

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, NOVEMBER 17, 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

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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) Dana Hertfelder, Public Works Director pursuant to Government Code Section 54956.8 as follows:

Property: APN'S 052-300-011 and 052-300-012 Adjacent to Yosemite Lake

Agency Negotiator: Dana Hertfelder, Public Works Director

Under Negotiation: Update on property appraisal values

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: Teamsters (Corrections), Unit 2; Merced County Deputy Sheriff Association (DSA), Unit 10; Merced County Public Safety Services Unit (MCPSSU), Unit 14. Agency Negotiator: Marci Barrera

**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 8

PRESENTATIONS:

- 1) Presentation of Service Pin Awards to Jubenal Berber Jr., Sheriff-Corrections 15 years of service; Melissa Salazar, Public Health 15 years of service; Karen Adams, Treasurer/Tax Collector 20 years of service; Elwyn

Gray, Community & Economic Development 25 years of service; Steven Rough, Public Works-Roads 30 years of service.

Sheriff Warnke presented a service pin to Jubenal Berber Jr.; Supervisor Walsh presented service pins to Melissa Sanchez, Elwyn Gray, and Steven Rough; Karen Adams was not present. A reception honoring the recipients of service pins was held in Room 310

2) Merced-Mariposa Retired Teachers Association

Supervisor Walsh presented a Certificate of Recognition to the Merced-Mariposa Retired Teachers Association for their volunteer hours.

APPROVAL OF CONSENT AGENDA CALENDAR (Items #1 - 16)

PUBLIC HEARINGS:

COUNTY EXECUTIVE OFFICE - PUBLIC HEARING

Proposed Energy and Water Conservation Retrofit Contract with OpTerra Energy Services for eighteen (18) Merced County facilities.

RECOMMENDATION: 1) Open the Public Hearing, receive comments from the public; 2) Close the Public Hearing; 3) Determine that it is in the County's best interest to enter into a contract with OpTerra Energy Services for program development assessment within Merced County; 4) Approve and authorize the Chairman to execute the agreement with OpTerra Energy Services for program development assessment within Merced County for an amount not to exceed \$60,000 effective November 17, 2015 through November 16, 2016.

REVIEW BOARD ORDER – SEE PAGE 8

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items #1-16)

APPROVED AS RECOMMENDED AYES: ALL

Health

1. Approve and authorize the Chairman to sign Renewal Contract No. 2014015 with the California Health Collaborative for nutrition education and obesity youth engagement services.
2. Approve and authorize the Chairman to sign Renewal Contract No. 2015057 with Merced Community College District for activities in support of healthier food and beverage campus environment for the Partnerships to Improve Community Health Grant.

Mental Health

3. Approve and authorize the Chairman to sign Amendment Contract No. 2014183 with California Psychiatric Transitions for Mental Health Rehabilitation Center client placement services; approve related budget transfer. (4/5 Vote Required)

4. Approve and authorize the Chairman to sign Amendment Contract No. 2014108 with Bayfront Youth & Family Services for the provision of specialty mental health services to youth clients placed out-of-county.
5. Approve and authorize the Chairman to sign Interdepartmental Renewal Contract No. 2004103 with Human Services Agency for mail courier services.

Community and Economic Development

6. Set a Public Hearing for December 8, 2015 at 10:00 A.M. to recommend amendment of the agricultural preserve with reference to ten parcels, resulting from five Property Line Adjustments and two Minor Subdivisions (Convey and Combine), located at: 1) West side of Morley Avenue, 2,100 feet south of Mission Avenue in the Le Grand area, 2) Southwest corner of Denton Leake Road and Swift Avenue, in the Dos Palos Area area, 3) South side of Cardella Road 2,000 feet west of Thornton Road in the Merced area, 4) South side of Johnson Road, 670 feet east of Tegner Road in the Hilmar area, 5) Northwest corner of Turner Road and Verde Street in the Hilmar area, 6) North side of Le Grand Road 1,260 feet east of Fresno Road in the Le Grand area, 7) Southwest corner of Gillette Road and Plainsburg Road in the Merced area, as per the requirements of the Land Conservation Act of 1965 (Williamson Act) Section 51200 et seq. of the California Government Code.

Workforce Investment

7. Accept modification two (2) to Contract No. 2015025 amending all PY 13/14 and PY 14/15 Subgrants that have funds that are operational beyond June 30, 2015 to incorporate the new Workforce Innovation and Opportunity Act (WIOA) requirements but still retains the old Federal government's guidance on Administrative Requirements, Cost Principles, and Audit requirements for Federal awards.

Executive Office

8. Act on Claims for Damages received from Matthew Gonzales, Charles Steele, Shirley Smith, and Parminder Singh as recommended by Risk Management and County Counsel.
9. Approve travel request received from the Sheriff's Dept. as recommended by Executive Office.

Board Recognition

10. Authorize Certificate of Recognition to UC Merced Venture Lab and Small Business Development Center for Ribbon Cutting.
11. Authorize Certificate of Recognition to the Apostolic Tabernacle United Pentecostal Church, in recognition of 60th Anniversary Founder's Conference.
12. Authorize Certificate of Recognition to Dario and Josephine Giampaoli in celebration of their 50th Wedding Anniversary.
13. Authorize Certificate of Recognition to United Way, for the launch of Mountain Valley 211.
14. Authorize Certificates of Recognition for Merced County Young Patriot Challenge Winners: Alana Waterman (Our Lady of Mercy School), Audrey Fillebrown (Mercy Springs School), Carina Pacheco (Joe Stefani School), Dallas Swanson (Aileen Colburn School), Elise Metcalf (Burbank School), Evin Ramirez (Alicia Reyes School), Graciela Ibarra (Golden Valley School), Jared Hoffart (Our Lady of Mercy School), Jimena Nunez (Lorena Felasco

School), Katherine Tyler (Golden Valley High School), Lily Suggs (Our Lady of Mercy School), Megkalah Bills (Joe Stefani School), Natalie Van Pelt (Our Lady of Mercy School), Valeria Tejada (Thomas Olaeta School).

15. Authorize Certificates of Recognition to the following individuals in recognition of being a 2015 Parent Leadership Training Institute (PLTI) Graduate: Rosa Acosta, Yessica Barragan, Esmeralda Cisneros, Feliciano Cruz-Juarez, Nelly Fernandez, Arlette Flores, Gabriel Garcia, Maria Garnica, Esperanza Gonzalez, Dina Gonzalez, Monica Huerta, Laura P. Linares, Blanca L. Lozano, Jennifer Machorro, Ricardo Maciel, Luz Mosqueda, Rosa Nuno, Enrique Nuno, Carmen Ojeda, Maria Ortiz de Monje, Christina Raymer, Hayde Sanchez, and Hellen Tong.
16. Authorize Resolution in the matter of Restorative Justice Month (March 2015).

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

17. Approve the Plans and Specifications for the Main Library Landscaping Project; authorize Public Works to advertise said Plans and Specifications for a Public Bid Opening; and direct Public Works to return to the Board with a recommendation to award a construction contract to the lowest responsible bidder.

APPROVED AS RECOMMENDED AYES: ALL

18. Contract with Federal Highway Administration for the Federal Lands Access Program (FLAP) Grant for the Wolfsen Road Access to the San Luis National Wildlife Refuge Rehabilitation Project.

AUTHORIZED CONTRACT NO. 2015211-REIMBURSEMENT AND CONTRACT NO. 2015212-MOU AS RECOMMENDED AYES: ALL

19. Authorize the Dept. of Public Works to conduct the Public Bid Openings for Job Order Contracts JOC-001, -002 and -003; 2) Authorize the Director of Public Works to award the Job Order Contracts to the lowest responsible bidders; 3) Authorize the Chairman to execute Job Order Contracts JOC-001, -002, and -003 after final negotiation of the Contract terms and conditions, if any, by County Counsel, Risk Management and the Dept. of Public Works; and 4) Direct the Dept. of Public Works to return to the Board with an Informational Item describing all actions taken.

AUTHORIZED CONTRACT NOS. 2015213-(JOC-001), 2015214-(JOC 002), AND 2015215-(JOC-003) AS RECOMMENDED AYES: ALL

HEALTH

20. Contract with Emily Bernard to provide breast feeding evaluation support services for the Partnerships to Improve Community Health Grant.

AUTHORIZED CONTRACT NO. 2015216 AS RECOMMENDED AYES: ALL

21. Contract with Golden Valley Health Centers, Inc. for services in support of the Partnerships to Improve Community Health Grant activities related to physical activity promotion.

AUTHORIZED CONTRACT NO. 2015217 AS RECOMMENDED AYES: ALL

22. Approve submission of an application for funding for the Sustainable Groundwater Management Act Readiness Project to the State of California Dept. of Water Resources;

adopt the Resolution granting Board approval to sign all application documents; and return to the board for contract approval if awarded.

ADOPTED RESOLUTION NO. 2015-138 AS RECOMMENDED AYES: ALL

MENTAL HEALTH

23. Authorize the submission to the Mental Health Services Oversight and Accountability Commission the FY 2015-2016 Mental Health Services Act Annual Update, including all comments and any updates from the October 20, 2015 Merced County Behavioral Health Board Public Hearing; 2) Adopt resolution authorizing adoption of the 2015-2016 Annual Update; 3) Authorize Auditor-Controller to sign the necessary document in this Annual Update certifying fiscal accountability of the Mental Health Services Act Programs; 4) Authorize Mental Health Director to sign all necessary documents for submission; and, 5) Approve related budget transfer. (4/5 Vote Required)

ADOPTED RESOLUTION NO. 2015-139 AS RECOMMENDED AYES: ALL

24. Contract with Casa Del Sol, Inc. for residential board and care services for adult clients.

AUTHORIZED CONTRACT NO. 2015218 AS RECOMMENDED AYES: ALL

25. Contract with Remi Vista, Inc. for the provision of specialty mental health services to youth clients placed out-of-county.

AUTHORIZED CONTRACT NO. 2015219 AS RECOMMENDED AYES: ALL

WORKFORCE INVESTMENT

26. Authorize the Dept. of Administrative Services, in conjunction with Workforce Investment, to initiate the procurement process for Workforce Innovation and Opportunity Act Youth Services, select the most responsive provider to perform such services, negotiate an agreement with the provider; and return to the Board with the prepared agreement, upon review by County Counsel, for final contract approval and signature.

APPROVED AS RECOMMENDED AYES: ALL

TREASURER/TAX COLLECTOR

27. Acceptance of the Quarterly Investment Report for the period of July 1, 2015 to September 30, 2015.

APPROVED AS RECOMMENDED AYES: ALL

DEPT. OF ADMINISTRATIVE SERVICES

28. Contract with Sirius Computer Solutions for Mainframe Computer System Maintenance.

AUTHORIZED CONTRACT NO. 2015220 AS RECOMMENDED AYES: ALL

COMMUNITY AND ECONOMIC DEVELOPMENT

29. Contract with the Joint Exercise of Powers creating the San Joaquin Valley Water Infrastructure Authority, including Merced County as a member jurisdiction, and authorize the Chairman to sign said Agreement.

AUTHORIZED CONTRACT NO. 2015222 AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 8 AND 9

PROBATION

30. Request that the Board affirm the September 16, 2014 action wherein interest was formally given for current and future years to accept funding from the Board of State and Community Corrections in order to develop a competitive grant program intended to fund community recidivism and crime reduction services in collaboration with the County's Community Corrections Partnership.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

31. Request the Board to select the California State Association of Counties (CSAC) Board of Directors Member and Alternate Representative for Merced County for the 2015-2016 Association year beginning December 1, 2015.

APPROVED AS RECOMMENDED AYES: ALL
REVIEW BOARD ORDER – SEE PAGE 9

BOARD APPOINTMENTS

32. Appoint Michele Aguilar to serve as a member of the Winton Municipal Advisory Council, until March 31, 2016 and reappoint Shiella Shamblyn to serve until March 31, 2019.

APPROVED AS RECOMMENDED AYES: ALL

33. Appoint Paula Mason as a member of the Behavioral Health Board, representing District One until June 30, 2018.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

34. Public Works re: Contract No. 2015103 awarded to Vanguard Construction, Livermore, CA in the amount of \$1,032,222, for the Pedestrian Sidewalk Infill Projects in Planada and South Dos Palos areas.

CONTRACT NO. 2015103

35. Health re: Year 2 funding for Lifetime of Wellness Program: Communities in Action is for the amount of \$429,477 for the period of 10/1/15-9/30/16.

36. State Water Resources Control Board re: Notice of Petition for Change of Specific Water Right Permits for the State Water Project and Central Valley Project filed by the Calif. Dept. of Water Resources and the United States Bureau of Reclamation for the California Waterfix Project and Notice of Public Hearing and Pre-Hearing Conference to consider the above petition.

37. Fish & Game Commission re: Notice of Availability of Negative Declaration for Proposed Amendments to freshwater sport fishing regulations, Title 14, California Code of Regulations.

**THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF KATHY CARLOS AND
BRUCE BARNES AND ADJOURNED THE MEETING UNTIL TUESDAY, DECEMBER 8,
2015, AT 10:00 A.M.**

BOARD ORDERS – SUMMARY ACTION MINUTES – NOVEMBER 17, 2015

10:00 A.M. SCHEDULED ITEM **2015-11-17 PUBLIC OPPORTUNITY**

James Hodges states concerns with Covered California (Obamacare) and insurance for his wife.

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

10:00 A.M. SCHEDULED ITEM **2015-11-17 EXECUTIVE OFFICE – PUBLIC HEARING**

The time and date previously scheduled for a public hearing to consider Proposed Energy and Water Conservation Retrofit Contract with OpTerra Energy Services for eighteen (18) Merced County facilities.

Assistant County Executive Officer Scott DeMoss reviews the staff report.

County Executive Officer James Brown reiterates today's action is not approving projects at this time just an assessment. County will have input on any contracts involved at a later date.

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

James Hodges speaks on water meters on residential homes.

The Chairman closes the public hearing.

Supervisor O'Banion comments on projects to be discussed with OpTerra such as Courthouse project in Los Banos and Sandy Mush project. Supervisor O'Banion also states he appreciates keeping contracted companies local when possible.

Upon motion of Supervisor Kelsey, seconded by Supervisor O'Banion, duly carried, the Board determines that it is in the County's best interest to enter into a contract with OpTerra Energy Services for program development assessment within Merced County; and approves and authorizes the Chairman to execute the agreement with OpTerra Energy Services for program development assessment within Merced County for an amount not to exceed \$60,000 effective November 17, 2015 through November 16, 2016.

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

ACTION ITEM #29 **2015-11-17 COMMUNITY AND ECONOMIC DEVELOPMENT**

The clerk announces a contract with the Joint Exercise of Powers creating the San Joaquin Valley Water Infrastructure Authority, including Merced County as a member jurisdiction, is before the Board for consideration.

The Clerk also states there is an addendum agenda to Item #29 due to Recommendation #2 of the Board Agenda Item being omitted from the agenda language, and the Action for Recommendation #2 will be listed on the separate Addendum Agenda as Item 29a.

County Executive Officer James Brown reviews the staff report and clarifies the compensation of the Board of Directors of the San Joaquin Valley Water Infrastructure Authority Governing Board.

Supervisor O'Banion states it has been a long process and thanks staff for their work.

Supervisor McDaniel recommends Supervisor O'Banion be the Primary member of the Board.

Supervisor Walsh comments on the initial cost of \$50,000 being high but can evaluate at a later date to see where we are at. Supervisor Walsh also suggests Supervisor Pedrozo be the alternate member.

Upon motion of Supervisor O'Banion seconded by Supervisor Kelsey, duly carried, the Board approves Contract No. 2015222 Joint Exercise of Powers agreement creating the San Joaquin Valley Water Infrastructure Authority, thus including Merced County as a member jurisdiction.

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

ACTION ITEM #31

2015-11-17 EXECUTIVE OFFICE

The Clerk announces selection of the California State Association of Counties (CSAC) Board of Directors Member and Alternate Representative for Merced County for the 2015-2016 Association year beginning December 1, 2015 is before the Board for consideration.

County Executive Officer James Brown reviews the staff report.

Supervisor O'Banion suggests the current CSAC representatives continue to serve.

Upon motion of Supervisor O'Banion seconded by Supervisor Kelsey, duly carried, the Board appoints Supervisor Walsh to serve as Primary Member of the CSAC Board of Directors and Supervisor Pedrozo to serve as the Alternate member for the 2015-2016 Association year beginning December 1, 2015.

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