



BOARD OF SUPERVISORS

Rodrigo Espinoza, *District 1*

Lee Lor, *District 2*

Daron McDaniel, *District 3*

Chairman Lloyd Pareira, *District 4*

Scott Silveira, *District 5*

Phone: (209) 385-7366 Fax: (209) 726-7977

SUMMARY ACTION MINUTES

TUESDAY, FEBRUARY 26, 2019

Closed Session – 9:00 a.m.

Regular Meeting – 10:00 a.m.

Merced County Administration Building

2222 M Street

Board Room, Third Floor

Merced CA 95340

www.countyofmerced.com

The Board of Supervisors welcomes you to its meetings which are regularly held on a scheduled Tuesday and your interest is encouraged and appreciated.

PUBLIC COMMENT PERIOD: 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 (3) minutes per person).

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 administrative 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.

CLOSED SESSION: Is the portion of the meeting conducted in private without the attendance of the public or press to discuss certain confidential matters specifically permitted by the Brown Act. The public will be provided an opportunity to comment on any matter to be considered in closed session prior to the Board adjourning into the closed session.

ANY MEMBER OF THE AUDIENCE DESIRING TO ADDRESS THE BOARD ON A MATTER ON THE AGENDA:

Please raise your hand or step to the podium at the time the item is announced by the Board Chairperson. In order that interested parties have an opportunity to speak, any person addressing the Board will be limited to a maximum of three (3) minutes.

BOARD AGENDA AND MINUTES: Board agendas, minutes, and copies of items to be considered by the Board of Supervisors are posted on the Internet at least 72 hours preceding a Tuesday meeting at the following website www.countyofmerced.com/boardagenda/

AUDIO/VIDEO BROADCAST: All Board meetings are normally broadcast live and replayed on local cable television. A list of cable channels and broadcast times are available at the following website: www.countyofmerced.com

REASONABLE ACCOMMODATIONS: 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. Please address your written request 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.

Spanish and Hmong interpreters are available.

Interpretes de espanol y hmong estan disponibles.

Peb muaj tug paab txhais lug Mev hab Hmoob.

SCHEDULED ITEMS

**9:00 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: American Federation of State, County and Municipal Employees (AFSCME), Units 4, 5, 6 and 8; United Public Employees (UPE), Unit 3; Merced County Attorney Association (MCAA), Unit 7; Teamsters (Corrections), Unit 2; Merced County Law Enforcement Sergeants, Unit 30; Merced County Deputy Sheriff Association (DSA), Unit 10; Teamsters (Non-Safety Corrections), Unit 12; Merced County Public Safety Services Unit (MCPSSU), Unit 14; and Probation Supervising Employees, Unit 11. Agency Negotiator: Marci Barrera.

THE BOARD RECESSED AT 9:03 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT, AND THE CHAIRMAN ADVISED THERE WERE NOT REPORTABLE ITEMS

GOVERNMENT CODE SECTION 54954.2 COMPLIANCE (LATE AGENDA ITEMS)

**10:00 A. M. INVOCATION lead by Juan Martinez with United Way/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 10

PRESENTATION: RETIREMENT RECOGNITION - MARTHA HERMOSILLO, EXECUTIVE DIRECTOR - FIRST 5

Supervisor Lor presented Martha Herмосillo with a retirement plaque and provided a brief history of employment.

APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 17)

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-17)

APPROVED AS RECOMMENDED EXCEPT ITEM 9 HEARD SEPARATELY AYES: ALL

Public Works

1. Approve Budget Transfer in the amount of \$30,000 for the Kane Building HVAC Compressor Replacement.

Behavioral Health and Recovery Services

2. Approve and authorize the Chairman to sign Interdepartmental Amendment Contract No. 2009267 with Human Services Agency/Area Agency on Aging, for services provided through the Program to Encourage Active, Rewarding Lives for Seniors program as part of the Mental Health Services Act Prevention and Early Intervention Plan; and approve related budget transfer. (4/5 Vote Required)
3. Approve and authorize the Chairman to sign Amendment Contract No. 2018235 (Grant Agreement 17MHSOAC042) with Mental Health Services Oversight and Accountability Commission for triage grant.

Human Services Agency

4. Proclaim the month of March 2019 as "National Social Work Month".
5. Approve Budget Transfer in the amount of \$21,000 for the paging system and alarm system for the new Los Banos Service Center.
6. Approve Budget Transfer in the amount of \$1,980 to cover the costs for food at the co-parenting classes for All Dads Matter. (4/5 Vote Required)
7. Approve and authorize the Chairman to sign Amendment Contract No. 2016024 (State Revenue Contract #SP-1819-31) 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. 2019-15

Community and Economic Development

8. Approve and authorize the Chairman to sign Amendment Contract No. 2017032 with Central Delta-Mendota Multi-Agency Groundwater Sustainability Agency which generally clarifies the delegation of authority to the GSA's management committee, includes a portion of San Benito County in the GSA's groundwater sustainability plan, and confirms the GSA's participation in the North-Central GSP Group.
9. Approve and authorize the Chairman to sign Amendment Contract No. 2014020 with Xing Kong Aviation Service, LLC (also known as Sierra Academy of Aeronautics) for the lease of Building 1015 at Castle Commerce Center. (4/5 Vote Required)

REVIEW BOARD ORDER – SEE PAGE 10 AND 11

Administrative Services

10. Approve and authorize the Chairman to sign Amendment Contract No. 2010124 with Tyler Technologies for the implementation of the Tyler On-Line Warrant Interface and the purchase of a replacement CLETS messaging switch system.
11. Approve Budget Transfer in the amount of \$9,000 for the purchase of a Cisco Systems Nexus 9500 Switch utilized to increase the performance of the County's network. (4/5 Vote Required)

Probation

12. Approve Budget Transfer in the amount of \$6,866 to purchase partitions for 5 vehicles. (4/5 Vote Required)

13. Approve Budget Transfer in the amount of \$35,000 for overtime incurred due to low staffing numbers resulting in mandatory overtime at the Juvenile Justice Correctional Complex.

Executive Office

14. Approve travel request received from Sheriff as recommended by Executive Office.
15. Act on Claim for Damages submitted by Kevin Hulstine as recommended by Risk Management and County Counsel.

Board Recognition

16. Authorize Certificates of Recognition to the following individuals for being selected by the Merced County Historical Society for Volunteer Awards: "Grazie America" Exhibit Committee-2018 Letus Wallace Award, Liam Knight-2018 Docent of the Year Award, Bob Souza-2018 Heacox Pioneer History Award, Gustine Historical Society-2019 Estep-Burchell Community Grant, Merced Center for the Performing Arts-2019 Estep-Burchell Community Grant, Donna Hall-2019 Legacy Circle Award and Charlie Galatro-2018 Past President.
17. Authorize Proclamation to Vasco Alves Cordeiro, President of the Government of the Azores, in appreciation of visit to Merced County.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

18. 1) Approve agreement for purchase of real property between Merced County and Tony L. Martin, for acquisition of property located on Kibby Road (APN: 238-050-003) for the Kibby Road over Bear Creek Bridge Project; 2) Authorize the Chairman to sign the agreement listing the terms and conditions of the acquisition; and 3) Adopt Resolution accepting the Easement Deed from Tony L. Martin for acquisition of property for the Kibby Road over Bear Creek Project; and 4) Approve payment to a title company for the accepted value of property plus escrow and any other transaction fees.

AUTHORIZED CONTRACT NO. 2019040 AND ADOPTED RESOLUTION NO. 2019-16 AS RECOMMENDED AYES: ALL

19. Pursuant to Government Code Section 66006(b) approve the 2017/18 Fiscal Year Annual Report (Exhibits A and B) for each impact fee fund.

APPROVED AS RECOMMENDED AYES: ALL

HEALTH

20. Contract with Solera Health, Inc. to provide reimbursement services for the National Diabetes Prevention Program participants.

AUTHORIZED CONTRACT NO. 2019041 AS RECOMMENDED AYES: ALL

21. Contract with the Community Alliance with Family Farmers to provide continued technical support for the Farm to Cafeteria program.

AUTHORIZED CONTRACT NO. 2019042 AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 11

BEHAVIORAL HEALTH AND RECOVERY SERVICES

22. Ratify the application and award of \$210,000 from Department of Health Care Services, for the Homeless Mentally Ill Outreach and Treatment Program, which will provide support to individuals with serious mental illness and who are homeless or at risk of becoming homeless; and approve related budget transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2019043 AS RECOMMENDED AYES: ALL

23. Authorize Behavioral Health and Recovery Services to accept the funding to the Community Mental Health Services Block Grant (MHBG), in the amount of \$1,423,991 for FY 2018-2019, to enhance youth and adult services.

AUTHORIZED CONTRACT NO. 2019044 AS RECOMMENDED AYES: ALL

24. Authorize the Department of Administrative Services, on behalf of Behavioral Health and Recovery Services to develop and release Request for Proposals to secure qualified vendors to provide Pharmaceutical Services and for Interpreter/Translations services, to select the most responsive bidders, to negotiate agreements and return to the Board for final execution of the agreements.

APPROVED AS RECOMMENDED AYES: ALL

25. 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 housing consultant, to select the most responsive bidder, to negotiate an agreement and return to the Board for final agreement execution.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

26. Interdepartmental Agreement with the Department of Public Health for Home Visiting Initiative program; authorize the department heads to sign the agreement; and approve related budget transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2019045 AS RECOMMENDED AYES: ALL

27. Contract with Merced County Office of Education for Calworks Home Visiting Initiative Program.

AUTHORIZED CONTRACT NO. 2019046 AS RECOMMENDED AYES: ALL

28. Memorandum of Understanding with Service Employment & Redevelopment (SER) - Jobs for Progress, Inc. for service employment and redevelopment.

AUTHORIZED CONTRACT NO. 2019047 AS RECOMMENDED AYES: ALL

29. Contract with The National Council on Crime and Delinquency (NCCD) for the implementation of a Structured Decision Making Model for adult protective services.

AUTHORIZED CONTRACT NO. 2019048 AS RECOMMENDED AYES: ALL

30. Contract with Caton Properties for the lease of office space at 1575 West Main Street in Merced.

AUTHORIZED CONTRACT NO. 2019049 AS RECOMMENDED AYES: ALL

31. Contract with Caton Properties for the lease of office space at 1577 West Main Street in Merced.

AUTHORIZED CONTRACT NO. 2019050 AS RECOMMENDED AYES: ALL

COMMUNITY AND ECONOMIC DEVELOPMENT

32. Appoint Mr. Michael Gallo as the Eastern White Area Representative and Mr. Rick Drayer as the Eastern White Area alternate to the Merced Subbasin Groundwater Sustainability Agency governing board for a four year term; and appoint Mr. Nic Marchini as the Western White Area Representative to the Merced Subbasin Groundwater Sustainability Agency governing board for a four year term.

APPROVED AS RECOMMENDED AYES: ALL

33. 1) Approve the Federal Aviation Administration grant application related to the design of a replacement of Castle Airport's 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

34. 1) Approve the Federal Aviation Administration grant application related to the runway and taxiway pavement preservation project at Castle Airport; 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

35. 1) Approve Merced County's contribution of \$10,000 to the San Joaquin Valley Air Pollution Control District for the preparation of Market Feasibility Study for the Valley Rail Project; 2) Authorize the Director of Community and Economic Development to make payment for the said purpose post receipt of an invoice from the San Joaquin Valley Air Pollution Control District in the amount of \$10,000; and 3) Approve related budget transfer.

APPROVED AS RECOMMENDED AYES: ALL

36. Contract with Tully and Young Inc. for professional special services in connection to sustainable groundwater planning in Merced County and approve related budget transfer.

AUTHORIZED CONTRACT NO. 2019052 AS RECOMMENDED AYES: ALL

37. Contract with the California State Transportation Agency accepting a \$6.5 million grant for the California AutoTech Testing and Development Center.

AUTHORIZED CONTRACT NO. 2019053 AS RECOMMENDED AYES: ALL

LIBRARY

38. Contract with Guardco Security Services, Inc. to provide security guard services at Merced County Library.

AUTHORIZED CONTRACT NO. 2019054 AS RECOMMENDED AYES: ALL

39. Contract with the California Center for the Book to accept the Book to Action 2019 grant for the Delhi Library to expand upon the basic book club concept by participating in a community service or civic engagement project related to the book. The amount of the grant is up to \$2,000 for in-kind services within Fiscal Year 2018/19.

AUTHORIZED CONTRACT NO. 2019055 AS RECOMMENDED AYES: ALL

40. Authorize the Merced County Library to submit an application for the California State Library Mini-Grant Opportunity 2019 for Dos Palos and Gustine Libraries in the amount of up to \$3,000 for Fiscal year 2018/19; and direct County Librarian or designee to return to the Board with the application results and to accept award.

APPROVED AS RECOMMENDED AYES: ALL

41. Authorize Merced County Library to utilize funds from the Merced County Library - Main Trust Fund (02644) to purchase furniture for the Merced Library for Fiscal Year 2018/19; and approve related budget transfer. (4/5 Vote Required)

PULLED – NO ACTION TAKEN

PROBATION

42. Contract with ACE Overcomers to provide trauma informed classes to AB109 clients and approve related budget transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2019056 AS RECOMMENDED AYES: ALL

CHILD SUPPORT SERVICES

43. Memorandum of Understanding for the Merced-Mariposa Regional Department of Child Support Services.

AUTHORIZED CONTRACT NO. 2019057 AS RECOMMENDED AYES: ALL

ADMINISTRATIVE SERVICES

44. Approve back pay of wage increase for (15) fifteen pay periods.

APPROVED AS RECOMMENDED AYES: ALL

45. 1) Contract with Watchdog Wireless, LLC for services related to telecom expense management of County wireless devices; 2) Authorize the Director of Administrative Services to negotiate and sign a final statement of work in support of the project; and 3) Authorize the Director of Administrative Services to execute contract amendments for changes in device counts as required.

AUTHORIZED CONTRACT NO. 2019058 AS RECOMMENDED AYES: ALL

46. 1) Contract with Federal Engineering Inc to assist in development of a Request for Proposal (RFP) to procure equipment in support of the Merced Operational Area Regional Interoperable Communications System; 2) Authorize the Director of Administrative Services to negotiate and sign a final statement of work and related change orders; and 3) Approve related budget transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2019059 AS RECOMMENDED AYES: ALL

AUDITOR

47. Accept the audited Merced County Comprehensive Annual Financial Report ended June 30, 2018.

APPROVED AS RECOMMENDED AYES: ALL

TREASURER

48. Accept the Quarterly Investment Report for the period of October 1, 2018 to December 31, 2018.

APPROVED AS RECOMMENDED AYES: ALL

RETIREMENT

49. Adopt Employer Contribution Rate as recommended by the Actuarial Report and adopt Employee Contribution Rates as recommended by the Actuarial Report.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

50. Contract with Morse Partners to lease a building located at 1944 M Street, Merced for use as the Public Defender's Office and approve related budget transfers to appropriate funds for lease payments and utilities for the 2018/19 FY along with necessary tenant improvements.

AUTHORIZED CONTRACT NO. 2019051 AS RECOMMENDED AYES: ALL

51. Authorize the County Executive Office to transfer up to a cap of \$100,000 from the General Fund to the Spring Fair Special Revenue Fund to cover the cost of the unplanned retirement related expenses and any other unanticipated transition/operating cost for the 2019 Spring Fair; and approve all related budget transfers. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

52. Accept 2018 Local Biennial Notice from Dos Palos Drainage District, Los Banos Cemetery District, Merced Cemetery District and Plainsburg Union Elementary as submitted with no amendments required, and authorize notification to the agency of action taken.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

53. Appoint Kelly Vincent to serve as a member of the Dos Palos Cemetery District, until February 4, 2023.

APPROVED AS RECOMMENDED AYES: ALL

54. Reappoint Robert Bliss, Jean Okuye, and Aaron Wentzel to serve as members of the East Merced Resource Conservation District until January 28, 2023.

APPROVED AS RECOMMENDED AYES: ALL

55. Appoint Adam Reed to serve as a member of the Winton Cemetery District, until February 18, 2023 and reappoint Joann Machado to serve until until February 18, 2023.

APPROVED AS RECOMMENDED AYES: ALL

56. Reappoint Antonio Rodriguez, Olivia Gomez, Samuel Arellano, Rita Rodriguez and John Chavez to serve as members of the Planada Municipal Advisory Council, until March 31, 2023.

APPROVED AS RECOMMENDED AYES: ALL

57. Reappoint Tim Doss to serve as a member of the Assessment Appeals Board, until September 6, 2021.

APPROVED AS RECOMMENDED AYES: ALL

58. Reappoint Robert Plass to serve as a member of the Library Advisory Commission, representing District 5, until August 31, 2021.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

59. Dept. of Administrative Services re: Purchase of a UAV for the Sheriff's Office pursuant to Ordinance 1678, Chapter 5.12.040 and which fall under category 1: UAV from DSLR Pros.

60. Fish and Game Commission re: Notice of Findings regarding the petition to list Humboldt marten as endangered under the California Endangered Species Act. The notice was published in the California Regulatory Notice Register on January 25, 2019.
61. Fish and Game Commission re: Notice of availability of documents added to the rulemaking file to amend Section 27.65, Title 14, CCR, re: Filleting of California Sheephead on vessels.
62. Central California Alliance for Health re: Annual Report of the Santa Cruz-Monterey-Merced Managed Medical Care Commission: 2018.

**THE BOARD ADJOURNED THE MEETING AT 10:52 A.M. UNTIL TUESDAY,
MARCH 12, 2019 AT 10:00 A.M.**

BOARD ORDERS – SUMMARY ACTION MINUTES – FEBRUARY 26, 2019

10:00 A.M. SCHEDULED ITEM

2019-02-26 PUBLIC OPPORTUNITY

David Rodriguez, Planada resident speaks about issues with the restrooms at Houlihan Park in Planada. He is hopeful that renovations take place by Community Day in May.

Rita Rodriguez, Planada resident speaks about the conditions of Childs Avenue between Arboleda and Plainsburg Road, that it is traveled very heavily daily by many large trucks and is in need of repair.

Present: Pareira, Espinoza, Lor, McDaniel, Silveira

CONSENT ITEM NO. 9

2019-02-26 COMMUNITY AND ECONOMIC DEVELOPMENT

The Clerk announces amendment contract no. 2014020 with Xing Kong Aviation Service, LLC (also known as Sierra Academy of Aeronautics) for the lease of Building 1015 at Castle Commerce Center (4/5 Vote Required) is before the Board for consideration.

Supervisor Lor states that Board approval of this item will set a precedent which would potentially require the Board to give the same consideration to other organizations in the future.

Mark Hendrickson, Community and Economic Development Director states that this request came from the company itself. He further states that new ownership has taken over the company.

Supervisor Silveira questions if the company has taken care of its past debts.

Mr. Hendrickson responds that the former Sierra Academy of Aeronautics was behind on their lease payments and utilities. The new company has cured all of those deficiencies.

Supervisor McDaniel states this will be another vacant building at Castle if the lease agreement is not approved.

Supervisor Espinoza states that we do need more businesses in Merced County for revenue and/or taxes.

Chairman Pareira states that the former company that leased the building went bankrupt.

Supervisor Lor states that this seems like a gifting of public funds with waiving 50% of the lease agreement.

Upon motion of Supervisor McDaniel, seconded by Supervisor Espinoza to approve Amendment Contract No. 2014020 with Xing Kong Aviation Service, LLC for the lease of Building 1015 at Castle Commerce Center.

The Chairman calls for a vote on the motion.

Ayes: Espinoza, McDaniel, Silveira

Noes: Lor, Pareira

Motion fails 3 to 2.

ACTION ITEM NO. 21
2019-02-26 HEALTH

The Clerk announces contract with the Community Alliance with Family Farmers to provide continued technical support for the Farm to Cafeteria program is before the Board for consideration.

Supervisor Silveira states he reached out to Public Health and received the information he needed. He states his concerns were that some of the Board of Directors for the Community Alliance did not all have farming backgrounds and moving forward would like to find groups that have ties to the Valley.

Rebecca Nanyonjo-Kemp, Public Health Director responds that one of the farmers on the Board is from Riverdance Farms in Livingston but understands Supervisor Silveira's concerns.

Upon motion of Supervisor Lor, seconded by Supervisor Silveira, duly carried, the Board approves Contract No. 2019042 with the Community Alliance with Family Farmers to provide continued technical support for the Farm to Cafeteria program.

Ayes: Pareira, Espinoza, Lor, McDaniel, Silveira