



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, OCTOBER 6, 2020

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

GOVERNMENT CODE SECTION 54954.2 COMPLIANCE (LATE AGENDA ITEMS)

Due to the COVID-19 Pandemic, Supervisor Silveira attended the meeting remotely and participated in the meeting to the same extent as if he was present.

10:00 A. M.

INVOCATION led by Pastor Rick Beck, Circle of Hope Ministry/PLEDGE OF ALLEGIANCE

PUBLIC OPPORTUNITY TO SPEAK ON ANY MATTER OF PUBLIC INTEREST WITHIN THE BOARD'S JURISDICTION INCLUDING ITEMS ON

THE BOARD'S AGENDA, EXCEPT FOR THOSE ITEMS SPECIFICALLY SCHEDULED AS PUBLIC HEARINGS (TESTIMONY LIMITED TO THREE MINUTES PER PERSON)

REVIEW BOARD ORDER – SEE PAGE 8

APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 8)

COVID-19 UPDATE

REVIEW BOARD ORDER – SEE PAGE 8

PUBLIC HEARING:

COMMUNITY AND ECONOMIC DEVELOPMENT - PUBLIC HEARING

To Consider Amendment of Chapter 18.10 (Agricultural Zones) of Title 18 (Zoning) of the Merced County Code

RECOMMENDATION:

- 1) Introduce the proposed ordinance amending Chapter 18.10 (Agricultural Zones) of Title 18 (Zoning) of the Merced County Code;
- 2) Waive further reading;
- 3) Open the Public hearing and receive testimony;
- 4) Close the Public hearing;
- 5) Consider the Planning Commission's recommendation in favor of adopting the proposed ordinance;
- 6) Determine the proposed amendments to the Zoning Code are exempt from further environmental review under Section 15162 - "Subsequent EIRS and Negative Declarations" of the CEQA Guidelines; and,
- 7) Adopt the proposed ordinance amending Title 18 (Zoning) of the Merced County Code (ZCTA20-002).

REVIEW BOARD ORDER – SEE PAGES 8 AND 9

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-8)

APPROVED AS RECOMMENDED

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

Public Works

1. Approve and authorize the Chairman to sign Amendment Contract No. 2019149 with Jacobs Engineering Group, Inc. for Engineering Design Services for the Black Rascal Creek Flood Control Project.
2. Approve and authorize the Chairman to sign Amendment Contract No. 2019017 with T&S West for Building Construction Remodeling, Repairs and Maintenance Services.
3. Approve Budget Transfer in the amount of \$110,695 for the Los Banos Veterans ADA Project.

4. Approve Budget Transfer in the amount of \$8,500 establishing the appropriation for the Human Services Agency Merced Car Compound Gate operator replacement to keep County vehicles secured. (4/5 Vote Required)

PULLED – NO ACTION TAKEN

Human Services Agency

5. Approve and authorize the Chairman to sign Amendment Contract No. 2020076 with Merced County Office of Education - Regional Occupation Program for vocational training services for Welfare-to-Work participants.

Probation

6. Approve and authorize Chairman to sign Amendment Contract No. 2019221 with Aspiranet, Inc. for psychosocial assessments of Resource Families.

Executive Office

7. PULLED

Board Recognition

8. Certificate of Recognition for Graduation from Merced County Drug Treatment Court to Keith Geiggar, presented September 25, 2020.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

9. 1) Adopt the Resolution prohibiting parking on Old Lake Road approximately 0.5 miles east of Golf Road in the Merced area; and 2) Authorize the Department of Public Works to install signs informing motorists of this prohibition of parking.

**ADOPTED RESOLUTION NO. 2020-110 AS RECOMMENDED AYES: 1, 3, 5
NOT PRESENT: 2, 4**

10. 1) Adopt Resolution approving submittal of an application to the California Department of Parks and Receptions for a Statewide Park Development and Community Revitalization Program grant for Winton Community Park; 2) Authorize the Director of Public Works to sign all documents relating to the grant; and 3) Direct the Director of Public Works to return to the Board of Supervisors with the application results and to accept award.

**ADOPTED RESOLUTION NO. 2020-111 AS RECOMMENDED AYES: 1, 3, 5
NOT PRESENT: 2, 4**

11. Adopt Resolution authorizing the County Executive Officer and the Auditor-Controller to sign and file the Local Transportation Funds Claim for the 2020/2021 Fiscal Year with the Merced County Association of Governments.

**ADOPTED RESOLUTION NO. 2020-112 AS RECOMMENDED AYES: 1, 3, 5
NOT PRESENT: 2, 4**

HEALTH

12. 1) Approve the Contract with the California Department of Resources Recycling and Recovery for the FY 20-21 Solid Waste Local Enforcement Agency Grant in the amount of \$18,316; 2) Adopt the Resolution authorizing the Chair to sign the Grant Agreement and authorizing the Director of Public Health or Designee to sign all payment requests; and 3) Authorize the Chair to sign the Grant Agreement.

AUTHORIZED CONTRACT NO. 2020206 AND ADOPTED RESOLUTION NO. 2020-113 AS RECOMMENDED AYES: 1, 3, 5 NOT PRESENT: 2, 4

13. 1) Ratify the submission of the COVID-19 invoice submitted on July 24, 2020 to the California Department of Public Health for funding allocation beginning March 28, 2020 through June 30, 2021; and 2) Accept the new funding for the COVID-19 Hospital Preparedness Program Allocation in the amount of \$134,810.

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

14. 1) Retroactively approve the contract with California Department of Public Health to prevent, prepare for, and respond to the Novel Coronavirus-2019 for Human Immunodeficiency Viruses/Acquired Immunodeficiency Syndrome Care Program Clients; 2) Adopt the Resolution authorizing the Chairman to sign all related documents; and 3) Authorize the Chairman to sign the agreement and related documents.

AUTHORIZED CONTRACT NO. 2020205 AND ADOPTED RESOLUTION NO. 2020-114 AS RECOMMENDED AYES: 1, 3, 5 NOT PRESENT: 2, 4

15. 1) Ratify the submission of the Request for Supplemental Information to the California Department of Public Health Maternal Child and Adolescent Health Division beginning upon final execution of the contract through June 30, 2023; and 2) Return to the Board for contract approval.

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

BEHAVIORAL HEALTH AND RECOVERY SERVICES

16. Retroactively approve Contract with Merced Lao Family Community, Inc. for a Southeast Asian Community Advocacy Program.

AUTHORIZED CONTRACT NO. 2020208 AS RECOMMENDED AYES: 1, 3, 5 NOT PRESENT: 2, 4

HUMAN SERVICES AGENCY

17. Approve \$25,000 membership fee to Kids Discovery Station to become a founding partner in the children's museum project.

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

COMMUNITY AND ECONOMIC DEVELOPMENT

18. 1) Ratify the execution by the Director of Community & Economic Development accepting the FAA CARES Act Grant Award for Castle Airport in the amount of \$30,000; and, 2) Authorize the Director of Community & Economic Development to take any further administrative actions related to FAA CARES Act Grant implementation as necessary upon concurrence of County Executive Officer and County Counsel.

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

ELECTIONS

19. 1) Ratify submission of a grant application by the Registrar of Voters to Center for Tech and Civic Life for funding to address the impacts of the COVID-19 pandemic on the November 2020 election; 2) Approve and authorize the Chairman to execute a grant agreement with Center for Tech and Civic Life (CTCL) to provide Merced County elections with grant funding in the amount of \$218,347.50 to be used for planning and operating a safe and secure election in November 2020; 3) Authorize the Registrar of Voters to execute all other documents related to this funding allocation; and 4) Approve related budget transfer. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2020207 AS RECOMMENDED AYES: 1, 3, 5
NOT PRESENT: 2, 4**

REVIEW BOARD ORDER – SEE PAGE 9

COUNSEL

20. Approve the Merced County Law Library Annual Report as presented and approved by the Merced County Law Library Board of Trustees on September 24, 2020.

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

EXECUTIVE OFFICE

21. 1) Approve budget transfers appropriating and reallocating Coronavirus Relief Funds for use in community outreach and engagement, facility retrofit for employee social distancing requirements, improving telework capabilities, contact tracing, testing capability and health screening, personal protective equipment and disinfectants procurement, and food distribution assistance (4/5 Vote Required) and 2) Approve and authorize the Chairman to execute an agreement with the Merced County Food Bank awarding up to \$100,000 in total grant funds for the purpose of procuring approved equipment and supplies and enhancing Countywide food distribution to community members impacted by COVID-19.

PULLED – NO ACTION TAKEN

BOARD APPOINTMENTS

22. Reappoint Susan Leigh Flinspach to serve as a member of the Library Advisory Commission, representing Commission Recommended Rep/Ex. Officio, until August 31, 2024.

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

BOARD INFORMATION & POSSIBLE ACTION

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

23. Sheriff Re: Annual reporting requirement on Inmate Welfare Trust Fund for FY 2019-2020 in accordance with Penal Code Section 4025(e).
24. California State Water Resources Control Board Re: Notice of Petition for Long-Term Change Involving the Transfer/Exchange of up to 5,616 Acre-Feet of Water per Year between the Department of Water Resources and the U.S. Bureau of Reclamation.

25. State of California Fish and Game Commission RE: Notice of proposed regulatory action relative to amending sections 29.80, 29.85 and 701, Title 14, CCR, relating to Recreational Crab Trap Fishery Marine Life Protection Measures
26. State of California Fish and Game Commission RE: Notice of Change of Date of Adoption Hearing for Simplification of Statewide Inland Sport Fishing regulations (OAL Notice Number Z-20200707-01)
27. WARN Notice: LAGS Medical Centers - 510 W. 25th Street, Merced, CA 95340 and 802 Iowa Avenue Los Banos, CA 93635 (On file with the clerk).

THE BOARD ADJOURNED THE MEETING AT 11:17 A.M. UNTIL TUESDAY, OCTOBER 20, 2020, AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – OCTOBER 6, 2020

10:00 A.M. SCHEDULED ITEM
2020-10-06 PUBLIC OPPORTUNITY

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

Mayya Tokman, UC Merced Professor and Founder and Executive Director of the Kids Discovery Station Museum speaks to item 17 on the agenda relating to the Children’s Museum and support of founding members. Ms. Tokman further states that due to the pandemic the Children’s Museum project was delayed but they are now ready to move forward and spoke of the opportunity to inspire kids.

Present: Espinoza, McDaniel, Silveira (via Zoom)
Absent: Lor, Pareira

10:00 A.M. SCHEDULED ITEM
2020-10-06 COVID-19 UPDATE

Dr. Rebecca Nanyonjo-Kemp, Director of Public Health opens and 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, New Blueprint Metric-Equity and Stay Safe, Stay Open. At the conclusion of the presentation Ms. Nanyonjo-Kemp urged everyone to get tested and gave information on the various test sites.

The Board has a lengthy discussion on the update.

Present: Espinoza, McDaniel, Silveira (via Zoom)
Absent: Lor, Pareira

10:00 A.M. SCHEDULED ITEM
2020-10-06 COMMUNITY AND ECONOMIC DEVELOPMENT – PUBLIC HEARING

The time and date previously scheduled to consider amendment of Chapter 18.10 (Agricultural Zones) of Title 18 (Zoning) of the Merced County Code.

Mark Hendrickson, Director of Community and Economic Development reviews the staff report. Mr. Hendrickson states that the item is an opportunity to streamline and clean up a provision related to single family homes in agricultural zones.

Upon motion of Supervisor McDaniel, seconded by Supervisor, the Board waives further reading of the Ordinance.

Ayes: Espinoza, McDaniel, Silveira (via Zoom)
Absent: Lor, Pareira

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

No one speaks.

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

The Clerk plays voicemail received from Jovana Morales with the Leadership Council.

Mr. Hendrickson responds that what is being proposed today is consistent with the existing General Plan policy, which is intended to reduce the types of conflict that the commenter suggested with regard to heavy pesticide use and an appropriate buffer.

The Chairman closes the Public Hearing.

Upon motion of Supervisor McDaniel, seconded by Supervisor Silveira, the Board considers the Planning Commission's recommendation in favor of adopting the proposed ordinance and determines the proposed amendments to the Zoning Code are exempt from further environmental review under Section 15162 – "Subsequent EIRS and Negative Declarations" of the CEQA Guidelines and adopts Ordinance No. 1997 amending Title 18 (Zoning) of the Merced County Code (ZCTZ20-002).

Ayes: Espinoza, McDaniel, Silveira (via Zoom)

Absent: Lor, Pareira

ACTION ITEM NO. 19 **2020-10-06 ELECTIONS**

The Clerk announces item to ratify submission of a grant application by the Registrar of Voters to Center for Tech and Civic Life for funding to address the impacts of the COVID-19 pandemic on the November 2020 election; approve and authorize the Chairman to execute a grant agreement with Center for Tech and Civic Life (CTCL) to provide Merced County elections with grant funding in the amount of \$218,347.50 to be used for planning and operating a safe and secure election in November 2020; authorize the Registrar of Voters to execute all other documents related to this funding allocation; and approve related budget transfer (4/5 Vote Required) is before the Board for consideration.

Jim Brown, County Executive Officer states that due to tight timeframes related to the election at this point, he asks that the Board consider items 1 thru 3 of the recommendation and that item 4 relating to a Budget Transfer be brought back when we have a full Board. Mr. Brown further states between the Auditor and himself they can explore where they can try to move this forward and bring the Budget Transfer back to the Board for consideration.

Upon motion of Supervisor McDaniel, seconded by Supervisor Silveira, the Board ratifies submission of a grant application by the Registrar of Voters to Center for Tech and Civic Life for funding to address the impacts of the COVID-19 pandemic on the November 2020 election; approves and authorizes the Chairman to execute grant agreement with Center for Tech and Civic Life (CTCL) (Contract No. 2020207) to provide Merced County elections with grant funding in the amount of \$218,347.50 to be used for planning and operating a safe and secure election in November 2020; and authorizes the Registrar of Voters to execute all other documents related to this funding allocation.

Ayes: Espinoza, McDaniel, Silveira (via Zoom)

Absent: Lor, Pareira