

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, APRIL 25, 2017

Closed Session – 8:00 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

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

HEARING ASSISTANCE DEVICES ARE AVAILABLE FOR PUBLIC USE
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

8:00 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: American Federation of State, County and Municipal Employees (AFSCME), Units 4, 5, 6 and 8; Sergeants, Unit 30; Teamster (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) Mark Hendrickson, Director-Community and Economic Development pursuant to Government Code Section 54956.8 as follows:

Property: Buildings 1340, 1509 and operational ramp at Castle Airport

Agency Negotiator: Mark Hendrickson, Director Community and Economic Development

Negotiation Parties: United States Air Force

Under Negotiation: To request authority to execute facility use agreements

Property: Buildings 300, 470, 480 and 482 at Castle Commerce Center

Agency Negotiator: Mark Hendrickson, Director Community and Economic Development

Negotiation Parties: Steiner Development

Under Negotiation: To request authority to negotiate proposed acquisition of facility and value

Property: Building 730 at Castle Commerce Center

Agency Negotiator: Mark Hendrickson, Director Community and Economic Development

Negotiation Parties: Mr. Chris Vierra and Mr. Shane Parson

Under Negotiation: To request authority to negotiate proposed acquisition of facility and value

Property: Property bordered by Air Flight Drive, B Street, Heritage Drive and Apron Avenue at Castle Commerce Center

Agency Negotiator: Mark Hendrickson, Director Community and Economic Development

Negotiation Parties: Merced Union High School District

Under Negotiation: To request authority to negotiate proposed acquisition of facility and value

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:

It is the intention of the Board to meet in Closed Session concerning Existing Litigation pursuant to Government Code Section 54956.9(d)(1): Gonzalez v. Morse, Eastern District Case No. 1:17-cv-00510-DAD-BAM.

THE BOARD RECESSED AT 8:00 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT, AND THE CHAIRMAN ADVISED THE EXISTING LITIGATION WAS PULLED AND STAFF WAS GIVEN DIRECTION ON OTHER ITEMS

GOVERNMENT CODE SECTION 54954.2 COMPLIANCE (LATE AGENDA ITEMS)

10:00 A. M.

PLEDGE OF ALLEGIANCE/INVOCATION

Invocation led by Zyed Ismaeljee

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 - 45)

PRESENTATION:

VOLUNTEER RECOGNITION - 2017 VOLUNTEERS NOMINATED BY THE COMMUNITY:

District One: Fernando Aguilera and University Friends Circle

District Two: Susan Flinspach, Betty Avery and Hinds Hospice Volunteers

District Three: Tim Dyke and Greg Olzack

District Four: Randy Hasness and Erin Benning

District Five: Dos Palos Lions Club, Los Banos VFW/American Legion and Kathy Wilber

Certificates of Recognition were awarded, and a reception was held in Room 310. The Chairman acknowledged and thanked the Volunteer Recognition Screening Committee consisting of Jerome Rasberry, Olivia Gomez, Barbara Heller, Charlene Borrelli and Ann McCauley

CANNABIS UPDATE

Provide direction regarding the local regulation of medicinal and adult recreational cannabis within Merced County.

REVIEW BOARD ORDER – SEE PAGE 13 AND 14

PUBLIC HEARINGS:

PUBLIC WORKS - PUBLIC HEARING

To consider adoption of a resolution terminating maintenance of approximately 0.60 miles of Butts Road located in the Gustine area and approving installation of an unlocked gate.

RECOMMENDATION:

1) Open the Public Hearing and receive public comments; 2) Close Public Hearing; and, 3) Adopt the Resolution Terminating Maintenance of approximately 0.60 miles of Butts Road and approve installation of unlocked gate, located in the Gustine area.

REVIEW BOARD ORDER – SEE PAGE 14 AND 15

PUBLIC WORKS - PUBLIC HEARING

To consider a resolution authorizing the General Vacation of a portion of Robin Avenue in the Livingston area.

RECOMMENDATION:

1) Open the Public Hearing and receive public comments; 2) Close the Public Hearing; and, 3) Adopt the Resolution authorizing the General Vacation of a portion of Robin Avenue in the Livingston area.

REVIEW BOARD ORDER – SEE PAGE 15

REPORTS/BOARD DIRECTION

CONSENT CALENDAR (Items # 1-45)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Approve Budget Transfer in amount of \$25,000 to increase appropriation for Snelling Courthouse restoration.
2. Approve Budget Transfer in the amount of \$21,000 to replace vehicle #51024 that was involved in an accident and deemed a total loss. (4/5 Vote Required)
3. Approve Budget Transfer in the amount of \$4,474,773 establishing revenues for the SB 863 Jail Project into Budget Unit 17200. (4/5 Vote Required)
4. Set a Public Hearing for June 6, 2017 at 10:00 A.M. to consider adoption of the Resolution forming Major Subdivision No. 07002, Unit 2, Phase 2 into the Villa Cordoba Unit 2 Landscape Zone of Benefit No. 129 in County Service Area Number One.
5. Set a Public Hearing for June 6, 2017 at 10:00 A.M. to consider adoption of the Resolution annexing the Villa Cordoba Unit 2, Phase 2, Subdivision 07002 into the Hilmar/Irwin Street Lighting Maintenance Zone of Benefit No. 100 in County Service Area Number One.
6. Approve the Vehicle User Mileage Rates for the 2017/2018 Fiscal Year.
7. Adopt the Resolution for the Summary Vacation of Excess Right-of-Way along property frontage located on Park Avenue in the Winton area.

ADOPTED RESOLUTION NO. 2017-41

8. Approve and authorize the Chairman to sign Amendment Contract No. 2012063 with Crawford Associates for Geotechnical Design Services.

Ag. Commissioner

9. Approve and authorize the Chairman to sign Renewal Contract No. 2004158 with USDA-APHIS Wildlife Services for FY 2017/2018 Annual Work Plan for Predatory Animal Control in Merced County.

Health

10. Approve the Proclamation in recognition of National Public Health Week for April 3-9, 2017.
11. Approve and authorize the Chairman to sign Renewal Contract No. 2016189 with HealthReach for Medi-Cal Administrative Activities consultant services.
12. Approve and authorize the Chairman to sign Amendment Contract No. 2011135 with Dignity Health dba: Mercy Medical Center for use of Helipad for Emergency Landing Site.
13. Approve and authorize the Chairman to sign Amendment Contract No. 2016211 with United Way of Merced County (2-1-1) to assist with the development of the chronic disease prevention services database for the Partnerships to Improve Community Health grant.
14. Approve and authorize the Chairman to sign Amendment Contract No. 2015102 with Calif. Dept. of Public Health for Maternal and Child Health in-home services for the Calif. Home Visiting Program.

Behavioral Health and Recovery Serv.

15. Approve and authorize the Chairman to sign Amendment Contract No. 2014130 with Joseph Melton, LMFT for Certification Review Hearing Officer Services.
16. Approve and authorize the Chairman to sign Amendment Contract No. 2014107 with Canyon Manor for client placement services.
17. Approve and authorize the Chairman to sign Amendment Contract No. 2016088 with Healthy House within a Match Coalition for interpreter services; and approve the related budget transfer.
18. Approve and authorize the Chairman to sign Amendment Contract No. 2013271 with Helios Healthcare, LLC for Skilled Nursing Facility services.
19. Approve and authorize the Chairman to sign Amendment Contract No. 2014131 with Victor Treatment Center for specialty mental health services to youth clients placed out-of-county.
20. Approve and authorize the Chairman to sign Amendment Contract No. 2016235 with Community Social Model Advocates, Inc. for residential alcohol and drug recovery services; and approve the related budget transfer.

Human Services Agency

21. Proclaim the month of May 2017 as "Older Americans Month" in Merced County.
22. Approve Budget Transfer in the amount of \$2,602 to increase aid to refugees based on increase in caseload and monthly grant award. (4/5 Vote Required)
23. Approve Budget Transfer in the amount of \$210,000 to purchase 5 midsize vehicles, network, network switch upgrade for the Wardrobe site, 3 document upload kiosks, and 4 facilitate and control tablets.

REVIEW BOARD ORDER – SEE PAGE 15 AND 16

24. Approve and authorize the Chairman to sign Interdepartmental Renewal Contract No. 2013100 with Workforce Investment for Los Banos Plato Lab Services for Welfare to Work and Cal Learn clients.
25. Approve and authorize the Chairman to sign Renewal Contract No. 2010078 with Merced Union High School District for Adult Education Services.
26. Approve and authorize the Chairman to sign Amendment Contract No. 2006171 with Lifeline Systems Company for Medical Alert services and devices.
27. Approve and authorize the Chairman to sign Amendment Contract No. 2016295 with Central California Alliance for Health for Medi-Cal Capacity Technical Assistance Grant.

Community and Economic Development

28. Set a Public Hearing for May 9, 2017 at 10:00 A.M. to recommend amendment of the agricultural preserve with reference to three parcels, resulting from three Property Line Adjustments located at 1) east side of S. Minturn Road, 4,500 feet south of E. Harvey Pettit Road in the Le Grand area, 2) southeast corner of N. Griffith Avenue and Swanson Road in the Delhi area, and 3) northeast corner of N. Cox Ferry Road and N. Highway 59 in the Snelling area, as per the requirements of the Land Conservation Act of 1965 (Williamson Act) Section 51200 et seq. of the California Government Code.

Fire

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

Probation

30. Approve Budget Transfer in the amount of \$65,000 for purchase of a video use of force simulator in lieu of a body scanner. (4/5 Vote Required)

REVIEW BOARD ORDER – SEE PAGE 16

District Attorney

31. Approve Budget Transfer in the amount of \$25,710 to purchase specialized equipment needed to prepare charts and graphs for case investigations, court preparation and mapping.

REVIEW BOARD ORDER – SEE PAGE 16

Workforce Investment

32. Approve and authorize the Chairman to sign Amendment #3 Contract No. 2015010 with Madera County Workforce Investment Corp. for the Jobs Driven National Emergency Grant to assist long term unemployed individuals, individuals receiving unemployment insurance, and/or returning veterans in Merced County by providing employment-related services including vocational training.
33. Approve and authorize the Chairman to sign Amendment #4 Contract No. 2015010 with Madera County Workforce Investment Corp. for the Jobs Driven National Emergency Grant shifting funds for the grant budget to Tuition Payments/Individual Training Account, other supportive services allocated overhead costs and staff salaries.

Treasurer/Tax Collector

34. Approve and authorize the Chairman to sign Amendment Contract No. 2016070 with ABS Direct, Inc. to print, fold, stuff and mail tax bills and notices.
35. Approve and authorize Amendment Contract No. 2016057 with Steckbauer Weinhart, LLP for Legal Counsel for specialized bankruptcy services; and approve the related budget transfer.

Executive Office

36. Authorize Proclamation recognizing April 25, 2017 "Dignity and Rights for Farmworkers" in Merced County.
37. Approve and authorize the Chairman to sign Amendment Contract No. 2016014 with Lewis Brisbois Bisgaard & Smith LLP to provide professional legal services.
38. Approve and authorize the Chairman to sign Amendment Contract No. 2016269 with OpTerra Energy Services for Energy Conservation and Retrofit Services reducing the overall contract price from \$11,762,997 to \$11,562,997 adjusting the initial payment from \$1,012,168 to \$982,168, and other adjustments to include adding a 20th year of guaranteed savings.
39. Act on Claims for Damages submitted by Helen Lee, Crystal Lee, Heather Lee, John Long, Mario Gomez Covarrubias, Elsa Morales, Leslye Gomez, Luis Gomez, Joe Gomez Chaires, Laura Gomez Chaires, Carmen Gomez Chaires and Mario Gomez Chaires as recommended by Risk Management and County Counsel.

Board of Supervisors

40. Approve Minutes for February 14, 2017-Special Meeting, February 21, 2017, February 21, 2017-Addendum, March 7, 2017, March 20, 2017-Special Meeting, March 21, 2017, and March 28, 2017.

Board Recognition

41. Authorize Certificates of Recognition to Jessica Espinoza Kazakos, Lillian Sanchez Ramos, Martha Ramirez and Patricia Ramos Anderson for accomplishments and contributions to the communities of Merced County.
42. Authorize Certificates of Recognition to various individuals for support during the Merced County Flood 14 day EOC Activation.
43. Authorize Resolution in Celebration of Kiddieland's 60 Years of Service.
44. Authorize Proclamation in recognition of "Sexual Assault Awareness" for the Month of April in Merced County and April 26, 2017 as "Denim Day".
45. Authorize Proclamation in recognition of "Neurofibromatosis Awareness" for the Month of May 2017 in Merced County.

REVIEW BOARD ORDER – SEE PAGE 16 AND 17

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

46. Accept the Final Map for Villa Cordoba Unit No. 2, Phase 2, Major Subdivision No. 07002, located in the Hilmar Community Plan area.
APPROVED AS RECOMMENDED AYES: ALL
47. Consider the proposed Mitigated Negative Declaration for the Los Cerritos Road Bridge Replacement Project and comments received during the public review process, and find that there is no substantial evidence that the project will have a significant effect on the environment; and adopt the Mitigated Negative Declaration and Mitigation Monitoring Reporting Program for the Los Cerritos Road Bridge Replacement Project.
APPROVED AS RECOMMENDED AYES: ALL
48. 1) Approve the Agreement for Purchase of Real Property between Merced County and Michael & Jackie Nachtigall for acquisition of property for the Walnut Avenue Rule 20A & Pedestrian Project; 2) Authorize the Chairman to sign the agreement listing the terms and conditions of the acquisition; 3) Adopt the Resolution accepting the Grant Deed from Michael & Jackie Nachtigall for acquisition of the property; and 4) Approve payment to Trans County Title Company for the accepted value of property plus escrow and any other transaction fees.
AUTHORIZED CONTRACT NO. 2017056 AND ADOPTED RESOLUTION NO. 2017-42 AS RECOMMENDED AYES: ALL
49. Adopt the Resolution adjusting the mileage of maintained roads in Merced County for 2016 to be 1,754.210 miles.
ADOPTED RESOLUTION NO. 2017-43 AS RECOMMENDED AYES: ALL

HEALTH

50. Contract with Calif. Dept. of Health Care Services for funding of Medi-Cal Administrative Activities; and adopt the Resolution.
AUTHORIZED CONTRACT NO. 2017057 AS RECOMMENDED AYES: ALL
51. Contract with Calif. Dept. of Health Care Services to accept the Child Health and Disability Prevention allocation for the Health Care Program for Children in Foster Care; and approve the related budget transfer. (4/5 Vote Required)
AUTHORIZED CONTRACT NO. 2017058 AS RECOMMENDED AYES: ALL
52. Contract with Merced County Food Bank to establish a gleaning program; and adopt the related budget transfer.
AUTHORIZED CONTRACT NO. 2017059 AS RECOMMENDED AYES: ALL
53. Contract with Castle Family Health Care Centers to facilitate the implementation of Health Information Exchange through individual electronic health record vendors and the San Joaquin Community Health Information Exchange for the Partnerships to Improve Community Health grant.
AUTHORIZED CONTRACT NO. 2017060 AS RECOMMENDED AYES: ALL
54. Contract with Golden Valley Health Centers to facilitate the implementation of Health Information Exchange through individual electronic health record vendors and the San

Joaquin Community Health Information Exchange for the Partnerships to Improve Community Health grant.

AUTHORIZED CONTRACT NO. 2017061 AS RECOMMENDED AYES: ALL

55. Contract with United Way of Merced County (Paula Yang) for technical support and services to support health food access of local produce to convenience stores for the Partnerships to Improve Community Health grant.

AUTHORIZED CONTRACT NO. 2017062 AS RECOMMENDED AYES: ALL

56. Contract with United Way of Merced County (Cultiva La Salud) for technical support and services to support physical activity opportunities for the Partnerships to Improve Community Health Grant.

AUTHORIZED CONTRACT NO. 2017063 AS RECOMMENDED AYES: ALL

BEHAVIORAL HEALTH AND RECOVERY SERV.

57. Retroactively approve the Permanent Supportive Housing renewal applications for Project Home Start and Project Hope Westside, as part of the County's portion of the 2016 Merced County Continuum of Care Plan; and accept the grant award in the amount of \$287,660 and authorize the Department to return to the Board for approval of grant agreements.

APPROVED AS RECOMMENDED AYES: ALL

58. Proclaim the month of May 2017 as Mental Health Month in Merced County; and authorize the Department to work in conjunction with the City of Merced Fire Department to hang a banner over and above the streets of the City of Merced, on G Street between 19th and 20th Streets, for two weeks starting May 7, 2017 as part of the Mental Health Services Act Prevention and Early Intervention Public Awareness and Education Campaign.

APPROVED AS RECOMMENDED AYES: ALL

59. Contract with CyraCom, LLC for On-demand video interpretation services.

AUTHORIZED CONTRACT NO. 2017064 AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

60. Contract with Merced County Office of Education to provide a camp for Foster Youth.

AUTHORIZED CONTRACT NO. 2017065 AS RECOMMENDED AYES: ALL

61. Contract with Merced County Office of Education to provide a camp for Foster Youth in the Independent Living Program.

AUTHORIZED CONTRACT NO. 2017066 AS RECOMMENDED AYES: ALL

62. Contract with AssureCare for a mandated reporting system for Area Agency on Aging and Multipurpose Senior Services Programs.

AUTHORIZED CONTRACT NO. 2017067 AS RECOMMENDED AYES: ALL

COMMUNITY AND ECONOMIC DEVELOPMENT

63. Approve the designation of the Community and Economic Development Director as the Foreign Trade Zone (FTZ) Administrator and Executive Secretary to the FTZ Advisory Board; approve the designation of the Deputy Director of Community and Economic Development as the Deputy Zone Administrator; and approve the reauthorization of the Zone Administrator to negotiate Zone Operating Agreements including the authority to make minor changes to draft agreements, subject to approval of Counsel and authorize the Chairman to sign Contracts.

APPROVED AS RECOMMENDED AYES: ALL

64. Approve the sale of 2.33 acres of land within Castle Commerce Center to Paul and Karen Creighton for \$14,000 and authorize the Chairman to execute all necessary documents to effectuate the sale and transfer.

AUTHORIZED CONTRACT NO. 2017055 AS RECOMMENDED AYES: ALL

65. Contract with Federal Aviation Administration (FAA) for grant offer/acceptance documents (not yet available) subject to review and approval by the County Executive Office and County Counsel; authorize Counsel to sign associated Certificate of Sponsor's Attorney upon receipt and review by County Counsel; adopt a resolution authorizing the Chairman to submit a CalTrans Matching Grant Application to the Division of Aeronautics, California Department of Transportation and execute all required documents including Grant Agreement; direct Community and Economic Development and Public Works to return to the Board with an update of all actions taken; and approve the related budget transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2017069 (FAA) AND CONTRACT NO. 2017070 (CALTRANS) AND ADOPTED RESOLUTION NO. 2017-45 AS RECOMMENDED AYES: ALL

66. Appoint David Farmer as the Western White Area Representative to the Merced Subbasin Groundwater Sustainability Agency Governing Board.

APPROVED AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 17

RETIREMENT BOARD

67. Adopt Employer Contribution Rate of 50.58% as recommended by the Actuarial Report; and adopt Employee Contribution Rates as recommended by the Actuarial Report.

APPROVED AS RECOMMENDED AYES: ALL

WORKFORCE INVESTMENT

68. Accept Workforce Innovation and Opportunity Act Subgrant Agreement K7105782 with the State Dept. of Employment Development to fund travel for the Disability Resource Coordinator entity pursuant to the terms of the Disability Employment Initiative.

AUTHORIZED CONTRACT NO. 2017068 AS RECOMMENDED AYES: ALL

HUMAN RESOURCES

69. (1) Approve the following departmental personnel actions: 1) Risk Management – Budget Unit 19000: Change: 1 Insurance Claims Assistant (Pos 3) to Staff Services Analyst I/II. Change 2 Risk Analyst I/II/III (Pos 10, 11) to Human Resources Analyst I/II/III. 2) District Attorney – Budget Unit 20400: Add 1 District Attorney Investigator I/II. 3) Sheriff – Budget Unit 22100: Add 1 Deputy Sheriff/Coroner I/II. 4) Department of Public Works-Buildings – Budget Unit 27300: Add 1 Building Inspector I/II. 5) Department of Workforce Investment – Budget Unit 55000: Re-establish and add 1 Special Projects Manager. (2) Approve the modifications to the Special Projects Manager and Human Resources Analyst I/II/III classification specifications. (3) Approve amendments to the Position Allocation Resolution 06-120/A and the Salary Allocation Resolution 06-120.

ADOPTED RESOLUTION NO. 2017-46 (POSITION) AND RESOLUTION NO. 2017-47 (SALARY) AS RECOMMENDED AYES: ALL

70. Contract with Koff & Associates for classification and compensation study services.

AUTHORIZED CONTRACT NO. 2017071 AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

71. Adopt a Resolution approving the Merced County Travel and Meeting Reimbursement Expense Policy - Operations Directive 17-124.

ADOPTED RESOLUTION NO. 2017-48 AS RECOMMENDED AYES: ALL
REVIEW BOARD ORDER – SEE PAGE 17 AND 18

72. 1) Set a Special Board Meeting for a Board Strategic Workshop on May 24, 2017 at 9:00 a.m. to be held at 403 F Street in Los Banos (Germino Building); and 2) Approve Amendment Contract between Merced County and Alta Mesa Group, LLC.

AUTHORIZED CONTRACT NO. 2017072 AS RECOMMENDED AYES: ALL

73. Approve and authorize the Chairman to execute the lease agreement with the Judicial Council of California, Real Estate and Facilities Management for the Judicial Council's 48% interest of the old courthouse located at 445 I Street in Los Banos, California for the period of April 25, 2017 through December 31, 2017 for \$1.00.

AUTHORIZED CONTRACT NO. 2017073 AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

74. Provide direction on exploring the expansion of local indigent healthcare services to uninsured, undocumented persons.

APPROVED AS RECOMMENDED AYES: ALL
REVIEW BOARD ORDER – SEE PAGE 18 AND 19

BOARD APPOINTMENTS

75. PULLED

76. Appoint Amanda Price, Byran Smith, Larry Rego and Tomas Mendoza to serve as members of the Delhi Municipal Advisory Council until January 3, 2019.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

77. Public Health re: Auto Renewal of Contract No. 2014126 with Madera County for Physical and Occupational Therapy Services per Exhibit A of the current contract.
78. Merced County Mosquito Abatement District re: Manager's Report for February 2017.
79. Fish and Game Commission re: Notice of Proposed Regulatory Action relative to Amending Section 300, Title 14, California Code of Regulations, relating to upland game bird regulations, which was published in the California Regulatory Notice Register on April 7, 2017.
80. Fish and Game Commission re: Notice of Receipt of Petition to list Cascades frog as threatened or endangered under the California Endangered Species Act, published in the California Regulatory Notice Register on March 30, 2017.
81. Fish and Game Commission re: Notice of Proposed Regulatory Action relative to Amending sections 29.80 and 122, Title 14, California Code of Regulations, relating to upland game bird regulations, which was published in the California Regulatory Notice Register on April 7, 2017.

82. Cal OES re: U.S. Small Business Administration declared the primary counties of Colusa, Lake, Lassen, Plumas, Santa Clara, Santa Cruz and the contiguous counties of Alameda, Butte, Glenn, Mendocino, Merced, Modoc, Monterey, Napa, San Benito, San Joaquin, San Mateo, Shasta, Sierra, Sonoma, Stanislaus, Sutter, Tehama, Yolo, and Yuba a disaster area as a result of damages caused by the severe storms and flooding that occurred February 1-25, 2017.
83. Cal OES re: U.S. Small Business Administration has declared the primary counties of Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Glenn, Humboldt, Kings, Lake, Lassen, Marin, Mariposa, Merced, Modoc, Monterey, Napa, Nevada, Plumas, Sacramento, San Benito, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo and Yuba a disaster area as a result of damages caused by severe winter storms, flooding, and mudslides that occurred February 1, 2017 through February 23, 2017.

**THE BOARD ADOPTED A RESOLUTION IN MEMORY OF LEWIS BRAXTON AND
ADJOURNED THE MEETING UNTIL TUESDAY, MAY 9, 2017, AT 10:00 A.M.**

BOARD ORDERS – SUMMARY ACTION MINUTES – APRIL 25, 2017

10:00 A.M. PRESENTATION **2017-04-25 CANNABIS UPDATE**

The Clerk announces direction from the Board regarding the local regulation of medicinal and adult recreational cannabis within Merced County is before the Board.

Deputy County Executive Officer Mary Rose Rutikanga submits a copy of the powerpoint and reviews the following: Uncertainty between Federal and State Law, and What will be Permissible in January 2018.

Chairman McDaniel states he will be in Washington next week and plans to discuss these issues and will report back.

County Executive Officer Jim Brown reviews powerpoint covering Surrounding Cities and Cannabis Policy, Proposition 64 Marijuana Legalization November 8, 2016 General Election Results map, Uncertainties & Industry Evolving, and Interim Step-Short Term Policy Direction.

The Board has lengthy discussion on Indoor/Outdoor cultivation of cannabis, to gather information on how other counties are handling cannabis issues, concerns on State and Federal Law, and possible taxing of products.

Tax Collector Karen Adams reviews what would be taxable.

The Chairman asks if there is anyone from the public wishing to speak.

Zac Travon, Attorney speaks in favor of legalized use of Cannabis.

Gloria Sandoval states concerns, and would like the County to minimize use of illegal cannabis.

Ms. Martinez speaks against taxing cannabis.

Brianne Ramos, Executive Director of Farm Bureau speaks in opposition of legalized cannabis.

Jesse Ornales states he is not opposed to legalized cannabis but does not want an abundance of it. He also states concerns with cannabis dispensaries and how fast they will go up.

Supervisor Pareira states it is hard to give direction on the matter with so many variables and suggest gathering more information.

The Board has further discussion regarding delivery of cannabis products in rural areas, state licensing, the need for more information, possibility of Ad HOC Committee, taxation of products, and setting up guidelines.

Mr. Brown clarifies the Board direction is to meet with the Sheriff and include him in the process, set up an Ad Hoc Committee to help with gathering information and report back to the Board.

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

10:00 A.M. SCHEDULED ITEM
2017-04-25 PUBLIC WORKS – PUBLIC HEARING #1

The time and date previously scheduled for a public hearing to consider a Resolution Terminating Maintenance of approximately 0.60 miles of Butts Road and approve installation of an unlocked gate, located in the Gustine Area.

Director of Public Works Dana Hertfelder reviews the staff report and states they received one letter of concern from Hughson Deer Club.

Supervisor Espinoza questions who has access to the property.

Supervisor Pareira asks if the county has spoken with the deer club.

Mr. Hertfelder states they have spoken to them and they are ok with it as long as there is no lock on the gate.

The Chairman opens the public hearing and asks if there is anyone present wishing to speak.

Bruce Carrion, President of the Hughson Deer Club states the only access to the hunting grounds is through the ranch and was not in agreement at the beginning because they would put a lock on the gate. If there is no lock on the gate he has no objection.

Denise Jackson Paddock states it would benefit county to terminate maintenance and that the people who go down the road are lost or intend to trespass.

The Chairman closes the public hearing.

The Board has further discussion on whether to have a lock on the gate and who would have access.

Supervisor O'Banion questions if it would be better to abandon the portion of Road.

County Counsel Fincher states that is a different process then what is before the Board today and would not absolve the County.

Supervisor Pareira agrees that abandoning the road and giving an easement to affected property owners may be an option.

Mr. Hertfelder states owners have 2 years to record property rights.

Upon motion of Supervisor Pareira and seconded by Supervisor O'Banion, duly carried, the Board terminates maintenance of approximately 0.60 miles of Butts Road and approves installation of an unlocked gate, located in the Gustine area; and approves Resolution No. 2017-39.
Ayes: McDaniel, Espinoza, Lor, Pareira, O'Banion

10:00 A.M. SCHEDULED ITEM
2017-04-25 PUBLIC WORKS – PUBLIC HEARING #2

The time and date previously scheduled for a public hearing to consider Resolution authorizing the General Vacation of a portion of Robin Avenue in the Livingston area.

Director of Public Works Dana Hertfelder reviews the staff report.

Supervisor Espinoza describes the affected property.

Supervisor McDaniel questions accessibility to the property.

Mr. Hertfelder states one of the property owners already uses a different access off Robin Road.

Supervisor Pareira asks if there are any gates on the road.

Mr. Hertfelder states only a long driveway.

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 Espinoza questions the value of the portion of road and how long it is.

Mr. Hertfelder states it is 170 feet in length and not sure on value, it is more of a liability to maintain then vacate.

Upon motion of Supervisor Espinoza, seconded by Supervisor O'Banion, duly carried, the Board authorizes General Vacation of a portion of Robin Avenue in the Livingston area; and adopts Resolution No. 2017-40.

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

CONSENT ITEM #23
2017-04-25 HUMAN SERVICES AGENCY

The Clerk announces a Budget Transfer in the amount of \$210,000 to purchase 5 midsize vehicles, network, network switch upgrade for the Wardrobe site, 3 document upload kiosks, and 4 facilitate and control tablets are before the Board for consideration. The Clerk also states the Board Agenda recommendation accurately reflects the appropriate number of items being requested but the original supporting documentation was incorrect and has been amended to reflect the number of items for consideration.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pareira, duly carried, the Board approves the budget transfer.

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

CONSENT ITEM #30

2017-04-25 PROBATION

The Clerk announces a budget transfer in the amount of \$65,000 for the purchase of a video use of force simulator in lieu of a body scanner is before the Board for consideration.

Victoria Castillo requests more information on the item.

Chief Probation Officer Jeff Kettering reviews the staff report and gives background on the item.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pareira, duly carried, the Board approves the budget transfer.

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

CONSENT ITEM #31

2017-04-25 DISTRICT ATTORNEY

The Clerk announces a budget transfer in the amount of \$25,710 to purchase specialized equipment needed to prepare charts and graphs for case investigations, court preparation and mapping is before the Board for consideration.

Victoria Castillo requests more information on the item.

County Executive Officer Jim Brown reviews the staff report and gives background on the item.

Supervisor Lor states she is available to help clarify Agenda Items for the public.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pareira, duly carried, the Board approves the budget transfer.

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

CONSENT ITEM #45

2017-04-25 BOARD RECOGNITION

The Clerk announces a proclamation in recognition of "Neurofibromatosis Awareness" for the month of May 2017 is before the Board for consideration.

Chairman McDaniel presents the proclamation to April Anderson and her daughter Dakota.

Ms. Anderson thanks the Board and gives background on the condition.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pareira, duly carried, the Board approves the May 2017 as Neurofibromatosis Awareness month in Merced County.
Ayes: McDaniel, Espinoza, Lor, Pareira, O'Banion

ACTION ITEM #66

2017-04-25 COMMUNITY AND ECONOMIC DEVELOPMENT

The Clerk announces the appointment of David Farmer as the Western White Area Representative to the Merced Subbasin Groundwater Sustainability Agency Governing Board is before the Board for consideration.

Director of Community and Economic Development Mark Hendrickson states they have received three letters of support for Mr. Farmer and submits them for the record.

Upon motion of Supervisor Espinoza, seconded by Supervisor O'Banion, duly carried, the Board appoints David Farmer to the Western White Area Representative to the Merced Subbasin Groundwater Sustainability Agency Governing Board.

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

ACTION ITEM #71

2017-04-25 EXECUTIVE OFFICE

The Clerk announces adoption of a resolution approving the Merced County Travel and Meeting Reimbursement Expense Policy – Operations Directive 17-124 is before the Board for consideration.

Supervisor O'Banion states he supports the item after discussion with County Counsel but believes there needs to be further discussion during budget sessions regarding where individuals need to live in their districts and why Board Supervisors are identified specifically and other elected officials are not.

Supervisor Lee questions what the resolution stated before.

County Executive Officer Jim Brown clarifies the wording of the resolution stated county employees and elected positions, Board of Supervisors was added for clarification.

Supervisor McDaniel concurs with Supervisor O'Banion's comments. Their elected districts require them to live in the district they serve.

Supervisor Pareira questions if other elected positions were added.

Mr. Brown states nothing has changed regarding other elected positions.

Supervisor McDaniel states other elected officials just have to live in the County not specific Districts.

Upon motion of Supervisor Lor, seconded by Supervisor Pareira, duly carried, the Board adopts the Merced County Travel and Meeting Reimbursement Expense Policy – Operations Directive 17-124; and adopts Resolution No. 2017-48.

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

ACTION ITEM #74

2017-04-25 BOARD OF SUPERVISORS

The Clerk announces direction from the Board on exploring the expansion of local indigent healthcare services to uninsured, undocumented persons is before the Board for consideration.

The Chairman states that Supervisor Espinoza requested this item be brought to the Board for discussion.

Supervisor Espinoza states the public has asked him for a study session.

The Chairman asks if there is anyone from the public wishing to speak.

Lou Thao of Building Healthy Communities speaks in support of health care services, and submits letters of support to expand healthcare eligibility to uninsured/undocumented persons in Merced County.

The following also speak in support of healthcare eligibility and a Study Session: Sandra, Talia Mendoza, Adrianna Florez, Ana Maria, Gloria Sandoval, Luis Aguilar, Arcelia Garcia, Heidi Sanchez, Bethany Zaragoza, Florita Bezer, Nancy Redding, Lena Solorio, Delliah Belamontiz, Carla Gonzalez, Yvonne Flores, Irene Almendariz, Lupe Delgado, Sally Martinez, and Esai Palma.

Director of Public Health Kathleen Grassi states they have looked at the situation over the years to identify options.

The Board has lengthy discussion on the State Medicaid expansion, SB562, legislative platform.

Supervisor Espinoza states a Study Session should be scheduled.

Chairman McDaniel states Supervisor Espinoza and Supervisor Lor will head up a Committee to review the healthcare options.

County Executive Officer Jim Brown clarifies the Boards direction is to have Supervisor Espinoza and Supervisor Lor work on setting up a Study Session to bring more information back to the Board.

Supervisor O'Banion states, false hope should not be given on the matter. It will depend on the actions of State and Federal government. He also states the County cannot solve the issue without help from the State and Federal government.

Upon motion of Supervisor Espinoza, seconded by Supervisor Lor, duly carried, the Board provides direction to have Supervisor Espinoza and Supervisor Lor work on setting up a Study Session to bring more information back to the Board.
Ayes: McDaniel, Espinoza, Lor, Pareira, O'Banion