

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, SEPTEMBER 11, 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 - CONFERENCE WITH REAL PROPERTY

NEGOTIATOR: It is the intention of the Board to meet in Closed Session concerning a Conference with Real Property Negotiator(s) Mark Hendrickson, Director-Commerce, Aviation and Economic Development pursuant to Government Code Section 54956.8 as follows:

Property: Castle Property, Building 1360

Agency Negotiator: Mark Hendrickson, Director-Commerce, Aviation and Economic Development

Negotiating parties: Loren Gonella

Under negotiation: Lease rates and terms

PULLED FROM AGENDA

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(a): (1) Alvarez, et al. v. County of Merced, et al. Merced County Superior Court case no: CV002613. (2) Municipal Derivatives Antitrust Litigation, MDL No. 1950, Master Docket No. 08-2516 (3 cases consolidated under this proceeding: UBS AG, Wachovia Bank and Bank of America).

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957: PUBLIC EMPLOYEE APPOINTMENT, Title: Director of Child Support Services

THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT AND THE CHAIRMAN ADVISED STAFF WAS GIVEN DIRECTION

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)

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 20)

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items #1-20)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Adopt resolution prohibiting parking along a portion of Southern Pacific Avenue in the Atwater area and authorize posting of signs to inform motorists of said parking restriction.

ADOPTED RESOLUTION NO. 2012-99

2. Ratify Change Order No. 2 to Contract No. 2012062 with George Reed, Inc. in the amount of \$73,327.62 for the Cottonwood Road at Ingomar Road Intersection Improvement Project near the City of Gustine.
3. Approve and authorize the Chairman to sign Amendment Contract No. 2011034 with California Dept. of Transportation (Caltrans) and MCAG for the Atwater-Merced Expressway (AME) Project and adopt resolution.

ADOPTED RESOLUTION NO. 2012-102

Ag. Commissioner

4. Approve and authorize the Chairman to sign Renewal Contract No. 2008252 with Calif. Dept. of Food and Ag. for inspection of incoming high risk bee hives and plant material and adopt resolution.

ADOPTED RESOLUTION NO. 2012-100

5. Approve and authorize the Chairman to sign Renewal Contract No. 2010218 with Calif. Dept. of Food and Ag. to provide for European Grapevine Moth regulatory activities.

Human Services Agency

6. Approve and authorize the Chairman to sign Amendment Contract No. 2009203 with First 5 to increase the Contract amount from \$200,000 to \$300,000 and extend the contract term to 12/31/2012 for Parenting Center First 5 Grant Award.
7. Approve and authorize the Chairman to sign Amendment Contract No. 2009204 with Merced County Office of Education-Family Resource Council to increase the Contract amount from \$200,000 to \$270,000 and extend the contract term to 12/31/2012 for parenting center services expansion.

Health

8. Approve and authorize the Chairman to sign Amendment Contract No. 2004115 with Calif. Dept. of Health Care Services for funding for July 1, 2012 through June 30, 2013 for Medi-Cal Targeted Case Management.

Mental Health

9. Approve and authorize the Chairman to sign Amendment Contract No. 2011085 with Nevada County Behavioral Health Dept. for provisions of inpatient services at the Marie Green Psychiatric Health Facility updating the rates for the 2012-2013 portion of the contract.

Workforce Investment

10. Accept Modification one (1) to Contract No. 2012177 adding Workforce Investment Act (WIA) Adult and Dislocated Worker funds in the amount of \$364,063 to provide employment and training services to Workforce Investment Act eligible participants.
11. Accept Modification five (5) to Contract No. 2011002 adding \$370,000 for the Dislocated Worker Additional Assistance grant for participants who have become unemployed due to the recent economic downturn.
12. Accept Modification six (6) to Contract No. 2011151 adding \$530,000 for the Workforce Investment Act Dislocated Worker Additional Assistance grant for participants who have become unemployed due to the recent economic downturn.

Sheriff

13. Approve and authorize the Chairman to sign Renewal Contract No. 2009293 with Merced County Treasurer for Los Banos bank deposit transportation.
14. Approve and authorize the Chairman to sign Amendment Contract No. 2003217 with Securus Technologies, Inc. to extend the contract expiration date to October 1, 2012 to allow for sufficient time for the new telephone vendor to install new systems.

District Attorney

15. Approve and authorize the Chairman to sign Renewal Contract No. 2005240 with United States Dept. of Justice for Federal Equitable Sharing Agreement and Certification for the Federal Forfeiture Program for FY 2011/2012.

Executive Office

16. Approve travel request received from Child Support Services.
17. Act on Claim for Damages received from Regina Reyes-Trunnell.

Board of Supervisors

18. Proclaim September 2012 as "National Recovery Month" in Merced County.
19. Proclaim September 2012 as "Childhood Obesity Awareness Month" in Merced County.
20. Authorize Certificate of Recognition to Dr. Jeffrey B. Lee, O.D. for 40 years of excellence in assisting patients with their optometry needs.

REGULAR CALENDAR

BOARD ACTION

COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

21. Contract with Mackey & Sons, Inc. for lease of a portion of Castle Building 1360 (42,800 sq. ft.).

AUTHORIZED CONTRACT NO. 2012189 AS RECOMMENDED AYES: ALL
REVIEW BOARD ORDER – SEE PAGE 9

PUBLIC WORKS

22. Consider the proposed Mitigated Negative Declaration for the Canal School Road at Newman Wasteway Bridge Replacement Project and comments received during the public review process and find that there is no substantial evidence that the project will have a significant effect on the environment; and adopt the Mitigated Negative Declaration and Mitigation Monitoring Reporting Program for the Canal School Road at Newman Wasteway Bridge Replacement Project.

APPROVED AS RECOMMENDED AYES: ALL

23. Consider the proposed Mitigated Negative Declaration for the Walnut Avenue Pedestrian Project and comments received during the public review process and find that there is no substantial evidence that the project will have a significant effect on the environment; and adopt the Mitigated Negative Declaration and Mitigation Monitoring Reporting Program for the Walnut Avenue Pedestrian Project.

APPROVED AS RECOMMENDED AYES: ALL

24. Contract with Central Valley Farmland Trust for the purchase of a farmland conservation easement to offset the impact of the Atwater-Merced Expressway Project and return to the Board with negotiated contract for approval.

AUTHORIZED CONTRACT NO. 2012190 AS RECOMMENDED AYES: ALL

25. Authorize Public Works to circulate a Request for Proposal to qualified conservation banks for the purchase of habitat mitigation credits for the Atwater-Merced Expressway (AME) Project; and authorize Public Works to review and rank proposals as well as negotiate a preliminary contract to be submitted to the Board of Supervisors for consideration.

AUTHORIZED CONTRACT NO. 2012191 AS RECOMMENDED AYES: ALL

26. Authorize Public Works to circulate a Request for Proposal to qualified conservation banks for the purchase of habitat mitigation credits for the Canal School at Newman Wasteway Bridge Replacement Project; and authorize Public Works to review and rank proposals as well as negotiate a preliminary contract to be submitted to the Board of Supervisors for consideration.

AUTHORIZED CONTRACT NO. 2012192 AS RECOMMENDED AYES: ALL

27. Authorize the Acting Public Works Director to approve the Plans and Specifications for the Castle Building 1360 Electrical Systems Restoration Project; authorize Public Works to advertise for bids and conduct a Public Bid Opening; authorize the Acting Director to award a construction contract to the lowest responsive bidder provided bid is within the established project budget; authorize Chairman of the Board to execute the construction contract upon

review of County Counsel; authorize the CEO to take any additional actions necessary to complete the restoration work to comply with the terms of the CAED lease for Building 1360; and direct Public Works to return to the Board with an informational item of all actions taken.

AUTHORIZED CONTRACT NO. 2012192A AS RECOMMENDED AYES: ALL

PLANNING

28. Contract with Larry Matos for the consultant, Environmental Planning Partners, Inc., to prepare the Environmental Impact Report for the Matos Dairy Expansion Project (CUP12-014).

AUTHORIZED CONTRACT NO. 2012193 AS RECOMMENDED AYES: ALL

29. Contract with Environmental Planning Partners, Inc. to prepare tasks for an Environmental Impact Report for Matos Dairy Expansion Project (CUP12-014); and approve the related budget transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2012194 AS RECOMMENDED AYES: ALL

MENTAL HEALTH

30. Approve submission of the Mental Health Services Act Fiscal Year 2012/2013 Annual Update to the Mental Health Services Oversight and Accountability Commission, including all comments and any updates from the August 7, 2012 Mental Health Board Public Hearing; authorize the Auditor/Controller to sign the necessary document in the Annual Update certifying fiscal accountability of the Mental Health Services Act Programs; and authorize the Mental Health Director to sign all necessary documents for submission.

APPROVED AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 9 AND 10

HEALTH

31. Contract with California Dept. of Public Health for nutritional education and intervention services; authorize Chairman to sign all copies of the standard agreement and associated required forms; and adopt resolution approving the contract and authorize the Director of Public Health to sign all grant documents necessary which include payment requests to implement the grant program.

AUTHORIZED CONTRACT NO. 2012187 AND ADOPTED RESOLUTION NO. 2012-101 AS RECOMMENDED AYES: ALL

32. Contract with Nurse-Family Partnership to allow Merced County Public Health to become a Nurse-Family Partnership Implementation Agency.

AUTHORIZED CONTRACT NO. 2012195 AS RECOMMENDED AYES: ALL

ELECTIONS

33. Approve the consolidation of Supervisorial District One run-off, Cities, Schools, Measures and Special Districts with the November 6, 2012 General Election.

APPROVED AS RECOMMENDED AYES: ALL

AG. COMMISSIONER

34. Relieve the Ag. Commissioner-Weights and Measure Division of Liability for Fixed Asset Nos. 50350 (Price Verification System), and 50351 (Notebook Computer System).

APPROVED AS RECOMMENDED AYES: ALL

SHERIFF

35. Relieve the Sheriff's Office from further accountability for Fixed Asset Nos. 38625 (Motorola Radio), 42872 (HP Printer), 43463 (Stair Stepper), 43523 (Mostar Priv Plus), 45320 (Surveillance System), 45322, 45323 (Night Vision Goggles), 45429 (Photographic Kit), 49074 (Dictaphone Logger), 50449, 50451 (Computer), 50985, 50986, 50988, (Toshiba Laptops), 50992 (Duplex Printer), 50993 (Security Panic Alarm), 50994 (Modular Cubicle), 51888 (Trak System), 51889 (Surveillance System), 52957 (Color Laser Printer), 53132 (Ground Hog Surveillance System), 53165 (Communications Equipment), 55617, 55618 (Power Pro Ambulance), 31613 (Security Cameras), 42415 (90-91 Telephone System), 51816 (Commercial Washer), 43396 (Camera Monitor), and 45542 (Minolta Copier).

APPROVED AS RECOMMENDED AYES: ALL

36. Contract with Global Tel*Link (GTL) to provide telephone services to the inmates at the adult correctional facilities operated by the Sheriff and at the Iris Garrett Juvenile Justice Correctional Complex (JJCC) operated by the Probation Department.

AUTHORIZED CONTRACT NO. 2012188 AS RECOMMENDED AYES: ALL

DEPT. ADMIN. SERVICES

37. Declare Trucks, Vans and Cars identified as Surplus Property (Exhibit A) as recommended and authorize its disposal by approved internet public auction.

APPROVED AS RECOMMENDED AYES: ALL

WORKFORCE INVESTMENT

38. Proclaim September 2012 as "Workforce Development Professionals Month" in Merced County; and authorize the Department to work in conjunction with the City of Merced Fire Dept. to hang a banner over G Street between 19th and 20th Streets for two weeks starting September 16, 2012.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

39. Confirm the appointment of Sharon Wardale-Trejo as the Director of Child Support Services and approve "A" level benefits effective September 17, 2012.

APPROVED AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 10 AND 111

40. Authorize the Chairman to sign the Grand Jury letter of response pertaining to matters under the control of the Board as noted in the FY 11/12 Grand Jury Report.

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

41. Authorize \$500 of Special Board Project Funds - District One to be forwarded to the Merced County Farm Bureau to support "Farm to Fridge Day" event to be held November 15, 2012.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

42. Mental Health Advisory Board - Reappoint James Fuller, representing District Three and Maureen Freitas, representing District One, to serve until June 30, 2015.

APPROVED AS RECOMMENDED AYES: ALL

43. Merced County Local Child Care and Development Planning Council - Appoint Marvin Patton, representing Public Agency to serve until June 30, 2013.

APPROVED AS RECOMMENDED AYES: ALL

44. Los Banos Area Recreation Commission - Appoint Carol Shopfner, county representative, to fill an unexpired term until January 1, 2013.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

45. Commerce, Aviation and Economic Development re: Special Event Facility Use agreement issued to the Atwater 4th of July Committee, Inc. for concert and fireworks show held July 4, 2012 at Castle Commerce Center.

CONTRACT NO. 2012196

46. Merced County Mosquito Abatement District re: Manager's Report for July 2012.

47. California Emergency Management Agency re: On August 3, 2012 the U.S. Dept. of Agriculture granted a Secretarial disaster designation for the primary counties of Kings, Merced, and the contiguous counties of Fresno, Kern, Madera, Mariposa, Monterey, San Benito, San Luis Obispo, Santa Clara, Stanislaus, Tulare, and Tuolumne due to agriculture losses caused by hail, rain, and cold temperatures that occurred April 11, 2012 through April 13, 2012.

48. California Emergency Management Agency re: The U.S. Small Business Administration declared the primary counties of Kings, Merced, and the contiguous counties of Fresno, Kern, Madera, Mariposa, Monterey, San Benito, San Luis Obispo, Santa Clara, Stanislaus, Tulare and Tuolumne a disaster area due to agricultural losses caused by rain, hail, and cold temperatures that occurred April 11, 2012 through April 13, 2012.

ADOPTED RESOLUTIONS IN MEMORY OF PETER TESONE, AND ADJOURNED THE MEETING UNTIL SEPTEMBER 25, 2012, AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – SEPTEMBER 11, 2012

ACTION ITEM NO. 21

2012-09-11 COMMERCE, AVIATION AND ECONOMIC DEVELOPMENT

The Clerk announces a contract with Mackey & Sons, Inc. is before the Board for consideration.

Commerce, Aviation, and Economic Development Director Mark Hendrickson states he is pleased to announce that upon approval of the Board, we will have successfully brought a new manufacturer to Merced County and the Castle Commerce Center. Mr. Hendrickson informs the Board that they have before them a lease agreement with Mackey & Sons, a mid-western based manufacturer with a solid presence in Newton, Kansas. He states Mackey & Sons specializes in the manufacturing of overhead crane systems, hoists, runway systems, and installations. He further states that Mackey and Sons wish to lease building 1360 at Castle and would like to take early possession of the building on September 14, 2012, and have agreed to make all necessary improvements to the building, will be hiring about 12 new employees from this area, and plan to grow to about 50 over the next few years.

Loren Gonella, representative for Mackey & Sons, addresses the Board and states that Mr. Mackey requested that he convey his sincere appreciation to the entire Board, County Executive Office, and Mark Hendrickson and his team for doing an excellent job. Mr. Gonella states that Mr. Mackey was a bit reluctant coming to California because the perception of doing business here is difficult. Mr. Mackey is thrilled to be coming to this area and is looking forward to hiring local people to work in his company.

Following brief discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board authorizes Contract No. 2012189 with Mackey & Sons, Inc., for lease of a portion of Castle Building 1360.

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

ACTION ITEM NO. 30

2012-09-11 MENTAL HEALTH

The Clerk announces the Mental Health Services Act (MHSA) Fiscal Year 2012-2013 Annual Update is before the Board for consideration.

Vince Ramos, Mental Health Board representative, states that the Mental Health Board voted on a proposal without actually seeing the proposal. Mr. Ramos voices his concerns about the Mental Health Department not taking the Mental Health Board seriously in helping to improve the Mental Health system. He states that since the State does not oversee the funding anymore, it is the obligation of the Mental Health Board to ensure that funding is used appropriately.

Mental Health Director Manuel Jimenez states that the Mental Health Services Act Annual Update was posted on June 29, 2012, for a 30-day review and at that point everyone in the community had an opportunity to comment on the update. He states that the programs that were added this year are Adult Mental Health Court and Re-entry Court, and Juvenile Mental Health

Court. Mr. Jimenez states that after the 30-day opportunity, there was a presentation on August 7, 2012, at the Mental Health Board meeting at which time the Mental Health Board approved the Annual Update.

Supervisor Walsh asked if the document before the Board today is the document that was approved by the Mental Health Board on August 7, 2012.

Mental Health Director Mr. Jimenez responds, "yes".

Supervisor O'Banion states that the Mental Health Advisory Board is a very important entity in our County Government and hopefully in the future there will be better communication so that the Mental Health Board would have more time to review the document.

Mental Health Director Mr. Jimenez states that he met with the executive members of the Mental Health Board to plan the agenda and the public hearing way before the August 7, 2012, meeting.

Supervisor Walsh asks if the Mental Health Advisory Board approved the Annual Update that is before the Board of Supervisors, and Mr. Jimenez responds, "yes."

Sharon Jones, MHSA Coordinator, states she has a committee called the MHSA Ongoing Planning Council where anyone from the community is given the opportunity to speak anytime as it relates to MHSA. Ms. Jones states she also sits on the Mental Health Board as a representative to communicate information with regard to any MHSA business. She states that the Mental Health Board was informed early on about the Public Hearing to be held on August 7, 2012, and anything related to MHSA, as well as the 30-day public comment and review which requires notice being sent out to all stakeholders and all interested parties.

Upon motion of Supervisor O'Banion, seconded by Supervisor Davis, duly carried, the Board approves and authorizes submission to the Mental Health Services Oversight and Accountability Commission the Mental Health Services Act Fiscal Year 2012-2013 Annual Update, including all comments and any updates from the August 7, 2012 Mental Health Board Public Hearing; authorizes the Auditor-Controller to sign the necessary document in this Annual Update certifying fiscal accountability of the Mental Health Services Act Programs; and authorizes the Mental Health Director to sign all necessary documents for submission.

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

ACTION ITEM NO. 39

2012-09-11 EXECUTIVE OFFICE

The Clerk announces the confirmation of appointment of Sharon Wardale-Trejo as Director of Child Support Services is before the Board for consideration.

County Executive Officer James Brown states Ms. Wardale-Trejo began her child support career in Merced County 14 years ago and spent the last six years as part of the Stanislaus County Child Support executive team. He states that a comment shared with him is that Ms. Wardale-Trejo was a critical part of the Stanislaus team improve to their performance.

Ms. Wardale-Trejo states she is honored to be recommended for the position of Director of Child Support Services. She states she sees the program facing many challenges as well as many opportunities. She further states that providing family centered services and focusing on increasing the performance of core services, the department can efficiently and effectively encourage both parents to financially and emotionally support their children. She is excited to work with staff and community partners and stakeholders to develop a higher performing program, and states that the goal is to provide the best possible services to the families and community.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Davis, duly carried, the Board confirms the appointment of Sharon Wardale-Trejo as the Director of Child Support Service and approve "A" level benefits effective September 17, 2012.

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