



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, SEPTEMBER 15, 2020

Closed Session – 8:30 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.

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

PUBLIC COMMENT (Voicemail): You may also submit a general public comment for items not on the day's agenda or comment on an agenda item via voice message by calling 209-385-7319. All voicemails received prior to 9:00 am on the day of the meeting will be played during the meeting, as time allows. Voicemails will be limited to three minutes in length. Please submit one comment per voicemail and if commenting on an agenda item, please identify the agenda item number in your voicemail. If you wish to do so, please identify yourself in your voicemail. Phone numbers will not be made part of the record of the meeting.

PUBLIC COMMENT (Email): Email public comments will not be read during the meeting, but will be delivered to the Board of Supervisors prior to the meeting if received by 5:00pm on the Monday prior to the Board meeting. Please send email public comments to the Clerk of the Board at publiccomments@countyofmerced.com. These comments will be made part of the record.

In an effort to assist the Clerk in identifying the agenda item relating to your public comment please indicate in the Subject Line, the meeting body (i.e. Board of Supervisors Agenda) and item number (i.e. Item No. 10). If you wish to do so, please identify yourself in the email. Email addresses will not be made part of the record of the meeting. Comments made on Facebook are not considered part of the official record and will not be shared with the Board.

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: (In Person)

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.

PUBLIC HEARINGS: (Via Voicemail) Public comment for public hearings will be taken in person and by voicemail. Voicemails directed to the public hearing will be accepted up to and during the public hearing. The Board of Supervisors will take a brief pause during the public hearing for persons using voicemail. Please call 209-726-2755 to leave your voicemail.

In an effort to assist the Clerk in identifying the Public Hearing agenda item relating to your public comment please identify the subject matter in your voicemail. If you wish to do so, please identify yourself in your voicemail. Phone numbers will not be made part of the record of the meeting.

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

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

8:30 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 - INITIATION
OF LITIGATION:**

It is the intention of the Board to meet in Closed Session concerning Initiation of Litigation pursuant to Government Code Section 54956.9(d)(4): Two Cases

REVIEW BOARD ORDER – SEE PAGE 11

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: 2691 Lobo Avenue in Merced

Agency Negotiator: Dana Hertfelder, Director of Public Works

Negotiation Parties: Gonella Realty

Under Negotiation: Price and terms of payment for potential acquisition

REVIEW BOARD ORDER – SEE PAGE 11

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: 3 acre parcel located on Luis Avenue and Vera Cruz Drive in Santa Nella

Agency Negotiator: Dana Hertfelder, Director of Public Works

Negotiation Parties: K. Hovanian Homes

Under Negotiation: Price and terms of payment for potential acquisition

THE BOARD RECESSED AT 8:33 A.M. WITH SUPERVISOR ESPINOZA AND SUPERVISOR PAREIRA NOT PRESENT AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT, AND THE CHAIRMAN ADVISED STAFF WAS GIVEN DIRECTION

GOVERNMENT CODE SECTION 54954.2 COMPLIANCE (LATE AGENDA ITEMS)

10:00 A. M.

INVOCATION led by Reverend Don Ramsey/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 PAGES 12 AND 13

APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 15)

PRESENTATIONS:

BEHAVIORAL HEALTH ADVISORY BOARD ANNUAL REPORT

REVIEW BOARD ORDER – SEE PAGES 13 AND 14

COVID-19 UPDATE

REVIEW BOARD ORDER – SEE PAGE 14

PUBLIC HEARING:

ASSESSOR - PUBLIC HEARING

To Consider Proposed Ordinance entitled "An Ordinance amending the Merced County Assessor Fee Schedule".

RECOMMENDATION:

- 1) Introduce the proposed Ordinance entitled "An Ordinance Amending the Merced County Assessor Fee Schedule" (Amends Ordinance 1951 and Merced County Code Chapter 5.91.030);
- 2) Waive further reading;
- 3) Open Public Hearing and receive testimony;
- 4) Close the Public Hearing; and
- 5) Adopt the proposed Ordinance amending the Merced County Assessor Fee Schedule.

REVIEW BOARD ORDER – SEE PAGE 14

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-15)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. 1) Adopt Resolution designating the intersection of Bell Drive and Bert Crane Road in the Atwater area as an all-way stop intersection; and 2) Direct the Director of Public Works to post stop signs on the Bell Drive approaches to its intersection with Bert Crane Road.

ADOPTED RESOLUTION NO. 2020-90

2. Approve and authorize the Chairman to sign Revitalization/Amendment to Contract No. 2019346 with Siemens Industry, Inc. for HVAC Control Replacement at John Latoracca Correctional Center.
3. Approve and authorize the Chairman to sign Revitalization/Amendment to Contract No. 2019347 with Siemens Industry, Inc. for the HVAC Control Replacement at the Main County Jail.

Health

4. PULLED

Behavioral Health and Recovery Services

5. Retroactively approve and authorize the Chairman to sign Amendment Contract No. 2014197 with Livingston Community Health for services provided through the Integrated Primary Care Program, as part of the Mental Health Services Act, updating insurance to meet County standards, and amending exhibit A, B, C, and E.
6. Retroactively approve and authorize the Chairman to sign Amendment Contract No. 2018154 with Golden Valley Health Centers for services provided through the Integrated Primary Care Program as part of the Mental Health Services Act, updating the insurance to meet County standards, and amending exhibit A, B, C, and E.
7. Retroactively approve and authorize the Chairman to sign Amendment Contract No. 2014155 with Merced Lao Family Community, Inc. for services provided through the Integrated Primary Care Program, as part of the Mental Health Services Act, updating the insurance to meet County standards, and amending exhibit A, B, and C.

Human Services Agency

8. Approve and authorize the Chairman to sign Amendment Contract No. 2020101 with Merced County Office of Education for Childcare Services through A Child Care & Education Services System (ACCESS) to provide Stage One Child Care Services.

Community and Economic Development

9. Set a Public Hearing for October 6, 2020 at 10:00 a.m. to consider adoption of amendments to Title 18 (Zoning). The provisions of this text amendment would be effective in all unincorporated areas of the County of Merced.
10. Approve and authorize the Chairman to sign Amendment Contract No. 2018266 with QK, Inc. for the preparation of a water supply assessment and water and wastewater master plan for the Winton Community Plan Update Environmental Impact Report.

Executive Office

11. Approve and authorize the Chairman to sign Amendment Contract No. 2016201 with George Hills Company to provide general and auto liability claims third party administrator services.
12. Act on Claims for Damages submitted by William Thomas, Jerome Herlicy, Javier Rodriguez, John Steele, Mercy Steele and Antonio C. Estrada as recommended by Risk Management and County Counsel.
13. Approve budget transfers appropriating Coronavirus Relief Funds and Long-Term Facilities funds for use in community outreach and engagement, facility retrofit for employee social distancing requirements, improving telework capabilities, and procuring personal protective equipment and sanitation supplies. (4/5 Vote Required)

Board Recognition

14. Certificates in Recognition and appreciation for extraordinary effort and help with KiDS Discovery Station to various individuals, presented on August 25, 2020.

15. Certificate of Recognition for Graduation from Merced County Drug Treatment Court to David Allen, presented August 28, 2020.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

16. 1) Adopt the plans and specifications for the Delhi Community Pedestrian and Bicycle Connectivity Project, a project to install sidewalks on various streets in the unincorporated community of Delhi; 2) Direct the Department of Public Works to advertise the project and conduct a public bid opening; 3) Authorize the Director of Public Works to award and execute a construction contract to the lowest responsible bidder upon approval of County Counsel and Risk Management; and 4) Direct Public Works to return to the Board with an informational item describing all actions taken.

AUTHORIZED CONTRACT NO. 2020187 AS RECOMMENDED AYES: ALL

17. 1) Adopt the plans and specifications for the Main Administration Building Landscape Improvements Phase 1; 2) Authorize the Department of Public Works to advertise said Plans and Specifications for a Public Bid Opening; 3) Authorize the Director of Public Works to award a construction contract to the lowest responsible bidder provided said bid is within the established budget; 4) Authorize the Chairman to execute said construction contract upon review of Public Works, Risk and County Counsel; and 5) Direct Public Works to return to the Board with an informational item describing all actions taken.

AUTHORIZED CONTRACT NO. 2020188 AS RECOMMENDED AYES: ALL

18. The Director of Public Works requests the Board find that substantial evidence demonstrates that an emergency continues to exist regarding the HVAC System at 1900 Airdrome Entry (Castle), 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)

PULLED – NO ACTION TAKEN

19. 1) The Director of Public Works requests the Board find that substantial evidence demonstrates that an emergency exists regarding the need for infrastructure to support video conferencing at the John Latoracca Correctional Center, 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 installing the necessary infrastructure to support video conferencing at the John Latoracca Correction Center without adopting plans, specifications, strain sheets or working details.

APPROVED AS RECOMMENDED AYES: ALL

20. 1) The Director of Public Works requests the Board find that substantial evidence demonstrates that an emergency exists regarding the need for infrastructure to support video conferencing at the Main County Jail, 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 installing the necessary infrastructure to support video conferencing at the Main County Jail without adopting plans, specifications, strain sheets or working details.

APPROVED AS RECOMMENDED AYES: ALL

HEALTH

21. Retroactively approve contract with California Department of Public Health - STD Control Branch (State Contract No. 19-10966) for community-based STD prevention and control services; and adopt Resolution.

AUTHORIZED CONTRACT NO. 2020186 AND ADOPTED RESOLUTION NO. 2020-91 AS RECOMMENDED AYES: ALL

22. Retroactively approve the Intergovernmental Agreement No. 19-96439 with the California Department of Health Care Services for the transfer of public funds; and authorize the Chairman to sign all copies of the agreement.

AUTHORIZED CONTRACT NO. 2020189 AS RECOMMENDED AYES: ALL

BEHAVIORAL HEALTH AND RECOVERY SERVICES

23. Retroactively approve contract with Rainbow Valley Group Home, LLC for the provision of specialty mental health services to youth clients.

AUTHORIZED CONTRACT NO. 2020190 AS RECOMMENDED AYES: ALL

24. Approve termination of Contract No. 2018051 with Dr. Cynthia Hunt for psychiatric services for youth clients, under Section 9, entitled "Termination for Convenience", effective retroactively to September 1, 2020.

APPROVED AS RECOMMENDED AYES: ALL

25. Authorize Behavioral Health and Recovery Services to accept donations for the Annual Toy Drive, with monetary donations to be used for the Toy Drive and for no other purpose; and authorize Behavioral Health and Recovery Services to conduct Toy Drives on behalf of underserved youth from September 15, 2020 until December 31, 2020.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

26. Authorize the Human Services Agency to accept donations, and to engage in fundraising activities on behalf of foster and at-risk youth, starting from October 1, 2020 throughout the fiscal year 2020/2021.

APPROVED AS RECOMMENDED AYES: ALL

COMMUNITY AND ECONOMIC DEVELOPMENT

27. Contract with RRM Design Group for consulting services for the Franklin-Beachwood Community Plan Update.

AUTHORIZED CONTRACT NO. 2020191 AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGES 14 AND 15

28. Adopt Resolution authorizing application for and receipt of Local Early Action Planning Grants program funds; and authorize the Director of Community and Economic Development to take

any actions required to submit an application to the Local Early Action Planning Grants program in the amount of \$300,000 for the development of a Mixed-Use Site Inventory and Rezoning Project, and accept those funds if awarded.

ADOPTED RESOLUTION NO. 2020-92 AS RECOMMENDED AYES: ALL

29. Adopt Resolution authorizing the Director of Community and Economic Development to execute agreements with the California Department of Transportation for the Franklin-Beachwood Interconnectivity Plan.

ADOPTED RESOLUTION NO. 2020-93 AS RECOMMENDED AYES: ALL

30. 1) Ratify the execution by the County Executive Officer accepting FAA-21 Grant related to Runway Rubber Removal and Rejuvenation Project; and 2) Authorize the Director of Community & Economic Development to take any further administrative actions as necessary upon concurrence of CEO and County Counsel.

AUTHORIZED CONTRACT NO. 2020192 AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 15

31. Approve and authorize the Chairman to sign Amendment Contract No. 2020039 with KPMG, LLP for the procurement of a third-party operator and to advise the County on program management associated with the California Auto Tech Testing and Development Center (CATDC) located at the Castle Commerce Center.

AUTHORIZED CONTRACT NO. 2020039 AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGES 11 AND 12

CHILD SUPPORT SERVICES

32. 1) Approve and authorize the Chairman to sign the Memorandum of Agreement dated July 9, 2020 between the California Department of Child Support Services and Merced County Department of Child Support Services for OCSE Discretionary Grant #90FD0215-01-0 for the period October 1, 2018 - September 30, 2021 in the amount of \$219,260; and 2) Authorize the Director of Child Support Services, or her designee, to sign and execute all necessary documents related to the grant.

AUTHORIZED CONTRACT NO. 2020193 AS RECOMMENDED AYES: ALL

33. Memorandum of Agreement with the California Department of Child Support Services and Merced County Department of Child Support Services to implement the Statewide Social Media Offering of California Department of Child Support Services Office of Communication and Public Affairs (CA DCSS OCPA) for the purpose of expanding social media services.

AUTHORIZED CONTRACT NO. 2020194 AS RECOMMENDED AYES: ALL

DISTRICT ATTORNEY

34. 1) Approve the District Attorney's participation in the Automobile 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 \$186,105 for FY 20/21; and 2) Adopt Resolution authorizing the District Attorney to execute the Grant Award Agreement.

AUTHORIZED CONTRACT NO. 2020195 AND ADOPTED RESOLUTION NO. 2020-94 AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGES 15 AND 16

35. 1) Adopt Resolution authorizing the District Attorney's participation in the Victim Witness Assistance Program, authorizing the District Attorney to execute the grant award agreement and any modifications, amendments and extensions, and authorizing the District Attorney and Chairman to sign the Certification of Assurance of Compliance; and 2) Ratify the submission of the Victim Witness Assistance Program Proposal in the amount of \$608,157 for FY 20/21 by the District Attorney.

AUTHORIZED CONTRACT NO. 2020196 AND ADOPTED RESOLUTION NO. 2020-95 AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 16

TREASURER

36. 1) Adopt Resolution establishing the Treasurer's Dry Period Financing (Borrowing) Program; and 2) Adopt the Treasurer's Dry Period Financing Policy.

ADOPTED RESOLUTION NO. 2020-96 AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGES 16 AND 17

SHERIFF

37. Authorize the Probation, Sheriff's Office and Merced County Fire to accept donations and conduct toy drives for the Operation Christmas Star Toy Drive from October 1, 2020 until December 31, 2020.

APPROVED AS RECOMMENDED AYES: ALL

38. 1) Approve to relieve the Sheriff's Office of accountability for 25 fixed assets listed under budget units 22100 (Operations), 23000 (Corrections) and 24000 (Coroner); and 2) Approve the Auditor Controller's Office to remove the items from the Sheriff Office Fixed Asset Inventory.

APPROVED AS RECOMMENDED AYES: ALL

FIRE

39. 1) Authorize the Chairman to accept and execute the terms outlined in the grant agreement in the amount of \$20,000 from the Volunteer Fire Assistance (VFA) Grant Program; 2) Adopt Resolution authorizing the Chairman to sign the agreement, the AD-1048 Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier covered transactions, and any amendments thereto with the California Department of Forestry; and 3) Authorize Administrative Services, in conjunction with Merced County Fire Department to purchase the needed Personal Protective Equipment.

AUTHORIZED CONTRACT NO. 2020197 AND ADOPTED RESOLUTION NO. 2020-97 AS RECOMMENDED AYES: ALL

40. Determine the animal mortality rate hazard no longer exists and terminate the local emergency effective September 15, 2020.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN RESOURCES

- 41. Acknowledge the 2021 premium increase of 10.3% for all medical plans. Authorize premium payments to the Third-Party Administrator, Benefit Coordinators Corporation, and authorize the Chairman to sign all related documents.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

- 42. Approve and authorize the Chairman to execute the Non-Sharing Tax Agreement with the Clayton Water District to allow for the annexation of thirty-three (33) Merced County parcels into the district.

AUTHORIZED CONTRACT NO. 2020198 AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

- 43. Reappoint Jennifer Rocha, representing Child Care Provider-BOS and Dr. Danielle Waite, representing Public Member (Discretionary) BOS to the Merced County Collaborative for Children and Families, until June 30, 2022.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

- 44. Public Works re: Contract No. 2020023 was awarded to St. Francis Electric, San Leandro, CA in the amount of \$617,550 for the Stephens Street Road Diet Improvement Project.
- 45. Public Works re: Contract No. 2020091 was awarded to Avison Construction, Inc. Madera, CA in the amount of \$1,148,263 for the Lobo Avenue Complete Street Upgrade Project.
- 46. Health re: Amendment 20 and 21 Physician Services Agreement with The Central California Alliance for Health Contract No. 2010280 to modify Exhibit B Medi-Cal Program Attachment and implement the Referral Physician Specialty Care Incentive Program for 2020.
- 47. Merced County Mosquito Abatement District re: General Manager's Report July 21 - August 18, 2020.
- 48. Fish & Game Commission re: Notice of Proposal for a 90-day extension of emergency action with regard to the emergency purple sea urchin.
- 49. WARN Notice for the following businesses: Western Dental & Orthodontics - 1124 W. Olive Avenue, and 12 W. 20th Street, Merced; and Golden Valley Health Centers - 9235 W. Broadway, Planada, 747 W. Childs Avenue, Merced, 13161 Jefferson Street, Le Grand, 1405 California Street, Dos Palos, and 1910 Customer Care Way, Atwater.

THE BOARD ADJOURNED THE MEETING AT 1:30 P.M. UNTIL TUESDAY, SEPTEMBER 29, 2020, AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – SEPTEMBER 15, 2020

8:30 A.M. SCHEDULED ITEM

2020-09-15 CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION

The Clerk announces that it is the intention of the Board to meet in Closed Session concerning Initiation of Litigation pursuant to Government Code Section 54956.9(d)(4): Two Cases and that one of the cases has been pulled.

Present: Lor, McDaniel, Silveira

Absent: Espinoza, Pareira

8:30 A.M. SCHEDULED ITEM

2020-09-15 CLOSED SESSION – CONFERENCE WITH REAL PROPERTY NEGOTIATOR

The Clerk announces that 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: 2691 Lobo Avenue in Merced

Agency Negotiator: Dana Hertfelder, Director of Public Works

Negotiation Parties: Gonella Realty

Under Negotiation: Price and terms of payment for potential acquisition

The Vice Chair calls for Public Comment on the Closed Session items.

A voicemail received from Estella Dunn was played in regards to the property at 2691 Lobo Avenue in Merced.

Present: Lor, McDaniel, Silveira

Absent: Espinoza, Pareira

ACTION ITEM NO. 31

2020-09-15 COMMUNITY AND ECONOMIC DEVELOPMENT

Chairman Espinoza announces that in an effort to maximize resources and efficiencies, item 31 is being brought forward on our agenda together with a presentation from KPMG who join us from Chicago, Denver, San Francisco and Modesto.

Mark Hendrickson, Community and Economic Development Director opens and gives an overview of the amendment to the contract with KPMG, LLP to assist the County with Autonomous Vehicle third-party operator procurement and project advisory services associated with the California Auto Tech Testing and Development Center (CATDC) at Castle. Mr. Hendrickson introduces Dan Feitelberg, Principal with KPMG, LLP who opens the presentation.

Mr. Feitelberg introduces Ted Hamer, Managing Director with KPMG, LLP who reviews slides covering the following: **Advancing the Vision for the Castle Auto Tech Testing Facility;** **Autonomous vehicles (AVs) are multi-billion dollar industry with a strong Silicon Valley presence (the ambition is to leverage Castle as a formal Auto Tech Facility;** **As a part of our approach we have already completed a market sounding and have presented a potential commercial structure to bring on an Operator at the Auto Tech Facility;** **Our approach leveraged research, financial analysis, and interviews with global players in the proving ground Operator and AV market to help the County identify a path forward;** **Interviews from market sounding and commercial structuring revealed**

international and domestic interest in developing Castle's Auto Tech Facility; Our analysis indicated that while Castle is currently generating revenue for the County, bringing on a professional operator could bring additional prospective benefits to Merced County; Our analysis included a high-level financial assessment which indicates the potential range of financial impacts, including the possibility for increased net cash flow to the County; The proposed next step is to competitively seek proposals from interested operators with a transparent procurement process with the goal of concluding by January 2021; and Alternatively, the County has two other options if it chooses not to move forward with commencing the procurement of an operator.

Supervisor McDaniel thanks Dan, Ted and their team for the presentation and states that this project has moved quickly and that he is very confident with this decision. He clarifies this is not an impact to the General Fund; the County will be using grant funds for this project.

Supervisor Pareira states that he and Supervisor McDaniel serve on the Ad Hoc Committee and have seen these kinds of presentations and was most impressed with the quality of the work and their knowledge of this industry and thanks KPMG for the presentation today.

Supervisor Silveira comments that he appreciates the team's confidence, and also hearing from Supervisor McDaniel and Pareira since they are part of the Ad Hoc Committee. He also states that he appreciates the team's confidence with an aggressive timeline but still promising to deliver something by January 2021.

The Chairman asks if there is anyone from the public wishing to speak on this item.

Todd White questions if they will be using existing infrastructure for this project.

Mr. Hendrickson responds that it will be a little bit of both new and current infrastructure.

Supervisor Pareira thanks staff as well as the CEO, and CED Department for their work on this.

Supervisor Espinoza comments that he is glad we are using a grant to move forward on this project.

Upon motion of Supervisor Pareira, seconded by Supervisor McDaniel, duly carried, the Board approves Amendment No. 1 to Contract No. 2020039 with KPMG, LLP for the procurement of a third-party operator and to advise the County on program management associated with the California Auto Tech Testing and Development Center (CATDC) located at the Castle Commerce Center.

Ayes: Espinoza, Lor, McDaniel, Pareira, Silveira

10:00 A.M. SCHEDULED ITEM
2020-09-15 PUBLIC OPPORTUNITY

Public Comments received via email for Public Opportunity and Scheduled Items are on file with the Clerk.

Todd White, comments that he would like to schedule a meeting with Board Members to discuss an agreement that was voted on by the Board in 2008. He further states he has had

discussions with Supervisor McDaniel and Mark Hendrickson in regards to the agreement that needs to be resolved.

Hassan Ahmadi speaks about a reassessment issue and gives his reasons why the property should be exempt from reassessment and why he also disagrees with the appraisal.

Rhamta Ahmadi, brother-in-law of Hassan Ahmadi states that he is a witness to the transfer between the two brothers that did occur.

Cheng Xiong with the Leadership Council speaks about the tragedy at Foster Farms related to COVID. Further she asks the Board to consider an ordinance for workers protection.

Jovana Morales with the Leadership Council concurs with what Ms. Xiong stated in regards to Foster Farms and the importance for the County to consider an Ordinance. Ms. Morales listed a number of conditions including rapid testing and results.

Cheng Xiong with the Leadership Council comments on items 27 and 29 relating to the Franklin-Beachwood Community Plan Update and Interconnectivity Plan. She states residents are interested and want to engage but need to be kept informed.

The Clerk plays voicemails received from the following: Estella Dunn, Jovana Morales with Leadership Council, Leticia Valencia, Elizabeth, and Christy Gallardo with 99 Roots.
Present: Espinoza, Lor, McDaniel, Pareira, Silveira

10:00 A.M. SCHEDULED ITEM
2020-09-15 PRESENTATION – BEHAVIORAL HEALTH ADVISORY BOARD ANNUAL REPORT

Genevieve Valentine, Director of Behavioral Health and Recovery Services introduces the presentation on the Behavioral Health Advisory Board Annual Advisory Report and turns the presentation over to the Chair of the Behavioral Health Advisory Board, Sally Ragonut.

Ms. Ragonut reviews the following slides: Merced County’s Behavioral Health Advisory Board FY 19/20 Annual Summary, Merced County’s Behavioral Health Advisory Board Mission and Vision, Membership, Purpose of the Behavioral Health Advisory Board, Annual Report, Top FY 19/20 Goals, Unexpected Activities for FY 19/20, FY 19/20 Data Notebook, This Year’s Goals, and This Year’s Activities.

Supervisor Lor gives her appreciation to Ms. Ragonut and the members of the Behavioral Health Advisory Board and also thanks past director, Yvonna Brown and current director, Genevieve Valentine. Supervisor Lor also encouraged folks to view the web page to see the work the Behavioral Health Board is doing in collaboration with other departments and local agencies.

Supervisor Pareira thanks Ms. Ragonut for the presentation and was impressed with the effectiveness and value of the information that is transferred at the meetings when he has attended as the primary member for Supervisor Lor.

Supervisor Silveira comments that he likes the list of activities and goals provided and was also interested in the composition of the Board and the number of representatives available for each district.

Supervisor McDaniel thanks Ms. Ragonut for the presentation and was also interested in the composition of the board and encouraged folks to apply.

Supervisor Espinoza comments that he appreciates the work that the Behavioral Health Advisory Board is doing.

Present: Espinoza, Lor, McDaniel, Pareira, Silveira

10:00 A.M. SCHEDULED ITEM
2020-09-15 COVID-19 UPDATE

Dr. Rebecca Nanyonjo-Kemp, Director of Public Health introduces the presentation before turning it over to Dr. Kristynn Sullivan, Supervising Epidemiologist who reviews the following slides: Current Merced County Case Count, Merced County COVID-19 Deaths, COVID-19 Cases by Community per 1,000 residents, California Blueprint for a Safer Economy, California Tier Framework, Merced's Tier Data, County Status Tool, and School Waiver Process.

Dr. Nanyonjo-Kemp reviews the following slides: Foster Farms Update, Health Order Requirements to Reopen Livingston Plant, Foster Farms Update and Stay Safe, Stay Open.

The Board has lengthy discussion on the update.

Present: Espinoza, Lor, McDaniel, Pareira, Silveira

10:00 A.M. SCHEDULED ITEM
2020-09-15 ASSESSOR – PUBLIC HEARING

The time and date previously scheduled to consider proposed Ordinance entitled “An Ordinance amending the Merced County Assessor Fee Schedule”.

Barbara Levey, Assessor gives an overview of the fee schedule amendment.

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

The Board takes a brief pause to receive public comments via voicemail.

The Clerk announces that there were no voicemails received for the Public Hearing.

The Chairman closes the Public Hearing.

Upon motion of Supervisor McDaniel, seconded by Supervisor Silveira, duly carried, the Board waives further reading of the proposed Ordinance. Upon motion of Supervisor Pareira, seconded by Supervisor Lor, duly carried, the Board adopts Ordinance No. 1996 amending the Merced County Assessor Fee Schedule.

Ayes: Espinoza, Lor, McDaniel, Pareira, Silveira

ACTION ITEM NO. 27
2020-09-15 COMMUNITY AND ECONOMIC DEVELOPMENT

The Clerk announces contract with RRM Design Group for consulting services for the Franklin-Beachwood Community Plan Update is before the Board for consideration.

Supervisor McDaniel asks Mark Hendrickson to address this item since it was brought up in public comment earlier regarding the Franklin Beachwood community and wants the public to know that we are way ahead on this.

Mark Hendrickson, Director of Community and Economic Development responds that this contract is an initial first step for the County via grant funds that we are receiving for the purposes of identifying projects within the Franklin-Beachwood community that's going to help improve safety and accessibility. He further states this will dovetail into the Community Plan Update for that community, which will require some extensive community and civic engagement. Mr. Hendrickson states this is step one in a process that's going to be multiple years. He states that this contract is with a firm with whom the County has worked with on many occasions. He further states the contractor that was identified was a result of an RFP process, and that RFP process was shaped by the Leadership Council who helped identify opportunities to include as it relates to civic engagement.

Upon motion of Supervisor Lor, seconded by Supervisor McDaniel, duly carried, the Board approves Contract No. 2020191 with RRM Design Group for consulting services for the Franklin-Beachwood Community Plan Update.

Ayes: Espinoza, Lor, McDaniel, Pareira, Silveira

ACTION ITEM NO. 30

2020-09-15 COMMUNITY AND ECONOMIC DEVELOPMENT

The Clerk announces item to ratify the execution by the County Executive Officer accepting FAA-21 Grant related to Runway Rubber Removal and Rejuvenation Project; and authorize the Director of Community & Economic Development to take any further administrative actions as necessary upon concurrence of CEO and County Counsel is before the Board for consideration.

Mark Hendrickson, Director of Community and Economic Development states that back in November, the Board identified a series of projects of importance as it related to Castle. They were part of a national prioritization system that the FAA moved forward with and this Board successfully secured \$1.85 million.

Upon motion of Supervisor Lor, seconded by Supervisor McDaniel, duly carried, the Board ratifies the execution by the County Executive Officer accepting FAA-21 Grant related to Runway Rubber Removal and Rejuvenation Project and authorizes the Director of Community & Economic Development to take any further administrative actions related to FAA-21 Grant implementation as necessary upon concurrence of CEO and County Counsel.

Ayes: Espinoza, Lor, McDaniel, Pareira, Silveira

ACTION ITEM NO. 34

2020-09-15 DISTRICT ATTORNEY

The Clerk announces item to approve the District Attorney's participation in the Automobile 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 \$186,105 for FY 20/21; and adopt Resolution authorizing the District Attorney to execute the Grant Award Agreement is before the Board for consideration.

Supervisor Espinoza comments on the grant for preventing insurance fraud and that the amount is for \$186,105.

Upon motion of Supervisor Lor, seconded by Supervisor Silveira, duly carried, the Board approves the District Attorney's participation in the Automobile Insurance Fraud Program and authorizes the District Attorney to submit a grant application to the California Department of Insurance for continued funding in the requested amount of \$186,105 for FY 20/21 and adopts Resolution No. 2020-94 authorizing the District Attorney to execute the Grant Award Agreement (Contract No. 2020195).

Ayes: Espinoza, Lor, McDaniel, Pareira, Silveira

ACTION ITEM NO. 35

2020-09-15 DISTRICT ATTORNEY

The Clerk announces item to adopt a Resolution authorizing the District Attorney's participation in the Victim Witness Assistance Program, authorizing the District Attorney to execute the grant award agreement, and authorizing the District Attorney and Chairman to sign the Certificate of Assurance of Compliance; and ratify the submission of the Victim Witness Assistance Program proposal in the amount of \$608,157 for FY 20/21 by the District Attorney is before the Board for consideration.

Supervisor Pareira comments that the Victim Witness Program here in Merced County is phenomenal. He states that he has worked with the staff at the D.A.'s office on a few cases, and they are recognized around the State.

Upon motion of Supervisor Lor, seconded by Supervisor Silveira, duly carried the Board adopts Resolution No. 2020-95 authorizing the District Attorney's participation in the Victim Witness Assistance Program, authorizes the District Attorney to execute the grant award agreement (Contract No. 2020196), and authorizes the District Attorney and Chairman to sign the Certification of Assurance of Compliance; and ratifies the submission of the Victim Witness Assistance Program proposal in the amount of \$608,157 for FY 20/21 by the District Attorney.

Ayes: Espinoza, Lor, McDaniel, Pareira, Silveira

ACTION ITEM NO. 36

2020-09-15 TREASURER

The Clerk announces item to adopt Resolution establishing the Treasurer's Dry Period Financing (Borrowing) Program and adopt the Treasurer's Dry Period Financing Policy is before the Board for consideration.

Supervisor Silveira requests the Treasurer-Tax Collector speak about this new policy.

Karen Adams, Treasurer-Tax Collector states she manages the investment portfolio, which is in excess of a billion dollars. The portfolio is the commingled money of the different pool participants, which includes the County, Schools, College and, numerous Special Districts. Their monies are collected from various revenue sources, and property tax is the major resource. She further states that secure taxes are collected twice a year in two installments, unlike the equal installments throughout the year that many budgets have expenditure needs for. As a result, some of the pool participants experience a funding shortfall until tax revenues are apportioned. She further states that she has an opportunity to provide a temporary funding loan of up to 85 percent of the tax apportionment for each pool participant and in order to achieve both objectives to ensure the safe keeping and preserving the capital investment, she's developed a borrowing policy with input from the Auditor-Controllers. After the potential borrower applies to the Treasurer-Tax Collector's Office,

their office will coordinate with the Auditor-Controller to determine the maximum amount of the temporary borrowing for that participant.

Ms. Adams submits copies of the Dry Period Funding Flowchart in the Board bin.

Upon motion of Supervisor Silveira, seconded by Supervisor Lor, duly carried the Board adopts Resolution No. 2020-96 establishing the Treasurer's Dry Period Financing (Borrowing) Program and adopts the Treasurer's Dry Period Financing Policy.

Ayes: Espinoza, Lor, McDaniel, Pareira, Silveira