

# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

### Regular Meeting

## TUESDAY, APRIL 4, 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](http://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: American Federation of State, County and Municipal Employees (AFSCME), Units 4, 5, 6 and 8; United Public Employees (UPE), Unit 3; Sergeants, Unit 30; Teamsters (Non-Safety Corrections), Unit 12; and Probation Supervising Employees, Unit 11. Agency Negotiator: Marci Barrera

**CLOSED SESSION - CONFERENCE WITH REAL PROPERTY  
NEGOTIATOR:**

It is the intention of the Board to meet in Closed Session concerning a Conference with Real Property Negotiator(s) Dana Hertfelder, Director of Public Works pursuant to Government Code Section 54956.8 as follows:

**Property:** 8047 Dairy Lane, Dos Palos, CA (APN 085-210-073)

**Agency Negotiator:** Dana Hertfelder, Director Public Works

**Negotiation Parties:** Joel Cozzi and County of Merced

**Under Negotiation:** To request authority to negotiate proposed sale of property

**THE BOARD RECESSED AT 8:30 A.M. AND RECONVENED AT  
10:00 A.M. WITH SUPERVISOR ESPINOZA NOT PRESENT, AND THE  
CHAIRMAN ADVISED STAFF WAS GIVEN DIRECTION**

**GOVERNMENT CODE SECTION 54954.2 COMPLIANCE (LATE AGENDA  
ITEMS)**

**10:00 A. M.                    INVOCATION/PLEDGE OF ALLEGIANCE**

Sister Lynn Kendrix 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 – SEE PAGE 9**

**APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 16)**

**PUBLIC HEALTH - SECOND READING PROPOSED ORDINANCE**

To conduct a second reading of the proposed ordinance entitled; Health Department Fees (Amends Ordinance Nos. 1933, 1863, 1847 and Chapter 9.49.020 of the Merced County Code).

**RECOMMENDATION:**

1) Conduct a second reading of the proposed ordinance amending Health Department Fees (Amends Ordinance Nos. 1933, 1863, 1847 and Chapter 9.49.020 of the Merced County Code; 2) Waive further reading of the proposed ordinance; and 3) Adopt Ordinance.

**REVIEW BOARD ORDER – SEE PAGE 9**

**PUBLIC HEARINGS:**

**PUBLIC HEALTH - PUBLIC HEARING**

To consider the Report of Demolition of the structure located at 9206 Hillside Drive, Delhi, CA (APN# 010-212-009) and consider adding costs of demolition to the Tax Assessment Roll.

**RECOMMENDATION:**

1) Open the Public Hearing; 2) Close the Public Hearing; 3) Authorize Public Health to file a lien upon the property with the County Recorder's Office immediately upon approval; 4) 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 a lien on the property, pursuant to the Uniform Housing Code Section 1605.

**REVIEW BOARD ORDER – SEE PAGE 9 AND 10**

**COMMUNITY AND ECONOMIC DEVELOPMENT - PUBLIC HEARING**

To consider amendment of the Agricultural Preserve as per the California Land Conservation Act of 1965 (Williamson Act) in Merced County.

**RECOMMENDATION:**

1) Open the public hearing and receive testimony; 2) Close the public Hearing; 3) Find the removal of the land from the Agricultural Preserve pertaining to; a) PLA16-019 located on the east side of N. Campodonico Road, 2,000 feet northeast of N. Alves Road in the Ballico area and; b) PLA17-002 located on the south side of Second Avenue, 665 feet west of N. Van Clief Road in the Stevinson area, are exempt from CEQA under Section 15183, projects consistent with a Community Plan or Zoning based on the findings listed in the BAI; 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.

**REVIEW BOARD ORDER SEE PAGE 10 AND 11**

**REPORTS/BOARD DIRECTION**

**CONSENT CALENDAR (Items # 1-16)**

**APPROVED AS RECOMMENDED**

**AYES: 2, 3, 4, 5 NOT PRESENT: 1**

## Public Works

1. Approve Budget Transfer in the amount of \$4,474,773 to move the full appropriation of SB863 Jail Project funds to its own Capital Project Fund (17200) to better track grant monies. ( 4/5 Vote Required)

## Health

2. Approve and authorize the Chairman to sign Amendment Contract No. 2013102 with California Forensic Medical Group for correctional health services.

## Behavioral Health & Recovery Services

3. Approve and authorize the Chairman to sign Renewal Contract No. 2009242 with Merced County Probation for Mail Courier Services.
4. Approve and authorize the Chairman to sign Renewal Contract No. 2004103 with Human Services Agency for Mail Courier Services.
5. Approve and authorize the Chairman to sign Amendment Contract No. 2015207 with Casa Pacifica Centers for Children and Families for Specialty Mental Health Services to youth clients placed out-of-county, converting to a rate based contract and updating rates.

## Human Services Agency

6. Proclaim the month of April, 2017 as "National Child Abuse Prevention Month" in the County of Merced.
7. Approve and authorize the Chairman to sign Amendment Contract No. 2016024 with the Calif. Dept. of Aging for Supplemental Nutrition Assistance Program Education Services; adopt the resolution; and approve the related budget transfer. (4/5 Vote Required)  
**ADOPTED RESOLUTION NO. 2017-36**
8. Approve and authorize the Chairman to sign Renewal Contract No. 2009297 with Merced County Sheriff's Dept. for Social Worker Safety and Support.
9. Approve and authorize the Chairman to sign Renewal Contract No. 2011071 with Merced County Office of Education to provide Stage One child care services.
10. Approve and authorize the Chairman to sign Renewal of Interdepartmental Contract No. 2015008 with the Dept. of Workforce Investment to provide subsidized employment services to Welfare to Work participants.

## District Attorney

11. Proclaim the week of April 2 - 8, 2017 as Crime Victims' Rights Week in Merced County.

## Fire

12. Continue the proclamation of the existence of a local emergency due to flood.

## Executive Office

13. Proclaim April 4, 2017 as National Service Recognition Day.
14. Act on Claims for Damages submitted by Jesus Sotelo, Clifford Richards, Jessica Stouffer, Caeden Ratliff, Kyleigh Stouffer and Kensington Stouffer as recommended by Risk Management and County Counsel.

Board Recognition

- 15. Authorize Certificates of Recognition to the California Women for Agriculture for 40 years of Advocating for agriculture in Merced County and to Rose Burroughs, Carolyn Weimer, Mary Wickstrom, and Maria Giampaoli for leadership and dedication to the California Women for Agriculture.
- 16. Authorize Certificate of Recognition to the Dos Palos Lions Club Charter Members 1967 for dedicated service and commitment to the Dos Palos Lions Club.

**REGULAR CALENDAR**

**BOARD ACTION**

PUBLIC WORKS

- 17. Approve Plans and Specifications for the Moraga Road over Outside Canal Bridge Replacement Project; and direct Public Works to return to the Board with an informational item disclosing all actions taken on the project.

**AUTHORIZED CONTRACT NO. 2017048 AS RECOMMENDED AYES: 2, 3, 4, 5**

**NOT PRESENT: 1**

- 18. Approve the Plans and Specifications for the Shaffer Road at Santa Fe Drive Intersection at BNSF Railroad Section 130 Improvement Project; and direct Public Works to return to the Board with an informational item disclosing all actions taken on the project.

**AUTHORIZED CONTRACT NO. 2017049 AS RECOMMENDED AYES: 2, 3, 4, 5**

**NOT PRESENT: 1**

HEALTH

- 19. Authorize Public Health to apply for funding in the amount of \$200,000 from The California Endowment to promote the importance of Medi-Cal to local health care stakeholders, business, and residents; and return to the Board if contract is awarded.

**APPROVED AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1**

- 20. Contract with Goodfellow Occupational Therapy for occupational and physical therapy to provide medical therapy and for therapist reviewing medical records to issue an authorization for the California Children's Services-Medical Therapy Program.

**AUTHORIZED CONTRACT NO. 2017050 AS RECOMMENDED AYES: 2, 3, 4, 5**

**NOT PRESENT: 1**

- 21. Contract with Lifeline Community Development Corporation for nutrition education and obesity prevention services; and approve the related budget transfer.

**AUTHORIZED CONTRACT NO. 2017051 AS RECOMMENDED AYES: 2, 3, 4, 5**

**NOT PRESENT: 1**

BEHAVIORAL HEALTH & RECOVERY SERVICES

- 22. Accept the Central California Alliance for Health Medi-Cal Capacity Grant in the amount of \$19,320 for Equipment Program and authorize Chairman to sign agreement.

**AUTHORIZED CONTRACT NO. 2017052 AS RECOMMENDED AYES: 2, 3, 4, 5**

**NOT PRESENT: 1**

## COMMUNITY AND ECONOMIC DEVELOPEMENT

23. Adopt a Resolution to determine that the affected property may be sold subject to Sections 25536.9 of the California Government Code; direct 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; and direct the Community and Economic Development Director to prepare the necessary documents for the sale and transfer of 2.33 acres of land to Paul Creighton; and return to the Board to consider acceptance and execution of final sale to Paul Creighton. (4/5 Vote Required)

**ADOPTED RESOLUTION NO. 2017-37 AS RECOMMENDED AYES: 2, 3, 4, 5  
NOT PRESENT: 1**

## SPRING FAIR

24. Approve a cash flow loan to Spring Fair from the General Fund of up to \$800,000 bearing an interest rate equal to the rate earned by the Merced County Treasury, with loan repayments made as payments are received from the buyers, prior to October 31, 2017; authorize the Auditor-Controller to utilize \$8,000 of the loan proceeds to increase Spring Fair's change fund for operation of the 2017 Fair, with the \$8,000 returned at the close of the fair; and approve the related budget transfer. (4/5 Vote Required)

**APPROVED AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1**

## FIRE

25. Appoint the Office of Emergency Services Director, the Deputy Director/Operations and the Deputy Director/Administration as authorized agents of the County of Merced in matters related to the application and filing for federal and/or state disaster assistance; and approve the designation of Applicant's Agent Resolution for non-state agencies.

**APPROVED AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1**

26. Contract Amendment with Engineered Fire Systems, Inc. for building plan reviews and inspections; and approve the related budget transfer.

**AUTHORIZED CONTRACT NO. 2017053 AS RECOMMENDED AYES: 2, 3, 4, 5  
NOT PRESENT: 1**

## ELECTIONS

27. Contract with SouthTech Systems, Inc. for the Passport Application Software License commencing on April 4, 2017.

**AUTHORIZED CONTRACT NO. 2017054 AS RECOMMENDED AYES: 2, 3, 4, 5  
NOT PRESENT: 1**

## EXECUTIVE OFFICE

28. 1) Approve and adopt a Resolution authorizing the execution and delivery of a final lease agreement, control agreement, purchase contract, a Memorandum of Understanding, by and among the County, OpTerra Energy Services, Inc., Banc of America Leasing & Capital, LLC and Pinnacle Public Finance, Inc., an engagement agreement retaining Orrick, Herrington & Sutcliffe LLP as bond counsel, adopting the debt management policy, and authorizing certain other actions in connection with the financing as are necessary to complete the financing. 2) Authorize the Chairman of the Board of Supervisors to execute a final lease agreement, control agreement, purchase contract, a Memorandum of Understanding, and an engagement agreement retaining Orrick, Herrington & Sutcliffe LLP

as bond counsel after review and approval by County Counsel and County Executive Office.

**ADOPTED RESOLUTION NO. 2017-38 AS RECOMMENDED AYES: 2, 3, 4, 5  
NOT PRESENT: 1**

29. PULLED

30. Approve the nomination from the Board panel for the Measure V Citizens Oversight Committee, with the final appointment to be made by the MCAG Governing Board.

**REVIEW BOARD ORDER – SEE PAGE 11**

#### **BOARD APPOINTMENTS**

31. Reappoint Terry Nichols to serve as a member of the Workforce Development Board, representing Title IV Vocational Rehabilitation, to serve until June 30, 2020.

**APPROVED AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1**

32. Appoint Kelly Thomas to serve as a member of the Winton Recreation Committee until August 9, 2020.

**APPROVED AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1**

33. Reappoint Larry Borelli to serve on the San Luis Resource Conservation District until February 26, 2020 and reappoint Tony Neves and John Gilardi to serve until February 28, 2018.

**APPROVED AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1**

34. Appoint Maria Tibisay Nava, Rita Rodriguez and John Chavez to serve as members of the Planada Municipal Advisory Council until March 31, 2019.

35. Appoint Celina Higareda to serve as a member of the Le Grand Municipal Advisory Council, to fill unexpired term until December 7, 2018.

#### **BOARD INFORMATION & POSSIBLE ACTION**

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

36. Cal OES re: U.S. Small Business Administration Economic Injury Disaster Loan Declaration due to a U.S. Department of Agriculture Disaster Designation for the primary counties of Calaveras, Fresno, Inyo, Kern, Kings, Los Angeles, Madera, Mariposa, Merced, Mono, Monterey, Orange, Riverside, San Benito, San Bernardino, San Diego, San Joaquin, San Luis Obispo, Santa Barbara, Santa Clara, Stanislaus, Tulare, Tuolumne, Ventura, and the contiguous counties of Alameda, Alpine, Amador, Contra Costa, Imperial, Sacramento, San Mateo, and Santa Cruz a disaster area.

37. Cal OES re: U.S. Department of Agriculture granted a Secretarial disaster designation for the primary counties of Calaveras, Fresno, Inyo, Kern, Kings, Los Angeles, Madera, Mariposa, Merced, Mono, Monterey, Orange, Riverside, San Benito, San Bernardino, San Diego, San Joaquin, San Luis Obispo, Santa Barbara, Santa Clara, Stanislaus, Tulare, Tuolumne, Ventura, and the contiguous counties of Alameda, Alpine, Amador, Contra Costa, Imperial, Sacramento, San Mateo, and Santa Cruz a disaster area.

38. California Gas Gathering, Inc. re: Verified Statement and Annual Payment Franchise Ordinance No. 1650 Right of Way #19CGG0003-00.

**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 VIRGINIA JEANNIE ARENA, AND ADJOURNED THE MEETING UNTIL TUESDAY, APRIL 25, 2017 AT 10:00 A.M.**



**BOARD ORDERS – SUMMARY ACTION MINUTES – APRIL 4, 2017**

**10:00 A.M. SCHEDULED ITEM**  
**2017-04-04 PUBLIC OPPORTUNITY**

Sue Bangon Emanivong, Community Event Organizer reviews past events she organized including the Thursday evening Street Fair and states they will bring back Mercy Gulch Day, and submits fliers.

Human Services Director Scott Pettygrove introduces Alexandra Pierce, Deputy Director Human Services and states she was awarded the Meritorious Service Award from the California Association of Area Agencies on Aging in recognition of her work on the California Elder and Dependent Adult Abuse Awareness Campaign.

Deputy Director Human Services Alexandra Pierce gives brief background on the Elder and Dependent Adult Abuse Awareness Campaign and submits fliers.

Present: McDaniel, Lor, Pareira, O'Banion

Not Present: Espinoza

**10:00 A.M. SCHEDULED ITEM**  
**2017-04-04 PUBLIC HEALTH – 2<sup>ND</sup> READING – ORDINANCE NO. 1950**

The time and date previously set to conduct a second reading to consider an ordinance entitled; Health Department Fees (Amends Ordinance Nos. 1933, 1863, 1847 and Chapter 9.49.020 of the Merced County Code).

Upon motion of Supervisor O'Banion, seconded by Supervisor Pareira, the Board waives further reading of the Ordinance.

Director of Public Health Kathleen Grassi, informs the Board she can answer any questions they may have.

Upon motion of Supervisor Lor, seconded by Supervisor O'Banion, the Board adopts Ordinance No. 1950.

Ayes: McDaniel, Lor, Pareira, O'Banion

Not Present: Espinoza

**10:00 A.M. SCHEDULED ITEM**  
**2017-04-04 PUBLIC HEALTH – PUBLIC HEARING**

The time and date previously set for a public hearing to consider the Report of Demolition of the structure located at 9206 Hillside Drive, Delhi, CA (APN# 010-212-009) and consider adding costs of demolition to the Tax Assessment Roll.

Director of Environmental Health Ron Rowe reviews the staff report.

Supervisor Pareira questions who owns the property.

Mr. Rowe states it is an estate and the property owners have declined to participate.

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.

Upon motion of Supervisor Pareira, seconded by Supervisor O'Banion, the Board authorizes Public Health to file a lien upon the property with the County Recorder's Office immediately and if the property is 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 a lien on the property, pursuant to the Uniform Housing Code Section 1605.

Ayes: McDaniel, Lor, Pareira, O'Banion

Not Present: Espinoza

**10:00 A.M. SCHEDULED ITEM**

**2017-04-04 COMMUNITY AND ECONOMIC DEVELOPMENT – 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.

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

Supervisor Pareira questions the zoning of the property and the reason for splitting into two parcels.

Mr. Hendrickson states the zoning will stay the same as it is currently and it is a property line adjustment.

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 states if the property owner understands that the taxes for the property will have to be paid up front for the split.

Mr. Hendrickson states it is in the conditions of the action.

Upon motion of Supervisor Pareira, seconded by Supervisor O'Banion, the Board finds the removal of the land from the Agricultural Preserve pertaining to; a) PLA16-019 located on the east side of N. Campodonico Road, 2,000 feet northeast of N. Alves Road in the Ballico area and; b) PLA17-002 located on the south side of Second Avenue, 665 feet west of N. Van Clief Road in the

Stevinson area, are exempt from CEQA under Section 15183, projects consistent with a Community Plan or Zoning based on the findings listed in the board agenda item.

Ayes: McDaniel, Lor, Pareira, O'Banion

Not Present: Espinoza

Upon motion of Supervisor Pareira, seconded by Supervisor Lor, the Board adopts Resolution No. 2017-35 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.

Ayes: McDaniel, Lor, Pareira, O'Banion

Not Present: Espinoza

### **ACTION ITEM. 30**

#### **2017-04-04 EXECUTIVE OFFICE**

The Clerk announces approval of the nomination from the Board panel for the Measure V Citizens Oversight Committee, with the final appointment to be made by the Merced County Association of Governments Governing Board is before the Board for consideration, and also states on March 29th the Chairman and Vice Chairman held the nominee interviews for the Oversight Committee and selected Jim Cunningham for the Board to consider as the Board of Supervisors nominee.

County Executive Officer Jim Brown clarifies today action is just to present a nominee to Merced County Association of Governments (MCAG) and that MCAG will make the appointment.

Supervisor Lor asks for the name of the second interviewee.

The clerk states the other applicant was Kurt Spycher.

Supervisor O'Banion comments that he supports the nomination of Mr. Cunningham and that Mr. Cunningham was one of the key members in getting Measure V passed.

Upon motion of Supervisor Pareira, seconded by Supervisor O'Banion, the Board approves the nomination of Mr. Cunningham to the MCAG Governing Board.

Ayes: McDaniel, Lor, Pareira, O'Banion

Not Present: Espinoza