



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, NOVEMBER 1, 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; Teamsters (Non-Safety Corrections), Unit 12; and Merced County Public Safety Services Unit (MCPSSU), Unit 14. Agency Negotiator: Marci Barrera

THE BOARD RECESSED AT 9:01 A.M. WITH SUPERVISOR ESPINOSA NOT PRESENT 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 Stacy Cooley/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).

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PRESENTATIONS:

MERCED COUNTY OFFICE OF EDUCATION ANNUAL WILLIAMS REPORT

MERCED COUNTY SUPERINTENDENT OF SCHOOLS STEVEN M. TIETJEN, ED.D. ADDRESSES THE BOARD REGARDING THE ANNUAL WILLIAMS REPORT FOR 2022-2023

RURAL COUNTY REPRESENTATIVES OF CALIFORNIA (RCRC) STRATEGIC PLAN

PATRICK BLACKLOCK, PRESIDENT AND CEO OF RCRC PROVIDED AN OVERVIEW OF THEIR ANNUAL REPORT
SUPERVISOR PAREIRA, SUPERVISOR MCDANIEL AND SUPERVISOR PEDROZO PROVIDED COMMENTS

PRISM 2022-2023 EAGLE AWARDS - MERCED COUNTY VIRTUAL EMPLOYEE WELLNESS FAIR

RICK BRUSH, CHIEF MEMBER SERVICES OFFICER AT PUBLIC RISK INNOVATION, SOLUTIONS, AND MANAGEMENT (PRISM) RECOGNIZED THE MERCED COUNTY VIRTUAL EMPLOYEE WELLNESS FAIR, AWARDEE OF THE 2022-2023 EXEMPLARY ACHIEVEMENT IN GOVERNMENT LEADERSHIP AND ENRICHMENT (EAGLE) AWARD, FOR THE CATEGORY OF "EXCELLENCE IN OVERCOMING ADVERSITY"

AMY GONZALES, HUMAN RESOURCES ANALYST, MAI YANG, HUMAN RESOURCES ANALYST AND SOMMER MONIZ, DEPUTY COUNTY EXECUTIVE OFFICER PROVIDED COMMENTS

CONSENT CALENDAR (Items # 1-15)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. Approve and authorize the Board Chair to sign Amendment No. 1 to Contract No. 2020117 ("Retainer") with Teter, LLP, for architectural services, to increase the Public Works Director's signing authority for each Project Supplement issued under the Retainer from \$250,000 to \$500,000, and the maximum total compensation for all Project Supplement agreements from \$1,000,000 to \$2,500,000 for the term of this Retainer, July 1, 2020 through June 30, 2023.
2. Approve and authorize the Board Chair to execute Amendment No. 1 to Contract No. 2022162 with CCME, Inc., for on-call construction management and construction engineering services, increasing the maximum cumulative total compensation for services provided from \$2,500,000 to \$5,000,000.
3. Approve a Budget Transfer in the amount of \$40,000 to establish appropriation for repair of Well 3 at the John Latorraca Correction Center.
4. 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)
5. 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)
6. Find that substantial evidence demonstrates that an emergency continues to exist regarding several damaged windows 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 windows is necessary to respond to the emergency. (4/5 Vote Required)
7. 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)

Behavioral Health and Recovery Services

8. Approve a Budget Transfer in the amount of \$29,000 between sub-budget units within Behavioral Health and Recovery Services for three (3) copiers, identified as Capital Asset Nos. 82366, 82367, and 82368 previously approved at final budget.

Fire

9. Approve a Budget Transfer in the amount of \$22,000 for the purchase of a Forcible Entry Training Trailer.

Executive Office

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

Board Recognition

11. Ratify a Certificate of Recognition presented to Paul Nanez for being selected as the Planada Community Hero for outstanding community service in 2022.
12. Ratify a Certificate of Recognition presented to Stone Ridge Christian School Knight Court for their gym dedication and ribbon cutting ceremony, on October 19, 2022.
13. Ratify a Certificate of Recognition, presented at the Merced County Drug Treatment Court graduation ceremony on October 28, 2022.
14. Ratify Certificates of Recognition presented to various individuals at the Atwater Community Center in honor of the Young Patriot Challenge Constitution Week Contest Awards, on October 19, 2022.
15. Ratify a Certificate of Recognition presented to the Merced County Fire Department in celebration of the 75th Anniversary of Hilmar Fire Station 95.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

16. 1) Approve and authorize the Board Chair to sign a retainer agreement with NV5, Inc. of Fresno, CA for On-Call Construction Management Services, effective November 1, 2022 through December 31, 2025, for an amount not to exceed \$2,500,000; 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.

AUTHORIZED CONTRACT NO. 2022221 AS RECOMMENDED AYES: ALL

17. 1) Find the Gurr Road at State Route 140 Project categorically exempt pursuant to CEQA Guidelines Section 15301 ("Existing Facilities"); 2) Adopt the plans and specifications for the

project; 3) Authorize the Director of Public Works to advertise the project; conduct a public bid opening; and award and execute a construction contract with the lowest responsible bidder, upon approval of County Counsel and Risk Management; and 4) Direct the Director of Public Works to return to the Board with an informational item describing all actions taken.

SUPERVISOR MCDANIEL PROVIDED COMMENTS

AUTHORIZED CONTRACT NO. 2022222 AS RECOMMENDED AYES: ALL

18. 1) Find the Beachwood Drive Pedestrian/Sidewalk Infill Project categorically exempt pursuant to CEQA Guidelines Section 15301 ("Existing Facilities"); 2) Adopt the plans and specifications for the project; 3) Authorize the Director of Public Works to advertise the project; conduct a public bid opening; and award and execute a construction contract with the lowest responsible bidder, upon approval of County Counsel and Risk Management; and 4) Direct the Director of Public Works to return to the Board with an informational item describing all actions taken.

SUPERVISOR MCDANIEL PROVIDED COMMENTS

AUTHORIZED CONTRACT NO. 2022223 AS RECOMMENDED AYES: ALL

19. 1) Approve and ratify the Director of Public Works' execution of an agreement for the purchase of real property located at 510 W. 25th Street, Merced, CA (Assessor's Parcel Number 030-102-011) from Lags Venice, LLC, to be utilized by Probation for pre-trial services, for the sum of \$585,000 and one-half of the escrow and title fees; 2) Authorize the Director of Public Works to execute all other documents associated with the closing of the purchase; 3) Adopt a resolution accepting the associated grant deed; and 4) Approve associated Request for Revision of Budget Appropriation in the amount of \$1,785,982 to be used toward the purchase of the property and necessary renovations. (4/5 Vote Required)

ADOPTED RESOLUTION NO. 2022-112 AND AUTHORIZED CONTRACT NO. 2022224 AS RECOMMENDED AYES: ALL

20. 1) Find that substantial evidence demonstrates that an emergency exists regarding the flooring at Marie Green Adult Crisis Stabilization Unit, such that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action to replace the flooring is necessary to respond to the emergency; (4/5 Vote Required) and 2) Approve associated budget transfers. (4/5 Vote Required)

APPROVED AS RECOMMENDED AYES: ALL

BEHAVIORAL HEALTH AND RECOVERY SERVICES

21. Appoint Dr. John Yarbrough, as the Clinical Director for the Marie Green Psychiatric Facility for Behavioral Health and Recovery Services, per California Code of Regulations, Title 22, Division 5, Chapter 9, Article 4, Section §77081 (c) and Section §77093 (a), effective November 1, 2022.

APPROVED AS RECOMMENDED AYES: ALL

22. Confirm the appointment of Sharon Mendonca, Behavioral Health and Recovery Services Assistant Director, as acting Public Guardian/Conservator, effective November 18, 2022.

APPROVED AS RECOMMENDED AYES: ALL

COMMUNITY AND ECONOMIC DEVELOPMENT

23. Approve and authorize the Board Chair to sign a contract with Permit Solutions, LLC for on-call Planning support services, effective November 8, 2022 through February 6, 2023, for a total contract amount not to exceed \$24,000.

**AUTHORIZED CONTRACT NO. 2022225 AS RECOMMENDED AYES: 1, 2, 3, 5
NOES: 4**

24. 1) Introduce an ordinance entitled "An ordinance regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings or structures in the County of Merced; and providing for the issuance of building permits and the collection of fees therefore", and waive further reading; 2) Set possible adoption of said ordinance on the November 8, 2022, Board agenda; 3) Introduce an ordinance entitled "An ordinance relating to the adoption of the 2022 California Fire Code", and waive further reading; and 4) Set possible adoption of said ordinance on the November 8, 2022, Board agenda.

SUPERVISOR SILVEIRA PROVIDED COMMENTS

APPROVED AS RECOMMENDED AYES: 1, 2, 3, 5 NOES: 4

WORKFORCE INVESTMENT

25. Approve and authorize the Board Chair to sign Amendment No. 1 to Administrative Services Contract No. 13861 with Arbor E&T LLC, dba Equus Workforce Solutions for Employer of Record (EOR) services, increasing the total contract amount not to exceed from \$100,000 to \$309,141.

AUTHORIZED CONTRACT NO. 2022226 AS RECOMMENDED AYES: ALL

26. 1) Approve and authorize the Board Chair to sign a contract (FRWDB Agreement No. 637-819) with Fresno Regional Workforce Development Board (FRWDB) for the High Road Construction Careers (HRCC) program to help individuals in the program with legal and expungement services, effective November 1, 2022 through March 15, 2023, for a total amount not to exceed \$50,000; and 2) Approve associated budget transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2022227 AS RECOMMENDED AYES: ALL

LIBRARY

27. 1) Ratify submission of a grant application submitted by the Merced County Library to the California State Library for participation in the Zip Books Project Grant Program; 2) Ratify the acceptance of grant funds in the amount of \$19,378 to be used through June 30, 2023; 3) Authorize the County Librarian or designee to sign documents pertaining to grant award upon review and approval of County Counsel and Risk Management; and 4) Approve the associated budget transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2022228 AS RECOMMENDED AYES: ALL

PROBATION

28. Approve and authorize the Board Chair to sign a contract with BI Incorporated for supportive and rehabilitative treatment and mentoring services for youth at the Iris Garrett Juvenile

Justice Correctional Complex and after their release, effective November 1, 2022 through October 31, 2025, for a total contract amount not to exceed \$749,988.

AUTHORIZED CONTRACT NO. 2022229 AS RECOMMENDED AYES: ALL

DISTRICT ATTORNEY

- 29. Adopt a Resolution ratifying the District Attorney's submission of a grant proposal to Cal OES; authorizing the District Attorney to sign the Grant Award Agreement for calendar year 2023, including modifications, amendments and extensions upon review and approval of County Counsel and Risk Management; and that the District Attorney and the Chair of the Board of Supervisors are authorized to sign the Certification of Assurance of Compliance for participation in the California Governor's Office of Emergency Services' County Victim Services (XC) Program effective January 1, 2023 through December 31, 2023 in the amount of \$257,908.

ADOPTED RESOLUTION NO. 2022-113 AND AUTHORIZED CONTRACT NO. 2022230 AS RECOMMENDED AYES: ALL

- 30. Approve and authorize the Board Chair to sign a contract with Court Appointed Special Advocates (CASA) for foster youth services, effective January 1, 2023 through December 31, 2023, for a total contract amount not to exceed \$166,269.

AUTHORIZED CONTRACT NO. 2022231 AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

- 31. Reappoint Warren Brown to serve as a Trustee of the Plainsburg Cemetery District Board of Trustees until January 5, 2026.

APPROVED AS RECOMMENDED AYES: ALL

REPORTS/BOARD DIRECTION

Board of Supervisors Members, County Counsel, County Executive Officer

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

THE BOARD ADOPTED A RESOLUTION IN MEMORY OF FRANCES PALM AND ADJOURNED THE MEETING AT 11:19 A.M. UNTIL TUESDAY, NOVEMBER 8, 2022, AT 10:00 A.M.

10:00 A.M. SCHEDULED ITEM
2022-11-01 PUBLIC OPPORTUNITY

Karen Adams, Treasurer-Tax Collector shares that several years ago NACO had a national program that they sought collaboration on with CSAC and CALTRECS was formed. She states that her Assistant Treasurer-Tax Collector, Karen Helms took on the program and they became the first California County to move forward, integrating Megabyte tax system with the CALTRECS. She explains that it is a streamlined program working with the Franchise Tax Board. And at their October conference they were awarded a check and recognized statewide.

Karen Helms, Assistant Treasurer-Tax Collector comments that it was a pleasure to be the pilot County for this program, CALTRECS and shares the check that they received. She states that they partnered with NACO, CSAC and their Megabyte program in order to make the program seamless.

Andrew Gallagher, Merced County Sheriff's Office dispatcher comments that he is disappointed as a County employee in the lack of leadership provided by the Board. He states that Unit 14 has still not come to terms with a new contract with the County and their representation has reached out to the County's representation, with the attempt to come to the table to agree on a contract but they were informed that the County has no change in their previous position.

John Pedrozo, Merced County resident comments that the last couple of months he has heard the complaints about the dairy in Planada and the dairy that is doing the bio gas line in Hilmar and it hit a nerve with him. He states that he is very passionate about it because he was born and raised in the dairy business. He further states that he looked on the County report on commodities and the dairy industry is still the number one here in Merced County. People have been complaining about the smell and water but comments that you are not going to find anyone that are better stewards of the land than the people in agriculture are, because they are mandated to do what they are told to do by the State and Federal government.

Alicia Rodriguez, Le Grand resident comments that she has two large dairies that are nearby her property. She states that Planada has three areas for jobs, Planada School District, Garcia's Trucking and the Hillcrest Dairy. If Planada residents, organizations or schools have an event that they need support for, they will go to either Garcia's Trucking or Hillcrest Dairy. She further states that she supports her community of Planada.

Present: Pareira, Espinosa, Pedrozo, McDaniel, Silveira