



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 14, 2021

Closed Session – 9:00 a.m.

Regular Meeting – 10:00 a.m.

Zoom

<https://us06web.zoom.us/j/81897173603?pwd=L2FNbGJvZ3dXeFhjWjRwRGRmRjRRdz09>

Meeting ID: 818 9717 3603

Passcode: 437928

Or

Dial: 1(408)638-0968

Meeting ID: 818 9717 3603

Participant ID: #

Passcode: 437928

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/81897173603?pwd=L2FNbGJvZ3dXeFhjWjRwRGRmRjRRdz09>. See passcode above.

Or visit <https://www.zoom.us/>, click on "Join A Meeting" and enter the Zoom Webinar ID 818 9717 3603. 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 818 9717 3603. 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 - CONFERENCE WITH REAL PROPERTY NEGOTIATOR:

It is the intention of the Board to meet in Closed Session concerning a Conference with Real Property Negotiator(s) Mark Hendrickson, Director-Community and Economic Development pursuant to Government Code Section 54956.8 as follows:

Property: The following APN's located generally at the southwest corner of Castle Commerce Center: 005-070-035; 005-090-024; 050-070-042; 005-070-044; 005-070-045; 005-070-049; 051-060-001

Agency Negotiator: Mark Hendrickson, Director, Community and Economic Development

Negotiation Parties: Patriot Rail LLC

Under Negotiation: To request authority to negotiate proposed acquisition of facility and value

CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATOR:

It is the intention of the Board to meet in Closed Session concerning a Conference with Real Property Negotiator(s) Mark Hendrickson, Director-Community and Economic Development pursuant to Government Code Section 54956.8 as follows:

Property: Airfield property generally characterized as northeast of runway on Castle Airport, southwest of Ammo Avenue.

Agency Negotiator: Mark Hendrickson, Director, Community and Economic Development.

Negotiation Parties: XSESS, LLC.

Under Negotiation: To request authority to negotiate proposed lease and value.

THE BOARD RECESSED AT 9:03 A.M. WITH SUPERVISOR PAREIRA NOT PRESENT AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT, AND THE CHAIRMAN ADVISED STAFF WAS GIVEN DIRECTION

GOVERNMENT CODE SECTION 54954.2 COMPLIANCE (LATE AGENDA ITEMS)

10:00 A.M. REGULAR MEETING

INVOCATION led by Monika Grasley, Lifeline CDC/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

SCHEDULED ITEMS:

CLERK RECORDER - PUBLIC HEARING

Public Hearing to consider Adoption of Proposed Ordinance, Amending Title 5, Chapter 5.36 Merced County Clerk's/Recorder's Fees, Section 5.36.020 Fee for Service of the Merced County Code.

RECOMMENDATION:

- 1) Introduce the proposed ordinance entitled "An ordinance Amending Title 5, Chapter 5.36 Merced County Clerk's/Recorder's Fees, Section 5.36.020 Fee for Service of the Merced County Code", waive further reading;
- 2) Open Public Hearing and accept public comment;
- 3) Close the Public Hearing; and
- 4) Adopt said ordinance.

REVIEW BOARD ORDER – SEE PAGE 9

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-11)

APPROVED AS RECOMMENDED AYES: ALL

Board of Supervisors

1. In compliance with AB 361 (2021) and in order to conduct teleconference meetings not subject to the usual Brown Act teleconference rules, the Board continues to find that the circumstances regarding the state of emergency declared by the Governor regarding the COVID-19 pandemic which continues in existence; and the continued recommendations or

impositions by State and local officials to promote social distancing; and the continued presence of COVID-19 in the State directly impacts the ability of the Board to meet in person.

Public Works

2. Approve Budget Transfer in the amount of \$30,000 towards the purchase of one (1) striper truck.
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)

Health

4. 1) Adopt a Resolution to approve and authorize the Board Chair to execute Amendment No. 3 to Contract No. 2018045 (State Grant Agreement Number 17-10309, A03) with the California Department of Public Health Immunization Branch for Immunization services to all local residents, increasing funding for fiscal year 2021-2022 in the amount of \$3,663,659; and 2) Approve Budget Transfer. (4/5 Vote Required).

RESOLUTION NO. 2021-132

Human Services Agency

5. Approve Amendment No. 1 to Contract No. 2020008 with the State of California Department of Healthcare Services, modifying the term end date from December 31, 2021 to August 31, 2022, with no change to the original total contract amount of \$1,173,963.00.
6. Approve Amendment No. 1 to Contract No. 2021235 with Taher, Inc. for the Frozen Home Delivered Meals Program, increasing the contract amount from \$432,500 to \$473,045.

Sheriff

7. Approve Amendment No. 5 to Contract No. 2020203 with California Forensic Medical Group for Jail intake nursing services modifying the term end date from December 31, 2021 to June 30, 2022, and increasing the contract amount from \$406,937 to \$525,203.
8. Approve Amendment No. 2 to Contract No. 2021090 with California Forensic Medical Group, Inc. for Jail Intake COVID-19 Testing Lab Costs, modifying the term end date from December 31, 2021 to June 30, 2022, and increasing the contract amount from \$320,000 to \$506,000.

Human Resources / Risk Management

9. 1) Approve rejection of Claim 2021-075; and 2) Approve Assistant County Executive Officer, or designee, to send notice of said action on claim.

Executive Office

10. Adopt an Ordinance, introduced on December 7, 2021, entitled, "An Ordinance Relating to the Designation of County Officials Authorized to Enforce the Merced County Code."

ORDINANCE NO. 2011

11. Adopt an Ordinance, introduced on December 7, 2021, entitled, "An Ordinance Pertaining to the Office of the County Executive Officer."

ORDINANCE NO. 2009

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

12. 1) Adopt Resolution authorizing submittal of a project application to the California Department of Parks and Recreation for Per Capita Funding for the Winton Park Restroom/Concession Project; and 2) Authorize the Director of Public Works to sign all documents associated with the Per Capita Grant funding.

ADOPTED RESOLUTION 2021-133 AS RECOMMENDED AYES: ALL

HEALTH

13. Authorize the Public Health Director, or Designee to submit an application with the California Department of Public Health for participation in the Moving California Oral Health Forward, effective July 1, 2022 through June 30, 2027, in the amount of \$1,219,765.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

14. 1) Ratify submission of the competitive allocation application and grant documents submitted by the Human Services Agency Director, as the authorized signer, to the California Department of Social Services for the Housing and Disability Advocacy Program in the amount of \$520,000; and 2) Direct the Human Services Agency Director, or their designee, to return to the Board of Supervisors with the application results and to accept the award.

AUTHORIZED CONTRACT NO. 2021382 AS RECOMMENDED AYES: ALL

COMMUNITY AND ECONOMIC DEVELOPMENT

15. 1) Approve a contract with CSG Consultants, Inc. for fire plan review, inspection and front counter services, and fire marshal services, effective December 1, 2021, through November 30, 2022, for a total contract amount not to exceed \$125,000; and 2) Authorize CSG Consultants, Inc. to perform the services of the County's fire marshal on an as needed basis at County's request during periods of the County's position that is assigned fire marshal duties is vacant.

AUTHORIZED CONTRACT NO. 2021383 AS RECOMMENDED AYES: ALL

FIRE

16. Board information and possible direction regarding fireworks in Merced County.

BOARD DISCUSSION – NO ACTION TAKEN

REVIEW BOARD ORDER – SEE PAGES 9-10

17. Approve agreement with the City of Merced for the dispersal of Fiscal Year 2020 Homeland Security Grant Programs funds to the City of Merced for purchase of advanced types of equipment.

AUTHORIZED CONTRACT NO. 2021384 AS RECOMMENDED AYES: ALL

WORKFORCE INVESTMENT

18. Approve and authorize the Director of Workforce Investment to sign an Agreement between Stanislaus County Workforce Development on behalf of the San Joaquin Valley and Associated Counties and Central California Workforce Collaborative (SJVAC/CCWC) and Hicks Partners LLC, to assist in the preparation, program planning, and submission of the application for the EDA American Rescue Plan: Good Jobs Challenge Grant; Merced County's proportional share of cost will be \$2,220.00 for the period of November 1, 2021 through January 31, 2022.

AUTHORIZED CONTRACT NO. 2021381 AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

19. 1) Adopt a Resolution allocating \$30,889,409 in matching funds for Phase 1 of the John Latorraca Correctional Center Expansion and Renovation Project; 2) Approve related budget transfers (4/5 Vote Required); and 3) Authorize the County Executive Officer and/or Director of Public Works to sign any project related documents subject to review by County Counsel and Risk Management.

ADOPTED RESOLUTION NO. 2021-126 AS RECOMMENDED AYES: ALL

20. Adopt a Resolution authorizing campaign contribution limits of \$5,000 effective December 14, 2021.

ADOPTED RESOLUTION NO. 2021-134 AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

21. Appointment of the Special District Designee Alternate to the Treasury Oversight Committee.

APPROVED AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 10

22. Reappoint Aldo Sansoni to the Lower San Joaquin Levee District until June 4, 2025.

APPROVED AS RECOMMENDED AYES: ALL

23. Appoint Ric Kirby and Jack Schmid to serve as representatives on the Airport Land Use Commission until May 5, 2025.

APPROVED AS RECOMMENDED AYES: ALL

24. Reappoint Ron Alberti to serve as the Western Rural representative until December 31, 2023 or December 31, 2025 and reappoint Frank Fagundes as the County at-large representative until December 31, 2025 to the Merced County Mosquito Abatement District Board of Trustees.

APPROVED AS RECOMMENDED AYES: ALL

REVIEW BOARD ORDER – SEE PAGE 10

25. 1) Reappoint Libby Soria, Public Agency Representative to the Merced County Collaborative for Children and Families until June 30, 2023; 2) Confirm the MCOE reappointment of Patti Kishi, Community Representative until June 30, 2023; and 3) Confirm the MCOE appointment of Lurdes Parra, Child Care Provider Representative until June 30, 2022 and Cameron Zuber, Consumer representative until June 30, 2022.

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

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

26. Public Works re: Recognize the following Job Order Contracting contract for Building Construction Remodeling, Repairs and Maintenance Services based on the lowest responsible bids was awarded to: JOC-018, Contract No. 2021285, Avison Construction, Inc., Madera, Ca (Class A License)
27. Human Resources re: Acknowledge 2022 Life Insurance and Management Disability rates with The Standard Life Insurance Company.
28. Executive Office re: Final Report to the Board of Supervisors regarding Merced County's expenditure of \$28,907,5077 of CARES Act Funds from March 1, 2020 through June 30, 2021.

REVIEW BOARD ORDER - SEE PAGES 10-11

THE BOARD ADJOURNED THE MEETING AT 11:19 A.M. UNTIL TUESDAY, JANUARY 11, 2022, AT 10:00 A.M.

BOARD ORDERS – SUMMARY ACTION MINUTES – DECEMBER 14, 2021

10:00 A.M. SCHEDULED ITEM
2021-12-14 PUBLIC OPPORTUNITY

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

Dee Near, Friends of Merced County Library submits post cards from residents in support of using ARPA Funds to support The Mary Hofmann Teen Center in the Merced County Library

Retired Major General Clay Garrison, United States Airforce states that he was recently appointed the Chairman of the Board at the Castle Air Museum and is very interested in working with the Board and the Community to become an integral part of maintaining the history of the museum. He thanks the Board for their continued support.

Present: McDaniel, Espinoza, Pedrozo, Pareira, Silveira

10:00 A.M. SCHEDULED ITEM
2021-12-14 CLERK RECORDER– PUBLIC HEARING

The time and date previously scheduled to consider Adoption of Proposed Ordinance, Amending Title 5, Chapter 5.36 Merced County Clerk's/Recorder's Fees, Section 5.36.020 Fee for Service of the Merced County Code.

Upon motion of Supervisor Silveira, seconded by Supervisor Pedrozo, duly carried, the Board waives further reading of the proposed ordinance.

The Chairman opens the Public Hearing and asks if there is anyone present wishing to speak. No comments are received.

The Chairman closes the Public Hearing.

Upon motion of Supervisor Silveira, seconded by Supervisor Pedrozo, duly carried, the Board adopts Ordinance No. 2012 Amending Title 5, Chapter 5.36 Merced County Clerk's/Recorder's Fees, Section 5.36.020 Fee for Service of the Merced County Code.

Ayes: McDaniel, Espinoza, Pedrozo, Pareira, Silveira

ACTION ITEM NO. 16
2021-12-14 FIRE

The Clerk announces item for Board information and possible direction regarding fireworks in Merced County is before the Board for consideration.

Assistant Fire Chief Mark Pimentel reviews the following slides: Fireworks in Merced County, Requested Information on Fireworks, Options to Consider, Benefits when Maintaining, Challenges when Maintaining, Benefits when Adding or Making Changes to Ordinance, Challenges when Adding or Making Changes to Ordinance and Recap of Options.

Board members ask follow up questions.

Supervisor Pereira comments that he would like to see language refer to whomever has control of the property would be responsible, rather than property owner if it's a rental.

Sheriff Vern Warnke asks the Board to consider coming up with a time frame to focus efforts collaboratively in putting a team together on an overtime basis to combat illegal fireworks.

Chairman McDaniel suggests forming an Ad Hoc Committee. Supervisor Espinoza and Supervisor Pedrozo are assigned to the committee.

The Board provides further guidance in what they would like to see related to this item for staff to bring back to the Board at a later date.

Present: McDaniel, Espinoza, Pedrozo, Pereira, Silveira

ACTION ITEM NO. 21

2021-12-14 BOARD APPOINTMENTS

The Clerk announces Appointment of the Special District Designee Alternate to the Treasury Oversight Committee is before the Board for consideration.

Supervisor Silveira motions to appoint Aric Barnett-Lynch, Business Services Supervisor to the Special District Alternate for the Treasury Oversight Committee.

Upon motion of Supervisor Silveira, seconded by Supervisor Pereira, duly carried, the Board approves the Appointment of the Special District Designee Alternate to the Treasury Oversight Committee.

Ayes: McDaniel, Espinoza, Pedrozo, Pereira, Silveira

ACTION ITEM NO. 24

2021-12-14 BOARD APPOINTMENTS

The Clerk announces item to reappoint Ron Alberti to serve as the Western Rural representative until December 31, 2023 or December 31, 2025 and reappoint Frank Fagundes as the County at-large representative until December 31, 2025 to the Merced County Mosquito Abatement District Board of Trustees is before the Board for consideration.

Supervisor Silveira motions to appoint Ron Alberti to serve a two-year term on the Merced County Mosquito Abatement District Board of Trustees.

Upon motion of Supervisor Silveira, seconded by Supervisor Pedrozo, duly carried, the Board approves the reappointment of Ron Alberti to serve as the Western Rural representative until December 31, 2023 and reappoints Frank Fagundes as the County at-large representative until December 31, 2025 to the Merced County Mosquito Abatement District Board of Trustees.

Ayes: McDaniel, Espinoza, Pedrozo, Pereira, Silveira

ACTION ITEM NO. 28

2021-12-14 BOARD INFORMATION AND POSSIBLE ACTION

The Clerk announces item regarding the Final Report to the Board of Supervisors regarding Merced County's expenditure of \$28,907,5077 of CARES Act Funds from March 1, 2020 through June 30, 2021 is before the Board.

Assistant County Executive Officer David Mirrione points out that the dollar amount was amended incorrectly and should be \$28,907,577.

Upon motion of Supervisor Silveira, seconded by Supervisor Pareira, duly carried, the Board moves to file the information item.

Ayes: McDaniel, Espinoza, Pedrozo, Pareira, Silveira