



SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, MARCH 7, 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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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

**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 - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:

It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54956.9(d)(1): Hukill v. Merced County Sheriff's Office, WCAB Case Number ADJ9794593.

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)

10:00 A. M. INVOCATION/PLEDGE OF ALLEGIANCE
Pastor Tim Pistorosi leads the invocation

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

APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 12)

PUBLIC HEARINGS:

COMMUNITY AND ECONOMIC DEVELOPMENT - PUBLIC HEARING

To consider a Resolution forming the Northwest Delta-Mendota GSA; and SGMA Services Memorandum of Agreement

RECOMMENDATION:

1) Open Public Hearing and receive testimony; 2) Close the Public Hearing; 3) Approve the Resolution which authorizes Merced County's approval of the Memorandum of Understanding forming the Northwestern Delta-Mendota Groundwater Sustainability Agency and authorize the Chairman to sign the agreement; 4) Authorize a joint submission of a notice of intent to form a GSA with Stanislaus County to the California Department of Water Resources

within 30 days after Board approval and authorize the County Executive Officer to sign all documents necessary for that submission; 5) Approve the SGMA Services Memorandum of Agreement with the San Luis & Delta-Mendota Water Authority and authorize the Chairman to sign the agreement; 6) Authorize expenditures as outlined in this agreement, which include the \$5,209.36 initial budget contribution and participation percentage funding of 5% of the Northwestern Delta-Mendota GSA costs; and 7) Appoint the Merced County Water Resources Coordinator as the primary member and the Merced County Deputy Director of Planning as the alternate member to the SGMA Services MOA Management Committee.

REVIEW BOARD ORDER

PUBLIC HEALTH - PUBLIC HEARING - FIRST READING - PROPOSED ORDINANCE

Conduct First Reading of a Proposed Ordinance to amend Ordinance No. 1933 - Health Department Fees

RECOMMENDATION:

1) Introduce and conduct a first reading of the proposed ordinance entitled Health Department Fees (amends Ordinance No. 1933 and Chapter 9.49.020 of the County Code); 2) Waive further reading of the proposed ordinance; 3) Open Public Hearing and receive comments; and 4) Close Public Hearing and set a second reading and possible adoption on April 4, 2017.

REVIEW BOARD ORDER

REPORTS/BOARD DIRECTION

CONSENT CALENDAR (Items # 1-12)

APPROVED AS RECOMMENDED AYES: ALL

Ag. Commissioner

1. Approve and authorize the Chairman to sign Renewal Memorandum of Understanding (MOU) Ref. No: 16-sd24 (Contract No. 2010002) with the California Dept. of Food and Agriculture; and authorize the County Agricultural Commissioner to sign the California Seed Law MOU and negotiate the rate.

Health

2. 1) Set a Public Hearing for April 4, 2017 to consider the Report of Demolition of the structure located at 9206 Hillside Drive, Delhi, CA (APN#010-212-009); 2) Authorize Public Health to file a lien upon the property with the County Recorder's Office immediately upon approval; 3) If not sold at public auction in April 2017, authorize the Auditor-Controller and Tax Collector to assess the cost of demolition for a total amount of \$28,848.36, on the Assessment Roll as a Special Assessment and lien on the property, pursuant to the Uniform Housing Code Section 1605.

Behavioral Health & Recovery Services

3. Approve and authorize the Chairman to sign Amendment Contract No. 2016066 with Hathaway-Sycamores Child and Family Services for specialty mental health services and therapeutic behavioral services to youth clients, converting to a rate based contract and extending the term.

4. Approve and authorize the Chairman to sign Amendment Contract No. 2016065 with Florence Crittenton Services of Orange County, Inc. for specialty mental health services and therapeutic behavioral services to youth clients, converting to a rate based contract and extending the term.

Community & Economic Development

5. Set a Public Hearing for March 21, 2017, at 10:00 a.m. to receive public testimony, consider the Planning Commission's recommendations, and make environmental and project determinations and actions on General Plan Text Amendment No. GPTA16-002, Zone Change No. ZC16-001 and Community Plan No. CP16-001 in the Community of Planada.
6. Set a Public Hearing for March 21, 2017, at 10:00 a.m. to receive public testimony, consider the Planning Commission's recommendations, and make environmental and project determinations and actions on General Plan Amendment No. GPA16-001 and Zone Change Application No. ZC16-004, to change the land use designation from Low Density Residential to High Density Residential and the zoning from R-1 (Single-Family Residential) to R-4 (Multi-Family Residential) on the north side of Le Grand Road, 650 feet west of McKee Street in Le Grand.

Fire

7. Continue the proclamation of the existence of a local emergency due to flooding.

Sheriff

8. Approve Budget Transfer in the amount of \$125,000 to increase the Plane Operating Expense line item for mandatory FAA required maintenance on the Robinson R-44 helicopter. (4/5 Vote Required)

Executive Office

9. Act on Claims for Damages submitted by Vanesse Patino, Andrea Andrade, Milman Barnes and Jose Hernandez-Canela as recommended by Risk Management and County Counsel.
10. Approve and authorize the Chairman to sign Amendment Contract No. 2016058 with KNN Public Finance, Inc. to add Clean Renewable Energy Bonds (CREBs) financing and future projects to the scope of financial advisory services for the County of Merced.

Board Recognition

11. Authorize Certificates of Recognition to foreign exchange students and chaperones from Beijing, China for their visit to Delhi Unified School District.
12. Authorize Proclamation in recognition of Arbor Day on March 3, 2017 in the City of Los Banos.

REGULAR CALENDAR

BOARD ACTION

HEALTH

13. Interagency agreement with First 5 Merced County for Support and Protection of Breastfeeding in the Workplace program.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

14. Retroactively authorize the Director of Public Health to sign all copies of the non-binding letter of intent to enter into the Intergovernmental Transfer funding mechanism with the Central California Alliance for Health.

APPROVED AS RECOMMENDED AYES: ALL

15. 1) Approve submission of the Solid Waste Local Enforcement Agency grant application for FY 2017-2018 to support local solid waste enforcement programs; 2) Authorize the Public Health Director or designee to submit the online grant application and any administrative requests necessary to secure the grant funds and implementation of the project when approved; 3) Adopt the Resolution authorizing submission of grant application to the California Department of Resources Recycling and Recovery (CalRecycle); and 4) Return to the Board for contract approval if awarded.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

BEHAVIORAL HEALTH & RECOVERY SERVICES

16. Contract with Golden Memories Assisted Living for transitional residential treatment services.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

17. Contract with Geriatric Resource Network DBA Partnership for Healthy Aging, a division of Maine Health, for "A Matter of Balance" Master Training.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

18. Approve Amendment No. 1 to Grant Award No. XT15010240 between Merced County and Cal OES to increase funds by \$236,453, increase the required in-kind non cash match by \$59,113, increase the total project cost by \$295,566 from \$417,269 to \$712,835 and change the end of performance period of the Subaward from 3/31/18 to 8/31/19; and authorize the Chairman to sign Grant Subaward Amendment.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

COMMUNITY & ECONOMIC DEVELOPMENT

19. 1) Approve the Resolution which authorizes Merced County's approval of the Memorandum of Agreement (MOA) forming the Central Delta-Mendota Groundwater Sustainability Agency and authorize the Chairman to sign the agreement; 2) Appoint a member to the Central Delta-Mendota Groundwater Sustainability Agency Steering Committee with the authority to consider taking action, within the Steering Committee, to form the GSA; 3) Approve the SGMA Services Memorandum of Agreement with the San Luis & Delta-Mendota Water Authority and authorize the Chairman to sign the agreement; 4) Authorize expenditures as outlined in this agreement, which include the \$4,287.32 initial budget contribution and participation percentage funding of 8.8% of the Central Delta-Mendota Multi-Agency GSA

costs; and 5) Appoint the Merced County Water Resources Coordinator as the primary member and the Merced County Deputy Director of Planning as the alternate member to the SGMA Services MOA Management Committee.

AUTHORIZED CONTRACTS AND ADOPTED RESOLUTION AS RECOMMENDED

AYES: ALL

REVIEW BOARD ORDER

20. Contract with Environmental Planning Partners, Inc. to prepare tasks for a Peer Review for the Woods Transplant Expansion project (MM16-020), located on the southwest corner of McCabe Road and Whitworth Road in the Gustine area.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

21. Contract with Mark Woods for Environmental Planning Partners to Peer Review the IS/MND for the Woods Transplant Expansion project (MM16-020), located on the southwest corner of McCabe Road and Whitworth Road in the Gustine area.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

22. Direct staff and consultants to utilize the Property Disposition Guidelines pertaining to property transactions at Castle Commerce Center.

APPROVED AS RECOMMENDED AYES: ALL

PROBATION

23. 1) Retroactively approve the acceptance of the Juvenile Accountability Block grant allocation from the Board of State and Community Corrections for a total of \$10,000 for the period of November 1, 2016 through February 28, 2018; 2) Retroactively approve the resolution authorizing submission of the grant application; and 3) Approve the related budget transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT AND ADOPTED RESOLUTION AS RECOMMENDED

AYES: ALL

24. 1) Retroactively approve the Probation Department to submit the Request for Proposal for the Proposition 47 Grant Program and authorize the Chief Probation Officer to sign the grant award agreement; 2) Retroactively adopt the resolution authorizing submission of the grant application; and 3) Return to the Board for contract approval, if awarded.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

DISTRICT ATTORNEY

25. Contract with Bennet Omalu Pathology to provide expert forensic pathology opinion and testimony in homicide cases.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

SHERIFF

26. Interdepartmental Agreement with Merced County Spring Fair to provide police protection services for the 2017 Spring Fair from May 3, 2017 through May 7, 2017.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

TREASURER

27. Authorize the distribution of excess proceeds from the public auction of tax defaulted property sold for failure to pay taxes on real property per Exhibit "A" and "B" to the valid claimants in the amount of \$525,126.73 and the remaining funds per Exhibit "C" of \$333,181.88 are to be transferred to Trust Fund #02000-02080 Property Taxes-Tax Loss

Reserve.

APPROVED AS RECOMMENDED AYES: ALL

28. 1) Rescind Resolution No. 2016-14 dated January 26, 2016; and 2) Adopt the Resolution to authorize the Treasurer and Assistant Treasurer to designate staff as officers initiating the Local Agency Investment Fund (LAIF) investment program transactions.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

29. Set a Special Board Meeting for a Board Strategic Workshop on March 20, 2017 at 9:30 a.m. to be held at the Snelling Community Recreation Building.

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

30. Authorize \$38,000 of District Five's Special Board Project Funds to be forwarded to the Merced County Spring Fair to be used for renovations to their rental building; and approve related Budget Transfer. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

31. Reappoint Charles Mosley as a member of the Emergency Medical Care Committee (EMCC) as the Law Enforcement Representative, until June 30, 2020; reappoint Dewayne Jones representing District 5, until June 30, 2020; and reappoint Kraig Riggs representing ambulance company, until June 30, 2020.

APPROVED AS RECOMMENDED AYES: ALL

32. Reappoint Kathleen Grassi, Public Health Director, to serve as the designated Public Health Director position on the Santa Cruz-Monterey-Merced Managed Medical Care Commission, until April 7, 2021.

APPROVED AS RECOMMENDED AYES: ALL

33. Appoint Steve Tietjen to the Treasury Oversight Committee as Merced County Office of Education Member, serving at the Pleasure of the Board.

APPROVED AS RECOMMENDED AYES: ALL

34. Appoint Joseph Winek to serve as a member of the Community & Economic Development Revolving Loan Fund Loan Administration Board representing District Two, until December 22, 2019.

APPROVED AS RECOMMENDED AYES: ALL

35. Reappoint Ann Huerta to serve as a member of the South Dos Palos Water District until November 14, 2020.

APPROVED AS RECOMMENDED AYES: ALL

36. Reappoint Suzi Balestra to serve as a member of the Winton Cemetery District, until February 18, 2021.

APPROVED AS RECOMMENDED AYES: ALL

37. Appoint Jose Ortega to serve as a member of the Winton Municipal Advisory Council, until March 31, 2021 and reappoint Diane Silva to serve until March 31, 2020.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE **AYES: ALL**

38. Dept. of Administrative Services re: Purchase of SWAT equipment for the Sheriff's Office pursuant to Ordinance 1678, Chapter 5.12.040 and which fall under category 1: 1) Purchase of radio equipment from 836 Technologies.
39. State Water Resources Control Board re: Notice of petitions for temporary change involving the transfer of 76,069 acre-feet of water under a license and permits of the U.S. Bureau of Reclamation.
40. Mosquito Abatement District re: Manager's Report for January 2017.

THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF BOB DALLAS, SHEILA SHAMBLIN, ALICE BERTAO, WILLIAM PINTO, AND ROSEMARY PRICOLO AND ADJOURNED THE MEETING UNTIL TUESDAY, MARCH 21, 2017, AT 10:00 A.M.