



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 - FINAL

TUESDAY, MAY 21, 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.

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. Garcia v. County of Merced, et al., Merced Superior Court Case No. 17CV-02567.

THE BOARD RECESSED AT 9:01 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 led by Pastor Stephen Hammond/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

PRESENTATION:

Health - Ground Ambulance Transportation Services

PULLED FROM AGENDA

APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 25)

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-25)

APPROVED AS RECOMMENDED WITH ITEM 7 HEARD SEPARATELY AYES: ALL

Public Works

1. Approve and authorize the Chairman to sign Amendment Contract No. 2017129 with Kleinfelder for material testing services.
2. Approve and authorize the Chairman to sign Amendment Contract No. 2017135 with Hamner, Jewell & Associates, a division of Beacon Integrated Professional Resources, for Right-of-Way Services.
3. Set a Public Hearing for July 9, 2019 at 10:00 a.m. to consider adoption of the Resolution annexing the Major Subdivision MAS 08-005 Planada 15, located South of Childs Avenue and East of Topeka Street in the Planada area, into the Planada Lighting Maintenance Zone of Benefit No. 309 in County Service Area Number One.
4. Set a Public Hearing for July 9, 2019 at 10:00 a.m. to consider adoption of the Resolution annexing the Major Subdivision MAS 08-005 Planada 15, located South of Childs Avenue and East of Topeka Street in the Planada area, into the Planada Storm Drainage and Maintenance Zone of Benefit No. 329 in County Service Area Number One.
5. Set a Public Hearing for July 9, 2019 at 10:00 a.m. to consider adoption of the Resolution forming the new landscape and park maintenance zone of benefit (Zone No. 338) in County Service Area Number One for the area encompassing Major Subdivision No. MAS 08-005 Planada 15, located South of Childs Avenue and East of Topeka Street in the Planada area, and to approve the engineer's report that calculates the assessments to be imposed within the subdivision.
6. Adopt Resolution designating the intersection of Bellevue Road and Vine Avenue in the Atwater area as a stop intersection; and direct the Director of Public Works to post a stop sign on the Bellevue Road approach at its intersection with Vine Avenue in the Atwater area.

ADOPTED RESOLUTION NO. 2019-36

7. Approve and authorize the Chairman to sign Amendment to Project Supplement No. 1 to Contract No. 2017136 with QK-Quad Knopf for the additional biological services needed for the Dickenson Ferry Road over Bear Creek Bridge Replacement Project upon approval of County Counsel and Risk Management.
8. Approve and authorize the Chairman to sign Amendment Contract No. 2017158 with Stantec for environmental services.
9. Approve Budget Transfer in the amount of \$15,000 to cover additional scope of work requested by the Human Services Agency (HSA) for the HSA Los Banos F Street Breakroom Project.
10. Approve Budget Transfer in the amount of \$30,000 for purchase and installation of Mednet communication equipment on new communication tower leased from Hughes Communication located on Mount Bullion in Mariposa County.
11. Approve Budget Transfer in the amount of \$30,000 to add appropriation to Spring Fair Tank Cleanup to cover ongoing costs of monitoring and working to finalize closure of the site.

12. Approve Budget Transfer in the amount of \$55,000 to include installation of access control hardware on six additional doors that were not included in original scope of work, and to fund additional change orders for the technology portion for the Main Administration Security Project.

Behavioral Health and Recovery Services

13. Approve and authorize the Chairman to sign Amendment Contract No. 2018156 with Maxim Healthcare Services, Inc. to provide temporary nursing services.
14. Approve and authorize the Chairman to sign Amendment Contract No. 2017195 with Turning Point Community Programs for the Community Assistance Recovery Enterprise program.
15. Approve and authorize the Chairman to sign Amendment Contract No. 2018052 with Canyon Manor for locked placement for clients who have chronic psychiatric impairments or severe behavioral problems.
16. Approve and authorize the Chairman to sign Amendment Contract No. 2018193 with Aligned Telehealth, Inc. for the provision of Tele Psychiatry Services.

Human Services Agency

17. Approve and authorize the Chairman to sign Amendment Contract No. 2018238 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.
18. Approve and authorize the Chairman to sign Amendment Contract No. 2016170 with Aspiranet to provide SB 163 Wraparound services that facilitate the safe return of children/youth in high level out-of-home placements to their homes or less restrictive placements within their community.
19. Approve and authorize the Chairman to sign Interdepartmental Amendment Contract No. 2015008 with Merced County Department of Workforce Investment to provide subsidized employment services.
20. Approve and authorize the Chairman to sign Amendment Contract No. 2018215 (State Revenue Contract #MI-1819-31) with the California Department of Aging for Medicare Improvement for Patient and Provider Act Program; adopt Resolution and approve related budget transfer. (4/5 Vote Required)

ADOPTED RESOLUTION NO. 2019-37

Workforce Investment

21. Approve and authorize the Chairman to sign Amendment Contract No. 2018137 with Merced County Office of Education (MCOE) to provide Workforce Innovation and Opportunity Act youth services.

Auditor

22. Approve and authorize the Chairman to sign Amendment Contract No. 2014025 with Capital Partnerships Inc. for project management services of the County's Finance/Human Resources/Payroll system implementation services.

Executive Office

23. Act on Claims for Damages submitted by Humberto Sanchez, Tammy Faulkner and Application for Leave to Present a Late Claim from Isaiah Hernandez guardian ad litem for Leah Hernandez as recommended by Risk Management and County Counsel.

Board Recognition

24. Authorize Certificates of Recognition to the following individuals for receiving Central Valley Opportunity Center Scholarships: Elizabeth Contreras-Perez, Isabella Ramos, Jose Nava Mejia, Miguel Prado-Nava, Nayeli Guerrero and Rogelio Velazquez.
25. Authorize Certificate of Recognition to Marcelino Barajas for being chosen as the Grand Marshal for the Planada Community Day Parade.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

26. Contract with Jacobs Engineering Group, Inc. to complete the engineering design services for the Black Rascal Flood Control Project.

AUTHORIZED CONTRACT NO. 2019149 AS RECOMMENDED AYES: ALL

HEALTH

27. Approve submission of the LabAspire Public Health Assistant Director Laboratory Fellowship Program application to the California Department of Public Health Laboratory Directors in the amount up to \$79,416 to become a sponsoring laboratory for fellowship students; and return to the Board for contract approval if awarded this funding.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

28. Contract with Nancy McCart, LCSW to provide clinical supervision services to Associate Clinical Social Workers, Marriage and Family Therapist Interns, and/or Professional Clinical Counselors.

AUTHORIZED CONTRACT NO. 2019150 AS RECOMMENDED AYES: ALL

29. Contract with Aspiranet to provide housing and supportive services to youth aging out of foster care.

AUTHORIZED CONTRACT NO. 2019151 AS RECOMMENDED AYES: ALL

30. Interdepartmental Contract with Merced County Counsel for departmental legal services.

AUTHORIZED CONTRACT NO. 2019152 AS RECOMMENDED AYES: ALL

31. Contract with Aspiranet to provide Child and Family Team meeting services.

AUTHORIZED CONTRACT NO. 2019153 AS RECOMMENDED AYES: ALL

32. Interdepartmental Agreement with Behavioral Health and Recovery Services to provide Mental Health and Substance Use Disorder Services.

AUTHORIZED CONTRACT NO. 2019154 AS RECOMMENDED AYES: ALL

33. Contract with Merced County Office of Education-Family Resource Council for community development and support services.

AUTHORIZED CONTRACT NO. 2019155 AS RECOMMENDED AYES: ALL

34. Contract with Aspiranet for home visitor services to families involved with the Child Welfare System that have children who are at risk of abuse or neglect.

AUTHORIZED CONTRACT NO. 2019156 AS RECOMMENDED AYES: ALL

COMMUNITY AND ECONOMIC DEVELOPMENT

35. Approve the relief of accountability for a \$461,616.30 loan made by the County to the former Merced County Redevelopment Agency (RDA) in fiscal year 2007/2008 for water meter-backflow preventers at Castle, and also the relief of accountability for \$689,850.94 in County staff costs charged to the RDA for fiscal years 2004/2005 through 2007/2008 given the Department of Finance's finding that the loan and staff time are not enforceable obligations under Health and Safety Code section 34191.4, subdivision (b).

APPROVED AS RECOMMENDED AYES: ALL

36. Authorize the Community and Economic Development Department (CED) in coordination with Administrative Services, to prepare and release a request for proposal for business assistance revolving loan fund administration and management services; and authorize CED and Administrative Services to select the most qualified firm to fulfill the requirements outlined in the request for proposal and return to the Board for contract award and approval.

APPROVED AS RECOMMENDED AYES: ALL

37. Authorize the Chairman to execute the revised Tower Operations Agreement with the Federal Aviation Administration (FAA) for operation of the air traffic control tower at Castle Airport as required by the FAA; and delegate signature authority to the Director of Community and Economic Development pertaining to the associated Non-Disclosure Agreement as required by the FAA.

AUTHORIZED CONTRACT NO. 2012029 AS RECOMMENDED AYES: ALL

WORKFORCE INVESTMENT

38. Contract with Richard and Lynnette Gerbi to lease property located at 800 7th Street, Los Banos, CA.

AUTHORIZED CONTRACT NO. 2019157 AS RECOMMENDED AYES: ALL

SHERIFF

39. Interdepartmental agreement with Merced County Department of Public Works for law enforcement services at Lake Yosemite.

AUTHORIZED CONTRACT NO. 2019158 AS RECOMMENDED AYES: ALL

40. Contract with Glideventures Dealsutra for lease of office space located at 820 W. 22nd Street, Merced.

AUTHORIZED CONTRACT NO. 2019159 AS RECOMMENDED AYES: ALL

COUNTY COUNSEL

41. Deny the Claim for Refund of Property Taxes submitted by AT&T Mobility, LLC for the amount of \$34,226 levied for the fiscal year of 2014-2015; and authorize the Chairman to execute and direct the clerk to send the Denial of Claim.

APPROVED AS RECOMMENDED AYES: ALL

42. Deny the Claim for Refund of Property Taxes submitted by Pacific Bell for the amount of \$122,362 levied for the fiscal year of 2014-2015; and authorize the Chairman to execute and direct the clerk to send the Denial of Claim.

APPROVED AS RECOMMENDED AYES: ALL

43. Deny the Claim for Refund of Property Taxes submitted by T-Mobile West, LLC for the amount of \$8,957.21 levied for the fiscal year of 2014-2015; and authorize the Chairman to execute and direct the clerk to send the Denial of Claim.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

44. Contract with United Way of Merced County to provide outreach and engagement activities in support of the 2020 Census.

AUTHORIZED CONTRACT NO. 2019160 AS RECOMMENDED AYES: ALL

45. Provide direction regarding Industrial Hemp within the unincorporated areas of Merced County.

NO ACTION TAKEN

REVIEW BOARD ORDER – SEE PAGE 10

BOARD APPOINTMENTS

46. Reappoint Amie Marchini as Business Representative and Margarita Cabalbag as Title III Wagner-Peyser-EDD to the Workforce Development Board until June 30, 2023; and appoint Terry Nichols as Title IV Vocational Rehab.-Department of Rehabilitation to the Workforce Development Board until June 30, 2020.

APPROVED AS RECOMMENDED AYES: ALL

47. Appoint Paula Smith to serve as a member of the First 5 Commission, representing District 5 until March 23, 2022.

APPROVED AS RECOMMENDED AYES: ALL

48. Appoint Sherry Richards to serve as member of the Snelling Municipal Advisory Council, until February 16, 2021.

APPROVED AS RECOMMENDED AYES: ALL

49. Reappoint Robert Mitchell to serve as a member of the Hilmar Municipal Advisory Council, until May 3, 2022.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE

AYES: ALL

50. Mosquito Abatement District re: General Manager's Report for March 19 - April 16, 2019.
51. Fish and Game Commission re: Adoption of proposed regulatory actions relative to "Mammal Hunting Regulations" in section 362, 364, 364.1 and 708.6, identified in Title 14, California Code of Regulations, which appeared in the California Regulatory Notice Register on January 11, 2019, was continued to the Commission's teleconference meeting on May 16, 2019.
52. Fish and Game Commission re: Notice of proposed regulatory action relative to Section 180.6, Title 14, California Code of Regulations, relating to the use of traps to take hagfish, published in the California Regulatory Notice Register on April 26, 2019.
53. State Water Resources Control Board re: Notice of Petitions for temporary change involving the transfer of up to 8,000 acre-feet of water under various permits of the U.S. Bureau of Reclamation.
54. California Wildlife Conservation Board re: Grasslands Water Improvement Efficiency Project Augmentation, Merced County Project ID 2019087 and Building Climate Change Resiliency in Central Valley Wetlands, Merced County Project ID 2019086, scheduled for the May 22, 2019 Conservation Board Meeting.
55. State of Calif. Natural Resources Agency re: 2019 Petition for Temporary Change to modify the State Water Project and Central Valley Project Authorized Places of Use.

THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF OTTO RIGAN AND GLENN ARNOLD AND ADJOURNED THE MEETING AT 12:20 P.M. UNTIL TUESDAY, JUNE 4, 2019 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – MAY 21, 2019

10:00 A.M. SCHEDULED ITEM

2019-05-21 PUBLIC OPPORTUNITY

Melissa Cearley speaks about the libraries being open only four days per week and how vital the libraries are to the community.

Marilyn Morshell, with National Alliance on Mental Illness (NAMI) of Merced County speaks about their “Rising Storytellers” event on Saturday, May 25, 2019 at Golden Valley High School.

Gerzayr Castro, speaks about the poor condition of Bunker Road and submits signatures and letters from residents requesting a solution.

Christine Mussen with Sisters of the Valley speaks about their organization and the lack of jobs in Merced County.

Sister Alice with Sisters of the Valley speaks in support of Industrial Hemp in Merced County.

Victoria Meyer, California State University Stanislaus student and Merced resident speaks in support of the Sisters of the Valley.

Sister Sara speaks in support of Industrial Hemp in Merced County.

Berkley Hudson Resendez, Merced resident speaks in support of Industrial Hemp in Merced County.

Sister Sataya with Sisters of the Valley of Northern California speaks in support of Industrial Hemp in Merced County.

Sister Tara with Sisters of the Valley of Northern California speaks in support of Industrial Hemp in Merced County.

Brother James speaks in support of Industrial Hemp in Merced County.

Sister Joan with Sisters of the Valley speaks in support of Industrial Hemp in Merced County.

Brother David speaks in support of Industrial Hemp in Merced County.

Isai Palma with Building Healthy Communities speaks in support of Mr. Castro advocating for Bunker Road to be repaired.

Cassidy Fox with Sisters of the Valley speaks in support of Industrial Hemp in Merced County.

Rudy Fergosso, Groundskeeper with Sisters of the Valley speaks in support of Industrial Hemp in Merced County.

Present: Pareira, Espinoza, Lor, McDaniel, Silveira

ACTION ITEM NO. 45

2019-05-21 EXECUTIVE OFFICE

The Clerk announces item to provide direction regarding Industrial Hemp within the unincorporated areas of Merced County is before the Board for consideration.

County Executive Officer Jim Brown reviews the last board meeting on the Interim Ordinance approved on the cultivation of industrial hemp in unincorporated Merced and gives an overview of the powerpoint presentation.

County Ag Commissioner David Robinson reviews powerpoint covering Counties that have Enacted Moratoriums.

Mr. Brown reviews powerpoint covering the Rural Counties Response (RCRC), Options and Timeline.

Director of Community and Economic Development Mark Hendrickson reviews powerpoint covering Land Use, Registration Requirements, Enforcement and Abatement.

Sheriff Vern Warnke states his concerns with Industrial Hemp and speaks about enforcement and abatement.

The Board has lengthy discussion on the land use, registration requirements, enforcement and abatement and options A, B and C.

The Chairman opens the public comment period and asks if there is anyone from the public wishing to speak. The following speak in support of Industrial Hemp within the unincorporated areas of Merced County:

Alex McCabe, Livingston resident; Geno Pedretti, III President of Merced County Farm Bureau; and Dwight Larks, Merced County resident.

The Chairman closes the public comment period.

Mr. Brown thanks everyone for their input on the item and states there will not be a decision made today and there will be an item on the June 4th agenda whether to extend the moratorium or not.

Present: Pareira, Espinoza, Lor, McDaniel, Silveira