



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 19, 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 IS INVITED TO SPEAK ON ANY ITEM ON THE AGENDA

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; 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:

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: Health Officer.

CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATOR

It is the intent of the Board to meet in Closed Session Concerning a Conference with Real Property Negotiator(s) Dana Hertfelder, Director of Public Works pursuant to Government Code Section 54956.8 as follows:

Property: APN #030-102-011 located at 510 W. 25th Street, Merced. (Approximately 6,317 SF building on 0.50 acres.)

Agency Negotiator: Dana Hertfelder, Director of Public Works

Negotiation Party: David Murtos, Realtor, Berkshire Hathaway Home Services

Under Negotiation: To request authority to negotiate proposed purchase

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 Yvonnia Brown, Director of Human Services Agency/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 # 1-7)

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 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)
3. Find that substantial evidence demonstrates that an emergency continues to exist 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)

Behavioral Health and Recovery Services

4. Approve and authorize the Board Chair to sign Amendment No. 01 to Contract No. 2021256 with John M. Yarbrough, M.D., M.B.A., for psychiatric services, revising the Compensation section effective July 12, 2022.

Human Services Agency

5. Approve and authorize the Board Chair to sign Amendment No. 2 to Contract No. 2020008 with the State of California Department of Healthcare Services for Medi-Cal Health Navigator services, modifying the term end date from June 30, 2022 to September 30, 2022 and increasing the contract amount from \$1,173,963 to \$1,327,398.

Child Support Services

6. 1) Adopt a Proclamation declaring the month of August 2022 as Child Support Awareness Month in Merced County; 2) Authorize the Department of Child Support Services to work in conjunction with the City of Merced Fire Department to display a banner above G Street from July 24, 2022 through July 30, 2022; 3) Authorize the Department of Child Support Services to solicit and accept donations for outreach event; and 4) Authorize the Department of Child Support Services to submit an application for a First 5 Merced County mini-grant, and to accept funds, if awarded.

NICOLE CORTEZ ASSISTANT DIRECTOR OF CHILD SUPPORT SERVICES, SUPERVISOR PEDROZO, AND THE CHAIRMAN PROVIDED COMMENTS

Human Resources/Risk Management

7. 1) Act on Claims for Damages submitted by Brandon Aguirre and Encarnacion Angulo Lopez 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.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

8. Adopt a Resolution authorizing the Director of Public Works to sign the Regional Surface Transportation Program Exchange Funds Apportionment Claim for Fiscal Year 2021-2022 in the amount of \$899,580 and submit said claim to the Merced County Association of Governments for processing.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

9. 1) Find that substantial evidence demonstrates that an emergency exists regarding the HVAC unit at the Los Banos Fire Station 71, located at 525 H Street, Los Banos, 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.

APPROVED AS RECOMMENDED AYES: ALL

10. 1) Find that substantial evidence demonstrates that an emergency exists regarding the Uninterrupted Power Supply (UPS) backup system at the Juvenile Justice Facility (JJF) 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); and 2) Approve associated budget transfer.

APPROVED AS RECOMMENDED AYES: ALL

HEALTH

11. 1) Ratify submission of a grant application, submitted to the California Department of Public Health - State Office of AIDS for the Ryan White HIV/AIDS Program/HIV Care Program to increase the grant award from \$506,381 to \$597,697 for the five-year grant period of April 1, 2019 through March 31, 2024; and 2) Authorize the Director of Public Health to accept said funds, if awarded.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

12. Approve and authorize the Board Chair to sign a no cost Memorandum of Understanding with City of Merced, for the integration of a Merced County Social Worker with the Merced Police Department's Disruptive Area Response Team, effective July 19, 2022 through June 30, 2023.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

13. Approve and authorize the Board Chair to sign a no cost Memorandum of Understanding with California State University, Fresno for internships for students in the Masters in Social Work program, effective August 1, 2022 through July 31, 2027.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

SUPERVISOR PEDROZO AND YVONNIA BROWN, DIRECTOR OF HUMAN SERVICES AGENCY PROVIDED COMMENTS

14. Approve and authorize the Board Chair to sign a no cost Data License Agreement with the Santa Cruz-Monterey-Merced Managed Medical Care Commission, DBA Central California Alliance for Health, to share data that will be used to develop the Housing and Homelessness Incentive Program grant application, effective July 19, 2022.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

15. Adopt a Resolution to approve and authorize the Board Chair to sign the retroactive State Agreement No. IF-2223-31 with California Department of Aging for Older Adults' Recovery and Resilience Funds - Home and Community Based services, effective July 1, 2022 through December 31, 2024, for a total contract amount not to exceed \$810,177.

ADOPTED RESOLUTION AND AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

COMMUNITY AND ECONOMIC DEVELOPMENT

16. 1) Find the sale of the Castle Maintenance Yard exempt from environmental review pursuant to Sections 15301("Existing Facilities"), 15302 ("Replacement or Reconstruction"), 15303 ("New Construction or Conversion of Small Structures"), 15304 ("Minor Alterations of Land"), and 15312 ("Surplus Government Property Sales") of the CEQA Guidelines; 2) Request the Board to approve the sale of the Castle Maintenance Yard located North of the existing rail line, East of Sonic Avenue, Southeast of Dart Drive, and West of Merced Irrigation District Substation to Hydra Distribution & Rail Services Inc. (Hydra) for \$83,212 with the commitment

by the buyer to demolish and remediate the facility at an estimated cost of \$775,000 and authorize the Board Chair to execute all necessary documents to effectuate the sale and transfer of Castle Maintenance Yard within Castle Commerce Center to Hydra. (4/5 Vote Required); and 3) Authorize the Board Chair to execute Quitclaim Deed upon close of escrow.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: 2, 3, 4, 5 NOES: 1

17. **AMENDED** 1) Find the sale of the existing rail along with approximately 15 feet of land on each side of the rail exempt from environmental review pursuant to Sections 15301 (“Existing Facilities”), 15302 (“Replacement or Reconstruction”), 15303 (“New Construction or Conversion of Small Structures”), 15304 (“Minor Alterations of Land”), and 15312 (“Surplus Government Property Sales”) of the CEQA Guidelines; 2) Request the Board to approve the sale of the existing rail line along with approximately 15 feet of land on each side of the rail to Merced County Central Valley Railroad (MCVR) for \$1,200,000 and authorize the Board Chair to execute all necessary documents, including any revisions and amendments determined necessary by the County Executive Officer and County Counsel, to effectuate the sale and transfer of the existing rail track within Castle Commerce Center to MCVR, including the associated revenue sharing commitment by MCVR. (4/5 vote required); and 3) Authorize Board Chair to execute Quitclaim Deed upon close of escrow.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: 2, 3, 4, 5 NOES: 1

AUDITOR

18. Accept the annual Internal Audit Summary Report for Fiscal Year 2021-2022.

APPROVED AS RECOMMENDED AYES: ALL

FIRE

19. 1) Adopt and authorize the Board Chair to sign a Resolution (DGS OFAM 202) authorizing the Assistant Chief to act as the authorized representative to acquire surplus property through the California State Agency for surplus Property; and 2) Authorize the Board Chair to sign the Non-Discrimination Certification (DGS OF AM 203).

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

20. 1) Continue Mike van Loben Sels as the Merced County Fire Chief and the Director/Office of Emergency Services under Merced County Code Chapter 2.72; 2) Continue Mark Pimentel as the Merced County Division Chief and the Deputy Director - Operations/Office of Emergency Services; 3) Continue Adam Amaral as the Office of Emergency Services Manager; 4) Appoint Greg Padilla as the Merced County Office of Emergency Services, Battalion Chief and the Deputy Director - Administration/Office of Emergency Services; and 5) Adopt the Resolution to designate Authorized Agents for the Merced County Office of Emergency Services.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

21. 1) Appoint the Director/Office of Emergency Services, the Deputy Director - Operations/Office of Emergency Services and the Office of Emergency Services Manager as Authorized Agents for the County of Merced in matters related to the application and filing for federal and/or state disaster assistance; and 2) Approve the Designation of Applicant's Agent Resolution for non-state agencies (Cal OES 130).

APPROVED AS RECOMMENDED AYES: ALL

RETIREMENT

22. Adopt a Resolution making Government Code section 31522.3 applicable in the County of Merced which will grant appointment and oversight authority over assistant administrators and (chief) investment officers for the Merced County Employees' Retirement Association to the MercedCERA Board of Retirement.

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

SHERIFF

23. Approve and authorize the Board Chair to sign a retroactive contract with the City of Livingston for stray animal housing and disposal, effective July 1, 2022 through June 30, 2027.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

HUMAN RESOURCES

24. Ratify the Memorandum of Understanding between Merced County and United Public Employees (UPE), representing Bargaining Unit 3.

AUTHORIZED CONTRACT AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

25. Reappoint John Pacini and Andrea Goncalves to serve as members of the Dos Palos Cemetery District, until February 4, 2026.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION

ACCEPTED AND PLACED ON FILE AYES: ALL

26. Health re: Information Only - The California Department of Public Health has extended the funding period expiration dates for the Epidemiology and Laboratory Capacity Enhancing Detection and the Epidemiology and Laboratory Capacity Enhancing Detection Expansion allocation from November 17, 2022 and July 31, 2023 respectively to July 31, 2024.
27. Health re: Information Only - The California Department of Public Health has extended the funding period expiration date for the COVID-19 Assembly Bill No. 86 Safe Schools allocation from June 30, 2022 to December 31, 2022.
28. Health re: Information Only - The California Department of Public Health has extended the funding period expiration date for the Emergency Preparedness Office for the COVID-19 Hospital Preparedness Program Allocation from June 30, 2022 through June 30, 2023.
29. Health re: Information Only - The California Department of Public Health has extended the funding period expiration date for the Public Health Emergency Preparedness COVID-19 Crisis Response Allocation from March 15, 2022 to March 15, 2023.

SCHEDULED ITEMS:

COMMUNITY AND ECONOMIC DEVELOPMENT - PUBLIC HEARING

Public Hearing to consider adoption of the amendments to the Northern and Central Delta-Mendota Groundwater Sustainability Plan.

RECOMMENDATION:

- 1) Open a public hearing and accept public testimony;
- 2) Close the public hearing; and
- 3) Approve the Resolution adopting the amended Northern and Central Delta-Mendota Groundwater Sustainability Plan for the Northwestern Delta-Mendota Groundwater Sustainability Agency

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR MARK HENDRICKSON PROVIDED COMMENTS

ADOPTED RESOLUTION AS RECOMMENDED AYES: ALL

THE BOARD RECESSED TO MEET AS A MERCED COUNTY GROUNDWATER SUSTAINABILITY AGENCY – CHOWCHILLA AND MERCED COUNTY GROUNDWATER SUSTAINABILITY AGENCY – DELTA-MENDOTA AND RECONVENED TO MEET AS A BOARD OF SUPERVISORS

THE BOARD ADOPTED A RESOLUTION IN MEMORY OF WILLIAM “BILL” AMIS JR. AND ADJOURNED THE MEETING AT 11:08 A.M. UNTIL TUESDAY, AUGUST 9, 2022, AT 10:00 A.M.