

# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting  
TUESDAY, JANUARY 9, 2018  
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

**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: Merced County Public Safety Services (MCPSSU) Unit 14; Agency Negotiator: Marci Barrera

**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): 1. Gonzales, Matthew v. Morse., Eastern District Case No.: 1:17-cv-00510-DAD-BAM; 2. Gonzalez, Ashley v. County of Merced, et al., Eastern District Case No.: 1:16-cv-01682-LJO-SAB.

**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

**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 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:** APN: 059-300-014 and 059-300-042. Located at 1880 Wardrobe in the Merced Area

**Agency Negotiator:** Dana Hertfelder, Public Works Director

**Negotiation Parties:** County of Merced and NAI Benchmark

**Under Negotiation:** To request authority to negotiate proposed purchase of property

**COUNTY EXECUTIVE OFFICER ANNOUNCED THAT THE EXISTING LITIGATION CLOSED SESSION ITEM IS PULLED. THE BOARD RECESSED AT 8:30 A.M. AND RECONVENED AT 10:10 A.M. WITH ALL MEMBERS PRESENT, AND THE CHAIRMAN ADVISED STAFF WAS GIVEN DIRECTION**

**GOVERNMENT CODE SECTION 54954.2 COMPLIANCE (LATE AGENDA ITEMS)**

10:00 A. M.

**PLEDGE OF ALLEGIANCE/INVOCATION**

Invocation lead by Supervisor Lloyd Pareira

**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 9**

**PRESENTATION:**

Nomination of Chairman and Vice Chairman for the Year 2018

**THE BOARD NOMINATES SUPERVISOR O'BANION AS 2018 CHAIRMAN AND SUPERVISOR PAREIRA AS 2018 VICE-CHAIRMAN**  
**AYES: ALL**

**APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 11)**

**REPORTS/BOARD DIRECTION**

County Executive Officer, County Counsel, Board of Supervisors Members

**CONSENT CALENDAR (Items # 1-11)**

**APPROVED AS RECOMMENDED      AYES: ALL**

**Public Works**

1. Set a Public Hearing for February 6, 2018 at 10:00 a.m. to consider adoption of the resolution annexing the Vernon Fisher Minor Subdivision 06-065 located east of Herrod Avenue and north of Fleming Road in the McSwain area, into the Fleming Oaks Street Lighting and Drainage Zone of Benefit No. 241 in County Service Area Number One.
2. Approve and authorize the Chairman to sign Amendment Contract No. 2016118 with Omni-Means for the Ashby Road at 16th Street Roundabout Project (Transportation Engineering Services).

**Behavioral Health and Recovery Services**

3. Approve and authorize the Chairman to sign Amendment Contract No. 2014079 with Aspiranet for Mental Health Services Act, Prevention and Early Intervention, Transition to Independence Process (TIP) Program.

4. Approve and authorize the Chairman to sign Amendment Contract No. 2016284 with Central California Alliance for Health Medi-Cal Capacity Grant for Telehealth Infrastructure Implementation.

#### Human Services Agency

5. Proclaim the month of January 2018 as "National Slavery and Human Trafficking Prevention Month" in Merced County.

#### Executive Office

6. Act on Claim for Damages submitted by Patricia Duval as recommended by Risk Management and County Counsel.
7. Approve travel request received from Human Services Agency as recommended by Executive Office.

#### Board Recognition

8. Authorize Certificate or Recognition to ACE Overcomers in recognition of ribbon cutting for the Center for Resiliency and Trauma Informed Training.
9. Authorize Certificate of Recognition to Kristi Garcia-Back Stage Academy for dedicated service to the Central Valley Dance Community.
10. Authorize Certificate of Recognition to Robert Morris for retirement and dedicated service to Merced County.
11. Authorize Certificates of Recognition to various individuals for dedicated service to the Los Banos Golden Agers Club.

### REGULAR CALENDAR

#### BOARD ACTION

##### PUBLIC WORKS

12. 1) Consider the Final Environmental Impact Report (EIR) prepared for the Black Rascal Creek Flood Control Project in accordance with the California Environmental Quality Act (CEQA); 2) Adopt the resolution certifying the EIR, including the required findings to support the mitigation included in the EIR, adopting the Mitigation Monitoring and Reporting Program for the project, and approving the project; and, 3) Direct staff to file the Notice of Determination with the State Clearinghouse.

**ADOPTED RESOLUTION NO. 2018-01 AS RECOMMENDED      AYES: ALL**

**REVIEW BOARD ORDER – SEE PAGES 9 & 10**

##### HEALTH

13. Approve the release of a Request for Proposal (RFP) for consultant services to assist in the development of the criteria and process of an RFP for Advanced Life Support ground ambulance and secondary Public Safety Answering Point services.

**APPROVED AS RECOMMENDED      AYES: ALL**

14. Contract with All Health Services Corporation for health care nursing services.  
**AUTHORIZED CONTRACT NO. 2018003 AS RECOMMENDED AYES: ALL**
15. Contract with SouthTech Systems Inc. for VitalDocs and CornerStone software maintenance and support services.  
**AUTHORIZED CONTRACT NO. 2018004 AS RECOMMENDED AYES: ALL**
16. Contract with Sarah Samuels Center for Public Health Research and Evaluation to provide evaluation support in the areas of follow-up data collection and data analysis for the CSA/Farm Stand and Farmers Market and Local Food Promotion Program Grant.  
**AUTHORIZED CONTRACT NO. 2018005 AS RECOMMENDED AYES: ALL**

**BEHAVIORAL HEALTH AND RECOVERY SERVICES**

17. Contract with Mar-Ric Care Homes for Residential Care for consumers.  
**AUTHORIZED CONTRACT NO. 2018006 AS RECOMMENDED AYES: ALL**
18. Contract with Merced Community College District for nursing clinical experience at Department facilities.  
**AUTHORIZED CONTRACT NO. 2018007 AS RECOMMENDED AYES: ALL**
19. Contract with Panoramic Software Corporation to provide PG-Pro Web software services.  
**AUTHORIZED CONTRACT NO. 2018001 AS RECOMMENDED AYES: ALL**
20. 1) Accept the Department of Housing and Community Development No Place Like Home Technical Assistance Grant Funding in the amount of \$100,000; 2) Authorize the Chairman to sign new agreement and all related contract documents; 3) Adopt the resolution; 4) Approve the Budget Transfer (4/5 Vote Required); and 5) Authorize Behavioral Health and Recovery Services, in conjunction with Administrative Services, to develop and release an RFP to secure a consultant, to select the most responsive bidder, to negotiate an agreement, and to return to the Board for final agreement execution.  
**AUTHORIZED CONTRACT NO. 2018011A AND ADOPTED RESOLUTION NO. 2018-02 AS RECOMMENDED AYES: ALL**
21. Authorize Behavioral Health and Recovery Services, in conjunction with Administrative Services, to negotiate contract(s) for inpatient pharmaceutical services with one or more vendors, in order to provide the mandated services; and return to the Board for approval.  
**APPROVED AS RECOMMENDED AYES: ALL**
22. Accept the Sutter Valley Hospitals Grant for Improved Health Outcomes, in the amount of \$79,908; authorize the Chairman to sign grant contract; and approve the related budget transfer. (4/5 Vote Required)  
**AUTHORIZED CONTRACT NO. 2018002 AS RECOMMENDED AYES: ALL**

**HUMAN SERVICES AGENCY**

23. Authorize the Chairman to sign the Subvention Certificate of Compliance to apply and qualify for the current fiscal year subvention funds for Veteran Services.  
**APPROVED AS RECOMMENDED AYES: ALL**
24. Authorize the Chairman to sign the Medi-Cal Certificate of Compliance to apply and qualify for the current fiscal year subvention funds for Veterans Services.  
**APPROVED AS RECOMMENDED AYES: ALL**

COMMUNITY AND ECONOMIC DEVELOPMENT

25. Accept the grant award of \$49,000 from the California Strategic Growth Council for the preparation of the Merced County Greenhouse Gas Inventory; and direct staff to issue a request for proposals from consultants.

**APPROVED AS RECOMMENDED AYES: ALL**

CHILD SUPPORT SERVICES

26. Authorize Administrative Services on behalf of Child Support Services to develop and release a Request for Proposal to secure a qualified vendor for process serving services, to select the most responsive bidder, to negotiate an agreement, and return to the Board for final execution.

**APPROVED AS RECOMMENDED AYES: ALL**

27. Authorize Administrative Services on behalf of Child Support Services to develop and release a Request for Proposal to secure a qualified vendor for genetic testing services, to select the most responsive bidder, to negotiate an agreement, and return to the Board for final execution.

**APPROVED AS RECOMMENDED AYES: ALL**

WORKFORCE INVESTMENT

28. Contract with Kings County Job Training Office to provide reimbursement for training/seminars.

**AUTHORIZED CONTRACT NO. 2018008 AS RECOMMENDED AYES: ALL**

29. Contract with Stanislaus County Dept. of Workforce Development to provide reimbursement for training/seminars to assist local and regional WIOA implementation.

**AUTHORIZED CONTRACT NO. 2018009 AS RECOMMENDED AYES: ALL**

30. Contract with Employers' Training Resource to provide reimbursement for training/seminars to assist local and regional WIOA implementation.

**AUTHORIZED CONTRACT NO. 2018010 AS RECOMMENDED AYES: ALL**

SHERIFF

31. Contract with Robert E. & Hallie C. Holl for lease of office space located at 820 W. 22nd Street, Merced for an amount not to exceed \$3,900/monthly.

**AUTHORIZED CONTRACT NO. 2018011 AS RECOMMENDED AYES: ALL**

RETIREMENT

32. Pursuant to Government Code 31525, approve the amended Merced County Employees Retirement Association (MCERA) bylaws, as adopted by the MCERA Board on December 7, 2017.

**APPROVED AS RECOMMENDED AYES: ALL**

EXECUTIVE OFFICE

33. Authorize Administrative Services on behalf of Risk Management, to develop and release a Request for Proposal to secure the services of a consulting actuary to analyze the liability of the County for the current outstanding liabilities and future liabilities of Other Post-Employment Benefits, to select the most responsive bidder, to negotiate an agreement and

return to the Board for final execution.

**APPROVED AS RECOMMENDED      AYES: ALL**

34. Provide direction whether to submit an application in response to the solicitation of interest from the Continuum of Care.

**PULLED – NO ACTION TAKEN**

#### **BOARD OF SUPERVISORS**

35. Authorize \$6,000 of District Five's Special Board Project Funds to be forwarded to the Dos Palos Y Fire Station for improvements to the fire station.

**APPROVED AS RECOMMENDED      AYES: ALL**

36. Approve and adopt the Le Grand-Athlone Water District's amended bylaws as submitted and notify the District of the action taken; and accept and approve the Le Grand-Athlone Water District's amendment to their Conflict of Interest Code.

**APPROVED AS RECOMMENDED      AYES: ALL**

#### **BOARD APPOINTMENTS**

37. Approve the appointment of Casey Aitchison as the Board of Supervisor's ex officio in place of the County Board Chairman and Thomas Min as an additional trustee to the Law Library Board of Trustees for 2018.

**APPROVED AS RECOMMENDED      AYES: ALL**

38. Approve reappointments as follows to the Emergency Medical Care Committee Kenneth Mitten as the District 2 representative with a term expiring June 30, 2021, Robert Smith as the Field representative EMT or EMT-P with term expiring June 30, 2021, Bryan Donnelly as the EMS Educator representative with a term expiring June 30, 2021.

**APPROVED AS RECOMMENDED      AYES: ALL**

39. Appoint Frank A. Fagundes representing County Member-At Large to serve on the Merced County Mosquito Abatement District for either a 2-year or 4-year term.

**APPROVED 4-YEAR TERM      AYES: ALL**

40. Appoint Fernando Aguilera to serve as a member of the Planning Commission, representing District One, to fill an unexpired term until October 1, 2018.

**APPROVED AS RECOMMENDED      AYES: ALL**

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

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

41. Community and Economic Development re: Community Development Block Grant Program Income Reuse Agreement including the establishment of a Business Assistance Revolving Loan Fund was approved by the State of California Housing and Community Development Department on October 20, 2017.

42. United States Dept. of 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.

43. Merced County Mosquito Abatement Dist. re: General Manager's Report for November 21 - December 19, 2017.

**THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF ROY SORIA, LAVERNE NELSON, AND CECILIA CARDOZA AND ADJOURNED THE MEETING UNTIL TUESDAY, JANUARY 9, 2018, AT 10:00 A.M.**



## BOARD ORDERS – SUMMARY ACTION MINUTES – JANUARY 9, 2018

### **10:00 A.M. SCHEDULED ITEM** **2018-01-09 PUBLIC OPPORTUNITY**

Sheriff Vern Warnke gives an update on the staffing levels in the Sheriff's Department and states a new shift rotation was implemented last night and seems to have worked very well.

David Garcia, Merced County Public Works employee, addresses the Board regarding his work environment.

Supervisor O'Banion presents a certificate of recognition to Kathleen Grassi in recognition of her retirement.

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

### **ACTION ITEM NO. 12** **2018-01-09 PUBLIC WORKS**

The Clerk announces consideration of the Final Environmental Impact Report (EIR) prepared for the Black Rascal Creek Flood Control Project in accordance with the California Environmental Quality Act (CEQA); consideration of a resolution certifying the EIR, including the required findings to support the mitigation included in the EIR, adopting the project; and direction staff to file the Notice of Determination with the State Clearinghouse is before the Board for consideration.

Chairman O'Banion asks if there is anyone from the public wishing to speak on this item.

Adam Reed with BBH Engineers representing Hunt Farms states this project will have a major impact on Hunt Farms and will affect three generations of family. He further states they have three concerns with the project: 1. Displacement of 300 acres of almonds onto the adjacent parcel which has no in-district MID surface water or any way of providing water; 2. Sufficient notice of today's meeting was not provided; and 3. There was a meeting with the County 2 weeks ago, but no one has gotten back to them.

James Hunt, property owner speaks on how the project will displace his family.

Dana Hertfelder, Director of Public Works states they met with the Hunts in December. He states that the consultant who prepared the report will discuss the impact to the farmland.

Heather Waldrup with CH2MHill discusses levees, inundation, and storage capacity.

Supervisor McDaniel states the EIR must be approved before there is a project. He further states that lobbying took place in Washington D.C. and funding of \$10 million was secured from the USDA.

Mr. Hertfelder confirms that a project does not exist until after the Board approves the EIR. At that time, project impacts can be identified.

County Executive Officer Jim Brown states that there is potential displacement, and once the design begins, the impacts and mitigation can be identified.

The Board has discussion on flooding in the area.

Upon a motion of Supervisor McDaniel, seconded by Supervisor Lor, duly carried, the Board approves the Final Impact Report prepared for the Black Rascal Creek Flood Control Project in accordance with CEQA and adopted Resolution No. 2018-01 certifying the EIR, adopting the Mitigation Monitoring and Reporting Program for the project, and approving the project; and directed staff to file the Notice of Determination with the State Clearing House.

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