



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, MARCH 26, 2019

Closed Session – 9:00 a.m.

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

**9:00 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. Matthew Valizan v. County of Merced, Workers Compensation Appeals Board Case Nos. ADJ11006327, ADJ11006329, ADJ11006332, and ADJ11006331. 2. Nichol Wall (Ramos) v. County of Merced, Workers Compensation Appeals Board Case No. ADJ9519911. 3. Munguia, et al. v. County of Merced, et al. Merced Superior Court Case No. 18CV-00792.

THE BOARD RECESSED AT 9:02 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT, THE CHAIRMAN ADVISED STAFF WAS GIVEN DIRECTION AND THE BOARD UNANIMOUSLY AUTHORIZED RETAINING THE LAW OFFICE OF ARATA, SWINGLE, VAN EGMOND, ET AL. TO DEFEND THE COUNTY AND ITS EMPLOYEE IN MUNGUIA, ET AL. V. COUNTY OF MERCED, ET AL. MERCED SUPERIOR COURT CASE NO. 18CV-00792. COUNTY COUNSEL IS AUTHORIZED TO TAKE ALL STEPS NECESSARY TO EFFECT THE RETENTION.

GOVERNMENT CODE SECTION 54954.2 COMPLIANCE (LATE AGENDA ITEMS)

10:00 A. M. INVOCATION led by Supervisor 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 9

APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 16)

PUBLIC HEARING:

PUBLIC HEALTH - PUBLIC HEARING:

To consider the Report of Demolition and consider adding costs of demolition to the Tax Assessment Roll.

RECOMMENDATION:

- 1) Open the Public Hearing to consider the Report of Demolition of the structure located at 7149 Walnut Avenue, Winton, CA 95388 (APN 146-091-003); 2) Close the Public Hearing; and 3) Authorize the Auditor-Controller and Tax Collector to assess the cost of demolition for a total amount of \$17,729.15, on the Assessment Roll as a Special Assessment and a lien on the property,

pursuant to the Uniform Housing Code Section 1605.3 or obligate the property owner to pay all costs of demolition pursuant to the Uniform Housing Code Section 1605.2.

REVIEW BOARD ORDER – SEE PAGES 9 AND 10

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-16)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Approve Budget Transfer in the amount of \$25,000 to increase appropriation to cover additional scope of work requested by the Human Services Agency for the Los Banos Breakroom project.
2. Approve Budget Transfer in the amount of \$150,000 to increase appropriation to cover additional scope of work requested by the Human Services Agency for the Wardrobe Parking Lot project.
3. Approve and authorize the Chairman to sign Amendment Contract No. 2016118 with GHD (formerly Omni-Means) for services related to transportation studies and cost estimates.
4. Approve and authorize the Chairman to sign Amendment Contract No. 2016119 with TJKM for services related to transportation studies and cost estimates.
5. Approve and authorize the Chairman to sign Amendment Contract No. 2016120 with Mott MacDonald for services related to transportation studies and cost estimates.

Behavioral Health and Recovery Services

6. Approve and authorize the Chairman to sign Interdepartmental Amendment Contract No. 2012167 with the Probation Department for the services of one (1) Deputy Probation Officer related to the Adult Mental Health Court as part of the Mental Health Services Act Community Services and Supports Plan.

Human Services Agency

7. Approve and authorize the Chairman to sign Amendment Contract No. 2018053 with Merced County Office of Education for the Emergency Child Care Bridge Program for foster children; and approve related budget transfer. (4/5 Vote Required)

Community and Economic Development

8. Set a Public Hearing for April 16, 2019 at 10:00 a.m. to recommend amendment of the agricultural preserve with reference to eight parcels, resulting from seven Property Line Adjustments and one Voluntary Merger located at: 1) Southwest corner of W. Walnut Avenue and N. Vine Avenue in the Winton area; 2) The North side of Bambauer Road, 950 feet west of N. Hunt Road in the Newman area; 3) The West side of S. Mercey Springs Road, 0.5 miles south of W. Henry Miller Avenue, in the Los Banos area; 4) The North side of E. Stretch Road, 2,400 feet east of Piedmont Drive, in the Merced area; 5) The Southeast corner of S. Mercey Springs Road and W. Copa de Ora Avenue, in the Los Banos area; 6) The Northeast corner of W. Sunset Drive and N. Sultana Drive in the Atwater area; 7) The Northwest corner of W.

Bradshaw Road and N. Fox Road in the Atwater area; and 8) The Southwest corner of N. Sultana Drive and Eucalyptus Avenue in the Livingston area, as per the requirements of the Land Conservation Act of 1965 (Williamson Act) Section 51200 et seq. of the California Government Code.

9. Proclaim support and recognition of California Aerospace and Aviation Days, April 1-3, 2019; and Direct CED staff to distribute the Proclamation as appropriate.

Fire

10. Approve Budget Transfer in the amount of \$35,000 for the purchase of a vehicle for OES Support. 50% of the cost of this vehicle will be reimbursed through the Emergency Management Performance Grant. The reimbursement will be received in FY 19/20 and is reflected in the proposed budget.

Workforce Investment

11. Approve and authorize the Chairman to sign Amendment Contract No. 2018200 with ProPath, Inc. to incorporate the revised Equal Employment Opportunity (EEO) languages in The Workforce Innovation & Opportunity Act (WIOA) Section 188.
12. Approve Budget Transfer in the amount of \$144,520 for the increased Foundation contract for the Storm NDWG Grant.

Executive Office

13. Approve travel requests received from Sheriff and Workforce Investment as recommended by Executive Office.
14. Act on Claims for Damages submitted by Shawn Shears, Ryan Ealy, Application for Leave to Present a Late Claim from Emanuel Enriquez, Minor, Application for Leave to Present a Late Claim from Isaiah Enriquez, Minor, and an Application for Leave to Present a Late Claim from Solomon Enriquez, Minor as recommended by Risk Management and County Counsel.
15. Adopt Resolution recognizing the importance of the 2020 U.S. Census and supporting the efforts to help ensure a complete, fair, and accurate count of all Californians.

ADOPTED RESOLUTION NO. 2019-21

Board Recognition

16. Authorize Certificate of Recognition to Livingston Community Health for ribbon cutting at Live Well Campus.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

17. Contract with Westervelt Ecological Services for acquisition of one species credits of Giant Garter Snake (G.G.S.) at a cost of \$55,000 for the Dickenson Ferry Road over Bear Creek Bridge Replacement Project; and authorize the Director of Public Works, or his designee, to execute the contract.

AUTHORIZED CONTRACT NO. 2019071 AS RECOMMENDED AYES: ALL

18. 1) Approve the Plans and Specifications for the La Grange Road over Dry Creek Bridge Replacement project in the Snelling area; 2) Authorize Public Works to advertise the project and conduct a Public Bid Opening; 3) Authorize Director of Public Works to award and execute a construction contract to the lowest responsible bidder provided said bid is within the established budget, upon approval of County Counsel and Risk Management; and 4) Direct Public Works to return to the Board with an informational item describing all actions taken.

AUTHORIZED CONTRACT NO. 2019072 AS RECOMMENDED AYES: ALL

HEALTH

19. Contract with ESO Solutions, Inc. for emergency medical services data repository management system services.

AUTHORIZED CONTRACT NO. 2019069 AS RECOMMENDED AYES: ALL

20. 1) Contract with California Department of Public Health (Grant Agreement No. 18-10553) for the Racial and Ethnic Approaches to Community Health Grant retroactive to September 30, 2018 through September 29, 2023 for an amount not to exceed \$1,150,000; 2) Approve the addition of one (1) Health Education Specialist, class 7591, range 72.3, 100% sub-vented ratio, for a \$0 total County cost to Budget Unit 40025; 3) Approve amendment to the Position Allocation Resolution 06-120/A; and 4) Approve related budget transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2019070 AND ADOPTED RESOLUTION NO. 2019-22 AS RECOMMENDED AYES: ALL

21. Contract with ChangeLab Solutions to provide continued technical support for the Supplemental Nutrition Assistance Program.

AUTHORIZED CONTRACT NO. 2019073 AS RECOMMENDED AYES: ALL

BEHAVIORAL HEALTH AND RECOVERY SERVICES

22. Interdepartmental Agreement with Merced County Probation for mail courier services.

AUTHORIZED CONTRACT NO. 2019074 AS RECOMMENDED AYES: ALL

23. Interdepartmental Agreement with Human Services Agency for mail courier services.

AUTHORIZED CONTRACT NO. 2019075 AS RECOMMENDED AYES: ALL

24. Authorize the Department of Administrative Services, on behalf of Behavioral Health and Recovery Services to develop and release Request for Proposals to secure a qualified vendor to provide Youth Substance Use Disorder residential treatment services and qualified vendor to provide Sober Living Environment residences, to select the most responsive bidders, to negotiate agreements and return to the Board for final execution of agreements.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

25. Contract with Central Valley Opportunity Center for the provision of vocational training services for Welfare-to-Work participants.

AUTHORIZED CONTRACT NO. 2019076 AS RECOMMENDED AYES: ALL

26. Memorandum of Understanding with Merced Union High School District to establish that transportation will be provided, arranged and funded for children in foster care that require transportation to their school of origin.

AUTHORIZED CONTRACT NO. 2019077 AS RECOMMENDED AYES: ALL

COMMUNITY AND ECONOMIC DEVELOPMENT

27. Review and accept the General Plan Annual Progress Report and direct staff to forward a copy of the report to the Governor's Office of Planning and Research, and the State Department of Housing and Community Development.

APPROVED AS RECOMMENDED AYES: ALL

WORKFORCE INVESTMENT

28. Contract with Workforce Investment Board of Tulare County for reimbursement of its planning efforts in the Prison to Employment Initiative Planning Grant.

AUTHORIZED CONTRACT NO. 2019078 AS RECOMMENDED AYES: ALL

29. Contract with Employers' Training Resource for reimbursement of its planning efforts in the Prison to Employment Initiative Planning Grant.

AUTHORIZED CONTRACT NO. 2019079 AS RECOMMENDED AYES: ALL

FIRE

30. Memorandum of Understanding with the City of Atwater to disperse Homeland Security Grant Programs FY 2017 funds to the City of Atwater for purchase of portable radios.

AUTHORIZED CONTRACT NO. 2019080 AS RECOMMENDED AYES: ALL

31. Memorandum of Understanding with the City of Gustine to disperse Homeland Security Grant Programs FY 2016 and FY 2017 funds to the City of Gustine for purchase of Extrication Equipment.

AUTHORIZED CONTRACT NOS. 2019081 (FY 2016) AND 2019082 (FY 2017) AS RECOMMENDED AYES: ALL

SHERIFF

32. Contract with the 35th District Agriculture Association for Law Enforcement Services at the Merced County Fair.

**AUTHORIZED CONTRACT NO. 2019083 AS RECOMMENDED AYES: 1, 3, 4, 5
RECUSAL: 2**

REVIEW BOARD ORDER – SEE PAGE 10

33. Approve and authorize the Sheriff to sign the Letter of Agreement and supporting documents with the Drug Enforcement Administration to accept funding in the amount of \$96,000 for the 2019 Domestic Cannabis Eradication and Suppression Program (DCESP) for the eradication of illegal cannabis in Merced County.

AUTHORIZED CONTRACT NO. 2019084 AS RECOMMENDED AYES: ALL

34. Approve the Emergency Management Mutual Aid Plan (EMMA) between Merced County Sheriff's Office and Butte County for mutual aid services provided during the Camp Fire; and

authorize the Sheriff to sign the Post Event Agreement in concurrence with County Executive Office and Counsel approval.

AUTHORIZED CONTRACT NO. 2019085 AS RECOMMENDED AYES: ALL

35. Contract with Aramark Correctional Services LLC for the provision of commissary services to the adult inmates of the Sheriff's Correctional Facilities.

AUTHORIZED CONTRACT NO. 2019086 AS RECOMMENDED AYES: ALL

LIBRARY

36. Accept the California Public Library Services Board, Black Gold Cooperative Library System, Value of Libraries STEM Mini Grant award for Dos Palos and Gustine Libraries to provide Science, Technology, Engineering, and Math programming before September 2019 in the amount of \$3,000 for Fiscal Year 2018/19; and approve related budget transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2019087 AS RECOMMENDED AYES: ALL

ADMINISTRATIVE SERVICES

37. Declare assorted vehicles, miscellaneous office furniture, assorted office equipment and miscellaneous supplies, assorted electronic items/equipment, fleet vehicle parts, and assorted library books (listed on Exhibit A) as Surplus Property as recommended and authorize its disposal by approved internet public auction.

APPROVED AS RECOMMENDED AYES: ALL

RECORDER

38. Contract with PFA, Inc. to create electronic images of microfilm and microfiche records.

AUTHORIZED CONTRACT NO. 2019088 AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

39. 1) Approve the proposed amendments to the Administrative Services Agreement for the Governmental 457(b) Deferred Compensation Plan of Merced County with Nationwide Retirement Solutions, Inc. for 10 years effective April 1, 2019 with an annualized compensation requirement of 0.04%, adding an explicit fee of 0.10% to be credited to the Plan Expense Account, and all other services and performance guarantees as provided in the agreement; 2) Approve the agreement to add the Roth option to the deferred compensation plan effective April 1, 2019; and authorize the Chairman to sign all necessary documents.

AUTHORIZED CONTRACT NOS. 2019089 (SERVICES) AND 2019090 (ROTH) AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

40. Accept 2018 Local Agency Biennial Notice from Snelling Cemetery District as submitted, and authorize notification to the agency of action taken.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

- 41. Appoint Brian Neely to the Emergency Medical Care Committee as the County Fire Chief Representative (or his/her designee) position vacated by the retirement of Division Chief Mark Lawson, serving at the pleasure of the Board.

APPROVED AS RECOMMENDED AYES: ALL

- 42. Appoint Raju Toor 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

- 43. Hilmar Unified School District re: Resolution of the Board of Education of the District declaring the election results and certifying the proceedings of the November 6, 2018 General Obligation Bond Election.
- 44. Board Travel Summaries for period of January, 2019 through March, 2019 pursuant to Government Code Section 53232.3(d).

**THE BOARD ADJOURNED THE MEETING AT 11:00 A.M. UNTIL TUESDAY,
APRIL 9, 2019 AT 10:00 A.M.**

BOARD ORDERS – SUMMARY ACTION MINUTES – MARCH 26, 2019

10:00 A.M. SCHEDULED ITEM

2019-03-26 PUBLIC OPPORTUNITY

Mary Mc Waters with AFSCME Local 2703 speaks about an upcoming item from Workforce Investment that will effect several employees and requests the Board to look into the item.

Susan Flinspach, President of Friends of the Library and Library Advisory Commission member thanks the Board for changing some of the smaller libraries' hours to be open after school and advised that the Commission has adopted three of the County Libraries goals which are increased community engagement, literacy and improve library visibility.

Bob Plass, Chairman of the Library Advisory Commission thanks the Board for their ongoing support and talks about their summer reading program themed, "Reading is Delicious". He also asks the Board to consider more funding for promoting literacy for teens and children.

Michael Salvador, Chief of Police for the City of Atwater introduces himself to the Board and states that he looks forward to working with the Board and CEO.

Rebecca Nanyonjo-Kemp, Director of Public Health introduces the new Environmental Health Director, Vicki Jones, who speaks about her experiences and thanks the Board for the opportunity.

Juan Martinez, Program Manager with United Way speaks about their Red Nose Event on May 23, 2019, in Livingston and encourages the Board to participate in this annual event.

Rene LaRoche, Mariposa County Clerk of the Board and California Clerk of the Board of Supervisors Association (CCBSA) President presents Chief Deputy Board Clerk, Vicky Bryan with a Retirement Resolution from the Board.

Supervisor McDaniel presents Chief Deputy Board Clerk, Vicky Bryan a retirement plaque on behalf of the Board of Supervisors and thanks her for her many years of service to the County. Present: Pareira, Espinoza, Lor, McDaniel, Silveira

10:00 A.M. SCHEDULED ITEM

2019-03-26 PUBLIC HEALTH – PUBLIC HEARING

The time and date previously scheduled to consider the Report of Demolition and consider adding costs of demolition to the Tax Assessment Roll.

Director of Environmental Health Vicki Jones reviews the staff report and presents before and after photos of the property.

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 McDaniel, seconded by Supervisor Espinoza, duly carried, the Board authorizes the Auditor-Controller and Tax Collector to assess the cost of demolition for a total amount of \$17,729.15, on the Assessment Roll as a Special Assessment and a lien on the property, pursuant to the Uniform Housing Code Section 1605.3.

Ayes: Pareira, Espinoza, Lor, McDaniel, Silveira

ACTION ITEM NO. 32
2019-03-26 SHERIFF

The Clerk announces a contract with the 35th District Agriculture Association for Law Enforcement Services at the Merced County Fair is before the Board for consideration.

Supervisor Lor states she will recuse herself because she also serves on the 35th District Agriculture Association Board of Directors, and leaves the Chambers.

Upon motion of Supervisor Silveira, seconded by Supervisor Espinoza, duly carried, the Board approves Contract No. 2019083 with the 35th District Agriculture Association for Law Enforcement Services at the Merced County Fair.

Ayes: Pareira, Espinoza, McDaniel, Silveira

Recusal: Lor