

Monterey County

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



Meeting Minutes - Final

Tuesday, May 3, 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 and Supervisor John M. Phillips appeared, in person, with Supervisor Wendy Root Askew, Supervisor Chris Lopez and Supervisor Luis A. Alejo 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.

Additions and Corrections for Closed Session by County Counsel

There were no additions and corrections for the agenda.

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 Hurtado
Employee Organization(s): Units R and S
 - b. Pursuant to Health & Safety Code section 1462, and in accordance with Government Code Section 54954.5, the Board will receive a report and confer regarding hospital trade secret. Discussion will concern a new program. Estimated date of public disclosure: May 31, 2022.
 - c. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators:
 - (1) Property: 710 Old Stage Road, Salinas, CA 93908
Agency Negotiator(s): Leslie J. Girard, County Counsel
Negotiating Parties: Rancho Cielo, Inc.
Under negotiation: Price and terms
 - (2) Property: Portion of APNs 117-181-016, 117-181-017 and 117-181-018
Agency Negotiator(s): Randy Ishii, PWFDP Director, and Lindsay Lerable, Chief of Facilities
Negotiating Parties: Taylor Farms California, Inc.
Under negotiation: Price and terms.
 - d. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:
 - (1) Committee for Fair and Affordable Housing on the Central Coast v. County of Monterey, et al.,

Monterey County Superior Court Case No. 22CV000070

(2) Daniel Mitchell v. Joseph Moses, et al., Monterey County Superior Court Case No. 19CV001523 (ADDED VIA ADDEDNDA)

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

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

Public Comments for Closed Session

Open for public comments; Bill Lipe and Christian Schneider, both via Zoom, commented.

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 John M. Phillips and Supervisor Chris Lopez appeared, in person, with Supervisor Wendy Root Askew and Supervisor Luis A. Alejo 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

Pledge of Allegiance led by Nick Chiulos, Assistant County Administrative Officer

Additions and Corrections by Clerk

There were no additions and corrections for the agenda.

Ceremonial Resolutions

Open for public comments; no public comments made.

A motion was made by Supervisor Wendy Root Askew, seconded by Supervisor Mary L. Adams to adopt Ceremonial Resolutions 2 through 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

2. Adopt a resolution proclaiming May 3, 2022 as National Teacher Appreciation Day and May 1 through May 8, 2022 as National Teacher Appreciation Week in Monterey County

Adopted Resolution No. 22-142

3. Adopt a resolution honoring Diane M. Sweet upon her retirement from the County of Monterey after nineteen years of dedicated Public Service. (Supervisor Adams)

Adopted Resolution No. 22-140

4. Adopt a resolution in honor and recognition of Dr. Eduardo M. Ochoa for his dedicated service to the County of Monterey. (Supervisor Adams)

Adopted Resolution No. 22-141

Appointments

Open for public comments; no public comments made.

A motion was made by Supervisor Wendy Root Askew, seconded by Supervisor Chris Lopez to appoint/reappoint Item Numbers 5 and 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

5. Reappoint Cristy Sugabo to the Commission on Disabilities with a term ending on December 31, 2024. (Nominated By The Commission On Disabilities)

Reappointed

6. Appoint Karina Pinedo to the Soledad Mission Recreation District with a term ending on January 1, 2023. (Nominated By District 3, Supervisor Lopez)

Appointed

Approval of Consent Calendar – (See Supplemental Sheet)

7. See Supplemental Sheet

Open for public comments; no public comments made.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Chris Lopez to approve Consent Calendar Item Numbers 20 through 27.

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; Wes White, in person, commented.

10:30 A.M. - Scheduled Matters

9. Update from CSUMB President Eduardo M. Ochoa

President Eduardo M. Ochoa from California State University of Monterey, in person, presented, via PowerPoint presentation.

Open for public comments; no public comments made.

Upon consensus the Board received an:

Update from CSUMB President Eduardo M. Ochoa

10. Adopt a resolution proclaiming May 1st through May 7th, as Public Service Recognition Week and honoring employees providing public service, with special recognition and profound appreciation for employees who have and continue to serve as COVID-19 Disaster Service Workers. (Supervisor Adams)

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

Open for public comments; no public comments made.

A motion was made by Supervisor Chris Lopez, seconded by Supervisor Wendy Root Askew to: Adopt Resolution No. 22-143 proclaiming May 1st through May 7th, as Public Service Recognition Week and honoring employees providing public service, with special recognition and profound appreciation for employees who have and continue to serve as COVID-19 Disaster Service Workers. (Supervisor Adams)

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, Supervisor John M. Phillips and Supervisor Chris Lopez appeared, in person, with Supervisor Wendy Root Askew and Supervisor Luis A. Alejo 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.

1:30 P.M. - Scheduled Matters

11. a. Approve the Auditor-Controller's Fiscal Year 2022-23 and FY 2023-24 Internal Audit Work Plan.

Rupa Shah, Auditor Controller and James Lam, Chief Deputy Auditor-Controller, in person, presented via PowerPoint presentation.

Open for public comments; no public comments made.

A motion was made by Supervisor Chris Lopez, seconded by Supervisor John M. Phillips to:
a. Approve the Auditor-Controller's Fiscal Year 2022-23 and FY 2023-24 Internal Audit Work Plan.

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. a. Receive a presentation of the County of Monterey 2022-2023 Equal Opportunity Plan;
b. Approve and adopt the County of Monterey 2022-2023 Equal Opportunity Plan;
c. Authorize the County Administrative Officer to execute the approved County of Monterey 2022-2023 Equal Opportunity Plan;
d. Authorize the Civil Rights Officer to execute the approved County of Monterey 2022-2023 Equal Opportunity Plan; and
e. Direct the Civil Rights Office to implement the County of Monterey 2022-2023 Equal Opportunity Plan.

Juan P. Rodriguez, Equal Opportunity Officer; Naudia Velarde, Associate Equal Opportunity Analyst and Angela Gralin, Analyst I with Biddle Consulting Group, via Zoom, presented via PowerPoint presentation.

Open for public comments; no public comments made.

A motion was made by Supervisor Chris Lopez, seconded by Supervisor John M. Phillips to:

- a. Receive a presentation of the County of Monterey 2022-2023 Equal Opportunity Plan;
- b. Approve and adopt the County of Monterey 2022-2023 Equal Opportunity Plan;
- c. Authorize the County Administrative Officer to execute the approved County of Monterey 2022-2023 Equal Opportunity Plan;
- d. Authorize the Civil Rights Officer to execute the approved County of Monterey 2022-2023 Equal Opportunity Plan; and
- e. Directed the Civil Rights Office to implement the County of Monterey 2022-2023 Equal Opportunity Plan.

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

13. Receive a presentation from the Department of Social Services on child welfare services provided in Monterey County.

Lori Medina, Director, Laura Neal, Manager and Chelsea Chacon, Management Analyst III all from Social Services, in person, presented via PowerPoint presentation.

Open for public comments; David Rosen, in person, and Alicia Metters, via Zoom, commented.

Upon consensus the Board:

Received a presentation from the Department of Social Services on child welfare services provided in Monterey County.

Other Board Matters

County Administrative Officer Comments

14. County Administrative Officer Comments

Charles McKee, County Administrative Officer commented.

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

http://monterey.granicus.com/EditFile.php?clip_id=4506

New Referrals

15. New Referrals

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

Referral Responses

16. a. Receive a status report on the Board Referral 2021.25 “East Garrison Street Renaming”; and
b. Provide appropriate direction to staff.

Randy Ishii, Director of Public Works, Facilities & Parks, in person, presented via PowerPoint presentation.

Open for public comments; no public comments made.

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

- a. Receive a status report on the Board Referral 2021.25 “East Garrison Street Renaming”; and
b. Hold the County responsible for allowing the naming of the streets and allocate up to \$43,000 to make this possible for community residents to make these changes.

Roll call vote taken pursuant to Government Code 54953:

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

Motion failed 3 to 2

A motion was made by Supervisor Chris Lopez, seconded by Supervisor John M. Phillips to:

- a. Receive a status report on the Board Referral 2021.25 “East Garrison Street Renaming”; and
b. Directed Housing Community and Development staff to attend community meetings to see the desire of the community members who are interested in making these changes and come back to the Board for further consideration.

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**

17. a. Receive a follow up analysis report in response to Board Referral No. 2022.08 seeking the opportunity for expansion of commercial financing companies in Monterey County; and
b. Provide appropriate direction to staff.

Richard Vaughn, Economic Development Manager, in person, presented via PowerPoint presentation.

Open for public comments; no public comments made.

A motion was made by Supervisor Chris Lopez, seconded by Supervisor John M. Phillips to:

- a. Receive a follow up analysis report in response to Board Referral No. 2022.08 seeking the opportunity for expansion of commercial financing companies in Monterey County; and
b. Provide appropriate direction to staff.

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. Receive a preliminary analysis report in response to Board Referral No. 2022.07 determining the feasibility of an agricultural and livestock pass for the County of Monterey.

Henry Gonzales, Agricultural Commissioner, in person, presented via PowerPoint presentation.

Open for public comments; Kim Stemler and Norm Groot, via Zoom, commented.

A motion was made by Supervisor Chris Lopez, seconded by Supervisor John M. Phillips, as amended, to:

a. Receive a preliminary analysis report in response to Board Referral No. 2022.07 determining the feasibility of an agricultural and livestock pass for the County of Monterey and:

1) Directed staff to proceed with completion of referral based on description in this report and include the Monterey County Vintners and Growers Associations to be part of this program to cover the vineyards.

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

19. Board Comments

Board Comments can be heard by clicking the following link:

http://monterey.granicus.com/EditFile.php?clip_id=4506

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): Units R and S

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

b. Pursuant to Health & Safety Code section 1462, and in accordance with Government Code Section 54954.5, the Board will receive a report and confer regarding hospital trade secret.

Discussion will concern a new program. Estimated date of public disclosure: May 31, 2022.

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

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

(1) Property: 710 Old Stage Road, Salinas, CA 93908

Agency Negotiator(s): Leslie J. Girard, County Counsel

Negotiating Parties: Rancho Cielo, Inc.

Under negotiation: Price and terms

(2) Property: Portion of APNs 117-181-016, 117-181-017 and 117-181-018

Agency Negotiator(s): Randy Ishii, PWWP Director, and Lindsay Lerable, Chief of Facilities

Negotiating Parties: Taylor Farms California, Inc.

Under negotiation: Price and terms.

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

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

(1) Committee for Fair and Affordable Housing on the Central Coast v. County of Monterey, et al., Monterey County Superior Court Case No. 22CV000070

(2) Daniel Mitchell v. Joseph Moses, et al., Monterey County Superior Court Case No. 19CV001523

(ADDED VIA ADDENDA)

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

The Board acted on Item 1.d.(2) and determined the defendants were not acting in the scope of employment, therefore, the County will no longer represent them; however, if found by a jury they were they will be reimbursed their legal costs.

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

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

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

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

Adjourned

The meeting was adjourned at 4:35 p.m. by Chair Supervisor Mary L. Adams.

APPROVED:

_____/s/ Mary L. Adams_____
MARY L. ADAMS, CHAIR
BOARD OF SUPERVISORS

ATTEST:

**BY: ____/s/ Valerie Ralph_____
VALERIE RALPH
CLERK OF THE BOARD
APPROVED ON: May 17, 2022**

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

20. Adopt Resolution to:
- a. Amend Personnel Policies and Practices Resolution (PPPR) No. 98-394 and Appendices A and B to create the classification and associated salary range of Hospital Chief Medical Information Officer as indicated in the attached resolution;
 - b. Amend Natividad (Unit 9600) FY 2021-22 Adopted Budget to approve the reallocation of a Contract Physician position to a Hospital Chief Medical Information Officer position;
 - c. Authorize the Auditor-Controller to incorporate the approved changes in the Natividad (Unit 9600) FY 2021-22 Adopted Budget;
 - d. Direct the County Administrative Office to incorporate the approved position changes in the Natividad (Unit 9600) FY 2021-22 Adopted Budget; and
 - e. Direct the Human Resources Department to implement the changes in the Advantage HRM System.

Adopted Resolution No. 22-150

Department of Social Services

21. a. Approve and authorize the Director or the Assistant Director of the Department of Social Services to sign an agreement with Goodwill Central Coast for \$1,400,000 to provide Expanded Subsidized Employment training, supervision, intensive case management, and job performance evaluations for CalWORKs Welfare-to-Work customers for the period of July 1, 2022 through June 30, 2023; and
- b. Authorize the Director or the 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% (\$140,000) of the original contract amount and do not significantly change the scope of work.

Approved Agreement No.: A-15791

General Government

22. a. Approve and Authorize the Assessor-County Clerk/Recorder to enter into the Annual Maintenance Support Agreement Amendment No. 7 with Megabyte Systems Inc., revising the amount by adding \$31,535 for a revised total agreement amount not to exceed \$396,369.30, for an extended term of July 1, 2022 through June 30, 2023; and
- b. Authorize the Assessor-County Clerk/Recorder authority to sign two future annual renewals to the Agreement under same or similar terms that do not significantly alter the scope of work or increase the annual payments in excess of 10% per year over the amended FY 2022-23 amount.

Approved Agreement No.: A-13259; Amendment No. 7

23. a. Approve a non-standard Equipment Service and Software Support Agreement with Fluence Automation, LLC to provide equipment service and software support for mail sorting equipment for a total not to exceed amount of \$120,000 for a term effective July 1, 2022 through June 30, 2024; and
- b. Approve and authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute annual Equipment Service and Software Schedules (Exhibit A - Annual Service Schedules) to the Agreement with Fluence Automation, LLC to allow uninterrupted services for mail sorting equipment, the cost of which will not exceed \$60,000 per Fiscal Year including sales tax; and
- c. Authorize the Contracts/ Purchasing Officer or Contracts/Purchasing Supervisor to execute future Annual Service Schedules to the Agreement and other amendments thereto, extending the term by one (1) year each, subject to County Counsel approval, provided the terms of the Agreement remain substantially the same and provided the additional costs per year do not exceed ten percent (10%) of the cost of the prior year.

Approved Agreement No.: A-15792

24. It is recommended that the Board of Supervisors:
- a. Approve and authorize the Agricultural Commissioner to sign a Memorandum of Understanding (MOU) with the Monterey County Fair, through the 7th District Agricultural Association (MCF) to provide support of agricultural education efforts in Monterey County not to exceed \$10,000, and;
- b. Authorize the Auditor-Controller to make payments in accordance with the terms of the MOU.

Approved Agreement No.: A-15793

25. It is recommended that the Board of Supervisors:
- a. Approve and authorize the Agricultural Commissioner to sign a Memorandum of Understanding (MOU) with the Salinas Valley Fair, ("SVF"), not to exceed \$10,000, to provide support of agricultural education efforts in Monterey County, and;
- b. Authorize the Auditor-Controller to make payments in accordance with the terms of the MOU.

Approved - Agreement No.: A-15794

26. Adopt Resolution to:
- a. Authorize the reallocation of unspent American Rescue Plan Act of 2021 (ARPA) funds to the Human Resources Department; and
- b. Authorize the Auditor-Controller to amend the Human Resources Department's FY 2021-22 Adopted Budget (001-1060-8401-HRD001) to increase appropriations by \$74,073 to staff and administer the County's employee COVID-19 testing services financed by an increase in revenues in the CAO budget 001-1050-8041-CAO19 funded by ARPA funds (4/5ths vote required); and
- c. Authorize the Auditor-Controller and County Administrative Office to incorporate these changes in the FY 2021-22 Adopted Budget.

Adopted Resolution No. 22-151

Public Works, Facilities and Parks

- 27. a. Authorize the Director of Public Works, Facilities, and Parks (PWFP) to execute the Memorandum of Understanding (MOU) between Pajaro Sunny Mesa Community Services District (PSMCSD) and the County to allocate the County’s portion of the net sale proceeds, a total of approximately \$5,143, from the sale of Assessor’s Parcel Number (APN) 117-221-034, to PSMCSD for future improvements to the Pajaro Community Park; and
- b. Authorize the Auditor-Controller to make payments in accordance with the terms of the MOU.

Approved - Agreement No.: A-15795

Addenda

28.

Addenda

Added Under Closed Session

d. (2) Daniel Mitchell v Joseph Moses, et al, Monterey County Superior Court Case No. 19CV0015223