

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, OCTOBER 2, 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
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

**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: United Public Employees (UPE), Unit 3. 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) Gwendolyn Griffin v. County of Merced, Workers Compensation Appeals Board Case Nos. ADJ885522 and ADJ6475023 2) Gloria Cutshall v. County of Merced, Workers Compensation Appeals Board Case No. ADJ657863

**THE BOARD RECESSED AT 8:31 A.M. WITH SUPERVISOR
ESPINOZA NOT PRESENT AND RECONVENED AT 10:00 A.M. WITH
SUPERVISOR ESPINOZA NOT PRESENT, AND THE CHAIRMAN ADVISED
STAFF WAS GIVEN DIRECTION**

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

**10:00 A. M. INVOCATION by Pastor Joel Dorman, First Baptist Church Merced/
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)**

REVIEW BOARD ORDER – SEE PAGE 9

APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 16)

SCHEDULED ITEM:

COUNTY EXECUTIVE OFFICE - SECOND READING - PROPOSED ORDINANCE

To conduct a second 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) Conduct a second 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;" 2) Waive further reading of the proposed Ordinance; 3) Find the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) under sections 15387 and 15061, subdivision (b)(3), of the CEQA guidelines because it is not a project and there is no possibility the proposed ordinance may have a significant effect on the environment. Further, the proposed ordinance is categorically exempt under section 15321 of the guidelines because it amounts to an action by the county for enforcement of County Code; and 4) Adopt Ordinance.

REVIEW BOARD ORDER – SEE PAGE 9

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-16)

APPROVED AS RECOMMENDED

AYES: 2, 3, 4, 5 NOT PRESENT: 1

Public Works

1. Approve Budget Transfer in the amount of \$200,000 for the Lake Yosemite Fish and Game ADA Project.
2. Approve Budget Transfer in the amount \$180,000 for the Main Library parking lot ADA Project.
3. Approve and authorize the Chairman to sign Amendment Contract No. 2014003 with Williams + Paddon Architects to remodel a portion of the old County hospital to consolidate Behavioral Health and Recovery Services facilities.
4. Approve and authorize the Chairman to sign Amendment Contract No. 2005007 with Mark Thomas & Company for construction support services for Campus Parkway Phase 2.

Health

5. Approve and authorize the Chairman to sign Amendment Contract No. 2013249 with Accela, Inc. for Envision Connect software and support services.

Behavioral Health and Recovery Services

6. Proclaim the week of October 23-31, 2018, as Red Ribbon Celebration Week in Merced County; and, authorize and encourage all County departments and employees to wear red ribbons and to display red ribbons on County buildings and vehicles during that week.
7. Approve and authorize the Chairman to sign Amendment Contract No. 2016282 with Central California Alliance for Health Medi-Cal Capacity Grant for provider recruitment for a full-time psychiatrist.
8. Authorize Behavioral Health and Recovery Services to accept donations for the Annual Toy Drive, with monetary donations to be used for the Toy Drive and for no other purpose; and authorize Behavioral Health and Recovery Services to conduct Toy Drives on behalf of unserved, underserved and disadvantaged youth from 10/2/18 until 12/31/18.

Human Services Agency

9. Authorize the Merced County Human Services Agency and the Area Agency on Aging to accept donations from "Make Someone Happy" for the Senior Holiday Wish List Program from 10/1/18 until 1/31/19.
10. Authorize the Human Services Agency to accept donations for the Operation Holiday Toy Drive. Some donations may have to be deposited, but they will be earmarked for Operation Holiday gift purchases and no other use; and authorize the Human Services Agency to conduct toy drives on behalf of foster youth and disadvantaged children from 10/1/18 until 12/31/18.

Sheriff

11. Authorize the Probation and Sheriff's office to accept donations for the Operation Christmas Star Toy Drive, and to conduct toy drives on behalf of disadvantaged children from 10/1/18 until 12/31/18.
12. Approve and authorize the Chairman to sign Amendment Contract No. 2016143 with Trinity Services Group, Inc. for changes to meals served to juvenile detainees at the Probation Department facility.

Executive Office

13. Act on Claim for Damages submitted by Brooke Corgiat, William Coane, John Poslof, Milman Barnes, John Robert Richards and Miguel Angel Fajardo as recommended by Risk Management and County Counsel.

Board of Supervisors

14. Approve Minutes for August 28, 2018, September 11, 2018, September 11, 2018 Final Budget, September 18, 2018 and September 18, 2018 GSA.

Board Recognition

15. Authorize Certificate of Recognition to the Bowles Farming Company for being honored by the Los Banos Downtown Association as 2018 Agriculture Family of the Year.
16. Authorize Certificates of Recognition for being honored at the 34th Annual Salute to Seniors Fair to Gregory J. Petrequin, Maria Soares, Clarissa Plair, Marlene Gargano, Joe Gargano,

Dee Dee Campbell, Sue Shepherd, Mary Alvernaz, Margie Cotta, Joanne Hoefler and Edward Kusters.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

17. 1) Adopt the plans and specifications for the Board Office/Chambers-Accessibility and Security Project; 2) Authorize the Department of Public Works to advertise the project and conduct a Public Bid Opening; and 3) Authorize the Director of Public Works to award and execute a construction contract to the lowest responsive, responsible bidder provided said bid is within the established budget, upon approval by County Counsel and Risk Management.

**AUTHORIZED CONTRACT NO. 2018222 AS RECOMMENDED AYES: 2, 3, 4, 5
NOT PRESENT: 1**

18. Contract with Westervelt Ecological Services, LLC for acquisition of 16.70 acres of California Tiger Salamander and Kit Fox habitat credits at a cost of \$1,670,000 for the La Grange Road over Dry Creek Bridge Replacement Project; and authorize the Director of Public Works, or his designee, to execute the subject contract upon approval of County Counsel and Risk Management.

PULLED NO ACTION TAKEN

19. 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: 2, 3, 4, 5 NOT PRESENT: 1

20. 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: 2, 3, 4, 5 NOT PRESENT: 1

AG. COMMISSIONER

21. Contract with California Department of Food and Agriculture for Insect Pest Detection trapping activities; and adopt resolution.

AUTHORIZED CONTRACT NO. 2018223 AND ADOPTED RESOLUTION NO. 2018-110 AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1

22. Contract with California Department of Food and Agriculture for Asian Citrus Psyllid bulk citrus regulatory activities.
AUTHORIZED CONTRACT NO. 2018224 AS RECOMMENDED AYES: 2, 3, 4, 5
NOT PRESENT: 1

HEALTH

23. Ratify the signing of the non-binding letter of intent to participate in the Medi-Cal Administrative Activities.
APPROVED AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1

BEHAVIORAL HEALTH AND RECOVERY SERVICES

24. Accept receipt of the Projects for Assistance in Transition from Homelessness (PATH) Grant for Fiscal Year 2018-2019 from the State Department of Health Care Services.
APPROVED AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1

HUMAN SERVICES AGENCY

25. Accept the 2017/2018 Fiscal Year Domestic Violence Annual Report from Alliance for Community Transformations, Inc., dba as Valley Crisis Center.
APPROVED AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1
26. Approve and authorize retroactive pay adjustment for two Employment and Training Worker II employees (Employee #35115 and Employee #57732) exceeding 13 pay periods.
APPROVED AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1
27. Contract with Central Valley Diagnostic Laboratory to provide drug testing of child welfare clients. (4/5 Vote Required)
AUTHORIZED CONTRACT NO. 2018225 AS RECOMMENDED AYES: 2, 3, 4, 5
NOT PRESENT: 1
28. Approve Memorandum of Understanding with Department of Health Care Services for a standardized system for In-Home Supportive Services of fraud referrals.
AUTHORIZED CONTRACT NO. 2018226 AS RECOMMENDED AYES: 2, 3, 4, 5
NOT PRESENT: 1

COMMUNITY AND ECONOMIC DEVELOPMENT

29. Approve the amended Solar Benefits Agreement with Wright Solar Park, LLC, a Delaware Company, for the Wright Solar PV Project (CUP12-017); and authorize the Chairman to sign the agreement and forward to the County Recorder.
AUTHORIZED CONTRACT NO. 2015027 AS RECOMMENDED AYES: 2, 3, 4
RECUSAL: 5 NOT PRESENT: 1
REVIEW BOARD ORDER – SEE PAGE 9 AND 10
30. Approve the Sales and Use Tax Implementation Agreement with Wright Solar Park LLC providing that the County will receive, at a minimum, \$2,746,666 related to sales and use taxes in connection with construction of the Wright Solar Park photovoltaic solar project located on Billy Wright Road west of Los Banos; and authorize the Chairman to sign the agreement and forward to the County Recorder.
AUTHORIZED CONTRACT NO. 2018221 AS RECOMMENDED AYES: 2, 3, 4
RECUSAL: 5 NOT PRESENT: 1
REVIEW BOARD ORDER – SEE PAGE 10

31. Contract with Weather Navigation System Repair, Incorporated to maintain Castle Airport's Automated Weather Observation System and Instrument Landing system.
AUTHORIZED CONTRACT NO. 2018227 AS RECOMMENDED AYES: 2, 3, 4, 5
NOT PRESENT: 1
32. Approve the construction permit for Tetra Tech to install Fiber Optic infrastructure within the confines of Castle Commerce Center to connect the Atwater Elementary School District (AESD) through the Merced County Office of Education connection to the CVIN, LLC. installed high-speed fiber network; 2) Authorize the Director of Community and Economic Development to sign the Construction permit for Tetra Tech to perform the installation of Fiber Optic infrastructure; and 3) Direct staff to return to the Board with an Easement Agreement.
APPROVED AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1

CHILD SUPPORT SERVICES

33. PULLED

PROBATION

34. Contract with Merced County Office of Education for vocational and educational services to adult probation clients.
AUTHORIZED CONTRACT NO. 2018228 AS RECOMMENDED AYES: 2, 3, 4, 5
NOT PRESENT: 1

FIRE

35. 1) Authorize the Merced County Office of Emergency Services to apply for the California Governor's Office of Emergency Services Fiscal Year 2018 Emergency Management Performance Grant (EPMG); 2) Adopt resolution authorizing the Office of Emergency Services to execute, on behalf of the County of Merced, any actions necessary for the purpose of obtaining federal financial assistance provided by the Federal Department of Homeland Security and sub-granted through the State of California; and 3) Direct Fire Chief/Office of Emergency Services Director or designee to return to the Board with the application results and for authorization prior to accepting award.
ADOPTED RESOLUTION NO. 2018-111 AS RECOMMENDED AYES: 2, 3, 4, 5
NOT PRESENT: 1

EXECUTIVE OFFICE

36. 1) Authorize staff to cancel the December 11, 2018 Board of Supervisors Meeting and update the Board calendar; 2) Move the location of the December 18, 2018 Board of Supervisors meeting to the Courtroom of the Courthouse Museum at 21st and N Streets in Merced; and, 3) Close the Board Chambers for renovations from November 20, 2018 to January 4, 2019.
APPROVED AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1
37. PULLED.

BOARD APPOINTMENTS

38. Appoint Mason Hurley to serve as the Fire Service Representative position on the Emergency Medical Care Committee to fill an unexpired term ending 6/30/19.
APPROVED AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1

39. Appoint Rebecca Nanyonjo-Kemp, Public Health Director, to serve as the designated Public Health Director category on the Santa Cruz-Monterey-Merced Managed Medical Care Commission to fill an unexpired term ending 4/7/2021.

APPROVED AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: 2, 3, 4, 5 NOT PRESENT: 1

40. Sheriff re: Annual reporting requirement on Inmate Welfare Trust Fund Fiscal Year 2017-2018 in accordance with Penal Code Section 4025(e).
41. Fire re: Inform the Board and residents of Merced County that October 7 through October 13, 2018 is National Fire Prevention Week in the United States.
42. Law Library re: Merced County Law Library 2017-2018 Annual Report.
43. Fish and Game Commission re: Notice of proposed regulatory action relative to amending Sections 1.53, 1.74 and 4.00, Title 14, California Code of Regulations, relating to sport fishing annual regulations for 2019, which is published in the California Regulatory Notice Register on September 14, 2018.
44. Fish and Game Commission re: Notice of proposed regulatory action relative to amending Sections 27.35, 27.40, 27.45, 27.50, 28.27, 28.55, 52.10 and 150.16, Title 14, California Code Regulations, relating to recreational and commercial fishing regulations for federal groundfish and associated species for consistency with federal rules for 2019 and 2020.
45. Fish and Game Re: Notice of proposed regulatory action relative to amending sections 107, 174 and 176, Title 14, California Code of Regulations, regarding state logbook requirements for commercial broadbill swordfish harpoon, gill and trammel net fisheries, and trawl fisheries.
46. Fish and Game Commission re: Notice of proposed regulatory action relative to amending Section 29.15, Title 14, California Code of Regulations, relating to recreational take of red abalone.

THE BOARD ADJOURNED THE MEETING IN MEMORY OF GERALD COZZI, SHERRY VALENTINE, RAYMOND GIAMPAOLI, AND RENEE HALL AND ADJOURNED THE MEETING AT 10:30 A.M. UNTIL TUESDAY, OCTOBER 16, 2018, AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – OCTOBER 2, 2018

10:00 A.M. SCHEDULED ITEM
2018-10-02 PUBLIC OPPORTUNITY

Martha Armas-Kelly, interpreter with Healthy House introduces herself and sings the National Anthem.

Present: O'Banion, Lor, McDaniel, Pareira

Absent: Espinoza

10:00 A.M. SCHEDULED ITEM
2018-10-02 COUNTY EXECUTIVE OFFICE – SECOND READING PROPOSED ORDINANCE NO. 1965

The time and date previously set for a second 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, for Consistency with the Abatement Procedure Established in this Ordinance” (Amends Chapter 9.25, Title 9, of the Merced County Code).

Upon motion of Supervisor McDaniel, seconded by Supervisor Pareira the Board waives further reading of the proposed ordinance.

Upon motion of Supervisor McDaniel, seconded by Supervisor Lor the Board finds the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) under sections 15387 and 15061, subdivision (b)(3), of the CEQA guidelines because it is not a project and there is no possibility the proposed ordinance may have a significant effect on the environment. The proposed ordinance is categorically exempt under section 15321 of the guidelines because it amounts to an action by the County for enforcement of County Code.

Upon motion of Supervisor McDaniel, seconded by Supervisor Lor the Board adopts Ordinance No.1965.

Ayes: O'Banion, Lor, McDaniel, Pareira

Absent: Espinoza

ACTION ITEM NO. 29
2018-10-02 COMMUNITY AND ECONOMIC DEVELOPMENT

The Clerk announces approval of the amended Solar Benefits Agreement with Wright Solar Park, LLC, a Delaware Company, for the Wright Solar PV Project (CUP12-017); and authorization for the Chairman to sign the agreement and forward to the County Recorder is before the Board for consideration.

Chairman O'Banion states he has a conflict with Items 29 and 30 and recuses himself.

Vice Chairman Pareira sits in for Chairman O'Banion.

Upon motion of Supervisor McDaniel, seconded by Supervisor Lor, duly carried the Board approves the amended Solar Benefits Agreement with Wright Solar Park, LLC, a Delaware Company, Contract No. 2015027 for the Wright Solar PV Project (CUP 12-012) and authorizes forwarding the contract to the County Recorder.

Ayes: Lor, McDaniel, Pareira

Recusal: O'Banion

Absent: Espinoza

ACTION ITEM NO. 30

2018-10-02 COMMUNITY AND ECONOMIC DEVELOPMENT

The Clerk announces approval of the Sales and Use Tax Implementation Agreement with Wright Solar Park LLC providing that the County will receive, at a minimum, \$2,746,666 related to sales and use taxes in connection with construction of the Wright Solar Park photovoltaic solar project located on Billy Wright Road west of Los Banos; and authorization for the Chairman to sign the agreement and forward to the County Recorder is before the Board for consideration.

Upon motion of Supervisor McDaniel, seconded by Supervisor Lor, duly carried the Board approves the Sales and Use Tax Implementation Agreement, Contract No. 2018221 with Wright Solar Park LLC providing that the County will receive, at a minimum, \$2,746,666 related to sales and use taxes in connection with construction of the Wright Solar photovoltaic solar project located on Billy Wright Road west of Los Banos and authorizes forwarding the contract to the County Recorder.

Ayes: O'Banion, Espinoza, Lor, Pareira

Recusal: O'Banion

Absent: Espinoza