



## 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, APRIL 4, 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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*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; and Teamsters (Non-Safety Corrections), Unit 12. Agency Negotiator: Marci Barrera

#### **CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATOR:**

It is the intention of the Board to meet in Closed Session concerning a Conference with Real Property Negotiator(s) Mark Hendrickson, Director-Community and Economic Development pursuant to Government Code Section 54956.8 as follows:

**Property:** 3990 Thunderbird Avenue (Building 1325) at Castle Commerce Center

**Agency Negotiator:** Mark Hendrickson, Director, Community and Economic Development.

**Negotiation Parties:** Shawn Michael Conour and Jose Antonio Pimentel

**Under Negotiation:** To request authority to negotiate proposed acquisition and value.

**THE BOARD RECESSED AT 8:33 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 Bishop Doug Young, Our Fathers House/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).

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**PRESENTATION:**

**MISSION, VISION, VALUES AWARD PROGRAM**

**BOARD CHAIR SILVEIRA RECOGNIZES THE MERCED COUNTY HUMAN SERVICES AGENCY HOUSING SUPPORT PROGRAM AND THE MERCED COUNTY TREASURY OVERSIGHT COMMITTEE AS THE WINNERS OF MERCED COUNTY'S MISSION, VISION, VALUES (MVV) AWARDS' PROGRAM FOR 2022. HUMAN SERVICES AGENCY DEPUTY DIRECTOR JOHN CECCOLI AND TREASURER-TAX COLLECTOR KAREN ADAMS PROVIDED COMMENTS**

**CONSENT CALENDAR (Items # 1-11)**

**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 \$25,600 to increase appropriations for Capital Asset No. 82418, for the Marie Green Nurses Station project to cover increase in scope of work. (4/5 Vote Required)

Health

3. Adopt a Proclamation in recognition of April 3-7, 2023 as National Public Health Week and the 2023 Public Health Champion, in Merced County.

**BOARD CHAIR SILVEIRA PRESENTED A PROCLAMATION TO PUBLIC HEALTH DIRECTOR REBECCA NANYONJO-KEMP AND SHE RECOGNIZED PUBLIC HEALTH NURSE REBECCA MELERO FOR BEING SELECTED AS THE 2023 PUBLIC HEALTH CHAMPION. DIRECTOR NANYONJO-KEMP PROVIDED A POWER POINT PRESENTATION ON THE COMMUNITY HEALTH ASSESSMENT. SUPERVISOR PEDROZO, SUPERVISOR PAREIRA AND BOARD CHAIR SILVEIRA PROVIDED COMMENTS**

Community and Economic Development

4. Approve a budget transfer in the amount of \$6,500 to establish appropriations for Capital Asset No. 82492, to purchase a microfilm scanner to replace a non-functioning and unrepairable microfilm scanner.

District Attorney

5. Adopt a Proclamation declaring the week of April 23-29, 2023 as Crime Victims' Rights Week, in Merced County.

Fire

6. Approve a budget transfer in the amount of \$13,500 to establish appropriations for Capital Asset No. 82490, to purchase a Cargo Trailer, utilizing Fiscal Year 2020 Homeland Security Grant Program funds.
7. Approve a budget transfer in the amount of \$1,000,000 from contingencies for expenses related to the 2022-2023 flood event. (4/5 Vote Required)

Probation

8. 1) Approve and authorize the Board Chair to sign Amendment No. 1 to Contract No. 2022229 with BI Incorporated for supportive and rehabilitation treatment and mentoring services, increasing the total contract amount not to exceed from \$749,988 to \$2,668,576. 2) Approve the associated budget transfer in the amount of \$248,072. (4/5 Vote Required)

Human Resources/Risk Management

9. 1) Act on Claims for Damages submitted by Anahi Gonzalez Padilla, Megan Saechao, Robert Fagan, Stephani Estelle Schneider, Janiece Hodge, in her individual capacity as heir and successor-in-interest to Jeffrey Marquis Hodge, deceased, and Marquisha Hodge, in her individual capacity as heir and successor-in-interest to Jeffrey Marquis Hodge, deceased. 2) Approve Assistant County Executive Officer, or designee, to send notice of said action on claims.

Board of Supervisors

10. Approve the Summary Action Minutes - Final for the March 14, 2023 Board of Supervisors and Board of Supervisors as the In-Home Supportive Services Public Authority Governing Board meetings.

Board Recognition

11. Ratify Certificates of Recognition presented on April 1, 2023, to various individuals that were inducted into the Merced High School Hall of Fame Induction Class of 2023 by the Merced High School Athletic Foundation.

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

12. 1) Authorize the Director of Public Works to submit an application to the California Department of Transportation for participation in the Clean California Local Grant Program, for renovation of O'Banion Park in Dos Palos, in an amount not to exceed \$3,000,000. 2) Adopt a Resolution authorizing the Director of Public Works, or designee, to execute the grant agreement, upon

review and approval of County Counsel and County Risk Management, in the event that the grant is awarded. 3) Direct the Director of Public Works to return to the Board with an informational item of all actions taken.

**ADOPTED RESOLUTION NO. 2023-22 AS RECOMMENDED AYES: ALL**

13. 1) Ratify acceptance of the Targeted State Grant award (Award Agreement No. TSG-22-10) in the amount of \$3,000,000 for construction of Dos Palos Library and rehabilitation of Del Hale Hall Community Center, as executed by the Director of Public Works. 2) Authorize the Director of Public Works to execute any amendments thereto with the California State Library, upon review by County Counsel, County Risk Management, and the County Executive Office. 3) Approve the associated budget transfer. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2023061 AS RECOMMENDED AYES: ALL**

**HEALTH**

14. 1) Authorize the Director of Public Health to sign and submit to the California Department of Public Health, Tuberculosis Control Branch, an application and all related documents necessary, for the Tuberculosis Local Assistance Base Award, for the period of July 1, 2023 through June 30, 2024, 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. 2) Authorize the Director of Public Health to sign the Acceptance of Award, upon review and approval of County Counsel and County Risk Management and return to the Board of Supervisors with an informational item, if awarded.

**APPROVED AS RECOMMENDED AYES: ALL**

15. 1) Ratify the submission of the Acknowledgement of Allocation Letter to participate in the California Strengthening Public Health Initiative, which was due by March 3, 2023. 2) Authorize the Board Chair to sign the Initiative Funding Certification. 3) Delegate authority to the Director of Public Health, or designee, to execute the California Strengthening Public Health Initiative Agreement with the California Department of Public Health for the period of December 1, 2022 through November 30, 2027 for an amount not to exceed \$857,180, upon review and approval of County Counsel and County Risk Management.

**AUTHORIZED CONTRACT NO. 2023060 AS RECOMMENDED AYES: ALL**

**PROBATION**

16. Adopt a Resolution authorizing the Chief Probation Officer to sign and submit Mutual Aid Regional Agreements, including any amendments, related to juvenile probation institution services and juvenile and adult probation field supervision services, upon review and approval by County Counsel and County Risk Management.

**ADOPTED RESOLUTION NO. 2023-23 AND AUTHORIZED CONTRACT NO. 2023062 AS RECOMMENDED AYES: ALL**

17. 1) Approve and authorize the Board Chair to sign a contract with Marilyn Moradzadeh, Trustee of the Moradzadeh 2022 Living Trust, for lease of office space located at 600 West Olive Avenue in Merced, effective June 1, 2023 through November 30, 2031, for a total contract amount not to exceed \$2,505,264. 2) Approve the associated budget transfers.

**AUTHORIZED CONTRACT NO. 2023063 AS RECOMMENDED AYES: ALL**

WORKFORCE INVESTMENT

18. 1) Approve and authorize the Board Chair to sign a contract with Mission Asset Fund to participate in a workgroup to identify solutions to improve the overall supply of quality child care in Merced County, effective April 4, 2023 through June 30, 2023, for a total contract amount not to exceed \$30,000. 2) Approve the associated budget transfer. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2023064 AS RECOMMENDED AYES: ALL**

SPRING FAIR

19. 1) Approve a cash flow loan to Spring Fair from the General Fund of up to \$900,000 bearing an interest rate equal to the rate earned by the Merced County Treasury. With loan repayments made as payments are received from buyers, prior to October 31, 2023. 2) Authorize the Auditor-Controller to utilize \$30,000 of the loan proceeds to increase Spring Fair's change fund for operation of the 2023 Fair. Spring Fair will return the \$30,000 at the close of the fair.

**APPROVED AS RECOMMENDED AYES: ALL**

EXECUTIVE OFFICE

20. Adopt a Resolution adopting and authorizing the Board Chair to sign the Restated Joint Powers Agreement of the Merced County Association of Governments.

**ADOPTED RESOLUTION NO. 2023-24 AND AUTHORIZED CONTRACT NO. 2023077 AS RECOMMENDED AYES: ALL**

BOARD APPOINTMENTS

21. Confirm the appointment of Nicole Silveira as the District Attorney, Kimiko Vang as the Behavioral Health and Recovery Services Director, and Gary Brizzee as the Los Banos Police Chief, to serve as members of the Juvenile Justice Coordinating Council.

**APPROVED AS RECOMMENDED AYES: ALL**

**BOARD INFORMATION & POSSIBLE ACTION**

**ACCEPTED AND PLACED ON FILE AYES: ALL**

22. Executive Office re: Disclosure of donations received in excess of \$10,000 for Quarter 2 and Quarter 3 of Fiscal Year 2022-2023.

**REPORTS/BOARD DIRECTION**

Board of Supervisors Members, County Counsel, County Executive Officer



**THE BOARD ADJOURNED THE MEETING AT 11:20 A.M. UNTIL TUESDAY, APRIL 25, 2023, AT 6:00 P.M.**

**10:00 A.M. SCHEDULED ITEM**  
**2023-04-04 PUBLIC OPPORTUNITY**

Paula Heupel, representing the El Nido community and Elementary School District as the Superintendent comments that the responsiveness of the Public Works Department has been very positive during recent floods and thanks Board Chair Silveira and Supervisor Espinosa for their support.

Rick Windling, Merced County resident asks the Board to consider various topics.  
Present: Silveira, Espinosa, Pedrozo, McDaniel, Pareira