

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, DECEMBER 16, 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 - EXISTING LITIGATION: It is the intention of the Board to meet in Closed Session concerning Existing Litigation pursuant to Government Code Section 54956.9(d)(1): 1. Alvarez v. County of Merced, et al. Merced Superior Court Case No. CV002613.

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 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)

REVIEW BOARD ORDER – SEE PAGE 8

PRESENTATIONS

Presentation of Service Pin Awards to Vincent Andrade, Public Defender 15 years of service; Carolyn Castillo, Sheriff-Corrections 15 years of service; Lisa Sykes, Human Services Agency 15 years of service; Rachel Torres, Public Health 20 years of service; and Janet Resch, Public Works-Roads 30 years of service.

Supervisor Walsh presented service pins to Vincent Andrade, Carolyn Castillo, and Lisa Sykes; Supervisor Pedrozo presented a service pin to

Rachel Torres; and Supervisor O'Banion presented a service pin to Janet Resch. A reception honoring the recipients of service pins was held in Room 310.

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 11)

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1 - 11)

APPROVED AS RECOMMENDED AYES: ALL

Human Services Agency

1. Approve and authorize the Chairman to sign Amendment Contract No. 2011094 with Valley Caregiver Resource Center for support networks for family caregivers.

Health

2. Approve and authorize the Chairman to sign Renewal Contract No. 2014015 with California Health Collaborative for nutrition education and obesity youth engagement services.

Fire

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

Executive Office

4. Approve travel request received from Human Services Agency as recommended by Executive Office.

Recognition

5. Authorize certificate of recognition to Murphy & Brawley LLP Attorneys at Law for Ribbon Cutting and Open House.
6. Authorize certificate of recognition to Noah's Vietnamese Fusion Cuisine for Ribbon Cutting.
7. Authorize certificates of recognition to individuals chosen as recipients of Agricultural Leadership Award for outstanding agriculture contributions to Merced County as follows: David & Rose Ann Serrano, Trees & Vines; Richard Jacobsen, Ag Education; Joe Silveira (Quality Well Drillers), Agribusiness; David Pruitt, Field Crops; and Alpha & Sherri Gipe, Livestock/Dairy.
8. Authorize certificate of recognition presented to Bart Garcia for his dedicated service to Gustine City Council.
9. Authorize certificate of recognition to Les McCabe for his dedicated service to Merced College and numerous community activities.
10. Authorize certificates of recognition to various individuals for their commitment and dedication as 4-H leaders.
11. Authorize plaque presented to Saeid Mehrtash for dedicated service to CalTrans Arboleda Project.

REGULAR CALENDAR

BOARD ACTION

HEALTH

12. Approve submission of a San Joaquin Valley Health Fund Grant application to the Sierra Health Foundation Center for Health Program management proposing a county-wide Community Health Assessment and the development of a related Community Health Improvement Plan; and return to the Board for contract approval if awarded.

APPROVED AS RECOMMENDED AYES: ALL

13. Approve submission of a Merced County Health Care Access Project Grant Proposal to The California Endowment for the support of increased health care access and health improvements available through the Affordable Care Act.

APPROVED AS RECOMMENDED AYES: ALL

MENTAL HEALTH

14. Contract with Madera County Behavioral Health Services for the purchase of a dedicated bed and the provisions of inpatient services at the Marie Green Psychiatric Health Facility.

AUTHORIZED CONTRACT NO. 2014205 AS RECOMMENDED AYES: ALL

15. Contract with Mariposa County Behavioral Health and Recovery for the provision of inpatient services at the Marie Green Psychiatric Health Facility.

AUTHORIZED CONTRACT NO. 2014206 AS RECOMMENDED AYES: ALL

16. (1) Adopt and authorize for submission to the Mental Health Services Oversight and Accountability Commission the Fiscal Year 2014-2015 through 2016-2017 Mental Health Services Act Three-Year Program and Expenditure Plan, including all comments and any updates from the October 7, 2014, Mental Health Board Public Hearing. (2) Authorize the Auditor-Controller to sign the necessary document in this Three-Year Plan certifying fiscal accountability of the Mental Health Services Act Program. (3) Authorize the Mental Health director to sign all necessary documents for submission. (4) Approve amendments to the Position Allocation Resolution 06-120. (5) Approve the addition of the following positions to Budget Unit 41506: four (4) Mental Health Clinician I/II (5731/5320) at salary range 71.5/73.5; two (2) Staff Services Analyst I/II (1050/1040) at salary range 66.8/71.2; one (1) Office Assistant III (2213) at salary range 61.6; one (1) Mental Health Coordinator (7852) at salary range 80.8; and one (1) Alcohol and Drug Prevention Worker (7566) at salary range 58.4. (6) Approve related budget transfer. (4/5 Vote Required)

ADOPTED RESOLUTION NO. 2014-119 AS RECOMMENDED AYES: ALL

17. Contract with California Health Facilities Financing Authority to accept the CHFFA Investment in Mental Health Wellness Grant funds for the development of mental health crisis support programs.

AUTHORIZED CONTRACT NO. 2014207 AS RECOMMENDED AYES: ALL

18. Contract with State Department of Mental Health to accept Community Mental Health Services Block Grant (MHBG) funding for FY 2014-2015, to enhance youth and adult services.

AUTHORIZED CONTRACT NO. 2014208 AS RECOMMENDED AYES: ALL

19. Accept the Department of Health Care Services Projects for Assistance in Transition from Homelessness (PATH) grant funds.

AUTHORIZED CONTRACT NO. 2014209 AS RECOMMENDED AYES: ALL

CHILD SUPPORT SERVICES

20. Contract with Calserve, Inc. for service of process for the term of January 1, 2015 through June 30, 2016.

AUTHORIZED CONTRACT NO. 2014210 AS RECOMMENDED AYES: ALL

COMMUNITY AND ECONOMIC DEVELOPMENT

21. (1) Simultaneously rescind existing Williamson Act contract and re-enter into a new Williamson Act contract with the following property owners, to reflect new property lines resulting from a prior-approved property line adjustments: a) Jeannette Veldhuis (Williamson Act No. WA2000-0544); b) Hawkins Land Company L.P. (Williamson Act No. WA2000-0456); c) Braden 1996 Family Trust (Williamson Act No. WA2000-093; d) Randal F. Fiorini (Williamson Act No. WA05-025). (2) Make the seven (7) legal findings required by Williamson Act Section 51257(a); and (3) Authorize the Chairman to sign the new Williamson Act contracts and forward them to the County Recorder.

AUTHORIZED CONTRACT NOS. 2014-01WA, 2014-02WA, 2014-03WA AND 2014-04WA AS RECOMMENDED AYES: ALL

22. Adopt resolution for the Final Safe Routes to Schools and Pedestrian Improvement Plans for the communities of Franklin-Beachwood and Planada, together with Board support for the submittal of grant funding applications for identified priority projects.

ADOPTED RESOLUTION NO. 2014-120 AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 8

PROBATION

23. Authorize Administrative Services, in conjunction with the Probation Department, to prepare and release a Request for Proposal for securing the services of a qualified contractor(s) to provide a Community Recidivism and Crime Reduction Services Program for probation clients and return to the Board for contract approval.

APPROVED AS RECOMMENDED AYES: ALL

ELECTIONS

24. Adopt Resolution to accept the results for the election held on December 2, 2014, for the Merced County Employees' Retirement Association Board and declare the elected candidates to fill the member seats, as specified for a new term commencing January 1, 2015.

ADOPTED RESOLUTION NO. 2014-121 AS RECOMMENDED AYES: ALL

HUMAN RESOURCES

25. Ratify the Memorandum of Understanding between Merced County and Teamsters Local 856 representing Bargaining Unit 12; and authorize Human Resources to make the necessary adjustments to the Merced County Rules and Regulations Resolution 2007-22 and the Salary Allocation Resolution 06-120.

AUTHORIZED CONTRACT NO. 2014211 AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

26. (1) Approve the appointment of Vernon H. Warnke as the Sheriff/Coroner effective December 27, 2014. (2) Approve Elected "A" level benefits effective December 27, 2014. (3) Establish and allocate the classification of EH Undersheriff of Merced County to Budget Unit 22100. (4) Certify that the appointment of Thomas Cavallero is necessary before 180 days has passed to fill a critically needed position. (5) Approve the appointment of Thomas Cavallero to return to work for a period of time as determined by the Sheriff/Coroner beginning December 29, 2014. (6) Approve the amendments to the Position Allocation Resolution 06-120/A and Salary allocation Resolution 06-120.

ADOPTED RESOLUTION NOS. 2014-122-POSITION AND 2014-123 SALARY AS RECOMMENDED AYES: ALL

27. Provide staff direction on the development of an Ordinance establishing a moratorium on groundwater exports and/or wells as an interim measure during the development of the Groundwater Ordinance.

REVIEW BOARD ORDER – SEE PAGES 8 AND 9

BOARD OF SUPERVISORS

28. Authorize \$25,459 of District Three's Board Special Project Funds to be forwarded to McSwain Union Elementary School for the purchase of tablets, supporting equipment and purchase and installation of security cameras, and approve related budget transfer.

APPROVED AS RECOMMENDED AYES: ALL

29. (1) Authorize the establishment of the McSwain Capital Projects Fund and the Franklin/Beachwood Capital Projects Fund. (2) Authorize \$30,904.33 of District Three's Special Board Project Funds to be forwarded to the McSwain Capital Projects Fund. (3) Authorize \$30,904.33 of district Three's Special Board Project Funds to be forwarded to the Franklin/Beachwood Capital Projects Fund. (4) Approve related budget transfer.

APPROVED AS RECOMMENDED AYES: ALL

30. Authorize \$4,995 of District Two's Special Board Project Funds to be forwarded to Playhouse Merced to purchase lighting equipment.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

31. Reappoint Patti Kishi, Sheilah Brooks, and Danielle Waite to serve as members of the Merced County Local Child Care and Development Planning council, until June 30, 2016.

APPROVED AS RECOMMENDED AYES: ALL

32. Appoint Bobby Deol to serve as a member of the East Merced Resource Conservation District, until January 28, 2017.

APPROVED AS RECOMMENDED AYES: ALL

33. Reappoint Ron Wolff to serve as a member of the Merced County Mosquito Abatement District representing County Northern Rural to either a 2-year or 4-year term.

APPROVED AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 9

34. Reappoint Paul Lopes, Steve Bell, and Eldred Pires to serve as members of the Gustine Drainage District until December 2, 2018.

APPROVED AS RECOMMENDED AYES: ALL

35. Appoint Jonathan Maffei and Rick Osorio, representing Commercial Lender At-Large members to serve on the Community and Economic Development Revolving Loan Fund Loan Administration Board until December 22, 2015.

APPROVED AS RECOMMENDED AYES: ALL

36. Reappoint Evelyne Dorsey, representing Tenant Appt./Sec. 8-At Large and Jose Resendez, representing Tenant Appt./Public Housing-At Large, to serve on the Housing Authority of the County of Merced until October 19, 2016.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

37. Merced County Mosquito Abatement District re: Manager's Report.
38. Department of Conservation, Division of Land Resource Protection re: Central California Irrigation District installation of irrigation regulating reservoirs on properties located in agricultural preserves and encumbered by Land Conservation Act Contracts.

THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF MIKE PHILLIPS AND ISABEL GOMES AND ADJOURNED THE MEETING UNTIL TUESDAY, JANUARY 13, 2015, AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – DECEMBER 16, 2014

10:00 A.M. SCHEDULED ITEM

2014-12-16 PUBLIC OPPORTUNITY

Vince Ramos, Mental Health Board Member, comments on Item #16 on the Board's Agenda regarding Mental Health Services Oversight and Accountability Commission for FY 2014-2015 through 2016-2017 Three Year Plan. He states there are discrepancies in what was presented to the Board and what was presented at the Mental Health Board Meeting.

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

ACTION ITEM #22

2014-12-16 COMMUNITY AND ECONOMIC DEVELOPMENT

The Clerk announces adoption of a resolution for the Final Safe Routes to Schools and Pedestrian Improvement Plans for the communities of Franklin-Beachwood and Planada, together with Board support for the submittal of grant funding applications for identified priority projects is before the Board for consideration.

Community and Economic Development Director Mark Hendrickson gives background on the project.

Josh Meyer reviews powerpoint presentation covering: Background, Community Outreach, and Plan Consistency. Charles Alexander, Professional Civil Engineer for Fehr & Peers, concludes powerpoint presentation covering: Implementation, Planada High Priority Projects, Franklin-Beachwood High Priority Projects and Future Steps.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Davis, duly carried, the Board adopts Resolution No. 2014-120 for the Final Safe Routes to Schools and Pedestrian Improvement Plans for the communities of Franklin-Beachwood and Planada; and approves submittal of grant funding applications for identified priority projects.

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

ACTION ITEM #27

2014-12-16 EXECUTIVE OFFICE

The Clerk announces an item to provide staff direction on the development of an Ordinance establishing a moratorium on groundwater exports and/or wells as an interim measure during the development of the Groundwater Ordinance is before the Board for consideration.

Supervisor Davis moves, seconded by Supervisor Kelsey, to move forward with a moratorium on groundwater exports and/or wells as an interim measure during the development of the Groundwater Ordinance.

The Board has lengthy discussion on the process of establishing a moratorium and its affect on the draft groundwater ordinance.

County Counsel James Fincher reviews the impact of a moratorium and the requirements of an emergency ordinance.

Eric Swenson states comments on the different types of water drilling going on in the county and the effects a moratorium would have on the different types of drilling.

George Hark, Longtree Water Company, states if a moratorium is declared, it would be directed only at water export and not regular wells.

Bob Weimer states the process needs to move forward with the stakeholders group and export of water needs to be dealt with.

Greg Hostetler states concerns with a drilling moratorium.

Derek Carland comments on the length of time it is taking to stop the export of water from the county.

Supervisor Walsh states concerns with exporting water outside basins and the possibility of waivers to be considered in the proposed ordinance.

Supervisor Kelsey states the entire Board needs to participate in a moratorium, and it is time to have an interim ordinance. Supervisor Kelsey also states it gives the Board the opportunity to make decisions and she is not interested in stopping people from fixing wells, just the export on ground water mining.

Supervisor Davis states he is not against what the stakeholder group has done so far but has concerns with District 3 and independent wells. Supervisor Davis also states concerns with farms expanding crops during a drought.

The Board has further discussion on the proposed groundwater ordinance and concerns with a moratorium.

The Chairman calls for the vote.

Ayes: Davis and Kelsey

Noes: O'Banion, Pedrozo and Walsh: Motion Fails.

ACTION ITEM #33

2014-12-16 BOARD APPOINTMENTS

The Clerk announces reappointment of Ron Wolff to serve as a member of the Merced County Mosquito Abatement District, representing County Northern Rural to either a 2 or 4 year term is before the Board for consideration.

Supervisor O'Banion recommends a 4 year term.

Upon motion of Supervisor Pedrozo, seconded by Supervisor Davis, duly carried, the Board reappoints Ron Wolff to serve as a member of the Merced County Mosquito Abatement District for a 4 year term expiring on December 31, 2018.

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