



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, FEBRUARY 7, 2023

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 thirty (30) 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 9:00 A.M. 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 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 THIRTY MINUTES TOTAL).

SEE PAGE 9

PRESENTATION:

LOCAL EMERGENCY RECOVERY ACTIVITY

MERCED COUNTY OES MANAGER ADAM AMARAL PROVIDED AN UPDATE AND INTRODUCED CAL OES ASSISTANT DIRECTOR OF INTERAGENCY RECOVERY COORDINATION ROBERT TROY AND FEMA'S PUBLIC INFORMATION OFFICER MARIA FIGUEROA WHO PROVIDED A HANDOUT AND BOTH SHARED COMMENTS. ALL BOARD MEMBERS PROVIDED COMMENTS

CONSENT CALENDAR (Items No. 1-12)

APPROVED AS RECOMMENDED AYES: ALL

Public Works

1. 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)

2. Approve a budget transfer in the amount of \$15,015 to increase appropriation in Maintenance Equipment line account within the County Service Area 421 Cotton Glenn budget to repair a failed pump in the zone. (4/5 Vote Required)

Community and Economic Development

3. Approve and authorize the Board Chair to sign Amendment No. 2 to Contract No. 2020155 with the Merced Subbasin Groundwater Sustainability Agency for staff support services, amending Exhibit A entitled "Staff Rates".
4. Approve a budget transfer in the amount of \$300,000 to appropriate the Local Early Action Planning (LEAP) Grant Program funding for Merced County Contract No. 2022181 with Rincon Consultants for the preparation of a Mixed-Use site inventory, associated rezoning services, and California Environmental Quality Act analysis focused in the existing community plan areas of Delhi, Hilmar, Le Grand and Planada. (4/5 Vote Required)

ZARAY RAMIREZ, POLICY ADVOCATE FOR LEADERSHIP COUNCIL FOR JUSTICE AND ACCOUNTABILITY PROVIDED COMMENTS

Human Resources/Risk Management

5. 1) Act on Claims for Damages submitted by Cynthia Stephany Young as recommended by Risk Management and County Counsel. 2) Approve Assistant County Executive Officer, or designee, to send notice of said action on claim.

Executive Office

6. Approve and authorize the Board Chair to sign Amendment No. 1 to Compensation Agreement pursuant to Health and Safety Code Section 34180(f) for Los Banos Successor Agency Transfer of Properties to City of Los Banos for Governmental Use and Future Redevelopment Activity (Contract No. 2020204), to transfer three (3) additional properties to the City of Los Banos from the Los Banos Designated Local Authority.

Board of Supervisors

7. Approve the Summary Action Minutes - Final for the January 10, 2023, January 10, 2023 Addendum, and January 10, 2023 IHSS Board of Supervisors meeting.

Board Recognition

8. Ratify a Certificate of Recognition, presented on January 27, 2023, at the Merced County Drug Treatment Court graduation ceremony.
9. Ratify a Certificate of Recognition, presented on January 30, 2023, to Our Lady of Mercy School in celebration of their 95th Anniversary.
10. Ratify Certificates of Recognition, presented on February 4, 2023, to Shayleigh Miller, Leah Katherine Chapman, Adrian Miao, Allison Braun and Reena Grewal who received Good Citizens Scholarship Awards by the Merced River Chapter of the Daughters of the American Revolution.

- 11. Ratify Certificates of Recognition, presented on February 5, 2023, to the Atwater Historical Society, Jacquelyn Benoit, Julie Marchini, Geri Freer, and Bob Souza who received awards from the Merced County Historical Society.
- 12. Proclaim the week of January 29, 2023 - February 4, 2023 as "Catholic Schools Week" in Merced County.

REGULAR CALENDAR

BOARD ACTION

PUBLIC WORKS

- 13. Approve and authorize the Board Chair to execute a Ground Lease Agreement allowing Merced Community College District to operate a truck driving training program at the former bus yard at Thornton Road and Wardrobe Avenue in the Merced area, for a term of one (1) year.

AUTHORIZED CONTRACT NO. 2023032 AS RECOMMENDED AYES: ALL

- 14. 1) Authorize the Director of Public Works to submit an application to the California Department of Food & Agriculture for participation in the Community Resilience Centers Grant Program, for construction of Franklin-Beachwood Community Center. 2) Direct the Director of Public Works to return to the Board of Supervisors to accept the grant if awarded.

ZARAY RAMIREZ, POLICY ADVOCATE FOR LEADERSHIP COUNCIL FOR JUSTICE AND ACCOUNTABILITY PROVIDED COMMENTS

APPROVED AS RECOMMENDED AYES: ALL

- 15. Adopt an ordinance, introduced on January 24, 2023, 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".

ADOPTED ORDINANCE NO. 2027 AS RECOMMENDED AYES: ALL

- 16. Adopt an ordinance, introduced on January 24, 2023, 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.

THE CLERK INTRODUCED THE ITEM AND BOARD CHAIR SILVEIRA REQUESTED THE BOARD CONTINUE THE ITEM TO THE FEBRUARY 28TH, 2023 BOARD MEETING FOR PROPER NOTIFICATION PURPOSES

APPROVED AMENDED RECOMMENDATION AYES: ALL

HEALTH

- 17. 1) Ratify submission of the non-binding Letter of Intent (LOI) to apply for the California Department of Public Health - CalFresh Healthy Living Program effective October 1, 2023 through September 30, 2026 submitted on December 30, 2022. 2) Approve and authorize the

Public Health Director or designee to sign and submit documents pertaining to CalFresh Healthy Living Program effective October 1, 2023 through September 30, 2026 in the amount of \$1,632,441, upon review of County Counsel and County Risk Management.

APPROVED AS RECOMMENDED AYES: ALL

18. 1) Ratify the submission of the California Children's Service and Medical Therapy Program Plan and Budgets submitted to California Department of Health Care Services on January 20, 2023. 2) Approve and authorize the Board Chair to execute the terms and conditions stated in the Certification Statements and funding in the amount of \$1,351,169 for the period of July 1, 2022 through June 30, 2023 for the California Children's Services and Medical Therapy Program.

AUTHORIZED CONTRACT NO. 2023033 AS RECOMMENDED AYES: ALL

19. 1) Ratify submission of Letter of Intent submitted by the Department of Public Health on November 30, 2022 to the California Department of Justice for participation in the Tobacco Grant Program. 2) Adopt a Resolution to approve and authorize the Board Chair to sign the Memorandum of Understanding (MOU) to accept the grant award from the California Department of Justice Tobacco Grant Program for the grant term of January 1, 2023 through June 30, 2026 in the amount of \$994,626. 3) Approve the budget transfer in the amount of \$137,053, to increase Fiscal Year 2022-2023 services and supplies appropriations and revenue related to this grant. (4/5 Vote Required)

ADOPTED RESOLUTION NO. 2023-07 AND AUTHORIZED CONTRACT NO. 2023034 AS RECOMMENDED AYES: ALL

20. Ratify the Declaration of a Local Health Emergency caused by the flooding from the December 2022 and January 2023 rains in Merced County.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

21. Approve and authorize the Board Chair to execute the California Department of Veterans Affairs "Annual Medi-Cal Cost Avoidance Certificate of Compliance" document for Fiscal Year 2022-2023 needed for the application to participate in the Medi-Cal Cost Avoidance Program.

AUTHORIZED CONTRACT NO. 2023035 AS RECOMMENDED AYES: ALL

22. Approve and authorize the Board Chair to sign Amendment No. 1 to Department of Administrative Services Contract No. 13920 with Central California Legal Services, Inc. (CCLS), for legal services for the senior legal assistance program, increasing the contract amount from \$73,315 to \$267,957.

AUTHORIZED CONTRACT NO. 2023036 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 February 7, 2023 through May 8, 2023, for a total contract amount not to exceed \$15,000.

AUTHORIZED CONTRACT NO. 2023037 AS RECOMMENDED AYES: ALL

24. 1) Adopt a Resolution certifying the nature of the employment and that the appointment of Roberto Arriola as an Extra Help Building Inspector II is necessary to fill a critically needed position before 180 days have passed from Mr. Arriola's date of retirement. 2) Approve the appointment of Roberto Arriola to return to work for a period of time determined by the Community and Economic Development Director beginning February 14, 2023, and subject to the duration limits of Government Code Section 7522.56.

ADOPTED RESOLUTION NO. 2023-08 AS RECOMMENDED AYES: ALL

LAW LIBRARY

25. Approve the appointment of Jeffrey Castleton, Esq. as the Board of Supervisors ex officio in place of the County Board Chair, and Claudia Juarez, Esq. as additional trustee to the Merced County Law Library Board of Trustees, to serve for a term of one year.

APPROVED AS RECOMMENDED AYES: ALL

BOARD OF SUPERVISORS

26. 1) Authorize an amount not to exceed \$30,000 of District Five's District Project Funds to be utilized towards material and labor for the replacement of the insulated overhead sectional doors on the engine bay at Fire Station 75 in Dos Palos. 2) Approve the associated budget transfer to establish the capital asset.

BOARD CHAIR SILVEIRA PROVIDED COMMENTS

APPROVED AS RECOMMENDED AYES: ALL

27. 1) Approve and adopt the 2023 Board of Supervisors Boards, Committees, and Commissions Assignments, as designated. 2) Dissolve the Ad Hoc Committee on Juvenile Offender Resource Options. 3) Reappoint Supervisors Rodrigo Espinosa as Primary and Supervisor Daron McDaniel as Alternate to the Local Agency Formation Commission of Merced County, until May 3, 2027.

BOARD CHAIR SILVEIRA PROVIDED COMMENTS

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

28. Approve the following appointments to the Merced County Collaborative for Children and Families: 1) Reappoint Jennifer Rocha to serve as a Child Care Provider representative, Amy Mello to serve as a Child Care Provider representative, Sheilah Brooks to serve as a Community representative, and Danielle Waite to serve as a Public Member representative, until June 30, 2024. 2) Appoint Vanessa Mininger to serve as a Public Agency representative, until June 30, 2024. 3) Confirm the Merced County Office of Education appointments of Monica Garza to serve as a Child Care Provider representative, Lurdes Parra to serve as a Child Care Provider representative, Marie Hicks to serve as a Public Agency representative, and Monica Sevilla to serve as a Public Member representative, until June 30, 2024.

APPROVED AS RECOMMENDED AYES: ALL

29. Approve the following appointments to the Emergency Medical Care Committee: 1) Appoint Kimiko Vang, Director of Behavioral Health and Recovery Services as a designated member

serving at the pleasure of the Board, effective January 30, 2023. 2) Reappoint Jeremy Rahn to serve as the District 3 Representative until June 30, 2025.

APPROVED AS RECOMMENDED AYES: ALL

- 30. Appoint Vicky Solis to serve as a member of the Delhi Municipal Advisory Council until January 3, 2024.

APPROVED AS RECOMMENDED AYES: ALL

REPORTS/BOARD DIRECTION

Board of Supervisors Members, County Counsel, County Executive Officer

THE BOARD ADJOURNED THE MEETING AT 11:16 A.M. UNTIL TUESDAY, FEBRUARY 28, 2023, AT 10:00 A.M.

BOARD ORDERS – SUMMARY MINUTES – FEBRUARY 7, 2023**10:00 A.M. SCHEDULED ITEM**
2023-02-07 PUBLIC OPPORTUNITY

Zaray Ramirez, Policy Advocate for Leadership Council for Justice and Accountability requests an agenda action item for federal recovery and funds for assistance for the Planada Residents, specific to concerns that they are mentioning related to relocation assistance, housing assistance, and rental assistance. She indicates that an agenda item related to these items would be very useful in order to get these monetized funds to folks or to even start organizing these actions for them.

Curtis Hamill, Commander of American Legion Post 83, shared about a couple of events coming up for the American Legion, a Veteran's Awareness and Membership Campaign on February 17, 18, and 19 from 10-4 pm each day. Saturday, there will be guest speakers who will discuss benefits, American Legion history, Veteran's Housing, Veteran's Suicide Awareness, National Emergency Fund for Assistance, and a few other programs. Service Officer's from 6 different counties will be present to discuss things with anyone interested. This is open to the public, so anyone is welcome. He left a flyer in the Board Bin. Also, on February 9th they are having a blood drive so anyone interested in donating is welcome to join. He left a flyer on this event in the Board Bin as well. Supervisor Pedrozo clarified that these events were at the American Legion Hall.
Present: Silveira, Espinosa, Pedrozo, McDaniel, Pareira