



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, DECEMBER 8, 2020

Closed Session – 9:00 a.m.

Regular Meeting – 10:00 a.m.

Merced County Administration Building

2222 M Street

Board Room, Third Floor

Merced CA, 95340

www.countyofmerced.com

The Board of Supervisors welcomes you to its meetings which are regularly held on a scheduled Tuesday and your interest is encouraged and appreciated.

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

9:00 A. M.

**THE PUBLIC IS INVITED TO SPEAK ON ANY ITEM ON THE AGENDA-
TESTIMONY IS LIMITED TO THREE MINUTES PER PERSON**

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:

It is the intention of the Board to meet in Closed Session concerning Existing Litigation pursuant to Government Code Section 54956.9(d)(1): 1) BNSF Railway Company v. Alameda County, California, et al., United States District Court, Northern District Case No. 4:19-cv-07230-HSG. 2) Moore v. City of

REVIEW BOARD ORDER – SEE PAGE 9

THE BOARD RECESSED AT 9:03 A.M. AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT, AND THE CHAIRMAN ADVISED STAFF WAS GIVEN DIRECTION

GOVERNMENT CODE SECTION 54954.2 COMPLIANCE (LATE AGENDA ITEMS)

10:00 A. M.

INVOCATION led by Yvonnia Brown/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 9

APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 20)

PRESENTATION:

PROJECT PROTECT OUR FARMWORKERS: CVOC OUTREACH UPDATE

PUBLIC HEARING:

CLERK-RECORDER - PUBLIC HEARING

To consider Proposed Ordinance entitled "An Ordinance amending the Merced County Clerk Recorder Fee Schedule"

RECOMMENDATION:

- 1) Introduce the proposed Ordinance entitled "An Ordinance Amending the Merced County-Clerk Recorder Fee Schedule" (Amends Ordinance 1901 and Merced County Code Chapter 5.36.020);
- 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 Clerk-Recorder Fee Schedule.

REVIEW BOARD ORDER – SEE PAGES 10

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-20)

APPROVED AS RECOMMENDED AYES: ALL

Health

1. Approve Budget Transfer in the amount of \$5,406 to transfer appropriations from In-State Overnight Travel account to fixed asset account #86235 for the Environmental Health office copy machine replacement.
2. Approve Budget Transfer in the amount of \$40,000 to transfer appropriations from contract account to fixed asset accounts for the purchase of vaccine freezers needed to store County COVID-19 vaccine distributions from the State to the County.

Behavioral Health and Recovery Services

3. Retroactively approve and authorize the Chairman to sign amendment to Contract No. 2018281 with C & D's Guest Home, Inc. for residential care of consumers, extending the term and updating exhibits.
4. Approve and authorize the Chairman to sign amendment to Contract No. 2019369 (#0719-MCBHRS-PR I) with Central California Alliance for Health Medi-Cal Capacity Grant for Psychiatrist provider recruitment, amending Exhibit I, Section 1.
5. Approve and authorize the Chairman to sign Amendment to Contract No. 2019370 (#0719-MCBHRS-PR II) with Central California Alliance for Health Medi-Cal Capacity Grant for Psychiatric Nurse Practitioner provider recruitment, amending Exhibit I, Section 1.

Human Services Agency

6. Approve and authorize the Chairman to sign amendment to Contract No. 2020038 with Aspiranet to provide housing and supportive services to young adults aging out of Foster Care.
7. Approve and authorize the Chairman to sign amendment to Contract No. 2019171 with Taher, Inc. for Frozen Home-Delivered Meals Program for seniors.
8. Approve and authorize the Chairman to sign amendment to Contract No. 2019172 with Taher, Inc. for a Congregate Meals Production Program for seniors.
9. Approve and authorize the Chairman to sign amendment to Contract No. 2019193 with Merced County Rescue Mission for Congregate Site Management Services for seniors.
10. Approve Budget Transfer in the amount of \$468,769 to add appropriation for Housing and Disability Advocacy Program (HDAP) funded through the California Department of Social Services. (4/5 Vote Required)
11. Approve Budget Transfer in the amount of \$1,308,928 to add appropriation for Housing Support Program (HSP) funded with Federal and State funds through the California Department of Social Services. (4/5 Vote Required)

Administrative Services

12. Approve Budget Transfer in the amount of \$142,000 to update the County's data storage system. (4/5 Vote Required)

13. Approve and authorize the Chairman to sign amendment to Contract No. 2017152 with Ontario Systems, LLC dba RevQ to implement enhancements to the collection software system; authorize the Director of Administrative Services to sign the Statement of Work and related Change Orders that update the scope of work; and approve related Budget Transfer. (4/5 Vote Required)

Fire

14. Approve Budget Transfer in the amount of \$634,480 to separate the Public Safety Power Shutoff (PSPS)/Community Power Resilience (CPR) funds the County has received from the CARES funding to enable better tracking of expenditures. (4/5 Vote Required)
15. Approve Budget Transfer in the amount of \$170,000 for the purchase of 44 Thermal Imaging Cameras for use by the Fire Department and will be placed on each fire apparatus. (4/5 Vote Required)

Probation

16. Approve and authorize the Chairman to sign amendment to Contract No. 2017243 with the Merced County Rescue Mission for transitional housing services for Probation clients.

Executive Office

17. Act on Claims for Damages submitted by AnnMarie DeAnda and Elisabeth Silveira Miguel as recommended by Risk Management and County Counsel.

Board of Supervisors

18. Approve the minutes of the Board of Supervisors meetings of August 4, 2020 Special Meeting, August 11, 2020, August 25, 2020, September 15, 2020, September 29, 2020 and September 29, 2020 Final Budget.

Board Recognition

19. Certificate of Recognition for Graduation from Merced County Drug Treatment Court to Carol Evenson, presented November 20, 2020.
20. Certificate of Recognition to Mayor Pro Tem Joe Oliveira and Council Member Craig Turner for their Years of Service to the Gustine City Council, presented November 25, 2020.

REGULAR CALENDAR

BOARD ACTION

HEALTH

21. Contract with the State of California Department of Public Health (State Contract No. 202024) for the Maternal, Child and Adolescent Health program.

AUTHORIZED CONTRACT NO. 2020233 AS RECOMMENDED AYES: ALL

22. Approve the Merced County Department of Public Health's acceptance of the terms and conditions as stated in the submitted Certification Statements and funding in the amount of \$2,591,314 for the Child Health and Disability Prevention and Lead Poisoning Prevention program, Health Care Program for Children in Foster Care program, and the California

Children's Services Program; and authorize the Chairman to sign the Certification Statements.

AUTHORIZED CONTRACT NO. 2020234 AS RECOMMENDED AYES: ALL

23. Contract with the California Department of Public Health, Maternal Child and Adolescent Health Division, California Home Visiting Program for the acceptance of funding in an amount not to exceed \$425,816 annually for three years for a total contract amount of \$1,277,448.

AUTHORIZED CONTRACT NO. 2020235 AS RECOMMENDED AYES: ALL

24. Contract with the California Department of Public Health, California Home Visiting Program State General Fund Innovation for the acceptance of funding for a total of \$1,256,631; and approve related Budget Transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2020236 AS RECOMMENDED AYES: ALL

BEHAVIORAL HEALTH AND RECOVERY SERVICES

25. Retroactively accept the Department of Health Care Services Mental Health Block Grant allocation in the amount of \$1,386,199.

APPROVED AS RECOMMENDED AYES: ALL

26. Retroactively approve contract with The Center at Sierra Health Foundation, for Mental Health Services telehealth infrastructure activities; and approve the associated Budget Transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2020237 AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

27. Approve and authorize the Chairman to sign Amendment to Administrative Services Contract No. 13173 with Merced County Library for Literacy training services; and approve related Budget Transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2020238 AS RECOMMENDED AYES: ALL

COMMUNITY AND ECONOMIC DEVELOPMENT

28. Find that the County-owned Aircraft Towing Tractor left behind by the United States Air Force is surplus property not required for public use, and authorize the Director of Community & Economic Development to transfer the Aircraft Towing Tractor to Castle Air Museum to assist them with the moving of larger aircraft to and from their museum facilities located adjacent to the Castle Commerce Center, consistent with Government Code Sections 25372, 25504, and 26227.

APPROVED AS RECOMMENDED AYES: ALL

29. Approve payment to the West Turlock Subbasin Groundwater Sustainability Agency (GSA) for the FY 2020-2021 GSA Membership fee and Groundwater Sustainability Plan development costs in the amount of \$14,389.47.

APPROVED AS RECOMMENDED AYES: ALL

DISTRICT ATTORNEY

30. 1) Adopt a Resolution authorizing the District Attorney's participation in the Unserved/Underserved Victim Advocacy and Outreach (UV) 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 Unserved/Underserved Victim Advocacy and Outreach (UV) Program proposal in the amount of \$182,442 for calendar year 2021 by the District Attorney.

AUTHORIZED CONTRACT NO. 2020239 AND ADOPTED RESOLUTION NO. 2020-127 AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

31. Adopt the 2021 calendar for the regularly scheduled Board of Supervisors Meetings.

APPROVED AS RECOMMENDED AYES: ALL

32. 1) Change the classification title only from Assessor/Recorder/Clerk/ROV to Assessor/Recorder/Clerk, position number 48 in budget unit 11200 effective December 21, 2020; 2) Approve the appointment of Matthew May as the Assessor/Recorder/Clerk effective December 21, 2020 and approve elected "A" level benefits; and 3) Approve the amendments to the Position and Salary Allocation Resolutions 06-120A and 06-120.

ADOPTED RESOLUTION NOS. 2020-128 (POSITION) AND 2020-129 (SALARY) AS RECOMMENDED AYES: ALL

33. 1) Approve Budget Transfers appropriating and reallocating Coronavirus Relief Funds for use in facility retrofit for employee social distancing requirements, improving telework capabilities, testing capability and health screening, and homeless assistance services; and appropriating Information Systems Equipment Replacement Funds to improve video conferencing/communications capabilities. (4/5 Vote Required); and 2) Provide direction to staff regarding the County's Coronavirus Aid, Relief, and Economic Security (CARES) Act funding plan.

APPROVED AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGES 10

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

34. Elections re: Statement of Vote with the Certified Election Results for the Presidential General Election held on November 3, 2020.
35. Fish and Game Commission re: Notice that the regulatory action relative to amending sections 3.00, 4.00, 5.00, 5.41, 58.85, 7.00, 7.50, 8.10, and adding sections 5.84, 5.89, 7.40, identified in Title 14, California Code of Regulations, which first appeared in the California Regulatory Notice Register on July 7, 2020; relating to Simplification of Statewide Inland Sport Fishing Regulations was adopted on October 14, 2020. (On File with the Clerk)

THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF DELBERT JERALD “JERRY” SHANNON AND CHEE YANG AND ADJOURNED THE MEETING AT 3:32 P.M. UNTIL TUESDAY, DECEMBER 15, 2020, AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – DECEMBER 8, 2020

9:00 A.M. SCHEDULED ITEM

2020-12-08 CLOSED SESSION – EXISTING LITIGATION

The Clerk announces that it is the intention of the Board to meet in Closed Session concerning Existing Litigation pursuant to Government Code Section 54956.9(d)(1): and that the BNSF Railway Company v. Alameda County, California, et al., United States District Court, Northern District Case No. 4:19-cv-07230-HSG has been pulled.

Present: Espinoza, Lor, McDaniel, Pareira, Silveira

10:00 A.M. SCHEDULED ITEM

2020-12-08 PUBLIC OPPORTUNITY

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

Rhonda Jenkins, City of Atwater resident speaks about the pandemic and how it is hurting the community and the choices that people have made during the lockdown and questions what the Board is doing to move forward.

Barbara Levey, Assessor/Clerk-Recorder/Registrar of Voters speaks regarding item 34 on the certification of the results for the general election held on November 3, 2020 and acknowledges the tremendous work that was accomplished by so many for this historic election.

Beverly Schick, RN echoes what Ms. Jenkins stated previously.

The Clerk plays voicemails received from Marcella, Armanda Ruiz, Louis Cisneros, Trina Ruiz, Sharon Hoffman, Gloria Alexander, Joan Inha, Marisa Amescua, Jesse Ornelas, Dayanira Collar, Patti Kishi, Floripa, Terri, Planada resident, Cora Medina, Marina Martinez, Crissy Gallardo, Noel Emerson, Alejandro Corallo, Amanda Lynn Rushan, Mario Nava, Julian Xiong, Eugene Vang, (Did not state name), Jan Ramos Isen, Chris Mooneyham, Anna Baccera, Billy Xiong, Patricia Hernandez, Jose Garcia, Jose Garcia Guerro, Christina Gallego, Iris Vang, Monica Gomez, (Did not state name), Abe, William Kelley, Elizabeth Sanin, Tatiana Ruiz Gallindo, Merced County Citizen, Pamela Merritt-Bennet, Tashinda Thao, Lucy Vang, Gloria Sandoval on behalf of Jason Flores, Penia Yang, Gabriella Salcedo, Alex Romero, Mai Yang, Nancy Cotta, Jessica Bettencourt, (Did not state name), Lisa McQueen, Kim Ortiz, Lucy Quintero, Tony Slaton, Jovana Morales, Blanca Lozano, Delhi resident, Crisantema Gallardo, Blanca Ojeda, (Did not state name), Lanica Welch, Carmen Ojeda, Lauren, Caitlyn Bishop, Dave Hetlamb, Brenda Guitierrez, Ismael Munoz, Brandon Harrison and Cheng Xiong.

Present: Espinoza, Lor, McDaniel, Pareira, Silveira

10:00 A.M. SCHEDULED ITEM
2020-12-08 CLERK-RECORDER – PUBLIC HEARING

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

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

The Chairman closes the Public Hearing.

Upon motion of Supervisor Silveira, seconded by Supervisor McDaniel, duly carried, the Board waives further reading of the proposed Ordinance. Upon motion of Supervisor Silveira, seconded by Supervisor McDaniel, duly carried, the Board adopts Ordinance No. 1998 amending the Merced County Clerk-Recorder Fee Schedule.

Ayes: Espinoza, Lor, McDaniel, Pareira, Silveira

ACTION ITEM NO. 33
2020-12-08 EXECUTIVE OFFICE

Upon motion of Supervisor Silveira, seconded by Supervisor McDaniel, duly carried, the Board approves Budget Transfers appropriating and reallocating Coronavirus Relief Funds for use in facility retrofit for employee social distancing requirements, improving telework capabilities, testing capability and health screening, and homeless assistance services; and appropriating Information Systems Equipment Replacement Funds to improve video conferencing/communications capabilities; and provide direction to staff regarding the County’s Coronavirus Aid, Relief, and Economic Security (CARES) Act funding plan and A. directs staff to negotiate an agreement with the Central Valley Opportunity Center (CVOC) to operate a rental, mortgage, and utility assistance program aligned under CARES Act funding with the following parameters: 1) Not to exceed \$1,000,000 including administrative costs; 2) Application period through January 25, 2021; 3) Income at or below 250% of the Federal Poverty Guidelines; 4) Documentation required showing household income or expenses affected by COVID-19; 5) Assistance payments to be made directly to landlords, mortgage companies and utility providers; B. Authorizes the Chair to sign the agreements and giving the CEO or Chair authority to execute Budget Transfers after review by the Auditor and County Counsel and deadline extension based on any changes by the State, and the ability to extend the program not dollars and amend the Ready2Open Small Business Assistance Program for the following eligibility requirements for additional assistance to the business community: 1) Increase the maximum award from \$50,000 to \$62,500; 2) Increase the maximum award per employee to \$2,500; 3) Increase all previous grantee awards by \$500 per employee; 4) Remove per district allocation; and 5) Establish an application period of December 9 to December 15, 2020 for new applicants.

Ayes: Espinoza, Lor, McDaniel, Pareira, Silveira