

**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, MARCH 14, 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 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.

La Junta de Supervisores le da la bienvenida a sus reuniones las cuales regularmente son agendadas los Martes y su interés es alentado y apreciado.

Transmisión de Audio/Video: Todas las reuniones de la junta normalmente se transmiten en vivo y se reproducen en la televisión por cable local. Una lista de canales de cable y horarios de transmisión están disponibles en el siguiente sitio web: <https://www.countyofmerced.com/1581/Comcast-Ch-96-Broadcast>

Transmisión en vivo de las Juntas de Supervisores en <https://www.facebook.com/MercedCounty/> o <https://www.countyofmerced.com/2206/Board-of-Supervisors-Meetings>.

COMENTARIO PÚBLICO

El tiempo asignado a cada orador lo determina el Presidente de la Junta. A su discreción, el presidente puede modificar la oportunidad pública de hablar reduciendo los límites de tiempo de uso de la palabra individual y/o ampliando los límites de tiempo totales asignados que se establecen a continuación.

En los tiempos designados, por favor levante la mano y será dirigido al pódium.

PUNTOS DE LA SESION CERRADA

La oportunidad pública de hablar sobre cualquier asunto a considerar en la Sesión Cerrada se tomara antes de que se suspenda la junta en la Sesión Cerrada. Para que todas las personas interesadas tengan la oportunidad de hablar, cualquier persona que se dirija a la junta será limitada a un máximo de (3) minutos.

PUNTOS FUERA DE LA AGENDA

La oportunidad pública de hablar sobre cualquier tema de interés público dentro de la jurisdicción de la Junta se llevara a cabo al inicio de la Junta. Para que todas las personas interesadas tengan la oportunidad de hablar, cualquier persona que se dirija a la junta será limitada a un máximo de (3) minutos. El período de comentarios públicos sobre puntos que no pertenecen a la agenda se limitará a treinta (30) minutos en total. La Junta podría no tomar acción sobre ningún tema que no aparezca en la agenda publicada.

PUNTOS AGENDADOS

La oportunidad pública de hablar sobre los temas agendados en la Junta se escuchará después del anuncio de cada sección o subsección de la Agenda. Para que todas las personas interesadas tengan la oportunidad de hablar, cualquier persona que se dirija a la junta será limitada a un máximo de (3) minutos por sección o apartado de la agenda. Tenga en cuenta que, el Calendario de Consentimiento se considera una sección.

AUDIENCIA PÚBLICA

La oportunidad de hablar acerca de las audiencias públicas se llevara a cabo después de la lectura y de la presentación de la audiencia pública de ser aplicable. Para que todas las personas interesadas tengan la oportunidad de hablar, cualquier persona que se dirija a la junta será limitada a un máximo de (3) minutos.

INFORMACIÓN DE COMENTARIOS DEL PÚBLICO GENERAL

Los oradores no pueden ceder su turno a otra persona.

Los comentarios realizados en redes sociales no son considerados parte del record oficial y no serán compartidos en la Junta.

El público puede proporcionar comentarios por correo electrónico o por teléfono a la Junta de Supervisores en cualquier momento, sin embargo, estos comentarios no serán parte del record oficial.

SESIÓN CERRADA: Esta es la parte de la reunión que se lleva a cabo en privado sin la asistencia del público o la prensa para discutir ciertos asuntos confidenciales específicamente permitidos por la Ley de Reuniones Abiertas.

La **REUNION ORDINARIA** se divide en tres secciones:

- **CALENDARIO DE CONSENTIMIENTO:** Estos asuntos incluyen acciones financieras y administrativas de rutina y por lo general son aprobadas por un solo voto.
- **CALENDARIO REGULAR:** Esta sección incluye políticas significativas y acciones administrativas y están divididas en subsecciones por Departamento.
- **ARTÍCULOS PROGRAMADOS:** Esta sección incluye audiencias notificadas, sesiones de trabajo y audiencias públicas.

AGENDA Y ACTAS DE LA JUNTA: Las agendas de la junta, las actas y las copias de los elementos que la Junta de Supervisores considere se publicaran en Internet al menos 72 horas antes de la reunión del martes en el siguiente sitio web: www.countyofmerced.com

ADAPTACIONES RAZONABLES: Personas que requieren adaptaciones por cualquier discapacidad auditiva, visual o de otro tipo o interpretación en Español o Hmong para revisar una agenda, o para participar en una reunión de la Junta de Supervisores según la Ley de Americanos con Discapacidades (ADA), puede obtener asistencia solicitando dicha adaptación por escrito. Por favor dirija su solicitud por escrito al Secretario de la Junta, 2222 M Street, Merced, CA 95340 o vía Telefónica llamando al (209) 385-7366. Cualquier solicitud de adaptación debe hacerse antes de las 4:00 P. M. del viernes anterior a la reunión programada para la cual se solicita asistencia.

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 - 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) Herman Prock v. County of Merced, Workers Compensation Appeals Board Case Nos. ADJ14454671, ADJ14469921 and ADJ16070464; 2) Araceli Castillo v. County of Merced, Workers Compensation Appeals Board Case Nos. ADJ12673561 and ADJ12673560.

CLOSED SESSION:

It is the intention of the Board to meet in Closed Session pursuant to Government Code Section 54957: Public Employee Appointment, Director of Child Support Services.

THE BOARD RECESSED AT 8:31 A.M. WITH 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 Merced Speedway Chaplain Dell Humbert/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 11

CONSENT CALENDAR (Items No. 1-16)**APPROVED AS RECOMMENDED AYES: ALL**Public Works

1. Ratify an Agreement for Special Services with Ceres Environmental Services, Inc., of Sarasota, FL for disaster-related debris removal management services for the period of February 3, 2023 to March 4, 2023, in an amount not to exceed \$250,000.
2. Approve a budget transfer in the amount of \$17,000 to establish appropriations for Capital Asset No. 82482, to replace the walk in freezer at Animal Control.
3. Approve a budget transfer in the amount of \$160,000 to establish appropriations for Capital Asset No. 82483, to replace the grinding auger, located at the John Latorraca Correctional Center wastewater processing system.
4. Approve budget transfers in the amount of \$25,000 to establish appropriations for Capital Asset No. 82480, to repair rain damage at the Sheriff's Aviation modular located at Castle. (4/5 Vote Required)
5. Approve budget transfers in the amount of \$1,459,482 to establish appropriations for Capital Asset No. 82469, for the Probation Juvenile Justice Correction Complex (JLCC) Dorm B Youth Camp Remodel. (4/5 Vote Required)
6. 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

7. Approve and authorize the Board Chair to sign the Reinstatement for Contract No. 2018247 with Sierra Vista Child and Family Services to continue delivering Innovative Strategist Network Services for Youth, as part of the Mental Health Services Act (MHSA) approved Innovation program, updating the pricing conditions, amending exhibits B entitled "Budget" and E entitled "HIPAA Business Associate Addendum", extending the contract term end date from February 21, 2023 to June 30, 2023, and increasing the total contract amount from \$1,124,754 to \$1,207,980.
8. Approve a budget transfer in the amount of \$148,029 to increase appropriations for the Community Assistance Recovery Enterprise (CARE) contract with Turning Point. (4/5 Vote Required)

Human Services Agency

9. Adopt a Resolution approving and authorizing the Board Chair to sign Amendment No. 1 to Contract No. 2022190 (State Agreement No. MI-2223-31) with the California Department of Aging (CDA), for the Medicare Improvement for Patient and Provider Act Program (MIPPA), increasing the total contract amount from \$34,112 to \$34,158 and revising and replacing Exhibit A entitled "Scope of Work" and Exhibit B, Attachment 1 entitled "MIPPA Budget Display" in their entirety.

ADOPTED RESOLUTION NO. 2023-14

Community and Economic Development

10. Approve a budget transfer in the amount of \$12,500 to establish appropriations for Capital Asset No. 82486, to purchase and install new workstations to complete the relocation of Environmental Health staff from Public Health Administration to Community and Economic Development offices.

Fire

11. Approve budget transfers in the amount of \$1,000,000 to increase appropriations available for response to the 2022-2023 flooding. (4/5 Vote Required)

Human Resources/Risk Management

12. 1) Act on Claims for Damages submitted by Jose Ramirez, Gloria Romero, John Machado, Jessica Berdak, Jose Ramirez, Phillip Henderson, Jaylinn Gaines Robertson, Lenis Madrigal, Kathy Ann McClerkin, Daniel DelRio and Luis Valdovinos. 2) Approve Assistant County Executive Officer, or designee, to send notice of said action on claim.

Executive Office

13. Approve the Out of State Travel request received from the Department of Public Works, as recommended by the Executive Office.

THE CLERK ANNOUNCED A CORRECTION TO THE DATES OF TRAVELBoard of Supervisors

14. Approve the Summary Action Minutes - Final for the February 7, 2023 Board of Supervisors meeting.

Board Recognition

15. Ratify a Certificate of Recognition, presented on March 1, 2023, to Juanita Calzadillas-Pedrozo for being selected by the California Agricultural Leadership Foundation, as a 2023 Common Threads Honoree for Philanthropic Endeavors and Community Service Honoring Women in Agriculture.
16. Proclaim Wednesday, March 15, 2023 as "National Small Business Development Center Day" in Merced County.

SUPERVISOR PEDROZO PRESENTED PROCLAMATION TO PRIYA LAKIREDDY WITH THE UC MERCED SMALL BUSINESS DEVELOPMENT CENTER AND SHE PROVIDED COMMENTS**REGULAR CALENDAR****BOARD ACTION**PUBLIC WORKS

17. Approve and authorize the Director of Public Works to execute a no cost service agreement with the San Joaquin County Office of Education (SJCOE), dba Greater Valley Conservation

Corps (GVCC), for assistance with the County Community Cleanup events, for a term of March 14, 2023 through June 30, 2025.

AUTHORIZED CONTRACT NO. 2023046 AS RECOMMENDED AYES: ALL

18. **AMENDED** 1) Find the American Recovery Plan Act (ARPA) Road Rehabilitation Project categorically exempt pursuant to CEQA Guidelines Section 15301 (“Existing Facilities”). 2) Adopt the plans and specifications for the proposed ARPA Projects shown in Exhibit A which are based on the Board approved ARPA Road Projects Priority list (Exhibit B). 3) Authorize the Director of Public Works to advertise the Project, conduct a public bid opening and award a contract to the lowest responsible bidder, upon review by County Counsel and County Risk Management. 4) Direct the Director of Public Works to return to the Board of Supervisors with an informational item describing all actions taken.

AUTHORIZED CONTRACT NO. 2023047 AS RECOMMENDED AYES: ALL

HUMAN SERVICES AGENCY

19. Approve and authorize the Board Chair to sign a contract (State Agreement No. 22-5014) with California Department of Social Services for Agency adoptions services, effective upon the date of execution through June 30, 2024, for a total contract amount not to exceed \$450,000.

AUTHORIZED CONTRACT NO. 2023048 AS RECOMMENDED AYES: ALL

20. 1) Approve and authorize the Board Chair to sign a Consignment Auction Agreement and Agreement to Sell Customer Vehicles with Enterprise Fleet Management, Inc. for the sale of motor vehicles declared as Surplus Property from the Human Services Agency’s (HSA) vehicle fleet. 2) Declare fourteen (14) motor vehicles as Surplus Property. 3) Authorize the Director of HSA to sign the Enterprise Vehicle Disclosure Form (Exhibit A of the Agreement to Sell Customer Vehicles) for any vehicle declared by the Board of Supervisors as Surplus Property from HSA’s vehicle fleet.

AUTHORIZED CONTRACT NOS. 2023049 AND 2023050 AS RECOMMENDED AYES: ALL

FIRE

21. 1) Accept award from the Fiscal Year 2021 Assistance to Firefighters Grant in the amount of \$126,079.09. 2) Approve the associated Budget Transfer recognizing the additional revenue. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2023051 AS RECOMMENDED AYES: ALL

SHERIFF

22. Approve and authorize the Sheriff or designee to sign U.S. Department of Justice Agreement No. 2023-28 and supporting documents with the Drug Enforcement Agency Administration to accept funding in the amount of \$280,000 for the 2023 Domestic Cannabis Eradication & Suppression Program (DCESP) for the eradication of illegal cannabis in Merced County for the period of October 1, 2022 to September 30, 2023.

AUTHORIZED CONTRACT NO. 2023052 AS RECOMMENDED AYES: ALL

PROBATION

23. 1) Authorize the Chief Probation Officer to apply with the United States Department of Justice (DOJ) Office of Juvenile Justice and Delinquency Prevention (OJJDP) for participation in a Fiscal Year (FY) 2023 Arts Program for Justice Involved Youth, effective October 1, 2023 through March 31, 2025, in an amount up to \$50,000. 2) Adopt a Resolution authorizing the Chief Probation Officer to sign all documents associated with the OJJDP Arts Program Grant, upon review by County Counsel and County Risk Management.

ADOPTED RESOLUTION NO. 2023-15 AS RECOMMENDED AYES: ALL

AUDITOR

24. Accept the audited Merced County Annual Comprehensive Financial Report, the POST SAS 114 Letter and the GANN Report for the period ended June 30, 2022.

APPROVED AS RECOMMENDED AYES: ALL

HUMAN RESOURCES

25. Ratify the Memorandum of Understanding between Merced County and Merced County Public Safety Services Unit (MCPSSU) representing Bargaining Unit 14.

AUTHORIZED CONTRACT NO. 2023053 AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

26. Confirm the appointment of Jeffrey J. Witthun as the Director of Child Support Services at an annual salary of \$174,720 and approve "A" level benefits, effective April 24, 2023.

THE CLERK ANNOUNCED THE ITEM. CEO RAUL LOMELI MENDEZ AND JEFFREY J. WITTHUN PROVIDED COMMENTS

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

27. Appoint Sydney Benton to serve as a member of the Los Banos Cemetery District Board of Trustees, until June 7, 2027.

APPROVED AS RECOMMENDED AYES: ALL

28. Reappoint Rafael Vega-Coyazo to continue to serve as a member of the Merced Cemetery District Board of Trustees, until July 1, 2026.

APPROVED AS RECOMMENDED AYES: ALL

29. Appoint Mercedes C. Rodriguez to serve as a member of the Franklin-Beachwood Municipal Advisory Council, until April 6, 2026.

APPROVED AS RECOMMENDED AYES: ALL

30. Reappoint Celina Higareda and Jeanne Giampaoli to continue to serve as members of the Le Grand Municipal Advisory Council, until December 7, 2026.

APPROVED AS RECOMMENDED AYES: ALL

ADDENDUM ITEM - FIRE

31. 1) Receive presentation and update on Flood Recovery and Response. 2) Adopt the Resolution confirming the existence of a local emergency caused by March 2023 rain events.

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR MARK HENDRICKSON, ASSISTANT FIRE CHIEF MARK PIMENTEL, SHERIFF VERN WARNKE, DEPUTY DIRECTOR OF HSA FELIZA GRAY, DISTRICT ATTORNEY NICOLE SILVEIRA, ASSISTANT COUNTY COUNSEL THOMAS EBERSOLE, AND CEO RAUL LOMELI MENDEZ PROVIDED UPDATE. ALL SUPERVISORS PROVIDED COMMENTS. PLANADA RESIDENT OLIVIA GOMEZ PROVIDED COMMENTS.

ADOPTED RESOLUTION NO. 2023-16 AS RECOMMENDED AYES: ALL

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

32. Public Works re: Contract No. 2022222 was awarded to American Paving Co., Fresno, CA in the amount of \$841,573 for the Gurr Road at State Route 140 Project. The project is located near the unincorporated community of McSwain.
33. Central California Alliance for Health re: 2022 Annual Report.

REPORTS/BOARD DIRECTION

Board of Supervisors Members, County Counsel, County Executive Officer

THE BOARD ADJOURNED THE MEETING AT 11:33 A.M. UNTIL TUESDAY, MARCH 28, 2023, AT 10:00 A.M.

10:00 A.M. SCHEDULED ITEM
2023-03-14 PUBLIC OPPORTUNITY

Laura Hurtado, Merced resident states concerns about flooding that occurred at her residence on January 10, 2023 and a drainage issue in their neighborhood.

Alfonso Hurtado, Merced resident states concerns about flooding that occurred and asks for coordination with the City of Merced to help fix the drainage issue in their neighborhood.

Martha Avelar, Merced resident states concerns about flooding that occurred on January 10, 2023 and the need for a long-term solution for drainage in their neighborhood.

Kalisa Rochester, Chief Probation Officer introduces her new Deputy Chief Probation Officer, Joel Daffron who will be overseeing the Field Services Division.

Joel Daffron, Deputy Chief Probation Officer thanks Chief Rochester for giving him the opportunity, and states that he looks forward to the challenge and working with the Board moving forward in the future.

Adam Shane, Merced resident inquires about building a playground for kids next to the Library in Courthouse Park.

Jesus Nunez, Assistant Outreach Manager for Valley Water Collaborative shares about their program and submitted flyers for Valley Water Collaborative's Second Annual High School Display Contest, free well testing and his business card with contact information.

Juan Martinez, with United Way of Merced shares about the 2023 Kiki Raina Tahiti Fete event on March 17-19th at Golden Valley High School in Merced and submitted flyers.

Present: Silveira, Espinosa, Pedrozo, McDaniel, Pareira