

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, MARCH 22, 2016
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

JOHN PEDROZO.....DISTRICT 1
CHAIRMAN 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

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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

**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:

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: United Public Employees (UPE), Unit 3; Merced County Attorney Association (MCAA), Unit 7; Teamsters (Corrections), Unit 2; Merced County Deputy Sheriff Association (DSA), Unit 10; and 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): 1. Disney v. County of Merced, et al., Stanislaus County Case No.: 2018383.

THE BOARD RECESSED AT 8:30 A.M. AND RECONVENED AT 10:00 A.M.; RECESSED AT 11:30 A.M. AND RECONVENED AT 11:50 A.M. WITH SUPERVISOR KELSEY NOT PRESENT, AND THE CHAIRMAN ADVISED STAFF WAS GIVEN DIRECTION

GOVERNMENT CODE SECTION 54954.2 COMPLIANCE (LATE AGENDA ITEMS)

THE BOARD FINDS THE NEED, SUBSEQUENT TO THE POSTING OF THE AGENDA, TO CONSIDER CLOSED SESSION CONCERNING NEGOTIATIONS WITH AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME), UNITS 4, 5, 6, 8 AND 11 MERCED COUNTY LAW ENFORCEMENT SERGEANTS (MCLES), UNIT 30 AYES: 1, 2, 3, 5 NOT PRESENT: 4

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

APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 38)

PUBLIC HEARINGS:

COMMUNITY AND ECONOMIC DEVELOPMENT - PUBLIC HEARING - PROPOSED RESOLUTION

To consider the removal of land from the Agricultural Preserve pertaining to: a) PLA14-008 the west side of S. Highway 33, 0.3 miles north of W. Husman Road in the Gustine area; b) PLA15-031 located on the north side of W. Oak Avenue, one half mile west of N. Buhach Road in the Merced area; c) PLA16-004 located on the southeast corner of Eucalyptus Road and Aubrey Avenue in the Dos Palos area; d) MS16-002 the south side of W. El Capitan Way, 0.65 miles west of N. Cortez Avenue in the Delhi area, are exempt from CEQA under Section 15183, Projects Consistent with a Community Plan or Zoning based on the findings listed on the BAI; and adopt proposed Resolution to amend the Agricultural Preserve as per the requirements of the Land Conservation Act of 1965 (Williamson Act) Section 51200 et seq. of the California Government Code.

RECOMMENDATION:

1) Open the Public Hearing and receive public comments; 2) Close the Public Hearing; 3) Find the removal of land from the Agricultural Preserve pertaining to: a) PLA14-008 the west side of S. Highway 33, 0.3 miles north of W. Husman Road in the Gustine area; b) PLA15-031 located on the north side of W. Oak Avenue, one half mile west of N. Buhach Road in the Merced area; c) PLA16-004 located on the southeast corner of Eucalyptus Road and Aubrey Avenue in the Dos Palos area; d) MS16-002 the south side of W. El Capitan Way, 0.65 miles west of N. Cortez Avenue in the Delhi area, are exempt from CEQA under Section 15183, Projects Consistent with a Community Plan or Zoning based on the findings listed on the BAI; and adopt the Resolution to amend the Agricultural Preserve as per the requirements of the Land Conservation Act of 1965 (Williamson Act) Section 51200 et seq. of the California Government Code.

REVIEW BOARD ORDER – SEE PAGE 13 AND 14

REPORTS/BOARD DIRECTION

CONSENT CALENDAR (Items # 1-38)

APPROVED AS RECOMMENDED

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

Public Works

1. Approve Budget Transfer in the amount of \$50,000 to replace the non-repairable freezer at John Latorraca Correctional Facility.
2. Approve Budget Transfer in the amount of \$11,000 to move funds from the John Latorraca Control Panel project to the Sandy Mush Well #1 Demo project to move forward with meeting Regional Water Quality Control Board instructions to demolish Well #1.
3. Approve Budget Transfer in the amount of \$2,300,000 to add appropriation to the Roads Capital Projects fixed asset to cover completion of existing projects and additional overlay projects to be done this fiscal year.

4. Approve Budget Transfer in the amount of \$88,700 to increase the John Latorraca Boiler Replacement project in order to proceed with the replacement of the John Latorraca Correctional Center Kitchen/Laundry and Building 500 boilers based on the bids received. The current equipment is not maintaining required temperatures for sanitizing laundry and dishwashing. (4/5 Vote Required)

Ag. Commissioner

5. Approve and authorize the Chairman to sign Renewal Contract No. 2010106 with California Department of Food and Agriculture to provide for European Grapevine Moth pest detection trapping activities.
6. Approve and authorize the Chairman to sign Renewal Contract No. 2001105 with California Department of Food and Agriculture for quality standards inspections.

Health

7. Approve acceptance of additional carryover funds to Contract No. 2015014 from the Centers for Disease Control and Prevention to increase the grant for the Partnerships to Improve Community Health Grant; and approve related budget transfer. (4/5 Vote Required)
8. Accept additional carry-in funds to Contract No. 2012187 from the State Nutrition Education and Obesity Prevention Branch for nutrition education and intervention services; and approve related budget transfer. (4/5 Vote Required)
9. Approve and authorize the Chairman to sign Amendment Contract No. 2015073 with California Department of Public Health for Ebola Supplemental Funding.
10. Approve and authorize the Chairman to sign Amendment Contract No. 2010234 with California Department of Public Health, Emergency Preparedness Office increasing the FY15/16 Public Health Emergency Preparedness (PHEP), Hospital Preparedness Program (HPP), the State General Fund Pandemic Influenza (GF Pan Flu) allocation to include carry-forward funds for disaster planning assistance; and approve related Budget Transfer. (4/5 Vote Required)

Mental Health

11. Approve and authorize the Chairman to sign Amendment Contract No. 2013235 with Morse Partners for lease of office space located at 1944 M Street in Merced for Mental Health Administration offices.
12. Approve and authorize the Chairman to sign Amendment Contract No. 2014074 with Dr. Cynthia Hunt, M.D. for the provision of child psychiatric services; and return to the Board for further action once the vacant Staff Psychiatrist position is filled.
13. Approve and authorize the Chairman to sign Amendment Contract No. 2013219 with LocumTenens.com, 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.
14. 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 Staff Psychiatrist positions are filled.
15. Approve and authorize the Chairman to sign Amendment Contract No. 2012126 with Merced Drug for pharmacy services; and approve related Budget Transfer.

16. Approve and authorize the Chairman to sign Amendment Contract No. 2013223 with Dr. John M. Yarbrough, M.D., M.B.A. for psychiatric services; return to the Board for further action once the vacant Staff Psychiatrist positions filled; and approve the related Budget Transfer.

Human Services Agency

17. Approve and authorize the Chairman to sign Renewal Contract No. 2013095 with Alliance for Community Transformations, Inc. to provide the services of a Family Violence Advocate.
18. Approve and authorize the Chairman to sign Renewal Contract No. 2012131 with Court Appointed Special Advocates (CASA) of Merced County for Family Finding and Engagement services.
19. Proclaim the month of March 2016 as "National Social Worker Month".
20. 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.

Probation

21. Approve Budget Transfer in the amount of \$20,000 to purchase four new cubicles and extend the size of five current cubicles.
22. Approve Budget Transfer in the amount of \$39,353 to purchase 60 scanners for staff due to the integration of both the adult and juvenile case management systems. (4/5 Vote Required)

Community and Economic Development

23. Approve Budget Transfer in the amount of \$45,000 to increase appropriation limit due to unforeseen costs associated with the development of additional light poles on Castle Airport and increases in electrical rates above that of the previous fiscal year. (4/5 Vote Required)

Fire

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

Executive Office

25. Approve travel requests received from Public Health, Sheriff and District Attorney as recommended by Executive Office.
26. Act on Claim for Damages received from Richard Luvien and Terri Taroli as recommended by Risk Management and County Counsel.
27. Approve and authorize the Chairman to sign Amendment Contract No. 2004069 with John T. Roberts, dba: Ashgrove Risk Management Services to provide risk management consulting services.
28. Approve Budget Transfer in the amount of \$30,000 to transfer funds from Capital Improvement Projects to Grand Jury in order to cover one-time expenses associated with establishing a separate office space within the Adobe Building for the Grand Jury.

Board of Supervisors

- 29. Approve Minutes for January 12, 2016, January 26, 2016, February 2, 2016, February 9, 2016, March 1, 2016 and March 1, 2016 IHSS.

Board Recognition

- 30. Authorize Proclamation in recognition of Arbor Day in Merced County and the City of Los Banos.
- 31. Authorize Certificate of Recognition to El Portal Dental in Celebration of 10th Anniversary.
- 32. Authorize Certificates of Recognition to the following individuals: Stacy Machado, Alfred Nunes, Silas Rossow, Joe Enos and Bob Giampaoli for dedicated service to the Merced County Farm Bureau.
- 33. Authorize Certificate of Recognition to Garton Tractor, Inc. for Grand Opening.
- 34. Authorize Certificate of Recognition to Robert G. and Yolanda Hermosillo in Celebration of 50th Wedding Anniversary.
- 35. Authorize Certificates of Recognition to the following individuals for being selected by the Merced County Historical Society as follows: Lora Wheeler - 2015 Letus Wallace Award, Lyn George - 2015 Docent of the Year Award, Jackie Anderson - 2015 Heacox Pioneer History Award, Evie Andrade - 2015 Museum Youth Volunteer Award, Dos Palos Historical Society - 2016 Estep-Burchell Community Grant, Merced County Library - 2016 Estep-Burchell Community Grant, Carlene Cunningham - 2015 Past President and John Hofmann - 2015 Retired Board Secretary.
- 36. Authorize Certificates of Recognition to Manuel Zamudio for graduation from the ABC NorCal Plumbing Program and to Adam Kersten for being selected by the ABC NorCal 18th Annual Apprentice Graduation as Electrical Apprentice of the Year.
- 37. Authorize Certificates of Recognition to Brenda J. Pannell and David Denson Sr. for being selected as Honorees at the Seventh Annual Black History Month Program.
- 38. Authorize Certificate of Recognition to Nicholas R. Tregembo for achieving the Boy Scouts of America Rank of Eagle Scout.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

- 39. Authorize Administrative Services to issue a Purchase Order in an amount not-to-exceed \$10,500 to Hawkins & Company, to replace the electrolytic cell assemblies for the Sandy Mush Chlorine Generator equipment; and approve related Budget Transfer.
APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4
- 40. Contract with Siemens to modify existing HVAC equipment and controls and add HVAC equipment to the EOC/Dispatch Facility; authorize Chairman to execute the contract after review by County Counsel; and approve the related budget transfer. (4/5 Vote Required)
AUTHORIZED CONTRACT NO. 2016043 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

41. Approve the Design Development Phase of the Mental Health Tenant Improvement Project and direct Public Works in conjunction with Mental Health to proceed with the completion of the Construction Document Phase; and Direct Public Works and Mental Health to return to the Board for approval of the plans and specifications of the Construction Document Phase with the intent of advertising for a Public Bid Opening and determining the allocation of the remaining funding necessary to complete the project.

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4
REVIEW BOARD ORDER – SEE PAGE 14 AND 15

42. 1) Accept funds from the Friends of Merced Library in the amount of \$10,000; 2) Approve the revised project budget; 3) Award the construction contract to Elite Landscape Construction of Clovis, CA for the Main Library Landscape Refurbishment; 4) Authorize Chairman to execute contract upon review of Public Works and County Counsel; 5) Approve related Budget Transfers. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2016041 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4

HEALTH

43. Contract with California Health Collaborative to promote smoke-free housing and to support healthy food and beverage access at after school sites for the Partnerships to Improve Community Health Grant.

AUTHORIZED CONTRACT NO. 2016044 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4

44. Contract with Intrepid Ascent to conduct a feasibility assessment on electronic health record systems for the Partnerships to Improve Community Health Grant.

AUTHORIZED CONTRACT NO. 2016045 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4

45. PULLED

46. Contract with United Way (Cultiva La Salud) for technical support and services to support physical activity opportunities for the Partnerships to Improve Community Health Grant.

AUTHORIZED CONTRACT NO. 2016046 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4

47. Contract with United Way (2-1-1) to assist with the development of the chronic disease prevention services database for the Partnerships to Improve Community Health Grant.

AUTHORIZED CONTRACT NO. 2016047 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4

48. Approve the submission of a proposal to the California Accountable Communities for Health Initiative to implement a population health model project; and return to the Board for contract approval if awarded.

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

49. Approve submission of a proposal to the Center for Disease Control and prevention for the Sodium Reduction in Communities project; and return to the Board for contract approval if awarded.

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

50. Approve the submission of a proposal to the Merced County Department of Mental Health for an Integration of Mental Health Services into Maternal Child and Adolescent Health

Home Visiting Project; and return to the Board for contract approval if awarded.

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

MENTAL HEALTH

51. Permit the Department to terminate Contract No. 2011141 with RMC Homes, Inc. effective April 22, 2016 pursuant to the Termination for Convenience clause; authorize the Department Head to send the appropriate notice to terminate the contract, with County Counsel review.

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

HUMAN SERVICES AGENCY

52. Authorize the Human Services Agency Director to sign and submit a grant application to the Sierra Health Foundation in response to a funding opportunity to support a Hmong Women's Conference focusing on information leading to self-sufficiency, safety and well-being of families, and return to the Board to process grant documents if awarded.

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

COMMUNITY AND ECONOMIC DEVELOPMENT

53. Contract with Environmental Planning Partners, Inc. to prepare an Initial Study for the Cardoso Dairy Expansion Project (CUP15-017).

AUTHORIZED CONTRACT NO. 2016048 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

54. Contract with Cardoso Dairy for the consultant, Environmental Planning Partners, Inc. to prepare an Initial Study for the Cardoso Dairy Expansion Project (CUP15-017).

AUTHORIZED CONTRACT NO. 2016049 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

55. Contract with Environmental Planning Partners, Inc. to prepare tasks for an Environmental Impact Report for the AJ Borba Holsteins Dairy Expansion project (CUP15-019).

AUTHORIZED CONTRACT NO. 2016050 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

56. Contract with Antonio J. Borba for the consultant, Environmental Planning Partners, Inc. to prepare an Environmental Impact Report for the AJ Borba Holsteins Dairy Expansion project (CUP15-019).

AUTHORIZED CONTRACT NO. 2016051 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

57. Contract with EMC Planning Group, Inc. to prepare an Initial Study for the Sierra View Meadows - North Major Subdivision (MAS15-002) located on the east side of North Cowden Avenue, approximately 125 feet south of West Dan Ward Road in the Franklin-Beachwood area.

AUTHORIZED CONTRACT NO. 2016052 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

58. Contract with Ram Malik for the consultant, EMC Planning Group, Inc. to prepare an Initial Study for Sierra View Meadows - North Major Subdivision project (MAS15-002) located on the east side of North Cowden Avenue, approximately 125 feet south of West Dan Ward Road.

AUTHORIZED CONTRACT NO. 2016053 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4

59. Review and accept the General Plan Annual Progress Report and direct staff to forward a copy of the report to the Governor's Office of Planning and Research, and the State Department of Housing and Community Development.

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

WORKFORCE INVESTMENT

60. Contract with County of Stanislaus Alliance Worknet to satisfy the grant requirements of a ValleyBuild construction-related training program to provide paid internships for up to ten participants.

AUTHORIZED CONTRACT NO. 2016054 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4

SHERIFF

61. Contract with Delhi Unified School District for School Resource Officer.

AUTHORIZED CONTRACT NO. 2016055 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4

62. Interdepartmental Contract with Merced County Spring Fair to provide police protection services for the 2016 Spring Fair from April 27, 2016 through May 1, 2016.

AUTHORIZED CONTRACT NO. 2016056 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4

DISTRICT ATTORNEY

63. Authorize the District Attorney to submit a grant proposal to Office of Traffic Safety (OTS) for the Alcohol and Drug Impaired Driver Vertical Prosecution Program.

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

64. Approve the addition of one Office Assistant III position in the Victim Witness Assistance Program (classification 2213, salary range 61.6 in budget unit 20400); and approve the amendments to the Position Allocation Resolution 06-120/A.

ADOPTED RESOLUTION NO. 2016-23 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4

ELECTIONS

65. Adopt Resolution to call and provide for consolidation of local elections with the Presidential Primary to be held on June 7, 2016.

ADOPTED RESOLUTION NO. 2016-24 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4

66. Rescind Resolution No. 2016-21 and thereby cancel the election on June 21, 2016 to fill the Merced County Employees' Retirement Association Board seat set to expire June 30, 2016 for the #3 General Member for the new term commencing July 1, 2016.

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

AUDITOR

67. Accept the audited Merced County Comprehensive Annual Financial Report and Single Audit for the fiscal year ended June 30, 2015.

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

TREASURER/TAX COLLECTOR

68. Authorize the distribution of 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 \$616,894.07 and the remaining funds per Exhibit "B" of \$280,407.17 are to be transferred to Trust Fund #02000-02080 Property Taxes-Tax Loss Reserve.

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

69. Contract with Steckbauer Weinhart, LLP for the bankruptcy matter of Los Banos Land Investments, LLC/United States Bankruptcy Court vs. Merced County, and approve related budget transfer.

AUTHORIZED CONTRACT NO. 2016057 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

REVIEW BOARD ORDER – SEE PAGE 15

EXECUTIVE OFFICE

70. Approve the Transportation Expenditure Plan and support placement of the one-half cent sales tax measure on the November 8, 2016, Election Ballot.

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

REVIEW BOARD ORDER – SEE PAGE 15

71. Contract with Kelling, Northcross & Nobriga (KNN) to perform general financial advisory services for the County of Merced.

AUTHORIZED CONTRACT NO. 2016058 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

72. Contract with Carpenter, Rothans & Dumont for special legal services in the case of Ethan Morse v. County of Merced, et al., Merced County Case No. 15CV-03348 and; Ethan Morse v. County of Merced, et al., U.S.D.C. Eastern District No.: 1:16-CV00142-DAD-SKO and; Jacob Tellez v. County of Merced, et al., U.S.D.C. Eastern District No.: 1:16-CV-00063-SAB.

AUTHORIZED CONTRACT NO. 2016059 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

73. Authorize the Chairman to sign a letter of support for the Chowchilla Water District Bulletin 118 Basin Boundary Modification request related to the Chowchilla Groundwater Sub-basin, contingent upon the approval of the Memorandum of Understanding coordinating the development of an Interbasin Agreement between the Chowchilla and Merced Groundwater Sub-basin agencies; and provide staff direction on any other Sustainable Groundwater Management Act Implementation issues.

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

REVIEW BOARD ORDER – SEE PAGE 16

BOARD OF SUPERVISORS

74. Authorize \$500 of District One's Special Board Project Funds to be forwarded to the LHS/Livingston Young Women's Conference that was held in the City of Livingston on

March 19, 2016.

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

75. Authorize \$25,000 of District Two's and \$25,000 of District Five's Special Board Project Funds to be utilized for the Library Landscape project; and approve related budget transfer.

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

76. Authorize \$4,697.57 of District Five's Special Board Project Funds to be forwarded to the Los Banos Cemetery District for Phase 2 of their Pavilion Development Plan.

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

77. Authorize \$2,000 of District Four's Special Board Project Funds to be forwarded to Zeke Nelson for the Love Delhi Event and approve related Budget Transfer.

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

BOARD APPOINTMENTS

78. Appoint Gustavo Andrade to serve as a member of the Winton Municipal Advisory Council, until March 31, 2020 and reappoint Wilene Nelson to serve until March 31, 2020.

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

79. Appoint Blanca Lucrecia Lozano Davila, Hayde Berenice Sanchez-Lozano and Rosa Nuno to serve as members of the Delhi Municipal Advisory Council, until January 3, 2019.

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

80. Reappoint Catherine Weber to serve as a member of the Library Advisory Commission, representing District Four, until August 31, 2019.

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

81. Reappoint David Ness to the Merced County Employees' Retirement Association Board to fill the Appointed Member-At-Large (position #4) for a three year term ending July 1, 2018.

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

82. Reappoint Alex McCabe to the Merced County Mosquito Abatement for either a two year term ending December 31, 2017, or a four year term ending December 31, 2019.

APPROVED TWO YEAR TERM AYES: 1, 2, 3, 5 NOT PRESENT: 4

REVIEW BOARD ORDER – SEE PAGE 17

83. Reappoint Rachel Torres to the Housing Authority of Merced County for a four year term ending February 18, 2020.

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

BOARD INFORMATION & POSSIBLE ACTION

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

84. Community and Economic Development re: Foreign-Trade Zone Operating Agreements with VF Outdoor, Inc. and VF Outdoor, LLC have been signed by the Board Chairman.

CONTRACT NO. 2010027

85. County Executive Office re: Revised Operations Directive 15-121.

86. Cal OES re: on February 17, 2016, the U.S. Department of Agriculture granted a Secretarial disaster designation for the primary counties of Calaveras, Colusa, Contra Costa, El Dorado, Fresno, Glenn, Inyo, Kern, Kings, Lake, Lassen, Los Angeles, Madera, Mariposa, Merced, Modoc, Mono, Monterey, Napa, Nevada, Orange, Placer, Plumas, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Tulare, Tuolumne, Ventura, Yolo, Yuba and the contiguous counties of Alameda, Alpine, Amador, Butte, Del Norte, Humboldt, Imperial, Marin, Mendocino, San Francisco, and Trinity.
87. Dept. of Fish & Wildlife re: Notice of Availability of Negative Declaration for Proposed Amendments to Central Valley Salmon Sport Fishing Regulations, Title 14, California Code of Regulations.
88. Fish & Game Commission re: Notice of proposed emergency action incidental take of Tricolored Blackbird (*Agelaius tricolor*) during candidacy period.
89. Fish & Game Commission re: Notice of proposed regulatory action relative to amending Sections 190 and 195, Title 14, California Code of Regulations, relating to fishing activity records and CPFV logbooks, which was published in the California Regulatory Notice Register on February 26, 2016.
90. Fish & Game Commission re: Notice of findings regarding the Humboldt marten which was published in the California Regulatory Notice Register on February 26, 2016.
91. Fish & Game Commission re: Notice of proposed regulatory action relative to amending Section 120.7, Title 14, California Code of Regulations, relating to the commercial sea urchin fishery, which was published in the California Regulatory Notice Register on February 26, 2016.
92. Fish & Game Commission re: Notice of proposed regulatory action relative to amending sections 502 and 507, title 14, California Code of Regulations, relating to Waterfowl Regulations for the 2016-2017 season, which was published in the California Regulatory Notice Register on February 26, 2016.
93. Fish & Game Commission re: 15 day notice of California Notice Register 2016, No.2-Z, Z-2015-1228-03 Re: Mammal regulations for the 2016-2017 seasons.
94. Fish & Game Commission re: Notice of proposed regulatory action relative to subsection (b)(91.1) of Section 7.50, Title 14, California Code of Regulations, relating to Lower Klamath River Basin sport fishing, which was published in the California Regulatory Notice Register on March 4, 2016.
95. State Board of Equalization re: Taxpayer's Bill of Rights Hearings on April 26, 2016 and May 24, 2016.

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

THE BOARD ADOPTED A RESOLUTIONS IN MEMORY OF ROZENE LANE, SAM DIELE, DAVID PACHECO, AND BERT CRANE AND ADJOURNED THE MEETING UNTIL TUESDAY, APRIL 12, 2016, AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – MARCH 22, 2016

10:00 A.M. SCHEDULED ITEM

2016-03-22 PUBLIC OPPORTUNITY

John Wilhorn speaks regarding the Winton Community Hall located at 7091 Walnut Avenue in Winton and requests information relating to the hall.

Robert Bendorf IV, Community Engagement Manager with The Hero Program, gives a brief update on the program and how it is helping County residents. Mr. Bendorf states the Hero Program has helped 271 residents lower their water and utility bills, and the Hero Program is also working with the mortgage industry to help residents with foreclosures.

Veronica Bryant speaks in support of the Mental Health Project at the old hospital. She states that many people can benefit from this facility, and that 1 out of 4 people suffer from mental illness.

Present: Walsh, Pedrozo, McDaniel, O'Banion

Not Present: Kelsey

10:00 A.M. SCHEDULED ITEM

2016-03-22 COMMUNITY AND ECONOMIC DEVELOPMENT – PUBLIC HEARING

The time and date previously set for a public hearing to consider the removal of land from the Agricultural Preserve pertaining to: a) PLA14-008 the west side of S. Highway 33, 0.3 miles north of W. Husman Road in the Gustine area; b) PLA15-031 located on the north side of W. Oak Avenue, one half mile west of N. Buhach Road in the Merced area; c) PLA16-004 located on the southeast corner of Eucalyptus Road and Aubrey Avenue in the Dos Palos area; d) MS16-002 the south side of W. El Capitan Way, 0.65 miles west of N. Cortez Avenue in the Delhi area, are exempt from CEQA under Section 15183, Projects Consistent with a Community Plan or Zoning based on the findings listed on the BAI; and adopt proposed Resolution to amend the Agricultural Preserve as per the requirements of the Land Conservation Act of 1965 (Williamson Act) Section 51200 et seq. of the California Government Code.

Community and Economic Development Director 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. The Chairman closes the public hearing.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board finds the removal of land from the Agricultural Preserve pertaining to a) PLA14-008 the west side of S. Highway 33, 0.3 miles north of W. Husman Road in the Gustine area; b) PLA15-031 located on the north side of W. Oak Avenue, one half mile west of N. Buhach Road in the Merced area; c) PLA16-004 located on the southeast corner of Eucalyptus Road and Aubrey Avenue in the Dos Palos area; d) MS16-002 the south side of W. El Capitan Way, 0.65 miles west of N. Cortez Avenue in the Delhi area, are exempt from CEQA under Section 15183, Projects Consistent with a Community Plan or Zoning based on the findings listed on the BAI.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board adopts Resolution No. 2016-22 to amend the Agricultural Preserve as per the requirements of the Land Conservation Act of 1965 (Williamson Act) Section 51200 et seq. of the California Government Code.

Ayes: Walsh, Pedrozo, McDaniel, O'Banion

Not Present: Kelsey

ACTION ITEM NO. 41

2016-03-22 PUBLIC WORKS

The Clerk announces approval of the Design Development Phase of the Mental Health Tenant Improvement Project is before the Board for consideration. The Clerk also announces that there is a Supplemental document related to this item, and it is available for the public.

Mental Health Director Yvonnia Brown gives a Power Point Presentation covering the following slides: Project Objectives, Building Project Overview, Overall Site Design, Services, Proposed Funding Sources, Project Timeline/Next Steps, and Action Items.

Assistant Public Works Director Richard Schwarz states that the Project Timeline on page 7 is very aggressive. He further states that the 3/22/16 step should not include authorization to advertise for bids. He corrects Next Steps for 3/22/16 (page 7 of the powerpoint) to reflect request for Board approval of the Design Development Packet and Cost Estimate and for the department to proceed with construction/bidding documents.

County Executive Officer James Brown states that staff completed the design documents and request approval. He states that possibly at the end of April they will come back to the Board for approval to go out to bid. Mr. Brown states estimates are increasing and they are not sure of final cost just yet.

Supervisor Pedrozo states he is in support of the project but request further information regarding the 16-bed Crisis Residential Unit client of origin process.

Mental Health Director Yvonnia Brown responds and states the process will be highlighted in the contract.

County Executive Officer James Brown states in addition to contract agreement, Merced County will not be managing the clients, and through the contract the clients will be required to return to the County of origin.

Supervisor McDaniel states he is in support of the project but would like to know if a patient can just walk out the door and leave the facility.

Mental Health Director Yvonnia Brown responds and states that patients prefer to go back to their place of origin, and they will be transported back to the county of origin once they are released. They will not be able to just walk out the door.

Supervisor Walsh states this is large project with a lot of funding and asks if there will be any impact to our current programs.

Mental Health Director Yvonnia Brown states there will be no impact to current programs.

Upon a motion of Supervisor Pedrozo, seconded by Supervisor McDaniel, duly carried, the Board approves the Design Development Phase of the Mental Health Tenant Improvement Project and directs Public Works, in conjunction with Mental Health, to proceed with the completion of the Construction Document Phase; and directs Public Works and Mental Health to return to the Board for approval of the plans and specifications of the Construction Document Phase with the intent of advertising for a Public Bid Opening and determining the allocation of the remaining funding necessary to complete the project.

Ayes: Walsh, Pedrozo, McDaniel, O'Banion

Not Present: Kelsey

ACTION ITEM NO. 69

2016-03-22 TREASURER/TAX COLLECTOR

The Clerk announces approval of a Contract with Steckbauer Weinhart, LLP for the bankruptcy matter of Los Banos Land Investments, LLC/United States Bankruptcy Court vs. Merced County is before the Board for consideration.

Treasurer-Tax Collector Karen Adams speaks regarding the contract for securing rights for taxes. She thanks James Fincher and his staff for their assistance and for being proactive. She states 1.6 million was recovered.

Upon a motion of Supervisor McDaniel, seconded by Supervisor Pedrozo, duly carried, the Board approves contract with Steckbauer Weinhart, LLP for the bankruptcy matter of Los Banos Land Investments, LLC/United States Bankruptcy Court vs. Merced County.

Ayes: Walsh, Pedrozo, McDaniel, O'Banion

Not Present: Kelsey

ACTION ITEM NO. 70

2016-03-22 EXECUTIVE OFFICE

The Clerk announces approval of the Transportation Expenditure Plan and support for placement of the one-half cent sales tax measure on the November 8, 2016, Election Ballot is before the Board for consideration.

Chairman Walsh states there are further discussions ongoing with the TEP and requests that the Board entertain possibly bringing the matter back at a meeting later in April in case those discussions result in modifications.

County Executive Officer James Brown states the Director of Merced County Association of Governments suggests April 26, 2016.

Upon a motion of Supervisor McDaniel, seconded by Supervisor Pedrozo, duly carried, the Board approves modified recommendation to delay approval of the Transportation Expenditure Plan and support placement of the one-half cent sales tax measure on the November 8, 2016, Election Ballot until April 26, 2016.

Ayes: Walsh, Pedrozo, McDaniel, O'Banion

Not Present: Kelsey

ACTION ITEM NO. 73
2016-03-22 EXECUTIVE OFFICE

The Clerk announces authorization for the Chairman to sign a letter of support for the Chowchilla Water District Bulletin 118 Basin Boundary Modification request related to the Chowchilla Groundwater Subbasin, contingent upon the approval of the Memorandum of Understanding coordinating the development of an Interbasin Agreement between the Chowchilla and Merced Groundwater Subbasin agencies; and staff direction on any other Sustainable Groundwater Management Act Implementation issues is before the Board for consideration.

County Executive Officer James Brown reviews a Power Point Presentation on the Chowchilla Groundwater Subbasin Modification Request and informs the public that copies of the presentation are available. Mr. Brown states we have a request from the Chowchilla Water District and the deadline is March 31. Mr. Brown uses the Proposed Groundwater Sub Basin Boundary Changes map on the powerpoint to outline the current and proposed boundary changes. He states that Chowchilla is requesting a modification to the boundary line. Mr. Brown requests the Board support Chowchilla's application with the contingency of a Cooperating Agreement between the Merced and the Chowchilla sub-basins because of the heavy subsidence issues involved in a portion of the area included in the boundary change.

Mr. Brown states that we are in support of moving the boundary line with a Cooperating Agreement in place and asks for support from the Board.

Mr. Brown informs the Board that a request for a letter of support was received from the Delta Mendota subbasin Authority and utilizes the powerpoint map to outline the area involved. He states there is a request to modify the borders, and states the borders are not in Merced County and the request does not impact Merced County; however they asked us for a letter of support. Mr. Brown recommends that the Board approve a letter of support, only.

Mr. Brown informs the Board of SB 1317 called the Aquifer Protection Act, and comments are due today. He states that this legislation proposes to create a conditional use permit process for any new wells. He states that much of the legislation is already in place with the Groundwater Ordinance. He states if legislation is successful, we might have to tweak our Ordinance to bring it to a higher level. CEO Brown recommends the Board approve a letter for the Chairman signature to express concerns with the legislation.

Upon motion of Supervisor Pedrozo, seconded by Supervisor O'Banion, duly carried, the Board authorizes the Chairman to sign a letter of support for the Chowchilla Water District Bulletin 118 Basin Boundary Modification request related to the Chowchilla Groundwater Sub-basin, contingent upon the approval of the Memorandum of Understanding coordinating the development of an Interbasin Agreement between the Chowchilla and Merced Groundwater Sub-basin agencies; and provide staff direction on any other Sustainable Groundwater Management Act Implementation issues.

Ayes: Walsh, Pedrozo, McDaniel, O'Banion

Not Present: Kelsey

ACTION ITEM NO. 82

2016-03-22 BOARD APPOINTMENTS

The Clerk announces the reappointment of Alex McCabe to the Merced County Mosquito Abatement for either a two year term ending December 31, 2017, or a four year term ending December 31, 2019 is before the Board for consideration.

Supervisor Pedrozo requests information pertaining to the At-Large Process.

Chief Deputy Board Clerk Vicky Bryan responds states that the vacancy was advertised as a Press Release in October or November of 2015 and the only application received was from Alex McCabe.

Supervisor Pedrozo makes a motion for a 2 year term.

Supervisor McDaniel questions if it has been a 2 or 4 year term in the past.

County Executive Officer James Brown states it has been a 2 year term in the past.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Walsh, duly carried, the Board approves reappointing Alex McCabe to the Merced County Mosquito Abatement for a two year term ending December 31, 2017.

Ayes: Walsh, Pedrozo, McDaniel, O'Banion

Not Present: Kelsey