

# **County of Monterey**

*Government Center - Board Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901*



## **Meeting Minutes - Final**

**Tuesday, December 13, 2022**

**9:00 AM**

### **Board of Supervisors**

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

**9:00 A.M. - Called to Order**

The meeting was called to order by Chair Supervisor Mary L. Adams.

**Roll Called**

Present: 5 - Supervisor Luis A. Alejo, Supervisor Wendy Root Askew and Supervisor John M. Phillips, appeared in person, and Supervisor Chris Lopez and Supervisor Mary L. Adams, appeared via video conference

**Staff Present**

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

**Additions and Corrections for Closed Session by County Counsel**

There were no additions or corrections to closed session.

**Closed Session**

1. Closed Session under Government Code section 54950, relating to the following items:
  - a. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding three matters of significant exposure to litigation.
  - b. Pursuant to Government Code section 54957.6, the Board will provide direction to negotiators:
    - (1) Designated representatives: Irma Ramirez-Bough and Ariana Hurtado  
Employee Organization(s): Unit X
    - (2) Designated representatives: Charles J. McKee, CAO, Leslie J. Girard, County Counsel, and Irma Ramirez-Bough, HR Director  
Employee Position: County Administrative Officer.
    - (3) Designated representatives: Charles J. McKee, CAO, Leslie J. Girard, County Counsel, and Irma Ramirez-Bough, HR Director  
Employee Position: Agricultural Commissioner.
  - c. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding appointment/recruitment to the position of County Administrative Officer.
  - d. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding appointment/recruitment to the position of Acting County Administrative Officer.
  - e. Pursuant to Government Code section 54956.9(d)(4), the Board will confer with legal counsel regarding two matters of potential initiation of litigation.
  - f. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding

appointment/recruitment to the position of Agricultural Commissioner.

g. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the position of County Administrative Officer.

#### **Public Comments for Closed Session**

Open for public comments; 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 Luis A. Alejo, Supervisor Wendy Root Askew and Supervisor John M. Phillips, appeared in person, and Supervisor Chris Lopez and Supervisor Mary L. Adams, appeared via video conference

#### **Staff Present**

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

#### **Announcement of Interpreter**

Diego Celis, Spanish Interpreter present and announced Spanish interpreter services.

#### **Pledge of Allegiance**

The Pledge of Allegiance led by Charles McKee, county Administrative Officer.

#### **Additions and Corrections by Clerk**

Due to the need for immediate consideration by the Board of matters which arose after the posting of today's agenda, as provided in Section 54954.2 of the California Government Code the Board is asked to make the following addition and correction:

The following was read into the record:

Addition of Urgent Item – Scheduled Matter

Item 15.2 Received Board Report & Employment Agreement Received

Addition of Urgent Item – General Consent

Item No. 42.1 Received Board Report, Emergency Proclamation 12.12.2022 & Draft Resolution

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Mary L. Adams to approve the additions and corrections to the agenda.

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE

Supervisor Phillips: AYE

Supervisor Lopez: AYE

Supervisor Root Askew: AYE

Chair Supervisor Adams: AYE

### **Appointments**

Open for public comments; no public comments made.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Luis A. Alejo to appoint/reappoint Item Numbers 2 through 6.

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE

Supervisor Phillips: AYE

Supervisor Lopez: AYE

Supervisor Root Askew: AYE

Chair Supervisor Adams: AYE

2. Appoint Teresita Govea Aguilar to the Community Action Commission as a Public Sector Representative to fill an unexpired term ending on July 1, 2023. (Nominated By District 3, Supervisor Lopez)

### **Appointed**

3. Reappoint Allan Panziera to the Greenfield Fire Protection District Board as a Primary Representative with a term ending on November 30, 2026. (Nominated By District 3, Supervisor Lopez)

### **Reappointed**

4. Reappoint Robert Thorp to the Greenfield Fire Protection District as a Primary Representative with a term ending on November 30, 2026. (Nominated By District 3, Supervisor Lopez)

### **Reappointed**

5. Appoint Kathybelle Barlow to the Area Agency on Aging Advisory Board as a Primary Representative with a term ending on December 1, 2025. (Nominated By District 4, Supervisor Askew)

### **Appointed**

6. Appoint Roger Miller to the Commission on Disabilities as a City of Pacific Grove Representative with a term ending on December 31, 2025. (Nominated by Bill Peake, Mayor to the City of Pacific Grove)

### **Appointed**

**Approval of Consent Calendar – (See Supplemental Sheet)**

7. See Supplemental Sheet

Open for public comments; no public comments made.

Supervisor Wendy Root Askew questioned Consent Item Number 44 and Supervisor John M. Phillips commented on Item Numbers 31, 35, 37 43 and 44.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Wendy Root Askew to approve Consent Calendar Item Numbers 26 through 47.

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE

Supervisor Phillips: AYE

Supervisor Lopez: AYE

Supervisor Root Askew: AYE

Chair Supervisor Adams: AYE

**General Public Comments**

8. General Public Comments

Open for general public comments for items not on today's agenda; Liz Hall and Alan Williams, both in person, commented.

**Scheduled Matters**

- 15.2      a) Approve the agreement with Sonia M. De La Rosa as the County Administrative Officer; and,  
            b) Authorize the Chair of the Board to execute the agreement.

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

- a) Approve the agreement with Sonia M. De La Rosa as the County Administrative Officer; and,  
b) Authorize the Chair of the Board to execute the agreement.

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE

Supervisor Phillips: AYE

Supervisor Lopez: AYE

Supervisor Root Askew: AYE

Chair Supervisor Adams: AYE

9.      a. Receive a report from the Sheriff's Office related to ICE's access to inmates in the Monterey County Jail; and  
          b. Receive and consider public comment.

John Thornburg, Undersheriff from the Monterey County Sheriff's office verbally presented.

Open for public comments; no public comments made.

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

- a. Receive a report from the Sheriff's Office related to ICE's access to inmates in the Monterey County Jail; and
- b. Receive and consider public comment.

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE  
Supervisor Phillips: AYE  
Supervisor Lopez: AYE  
Supervisor Root Askew: AYE  
Chair Supervisor Adams: AYE

- 10.** Adopt a Resolution to:
- a. Accept the Budget End-of-Year Report for FY 2021-22 from the County Administrative Office;
  - b. Authorize the County Administrative Office and Auditor-Controller to make fund balance designations in FY 2022-23 included in Attachment A; and
  - c. Authorize and direct the Auditor-Controller to amend the FY 2022-23 adopted budget by increasing appropriations and making the appropriate transfers included in Attachment A (4/5ths vote required).

Ezequiel Vega, Budget Director from the County Administrative Office presented.

Open for public comments; John Narigi commented.

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Wendy Root Askew to Adopt a Resolution to:

- a. Accept the Budget End-of-Year Report for FY 2021-22 from the County Administrative Office;
- b. Authorize the County Administrative Office and Auditor-Controller to make fund balance designations in FY 2022-23 included in Attachment A; and
- c. Authorize and direct the Auditor-Controller to amend the FY 2022-23 adopted budget by increasing appropriations and making the appropriate transfers included in Attachment A (4/5ths vote required).

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE  
Supervisor Phillips: AYE  
Supervisor Lopez: AYE  
Supervisor Root Askew: AYE  
Chair Supervisor Adams: AYE

- 11.** Conduct a public hearing to:
- a. Adopt Resolution to approve Amendment No. 14 with [Proposed] Exhibit 1 "Approved Rates and Charges" to Unified Franchise Agreement A-11631 regarding proposed rates for services and adjustments to current rates for the Unified Franchise Agreement A-11631 between the County of Monterey and Waste Management, Inc. dba USA Waste of California dba Carmel Marina Corp., for the Exclusive Collection of Solid Waste and Recyclables in Unincorporated Monterey County; and
  - b. Approve and authorize the Director of Health to execute Amendment No. 14 to the Unified Franchise Agreement (Agreement No. A-11631) between the County of Monterey and Waste Management, Inc. dba 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.

Ric Encarnacion, Bureau Chief from the Health Department presented via PowerPoint presentation.

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor John M. Phillips to:

- a. Adopt Resolution to approve Amendment No. 14 with [Proposed] Exhibit 1 "Approved Rates and Charges" to Unified Franchise Agreement A-11631 regarding proposed rates for services and adjustments to current rates for the Unified Franchise Agreement A-11631 between the County of Monterey and Waste Management, Inc. dba USA Waste of California dba Carmel Marina Corp., for the Exclusive Collection of Solid Waste and Recyclables in Unincorporated Monterey County; and
- b. Approve and authorize the Director of Health to execute Amendment No. 14 to the Unified Franchise Agreement (Agreement No. A-11631) between the County of Monterey and Waste Management, Inc. dba 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 Lopez: AYE

Supervisor Root Askew: AYE

Chair Supervisor Adams: AYE

12. Receive the notice of adjustment of the annual salary of the members of the Board of Supervisors, in accordance with Section 2.04.370C of the County of Monterey Code consistent with the superior court judge salary adjustments of 0.8943% effective July 1, 2022. The salary adjustments will be implemented December 31, 2022.

Irma Ramirez-Bough, Director of Human Resources verbally presented.

Open for public comments; no public comments made.

Upon consensus the Board:

Received the notice of adjustment of the annual salary of the members of the Board of Supervisors, in accordance with Section 2.04.370C of the County of Monterey Code consistent with the superior court judge salary adjustments of 0.8943% effective July 1, 2022. The salary adjustments will be implemented December 31, 2022.

**12:00 P.M. - Recessed to Lunch**

**1:30 P.M. - Reconvened**

**Roll Called**

Present: 5 - Supervisor Luis A. Alejo, Supervisor Wendy Root Askew and Supervisor John M. Phillips, appeared in person, and Supervisor Chris Lopez and Supervisor Mary L. Adams, appeared via video conference

**Staff Present**

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

**Announcement of Interpreter**

Diego Celis, Spanish Interpreter present and announced Spanish interpreter services.

**Scheduled Matters**

13. Receive a verbal presentation from the Health Department regarding COVID-19, influenza, and other seasonal respiratory viruses.

Edward Moreno, Bureau Chief from the Health Department presented via PowerPoint presentation.

Open for public comments; no public comments made.

Upon consensus the Board:

Received an oral presentation from the Health Department regarding COVID-19, influenza, and other seasonal respiratory viruses.

14. a. Receive a presentation from Pacific Gas and Electric Company (PG&E) and Vistra Energy Corporation (Vistra) regarding operation and emergency response plans for their respective Lithium-Ion Battery Energy Storage Systems, and  
b. Provide direction to county staff regarding the Lithium-Ion Battery Energy Storage Systems in the Monterey County Operational Area.

Nick Chiulos, Assistant Administrative Officer, Teresa Arnold, PG & E Regional Vice President, Cynthia Vodopivec, Senior Vice President for Environmental Health and Safety, Brad Watson, Senior Director of Community Affairs presented via PowerPoint presentation.

Open for public comments; Margie Kay, Tommy Razzeca, Nina Beety and Ricardo Diaz, Jr., all via Zoom, commented.

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Wendy Root Askew to:

1. Receive a presentation from Pacific Gas and Electric Company (PG&E) and Vistra Energy Corporation (Vistra) regarding operation and emergency response plans for their respective Lithium-Ion Battery Energy Storage Systems, and
2. Approved staff's recommendation regarding the Lithium-Ion Battery Energy Storage Systems in the Monterey County Operational Area.

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE

Supervisor Phillips: AYE

Supervisor Lopez: AYE

Supervisor Root Askew: AYE

Chair Supervisor Adams: AYE

15. **PLN210152 - RIO VISTA GROUP LLC**

Public hearing to consider an appeal from Rio Vista Group LLC of the Planning Commission's denial of a Combined Development Permit for the construction of four 16,286 square foot two-story apartment buildings totaling 60 units for agricultural workforce housing and 1 manager unit, including

17,500 cubic yards of grading, and a Variance to increase the required building site coverage.

**Proposed CEQA action:** Adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan

**Project Location:** 51, 53, 55 & 57 Susan Street, Royal Oaks, North County Area Plan

**Supervisor John M. Phillips recused himself from this matter.**

**Craig Spencer, Chief of Planning from Housing and Community Development Department presented via PowerPoint presentation.**

Open for public comments; Ana Marquez, Melissa Hermosillo assisted by Diego Celis Spanish Interpreter, MBEP, Osvaldo (no last name provided), Gerardo Arreola, Jose Perez assisted by Diego Celis Spanish Interpreter, Juan Jose Campos, Alex Rivera assisted by Diego Celis Spanish Interpreter, Margie Kay, Karen Miller, Christine Shaw, Jonathan Batty, Ronny Aldreda, Vince Arreano (Vince27Susan), 997 Duflock, Ricardo Diaz, Sal Jimenez, Josue Ramirez, Jessica Costa, Gama Jara, Jaime (no last name provided), Joel Pablo de Anada, Mona (last name provided) and Jeremy (no last provided)

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Wendy Root Askew, as amended, with Supervisor Mary L. Adams, voting no, to Adopt a Resolution to:

- a) Grant in part the appeal by Rio Vista Group LLC of the Planning Commission's denial of a Combined Development Permit for the construction of four 16,286 square foot two-story apartment buildings totaling 60 units for agricultural workforce housing and 1 manager unit, associated site improvements including 17,500 cubic yards of grading and a Variance to increase the required building site coverage from 5% to 27%;
- b) Adopt a Mitigated Negative Declaration pursuant to Section 15074 of the CEQA Guidelines;
- c) Approve a Combined Development Permit for a revised project consisting of:
  1. A Use Permit to allow the construction of three 16,286 square foot two-story apartment buildings containing 45 units for agricultural workforce housing and 1 manager unit, and associated site improvements including 15,000 cubic yards of grading;
  2. An Administrative Permit to allow a 10% setback reduction; and
  3. A Variance to increase the required building site coverage from 5% to 20%; and
- d) Adopting a Condition Compliance and Mitigation Monitoring and Reporting Plan.

The attached draft resolution includes findings and evidence for consideration (Exhibit B). Staff recommends approval of the revised project subject to 24 conditions of approval and 20 mitigation measures.

This will include \$25,000 for the next 5 years for the community's benefit and Appellant to speak to neighboring property owner to try to get an easement access during the time of construction if possible.

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE

Supervisor Phillips: Recused himself.

Supervisor Lopez: AYE

Supervisor Root Askew: AYE

Chair Supervisor Adams: NAY

Motion passed 3 to 1

- 15.1** a. Consider approval of employment agreement for Agricultural Commissioner and Sealer of Weights & Measures;

b. Authorize the Chair of the Board to execute the agreement. (ADDED VIA ADDENDA)

Open for public comments; John McPher and Karen Miller commented.

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

- a) Approve the employment agreement for Agricultural Commissioner and Sealer of Weights & Measures; and
- b) Authorized the Chair of the Board to execute the agreement.

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE

Supervisor Phillips: AYE

Supervisor Lopez: AYE

Supervisor Root Askew: AYE

Chair Supervisor Adams: AYE

### Other Board Matters

#### County Administrative Officer Comments

#### 16. County Administrative Officer Comments

Charles McKee, County Administrative Office made no comments this week.

#### New Referrals

#### 17. New Referrals

There were no new referrals this week.

#### Referral Responses

#### 19. Receive a preliminary analysis report in response to *Board Referral No. 2022.23* seeking to request a County funding contribution for Fiscal Year 2023 and develop a long-range funding source for the Pajaro Park.

A motion was made by Supervisor Mary L. Adams, seconded by Supervisor Chris Lopez to continue this matter to the next meeting:

Receive a preliminary analysis report in response to Board Referral No. 2022.23 and:

- a. Direct that staff proceed with completion of referral based on description in this report; or,
- b. Direct that staff:
  - 1. Proceed with completion of referral based on modifications by the Board; or,
  - 2. Return to Board with a more comprehensive analysis of referral and anticipated effort for completion; or,
  - 3. Rescind referral.
- c. Provide further direction, as appropriate.

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE

Supervisor Phillips: AYE

Supervisor Lopez: AYE

**Supervisor Root Askew: AYE**  
**Chair Supervisor Adams: AYE**

**19.1** Consider:

- a. Response to Board Referral No. 2022.21 requesting the Clerk of the Board of Supervisors office to augment their budget to cover all expenses for framed Board resolutions; and
- b. Selecting an updated ceremonial resolution template. (ADDED VIA ADDENDA)

**A motion was made by Supervisor Mary L. Adams, seconded by Supervisor Chris Lopez to continue this matter to the next meeting:**

**Consider a response to Board Referral No. 2022.21 requesting the Clerk of the Board of Supervisors office to augment their budget to cover all expenses for framed Board resolutions. This augmentation is being recommended by the Budget & Analysis Division with the Budget End Year Report (BEYR). If approved, we request the Board select an enhanced ceremonial resolution template from the options provided.**

**Roll call vote taken pursuant to Government Code 54953:**

**Supervisor Alejo: AYE**  
**Supervisor Phillips: AYE**  
**Supervisor Lopez: AYE**  
**Supervisor Root Askew: AYE**  
**Chair Supervisor Adams: AYE**

**Board Comments**

**20.** Board Comments

**Board Comments can be heard by clicking the following link:**

**[http://monterey.granicus.com/EditFile.php?clip\\_id=4792](http://monterey.granicus.com/EditFile.php?clip_id=4792)**

**Ceremonial Resolutions**

- 21.** Adopt a resolution commending Henry S. Gonzales, Agricultural Commissioner/Sealer of Weights and Measures, on his retirement with twenty-eight years of dedicated public service to Monterey County and thirty-eight years of dedicated public service to the State of California. (Supervisor Lopez)

**Adopted Resolution No. 22-489**

- 22.** Adopt a resolution in appreciation of eight years of service on the Monterey County Board of Supervisors upon the retirement of Supervisor John. M. Phillips. (Full Board) (REVISED VIA SUPPLEMENTAL)

**Adopted Resolution No. 22-491**

- 23.** Adopt a resolution commending County Administrative Officer Charles J. McKee upon his retirement after almost 20 years of dedicated public service to the County of Monterey, first as County Counsel and then as County Administrative Officer, and a total of 31 years of public service. (Full Board) (REVISED VIA SUPPLEMENTAL)

**Adopted Resolution No. 22-488**

- 24.** Adopt a resolution commending Brent W. Buche, General Manager of the Monterey County Water Resources Agency, for his dedicated service of 29 years to the County of Monterey upon his retirement. (Full Board) (REVISED VIA SUPPLEMENTAL)

**Adopted Resolution No. 22-487**

- 25.** Adopt Resolution honoring Jennifer Cupak, Fire Operations Manager upon her retirement from the County of Monterey after twenty five years of dedicated Public Service. (Supervisor Adams) (REVISED VIA SUPPLEMENTAL)

**Adopted Resolution No. 22-490****Read Out from Closed Session by County Counsel**

Les Girard, County Counsel read out from closed session stating there were 2 appointments one for the County Administrative Officer position and the other for the Agricultural Commissioner position. In addition, the Board authorized the initiation 14 small claims court actions, participation in an amicus brief in the case Texas vs. Becerra 522-CV-00185H and authorized the conveyance of a tentative agreement to Unit X subject to Unit X ratification.

**Adjourned**

The meeting was adjourned at 7:10 p.m. by Chair Supervisor Mary L. Adams.

**APPROVED:**

\_\_\_\_\_/s/ LuisA. Alejo\_\_\_\_\_  
**LUIS A. ALEJO, CHAIR**

**ATTEST:**

**BY:** \_\_\_\_/s/ Valerie Ralph\_\_\_\_\_

**VALERIE RALPH**

**CLERK OF THE BOARD**

**APPROVED ON: October 10, 2023**

**Supplemental Sheet, Consent Calendar****Natividad Medical Center**

26. a. Authorize the Chief Executive Officer for Natividad or his designee to execute the Renewal and Amendment 4 to the Professional Services Agreement with The Regents of the University of California, on behalf of the University of California San Francisco, School of Medicine, Department of Pediatrics (UCSF) to provide child abuse specialist services, extending the term by twelve months (retroactive to October 1, 2022 to September 30, 2023) for a revised full agreement term of August 1, 2018 to September 30, 2023, and adding \$58,932, for a revised total not to exceed amount of \$209,277 in the aggregate.

**Approved**

27. a. Authorize the Chief Executive Officer for Natividad or his designee to execute the First Amendment to the Professional and Call Coverage Services Agreement (A-15626) with Caroline Butler MD to provide general and critical care surgical services at Natividad, extending the term by twenty-four months (January 1, 2023 to December 31, 2024) for a full agreement term of January 1, 2022 to December 31, 2024 and adding \$500,000 for an amount not to exceed \$900,000 in the aggregate; and
- b. Authorize the Chief Executive Officer or his designee to sign up to three (3) future amendments to this agreement where the total amendments do not significantly change the scope of work and do not cause an increase of more than ten percent 10% (\$40,000) of the original contract amount.

**Approved**

28. Adopt Resolution to:
- a. Amend Personnel Policies and Practices Resolution (PPPR) No. 98-394 Appendices A and B to create the classifications of Hospital Patient Safety Manager and Hospital Compliance Officer with the salary ranges as indicated in Attachment A;
- b. Amend the Natividad FY 2022-23 Adopted Budget Unit 9600-8142 - Fund 451 -Appropriation Unit NMC001 to reallocate a Hospital Risk Assessment and Compliance Officer to a Hospital Compliance Officer and a Hospital Quality Assurance Nurse to a Hospital Patient Safety Manager as indicated in Attachment A;
- c. Direct the County Administrative Office and the Auditor-Controller to incorporate the approved position changes in the FY 2022-23 Adopted Budget and the Human Resources Department to implement the changes in the Advantage HRM System.

**Adopted****Health Department**

29. a. Approve and authorize the Director of Health or the Assistant Director of Health to sign a standard

Agreement with Sun Street Centers in the amount of \$80,000 to provide education on the adverse effects of cannabis use by elementary and high school youth, conduct focus groups on teen cannabis use, and provide parent education for the term of upon execution date through June 30, 2023; and

b. Approve and authorize the Director of Health or the Assistant Director of Health to sign up to three (3) future amendments to this Agreement where the amendments do not significantly change the scope of work and do not cause an increase of more than ten percent (10%) (\$8,000) of the original contract amount.

**Approved**

- 30.** a. Approve and authorize the Director of Health or Assistant Director of Health to execute a Memorandum of Understanding (“MOU”) with Monterey County Special Education Local Plan Area for reimbursement to the County for the provision of mental health and residential treatment services pursuant to a student’s Individualized Education Plan, for a total amount not to exceed \$4,544,523 for the term retroactive to July 1, 2022, through June 30, 2023; and
- b. Approve and authorize the Director of Health or Assistant Director of Health to execute an Interagency Agreement, Exhibit A to the MOU, with Monterey County Special Education Local Plan Area for the term retroactive to July 1, 2022, through June 30, 2023; and
- c. Approve non-standard indemnification, limitation of liability, and insurance provisions to the MOU as recommended by the Director of Health; and
- d. Approve and authorize the Director of Health or Assistant Director of Health to approve up to three (3) future amendments to the MOU that do not exceed ten percent (10%) (\$454,452.30) of the original MOU amount and do not significantly change the scope of services.

**Approved**

- 31.** a. Approve and authorize the Director of Health or the Assistant Director of Health to execute Amendment No. 1 to Agreement No. A-15945 between the County of Monterey and Ventana Faculty Medical Associates of Monterey County, Inc., increasing the amount by \$8,000 for a total Agreement not to exceed \$265,210, for serving as the County’s Sexual Assault Forensic Examiner (SAFEs) service provider, providing professional and call coverage services for the Sexual Assault Response Team (SART), and SART Program Medical Director services effective retroactive to December 1, 2022, for a total term from July 16, 2022 through June 30, 2023; and
- b. Authorize the Director of Health or Assistant Director of Health to sign up to three (2) future amendments to this Agreement where the total amendments do not exceed 10% (\$17,721) of the original contract amount and do not significantly change the scope of work.

**Approved**

- 32.** a. Authorize the Director of Health or Assistant Director of Health to execute a Renewal and Amendment No. 2 to an agreement with Action Council of Monterey County, Inc., for the provision of community educational management and contracting specialized services, adding one year for a revised term of July 1, 2018, to September 30, 2023, with no change to the total contract amount of \$330,000; and

**Approved**

33. a. Approve and authorize the Director of Health or the Assistant Director of Health to sign a Renewal and Amendment No. 1 with MEarth for the provision of School Day field trips addressing healthy foods, healthy food choices, hands-on organic garden experience, and food preparation for students, extending the agreement for an additional one (1) year, for a revised full term of January 27, 2019, through September 30, 2023, and adding \$16,000 to increase the maximum contract liability to \$64,393.

**Approved**

34. a. Authorize the Director of Health or Assistant Director of Health to execute an Amendment No. 1 to the Mental Health Student Services Act ("MHSSA") Grant Agreement No. 21MHSOAC015 with the Mental Health Services Oversight and Accountability Commission ("MHSOAC"), to revise the payment schedule for the same amount of \$3,999,979, for the same grant period September 1, 2021, through August 31, 2025; and
- b. Authorize the Director of Health or Assistant Director of Health to approve up to three (3) future amendments that do not exceed ten percent (10%) (\$399,997.90) of the original Agreement amount and do not significantly change the scope of services.

**Approved**

35. Approve and Authorize the Director of Health or Assistant Director of Health to execute Amendment No. 1 to the Revised and Restated Memorandum of Agreement (MOA), A-15628, between the County of Monterey and the City of Salinas, for the Animal Control Services Administration Pilot Project, extending the term an additional six months for a total term of 18 months through June 30, 2023, adding \$729,093 for updates to existing shared staffing costs and services for a total Agreement amount of \$1,394,093.

**Approved**

36. a. Authorize the Director of Health, or Assistant Director of Health to execute a 340B Pharmacy Services Agreement ("Agreement") with PMQ Group, LLC dba Avita ("Avita") allowing Avita to provide third-party administrative services in support of Clinic Services' 340B Program and specialty contract pharmacy services to eligible patients of Monterey County Health Department Clinic Services Bureau ("Clinic Services") for an initial term of three (3) years beginning January 1, 2023, and which auto renews for additional one (1) year periods unless earlier terminated; and
- b. Approve the non-standard risk provision (lack of indemnification) in the Agreement, as recommended by the Director of Health; and
- c. 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 scope of work.

**Approved**

37. a. Adopt a Resolution to approve a Joint Powers Agreement (JPA) between the County and the City

of Salinas to create the Hitchcock Road Animal Services Agency to administer Animal Services.

b. Authorize the Chair of the County of Monterey Board of Supervisors, or her designee, to execute the JPA on behalf of the County.

**Adopted**

**Criminal Justice**

**37.1**

**Due to clerical inadvertence this item should not have been published with the agenda as it was not ready to go before the Board.**

**General Government**

- 38.** a. Adopt the updated Environmentally Preferable Purchasing Policy which will replace the Climate Friendly Purchasing policy in the Board Policy manual and includes requirements for County compliance with SB1383.

**Adopted**

- 39.** a. Adopt an ordinance of the County Code amending Paragraph F of Section 2.32.030 of the Monterey County Code to authorize the Purchasing Agent to engage independent contractors to perform services for the County and the offices thereof, with or without the furnishing of material, where the aggregate cost does not exceed \$200,000.

**Adopted**

- 40.** Approve the Bingo Permit Application for American Legion Post 593 pursuant to Chapter 7.08 of the Monterey County Code effective September 14, 2022, through September 14, 2023.

**Approved**

- 41.** Authorize the Registrar of Voters to consolidate and provide specified election services for the January 3, 2023, San Ardo Union Elementary School District Special Election.

**Approved**

- 42. Adopt a Resolution to:**

- a. Amend Personnel Policies and Practices Resolution No. 98-394 Appendix A to adjust the salary ranges of the Data Entry Operator I-II, Food Service Worker I-II, Park Services Aide I-III, Mailroom Clerk and Senior Mailroom Clerk, Range Aide and Student Intern classifications to comply with California Senate Bill No. 3, increasing the minimum wage to \$15.50/hour at first step and to maintain the spreads within the series where applicable, effective January 1, 2023 as indicated in Attachment A;
- b. Amend Personnel Policies and Practices Resolution No. 98-394 Appendix A & B to abolish the classifications of Laundry Worker I-II and Library Page as indicated in Attachment A;
- c. Direct the Human Resources Department to implement the changes in the Advantage HRM System.

**Adopted**

- 42.1** Adopt a resolution to ratify the Proclamation of Local Emergency issued by the County Administrative Officer on December 11, 2022, related to the Winter Storm Event that start on December 10, 2022. concerning the Carmel River and Carmel River Lagoon, potentially causing damage to public infrastructure and private property, thereby causing conditions of extreme peril to the safety of persons and property nearby. (4/5ths vote required)

**Adopted****Housing and Community Development**

**43. REF220010/PROFESSIONAL SERVICES AGREEMENT FOR CASTROVILLE COMMUNITY PLAN UPDATE AND IMPACT FEE NEXUS STUDY**

- a. Approve a Professional Services Agreement with Kimley-Horn, to provide services to update the Castroville Community Plan, execute an Impact Fees Nexus Study, and prepare an environmental study for the not to exceed amount of \$533,575 and for a term December 15, 2022 to December 31, 2025; and
- b. Authorize the Contracts/Purchasing Officer of Contracts/Purchasing Supervisor to execute the Professional Services Agreement and future amendments to the Agreement where the amendments do not significantly alter the scope of work or change the approved Agreement amount by more than ten percent (10%), subject to review and approval by County Counsel.

**Approved**

**44. REF220010 - CASTROVILLE TRAFFIC IMPACT FEE**

Adopt a resolution staying the collection of Castroville Traffic Impact Fees until such time that the Board of Supervisors adopts an updated fee or provides further direction.

**Proposed CEQA action:** Finding that pursuant to section 15273 of the CEQA Guidelines the consideration of modifications to development impact fees would be statutorily exempt.

**Adopted**

- 45.** Approve and authorize the Chair to execute Amendment No. 5 to the Subdivision Improvement Agreement for the York Highlands Resubdivision for an extension of 48 months (December 31, 2026).

**Approved**

- 46.**
- a. Find that per the California Environmental Quality Act (CEQA) Section 15262 “Feasibility and Planning Studies” the IRWM Plan does not require the preparation of an Environmental Impact Report (EIR) or negative declaration as the evaluation of environmental factors contained in the IRWM Plan is adequate for the level of planning, and the Plan is exempt from further review under CEQA.
  - b. Adopt the Monterey Peninsula, Carmel Bay, and South Monterey Bay Integrated Regional Water Management (IRWM) Plan Update as a voluntary document that provides broadly supported, identified goals, objectives, strategies, and projects to meet the integrated water needs of the people

and the environment within the planning Region.

**CEQA ACTION:** Find that per the California Environmental Quality Act (CEQA) Section 15262 “Feasibility and Planning Studies” the IRWM Plan does not require the preparation of an Environmental Impact Report (EIR) or negative declaration as the evaluation of environmental factors contained in the IRWM Plan is adequate for the level of planning, and the Plan is exempt from further review under CEQA.

**Adopted**

**Public Works, Facilities and Parks**

- 47.** Approve and authorize the Monterey County Laguna Seca Representative to execute a two-year Event Agreement, retroactively effective December 1, 2022, with SportsCar Vintage Racing Association to sanction and produce the Trans-Am Speedfest to be held at WeatherTech® Raceway at Laguna Seca on May 5-7, 2023, and April 20-21, 2024, for a base track rental fee of \$163,000 and \$168,000, respectively.

**Approved**

**Please refer to the Board Orders for the approved and adopted Agreement, Resolution and Ordinance numbers.**

**Addenda/Supplemental**

- 48. Addenda/Supplemental**

**Added under Scheduled Matters PM**

- 15.1.** a. Consider approval of employment agreement for Agricultural Commissioner and Sealer of Weights & Measures;  
b. Authorize the Chair of the Board to execute the agreement.

**Added under Referral Responses**

**19.1.** Consider:

- a. Response to Board Referral No. 2022.21 requesting the Clerk of the Board of Supervisors office to augment their budget to cover all expenses for framed Board resolutions; and  
b. Selecting an updated ceremonial resolution template.

**Revised title under Ceremonial Resolutions**

**22.** Adopt a resolution in appreciation of eight years of service on the Monterey County Board of Supervisors upon the retirement of Supervisor John. M. Phillips. (Full Board)

**23.** Adopt a resolution commending County Administrative Officer Charles J. McKee upon his retirement after almost 20 years of dedicated public service to the County of Monterey, first as County Counsel and then as County Administrative Officer, and a total of 31 years of public service. (Full

Board)

**24.** Adopt a resolution commending Brent W. Buche, General Manager of the Monterey County Water Resources Agency, for his dedicated service of 29 years to the County of Monterey upon his retirement. (Full Board)

**Revised title and attachment under Ceremonial Resolutions**

**25.** Adopt Resolution honoring Jennifer Cupak, Fire Operations Manager upon her retirement from the County of Monterey after twenty five years of dedicated Public Service. (Supervisor Adams)