

# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting  
TUESDAY, JANUARY 14, 2014  
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

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**

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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

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 - 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): California Clean Energy Committee v. County of Merced, Real Parties in Interest Bob Borba, aka Bobby Borba, an individual; Bob Borba Dairy, Merced Superior Court Case No. CVM017121

**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): One Case

**THE BOARD RECESSED AT 8:30 A.M. AND RECONVENED AT 10:00 A.M. WITH BOARD MEMBERS PEDROZO, WALSH, DAVIS, AND O'BANION PRESENT. COUNTY COUNSEL ADVISED THAT DIRECTION WAS PROVIDED TO COUNSEL WITH REGARD TO EXISTING LITIGATION, AND THE BOARD WILL RETURN TO CLOSED SESSION TO DISCUSS SIGNIFICANT EXPOSURE TO LITIGATION.**

**THE BOARD RECESSED AT 11:00 A.M. AND RECONVENED AT 11:15 A.M. WITH BOARD MEMBERS PEDROZO, WALSH, DAVIS, AND O'BANION PRESENT. THE CHAIRMAN ADVISED THAT SUPERVISOR KELSEY RECUSED HERSELF, AND DIRECTION WAS GIVEN TO STAFF WITH REGARD TO SIGNIFICANT EXPOSURE TO LITIGATION.**

**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**

**NOMINATION OF CHAIRMAN AND VICE CHAIRMAN FOR THE YEAR 2014.**

**THE BOARD NOMINATES SUPERVISOR O'BANION AS 2014 CHAIRMAN AND SUPERVISOR DAVIS AS 2014 VICE-CHAIRMAN**

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 8)**

**COMMUNITY AND ECONOMIC DEVELOPMENT - PUBLIC HEARING - TO BE CONTINUED TO JANUARY 28, 2014**

To consider the Planning Commission's recommended approval of Conditional Use Permit No. CUP10-012 - Vega Solar PV Project.

**Recommendation:** 1) Open Public Hearing and accept public comments; 2) Close Public Hearing; 3) Certify the Final Environmental Impact Report and adopt the CEQA Findings of Fact, including Table A; 4) Approve the Mitigation Monitoring and Reporting Program, approve Conditional Use Permit No. CUP10-012 based on the 10 findings and subject to the 13 conditions of approval and 27 mitigation measures; remove the project site from the Williamson Act Agricultural Preserve; and approve a Solar Benefits Agreement.

**CONTINUED TO JANUARY 28, 2014**  
**REVIEW BOARD ORDER – SEE PAGE 8**

**REPORTS/BOARD DIRECTION**

County Executive Officer, County Counsel, Board of Supervisors Members

**CONSENT CALENDAR (Items # 1-8)**

**APPROVED AS RECOMMENDED AYES: ALL**

**Health**

1. Approve and authorize Chairman to sign Renewal Contract No. 2012118 with California Department of Public Health for acceptance of MIECHV-CHVP funding for the California Home Visiting Program/Nurse Family Partnership for FY 13-14.
2. Approve and authorize Chairman to sign Renewal Contract No. 2007203 with the Maternal, Child and Adolescent Health program for acceptance of funding for the FY 13-14; and approve related Budget Transfer. (4/5 Vote Required)
3. Approve and authorize Chairman to sign Renewal Contract No. 2010234 with California Department of Public Health increasing the FY 13-14 Public Health Emergency Preparedness, Hospital Preparedness Program, and State General Fund Pandemic Influenza allocations; and approve related Budget Transfer. (4/5 Vote Required)

**Mental Health**

4. Approve and authorize Chairman to sign Amendment Contract No. 2011010 with Willow Glen Care Center for board and care services; and approve related Budget Transfer.
5. Approve and authorize Chairman to sign Amendment Contract No. 2012102 with BHC Heritage Oaks Hospital for inpatient services for Medi-Cal clients, updating the rates for 2013-2014.

6. Approve and authorize Chairman to sign Amendment Contract No. 2012103 with BHC Heritage Oaks Hospital for inpatient services for non-Medi-Cal clients, updating the rates for 2013-2014.
7. Approve and authorize Chairman to sign Amendment Contract No. 2012168 with Aegis Medical Systems to increase contract amount to pay for services provided; and approve related Budget Transfer.

Sheriff

8. Approve Budget Transfer in the amount of \$14,000 to extend the fiber optic computer lines.

REGULAR CALENDAR

BOARD ACTION

COMMUNITY & ECONOMIC DEVELOPMENT

9. Contract with Sierra Air Center Development for a lease agreement for Building 1319 and 18.78 acres at Castle Airport.

**AUTHORIZED CONTRACT NO. 2014002 AS RECOMMENDED AYES: ALL**

PUBLIC WORKS

10. Approve the 2012/13 Fiscal Year Annual Report for each impact fee fund.
11. Authorize Department of Public Works, in conjunction with Mental Health, to determine the feasibility of occupying a portion of the former Merced County Hospital at 301 East 13th Street; authorize the Director of Public Works to negotiate a design contract with Williams + Paddon Architects of Roseville, California, for a Needs Assessment, Preliminary Design and Cost Estimates for remodel project; and approve related Budget Transfer. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2014003 AS RECOMMENDED AYES: ALL**

12. Approve the Human Services Agency Cafeteria Flooring Replacement as a Capital Improvement Project; authorize the Department of Public Works to prepare plans and specifications; authorize the Director of Public Works to approve said plans and specifications on behalf of the Board; authorize the Department of Public Works to advertise said plans and specifications for a Public Bid Opening; authorize the Director of Public Works to award a contract provided said contract is within the established budget; authorize Chairman to execute said contract upon review of County Counsel; direct the Department of Public Works to return to the Board with an informational item describing all actions taken; and approve related Budget Transfer.

**AUTHORIZED CONTRACT NO. 2014004 AS RECOMMENDED AYES: ALL**

13. Approve the Human Services Agency storage shed as a Capital Improvement Project; authorize the Department of Public Works to prepare plans and specifications; authorize the Director of Public Works to approve said plans and specifications on behalf of the Board; authorize the Department of Public Works to advertise said plans and specifications for a Public Bid Opening; authorize the Director of Public Works to award a contract provided said contract is within the established budget; authorize Chairman to execute said contract upon review of County Counsel; direct the Department of Public Works to return to the Board with an informational item describing all actions taken; and approve related Budget

Transfer.

**AUTHORIZED CONTRACT NO. 2014005 AS RECOMMENDED AYES: ALL**

14. PULLED.

**HUMAN SERVICES AGENCY**

15. Approve acceptance of a California Endowment grant award to improve access and civic engagement opportunities in Southwest and East Merced County; and approve related Budget Transfer. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2014006 AS RECOMMENDED AYES: ALL**

**MENTAL HEALTH**

16. Authorize the Department of Mental Health to work with Department of Administrative Services to identify an alternative location to co-locate the Alcohol and Drug Services office; authorize the Director of Administrative Services to negotiate the best possible lease agreement on behalf of the County; and return to the Board with a lease agreement for approval and signature.

**APPROVED AS RECOMMENDED AYES: ALL**

17. Contract with Fresno County Department of Behavioral Health for the provision of inpatient services at the Marie Green Psychiatric Health Facility.

**AUTHORIZED CONTRACT NO. 2014007 AS RECOMMENDED AYES: ALL**

**HEALTH**

18. Contract with HealthReach for Medi-Cal Administrative Activities consultant services.

**AUTHORIZED CONTRACT NO. 2014001 AS RECOMMENDED AYES: ALL**

19. Adopt Resolution declaring the County Savings Determination process as the means for determining payments to the Family Support subaccount and authorize the Chairman to sign the AB 85 Final Resolution Form.

**ADOPTED RESOLUTION NO. 2014-01 AS RECOMMENDED AYES: ALL**

20. Approve submission of the Request for Application of the Reduce Tobacco-Related Inequities Interventions Grant #14-10010 Funding; and return to the Board for further direction if awarded.

**APPROVED AS RECOMMENDED AYES: ALL**

**WORKFORCE INVESTMENT**

21. Contract with Geographic Solutions for Virtual One Stop Subscription.

**AUTHORIZED CONTRACT NO. 2014008 AS RECOMMENDED AYES: ALL**

**HUMAN RESOURCES**

22. Confirm the results of Units 2 and 12 membership votes to be represented by Teamsters Local 856; and recognize Teamsters Local 856 as the exclusive Representative Bargaining Organization for Units 2 and 12 effective January 13, 2014.

**APPROVED AS RECOMMENDED AYES: ALL**

**COUNTY COUNSEL**

23. Authorize and direct the County Executive Office to take any and all action necessary to cause the deed of trust to be removed from the real property at 3841 La Cava Road in

Merced, and to disclaim any interest the County may have in such deed of trust.

**APPROVED AS RECOMMENDED AYES: ALL**

**RECORDER**

24. Approve the trade-in and replacement of a Map Scanner/Printer; authorize Administrative Services to issue a Purchase Order to Canon; authorize Auditor to remove fixed asset (Map Scanner/Printer) 28000-53179 from inventory; and approve related Budget Transfer. (4/5 Vote Required)

**APPROVED AS RECOMMENDED AYES: ALL**

**EXECUTIVE OFFICE**

25. Authorize the Clerk to sign the Certification Statement for the composition of the Merced County Local Child Care and Development Planning Council as required by the California Dept. of Education.

**APPROVED AS RECOMMENDED AYES: ALL**

**BOARD OF SUPERVISORS APPOINTMENTS**

26. Law Library Board of Trustees - Appoint Emily Haden, President of the Merced County Bar Association, as the Board of Supervisors' ex officio trustee in place of the County Board Chair; and Rick Marchini, Vice President of the Merced County Bar Association as an additional trustee to the Law Library Board of Trustees for 2014.

**APPROVED AS RECOMMENDED AYES: ALL**

27. Santa Cruz-Monterey-Merced Managed Medical Care Commission - Appoint Roger L. Fife, M.D., to the Santa Cruz-Monterey-Merced Managed Medical Care Committee representing Provider-At-Large, until April 22, 2015.

**APPROVED AS RECOMMENDED AYES: ALL**

28. Winton Municipal Advisory Council - Appoint Christina Raymer to serve as a member of the Winton Municipal Advisory Council until March 31, 2017.

**APPROVED AS RECOMMENDED AYES: ALL**

**BOARD OF SUPERVISORS**

29. Authorize \$5,000 of District Four's Special Board Project Funds to be forwarded to New Beginnings for Merced County Animals to assist with their spay and neuter program.

**APPROVED AS RECOMMENDED AYES: ALL**

**BOARD INFORMATION & POSSIBLE ACTION**

30. Public Works re: Contract No. 2013195 awarded to MPI Prime Construction, Inc., Visalia, California, in the amount of \$25,000 for the remodel of the medical area at John Latorraca Adult Correctional Facility.

**CONTRACT NO. 2013195**

31. Merced County Mosquito Abatement District re: November 2013 Manager's Report.

32. Central Valley Regional Water Quality Control Board re: Public Meeting Agenda for Thursday, January 16, 2014, at 5 p.m. at the Kettleman City Elementary School Cafeteria, 701 General Petroleum Avenue, Kettleman City, 93239.

33. California Fish and Game re: Notice of Findings regarding the Townsend's Big-Eared Bat which was published in the California Regulatory Notice Register on December 27, 2013.
34. California Fish and Game re: Notice of Findings regarding the American Pika which was published in the California Regulatory Notice Register on December 27, 2013.
35. California Fish and Game re: Notice of Findings regarding the Northern Spotted Owl which was published in the California Regulatory Notice Register on December 27, 2013.
36. Central Valley Regional Water Quality Control Board re: Notice of Public Hearing on March 27 and 28, 2014, at 8:30 a.m. at the Regional Water Quality Control Board Office, 11020 Sun Center Drive, Suite 200, Rancho Cordova, California, 95670, concerning amendments to the Water Quality Control Plan for the Tulare Lake Basin to edit and update language.

**THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF LIONEL BRAZIL, FRANK MELLO JR., NORMA BONG, AND TWANA KAE CLARK AND ADJOURNED THE MEETING UNTIL TUESDAY, JANUARY 28, 2014, AT 10:00 A.M.**

## **BOARD ORDERS – SUMMARY ACTION MINUTES – JANUARY 14, 2014**

### **10:00 A.M. SCHEDULED ITEM** **2014-01-14 PUBLIC OPPORTUNITY**

The following speak in favor of a raise in income for In-Home Supportive Services (IHSS) Providers: Edith Fandry, Merced resident; Diane Mejia, Merced UDWA volunteer; and Della Lindell, Hilmar resident.

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

### **10:00 A.M. SCHEDULED ITEM** **2014-01-14 COMMUNITY AND ECONOMIC DEVELOPMENT – PUBLIC HEARING**

The time and date previously set for a public hearing to consider the Planning Commission's recommended approval of Conditional use Permit No. CUP10-012 – Vega Solar PV Project.

Bill Nicholson, Assistant Director Community and Economic Development, states that this item was scheduled for a Public Hearing for today and it has been advertised and noticed; however minor changes were received from the applicant. He states that the minor changes need to be validated through additional analysis to make sure the environmental documents are modified accordingly. Mr. Nicholson requests that the Board continue the Public Hearing to January 28, 2014, at 10 a.m. He further requests that the Board open the Public Hearing to hear comments from anyone who has appeared to speak on this matter.

The Chairman opens the public hearing and asks if there is anyone present wishing to speak. No one speaks.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Davis, duly carried, the Board continues the Public Hearing to January 28, 2014, at 10 a.m.

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