

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, APRIL 03, 2012

Closed Session – 9:00 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

9:00 A. M.

THE PUBLIC IS INVITED TO SPEAK ON ANY ITEM ON THE AGENDA- TESTIMONY IS LIMITED TO FIVE 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; 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; Merced County Public Safety Services (MCPSSU) Unit 14; and Probation Supervising Employees, Unit 11.

THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED DIRECTION WAS GIVEN 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. Recognition of Merced County's Blood Drive efforts and for receiving 3 out of 4 Awards for Government Agencies: Award of Distinction, Symbol of Excellence Award and Gift of Hope Award.

Jaime Suarez, Blood Source Account Manager, provided the Board with brief information pertaining to each award. Mr. Suarez also gave a special thanks to Mary Porter, Assessor's Office.

2. Presentation of Service Pin Award to Rita Rodriguez of the Public Health Department for more than 20 Years of Service.

The Chairman presented Rita Rodriguez with 20-year service pin.

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 13)

APPROVED AS RECOMMENDED AYES: ALL

COMMERCE, AVIATION & ECONOMIC DEVELOPMENT (CAED) - PUBLIC HEARING

To Solicit Comments on Submission of an Application for Funding under the 2012 State Community Development Block Grant (CDBG) for Homeownership Assistance and Housing Rehabilitation Assistance Programs and for Development of a Regional Economic Development Project; adopt resolution approving submittal of CDBG grant application; authorize the Chairman to sign the CDBG grant application and any additional documents necessary to complete the CDBG application process subject to approval by Counsel; direct CAED to return to the Board of Supervisors with an informational item of all actions taken; authorize the CAED Director to transfer or modify budget amounts and activities as necessary; and authorize the CAED Director and/or the Business Operations Manager to execute loan documents, funds requests and other reporting forms necessary to participate in the CDBG Housing Program upon a successful award.

REVIEW BOARD ORDER – SEE PAGE 8

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1 - 13)

APPROVED AS RECOMMENDED AYES: ALL

Mental Health

1. Approve and authorize the Chairman to sign Renewal Contract No. 2009242 with Probation for Mail Courier Services.
2. Approve and authorize the Chairman to sign Renewal Contract No. 2004105 with Public Health for Mail Courier Services.
3. Approve and authorize the Chairman to sign Amendment Contract No. 2011146 with Aspiranet to update Scope of Services to include Crisis Stabilization Program services.

Human Services Agency

4. Approve and authorize the Chairman to sign Renewal Contract No. 2010079 with Merced County Office of Education-Regional Occupation Program for Vocational Training Services.
5. Approve and authorize the Chairman to sign Renewal Contract No. 2011060 with the District Attorney for Welfare Fraud Investigation Services.

Ag. Commissioner

6. Approve and authorize the Chairman to sign Renewal Contract No. 2010002 with Calif. Dept. of Food and Agriculture for Pest Exclusion County Seed Inspections; and authorize the County Agriculture Commissioner to sign the California County Seed Law MOU.

Fire

7. Approve Budget Transfer in the amount of \$1,524 for the purchase of two ice machines needed to help with heat exhaustion of personnel and medical equipment.

Assessor/Recorder

8. Approve Budget Transfer in the amount of \$45,000 to pay for server upgrade, asset #82173. (4/5 Vote Required)

Board Recognition

9. Proclaim the month of April 2012 as "National County Government Month" in Merced County.
10. Proclaim the week of April 22-28, 2012 as "Crime Victims' Rights Week" in Merced County.
11. Authorize Certificates of Recognition to Jeff Marchini as outgoing President of the Merced County Farm Bureau and to Don Reineke as Outgoing Director and for his dedicated service.
12. Authorize Plaque in recognition of Merced County Farm Bureau 95th Anniversary.
13. Authorize Certificate of Recognition to Veteran's Administration Merced Clinic in celebration of Veteran's Administration Community Based Outpatient Clinic Open House.

REGULAR CALENDAR

BOARD ACTION

MENTAL HEALTH

14. Contract with Plainsburg Elementary School District for placement of County clinical staff at school sites to provide Mental Health Services, Outreach and Education.
AUTHORIZED CONTRACT NO. 2012050 AS RECOMMENDED AYES: ALL
15. Contract with Los Banos Unified School District for placement of County clinical staff at school sites to provide Mental Health Services, Outreach and Education.
AUTHORIZED CONTACT NO. 2012051 AS RECOMMENDED AYES: ALL
16. 1) Contract with Mental Health and District Attorney to authorize Mental Health to provide Public Administrator Services; 2) approve the transfer of the Public Guardian/Public Conservator/Public Administrator programs from the Human Services Agency to the Department of Mental Health effective July 1, 2012; 3) authorize termination of Contract No. 6902 between District Attorney and HSA-Public Administrator effective June 30, 2012; 4) authorize contract with HSA to provide Public Guardian/Public Conservator/Public Administrator services from July 1, 2011 to June 30, 2012; 5) establish the classification of Deputy Public Administrator/Guardian/Conservator I/II; 6) effective April 3, 2012 add four FTE Deputy Public Administrator/Guardian/Conservator I/II, two FTE Account Clerk III, and one FTE Office Assistant III in Budget Unit 41535; 7) effective April 9, 2012 transfer one

FTE Public Conservator Inventory Specialist from Budget Unit 50004 to 41535; 8) approve the amended Salary Resolution 06-120 and Position Allocation Resolution 06-120/A and approve related budget transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NOS. 2012053 AND 2012054 AND ADOPTED RESOLUTION NOS. 2012-25 (SALARY) AND 202-26 (POSITION) AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

17. Authorize the amendment of the Area Agency on Aging Council Bylaws as approved by the members of the Advisory Council.

APPROVED AS RECOMMENDED AYES: ALL

SHERIFF

18. Contract with Merced County Spring Fair for patrol services for the 2012 Spring Fair from May 2, 2012 through May 6, 2012.

AUTHORIZED CONTRACT NO. 2012055 AS RECOMMENDED AYES: ALL

SPRING FAIR

19. Approve Cash Flow Loan to Spring Fair from the General Fund of up to \$600,000 bearing an interest rate equal to the rate earned by the Merced County Treasury with loan repayments made as payments are received from the buyers, prior to October 31, 2012; authorize the Auditor-Controller to utilize \$8,000 of the loan proceeds to increase Spring Fair's change fund for operation of the 2012 Fair; Spring Fair will return the \$8,000 at the close of the Fair; and approve related budget transfer. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

FIRE

20. Authorize Nancy B. Koerperich, Fire Chief of Merced County, to sign the Agreement with the State of California, Department of Forestry, for the loan of Federal Excess Personal Property and adopt resolution.

AUTHORIZED CONTRACT NO. 2012056 AND ADOPTED RESOLUTION NO. 2012-27 AS RECOMMENDED AYES: ALL

21. Accept award from the Emergency Management Performance Grant (EMPG) FY 11 totaling \$172,913.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN RESOURCES

22. Ratify the Memorandum of Understanding with Deputy Sheriff's Association (DSA) representing bargaining Unit 10.

AUTHORIZED CONTRACT NO. 2012057 AS RECOMMENDED AYES: ALL

23. Ratify the Memorandum of Understanding with Merced County Public Safety Services (MCPSSU) representing bargaining Unit 14 and adopt amendments to Salary Allocation Resolution as outlined in the contract.

AUTHORIZED CONTRACT NO. 2012058 AS RECOMMENDED AYES: ALL

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

24. Approve the 2012 Legislative Agenda with any revisions as recommended by the Board; authorize the Board Chairman and County Executive Officer to periodically provide letter of support or opposition as needed based on any benefit or detriment to the County; and direct staff to forward the 2012 Legislative Agenda to Merced County's legislative representatives and advocates.

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

25. Resolution supporting the establishment of a San Joaquin Valley Economic Development District; and appoint Mark J. Hendrickson to serve on the San Joaquin Valley Economic Development District Board of Directors.

ADOPTED RESOLUTION NO. 2012-28 AS RECOMMENDED AYES: ALL

26. 1) Establish the Merced County Successor Agency Oversight Board and appoint the following members to positions: Member representing the Board of Supervisors (Linn Davis, District 3) member representing the public (TBD); and member representing the former RDA employees (Patty Hymiller); 2) Direct staff to contact the appropriate agencies to name their appointees for the following positions: member representing the schools appointed by the Superintendent of Education (2 positions), member representing the Community Colleges appointed by the Chancellor of community colleges; and member representing the largest special district by property tax share, with territory in the RDA project area; 3) Appoint one of its members to each City RDA Oversight Board (City of Atwater, City of Gustine, City of Livingston, City of Los Banos, City of Merced), according to District; and 4) Appoint a member of the public to each of the City RDA Oversight Boards (City of Atwater, City of Gustine, City of Livingston, City of Los Banos, City of Merced), if potential member has been identified at this time, or direct selections to come back for appointment at a subsequent BOS meeting.

APPROVED AS RECOMMENDED AYES: ALL
REVIEW BOARD ORDER – SEE PAGE 9 AND 10

27. Resolution to 1) declare intent to sell Building 1323 and 0.30 acres of land located at 3981 West Perimeter Avenue, Castle Commerce Center, Atwater, California, at public auction to the highest responsible bidder for cash and proposed improvements; and 2) establish minimum bid price at \$215,000, and impose other conditions as reflected in the Resolution; 3) authorize staff to advertise for bids once per week for three consecutive weeks and to provide notice of the adoption of the resolution and of the time and place of holding the meeting by posting copies of the Resolution in three public places in the County, not less than 15 days before the meeting of May 8, 2012.

ADOPTED RESOLUTION NO. 2012-29 AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

28. Authorize Special Board Project Funds-District Five in the amount of \$7,631 to be used for repairs and alarm monitoring services at the Milliken Museum and authorize Administrative Services-Purchasing to issue purchase orders.

APPROVED AS RECOMMENDED AYES: ALL
REVIEW BOARD ORDER – SEE PAGE 10

HEALTH

29. Approve the Intergovernmental Agreement #10-87276 regarding transfer of public funds with California Department of Healthcare Services; approve the Intergovernmental Transfer Assessment Fee contract #10-87287; approve Amendment #2 Contract No. 2010280 with the Central California Alliance for Health; approve Amendment #4 Contract No. 2010280 with Central California Alliance for Health; authorize Chairman to sign all four contracts and approve related Budget Transfers. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 10 AND 11

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

30. Merced County Mosquito Abatement re: February 2012 Manager's Report.
31. State Fish and Game Commission re: Notice of proposed regulatory action relative to Section 632, Title 14, California Code of Regulations, relating to Central marine protected areas, which was published in the California Regulatory Notice Register on March 23, 2012.

ADOPTED RESOLUTIONS IN MEMORY OF ROBERT M. FALASCO AND JOHN C. DOUGLAS, JR., AND ADJOURNED THE MEETING UNTIL APRIL 24, 2012, AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – APRIL 3, 2012

10:00 A.M. SCHEDULED ITEM **2012-04-03 PUBLIC OPPORTUNITY**

Sohan Singh Sahota, Livingston resident, addresses the Board regarding an incident concerning his son, the Sheriff, and the local news media. Mr. Sahota provides a handwritten letter for the Board.

Larry Bergman, Atwater resident and President of the Merced County Spring Fair, introduces Spring Fair Board members and informs the Board that the fair will be held May 2, 2012 through May 6, 2012, the kickoff dinner is April 18, 2012, at 6 p.m., and the Grand Marshalls are Aldo and Virginia Sansoni. Mr. Bergman provides hats and posters for Board of Supervisors members.

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

10:00 A.M. SCHEDULED ITEM **2012-04-03 COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT – PUBLIC HEARING**

The time and date previously set for a public hearing to solicit comments on submission of an application for funding under the 2012 State Community Development Block Grant (CDBG) for Homeownership Assistance and Housing Rehabilitation Assistance Programs and for Development of a Regional Economic Development Project submitted by Commerce, Aviation, and Economic Development (CAED).

Director of CAED Mark Hendrickson 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 approves submittal of the CDBG grant application and adopts Resolution No. 2012-24.

Upon motion of Supervisor O'Banion, seconded by Supervisor Davis, duly carried, the Board authorizes the Chairman to 1) execute the CDBG grant application and any additional documents necessary to complete the CDBG application process; 2) upon successful award, to execute standard agreements and any subsequent amendments that are necessary to participate in the CDBG Program subject to approval by Counsel; and the Board authorizes the CAED Director to transfer or modify budget amounts and activities as necessary to fully expend CDBG Housing Program funds, and the CAED Director and/or Business Operations Manager to execute loan documents, funds requests, and other required reporting forms necessary to participate in the CDBG Housing Program upon a successful award.

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

ACTION ITEM NO. 24

2012-04-03 COMMERCE, AVIATION, AND ECONOMIC DEVELOPMENT

The Clerk announces the draft 2012 Legislative Agenda is before the Board for consideration.

Supervisor Davis moves, seconded by Supervisor Pedrozo, the Board approve the 2012 Legislative Agenda and authorizes the Chairman and County Executive Officer to periodically provide letters of support or opposition as needed based on any benefit or detriment to the County; and directs staff to forward the Legislative Agenda to Merced County's legislative representatives and advocates.

Supervisor Kelsey states she did not have an opportunity to review the draft 2012 Legislative Agenda material and requests that the item be continued.

Director of Commerce, Aviation and Economic Development (CAED) Mark Hendrickson states that the draft Agenda is drafted in a way to allow the Board to be flexible, and it is written very broadly.

Following discussion, Supervisor Davis withdraws his motion on the Floor. Supervisor Pedrozo agrees and withdraws the second on the Floor.

Following further discussion Supervisor Davis moves to continue the matter to the next agenda of April 24, 2012. Supervisor Pedrozo seconds the motion.

The Chairman calls for a Vote on the Motion on the Floor. Motion carries.
Ayes: Walsh, Pedrozo, Davis, Kelsey, O'Banion

ACTION ITEM NO. 26

2012-04-03 COMMERCE, AVIATION, AND ECONOMIC DEVELOPMENT

The Clerk announces the establishment of and appointments to the Merced County Successor Agency Oversight Board is before the Board for consideration.

Upon motion of Supervisor Davis, seconded by Supervisor Pedrozo, duly carried, the Board
1) Establishes the Merced County Successor Agency Oversight Board and appoints the following members to positions: Member representing the Board of Supervisors (Linn Davis, District 3) member representing the public (TBD); and member representing the former RDA employees (Patty Hymiller); 2) Directs staff to contact the appropriate agencies to name their appointees for the following positions: member representing the schools appointed by the Superintendent of Education (2 positions), member representing the Community Colleges appointed by the Chancellor of community colleges; and member representing the largest special district by property tax share, with territory in the RDA project area; 3) Appoints one of its members to each City RDA Oversight Board (City of Atwater, City of Gustine, City of Livingston, City of Los Banos, City of Merced), according to District; and 4) Appoints a member of the public to each of the City RDA

Oversight Boards (City of Atwater, City of Gustine, City of Livingston, City of Los Banos, City of Merced), if potential member has been identified at this time, or direct selections to come back for appointment at a subsequent Board of Supervisors meeting.

County Executive Officer James L. Brown clarifies for the record that this item requires each Board member represent the Redevelopment Agency (RDA) Oversight Board for their district as follows: City of Livingston, Supervisor Pedrozo; City of Merced, Supervisor Walsh; City of Atwater, Supervisor Davis; City of Gustine, Supervisor Kelsey; City of Los Banos, and County RDA – Project area of Castle, Supervisor Davis.

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

ACTION ITEM NO. 28

2012-04-03 BOARD OF SUPERVISORS

The Clerk announces Special Board Projects Funds-District 5 in the amount of \$7,631 for Milliken Museum is before the Board for consideration.

Supervisor O'Banion states that the main entry doors and hardware for the Milliken Museum are in need of replacement due to the fact that it was broken into recently. Supervisor O'Banion further states that the bars on one window will be replaced, the bars on other windows will be changed so that they are not removable, and the museum is contracting with Hoffman for security.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Kelsey, duly carried, the Board approves the Special Board Project Funds-District 5 in the amount of \$6,631 to be utilized to replace the main entry doors and hardware at the Milliken Museum and up \$1,000 to be utilized for alarm monitoring at the Milliken Museum.

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

ACTION ITEM NO. 29

2012-04-03 HEALTH

The Clerk announces the contract with Central California Alliance for Health for Physician Services is before the Board for consideration.

Director of Health Tammy Moss Chandler requests amending the action. Ms. Moss Chandler states that this contract is similar to the successful intergovernmental transfer agreement initiated by the Board last year. She states that there is one addition of a new agreement, and they are working with the Department of Health Care Services to finalize that contract. Ms. Moss Chandler requests the amendment to the action to include final review and approval by County Counsel and County Executive Office prior to being executed and signed by the Chairman so that the Health Department has time to work through with the Department of Health Care Services for the final language and timeline for the cash flow for this year's intergovernmental transfer.

Upon motion of Supervisor Davis, seconded by Supervisor O'Banion, duly carried, the Board approves Contract Nos. 2012059 (Funds), 2012060 (Fees), and 2010280 with Central

California Alliance for Health physician services and approves the budget transfer in the amount of \$400,981.

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