



SUMMARY ACTION MINUTES BOARD OF SUPERVISORS

Regular Meeting
TUESDAY, APRIL 10, 2018
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
DARON McDANIEL....DISTRICT 3
LLOYD PAREIRA....DISTRICT 4
CHAIRMAN 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

**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 - 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): 1. In Re: Underground Energy, Inc., a Delaware Corporation, United States Bankruptcy Court, Central District of California, Northern Division Case No. 9:13-bk-10563-DS. 2. Leslie Howard v. County of Merced, Workers Compensation Appeals Board Case Nos. ADJ10108382; ADJ10108383; and ADJ7382530.

**THE BOARD RECESSED AT 8:31 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 lead by Pastor Joshua Jorgensen

**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 - 30)

SCHEDULED ITEM:

PUBLIC WORKS - SECOND READING PROPOSED ORDINANCES

1) Conduct a second reading to consider proposed ordinance entitled: "Regulating the erection, construction, enlargement, alteration, repair, moving, removal demolition, conversion, occupancy, equipment use, height, and maintenance of all buildings or structures in the County of Merced; and providing for the issuance of the building permits and collection of fees therefore"; 2) and conduct a second reading to consider proposed ordinance entitled: "An

ordinance relating to the adoption of the 2016 California Fire Code Amending Title 9, Chapter 9.24 of the Merced County Code".

RECOMMENDATION:

1) Conduct a second reading of the proposed ordinance entitled: "Regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings or structures in the county of Merced; and providing for the issuance of building permits and collection of fees therefore"; waive further reading; adopt the proposed ordinance (adopting the current California Building Codes and amending the County Building Codes contained in code chapters 16.12 through 16.50); 2) Conduct a second reading of the proposed ordinance entitled: "Relating to the adoption of the 2016 California Fire Code Amending Title 9, Chapter 9.24 of the Merced County Code"; waive further reading; adopt the proposed ordinance (adopting the current California Fire Code and amending section 9.24.010 of Chapter 9.24, Title 9, of the County Code)

REVIEW BOARD ORDER – SEE PAGE 9

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-30)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Adopt Resolution designating the intersection of Camellia Drive and Krotik Court in the Atwater area, as an all-way stop intersection; and direct the Director of Public Works to post stop signs on the Camellia Drive approaches to its intersection with Krotik Court.

ADOPTED RESOLUTION NO. 2018-24

Health

2. Approve and authorize the Chairman to sign Amendment Contract No. 2017050 with Goodfellow Occupational Therapy to provide medical therapy services.
3. Approve Proclamation in Recognition of National Public Health Week for April 2 - 8, 2018.

Behavioral Health and Recovery Services

4. Approve and authorize the Chairman to sign Renewal Contract No. 2014057 with the City of Livingston Police Department for Mental Health and Police in Schools Program in Livingston's middle school.
5. Approve and authorize the Chairman to sign Renewal Contract No. 2015066 with Kings View Corporation to provide support services necessary for successful implementation and daily functioning of the Electronic Health Record System Software, Cerner.
6. Approve and authorize the Chairman to sign Amendment Contract No. 2016023 with Peoples Residential Care Home for board and care services.

7. Approve and authorize the Chairman to sign Amendment Contract No. 2017064 with CyraCom LLC, to provide a pilot program for On-demand video interpretation services.
8. 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 related budget transfer.
9. Approve and authorize the Chairman to sign Amendment Contract No. 2016265 with Crestwood Behavioral Health, Inc. for Institute for Mental Disease (IMD) for mental health consumers.
10. Approve and authorize the Chairman to sign Amendment Contract No. 2016244 with Mountain Valley Child and Family Services, Inc. for the provision of specialty mental health services to youth clients placed out-of-county.

Human Services Agency

11. Approve and authorize the Chairman to sign Renewal Contract No. 2011071 with Merced County Office of Education through A Child Care and Education Services System (ACCESS) to provide Stage One Child Care Services.
12. Approve and authorize the Chairman to sign Interdepartmental Renewal Contract No. 2013100 with Department of Workforce Investment for the use of the Los Banos Plato Lab by Welfare-to-Work and Cal-Learn clients.
13. Proclaim the month of April 2018 as "National Child Abuse Prevention Month".
14. Approve Budget Transfer in the amount of \$300,000 to purchase 12 midsize vehicles for Human Services Agency Fleet.

Treasurer

15. Approve Budget Transfer in the amount of \$2,000 for expenses associated with moving furniture to surplus in preparation of the 1st floor remodel of the old R & R office. (4/5 Vote Required)

Workforce Investment

16. Accept modification three (3) to Subgrant K8106644 (Amendment Contract No. 2017211) incorporating \$500,000 of Workforce Innovation and Opportunity Act (WIOA) Governor's Discretionary funds into grant code 1122 from January 1, 2018 to June 30, 2019 for Regional Implementation Project; and approve related budget transfer. (4/5 Vote Required)

Sheriff

17. Approve and authorize the Chairman to sign Interdepartmental Renewal Contract No. 200198 with Behavioral Health and Recovery Services for the clients meal food services to the Marie Green Psychiatric Center.
18. Approve and authorize the Chairman to sign Amendment Contract No. 2012095 with Swanson Services Corporation for the provision of commissary services to the adult inmates of the Sheriff's Correctional Facilities.

District Attorney

19. Authorize Proclamation recognizing the week of April 8-14, 2018 as Crime Victims' Rights Week in Merced County.

Library

20. Approve Proclamation in recognition of National Library Week, April 8-14, 2018.

Administrative Services

21. Approve Budget Transfer in the amount of \$50,000 for an increase in Countywide travel to pay the monthly invoices before the end of the fiscal year. (4/5 Vote Required)
22. Approve donation of a passenger van to Students with Aspiring Goals (SWAG).

Executive Office

23. Act on Claims for Damages submitted by Alejandra Robinson and Matthew Murray as recommended by Risk Management and County Counsel.

Board of Supervisors

24. Approve minutes for January 9, 2018, January 17, 2018-Claims Board, January 30, 2018, February 6, 2018, February 27, 2018, March 13, 2018 and March 13, 2018-Addendum.

Board Recognition

25. Authorize Certificates of Recognition to Rosa Barragan, Carolina Castaneda, Rosa Nuno, and Anahi Rodriguez for being recognized for their contributions and accomplishments as Latina Women in Merced County.
26. Authorize Certificates of Recognition to Atwater Curves for Grand Re-Opening and Ribbon Cutting.
27. Authorize Certificate of Recognition to Fit Republic for Ribbon Cutting.
28. Authorize Certificates of Recognition to the following individuals for graduation from Merced County Superior Court Drug Treatment Court: Alan Hubert Ereman, Curtis Leland Gorman, Stanley Quezada, and Jose Manuel Castro.
29. Authorize Certificate of Recognition to Castle Family Health Centers Winton for Ground Breaking Ceremony.
30. Authorize Certificate of Recognition for Denard Davis Family in recognition of the Denard William Davis Building Dedication at Merced County Office of Education.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

31. Adopt Resolution approving the list of projects funded by SB1: The Road Repair and Accountability Act.

ADOPTED RESOLUTION NO. 2018-25 AS RECOMMENDED AYES: ALL

32. Adopt Resolution to certify that the appointment of an employee is necessary before 180 days has passed; and approve the appointment of Richard A. Schwarz to return to work for a period of time determined by the Director of Public Works beginning April 16, 2018.

ADOPTED RESOLUTION NO. 2018-26 AS RECOMMENDED AYES: ALL

HEALTH

33. 1) Approve submission of the Solid Waste Local Enforcement Agency grant application for FY 2018-2019 to support local solid waste enforcement programs; 2) Authorize the Public Health Director or designee to submit the online grant application and any administrative requests necessary to secure the grant funds and implementation of the project when approved; 3) Adopt the Resolution authorizing submission of grant application to the California Department of Resources Recycling and Recovery (CalRecycle); and 4) Return to the Board for contract approval if awarded.

ADOPTED RESOLUTION NO. 2018-27 AS RECOMMENDED AYES: ALL

34. Contract with Body Motions by Design (Administrative Services Contract No. 12547) for promotion of Physical Activity.

AUTHORIZED CONTRACT NO. 2018057 AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

35. Approve the FY 2018-2019 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

36. Contract with Sierra Building Systems, Inc. for services in connection with an upgrade to the WaPac Badge Access Control System.

AUTHORIZED CONTRACT NO. 2018058 AS RECOMMENDED AYES: ALL

COMMUNITY AND ECONOMIC DEVELOPMENT

37. Adopt Resolution: 1) To determine by four-fifths vote of the Board, that the affected property located at 3009 Stratofortress Avenue, Atwater, 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 Building 730 and 1.24 acres of land to JETLER Investments, LLC; and return to the Board to consider acceptance and execution of final sale to JETLER Investments, LLC.

ADOPTED RESOLUTION NO. 2018-28 AS RECOMMENDED AYES: ALL

38. 1) Adopt Resolution declaring the Board's intent to consummate the purchase of real property described as approximately 1.81 acres of vacant land bounded by Jetstream Drive, D Street, Jetlift Drive, and C Street, Atwater, California (Assessor Parcel Number 051-010-024) at a public meeting to be held on May 8, 2018 at 10:00 a.m. in the Board Room; 2) Direct Community and Economic Development (CED) staff to publish the required Notice of Intent to Purchase Real Property in compliance with California Government Code Section 6063; and 3) Direct the CED Director to prepare for the Board's final approval and Chairman's signature on the documents necessary for the purchase and transfer of 1.81 acres of land from Chris Vierra and Shane Parson.

ADOPTED RESOLUTION NO. 2018-29 AS RECOMMENDED AYES: ALL

SHERIFF

39. Approve Law Enforcement Memorandum of Agreement (LEMA) between Merced County Sheriff's Office and Santa Barbara County Sheriff's Office for mutual aid services provided during the Thomas Fire; and authorize the Sheriff to sign the LEMA in concurrence with CEO

and Counsel approval.

AUTHORIZED CONTRACT NO. 2018060 AS RECOMMENDED AYES: ALL

40. Authorize a onetime retroactive pay adjustment for 1 pay period for one Correctional Facility Cook employee ID 50668 in the gross amount of \$12.00 applicable to all withholdings and retirement contributions; and for 9 pay periods for one Correctional Facility Cook employee ID 77052 in the gross amount of \$140.00 applicable to all withholdings and retirement contributions; and for 9 pay periods for one Correctional Facility Cook employee ID 56826 in the gross amount of \$132.00 applicable to all withholdings and retirement contributions in accordance with Human Resources Rules and Regulations.

APPROVED AS RECOMMENDED AYES: ALL

41. Authorize the Sheriff to surplus a Cessna 172 tail #N98708 including the two-way radio #TDFM618 VHF/800 MHZ XCVR back to the Federal Government through the LESO program.

APPROVED AS RECOMMENDED AYES: ALL

42. Contract with Winton School District for a school resource officer.

AUTHORIZED CONTRACT NO. 2018059 AS RECOMMENDED AYES: ALL

TREASURER

43. 1) Approve the selling of properties subject to the Tax Collector's power to sell at a Public Internet Auction September 15-17, 2018; and 2) Approve the authorization for the Tax Collector to reduce the minimum bid price if no bids are received or approve the re-offer of unsold parcels at the same day and or next scheduled auction within 90 days with parties of interest notification.

APPROVED AS RECOMMENDED AYES: ALL

RETIREMENT

44. Adopt Employer Contribution Rate of 50.20% as recommended by the Actuarial Report; and adopt the Employee Contribution Rates as recommended by the Actuarial Report.

APPROVED AS RECOMMENDED AYES: ALL

SPRING FAIR

45. 1) Approve a cash flow loan to Spring Fair from the General Fund of up to \$800,000 bearing an interest rate equal to the rate earned by the Merced County Treasury. With loan repayments made as payments are received from the buyers, prior to October 31, 2018; 2) Authorize the Auditor-Controller to utilize \$8,000 of the loan proceeds to increase Spring Fair's change fund for operation of the 2018 Fair. Spring Fair will return the \$8,000 at the close of the fair; and 3) Approve related budget transfer. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

46. Allocate the Extra Help Special Projects Coordinator, classification 0468, to Budget Unit 18100 at the range of up to \$40.00 an hour; and approve the amendment to the Position Allocation Resolution 06-120A.

ADOPTED RESOLUTION NO. 2018-30 AS RECOMMENDED AYES: ALL

ELECTIONS

47. 1) Adopt resolution to call for and consolidate the Statewide Direct Primary Election on June 5, 2018 with: County Elected offices and the listed City and School District measures; and 2)

Authorize the Elections Division of the Registrar of Voters to procure and furnish those election services requested by each entity as more fully set forth in their Resolutions, and to submit a cost bill to each entity for reimbursement of the election services provided.

ADOPTED RESOLUTION NO. 2018-31 AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

48. Authorize \$5,000 of District Five's Special Board Project Funds to be forwarded to the Dos Palos Y Fire Station for improvements to the fire station.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

49. Appoint Michael C. Mitchell as a Member-At Large representative to serve on the Merced County Housing Advisory & Building Code Board of Appeals for a three year term ending March 26, 2020.

APPROVED AS RECOMMENDED AYES: ALL

50. Reappoint Rob Smith to serve as the Public Rep./Medi-Cal Beneficiary At-Large member on the Santa Cruz-Monterey-Merced Management Medical Care Commission for a 4 year term ending April 18, 2022.

APPROVED AS RECOMMENDED AYES: ALL

51. Appoint Pamela Lundell-Real to serve as a member of the Hilmar Municipal Advisory Council, until May 3, 2022.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

52. State Water Resources Control Board re: Notice of Petition for temporary change involving the transfer of up to 17,433 acre feet of water from Sutter Extension Water District to State Water Contractor Agencies under License 9063 (Application 10529).
53. Mosquito Abatement District re: General Manager's Report for February 20 - March 20, 2018.

THE BOARD ADOPTED A RESOLUTION IN MEMORY OF MARY LAMOGLIA, AND ADJOURNED THE MEETING AT 10:19 A.M. UNTIL TUESDAY, APRIL 24, 2018 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – APRIL 10, 2018

10:00 A.M. SCHEDULED ITEM

2018-04-10 PUBLIC WORKS – SECOND READING – ORDINANCE NOS. 1958 AND 1959

The time and date previously set for a second reading to consider proposed ordinance entitled: “Regulating the erection, construction, enlargement, alteration, repair, moving, removal demolition, conversion, occupancy, equipment use, height, and maintenance of all buildings or structures in the County of Merced; and providing for the issuance of the building permits and collection of fees therefore”; and conduct a second reading to consider proposed ordinance entitled: “An ordinance relating to the adoption of the 2016 California Fire Code Amending Title 9, Chapter 9.24 of the Merced County Code”.

County Counsel James Fincher clarifies that this is for two separate ordinances.

Upon a motion of Supervisor McDaniel, seconded by Supervisor Pareira, duly carried the Board waives further reading of the ordinances.

Upon a motion of Supervisor McDaniel, seconded by Supervisor Pareira, duly carried the Board adopts Ordinance No. 1958 adopting the current California Building Codes and amending the County Building Codes contained in code chapters 16.12 through 16.50; and adopts Ordinance No.1959 adopting the current California Fire Code and amending section 9.24.010 of Chapter 9.24, Title 9, of the County Code.

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