



BOARD OF SUPERVISORS

Chairman Rodrigo Espinoza, *District 1*

Lee Lor, *District 2*

Daron McDaniel, *District 3*

Lloyd Pareira, *District 4*

Scott Silveira, *District 5*

Phone: (209) 385-7366 Fax: (209) 726-7977

SUMMARY ACTION MINUTES - FINAL

TUESDAY, FEBRUARY 25, 2020

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. Ramon Plascencia v. County of Merced, Workers Compensation Appeals Board Case No. ADJ10168632.

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: Airfield property generally characterized as northeast of runway on Castle Airport, southwest of Ammo Avenue.

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

Negotiation Parties: Mr. Tim Razzari, Mr. Rick Seymour and Mr. Clay Nordman.

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

CLOSED SESSION:

It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957.6 concerning a Conference with County of Merced Staff Negotiators concerning negotiations with: Merced County Public Safety Services Unit (MCPSSU), Unit 14. Agency Negotiator: Marci Barrera.

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 9:01 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT, AND THE CHAIRMAN ADVISED STAFF WAS GIVEN DIRECTION AND ADVISED THAT AN AGREEMENT HAS BEEN REACHED WITH NEW COUNTY COUNSEL, FORREST HANSEN

GOVERNMENT CODE SECTION 54954.2 COMPLIANCE (LATE AGENDA ITEMS)

10:00 A. M. INVOCATION/PLEDGE OF ALLEGIANCE

SUPERVISOR MCDANIEL EXCUSED HIMSELF FROM THE MEETING AT 10:05 A.M.

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

REVIEW BOARD ORDER – SEE PAGE 9

APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 10)

SCHEDULED ITEMS:

COMMUNITY AND ECONOMIC DEVELOPMENT - PUBLIC HEARING

To consider Zone Change Application No. ZC19-005 - Mr. Randy J. Beard.

RECOMMENDATION:

- 1) Open Public Hearing to receive testimony on the proposed Ordinance changing the zoning designation of two parcels (APN's 009-161-004 and 009-161-005), located at the northwest corner of Stephens Street and Locust Street in the Delhi Urban Community totaling approximately 0.53 acres from C-2 (General Commercial) to MU (Mixed-Use);
- 2) Close Public Hearing;
- 3) Determine that the project is exempt from environmental review pursuant to Section 15183 - "Projects Consistent with a Community Plan or Zoning" and Section 15301 - "Existing Facilities" of the California Environmental Quality Act (CEQA) Guidelines; and,
- 4) Consider the Planning Commission's recommendation and adopt Ordinance approving Zone Change Application No. ZC19-005.

REVIEW BOARD ORDER – SEE PAGE 9

PUBLIC WORKS - SECOND READING - PROPOSED ORDINANCE

Conduct second reading for a proposed Ordinance amending Chapter 5.90 of the Merced County Code by increasing the Refuse Collection Rate for the unincorporated areas within County Solid Waste Franchise Areas 1 through 5.

RECOMMENDATION:

- 1) Conduct second reading of an ordinance entitled "An Ordinance Amending Refuse Service Fees and Charges for County Solid Waste Franchise Areas (Amends Chapter 5.90 to Merced County Code and Ordinance No. 1957);
- 2) Waive further reading of the proposed ordinance; and,
- 3) Adopt proposed ordinance (Amends Chapter 5.90 of the Merced County Code and Ordinance No. 1957).

REVIEW BOARD ORDER – SEE PAGES 9 AND 10

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-10)

APPROVED AS RECOMMENDED

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

Health

1. Proclaim February 2020 as National Children's Dental Health Month in Merced County.

Community and Economic Development

2. Proclaim February 24 - 26, 2020 as California Aerospace and Aviation Days in Merced County; and direct Community and Economic Development staff to distribute the Proclamation as appropriate.

Assessor

3. Approve Budget Transfer in the amount of \$5,500 to replace main copier for support staff.

Administrative Services

4. Approve Budget Transfer in the amount of \$225,000 in order to accelerate the pace that the department will refresh desktop computers during Fiscal Year 19/20. (4/5 Vote Required)
5. Approve Budget Transfer in the amount of \$25,000 to purchase hardware, software and services to support the implementation of an Intrusion Detection System (IDS). (4/5 Vote Required)

Fire

6. Approve Budget Transfer in the amount of \$18,000 for the replacement of the HVAC at the El Nido Fire Station.

Sheriff

7. Approve Budget Transfer in the amount of \$23,000 to purchase two video workstations and software for the security camera system at the John Latorraca Correctional Facility.

Executive Office

8. Act on Claims for Damages submitted by Deborah Swarts and Karina Vazquez as recommended by Risk Management and County Counsel.

Board Recognition

9. Certificates of Recognition to various individuals for their accomplishments in the Merced County Historical Society, presented February 9, 2020.
10. Certificates of Recognition to various individuals for their contributions and support for the Senior Christmas Celebration in Planada, presented February 5, 2020.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

11. Approve agreement with Central California Irrigation District (CCID) providing that CCID will perform the work required for pipeline replacements and maintenance at various locations within County right-of-way, with the County equally splitting the cost of the work with CCID; and authorize the Chairman to execute the agreement upon review by County Counsel.

**AUTHORIZED CONTRACT NO. 2020025 AS RECOMMENDED AYES: 1, 2, 4, 5
NOT PRESENT: 3**

12. 1) Adopt Resolution authorizing an application for funding in the amount of \$5,365,000 from the California Department of Water Resources for the implementation of a flood risk reduction project in the Franklin/Beachwood area, and designate the Director of Public Works or Designee to sign the funding agreement and any amendments thereto; 2) Ratify the submission of a funding application to the California Department of Water Resources in the amount of \$5,365,000; and 3) Return to the Board to accept grant if awarded.

**ADOPTED RESOLUTION NO. 2020-14 AS RECOMMENDED AYES: 1, 2, 4, 5
NOT PRESENT: 3**

HEALTH

13. Contract with California Department of Public Health - STD Control Branch (State Contract No. 19-10548) for Core STD Program Management services and adopt Resolution approving execution of the contract.

AUTHORIZED CONTRACT NO. 2020026 AND ADOPTED RESOLUTION NO. 2020-15 AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3

14. 1) Approve the redirection of the remaining \$62,924.67 FY 19-20 LabAspire award (Contract No. 2019301) funds from the California Department of Public Health - Office of Emergency Preparedness for LabAspire Fellowship training services to San Mateo County; and 2) Authorize the Public Health Director to sign the letter requesting to redirect the LabAspire fellowship funds to San Mateo County.

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

15. 1) Approve the Department to submit the Sub-recipient Commitment Form for the Tobacco Related Disease Research Program; 2) Authorize the Chairman to sign the Sub-recipient Commitment Form; and 3) Return to the Board for contract approval if UC Merced is awarded this grant.

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

BEHAVIORAL HEALTH AND RECOVERY SERVICES

16. Retroactively approve contract with Community Social Model Advocates, Inc. for Medical Director services.

**AUTHORIZED CONTRACT NO. 2020027 AS RECOMMENDED AYES: 1, 2, 4, 5
NOT PRESENT: 3**

HUMAN SERVICES AGENCY

17. PULLED

18. 1) Authorize the Director of Human Services Agency, or designee, to electronically submit a Housing and Disability Advocacy Program grant application to the State of California Department of Social Services in the amount of \$465,886, which includes \$126,450 in immediate need and \$339,436 in the competitive portion, prior to the March 9, 2020 deadline; 2) Authorize the Director of Human Services Agency to execute all documents relating to the grant application; 3) Direct the Director of Human Services Agency to return to the Board with the application results and to accept award; and 4) Authorize Human Services Agency to accept any future reallocation of funding for this program.

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

FIRE

19. Retroactively approve and authorize the Chairman to execute an agreement with CAL FIRE Madera-Mariposa-Merced Unit establishing terms, conditions and reimbursement rates for Assistance by Hire of County firefighting resources.

AUTHORIZED CONTRACT NO. 2020028 AS RECOMMENDED AYES: 1, 2, 4, 5
NOT PRESENT: 3

SHERIFF

20. Approve the retirement and sale of Sheriff's Department canine "Rally" for \$1.00 and authorize the Chairman to sign the sales agreement.

AUTHORIZED CONTRACT NO. 2020029 AS RECOMMENDED AYES: 1, 2, 4, 5
NOT PRESENT: 3

TREASURER

21. Accept Quarterly Investment Report for the quarter ended December 31, 2019.

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

ELECTIONS

22. Approve and authorize Appointments in Lieu of Election for the March 3, 2020 Presidential Primary Election.

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

EXECUTIVE OFFICE

23. Approve and authorize the Chairman to sign Amendment Contract with Arata, Swingle, Van Egmond & Heitlinger APC for professional legal services, increasing the total allowable attorney fees and reflecting the name change of the firm formerly known as Arata, Swingle, Van Egmond & Goodwin APC.

AUTHORIZED CONTRACT NO. 2020030 AS RECOMMENDED AYES: 1, 2, 4, 5
NOT PRESENT: 3

24. Interdepartmental Memorandum of Understanding between the Merced County Department of Workforce Investment and the Merced County Executive Office for Census 2020 outreach activities; and approve related Budget Transfer.

AUTHORIZED CONTRACT NO. 2020031 AS RECOMMENDED AYES: 1, 2, 4, 5
NOT PRESENT: 3

WORKFORCE INVESTMENT

25. Approve and authorize the Chairman to sign Amendment Contract No. 2019259 with Arbor E&T, LLC dba ResCare Workforce Services to provide staffing to the Census Questionnaire Assistance Centers, to be located at each library through the County; and approve related budget transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2020032 AS RECOMMENDED AYES: 1, 2, 4, 5
NOT PRESENT: 3

26. Authorize the Board to approve the amendments to the bylaws for the Merced County Workforce Development Board.

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

BOARD APPOINTMENTS

27. Reappoint Jack Mobley as Business Representative and Steve Tietjen, Ed.D. as Workforce Representative to the Workforce Development Board until June 30, 2023; Reappoint Leslie Abasta-Cummings as Business Representative, Joshua Lepper as Workforce Representative, Tim Robertson as Workforce Representative, Steve Hobbs as Education Representative and Terry Nichols as Title IV Vocational Rehabilitation Representative to the Workforce Development Board until June 30, 2024.

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

28. Consider Cindy Granado Uyematsu for appointment to the Winton Cemetery District, filling an unexpired term until February 18, 2022.

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

29. Appoint Estella R. Dunn to the Franklin-Beachwood Municipal Advisory Council, until April 6, 2023.

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

BOARD INFORMATION & POSSIBLE ACTION

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

30. California Wildlife Conservation Board re: Proposal to consider the allocation of funds to augment a grant on the Salt Slough Unit on the California Department of Fish and Wildlife's North Grasslands Wildlife Area in Merced County. This proposal is presently scheduled for the February 26, 2020, Conservation Board Meeting.
31. California Wildlife Conservation Board re: Proposal to consider the allocation of funds for a grant to plant milkweed and nectar-rich plants to establish or enhance monarch butterfly habitat on 600+ acres of natural lands in the Sacramento Valley, San Joaquin Valley, and San Diego Region. These properties include Oroville Wildlife Area (WA), North Grasslands WA, Dos Rios Ranch, Panorama Vista Preserve, Rancho Jamul Ecological Reserve (ER), Upper Butte Basin WA, Yolo Bypass WA, Pine Creek WA, Sacramento River WA - Wilson Landing Unit, Feather River WA - Abbott Lake, Butler Slough ER, and Battle Creek WA. This proposal is presently scheduled for the February 26, 2020, Conservation Board Meeting.

**THE BOARD ADJOURNED THE MEETING AT 10:41 A.M. UNTIL TUESDAY,
MARCH 10, 2020, AT 10:00 A.M**

BOARD ORDERS – SUMMARY ACTION MINUTES – FEBRUARY 25, 2020

10:00 A.M. SCHEDULED ITEM **2020-02-25 PUBLIC OPPORTUNITY**

Nancy Young-Bergman with CASA of Merced County speaks about the Casino Night Fundraiser on April 4, 2020 at the Merced Fairgrounds and submits flyers for the Board in the bin. She introduces Kathy Lancaster, Executive Director of CASA and Emily Haden, Vice President of the CASA Board of Directors.

Kathy Lancaster, Executive Director of CASA of Merced County speaks about the CASA Night Fundraiser and hopes that everyone can attend.

Olivia Gomez, Planada resident states she came a year ago with a list of projects they would like to accomplish in Planada and is here to report that they have seen progress and hope to continue moving along with them. She thanks the Board and staff for their help.

Present: Espinoza, Lor, Pareira, Silveira

Absent: McDaniel

10:00 A.M. SCHEDULED ITEM **2020-02-25 COMMUNITY AND ECONOMIC DEVELOPMENT – PUBLIC HEARING**

The time and date previously scheduled to consider Zone Change Application No. ZC19-005 – Mr. Randy J. Beard.

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

Steve Maxey, Deputy Director of Planning and Brody Patterson, Planner give powerpoint presentation covering the following: Request, Vicinity, Aerial, General Plan, Site Photo, Consistency, Environmental Review, Public Review and 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 Pareira, seconded by Supervisor Silveira, duly carried, the Board determines that the project is exempt from environmental review pursuant to Section 15183 – “Projects Consistent with a Community Plan or Zoning” and Section 15301 – “Existing Facilities” of the California Environmental Quality Act (CEQA) Guidelines; and considers the Planning Commission’s recommendation and adopts Ordinance No. 1986.

Ayes: Espinoza, Lor, Pareira, Silveira

Absent: McDaniel

10:00 A.M. SCHEDULED ITEM **2020-02-25 PUBLIC WORKS – SECOND READING – PROPOSED ORDINANCE**

The time and date previously schedule to conduct second reading for a proposed Ordinance amending Chapter 5.90 of the Merced County Code by increasing the Refuse Collection Rate for the unincorporated areas within County Solid Waste Franchise Areas 1 through 5.

Upon motion of Supervisor Silveira, seconded by Supervisor Lor, duly carried, the Board waives further reading of the proposed ordinance and adopts Ordinance No. 1987 (Amends Chapter 5.90 of the Merced County Code and Ordinance No. 1957).

Ayes: Espinoza, Lor, Pareira, Silveira

Absent: McDaniel