



BOARD OF SUPERVISORS

Rodrigo Espinoza, *District 1*

Josh Pedrozo, *District 2*

Chairman 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 26, 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

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) Chavez v. County of Merced, et al., Merced Superior Court Case No.: 20CV-01929; 3) Trudy Winder v. County of Merced, Workers Compensation Appeals Board Case Nos. ADJ4595245, ADJ4078319, ADJ9783212, ADJ10892422, and ADJ10679733;

and, 4) Timothy Mitchell v. County of Merced, Workers Compensation Appeals Board Case Nos. ADJ2219091 and ADJ2368759.

THE BOARD RECESSED AT 9:03 A.M. WITH SUPERVISOR ESPINOZA 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 Pastor John Motz, New Life Community Church, Atwater/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 - 18)

PRESENTATION:

COVID-19 UPDATE

REVIEW BOARD ORDER

SCHEDULED ITEMS:

COMMUNITY AND ECONOMIC DEVELOPMENT - FIRST READING - PROPOSED ORDINANCE

To consider an ordinance amending Merced County Code Chapter 9.08 (Illegal Dumping on Public and Private Premises) and Chapter 9.70 (Public Nuisance Abatement).

RECOMMENDATION:

- 1) Introduce and conduct the first reading of an ordinance entitled "An Ordinance Relating to Illegal Dumping on Public and Private Premises and Amending the Imposition of Administrative Penalties in Connection with the Maintenance of a Public Nuisance, Establishing Violation Categories and Increasing Potential Penalty Amounts" (Amends Chapter 9.08 and 9.70 of the Merced County Code);
- 2) Waive further reading of the proposed ordinance; and,
- 3) Set a second reading, and possible adoption of the proposed ordinance, for February 9, 2021 at 10:00 a.m.

REVIEW BOARD ORDER

FIRE - FIRST READING - PROPOSED ORDINANCE

To consider proposed ordinance amending sections 9.24.055 of Chapter 9.24, Title 9, and Section 16.30.020, Chapter 16.30, Title 16, of the Merced County Code.

RECOMMENDATION:

- 1) Introduce and conduct first reading of an Ordinance entitled "An Ordinance relating to Amendments to the Merced County Fire Prevention Ordinance and the California Fire Code," amending section 9.24.055 of Chapter 9.24, Title 9, and section 16.30.020, Chapter 16.30, Title 16, of the Merced County Code;
- 2) Waive further reading of the proposed ordinance; and,
- 3) Set a second reading and possible adoption of the proposed ordinance for February 9, 2021 at 10:00 a.m.

REVIEW BOARD ORDER

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-18)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. 1) Adopt the Resolution designating the intersection of Shoreen Street and Bloss Avenue in the Hilmar area as an all-way stop intersection; and, 2) Direct the Director of Public Works to post stop signs on the Bloss Avenue approaches to its intersection with Shoreen Street.

ADOPTED RESOLUTION

2. Approve Budget Transfer in the amount of \$25,000 to establish appropriation for a replacement emulsified liquid asphalt hand spray and distributor bar trailer for the Merced Roads yard. (4/5 Vote Required)
3. Approve Budget Transfer in the amount of \$54,689 to establish appropriation to replace vehicle #49956 from the Sheriff's office that was involved in an accident, sustained extensive damaged and deemed a loss. (4/5 Vote Required)

Health

4. Approve and authorize the Chairman to sign Amendment to Contract No. 2010280 with the Central California Alliance for Health to update referral rates to the current Medicare fee schedule, adjust payment rates in the same percentage as the California Department of Health Care Services, and that new benefits will not be reimbursed at less than the Medi-Cal rates.
5. Approve Budget Transfer in the amount of \$41,000 for two pieces of modular office furniture to accommodate staff for COVID-19 response.
6. Approve Budget Transfer in the amount of \$15,200 for the purchase of a PortCount Tablet, to ensure first responder safety and health in the COVID-19 response efforts.
7. Approve and authorize the Chairman to sign Amendment to Contract No. 2019070 (State Contract No. 18-10553) with the California Department of Public Health - Racial and Ethnic

Approaches to Community Health to accept supplemental funding in the amount of \$99,000; and approve related Budget Transfer. (4/5 Vote Required)

8. Approve Budget Transfer in the amount of \$448,577 to increase appropriations and related revenue for the county-wide replacement of emergency medical care provider AEDs in the field that are nearing the end of their service life. (4/5 Vote Required)

Behavioral Health and Recovery Services

9. Approve and authorize the Chairman to sign Amendment to Contract No. 2020121 with Kings View Corporation for administrative support, psychiatric services and oversight to the department, extending the contract and revising Exhibit C.
10. Approve and authorize the Chairman to sign Amendment to Contract No. 2018129 with National Alliance on Mental Illness (NAMI) of Merced County for Mental Health Services Act Prevention and Early Intervention, for capacity building activities and support services, amending the pricing conditions, revising Exhibits B and E and extending the contract term.

Community and Economic Development

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

Workforce Investment

12. Accept Modification one (1) to Subgrant AA111015 (Amendment to Contract No. 2020141) incorporating the First Round Workforce Innovation and Opportunity Act Formula funding for Program Year 2020-21 in the amount of \$591,440, to provide employment-related services to adults and dislocated workers in Merced County.
13. Accept Modification two (2) to Subgrant AA111015 (Amendment to Contract No. 2020141) incorporating the National Dislocated Worker Second Increment funding for the 2018 Opioid Crisis NDWG project into grant code 1207 in the amount of \$572,402, to create temporary employment and/or training for individuals who are affected by the opioid crisis.
14. Accept Modification three (3) to Subgrant AA111015 (Amendment to Contract No. 2020141) incorporating Second Round Workforce Innovation and Opportunity Act (WIOA) Formula funding under grant codes 202, 293, 502 and 541 for Program Year 2020-21 in the amount of \$2,821,691, to provide employment-related services to adults and dislocated workers in Merced County.
15. Accept Modification eight (8) to Subgrant AA011015 (Amendment to Contract No. 2019275) to incorporate original exhibits to the Workforce Accelerator Fund 8.0 PY 2019/2020 project in grant code 1173.
16. Accept Modification nine (9) to Subgrant AA011015 (Amendment to Contract No. 2019275) to incorporate additional Workforce Innovation and Opportunity Act (WIOA) 25% Dislocated Worker Rapid Response funding in the amount of \$50,000 and extend termination date to the Underserved COVID-19 Impacted Individuals Grants; and approve related Budget Transfer. (4/5 Vote Required)

Executive Office

17. Act on Claims for Damages submitted by Arturo J. Velasco and Delia Silva as recommended by Risk Management and County Counsel.

Board of Supervisors

18. Approve the minutes of the Board of Supervisors meetings of October 6, 2020, October 20, 2020, November 3, 2020 and November 17, 2020; and approve the minutes of the Chowchilla GSA Meeting of October 20, 2020.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

19. 1) Authorize the Department of Public Works to circulate a Request for Qualifications (RFQ) to experienced and qualified consultants to provide geotechnical material testing services for County projects; and 2) Authorize the Department of Public Works to review and rank the statements of qualifications as well as negotiate retainer contracts to be submitted to the Board of Supervisors for consideration upon review by County Counsel and Risk Management.

APPROVED AS RECOMMENDED AYES: ALL

HEALTH

20. Memorandum of Understanding with the City of Atwater to provide permitting and inspection services for the City of Atwater's on-site wastewater treatment systems.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER

21. Memorandum of Understanding with the City of Gustine to provide permitting and inspection services for the City of Gustine's on-site wastewater treatment systems.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

22. Memorandum of Understanding with the City of Livingston to provide permitting and inspection services for the City of Livingston's on-site wastewater treatment systems.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

23. Memorandum of Understanding with the City of Los Banos to provide permitting and inspection services for the City of Los Banos's on-site wastewater treatment systems.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

24. Memorandum of Understanding with the City of Merced to provide permitting and inspection services for the City of Merced's on-site wastewater treatment systems.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

25. Memorandum of Understanding with the City of Dos Palos to provide permitting and inspection services for the City of Dos Palos on-site wastewater treatment systems.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

26. Ratify the non-binding application for the AAA Child Passenger Safety Donation Program to be submitted no later than January 31, 2021; and return to the Board if awarded this grant.

APPROVED AS RECOMMENDED AYES: ALL

BEHAVIORAL HEALTH AND RECOVERY SERVICES

27. Retroactively approve and authorize the Chairman to sign Amendment to Administrative Services Contract No. 13268 with Livingston Community Health for services provided through the Cultural Brokers Program, as part of the Mental Health Services Act (MHSA) Prevention and Early Intervention (PEI) program, updating the pricing conditions, amending exhibit B and C, extending the contract term and increasing the contract amount.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

28. Retroactively approve contract with Livingston Community Health to provide services through the Integrated Primary Care program for Mental Health Services Program as part of the Mental Health Services Act Prevention and Early Intervention.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

29. Adopt Resolution designating the Behavioral Health and Recovery Services Crisis Stabilization Unit as a 5150 facility.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

30. Approve and authorize the Chairman to sign the Medi-Cal Certificate of Compliance to apply and qualify for the fiscal year 2020-2021 Medi-Cal cost avoidance funds for Veteran Services.

APPROVED AS RECOMMENDED AYES: ALL

31. Approve and authorize the Chairman to sign the Subvention Certificate of Compliance to apply and qualify for the fiscal year 2020-2021 subvention funds for Veteran Services.

APPROVED AS RECOMMENDED AYES: ALL

WORKFORCE INVESTMENT

32. 1) Ratify submission of a grant application by Merced County Department of Workforce Investment to Public Health Institute submitted on December 10, 2020 in the amount of \$25,000; 2) Approve contract with the Public Health Institute; 3) Retroactively authorize the Director of Workforce Investment to sign the Together Toward Health Grant agreement; and, 4) Approve related Budget Transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

FIRE

33. Memorandum of Understanding with the City of Merced governing the dispersal of funds from the FY 2018 Homeland Security Grant Program to the City of Merced to reimburse the purchase of advanced types of equipment.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

34. Memorandum of Understanding with the City of Merced governing the dispersal of funds from the FY 2019 Homeland Security Grant Program to the City of Merced to reimburse the purchase of advanced types of equipment.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

SHERIFF

35. Approve and authorize the Sheriff to sign the Letter of Agreement and supporting documents with the Drug Enforcement Administration to accept funding in the amount of \$200,000 for the 2021 Domestic Cannabis Eradication and Suppression Program (DCESP) for the eradication of illegal cannabis in Merced County.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

36. 1) Approve the Law Enforcement Memorandum of Agreement (LEMA) between Merced County Sheriff's Office and Madera County Sheriff's Office for mutual aid services provided during the Creek Fire; and, 2) Authorize the Sheriff to sign the LEMA in concurrence with CEO and Counsel approval.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

AUDITOR

37. Accept the audited Merced County Comprehensive Annual Financial Report, the POST SAS 114 Letter and the GANN Report for the period ended June 30, 2020.

APPROVED AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER

ELECTIONS

38. 1) Adopt the resolution to call for an election on March 30, 2021 to fill the vacant Merced County Employees' Retirement Association (MCERA) Board seats for #2 General, #7 Safety and #8 Retired Alternate; and, 2) Authorize the Elections Division of the Registrar of Voters to procure and furnish those election services required by MCERA as more fully set forth in their Resolution, and to submit a cost bill to MCERA for reimbursement of the election services provided to them.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

RECORDER

39. 1) Change the Chief of Mapping & Title Services salary range for position 49 in Budget Unit 11200 to 76.7; 2) Change the Chief Deputy Recorder salary range for position 1 in Budget Unit 28000 to 76.7; 3) Change position 14 in Budget Unit 28000 from an Office Assistant I/II to a Recorder Clerk I/II/III; and 4) Approve amendments to the Position and Salary Allocation Resolutions 06-120A and 06-120.

ADOPTED RESOLUTIONS AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER

BOARD OF SUPERVISORS

40. Approve and adopt the 2021 Board Assignments as designated.

APPROVED AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER

41. Accept 2020 Local Agency Biennial Notice for the Conflict of Interest Code from the Ballico-Cressey School District as submitted with no amendment required, and authorize notification to the agency of action taken.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

42. Appoint Chudy Nnebe to the Merced County Workforce Development Board as the Title III Wagner-Peyser-EDD representative, filling an unexpired term until June 30, 2023.

APPROVED AS RECOMMENDED AYES: ALL

43. Appoint Tamara Cobb to the Franklin-Beachwood Municipal Advisory Council, until April 6, 2023.

APPROVED AS RECOMMENDED AYES: ALL

44. Reappoint Robert Acheson to serve as a member of the Planning Commission, representing District Two until October 1, 2024; and reappoint Mark Erreca to serve as a member of the Planning Commission, representing District Five until October 1, 2023.

APPROVED AS RECOMMENDED AYES: ALL

45. Appoint Skye Emery, Esq. as the Board of Supervisors ex officio trustee in place of the County Board Chair and Sara Rosenthal, Esq. as an additional trustee to the Merced County Law Library Board of Trustees for 2021.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: 1, 2, 3, 4 ABSTAIN: 5

46. Elections re: Final certified results for the election held on November 24, 2020 for the Merced County Employees' Retirement Association (MCERA) Board #3 General Member Seat, #8 Retired Member Seat and #8 Alternate Retired Member Seat for a new term commencing January 1, 2021.
47. Fish and Game Commission re: Notice of Proposed Regulatory Action relative to amending sections 360 and 363, and adding section 708.19, Title 14, California Code of Regulations, relating to Mammal Hunting regulations.
48. Fish and Game Commission re: Notice of Receipt of Petition. Pursuant to the provisions of Section 2077 of the Fish and Game Code, the California Fish and Game Commission, on November 13, 2020, received from the California Department of Fish and Wildlife a five-year status review concerning Milo Baker's lupine (*Lupinus milo-bakeri*) recommending up-listing the species from threatened to endangered status.

THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF PAULINE BANKS, CLIFFORD "PETE" CHAPMAN, MARK MIMMS, SR AND FRED WARCHOL AND ADJOURNED THE MEETING AT 12:52 P.M. UNTIL TUESDAY, FEBRUARY 2, 2021, AT 10:00 A.M.