



**BOARD OF SUPERVISORS**

Rodrigo Espinosa, 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, AUGUST 9, 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](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.*

## **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 - 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) Dana Hertfelder, Director of Public Works pursuant to Government Code Section 54956.8 as follows:

**Property:** APN #059-300-046 located at 140 Macready Drive, Merced. (Approximately 20,000 SF building on 8.12 acres)

**Agency Negotiator:** Dana Hertfelder, Director of Public Works

**Negotiation Party:** Steve Tinetti, Tinetti Realty Group

**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 Jermaine Paster/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).**

**SEE PAGES 8 AND 9**

**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 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 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)

#### Behavioral Health and Recovery Services

4. Approve and authorize the Board Chair to sign Modification No. 01 to Contract No. 2022071 (State Service Agreement No. 21-10349) with Advocates for Human Potential, Incorporated, for Behavioral Health Mobile Crisis and Non-crisis funding, updating the Business Associate Agreement, Statement of Work, Payment Schedule, and to increase the grant amount from \$1,000,000 to \$2,000,000.

#### **RICK WINDLING, MERCED COUNTY RESIDENT PROVIDED COMMENTS**

5. Approve and authorize the Board Chair to sign the retroactive Amendment No. 01 to Contract No. 2021112 with Community Social Model Advocates, Inc. for residential alcohol and drug recovery services, extending the term end date from June 30, 2022 to June 30, 2023 and increasing the total contract amount from \$1,010,000 to \$2,020,000.

#### **RICK WINDLING, MERCED COUNTY RESIDENT PROVIDED COMMENTS**

6. Approve and authorize the Board Chair to sign Amendment No. 01 to Contract No. 2021229 with the County of Yolo for the Data Driven Recovery Project-Cohort 2, adding Exhibit B which details the one-time funds, totaling \$50,000, awarded to Merced County.

#### Human Services Agency

7. Ratify and authorize the Board Chair to sign Amendment No. 1 to Contract No. 2022078 for providing funding to the Merced City and County Continuum of Care administrative activities, increasing the contract amount from \$38,000 to \$76,000, with no change to the effective date July 1, 2021 through June 30, 2022 but with an extension to September 30, 2022, for final payment of invoices.

#### Workforce Investment

8. Approve and authorize the Board Chair to sign Amendment No. 2 to Contract No. 2019157 with Richard and Lynnette Gerbi to lease the premises located at 800 7th Street, Los Baños, CA 93635, modifying the term end date from June 30, 2022 to June 30, 2023, and increasing the contract rental amount from \$3,617.36 to \$3,725.88, per month, starting January 1, 2023 to June 30, 2023.

#### Board of Supervisors

9. Approve the Summary Action Minutes for May 10, 2022, May 24, 2022, June 7, 2022, June 21, 2022 and June 21, 2022 RDA meetings.

Board Recognition

- 10. Ratify Certificates of Recognition to individuals in appreciation of their volunteer work for food donation distribution in Planada and Le Grand, presented July 16, 2022.
- 11. Ratify Certificate of Recognition to an individual, for graduation from Merced County Drug Treatment Court, presented July 22, 2022.
- 12. Ratify Certificate of Recognition to Livingston Farmers Association for Grand Opening and Expansion of Almond Huller/Sheller Building, presented July 29, 2022.

**REGULAR CALENDAR**

**BOARD ACTION**

PUBLIC WORKS

- 13. 1) Authorize the Department of Public Works to advertise and conduct the Public Bid Openings for Job Order Contracts JOC-019, -020, -021, -022, all of which carry a minimum value of \$25,000 and a maximum value of \$2,000,000, for the completion of Board approved Capital Improvement Projects; and 2) Authorize the Director of Public Works to award the Job Order Contracts to the lowest responsible bidders; and 3) Authorize the Director of Public Works to execute Job Order Contracts 019, -020, -021, and -022, following review and approval by County Counsel and Risk Management; and 4) Direct the Department of Public Works to return to the Board with an Informational Item describing all actions taken.

**AUTHORIZED CONTRACT NOS. 2022155, 2022156, 2022157, 2022158 AS RECOMMENDED AYES: ALL**

- 14. Approve and authorize the Board Chair to sign an Agreement for Special Services with Sally Swanson Architects, Inc., of San Francisco, CA, to perform the Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan for the County’s crosswalks, sidewalks and curb ramps, and Public Works Building A and associated parking lot, for a term of August 9, 2022 through June 30, 2025, in the amount of \$131,419.76.

**AUTHORIZED CONTRACT NO. 2022159 AS RECOMMENDED AYES: ALL**

- 15. 1) Approve and authorize the Board Chair to sign the Retainer Agreement with O’Dell Engineering, Inc. for landscape architecture services, effective August 9, 2022 through June 30, 2024, in the maximum cumulative amount of \$1,500,000; and 2) Authorize the Director of Public Works to execute Project Supplement Agreements in amounts up to \$500,000 in compliance with the terms of the Retainer Agreement.

**SUPERVISOR SILVEIRA PROVIDED COMMENTS**

**AUTHORIZED CONTRACT NO. 2022160 AS RECOMMENDED AYES: ALL**

- 16. 1) Approve and authorize the Board Chair to sign the Retainer Agreement with Robert Tanaka, dba Tanaka Design Group, for landscape architecture services, effective August 9, 2022 through June 30, 2024, in the maximum cumulative amount of \$1,500,000; 2) Authorize the Director of Public Works to execute Project Supplement Agreements in amounts up to \$500,000 in compliance with the terms of the Retainer Agreement.

**SUPERVISOR SILVEIRA PROVIDED COMMENTS**

**AUTHORIZED CONTRACT NO. 2022161 AS RECOMMENDED AYES: ALL**

17. 1) Approve and authorize the Board Chair to sign a Retainer Agreement with CCME, Inc. of Fresno, CA for on-call Construction Management and Construction Engineering services for the period of August 9, 2022 to December 31, 2025, for an amount not to exceed \$2,500,000; 2) Authorize the Director of Public Works to execute project supplement agreements in amounts up to \$500,000 in compliance with the terms of the Retainer Agreement.

**AUTHORIZED CONTRACT NO. 2022162 AS RECOMMENDED AYES: ALL**

18. 1) Introduce an ordinance entitled "An Ordinance Amending Chapter 5.64 of the Merced County Code to Adjust User Charge Rates Pursuant to the Consumer Price Index (CPI) in Zones of Benefit Nos. 333, 266, 269 and 206 for Fiscal Year 2022/2023 and Maintain Fiscal Year 2021/2022 User Charge Rates for Fiscal Year 2022/2023 for the Remaining Zones of Benefit in County Service Area Number One"; and, 2) Set possible adoption of said ordinance on the August 23, 2022, Board agenda.

**APPROVED AS RECOMMENDED AYES: ALL**

19. 1) Find that substantial evidence demonstrates that an emergency exists regarding the crematory at the Merced County Animal Shelter located at 2150 Shuttle Dr., Atwater, such that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action to replace the crematory is necessary to respond to the emergency. (4/5 Vote Required) 2) Approve associated budget transfer.

**APPROVED AS RECOMMENDED AYES: ALL**

20. 1) Accept a grant award from the California Department of Transportation under the Clean California Local Grant Program for the Winton Community Park Restoration Project in an amount not to exceed \$3,700,984; 2) Adopt a Resolution authorizing the Director of Public Works to sign State Agreement No. CCL-5939-137 with the California Department of Transportation for participation in the Clean California Local Grant Program, effective from final agreement execution through December 31, 2024 in an amount not to exceed \$3,700,984, and any amendments thereto, upon review and approval of County Counsel and Risk Management; and 3) Approve related budget transfer. (4/5 Vote Required)

**ADOPTED RESOLUTION NO. 2022-80 AND AUTHORIZED CONTRACT NO. 2022163 AS RECOMMENDED AYES: ALL****COMMUNITY AND ECONOMIC DEVELOPMENT**

21. Approve and authorize the Board Chair to sign a rate-based contract with CSG Consultants, Inc. for building and fire/life safety plan review services and inspections of the John Latorraca Correctional Center remodel project, effective August 9, 2022 through June 30, 2025, for a total contract amount not to exceed \$325,000.

**AUTHORIZED CONTRACT NO. 2022164 AS RECOMMENDED AYES: ALL**

22. Approve and authorize the Board Chair to sign a contract with Permit Solutions, LLC for on-call Planning support services, effective August 9, 2022 through November 7, 2022, for a total contract amount not to exceed \$24,000.

**AUTHORIZED CONTRACT NO. 2022165 AS RECOMMENDED AYES: ALL**

LIBRARY

23. 1) Approve the following departmental personnel action: change (1) Literacy Coordinator, classification 7034, salary range 69.9, position no. 46 to Librarian I/II, classification 5340/5341, salary range 68.5/70.5; and 2) Approve the amendments to the Position Allocation Resolution 06-120/A and the Salary Allocation Resolution 06-120.

**ADOPTED RESOLUTION NOS. 2022-81 AND 2022-82 AS RECOMMENDED AYES: ALL**

24. Approve an interdepartmental agreement between the Human Services Agency (HSA) and Library for Literacy Training Services for CalWORKs Welfare-to-Work Participants, effective July 1, 2022 through June 30, 2023, for a total contract amount not to exceed \$160,656.

**AUTHORIZED CONTRACT NO. 2022166 AS RECOMMENDED AYES: ALL**

SHERIFF

25. Approve and authorize the Board Chair and Sheriff, or his designee, to sign and electronically submit the Fiscal Year (FY) 2021-2022 Equitable Sharing Agreement and Certification allowing the Sheriff's Department's continued participation in the Federal Forfeiture Program for FY 2022-2023.

**AUTHORIZED CONTRACT NO. 2022167 AS RECOMMENDED AYES: ALL**

26. Approve and authorize the Board Chair to sign a retroactive contract with the City of Dos Palos for stray animal housing and disposal, effective July 1, 2022 through June 30, 2025.

**AUTHORIZED CONTRACT NO. 2022168 AS RECOMMENDED AYES: ALL**

27. 1) Ratify termination of Contract No. 2021376 with the City of Livingston for Interim Police Chief services effective August 28, 2022. 2) Authorize the Sheriff or the Undersheriff to extend the termination date at their discretion but no later than September 30, 2022.

**APPROVED AS RECOMMENDED AYES: ALL**

HUMAN RESOURCES

28. Ratify the Memorandum of Understanding between Merced County and American Federation of State, County, and Municipal Employees (AFSCME) representing Bargaining Units 4, 5, 6 & 8.

**AUTHORIZED CONTRACT NO. 2022169 AS RECOMMENDED AYES: ALL**

EXECUTIVE OFFICE

29. 1) Ratify the contract with Dr. Sima A. Asadi, MD, to serve as the County Health Officer beginning July 21, 2022 through September 19, 2022, in an amount not to exceed \$45,000; 2) Appoint Dr. Sima A. Asadi, MD to the County Health Officer designated position to the First 5 Merced County Commission and the Merced County Emergency Medical Care Committee.

**APPROVED AS RECOMMENDED AYES: ALL**

BOARD APPOINTMENTS

30. Reappoint Keng Ger Cha, representing District 3 to the Behavioral Health Advisory Board until June 30, 2025.

**APPROVED AS RECOMMENDED    AYES:    ALL**

**SCHEDULED ITEM:**

**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 addition and removal of land in relation to the following Property Line Adjustments (PLAs), is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) (Common Sense) and 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 BAI: (a) PLA22- 007 located on the north side of W. Bailey Ave. in the Merced area; (b) PLA22-009 located at the northeast corner of S. Plainsburg Rd. and E. Baxter Ave. in the Merced Area; and (c) PLA22-010 located on either side of Interstate 5, bordering Fresno County; 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.

**COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR MARK HENDRICKSON PROVIDED COMMENTS**

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

**THE CHAIRMAN CLOSED THE PUBLIC HEARING**

**ADOPTED RESOLUTION NO. 2022-83 AS RECOMMENDED    AYES:    ALL**

**REPORTS/BOARD DIRECTION**

Board of Supervisors Members, County Counsel, County Executive Officer

**THE BOARD ADJOURNED THE MEETING AT 10:49 A.M. UNTIL TUESDAY,  
AUGUST 23, 2022, AT 10:00 A.M.**



**10:00 A.M. SCHEDULED ITEM**  
**2022-08-09 PUBLIC OPPORTUNITY**

Alexander Heredia, Field Representative-Organizing with the Nor Cal Carpenters Union states that he represents over 40,000 members in Northern California. He comments that over 500 of the members live here in Merced County and guarantees that less than half of the 500 members are able to work in their own County. Members have to take their skilled and trained work ethics over to the Bay Area. He further comments that he would like to have a partnership with the County of Merced to put the citizens of Merced County back to work in Merced County and submits his business card in the Board basket.

Jamie Arteaga, representing 528 union members asks for the Boards help to make the fight fair. He comments that contractors have a 15% advantage over them and then what happens is they misclassify workers. He asks for fairness on these jobs and if they could start policing the responsible contractor, those that misclassify workers.

Rick Windling, Merced County resident comments that when dealing with these Labor Unions, keep in mind that the taxpayer is the one that is actually paying for these wages and the bill keeps going up, but our wages do not.

Christine Chavez, Transit Manager for Transit JPA of Merced County and YARTS shares that they have their short-range transit plan available for public comment and that public comment period closes on August 18<sup>th</sup>. She states that they will be seeking adoption and the short-range transit plan is a five year plan for transit services in Merced County. It also includes fleet plan and their operation plan. She further states that if there are any comments that the Board or constituents have you may submit them through their website at [www.mcaggov.org](http://www.mcaggov.org) or it is also available in their office at 369 W. 18<sup>th</sup> Street, if someone would like a physical copy of it.

Christian Arteaga, Field Representative with the Nor Cal Carpenter's Union speaks on behalf of the 40,000 plus members, 528 men and women, including veterans who reside here in Merced County due to the lack of local work. He comments that the majority of these members have to commute for hours to get to work. He calls on the Board to support the addition of new language into the upcoming projects and new developments, for example, higher health and welfare livable wages, and the apprenticeship standards that highlight better benefits for men and women who help build the cities promising higher wages.

Steve Urban, Union Carpenter comments that everything you see going wrong in the world is about dishonorable leadership and if people step up and try to find a better plan to make things better for everyone, it should be through union carpentry, union ethics, and loyalty towards men and women to do the right thing, until we band together to try to lift the livelihood of everyone.

Present: Pareira, Espinosa, Pedrozo, McDaniel, Silveira