

# SUMMARY ACTION MINUTES

## BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, OCTOBER 24, 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**

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

**8:30 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: United Public Employees (UPE), Unit 3 and AFSCME Units 4, 5, 6 & 8. Agency Negotiator: Marci Barrera

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

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

**10:00 A. M. PLEDGE OF ALLEGIANCE/INVOCATION  
Invocation led by Atwater City Councilman Brian Raymond**

**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 - 12)**

**PRESENTATION:**

Merced County Association of Governments - Regional Transportation Plan  
**Patrick Pittenger, Executive Director of MCAG gives a Powerpoint presentation.**

**REPORTS/BOARD DIRECTION**

CONSENT CALENDAR (Items # 1-12)

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

Public Works

1. Set Public Hearing for Tuesday, December 12, 2017 at 10:00 a.m. to consider adoption of the proposed Resolution for the General Vacation of Randolph Road in the Delhi area.

2. Approve Budget Transfer in the amount of \$508,000 to establish appropriation for the Juvenile Hall Shower Tile Project. (4/5 Vote Required)

### Health

3. Approve and authorize the Chairman to sign Renewal Contract No. 2016241 with Intrepid Ascent to continue to develop a health analytics component and perform consulting services for the Health Information Exchange and other applications for the California Accountable Communities for Health Initiative Grant.

### Behavioral Health and Recovery Services

4. Approve and authorize the Chairman to sign Amendment to Memorandum of Understanding Contract No. 2015075 with Superior Court of California, County of Merced for Recidivism Reduction - Mental Health Treatment Court; and approve related Budget Transfer. (4/5 Vote Required)
5. Approve and authorize the Chairman to sign Amendment Contract No. 2015076 with Community Social Model Advocates for Residential Recovery Services and Sober Living Environments.

### Community and Economic Development

6. Set Public Hearing for Tuesday, November 14, 2017 at 10:00 a.m. to receive comments on submission of an application for funding under the 2017 State Community Development Block Grant (CDBG) to continue the County's Homeownership Assistance and Housing Rehabilitation Assistance Programs and to receive comments on the proposed revisions to the Housing Rehabilitation Program Guidelines and the Homebuyer Acquisition Only/Acquisition with Rehabilitation Program Guidelines.

### Sheriff

7. Approve Budget Transfer in the amount of \$15,000 for storage of protective gear in the SWAT trailer.

### Executive Office

8. Act on Claim for Damage submitted by Bradly Carrott as recommended by Risk Management and County Counsel.

### Board Recognition

9. Authorize Certificates of Recognition to various individuals for being honored by Merced County Office of Education for Excellence in Education.
10. Authorize Certificates of Recognition to Chuck Kassis-Dignity Health/Merced Medical Center and Mike and Lori Gallo for being honored at the Catholic Charities Third Annual Harvest of Hope event for service to the community.
11. Authorize Certificate of Recognition to Zachery Ramos for receiving the Presidential Service Award and the Daily Points of Light Award for Selfless Community Service, Dedication to Literacy and the Gustine Branch Library.
12. Authorize Certificates of Recognition for being honored at the 33rd Annual Salute to Seniors to Janet Demaree, Loyd Demaree, Cecilia Pira, Shirley Davis, Dean Nelson, Ida Accardo, Susan Briscoe, Sandy Lemas and Zelia Janis.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

13. 1) Adopt the Plans and Specifications for the Main Administration Building Security Project; 2) Authorize Public Works to advertise the project and conduct a Public Bid Opening; 3) Authorize the Director of Public Works to award a construction contract to the lowest responsible bidder provided said bid is within the established budget; 4) Authorize the Chairman to execute construction contract upon review of Public Works and County Counsel; 5) Direct Public Works to return to the Board with an informational item describing all actions taken, and 6) Approve related Budget Transfer.

**AUTHORIZED CONTRACT NO. 2017217 AS RECOMMENDED AYES: 2, 3, 4, 5  
NOT PRESENT: 1**

14. Ratify the Notice of Grant and Agreement Award and accept \$10,000,000 in grant funds from the Natural Resources Conservation Services for the Black Rascal Creek Project for flood control (Agreement No. 68-9104-17-094); and Adopt Resolution authorizing the Director of Public Works to execute all necessary future agreements, amendments and documents related to the Black Rascal Creek Project.

**AUTHORIZED CONTRACT NO. 2017218 AND ADOPTED RESOLUTION NO. 2017-111 AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1**

15. 1) Adopt the Plans and Specifications for the Levee Repair (Bear and Mariposa Creeks); 2) Authorize Public Works to advertise the project and conduct a Public Bid Opening; 3) Authorize the Director of Public Works to award a construction contract to the lowest responsible bidder provided said bid is within the established budget; 4) Authorize the Chairman to execute the construction contract upon review of Public Works and County Counsel; and 5) Direct Public Works to return to the Board with an informational item disclosing all actions taken on the project at a subsequent meeting.

**AUTHORIZED CONTRACT NO. 2017219 AS RECOMMENDED AYES: 2, 3, 4, 5  
NOT PRESENT: 1**

16. 1) Adopt the Plans and Specifications for the Removal and Disposal of Debris (Los Banos Creek and Mariposa Creek); 2) Authorize the Department of Public Works to advertise the project and conduct a Public Bid Opening; 3) Direct Public Works to return to the Board to award a contract to the lowest responsible bidder and authorize the Chairman to execute the construction contract, and bring forth the necessary budget transfer to fund the contract.

**AUTHORIZED CONTRACT NO. 2017220 AS RECOMMENDED AYES: 2, 3, 4, 5  
NOT PRESENT: 1**

HEALTH

17. Contract with Connect Consulting Services, Inc. for Business Continuity Workshop and Plan Review.

**AUTHORIZED CONTRACT NO. 2017221 AS RECOMMENDED AYES: 2, 3, 4, 5  
NOT PRESENT: 1**

18. Approve submission of a Merced County Health Impact Assessment Project Grant proposal available through the Pew Trust and return to the Board for contract approval if awarded.

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

19. PULLED

BEHAVIORAL HEALTH AND RECOVERY SERVICES

20. Contract with the State of California - Department of Healthcare Services for Substance Use Disorder Services (Agreement No. 17-94084); and adopt Resolution.

**AUTHORIZED CONTRACT NO. 2017222 AND ADOPTED RESOLUTION NO. 2017-112 AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1**

21. Approve and authorize Behavioral Health and Recovery Services Director to sign and submit two (2) grant applications to Sutter Health's funding opportunities which would support: 1) The implementation of youth development, education, and Mental Health and Substance Abuse Awareness Program and 2) A community outreach and educational event on the Westside; and direct department to return to the Board upon notification of a Grant award.

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

COMMUNITY AND ECONOMIC DEVELOPMENT

22. 1) Approve Chowchilla Subbasin Cost Share MOU to provide funding for the preparation of the Groundwater Sustainability Plan required under Sustainable Groundwater Management Act for the Chowchilla Subbasin; 2) Appoint a member and an alternate to the advisory committee established in the MOU; and 3) Authorize the Chairman to sign the Chowchilla Subbasin Cost Share MOU.

**AUTHORIZED CONTRACT NO. 2017223 AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1**

**REVIEW BOARD ORDER – SEE PAGE 8**

23. Memorandum of Agreement with Port of Los Angeles regarding the Mid-California International Trade District (at Castle Commerce Center) and direct the Director of Community and Economic Development to work with the Port of Los Angeles on effectuating the responsibilities as noted within the Memorandum of Agreement.

**AUTHORIZED CONTRACT NO. 2017224 AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1**

**REVIEW BOARD ORDER – SEE PAGE 8 AND 9**

LIBRARY

24. Authorize Merced County Library to shift the observed Veterans Day holiday from Friday, November 10, 2017 to Saturday, November 11, 2017.

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

SHERIFF

25. 1) Approve two Law Enforcement Memorandums of Agreement (LEMA) between Merced County Sheriff's Office and Madera County Sheriff's Office for mutual aid services provided during the Mission and Railroad Fires; 2) Authorize the Sheriff to sign the LEMAs in concurrence with County Executive Office and Counsel approval.

**AUTHORIZED CONTRACT NO. 2017555 (MISSION) AND CONTRACT NO. 2017226 (RAILROAD) AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1**

DISTRICT ATTORNEY

26. Approve the modification of the classification specification of Chief District Attorney Investigator to designate as at-will.

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

EXECUTIVE OFFICE

27. Acknowledge the need to continue the emergency Public Works project and authorize moving forward with the repairs to the District Attorney's Office in Los Banos. (4/5 Vote Required)

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

28. Contract with Employee Benefit Specialists (WORKTERRA) to provide Applicable Large Employer reporting services, in accordance with the Affordable Care Act (forms 1094-C and 1095-C) on behalf of the County.

**AUTHORIZED CONTRACT NO. 2017227 AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1**

BOARD APPOINTMENTS

29. Appoint Chief John Slate, representing Designated Member-Office of Emergency Services to serve on the Emergency Medical Care Committee, serving at the pleasure of the Board.

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

30. Reappoint Jason Castro to serve as a member of the Hilmar Municipal Advisory Council, until May 3, 2021 and reappoint Karen Woicik to serve until May 3, 2018.

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

31. Reappoint Bill Diedrich and Mike Wood to serve as members of the San Luis Water District, until December 6, 2021.

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

32. Reappoint Michael Palazzo, Cannon Michael, David Carlucci and David Pruitt to serve as members of the Henry Miller Reclamation District until November 3, 2021.

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

33. Appoint Matthew Leo to serve on the May Day Fair Board representing District 4, filling an unexpired term until July 1, 2018.

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

BOARD INFORMATION & POSSIBLE ACTION

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

34. Public Works re: Agreement for Special Services, Contract No. 300-1170 for On-Call Paving Equipment and Labor Services awarded to George Reed, Inc., Modesto, CA in the amount of \$1,000,000.00.

**CONTRACT NO. 2017048**

35. Public Works re: Contract No. 2017048 awarded to Agee Construction, Clovis, CA in the amount of \$1,510,559.01, for the Moraga over Outside Canal Bridge Replacement Project.

36. Fish and Game Commission re: Notice of Proposed Regulatory Action relative to amending Section 29.15, Title 14, California Code of Regulations, regarding recreational abalone, which was published in the California Regulatory Notice Register on September 28, 2017.

**THE BOARD RECESSED TO MEET AS AN IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY AND RECONVENED TO MEET AS A BOARD OF SUPERVISORS**

**THE BOARD ADOPTED A RESOLUTION IN MEMORY OF ISSAC SAMUEL McELVANY AND ADJOURNED THE MEETING AT 10:50 A.M. UNTIL TUESDAY, NOVEMBER 14, 2017, AT 10:00 A.M.**

## **BOARD ORDERS – SUMMARY ACTION MINUTES – October 24, 2017**

### **ACTION ITEM #22**

#### **2017-10-24 COMMUNITY AND ECONOMIC DEVELOPMENT**

The Clerk announces the Chowchilla Subbasin Cost Share Memorandum of Understanding (MOU) to provide funding for the preparation of the Groundwater Sustainability Plan, appointment of a primary member and alternate member to the advisory committee is before the Board for consideration.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pareira, duly carried, the Board authorizes the Chowchilla Subbasin Cost Share MOU to provide funding for the preparation of the Groundwater Sustainability Plan and appoints Supervisor Rodrigo Espinoza as the Primary member of the advisory committee and Supervisor Pareira as the alternate member.

Ayes: McDaniel, Lor, Pareira, O'Banion

Not Present: Espinoza

### **ACTION ITEM #23**

#### **2017-10-24 COMMUNITY AND ECONOMIC DEVELOPMENT**

The Clerk announces the Memorandum of Agreement (MOA) with the Port of Los Angeles regarding the Mid-California International Trade District (at Castle Commerce Center) and effectuating the responsibilities as noted within the MOA is before the Board for consideration.

County Executive Officer Jim Brown gives background on the project.

Director of Community and Economic Development Mark Hendrickson reviews the staff report and gives a powerpoint presentation covering: Overall Project Goals and Objectives, Progress and Program Maturity, The Bottom Line, MCITD, The Right Partnership, the Memorandum of Agreement and accomplishments together.

Chairman McDaniel introduces Gene Seroka, Executive Director Port of Los Angeles.

Gene Seroka, Executive Director Port of Los Angeles reviews a powerpoint presentation on the Gateway of Connectivity, Benefits of the Los Angeles/Long Beach Trade Gateway, Critical Focus Points, Data Solutions Portal Concept, Strategic Land Use/Harbor Performance Enhancement Center, San Pedro Bay Air Emission Reductions 2005-2016 and Community.

Chairman McDaniel asks if there is anyone from the public that would like to speak.

Dave Long, Hill Top Ranch states support for the partnership.

Chairman McDaniel and Mr. Seroka have a ceremonial signing of the agreement.

Upon motion of Supervisor Pareira, seconded by Supervisor O'Banion, duly carried, the Board authorizes of the Memorandum of Agreement Contract No. 2017224 with the Port of Los Angeles regarding the Mid-California International Trade District (at Castle Commerce Center) and



directs the Director of Community and Economic Development to work with the Port of Los Angeles on effectuating the responsibilities as noted within the Memorandum of Agreement.

Ayes: McDaniel, Lor, Pareira, O'Banion

Not Present: Espinoza