

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, OCTOBER 25, 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

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; Agency Negotiator: Marci Barrera

**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)**

APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 18)

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-18)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Adopt Resolution establishing a 25 MPH Speed Zone when children are present on River Road adjacent to Hagaman Park; and direct the Public Works Director to post signs to reflect this speed limit.

ADOPTED RESOLUTION NO. 2016-124

2. Approve and authorize the Chairman to sign Amendment Contract No. 2009179 with Golden Valley Engineering & Surveying for Civil Engineering and Surveying Services upon approval of County Counsel.

Health

3. Set the first reading for November 8, 2016 at 10:00 a.m. for a proposed ordinance entitled "Regulation of Onsite Wastewater Treatment Systems" and a second reading and possible adoption of the proposed Ordinance for December 6, 2016 at 10:00 a.m. adding Chapter 9.54 to Title 9 of the Merced County Code; and receive public comments regarding the associated draft Local Agency Management Program.

REVIEW BOARD ORDER – SEE PAGE 8

Human Services Agency

4. Approve Budget Transfer in the amount of \$460,161 for the CalWorks Housing Support Program to provide housing support services to CalWorks eligible families who are homeless. (4/5 Vote Required)

Probation

5. Approve and authorize Renewal Contract No. 2015150 with Symple Equazion 88 to provide services in conjunction with the Peaceful Warrior Project.

Sheriff

6. Approve Budget Transfer in the amount of \$65,000 to purchase digital dental X-ray equipment due to AB109 additional dental service requirements for inmates being housed longer than one year in the county jail. (4/5 Vote Required)
7. Approve Budget Transfer in the amount of \$15,000 for dental cart. (4/5 Vote Required)
8. Approve Budget Transfer in the amount of \$20,000 for additional features and equipment for the prisoner transport vehicle. (4/5 Vote Required)

Executive Office

9. Act on Claims for Damages received from Rei Anna Eaton, Geico a/s/o Nicole Manchester and Cindy Bales Engineering, Inc. as recommended by Risk Management and County Counsel.

Board Recognition

10. Authorize Certificate of Recognition to Stone Ridge Christian School for ground breaking ceremony.
11. Authorize Certificates of Recognition to various individuals for being honored at the 32nd Annual Salute to Seniors Fair.
12. Authorize Certificate of Recognition to Atwater Fruitland Church of God for 100th Anniversary and Dedication of the Anna Mello Learning Center.
13. Authorize Certificate of Recognition to Mr. and Mrs. Manuel Vieira, in celebration of 50th Wedding Anniversary.
14. Authorize Certificate of Recognition to Merced County Office of Education Early Education Facility for Ribbon Cutting.

15. Authorize Certificates of Recognition to various individuals for being selected for the 2016 Merced County Excellence in Education Awards.
16. Authorize Certificates of Recognition to Ben Esquivel for being selected by the Hispanic Chamber of Commerce as Man of the Year, Patricia Ramos Anderson as Woman of the Year, and Joe Ramirez (Rabobank) as Member of the Year.
17. Authorize Proclamation in recognition of Domestic Violence Awareness Month for October 2016 in Merced County.
18. Authorize Resolution of Recognition for Charles Ogletree, Jr. for a lifetime of achievements and meritorious service to the people of Merced and beyond.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

19. Approve the Plans and Specifications for the Dickenson Ferry Road over Bear Creek Bridge Replacement Project; and direct Public Works to return to the Board with an Informational Item disclosing all actions taken on the project at a subsequent Board Meeting.

AUTHORIZED CONTRACT NO. 2016258 AS RECOMMENDED AYES: ALL

20. 1) Approve the Plans and Specifications for the Iris Garrett Juvenile Justice Correctional Complex Controls and Security Upgrade Project; 2) authorize Public Works to advertise the project and conduct a Public Bid Opening; 3) authorize the Director of Public Works to Award a Construction Contract to the lowest responsible bidder provided said bid is within the established budget; 4) authorize the Chairman to execute the Construction Contract upon review of Public Works and County Counsel; and 5) direct Public Works to return to the Board with an Informational Item describing all actions taken.

AUTHORIZED CONTRACT NO. 2016259 AS RECOMMENDED AYES: ALL

21. Authorize the Community & Economic Development Dept. and Buildings & Safety Division to close their offices, located on the second floor of the County's Main Administration Building to the public from Thursday, October 27 to Friday, October 28, 2016 and to temporarily relocate operations during the remodel of the One-Stop Permit Center to the old Revenue & Reimbursement office, located on the main floor, with operations open again to the public on Monday, October 31, 2016.

APPROVED AS RECOMMENDED AYES: ALL

HEALTH

22. Approve submission of grant proposals by the due date of November 14, 2016 to support health information exchange and the breastfeeding support projects to the Central California Alliance for Health; and return to the Board for Contract approval, if awarded.

APPROVED AS RECOMMENDED AYES: ALL

23. Contract with U.S. Dept. of Agriculture (USDA) for the Farmers Market Local Food Promotion Program in support of the development of a Farmer's Market in the city of Livingston; and approve related budget transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2016257 AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

24. Approve the acceptance of a donation of 223 backpacks from the Pacheco Interact Club of Pacheco High School to be distributed to Foster Youth that reside in the Los Banos community.

APPROVED AS RECOMMENDED AYES: ALL

COMMUNITY AND ECONOMIC DEV.

25. Approve the Sustainable Groundwater Management Act (SGMA) Guiding Principles/Policy Direction related to Merced County's groundwater subbasins, including the creation of GSAs and representation of unincorporated areas by the SGMA deadline.

MODIFIED RECOMMENDATION AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 8 AND 9

LIBRARY

26. Request approval to close Merced County Library branches for a staff development day on Tuesday, November 29, 2016.

APPROVED AS RECOMMENDED AYES: ALL

ADMINISTRATIVE SERVICES

27. Contract with The Sidwell Company for services in support of the County's Geographic Information System.

AUTHORIZED CONTRACT NO. 2016260 AS RECOMMENDED AYES: ALL

PROBATION

28. Approve the progress report for the Juvenile Justice Crime Prevention Act for Fiscal Year 2015/2016 and authorize the Chief Probation Officer to submit said report to the Board of State and Community Corrections.

APPROVED AS RECOMMENDED AYES: ALL

ELECTIONS

29. Approve and authorize Appointments in Lieu of Election for the November 8, 2016 Presidential General Election.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

30. Approve ARAG legal Insurance as a voluntary benefit to be offered to active employees, beginning with Plan Year 2017 Open Enrollment (October 17 - November 4, 2016); authorize premiums paid by employees through payroll deduction be paid to ARAG; and authorize the Chairman to sign all related documents.

APPROVED AS RECOMMENDED AYES: ALL

31. Approve and authorize the Board to adopt a Resolution authorizing the execution and delivery of a facilities lease, a lease, and an assignment agreement; and authorizing certain other actions in connection with the lease financing as are necessary to complete the financing.

ADOPTED RESOLUTION NO. 2016-125 AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

32. Authorize \$2,500 of District One's Special Board Project Funds to be forwarded to the Challenged Family Resource Center in support of their programs; and approve the related budget transfer.

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

33. Authorize \$1,000 of District One's Special Board Projects Funds to be forwarded to the Sacred Heart Knights of Columbus for their 1st Annual All Hallows Eve Children's Festival; and approve the related budget transfer.

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

34. Authorize reimbursement of costs up to \$4,400 of District One's Special Board Project Funds to be paid to Administrative Services - Support Services Division for janitorial services to be provided for Fiscal Year 2016/2017 for the Le Grand Community Hall; and approve the related budget transfer.

APPROVED AS RECOMMENDED AYES: ALL

35. Authorize \$14,796 of District Four's Special Board Project Funds to be forwarded to Hilmar Community Hall Board for repairs to the facility.

APPROVED AS RECOMMENDED AYES: ALL

36. Authorize \$13,500 of District Two's Special Board Project Funds to be forwarded to the Merced County Food Bank to be used to upgrade their Air Conditioning system for their refrigeration space.

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

BOARD APPOINTMENTS

37. Appoint Stephanie Martin-Ward and Steven Ward to serve as members of the Snelling Recreation Committee, until September 4, 2019.

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

38. PULLED

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

39. Public Works Department re: Contract No. 2016093 awarded to Rolfe Construction, Atwater, CA in the amount of \$1,900,807 for the Walnut Avenue Complete Street Upgrade Phase (1) Project.
40. Public Works Department re: Contract No. 2016030 awarded to Carter Goble Associates, LLC, Sacramento, CA in the amount of \$1,532,000 for Project Management/Construction Management Services for the JLCC SB 863 Improvements Project.
41. Treasurer's Office re: Certificate of Excellence from the Association of Public Treasurers of the United States and Canada for the Merced County Investment Policy of 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 RECESSED TO MEET AS AN PUBLIC FACILITIES CORPORATION
AND RECONVENED TO MEET AS A BOARD OF SUPERVISORS**

**THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF MARY SILVA, ANDRES
TOMAS, ANITA FREDRICKSON AND ELIZABETH WALLACE AND ADJOURNED THE
MEETING UNTIL TUESDAY, NOVEMBER 8, 2016 AT 10:00 A.M.**

BOARD ORDERS – SUMMARY ACTION MINUTES – OCTOBER 25, 2016

CONSENT ITEM # 3

2016-10-25 HEALTH

The Clerk announces the setting of first reading for November 8, 2016 at 10:00 a.m. for a proposed ordinance entitled "Regulation of Onsite Wastewater Treatment Systems" and a second reading and possible adoption of the proposed Ordinance for December 6, 2016 at 10:00 a.m. adding Chapter 9.54 to Title 9 of the Merced County Code; and receive public comments regarding the associated draft Local Agency Management Program is before the Board for consideration.

The Clerk announces there is a correction to the Program name, it should read Local Agency Management Program not Local Area Management Plan.

Upon motion of Supervisor Pedrozo, seconded by Supervisor O'Banion, duly carried, the Board sets the first reading for November 8, 2016 at 10:00 a.m. for a proposed ordinance entitled "Regulation of Onsite Wastewater Treatment Systems" and a second reading and possible adoption of the proposed Ordinance for December 6, 2016 at 10:00 a.m. adding Chapter 9.54 to Title 9 of the Merced County Code; and receive public comments regarding the associated draft Local Agency Management Program.

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

ACTION ITEM # 25

2016-10-25 COMMUNITY AND ECONOMIC DEVELOPMENT

The Clerk announces approval of the Sustainable Groundwater Management Act (SGMA) Guiding Principles/Policy Direction related to Merced County's groundwater subbasins, including the creation of GSAs and representation of unincorporated areas by the SGMA deadline is before the Board for consideration.

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

Water Resources Coordinator Lacey Kiriakou reviews a powerpoint presentation on Sustainable Groundwater Management Act covering the following: Merced County Groundwater Sub-Basin, Turlock Groundwater Sub-Basin, Delta-Mendota Subbasin, Chowchilla Subbasin and Countywide Unincorporated areas.

County Executive Officer Jim Brown gives an update on the formation of Groundwater Sustainability Agencies (GSA).

The Board has lengthy discussion on GSA's, who will represent our County on the Delta-Mendota Water Authority, which agencies are involved in the GSA's, and deadline for creation of GSA's.

Supervisor O'Banion comments on the money spent by the county on the plan and consider amending the county budget in include these expenses, and come back to the Board regarding staffing costs for this project and the possibility of reimbursement later.

Dave Ortiz, Winton resident states concerns with how conflict between agencies will be handled and who will keep County from being bullied by the State.

County Executive Officer Jim Brown states SGMA requires the County to be at the table in the early stages and there is a need to collaborate and get agencies all going in the same direction.

Following further discussion and upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, duly carried, the Board approves the Sustainable Groundwater Management Act (SGMA) Guiding Principles/Policy Direction related to Merced County's groundwater subbasins, including the creation of GSAs and representation of unincorporated areas by the SGMA deadline, and direct staff to work on an estimate of costs to make the necessary Budget Adjustments to be brought back to the Board.

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