

# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting  
TUESDAY, JUNE 04, 2013  
Closed Session – 9:30 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  
HUBERT “HUB” WALSH, JR.....DISTRICT 2  
LINN DAVIS.....DISTRICT 3  
CHAIRMAN 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](http://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

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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 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

9:30 A. M.

### **THE PUBLIC IS INVITED TO SPEAK ON ANY ITEM ON THE AGENDA- TESTIMONY IS LIMITED TO FIVE MINUTES PER PERSON**

**CLOSED SESSION:** 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 Merced County Sheriff Employee Association (MCSEA), Unit 2. Agency Negotiator: Marci Barrera.

**THE BOARD RECESSED AT 9:30 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT, AND THE CHAIRMAN ADVISED THERE WERE NO REPORTABLE ITEMS.**

### **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 9**

### **PRESENTATION:**

HEALTH - Integrated Regional Water Management Plan

**Merced County Environmental Health Director Ron Rowe and RMC Consultant Allison Watson provided the Board with a powerpoint presentation of the Integrated Regional Water Management (IRWM) Program history, progress, key local IRWM accomplishments to date, and anticipated next steps.**

### **APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 31)**

### **REPORTS/BOARD DIRECTION**

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-31)

**APPROVED AS RECOMMENDED EXCEPT ITEM 4 PULLED AYES: ALL**

Public Works

1. Approve Budget Transfer in the amount of \$361,288 to transfer energy costs savings of the solar facility to the long term capital project funds as directed upon establishment of the solar project.
2. Set a Public Hearing for July 30, 2013 at 10:00 A.M. to consider amending Ordinance No. 1894 entitled "User Charge Rates for Zones of Benefit" and amending Chapter 5.64 of the Merced County Code which would establish County Service Area Number One User Rates for the 2013/2014 fiscal year.

Health

3. Adopt Resolution authorizing the Chairman to execute the grant agreement with CalRecycle for the Waste Tire Enforcement Grant (Cycle 20) to support waste tire enforcement activities.

**ADOPTED RESOLUTION NO. 2013-74**

4. Approve Budget Transfer in the amount of \$400,000 to provide one-time funding to assist with payment of Indigent Healthcare claims.

**PULLED FROM AGENDA – NO ACTION TAKEN**

Mental Health

5. Approve and authorize Chairman to sign Renewal Contract No. 2013068 with Maxim Healthcare Services Inc. dba. Maxim Staffing Solutions to provide temporary nursing services.
6. Approve and authorize the Chairman to sign Renewal Contract No. 2009267 with Human Services Agency for implementation of the Program to Encourage Active, Rewarding Lives for Seniors (PEARLS) as part of the Mental Health Services Act Prevention and Early Intervention.
7. Approve and authorize the Chairman to sign Renewal Contract No. 2012022 with Vicki Jones Transcription for medical transcription services.
8. Approve and authorize the Chairman to sign Renewal Contract No. 2012115 with California Institute for Mental Health for services related to consultation, training and technical assistance on the integration of behavioral health and primary care.
9. Approve and authorize the Chairman to sign Amendment Contract No. 2010119 with State Dept. of Alcohol and Drug Programs (No. 10-NNA24) and State Dept. of Health Care Services (No. 12-89198) for Fiscal Year 2012/2013; and adopt Resolution.

**ADOPTED RESOLUTION NO. 2013-76**

10. Approve and authorize Chairman to sign Amendment Contract No. 2010246 with Aspiranet for DoWith Program specialty mental health services; and approve related budget transfer.
11. Approve and authorize the Chairman to sign Amendment Contract No. 2012101 with Aspiranet for WeCan Program specialty mental health services.
12. Approve and authorize the Chairman to sign Amendment Contract No. 2011146 with Aspiranet for specialty mental health services.

### Human Services Agency

13. Approve Budget Transfer in the amount of \$59,776 to purchase modular furniture and equipment for the call center.
14. Approve and authorize the Chairman to sign Renewal Contract No. 2010079 with Merced County Office of Education/Regional Occupation Program to provide vocational training services for Welfare-to-Work participants.
15. Approve and authorize the Chairman to sign Renewal Contract No. 2009099 with Mental Health Department to provide mental health and substance abuse services.
16. Approve and authorize the Chairman to sign Renewal Contract No. 2010175 with Transit Joint Powers Authority for a No Cost Transportation Program.

### Public Defender

17. Approve and authorize the Chairman to sign Renewal Contract No. 2004338 with Lynda Williams, Williams & Co. Investigations for investigator services.
18. Approve and authorize the Chairman to sign Renewal Contract No. 2007185 with Colleen Tucker, Colleen Tucker Investigations for investigation services.
19. Approve and authorize the Chairman to sign Renewal Contract No. 2005041 with Peter Wann, Peter Wann Investigations for investigator services.

### District Attorney

20. Approve the District Attorney's participation in the Worker's Compensation Insurance Fraud Program and authorize the District Attorney to accept grant funds from the California Department of Insurance in the amount of \$150,239 for FY 13/14; and adopt resolution authorizing the District Attorney to execute Grant Award Agreement.

### **ADOPTED RESOLUTION NO. 2013-75**

### Auditor

21. Approve and authorize the Chairman to sign Amendment Contract No. 2007112 for a one year extension for audit services of the Comprehensive Annual Financial Report, Federal Single Audit, and other mandated audits.

### Workforce Investment

22. Accept Modification seven to Contract No. 2011002 extending the end date of the Additional Assistance Dislocated Worker project under Grant Code 523 for participants who have become unemployed due to layoffs and/or closures, and provide reemployment and/or vocational training services.

### Child Support Services

23. Approve and authorize the Chairman to sign Amendment Contract No. 2009342 with DNA Diagnostics Center, Inc. for genetic testing services.

### Commerce, Aviation and Economic Dev.

24. Approve and authorize the Chairman to sign Amendment Contract No. 2009177 and announcement letter with AT&T DataComm, Inc. for FOCUS Program to provide telecommunications technology solutions.

Human Resources

- 25. Approve and authorize the Chairman to sign Renewal Contract No. 2007154 with Dr. Jocelyn E. Roland Ph.D., ABPP for pre-employment/fitness for duty examinations.
- 26. Approve and authorize the Chairman to sign Renewal Contract No. 2009173 with Professional Health Services, Inc. for comprehensive occupational health examinations.
- 27. Approve and authorize the Chairman to sign Renewal Contract No. 2004311 with Liebert Cassidy Whitmore for legal services from July 1, 2013 through June 30, 2014.

Executive Office

- 28. Approve travel request received from Human Services Agency as recommended by Executive Office.
- 29. Act on Claim for Damages received from Randy Casey as recommended by Risk Management and County Counsel.
- 30. Approve Budget Transfer in the amount of \$6,015 for District Two support of One Stop Shop to replenish expended funds in training and WiFi communications accounts.
- 31. Approve and authorize the Chairman to sign Amendment Contract No. 2003107 with C J Lake, LLC for federal legislative advocacy services for a term of three years, to June 30, 2016.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

- 32. Contract with Robert R. and Bernadette Schropp for acquisition of right-of-way for the Atwater-Merced Expressway Project (APN: 005-120-021); adopt resolution accepting the Grant Deed from Robert R. and Bernadette Schropp needed for construction of the Atwater-Merced Expressway Project; and approve payment to Fidelity National Title Company for the agreed value of the property plus escrow and any other transaction fees.  
**AUTHORIZED CONTRACT NO. 2013112 AND ADOPTED RESOLUTION NO. 2013-77 AS RECOMMENDED AYES: ALL**
- 33. Approve project to Re-roof Fleet Service Station at County Center; and authorize Public Works to prepare plans and specifications for approval by the Director of Public Works, on behalf of the Board of Supervisors.  
**APPROVED AS RECOMMENDED AYES: ALL**
- 34. Approve project to Re-roof the Veterans Cove Picnic Shelter at Lake Yosemite; and authorize Public Works to prepare plans and specifications for approval by the Director of Public Works, on behalf of the Board of Supervisors.  
**APPROVED AS RECOMMENDED AYES: ALL**
- 35. Rescind the May 7, 2013 contingent approval of the Agreement for Special Services with Nolte Associates, Inc.; approve revised agreement with Nolte Associates, Inc. for Construction Management Services for the Atwater-Merced Expressway Project; authorize the Chairman to executive the agreement; and authorize the Director of Public Works to

approve and execute amendments to agreement.

**AUTHORIZED CONTRACT NO. 2013113 AS RECOMMENDED AYES: ALL**

HUMAN SERVICES AGENCY

36. Contract with CareAccess for a mandated reporting system for Area Agency on Aging and Multipurpose Senior Services Programs.

**AUTHORIZED CONTRACT NO. 2013114 AS RECOMMENDED AYES: ALL**

WORKFORCE INVESTMENT

37. Approve recommendations to appoint Joshua Lepper, Rafael Vega-Coyazo and Leslie Reyes to serve as members of the Workforce Investment Board's Youth Council.

**APPROVED AS RECOMMENDED AYES: ALL**

PUBLIC DEFENDER

38. Contract with Big Valley Investigations, Stan Scott Investigator for Investigative Services.

**AUTHORIZED CONTRACT NO. 2013115 AS RECOMMENDED AYES: ALL**

ANIMAL CONTROL

39. Authorize the Animal Control Division to implement the Spay Neuter Assistance Program (SNAP) effective July 1, 2013; and authorize Animal Control and Administrative Services/Purchasing to develop and implement the SNAP veterinary provider agreement for participating veterinary clinics.

**APPROVED AS RECOMMENDED AYES: ALL**

**REVIEW BOARD ORDER – SEE PAGE 9**

FIRE

40. Authorize the Merced County Fire Department to accept the 2011 Assistance to Firefighters Grant (AFG) for Fire Prevention and Safety (FP&S); authorize Public Works to begin the RFP process, with the award to be contingent on the successful extension of the grant; authorize Public Works to sign the contract on behalf of the Board, and direct the Fire Chief to return to the Board for ratification of the contract, including approval for the grant extension; and approve the related budget transfer. (4/5 Vote Required)

**MODIFIED RECOMMENDATION AYES: ALL**

**REVIEW BOARD ORDER – SEE PAGE 9 AND 10**

41. Adopt Ordinance to amend County Code Chapter 9.24 (Ordinances 1149 and 294), and establish Chapter 9.26 to prescribe regulations governing, sale and use of Safe and Sane Fireworks in the unincorporated areas of Merced County. (4/5 Vote Required for urgency ordinance)

**ADOPTED ORDINANCE NO. 1906 AS RECOMMENDED AYES: ALL**

**REVIEW BOARD ORDER – SEE PAGE 10**

LIBRARY

42. Contract with X-act Technology Solutions, Inc for the provision of WiFi at Dos Palos Library Branch (\$7,376.82); approve contract with X-act Technologies Solution for the provision of WiFi at Gustine Library Branch (\$6,812.74); and approve contract with X-act Technologies Solutions for the provision of WiFi at Livingston Library Branch (\$7,496.86).

**AUTHORIZED CONTRACT NOS. 2013109 (DOS PALOS), 2013110 (GUSTINE), AND 2013111 (LIVINGSTON) AS RECOMMENDED AYES: ALL**

**COUNTY COUNSEL**

43. Authorize 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**

44. Approve Resolution authorizing the CSAC Challenge Award entries for the Mental Health Department entitled "Strengthening Families Innovative Program" and "Merced Innovative Juvenile Behavioral Health Court Program" to be submitted by the deadline of June 28, 2013; and authorize County Executive Officer to sign letter of endorsement.

**ADOPTED RESOLUTION NO. 2013-78 AS RECOMMENDED AYES: ALL**

**BOARD OF SUPERVISORS**

45. Authorize the Clerk of the Board to sign the Local Planning Council County Priorities Reports (State Preschool Child Care and Development Programs and General Child Care and Development Programs) as required by the California Department of Education, Child Development Division.

**APPROVED AS RECOMMENDED AYES: ALL**

46. Authorize \$500 of District One's Special Board Project funds to be forwarded to the Le Grand High School Substance Abuse Committee for Sober Grad.

**APPROVED AS RECOMMENDED AYES: ALL**

47. Authorize \$1,500 of District One's Special Board Project fund to be forwarded to the Merced Organizing Project to support their Lifeline 4 Healing project.

**APPROVED AS RECOMMENDED AYES: ALL**

48. Authorize reimbursement of costs up to \$5,015 of District One's Special Board Project funds to be paid to Administrative Services-Support Services Division for janitorial services to be provided for FY 13/14 for the Le Grand Community Hall.

**APPROVED AS RECOMMENDED AYES: ALL**

**BOARD APPOINTMENTS**

49. Winton Municipal Advisory Council - Reappoint Carol Bonin until March 31, 2015, Richard Ferreria until March 31, 2017 and Wilene Nelson until March 31, 2016.

**APPROVED AS RECOMMENDED AYES: ALL**

50. Mental Health Advisory Board - Reappoint Cora Gonzales representing Member-At Large until June 30, 2016.

**APPROVED AS RECOMMENDED AYES: ALL**

51. Housing Authority of the County of Merced - Reappoint Jose Resendez representing Tenant Appointment/Public Housing and Evelyn Dorsey representing Tenant Appointment/Section 8 until October 19, 2014.

**APPROVED AS RECOMMENDED AYES: ALL**

52. Workforce Investment Board - Appoint Joshua Lepper representing Labor Organizations until June 30, 2016 and Denise Ybarra representing Business/Private Sector until June 30, 2016.

**APPROVED AS RECOMMENDED AYES: ALL**

**BOARD INFORMATION & POSSIBLE ACTION**

**ACCEPTED AND PLACED ON FILE AYES: ALL**

53. Fish and Game Commission re: Notice of proposed regulatory action relative to Section 29.15, Title 14, California Code of Regulations, relating to abalone sport fishing, which was published in the California Regulatory Notice Register on May 10, 2013.
54. State Water Resources Control Board re: Notice of Petitions for temporary change involving the transfer of up to 8,100 acre-feet of water from Pleasant Grove-Verona Mutual Water company to the San Luis & Delta-Mendota Water Authority under licenses 6389A (A07641A), 6389C (A07641C), 11001 (A015606), 7064A (A015856A), 7064B (A015856B), 7064C (A015856C), and 6399 (A015858).
55. State Water Resources Control Board re: Notice of petition for temporary change involving the transfer of up to 4,000 acre-feet of water from David and Alice Te Velde Revocable Family Trust to the San Luis and Delta-Mendota Water Authority under licenses 9994, 9995, 9996, and 9997 (Applications 3423, 4901, 4902, and 5359).
56. State Water Resources Control Board re: Notice of petitions for temporary change involving the transfer/exchange under Department of Water Resources permit 16479 (Application 14443) and the specified license and permits of the U.S. Bureau of Reclamation.
57. State Water Resources Control Board re: Notice of petition for temporary change involving the transfer of up to 3,658 acre-feet of water from City of Sacramento and Sacramento Suburban Water District to State Water contractor Agencies under permit 11360 (Application 12622).
58. State Water Resources Control Board re: Notice of petition for temporary change involving the transfer of up to 8,000 acre-feet of water from Conway Preservation Group to San Luis and Delta-Mendota Water Authority under license 5487B (Application 12073B).
59. MBK Engineers re: Conway Preservation Group Petition for Change Involving Water Transfer under License 5487B (Application 12073B).
60. MBK Engineers re: David and Alice Te Velde Revocable Family Trust petitions for change involving water transfer, licenses 9994, 9995, 9996 and 9997 (Applications 3423, 4901, 4902, and 5359).

**ADOPTED RESOLUTIONS IN MEMORY OF LEROY INMAN, FRED SILVEIRA,  
AND ANNA MARIE NELSON, AND ADJOURNED THE MEETING UNTIL JUNE 25, 2013,  
AT 10:00 A.M**



## **BOARD ORDERS – SUMMARY ACTION MINUTES – June 4, 2013**

### **10:00 A.M. SCHEDULED ITEM** **2013-06-04 PUBLIC OPPORTUNITY**

Mary Ann McKissick, Merced resident, speaks regarding the Greater Merced County Multi-Cultural Chamber of Commerce. The following In-Home Supportive Services workers speak in support of a pay raise: Amalia Mejia, Los Banos; Kayla Ward, Merced; Susana Saldana, Merced; Janeene Stinyay, Merced; Latasha Vance, Merced; Joe Merino, Atwater; Guadalupe Gonzales, Merced; Rito Ramirez, Merced; Teresa Castro, District 3; Josh Franco, Merced; Mary Lemos, Los Banos; Naomi Graham, Merced; Caramelita Wallace, Winton; Christina Ramirez, Los Banos; Mike Losa, United Domestic Workers Regional Coordinator (Modesto); and Blanca Abarca, Merced. Present: Kelsey, Pedrozo, Walsh, Davis, O'Banion

### **ACTION ITEM NO. 39** **2013-06-04 ANIMAL CONTROL**

The Clerk announces implementation of the Spay Neuter Assistance Program (SNAP) is before the Board for consideration.

Dave Robinson, Ag Commissioner/Director of Animal Control, provides the Board with an overview of the SNAP program and states that the next step is to provide spay/neuter education at the local school level contingent upon funding and agreement by the schools.

Supervisor Kelsey states she is willing to utilize District 4 Special Board Project Funds to ensure that the school education piece can go forward. She further states that other sources of funding will be sought out.

Sharon Lohman, New Beginnings President, speaks about her organization's involvement with a spay/neuter program, and states that she is glad this program is being implemented.

Upon motion of Supervisor Walsh, seconded by Supervisor Pedrozo, duly carried, the Board authorizes the Animal Control Division to implement the Spay Neuter Assistance Program effective July 1, 2013; and authorizes the Animal Control Division and Administrative Services/Purchasing to develop and implement the SNAP veterinary provider agreement for participating veterinary clinics. Ayes: Kelsey, Pedrozo, Walsh, Davis, O'Banion

### **ACTION ITEM NO. 40** **2013-06-04 FIRE**

The Clerk announces acceptance of the 2011 Assistance to Firefighters Grant (AFG) is before the Board for consideration.

Public Works Director Dana Hertfelder addresses the Board and requests a modification to the recommendation.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board authorizes Contract No. 2013116 for the County Fire Department to accept the 2011

Assistance to Firefighters Grant (AFG) for Fire Prevention and Safety (FP&S); authorizes Public Works to prepare plans and specifications for the exterior messaging signs for the three Fire stations; authorizes Director of Public Works to approve plans and specifications on behalf of the Board of Supervisors, advertise and set a public bid opening, award the contract as long as the bid is within budget and contingent upon the successful extension of the grant performance period; and execute the construction contract; and directs Public Works and the Fire Department to return to the Board with all actions taken including approval of the grant extension; and approves the Budget Transfer in the amount of \$236,664.

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

#### **ACTION ITEM NO. 41**

#### **2013-06-04 FIRE**

The Clerk announces an Ordinance to amend County Code Chapter 9.24 is before the Board for consideration.

Supervisor Kelsey states that she had a Municipal Advisory Council (MAC) meeting and wants to make sure that the Fire Department is going to attend the MAC meetings to inform them of this item.

Division Chief Mark Lawson states the he sent the Fire Marshall to the MAC meeting following the last Board meeting, and he has every intention of sending out their Battalion Officers to attend MAC meetings as their time permits. He further states that his department has attended MAC meetings when requested.

Supervisor Kelsey requests, if the Board adopts the Ordinance, that the Board review it at the end of the summer or beginning of fall to find out if there are any ramifications or unintended consequences that result from the implementation of the Ordinance.

Supervisor O'Banion states he agrees with Supervisor Kelsey's comments. He states that he will be requesting consideration of an action taken in regards to the portion of Fresno County that was annexed into Merced County a few years ago. There was an individual who had a fireworks stand, they were grandfathered in, and a letter was sent from the Planning Department with regard to the land use. Unfortunately, there was not explicit identification that they were grandfathered in, so he will be bringing forward a consideration of an amendment to the Ordinance in the future for the individual who had the fireworks stand.

Supervisor Walsh speaks in support of review of the Ordinance in the near future.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Walsh, duly carried, the Board adopts Ordinance No. 1906 to amend County Code Chapter 9.24 (Ordinances 294 and 1149), and establish Chapter 9.26 to prescribe regulations governing sale and use of safe and sane fireworks in the unincorporated areas of Merced County.

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