

Monterey County

*Monterey County Government Center
Board of Supervisors Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901*



Action Minutes - Final

Tuesday, March 10, 2020

9:00 AM

Board of Supervisors

*Chair Supervisor Chris Lopez - District 3
Vice Chair Supervisor Jane Parker - District 4
Supervisor Luis A. Alejo - District 1
Supervisor John M. Phillips - District 2
Supervisor Mary L. Adams - District 5*

9:00 A.M. - Called to Order

The meeting was called to order by Chair Supervisor Chris Lopez.

Roll Called

Present: 5 - Supervisor Jane Parker, Supervisor John M. Phillips, Supervisor Chris Lopez, Supervisor Mary L. Adams and Supervisor Luis A. Alejo appearing via teleconference

Staff Present

Charles McKee, County Administrative Officer, Les Girard, County Counsel and Valerie Ralph, Clerk of the Board

Additions and Corrections for Closed Session by County Counsel

There were no additions and corrections for Item No. 1.a.(1)(2)(3) through d.

Closed Session

1. Closed Session under Government Code section 54950, relating to the following items:
 - a. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:
 - (1) Maria Keeling (Worker’s Compensation Appeals Board case no. ADJ12051774)
 - (2) Maria Keeling (Worker’s Compensation Appeals Board case no. ADJ12010453)
 - (3) Fort Ord Reuse Authority v. All Persons Interested, et al. (Monterey County Superior Court case no 20CV000381)
 - b. Pursuant to Government Code section 54957.6, the Board will provide direction to negotiators:
 - (1) Designated representatives: Irma Ramirez-Bough and Kim MooreEmployee Organization(s): All Units
 - c. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding appointment to the position of Director of Child Support Services.
 - d. Pursuant to Government Code section 54956.9(d)(4), the Board will confer with legal counsel regarding one matter of potential initiation of litigation.

Public Comment

Open for public comment; no public comments made.

The Board Recessed for Closed Session Agenda Items

10:30 A.M. - Reconvened on Public Agenda Items

Roll Called

Present: 5 - Supervisor Jane Parker, Supervisor John M. Phillips, Supervisor Chris Lopez, Supervisor Mary L. Adams and Supervisor Luis A. Alejo appearing via teleconference

Staff Present

Charles McKee, County Administrative Officer, Les Girard, County Counsel and Valerie Ralph, Clerk of the Board

Pledge of Allegiance

The Pledge of Allegiance was led by Supervisor Jane Parker.

Announcement of Interpreter

Maria Avila, Spanish Interpreter present and announced Spanish interpreter services.

Additions and Corrections by Clerk

There were no additions or corrections to the agenda.

Consent Calendar- (See Supplemental Sheet)

2. Approval of Consent Calendar Items No. 11 through 19.

Supervisor Mary L. Adams had questions and comments on Item No. 18.2; staff responded.

Open for public comment; no public comments made.

A motion was made by Supervisor Mary L. Adams, seconded by Supervisor John M. Phillips to approve Consent Calendar Item Numbers 11 through 19.

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE

Ceremonial Resolutions

3. In recognition of the Filipino Women's Club of Salinas of Monterey County on their ninetieth anniversary. (Full Board) Supervisor Lopez

A motion was made by Supervisor Jane Parker, seconded by Supervisor John M. Phillips, to adopt Resolution No. 20-062 in recognition of the Filipino Women's Club of Salinas of Monterey County on their ninetieth anniversary. (Full Board) Supervisor Lopez

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE

Supervisor Phillips: AYE

Supervisor Parker: AYE

Supervisor Adams: AYE

Chair Supervisor Lopez: AYE

Other Board Matters

4. Board Comments

Supervisor John M. Phillips had scheduled a Town Hall meeting for this Monday, March 16, 2020 with some representatives from Public Works and the Sheriff's Office. However, some concerns have been brought forth with the last meeting being so compacted due to COVID-19 (Coronavirus). After his office conferred with the County Administrative Officer Charles McKee it was decided to put the Town Hall meeting off to a date uncertain. He will be sending out a newsletter with information on what was intended to be discussed in lieu of holding the meeting. He also commented on Florencio Lopez, Monterey County Probation Officer on his unexpected passing due to a tragic accident and shared Todd Keating, Interim Probation Chief will be commented on it during public comment as well as the Board will adjourn in memory of; however, shared Florencio was one of the first probation officers who assisted with Rancho Cielo's Silver Star Program and was very well respected and it is such a loss to the County.

Supervisor Mary L. Adams shared last evening they had a community meeting at Rancho Canada area to look at where we stand with the pilot outdoor grow project. She had so many thank yous to give to Joann Iwamoto who did an excellent job with her team in pulling together to organize this meeting where 50 farm workers attended. She also thanked Nick Chiulos and, in addition, she particularly said thanks to the Resources Management Agency (RMA). Carl Holm has been very supportive of figuring out why we have no one able to apply for a permit to go through this model project. Last evening was an opportunity for those who have boots on the ground and or feet in the mud or she should say boots in the mud to really come together and help them understand what the restrictions are in getting people to apply. She was very pleased to see such a huge turnout of people. The results that they had are being captured and they had a super facilitated who did a great job in organizing everyone. She is very optimistic that they will come to some great ideas in what they can do to make this pilot outdoor grow program come into existence. Also, on March 18th they will be having a Monterey Fireside Chat to

be held at the Monterey Fire Department on Pacific Street.

Supervisor Jane Supervisor attended a statewide conference at Yosemite late last week where we talked about a number of issues that are near and dear to our hearts here. Housing, homelessness and solutions to that and transportation. The topic that really caught her attention that they spent a good deal of time on were issues related to power. Power generation and distribution and the challenges that we have in our future in dealing with an infrastructure that has not been maintained well over the years and really thinking about one of the best ways to deal with that and then going forward. A lot of these issues of power generation and distribution and they heard from one of the members of the Public Utilities Commission who said that they really need to hear more from the local government. She will be talking to our County Administrative Officer and the members of our Community Choice Energy organization to see if there are ways that our local governments can participate more at the state level to talk about solutions that will work for our communities. There are a lot of ideas that are being generated and talked about where we are not present and some of the things being discussed could have some unpleasant consequences for our residents and rate payors. It was a very interesting conference and she always finds things to bring back and work on.

Supervisor Chris Lopez commented he was very fortunate this weekend to have Supervisor Mary L. Adams open up the doors to District 5 and welcomed him in for a couple of events. The first event was the Laguna Seca Foundation made an awesome contribution to the singling system at the racetrack. He wanted to make sure he gave credit where credit is due. They donated over \$74,000 to help upgrade that system. He and Supervisor Adams were there to accept that check on behalf of the Board of Supervisors. Again, a contribution that goes into a facility that is owed by every resident of Monterey County. It was an awesome event to open morning and then he got to end the night in Gonzales honoring the Citizen of the Year, the Business of the Year, the Firefighter of the Year, the Teacher of the Year there was just one of those things that reminds us why we do what we do and giving recognition to those people who are making a difference no matter how big the town the fact that they impacting lives every single day needs to be recognized so they spent the time in doing that Saturday evening in Gonzales. He wanted to give a shout out to that community on the awesome job they do every day. The last thing he wanted to mention, and he know it gets a little tired but Census, it's time, to make sure everybody gets counted. It's crucial for a super census turnout. March 12th is when it opens up online for folks to self-report to get an accurate count for federal funds.

Supervisor Alejo passed on board comments this week.

5. County Administrative Officer Comments and Referrals

Charles McKee, County Administrative Officer stated there were no comments and referrals this week.

6. General Public Comments

Open for general public comments for items not on today's agenda; Todd Keating, Interim Chief Probation Officer commented on the passing of

Florencio Lopez and Steve Eklund commented on "Make a Difference Day."

3.1

Adopt a Resolution ratifying Proclamation of Local Emergency by the County Administrative Officer related to the 2019 Novel Coronavirus. (ADDED VIA ADDENDA)

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Mary L. Adams, to adopt Resolution No. 20-060 ratifying Proclamation of Local Emergency by the County Administrative Officer related to the 2019 Novel Coronavirus. (ADDED VIA ADDENDA)

Roll call vote taken pursuant to Government Code 54953:

**Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE**

10:30 A.M. - Scheduled Matters

7.

- a. Consider Board Referral 2020.05 regarding County support of the Covia Home Match Pilot Program; and
- b. Provide direction to staff.

Margaret Huffman, Deputy Director with Social Services and Karen Coppock, Director of Home Match of San Francisco presented via PowerPoint presentation.

Open for public comment; Doris Beckman, Leonard Levenebn, Emily Ham, Bruce Hamilton, John McCormick, Reed Fisher and Jo Cofena Cofera.

**A motion was made by Supervisor Jane Parker, seconded by Supervisor John M. Phillips to:
Support the Covia Home Match Pilot Program and direct staff to come back with options on funding requests within 30 days.**

Roll call vote taken pursuant to Government Code 54953:

**Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE**

8.

- a. Receive a presentation from the Monterey County Health Department, Tobacco Control Program on the dangers of electronic smoking devices and flavored tobacco products; and
- b. Provide direction regarding amending the Monterey County Tobacco Retail Ordinance to address the ban of electronic cigarettes and flavored tobacco products. (Board Referral: 2020:03)

Dr. Edward Moreno made opening remarks and introduced Marina Pantchenko, Deputy County Counsel from the County Counsel's office,

Christabelle Oropeza, Public Health Program Manager II and Michelle House, Health Program Coordinator with the Health Department presented via PowerPoint presentation.

A motion was made by Supervisor Mary L. Adams, seconded by Supervisor Luis A. Alejo to:

- a. Receive a presentation from the Monterey County Health Department, Tobacco Control Program on the dangers of electronic smoking devices and flavored tobacco products; and
- b. Direct staff to bring back an amended ordinance regarding the Monterey County Tobacco Retail addressing the ban of electronic cigarettes and flavored tobacco products. (Board Referral: 2020:03)

Roll call vote taken pursuant to Government Code 54953:

- Supervisor Alejo: AYE
- Supervisor Phillips: AYE
- Supervisor Parker: AYE
- Supervisor Adams: AYE
- Chair Supervisor Lopez: AYE

Now at a later time matter recalled at 1:31 p.m. to call for public comment as it was not called for when the matter was heard due to inadvertence.

Open for public comment; no public comments made.

12:00 P.M. - Recessed to Lunch at 12:25 p.m.

1:30 P.M. - Reconvened

Roll Called

Present: 5 - Supervisor Jane Parker, Supervisor John M. Phillips, Supervisor Chris Lopez, Supervisor Mary L. Adams and Supervisor Luis A. Alejo appearing via teleconference

Staff Present

Charles McKee, County Administrative Officer, Les Girard, County Counsel and Valerie Ralph, Clerk of the Board

Announcement of Interpreter

Due to inadvertence the Spanish Interpreter was not announced but was present.

1:30 P.M. - Scheduled Matters

- 9. Conduct a public hearing to:
 - a. Approve Amendment No. 9 to the Unified Franchise Agreement A-11631 (UFA) between the County of Monterey and USA Waste of California, Inc., dba Carmel Marina Corporation, for the Exclusive Collection of Solid Waste and

Recyclables in Unincorporated Monterey County to amend Exhibit 1 - "Approved Rates and Charges" of said UFA to adjust rates (effective retroactive to January 1, 2020) in accordance with the UFA Refuse Rate Index provisions; and

b. Approve and authorize the Director of Health or Assistant Director of Health to execute Amendment No. 9 to the UFA between the County of Monterey and USA Waste of California, Inc., dba Carmel Marina Corporation, for the Exclusive Collection of Solid Waste and Recyclables in Unincorporated Monterey County.

Public hearing commenced.

Robert Durham, Management Analyst and Ric Encarnacion, Assistant Bureau Chief with the Health Department presented via PowerPoint presentation.

Open for public comment; no public comments made.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Mary L. Adams to adopt Resolution No. 20-061 to:

a. Approve Amendment No. 9 to the Unified Franchise Agreement A-11631 (UFA) between the County of Monterey and USA Waste of California, Inc., dba Carmel Marina Corporation, for the Exclusive Collection of Solid Waste and Recyclables in Unincorporated Monterey County to amend Exhibit 1 - "Approved Rates and Charges" of said UFA to adjust rates (effective retroactive to January 1, 2020) in accordance with the UFA Refuse Rate Index provisions; and

b. Approve and authorize the Director of Health or Assistant Director of Health to execute Amendment No. 9 to the UFA between the County of Monterey and USA Waste of California, Inc., dba Carmel Marina Corporation, for the Exclusive Collection of Solid Waste and Recyclables in Unincorporated Monterey County

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE

Supervisor Phillips: AYE

Supervisor Parker: AYE

Supervisor Adams: AYE

Chair Supervisor Lopez: AYE

10.

Receive and accept an oral report from the Prescribe Safe Initiative regarding efforts and outcomes for the county including Naloxone (Narcan) distribution efforts.

Rose Moreno, Management Analyst from the Health Department made opening remarks and introduced Dr. Reb Close and Dr. Casey Grover from the Community Hospital of the Monterey Peninsula who presented via PowerPoint presentation. In addition, Dr. Christina Zaro, Contract Physician from the Health Department also presented via PowerPoint presentation.

Open for public comment; no public comments made.

Upon consensus the Board:

Received and accepted an oral report from the Prescribe Safe Initiative regarding efforts and outcomes for the county including Naloxone (Narcan) distribution efforts.

Additions and Corrections for Closed Session by County Counsel

Pursuant to Government Code 54954.2:

Les Girard, County Counsel requested an addition to the closed session agenda pursuant to Government Code 54957 for the Board to consult with County Counsel regarding a threat to the security of the central public services or the public right of access to services or facilities. This item came to their attention today after the posting of the agenda.

Open for public comment; no public comments made.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Jane Parker to approve the addition to the closed session agenda.

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: Absent
Chair Supervisor Lopez: AYE

Read Out from Closed Session by County Counsel

Read out by County Counsel will only occur if there is reportable action(s).

Adjourned

Prior to recessing back into closed session, the Board adjourned in Memory of Florencio Lopez, Monterey County Probation Officer.

The Board recessed back into closed session agenda items at 3:28 p.m. and will formally adjourn from closed session.

Supplemental Sheet, Consent CalendarHealth Department

11. a. Approve and authorize the Director of Health or Assistant Director of Health to execute an Agreement with the University Corporation at Monterey Bay (Contractor), for the term retroactive to December 01, 2019 through December 31, 2020, for the purpose of establishing and launching the Chinatown Health Engagement Center (CHE) to provide medical, mental health, and ancillary health assessment and treatment, in the amount of \$380,000; and
- b. Approve the Director of Health's recommendation to accept non-standard mutual indemnification provision in the Agreement; and
- c. Approve the Director of Health's recommendation to accept the change to Royalties and Inventions, providing a method for students at California State University of Monterey Bay (CSUMB) to publish written summaries of their accomplishments and self-evaluations of their work; and
- d. Approve and authorize the Director of Health or Assistant Director of Health to sign up to three (3) future amendments to this Agreement where the amendments do not significantly change the Agreement herein.

Approved - Agreement No. A-14641

12. a. Approve and authorize the Director of Health or Assistant Director of Health to execute a Fund Transfer Agreement with the Transportation Agency for Monterey County (TAMC), transferring \$159,354 in grant funds awarded by the Transportation Planning Grant Program of the California Department of Transportation and \$10,646 in matching funds from TAMC, for a total of \$180,000 in funding, for the purpose of reimbursing Monterey County Health Department for its public outreach and public engagement activities as part of the Salinas Safe Routes to School Plan, a systematic and comprehensive assessment and analysis of traffic safety conditions at and near forty-four school sites across the City of Salinas, with a term retroactive to November 20, 2019 through April 30, 2022; and
- b. Accept non-standard mutual indemnification, limited indemnity, and insurance provisions as recommended by the Director of Health; and
- c. Approve and authorize the Director of Health or Assistant Director of Health to approve up to three (3) future amendments up to ten percent (10%) (\$18,000.00) of the original contract amount, which do not significantly alter the scope of services.

Approved - Agreement No. A-14642

13. Approve and authorize the Director of Health or Assistant Director of Health to execute a renewal Amendment No. 1 to the Master License Agreement A-14190 with Ovid Technologies, Inc. to provide an Internet-based subscription product of Medical Psychiatry Journals, extending the term to April 15, 2021 for an increased

amount of \$8,858, for a new total Agreement amount not to exceed \$17,188 for the term of January 1, 2019 to April 15, 2021.

Approved - Agreement No. A-14190, Amendment No. 1

- 14.
- a. Ratify the electronic execution by the Contracts/Purchasing Officer of a 340B Prime Vendor Participation Agreement ("Agreement") with Apexus, LLC. ("340B Prime Vendor") with a retroactive effective date of January 15, 2020, which shall auto renew for one (1) year periods until terminated, for continued access to discounted outpatient pharmaceuticals for the County of Monterey Health Department's Federally Qualified Health Center clinics; and
 - b. Approve recommendation of Director of Health to accept all non-standard provisions in Agreement, including indemnification, governing law, and confidentiality, provisions; and
 - c. Authorize the Director of Health or Assistant Director of Health or their designees to sign up to three (3) future amendments to this Agreement where the amendments do not significantly change the scope of work.

Approved - Agreement No. A-14643

Department of Social Services

15. Approve the proposed amendments to the Bylaws of the In-Home Supportive Services Advisory Committee.

Approved

General Government

- 16.
- a. Approve and authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute a five (5) year Lease Agreement, effective on or around May 1, 2020, with Parco Family Investments LP, a California limited liability partnership, for approximately 13,222 rentable square feet of space located at 344 Salinas Street, Salinas, California, for use by the Monterey County Workforce Development Board;
 - b. Authorize the Auditor-Controller to make lease payments of \$22,345 per month and in accordance with the terms of the agreement; and
 - c. Authorize the extension of the Lease Agreement for two additional two-year periods under the same terms and conditions and authorize minor revisions to the Lease Agreement if deemed by the Contracts/Purchasing Officer to be in the best interests of the County.

Approved - Agreement No. A-14644

17. Approve the Memorandum of Understanding (MOU) for Service Employee International Union (SEIU) Units F, H, J and K for the period July 1, 2019 through June 30, 2021.

Approved - Agreement No. A-14645

18. Approve the Monterey County Board of Supervisors Draft Action Meeting Minutes for the following meeting dates: Tuesday, December 10, 2019, Wednesday, December 11, 2019, Thursday, December 12, 2019, Tuesday, January 7, 2020, Tuesday, January 14, 2020, Tuesday, January 28, 2020, Tuesday, February 4, 2020, Tuesday, February 11, 2020, Friday, February 21, 2020, Tuesday, February 25, 2020 and Tuesday, March 3, 2020.

Approved

- 18.1 It is recommended that the Board of Supervisors:
- a. Approve and authorize the Contracts/Purchasing Officer or Contracts Purchasing Supervisor to execute month-to month License Agreement, effective on or about March 1, 2020, with the Judicial Council of California, for approximately 320 square feet of space located at 250 Franciscan Way, King City, California (commonly known as the King City Courthouse Facility), for use as a satellite Child Advocacy Center operated by Natividad Medical Center in Conjunction with the District Attorney's Office.
 - b. Authorize the Auditor-Controller to make license fee payments of \$190.10 per month and in accordance with the terms of the License Agreement. and
 - c. Authorize minor revisions to the License Agreement if deemed to be in the best interests of the County by the Contracts/Purchasing Officer. (ADDED VIA ADDENDUM)

Approved - Agreement No. A-14646

- 18.2 Approve a change in date for the Sea Otter Classic Sports Festival at Laguna Seca Recreation Area for the year 2020 as mutually agreed upon with Sea Otter Classic, Inc. (ADDED VIA ADDENDA)

Approved

- 18.3 Receive and approve the bi-annual Cannabis Program performance indicators, which include information on staffing allocations, resource utilization, issuance of County permits/licenses, and tax revenue. (ADDED VIA ADDENDA)

Approved**RMA - Administration**

- 19.
- a. Authorize the Resource Management Agency Director to accept the Grant from California State Coastal Conservancy for the Monterey Bay Sanctuary Scenic Trail - Moss Landing Segment (MBSST), Project No. 8668; and
 - b. Authorize the Resource Management Agency Director to execute the grant agreement.

Approved - Agreement No. A-14641

Addenda/Supplemental

20.

ADDENDA

Added to Other Board Matters

3.1 Adopt Resolution ratifying Proclamation of Local Emergency by the County Administrative Officer related to the 2019 Novel Coronavirus.

Added to Adjournment

Adjourn in the memory of Officer Florencio Lopez.

Added to General Government

- 18.1 It is recommended that the Board of Supervisors:
- a. Approve and authorize the Contracts/Purchasing Officer or Contracts Purchasing Supervisor to execute month-to month License Agreement, effective on or about March 1, 2020, with the Judicial Council of California, for approximately 320 square feet of space located at 250 Franciscan Way, King City, California (commonly known as the King City Courthouse Facility), for use as a satellite Child Advocacy Center operated by Natividad Medical Center in Conjunction with the District Attorney's Office.
 - b. Authorize the Auditor-Controller to make license fee payments of \$190.10 per month and in accordance with the terms of the License Agreement. and
 - c. Authorize minor revisions to the License Agreement if deemed to be in the best interests of the County by the Contracts/Purchasing Officer.
- 18.2 Approve a change in date for the Sea Otter Classic Sports Festival at Laguna Seca Recreation Area for the year 2020 as mutually agreed upon with Sea Otter Classic, Inc.
- 18.3 Receive and approve the bi-annual Cannabis Program performance indicators, which include information on staffing allocations, resource utilization, issuance of County permits/licenses, and tax revenue.

SUPPLEMENTAL

Revised Board Report to 1:30 P.M. - Scheduled Matters

10. Receive and accept an oral report from the Prescribe Safe Initiative

regarding efforts and outcomes for the county including Naloxone (Narcan) distribution efforts.