

# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, JANUARY 10, 2017

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

RODRIGO ESPINOZA.....DISTRICT 1  
LEE LOR.....DISTRICT 2  
DARON McDANIEL.....DISTRICT 3  
LLOYD PAREIRA.....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](http://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; Agency Negotiator: Marci Barrera

**THE BOARD RECESSED AT 8:30 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS 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. INVOCATION/PLEDGE OF ALLEGIANCE  
Invocation led by Reverend Don Ramsey**

**PUBLIC OPPORTUNITY TO SPEAK ON ANY MATTER OF PUBLIC INTEREST WITHIN THE BOARD'S JURISDICTION INCLUDING ITEMS ON THE BOARD'S AGENDA, EXCEPT FOR THOSE ITEMS SPECIFICALLY SCHEDULED AS PUBLIC HEARINGS (TESTIMONY LIMITED TO THREE MINUTES PER PERSON)**

**REVIEW BOARD ORDER – SEE PAGE 7 AND 8**

**PRESENTATION:**

**NOMINATION OF CHAIRMAN AND VICE CHAIRMAN FOR THE YEAR 2017**

**THE BOARD NOMINATES SUPERVISOR MCDANIEL AS 2017 CHAIRMAN AND SUPERVISOR O'BANION AS 2017 VICE-CHAIRMAN  
AYES: ALL**

**APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 19)**

**REPORTS/BOARD DIRECTION**

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-19)

**APPROVED AS RECOMMENDED      AYES: ALL**

Public Works

1. Set a Public Hearing for February 21, 2017 at 10:00 a.m. to consider adoption of a Resolution annexing the Minor Subdivision MS09-005 into the Hilmar/Irwin Street Lighting Maintenance Zone of Benefit No. 100 in County Service Area Number One.
2. Set a Public Hearing for February 21, 2017 at 10:00 a.m. to consider adoption of a Resolution annexing the Stoneridge Christian School CUP15-003 into the Sahota Brother Clinton Street Lighting and Drainage Zone of Benefit No. 264 in County Service Area Number One.

Health

3. Approve and authorize the Chairman to sign Amendment Contract No. 2015128 with Fitch & Associates to provide consulting services for administration of the existing Emergency Medical Services contracts, the Air ambulance Request for Proposal, plan for and execute modifications to Ground Ambulance Exclusive Operator Contract or to assist in preparations of a Request for Proposal and all new Ambulance Agreement.

District Attorney

4. Approve Budget Transfer in the amount of \$7,723 to cover costs for computers and equipment needed for additional County Victims Services Program employees. (4/5 Vote Required)
5. Approve Budget Transfer in the amount of \$174,537 to cover costs of the Victim Services Program. (4/5 Vote Required)

Executive Office

6. Act on Claims for Damages submitted by Miguel Sanchez, Ashley Lopes, Rachel Seratte, and Darlene Butcher as recommended by Risk Management and County Counsel.

Board Recognition

7. Authorize Certificates of Recognition to various individuals for being chosen as 2016 Honorees for the Gustine Veterans Day Program.
8. Authorize Certificates of Recognition to Dennis Brazil, Outgoing Mayor of Gustine and Sean Scully, Outgoing Gustine City Manager, for their Service and Commitment to the City of Gustine.
9. Authorize Certificates of Recognition to Stan Thurston, Mayor of City of Merced, Noah Lor, Merced City Council and Tony Dosetti, Merced City Council, for Service and Commitment to the City of Merced.
10. Authorize Certificate of Recognition to Susan E. Walsh Ed.D. for retirement and 31+ Years of Service and Commitment to Merced College.
11. Authorize Certificates of Recognition to the following for being selected by Merced County Association of Realtors; Ray Rodriguez-2016 Bill Del Nero Lifetime Achievement Award,

Terry and Peggy Flanagan Priest-2016 Jesse Fees Memorial Award, Mike Salvadori-2016 President's Award, John Derby-2016 Affiliate of the Year Award, Teri Strickland-2016 Realtor of the Year Award and Skip Hinman-2016 President.

12. Authorize Certificate of Recognition to Steven E. Gomes, Ed.D. for retirement from Merced County Office of Education.
13. Authorize Certificates of Recognition to Frank Pietro, Atwater City Manager, Larry Bergman, Atwater Mayor Pro Tem, and Joe Rivero, Atwater Council Member, for their dedicated service to the City of Atwater.
14. Authorize Certificates of Recognition to various individuals for Graduation from the Certified Nursing Assistant Program.
15. Authorize Certificate of Recognition to Amin Salkhi, CEO for the Firebaugh Travel Plaza's Unveiling of I-5 Highway Sign.
16. Authorize Certificate of Recognition for being selected as Love Plus Graduates Fall 2016 to Ryan Mora, Juan A. Olvera, Virginia Snyder, Aaron Tafoya and Juan Carlos Valencia.
17. Authorize Certificate of Recognition to Margie Kirn for 25+ years of dedicated service to Merced County Association of Governments.
18. Authorize Certificates of Recognition to various individuals for the 2016 Los Banos Golden Agers Club Outgoing Officers.
19. Authorize Certificates of Recognition to Dr. Salvador Sandoval and Jerry Lewis, P.A. for their many years of dedicated service and commitment to Golden Valley Health Center and the Merced Community.

## REGULAR CALENDAR

### BOARD ACTION

#### HEALTH

20. Contract with ChangeLab Solutions for nutrition education and obesity prevention services.  
**AUTHORIZED CONTRACT NO. 2017001 AS RECOMMENDED AYES: ALL**
21. Contract with Howell Consulting, Inc. for Crisis and Risk Communication Planning services under the Public Health Emergency Preparedness (PHEP) grant with the Calif. Dept. of Public Health, Emergency Preparedness Office (EPO).  
**AUTHORIZED CONTRACT NO. 2017002 AS RECOMMENDED AYES: ALL**

#### COMMUNITY AND ECONOMIC DEVELOPMENT

22. Contract with A-Bar Ag. Enterprises for preparation of an Environmental Analysis for the A-Bar Ag. Enterprises well project located in the area generally defined as west of South Dos Palos and South of Los Banos.  
**AUTHORIZED CONTRACT NO. 2017003 AS RECOMMENDED AYES: ALL**  
**REVIEW BOARD ORDER – SEE PAGE 8**
23. Contract with Jacobson, James & Associates to prepare tasks for environmental analysis of the A-Bar Ag. Enterprises well project located in the area generally defined as west of South Dos Palos and south of Los Banos.

**AUTHORIZED CONTRACT NO. 2017004 AS RECOMMENDED AYES: ALL**  
**REVIEW BOARD ORDER – SEE PAGE 8 AND 9**

24. Contract with Quad Knopf, Inc. for consultant services involving preparation of a water supply assessment, water, and wastewater master plan for the Le Grand Community Plan Update Environmental Impact Report.

**AUTHORIZED CONTRACT NO. 2017005 AS RECOMMENDED AYES: ALL**

25. Approve the Federal Aviation Administration (FAA) grant application related to the Airport Layout Plan (ALP) Diagram/Narrative Update, Pavement Management Maintenance Plan (PMMP) and Airspace Study; authorize the Chairman to sign all application documents; and direct Community and Economic Development to return to the Board for acceptance of the grant.

**APPROVED AS RECOMMENDED AYES: ALL**

**SHERIFF**

26. Authorize a onetime retroactive pay adjustment for 64 pay periods for one Sheriff's Dispatcher employee ID 93380 in the gross amount of \$7,813.24 applicable to all withholdings and retirement contributions; and for 13 pay periods for one Sheriff's Dispatcher employee ID 29196 in the gross amount of \$1,033.20 applicable to all withholdings and retirement contributions in accordance with Human Resources Rules and Regulations.

**APPROVED AS RECOMMENDED AYES: ALL**

**EXECUTIVE OFFICE**

27. Approve \$10,000 contribution to the Merced County Sheriff's Posse to assist with the transportation cost of livestock for participation in the 58th Inauguration Parade on January 20, 2017.

**MODIFIED RECOMMENDATION AYES: ALL**  
**REVIEW BOARD ORDER – SEE PAGE 9**

**BOARD APPOINTMENTS**

28. Approve and adopt the 2017 Board Assignments as designated.

**APPROVED AS RECOMMENDED AYES: ALL**

29. Approve the appointment of Darryl E. Young as the Board of Supervisor's ex officio in place of the County Board Chair and Casey Aitchison as an additional trustee to the Law Library Board of Trustees for 2017.

**APPROVED AS RECOMMENDED AYES: ALL**

30. Reappoint George Park to serve as a member of the Lower San Joaquin Levee District, until June 4, 2020.

**APPROVED AS RECOMMENDED AYES: ALL**

**BOARD INFORMATION & POSSIBLE ACTION**

**ACCEPTED AND PLACED ON FILE AYES: ALL**

31. Community and Economic Development re: Emergency Public Works project to repair Castle Commerce Center Sewer Lift Station pursuant to California Public Contract Code Section 22050.

32. Mosquito Abatement District re: Manager's Report for November 2016.
33. State Board of Equalization re: Annual Meeting of the State Board of Equalization and County Assessors scheduled for January 26, 2017 at the Board's headquarters, 450 N Street, Room 121, Sacramento, CA at 10:00 a.m.
34. Fish and Game Commission re: Notice of Proposed Emergency Action for Emergency Abalone Take Reduction Due to Harmful Environmental Conditions.
35. Fish and Game Commission re: Notice of Availability of a document added to the rulemaking file regarding the California Spiny Lobster Fishery Management Plan Implementing Regulations adopted at the Commission's June 22, 2016 meeting.
36. Fish and Game Commission re: Notice of Findings regarding the petition to list coast yellow leptosiphon as endangered under the California Endangered Species Act which was published in the California Regulatory Notice Register on December 23, 2016.
37. Fish and Game Commission re: Notice of Proposed Regulatory Action regarding listing the Livermore Tarplant as endangered which was published in the California Regulatory Notice Register on December 23, 2016.
38. Fish and Game Commission re: Notice of Proposed Regulatory action relative to Amending section 708.5, Title 14, California Code of Regulations, relating to deer tagging and reporting, which was published in the California Regulatory Notice Register on December 23, 2016.
39. Fish and Game Commission re: Notice of Proposed Regulatory action relative to Amending sections 360, 361, 362, 363, 364 and 364.1, Title 14, California Code of Regulations, relating to mammal regulations, which was published in the California Regulatory Notice Register on December 23, 2016.
40. Fish and Game Commission re: Notice of Proposed Regulatory action relative to Amending section 502, Title 14, California Code of Regulations, relating to waterfowl regulations, which was published in the California Regulatory Notice Register on December 23, 2016.
41. Fish and Game Commission re: Use of Dogs for Pursuit/Take of Mammals, Section 265, Title 14, California Code of Regulations; published in California Notice Register, November 18, 2016, Notice File No. Z2016-1108-06, Register 2016, No 47-Z.

**THE BOARD ADJOURNED THE MEETING UNTIL TUESDAY, JANUARY 24, 2017,  
AT 10:00 A.M.**

## **BOARD ORDERS – SUMMARY ACTION MINUTES – JANUARY 10, 2017**

### **10:00 A.M. SCHEDULED ITEM**

#### **2017-01-10 PUBLIC OPPORTUNITY**

Sheriff Vern Warnke speaks about the inaugural parade in Washington, D.C. that the Merced County Sheriff's Posse will be participating in later in the month. He states that they have received 100% of the funding they had needed from the community and do not need the funds requested in Item 27. He also presents the Sheriff's Posse's Mission Statement to Chairman McDaniel, and recognized Leroy Vierra, the current Captain of the Posse and Loretta Locke who has been accepting all the donations for their trip.

Merced County Fire Division Chief Mark Lawson introduces Battalion Chief Jeremy Rahn to provide the Board with an update on the recent storms and isolated flooding events as well as proactive measures taken by Merced County Office of Emergency Services.

Battalion Chief Jeremy Rahn informs the Board that we have an outstanding partnership with all stakeholders – all six cities as well as other agencies; specifically, Merced Irrigation District expert who is closely monitoring the flows of the streams and creeks 24 hours a day. He reports that there is one single report of damage to a roof in Livingston, temporary road closures, over 10,000 sandbags have been picked up by residents throughout the operational area. Battalion Chief Rahn provides information on preparations made prior to the storms such as partnering with the Sheriff to fly over creeks and notifying individuals near the creek banks to evacuate the area, and states that daily conference calls are taking place with all stakeholders. He states that as of Wednesday afternoon through January 9 the local area went to a Level 1 which means there is a single point of communication on any potential issues or any resources that are needed. Battalion Chief Rahn states that the clearing out of the storm drains by City Public Works had a huge impact on the success so far. He states that looking forward they do anticipate working with the Lower San Joaquin Lower Levee District along the San Joaquin and the Chowchilla Bypass that flows will continue to increase over the next period of days due to releases from the Friant dam. He further states that Bear Creek is being monitored closely and encourages our community to be ready for any disaster through ready.gov as well as enroll in the Merced County emergency notification system.

Linda People, resident speaks about her father's property at 477 and 688 Cone Avenue in Merced and provides pictures and letters. There is no running water or bathroom at the properties and squatters have taken over. She states that she has spoken to John Pedrozo and Mark Hendrickson in the past as well as Code Enforcement. She further states she needs help from the Board with this ongoing problem.

Jose Ramirez speaks on behalf of the Altamont Corridor Express Train and the Regional Rail Commission. He would like help from the Board on getting the Train Travel Interest Surveys completed by residents.

Salvador Walley, Winton resident, states we need to work together with the youth in the community and be proactive. He further states he is available to help if the Board would like to work with him.

Antonio Valdez, Livingston resident congratulates the new Board members. He states that the roads in Livingston need help if there is any extra money or grants available to help them out.

Mary Hoffman, with the League of Women's Voters introduces herself and states she will be in the audience observing the board meetings.

Herbert Figueroa, Winton resident, speaks about groundwater contamination, and also about a well that was put in on Eucalyptus and Jones Road in Winton. He further states that he is 62 years old and homeless.

Florence Crocin, resident of District 2 states that IHSS home care providers need a wage increase.

Kelly Turner, Atwater resident speaks on behalf of Tamara Cobb, Chairperson of the Martin Luther King Jr. March on January 16, 2017. She states that they are in need of 600 white plastic chairs for their event, if the County is able to help them out.

Gloria Sandoval, Merced resident speaks about Item 27 on the agenda. She states the \$10,000 could be used for the homeless in the community instead of sending the Sheriff's Posse to Washington, D.C.

Jordie Calvert, Merced resident speaks in opposition of Item 27 on the agenda to support the Sheriff's Posse. He states the money should be spent here in this county.

Jennifer Morales, Planada resident speaks in opposition of Item 27 on the agenda. She states she is glad this item is no longer needed.

Casey Steed, District 2 resident clarifies that Item 27 is still on the agenda and that the Board has not voted on it yet. He states it's not about the person, it's about the process. He further states for the Board to please vote yes on agenda Item 27 in support of our Sheriff, our community, and the process that is America.

Jesse Ornelas, District 1 resident urges the Board to vote no on Item 27, he states there is better use for that money.

Diane Meja, District 1 resident speaks in opposition of Item 27. She states the board should give that money to IHSS workers because they deserve better.

Present: McDaniel, Espinoza, Lor, Pareira, O'Banion

## **ACTION ITEM NO. 22**

### **2017-01-10 COMMUNITY AND ECONOMIC DEVELOPMENT**

The Clerk announces the contract with A-Bar Enterprises for preparation of an Environmental Analysis for the A-Bar Ag. Enterprises well project located in the area generally defined as west of South Dos Palos and South of Los Banos is before the Board for consideration.

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



Aaron Barcellos, with A-Bar Ag Enterprises the applicant, states that he is frustrated with the process and that he has to spend \$26,000 on permits for two new wells. He further states he greatly appreciates all the help he has received from Supervisor O'Banion.

Upon a motion of Supervisor Lor, seconded by Supervisor O'Banion, duly carried, the Board approves Contract No. 2017003 with A-Bar Ag. Enterprises for preparation of an environmental analysis for the A-Bar Ag. Enterprises well project.

Ayes: McDaniel, Espinoza, Lor, Pareira, O'Banion

### **ACTION ITEM NO. 23**

#### **2017-01-10 COMMUNITY AND ECONOMIC DEVELOPMENT**

The Clerk announces the contract with Jacobson, James & Associates to prepare tasks for environmental analysis of the A-Bar Ag. Enterprises well project located in the area generally defined as west of South Dos Palos and south of Los Banos is before the Board for consideration.

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

Aaron Barcellos, with A-Bar Ag Enterprises, the applicant states that he is frustrated with the process and that he has to spend \$26,000 on permits for two new wells. He further states he greatly appreciates all the help he has received from Supervisor O'Banion.

Upon a motion of Supervisor Lor, seconded by Supervisor O'Banion, duly carried, the Board approves Contract No. 2017004 with Jacobsen, James & Associates to prepare tasks for environmental analysis of the A-Bar Ag. Enterprises well project.

Ayes: McDaniel, Espinoza, Lor, Pareira, O'Banion

### **ACTION ITEM NO. 27**

#### **2017-01-10 EXECUTIVE OFFICE**

The Clerk announces the approval of a \$10,000 contribution to the Merced County Sheriff's Posse to assist with the transportation cost of livestock for participation in the 58<sup>th</sup> Inauguration Parade on January 20, 2017 is before the Board for consideration.

Supervisor O'Banion recommends that the item be pulled from the agenda. He states he fully supports the Sheriff's Posse going to Washington, D.C. no matter who the President is. He further states that he appreciates the Sheriff coming forward this morning to let them know that they have raised the additional funds that were needed and for withdrawing the request for funds.

Supervisor Espinoza thanks the Sheriff for coming to let the Board know the funds are no longer needed.

Supervisor Lor thanks residents for coming out today to voice their opinions on this item and questions the possibility of using this money for other purposes.

County Executive Officer James Brown clarifies that the money that has been allocated is from an advertising budget unit to put towards activities and promoting Merced County, such as

exhibits at fairs or festivals. He further explains that this is one of the smaller budget units and they would not be taking away funding from Public Safety or Roads.

Chairman McDaniel states he fully supports the Sheriff's Posse going to the Inauguration Parade, and it's not about the person it's about the process.

Upon a motion of Supervisor O'Banion, seconded by Supervisor Espinoza, duly carried, the Board approves pulling this item from the agenda.

Ayes: McDaniel, Espinoza, Lor, Pareira, O'Banion