

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, JUNE 17, 2014
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
DEIDRE F. KELSEY....DISTRICT 4
CHAIRMAN 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

Persons who require accommodation for any audio, visual or other disability in order to review an agenda, or to participate in a meeting of the Board of Supervisors per the American Disabilities Act (ADA), may obtain assistance by requesting such accommodation in writing addressed to the Clerk of the Board, 2222 M Street, Merced, CA 95340 or telephonically by calling (209) 385-7366. Any such request for accommodation should be made at least 48 hours prior to the scheduled meeting for which assistance is requested

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 THREE MINUTES PER PERSON**

**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 9:00 A.M. AND RECONVENED AT 10:00 A.M.
WITH SUPERVISOR O'BANION NOT PRESENT, AND THE CHAIRMAN
ADVISED STAFF WAS GIVEN DIRECTION**

**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 three minutes
per person)**

REVIEW BOARD ORDER – SEE PAGE 13

WATER UPDATE

REVIEW BOARD ORDER – SEE PAGES 13 AND 14

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 41)

PUBLIC HEARING:

COMMUNITY AND ECONOMIC DEVELOPMENT - PUBLIC HEARING

To consider construction of a 1.5 megawatt solar photovoltaic energy generating facility, the Sirius Solar project. The site is located on a 9.5 acre portion of two parcels totaling 23 acres by the applicant, Green Light Energy Corporation. The property is located on the northwest corner of Mission Avenue and Santa Fe Avenue in the Planada area. The project site is designated Agricultural land use in the General Plan and is zoned A-1 (General Agricultural).

RECOMMENDATION: 1) Open the public hearing; 2) Close the public hearing; 3) Adopt the Initial Study/Mitigated Negative Declaration for Conditional Use Permit CUP13-011, Green Light Energy Sirius Solar project in accordance with the CEQA Guidelines based on the CEQA findings in the Staff Reports; 4) Approve Conditional Use Permit No. CUP13-011, Green Light Energy Sirius Solar project located at the northwest corner of Mission Avenue and Santa Fe Avenue in the Planada area based on the 12 findings and subject to the 9 conditions of approval and 18 mitigation measures, approve the Mitigation Monitoring and Reporting program; and 5) Remove the project site from the Williamson Act Agricultural Preserve.

REVIEW BOARD ORDER – SEE PAGES 14, 15, AND 16

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

LUNCH BREAK

1:30 P.M.

FY 2014-2015 PROPOSED BUDGET (SEE SEPARATE AGENDA)

CONSENT CALENDAR (Items # 1-41)

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

Public Works

1. Adopt the resolution prohibiting the parking of vehicles that are six feet or more in height (including any load thereon) on the southwest side of Stephens Street from El Capitan Way for a distance of approximately 220' to the southeast (towards Delhi Avenue); and authorize Public Works to install "No Parking" signs.

ADOPTED RESOLUTION NO. 2014-56

Ag. Commissioner

2. Approve and authorize the Chairman to sign Renewal Contract No. 2013272 with Calif. Dept. of Parks and Recreation to provide Water Hyacinth control on the Merced and San Joaquin Rivers; and adopt resolution.

ADOPTED RESOLUTION NO. 2014-57

3. Approve and authorize the Chairman to sign Renewal Contract No. 2014013 with Calif. Dept. of Food and Ag. to conduct Weighmaster Enforcement inspections; and adopt resolution.

ADOPTED RESOLUTION NO. 2014-58

Health

4. Approve and authorize the Chairman to sign Renewal Contract No. 2014001 with HealthReach for Medi-Cal Administrative Activities consultant services.
5. Approve and authorize the Chairman to sign Renewal Contract No. 2013249 with Decade Software Company, LLC to include California Environmental Reporting System (CERS) Electronic Data Transfer (EDT).

6. Approve and authorize the Chairman to sign Amendment Contract No. 2012038 with Supplemental Health Care to increase funding for the California Children's Services - Medical Therapy Program in order to contract for occupational and physical therapy professionals to provide medical therapy services and review medical records for the issuance of authorizations.
7. Approve and authorize the Chairman to sign Amendment Contract No. 2000241 with Dignity Health, dba Mercy Medical Center approving the second settlement agreement and mutual release amending the Amended and Restated Operating Agreement, and authorizing the payment of \$568,648.00 for all services provided under the Operating Agreement for the period of January 1, 2013 through December 31, 2013.

Mental Health

8. Approve and authorize the Chairman to sign Renewal Contract No. 2012010 with Merced Community College District for California Association of Social Rehabilitation Agencies instructional courses.
9. Approve and authorize the Chairman to sign Addendum to Contract No. 2013117 for the 2013 Continuum of Care Program Grant with U.S. Dept. of Housing and Urban Development for Project Home Start; and return to the Board for any subsequent approval related actions necessary for implementation of the grant project.
10. Approve and authorize the Chairman to sign Amendment Contract No. 2011089 with 7th Avenue Center, LLC for client placement services; and approve the related budget transfer. (4/5 Vote Required)
11. Approve and authorize the Chairman to sign Amendment Contract No. 2013226 with Jackson & Coker LocumTenens, LLC for the placement of licensed psychiatrists on a limited basis; and return to the Board for further action once the vacant Staff Psychiatrist positions are filled.
12. Approve and authorize the Chairman to sign Amendment Contract No. 2013227 with Staff Care, Inc. for the placement of licensed psychiatrists on a limited basis; and return to the Board for further action once the vacant Staff Psychiatrist positions are filled.
13. Approve and authorize the Chairman to sign Amendment Contract No. 2011141 with RMC Homes Inc. for client placement services; and approve the related budget transfer. (4/5 Vote Required)
14. Approve and authorize the Chairman to sign Amendment Contract No. 2013187 with Merced County Association of Governments for coordination of the Continuum of Care Homeless Project.
15. Approve and authorize the Chairman to sign Amendment Contract No. 2010194 with Regents of the University of California for clinical learning experience for medical student interns from UC Davis.

Human Services Agency

16. Approve and authorize the Chairman to sign Renewal Contract No. 2009164 with University of California, Davis for Child Welfare Services training.
17. Approve and authorize the Chairman to sign Renewal Contract No. 2011067 with University of California, Davis for Staff Training and Development.

18. Approve and authorize the Chairman to sign Renewal Contract No. 2008164 with In-Home Supportive Services Public Authority for administration of In-Home Supportive Services and Public Authority services.
19. Approve and authorize the Chairman to sign Renewal of Interdepartmental Contract No. 2004213 with Public Health for Public Health Nurse for the Multipurpose Senior Services Program.
20. Approve and authorize the Chairman to sign Renewal Contract No. 2013074 with Merced County Office of Education-Family Resource Council for parenting services.
21. Approve and authorize the Chairman to sign Renewal Contract No. 2010175 with Transit Joint Powers Authority of Merced County for a No Cost Transportation Program for seniors.
22. Approve and authorize the Chairman to sign Renewal Contract No. 2013054 with Taher, Inc. for a Congregate Meals Production Program for seniors.
23. Approve and authorize the Chairman to sign Renewal Contract No. 2013128 with Merced County Rescue Mission for Congregate Site Management Services for seniors.

Fire

24. Approve the continuation of the resolution proclaiming the existence of a local emergency due to drought.

Child Support Services

25. Approve and authorize the Chairman to sign Renewal Contract No. 2009156 with Calserve, Inc. for service of process of legal documents.
26. Approve and authorize the Chairman to sign Renewal Contract No. 2009342 with DNA Diagnostics Center, Inc. for Genetic Testing services.

District Attorney

27. Approve budget transfer in the amount of \$27,397 for mobile/portable radios, additional/replacement scanners, and equipment maintenance to upgrade security camera system.

Dept. Administrative Services

28. Approve budget transfer in the amount of \$25,000 for replacement of video conferencing equipment at the Los Banos Court. (4/5 Vote Required)

Elections

29. Approve budget transfer in the amount of \$26,000 to cover contract employee wages.

Human Resources

30. Approve and authorize the Chairman to sign Renewal Contract No. 2007154 with Dr. Jocelyn E. Roland Ph.D., ABPP for pre-employment/fitness for duty examinations.
31. Approve and authorize the Chairman to sign Renewal Contract No. 2009173 with Professional Health Services, Inc. for comprehensive occupational health examinations.

Spring Fair

32. Approve budget transfer in the amount of \$312,280 to increase appropriations due to higher than anticipated participation in the 2014 Spring Fair Junior Livestock Auction. (4/5 Vote Required)

Executive Office

33. Act on Claim for Damages received from Juan Vargas Perez as recommended by Risk Management and County Counsel.
34. Approve and authorize the Chairman to sign Amendment Contract No. 2005155 with Freese & Gianelli Claims Service, Inc. for Liability Claims Management services.
35. Approve and authorize the Chairman to sign Amendment Contract No. 2011101 with Judicial Council of California Administrative Office of the Courts for Lease of west portion of the Adobe Building at 670 W. 22nd Street in Merced.

REVIEW BOARD ORDER – SEE PAGES 16 AND 17

Board Recognition

36. Authorize Certificates of Recognition to various individuals for being recognized as 2014 Outstanding Senior Volunteers.
37. Authorize Certificate of Recognition to Emma Cervantes for being chosen as Grand Marshall for the Planada Community Day Parade.
38. Authorize Certificate of Recognition to Los Banos Basque Club in celebration of 50th Anniversary.
39. Authorize Certificate of Recognition to Matt Fantazia for Lifetime Commitment to the Romero Area and Community of Gustine.
40. Authorize Certificates of Recognition to the following individuals for being selected by the Soroptimist International of Los Banos for various awards: Jenna N. Gilardi/June Erreca Award, Ashlee N. Jasso/Violet Richardson Award, Nabi Lopez/Women's Opportunity Award-1st Place, Brynn N. Lafontaine/Women's Opportunity Award-2nd Place, Cheryl Hixson/Ruby Award, Memorial Hospital Los Banos/Friends of Soroptimist Award, and Carol J. Smith/2014 Soroptimist of the Year Award.
41. Authorize Certificate of Recognition to Joe & Julie Marchini for being chosen as Grand Marshals for the Le Grand Community Day Parade.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

42. Adopt the County of Merced Complaint Procedures under the Americans with Disabilities Act; and designate the Director of Public Works/Road Commissioner as the ADA Coordinator for public infrastructure within the County road rights-of-way.

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

43. Authorize the Valve Burners Car Club to have exclusive use of Henderson Park on Sunday, September 14, 2014 for their annual car show; waive the County's vehicle entrance fee and authorize the Valve Burners Car Club to charge a \$4.00 entrance fee; and authorize

vendors to sell products during the event.

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

44. Approve the John Latorraca ACC Control Panel Replacement Project with a revised total budget of \$1,155,999, 2) Approve the completed Plan and Specifications for the project, 3) Authorize Public Works to advertise said Plans and Specifications for a public bid opening, 4) Authorize the Director of Public Works to award the construction contract to the lowest responsible bidder provided said bid is within the established budget, 5) Authorize the Chairman of the Board of Supervisors to execute said contract upon review of Public Works and County Counsel and, 6) Director Public Works to return to the Board with an Informational Item to describe all actions taken.

AUTHORIZED CONTRACT NO. 2014092 AS RECOMMENDED AYES: 3, 1, 2, 4, NOT PRESENT: 5

45. Adopt Resolution authorizing the Chairman of the Board of Supervisors to sign a Grant Deed transferring approximately 1.08 acres of property to the Thiara family related to the Campus Parkway project.

ADOPTED RESOLUTION NO. 2014-59 AS RECOMMENDED AYES: 3, 1, 2, 4, NOT PRESENT: 5

HEALTH

46. Request Board of Supervisors to relieve Public Health of liability for Fixed Asset No. 55204 and Fixed Asset No. 55209 (Panasonic laptops).

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

47. Memorandum of Understanding with Central California Alliance for Health and chronic disease self-management services.

AUTHORIZED CONTRACT NO. 2014093 AS RECOMMENDED AYES: 3, 1, 2, 4, NOT PRESENT: 5

48. Approve the cost sharing agreement with Merced Irrigation District allowing Public Health, Division of Environmental Health to contribute \$100,000.00 to the Merced Integrated Water Resources Model.

AUTHORIZED CONTRACT NO. 2014085 AS RECOMMENDED AYES: 3, 1, 2, 4, NOT PRESENT: 5

49. Contract with California Tobacco Control Program to accept funding awarded through the California Department of Public Health to provide services that will reduce tobacco related inequities; and adopt resolution authorizing the Chairman to sign the Grant Agreement and authorizing the Director of Public Health to sign all documents necessary to implement and sustain the grant program.

AUTHORIZED CONTRACT NO. 2014094 AND ADOPTED RESOLUTION NO. 2014-60 AS RECOMMENDED AYES: 3, 1, 2, 4, NOT PRESENT: 5

MENTAL HEALTH

50. Retroactively approve and authorize Mental Health to submit Projects for Assistance in Transition from Homelessness (PATH) Grant Application documents for 2014/2015 to the State Dept. of Health Care Services (DHCS) for approval for the amount of \$93,832 with a required non-federal match amount of \$31,277; authorize the Acting Director of Mental Health to sign all PATH documents necessary for submittal; and return to the Board upon

receipt of approval by DHCS and PATH Grant documents.

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

51. Retroactively approve and authorize Mental Health to apply for California Health Facilities Financing Authority (CHFFA) Investment in Mental Health Wellness Grant funds, to develop mental health crisis support programs in the amount of \$2,961,117; Accept the CHFFA Investment in Mental Health Wellness Grant funds for the Crisis Residential Treatment Program, in the amount of \$2,010,627; Authorize the Chairman to sign Grant Agreement for submission to CHFFA; and authorize the Director of Mental Health to sign all payment request claim forms; Adopt the resolution to authorize and approve execution of the Grant Agreement, and; Return to the Board for any subsequent approval related actions necessary for implementation of the grant project.

AUTHORIZED CONTRACT NO. 2014086 AND ADOPTED RESOLUTION NO. 2014-61 AS RECOMMENDED AYES: 3, 1, 2, 4, NOT PRESENT: 5

52. Contract with Merced County Office of Education for implementation and expansion of the Caring Kids Program.

AUTHORIZED CONTRACT NO. 2014095 AS RECOMMENDED AYES: 3, 1, 2, 4, NOT PRESENT: 5

53. Contract with U.S. Dept. of Housing and Urban Development for the 2013 Continuum of Care Program Grant for Project Hope Westside; and return to the Board for any subsequent approval related actions necessary for implementation of the grant project.

AUTHORIZED CONTRACT NO. 2014087 AS RECOMMENDED AYES: 3, 1, 2, 4, NOT PRESENT: 5

HUMAN SERVICES AGENCY

54. Approve and authorize updates to Merced County's specifications for Social Worker IV.

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

55. Contract with First 5 Merced County to accept First 5 grant award in the amount of \$408,315 to provide development screening for children 1 to 5, and training and coordination of community resources for parents, parent-educators and HSA staff.

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

56. Interdepartmental Contract with Workforce Investment for access to resources/services and job search tools at the Worknet of Merced County Employment Resource Centers for WtW and Cal Learn clients.

AUTHORIZED CONTRACT NO. 2014091 AS RECOMMENDED AYES: 3, 1, 2, 4, NOT PRESENT: 5

57. Approve Order Form #435632-1 in the amount of \$33,540, and its associated Services Scope Statement, Order Form #435633-1 in the amount of \$41,980 and its associated Services Scope Statement for the provision of training materials and services related to an update of the County's time and attendance system with Kronos; authorize the Chairman to sign both Order Forms and Service Scope Statements.

AUTHORIZED CONTRACT NO. 2014089 AND CONTRACT NO. 2014090 AS RECOMMENDED AYES: 3, 1, 2, 4, NOT PRESENT: 5

58. PULLED

59. Contract with Calif. Dept. of Aging for Senior Service, Title III, VII, IIID, IIIE Programs; and adopt resolution.

AUTHORIZED CONTRACT NO. 2014097 AND ADOPTED RESOLUTION NO. 2014-62 AS RECOMMENDED AYES: 3, 1, 2, 4, NOT PRESENT: 5

60. Contract with Taher, Inc. for a Frozen Home-Delivered Meals Delivery Program for seniors.
PULLED FROM AGENDA – NO ACTION TAKEN

COMMUNITY & ECONOMIC DEVELOPMENT

61. Approve the Construction Permit for Comcast Cable LLC. to install Fiber Optic infrastructure within Castle Commerce Center; and authorize the Director of Community and Economic Development to issue the Construction Permit and a Letter of Agreement for Comcast Cable LLC. to perform the installation of the Fiber Optic infrastructure.

APPROVED AS RECOMMENDED AYES: 3, 1, 2, 4, NOT PRESENT: 5
REVIEW BOARD ORDER – SEE PAGE 17

WORKFORCE INVESTMENT

62. Request the Board of Supervisors relieve the Dept. of Workforce Investment of liability for Fixed Asset Nos. 52853, 52854, 52855, 52856, and 52857 (Polycom Video Conferencing Equipment).

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

AUDITOR

63. Contract with Brown Armstrong Accountancy Corp. for professional audit services.

AUTHORIZED CONTRACT NO. 2014098 AS RECOMMENDED AYES: 3, 1, 2, 4, NOT PRESENT: 5

TREASURER/TAX COLLECTOR

64. Authorize the Auditor to distribute excess proceeds from the public auction of tax defaulted property sold for failure to pay taxes on real property per Exhibit "A" to the valid claimants in the amount of \$100,955.89 and the remaining funds of \$21,361.01 are to be transferred to Trust Fund #02160 Property Taxes-Tax Loss Reserve.

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

65. Approve the selling of properties subject to the Tax Collector's power to sell at a Public Internet Auction September 5-8, 2014; and Approve the authorization for the Tax Collector to reduce the minimum bid price if no bids are received or approve the re-offer of unsold parcels at the same day and or next scheduled auction within 90 days with parties or interest notification.

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

FIRE

66. Authorize the Office of Emergency Services to apply for the California Governor's Office of Emergency Services FY14 Emergency Management Performance Grant (EMPG) in the amount of \$361,028; Adopt Resolution authorizing the Office of Emergency Services to execute for and on behalf of the County of Merced any actions necessary for the purpose of obtaining federal financial assistance provided by the Federal Department of Homeland Security and sub-granted through the State of California; 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 NO. 2014-63 AS RECOMMENDED AYES: 3, 1, 2, 4
NOT PRESENT: 5**

67. Authorize the Office of Emergency Services to apply for the California Governor's Office of Emergency Services FY14 State Homeland Security Program (SHSP) for the Merced Operational Area in the amount of \$344,146; Adopt resolution authorizing the Office of Emergency Services to execute for and on behalf of the County of Merced any actions necessary for the purpose of obtaining federal financial assistance for the FY14 State Homeland Security Program provided by the Federal Department of Homeland Security and sub-granted through the State of California; and Direct Fire Chief/Office of Emergency Services Director or designee to return to Board with results and authorization prior or accepting award.

**ADOPTED RESOLUTION NO. 2014-64 AS RECOMMENDED AYES: 3, 1, 2, 4
NOT PRESENT: 5**

68. Contract with Presentation Products, Inc. dba Spinitar for audio visual equipment and installation at the Emergency Operations Center.

**AUTHORIZED CONTRACT NO. 2014088 AS RECOMMENDED AYES: 3, 1, 2, 4,
NOT PRESENT: 5**

SHERIFF

69. Authorize the Sheriff to submit the electronic application for the COPS Hiring grant for the hiring of 4 additional entry level Deputy Sheriffs; and return to the Board for acceptance of funding if awarded.

**APPROVED AS RECOMMENDED AYES: 3, 1, 2, 4, NOT PRESENT: 5
REVIEW BOARD ORDER – SEE PAGE 17**

70. Contract with County of Los Angeles for reciprocal transportation of prisoners throughout the State of California.

**AUTHORIZED CONTRACT NO. 2014099 AS RECOMMENDED AYES: 3, 1, 2, 4,
NOT PRESENT: 5**

HUMAN RESOURCES

71. Adopt the amending resolution to the Merced County Human Resources Rules and Regulations Resolution No. 2007-22 reflecting changes to Section 2.G.5 "Paid Family Leave Insurance Program (PFL)".

**ADOPTED RESOLUTION NO. 2014-65 AS RECOMMENDED AYES: 3, 1, 2, 4,
NOT PRESENT: 5**

72. Effective July 1, 2014 adjust the salary range of non-aligned extra help classifications to comply with California state minimum wage law and approve the amendment to the Salary Allocation Resolution.

**ADOPTED RESOLUTION NO. 2014-66 AS RECOMMENDED AYES: 3, 1, 2, 4
NOT PRESENT: 5**

COUNTY COUNSEL

73. Authorize and direct the Clerk of the Board to execute and issue the "Memorandum" or Notice of Non-Authorization, pursuant to Government Code section 53853(b) and serve notice to Hilmar Unified School District that the Board of Supervisors will not authorize issuance of the TRANS within 45 calendar days, thereby freeing the District to issue the

TRANS on their own respective behalf.

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

74. Interdepartmental Memorandum of Understanding with Mental Health, Public Conservator's Office for departmental legal services.

**AUTHORIZED CONTRACT NO. 2014100 AS RECOMMENDED AYES: 3, 1, 2, 4,
NOT PRESENT: 5**

EXECUTIVE OFFICE

75. Authorize the Chairman to sign a letter of support for Assembly Bill 2231 (Gordon) relating to property tax postponement for qualified low-income senior and disabled individuals.

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

76. Adopt Resolution authorizing the CSAC Challenge Award entry for the Merced County Leadership for Life Program to be submitted by the deadline of June 27, 2014; and authorize the County Executive Officer to sign the letter of endorsement.

**ADOPTED RESOLUTION NO. 2014-67 AS RECOMMENDED AYES: 3, 1, 2, 4
NOT PRESENT: 5**

BOARD OF SUPERVISORS

77. Authorize reimbursement of costs up to \$5,300 of District One's Special Board Project Funds to be paid to Administrative Services-Support Services Division for janitorial services to be provided for FY 2014/2015 for the Le Grand Community Hall.

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

78. Authorize \$2,000 of District Two's Special Board Project Funds to be forwarded to the Merced Art Hop to assist with the purchase of a Marketing Tent.

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

79. Authorize \$4,323 from District Two's and from District Four's Special Board Project Funds, for a total of \$8,646, to be donated to the Merced Rescue Mission for the purchase of a freezer container; and approve related budget transfer.

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

80. Authorize up to \$600 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: 3, 1, 2, 4, NOT PRESENT: 5

81. Authorize up to \$4,350 of District Three's Special Board Project Funds to cover Sheriff security services for the 4th of July celebration at Castle Airport and direct that up to \$4,350 be included in the Proposed FY 14/15 budget.

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

BOARD APPOINTMENTS

82. Appoint Leane Santos to serve as a member of the May Day Fair Board, representing District Five, filling an unexpired term until July 1, 2015.

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

83. Appoint Lorretta Spence, Jennifer Sanchez, Toni Borges, Sheilah Brooks, and Donna Simmons to serve as members of the Franklin/Beachwood Recreation Commission, until June 17, 2018.

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

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE

AYES: 3, 1, 2, 4, NOT PRESENT: 5

84. Merced County Mosquito Abatement District re: Manager's Report for April 2014.
85. State Water Resources Control Board re: Notice of Petition for temporary change involving a proposed transfer of water under Placer County Water Agency Permit 13856 (Application 18085).
86. State Water Resources Control Board re: Notice of Petition for temporary change involving the transfer of water under South Sutter Water District License 11118 (Application 14804).
87. California Natural Resources Agency re: 2014 Petition for Temporary Change to modify the State Water Project authorized place of use to facilitate a Water Transfer to San Luis & Delta Mendota Water Authority.
88. Mi Pueblo Food Center re: Worker Adjustment and Retraining Notice (WARN) letter providing notice of closure of grocery store in Atwater, CA.

THE BOARD RECESSED TO MEET AS AN IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY AND RECONVENED TO MEET AS A BOARD OF SUPERVISORS

ADJOURNED THE MEETING UNTIL TUESDAY, JULY 8, 2014, AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – JUNE 17, 2014

10:00 A.M. SCHEDULED ITEM **2014-06-17 PUBLIC OPPORTUNITY**

Paul Lindberg, Father of the Year Coordinator, comments on the importance of relationships between fathers and their children and introduces Lauren Avalos and Juan Avalos winner of the contest.

Mike Valata, Mayor of Los Banos requests the Board pull Item #60 from the agenda and would like his letter submitted yesterday to the Board be submitted into the record, and states concerns with the senior meals program.

Eric Solis states he ran the senior nutrition site and has concerns moving to frozen meals for seniors and not having the one on one visits.

Marcus Jermaji states concerns with individuals flushing old prescription medication into our water system and not turning them over to the police to dispose of.

Concerned Citizen states concerns on various issues and submits comments for the record.

Ralph Gonzalez states he is a retired veteran and has concerns with changes to the senior meals program changing to frozen meals, and states seniors deserve more.

John Derby, Publisher of County Times comments on water issues and wells going dry in the county.

Marilyn Colburn, Winton resident states concerns with the senior frozen meals program and that seniors need the daily visits with warm delivered meals.

Present: Davis, Pedrozo, Walsh, Kelsey

Not Present: O'Banion

10:00 A.M. SCHEDULED ITEM **2014-06-17 WATER UPDATE**

Supervisor Pedrozo gives an update on the recent water meetings with farmers and the Farm Bureau regarding basins and aquifers. He also states Supervisor Walsh and himself will be meeting with Stanislaus County and individuals from the West side.

Supervisor Walsh reviews basin map and states they will be reviewing basin overlapping with other surrounding counties. Supervisor Walsh also states they will be reviewing ordinance language on the well permit process and other key issues.

County Executive Officer James Brown comments they are reaching out to individuals with knowledge on these issues.

Supervisor Kelsey states she appreciates the time spent on gathering information and believes it is necessary to have legal counsel in these matters. Supervisor Kelsey states concerns

with water issues related to the U.C. and multi county issues and would like the new ordinance to take these matters into consideration.

Supervisor Davis sates concerns with the long and short term process.

Supervisor Pedrozo states they are trying to work with different agencies to cover all the issues and questions.

Present: Davis, Pedrozo, Walsh, Kelsey

Not Present: O'Banion

10:00 A.M. SCHEDULED ITEM

2014-06-17 COMMUNITY AND ECONOMIC DEV. – PUBLIC HEARING

The time and date previously set for a public hearing to consider construction of a 1.5 megawatt solar photovoltaic energy generating facility, the Sirius Solar project located on a 9.5 acre portion of two parcels totaling 23 acres by the applicant, Green Light Energy Corporation, the property is located on the northwest corner of Mission Avenue and Santa Fe Avenue in the Planada area and project site is designated Agricultural land use in the General Plan and is zoned A-1 (General Agricultural) is before the Board for consideration.

Director of Community and Economic Development Mark Hendrickson reviews the staff report.

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

Upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, duly carried, the Board adopts the Initial Study/Mitigated Negative Declaration for Conditional Use Permit CUP13-011, Green Light Energy Sirius Solar project in accordance with the CEQA Guidelines based on the CEQA findings in the Staff Report; approves Conditional Use Permit No. CUP13-011, Green Light Energy Sirius Solar project located at the northwest corner of Mission Avenue and Santa Fe Avenue in the Planada area based on the 12 findings and subject to the 9 conditions of approval and 18 mitigation measures as listed; approves the Mitigation Monitoring and Reporting program and removes the project site from the Williamson Act Agricultural Preserve.

Project Findings

1. Conditional Use Permit No. CUP13-001 proposes construction of a 1.5 megawatt (MVV) solar photovoltaic (PV) energy generating facility on a 9.5 acre portion of two parcels totaling 23 undeveloped acres. At peak production, the 1.50-MW solar facility would supply enough clean renewable energy to power up to 1,500 homes.
2. The Property is located on the northwest corner of Mission Avenue and Santa Fe Avenue in the Planada area.
3. The project is consistent with the Agricultural land use designation and with the Merced County General Plan, specifically; the Land Use Element, the Transportation Circulation Element, the Health and Safety Element, the Natural Resources Element, and Agriculture Element.
4. Removal of 9.5 acres from the Merced County Williamson Act Agricultural Preserve is appropriate as the project will not compromise the long-term agricultural capability of the project site and adjacent agricultural lands.

5. With implementation of the CEQA Mitigation Measures and Conditions of Approval, the project will not impact County roads or facilities.
6. The project, as conditioned, is compatible with adjacent uses, properties and neighborhoods.
7. The public hearing has been adequately noticed and advertised.
8. The Zoning Code allows an energy generation facility in the A-1 (General Agricultural) zone with the review and approval of a Conditional Use Permit.
9. The project is also in compliance with all development standards in the A-1 zone.
10. The proposed use, if operated in compliance with all requirements and conditions, will not be a nuisance or detrimental to the public health, safety, or general welfare.
11. The application and Initial Study was various governmental agencies, commissions, special interest organizations and property owners within 300 feet of the project site. All comments were adequately addressed in the Staff Report and Initial Study.
12. Notification of the Planning Commission and Board of Supervisors public hearings were adequately advertised in the newspaper.

Conditions of Approval/Mitigation Measures

1. Conditional Use Permit No. CUP13-011 is granted to allow the construction of a 1.5 megawatt (MW) solar photovoltaic (PV) energy generating facility on a 9.5 acre portion of two parcels totaling 23 undeveloped acres, in accordance with the approved site plan and operational statement.
2. The solar photovoltaic electrical generating facility and project shall be located, developed and operated in a manner described on the approved Plot Plan, Project Description, CEQA Mitigation Measures, Mitigation Monitoring and Reporting Program, and Conditions of Approval of this permit. The operation of this facility shall cease no later than 30 years from the Commercial Operation Day. Any subsequent changes must be made in accordance with Merced County Code section 18.50.
3. All CEQA Mitigation Measures identified in the Mitigation Monitoring and Reporting Program are adopted and incorporated by reference as project conditions of approval.
4. The project shall comply with all applicable public health, safety, and welfare regulations administered by the County of Merced, and in particular the County Fire Department, the Health Department/Environmental Health Division, the Community and Economic Development Department, and Public Works Department/Road and Building and Safety Divisions.
5. For the purpose of conditions monitoring, an inspection fee in the amount of \$972.00 shall be required. This fee shall be paid within 30 days of the approval date. Should additional inspections be required, inspection time shall be billed to the applicant/property owner at the established hourly rate at the time of the inspection. This permit will not be considered valid until the conditions monitoring fee has been paid.
6. Immediately following the cessation of Project business operations or the abandonment of the Project, the applicant shall reclaim the site to pre-project conditions. Prior to the issuance of the first occupancy permit, the applicant shall place a financial assurance (bond or letter of credit) dedicated specifically for the project to the benefit of Merced County. The County and Green Light Energy Corporation will determine an appropriate amount for the financial assurance instrument. It is the intent of this requirement that the instrument shall provide sufficient financial assurances for Merced County to decommission the Project and fully restore the property following cessation of business operations or the abandonment of the Project if the applicant does not properly decommission the Project and fund full reclamation.

County Counsel

7. Indemnity and Hold Harmless Agreement:

Green Light Energy Corporation has the contracted duty (hereinafter “the duty”) to indemnify, defend and hold harmless, County, its Board of Supervisors, officers, employees, agents and assigns from and against any and all claims, petitions, demands, liability, judgments, awards, interest, attorney’s fees, costs, experts’ fees and expenses of whatsoever kind or nature, at any time arising out of or in any way connected with the performance of this Agreement, whether in tort, contract, writ of mandamus, or otherwise. This duty shall include, but not be limited to, claims, petitions, or the like for bodily injury, property damage, personal injury, contractual damages, writ of mandamus, or otherwise alleged to be caused to any person or entity including, but not limited to employees, agents, commissions, boards, and officers of Green Light Energy Corporation.

Green Light Energy Corporation’s liability for indemnity under this Agreement shall apply, regardless of fault, to any acts or omissions, willful misconduct or negligent conduct of any kind, on the part of Green Light Energy Corporation, its agents, subcontractors, employees, boards, and commissions. The duty shall extend to any allegation, claim of liability, or petition, except in circumstances found by a jury or judge to be the sole and legal result of the willful misconduct of County. This duty shall arise at the first claim, petition, or allegation of liability against County. Green Light Energy Corporation will on request and at its expense, defend any action or suit or proceeding arising hereunder. This clause shall not be limited to any and all claims, petitions, demands, liability, judgments, awards, interest, attorney’s fees, costs, experts’ fees and expenses of whatsoever kind or nature, that may arise during the term of this Agreement but shall also apply to all such claims and the like after the term of this contract, for example, arising from land use and environmental law actions, or meeting notice law actions, brought against the County following Project approval, modification, or denial.

This clause for indemnification shall be interpreted to the broadest extent permitted by law.

Fire Department

8. Comply with the requirements in the Fire Department’s letter dated October 8, 2013.

CEQA Mitigation Measures

9. The following is a comprehensive list of CEQA Mitigation Measures applicable to the project and are contained in the Mitigation Monitoring and Reporting Program (MMRP). These measures are incorporated by reference into the Conditions of Approval. The applicant shall be responsible to comply with all Mitigation Measures as referenced herein: MM4.1.1, 4.3.1, 4.3.2, 4.4.1, 4.4.2, 4.4.3, 4.4.4, 4.4.5, 4.4.6, 4.4.7, 4.5.1, 4.5.2, 4.5.3, 4.5.4, 4.6.1, 4.12.1, 4.12.2, 4.16.1.

Ayes: Davis, Pedrozo, Walsh, Kelsey

Not Present: O’Banion

CONSENT ITEM #35

2014-06-17 EXECUTIVE OFFICE

The Clerk announces Amendment Contract No. 2011101 with Judicial Council of California Administrative Office of the Courts for Lease of west portion of the Adobe Building at 670 W. 22nd Street in Merced is before the Board for consideration and announces there is a modification to the

recommendation to read “Approve the amendment and authorize the Board Chairman to sign the agreement between Merced County and the judicial Council of California, Administration Office of the courts to lease the west portion of the Adobe building (670 West 22nd Street, Merced) for a period of one to two years, beginning July 1, 2014”.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Kelsey, duly carried the Board approves and authorizes the Chairman to sign Amendment Contract No. 2011101 including the modification to the recommendation.

Ayes: Davis, Pedrozo, Walsh, Kelsey

Not Present: O’Banion

ACTION ITEM #61

2014-06-17 COMMUNITY AND ECONOMIC DEV.

The Clerk announces Construction Permit for Comcast Cable, LLC to install Fiber Optic infrastructure within Castle Commerce Center; and authorize the Director of Community and Economic Development to issue the Construction Permit and Letter of Agreement for Comcast to perform the installation of the Fiber Optic infrastructure is before the Board for consideration.

Supervisor Walsh questions if all tenants have access to the existing fiber optic system.

Director of Community and Economic Development Mark Hendrickson states tenants can have access to the system but can be costly and reviews process.

Upon motion of Supervisor Walsh, seconded by Supervisor Pedrozo, duly carried, the Board approves the Construction Permit for Comcast Cable, LLC to install Fiber Optic infrastructure within Castle Commerce Center; and authorizes the Director of Community and Economic Development to issue the Construction Permit and a Letter of Agreement for Comcast to perform the installation.

Ayes: Davis, Pedrozo, Walsh, Kelsey

Not Present: O’Banion

ACTION ITEM #69

2014-06-17 SHERIFF

The Clerk announces approval for the Sheriff to submit application for the COPS hiring grant for the hiring of four additional entry level Deputy Sheriffs is before the Board for consideration.

Supervisor Kelsey questions the cost of four additional deputies.

County Executive Office James Brown states the cost will be from \$110,000 to \$125,000 and explains the match portion the grant will provide.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Kelsey, duly carried, the Board authorizes the Sheriff to submit the electronic application for the COPS hiring grant for the hiring of four additional entry level Deputy Sheriffs; and to return to the Board for acceptance of funding if awarded.

Ayes: Davis, Pedrozo, Walsh, Kelsey

Not Present: O’Banion

