

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, JANUARY 24, 2017

Closed Session – 8:30 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

RODRIGO ESPINOZA....DISTRICT 1
LEE LOR....DISTRICT 2
CHAIRMAN DARON McDANIEL....DISTRICT 3
LLOYD PAREIRA....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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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

**8:30 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 8:30 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)**

**ACTION WHICH AROSE SUBSEQUENT TO THE POSTING OF THE
AGENDA:** (1) Find the need to take action to ratify the proclamation of a local emergency. (2) Find the matter arose after posting the agenda. (3) Place the item on the agenda for the meeting of January 24, 2017 at 10 a.m. for Board approval. (4/5 vote required)

Item placed on agenda as Item 26.A.

**10:00 A. M. INVOCATION/PLEDGE OF ALLEGIANCE
Invocation led by Pastor John Motz.**

**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

APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 15)

REPORTS/BOARD DIRECTION

CONSENT CALENDAR (Items # 1-15)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Adopt the Resolution designating the intersection of El Capitan Way and Vincent Road/Fourth Street in the Delhi area as an all-way stop intersection; and direct the Director of Public Works to post stop signs on the El Capitan Way approaches to its intersection with Vincent Road/Fourth Street.

ADOPTED RESOLUTION NO. 2017-01

2. Adopt the Resolution designating the intersection of Myrtle Avenue and Winton Way in the Winton area as an all-way stop intersection; and direct the Director of Public Works to post stop signs on the Winton Way approaches to its intersection with Myrtle Avenue.

ADOPTED RESOLUTION NO. 2017-02

3. Adopt the Resolution designating the intersection of Bert Crane Road and Sunset Drive in the Atwater area as an all-way stop intersection; and direct the Director of Public Works to post stop signs on the Sunset Drive approaches to its intersection with Bert Crane Road.

ADOPTED RESOLUTION NO. 2017-03

4. Adopt the Resolution designating the intersection of Bloss Avenue and Tegner Road in the Hilmar area as an all-way stop intersection; and direct the Director of Public Works to post stop signs on the Bloss Avenue approaches to its intersection with Tegner Road.

ADOPTED RESOLUTION NO. 2017-04

5. Adopt the Resolution designating the intersection of American Avenue and Tegner Road in the Hilmar area as an all-way stop intersection; and direct the Director of Public Works to post stop signs on the American Avenue approaches to its intersection with Tegner Road.

ADOPTED RESOLUTION NO. 2017-05

Health

6. Approve Budget Transfer to change the capital asset account description from Ford Explorer 4 x 4 to Small 4 x 4 SUV.

Behavioral Health and Recovery Services

7. Approve and authorize the Chairman to sign Amendment Contract No. 2016273 with BHC Heritage Oaks Hospital for inpatient hospital services.

Human Services Agency

8. Approve Budget Transfer in the amount of \$25,000 to purchase switches for Castle location to provide expansion of network connectivity.
9. Approve and authorize the Chairman to sign Amendment Contract No. 2010283 with Caton Properties for the lease of building located at 1579 W. Main Street, Merced.
10. Approve and authorize the Chairman to sign Amendment Contract No. 2015108 with Valley Caregiver Resource Center for support networks for family caregivers.

Probation

11. Approve and authorize the Chairman to sign Amendment Contract No. 2013252 with B.I., Incorporated d/b/a BI Correctional Services, Inc. to provide Global Positioning System (GPS) services to clients on probation.

Workforce Investment

12. Accept modification seven (7) to Contract No. 2015149 extending the end date of the Rapid Response grant codes 540 and/or 541 and Layoff Aversion grant codes 292 and/or 293 for participants who have become unemployed due to layoffs and/or closures, and provides reemployment and/or vocational training services.

Fire

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

Executive Office

14. Act on Claims for Damages submitted by Michael Flores, Fidel Lozano, and Jennie Abdill as recommended by Risk Management and County Counsel.

Board Recognition

15. Authorize Certificate of Recognition to Pacheco Interact Club for outstanding efforts to provide 223 backpacks for Foster Youth who reside in the Los Banos Community.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

16. Authorize the Dept. of Public Works to circulate a Request for Proposal (RFP) to pre-qualified transportation engineering firms to prepare a Project Study Report for the Atwater-Merced Expressway Segment 1B Project; and authorize Dept. of Public Works to review and rank proposals as well as negotiate a contract to be submitted to the Board of Supervisors for consideration.

APPROVED AS RECOMMENDED AYES: ALL

HEALTH

17. Approve State Dept. of Public Health Grant No. 16-10723, for Sexually Transmitted Diseases Program Management services; and adopt Resolution.

AUTHORIZED CONTRACT NO. 2017006 AND ADOPTED RESOLUTION NO. 2017-06 AS RECOMMENDED AYES: ALL

BEHAVIORAL HEALTH AND RECOVERY SERVICES

18. Authorize the Dept. of Administrative Services, on behalf of Behavioral Health and Recovery Services to develop and release a Request for Proposal to secure a qualified vendor to operate the Crisis Residential Unit, to select the most responsive bidder, to negotiate an agreement and return to the Board for final execution.

APPROVED AS RECOMMENDED AYES: ALL

19. Authorize the Dept. of Administrative Services, on behalf of Behavioral Health and Recovery Services to develop and release a Request for Proposal to secure a qualified vendor to provide Pharmaceutical Services to inpatient consumers at the Marie Green Psychiatric Center, to select the most responsive bidder, to negotiate an agreement and return to the Board for final execution.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

20. Approve and authorize retroactive pay adjustment for Social Worker I, Employee #72458, exceeding 9 pay periods for a total of \$663.09.

APPROVED AS RECOMMENDED AYES: ALL

21. Approve and authorize the Chairman to sign the Medi-Cal Certificate of Compliance to apply and qualify for the current fiscal year subvention funds for Veteran Services.

APPROVED AS RECOMMENDED AYES: ALL

22. Approve and authorize the Chairman to sign the Subvention Certificate of Compliance to apply and qualify for the current fiscal year subvention funds for Veteran Services.

APPROVED AS RECOMMENDED AYES: ALL

COMMUNITY AND ECONOMIC DEVELOPMENT

23. Contract with Environmental Planning Partners, Inc. to prepare tasks for an Environmental Impact Report for the Oliveira Dairy Expansion project (CUP16-005); the project site is located on the southwest corner of Oak Avenue and Gurr Road in the Merced area.

AUTHORIZED CONTRACT NO. 2017007 AS RECOMMENDED AYES: ALL

24. Contract with Manuel Oliveira for the consultant, Environmental Planning Partners, Inc., to prepare an Environmental Impact Report for the Oliveira Dairy Expansion project (CUP16-005); the project site is located on the southwest corner of Oak Avenue and Gurr Road in the Merced area.

AUTHORIZED CONTRACT NO. 2017008 AS RECOMMENDED AYES: ALL

25. 1) Adopt resolution approving submittal of an application to HCD to participate in the 2017 HOME Program for an allocation of funds not to exceed \$500,000 for a First-Time Homebuyer (with or without rehabilitation) Program and/or Owner Occupied Housing Rehabilitation Program; 2) Authorize the Chairman to execute the HOME grant application and any additional documents necessary to complete the HOME application process; and upon a successful award, to execute standard agreements and any subsequent amendments that are necessary to participate in the HOME Program subject to approval by Counsel; 3) Direct CED to return to the Board with an informational item of all actions taken; and 4) Authorize the CED Director to transfer or modify budget amounts and activities as necessary to fully expend HOME Program funds, and direct the CED Director and/or the Deputy Director of Planning to execute loan documents, funds requests, and other required reporting forms necessary to participate in the HOME Program upon a successful award.

ADOPTED RESOLUTION NO. 2017-07 AS RECOMMENDED AYES: ALL

FIRE

26. Memorandum of Understanding between City of Atwater and Merced County for Homeland Security Grant Program FY 16 funds; and Memorandum of Understanding between City of Los Banos and Merced County for Homeland Security Grant Program FY 16.

AUTHORIZED CONTRACT NOS. 2017009 (ATWATER) & 2017010 (MERCED) AS RECOMMENDED AYES: ALL

CHILD SUPPORT SERVICES

27. Approve and authorize the Chairman to sign the Plan of Cooperation between Merced-Mariposa Regional Dept. of Child Support (MDCDCSS) and CA Dept. of Child Support Services (CADCSS); and authorize Sharon Wardale-Trejo, Director of MDCDCSS, to sign the Plan of Cooperation.

AUTHORIZED CONTRACT NO. 2017011 AS RECOMMENDED AYES: ALL

SHERIFF

28. Authorize Administrative Services-Purchasing, in conjunction with the Sheriff's Office, to initiate the Request for Proposal (RFP) process for a guard tour tracking system at the adult correctional facilities to evaluate companies proposals for providing this service for the Sheriff's Correctional Facilities; and, the Sheriff and Administrative Services-Purchasing Department will evaluate the responses and return to the Board with any recommended action.

APPROVED AS RECOMMENDED AYES: ALL

ELECTIONS

29. Appoint in Lieu of Election, David Varnell to the Westside Community Healthcare District Zone 5 for the November 8, 2016 Presidential General Election.

APPROVED AS RECOMMENDED AYES: ALL

RETIREMENT

30. Adopt Tax Compliance resolution supporting the Merced County Employees' Retirement Association plan's amendment regarding Regulation for IRC Section 415(c).

ADOPTED RESOLUTION NO. 2017-08 AS RECOMMENDED AYES: ALL

TREASURER

31. Adopt Resolution rescinding the sale of the property identified as Assessor's Parcel Number 051-030-003-000 (parcel 3) and refund the purchase price plus interest at the County Apportionment rate.

ADOPTED RESOLUTION NO. 2017-09 AS RECOMMENDED AYES: ALL

32. Approve the selling of properties subject to the Tax Collector's power to sell at a Public Internet Auction April 22-24, 2017; and approve the authorization for the Tax Collector to reduce the minimum bid price if no bids are received or approve the re-offer of unsold parcels at the same day and or next scheduled auction within 90 days with parties of interest notification.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

33. Appoint Ladi Asgill to serve as a member of the East Merced Resource Conservation District until January 28, 2021; reappoint Richard Jantz, to serve until January 28, 2021; reappoint Robert Bliss and Jean Okuye to serve until January 28, 2019.

MODIFIED RECOMMENDATION AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 8 AND 9

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE

AYES: ALL

34. Health re: The Central California Alliance for Health is exercising their option to renew the Physician Services Agreement with the Merced County Dept. of Public Health per Article V, Section 5.1 of Contract #2010280 extending the term through December 31, 2017.
35. Dept. of Administrative Services re: Net proceeds in the amount of \$117,361.47 resulting from the sale of miscellaneous surplus property and vehicles through the internet during the period July 1, 2016 through December 30, 2016.
36. Dept. of Administrative Services re: Purchase of radio equipment for the Communications Dept. pursuant to Ordinance 1678, Chapter 5.12.040 and which fall under category 1: 1. Purchase of radio equipment from Delta Wireless.
37. Dos Palos - Oro Loma Joint Unified School District re: Public Hearing to consider a resolution implementing school facilities fees in accordance with Education Code Section 17620.
38. Fish and Game Commission re: Notices published in the California Notice Register on December 23, 2016/Register 2016, No. 52-Z, for OAL Notice Z2016-1213-10, Mammal Hunting, sections 360, 361, 362, 363, 364 and 364.1, Title 14, CCR; OAL Notice Z2016-1213-11, Waterfowl Hunting, Section 502, Title 14, CCR; and OAL Notice Z2016-1213-12, Deer Tagging and Reporting, Section 708.5, Title 14, CCR.
39. Fish and Game Commission re: Notice of proposed regulatory action relative to subsection (b)(91.1) of Section 7.50, Title 14, California Code of Regulations, relating to Lower Klamath River Basin sport fishing, which was published in the California Regulatory Notice Register on December 30, 2016.
40. Fish and Game Commission re: Notice of proposed regulatory action relative to subsection (c) of Section 27.80, Title 14, California Code of Regulations, relating to ocean salmon sport fishing, which was published in the California Regulatory Notice Register on December 30, 2015.
41. Fish and Game Commission re: Notice of Proposed regulatory action relative to subsection (c) of Section 27.80, Title 14, California Code of Regulations, relating to ocean salmon sport fishing, which was published in the California Regulatory Notice Register on December 30, 2015.
42. Fish and Game Commission re: Notice of Proposed regulatory action relative to Section 28.20, Title 14, California Code of Regulations, relating to Pacific halibut sport fishing, which was published in the California Regulatory Notice Register on December 30, 2016.

THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF MANUEL BAIROS AND JOE BORRELLI AND ADJOURNED THE MEETING UNTIL TUESDAY, JANUARY 24, 2017, AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – JANUARY 24, 2017

10:00 A.M. SCHEDULED ITEM

2017-01-24 PUBLIC OPPORTUNITY

Sheriff Vern Warnke speaks about their trip to Washington, D.C. He states that everything went very well and thanks the Board for all their support.

Will Scarup, a representative for the “Sisters of the Valley” introduces himself to the Board and states that his clients wish to obtain a Type 10A license from the State but they will first need to get a permit with local jurisdiction. He further states they will be coming back to submit their proposal for a Community Development Agreement with the County.

Present: McDaniel, Espinoza, Lor, Pareira, O’Banion

ACTION ITEM NO. 26A

2017-01-24 FIRE

The Clerk announces there is a late item before the Board to adopt the resolution proclaiming the existence of local emergency due to heavy rains and flooding.

County Executive Officer James Brown clarifies the need to add the late item is due to the storm this past week and Office of Emergency Services decided over the weekend that it was in the County’s best interest to file this declaration with the State. He further states that we will be reimbursed up to 75% from the State, and functions as an umbrella to include the cities.

Deputy Director of Operations Mark Lawson from Office of Emergency Services clarifies that special districts are also covered.

Upon motion of Supervisor O’Banion, seconded by Supervisor Espinoza, duly carried, the Board adopts Resolution No. 2017-10 proclaiming the existence of a local emergency due to heavy rains and flooding.

Ayes: McDaniel, Espinoza, Lor, Pareira, O’Banion

ACTION ITEM NO. 33

2017-01-24 BOARD APPOINTMENTS

The Clerk announces the appointment of Ladi Asgill to serve as a member of the East Merced Resource Conservation District until January 28, 2021; reappointment of Richard Jantz to serve until January 28, 2021; reappoints Robert Bliss and Jean Okuye to serve until January 28, 2019 is before the board for consideration. She states for the record that they received a resignation e-mail this morning from Richard Jantz.

Supervisor Pareira questions when Mr. Jantz’s term is up.

Chief Deputy Board Clerk Vicky Bryan responds that his term is up January 28, 2017.

County Executive Officer James Brown clarifies the amended action that is needed on this item.

Upon motion of Supervisor Espinoza, seconded by Supervisor O'Banion, duly carried, the Board approves the amended action to remove Richard Jantz as a member of the East Merced Resource Conservation District and appoints Ladi Asgill to serve as a member of the East Merced Resource Conservation District until January 28, 2021; and reappoints Robert Bliss and Jean Okuye to serve until January 28, 2019.

Ayes: McDaniel, Espinoza, Lor, Pareira O'Banion