



BOARD OF SUPERVISORS

Vice Chair Rodrigo Espinosa, *District 1*

Josh Pedrozo, *District 2*

Daron McDaniel, *District 3*

Lloyd Pareira, Jr., *District 4*

Chair Scott M. Silveira, *District 5*

Phone: (209) 385-7366 Fax: (209) 726-7977

SUMMARY ACTION MINUTES - FINAL

TUESDAY, JANUARY 24, 2023

Closed Session – 8:30 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.

8:30 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

CLOSED SESSION:

It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957: Public Employee Appointment, Director Behavioral Health & Recovery Services/Public Guardian-Conservator

THE BOARD RECESSED AT 8:30 A.M. WITH SUPERVISOR ESPINOSA AND SUPERVISOR PAREIRA NOT PRESENT AND RECONVENED AT 10:00 A.M. WITH ALL MEMBERS PRESENT, AND THE CHAIR ADVISED STAFF WAS GIVEN DIRECTION

GOVERNMENT CODE SECTION 54954.2 COMPLIANCE (LATE AGENDA ITEMS)**10:00 A.M. REGULAR MEETING**

INVOCATION by Rick Mendonca, Christian Church of the Valley, Merced/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 10 AND 11

PRESENTATIONS:

CASTLE COMMERCE CENTER 2022 OVERVIEW

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR MARK HENDRICKSON PROVIDED A POWER POINT PRESENTATION. SUPERVISOR MCDANIEL, SUPERVISOR PEDROZO, SUPERVISOR PAREIRA AND CHAIR SILVEIRA PROVIDED COMMENTS

2023 FLOODS UPDATE**ASSISTANT FIRE CHIEF AND EOC DEPUTY DIRECTOR MARK PIMENTEL PROVIDED UPDATE. ALL BOARD MEMBERS 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. 2022156 (JOC-020) with Ardent General, Inc., for building construction remodeling, repairs and maintenance services, to increase the maximum contract price from \$2,000,000 to \$5,000,000.
2. Approve a budget transfer in the amount of \$200,000 to cover additional costs to replace the elevators at the Main Administration Building.
3. Approve a budget transfer in the amount of \$25,000 for repair of the partial roof collapse at Sandy Mush Building 505.
4. Approve a budget transfer in the amount of \$18,000 to replace window gaskets at the Main Administration Building.
5. Approve a budget transfer in the amount of \$4,050 to cover costs of hazardous material abatement and new floor sealant at the Los Banos Road's Yard building repair project. (4/5 Vote Required)
6. Approve a budget transfer in the amount of \$140,000 to increase appropriation to cover additional overhang roofing requiring replacement at the Human Services Agency Castle location. (4/5 Vote Required)
7. Approve a budget transfer in the amount of \$4,500 to cover repair of storm damage costs to the Emergency Operation Center (EOC) Wall. (4/5 Vote Required)
8. 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. in 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)

Behavioral Health and Recovery Services

9. Approve a budget transfer in the amount of \$45,000 to establish capital assets for the purchase of cubicles for Children's System of Care, as well as Administration program.

Human Services Agency

10. 1) Adopt a Resolution approving and authorizing the Board Chair to sign Amendment No. 2 to Contract No. 2021115 (State Agreement No. HI-2122-31), with the California Department of Aging (CDA) for Health Insurance Counseling and Advocacy Program (HICAP), increasing the contract amount from \$854,964 to \$875,985 and replacing Exhibits B - Budget Detail,

Payment Provisions, and Closeout and E - Additional Provisions in their entirety. 2) Approve the associated budget transfer in the amount of \$21,021. (4/5 Vote Required)

ADOPTED RESOLUTION NO. 2023-03

Workforce Investment

- 11. Approve and authorize the Board Chair to sign the Reinstatement of Contract No. 2022226 with Arbor E&T LLC, dba Equus Workforce Solutions for Employer of Record (EOR) services, extending the contract termination date from December 31, 2022 to March 31, 2023.

Fire

- 12. Approve a budget transfer in the amount of \$7,000 for the purchase of a Fit Test Machine for the Fire Department.

Probation

- 13. Approve a budget transfer in the amount of \$10,000 to increase the appropriation in fixed asset 82377 for purchase of a truck that will be utilized to tow a community events trailer.

Human Resources/Risk Management

- 14. 1) Act on Claims for Damages submitted by Elizabeth Perez and Nicholas Scott Baur as recommended by Risk Management and County Counsel; and 2) Approve Assistant County Executive Officer, or designee, to send notice of said action on claim.

Board Recognition

- 15. Ratify Certificates of Recognition, presented on January 17, 2023, to Deputy Jeffrey Saechao and Deputy Roberto Torres who received a Lifesaving Medal; and Deputy Alex Cruz and Supervising Dispatcher Melissa Austin who received a Letter of Commendation.

SUPERVISOR PAREIRA PROVIDED COMMENTS

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

- 16. 1) Introduce an ordinance entitled “An Ordinance Adding Section 9.06.150 to and Amending Sections 9.06.070 and 9.06.080 of Chapter 9.06 -- Organic Waste Disposal Reduction, Title 9 of the Merced County Code”, which will suspend and postpone specific provisions of Merced County Code Chapter 9.06, and waive further reading; and 2) Set possible adoption of said ordinance on the February 7, 2023 Board Agenda.

THE CLERK INTRODUCED THE ORDINANCE. DANA HERTFELDER, DIRECTOR OF PUBLIC WORKS PROVIDED COMMENTS

APPROVED AS RECOMMENDED AYES: ALL

- 17. 1) Introduce an ordinance entitled “An Ordinance Amending Chapter 5.90 of the Merced County Code to Increase Refuse Collection Fees and Charges for Solid Waste Franchise

Areas 1 through 5 in Unincorporated Merced County”, and waive further reading; and 2) Set possible adoption of said ordinance on the February 7, 2023 Board Agenda.

THE CLERK INTRODUCED THE ORDINANCE

APPROVED AS RECOMMENDED AYES: ALL

- 18. 1) Authorize the Department of Public Works to circulate a Request for Proposals for Traffic Signal and Street Light Maintenance services. 2) Authorize the Department of Public Works to review and rank the Proposals and negotiate a retainer agreement with the most qualified firm to be submitted to the Board of Supervisors for consideration, upon review by County Counsel and County Risk Management.

APPROVED AS RECOMMENDED AYES: ALL

- 19. 1) Authorize the Department of Public Works to circulate a Request for Qualifications (RFQ) to experienced and qualified consultants to perform project management and roadway and bridge engineering design services. 2) Authorize the Department of Public Works to review and rank the Statements of Qualifications and negotiate a contract to be submitted to the Board of Supervisors for consideration, upon review by County Counsel and County Risk Management.

APPROVED AS RECOMMENDED AYES: ALL

- 20. Approve and authorize the Board Chair to sign Amendment No. 4 to Contract No. 2019229 with Consor North America, Inc. for additional engineering design and environmental services on the Atwater-Merced Expressway (AME) Segment 1B Project, to increase the contract not-to-exceed amount from \$3,156,935.98 to \$8,633,935.98 based on the amended scope of work.

AUTHORIZED CONTRACT NO. 2019229 AS RECOMMENDED AYES: ALL

- 21. Ratify an Agreement for Special Services with DRC Pacific, Inc., of Galveston, TX for disaster-related debris removal management services for the period of January 16, 2023 to January 15, 2026.

THE CLERK ANNOUNCED AMENDMENT TO CONTRACT TO INCLUDE EXHIBIT D

AUTHORIZED CONTRACT NO. 2023025 AS RECOMMENDED AYES: ALL

HEALTH

- 22. Approve and authorize the Board Chair to sign the “Acceptance of Award” letter for participation in the Tuberculosis Subvention Program with the California Department of Public Health Tuberculosis Control Branch effective July 1, 2022 through June 30, 2023 for an annual base amount of \$51,125 with an additional Food, Shelter, Incentives and Enablers (FSIE) allocation of \$3,107 for a total award amount of \$54,232.

AUTHORIZED CONTRACT NO. 2023026 AS RECOMMENDED AYES: ALL

- 23. Authorize the Public Health Director or designee to apply for funding from the California Department of Public Health to participate in the Career Ladder Education and Development Program for fiscal years 2022-2023 to 2025-2026 in an amount between \$50,000 and \$500,000.

APPROVED AS RECOMMENDED AYES: ALL

BEHAVIORAL HEALTH AND RECOVERY SERVICES

24. Approve and authorize the Board Chair to sign a rate-based contract with Locumtenens.com, LLC, for the provision of Tele-Psychiatry services effective February 1, 2023 through June 30, 2024.

AUTHORIZED CONTRACT NO. 2023027 AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

25. Approve and authorize the Board Chair to sign a grant agreement between the County of Merced, on behalf of the Human Services Agency (HSA), acting as the Collaborative Applicant/Administrative Entity (CA/AE) for the Merced City and County Continuum of Care (CoC) and the United States Department of Housing and Urban Development (HUD) for CoC Planning Activities in the amount of \$34,260 for a term of December 1, 2022 through November 30, 2023.

AUTHORIZED CONTRACT NO. 2023028 AS RECOMMENDED AYES: ALL

26. Approve and authorize the Board Chair to execute the California Department of Veterans Affairs "Annual Subvention Certificate of Compliance" document needed for the application and qualification of Fiscal Year 2022-2023 subvention funds for Veteran Services.

AUTHORIZED CONTRACT NO. 2023029 AS RECOMMENDED AYES: ALL

COMMUNITY AND ECONOMIC DEVELOPMENT

27. 1) Appoint the Merced County Water Resources Manager as Merced County's alternate representative on the West Turlock Subbasin Groundwater Sustainability Board of Directors. 2) Appoint the Merced County Water Resources Manager as Merced County's alternate representative on the East Turlock Subbasin Groundwater Sustainability Board of Directors.

APPROVED AS RECOMMENDED AYES: ALL

28. 1) Appoint Michael Gallo as the Eastern White Area Representative and Rick Drayer as the Eastern White Area alternate to the Merced Subbasin Groundwater Sustainability Agency governing board for a four-year term. 2) Appoint Nic Marchini as the Western White Area Representative to the Merced Subbasin Groundwater Sustainability Agency governing board for a four-year term.

APPROVED AS RECOMMENDED AYES: ALL

FIRE

29. Accept award from the Fiscal Year 2022 Emergency Management Performance Grant in the amount of \$198,347.

AUTHORIZED CONTRACT NO. 2023030 AS RECOMMENDED AYES: ALL

30. 1) Accept award from the Fiscal Year 2022 Homeland Security Grant in the amount of \$346,225. 2) Approve the associated budget transfer recognizing the additional revenue. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2023031 AS RECOMMENDED AYES: ALL

PROBATION

- 31. Approve and authorize the Board Chair to sign a rate-based agreement with the County of Fresno for housing, care, and custody of youthful sex offenders, effective February 1, 2023 through June 30, 2024.

AUTHORIZED CONTRACT NO. 2023024 AS RECOMMENDED AYES: ALL

- 32. 1) Approve and authorize the Chief Probation Officer to submit a Letter of Intent to Apply for Annual Funding through the Department of State Hospitals for Collaborative Community Stakeholder Workgroups to Reduce the Criminalization of Individuals with Serious Mental Illnesses for \$100,000 annually for five (5) years. 2) Direct the Chief Probation Officer to return to the Board of Supervisors with an item to accept the funding if awarded.

APPROVED AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

- 33. 1) Confirm the appointment of Kimiko Vang as Director of Behavioral Health & Recovery Services at the annual salary of \$176,467 and approve “A” level benefits effective January 30, 2023, subject to approval by the State. 2) Designate Kimiko Vang as Merced County Public Guardian/Conservator. 3) Adopt the resolution to authorize Kimiko Vang as Director of Behavioral Health & Recovery Services/Alcohol and Drug Program Administrator to sign Initial Applications for Certification of Alcohol and/or Other Drug (AOD) Programs.

THE CLERK ANNOUNCES THE ITEM. CEO RAUL LOMELI MENDEZ, KIMIKO VANG, AND ALL BOARD MEMBERS PROVIDED COMMENTS

ADOPTED RESOLUTION NO. 2023-04 AS RECOMMENDED AYES: ALL

- 34. Adopt a Resolution confirming the County’s continued participation in the Merced County Regional Waste Management Authority’s (MCRWMA’s) Flow Control Policy (MCRWMA Resolution No. 2021/02-18-01).

CEO RAUL LOMELI MENDEZ, KYLE LOREDO, DIVERSION MANAGER FOR MCRWMA PROVIDED COMMENTS. PHILIP MAINOLFI, SR. PROJECT MANAGER WITH HF&H CONSULTANTS PROVIDED A POWERPOINT PRESENTATION. SUPERVISOR PAREIRA AND CHAIR SILVEIRA PROVIDED COMMENTS

ADOPTED RESOLUTION NO. 2023-05 AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

- 35. 1) Accept the amendments to the LeGrand Athlone Water District Conflict of Interest Code. 2) Authorize the Clerk of the Board, or designee, to send notification of said action.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

- 36. Appoint James Johnson to serve as a member of the Snelling Municipal Advisory Council until February 16, 2026.

APPROVED AS RECOMMENDED AYES: ALL

BOARD INFORMATION & POSSIBLE ACTION**ACCEPTED AND PLACED ON FILE AYES: ALL**

37. Executive Office re: Merced County has submitted an annual spending report of AB 1869 backfill allocation funds for Fiscal Year 2021-2022 as outlined in Chapter 92 of the Statutes of 2020 and in accordance with California Government Code 29553.

SCHEDULED ITEM:**COMMUNITY AND ECONOMIC DEVELOPMENT - PUBLIC HEARING**

To consider amendment of the Merced County Agricultural Preserve as per the California Land Conservation Act of 1965 (Williamson Act)

RECOMMENDATION:

- 1) Open public hearing and accept public comment related to the proposed amendment of the Agricultural Preserve.
- 2) Close public hearing.
- 3) Find that the proposed modification of the Agricultural Preserve boundary, reflecting the removal of land in relation to the following Property Line Adjustment (PLA), 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) PLA22-020 located on the south side of West Henry Miller Avenue, approximately 500 feet west of South Badger Flat Road in the Los Banos area.
- 4) 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.

SUPERVISOR ESPINOSA COMMENTS THAT HE DOES NOT HAVE ANY CONFLICTS**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 BOARD CHAIR CLOSED THE PUBLIC HEARING****SUPERVISOR PAREIRA AND COMMUNITY AND ECONOMIC DEVELOPMENT
DIRECTOR MARK HENDRICKSON PROVIDED COMMENTS****ADOPTED RESOLUTION NO. 2023-06 AS RECOMMENDED AYES: ALL**

REPORTS/BOARD DIRECTION

Board of Supervisors Members, County Counsel, County Executive Officer

THE BOARD ADOPTED A RESOLUTION IN MEMORY OF BARBARA HELLER AND DONNA ACHESON AND ADJOURNED THE MEETING AT 12:32 P.M. UNTIL TUESDAY, FEBRUARY 7, 2023, AT 10:00 A.M.

10:00 A.M. SCHEDULED ITEM
2023-01-24 PUBLIC OPPORTUNITY

Lee Greenwald with California Central Valley Journey for Justice advocates on behalf of the family of Jacob Apodaca, who was killed in the jail and states they have sent a letter to the Board and asks for a response.

Gloria Sandoval with California Central Valley Journey for Justice reads part of Jacob Apodaca's obituary and comments that they hope to receive a response back from the County.

Alicia Rodriguez, Planada resident comments that an investigation needs to be done for the lack of action that was not done for the Planada community due to the flooding that took place. She also states concerns with her Supervisor.

Kelsey Servin, Sheriff's Office Dispatcher states her frustration on their below average compensation.

Andrew Gallagher, Sheriff's Office Dispatcher provides comments on their below average compensation.

Paramjit Singh, Le Grand resident provides comments regarding the poor condition of the road and submits a letter and photos on behalf of the property owners along Buchanan Hollow Road in Le Grand.

Sergeant Angel Milliman, Veteran with the VFW states concerns that they still do not have a place to meet and that they have asked for a meeting regarding the Merced Veterans Memorial Building agreement.

Glenn Galman, a concerned citizen, 24 year Veteran and Veteran advocate speaks about the Board agenda item from November 8, 2022, where the decision to sign the lease with the American Legion Post 83 was tabled until February 7, 2023. He comments that part of the discussion was that facilitated discussions would occur to help mediate some of the concerns by all interested parties. He requests that if those meetings have been held, the Board provide records of the meetings and recommendations for any modifications to the lease agreement so that there is transparency.

Aggie Freeman, District Two resident and retired nurse provides comments regarding the proposed contract on the November 8, 2022 Board agenda for the Merced Veterans Memorial Building and states her concerns.

Eli PaintedCrow, 22 year Veteran states concerns with the contract for the Merced Veterans Memorial Building and comments that it needs to be resolved.

Corey Gibson, Undersheriff representing the Sheriff that was unable to attend today provides comments regarding the Dispatcher's compensation concerns and states that the Sheriff does not appreciate the comments that the Dispatchers are making at the meetings and does not agree with their tactics.

Jeanie Knight, with Central Valley Disposal thanks the County for the tremendous job of filling potholes and also thanks Supervisor Daron McDaniel, the Sheriff and Cal Fire.

Luciana Chavez, Planada resident comments that she hopes the County will look into what happened in Planada with the recent flooding and that they really need help.
Present: Silveira, Espinosa, Pedrozo, McDaniel, Pareira