

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Final Budget Hearings

TUESDAY, SEPTEMBER 12, 2017

Regular Meeting – 11:00 a.m.

MERCED COUNTY
ADMINISTRATION BUILDING
2222 “M” STREET
BOARD ROOM, THIRD FLOOR
MERCED, CALIFORNIA 95340
(209) 385-7366

RODRIGO ESPINOZA....DISTRICT 1
LEE LOR....DISTRICT 2
CHAIRMAN DARON McDANIEL....DISTRICT 3
LLOYD PAREIRA....DISTRICT 4
JERRY O'BANION....DISTRICT 5

JAMES L. BROWN
COUNTY EXECUTIVE OFFICER

JAMES N. FINCHER
COUNTY COUNSEL

*All supporting documentation is available for public review in the Office of the Clerk of the Board of Supervisors located in the County Administration Building, Third Floor, 2222 “M” Street, Merced, California, 95340
During regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday.*

The Agenda is available online at www.co.merced.ca.us

Any material related to an item on this Agenda submitted to the Clerk after distribution of the Agenda packet is available for public inspection in the Office of the Clerk of the Board

Members of the public are advised that all pagers, cellular telephones and any other communication devices are to be turned off upon entering the Board Chambers

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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

GOVERNMENT CODE SECTION 54954.2 COMPLIANCE (LATE AGENDA ITEMS)

11:00 A.M.

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 7

PRESENTATION:

County Executive Officer - Budget Presentation Fiscal Year 2017/2018

REVIEW BOARD ORDER - SEE PAGE 7

PUBLIC HEARING:

AUDITOR - PUBLIC HEARING

To consider setting the Appropriation Limitation for Fiscal Year 2017/2018 established under Article XIII B of the State Constitution.

RECOMMENDATION:

1) Open the Public Hearing; 2) Approve using the change in County population combined with the change in all counties having contiguous borders as the population factor, and the change in California per capita personal income as the cost of living factor to establish the Fiscal Year 2017/2018 appropriation limitation; and 3) Adopt the Resolution establishing the Fiscal Year 2017/2018 appropriation limitation as \$1,286,430,558.

REVIEW BOARD ORDER – SEE PAGE 7 AND 8

REPORTS/BOARD DIRECTION

BUDGET CALENDAR

FINAL BUDGET ADJUSTMENTS

1. Approve Final Budget Adjustments based on more current information to various budget units within the General Fund and Other Funds as presented: 10000, 10100, 11100, 11200, 11300, 11400, 12500, 13000, 14000, 16000, 16100, 16200, 16300, 16400, 16500, 17000, 17200, 17300, 17600, 18100, 19000, 20100, 20400, 20600, 22100, 23000, 23400, 25000,

25100, 27000, 27200, 28000, 28500, 40000, 40600, 41500, 49500, 50000, 50500, 51000, 54000, 55000, 55200, 55300, 55400, 60000, 61000, 70000, 71400, 71600 75200, 75500, 75600, 75900.

MODIFIED RECOMMENDATION

REVIEW BOARD ORDER – SEE PAGE 8

OUT-OF-STATE TRANSPORTATION AND TRAINING FOR FISCAL YEAR 2017/18

2. Approve the Schedule of Out-of-State for transportation and/or training for FY 2017/18; and direct that no Out-of-State travel take place unless authorized by the County Executive Officer, or designee.

APPROVED AS RECOMMENDED AYES: ALL

LEASE PURCHASE AGREEMENTS

3. Authorize the Director of Administrative Services to negotiate, execute, and sign Lease Purchase Agreements for equipment appropriated in the FY 2017/18 Budget subject to review by Auditor and County Counsel, and the County Executive Office.

APPROVED AS RECOMMENDED AYES: ALL

CAPITAL ASSETS - FY 2017/18

4. Approve the Capital Asset List by budget unit at the sub-object level as appropriated in the FY 2017/18 Final Budget; and direct that no capital assets be procured unless authorized by the County Executive Officer, or designee.

APPROVED AS RECOMMENDED AYES: ALL

POLICY ACTION

5. Adopt the requested employer rate increase of 1.0% for Miscellaneous/Safety Tier 1, 2, 3 and 4, and have it applied to Merced County's portion of the unfunded liability effective on the payroll of September 22, 2017.

APPROVED AS RECOMMENDED AYES: ALL

6. 1) Approve the AB 109 FY 2017/18 budget as recommended by the Community Corrections Partnership; 2) Approve the addition of one (1) Community Assistance Worker (Class 7630, Range 59.4) in Budget Unit 23406 to provide coordination of the Leadership for Life program; 3) Approve the amendment to the Position Allocation Resolution 06-120A.

ADOPTED RESOLUTION NO. 2017-95BGT AS RECOMMENDED AYES: ALL

7. 1). Approve the following departmental personnel actions: Human Resources – Budget Unit 13000: establish Training & Development Specialist, change 1 HR Analyst (pos 17) to Training & Development Specialist, allocate 1 Extra Help Special Projects Coordinator, 2). Establish 1 job classification specification of Training & Development Specialist, 3). Approve amendments to the Position Allocation Resolution 06-120/A and the Salary Allocation Resolution 06-120.

ADOPTED RESOLUTION NOS. 2017-96BGT (POSITION) & 2017-97BGT (SALARY) AS RECOMMENDED AYES: ALL

8. Make the determination, as required by Government Code section 16142(e), that the State provided less than one-half of the actual foregone general fund property tax revenues, related to the Williamson Act Program, in FY 16/17.

Rule of Necessity:

Supervisors O'Banion, Pareira, and Espinoza declare a conflict of interest, due to ownership of land in their districts that is under Williamson Act contracts.

County Counsel James Fincher states three members of the Board have declared a conflict under Government Code 1090, Government Code 87100, and/or common law, and this invokes the Rule of Necessity. The Rule of Necessity is invoked which is established in the California Code of Regulations.

The action before the Board requires a simple majority for the Board to take action. With three Board members declaring a conflict, there is no longer a quorum. Therefore, the County enacts the Rule of Necessity to pick a supervisor to sit for this item. The three Board members will draw straws and whoever gets the short straw will determine the voting member to remain. County Counsel Fincher holds the straws and Supervisor Espinoza selects the short straw. Supervisor Espinoza remains in the Chambers to participate and Supervisors O'Banion and Pareira leave the Chambers.

APPROVED AS RECOMMENDED **AYES: ALL**

REVIEW BOARD ORDER – SEE PAGE 8 AND 9

9. 1) Approve the identified Road Division Work Program for Fiscal Year 2017/2018; 2) Approve the Final Budget Adjustments listed in Budget Unit 30000; and 3) Adopt Resolution approving the list of projects funded by SB1: The Road Repair and Accountability Act.

ADOPTED RESOLUTION NO. 2017-98BGT AS RECOMMENDED **AYES:**

ALL

10. Provide direction regarding District Project Funds on the following: Policy and forms, and Amount - increase, decrease, redirect or status quo.

MODIFIED RECOMMENDATION

REVIEW BOARD ORDER – SEE PAGES 9 AND 10

PERSONNEL ACTIONS

11. 1). Approve the following departmental personnel actions: County Executive Office – Budget Unit 10100: Allocate EH Accounting Technician; Add: 1 Management Analyst I/II/III; ESTABLISH CEO Executive Assistant; Change: 1 Executive Secretary (Pos 15) to CEO Executive Assistant (effective 10/30/17). Assessor – Budget Unit 11200: Re-Establish & Add: 1 Chief Of Mapping & Title Services; Change: 1 Cadastral Drafting Technician I/II (Pos 44) to GIS Analyst I/II. Tax Collector – Budget Unit 11300: Change: 1 Collection Agent I/II/III (Pos 2, B/U 11100) to Tax Collector Clerk III. County Counsel – Budget Unit 12500: Establish & Add: 1 County Counsel Admin Svcs Director; ADD: 1 Deputy County Counsel I/II/III/IV. Registrar of Voters – Budget Unit 14000: Establish Elections Technical Analyst; Change: 1 Registrar Of Voters I/II (Pos 2) to Elections Technical Analyst; Change: 3 (Title Only) Registrar Of Voters I/II (Pos 1,3,9) to Elections Specialist I/II; Change (Title Only) EH Registrar Of Voters I to EH Elections Specialist I. DPW - Admin – Budget Unit 16100: Add: 1 Staff Services Analyst I/II. Child Support – Budget Unit 20100: Delete: 3 Child Support Assistant I/II (Pos 87,110,112). District Attorney – Budget Unit 20400: Add: 1 District Attorney Investigator I/II; Add: 3 Deputy District Attorney I/II/III/IV; Add: 1 Legal Process Clerk I/II. Public Defender – Budget Unit 20600: Add: 2 Deputy Public Defender I/II/III/IV. Sheriff – Budget Unit 22100, 23000: B/U 22100 Operations Allocate EH Investigative Assistant; Change: 1 Sheriff's Director Of Admin Svcs (Pos 176) To Captain; B/U 23000 Corrections Add: 4 Correctional Officer I/II; Change: 1 Correctional Facilities Admis Clerk (Pos 145) to Correctional Officer I/II. Probation – Budget Unit 23400: Establish & Add: 1 Probation Program Specialist. Agricultural Commissioner – Budget Unit 27000: Delete: 1 CC Ag Administrative Advocate (Pos 32). Water Resources – Budget Unit 29100: Establish

& Add: 1 Water Resources Director. DPW-Road Division – Budget Unit 30000 Add: 1 Engineering Associate I/II/III. Public Health – Budget Unit 40000: B/U 40007 Change: 1 Community Health Nurse/Public Health Nurse I/II (Pos 220); to Account Clerk III (B/U 40001); Change: 1 California Childrens Service Wkr I/II (Pos 243) to Office Assistant III (B/U 40001); B/U 40016 Change: 1 Office Assistant I/II (Pos 14) to Office Assistant III; B/U 40031 Add: 1 Supervising Health Educator; Add: 1 Public Health Lab Microbiologist I/II; Change: 1 Supervising Public Health Nurse (Pos 90) to Supervising Health Educator; Change: 1 Community Health Nurse/Public Health Nurse I/II (Pos 93) to Public Health Lab Microbiologist I/II. Behavioral Health and Recovery Services – Budget Unit 41500: Change: 6 BHRS Program Manager (Pos 8,124,202,393,398,411) to BHRS Program Manager; B/U 41506: Change: 1 Office Assistant III (Pos 368) to Personnel Assistant – Confidential; B/U 41513: Change: 1 Crisis Intervention Specialist (Pos 173) to Licensed Mental Health Worker (B/U 41505); B/U 41518 Add: 1 Office Assistant III; Add: 2 Mental Health Clinician I/II; Add: 2 Mental Health Worker I/II; Add: 1 Alcohol & Drug Counselor; Add: 1 Staff Services Assistant; B/U 41524 Change: 1 Alcohol & Drug Program Manager (Pos 122) to BHRS Program Manager (B/U 41518); B/U 41534 Add: 1 BHRS Program Manager; Add: 1 Mental Health Clinician I/II; Add: 2 Mental Health Worker I/II; Add: 1 Licensed Mental Health Worker/Psychiatric Staff Nurse I/II; Add: 1 Consumer Assistance Worker; Add: 1 Family/Comm Development Partners. Human Services Agency – Budget Unit 50000: B/U 50000 Add: 1 Personnel Assistant – Confidential; B/U 50053 Change: 2 Family Services Representative I/II (Pos 735, 765) to Welfare Fraud Investigator I/II; Change: 1 Family Services Representative I/II (Pos 806) to Investigative Assistant; B/U 50054 Add: 1 Support Services Assistant; B/U 50058 Add: 2 Social Worker IV-A/B; Add: 1 Supervising Social Worker. Dept Of Workforce Investment – Budget Unit 55000: Allocate EH Apprentice Participant-Clerical; Allocate EH Apprentice Participant-Laborer; Allocate EH Apprentice Participant-NOC; Allocate EH Temp Jobs Participant-Clerical; Allocate EH Temp Jobs Participant-Laborer; Allocate EH Temp Welf To Wrk-Clerical Office; Allocate EH Temporary Jobs Participant-NOC. Library – Budget Unit 60000: Establish & Add: 1 Deputy County Librarian; Add: 2 Library Assistant I/II. Cooperative Extension – Budget Unit 61000: Add: 1 Office Assistant III. DPW-Parks Division – Budget Unit 70200: Add: 1 Grounds Maintenance Worker I/II. Fleet Management Service – Budget Unit 75500: Delete: 1 Assistant Shop Supervisor (Pos 3). Dept Of Admin Svcs-Information Sys – Budget Unit 75601: Add: 2 Programmer Analyst I/II. 2). Establish the job classification specifications of; CEO Executive Assistant, Deputy County Librarian, Elections Technical Analyst, Water Resources Director, Probation Program Specialist, County Counsel Admin Svcs Director. 3). Approve the modifications to the following existing job classification specifications; Captain, Family Services Representative I/II/III, Social Worker I/II/III, Employment & Training Worker I/II, Family Services Supervisor, Auto Technician/Senior Auto Technician, Registrar of Voters I/II, Child Support Investigator I/II, Child Support Specialist I/II, Development Services Coordinator, Director of Workforce Investment. 4.) Approve modifications to all safety job classification specifications that require POST Certificates. Clarification is necessary to identify the POST certification requirements must be obtained in the State of California. 5). Approve the amendments to the Salary Allocation Resolution 06-120 and the Position Allocation Resolution 06-120/A. 6). Approve the amendments to the resolution 2007-22, Merced County Human Resources Rules and Regulations.

ADOPTED RESOLUTION NOS. 2017-99BGT (SALARY), 2017-100BGT (POSITION) & 2017-101BGT (RULES & REGS) AS RECOMMENDED AYES: ALL

AUDITOR SCHEDULES

12. Adopt budget schedules 1, 2, 3, 4 and other budget schedules including reserves and appropriations for encumbrance carryover for the 2017-2018 budget year.

APPROVED AS RECOMMENDED AYES: ALL

FISCAL YEAR 2017/18 FINAL BUDGET ADOPTION

13. 1) Approve resolution adopting the Fiscal Year 2017/2018 Final Budget as reviewed and amended during final budget hearings; and 2) Authorize the Auditor-Controller to make technical adjustments as necessary.

ADOPTED RESOLUTION NO. 2017-102BGT AS RECOMMENDED AYES:

ALL

THE BOARD ADJOURNED THE MEETING AT 12:50 P.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – SEPTEMBER 12, 2017 – BUDGET

11:00 A.M. SCHEDULED ITEM
2017-09-12 PUBLIC OPPORTUNITY

District Attorney Larry Morse congratulates the Board on the action taken for the Sheriff's Office. He states the District Attorney's Office did not get any new positions in this year's budget, and provides statistics to compare the workload of District Attorney's office to the Public Defender's office.

Public Defender David Elgin states he doesn't have exact statistics, but does provide some Public Defender statistics to compare to the District Attorney's office.

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

11:00 A.M. SCHEDULED ITEM
2017-09-12 CEO BUDGET PRESENTATION

County Executive Officer (CEO) James Brown provides summary comments on the 2017/2018 Final Budget.

Assistant County Executive Officer Scott DeMoss reviews a powerpoint presentation covering the following: Revenues v. Expenditures (General Fund), Cash Flow (General Fund) – June Year End, Available Fund Balance – After Reserves, Budgeted Local Revenue, Budgeted Local Resources, Budgeted Local Resources - \$'s in Millions, Budgeted Local Requirements, Total Reserves (General Fund), Reserves, General Fund Contingency. Deputy County Executive Officer Mary Rose Rutikanga continues powerpoint presentation covering the following: Countywide Positions, Staffing Impacts, Final Budget Position Recommendations – All Funds, Final Budget Adjustments – Net County Cost, Budget Overview, Budget Overview-% Net County Cost, Net County Costs. Mr. DeMoss continues powerpoint presentation covering: Public Safety/Justice System – Net Cost (General Fund), Health & Human Services – Net County Cost (General Fund), Municipal / Co-Wide Services – Net County Cost (General Fund), Support Services / CIP – Net County Cost (General Fund), and Other Funds (Non-General Fund).

County Executive Officer James Brown reviews powerpoint presentation covering Policy Considerations.

The Board briefly comments on the powerpoint presentation provided by Assistant CEO Scott De Moss, Deputy CEO Mary Rose Rutikanga and CEO James Brown.

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

11:00 A.M. SCHEDULED ITEM
2017-09-12 AUDITOR – PUBLIC HEARING

The time and date previously scheduled to consider setting the Appropriation Limitation for Fiscal Year 2017/18 established under Article XIIIB of the State Constitution.

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 Pareira, duly carried, the Board approves using the change in all counties having contiguous borders as the population

factor, and the change in California per capita personal income as the cost of living factor to establish the Fiscal Year 2017/2018 appropriation limitation; and adopts Resolution No. 2017-94 BGT establishing the Fiscal Year 2017/2018 appropriation limitation as \$1,286,430,558.

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

FINAL BUDGET ITEM #1

2017-09-12 FINAL BUDGET ADJUSTMENTS

The clerk announces approval of Final Budget Adjustments based on more current information to various budget units within the General Fund and Other Funds as presented is before the Board for consideration and also announces there is a change to Budget Unit 22100 and the addition of Budget Unit 72000.

Upon motion of Supervisor Espinoza, seconded by Supervisor Lor, duly carried, the Board approves the modified Final Budget Adjustments based on more current information to various budget units within the General Fund and Other Funds as presented.

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

FINAL BUDGET ITEM #8

2017-09-12 POLICY ACTION

The Clerk announces determinations, as required by Government Code Section 16142(e), related to the Williamson Act Program are before the Board for consideration.

Rule of Necessity:

Supervisors Espinoza, Pareira, and O'Banion declare a conflict of interest, due to ownership of land in their districts that is under Williamson Act contracts.

County Counsel James Fincher states three members of the Board have declared a conflict under Government Code 1090, Government Code 87100, and/or common law, and this invokes the Rule of Necessity. The Rule of Necessity is invoked which is established in the California Code of Regulations.

The action before the Board requires a simple majority for the Board to take action. With three Board members declaring a conflict, there is no longer a quorum. Therefore, the County enacts the Rule of Necessity to pick a supervisor to sit for this item. The three Board members will draw straws and whoever gets the short straw will determine the voting member to remain. Mr. Fincher holds the straws and Supervisor Espinoza selects the short straw. Supervisor Espinoza remains in the Chambers to participate and Supervisors Pareira and O'Banion leave the Chambers.

Director of Community and Economic Development Mark Hendrickson informs the Board that the action before them today request determination, as required by Government Code Section 16142(e), that the State provided less than one-half of the actual foregone general fund property tax revenues, related to the Williamson Act Program in FY 16/17.

County Executive Officer James Brown further clarifies that this item requests that the Board adopt the finding that the County did not receive more than one-half subvention from the State in the last fiscal year, and states that we did not receive it. Mr. Brown further explains that if the Board does not make that finding, essentially the Williamson Act continues on for the landowner, and the County foregoes over one-half million dollars.

Supervisor Espinoza requests clarification on the number of votes needed for this item to pass.

County Counsel Fincher confirms since there is only 3 members to vote, it needs to be unanimous or it will fail.

Upon motion of Supervisor Espinoza, seconded by Supervisor Lor, duly carried, the Board makes the determination, as required by Government Code Section 16142(e), that the State provided less than one-half of the actual foregone general fund property tax revenues, related to the Williamson Act Program in FY 16/17.

Ayes: McDaniel, Espinoza, Lor

Not Present: Pareira, O'Banion

FINAL BUDGET ITEM #10
2017-09-12 POLICY ACTION

The Clerk announces the item to provide direction regarding District Project Funds is before the Board for consideration.

The Board discusses prior processes and the policy adopted in December of 2016.

Supervisor O'Banion makes the motion to keep the December 2016 policy in place with the customary \$40,000 for each District.

Supervisor Espinoza amends the motion to include changing the current policy to allow funds not used by the end of the fiscal year to carry over to the new fiscal year.

Supervisor Pareira seconds the motion as originally stated.

Supervisor Espinoza withdraws his motion.

Following lengthy discussion Chairman McDaniel calls for the vote. Motion fails.

Ayes: Pareira, O'Banion

Noes: Lor, Espinoza, McDaniel

Supervisor Espinoza moves, seconded by Supervisor Lor to amend the current policy in place with the \$40,000 for each District but change the policy to allow funds not used by the end of the fiscal year to carry over to the new fiscal year.

Chairman McDaniel calls for the vote. Motion fails.

Ayes: Espinoza, Lor

Noes: McDaniel, Pareira, O'Banion

Supervisor O'Banion moves, seconded by Chairman McDaniel to abolish the district funds.

Supervisor Pareira moves to amend the motion to include all district funds past or present.

Chairman McDaniel calls for a second on the motion to amend. Motion dies for the lack of a second.

CEO James Brown requests clarification with regard to the original motion to abolish.

Supervisor O'Banion clarifies that the motion is to abolish the \$200,000 in the budget with prior allocated funds remaining.

The Chairman calls for the vote by roll call.

The Clerk calls and records each vote as follows:

Supervisor Espinoza: No
Supervisor Lor: No
Supervisor McDaniel: Yes
Supervisor Pareira: Yes
Supervisor O'Banion: Yes

Motion passes with a 3-2 vote abolishing the District Project Funds for FY 2017/2018.
Ayes: McDaniel, Pareira, O'Banion
Noes: Espinoza, Lor