

# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

### Regular Meeting

**TUESDAY, FEBRUARY 21, 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  
CHAIRMAN 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

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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: American Federation of State, County and Municipal Employees (AFSCME), Units 4, 5, 6 and 8; United Public Employees (UPE), Unit 3; Sergeants, Unit 30; Teamsters (Non-Safety Corrections), Unit 12; and Probation Supervising Employees, Unit 11. Agency Negotiator: Marci Barrera

**CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL -  
SIGNIFICANT EXPOSURE TO LITIGATION:**

It is the intention of the Board to meet in Closed Session concerning significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): 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 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 Pastor Bruce Rivers**

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

**REVIEW BOARD ORDER – SEE PAGE 10**

**APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 23)**

**PRESENTATION:**

Office of Emergency Services (OES) - Flood Update

**REVIEW BOARD ORDER – SEE PAGE 10 AND 11**

**PUBLIC HEARINGS:**

**PUBLIC WORKS - PUBLIC HEARING**

To consider a Resolution annexing Minor Subdivision No. MS09-005, into the Hilmar / Irwin Lighting and Maintenance Zone of Benefit No. 100 in County Service Area Number One.

**RECOMMENDATION:**

1) Open Public Hearing and receive public comments; 2) Close the Public Hearing; 3) Adopt the 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.

**REVIEW BOARD ORDER – SEE PAGE 11**

**PUBLIC WORKS - PUBLIC HEARING**

To consider adoption of a Resolution annexing Stoneridge Christian School, Conditional Use Permit 15-003, into the Sahota Brothers Clinton Lighting and drainage Maintenance Zone of Benefit No. 264.

**RECOMMENDATION:**

1) Open Public Hearing and receive public comments; 2) Close the Public Hearing; 3) Adopt the Resolution annexing the Stoneridge Christian School CUP 15-003 into the Sahota Brothers Clinton Street Lighting and Drainage Zone of Benefit No. 264 in County Service Area Number One.

**REVIEW BOARD ORDER – SEE PAGE 11**

**COMMUNITY AND ECONOMIC DEVELOPMENT - PUBLIC HEARING**

To consider adoption of a Resolution to become a Groundwater Sustainability Agency (GSA) in the Chowchilla Subbasin.

**RECOMMENDATION:**

1) Open the Public Hearing and receive public comments; 2) Close the Public Hearing; 3) Adopt Resolution and authorize Merced County's election to become a Groundwater Sustainability Agency in portions of the Chowchilla Subbasin, and; 4) Authorize the submission of a Notice of Intent to form a GSA to the California Department of Water Resources within 30 days after Board approval, and authorize the County Executive Officer to sign all documents necessary for that submission.

**REVIEW BOARD ORDER – SEE PAGE 11 AND 12**

**HUMAN RESOURCES - PUBLIC HEARING**

To consider the County of Merced imposing the County's last, best and final offer to the United Public Employees Unit 3 pursuant to Government Code Sections 3505.4, 3505.5 and 3505.7.

**RECOMMENDATION:**

1) Open the Public Hearing and receive public comments; 2) Receive presentation from United Public Employees Unit 3; 3) Receive presentation from County's Lead Negotiator; 4) Close the Public Hearing; 5) Approve the

Resolution to impose the portions of the County's last, best and final offer which may be imposed on the United Public Employees (Unit 3) pursuant to Government Code Sections 3505.4, 3505.5 and 3505.7.

**REVIEW BOARD ORDER – SEE PAGE 12 AND 13**

## REPORTS/BOARD DIRECTION

### **CONSENT CALENDAR (Items # 1-23)**

**APPROVED AS RECOMMENDED EXCEPT ITEMS 9 AND 11 HEARD SEPARATELY**

**AYES: ALL**

#### Public Works

1. Adopt the Resolution designating the intersection of Bloss Avenue and Hinton Avenue in the Delhi area as an all-way stop intersection; and direct the Director of Public Works to post stop signs on the Bloss Avenue approaches to its intersection with Hinton Avenue.

#### **ADOPTED RESOLUTION NO. 2017-13**

2. Approve Budget Transfer in the amount of \$38,300 to establish fixed asset #81295 for refurbishment of an animal control truck box that will be used on an existing vehicle; and increase fixed asset #81194 to cover the cost of the animal control box that came in higher than estimated to be installed on a new vehicle when purchased. (4/5 Vote Required)

#### Health

3. 1) Set a Public Hearing for a first reading for March 7, 2017 at 10:00 a.m. to consider amending Ordinance No. 1933 entitled Health Department Fees. To revise fees and penalties and Merced County Code 9.49.020; and 2) Set Second Reading and possible adoption of the proposed ordinance on April 4, 2017.

#### Behavioral Health and Recovery Services

4. Approve and authorize the Chairman to sign Amendment Contract No. 2015047 with Aspiranet, dba Aspira Behavioral Health for specialty mental health services and therapeutic behavioral services to youth clients, converting to a rate based contract and extending the term.
5. Approve and authorize the Chairman to sign Amendment Contract No. 2013066 with National Alliance on Mental Illness for Mental Health Services Act Prevention and Early Intervention capacity building activities and support services.
6. Approve and authorize the Chairman to sign Amendment Contract No. 2014105 with JDT Consultants, Inc. for specialty mental health services for youth clients placed out-of-county, amending contract to a rate based contract.
7. Approve and authorize the Chairman to sign Amendment Contract No. 2014108 with Bayfront Youth & Family Services for the provision of specialty mental health services to youth clients placed out-of-county, updating services, rates and converting to a rate based contract.

#### Human Services Agency

8. Approve and authorize the Chairman to sign Amendment Contract No. 2014193 with Merced County Dept. of Public Health for the services of a Public Health Nurse; and approve related budget transfer.

### Workforce Investment

9. Accept Modification Three (3) to Subgrant K7102042 (Contract No. 2016167) incorporating the award of \$54,839 for the determination by the State of California that the Merced County Workforce Development Board is a High Performing Board; and approve related budget transfer. (4/5 Vote Required)

### Fire

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

### Library

11. Accept the \$1,400 donation from North Merced Rotary to fund family literacy events within the Merced County Library Read and Succeed Adult Literacy program.

### Executive Office

12. Approve travel requests received from Community and Economic Development, Public Health and Sheriff as recommended by Executive Office.
13. Act on Claims for Damages submitted by Elisa Estrada as recommended by Risk Management and County Counsel.

### Board of Supervisors

14. Approve minutes for December 6, 2016 and December 20, 2016.

### Board Recognition

15. Authorize Certificates of Recognition to various individuals for participating and assisting with the Sheriff's Posse in the 58th Presidential Inaugural Parade in 2017.
16. Authorize Certificates of Recognition to various individuals for dedicated service to the Merced Police Department Explorer Post 204.
17. Authorize Certificates of Recognition to Adam Kersten and Stephen Haden for Graduation from the ABC NorCal Electrical Apprentice Program Class of 2016.
18. Authorize Certificates of Recognition to Lydia Radonic, Mariposa High; Mai Yang Vang, Atwater High; Laura Chavez Segura, Buhach Colony High; Metzli Enriquez, El Capitan High; Riley Born, Golden Valley High; Jazmin Crystal Becerra, Livingston High and Francess Carpenter, Merced High for being selected as Good Citizen of the Year.
19. Authorize Certificate of Recognition to Mayor Jerry Antonetti for service to the City of Dos Palos as City Council Member, Mayor Pro Tem, Acting Mayor and Mayor.
20. Authorize Certificates of Recognition to various individuals for accomplishments in the Merced/Mariposa FFA Project Competition.
21. Authorize Certificate of Recognition for Los Banos Sutter Health for the grand opening and ribbon cutting of the Los Banos Rural Health Clinic.
22. Authorize Certificates of Recognition to the following for their volunteer services through the Merced County Historical Society: Lillian Dal Porto-2016 Letus Wallace Award; Rick Albright-2016 Docent of the Year Award; Gordon Gray-2016 Heacox Pioneer History Award; Merced County 4-H Youth Development Program-2017 Estep-Burchell Community

Grant; Merced Downtown Neighborhood Assoc.-2017 Rossotti Capital Improvement Grant; and Kathy Brady-Past President.

23. Authorize Proclamation in recognition of Teen Dating Violence Awareness and Prevention for the month of February 2017 in Merced County.

## **REGULAR CALENDAR**

### **BOARD ACTION**

#### **PUBLIC WORKS**

24. Approve the 2015/16 Fiscal Year Annual Report (Exhibit A) for each impact fee fund, pursuant to Government Code Section 66006(b).

**APPROVED AS RECOMMENDED AYES: ALL**

25. Approve the Area Agency on Aging (AAA) Recarpeting and Repainting Project as a Capital Improvement Project with a Project Budget of \$105,000; Approve the Dept. of Public Works to complete the project using one of the two current Job Order Contracts; and approve the related budget transfers.

**APPROVED AS RECOMMENDED AYES: ALL**

#### **HEALTH**

26. Contract (Memorandum of Understanding) with Madera County Department of Public Health Laboratory for Tuberculosis Quantiferon testing services and renew for successive one-year terms until terminated by either party or until June 30, 2019.

**AUTHORIZED CONTRACT NO. 2017022 AS RECOMMENDED AYES: ALL**

27. Contract with Desert Vista Consulting to provide consulting services for activities related to the Blue Shield Whole Health Integration Grant.

**AUTHORIZED CONTRACT NO. 2017023 AS RECOMMENDED AYES: ALL**

28. Contract with Golden Valley Health Centers to provide consulting services for activities related to the Blue Shield Whole Health Integration Grant.

**AUTHORIZED CONTRACT NO. 2017024 AS RECOMMENDED AYES: ALL**

29. Contract with Livingston Community Health to provide consulting services for activities related to the Blue Shield Whole Health Integration Grant.

**AUTHORIZED CONTRACT NO. 2017025 AS RECOMMENDED AYES: ALL**

#### **HUMAN SERVICES AGENCY**

30. Approve staffing adjustments related to Assembly Bill (AB) 403, known as the Continuum of Care Reform (CCR) for foster youth as follows: 1) Approve the addition of one (1) Deputy Probation Officer I/II/III (Class 4020/4021/4022, Range 66.3/68.3/71.3) in Budget Unit 23405; 2) Approve the addition of one (1) BHRS Program Manager (Class 2283, Range 76.7), four (4) Mental Health Clinician I/II (Class 5731/5732, Range 72.4/74.4), one (1) Mental Health Worker I/II (Class 5733/5734, Range 63.8/65.8), one (1) Quality Assurance Specialist (Class 7671, Range 66.3), one (1) Accounting Technician (Class 1008, Range 64.8), two (2) Office Assistant III (Class 2213, Range 61.6) in Budget Unit 41501 and 41506; 3) Approve the addition of one (1) Accounting Technician (Class 1008, Range 64.8) and one (1) Staff Fiscal Analyst (Class 7683, Range 72) in Budget Unit 50054; 4) Approve

the addition of eight (8) Social Worker IV-A/B (Class 6974/1148, Range 70.4/72.4), one (1) Office Assistant I/II (Class 1083/1084, Range 56.6/58.6), two (2) Consumer Assistance Worker (Class 7630, Range 58.8), one (1) Supervising Social Worker (Class 7001, Range 74.7), and one (1) Social Services Program Administrator (Class 6436, Range 78.7) in Budget Unit 50055; 5) Approve the amendment to the Position Allocation Resolution 06-120A; and 6) Approve the associated budget transfer(s) (4/5 Vote Required).

**ADOPTED RESOLUTION NO. 2017-18 AS RECOMMENDED AYES: ALL**

#### COMMUNITY AND ECONOMIC DEVELOPMENT

31. Contract with National O & M to operate and manage the Castle water system; and authorize the Community and Economic Development Dept. Director to serve as the Board's agent to sign amendments, if necessary, to the agreement subject to review by County Counsel.

**AUTHORIZED CONTRACT NO. 2017026 AS RECOMMENDED AYES: ALL**

32. 1) Adopt Resolution which authorizes Merced County to approve the Joint Powers Agreement creating the East Turlock Subbasin Groundwater Sustainability Agency and authorize the Chairman to sign the Agreement; 2) Authorize expenditures as outlined in Agreement, which include the \$6,999 annual membership fee and proportional funding of the General Operating Budget at 25.47%; and 3) Appoint a primary member to the Governing Board and an alternate member to the Governing Board.

**AUTHORIZED CONTRACT NO. 2017021 AND ADOPTED RESOLUTION NO. 2017-19 AS RECOMMENDED AYES: ALL**

**REVIEW BOARD ORDER – SEE PAGE 13 AND 14**

#### FIRE

33. Approve the revised Merced County Emergency Operations Plan (EOP) and authorize the Merced County Office of Emergency Services to distribute.

**APPROVED AS RECOMMENDED AYES: ALL**

#### DEPT. OF ADMINISTRATIVE SERVICES

34. Declare trailers, miscellaneous office furniture, assorted office equipment and miscellaneous supplies identified (listed on Exhibit A) as Surplus Property as recommended and authorize its disposal by approved internet public auction.

**APPROVED AS RECOMMENDED AYES: ALL**

#### TREASURER

35. Accept the Quarterly Investment Report for the period of October 1, 2016 to December 31, 2016.

**APPROVED AS RECOMMENDED AYES: ALL**

#### HUMAN RESOURCES

36. Grant registration of the Merced County Sheriff Correctional Officers Association (MCSCOA) as an employee organization at Merced County and adopt the resolution.

**ADOPTED RESOLUTION NO. 2017-20 AS RECOMMENDED AYES: ALL**

37. Approve the FY 2016/2017 Mid Year Budget Personnel Modifications as follows: 1) Auditor-Controller-Budget Unit 11000: Add 1 Payroll Technician-Confidential. 2) County Counsel-Budget Unit 12500: Add 1 Deputy County Counsel I/II/III/IV. 3) District Attorney-Budget Unit

20400: Change 2 Chief Deputy District Attorney (Pos 9, 62) (C Level) to Chief Deputy District Attorney (B Level). 4) Agricultural Commissioner- Budget Unit 27000: Delete 1 County Office Supervisor (Pos 15) (Effective 4/3/2017), Add 1 Staff Services Analyst I/II (Effective 4/3/2017). 5) Recorder-Budget Unit 28000: Change 1 Supervising Recorder (Pos 15) to Staff Services Analyst I/II. 6) Public Health- Budget Unit 40000: (BU 40001) Add 1 Staff Services Analyst I/II. 7) Behavioral Health & Recovery Services-Budget Unit 41500: (BU 41501) Change 1 Office Assistant I/II (Pos 352) to Secretary I/II-Confidential; (BU 41505) Change 1 Mental Health Medical Director (Pos 181) to BHRS Medical Director (Title only). 8) Department of Workforce Investment-Budget Unit 55000: Change 1 Special Projects Manager (Pos 5) to Program Manager DWI. 9) Administrative Services-Budget Unit 75600: (BU 75601) Establish GIS Analyst I/II; Change 1 GIS Technician (Pos 63) to GIS Analyst I/II. (2) Establish and approve new job classification specification for GIS Analyst I/II. (3) Approve modifications to the following classification specifications: Program Manager DWI, District Road Supervisor, Risk Management Director, Probation Assistant, Consumer Assistance Worker, and Secretary I/II/III. (4) Approve amendments to the Position Allocation Resolution 06-120/A, and the Salary Allocation Resolution 06-120.

**ADOPTED RESOLUTION NOS. 2017-21 (POSITION) AND 2017-22 (SALARY) AS RECOMMENDED AYES: ALL**

#### EXECUTIVE OFFICE

38. 1) Certify that the appointment of an employee is necessary before 180 days has passed to fill a critically needed position; 2) Approve the appointment of Brad Smith to return to work for a period of time as determined by the County Executive Officer beginning February 21, 2017; and 3) Adopt the Resolution.

**ADOPTED RESOLUTION NO. 2017-23 AS RECOMMENDED AYES: ALL**

#### BOARD OF SUPERVISORS

39. Authorize \$5,000 of District Five's Special Board Project Funds to be forwarded to the Milliken Museum Society to be used for a mural on the north wall of the museum facing Highway 152.

**APPROVED AS RECOMMENDED AYES: ALL**

#### BOARD APPOINTMENTS

40. Reappoint Robert Haden to serve as a member of the Assessment Appeals Board until September 4, 2019.

**APPROVED AS RECOMMENDED AYES: ALL**

41. Reappoint Frank Azevedo and Pat Borrelli to serve as members of the Gustine Drainage District until December 6, 2020.

**APPROVED AS RECOMMENDED AYES: ALL**

42. 1) Approve the removal of Greg Thompson from the Planning Commission, effective immediately; and 2) Appoint Fernando Aguilera to the Planning Commission to fill the unexpired term until October 1, 2018.

**MODIFIED RECOMMENDATION AYES: 2, 3, 4, 5 NOES: 1**

**REVIEW BOARD ORDER – SEE PAGE 14**

43. Appoint James Rabago, M.D., to serve as Provider At-Large member on the Santa Cruz-Monterey-Merced Managed Medical Care Commission to fill an unexpired term until April



22, 2019.

**APPROVED AS RECOMMENDED AYES: ALL**

44. Appoint Charles Kassis to serve as the Hospital Rep. At-Large member on the Santa Cruz-Monterey-Merced Managed Medical Care Commission to fill an unexpired term until April 22, 2020.

**APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 ABSTAIN: 2**

45. Appoint William Pruitt to serve on the May Day Fair Board filling an unexpired term until July 1, 2018 and reappoint Pat Gallichio, Scott Silveira and Sarah Souza until July 1, 2020.

**APPROVED AS RECOMMENDED AYES: ALL**

### **BOARD INFORMATION & POSSIBLE ACTION**

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

46. Central Valley Regional Water Quality Control Board re: Notice of California Environmental Quality Act Public Scoping Meetings. Evaluation of ammonia water quality objectives for the protection of aquatic life in the Central Valley.
47. United States Dept. of the Interior-Bureau of Reclamation re: Petitions for Temporary Transfer - License 1986 and Permits 11885, 11886, and 11887 (Applications 23, 234, 1465, and 5638), Friant Division, Central Valley Project, California.

**THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF DWIGHT AMEY, JOE LORENCO, CHARLES GIRARDI, AND VIRGEL BETTENCOURT AND ADJOURNED THE MEETING UNTIL TUESDAY, MARCH 7, 2017, AT 10:00 A.M.**

## **BOARD ORDERS – SUMMARY ACTION MINUTES – FEBRUARY 21, 2017**

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

#### **2017-02-21 PUBLIC OPPORTUNITY**

Will Scarup representing the Sisters of the Valley speaks about medical marijuana and the misconceptions about cannabis in general. He states that Sisters of the Valley is a woman owned business trying to do a good thing. He further states that they are not asking to change the current ordinance but simply asking for a Community Development Agreement with the County.

George Bascalope with Green Energy Fund/PACE Program talks about the programs they have to offer residents. He further states that it is a program that offers many benefits to the Board's constituents.

Herb Figuerroa a 62 year old ex-Winton resident that is now homeless speaks about the Area Agency on Aging (AAA) and states that they should have an attorney available to represent him and help with his legal issues he is dealing with.

Julio Valadez with the Knights of Columbus speaks about their upcoming Kite Festival in Livingston on April 9, 2017. He reads the press release for their event. He submits a flyer for the event.

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

### **10:00 A.M PRESENTATION**

#### **2017-02-21 OFFICE OF EMERGENCY SERVICES (OES) – FLOOD UPDATE**

Merced County Fire Division Chief Mark Lawson with Office of Emergency Services discusses the recent flooding events and states that Battalion Chief Jeremy Rahn will give an update and video footage of the recent events that have taken place.

Battalion Chief Jeremy Rahn with Office of Emergency Services gives an update of the "2017 February Merced Flood". He gives an overview of Le Grand, Snelling, Exchequer, Newman and Bypass and has video footage of these locations. He states that staff has worked for the last two holiday weekends at the Emergency Operations Center. He thanks everyone for their help and hard work in getting through the recent events.

A representative from the National Weather Service gives an update and states the main rains have ended and gives a forecast of the next 5-6 days. He further states we will have a little break until Saturday, when more rain is forecasted.

Chairman McDaniel requests information from Battalion Chief Rahn on the water flows coming into Exchequer.

Battalion Chief Rahn responds to Chairman McDaniel stating they have been working very closely with Merced Irrigation District, and as of right now they are watching everything and things are looking positive and staying within the channel.

Chairman McDaniel states he visited the Emergency Operations Center (EOC) yesterday and was very impressed with the coordination and efforts by all.

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

**10:00 A.M. SCHEDULED ITEM**  
**2017-02-21 PUBLIC WORKS – PUBLIC HEARING**

The time and date previously set for a public hearing to consider a Resolution annexing Minor Subdivision No. MS09-005, into the Hilmar/Irwin Lighting and Maintenance Zone of Benefit No. 100 in County Service Area Number One.

Public Works Director Dana Hertfelder reviews the staff report.

The Chairman opens the public hearing and asks if there is anyone present wishing to speak. No one speaks. The Chairman closes the public hearing.

Upon motion of Supervisor Pareira, seconded by Supervisor Lor, duly carried the Board adopts Resolution No. 2017-13 as recommended by Public Works.

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

**10:00 A.M. SCHEDULED ITEM**  
**2017-02-21 PUBLIC WORKS – PUBLIC HEARING**

The time and date previously set for a public hearing to consider a Resolution annexing Stoneridge Christian School, Conditional Use Permit 15-003, into the Sahota Brothers Clinton Lighting and drainage Maintenance Zone of Benefit No. 264.

Public Works Director Dana Hertfelder reviews the staff report.

The Chairman opens the public hearing and asks if there is anyone present wishing to speak. No one speaks. The Chairman closes the public hearing.

Upon motion of Supervisor Pareira, seconded by Supervisor O'Banion, duly carried the Board adopts Resolution No. 2017-14 as recommended by Public Works.

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

**10:00 A.M. SCHEDULED ITEM**  
**2017-02-21 COMMUNITY & ECONOMIC DEVELOPMENT – PUBLIC HEARING**

The time and date previously set for a public hearing to consider adoption of a Resolution to become a Groundwater Sustainability Agency (GSA) in the Chowchilla Subbasin.

Community & Economic Development Director Mark Hendrickson reviews the staff report and gives a map power point presentation with Water Resources Coordinator Lacey Kiriakou.

The Chairman opens the public hearing and asks if there is anyone present wishing to speak.

Nathan Ray with the Sierra Vista Mutual Water Company states that they are in full agreement of this.

The Chairman closes the public hearing.

Supervisor Lor questions the fiscal and staff impact of this.

Community & Economic Development Director Mark Hendrickson states there is no fiscal impact.

County Executive Officer James Brown states there is no direct fiscal costs but on the administrative side, this is 1 of 7 that we will be forming.

Chairman McDaniel questions who sits on this Board.

Community & Economic Development Director Mark Hendrickson states all five board members will sit on the Board.

Upon motion of Supervisor O'Banion, seconded by Supervisor Espinoza, duly carried, the Board adopts Resolution No. 2017-15 and authorizes Merced County's election to become a Groundwater Sustainability Agency in portions of the Chowchilla Subbasin; and authorizes the submission of a Notice of Intent to form a GSA to the California Department of Water Resources within 30 days and authorizes the County Executive Officer to sign all documents necessary for that submission.

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

**10:00 A.M. SCHEDULED ITEM**  
**2017-02-21 HUMAN RESOURCES – PUBLIC HEARING**

The time and date previously set to consider the County of Merced imposing the County's last, best and final offer to the United Public Employees (UPE) Unit 3 pursuant to Government Code Sections 3505.4, 3505.5 and 3505.7.

County Executive Officer James Brown informs the Board that this Public Hearing is regarding the impasse between Merced County and UPE. He states that we are considering the impasse and unilateral implementation of the County's last, best, and final offer made to Unit 3. He further states that this item comes before the Board for final resolution of the impasse between the County and Unit 3, and provides the Board with a negotiations timeline. County Executive Officer Brown states that impasse procedures were initiated and have been completed, and reviews the procedure for the Public Hearing. He states that the recommendation from a procedure standpoint is: Public Comment with each speaker provided 3 minutes; total comment period is limited to 15 minutes; following public comment, the Union Representative and County Negotiator will each have an opportunity to make a presentation up to 15 minutes; and at the conclusion the Public Hearing is closed.

The Chairman opens the public hearing and asks if there is anyone present wishing to speak. No one speaks.

Angel Barrajas with United Public Employees (UPE) Unit 3 gives a presentation. He states that Unit 3 employees are the lowest paid employees here in the County and that Unit 3 consists of about 300 employees. He states they request that this last, best, and final offer be rejected by the Board. He further states the issue is really about wages and they are asking for 4% during the course of the contract. He does not agree with the salary survey they have obtained and they believe the County's offer is not sufficient. Mr. Barrajas leaves the UPE Fact Finding information for the Board.

Shelline Bennett, Attorney with Liebert, Cassidy & Whitmore gives a presentation on behalf of the County bargaining team. She states the County bargaining team has brought a resolution before the Board and that the County Bargaining Team recommends that the Board resolve the impasse between the County and Unit 3 by adopting the Resolution before the Board today, unilaterally implementing on Unit 3 those portions of the County's last, best, and final offer that can be implemented. Specifically, three items as follows: 1) Consistent with  $\frac{3}{4}$  of County employees, grievances related to the lowest level of corrective action - a written reprimand ending at the department head level; 2) Consistent with all other County employees who have a minimum of one year, change of the probationary status for new hires from six months to one year; and 3) Consistent with all other County employees, a County maximum health contribution amounts. Impasse procedures were initiated and mediation did not lead to an agreement. On December 22, 2016 there was a fact finding hearing. On January 17, 2017 the fact finding chairperson issued his findings, conclusions, and advisory recommendations. Ms. Bennett notes a few items for the Board to consider as follows: In the County's last, best and final offer, it proposed a 2% base wage increase effective July 1, 2018. The County presented at the fact-finding that this amount and the timing were appropriate when you consider external and internal comparability. She states that Unit 3 salaries are well above the average of the seven comparable counties based upon benchmark positions. With reference to the salary surveys, Ms. Bennett states that Unit 3 did not provide alternate salary surveys during bargaining.

Ms. Bennett provides a powerpoint document (Supplemental 1) pertaining to internal comparability showing that Unit 3 employees received increases of 9% more than almost all other groups during the great recession and states that the neutral Fact-Finding Chairperson noted in his report that these increases that Unit 3 received during this period of time "have caused internal comparability issues. The potential result is the compression of supervisory wage scales."

Ms. Bennett states that all legally required impasse procedures have been exhausted and recommends that the Board, having considered public comment, the presentation of UPE, and her presentation, implement what may be legally implemented those portions of the last, best and final that are effective on or before June 30, 2017, as indicated at the beginning of her presentation.

The Chairman closes the Public Hearing.

Upon motion of Supervisor O'Banion, seconded by Supervisor Lor, duly carried, the Board adopts Resolution No. 2017-16 to impose the portions of the County's last, best and final offer which will be imposed on the United Public Employees (Unit 3) pursuant to Government Code Sections 3505.4, 3505.5 and 3505.7.

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

### **ACTION ITEM NO. 32**

#### **2017-02-21 COMMUNITY & ECONOMIC DEVELOPMENT**

The Clerk announces the Resolution which authorizes Merced County to approve the Joint Powers Agreement creating the East Turlock Subbasin Groundwater Sustainability Agency and authorizing the Chairman to sign the agreement; authorizing expenditures as outlined in the agreement, which include the \$6,999 annual membership fee and proportional funding of the general operating budget at 25.47%; and appointing the primary member to the Governing Board is before the Board for consideration.

Supervisor O'Banion states that the Board needs to appoint a member to this Governing Board.

Upon a motion of Supervisor O'Banion, seconded by Supervisor Espinoza, duly carried the Board adopts Resolution No. 2017-19 authorizing Merced County to approve the Joint Powers Agreement creating the East Turlock Subbasin Groundwater Sustainability Agency and Contract No. 2017021, and appoints Supervisor Pareira as the primary member to the Governing Board and Supervisor Espinoza as the alternate.

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

#### **ACTION ITEM NO. 42**

#### **2017-02-21 BOARD APPOINTMENTS**

The Clerk announces the removal of Greg Thompson from the Planning Commission, effective immediately; and the appointment of Fernando Aguilera to the Planning Commission to fill the unexpired term until October 1, 2018 is before the Board for consideration.

Supervisor Espinoza makes a motion to approve the item. Motion dies for lack of a second.

Chairman McDaniel states he would like to hear from Supervisor Espinoza as to why he wishes to remove Greg Thompson from the Planning Commission.

Supervisor Espinoza states he does not have anything against Mr. Thompson and just wishes to appoint someone new to the Commission.

Supervisor Lor states the current representative for District 1 was appointed in 2010. Per the ordinance they can sit on the commission for two consecutive, two year terms and he is finishing his second year term. She further states she does not agree with removing someone without just cause.

Supervisor Espinoza states he has consulted with County Counsel before going forward with this.

Chairman McDaniel states that as a Board we have to look at the County as a whole. He further states that bringing someone new in midterm would complicate things and he does not want to disturb the flow on the commission.

Supervisor O'Banion questions if it is limited to two terms.

James Fincher, County Counsel states no, they serve a four year term.

Supervisor Lor said she was referencing the ordinance that is posted on our website. She states it needs to be updated if it is incorrect. She further states that if the Chairmanship is for a year term then let him finish out his term as the Chairman of the commission.

Following discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Lor the item is continued to a later date to be brought back for consideration after Mr. Thompson is finished with his Chairmanship.

Ayes: McDaniel, Lor, Pareira, O'Banion

Noes: Espinoza