



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, NOVEMBER 2, 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.

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.

8:30 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:

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) Merced County v. Ronald Hoh, Administrative Hearing Officer, Case No. 21CV-03143.

CLOSED SESSION:

It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957: PUBLIC EMPLOYEE APPOINTMENT, Title: County Executive Officer.

THE BOARD RECESSED AT 8:32 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 Pastor Rich Miller, Victory Baptist 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 – SEE PAGE 9

APPROVAL OF CONSENT AGENDA CALENDAR (ITEMS #1 - 8)

PRESENTATION:

CALIFORNIA DEPARTMENT OF WATER RESOURCES – 2022 CENTRAL VALLEY FLOOD PROTECTION PLAN (CVFPP) UPDATE

REVIEW BOARD ORDER – SEE PAGES 9 AND 10

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 Budget Transfer in the amount of \$225,000 to acquire and install required security components at the Behavioral Health and Recovery Services Children's System of Care Campus.
2. Approve Amendment No. 1 to Contract No. 2020161 (JOC-011) with Ardent General, Inc. for Building Construction Remodeling, Repairs and Maintenance Services to increase the contract amount by \$3,500,000, for a new maximum contract value of \$5,000,000.
3. 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)
4. Find that substantial evidence demonstrates that an emergency continues to exist regarding the well pump at Lake Yosemite Bicentennial Grove 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)

Behavioral Health and Recovery Services

5. Approve Amendment No. 1 to Contract No. 2021275 with Iris Telehealth, Inc. for the provision of Tele-Psychiatry Services to revise and replace the Exhibit B - Budget/Rate Schedule.

Human Resources / Risk Management

6. 1) Approve rejection of claim (2021-063) for any loses which accrued between November 23, 2020 and September 20, 2021; 2) Approve returning claim as late to any losses which accrued on or prior to November 22, 2020; and 3) Approve Assistant County Executive Officer, or designee, to send notice of said action on claim.

Board Recognition

7. Certificates of Recognition to various individuals for being selected by the Merced County Hispanic Chamber of Commerce as award recipients, presented on October 15, 2021.
8. Certificates of Recognition to various individuals for being selected as winners in the 2021 Young Patriot Challenge Constitution Week Contest, presented on October 20, 2021.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

9. 1) Find the Castle Dormitory Demolition Project exempt from environmental review under Sections 15268 - "Ministerial Projects", 15301 - "Existing Facilities", and 15308 - "Actions by Regulatory Agency for Protection of the Environment" of the CEQA Guidelines; 2) Adopt the Plans and Specifications for the demolition of the Castle Dormitory Buildings: 300, 372, 373, 470, 480 and 482 in the vicinity of Stratofortress Drive and Aviation Drive on the former Castle Air Force Base; 3) Authorize the Department of Public Works to advertise said Plans and Specifications for a Public Bid Opening; 4) Authorize the Director of Public Works to award a Construction Contract to the lowest responsible bidder provided said bid was within the established budget and execute said Construction Contract upon review by the Department of Public Works, Risk Management, and County Counsel; 5) Return to the Board of Supervisors with an informational item describing all actions taken.

AUTHORIZED CONTRACT NO 2021323 AS RECOMMENDED AYES: ALL

10. 1) Authorize the Department of Public Works to circulate a Request for Qualifications (RFQ) to qualified consultants to provide on-call engineering and design services for small County projects; and 2) Authorize the Department of Public Works to review and rank statements of qualifications as well as negotiate a Retainer Agreement to be submitted to the Board of Supervisors for consideration upon review by County Counsel and Risk Management.

APPROVED AS RECOMMENDED AYES: ALL

11. Approve the concession agreement with the Padyak Shack, which allows for the operation of a kayak and paddle board rental service and picnic supply concession from November 2, 2021 through December 31, 2025, at the County's park located at Lake Yosemite. (4/5 vote required)

AUTHORIZED CONTRACT NO. 2021324 AS RECOMMENDED AYES: ALL

HEALTH

12. Approve an Intergovernmental Agreement regarding Transfer of Public Funds (State Contract 21-10229) with the California Department of Health Care Services to participate in the 2021 Intergovernmental Transfer Voluntary Rate Range Program, effective January 1, 2021 through December 31, 2021, for a total contract amount to not exceed \$11,124,757.20.

AUTHORIZED CONTRACT NO. 2021325 AS RECOMMENDED AYES: ALL

BEHAVIORAL HEALTH AND RECOVERY SERVICES

13. 1) Approve the following departmental personnel actions: Add 1 Account Clerk III, Class 1911, Range 64.8 to Budget Unit 41535 with an associated cost of \$98,944 that is 100% sub vented resulting in a Net County cost of \$0.00; 2) Approve the amendment to the Position Allocation Resolution 06-120/A; and 3) Approve the associated Budget Transfer. (4/5 Vote Required)

ADOPTED RESOLUTION NO. 2021-114 AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

14. Adopt a Resolution approving and authorizing the Board Chair to execute State Contract 21-5027 with the California Department of Social Services (CDSS) for the Resource Family Approval (RFA) program. This is a No-cost Agreement to be effective July 1, 2021 through June 30, 2024.

ADOPTED RESOLUTION NO. 2021-115 AND AUTHORIZED CONTRACT NO. 2021326 AS RECOMMENDED AYES: ALL

15. Adopt a Resolution authorizing and directing the Human Services Agency Director to apply for and accept the allocation award from the California Department of Housing and Community Development under the Housing Navigation Program, in the amount of \$60,535; authorizing and directing the Human Services Agency Director to accept additional allocation of funds should any remain and County is eligible to receive; and authorizing and directing the County Executive Officer and Human Services Agency Director to enter into, execute, and deliver the "HNP Allocation Award Documents".

ADOPTED RESOLUTION NO. 2021-116 AND AUTHORIZED CONTRACT NO. 2021327 AS RECOMMENDED AYES: ALL

16. Adopt a Resolution authorizing and directing the Human Services Agency Director to apply for and accept the allocation award from the California Department of Housing and Community Development under the Transitional Housing Program, in the amount of \$54,400; authorizing and directing the Human Services Agency Director to accept additional allocation of funds should any remain and County is eligible to receive; and authorizing and directing the County Executive Officer and Human Services Agency Director to enter into, execute, and deliver the "Transitional Housing Program Allocation Award Documents".

ADOPTED RESOLUTION NO. 2021-117 AND AUTHORIZED CONTRACT NO. 20213328 AS RECOMMENDED AYES: ALL

COMMUNITY AND ECONOMIC DEVELOPMENT

17. Approve a contract with Environmental Planning Partners, Inc., in the amount of \$111,958.00, to prepare an Environmental Impact Report for the Correia Family Dairy Expansion Project (CUP21-009) for the term beginning November 2, 2021 and ending November 2, 2026.

AUTHORIZED CONTRACT 2021329 AS RECOMMENDED AYES: ALL

18. Approve a contract with Correia Family Dairy Farms, LLC in the amount of \$111,958.00 for the payment of costs charged by Environmental Planning Partners, Inc. for the preparation of an Initial Study, Environmental Impact Report and Technical Analyses for the Correia Family Dairy Farms Expansion Project (CUP21-009) for the term beginning November 2, 2021 and ending November 2, 2026.

AUTHORIZED CONTRACT NO. 2021330 AS RECOMMENDED AYES: ALL

19. Approve a contract with Ascent Environmental, Inc. for preparation of the University Community Plan Update and VST Specific Plan Focused Subsequent Environmental Impact Report (Project No. GPA 21-002), effective September 30, 2021 through September 30, 2026, for a total contract amount not to exceed \$250,835.00.

AUTHORIZED CONTRACT NO. 2021331 AS RECOMMENDED AYES: ALL

20. Approve a contract with Virginia Smith Trust (Applicant) for the payment of costs charged by Ascent Environmental, Inc. for the preparation of the University Community Plan Update and VST Specific Plan Focused Subsequent Environmental Impact Report (Project No. GPA21-002), effective September 30, 2021 through September 30, 2026, for a total contract amount not to exceed \$250,835.00.

AUTHORIZED CONTRACT NO. 2021332 AS RECOMMENDED AYES: ALL

21. 1) Determine that approval of an agricultural conservation easement is exempt from CEQA in accordance with Section 15317 of the CEQA guidelines; and 2) Approve the Resolution approving use of grant funds for the purchase of the Riverdance Farms agricultural conservation easement, approximately 73.3 acres along Livingston-Cressey Road in the Livingston area (APNs 046-240-041-000, 046-240-040-000, 140-190-002-000, 046-240-048-000, and 140-190-062-000) by the American Farmland Trust.

ADOPTED RESOLUTION NO. 2021-120 AS RECOMMENDED AYES: ALL

LIBRARY

22. Approve the Library's 2021-2024 Strategic Plan.

APPROVED AS RECOMMENDED AYES: ALL

23. Approve to close library branches for a staff development day on Friday, December 3, 2021.

APPROVED AS RECOMMENDED AYES: ALL

24. 1) Authorize the County Librarian, or designee, to submit an application with the California State Library - Library Services and Technology Act (LSTA) for participation in Copycat Grant Program for Pop-up Makerspace for Teens, effective December 2021 through August 2022, in the amount of \$10,000.; and 2) Direct County Librarian, or designee, to return to the Board with the Application results and to accept the award.

APPROVED AS RECOMMENDED AYES: ALL

DISTRICT ATTORNEY

25. 1) Adopt a Resolution authorizing the District Attorney's participation in the County Victim Services (XC) Program, authorizing the District Attorney to execute the grant award agreement and any modifications, amendments and extensions, and authorizing the District Attorney and the Chair of the Board to sign the Certification of Assurance of Compliance; and 2) Ratify the submission of the County Victim Services (XC) Program proposal in the amount of \$234,808 for calendar year 2022 by the District Attorney.

ADOPTED RESOLUTION NO. 2021-118 AND AUTHORIZED CONTRACT NO. 2021333 AS RECOMMENDED AYES: ALL

26. Approve a contract with Court Appointed Special Advocates for foster youth services, effective January 1, 2022 through December 31, 2022, for a total contract amount not to exceed \$169,199.

AUTHORIZED CONTRACT NO. 2021334 AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

27. 1) Adopt a Resolution requesting that the California Citizens Redistricting Commission reject the visualizations applicable to Merced County and Stanislaus County and seek new district boundaries that do not divide Merced County and acknowledge and appropriately reflect the longstanding and historically significant relationships that exist between Merced County and Stanislaus County; and 2) Authorize County Executive Officer to submit Resolution to the California Citizens Redistricting Committee.

ADOPTED RESOLUTION NO. 2021-119 AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 10

28. 1) Authorize the remaining balance of District Two Special Project Funds currently committed to be utilized for an Extra-Help Student Intern be released back to the available balance of District Two Special Project Funds; 2) Authorize the use of \$6,000 of District Two Special Project Funds for the restoration of the Veteran's Memorial Wall in Courthouse Park in Merced; and 3) Approve the associated Budget Transfer. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

29. Reappoint Taj Samran, Dirk Ulrich, Jay Fiorini and Dennis Yotsuya to the Ballico Cortez Water District in lieu of and election until December 5, 2025.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

30. Elections Re: Statement of Vote with the Certified Election Results for the California Gubernatorial Recall Election held on September 14, 2021.

31. Community and Economic Development Re: Annual payment to the West Turlock Subbasin Groundwater Sustainability Agency for Fiscal Year 2021-2022 Groundwater Sustainability Plan costs and membership dues in the amount of \$21,922.65.

THE BOARD ADJOURNED THE MEETING AT 11:47 A.M. UNTIL TUESDAY, NOVEMBER 16, 2021, AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – November 2, 2021

10:00 A.M. SCHEDULED ITEM **2021-11-2 PUBLIC OPPORTUNITY**

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

Aracely Garcia Gonzalez, Policy Advocate for Leadership Council for Justice Accountability speaks on the Agenda Item No. 17. She shares concerns with the proposed dairy expansion regarding the number of dairy expansion requests in the County and their cumulative impact on our region.

Amy Taylor, County Librarian speaks on Item 22 and introduces the Library Strategy Team who developed the 2021-2024 Library Strategic Plan.

Rhonda Sharp, Former Employee of Stanislaus County Superior Court, speaks on being terminated due to failing to comply with the Mandatory Vaccination Policy.

Darlene Ingersoll, Registrar of Voters, speaks briefly on Item 30, Certified Election Results and a Statement of Vote for the September 14, 2021 California gubernatorial Recall Election. She thanks Blanca Torres, Assistant Registrar of Voters and Shawnesti Machado, Supervising Specialist, Extra-Help Employees, County Employee Poll workers, Poll Workers and Rovers, and numerous organizations for their leadership and hard work for a successful election.

James Hunt, Merced County Resident, states that there is an item on the Agenda regarding his property that he was not aware of and asks to be kept informed.

The Clerk plays voicemails received from the following: Jose Ariba, Ariel Ariba, Ms. Rivas, Erica Martinez, Rachel Arizata, Gabriella Salcido, Andrew Morales and Maria Salazar.
Present: McDaniel, Espinoza, Pedrozo, Pareira, Silveira

10:00 A.M. SCHEDULED ITEM **2021-11-2 PRESENTATION – CALIFORNIA DEPARTMENT OF WATER RESOURCES –** **2022 CENTRAL VALLEY FLOOD PROTECTION PLAN (CVFP) UPDATE**

Mary Jimenez with the Department of Water Resources reviews the following slides: The Central Valley Flood Protection Plan (CVFPP), Regional Flood Management Planning; 2022 CVFPP Update, Chapter 1: Updating the CVFPP, Chapter 2: CVFPP Implementation Progress; Chapter 3 Updated Risk Priorities, Portfolios, and Outcomes, CVFPP Policy Issues are Being Updated, Chapter 4: Moving Forward, 2022 CVFPP Update and Related Efforts/Plan Development Milestones and Merced County.

Chairman McDaniel comments that he was hoping that there would be more discussion on capturing of this water. He states that the Governor was recently in Merced County and commented on getting more water in shorter periods of time and that we have to figure out how to capture that. He hopes the study is going to reflect that.

Mary Jimenez responds that without going into too much detail, there are a variety of actions in the plan that in large part are due to the great engagement with the Upper San Joaquin RFMP.

Supervisor Pareira states that most of the flooding that we get is between City of Merced and the Delta along the San Joaquin River. He suggests if the Temperance Flat Facility was built, that it would solve a lot of the flood control issues in the Central Valley and if not interested then at least consider looking at raising the spillway or helping us raise the spillway on Lake McClure Exchequer Dam.

Darren Suen addresses comments made by Chairman McDaniel and Supervisor Pareira.
Present: McDaniel, Espinoza, Pedrozo, Pareira, Silveira

ACTION ITEM NO. 27

2021-11-2 BOARD OF SUPERVISORS

The Clerk announces item to 1) Adopt a Resolution requesting that the California Citizens Redistricting Commission reject the visualizations applicable to Merced County and Stanislaus County and seek new district boundaries that do not divide Merced County and acknowledge and appropriately reflect the longstanding and historically significant relationships that exist between Merced County and Stanislaus County; and 2) Authorize County Executive Officer to submit Resolution to the California Citizens Redistricting Committee is before the Board for consideration.

Chairman McDaniel gives an overview of the responsibilities of the California Citizens Redistricting Commission and turns it over to Assistant County Executive Officer David Mirrione.

Assistant County Executive Officer, David Mirrione walks through the tools on visualization map from the We Draw the Lines website and reviews The Congressional District, the State Assembly and State Senate maps.

The Board Members have a discussion in support of adopting the Resolution.

Upon motion of Supervisor Silveira, seconded by Supervisor Pedrozo, the Board 1) Adopts Resolution No. 2021-119 requesting that the California Citizens Redistricting Commission reject the visualizations applicable to Merced County and Stanislaus County and seek new district boundaries that do not divide Merced County and acknowledge and appropriately reflect the longstanding and historically significant relationships that exist between Merced County and Stanislaus County; and 2) Authorize County Executive Officer to submit Resolution to the California Citizens Redistricting Committee.

Ayes: McDaniel, Espinoza, Pedrozo, Pareira, Silveira