17, 2013.  
**APPROVED AS RECOMMENDED      AYES: ALL**

## BOARD OF SUPERVISORS

23. Authorize Special Board Project Funds-District Four in the amount of \$1,000 to be forwarded to the San Joaquin Valley Housing Collaborative to support the Affordable Housing Summit.  
**APPROVED AS RECOMMENDED      AYES: ALL**

## BOARD APPOINTMENTS

24. Appoint Patti Kishi to serve as a member of the Merced County Local Child Care and Development Planning Council as a Child Care Provider representative until June 30, 2014.

**APPROVED AS RECOMMENDED AYES: ALL**

25. Appoint Bart Ramirez to serve as a member of the Le Grand Recreation Committee, representing Plainsburg Elementary, until December 1, 2017.

**APPROVED AS RECOMMENDED AYES: ALL**

26. Appoint Terry Nichols to serve until June 30, 2016, as "One Stop Partners/State Dept. of Rehabilitation; and Brooks Lockhart to serve until June 30, 2017, as "One Stop Partners/Native American Programs" on the Workforce Investment Board.

**APPROVED AS RECOMMENDED AYES: ALL**

27. Appoint Stephanie Dietz to serve on the Underground Utility District Review Committee to serve at the Pleasure of the Board.

**APPROVED AS RECOMMENDED AYES: ALL**

28. Appoint Albert Catrina to serve as a member of the Dos Palos Cemetery District until February 4, 2015; and reappoint Gil Arena until February 4, 2014, Thomas Pigg until February 4, 2015; and Alfred Gamboni until February 4, 2017.

**APPROVED AS RECOMMENDED AYES: ALL**

## **BOARD INFORMATION & POSSIBLE ACTION**

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

29. 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 Merced Irrigation District to San Luis Water District and Westlands Water District under License 2685 (Application 1224) in Merced County.
30. Fish and Game Commission re: Notice of proposed regulatory action relative to amending Sections 5.79 and 27.92, Title 14, California Code of Regulations, relating to White Sturgeon Report Card and Tagging Requirements, which are published in the California Regulatory Notice Register on August 26, 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 TIM FRANKS, WILLIAM STENBERG, PETER LOBUE, AND LORIS BRODDRICK AND ADJOURNED THE MEETING UNTIL TUESDAY, AUGUST 27, 2013, AT 10:00 A.M.**