



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, AUGUST 30, 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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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; Agency Negotiator: Marci Barrera

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 THERE ARE NO REPORTABLE ITEMS AND STAFF WAS GIVEN
DIRECTION**

GOVERNMENT CODE SECTION 54954.2 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

PRESENTATION:

HMONG HISTORY MONTH – Chairman Walsh presents Certificate of Recognition to General Thao in recognition of Hmong History Month.

APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 18)

PUBLIC HEARINGS:

COMMUNITY AND ECONOMIC DEVELOPMENT - PUBLIC HEARING

To consider Amendment of the Agricultural Preserve as per the California Land Conservation Act of 1965 (Williamson Act) in Merced County.

RECOMMENDATION:

1) Open the Public Hearing and receive testimony; 2) Close the Public Hearing; 3) Make the Motion: The Board of Supervisors finds the removal of the land from the Agricultural Preserve pertaining to: a) PLA16-010 located on the Northeast corner of Orchard Way and Hoover Road in the El Nido area, and b) MS15-015 located on the Northeast corner of Le Grand Road and Fresno Road in the Le Grand area, are exempt from CEQA under Section 15183, Projects Consistent with a Community Plan or Zoning based on the findings listed in the Board Agenda Item; and, 4) Adopt 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

COMMUNITY AND ECONOMIC DEVELOPMENT - PUBLIC HEARING

To consider Amendment of the Agricultural Preserve as per the California Land Conservation Act of 1965 (Williamson Act) in Merced County and approval of Minor Subdivision Application No. MS16-009.

RECOMMENDATION:

1) Open the Public Hearing and receive testimony; 2) Close the Public Hearing; 3) Make the Motion: The Board of Supervisors finds the removal of the land from the Agricultural Preserve and Minor Subdivision pertaining to: MS16-009 located on the Northwest corner of Pepper Street and Linwood Road, in the Turlock area, does not require subsequent environmental review in compliance with Section 15162 "Subsequent EIRs and Negative Declarations" of the CEQA Guidelines based upon the analysis in the 2030 Merced County General Plan Program Environmental Impact Report; and, 4) 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; 5) Approve Minor Subdivision No. MS16-009 based on the 10 project findings and subject to the 6 recommended conditions of approval on the staff report.

REVIEW BOARD ORDER

CONTINUED TO SEPTEMBER 13, 2016 AT 10 A.M.

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-18)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Adopt Resolution annexing Minor Subdivision No. 14-003 into Taylor Estates Lighting and Drainage Zone of Benefit #249 in County Service Area No. 1.

ADOPTED RESOLUTION

Health

2. Approve and authorize the Chairman to sign Amendment Contract No. 2015120 with United Way of Merced County for continuation of 2-1-1 system services for the Lifetime of Wellness: Communities in Action Grant.
3. Approve and authorize the Chairman to sign the no-cost Amendment Contract No. 2016061 with California Women, Infants, and Children (WIC) Association to support the breastfeeding objective to coordinate and conduct lactation consultant training for department staff and community partners for the Partnerships to Improve Community Health Grant and California Home Visiting Program/Nurse Family Partnership.

Human Services Agency

4. Approve and authorize the Chairman to sign Renewal Contract No. 2009120 with T Kaljian Investments for lease of office space located on 848 6th Street in Los Banos.

Community and Economic Development

5. Approve and authorize the Chairman to sign Amendment Contract No. 2013053 with 5 G's Corporation, Fahren's Creek LLC, and Upside Properties LP to receive funding for the consultant, Placeworks and County staff to prepare tasks for an Environmental Impact Report for the Yosemite Lake Estates project (GPA07-006/ZC07-008) located approximately 3 miles northeast of the City of Merced, west, north, and east of the Merced Golf and Country Club, between G Street and Lake Yosemite and north of Old Lake Road.
6. Approve and authorize the Chairman to sign Amendment Contract No. 2013052 with Placeworks to prepare tasks for an Environmental Impact Report for the Yosemite Lake Estates project (GPA07-006/ZC07-008) located approximately 3 miles northeast of the City of Merced, west, north, and east of the Merced Golf and Country Club, between G Street and Lake Yosemite and north of Old Lake Road.

Workforce Investment

7. Accept Modification Six (6) to Subgrant K698371 adding \$495,000 of Workforce Innovation and Opportunity Act (WIOA) 25% funding into grant codes 1067 and 1070 to work regionally with employers, community colleges, and to coordinate regional structures within workforce boards in the San Joaquin Valley. The term of this funding is June 1, 2016 to March 31, 2018.

Executive Office

8. PULLED
9. Act on Claims for Damages received from Ruthie Rocha, Selina Rocha, and Marissa Rocha, refiled as Marissa Souza, as recommended by Risk Management and County Counsel.

Board Recognition

10. Authorize Certificate of Recognition to Delhi Health Center for Ground Breaking Ceremony.
11. Authorize Certificate of Recognition to Wolves Wellness Center for Ribbon Cutting and Grand Opening.
12. Authorize Certificate of Recognition to PRO LUBE Oil Change Centers for Ribbon Cutting.

13. Authorize Certificates of Recognition to John and Kelly Pedrozo, Ted and Juanita Pedrozo, Judy and Harry Blackburn, Joe and Diana Westmoreland Pedrozo, Josh and Heidi Pedrozo, and Joe and Julie Marchini for being selected by Catholic Charities Harvest of Hope for dedicated service to the Merced Community.
14. Authorize Certificate of Recognition to Kathryn Hansen for leadership to the Merced Multicultural Arts Center as the Acting Director and to the Merced County Arts Council as President.
15. Authorize Certificate of Recognition to Castle Family Health Centers for 9th Annual Summer Family Health Festival.
16. Authorize Certificates of Recognition for Alicia Dicochea for 45 years of service to the Golden Valley Health Center and for Los Banos Golden Valley Health Center for 40th Anniversary.
17. Authorize Certificates of Recognition to Ashley Flores - Dos Palos High School, Kiara Gilardi - Los Banos High School and Kassandra Ramirez - Pacheco High School for being selected as the American Legion Auxiliary Girls State Delegates.
18. Authorize Proclamation in recognition of Hmong History Month in Merced County for September 2016.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

19. Authorize the Board to accept the donation of trees and shrubs from Art Kamangar (Merced Wholesale Nursery), to be planted in Merced County Parks; and authorize Parks Division staff to act as a liason between other public agencies and the nursery to coordinate options for them to receive trees and other shrubs as well.

APPROVED AS RECOMMENDED AYES: ALL

HEALTH

20. Contract with Diagnostic Laboratories for mobile diagnostic radiologic technology services.

APPROVED AS RECOMMENDED AYES: ALL

21. Contract with RMC Water and Environment to complete mandated activities for the Proposition 1 Sustainable Ground Water Planning Grant.

APPROVED AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER

22. Contract with HealthReach for Medi-Cal Administrative Activities consultant services.

APPROVED AS RECOMMENDED AYES: ALL

23. Contract with Community Partners for the California Accountable Communities for Health Initiative to implement a population health model project for Merced County; and authorize the Chair to sign all copies of the agreement and the Director of Public Health to sign the electronic payment form.

APPROVED AS RECOMMENDED AYES: ALL

24. 1) Authorize the Dept. of Public Health as a member of the Merced Area Groundwater Pool Interests (MAGPI) to submit a Proposition 1, Groundwater Quality Project Funding Pre-Application; and 2) The Dept. of Public Health as an interested party will return to the Board if MID as the lead agency from MAGPI is invited to submit a full application.

APPROVED AS RECOMMENDED **AYES: ALL**

REVIEW BOARD ORDER

25. Approve State Contract No. 201624 with the California Dept. of Public Health and approve the Merced County Dept. of Public Health's acceptance of the Maternal, Child and Adolescent Health program funding and terms and conditions as stated in the contract.

APPROVED AS RECOMMENDED **AYES: ALL**

26. Approve State Contract No. 201624 with the California Dept. of Public Health and approve the Merced County Dept. of Public Health's acceptance of the Adolescent Family Life Program funding and terms and conditions as stated in the contract.

APPROVED AS RECOMMENDED **AYES: ALL**

27. Accept grant funds awarded to Merced County in State Contract No. 16-10178 from the State Nutrition Education and Obesity Prevention Branch for nutrition education and intervention services from October 1, 2016 through September 30, 2019, for a total amount of \$2,131,725; authorize the Chairman to sign the agreement and related documents; and adopt the Resolution approving the three year contract.

ADOPTED RESOLUTION AS RECOMMENDED **AYES: 1, 2, 3, 5**

NOT PRESENT: 4

28. Void Contract No. 2016169; approve the State of California Dept. of Water Resources Contract No. 4600011475 for the Proposition 1 Sustainable Ground Water Planning Grant.

APPROVED AS RECOMMENDED **AYES: ALL**

REVIEW BOARD ORDER

29. Contract with Lifeline Community Development Corporation for nutrition education and obesity prevention services.

APPROVED AS RECOMMENDED **AYES: ALL**

MENTAL HEALTH

30. Contract with Merced County Community Action Agency for property management and operating service activities related to the implementation of Project Home Start.

APPROVED AS RECOMMENDED **AYES: ALL**

31. Contract with Merced County Community Action Agency for property management and operating service activities related to the implementation of Project Hope Westside.

APPROVED AS RECOMMENDED **AYES: ALL**

32. Appoint Dr. Isabel Manuel as the interim clinical director designation for the Marie Green Psychiatric Facility per California Code of Regulations 77081.

APPROVED AS RECOMMENDED **AYES: ALL**

HUMAN SERVICES AGENCY

33. Authorize the Dept. of Administrative Services, in conjunction with Human Services Agency, to initiate the procurement process for anger management services, select the most responsive provider to perform such services, and negotiate an agreement with the provider; and return to the Board with the negotiated agreement, upon review by County

Counsel, for final contract approval and signature.

APPROVED AS RECOMMENDED **AYES: ALL**

34. Approve the acceptance of a Sierra Health Foundation grant award in the amount of \$1,500 to support Hmong Women's Conference on September 17, 2016.

APPROVED AS RECOMMENDED **AYES: ALL**

35. Approve the acceptance of an event sponsorship in the amount of \$1,000 from the Merced County Office of Education to support a Hmong Women's Conference on September 17, 2016; and approve the acceptance of an event sponsorship in the amount of \$3,000 from Dignity Health to support a Hmong Women's Conference on September 17, 2016.

APPROVED AS RECOMMENDED **AYES: ALL**

36. Authorize the Board to approve the Area Agency on Aging Advisory Council Bylaws as approved by the members of the Advisory Council at their July 25, 2016 meeting.

APPROVED AS RECOMMENDED **AYES: ALL**

COMMUNITY AND ECONOMIC DEVELOPMENT

37. 1) Simultaneously rescind existing Williamson Act contract and re-enter into a new Williamson Act contract with the following property owners, to reflect new property lines resulting from prior-approved property line adjustments: a) Wolfsen Land and Cattle Company (Williamson Act No. WA2000-0696), b) Darshan S. Thandi and Nasib Kaur (Williamson Act No. WA2000-0387); 2) Make the seven (7) legal findings listed in the Board Agenda Item required by Williamson Act Section 51257(a); 3) Authorize the Chairman to sign the new Williamson Act contracts and forward them to the County Recorder.

APPROVED AS RECOMMENDED **AYES: ALL**

38. 1) Direct staff to work with the Merced County Association of Governments to advance and prioritize the Atwater-Merced Expressway and develop an associated funding plan; 2) Direct staff to work with our Federal officials to amend the Castle Airport Layout Plan; and 3) Direct staff to begin the preparatory work related to updating the Special Planning Zone for Castle Commerce Center to facilitate maximum development space.

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

REVIEW BOARD ORDER

FIRE

39. Contract with Howell Consulting for updating the County Emergency Operations Plan (EOP) and its Annexes.

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

AUDITOR

40. Adopt Resolution setting the Secured Property Tax Rates for the 2016/2017 fiscal year.

ADOPTED RESOLUTION AS RECOMMENDED **AYES: 1, 2, 3, 5**

NOT PRESENT: 4

DISTRICT ATTORNEY

41. Approve and authorize the payment of \$10,000 to the California District Attorneys Association from the District Attorney's Environmental Trust Fund to support the CDAA Environmental Circuit Prosecutor Project.

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

SHERIFF

42. Approve and authorize a onetime salary adjustment for the Extra Help Sheriff Security Attendants (Class 0704) to allow the Sheriff the ability to pay up to \$15.00 per hour to Extra Help Sheriff Security Attendants based upon their qualifications.

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

43. Adopt the Resolution designating and authorizing the Merced County Jail as a facility to provide medically approved medication to defendants housed at the Merced County Jail who by Court Order are found to be mentally incompetent and unable to provide informed consent due to a mental disorder, pursuant to Penal Code Section 1367 et seq. Such medications shall be administered by authorized medical personnel only.

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

HUMAN RESOURCES

44. 1) Ratify the Memorandum of Understanding between Merced County and Deputy Sheriff's Association, representing Bargaining Unit 10; 2) Ratify the Memorandum of Understanding between Merced County and Merced County Public Safety Services Unit, representing Bargaining Unit 14; 3) Authorize employees in bargaining Units 10 and 14 (DSA and MCPSSU) to participate in the three health plan options (Traditional Plan, Low Cost Plan, and Account Based Plan with Health Savings Account) beginning in 2017.

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

EXECUTIVE OFFICE

45. Contract with George Hills Company to provide General and Auto Liability Claims Third Party Administrator services for the term of 10/1/2016 to 9/30/2019 with the option to extend the contract for two (2) additional one (1) year periods.

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

BOARD OF SUPERVISORS

46. Authorize \$1,000 of District One's Special Board Project Funds to be forwarded to Merced Senior Citizens Inc. to be used towards the cost of WiFi service.

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

47. Authorize \$1,000 of District One's Special Board Project Funds to be forwarded to Club Mercedes in support of their annual Thanksgiving Meal with clothes distribution for the less fortunate.

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

48. Authorize \$900 of District Two's Special Board Project Funds to be forwarded to the Merced Zoological Society to be used for materials for their Halloween Zoo Boo event.

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

49. Authorize \$5,000 of District Two's Special Board Project Funds to be forwarded to the Castle Air Museum to be used to create a covered play area and picnicing area at the museum.

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

50. Authorize \$4,600 of District Four's Special Board Project Funds to be forwarded to the Delhi Community Unity for the completion and installation of welcome to Delhi signs.
APPROVED AS RECOMMENDED **AYES: 1, 2, 5** **ABSTAIN: 3**
NOT PRESENT: 4

51. Authorize \$1,439 of District Four's Special Board Project Funds to be forwarded to the City of Gustine to be used to send two of Gustine's Airport Commissioners to the Association of California Airports Annual Conference.
APPROVED AS RECOMMENDED **AYES: 1, 2, 5** **ABSTAIN: 3**
NOT PRESENT: 4

BOARD APPOINTMENTS

52. Appoint Shelly Conner as education and training representative to fill an unexpired term ending on June 30, 2018; and Leslie McGowan as business representative to serve until June 30, 2020, to the Workforce Development Board.
APPROVED AS RECOMMENDED **AYES: 1, 2, 3, 5** **NOT PRESENT: 4**
53. Appoint Roscoe "Jack" Jackson, representing Board of Supervisors Rep-At-Large to serve on the Housing Authority of the County of Merced until 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**

54. Health re: Year 3 funding for Partnerships to Improve Community Health Grant is for the amount of \$1,215,000 for the period of September 30, 2016 through September 29, 2017.
55. Public Works re: Contract No. 2015105 awarded to Bob Holl Sheet Metal, Merced, CA in the amount of \$126,900 for the Fish & Game Building Reroof and HVAC Replacement.
56. Mosquito Abatement District re: Manager's Report for July 2016.
57. Fish and Game Commission re: Notice of Receipt of Petition to list Lassics Lupine as endangered under the California Endangered Species Act. This notice was published in the California Regulatory Notice Register on August 12, 2016.
58. Fish and Game Commission re: Notice of Final Consideration to list Townsend's big-eared bat; Northern spotted owl as threatened or endangered, and Livermore tarplant as endangered under the California Endangered Species Act. These notices were published in the California Regulatory Notice Register on August 12, 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 RESOLUTIONS IN MEMORY OF GARY CLAUSEN, LORRAINE OLZACK, CLEMENTINA FREITAS, IRENE MIGLIAZZO, CASEY TERRENCE PRIEST, AND LINN DAVIS, AND ADJOURNED THE MEETING UNTIL TUESDAY, SEPTEMBER 13, 2016 AT 10:00 A.M.