

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, JUNE 28, 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

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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INQUIRE WITHIN THE BOARD OF SUPERVISORS OFFICE

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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

**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

**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 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 11

APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 56)

1:30 P.M. FY 2016-2017 PROPOSED BUDGET (SEE SEPARATE AGENDA)

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-56)

**APPROVED AS RECOMMENDED EXCEPT ITEM 41 HEARD SEPARATELY AYES: ALL
(EXCEPT ITEM 41)**

Public Works

1. Adopt the Resolution for the Summary Vacation of an alley located north of Dan Ward Road in the Franklin-Beachwood Community; and direct the Clerk of the Board to record the resolution.

ADOPTED RESOLUTION NO. 2016-67

2. Approve Budget Transfer in the amount of \$8,000 to use Parkland Dedication Fees for the Merced Area to replace the commercial stove/oven range in the kitchen at the Fish and Game Building at Lake Yosemite. (4/5 Vote Required)
3. Approve and authorize the Chairman to sign Amendment Contract No. 2013120 with Biggs Cardosa Associates, Inc. for Bridge Design Services.
4. Approve Change Order No. 65 Amendment Contract No. 2013020 with Granite Construction for the Atwater-Merced Expressway Project; and authorize the Director of Public Works to execute the Change Order.
5. Approve Conservation Easement Purchase Agreement Amendment to Contract No. 2015231 with the University of California, Merced to change the easement holder to Wildlife Heritage Foundation.

Ag. Commissioner

6. Approve and authorize the Chairman to sign Renewal Contract No. 2004260 with Calif. Dept. of Food and Ag. for Egg Quality Control Program inspections.
7. Approve and authorize the Chairman to sign Renewal Contract No. 2004201 with Calif. Dept. of Food and Ag. for exotic insect pest detection; and adopt the Resolution.
ADOPTED RESOLUTION NO. 2016-68

Health

8. Approve and authorize the Chairman to sign the Acceptance of Award for Amendment Contract No. 2007230 with Calif. Dept. of Public Health-Tuberculosis Control Branch to accept an additional \$4,075 in Tuberculosis Subvention grant funds.
9. Approve and authorize the Chairman to sign Amendment Contract No. 2015015 with Calif. Dept. of Public Health (State Contract No. 14-10715 A01) to shift unspent funds of \$289,769 from Year 1 to Year 2 for a revised total amount of \$719,246 in Year 2 and to amend the Scope of Work adding activities and responsible parties for the Lifetime of Wellness: Communities in Action program to prevent obesity, diabetes, and heart disease; and adopt Resolution.

ADOPTED RESOLUTION NO. 2016-69

10. Approve and authorize the Chairman to sign Amendment Contract No. 2013249 with Accela, Inc. for Envision Connect Software and Support Services.
11. Approve and authorize the Chairman to sign Renewal Contract No. 2015007 with RMC Water and Environment for consulting services.
12. Approve and authorize the Chairman to sign Renewal Contract No. 2008084 no-cost Interagency Agreement with Human Services Agency and the Probation Department for Early and Periodic Screening, Diagnosis, and Treatment (EPSDT).

Mental Health

13. Approve and authorize the Chairman to sign Interdepartmental Renewal Contract No. 2009168 with Public Health, to provide alcohol and drug HIV counseling and testing services.

14. Approve and authorize the Chairman to sign Interdepartmental Renewal Contract No. 2004230 with Probation for the services of a Deputy Probation Officer related to the Children's System of Care.

Human Services Agency

15. Approve and authorize the Chairman to sign Renewal Contract No. 2006171 with Lifeline systems Company to provide medical alert services and devices.
16. Approve and authorize the Chairman to sign Interdepartmental Renewal Contract No. 2015086 with Probation Department for Adult probation services; and approve the related budget transfer.
17. Approve and authorize the Chairman to sign Interdepartmental Renewal Contract No. 2015085 with Public Health for the provision of Clinic services to CalWorks clients; and approve the related budget transfer.
18. Approve and authorize the Chairman to sign Renewal Contract No. 2015108 with Valley Caregiver Resource Center for caregiving support networks.
19. Approve and authorize the Chairman to sign Renewal Contract No. 2013146 with Central California Legal Services Inc. for a Senior Legal Assistant Program.
20. Approve and authorize the Chairman to sign Renewal Contract No. 2013054 with Taher, Inc. for a Congregate Meals Production Program for seniors.
21. Approve and authorize the Chairman to sign Renewal Contract No. 2014142 with Taher, Inc. for a Frozen Home-Delivered Meals Delivery Program.
22. Approve and authorize the Chairman to sign Renewal Contract No. 2013128 with Merced County Rescue Mission for Congregate Site Management Services for seniors.
23. Approve and authorize the Chairman to sign Renewal Contract No. 2010175 with Transit Joint Powers Authority of Merced County for a No Cost Transportation Program for seniors.
24. Request the Board proclaim the month of June, 2016 as "Elder and Dependent Adult Abuse Awareness Month".

Community and Economic Dev.

25. Approve and authorize the Chairman to sign Amendment Contract No. 2013007 with Mike Borba for the consultant, Environmental Planning Partners, Inc., to complete Tasks 6, 7, and 8 and Direct Costs for the Environmental Impact Report for the B-6 Dairy Expansion project (CUP12-008).
26. Approve and authorize the Chairman to sign Amendment Contract No. 2013008 with Environmental Planning Partners Inc. to complete Tasks 6, 7 and 8 and Direct Costs as part of the Environmental Impact Report for the B-6 Dairy Expansion project (CUP12-008).

Child Support Services

27. Approve and authorize the Chairman to sign Renewal Contract No. 2014210 with Calserve, Inc. for service of process.

Probation

28. Approve and authorize the Chairman to sign Renewal Contract No. 2014116 with Justice Benefits, Inc. to provide Title IV-E reimbursement claiming, consulting and training services.

29. Approve and authorize the Chairman to sign Amendment Contract No. 2014075 with B.I. Incorporated dba BI Correctional Services, Inc. to provide additional group services.
30. Approve and authorize the Chairman to sign Amendment Contract No. 2013153 with B.I. Incorporated dba BI Correctional Services, Inc. to provide additional program slots in both the Merced and Los Banos Day Reporting Centers.

District Attorney

31. Approve the District Attorney's participation in the Victim Witness Assistance Program; authorize the District Attorney to apply for continued grant funding for FY 16/17 in the amount of \$297,145; authorize the District Attorney to sign the Grant Award Face Sheet; authorize the Chairman to sign the Certifications of Assurance of Compliance; and adopt the resolution.

ADOPTED RESOLUTION NO. 2016-70

32. Approve the District Attorney's participation in the Criminal Restitution Program; authorize the District Attorney to submit a contract for funding for FY 16/17 in the amount of \$76,586; authorize the District Attorney to sign the Standard Agreement; authorize the Chairman to sign the Contractor Certification Clause Form; and adopt the resolution.

ADOPTED RESOLUTION NO. 2016-71

Treasurer/Tax Collector

33. Grant the County Tax Collector an increase in the Tax Teller Change fund from \$700 to \$1,050.

Spring Fair

34. Approve Budget Transfer in the amount of \$117,000 for additional appropriation in payroll accounts to offset the increased demand in staff time to accommodate annual Spring Fair.

Human Resources

35. Approve and authorize the Chairman to sign Renewal Contract No. 2007154 with Dr. Jocelyn E. Roland Ph.D., ABPP for pre-employment/fitness for duty examinations.
36. Approve and authorize the Chairman to sign Renewal Contract No. 2004311 with Liebert Cassidy Whitmore for Legal/Labor Relations Services.
37. Approve and authorize the Chairman to sign Renewal Contract No. 2015089 with Professional Health Services, Inc. for comprehensive occupational health examinations.

Executive Office

38. Act on Claims for Damages received from Balbir Kaur Dhimi, Rosa Montes, Lo Saeteurn, and Kurtis McWilliams as recommended by Risk Management and County Counsel.
39. Approve and authorize the Chairman to sign Amendment No. 1 with Weakley & Arendt, LLP for professional legal services.
40. Approve and authorize the Chairman to sign Amendment Contract No. 2015181 with Kroloff, Belcher, Smart, Perry & Christopherson for professional legal services.
41. Approve and authorize the Chairman to sign Amendment Contract No. 2003093 with Merced Defense Associates for Indigent Defense Services for an additional three years.

REVIEW BOARD ORDER – SEE PAGE 11 AND 12

Board of Supervisors

42. Approve Minutes for April 12, 2016, April 12, 2016-IHSS, April 26, 2016, May 3, 2016, May 24, 2016, May 24, 2016-IHSS and June 7, 2016.

Board Recognition

43. Authorize Certificates of Recognition to various individuals for being selected as recipients of the Central Valley Opportunity Center 2016 Scholarship Award.
44. Authorize Certificate of Recognition to Atwater High School for Gymnasium Groundbreaking.
45. Authorize Certificate of Recognition to Merced High School for Gymnasium Groundbreaking.
46. Authorize Certificates of Recognition to the following individuals for being selected as Love Plus 2016 Spring Graduates; Mitchell Beachboard, Kathy Brown, Leona Chaapel, Heather Cole Crews, Cassandra Guillory, Rachel Harris, Jose McDaniel, Josie G. Moreno, Ronnie Perez, Leslie Sparks, Leona L. Welker, and Rebecca Luna.
47. Authorize Certificate of Recognition to Curtis Willems for dedicated service to the Merced County Mental Health Department.
48. Authorize Certificate of Recognition to Also Sansoni for 43 Years of Service to the San Luis Canal Company Board of Directors.
49. Authorize Certificate of Recognition to Marilyn Ann Scorby for Retirement from Merced College Child Development Center.
50. Authorize Certificate of Recognition to Bob and Libbi Enochs for being chosen as Grand Marshalls for Le Grand Community Day Parade.
51. Authorize Certificates of Recognition to Third Graduating Class of Valley Build, a Multi-Craft training Program as follows; Christian Alvarez, Jose Arocha, Juan Comparan, Damaris Diaz, Ervin Lee, Jesse G. Luna, Jose Martinez, Jacob Meyer, Brian Paise, Raul Ramos, Gregory Running Elk, Ka Y. Thao, Fernando Vargas and Tristan M. Wood.
52. Authorize Certificate of Recognition to Zachary D. Hunsuck on achieving the Boy Scouts of America Rank of Eagle Scout.
53. Authorize Certificate of Recognition to UC Merced Downtown Campus Center for Groundbreaking and Block Party.
54. Authorize Certificate of Recognition to Madilyn "Bubba" Nickles for being selected as Gatorade California Player of the Year.
55. Authorize Certificate of Recognition to Stevinson Pentecost Association in support of the 2016 Annual Religious Parade.
56. Proclaim the Month of June 2016 as Alzheimer's & Brain Awareness Month in the County of Merced.

REGULAR CALENDAR

BOARD ACTION

HEALTH

57. Approve Termination of Contract No. 2016021 with the Merced County Office of Education pursuant to clause number nine and provisions of the agreement effective May 16, 2016.

APPROVED AS RECOMMENDED AYES: ALL

MENTAL HEALTH

58. Memorandum of Understanding with Merced County Mobile Crisis Team, comprised of the Dept. of Mental Health, Merced City Policy Dept. and Merced County Sheriff Dept, for the purpose of expanding Crisis Support Services within the community.

AUTHORIZED CONTRACT NO. 2016149 AS RECOMMENDED AYES: ALL

59. Contract with Dept. of Health Care Services for the zero dollar Performance Contract; and adopt the resolution.

AUTHORIZED CONTRACT NO. 2016150 AND ADOPTED RESOLUTION NO. 2016-72 AS RECOMMENDED AYES: ALL

60. Establish the classification of Supervising Deputy Public Admin/Guard/Conserv, classification 7870 at salary range 69.8 in Budget Unit 41535; authorize the addition of (1) full-time Mental Health Clinician I/II, classification 5731/5732, salary range 71.9/73.9 to Budget Unit 41501; and approve the amendments to the Salary Allocation Resolution 06-120 and the Position Allocation Resolution 06-120/A.

ADOPTED RESOLUTION NOS. 2016-73-SALARY AND 2016-74-POSTION AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

61. Authorize the Director of Human Services Agency to sign and submit a grant application to the Medi-Cal Capacity Grant Program offered by the Central California Alliance for Health to support regional Falls Prevention training; and return to the Board if awarded.

APPROVED AS RECOMMENDED AYES: ALL

62. Approve Interdepartmental Agreement with Mental Health to provide Child Abuse Treatment program (CHAT XT) counseling services.

AUTHORIZED CONTRACT NO. 2016151 AS RECOMMENDED AYES: ALL

63. Approve Interdepartmental Agreement with Public Health for the services of a Public Health Nurse.

AUTHORIZED CONTRACT NO. 2016152 AS RECOMMENDED AYES: ALL

COMMUNITY AND ECONOMIC DEV.

64. Approve the sale of Building 785 and 1.06 acres of land to Chris Vierra and Shane Parson for \$35,000; and authorize the Chairman to execute all necessary documents to effectuate the sale and transfer of Building 785 and 1.06 acres of land within Castle Commerce Center.

AUTHORIZED CONTRACT NO. 2016146 AS RECOMMENDED AYES: ALL

65. Approve the sale of Building 1333 and 1.64 acres of land to Chris Vierra and Shane Parson for \$130,000 and authorize the Chairman to execute all necessary documents to effectuate

the sale and transfer of Building 1333 and 1.64 acres of land within Castle Commerce Center.

AUTHORIZED CONTRACT NO. 2016147 AS RECOMMENDED AYES: ALL

66. Contract with RMC Water and Environment for consulting services.

AUTHORIZED CONTRACT NO. 2016153 AS RECOMMENDED AYES: ALL

67. Contract with Gallo Winery for the consultant, ICF International, to prepare an Environmental Review for the Gallo Winery 5-Year Expansion project (MM16-008).

AUTHORIZED CONTRACT NO. 2016154 AS RECOMMENDED AYES: ALL

68. Contract with ICF International to prepare an Environmental Review for the Gallo Winery 5-year Expansion project (MM16-008).

AUTHORIZED CONTRACT NO. 2016155 AS RECOMMENDED AYES: ALL

WORKFORCE INVESTMENT

69. Approve the Memorandum of Understanding with Workforce Investment to provide Workforce Innovation and Opportunity Act Title I Adult, Dislocated Worker, and oversee the delivery of Youth employment related services in Merced County.

AUTHORIZED CONTRACT NO. 2016145 AS RECOMMENDED AYES: ALL

DEPT. ADMINISTRATIVE SERVICES

70. Approve donation of a Ford F150 XLT Pickup, Vehicle No. 59102, County Property No. 55939, to Lifeline Community Development for use in support of their programs, as authorized by Government Code Section 25372.

APPROVED AS RECOMMENDED AYES: ALL

SHERIFF

71. Authorize the Sheriff (or his designee) to electronically sign and submit the application and associated documentation for the 2016 Byrne Justice Assistance Grant through the Federal Grant Management System (GMS); and return to the Board if awarded.

APPROVED AS RECOMMENDED AYES: ALL

72. Authorize Administrative Services-Purchasing, in conjunction with the Sheriff's Office, to initiate the Request for Proposal (RFP) process for Prison Rape Elimination Act audit services to audit the adult correctional facilities in Merced County, in compliance with 28C.F.R. Part 115; and return to the Board with any recommended action.

APPROVED AS RECOMMENDED AYES: ALL

CHILD SUPPORT SERVICES

73. Ratify and authorize the Director of Child Support Services to sign the executed Plan of Cooperation (POC) with Superior Court of California, County of Merced for the term of January 1, 2016 to June 30, 2017.

AUTHORIZED CONTRACT NO. 2016156 AS RECOMMENDED AYES: ALL

ELECTIONS

74. PULLED

BOARD OF SUPERVISORS

75. Authorize \$1,900 of District Two's Special Board Project Funds to be forwarded to the Lifeline CDC of Merced to support the Meadows Apartment Youth Outreach program.
APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOES: 3
76. Authorize \$2,021.97 each of District Two and District Three's Special Board Project Funds to be utilized to pay for security at the Peacemakers, Peacekeepers, Protectors Recognition Day that was held on May 14th, 2016 at Castle Airport.
77. Authorize \$5,000 of District Two's Special Board Project Funds to be forwarded to Playhouse Merced for sound equipment.
APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOES: 3
78. Authorize \$1,500 of District One's Special Board Project Funds to be forwarded to the Livingston 4th of July Committee to support their annual 4th of July Festival and Fireworks Show.
APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOES: 3
79. Approve a loan increase of \$20,000 to the existing line of credit of \$30,000 which will result in authority not to exceed \$50,000 in total, from the Special District Augmentation Loan Fund bearing an interest rate equal to the Treasury Rate, to the East Merced Resource Conservation District (EMRCD) to be used for payments related to the Proposition 84 funded Merced Integrated Regional Water Management Plan Round 2 Implementation Grant.
APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

80. Appoint Tyler Bauer to serve as a member of the Snelling Cemetery District, until July 1, 2018.
APPROVED AS RECOMMENDED AYES: ALL
81. Appoint Virginia Bright, Aaron Johnson, and Nicholas Marchini to serve as members of the Plainsburg Irrigation District until December 5, 2017.
APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

82. Public Works re: Contract No. 2015213 awarded to T & S West, Linden, CA in the amount Not-To-Exceed \$1,000,000 for Building Construction Remodeling, Repairs, and Maintenance Services.
CONTRACT NO. 2015213
83. Fish and Game Commission re: Notice of Final Consideration of Petition, continued hearing on potential listing of northern spotted owl as a threatened or endangered species.
84. Fish and Game Commission re: Notice of Receipt of Petition to list coast yellow leptosiphon as endangered under the California Endangered Species Act.
85. Fish and Game Commission re: Notice of Proposed Regulatory Action to add Section 782.1, Title 14, California Code of Regulations, to establish the Fish and Game Commission's conflict of interest code, which was published in the California Regulatory Notice Register on June 10, 2016.

86. Office of the Governor re: Proclamation calling the Statewide General Election on Tuesday, November 8, 2016.

THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF RITA TOSCANO, VI PAFFORD, JEANNE SALVADORI, GARY SOUZ, AND JENNIFER DIBBLEE, AND ADJOURNED THE MEETING UNTIL TUESDAY, JULY 12, 2016 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – JUNE 28, 2016

10:00 A.M. SCHEDULED ITEM **2016-06-28 PUBLIC OPPORTUNITY**

Florence Crosen In Home Supportive Services worker who cares for her mother, comments on insufficient pay and benefits for caring for family members at home.

Susan Saldana, In Home Supportive Services worker who cares for her son, states taking care of family is hard work and minimum wage is not enough.

Lynn Scoggins, In Home Supportive Services worker who cares of his disabled daughter, comments on the low wages.

Robin Shepard, Public Information Officer Merced College comments on the contract with the Sheriff's Department for police management at the campus. He also states the proposed contract would eliminate college control of officers and submits document of comments read into the record.

James Hodges, Merced resident, comments on Covered California State recovery program and reads letter he received from Congressman Costa.
Present: Walsh, Pedrozo, McDaniel, Kelsey, O'Banion

CONSENT ITEMS # 41 **2016-06-28 EXECUTIVE OFFICE**

The Clerk announces Amendment Contract No. 2003093 with Merced Defense Associates for Indigent Defense Services for an additional three years is before the Board for consideration.

Supervisor O'Banion states the Board took action in 2015 to go out for an Request for Proposal (RFP) to see if there was anyone else interested in the Indigent Defense contract but was never followed through and today's action is to extend current contract for three more years. Supervisor O'Banion states he will not support additional three years, but he will support 1 year with direction to staff to go out for an RFP to see if there is anyone interested.

Assistant County Executive Officer Scott DeMoss states in 2015, when drafting the RFP, staff reached out to other counties. He further states that Indigent Defense services only have minimal knowledgeable staff in this area and other counties have also had a difficult time finding these services.

County Executive Officer Jim Brown states the Board did authorize an RFP but there was a challenge in finding attorneys, and the costs were significantly greater than the contract before the Board today. Mr. Brown also states that the current provider has stated they were not interested in a one year contract.

Following further discussion on the term of the contract, Supervisor O'Banion moves, seconded by Supervisor McDaniel, to change the contract term to one year and to go out for Request for Proposal to see if there are any other interested contractors.

Chairman Walsh states the courts prefer continuity and the current contract ends this Thursday. Supervisor Walsh also states he will vote "No" on the current motion.

Supervisor O'Banion states he is not saying to do away with the current contract he would like to see an RFP go out.

James Hodges, Merced resident comments on indigent defense care.

Following discussion, the Chairman calls for a Vote on the Motion.

Motion carries.

Ayes: Pedrozo, McDaniel, O'Banion

Noes: Walsh, Kelsey