



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, OCTOBER 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

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

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 COMMENTS

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 (see information below regarding public hearing public comments) 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.

In Person: Please raise your hand when requested and you will be directed to the podium.

Voicemail: Please call (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.

In an effort to assist the Clerk, (if leaving a voicemail 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.

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.

PUBLIC HEARINGS – PUBLIC COMMENTS

Public opportunity to speak regarding public hearings will be heard following the reading of the public hearing. 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.

In Person: Please raise your hand when requested and you will be directed to the podium.

Voicemail: Please call (209) 726-2755. All 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. Voicemails will be limited to three minutes in length and will be played during the meeting, as time allows.

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.

Email: Emails directed to the public hearing will be accepted up to and during the public hearing. Emails will not be read during the meeting, but will be delivered to the Board of Supervisors. Please send email public comments to the Clerk of the Board at specialmeetingcomments@countyofmerced.com. These comments will be made part of the record.

In an effort to assist the Clerk in identifying the public hearing agenda item relating to your public comment please indicate in the Subject Line, the subject matter. 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.

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.

The **REGULAR MEETING** is divided into three sections:

- **CONSENT CALENDAR:** These matters include routine financial and administrative action and usually are approved by a single vote.
- **REGULAR CALENDAR:** These items include significant policy and administrative actions.
- **SCHEDULED ITEMS:** These items are noticed hearings, work sessions and public hearings

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.

9:00 A.M. – CLOSED SESSION

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 (TESTIMONY 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) Jose Salgado v. County of Merced, Workers Compensation Appeals Board Case Nos. AJD6968625, ADJ8981786, ADJ10036960, ADJ12616025, and ADJ4462478; 2) BNSF Railway Company v. Merced County, et al., Federal Case No. 4:19-cv-07230-HSG.

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. REGULAR MEETING

INVOCATION led by Pete Herrera/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 - 8)

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-8)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Approve Amendment No. 3 to Contract No. 2020163 (JOC-013) with Marvulli, Inc., dba DMC Construction, for Building Construction Remodeling, Repairs and Maintenance Services to increase the contract value by \$1,500,000, for a new maximum contract value of \$5,000,000.

Health

2. Approve Amendment No. 02 to Contract No. 2019267 with Ajinder Singh, MD, Inc. for the Emergency Medical Services Agency Medical Director, modifying the term end date from September 30, 2021 to September 30, 2023, and increasing the contract amount from \$119,600 to \$268,520.

Human Services Agency

3. Approve Amendment No. 1 to Contract No. 2021101 with Merced County Office of Education (MCOE) for Stage One Child Care Services through A Child Care & Education Services System (ACCESS), modifying the scope of work to the Child Care Services Work statement on Exhibit B.

Fire

4. Adopt a Proclamation declaring the week of October 3-9, 2021 as Fire Prevention Week.

Probation

5. Approve Amendment No. 1 to Contract No. 2020215 with Merced County Office of Education for educational and vocational program services, modifying the term end date from June 30, 2021 to June 30, 2022 and increasing the contract amount from \$250,000 to \$500,000.

Board Recognition

6. Certificates of Recognition to various individuals for being selected as a First 5 of Merced County 2021 Hands on Heroes Award Recipient.
7. Certificate of Recognition to Lifeline Fitness and Training - Atwater for their Grand Opening.
8. Certificate of Recognition for Graduation from Merced County Drug Treatment Court to Manuel Parga, presented September 24, 2021.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

9. 1) Adopt the Resolution for the summary vacation of the alley in Block 32, and a portion of 8th Street and "O" Street, as shown on the Map of the Town of Dos Palos. 2) Direct the Clerk of the Board of Supervisors to record the adopted Resolution.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

10. 1) Adopt the Plans and Specifications for the Los Cerritos Road over Dry Creek Bridge Project. 2) Authorize the Director of Public Works 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. 4) Direct the Director of Public Works to return to the Board with an informational item describing all actions taken.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

11. 1) Adopt the Resolution for the summary vacation of a portion of the 5-foot public utility easement as shown on the Map of the Meadow-Brook Tract in the Merced area. 2) Direct the Clerk of the Board of Supervisors to record the adopted Resolution.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

12. Find that substantial evidence demonstrates that an emergency continues to exist regarding the drinking water well at the John Latorraca Correctional Center (JLCC) 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)

APPROVED AS RECOMMENDED AYES: ALL

HEALTH

13. Approve State Contract No. CTCP-17-24 with the California Department of Public Health California Tobacco Control Program to reduce tobacco related health disparities, effective July 1, 2021 through December 31, 2021, in the amount of \$165,642.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

14. Adopt a Resolution approving and authorizing the Board Chair to execute State Contract #MS-2122-28, and any required forms, with the California Department of Aging for the Multipurpose Senior Services Program, effective July 1, 2021 through June 30, 2022, for a total contract amount not to exceed \$856,992.

ADOPTED RESOLUTION AND AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

15. Approve and authorize, after review by County Counsel, the Board Chair to execute a City of Merced Street Closure Application for the 17th Annual Veterans Day Parade to be conducted on November 11, 2021.

APPROVED AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER

16. 1) Adopt a Resolution authorizing the County Executive Officer or Director of Human Services Agency to execute the Permanent Local Housing Allocation (PLHA) Formula Component Program Application, the PLHA Formula Component Standard Agreement, and any subsequent amendments or modifications thereto, as well as, any other documents which are related to the Program or the PLHA Formula Component grant awarded to Merced County, in an amount up to \$508,297.00. 2) Direct the Human Services Agency Director to return to the Board of Supervisors with an informational item of all actions taken.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

COMMUNITY AND ECONOMIC DEVELOPMENT

17. Approve a Contract with T J K M for consulting services for the preparation of the Franklin-Beachwood Interconnectivity Plan, effective October 5, 2021 through October 5, 2026, for a total contract amount not to exceed \$134,888.52.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

18. 1) Based on the findings in the Board Agenda Item find that 3 County owned sites located at Castle Commerce Center, as identified on the map attached to this agenda item, are "Surplus land" for a one-year period commencing October 5, 2021, per the Surplus Land Act. 2) Direct staff to send all notices and take all actions required by the Surplus Land Act prior to disposing of or engaging in negotiations related to the identified real property sites.

APPROVED AS RECOMMENDED AYES: ALL

19. 1) Determine that approval of an agricultural conservation easement is exempt from CEQA in accordance with Section 15317 of the CEQA guidelines; 2) Approve the resolution approving use of Sustainable Agricultural Lands Conservation Program grant funds for the purchase of the Fiorini Ranch agricultural conservation easement, approximately 59.2 acres along Bradbury Road in the Delhi area (APN 046-040-006) by the California Farmland Trust.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

COUNTY COUNSEL

20. Adopt a Resolution to amend Resolution No. 91-53 to decrease the membership of the Delhi Municipal Advisory Council from up to fifteen (15) members to seven (7) members.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

CHILD SUPPORT SERVICES

21. Approve and authorize the Director of Child Support Services to sign the Plan of Cooperation between the County of Merced and Superior Court of California, County of Merced.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

FIRE

22. 1) Approve the Fire Suppression Services Liability Agreement between the City of Gustine and the County of Merced, which generally outlines the Parties' respective liabilities when the County responds to call for service within City limits using County equipment, and when the County utilizes City equipment when responding to calls in the City and the unincorporated areas. The Agreement also establishes guidelines for the joint use of the Fire station. 2) Authorize the Chairman of the Board of Supervisors and the Merced County Fire Chief to sign the agreement.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

23. Provide Staff direction regarding fireworks within the County and the associated ordinances.

BOARD DISCUSSION – NO ACTION TAKEN

REVIEW BOARD ORDER

LAW LIBRARY

24. Approve the Merced County Law Library Annual Report as presented and approved by the Merced County Law Library Board of Trustees on August 31, 2021.

APPROVED AS RECOMMENDED AYES: 1, 2, 3 NOES: 4, 5

REVIEW BOARD ORDER

WORKFORCE INVESTMENT

25. Approve contract with County of Stanislaus Department of Workforce Development for Veteran Employment Assistance, effective July 1, 2021 through March 31, 2023, for a total contract amount not to exceed \$57,800.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

26. Adopt a Resolution authorizing the County Executive Officer to submit a grant application and authorizing the Board Chair to sign the Standard Agreement with the Golden State Connect Authority (GSCA) Joint Exercise of Powers Agreement for participation of expanding broadband access effective Board membership approval until termination.

**ADOPTED RESOLUTION AND AUTHORIZED CONTRACT AS RECOMMENDED
AYES: ALL**

BOARD APPOINTMENTS

27. Reappoint Jose Resendez and Evelyne Dorsey to serve as Commissioners who are tenants of the Housing Authority of the County of Merced until October 19, 2022.

APPROVED AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

28. Public Works re: Information Only - Contract No. 2021028 was awarded to Dirt Dynasty, Inc., of Valley Springs, CA in the amount of \$1,143,834.00 for the Washington Blvd., Reconstruction Project in the Livingston area.

**THE BOARD ADOPTED RESOLUTION IN MEMORY OF LARRY D. MORSE II AND
ADJOURNED THE MEETING AT 12:03 P.M. UNTIL TUESDAY, OCTOBER 19, 2021, AT
10:00 A.M.**