



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 - DRAFT

TUESDAY, JULY 12, 2022

Closed Session – 9:00 a.m.

Regular Meeting – 10:00 a.m.

Merced County Administration Building

2222 M Street

Board Room, Third Floor

Merced CA, 95340

www.countyofmerced.com

The Board of Supervisors welcomes you to its meetings which are regularly held on a scheduled Tuesday and your interest is encouraged and appreciated.

AUDIO/VIDEO BROADCAST: All board meetings are normally broadcast live and replayed on local cable television. A list of cable channels and broadcast times are available at the following website: <http://www.co.merced.ca.us/1581/Comcast-Ch-96-Broadcast>

Live stream of the Board of Supervisors meetings at <https://www.facebook.com/MercedCounty/> or <https://www.co.merced.ca.us/2206/Board-of-Supervisors-Meetings>.

PUBLIC 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

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.

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 Deputy Sheriff Association (DSA), Unit 10; Teamsters (Non-Safety Corrections), Unit 12; and Merced County Public Safety Services Unit (MCPSSU), Unit 14. Agency Negotiator: Marci Barrera

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) Prillwitz v. County of Merced, et al., Merced Superior Court case no. 21CV-03387 and 2) Silva v. County of Merced, et al., Merced Superior Court case no. 21CV-00462.

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 by Monsignor Harvey Fonseca, St. Judes Catholic Church - Livingston/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 MINUTES TOTAL).

REVIEW BOARD ORDER

CONSENT CALENDAR (Items # 1-9)

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. 1) Find that substantial evidence demonstrates that an emergency continues to exist regarding the roof beams at the Los Banos Spring Fair Germino Building, such that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action to replace the roof beams is necessary to respond to the emergency. (4/5 Vote Required); and 2) Adopt Plans and Specifications for the repair of the Germino Building.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

Probation

3. Adopt a Proclamation declaring the week of July 17-23, 2022 as "Probation Services Week" in Merced County.

CHIEF PROBATION OFFICER KALISA ROCHESTER AND CHAIRMAN PAREIRA PROVIDED COMMENTS

Sheriff

4. Approve and authorize the Board Chair to sign Amendment No. 6 to Contract No. 2020203 with California Forensic Medical Group, Inc., for nursing services at the Merced County Jail for COVID-19, extending the term end date from June 30, 2022 to June 30, 2023 and increasing the contract amount from \$525,203 to \$761,735.
5. Approve and authorize the Board Chair to sign Amendment No. 3 to Contract No. 2021090 with California Forensic Medical Group, Inc. for the pass-through of lab costs incurred with intake testing for COVID-19 at the Merced County Jail, modifying the term end date from June 30, 2022 to June 30, 2023, and increasing the contract amount from \$506,000 to \$806,000.

Human Resources

6. 1) Approve and authorize the Board Chair to sign Amendment No. 1 to Contract No. 2019262 with NuPhysicia Health of Texas, Inc. for the Medicine at Work On-Site Clinic Program, to extend the contract term end date from June 30, 2022 to June 30, 2025 and increase the contract amount from \$924,840 to \$1,989,840; and 2) Approve and authorize the Board Chair to sign Amendment No. 1 to Contract No. 2019263 with NuPhysicia Health of Texas, Inc., for the lease of office space for the Medicine at Work On-Site Clinic located at 2115 Wardrobe Avenue, to extend the contract term end date from June 30, 2022 to June 30, 2025.

Executive Office

7. Ratify approval of the Out-of-State Overnight Travel submitted by the Sheriff's Department, as recommended by the Executive Office.

Board Recognition

8. Ratify Certificates of Recognition to Crystal Cervantes and Joseph Dennison, for graduation from Merced County Drug Treatment Court, presented June 24, 2022.
9. Authorize Proclamation in recognition to The Italian Catholic Federation Branch 39 in celebration of 90th Anniversary on July 13, 2022.

SUPERVISOR PEDROZO PRESENTED THE PROCLAMATION AND PROVIDED COMMENTS, AND ITALIAN CATHOLIC FEDERATION PRESIDENT CHRIS MARTIN PROVIDED COMMENTS

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

10. 1) Authorize the Director of Public Works or designee to sign and submit to Caltrans by September 12, 2022 a grant application for Highway Safety Improvement Program funds for use on the Traffic Sign Improvement Project (South of State Route 140); 2) Authorize the Director of Public Works to accept the grant funds and execute any related documents, if awarded; and 3) Direct the Director of Public Works to return to the Board at a later date with an informational item noting all actions taken, if awarded.

APPROVED AS RECOMMENDED AYES: ALL

11. Approve and authorize the Board Chair to sign an agreement for professional services with HF&H Consultants, LLC to negotiate and draft amended refuse collection franchise agreements to implement the requirements of Senate Bill 1383 (SB 1383), effective July 1, 2022 through December 31, 2023, for a total contract amount of \$110,980.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

12. 1) Find that substantial evidence demonstrates that an emergency exists regarding one HVAC unit at the Fire Department Training Center, located at 3405 Hardstand Avenue, Atwater, CA, such that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action to replace the HVAC unit is necessary to respond to the emergency. (4/5 Vote Required); and 2) Approve the associated budget transfers. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

13. 1) Find that substantial evidence demonstrates that an emergency exists regarding elevator 3 at the Main Administration Building, such that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action to repair the elevator is necessary to respond to the emergency. (4/5 Vote Required); and 2) Approve associated budget transfer. (Simple Majority Vote)

APPROVED AS RECOMMENDED AYES: ALL

14. 1) Authorize the Director of Public Works to circulate a Request for Qualifications/Proposals (RFQ/P) for a Design-Build Entity to design and construct a new Sheriff's Administration and Operations Complex (the "Project"), Phase IIB of the Correctional Facility Project; 2) Adopt the Resolution authorizing the reimbursement of expenditures related to the financing of the Project from the proceeds of indebtedness; 3) Authorize Staff to work with Finance Team in the preparation of the necessary plans and preliminary documents for financing of the Project; and 4) Authorize Staff to prepare with Finance Team the necessary agreements to obtain financing for the Project and return to the Board for approval.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

15. 1) Approve and authorize the Board Chair to sign the Special Services Agreement with CGL Companies, Inc. of Sacramento, CA, to finalize criteria documents and provide project/construction management services for a new Sheriff's Administration and Operations Complex at an undetermined County site for a not-to-exceed fee of \$1,350,000 and for a term of July 12, 2022 through June 30, 2026; and 2) Approve associated Budget Transfer. (4/5 vote required)

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

HEALTH

16. Approve and authorize the Board Chair to sign a Staffing Agreement with SnapMedTech, Inc. dba SnapNurse to provide short-term staffing services effective July 12, 2022 through July 11, 2023, with automatic yearly renewals until either party terminates. Agreement cost is based on services requested by the County, with an allocation of \$1,769,967 for the course of the Agreement.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

17. Approve and authorize the Board Chair to sign Amendment No. 1 to Contract No. 2019363 with Netsmart Technologies, Inc. for licensed software, hosting, and services, to terminate the contract in its entirety effective as of October 31, 2021.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

18. Adopt a Resolution to approve and authorize the Board Chair to sign State Agreement No. MS-2223-28 with the California Department of Aging for the Multipurpose Senior Services Program, effective July 1, 2022 through June 30, 2023, for a total contract amount not to exceed \$1,071,200.

ADOPTED RESOLUTION AND AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

19. Approve and authorize the Board Chair to sign a no cost Memorandum of Understanding with Castle Family Health Centers to provide Medi-Cal application services, effective July 12, 2022 through June 30, 2026.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

COMMUNITY AND ECONOMIC DEVELOPMENT

20. Adopt a Resolution: 1) To determine that the County intends to sell real property located at Castle Commerce Center known as the "Maintenance Yard" and located North of the existing rail line, east of Sonic Avenue, Southeast of Dart Drive, and West of the Merced Irrigation District Substation, subject to compliance with Government Code section 25536.9; and 2) Direct the Community and Economic Development Director to prepare the necessary documents for the sale and transfer of the Maintenance Yard to Hydra and return to the Board to consider acceptance and execution of final sale to Hydra.

SUPERVISOR ESPINOZA, SUPERVISOR MCDANIEL, SUPERVISOR PAREIRA, SUPERVISOR PEDROZO AND COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR MARK HENDRICKSON PROVIDED COMMENTS

ADOPTED RESOLUTION AS RECOMMENDED AYES: 2, 3, 4, 5 NOES: 1

21. Adopt a Resolution: 1) To determine that the County intends to sell real property located at Castle Commerce Center described as the existing rail line along with approximately 15 feet of land on each side of the rail subject to compliance with Government Code section 25536.9; and 2) Direct the Community and Economic Development Director to prepare the necessary documents for the sale and transfer of the existing rail to Merced County Central Valley Railroad (MCVR) and return to the Board to consider acceptance and execution of final sale to MCVR.

SUPERVISOR ESPINOZA, SUPERVISOR MCDANIEL, SUPERVISOR PAREIRA, SUPERVISOR PEDROZO AND COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR MARK HENDRICKSON PROVIDED COMMENTS

ADOPTED RESOLUTION AS RECOMMENDED AYES: 2, 3, 4, 5 NOES: 1

22. 1) Find the lease amendment is categorically exempt from further CEQA review under the CEQA Guidelines, sections 15301, 15302, 15303, and 15304; and 2) Approve and authorize the Board Chair to execute the First Amendment to Contract 2021018 with Transportation Research Center, Inc. (TRC), removing Building 340 from current leasehold and adding

Building 1015 to leasehold for an additional \$9,000 per month in addition to any previous agreed upon base rent amount and reflect the corrections to the site map.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

23. Approve and authorize the Board Chair to sign a Memorandum of Understanding with the Merced Local Agency Formation Commission (LAFCO) for support services from the Merced County Community and Economic Development Department, effective July 1, 2022 through June 30, 2023, for a total contract amount not to exceed \$19,487.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

SHERIFF

24. Approve and authorize the Board Chair to sign a retroactive contract with the Superior Court of California for the Merced County Sheriff's Office to provide court security, effective July 1, 2022 through June 30, 2025.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

TREASURER

25. 1) Approve the Application for Relief of Accountability as submitted by the Tax Collector for collection of unsecured property taxes duly assessed for the calendar years 2011 and other accounts deemed uncollectible, in the amount of \$336,356.67, plus \$33,632.53 in penalties and \$2,730.00 in fees and costs as submitted on Exhibit A; and 2) Authorize the Board Chair to sign the Order of Discharge and authorize the Auditor-Controller to reduce the outstanding delinquent unsecured tax role by the sum of \$372,719.20.

TREASURER-TAX COLLECTOR KAREN ADAMS AND SUPERVISOR SILVEIRA, PROVIDED COMMENTS

APPROVED AS RECOMMENDED AYES: ALL

26. Review and approve the Treasury Investment Report for the quarter ending March 31, 2022.

TREASURER-TAX COLLECTOR KAREN ADAMS PROVIDED COMMENTS

APPROVED AS RECOMMENDED AYES: ALL

27. Approve and authorize the Board Chair to sign the Agreement to Purchase Tax Defaulted Property with San Luis Water District for Assessor's Parcel Numbers 078-200-056-000 and 088-070-080-000 located in District 5, in the amount of \$837,476. Said contract is subject to the State Controller's approval.

TREASURER-TAX COLLECTOR KAREN ADAMS, SUPERVISOR SILVEIRA, AND CHAIRMAN PAREIRA PROVIDED COMMENTS

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

WORKFORCE INVESTMENT

28. 1) Ratify submission of a grant application submitted by the Department of Workforce Investment to California Volunteers, Office of the Governor for participation in the CaliforniansForAll Youth Job Corps Workforce Development Program submitted in January of 2022 for the amount of \$3,815,911; and 2) Approve and authorize the Director of Workforce Investment to sign the retroactive contract (State Agreement No. JP2005) with California Volunteers, Office of the Governor for the 2021 CaliforniansForAll Youth Job Corps Workforce

Development Program, effective June 8, 2022 through May 1, 2024, in the amount of \$3,815,911.

DIRECTOR OF WORKFORCE DEVELOPMENT ERICK SERRATO PROVIDES POWER POINT PRESENTATION, SUPERVISOR PEDROZO, SUPERVISOR SILVEIRA, CHAIRMAN PAREIRA AND SUPERVISOR MCDANIEL PROVIDED COMMENTS

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

ADMINISTRATIVE SERVICES

29. 1) Approve and authorize the Board Chair to sign a contract with Motorola Solutions, Inc for services related to identifying and securing sites for a public safety radio system to support the Sheriff's Office and other public safety agencies in Merced County for an amount not to exceed \$1,103,436; 2) Authorize the Director of Administrative Services to negotiate and sign a final statement of work and related change orders after review by County Counsel and County Executive Office; and 3) Approve associated budget transfer (4/5 vote required).

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

HUMAN RESOURCES

30. Approve and authorize the Board Chair to sign a contract with Liebert Cassidy Whitmore for Labor Relations/Legal Services, effective July 1, 2022 through June 30, 2023, for a total contract amount not to exceed \$147,730.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

31. 1) Approve the following personnel action: change three (3) Probation Program Manager, classification 7631, salary range 80.6, position No. 43 in budget unit 23300, position No. 92 in budget unit 23405, position No. 93 in budget unit 23406 to Probation Division Manager (Title change only); 2) Approve the modifications to the following job classification specifications: Probation Division Manager, Probation Program Specialist, Sheriff Sergeant; and 3) Approve the amendment to the Salary Allocation Resolution 06-120 and the Position Allocation Resolution 06-120/A.

ADOPTED RESOLUTIONS AS RECOMMENDED AYES: ALL

32. Ratify the Memorandum of Understanding between Merced County and Merced County Attorney Association (MCAA), representing Bargaining Unit 7.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

33. Approve revisions to the County of Merced Debt Management Policy.

APPROVED AS RECOMMENDED AYES: ALL

34. 1) Adopt a Resolution authorizing the execution and delivery of a Facilities Lease, a Site Lease, an Assignment Agreement, a Trust Agreement, a Continuing Disclosure Agreement, a Notice Inviting Bids and a Bond Purchase Agreement; approving execution of Certificates of Participation (2022 COPs) to assist in financing Phase IIA of the jail project at John Latorraca Correctional Center; approving a Preliminary Official Statement for the 2022 COPs, authorizing the Board Chair and other Authorized Officers to execute and deliver said legal documents, and authorizing certain other actions in connection with the lease financing. 2) Authorize the execution of expenditures for rating agency services related to the financing of the 2022 COPs. 3) Authorize the Board Chair to execute the attached documents in

substantially the form attached hereto including any revisions, amendments and other documentation determined necessary to effectuate the financing after review by the County Executive Office, County Counsel and Auditor.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

35. 1) Approve the request from Charleston Drainage District to hold all subsequent District Elections during even-numbered years after November 2021 to coincide with statewide general elections, and acknowledge that the Charleston Drainage District is not seeking to have the elections conducted by the County Elections Official; and 2) Extend the term of Board Members whose terms would have expired in 2023 to expire in 2024.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

36. Information item only – Disclosure of donations received in excess of \$10,000 for fiscal year 2021-2022, Quarter 4.
37. Elections re: Statement of Vote with the Certified Election Results for the Statewide Direct Primary Election held on June 7, 2022.

SUPERVISOR PEDROZO PROVIDED COMMENTS

THE BOARD RECESSED TO MEET AS THE PUBLIC FACILITIES CORPORATION BOARD OF DIRECTORS AND RECONVENED TO MEET AS A BOARD OF SUPERVISORS

THE BOARD ADOPTED A RESOLUTION IN MEMORY OF JAMES “JIM’ HELLER, JAVIER TRUJILLO AND GARY COMER AND ADJOURNED THE MEETING AT 11:23 A.M. UNTIL TUESDAY, JULY 19, 2022, AT 10:00 A.M.