



**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 28, 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](http://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](http://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](http://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.

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*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: Consultation with Administrative Services/CIO - Threat to Public Services or Facilities.

**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. County of Merced, et al v. Amerisourcebergen Drug Corporation et al.; Case No. 1:18-op-45643-DAP (1:17-MD-2804).

**THE BOARD RECESSED AT 8:32 A.M. WITH SUPERVISOR MCDANIEL 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 led by Pastor Tim Pistorresi, Jesus Saves Men Ministry/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**

**PRESENTATION:  
FLOOD RECOVERY AND RESPONSE UPDATE**

**COUNTY FIRE ASSISTANT CHIEF MARK PIMENTEL AND OFFICE OF EMERGENCY SERVICES MANAGER ADAM AMARAL PROVIDED UPDATES AND SUPERVISOR PAREIRA PROVIDED COMMENTS**

**CONSENT CALENDAR (Items No. 1-14)****APPROVED AS RECOMMENDED      AYES: ALL**Public Works

1. Approve a budget transfer in the amount of \$13,000 to establish appropriations for Capital Asset No. 82487, for the repair of the partial roof collapse of Building 506 at the John Latorraca Correctional Center.
2. Approve a budget transfer in the amount of \$12,500 to increase appropriations based on increased revenue for Capital Asset No. 82386, for the Santa Nella Library Project. (4/5 Vote Required)
3. 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)

Health

4. Approve and authorize the Director of Public Health, or designee, to sign and annually submit forms DHCS 6207 Medi-Cal Disclosure Statement and DHCS 6208 Medi-Cal Provider Agreement, upon review and approval by County Counsel and County Risk Management.

Human Services Agency

5. 1) Adopt a Proclamation declaring April 2023 as "National Child Abuse Prevention Month", in Merced County. 2) Authorize the Merced County Human Services Agency to raise the Children's Memorial flag over Merced County Human Services Agency building at 2115 W. Wardrobe Ave., Merced, California on April 28, 2023.

**JAMI JOHNSON, HUMAN SERVICES AGENCY DEPUTY DIRECTOR, SHARED A FLYER AND PROVIDED COMMENTS**

6. Approve a budget transfer in the amount of \$143,000 to establish appropriations for the following Capital Assets: No. 82473 - livescan system for Child Welfare Services, No. 82481 - workstations for the training room at the HSA Wardrobe location, and No. 82489 - desks for reconfigured workstations at the HSA Castle location.
7. Approve a budget transfer in the amount of \$36,385 to increase appropriations based on increased revenue received from the Department of Housing and Urban Development, for the Coordinated Entry System. (4/5 Vote Required)

Workforce Investment

8. Approve a budget transfer in the amount of \$44,197 to increase appropriations based on increased funds from the State for Subgrant AA011015 Modification No.17 for the 2020 COVID-19 Disaster Recovery NDWG grant. (4/5 Vote Required)

Sheriff

9. Approve and authorize the Board Chair to sign Amendment No. 11 to Contract No. 2012188 with Global Tel\*Link for inmate telephone services, extending the term end date from March 31, 2023 to June 30, 2023.
10. Approve a budget transfer in the amount of \$23,000 to establish appropriations for Capital Asset No. 82488, for the purchase of a dump trailer to be used by the Sheriff SET team for cannabis eradication operations. (4/5 Vote Required)
11. Approve a budget transfer in the amount of \$60,000 for Capital Asset No. 82341, for the reimbursement of a truck by MAGNET state asset forfeiture.

Executive Office

12. Approve the Out of State Travel request received from the Registrar of Voters, as recommended by the Executive Office.

Board of Supervisors

13. Approve the Summary Action Minutes - Final for the February 28, 2023 Board of Supervisors meeting.

Board Recognition

14. Ratify Certificates of Recognition, presented on March 24, 2023, at the Merced County Drug Treatment Court graduation ceremony.

**REGULAR CALENDAR****BOARD ACTION**PUBLIC WORKS

15. Adopt a Resolution authorizing the County Executive Officer and the Auditor-Controller to sign and file the Local Transportation Funds Claim in the amount of \$79,486 for the 2022-2023 Fiscal Year with the Merced County Association of Governments.

**ADOPTED RESOLUTION NO. 2023-17 AS RECOMMENDED AYES: ALL**

16. Adopt a Resolution approving and authorizing the Board Chair to sign a Memorandum of Agreement with Stanislaus County, for the Right of Way Phase of the Hills Ferry/River Road Bridge Project, authorizing the local match contribution of \$15,828.60.

**ADOPTED RESOLUTION NO. 2023-18 AND AUTHORIZED CONTRACT NO. 2023054 AS RECOMMENDED AYES: ALL**HEALTH

17. 1) Ratify the submission of a voluntary non-binding letter of intent to participate in the Adolescent Family Life Program that was due March 8, 2023. 2) Approve and authorize the Public Health Director to sign and submit all documents related to the Request for Applications for the Adolescent Family Life Program with the California Department of Public Health Maternal, Child, and Adolescent Health Division for the period of July 1, 2023 through

June 30, 2026 for an amount not to exceed \$670,000. 3) Direct staff to return to the Board of Supervisors for contract approval, if awarded.

**APPROVED AS RECOMMENDED      AYES:      ALL**

**COMMUNITY AND ECONOMIC DEVELOPMENT**

18. Review and accept the 2022 General Plan Annual Progress Report and direct staff to forward a copy of the report to the Governor's Office of Planning and Research and the State Department of Housing and Community Development.

**APPROVED AS RECOMMENDED      AYES:      ALL**

**DISTRICT ATTORNEY**

19. 1) Authorize the District Attorney, or designee, to sign and submit an application to the U.S. Department of Justice, Bureau of Justice Assistance for the 2023 Smart Prosecution-Innovative Prosecution Solutions Competitive Grant Solicitation, effective October 1, 2023 through September 30, 2025, in the amount of \$385,000. 2) Authorize the District Attorney, or designee, to accept the funding if awarded and return to the Board of Supervisors with a grant agreement, if applicable.

**APPROVED AS RECOMMENDED      AYES:      ALL**

**LIBRARY**

20. Authorize the Merced County Librarian, or designee, to sign and submit an application with the University of California, Merced for participation in the College Corps Initiative, effective August 1, 2023 through June 30, 2024.

**APPROVED AS RECOMMENDED      AYES:      ALL**

21. 1) Accept a Grant Award from FINRA Investor Education Foundation for the purpose of enhancing the Personal Finance Collection, effective March 28, 2023 through January 31, 2024 in an amount up to \$5,000. 2) Authorize the County Librarian, or designee, to sign documents pertaining to grant award, upon review of County Counsel and County Risk Management. 3) Approve the associated budget transfer. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2023055 AS RECOMMENDED      AYES:      ALL**

**PROBATION**

22. Approve and authorize the Board Chair to sign a contract with EVALCORP for project planning, data collection development, implementation, analysis, and reporting services related to the Pathways to Wellness program, effective June 1, 2023, through June 1, 2026, for a total contract amount not to exceed \$272,890.

**AUTHORIZED CONTRACT NO. 2023056 AS RECOMMENDED      AYES:      ALL**

23. Approve and authorize the Board Chair to sign a contract with Mission Merced Incorporated for housing and supportive services in connection with the Pathways to Wellness Program, effective March 28, 2023, through March 1, 2026, for a total contract amount not to exceed \$2,204,690.

**AUTHORIZED CONTRACT NO. 2023057 AS RECOMMENDED      AYES:      ALL**



SHERIFF

- 24. Approve and authorize the Board Chair to sign the Medi-Cal County Inmate Program Agreement for Administrative Services (State Agreement No. 23-30032) and the associated Participation Agreement (State Agreement No. 23-MCIPMERCED-24) with the California Department of Health Care Services to participate in the Medi-Cal County Inmate Program (MCIP) from July 1, 2023 through June 30, 2026 for a total contract amount not to exceed \$12,981.18.

**AUTHORIZED CONTRACT NOS. 2023058 AND 2023059 AS RECOMMENDED AYES: ALL**

HUMAN RESOURCES

- 25. 1) Approve the recommended departmental personnel modifications, as listed in Exhibit A. 2) Approve the modifications to the following existing job classification specifications: Assistant Public Works Director, Building Inspector I/II, Building Inspector III, Code Compliance Specialist I/II, Deputy District Attorney I/II/III/IV, Deputy Public Defender I/II/III/IV, Director- Community & Economic Development, Permit Technician I/II, Programmer Analyst II. 3) Approve the amendments to the Salary Allocation Resolution 06-120, the Position Allocation Resolution 06-120/A, and Resolution No. 2007-22, Merced County Human Resources Rules and Regulations.

**RICK SEYMOUR, RESIDENT, CEO RAUL MENDEZ, DEPUTY CEO SOMMER MONIZ, SUPERVISOR PEDROZO, AND BOARD CHAIR SILVEIRA PROVIDED COMMENTS**

**ADOPTED RESOLUTION NOS. 2023-19, 2023-20, AND 2023-21 AS RECOMMENDED AYES: ALL**

BOARD APPOINTMENTS

- 26. 1) Appoint Jesse Saucedo to serve the remainder of the active 2019 - 2023 term, as the Hospital Representative on the Emergency Medical Care Committee ending on June 30, 2023. 2) Appoint Jesse Saucedo to serve as the Hospital Representative on the Emergency Medical Care Committee for a new four (4) year term, beginning on July 1, 2023 through June 30, 2027.

**APPROVED AS RECOMMENDED AYES: ALL**

- 27. Appoint Kimiko Vang, DSW, LCSW, Behavioral Health and Recovery Services Director, to serve as a member of the executive committee of the Community Corrections Partnership.

**APPROVED AS RECOMMENDED AYES: ALL**

- 28. 1) Reappoint Rachelle Abril to continue to serve as a member of the Merced Cemetery District Board of Trustees, until June 30, 2027. 2) Appoint David Herr to serve as a member of the Merced Cemetery District Board of Trustees, until June 30, 2025.

**APPROVED AS RECOMMENDED AYES: ALL**

- 29. Reappoint Lesley Brewer to continue to serve as a member of the Ballico-Cressey Recreation Committee, until November 1, 2027.

**APPROVED AS RECOMMENDED AYES: ALL**

- 30. Appoint Melba Miyamoto to serve as a member of the Winton Cemetery District Board of Trustees for an unexpired term, expiring February 18, 2026.

**APPROVED AS RECOMMENDED    AYES:    ALL**

- 31. Reappoint Carol Bonin to continue to serve as a member of the Winton Municipal Advisory Council, until March 31, 2027.

**APPROVED AS RECOMMENDED    AYES:    ALL**

- 32. 1) Reappoint James Rabago, MD to continue to serve as a provider representative on the Santa Cruz-Monterey-Merced Managed Medical Care Commission, until April 22, 2027. 2) Appoint Leslie Abasta-Cummings to serve as a provider representative on the Santa Cruz-Monterey-Merced Managed Medical Care Commission, effective April 23, 2023 through April 22, 2027.

**APPROVED AS RECOMMENDED    AYES:    ALL**

**REPORTS/BOARD DIRECTION**

Board of Supervisors Members, County Counsel, County Executive Officer

**THE BOARD ADOPTED A RESOLUTION IN MEMORY OF ELIZABETH MCCABE AND ADJOURNED THE MEETING AT 10:54 A.M. UNTIL TUESDAY, APRIL 4, 2023, AT 10:00 A.M.**

**10:00 A.M. SCHEDULED ITEM****2023-03-28 PUBLIC OPPORTUNITY**

Cory, IHSS provider spoke about wage increases for IHSS and requested a \$1 wage increase for IHSS workers.

Magdalena Castillo, IHSS worker who cares for her daughter, spoke about the care IHSS provides for their patients and requested a raise, indicating that they only make sixty cents over minimum wage and do not receive benefits.

Rick Windling, Merced County resident, shared what he called a “homework” assignment with the Supervisors and spoke about political culture and several socio/political trends taking place presently.

Michael Wagner, Army Veteran, Jr. Vice-Commander for Chapter 31 spoke about Veteran’s Service benefits and the Veteran’s Service Office for DAV Chapter 31 and presented a certificate of recognition to Sandino Vasquez.

Keith Curry, local provider and vendor in Merced County, Fire Support Unlimited, shared that he is looking to offer services to Merced County during crisis. He requested support from the County in getting his services utilized locally. His business is working on a Type 6 Fire Engine, which will be ready on April 14.

Present: Silveira, Espinosa, Pedrozo, McDaniel, Pareira