

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, OCTOBER 06, 2015
Closed Session – 8:30 a.m.
Regular Meeting – 10:00 a.m.

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

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

8:30 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) Dana Hertfelder, Public Works Director pursuant to Government Code Section 54956.8 as follows:

Property: APN'S 052-300-011 and 052-300-012 Adjacent to Yosemite Lake

Agency Negotiator: Dana Hertfelder, Public Works Director

Under Negotiation: Update on property appraisal values

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: Teamsters (Corrections), Unit 2; Merced County Deputy Sheriff Association (DSA), Unit 10; Teamsters (Non-Safety Corrections), Unit 12; Merced County Public Safety Services Unit (MCPSSU), Unit 14. Agency Negotiator: Marci Barrera

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): Gustavo Rubalcava v. State of California, et al., Merced County Superior Court Case No. 15CV-01899.

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - INITIATION

OF LITIGATION: It is the intention of the Board to meet in Closed Session concerning Initiation of Litigation pursuant to Government Code Section 54956.9(d)(4): One case.

**THE BOARD RECESSED AT 8:30 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 10

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 21)

PUBLIC HEARINGS:

PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE

To consider a Proposed Ordinance entitled: Conduct in Parks (Amending Ordinance Nos. 1927, 1922, 1889, 1813, 1719, 1388, and 1231, Amends Chapter 10.28.040 of the Merced County Code).

RECOMMENDATION: 1) Open Public Hearing and receive public comments; 2) Waive further reading of the ordinance; 3) Close public hearing and adopt ordinance entitled: Conduct in Parks (Amending Ordinance Nos. 1927, 1922, 1889, 1813, 1719, 1388, and 1231, and Amends Chapter 10.28.040 of the Merced County Code).

REVIEW BOARD ORDER – SEE PAGE 10

COUNTY COUNSEL - PUBLIC HEARING - FIRST READING OF PROPOSED ORDINANCE

First reading to consider Proposed Ordinance entitled: An Ordinance to allow California Prison Industry Authority (CALPIA) to contribute funds to the Merced County District Attorney Victim Witness Assistance Program (Adds Chapter 1.32 to Title 1 of the Merced County Code).

RECOMMENDATION: 1) Introduce and conduct first reading of an ordinance adding Chapter 1.32 to Title 1 of the Merced County Code; 2) Waive further reading of proposed ordinance; 3) Open public hearing and receive comments; 4) Close public hearing; 5) Set a second reading and possible adoption of ordinance for October 20, 2015 at 10:00 a.m.

REVIEW BOARD ORDER – SEE PAGES 10 AND 11

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-21)

APPROVED AS RECOMMENDED EXCEPT ITEMS 1, 2 AND 3 HEARD SEPARATELY
AYES: ALL (EXCEPT Items 1, 2, and 3)

Public Works

1. Adopt Resolution forming Major Subdivision No. 08003 into the Bela Terra Landscape Maintenance Zone of Benefit No. 274 in County Service Area No. 1.

ADOPTED RESOLUTION NO. 2015-125 - SUPERVISOR MCDANIEL RECUSES HIMSELF DUE TO A CONFLICT

2. Adopt Resolution annexing the Bela Terra Subdivision No. 08003 into the Hilmar-Irwin Lighting and Maintenance Zone of Benefit No. 100 in County Service Area No. 1.
ADOPTED RESOLUTION NO. 2015-126 - SUPERVISOR MCDANIEL RECUSES HIMSELF DUE TO A CONFLICT
3. Accept Final Map for Bela Terra Subdivision No. 08003, located in the Hilmar SUDP area.
SUPERVISOR MCDANIEL RECUSES HIMSELF DUE TO A CONFLICT
4. Adopt Resolution designating the maximum length of vehicles on South Avenue between Petaluma Avenue and Canal Drive east of the Community of Delhi; and authorize the Director of Public Works to install regulatory signs along South Avenue advising motorists of the restriction.
ADOPTED RESOLUTION NO. 2015-127
5. Authorize the Director of Public Works to execute Amendment Contract No. 2013020 (Change Order No. 38) with Granite Construction for detour maintenance for the Atwater-Merced Expressway Project.
6. Authorize the Director of Public Works to execute Amendment Contract No. 2014021 with Atwater Electric for traffic signal maintenance services.

Mental Health

7. Approve and authorize the Chairman to sign Amendment Contract No. 2014079 with Aspiranet for the Transition to Independence Process.
8. Approve and authorize the Chairman to sign Amendment Contract No. 2014201 with State of Calif. Dept. of Health Care Services for Substance Use Disorder Services; and adopt resolution.
ADOPTED RESOLUTION NO. 2015-130
9. Approve and authorize the Chairman to sign Amendment Contract No. 2014095 with Merced County Office of Education for expansion of the Caring Kids Program.
10. Approve and authorize the Chairman to sign Amendment Contract No. 2014104 with Sierra Vista Child and Family Services for implementation of the Second Step (imatter) Program.
11. Approve and authorize the Chairman to sign Amendment Contract No. 2011113 with Crestwood Behavioral Health, Inc. for client placement services.
12. Approve and authorize the Chairman to sign Amendment Contract No. 2012163 with Community Social Model Advocates, Inc. for the provision of perinatal residential substance abuse services.

Workforce Investment

13. Accept modification six to Contract No. 2014118 adding exhibits for the Workforce Accelerator Fund 2.0 Health Coach project under grant code 1036 to train Medical Assistants to become Health Coaches as part of incumbent worker training under the Workforce Investment Act.
14. Accept modification seven to Contract No. 2014118 amending all PY 13/14 and PY 14/15 Subgrants that have funds that are operational beyond June 30, 2015 to incorporate the new Workforce Innovation and Opportunity Act (WIOA) requirements but still retains the old Federal government's guidance on Administrative Requirements, Cost Principles, and Audit requirements for Federal awards.

Treasurer/Tax Collector

15. Set a Public Hearing for October 20, 2015 at 10:00 a.m. to consider a proposed Ordinance amending Treasurer-Tax Collector fees (Amends Ordinance No. 1737 and Merced County Code Chapter 5.56.010).

Fire

16. Continue the proclamation of the existence of a local emergency due to drought.

Executive Office

17. Act on Claims for Damages received from Barley, LLC and Jose Garcia as recommended by Risk Management and County Counsel.
18. Approve travel request received from Human Services Agency as recommended by Executive Office.

Board of Supervisors

19. Approval of minutes for October 7, 2014, October 21, 2014, November 4, 2014, November 25, 2014, December 9, 2014, December 16, 2014, December 16, 2014 IHSS, and January 21, 2014 Special Meeting.

Board Recognition

20. Authorize Certificates of Recognition to the following individuals selected as the 2014 Miss Dos Palos Queens: Kira Garcia (Baby Miss Dos Palos), Rilee McCarthy (Tiny Miss Dos Palos), Alyssa Spindler (Little Miss Dos Palos), and Kiauna Conger (Miss Dos Palos).
21. Authorize Certificate of Recognition to City of Atwater, for Patriot Day and National Day of Service and Remembrance.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

22. Contract with Calif. Dept. of Transportation for the Shaffer Road at Santa Fe Avenue Grade Crossing Project; and Adopt Resolution.

AUTHORIZED CONTRACT NO. 2015174 AND ADOPTED RESOLUTION NO. 2015-128 AS RECOMMENDED AYES: ALL

23. Contract with McCandless & Associates Architects, Inc. to provide an exterior building survey, assess damage, provide plans and specifications and cost estimate for the Old Courthouse Museum Refurbishment Project; direct Public Works to return to the Board with completed plans and specifications and construction cost estimate for further Board direction.

AUTHORIZED CONTRACT NO. 2015175 AS RECOMMENDED AYES: ALL

24. PULLED

25. Find that the replacement of the John Latorraca Correctional Center (JLCC) Kitchen/Laundry and Building 500 Boilers is an emergency as defined by Public Contract Code Section 1102; Authorize the County Executive Office, Public Works, County Counsel,

and Purchasing to proceed with all necessary actions to replace the JLCC Kitchen/Laundry and Building 500 Boilers in accordance with Public Contract Code Section 20134(a) and 22050(a)(1); and approve related budget transfers. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2015176 AS RECOMMENDED AYES: ALL

HEALTH

26. Approve submission of an Accreditation Support Initiative application to the National Association of County and City Health Officials for a strategic planning grant in the amount of \$15,000; and return to the Board for contract approval if awarded.

APPROVED AS RECOMMENDED AYES: ALL

MENTAL HEALTH

27. Contract with Fahmy Ibrahim, M.D., Inc. for the provision of psychiatric services; and approve related budget transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2015177 AS RECOMMENDED AYES: 1, 2, 4, 5

NOES: 3

REVIEW BOARD ORDER – SEE PAGE 11

HUMAN SERVICES AGENCY

28. Contract with American Institute for Research for evaluations of early developmental screening programs.

AUTHORIZED CONTRACT NO. 2015187 AS RECOMMENDED AYES: ALL

SPRING FAIR

29. Authorize the Fair Board Loan Committee to approve the payment schedule on the \$131,000 balance of the Spring Fair Operating Loan in the amount of \$8,000 annually; return to the Board to reevaluate the Operating Loan once more information becomes available regarding accessibility improvement project requirements and State funding allocations from the State Division of Fairs and Expositions.

APPROVED AS RECOMMENDED AYES: ALL

WORKFORCE INVESTMENT

30. Approve the Relief of liability for Fixed Asset Nos. 51524, 52758, 52858, and 52859 by allowing the Auditor's office to remove the items from the Dept. of Workforce Investment's Inventory.

APPROVED AS RECOMMENDED AYES: ALL

ELECTIONS

31. Approve Appointments in Lieu of Election as referenced in Exhibit A for the November 3, 2015 U.D.E.L. Election.

APPROVED AS RECOMMENDED AYES: ALL

DEPT. ADMINISTRATIVE SERVICES

32. Approve the Internet Accessibility project to purchase software products, services and to complete Phase II and Phase III of the project; authorize the Director of Administrative Services to negotiate and sign a final Order Form.

AUTHORIZED CONTRACT NO. 2015182 AS RECOMMENDED AYES: ALL

FIRE

33. Adopt resolution declaring support for the California Flood Preparedness Week, October 19-24, 2015.

ADOPTED RESOLUTION NO. 2015-129 AS RECOMMENDED AYES: ALL

HUMAN RESOURCES

34. Ratify the Memorandum of Understanding between Merced County and Teamsters Local Unit 856 representing Bargaining Unit 12.

AUTHORIZED CONTRACT NO. 2015179 AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

35. Authorize the County Executive Officer, or designee, to approve changes to capital assets under \$5,000.

APPROVED AS RECOMMENDED AYES: ALL

36. Authorize the Chairman to sign the Grand Jury letter of response pertaining to matters under the control of the Board as noted in the Fiscal Year 2014/2015 Civil Grand Jury report.

APPROVED AS RECOMMENDED AYES: ALL

37. Approve the application for membership to the CSAC EIA Dental Program and the January 1, 2016, transition to Delta Dental as dental provider for current/retired employees and authorize premium payments to Delta Dental; 2) Approve the transition to Delta Dental for active employees resulting in an overall premium reduction of 6.6% for dental coverage consistent with prior years' dental coverage; 3) Approve the transition to Delta Dental for retirees resulting in an overall premium increase of 2.7% (due to the requested increase in annual maximum from \$1,000 per calendar year to \$1,150) for dental coverage consistent with prior years' dental coverage; 4) Authorize the Chairman to sign the Memorandum of Understanding for CSAC-EIA Dental Program.

AUTHORIZED CONTRACT NO. 2015180 AS RECOMMENDED AYES: ALL

38. Authorize the Chairman to sign Amendment Contract No. 2004364 with Professional Benefit Services for Dental Claims Administration for the period of January 1, 2016 to June 30, 2016, to process outstanding claims for services rendered through December 31, 2015.

AUTHORIZED CONTRACT NO. 2004364 AS RECOMMENDED AYES: ALL

39. Authorize the Chairman to sign Renewal Contract No. 2005281 with Vision Service Plan for vision insurance.

AUTHORIZED CONTRACT NO. 2005281 AS RECOMMENDED AYES: ALL

40. Acknowledge the Group Health Rates overall premium increase of 7.6% for 2016, and authorize premium payments to the Third Party Administrator, Employee Benefit Specialist.

APPROVED AS RECOMMENDED AYES: ALL

41. Authorize the Chairman to sign Amendment Contract with Kroloff, Belcher, Smart, Perry & Christopherson to provide professional legal services.

AUTHORIZED CONTRACT NO. 2015181 AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

- 42. Authorize \$500 of District One's Board Special Project Funds to be forwarded to the Merced County Binational Health Week to assist with costs of the program.
APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 ABSTAIN: 3
- 43. Authorize \$600 of District One's Board Special Project Funds to be forwarded to the Le Grand American Legion Post 660 to assist with repairs to the front door of the Le Grand American Legion Building.
APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 ABSTAIN: 3
- 44. Authorize \$500 of District Four's Board Special Project Funds to be forwarded to I Love Delhi to be utilized for the start up of a community garden.
APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 ABSTAIN: 3

BOARD APPOINTMENTS

- 45. Reappoint Jim Nickel, Greg Pearl and Anthony Neves to serve as members of the Henry Miller Reclamation District until November 6, 2019.
APPROVED AS RECOMMENDED AYES: ALL
- 46. Appoint Suzi Balestra to serve on the Winton Cemetery District, filling an unexpired term until February 18, 2017.
APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

- 47. Law Library re: 2014-2015 Annual Report pursuant to Business and Professions Code 6349.
- 48. Fire re: October 4, 2015 through October 10, 2015 is National Fire Prevention Week in the United States.
- 49. Merced County Mosquito Abatement District re: Manager's Report for August 2015.
- 50. Fish and Game Commission re: Notice of Receipt of Petition which was published in the California Regulatory Notice Register on September 4, 2015.
- 51. Fish and Game Commission re: Pursuant to the provisions of Sections 2073.3 and 2076.5 of Fish and Game Code, the California Fish and Game Commission on August 19, 2015, received a petition from the Center for Biological Diversity to list tricolored blackbird as endangered via emergency regulation and via the listing process set forth under the California Endangered Species Act.
- 52. State Water Resources Control Board re: Notice of Petition for temporary change involving the transfer of 5,000 acre-feet of water under various permits of the U.S. Bureau of Reclamation.
- 53. Central Valley Regional Water Quality Control Board re: Proposition 65 Disclosure for 6180 and 6210 Cypress Ave. and 7453 Gertrude Ave. Winton, CA.
- 54. Department of Transportation re: Relinquishment of Highway Right of Way in the County of Merced, Road 10-MER-99-PM 11.3 Request No. 16704.

THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF BETTY OLSON, BOB ROBSON, AND JEROME MACLENNAN AND ADJOURNED THE MEETING UNTIL TUESDAY, OCTOBER 15, 2015 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – OCTOBER 6, 2015

10:00 A.M. SCHEDULED ITEM

2015-10-06 PUBLIC OPPORTUNITY

Sheriff/Coroner Vern Warnke introduces the new Undersheriff Jason Goins, Lieutenant Dave Alvey, and Lieutenant Steve Sziraki.

The following state concerns with the short staffing, low pay at the Sheriff's office, and concerns with losing deputies to higher paying jobs; Deputy Mark Taylor, Randy Beard of Delhi, Mr. Navarro, Deputy Robert Hawkins, Deputy Jose Palencia, Mark Edwards, Beachwood resident, Charlene Barelli, Coordinator Farm Watch in Winton, Bill Eager, and Retired Sergeant Paul Roseman.

Sheriff Vern Warnke states concerns with the loss of staff and vacancies in his department and gives an example of how short staffing affects citizens and staff.

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

10:00 A.M. SCHEDULED ITEM

2015-10-06 PUBLIC WORKS – PUBLIC HEARING – ORDINANCE NO. 1937

The time and date previously scheduled for a public hearing to consider proposed Ordinance entitled: Conduct in Parks (Amending Ordinance Nos. 1927, 1922, 1889, 1813, 1719, 1388, and 1231, Amends Chapter 10.28.040 of the Merced County Code).

Director of Public Works 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 closes the public hearing.

Upon motion of Supervisor Kelsey, seconded by Supervisor McDaniel, duly carried, the Board waives further reading and adopts Ordinance No. 1937 entitled; Conduct in Parks (Amending Ordinance Nos. 1927, 1922, 1889, 1813, 1719, 1388, and 1231, Amends Chapter 10.28.040 of the Merced County Code).

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

10:00 A.M. SCHEDULED ITEM

2015-10-06 COUNTY COUNSEL – PUBLIC HEARING – FIRST READING PROPOSED ORDINANCE

The time and date previously scheduled for a public hearing to consider first reading of proposed Ordinance entitled: An Ordinance to allow California Prison Industry Authority (CALPIA) to contribute funds to the Merced County District Attorney Victim Witness Assistance Program (Adds Chapter 1.32 to Title 1 of the Merced County Code).

Upon motion of Supervisor O'Banion, seconded by Supervisor McDaniel, duly carried, the Board waives further reading of the Ordinance.

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

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 O'Banion, seconded by Supervisor McDaniel, duly carried, the Board sets a Second Reading of the proposed Ordinance to allow California Prison Industry Authority (CALPIA) to contribute funds to the Merced County District Attorney Victim Witness Assistance Program (Adds Chapter 1.32 to Title 1 of the Merced County Code) for October 20, 2015 at 10:00 a.m.

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

ACTION ITEM #27

2015-10-06 MENTAL HEALTH

The Clerk announces a Contract with Fahmy Ibrahim, M.D. Inc. for the provision of psychiatric services and the approval of the related budget transfer requiring a 4/5 Vote is before the Board for consideration.

Supervisor McDaniel questions the high amount of the contract \$365,000 for one year of services. He also states he did a survey and came up with \$95,000 as the average pay for this type of service.

Mental Health Director Yvonnia Brown states they have been struggling to find a psychiatrist in the county and the average price is in the same range for services in other counties. They have negotiated for the best person and on call pay is average.

Supervisor McDaniel questions Fahmy Ibrahim is residence being in Santa Clara and if this is just on call or staying here.

Ms. Brown states some doctors will keep an apartment here.

County Executive Officer James Brown states they have had extensive talks regarding the contract and are not able to get individuals to participate if the contract if not structured this way.

Upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, the Board approves Contract No. 2015177 with Fahmy Ibrahim, M.D., Inc. for Psychiatric Services for Clients; and approves the related budget transfer in the amount of \$364,000.

Ayes: Pedrozo, Walsh, Kelsey, O'Banion

Noes: McDaniel