

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, DECEMBER 19, 2017

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

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

GOVERNMENT CODE SECTION 54954.2 COMPLIANCE (LATE AGENDA ITEMS)

10:00 A. M.

PLEDGE OF ALLEGIANCE/INVOCATION by Reverend Monsignor Harvey Fonseca, St. Jude Thaddeus Catholic Church, Livingston

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 - 29)

PRESENTATION:

Presentation of Service Pin Awards to Rita Rodriguez, Health Dept. 25 Years of Service; Parmjit Sahota, Health Dept. 15 Years of Service; Patricia Martinez, Health Dept. 25 Years of Service; Anita Richards, Health Dept. 20 Years of Service; Tia Maxson, Human Services Agency 15 Years of Service; Brenda Mojica, Retirement 15 Years of Service; Sarah Lim, DPW-Recreation Division 15 Years of Service; Steven Brown, District Attorney 20 Years of Service; Katharine Abbott, Animal Services 15 Years of Service; and Scott De Moss, County Executive Office 20 Years of Service.

Supervisor Espinoza presented a service pins to Rita Rodriguez, Anita Richards, Brenda Mojica, and Katharine Abbott; Supervisor Lor presented service pins to Patricia Martinez, Tia Maxon, and Sarah Lim; Supervisor McDaniel presented service pins to Parmjit Sahota and Scott De Moss. A reception honoring the recipients of service pins was held in Room 310

REPORTS/BOARD DIRECTION

CONSENT CALENDAR (Items # 1-29)

APPROVED AS RECOMMENDED

AYES: ALL

Public Works

1. Set a Public Hearing for January 30, 2018 at 10:00 a.m. to consider an ordinance amending refuse service fees and charges for County Solid Waste Franchise Areas 1 through 5 (Amends Chapter 5.90 of the Merced County Code and Ordinance 1946).
2. Approve and authorize the Chairman to sign Amendment Contract No. 2012241 with Alta Apiaries for the temporary storage and removal of beehives.
3. Approve Budget Transfer in the amount of \$700,000 to shift funds from Roads Capital Projects to Special Department Expense - Other and Roads Overlay accounts to cover higher than anticipated supply costs for Road repairs and overlays.
4. Approve Budget Transfer in the amount of \$80,000 to purchase two generators that are needed in the Juvenile Hall.
5. Approve Budget Transfer in the amount of \$55,000 for pest abatement at the District Attorney's Office.

Health

6. Approve Budget Transfer for budget unit 40025, Public Health, in the amount of \$109,850 to increase appropriation and revenue as a result of FY 16-17 grant carryover funds. (4/5 Vote Required)
7. Approve the acceptance of the Tuberculosis Subvention grant award totaling \$59,937 from the State Tuberculosis Control Branch for TB control and prevention services in FY 17-18 (County Contract No. 2007230); and authorize the Chairman to sign the Acceptance of Award form and related documents.

Human Services Agency

8. Approve and authorize the Chairman to sign Amendment Contract No. 2017106 with Aspiranet to provide Child and Family Team meeting services.
9. Approve and authorize the Chairman to sign Amendment Contract No. 2010175 with the Transit Joint Powers Authority of Merced County to provide expanded services for the No Cost Transportation Program.

Community and Economic Development

10. Approve and authorize the Chairman to sign Amendment Contract No. 2016050 with Environmental Planning Partners, Inc. to complete tasks 6, 7, 8 and direct costs as part of the Environmental Impact Report for the AJ Borba Holsteins Dairy Expansion Project (CUP15-019) located on the northwest corner of Turner Road and Mitchell Road in the Hilmar area.
11. Approve and authorize the Chairman to sign Amendment Contract No. 2016051 with Mike Borba to have Environmental Planning Partners, Inc. complete tasks 6, 7, 8 and direct costs as part of the Environmental Impact Report for the AJ Borba Holsteins Dairy Expansion Project (CUP15-019) located on the northwest corner of Turner Road and Mitchell Road in the Hilmar area.

Probation

12. Approve Budget Transfer in the amount of \$10,000 for purchasing a canine for drug detection as part of the Community Corrections Partnership (CCP) modification to the FY 2017/18 strategies. (4/5 Vote Required)
13. Authorize the Chief Probation Officer to accept the donation of two Christmas trees from Save Mart Supermarket with an estimated total value of \$100.

Administrative Services

14. Approve and authorize the Chairman to sign Amendment Contract No. 2010124 with Tyler Technologies to upgrade the Computer Aided Dispatch System.

Workforce Investment

15. Accept Modification two (2) to Subgrant K8106644 (Amendment Contract No. 2017211) incorporating Second Round Workforce Innovation and Opportunity Act (WIOA) Formula funding under grant codes 202, 293, 502, and 541 for Program Year 2017-18 to provide employment-related services to adults and dislocated workers in Merced County.
16. Accept Modification eleven (11) to Workforce Innovation and Opportunity Act Subgrant Agreement K7102042 (County Contract No. 2016167) to extend the High Performing Boards project grant code 1080 from 12/31/2017 to 12/31/2018.

District Attorney

17. Approve the District Attorney's participation in the Victim Witness Assistance Program (Contract No. 2007148) and authorize the District Attorney to apply for continued grant funding for FY 17/18; authorize the Chairman to sign the Certifications of Assurance of Compliance and adopt resolution.

ADOPTED RESOLUTION NO. 2017-127

18. Approve Budget Transfer in the amount of \$2,633 to increase revenue based on Worker's Compensation insurance grant award and approval to purchase laptop with accessories (100% funded by grant).

Sheriff

19. Adopt Resolution authorizing the Sheriff to accept the donation of one (1) canine from Merced County Sheriff's Office K9 Inc., anticipated value of eleven thousand five hundred dollars (\$11,500), and three (3) canines from Winton Community Law Enforcement Inc., total value of sixteen thousand eight hundred ten dollars (\$16,810); and approve out-of-state travel for one (1) Sheriff's Deputy to travel to South Carolina to participate in a one-week handler's course to accompany and train with the canine.

ADOPTED RESOLUTION NO. 2017-128

Human Resources

20. Approve and authorize the Chairman to sign Amendment Contract No. 2017071 with Koff & Associates for the classification and compensation study services.

Executive Office

- 21. Act on Claims for Damages submitted by Diana Gutierrez, Maria Rodriguez, David Souza, Kristina Salas, Jonathan Munguia, Jerry May and Bernard Karamgolpashin as recommended by Risk Management and County Counsel.
- 22. Approve travel request received from the County Executive Office as recommended.

Board Recognition

- 23. Authorize Certificates of Recognition to various individuals for being Love Plus Graduates.
- 24. Authorize Certificates of Recognition to various individuals selected for Merced County 4-H Leader Awards.
- 25. Authorize Certificate of Recognition to Habitat for Humanity Re-Store for Grand Opening and Ribbon Cutting Ceremony.
- 26. Authorize Certificates of Recognition for being selected by Merced County Association of Realtors to Kim Rogina - 2017 Realtor of the Year Award, Ernesto Gomez - 2017 Affiliate of the Year Award, Rick Seymour - 2017 Flanadori Award, Ranjeet Singh - 2017 Jesse Fees Memorial Award, Jerry and Melinda Price - 2017 Bill Del Nero Lifetime Achievement Award, Celi Garcia - 2017 President's Award and Larissa Sherman - 2017 President.
- 27. Authorize Certificate of Recognition to Robert Sapien and Crisha Mendez for graduation from Merced County Superior Court Drug Treatment Court.
- 28. Authorize Certificate of Recognition to Jennifer Shaw, Deputy Probation Officer, for heroism and life saving action of performing CPR.
- 29. Authorize Certificate of Recognition to Merced Lao Family Community for the 2018 Hmong New Year.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

- 30. Approve the firm of, and the contract with, Vanir Construction Management, Inc. to provide an independent licensed architect (ILA) and associated professional services for the Americans with Disability Act (ADA) Settlement Agreement.

AUTHORIZED CONTRACT NO. 2017255 AS RECOMMENDED AYES: ALL

HEALTH

- 31. Retroactively authorize the Director of Public Health to sign all copies of the non-binding letter of intent to enter into the Intergovernmental Transfer funding mechanism with the Central California Alliance for Health.

APPROVED AS RECOMMENDED AYES: ALL

BEHAVIORAL HEALTH AND RECOVERY SERVICES

- 32. Authorize the Department of Administrative Services, on behalf of Behavioral Health and Recovery Services to develop and release a Request for Proposal to secure a youth

specific Strategist, to select the most responsive bidder, to negotiate an agreement and return to the Board for final agreement execution.

APPROVED AS RECOMMENDED AYES: ALL

33. Authorize the Department of Administrative Services, on behalf of Behavioral Health and Recovery Services to develop and release a Request for Proposal to secure a qualified provider to evaluate the effectiveness of the Innovative Strategist Network, to select the most responsive bidder, to negotiate an agreement and return to the Board for final agreement execution.

APPROVED AS RECOMMENDED AYES: ALL

34. Approve the program location changes for Merced County Behavioral Health and Recovery Services (BHRS) tentatively scheduled for March 26, and April 2, 2018.

APPROVED AS RECOMMENDED AYES: ALL

35. 1) Adopt the resolution authorizing the submission to the Mental Health Services Oversight and Accountability Commission the Fiscal Year 2017-2018 through 2019-2020 Mental Health Services Act Three-Year Program and Expenditure Plan, including all comments and any updates from the November 7, 2017 Behavioral Health Board Public Hearing; 2) Authorize the Auditor-Controller to sign the necessary document in this Three-Year Plan certifying fiscal accountability of the Mental Health Services Act Programs; 3) Authorize the Behavioral Health and Recovery Services Director to sign all necessary documents for submission; 4) Approve the following departmental personnel actions: Behavioral Health and Recovery Services BU 41500 BU 41507 Add 1 BHRS Program Manager (Class 2283, Range 79.3); BU 41508 Add 2 Mental Health Worker I/II (Class 5733/5734, Range 64.4/66.4); Add 1 Consumer Assistance Worker (Class 7630, Range 59.4); BU 41509 Add 1 Mental Health Worker I/II (Class 5733/5734, Range 64.4/66.4); 5) Approve the amendments to the Position Allocation Resolution 06-120/A; 6) Approve associated Budget Transfers; and 7) Adopt and authorize for submission to the Mental Health Services Oversight and Accountability Commission the Fiscal Year 2017-2018 through 2019-2020 Mental Health Services Act Three-Year Program and Expenditure Plan, including all comments and any updates from the November 7, 2017 Behavioral Health Board Public Hearing. (4/5 Vote Required)

ADOPTED RESOLUTION NO. 2017-129 AND 2017-130 AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 10 AND 11

36. Approve and authorize the Chairman to sign a multi-county agreement with Madera, Mariposa, Calaveras, Tuolumne, and Stanislaus counties to continue to work as a collaboration for the successful development and use of the Crisis Residential Unit (CRU).

AUTHORIZED CONTRACT NO. 2017256 AS RECOMMENDED AYES: ALL

37. Contract with Star View Behavioral Health, Inc., for the provision of specialty mental health services, Psychiatric Health Facility services and Community Treatment Facility services to youth clients placed out-of-county.

AUTHORIZED CONTRACT NO. 2017257 AS RECOMMENDED AYES: ALL

38. Contract with Vicki Jones Transcription for medical transcription services.

AUTHORIZED CONTRACT NO. 2017258 AS RECOMMENDED AYES: ALL

COMMUNITY AND ECONOMIC DEVELOPMENT

39. 1) Find that this project does not have a significant effect on the environment and is categorically exempt from further review under the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines section 15317 -"Open Space Contracts or Easement."; 2) Determine that the 7 findings required by Government Code section 51257, subdivision (a), for the rescission and renewal of Williamson Act contracts have been met as detailed in Staff's summary for this agenda item; 3) Simultaneously rescind the 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 a prior-approved property line adjustment: Hawkins Land Company, LP (Williamson Act No. WA2000-0092); and 4) Authorize the Chairman to sign the new Williamson Act contracts and forward them to the County Recorder.

AUTHORIZED CONTRACT NO. 2017-01WA AS RECOMMENDED AYES: ALL

40. As authorized by Public Contract Code section 22050, determine that an emergency exists and there is a need to continue the repairs to the Castle Commerce Center main water tank and pipes without giving notice for bids to let contracts (4/5 Vote Required); and approve related budget transfer. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

FIRE

41. Contract with the California Department of Forestry and Fire Protection (CAL FIRE) for fiscal years 17/18, 18/19, 19/20 and 20/21 authorizing the Chairman to sign the contract superseding and replacing Contract 2017102; and adopt resolution approving the Department of Forestry and Fire Protection Agreement for Services from July 1, 2017 to June 30, 2021 superseding and replacing Resolution 2017-104.

AUTHORIZED CONTRACT NO. 2017259 AND ADOPTED RESOLUTION NO. 2017-131 AS RECOMMENDED AYES: ALL

WORKFORCE INVESTMENT

42. Contract with Advanced Career Institute to facilitate one (1) direct entry commercial truck driving training for Werner.

AUTHORIZED CONTRACT NO. 2017260 AS RECOMMENDED AYES: ALL

ADMINISTRATIVE SERVICES

43. Authorize the Chairman to sign the Property Owner Letter of Authorization and the Consent for Sublease letter; and authorize the Director of Administrative Services to sign all future sublease related correspondence between the County and Crown Castle.

AUTHORIZED CONTRACT NO.2017261 AS RECOMMENDED AYES: ALL

DISTRICT ATTORNEY

44. Approve the following departmental personnel action: Change 1 Criminal Information Analyst (Position No. 135) (Class 7872, Range 69.5) to Supervising District Attorney Investigator (Class 1025, Range 77.5); and approve amendments to the Position Allocation Resolution 06-120/A.

ADOPTED RESOLUTION NO. 2017-132 AS RECOMMENDED AYES: ALL

PROBATION

45. Adopt resolution pursuant to Senate Bill 190 authorizing the Dept. of Probation and Office of the Public Defender to cease imposition of fees associated with the care of juveniles detained in Juvenile Hall or Bear Creek Academy, electronic monitoring, and Public Defender representation effective December 19, 2017; and direct the County Executive Officer, Probation Dept., and Office of the Public Defender to develop an ordinance that repeals the County ordinances that currently authorize the imposition of fees related to detention, electronic monitoring and court appointed legal counsel.

ADOPTED RESOLUTION NO. 2017-133 AS RECOMMENDED AYES: ALL

46. Approve the AB 109 FY 2017/18 budget modification as recommended by the Community Corrections Partnership; approve the change of (1) one Management Analyst I/II/III (Class 7536/7537/7538, Range 70.6/74.1/78.3) in Budget Unit 23406 to (1) Staff Services Analyst I/II (Class 1050/1040, Range 68.2/72.6); and approve the amending resolution to the Position Allocation Resolution 06-120/A.

ADOPTED RESOLUTION NO. 2017-134 AS RECOMMENDED AYES: ALL

ELECTIONS

47. Adopt resolution to call for an election on February 6, 2018 to fill the Merced County Employees' Retirement Association Board seat for the #2 General Member; and authorize the Elections Division of the Registrar of Voters to procure and furnish those election services requested by Merced County Employees' Retirement Association (MCERA) as more fully set forth in their Resolution, and to submit a cost bill to MCERA for reimbursement of the election services provided to them.

ADOPTED RESOLUTION NO. 2017-135 AS RECOMMENDED AYES: ALL

48. Approve the request form the Central California Irrigation District changing the District's election dates from November of the odd-numbered years to consolidate the election with the November statewide general election in the even-numbered years.

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

49. Approve sending a letter to Congress supporting a legislative solution to immigration as well as a path to citizenship for undocumented persons who came to the United States as children.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

50. Appoint Bruce Metcalf to serve as a member of the Behavioral Health Board, representing District 4, until June 30, 2020.

APPROVED AS RECOMMENDED AYES: ALL

51. Approve the removal of Mr. Greg Thompson from the Planning Commission, effective immediately.

ITEM PULLED FROM AGENDA – NO ACTION TAKEN

BOARD INFORMATION & POSSIBLE ACTION

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

52. Elections re: Statement of Vote for the November 7, 2017 General District Election (UDEL).
53. Elections re: Final certified results for the election held on November 21, 2017 for the Merced County Employees' Retirement Association (MCERA) Board #3 General Member Seat, #8 Retired Member Seat and #8 Alternate Retired Member Seat for a new term commencing January 1, 2018.
54. Merced County Mosquito Abatement District re: Manager's Report for October 17 - November 21, 2017.
55. Fish and Wildlife re: Notification of status review for cascades frog (*Rana cascadae*) pursuant to Fish and Game Code section 2074.6 and is providing this notice pursuant to Fish and Game Code section 2074.4 to solicit data and comments on the petitioned action from interested and affected parties.

**THE BOARD ADJOURNED THE MEETING AT 12:00 P.M. UNTIL TUESDAY,
JANUARY 9, 2017, AT 10:00 A.M.**

BOARD ORDERS – SUMMARY ACTION MINUTES – December 19, 2017

10:00 A.M. SCHEDULED ITEM

2017-12-19 PUBLIC OPPORTUNITY

Sheriff Vern Warnke introduces the Sheriff Departments three new canine deputies.

Nancy Redding, District 2 resident, states she has comments on Item 35 and is directed to speak at that time.

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

ACTION ITEM #35

2017-12-19 BEHAVIORAL HEALTH AND RECOVERY SERVICES

The Clerk announces to adopt the resolution authorizing the submission to the Mental Health Services Oversight and Accountability Commission the Fiscal Year 2017-2018 through 2019-2020 Mental Health Services Act Three-Year Program and Expenditure Plan, including all comments and any updates from the November 7, 2017 Behavioral Health Board Public Hearing; authorize the Auditor-Controller to sign the necessary document in this Three-Year Plan certifying fiscal accountability of the Mental Health Services Act Programs; authorize the Behavioral Health and Recovery Services Director to sign all necessary documents for submission; approval of the following departmental personnel actions: Behavioral Health and Recovery Services BU 41500 BU 41507 Add 1 BHRS Program Manager (Class 2283, Range 79.3); BU 41508 Add 2 Mental Health Worker I/II (Class 5733/5734, Range 64.4/66.4); Add 1 Consumer Assistance Worker (Class 7630, Range 59.4); BU 41509 Add 1 Mental Health Worker I/II (Class 5733/5734, Range 64.4/66.4); approval the amendments to the Position Allocation Resolution 06-120/A; 6) Approve associated Budget Transfers; and adoption and authorization for submission to the Mental Health Services Oversight and Accountability Commission the Fiscal Year 2017-2018 through 2019-2020 Mental Health Services Act Three-Year Program and Expenditure Plan, including all comments and any updates from the November 7, 2017 Behavioral Health Board Public Hearing with 4/5 Vote Required is before the Board for consideration.

Supervisor Lor states a member of the public would like to make a comment.

Alejandro Carrillo states concerns with the 3 year plan not considering the needs of the LGBTQ community of Merced County.

Nancy Redding, Merced resident states concerns with funding in the plan for LGBTQ community in Merced County and submits letter from National Alliance on Mental Health.

Director of Behavioral Health and Recovery Services Yvonnia Brown states her department serves all members of the community no matter what, but they do need to be Medical-Cal clients. Ms. Brown also states there is a formal process for funding which includes an informal Request for Proposal.

The Board has lengthy discussion regarding services for LGBTQ clients, training of County staff, handling of caseloads, how cases are handled depending on insurance, advertising of services, and funding for services.

Upon motion of Supervisor Lor, seconded by Supervisor Pareira, duly carried the Board 1) Adopts Resolution No. 2017-129 authorizing the submission to the Mental Health Services Oversight and Accountability Commission the Fiscal Year 2017-2018 through 2019-2020 Mental Health Services Act Three-Year Program and Expenditure Plan, including all comments and any updates from the November 7, 2017 Behavioral Health Board Public Hearing; 2) Authorizes the Auditor-Controller to sign the necessary document in this Three-Year Plan certifying fiscal accountability of the Mental Health Services Act Programs; 3) Authorizes the Behavioral Health and Recovery Services Director to sign all necessary documents for submission; 4) Approves the following departmental personnel actions: Behavioral Health and Recovery Services BU 41500 BU 41507 Add 1 BHRS Program Manager (Class 2283, Range 79.3); BU 41508 Add 2 Mental Health Worker I/II (Class 5733/5734, Range 64.4/66.4); Add 1 Consumer Assistance Worker (Class 7630, Range 59.4); BU 41509 Add 1 Mental Health Worker I/II (Class 5733/5734, Range 64.4/66.4); 5) Approves the amendments to the Position Allocation Resolution 06-120/A and adopts Resolution No. 2017-130; 6) Approves associated Budget Transfers; and 7) Adopts and authorizes for submission to the Mental Health Services Oversight and Accountability Commission the Fiscal Year 2017-2018 through 2019-2020 Mental Health Services Act Three-Year Program and Expenditure Plan, including all comments and any updates from the November 7, 2017 Behavioral Health Board Public Hearing.

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