

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, NOVEMBER 25, 2014

Closed Session – 9:00 a.m.

Regular Meeting – 10:00 a.m.

At-Large Interviews – 1:30 p.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

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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 THREE 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): County of Merced v. K. Hovnanian Forecast Homes, Inc. et al., Merced County Superior Court Case No. DVM016456:

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957.6 concerning a Conference with County of Merced Staff Negotiators concerning negotiations with: American Federation of State, County and Municipal Employees (AFSCME), Units 4, 5, 6 and 8; United Public Employees (UPE), Unit 3; Merced County Attorney Association (MCAA), Unit 7; Teamsters (Corrections), Unit 2; Merced County Law Enforcement Sergeants, Unit 30; Merced County Deputy Sheriff Association (DSA), Unit 10; Teamsters (Non-Safety Corrections), Unit 12; Merced County Public Safety Services Unit (MCPSSU), Unit 14; and Probation Supervising Employees, Unit 11. Agency Negotiator: Marci Barrera

THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS 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 9

PRESENTATION:

Water Update: 1) Set a first reading for December 9, 2014 at 10:00 a.m. to consider the adoption of the proposed groundwater ordinance, set a second reading and possible adoption of the proposed groundwater ordinance on December 16, 2014 at 10:00 a.m.; or 2) Direct staff to continue working with stakeholder groups to refine the draft groundwater ordinance and permit process.

REVIEW BOARD ORDER – SEE PAGES 9 THROUGH 11

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 27)

INTERVIEWS - MERCED COUNTY EMPLOYEES RETIREMENT BOARD

One Appointed Member At-Large. Applicants: Michael Harris, Ryan Paskin, Dr. Michael de Ayora, and Ricardo Soria Jr. Term will be until July 1, 2017.

All applicants were interviewed, and a recommendation will go before the Board at a later date.

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-27)

APPROVED AS RECOMMENDED EXCEPT ITEMS 16 AND 18 PULLED AYES: ALL

Ag. Commissioner

1. Approve and authorize the Chairman to sign Renewal Contract No. 2004201 with Calif. Dept. of Food and Agriculture for exotic pest detection; and adopt the resolution.

ADOPTED RESOLUTION NO. 2014-111

Health

2. Approve and authorize Chairman to sign Renewal Contract No. 2012187 to accept year three funding for Supplemental Nutrition Assistance Program for nutrition education and intervention services; and approve the related budget transfer.
3. Approve and authorize the Chairman to sign Amendment Contract No. 2008191 with Merced County Office of Education allowing the Department to increase the contract amount by \$3,169.75 for Physical Therapy and Occupational Therapy.

Human Services Agency

4. Approve budget transfer in the amount of \$50,000 for CalWORKs Family Stabilization Program. (4/5 Vote Required)
5. Approve and authorize the Chairman to sign Amendment Contract No. 2014097 with Calif. Dept. of Aging for the Title III, VII, IIID, IIIE Senior Programs; adopt the resolution; and approve the related budget transfers. (4/5 Vote Required)

ADOPTED RESOLUTION NO. 2014-112

6. Approve and authorize the Chairman to sign Amendment Contract No. 2010175 with Transit Joint Powers Authority of Merced County for a No Cost Transportation Program.

Community & Economic Development

7. Accept the \$5,000 charitable contribution from Pacific Gas and Electric Company in support of the County's economic development programs, and direct staff to place the funds in Budget Unit 18200 Account 97992.
8. Accept information from staff related to Federal Aviation Administration Grant (FAA 17) related to airfield electrical and vault rehab, and runway rehab design; and approve the related budget transfer. (4/5 Vote Required)
9. Approve and authorize the Chairman to sign Amendment Contract No. 2001291 with California Home Finance Authority Joint Powers (CHF) for real property financing; and adopt the resolution.

ADOPTED RESOLUTION NO. 2014-113

Probation

10. Approve budget transfer in the amount of \$32,774 for growth payment from the State for juvenile justice services performed in FY 13/14 that was not budgeted, to allow for computer equipment and funding for out-of-state travel for juvenile probation placement activities. (4/5 Vote Required)
11. Approve and authorize the Chairman to sign Interdepartmental Renewal Contract No. 2004261 with Sheriff's Office to provide meals and laundry services to the Iris Garrett Juvenile Justice Correctional Complex.

Sheriff

12. Approve and authorize the Chairman to sign Amendment Contract No. 2012095 with Swanson Services Corp. to add "CHUCK WAGON" cart services.

Treasurer/Tax Collection

13. Approve budget transfer in the amount of \$15,000 for Treasury Extra Help appropriations.
14. Approve and authorize the Chairman to sign Renewal Contract No. 2005180 and associated documents with Employment Development Department for confidential file look up.

Fire

15. Approve the continuation of the proclamation of the existence of a local emergency due to drought.

Executive Office

16. Act on Claim for Damages received from Antoine Hubbard as recommended by Risk Management and County Counsel.

PULLED FROM AGENDA – NO ACTION TAKEN

17. Approve and authorize the Chairman to sign Renewal Contract No. 2004364 with Professional Benefit Service for Dental Claims Administration.
18. Approve and authorize the Chairman to sign Amendment Contract No. 8277 with Nationwide Retirement Solutions for the County's deferred compensation plan; approve the reduction of basis points to 12; and approve the reduction of the Guaranteed Minimum Interest Rate for fixed accounts from 3.5% to 1.5%.

PULLED FROM AGENDA – NO ACTION TAKEN

Board Recognition

19. Authorize Certificate of Recognition to John & Nada Pazin in celebration of 60th Wedding Anniversary.
20. Authorize Certificates of Recognition to the following individuals for many contributions and dedication to the Community and Merced County: Lillian Roberts, Almetres Huddleston, Honorable Judge Paul Lo, Barbara Johnson-Weaver, Lafayette Wiggins, Cal Skyhawk Haynes, Julia Beale, Dr. Bill Stockard, Gloria Sandoval, Dr. Salvador Sandoval, Lew Braxton, Dr. Bob Taniguchi, Rozene Lane and Edith Johnson.
21. Authorize Certificate of Recognition and plaque to Derby Publications Inc. in celebration of 50th Anniversary.
22. Authorize Certificate of Recognition to Sierra Air Center Development for Ribbon Cutting and Grand Opening.
23. Authorize Certificates of Recognition to various individuals recognized at Merced County Young Patriot Challenge Awards.
24. Authorize Certificate or Recognition to Lieutenant Shane C. Ferriera for being promoted to Lieutenant for the California Highway Patrol.
25. Authorize Certificate of Recognition to John & Bev Raggio in celebration of 50th Wedding Anniversary.
26. Authorize plaque to James E. Batey in recognition of dedicated service to the Lower San Joaquin Levee District.
27. Authorize Proclamation in recognition of the Eleventh Festival of Portuguese Bands of California.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

28. Adopt Resolution authorizing the Chairman to sign an Easement Deed granting an easement to the City of Merced for a bike path and authorize the Chairman to sign the "Agreement for Granting Easement for Bike Path" with the City of Merced after review by County Counsel.

AUTHORIZED CONTRACT NO. 2014202 AND ADOPTED RESOLUTION NO. 2014-114 AS RECOMMENDED AYES: ALL

HEALTH

29. Authorize Administrative Services-Support Services in conjunction with Public Health to prepare and release a Request for Proposal for Sexual Assault Response Team Examination Provider Services as defined under the California Penal Code 13823.9 administered through Public Health; and return to the Board with an agreement for final

contract approval.

APPROVED AS RECOMMENDED AYES: ALL

30. Request the Board to relieve Public Health of the accountability for the unaccounted \$15.00 missing from the Los Banos Change Fund by allowing the Auditor's Office to remove it from the Department's change fund balance; and authorize the Department to establish a change fund of \$60.00 for clinic services at the Department's Los Banos Clinic.

APPROVED AS RECOMMENDED AYES: ALL

31. Contract with National Alliance on Mental Illness for conducting Hmong needs assessment services.

AUTHORIZED CONTRACT NO. 2014200 AS RECOMMENDED AYES: ALL

MENTAL HEALTH

32. Contract with State Dept. of Alcohol and Drug Programs for Substance Use Disorder Services; and adopt resolution.

AUTHORIZED CONTRACT NO. 2014201 AND ADOPTED RESOLUTION NO. 2014-115 AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

33. Authorize the Chairman to sign the Subvention Certificate of Compliance to apply and qualify for the current fiscal year subvention funds for Veteran Services.

APPROVED AS RECOMMENDED AYES: ALL

34. Authorize the Chairman to sign the Medi-Cal Certificate of Compliance to apply and qualify for the current fiscal year subvention funds for Veteran Services.

APPROVED AS RECOMMENDED AYES: ALL

35. Authorize Administrative Services in conjunction with Human Services Agency, to prepare and release a Request for Proposal for Home Visitor services, select the most responsive provider for such services, and negotiate an agreement with the provider; and authorize Human Services Agency to return to the Board with a negotiated contract for approval.

APPROVED AS RECOMMENDED AYES: ALL

COMMUNITY & ECONOMIC DEVELOPMENT

36. Authorize the Chairman to sign a letter of support to the Economic Development Administration related to the completed Comprehensive Economic Development Strategy (CEDs), providing the County and its six partner cities the opportunity to apply and compete for economic development related federal grants.

APPROVED AS RECOMMENDED AYES: ALL

PROBATION

37. Retroactively authorize the submission of the Edward Byrne Memorial Justice Assistance Grant Program application to the Board of State and Community Corrections for the project cycle of March 1, 2015 through December 31, 2017; and return to the Board for contract approval, if awarded.

APPROVED AS RECOMMENDED AYES: ALL

TREASURER/TAX COLLECTOR

38. Adopt resolution delegating investment authority to the County Treasurer for 2015 pursuant to Government Code section 27000.1 and 53607.

ADOPTED RESOLUTION NO. 2014-116 AS RECOMMENDED AYES: ALL

39. Accept the Quarterly Investment Report for the period of July 1, 2014 to September 30, 2014.

APPROVED AS RECOMMENDED AYES: ALL

40. Accept the 2015 Investment Policy; and the 2015 Treasury Oversight Committee Directive.

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

41. Accept and approve the amendments to the Conflict of Interest Code for Merced County as submitted and authorize notification of the action taken as required.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

42. Appoint Alfonse Peterson to serve as a member of the Community & Economic Dev. Revolving Loan Fund Loan Administration Board representing District Four, until December 22, 2015.

APPROVED AS RECOMMENDED AYES: ALL

43. Reappoint the following individuals to serve on the Plainsburg Cemetery District as follows: Joan Dickinson, Warren Brown, and Kenneth McPherson until July 20, 2018; and appoint Jeanne Giampaoli until July 20, 2017 and Nicholas Marchini to fill an unexpired term until July 20, 2015.

APPROVED AS RECOMMENDED AYES: ALL

44. Appoint Jose Walle to serve as a member of the Winton Municipal Advisory Council, until March 31, 2018 and appoint Salvador Walle to serve until March 31, 2017.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

45. Contract No. 2014145 awarded to Cindy Bales Engineering, Big Bear City, CA in the amount of \$769,042 for the Castle Airport Airfield Electrical Vault Improvements and New Airfield Circuit Homeruns Project.

46. Fish and Game Commission re: Notice of Proposed regulatory action relative to Section 662, Title 14, California Code of Regulations, relating to petitions for regulation changes, which were published in the California Regulatory Notice Register on November 7, 2014.

47. Fish and Game Commission re: Notice of Receipt of Petition regarding the Tricolored blackbird as endangered under the California Endangered Species Act, which was published in the California Regulatory Notice Register on October 31, 2014.

48. Fish and Game Commission re: Notice of Findings regarding the gray wolf which was published in the California Regulatory Notice Register on October 31, 2014.

34. Department of Fish and Wildlife re: Draft environmental document to address potential impacts resulting from the implementation of the state-wide ban on lead ammunition for hunting purposes.

**THE BOARD ADOPTED RESOLUTION IN MEMORY OF FATHER FRANK PIRO
AND ADJOURNED THE MEETING UNTIL TUESDAY, DECEMBER 6, 2014, AT 10:00
A.M.**

BOARD ORDERS – SUMMARY ACTION MINUTES – NOVEMBER 25, 2014

10:00 A.M. SCHEDULED ITEM **2014-11-25 PUBLIC OPPORTUNITY**

Human Services Director Ana Pagan informs the Board that Merced County Human Services Department has received the 2014 Adoption Excellence Award.

Eric Swenson, Engineer with Merced Irrigation District, comments on the draft County Water ordinance and the first and second reading process.

Bob Delinski, CEO Castle Sierra School, states they have installed a new Boeing 737 simulator and invites the Board to come see it.

John Swiggart, General Manager Merced Irrigation District, comments on the increasing water demands and challenges, and thanks staff for their work on the water ordinance.

Peggy Amaral states she agrees with Mr. Swiggart's comments and expresses concerns that Merced is the only county allowing water transfers
Present: O'Banion, Pedrozo, Walsh, Davis, Kelsey

10:00 A.M. PRESENTATION **2014-11-25 WATER UPDATE**

Supervisor O'Banion asks for clarification of Mr. Swenson's comments on the process of the draft water ordinance.

County Executive Officer Jim Brown clarifies the public hearing process and states first and second readings would help all groups have a chance to comment in the public hearing process.

Supervisor Pedrozo reviews powerpoint presentation regarding October 21, 2014 Board discussion including: Process, Findings, Legislation, Ordinance Overview and Long-Term Collaboration. Supervisor Walsh continues reviewing: October 21, 2014 Board discussion including Areas Seeking Guidance, and Board and Public Comments. County Executive Officer Jim Brown reviews: Suggested Changes to the Ordinance. Sarge Green, Project Director California Water Institute, reviews: Ordinance Overview, and Exemptions.

Mr. Brown states two supplemental documents were received as follows: a letter from Merced Irrigation District dated November 24, 2014 (Supplemental 1), and an email dated November 24, 2014 from Debbie C. Liebersbach regarding the Draft Groundwater Ordinance (Supplemental 2). Mr. Brown continues powerpoint presentation covering: the Permit Process, Complete Application, Staff Screening, Preliminary Application Review – PAR, Areas of Concern, and Additional Analysis.

Supervisor Walsh continues with review of the powerpoint covering the Bridge – Transition to GSA's. Supervisor Pedrozo concludes the powerpoint discussing Options for Consideration.

Mr. Brown comments on the public hearing process and the dates for the proposed hearings and states the time frames may be difficult to meet if further time is needed for changes.

The Board has lengthy discussion regarding exemptions, appeal process, transfer of water, groundwater mining and jurisdictions of incorporated and unincorporated areas.

Antonio Rossman, Special Council, clarifies jurisdiction and exemptions.

The Board has further discussion regarding the Permit and Appeals process.

Supervisor Kelsey comments on short term approach and long term.

Chairman O'Banion states his understanding is this is not an emergency ordinance.

Mr. Brown states the proposed ordinance would be a permanent ordinance that will be ongoing and there will be suggested changes along the way, an evolutionary process.

Chairman O'Banion states that state law can change the ordinance in next two years.

The Chairman asks if there is anyone from the public wishing to speak.

Eric Swenson submits comments and questions if today is a public hearing or just comment period.

Chairman O'Banion clarifies the process.

Mr. Swenson states concerns on replacement wells.

County Counsel James Fincher clarifies today is just a study session and no action will be taken.

Ken Eggal, from Portola Valley, comments on the CEQA process.

Gloria Sandavol, a Merced resident, states concerns about fracking.

John Swiggart, from Merced Irrigation District, comments on the letter he submitted to the Board.

Bob Kelley, from Stevinson Water District, comments on the latitude of the ordinance and water meters.

Bob Weimer, an Atwater resident, hopes that everyone participates in the public hearings on the proposed ordinance.

The Chairman closes the public opportunity to speak.

The Board discusses whether further discussion is necessary regarding appeals process, GSA's and the adoption process of the ordinance.

Supervisor Walsh moves to set the first and second readings of the proposed Ordinance, seconded by Supervisor Pedrozo.

Chairman O'Banion questions if any consideration on implementation and fee structure has been considered.

The Board has discussion if further changes should be made before setting the public hearings.

Mr. Brown states staff has the ability to make changes and suggests the Board move forward with the language submitted today which can be cleaned up as the process moves forward.

The Chairman calls for the vote on the motion.

Ayes: Pedrozo, Walsh, Davis, Kelsey

Noes: O'Banion