



BOARD OF SUPERVISORS

Rodrigo Espinoza, District 1

Josh Pedrozo, District 2

Daron McDaniel, District 3

Chairman Lloyd Pareira, District 4

Scott Silveira, District 5

Phone: (209) 385-7366 Fax: (209) 726-7977

SUMMARY ACTION MINUTES - FINAL

TUESDAY, FEBRUARY 1, 2022

Closed Session – 9:00 a.m.

Regular Meeting – 10:00 a.m.

Zoom

<https://us06web.zoom.us/j/81282991590?pwd=RGZaTXlJd0N09lK1YxVHRnZ3Fjdz09> or Dial: 1(408)638-0968

Meeting ID: 812 8299 1590

Participant ID: #

Passcode: 409103

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/81282991590?pwd=RGZaTXlJd0N09lK1YxVHRnZ3Fjdz09>. See passcode above.

Or visit <https://www.zoom.us/>, click on "Join A Meeting" and enter the Zoom Webinar ID 812 8299 1590. 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 812 8299 1590. 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 54957.6 concerning a Conference with County of Merced Staff Negotiators concerning negotiations with: American Federation of State, County and Municipal Employees (AFSCME), Units 4, 5, 6 and 8; United Public Employees (UPE), Unit 3; Merced County Attorney Association (MCAA), Unit 7; Teamsters (Corrections), Unit 2; Merced County Law Enforcement Sergeants, Unit 30; Merced County Deputy Sheriff Association (DSA), Unit 10; Teamsters (Non-Safety Corrections), Unit 12; Merced County Public Safety Services Unit (MCPSSU), Unit 14; and Probation Supervising Employees, Unit 11. Agency Negotiator: Marci Barrera.

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: Approximately 6,500 feet of existing rail trackage located generally at the southwest corner of Castle Commerce Center.

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

Negotiation Parties: Foster Townsend Rail Logistics, LLC.

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

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 Ella Luna-Garza, United Methodist Church/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)

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**PRESENTATION:
WORKFORCE DEVELOPMENT BOARD ANNUAL REPORT**

LESLIE ABASTA-CUMMINGS, BOARD CHAIR FOR WORKFORCE DEVELOPMENT BOARD PROVIDED COMMENTS. ERICK SERRATO, DIRECTOR OF WORKFORCE INVESTMENT PROVIDED A PRESENTATION. SUPERVISOR MCDANIEL PROVIDED COMMENTS. MR. SERRATO RESPONDED TO QUESTIONS POSED BY THE BOARD.

AFTER DISCUSSION, THE REPORT WAS RECEIVED AND FILED.

SCHEDULED ITEMS:

COMMUNITY AND ECONOMIC DEVELOPMENT - PUBLIC HEARING

Public Hearing to consider proposed Amendment to Incorporate the Merced County Local Hazard Mitigation Plan into the Health and Safety Element of the 2030 Merced County General Plan.

RECOMMENDATION:

- 1) Hold a Public Hearing to receive testimony related to the proposed amendment;
- 2) Consider the Planning Commission's recommendation for approval of the proposed amendment; and
- 3) Find the adoption of the proposed amendment is exempt from CEQA under sections 15061(b)(3), 15307, and 15308 of the CEQA guidelines and adopt the Resolution approving General Plan Text Amendment GPTA21-001, incorporating the Local Hazard Mitigation Plan into the Health and Safety Element of the 2030 Merced County General Plan.

MARK HENDRICKSON, DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT PROVIDED COMMENTS.

OPPORTUNITY WAS GIVEN FOR INTERESTED PERSONS TO ADDRESS THE BOARD. NO INTERESTED PERSONS ADDRESSED THE BOARD.

THE CHAIRMAN CLOSED THE PUBLIC HEARING.

APPROVED AS RECOMMENDED AYES: ALL

COMMUNITY AND ECONOMIC DEVELOPMENT - PUBLIC HEARING

Public Hearing to consider proposed Amendment of the Agricultural Preserve as per the California Land Conservation Act of 1965 (Williamson Act) in Merced County.

RECOMMENDATION:

1) Hold a Public Hearing to receive testimony related to the proposed amendment of the Agricultural Preserve; 2) Find that the proposed modification of the Agricultural Preserve boundary reflecting the removal of land in relation to the following Property Line Adjustments (PLAs) does not require additional environmental review pursuant to CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning), based on the findings listed in the Board Agenda Item: (a) PLA21-015 located at the south side of Fialho Road and south of the terminus of Jersey Road in the Los Banos area; and (b) PLA21-018 located at the west side of Highway 33, approximately 0.5 miles north of Husman Road in the Gustine area; and 3) Adopt a Resolution to amend the Agricultural Preserve as per the requirements of the Land Conservation Act of 1965 (Williamson Act), Section 51200 et seq. of the California Government Code.

MARK HENDRICKSON, DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT PROVIDED COMMENTS.

OPPORTUNITY WAS GIVEN FOR INTERESTED PERSONS TO ADDRESS THE BOARD. NO INTERESTED PERSONS ADDRESSED THE BOARD.

THE CHAIRMAN CLOSED THE PUBLIC HEARING.

APPROVED AS RECOMMENDED

AYES: SUPERVISOR PAREIRA, SUPERVISOR PEDROZO, SUPERVISOR MCDANIEL, SUPERVISOR SILVEIRA

ABSTAIN: SUPERVISOR ESPINOZA

ELECTIONS - PUBLIC HEARING

Public Hearing to consider proposed ordinance entitled "An Ordinance establishing the Merced County Registrar of Voters Fee Schedule"

RECOMMENDATION:

1) Open Public Hearing and accept public comment;
2) Close Public Hearing; and,
3) Adopt the Ordinance entitled "An Ordinance adding Chapter 5.49 Merced County Registrar of Voters Fees to the Title 5 of the Merced County Code".

DARLENE INGERSOLL, REGISTRAR OF VOTERS PROVIDED COMMENTS.

OPPORTUNITY WAS GIVEN FOR INTERESTED PERSONS TO ADDRESS THE BOARD. NO INTERESTED PERSONS ADDRESSED THE BOARD.

THE CHAIRMAN CLOSED THE PUBLIC HEARING.

APPROVED AS RECOMMENDED AYES: ALL

REPORTS/BOARD DIRECTION

County Executive Officer, County Counsel, Board of Supervisors Members

CONSENT CALENDAR (Items # 1-12)**APPROVED AS RECOMMENDED AYES: ALL**Public Works

1. 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 to replace the drinking water well is necessary to respond to the emergency. (4/5 Vote Required)
2. Find that substantial evidence demonstrates that an emergency continues to exist regarding the HVAC units in the kitchen area 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 to replace the two HVAC units is necessary to respond to the emergency. (4/5 Vote Required)
3. Find that substantial evidence demonstrates that an emergency continues to exist regarding the fire hydrant and isolation valve at the John Latorraca Correctional Center (JLCC) adjacent to Building 2, and Fire Department Connection such that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the fire hydrant replacement 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 Solar Power Inverter at the John Latorraca Correctional Center (JLCC) solar field 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)
5. Find that substantial evidence demonstrates that an emergency continues to exist regarding the collapsed stone wall along the water edge at Lake Yosemite such that the emergency will not permit a delay resulting from solicitation for bids, and that the action to repair the wall is necessary to respond to the emergency. (4/5 Vote Required)
6. Find that substantial evidence demonstrates that an emergency continues to exist regarding the Uninterrupted Power Supply (UPS) battery backup system 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 to replace the UPS is necessary to respond to the emergency. (4/5 Vote Required)

Community Economic Development

7. Approve Budget Transfer in the amount of \$14,200 for the purchase of a new copy machine.
8. Approve Budget Transfer in the amount of \$100,000 for Environmental Health to increase appropriations for nuisance abatement. (4/5 Vote Required)

Workforce Investment

9. Approve Amendment No. 1 to Contract No. 2019157 with Richard and Lynette Gerbi to lease the premises located at 800 7th Street, Los Banos, California 93635, modifying the term end date from December 31, 2021 to June 30, 2022, and increasing the contract rental amount from \$3,512.00 to \$3,617.36 per month.

Board of Supervisors

10. Approve the Summary Action Minutes for the January 11, 2022 Board of Supervisors meeting.

Sheriff

11. Approve Budget Transfer in the amount of \$55,000 to increase appropriation based on increased estimated revenues for the purchase of a new radio for the Bell-UH-1H helicopter. (4/5 Vote Required)
12. Approve Budget Transfer in the amount of \$53,000 to increase appropriation based on increased estimated revenues for the purchase of radios to be used on patrol. (4/5 Vote Required)

REGULAR CALENDAR**BOARD ACTION**PUBLIC WORKS

13. 1) Adopt the Department of Public Works Title VI Plan; 2) Authorize the Board Chair and Director of Public Works to execute the Assurances in Attachment A and other documents related to the Title VI Plan; and 3) Authorize the Director of Public Works to make minor modifications to the Plan as needed.

APPROVED AS RECOMMENDED AYES: ALL

BEHAVIORAL HEALTH AND RECOVERY SERVICES

14. Approve a new Agreement with the Hilmar Unified School District to provide Prevention and Early Intervention and Substance Use Disorder services through the placement of County staff at Hilmar schools for the period of February 1, 2022 through June 30, 2023, for which the County will be reimbursed in the amount of \$44,526.88.

AUTHORIZED CONTRACT NO. 2022036 AS RECOMMENDED AYES: ALL

15. Approve and sign a new rate-based Contract with Dr. Ruhel Boparai, M.D. for Psychiatric Services to Behavioral Health and Recovery Services consumers, effective February 1, 2022 through June 30, 2025.

SUPERVISOR SILVEIRA AND GENEVIEVE VALENTINE, DIRECTOR OF BEHAVIORAL HEALTH AND RECOVERY SERVICES PROVIDE COMMENTS.

AUTHORIZED CONTRACT NO. 2022037 AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

16. 1) Approve and authorize the Human Services Agency Director, or their designee, to execute Initial Disbursement State Standard Agreement No. 22-HHAP-10039 with the Business Consumer Services and Housing Agency (BCSH) to accept funds and participate in the Homeless Housing, Assistance, and Prevention (HHAP) Program Round 3 upon approval of BCSH in the amount of \$169,864.51 no later than February 2, 2022; 2) Authorize the Human Services Agency Director, or their designee, to submit the HHAP Round 3 application no later

than June 30, 2022; 3) Authorize the Human Services Agency Director, or their designee to execute all documents relating to the grant application; and 4) Authorize the Human Services Agency Director, or their designee, to accept all future funding for this program.

AUTHORIZED CONTRACT NO. 2022017 AS RECOMMENDED AYES: ALL

17. Approve Contract with Merced County In-Home Supportive Services Public Authority and County of Merced for administration of the In-Home Supportive Services Program and Public Authority Services, effective January 1, 2022 through June 30, 2027 for a total contract amount not to exceed \$990,418.

AUTHORIZED CONTRACT NO. 2022035 AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

18. 1) Appoint Russell Price to serve as a member of the Snelling Municipal Advisory Council to serve an unexpired term ending February 16, 2024; and 2) Reappoint Sherry Richards until February 16, 2025, Maxine Price until February 16, 2026, and Craig Johnson until February 16, 2023 to serve as members of the Snelling Municipal Advisory Council.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

19. Department of Public Works re: Contract 2021310 was awarded to Viking Construction Company, Inc., Rancho Cordova, CA in the amount of \$3,317,209.00 for the Los Cerritos Road over Dry Creek Bridge Replacement Project in the Snelling area.
20. Department of Public Works re: Contract 2021027 was awarded to United Pavement Maintenance, Inc., Hughson, CA in the amount of \$1,792,256.00 for the Santa Fe Avenue and Childs Avenue Traffic Signal and Intersection Improvement Project in the community of Planada.

THE BOARD RECESSED TO MEET AS AN IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY AND RECONVENED TO MEET AS A BOARD OF SUPERVISORS

THE BOARD ADJOURNED THE MEETING AT 11:19 A.M. UNTIL TUESDAY, FEBRUARY 8, 2022, AT 10:00 A.M.

10:00 A.M. SCHEDULED ITEM**2022-02-01 PUBLIC OPPORTUNITY**

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

Dennis Jordan, Merced Resident shares concerns with the issue of the homeless who live under the McKee Street Bridge and continue to vandalize the area and homes nearby. He asks that the issue be addressed.

Susan Morales, Merced Resident shares concerns regarding the crisis with the homeless living under the McKee Street Bridge and the vandalism. She asked the Board for a solution to the problem.

Present: Pareira, Espinoza, Pedrozo, McDaniel, Silveira