



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, DECEMBER 17, 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 54947: PUBLIC EMPLOYEE APPOINTMENT, Title: County Counsel.

**THE BOARD RECESSED AT 9:03 A.M. 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 Tim Pistoresi, Jesus Saves Men Ministry-Gateway
Church/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)**

APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 13)

PRESENTATION:

**PRESENTATION OF SERVICE PIN AWARDS TO LISA CARPENTER, CHILD
SUPPORT, 25 YEARS OF SERVICE; DARTINE SOLIS, CHILD SUPPORT, 25
YEARS OF SERVICE; ALICIA DICOCHEA, HUMAN SERVICES AGENCY, 25
YEARS OF SERVICE; RACHEL TORRES, PUBLIC HEALTH, 25 YEARS OF
SERVICE; MARK TAYLOR, SHERIFF, 25 YEARS OF SERVICE; JASWANT
CHIMA, HUMAN SERVICES AGENCY, 20 YEARS OF SERVICE; KALISA
ROCHESTER, PROBATION, 20 YEARS OF SERVICE; CAROLYN STRONG,
SHERIFF, 20 YEARS OF SERVICE; JULIE JAMERO-HADA, HUMAN
SERVICES AGENCY, 15 YEARS OF SERVICE; MARIE PICKNEY, FIRST
FIVE, 15 YEARS OF SERVICE.**

**SUPERVISOR ESPINOZA PRESENTED A SERVICE PIN TO RACHEL
TORRES; SUPERVISOR LOR PRESENTED A SERVICE PIN TO DARTINE
SOLIS; SHERIFF WARNKE PRESENTED SERVICE PINS TO CAROLYN
STRONG AND MARK TAYLOR; SUPERVISOR MCDANIEL PRESENTED
SERVICE PINS TO KALISA ROCHESTER, MARIE PICKNEY, JULIE-
JAMERO-HADA AND JASWANT CHIMA; SUPERVISOR PAREIRA**

PRESENTED A SERVICE PIN TO LISA CARPENTER; AND SUPERVISOR SILVEIRA PRESENTED A SERVICE PIN TO ALICIA DICOHEA. A RECEPTION HONORING THE RECIPIENTS OF SERVICE PINS WAS HELD IN ROOM 310.

SCHEDULED ITEM:

PUBLIC HEALTH - SECOND READING - PROPOSED ORDINANCE

Conduct a second reading to amend Ordinance No. 1950 - Health Department Fees.

RECOMMENDATION:

- 1) Conduct a second reading of the ordinance entitled, "Health Department Fees" Ordinance No. 1950 to revise fees and remove penalties and codify this as Title 9, Health and Safety, Chapter 9.49.020;
- 2) Waive further reading of the proposed ordinance; and
- 3) Adopt the proposed ordinance.

REVIEW BOARD ORDER – SEE PAGE 9

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-13)

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

Public Works

1. Approve and authorize the Chairman to sign Amendment Contract No. 2017229 with California Department of Transportation (Caltrans) to the Highway 140 Cooperative Agreement (Caltrans Agreement No. 10-0480) to provide that Caltrans will perform additional structural testing of the Campus Parkway improvements over Highway 140.
2. Approve and authorize the Chairman to sign Amendment Contract No. 2018148 with CH2MHILL for the Franklin/Beachwood Flood Risk Reduction Program Feasibility Study.
3. Approve and authorize the Chairman to sign Amendment Contract No. 2018047 with California Department of Water Resources for the Franklin-Beachwood Flood Risk Reduction Program Feasibility Study which extends the project schedule and funding agreement.

Health

4. Approve and authorize the Chairman to sign Amendment Contract No. 2019348 with CALSTAR Air Medical, LLC for air ambulance services.

Human Services Agency

5. Approve and authorize the Chairman to sign Amendment Contract No. 2019190 with Merced County Office of Education for the Emergency Child Care Bridge Program for foster children.
6. Proclaim the month of January 2020 as "National Slavery and Human Trafficking Prevention Month" in Merced County.

Probation

- 7. Approve and authorize the Chairman to sign Amendment Contract No. 2018031 with Students with Aspiring Goals for Program Provider Facilitation to comply with the Board of State and Community Corrections new special terms and conditions related to services provided under Proposition 47 as well as to update the County insurance clause.
- 8. Approve and authorize the Chairman to sign Amendment Contract No. 2018021 with Students with Aspiring Goals for the Hub Coordinator for the Proposition 47 Grant to comply with the Board of State and Community Corrections new special terms and conditions related to services provided under Proposition 47 as well as an update to the County insurance clause.

Administrative Services

- 9. Approve and authorize the Chairman to sign Amendment Contract No. 2016278 with Delta Wireless to provide support for portable and mobile radios utilized by the Sheriff's Office.

Executive Office

- 10. Act on Claims for Damages submitted by Walter Hellings III, Javier Arias and Jesus Rivera Moreno as recommended by Risk Management and County Counsel.

Board Recognition

- 11. Authorize Certificates of Recognition to various individuals in Recognition of Commitment and Dedication in Service as a 4-H Leader.
- 12. Authorize Certificate of Recognition to The Wash Room Laundromat for Grand Opening.
- 13. Authorize Certificate of Recognition to the Family of General Vang Pao in remembrance of his 90th Birthday.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

- 14. Adopt the Plans and Specifications for the O'Banion Park Sidewalk and Roadway Improvement Project for ADA improvements at the park's facilities and street improvements on Lone Street, Dos Palos Avenue and Center Street in Dos Palos.

AUTHORIZED CONTRACT NO. 2019379 AS RECOMMENDED AYES: 1, 3, 4, 5, NOT PRESENT: 2

- 15. 1) Find that the 5.06 parcel of County-owned land located at Childs and B Street in Merced, generally known as 1137 "B" Street Merced, is not required for County use (4/5 Vote Required); 2) Find the proposed sale of the property is not subject to the California Environmental Quality Act (CEQA) under section 15312 of the CEQA Guidelines (sales of surplus government property); and 3) Approve the sale of the parcel to the City of Merced for \$1,080,000 and authorize the Chairman to execute all necessary documents to effectuate the sale and transfer of the property. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2019380 AS RECOMMENDED AYES: 1, 3, 4, 5, NOT PRESENT: 2

16. 1) Approve Federal Service Contract No. 75LX353 with Caltrans to provide the County with \$2,275,000 in federal funding for railroad-highway crossing improvements at the intersection of Winton Way and the Burlington Northern Santa Fe (BNSF) railroad tracks in Winton, Federal Aid Project STPLR-7500(278); and 2) Authorize the Director of Public Works to execute the Service Contract with Caltrans and sign all necessary documents upon review by County Counsel.

AUTHORIZED CONTRACT NO. 2019377 AS RECOMMENDED AYES: 1, 3, 4, 5, NOT PRESENT: 2

17. 1) Approve Federal Service Contract No. 75LX343 with Caltrans to provide the County with \$896,000 in federal funding for railroad-highway crossing improvements at the intersection of Olive Avenue and the Burlington Northern Santa Fe (BNSF) railroad tracks in Winton, Federal Aid Project STPLR-7500(273); and 2) Authorize the Director of Public Works to execute the Service Contract with Caltrans and sign all necessary documents upon review by County Counsel.

AUTHORIZED CONTRACT NO. 2019378 AS RECOMMENDED AYES: 1, 3, 4, 5, NOT PRESENT: 2

HEALTH

18. Contract with Air Methods for air medical transportation services for an amount not to exceed the Merced County Fee Schedule.

AUTHORIZED CONTRACT NO. 2019381 AS RECOMMENDED AYES: 1, 3, 4, 5, NOT PRESENT: 2

BEHAVIORAL HEALTH AND RECOVERY SERVICES

19. 1) Rescind the prior action from October 22, 2019, which approved Standard Agreement No. 18-95256 due to incorrect information contained within the contract provided by the Department of Health Care Services; 2) Approve and authorize the Chairman to sign a new Standard Agreement No. 18-95256 including all related contract documents, with corrected information and revised Exhibit B, retroactive for the term of July 1, 2018 to June 30, 2021 with the Department of Health Care Services for the zero dollar Performance Contract; and 3) Adopt the Resolution.

PULLED – NO ACTION TAKEN

COMMUNITY AND ECONOMIC DEVELOPMENT

20. 1) Approve and authorize the Chairman to sign the Memorandum of Understanding (MOU) with respect to the coordination, cooperation and cost share in the implementation of the Chowchilla Subbasin Groundwater Sustainability Plan, that is between the agencies that comprise the GSAs in the Chowchilla Subbasin; 2) Appoint a primary and alternate representative to the Advisory Committee to administer the MOU; 3) Approve the proposal from David's Engineering to prepare the First Annual Report for the Chowchilla Subbasin GSP at a total cost of \$83,984; and 4) Authorize the County of Merced to fund its proportional share, roughly \$840, of the First Annual Report cost.

AUTHORIZED CONTRACT NO. 2019382 AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 9

21. 1) Simultaneously rescind existing Williamson Act contracts and re-enter into new Williamson Act contracts with the following property owners to reflect new property boundaries resulting from approved property line adjustments: a) Joseph Jensen and Sean Dunagan, Trustees (Williamson Act No. WA2000-0089), b) Curtis J. Jorritsma and Kimberly Clauss Jorritsma (Williamson Act No. WA2000-008 and WA2000-0329), c) Patrick P. Amarante (Williamson Act No. WA2000-0504), d) Carl D. Perry and Julie A. Perry (Williamson Act No. WA2000-0165); 2) Find that the requirements of Government Code §51257, subdivision (a) have been met; and 3) Authorize the Chairman to sign the new Williamson Act contracts and forward them to the County Recorder.

AUTHORIZED CONTRACT NOS. 2019-01WA, 2019-02WA, 2019-03WA AND 2019-04WA AS RECOMMENDED AYES: ALL

WORKFORCE INVESTMENT

22. Contract with Merced College to implement a Fast Track Welding Training Cohort.

AUTHORIZED CONTRACT NO. 2019383 AS RECOMMENDED AYES: ALL

23. Contract with San Joaquin County for the reimbursement of regional industry engagement and partnership.

AUTHORIZED CONTRACT NO. 2019384 AS RECOMMENDED AYES: ALL

ELECTIONS

24. 1) Approve to relieve the Elections Department of accountability for Fixed Asset #0055808 Okidata Ballot on Demand Printer; and 2) Approve the Auditor-Controller to remove the item from the Elections Fixed Asset Inventory.

APPROVED AS RECOMMENDED AYES: ALL

LIBRARY

25. 1) Approve submission of applications for the California Library Association New Leaders Program Grant for financial support to attend trainings; 2) Authorize the County Librarian to sign the applications; and 3) Direct the department to return to the Board for approval if awarded this funding.

APPROVED AS RECOMMENDED AYES: ALL

TREASURER

26. Contract with Professional Credit Services for performing collection services on delinquent accounts.

AUTHORIZED CONTRACT NO. 2019385 AS RECOMMENDED AYES: ALL

RETIREMENT

27. Pursuant to Government Code Section 31525, approve the amended Merced County Employees' Retirement Association (MCERA) Bylaws as adopted by the MCERA Board on November 21, 2019.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

28. Approve initiation of an annual Merced County Mission, Vision, and Values (MVV) Awards Program.

APPROVED AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGES 9 AND 10

29. 1) Accept the Central California Alliance for Health Planning for Capital Projects Program Grant Agreement #0719-MCDPW-CP in the amount of \$150,000 to be used for planning activities for a Homeless Navigation Center located at the former juvenile hall site, 1411 B Street, Merced; 2) Designate the Director of Public Works to sign the grant agreement and any associated documents; and 3) Approve the related budget transfers. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2019376 AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

30. Consider George Allen Cintas for appointment to the Los Banos Cemetery District, until June 7, 2023.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

31. County Executive Office re: Operations Directive for Contracting and Procurement Policy and Procedures (#19-125).
32. Community and Economic Development re: Emergency Public Works projects to repair the Generator-Drive Gearbox for Well-12 Pump at Castle pursuant to California Public Contract Code Section 22050.
33. Fish and Game Commission re: Notice of Receipt of Petition pursuant to the provisions of Section 2073.3 of the Fish and Game Code, the California Fish and Game Commission, on October 21, 2019, received a petition from the Center for Biological Diversity to list western Joshua tree (*Yucca brevifolia*) as a threatened species under the California Endangered Species Act.
34. Fish and Game Commission re: Notice of Receipt of Petition pursuant to the provisions of Section 2073.3 of the Fish and Game Code, the California Fish and Game Commission, on September 30, 2019, received a petition from Kathleen S. Roche to list Shasta snow-wreath (*Neviusia cliftonii*) as endangered under the California Endangered Species Act.
35. Fish and Game Commission re: Notice of Proposed 90-day Extension of Emergency Regulations. Special order regarding take of Chinook Salmon in Anadromous Waters of the Klamath River Basin Downstream of Iron Gate and Lewiston Dams.

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 11:45 A.M. UNTIL TUESDAY,
JANUARY 14, 2020, AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – DECEMBER 17, 2019

10:00 A.M. SCHEDULED ITEM

2019-12-17 PUBLIC HEALTH – SECOND READING – PROPOSED ORDINANCE

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

Upon motion of Supervisor Silveira, seconded by Supervisor McDaniel, duly carried, the Board waives further reading of the proposed ordinance. Upon motion of Supervisor Silveira, seconded by Supervisor McDaniel, duly carried, the Board adopts Ordinance No. 1985, amending the Health Department Fee Ordinance, by adopting or changing fees set for Health Services performed by the Health Officer of Merced County (Amends Ordinance No. 1950, 1933, 1863 and 1847 and Title 9 General Health and Safety, Chapter 9.49).

Ayes: Pareira, Espinoza, Lor, McDaniel, Silveira

ACTION ITEM NO. 20

2019-12-17 COMMUNITY AND ECONOMIC DEVELOPMENT

The Clerk announces item authorizing the Chairman to sign the Memorandum of Understanding (MOU) with respect to the coordination, cooperation and cost share in the implementation of the Chowchilla Subbasin Groundwater Sustainability Plan, that is between the agencies that comprise the GSAs in the Chowchilla Subbasin; appoint a primary and alternate representative to the Advisory Committee to administer the MOU; approve the proposal from David's Engineering to prepare the First Annual Report for the Chowchilla Subbasin GSP at a total cost of \$83,984; and authorize the County of Merced to fund its proportional share, roughly \$840, of the First Annual Report cost is before the Board for consideration.

Upon motion of Supervisor Silveira, seconded by Supervisor McDaniel, duly carried, the Board authorizes Contract No. 2019382 for Memorandum of Understanding with respect to the coordination, cooperation and cost sharing in the implementation of the Chowchilla Subbasin Groundwater Sustainability Plan; and appoints Supervisor Espinoza as the primary representative and Supervisor Pareira as the alternate representative to the Advisory Committee to administer the MOU; approves the proposal from David's Engineering to prepare the First Annual Report for the Chowchilla Subbasin GSP at a total cost of \$83,984; and authorizes the County of Merced to fund its proportional share, roughly \$840, of the First Annual Report cost.

Ayes: Pareira, Espinoza, Lor, McDaniel, Silveira

ACTION ITEM NO. 28

2019-12-17 EXECUTIVE OFFICE

The Clerk announces an item to approve initiation of an annual Merced County Mission, Vision, and Values (MVV) Awards Program is before the Board for consideration.

Alexandra Pierce, Deputy County Executive Officer gives an update on the Merced County Mission, Vision, and Values (MVV) Awards Program.

Supervisor Pareira thanks Ms. Pierce for putting together this program, talks about the Merced County Mission, Vision, and Values (MVV) Awards Program and those who helped to inspire the program.

Supervisor Pareira presents Certificates of Recognition on behalf of the Board to the following members of the Executive Leadership Program E3 Workgroup: Dave Robinson, David Mirrione, Sommer Moniz, Lacey Kiriakou and Mary Ellen Arana.

Upon motion of Supervisor McDaniel, seconded by Supervisor Silveira, duly carried, the Board approves initiation of an annual Merced County Mission, Vision, and Values (MVV) Awards Program.

Ayes: Pareira, Espinoza, Lor, McDaniel, Silveira