

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, FEBRUARY 07, 2012

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

JOHN PEDROZO.....DISTRICT 1
CHAIRMAN HUBERT “HUB” WALSH, JR....DISTRICT 2
LINN DAVIS.....DISTRICT 3
DEIDRE F. KELSEY....DISTRICT 4
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

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The Agenda is divided into three sections:

CONSENT CALENDAR – These matters include routine financial and administrative actions and are approved by a single majority 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 FIVE MINUTES PER PERSON

**CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL -
SIGNIFICANT EXPOSURE TO LITIGATION:** It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54956(b): Two Cases

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; Independent Employees of Merced County (IEMC), Unit 3; Merced County Lawyers Association, Unit 7; Merced County Sheriff Employee Association (MCSEA), Unit 2; Merced County Law Enforcement Sergeants, Unit P; Deputy Sheriff Association, Unit 10; Non-Safety Corrections, Unit 12; and Probation Supervising Employees, Unit 11

THE BOARD RECESSED AT 8:30 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT. COUNTY COUNSEL JAMES FINCHER ADVISED THE BOARD AGREED TO ACCEPT AN OFFER TO SETTLE BY THE ASSISTANT REGISTRAR OF VOTERS, STACEY COTTER, FOR \$27,035.20. THE SETTLEMENT RELEASES THE COUNTY, ITS AGENTS AND EMPLOYEES FROM ANY AND ALL PENDING AND FUTURE CLAIMS OF ANY NATURE ARISING OUT OF ANY ACTIONS TAKEN DURING THE TIME UP TO, AND INCLUDING, NOVEMBER 22, 2011. COUNTY COUNSEL ALSO ADVISED DIRECTION WAS PROVIDED TO STAFF.

GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS)

10:00 A. M.

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 five minutes per person)

REVIEW BOARD ORDER- SEE PAGE 8

PRESENTATIONS:

- 1) Black History Month - Proclamation
- 2) Buy Local Video Presentation

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 12)
APPROVED AS RECOMMENDED AYES: ALL

MENTAL HEALTH - PUBLIC HEARING - PROPOSED ORDINANCE AND POSSIBLE ADOPTION

To consider proposed ordinance entitled: An Ordinance amending fee schedule for Mental Health Services (Supersedes Ordinance No. 1884 and amends Merced County Code, Chapter 9.48, Section 9.48.030.)

REVIEW BOARD ORDER – SEE PAGE 8

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1 - 12)

APPROVED AS RECOMMENDED AYES: ALL

Health

- 1. Approve and authorize the Chairman to sign Amendment Contract No. 2003162 with Riggs Ambulance Service for a subcontractor agreement with Sierra Medical Service Alliance to support exclusive ground ambulance services in Merced County.
- 2. Approve Budget Transfer in the amount of \$5,000 for a printer/photocopier which is no longer repairable and used to produce certified copies of birth and death certificates.

Human Services Agency

- 3. Approve and authorize the Chairman to sign Amendment Contract No. 2004249 with California Department of Aging for Health Insurance Counseling Advocacy Program (HICAP) services, adopt Resolution, and approve necessary budget transfer. (4/5 Vote Required)

ADOPTED RESOLUTION NO. 2012-04

- 4. Approve and authorize the Chairman to sign Amendment Contract No. 2011021 with California Department of Aging for Medicare Improvement for Patient and Provider Act Program (MIPPA) services, adopt Resolution, and approve necessary budget transfer. (4/5 Vote Required)

ADOPTED RESOLUTION NO. 2012-05

Planning

- 5. Approve and authorize the Chairman to sign amendment Contract No. 2010111 with Brian Luis, applicant, for the consultant, Environmental Planning Partners, Inc., to complete Tasks

7, 8, and 9 as part of the Initial Study/Negative declaration for the Luis Dairy Expansion Project (CUP10-001).

6. Approve and authorize the Chairman to sign Amendment Contract No. 2010110 with Environmental Planning Partners, Inc., to complete Tasks 7, 8, and 9 as part of the Initial Study/Negative declaration for the Luis Dairy Expansion Project (CUP10-001) and approve the necessary budget transfer. (4/5 Vote Required)

Treasurer/Tax Collector

7. Grant the County Tax Collector Relief for Shortages in the amount of \$40 and authorize the Tax Collector to replenish the amount for the counterfeit bills.

Executive Office

8. Approve travel request received from Human Services Agency as recommended by Executive Office.

Board Recognition

9. Authorize Certificate of Recognition to WIRED Internet Cafe in celebration of Grand Re-Opening.
10. Authorize Certificates of Recognition to the following individuals for receiving Merced County Chamber of Commerce awards as follows: Judy Gandy, 2011 Good Business Citizen of the Year; Jeannie Fluetsch Bliss, 2011 Businesswoman of the Year; Jim Abbate, 2011 Businessman of the Year; Razzari Motors, 2011 Business of the Year; Dave Long and Marvin Hanneman, 2011 Ambassador of Goodwill; M. Stephen Jones, 2011 Outgoing President; and certificate of recognition to Dawn Kinney for retirement and 14 years of dedicated service to the Merced County Chamber of Commerce.
11. Authorize Certificate of Recognition for Hilmar Health Center for Ribbon Cutting and Open House.
12. Authorize Certificate of Recognition to Brian Mimura for dedicated service to Merced County.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

13. Contract with Shamrock "S" Pollination Service, Inc. to lease approximately ten (10) acres on State Route 165 in Stevinson for five years for the temporary storage and removal of beehives.

AUTHORIZED CONTRACT NO. 2012008 AS RECOMMENDED AYES: ALL

14. Contract with Hamner, Jewell & Associates for right-of-way acquisition services and authorize the Director of Public works to execute Project Supplement Agreements and amendments to the retainer agreement.

AUTHORIZED CONTRACT NO. 2012009 AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 8

MENTAL HEALTH

15. Contract with Merced Community College District for California Association of Social Rehabilitation Agencies instructional course for the period from February 7, 2012 through June 30, 2012 with a contract maximum of \$11,330.

AUTHORIZED CONTRACT NO. 2012010 AS RECOMMENDED AYES: ALL

HEALTH

16. Contract with California Department of Public Health for community nutritional education and intervention services from November 1, 2011 through September 30, 2012, totaling \$350,000, and adopt Resolution.

AUTHORIZED CONTRACT NO. 2012011 AND ADOPTED RESOLUTION NO. 2012-06 AS RECOMMENDED AYES: ALL

PLANNING

17. Direct staff to initiate a Zone Code Text Amendment to the sign provisions in Section 18.42 of the Zoning Code to provide for off-site advertising and illuminated animation on certain community entry signs and return to the board on February 28, 2012 for approval of a scope of work and contract for the environment review document required for this application.

APPROVED AS RECOMMENDED AYES: ALL
REVIEW BOARD ORDER - SEE PAGE 9

PROBATION

18. Contract with Mental Health for Alcohol and Drug Counselor services to assess minors and provide counseling services as they enter the Juvenile Justice Correctional Complex and the Bear Creek Academy.

AUTHORIZED CONTRACT NO. 2012012 AS RECOMMENDED AYES: ALL

WORKFORCE INVESTMENT

19. Approve the designation of the Merced County Department of Workforce Investment Program Manager, David Heyer, as the Merced County Enterprise Zone Manager and authorize the letter be sent to the Department of Housing and Community Development of the formal designation.

APPROVED AS RECOMMENDED AYES: ALL

20. Approve the recommendation to appoint Joanne Presnell to serve on the Merced County Youth Council as the Workforce Investment Board representative, and Daphne Post as the representative of Organizations with Experience Relating to Youth Activities.

APPROVED AS RECOMMENDED AYES: ALL

DEPT. OF ADMIN. SERVICES

21. Contract with The Creative Corral to create and produce the 2012 State Fair Exhibit on behalf of the County and sign the State Fair application for the space at the exhibit hall.

AUTHORIZED CONTRACT NO. 2012007 AS RECOMMENDED AYES: ALL

22. Authorize initiation of Request for Proposal (RFP) process, in conjunction with the Sheriff's Office, for video visitation equipment and services; select the most responsive bidder and return to the Board for contract award.

MODIFIED RECOMMENDATION AYES: 2, 3, 4 NOES: 1, 5

CONTINUED TO FEBRUARY 28, 2012

REVIEW BOARD ORDER – SEE PAGE 9 AND 10

COUNTY COUNSEL

23. Authorize and direct the Clerk of the Board to execute and issue the "Memorandum" or Notice of Non-Authorization, pursuant to Government Code Section 53853(b) and serve notice to the relevant Districts that the Board of Supervisors will not authorize issuance of the TRANS within 45 calendar days, thereby freeing the Districts to issue the TRANS on their own respective behalves.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

24. Approve the modified Resolution 2011-186 to change the effective date of the transfer of the County Clerk from the Treasurer/Tax Collector/Clerk to the Assessor/Recorder from January 5, 2015 to February 7, 2012; approve amendments to Position Allocation Resolution No. 2011-185 and Salary Allocation Resolution No. 2011-184 to change the effective date and amend titles to reflect new responsibilities; and adopt related resolutions.

ADOPTED RESOLUTIONS NOS. 2012-07-REASSIGNMENT, 2012-08-POSITION, 2012-09-SALARY AYES: ALL

BOARD OF SUPERVISORS

25. Authorize Special Board Project Funds-District Four in the amount of \$5,000 to be utilized by Merced County Library Trust-Hilmar Branch for additional hours of operation.

APPROVED AS RECOMMENDED AYES: ALL

26. Authorize Special Board Project Funds-District Four in the amount of \$1,500 to be utilized by Merced County Library Trust-Winton Branch for additional hours of operation.

APPROVED AS RECOMMENDED AYES: ALL

27. Authorize Special Board Project Funds-District Four in the amount of \$1,500 to be utilized by Hilmar Historical Society to support their efforts in the community.

APPROVED AS RECOMMENDED AYES: ALL

28. Authorize Special Board Project Funds-District One in the amount of \$750 to be utilized by Cesar Chavez Middle School in Planada to assist with their Power Achievement Program.

APPROVED AS RECOMMENDED AYES: ALL

APPOINTMENTS

29. Delhi Municipal Advisory Council - Appointments.

APPROVED AS RECOMMENDED AYES: ALL

30. San Joaquin Valley Unified Air Pollution Control District Citizens Advisory Committee (CAC) - Appointment.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE

AYES: ALL

31. Commerce, Aviation and Economic Development re: Enterprise Zone second expansion approval by the California Department of Housing and Community Development effective December 28, 2011.
32. Merced County Mosquito Abatement re: December 2011 Manager's Report.
33. State Dept. of Water Resources Control Board re: Notice of Petitions for Temporary Transfer for 20 Central Valley project permits and one license of U.S. Bureau of Reclamation.

POSSIBLE DIRECTION FOR FUTURE AGENDA ITEMS

THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF RICHARD TORRES AND LORI MENDONCA AND ADJOURNED THE MEETING UNTIL TUESDAY, FEBRUARY 28, 2012 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – FEBRUARY 7, 2012

10:00 A.M. SCHEDULED ITEM **2012-02-07 PUBLIC OPPORTUNITY**

Cindy Lashbrook comments on the need for funds for Hatfield and McConnel Parks and the possibility of the Board donating Special Board Project Funds to help with fund shortage.

Present: Walsh, Pedrozo, Davis, Kelsey, O'Banion

10:00 A.M. SCHEDULED ITEM **2012-02-07 MENTAL HEALTH – PUBLIC HEARING**

The time and date previously set for a public hearing to consider proposed Ordinance entitled: An Ordinance Changing Fees Charged for Mental Health Services (Supersedes Ordinance No. 1884 and Amends Merced County Code, Chapter 9.48, Section 9.48.030).

Mental Health Director Manuel Jimenez 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 O'Banion, seconded by Supervisor Pedrozo, duly carried the Board waives further reading and adopts Ordinance No. 1893.

Ayes: Walsh, Pedrozo, Davis, Kelsey, O'Banion

ACTION ITEM #14 **2012-02-07 PUBLIC WORKS**

The Clerk announces retainer agreement with Hamner, Jewell & Associates for right-of-way acquisition services is before the Board for consideration.

Supervisor Davis questions the fee schedule not being provided.

Director of Public Works Paul Fillebrown states fees are negotiated for specific projects.

Following brief discussion and upon motion of Supervisor Pedrozo, seconded by Supervisor O'Banion, duly carried, the Board authorizes Contract No. 2012009 with Hamner, Jewell & Associates for right-of-way acquisition services; authorize Chairman to execute Retainer Agreement; and authorize the Director of Public Works to execute Project Supplement Agreements and amendments to the Retainer Agreement.

Ayes: Walsh, Pedrozo, Davis, Kelsey, O'Banion

ACTION ITEM #17
2012-02-07 PLANNING

The Clerk announces initiation of Zone Code Text Amendment to the sign provisions in Section 18.42 of the Zoning Code, to provide for off-site advertising and illuminated animation on certain community entry signs, and to return to the Board on February 28, 2012 for approval of a scope of work and contract for the environmental review document required.

Supervisor Davis questions who will be responsible for maintenance of signs and set the fees.

Interim Director Planning Paul Fillebrown states the private owners would be responsible for placement, maintenance and fees.

Upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, duly carried, the Board authorizes staff to initiate Zone Code Text Amendment to the sign provisions in Section 18.42 of the Zoning Code and return to the Board on February 28, 2012 for approval of scope of work and contract for the environmental review document required for the application.

Ayes: Walsh, Pedrozo, Davis, Kelsey, O'Banion

ACTION ITEM #22
2012-02-07 ADMINISTRATIVE SERVICES

The Clerk announces authorization for Administration Services-Purchasing, in conjunction with the Sheriff's Office to initiate the procurement process for video visitation equipment and services, select the most responsive provider and negotiate an agreement with selected provider is before the Board for consideration.

Supervisor Davis states he has not had sufficient time to review the material and moves to continue the item to the February 28, 2012 Board meeting.

Supervisor Walsh seconds the motion.

Supervisor Davis questions if the equipment being requested is going to increase safety at the facility and who will be paying for it.

County Executive Office, Jim Brown states the action today is just to initiate the RFP process it is not committing the Board to anything and other options are being explored. He also states there will be no agreement until the item is returned to the Board.

Further discussion is had regarding the Request for Proposal process.

Supervisor O'Banion questions if there are any ramifications to delaying the item.

Mr. Brown states there are no time frames and can be delayed.

Supervisor O'Banion states he has no problem moving forward and does not understand a delay.

The Chairman states they have a motion and a second to continue the item to February 28, 2012.

The Chairman calls for the vote. Motion passes.

Ayes: Walsh, Davis, Kelsey

Noes: Pedrozo, O'Banion