



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, JANUARY 13, 2015
Regular Meeting – 10:00 a.m.

MERCED COUNTY
ADMINISTRATION BUILDING
2222 “M” STREET
BOARD ROOM, THIRD FLOOR
MERCED, CALIFORNIA 95340
(209) 385-7366

CHAIRMAN JOHN PEDROZO.....DISTRICT 1
HUBERT “HUB” WALSH, JR.....DISTRICT 2
DARON McDANIEL.....DISTRICT 3
DEIDRE F. KELSEY.....DISTRICT 4
JERRY O'BANION.....DISTRICT 5

JAMES L. BROWN
COUNTY EXECUTIVE OFFICER

JAMES N. FINCHER
COUNTY COUNSEL

*All supporting documentation is available for public review in the Office of the Clerk of the Board of Supervisors located in the County Administration Building, Third Floor, 2222 “M” Street, Merced, California, 95340
During regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday.*

The Agenda is available online at www.co.merced.ca.us

Any material related to an item on this Agenda submitted to the Clerk after distribution of the Agenda packet is available for public inspection in the Office of the Clerk of the Board

Members of the public are advised that all pagers, cellular telephones and any other communication devices are to be turned off upon entering the Board Chambers

HEARING ASSISTANCE DEVICES ARE AVAILABLE FOR PUBLIC USE
INQUIRE WITHIN THE BOARD OF SUPERVISORS OFFICE

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

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 7

PRESENTATIONS

- 1) **NOMINATION OF CHAIRMAN AND VICE CHAIRMAN FOR THE YEAR 2015.**

THE BOARD NOMINATES SUPERVISOR PEDROZO AS 2015 CHAIRMAN AND SUPERVISOR WALSH AS 2015 VICE-CHAIRMAN
AYES: ALL

2014 OUTGOING CHAIRMAN ADDRESS

SUPERVISOR O'BANION PRESENTS A 2014 OUTGOING CHAIRMAN ADDRESS

2015 INCOMING CHAIRMAN ADDRESS

SUPERVISOR PEDROZO PRESENTS A 2015 INCOMING CHAIRMAN ADDRESS

- 2) **A CONCEPTUAL PRESENTATION OF THE PROPOSED LOS BANOS AGRICULTURAL & INDUSTRIAL LOGISTICS CENTER PRESENTED BY MR. STEVE CARRIGAN, CITY MANAGER, CITY OF LOS BANOS**

REVIEW BOARD ORDER – SEE PAGE 7

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 13)

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-13)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Approve and authorize the Chairman to ratify Amendment Contract No. 2012100 with RGW Construction of Livermore for the Building Land Lease Agreement (200 E. 15th Street, Merced) for a period of 6 months beginning December 1, 2014 and ending on May 31, 2015.
2. Set a Public Hearing for March 3, 2015 at 10 a.m. to adopt a Resolution Forming Underground Utility District No. 12 along Dan Ward Road between Franklin Road and Beachwood Drive; and direct the Board Clerk to notify all affected property owners.

Mental Health

3. Approve and authorize the Chairman to sign Amendment Contract No. 2012103 with BHC Heritage Oaks Hospital, Inc., for non-Medi-Cal clients, for inpatient services, updating the rates for the 2014-2016 portion of the contract period.

Health

4. Approve and authorize the Chairman to sign Renewal Contract No. 2007203 with the California Department of Public Health for the Maternal, Child and Adolescent Health program funding and terms and conditions.
5. Approve and authorize the Chairman to sign Renewal Contract No. 2012118 with the California Department of Public Health for acceptance of Maternal, Infant and Early Childhood Home visiting funding and terms and conditions for the California Home Visiting Program/Nurse Family Partnership.

Ag Commissioner

6. Approve and authorize the Chairman to sign Renewal Contract No. 2008013 with California Department of Food and Agriculture to provide for Light Brown Apple Moth Pest Detection trapping activities.

Fire

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

County Executive Office

8. Act on Claims for Damages received from Gustavo Rubalcava as recommended by Risk Management and County Counsel

Board Recognition

9. Authorize certificate of recognition to McNamara Youth Community Center for Ribbon Cutting.
10. Authorize certificates of recognition to 2014 outgoing officers of the Los Banos Golden Agers Club as follows: Geri Alves, Outgoing President; Jess Medrano, Outgoing Vice-President; Joanne Limperio, Secretary; Willie Walker, Outgoing Treasurer; Carmen

Miranda, Sandee Baird, Bernice Schnorf, Donna Champine, and Paul Limperio, Outgoing Directors; Margaret Gomes, Publicity; and Kent Sandhagen, Immediate Past President.

11. Authorize certificate of recognition to David S. Dunham for retirement from Dignity Health Mercy Medical Center.
12. Authorize certificate of recognition for Mayor Joan Faul for years of dedicated service as outgoing Atwater City Council Member.
13. Authorize certificates of recognition to the Gustine FFA Chapter Dairy Judging Team for their second-place finish at National FFA Finals as follows: Makayla Toste, Lexie Nunes, Alexandria Lopes, and Tony Lopes.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

14. Accept a grant from CalRecycle for the City-County Payment Program for funding for blue recycle totes for unincorporated areas in Merced County where curbside recycling is available; and contract with USA Waste of California, dba Winton Disposal, for purchase of said totes.

AUTHORIZED CONTRACT NO. 2015001 AS RECOMMENDED AYES: ALL

15. 1) Adopt Resolution to: (a) Endorse the grant application for the Wolfsen Road Access to the San Luis National Wildlife Refuge Rehabilitation Project; (b) Authorize the Director of Public Works to sign the application; and (c) Delegate authority to the Director of Public Works to execute a maximum \$10,000 Reimbursement Agreement for the completion of project scoping if the project is short-listed; and 2) Direct Public Works to return to the Board at a later date with an informational item noting all actions taken.

ADOPTED RESOLUTION NO. 2015-01 AS RECOMMENDED AYES: ALL

16. 1) Approve the purchase of a new survey total station with data collector for the Department of Public Works (DPW); 2) authorize DPW to trade-in the existing total station, County Property Number 55084, towards the purchase of new equipment; 3) approve the related Budget Transfer; and 4) authorize Administrative Services to issue a Purchase Order to CSDS of Fresno, CA for the DPW specified equipment.

APPROVED AS RECOMMENDED AYES: ALL

HEALTH

17. Approve submission of a California Personal Responsibility Education Program Grant proposal to the California Department of Public Health, Maternal, Child and Adolescent Health Division for the support of increased sexual health education for Merced County's youth; and return to the Board for contract approval if awarded.

APPROVED AS RECOMMENDED AYES: ALL

MENTAL HEALTH

18. Contract with Merced Behavioral Center for client placement services.

AUTHORIZED CONTRACT NO. 2015002 AS RECOMMENDED AYES: ALL

ELECTIONS

19. Appoint, in Lieu of Election, Donald Boland to the Snelling Community Services District for the November 4, 2014, Gubernatorial General Election.

APPROVED AS RECOMMENDED AYES: ALL

COMMUNITY & ECONOMIC DEVELOPMENT

20. Adopt a Resolution: 1) to determine by 4/5 vote of the Board, that the affected property may be sold subject to section 25536.9 of the California Government Code; and 2) direct Community and Economic Development Staff to post the required Notice of Sale of Real Property in compliance with section 6062(a) of the California Government Code with the Office of the County Clerk and in the newspaper for 10 days; and 3) Direct CED Director to prepare the necessary documents for the sale and transfer of Building 1015 along with 7.43 acres of land to Sierra Air Center Development, LLC; and return to the Board to consider acceptance and execution of final sale to Sierra Air Center Development, LLC. (4/5 Vote Required)

ADOPTED RESOLUTION NO. 2015-02 AS RECOMMENDED AYES: ALL

HUMAN RESOURCES

21. Ratify the Memorandum of Understanding between Merced County and Public Employees Union Local 1 representing Bargaining Unit 3; and authorize Human Resources to make the necessary adjustments to the Merced County Rules and Regulations Resolution 2007-22 and the Salary Allocation Resolution 06-120.

AUTHORIZED CONTRACT NO. 2015003 AS RECOMMENDED AYES: ALL

22. Authorize Administrative Services, Purchasing, in conjunction with Human Resources, to prepare and release a Request for Proposal to secure a qualified outside medical agency to perform health examinations for the County of Merced; select the most responsive provider to perform such services and negotiate an agreement with the provider; and return to the Board with the prepared agreement, upon review by County Counsel, for final contract approval and signature.

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

23. Authorize \$500 of District One, \$1,000 of District Two and District Five, and \$2,500 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: 1, 2, 4, 5 NOES: 3
REVIEW BOARD ORDER – SEE PAGES 7 AND 8

24. Authorize \$1,000 of District Four's Special Board Project Funds to be forwarded to the Court Appointed Special Advocates (CASA) of Merced County in support of their program.

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOES: 3
REVIEW BOARD ORDER – SEE PAGE 8

25. Authorize \$2,500 of District Four's Special Board Project funds to be forwarded to the Merced County Rescue Mission in support of their activities.

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOES: 3
REVIEW BOARD ORDER – SEE PAGE 8

26. Authorize \$6,000 of District Four's Special Board Project Funds to be forwarded to the Winton Lifeline Community Center for support of their efforts in community development and working with At-Risk Youth in Winton.

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOES: 3
REVIEW BOARD ORDER – SEE PAGE 9

BOARD APPOINTMENTS

27. Appoint Robert Acheson to serve as a member of the Planning Commission, representing District Two, filling an unexpired term until October 1, 2016.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

28. Merced County Mosquito Abatement re: Manager's Report for November 2014.
29. California State Water Resources Control Board re: Notice of Petitions for Temporary Change Involving the Transfer/Exchange Under Department of Water Resources Permits 16478 and 16479 (Applications A005630 and A014443).
30. State of California Fish and Game Commission re: Notice of Proposed Emergency Action-- List the Tricolored Blackbird as an Endangered Species.
31. State of California Fish and Game Commission re: Notice of Proposed regulatory action relative to sections 1.73 and 27.75, and subsection (c) of Section 27.80, Title 14, California Code of Regulations, relating to ocean salmon sport fishing, which were published in the California Regulatory Notice register on December 26, 2014.
32. State of California Fish and Game Commission re: Notice of Proposed regulatory action relative to subsection (d) of Section 27.80, Title 14, California Code of Regulations, relating to ocean salmon sport fishing, which was published in the California Regulatory Notice Register on December 26, 2014.
33. State of California Fish and Game Commission re: Notice of Findings regarding the Clear Lake hitch which was published in the California Regulatory Notice Register on December 26, 2014.

THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF JACK NELSON, DAVE GEER, KATHRYN TREAT, AND ROSIE MONTANO, AND ADJOURNED THE MEETING UNTIL TUESDAY, JANUARY 27, 2015, AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – JANUARY 13, 2015

10:00 A.M. SCHEDULED ITEM **2015-01-13 PUBLIC OPPORTUNITY**

Sharon Lowman, Winton resident and President of New Beginnings Animals for Merced County, thanks the Board for considering a donation to the spay/neuter program, gives stats on animal transfers, and submits New Beginnings newsletter.

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

10:00 A.M. SCHEDULED ITEM **2015-01-13 PRESENTATION – LOS BANOS AG. & INDUSTRIAL LOGISTICS CENTER**

Director of Community & Economic Development Mark Hendrickson gives an overview of the project.

Steve Carrigan, Los Banos City Manager, gives a powerpoint presentation on the Industrial Park Runway Hospital and reviews (Supplemental #1): City Goals, Industrial Park Map, Runway Location Map, Regional Hospital, Vicinity Map, LAFCo of Merced County, Partnership, Who the City Met with, Good News/Bad News, Layered Restrictions Map, Good News, Comprehensive Economic Development Strategy (CEDS), AHL Economics Revenue Projections, Infrastructure & Utilities Costs, Runway Relocation, Where We're at Now, Work Group and City Goals.

Supervisor Walsh questions the study guidelines and dates.

Mr. Carrigan states these will be discussed in more detail during working group.

The Board has discussion regarding study guidelines, dates, affected properties around the project, water issues and the potential of the project.

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

ACTION ITEM # 23 **2015-01-13 BOARD OF SUPERVISORS**

The clerk announces authorization of Special Board Project Funds in the amount of \$500 from District One, \$1,000 from District Two, \$1,000 from District Five and \$2,500 from District Four to be forwarded to New Beginnings for Merced County Animals to assist with their Spay and Neuter Program is before the Board for consideration.

Supervisor McDaniel questions discretionary funds going to nonprofits in the area and states he feels they should go to public safety. He does not believe that is the way the money should be spent.

Supervisor Kelsey explains the role of this non-profit organization and how funds will be utilized.

Upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, the Board authorizes \$500 of District One's, \$1,000 of District Two's, \$1,000 of District Five's and \$2,500 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.

Ayes: Pedrozo, Walsh, Kelsey, O'Banion

Noes: McDaniel

ACTION ITEM # 24

2015-01-13 BOARD OF SUPERVISORS

The Clerk announces authorization of \$1,000 of District Four's Special Board Project Funds to be forwarded to the Court Appointed Special Advocates (CASA) in support of their program is before the Board for consideration.

Supervisor McDaniel questions discretionary funds going to nonprofits in the area and states he feels that as this is taxpayer money it should go toward "brick and mortar" and public safety. He does not believe that is the proper way to spend taxpayer money.

Supervisor Kelsey explains the role of this non-profit organization and how funds will be utilized.

Upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, the Board authorizes \$1,000 of District Four's Special Board Project Funds to be forwarded to the Court Appointed Special Advocates (CASA) in support of their program.

Ayes: Pedrozo, Walsh, Kelsey, O'Banion

Noes: McDaniel

ACTION ITEM # 25

2015-01-13 BOARD OF SUPERVISORS

The Clerk announces \$2,500 of District Four's Special Board Project Funds to be forwarded to the Merced Community Rescue Mission in support of their activities is before the Board for consideration.

Supervisor McDaniel questions discretionary funds going to nonprofits in the area and states he feels that as this is taxpayer money it should go toward "brick and mortar" and public safety. He does not believe that is the proper way to spend taxpayer money.

Supervisor Kelsey explains the role of this non-profit organization and how funds will be utilized.

Upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, the Board authorizes \$2,500 of District Four's Special Board Project Funds to be forwarded to the Merced Community Rescue Mission in support of their activities.

Ayes: Pedrozo, Walsh, Kelsey, O'Banion

Noes: McDaniel

ACTION ITEM # 26

2015-01-13 BOARD OF SUPERVISORS

The Clerk announces \$6,000 of District Four's Special Board Project Funds to be forwarded to the Winton Lifeline Community Center for support of their efforts in community development and working with At Risk Youth in Winton is before the Board for consideration.

Supervisor McDaniel questions discretionary funds going to nonprofits in the area and states he feels that as this is taxpayer money it should go toward "brick and mortar" and public safety. He does not believe that is the proper way to spend taxpayer money.

Supervisor Kelsey explains the role of this non-profit organization and how funds will be utilized.

Upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, the Board authorizes \$6,000 of District Four's Special Board Project Funds to be forwarded to the Winton Lifeline Community Center for support of their efforts in community development and working with At-Risk Youth in Winton.

Ayes: Pedrozo, Walsh, Kelsey, O'Banion

Noes: McDaniel