



## BOARD OF SUPERVISORS

Chairman Rodrigo Espinoza, *District 1*

Josh Pedrozo, *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 - DRAFT

TUESDAY, JANUARY 5, 2021

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

**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](mailto: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](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 - 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): Castillo v. County of Merced, et al., Merced Superior Court Case No. 20CV-02062

**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:** APN #022-010-025 a 2-acre portion in the Livingston Area  
**Agency Negotiator:** Dana Hertfelder, Director of Public Works  
**Negotiation Parties:** JEG Livingston Ranches LLC  
**Under Negotiation:** To request authority to negotiate proposed purchase.

**THE BOARD RECESSED AT 9:07 A.M. WITH SUPERVISOR  
ESPINOZA NOT PRESENT AND RECONVENED AT 10:00 A.M. WITH  
SUPERVISOR ESPINOZA NOT 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 Genevieve Valentine/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**

**APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 13)**

**PRESENTATION:**

**NOMINATION OF CHAIRMAN AND VICE-CHAIRMAN FOR THE YEAR 2021  
THE BOARD NOMINATES SUPERVISOR MCDANIEL AS 2021  
CHAIRMAN AND SUPERVISOR PAREIRA AS 2021 VICE-CHAIRMAN  
AYES: 2, 3, 4, 5 NOT PRESENT: 1**

**REPORTS/BOARD DIRECTION**

County Executive Officer, County Counsel, Board of Supervisors Members

**CONSENT CALENDAR (Items # 1-13)**

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

**Public Works**

1. Set a Public Hearing for February 9, 2021 at 10:00 a.m. to consider adoption of the proposed Resolution for the General Vacation of Hatfield Road north of River Road to the end in the Stevinson area.
2. Approve Budget Transfer in the amount of \$9,500 to cover costs for property appraisal and Environmental Assessment of the Franklin Beachwood Park property located at 2691 Lobo Avenue. (4/5 Vote Required)

### Community and Economic Development

3. Set a first reading for January 26, 2021 at 10:00 a.m. to introduce a proposed ordinance amending Merced County Code Chapter 9.08 (Illegal Dumping on Public and Private Premises) and Chapter 9.70 (Public Nuisance Abatement).

### District Attorney

4. Approve Budget Transfer in the amount of \$59,818 increasing the appropriation for Insurance Fraud due to grant funds being awarded after approval of final budget. (4/5 Vote Required)

### Fire

5. Approve Budget Transfer in the amount of \$220,000 to establish Assets for Mt. Bullion Radio Project and Central Site Radio Project using FY 18 Homeland Security Grant Program funds to upgrade the interoperable Radio Communication System.
6. Set a first reading for January 26, 2021, at 10:00 a.m. to consider a proposed ordinance setting water storage requirements for residential and accessory structures and amending sections 9.24.055 and 16.30.020 of the Merced County Code.
7. Approve and authorize the Chairman to sign the Amendment to Contract No. 2020221 with 35th District Agricultural Association for use of the Merced County Fairgrounds as a COVID-19 testing site.

### Workforce Investment

8. Approve and authorize the Chairman to sign Amendment to Contract No. 2019259 with Arbor E&T, LLC dba Equus Workforce Solutions to provide Workforce Innovation and Opportunity Act (WIOA) Adult and Dislocated Worker services.

### Board Recognition

9. Certificate of Recognition to Ann Thurston for Appointment as the Commander of the local Civil Air Patrol, awarded on December 10, 2020.
10. Certificates of Recognition for the Merced County Mission, Vision, Values Award 2020 to Behavioral Health and Recovery Services for the Strengthening Families Program and the Merced County Mosquito Abatement District in recognition of their dedication to providing quality public services, presented December 15, 2020.
11. Certificates of Recognition to Mayor Mike Villalta, and Council Member Daronica Johnson-Santos for their Years of Service to the Los Banos City Council, presented December 16, 2020.
12. Certificates of Recognition to Council Member Cindy Vierra and City Treasurer Jim Heller for their Years of Service to the City of Atwater, presented December 14, 2020.
13. Certificates of Recognition to Mayor Gurpal Samra, City Clerk Antonio Silva, and City Treasurer Maria Ribeiro for their Years of Service to the City of Livingston, presented December 15, 2020.

## REGULAR CALENDAR

## BOARD ACTION

BEHAVIORAL HEALTH AND RECOVERY SERVICES

14. 1) Retroactively approve and authorize Behavioral Health and Recovery Services to submit the Coronavirus Aid, Relief, and Economic Security (CARES) Act Provider Relief Fund Application to the United States Department of Health and Human Services, for an anticipated amount of up to \$1,091,009; and 2) Return to the Board upon receipt of approval and award of the Coronavirus Aid, Relief and Economic Security (CARES) Act Provider Relief Fund allocation.

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

15. Retroactively approve Contract with Jackson & Coker Locum Tenens, LLC, for the placement of licensed psychiatric providers on a limited basis, including the use of Telehealth services during Covid-19; and 2) Return to the Board for further action once the vacant positions are filled.

**AUTHORIZED CONTRACT AS RECOMMENDED      AYES: 2, 3, 4, 5      NOT PRESENT: 1**

16. Contract with Community Social Model Advocates, Inc., for sober living environment/recovery residence services.

**AUTHORIZED CONTRACT AS RECOMMENDED      AYES: 2, 3, 4, 5      NOT PRESENT: 1**

HUMAN SERVICES AGENCY

17. 1) Authorize the Director of Human Services Agency or her designee to electronically submit a \$303,329 grant application for Navigation Center operations to the CA Homeless Coordinating and Financing Council prior to the January 23, 2021 deadline; 2) Authorize the Director of Human Services Agency to sign all documents relating to the grant application; and 3) Direct the Director of Human Services Agency to return to the Board of Supervisors with the application results and to accept award.

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

DISTRICT ATTORNEY

18. Approve and authorize the District Attorney or her designee to electronically submit the Equitable Sharing Agreement and Certification for the Federal Forfeiture Program for FY 2019/2020, and authorize the Chairman to sign the Agreement and Certification.

**AUTHORIZED CONTRACT AS RECOMMENDED      AYES: 2, 3, 4, 5      NOT PRESENT: 1**

PROBATION

19. Retroactively approve and authorize the Chairman to sign an agreement between the Merced County Sheriff's Office, Merced County Behavioral Health and Recovery Services and Merced County Probation to provide a licensed Clinician in the Merced County Jail pursuant to strategies listed in the Fiscal Year 2018/2019 Community Corrections Plan.

**AUTHORIZED CONTRACT AS RECOMMENDED      AYES: 2, 3, 4, 5      NOT PRESENT: 1**

EXECUTIVE OFFICE

20. Adopt a Resolution reducing 2021 Business License fees for qualified businesses.

**ADOPTED RESOLUTION AS RECOMMENDED      AYES: 2, 3, 4, 5      NOT PRESENT: 1**

21. Adopt a Resolution extending the expiration date of all Health Permits to February 28, 2021 and waiving the 2021 Health Permit fees for qualified businesses.

**ADOPTED RESOLUTION AS RECOMMENDED      AYES: 2, 3, 4, 5      NOT PRESENT: 1**

22. Adopt a Resolution waiving 2021 "A-1", "A-2", "A-3", or "A-4/A-5" Occupancy Operation Permit Fees for qualified businesses.

**ADOPTED RESOLUTION AS RECOMMENDED      AYES: 2, 3, 4, 5      NOT PRESENT: 1**

23. Nominate a Delegate and Alternate member to the California State Association of Counties (CSAC) Board of Directors for 2020-2021.

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

24. 1) Authorize CEO to transfer up to a cap of \$120,000 for FY 2020/21 from the General Fund to the Spring Fair Special Revenue Fund to cover the loss of revenue from the COVID-19 pandemic; and 2) Approve all related budget transfers. (4/5 Vote Required)

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

25. Authorize County Executive Officer to designate management classifications, as appropriate, to receive on-call on a temporary basis during the COVID-19 pandemic emergency.

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

**BOARD INFORMATION & POSSIBLE ACTION**

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

26. State of California Fish and Game Commission re: Notice of Proposal for a 90 Day Extension of Emergency Action regarding the Purple Sea Urchin.
27. State of California Fish and Game Commission re: Notice of Proposed Emergency Action regarding Adding Section 749.11, Title 14, California Code of Regulations Re: Take of Western Joshua Tree.
28. State of California Fish and Game Commission re: Notice of Proposed Emergency Action regarding Adding Section 749.12, Title 14, California Code of Regulations Re: Take of Western Joshua Tree.

**THE BOARD ADOPTED RESOLUTION IN MEMORY OF DR. MAYUKUMAR AMIN AND ADJOURNED THE MEETING AT 11:05 A.M. UNTIL TUESDAY, JANUARY 26, 2021, AT 10:00 A.M.**