



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, NOVEMBER 7, 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: American Federation of State, County and Municipal Employees (AFSCME), Units 4, 5, 6 and 8; United Public Employees (UPE), Unit 3; Merced County Attorney Association (MCAA), Unit 7; Corrections, Unit 2; Merced County Law Enforcement Sergeants, Unit 30; Merced County Deputy Sheriff Association (DSA), Unit 10; Non-Safety Corrections, Unit 12; Merced County Public Safety Services Unit (MCPSSU), Unit 14; and Probation Supervising Employees, Unit 11. 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) Dana Hertfelder, Director of Public Works pursuant to Government Code Section 54956.8 as follows:

Property: APN #060-060-006 and 060-060-007 located along E. Yosemite Avenue and Black Rascal Creek in the Merced area.

Agency Negotiator: Dana Hertfelder, Director of Public Works

Negotiation Party: Hunt Farms Land, LLC Property, Merced, CA

Under Negotiation: To review property appraisal and request authority to negotiate proposed purchase for both parcels.

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) Estrada v. County of Merced, et al., Merced Superior Court Case No. 20CV-03784. 2) Estate of Jacob Apodaca et al v. County of Merced et al., Federal Court Case No. 1:23-cv-00171-JLT-SAB [consolidated with 1:23-cv-00864-JLT-EPG]

THE BOARD RECESSED AT 8:32 A.M. WITH ALL MEMBERS PRESENT AND RECONVENED AT 10:00 A.M. WITH SUPERVISOR PEDROZO NOT PRESENT, AND THE BOARD CHAIR ADVISED THEY WOULD BE RECONVENING BACK INTO CLOSED SESSION AT THE END OF THE MEETING

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

INVOCATION by Pastor Al Schaap, Gateway Community Church, Merced/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. 1-10)

APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

Public Works

1. Approve a budget transfer in the amount of \$250,000 to shift appropriations from Roads Projects to ARPA Roads Projects.
2. Approve a budget transfer in the amount of \$3,200 to increase appropriations for the HSA Main Street Security Project. (4/5 Vote Required)
3. Find that substantial evidence demonstrates that an emergency continues to exist regarding the security system at the Merced County District Attorney's office located at 550 West Main Street, in Merced, such that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action to replace the security system is necessary to respond to the emergency. (4/5 Vote Required)

Behavioral Health and Recovery Services

4. Adopt a Resolution to approve and authorize the Board Chair to execute California Department of Health Care Services Amendment No. 2 to Contract No. 2021242 (State Agreement No. 21-10030) to provide Drug Medi-Cal Organized Delivery System services, revising Program Specifications and Budget Details and Payment Provisions. The term of this agreement remains July 1, 2021 through June 30, 2024, in the amount of \$37,500,000.

ADOPTED RESOLUTION NO. 2023-86

Fire

5. 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.

Human Resources/Risk Management

6. 1) Act on Claims for Damages submitted by Leticia Gonzalez and Christy Martens. 2) Approve Assistant County Executive Officer, or designee, to send notice of said action on claims.

Executive Office

7. Approve the Out of State Travel requests received from the District Attorney and the Board of Supervisors, as recommended by the Executive Office.

Board of Supervisors

8. Approve the Summary Action Minutes - Final for the October 17, 2023 Board of Supervisors meeting, and for the October 17, 2023 Board of Supervisors as the In-Home Supportive Services Public Authority Governing Board meeting.

Board Recognition

9. Ratify a Certificate of Recognition, presented on October 27, 2023, at the Merced County Drug Treatment Court graduation ceremony.
10. Ratify Certificates of Recognition, presented on November 4, 2023, to various individuals honored at the 47th Annual Farm City Banquet.

REGULAR CALENDAR**BOARD ACTION**PUBLIC WORKS

11. Adopt a Resolution approving and authorizing the Board Chair to sign a Memorandum of Agreement with Stanislaus County, for the Construction Phase of the Hills Ferry/River Road Bridge Project.

ADOPTED RESOLUTION NO. 2023-87 AND AUTHORIZED CONTRACT NO. 2023231 AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

12. 1) Approve and authorize the Board Chair to sign the Memorandum of Understanding between the County of Merced and the City of Livingston establishing terms and conditions under which reimbursements will be made relating to the County paving Dwight Way from Autry Lane to Campbell Avenue within the City limits. 2) Approve associated budget transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2023232 AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

HEALTH

13. Approve and authorize the Board Chair to sign a retroactive contract with Merced County Office of Education for innovative special needs home visiting services, effective July 1, 2023 through June 30, 2024, for a total contract amount not to exceed \$375,898.

AUTHORIZED CONTRACT NO. 2023233 AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

14. Approve and authorize the Board Chair to sign a retroactive contract with Merced County Office of Education for expansion of home visiting services, effective July 1, 2023 through June 30, 2024, for a total contract amount not to exceed \$464,036.

AUTHORIZED CONTRACT NO. 2023234 AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

15. Approve and authorize the Board Chair to execute an Intergovernmental Agreement regarding the transfer of public funds with the California Department of Health Care Services

to participate in the 2022 Intergovernmental Transfer Voluntary Rate Range Program effective January 1, 2022 through June 30, 2025, for a total contract amount not to exceed \$13,570,464.

**AUTHORIZED CONTRACT NO. 2023235 AS RECOMMENDED AYES: 1, 3, 4, 5
NOT PRESENT: 2**

ADMINISTRATIVE SERVICES

16. Approve donation of surplus property as listed in the attached Exhibit A, to the Pentecostal Church of God, Central California District, Inc. (Calvary Temple Pentecostal Church of God dba Life Place Church).

APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

17. 1) Approve and authorize an agreement with The Sidwell Company for services related to remapping the County's parcel data and licensing, and support of a system to maintain the information and produce parcel maps from within the County's Geographic Information System (GIS), effective November 7, 2023 through June 30, 2026, for an amount not to exceed \$444,967. 2) Authorize the Director of Administrative Services to negotiate and sign a final statement of work and related change orders after review by County Counsel and the County Executive Office. 3) Approve associated budget transfer. (4/5 Vote Required)

**MARK COWART, DIRECTOR OF ADMINISTRATIVE SERVICES, SUPERVISOR PAREIRA
AND BOARD CHAIR SILVEIRA PROVIDED COMMENTS**

**AUTHORIZED CONTRACT NO. 2023236 AS RECOMMENDED AYES: 1, 3, 4, 5
NOT PRESENT: 2**

18. 1) Approve and authorize the Board Chair to sign the Program Signature Form with Microsoft Corporation for the Microsoft Enterprise Agreement (EA) for Microsoft Office 365 subscriptions and application use, effective December 1, 2023 through November 30, 2026, for a total contract amount not to exceed \$1,989,834.96. 2) Approve associated budget transfer. (4/5 Vote Required)

**AUTHORIZED CONTRACT NO. 2023237 AS RECOMMENDED AYES: 1, 3, 4, 5
NOT PRESENT: 2**

FIRE

19. Authorize the Merced County Office of Emergency Services to apply for the Prepare California JumpStart Grant to fund one (1) Full-Time Employee (FTE) for a total of four (4) years.

BOARD CHAIR SILVEIRA PROVIDED COMMENTS

APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

PROBATION

20. 1) Approve and authorize the Board Chair to sign Reinstatement of Contract No. 13262 with Lifeline Community Development Corporation, to continue providing consulting services regarding healthy life skills classes, to be deemed effective from its original effective date of July 1, 2020, through June 30, 2024, and increasing the total contract amount not to exceed from \$25,500 to \$76,500. 2) Approve associated budget transfer. (4/5 Vote Required)

AUTHORIZED CONTRACT NO. 2023238 AS RECOMMENDED AYES: 1, 3, 4, 5
NOT PRESENT: 2

PUBLIC DEFENDER

21. Approve and authorize the Public Defender to sign State Agreement No. BSCC 168-23 with the Board of State and Community Corrections for the Indigent Defense Grant Program, the agreement functions as a no-cost extension to State Agreement No. BSCC 168-20, extending the term end date from June 30, 2023 to February 28, 2025.

AUTHORIZED CONTRACT NO. 2021091 AS RECOMMENDED AYES: 1, 3, 4, 5
NOT PRESENT: 2

DISTRICT ATTORNEY

22. Ratify the Sales Agreement between the County of Merced, District Attorney's Office and County of Madera, Sheriff's Office for the sale of 7 shotguns and associated surplus ammunition from the County of Merced, District Attorney's Office to the County of Madera, Sheriff's Office, for a total dollar amount of \$2,308.

AUTHORIZED CONTRACT NO. 2023239 AS RECOMMENDED AYES: 1, 3, 4, 5
NOT PRESENT: 2

TREASURER

23. 1) Review and approve the Treasury Investment Report for the quarter ending September 30, 2023. 2) Review and approve the 2024 Investment Policy Statement (IPS) and the 2024 Treasury Oversight Committee Directive.

APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

EXECUTIVE OFFICE

24. 1) Approve the modifications to the 2023 Board of Supervisors Regular Meeting Schedule, revising the December 2023 meetings, as identified in the revised calendar. 2) Move the location of the December 12, 2023 regularly scheduled Board of Supervisors meeting to the Courtroom of the Courthouse Museum, located at 21st and N streets in Merced. 3) Adopt the 2024 Calendar for the regularly scheduled Merced County Board of Supervisors meetings.

BOARD CHAIR SILVIERA, SUPERVISOR MCDANIEL, SUPERVISOR PAREIRA AND CEO MENDEZ PROVIDED COMMENTS

APPROVED AMENDED RECOMMENDATION AYES: 1, 3, 4, 5 NOT PRESENT: 2

BOARD APPOINTMENTS

25. Appoint Dale Johns and Dr. Matthew Lee as Business Representatives on the Merced County Workforce Development Board, to serve unexpired terms, expiring June 30, 2024.

APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

26. Reappoint James (Jim) Nickel, Douglas Goodman, and Robert McDonald to serve as Trustees of the Henry Miller Reclamation District Board of Trustees, in lieu of election, until November 8, 2027.

APPROVED AS RECOMMENDED AYES: 1, 3, 4, 5 NOT PRESENT: 2

AT 10:54 A.M. SUPERVISOR PEDROZO RETURNED TO THE MEETING

REPORTS/BOARD DIRECTION

Board of Supervisors Members, County Counsel, County Executive Officer

THE BOARD RECESSED INTO CLOSED SESSION AT 11:02 A.M. WITH ALL MEMBERS PRESENT AND RECONVENED AT 12:19 P.M. WITH ALL MEMBERS PRESENT. BOARD CHAIR SILVEIRA ADVISED STAFF WAS GIVEN DIRECTION

THE BOARD ADJOURNED THE MEETING AT 12:20 P.M. UNTIL TUESDAY, NOVEMBER 28, 2023, AT 10:00 A.M.

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

Heidi Hall, Deputy Director of Human Services Agency Veterans Service Office and John Cox, Interim Veterans Service Officer thanked the Board for their support provided to the Veterans and the community and shared about the Veteran's Parade on Saturday November 11th at 2:00 p.m. and submitted fliers.

Marta Echevarria, County employee requested the Board to revisit the unaffordable health care for County employees and submitted letter and signatures of support from employees.

Jeanie Bugher, County employee acknowledged that the Board is listening and that they do care and can do something regarding the health insurance increase.

Eli Painted Crow, speaks about ongoing issues with the American Legion/VFW lease agreement and their blog.

Mike De Jager, Merced County resident who lives and does business four miles east of the El Nido area speaks about the poor conditions of Washington, Roosevelt, Bliss, Sandy Mush and Healy Roads.

Christan Santos, Field Representative for Congressman John Duarte shared an update on the Congressman's recent events attended.

Ashley Suarez, Policy Advocate with Leadership Counsel for Justice and Accountability recognized Supervisor Espinosa and Supervisor Pedrozo for meeting with the residents of South Merced to address the infrastructure needs and the need for sidewalks.

Jerald Phelps, President of AFSCME Local 2703 speaks about the rising health care insurance premiums that will be hitting County workers in the new year.

Present: Silveira, Espinosa, McDaniel, Pareira

Not Present: Pedrozo