



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, DECEMBER 7, 2021

Closed Session – 9:00 a.m.

Regular Meeting – 10:00 a.m.

Redistricting Public Hearing - 6:30 p.m.

Zoom – Morning Session

<https://zoom.us/join> or Dial: 1(408)638-0968

Meeting ID: 810 0062 7604

Participant ID: #

Passcode: 660610

Zoom – Redistricting Public Hearing

<https://zoom.us/join> or Dial: 1(408)638-0968

Meeting ID: 897 4222 1370

Participant ID: #

Passcode: 540216

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>.

TELECONFERENCE INFORMATION

This meeting will be held in person and via teleconference. Members of the Board may be attending from remote locations. As authorized by AB 361, dated September 16, 2021, a local agency may use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency and local officials have recommended or imposed measures to promote social distancing or the body cannot meet safely in person and the legislative body has made such findings.

Members of the public may participate via the Zoom Webinar, including listening to the meeting and providing public comment, by following the instructions below.

To join the meeting by computer: Visit <https://us06web.zoom.us/j/81000627604?pwd=Zk91Y1ZxeS9lakV5WVBNTURFRWhGZz09> (Morning Session) and <https://us06web.zoom.us/j/89742221370?pwd=Mkpic2ZqUkZBRE5JOGRIINFM5SVIxQT09> (Redistricting Public Hearing). See passcode above.

Or visit <https://www.zoom.us/>, click on "Join A Meeting" and enter the Zoom Webinar ID 810 0062 7604 (Morning Session) and 897 4222 1370 (Redistricting Public Hearing). See passcode above.

To provide public comment, press the “Raise Hand” button on your screen.

To join the meeting by telephone: Dial (669) 900-6833, then enter Zoom Webinar ID 810 0062 7604 (Morning Session) and 897 4222 1370 (Redistricting Public Hearing). See participant ID and passcode above.

To provide public comment, press *9 to raise your hand and *6 to mute/unmute when called upon.

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.

Zoom: Please press the “Raise Hand” button on your screen. If you are joining by telephone, press *9 to raise your hand, and *6 to mute/unmute when called upon.

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.

Zoom: Please press the “Raise Hand” button on your screen. If you are joining by telephone, press *9 to raise your hand, and *6 to mute/unmute when called upon.

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:

It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957: PUBLIC EMPLOYEE APPOINTMENT and 54957.6: CONFERENCE WITH LABOR NEGOTIATORS, Unrepresented employee: County Executive Officer.

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): County of Merced, et al v. Amerisourcebergen Drug Corporation et al.; Case No. 1:18-op-45643-DAP (1:17-MD-2804).

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 Tim Pistoressi, Jesus Saves Ministry/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 11

SCHEDULED ITEMS:

DISTRICT ATTORNEY - PUBLIC HEARING

Increase in Vehicle Service Fee and Commercial Vehicle Service Fee

RECOMMENDATION:

- 1) Open Public Hearing and accept public comment;
- 2) Close Public Hearing; and
- 3) Adopt a Resolution increasing the vehicle service fee from one dollar (\$1) to two dollars (\$2) and the commercial vehicle fee from two dollars (\$2) to four dollars (\$4) to fund the investigation, prosecution, and deterrence of vehicle theft crime, to be collected by DMV at time of registration or renewal thereof for vehicles registered in Merced County.

REVIEW BOARD ORDER – SEE PAGES 11 - 12

6:30 P. M. PUBLIC HEARING:

EXECUTIVE OFFICE - REDISTRICTING

Public Hearing for presentation by the County's demographic consultant on several draft map alternatives for rebalancing the supervisorial districts based on prior public and Board feedback; to receive public input; and it is anticipated that a preferred Supervisorial District Plan will be realized during the public hearing, which will require the adoption of an ordinance.

RECOMMENDATION:

- 1) Open public hearing, hear presentation on draft maps and accept public comment;
- 2) Close public testimony;
- 3) Introduce an ordinance titled "Establishing Boundaries of Supervisorial Districts" and
- 4) Adopt the Ordinance titled "Establishing Boundaries of Supervisorial Districts".

REVIEW BOARD ORDER – SEE PAGES 12 - 16

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 Budget Transfer in the amount of \$27,000 to increase appropriation for one (1) CatGrader due to higher than anticipated cost of equipment.
2. Approve Budget Transfer in the amount of \$9,000 to establish appropriation for an Elite Scan Tool for the Roads Equipment Maintenance Shop.

3. Approve Budget Transfer in the amount of \$7,164 to establish appropriation to purchase a Service Crane to attach to a truck being received from Fleet that will be utilized for bridge repairs.
4. Approve Budget Transfer in the amount of \$5,184 to add appropriation to cover additional costs for the Lake Yosemite Bicentennial Grove Pump.
5. 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)

Health

6. Approve Amendment No. 1 to Contract No. 2019187 with California Forensic Medical Group, Inc. for comprehensive health care services for detainees in the adult and juvenile facilities in Merced County to extend the term end date to June 30, 2024 and increase the contract to a not to exceed amount of \$6,925,552.26 for fiscal year 2020/2021 and \$7,008,658.89 for fiscal year 2021/2022 through fiscal year 2023/2024.

Behavioral Health and Recovery Services

7. Approve Amendment No. 3 to Contract No. 2017195 with Turning Point Community Programs for services provided through the Community Assistance Recovery Enterprise Program to revise Exhibit B by replacing the FY 2021-22 Budget and revise Exhibit E, increasing the Total Contract Budget from \$5,573,418 to \$5,626,379.

Community and Economic Development

8. Approve Amendment No. 3 to Contract No. 2019052 with Tully and Young Inc. for engineering, technical, and comprehensive water planning consulting services, modifying the term end date from February 26, 2022 to February 26, 2024, and increasing the contract amount from \$150,000 to \$300,000.

Sheriff

9. Approve Budget Transfer in the amount of \$84,000 to increase the revenue and expense accounts associated with the Best Friends Animal Society contract. (4/5 Vote Required)

Treasurer

10. Approve Amendment No. 1 to Memorandum of Understanding (MOU) No. 2018244 with the California State Association of Counties - Finance Corporation for the CalTRECS program, modifying Section IV - Understanding of Parties to reflect the fact the Franchise Tax Board (FTB) fees can fluctuate.

Human Resources / Risk Management

11. Act on Claims for Damages submitted by Dorothy (Dee) Ann Cox and Selena Gonzalez as recommended by Risk Management and County Counsel.

Board Recognition

12. Certificate of Recognition to City of Atwater in Celebration of Veteran's Day Program, presented November 11, 2021.

13. Certificate of Recognition to City of Atwater for Completion of the 1, 2, 3 - TCP Remediation Project, presented November 15, 2021.
14. Certificates of Recognition to various individuals for being recognized at the Miss Merced County event, presented November 20, 2021.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

15. Authorize the following individuals to act as County Surveyor effective December 7, 2021 and waive any applicable County registered voter requirement with respect to the same: Kent Hysell, North Star Engineering Group Inc., 620 12th Street, Modesto, CA 95354; Zachary Janz, Golden Valley Engineering and Surveying, Inc., 405 West 19th Street, Merced, CA 95340; Joel Paulson, NV5, Inc. 15092 Avenue of Science, Suite 200, San Diego, CA 92128.

APPROVED AS RECOMMENDED AYES: ALL

16. 1) Authorize the Department of Public Works to circulate a Request for Proposal (RFP) to experienced and qualified consultants to perform an Americans with Disabilities Act (ADA) Self-Evaluation and provide a Transition Plan. 2) Authorize the Director of Public Works to review and rank the proposals as well as negotiate a contract to be submitted to the Board of Supervisors for consideration upon review by County Counsel and Risk Management.

APPROVED AS RECOMMENDED AYES: ALL

17. 1) Authorize the Department of Public Works to circulate a Request for Qualifications (RFQ) to experienced and qualified consultants to perform environmental assessment and remediation services. 2) Authorize the Department of Public Works to review and rank the statements of qualifications as well as negotiate a contract to be submitted to the Board of Supervisors for consideration upon review by County Counsel and Risk Management.

APPROVED AS RECOMMENDED AYES: ALL

18. 1) Approve and authorize the Board Chair to execute Amendment No. 1 to Department of Administrative Services Contract No. 13558 with Melin Enterprises, dba Service Master Cleaning Restoration to increase the contract \$15,000 for a not-to-exceed amount of \$25,000. 2) Approve associated Budget Transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2021368 AS RECOMMENDED AYES: ALL

HEALTH

19. Approve and authorize the Board Chair to execute the terms and conditions stated in the submitted Certification Statements and funding in the amount of \$2,569,688 for the period of July 1, 2021 through June 30, 2022 for the Child Health and Disability Prevention and Lead Poisoning Prevention Program, Health Care Program for Children in Foster Care Program, and the California Children's Services Program.

AUTHORIZED CONTRACT NO. 2021369 AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 16

BEHAVIORAL HEALTH AND RECOVERY SERVICES

20. Approve a new revenue contract with San Benito County for inpatient and outpatient services, provided by Merced County Behavioral Health and Recovery Services at the Marie Green Psychiatric Health Facility, effective July 1, 2021 through June 30, 2023, for this rate based contract.

AUTHORIZED CONTRACT NO. 2021370 AS RECOMMENDED AYES: ALL

21. Approve the Memorandum of Understanding (MOU) with Stanislaus County for the provision of Medication Assisted Treatment services, effective October 1, 2021 through June 30, 2024 in the amount of \$75,000.

AUTHORIZED CONTRACT NO. 2021371 AS RECOMMENDED AYES: ALL

22. 1) Approve the following departmental personnel actions: Behavioral Health and Recovery Services-Budget Unit 41500, B/U 41502, Add: 1 Mental Health Worker I/II, Add: 1 Peer Support Specialist, B/U 41505, Add: 1 Quality Assurance Specialist, B/U 41534, Add: 1 Dual Diagnosis Specialist, Add: 1 BHRS Program Manager, Add: 1 Mental Health Clinician I/II, Add: 2 Peer Support Specialist. 2) Approve the amendment to the Position Allocation Resolution 06-120/A. 3) Approve the associated Budget Transfers. (4/5 Vote Required)

ADOPTED RESOLUTION NO. 2021-128 AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

23. 1) Ratify the submission of an authorizing resolution by the Merced County Human Services Agency, acting as the Collaborative Applicant Administrative Entity for the Merced City and County Continuum of Care (CoC), to the California Department of Housing and Community Development for additional available funding from the California Emergency Solutions Grant-Coronavirus (ESG-CV). Additional funding, in an amount not to exceed \$2,373,000 would need to be expended by September 30, 2022. 2) Authorize Merced County Executive Officer or Merced County Director of Human Services Agency, to execute the ESG-CV standard agreement and any subsequent amendments or modifications thereto, as well as any other documents which are related to the program of ESG-CV grant awarded to the applicant.

ADOPTED RESOLUTION NO. 2021-129 AS RECOMMENDED AYES: ALL

LIBRARY

24. 1) Authorize the County Librarian, or designee, to submit an application with the Association for Rural & Small Libraries for participation in Penguin Random House Grants for Small and Rural Libraries to purchase books for the benefit of residents in three high-need library locations: Santa Nella, Snelling and Winton, effective February 2022 through February 2023, in the amount of \$2,500. 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

25. Approve a no cost contract with California Department of Transportation for a permanent loan of four (4) cases of paleontological specimens effective December 7, 2021 and with an end date that is undetermined at this time.

AUTHORIZED CONTRACT NO. 2021372 AS RECOMMENDED AYES: ALL

26. Ratify the acceptance of grant funds from California State Library in the amount of \$27,500 to acquire technology and equipment to help confront the digital divide that has been

exacerbated by the COVID-19 pandemic and authorize Southern California Library Cooperative to use grant funds to purchase identified technology and equipment for the Library.

APPROVED AS RECOMMENDED AYES: ALL

PROBATION

27. 1) Accept the Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases award in the amount of \$12,048 to mitigate impacts of COVID-19 in the Juvenile Justice Correctional Complex. 2) Authorize the Chief Probation Officer or designee to sign all documents related to this award. 3) Approve associated Budget Transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2021373 AS RECOMMENDED AYES: ALL

FIRE

28. Pulled

SHERIFF

29. 1) Approve the retirement and sale of Sheriff's Office canine "Kane" for \$1.00. 2) Authorize the Chair to sign the sales agreement.

AUTHORIZED CONTRACT NO. 2021374 AS RECOMMENDED AYES: ALL

30. 1) Approve a no cost Memorandum of Understanding (MOU) with Department of Veterans Affairs for Aid as needed. 2) Authorize the Sheriff to sign the MOU with CEO and Counsel approval.

AUTHORIZED CONTRACT NO. 2021375 AS RECOMMENDED AYES: ALL

31. 1) Ratify the contract with City of Livingston to provide a Merced County Sheriff Lieutenant to act as Interim Police Chief, effective November 22, 2021 to May 22, 2022, for a total contract amount not to exceed \$250,000. 2) Authorize the Chair to sign the contract.

AUTHORIZED CONTRACT NO. 2021376 AS RECOMMENDED AYES: ALL

TREASURER

32. 1) Approve Treasury Investment Report for the Quarter ended September 30, 2021. 2) To render the 2022 Investment Policy Statement (IPS) and the 2022 Treasury Oversight Committee Directive.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN RESOURCES / RISK MANAGEMENT

33. Effective December 20, 2021, approve the amendments to the Salary Allocation Resolution 06-120 and the Position Allocation Resolution 06-120/A to increase the minimum hourly wage.

ADOPTED RESOLUTION NOS. 2021-130 (SALARY) & 2021-131 (POSITION) AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

34. 1) Introduce an ordinance entitled, "An Ordinance Relating to the Designation of County Officials Authorized to Enforce the Merced County Code", and waive further reading. 2) Set possible adoption of said ordinance on the December 14, 2021 agenda. 3) Effective January 3, 2022, change one Environmental Health Division Director, position number 36, salary range 86.8, class 4206, to Deputy Director -Environmental Health, position number 36, salary range 84.8, class 4206.

APPROVED AS RECOMMENDED AYES: ALL

35. 1) Introduce an ordinance entitled, "An Ordinance Pertaining to the Office of the County Executive Officer", and waive further reading. 2) Set possible adoption of said ordinance on the December 14, 2021 agenda.

APPROVED AS RECOMMENDED AYES: ALL

36. 1) Approve a contract with Questica Ltd. for Budget Software Subscription and Professional Services effective December 7, 2021 through December 6, 2026, for a total contract amount not to exceed \$1,034,640. 2) Authorize the Purchasing Agent or designee to negotiate and sign related change orders.

AUTHORIZED CONTRACT NO. 2021377 AS RECOMMENDED AYES: ALL

37. Adopt the 2022 calendar for regularly scheduled Board of Supervisors Meetings.

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

38. 1) Appoint Mr. Raul Lomeli Mendez as County Executive Officer effective February 28, 2022. 2) Approve Employment Agreement with Raul Lomeli Mendez and authorize the Chair to execute the Agreement. 3) Re-establish and allocate one (1) County Executive Officer Designee, Job Class 7832, to Budget Unit 10100, and appoint Raul Lomeli Mendez effective January 10, 2022, and delete the Designee position upon the current incumbent's retirement. 4) Extend all current terms and provisions within the 2016 Employment Agreement for James L. Brown from December 6, 2021 through February 27, 2022.

AUTHORIZED CONTRACT NO. 2021378 AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

39. Public Works re: Approve the following Job Order Contracting contracts for Building Construction Remodeling, Repairs and Maintenance Services based on the lowest responsible bids: JOC-015, Contract No. 2021282, T & S Intermodal Maintenance, Inc. dba T & S West, Linden, CA (Class B License); JOC-016, Contract No. 2021283, Marvulli, Inc. dba DMC Construction, Merced, CA (Class B License); JOC-017, Contract No. 2021284, Ardent General, Inc., Fresno, CA (Class B License).
40. Behavioral Health and Recovery Services re: A \$949,845 Community Development Block Grant Coronavirus Response Round 2 and 3 (CDBG-CV2-3) grant award from the California Department of Housing and Community Development (HCD) for Behavioral Health and Recovery Services Children's System of Care Facility improvements.

CONTRACT NO. 2021379

41. Elections re: Statement of Vote with the Certified Election Results for the Los Banos Unified School District, Area 1 Special Vacancy Mail Ballot Election held on November 2, 2021.

THE BOARD ADOPTED RESOLUTIONS IN MEMORY OF PAULINE SPIELMAN, JOHN NORTH, DUANE WICKSTROM AND RECESSED AT 1:25 P.M. THE BOARD RECONVENED AT 6:30 P.M. AND ADJOURNED THE MEETING AT 7:41 P.M. UNTIL TUESDAY, DECEMBER 14, 2021, AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – DECEMBER 7, 2021

10:00 A.M. SCHEDULED ITEM **2021-12-07 PUBLIC OPPORTUNITY**

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

Necola Adams, Merced resident and member of Friends of Merced County Library gives input on how the ARPA Funds could be used to support the new teen center at the library.

Susan Walsh, District Two resident and member of Friends of Merced County Library gives input on how the ARPA Funds could be used to support a teen center at the library. She submits signed post cards in support from residents for all board members.

Gurpal Samra, Livingston resident states that he read in the Merced Sun-Star that CEO Jim Brown is retiring and thanks Mr. Brown for his many years of service and shared that he enjoyed working together when he was the Mayor of Livingston.

Karen Adams, Merced County Tax Collector asked for District Two's support with ARPA funds for Kiwanis Kiddieland in Applegate Park. She also congratulates CEO Brown on his upcoming retirement and thanks him for his support over the years.

Connie Coons thanks Supervisor Pedrozo for responding to her request and states concerns that she is having with CPS in regards to her grandson.
Present: McDaniel, Espinoza, Pedrozo, Pareira, Silveira

10:00 A.M. SCHEDULED ITEM **2021-12-07 DISTRICT ATTORNEY – PUBLIC HEARING**

The time and date previously scheduled to consider increase in Vehicle Service Fee and Commercial Vehicle Service Fee.

The Board received information is presented by Lieutenant Sean Haller with the California Highway Patrol, Matt Serratto, Chief Deputy District Attorney, Ted Vincent, Special Agent with the National Insurance Crime Bureau (NICB), Kimberly Lewis, District Attorney, Jared Egan, Deputy District Attorney and by request of Chairman McDaniel, from Sheriff Warnke, Undersheriff Corey Gibson, and Lisa Maples, Chief Deputy Probation Officer.

The Board discuss the information presented and asked clarifying questions.

The Chairman opens the Public Hearing and asks if there is anyone present or on Zoom wishing to speak.

Claudia, a Dos Palos resident via Zoom comments that she does not agree with increasing taxes and is not in favor of this.

The Chairman closes the Public Hearing.

Supervisor Espinoza makes a motion to adopt the Resolution increasing the vehicle service fee from one dollar (\$1) to two dollars (\$2) and the commercial vehicle fee from two dollars (\$2) to four dollars (\$4) to fund the investigation, prosecution, and deterrence of vehicle theft crime, to be collected by DMV at time of registration or renewal thereof for vehicles registered in Merced County.

Board members provide further comments and questions.

Supervisor Espinoza amends his motion to continue the item to January or February to make sure that we are in line with what we want.

Supervisor Silveira seconds the motion.

County Counsel Hansen's states that if the maker of the motion wouldn't mind clarifying that this Public Hearing would be re-noticed at the time when it's brought back as advised by Counsel.

Upon motion by Supervisor Espinoza, seconded by Supervisor Silveira, duly carried, the Board tables the item and the Public Hearing will be re-noticed at the time when it is brought back to the Board.

Ayes: McDaniel, Espinoza, Pedrozo, Pareira, Silveira

6:30 P.M. SCHEDULED ITEM
2021-12-07 EXECUTIVE OFFICE – PUBLIC HEARING

The time and date previously scheduled for presentation by the County's demographic consultant on several draft map alternatives for rebalancing the supervisorial districts based on prior public and Board feedback; to receive public input; and it is anticipated that a preferred Supervisorial District Plan will be realized during the public hearing, which will require the adoption of an ordinance.

Marci Barrera, Assistant County Executive Officer welcomes everyone and states that this is the fourth scheduled Public Hearing where Merced County residents can provide input and public testimony on the Redistricting process for 2021.

Jeff Tilton with National Demographics Corporation reviews power point presentation covering the following: Redistricting Process, Redistricting Impact on the 2022 Election, Redistricting Rules and Goals, 2020 Census, Neighborhoods / Communities of Interest, Possible Neighborhoods / Communities, Summary, Splits Cities / CDP's or Otherwise Noncompliant, Finalists: d71151b and d71151d, Finalists: NDC 101b and NDC 101d, Finalist: NDC 103b, and Discussion / Action.

Chris Skinnell with Nielsen Merksmer addresses Map 208 and the Voting Rights Act consideration with respect to some of the public maps. He comments that this is one we have talked about, District One is a Voting Rights Act protected district and is currently approximately 59% Latino citizen voting age population. He states that District One is no longer a majority Latino district at all in that map and that there's a serious Voting Rights Act problem, potentially with that one. He explains that with respect to a number of the other maps, if you go down that column, labeled Latino, it's not necessarily required that the 59% of the current district be exactly what it is. He further explains the more you reduce it, the more you potentially undermine that district. And any of those maps where the Latino CVAP is potentially a Voting Rights Act issue.

Mr. Skinnell uses the interactive review tool that shows the differences on each of the finalist maps as it relates to the current district boundaries. He briefly focuses on the five maps because they are the ones that the Board asked to bring back and talk about how we got there based on comments that we received from the feedback last time and the purpose of each of them. He explains the differences so everyone understands. He starts with NDC 103 and comments that in NDC 103, this is like 103B. This is the one that provides for District Four to reach as far down as Santa Nella and pick up population. He states that the reason we have a 103B is because there were a couple of minor census and CDP splits in the original version. A small piece of McSwain and a small piece of Winton. He states that this map is a slight variation to clean up those splits, but otherwise is completely unchanged from last time. The other four NDC 101B, NDC 101D, 71151B and D are all sort of variations of each other. He then moves onto NDC 101B and walks through it. He states there were a number of consensus items that the Board seemed to feel were appropriate changes. There was discussion about unifying Volta, which in D71151 map, the original one was divided and in NDC 101 map was in District Four and there was a discussion and the Board seemed to be a consensus that it really should be unified, and it made sense to move it back into District Five. He comments that all four of the maps that we're going to look at unify Volta and move it into District Five. Second item, there was discussion about NDC 101 and it used Henry Miller Road as the northern boundary for District Five. There was a request to conform that map to the configuration in the DS71151 map that moved a little bit north to pick up some of the territory north of Henry Miller Road up to the river. All four of the maps now do that because D71151 did not quite go that far. And all of those three changes have been made to all of these maps, so they are not different in that respect.

Mr. Skinnell states that they have also gone through map D71151, which had a couple of minor City and CDP splits and they have cleaned those up and that is the same through all of them. The way that these four maps differ is in two points. He states that the way the territory between Atwater and Livingston is treated in the original NDC map, it had this configuration where everything south of the highway was moved into District One, whereas the D71151 map the original turn off the other one there has District Four Continuing to come down in between Atwater and Livingston down to one. He comments that they have two maps for each of those configurations. The other question that there's a little bit of discussion on, but no sort of resolution on was how District Four would pick up territory in the north Merced area and particularly the treatment of the UC. The NDC 101 map left the UC in District Two and picked up some territory there. To the northwest of District Two and along District Three. The D71151 map left that territory in north Atwater and took territory to the northeast instead, including the UC. He states that they have four variations D71151B, which is the exact same as D7115, the original version. He comments that it leaves District Four coming down to Highway 140. And it does move the UC into District Four as well. Second variation is D71151B, which has the same configuration with respect to the UC and with respect to the north Atwater in this area, but keeps the NDC 101 version of the Atwater Livingston area and then in NDC 101B is essentially identical in both respects to the original one on one map. It has moved all this area between Livingston-Atwater into District One and it leaves the UC in District Two. And then NDC 101D has the original configuration, with the UC remaining in District Two from the NDC 101 plan. But then switches over and takes the configuration between Livingston and Atwater from the D71151 map. He comments that whatever combination you settle on there's a map there for you to adopt. He states they have provided those four so that you have a choice/option that you can select on both of those issues. He concludes that it's been pointed out to one minor difference between NDC 101B and NDC 101D, that one census block along the river differs between them. NDC 101D leaves that in District One and NDC 101B has it in District Five, probably unpopulated.

Supervisor Pedrozo questions what the deviation 51D was?

Mr. Skinnell responds that it is 8.88%.

Supervisor Espinoza requests to see the NDC 103B map and comments that it leaves him about the same on Highway 140 except for Tuttle and that the North part of Planada would be incorporated into District Four.

The Chairman opens the Public Hearing and states that we will be accepting public comments, live, in person and via Zoom.

Cecilia Cervantes, Delhi resident comments on Map D8625. She states that the numbers associated or indicated within the Districts are incorrect, and they are indicating District Four currently should be Five, and District Five should be One, or it shows District One should be Three, where it shows District Three should be Four and the one that remains the same is District Two. She states Delhi needs to align and join efforts with districts that share visions, concerns and interests. She further states that it is in Delhi's best interest to align with their neighboring cities such as Livingston in District One and that she approves the map published by Communities for a New California (CNC).

Barry Anderson, Santa Nella resident comments that looking at the maps it seems that emphasis has been placed to secure the Board's seats, with the emphasis of the 33% three to four districts with majority control on the Board of Supervisors. He questions if there is a list of who will be representing each map so we know who they are.

Patricia Ramos Anderson, Santa Nella resident comments that two of the main issues is that Merced County's demographics are 61.9% Latinos and 33% Caucasian. She comments that we have two to three diverse districts on board that we can have versus only two with the Voting rights Act and the Fair Act Map. The maps that were created by residents of our state representing all aspects of diversity were thrown out at the last meeting with real names, organizations and contact information. She states that they discovered that anonymous maps were submitted as well as there were second parties submitting maps for others. She questions why the anonymous maps carried more weight than the transparency of the community maps? She further states she is not confident in the NDC accurate data and their motive.

Rosa, El Nido resident via Zoom comments that she does not agree with the NDC maps and that she agrees with the community district maps to maintain more balance with the Latino populations.

Isa Palma with Valley On Board comments that based on the data that has been presented with Latinos making up a majority of the population and they also make a majority of the voting age population with 46% in comparison to 39% of white eligible voters, a difference of 7%. He states that even though this majority exists, three districts have a majority of white eligible voters in comparison to two. He questions why Latino voters are being diluted by being placed into only two districts?

The Chairman closes the Public Hearing.

Jim Brown, County Executive Officer comments that we have gone through multiple opportunities for the public to engage from evening workshops and evening Public Hearings and that

we have been going through this for a while. He states that we are at a point where the maps have been narrowed down to the five.

Supervisor Espinoza thanks the residents that called in to give their input and that this is very hard, trying to do what's fair and there is not going to be a perfect map but a decision needs to be made. He states that he does not agree with the maps.

Chair McDaniel asks Mr. Skinnell if he could address the question that came up from public comment.

Mr. Skinnell responds that the reason there are two majority Latino districts is because the focus for Voting Rights Act compliance is the citizen voting age population. He explains if you look at the County, and take the NDC 101D map as an example, the Citizen Voting Age Population of the districts of the county as a whole is 46% Latino, slightly under half. You have two that are slightly over 50% and instead of doing just a bare 51% and calling it even historically, the courts have recognized that protected classes for Voting Rights Act purposes in this County, Latinos, but in other places other groups often register to vote and turn out to vote at lower rates. He states for those to be legitimate opportunity districts for Voting Rights Act purposes, they typically tend to need to be a bit higher than 50%.

Supervisor Silveira comments that District Five grew by 11.5% in order to try to get to that deviation threshold. He comments that the district is going to have to lose some people. Everywhere in the County grew over the past ten years, and the west side grew by a larger than expected percentage. He states that he understands the concerns of his colleague from District One. He comments that he makes the 45 minute trek to Merced every day and is constantly on the road. He comments that he feels like whatever district we end up with, we are all going to do our best to represent it. He states that it could be either the NDC 101D or the NDC 101B map and would refer to his colleagues in District One and Four since he is not as familiar with that area where it drops down a little bit further in District Four, down alongside District Three versus the other map, it's a little bit higher.

Supervisor Pereira comments that they have narrowed it down, there are nuances between them but his preference is map 101D and it would allow him to represent the constituents. He comments that having the most communities in his district has made it a bit difficult because of the number of events each community has and that he likes to try to attend them all.

Supervisor Pedrozo comments that we need to make sure that we keep one district as much as we can and that's important for continuity of the relationships. He states that having a Supervisor who is out there is significant and it is one of those things that he takes into consideration. He states that his first choice would be map 101D but would also support 103B, recognizing the fact that his colleagues, some of whom have to travel a long distance and that he lives in Merced and represents District Two and only has one incorporated community.

Supervisor Espinoza states that his preference would be 103B out of the five maps.

Chairman McDaniel states that all of these maps have been submitted by the community. He comments that it seems like there was some reference that maybe only one map was submitted by the community, but all of these maps have been submitted with input. He states that this is the fourth evening hearing for input on this from the community and that 101D is his preference. He comments

that four of us that have already spoke to that. We have two for 103B with one as a second choice, 101B, one had as a second choice and the 71151B had one vote as a choice.

Upon motion of Supervisor Pareira, seconded by Supervisor Silveira, the Board introduces and adopts Ordinance No. 2010 "Establishing Boundaries of Supervisorial Districts" using map NDC 101D as the Exhibit A.

Ayes: McDaniel, Pedrozo, Pareira, Silveira

Noes: Espinoza

ACTION ITEM NO. 19
2021-12-07 HEALTH

The Clerk announces item to approve and authorize the Board chair to execute the terms and conditions stated in the submitted Certification Statement and funding in the amount of \$2,569,688 for the period of July 1, 2021 through June 30, 2022 for the Child Health and Disability Prevention and Lead Poisoning Prevention Program, Health Care Program for Children in Foster Care Program, and the California Children's Services Program, the Clerk announces that there is a typographical error on the funding amount, the amount should read \$2,563,134. Staff requests that the Board take action on this item as amended and is before the Board for consideration.

Upon motion of Supervisor Silveira, seconded by Supervisor Pareira, the Board approves and authorizes the Board Chair to execute the terms and conditions stated in the submitted Certification Statements (Contract No. 2021369) and funding in the amount of \$2,563,134 for the period of July 1, 2021 through June 30, 2022 for the Child Health and Disability Prevention and Lead Poisoning Prevention Program, Health Care Program for Children in Foster Care Program, and the California Children's Services Program.

Ayes: McDaniel, Espinoza, Pedrozo, Pareira, Silveira