



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, MARCH 2, 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:

It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957.6 concerning a Conference with County of Merced Staff Negotiators concerning negotiations with: American Federation of State, County and Municipal Employees (AFSCME), Units 4, 5, 6 and 8; United Public Employees (UPE), Unit 3; Merced County Attorney Association (MCAA), Unit 7; Teamsters (Corrections), Unit 2; Merced County Law Enforcement Sergeants, Unit 30; Merced County Deputy Sheriff Association (DSA), Unit 10; Teamsters (Non-Safety Corrections), Unit 12; Merced County Public Safety

Services Unit (MCPSSU), Unit 14; and Probation Supervising Employees, Unit 11. Agency Negotiator: Marci Barrera

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 parcel and APN #022-010-021 a 1.98-acre parcel in the Livingston area

Agency Negotiator: Dana Hertfelder, Director of Public Works

Negotiation Parties: JEG Livingston Ranches LLC and the Livingston Health Clinic respectively

Under Negotiation: To request authority to negotiate proposed purchase

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION:

It is the intention of the Board to meet in Closed Session concerning significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): One Case

THE BOARD RECESSED AT 9:01 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 Chaplain Rick Jurado, American Legion Post 166, Los Banos/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 - 9)

PRESENTATIONS:

WORKFORCE DEVELOPMENT BOARD ANNUAL REPORT

REVIEW BOARD ORDER

COVID-19 UPDATE

REVIEW BOARD ORDER

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-9)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Approve an increase of \$150 to the Department of Public Works, Roads Department change fund, which is used to provide change at community-wide clean-up events, resulting in a balance of \$200.

REVIEW BOARD ORDER

2. Set a first reading on March 23, 2021 at 10:00 a.m. to introduce a proposed ordinance amending Chapter 5.90 of the Merced County Code by increasing refuse collection service rates in Franchise Areas 1 through 5 in unincorporated Merced County.
3. Approve Budget Transfer to change the asset name to reflect the true nature of the project from Adobe Roof Replacement to Adobe Roof Repair. Additional assessment of the roof condition after the project was established at Final Budget revealed that a repair was more appropriate than a full replacement.
4. Approve Budget Transfer to change the asset name to reflect the true nature of the project from Ag Complex Roof Replacement to Ag Complex Roof Repair. Additional assessment of the roof condition after the project was established at Final Budget revealed that a repair was more appropriate than a full replacement.
5. Approve Budget Transfer in the amount of \$1,850 for a one time tree service and removal of invasive *Washingtonia robusta* palm located in the Monte Vista Wall escape. (4/5 Vote Required)

Behavioral Health and Recovery Services

6. Approve and authorize the Chairman to sign Amendment to Interdepartmental Contract No. 2018212 with Human Services Agency, for services provided through the Continuum of Care Homeless Project as part of the Mental Health Services Act, amending exhibit B, extending the contract term, and increasing the contract amount.

Human Services Agency

7. Proclaim the month of March 2021 as "National Social Work Month".

Community and Economic Development

8. Set a Public Hearing for March 23, 2021 at 10:00 a.m. as required by the Land Conservation Act of 1965 (the Williamson Act), to consider the amendment of the agricultural preserve with reference to four parcels, resulting from two Property Line Adjustments and two Minor Subdivisions. The properties are located, respectively, on the northeast corner of Bloss

Avenue and Campground Road in the Delhi area, the south side of Dickenson Ferry Road, approximately 659 feet east of Gurr Road in the Merced area, the southeast corner of Griffith Avenue and August Road in the Delhi area, and the west side of Pepper Street, approximately 1,370 feet south of W. South Avenue, in the Ballico area.

Human Resources

9. Approve Budget Transfer in the amount of \$12,638.38 to purchase the Risk Benefits copy machine to be used in the Conference Center. (4/5 Vote Required)

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

10. 1) Adopt the Plans and Specifications for the Santa Fe Avenue and Childs Avenue Traffic Signal and Intersection Improvement Project in the community of Planada; 2) Authorize the Department of Public Works (DPW) 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 the DPW to return to the Board with an informational item describing all actions taken.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER

11. 1) Adopt the Plans and Specifications for the Washington Boulevard Paving Project in the Livingston area; 2) Authorize the Department of Public Works (DPW) 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 the DPW to return to the Board with an informational item describing all actions taken.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER

12. Adopt the Resolution adjusting the mileage of maintained roads in Merced County for 2020 to be 1,754.244 miles.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

13. 1) The Director of Public Works requests the Board find that substantial evidence demonstrates that an emergency exists regarding the roof at the El Nido Fire Station at 10537 CA-59 in El Nido, 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); 2) Pursuant to Public Contract Code section 20134, approve replacing the roof at the El Nido Fire Station without adopting plans, specifications, strain sheets or working details and authorize the Director of Public Works to enter into contracts after review by County Counsel and Risk Management to have the work performed; and 3) Approve the associated Budget Transfers. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

14. 1) The Director of Public Works requests the Board find that substantial evidence demonstrates that an emergency exists regarding the roof at the Merced County Ag Shop, 2139 Wardrobe Ave., in Merced 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); 2) Pursuant to Public Contract Code Section 20134, approve replacing the roof at the Merced County Ag Shop without adopting plans, specifications, strain sheets or working details and authorize the Director of Public Works to enter into contracts after review by County Counsel and Risk Management to have the work performed; and 3) Approve the associated budget transfer.

APPROVED AS RECOMMENDED AYES: ALL

BEHAVIORAL HEALTH AND RECOVERY SERVICES

15. Retroactively approve contract with Golden Valley Health Centers to provide services through the Cultural Brokers for Mental Health Services Program as part of the Mental Health Services Act Prevention and Early Intervention.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER

HUMAN SERVICES AGENCY

16. Memorandum of Understanding between the County of Merced, on behalf of the Human Services Agency, Probation Department, Behavioral Health and Recovery Services, Public Health, Merced County Office of Education, Central Valley Regional Center, Merced Union High School District, and Merced City School District for Interagency Placement Committee (IPC), to serve children and youth in foster care who have experienced severe trauma.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

17. Contract with Aspiranet to provide a joint county based mobile response system that includes a mobile response and stabilization team.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

18. Ratify the acceptance of grant award in the amount of \$10,000 from First 5 Merced County for All Dads Matter Boot Camp for new Dads program and approve related Budget Transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

19. Ratify the acceptance of grant award in the amount of \$10,000 from First 5 Merced County for All Moms Matter Boot Camp for new Moms program and approve related Budget Transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

PROBATION

20. Retroactively approve contract with Merced County Office of Education to provide youth with educational and vocational services, training and paid work experience; and approve related Budget Transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

FIRE

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

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

SHERIFF

22. Contract with Guardco Security Services, Inc. for security services.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

ELECTIONS

23. 1) Adopt the Resolution to call for an all mail special election on August 31, 2021 to fill the Merced City School District, Board of Education, Trustee Area 3 vacancy; and, 2) Authorize the Elections division of the Merced County Registrar of Voters to procure and furnish those election services requested by Merced City School District as more fully set forth in their Resolution No. S-07-2020-2021, and to submit a cost bill to Merced City School District for reimbursement of the election services provided to them.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

24. Adopt a Resolution authorizing and supporting the California Voter's Rights Act beginning with the 2022 elections and authorizing the Registrar of Voters to formally transition to the Vote Center model.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER

TREASURER

25. Accept the Quarterly Investment Report for the Quarter ended December 31, 2020.

APPROVED AS RECOMMENDED AYES: ALL

COMMUNITY AND ECONOMIC DEVELOPMENT

26. Staff requests the Board provide direction regarding the Virginia Smith Trust - University Community Plan Development Project.

BOARD DISCUSSION – NO ACTION TAKEN

REVIEW BOARD ORDER

COUNTY COUNSEL

27. Authorize and direct the Clerk of the Board to execute and issue the Memorandum or Notice of Non-Authorization, pursuant to Government Code section 53853(b) and serve notice to Delhi Unified School District that the Board of Supervisors will not authorize issuance of the TRANS within 45 calendar days, thereby freeing the District to issue the TRANS on their own respective behalf.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

28. Appoint Derek Parker to the Emergency Medical Care Committee as the District 2 Representative, until June 30, 2021.

APPROVED AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER

29. Reappoint Suzi Balestra to the Winton Cemetery District, until February 18, 2025.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

30. Public Works re: Contract No. 2020187 was awarded to AJ Excavation Inc. of Fresno, CA in the amount of \$908,556 for the Delhi Community Pedestrian and Bicycle Connectivity Project.

REVIEW BOARD ORDER

31. Public Works re: Contract No. 2020024 was awarded to FBD Vanguard Construction of Livermore, CA in the amount of \$337,215 for the Enhanced Pedestrian Crosswalk Improvement Project for various locations throughout Merced County.

32. Fish and Game Commission re: Notice of proposed regulatory action relative to amending subsections (b)(4), (b)(43), (b)(66), and (b)(80) of Section 7.40, Title 14, CCR, relating to Central Valley sport fishing regulations.

33. Fish and Game Commission re: Notice of proposed regulatory action relative to amending subsection (b)(50) of Section 7.40, Title 14, CCR, relating to Klamath River Basin sport fishing regulations.

34. Fish and Game Commission re: Notice of findings concerning the California Department of Fish and Wildlife's five-year species review report and recommendation to change the status of Milo Baker's lupine (*Lupinus milo-bakeri*) from threatened to endangered under the California Endangered Species Act. This notice will be published in the California Regulatory Notice Register on February 26, 2021.

THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF JERALD "JERRY" O'BANION AND COLLEEN MENEFFEE AND ADJOURNED THE MEETING AT 12:55 P.M. UNTIL TUESDAY, MARCH 23, 2021, AT 10:00 A.M.