

# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting  
TUESDAY, MARCH 27, 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](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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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: Teamsters (Corrections), Unit 2. 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. Morse v. County of Merced, et al., Eastern District Case No. 1:16-cv-00142 DAD SKO; 2. Nathan v. County of Merced, Merced Superior Court Case No. 16CV-02137.

**THE BOARD RECESSED AT 8:32 A.M. WITH SUPERVISOR  
ESPINOZA NOT PRESENT AND RECONVENED AT 10:00 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 Tim Pistoresi**

**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)**

**APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 18)**

**SCHEDULED ITEM**

**PUBLIC WORKS - FIRST READING PROPOSED ORDINANCE**

Introduce an ordinance adopting Title 24 California State Building and Fire Codes and amending the Merced County Building and Fire Codes contained in Code Chapter 9.24 and Chapters 16.12. through 16.50.

**RECOMMENDATION:**

1) Introduce and read the title of an ordinance adopting the California State Building Codes and amending the County Building Codes contained in code chapters 16.12 through 16.50; and 2) Waive full reading of the ordinance and set a second reading for April 10, 2018 for possible adoption of the ordinance; and 3) Introduce and read the title of an ordinance adopting the Current State Fire Code and amending section 9.24.010 of Chapter 9.24, Title 9, of the County Code; and 4) Waive full reading of the ordinance and set a second reading for April 10, 2018 for possible adoption of the ordinance.

**REVIEW BOARD ORDER – SEE PAGE 8**

**REPORTS/BOARD DIRECTION**

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-18)

**APPROVED AS RECOMMENDED      AYES: ALL**

Public Works

1. Approve budget transfer in the amount of \$45,000 to upgrade the plumbing system waste lift station pump capacity at the Castle Site.
2. Approve budget transfer in the amount of \$250,000 for the Human Services Agency Soffit replacement project on buildings 2 and 3.

Health

3. Approve and authorize the Chairman to sign amendment Contract No. 2016194 with Department of Water Resources for the Proposition 1 Sustainable Ground Water Planning Grant.
4. Approve and authorize Chairman to sign amendment Contract No. 2016188 with Woodard & Curran, Inc. (formerly known as RMC Water and Environment) to complete mandated activities for Proposition 1 Sustainable Ground Water Planning Grant.
5. Accept the amendment to State Contract No. 201724 with California Department of Public Health, Maternal Child and Adolescent Health Division for Adolescent Family Life Program; and approve related budget transfer. (4/5 Vote Required)

Human Services Agency

6. Approve and authorize the Chairman to sign renewal Contract No. 2013095 with Alliance for Community Transformations, Inc. to provide the services of a Family Violence Advocate to victims of domestic violence and sexual assault.
7. Approve and authorize the Chairman to sign renewal Interdepartmental Contract No. 2016151 with Behavioral Health and Recovery Services for Child Abuse Treatment program counseling services.
8. Approve budget transfer in the amount of \$40,000 for the purchase of an alarm system for the Wardrobe site.

9. Approve and authorize the Chairman to sign renewal Contract No. 2009186 with Alliance for Community Transformations to provide domestic violence shelter services.
10. Approve and authorize the Chairman to sign amendment Contract No. 2017121 with Taher, Inc. for Frozen Home-Delivered Meals Program; and approve related budget transfer.
11. Approve and authorize the Chairman to sign amendment Contract No. 2016024 (State Revenue Contract #SP-1718-31) with California Department of Aging for Supplemental Nutrition Assistance Program Education Services; adopt resolution and approve related budget transfer. (4/5 Vote Required)

**ADOPTED RESOLUTION NO. 2018-21**

**Administrative Services**

12. Approve budget transfer in the amount of \$10,000 for general support, maintenance, and analysis of Merced County Employee Retirement Association's CPAS System. (4/5 Vote required)

**Fire**

13. Approve budget transfer in the amount of \$650,000 for the purchase of a replacement fire engine.

**Executive Office**

14. Act on Claims for Damages submitted by Rick M. Anderson as recommended by Risk Management and County Counsel.

**Board Recognition**

15. Authorize Certificate of Recognition to Rosa Vasquez for receiving the U.S. Department of Housing and Urban Development 2018 Public Housing Program High Performer Award and the 2018 Housing Choice Voucher Program High Performer Award.
16. Authorize Certificates of Recognition to various individuals for completion of the LiUNA Pre-Apprenticeship Training.
17. Authorize Certificate of Recognition to Joe Scotto for Dedicated Service to Merced County Farm Bureau.
18. Authorize Proclamation in recognition of Arbor Day on March 2, 2018, in the City of Los Banos.

**REGULAR CALENDAR**

**BOARD ACTION**

**PUBLIC WORKS**

19. Pursuant to Government Code Section 66006(b), approve the 2016/17 Fiscal Year Annual Report (Exhibit A) for each impact fee fund.

**APPROVED AS RECOMMENDED      AYES: ALL**

20. 1) Approve the Easement Agreement with BNSF Railroad Company granting an easement to the County to allow the construction of the proposed Campus Parkway overpass located at Campus Parkway at Hwy 140; 2) Approve the memorandum of Easement with BNSF Railroad

Company; and 3) Authorize the Chairman to execute both agreements after review and approval of County Counsel.

**AUTHORIZED CONTRACT NOS. 2018045 (EASEMENT) AND 2018046 (MOE) AS RECOMMENDED AYES: ALL**

21. 1) Adopt the resolution authorizing the acceptance of the relinquishment of a portion of Westside Boulevard, east of State Highway 165, from the State of California to the County of Merced; and 2) Direct the Clerk of the Board of Supervisors to record the resolution.

**ADOPTED RESOLUTION NO. 2018-22 AS RECOMMENDED AYES: ALL**

22. 1) Adopt the resolution to authorize the Director of Public Works to execute and submit the lease renewal application and Reimbursement Agreement for the existing Santa Fe Drive bridge over the Merced River near the Cressey area and to delegate authority to the Director of Public Works to execute payment of the applicable processing fee of \$3,025; and 2) Direct Public Works to return to the Board with the lease for approval and execution at a later date.

**ADOPTED RESOLUTION NO. 2018-23 AS RECOMMENDED AYES: ALL**

23. 1) Find the Franklin/Beachwood Flood Risk Reduction Program Feasibility Study project exempt from CEQA pursuant to sections 15262 (feasibility and planning studies) and 15304 (minor alterations to land) of the CEQA guidelines (Cal. Code Regs., Title. 14, 15262, 15304), 2) Accept the Department of Water Resources Small Communities Flood Risk Reduction Program grant award 3) Authorize the Chairman of the Board to execute the Funding Agreement between the State of California, Department of Water Resources and the County of Merced for the Franklin/Beachwood Flood Risk Reduction Program Feasibility Study, 4) Authorize CH2M to be a sole-source vendor to provide the study, and 5) Authorize the Director of Public Works to negotiate an agreement with CH2M for the feasibility study and return to the Board for approval of the agreement.

**AUTHORIZED CONTRACT NOS. 2018047 (STATE) AND 2018048 (CH2M) AS RECOMMENDED AYES: ALL**

24. 1) Authorize the Department of Public Works to circulate a Request for Qualifications (RFQ) for qualified consultants to provide road and bridge design services for County projects; and, 2) Authorize Public Works to review and rank statements of qualifications as well as negotiate a retainer contract to be submitted to the Board for consideration.

**APPROVED AS RECOMMENDED AYES: ALL**

**HEALTH**

25. 1) Contract with United Way of Merced County to assist in the area sustainability for the California Accountable Communities for Health Initiative; 2) Authorize the Director of Public Health to approve any subcontracting agreements, and 3) Authorize the Chairman to sign all copies of the agreement.

**AUTHORIZED CONTRACT NO. 2018049 AS RECOMMENDED AYES: ALL**

**BEHAVIORAL HEALTH AND RECOVERY SERVICES**

26. Contract with Timothy Johnston, M.D., PC, to provide histories and physical exams for consumers at the Marie Green Psychiatric Center.

**AUTHORIZED CONTRACT NO. 2018050 AS RECOMMENDED AYES: ALL**

27. Contract with Dr. Cynthia Hunt for psychiatric services for youth clients.

**AUTHORIZED CONTRACT NO. 2018051 AS RECOMMENDED AYES: ALL**

28. Contract with Canyon Manor for locked placement for clients who have chronic psychiatric impairments or severe behavioral problems.

**AUTHORIZED CONTRACT NO. 2018052 AS RECOMMENDED AYES: ALL**

**HUMAN SERVICES AGENCY**

29. Contract with Merced County Office of Education to provide an Emergency Child Care Program for Foster Children.

**AUTHORIZED CONTRACT NO. 2018053 AS RECOMMENDED AYES: ALL**

30. Request the Board to appoint Rakesh Pal as the County Veterans Service Officer.

**APPROVED AS RECOMMENDED AYES: ALL**

31. Interdepartmental Agreement between the Merced County Human Services Agency and the Merced County Cooperative Extension to engage families and youth in a variety of 4-H Programs.

**AUTHORIZED CONTRACT NO. 2018054 AS RECOMMENDED AYES: ALL**

**COMMUNITY AND ECONOMIC DEVELOPMENT**

32. 1) Approve the FY 2018-2019 budget for the Central Delta-Mendota activity agreement, as recommended by the Agreement's Management Committee, for the performance of services necessary to comply with the Sustainability Groundwater Management Act (SGMA) 2) Approve the FY 2018-2019 budget for the Northern Delta-Mendota Activity Agreement, as recommended by the Agreement's Management Committee, for the performance of services necessary to comply with SGMA. 3) Authorize payment to the San Luis & Delta-Mendota Water Authority for Merced County's allocation of the Central and Northern region Delta-Mendota Activity Agreement budgets in the approximate amounts of \$22,879.41 and \$3,035, respectively.

**APPROVED AS RECOMMENDED AYES: ALL**

33. As authorized by Public Contract Code section 22050, determine that an emergency still 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)

**APPROVED AS RECOMMENDED AYES: ALL**

**SHERIFF**

34. Contract with the Gustine Unified School District for a part-time School Resource Officer.

**AUTHORIZED CONTRACT NO. 2018055 AS RECOMMENDED AYES: ALL**

35. Inter-Departmental Agreement between the Sheriff and the Merced County Spring Fair to provide police protection services for the 2018 Spring Fair from May 2, 2018 through May 6, 2018.

**AUTHORIZED CONTRACT NO. 2018056 AS RECOMMENDED AYES: ALL**

36. 1) Authorize Administrative Services - Purchasing, in conjunction with the Sheriff's Office, to initiate the Request for Proposal (RFP) process for pre-employment background services at the Sheriff's Office; and, 2) The Sheriff and Administrative Services - Purchasing will evaluate the responses and return to the Board with any recommended action.

**APPROVED AS RECOMMENDED AYES: ALL**

ADMINISTRATIVE SERVICES

37. Declare passenger cars, light duty trucks, farm equipment, armored truck, miscellaneous office furniture, assorted office equipment and miscellaneous supplies (listed on Exhibit A) as Surplus Property as recommended and authorize its disposal by approved internet public auction.

**APPROVED AS RECOMMENDED      AYES: ALL**

EXECUTIVE OFFICE

38. Provide direction regarding the County assisting the Continuum of Care and community as the Collaborative Applicant.

**REVIEW BOARD ORDER – SEE PAGES 8 AND 9**

BOARD APPOINTMENTS

39. Reappoint Rick Osorio, representing Board of Supervisors Representative - At Large, to serve on the Housing Authority of the County of Merced until February 18, 2022.

**APPROVED AS RECOMMENDED      AYES: ALL**

40. Reappoint Keith Isozaki and Deborah Mahler and appoint Linda Launer as Member At Large representatives to serve on the Merced County Housing Advisory & Building Code Board of Appeals for a three year term ending March 26, 2020.

**APPROVED AS RECOMMENDED      AYES: ALL**

BOARD INFORMATION & POSSIBLE ACTION

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

41. Child Support Services re: Advising the Board of Supervisors that as provided for in the MOU, the agreement is automatically renewing for 12 months, May 1, 2018 - April 30, 2019.

**CONTRACT NO. 2016060**

42. Public Works re: Due to the failure of the uninterrupted power supply and backup generator at the County's Administration Building, the Director of Public Works ordered the completion of an emergency public works project without bidding to provide the administration building with an uninterrupted power supply and backup generator by renting the equipment necessary to ensure the protection of sensitive County equipment.

43. Fish and Game Commission re: Notice of proposed regulatory action relative to amending subsection 300(a) (1)(D) 4., Title 14, California Code of Regulations, relating to upland (resident) game bird - annual regulations, which was published in the California Regulatory Notice Register on March 2, 2018.

**THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF LORRAINE DRAGOVICH AND ANN DALPIAZ MASTRANGELO, AND ADJOURNED THE MEETING AT 10:36 A.M. UNTIL TUESDAY, APRIL 10, 2018 AT 10:00 A.M.**

## BOARD ORDERS – SUMMARY ACTION MINUTES – MARCH 27, 2018

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

#### **2018-03-27 PUBLIC WORKS – FIRST READING PROPOSED ORDINANCE**

The time and date previously set for a first reading of an ordinance adopting Title 24 California State Building and Fire Codes and amending the Merced County Building and Fire Codes contained in Code Chapter 9.24 and Chapters 16.12 through 16.50.

Public Works Director Dana Hertfelder reviews the staff report.

Chairman O'Banion asks Mr. Hertfelder if there are any major changes with the ordinances.

Mr. Hertfelder states there are no major changes to the Building and Fire Code ordinances.

County Executive Officer James Brown clarifies that this is for both components on the Building Code and Fire Code Ordinance.

Upon a motion of Supervisor McDaniel, seconded by Supervisor Pareira, duly carried the Board waives full reading of the ordinance and sets a second reading for April 10, 2018 for possible adoption of the ordinance adopting Title 24 California State Building and Fire Codes and amending the Merced County Building and Fire Codes contained in Code Chapter 9.24 and Chapters 16.12 and 16.50.

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

### **ACTION ITEM NO. 38**

#### **2018-03-27 EXECUTIVE OFFICE**

The Clerk announces item providing direction regarding the County assisting the Continuum of Care and community as the Collaborative Applicant is before the Board for consideration.

County Executive Officer James Brown states that this item seeks the Board's direction regarding the County assisting the Continuum of Care as the Collaborative Applicant. The Continuum of Care and the Collaborative Applicant are separate functions and are not under the County responsibility or authority.

Mr. Brown informs the Board that the Collaborative Applicant serves as the fiscal agent and administrative support to the Continuum of Care which makes the decisions for some of the community funding and programs operated under HUD, and is responsible for the overall direction and planning for funding and the programs. He further states that the Collaborative Applicant is a separate entity that is responsible for preparing and submitting the annual consolidated application to HUD as well as the annual ESG competitive application, and are responsible for monitoring and reporting to the Continuum of Care on their funded programs and coordinated entry system for compliance.

Mr. Brown also states the Collaborative Applicant acts in a support role for the Continuum of Care and carries out its planning activities, and at this time there is a transition taking place with the Collaborative Applicant in the community and no entity has stepped forward to be the collaborative applicant. Mr. Brown states that if there is no Collaborative Applicant, the Continuum of Care and community will not be eligible for funding of approximately \$700,000 that it is currently receiving. Mr.



Brown states that staff has taken a good look at it internally and how it would best work organizationally within the County. If the board does consider acting as the Collaborative Applicant staff recommends housing it under the Human Services Agency Department.

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

Gloria Sandoval, Merced resident states her interest is to end homelessness and that there also needs to be prevention of homelessness. She believes it's tied to the issue of affordable housing. She requests the Board do something to bring awareness to the community.

The Chairman closes the public opportunity to speak on the item.

Supervisor Pereira thanks his colleagues for considering this item.

Supervisor Lor thanks the Board for considering this item as well. She further states we are helping shape the direction that our community is going in and encourages your support.

Supervisor McDaniel states that he is in support of this as well and commends Assemblymember Gray, and that this a perfect time for the County to step up and help out with this.

Supervisor Espinoza states he is also in favor of this and that he has received a lot of calls and encouragement for the County to step up and take the lead on this.

Supervisor O'Banion states that he has always been an advocate of finding a solution to homelessness and further states we need to look at the issue countywide together.

Supervisor Lor states she has had conversations with community members and they desire to make this a community effort but it's more than likely that a non-profit organization will take the lead role in the future but for now the County makes the most sense.

Upon a motion of Supervisor Pereira, seconded by Supervisor Lor, duly carried the Board authorizes submitting to the Continuum of Care for consideration, the Merced County Human Services Agency Department to assist as the Collaborative Applicant for up to three years while the community develops capacity for a community alternative.

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