



**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, JUNE 9, 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](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.*

**Important Notice Regarding COVID-19**

Based on guidance from the California Department of Public Health and the California Governor's Office, in order to minimize the spread of the COVID 19 virus, the Board Chambers will have limited public seating during the Merced County Board of Supervisors meetings. The County will conduct business in compliance with social distancing requirements with seating for the public limited to 25. The County will also provide some overflow space on a first come first served basis.

The following alternatives are available to members of the public to watch these meetings:

**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: <http://www.co.merced.ca.us/1581/Comcast-Ch-96-Broadcast>

Live stream of the Board of Supervisors meetings at <https://www.facebook.com/MercedCounty/> or <https://www.co.merced.ca.us/2206/Board-of-Supervisors-Meetings>.

**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).

All comments for items on the agenda other than those scheduled as public hearings will be taken at the beginning of the Board Meeting during the public comment period. 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. Please raise your hand when requested and you will be directed to the podium. Please note that in order to maintain social distancing only one person may speak at a time, at the podium

**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.

**PUBLIC HEARINGS:** Public opportunity to provide testimony is limited to three (3) minutes per person. Please raise your hand and you will be directed to the podium. Please note that in order to maintain social distancing only one person may speak at a time, at the podium.

**CLOSED SESSION:** This 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.

**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](http://www.countyofmerced.com)

**REASONABLE ACCOMMODATIONS:** Persons who require accommodation for any audio, visual or other disability or Spanish or Hmong interpretation 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 concerning Existing Litigation pursuant to Government Code section 54956.9(d)(1):

1) Moore v. County of Merced, et al., National Railroad Passenger Corporation dba Amtrak v. County of Merced, et al., Eastern District case no. 1:19-cv-01183-NONE-SKO

**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**

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

**10:00 A. M.                    INVOCATION led by Pastor Bruce Rivers, Mount Moriah First Baptist  
Church, Dos Palos/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)**

**PRESENTATION:**

**HUMAN SERVICES AGENCY - ALL DADS MATTER**

**REVIEW BOARD ORDER – SEE PAGE 11**

**COVID-19 UPDATE**

**REVIEW BOARD ORDER – SEE PAGE 11**

**APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 31)**

**SCHEDULED ITEMS:**

**HUMAN SERVICES AGENCY - PUBLIC HEARING**

To solicit comments regarding the Five-Year Permanent Local Housing Allocation (PLHA) Expenditure Plan.

**RECOMMENDATION:**

- 1) Open the public hearing to solicit comments regarding the Five-Year PLHA Expenditure Plan and close the public hearing;
- 2) Adopt the Five-Year PLHA Expenditure Plan;
- 3) Adopt a resolution authorizing Human Services Agency Director, or designee, to submit an application in the amount of \$310,947 for the first year of the Five-Year PLHA Expenditure Plan of Merced Navigation Center operations to the California Department of Housing and Community Development (HCD) prior to the July 27, 2020 deadline, and execute all documents related to the grant application; and
- 4) Direct the Human Services Agency Director to return to the Board of Supervisors with the application results and to accept award.

**REVIEW BOARD ORDER – SEE PAGES 11 AND 12**

**ELECTIONS - SECOND READING - PROPOSED ORDINANCE**

A Request to Add Chapter 1.01, Title 4 of the Merced County Code "An Ordinance Relating to the Adoption of Electronic Filing Requirements for Campaign Finance Disclosures"

**RECOMMENDATION:**

- 1) Conduct second reading of the proposed ordinance entitled "An Ordinance Relating to the Adoption of Electronic Filing Requirements for Campaign Finance Disclosures" (Adding Chapter 1.01, Title 4, to the Merced County Code);
- 2) Waive further reading of the proposed ordinance; and
- 3) Adopt proposed ordinance entitled "An Ordinance Relating to the Adoption of Electronic Filing Requirements for Campaign Finance Disclosures" (Adding Chapter 1.01, Title 4, to the Merced County Code).

**REVIEW BOARD ORDER – SEE PAGE 12**

## REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

### **CONSENT CALENDAR (Items # 1-31)**

**APPROVED AS RECOMMENDED AYES: ALL**

#### Public Works

1. Approve and authorize the Chairman to sign Amendment Contract No. 2019320 with Restore Merced for Litter Removal Services along Santa Fe Avenue from North Highway 59 to Buhach Road.
2. Approve Budget Transfer in the amount of \$30,000 for Martin Luther King Jr. Way Cleanup Project to cover unanticipated costs associated with closing the site.
3. Approve Budget Transfer in the Amount of \$144,000 to establish appropriation for Milliken Museum Re-Roof Project to replace the roof.
4. Approve Budget Transfer in the Amount of \$136,250 to establish appropriation for Delhi Senior Center Re-Roof Project to replace the roof.
5. Approve Budget Transfer in the amount of \$44,291 for the Los Banos Justice Center Remodel to cover costs associated with unanticipated sewage mitigation. (4/5 Vote Required)
6. Approve Budget Transfer in the amount of \$8,651 to cover unanticipated repairs for the Main Administration Non-Skid Front Entry. (4/5 Vote Required)

#### Behavioral Health and Recovery Services

7. Approve and authorize the Chairman to sign Amendment Contract No. 2018156 with Maxim Healthcare Services, Inc., to provide temporary staffing of Registered Nurses (RN's), Licensed Vocational Nurses (LVN's), Certified Nursing Assistants (CNA's), and Licensed Psychiatric Technicians (LPT's).
8. Approve and authorize the Chairman to sign Amendment Contract No. 2017076 with Dr. John M. Yarbrough, M.D., M.B.A., for Youth Psychiatric Services.
9. Approve and authorize the Chairman to sign Amendment Contract No. 2018068 with Merced Behavioral Center for Client Placement Services, updating the insurance and exhibit B.
10. Approve and authorize the Chairman to sign Amendment Contract No. 2018052 with Canyon Manor for locked placement for clients who have chronic psychiatric impairments or severe behavioral problems, updating the insurance to meet County standards and revising exhibit B.
11. Approve and authorize the Chairman to sign Amendment Contract No. 2019235 with Staff Care, Inc. for the placement of licensed psychiatrists and nurse practitioners, updating insurance requirements to meet County standards and revising the rates.

#### Health

12. 1) Ratify the signing and submission of the COVID-19-2401 invoice submitted on April 17, 2020 to the California Department of Public Health for additional funding allocation; and 2) Approve Amendment Contract No. 2020066 (State Contract No. COVID-19-24) with the

California Department of Public Health Emergency Preparedness Office for the COVID-19 Crisis response from March 5, 2020 through March 15, 2021 for a combined total of \$532,767.

Human Services Agency

13. Approve and authorize the Chairman to sign Amendment Contract No. 2019172 with Taher, Inc. for a Congregate Meals Production Program for Seniors.

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

14. Approve and authorize the Chairman to sign Amendment Contract No. 2019171 with Taher, Inc. for Frozen Home-Delivered Meals Program for Seniors.
15. Approve and authorize the Chairman to sign Amendment Contract No. 2019193 with Merced County Rescue Mission for Congregate Site Management Services for Seniors.
16. Proclamation in Recognition of the month of June, 2020 as "Elder and Dependent Adult Abuse Awareness Month" in Merced County.
17. Proclamation in Recognition of June, 2020 as "All Dads Matter Month" in Merced County.
18. 1) Approve and authorize the Chairman to sign Amendment Contract No. 2019110 with Merced County Office of Education through A Child Care and Education Services System (ACCESS) to provide Stage One Child Care Services: and 2) Approve the associated Budget Transfer. (4/5 Vote Required)
19. Approve Budget Transfer in the amount of \$641,744 increasing the appropriation for Housing Support Program (HSP). (4/5 Vote Required)
20. Approve Budget Transfer in the amount of \$75,348 for the Child Care Bridge program which provides for emergency child care placement and payments for foster youth. (4/5 Vote Required)

Community and Economic Development

21. Approve and authorize the Chairman to sign Amendment Contract No. 2015109 with AMS.NET, Inc. for a FOCUS program for telecommunications technology solutions and the extension announcement letter.

Child Support Services

22. Approve and authorize the Chairman to sign Amendment Contract No. 2019181 with Team Legal, Inc. for process server services.
23. Approve and authorize the Chairman to sign Amendment Contract No. 2019250 with The Ogilvy Group, LLC. for digital media marketing services.

**REVIEW BOARD ORDER – SEE PAGE 13**

Workforce Investment

24. 1) Accept modification five (5) to subgrant AA011015 (Amendment Contract No. 2019275) to incorporate Workforce Innovation and Opportunity Act (WIOA) 15% additional assistance funding for the underserved COVID-19 impacted individual grant into grant code 1187; and 2) Approve related Budget Transfer. (4/5 Vote Required)

Fire

- 25. Approve Budget Transfer in the amount of \$10,590 to replace failed AC unit in Station 81 Merced.

Executive Office

- 26. Act on Claims for Damages submitted by Ignacio Guzman and Roberto Pisenno Jr. as recommended by Risk Management and County Counsel.

Board of Supervisors

- 27. Approve minutes for March 4, 2020 - Special Meeting, March 10, 2020, March 16, 2020 - Special Meeting and March 31, 2020.

Board Recognition

- 28. Proclamation in Recognition of June, 2020 as "Manhood Awareness Month" in Merced County.
- 29. Certificate of Recognition In Celebration of Jim and Madelyn Pacheco's 50th Wedding Anniversary on June 5, 2020.
- 30. Certificate of Recognition to Dos Palos Cemetery District, In Honor of the 124th Annual Decoration Service, Presented May 25, 2020.
- 31. Certificates of Recognition In Honor of Completion of the Merced High School Tiered Academic and Behavior Support Classes for Students with Severe Disabilities to Andren Case, Zachary Crawford, Ronnie Winzer, Jessica Hildago, Carlos Rodriguez, Leslie Villa, Erik Regalado, Jordan Viss, and Sierra Whitaker, Presented on June 4, 2020.

**REGULAR CALENDAR**

**BOARD ACTION**

PUBLIC WORKS

- 32. 1) Adopt a Resolution endorsing the Atwater-Merced Expressway Phase 1B Project and directing the Department of Public Works Director to submit a grant application for the Atwater-Merced Expressway Phase 1B Project to the California Transportation Commission for the Trade Corridor Enhancement Program Grant, by July 15, 2020; and 2) Authorize and direct the Director of Public Works to sign any and all agreements and documents required to accept grant funds, and direct the Department of Public Works to return to the Board at a later date with an informational item noting all actions taken.

**ADOPTED RESOLUTION NO. 2020-53 AS RECOMMENDED      AYES: ALL**

- 33. The Director of Public Works requests the Board to find that substantial evidence demonstrates that an emergency exists regarding the roofs of Buildings 1, 2, and 3 at the Human Services Agency Wardrobe Avenue campus, such that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency. (4/5 Vote Required)

**APPROVED AS RECOMMENDED      AYES: ALL**

34. 1) The Director of Public Works requests the Board find that substantial evidence demonstrates that an emergency exists regarding the HVAC system at Castle Building 1340, such that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency. (4/5 Vote Required); and 2) Pursuant to Public Contract Code section 20134, approve replacing the HVAC system at Castle Building 1340 without adopting plans, specifications, strain sheets or working details and authorize the Director of Public Works to enter into contracts after review by County Counsel and Risk Management to have the work performed; and 3) Approve the associated Budget Transfer. (4/5 Vote Required)

**APPROVED AS RECOMMENDED AYES: ALL**

**REVIEW BOARD ORDER – SEE PAGES 13 AND 14**

#### BEHAVIORAL HEALTH AND RECOVERY SERVICES

35. 1) Approve and authorize the Chairman to sign 2020 Continuum of Care Program Grant Agreement No. CA0984L9T2018907 with U.S. Department of Housing and Urban Development, for Project Hope Westside; and 2) Return to the Board for any subsequent approval related actions necessary for implementation of the grant project.

**AUTHORIZED CONTRACT NO. 2020110 AS RECOMMENDED AYES: ALL**

#### HEALTH

36. 1) Approve the no-cost contract with Sierra Medical Service Alliance as Exclusive Operator for Emergency Ambulance Service and Secondary Medical Public Safety Answering Point for Merced County's Exclusive Operating Area for the period July 1, 2020 through June 30, 2025; and 2) Authorize the Chairman to sign all copies of the agreement.

**AUTHORIZED CONTRACT NO. 2020109 AS RECOMMENDED AYES: ALL**

37. 1) Ratify the submission of the Application Certification of the Solid Waste Local Enforcement Agency grant application for FY 2020-2021 to support local solid waste enforcement programs; 2) Authorize the Public Health Director or designee to submit the online grant application and any administrative requests necessary to secure the grant funds and implementation of the project when approved; and 3) Adopt the Resolution authorizing submission of grant application to the California Department of Resources Recycling and Recovery, and return to the Board for contract approval if awarded.

**ADOPTED RESOLUTION NO. 2020-50 AS RECOMMENDED AYES: ALL**

38. 1) Ratify the submission of an application to the California Department of Public Health (CDPH), Prevention Forward Grant; and 2) Return to the Board if awarded this grant.

**APPROVED AS RECOMMENDED AYES: ALL**

#### HUMAN SERVICES AGENCY

39. Contract with Merced County Office of Education - Family Resource Council for community development and support services.

**AUTHORIZED CONTRACT NO. 2020111 AS RECOMMENDED AYES: ALL**

40. Contract with Merced County Office of Education for Calworks Home Visiting Program.

**AUTHORIZED CONTRACT NO. 2020112 AS RECOMMENDED AYES: ALL**

41. 1) Retroactively approve State Revenue Contract No. FP-1920-31 with State of California Department of Aging for Dignity at Home Fall Prevention Program; and 2) Adopt the Resolution authorizing the Chairman to sign the contract and forms CCC 4/2017, CDA 1024, and CDA 9026.

**AUTHORIZED CONTRACT NO. 2020108 AND ADOPTED RESOLUTION NO. 2020-51 AS RECOMMENDED AYES: ALL**

42. Adopt a Resolution approving and authorizing the Chairman to execute a new State Revenue Contract No. AP-2021-31 with California Department of Aging for Senior Service Programs.

**AUTHORIZED CONTRACT NO. 2020113 AND ADOPTED RESOLUTION NO. 2020-54 AS RECOMMENDED AYES: ALL**

43. 1) Authorize Merced County Human Services Agency (HSA) to submit a grant application to the California Department of Social Services for funding to operate a California Work Opportunity and Responsibility to Kids (CalWORKS) Home Visiting Program; 2) Authorize the Merced County Human Services Agency Director to sign the grant application and any related documents; and 3) Direct staff to return to the Board to accept grant funding upon notification of award.

**APPROVED AS RECOMMENDED AYES: ALL**

44. 1) Ratify authorization of the Human Services Agency to establish an emergency change fund for the amount of \$250; and 2) Ratify authorization of the Auditor-Controller's office to facilitate the necessary funds transfer.

**APPROVED AS RECOMMENDED AYES: ALL**

**COMMUNITY AND ECONOMIC DEVELOPMENT**

45. Contract with Antonio Martins for the payment of costs charged by Environmental Planning Partners, Inc. for the preparation of an Initial Study for the Martins View Jersey Dairy Expansion Project (CUP20-002), which is generally located on the west side of North Hunt Road, 0.25 miles south of West Baumbauer Road in the Gustine area.

**AUTHORIZED CONTRACT NO. 2020114 AS RECOMMENDED AYES: ALL**

**REVIEW BOARD ORDER – SEE PAGE 14**

46. Contract with Environmental Planning Partners, Inc. to prepare an Initial Study for the Martins View Jersey Dairy Expansion project (CUP20-002), which is generally located on the west side of North Hunt Road, 0.25 miles south of West Baumbauer Road in the Gustine area.

**AUTHORIZED CONTRACT NO. 2020115 AS RECOMMENDED AYES: ALL**

47. Memorandum of Understanding between Merced County and the Merced Local Agency Formation Commission (LAFCO) for support services from the County's Community and Economic Development Department for the 2020-21 Fiscal Year.

**AUTHORIZED CONTRACT NO. 2020116 AS RECOMMENDED AYES: ALL**

48. 1) Adopt Resolution approving submittal of the CDBG grant application for the creation of the Small Business Relief Grant Program; 2) Authorize the Director of Community and Economic Development to: a.) Execute grant application and any additional documents necessary to complete the application process; b.) Upon successful award, to accept the award by executing standard agreements and any subsequent amendments that are necessary for participation, subject to review and approval by County Counsel; 3) Authorize the Community



and Economic Development Director to administer the aforementioned grant, and authorize the Director to execute documents as necessary for the proper administration of this specialized CDBG funding; 4) Authorize the Director of Community and Economic Development, with concurrence of the County Executive Officer, to create a "Committee" consisting of three members to include two members of private business and Director/Deputy Director of Community and Economic Development to review and approve applications; and 5) Direct Community and Economic Development to return to the Board with an information item of all actions taken.

**ADOPTED RESOLUTION NO. 2020-55 AS RECOMMENDED      AYES: ALL**  
**REVIEW BOARD ORDER – SEE PAGES 14 - 16**

**DISTRICT ATTORNEY**

49. 1) Approve the District Attorney's participation in the Worker's Compensation Insurance Fraud Program and authorize the District Attorney to submit a grant application to the California Department of Insurance for continued funding in the requested amount of \$244,824 for FY 20/21; and 2) Adopt a Resolution authorizing the District Attorney to execute the Grant Award Agreement.

**ADOPTED RESOLUTION NO. 2020-56 AS RECOMMENDED      AYES: ALL**

**LIBRARY**

50. 1) Accept the allocation in the amount of \$5,000 from the California State Library through Southern California Library Cooperative for Crisis Collection Funding to purchase e-resources by June 30, 2020; and 2) Approve the related Budget Transfer. (4/5 Vote Required)

**APPROVED AS RECOMMENDED      AYES: ALL**

**TREASURER**

51. 1) Approve the application for Relief of Accountability as submitted by the Tax Collector for collection of unsecured property taxes duly assessed for the calendar year 2009 and other accounts deemed uncollectible, in the amount of \$416,120.62 plus \$41,608.33 in penalties and \$3,160 in fees and costs as submitted on Exhibit A; and 2) Execute the Order of Relief of Accountability and authorize the Auditor-Controller to reduce the outstanding delinquent unsecured tax roll by the sum of \$460,888.95.

**PULLED – NO ACTION TAKEN**

**BOARD APPOINTMENTS**

52. 1) Reappoint Sally Ragonut, representing District 3 to serve on the Merced County Behavioral Health Advisory Board until June 30, 2023; 2) Reappoint Micki Archuleta, representing Member-At-Large, to serve on the Merced County Behavioral Health Advisory Board until June 30, 2023; and 3) Appoint Kim Carter, representing Member-At-Large, to serve on the Merced County Behavioral Health Advisory Board until June 30, 2022.

**APPROVED AS RECOMMENDED      AYES: ALL**

53. Reappoint George Park to serve as a member of the Lower San Joaquin Levee District, until June 4, 2024.

**APPROVED AS RECOMMENDED      AYES: ALL**

**BOARD OF SUPERVISORS**

54. Consider a Resolution requesting the implementation of the Vehicle Miles Traveled (VMT) standards recommended by the Governor's Office of Planning and Research be delayed for two years until the effects of COVID-19 have subsided.

**ADOPTED RESOLUTION NO. 2020-57 AS RECOMMENDED AYES: ALL**

**BOARD INFORMATION & POSSIBLE ACTION**

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

55. WARN Notices for the following businesses: TJX Companies, Inc. Marshall's Store - 1200 Commerce Avenue, Atwater, Marshall's Store - 1301 West Pacheco Blvd., Los Banos; Enterprise Rent-A-Car - 1334 W. Main Street, Merced; and Western Dental and Orthodontics - 12 W. 20th Street, Merced, 1153 W. Pacheco Blvd., Los Banos, 1124 W. Olive Ave. Merced; Golden Valley Health Centers - 1910 Customer Care Way, Atwater, 747 West Child Avenue, Merced, 857 West Child Avenue, Merced, 3940 Sandpiper Avenue, Merced, 847 W Childs Avenue, Merced, 737 W Childs Avenue, Merced, 1405 California Street, Dos Palos, and Kohl's Department Stores, Inc. - 400 Merced Mall, Merced. (Copies of notices on file with the Clerk).

**REVIEW BOARD ORDER – SEE PAGE 16**

56. California State Water Resources Control Board re: Notice of Petition for Temporary Change Involving the Transfer/Exchange from Department of Water Resources Permit 16479 (Application 14443) and the Specified License and Permits of the U.S. Bureau of Reclamation.
57. Kronick, Moskovitz, Tiedemann & Girard re: Temporary Water Transfer from Sugar Pine Reservoir Permit 15375 (Application 21945). (On file with the Clerk).
58. Department of Water Resources re: Petition for the North of O'Neill Forebay Long-Term Exchanges Between the Department of Water Resources and U.S. Bureau of Reclamation. (On file with the Clerk).
59. Merced County Mosquito Abatement District re: General Manager's Report April 21st through May 19, 2020.

**THE BOARD ADOPTED RESOLUTION IN MEMORY OF BOBBY ERRECA AND  
ADJOURNED THE MEETING AT 12:27 P.M. UNTIL TUESDAY, JUNE 16, 2020, AT 10:00  
A.M**

## **BOARD ORDERS – SUMMARY ACTION MINUTES – JUNE 9, 2020**

### **10:00 A.M. PRESENTATION**

#### **2020-06-09 HUMAN SERVICES AGENCY – ALL DADS MATTER**

Lamar Henderson, Program Coordinator gives an overview of the All Dads Matter Program through the Merced County Human Services Agency. He thanks his amazing team and introduces Rick Brown, a Social Worker that helps with their program.

Jim Brown, County Executive Officer thanks Mr. Henderson for all his work with the program and states that on today's agenda the Human Services Agency has an item proclaiming June 2020 as "All Dads Matter Month" in Merced County.

Supervisor McDaniel thanks Mr. Henderson for all his work and states that the program has been successful because of him.

Supervisor Lor thanks Mr. Henderson for his amazing work in the community and mentions the All Moms Matter Program as well.

Supervisor Pareira echoes Supervisor McDaniel and Supervisor Lor's comments and states this program has touched lives.

Supervisor Silveira thanks Mr. Henderson and states his passion is why this program is so successful.

Supervisor Espinoza thanks Mr. Henderson as well.

Present: Espinoza, Lor, McDaniel, Pareira, Silveira

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

#### **2020-06-09 COVID-19 UPDATE**

Dr. Nanyonjo-Kemp, Public Health Director introduces Dr. Sandoval, Health Officer and Dr. Sullivan, Supervising Epidemiologist.

A PowerPoint presentation is given covering the following: Current Merced County Case Count, Testing Update, COVID-19 Demographics, How is COVID-19 Spreading?, Disease Course in Merced County, Merced County Reopening Update, Merced County Meets State's Attestation Readiness Criteria, Sectors Able to Reopen 6/12/2020 (With Adaptations), Resources Needed to Prevent Further Shutdown, #StaySafeStayOpen Campaign, and Public Health Department Operation Center Demobilization.

The Board has lengthy discussion on the update.

Present: Espinoza, Lor, McDaniel, Pareira, Silveira

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

#### **2020-06-09 HUMAN SERVICES AGENCY – PUBLIC HEARING**

The time and date previously scheduled to solicit comments regarding the Five-Year Permanent Local Housing Allocation (PLHA) Expenditure Plan.

Yvonnia Brown, Human Services Agency Director gives an overview of the Five-Year Permanent Local Housing Allocation Expenditure Plan and states they are excited about this potential grant opportunity and that the funds will be used to support the Navigation Center.

Supervisor Silveira thanks Ms. Brown and states that the most expensive thing is going to be operating the Navigation Center.

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 Pareira, duly carried, the Board adopts the Five-Year PLHA Expenditure Plan; adopts Resolution No. 2020-52 authorizing Human Services Agency Director, or designee, to submit an application in the amount of \$310,947 for the first year of the Five-Year PLHA expenditure plan of Merced Navigation Center operations to the California Department of Housing and Community Development (HCD) prior to July 27<sup>th</sup>, deadline, and execute all documents related to the grant application; and directs the Human Services Agency Director to return to the Board with the application results and to accept the award.

Ayes: Espinoza, Lor, McDaniel, Pareira, Silveira

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

**2020-06-09 ELECTIONS – SECOND READING – PROPOSED ORDINANCE**

The time and date previously scheduled for a request to add Chapter 1.01, Title 4 of the Merced County Code “An Ordinance Relating to the Adoption of Electronic Filing Requirements for Campaign Finance Disclosures”.

The Chairman asks if there is anyone wishing to speak on the proposed ordinance.

No one speaks.

Upon motion of Supervisor Pareira, seconded by Supervisor Silveira, duly carried, the Board waives further reading of the proposed ordinance, and adopts Ordinance No. 1991 entitled “An Ordinance Relating to the Adoption of Electronic Filing Requirements for Campaign Finance Disclosures” (Adding Chapter 1.01, Title 4, to the Merced County Code).

Ayes: Espinoza, Lor, McDaniel, Pareira, Silveira

**CONSENT ITEM NO. 13**

**2020-06-09 HUMAN SERVICES AGENCY**

The Clerk announces item to approve and authorize the Chairman to sign Amendment Contract No. 2019172 with Taher, Inc. for a Congregate Meals Production Program for Seniors is before the Board for consideration.

Supervisor Espinoza comments that it states seven sites and questions if more sites can be added.

Yvonnia Brown, Human Services Agency Director responds that we have seven sites and those are based off of the funding that we have available but there may be more options/funding in the future.

Upon motion of Supervisor Silveira, seconded by Supervisor Lor, duly carried, the Board approves and authorizes the Chairman to sign Amendment Contract No. 2019172 with Taher, Inc. for a Congregate Meals Production Program for Seniors.

Ayes: Espinoza, Lor, McDaniel, Pareira, Silveira

**CONSENT ITEM NO. 23**

**2020-06-09 CHILD SUPPORT SERVICES**

The Clerk announces item to approve and authorize the Chairman to sign Amendment Contract No. 2019250 with the Ogilvy Group, LLC for digital media marketing services and notes that there is a typographical error in the amended contract. Modification B, section 3 entitled Compensation is amended to correctly read: "County agrees to pay agency Ninety Six Thousand Five Hundred Sixty Dollars and no cents" to match the listed dollar amount is before the Board for consideration.

Upon motion of Supervisor Silveira, seconded by Supervisor Lor, duly carried, the Board approves and authorizes the Chairman to sign Amendment Contract No. 2019250 with the Ogilvy Group, LLC for digital media marketing services.

Ayes: Espinoza, Lor, McDaniel, Pareira, Silveira

**ACTION ITEM NO. 34**

**2020-06-09 PUBLIC WORKS**

The Clerk announces the Director of Public Works requests the Board find that substantial evidence demonstrates that an emergency exists regarding the HVAC system at Castle Building 1340, such that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency; and pursuant to Public Contract Code section 20134, approve replacing the HVAC system at Castle Building 1340 without adopting plans, specifications, strain sheets or working details and authorize the Director of Public Works to enter into contracts after review by County Counsel and Risk Management to have the work performed and approve the associated Budget Transfer (4/5 Vote Required). The Clerk notes that there is a technical adjustment and action 3 should read "Approve the associated budget transfer(s) in plural as there are two Budget Transfers before the Board for consideration.

Supervisor Lor questions when we say technical adjustment what does that mean, and what was it?

Jim Brown, County Executive Officer responds that historically Castle pays for their own projects. He further states that when it was put together on the accounting side the figures were entered on one side of the equation and not the other to move the funds over to Capital Improvements, essentially just completing the accounting transaction portion of the project.

Supervisor Lor comments that this is an item that will replace HVAC system at Castle Building 1340 and questions what makes this an emergency and not other buildings like the Community and Veterans Halls.

Dana Hertfelder, Director of Public Works responds that this system at Castle has failed and with summer coming and the high temperatures anticipated that is why it is an emergency. He states that in regards to the Merced Veterans Hall, it is an older building, more difficult, has swamp coolers,

and more architectural design review to be done. He further states that on the Veteran's Hall they have had to work with PG&E.

Supervisor Espinoza comments on the emergency agenda items and states that whenever we can we should go out to bid as much as possible so there is a fair process.

Upon motion of Supervisor Silveira, seconded by Supervisor Lor, duly carried the Board finds that substantial evidence demonstrates that an emergency exists regarding the HVAC system at Castle Building 1340, such that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency; pursuant to Public Contract Code Section 20134, approve replacing the HVAC system at Castle Building 1340 without adopting plans, specifications, strain sheets or working details and authorize the Director of Public Works to enter into contracts after review by County Counsel and Risk Management to have the work performed; and approves the associated Budget Transfer (4/5 Vote Required).

Ayes: Espinoza, Lor, McDaniel, Pareira, Silveira

#### **ACTION ITEM NO. 45**

##### **2020-06-09 COMMUNITY AND ECONOMIC DEVELOPMENT**

The Clerk announces a contract with Antonio Martins for the payment of costs charged by Environmental Planning Partners, Inc. for the preparation of an Initial Study for the Martins View Jersey Dairy Expansion Project (CUP20-002), which is generally located on the west side of North Hunt Road, 0.25 miles south of West Baumbauer Road in the Gustine area is before the Board for consideration.

Supervisor Lor questions page 1 of the applicant agreement whereby it states applicant hereby agrees to reimburse the County for costs, and asks if this is a loan?

Mark Hendrickson, Director of Community and Economic Development responds that it is not a loan and further explains that on this agenda there are two items, one that establishes the relationship between the applicant and the County and the other that establishes the relationship between the County and the Environmental Consultant. The applicant will be paying the County for the County to pay the consultant for the work to be done.

Upon motion of Supervisor Lor, seconded by Supervisor Silveira, duly carried, the Board approves contract with Antonio Martins for the payment of costs charged by Environmental Planning Partners, Inc. for the preparation of an Initial Study for the Martins View Jersey Dairy Expansion Project (CUP20-002), which is generally located on the west side of North Hunt Road, 0.25 miles south of West Baumbauer Road in the Gustine area.

Ayes: Espinoza, Lor, McDaniel, Pareira, Silveira

#### **ACTION ITEM NO. 48**

##### **2020-06-09 COMMUNITY AND ECONOMIC DEVELOPMENT**

The Clerk announces an item to Adopt Resolution approving submittal of the CDBG grant application for the creation of the Small Business Relief Grant Program; authorize the Director of Community and Economic Development to: a) Execute grant application and any additional documents necessary to complete the application process, b) Upon successful award, to accept the award by executing standard agreements and any subsequent amendments that are necessary for participation, subject to review and approval by County Counsel; Authorize the Community and Economic Development Director to administer the aforementioned grant, and authorize the Director

to execute documents as necessary for the proper administration of this specialized CDBG funding; Authorize the Director of Community and Economic Development, with concurrence of the County Executive Officer, to create a "Committee" consisting of three members to include two members of private businesses and Director/Deputy Director of Community and Economic Development to review and approve applications; and Direct Community and Economic Development to return to the Board with an information item of all actions taken is before the Board for consideration.

Supervisor Lor asks if this grant opportunity to businesses will be available to non-profit organizations.

Mark Hendrickson, Director of Community and Economic Development gave a brief background on the California Department of Housing and Community Development (HCD) announced last week via a NOFA the availability of resources for the purposes of helping communities non entitlement jurisdictions with resources that stem from the CARES Act. He noted a list of requirements and stated that our program is modeled after the Stanislaus County program which excludes non-profit organizations from this potential funding.

Supervisor Lor states she would like staff to modify the recommendation to expand and to include local non-profit organizations.

Mr. Hendrickson clarified for his staff and the Board that the proposal applies to the unincorporated areas of Merced County.

Jim Brown, County Executive Officer states that this NOFA and funding is available to each city if they so choose to establish similar programs.

Supervisor Silveira questions if there is a specific date this is due back to CDBG.

Mr. Hendrickson responds that the sooner the better in order to get resources out to businesses but no later than August 31 and also stated that the application period opened up yesterday.

Supervisor Silveira questions if this will delay us by adding non-profits.

Mr. Hendrickson responds that it should not delay us much.

Supervisor McDaniel questions if this particular funding will be subject to auditing and who will be responsible for it.

Mr. Hendrickson responds they do expect auditing and reporting requirements with the grant, and businesses as beneficiaries would also be required to submit reports and how they benefited.

Supervisor Silveira questions non-profits that are local and what that means. Can they be based out of a different county or do they need to be based in Merced County?

Mr. Hendrickson states they will be required to have a Merced County business license and could include that they must be a non-profit located in unincorporated Merced County.

Supervisor Lor states we can include non-profit organizations would have to be located in unincorporated areas of Merced County.

Forrest Hansen, County Counsel states we should add to the motion to the extent allowed by the terms of the grant.

Upon motion of Lor, seconded by Supervisor Silveira, duly carried, the Board modifies recommendation to include local non-profits in unincorporated Merced County to the extent allowed by the grant and adopts Resolution No. 2020-55 approving submittal of the CDBG grant application for the creation of the Small Business Relief Grant Program; authorizes the Director of Community and Economic Development to: a) Execute grant application and any additional documents necessary to complete the application process, b) Upon successful award to accept the award by executing standard agreements and any subsequent amendments that are necessary for participation, subject to review and approval by County Counsel; Authorize the Community and Economic Development Director to administer the aforementioned grant, and authorize the Director to execute documents as necessary for the proper administration of this specialized CDBG funding; Authorize the Director of Community and Economic Development, with concurrence of the County Executive Officer, to create a "Committee" consisting of three members to include two members of private business and Director/Deputy Director of Community and Economic Development to review and approve applications; and direct Community and Economic Development to return to the Board with an information item of all actions taken.

Ayes: Espinoza, Lor, McDaniel, Pareira, Silveira

## **BOARD INFORMATION AND POSSIBLE ACTION ITEM**

### **2020-06-09 ITEM NO. 55**

The Clerk announces WARN Notices for the following businesses: TJX Companies, Inc. Marshall's Store – 1200 Commerce Avenue, Atwater, Marshall's Store – 1301 West Pacheco Blvd., Los Banos; Enterprise Rent-A-Car – 1334 W. Main Street, Merced; and Western Dental and Orthodontics – 12 W. 20<sup>th</sup> Street, Merced, 1153 W. Pacheco Blvd., Los Banos, 1124 W. Olive Ave. Merced; Golden Valley Health Centers – 1910 Customer Care Way, Atwater, 747 West Childs Avenue, Merced, 857 West Childs Avenue, Merced, 3940 Sandpiper Avenue, Merced, 847 W. Childs Avenue, Merced, 737 W. Childs Avenue, Merced, 1405 California Street, Dos Palos, and Kohl's Department Stores, Inc. – 400 Merced Mall, Merced is before the Board.

Supervisor Lor asks staff to explain to the public what a WARN Notice is.

David Mirrione, Assistant County Executive Officer/Director of Workforce Investment responds that a WARN Notices is a document that is required to be filed by businesses that are laying off 50 employees or more and goes to our partners at the EDD Office, the Board of Supervisors and the Department of Workforce Investment.

Upon motion of Supervisor Silveira, seconded by Supervisor McDaniel, the Board moves to file WARN Notices received.

Ayes: Espinoza, Lor, McDaniel, Pareira, Silveira