

SUMMARY ACTION MINUTES

BOARD OF SUPERVISORS

Regular Meeting

TUESDAY, NOVEMBER 7, 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: United Public Employees (UPE), Unit 3. Agency Negotiator: Marci Barrera

**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

Pastor Dell Humbert leads the invocation

**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 - 15)

PRESENTATION:

**MERCED COUNTY OFFICE OF EDUCATION - ANNUAL WILLIAMS
REPORT FOR 2017/2018.**

Merced County Superintendent of Schools Steven M. Tietjen, Ed.D. addresses the Board regarding the Annual Williams Report 2017/2018.

PUBLIC HEARINGS:

**BEHAVIORAL HEALTH AND RECOVERY SERVICES - PUBLIC HEARING -
PROPOSED ORDINANCE**

To consider proposed Ordinance entitled "Ordinance Changing Fees Charged for Mental Health Services" (Supersedes Ordinance No. 1945 and Amends Chapter 9.48 Section 9.48.030 of the Merced County Code.

RECOMMENDATION:

1) Introduce the proposed Ordinance and waive further reading; 2) Open public hearing and receive testimony; and, 3) Close the public hearing and adopt the Ordinance amending Mental Health Fees (Supersedes Ordinance 1945 and amends Chapter 9.48 Section 9.48.030 of the Merced County Code).

REVIEW BOARD ORDER – SEE PAGE 8

COUNTY EXECUTIVE OFFICE - PUBLIC HEARING - FIRST READING OF PROPOSED ORDINANCE

To introduce and conduct a First Reading of proposed Ordinance repealing Ordinance No. 1830 and Merced County Code Chapter 6.70 and Amending Ordinance No. 1910 and Merced County Code Chapter 9.29.

RECOMMENDATION:

1) Introduce and conduct first reading of the proposed ordinance repealing Ordinance No. 1830 and Chapter 6.70, Title 6, "Medicinal Marijuana Dispensary Businesses" and amending Ordinance No. 1910 and Chapter 9.29, Title 9, "Medical Marijuana Cultivation" of the Merced County Code; 2) Waive further reading of the proposed ordinance; 3) Open the public hearing and receive comments; 4) Close the public hearing; 5) Consider the Planning Commission's recommendation to adopt the cannabis land use ordinance; 6) Find the project exempt from CEQA pursuant to CEQA Section 15061(b)3; and 7) Set a second reading and possible adoption of the proposed ordinance for November 14, 2017 at 10:00 a.m.

REVIEW BOARD ORDER – SEE PAGE 8 AND 9

REPORTS/BOARD DIRECTION

CONSENT CALENDAR (Items # 1-15)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Set a public hearing for December 12, 2017 at 10:00 a.m. to consider adoption of a resolution annexing Winton BBK LLP MS07-047 into the Winton Meadows Drainage Zone of Benefit No. 242 in County Service Area Number One.
2. Approve and authorize the Chairman to sign Project Supplement No. 4 County Contract No. 2017131 with Bardini Consulting, LLC for the Dickenson Ferry Road Over Bear Creek Bridge Replacement Project.

Workforce Investment

3. Accept Modification One to Subgrant K8106644 (County Contract No. 2017211) incorporating First Round Workforce Innovation Opportunity Act (WIOA) Formula funding under grant codes 201, 292, 501, and 540 for Program Year 2017/2018 to provide employee related services to adults and dislocated workers.

Sheriff

4. Approve Budget Transfer in the amount of \$33,500 to purchase a water/mud boat needed for rescue operations during flood events, funded partially from Byrne JAG Grant and from the Rural/Small Counties Trust. (4/5 Vote Required)

District Attorney

5. Approve Budget Transfer in the amount of \$60,425 to purchase SmartWater protection system to assist with agricultural crime deterrence, theft reduction and apprehension. (4/5 Vote Required)
6. Approve and authorize the Chairman to sign Renewal Contract No. 2010072 with Karpel Solutions for ongoing annual support of the District Attorney's case management system.

Administrative Services

7. Approve and authorize the Chairman to sign Amendment Contract No. 2016278 with Delta Wireless to provide support for portable and mobile radios utilized by the Sheriff's Office.

Community and Economic Development

8. Set a public hearing for December 12, 2017 at 10:00 a.m. to consider adoption of an Ordinance amending Title 18 (Zoning) to define a new residential use, "accessory dwelling unit", establish in which residential districts use is permitted; and establish appropriate development standards and amend the code to remove Granny house and Secondary residential unit as allowable uses in the R-1, R-1-5000 (Single-family residential zones); in the R-2 (Two-family zone); and in the R-3 (Multiple-family residential zone) in all unincorporated areas of Merced County.

Executive Office

9. Act on Claim for Damages submitted by Daryl Dupree as recommended by Risk Management and County Counsel.
10. Approve travel request received from the District Attorney's office as recommended by Executive Office.

Board Recognition

11. Authorize Certificates of Recognition to the following individuals for being honored by the American Legion Auxiliary Girls State Awards: Mandip Bagri-Merced High, Kiara Veliz-El Capitan High, Grace Mello-Golden Valley High, Helia Samani-Buhach Colony High, Callie Norton-Atwater High and Ashleigh Huerta-Livingston High.
12. Authorize Certificate of Recognition to Richard A. Ciummo & Associates for Ribbon Cutting Ceremony.
13. Authorize Certificate of Recognition to Merced City School District S.T.E.A.M Center for Dedication Ceremony.
14. Authorize Certificate of Recognition to Dick Whittington in celebration of Retirement and Dedicated Service as Merced County Association of Government's YARTS Transit Manager.
15. Authorize Certificate of Recognition to Fire Chief Tim Marrison for Retiring after 31 Years of Service.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

16. Approve the following departmental personnel actions: Allocate Extra-Help Building Maintenance Worker I and establish and allocate Extra-Help Building Project Specialist; establish the job classification specification of Extra Help Building Project Specialist; and approve amendments to the Salary Allocation and Position Allocation resolutions.

ADOPTED RESOLUTION NOS. 2017-113 (SALARY) AND 2017-114 (POSITION) AS RECOMMENDED AYES: ALL

17. Cooperative agreement with Calif. Dept. of Transportation (Caltrans) for improvements on State Route 140, related to proposed Campus Parkway Project; adopt resolution authorizing the Chairman to execute Cooperative Agreement; and, authorize the Director of Public Works to execute the Closure Statement upon completion of the project.

AUTHORIZED CONTRACT NO. 2017229 AND ADOPTED RESOLUTION NO. 2017-115 AS RECOMMENDED AYES: ALL

18. Contract with City of Merced/Merced Irrigation District (MID) to continue negotiations with the City of Merced and MID for an Activity Agreement, authorized by Section 3.07 of the Merced Integrated Regional Water Management JPA, to be equal local sponsors in the Black Rascal Creek Project with the National Resources Conservation District as the Federal sponsor; and, direct Public Works to return to the Board with the negotiated Activities Agreement for approval and execution after review by County Counsel.

AUTHORIZED CONTRACT NO. 2017231 AS RECOMMENDED AYES: ALL

19. Approve Retainer Agreement with Tanaka Design Group for landscape architecture services; authorize the Chairman to execute the agreement; and, authorize the Director of Public Works to execute Project Supplement Agreements and amendments to the retainer agreement.

AUTHORIZED CONTRACT NO. 2017230 AS RECOMMENDED AYES: ALL

BEHAVIORAL HEALTH AND RECOVERY SERVICES

20. Accept California Mental Health Services Authority's Community Engagement Grant funding in the amount of \$3,000; authorize the Director of Behavioral Health and Recovery Serv. to retroactively sign the Professional Services Agreement with George Hill Company, Inc.; and, approve the associated budget Transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2017232 AS RECOMMENDED AYES: ALL

COMMUNITY AND ECONOMIC DEVELOPMENT

21. Ratify the Proposition 1 Application Agreement with the San Luis and Delta-Mendota Water Authority and authorize signing any other necessary documents authorizing the Water Authority to undertake the activities required for preparing a complete Proposition 1 grant application package.

APPROVED AS RECOMMENDED AYES: ALL

WORKFORCE INVESTMENT

22. Contract with Workforce Investment Board of Tulare County to provide reimbursement for training/seminars to assist with local and regional Workforce Innovation and Opportunity Act (WIOA) implementation.

AUTHORIZED CONTRACT NO. 2017233 AS RECOMMENDED AYES: ALL

FIRE

23. Accept award from the FY 17 Emergency Management Performance Grant (EMPG) in the amount of \$180,824 to support staffing and operation costs associated with the Office of Emergency Services.

AUTHORIZED CONTRACT NO. 2017234 AS RECOMMENDED AYES: ALL

24. Contract with City of Los Banos for automatic aide agreement; authorize the Chairman and Merced County Fire Chief to sign the agreement.

AUTHORIZED CONTRACT NO. 2017235 AS RECOMMENDED AYES: ALL

SHERIFF

25. Approve a one-time pay adjustment for 9 pay periods for one Sheriff's Deputy/Coroner employee ID 41526 in the gross amount of \$1,286.74 applicable to all withholdings and retirement contributions in accordance with Human Resources Rules and Regulations.

APPROVED AS RECOMMENDED AYES: ALL

26. Contract with City of Merced for Animal Control Services for the period of July 1, 2017 through June 30, 2020.

AUTHORIZED CONTRACT NO. 2017236 AS RECOMMENDED AYES: ALL

DISTRICT ATTORNEY

27. Contract with Thomas Reuters for West Proflex Legal Research System for three years beginning February 1, 2018 at the monthly rate of \$2,330.20 with a 3% increase each year, for a total contract price of \$86,428.97.

AUTHORIZED CONTRACT NO. 2017237 AS RECOMMENDED AYES: ALL

TREASURER/TAX COLLECTOR

28. Accept the Quarterly Investment Report for the period of July 1, 2017 to September 30, 2017.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

29. 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: ALL

BOARD APPOINTMENTS

30. Appoint Steve M. Tietjen, Ed.D., to serve on the Workforce Development Board as the Education and Training representative, filling an unexpired term until June 30, 2019.

APPROVED AS RECOMMENDED AYES: ALL

31. Reappoint Toni Russell to serve as a member of the Los Banos Cemetery District, until June 7, 2021.

APPROVED AS RECOMMENDED AYES: ALL

32. Appoint Ron Alberti to serve as a member of the Merced County Mosquito Abatement District, representing County Western Rural, filling an unexpired term until December 31,

2019.

APPROVED AS RECOMMENDED **AYES: ALL**

33. Appoint Donald Baker to serve on the May Day Fair Board, representing District 5 until July 1, 2021.

APPROVED AS RECOMMENDED **AYES: ALL**

34. Reappoint Supervisor Lloyd Pareira (Primary) and Supervisor Rodrigo Espinoza (Alternate) to serve on the Solid Waste Independent Hearing Panel, until December 31, 2019 (2 year term).

APPROVED AS RECOMMENDED **AYES: ALL**

BOARD INFORMATION & POSSIBLE ACTION

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

35. Dept. Fish and Wildlife re: Expansion of the Lands Pass Program.

THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF LAURA MEDEIROS, TED CALLAHAN, AND DR. NAPOLEON WASHINGTON JR. AND ADJOURNED THE MEETING UNTIL TUESDAY, NOVEMBER 14, 2017, AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – November 7, 2017

10:00 A.M. SCHEDULED ITEM

2017-11-07 BEHAVIORAL HEALTH AND RECOVERY SERVICES – PUBLIC HEARING – ORDINANCE NO. 1954

The time and date previously set for a public hearing to consider proposed Ordinance entitled "Ordinance Changing Fees Charged for Mental Health Services" (Supersedes Ordinance No. 1945 and Amends Chapter 9.48 Section 9.48.030 of the Merced County Code).

Behavioral Health and Recovery Services Director Yvonnia Brown reviews the staff report.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pareira, duly carried, the Board waives further reading of the Ordinance.

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 Pareira, seconded by Supervisor Lor, duly carried, the Board adopts Ordinance No. 1954 entitled "Ordinance Changing Fees Charged for Mental Health Services" (Supersedes Ordinance No. 1945 and Amends Chapter 9.48 Section 9.48.030 of the Merced County Code).

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

10:00 A.M. SCHEDULED ITEM

2017-11-07 COUNTY EXECUTIVE OFFICE – PUBLIC HEARING – 1ST READING PROPOSED ORDINANCE

The time and date previously set for a public hearing to consider the First Reading of proposed Ordinance repealing Ordinance No. 1830 and Merced County Code Chapter 6.70, Title 6, "Medicinal Marijuana Dispensary Businesses" and Amending Ordinance No. 1910 and Merced County Code Chapter 9.29, Title 9 "Medical Marijuana Cultivation".

County Executive Officer Jim Brown reviews the staff report and gives a powerpoint presentation regarding the Overview of the Ordinance.

Deputy County Executive Officer Mary Rose Rutikanga continues the powerpoint presentation covering: Uncertainty between Federal and State Law, Current California Law, Map of November 8, 2016 General Election Results, What will be permissible in January 2018, Board Direction, and the Cannabis Ordinance.

Sergeant Framstad continues the powerpoint reviewing the slide on 6 indoor Marijuana Plants.

Ms. Rutikanga concludes the powerpoint presentation reviewing the Estimated Time Line of Adoption of the Cannabis Ordinance and Recommendation.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pareira, duly carried, the Board waives further reading of the Ordinance.

Ayes: McDaniel, Lor, Pareira, O'Banion

Noes: Espinoza

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

Susan Bouscaren of Jack's Green House questions when the Ordinance will take place and if there will be a grace period for submitting business license application.

Mr. Brown comments on medicinal cannabis deliveries and licensing.

Gerard Jarvis states concerns with individuals not being able to have outside grows.

Cheryl Fullerton comments on the laws making it more difficult for individuals to get their medicine.

Will Scarup representative for the Sisters of the Valley states there needs to be exemptions for those growing non-psychoactive cannabis.

Brian Arrechiga comments on Madera County's Ordinance and states Merced County should let the State take over the laws on cannabis grows. He further states concerns not allowing outdoor grows.

Jesse Ornelas speaks against indoor growing.

Charlene Borelli of Hilmar states she supports the current Ordinance and speaks against outdoor grows.

Breanne Ramos, Executive Director of Farm Bureau states they support the current Ordinance.

Dwight Larks of Gustine states the cannabis industry will create jobs.

The Chairman closes the public hearing.

Upon motion of Supervisor O'Banion, seconded by Supervisor Pareira, the Board considers Planning Commission's recommendation to adopt the cannabis land use ordinance and finds the project is exempt from CEQA pursuant to CEQA Section 15061(b)3.

Ayes: McDaniel, Lor, Pareira, O'Banion

Noes: Espinoza

Upon motion of Supervisor O'Banion, seconded by Supervisor Lor, the Board sets a second reading and possible adoption of the proposed Ordinance for November 14, 2017

Ayes: McDaniel, Lor, Pareira, O'Banion

Noes: Espinoza