



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 - FINAL

TUESDAY, OCTOBER 19, 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 - 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 9:00 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 Deacon Trinidad Guadarrama, Sacred Heart, Merced/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 – SEE PAGE 8

APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 15)

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-15)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Approve Budget Transfer in the amount of \$40,000 to increase appropriation to Main Administration Outdoor Improvement project to cover unanticipated underground wiring repairs, chiller lines repair, and contingency.

2. 1) Authorize the Director of Public Works to sign Project Supplement No. 2 to Contract No. 2020117 with Teter, LLP for architectural consulting services relating to the Del Hale Hall / Dos Palos Library project, effective October 19, 2021 through April 19, 2022, for a total amount not to exceed \$280,100; 2) Approve the associated Budget Transfer.
3. 1) Approve Contract Change Order No. 62 to Contract No. 2019123 with A. Teichert & Son, Inc. dba Teichert Construction, in the amount of \$1,236,043 for a not-to-exceed amount of \$46,530,759.25, for bike path construction on the Campus Parkway Segment 3 project; 2) Authorize the Director of Public Works to execute the change order; 3) Approve associated Budget Transfer. (4/5 Vote Required)

Behavioral Health and Recovery Services

4. Approve Amendment No. 3 to Contract No. 2019113 with Discovery Practice Management, Inc., for specialized eating disorder treatment services, extending the term from March 27, 2019 through June 30, 2021 to March 27, 2019 to June 30, 2023 and updating terms and insurance conditions to meet County standards.
5. Approve Amendment No. 1 to Contract No. 2021001 with Jackson & Coker Locum Tenens, LLC, for Temporary Licensed Psychiatrist Services, extending the term end date from June 30, 2022 to June 30, 2024, and retroactively increasing rates as identified in Exhibit B, effective September 1, 2021.
6. Approve Amendment No. 2 to Contract No. 2021230 with God's Love Outreach Ministries, for Specialty Mental Health Services to revise and replace Exhibit C - Scope of Work.

Human Services Agency

7. Adopt a Proclamation declaring the month of October 2021 as "Residents' Rights Month".
8. 1) Adopt a Resolution approving and authorizing the Board Chair to sign Amendment No. 1 to the Area Plan Program Contract No. 2021114 (State Agreement No. AP-2122-31) to increase the contract by \$212,424 for a new contract amount of \$1,543,949; 2) Approve the associated Budget Transfers. (4/5 Vote Required)

ADOPTED RESOLUTION NO. 2021-110

Workforce Investment

9. Accept Modification eleven (11) to Master Subgrant AA011015 (Amendment Contract No. 2019275) to incorporate original exhibits to the COVID-19 Disaster Recovery NDWG - Temporary Jobs project in grant code 1195.
10. Accept Modification twelve (12) to Master Subgrant AA011015 (Amendment Contract No. 2019275) to extend the term end date from September 30, 2021, through March 31, 2022, to the Workforce Accelerator Fund (WAF) 8.0 PY 2019/2020 project in grant code 1173. The WAF 8.0 grant funds services for homeless jobseekers.

Sheriff

11. Approve Budget Transfer in the amount of \$4,000 to add funds to asset 81327 for a Polaris ATV being purchased for Inmate Services.
12. Approve Budget Transfer in the amount of \$6,346.10 for necessary equipment to be added to a Patrol Vehicle (asset 86200) once the vehicle is received.

Administrative Services

13. Approve Budget Transfer in the amount of \$5,108 to cover an increase in lease cost for additional equipment on the tower located on east 13th Street in the City of Merced. The tower serves as the Central Site for the Merced Operational Area Regional Interoperable Communications System (MOA-RICS) that provides a shared communications platform for law enforcement, fire and first responders in Merced County. (4/5 Vote Required)

Executive Office

14. Approve travel request received from the Sheriff Department as recommended by the Executive Office.

Board Recognition

15. Authorize Proclamation in recognition of Domestic Violence Awareness Month for October 2021 in Merced County.

Supervisor McDaniel presents proclamation to Kimberly Scott, Program Director of Valley Crisis Center

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

16. Request the Board to relieve the Department of Public Works (DPW) of the accountability for fixed asset No. 0056890 Semi Hermetic Compressor 20hp Copeland HVAC compressor, Nos. 0040011, 0040012, 0040017, 0040021, 0040022, 0040023, 0040024, 0040025, 0040028, 0040033, and 0040034 Smartnet Mostar Radio, No. 0040122 15 HP Saylor-Beall Compressor by allowing the Auditor's Office to remove the items from DPW's fixed asset inventory.

APPROVED AS RECOMMENDED AYES: ALL

17. Adopt a Resolution that designates the intersection of Atwater Jordan Road and Robin Avenue in the Livingston area an all-way stop intersection and authorizes the installation of stop signs on the Atwater Jordan Road approaches to its intersection with Robin Avenue.

ADOPTED RESOLUTION NO. 2021-111 AS RECOMMENDED AYES: ALL

18. Adopt a Resolution that designates the intersection of Sunset Drive and Robin Avenue in the Livingston area an all-way stop intersection and authorizes the installation of stop signs on the Sunset Drive approaches to its intersection with Robin Avenue.

ADOPTED RESOLUTION NO. 2021-112 AS RECOMMENDED AYES: ALL

19. 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

20. 1) Find that substantial evidence demonstrates that an emergency exists regarding the pump for the potable water well located in Bicentennial Grove at Lake Yosemite such that the emergency will not permit a delay resulting from 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 replacement of the existing pump and motor at the existing well, along with necessary plumbing and electrical components, 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 work performed; 3) Approve the associated Budget Transfer.

APPROVED AS RECOMMENDED AYES: ALL

BEHAVIORAL HEALTH AND RECOVERY SERVICES

21. 1) Accept the Sutter Health, Community Health Investment grant award in the amount of \$600,000; 2) Approve the Memorandum of Understanding with Sutter Valley Hospitals dba Memorial Hospital Los Banos to further support the LINKS Program and Wellness Campaigns effective July 1, 2021 through December 31, 2024 in the amount of \$600,000.

AUTHORIZED CONTRACT NO. 2021318 AS RECOMMENDED AYES: ALL

22. Approve a Memorandum of Understanding with the City of Merced for the collaborative expansion of services to youth suffering from drug and alcohol addiction, effective October 1, 2021 through June 30, 2024, for a total contract amount not to exceed \$355,094.

AUTHORIZED CONTRACT NO. 2021319 AS RECOMMENDED AYES: ALL

COMMUNITY AND ECONOMIC DEVELOPMENT

23. Approve Memorandum of Understanding with the Merced Local Agency Formation Commission (LAFCO) for support services from the County's Community and Economic Development Department for the 2021/2022 Fiscal Year, effective July 1, 2021 through June 30, 2022, for a total contract amount not to exceed \$18,113.

AUTHORIZED CONTRACT NO. 2021320 AS RECOMMENDED AYES: ALL

WORKFORCE INVESTMENT

24. Approve a no cost Memorandum of Understanding with Merced County Office of Education - Come Back Charter School for employment and education services, effective October 1, 2021 through June 30, 2022.

AUTHORIZED CONTRACT NO. 2021321 AS RECOMMENDED AYES: ALL

ADMINISTRATIVE SERVICES

25. 1) Approve a contract with NEC Corporation of America to upgrade the telephone system utilized by the Human Services Agency, effective July 1, 2021 through June 30, 2022 for a total contract amount not to exceed \$278,586.76; 2) Authorize the Director of Administrative Services to negotiate and sign a final statement of work and related change orders.

AUTHORIZED CONTRACT NO. 2021322 AS RECOMMENDED AYES: ALL

FIRE

26. Adopt a Resolution accepting the annual report, in compliance with SB 1205, of structure inspections as required by Health and Safety Code Sections 13146.2 and 13146.3 completed from October 1, 2020 to September 30, 2021.

ADOPTED RESOLUTION NO. 2021-113 AS RECOMMENDED AYES: ALL

LIBRARY

27. 1) Authorize the County Librarian or her designee to submit a Building Forward: Library Infrastructure grant applications to the California State Library for life-safety, critical maintenance, and infrastructure projects, effective April 1, 2022 through June 30, 2026, in the amount up to \$10,000,000 per application; 2) Direct the County Librarian to return to the Board with the application results and to accept the awards.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

28. Reappoint Bill Diedrich and Mike Wood to serve as Directors of the San Luis Water District in lieu of an election, until December 6, 2025.

APPROVED AS RECOMMENDED AYES: ALL

29. Reappoint David Carlucci, David Pruitt, Cannon Michael, and Michael Palazzo to serve as Trustees of the Henry Miller Reclamation District, in lieu of an election, until November 3, 2025.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

30. Sheriff re: Annual reporting requirements on Inmate Welfare Trust Fund for Fiscal Year 2020-2021 in accordance with Penal Code Section 4025(e).
31. Community & Economic Development re: Emergency project to replace 78 railroad cross ties at Castle Commerce Center rail spur as authorized by Public Contract Code section 22050.

THE BOARD ADJOURNED THE MEETING AT 11:08 A.M. UNTIL TUESDAY, NOVEMBER 2, 2021, AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – OCTOBER 19, 2021

10:00 A.M. SCHEDULED ITEM **2021-10-19 PUBLIC OPPORTUNITY**

Public Comments received via email for Public Opportunity and Scheduled Items are on file with the Clerk.

Samantha Thompson, Merced County Law Library Director speaks about the role of the Law Library and that it is a public library unrelated to the County's main library and serves a unique role to ensure members of the public have access to justice through legal research and information. She states that they also serve members of the State Bar and Judiciary. She shares that their hours are 8:00 a.m. to 4:30 p.m. Monday through Thursday and close from 12:00 p.m. to 1:00 p.m. for lunch and on Friday's are open from 8:00 a.m. to 12:00 p.m.

Feliza Gray, Deputy Director of Area Agency on Aging highlights Item 7 on the agenda, Proclamation for Resident's Rights Month for October 2021. She states that Residents Rights month is celebrated each October and is designated by the National Consumer Voice for Quality Long-term Care each year to highlight residents living in long-term care facilities and care settings.

Annette Flores, Santa Nella resident states her concerns regarding the need for a park in the Santa Nella area.

Deacon Trinidad Guadarrama with Sacred Heart Catholic Church states his concerns regarding jail ministry at the local correctional facilities and not being able to visit for the past two years due to COVID.

The Clerk plays voicemails received from the following: Santa Nella resident, Chu, Shoa Yang, Yee, Pang Cha Vang, Joyce Dale, Erica Martinez, Alisa Flores, Noah, Grace Sanchez, Santa Nella resident, Santa Nella resident, Maria Salazar, Itsel Martinez, Mr. Rivas, Gloria Sandoval, Kim McMillen, and Vue Xiong.

Present: McDaniel, Espinoza, Pedrozo, Pareira, Silveira