



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, APRIL 22, 2014
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
DEIDRE F. KELSEY....DISTRICT 4
CHAIRMAN 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

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 addressed 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

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

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 7

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

PUBLIC HEARINGS

PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE

To consider amending Ordinance No. 1899 entitled "An Ordinance Amending Membership Requirements of a Local Area Recreation Committee"

RECOMMENDATION: 1) Waive further reading of Proposed Ordinance; 2) Open Public hearing and receive testimony; 3) Close Public Hearing and adopt Ordinance amending the requirements for Recreation Committees (amends and supersedes Ordinance 1899).

REVIEW BOARD ORDER – SEE PAGE 7

COUNTY COUNSEL - PUBLIC HEARING - SECOND READING OF PROPOSED ORDINANCE

Conduct the second reading of an Ordinance entitled "Re-Establishing Vehicle Parking and Other Restrictions and the Attendant Bail Schedule for County Facilities Within Merced County" to re-establish vehicle parking and other restrictions and add Chapter 11.25 of Title 11 of the Merced County Code (Repeals Ordinance Nos. 1482, 1373, 1310, 1298, 1020)

RECOMMENDATION: 1) Waive further reading of proposed Ordinance; 2) Open Public Hearing and receive comments; 3) Close Public Hearing; 4) Close Public Hearing and adopt Ordinance.

REVIEW BOARD ORDER – SEE PAGE 8

COUNTY COUNSEL - PUBLIC HEARING - SECOND READING OF PROPOSED ORDINANCE

Conduct the second reading of a proposed Ordinance entitled "An Ordinance Setting the Bail Schedule of Parking Penalties for Parking Citations and Vehicle Infractions in Merced County and Affirming the Board of Supervisors' Authority to Authorize Other Law Enforcement Agencies to Enforce Chapter 5.78 of the Merced County Code on County-owned or Controlled Facilities" (Amends Ordinance No. 1780 and Merced County Code Chapter 5.78).

RECOMMENDATION: 1) Waive further reading of proposed Ordinance; 2) Open Public Hearing and receive comments; 3) Close Public Hearing and adopt Ordinance.

REVIEW BOARD ORDER – SEE PAGE 8

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-25)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Approve budget transfer in the amount of \$8,500 for the purchase and installation of a free-standing storage shed and concrete pad to be placed at Human Services Agency's Wardrobe location in Merced.

REVIEW BOARD ORDER – SEE PAGE 9

Human Services Agency

2. Approve and authorize the Chairman to sign renewal of Interdepartmental Agreement No. 2009078 with Treasurer-Tax Collector for collection services of delinquent accounts.
3. Approve and authorize the Chairman to sign renewal of Interdepartmental Agreement No. 2007091 with Merced County Counsel for departmental legal services.
4. Approve budget transfer in the amount of \$299,988 to purchase 12 mid-sized replacement vehicles.

REVIEW BOARD ORDER – SEE PAGE 9

Mental Health

5. Approve and authorize the Chairman to sign renewal of Interdepartmental Agreement No. 2004103 with the Human Services Agency for mail courier services.
6. Approve and authorize the Chairman to sign renewal of Interdepartmental Agreement No. 2009242 with Probation for mail courier services.
7. Approve and authorize Chairman to sign renewal of Interdepartmental Agreement No. 2004105 with Public Health for mail courier services.
8. Approve and authorize the Chairman to sign Amendment No. 1 to Contract No. 2010170 with Community Social Model Advocates for residential alcohol and drug residential recovery services.

9. Approve and authorize the Chairman to sign Amendment No. 2 to Contract No. 2012126 with Merced Drug for pharmacy services.
10. Approve and authorize the Chairman to sign renewal of Interdepartmental Agreement No. 2009168 with Public Health for alcohol and drug HIV counseling and testing services.

Administrative Services

11. Approve and authorize the Chairman to sign Amendment Contract No. 2010124 with New World Systems for additional software license agreement for the purchase of user licenses and additional services agreement for transfer of information.

Fire

12. Approve the continuation of the proclamation of the existence of a local emergency due to drought.

Sheriff

13. Approve and authorize the Chairman to sign Amendment Contract No. 2011115 with JK Mortuary Services for deceased transportation services.
14. Approve and authorize the Chairman to sign renewal of Interdepartmental Agreement No. 2013130 for Inmate Work Crew with the Department of Public Works.
15. Approve and authorize the Chairman to sign renewal Contract No. 2012096 with the Treasurer for a Reserve Level I Deputy Sheriff/Coroner to provide security at the Tax Collector/Treasurer Office in the County Administration Building.
16. Approve and authorize the Chairman to sign renewal Contract No. 2009293 with Merced County Treasurer for Los Banos bank deposit transportation.

County Counsel

17. Set the First Reading for May 6, 2014, at 10 a.m. for a proposed ordinance to clarify control of pyrotechnics and authorize and control safe and sane fireworks and adopting a permanent ordinance; amends ordinance 294, 1149 and portions of County Code Chapter 9.24 and establishes Chapter 9.26; set a Second Reading and possible adoption of the proposed ordinance for May 20, 2014 at 10 a.m.
18. Approve and authorize the Chairman to sign Amendment Contract No. 2013085 with Jones & Mayer for specialized legal services.

Board Recognition

19. Authorize plaque for City of Merced in celebration of 125th Anniversary.
20. Authorize Certificates of Recognition for individuals chosen as Firefighter of the Year as follows: Randy Peterson-Paid Cal Fire and Steven Bell-PCF/Volunteer, Merced County; Jose Flores, City of Livingston; Arturo Vargas, City of Atwater; Captain Edward Vierra and David Guerrero, Volunteer, City of Los Banos; First Assistant Chief Steven Bell, City of Gustine; Martin Merez, City of Dos Palos; and Jeff Hakola, City of Merced.
21. Authorize Certificate of Recognition for Robert Luna for being honored by the Boy Scouts of America for receiving the William H. Spurgeon Award.

22. Authorize Certificate of Recognition for David Pacheco or being selected by Memorial Hospital of Los Banos as Volunteer of the Year.
23. Authorize Certificate of Recognition and plaque for Hilmar Cheese Company in honor of LEED Platinum Certification dedication.
24. Authorize Certificate of Recognition for Harbor Freight Tools for Grand Opening.
25. Proclaim the month of April as Sexual Assault Awareness Month in Merced.

REGULAR CALENDAR

BOARD ACTION

HUMAN SERVICES AGENCY

26. Approve Memorandum of Understanding with First 5 of Merced County for sublease of space for the Motherhood Program.
AUTHORIZED CONTRACT NO. 2014053 AS RECOMMENDED AYES: ALL
27. Contract with Dr. Vincent T. Covello to provide Crisis and Risk Communication Training.
AUTHORIZED CONTRACT NO. 2014054 AS RECOMMENDED AYES: ALL
28. Contract with California Department of Aging for Health Insurance Counseling Advocacy services; and adopt Resolution.
AUTHORIZED CONTRACT NO. 2014055 AND ADOPTED RESOLUTION NO. 2014-39 AS RECOMMENDED AYES: ALL

HEALTH

29. Approve the Memorandum of Understanding with Sutter Central Valley Hospitals for chronic disease self-management services.
AUTHORIZED CONTRACT NO. 2014056 AS RECOMMENDED AYES: ALL
30. Approve submission of the brief proposal to the Health Impact Project for a Health Impact Assessment Demonstration Grant; and if invited, approve submission of the full grant proposal to the Health Impact Project; and return to the Board for contract approval if awarded.
APPROVED AS RECOMMENDED AYES: ALL

MENTAL HEALTH

31. Contract with City of Livingston Police Department for Mental Health and Police in Schools Program implementation in Livingston's middle school; and approve related Budget Transfer. (4/5 Vote Required)
AUTHORIZED CONTRACT NO. 2014057 AS RECOMMENDED AYES: ALL
32. Proclaim the month of May 2014 as Drug Court Month in Merced County; Proclaim the month of May 2014 as Mental Health Month in Merced County; and authorize the Mental Health, in conjunction with the City of Merced Fire Department, to hang a banner over and above the streets of the City of Merced on G Street between 19th and 20th Streets for one week starting May 25, 2014, as part of the Mental Health Services Act Prevention and Early Intervention Public Awareness and Education Campaign.
APPROVED AS RECOMMENDED AYES: ALL

ADMINISTRATIVE SERVICES

33. Approve changing the salary range for the Information Systems Manager from 80.0 to 79.8; approve changing the Systems & Operations Supervisor, range 79.8, Position Number 18 to an Information Systems Manager, Range 79.8, in Budget Unit 75601; and approve the amendments to the Position Allocation Resolution 06-120/A and Salary Allocation Resolution 06-120.

ADOPTED RESOLUTION NOS. 2014-40 (Position) and 2014-41 (Salary) AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

34. Authorize \$1,000 of District One's Special Board Project Funds to be forwarded to Le Grand American Legion Post 660 in support of the Every Fifteen Minutes Program; and approve related Budget Transfer.

APPROVED AS RECOMMENDED AYES: ALL

35. Authorize up to \$37,000 of District Five's Special Board Project Funds to be utilized to reimburse DPW Roads Division for the cost of reconstruction of the parking lot at the Agricultural Commissioner's office in Los Banos.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

36. Appoint Jean Okuye to serve as a member of the East Merced Resource Conservation District until January 28, 2015.

APPROVED AS RECOMMENDED AYES: ALL

37. Appoint Glen Mauzy to serve as a member of the McSwain Municipal Advisory Council until July 26, 2016.

APPROVED AS RECOMMENDED AYES: ALL

38. Appoint Olivia Gomez to serve as a member of the Planada Municipal Advisory County, filling an unexpired term until March 31, 2015.

APPROVED AS RECOMMENDED AYES: ALL

39. Appoint Division Chief Mark Lawson to the Emergency Medical Care Committee, Designated Member-Fire position, with a term expiring on June 30, 2018.

APPROVED AS RECOMMENDED AYES: ALL

40. Reappoint Jose Delgadillo and Rick Osorio, representing Board of Supervisors Representatives-At large to serve on the Housing Authority of the County of Merced until February 18, 2018.

APPROVED AS RECOMMENDED AYES: ALL

41. Appoint Marcie Rodrigues to serve as a member of the Los Banos Cemetery District filling an unexpired term until June 7, 2015.

APPROVED AS RECOMMENDED AYES: ALL

THE BOARD ADOPTED A RESOLUTION IN MEMORY OF TOM ZARATE AND ADJOURNED THE MEETING UNTIL TUESDAY, MAY 6, 2014, AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – APRIL 22, 2014

10:00 A.M. SCHEDULED ITEM **2014-04-22 PUBLIC OPPORTUNITY**

The following speak in support of a pay raise for In-Home Supportive Services (IHSS) workers: Diane Mejia, Merced resident; Allen Spencer, Merced resident; and Della Garrett Lindell, Hilmar resident.

Allen Spencer, Merced resident, addresses the Board regarding his complaint concerning the Sheriff's department vehicles parking in a no parking zone, and his request to have a meeting with the Sheriff.

Mark Faurot, Merced resident, speaks regarding corrections to Board meeting minutes of March 25, 2014, Roberts Rules of Order, and his notification to the Board of a kidnapping that took place with him as the victim. Mr. Faurot submits a written statement.

Concerned citizen speaks to the Board regarding the Declaration of Independence, the government's responsibility to protect people's rights, people's rights to speak out against the government, ethical conduct, filing a legal suit, discrepancy in expenditures provided to her, and reports of civil violations.

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

10:00 A.M. SCHEDULED ITEM **2014-04-22 PUBLIC WORKS – PUBLIC HEARING – ORDINANCE NO. 1917**

The time and date previously set for a public hearing to consider amending Ordinance 1899 entitled "An Ordinance Amending Membership Requirements of a Local Area Recreation Committee" as submitted by Public Works.

Public Works Director Dana Hertfelder provides the Board with a staff report by reading the summary of the Board Agenda Item.

The Chairman opens the public hearing and asks if there is anyone present wishing to speak.

Toni Borges, Merced resident, states she is before the Board to advocate for this Ordinance, and states that there are many children in the Franklin/Beachwood area with few places to go.

The Chairman closes the public hearing.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Davis, duly carried, the Board waives further reading of the proposed Ordinance; upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, the Board adopts Ordinance No. 1917 amending the requirements for Recreation Committees (amends and supersedes Ordinance 1899).

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

10:00 A.M. SCHEDULED ITEM
2014-04-22 COUNTY COUNSEL – PUBLIC HEARING – SECOND READING - ORDINANCE
NO. 1918

The time and date previously set for a public hearing to consider the second reading of a proposed Ordinance entitled “Re-Establishing Vehicle Parking and Other Restrictions and the Attendant Bail Schedule for County Facilities Within Merced County” as submitted by County Counsel. The Clerk announces that Supplemental Board material was received and is available for the public.

Assistant County Counsel Richard Flores provides a staff report and states that the proposed Ordinance was published so there was notice to all parties. Mr. Flores states that the Board requested information with regard to original fine amounts and proposed fine amounts which would be included in the new Chapter of the County Code. He further states that the information requested is included in the Supplemental material submitted – State Uniform Bail Schedule Per Cal. Rules of Court, Rule 4.102, Uniform Bail Schedule Per Merced Municipal Code, and Uniform Bail and Penalty Schedules 2013 Edition. Mr. Flores informs the Board that primarily most of the fines are established by the courts as required by State statutes so there really is not anything the County can do.

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 Pedrozo, seconded by Supervisor Davis, duly carried, the Board waives further reading of the Ordinance; and upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, duly carried the Board adopts Ordinance No. 1918.

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

10:00 A.M. SCHEDULED ITEM
2014-04-22 COUNTY COUNSEL – PUBLIC HEARING – SECOND READING - ORDINANCE
NO. 1919

The time and date previously set for a public hearing to consider the first reading of a proposed Ordinance entitled “An Ordinance Setting the Bail Schedule of Parking Penalties for Parking Citations and Vehicle Infractions in Merced County and Affirming the Board of Supervisors Authority to Authorize Other Law Enforcement Agencies to Enforce Chapter 5.78 of the Merced County Code on County Owned or Controlled Facilities” as submitted by County Counsel. The Clerk announces that Supplemental Board material was received and is available for the public.

Assistant County Counsel Richard Flores provides a staff report and states that the proposed Ordinance is a companion to the previous Ordinance above and revises the County Code to comply with State law and court adopted fines and penalties.

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 Davis, seconded by Supervisor Walsh, duly carried, the Board waives further reading of the Ordinance and adopts Ordinance No. 1919.

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

CONSENT ITEM NO. 1

2014-04-22 PUBLIC WORKS

The Clerk announces a Budget Transfer for the purchase and installation of a freestanding storage shed and concrete pad is before the Board for consideration.

Concerned citizen speaks in opposition of the Budget Transfer.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Davis, duly carried, the Board approves a Budget Transfer in the amount of \$8,500 for the purchase and installation of a freestanding storage shed and concrete pad to be placed at Human Services Agency's Wardrobe location in Merced.

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

CONSENT ITEM NO. 4

2014-04-22 HUMAN SERVICES AGENCY

The Clerk announces a Budget Transfer for the purchase of 12 mid-sized replacement vehicles is before the Board for consideration.

Concerned citizen speaks in opposition of the Budget Transfer.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Davis, duly carried, the Board approves a Budget Transfer in the amount of \$299,988 to purchase 12 mid-sized replacement vehicles.

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