



BOARD OF SUPERVISORS

Rodrigo Espinoza, *District 1*

Lee Lor, *District 2*

Daron McDaniel, *District 3*

Chairman Lloyd Pareira, *District 4*

Scott Silveira, *District 5*

Phone: (209) 385-7366 Fax: (209) 726-7977

SUMMARY ACTION MINUTES

TUESDAY, FEBRUARY 5, 2019

Regular Meeting – 10:00 a.m.

Merced County Administration Building

2222 M Street

Board Room, Third Floor

Merced CA 95340

www.countyofmerced.com

The Board of Supervisors welcomes you to its meetings which are regularly held on a scheduled Tuesday and your interest is encouraged and appreciated.

PUBLIC COMMENT PERIOD: Public opportunity to speak on any matter of public interest within the Board's jurisdiction including items on the Boards' agenda, except for those items specifically scheduled as public hearings (testimony limited to three (3) minutes per person).

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 administrative 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.

CLOSED SESSION: Is the portion of the meeting conducted in private without the attendance of the public or press to discuss certain confidential matters specifically permitted by the Brown Act. The public will be provided an opportunity to comment on any matter to be considered in closed session prior to the Board adjourning into the closed session.

ANY MEMBER OF THE AUDIENCE DESIRING TO ADDRESS THE BOARD ON A MATTER ON THE AGENDA:

Please raise your hand or step to the podium at the time the item is announced by the Board Chairperson. In order that interested parties have an opportunity to speak, any person addressing the Board will be limited to a maximum of three (3) minutes.

BOARD AGENDA AND MINUTES: Board agendas, minutes, and copies of items to be considered by the Board of Supervisors are posted on the Internet at least 72 hours preceding a Tuesday meeting at the following website www.countyofmerced.com/boardagenda/

AUDIO/VIDEO BROADCAST: All Board meetings are normally broadcast live and replayed on local cable television. A list of cable channels and broadcast times are available at the following website: www.countyofmerced.com

REASONABLE ACCOMMODATIONS: Persons who require accommodation for any audio, visual or other disability in order to review an agenda, or to participate in a meeting of the Board of Supervisors per the American Disabilities Act (ADA), may obtain assistance by requesting such accommodation in writing. Please address your written request to the Clerk of the Board, 2222 M Street, Merced, CA 95340 or telephonically by calling (209) 385-7366. Any such request for accommodation should be made at least 48 hours prior to the scheduled meeting for which assistance is requested.

Spanish and Hmong interpreters are available.

Interpretes de espanol y hmong estan disponibles.

Peb muaj tug paab txhais lug Mev hab Hmoob.

SCHEDULED ITEMS

GOVERNMENT CODE SECTION 54954.2 COMPLIANCE (LATE AGENDA ITEMS)

10:00 A. M.

**INVOCATION lead by Joey Salmeri / 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 7

APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 7)

SCHEDULED ITEM:

PUBLIC WORKS - CONTINUED FROM JANUARY 29, 2019 - PROPOSED ORDINANCE

Proposed ordinance amending the refuse service fees, which would increase refuse service fees by 4.27% for County Solid Waste Franchise Areas 1 through 5 in unincorporated areas of Merced County north of Highway 140 (Amends Ordinance No. 1957 and Chapter 5.90 of the Merced County Code).

RECOMMENDATION:

Adopt proposed ordinance amending the refuse service fees, which would increase refuse service fees by 4.27% for County Solid Waste Franchise Areas 1 through 5, an area that includes roughly all unincorporated areas of Merced County north of Highway 140 (Amends Ordinance No. 1957 and Chapter 5.90 of the Merced County Code).

REVIEW BOARD ORDER – SEE PAGE 7

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-7)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Approve Budget Transfer in the amount of \$7,050 to purchase 300 gallon road-rated trailer with pressure washer.

Behavioral Health and Recovery Services

2. 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.

Community and Economic Development

3. Set Joint Zoning Code Update Study Session with the Board of Supervisors and Planning Commission at 1:30 p.m. on February 26, 2019 in the Board Chambers following the regularly scheduled Board Meeting that same day.

Sheriff

4. 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.

Executive Office

5. Act on Claims for Damages submitted by Socorro Meza and Freddy Velasquez Meza as recommended by Risk Management and County Counsel.

Board Recognition

6. Authorize Certificates of Recognition to Clara Harman (Atwater High), Ana Veloz (Buhach Colony High), Karen Godinez-Ramos (El Capitan High), Udhayraj Kahlon (Golden Valley High), Fatima Cheema (Livingston High), Daniela Torres (Merced High), and Makinna Dulcich (Mariposa High) for being selected by the Merced River Chapter of the National Society of Daughters of the American Revolution as Good Citizens of the Year.
7. Authorize Certificate of Recognition to Center of Vision Enhancement in Celebration of 10th Anniversary and new location Grand Opening.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

8. Authorize the expenditure of up to \$18,000 from zone 121, Harmony Ranch Drainage and Park Maintenance, or County Service Area Number 1 for the purchase and installation of two (2) solar powered lights at the Harmony Ranch Park in Delhi; and approve related budget transfer. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

9. PULLED

10. Approve the agreement for purchase of real property between Merced County and the Chavez Family for acquisition of property located on Lobo Avenue (APN: 057-380-033) in the Franklin Beachwood area for the Lobo Avenue Active Transportation Project (ATP) at a cost of \$2,100; 2) Authorize the Chairman to sign the agreement listing the terms and conditions of the acquisition; 3) Adopt Resolution accepting the Grant Deed from the Chavez Family for acquisition of property for the Lobo Avenue ATP; and 4) Approve payment to a title company for the accepted value of property plus escrow and any other transaction fees.

AUTHORIZED CONTRACT NO. 2019033 AND ADOPTED RESOLUTION NO. 2019-13 AS RECOMMENDED AYES: ALL

HEALTH

11. 1) Approve submission of an application to the First 5 Merced County Mini-Grant Program by February 15, 2019; 2) Authorize the Director of Public Health to sign the application; and 3) Return to the Board if awarded this grant.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

12. Accept an allocation in the amount of \$747,080 for the Home Safe program from the California Department of Social Services.

APPROVED AS RECOMMENDED AYES: ALL

13. Accept an allocation in the amount of \$482,419 for fiscal year 2018-2019 and an anticipated amount of \$964,838 for fiscal year 2019-2020 for the Home Visiting Initiative from the California Department of Social Services; and approve related budget transfer. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

FIRE

14. 1) Appoint Mike VanLobenSels as the Acting Merced County Fire Chief and the Merced County Office of Emergency Services Director pursuant to County Ordinance No. 1567; 2) Appoint Jeremy Rahn as the Merced County Division Chief and the Merced County Office of Emergency Services Deputy Director-Operations pursuant to County Ordinance No. 1567; 3) Appoint John Slate as the Merced County Office of Emergency Service Battalion Chief and the Merced County Office of Emergency Services Deputy Director-Administration pursuant to County Ordinance No. 1567; and 4) Adopt resolution to designate authorized agents for the Merced County Office of Emergency Services.

ADOPTED RESOLUTION NO. 2019-14 AS RECOMMENDED AYES: ALL

WORKFORCE INVESTMENT

15. Contract with California Workforce Development Board (CWDB) for prison to employment initiative planning grant; and approve related budget transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2019034 AS RECOMMENDED AYES: ALL

16. Contract with Fresno Regional Workforce Development Board (FRWDB) to provide a career ladder for each of the eight (8) Workforce Development Boards' demand sectors as it is related to the State Eligible Training Provider List (ETPL).

AUTHORIZED CONTRACT NO. 2019035 AS RECOMMENDED AYES: ALL

17. Contract with Fresno Regional Workforce Development Board (FRWDB) for reimbursement of its planning efforts in the Prison to Employment Initiative Planning Grant.

AUTHORIZED CONTRACT NO. 2019036 AS RECOMMENDED AYES: ALL

18. Contract with Madera County Workforce Development Board for reimbursement of its planning efforts in the Prison to Employment Initiative Planning Grant.

AUTHORIZED CONTRACT NO. 2019037 AS RECOMMENDED AYES: ALL

ELECTIONS

19. Contract with the California Secretary of State for reimbursement of costs related to Voting System Replacement.

AUTHORIZED CONTRACT NO. 2019032 AS RECOMMENDED AYES: ALL

LIBRARY

20. Accept the California Library Literacy Services, Family Literacy Grant 2019 for the Read and Succeed Adult Literacy program to expand services to include family literacy in the amount of \$45,000 for fiscal year 2018-2019; and approve related budget transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2019039 AS RECOMMENDED AYES: ALL

SHERIFF

21. Authorize a onetime retroactive pay adjustment for 12 pay periods for one Sheriff's Deputy/Coroner II employee ID 8040 in the gross amount of \$1,805.28 applicable to all withholdings and retirement contributions in accordance with Human Resources Rules and Regulations.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

22. Contract with Meea Kang, LLC for consulting services related to the development and planning for the Navigation Center; and approve related budget transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2019038 AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

23. Approve and adopt the 2019 Board Assignments as designated.

MODIFIED RECOMMENDATION AYES: ALL
REVIEW BOARD ORDER – SEE PAGE 8

BOARD APPOINTMENTS

24. Reappoint Grey Roberts and Bill Spriggs to serve as members of the Assessment Appeals Board, until September 6, 2021.

APPROVED AS RECOMMENDED AYES: ALL

25. Appoint Sandra Powers to serve as a member of the Dos Palos Cemetery District until February 4, 2023.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

26. Public Works re: Contract No. 2018231 was awarded to George Reed, Inc. from Modesto, CA in the amount of \$2,245,978 for the Walnut Avenue and California Street Complete Street Upgrades (Phase 2) Project.
27. Public Works re: Contract No. 2018146 was awarded to Tim Paxin's Pacific Excavation, from Elk Grove, CA in the amount \$386,326 for the Campus Parkway and Childs Avenue Intersection Signalization Project.
28. Fish and Game Commission re: Notice of proposed regulatory action relative to subsection (b)(91.1) of Section 7.50, Title 14, California Code of Regulations, relating to Klamath River Basin sport fishing regulations, which was published in the California Regulatory Notice Register on January 18, 2019.

29. Fish and Game Commission re: Notice of proposed regulatory action relative to subsections (b)(5), (b)(68), (b)(124), and (b)(156.5) of Section 7.50, Title 14, California Code of Regulations, relating to Central Valley salmon sport fishing, which was published in the California Regulatory Notice Register on January 18, 2019.
30. Fish and Game Commission re: Notice of proposed regulatory action relative to amending sections 502 and 509, Title 14, California Code of Regulations, relating to waterfowl (migratory) hunting regulations, which was published in the California Regulatory Notice Register on January 18, 2019.
31. United States Dept. of Interior-Bureau of Reclamation re: Petitions for Temporary Transfer - License 1986 and Permits 11885, 11886, and 11887 (Applications 23, 234, 1465 and 5638), Friant Division, Central Valley Project, California.

**THE BOARD ADOPTED A RESOLUTION IN MEMORY OF ODILON ORTIZ AND
ADJOURNED THE MEETING AT 10:29 A.M. UNTIL TUESDAY, FEBRUARY 26, 2019 AT
10:00 A.M.**

BOARD ORDERS – SUMMARY ACTION MINUTES – FEBRUARY 5, 2019

10:00 A.M. SCHEDULED ITEM

2019-02-05 PUBLIC OPPORTUNITY

Jeff Kettering, Chief Probation Officer gives an update on the Operation Christmas Star program which was a joint effort with the Sheriff's Department, Merced County Probation and Well Path (Jail Medical Staff) that took place in December 2018. Chief Kettering thanks the community for being so gracious in donating gifts for the children.

Present: Pareira, Espinoza, Lor, McDaniel, Silveira

10:00 A.M. SCHEDULED ITEM

2019-02-05 PUBLIC WORKS – CONTINUED FROM JANUARY 29, 2019 – PROPOSED ORDINANCE

A time and date previously scheduled to consider a proposed ordinance amending the refuse service fees, which increases refuse service fees by 4.27% for the County Solid Waste Franchise Areas 1 through 5, in unincorporated areas of Merced County north of Highway 140 (Amends Ordinance No. 1957 and Chapter 5.90 of the Merced County Code).

Public Works Director Dana Hertfelder reviews the staff report.

Supervisor McDaniel states that he had previously asked for a break-down of why the rate increase was needed but has received no communication from Waste Management.

Joe Cadalgo, Public Services Manager for WM Disposal, states it is part of the contract that they can increase rates to cover operational costs and it fluctuates year to year. He states the increase will go towards new trucks, tire price increase, fuel increase, rent and new metal bins. He further states it is 4.27% higher than previous years.

Supervisor Silveira states that he received Mr. Cadalgo's e-mail with the different charts for the district areas but feels that some places were not looked at too well. He states he would like to know how many trucks and tires will this go towards and needs more supporting documentation to support these increases. He further states the CPI used is not a reflection of business in Merced County, and we are not comparable to Oakland/Hayward area.

Supervisor Pareira states the last time we raised the rates he received a lot of feedback from residents about the rates increasing. And he would like more information the next time this comes back to the Board.

Julie Cabral with WM Disposal states they purchased 6 new trucks and are hoping to purchase an additional 2 this year.

The Chairman asks what is the pleasure of the Board.

No action is taken.

Present: Pareira, Espinoza, Lor, McDaniel, Silveira

ACTION ITEM NO. 23

2019-02-05 BOARD OF SUPERVISORS

The Clerk announces the 2019 Board Assignments are before the Board for consideration.

Supervisor Lor requests to switch with Supervisor Espinoza on the Area Agency on Aging Advisory Council (AAA) as the primary instead of the alternate.

Supervisor Espinoza states he is okay with that because the meetings conflict with the GSA meetings he attends.

Upon motion of Supervisor Lor, seconded by Supervisor Espinoza, duly carried, the Board approves the modified recommendation for 2019 Board Assignments as designated.

Ayes: Pareira, Espinoza, Lor, McDaniel, Silveira