

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, FEBRUARY 10, 2015
Closed Session – 8:30 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

CHAIRMAN JOHN PEDROZO.....DISTRICT 1
HUBERT “HUB” WALSH, JR.....DISTRICT 2
DARON McDANIEL.....DISTRICT 3
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

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

8:30 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 REAL PROPERTY

NEGOTIATOR: It is the intention of the Board to meet in Closed Session concerning a Conference with Real Property Negotiator(s) Mark Hendrickson, Director-Commerce, Aviation and Economic Development pursuant to Government Code Section 54956.8 as follows:

Property: Castle Property located at Castle Commerce Center and Castle Airport

Agency Negotiator: Mark Hendrickson, Community and Economic Development Director

Under Negotiation: Barren land (approximately 1.25 acres) located at the corner of B Street and Jetstream Drive at Castle Commerce Center

Under Negotiation: Approximately 1.59 acres of barren land on the corner of Spacecraft Dr. and Stratofortress Dr. at Castle Commerce Center

Under Negotiation: Buildings 300, 315, 316, 317, 318, 362, 372, 373, 470, 480, 482 and associated acreage located between borders of Jetlift Dr, A Street, Aviation Dr. and Stratofortress Dr. at Castle Commerce Center

Under Negotiation: Building 1350 at Castle Airport and 71 acres of barren land located at the southwest corner of Castle Airport and Castle Commerce Center

CLOSED SESSION: It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION Title: Ag Commissioner

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. 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 - 10)

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-10)

APPROVED AS RECOMMENDED AYES: ALL

Mental Health

1. Approve and authorize the Chairman to sign Amendment Contract No. 2012102 with BHC Heritage Oaks Hospital, Inc. dba Heritage Oaks Hospital, updating the rates for the 2014-2016 portion of the contract period from July 1, 2011 through June 30, 2016 and increasing the total contract amount from \$75,000 to \$345,000 for inpatient hospital services for Medi-Cal clients; and approve the related budget transfer.
2. Approve and authorize the Chairman to sign Amendment Contract No. 2014183 with California Psychiatric Transitions for client placement services, increasing the total amount from \$60,000 to \$145,000; and approve the related budget transfer.
3. Approve and authorize the Chairman to sign Amendment Contract No. 2014131 with Victor Treatment Center for specialty mental health services to youth clients placed out-of-county, decreasing the total contract amount by \$100,000.

Auditor

4. Set a public hearing for March 17, 2015 at 10:00 a.m. regarding submitted plans for the District Attorney and Sheriff's Office for the Citizens' Option for Public Safety (COPS) Program pursuant to GC Code 30061 (c)(1).

Health

5. Approve budget transfer in the amount of \$604,179 to align services and supply line item accounts and to increase staff salaries and benefits line item accounts for two new positions for FY 14/15 in order to meet the scope of work for the California Children Services Administration with the California Department of Health Care Services program. (4/5 Vote Required)

6. Approve budget transfer in the amount of \$89,799 to reflect the allocation received from the California Department of Health Care Services for Child Health and Disability Program and the Health Care Program for Children in Foster Care. (4/5 Vote Required)

Fire

7. Continue the proclamation of the existence of a local emergency due to drought.

County Executive Office

8. Act on Claims for Damages received from Tracey A. Wood, Annish Jimenez and Nichole King as recommended by Risk Management and County Counsel.
9. Approve travel request received from the Sheriff's Department as recommended by Executive Office.

Community and Economic Development

10. Set a public hearing for March 3, 2015 at 1:30 p.m. to receive public testimony, consider the Planning Commission's recommendations, make environmental and project determinations and actions on Conditional Use Permit Application No. CUP12-017, remove the project site from the Agricultural Preserve, cancel Williamson Act contracts, and consider under a separate Board agenda item, a Solar Benefits Agreement for Wright Solar Park LLC.

REVIEW BOARD ORDER – SEE PAGE 9

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

11. Declare one pickup truck, Vehicle #62002, County Property #054471 as surplus property and donate the vehicle to the Los Banos Cemetery District as authorized by Government Code Section 25365. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

12. Approve the 2013/2014 Fiscal Year Annual Report (Exhibit A) for each impact fee fund, pursuant to Government Code Section 66006(b).

APPROVED AS RECOMMENDED AYES: ALL

13. 1) Approve the firm of, and the contract with, CH2M HILL to prepare the Black Rascal Flood Control Project environmental documentation and preliminary design for a fee not-to-exceed \$950,000; 2) Authorize the Department of Public Works (DPW) to negotiate a separate contract and fee not-to-exceed \$100,000 with CH2M HILL to prepare the grant application for the Urban Flood Risk Reduction Program (UFRR) due March 9, 2015; 3) Approve the Resolution authorizing: a) the submission of the UFRR Program grant application; and b) the Director of DPW to sign all documents required for submittal of the grant application; and, 4) Authorize the Chairman of the Board to execute the two said agreements with CH2M HILL after review by DPW and County Counsel.

AUTHORIZED CONTRACT NO. 2015013-BRCFCP AND NO. 2015019-UFRR AND ADOPTED RESOLUTION NO. 2015-06 AS RECOMMENDED AYES: ALL

HEALTH

14. Approve acceptance of the Partnership to Improve Community Health Grant allocation (Grant Number 1U58DP005710-01) from the Centers for Disease Control and Prevention, in the amount of \$1,350,000 for year one funding with future funding based upon satisfactory programmatic progress and availability of funds for a total allocation of \$4,050,000; return to the Board with an update on future funding; and approve the related budget transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2015014 AS RECOMMENDED AYES: ALL

15. Approve the Acceptance of the Lifetime of Wellness: Communities in Action grant allocation from the California Department of Public Health for a total allocation of \$1,717,908 for the period of September 30, 2014 through September 29, 2018; return to the Board with the agreement; and approve the related budget transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2015015 AS RECOMMENDED AYES: ALL

16. Contract with Healthy House Within a MATCH Coalition to complete outreach and enrollment activities for the Medi-Cal Outreach and Enrollment Grant project for an amount not to exceed \$75,000.

AUTHORIZED CONTRACT NO. 2015016 AS RECOMMENDED AYES: ALL

COMMUNITY & ECONOMIC DEVELOPMENT

17. 1) Adopt a Resolution authorizing the County of Merced to join the California Statewide Communities Development Authority (CaliforniaFIRST) Program authorizing the California Statewide Communities Development Authority (CSCDA) to conduct contractual assessment proceedings and levy contractual assessments within the County of Merced, and authorizing related actions; and 2) Direct appropriate County staff to coordinate with CSCDA staff to facilitate operation of the CaliforniaFIRST Program within the County, and report back periodically to the Board on the success of such program; and 3) Direct CED Department staff to send a certified copy of this Resolution to California Statewide Communities Development Authority.

ADOPTED RESOLUTION NO. 2015-07 AS RECOMMENDED AYES: ALL

18. Contract with William R. Nicholson for the consultant services involving implementation of the 2030 Merced County General Plan and limited additional professional planning support activities.

AUTHORIZED CONTRACT NO. 2015017 AS RECOMMENDED AYES: ALL

19. Approve and authorize the Chairman to sign Amendment Contract No. 2014112 with Global Logistics Development (GLD) Partners, LLC for Phase 1 and possibly Phase 2 of the Utility Engineering Evaluation and Condition Assessment scope at Castle Airport and Castle Commerce Center for a total amount not to exceed \$53,500; and approve the related budget transfer.

APPROVED AS RECOMMENDED AYES: ALL

PROBATION

20. Retroactively authorize the submission of the Evidence-Based Practices Training Project grant program application to the Board of State and Community Corrections for the project cycle of May 1, 2015 through June 30, 2016; and return to the Board for contract approval if awarded.

APPROVED AS RECOMMENDED AYES: ALL

TREASURER/TAX COLLECTOR

21. Accept the Quarterly Investment Report for the period of October 31, 2014 to December 31, 2014.

APPROVED AS RECOMMENDED AYES: ALL

22. Contract with Tax Sale Services of California to perform Parties of Interest research on all tax delinquent properties to be offered for sale at public auctions scheduled September in 2015 and 2016.

AUTHORIZED CONTRACT NO. 2015018 AS RECOMMENDED AYES: ALL

HUMAN RESOURCES

23. (1) Approve the Fiscal Year 14/15 Midyear Budget Personnel Modifications as follows: 1) Treasurer - Budget Unit 11400: Change: 1 Office Assistant III (Pos 10) to Accounting Technician; Add: 1 Fiscal Manager. 2) Administrative Services - Budget Unit 11500/75600: (B/U 11505) Change: 1 Janitor (Pos 23) to Lead Janitor. (B/U 75601) Change: 1 Computer Operator II (Pos 1) to Accounting Technician. 3) Spring Fair - Budget Unit 18100: Establish & Allocate: EH Spring Fair Worker. 4) Public Defender - Budget Unit 20600: Establish: Public Defender Admin Serv. Director; Change: 1 County Office Supervisor (Pos 1) to Public Defender Admin Serv. Director. 5) Sheriff - Operations - Budget Unit 22100: Change: 1 Administrative Supervisor (Pos 119) to Staff Services Analyst I/II. 6) Fire - Budget Unit 25000: Change: 1 Secretary I/II (Pos 84) to Accounting Technician. 7) DPW-Building Division - Budget Unit 27300: Change: 1 Staff Services Assistant (Pos 1) to Building Permit Technician. 8) Public Health - Budget Unit 40000: (B/U 40007) Add: 1 California Children's Service Wkr I/II, Add: 1 Epidemiologist I/II, Add: 1 Supervising Health Educator, Add: 2 Health Education Specialist, Add: 2 Public Health Program Manager, Allocate: EH Account Clerk I. 9) Mental Health - Budget Unit 41500: (B/U 41518) Add: 2 Mental Health Clinician I/II, Add: 1 Office Assistant I/II. 10) Human Services Agency - Budget Unit 50000: (B/U 50053) Change: 1 Office Assistant III (Pos 395) to Secretary II - Confidential, Add: 8 Family Services Representative I/II, Add: 1 Family Services Representative III, Add: 1 Family Services Supervisor, Add: 1 Registration/Information Assistant. (2) Establish the classifications of Public Defender Admin Serv. Director, classification 7865 at salary range 76.4 in Budget Unit 20600 and EH Spring Fair Worker, classification 0789 in Budget Unit 18100. (3) Approve the amendments to the Salary Allocation Resolution 06-120 and the Position Allocation Resolution 06-120/A.

ADOPTED RESOLUTION NOS. 2015-08-POSITION AND NO. 2015-09-SALARY AS RECOMMENDED AYES: ALL

SHERIFF

24. Approve the Addition of Four Deputy Sheriff/Coroner I/II, classification 4079/4080, salary range 68.7/70.6, in Budget Unit 22100 to support enhanced staffing during peak times in unincorporated communities; and approve amendment to the Position Allocation Resolution 06-120/A.

ADOPTED RESOLUTION NO. 2015-10 AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

25. 1) Change the classification title of Position #16 (Budget Unit 27000) to County Agricultural Commissioner/Sealer of Weights & Measures; 2) Approve amendments to the Salary Allocation Resolution 06-120 and Position Allocation Resolution 06-120/A; and Reappoint

David A. Robinson as the County Agricultural Commissioner/Sealer of Weights and Measures for a four-year term effective February 18, 2015.

ADOPTED RESOLUTION NOS. 2015-11-POSITION AND 2015-12-SALARY AS RECOMMENDED AYES: ALL

26. Provide direction regarding the proposed groundwater ordinance for the public hearing process.

APPROVED AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGES 9 AND 10

BOARD OF SUPERVISORS

27. Authorize \$1,000 of District One's Special Board Project Funds to be forwarded to Le Grand High School to help towards the purchase of uniforms for their baseball program.

APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOES: 3

28. Accept and approve recommendations from Hilmar County Water District requesting amendments to their Conflict of Interest Code and notify the District of the action taken.

APPROVED AS RECOMMENDED AYES: ALL

29. Accept recommendations from 1) Franklin County Water District; 2) Foundations Public Schools; 3) El Nido Elementary School District; 4) Plainsburg Union Elementary School District; and 5) Planada Elementary School District as submitted with no amendments required for their Conflict of Interest Code, and authorize notifications to the agencies of action taken.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

30. 1) Approve and adopt the 2015 Board Assignments as designated; 2) Appoint a Board Member to fill the unexpired term as an Alternate Member on the LAFCo Commission through May 5, 2015.

APPROVED AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 11

31. Reappoint Regina Wolf and Marilyn Scorby to serve on the Merced County Local Child Care and Development Planning Council, until June 30, 2016.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

32. Public Works re: Void Contract No. 2014067 with CRW Systems for eMark-up software.
33. Merced County Mosquito Abatement District re: Manager's Report for December 2014.
34. Fish and Game Commission re: Notice of Proposed regulatory action relative to subsections (b)(91.1) and (b)(195) of Section 7.50, Title 14, California Code of Regulations, relating to Klamath/Trinity rivers sport fishing, which was published in the California Regulatory Notice Register on January 23, 2015.
35. Fish and Game Commission re: Notice of Proposed regulatory action relative to Sections 28.20 and 28.95, Title 14, California Code of Regulations, relating to Pacific halibut sport fishing regulations, which was published in the California Regulatory Notice Register on January 23, 2015.

36. Fish and Game Commission re: Notice of Proposed regulatory action relative to subsection (b) of Section 27.65 and subsection (b) of Section 28.38, Title 14, California Code of Regulations, relating to Pacific bluefin tuna daily bag limit and tuna fillet procedures, which was published in the California Regulatory Notice Register on January 23, 2015.
37. Central California Alliance for Health re: Annual Report of the Santa Cruz-Monterey-Merced Managed Medical Care Commission: 2014.

**THE BOARD ADOPTED RESOLUTION IN MEMORY OF BILL TOLLIVER AND
ADJOURNED THE MEETING UNTIL TUESDAY, MARCH 3, 2015, AT 10:00 A.M.**

BOARD ORDERS – SUMMARY ACTION MINUTES – FEBRUARY 10, 2015

10:00 A.M. SCHEDULED ITEM

2015-02-10 PUBLIC OPPORTUNITY

James Hodges comments on Library Safety and more funding for security.

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

CONSENT ITEM NO. 10

2015-02-10 COMMUNITY & ECONOMIC DEV.

The Clerk announces, approval to set a public hearing for March 3, 2015 at 1:30 p.m. to receive public testimony, consider the Planning Commission's recommendations, make environmental and project determinations and actions on Conditional Use Permit Application No. CUP12-017, remove the project site from the Agricultural Preserve, cancel Williamson Act contracts, and consider under a separate Board agenda item a Solar Benefits Agreement for Wright Solar Park LLC is before the Board for consideration.

Supervisor O'Banion states he has a conflict with the item due to interest in parcel with CUP 12-017 and has not been involved in any discussions with the item and recuses himself.

Upon motion of Supervisor Kelsey, seconded by Supervisor Walsh, duly carried, the Board sets a public hearing for March 3, 2015 at 1:30 p.m.

Ayes: Pedrozo, Walsh, McDaniel, Kelsey

Not Present: O'Banion

ACTION ITEM NO. 26

2015-02-10 EXECUTIVE OFFICE

The Clerk announces, staff direction regarding the proposed groundwater ordinance for the public hearing process is before the Board for discussion. (Supplemental #1)

County Executive Officer Jim Brown gives background on the proposed water ordinance and reviews the powerpoint presentation covering: Previous Board Discussion, Existing Well Ordinance, Enforcement Process, Review Ordinance Language, and Prospective or Retroactive Consideration.

Mr. Brown states the way the proposed water ordinance is written at this time covers the unincorporated areas only, not the city limits.

Tom Stillman request that all existing Ag. wells be exempt that are not involved in water transfers out of county boundaries and submits his comments on the proposed ordinance.

James Hodges states concerns on water issues.

Eric Swenson thanks the Board for the opportunity to be a part of the Stakeholders group and comments on the Prohibition section of the proposed draft ordinance and speaks of "exacting definitions" and standards of what is a replacement well or what the accepted extraction pattern for

wells drilled after January 2014 would be. He states it would be helpful for everyone to have additional explanation and clarification.

Supervisor Walsh moves, in terms of direction, that the proposed draft ordinance stand as is, reflective of the current practice in approach and intent with the inspection, enforcement, and violation process; that the proposed ordinance as written stands; that the language in the proposed ordinance would be a bridge for dealing with SGMA; Community and Economic Development will be the oversight for CEQA; and proposed ordinance to be Prospective versus Retroactive. Supervisor O'Banion seconds the motion.

Supervisor Kelsey questions what happens to the Right to Farm ordinance.

County Counsel James Fincher states the proposed ordinance does not affect Right to Farm.

Supervisor Kelsey requests definitions regarding exactly how this ordinance would affect replacement wells for those that have failed. She states it is important that we look back and reach only to the groundwater mining wells permits that have been issued in the last year. She also requests that the motion include limiting all permits that reach back into 2014 just to the groundwater mining export only and to exempt the other ones, and go proactive with the rest of it.

Supervisor Walsh states that he can't include that in the motion because it would delay the process and we need to move forward.

The Board has lengthy discussion regarding replacement wells, retroactive ordinance and further defining some of the issues would amend the ordinance and delay the process from moving forward.

Supervisor Kelsey request the motion on the floor be amended to include the proposed ordinance to go retro to 2014, limit all permits for groundwater export, extend all other permits and to tighten up definition on replacement wells.

The Chairman calls for the motion to amend the prior motion on the floor. Motion dies for lack of second.

At the request of County Executive Officer Brown, Antonio Rossman states there are two prohibitions in the Ordinance that address export and mining. He requests that the Board keep in mind that the harm is the use of a well. He states that under 9.27.040 (B), assuming the Ordinance becomes effective on April 17, 2015; export will be prohibited unless someone can show they qualify for an exemption. He further states that it does not matter when the well was drilled, it is the operation of the well that is operative thing; the Ordinance is both retroactive and prospective, and the purpose of this Ordinance is to prevent things from getting worse until the County can look at a more comprehensive permanent Ordinance.

The Chairman calls for the vote on the motion: Motion passes.
Ayes: Pedrozo, Walsh, McDaniel, Kelsey, O'Banion

ACTION ITEM NO. 30

2015-02-10 BOARD APPOINTMENTS

The Clerk announces the approval and adoption of the 2015 Board Assignments as designated, and appointment of a Board Member to fill the unexpired term as an Alternate Member on the LAFCo Commission through May 5, 2015 is before the Board for consideration.

The Board has discussion regarding water committee and membership involving the Chairman and Vice Chairman.

Upon motion of Supervisor O'Banion, seconded by Supervisor Kelsey, duly carried, the Board adopts the 2015 Board Assignments as designated and appoints Supervisor McDaniel to fill the unexpired term as an Alternate Member on the LAFCo Commission through May 5, 2015.

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