



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, OCTOBER 22, 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 - 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. County of Merced, et al v. Amerisourcebergen Drug Corporation et al.; Case No. 1:18-op-45643-DAP (1:17-MD-2804). 2. Merced County v. Barbara Kong-Brown (RPI: Billy Bush), Merced Superior Court Case No. 19CV-00783.

THE BOARD RECESSED AT 9:02 A.M. WITH SUPERVISOR SILVEIRA NOT PRESENT 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. INVOCATION led by Reverend Twyla Reece, Unity of Merced/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 12

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

PRESENTATION: ANNA M. CABALLERO, STATE SENATOR, 12TH DISTRICT - LEGISLATIVE UPDATE

REVIEW BOARD ORDER – SEE PAGES 12 AND 13

PUBLIC HEARING/SCHEDULED ITEM:

PUBLIC HEALTH - FIRST READING - PROPOSED ORDINANCE

Conduct First Reading to amend Ordinance No. 1925 to establish ambulance service exclusive operating areas to include provisions for ambulance service licensing and operations to codify as Title 9, General Health & Safety, Chapter 9.44.

RECOMMENDATION:

1) Introduce and conduct a First Reading to consider amending an ordinance entitled to Establish Ambulance Service Exclusive Operating Areas to Include Provisions for Ambulance Service Licensing and Operations, and Convalescent Transport Provider Licensing and Operations, Ordinance No. 1925 to codify this as Title 9, General Health and Safety, Chapter 9.44; 2) Waive further reading of proposed ordinance; and 3) Set a second reading and possible adoption of the proposed ordinance on November 5, 2019 at 10:00 a.m.

REVIEW BOARD ORDER – SEE PAGE 13

COMMUNITY AND ECONOMIC DEVELOPMENT - PUBLIC HEARING

A request to Repeal and Replace Title 18 (Zoning) of the Merced County Code.

RECOMMENDATION:

1) Introduce the proposed ordinance, entitled "An Ordinance Repealing and Replacing Title 18 (Zoning) of the Merced County Code"; 2) Waive further reading; 3) Open 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 the project is within the scope of the previously certified Final Program Environmental Impact Report (FPEIR) prepared for the Merced County 2030 General Plan based on the analysis in the Addendum; 7) Determine that none of the conditions described in CEQA Section 15162, Subsequent EIRs and Negative Declarations, (a)(1), (a)(2), and (a)(3), that call for the preparation of a subsequent EIR, have occurred; 8) Consider the addendum to the Final Program Environmental Impact Report (FPEIR) prepared for the 2030 Merced County General Plan together with the FPEIR, the evidence in the record before the Board, the findings in certifying the FPEIR prepared for the 2030 Merced County General Plan, and the adopted Mitigation Monitoring and Reporting Program; 9) Certify the addendum to the Final Program Environmental Impact Report (FPEIR) prepared for the 2030 Merced County General Plan Update based on the findings that the record demonstrates that there is no substantial evidence that the proposed ordinance will have significant effect on the environment and that the addendum reflects the County's independent judgement and analysis; and 10) Adopt the proposed ordinance repealing and replacing the Title 18 (Zoning) of the Merced County Code (ZCTA16-002).

REVIEW BOARD ORDER – SEE PAGES 13 - 15

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-16)

APPROVED AS RECOMMENDED WITH ITEM 5 HEARD SEPARATELY AYES: ALL

Public Works

- 1) Set the first reading on November 5, 2019, for an ordinance adopting the current State Building Codes and amending the County Building Codes contained in code chapters 16.12

through 16.50 to reflect that adoption; 2) Set the first reading on November 5, 2019, for an ordinance adopting the current State Fire Code and amending section 9.24.010 of Chapter 9.24, Title 9, of the County Code to reflect that adoption; 3) Set a second reading and possible adoption of the proposed ordinances for November 19, 2019 at 10:00 a.m.

Health

2. Approve and authorize the Chairman to sign Amendment Contract No. 2018004 with South Tech Systems, Inc., for VitalDocs and CornerStone software maintenance and support services.
3. Approve and authorize the Chairman to sign Amendment Contract No. 2019041 with Solera Health, Inc. to establish the National Diabetes Prevention Program as a Medi-Cal covered benefit to participants.
4. Approve and authorize the Chairman to sign Amendment Contract No. 2019267 with Ajinder Singh, MD, Inc. for the Emergency Medical Services Agency Medical Director.

Behavioral Health and Recovery Services

5. Approve and authorize the Chairman to sign Amendment Contract No. 2019236 with Focus Strategies for the provision of Housing Program Consultant.

REVIEW BOARD ORDER – SEE PAGE 15

6. Set a Public Hearing for November 5, 2019 at 10:00 a.m. to consider an amendment to Ordinance No. 1967 amending Mental Health and Alcohol and Drug Services Fees (Amends Merced County Code Chapter 9.48, Section 9.48.030, Amends Ordinance No. 1967).

Human Services Agency

7. Approve and authorize the Chairman to sign Amendment Contract No. 2019141 (State Revenue Contract No. AP-1920-31) with the California Department of Aging for Senior Service Programs; adopt Resolution and approve related Budget Transfer. (4/5 Vote Required)

ADOPTED RESOLUTION NO. 2019-98

Community and Economic Development

8. Set a Public Hearing for November 5, 2019, to receive public testimony, consider the Planning Commission's recommendations, determine that the application does not require additional CEQA review under CEQA Guidelines Section 15183, Projects Consistent with a Community Plan or Zoning, and take action on Zone Change Application No. ZC19-001 and related Zone Change Ordinance for Larry and Natalie Pires regarding rezoning property located on the east side of Lander Avenue, 100 feet north of Dayton Avenue in Hilmar, from Single Family Residential to General Commercial.

Sheriff

9. Approve and authorize the Chairman to sign Amendment Contract No. 2016287 with Axon Enterprise, Inc. for the purchase of 30 fleet cameras plus peripheral hardware and software necessary to install fleet mounted cameras.

Elections

10. Approve and authorize the Chairman to sign Amendment Contract No. 2016285 with SOE Software Corporation, DBA Scytl for election night reporting software maintenance.
11. Approve and authorize the Chairman to sign Amendment Contract No. 2019032 (State Contract No. 18G30124) with the Secretary of State for reimbursement of costs related to voting system replacement and election management system (EMS) special funds.

Treasurer

12. Set a Public Hearing for November 19, 2019 at 10:00 a.m. to consider a proposed Ordinance amending Treasurer-Tax Collector fees (Amends Ordinance No. 1968 and Merced County Code Chapter 5.56.10).

Executive Office

13. Approve travel request received from Probation and Human Services Agency as recommended by Executive Office.
14. Act on Claims for Damages submitted by Joana Ortuno, Sergio Campay-Lugo, Javier Amado Solano Ortuno, Mercury Insurance A/S/O Michelle Trinca, AT&T, Erika Lopez, Burt Henry Sr., Janet Henry, Stacey Henry and Sheri Barnes as recommended by Risk Management and County Counsel.

Board Recognition

15. Authorize Certificates of Recognition to various individuals from the Los Banos 35th Annual Salute to Seniors Fair for outstanding volunteers.
16. Authorize Certificates of Recognition to Olivia Gomez and Brian Pena for being selected as Planada Health Fair Honorees.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

17. Adopt the Resolution designating the intersection of SP Avenue and Commerce Avenue in the Atwater area, as an all-way stop intersection; and direct Public Works Director to post stop signs on the SP Avenue approaches to its intersection with Second Avenue.

ADOPTED RESOLUTION NO. 2019-99 AS RECOMMENDED AYES: ALL

18. Authorize the Clerk of the Board of Supervisors to sign the Statement on the Parcel Map for Wally Spycher, abandoning the 40 foot wide, approximately 180 feet long section of road Right-of-Way for Sycamore Street, in the Delhi area, where the traveled roadway no longer exists.

APPROVED AS RECOMMENDED AYES: ALL

19. Contract with Restore Merced for litter removal services and approve related budget transfer.

AUTHORIZED CONTRACT NO. 2019320 AS RECOMMENDED AYES: ALL

20. Retainer Agreement with TJKM for On-Call Surveying and Engineering Services for Small County Projects; authorize the Chairman to execute the Agreement; and authorize the Director of Public Works to execute Project Supplement Agreements upon review by County Counsel.

AUTHORIZED CONTRACT NO. 2019321 AS RECOMMENDED AYES: ALL

21. Retainer Agreement with NV5, Inc. for On-Call Surveying and Engineering Services for Small County Projects; authorize the Chairman to execute the agreement; and authorize the Director of Public Works to execute Project Supplements upon review by County Counsel.

AUTHORIZED CONTRACT NO. 2019322 AS RECOMMENDED AYES: ALL

22. Utility Agreement with Merced Irrigation District for the relocation of existing utilities for the Campus Parkway Segment 3 Project.

AUTHORIZED CONTRACT NO. 2019323 AS RECOMMENDED AYES: ALL

23. 1) Approve the Plans and Specifications for the re-roofing projects at the Human Services Agency (HSA) Building Los Banos, Spring Fair O'Banion Building and Spring Fair Germino Building; 2) Authorize the Department of Public Works to advertise said Plans and Specifications for a Public Bid Opening; 3) Authorize the Director of Public Works to award a Construction Contract to the lowest responsible bidder provided said bid is within the established budget; 4) Authorize the Chairman to execute said Construction Contract upon review of Public Works, Risk and County Counsel; and 5) Direct Public Works to return to the Board with an information item describing all actions taken.

AUTHORIZED CONTRACT NO. 2019324 AS RECOMMENDED AYES: ALL

24. Utility Agreement with Pacific Gas and Electric for the relocation of existing utilities for the Campus Parkway Segment 3 Project.

AUTHORIZED CONTRACT NO. 2019325 AS RECOMMENDED AYES: ALL

25. 1) Approve the plans and specifications for the Hilmar Community Pedestrian Improvement Project, a project to widen the shoulders and construct sidewalk on Geer Avenue from Pearl Street to State Route (SR) 165 and from SR165 to Spring Street in the Hilmar area; 2) Authorize Department of Public Works (DPW) to advertise the project and conduct a public bid opening; 3) Authorize the 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 the DPW to return to the Board with an informational item describing all actions taken.

AUTHORIZED CONTRACT NO. 2019326 AS RECOMMENDED AYES: ALL

HEALTH

26. State Contract No. RR-MCDPH-19-22 with the California Department of Social Services - Office of Child Abuse Prevention for Road to Resilience Partnership Grant services and approve related budget transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2019327 AS RECOMMENDED AYES: ALL

27. 1) Retroactively approve agreement with the California Department of Health Services to participate in the Medi-Cal County Inmate Program (MCIP); 2) Authorize the Chairman of the Board to sign all copies of the agreement; and 3) Adopt Resolution authorizing the Chairman to sign the Medi-Cal County Inmate Program Agreement.

AUTHORIZED CONTRACT NO. 2019328 AND ADOPTED RESOLUTION NO. 2019-100 AS RECOMMENDED AYES: ALL

28. 1) Ratify the new State Contract No. 201924 with the California Department of Public Health and approve the Merced County Department of Public Health's acceptance of the Maternal, Child and Adolescent Health program funding and terms and conditions as stated in the contract.

AUTHORIZED CONTRACT NO. 2019329 AS RECOMMENDED AYES: ALL

29. No-cost interdepartmental agreement between the Department of Public Health and the Merced County Human Services Agency with the purpose of providing referral services to outline the scope of work and meet the home visiting needs of pregnant women with known histories of substance use or pregnant women with current substance use, and mothers of substance-exposed infants.

AUTHORIZED CONTRACT NO. 2019330 AS RECOMMENDED AYES: ALL

BEHAVIORAL HEALTH AND RECOVERY SERVICES

30. Retroactively approve contract with Department of Health Care Services (State Agreement No. 18-95256) for the performance contract and adopt Resolution to approve and authorize execution of the Standard Agreement.

AUTHORIZED CONTRACT NO. 2019331 AND ADOPTED RESOLUTION NO. 2019-106 AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

31. Contract with Aspiranet for a full-time counselor to provide crisis counseling and support to children and families in foster care to promote emotional and behavioral health.

AUTHORIZED CONTRACT NO. 2019332 AS RECOMMENDED AYES: ALL

ADMINISTRATIVE SERVICES

32. 1) Approve and authorize the Chairman to sign the Master Agreement with AT&T that establishes the general terms and conditions that will apply to the County's purchase of communications services from AT&T through individual service orders; 2) Approve and authorize the Chairman to sign the 36 month Network Integration Services Agreement to provide the additional equipment and services required for the County's integrated voice and data network; and 3) Authorize the Director of Administrative Services to negotiate and sign a final Master Agreement and Network Integration Services Agreement and related change orders.

AUTHORIZED CONTRACT NO. 2019333 AS RECOMMENDED AYES: ALL

33. 1) Certify that the appointment of this employee is necessary before 180 days has passed; 2) Approve the appointment of David Bedker to return to work for a period of time determined by the County Executive Office beginning October 23, 2019; and 3) Adopt the Resolution.

ADOPTED RESOLUTION NO. 2019-101 AS RECOMMENDED AYES: ALL

WORKFORCE INVESTMENT

34. Contract with Stanislaus County Workforce Development for the reimbursement of regional industry engagement and partnership.

AUTHORIZED CONTRACT NO. 2019334 AS RECOMMENDED AYES: ALL

35. Accept Subgrant K9111206 incorporating \$7,688.80 of Wagner-Peyser funds into the Disability Employment Initiative Round 7 Project to fund travel arrangements for the Disability Resource Coordinator for regional meetings in the State.

AUTHORIZED CONTRACT NO. 2019335 AS RECOMMENDED AYES: ALL

36. Contract with Fresno Regional Workforce Development Board for the reimbursement of regional industry engagement and partnership.

AUTHORIZED CONTRACT NO. 2019336 AS RECOMMENDED AYES: ALL

37. Contract with Kings County Job Training Office for the reimbursement of regional industry engagement and partnership.

AUTHORIZED CONTRACT NO. 2019337 AS RECOMMENDED AYES: ALL

LIBRARY

38. Accept the California Library Literacy Services, Family Literacy Grant Award 2019-20 for the Read and Succeed Adult Literacy program to continue services for Family Literacy in the amount of \$45,000 for FY 2019/20; and approve related budget transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2019338 AS RECOMMENDED AYES: ALL

FIRE

39. Adopt Resolution accepting the annual report, in compliance with SB 1205, of structure inspections as required by Health and Safety Code Sections 13146.2 and 13146.3 completed from October 1, 2018 to September 30, 2019.

ADOPTED RESOLUTION NO. 2019-102 AS RECOMMENDED AYES: ALL

40. Adopt Resolution declaring participation in California Flood Preparedness Week, October 19-26, 2019.

ADOPTED RESOLUTION NO. 2019-103 AS RECOMMENDED AYES: ALL

SHERIFF

41. Approve the surplus of the Merced County Sheriff's Office Glock .45 handguns; and approve the trade-in of existing .45 handguns for credit towards the purchase of the new 9mm handguns with LC Action Police Supply.

APPROVED AS RECOMMENDED AYES: ALL

42. MOU between Fresno County Sheriff-Coroner and Merced County Sheriff's Office for participation and reimbursement of High Intensity Drug Trafficking Area (HIDTA) overtime and expenses; and authorize the Sheriff to sign the MOU with CEO and Counsel approval.

AUTHORIZED CONTRACT NO. 2019339 AS RECOMMENDED AYES: ALL

DISTRICT ATTORNEY

43. 1) Adopt a Resolution authorizing the District Attorney's participation in the Unserved/Underserved Victim Advocacy and Outreach (UV) Program, authorizing the District Attorney to execute the grant award agreement and any modifications, amendments and extensions, and authorizing the District Attorney and Chairman of the Board to sign the

Certification of Assurance of Compliance; 2) Ratify the submission of the Unserved/Underserved Victim Advocacy and Outreach (UV) Program proposal in the amount of \$183,750 for calendar year 2020 by the District Attorney; and 3) Approve related budget transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2019340 AND ADOPTED RESOLUTION NO. 2019-104 AS RECOMMENDED AYES: ALL

PUBLIC DEFENDER

44. Contract with Hassen Investigations for Public Defender investigative services.

AUTHORIZED CONTRACT NO. 2019341 AS RECOMMENDED AYES: ALL

AUDITOR

45. Contract with Brown Armstrong Accountancy Corporation for professional audit services.

AUTHORIZED CONTRACT NO. 2019342 AS RECOMMENDED AYES: ALL

TREASURER

46. Contract with Raines Feldman, LLP for ongoing legal services for specialized bankruptcy services.

AUTHORIZED CONTRACT NO. 2019343 AS RECOMMENDED AYES: ALL

ELECTIONS

47. Adopt Resolution establishing the County Employees as Volunteer Poll Workers Program; and encourage participation in the County Employees as Volunteer Poll Workers Program by County employees and Department Heads.

ADOPTED RESOLUTION NO. 2019-105 AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

48. Confirm the appointment of Vincent Andrade as County Public Defender and approve "A" level benefits with an effective date of October 28, 2019.

APPROVED AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 15

49. Approve the designation of Assistant County Executive Officer Marci Barrera as the alternate representative for the CSAC EIA Board of Directors.

APPROVED AS RECOMMENDED AYES: ALL

50. 1) Approve Revenue Sharing Agreement between the County of Merced and City of Livingston and authorize the Chairman to execute the agreement; 2) Set first reading date of November 5, 2019 at 10:00 a.m. to consider an ordinance amending the Sales and use Tax Code Chapter 5.24.130 of Title 5 of the Merced County Code (Amends Ordinance Nos. 1952, 744, 741, 733, 660, 328, 327); and 3) Set a second reading and possible adoption of the amended ordinance for November 19, 2019 at 10:00 a.m.

AUTHORIZED CONTRACT NO. 2019344 AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGES 15 AND 16

51. Appoint (1) representative from the Merced County Board of Supervisors to serve as a member on the San Joaquin Valley multiagency working group, representing the County of Merced through the Merced County Association of Governments pursuant to California Health and Safety Code, Division 31, Part 2, § 50515.02, subdivision (a), paragraph 6, and subdivision (c), for regional housing planning.

APPROVED AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 16

BOARD OF SUPERVISORS

52. Authorize \$7,500 of District Two's Special Board Project Funds to be forwarded to Valley Crisis Center in care of Alliance for Community Transformations in support of their programs.

APPROVED AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGES 16 AND 17

53. Authorize \$5,000 of District Two's Special Board Project Funds to be forwarded to Merced Youth Connect in support of creating a desktop version of their Merced Youth Connect App.

APPROVED AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 17

54. Authorize \$7,500 of District Two's Special Board Project Funds to be forwarded to Sierra Saving Grace in support of their Homeless Youth Connect event.

APPROVED AS RECOMMENDED AYES: ALL

55. Authorize \$10,000 of District Two's Special Board Project Funds to be forwarded to Kids Discovery Station to support their interactive children's museum.

APPROVED AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGES 17 AND 18

56. Authorize \$3,000 of District Two's Special Board Project Funds to be forwarded to Play Adventures in care of Merced Youth Connect in support of their free pop-up play days.

APPROVED AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 18

57. Authorize \$5,000 of District Two's Special Board Project Funds to be forwarded to the Boys and Girls Club of Merced County in support of scholarships for low-income youth to participate in their programs.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

58. Appoint Yvonnia Brown to the Emergency Medical Care Committee as the Director of Behavioral Health and Recovery Services Position, serving at the Pleasure of the Board.

APPROVED AS RECOMMENDED AYES: ALL

59. Reappoint Zachery David Ramos to serve as a member of the Library Advisory Commission, representing District Four, until August 31, 2023.

APPROVED AS RECOMMENDED AYES: ALL

60. Appoint Frank Hilliard to serve as a member of the Hilmar Municipal Advisory Council until May 3, 2020.

APPROVED AS RECOMMENDED AYES: ALL

61. Reappoint Mitchell Coit, Jon Maring, and Tom Teixeira to serve as members of the San Luis Water District until December 6, 2023.

APPROVED AS RECOMMENDED AYES: ALL

62. Appoint Mark Woods to serve on the May Day Fair Board representing District 5-At Large, filling an unexpired term, until July 1, 2021; and Reappoint Natasha Crivelli and Leane Santos-Sousa to serve on the May Day Fair Board representing District 5, until July 1, 2023.

APPROVED AS RECOMMENDED AYES: ALL

63. Appoint Ramona Sanchez and Marissa Uriarte to the Volta Community Services District to each fill an unexpired term until December 2, 2022, to establish a quorum of Directors pursuant to Government Code § 1780 (h)(i).

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

64. Community and Economic Development re: Central Delta-Mendota Groundwater Sustainability Agency (GSA) Joint Powers Agency (JPA) initial invoice.
65. Elections re: Final certified results for the election held on October 1, 2019 for the Merced County Employees' Retirement Association (MCERA) Board #2 General Member Seat, #7 Safety Member Seat and #7 Alternate Safety Member Seat for a new term commencing January 1, 2020.
66. Board Travel Summaries for period of July, 2019 through September, 2019 pursuant to Government Code Section 53232.3(d).

THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF GEORGE DICKINSON AND PAUL ROTONDARO AND ADJOURNED THE MEETING AT 12:31 P.M. UNTIL TUESDAY, NOVEMBER 5, 2019 AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – OCTOBER 22, 2019

10:00 A.M. SCHEDULED ITEM **2019-10-22 PUBLIC OPPORTUNITY**

Florence Crosen, District Three resident and an IHSS provider for the past 11 years, speaks in support of a livable wage.

Laura Reed, former caregiver for her parents for 50 years in Tuolumne County supports workers and a livable wage.

Katrina Bucal, Delhi resident and IHSS provider speaks in support of a livable wage.

Linda, an IHSS recipient states that she lost a wonderful provider earlier this year because because of the low wages.

Jeremy Rahn, Assistant Fire Chief thanks the Board and community for their support in the loss of Fire Captain Paul Rotondaro.

James Hodges, Merced resident talks about the landfill, air/dust quality and the entrance fees for Lake Yosemite.

Present: Pareira, Espinoza, Lor, McDaniel, Silveira

10:00 A.M. SCHEDULED ITEM **2019-10-22 PRESENTATION – ANNA M. CABALLERO, STATE SENATOR, 12TH DISTRICT**

State Senator Anna M. Caballero, 12th District provides a Legislative Update covering the following: State budget, homeless services, water, poverty, high housing costs, job development, labor and SB 230.

Supervisor Pareira thanks Senator Caballero for the update and states he has two items of concern. The first being water, without water there is no job development, if you can continue to help protect our water here. He further states there are a couple of Dams here in California that are long overdue as well. The second item is the 4H and FFA Programs. He states that the funding for those programs has been under attack over the last 4-5 years in Sacramento and if you can please help protect their funding.

Supervisor McDaniel thanks Senator Caballero for her accessibility and states that he needs to get her out to Castle.

Supervisor Silveira thanks Senator Caballero for her help in securing money for the Fire Station and Training Center on the Westside and comments on the homeless issue and discusses how we give people the help that they need.

Supervisor Espinoza thanks Senator Caballero for being accessible in our communities and comments on being in Fresno with her this past weekend at a workshop.

Supervisor Lor thanks Senator Caballero for her accessibility as well and states that she has seen her speak and meet with the youngest of the young, the unemployed, in their homes and in public spaces and all different levels and encourages her to keep that up.

Present: Pareira, Espinoza, Lor, McDaniel, Silveira

10:00 A.M. SCHEDULED ITEM

2019-10-22 PUBLIC HEALTH – FIRST READING – PROPOSED ORDINANCE

The time and date previously scheduled to conduct a first reading to amend Ordinance No. 1925 to establish ambulance service exclusive operating areas to include provisions for ambulance service licensing and operations to codify as Title 9, General Health and Safety, Chapter 9.44.

Jim Clark, Emergency Medical Services Administrator gives an overview on changes to the Ordinance.

Upon motion of Supervisor Silveira, seconded by Supervisor McDaniel, duly carried, the Board waives further reading of proposed ordinance and sets a second reading and possible adoption of the proposed ordinance on November 5, 2019 at 10:00 a.m.

Ayes: Pareira, Espinoza, Lor, McDaniel, Silveira

10:00 A.M. SCHEDULED ITEM

2019-10-22 COMMUNITY AND ECONOMIC DEVELOPMENT – PUBLIC HEARING

The time and date previously scheduled to repeal and replace Title 18 (Zoning) of the Merced Code.

Mark Hendrickson, Director of Community and Economic Development reviews the staff report. Mr. Hendrickson states that Steve Maxey, Deputy Director of Planning will give a power point presentation.

Mr. Maxey reviews power point presentation covering the following: Background – Previous Hearings, Background – Public Outreach, Background – Additional Public Outreach, Purpose of the Amendments, Environmental Analysis and Recommended Actions.

The Chairman opens the Public Hearing and asks if there is anyone present wishing to speak. The following speak:

Madeline Harris with the Leadership Council speaks about how the EIR's are done and states that they are not consistent with new legislation. She further states she is disappointed with the County's track record on presenting information and public outreach, not enough community meetings being held, feedback we have received from residents was not included in the update and request the Board not to approve the update today.

Eric Plium with Gateway Park Development Project commends the Planning Department for their help on the Highway 99 and Campus Parkway retail. He states that the sign ordinance needs to be brought up to today's standards but supports this update to the zoning ordinance.

The Chairman closes the Public Hearing.

Supervisor Espinoza states that he agrees that it is time to update the Ordinance. He further states that as staff changes in the County that we need to include the community as well.

Supervisor Lor questions staff on the EIR and the public comment piece.

Bob Clausner with Planning Partners states that the environmental impact report is a comprehensive document including zoning code. He comments that it is the County's position as well as theirs that it was based for zoning code amendment 2013 requirements in CEQA if not met. He further states that 1.) New impacts that were not addressed in prior EIR; 2.) Impacts more severe; and 3.) New issue that arose that weren't known as the time of draft EIR.

Supervisor Lor states that she and Mark Hendrickson spoke about opportunities to the community on what the County does.

Supervisor Silveira comments that he is not happy with the Leadership Council and questions how much they really care about the communities they represent.

Upon motion of Supervisor McDaniel, seconded by Supervisor Silveira, duly carried the Board waives further reading of the Ordinance.

Ayes: Pareira, Espinoza, Lor, McDaniel, Silveira

Upon motion of Supervisor Silveira, seconded by Supervisor McDaniel, the Board considers the Planning Commission's recommendation in favor of adopting the proposed ordinance.

Ayes: Pareira, Lor, McDaniel, Silveira

Noes: Espinoza

Upon motion of Supervisor Silveira, seconded by Supervisor McDaniel, the Board determines the project is within the scope of the previously certified Final Program Environmental Impact Report (FPEIR) prepared for the Merced County 2030 General Plan based on the analysis in the Addendum.

Ayes: Pareira, Lor, McDaniel, Silveira

Noes: Espinoza

Upon motion of Supervisor Silveira, seconded by Supervisor McDaniel, the Board determines that none of the conditions described in CEQA Section 15162, Subsequent EIRs and Negative Declarations, (a)(1), (a)(2), and (a)(3), that call for the preparation of a subsequent EIR, have occurred.

Ayes: Pareira, Lor, McDaniel, Silveira

Noes: Espinoza

Upon motion of Supervisor Silveira, seconded by Supervisor McDaniel, the Board considers the addendum to the Final Program Environmental Impact Report (FPEIR) prepared for the 2030 Merced County General Plan together with the FPEIR, the evidence in the record before the Board, the findings in certifying the FPEIR prepared for the 2030 Merced County General Plan, and the adopted Mitigation Monitoring and Reporting Program.

Ayes: Pareira, Lor, McDaniel, Silveira

Noes: Espinoza

Upon motion of Supervisor Silveira, seconded by Supervisor McDaniel, the Board certifies the addendum to the Final Program Environmental Impact Report (FPEIR) prepared for the 2030 Merced County General Plan Update based on the findings that the record demonstrates that there is no substantial evidence that the proposed ordinance will have significant effect on the environment and that the addendum reflects the County's independent judgement and analysis and adopts Ordinance No. 1976 repealing and replacing the Title 18 (Zoning) of the Merced County Code (ZCTA16-002).

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

CONSENT ITEM NO. 5

2019-10-22 BEHAVIORAL HEALTH AND RECOVERY SERVICES

The Clerk announces item to authorize the Chairman to sign Amendment Contract No. 2019236 with Focus Strategies for the provision of a Housing Program Consultant is before the Board for consideration.

Supervisor Silveira states that when he was reviewing the staff report for this item he found that the summary of the item talks about minor changes but there are some more significant changes when you read the original contract and amendment contract shows changes to insurance requirements. He further states the summary of the staff report should state exactly what is being changed.

Supervisor Lor comments that she has requested copies of the mark-up version of the contracts/amendments.

Upon motion of Supervisor Silveira, seconded by Supervisor McDaniel, duly carried, the Board approves and authorizes the Chairman to sign Amendment Contract No. 2019236 with Focus Strategies for the provision of Housing Program Consultant.

Ayes: Pareira, Espinoza, Lor, McDaniel, Silveira

ACTION ITEM NO. 48

2019-10-22 EXECUTIVE OFFICE

The Clerk announces item to confirm the appointment of Vincent Andrade as County Public Defender and approve "A" level benefits with an effective date of October 28, 2019 is before the Board for consideration.

Jim Brown, County Executive Officer states that Mr. Andrade has been serving as the Interim Public Defender for the last year and has done a great job.

Upon motion of Supervisor McDaniel, seconded by Supervisor Espinoza, duly carried, the Board confirms the appointment of Vincent Andrade as County Public Defender and approves "A" level benefits with an effective date of October 28, 2019.

Ayes: Pareira, Espinoza, Lor, McDaniel, Silveira

ACTION ITEM NO. 50

2019-10-22 EXECUTIVE OFFICE

The Clerk announces Revenue Sharing Agreement between the County of Merced and the City of Livingston and authorize the Chairman to execute the agreement; set first reading date of November 5, 2019 at 10:00 a.m. to consider an ordinance amending the Sales and use Tax Code Chapter 5.24.130 of Title 5 of the Merced County Code (Amends Ordinance Nos. 1952, 744, 741, 733, 660, 328, 327); and set a second reading and possible adoption of the amended ordinance for November 19, 2019 at 10:00 a.m. is before the Board for consideration.

Jim Brown, County Executive Officer gives an overview on revenue sharing agreements and speaks about the justice system and social services as well as including sales tax with the City of Atwater and City of Livingston.

Supervisor McDaniel states he has been a representative on negotiations with the City and that it has been a long negotiation with Livingston. He further states that Livingston is going to be a hub in the north part of our County.

Supervisor Espinoza states that it's been since 2008 that they've had an agreement with the City of Livingston. He comments that economy and growth were down but things are changing now. He further states that he has been asked by a councilmember from Livingston to table this item to address a couple of things in the agreement.

Mr. Brown clarifies that the termination language impacts the sharing of revenues. The only change that would be made is adding the word material to the termination language.

Upon motion of Supervisor McDaniel, seconded by Supervisor Espinoza, duly carried, the Board approves Revenue Sharing Agreement with the City of Livingston with an amendment to include the word material to the termination language and authorizes the Chairman to execute the agreement; set first reading date of November 5, 2019 at 10:00 a.m. to consider an ordinance amending the Sales and use Tax Code Chapter 5.24.130 of Title 5 of the Merced County Code (Amends Ordinance Nos. 1952, 744, 741, 733, 660, 328, 327); and sets a second reading and possible adoption of the amended ordinance for November 19, 2019 at 10:00 a.m.

Ayes: Pareira, Espinoza, Lor, McDaniel, Silveira

ACTION ITEM NO. 51

2019-10-22 EXECUTIVE OFFICE

The Clerk announces an item to appoint one representative from the Merced County Board of Supervisors to serve as a member on the San Joaquin Valley multiagency working group, representing the County of Merced through the Merced County Association of Governments pursuant to California Health and Safety Code, Division 31, Part 2, Section 50515.02, subdivision (a), paragraph 6, and subdivision (c), for regional housing planning is before the Board for consideration.

Upon motion of Supervisor McDaniel, seconded by Supervisor Silveira, duly carried, the Board nominates Supervisor Pareira to serve as a member on the San Joaquin Valley multiagency working group, representing the County of Merced through the Merced County Association of Governments pursuant to California Health and Safety Code, Division 31, Part 2, Section 50515.02, subdivision (a), paragraph 6, and subdivision (c), for regional housing planning.

Ayes: Pareira, Espinoza, Lor, McDaniel, Silveira

ACTION ITEM NO. 52

2019-10-22 BOARD OF SUPERVISORS

The Clerk announces an item authorizing \$7,500 of District Two's Special Board Project Funds to be forwarded to Valley Crisis Center in care of Alliance for Community Transformations in support of their programs is before the Board for consideration.

Supervisor McDaniel comments that these are all fantastic groups but he takes it very personal on how we handle Board Special Project Funds and wants to make sure the close out forms are complete for these as well.

Supervisor Espinoza comments that he likes the process that Supervisor Lor used for the Board Special Project Funds.

Brenda Martinez with Valley Crisis Center speaks about their organization and how individuals have to flee from their homes in some cases.

Pana with Valley Crisis Center states that they provide appropriate food for the individuals and they understand their cultures/food, and well as providing hygiene products, and clothing.

Upon motion of Supervisor Espinoza, seconded by Supervisor Lor, duly carried, the Board authorizes \$7,500 of District Two's Special Board Project Funds to be forwarded to Valley Crisis Center in care of Alliance for Community Transformations in support of their programs.

Ayes: Pareira, Espinoza, Lor, McDaniel, Silveira

ACTION ITEM NO. 53

2019-10-22 BOARD OF SUPERVISORS

The Clerk announces an item authorizing \$5,000 of District Two's Special Board Project Funds to be forwarded to Merced Youth Connect in support of creating a desktop version of their Merced Youth Connect App.

Shavon Roach with Merced Youth Connect speaks about their organization and states that in 2018 their app was launched and provides all the youth events and activities available to the kids in our community.

Upon motion of Supervisor Espinoza, seconded by Supervisor Lor, duly carried, the Board authorizes \$5,000 of District Two's Special Board Project Funds to be forwarded to Merced Youth Connect in support of creating a desktop version of their Merced Youth Connect App.

Ayes: Pareira, Espinoza, Lor, McDaniel, Silveira

ACTION ITEM NO. 55

2019-10-22 BOARD OF SUPERVISORS

The Clerk announces an item authorizing \$10,000 of District Two's Special Board Project Funds to be forwarded to Kids Discovery Station to support their interactive children's museum.

Supervisor Lor states she has a conflict and recuses herself.

Norma Cardona states she has been involved with the People's Budget for over two years and that many youth have been involved in the process. She thanks Supervisor Lor and Building Healthy Communities.

Mayya Tokman, Chairman and co-founder of the Kids Discovery Station states this is needed in our community and that they are leasing a space from Merced County Office of Education on Yosemite Avenue.

Supervisor Silveira questions the People's Budget and who was able to vote on the projects to receive funding.

Ms. Cardona responds that residents of District Two were able to vote on these projects that they wanted to see funded.

Supervisor Silveira questions how many people voted.

Ms. Cardona responds per Supervisor Lor it was over 3,000 folks.

Upon motion of Supervisor Espinoza, seconded by Supervisor McDaniel, duly carried, the Board authorizes \$10,000 of District Two's Special Board Project Funds to be forwarded to Kids Discovery Station to support their interactive children's museum.

Ayes: Pareira, Espinoza, McDaniel, Silveira

Recusal: Lor

ACTION ITEM NO. 56

2019-10-22 BOARD OF SUPERVISORS

The Clerk announces an item authorizing \$3,000 of District Two's Special Board Project Funds to be forwarded to Play Adventures in care of Merced Youth Connect in support of their free pop-up play days is before the Board for consideration.

Naomi Sukenik with Play Adventures speaks about her program that is a safe space for kids to play. They have pop-up events in different parks throughout Merced.

Upon motion of Supervisor Espinoza, seconded by Supervisor Lor, duly carried, the Board authorizes \$3,000 of District Two's Special Board Project Funds to be forwarded to Play Adventures in care of Merced Youth Connect in support of their free pop-up play days.

Ayes: Pareira, Espinoza, Lor, McDaniel, Silveira