

County of Monterey

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



Meeting Minutes - Draft

Tuesday, October 18, 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, and Supervisor Wendy Root Askew, Supervisor John M. Phillips, Supervisor Chris Lopez and Supervisor Luis A. Alejo, appeared via video conference

Staff Present

Charles McKee, County Administrative Officer, Susan Blitch, Assistant 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)(1), the Board will confer with legal counsel regarding existing litigation:
 - (1) *County of Monterey, et al. v. Amerisourcebergen Drug Corp., et al.* (United States District Court, Northern District Case No. 18CV02693)
 - (2) DOE v. County of Monterey, et al. (Monterey County Superior Court Case No. 22-CV003019)
 - b. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.
 - c. 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 X
 - d. Pursuant to Government Code section 54956.9(d)(4), the Board will confer with legal counsel regarding two matters of potential initiation of litigation.
 - e. 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, Charles J. McKee, County Counsel and Leslie J. Girard, County Counsel
Negotiating Parties: A&D Narigi Consulting LLC and Friends of Laguna Seca

Under negotiation: Price and terms

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

Staff Present

Charles McKee, County Administrative Officer, Susan Blitch, Assistant 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 Dionne Ybarra.

Additions and Corrections by Clerk

There were no additions or corrections to today's agenda.

Ceremonial Resolutions

Open for public comments; no public comments made.

A motion was made by Supervisor Wendy Root Askew, seconded by Supervisor Chris Lopez to adopt Ceremonial Resolutions 2 through 16.

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 commending Joanne Leon, Housing and Community Development Permit Technician II, upon her retirement after thirty-three years of dedicated public service with the County of Monterey. (Supervisor Adams)

Adopted Resolution No. 22-407

3. Adopt a resolution proclaiming October as National Women's Small Business Month in the County of Monterey (Supervisor Askew)

Adopted Resolution No. 22-415

4. Adopt a resolution honoring David Dresser as a Monterey County Military and Veterans Affairs Advisory Commission's Veteran of the Year for 2022. (Supervisor Adams)

Adopted Resolution No. 22-400

5. Adopt a resolution honoring Jean-Jacques Murphy ("Jack") as a Monterey County Military and Veterans Affairs Advisory Commission's Veteran of the Year for 2022. (Supervisor Adams)

Adopted Resolution No. 22-405

6. Adopt a resolution Honoring Nadia Mendoza as a Monterey County Military and Veterans Affairs Advisory Commission's Veteran of the Year for 2022. (Supervisor Alejo)

Adopted Resolution No. 22-412

7. Adopt a resolution honoring Gilbert Medina as a Monterey County Military and Veterans Affairs Advisory Commission's Veteran of the Year for 2022. (Supervisor Lopez)

Adopted Resolution No. 22-403

8. Adopt a resolution honoring Juan Baltierra as a Monterey County Military and Veterans Affairs Advisory Commission's Veteran of the Year for 2022. (Supervisor Lopez)

Adopted Resolution No. 22-408

9. Adopt a resolution proclaiming October as National Domestic Violence Awareness Month October, 2022. (Supervisor Adams)

Adopted Resolution No. 22-414

10. Adopt a resolution honoring Darrell Sinclair as a Monterey County Military and Veterans Affairs Advisory Commission's Veteran of the Year for 2022. (Supervisor Phillips)

Adopted Resolution No. 22-401

11. Adopt a resolution honoring **Manny Palacios** as a Monterey County Military and Veterans Affairs Advisory Commission's Veteran of the Year for 2022. (Supervisor Phillips)

Adopted Resolution No. 22-410

12. Adopt a resolution honoring Lois Flint as a Monterey County Military and Veterans Affairs Advisory Commission's Veteran of the Year for 2022. (Supervisor Phillips)

Adopted Resolution No. 22-409

13. Adopt a resolution honoring Franco Pacheco as a Monterey County Military and Veterans Affairs Advisory Commission's Veteran of the Year for 2022. (Supervisor Askew)

Adopted Resolution No. 22-402

14. Adopt a resolution honoring Nancy Hunter as a Monterey County Military and Veterans Affairs Advisory Commission's Veteran of the Year for 2022. (Supervisor Askew)

Adopted Resolution No. 22-413

15. Adopt a resolution honoring Ian Oglesby as a Monterey County Military and Veterans Affairs Advisory Commission's Veteran of the Year for 2022. (Supervisor Askew)

Adopted Resolution No. 22-404

16. Adopt a resolution honoring Jerry Edelen as a Monterey County Military and Veterans Affairs Advisory Commission's Veteran of the Year for 2022. (Supervisor Askew)

Adopted Resolution No. 22-406

Appointments

Open for public comments; no public comments made.

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Chris Lopez to appoint/reappoint Item Numbers 17 through 20.

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Chris Lopez to: Nominate Supervisor Luis A. Alejo to serve on the California State Association of Counties (CSAC) Board of Directors, and Supervisor Wendy Root Askew to serve as alternate, for a one-year term of office beginning on November 14, 2022 for Item No. 21.

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

- a. Appoint Supervisor Chris Lopez to serve as delegate and the District 2 Supervisor to serve as alternate on the Rural County Representatives of California (RCRC) Board of Directors;
- b. Appoint Supervisor Chris Lopez to serve as delegate and District 2 Supervisor to serve as alternate on the Golden State Finance Authority (GSFA) Board of Directors;
- c. Appoint Supervisor Chris Lopez to serve as delegate and District 2 Supervisor to serve as alternate on the Golden State Connect Authority (GSCA) Board of Directors; and,
- d. Directed staff to update the Boards, Committees, and Commissions appointments list accordingly for Item No. 22

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. Appoint Esther Malkin to the Housing Advisory Committee to fill an unexpired term ending on March 9, 2023. (Nominated By District 5, Supervisor Adams)

Appointed

18. Reappoint Luz Garcia to the Monterey County Medical Care Committee as a Citizens Representative with a term expiring on June 30, 2024. (Nominated By The Monterey County EMS Director)

Reappointed

19. Reappoint Ben Harvey to the Monterey County Emergency Medical Care Committee representing the City Managers Category with a term ending on June 30, 2024. (Nominated By The Monterey County EMS Director)

Reappointed

20. Reappoint Paul Wood to the Monterey County Emergency Medical Care Committee representing the City Managers Category with a term expiring on June 30, 2024.
(Nominated By The Monterey County EMS Director)

Reappointed

21. Nominate one member of the Board of Supervisors to serve on the California State Association of Counties (CSAC) Board of Directors, and one member of the Board of Supervisors to serve as alternate, for a one-year term of office beginning on November 14, 2022.

Nominated

22. Consider the appointment of delegates and alternates to the Rural County Representatives of California (RCRC), Golden State Finance Authority (GSFA), and Golden State Connect Authority (GSCA) Board of Directors.

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

23. See Supplemental Sheet

Open for public comments; Bob Roach, in person, and Michelle Hackett, via Zoom, commented.

Supervisor Wendy Root Askew had questions and comments on Consent Item Number 34.

A motion was made by Supervisor Wendy Root Askew, seconded by Supervisor John M. Phillips to approve Consent Calendar Item Numbers 31 through 42 less Item Number 34 as a separate vote will be taken on it.

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

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor John M. Phillips, as amended, on Consent Calendar Item No. 34:

The Board directed staff to formulate a payment plan program including options of payment plans starting before and or after January 31, 2023, and to Return to the Board within 30 days for consideration of approval.

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

24. General Public Comments

Open for general public comments for items not on today's agenda; Bob Roach and Eloise Shim, in person, and Bernie Gomez, via Zoom, commented.

Other Board Matters

25. Approve a recommendation by the Legislative Committee to authorize letters to the Speaker of the Assembly and the President pro Tempore of the Senate requesting the appointment of Supervisor Luis Alejo to serve on the Middle Mile Advisory Committee (MMAC).

Annette D'Adamo, Management Analyst III, via Zoom, verbally presented.

Open for public comments, no comments made.

A motion was made by Supervisor Wendy Root Askew, seconded by Supervisor John M. Phillips to:

Approve a recommendation by the Legislative Committee to authorize letters to the Speaker of the Assembly and President pro Tempore of the Senate requesting the appointment of Supervisor Luis Alejo to serve on the Middle Mile Advisory Committee (MMAC).

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

County Administrative Officer Comments

26. County Administrative Officer Comments

Charles McKee, County Administrative Officer's comments can be heard by clicking the following link:

http://monterey.granicus.com/EditFile.php?clip_id=4699

New Referrals

27. New Referrals

There were no new referrals this week.

Referral Responses

28. Receive a preliminary analysis report in response to Board Referral No. 2022.22 seeking to search for and open a District Office in Supervisorial District 1 within the East Salinas Zip Code 93905 area.

Ivo Basor, Management Analyst II and Lindsay Lerable, Chief of Facilities, both in person, from the Public Works, Facilities & Parks department presented via PowerPoint presentation.

Open for public comments; no public comments made.

Upon consensus the Board:

- a. Received a preliminary analysis report in response to Board Referral No. 2022.22 and:**
- b. Directed staff to proceed with completion of referral based on description in this report**

29. Receive a preliminary analysis report to Board Referral No. 2022.21 which requests the Clerk of the Board of Supervisors office to augment their budget to cover all expenses for framed Board Resolutions, and to enhance the current Ceremonial Resolution template.

Valerie Ralph, Clerk of the Board of Supervisors, in person, verbally presented.

Open for public comments, no public comments made.

Upon consensus the Board:

Received a preliminary analysis report to Board Referral No. 2022.21 which requests the Clerk of the Board of Supervisors office to augment their budget to cover all expenses for framed Board Resolutions, and to enhance the current Ceremonial Resolution template.

Board Comments

30. Board Comments

Board Comments can be heard by clicking the following link:

http://monterey.granicus.com/EditFile.php?clip_id=4699

Read Out from Closed Session by County Counsel

There was no read out from closed session.

Recessed/Adjourned

The meeting was recessed back into closed session at 12:05 p.m. by Chair Supervisor Mary L.

Adams and will adjourn from closed session.

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

- 31.** a. Authorize the Chief Executive Officer for Natividad Medical Center (NMC) or his designee to execute amendment No. 4 to the agreement (A-14571) with Press Ganey Associates, LLC., for the addition of its eSurvey product, with no change to the agreement term of January 1, 2020 through December 31, 2023, and adding \$322,700 for a revised total agreement amount not to exceed \$825,335.
- b. Authorize the Chief Executive Officer for NMC or his designee to execute up to three (3) future amendments to the Master Services Agreement which do not significantly alter the scope of work and do not cause an increase of more than ten percent (10%) (\$41,479) of the original cost of the agreement.

Approved

Criminal Justice

- 32.** a. Approve and Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to sign Amendment 3 (November 8, 2022 to November 7, 2023) to the Request for Proposals (RFP) #10614, Religious Services for the Monterey County Jail, with Prison Ministry of America, in the amount of \$80,581 for a new not to exceed contract cost of \$475,829.

Approved

General Government

- 33.** a. Approve and authorize the Director of the Emergency Communications Department to sign a maintenance agreement for the Universal Power Supply at the Emergency Services Center with Mitsubishi Electric Power Products, Inc. for a term of November 21, 2022 through November 20, 2025 in an amount not to exceed \$13,410;
- b. Approve the non-standard terms and conditions contained in the vendor's contract pursuant to the recommendation of the Director of Emergency Communications Department;
- c. Authorize the Director of Emergency Communications Department to sign quotations for replacements parts and services with Mitsubishi Electric Power Products, Inc. generated under the terms and conditions of this Agreement; and
- d. Authorize the Director of the Emergency Communications Department to sign up to three (3) amendments to this agreement where amendments do not exceed 10% (\$1,341) of the original agreement amount and do not significantly change the scope of work and do not alter the non-standard terms.

Approved

34. Consider adoption of a resolution to authorize the Treasurer-Tax Collector to conditionally waive all penalties and interest on unpaid installments of the annual commercial cannabis business tax imposed on cultivation activities for the first quarter of Fiscal Year 2022-2023, so long as the full amount due for that quarter is received by the Treasurer-Tax Collector on or before January 31, 2023.

Approved as amended.

35. Adopt a Resolution to:
- Approve the amendment to P-126 Monterey County 2022 COVID-19 Supplemental Paid Sick Leave and SB 114 Leave Implementation Policy; and
 - Direct the Director of Human Resources and Auditor Controller Office to extend the Supplemental Paid Sick Leave and the SB 114 Leave in the Advantage HRM/Payroll system.

Adopted

36. Receive a report that provides periodic updates on Cannabis Program performance indicators.

Approved

37. a. Accept grant funds from the California Department of Transportation Sustainable Transportation Planning grant award in the amount of \$248,596 to fund the Monterey County Zero Emissions Shared Mobility Study; and
- b. Authorize the Assistant County Administrative Officer or his designee to enter into and execute a restricted State of California Grant Agreement and all other grant documents as required by the Department of Transportation 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 \$248,596, funded by the augmentation of grant revenues from the California Department of Transportation. (4/5ths vote required).

Adopted

38. Receive the action minutes from the June, July, August and September 2022 Legislative Committee meetings.

Approved

39. Approve the Board of Supervisors of the Monterey County Draft Action Meeting Minutes for the following meeting date: Tuesday, October 11, 2022.

Approved

Public Works, Facilities and Parks

40. a. Approve and authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute Amendment No. 2 to the Operation and Management Agreement with RRM-CLM Services, LLC, Agreement A-15648, to update insurance and indemnification language related to underground fuel storage tanks; and
- b. Approve the recommendation of the Director of Public Works, Facilities and Parks to accept all nonstandard provisions in the Amendment No. 2, including indemnification and insurance.

Approved

41. Approve and authorize the Monterey County Laguna Seca Representative to execute Amendment No. 2 to Agreement A-14218 with All Fields Sports, LLC to extend the Agreement term through December 31, 2023, to continue performing specialized corporate sponsorship and hospitality sales management services for Laguna Seca Recreation Area (LSRA), including WeatherTech® Raceway at Laguna Seca and the LSRA campgrounds, and shooting range.

Approved

42. a. Approve Amendment No. 1 to Professional Services Agreement No. A-15327, Multi-Year Agreement #3200*5732, with Wallace Group, a California Corporation to continue to provide on-call engineering reports to determine annual maintenance requirements and capital improvement needs for selected County Service Areas (CSAs) and on-call engineering services for a variety of infrastructure upgrade and repair projects for the CSAs and County Sanitation Districts (CSDs), Request for Proposals #10782, to increase the not-to-exceed amount by \$500,000 for a total amount not-to-exceed \$1,000,000 with no extension to the term from June 1, 2021 to May 31, 2024, with the option to extend the term for up to two (2) additional years; and
- b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute Amendment No. 1 to Professional Services Agreement No. A-15327 and future amendments to the Agreement where the amendments do not significantly alter the scope of work or increase the approved Agreement amount.

Approved

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