

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, NOVEMBER 8, 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
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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; 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 WERE 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 8

PRESENTATION:

1) Presentation Of Service Pin Awards To: Dana Brantley, Health Dept. 15 Years Of Service; Karen Adams, Treasurer/Tax Collector 20 Years Of Service; Helene Mitchell, Human Services Agency 25 Years Of Service; Michele Ortiz, Human Services Agency 25 Years Of Service; Connie Patton, Probation Office 25 Years Of Service; And Shermaene Roemhildt, Workforce Investment 25 Years Of Service.

Supervisor McDaniel presented a service pin to Karen Adams; Supervisor O'Banion presented service pins to Helene Mitchell and Bernard Meza; Supervisor Walsh presented service pins to Dana Brantley, Michelle Ortiz, Connie Patton, and Shermaene Roemhildt. A reception honoring the recipients of serve pins was held in Room 310.

2) Merced County Office of Education - Annual Williams Report for 2016/2017.
Merced County Superintendent of Schools Steven E. Gomes, Ed.D. addresses the Board regarding the Annual Williams Report 2016/2017.

3) Merced Irrigation District - Merced River S.A.F.E. Plan: Salmon, Agriculture, Flows and Environment.

ITEM PULLED – NO PRESENTATION

APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 10)

PUBLIC HEARINGS:

PUBLIC HEALTH - PUBLIC HEARING - FIRST READING OF PROPOSED ORDINANCE

Introduce and conduct a First Reading to consider proposed Ordinance entitled "Regulation of Onsite Wastewater Treatment Systems" and receive comments on the draft Local Agency Management Program.

RECOMMENDATION:

1) Introduce and conduct a first reading of the proposed ordinance entitled "Regulation Of Onsite Wastewater Treatment Systems", adding Chapter 9.54 to Title 9 of the Merced County Code; 2) Waive further reading of the proposed ordinance; 3) Open Public Hearing and receive comments on the proposed ordinance and associated draft Local Agency Management Program, and: 4) Close the public hearing with a second reading and possible adoption of the proposed Ordinance set for December 6, 2016 at 10:00 a.m.

REVIEW BOARD ORDER – SEE PAGE 8

EXECUTIVE OFFICE - PUBLIC HEARING

To consider energy conservation and retrofit services for thirteen (13) Merced County facilities pursuant to Government Code Section 4217.12 and determine that it is in the County's best interest to enter into a contract with OpTerra Energy Services for energy conservation.

RECOMMENDATION:

1) Open the public hearing and receive public comments; 2) Close the Public Hearing; 3) Find that this project qualifies as a Class I Categorical Exemption - Minor alteration to existing facilities pursuant to the California Environmental Quality Act (CEQA) and direct staff to file the necessary notice of exemption; 4) Make necessary findings required by Government Code Section 4217.12 and 4217.13, and determine that it is in the County's best interest to enter into a contract with OpTerra Energy Services for energy conservation and adopt related resolution; 5) Approve and authorize the Chairman to sign the agreement with OpTerra Services for the implementation of energy conservation measures within thirteen (13) Merced County facilities for an amount not to exceed \$11,762,997; 6) Designate Dana Hertfelder, Director of the Public Works, or his designee, to act as the Merced County Representative as set forth in the OpTerra Services contract and grant the Director of Public Works the authority to administer the contract including, but not limited to, the authority to resolve payment disputes, approve punch list items, and authorize change orders within statutory limits; 7) Direct staff to

finalize financing and return to the Board for approval; and, 8) Approve the related budget transfer. (4/5 Vote Required)

REVIEW BOARD ORDER – SEE PAGE 9 AND 10

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-10)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Set a public hearing for December 6, 2016 at 10:00 A.M. to consider amending Ordinance setting refuse service fees and charges for County Solid Waste Franchise Areas 1 through 5 (Amends Ordinance No. 1940 and Chapter 5.90 of the Merced County Code).

Health

2. Approve Budget Transfer in the amount of \$30,900 to purchase Trauma Kits to be deployed in the EMS system. (4/5 Vote Required)

Behavioral Health and Recovery Services

3. Approve and authorize the Chairman to sign Renewal Contract No. 2015066 with Kings View Corp. to provide support services necessary for successful implementation and daily functioning of the Anasazi Software system.

Fire

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

District Attorney

5. Approve and authorize the District Attorney to submit the Equitable Sharing Agreement and Certification Renewal Contract No. 2005240 for the Federal Forfeiture Program for FY 2015/2016.

Executive Office

6. Act on Claim for Damages received from Tashina Smith as recommended by Risk Management and County Counsel.
7. Approve travel request received from Child Support Services and District Attorney as recommended by Executive Office.

Board Recognition

8. Authorize Certificates of Recognition to Angie Gonzalez and Rachel Torres for being selected as Planada Health Fair Honorees.
9. Authorize Certificate of Recognition to the Alzheimer's Association in recognition of "Walk to End Alzheimer's".

10. Authorize Certificates of Recognition to the following individuals for being honored at the American Legion Auxiliary Girls State Awards: Samantha Allen, Catrina Velarde, Eloisa Encenzo, Jaylenne Miramontes, Florencia Sabao-Schneider and Betty Solorio.

REGULAR CALENDAR

BOARD ACTION

HEALTH

11. Contract with California Dept. of Public Health - Office of AIDS for enrollment services of the AIDS Drug Assistance Program for FY 2016-2019; and adopt the resolution.
AUTHORIZED CONTRACT NO. 2016261 AND ADOPTED RESOLUTION NO. 2016-128 AS RECOMMENDED AYES: ALL
12. Contract with Alliance for Community Research and Development for nutrition education and obesity prevention services.
AUTHORIZED CONTRACT NO. 2016262 AS RECOMMENDED AYES: ALL
13. Contract with Wendi Brown Creative Partners (WBCP) to provide specialized, executive recruitment services; and return to the Board to approve the contract with the selected physician.
AUTHORIZED CONTRACT NO. 2016263 AS RECOMMENDED AYES: ALL
14. Approve the Proclamation in support of the Department of Public Health's efforts to apply for and achieve Public Health Accreditation through the national Public Health Accreditation Board.
APPROVED AS RECOMMENDED AYES: ALL
REVIEW BOARD ORDER – SEE PAGE 10

BEHAVIORAL HEALTH AND RECOVERY SERVICES

15. Contract with Willow Glen Care Center for residential care services to consumers.
AUTHORIZED CONTRACT NO. 2016264 AS RECOMMENDED AYES: ALL
16. Contract with Crestwood Behavioral Health, Inc. for Institute for Mental Disease services.
AUTHORIZED CONTRACT NO. 2016265 AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

17. Contract with United Way of Merced County for maintaining, verifying and updating countywide resources, and providing on-line access to a 2-1-1 database.
AUTHORIZED CONTRACT NO. 2016266 AS RECOMMENDED AYES: 1, 2, 3, 5
NOT PRESENT: 4
18. PULLED
19. Approve the release of the Request for Proposal (RFP) for a Senior Legal Assistance Program; authorize Human Services Agency in conjunction with Administrative Services to prepare the RFP, solicit and select potential vendors, negotiate the preparation of the necessary agreements; and return to the Board for approval.
APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

COMMUNITY AND ECONOMIC DEVELOPMENT

20. Adopt the Castle Airport 5-Year Airport Capital Improvement Plan Annual Update; and authorize the Chairman to sign all Airport Capital Improvement Plan documents.
APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

WORKFORCE INVESTMENT

21. Contract with John G. Chamberlin to provide Workforce Innovation and Opportunity Act (WIOA) Regional Plan Development & Innovation Grants Activities.
AUTHORIZED CONTRACT NO. 2016267 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4
22. Contract with Madera County Workforce Investment Corporation to implement a Pre-Apprenticeship Support, Training and Placement grant in the amount of \$109,428 to assist twelve veterans and eligible spouses of veterans in Merced County by providing training, case management, and other employment-related services.
AUTHORIZED CONTRACT NO. 2016268 AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

PROBATION

23. Authorize the submission of the Juvenile Accountability Block Grant Program application to the Board of State and Community Corrections (BSCC) for the project cycle that will commence the date BSCC signs the grant agreement through February 2018; and return to the Board if awarded.
APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

RETIREMENT BOARD

24. Approve the amendments to the Merced County Employees Retirement Association Board of Retirement Bylaws.
APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

BOARD OF SUPERVISORS

25. Authorize \$3,000 of District One's Special Board Project Funds to be forwarded to the Castle Air Museum to support their "Bring Connie Home" project; and approve the related budget transfer.
APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 ABSTAIN: 3 NOT PRESENT: 4
26. Authorize \$1,000 of District One's Special Board Project Funds to be forwarded to the Merced Adult School for their trip to the State Capitol; and approve the related budget transfer.
APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 ABSTAIN: 3 NOT PRESENT: 4

BOARD APPOINTMENTS

27. Appoint Scott Phillips to serve on the Emergency Medical Care Committee, representing District 3, until June 30, 2017.
APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOT PRESENT: 4

28. Appoint Cathleen Mendonca to serve on the Area Agency on Aging Advisory Council, representing District 4 until December 31, 2018.
APPROVED AS RECOMMENDED **AYES: 1, 2, 3, 5** **NOT PRESENT: 4**
29. Appoint Erica Cabrera to serve as a member of the Planada Recreation Committee, filling an unexpired term until July 12, 2019.
APPROVED AS RECOMMENDED **AYES: 1, 2, 3, 5** **NOT PRESENT: 4**
30. Approve the removal of Olivia Gomez from the Planada Municipal Advisory Council due to lack of attendance at regular meetings.
PULLED – NO ACTION TAKEN

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE **AYES: 1, 2, 3, 5** **NOT PRESENT: 4**

31. County Executive Office re: Inform the Board of the continued development of the County's social media presence and the implementation of the Social Media Policy and Social Media Acceptable Use Policy.
32. Sheriff's Office re: Annual reporting requirement on Inmate Welfare Trust Fund for FY 2008/2009 through FY 2015/2016, in accordance with Penal Code Section 4025(e).
33. Mosquito Abatement District re: Manager's Report for September 2016.
34. Fish and Game Commission re: Notice of Proposed 90-Day Extension of Emergency Action; Emergency closure of recreational Razor Clam Fishery due to elevated levels of domoic acid.

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 BRAD MACHADO, CAROLYN SKAGGS BAKER, AND WILLIAM STOCKARD, AND ADJOURNED THE MEETING UNTIL TUESDAY, NOVEMBER 22, 2016 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – NOVEMBER 8, 2016

10:00 A.M. SCHEDULED ITEM
2016-11-08 PUBLIC OPPORTUNITY

Curtis Jorritsma, District Manager of Hilmar County Water District states concerns with the Planning Department’s determination on a 15 foot set-back on a friends property, and states the set-back was not consistent with other properties.

Mental Health Director Yvonna Brown introduces the new Mental Health Clinical/Forensic Psychologist Dr. Alice Liang.

Ms. Liang provides background information.

James Hodges states concerns with the Library hours, elections, discretionary funds, and center rock divider on G Street.

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

10:00 A.M. SCHEDULED ITEM
2016-11-08 PUBLIC HEARING – PUBLIC HEARING – FIRST READING PROPOSED ORDINANCE

The time and date previously set for a public hearing to consider First Reading of proposed Ordinance entitled “Regulation of Onsite Wastewater Treatment Systems” and receive comments on the draft Local Agency Management Program.

Upon motion of Supervisor O’Banion, seconded by Supervisor Pedrozo, the Board waives further reading of the proposed Ordinance.

Environmental Health Director Ron Rowe reviews the staff report.

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

Supervisor O’Banion questions if the second reading public hearing portion is now closed for the second reading also.

County Counsel James Fincher confirms the public hearing portion is now closed including the upcoming second reading.

Upon motion of Supervisor O’Banion, seconded by Supervisor Pedrozo, the Board closes the public hearing with second reading and possible adoption of the proposed Ordinance set for December 6, 2016 at 10:00 a.m.

Ayes: Walsh, Pedrozo, McDaniel, O’Banion

Not Present: Kelsey

10:00 A.M. SCHEDULED ITEM
2016-11-08 EXECUTIVE OFFICE – PUBLIC HEARING

The time and date previously set for a public hearing to consider the energy conservation and retrofit services for thirteen Merced County facilities pursuant to Government Code Section 4217.12 and determine that it is in the County's best interest to enter into a contract with OpTerra Energy Services for energy conservation.

Management Analyst Stephanie Dietz reviews a powerpoint presentation covering the following: Project Summary, Proposed Project Components, Facility HVAC Upgrades, Facility Indoor & Outdoor Lighting Retrofit, Street Lighting Retrofit, Facility Plumbing Fixture Retrofit, Solar System Installation, Administration Building Solar Project Rendering, Ground-mounted Solar PV System for Sandy Mush Rd. Rendering, Proposed Project Financial Analysis, Next Steps, and Recommendations.

Supervisor Pedrozo questions how the lighting changes will work in the Planada and Le Grand areas.

Director of Public Works Dana Hertfelder states the changes will be done in two phases with PG& E upgrading the LS1 lights on wooden poles and the rest of the lighting will be retrofitted with LED posts.

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

County Executive Officer James Brown states there will be another step to complete financing but may come back in phases.

Supervisor O'Banion request guidance from counsel if actions should be taken separately.

County Counsel James Fincher states it is at the Board's discretion how they want to take the motion.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, the Board finds that the project qualifies as a Class I Categorical Exemption-Minor alteration to existing facilities pursuant to the California Environmental Quality Act (CEQA) and directs staff to file the necessary notice of exemption.

Ayes: Walsh, Pedrozo, McDaniel, O'Banion

Not Present: Kelsey

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, the Board makes the necessary findings required by Government Code Section 4217.12 and 4217.13, and determines that it is in the County's best interest to enter into a contract with OpTerra Energy Services for energy conservation and adopts Resolution No. 2016-127.

Ayes: Walsh, Pedrozo, McDaniel, O'Banion

Not Present: Kelsey

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, the Board authorizes the Chairman to sign Contract No. 2016269 with OpTerra Services for the

implementation of energy conservation measures within thirteen Merced County Facilities for an amount not to exceed \$11,762,997.

Ayes: Walsh, Pedrozo, McDaniel, O'Banion

Not Present: Kelsey

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, the Board designates Dana Hertfelder, Director of Public Works, or his designee, to act as the Merced County Representative as set forth in the OpTerra Services contract and grant the Director of Public Works the authority to administer the contract including, but not limited to, the authority to resolve payment disputes, approve punch list items, and authorize change orders within statutory limits.

Ayes: Walsh, Pedrozo, McDaniel, O'Banion

Not Present: Kelsey

Upon motion of Supervisor O'Banion, seconded by Supervisor Pedrozo, the Board directs staff to finalize financing and return to the Board for approval and approves the related budget transfer by 4/5 Vote.

Ayes: Walsh, Pedrozo, McDaniel, O'Banion

Not Present: Kelsey

ACTION ITEM # 14

2016-11-08 HEALTH

The Clerk announces a Proclamation in support of Public Health's efforts to apply for and achieve Public Health Accreditation through the national public Health Accreditation Board is before the Board for consideration.

Director of Public Health Kathleen Grassi submits powerpoint on Public Health Accreditation (Supplemental #1) and reviews the following; Public Health Accreditation, 7 Steps of Accreditation, Community Health Assessment, Community Health Improvement Planning, Top Health Conditions and Social Factors, Community Meetings, Summary of Community Meetings, Traveling Booth, Meetings & Traveling Booth Voting Results, Priority Areas, Access to Care, Drug & Alcohol Abuse, Chronic Disease, Income, Education, and Employment and Next Steps in Public Health Accreditation.

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