SUMMARY ACTION MINUTES
BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, NOVEMBER 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

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:
It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957: Public Employee Performance Evaluation Title: County Executive Officer

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

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): Gonzalez v. County of Merced, et al., Eastern District Case No. 1:16-cv-01682-SAB

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: 1111 G Street, Los Banos (026-161-003) and 1159 G Street, Los Banos (026-191-008)

Agency Negotiator: Dana Hertfelder, Public Works Director

Negotiation Parties: City of Los Banos and County of Merced

Under Negotiation: To request authority to negotiate proposed acquisition of property and negotiate a reimbursement agreement of property purchase between the City of Los Banos and County of Merced.

THE BOARD RECESS AT 8:30 A.M. AND RECONVENED AT 10:00 A.M. WITH SUPERVISOR KELSEY NOT PRESENT, AND THE CHAIRMAN ADVISED THERE WERE 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 – SEE PAGE 10

PRESENTATION:
Bureau of Reclamation - B. F. Sisk Dam Safety Project

REVIEW BOARD ORDER – SEE PAGE 10

APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 25)

CONSENT CALENDAR (Items # 1-25)
APPROVED AS RECOMMENDED  AYES: 1, 2, 3, 5  NOT PRESENT: 4

Public Works
1. Approve Budget Transfer in the amount of $400,000 to add appropriation for Campus Parkway due to revised planning of Phase 2 in order to utilize Traffic Congestion Relief Program funding. (4/5 Vote Required)

Health
2. Approve and authorize the Chairman to sign Amendment Contract No. 2010234 with California Dept. of Public Health, Emergency Preparedness Office to increase FY16/17 Public Health Preparedness (PHEP), Hospital Preparedness Program (HPP), and the State General Fund Pandemic Influenza (GF Pan Flu) allocation to include carry-forward funds; and approve the related budget transfer. (4/5 Vote Required)
3. Approve and authorize the Chairman to sign Amendment Contract No. 2016205 with Resource Development Associates to complete their development and community engagement processes related to the Community Health Improvement Plan.
4. Approve and authorize the Chairman to sign the Acceptance of Amended Award Contract No. 2007230 with Calif. Dept. of Public Health - Tuberculosis Control Branch for TB control and prevention services.
5. Set the first reading for December 6, 2016 at 10:00 a.m. to amend proposed Ordinance entitled "Wells" (Supersedes Ordinance 1271, 1197, 1128, 752 and amends Chapter 9.28 Title 9 of the Merced County Code), and set a second reading and possible adoption of the proposed Ordinance for December 20, 2016 at 10:00 a.m.

Behavioral Health and Recovery Services
6. Approve Budget Transfer in the amount of $120,000 for the purchase and installation of server upgrades and Anasazi Modules.
7. Approve and authorize the Chairman to sign Amendment Contract No. 2008321 with Cerner Corp. for Integrated Behavioral Health Information System services.

8. Approve and authorize the Chairman to sign Amendment Contract No. 2014129 with Larry Dumford for the provision of board and care services to clients.

9. Approve and authorize the Chairman to sign Amendment Contract No. 2015210 with Charis Youth Center for Specialty Mental Health services to youth clients placed out-of-county.

**Human Services Agency**

10. Approve and authorize the Chairman to sign Amendment Contract No. 2012130 with Aspiranet to provide home visitor services.

**Community and Economic Development**

11. Approve and authorize the Chairman to sign Amendment Contract No. 2016011 with Adrienne L. Graham for the preparation of a Initial Study/Mitigated Negative Declaration for the Le Grand Rezone project; and approve the related budget transfer. (4/5 Vote Required)

**Fire**

12. Approve Budget Transfer in the amount of $20,000 to change the description of 81266 from 2 Utility Trucks to 2 Command Vehicles and to increase funding.

**Sheriff**

13. Approve Budget Transfer in the amount of $24,000 for two Livescan machines.

14. Approve and authorize the Chairman to sign Amendment Contract No. 2011158 with Dr. William Bell, DMV, Santa Fe Pet Hospital for Veterinarian services at the County's Animal Services Facility.

**District Attorney**

15. Approve Budget Transfer in the amount of $15,000 for purchase of copy machine. (4/5 Vote Required)

16. Approve Budget Transfer in the amount of $31,611 for workstations for new VIPER personnel. (4/5 Vote Required)

**Auditor**

17. Approve Budget Transfer in the amount of $160,000 for issuance fees for the Mental Health private placement bond. (4/5 Vote Required)

**Executive Office**

18. Act on Claims for Damages received from Frank Carion, Gabriel Avila, Anahy Valentin and Lupe Gomez as recommended by Risk Management and County Counsel.

**Board Recognition**

19. Authorize Certificates of Recognition to various individuals for the Young Patriot Challenge.

20. Authorize Certificate of Recognition to Carol Garrett in recognition of 35 years of dedicated service to the California Highway Patrol.
21. Authorize Certificates of Recognition to various individuals for graduation from PLTI Class of 2016.

22. Authorize Certificates of Recognition to various individuals for their accomplishments and graduation from Merced County Day Reporting Center.


25. Authorize Certificates of Recognition to various individuals for Graduation from the UC Merced Citizen Police Academy Class 20.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

26. 1) Authorize $50,000 of District Two’s Special Board Project Funds to be allocated to update the Seismic Safety Investigation of the Old Library/High School located at 2121 “M” Street; 2) Authorize the Chairman to execute a Special Services Agreement with Miyamoto International, Inc., Earthquake + Structural Engineers of West Sacramento for the not to exceed amount of $44,000 after review by Public Works and County Counsel; and, 3) Authorize use of Public Works retained Special Testing & Inspections firm, Kleinfelder, Inc., in an amount not to exceed $6,000 for related testing and reports.

AUTHORIZED CONTRACT NO. 2016270 AS RECOMMENDED  AYES:  1, 2, 3, 5

NOT PRESENT:  4

HEALTH

27. 1) Approve submission of the Waste Tire Enforcement Grant application (Cycle 24) for enforcement activities; 2) Adopt the resolution granting Board approval to sign all application documents; 3) Designate the Director of Public Health or designee to submit all payment requests and grant activity forms; and 4) Direct Public Health to return to the Board if awarded.

ADOPTED RESOLUTION 2016-129 AS RECOMMENDED  AYES:  1, 2, 3, 5

NOT PRESENT:  4

28. Contract with Intrepid Ascent to support the monitoring and improvement of community health outcomes related to heart disease, stroke, diabetes, and obesity for the Lifetime of Wellness Grant.

AUTHORIZED CONTRACT NO. 2016271 AS RECOMMENDED  AYES:  1, 2, 3, 5

NOT PRESENT:  4

29. Contract with Healthy Communities Institute Corp. for a web-based template system that will provide content to help plan for community health improvements and evaluation for the Partnerships to Improve Community Health Grant.

AUTHORIZED CONTRACT NO. 2016272 AS RECOMMENDED  AYES:  1, 2, 3, 5

NOT PRESENT:  4
30. Adopt and authorize submission of the Fiscal Year 2016/2017 Mental Health Services Act Annual Update and Innovation Plan, including all comments and any updates from the November 1, 2016 County Behavioral Health Board Hearing and adopt the resolution; authorize the Auditor-Controller to sign the necessary documents in the Annual Update and Innovation Plan certifying fiscal accountability of the Mental Health Services Act Programs; and authorize the Director of Behavioral Health and Recovery Services to sign all necessary documents for submission.

ADOPTED RESOLUTION NO. 2016-130 AS RECOMMENDED    AYES: 1, 2, 3, 5

NOT PRESENT: 4

31. Authorize Behavioral Health and Recovery Services Director to sign and submit the Ongoing Annual Mental Health Services Act Fund Release Authorization for Future Unencumbered Funds.

APPROVED AS RECOMMENDED    AYES: 1, 2, 3, 5

NOT PRESENT: 4

32. Authorize Administrative Services, on behalf of Behavioral Health and Recovery Services, to develop and release a Request for Proposal to secure a qualified provider to implement a Foster Youth Wraparound Program, to select the most responsive bidder and negotiate an agreement; and return to the Board for final approval.

APPROVED AS RECOMMENDED    AYES: 1, 2, 3, 5

NOT PRESENT: 4

33. Authorize Administrative Services, on behalf of Behavioral Health and Recovery Services, to develop and release a Request for Proposal to secure a qualified provider to implement the Wraparound, Empowerment, Compassion, and Needs (WeCan) Program, to select the most responsive bidder and negotiate an agreement; and return to the Board for final approval.

APPROVED AS RECOMMENDED    AYES: 1, 2, 3, 5

NOT PRESENT: 4

34. Authorize Administrative Services, on behalf of Behavioral Health and Recovery Services, to develop and release a Request for Proposal to secure a qualified provider to implement the Community Assistance Recovery Enterprise (CARE) Program, to select the most responsive bidder and negotiate an agreement; and return to the Board for final approval.

APPROVED AS RECOMMENDED    AYES: 1, 2, 3, 5

NOT PRESENT: 4

35. Authorize Administrative Services, on behalf of Behavioral Health and Recovery Services, to develop and release a Request for Proposal to secure a qualified provider to implement a Housing Consultant, to select the most responsive bidder and negotiate an agreement; and return to the Board for final approval.

APPROVED AS RECOMMENDED    AYES: 1, 2, 3, 5

NOT PRESENT: 4

36. Authorize Administrative Services, on behalf of Behavioral Health and Recovery Services to develop and release a Request for Proposal to secure a qualified provider to implement the Adult Peer Mentor Program, to select the most responsive bidder and negotiate an agreement; and return to the Board for final approval.

APPROVED AS RECOMMENDED    AYES: 1, 2, 3, 5

NOT PRESENT: 4

37. Contract with BHC Heritage Oaks Hospital for inpatient hospital services for Medi-Cal clients.

AUTHORIZED CONTRACT NO. 2016273 AS RECOMMENDED    AYES: 1, 2, 3, 5

NOT PRESENT: 4
38. Contract with BHC Heritage Oaks Hospital for inpatient hospital services for Non-Medi-Cal clients.

AUTHORIZED CONTRACT NO. 2016274 AS RECOMMENDED  AYES: 1, 2, 3, 5  NOT PRESENT: 4

HUMAN SERVICES AGENCY

39. Approve the release of the Request for Proposal (RFP) for the Congregate Meals Production and Frozen Home Delivered Meals Delivery Programs; authorize Area Agency on Aging in conjunction with Administrative Services to prepare the RFP, solicit and select potential vendors, negotiate the preparation of the necessary agreements; and return to the Board for approval.

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

40. Approve the release of the Request for Proposal (RFP) for the Congregate Site Management Program; authorize Area Agency on Aging in conjunction with Administrative Services to prepare the RFP, solicit and select potential vendors, negotiate the preparation of the necessary agreements; and return to the Board for approval.

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

41. Approve the release of the Request for Proposal (RFP) for Child and Family Team meeting services providers; authorize Area Agency on Aging in conjunction with Administrative Services to prepare the RFP, solicit and select potential vendors, negotiate the preparation of the necessary agreements; and return to the Board for approval.

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

42. Approve the release of the Request for Proposal (RFP) for Psychosocial Assessment Services; authorize Area Agency on Aging in conjunction with Administrative Services to prepare the RFP, solicit and select potential vendors, negotiate the preparation of the necessary agreements; and return to the Board for approval.

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

43. Contract with NEC Corporation of America to provide and install the Business Connect Operator Package solution; and approve the related budget transfer.

AUTHORIZED CONTRACT NO. 2016275 AS RECOMMENDED  AYES: 1, 2, 3, 5  NOT PRESENT: 4

CHILD SUPPORT SERVICES

44. Contract with Contra Costa Dept. of Child Support Services for early intervention delinquency prevention services.

AUTHORIZED CONTRACT NO. 2016276 AS RECOMMENDED  AYES: 1, 2, 3, 5  NOT PRESENT: 4

WORKFORCE INVESTMENT

45. Approve the release of the Request for Proposal (RFP) for Workforce Investment Opportunity Act One-Stop Operator; authorize Administrative Services in conjunction with Workforce Investment, individually or as part of a consortium to prepare the RFP, solicit and select potential vendors, negotiate the preparation of the necessary agreements; and return to the Board for approval.

APPROVED AS RECOMMENDED  AYES: 1, 2, 3, 5  NOT PRESENT: 4
TREASURER/TAX COLLECTOR

46. Accept the Quarterly Investment Report for the period of July 1, 2016 to September 30, 2016.

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

ADMINISTRATIVE SERVICES

47. Contract with Tyler Technologies Inc. for annual support and maintenance of the Sheriff's Case Management System (CMS).

    AUTHORIZED CONTRACT NO. 2016277 AS RECOMMENDED   AYES: 1, 2, 3, 5

    NOT PRESENT: 4

48. Contract with Delta Wireless to provide support for portable and mobile radios utilized by the Sheriff's Office.

    AUTHORIZED CONTRACT NO. 2016278 AS RECOMMENDED   AYES: 1, 2, 3, 5

    NOT PRESENT: 4

49. Authorize Administrative Services to complete a Request for Proposal to engage a consultant to complete an assessment of the County's current public safety radio infrastructure and to develop a plan improving the system; and return to the Board with an agreement for final approval.

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

BOARD OF SUPERVISORS

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

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

51. Accept and approve recommendations from the Special Districts and notify the Special Districts of the action taken.

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

52. Request the Board to select the California State Association of Counties (CSAC) Board of Directors Member and Alternate Representative for Merced County for the 2016-2017 Association year beginning November 29, 2016.

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

    REVIEW BOARD ORDER – SEE PAGE 11

53. Authorize $5,000 of District One's Special Board Project Funds to be forwarded to the Le Grand Union Elementary School District for an electronic marquee; and approve related budget transfer.

    APPROVED AS RECOMMENDED   AYES: 1, 2, 5   ABSTAIN: 3

    NOT PRESENT: 4

54. Authorize $2,500 of District One's Special Board Project Funds to be forwarded to the Family Sports Center in support of their programs; and approve the related budget transfer.

    APPROVED AS RECOMMENDED   AYES: 1, 2, 5   ABSTAIN: 3

    NOT PRESENT: 4

55. Authorize $1,000 of District One’s Special Board Project Funds to be forwarded to the LHS/Livingston Young Women's Conference for the annual conference to be held in the City of Livingston; and approve the related budget transfer.
56. Authorize $1,000 of District One’s Special Board Project Funds to be forwarded to the Friends of Merced County Fair to be used to assist in paying off the loan for the Hilmar Cheese Barn; and approve the related budget transfer.

APPROVED AS RECOMMENDED AYES: 1, 2, 5 ABSTAIN: 3

NOT PRESENT: 4

57. Authorize $500 of District Four's Special Board Projects Funds to be forwarded to the Hot Rod Diner in Hilmar to be paid in monthly increments of $100 for weekly meeting space for the Hilmar Senior Social Club from December 2016 through April 2017.

APPROVED AS RECOMMENDED AYES: 1, 2, 5 ABSTAIN: 3

NOT PRESENT: 4

58. Authorize $3,000 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, 5 ABSTAIN: 3

NOT PRESENT: 4

59. Authorize $2,500 of District Four’s Special Board Project Funds to be forwarded to the Gustine Historical Society for the preservation of their collection of local artifacts and provide community outreach.

APPROVED AS RECOMMENDED AYES: 1, 2, 5 ABSTAIN: 3

NOT PRESENT: 4

60. Authorize $2,500 of District Four's Special Board Project Funds to be forwarded to the Hilmar Historical Society to assist with the preservation of their collection of local artifacts and provide community outreach; and approve the related budget transfer.

APPROVED AS RECOMMENDED AYES: 1, 2, 5 ABSTAIN: 3

NOT PRESENT: 4

BOARD APPOINTMENTS

61. Reappoint Spencer Supinger to serve as a member of the Solid Waste Independent Hearing Panel representing Technical Expert, until April 7, 2020.

APPROVED AS RECOMMENDED AYES: 1, 2, 5 ABSTAIN: 3

NOT PRESENT: 4

BOARD INFORMATION & POSSIBLE ACTION

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

62. Fish and Game Commission re: Notice of Findings regarding Livermore tarplant, which was published in the California Regulatory Notice Register on November 4, 2016.

63. Fish and Game Commission re: Notice of Findings regarding the Townsend's big-eared bat, which was published in the California Regulatory Notice Register on November 4, 2016.

64. Fish and Game Commission re: Amended Initial Statement of Reasons for Regulatory Action on Falconry regulations.

THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF DANIEL FERNANDEZ AND RAMONA TORREZ AND ADJOURNED THE MEETING UNTIL TUESDAY, DECEMBER 6, 2016, AT 10:00 A.M.
10:00 A.M. SCHEDULED ITEM  
2016-11-22 PUBLIC OPPORTUNITY

Jean Okuye, East Merced Resource Conservation District (EMRCD) announces the winner of the EMRCD speech contest as Sophia Castro of Los Banos. Ms. Okuye also gives an update on grants the district is working on and submits a flier on East Merced RCD goals and contact information.

Sophia Castro of Los Banos reads her speech on poor air quality and use of the Resource Conservation Districts.

Marcus Moreno of Delhi introduces himself and states he is an applicant for the Delhi Municipal Advisory Council.

James Hodges comments on Obama Care laws and the cost of insurance he has to pay.

Sylvia Bullock and Kristy Tatum Representatives of Merced Adult School thank Supervisor Pedrozo for his support over the years.

County Public Works employee comments on the MCAG and The Bus system, and states the taillights of the buses are incorrect color and plays an audio tape about taillights.

Tony Slaton of the Boys and Girls Club states that they have been broken into twice in the last week and comments they need to find solutions to the problems, and thanks the Supervisors for their support.

Present: Walsh, Pedrozo, McDaniel, O'Banion
Not present: Kelsey

10:00 A.M. SCHEDULED ITEM  
2016-11-22 PRESENTATION

Mynul Chowdhury, P.E., Project Manager B.F. Sisk Safety of Dams Modification Project reviews powerpoint presentation on the project covering the following: Agenda, Project Location, Potential Risks, What are we doing about it?, B.F. Sisk SOD Modification Scope, B. F. Sisk SOD Modification Project Tasks, Corrective Action Alternatives, Components of Structural Alternatives, Typical Crest Raise and Berm Section (Station 107+00), Typical Section no Crest Raise (Station 37+00), Structural Alternatives, B.F. Sisk SOD Modification Schedule, Schedule for B.F. Sisk SOD Project, and Outreach Activities.

The Board has discussion regarding dam storage, and if there is an inundation map showing which areas would be affected in case of dam breakage.

Jean Okuye of East Merced Resource Conservation District questions if consideration was made on fault activities in reservoir areas.

Present: Walsh, Pedrozo, McDaniel, O'Banion
Not present: Kelsey
ACTION ITEM #52
2016-11-22  BOARD OF SUPERVISORS

The Clerk announces selection of the California State Association of Counties (CSAC) Board of Directors Member and Alternate Representative for Merced County 2016/2017 Association year beginning November 29, 2016 is before the Board for consideration.

Supervisor O’Banion moves, seconded by Supervisor Pedrozo, to have Supervisor McDaniel serve as Primary member and delay the Alternate member representative for a future vote.
Ayes: Walsh, Pedrozo, McDaniel, O’Banion
Not present: Kelsey