

# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

### Regular Meeting

**TUESDAY, MAY 9, 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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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:**

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 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): Cindy Bales Engineering, Inc., v. County of Merced, Merced Superior Court Case No. 17CV-01180

**THE BOARD RECESSED AT 8:30 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT, AND THE CHAIRMAN ADVISED STAFF WAS GIVEN DIRECTION**

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

**10:00 A. M.                    PLEDGE OF ALLEGIANCE/INVOCATION  
   Invocation led by Dr. Bruce Metcalf**

**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 - 30)**

**PUBLIC HEARINGS:**

**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) PLA17-006 located on the east side of Minturn Road, 4,500 feet south of E. Harvey Pettit Road in the Le Grand area, b) PLA17-007 located on the southeast corner of N. Griffith Avenue and W. Swanson Road in the Delhi area, c) PLA17-008 located on the northeast corner of N. Cox Ferry Road and N. Highway 59 in the Snelling area, are exempt from CEQA under Section 15138, Projects Consistent with a Community Plan or Zoning based on the findings listed in the Board Agenda Item; 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 9**

**REPORTS/BOARD DIRECTION**

**CONSENT CALENDAR (Items # 1-30)**

**APPROVED AS RECOMMENDED      AYES: ALL**

Public Works

- 1. Approve budget transfer in the amount of \$1,000,000 to establish accessibility appropriations from Capital Improvement Project (CIP) object code 83600 Structures and Improvements to CIP object code 81311 Accessibility Mitigation to better track accessibility projects expenditures.
- 2. Approve budget transfer in the amount of \$37,000 to transfer General Fund Structures and Improvements to the Emergency Operations Center. (4/5 Vote Required)
- 3. Adopt the resolution prohibiting the parking of vehicles in front of the Dollar General Store in Planada on the south side of Hwy. 140 between Plainsburg Road and Gwinn Street; and authorize staff to install and maintain "No Parking" signs along said portion of Hwy. 140.

**ADOPTED RESOLUTION NO. 2017-50**

- 4. Approve and authorize the Chairman to sign Amendment Contract No. 2012009 with Hamner-Jewell Associates for right-of-way acquisition services.
- 5. Approve and authorize the Chairman to sign Amendment Contract No. 2012015 with Kleinfelder, Inc. for Material Testing and Special Inspection Services.
- 6. Approve and authorize the Chairman to sign Amendment Contract No. 2016076 with VANIR Construction Management for additional Construction Management Services for the Mental Health (Behavioral Health and Recovery Services) Facilities Remodel.

Ag. Commissioner

- 7. Approve and authorize the Chairman to sign Renewal Contract No. 2004057 with California Crop Improvement Association for Certified Seed Inspection Services.

8. Approve and authorize the Chairman to sign Renewal Contract No. 2007246 with Calif. Dept. of Food and Ag. for nursery stock inspection activities at County nursery locations.
9. Approve and authorize the Chairman to sign Renewal Contract No. 2001105 with Calif. Dept. of Food and Ag. for Fruit and Vegetable quality standards inspections.

#### Health

10. Approve budget transfer in the amount of \$361,000 for the Medical Assistance Program (MAP) budget in order to pay remaining balances due to medical providers, and for the anticipated payment due to the Department of Health Care Services for the Fiscal Year 14/15 AB85 reconciliation. (4/5 Vote Required)
11. Approve and authorize the Chairman to sign Renewal Contract No. 2012038 with Supplemental Health Care for occupational and physical therapy to provide medical therapy and review medical records for the issuance of authorizations for the California Children's Services-Medical Therapy Program and California Children's Services-Administration.
12. Approve and authorize the Chairman to sign Memorandum of Understanding Renewal Contract No. 2008085 with Human Services Agency and Probation Dept. for Public Health Nursing services for children in foster care.

#### Behavioral Health and Recovery Serv.

13. Approve and authorize the Chairman to sign Amendment Contract No. 2014109 with Guardco Security Services for Security Services at the inpatient unit and other facilities; and approve the related budget transfer.

#### Human Services Agency

14. Approve and authorize the Chairman to sign Renewal Contract No. 2011072 with The National Council on Crime and Delinquency (NCCD) for SafeMeasures-Web Based Information and Date Reporting service.
15. Approve and authorize the Chairman to sign Renewal Contract No. 2016249 with Mega Lab Services for Drug Testing of Child Welfare clients.
16. Approve and authorize the Chairman to sign Interdepartmental Renewal Contract No. 2009296 with Merced County Library for Literacy training services.
17. Approve and authorize the Chairman to sign Renewal Contract No. 2010175 with Transit Joint Powers Authority of Merced County for a No Cost Transportation Program for seniors.

#### Assessor/Recorder

18. Set first reading for May 23, 2017 at 10:00 a.m. to consider a proposed Ordinance to enact "Merced County Assessor Fees" adding Chapter 5.91 to Title 5 of the Merced County Code; and set a second reading and possible adoption of the proposed ordinance for June 6, 2017 at 10:00 a.m.

#### Probation

19. PULLED

### District Attorney

20. Approve Amendment Contract No. 2007148 with Calif. Governor's Office of Emergency Services for Victim Witness Assistance Program Grant Award, increasing funding by an additional \$150,338; authorize the District Attorney to sign the Amendment; and approve the related budget transfer. (4/5 Vote Required)

### Sheriff

21. Approve and authorize the Chairman to sign Interdepartmental Renewal Contract No. 200198 with Behavioral Health and Recovery Services to provide Marie Green Patient Meals.

### Fire

22. Authorize Proclamation recognizing the week of May 7-13, 2017 as Wildfire Awareness Week in Merced County.

### Executive Office

23. Approve travel request received from the Sheriff's Department and Public Health as recommended by Executive Office.
24. Proclaim May 20, 2017 as "Kids to Parks Day" in Merced County.
25. Approve and authorize the Chairman to sign Amendment Contract No. 2007140 with Judicial Council of California, Administrative Office of the Courts for Lease of Department 10 located at 700 W. 22nd Street, Merced.
26. Act on Claims for Damages submitted by Jesse Molina Sr. and Jesse Molina Jr. as recommended by Risk Management and County Counsel.

### Board Recognition

27. Authorize Certificate of Recognition to Nuno Mathias Portuguese Council of Portugal for contributions to the Portuguese Community in Merced County.
28. Authorize Certificate of Recognition to Chief Chou Her as the new Chief of Police for the University of California, Merced.
29. Authorize Certificates of Recognition to various individuals for contributions as a 2016 Memorial Hospital Los Banos Volunteer.
30. Authorize Certificates of Recognition to various individuals in honor of attaining 85 years of age and 50 years of residency in the County of Merced.

## **REGULAR CALENDAR**

### **BOARD ACTION**

#### HEALTH

31. Approve submission of a Naloxone Distribution Project grant application to the Calif. Dept. of Public Health to conduct Naloxone Distribution Projects; allow the Director of Public Health to retroactively sign the non-binding electronic letter of intent; and return to the Board

for contract approval once awarded.

**APPROVED AS RECOMMENDED AYES: ALL**

32. Designate David Canton, D.O., M.P.H., J.D. as the Merced County Health Officer and appoint Dr. Canton to the First 5 Merced County Commission and the Merced County Emergency Medical Care Committee all effective as of July 10, 2017.

**APPROVED AS RECOMMENDED AYES: ALL**

33. Contract with Calif. Dept. of Public Health - Office of AIDS (State Contract No. 16-10783), for HIV/AIDS Surveillance Program; and adopt the resolution.

**AUTHORIZED CONTRACT NO. 2017074 AND ADOPTED RESOLUTION NO. 2017-51 AS RECOMMENDED AYES: ALL**

34. Contract with R.E. Patterson & Associates to provide Incident Command System/National Incident Management System/Standardized Emergency Management System (ICS/NIMS/SEMS) trainings.

**AUTHORIZED CONTRACT NO. 2017075 AS RECOMMENDED AYES: ALL**

#### BEHAVIORAL HEALTH AND RECOVERY SERV.

35. Approve the termination of Contract No. 2014103 with Merced Faculty Associates, for histories and physical exams, effective May 16, 2017 pursuant to the Termination of Convenience clause.

**APPROVED AS RECOMMENDED AYES: ALL**

36. Contract with John M. Yarbrough, M.D., M.B.A. for the provision of child psychiatric services; and return to the Board for further action once the vacant Staff Psychiatrist position is filled.

**AUTHORIZED CONTRACT NO. 2017076 AS RECOMMENDED AYES: ALL**

37. Contract with Timothy Johnston, M.D., PC to provide histories and physical exams for consumers at the Marie Green Psychiatric Center; authorize Dept. of Administrative Services, on behalf of Behavioral Health and Recovery Services, to develop and release a Request for Proposal to secure a qualified provider to provide histories and physical exams of consumers admitted to the Marie Green Psychiatric Center, select the most responsive bidder to negotiate an agreement; and return to the Board for final agreement execution.

**AUTHORIZED CONTRACT NO. 2017077 AS RECOMMENDED AYES: ALL**

#### HUMAN SERVICES AGENCY

38. Contract with Aspiranet to provide psychosocial assessments of Resource Families.

**AUTHORIZED CONTRACT NO. 2017078 AS RECOMMENDED AYES: ALL**

#### TREASURER/TAX COLLECTOR

39. Acceptance of the Quarterly Investment Report for the period of January 1, 2017 to March 31, 2017.

**APPROVED AS RECOMMENDED AYES: ALL**

#### ADMINISTRATIVE SERVICES

40. Declare passenger cars, pickup trucks, forklift, miscellaneous office furniture, assorted office equipment and miscellaneous supplies identified on Exhibit A as Surplus Property as recommended and authorize its disposal by approved internet public auction.

**APPROVED AS RECOMMENDED AYES: ALL**

FIRE

41. Memorandum of Understanding between City of Merced and Merced County for SHSGP-16 funds.

**AUTHORIZED CONTRACT NO. 2017079 AS RECOMMENDED AYES: ALL**

SHERIFF

42. Certify that the appointment of an employee is necessary before the 180 days has passed to fill a critically needed position; approve the appointment of Kenneth Bohner to return to work on or after May 9, 2017; and adopt the resolution.

**ADOPTED RESOLUTION NO. 2017-52 AS RECOMMENDED AYES: ALL**

43. Contract with Delhi Unified School District for a School Resource Officer.

**AUTHORIZED CONTRACT NO. 2017080 AS RECOMMENDED AYES: ALL**

44. Interdepartmental Contract with Public Works for Law Enforcement Services at Lake Yosemite.

**AUTHORIZED CONTRACT NO. 2017081 AS RECOMMENDED AYES: ALL**

EXECUTIVE OFFICE

45. Authorize the Dept. of Administrative Services, in coordination with the Community and Economic Development Dept., to prepare and release a Request for Proposal for services of a qualified public relations firm/consultant to assist the County with the development of a new brand identity.

**APPROVED AS RECOMMENDED AYES: ALL**

46. Approve the amended and restated Joint Powers Agreement (JPA) between the counties of Merced, Mariposa and Mono for the Yosemite Area Regional Transportation System (YARTS) Authority; and authorize the Chairman to sign the agreement.

**AUTHORIZED CONTRACT NO. 2017082 AS RECOMMENDED AYES: ALL**

47. PULLED

BOARD OF SUPERVISORS

48. Authorize \$50,000 of District Five's Special Board Project Funds to be forwarded to the Los Banos Cemetery District for their upcoming road and parking project; and approve the related budget transfer.

**APPROVED AS RECOMMENDED AYES: ALL**

BOARD APPOINTMENTS

49. Reappoint Francisca Briones to serve as a member of the Delhi Municipal Advisory Council, until January 3, 2019.

**APPROVED AS RECOMMENDED AYES: ALL**

50. Remove all existing member appointments of the Planada Recreation Committee and open the application process to reconstitute the membership.

**APPROVED AS RECOMMENDED AYES: ALL**

**BOARD INFORMATION & POSSIBLE ACTION**

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

51. Merced County Mosquito Abatement District re: Manager's Report for March 2017.
52. Cal OES re: April 1, 2017, President Donald J. Trump declared a major disaster declaration due to severe winter storms, flooding, and mudslides that occurred February 1-23, 2017. As a result, the U.S. Dept. of Agriculture Farm Services Agency Emergency Loan Program has been made available for 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 and the contiguous counties of Fresno, Kern, Madera, Mendocino, Mono, Placer, San Francisco, Tulare, and Ventura in the State of California for both physical and crop production losses.
53. Cal OES re: March 31, 2017, the U.S. Dept. of Agriculture granted a Secretarial disaster designation for the primary counties of Kings, Stanislaus, and Sutter and the contiguous counties of Alameda, Butte, Calaveras, Colusa, Fresno, Kern, Mariposa, Merced, Monterey, Placer, Sacramento, San Joaquin, San Luis Obispo, Santa Clara, Tulare, Tuolumne, Yolo and Yuba due to agricultural losses caused by severe weather including excessive rainfall and high winds that occurred March 3, 2016 through June 1, 2016.
54. Cal OES re: The U.S. Small Business Administration declared the primary counties of Kings, Stanislaus, and Sutter and the contiguous counties of Alameda, Butte, Calaveras, Colusa, Fresno, Kern, Mariposa, Merced, Monterey, Placer, Sacramento, San Joaquin, San Luis Obispo, Santa Clara, Tulare, Tuolumne, Yolo and Yuba a disaster area due to agricultural losses caused by excessive rainfall and high winds that occurred March 3, 2016 through June 1, 2016.
55. Cal OES re: April 19, 2017, the U.S. Small Business Administration declared the primary counties of El Dorado, Santa Barbara, and Tuolumne and the contiguous counties of Alpine, Amador, Calaveras, Kern, Madera, Mariposa, Merced, Mono, Placer, Sacramento, San Luis Obispo, Stanislaus, and Ventura a disaster area as a result of economic impacts caused by severe storms and flooding that occurred February 1-25, 2017.
56. Cal OES re: April 19, 2017, the U.S. Small Business Administration declared the primary counties of Los Angeles, San Mateo, Santa Cruz, and Tuolumne and the contiguous counties of Alameda, Alpine, Calaveras, Kern, Madera, Mariposa, Merced, Mono, Monterey, Orange, San Benito, San Bernardino, San Francisco, Santa Clara, Stanislaus, and Ventura a disaster area due to economic impacts caused by severe storms and flooding that occurred January 3-12, 2017.

**THE BOARD ADOPTED A RESOLUTION IN MEMORY OF KENNETH LEAP AND  
ADJOURNED THE MEETING UNTIL TUESDAY, MAY 23, 2017, AT 10:00 A.M.**



**BOARD ORDERS – SUMMARY ACTION MINUTES – MAY 9, 2017**

**10:00 A.M. SCHEDULE ITEM**  
**2017-05-09 PUBLIC OPPORTUNITY**

Matt Rogers, Central Valley District Director for Senator Kamala Harris introduces himself.

Virginia Penalosa with Senator Harris's office submits business cards.

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

**10:00 A.M. SCHEDULE ITEM**  
**2017-05-09 COMMUNITY AND ECONOMIC DEVELOPMENT – PUBLIC HEARING**

The time and date previously scheduled for a public hearing to consider Amendment of the Agricultural Preserve pertaining to PLA17-006, PLA17-007 and PLA17-008 as per the California Land Conservation Act of 1965 (Williamson Act) in Merced County.

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

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Pareira, duly carried, the Board finds the removal of the land from the Agricultural Preserve pertaining to: a) PLA 17-006 located on the east side of Minturn Road, 4,500 feet south of E. Harvey Pettit Road in the Le Grand area, b) PLA 17-007 located on the southeast corner of N. Griffith Avenue and W. Swanson Road in the Delhi Area, and c) PLA 17-008 located on the northeast corner of N. Cox Ferry Road and N. Highway 59 in the Snelling area, are exempt from CEQA under Section 15138, Projects Consistent with a Community Plan or Zoning based on the findings listed in the Board Agenda Item.

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

Upon motion of Supervisor O'Banion, seconded by Supervisor Lor, duly carried, the Board adopts Resolution No. 2017-49 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, Espinoza, Lor, Pareira, O'Banion