



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, OCTOBER 4, 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: <https://www.countyofmerced.com/1581/Comcast-Ch-96-Broadcast>

Live stream of the Board of Supervisors meetings at <https://www.facebook.com/MercedCounty/> or <https://www.countyofmerced.com/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: 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

LESLIE HOUSER, MERCED COUNTY SHERIFF'S OFFICE DISPATCHER AND ANDREW GALLAGHER, MERCED COUNTY SHERIFF'S OFFICE DISPATCHER PROVIDED COMMENTS

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. Micaela Lucio v. County of Merced, Workers Compensation Appeals Board Case No. ADJ11314220; and 2. Keo Moua v. County of Merced, Workers Compensation Appeals Board Case Nos. ADJ10815239, ADJ893919 and ADJ8942045.

THE CLERK ANNOUNCES THAT ITEM 2 OF THE EXISTING LITIGATION CASES HAS BEEN PULLED

THE BOARD RECESSED AT 9:08 A.M. WITH SUPERVISOR PAREIRA NOT PRESENT AND RECONVENED AT 10:02 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 Sharon Mendonca/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 PAGE 9

CONSENT CALENDAR (Items # 1-18)**APPROVED AS RECOMMENDED AYES: ALL**Public Works

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)
2. Find that substantial evidence demonstrates that an emergency continues to exist 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)
3. Find that substantial evidence demonstrates that an emergency continues to exist regarding the damaged padding in the safety cell at the Main Jail, such that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action to repair the padding is necessary to respond to the emergency. (4/5 Vote Required)
4. Find that substantial evidence demonstrates that an emergency continues to exist regarding several damaged windows at the Juvenile Justice Facility, such that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action to replace the windows is necessary to respond to the emergency. (4/5 Vote Required)
5. Approve and authorize the Board Chair to sign Amendment No. 1 to Contract No. 2021286 with The Gordian Group, Inc., dba The Mellon Group for Job Order Contracting (JOC) Program development, implementation and management services, to increase the contract value by \$500,000, for a new maximum contract value of \$1,000,000, and to replace Exhibit A – JOC System License.
6. 1) Find that no further environmental review is required pursuant to CEQA Guidelines Section 15162 (“Subsequent EIRs and Negative Declarations”); and 2) Approve and authorize the Board Chair to execute Amendment No. 1 to Contract No. 2020143 with Merced Pipeline, LLC to allow expansion of a biogas pipeline from 10.5 miles to 35 miles within specified segments of County right-of-way, as generally identified in the Revised Exhibit A to the attached Contract Amendment.

Behavioral Health and Recovery Services

7. Approve and authorize the Board Chair to sign Amendment No. 3 to Contract No. 2019369 (Grant No. 0719-MCBHRS-PR1) with Central California Alliance for Health for the provider Recruitment Program Grant to support the Psychiatrist provider recruitment, updating the service location from Merced County Behavioral Health and Recovery Services located at 480 E. 13th Street, Merced, CA to Marie Green Psychiatric Center located at 300 E. 15th Street, Merced, CA.
8. Approve and authorize the Board Chair to sign Amendment No. 3 to Contract No. 2019370 (Grant No. 0719-MCBHRS-PR2) with Central California Alliance for Health for the Provider Recruitment Program Grant to support the Psychiatric Nurse Practitioner provider recruitment, updating the service location from Merced County Behavioral Health and

Recovery Services located at 480 E. 13th Street, Merced, CA to Marie Green Psychiatric Center located at 300 E. 15th Street, Merced, CA.

Human Services Agency

9. Adopt a Proclamation declaring the month of October 2022 as "Residents' Rights Month", in Merced County for individuals living in all long-term care settings.

PAULA FRANCO, MERCED COUNTY LONG TERM CARE OMBUDSMAN COORDINATOR PROVIDED COMMENTS

Community and Economic Development

10. Approve and authorize the Board Chair to sign the Second Amendment to Contract No. 2015078 with the Human Services Agency, to remove approximately 1 acre of vacant land from current leasehold at the Castle Commerce Center, reflecting the corrections to the attached site map.

Fire

11. Adopt a Proclamation declaring the week of October 9-15, 2022 as "Fire Prevention Week" in Merced County.

Probation

12. Approve a Budget Transfer in the amount of \$60,000 to increase appropriations with Pre-Trial Services funding, to purchase two sedans, as previously approved on April 26, 2022. (4/5 Vote Required)

Sheriff

13. Approve a Budget Transfer in the amount of \$53,000 to increase appropriations with Homeland Security Grant Program funding, to allow Fire/OES to reimburse Sheriff for a portion of the cost of radios purchased. (4/5 Vote Required)

Board Recognition

14. Ratify a Certificate of Recognition, presented at the Merced County Drug Treatment Court graduation ceremony on September 30, 2022.
15. Ratify Certificate of Recognition presented to Patrick Gallichio in recognition for being selected for the 2022 Los Banos Farmer of the Year Award by the Los Banos Downtown Business Association, on September 22, 2022.
16. Adopt a Proclamation declaring October 2022 as "Manufacturing Month" in Merced County.

THE CHAIRMAN PRESENTED THE PROCLAMATION AND PROVIDED COMMENTS. MARYN PITT, EXECUTIVE DIRECTOR FOR THE MANUFACTURER'S COUNCIL OF THE CENTRAL VALLEY PROVIDED COMMENTS

17. Adopt a Proclamation declaring October 2-8, 2022 as "4-H Week" in Merced County.

THE CHAIRMAN PRESENTED THE PROCLAMATION AND PROVIDED COMMENTS. JOSE CAMPOS AND CRYSTAL FROM 4-H AND SUPERVISOR PEDROZO ALSO PROVIDED COMMENTS

18. Adopt a Proclamation declaring October 2022 as "Domestic Violence Awareness Month" in Merced County.

THE CHAIRMAN PROVIDED COMMENTS AND PRESENTED PROCLAMATIONS TO LUPE GARCIA, PROGRAM DIRECTOR FOR VALLEY CRISIS CENTER, AND LISA DESANTIS, VICTIM'S WITNESS PROGRAM COORDINATOR FOR THE DISTRICT ATTORNEY'S OFFICE WHO ALSO PROVIDED COMMENTS

REGULAR CALENDAR

BOARD ACTION

HUMAN SERVICES AGENCY

19. Approve and authorize the Board Chair to sign the final draft of Contract No. 2022083, a Memorandum of Understanding with County of San Mateo previously approved on April 26, 2022, that authorizes counties to form a consortia to administer the Cash Assistance Program for Immigrants (CAPI), effective July 1, 2022 through June 30, 2026.

AUTHORIZED CONTRACT NO. 2022083 AS RECOMMENDED AYES: ALL

COMMUNITY AND ECONOMIC DEVELOPMENT

20. 1) Based on the findings identified in the Board Agenda Item, find that County-owned property identified as Site 1: Castle Rail District: All County-owned properties included within the area generally east of Santa Fe Dr., South of Spacecraft Drive, and West of the airfield; Site 2: Castle Commerce Center: All County-owned properties included within the area generally southeast of Hospital Avenue, East of Santa Fe Drive, West of the airfield property, and North of Spacecraft Drive (excluding all existing privately-owned sites); and Site 3: All County-owned properties included within the area generally north of Airdrome Entry, East of Hospital Avenue, and Southwest of Perimeter Drive, located at Castle Commerce Center, are "surplus land" for a one-year period commencing October 4, 2022, per the Surplus Land Act; and 2) Direct staff to send all notices and take all actions required by the Surplus Land Act prior to disposing of participating in negotiations to dispose the identified real property sites.

APPROVED AS RECOMMENDED AYES: ALL

ELECTIONS

21. 1) Approve and authorize Appointments in Lieu of Election for the November 8, 2022 General Election for all candidates listed in Exhibit A; and 2) Direct the Clerk of the Board to post the vacancies listed in Exhibits A and B.

SUPERVISOR SILVEIRA AND BLANCA TORRES, ASSISTANT REGISTRAR OF VOTERS PROVIDED COMMENTS

APPROVED AS RECOMMENDED AYES: ALL

FIRE

22. 1) Adopt a Resolution authorizing the Board Chair to sign a Grant Agreement No. 7GF22059, and potential subsequent amendments, with the State of California Department of Forestry

and Fire Protection for Volunteer Fire Capacity, with a term that commences on the date of approval through June 30, 2023, in the amount of \$20,000; 2) Authorize the Board Chair to sign form AD-1048, Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions; and 3) Approve the budget transfer for revenue and expenses associated with the grant.

ADOPTED RESOLUTION NO. 2022-101 AND AUTHORIZED CONTRACT NO. 2022206 AS RECOMMENDED AYES: ALL

SHERIFF

- 23. Approve the exception to the 180-day waiting period to rehire retiree Kathy St. Marie, to the position of Extra-Help Sheriff Security Systems Operator effective October 18, 2022.

ADOPTED RESOLUTION NO. 2022-102 AS RECOMMENDED AYES: ALL

WORKFORCE INVESTMENT

- 24. Adopt a Resolution authorizing the Director/Assistant Director to prepare, execute, and submit Workforce Innovation & Opportunity Act (WIOA) documents such as the Five-Year Plan and other related documents, including the subgrant agreement, cash requests, and training agreements (i.e., On-the-Job Training (OJT), Incumbent Worker Training (IWT), and Expanded Subsidized Employment (ESE) on behalf of the County.

ADOPTED RESOLUTION NO. 2022-103 AS RECOMMENDED AYES: ALL

- 25. Approve and authorize the Board Chair to sign a retroactive contract with California Employer Association for human resource information and consultation on California employment related issues, effective July 1, 2022 through June 30, 2023, for a total amount not to exceed \$83,595, of which Merced County’s 12-month proportional cost is \$3,855.

AUTHORIZED CONTRACT NO. 2022207 AS RECOMMENDED AYES: ALL

HUMAN RESOURCES

- 26. Ratify the Memorandum of Understanding between Merced County and Deputy Sheriff’s Association, representing Bargaining Unit 10.

AUTHORIZED CONTRACT NO. 2022208 AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

- 27. Nominate a Delegate and Alternate member to the California State Association of Counties (CSAC) Board of Directors for 2022-2023.

APPROVED AS RECOMMENDED AYES: ALL

SEE PAGE 9

SCHEDULED ITEMS:

COMMUNITY AND ECONOMIC DEVELOPMENT - PUBLIC HEARING

A Proposed Ordinance Amending Section 9.49.010 of the Merced County Code to Add Fees Related to Implementation of Organic Waste Disposal Reduction and to Adjust the Consumer Price Index Reference

RECOMMENDATION:

- 1) Open public hearing and accept public comment;
- 2) Close public hearing; and
- 3) Adopt the ordinance entitled "An Ordinance Amending Merced County Code Title 9, Chapter 9.49, Section 9.49.010 - Environmental Health Fees."

MARK HENDRICKSON, DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT INTRODUCED THE ITEM AND PROVIDED COMMENTS. SUPERVISOR MCDANIEL, SILVEIRA, PEDROZO, ESPINOSA, AND RICK WINDLING, MERCED COUNTY RESIDENT PROVIDED COMMENTS

THE CHAIRMAN CLOSED THE PUBLIC HEARING

ADOPTED ORDINANCE NO. 2022 AS RECOMMENDED AYES: ALL

REPORTS/BOARD DIRECTION

Board of Supervisors Members, County Counsel, County Executive Officer

THE BOARD ADJOURNED THE MEETING AT 11:15 A.M. UNTIL TUESDAY, OCTOBER 8, 2022, AT 10:00 A.M.

BOARD ORDERS – SUMMARY MINUTES – OCTOBER 4, 2022

10:00 A.M. SCHEDULED ITEM

2022-10-04 PUBLIC OPPORTUNITY

Rick Windling, Merced County Resident, shared comments on the budget and concerns about the community and state deficit spending.

Present: Pareira, Espinosa, Pedrozo, McDaniel, Silveira

ACTION ITEM NO. 27

2022-10-04 BOARD APPOINTMENTS

The clerk announces an item to nominate a Delegate and Alternate member to the California State Association of Counties (CSAC) Board of Directors for 2022-2023 is before the Board for consideration.

Supervisor McDaniel shares comments and nominates Supervisor Silveira as Delegate and Supervisor Pedrozo as alternate. Supervisor Pedrozo shares comments.

Upon motion of Supervisor McDaniel, Seconded by Supervisor Espinosa, duly carried, the Board nominates Supervisor Silveira as Delegate and Supervisor Pedrozo as alternate member to the California State Association of Counties (CSAC) Board of Directors for 2022-2023.

Ayes: Pareira, Espinosa, Pedrozo, McDaniel, Silveira