

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, JANUARY 30, 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
DARON McDANIEL....DISTRICT 3
LLOYD PAREIRA....DISTRICT 4
CHAIRMAN 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

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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 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 035-010-071; 1137 B Street, Merced, CA 95341

Agency Negotiator: Dana Hertfelder, Public Works Director

Negotiation Parties: City of Merced and County of Merced

Under Negotiation: To request authority to negotiate proposed sale/lease of property

**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 Pastor Stephen Hammond**

**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

APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 27)

PUBLIC HEARING:

PUBLIC WORKS - PUBLIC HEARING - 1ST READING PROPOSED ORDINANCE

Conduct first reading to consider proposed ordinance amending the refuse service fees for County Solid Waste Franchise Areas 1 through 5. (Amends Chapter 5.90 to the Merced County Code and Ordinance 1946).

RECOMMENDATION:

1) Introduce and conduct a first reading of a proposed ordinance amending the refuse service fees for County Solid Waste Franchise Areas 1 through 5, 2) Waive first reading of proposed Ordinance; 3) Open Public Hearing, receive comments and close public hearing; and 4) Set a second reading and possible adoption of the proposed ordinance for February 6, 2018 at 10:00 a.m. (Amends Chapter 5.90 to the Merced County Code and Ordinance 1946).

REVIEW BOARD ORDER – SEE PAGES 9 AND 10

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-27)

APPROVED AS RECOMMENDED EXCEPT ITEM 22 HEARD SEPARATELY **AYES:**

ALL

Public Works

1. Approve budget transfer in the amount of \$132,300 to purchase replacement vehicles for three (3) that have been involved in an accident and deemed a total loss. (4/5 Vote Required)
2. Approve and authorize the Chairman to sign Amendment Contract No. 2009134 with Los Banos American Legion Post 166 for the operation and maintenance of the Los Banos Veterans' Building.
3. Approve and authorize the Chairman to sign Amendment Contract No. 2009132 with Dos Palos American Legion Post 86 for the operation and maintenance of the Dos Palos Veterans' Building.
4. Approve budget transfer in the amount of \$1,074 to cover overtime costs for DPW Administration staff to provide assistance with Merced County Community Clean-up Program. (4/5 Vote Required)

Ag. Commissioner

5. Approve and authorize the Chairman to sign Renewal Contract No. 2010115 (State No. 17-0428-SF) with California Department of Food and Agriculture to provide for Asian Citrus Psyllid pest detection and survey activities.
6. Approve and authorize the Chairman to sign Renewal Contract No. 2010002 with the California Department of Food and Agriculture to provide for Pest Exclusion Seed Inspection activities; and authorize the County Agriculture Commissioner to sign the California Seed Law MOU and negotiate the rate per unit of activity.

Health

7. Approve and authorize the Chairman to sign Renewal Contract No. 2014171 with NetSmart Technologies, Inc. to provide Insight software maintenance support services.
8. Approve and authorize the Chairman to sign Amendment Contract No. 2017164, and accept Manifest MedEx as third party, with San Joaquin Community Health Information Exchange for acceptance of the new platform company, for health information exchange.

Behavioral Health and Recovery Services

9. Approve and authorize the Chairman to sign Amendment Contract No. 2014095 with Merced County Office of Education, updating the program budgets and goals for the Caring Kids Program.
10. Approve and authorize the Chairman to sign Amendment Contract No. 2014104 with Sierra Vista Child and Family Services, updating the program budgets, scope of work and goals for the iMatter Program.
11. Approve and authorize the Chairman to sign Amendment Contract No. 2016236 with Central California Alliance for Health, updating the dates for Outcomes and Payment schedule; the Grant amount remains \$2,500,000 for the term September 20, 2016 through December 26, 2019.
12. Approve and authorize the Chairman to sign Interdepartmental Amendment Contract No. 2014038 with the Department of Public Health to continue the expansion of the Community Outreach Program Engagement and Education Program.
13. Approve and authorize the Chairman to sign Renewal Contract No. 2014197 with Livingston Community Health for the Integrated Mental Health in Primary Care Settings Program and the Cultural Brokers for Mental Health Services Program, as part of the Mental Health Services Act Prevention and Early Intervention.

Human Services Agency

14. Approve and authorize the Chairman to sign Interdepartmental Amendment Contract No. 2007091 between Merced County Human Services Agency and Merced County Counsel for departmental legal services.

Workforce Investment

15. Accept modification three (3) to the Disability Employment Initiatives Subgrant Agreement K597235 (County Contract No. 2015025) to move funding from Staff Benefits and Staff Travel to Staff Salaries; and approve related budget transfer for the purchase of Fusion Software asset #55000-82207.
16. Accept Modification twelve (12) to the Workforce Innovation and Opportunity Act Subgrant Agreement K7102042 (County Contract No. 2016167) to deobligate \$100,000 from grant code 1091 for the 2017 Storm National Dislocated Worker Grant Project.

Sheriff

17. Approve and authorize the Chairman to sign Renewal Contract No. 2017175 with Key Housing Connections for the lease of a home for deputy sheriff trainees to live during basic academy training.

18. Approve and authorize the Chairman to sign Amendment Contract No. 2017236 with City of Merced for animal control services.
19. Approve budget transfer in the amount of \$68,607.27 for the payment of mobile computers for Merced Police Department, this expense will be reimbursed from Cal-ID Trust 02875. (4/5 Vote Required)

Executive Office

20. Approve travel request received from the Sheriff Department and County Counsel as recommended by Executive Office.
21. Act on Claims for Damages submitted by Deanna Martin; Deanna Martin, Mother of Decedent Josiah Santos Duyao; and Estate of Josiah Santos Duyao through successor of interest, Deanna Martin as recommended by Risk Management and County Counsel.

Board of Supervisors

22. Approve minutes for November 7, 2017, November 14, 2017, December 12, 2017 and December 19, 2017.

REVIEW BOARD ORDER – SEE PAGE 10

Board Recognition

23. Authorize Certificates of Recognition to various individuals for being Parent Leadership Training Institute graduates.
24. Authorize Certificate of Recognition to Kathleen Grassi for Retirement and dedicated service to Merced County.
25. Authorize Certificate of Recognition to UC Merced for Ribbon Cutting of the UC Merced Downtown Campus Center.
26. Authorize Certificates of Recognition to various individuals for the Los Banos Chamber of Commerce Awards.
27. Authorize Proclamation in recognition of Merced County School Choice Week, January 21 - 27, 2018.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

28. Adopt Resolution authorizing the County of Merced to apply for Land and Water Conservation Funds through the Grants and Local Services Division of the State of California's Parks Department to provide ADA upgrades to Houlihan Park in Planada.

ADOPTED RESOLUTION NO. 2018-03 AS RECOMMENDED AYES: ALL

HEALTH

29. Contract with California Department of Public Health (Grant Agreement No. 17-10705) for the Local Oral Health Plan; and approve budget transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2018012 AS RECOMMENDED AYES: ALL

30. Contract with Tait Environmental Services, Inc. for the 2017 Merced County Hazardous Materials Area Plan Update; and approve related budget transfer. (4/5 Vote Required)
AUTHORIZED CONTRACT NO. 2018013 AS RECOMMENDED AYES: ALL
31. Accept The Pew Charitable Trust Grant award for Health Impact Assessments in Merced County for a Health Impact Assessment (HIA) to support and improve health equity; and approve related budget transfer. (4/5 Vote Required)
AUTHORIZED CONTRACT NO. 2018014 AS RECOMMENDED AYES: ALL
32. Contract with Healthy House within a MATCH Coalition for community engagement and data collection services.
AUTHORIZED CONTRACT NO. 2018015 AS RECOMMENDED AYES: ALL
33. Contract with The Regents of the University of California, Merced for a needs assessment and implementing strategies outlined in the California Oral Health Plan.
AUTHORIZED CONTRACT NO. 2018016 AS RECOMMENDED AYES: ALL
34. Approve the no-cost Memorandum of Understanding with the Tri-District Medical Academies to provide coordination and alignment support for the Medical Academy Pipeline Program; and authorize the Director of Public Health to sign all copies of the agreement.
AUTHORIZED CONTRACT NO. 2018017 AS RECOMMENDED AYES: ALL
35. Contract with Intrepid Ascent for Public Health Clinic and EMS Department Electronic System implementation or upgrade; and approve related budget transfers. (4/5 Vote Required)
AUTHORIZED CONTRACT NO. 2018018 AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

36. Contract with California Department of Aging (State Revenue Contract #MI-1718-31) for a Medicare Improvement for Patient and Provider Act Program; authorize the Chairman to sign contract and form CDA1024; adopt resolution; and approve related budget transfer. (4/5 Vote Required)
AUTHORIZED CONTRACT NO. 2018019 AND ADOPTED RESOLUTION NO. 2018-04 AS RECOMMENDED AYES: ALL

COMMUNITY AND ECONOMIC DEVELOPMENT

37. 1) Approve the FAA grant application related to the replacement of the current Automated Weather Observation System; 2) Authorize the Chairman to sign all application documents; and 3) Direct CED to return to the Board for acceptance of the grant.
APPROVED AS RECOMMENDED AYES: ALL

WORKFORCE INVESTMENT

38. Contract with Advanced Career Institute to facilitate one (1) direct entry employment commercial truck driving training.
AUTHORIZED CONTRACT NO. 2018020 AS RECOMMENDED AYES: ALL
REVIEW BOARD ORDER – SEE PAGES 10 AND 11

FIRE

39. 1) Find that the Cargo Trailer, County Property ID 56176, is surplus property as it is no longer needed by the County for its operations; and 2) Authorize the Fire Department to transfer ownership of one Cargo Trailer, County Property ID 56176, to the City of Atwater

for use by the Police Department.

APPROVED AS RECOMMENDED AYES: ALL

40. Authorize Rosenbauer as the single provider for Fire Engines and Water Tenders for the Fire Department.

APPROVED AS RECOMMENDED AYES: ALL

PROBATION

41. Retroactive contract with Students with Aspiring Goals to provide a Youth and Family Safety Hub in the Los Banos area pursuant to the Proposition 47 grant program effective December 1, 2017 through August 15, 2020.

AUTHORIZED CONTRACT NO. 2018021 AS RECOMMENDED AYES: ALL

ADMINISTRATIVE SERVICES

42. Contract with Intent Digital to implement and provide support for the equipment and software systems utilized in support of Board meetings; authorize the Director of Administrative Services to negotiate and sign a final statement of work and related change orders.

AUTHORIZED CONTRACT NO. 2018022 AS RECOMMENDED AYES: ALL

LIBRARY

43. Authorize the Los Banos Library to open on Sunday, March 11, 2018 from 3:00 p.m. - 5:30 p.m. for a program by author Geoffrey Beaumont.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN RESOURCES

44. 1) Certify that the appointment of an employee is necessary before 180 days has passed; 2) Approve the appointment of Kay Sverha to return to work for a period of time determined by the Director of Human Resources beginning 2/5/2018; and 3) Adopt the Resolution.

ADOPTED RESOLUTION NO. 2018-05 AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

45. 1) Certify that the appointment of an employee is necessary before 180 days has passed; 2) Approve the appointment of Kathleen Grassi to return to work for a period of time determined by the County Executive Officer beginning 2/5/2018; and 3) Adopt Resolution.

ADOPTED RESOLUTION NO. 2018-06 AS RECOMMENDED AYES: ALL

46. 1) Approve the 2018 Legislative Agenda with any revisions as recommended by the Board of Supervisors; 2) Authorize the Chairman and County Executive Officer to periodically provide letters of support or opposition as needed based on any benefit or detriment to the County of Merced; and 3) Direct staff to forward the 2018 Legislative Agenda to Merced County's legislative representatives and advocates.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

47. Appoint Eric Chu, Financial Advisor with Bank of America Merrill Lynch, to the Merced County Workforce Development Board, as stated in Unemployment Insurance Code

Section 14202(a)(2), to fill an open seat as a Business Representative until 6/30/2018.

APPROVED AS RECOMMENDED AYES: ALL

48. Appoint George R. Pirtle to serve as a member of the Library Advisory Commission, representing District 3 until August 31, 2019.

APPROVED AS RECOMMENDED AYES: ALL

49. Reappoint Chuck Lyons, Suzy S. Dehmel and Gary Mall to serve as members of the Stevinson Water District, until December 5, 2021.

APPROVED AS RECOMMENDED AYES: ALL

50. Appoint Charlene Borrelli and Brent Chipponeri to serve as members of the Hilmar Municipal Advisory Council, until May 3, 2022.

APPROVED AS RECOMMENDED AYES: ALL

51. Reappoint Nicholas Marchini to serve as a member of the Plainsburg Cemetery District until July 20, 2019.

APPROVED AS RECOMMENDED AYES: ALL

52. Appoint Jeremy Rahn representing District Three, to serve as a member of the Emergency Medical Care Committee until June 30, 2021.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

53. Behavioral Health and Recovery Services re: Receipt of Projects for Assistance in Transition from Homelessness (PATH) Grant for 2017-2018 from the State Department of Health Care Services (DHCS) in the amount of \$95,475.
54. Health re: The Central California Alliance for Health is exercising their option to renew the Physician Services Agreement with the Merced County Department of Public Health per Article V, Section 5.1 of Contract #2010280 extending the term through December 31, 2018.
55. Fish and Game Commission re: 15-day continuation notice of the action taken at the Fish and Game Commission's December 6-7, 2017, meeting in San Diego. After receipt of oral and written comments, the Commission voted to close the recreational abalone fishery under Option 1, and to provide a sunset date of that closure. The fishery would re-open on April 1, 2019, or upon adoption of an abalone fishery management plan, whichever comes first.
56. 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 January 5, 2018.
57. Office of the Governor re: Proclamation calling the Statewide Direct Primary Election on Tuesday, June 5, 2018.

THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF KATHERINE CESARIO, VIOLET MANES, JOE COX AND CHARLES BEISWANGER AND ADJOURNED THE MEETING AT 10:59 A.M. UNTIL TUESDAY, FEBRUARY 6, 2018, AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – JANUARY 30, 2018

10:00 A.M. SCHEDULED ITEM **2018-01-30 PUBLIC OPPORTUNITY**

Gerald Williams, speaks regarding item 38 on the agenda. He states he is homeless, went to Worknet, and graduated from the truck driving training school thru the Advanced Career Institute. He further states he now has a job that he will be starting as a truck driver and is grateful to Worknet and Advanced Career Institute.

Amy Taylor, Merced County Librarian introduces the new Literacy Coordinator, Tou Lee who will be overseeing the Adult Literacy Program. Mr. Lee shares his vision and states he hopes to inspire others thru the program.

Brenda Nightengale-Savedra Delhi resident addresses the Board with concerns about the drainage ditches all around Delhi, weeds and trash, old South Avenue 2-way stop, stop sign at El Capitan and Vincent, and paving of Bloss Avenue.

Angel Barrajas, United Public Employees Unit 3 Representative addresses the Board on the importance of making a livable wage here in Merced County. He further states that Unit 3 employees are struggling to make ends meet.

Rhonda Amezcua, United Public Employees Chairperson and Unit 3 member states that their last raise was in 2012. She further states that the cost of living has increased and that many of their members have had to ask for other assistance through the County.

Lisa Sykes, Merced County Human Services Agency Employee and Unit 3 member addresses the Board on providing a livable wage for Unit 3 employees and requests the Board to please consider more than a 1% increase.

Estella Dunn, retired Merced County Employee and volunteer for United Public Employees Union requests that the Board please give these employees a livable wage increase.

Shannon Robbins, United Public Employees representative that represents employees that were hired after the last MOU was signed requests the Board's support for a livable wage increase, not a 1% increase. She also reads letters from Unit 3 members: Lindsay Espinoza and Adelia Guzman who were unable to be here today.
Present: O'Banion, Espinoza, Lor, McDaniel, Pareira

10:00 A.M. SCHEDULED ITEM **2018-01-30 PUBLIC WORKS – PUBLIC HEARING – FIRST READING PROPOSED ORDINANCE**

The time and date previously set for a first reading to consider proposed ordinance amending the refuse service fees for County Solid Waste Franchise Areas 1 through 5 (Amends Chapter 5.90 of the Merced County Code and Ordinance 1946).

Public Works Director Dana Hertfelder reviews the staff report.

Supervisor O'Banion requests Mr. Hertfelder describe the parameters of the contract.

Mr. Hertfelder responds that this contract is part of the franchise agreement that was first awarded in the mid 1990's and allows for a rate increase annually due to the CPI increase and there is a five year termination period.

Chairman O'Banion states this covers all of the area on the east side of the San Joaquin River.

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 McDaniel, seconded by Supervisor Espinoza the Board waives further reading of the Ordinance.

Upon motion of Supervisor McDaniel, seconded by Supervisor Lor the Board sets a second reading and possible adoption of the proposed ordinance for February 6, 2018 at 10:00 a.m.
Ayes: O'Banion, Espinoza, Lor, McDaniel, Pareira

CONSENT ITEM NO. 22
2018-01-30 BOARD OF SUPERVISORS

The Clerk announces approval of minutes for November 7, 2017, November 14, 2017, December 12, 2017 and December 19, 2017 are before the Board for consideration.

Supervisor Lor abstains from voting on the minutes from November 14, 2017 due to not being present at the meeting.

Upon motion of Supervisor McDaniel, seconded by Supervisor Espinoza the Board approves minutes for November 7, 2017, December 12, 2017 and December 19, 2017.
Ayes: O'Banion, Espinoza, Lor, McDaniel, Pareira

Upon motion of Supervisor McDaniel, seconded by Supervisor Espinoza the Board approves minutes for November 14, 2017.
Ayes: O'Banion, Espinoza, McDaniel, Pareira
Abstain: Lor

ACTION ITEM NO. 38
2018-01-30 WORKFORCE INVESTMENT

The Clerk announces contract with Advanced Career Institute to facilitate one direct entry employment commercial truck driving training is before the Board for consideration.

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

Everett Yockey, CFO Director of Advanced Career Institute provides the Board with an overview of their program. He states that they are the only truck driving school here in Merced County and they currently have seven students enrolled from Worknet.

Upon motion of Supervisor McDaniel, seconded by Supervisor Lor, duly carried, the Board approves Contract No. 2018020 with Advanced Career Institute to facilitate one direct entry employment commercial truck driving training.
Ayes: O'Banion, Espinoza, Lor, McDaniel, Pareira