

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, SEPTEMBER 18, 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

HEARING ASSISTANCE DEVICES ARE AVAILABLE FOR PUBLIC USE
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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

**THE BOARD RECESSED AT 8:32 A.M. 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. INVOCATION by Jerome Rasberry, Soundlife International Ministry/
PLEDGE OF ALLEGIANCE**

**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)**

PRESENTATION: Literacy Coalition presentation by Dr. Steve Tietjen, Ed.D.
Dr. Steve Tietjen, Ed.D. provided the Board with an informational
video and powerpoint related to the Literacy Coalition.

APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 9)

SCHEDULED ITEMS:

**COUNTY EXECUTIVE OFFICE - FIRST READING - PROPOSED
ORDINANCE**

Introduce and conduct a first reading of a proposed ordinance entitled "An Ordinance Establishing a Procedure for the Abatement of a Nuisance and the Recovery for all Costs of Abatement incurred by the County, Establishing Procedures and Penalties for Violations of the Merced County Code, and (amending Chapter 9.25, Title 9, of the Merced County Code) for Consistency with the Abatement Procedure Established in this Ordinance".

RECOMMENDATION:

1) Introduce and conduct First Reading of a proposed Ordinance entitled, "An Ordinance Establishing a Procedure for the abatement of a Nuisance and the Recovery for all Costs of Abatement incurred by the County, Establishing Procedure and Penalties for Violations of the Merced County Code, and (amending Chapter 9.25, Title 9, of the Merced County Code) for Consistency with the Abatement Procedures Established in this Ordinance;" 2) Waive further reading of the proposed Ordinance; and, 3) Set a second reading and possible adoption of the proposed Ordinance for October 2, 2018 at 10:00 a. m.

REVIEW BOARD ORDER – SEE PAGE 8

COMMUNITY AND ECONOMIC DEVELOPMENT - PUBLIC HEARING

To consider Amendment of the Agricultural Preserve as per the California Land Conservation Act of 1965 (Williamson Act) in Merced County.

RECOMMENDATION:

1) Open the Public Hearing and receive testimony; 2) Close the Public Hearing; 3) Find the removal of the land from the Agricultural Preserve pertaining to: a) (PLA) 18-009 Property Line Adjustment located on the northeast corner of W. Crane Road and N. Golf Link Road in the Hilmar area, b) PLA 18-012 located on the north side of Bambauer Road, 950 feet west of N. Hunt Road in the Newman area, c) PLA 18-014 located on the south side of Eucalyptus Avenue, 650 feet west of N. Sultana Drive, in the Livingston area, d) (MS) 18-012 Minor Subdivision located on the north side of W. Bloss Avenue, 950 feet west of N. Gold Link Road in the Hilmar area, are exempt from California Environmental Quality Act under Section 15183, Projects consistent with a Community Plan or Zoning based on the findings listed in the Board Agenda Item; and, 4) Adopt the Resolution to amend the Agricultural Preserve as per the requirements of the Land Conservation Act of 1965 (Williamson Act) Section 51200 et seq. of the California Government Code.

REVIEW BOARD ORDER – SEE PAGE 8

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-9)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

- 1. Approve Budget Transfer in the amount of \$12,494.88 to return unused project funds to District Five Board Special Projects budget unit.

Health

- 2. Approve and authorize the Chairman to sign Amendment Contract No. 2016188 with Woodard & Curran, Inc. to complete mandated activities for Proposition 1 Sustainable Ground Water Planning Grant.

Behavioral Health

3. Set a Public Hearing for October 16, 2018 at 10:00 a.m. to consider Proposed Ordinance amending Mental Health Services Fees (Amends Merced County Code Chapter 9.48, Section 9.48.030 and Supersedes Ordinance 1954).

Human Services Agency

4. Approve and authorize the Chairman to sign Amendment Contract No. 2017067 with AssureCare to provide support and training services for the Q Continuum software system.

Executive Office

5. Act on Claim for Damages submitted by Daniel Kimo Lopez and Glenn Phillip Isenhower as recommended by Risk Management and County Counsel.
6. Approve and authorize Amendment Contract No. 2016014 with Lewis Brisbois Bisgaard & Smith, LLP for professional legal services.

Board Recognition

7. Proclaim the month of October 2018 as “Domestic Violence Awareness Month” in Merced County.
Supervisor Lor presented a Proclamation regarding Domestic Violence Awareness Month to Valley Crisis Center Director Chee Vang along with Wayne Eisenhart, Robert Garcia, and Carmensol Rehbein.
8. Authorize Certificates of Recognition to Kiley Pastori/Miss Doss Palos, Lexie Delerio/Pre-Teen Miss Dos Palos, Shyanne Bryant/Little Miss Dos Palos and Micha Powers/Tiny Miss.
9. Authorize plaque for Joanne and Dino Lorenzetti in recognition of their 50th wedding anniversary.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

10. PULLED
11. Find that substantial evidence demonstrates that an emergency continues to exist regarding the emergency boat dock repairs at Lake Yosemite such that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency; and authorize the Director of Public Works to negotiate and sign the contract(s) necessary for all of the repairs. (4/5 Vote Required)
APPROVED AS RECOMMENDED AYES: ALL
12. 1) Find that substantial evidence demonstrates that an emergency continues to exist regarding the HVAC System at the Los Banos Human Services Agency (HSA) and Public Health building such that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency; 2) Direct the Director of Public Works to replace/repair the HVAC system and subsequent flood damage repairs at HSA and Public Health; and 3) Authorize the Director of Public Works to

negotiate and sign the contract(s) necessary for all repairs. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

HEALTH

13. Contract with Abaris group for consulting services related to issuing a Request for Proposal for Exclusive Operator for Emergency Ambulance Services and Secondary Medical Public Answering Point.

AUTHORIZED CONTRACT NO. 2018209 AS RECOMMENDED AYES: ALL

14. Contract with The Regents of the University of California, Merced to develop a return on investment analysis and finance plan for the California Accountable Communities for Health Initiative Grant.

AUTHORIZED CONTRACT NO. 2018210 AS RECOMMENDED AYES: ALL

15. Contract with Diring and Associates to provide technical assistance services for the California Accountable Communities for Health Initiative Grant.

AUTHORIZED CONTRACT NO. 2018211 AS RECOMMENDED AYES: ALL

BEHAVIORAL HEALTH

16. Interdepartmental Contract with Human Services Agency for coordination of the Continuum of Care Homeless Project.

AUTHORIZED CONTRACT NO. 2018212 AS RECOMMENDED AYES: ALL

17. Contract with Community Social Model Advocates, Inc. for alcohol and drug residential recovery services.

AUTHORIZED CONTRACT NO. 2018213 AS RECOMMENDED AYES: ALL

18. Contract with Community Social Model Advocates, Inc. for alcohol and drug perinatal residential recovery services.

AUTHORIZED CONTRACT NO. 2018214 AS RECOMMENDED AYES: ALL

19. Retroactively authorize the Behavioral Health and Recovery Services Director to sign and submit the sponsorship request for \$5,000 to the California Endowment to support the Youth 2 Youth Conference.

APPROVED AS RECOMMENDED AYES: ALL

20. Approve program location changes and hours of operation for Merced County Behavioral Health and Recovery Services tentatively scheduled for September 17, 2018.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

21. 1) Contract with California Department of Aging for a Medicare Improvement for Patient and Provider Act Program; 2) Adopt the Resolution; 3) Authorize the Chairman to sign the Contract and forms CDA1024 and CDA 9026; and 4) Approve the Budget Transfer. (4/5 vote required)

AUTHORIZED CONTRACT NO. 2018215 AND ADOPTED RESOLUTION NO. 2018-108 AS RECOMMENDED AYES: ALL

22. 1) Authorize Merced County Human Services Agency to submit a grant application to receive funding to operate a California Work Opportunity and Responsibility to Kids (CalWORKs) Home Visiting Initiative; 2) Authorize the Merced County Human Services Agency Director as the County's representative to sign the grant application and any related documents; and, 3)

Direct staff to return to the Board to accept grant funding upon notification of award.

APPROVED AS RECOMMENDED AYES: ALL

COMMUNITY AND ECONOMIC DEVELOPMENT

23. Approve and authorize payment for Merced County's funding contribution of the Merced Integrated Regional Water Management Authority's Fiscal Year 2018-2019 budget.

APPROVED AS RECOMMENDED AYES: ALL

24. Maintain status quo, continuing prior Board actions with existing PACE providers; or, direct staff to identify the steps necessary to dissolve prior actions which have allowed HERO CaliforniaFIRST and the Figtree PACE programs to operate in unincorporated Merced County and return to the Board accordingly.

REVIEW BOARD ORDER – SEE PAGE 8, 9 AND 10

25. 1) (a) Adopt Resolution consenting to Inclusion of Properties within the County's Territory in the Golden State Finance Authority Community Facilities District No. 2014-1 (Clean Energy) to Finance Renewable Energy Improvements, Energy Efficiency and Water Conservation Improvements, Electric Vehicle Charging Infrastructure and other authorized improvements ("SB 555 Pace Program Resolution"); and, (b) Adopt Resolution consenting to Inclusion of Properties within the County's Jurisdiction in the Golden State Finance Authority AB 811 PACE Program to Finance Renewable Energy Generation, Energy and Water Efficiency Improvements, Electric Vehicle Charging Infrastructure, and other authorized improvements ("AB 811 Pace Program Resolution"); or 2) Continue this item to an undetermined date in the future at the request of PACE industry representatives to allow for sufficient time to evaluate the rulemaking underway which may address community concerns.

REVIEW BOARD ORDER – SEE PAGE 10 AND 11

WORKFORCE INVESTMENT

26. Contract with John Chamberlin for Workforce Innovation and Opportunity Act Regional Plan Modification for consultation and other related services.

AUTHORIZED CONTRACT NO. 2018216 AS RECOMMENDED AYES: ALL

27. Contract with David Shinder for Workforce Innovation and Opportunity Act Regional Plan Modification for consultation and other related services.

AUTHORIZED CONTRACT NO. 2018217 AS RECOMMENDED AYES: ALL

28. Contract with State of California Employment Development Department for Workforce Innovation and Opportunity Act Subgrant Agreement K9110025 to provide employment related services to youth and young adults in Merced County.

AUTHORIZED CONTRACT NO. 2018218 AS RECOMMENDED AYES: ALL

29. Authorize the Department of Administrative Services, in conjunction with Workforce Investment, to initiate the procurement process for Workforce Innovation and Opportunity Act Youth Services on the west side of Merced County; select the most responsive provider to perform such services; negotiate an agreement with the provider; and return to the Board with the prepared agreement, upon review by County Counsel, for final approval and signature.

APPROVED AS RECOMMENDED AYES: ALL

30. Declare the 14 computers and accessories listed in Exhibit A as surplus, and approve donation of the surplus items to the Boys and Girls Club of Los Banos to serve students and their families with basic computer training, help with homework, access to labor market

information, and job search opportunity.

APPROVED AS RECOMMENDED AYES: ALL

ELECTIONS

31. Approve request from Turlock 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; and authorize the Registrar of Voters to notify voters in the Turlock Irrigation District of the change in election dates.

APPROVED AS RECOMMENDED AYES: ALL

PROBATION

32. Contract with Community Social Model Advocates, Inc. to provide alcohol and drug residential treatment recovery services.

AUTHORIZED CONTRACT NO. 2018219 AS RECOMMENDED AYES: ALL

TREASURER

33. Contract with Bid4assets, Inc. to provide internet auction services for all tax delinquent properties to be offered for sale at public auction for the years 2019, 2020, 2021, 2022 and 2023.

AUTHORIZED CONTRACT NO. 2018220 AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

34. Authorize the Chairman to sign the Civil Grand Jury letter of response pertaining to matters under the control of the Board as noted in the Fiscal Year 2017/2018 Civil Grand Jury Report.

APPROVED AS RECOMMENDED AYES: ALL

35. 1) Approve and adopt the Deferred Compensation Plan Committee Charter and authorize the Chairman to sign; 2) Appoint the following: Lisa Cardella-Presto, Auditor-Controller; James L. Brown, County Executive Officer; James N. Fincher, County Counsel; Karen D. Adams, Treasurer-Tax Collector to fill the positions based on position title; 2) Appoint the following Retirement Board Members: Jason Goins, Undersheriff - Public Safety Member; Janey Cabral, Assistant Auditor-Controller - Miscellaneous Member; and 4) Appoint Michael Rhodes to the position of Member At-Large.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

36. Appoint Rafael Vega-Coyazo to serve as a member of the Merced Cemetery District, until July 1, 2022.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

37. Fish and Game Commission re: Notice of Findings regarding the petitions to list coast yellow leptosiphon, Lassics lupine and tricolored blackbird as endangered/threatened under the California Endangered Species Act.

THE BOARD ADJOURNED THE MEETING AT 11:39 A.M. UNTIL TUESDAY, OCTOBER 2, 2018 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – SEPTEMBER 18, 2018

10:00 A.M. SCHEDULED ITEM

2018-09-18 COUNTY EXECUTIVE OFFICE – FIRST READING PROPOSED ORDINANCE

The time and date previously set for a first reading to consider proposed ordinance entitled “An Ordinance Establishing a Procedure for the Abatement of a Nuisance and the Recovery for all Costs of Abatement incurred by the County, Establishing Procedures and Penalties for Violations of the Merced County Code, and (amending Chapter 9.25, Title 9, of the Merced County Code) for Consistency with the Abatement Procedure Established in this Ordinance”.

Assistant County Executive Officer Scott DeMoss reviews the staff report.

Upon a motion of Supervisor McDaniel, seconded by Supervisor Lor the Board introduces the proposed Ordinance and waives further reading.

Upon motion of Supervisor Lor, seconded by Supervisor McDaniel the Board sets a second reading and possible adoption of the proposed Ordinance for October 2, 2018 at 10:00 a.m.
Ayes: O’Banion, Espinoza, Lor, McDaniel, Pareira

10:00 A.M. SCHEDULED ITEM

2018-09-18 COMMUNITY AND ECONOMIC DEVELOPMENT – PUBLIC HEARING

The time and date previously set for a Public Hearing to consider amendment of the Agricultural Preserve as per the California Land Conservation Act of 1965 (Williamson Act) in Merced County.

Community and Economic Development Director Mark Hendrickson reviews the staff report.

Supervisor Pareira requests clarification on which properties are being removed and which ones are being added.

Mr. Hendrickson responds that Oliveira/Tobin and Livingston Farmers Association are being added, and Amarante and Larkins are being removed.

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 adopts Resolution No. 2018-109 to amend the Agricultural Preserve as per the requirements of the Land Conservation Act of 1965 (Williamson Act) Section 51200 et seq. of the California Government Code.
Ayes: O’Banion, Espinoza, Lor, McDaniel, Pareira

ACTION ITEM NO. 24

2018-09-18 COMMUNITY AND ECONOMIC DEVELOPMENT

The Clerk announces item to maintain status quo, continuing prior Board actions with existing PACE providers; or, direct staff to identify the steps necessary to dissolve prior actions which have

allowed HERO CaliforniaFIRST and the Figtree PACE programs to operate in unincorporated Merced County and return to the Board accordingly is before the Board for consideration.

Community and Economic Development Director Mark Hendrickson gives an overview of the item and the two actions that are before the Board.

County Executive Officer James Brown clarifies the unincorporated area of Merced County in the recommendation.

The Chairman opens the Public Opportunity to Speak on this item. The following speak:

Treasurer-Tax Collector Karen Adams states concerns of taxpayers and urges the Board to rescind the current Ordinance.

Dustin Reilich with Renovate America – HERO Program states it's up to private property owners to make long term decisions for their properties. He submits a handout on the Hero Program statistics for Merced County.

Jeremy Hupman with Renew Financial speaks in support of the PACE Program and states that only 3 or 4 communities have opted out of the program. He urges the Board to vote to keep PACE in the community.

Mike Dosier, Renew Financial Consultant, requests that the Board consider this from an Economic Development standpoint and look at the number of jobs it has created and retained. He submits an article from the Los Angeles Business Journal regarding the PACE Program.

Tim Ramage, Vice President of Peterson Dean Solar and Roofing, states he is a very concerned contractor and has been in the solar industry for eleven years and has been working with the PACE Program for five years.

Robert Bendorf, Senior Director of Government Relations with Ygrene Energy Fund, reads quotes from homeowners in Merced County who have benefited from the HERO Program.

Supervisor McDaniel questions if there is any pending legislation on this that the Governor is looking at.

Jeremy Hupman with Renew Financial responds that the only bill still outstanding that has not been signed is SB 465.

Dustin Reilich with Renovate America – HERO Program responds that they have all been signed with implementation dates of January and July 1, 2019.

Supervisor Espinoza states he is not in support of the program.

Supervisor McDaniel states he sees some of the Merced County Board of Realtors here in the audience today and questions their stance on this item.

Kim Rogina with the Merced County Board of Realtors states they are very concerned with the PACE and Hero Program loans and that they are still gathering information and talking to residents.

Supervisor McDaniel questions if they have a number on how many were affected.

Ms. Rogina responds that they are working on a list, but it is not yet finalized.

Supervisor Pareira questions if the Treasurer-Tax Collector has figures of how many people on the PACE Program are delinquent at this time.

Treasurer-Tax Collector Karen Adams responds that she doesn't have the figure with her today but can get that for the Board.

Supervisor Espinoza makes a motion to direct staff to identify the steps necessary to dissolve prior actions which have allowed HERO CaliforniaFIRST and the Figtree PACE programs to operate in unincorporated Merced County and return to the Board accordingly.

Chairman O'Banion calls for a second.

Motion dies for lack of a second.

Supervisor McDaniel makes a motion to continue the item until we get more exact numbers.

Chairman O'Banion suggests waiting until after January 1, 2019 before bringing the item back to the Board.

Supervisor Pareira modifies the motion to wait until March 2019 to bring it back to the Board because the numbers won't be available until March.

Upon motion of Supervisor McDaniel, seconded by Supervisor Pareira, duly carried the Board approves modified recommendation to continue the item until March 2019.

Ayes: O'Banion, Lor, McDaniel, Pareira

Noes: Espinoza

ACTION ITEM NO. 25

2018-09-18 COMMUNITY AND ECONOMIC DEVELOPMENT

The Clerk announces item to 1) (a) Adopt Resolution consenting to Inclusion of Properties within the County's Territory in the Golden State Finance Authority Community Facilities District No. 2014-1 (Clean Energy) to Finance Renewable Energy Improvements, Energy Efficiency and Water Conservation Improvements, Electric Vehicle Charging Infrastructure and other authorized improvements ("SB 555 PACE Program Resolution"); and (b) Adopt Resolution consenting to Inclusion of Properties within the County's Jurisdiction in the Golden State Finance Authority AB 811 PACE Program to Finance Renewable Energy Generation, Energy and Water Efficiency Improvements, Electric Vehicle Charging Infrastructure, and other authorized improvements ("AB 811 PACE Program Resolution"); or 2) Continue this item to an undetermined date in the future at the request of PACE industry representatives to allow for sufficient time to evaluate the rulemaking underway which may address community concerns is before the Board for consideration.

Chairman O'Banion states there is a Board member with potential conflict on this item.

Supervisor McDaniel states he is a Board member for the Golden State Finance Authority and recuses himself.

Community and Economic Development Director Mark Hendrickson gives an overview of the item and states the Board may want to align this item with the previous one.

Supervisor Pareira requests that Mr. Hendrickson confirm that Ygrene is not currently allowed to participate.

Mr. Hendrickson confirms and states only the three previous providers have been granted authority in the County.

The Chairman opens the Public Opportunity to Speak on this item. The following speak:

Robert Bendorf, Senior Director, Government Relations with Ygrene Energy Fund states he likes the Board's stance to continue to look at everything in the works right now and supports the idea of bringing it back in March of 2019.

Dustin Reilich with Renovate America - HERO Program states options are good public policy and believes in options for constituents.

Jeremy Hupman with Renew Financial states the industry stands behind competition and that it's best for the community.

George Apostolopoulos with Energy Efficient Equity who works with the PACE Program states he is in support of options and thanks the Board for the discussion.

Upon motion of Supervisor Lor, seconded by Supervisor Pareira, duly carried the Board approves modified recommendation to continue the item until March 2019 at the request of PACE industry representatives to allow for sufficient time to evaluate the rulemaking underway which may address community concerns.

Ayes: O'Banion, Espinoza, Lor, Pareira

Recusal: McDaniel