



# SUMMARY ACTION MINUTES BOARD OF SUPERVISORS

Regular Meeting  
TUESDAY, NOVEMBER 6, 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](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

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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 - 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): One Case

**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): State of California, Department of Human Resources, Statutory Appeals Unit. Case No.: N-18-0015 – Nazario

**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): Public Employment Relations Board, State Mediation and Conciliation Service, Case No.: ARB-17-0307 – Liang

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

**Property:** APNS: 236-200-001, 236-200-002, 236-200-003, 236-200-004, 236-200-005, 236-200-006, 236-200-007, 236-200-008, 236-200-009, 236-200-010 and 236-200-011. Located at 3327-3345 M Street, in Merced

**Agency Negotiator:** Dana Hertfelder, Director of Public Works

**Negotiation Parties:** County of Merced and Coldwell Banker Gonella Realty

**Under Negotiation:** To request authority to negotiate proposed purchase of property

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

**Property:** An approximately 2.25 acre plot of land currently comprised of portions of APN 026-161-003 and APN 026-161-008, generally located at 1111 G Street in Los Banos

**Agency Negotiator:** Dana Hertfelder, Director of Public Works

**Negotiation Parties:** County of Merced and Los Banos Gateway Center, LLC

**Under Negotiation:** To request authority to negotiate proposed purchase of property

**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) Ron Brandt, County Spring Fair Manager pursuant to Government Code Section 54956.8 as follows:

**Property:** 11.47 acres, commonly known as the Los Banos Fairgrounds, All of Blocks 20, 21, 17 and 28 all being delineated on that Map of the Town of Los Banos recorded in Book 2, Official Plats, page 21, Merced County Records, including all those portions of "E" and 4th Streets bounded by Blocks 20, 21, 27 and 28 and the alleys within said Blocks 20, 21, 27 and 28, and 5 acres, commonly known as the Los Banos Fairgrounds Ballfields, located on the northwest corner of Seventh and E Streets in Los Banos

**Agency Negotiator:** Ron Brandt, County Spring Fair Manager

**Negotiation Parties:** County of Merced and City of Los Banos

**Under Negotiation:** To request authority to negotiate proposed purchase/lease of property

**THE BOARD RECESSED AT 8:35 A.M. WITH SUPERVISOR ESPINOZA NOT PRESENT AND RECONVENED AT 10:06 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.

**INVOCATION by Supervisor Lloyd Pareira/PLEDGE OF ALLEGIANCE**

**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 11**

**PRESENTATIONS:**

1) Merced County Office of Education – Annual Williams Report for 2018/2019.  
**Merced County Superintendent of Schools Steven M. Tietjen, Ed.D. addresses the Board regarding the Annual Williams Report 2018/2019.**

2) Presentation of Service Pin Awards to Karen Adams, Treasurer, 25 Years of Service; Michael Cureton, Administrative Services, 20 Years of Service; Sara Rodriguez, Human Services Agency, 20 Years of Service; Stefanie Hiser, Human Services Agency-Area Agency on Aging, 20 Years of Service; Rosemary Williams, Health, 15 Years of Service; Sylvia Sanchez, Auditor-Controller, 15 Years of Service; Janet Kasper, Human Services Agency, 15 Years of Service.

**Supervisor Lor presented a service pin to Karen Adams; Supervisor Lor also presented a plaque to Karen Adams for receiving the Association of Public Treasurers of the United States and Canada Certified Public Funds Investment Manager Certification; Supervisor Lor presented a service pin to Rosemary Williams on behalf of Supervisor Espinoza; Supervisor McDaniel presented service pins to Stefanie Hiser, Michael Cureton, and Sylvia Sanchez; Supervisor Pareira presented a service pin to Sara Rodriguez; and Supervisor O’Banion presented a service pin to Janet Kasper. A reception honoring the recipients of service pins was held in Room 310**

**APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 18)**

**REPORTS/BOARD DIRECTION**

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-18)

**APPROVED AS RECOMMENDED**

**AYES: 2, 3, 4, 5 NOT PRESENT: 1**

Public Works

- 1. Approve Budget Transfer in the amount of \$11,984 to reimburse Roads Division for striping services project throughout the City of Gustine. (4/5 Vote Required)

Health

- 2. Approve Budget Transfer in the amount of \$79,574 to amend the First 5 Impact budgeted services and supplies appropriation, and revenue to include the First 5 Impact grant Fiscal Year 2017/2018 approved carryover funding. (4/5 Vote Required)

Behavioral Health and Recovery Services

- 3. Approve and authorize the Chairman to sign Amendment Contract No. 2016273 with BHC Heritage Oaks Hospital for Inpatient hospital services for Medi-Cal clients.
- 4. Approve and authorize the Chairman to sign Amendment Contract No. 2016274 with BHC Heritage Oaks Hospital for Inpatient hospital services for Non-Medi-Cal clients.

5. Approve and authorize the Chairman to sign Amendment Contract No. 2014129 with Larry Dumford for the provision of board and care services to clients.
6. Set a Public Hearing for December 18, 2018 at 10:00 a.m. to consider the Proposed Ordinance amending Mental Health Alcohol and Drug Services Fees (amends Ordinance No. 1966 and Merced County Code Title 9, Chapter 9.48, Section 9.48.030).

#### District Attorney

7. Ratify the execution of the Amendment Contract No. 2016090 with California Governor's Office of Emergency Services (OES) for Victim Witness Assistance Program grant.

#### Fire

8. Approve Budget Transfer in the amount of \$15,000 for additional cost of three sets of rescue equipment not covered by the Office of Traffic Safety grant funds.

#### Sheriff

9. 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.
10. Approve Budget Transfer in the Amount of \$45,000 to establish a fixed asset (#84203) to increase appropriations in the Sheriff Corrections Budget Unit to purchase a DVR for the security camera system at the John Latorraca Correctional Facility. (4/5 Vote Required)

#### Executive Office

11. Act on Claims for Damages submitted by Tyra Harp and Marlyne Andrade as recommended by Risk Management and County Counsel.
12. Approve Travel requests received from Community and Economic Development as recommended by Executive Office.

#### Board Recognition

13. Authorize Proclamation in Recognition of October 2018 as "Farm to School Month" in Merced County.
14. Authorize Proclamation in Recognition of November 2018 as "National American Indian Heritage Month in Merced County.
15. Authorize Certificate to Frank and Karen Machado in celebration of their 45th Wedding Anniversary.
16. Authorize Certificates of Recognition to Michael Scott Davis, Steven Gregory Stayner, Jr., Eduardo Quiroz Lupian and Cortney Lynn Guerrero for graduating from the Veterans Treatment Court.
17. Authorize Certificate of Recognition to Rosa Barragan for being recognized as Merced County Office of Education's Administrator of the Year.
18. Authorize Certificates of Recognition to Loren Morris, Kyle Silva and Nicole Ward for graduation from Merced County Superior Court Drug Treatment Court.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

19. Approve Retainer Agreement with Signature Life-Safety Services, Inc. for fire alarm and sprinkler inspections for multiple County buildings; and Direct Public Works to work with Administrative Services, County Counsel, and Risk Management to circulate a new Request for Proposal for services.

**AUTHORIZED CONTRACT NO. 2018246 AS RECOMMENDED AYES: 2, 3, 4, 5**  
**NOT PRESENT: 1**

HEALTH

20. 1) Approve submission of an application to the California Department of Justice, California Tobacco Grant Program; 2) Ratify the signing of the non-binding letter of intent by the Director of Public Health; and 3) Return to the Board for contract approval if awarded.

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

BEHAVIORAL HEALTH AND RECOVERY SERVICES

21. Contract with Sierra Vista Child and Family Services to implement and deliver Innovative Strategist Network Services for youth services.

**AUTHORIZED CONTRACT NO. 2018247 AS RECOMMENDED AYES: 2, 3, 4, 5**  
**NOT PRESENT: 1**

22. Contract with Merced County Community Action Agency for property management and operating service activities related to the implementation of Project Home Start.

**AUTHORIZED CONTRACT NO. 2018248 AS RECOMMENDED AYES: 2, 3, 4, 5**  
**NOT PRESENT: 1**

23. Contract with Merced County Community Action Agency for property management and operating service activities related to the implementation of Project Hope Westside.

**AUTHORIZED CONTRACT NO. 2018249 AS RECOMMENDED AYES: 2, 3, 4, 5**  
**NOT PRESENT: 1**

24. Contract with California Department of Health Care Services (Agreement No. 18-95149) to provide Drug Medi-Cal Organized Delivery System services; and adopt the Resolution.

**AUTHORIZED CONTRACT NO. 2018250 AND ADOPTED RESOLUTION NO. 2018-117 AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1**

CHILD SUPPORT SERVICES

25. Contract with Laboratory Corporation of America (LabCorp) to provide paternity genetic testing services.

**AUTHORIZED CONTRACT NO. 2018251 AS RECOMMENDED AYES: 2, 3, 4, 5**  
**NOT PRESENT: 1**

26. Authorize the Chairman and Director of Child Support Services to sign the Plan of Cooperation between Merced-Mariposa Regional Department of Child Support Services and California Department of Child Support Services.

**AUTHORIZED CONTRACT NO. 2018252 AS RECOMMENDED AYES: 2, 3, 4, 5**  
**NOT PRESENT: 1**

LIBRARY

27. Authorize the Merced County Library to submit an application for the California Center for the Book, Book to Action 2019 grant for the Delhi Library in the amount of \$2,000; and direct the County Librarian or designee to return to the Board if awarded.

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

ADMINISTRATIVE SERVICES

28. Declare construction equipment, light duty to medium duty vehicles, miscellaneous office furniture, assorted office equipment and miscellaneous supplies, assorted electronic equipment, and janitorial equipment (listed in Exhibit A) as Surplus Property as recommended and authorize its disposal by approved internet public auction.

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

FIRE

29. Authorize the Chairman and the Merced County Fire Chief to sign the five-year agreement providing instruction, training, facilities, equipment and other services for firefighter training to the Merced Community College District.

**AUTHORIZED CONTRACT NO. 2018253 AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1**

30. Accept award from the Fiscal Year 2018 Emergency Management Performance Grant (EMPG) in the amount of \$181,498 to support staffing and operation costs associated with the Office of Emergency Services (CalOES).

**AUTHORIZED CONTRACT NO. 2018254 AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1**

31. Accept grant award from the California Governor's Office of Emergency Services Fiscal Year 2018 Homeland Security Grant Program (HSGP) in the amount of \$352,748; and approve the related Budget Transfer. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2018255 AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1**

32. Authorize the Department of Administrative Services, on behalf of the Fire Department to develop and release a Request for Qualifications to secure qualified vendors to provide Structural Stabilization and Victim Assistance following an emergency.

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

DISTRICT ATTORNEY

33. Contract with City of Merced for reimbursement of expenses for a Custom Software Interface between the Merced Police Department and the Merced County District Attorney.

**AUTHORIZED CONTRACT NO. 2018256 AS RECOMMENDED AYES: 2, 3, 4, 5 NOT PRESENT: 1**

34. 1) Contract with California Governor's Office of Emergency Services (Cal OES) for Victim Witness Assistance Program and authorize the District Attorney to apply for continued grant funding for Fiscal Year 2018/2019 in the amount of \$516,824; 2) Adopt the Resolution; 3) Authorize the Chairman to sign the Certifications of Assurance of Compliance; 4) Approve the addition of one (1) Victim Witness Advocate position, Classification 7196, salary range 64.9 in budget Unit 20401 to be 100% subvented and eliminated if funding is decreased or is discontinued; 5) Approve the amendments to the Position Allocation Resolution 06-120/A

and; 6) Approve Budget Transfer. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2018257 AND ADOPTED RESOLUTION NOS. 2018-118 (GRANT) AND 2018-119 (POSITION) AS RECOMMENDED AYES: 2, 3, 4, 5**  
**NOT PRESENT: 1**

**WORKFORCE INVESTMENT**

35. Contract with Merced College to implement a Laborer's International Union of North America (LiUNA) Pre-Apprenticeship Training.

**AUTHORIZED CONTRACT NO. 2018258 AS RECOMMENDED AYES: 2, 3, 4, 5**  
**NOT PRESENT: 1**

**PROBATION**

36. 1) Approve request to change one (1) vacant Staff Services Analyst I/II (Pos 36), Class 1050/1040, salary range 68.6/73.0 in Budget Unit 23300, to Supervising Juvenile Institutions Officer, Class 4721, salary range 76.6; 2) Approve related Budget Transfer; and, 3) Approve amendment to the Position Allocation Resolution 06-120A.

**ADOPTED RESOLUTION NO. 2018-120 AS RECOMMENDED AYES: 2, 3, 4, 5**  
**NOT PRESENT: 1**

37. Contract with Noble Software Group, LLC for Validated Criminal Justice Risk Assessment Software.

**AUTHORIZED CONTRACT NO. 2018259 AS RECOMMENDED AYES: 2, 3, 4, 5**  
**NOT PRESENT: 1**

38. Contract with BI Incorporated to provide juvenile and adult GPS monitoring.

**AUTHORIZED CONTRACT NO. 2018260 AS RECOMMENDED AYES: 2, 3, 4, 5**  
**NOT PRESENT: 1**

39. Contract with BI Incorporated to provide day reporting center services to adult probation clients.

**AUTHORIZED CONTRACT NO. 2018261 AS RECOMMENDED AYES: 2, 3, 4, 5**  
**NOT PRESENT: 1**

**TREASURER**

40. Authorize the amended distribution of excess proceeds from the public auction of tax defaulted property sold for failure to pay taxes on real property per Exhibit "A" to the valid claimants in the amount of \$1,290,746.64 and the remaining funds per Exhibit "B" of \$295,150.48 are to be transferred to Trust Fund #02000-02080 Property Taxes-Tax Loss Reserve.

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

**COUNTY COUNSEL**

41. Approve Amendment to Administrative Services Contract No.12786 for Specialized Legal Services with Laura J. Bakker; and authorize the Chairman to sign the Amendment.

**AUTHORIZED CONTRACT NO. 2018262 AS RECOMMENDED AYES: 2, 3, 4, 5**  
**NOT PRESENT: 1**



EXECUTIVE OFFICE

42. 1) Approve the termination of Contract No. 2004144 with The Standard Insurance Company as of December 31, 2018; 2) Authorize Contract with Metropolitan Life Insurance Company to provide Group Life Insurance, Management Life, Voluntary Term Life, and Management Short-term and Long-term Disability Insurance for the period of January 1, 2019 to December 31, 2021; 3) Authorize premiums to be paid to Metropolitan Life Insurance Company; and 4) Authorize the Chairman to sign the application and any related documents.

**AUTHORIZED CONTRACT NO. 2018263 AS RECOMMENDED AYES: 2, 3, 4, 5**  
**NOT PRESENT: 1**

43. Contract with Employee Benefit Specialist (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; and authorize the Chairman to sign all applicable copies of the agreement and any related documents.

**AUTHORIZED CONTRACT NO. 2018264 AS RECOMMENDED AYES: 2, 3, 4, 5**  
**NOT PRESENT: 1**

44. Authorize the naming of the Los Banos Justice Center to the Sheriff Jess "Pooch" Bowling Justice Center; and declare the Robert M. Falasco Los Banos Courthouse signage as surplus property as recommended and authorize its disposal by approved internet public auction.

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

45. Authorize submission of standard agreement with the State of California Department of Housing and Community Development in order to effect the transfer of one-time funding in the amount of \$5,000,000 to support the creation of a homeless navigation center; and authorize the Chairman to sign all necessary documents.

**AUTHORIZED CONTRACT NO. 2018245 AS RECOMMENDED AYES: 2, 3, 4, 5**  
**NOT PRESENT: 1**

46. Retroactively designate Chief Deputy Public Defender, Vincent Andrade, as Acting County Public Defender and approve a 10% increase, effective October 1, 2018.

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

BOARD OF SUPERVISORS

47. Adopt the Board of Supervisors 2019 Calendar for the regularly scheduled Meetings.

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

BOARD APPOINTMENTS

48. Reappoint Joe Avelar to serve as a member of the Los Banos Resource Conservation District, until February 1, 2022.

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

49. Appoint Amy Mello as a Child Care Provider Representative to serve on the Merced County Collaborative for Children and Families, until June 30, 2020.

**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**

50. Merced County Mosquito Abatement District re: General Manager's Report for September 18 - October 16, 2018.
51. Fish and Game Commission re: Notice of receipt of Petition to list northern California summer steelhead as endangered under the California Endangered Species Act.
52. State Water Resources Control Board re: Notice of Petition for long-term change involving the transfer of up to 30,000 acre-feet per annum of water from Turlock Irrigation District to Stanislaus Regional Water Authority under license 11058 (Application 14127).

**THE BOARD ADJOURNED THE MEETING IN MEMORY OF CHUE YANG AND  
ADJOURNED THE MEETING AT 11:51 A.M. UNTIL TUESDAY, NOVEMBER 20, 2018,  
AT 10:00 A.M.**

**BOARD ORDERS – SUMMARY ACTION MINUTES – NOVEMBER 6, 2018**

**10:00 A.M. SCHEDULED ITEM**  
**2018-11-06 PUBLIC OPPORTUNITY**

Gloria Sandoval speaks about immigration in the United States, SB 54 and AB 2792.

Elvia Robles speaks about why people immigrate to the United States.

Tonya Golas-Boza speaks about the research she has done on deportation and how it criminalizes immigrant communities.

Blanca, Merced County resident speaks about immigration and the rapid response network known as Valley Watch Network to respond to law enforcement activity related to immigration in the central valley.

Arlete Flores invites everyone to the Truth Act Forum that will be held on November 20, 2018 at 1:30 p.m. in the Board of Supervisors Chambers.

James Hodges speaks about Obamacare and safety at the welfare office.

Present: O'Banion, Lor, McDaniel, Pareira

Absent: Espinoza