

# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting  
TUESDAY, JUNE 03, 2014  
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  
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](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

**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

9:00 A. M.

**THE PUBLIC IS INVITED TO SPEAK ON ANY ITEM ON THE AGENDA-  
TESTIMONY IS LIMITED TO THREE 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; United Public Employees (UPE), Unit 3; Merced County Attorney Association (MCAA), Unit 7; Teamsters (Corrections), Unit 2; Merced County Law Enforcement Sergeants, Unit 30; Merced County Deputy Sheriff Association (DSA), Unit 10; Teamsters (Non-Safety Corrections), Unit 12; Merced County Public Safety Services Unit (MCPSSU), Unit 14; and Probation Supervising Employees, Unit 11. Agency Negotiator: Marci Barrera.

**CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL -  
SIGNIFICANT EXPOSURE TO LITIGATION:** It is the intention of the Board to meet in Closed Session concerning Significant Exposure to Litigation pursuant to Government Code Section 54956.9(d)(2): One Case

**THE BOARD RECESSED AT 8:30 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 three minutes  
per person)**

**REVIEW BOARD ORDER – SEE PAGE 9**

**APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 40)**

**REPORTS/BOARD DIRECTION**

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-40)

**APPROVED AS RECOMMENDED AYES: ALL**

Health

1. Approve and authorize the Chairman to sign Amendment Contract No. 2011135 with Dignity Health dba: Mercy Medical Center, extending the contract terms through June 30, 2017 to allow EMS use of the helipad located at Mercy Medical Center for Emergency Landing Site.
2. Approve and authorize the Chairman to sign Amendment Contract No. 2013084 with Fitch & Associates, LLC to provide consulting services for ground ambulance RFP to extend the contract through September 30, 2014.

Mental Health

3. Approve and authorize the Chairman to sign Renewal Contract No. 2011145 with Human Services Agency for implementation of the Cultural and Linguistic Outreach for Veterans as part of the Mental Health Services Act Prevention and Early Intervention.
4. Approve and authorize the Chairman to sign Amendment Contract No. 2011113 with Crestwood Behavioral Health, Inc. for client placement services; and approve related budget transfer. (4/5 Vote Required)
5. Approve and authorize the Chairman to sign Amendment Contract No. 2013065 with California Institute for Mental Health for clinical supervision services.
6. Approve and authorize the Chairman to sign Amendment Contract No. 2013224 with Mayurkumar Ambubhai Amin, M.D. for psychiatric services for Marie Green psychiatric unit; and approve related budget transfer. (4/5 Vote Required)
7. Approve and authorize the Chairman to sign Amendment Contract No. 2013219 with LocumTenens.com, LLC for the placement of licensed psychiatrists on a limited basis; and return to Board for further action once the vacant Staff Psychiatrist positions are filled.
8. Approve and authorize the Chairman to sign Amendment Contract No. 2013101 with Dr. Elmer Ignacio, M.D. for psychiatric services for the Saturday Meds Clinic.
9. Approve and authorize the Chairman to sign Amendment Contract No. 2010119 with State Department of Health Care Services (State Agreement No. 12-89198) for substance use disorder services; and adopt resolution.

**ADOPTED RESOLUTION NO. 2014-53**

10. Approve and authorize the Chairman to sign Amendment Contract No. 2012213 with Golden Valley Health Centers for provision of mental health services in a primary care clinic.
11. Approve and authorize the Chairman to sign Amendment Contract No. 2010059 with Kings View Corp. to provide support services necessary for successful implementation and daily functioning of the Anasazi Integrated Behavioral Health Information System support
12. Approve and authorize the Chairman to sign Amendment Contract No. 2013126 with Merced County Office of Education for family resource council services.
13. Approve and authorize the Chairman to sign Amendment Contract No. 2012117 with Castle Family Health Centers for the provision of mental health services in the community.

14. Approve and authorize the Chairman to sign Amendment Contract No. 2012102 with BHC Heritage Oaks Hospital, Inc. for inpatient hospital services for Medi-Cal clients.
15. Approve and authorize the Chairman to sign Amendment Contract No. 2012103 with BHC Heritage Oaks Hospital Inc. for inpatient hospital services for Non-Medi-Cal clients; and approve related budget transfer. (4/5 Vote Required)
16. Approve and authorize the Chairman to sign Amendment Contract No. 2013124 with Manolito Castillo, M.D. for psychiatric services for Marie Green psychiatric unit; and approve related budget transfer. (4/5 Vote Required)
17. Approve and authorize the Chairman to sign Amendment Contract No. 2011086 with Davis Guest Home for specialized residential placement for clients in need of assisted living; and approve related budget transfer. (4/5 Vote Required)
18. Approve and authorize the Chairman to sign Amendment Contract No. 2012114 with Guardco Security Services for security services at inpatient unit and other facilities; and approve related budget transfer. (4/5 Vote Required)
19. Approve and authorize the Chairman to sign Amendment Contract No. 2012127 with Mission Linen Supply for linen and laundry services; and approve the related budget transfer. (4/5 Vote Required)

#### Human Services Agency

20. Proclaim June, 2014 as "All Dads Matter Month" in Merced County.
21. Approve and authorize the Chairman to sign Renewal Contract No. 2013095 with Alliance for Community Transformations, Inc. for Family Violence Advocate services.
22. Approve and authorize the Chairman to sign Renewal Contract No. 2006171 with Lifeline Systems Company for medical alert services and devices.
23. Approve and authorize the Chairman to sign Renewal Contract No. 2013081 with Aspiranet to provide housing and supportive services to youth aging out of foster care.
24. Approve and authorize the Chairman to sign Renewal Contract No. 2010135 with Aspiranet to provide SB 163 Wraparound services.
25. Approve and authorize the Chairman to sign Renewal Contract No. 2010079 with Merced County Office of Education-Regional Occupation Program for vocational training services for Welfare-to-Work participants.
26. Approve and authorize the Chairman to sign Renewal Contract No. 2013114 with CareAccess for a mandated reporting system for AAA and MSSP programs.
27. PULLED

#### Ag. Commissioner

28. Approve and authorize the Chairman to sign Amendment Contract No. 2011158 with Dr. William Bell, DVM, Santa Fe Pet Hospital for veterinarian services at the County's animal service facility.

#### Community & Economic Development

29. Set a Public Hearing for June 17, 2014 at 10:00 a.m. to receive public testimony on Conditional Use Permit No. CUP13-011 - Green Light Energy Corporation (Sirius Solar

Project) and consider the Planning Commission's recommendations to 1) adopt the Initial Study/Mitigated Negative Declaration; 2) approve Conditional Use Permit No. CUP13-011 and the CEQA Mitigation Monitoring and Report Program; and 3) remove the project site from the Merced County Agricultural Preserve on property located on the northwest corner of Mission Avenue and Santa Fe Avenue in the Planada area.

#### Fire

30. Approve budget transfer in the amount of \$8,000 to complete the purchase of equipment for Command Vehicle B18.

#### Sheriff

31. Approve and authorize the Chairman to sign Amendment Contract No. 2009256 with Forensic Medical Group, Inc. for forensic autopsies.

#### District Attorney

32. 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 requested amount of \$168,125 for FY 14/15; and adopt a resolution authorizing the District Attorney to execute Grant Award Agreement.

#### **ADOPTED RESOLUTION NO. 2014-54**

#### Probation

33. Approve and authorize the Chairman to sign Renewal Contract No. 2012172 with Community Social Model Advocates, Inc. to provide residential alcohol and drug treatment and recovery services.
34. Approve and authorize the Chairman to sign Interdepartmental Renewal Contract No. 2012012 with the Mental Health Department for Alcohol & Drug Counselor services at the Iris Garrett Juvenile Justice Complex.

#### Public Works

35. Approve budget transfer in the amount of \$298,637 to move the difference in energy costs for FY 2013/14 due to energy savings achieved at the John Latarocca Adult Correctional facility and the Iris Garrett Juvenile Justice facility as a result of the new Solar Array system that went on line in October 2011.

#### Public Defender

36. Approve and authorize the Chairman to sign Renewal Contract No. 2013115 with Big Valley Investigations, Stan Scott Investigator for investigator services.

#### Executive Office

37. Approve travel request received from Probation Department as recommended by Executive Office.
38. Act on Claims for Damages received from Sonya Gonzales Martinez and Jorge Martinez as recommended by Risk Management and County Counsel.

Board Recognition

- 39. Authorize Certificate of Recognition to Louie and Sharon Azevedo in celebration of 50th Anniversary and 70th Birthdays.
- 40. Proclaim the day of May 1, 2014 as "National Day of Prayer" in Merced County.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

- 41. Adopt Resolution authorizing the Director of Public Works or his designee to sign Regional Surface Transportation Program (RSTP) Exchange Fund Apportionments Claim for Fiscal Year 13/14 in the amount of \$775,387.00 and submit said Claim to the Merced County Association of Governments (MCAG) for processing.

**ADOPTED RESOLUTION NO. 2014-55 AS RECOMMENDED AYES: ALL**

HEALTH

- 42. Contract with California State University, Stanislaus for Public Health Nursing Student Practicum.

**AUTHORIZED CONTRACT NO. 2014077 AS RECOMMENDED AYES: ALL**

- 43. Contract with California Dept. of Public Health-Office of AIDS for administration of the AIDS Drug Assistance Program for FY 13 - 16.

**AUTHORIZED CONTRACT NO. 2014078 AS RECOMMENDED AYES: ALL**

MENTAL HEALTH

- 44. Contract with Aspiranet for implementation of the Mental Health Services Act, Prevention and Early Intervention, Transition to Independence Process (TIP) Project.

**AUTHORIZED CONTRACT NO. 2014079 AS RECOMMENDED AYES: ALL**

- 45. Contract with Lifestyle Management Inc. for the oversight of their First Offender and Multiple Offender Drinking Driver Program services to Merced County residents.

**AUTHORIZED CONTRCT NO. 2014080 AS RECOMMENDED AYES: ALL**

HUMAN SERVICES AGENCY

- 46. Approve and authorize retroactive pay adjustment for Software Applications Assistant II, Employee #32106, exceeding five pay periods for a total of \$1,744.

**APPROVED AS RECOMMENDED AYES: ALL**

COMMUNITY & ECONOMIC DEVELOPMENT

- 47. Contract with Alliance Small Business Development Center (SBDC) to provide business assistance services and to administer the business revolving loan fund (RFL).

**AUTHORIZED CONTRACT NO. 2014081 AS RECOMMENDED AYES: ALL**

SHERIFF

- 48. Authorize the Sheriff or his designee to electronically sign, and submit the application and associated documentation for the 2014 Byrne Justice Assistance Grant through the Federal Grant Management System (GMS) automated internet based application system; and return

to the Board for acceptance if funding is awarded.

**APPROVED AS RECOMMENDED AYES: ALL**

49. Contract with Delhi Unified School District for School Resource Officer.

**AUTHORIZED CONTRACT NO. 2014082 AS RECOMMENDED AYES: ALL**

#### WORKFORCE INVESTMENT

50. Contract with Merced County Office of Education (MCOE) to provide Workforce Investment Act In-School youth services.

**AUTHORIZED CONTRACT 2014083 AS RECOMMENDED AYES: ALL**

51. Contract with Merced County Office of Education (MCOE) to provide Workforce Investment Act Out-of-School youth services.

**AUTHORIZED CONTRACT NO. 2014084 AS RECOMMENDED AYES: ALL**

#### DEPT. ADMINISTRATIVE SERVICES

52. Declare miscellaneous office furniture, assorted office equipment and miscellaneous supplies identified (listed on Exhibit A) as Surplus Property as recommended and authorize its disposal by approved internet public auction.

**APPROVED AS RECOMMENDED AYES: ALL**

#### COUNTY COUNSEL

53. 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 District that the Board of Supervisors will not authorize issuance of the TRANS within 45 calendar days, thereby freeing the District to issue the TRANS on their own behalf.

**APPROVED AS RECOMMENDED AYES: ALL**

#### EXECUTIVE OFFICE

54. Provide direction whether and how to proceed regarding a water ordinance.

**AMENDED RECOMMENDATION AYES: ALL**

**REVIEW BOARD ORDER – SEE PAGES 9 THROUGH 11**

#### BOARD OF SUPERVISORS

55. Authorize \$1,000 of District One's Special Board Project Funds to be forwarded to the Friends of the Fair Committee to support their programs at the Fair; and approve related budget transfer.

**APPROVED AS RECOMMENDED AYES: ALL**

56. Authorize \$2,500 of District One Funds to be forwarded to the Planada Community Services District for improvements to Broadway Street; and approve related budget transfer.

**APPROVED AS RECOMMENDED AYES: ALL**

#### BOARD APPOINTMENTS

57. Reappoint Cathy Weber to serve as a member of the East Merced Resource Conservation District, until January 28, 2017.

**APPROVED AS RECOMMENDED AYES: ALL**

58. Appoint Josh Holman to serve as a member of the McSwain Municipal Advisory Council, until July 26, 2016.

**APPROVED AS RECOMMENDED      AYES: ALL**

59. Appoint Mark Hendrickson, Community & Economic Development Director, James Brown, County Executive Officer and Dana Hertfelder, Public Works Director to serve as members of the Public Facilities Financing Review Committee, serving at the Pleasure of the Board.

**APPROVED AS RECOMMENDED      AYES: ALL**

**BOARD INFORMATION & POSSIBLE ACTION**

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

60. Public Works Department re: Contract No. 2013233 awarded to Concrete Restoration, Ceres, CA in the amount of \$97,250.00 to Refurbish and Polish Concrete Floors at the Iris Garrett Juvenile Justice Facility Housing Units Project.

**CONTRACT NO. 2013233**

61. Mental Health Department re: Hanging of banner on G Street between 19th and 20th Streets, for one week starting June 15, 2014 instead of May 25, 2014 as was previously authorized by the Board.

62. California Water Boards re: Notice of Petition for temporary change involving the transfer of up to 7,500 acre feet of water from Garden Highway Mutual Water Company to San Luis & Delta-Mendota Water Authority under license 2033 (Application 1699)

63. Fish and Game Commission re: Notice of Proposed Regulatory Action relative to Amending Section 502, Title 14, California Code of Regulations, relating to Waterfowl Regulations for the 2014-2015 seasons, which were published in the California Regulatory Notice Register on May 9, 2014.

**THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF JIM MACEDO AND  
MICHAEL SILVA AND ADJOURNED THE MEETING UNTIL TUESDAY, JUNE 17, 2014  
AT 10:00 A.M.**



## **BOARD ORDERS – SUMMARY ACTION MINUTES – JUNE 3, 2014**

### **10:00 A.M. SCHEDULED ITEM** **2014-06-03 PUBLIC OPPORTUNITY**

Laura Phillips and Kathy Hansen, Merced Arts Council, thank the Board for their support and partnership. Ms. Hansen addresses the Board regarding programs offered at the Arts Center. They inform the Board of the upcoming membership drive and leave membership forms for the Board.

Dina Medeiros, Merced Catholic Charities Director, speaks regarding increasing food distribution and informs the Board that for every \$1 that is donated to Catholic Charities, 88 cents goes directly back to into the program.

Carrie Young and Diane Mejia, Merced residents, state they walked precincts on Sunday in order to change the face on the Board.

Concerned citizen states she will be submitting a letter to the Bureau of Reclamation to inform them that the Board was fully aware of water contamination at the correctional facility.

### **CONSENT ITEM NO. 54** **2014-06-03 EXECUTIVE OFFICE**

The Clerk announces possible staff direction regarding a water ordinance is before the Board for consideration. The Clerk announces that four Supplementals were received for this item, and they are available for the public.

County Executive Officer James Brown reviews the staff report and states that at this time staff has more questions than answers regarding water conveyance issues. Mr. Brown informs the Board that staff is seeking direction whether and how the Board would like to proceed regarding a water ordinance, and states that staff has not had the opportunity to conduct any real analysis on the issues at this point. Mr. Brown presents the Board with a powerpoint presentation covering the following: Why Concerns; San Joaquin Valley County Ordinances; Stanislaus County; Madera County; Fresno County; San Joaquin County; Kern County; and Issues to Consider.

Bob Weimer states his concern is on the eastern side as they are confined to one water source. He states there is a serious breach of taking water out of the aquifer and transferring to another county. He states he would like the Board to entertain a motion for an Interim Resolution which would authorize and review past, present, and future groundwater transfers out of the basin, specifically in Merced County, to have the ability to review those and be able to stop those transfers while the Board is in the process of creating a more elaborate Ordinance.

Ray Veldhuis, dairyman and farmer on the Merced River, speaks regarding differences in aquifers on the eastside and aquifers on the Westside and recharging aquifers. He states that the aquifers need to be studied before allowing more people to pump out of the aquifer.

Jean Okuye, Livingston resident, states that it is extremely important not to destroy our very good water – it is critical.

Billy Grissom states he borders Steve Sloan and has 6,000 continuous acres and has one well that's within 200 yards of Steve Sloan's property. He has critical habitat in this area in partnership with Ducks Unlimited, has 20 vernal pools on the Bert Crane Ranch that he purchased a few years back, and has 15 deep wells on the San Felipe Ranch that he bought from Hewlett Packard. He was receiving 3.5 feet of MID water 3 years ago, 2 feet 2 years ago, and 5.5 feet this year. He relies on his wells to irrigate his land to produce corn and alfalfa that he sells to dairymen in Merced County.

Supervisor Davis requests that Mr. Grissom obtain information on the recharge rate of his wells. Mr. Grissom states he will get that information to Supervisor Davis.

Amanda Carbajal, Executive Director Merced County Farm Bureau, thanks the Board for taking on this difficult topic. She states that they want to stop any sort of exportation outside of the County. She states that it is important to look at historical factors of water districts and what they have been doing. She states that a countywide stakeholder meeting is needed.

Chris White, General Manager of Central Valley Irrigation District, speaks regarding groundwater management which he states involves the management of surface water. He states that the ability to move water through the Delta from Northern California is broken. He states they have been very active and have had joint groundwater studies with each of the five small cities within their service area as well as some of the small townships. He states that Central Valley Irrigation District offers to partner with Merced County on this process and would advocate a measured approach to this situation. Mr. White states that this is an opportunity for the Board to interact and partner with local Districts to start the process forward to set the future as to how this is looked at in the County and dealt with.

Concerned citizen speaks regarding the need for immediate action on environmental impacts.

John Larson, small almond grower, states water is something to fight for and prefers it not leave our county.

Supervisor Pedrozo asks County Counsel James Fincher how long it would take to put an interim Ordinance in place.

County Counsel advises the Board that the process for an Urgency Ordinance is: the Board has to make findings under their police powers that it affects peace, health, or safety. In this case would make it related to water usage of individuals and communities. For health reasons, one of the standards isn't necessarily the economics of the agricultural usage although it is important. You would have an agenda meeting, would have to have the Ordinance completed, it would have to be in compliance with the Brown Act, would have one meeting on it, it could be, and it would take effect immediately. A subsequent hearing would take place within 45 days. Thereupon it would be in existence for 10 months and 2 weeks and it could be continued up to one year with another hearing. County Counsel also reviews the regular Ordinance process where there is a noticed meeting, have two hearings, two subsequent Board meetings and then it would be adopted on the second meeting and go into effect 30 days later. Mr. Fincher states that this particular area of water law expertise would be very helpful. He states that the two Ordinances that have been enacted recently are currently under litigation and the court has not yet ruled on them. He states that if the Board moves immediately to do an urgency Ordinance, later on it could be found that the

law required the County to do CEQA and it had not been done. He states that the other caution that the County needs to be aware of is that CSAC coverage does not provide for defense or damages as water is a property right and if there is a regulatory taking or inverse condemnation there would be no coverage for defense and/or damages.

Following lengthy discussion and upon motion of Supervisor Walsh, seconded by Supervisor Pedrozo, duly carried, the Board amends the recommendation to explore the possibility of an interim or emergency approach to this process to include CEO and County Counsel staff, with the Water Committee engaged in the discussion, to respond to the following questions:

Is it a modification to our land use approval process?; Is it a Water Ordinance?; What process might we choose?; What are the findings then associated with each of those?; Which require CEQA and what is the timeframe required associated with that CEQA on each of those two examples?; Which of them require some kind of connections with other water management plans, or should have other connections with water management plans; What are staff requirements and/or resources that might be required?

Supervisor Kelsey moves to amend the motion to include that this issue be placed on future agendas as a standing item until settled. The maker of the motion, Supervisor Walsh, agrees to the amendment to the motion.

The Chairman calls for a Vote on the motion as amended.  
Ayes: O'Banion, Pedrozo, Walsh, Davis, Kelsey