

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, JULY 18, 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

**HEARING ASSISTANCE DEVICES ARE AVAILABLE FOR PUBLIC USE
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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; Merced County Attorney Association (MCAA), Unit 7; Teamsters (Corrections), Unit 2; Merced County Law Enforcement Sergeants, Unit 30; Merced County Deputy Sheriff Association (DSA), Unit 10; Teamsters (Non-Safety Corrections), Unit 12; Merced County Public Safety Services Unit (MCPSSU), Unit 14; and Probation Supervising Employees. Agency Negotiator: Marci Barrera

**CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - INITIATION
OF LITIGATION:**

It is the intention of the Board to meet in Closed Session concerning Initiation of Litigation pursuant to Government Code Section 54956.9(d)(4): Two Cases

**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 Public Works pursuant to Government Code Section 54956.8 as follows:

Property: APN 035-010-071; 1137 B Street, Merced, CA 95341

Agency Negotiator: Dana Hertfelder, Public Works Director

Negotiation Parties: City of Merced and County of Merced

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

**THE BOARD RECESSED AT 8:32 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 Pastor Gregg Berneisel

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

PRESENTATIONS:

1) CALIFORNIA STATE ASSOCIATION OF COUNTIES (CSAC) INSTITUTE CREDENTIALS

Matt Cate, CSAC Executive Director, provides background for the CSAC Institute and recognizes Merced County staff who have completed all CSAC Institute courses.

2) MISS TEEN CERTIFICATES

Chairman McDaniel presents certificates of recognition to Rhiannon Olivarez-Kidwell and Francess Carpenter for representing Merced County at the Miss California Competition.

APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 13)

PUBLIC HEARINGS:

PUBLIC WORKS - PUBLIC HEARING

To consider General Vacation of Barcellos Road in the Dos Palos area.

RECOMMENDATION:

1) Open Public Hearing and accept public comments; 2) Close Public Hearing; 3) Adopt Resolution authorizing the General Vacation of a portion of Barcellos Road in the Dos Palos area; and 4) Direct the Clerk of the Board to record Resolution.

REVIEW BOARD ORDER – SEE PAGE 9

COUNTY EXECUTIVE OFFICE - PROPOSED ORDINANCE – SECOND READING

Conduct a second reading and possible adoption of an ordinance amending the Sales and Use Tax Code Chapter 5.24.130 of Title 5 of the Merced County Code (Amends Ordinance Nos. 744, 741, 733, 660, 328, 327).

RECOMMENDATION:

1) Conduct a second reading of the proposed ordinance amending the Sales and Use Tax Code Chapter 5.24.130 of Title 5 of the Merced County Code (Amends Ordinance Nos. 744, 741, 733, 660, 328, 327); 2) Waive further reading of the proposed ordinance; 3) Adopt proposed ordinance.

REVIEW BOARD ORDER – SEE PAGE 9

REPORTS/BOARD DIRECTION

CONSENT CALENDAR (Items # 1-13)

APPROVED AS RECOMMENDED AYES: ALL

Ag. Commissioner

1. Approve and authorize the Chairman to sign Renewal Contract No. 2004082 (State No. 17-0180-000-SA) with the California Department of Food and Agriculture for registration and inspections of organic producers.
2. Approve and authorize the Chairman to sign Renewal Contract No. 2006109 (State No. 17-0241-SA) with the California Department of Food and Agriculture for conducting Petroleum Products Labeling and Advertising inspections.
3. Approve and authorize the Chairman to sign Renewal Contract No. 2008013 (State No. 17-0154-011-SF) with California Department of Food and Agriculture to provide for Light Brown Apple Moth Pest Detection trapping activities.

Behavioral Health and Recovery Serv.

4. Retroactively approve and authorize the Chairman to sign Amendment to Memorandum of Understanding No. 2015230 with California Department of State Hospitals and California Mental Health Services Authority for the purpose of accessing State hospital beds, with no financial obligation unless a hospital bed is used; and authorize the Director of Mental Health to sign the Purchase Agreement.
5. Approve and authorize the Chairman to sign Amendment Grant Agreement No. 2016236 (0616-MCDMH-C1) with Central California Alliance for Health, updating the dates for Outcomes and Payment schedule.
6. Approve and authorize the Chairman to sign Amendment Contract No. 2012163 with Community Social Model Advocates for the provision of perinatal residential substance abuse services.

Fire

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

Administrative Services

8. Approve and authorize the Chairman to sign Amendment Contract No. 2016219 with Delta Wireless Inc. for support and maintenance of the County's Public Safety Radio Network.
9. Approve and authorize the Chairman to sign Amendment Contract No. 2015195 with Delta Wireless Inc. for Project Management services in support of the County's Public Safety Radio Network.

Executive Office

10. Approve and authorize the Chairman to sign Amendment Contract No. 2016014 with Lewis Brisbois Bisgaard & Smith, LLP to provide professional legal services.
11. Approve and authorize the Chairman to sign Amendment Contract No. 2016059 with Carpenter, Rothans & Dumont to provide professional legal services.

Board Recognition

12. Authorize Certificates of Recognition to Rhiannon Olivarez-Kidwell and Francess Carpenter for representing Merced County at the Miss California Competition.

13. Authorize Certificates of Recognition to various individuals for Graduation from the Powerful People, Cultiva La Salud Program.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

14. Authorize the Chairman to execute the agreement for services to prepare the annual Street and Road Report of Fiscal Year 2016/2017 with the Office of the State Controller, Division of Local Government Audits.

AUTHORIZED CONTRACT NO. 2017146 AS RECOMMENDED AYES: ALL

15. Approve the Measure V Recipient Agreement with the Merced County Association of Governments (MCAG).

AUTHORIZED CONTRACT NO. 2017147 AS RECOMMENDED AYES: ALL

16. Approve the Joint Use Agreement between Merced County and Pacific Gas and Electric regarding the relocation of existing overhead facilities for the Moraga Road over Outside Canal Bridge Replacement Project located approximately one mile north of State Highway 152, near Los Banos; and authorize the Chairman to execute the agreement upon review by Public Works and County Counsel.

AUTHORIZED CONTRACT NO. 2017149 AS RECOMMENDED AYES: ALL

AG. COMMISSIONER

17. Certify that the appointment of this employee is necessary before 180 days has passed to fill a critically needed position; approve the appointment of Terri Lampe to return to work on or after July 24, 2017; and adopt Resolution.

ADOPTED RESOLUTION NO. 2017-73 AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

18. Approve the FY 2017-2018 Area Plan Update for the Merced County Area Agency on Aging; and authorize the Chairman to sign the Transmittal Letter.

APPROVED AS RECOMMENDED AYES: ALL

19. Contract with Mediware for Homeless Management Information System (HMIS).

AUTHORIZED CONTRACT NO. 2017150 AS RECOMMENDED AYES: ALL

COMMUNITY AND ECONOMIC DEVELOPMENT

20. Adopt Resolution accepting the quitclaim deed from Patelco Credit Union for Building 730, located at 3009 Stratofortress Drive at Castle Commerce Center; and authorize the Director of Community & Economic Development to record the aforementioned quitclaim deed.

ADOPTED RESOLUTION NO. 2017-75 AS RECOMMENDED AYES: ALL

21. Adopt Resolution: 1) To determine that the affected property may be sold subject to Section 25536.9 of the California Government Code; and 2) Direct CED 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 3) Direct the Community and Economic Development Director to prepare the necessary documents

for the sale and transfer of 1.06 acres of land to Kimkell Investments, LCC; and return to the Board to consider acceptance and execution of final sale to Kimkell Investments, LLC. (4/5 Vote Required)

ADOPTED RESOLUTION NO. 2017-76 AS RECOMMENDED AYES: ALL

22. Approve payment to the San Joaquin Valley Water Infrastructure Authority for the Fiscal Year 2017-2018 contribution of \$50,000 from Merced County as a member of the Authority.

APPROVED AS RECOMMENDED AYES: ALL

CHILD SUPPORT SERVICES

23. Proclaim August 2017 as Child Support Awareness Month in Merced County; Authorize the Department to work in conjunction with the City of Merced Fire Department to display a banner above G Street, between 19th and 20th Streets, for one week starting August 21, 2017; and Authorize the Department of Child Support to accept donations of school supplies from the community as part of the reward program.

APPROVED AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 9 AND 10

WORKFORCE INVESTMENT

24. Contract with Livingston Community Health Services for the Merced County Health Coaching and Behavior Health Career Ladder Project.

AUTHORIZED CONTRACT NO. 2017151 AS RECOMMENDED AYES: ALL

ADMINISTRATIVE SERVICES

25. Contract with Ontario Systems, LLC to implement and provide support for the collections system utilized by the Human Services Agency.

AUTHORIZED CONTRACT NO. 2017152 AS RECOMMENDED AYES: ALL

26. Contract with The Public Group, LLC to provide services in support of the sale of surplus property on the Internet.

AUTHORIZED CONTRACT NO. 2017153 AS RECOMMENDED AYES: ALL

HUMAN RESOURCES

27. 1) Ratify the Memorandum of Understanding between Merced County and American Federation of State, County, and Municipal Employees (AFSCME) representing Bargaining Units 4, 5, 6 & 8; 2) Ratify the Memorandum of Understanding between Merced County and American Federation of State, County, and Municipal Employees (AFSCME) representing Bargaining Unit 11; 3) Approve similar salary adjustments for unrepresented management (Unit 20) as specified in the agreements to the Memorandum of Understanding (MOU) for Teamsters and AFSCME; 4) Approve modifications to the Sheriff Dispatcher I/II classification specification; and 5) Approve amendments to the Salary Allocation Resolution 06-120 for consistency with previously negotiated agreements with other bargaining units.

AUTHORIZED CONTRACT NOS. 2017154 & 2017155 AND ADOPTED RESOLUTION NO. 2017-74 AS RECOMMENDED AYES: ALL

28. Ratify Memorandum of Understanding between Merced County and Teamster, Local 856, representing Bargaining Unit 12.

PULLED – NO ACTION TAKEN

BOARD OF SUPERVISORS

29. Continue the proclamation of local emergency; or determine the hazard no longer exists and terminate the local emergency.

APPROVED AS RECOMMENDED AYES: ALL
REVIEW BOARD ORDER – SEE PAGE 10

30. Set a Study Session on August 15, 2017 at 1:30 p.m. to discuss healthcare coverage for the uninsured population who reside in Merced County.

APPROVED AS RECOMMENDED AYES: ALL
REVIEW BOARD ORDER – SEE PAGE 10 AND 11

BOARD APPOINTMENTS

31. Appoint George Azevedo, Diane Dixon and Susan Ochoa to serve as members of the Winton Recreation Committee, until August 9, 2019.

APPROVED AS RECOMMENDED AYES: ALL

32. Appoint a representative, first alternate, and second alternate to serve on the Merced Integrated Regional Water Management Authority (MIRWMA) Board of Directors and revise the list of annual Board Committee Assignments and Appointments.

APPROVED AS RECOMMENDED AYES: ALL
REVIEW BOARD ORDER – SEE PAGE 11

33. Appoint Shawn Alberti to serve on the May Day Fair Board, filling an unexpired term until July 1, 2018.

APPROVED AS RECOMMENDED AYES: ALL

34. Appoint Robert Hubbard to serve as a member of the Local Child Care & Development Planning Council, as a Community Representative, until June 30, 2018.

APPROVED AS RECOMMENDED AYES: ALL

35. Appoint Andrea Goncalves to serve as a member of the Dos Palos Cemetery District, until February 4, 2018 and reappoint Anne Falaschi and Albert Catrina until February 4, 2019, Alfred Gamboni until February 4, 2021 and Anthony Mendonca until February 4, 2018.

APPROVED AS RECOMMENDED AYES: ALL

36. Appoint Susan Flinspach to serve as a member of the Library Advisory Commission, representing Commission Recommended Rep./Ex. Officio, until August 31, 2020.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

37. Merced County Mosquito Abatement District re: Manager's Report for May 2017.
38. The Secretary of the Interior re: Notification that on June 27, 2017, the Department of the Interior issued payments under the Payments in Lieu of Taxes (PILT) program and for Fiscal Year 2017, Merced County is entitled to a PILT payment of \$93,748.

THE BOARD ADOPTED A RESOLUTIONS IN MEMORY OF RALPH SEITZ AND MORTON DODGE AND ADJOURNED THE MEETING UNTIL TUESDAY, AUGUST 15, 2017, AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – JULY 18, 2017

10:00 A.M. SCHEDULED ITEM

2017-07-18 PUBLIC OPPORTUNITY

Antoine Hubbard Sr. Merced resident, speaks in support of funding for the Merced County Law Library.

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

10:00 A.M. SCHEDULED ITEM

2017-07-18 PUBLIC WORKS – PUBLIC HEARING

The time and date previously set for a public hearing to consider General Vacation of Barcellos Road in the Dos Palos area.

Public Works Director Dana Hertfelder reviews the staff report.

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 O'Banion, seconded by Supervisor Lor, duly carried the Board adopts Resolution No. 2017-72 authorizing the General Vacation of a portion of Barcellos Road in the Dos Palos area; and directs the Clerk of the Board to record Resolution.

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

10:00 A.M. SCHEDULED ITEM

2017-07-18 COUNTY EXECUTIVE OFFICE – SECOND READING – ORDINANCE NO. 1952

The time and date previously set to conduct a second reading and possible adoption of an ordinance amending the Sales and Use Tax Code Chapter 5.24.130 of Title 5 of the Merced County Code (Amends Ordinance Nos. 744, 741, 733, 660, 328, 327).

The Clerk announces that this is not a Public Hearing, it is a proposed Ordinance and the agenda recommendation should not reference a Public Hearing. Recommendation number 3 should read adopt proposed Ordinance.

Assistant County Executive Officer Scott DeMoss introduces the proposed Ordinance and request the Board waive further reading of the Ordinance.

Upon motion of Supervisor O'Banion, seconded by Supervisor Espinoza, duly carried the Board waives further reading of the proposed ordinance. Upon motion of Supervisor O'Banion, seconded by Supervisor Lor, duly carried the Board adopts Ordinance No. 1952, amending the Sales and Use Tax Code (Amends Ordinance Nos. 744, 741, 733, 660, 328, 327 and amends Chapter 5.24.130 of Title 5 of The Merced County Code).

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

ACTION ITEM NO. 23

2017-07-18 CHILD SUPPORT SERVICES

The Clerk announces proclaiming August 2017 as Child Support Awareness Month in Merced County is before the Board for consideration.

Child Support Services (CSS) Director Sharon Wardale-Trejo provides the Board with a powerpoint presentation on Child Support Awareness.

Gloria Sandoval questions if this also includes the separation of immigrant parents from their U.S. born children.

Ms. Wardale-Trejo states that all children who are part of CSS caseloads are covered via reciprocal agreements.

Upon a motion of Supervisor O'Banion, seconded by Supervisor Pareira, duly carried, the Board approves proclaiming August 2017 as Child Support Awareness Month in Merced County; authorizes the department to work in conjunction with the City of Merced Fire Department to display a banner above G Street, between 19th and 20th Streets, for one week starting August 21, 2017; and authorizes the Department of Child Support to accept donations of school supplies from the community as part of the reward program.

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

ACTION ITEM NO. 29

2017-07-18 BOARD OF SUPERVISORS

The Clerk announces continuing the proclamation of local emergency; or determine the hazard no longer exists and terminate the local emergency is before the Board for consideration.

Agricultural Commissioner Dave Robinson states that Baker Commodities is back up and functioning, taking mortalities from dairies and that he has been in close contact with Environmental Health as well as the landfills. He further states that everything has come together and recommends terminating the local emergency effective at 5:00 p.m. on Wednesday, July 19, 2017 to get proper notice out to dairies.

Upon a motion of Supervisor O'Banion, seconded by Supervisor Pareira, duly carried the Board determines that the hazard no longer exists and terminates the Proclamation of Local Emergency effective at 5:00 p.m. on Wednesday, July 19, 2017.

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

ACTION ITEM NO. 30

2017-07-18 BOARD OF SUPERVISORS

The Clerk announces that the item to set a Study Session on August 15, 2017 at 1:30 p.m. to discuss healthcare coverage for the uninsured population who reside in Merced County is before the Board for consideration.

Supervisor Lor states the proposal is to set a Study Session on August 15, 2017 at 1:30 p.m. to discuss healthcare coverage for the uninsured population here in Merced County. She further states at this time the committee does not have any information to present.

Esmeralda Garcia speaks in support of Health4All.

Elizabeth, Atwater resident, speaks in support of Health4All.

Unidentified individual speaks in support of Medical Coverage for All.

Livingston resident, speaks in support of Health4All.

Gloria Sandoval, questions if this will be a public meeting. She states it just says a Study Session on the agenda.

Chairman McDaniel responds that it will be a public meeting at 1:30 p.m. on August 15.

County Executive Officer James Brown states it all depends on the Board. He further states that typically Study Sessions are generally to educate and inform.

Lupe Delgado speaks in support of Health4All.

Araceli Garcia speaks in support of Health4All.

Upon motion of Supervisor Espinoza, seconded by Supervisor Lor, duly carried the Board approves setting a Study Session on August 15, 2017 at 1:30 p.m. to discuss healthcare coverage for the uninsured population who reside in Merced County.

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

ACTION ITEM NO. 32

2017-07-18 BOARD APPOINTMENTS

The Clerk announces appointing a representative, first alternate, and second alternate to serve on the Merced Integrated Regional Water Management Authority (MIRWMA) Board of Directors and revision of the list of annual Board Committee Assignments and Appointments is before the Board for consideration.

Upon motion of Supervisor O'Banion, seconded by Supervisor Lor, duly carried the Board approves appointing Supervisor McDaniel as the representative, Supervisor Pareira as the first alternate, and Supervisor Espinoza as the second alternate to serve on the Merced Integrated Regional Water Management Authority (MIRWMA) Board of Directors and revise the list of annual Board Committee Assignments and Appointments.

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