



## BOARD OF SUPERVISORS

Rodrigo Espinoza, *District 1*

Josh Pedrozo, *District 2*

Chairman Daron McDaniel, *District 3*

Lloyd Pareira, *District 4*

Scott Silveira, *District 5*

Phone: (209) 385-7366 Fax: (209) 726-7977

## AGENDA

TUESDAY, DECEMBER 7, 2021

Closed Session – 9:00 a.m.

Regular Meeting – 10:00 a.m.

Redistricting Public Hearing - 6:30 p.m.

Zoom – Morning Session

<https://zoom.us/join> or Dial: 1(408)638-0968

Meeting ID: 810 0062 7604

Participant ID: #

Passcode: 660610

Zoom – Redistricting Public Hearing

<https://zoom.us/join> or Dial: 1(408)638-0968

Meeting ID: 897 4222 1370

Participant ID: #

Passcode: 540216

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: <http://www.co.merced.ca.us/1581/Comcast-Ch-96-Broadcast>

Live stream of the Board of Supervisors meetings at <https://www.facebook.com/MercedCounty/> or <https://www.co.merced.ca.us/2206/Board-of-Supervisors-Meetings>.

### TELECONFERENCE INFORMATION

This meeting will be held in person and via teleconference. Members of the Board may be attending from remote locations. As authorized by AB 361, dated September 16, 2021, a local agency may use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency and local officials have recommended or imposed measures to promote social distancing or the body cannot meet safely in person and the legislative body has made such findings.

Members of the public may participate via the Zoom Webinar, including listening to the meeting and providing public comment, by following the instructions below.

To join the meeting by computer: Visit <https://us06web.zoom.us/j/81000627604?pwd=Zk91Y1ZXeS9lakV5WVBNTURFRWhGZz09> (Morning Session) and <https://us06web.zoom.us/j/89742221370?pwd=Mkpic2ZqUkZBRE5JOGRIINFM5SVIxQT09> (Redistricting Public Hearing). See passcode above.

Or visit <https://www.zoom.us/>, click on "Join A Meeting" and enter the Zoom Webinar ID 810 0062 7604 (Morning Session) and 897 4222 1370 (Redistricting Public Hearing). See passcode above.

To provide public comment, press the "Raise Hand" button on your screen.

To join the meeting by telephone: Dial (669) 900-6833, then enter Zoom Webinar ID 810 0062 7604 (Morning Session) and 897 4222 1370 (Redistricting Public Hearing). See participant ID and passcode above.  
To provide public comment, press \*9 to raise your hand and \*6 to mute/unmute when called upon.

## PUBLIC COMMENTS

Public opportunity to speak on any matter of public interest within the Board's jurisdiction including items on the Board's agenda, except for those items specifically scheduled as public hearings (see information below regarding public hearing public comments) will be taken at the beginning of the Board Meeting during the public comment period. In order that interested parties have an opportunity to speak, any person addressing the Board will be limited to a maximum of three (3) minutes.

**In Person:** Please raise your hand when requested and you will be directed to the podium.

**Zoom:** Please press the "Raise Hand" button on your screen. If you are joining by telephone, press \*9 to raise your hand, and \*6 to mute/unmute when called upon.

**Email:** Email public comments will not be read during the meeting, but will be delivered to the Board of Supervisors prior to the meeting if received by 5:00pm on the Monday prior to the Board meeting. Please send email public comments to the Clerk of the Board at [publiccomments@countyofmerced.com](mailto:publiccomments@countyofmerced.com). These comments will be made part of the record.

In an effort to assist the Clerk in identifying the agenda item relating to your public comment please indicate in the Subject Line, the meeting body (i.e. Board of Supervisors Agenda) and item number (i.e. Item No. 10). If you wish to do so, please identify yourself in the email. Email addresses will not be made part of the record of the meeting.

Comments made on Facebook are not considered part of the official record and will not be shared with the Board.

## PUBLIC HEARINGS – PUBLIC COMMENTS

Public opportunity to speak regarding public hearings will be heard following the reading of the public hearing. In order that interested parties have an opportunity to speak, any person addressing the Board will be limited to a maximum of three (3) minutes.

**In Person:** Please raise your hand when requested and you will be directed to the podium.

**Zoom:** Please press the "Raise Hand" button on your screen. If you are joining by telephone, press \*9 to raise your hand, and \*6 to mute/unmute when called upon.

**Email:** Emails directed to the public hearing will be accepted up to and during the public hearing. Emails will not be read during the meeting, but will be delivered to the Board of Supervisors. Please send email public comments to the Clerk of the Board at [specialmeetingcomments@countyofmerced.com](mailto:specialmeetingcomments@countyofmerced.com). These comments will be made part of the record.

In an effort to assist the Clerk in identifying the public hearing agenda item relating to your public comment please indicate in the Subject Line, the subject matter. If you wish to do so, please identify yourself in the email. Email addresses will not be made part of the record of the meeting.

Comments made on Facebook are not considered part of the official record and will not be shared with the Board.

**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 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.

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.
- **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 at least 48 hours 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.*

## **9:00 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: PUBLIC EMPLOYEE APPOINTMENT and 54957.6: CONFERENCE WITH LABOR NEGOTIATORS, Unrepresented employee: County Executive Officer.

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

## **GOVERNMENT CODE SECTION 54954.2 COMPLIANCE (LATE AGENDA ITEMS)**

## **10:00 A.M. REGULAR MEETING**

**INVOCATION led by Tim Pistoresi, Jesus Saves Ministry/PLEDGE OF ALLEGIANCE**

**PUBLIC OPPORTUNITY TO SPEAK ON ANY MATTER OF PUBLIC INTEREST WITHIN THE BOARD'S JURISDICTION INCLUDING ITEMS ON THE BOARD'S AGENDA, EXCEPT FOR THOSE ITEMS SPECIFICALLY SCHEDULED AS PUBLIC HEARINGS (TESTIMONY LIMITED TO THREE MINUTES PER PERSON)**

## **SCHEDULED ITEMS:**

### **DISTRICT ATTORNEY - PUBLIC HEARING**

Increase in Vehicle Service Fee and Commercial Vehicle Service Fee

#### **RECOMMENDATION:**

- 1) Open Public Hearing and accept public comment;
- 2) Close Public Hearing; and
- 3) Adopt a Resolution increasing the vehicle service fee from one dollar (\$1) to two dollars (\$2) and the commercial vehicle fee from two dollars (\$2) to four dollars (\$4) to fund the investigation, prosecution, and deterrence of vehicle theft crime, to be collected by DMV at time of registration or renewal thereof for vehicles registered in Merced County.

## **6:30 P. M. PUBLIC HEARING:**

### **EXECUTIVE OFFICE - REDISTRICTING**

Public Hearing for presentation by the County's demographic consultant on several draft map alternatives for rebalancing the supervisorial districts based on prior public and Board feedback; to receive public input; and it is anticipated that a preferred Supervisorial District Plan will be realized during the public hearing, which will require the adoption of an ordinance.

#### **RECOMMENDATION:**

- 1) Open public hearing, hear presentation on draft maps and accept public comment;
- 2) Close public testimony;
- 3) Introduce an ordinance titled "Establishing Boundaries of Supervisorial Districts" and
- 4) Adopt the Ordinance titled "Establishing Boundaries of Supervisorial Districts".

### **REPORTS/BOARD DIRECTION**

County Executive Officer, County Counsel, Board of Supervisors Members

## **CONSENT CALENDAR (Items # 1-14)**

### Public Works

1. Approve Budget Transfer in the amount of \$27,000 to increase appropriation for one (1) CatGrader due to higher than anticipated cost of equipment.
2. Approve Budget Transfer in the amount of \$9,000 to establish appropriation for an Elite Scan Tool for the Roads Equipment Maintenance Shop.
3. Approve Budget Transfer in the amount of \$7,164 to establish appropriation to purchase a Service Crane to attach to a truck being received from Fleet that will be utilized for bridge repairs.
4. Approve Budget Transfer in the amount of \$5,184 to add appropriation to cover additional costs for the Lake Yosemite Bicentennial Grove Pump.

5. Find that substantial evidence demonstrates that an emergency continues to exist regarding the drinking water well at the John Latorraca Correctional Center (JLCC) such that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency. (4/5 Vote Required)

#### Health

6. Approve Amendment No. 1 to Contract No. 2019187 with California Forensic Medical Group, Inc. for comprehensive health care services for detainees in the adult and juvenile facilities in Merced County to extend the term end date to June 30, 2024 and increase the contract to a not to exceed amount of \$6,925,552.26 for fiscal year 2020/2021 and \$7,008,658.89 for fiscal year 2021/2022 through fiscal year 2023/2024.

#### Behavioral Health and Recovery Services

7. Approve Amendment No. 3 to Contract No. 2017195 with Turning Point Community Programs for services provided through the Community Assistance Recovery Enterprise Program to revise Exhibit B by replacing the FY 2021-22 Budget and revise Exhibit E, increasing the Total Contract Budget from \$5,573,418 to \$5,626,379.

#### Community and Economic Development

8. Approve Amendment No. 3 to Contract No. 2019052 with Tully and Young Inc. for engineering, technical, and comprehensive water planning consulting services, modifying the term end date from February 26, 2022 to February 26, 2024, and increasing the contract amount from \$150,000 to \$300,000.

#### Sheriff

9. Approve Budget Transfer in the amount of \$84,000 to increase the revenue and expense accounts associated with the Best Friends Animal Society contract. (4/5 Vote Required)

#### Treasurer

10. Approve Amendment No. 1 to Memorandum of Understanding (MOU) No. 2018244 with the California State Association of Counties - Finance Corporation for the CalTRECS program, modifying Section IV - Understanding of Parties to reflect the fact the Franchise Tax Board (FTB) fees can fluctuate.

#### Human Resources / Risk Management

11. Act on Claims for Damages submitted by Dorothy (Dee) Ann Cox and Selena Gonzalez as recommended by Risk Management and County Counsel.

#### Board Recognition

12. Certificate of Recognition to City of Atwater in Celebration of Veteran's Day Program, presented November 11, 2021.
13. Certificate of Recognition to City of Atwater for Completion of the 1, 2, 3 - TCP Remediation Project, presented November 15, 2021.
14. Certificates of Recognition to various individuals for being recognized at the Miss Merced County event, presented November 20, 2021.

## **REGULAR CALENDAR**

### **BOARD ACTION**

#### **PUBLIC WORKS**

15. Authorize the following individuals to act as County Surveyor effective December 7, 2021 and waive any applicable County registered voter requirement with respect to the same: Kent Hysell, North Star Engineering Group Inc., 620 12th Street, Modesto, CA 95354; Zachary Janz, Golden Valley Engineering and Surveying, Inc., 405 West 19th Street, Merced, CA 95340; Joel Paulson, NV5, Inc. 15092 Avenue of Science, Suite 200, San Diego, CA 92128.
16. 1) Authorize the Department of Public Works to circulate a Request for Proposal (RFP) to experienced and qualified consultants to perform an Americans with Disabilities Act (ADA) Self-Evaluation and provide a Transition Plan. 2) Authorize the Director of Public Works to review and rank the proposals as well as negotiate a contract to be submitted to the Board of Supervisors for consideration upon review by County Counsel and Risk Management.
17. 1) Authorize the Department of Public Works to circulate a Request for Qualifications (RFQ) to experienced and qualified consultants to perform environmental assessment and remediation services. 2) Authorize the Department of Public Works to review and rank the statements of qualifications as well as negotiate a contract to be submitted to the Board of Supervisors for consideration upon review by County Counsel and Risk Management.
18. 1) Approve and authorize the Board Chair to execute Amendment No. 1 to Department of Administrative Services Contract No. 13558 with Melin Enterprises, dba Service Master Cleaning Restoration to increase the contract \$15,000 for a not-to-exceed amount of \$25,000. 2) Approve associated Budget Transfer. (4/5 Vote Required)

#### **HEALTH**

19. Approve and authorize the Board Chair to execute the terms and conditions stated in the submitted Certification Statements and funding in the amount of \$2,569,688 for the period of July 1, 2021 through June 30, 2022 for the Child Health and Disability Prevention and Lead Poisoning Prevention Program, Health Care Program for Children in Foster Care Program, and the California Children's Services Program.

#### **BEHAVIORAL HEALTH AND RECOVERY SERVICES**

20. Approve a new revenue contract with San Benito County for inpatient and outpatient services, provided by Merced County Behavioral Health and Recovery Services at the Marie Green Psychiatric Health Facility, effective July 1, 2021 through June 30, 2023, for this rate based contract.
21. Approve the Memorandum of Understanding (MOU) with Stanislaus County for the provision of Medication Assisted Treatment services, effective October 1, 2021 through June 30, 2024 in the amount of \$75,000.
22. 1) Approve the following departmental personnel actions: Behavioral Health and Recovery Services-Budget Unit 41500, B/U 41502, Add: 1 Mental Health Worker I/II, Add: 1 Peer Support Specialist, B/U 41505, Add: 1 Quality Assurance Specialist, B/U 41534, Add: 1 Dual Diagnosis Specialist, Add: 1 BHRS Program Manager, Add: 1 Mental Health Clinician I/II, Add: 2 Peer Support Specialist. 2) Approve the amendment to the Position Allocation Resolution 06-120/A. 3) Approve the associated Budget Transfers. (4/5 Vote Required)

## HUMAN SERVICES AGENCY

23. 1) Ratify the submission of an authorizing resolution by the Merced County Human Services Agency, acting as the Collaborative Applicant Administrative Entity for the Merced City and County Continuum of Care (CoC), to the California Department of Housing and Community Development for additional available funding from the California Emergency Solutions Grant-Coronavirus (ESG-CV). Additional funding, in an amount not to exceed \$2,373,000 would need to be expended by September 30, 2022. 2) Authorize Merced County Executive Officer or Merced County Director of Human Services Agency, to execute the ESG-CV standard agreement and any subsequent amendments or modifications thereto, as well as any other documents which are related to the program of ESG-CV grant awarded to the applicant.

## LIBRARY

24. 1) Authorize the County Librarian, or designee, to submit an application with the Association for Rural & Small Libraries for participation in Penguin Random House Grants for Small and Rural Libraries to purchase books for the benefit of residents in three high-need library locations: Santa Nella, Snelling and Winton, effective February 2022 through February 2023, in the amount of \$2,500. 2) Direct County Librarian, or designee, to return to the Board with the application results and to accept the award.
25. Approve a no cost contract with California Department of Transportation for a permanent loan of four (4) cases of paleontological specimens effective December 7, 2021 and with an end date that is undetermined at this time.
26. Ratify the acceptance of grant funds from California State Library in the amount of \$27,500 to acquire technology and equipment to help confront the digital divide that has been exacerbated by the COVID-19 pandemic and authorize Southern California Library Cooperative to use grant funds to purchase identified technology and equipment for the Library.

## PROBATION

27. 1) Accept the Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases award in the amount of \$12,048 to mitigate impacts of COVID-19 in the Juvenile Justice Correctional Complex. 2) Authorize the Chief Probation Officer or designee to sign all documents related to this award. 3) Approve associated Budget Transfer. (4/5 Vote Required)

## FIRE

28. Pulled

## SHERIFF

29. 1) Approve the retirement and sale of Sheriff's Office canine "Kane" for \$1.00. 2) Authorize the Chair to sign the sales agreement.
30. 1) Approve a no cost Memorandum of Understanding (MOU) with Department of Veterans Affairs for Aid as needed. 2) Authorize the Sheriff to sign the MOU with CEO and Counsel approval.
31. 1) Ratify the contract with City of Livingston to provide a Merced County Sheriff Lieutenant to act as Interim Police Chief, effective November 22, 2021 to May 22, 2022, for a total contract amount not to exceed \$250,000. 2) Authorize the Chair to sign the contract.

## TREASURER

32. 1) Approve Treasury Investment Report for the Quarter ended September 30, 2021. 2) To render the 2022 Investment Policy Statement (IPS) and the 2022 Treasury Oversight Committee Directive.

## HUMAN RESOURCES / RISK MANAGEMENT

33. Effective December 20, 2021, approve the amendments to the Salary Allocation Resolution 06-120 and the Position Allocation Resolution 06-120/A to increase the minimum hourly wage.

## EXECUTIVE OFFICE

34. 1) Introduce an ordinance entitled, "An Ordinance Relating to the Designation of County Officials Authorized to Enforce the Merced County Code", and waive further reading. 2) Set possible adoption of said ordinance on the December 14, 2021 agenda. 3) Effective January 3, 2022, change one Environmental Health Division Director, position number 36, salary range 86.8, class 4206, to Deputy Director -Environmental Health, position number 36, salary range 84.8, class 4206.
35. 1) Introduce an ordinance entitled, "An Ordinance Pertaining to the Office of the County Executive Officer", and waive further reading. 2) Set possible adoption of said ordinance on the December 14, 2021 agenda.
36. 1) Approve a contract with Questica Ltd. for Budget Software Subscription and Professional Services effective December 7, 2021 through December 6, 2026, for a total contract amount not to exceed \$1,034,640. 2) Authorize the Purchasing Agent or designee to negotiate and sign related change orders.
37. Adopt the 2022 calendar for regularly scheduled Board of Supervisors Meetings.

## BOARD OF SUPERVISORS

38. 1) Appoint Mr. Raul Lomeli Mendez as County Executive Officer effective February 28, 2022. 2) Approve Employment Agreement with Raul Lomeli Mendez and authorize the Chair to execute the Agreement. 3) Re-establish and allocate one (1) County Executive Officer Designee, Job Class 7832, to Budget Unit 10100, and appoint Raul Lomeli Mendez effective January 10, 2022, and delete the Designee position upon the current incumbent's retirement. 4) Extend all current terms and provisions within the 2016 Employment Agreement for James L. Brown from December 6, 2021 through February 27, 2022.

## **BOARD INFORMATION & POSSIBLE ACTION**

39. Public Works re: Approve the following Job Order Contracting contracts for Building Construction Remodeling, Repairs and Maintenance Services based on the lowest responsible bids: JOC-015, Contract No. 2021282, T & S Intermodal Maintenance, Inc. dba T & S West, Linden, CA (Class B License); JOC-016, Contract No. 2021283, Marvulli, Inc. dba DMC Construction, Merced, CA (Class B License); JOC-017, Contract No. 2021284, Ardent General, Inc., Fresno, CA (Class B License).
40. Behavioral Health and Recovery Services re: A \$949,845 Community Development Block Grant Coronavirus Response Round 2 and 3 (CDBG-CV2-3) grant award from the California



Department of Housing and Community Development (HCD) for Behavioral Health and Recovery Services Children's System of Care Facility improvements.

- 41. Elections re: Statement of Vote with the Certified Election Results for the Los Banos Unified School District, Area 1 Special Vacancy Mail Ballot Election held on November 2, 2021.

**POSSIBLE DIRECTION FOR FUTURE AGENDA ITEMS**

December	
December 14, 2021	Board Meeting