

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, AUGUST 12, 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

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 - 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

**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): Forte v. County of Merced, Eastern District case no. 1:11-cv-318 AWI BAM

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.

**SUPERVISOR KELSEY STATES SHE HAS A CONFLICT WITH A
CLOSED SESSION ITEM AND THEREFORE RECUSED HERSELF. 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 three minutes
per person)

PRESENTATION - WATER UPDATE
REVIEW BOARD ORDER

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 12)

PUBLIC HEARINGS

PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE

To consider amending Chapter 10.28 of the Merced County Code entitled "Conduct in Parks" (Amending Ordinance No. 1889).

RECOMMENDATION: Waive further reading; open Public Hearing; receive testimony; close Public Hearing; Adopt Proposed Ordinance (Amending Chapter 10.28 of the Merced County Code).

REVIEW BOARD ORDER

PUBLIC WORKS - PUBLIC HEARING - PROPOSED ORDINANCE

To consider amending Chapter 9.53 of the Merced County Code entitled "Regulation of Stormwater" (Superseding Ordinance No. 1897).

RECOMMENDATION: Open Public Hearing; receive testimony; close Public Hearing; adopt proposed Ordinance (Amending Chapter 9.53 of the Merced County Code).

REVIEW BOARD ORDER

HEALTH - PUBLIC HEARING

To consider the Report of Demolition for 33 Jupiter circle, Santa Nella, CA (APN 373-092-026).

RECOMMENDATION: Direct the Auditor-Controller, Tax Collector, and Assessor to record the cost of demolition for the amount of \$9,499.26 as a Special Assessment to the 2014-2015 Tax Roll and a lien on the property pursuant to the Uniform Housing Code Section 1605.

REVIEW BOARD ORDER

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-12)

APPROVED AS RECOMMENDED (ITEMS 1 – 8 and 10 – 12) AYES: ALL

Human Services Agency

1. Approve and authorize the Chairman to sign Renewal Contract No. 2008198 with San Mateo County to provide Cash Assistance Program for Immigrants (CAPI) administration during the period of July 1, 2014 through June 30, 2018.
2. Approve and authorize the Chairman to sign Amendment Contract with Taher, Inc. for Home-Delivered Meals Production Program in the amount of \$52,020 beginning July 1, 2014 and ending September 30, 2014.
3. Approve and authorize the Chairman to sign Amendment Contract with Merced County Rescue Mission for a Home-Delivered Meals Delivery Program in the amount of \$33,522 beginning July 1, 2014 and ending September 30, 2014.

Health

4. Approve and authorize the Chairman to sign Renewal Contract No. 2010234 with California Department of Public Health for Public Health Emergency Preparedness, Hospital Preparedness Program, and State General Fund Pandemic Influenza Grants.

Ag Commissioner

5. Approve and authorize the Chairman to sign Renewal Contract No. 2004082 with California Department of Food and Agriculture for registration and inspections of organic producers; and adopt Resolution.

ADOPTED RESOLUTION

Community and Economic Development

6. Approve and authorize the Chairman to sign Amendment Contract No. 2012193 with Larry Matos, applicant, for the consultant, Environmental Planning Partners, Inc., to complete Tasks 6, 7, 8 and direct costs for the Environmental Impact Report for the Matos Dairy Expansion project (CUP12-014).
7. Approve and authorize the Chairman to sign Amendment Contract No. 2012194 with Environmental Planning Partners, Inc., to complete Tasks 6, 7, 8 and direct costs for the Environmental Impact Report for the Larry Matos Dairy Expansion (CUP12-014).

Mental Health

8. Set a Public Hearing for September 9, 2014, at 10 a.m. to consider Proposed Ordinance amending Mental Health Services Fees (Amends Merced County Code Chapter 9.48, Section 9.48.030 and supersedes Ordinance 1907).

County Executive Office

9. Act on Claim for Damages received from Eloise Kelsey Souders as recommended by Risk Management and County Counsel.

SUPERVISOR KELSEY DECLARES CONFLICT **AYES: 5, 1, 2, 3**
REJECT CLAIM

Board Recognition

10. Authorize Certificate of Recognition for Pamela Schroeder for 9 years of dedicated service as a member of the McSwain Municipal Advisory Council.
11. Authorize Certificates of Recognition to individuals selected by the Greater Merced Chamber of Commerce as follows: Karyn Johnson, Woman of the Year; Bruce Logue, Man of the Year; Tom Musser, Ambassador of the Year; Merced Breakfast Lions Club, Non Profit of the Year; Image Masters, Business of the Year; Mark Pintor, Educator of the Year; and Outgoing Board of Directors Dan Caris, David Dunham, Richard Dye, and Bernadette Mello.
12. Authorize Certificates of Recognition to individuals selected for their accomplishments and graduation from Merced County Day Reporting Center as follows: Rick Alexander, Patrick O'Bryant, Jason Xiong, Marcos Hernandez, Jonathan Jones, Daniel Downen, Abraham Jimenez, Nancy Armstrong, Frank Becerra, Rory Moreno, Monica Coronado, Ronnie Hawkins, and Matthew Heary.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

13. Consider the proposed Mitigated Negative Declaration for the Dickenson Ferry Road 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 Dickenson Ferry Road Bridge Replacement Project.

APPROVED AS RECOMMENDED AYES: ALL

14. Approve the Plans and Specifications for the Main Administration Parking Lot Rehabilitation Project; authorize the Department of Public Works to advertise said plans and specifications for a Public Bid Opening; authorize the Director of Public Works to award a Construction contract provided said bid is within the established budget; authorize the Chairman to execute said contract upon review of County Counsel; and direct the Department of Public works to return to the Board of Supervisors with an Informational Item describing all actions taken.

APPROVED AS RECOMMENDED AYES: ALL

15. Approve the Vehicle User Mileage Rates for the 2014-2015 Fiscal Year.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

16. Approve the new Interdepartmental Agreement with the District Attorney to provide a radio upgrade for investigators of CalWorks and CalFresh fraud for the period of June 1, 2014 through May 31, 2015.

APPROVED AS RECOMMENDED AYES: ALL

17. Contract with California Office of Emergency Services, Criminal Justice Programs to accept the Child Abuse Treatment grant funding of \$203,408 for the period October 1, 2014 to September 30, 2015; and authorize the Chairman and the Auditor to sign the Certificate of Assurance of Compliance and any related documents.

APPROVED AS RECOMMENDED AYES: ALL

18. Contract with the Merced County District Attorney Office for the Victim/Witness Assistance program; authorize the Human Services Agency to submit the Child Abuse Treatment Agreement to the Office of Emergency Services.

APPROVED AS RECOMMENDED AYES: ALL

19. Contract with First 5 Merced County to provide developmental screening for children 1 to 5, and training and coordination of community resources for parents, parent-educators, and HSA staff.

APPROVED AS RECOMMENDED AYES: ALL

20. Approve the release of the Request for Proposal (RFP) for Program Evaluation Services; authorize HSA in conjunction with Admin/Support Services to prepare the RFP, solicit and select potential vendors, negotiate the preparation of the necessary agreements, and return to the Board for approval and signature.

APPROVED AS RECOMMENDED AYES: ALL

21. Contract with Taher, Inc. for a Frozen Home-Delivered Meals Delivery Program for seniors.

APPROVED AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER

HEALTH

22. Contract with Desert Vista Consulting to provide consulting services for activities related to the Blue Shield Safety Net Integration Grant.

APPROVED AS RECOMMENDED AYES: ALL

MENTAL HEALTH

23. Contract with Victor Community Support Services for specialty mental health services to youth clients ages seven to twenty placed out-of-county.

APPROVED AS RECOMMENDED AYES: ALL

COMMUNITY AND ECONOMIC DEVELOPMENT

24. Retroactively approve and authorize the Community and Economic Development Department to submit an online application for the 2014 Economic Vitality Grant to PG&E for funding in the amount of \$20,000; and return to the Board for acceptance of grant funds if awarded.

APPROVED AS RECOMMENDED AYES: ALL

25. Contract with the Federal Aviation Administration (FAA) for acceptance of FAA grant funding for Castle Airport Runway Rehabilitation Project subject to review and approval by the CEO and County Counsel; authorize Counsel to sign associated "Certificate of Sponsor's Attorney"; and adopt Resolution authorizing the Chairman to submit a CalTrans Matching Grant Application to the Division of Aeronautics, California Department of Transportation, and execute all required documents including Grant Agreement.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

26. Contract with the Federal Aviation Administration (FAA) for acceptance of FAA Military Airport Program (MAP) grant for airfield electrical projects subject to review and approval by the CEO and County Counsel; and authorize Counsel to sign associated "Certificate of Sponsor's Attorney."

APPROVED AS RECOMMENDED AYES: ALL

27. PULLED

TREASURER

28. Accept the Quarterly Investment Report for the period of April 1, 2014 to June 30, 2014.

APPROVED AS RECOMMENDED AYES: ALL

COUNTY EXECUTIVE OFFICE

29. Approve the elimination of the Loyalty Bonus for Unrepresented Management (Unit 20) effective immediately.

APPROVED AS RECOMMENDED AYES: ALL

30. Contract with the California State University, Fresno Foundation, for the development of a groundwater ordinance and a county-wide groundwater management plan within Merced County for an amount not to exceed \$25,000, effective August 12, 2014 through August 11, 2015, pending final review by County Counsel and the County Executive Officer.

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

31. Rescind action of July 8, 2014, for donation of \$1,760 from District Three Special Board Project funds to Brian's Painting and authorize new donation in the amount of \$2,309 for painting the interior walls at the main hall of the Atwater VFW; and direct Administrative Services to issue a purchase order to John Hale Painting, Inc. for the project.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

32. Reappoint Aldo Sansoni to serve as a member of the Lower San Joaquin Levee District until June 4, 2017.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

33. Community and Economic Development re: Home Investment Partnership Program (HOME) Grant No. 13-HOME-9012 Standard Agreements with the State of California Housing and Community Development (HCD) were signed by the Board Chairman and the County received a fully-executed Standard Agreement from HCD on July 16, 2014.

APPROVED AS RECOMMENDED AYES: ALL

34. State Water Resources Control Board re: Notice of Petitions for Temporary change involving the transfer/exchange under Contra Costa Water District Permit 20749 (Application 20245) and the specified permits of the U.S. Bureau of Reclamation.

APPROVED AS RECOMMENDED AYES: ALL

35. Central California Irrigation District re: Installation of Regulatory Reservoirs on Williamson Act Farmland (Attachments on File with Clerk).

APPROVED AS RECOMMENDED AYES: ALL

THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF MARIA INEZ DURAN AND MARGARET TESONE AND ADJOURNED THE MEETING UNTIL TUESDAY, AUGUST 26, 2014 AT 10:00 A.M.