



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, SEPTEMBER 26, 2023

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.

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

INVOCATION led by Yvonnia Brown, Director Human Services Agency/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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CONSENT CALENDAR (Items No. 1-7)

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)

Behavioral Health and Recovery Services

2. Approve and authorize the Board Chair to sign Amendment No. 2 to Contract No. 2022199 with Turning Point Community Programs for services provided through the Community Assistance Recovery Enterprise Program, increasing the total contract amount from \$5,883,418 to \$6,107,848, amending Exhibit A, entitled "Mental Health Services Additional Terms and Conditions", revising and replacing Exhibit B, entitled "Budget", amending Exhibit E, entitled "HIPAA Business Associate Addendum", and revising and replacing Exhibit V, entitled "Mental Health Services Act Community Services and Support Fiscal Requirements".

Human Services Agency

3. Adopt a Proclamation declaring the month of October 2023 as "Residents' Rights Month," in Merced County for individuals living in all long-term care settings.

Fire

4. 1) Continue the Proclamation of the existence of a local emergency caused by the December 2022 and January 2023 rain events in Merced County. 2) Continue the Proclamation of the existence of a local emergency caused by the March 2023 storms in Merced County.
5. Adopt a Proclamation declaring the week of October 8-14, 2023, as Fire Prevention Week.

Probation

6. Approve and authorize the Board Chair to sign Reinstatement of Contract No. 2021304 with Symple Equazion for paid work experience through the Symple Soul food truck, to be deemed effective from its original effective date of September 1, 2021, through June 30, 2024, and increasing the total contract amount not to exceed from \$312,405 to \$488,908.

Board Recognition

7. Ratify Certificates of Recognition presented on September 12, 2023, to Sol Rivas, Olga Mendoza, Dave Wells, and CASA Merced County for being awarded the First 5 Hands on Heroes Award for 2023.

REGULAR CALENDAR**BOARD ACTION**BEHAVIORAL HEALTH AND RECOVERY SERVICES

8. Approve and authorize the Board Chair to sign a contract with Aspiranet dba Aspira Foster and Family Services for specialty mental health services to youth beneficiaries of Merced County, effective October 1, 2023, through June 30, 2026, for a total contract amount not to exceed \$4,125,000.

AUTHORIZED CONTRACT NO. 2023208 AS RECOMMENDED AYES: ALL

9. Approve and authorize the Board Chair to sign a contract with Livingston Community Health to implement and deliver Prevention and Early Intervention (PEI) services for youth of Merced County, effective October 1, 2023 through June 30, 2026, for a total contract amount not to exceed \$687,518.

AUTHORIZED CONTRACT NO. 2023209 AS RECOMMENDED AYES: ALLCOMMUNITY AND ECONOMIC DEVELOPMENT

10. Adopt a Resolution: 1) To determine that the County intends to sell real property located at Castle Commerce Center identified as Building 1325 and adjacent land subject to compliance with Government Code Section 25536.9; 2) Direct Community and Economic Development (CED) Staff to post the required Notice of Sale of Real Property in the Office of the County Clerk and publish said Notice in compliance with Section 6062(a) of the California Government Code; and 3) Direct the CED Director to prepare the necessary documents for the sale and transfer of Building 1325 and adjacent land, and return to the Board of Supervisors to consider acceptance and execution of final sale to Conour Manufacturing Inc.

ALL BOARD MEMBERS PROVIDED COMMENTS**ADOPTED RESOLUTION NO. 2023-73 AS RECOMMENDED AYES: 2,3,4,5 NOES: 1**

FIRE

11. 1) Adopt a resolution authorizing the Board Chair to sign a Grant Agreement (7GF23065), and potential subsequent amendments, with the State of California Department of Forestry and Fire Protection for Volunteer Fire Capacity, with a term that commences on the date of approval through June 30, 2024, in the amount of \$20,000. 2) Authorize the Board Chair to sign form AD-1048, entitled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions".

ADOPTED RESOLUTION NO. 2023-74 AND AUTHORIZED CONTRACT NO. 2023210 AS RECOMMENDED AYES: ALL

PROBATION

12. Approve and authorize the Chief Probation Officer to submit the Juvenile Justice Crime Prevention Act – Youthful Offender Block Grant 2023 Expenditure and Data Report for calendar year 2022 to the Board of State and Community Corrections.

APPROVED AS RECOMMENDED AYES: ALL

WORKFORCE INVESTMENT

13. Approve and authorize the Board Chair to sign a retroactive contract with Merced Community College District for Merced County to serve as Regional Convener to the Community Economic Resilience Fund, effective January 18, 2023 through September 30, 2024, for a total contract amount not to exceed \$500,000.

ERICK SERRATO, DIRECTOR OF WORKFORCE INVESTMENT AND SUPERVISOR MCDANIEL PROVIDED COMMENTS

AUTHORIZED CONTRACT NO. 2023211 AS RECOMMENDED AYES: ALL

ADMINISTRATIVE SERVICES

14. Adopt a Resolution to express support for the Internet Service Providers selected as Qualified Providers through the County's Request for Qualifications (RFQ) No. 7527 – Broadband Last Mile Infrastructure, in their respective applications for available Federal Funding Account (FFA) grant funding, in order to build high-speed broadband infrastructure and internet access for eligible locations within Merced County.

JOHN NISHIHAMA, ASSISTANT DIRECTOR OF ADMINISTRATIVE SERVICES, SUPERVISOR MCDANIEL, AND BOARD CHAIR SILVEIRA PROVIDED COMMENTS

ADOPTED RESOLUTION NO. 2023-72 AS RECOMMENDED AYES: ALL

EXECUTIVE OFFICE

15. Authorize the Board Chair to sign the Civil Grand Jury letter of response pertaining to matters under the control of the Board of Supervisors as noted in the Fiscal Year 2022-2023 Civil Grand Jury report.

APPROVED AS RECOMMENDED AYES: ALL

BOARD APPOINTMENTS

16. Appoint Martha Armas-Kelly to serve as a member of the First 5 Commission, for an unexpired term ending March 23, 2024.

APPROVED AS RECOMMENDED AYES: ALL

THE BOARD RECESSED AT 10:54 A.M. TO TRANSITION INTO THE BUDGET HEARING AGENDA AND RECONVENED AT 11:06 A.M.

REPORTS/BOARD DIRECTION

Board of Supervisors Members, County Counsel, County Executive Officer

THE BOARD ADJOURNED THE MEETING IN MEMORY OF DONALD EUGENE CHERF AT 12:39 P.M. UNTIL TUESDAY, OCTOBER 17, 2023, AT 10:00 A.M.

10:00 A.M. REGULAR MEETING**PUBLIC OPPORTUNITY TO SPEAK ON NON-AGENDA ITEMS**

Susan Walsh, League of Women's Voters of Merced County, spoke in support of library services and read an article about the benefit of children's education through reading and library cards. Left a copy of the article in the Board Bin.

Christan Santos, Field Representative for Congressman John Duarte, shared about the events attended by the Congressman and gave a legislative update from his office.

Maria Vera, Merced County resident, spoke in support of the library and its services. Left a copy of a petition with signatures in the Board Bin.

Gloria Sandoval, Merced resident in District 2, spoke about the 1933 Farm Bill and shared an article about the subject.

Paramjit Singh, Le Grand resident, spoke about the flooding and bad road conditions on Buchanan Hollow Road. He requested assistance with road repairs so that he can access his property. Left a flyer for the Board Bin.

Ashley Peña, Merced County Correctional Officer, spoke about recent resignations, the mandated overtime, pay for the correctional officers, retention pay, and staffing issues.

Narayan Singh, Merced County resident, spoke about Fentanyl and the property behind Elm Avenue that is slated to be developed for new homes and how it will affect the current property owners in the area.

Larry Watson, AFSCME Steward and Human Services Agency employee, spoke about the increase in health care costs being passed on to Merced County employees. Shared information about the Tulare Board of Supervisors who gave the employees of their county a 7% cost of living increase without the request of staff and asked the Board to keep in mind the individuals serving the families of the Merced community.

Mary McWaters, Union Representative for AFSCME, spoke about the increase in medical insurance and asked for help to cover the cost of the increase.

Andrew Gallagher, Sheriff's Office and Representative for Unit 14, spoke about the increase in medical insurance costs and expressed concerns about the impacts it will have on average employees.

Adam Reid, Old Town Atwater, spoke about the Ice Rink in the town of Atwater and invited everyone to visit the rink this year. Also, in his capacity as the Board President for the Winton Cemetery District, spoke about an update to the cemeteries decoration policy and let the public know that they have made changes to what can be displayed at gravesides and will be enforcing the new policy.

Present: Silveira, Espinosa, Pedrozo, McDaniel, Pareira