



SUMMARY ACTION MINUTES BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, OCTOBER 16, 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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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 - 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): Turner v. County of Merced, Merced Superior Court case number 17CV-00204.

**THE BOARD RECESSED AT 8:35 A.M. WITH SUPERVISOR
ESPINOZA AND SUPERVISOR LOR NOT PRESENT AND RECONVENED
AT 10:00 A.M. WITH SUPERVISOR LOR 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 Father John Fluestch, St. Patrick’s Catholic
Church/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 - 20)

PUBLIC HEARING:

**BEHAVIORAL HEALTH AND RECOVERY SERVICES - PUBLIC HEARING -
PROPOSED ORDINANCE**

To consider proposed Ordinance amending Mental Health Fee Schedule (Supersedes Ordinance No. 1954 and amends Chapter 9.48 Section 9.48.030).

RECOMMENDATION:

1) Introduce the proposed Ordinance amending the Fee Schedule for Mental Health Services; 2) Waive further reading 3) Open Public Hearing and receive testimony; 4) Close the public hearing; and 5) Adopt Ordinance known as Mental Health Fees (Supersedes Ordinance No. 1954 and amends Chapter 9.48 Section 9.48.030).

REVIEW BOARD ORDER – SEE PAGE 9

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-20)

APPROVED AS RECOMMENDED

AYES: 1, 3, 4, 5

NOT PRESENT: 2

Public Works

1. Approve Budget Transfer in the amount of \$100,000 for contract expenses related to Accessibility Mitigation projects.
2. Approve Budget Transfer in the amount of \$20,000 for Yard Accessibility Project costs higher than anticipated. (4/5 Vote Required)
3. Set a Public Hearing for November 20, 2018 at 10:00 a.m. to consider adoption of the Resolution annexing the Major Subdivision MAS17-002, located south of Letteau Avenue and east of Merced Avenue in the Delhi area, into the Almond Tree Estates Drainage and Maintenance Zone of Benefit No. 114 in County Service Area Number One.
4. Set a Public Hearing for November 20, 2018 at 10:00 a.m. to consider adoption of the Resolution annexing the Major Subdivision MAS17-002, located south of Letteau Avenue and east of Merced Avenue in the Delhi area, into the Delhi Lighting Maintenance Zone of Benefit No. 102 in County Service Area Number One.

Behavioral Health and Recovery Services

5. Approve and authorize the Chairman to sign Amendment Contract No. 2018040 with Mayurkumar Ambubhai Amin, M.D., for the provision of psychiatric services at the Marie Green Psychiatric Unit.
6. Approve and authorize the Chairman to sign Amendment Contract No. 2017199 with California Psychiatric Transitions for client placement services, updating the rates and insurance.

Community and Economic Development

7. Approve second Amendment the Central Delta-Mendota Region SGMA Services Activity Agreement; and authorize the Chairman to sign SS-MOA Participant Consent to second Amendment to the Central Delta-Mendota Region SGMA Services Activity Agreement.
8. Approve second Amendment to the Northern Delta-Mendota Region SGMA Services Activity Agreement; and authorize the Chairman to sign SS-MOA Participant Consent to second Amendment to the Northern Delta-Mendota Region SGMA Services Activity Agreement.

Workforce Investment

9. Accept Modification 10 to Workforce Innovation and Opportunity Act Subgrant K8106644 (Amendment Contract No. 2017211) to restore funding reduction and 0.5 percent program integrity set aside for Workforce Innovation and Opportunity Act Formula Funds.
10. Accept Modification 1 to Workforce Innovation and Opportunity Act Subgrant K9110025 (Amendment Contract No. 2018218) incorporating the First Round Workforce Innovation and Opportunity Act Formula funding for the Program Year 2018-2019 to provide employment-related services to adults and dislocated workers in Merced County.

11. Accept Modification 2 to Workforce Innovation and Opportunity Act Subgrant K9110025 (Amendment Contract No. 2018218) incorporating the National Dislocated Worker Grant (NDWG) funding for the Storms NDWG 2017 Project; and approve related Budget Transfer. (4/5 Vote Required)

Sheriff

12. Approve and authorize the Chairman to sign Amendment Contract No. 2012188 with GlobalTel*Link (GTL) for inmate telephone services.

Fire

13. Approve and authorize the Chairman to sign Amendment Contract No. 2015124 with Self-Help Enterprises for emergency water supply; and adopt the Resolution.

ADOPTED RESOLUTION NO. 2018-112

Executive Office

14. Act on Claims for Damages submitted by Michael Eyraud as recommended by Risk Management and County Counsel.
15. Approve out of state travel to the 2018 California Association of Tactical Officers Training Conference in Reno, Nevada from November 4, 2018 to November 8, 2018; and authorize the Sheriff's Office to accept reimbursement from LENCO for registration and lodging expenses for four (4) employees to attend the 2018 California Association of Tactical Officers Conference in Reno, Nevada.

Board of Supervisors

16. Approve minutes for October 2, 2018.

Board Recognition

17. Authorize Certificate of Recognition to Don and Genny Brown in celebration of 65th wedding anniversary.

Supervisor Pareira presented Certificate to Don and Genny Brown.

18. Authorize Proclamation in Recognition of Constitution Week in Merced County.
19. Authorize Certificates of Recognition to various individuals for the Hispanic Chamber of Commerce Installation Dinner Awards.
20. Authorize Certificate of Recognition to Merced County 4-H / Cooperative Extension for National 4-H Week October 7-13, 2018 and Plaque to Richard Mahacek for Induction into the National 4-H Hall of Fame.

Supervisor Pareira presented Certificate to the Merced County 4-H/Cooperative Extension for National 4-H Week and Recognized Mr. Richard Mahacek for his induction into the National 4-H Hall of Fame.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

21. 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: 1, 3, 4, 5 NOT PRESENT: 2

22. Memorandum of Understanding with City of Merced and Merced Irrigation District for the Design Phase of the Black Rascal Creek Flood Control Project.

PULLED – NO ACTION TAKEN

23. Authorize the Department of Public Works to circulate a Request for Qualifications (RFQ) to qualified consultants to provide small contract civil engineering and design services for County projects; and authorize the Department of Public Works to review and rank statements of qualifications as well as negotiate a retainer contract to be submitted to the Board of Supervisors for consideration upon review by County Counsel and Risk Management.

AUTHORIZED CONTRACT NO. 2018230 AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

24. Approve Plans and Specifications for the Walnut Avenue and California Street Complete Street Upgrade (Phase 2) Project in the Winton area; 2) Authorize the Department of Public Works to advertise the project and conduct a Public Bid Opening; 3) Authorize the Department of Public Works to award and execute a construction contract to the lowest responsible bidder provided said bid is within the established budget, upon approval of County Counsel and Risk Management; and 4) Direct the Department of Public Works to return to the Board with an informational item describing all actions taken.

AUTHORIZED CONTRACT NO. 2018231 AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

HEALTH

25. Contract with Healthy House within a MATCH Coalition for community engagement and data collection services in the development of the Children's Health Insurance Program for the California Oral Health Plan.

AUTHORIZED CONTRACT NO. 2018232 AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

26. Contract with The Regents of the University of California, Merced for data collection and analysis, and assisting in the development of the Children's Health Insurance Program for the California Oral Health Plan.

AUTHORIZED CONTRACT NO. 2018233 AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

27. Contract with California Department of Resources Recycling and Recovery for the Solid Waste Local Enforcement Agency Grant (No. EA 29-18-0020) EA29 for Fiscal Year

2018/2019; and adopt the Resolution authorizing the Chairman to sign the Grant Agreement and authorizing the Director of Public Health or Designee to sign all payment requests.

AUTHORIZED CONTRACT NO. 2018229 AND ADOPTED RESOLUTION NO. 2018-113 AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

BEHAVIORAL HEALTH AND RECOVERY SERVICES

28. Contract with Aegis Treatment Centers, LLC for Drug Medi-Cal Outpatient Narcotic Treatment Program.

AUTHORIZED CONTRACT NO. 2018234 AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

29. 1) Rescind all prior actions related to the Grant documents and Contract No. 2018118; 2) Accept the Mental Health Services Oversight and Accountability Commission Triage Grant funds in the amount of \$718,033.99; 3) Authorize the Chairman to sign Grant Agreement 17MHSOAC042 for submission to the State; and authorize the Director of Behavioral Health and Recovery Services to sign all payment request claim forms.

AUTHORIZED CONTRACT NO. 2018235 AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

30. 1) Contract with California Mental Health Services Authority (CalMHSA) for the Inter-Member Transfer Program; 2) Authorize the Chairman to sign all related documents necessary to execute the agreement; 3) Authorize the transfer of funds to CalMHSA as called for by the Inter-Member Transfer Program Participation Agreement, in the initial amount of \$73,297.57 for the first quarter, with continuous funding thereafter; 4) Authorize CalMHSA to send and receive funds on behalf of County, consistent with the provisions of the Participation Agreement and Welfare and Institution Code 14717.1; 5) Adopt the Resolution authorizing the Department's participation in the Inter-Member Transfer Program; and 6) Approve the related Budget Transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2018236 AND ADOPTED RESOLUTION NO. 2018-114 AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

31. Contract with Castle Family Health Centers for placement of County clinical staff to provide mental health and alcohol and drug services at their facility.

AUTHORIZED CONTRACT NO. 2018237 AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

32. Authorize the Department of Administrative services, on behalf of Behavioral Health and Recovery Services to develop and release a Request for Proposal to secure a qualified vendor to operate the Youth Crisis Stabilization Unit, servicing individuals ages 12-18 who are in need of crisis stabilization services, to select the most responsive bidder, to negotiate an agreement; and return to the Board for final agreement execution.

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

HUMAN SERVICES AGENCY

33. Contract with Aspiranet for a full-time counselor to provide crisis counseling and support to children and families in foster care to promote emotional and behavioral health.

AUTHORIZED CONTRACT NO. 2018238 AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

34. Memorandum of Understanding with Merced County Office of Education to allow the sharing of education-related information of foster youth.

AUTHORIZED CONTRACT NO. 2018239 AS RECOMMENDED AYES: 1, 3, 4, 5
NOT PRESENT: 2

35. Memorandum of Understanding with Veterans of Foreign Wars Post 2487 and American Legion Post 166 to allow the Veterans to use a county-owned computer and internet access to connect to the Veterans Affairs Central California Health Care System at 2615 E. Clinton Ave, Fresno, California.

AUTHORIZED CONTRACT NO. 2018240 AS RECOMMENDED AYES: 1, 3, 4, 5
NOT PRESENT: 2

36. Contract with California Health Advocates of California for Medicare fraud and prevention services to provide volunteer liaison support for the Senior Medicare Patrol Program for Fiscal Year 2018/2019.

AUTHORIZED CONTRACT NO. 2018241 AS RECOMMENDED AYES: 1, 3, 4, 5
NOT PRESENT: 2

COMMUNITY AND ECONOMIC DEVELOPMENT

37. Approve the County of Merced payment of \$206,519.20 to the Merced Subbasin Groundwater Sustainability Agency for the County's share of the Fiscal year 2018-2019 costs in the creation of the Groundwater Sustainability Plan and other administrative costs.

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

WORKFORCE INVESTMENT

38. Approve proposed changes to the Merced County Workforce Development Board composition per unemployment Insurance Code Section 14202 (a)(2) and Unemployment Insurance Code Section 14202 (b)(1) (B) listed in Exhibit A.

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

SHERIFF

39. Memorandum of Agreement with Mariposa County Sheriff's Office for Law Enforcement Mutual Aid Plan (LEMA) provided during the Ferguson Fire; and authorize the Sheriff to sign the LEMA in concurrence with Executive Office and Counsel approval.

AUTHORIZED CONTRACT NO. 2018242 AS RECOMMENDED AYES: 1, 3, 4, 5
NOT PRESENT: 2

40. Contract with Guardian Alliance Investigations for pre-employment background investigation services.

AUTHORIZED CONTRACT NO. 2018243 AS RECOMMENDED AYES: 1, 3, 4, 5
NOT PRESENT: 2

TREASURER

41. Memorandum of Understanding with California State Association of Counties - Finance Corporation for Tax Refund Exchange and Compliance System (CalTRECS).

AUTHORIZED CONTRACT NO. 2018244 AS RECOMMENDED AYES: 1, 3, 4, 5
NOT PRESENT: 2

HUMAN RESOURCES

42. Approve amendments to the Salary Allocation Resolution No. 06-120 and amendments to the Resolution No. 2007-22, Merced County Human Resources Rules and Regulations to

designate the Director of Environmental Health position to At-Will.

ADOPTED RESOLUTION NOS. 2018-115 (SALARY) AND 2018-116 (RULES & REGS) AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

EXECUTIVE OFFICE

43. Pulled.

BOARD APPOINTMENTS

44. Reappoint Brad Robson and William Bright to serve as members of the Le Grand-Athlone Water District, until December 7, 2022.

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

BOARD INFORMATION & POSSIBLE ACTION

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

45. Merced County Mosquito Abatement District re: General Manager's Report August 21 - September 18, 2018.

THE BOARD RECESSED TO MEET AS A COUNTY OF MERCED CHOWCHILLA SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY AND RECONVENED TO MEET AS A BOARD OF SUPERVISORS

THE BOARD ADJOURNED THE MEETING IN MEMORY OF RALPH CAIRENROSS AT 10:45 A.M. UNTIL TUESDAY, NOVEMBER 6, 2018, AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – OCTOBER 16, 2018

10:00 A.M. SCHEDULED ITEM
2018-10-16 PUBLIC OPPORTUNITY

Martha Armas-Kelly, interpreter with Healthy House introduces herself.

Rakesh “Ricky” Pal, Veterans Service Officer invites the Board to the Veteran’s Day Parade that will take place on November 11, 2018 with a ceremony in Bob Hart Square starting at 12:00 p.m. and the parade to follow after the ceremony.

Present: O’Banion, Espinoza, McDaniel, Pareira

Absent: Lor

10:00 A.M. SCHEDULED ITEM
2018-10-16 BEHAVIORAL HEALTH AND RECOVERY SERVICES – PUBLIC HEARING – ORDINANCE NO. 1966

The time and date previously set to consider proposed Ordinance amending Mental Health Fee Schedule (Supersedes Ordinance No.1954 and amends Chapter 9.48 Section 9.48.030).

Yvonnia Brown, Director of Behavioral Health and Recovery Services reviews the staff report.

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 Pareira, duly carried the Board waives further reading of the proposed ordinance.

Upon motion of Supervisor McDaniel, seconded by Supervisor Pareira, duly carried the Board adopts Ordinance No.1966.

Ayes: O’Banion, Espinoza, McDaniel, Pareira

Absent: Lor