



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, OCTOBER 08, 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) Thiara, et al. v. County of Merced, Merced Superior Court Case No. CV001991; 2) County of Merced v. Khatra, et al. Merced Superior Court Case No. CVM014578

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION: It is the intention of the Board to meet in Closed Session concerning Initiation of Litigation pursuant to Government Code Section 54956.9(d)(4): one case

The Board unanimously approved and authorized the County Counsel to take such actions as County Counsel deems necessary to protect the County's interests via the prosecution of the case generally styled as County of Merced v. Hovnanian Forecast Homes, Inc., K. Hovnanian at Santa Nella, LLC; Arch Insurance Co. DOES, and related matters and authorized the chair to sign contracts consistent therewith.

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

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 12)

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-12)

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

Ag. Commissioner

1. Approve and authorize the Chairman to sign Renewal Contract No. 2009259 with the California Dept. of Food and Ag. for Quarterly Federal Egg Quality Control Surveillance Inspections.

Health

2. Set Public Hearing at 10:00 a.m. on October 22, 2013 for a First Reading of an Ordinance "To Establish Ambulance Service Planning and Response Area to include provisions or Ambulance Services Licensing and Operations, Convalescent Transport Provider Licensing and Operations and an Ambulance Review Board" (Repealing and reinstating with modifications Ordinance No. 1656 and Chapter 9.44 of the Merced County Code); and set a second reading and possible adoption for November 5, 2013 at 10:00 a.m.

Human Services Agency

3. PULLED

District Attorney

4. Approve the District Attorney to submit grant application Renewal Contract No. 2011049 for Unserved/Underserved Victim Advocacy and Outreach Program for FY 13/14 for \$156,250; authorize the District Attorney to sign the Grant Award Agreement; authorize the Chairman to sign the Certification of Assurance of Compliance; and adopt resolution.

ADOPTED RESOLUTION

Treasurer/Tax Collector

5. Approve and authorize the Chairman to sign Amendment Contract No. 2013033 with Bid4Assets Inc. for internet auction services for all tax delinquent properties to be offered for sale at public auctions in the years 2014, 2015, 2016, 2017 and 2018.
6. Approve and authorize the Chairman to sign Amendment Contract No. 2011101A with Curative Title Solutions, Inc. to perform Parties of Interest research on all tax delinquent properties to be offered for sale at public auctions scheduled each September in 2014, 2015, 2016, 2017 and 2018.

Community & Economic Dev.

7. Set Public Hearing for November 5, 2013 at 10:00 a.m. to consider the appeal filed by the California Clean Energy Committee regarding the Planning Commission's approval of the Bob Borba Dairy Expansion Project (CUP12-002).

Executive Office

8. Approve travel request received from Public Health, Treasurer and Sheriff as recommended by Executive Office.
9. Act on Claims for Damages received from Steven Tapetillo, Bernice Traina, Francisco Valencia and Natalie Valencia as recommended by Risk Management and County Counsel.

BOARD RECOGNITION

10. Authorize Proclamation for the week of September 17 through 23, 2013 as "Constitution Week" in Merced County.
11. Authorize Certificate of Recognition to Laura Podolsky for 5 year anniversary as Director of the Local Government Commission's Healthy Communities Program.
12. Authorize Certificates of Recognition to Macy Gomes- Miss Dos Palos 2012, Leyla Cervera- Miss Pre-Teen Dos Palos 2012, Genesis Malfabon-Little Miss Dos Palos 2012, and Alyssa Spindler-Tiny Miss Dos Palos 2012.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

13. Declare one pickup truck, Vehicle #61036, County Property #050744, as surplus property and donate the vehicle to the Los Banos Cemetery District as authorized by Government Code Section 25372.

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

14. Approve the submission of an application to the California Board of State and Community Corrections for Lease Revenue Bond funds to build a 432 bed housing unit, and associated remodeling of the John Latorraca Correctional Center, located on Sandy Mush Road; authorize the Chairman of the Board to sign the proposal application and any related agreements; adopt submitted resolution; and direct Public Works to return to the Board with the results of the proposal application for further direction.

ADOPTED RESOLUTION AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

15. Approve the Project Study Report (PSR) for State Route 165 between State Route 99 and State Route 140.

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

16. Approve the Plans and Specifications for the Re-Roof of the Winton Picnic Shelter Project; authorize the Director of Public Works to combine this project with the Veterans Cove and Fleet Service Station Re-Roof projects to achieve administrative and construction cost savings; authorize Public Works to advertise said plans and specifications for a Public Bid Opening; authorize the Director of Public Works to award a Construction Contract to the lowest responsible bidder provided the bid is within the established budget; authorize the Chairman of the Board to sign the Construction Contract after review of Public Works and County Counsel; and direct Public Works to return to the Board with an informational item disclosing all actions taken.

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

COMMUNITY & ECONOMIC DEV.

17. Contract with Dan and Brian Andersen for the consultant, Environmental Planning Partners, Inc. to prepare an Initial Study and Health Risk Assessment for the Andersen Nut Processing Facility project (GPA13-001/ZC13-002/AA13-029).

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

18. Contract with Environmental Planning Partners, Inc. to prepare an Initial Study and Health Risk Assessment for the Andersen Nut Processing Facility project (GPA13-001/ZC13-

002/AA13-029); and approve the related budget transfer. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

MENTAL HEALTH

19. Proclaim the week of October 23-31, 2013, as Red Ribbon Celebration Week in Merced County; and authorize and encourage all County departments and employees to wear red ribbons and to display red ribbons on County buildings and vehicles during that week.

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

20. Contract with John M. Yarbrough, M.D., M.B.A. - Psychiatrist for the provision of child psychiatric services one day per week for the period of October 8, 2013 through June 30, 2014; return to the Board for further action once the vacant Staff Psychiatrist position is filled; and approve the related budget transfer.

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

21. Contract with Mayurkumar Ambubhai Amin, M.D. - Psychiatrist for the provision of psychiatric services at the Marie Green Psychiatric Unit for one weekend per month for the period of October 1, 2013 through June 30, 2014; and approve the related budget transfer.

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

22. Contract with LocumTenens.com, LLC for the placement of licensed psychiatrist(s) on a limited basis for the period of October 8, 2013 through June 30, 2014; and return to the Board for further action once the vacant Staff Psychiatrist positions are filled.

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

HUMAN SERVICES AGENCY

23. 1) Authorize the addition of one (1) full-time C-IV Program Analyst position, classification 7697 to Budget Unit 50012. The selected employee will retain rights to return to a similar position as that held prior to the C-IV assignment; 2) approve the amendments to the Position Allocation Resolution; 3) and approve the related budget transfer. (4/5 Vote Required)

ADOPTED RESOLUTION AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

24. Approve County of Merced's sponsorship of the 2013 Veterans Day Parade to be held on November 11, 2013; authorize Risk Management to secure Special Event Insurance naming the City of Merced as additional insured for event; authorize Chairman to sign the Street Closure Application; and approve the submission of the Street Closure Application.

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

AUDITOR

25. Approve a Cash Flow Loan to Snelling Cemetery District for up to \$12,000 from the Special District Augmentation Loan Fund to assist with paying for a new well; and authorize \$6,000 from District Four Special Board Project Funds to be forwarded to the Snelling Cemetery District to assist with the well project.

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

CHILD SUPPORT SERVICES

26. Authorize the Child Support Services Agency to establish a Petty Cash Fund for a total of \$10.00; and authorize the Auditor Controller's Office to facilitate the necessary fund transfer.

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

SHERIFF

27. Approve the acceptance of funding from the U.S. Department of Justice under the 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) program in the amount of \$36,363 to purchase safety equipment necessary to make the replacement Sheriff's patrol boat fully equipped for patrol, rescue and dive operations; authorize the Sheriff or his designee to sign the associated grant award documents; and approve the necessary budget transfer. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

PROBATION

28. Approve the progress report for the Juvenile Justice Crime Prevention Act for Fiscal Year 2012/2013 and authorize the Chief Probation Officer to submit said report to the Board of State and Community Corrections.

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

HUMAN RESOURCES

29. Grant registration of the Merced County Sheriff Correction Officers Association (MCSCOA) as an employee organization at Merced County and adopt resolution.

ADOPTED RESOLUTION AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

EXECUTIVE OFFICE

30. Designate Scott DeMoss as Acting Director of Mental Health and Merced County Public Guardian/Conservator effective immediately.

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

BOARD OF SUPERVISORS

31. Authorize \$5,900 of District Two's Special Board Project Funds to be forwarded to the Merced County Rescue Mission to purchase a commercial washer and dryer to be used to assist the homeless with washing their clothes and blankets.

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

32. Authorize \$16,000 of District Two's Special Board Project Funds to be forwarded to the Merced Theater Foundation for assistance with purchasing professional sound equipment for the historic Merced Theater.

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

33. Authorize \$500 from District Two's Special Board Project Funds to be forwarded to the MCOE Foundation to support the 2nd Annual Farm 2 U Day event to be held October 17, 2013.

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

34. Authorize \$500 of District Four's Special Board Project Funds to be forwarded to Winfield Elementary School to provide an opportunity for elementary age children to attend the Farm 2 U Day event.

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

BOARD APPOINTMENTS

35. Reappoint Supervisor Deidre F. Kelsey to serve as a member of the Merced County Employees Retirement Board until July 1, 2016.
APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5
36. Reappoint Robert Haden to serve as a member of the Assessment Appeals Board, representing Attorney category until September 4, 2016.
APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5
37. Appoint William Hamilton, representing District Two, to serve as a member of the Advisory Board on Alcohol and Other Drug Problems, filling an unexpired term until June 30, 2015.
APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5
38. Appoint Anna Moreno to serve on the Merced County Local Child Care and Development Planning Council, representing Discretionary Public Member until June 1, 2015.
APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5
39. Reappoint Frank Muratore to serve as a member of the Merced Cemetery District until August 16, 2017.
APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5
40. Reappoint David Pruitt, Aldo Sansoni, Cannon Michael and David Carlucci to serve as members of the Henry Miller Reclamation District until November 3, 2017.
APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5
41. Request the Board to select the California State Association of Counties (CSAC) Board of Directors Member and Alternate Representative for Merced County for 2014.
APPROVED AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5
REVIEW BOARD ORDER

BOARD INFORMATION & POSSIBLE ACTION

- ACCEPTED AND PLACED ON FILE AYES: 1, 2, 3, 4 NOT PRESENT: 5**
42. Mental Health Department re: The Mental Health Board's Annual Report for Fiscal Year 2012-2013.
43. Law Library Board of Trustees re: 2012-2013 Annual Report pursuant to Business and Professions Code 6349.
44. Merced County Mosquito Abatement District re: Manager's Report for August 2013.
45. Central Valley Regional Water Quality Control Board re: Notice of Public Workshops and California Environmental Quality Act Public Scoping Meetings October 2013.

THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF PAUL LEONARDO AND EVELYN ENOS AND ADJOURNED THE MEETING UNTIL TUESDAY, OCTOBER 22, 2013, AT 10:00 A.M.