



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 - FINAL

TUESDAY, AUGUST 27, 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 Board's 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:

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: American Federation of State, County and Municipal Employees (AFSCME), Units 4, 5, 6 and 8; Merced County Law Enforcement Sergeants, Unit 30; Merced County Deputy Sheriff Association (DSA), Unit 10; and Merced County Public Safety Services Unit (MCPSSU), Unit 14. Agency Negotiator: Marci Barrera.

**THE BOARD RECESSED AT 9:05 A.M. WITH SUPERVISOR
SILVEIRA NOT PRESENT AND RECONVENED AT 10:00 A.M. WITH
SUPERVISOR SILVEIRA NOT PRESENT, AND THE CHAIRMAN ADVISED
STAFF WAS GIVEN DIRECTION**

**GOVERNMENT CODE SECTION 54954.2 COMPLIANCE (LATE AGENDA
ITEMS)**

10:00 A. M.

INVOCATION led by Paul Garcia/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 8

APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 11)

PUBLIC HEARINGS:

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 429, 429 1/2, and 447 Highway 59, Merced, CA 95341 (APN 059-280-018); 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 \$30,966.72, on the Assessment Roll as a Special Assessment

and a lien on the property, pursuant to the Uniform Housing Code Section 1605.3.

REVIEW BOARD ORDER – SEE PAGE 9

COMMUNITY AND ECONOMIC DEVELOPMENT - PUBLIC HEARING

To consider Amendment of the Agricultural Preserve as per the California Land Conservation Act of 1965 (Williamson Act) in Merced County.

RECOMMENDATION:

- 1) Open the Public Hearing and receive testimony; 2) Close the Public Hearing;
- 3) Find that the addition of the land into the Agricultural Preserve pertaining to: PLA 19-007 located on the north side of Le Grand Road, 0.5 miles east of Arboleda Drive in the Merced area, is exempt from CEQA under Section 15183, Projects Consistent with a Community Plan or Zoning based on the findings listed in the Board Agenda Item; and 4) Adopt the Resolution to amend the Agricultural Preserve as per the requirements of the Land Conservation Act of 1965 (Williamson Act) Section 51200 et seq. of the California Government Code.

REVIEW BOARD ORDER – SEE PAGE 9 AND 10

COMMUNITY AND ECONOMIC DEVELOPMENT - PUBLIC HEARING

To consider adoption of an ordinance regulating the cultivation of industrial hemp in the unincorporated areas of Merced County.

RECOMMENDATION:

- 1) Introduce the proposed ordinance, entitled "An Ordinance Establishing Regulations for the Cultivation of Industrial Hemp in the Unincorporated Areas of Merced County, Adding Chapter 9.31 to Title 9 of the Merced County Code"; 2) Waive further reading; 3) Open the Public Hearing and receive testimony; 4) Close the Public Hearing; 5) Consider the Planning Commission's recommendation in favor of adopting the proposed ordinance; 6) Determine that the activity regulated by this ordinance is within the scope of the program environmental impact report prepared for the Merced County 2030 General Plan, which adequately describes the regulated activity for the purposes of CEQA, and therefore no further environmental review is required pursuant to Section 15162 of the CEQA guidelines; and 7) Adopt the proposed ordinance.

REVIEW BOARD ORDER – SEE PAGE 10

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-11)

APPROVED AS RECOMMENDED

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

Health

1. Approve Proclamation for achieving Public Health Accreditation through the National Public Health Accreditation Board.

Supervisor Lor presents Proclamation to Public Health

Behavioral Health and Recovery Services

2. Approve and authorize the Chairman to sign Amendment Contract No. 2016245 with Davis Guest Home for board and care services for clients in need of assisted living.
3. Approve and authorize the Chairman to sign Amendment Contract No. 2014155 with Merced Lao Family Community, Inc., for continuing services through Integrated Mental Health in Primary Care Settings Program and the Cultural Brokers for Mental Health Services Program as part of the Mental Health Services Act Prevention and Early Intervention Program.
4. Approve and authorize the Chairman to sign Amendment Contract No. 2016291 with Kings View Corporation to provide Patients' Rights Advocate services.
5. Proclaim the month of September 2019 as "Suicide Prevention Month" in Merced County.
6. Proclaim the month of September 2019 as "National Recovery Month" in Merced County.

Community and Economic Development

7. Approve and authorize the Chairman to sign Amendment Contract No. 2015156 with AT&T Corp., a FOCUS Program agreement providing telecommunications technology solutions; and authorize the Chairman to sign one-year extension announcement letter.
8. Set a Public Hearing for September 10, 2019 at 10:00 a.m. to consider adoption of the proposed Le Grand Community Plan and associated documents related to the California Environmental Quality Act (CEQA).

Executive Office

9. Act on Claims for Damages submitted by Ashley Nicole Dobbins Berryman, Rocky Joseph Sims, Alberto Gomez Mondragon, Veronica Martinez, Alberto Mondragon, Jr. and Jesus Mondragon as recommended by Risk Management and County Counsel.
10. 1) Set a first reading on September 10, 2019 at 10:00 a.m. for a proposed ordinance entitled "An ordinance repealing and replacing Chapter 5.12, Title 5 of the Merced County Code relating to County purchasing and purchasing agent authority"; and set a second reading and possible adoption of the proposed ordinance for October 1, 2019 at 10:00 a.m.; 2) Set a first reading on September 10, 2019 at 10:00 a.m. for a proposed ordinance entitled "An ordinance adding Chapter 5.14 to the Merced County Code relating to the adoption of an alternative leasing procedure for county-owned real property and designating authority to county officials for various real property transactions"; and set a second reading and possible adoption of the proposed ordinance for October 1, 2019 at 10:00 a.m.

Board Recognition

11. Authorize Certificate of Recognition in honor of plaque unveiling for the Mary "Marci" Stenberg Children's Splash Pad.

REGULAR CALENDAR

BOARD ACTION

HEALTH

12. Adopt Resolution approving the Merced County Association of Governments as the Service Authority for the Abandoned Vehicle Abatement Program.

ADOPTED RESOLUTION NO. 2019-75 AS RECOMMENDED AYES: 1, 2, 3, 4, NOT PRESENT: 5

13. Contract with Ajinder Singh, MD to serve as the Emergency Medical Services Agency Medical Director.

AUTHORIZED CONTRACT NO. 2019267 AS RECOMMENDED AYES: 1, 2, 3, 4, NOT PRESENT: 5

14. Contract with California Department of Public Health to accept grant funds awarded to Merced County (State Contract No. 19-10343) from the State Nutrition Education and Obesity Prevention Branch-California Department of Public Hearing for the CalFresh Healthy Living Program Grant for an amount not to exceed \$1,518,747.

AUTHORIZED CONTRACT NO. 2019264 AS RECOMMENDED AYES: 1, 2, 3, 4, NOT PRESENT: 5

BEHAVIORAL HEALTH AND RECOVERY SERVICES

15. Contract with Bakersfield Behavioral HealthCare Hospital for acute inpatient hospital services.

AUTHORIZED CONTRACT NO. 2019268 AS RECOMMENDED AYES: 1, 2, 3, 4, NOT PRESENT: 5

16. 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. 2019269 AS RECOMMENDED AYES: 1, 2, 3, 4, NOT PRESENT: 5

17. 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. 2019270 AS RECOMMENDED AYES: 1, 2, 3, 4, NOT PRESENT: 5

18. Authorize the Department of Administrative Services, on behalf of Behavioral Health and Recovery Services to develop and release a Request for Proposal to secure a qualified community based organization to operate a Low-Barrier Navigation Center, to select the most responsive bidder, to negotiate an agreement and return to the Board for final agreement execution.

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

FIRE

19. Approve the Fire Suppression Services Liability Agreement, between the City of Livingston and the County of Merced, which generally outlines the Parties' respective liabilities when the County responds to calls for service within City limits using County equipment, and when the County utilizes City equipment when responding to calls in the City and the unincorporated areas; and authorize the Chairman and the Merced County Fire Chief to sign the agreement.

AUTHORIZED CONTRACT NO. 2019271 AS RECOMMENDED AYES: 1, 2, 3, 4, NOT PRESENT: 5

20. 1) Authorize the Chairman to accept and execute the terms outlined in the amount of \$20,000 from the Volunteer Fire Assistance (VFA) Grant Program; 2) Adopt Resolution authorizing the Chairman to sign the agreement and any amendments thereto with the California Department of Forestry; and 3) Authorize Administrative Services, in conjunction with Merced County Fire Department, to purchase the needed Wildland Personal Protective Equipment.

AUTHORIZED CONTRACT NO. 2019272 AND ADOPTED RESOLUTION NO. 2019-76 AS RECOMMENDED AYES: 1, 2, 3, 4 NOT PRESENT: 5

SHERIFF

21. Authorize the Probation and Sheriff's Office to accept donations for the Operation Christmas Star toy drive; and authorize Probation and the Sheriff's Office to conduct toy drives on behalf of underserved children from October 1, 2019 until December 31, 2019.

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

22. Approve and authorize the Sheriff or his designee to electronically submit the 2018/19 Equitable Sharing Agreement and Certification for the Federal Forfeiture Program for the Sheriff's Department.

AUTHORIZED CONTRACT NO. 2019273 AS RECOMMENDED AYES: 1, 2, 3, 4, NOT PRESENT: 5

CHILD SUPPORT SERVICES

23. Approve and authorize the Chairman to sign the Plan of Cooperation between Merced County Department of Child Support (MDCSS) and Superior Court of California, County of Merced; and authorize Sharon Wardale-Trejo, Director of MDCSS, to sign the Plan of Cooperation.

AUTHORIZED CONTRACT NO. 2019265 AS RECOMMENDED AYES: 1, 2, 3, 4, NOT PRESENT: 5

24. Approve and authorize the Chairman to sign the Plan of Cooperation between Merced-Mariposa Regional Department of Child Support and CA Department of Child Support Services; and authorize the Director of Child Support Services to sign the Plan of Cooperation.

AUTHORIZED CONTRACT NO. 2019266 AS RECOMMENDED AYES: 1, 2, 3, 4, NOT PRESENT: 5

SPRING FAIR

25. PULLED

HUMAN RESOURCES

26. Contract with Benefit Coordinators Corporation for a Business Associate Agreement and Administration Agreement for Third Party Administrator Services for medical, dental and vision insurance plans.

AUTHORIZED CONTRACT NO. 2019274 AS RECOMMENDED AYES: 1, 2, 3, 4, NOT PRESENT: 5

EXECUTIVE OFFICE

- 27. Authorize the use of \$25,000 from State one-time funding to go to the Continuum of Care for the development of a consultant agreement to assist in on-going joint regional homeless planning efforts.

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

BOARD APPOINTMENTS

- 28. Appoint David Scheurich to the Emergency Medical Care Committee as the Office of Emergency Services Representative position vacated by Battalion Chief John Slate to serve at the pleasure of the Board.

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

- 29. Appoint Sara "Lynne" Denton to serve as a member of the Snelling Recreation Committee until September 4, 2022.

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

- 30. Appoint Maria Salazar to serve as a member of the Planada Recreation Committee until July 12, 2023.

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

- 31. Reappoint Anna Moreno as a Public Member (Discretionary)-BOS Representative to serve on the Merced County Collaborative for Children and Families, until June 30, 2021.

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

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: 1, 2, 3, 4 NOT PRESENT: 5

- 32. Community and Economic Development re: Emergency Public Works projects to repair the Castle Airport Building 1340 failed air conditioning system and provide temporary cooling for the associated tenants pursuant to California Public Contract Code section 22050.
- 33. Fish and Game Commission re: Notice of Receipt of Petition to list an evolutionarily significant unit (ESU) of mountain lions (*Puma concolor*) in southern and central coastal California as threatened or endangered under the California Endangered Species Act. The notice was published in the California Regulatory Notice Register on July 26, 2019.

THE BOARD RECESSED TO MEET AS AN IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY AND RECONVENED TO MEET AS A BOARD OF SUPERVISORS

THE BOARD ADJOURNED THE MEETING AT 11:36 A.M. UNTIL TUESDAY, SEPTEMBER 10, 2019, AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – AUGUST 27, 2019

10:00 A.M. SCHEDULED ITEM **2019-08-27 PUBLIC OPPORTUNITY**

Necola Adams, Merced resident, speaks about the 1st Annual Merced County Nut Festival on October 26, 2019 at the Merced County Fairgrounds and submits flyers. She asks for the Board support of \$3,000-\$5,000 to cover security costs for the event.

Diana Westmoreland-Pedrozo, Representative from Senator Anna Caballero's office states they have a new office located above 510 Bistro in Bob Hart Square and invites the Board to their Open House on September 17th from 4:30 – 7:00 p.m. She also introduces Angela Matthews who is interning in their office.

Karen Adams, Treasurer-Tax Collector gives a reminder to tax payers that the last day to pay unsecured property taxes is September 3, 2019.

John Balestrery reads letter dated October 15, 2013 regarding his loyalty bonuses from 2001 and 2002 during his 30 years of service with Merced County.

Paul Garcia, Delhi resident, states he is concerned about the programs, roads and issues in Merced County. He also comments that affordable housing is needed in Delhi.

Fernando Aguilera, Merced resident, invites the Board to the Mexican Independence Day celebration taking place on September 15, 2019 from 10 a.m. - 7 p.m. in downtown Merced on Q & R Streets.

Anthony Martinez, City of Merced Councilmember speaks about funding in South Merced for youth programs, and partnering with the County on Baker Drive and Gerard Road for possible Measure V projects, in response to Supervisor Espinoza's comments at the last city council meeting.

Susan Flinspach, President of Friends of the Merced County Library speaks about the Summer Reading Program in 2018 versus 2019 that the events doubled in participants. She states that more hours are needed at the Library.

Bob Plass, Los Banos resident, states education is the key to children's success and that the Merced County Library needs evening hours for the youth.

James Hodges, Merced resident speaks about Medicare and also states that the textbooks at the Library are out of date.

Supervisor Lor and representatives from Congressman Costa, Senator Caballero and Assembly Member Gray's office present certificates to Violet Barton, winner of the Fulbright Scholarship.

Violet Barton gives background info on the Fulbright Scholarship and on her studies and thanks the Board for the recognition.

Present: Pareira, Espinoza, Lor, McDaniel

Absent: Silveira

10:00 A.M. SCHEDULED ITEM
2019-08-27 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.

Vicki Jones, Environmental Health Director reviews the staff report and gives a powerpoint presentation with before and after photos of the property.

Supervisor McDaniel questions when the last time staff has been out to this property.

Ms. Jones responds that they can go out and take a look at it again.

Supervisor Espinoza comments that he has received a lot of complaints over the last couple of years regarding properties like this one.

The Chairman opens the Public Hearing. The following speak:

Paul Garcia, Delhi resident questions the location of the property.

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 \$30,966.72 on the Assessment Roll as a Special Assessment and a lien on the property, pursuant to the Uniform Housing Code Section 1605.3.

Ayes: Pereira, Espinoza, Lor, McDaniel

Absent: Silveira

10:00 A.M. SCHEDULED ITEM
2019-08-27 COMMUNITY AND ECONOMIC DEVELOPMENT – PUBLIC HEARING

The time and date previously scheduled to consider Amendment of the Agricultural Preserve as per the California Land Conservation Act of 1965 (Williamson Act) in Merced County.

Mark Hendrickson, Director of Community and Economic Development reviews the staff report.

The Chairman opens the Public Hearing. No one speaks.

The Chairman closes the Public Hearing.

Upon motion of Supervisor McDaniel, seconded by Supervisor Lor, duly carried, the Board finds that the addition of the land into the Agricultural Preserve pertaining to: PLA 19-007 located on the north side of Le Grand Road, 0.5 miles east of Arboleda Drive in the Merced area, is exempt from CEQA under Section 15183, Projects Consistent with a Community Plan or Zoning based on the findings listed in the Board Agenda Item. Upon motion of Supervisor McDaniel, seconded by Supervisor Lor, duly carried, the Board adopts Resolution No. 2019-77 to amend the Agricultural Preserve as per the requirements of the Land Conservation Act of 1965 (Williamson Act) Section 51200 et seq. of the California Government Code.

Ayes: Pareira, Espinoza, Lor, McDaniel
Absent: Silveira

10:00 A.M. SCHEDULED ITEM

2019-08-27 COMMUNITY AND ECONOMIC DEVELOPMENT – PUBLIC HEARING

The time and date previously scheduled to consider adoption of an ordinance regulating the cultivation of industrial hemp in the unincorporated areas of Merced County.

County Executive Officer James Brown reviews the staff report and gives an overview of the process. Mr. Brown covers the powerpoint presentation slide on the Summary.

Mark Hendrickson, Director of Community and Economic Development and David Robinson, Agricultural Commissioner continue powerpoint presentation covering the following: Ordinance Components, Timeline and Board Actions.

Supervisor McDaniel states that he has been a part of the process and that it is impressive that we are a month early on this. He further states he appreciates everyone's effort on the Ordinance.

Supervisor Lor echoes Supervisor McDaniel's comments and thanks stakeholders and staff for their work on the Ordinance.

Supervisor Espinoza states that he does not agree with the 20 acre minimum in the Ordinance and would rather have 10 acres.

The Chairman opens the Public Hearing. The following speak:

Karen Adams, Treasurer-Tax Collector thanks staff for the timeline that was presented. She questions the collection of the non-compliant hemp violations and states she has talked with Code Enforcement and the Sheriff's Department. She further states that she does not want them to be placed on the tax roll because it will cause a lot of issues.

The Chairman closes the Public Hearing.

Upon motion of Supervisor McDaniel, seconded by Supervisor Lor, duly carried, the Board waives further reading of the Ordinance. Upon motion of Supervisor McDaniel, seconded by Supervisor Lor, duly carried, the Board considers the Planning Commission's recommendation in favor of adopting the proposed ordinance; and determine that the activity regulated by the Ordinance is within the scope of the program environmental impact report prepared for the Merced County 2030 General Plan, which adequately describes the regulated activity for the purposes of CEQA, and therefore no further environmental review is required pursuant to Section 15162 of the CEQA guidelines. Upon motion of Supervisor McDaniel, seconded by Supervisor Lor, duly carried, the Board adopts Ordinance No. 1972.

Ayes: Pareira, Espinoza, Lor, McDaniel
Absent: Silveira