

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, OCTOBER 21, 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 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 & Economic Development pursuant to Government Code Section 54956.8 as follows:

Property: 1) Building 759 at Castle Commerce Center and; 2) Building 1350 and 130 acres of barren land at Castle Commerce Center

Agency Negotiator: Mark Hendrickson, Director Community and Economic Development

**THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT
10:00 A.M. WITH SUPERVISOR KELSEY 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 8

PRESENTATIONS

Water Update - presentations by the Water Committee:

1. Draft groundwater ordinance - Provide an update and possible direction regarding a draft groundwater ordinance in Merced County.

REVIEW BOARD ORDER – SEE PAGES 8 AND 9

2. CalHOME Grant Application Update - Determine whether there is a Board interest to further research and develop a potential residential well recovery program and if there is, ask staff to return to the Board with options for a program structure, eligibility requirements, and funding.

REVIEW BOARD ORDER – SEE PAGE 9

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 19)

PUBLIC HEARINGS:

PUBLIC WORKS - PUBLIC HEARING - PROPOSED RESOLUTION

To consider a Resolution for the general vacation of a portion of Dry Creek Road in the Snelling area.

RECOMMENDATION: 1) Open Public Hearing and accept public comments; 2) Close Public Hearing; 3) Adopt the Resolution for the General Vacation of a portion of Dry Creek Road, located in the Snelling area; and 4) Instruct the Board Clerk to record a certified copy of the Resolution.

REVIEW BOARD ORDER – SEE PAGE 9

HEALTH - PUBLIC HEARING - SECOND READING OF PROPOSED ORDINANCE AND POSSIBLE ADOPTION

Conduct a second reading of an ordinance entitled "An Ordinance To Establish Ambulance Service Exclusive Operating Areas To Include Provisions For Ambulance Service Licensing And Operations, And Convalescent Transport Provider Licensing And Operations" (Amends Ordinance No. 1911 and Merced County Code Chapter 9.44)

RECOMMENDATION: 1) Waive further reading of the Ordinance; 2) Open Public Hearing, receive comments and close public Hearing; and 3) adopt Ordinance.

REVIEW BOARD ORDER – SEE PAGE 10

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-19)

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

Public Works

1. Ratify Change Order No. 1 and Change Order No. 2 to Contract No. 2014034 in the amount of \$124,947 and \$70,000 respectively, to Emmett Valley Construction, Inc. for the White Rock Road & Le Grand Road Reconstruction Project in the Le Grand area.

Ag. Commissioner

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

Human Services Agency

3. Authorize Human Services Agency to accept donations for the Operations Holidays toy drive with the possibility of some donations to be deposited, but they will be earmarked for Operations Holidays gift purchases and no other use; and authorize the Human Services Agency to conduct toy drives on behalf of foster youth and disadvantaged children from October 1, 2014 through December 31, 2014.

4. Approve and authorize the Chairman to sign Renewal Contract No. 2009103 with HyWay 59 Properties, L.P. for the lease of 2777 N. Highway 59, Merced, CA for the Adult Services Program for the period of October 1, 2014 through May 31, 2017 with a total amount of \$195,252.40.
5. Approve and authorize the Chairman to sign Renewal Contract No. 2013229 with Make Someone Happy for a Mobile Grocery Service Program.
6. Approve and authorize the Chairman to sign Amendment Contract No. 2010079 with Merced County Office of Education-Regional Occupation Program for Vocational Training Services; and approve the related budget transfer. (4/5 Vote Required)

Community & Economic Development

7. Authorize the Administrative Services, in coordination with Community & Economic Development Department, to prepare and release a Request for Proposal for services of a qualified contractor to provide Grant Writing, Administration & Implementation of Housing Programs; and return to the Board for contract approval.

County Counsel

8. Approve and authorize the Chairman to sign Amendment Contract No. 2014124 for Special Services with Rossmann and Moore, LLP increasing compensation by \$50,000 for a total contract sum not to exceed \$100,000.

Workforce Investment

9. Accept Modification eleven to Contract No. 2011151 extending the term end date from September 30, 2014 to March 31, 2015 of the Workforce Investment Act Disability Employment Initiative under Grant Code 328 providing employment related services to disabled residing in Merced County.

Sheriff

10. Authorize the Sheriff to use the Southeast corner of the County parking lot located on "M" Street and 23rd Street, Friday, November 14, 2014 and Friday, December 5, 2014 from 7:00 a.m. to 3:00 p.m. for the acceptance of donations of toys for the Operation Christmas toy drive for the disadvantaged children in Merced County.

Mental Health

11. Authorize Mental Health to accept donations for the Annual Toy Drive, monetary donations will be earmarked for the Toy Drive and used for no other purpose; and authorize the department to conduct Toy Drives on behalf of unserved/underserved and disadvantaged youth from October 1, 2014 until December 31, 2014.

District Attorney

12. Approve the District Attorney's participation in the unserved/underserved Victim Advocacy & Outreach Program and authorize the District Attorney to submit the grant application for FY 14/15 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 the resolution.

ADOPTED RESOLUTION NO. 2014-104

Executive Office

- 13. Approve travel request received from Sheriff as recommended by Executive Office.

Board Recognition

- 14. Authorize plaque to Bloss Home in celebration of 100th Anniversary.
- 15. Authorize Certificate of Recognition to Family Resource Council for 20 years of dedicated service to the Community of Merced.
- 16. Authorize Certificates of Recognition to the following individuals for being selected as 2014 Outstanding Senior Volunteers; Juanita Husted, Joe Flores, Richard Frontella, Dee Frontella and Tina Miller.
- 17. Authorize Certificates of Recognition to various individuals for being selected as 2014 Teacher of the Year and School Employee of the Year.
- 18. Authorize Certificate of Recognition to United Way of Merced for 60 years of service to Merced County.
- 19. Authorize Certificate of Recognition to Louise Farley for being selected by The Central California Legal Services, Inc. for outstanding accomplishments.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

- 20. Approve the Boiler Replacement Project at John Latorraca Adult Correctional Facility; approve current funding of \$15,000 to complete design work using retained consultants; and approve the related budget transfer. (4/5 Vote Required)
APPROVED AS RECOMMENDED AYES: 5, 1, 2, 3, NOT PRESENT: 4

HEALTH

- 21. Contract with Berlogar Stevens & Associates for services related to performing an Underground Storage Tank Subsurface Assessment on the property located at 490 S. Hwy 33 in Gustine for the term of October 21, 2014 through April 20, 2015 at a cost not to exceed \$5,900; and approve the related budget transfer. (4/5 Vote Required)
AUTHORIZED CONTRACT NO. 2014181 AS RECOMMENDED AYES: 5, 1, 2, 3, NOT PRESENT: 4
- 22. Contract with Calif. Dept. of Public Health-Office of Health Equity for CalBRACE model implementation not to exceed \$9,400; and adopt resolution.
AUTHORIZED CONTRACT NO. 2014182 AND ADOPTED RESOLUTION NO. 2014-108 AS RECOMMENDED AYES: 5, 1, 2, 3, NOT PRESENT: 4
- 23. Authorize Department to provide notice to terminate Contract No. 2008016 with Caremark PCS Health, L.P. for the NACo Prescription Drug Program by October 31, 2014 effective July 31, 2015; and direct staff to explore an agreement with California State Association of Counties Coast to Coast Discount Prescription Drug Program.

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

MENTAL HEALTH

24. Contract with California Psychiatric Transitions for client placement services.

AUTHORIZED CONTRACT NO. 2014183 AS RECOMMENDED AYES: 5, 1, 2, 3, NOT PRESENT: 4

HUMAN SERVICES AGENCY

25. Authorize Administration Services Support Services in conjunction with HSA to prepare and release an RFP for an instructor for a character development program, 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: 5, 1, 2, 3, NOT PRESENT: 4

COMMUNITY & ECONOMIC DEVELOPMENT

26. 1) Adopt Resolution authorizing the County to join the Figtree Property Assessed Clean Energy (Figtree PACE) Program, authorizing the California Enterprise Development Authority (CEDA) to conduct contractual assessment proceedings and levy contractual assessments within the County of Merced and authorizing related actions; 2) authorize the Chairman to sign the Indemnification Agreement (Exhibit B); 3) direct appropriate County staff to coordinate with CEDA staff to facilitate operation of the Figtree PACE Program within the County and report back periodically to this Board on the success of such program; and 4) direct CED staff to send a certified copy of this Resolution to Figtree Company, Inc.

AUTHORIZED CONTRACT NO. 2014184 AND ADOPTED RESOLUTION NO. 2014-105 AS RECOMMENDED AYES: 5, 1, 2, 3 NOT PRESENT: 4

27. Adopt Resolution authorizing the Commerce, Aviation and Economic Development Revolving Loan Fund Loan Administration Board name be changed to "Community and Economic Development Revolving Loan Fund Loan Administration Board."

ADOPTED RESOLUTION NO. 2014-106 AS RECOMMENDED AYES: 5, 1, 2, 3 NOT PRESENT: 4

28. Adopt Resolution supporting the proposed San Luis Transmission Project which will provide electricity for the delivery of federal water supplies to Central Valley, Central Coast, and Bay Area residents, businesses, and farms.

ADOPTED RESOLUTION NO. 2014-107 AS RECOMMENDED AYES: 5, 1, 2, 3 NOT PRESENT: 4

SHERIFF

29. Contract with U.S. Department of Justice to accept funding under the 2014 Edward Byrne memorial Justice Assistance Grant (JAG) program in the amount of \$40,629 to purchase equipment, hardware and software necessary to enhance the Geographical Information System; authorize the Sheriff (or his Designee) to sign the associated grant award documents; and approve the related budget transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2014185 AS RECOMMENDED AYES: 5, 1, 2, 3, NOT PRESENT: 4

30. Contract with NEC Corporation of America for the service and maintenance of the Automated Fingerprint Identification System.
AUTHORIZED CONTRACT NO. 2014186 AS RECOMMENDED AYES: 5, 1, 2, 3, NOT PRESENT: 4

FIRE

31. Accept award from the FY 14 Emergency Management Performance Grant (EMPG) totaling \$180,514.
AUTHORIZED CONTRACT NO. 2014187 AS RECOMMENDED AYES: 5, 1, 2, 3, NOT PRESENT: 4

PROBATION

32. Contract with TASER International, Inc. to purchase thirty-eight Tasers and participate in a Taser Assurance Plan (TAP) for Taser replacement.
AUTHORIZED CONTRACT NO. 2014188 AS RECOMMENDED AYES: 5, 1, 2, 3, NOT PRESENT: 4

ELECTIONS

33. Approve and authorize appointments in Lieu of Election for the November 4, 2014 Gubernatorial General Election.
APPROVED AS RECOMMENDED AYES: 5, 1, 2, 3, NOT PRESENT: 4

EXECUTIVE OFFICE

34. Request the Board to select the California State Association of Counties (CSAC) Board of Directors Member and Alternate Representative for Merced County for the 2014-2015 Association year beginning November 18, 2014.
REVIEW BOARD ORDER – SEE PAGE 10

BOARD OF SUPERVISORS

35. Authorize \$6,500 from District Five's Special Board Project Funds to be forwarded to Dos Palos Athletic Boosters for a new basketball scoreboard for the Bryant Middle School in Dos Palos.
APPROVED AS RECOMMENDED AYES: 5, 1, 2, 3, NOT PRESENT: 4

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: 5, 1, 2, 3, NOT PRESENT: 4

36. Administrative Services re: Inform the Board of Contracts for Community Gardens for the Public Health Department pursuant to Ordinance No. 1678, Chapter 5.12.040 and which fall under category 1 as follows: Lifeline, Make Someone Happy, Gustine Unified School District, Green Valley Charter, MCOE Head Start and Tree Partners Foundation.
37. Merced Irrigation District re: Merced Irrigation Districts Petitions for Temporary Urgency Change.

ADJOURNED THE MEETING UNTIL TUESDAY, NOVEMBER 4, 2014 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – OCTOBER 21, 2014

10:00 A.M. SCHEDULED ITEM **2014-10-21 PUBLIC OPPORTUNITY**

Dennis Jordan of Merced states it has come to his attention that his name was not on the ballot for the District 4 College Board of Trustees election. He spoke with elections and apparently the wrong ballots were sent out to District 4 and the same for absentee ballots.

Assessor/Recorder Barb Levey states they are aware of Mr. Jordan's situation and states that corrected ballots are going out and she will notify the appropriate individuals. Ms. Levey states they will make sure this type of error does not happen again.

Present: O'Banion, Pedrozo, Walsh, Davis

Not Present: Kelsey

10:00 A.M. SCHEDULED ITEM **2014-10-21 PRESENTATION-WATER UPDATE**

Supervisor Walsh submits Supplemental #1 – Draft Groundwater Ordinance and states no action today just discussion on draft urgency ordinance.

Supervisor O'Banion states the ordinance proposed is not an urgency ordinance.

Supervisor Walsh states at this point there is urgency.

Supervisor Pedrozo gives background on the ordinance.

Supervisor O'Banion asks for clarification of the ordinance and urgency status.

County Executive Officer Jim Brown asks for assistance from Sarge Green who is an expert on the issue and also states the ordinance at this time is not considered an urgency ordinance.

Sarge Green of the California Water Institute submits and reviews a powerpoint on the Background, Process, Groundwater Findings, Subsidence Rate Maps and Photos, Legislation, Definitions, Sub-basins, Exemptions, and Implementation.

Environmental Health Director Ron Rowe reviews the Nitrate concentration study map.

Supervisor Walsh reviews the Ordinance Overview and Long Term Collaboration.

Mr. Brown reviews Primary Interest/Concerns, Well-Date/Information, Areas Requiring Guidance, and Next Steps in Ordinance Process.

Supervisor O'Banion submits into the record an email sent to him by Diana Pfitzer regarding the proposed ordinance.

Ron Martin, San Luis Water District, Chris White, General Manager of Central California Irrigation District and Amanda Carvajal, Executive Director of the Farm Bureau all speak in support of the proposed Ordinance.

Bob Weimur, Atwater resident, states he appreciates the diligence of staff drafting the ordinance and would like staff to keep in mind the difference in aquifers.

Mike Murphy, City Council, states he is here as an individual and urges Board members to be mindful and move expeditiously, water is dropping 2 feet a year and states this is an emergency issue.

The Board has discussion regarding the Local Agency Formation Commission's involvement in the process, private residential wells, who has authority, and where will appeals be sent.

Mr. Brown reads comments submitted by Supervisor Kelsey.
Present: O'Banion, Pedrozo, Walsh, Davis
Not Present: Kelsey

10:00 A.M. SCHEDULED ITEM
2014-10-21 PRESENTATION-CALHOME GRANT APPLICATION

Community and Economic Development Director Mark Hendrickson gives a powerpoint presentation on the CalHOME Grant Application.

Supervisor O'Banion states interest in further research.

Supervisor Pedrozo states he has been getting calls on domestic wells going dry and residents do not have the money to replace them.

The Board has further discussion on CDBG services for domestic wells, funding opportunities, and concerns of gifting public funds, and possible loans.
Present: O'Banion, Pedrozo, Walsh, Davis
Not present: Kelsey

10:00 A.M. SCHEDULED ITEM
2014-10-21 PUBLIC WORKS – PUBLIC HEARING-PROPOSED RESOLUTION

The time and date previously set for a public hearing to consider a resolution for the general vacation of a portion of Dry Creek Road in the Snelling area.

Public Works Director Dana Hertfelder reviews the staff report.

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

Upon motion of Supervisor Walsh, seconded by Supervisor Davis, duly carried, the Board adopts Resolution No. 2014-103 for the General Vacation of a portion of Dry Creek Road, located in the Snelling area.
Ayes: O'Banion, Pedrozo, Walsh, Davis
Not Present: Kelsey

10:00 A.M. SCHEDULED ITEM

2014-10-21 HEALTH – PUBLIC HEARING-2ND READING-PROPOSED ORDINANCE

The time and date previously set for a second reading to consider proposed ordinance entitled “An Ordinance to Establish Ambulance Service Exclusive Operating Areas to Include Provisions for Ambulance Service Licensing and Operations, and Convalescent Transport Provider Licensing and Operations” (Amends Ordinance No. 1911 and Merced County Code Chapter 9.44).

Upon motion of Supervisor Davis, seconded by Supervisor Walsh, duly carried, the Board waives further reading of the proposed ordinance.

Ayes: O’Banion, Pedrozo, Walsh, Davis

Not present: Kelsey

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

Upon motion of Supervisor Walsh, seconded by Supervisor Davis, duly carried, the Board adopts Ordinance No. 1925 Establishing Ambulance Service Exclusive Operating Areas to Include Provisions for Ambulance Service Licensing and Operations, and Convalescent Transport Provider Licensing and Operations” (Amending Ordinance No. 1911 and Merced County Code Chapter 9.44).

Ayes: O’Banion, Pedrozo, Walsh, Davis

Not present: Kelsey

ACTION ITEM #34

2014-10-21 EXECUTIVE OFFICE

The Clerk announces selection of the California State Association of Counties (CSAC) Board of Directors Member and Alternate Representative for Merced County for the 2014-2015 Association year beginning November 18, 2014, is before the Board for consideration.

County Executive Officer James Brown reviews the items and states the current Primary Member is Supervisor Walsh and Alternate Member is Supervisor Pedrozo.

Upon motion of Supervisor Davis, seconded by Supervisor O’Banion, duly carried, the Board appoints Supervisor Walsh to continue as the Primary Member and Supervisor Pedrozo as the Alternate Member of the CSAC Board of Directors for Merced County.

Ayes: O’Banion, Pedrozo, Walsh, Davis

Not present: Kelsey