



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, APRIL 6, 2021

Closed Session – 8:30 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

8:30 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): Nunez v. County of Merced, et al., Merced Superior Court Case No.: 20CV-02624

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION:

It is the intention of the Board to meet in Closed Session concerning Initiation of Litigation pursuant to Government Code Section 54956.9(d)(4): One Case

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: 004-010-015 and APN: 004-010-014 two parcels totaling 3.0 +/- acres in the Atwater area.

Agency Negotiator: Dana Hertfelder, Director of Public Works

Negotiation Party: Dan Gallagher, Coldwell Banker Commercial, Gonella Realty

Under Negotiation: To request authority to negotiate proposed purchase

THE BOARD RECESSED AT 8:34 A.M. WITH SUPERVISOR PAREIRA NOT PRESENT AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT, AND THE CHAIRMAN ADVISED STAFF WAS GIVEN DIRECTION REGARDING EXISTING LITIGATION AND REAL PROPERTY NEGOTIATION. DIRECTION TO INITIATE LITIGATION HAS BEEN GIVEN TO COUNTY COUNSEL AND THE CEO BY UNANIMOUS VOTE. THE DEFENDANTS AND OTHER PARTICULARS SHALL BE DISCLOSED ONCE ACTION IS FORMALLY COMMENCED.

GOVERNMENT CODE SECTION 54954.2 COMPLIANCE (LATE AGENDA ITEMS)

10:00 A. M.

INVOCATION led by Ella Luna-Garza, United Methodist Church/**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 - 14)

SCHEDULED ITEM:

PUBLIC WORKS - SECOND READING - PROPOSED ORDINANCE

Second Reading for a Proposed Ordinance Amending Chapter 5.90 of the Merced County Code by Increasing the Refuse Collection Rates for the Unincorporated Areas Within County Solid Waste Franchise Areas 1 Through 5.

RECOMMENDATION:

1) Conduct second reading of an ordinance that proposes to increase refuse collection rates in the unincorporated areas of Merced County entitled "An Ordinance Amending Refuse Service Fees and Charges for County Solid Waste Franchise Areas" (Amends Chapter 5.90 of the Merced County Code and Ordinance 1987);

- 2) Waive further reading of the proposed ordinance; and
- 3) Adopt proposed ordinance (Amends Chapter 5.90 of the Merced County Code and Ordinance 1987).

REVIEW BOARD ORDER

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-14)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Approve and authorize the Chairman to sign Amendment to Contract No. 2016030 changing consultant name from CGL Companies, LLC to CGL Companies, Inc., and extending the contract term for the John Latorraca Correctional Center SB 863 Project Design-Build at no additional cost.
2. Set a Public Hearing for April 27, 2021 at 10:00 a.m. to consider adoption of the Resolution annexing the Villa Cordoba Unit 2 Phase 3, Major Subdivision No. 07-002, into the Villa Cordoba Unit 2 Landscape Maintenance Zone of Benefit No. 129 in County Service Area Number One.
3. Set a Public Hearing for April 27, 2021 at 10:00 a.m. to consider adoption of the Resolution annexing the Villa Cordoba Unit 2 Phase 3, Major Subdivision 07-002, into the Hilmar/Irwin Street Lighting Maintenance Zone of Benefit No. 100 in County Service Area Number One.

Ag Commissioner

4. Approve and authorize the Chairman to sign Amendment to Contract No. 2020177 with the California Department of Food and Agriculture (State Agreement No. 20-0333-000-SA) for Industrial Hemp Cultivation Program activities.

Behavioral Health and Recovery Services

5. Approve and authorize the Chairman to sign Amendment to Contract No. 2019189 with Aspiranet dba Aspira Behavioral Health, for the provision of Specialty Mental Health Services and Therapeutic Behavioral Services. This amendment extends the term of the contract, revises the insurance terms to meet County standards and updates Exhibits A, C and E.
6. Approve and authorize the Chairman to sign Amendment to Contract No. 2019234 with Kings View Corporation, for Electronic Health Record System Support services, as part of the Mental Health Services Act (MHSA) Capital Facilities and Technological Needs, updating the pricing conditions and extending term of the contract.
7. Approve and authorize the Chairman to sign Amendment to Contract No. 2018247 with Sierra Vista Child and Family Services to continue delivering Innovative Strategist Network Services for Youth, as part of the Mental Health Services Act (MHSA) approved Innovation program, updating the pricing conditions and amending Exhibits A, B and E.

Human Services Agency

8. 1) Adopt a Resolution approving and authorizing the Chairman to sign Amendment to Contract No. 2020113 (State Revenue Contract AP-2021-31) with the California Department

of Aging for Senior Service Programs; and 2) Approve the associated budget transfers. (4/5 Vote Required)

ADOPTED RESOLUTION

9. Adopt a Resolution approving and authorizing the Chairman to sign Amendment to Contract No. 2020108 (State Revenue Contract FP-1920-31) with State of California Department of Aging for Dignity at Home Fall Prevention Program.

ADOPTED RESOLUTION

Community and Economic Development

10. Set a Public Hearing for 10:00 a.m. on April 27, 2021, to consider awards and approval to negotiate contracts with selected vendors under Request for Proposal (RFP) No. 7370 for the Fast Open Contracts Utilization Services (FOCUS) Program providing Technology Expertise, Equipment, Services, and Systems.

Fire

11. Approve Budget Transfer in the amount of \$6,800 for the purchase of a Bio Threat Alert TX Reader for use by the County Hazardous Materials Response Team to replace an obsolete Rapid Bio Alert Reader (County Asset ID 56697) purchased in 2011 using Homeland Security Grant Program Funds.

Executive Office

12. Act on Claims for Damages submitted by Paula S. Duclo, Catharine L. Tarabini, Albert Eugene Matson, and Brenda Keen as recommended by Risk Management and County Counsel.

Board Recognition

13. Certificate of Recognition to Taqueria Los Gordos of Livingston for their Grand Opening.
14. Proclamation in recognition of April 10 - 16, 2021 as the 50th Annual "Week of the Young Child" in Merced County.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

15. Adopt Resolution authorizing the Chairman to sign the Federal Apportionment Exchange and State Match Program Agreement No. X21-5939(133) with the State of California, Department of Transportation, to exchange Federal Funds with Non-Federal State Highway Account Funds in the amount of \$626,686.

ADOPTED RESOLUTION AND AUTHORIZED CONTRACT AS RECOMMENDED
AYES: ALL

AG COMMISSIONER

16. 1) Retroactively approve Contract with California Department of Food and Agriculture (State Agreement No. 20-0159) for Insect Pest Detection trapping activities; 2) Authorize the

Chairman to sign the State Contractor Certifications (CCC) and CalRecycle Forms; and 3) Adopt the Resolution.

ADOPTED RESOLUTION AND AUTHORIZED CONTRACT AS RECOMMENDED
AYES: ALL

17. 1) Retroactively approve MOU (Reference Number: 20-sd24) with California Department of Food and Agriculture (CDFA) to provide for Pest Exclusion Seed Inspection activities; and 2) Authorize the County Agriculture Commissioner to sign the California Seed Law MOU and negotiate the rate per unit of activity.

AUTHORIZED CONTRACT AS RECOMMENDED **AYES: ALL**

18. Contract with the California Department of Food and Agriculture (CDFA) (State Agreement No. 20-0404-000-SA) to provide nursery stock activities at County locations.

AUTHORIZED CONTRACT AS RECOMMENDED **AYES: ALL**

19. Retroactively approve Contract (State Agreement No. 20-1074-000-SA) with the California Department of Food and Agriculture (CDFA) providing for Pink Bollworm Cotton Plowdown and Host-Free Monitoring Program.

AUTHORIZED CONTRACT AS RECOMMENDED **AYES: ALL**

20. Approve the Fiscal Year 2021/2022 Annual Work Plan (State Agreement No. 21-73-06-0262-RA) with United States Department of Agriculture USDA-APHIS - Wildlife Services for Predatory Animal Control in Merced County.

AUTHORIZED CONTRACT AS RECOMMENDED **AYES: ALL**

HEALTH

21. 1) Approve the Waste Tire Enforcement Grant Agreement (Cycle 28) from the California Department of Resources Recycling and Recovery to support waste tire enforcement activities; and 2) Authorize the Chair to sign the Grant Agreement.

AUTHORIZED CONTRACT AS RECOMMENDED **AYES: ALL**

BEHAVIORAL HEALTH AND RECOVERY SERVICES

22. Adopt the Resolution, which authorizes Behavioral Health and Recovery Services to opt out of AB 1976, for Involuntary Assisted Outpatient Treatment.

ADOPTED RESOLUTION AS RECOMMENDED **AYES: ALL**

23. 1) Retroactively approve and authorize Behavioral Health and Recovery Services to submit Projects for Assistance in Transition from Homelessness (PATH) Grant Application documents for 2021-2022 to the State Department of Health Care Services (DHCS) for approval, for the amount of \$95,742, with a required non-federal match amount of \$31,914; 2) Authorize the Director of Behavioral Health and Recovery Services to sign all PATH documents necessary for submittal; and 3) Return to the Board upon receipt of approval by DHCS of PATH Grant documents.

APPROVED AS RECOMMENDED **AYES: ALL**

24. 1) Retroactively approve and authorize Behavioral Health and Recovery Services to submit the Sutter Sponsorship Application to Sutter Health, for an anticipated amount of up to \$1,822,935; 2) Return to the Board upon receipt of approval and award of the Sutter Sponsorship Fund allocation.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

25. Contract with Merced Union High School District for Adult Education Services.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

26. Memorandum of Understanding between the County of Merced, on behalf of the Human Services Agency, and Castle Family Health Centers to provide Medi-Cal application services.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

27. 1) Approve the addition of one (1) Program Manager, classification 7701, salary range 78.7 and one (1) Staff Services Analyst I/II, classification 1050/1040, salary range 69.6/74.0, Budget Unit 50052 to be 100% subvented; and 2) Approve the amendments to the Position Allocation Resolution 06-120/A.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER

28. 1) Accept Permanent Local Housing Allocation award of \$310,947 from the California Department of Housing and Community Development (HCD) for Operating expenses of the Merced Navigation Center; and 2) Authorize the Human Services Agency Director to sign the grant agreement and any associated documents prior to April 7, 2021.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

29. 1) Ratify submission and accept award related to the Housing for the Harvest Director Certification and funding terms and conditions submitted to the California State Department of Social Services by the Human Services Agency Director for the Housing for the Harvest Support Services Program; 2) Direct staff to negotiated an agreement with the Merced County Community Action Agency to operate the Housing for the Harvest support Services Program; 3) Upon review by the County Executive Officer, County Counsel, Risk and the Auditor-Controller, authorize the Chairman to approve and execute a contract with the Merced County Community Action Agency for operation of the Housing for the Harvest program in a not-to-exceed amount of \$1,126,100.00, for a term of April 12, 2021 through June 30, 2021; 4) Direct staff to return to the Board of Supervisors with an item of all actions taken; and 5) Approve related budget transfer. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

COMMUNITY AND ECONOMIC DEVELOPMENT

30. Contract with RBK Development, Inc. for the payment of costs charged by EMC Planning Group, Inc. for the preparation of an Environmental Impact Report (EIR) for the Bradbury Ranch Master Plan Area.

PULLED – NO ACTION TAKEN

31. 1) Contract with EMC Planning Group, Inc. to prepare a supplemental or subsequent environmental impacts report and supporting technical analyses for the Bradbury Ranch Master Plan Area; and 2) Approve the related budget transfer. (4/5 Vote Required)

PULLED – NO ACTION TAKEN

PROBATION

- 32. Review and consider the FY 2021/2022 Juvenile Justice Realignment Block Grant Annual Plan, pursuant to WIC Section(s) 1990-1995.

APPROVED AS RECOMMENDED AYES: ALL

TREASURER-TAX COLLECTOR

- 33. Memorandum of Understanding with the Counties of Los Angeles, Orange, Riverside, and San Diego for the use of the Statewide Electronic Courier Universal Recording Environment (SECURE) Government to Government (G2G) Portal.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

HUMAN RESOURCES

- 34. 1) Ratify the First Amendment to the 2019 Memorandum of Understanding between Merced County and United Public Employees (UPE) representing Bargaining Unit 3; 2) Ratify the First Amendment to the 2019 Memorandum of Understanding between Merced County and Teamsters, Local 856 representing Bargaining Units 2 and 12; 3) Ratify the First Amendment to the 2019 Memorandum of Understanding between Merced County and Deputy Sheriff Association (DSA) representing Bargaining Units 10 and 14; 4) Ratify the First Amendment to the 2019 Memorandum of Understanding between Merced County and Merced County Attorneys Association (MCAA) representing Bargaining Unit 7; 5) Ratify the First Amendment to the 2019 Memorandum of Understanding between Merced County and American Federation of State, County and Municipal Employees (AFSCME) representing Bargaining Units 4, 5, 6, 8 and 11; 6) Ratify the First Amendment to the 2019 Memorandum of Understanding between Merced County and Merced County Law Enforcement Sergeants (MCLES) representing Bargaining Unit 30; and 7) Approve similar salary adjustments for Unrepresented Management (Unit 20) as specified in the amended Memorandums of Understanding (MOU) for the bargaining units listed above.

AUTHORIZED CONTRACTS AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

- 35. Appoint Joshua Brace to the Emergency Medical Care Committee as the District 4 Representative, until June 30, 2022.

APPROVED AS RECOMMENDED AYES: ALL

- 36. Reappoint Keng Cha to serve as a member of the Behavioral Health Board, representing District 3, until June 30, 2022.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

- 37. MBK Engineers re: Sycamore Mutual Water Company Petition for Change Involving Water Transfer under License 8129 (Application 1659) (On file with Clerk).
- 38. MBK Engineers re: Pelger Mutual Water Company Petition for Change Involving Water Transfer under License 8547B (Application 12470B) (On file with Clerk).

39. MBK Engineers re: Sutter Mutual Water Company Petition for Change Involving Water Transfer under License 2818 (Application 878) (On file with Clerk).
40. MBK Engineers re: David and Alice Te Velde Revocable Family Trust Petitions for Change Involving Water Transfer (On file with Clerk).
41. MBK Engineers re: Princeton-Codora-Glenn Irrigation District Petition for Change Involving Water Transfer under License 2646 (Application 244) (On file with Clerk).
42. MBK Engineers re: Conaway Preservation Group Petition for Change Involving Water Transfer under License 904B (Application 1199B) (On file with Clerk).
43. MBK Engineers re: Provident Irrigation District Petition for Change Involving Water Transfer under License 7205 (Application 462) (On file with Clerk).
44. MBK Engineers re: Pleasant Grove-Verona Mutual Water Company Petitions for Change Involving Water Transfer (On file with Clerk).
45. MBK Engineers re: Jack W. Baber Petition for Change Involving Water Transfer under License 1407 (Application 1617) (On file with Clerk).
46. State of California Water Resources Control Board re: Notice of petitions for Temporary Change Involving the Transfer of up to 183,418 Acre-Feet of Water from Water Right Holders in the Sacramento Valley to Various State Water Project and Central Valley Project Contractors.
47. State of California Water Resources Control Board re: Notice of Petitions for Temporary Change Involving the Transfer of up to 15,441.5 Acre-Feet of Water from Water Right Holders in the Sacramento Valley to the San Luis and Delta-Mendota Water Authority.

THE BOARD ADJOURNED THE MEETING AT 10:42 A.M. UNTIL TUESDAY, APRIL 27, 2021, AT 10:00 A.M.