



## 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, NOVEMBER 19, 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](http://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/](http://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](http://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 REAL PROPERTY  
NEGOTIATOR:**

It is the intention of the Board to meet in Closed Session concerning a Conference with Real Property Negotiator(s) Dana Hertfelder, Director of Public Works pursuant to Government Code Section 54956.8 as follows:

**Property:** 14,745 square feet more or less at the extension of Mission Avenue and the intersection of Coffee Street.

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

**Negotiation Parties:** Shemoil Development Company.

**Under Negotiation:** To request authority to negotiate proposed acquisition and value.

**CLOSED SESSION - CONFERENCE WITH REAL PROPERTY  
NEGOTIATOR:**

It is the intention of the Board to meet in Closed Session concerning a Conference with Real Property Negotiator(s) Mark Hendrickson, Director-Community and Economic Development pursuant to Government Code Section 54956.8 as follows:

**Property:** Property bordered by Stratofortress Drive, Aviation Drive, B Street and Jetlift Drive at Castle Commerce Center.

**Agency Negotiator:** Mark Hendrickson, Director, Community and Economic Development.

**Negotiation Parties:** Rhyolite Development Company, LLC.

**Under Negotiation:** To request authority to negotiate proposed acquisition and value.

**THE BOARD RECESSED AT 9:06 A.M. AND RECONVENED AT 10:00  
A.M. WITH ALL MEMBERS PRESENT, AND THE CHAIRMAN ADVISED  
STAFF WAS GIVEN DIRECTION**

**REVIEW BOARD ORDER – SEE PAGE 11**

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

10:00 A. M.

**INVOCATION led by Pastor Jimmie Davis, Atwater Christian Life  
Center/PLEDGE OF ALLEGIANCE**

**PUBLIC OPPORTUNITY TO SPEAK ON ANY MATTER OF PUBLIC INTEREST WITHIN THE BOARD'S JURISDICTION INCLUDING ITEMS ON THE BOARD'S AGENDA, EXCEPT FOR THOSE ITEMS SPECIFICALLY SCHEDULED AS PUBLIC HEARINGS (TESTIMONY LIMITED TO THREE MINUTES PER PERSON)**

**REVIEW BOARD ORDER – SEE PAGE 11**

**APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 14)**

**PRESENTATION: MERCED COMMUNITY COLLEGE BOND MEASURE**

**REVIEW BOARD ORDER – SEE PAGE 11**

**SCHEDULED ITEMS/PUBLIC HEARINGS:**

**PUBLIC HEALTH - FIRST READING - PROPOSED ORDINANCE**

Conduct First Reading to Amend Ordinance No. 1950 - Health Department Fees.

**RECOMMENDATION:**

- 1) Introduce and conduct a first reading of the proposed ordinance entitled Health Department Fees (Amends Ordinance No. 1950 and Chapter 9.49.020 of the County Code);
- 2) Waive further reading of the proposed ordinance; and,
- 3) Set a second reading and possible adoption on December 17, 2019 at 10:00 a.m.

**REVIEW BOARD ORDER – SEE PAGE 12**

**PUBLIC WORKS - SECOND READING - PROPOSED ORDINANCE**

Conduct second reading to adopt Ordinances amending the Merced County Building and Fire Codes contained in County Code Chapter 9.24 and Chapters 16.12 through 16.50.

**RECOMMENDATION:**

**Merced County Building Code**

- 1) Conduct a second reading of the proposed ordinance entitled: An ordinance regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the County of Merced; and, providing for the issuance of building permits and collection of fees therefore; and,
- 2) Waive further reading; and,
- 3) Adopt the proposed ordinance, which adopts the 2019 California Building Codes and amends the County Building Codes contained in code chapters 16.12 through 16.50 of the County Code to reflect that adoption.

**Merced County Fire Code**

- 1) Conduct a second reading of the proposed ordinance entitled: An ordinance relating to the adoption of the 2019 California Fire Code; and,

- 2) Waive further reading; and,
- 3) Adopt the proposed ordinance, which adopts the 2019 California Fire Code and amends section 9.24.010 of Chapter 9.24, Title 9, of the County Code to reflect that adoption.

**REVIEW BOARD ORDER – SEE PAGE 12**

**COUNTY EXECUTIVE OFFICE - SECOND READING - PROPOSED ORDINANCE**

Conduct a second reading to consider an ordinance amending the Sales and Use Tax Code Chapter 5.24.130 of Title 5 of the Merced County Code.

**RECOMMENDATION:**

- 1) Conduct a second reading of the proposed 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 and 327);
- 2) Waive further reading and adopt proposed ordinance.

**REVIEW BOARD ORDER – SEE PAGE 12 AND 13**

**COMMUNITY AND ECONOMIC DEVELOPMENT - PUBLIC HEARING**

To consider approval of General Plan Amendment No. GPA19-003 and Zone Change No. ZC19-004.

**RECOMMENDATION:**

- 1) Open the Public Hearing to receive testimony on the proposed general plan amendment and zone change ordinance amending the General Plan and zoning designation of a 4.74 acre parcel located on the southwest corner of East Mission Avenue and South Alfalfa Road in the Merced Area (APN 066-034-001) (the "Parcel"), from Undesignated to Agricultural land use and zoned A-1 (General Agricultural);
- 2) Close the Public Hearing;
- 3) Determine that no further environmental review is required pursuant to Section 15183 - "Projects Consistent with a Community Plan or Zoning";
- 4) Adopt the Resolution for General Plan Amendment No. GPA19-003 to change the land use designation of the parcel from Undesignated to Agricultural; and,
- 5) Adopt the Ordinance for Zone Change No. ZC19-004 to change the zoning designation of the parcel from Undesignated to A-1 (General Agricultural).

**REVIEW BOARD ORDER – SEE PAGE 13**

**TREASURER-TAX COLLECTOR - PUBLIC HEARING**

To consider proposed Ordinance entitled "An Ordinance Amending the Merced County Treasurer-Tax Collector Fee Schedule" (Amends Ordinance No. 1968 and County Code Chapter 5.56.10).

**RECOMMENDATION:**

- 1) Introduce the proposed Ordinance entitled "An Ordinance amending the Merced County Treasurer-Tax Collector Fee Schedule" (Amends Ordinance No. 1968 and County Code Chapter 5.56.10);
- 2) Waive further reading;
- 3) Open Public Hearing and receive testimony;

- 4) Close the Public Hearing;
- 5) Adopt the proposed Ordinance.

**REVIEW BOARD ORDER – SEE PAGE 13**

**1:30 P.M. PUBLIC FORUM - ICE ACCESS:**

- 1) Conduct a Public Forum in accordance with Government Code Section 7283.1(d);
- 2) Receive and consider a report regarding local law enforcement agencies interaction and communication with the United States Immigration and Customs Enforcement in 2018; and,
- 3) Receive and consider public comment.

**REVIEW BOARD ORDER – SEE PAGE 16 AND 17**

**REPORTS/BOARD DIRECTION**

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-14)

**APPROVED AS RECOMMENDED      AYES: ALL**

Public Works

1. Approve Budget Transfer in the amount of \$11,500 to purchase a MIG Welder.
2. Approve Budget Transfer requesting a change in the description of Capital Asset No. 85418 from Folding Boom Truck to Excavator.
3. Approve Budget Transfer in the amount of \$100,000 to fund secured parking for County owned Juvenile Probation vehicles at 1880 Wardrobe Avenue. (4/5 Vote Required)

Human Services Agency

4. Approve and authorize the Chairman to sign Amendment Contract No. 2019193 with Merced County Rescue Mission for Congregate Site Management Services for seniors; and approve related budget transfer.
5. Approve and authorize the Chairman to sign Amendment Contract No. 2019136 (State Revenue Contract #MS-1920-28) with California Department of Aging for Senior Case Management Services; adopt Resolution and approve related budget transfer. (4/5 Vote Required)

**ADOPTED RESOLUTION NO. 2019-109**

6. Approve Budget Transfer requesting a change in the description of Capital Asset No. 85425 from Mid-Size to Enterprise Vehicle Lease Program.

Community and Economic Development

7. Set a Public Hearing for December 10, 2019 at 10:00 a.m. to receive public comment, and to consider adopting the Northern and Central Delta-Mendota Groundwater Sustainability Plan for the Northwestern Delta-Mendota Groundwater Sustainability Agency.

Board of Supervisors

8. Approve minutes for May 21, 2019, May 21, 2019 - Addendum, June 4, 2019, June 18, 2019, July 9, 2019, July 30, 2019, August 13, 2019, August 27, 2019 and August 27, 2019 - IHSS.

**REVIEW BOARD ORDER – SEE PAGE 14**

Executive Office

9. Act on Claims for Damages submitted by Daphne Thomas, Samantha Burns and Makayla Robles as recommended by Risk Management and County Counsel.

Board Recognition

10. Authorize Certificate of Recognition to The American Legion Auxiliary in celebration of their 100th Year Anniversary.
11. Authorize Certificate of Recognition to Merced Irrigation District in celebration of their 100th Year Anniversary.
12. Authorize Certificates of Recognition for the Agricultural Leadership Award for Outstanding Agricultural Contributions to Merced County to: Don Arburua Cattle Co. for Livestock, Gary Giampaoli for Field & Row Crops, Minturn Huller for Ag Business, Sonia Falaschi for Ag Education, and Parreira Almond Processing for Trees.
13. Authorize Certificates of Recognition to various individuals from Portuguese Education Foundation of Central California for awards to community members and students receiving scholarships.
14. Authorize Certificates of Recognition for being selected as a 2019 Grand Marshal of the Veteran's Day Parade to Charles Hendrickson, Airman 1st Class, United States Air Force, World War II and Korean War and Herman Hermosillo, Sergeant, United States Army, Korean War.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

15. 1) Approve the Joint Use Agreement between the County and Pacific Gas and Electric (PG&E) that preserves PG&E's real property rights as they relate to the relocation of existing overhead facilities for the Campus Parkway Segment 3 project; and 2) Authorize the Chairman to execute the agreement upon review by Risk and County Counsel.

**AUTHORIZED CONTRACT NO. 2019356 AS RECOMMENDED AYES: ALL**

16. 1) Approve the Utility Agreement between Merced County and Pacific Gas and Electric (PG&E) for the relocation of existing utilities for the Los Cerritos Road over Dry Creek Bridge Project; 2) Authorize the Director of Public Works to execute the agreement upon review by Risk and County Counsel.

**AUTHORIZED CONTRACT NO. 2019357 AS RECOMMENDED AYES: ALL**

17. Adopt the 2019 Title II Grievance Policy and Procedure, as required under the Americans with Disabilities Act, to address grievances against the County that allege disability-related discrimination based on the denial of access to facilities, programs, or services.

**APPROVED AS RECOMMENDED AYES: ALL**

**REVIEW BOARD ORDER – SEE PAGE 14**

**HEALTH**

18. 1) Approve the Merced County Department of Public Health's acceptance of the Child Health and Disability Prevention Program, Health Care Program for Children in Foster Care Program, and the California Children's Services Program terms and conditions as stated in the submitted certification statements and funding in the amount of \$2,639,531; 2) Authorize the Chairman to sign the Certification Statements; and, 3) Approve related budget transfer. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2019358 AS RECOMMENDED AYES: ALL**

19. Contract with California Department of General Services, Office of Administrative Hearings to provide a Hearing Officer for ambulance service provider license appeals hearings as needed.

**AUTHORIZED CONTRACT NO. 2019359 AS RECOMMENDED AYES: ALL**

**BEHAVIORAL HEALTH AND RECOVERY SERVICES**

20. Authorize the Department of Administrative Services, on behalf of Behavioral Health and Recovery Services to develop and release a Request for Proposal to secure qualified vendors to provide Southeast Asian Community Advocacy Program services to the County, to select the most responsive bidders, to negotiate agreements; and return to the Board for final agreements.

**APPROVED AS RECOMMENDED AYES: ALL**

**HUMAN SERVICES AGENCY**

21. Memorandum of Understanding (MOU) with Veterans of Foreign Wars Post 2487 and American Legion Post 166 to allow the Veterans to use a County-owned computer and internet service to connect to the Veterans Affairs Central California Health Care System at 2615 E. Clinton Avenue, Fresno, CA.

**AUTHORIZED CONTRACT NO. 2019360 AS RECOMMENDED AYES: ALL**

22. Contract with City of Merced for the Continuum of Care.

**AUTHORIZED CONTRACT NO. 2019361 AS RECOMMENDED AYES: ALL**

**COMMUNITY AND ECONOMIC DEVELOPMENT**

23. 1) Contract award for RFP No. 7290 for Grant Writing, Administration, and Implementation of the Affordable Housing Program; 2) Authorize the Chairman to sign contract with Self-Help Enterprises.

**AUTHORIZED CONTRACT NO. 2019355 AS RECOMMENDED AYES: ALL**

24. 1) Adopt the Castle Airport 5-Year Airport Capital Improvement Plan (ACIP) Annual Update; 2) Authorize Chairman to sign all Castle Airport ACIP Data Sheets; 3) After review by County

Counsel, authorize staff to submit, and the Director of Community and Economic Development to sign, grant applications for the projects listed on the ACIP provided the requested funds do not exceed the amounts stated in the ACIP; and 4) Direct staff to return to the Board with the grant offers for approval.

**APPROVED AS RECOMMENDED AYES: ALL**

**REVIEW BOARD ORDER – SEE PAGE 14 AND 15**

25. 1) Approve the Federal Aviation Administration grant application related to the runway and taxiway pavement preservation project at Castle Airport; 2) Authorize the Chairman to sign all application documents; and 3) Direct Community and Economic Development to return to the Board for acceptance of the grant.

**APPROVED AS RECOMMENDED AYES: ALL**

26. 1) Approve a budget amendment of the FY 2019-2020 budget for the Central Delta-Mendota Activity Agreement as recommended by the Agreement's Management Committee, including two adjustments in the total amount of \$217,546; and 2) Approve a budget amendment of the FY 2019-2020 budget for the Northern Delta-Mendota Activity Agreement as recommended by the Agreement's Management Committee, including two adjustments in the total amount of \$217,546.

**APPROVED AS RECOMMENDED AYES: ALL**

**SHERIFF**

27. Memorandum of Understanding (MOU) with California State University, Stanislaus and Merced County to enable University students to participate in internships within the Merced County Sheriff's Office.

**AUTHORIZED CONTRACT NO. 2019362A AS RECOMMENDED AYES: ALL**

**LIBRARY**

28. Approve and authorize the Library to move forward with Pilot Evening Hours Project Option 1 for evening hours on Tuesdays and Wednesdays at Atwater, Delhi, Livingston, Los Banos and Merced Libraries beginning January 2020.

**APPROVED AS RECOMMENDED AYES: ALL**

**REVIEW BOARD ORDER – SEE PAGE 15**

**TREASURER**

29. 1) Approve and accept the 2020 Investment Policy Statement with revisions; 2) Accept the 2020 Treasury Oversight Committee Directive with no revisions.

**APPROVED AS RECOMMENDED AYES: ALL**

30. Accept the Quarterly Investment Report for the Quarter ended September 30, 2019.

**APPROVED AS RECOMMENDED AYES: ALL**

**HUMAN RESOURCES**

31. 1) Ratify the Memorandum of Understanding between Merced County and the Deputy Sheriff's Association (DSA) representing Bargaining Unit 10; and 2) Ratify the Memorandum



of Understanding between Merced County and Merced County Public Safety Service Unit (MCPSSU) representing Bargaining Unit 14.

**AUTHORIZED CONTRACT NOS. 2019363A (UNIT 10) AND 2019364A (UNIT 14)**  
**AS RECOMMENDED AYES: ALL**

**EXECUTIVE OFFICE**

32. 1) Confirm the at-will appointment of Yvonnia Brown to Director of Human Services Agency effective January 6, 2020, in accordance with the Human Resources Rules and Regulations 2007-22, Section 2.A.4; and 2) Authorize a temporary transitional pay differential of up to seven and one-half percent (7.5%) during the transition, subject to the approval and discretion of the County Executive Officer.

**APPROVED AS RECOMMENDED AYES: ALL**

**REVIEW BOARD ORDER – SEE PAGE 15 AND 16**

33. Approve the following departmental Personnel Modifications: 1.) County Executive Office – Budget Unit 10100: Establish: Budget Manager; Change 1 Deputy County Executive Officer (pos 28) to Budget Manager. 2.) Establish the Budget Manager classification. 3.) Approve amendments to the Salary Allocation Resolution 06-120 and the Position Allocation Resolution 06-120/A.

**ADOPTED RESOLUTION NOS. 2019-110 (POSITION) AND 2019-111 (SALARY) AS RECOMMENDED AYES: ALL**

**REVIEW BOARD ORDER – SEE PAGE 16**

**BOARD OF SUPERVISORS**

34. Adopt the Board of Supervisors 2020 Calendar for the regularly scheduled meetings.

**APPROVED AS RECOMMENDED AYES: ALL**

**BOARD APPOINTMENTS**

35. 1) Appoint Aaron Barcellos, Alec Smith and David Parreira to serve as members of the Pacheco Water District until December 1, 2023; and 2) Appoint George Delgado and Lance LeVake to serve as members of the Pacheco Water District until December 3, 2021.

**APPROVED AS RECOMMENDED AYES: ALL**

36. Appoint Tom Teixeira, Dominic Mercurio and Bob Teicheira to serve as members of the Charleston Drainage District until December 1, 2023.

**APPROVED AS RECOMMENDED AYES: ALL**

**BOARD INFORMATION & POSSIBLE ACTION**

**ACCEPTED AND PLACED ON FILE AYES: ALL**

37. Fish and Game Commission re: 15-day continuation notice for the California Pacific Herring Fishery Management Plan (Herring FMP) Implementing Regulations, published in the California Regulatory Notice Register July 19, 2019, Notice Number Z2019-0709-05; adopted by the Fish and Game Commission on October 10, 2019 in Valley Center.

38. Board Travel Summaries for period of September, 2019 through November, 2019 pursuant to Government Code Section 53232.3(d).

**THE BOARD RECESSED TO MEET AS A MERCED COUNTY DELTA-MENDOTA GROUNDWATER SUSTAINABILITY AGENCY AND RECONVENED TO MEET AS A BOARD OF SUPERVISORS**

**THE BOARD RECESSED TO MEET AS A MERCED COUNTY CHOWCHILLA GROUNDWATER SUSTAINABILITY AGENCY AND RECONVENED TO MEET AS A BOARD OF SUPERVISORS**

**THE BOARD ADJOURNED THE MEETING AT 2:26 P.M. UNTIL TUESDAY, DECEMBER 10, 2019, AT 10:00 A.M.**

## **BOARD ORDERS – SUMMARY ACTION MINUTES – NOVEMBER 19, 2019**

### **9:00 A.M. CLOSED SESSION** **2019-11-19 PUBLIC OPPORTUNITY**

Chang “Michelle” Xiong, with the Leadership Council for Justice comments that she is excited to see development happening in Merced County and speaks about the sale of the property at Castle. She further states she would like to set up a meeting with Mark Hendrickson.

Present: Pareira, Espinoza, Lor, McDaniel, Silveira

### **10:00 A.M. SCHEDULED ITEM** **2019-11-19 PUBLIC OPPORTUNITY**

Dr. Frances Robinson, UDW worker states her client passed away and that her heart goes out to caregivers, and further states their wages need to be increased.

Florence Crosen, UDW worker speaks about the need for a wage increase.

Fernando Aguilera, President of Merced Soccer Academy speaks about a tournament that was held last weekend in Turlock and the need for more soccer fields in Merced. Mr. Aguilera introduces soccer player, Alfonso Campos Chavez.

Alfonso Campos Chavez talks about the Merced Soccer Academy program.

Angela Lopez, with the Merced Soccer Academy speaks about the VIPER program and how they work with Probation and the District Attorney’s Office.

Katrina, Delhi resident and UDW worker asks why it is so hard to give them a wage increase.  
Present: Pareira, Espinoza, Lor, McDaniel, Silveira

### **10:00 A.M. SCHEDULED ITEM** **2019-11-19 PRESENTATION – MERCED COMMUNITY COLLEGE BOND MEASURE**

Chris Vitelli, Merced Community College President speaks about what the future looks like for Merced College and the solid foundation and plan that has been put in place. He further states that in March 2020 there will be a bond measure on the ballot and that if voters approve the bond, they will have funds to repair existing buildings in Merced and Los Banos, and to build others. Mr. Vitelli submits brochures in the board bin on Merced College – Preparing Students for Future Success.

Supervisor McDaniel thanks Mr. Vitelli for the update and states that he enjoyed his time he spent at Merced Junior College.

Supervisor Espinoza states that he has heard good things about Merced College and states that his son is a student there. He further states he is excited to hear that the college is bringing their soccer program back.

Mr. Vitelli thanks Supervisor Espinoza for mentioning their soccer program.  
Present: Pareira, Espinoza, Lor, McDaniel, Silveira

**10:00 A.M. SCHEDULED ITEM**

**2019-11-19 PUBLIC HEALTH – FIRST READING – PROPOSED ORDINANCE**

The time and date previously scheduled to conduct a first reading to amend Ordinance No. 1950 – Health Department Fees.

Rebecca Nanyonjo-Kemp reviews the staff report.

Supervisor Pereira questions the fee of \$25 for car seat classes.

Ms. Nanyonjo-Kemp states that they work with law enforcement and that their costs have been low for a period of time and that we need to establish a minimum threshold. She further states that they do work with the court and that the classes are usually just available for offenders.

Supervisor Silveira comments that it's safe to say most attendees have a cost to pay because they are violators.

Upon motion of Supervisor McDaniel, seconded by Supervisor Silveira, duly carried, the Board waives further reading of the proposed ordinance and sets a second reading and possible adoption on December 17, 2019 at 10:00 a.m.

Ayes: Pereira, Espinoza, Lor, McDaniel, Silveira

**10:00 A.M. SCHEDULED ITEM**

**2019-11-19 PUBLIC WORKS – SECOND READING – PROPOSED ORDINANCE**

The time and date previously scheduled to conduct a second reading to adopt Ordinances amending the Merced County Building and Fire Codes contained in County Code Chapter 9.24 and Chapters 16.12 through 16.50.

Supervisor McDaniel comments that this is one of the burdens on the builders that the State puts on us.

Upon motion of Supervisor Silveira, seconded by Supervisor McDaniel, duly carried, the Board waives further reading and adopts Ordinance No. 1980 which adopts the 2019 California Building Codes and amends the County Building Codes contained in code chapters 16.12 through 16.50 of the County Code to reflect that adoption.

Ayes: Pereira, Espinoza, Lor, McDaniel, Silveira

Upon motion of Supervisor Silveira, seconded by Supervisor McDaniel, duly carried, the Board waives further reading and adopts Ordinance No. 1981 which adopts the 2019 California Fire Code and amends section 9.24.010 of Chapter 9.24, Title 9, of the County Code to reflect that adoption.

Ayes: Pereira, Espinoza, Lor, McDaniel, Silveira

**10:00 A.M. SCHEDULED ITEM**

**2019-11-19 COUNTY EXECUTIVE OFFICE – SECOND READING – PROPOSED ORDINANCE**

The time and date previously scheduled to conduct a second reading to consider an ordinance amending the Sales and Use Tax Code Chapter 5.24.130 of Title 5 of the Merced County Code.

Upon motion of Supervisor Silveira, seconded by Supervisor Lor, duly carried, the Board waives further reading and adopts Ordinance No. 1982 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).

Ayes: Pareira, Espinoza, Lor, McDaniel, Silveira

**10:00 A.M. SCHEDULED ITEM**

**2019-11-19 COMMUNITY AND ECONOMIC DEVELOPMENT – PUBLIC HEARING**

The time and date previously scheduled to consider approval of General Plan Amendment No. GPA19-003 and Zone Change No. ZC19-004.

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

Tiffany Ho, Planner reviews power point presentation covering: Request, Background, Land Use/Zoning Map, Consistency, Environmental Review, Public Comment and Staff Recommendations.

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 Silveira, duly carried, the Board determines that no further environmental review is required pursuant to Section 15183 “Projects Consistent with a Community Plan or Zoning”.

Ayes: Pareira, Espinoza, Lor, McDaniel, Silveira

Upon motion of Supervisor McDaniel, seconded by Supervisor Silveira, duly carried, the Board adopts Resolution No. 2019-112 for General Plan Amendment No. GPA19-003 to change the land use designation of the parcel from Undesignated to Agricultural; and adopts Ordinance No. 1983 for Zone Change No. ZC19-004 to change the zoning designation of the parcel from Undesignated to A-1 (General Agricultural).

Ayes: Pareira, Espinoza, Lor, McDaniel, Silveira

**10:00 A.M. SCHEDULED ITEM**

**2019-11-19 TREASURER-TAX COLLECTOR – PUBLIC HEARING**

The time and date previously scheduled to consider proposed Ordinance entitled “An Ordinance amending the Merced County Treasurer-Tax Collector Fee Schedule” (Amends Ordinance No. 1968 and County Code Chapter 5.56.10).

Karen Adams, Treasurer-Tax Collector gives an overview of the proposed Ordinance.

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 Silveira, seconded by Supervisor McDaniel, duly carried, the Board waives further reading.

Ayes: Pareira, Espinoza, Lor, McDaniel, Silveira

Upon motion of Supervisor Silveira, seconded by Supervisor McDaniel, duly carried, the Board adopts Ordinance No. 1984, amending the Merced County Treasurer-Tax Collector Fee Schedule (Amends Ordinance No. 1968 and County Code Chapter 5.56.10).

Ayes: Pareira, Espinoza, Lor, McDaniel, Silveira

**CONSENT ITEM NO. 8**

**2019-11-19 BOARD OF SUPERVISORS**

The Clerk announces approval of minutes for May 21, 2019, May 21, 2019-Addendum, June 4, 2019, June 18, 2019, July 9, 2019, July 30, 2019, August 13, 2019, August 27, 2019 and August 27, 2019-IHSS is before the Board for consideration.

Jim Brown, County Executive Officer states that the revised minutes for approval were sent to the Board members and that going forward they will be included as part of the agenda packet.

Upon motion of Supervisor McDaniel, seconded by Supervisor Silveira, duly carried, the Board approves minutes for May 21, 2019, May 21, 2019-Addendum, June 4, 2019, June 18, 2019, July 9, 2019, July 30, 2019, August 13, 2019, August 27, 2019 and August 27, 2019-IHSS.

Ayes: Pareira, Espinoza, Lor, McDaniel, Silveira

**ACTION ITEM NO. 17**

**2019-11-19 PUBLIC WORKS**

The Clerk announces an item to adopt the 2019 Title II Grievance Policy and Procedure, as required under the Americans with Disability Act, to address grievances against the County that allege disability-related discrimination based on the denial of access to facilities, programs or services is before the Board for consideration.

Supervisor Lor comments that she talked to staff about Policy and Procedure and asked that the Board consider in the future removing Policy from the title.

Upon motion of Supervisor Silveira, seconded by Supervisor Lor, duly carried, the Board adopts the 2019 Title II Grievance Policy and Procedure, as required under the Americans with Disabilities Act, to address grievances against the County that allege disability-related discrimination based on the denial of access to facilities, programs or services.

Ayes: Pareira, Espinoza, Lor, McDaniel, Silveira

**ACTION ITEM NO. 24**

**2019-11-19 COMMUNITY AND ECONOMIC DEVELOPMENT**

The Clerk announces an item to 1) adopt the Castle Airport 5-Year Airport Capital Improvement Plan (ACIP) Annual Update; 2) authorize Chairman to sign all Castle Airport ACIP Data Sheets; 3) after review by County Counsel, authorize staff to submit, and the Director of Community and Economic Development to sign, grant applications for the projects listed on the ACIP provided the requested funds do not exceed the amounts stated in the ACIP; and 4) direct staff to return to the Board with the grant offers for approval is before the Board for consideration.

Chang Xiong, with the Leadership Council for Justice, states they would like to be involved in the process and that they have not seen much on this item yet. She further states they would like to work with the County moving forward with this item and that they are included in the community's input.

Upon motion of Supervisor McDaniel, seconded by Supervisor Silveira, duly carried, the Board adopts the Castle Airport 5-Year Airport Capital Improvement Plan (ACIP) Annual Update; authorizes the Chairman to sign all Castle Airport ACIP Data Sheets; after review by County Counsel, authorizes staff to submit, and the Director of Community and Economic Development to sign, grant applications for the projects listed on the ACIP provided the requested funds do not exceed the amounts stated in the ACIP; and directs staff to return to the Board with the grant offers for approval.

Ayes: Pareira, Espinoza, Lor, McDaniel, Silveira

**ACTION ITEM NO. 28**  
**2019-11-19 LIBRARY**

The Clerk announces an item to approve and authorize the Library to move forward with Pilot Evening Hours Project Option 1 for evening hours on Tuesdays and Wednesdays at Atwater, Delhi, Livingston, Los Banos and Merced Libraries beginning January 2020 is before the Board for consideration.

Supervisors Lor questions the cost of each of the options.

Amy Taylor, County Librarian responds that the cost of option 1 is \$21,618 and the cost of option 2 is \$17,860.

Supervisor Lor questions why the Library is recommending option 1.

Ms. Taylor responds that option 1 includes the five libraries being open on Tuesday and Wednesday evenings which gives residents availability and more than one evening that they can access the libraries.

Supervisor Lor compliments staff on their work on this and also thanks the Friends of the Merced County Library.

Supervisor Pareira concurs with Supervisor Lor.

Susan Flinspach with the Library Advisory Commission and Friends of the Merced County Library thanks the Board for considering this option and notes that they now can also have events in the evenings for working people.

Upon motion of Supervisor McDaniel, seconded by Supervisor Silveira, duly carried, the Board approves and authorizes the Library to move forward with Pilot Evening Hours Project Option 1 for evening hours on Tuesdays and Wednesdays at Atwater, Delhi, Livingston, Los Banos and Merced Libraries beginning January 2020.

Ayes: Pareira, Espinoza, Lor, McDaniel, Silveira

**ACTION ITEM NO. 32**  
**2019-11-19 EXECUTIVE OFFICE**

The Clerk announces item to confirm the at-will appointment of Yvonnia Brown to Director of Human Services Agency effective January 6, 2020, in accordance with the Human Resources Rules and Regulations 2007-22, Section 2.A.4; and to authorize a temporary transitional pay differential of up to seven and one-half percent (7.5%) during the transition, subject to the approval and discretion of the County Executive Officer is before the Board for consideration.

Jim Brown, County Executive Officer gives his thanks and appreciation to Mr. Pettygrove for coming out of retirement to serve as the Director of the Human Services Agency. Mr. Brown states that Ms. Brown has been serving as the Behavioral Health and Recovery Services Director for the last 5 ½ years and that her experience is in the Social Services arena and she brings a wealth of experience. He further states that we will be opening up recruitment for the Behavioral Health and Recovery Services Director position.

Upon motion of Supervisor McDaniel, seconded by Supervisor Silveira, duly carried, the Board confirms the at-will appointment of Yvonnia Brown to Director of Human Services Agency effective January 6, 2020, in accordance with the Human Resources Rules and Regulations 2007-22, Section 2.A.4 and authorizes a temporary transitional pay differential of up to seven and one-half percent (7.5%) during the transition, subject to the approval and discretion of the County Executive Officer.

Ayes: Pareira, Espinoza, Lor, McDaniel, Silveira

**ACTION ITEM NO. 33**  
**2019-11-19 EXECUTIVE OFFICE**

The Clerk announces item to approve the following departmental Personnel Modifications: 1) County Executive Office – Budget Unit 10100: Establish: Budget Manager; Change 1 Deputy County Executive Officer (pos 28) to Budget Manager; 2) Establish the Budget Manager classification; 3) Approve amendments to the Salary Allocation Resolution 06-120 and the Position Allocation Resolution 06-120/A is before the Board for consideration.

Supervisor Lor questions that we are eliminating the Deputy County Executive Officer position and adding a Budget Manager position. She states that she would like to see a larger overall plan. She further states that many new positions are being created and we can't just keep creating new positions.

Supervisor Espinoza states that he agrees with Supervisor Lor's comments and that they usually have discussions with the CEO prior to seeing it on the agenda.

Upon motion of Supervisor McDaniel, seconded by Supervisor Silveira, duly carried, the Board approves the following departmental Personnel Modifications: 1) County Executive Office – Budget Unit 10100: Establish: Budget Manager; Change 1 Deputy County Executive Officer (pos 28) to Budget Manager; 2) Establish the Budget Manager classification; and 3) Approve amendments to the Salary Allocation Resolution 06-120 and the Position Allocation Resolution 06-120/A.

Ayes: Pareira, Espinoza, Lor, McDaniel, Silveira

**1:30 P.M. PUBLIC FORUM - ICE ACCESS**

The Chairman opens the Public Forum and turns it over to County Executive Officer, James Brown.

Jim Brown, County Executive Officer states that they will walk through some components of the Truth Act and that we have interpreters available.

The Chairman gives a statement clarifying the reason for the public forum and that it is not a dialogue. The Chairman also reviews the time limit for public comment.



Sheriff Vern Warnke gives a powerpoint presentation on the Truth Act and the Sheriff's Office process covering the following: Disclaimer, Topics, Immigration Detainer (Origin of a Detainer Request), Inmate/Attorney Notification, Interview Rights and Consent Form, Consular Notifications, Translation Requirements for all Forms Regarding Immigration Matters, 2018 Immigration Statistics (Access pursuant to Civil Immigration Matters), Myths vs. Reality, and Case Study.

The Chairman opens the forum for public comment and asks if there is anyone present wishing to speak.

The following state questions and concerns regarding the interaction between local law enforcement and the U.S. Immigration and Customs Enforcement:

Zachery Coston

Maria Alena Young, with ICE Coalition

Katrina Ruiz, with SIREN

Blanca Ojeda, with ICE Coalition

Lydia Chavez

Dr. Salvador Sandoval, Merced resident

Sister Kate, with Sisters of the Valley

Jeremy Mumford

Floripeza

Mike Bettencourt

Luis Ojeda, with ICE Coalition

Gloria Sandoval, Merced resident

Jaz Diaz

The Chairman closes the public comment period for the forum.

The Board thanks the public for their participation.

Present: Pareira, Espinoza, Lor, McDaniel, Silveira