

# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, MAY 3, 2016

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  
CHAIRMAN 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](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: United Public Employees (UPE), Unit 3; Merced County Attorney Association (MCAA), Unit 7; 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 9:00 A.M. AND RECONVENED AT 10:00 A.M. WITH SUPERIOR KELSEY NOT PRESENT, AND THE CHAIRMAN ADVISED STAFF WAS GIVEN DIRECTION**

**GOVERNMENT CODE SECTION 54954.2 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**

**PRESENTATION:**

Public Health/Merced County Mosquito Abatement District Perspective on Zika Virus

**REVIEW BOARD ORDER – SEE PAGE 8**

**APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 19)**

**PUBLIC HEARINGS:**

**COMMUNITY AND ECONOMIC DEVELOPMENT - PUBLIC HEARING**

To consider proposed project to construct an 11,000 square foot worship hall and 12,000 square foot school multipurpose building at an existing parochial school. The property is located on the east side of Central Avenue and 800 feet north of Walnut Avenue in the Winton area and is designated Agricultural

land use in the General Plan and zoned A-1 (General Agricultural) Conditional use Permit Application No CUP07-006- The Church of God in Christ Mennonite.

**RECOMMENDATION:**

1) Open the Public Hearing and accept public comment; 2) Close the Public Hearing; 3) Adopt the Initial Study/Mitigated Negative Declaration; 4) Approve the Mitigation Monitoring and Reporting Program; 5) Approve Conditional Use Permit No. CUP07-006 located on the east side of Central Avenue and 800 feet north of Walnut Avenue in the Winton area based on the project findings and subject to the conditions of approval, and the Mitigation Measures contained in the Board Report; 6) Remove the project site from the Williamson Act Agricultural Preserve; and, 7) Approve partial cancellation of the Williamson Act Contract, and make a determination whether to waive the County's portion of the Williamson Act contract penalty fee.

**REVIEW BOARD ORDER – SEE PAGE 8 AND 9**

**REPORTS/BOARD DIRECTION**

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-19)

**APPROVED AS RECOMMENDED**

**AYES: 1, 2, 3, 5 NOT PRESENT: 4**

Public Works

1. Adopt Resolution restricting the stopping of vehicles on both the north and south side of Charleston Road in the Los Banos area from approximately 100' west of the Charleston Elementary School parking lot exit to the bridge east of the Charleston Elementary School parking lot exit; and authorize Public Works to install "No Stopping" signs to reflect the parking restriction.

**ADOPTED RESOLUTION NO. 2016-35**

2. Adopt the Resolution adjusting the mileage of maintained roads in Merced County for 2015 to be 1,754.210 miles.

**ADOPTED RESOLUTION NO. 2016-36**

Human Services Agency

3. Approve Budget Transfer in the amount of \$152,000 to purchase 5 midsize vehicles, file storage system and badge printer system.
4. Approve Budget Transfer in the amount of \$16,582 to increase appropriations in communications, communications-IS, maintenance equipment, office expenses-general, professional & special service - contract employees, advertising, transportation and travel-county vehicle, and utilities. (4/5 Vote Required)
5. Approve and authorize the Chairman to sign Amendment Contract No. 2010135 with Aspiranet for SB163 Wraparound Services by permitting a 60 day extension to the current contract.
6. Approve and authorize the Chairman to sign Renewal Contract No. 2013064 with Merced County Office of Education for two child development specialists.
7. Approve and authorize the Chairman to sign Renewal Contract No. 2009186 with Alliance for Community Transformations to provide domestic violence shelter services.

### Community and Economic Dev.

8. Set a public hearing for May 24, 2016 at 10:00 a.m., to consider amendment of the agricultural preserve with reference to three parcels, resulting from two Property Line Adjustments, located at 1) north side of Stretch Road, 1,035 feet east of Piedmont Dr. in the Merced area; 2) north side of Youd Road, 1.25 miles west of Highway 59 in the Winton area, as per the requirements of the Land Conservation Act of 1965 (Williamson Act) Section 51200 et seq. of the California Government Code.
9. Set a public hearing for May 24, 2016 at 10:00 a.m. to receive public testimony, consider the Planning Commission's recommendations, make environmental and project determinations and actions on the Green Light Energy Conditional Use Permit Application No. CUP14-012 for a 3.0 MW photovoltaic (solar) energy generation facility, and remove the project site from the Agricultural Preserve.

### Fire

10. Continue the proclamation of the existence of a local emergency due to drought.
11. Authorize Proclamation recognizing the week of May 1-7, 2016 as Wildfire Awareness Week in Merced County.

### Sheriff

12. Approve and authorize the Chairman to sign Interdepartmental Renewal Contract No. 200198 with Mental Health for client meal food services to the Marie Green Psychiatric Center for FY 2016/2017.

### Executive Office

13. Act on Claim for Damages received from Xavier Flores and Application for leave to present a Late Claim from Robert Ornelas as recommended by Risk Management and County Counsel.

### Board Recognition

14. Authorize Certificate of Recognition to Lou Souza for being selected by the California State Athletic Directors Association for the Norm McKenzie Award.
15. Authorize Certificate of Recognition to Golden Valley Health Centers in Celebration of updated look, new logo and more locations.
16. Authorize Certificate of Recognition to Paula Chladek for serving as Volunteer President for Memorial Hospital.
17. Authorize Certificate of Recognition for Open House and Ribbon Cutting Ceremony to Anberry Transitional Care.
18. Authorize Certificates of Recognition to Angel Luis Ayala, Bryan Keith Brewer, Virginia Lynn Compton and Pedro Luis Morales for graduating from Merced County Superior Court Drug Treatment Court.
19. Authorize Certificates of Recognition to various individuals in honor of attaining 85 years of age and 50 years of residency in the County of Merced.

## REGULAR CALENDAR

### BOARD ACTION

#### PUBLIC WORKS

20. Authorize CURV Entertainment to have exclusive use of Hagaman Park on Sunday June 5, 2016 for their Celebration of Art and Music Festival; waive the County's vehicle entrance fee; authorize CURV Entertainment to charge a \$15.00 entrance fee; and authorize vendors to sell products during the event.  
**APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

#### HEALTH

21. Adopt Emergency Medical Services System Enhancement Fund Policy #132 to establish a policy for the use of Merced County Emergency Medical Services (EMS) System Enhancement Funds.  
**APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**
22. Contract with Alliance for Community Research and Development for nutrition education and obesity prevention services.  
**AUTHORIZED CONTRACT NO. 2016085 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**
23. Contract with Resource Development Associates to assist with planning, facilitation and community engagement processes related to the development of a community health improvement plan for the Partnerships to Improve Community Health Grant.  
**AUTHORIZED CONTRACT NO. 2016086 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

#### MENTAL HEALTH

24. Contract with Fresno County Dept. of Behavioral Health for the provision of inpatient services at the Marie Green Psychiatric Health Facility.  
**AUTHORIZED CONTRACT NO. 2016087 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**
25. Contract with Healthy House within a Match Coalition for interpreter services.  
**AUTHORIZED CONTRACT NO. 2016088 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**
26. Authorize the Mental Health Director to sign Contract with California Mental Health Services Authority (CalMHSA) for the Central Valley Suicide Prevention Hotline.  
**AUTHORIZED CONTRACT NO. 2016089 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

#### HUMAN SERVICES AGENCY

27. Authorize acceptance of a Community Foundation of Merced County grant award in the amount of \$2,000 to support Hmong Women's Conference on September 17, 2016.  
**APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

COMMUNITY AND ECONOMIC DEV.

28. Approve the grant of easement to Merced Irrigation District (MID) and authorize the Chairman to execute all necessary documents associated with APN 052-270-036 and APN 052-180-020.

**APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

DEPT. OF ADMINISTRATIVE SERVICES

29. Declare passenger cars, light duty trucks, heavy equipment, 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: 1, 2, 3, 5 NOT PRESENT: 4**

DISTRICT ATTORNEY

30. Approve the District Attorney's participation in the County Victim Services (XC) Program; authorize the District Attorney to submit the grant application for FY 2016/2017 through FY 2017/2018 for \$467,101; authorize the District Attorney to sign the Grant Award Agreement; authorize the Chairman to sign the Certificate of Compliance; and adopt the resolution.

**AUTHORIZED CONTRACT NO. 2016090 AND ADOPTED RESOLUTION NO. 2016-37 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

EXECUTIVE OFFICE

31. Contract with Pegasus Risk Management to provide workers' compensation claims administrative services with the option to extend the contract for two (2) additional one (1) year periods; and direct Risk Management to return to the Board for approval if the option to renew the contract is indicated.

**AUTHORIZED CONTRACT NO. 2016091 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

32. Contract with Raymond James, Inc. to act as placement agent for the lease backed debt financing of the Mental Health Remodel of the old hospital.

**AUTHORIZED CONTRACT NO. 2016092 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

33. Provide information to the Board and possible direction on Public Safety priorities.

**APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**  
**REVIEW BOARD ORDER – SEE PAGE 9 AND 10**

BOARD APPOINTMENTS

34. Reappoint Elida Angel to serve as a member of the Planada Recreation Committee, until July 12, 2019.

**APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4**

BOARD INFORMATION & POSSIBLE ACTION

**ACCEPTED AND PLACED ON FILE**

**AYES: 1, 2, 3, 5 NOT PRESENT: 4**

35. Fish and Game Commission re: Notice of Proposed Changes in Regulations relating to California Spiny Lobster Fishery Management Plan.
36. Merced County Mosquito Abatement District re: Manager's Report March 2016.

**THE BOARD ADOPTED RESOLUTION IN MEMORY OF JOHN SALLES ADJOURNED  
THE MEETING UNTIL TUESDAY, MAY 24, 2016 AT 10:00 A.M.**

**BOARD ORDERS – SUMMARY ACTION MINUTES – MAY 3, 2016**

**10:00 A.M. SCHEDULED ITEM**  
**2016-05-03 PUBLIC OPPORTUNITY**

Isai Palma of Prevention Action Team speaks on the lack of healthcare for undocumented individuals and would like the Board to hold a Study Session to include the Ag. Department, Hospital and any others involved in health care for undocumented individuals.

Crystal Mendez, IHSS stated minimum wage increase is not a raise.

Director of Human Services Agency Scott Pettygrove states the current Veterans Services Officer John Ceccoli will be leaving for deployment and Kimberly Sanchez as the Interim Veterans Services Officer until he returns.

Present: Walsh, Pedrozo, McDaniel, O'Banion

Not Present: Kelsey

**10:00 A.M. SCHEDULED ITEM**  
**2016-05-03 PRESENTATION**

Allan Inman, Merced County Mosquito Abatement District reviews powerpoint on Zika Virus Update.

Public Health Director Kathleen Grassi reviews powerpoint on Zika Virus Disease.

The Board has discussion on what can be done to prevent the spread.

Present: Walsh, Pedrozo, McDaniel, O'Banion

Not present: Kelsey

**10:00 A.M. SCHEDULED ITEM**  
**2016-05-03 COMMUNITY AND ECONOMIC DEVELOPMENT – PUBLIC HEARING**

The time and date previously scheduled for a public hearing to consider proposed project to construct an 11,000 square foot worship hall and 12,000 square foot school multipurpose building at an existing parochial school. The property is located on the east side of Central Avenue and 800 feet north of Walnut Avenue in the Winton area and is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural) Conditional use Permit Application No CUP07-006- The Church of God in Christ Mennonite.

Community and Economic Director Mark Hendrickson reviews the staff report.

Deputy Director Oksana Newman reviews powerpoint presentation.

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



Dwaine Andrews of Golden Valley Engineering asks the Board to approve the project.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board adopts the Initial Study/Mitigated Negative Declaration and approves the Mitigation Monitoring and Reporting Program.

Ayes: Walsh, Pedrozo, McDaniel, O'Banion

Not Present: Kelsey

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board approves Conditional Use Permit No. CUP07-006 located on the east side of Central Avenue and 800 feet north of Walnut Avenue in the Winton area based on the project findings and subject to the conditions of approval, and the Mitigation Measures contained in the Board Report; and removed the project site from the Williams Act Agricultural Preserve.

Ayes: Walsh, Pedrozo, McDaniel, O'Banion

Not Present: Kelsey

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, the Board approves partial cancellation of the Williamson Act Contract and approves Option 1 approving the waiver of the County's portion of the 25% penalty based on the two Williamson Act Penalty Waiver Findings, waiving the 12.5% penalty fee in the amount of \$11,250, with the understanding the applicant will apply to the state for a refund of fees, and approves Option A denying the 12.5% County cancellation fee may be made in installments over the remaining life of the contract. Supervisor Walsh states he does not agree to Option A.

Ayes: Walsh, Pedrozo, McDaniel, O'Banion

Noes: Walsh to Option A only

Not present: Kelsey

### **ACTION ITEM #33**

#### **2016-05-03 EXECUTIVE OFFICE**

The Chairman announces Public Safety priorities information and possible direction is before the Board for consideration.

Assistant County Executive Officer Scott De Moss gives a powerpoint presentation on Public Safety Investment covering; Positions by Delivery Services, Positions by Delivery Services – Public Safety, Requested v. Approved Positions, Other Public Safety Investments and Budget Priorities to Consider.

Sheriff Vern Warnke gives background on past positions filled, loss of full time deputies due to low wages, AB109 impacts on staff, capital improvements and high crime in Merced County. Sheriff Warnke also shows a brief video on the dangers law enforcement face.

District Attorney Larry Morse comments on the need for more experienced Deputy District Attorney's and other staff due to the large caseload because of high crime in Merced County.

The Board has lengthy discussion on staffing issues, loss of staff due to low wages, gang task force, Safety Committee and what can be done to fix the issues.

Ruben Fuentes questions if there is a gang task force committee, if members of the public can attend, when does the Safety Committee meet, and who are the members.

Chairman Walsh suggests there is a Gang Task Force Committee.

Sheriff Warnke clarifies who the members are and states the meetings are not open to the public due to the sensitive and confidential nature of the discussions; however the public can submit in information to the Committee.

Mr. Fuentes states they need to have a Committee that the public can be involved in to discuss the demographics of the county. Mr. Fuentes also states he would like to be a member of such committee.

Chairman Walsh suggest to sending any comments to the Committee.

Jack Mobley Merced County business owner, states he has had multiple workers compensation fraud cases he has directed to the District Attorney's office to investigate, but due to their backlog he has not been able to get any help, which has cost his business and himself thousands of dollars.

Isai Palma of Prevention Action Team states he agrees with the comments made by Mr. Fuentes and agrees they need a resident committee to meet with the Gang Task Force Committee.

Mr. Morse states the Committee meets about every two months to go over sensitive information but agrees with the points made and maybe should have a public safety summit to go over ways to keep kids out of gangs.

Mary Miller retired UC Merced states they need to invest in safety which will help the County economy. Ms. Miller states they had trouble hiring staff at the UC because no one wants to live in Merced because of the crime rate. Most staff members at the UC work there but live out of town due to safety concerns and they don't spend money in Merced County.

Chairman Walsh states he is looking forward to discussions.

Present: Walsh, Pedrozo, McDaniel, O'Banion

Not Present: Kelsey