

Monterey County

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



Meeting Minutes - Draft

Tuesday, July 26, 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 Mary L. Adams, appeared in person, Supervisor Chris Lopez, Supervisor Luis A. Alejo Supervisor Wendy Root Askew and Supervisor John M. Phillips 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 54957.6, the Board will provide direction to negotiators:
 - (1) Designated representatives: Irma Ramirez-Bough and Ariana Hurtado
Employee Organization(s): All Units
 - (2) Designated representatives: Irma Ramirez-Bough and Ariana Hurtado
Employee Organization(s): Unit X
 - (3) Designated representatives: Irma Ramirez-Bough and Ariana Hurtado
Employee Organization(s): Units R and S
 - b. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the County Administrative Officer.
 - c. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the Public Defender.
 - d. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the County Counsel.
 - e. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the Civil Rights Officer.
 - f. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.

g. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators:

(1) Property: Laguna Seca Recreation Area

Agency Negotiator(s): Randy Ishii, Director of Public Works Facilities and Parks and Leslie J. Girard, County Counsel

Negotiating Parties: A&D Narigi Consulting LLC and Friends of Laguna Seca

Under negotiation: Price and terms

h. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:

(1) Kathy Longoria (Workers' Compensation Appeals Board No. ADJ11565027)

(2) Kathy Longoria (Workers' Compensation Appeals Board No. ADJ14414349)

i. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding appointment of the position of County Administrative Officer.

Public Comments for Closed Session

Open for public comments; no public comments were made.

The Board Recessed for Closed Session Agenda Items

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

Roll Called

Present: 5 - Supervisor Mary L. Adams, Supervisor Luis A. Alejo and Supervisor John M. Phillips, appeared in person, with Supervisor Chris Lopez and Supervisor Wendy Root Askew who 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 to be led by Judy Cabrera, Executive Director for the Central Coast Center for Independent Living

Additions and Corrections by Clerk

Due to the need for immediate consideration by the Board of matters which arose after the posting of the agenda, as provided in Section 54954.2 of the California Government Code the

Board is asked to make the following addition.

The following additions and corrections were read into the record:

Corrections to Item No. 5 under Ceremonial Resolutions:

5. Request for this Resolution came from District 4 – Supervisor Askew and not Supervisor Adams as noted on the Agenda

Corrections to Item No. 18.1 under Scheduled Matters:

18.1 Revised Attachment C, change on last sentence of page 1. It previously read as South Salinas Areas, it now reads as Prunedale South Areas

Corrections to Item No. 43 under General Government:

43. Revised Board Report, change on cash amount for Construction Management (PDP & MNS). It previously read as \$84,145, it now reads as \$984,145

Ceremonial Resolutions

Open for public comments; no public comments made.

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor John M. Phillips to adopt Ceremonial Resolutions 2 through 7.

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. Adopt a resolution recognizing Mee Memorial Healthcare System as the recipient of the King City Chamber of Commerce and Agriculture's 2021 Business of the Year Award. (Supervisor Lopez)

Adopted Resolution No. 22-271

3. Adopt a resolution recognizing John & Karen Jernigan as the recipients of the King City Chamber of Commerce and Agriculture's 2021 Citizen of the Year Award. (Supervisor Lopez)

Adopted Resolution No. 22-269

4. Adopt a resolution recognizing Evette Wheeler as the recipient of the King City Chamber of Commerce and Agriculture's 2021 Friend of the Community Award. (Supervisor Lopez)

Adopted Resolution No. 22-268

5. Adopt a resolution proclaiming the month of August 2022 as "Community Health Worker (CHW) Appreciation Month" in Monterey County, which honors and thanks CHWs who create bridges between health and social service providers and community members which has been particularly vital during the COVID-19 pandemic, and recognizes the role CHWs play as a professional workforce in

the delivery of health and social services among our communities. (Supervisor Root Askew)
(Supervisor Adams) Corrected via Additions and Corrections

Adopted Resolution No. 22-267

6. Adopt a resolution recognizing the accomplishments of Wrestling Standout Ayden Schlotthauer and declaring July 26, 2022 “Ayden Schlotthauer Day” in Monterey County. (Supervisor Alejo)

Adopted Resolution No. 22-266

7. Adopt a resolution honoring Jose Luis Serrano, upon his retirement from the Monterey County Public Works, Facilities & Parks, after 17 seventeen years of dedicated public service in Monterey County (Supervisor Adams)

Adopted Resolution No. 22-270

Appointments

Open for public comments; no public comments made.

A motion was made by Supervisor Chris Lopez, seconded by Supervisor Luis A. Alejo to appoint/reappoint Item Numbers 8 through 12.

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

8. Reappoint Maria Ortiz to the Child Care Planning Council as a Community Representative with a term ending on June 30, 2025. (Nominated by the Child Care Planning Council)

Reappointed

9. Reappoint Jose Vasquez to the In-Home Supportive Services Advisory Committee representing the Consumer Category with a term ending on June 30, 2025. (Nominated By District 3, Supervisor Lopez)

Reappointed

10. Reappoint David Alexander to the Animal Control Program Advisory Board with a term ending on July 1, 2025. (Nominated By District 5, Supervisor Adams)

Reappointed

11. Reappoint Morgan Gilman to the County Service Area No.1 as a Primary Representative with a term ending on June 30, 2025. (Nominated By District 5, Supervisor Adams)

Reappointed

- 12.** Reappoint Linda Cooperman to the County Service Area No. 1 as Primary Representative with a term ending June 30, 2025. (Nominated By District 5, Supervisor Adams)

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

- 13.** See Supplemental Sheet

Open for public comments; Dina Northcutt, Eloise Shim, Zeb Feldman, via Zoom, and Wes White, in person, commented.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Luis A. Alejo to approve Consent Calendar Item Numbers 22 through 60.

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

- 14.** General Public Comments

Open for general public comments for items not on today's agenda; Wes White, in person, commented.

Scheduled Matters

- 15.** Consider Adopting a Resolution to:
- a. Call for the election on the Childcare Initiative and approve the Ballot Question; and
 - b. Order Consolidation with the Statewide General Election on November 8, 2022.

Les Girard, County Counsel, in person, verbally presented.

Open for public comments; Kevin Dayton, Alma Cervantes, Simon Salinas and Christine Horton, in person, and Barbara Meister, via Zoom, commented.

A motion was made by Supervisor Mary L. Adams, seconded by Supervisor Chris Lopez to Adopt Resolution No.: 22-272 to:

- a. Call for the election on the Childcare Initiative and approve the Ballot Question; and
- b. Order Consolidation with the Statewide General Election on November 8, 2022.

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

16. Adopt a Resolution in support of and endorsing the “*Safe, Affordable, Quality Child Care In Monterey County Act*” ballot initiative, and designating Supervisors to author an argument in favor of the Initiative for inclusion in the Voter Information Guide.

Les Girard, County Counsel, in person, verbally presented.

Open for public comments; Barbara Meister, Rick Aldinger, Eloise Shim, all via Zoom, and Will Lewellyn, Maria Parra, Anna Lorena, and Cesar Lara, in person, commented.

A motion was made by Supervisor Chris Lopez, seconded by Supervisor Wendy Root Askew to: Adopt Resolution No. 22-273 in support of and endorsing the “Safe, Affordable, Quality Child Care In Monterey County Act” ballot initiative, and designate Chair Supervisor Mary L. Adams to author an argument in favor of the Initiative for inclusion in the Voter Information Guide.

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

12:00 P.M. - Recessed to Lunch back into Closed Session

1:30 P.M. - Reconvened

Roll Called

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

17. Conduct a Public Hearing to:
- Accept the report of delinquent sanitation fees from twenty (20) parcels totaling \$19,355.58,

including late penalties as set forth in the “Report of 2021 Delinquent Fees County Service Area 75-Chualar” (Report);

b. Consider any protests and objections to the Report by property owners liable to be assessed for delinquent sanitation fees for County Service Area 75-Chualar.

c. Adopt a resolution to:

i. Confirm the report of delinquent sanitation fees for County Service Area 75-Chualar, as identified in the “Report of 2021 Delinquent Fees County Service Area 75-Chualar”: and

ii. Authorize the delinquent sanitation fees from twenty (20) parcels totaling \$19,355.58 including late penalty fees, as set forth in the confirmed Report to constitute special assessments against the respective parcels of land to be collected at the same time and in the same manner as ordinary County ad valorem property taxes are collected; and

d. Authorize the Clerk of the Board to file a certified copy of the Report with the Auditor-Controller.

Public hearing commenced

Lynette Redman, Management Analyst III from the Public Works, Facilities & Parks Department, in person, verbally presented.

Open for public comments; no public comments made.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Mary L. Adams to:

a. Accept the report of delinquent sanitation fees from twenty (20) parcels totaling \$19,355.58, including late penalties as set forth in the “Report of 2021 Delinquent Fees County Service Area 75-Chualar” (Report);

b. Consider any protests and objections to the Report by property owners liable to be assessed for delinquent sanitation fees for County Service Area 75-Chualar.

c. Adopt Resolution No. 22-274 to:

i. Confirm the report of delinquent sanitation fees for County Service Area 75-Chualar, as identified in the “Report of 2021 Delinquent Fees County Service Area 75-Chualar”: and

ii. Authorize the delinquent sanitation fees from twenty (20) parcels totaling \$19,355.58 including late penalty fees, as set forth in the confirmed Report to constitute special assessments against the respective parcels of land to be collected at the same time and in the same manner as ordinary County ad valorem property taxes are collected; and

d. Authorize the Clerk of the Board to file a certified copy of the Report with the Auditor-Controller.

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

- 18.**
- a. Receive a staff report for implementation of a payment plan option for commercial cannabis cultivation tax to address Fiscal Year 21-22 delinquent payments and additional options to retroactively reduce the tax rates to provide the industry with a fresh start in Fiscal Year 22-23; and
 - b. Consider other issues bearing on the Board’s decision on tax rates related to the commercial cannabis industry, including its data reporting practices; and
 - c. Support the creation of a commercial cannabis audit program and consider Cannabis Assignment as a funding source; and

d. Provide direction as appropriate.

Joann Iwamoto, Cannabis Program Manager, Myles Echenique, Management Analyst and Mary Zeeb, Treasurer-Tax Collector, in person, and Ezequiel Vega, County Budget Director, Greg Turner, Executive Director and Adam Crabtree, NCS Analytics CEO, via Zoom, presented via PowerPoint presentation.

Open for public comments; Sergio (last name inaudible), Kristin DePaci, Michelle Hackett, Eloway, Miguel Alvarez, in person, and George Allen, Aaron Johnson, Joey Espinoza, Chris Hallahan, Eloise Shim, Robert Roach, Kieran Kinggenberg, Mark Anisworth, Jake (no last name provided), Kavanaugh Attorney, Austin Goings, Shawn Adame, and Jenna Rosenthal, via Zoom, commented.

A motion was made by Supervisor Chris Lopez, seconded by Supervisor Luis A. Alejo, as amended, to:

- a. Receive a staff report for implementation of a payment plan option for commercial cannabis cultivation tax to address Fiscal Year 21-22 delinquent payments and additional options to retroactively reduce the tax rates to provide the industry with a fresh start in Fiscal Year 22-23; and
- b. Direct Staff to prepare an Ordinance based upon Staff's proposed Option Number 3, which would 1) amend Monterey County Code Chapter 7.100 to retroactively reduce Fiscal Year 21-22 rates to \$3 per square foot of indoor canopy, \$2 per square foot of mixed-light canopy, and \$1 per square foot of nursery canopy, for Quarters 2, 3, and 4, only; and 2) amend the Board's conditional waiver of penalties and interest accrued for the second and third quarters from July 31, 2022, adopted on March 1, 2022, as Ordinance No. 5371, to include quarter 4 and to extend the conditional waiver to January 31, 2023 and further directed that any taxpayer taking advantage of this extension that is not otherwise delinquent should be considered to be in good standing through the new January 31, 2023 deadline to pay Fiscal Year 21-22 Quarters 2, 3, and 4 commercial cannabis taxes.
- c. Assure the Cannabis Industry, that, during the time before the Ordinance becomes effective, the County does not intend to direct staff to shut down businesses based on their commercial cannabis tax delinquency from Fiscal Year 21-22 Quarters 2, 3, and/or 4.

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

- 18.1** Consider funding the increased cost for the WeatherTech Raceway at Laguna Seca (WRLS) Start-Finish Bridge and Racetrack Resurfacing Project, Project No. 8498, advancing funds for the 20% sponsorship match to be reimbursed by A&D Narigi Consulting, LLC. (A&D) by December 31, 2023, and awarding a contract to Granite Construction Company, the lowest responsible bidder, for the base bid and bid alternate for the Start-Finish Bridge and Racetrack Resurfacing Project in the amount of \$12,198,230. (ADDED VIA ADDENDA)

Randy Ishii, Director of Public Works, Facilities and Parks, Bryan Flores, Chief of Parks and John Narigi, Laguna Seca Contractor, all in person, presented via PowerPoint presentation.

Open for public comments; Gary Cursio, Rick Aldinger, and Bruce Canepa, via Zoom, commented.

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

Supervisor Wendy Root Askew, voting no, to:

a. Adopt Resolution No. 22-313, Agreement No. A-15972:

i. Approve and authorize the County Administrative Officer or designee to execute Addendum No. 2 to the Agreement for the Operation and Management of the Laguna Seca Recreation Area between the County of Monterey and A&D for "Additional Sponsorship Revenue" in excess of the amount under contract as of the date this Addendum No. 2 is effective in an amount sufficient to provide twenty percent (20%) of the total cost of the Project, estimated at \$1,634,459, but in any event not less than \$1,035,000, by December 31, 2023;

ii. Authorize advancing the 20% sponsorship match of \$1,634,459, for cash flow purposes, from General Fund 001, Contingencies Appropriation Unit CAO020, as an operating transfer out to Capital Project Fund 404, Appropriation Unit PFP057, to be reimbursed by A&D with additional Sponsorship Revenue no later than December 31, 2023;

iii. Authorize and direct the Auditor-Controller to amend the fiscal year (FY) 2022-23 Adopted Budget to increase appropriations by \$14,045,797 in Capital Project Fund 404, Appropriation Unit PFP057, financed with Capital Project Fund 404 Restricted Fund Balance (404-3045) of \$8,433,599 and an operating transfer of \$5,612,198 from General Fund 001, Contingencies Appropriation Unit CAO020 (4/5ths vote required);

iv. Authorize and direct the Auditor-Controller to approve an operating transfer out of \$5,612,198 for FY 2022-23 from General Fund 001, Contingencies Appropriation Unit CAO020, to Capital Project Fund 404, Appropriation Unit PFP057, where General Fund Contingencies has sufficient appropriations available in the adopted budget to cover the transfer (4/5ths vote required);

b. Award a contract to Granite Construction Company, Inc., the lowest responsible bidder, for the WeatherTech Raceway at Laguna Seca (WRLS) Start-Finish Bridge and Racetrack Resurfacing Project, Project No. 8498, in the total amount of \$12,198,230;

c. Approve the Performance and Payment Bonds executed and provided by Granite Construction Company, Inc.;

d. Authorize a project cost estimate contingency, not to exceed ten percent (10%) of the contract amount or \$1,219,823 to provide funding for approved contract change orders;

e. Authorize the Director of Public Works, Facilities and Parks to execute the contract and, subject to the terms of the Public Contract Code and Board Policies as applicable, approve change orders to the contract that do not exceed ten percent (10%) of the original contract amount and do not significantly change the scope of work; and

f. Authorize the Director of Public Works, Facilities and Parks to execute a Certificate of Completion and record a Notice of Completion with the County Recorder when the Director determines that the contract is complete in all respects in accordance with Plans and Special Provisions for the construction of the Laguna Seca Start Finish Bridge and Track Overlay, Project No. 8498; and receive quarterly reports on the project.

Motion carried 4 to 1

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE

Supervisor Phillips: AYE

Supervisor Lopez: AYE

Supervisor Root Askew: NAY

Chair Supervisor Adams: AYE

New Referrals

19. New Referrals

Charles McKee, County Administrative Officer from the County Administrative office shared there are no new referrals this week.

Referral Responses

There were no referral responses this week.

Other Board Matters**County Administrative Officer Comments****20. County Administrative Officer Comments**

County Administrative Officer comments can be heard by clicking the following link:

http://monterey.granicus.com/EditFile.php?clip_id=4587

Board Comments**21. Board Comments**

Board Comments can be heard by clicking the following link:

http://monterey.granicus.com/EditFile.php?clip_id=4587

Read Out from Closed Session by County Counsel**CLOSED SESSION REPORT:****1. Closed Session under Government Code section 54950, relating to the following items:****a. 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): All Units**
- (2) Designated representatives: Irma Ramirez-Bough and Ariana Hurtado
Employee Organization(s): Unit X**
- (3) Designated representatives: Irma Ramirez-Bough and Ariana Hurtado
Employee Organization(s): Units R and S**

The Board took no reportable actions on items 1.a.(1)(2)(3)

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

The Board took no reportable actions on items 1.b.

c. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the Public Defender.

The Board took no reportable actions on items 1.c.

d. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the County Counsel.

The Board took no reportable actions on items 1.d.

e. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the Civil Rights Officer.

The Board took no reportable actions on items 1.e.

f. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.

The Board took no reportable actions on items 1.f.

g. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators:

(1) Property: Laguna Seca Recreation Area

Agency Negotiator(s): Randy Ishii, Director of Public Works Facilities and Parks and Leslie J. Girard, County Counsel

Negotiating Parties: A&D Narigi Consulting LLC and Friends of Laguna Seca

Under negotiation: Price and terms

The Board took no reportable actions on items 1.g.(1)

h. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:

(1) Kathy Longoria (Workers' Compensation Appeals Board No. ADJ11565027)

(2) Kathy Longoria (Workers' Compensation Appeals Board No. ADJ14414349)

The Board took no reportable actions on items 1.h.(1)(2)

i. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding appointment of the position of County Administrative Officer.

The Board took no reportable actions on items 1.i.

Adjourned

The meeting was adjourned at 5:07 p.m. by Chair Supervisor Mary L. Adams.

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

22. a. Authorize the Chief Executive Officer for Natividad Medical Center (NMC) or his designee to execute an agreement with BetterUp, Inc. to purchase annual subscriptions for unlimited professional coaching sessions and full access to BetterUp Platform features at NMC for an amount not to exceed \$312,000 with an agreement term August 1, 2022 through July 31, 2023.
- b. Approve the NMC Chief Executive Officer's recommendation to accept all non-standard risk provisions within the agreement.
- c. Authorize the Chief Executive Officer for Natividad Medical Center (NMC) or his designee to sign the initial and any subsequent Order Forms where the Order Forms do not significantly change the scope of work and do not change the term or total liability of the agreement.
- d. Authorize the Chief Executive Officer for NMC or his designee to execute up to three (3) future amendments to the agreement which do not significantly alter the scope of work and do not cause an increase of more than ten percent (10%) (\$31,200) of the original cost of the agreement.

Approved - Agreement No.: A-15954

23. a. Authorize the Chief Executive Officer for Natividad Medical Center (NMC) or his designee to execute a no cost agreement with AmerisourceBergen Drug Corporation for medication inventory tracking software services at NMC with an agreement term August 1, 2022 through July 31, 2025.
- b. Approve the NMC Chief Executive Officer's recommendation to accept non-standard indemnification, insurance, limitations on liability, and limitations on damages provisions within the agreement.

Approved - Agreement No.: A-15955

24. a. Authorize the Chief Executive Officer for Natividad Medical Center (NMC) or his designee to execute an agreement with the National Association of Children's Hospitals and Related Institutions, Inc. for pediatric learning and development services at NMC for an amount not to exceed \$11,800 with an agreement term retroactive from July 1, 2022 through June 30, 2023.
- b. Approve the NMC Chief Executive Officer's recommendation to accept non-standard limitations on liability and limitations on damages provisions within the agreement.

Approved - Agreement No.: A-15956

25. Authorize the Chief Executive Officer for Natividad Medical Center (NMC) or his designee to execute renewal and amendment No. 2 to the agreement (A-15005) with Lincoln & Associates for leadership coaching for operational and support services and facilitation of training programs, extending the agreement an additional one (1) year period (July 1, 2022 through June 30, 2023) for a revised full agreement term of January 1, 2019 through June 30, 2023, and adding \$20,000 for a revised total agreement amount not to exceed \$171,869.

Approved - Agreement No.: A-15005; Amendment No. 2

26. a. Authorize the Chief Executive Officer for Natividad Medical Center (NMC) or his designee to execute Renewal & Amendment 1 to the agreement (A-14350) with Everyone's Harvest for the operation and management of the certified Farmers' Market at NMC, extending the agreement an additional three (3) year period (July 1, 2022 through June 30, 2025) for a revised full agreement term of July 1, 2019 through June 30, 2025, and adding \$133,480 for a revised total agreement amount not to exceed \$263,560.

Approved - Agreement No.: A-14350; Amendment No. 1

27. a. Approve and accept the Student Placement Agreement template to be used in partnering with universities and colleges for the placement of students within the Natividad Medical Center (NMC) to complete internship/externship assignments as part of their field education and service learning requirements for their respective field of study program; and
- b. Approve and authorize updates to the Student Placement Agreement template in accordance with local, state, and federal law, subject to review and approval of County Counsel; and
- c. Approve and authorize amendments to the text of the Student Placement Agreements that do not significantly change the level of risk or the scope of a party's obligations or responsibilities, subject to review and approval of County Counsel and County Risk Manager; and
- c. Approve and authorize use of student placement agreement templates from partnering universities and colleges where the terms are not significantly different from the Student Placement Agreement template, do not significantly change the level of risk or the scope of a party's obligations or responsibilities, and subject to review and approval of County Counsel and County Risk Manager;
- d. Approve and authorize execution by the Chief Executive Officer for Natividad Medical Center (NMC) or his designee of the Student Placement Agreement template or substantively similar template of partnering universities and colleges for Fiscal Years 2021-2022 through Fiscal Year 2026-2027.

Approved - Agreement No.: A-15957

28. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute amendment No. 2 to the agreement (A-14741) with Certified Medical Testing for repair, maintenance and testing of piped medical gas and vacuum systems at NMC, to add an additional \$26,500 due to vendor rate increases and consistent use of services, for a revised total Agreement amount of \$223,015, with no changes to the agreement term July 1, 2020 through June 30, 2024.

Approved - Agreement No.: A-14741; Amendment No. 2

29. Authorize the Chief Executive Officer for Natividad Medical Center (NMC) or his designee to execute an Order Form ORD-0753621 with HealthStream, Inc. subject to the terms and conditions of the HealthStream Master Services Agreement (A-14475), to cover overage fees for software licenses for NPR Instructor courses at a cost of \$12,886; and authorize an additional \$979 increase to the total Agreement amount to cover an invoice from a prior year, for a revised total Agreement amount not to exceed \$381,264, with no change to the Agreement term of July 1, 2019 through June 30, 2027.

Approved - Agreement No.: A-14475

30. Authorize the Chief Executive Officer for Natividad Medical Center (NMC) or his designee to execute

amendment No. 3 to the agreement with NeoGenomics Laboratories, Inc. for patient specimen testing services, extending the agreement an additional two (2) year period (August 1, 2022 through July 31, 2024) for a revised full agreement term of August 1, 2017 through July 31, 2024, and adding \$60,000 for a revised total agreement amount not to exceed \$160,000.

Approved - Agreement No.: A-15959

- 31.** a. Authorize the Chief Executive Officer for Natividad Medical Center (NMC) or his designee to execute amendment No. 2 with The Buzz PR, LLC for marketing and public relations services, with a \$100,000 increase for a revised total agreement amount not to exceed \$200,000 with no change to the Agreement term (November 1, 2020 through October 31, 2023) or the scope of work.
- b. Authorize the Chief Executive Officer for NMC or his designee to execute up to three (3) future amendments to the agreement which do not significantly alter the scope of work and do not cause an increase of more than ten percent (10%) (\$10,000) of the original cost of the agreement.

Approved - Agreement No.: A-15966

- 32.** a. Authorize the Chief Executive Officer for Natividad or his designee to execute the Third Amendment to the Professional and Call Coverage Services Agreement (A-14453) with Advanced Gastroenterology of Monterey County to provide gastroenterology services extending the term by twelve months (August 1, 2022 to July 31, 2023) for a revised full agreement term of August 1, 2019 to July 31, 2023, and adding \$650,000 for a revised total not to exceed amount of \$2,600,000 in the aggregate; and
- b. Authorize the Chief Executive Officer for Natividad 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% (\$65,000) of the original contract amount.

Approved - Agreement No.: A-14453 ; Amendment No. 3

- 33.** a. Authorize the Chief Executive Officer for Natividad or his designee to execute the Fifth Amendment to the Professional and Call Coverage Services Agreement (A-13611) with Mohamed Kerala Serio, M.D. to provide cardiology services, extending the term by twelve months (August 1, 2022 to July 31, 2023) for a revised full agreement term of July 1, 2017 to July 31, 2023, and adding \$610,000 for a revised total not to exceed amount of \$3,710,000 in the aggregate; and
- b. Authorize the Chief Executive Officer for Natividad 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% (\$122,000) of the original contract amount.

Approved - Agreement No.: A-13611; Amendment No. 5

Health Department

- 34.** Approve and authorize the Director of Health or Assistant Director of Health to execute Amendment No. 1 to the Professional Services Agreement between the County of Monterey and the United Way of Monterey County for the provision of Prevention and Early Intervention Outreach and Engagement

services retroactive to July 1, 2022, which adds funding in the amount of \$100,000 for FY 2022-23 and \$100,000 for FY 2023-24, for a new total Agreement amount not to exceed \$281,900 for a term of July 1, 2021 through June 30, 2024.

Approved - Agreement No.: A-15971

Department of Social Services

- 35.** a. Approve and authorize the Director or Assistant Director of the Department of Social Services to sign a zero cost Memorandum of Understanding (MOU) with the Center for Employment Training, to assist with employment training and placement for individuals served by the Monterey County Community Action Partnership (MCCAP) and/or local service providers, for the period of August 1, 2022 through June 30, 2025; and
- b. Authorize the Director or Assistant Director of the Department of Social Services to sign up to three (3) amendments to this MOU as long as they do not encompass payment or significantly change the scope of services.

Approved - Agreement No.: A-15960

- 36.** a. Approve and authorize the Director or Assistant Director of the Department of Social Services to sign an agreement with Unity Care Group for \$1,045,520 for the provision of Transitional Housing Placement-Plus (THP-Plus) and housing assistance programs for eligible former foster and probation youth for the period of August 1, 2022 through June 30, 2024; and
- b. Authorize the Director or Assistant Director of the Department of Social Services to sign up to three (3) amendments to this agreement where the total amendments do not exceed 10% (\$104,552) of the contract amount and do not significantly change the scope of work.

Approved - Agreement No.: A-15961

- 37.** a. Approve and authorize the Director or Assistant Director of the Department of Social Services to sign a zero cost agreement with the Salinas Union High School District to provide a variety of classes to CalWORKs customers and the community at the Department of Social Services 730 LaGuardia building in Salinas for the period of August 1, 2022 through June 30, 2023; and
- b. Authorize the Director or Assistant Director of the Department of Social Services to sign up to three (3) additional amendments to this agreement that do not encompass payment and do not significantly change the scope of services.

Approved - Agreement No.: A-15962

- 38.** a. Authorize the Contracts and Purchasing Officer, under the terms of Government Services Administration Multiple Award Schedule #47QTCA18D0081, to sign and approve purchase orders for SAS analytical software maintenance and support through third-party reseller Executive Information Systems, LLC, in the amount of \$81,886 retroactive to June 30, 2022 for a full term of June 30, 2022 to June 29, 2025, including nonstandard indemnification and liability terms; and
- b. Authorize the Contracts and Purchasing Officer to approve modifications to the purchase orders where the modifications do not exceed 10% (\$8,188) of the three-year aggregate total.

Approved - Agreement No.: A-15963

Criminal Justice

- 39.** a. Approve and Authorize the Sheriff or Sheriff's Designee to sign the Memorandum of Understanding (MOU) with the City of Carmel, Del Rey Oaks, Gonzales, Greenfield, King City, Monterey, Pacific Grove, Sand City, Seaside, Soledad, Marina and Salinas to provide Local Law Enforcement Agencies access to Automated Fingerprint Identification System (AFIS), effective upon signature.

Approved - Agreement No.: A-15964

General Government

- 40.** Adopt a Resolution to:
- a. Amend Personnel Policies and Practices Resolution (PPPR) No. 98-394 Appendix A to adjust the salary ranges of the Property Transfer Clerk and Senior Property Transfer Clerk as indicated in attachment A;
 - b. Amend Personnel Policies and Practices Resolution (PPPR) No. 98-394 Appendix A to adjust the salary ranges of the Appraiser I, Appraiser II, Appraiser III and Supervising Appraiser as indicated in attachment A;
 - c. Direct the Human Resources Department to implement the changes in the Advantage HRM system.

Adopted Resolution No. 22-275

- 41.** Receive the Action Minutes of the Capital Improvement Committee for the 1st and 2nd Quarters of 2022 for the meetings held on January 18, February 14, March 14, April 11, and May 9, 2022.

Approved

- 42.** a. Accept grant funds from the Central Coast Community Energy Member Agency Planning, Implementation, and Innovation Grant Program grant award in the amount of \$150,000 to fund the development of County Decarbonization Framework to strategically plan the decarbonization of County buildings; and
- b. Enter into, execute, and deliver Planning, Implementation, and Innovation Grant Agreement such subject to review and approval of the Office of the County Counsel as to form and legality; and
 - c. Authorize the Auditor-Controller to amend the Fiscal Year 2022-23 County Administrative Office Adopted Budget 001-1050-CAO004-8054 to increase appropriations and estimated revenue by \$150,000, funded by the augmentation of grant revenues from Central Coast Community Energy (3CE) (4/5ths vote required).

Approved - Agreement No.: A- 15973

- 43.** a. Authorize the Chief Information Officer or his designee, to execute a non-standard Agreement with Spectrum Pacific West, LLC., by its Manager, Charter Communications, Incorporated, to build,

deploy, operate, and maintain broadband services to unserved and underserved areas in Monterey County, set forth in Request for Proposal (RFP) Number 10819, in the amount of \$1,610,000 for the term of July 1, 2022, through December 31, 2024; and

b. Authorize the Chief Information Officer the option to execute up to two (2) additional amendments to this Agreement, each extending the term by one year, where the additional costs per year do not exceed ten percent (10%) of the total contract amount, subject to County Counsel review, and provided that the terms and conditions of the agreement remain substantially the same.

Approved - Agreement No.: A-15965

- 44.** Approve and authorize the County Counsel's Office to execute Amendment #6, with Kennedy/Jenks Consultants, to extend the agreement for one year with no additional funding, for a new full term of March 1, 2016 to September 1, 2023, for the construction, testing, reporting and oversight of a bioventing system at the Lake San Antonio Resort/Marina site, required by the California State Water Resources Control Board and Regional Board ("Water Boards") to address fuel spill remediation at the lake, to be funded from County Counsel - Enterprise Risk (001-1210-8429-COU006).

Approved - Agreement No.: A-12828; Amendment No. 6

- 45.** Adopt Resolution to Allow Santa Rita Union Elementary School District to Create a School Facilities Improvement District Pursuant to California Education Code section 15303.

Adopted Resolution No. 22-276

- 46.** Adopt an ordinance amending Chapter 7.100 of the Monterey County Code to reduce the commercial cannabis business tax rates for mixed-light and indoor cultivation retroactive to July 1, 2022 and authorize the Board to, by Resolution, waive and/or stay interest and penalties for cannabis operators with delinquent cannabis business taxes.

Due to clerical inadvertence an incorrect version of the ordinance was attached to the file for adoption, therefore, this item will have to return to the Board.

- 47.** a. Receive and Accept the Treasurer's Report of Investments for the Quarter Ending June 30, 2022; and
b. Receive and Approve the Treasurer's Investment Policy for FY 2022-2023; and
c. Renew the Delegation of Investment Authority to the Treasurer-Tax Collector pursuant to California Government Code 53607.

Approved

- 48.** a. Approve and authorize the Auditor-Controller to sign a Renewal and Amendment No. 4 to the Professional Services Agreement with Hinderliter, de Llamas & Associates, extending the Agreement 1 year, for a revised full term of July 1, 2019 to June 30, 2023, and adding \$15,908.63 for a revised total contract amount of \$312,930.54.

Approved - Agreement No.: A-14510 ; Amendment No. 4

49. Adopt a Resolution to:
- a. Amend Board Policy A-15 Monterey County Staff Mobile Phone & Wireless Device Policy;
 - b. Direct the Human Resources Department and Auditor Controller's Office to take the necessary actions to implement the policy.

Adopted Resolution No. 22-277

50. Adopt a Resolution to:
- a. Amend Personnel Policies and Practices Resolution (PPPR) No. 98-394 to modify Section A.50 Health Promotion Paid Leave Program;
 - b. Direct the Human Resources Department and Auditor Controller's Office to take the necessary actions to implement the policy.

Adopted Resolution No. 22-278

51. Adopt a Resolution to:
- a. Amend Personnel Policies and Practices Resolution (PPPR) No. 98-394 Section IV Employee/Bargaining Units to establish Unit ZX for unrepresented confidential managers;
 - b. Direct the Human Resources Department and Auditor Controller's Office to take the necessary actions to create Unit ZX in the HRM Advantage System.

Adopted Resolution No. 22-143

Housing and Community Development

52. a. Find that the execution of the Conservation and Scenic Easement Deed is categorically exempt under CEQA Guidelines section 15317; and
- b. Accept a Conservation and Scenic Easement Deed of approximately 0.75 acres over portions of the parcel commonly referred to as APN 008-491-015-000 to satisfy a condition of approval related to Planning Commission Resolution 11-030 (File No. PLN100579); and
- c. Authorize the Chair to execute the Conservation and Scenic Easement Deed; and
- d. Direct the Clerk of the Board to submit the Conservation and Scenic Easement Deed to the County Recorder for filing with all recording fees to be paid by the applicant.
- (Conservation and Scenic Easement Deed - PLN100579, Chevy Chase Trust, 3184 17 Mile Drive, Pebble Beach, APN 008-491-015-000, Del Monte Forest Land Use Plan)

Approved

53. a. Approve Amendment No. 3 to Agreement No. A-14427 with Accela, Inc., to correct the not to exceed amount from \$1,108,746.85 to \$2,127,744.16 retroactively to July 1, 2022, to continue to provide implementation, hosting and maintenance for the subscription services for the Accela software product ("services") with no change in the term from June 27, 2019 through June 30, 2025 or to the Scope of Services;
- b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute Amendment No. 3 and future amendments to the Agreement where the scope of work is not changed significantly and do not exceed ten percent (10%) of the total Agreement amount.

Approved - Agreement No.: A-14427; Amendment No. 3

Public Works, Facilities and Parks

- 54.** a. Approve and authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute a Standard Agreement between the County and Staples Contract & Commercial, LLC (Agreement) in an amount not to exceed \$500,000 for office furniture solutions and related accessories and services procured under Sourcewell contract 121919-SCC, retroactive to April 19, 2022; and
- b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to sign, subject to prior review and approval as to form by the Office of the County Counsel-Risk Management, amendments to the Agreement provided that said amendments do not significantly change the terms of the Agreement or increase the not to exceed amount by ten percent (10%) of the original Agreement amount.

Approved - Agreement No.: A-15967

- 55.** Adopt resolutions for County Service Areas 1, 9, 15, 19, 20, 23, 24, 26, 30, 31, 32, 33, 35, 37, 38, 41, 44, 45, 47, 50, 51, 52, 53, 54, 56, 58, 62, 66, 68, 72, and 75:
- a. Certifying compliance with State law with respect to the levying of general and specific taxes, assessments, and property-related fees and charges for the respective County Service Area; and
- b. Authorizing and directing the Auditor-Controller to enter the amount of the charges against the respective lots or parcels as they appear in the assessment roll for FY 2022-23 as described in Exhibit 1 and Exhibit 2 (CSA 45 Oak Hills Subdivision only) of each Resolution.

County Service Area 1 - Adopted Resolution No. 22-280

County Service Area 9 - Adopted Resolution No. 22-281

County Service Area 15 - Adopted Resolution No. 22-282

County Service Area 19 - Adopted Resolution No. 22-283

County Service Area 20 - Adopted Resolution No. 22-284

County Service Area 23 - Adopted Resolution No. 22-285

County Service Area 24 - Adopted Resolution No. 22-286

County Service Area 26 - Adopted Resolution No. 22-287

County Service Area 30 - Adopted Resolution No. 22-288

County Service Area 31 - Adopted Resolution No. 22-289

County Service Area 32 - Adopted Resolution No. 22-290

County Service Area 33 - Adopted Resolution No. 22-291

County Service Area 35 - Adopted Resolution No. 22-292

County Service Area 37 - Adopted Resolution No. 22-293

County Service Area 38 - Adopted Resolution No. 22-294

County Service Area 41 - Adopted Resolution No. 22-295

County Service Area 44 - Adopted Resolution No. 22-296

County Service Area 45 - Adopted Resolution No. 22-297

County Service Area 47 - Adopted Resolution No. 22-298

County Service Area 50 - Adopted Resolution No. 22-299

County Service Area 51 - Adopted Resolution No. 22-300

County Service Area 52 - Adopted Resolution No. 22-301

County Service Area 53 - Adopted Resolution No. 22-302

County Service Area 54 - Adopted Resolution No. 22-303

County Service Area 56 - Adopted Resolution No. 22-304

County Service Area 58 - Adopted Resolution No. 22-305

County Service Area 62 - Adopted Resolution No. 22-306

County Service Area 66 - Adopted Resolution No. 22-307

County Service Area 68 - Adopted Resolution No. 22-308

County Service Area 72 - Adopted Resolution No. 22-309

County Service Area 75 - Adopted Resolution No. 22-310

- 56.** Approve and Authorize the Director of Public Works, Facilities and Parks (PWFP) to execute a Reimbursement Agreement between the Transportation Agency of Monterey County (TAMC) and the County of Monterey for the Pavement Management Program update.

Approved - Agreement No.: A-15968

- 57.**
- a. Award a contract to Granite Construction Company, the lowest responsible bidder for the Cooper Road Reconstruction, Project No. 1152, in the total amount of \$4,074,032;
 - b. Award a contract to Granite Rock Company, the lowest responsible bidder for the Murphy Road Reconstruction, Project No. 1169, in the total amount of \$973,452.40;
 - c. Approve the Performance and Payment Bonds executed and provided by Granite Construction Company and Granite Rock Company;
 - d. Authorize a contingency, not to exceed ten percent (10%) of the contract amount or \$407,403, to provide funding for approved contract change orders for Cooper Road Reconstruction, Project No. 1152;
 - e. Authorize a contingency, not to exceed ten percent (10%) of the contract amount or \$97,345, to provide funding for approved contract change orders for Murphy Road Reconstruction, Project No. 1169;
 - f. Authorize the Director of Public Works, Facilities and Parks to execute the contracts and, subject to the provisions of the Public Contract Code and Board Policies as applicable, approve change orders to the contract that do not exceed ten percent (10%) of the original contract amount and do not significantly change the scope of work; and
 - g. Authorize the Director of Public Works, Facilities and Parks to execute a Certificate of Completion and record a Notice of Completion with the County Recorder when the Director determines that the contract is complete in all respects in accordance with the Plans and Special Provisions for the construction of Cooper Road Reconstruction, Project No. 1152 and Murphy Road Reconstruction, Project No. 1169.

Approved - Agreement No.: A-15969

- 58.** Adopt an urgency ordinance amending Section 14.18.040 of the Monterey County Code to establish up to a \$1,000 civil penalty for illegal camping in the right-of-way of State Highway One between the Carmel River and the Monterey-San Luis Obispo County Line (4/5 vote required).

Adopted Ordinance No. 5381

- 59.** Adopt an urgency ordinance to amend Section 12.28.030 of the Monterey County Code to prohibit parking from 7:00 a.m. to 6:00 p.m. during weekdays on Madison Lane on both sides from Boronda Road easterly to its terminus in the unincorporated area of Monterey County (4/5ths vote required).

Adopted Ordinance No 5382

- 60.** Approve and Authorize the Director of Public Works, Facilities and Parks (PWFP) to execute a Funding Agreement between the Transportation Agency of Monterey County (TAMC) and the County of Monterey for the Wayfinding Sign Program.

Approved - Agreement No.: A-15970

Addenda

61.

Added under 1:30 PM Scheduled Matters

- 18.1** Consider funding the increased cost for the WeatherTech Raceway at Laguna Seca (WRLS) Start-Finish Bridge and Racetrack Resurfacing Project, Project No. 8498, advancing funds for the 20% sponsorship match to be reimbursed by A&D Narigi Consulting, LLC. (A&D) by December 31, 2023, and awarding a contract to Granite Construction Company, the lowest responsible bidder, for the base bid and bid alternate for the Start-Finish Bridge and Racetrack Resurfacing Project in the amount of \$12,198,230.