



**BOARD OF SUPERVISORS**

Rodrigo Espinoza, *District 1*

Josh Pedrozo, *District 2*

Daron McDaniel, *District 3*

Chairman Lloyd Pareira, Jr., *District 4*

Vice Chairman Scott Silveira, *District 5*

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

**SUMMARY ACTION MINUTES - FINAL**

TUESDAY, MAY 10, 2022

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](http://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 COMMENT**

Time allotted to each speaker is determined by the Board Chair. At his/her discretion, the Chair may modify public opportunity to speak by reducing individual speaking time limits and/or expanding the allocated total time limit(s) set forth below.

At the designated times, please raise your hand and you will be directed to the podium.

**CLOSED SESSION ITEMS**

Public opportunity to speak on any matter to be considered in Closed Session will be taken prior to the Board adjourning into the Closed Session. In order that interested individuals have an opportunity to speak, any person addressing the Board will be limited to a maximum of three (3) minutes.

**NON-AGENDA ITEMS**

Public opportunity to speak on any matter of public interest within the Board's jurisdiction will be taken at the beginning of the Board Meeting. In order that interested individuals have an opportunity to speak, any person addressing the Board will be limited to a maximum of three (3) minutes. The Non-Agenda Item Public Comment period will be limited to twenty (20) minutes total. The Board may not take action on any item that does not appear on the posted agenda.

**AGENDA ITEMS**

Public opportunity to speak on items on the Board's Agenda will be heard following announcement of each section or subsection of the Agenda. In order that interested individuals have an opportunity to speak, any person addressing the Board will be limited to a maximum of three (3) minutes per section or subsection of the Agenda. Please note, the Consent Calendar is considered one section.

**PUBLIC HEARINGS**

Public opportunity to speak regarding public hearings will be heard following the reading, and if applicable, presentation of the public hearing. In order that interested individuals have an opportunity to speak, any person addressing the Board will be limited to a maximum of three (3) minutes.

**GENERAL PUBLIC COMMENT INFORMATION**

Speakers may not yield their time to another person.

Comments made on social media are not considered part of the official record and will not be shared with the Board.

The Public may provide email or telephonic comments to the Board of Supervisors at any time, however, these comments will not be made part of the official record.

**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 **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 and are divided into subsections by Department
- **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](http://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 by 4:00 PM the Friday 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 - 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): 1) Yvonne Herrera v. County of Merced, Workers Compensation Appeals Board Case Nos. ADJ10095722, ADJ10016920, and ADJ10095951; and 2) Barboza v. County of Merced, et al., Federal Case No.: 1:21-cv-01426-JLT-SKO.

**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:**

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 Unrepresented Management, Unit 20. Agency Negotiators: Supervisor Lloyd Pareira and Supervisor Scott Silveira.

**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 and 70 acres located generally at the southwest corner of Castle Commerce Center

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

**Negotiation Parties:** Patriot Rail LLC

**Under Negotiation:** To request Authority to negotiate proposed lease of facilities and value

**THE BOARD RECESSED AT 8:34 A.M. WITH SUPERVISOR MCDANIEL AND SUPERVISOR SILVEIRA NOT PRESENT AND RECONVENED AT 10:00 A.M. WITH SUPERVISOR MCDANIEL NOT PRESENT. THE CHAIRMAN ANNOUNCED THAT THE BOARD WOULD RECONVENE INTO CLOSED SESSION FOLLOWING COMPLETION OF THE REGULAR MEETING.**

**THE BOARD RECONVENED INTO CLOSED SESSION AT 10:39 A.M. WITH SUPERVISOR MCDANIEL NOT PRESENT AND RETURNED TO THE CHAMBERS AT 11:41 A.M. WITH SUPERVISOR MCDANIEL NOT 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 Michelle Allison, Mount Olive Missionary Baptist Church-Atwater/PLEDGE OF ALLEGIANCE**

**PUBLIC OPPORTUNITY TO SPEAK ON ANY MATTER OF PUBLIC INTEREST WITHIN THE BOARD'S JURISDICTION EXCLUDING ITEMS ON THE BOARD'S AGENDA (TESTIMONY LIMITED TO THREE MINUTES PER PERSON AND TWENTY MINUTE TOTAL).**

**SEE PAGE 9**

**CONSENT CALENDAR (Items # 1-18)**

**APPROVED AS RECOMMENDED      AYES: 1, 2, 4, 5      NOT PRESENT: 3**

**Public Works**

1. Approve and authorize the Board Chair to sign Amendment No. 1 to Contract No. 2021284 (JOC-017) with Ardent General, Inc., for building construction remodeling, repairs and maintenance services, to increase the total contract amount from \$1,500,000 to \$5,000,000.
2. 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)
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 to replace the drinking water well is necessary to respond to the emergency. (4/5 Vote Required)
4. Approve Budget Transfer in the amount of \$50,000 to shift funds from the Planada Fire Remodel project to the Station 81 Apron Replacement project, to cover costs associated with moving a drainage structure, as required by the California Department of Transportation.
5. Approve Budget Transfer in the amount of \$175,000 for additional costs to repair Human Services Agency Wardrobe Parking Lot. (4/5 Vote Required)

Health

6. Approve and authorize the Board Chair to sign Amendment No. 02 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 increase the annual fiscal year contract amount not to exceed \$7,608,549.37; this includes a one-time increase in the amount of \$599,890.48 for Fiscal Year 2022-2023. The term of this contract remains the same.
7. Approve Budget Transfer in the amount of \$60,250 to establish a Capital Asset identified as "Mercy Medical Center Merced Western Shelter", to purchase a medical shelter tent for surge purposes, as approved by the California Emergency Preparedness Office

Human Services Agency

8. Adopt a Proclamation declaring the month of May 2022 as "Older Americans Month" in Merced County.

Administrative Services

9. Approve and authorize the Board Chair to sign Amendment No. 1 to Contract No. 2019058 with Wireless Watchdogs, LLC., for wireless telecom expense management services, modifying the term end date from February 28, 2022 to February 28, 2024 and increasing the total contract price from \$200,000 to \$334,000.

Sheriff

10. Approve and authorize the Board Chair to sign Amendment No. 6 to Contract No. 2016287 with Axon Enterprise, Inc., for the purchase of additional body worn camera licenses, effective July 1, 2022 through March 31, 2026, for a total contract amount not to exceed \$80,626.50.
11. Approve and authorize the Board Chair to sign Amendment No. 1 to Contract No. 2021376 with the City of Livingston to provide a Merced County Sheriff Lieutenant to act as Interim Police Chief, modifying the term end date from May 21, 2022 to September 30, 2022, with no change to the contract amount.

**SUPERVISOR ESPINOZA PROVIDED COMMENTS**Human Resources/Risk Management

12. Act on Claims for Damages submitted by Abel Barragan, Jorge Arias Salinas, Cindy Drummond and David Meissonnier as recommended by Risk Management and County Counsel; and 2) Approve Assistant County Executive Officer, or designee, to send notice of said action on claims.

Executive Office

13. Approve the Out-of-State Travel request received from the Board of Supervisors Department, as recommended by the Executive Office.

Board of Supervisors

14. Approve the Summary Action Minutes for April 5, 2022 Board of Supervisors meeting.

Board Recognition

15. Ratify Certificates of Recognition to Sierra Brewer and Brian Speights for graduation from Merced County Drug Treatment Court, presented April 29, 2022.
16. Ratify Certificates of Recognition to various individuals for being selected by their entities as Law Enforcement Officers of the Year 2022, presented May 4, 2022.
17. Ratify Certificates of Recognition to various individuals for being selected by their school districts as 2022 Association of California School Administrators Merced County Charter "Every Student Succeeding" Honorees, presented April 29, 2022.
18. Ratify Certificates of Recognition to various individuals for being selected by United Domestic Workers, for Community Volunteer Service during the COVID-19 Pandemic, presented April 29, 2022.

**REGULAR CALENDAR****BOARD ACTION**PUBLIC WORKS

19. 1) Approve the short list of Design Build Entities (DBEs) as a result of the Request for Statement of Qualifications for the Main Administrative Building HVAC replacement project; 2) Authorize the Director of Public Works to distribute a Request for Proposal to the short list DBE's; and 3) Authorize the Director of Public Works to negotiate and award a contract to the DBE with the highest ranked proposal, after review by County Counsel and Risk Management.

**AUTHORIZED CONTRACT NO. 2022095 AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3**

20. 1) Establish a Capital Improvement Project identified as "Castle Buildings Demolition Project"; 2) Authorize the Director of Public Works to award and execute a contract in the amount of \$478,000 with Garrison Demolition and Engineering, Inc. of San Ramon, CA, for the Base Bid - Building 1038 and partial demo of Building 1230, Alternate 1 - Buildings 262, 264 and 265, and Alternate 2 - Building 411, after review by County Counsel and Risk Management; and 3) Approve the associated budget transfer.

**AUTHORIZED CONTRACT NO. 2022040 AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3**

21. 1) Approve and authorize the Board Chair to sign a Retainer Agreement with Stantec Consulting Services, Inc. of Fresno, CA, for on-call environmental assessment and remediation services, effective May 10, 2022 through June 30, 2027, in a not-to-exceed amount of \$2,500,000; and 2) Authorize the Director of Public Works to execute project supplement agreements in amounts up to \$500,000.

**SUPERVISOR SILVEIRA PROVIDED COMMENTS**

**AUTHORIZED CONTRACT NO. 2022097 AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3**

22. 1) Find that substantial evidence demonstrates that an emergency exists regarding the two water heaters at the Navigation Center such that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action to replace the water heaters is necessary to respond to the emergency; and 2) Approve associated budget transfers. (4/5 vote required)

**APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3**

#### HEALTH

23. 1) Ratify submission of the pre-award and grant documents submitted by the Public Health Director, as an authorized signer, to the California Department of Public Health Tuberculosis Control Branch for participation in the Tuberculosis Subvention Program funding, effective July 1, 2022 through June 30, 2023 for an annual base amount of \$51,125 with an additional Food, Shelter, Incentives and Enablers (FSIE) allocation of \$3,107 for a total award amount of \$54,232.

**APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3**

#### BEHAVIORAL HEALTH AND RECOVERY SERVICES

24. Approve and authorize the Board Chair to sign a no-cost Agreement with Dignity Health, dba Mercy Medical Center, for placement of Triage Crisis Unit Clinicians staff at Mercy Medical Center's clinic to provide mental health services for the period of April 1, 2022 through June 30, 2025.

**AUTHORIZED CONTRACT NO. 2022099 AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3**

25. Approve and authorize the Board Chair to sign a new rate-based contract with California Psychiatric Transitions, for Mental Health Rehabilitation Center services, effective July 1, 2022 through June 30, 2025.

**AUTHORIZED CONTRACT NO. 2022100 AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3**

#### HUMAN SERVICES AGENCY

26. 1) Approve the Fiscal Year 2022-2023 Area Plan Update for the Merced County Area Agency on Aging; and 2) Authorize the Board Chair to sign the Transmittal Letter.

**APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3**

#### COMMUNITY AND ECONOMIC DEVELOPMENT

27. Adopt a Resolution authorizing the Community and Economic Development Director, or designee, to submit an online grant application and any administrative requests necessary to secure grant funds and implementation of the project when approved; and authorizing the Board Chair to sign the Standard Agreement with the State of California Department of Resources Recycling and Recovery for participation in the Solid Waste Local Enforcement Agency Program effective July 1, 2022 through June 30, 2023, in the amount of \$19,042.

**ADOPTED RESOLUTION 2022-44 AND AUTHORIZED CONTRACT NO. 2022093 AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3**

- 28. 1) Request the Board to approve the sale of Buildings 1147, 1146, 1110, 1107 and 5.32 acres of land to Gemenii, LLC for \$600,000 and authorize the Board Chair to execute all necessary documents to effectuate the sale and transfer of Buildings 1147, 1146, 1110, 1107 and 5.32 acres of land within Castle Commerce Center to Gemenii, LLC. (4/5 vote required); and 2) Authorize the Board Chair to execute Quitclaim Deed upon close of escrow.

**AUTHORIZED CONTRACT NO. 2022094 AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3**

**COUNTY EXECUTIVE OFFICE**

- 29. 1) Authorize the County Executive Officer to sign the Petition to Form the Downtown Merced Property-based Business Improvement District (PBID), approving the proposed maximum annual assessment of \$6,544.17 on County-owned real property located at 550 West Main Street, Merced, CA 95340 (APN 031-144-038) and at the northeast corner of West 16th Street and M Street (APN 031-144-039); and 2) Authorize the County Executive Officer to execute in the affirmative any subsequent ballot regarding PBID formation and levy of maximum annual assessment.

**APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3**

- 30. 1) Ratify a Contract with KNN Public Finance, LLC for municipal advisory services for the financing of Phase II of the Correctional Facility Project at John Latorraca Correctional Center, in the amount of \$112,500 effective February 8, 2022 through December 31, 2022.

**AUTHORIZED CONTRACT NO. 2022101 AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3**

**BOARD APPOINTMENTS**

- 31. Reappoint Dennis Pierre and Danny Drumonde until January 2, 2023 and Rosemary Ouse until January 6, 2025; and appoint Brad Bellamy until January 6, 2025 and Lloyd Vierra until January 5, 2026 to serve as members of the Merquin Cemetery District board of trustees.

**APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3**

- 32. Reappoint Paul Danbom, Darren Borrelli, and Jeff Strom to serve as members of the Hilmar Cemetery District board of trustees, until January 5, 2026.

**APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3**

- 33. Appoint Jeanne Giampaoli to the Le Grand Municipal Advisory Council to serve an unexpired term, until December 7, 2022.

**APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3**

- 34. Appoint Jeanne Giampaoli and Bart Ramirez until December 1, 2025; and Tonya Moreno and, Irene Cacho until December 1, 2024, to serve as committee members of the Le Grand Recreation Committee.

**APPROVED AS RECOMMENDED AYES: 1, 2, 4, 5 NOT PRESENT: 3**



**BOARD INFORMATION & POSSIBLE ACTION****REPORTS/BOARD DIRECTION**

County Executive Officer, County Counsel, Board of Supervisors Members

**THE BOARD ADJOURNED THE MEETING AT 11:41 A.M. UNTIL TUESDAY, MAY 24, 2022, AT 10:00 A.M.**

**10:00 A.M. SCHEDULED ITEM**  
**2022-05-10 PUBLIC OPPORTUNITY**

Feliza Gray, Deputy Director of Adult and Aging Services highlights the Proclamation for Merced County to designate May as Older Americans Month. She submits a flyer with information regarding the “Age My Way” event celebrating older Americans for the Board’s consideration.

Darlene Ingersoll, Merced County Registrar of Voters speaks regarding Merced County now being a Voter’s Choice Act county.

Present: Pareira, Espinoza, Pedrozo, Silveira

Not Present: McDaniel