

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, SEPTEMBER 13, 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

HEARING ASSISTANCE DEVICES ARE AVAILABLE FOR PUBLIC USE
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:

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; Agency Negotiator: Marci Barrera

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): Ramos, et al. v. County of Merced, et al., Merced Superior Court Case No. CVM019639

THE BOARD RECESSED AT 9:00 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT, AND THE CHAIRMAN ADVISED THERE ARE NO REPORTABLE ITEMS AND 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 9 & 10

APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 13)

PUBLIC HEARINGS:

COMMUNITY AND ECONOMIC DEVELOPMENT - PUBLIC HEARING - CONTINUED FROM AUGUST 30, 2016

To consider Amendment of the Agricultural Preserve as per the California Land Conservation Act of 1965 (Williamson Act) in Merced County and approval of Minor Subdivision Application No. MS16-009

RECOMMENDATION:

1) Open continued Public Hearing and receive testimony; 2) Close the Public Hearing; 3) Make the Motion: The Board of Supervisors finds the removal of the land from the Agricultural Preserve and Minor Subdivision pertaining to: MS16-009 located on the northwest corner of Pepper Street and Linwood Road, in the Turlock area, does not require subsequent environmental review in compliance with Section 15162 "Subsequent EIRs and Negative Declarations" of the CEQA Guidelines based upon the analysis in the 2030 Merced County General Plan Program Environmental Impact Report; and, 4) Adopt the Resolution to amend the Agricultural Preserve as per the requirements of the Land Conservation Act of 1965 (Williamson Act) Section 51200 et seq. of the California Government Code; and, 5) Approve Minor Subdivision No. MS16-009 based on the 10 project findings and subject to the 6 recommended conditions of approval on the staff report.

ADOPTED RESOLUTION NO. 2016-100
REVIEW BOARD ORDER – SEE PAGE 10 & 11

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-13)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Set a Public Hearing for October 18, 2016 at 10:00 a.m. to consider adoption of a Resolution adjusting fees for the Hilmar Bridge & Major Thoroughfare Area of Benefit.

Health

2. Approve and authorize the Chairman to sign Amendment Contract No. 2016100 with the Sarah Samuels Center for Public Health Research & Evaluation to provide evaluation support services for the Supplemental Nutrition Assistance Program Education grant.
3. Approve and authorize the Chairman to sign Amendment Contract No. 2016063 with United Way of Merced County for nutrition education and obesity prevention services.
4. Approve and authorize the Chairman to sign Amendment Contract No. 2015186 with Blue Shield of California Foundation to support established community collaborations seeking to improve integration of primary care and behavioral health care in Merced County.
5. Approve and authorize the Chairman to sign Amendment Contract No. 2015187 with Desert Vista Consulting to provide consulting services for activities related to the Blue Shield Whole Health Integration Grant.

Human Services Agency

6. Approve and authorize Renewal Contract No. 2016024 and form CDA1024 with California Department of Aging for Supplemental Nutrition Assistance Program Education Services; and adopt resolution.

ADOPTED RESOLUTION NO. 2016-101

Probation

- 7. Approve and authorize the Chairman to sign Renewal Contract No. 2013131 with Sacred Rok to provide two (2), four (4) day camping trips for minors in the Bear Creek Academy.
- 8. PULLED

Fire

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

Board Recognition

- 10. Authorize Certificate of Recognition to Bob Enochs' Gymnasium for Grand Reopening.
- 11. Authorize Certificates of Recognition to various individuals for being members of the Fourth Graduating Class from Valley Build, a Multi-Craft Training Program.
- 12. Authorize Certificates of Recognition to Brandy Hernandez and Ricky Hernandez for graduation from Merced County Superior Court Drug Treatment Court.
- 13. Authorize Certificate of Recognition to Dave and Becky Jones in celebration of 50th Wedding Anniversary.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

- 14. 1) Approve the Reservation Agreement and Agreement of Sale for the sale of conservation credits for the California Tiger Salamander from the Dutchman Creek Conservation Bank for the Baxter Road @ Deadman Creek Bridge Replacement Project; 2) Authorize the Chairman to execute the Reservation Agreement after review by County Counsel; and 3) Authorize the Chairman to execute the Agreement of Sale after review by County Counsel and approval of Bank by the California Department of Fish and Wildlife.

**AUTHORIZED CONTRACT NO. 2016202 & 2016203 AS RECOMMENDED
AYES: ALL**

AG. COMMISSIONER

- 15. Contract with California Department of Pesticide Regulation for the Enforcement Evaluation Improvement Project; and adopt Resolution.

**AUTHORIZED CONTRACT NO. 2016204 AND ADOPTED RESOLUTION NO.
2016-102 AS RECOMMENDED AYES: ALL**

HEALTH

- 16. Contract with Resource Development Associates to assist with planning, facilitation and community engagement processes related to the community health improvement plan for The California Endowment Grant.

AUTHORIZED CONTRACT NO. 2016205 AS RECOMMENDED AYES: ALL

- 17. Contract with California Health Collaborative to promote smoke-free housing and to support healthy food and beverage access at after school sites for the Partnerships to Improve

Community Health Grant.

AUTHORIZED CONTRACT NO. 2016206 AS RECOMMENDED AYES: ALL

18. Contract with Golden Valley Health Centers, Inc. to support physical activity and to provide educational and training opportunities for residents on making healthy changes related to active transportation, community design and joint use for the Partnerships to Improve Community Health Grant.

AUTHORIZED CONTRACT NO. 2016207 AS RECOMMENDED AYES: ALL

19. Contract with John Snow Inc. to assist in the development of a marketing campaign and communication strategies to build brand equity for the Partnerships to Improve Community Health Grant.

AUTHORIZED CONTRACT NO. 2016208 AS RECOMMENDED AYES: ALL

20. Contract with Intrepid Ascent to facilitate the implementation of a Health Information Exchange infrastructure for the Partnerships to Improve Community Health Grant.

AUTHORIZED CONTRACT NO. 2016209 AS RECOMMENDED AYES: ALL

21. Contract with Local Government Commission to engage residents and local leaders to identify barriers to active living and to develop strategies that can support physical activity in and out of the workplace for the Partnerships to Improve Community Health Grant.

AUTHORIZED CONTRACT NO. 2016210 AS RECOMMENDED AYES: ALL

22. Contract with United Way of Merced County (2-1-1) to assist with the development of the chronic disease prevention services database for the Partnerships to Improve Community Health Grant.

AUTHORIZED CONTRACT NO. 2016211 AS RECOMMENDED AYES: ALL

23. Contract with Carol Melcher to provide technical support and services for a Baby Friendly Hospital Initiative for Mercy Medical Center and Memorial Hospital Los Banos in support of the Partnerships to Improve Community Health Grant.

AUTHORIZED CONTRACT NO. 2016212 AS RECOMMENDED AYES: ALL

24. Approve submission of an application for funding for the Accreditation Support Initiative for Local Public Health Departments to the National Association of County & City Health Officials; and return to the Board for contract approval if awarded.

APPROVED AS RECOMMENDED AYES: ALL

MENTAL HEALTH

25. Contract with San Benito County Behavioral Health Services for the provision of inpatient and outpatient services at the Marie Green Psychiatric Health Facility.

AUTHORIZED CONTRACT NO. 2016213 AS RECOMMENDED AYES: ALL

26. Contract with Shasta County for the provision of inpatient services at the Marie Green Psychiatric Health Facility.

AUTHORIZED CONTRACT NO. 2016214 AS RECOMMENDED AYES: ALL

27. Proclaim the month of September 2016 as "National Recovery Month" in Merced County.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

28. PULLED

COMMUNITY AND ECONOMIC DEVELOPMENT

29. Adopt resolution authorizing the Community and Economic Development Director to execute agreements with Caltrans for the County of Merced Walkable Winton Town Center Plan and direct CED to return to the Board with an informational item describing all actions taken.

ADOPTED RESOLUTION NO. 2016-103 AS RECOMMENDED AYES: ALL

30. Contract with Local Government Commission for preparation of the Walkable Winton Town Center Plan.

AUTHORIZED CONTRACT NO. 2016215 AS RECOMMENDED AYES: ALL

31. Determine that the affected property at Castle Commerce Center may be sold subject to Section 25536.9 of the California Government Code; 2) Direct CED Staff to post the required Notice of Sale of Real Property in compliance with section 6062(a) of the California Government Code with the Office of the County Clerk and in the newspaper; 3) Direct the Community and Economic Development Director to prepare the necessary documents for the sale and transfer of Building 1360 along with 5.07 acres of land to Mackey & Sons, Inc.; 4) Adopt Resolution; and return to the Board to consider acceptance and execution of final sale. (4/5 Vote Required)

ADOPTED RESOLUTION NO. 2016-104 AS RECOMMENDED AYES: ALL

FIRE

32. Memorandum of Understanding between Sierra Medical Services Alliance (SEMSA) and the Merced County Office of Emergency Services to allow for 41 sets of ballistic protection to be placed with emergency response vehicles.

AUTHORIZED CONTRACT NO. 2016216 AS RECOMMENDED AYES: ALL

PROBATION

33. Contract with Community Social Model Advocates, Inc. to provide residential alcohol and drug treatment and recovery services.

AUTHORIZED CONTRACT NO. 2016217 AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 11

SHERIFF

34. Contract with Delhi Unified School District for School Resource Officer.

AUTHORIZED CONTRACT NO. 2016218 AS RECOMMENDED AYES: ALL

DEPT. OF ADMINISTRATIVE SERVICES

35. PULLED

36. Declare 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: ALL

REVIEW BOARD ORDER – SEE PAGE 11

37. Contract with Delta Wireless to provide support for the County's Public Safety Radio Network.

AUTHORIZED CONTRACT NO. 2016219 AS RECOMMENDED AYES: ALL

TREASURER

38. Authorize Administrative Services, in conjunction with the Tax Collector, to prepare and release a Request for Proposal to perform Parties of Interest research on tax defaulted properties to be offered for sale at tax-auction, select the most responsive provider to perform such services, and negotiate an agreement with the provider; and return to the Board with the prepared agreement, after review by County Counsel, for final contract approval and signature.

APPROVED AS RECOMMENDED AYES: ALL

39. Accept the Quarterly Investment Report for the period of April 1, 2016 to June 30, 2016.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

40. Contract with Berry Wilkinson Law Group to provide professional legal services.

AUTHORIZED CONTRACT NO. 2016220 AS RECOMMENDED AYES: ALL

41. 1) Accept the Innovate Your State grant award in the amount of \$45,869 for the period of June 30, 2016 through June 30, 2017; and 2) Approve and authorize the Chairman to sign the agreement with OpenGov, Inc. for reporting software for the period of June 30, 2016 through June 30, 2019 for an amount not to exceed \$127,807.

AUTHORIZED CONTRACT NO. 2016221 AS RECOMMENDED AYES: ALL

SPRING FAIR

42. Approve and authorize Director of Administrative Services to sign a license agreement with Court Appointed Special Advocates for the O'Banion Auditorium at the discounted rate of \$375.

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

43. Authorize \$2,500 from District One's Special Board Project Funds to be forwarded to the Tri City Youth Football and Cheer Program to support their program in the Planada/Le Grand /Plainsburg area.

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

44. Authorize \$1,000 of District One's Special Board Project Funds to be forwarded to the Merced County Office of Education to help renovate the Nurse's Station at Camp Green Meadows in Fish Camp.

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

45. Authorize \$15,000 of District Two's Special Board Project Funds to be forwarded to the Parks and Recreation Division for the purchase of two utility vehicles; and approve related budget transfer. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

46. Authorize \$40,000 of District Two's Special Board Project Funds to be forwarded to the Registrar of Voters Department for the purchase of Passport Acceptance Software; and approve related budget transfer. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

47. Reappoint James N. Fincher as County Counsel effective September 13, 2016; approve the employment agreement with the provisions as included and authorize the Chairperson to

execute the agreement.

AUTHORIZED CONTRACT NO. 2016222 AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

48. Health re: Year 3 funding for Lifetime of Wellness Program: Communities in Action is for the amount of \$429,477 for the period of September 30, 2016 through September 29, 2017.
49. Dept. of Administrative Services re: inform the Board of the net proceeds in the amount of \$93,862.01 resulting from the sale of miscellaneous surplus property and vehicles through the internet during the period July 1, 2015 through June 30, 2016.
50. Cal OES re: on August 31, 2016, the U.S. Small Business Administration declared the primary county of Santa Clara and the contiguous counties of Alameda, Merced, San Benito, San Joaquin, San Mateo, Santa Cruz, and Stanislaus a disaster area. This declaration is a result of the economic impacts caused by the Cahalan Square Shopping Center Fire that occurred June 14-15, 2016.

THE BOARD RECESSED TO MEET AS AN IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY AND RECONVENED TO MEET AS A BOARD OF SUPERVISORS

THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF BRUCE VOGT AND JOHN AREIAS, AND ADJOURNED THE MEETING UNTIL TUESDAY, SEPTEMBER 20, 2016 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – SEPTEMBER 13, 2016

10:00 A.M. SCHEDULED ITEM

2016-09-13 PUBLIC OPPORTUNITY

Sheriff Vern Warnke provides an update on Deputy Barba who was injured last week in an incident in Delhi. He states that Deputy Barba came home from the hospital last night and is doing well. He is expected to make a full physical recovery. He thanks the Board for all the support and also for reaching out to Deputy Barba.

Karen Adams, Treasurer/Tax Collector provides an update that the Governor has reinstated the Property Tax Postponement Program. The program provides loans to assist with payment of property taxes on a homeowner's primary residence. She states she is happy that this program has been reinstated, it is beneficial to seniors in our community. She further states that a press release will be coming out soon. She submits a handout on the program for the Board.

Tim Robertson, UDW union staff expresses the union's strong support of IHSS workers. He states that raises for these workers will keep families together and it is a small investment from the County. He also states it's an investment in the people of Merced.

Crystal Mendez, IHSS provider states she provides services for a non-family member, and it is unfair that providers are not making more money. She further states that her client would have to be put in an institution if she was not there to care for him.

Susana Saldana, IHSS provider for her 29 year old son, states her son requires 24/7 care, and states that minimum wage is not enough.

Cynthia Wilson, Madera County UDW member states she has 3 IHSS clients that she cares for, and the Board's decision makes a difference to providers and clients.

Mable Pearson, Madera County UDW member states she is here to support Merced County UDW members. She states that IHSS providers do not receive disability, workers compensation, sick or vacation pay, and requests that the Board consider giving providers a pay raise and benefits.

Javier Alfonso, speaks in support of IHSS and UDW. He states his mother was a client until the end of her life, and requests the Board's support, respect for IHSS, UDW, and the community they serve.

Doris Hughes, IHSS/UDW worker states that UDW has 2,400 members and that their interest is to take care of the most vulnerable citizens in Merced County.

Ashley Zuniga with Stanislaus County UDW speaks in support of Merced UDW members. She states it took 2 years with Stanislaus County Board of Supervisors to get a wage increase. She further states they have an agreement in place for a wage increase over the next 3 years. She requests the Board to please take some of these things into consideration.

A UDW worker states she attended UC Merced and has now decided to become an IHSS worker to care for her parents instead of getting a job. She states it is hard to survive on minimum wage and requests the Board to please think about everyone.

Gloria Sandoval, President of California Journey for Justice speaks about Poverty in the Valley. She states the home health care field is the largest growing sector in American without decent pay. She further states that 90% of the workers are women, and half are people of color with no formal education. She talks about Senate Bill 1015, Home Care Workers Right to extra compensation.

Terri Walker, Stanislaus County IHSS worker states she is here to support the Merced County IHSS workers.

Lydia Rodriguez, Stanislaus County IHSS worker states she is here to support the Merced County IHSS workers and that she is very proud to provide care.

Della Perales, Stanislaus County IHSS worker states she is a provider for her Grandson who is non-verbal and that she is here to support her brothers and sisters here in Merced County.

Matthew Maldonado, UDW representative thanks all the caregivers for coming out today. He states that for every 16 cents that the county gives, the state in turn gives \$1.00. He further states these workers take care of the most vulnerable in our community and that they also save lives.

John Ballesteri reads a letter dated October 13, 2013 regarding his retirement and loyalty bonuses and states he did not receive his loyalty bonuses with his pension for 2001 and 2002.
Present: Walsh, Pedrozo, McDaniel, Kelsey, O'Banion

10:00 A.M. SCHEDULED ITEM
2016-09-13 COMMUNITY AND ECONOMIC DEVELOPMENT – CONTINUED PUBLIC HEARING

The time and date previously set for a public hearing to consider Amendment of the Agricultural Preserve as per the California Land Conservation Act of 1965 (Williamson Act) in Merced County and approval of Minor Subdivision No. MS16-009. The Clerk announces this public hearing has been continued from the August 30, 2016 Board Meeting.

Community and Economic Development Director Mark Hendrickson reviews the staff report.

The Chairman opens the continued public hearing and asks if there is anyone present wishing to speak. No one speaks. The Chairman closes the public hearing.

Upon motion of Supervisor Kelsey, seconded by Supervisor Pedrozo, duly carried, the Board finds the removal of the land from the Agricultural Preserve and Minor Subdivision pertaining to: MS16-009 located on the northwest corner of Pepper Street and Linwood Road, in the Turlock area, does not require subsequent environmental review in compliance with Section 15162 "Subsequent EIRs and Negative Declarations" of the CEQA Guidelines based upon the analysis in the 2030 Merced County General Plan Program Environmental Impact Report. Upon motion of Supervisor Kelsey, seconded by Supervisor McDaniel, duly carried, the Board Adopts Resolution No. 2016-100 to amend the Agricultural Preserve as per the requirements of the Land Conservation Act of 1965 (Williamson Act) Section 51200 et seq. of the California Government

Code; and approves Minor Subdivision No. MS16-009 based on the 10 project findings subject to the 6 recommended conditions of approval in the staff report.

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

ACTION ITEM NO. 33

2016-09-13 PROBATION

The Clerk announces the contract with Community Social Model Advocates, Inc. to provide residential alcohol and drug treatment and recovery services is before the Board for consideration and also announces that page 3 of the contract was replaced to add a \$35 charge which was referenced in the prior agreement, but without a specific dollar amount.

Upon motion of Supervisor Kelsey, seconded by Supervisor McDaniel, duly carried, the Board approves Contract No. 2016217 with Community Social Model Advocates, Inc. to provide residential alcohol and drug treatment and recovery services.

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

ACTION ITEM NO. 36

2016-09-13 DEPT. OF ADMINISTRATIVE SERVICES

The Clerk announces the item to declare 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.

Supervisor McDaniel states this is a great idea but questions if we are going to offer this to people here in the community before we put it on the internet. He states he knows there is interest out there because constituents have asked him about it.

Mark Cowart, Director of Administrative Services responds and states that we have not made provisions to do so at this time but it is definitely something we can look into doing in the future.

Upon a motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board approves declaring 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.

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