

# Monterey County

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



## Action Minutes - Final

Tuesday, December 5, 2017

9:00 AM

See separate agenda for East Garrison Community Services District.

## Board of Supervisors

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

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

The meeting was called to order by Chair Adams.

**Roll Call**

Present: 5 - Supervisor Mary L. Adams, Supervisor Luis Alejo, Supervisor John M. Phillips, Supervisor Simón Salinas and Supervisor Jane Parker

**Additions and Corrections for Closed Session:**

There were no additions or corrections to Closed Session.

**Public Comment:**

Michael Baer.

**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) Aera Energy LLC v. County of Monterey, et al. (Monterey Superior Court case no. 16CV003980)
    - (2) California Resources Corporation v. County of Monterey, et al. (Monterey Superior Court case no. 17CV000790)
    - (3) Chevron U.S.A. Inc., et al. v. County of Monterey, et al. (Monterey Superior Court case no.16CV003978)
    - (4) Eagle Petroleum LLC v. County of Monterey, et al. (Monterey Superior Court case no. 17CV000935)
    - (5) National Association of Royalty Owners-California, Inc., et al. v. County of Monterey, et al., (Monterey Superior Court case no. 17CV000871)
    - (6) Trio Petroleum LLC, et al. v. County of Monterey, et al. (Monterey Superior Court case no. 17CV001012)
    - (7) State of California, et al. v. Jefferson Sessions, et al. (United States District Court case no. 17-CV-4701-WHO)
    - (8) County of Santa Clara, et al. v. Donald Trump, et al., (United States District Court case no. 17-CV-00574-WHO)
    - (9) City and County of San Francisco, et al. v. Donald J. Trump, et al., (United States District Court case no. 17-CV-00485-WHO)
  - b. Pursuant to Government Code section 54957.6, the Board will confer with negotiators:

(1) Designated representatives: Irma Ramirez-Bough and Brette Neal  
Employee Organization(s): Unit R

(2) Designated representatives: Irma Ramirez-Bough and Brette Neal  
Employee Organization(s): Units D, E, G & L

c. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding appointment to the position of Agricultural Commissioner/CA Sealer of Weights & Measures

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

e. Pursuant to Government Code section 54956.9(d)(4), the Board will confer with legal counsel regarding one matter of potential initiation of litigation.

**CLOSED SESSION REPORT: The Board took no reportable actions on items 1.a. through e.**

**10:30 A.M. - Reconvene**

**Roll Call**

**Present:** 5 - Supervisor Mary L. Adams, Supervisor Luis Alejo, Supervisor John M. Phillips, Supervisor Simón Salinas and Supervisor Jane Parker

**Pledge of Allegiance**

The Pledge of Allegiance was led by Gail T. Borkowski.

**Additions and Corrections**

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

**Correction to Consent Calendar – General Government**

**33. A revised Resolution has been submitted**

**Adopt Resolution to approve the amendments to the Conflict of Interest Code of the North County Recreation and Park District.**

**A motion was made by Supervisor Luis Alejo, seconded by Supervisor Jane Parker to approve the correction to the agenda. ALL AYES**

**Consent Calendar**

2. Approval of Consent Calendar (See Supplemental Sheet)

**Supervisor Adams pulled items 38 and 43.**

**A motion was made by Supervisor Mary L. Adams, seconded by Supervisor Luis Alejo to approve the Consent Calendar (See Supplemental Sheet), except items 38 and 43. ALL AYES**

**Supervisor Adams asked questions of staff regarding item 38. Charles McKee responded and suggested revisions to the resolution on the item.**

**Re Item 38: A motion was made by Supervisor Mary L. Adams, seconded by Supervisor Luis Alejo to approve item 38, with revisions to the resolution as stated on the record. ALL AYES (See item)**

**Supervisor Adams commented on item 43.**

**A motion was made by Supervisor Simon Salinas, seconded by Supervisor Luis Alejo to approve item 43. ALL AYES (See item)**

**Ceremonial Resolutions**

3. Adopt Resolution congratulating Gary Alan Craft on his distinguished law enforcement career of over forty-one years. (Full Board)

**A motion was made by Supervisor John M. Phillips, seconded by Supervisor Simón Salinas to adopt Resolution No. 17-402 congratulating Gary Alan Craft on his distinguished law enforcement career of over forty-one years. (Full Board) ALL AYES**

4. Adopt Resolution honoring Probation Officer III, Kathy Fisher upon her retirement from the Monterey County Probation Department after more than twenty-nine years of County service. (Full Board)

**A motion was made by Supervisor John M. Phillips, seconded by Supervisor Simón Salinas to adopt Resolution No. 17-404 honoring Probation Officer III, Kathy Fisher upon her retirement from the Monterey County Probation Department after more than twenty-nine years of County service. (Full Board) ALL AYES**

5. Adopt Resolution commending Michael L. Gross, Information Technology Department, upon his retirement from twenty-eight years of Public Service. (Full Board)

**A motion was made by Supervisor John M. Phillips, seconded by Supervisor Simón Salinas to adopt Resolution No. 17-403 commending Michael L. Gross, Information Technology Department, upon his retirement from twenty-eight years of Public Service. (Full Board) ALL AYES**

**Appointments**

- 6. Reappoint Dr. Roy Schindelheim or appoint Dr. Anthony Chavis as a Provider Representative to the Central California Alliance for Health for a term ending December 31, 2021. (Full Board)

**Public comment: Adrienne Laurent.**

**A motion was made by Supervisor John M. Phillips, seconded by Supervisor Luis Alejo to appoint Dr. Anthony Chavis as a Provider Representative to the Central California Alliance for Health for a term ending December 31, 2021. (Full Board) 3-2 (Supervisors Salinas and Parker voted No)**
- 7. Appoint Jonathan Wizard to the Monterey County Planning Commission to fill an unexpired term ending January 27, 2019. (Supervisor Parker)

**A motion was made by Supervisor John M. Phillips, seconded by Supervisor Luis Alejo to appoint Jonathan Wizard to the Monterey County Planning Commission to fill an unexpired term ending January 27, 2019. (Supervisor Parker) ALL AYES**
- 8. Appoint Margarita Robles to the Area Agency on Aging Advisory Council for a term ending January 1, 2021. (Full Board)

**A motion was made by Supervisor John M. Phillips, seconded by Supervisor Luis Alejo to appoint Margarita Robles to the Area Agency on Aging Advisory Council for a term ending January 1, 2021. (Full Board) ALL AYES**
- 9. Reappoint Julie Edgcomb to the Central Coast Alliance for Health as a Public Representative for a term ending December 31, 2021. (Full Board)

**A motion was made by Supervisor John M. Phillips, seconded by Supervisor Luis Alejo to reappoint Julie Edgcomb to the Central California Alliance for Health as a Public Representative for a term ending December 31, 2021. (Full Board) ALL AYES**
- 10. Reappoint Rita Dady to the Housing Authority of the County of Monterey for a term ending January 12, 2020. (Full Board)

**A motion was made by Supervisor John M. Phillips, seconded by Supervisor Luis Alejo to reappoint Rita Dady to the Housing Authority of the County of Monterey for a term ending January 12, 2020. (Full Board) ALL AYES**

**Other Board Matters**

- 11. Adopt Resolution urging the Federal Government to extend the Temporary Protected Status (TPS) for all (13) nations currently included in the program, and to establish a pathway to permanency for these recipients. (Supervisor Alejo)

**Public comment: Joe Vierra; Cesar Lara; Steve Eklund.**

**A motion was made by Supervisor Luis Alejo, seconded by Supervisor Simón**

Salinas to adopt Resolution No. 17-406 urging the Federal Government to extend the Temporary Protected Status (TPS) for all (13) nations currently included in the program, and to establish a pathway to permanency for these recipients. (Supervisor Alejo) ALL AYES

**12.**

## Board Comments

Supervisor Parker announced the Friends of Marina Library has opened a brick and mortar community book store to sell used books. The proceeds will be used to support the County libraries. They accept donations of used books and videos. It's a great place to do some holiday shopping and support a local non-profit.

Supervisor Alejo announced he was honored to attend the California State Association of Counties annual conference in Sacramento last week. He is pleased to have been elected as the Chair of the Latino Caucus representing Latino Supervisors throughout the State. He was also elected as the Co-Chair of the Coastal Counties Regional Association of CSAC.

Supervisor Alejo advised that he, Supervisor Salinas and County Counsel Charles McKee were honored to attend the California Clerk of the Board of Supervisors Association (CCBSA) who honored Clerk of Board Gail T. Borkowski on her soon to be retirement. She was honored for her involvement with Clerks on a statewide level and Boards of Supervisors. This showed the respect for her leadership and her contributions on a statewide level.

Supervisor Alejo thanked everyone for their efforts in support of the homeless shelter opening last Friday. He's hearing that this shelter is making a difference in the lives of the County's most vulnerable residents. He commended Manny Gonzalez, Elliott Robinson and the City of Salinas for making this partnership happen. This is truly a success story and he looks forward to more successes in addressing the homeless crisis in Monterey County.

Supervisor Adams added Sue Chapman to the list of the those to be commended for the homeless shelter opening. Her efforts to move the Public Defenders office on such a short timeline was a significant contribution to the timely opening of the facility.

Supervisor Salinas echoed Supervisor Alejo's comments, saying you could feel the love for Gail T. Borkowski at the reception and while they were happy for her retirement, they were sad to lose her and her advocacy at the state level.

Supervisor Salinas sincerely thanked Mr. Moore at the Office of Emergency Services and Interpreter Diego Celis for their attendance at the meeting last night in Chualar. The meeting went on for two hours with the public asking many questions about emergency preparedness and the new systems in place. It was a well attended meeting. He thanked Diego for his excellent translation of very technical terms.

Supervisor Adams advised she will speak later to the support the Clerk of the Board has provided to so many and the appreciation she receives from her colleagues throughout the state, as there is one more Board meeting for the year.

Gail T. Borkowski thanked Supervisors Adams, Salinas, Alejo and Charles McKee for their attendance and support at the CCBSA annual conference.

Supervisor Adams was honored to attend the annual CSAC Conference and is now aware that all counties are experiencing the same challenges as Monterey County on issues such as cannabis, short term rental, homelessness, and CalPERS. It is a certain sense of comfort to know we are in the same situation as many our colleagues around the state.

Supervisor Adams was invited to attend a meeting, at the invitation of the Cal State University Monterey Bay School of Business, to take a quick trip to Costa Rica to look at eco-tourism and eco recreation and wellness programs to look at and find ideas to bring back and replicate. It was a real honor.

**13.** CAO Comments and Referrals

County Administrative Officer Dr. Lew Bauman announced the following referrals:

1) Create an CSA Advisory Committee 47 (Carmel Views) of five to seven to work with staff on funding and projects (District 5 -Adams). Referred to the Resource Management Agency.

2) Request to begin the process of establishing an underground utility district for Carmel Highlands (District 5-Adams). Referred to Resource Management Agency.

3) Bring back a proposal to repair and replace a 48 inch tide gate on the northerly section of Elkhorn Road to prevent seawater intrusion in the upper slough. (District 2-Phillips) Referred to the Resource Management Agency, with direction to return to the Board next week with a proposal and an overview of permitting and construction costs for further direction from the Board.

**14.** General Public Comment

Steve Park; Joe Vierra; Steve Eklund; Eric Peterson; Wes White.

**10:30 A.M. - Scheduled Matters**

- 14.1**
- a. Approve the County of Monterey's Title VI Implementation Plan;
  - b. Adopt a resolution authorizing the Auditor-Controller to amend the FY 2017-18 Equal Opportunity Office Budget (001-1080-EQU001-8066) to add one Associate Equal Opportunity Analyst position, increasing appropriations by \$68,877 financed by a reduction in appropriations in the County Administrative Office's IGLA Division (001-1050-CA0004-8054) (4/5ths vote required);
  - c. Direct the Human Resources Department to implement the changes in the HRM system; and
  - d. Adopt a Resolution to re-name the Equal Opportunity Office to the Civil Rights Office and change the Titles of the Equal Opportunity Job Classification Series to reflect the name change.

Public comment: Andrea Mango; Alexis Magdaleno; Joe Vierra; Juan Gomez;

Wes White.

**A motion was made by Supervisor Luis Alejo, seconded by Supervisor Jane Parker to:**

- a. Approve the County of Monterey's Title VI Implementation Plan;**
- b. Adopt Resolution 17-409 authorizing the Auditor Controller to amend the FY 2017 18 Equal Opportunity Office Budget (001 1080 EQU001 8066) to add one Associate Equal Opportunity Analyst position, increasing appropriations by \$68,877 financed by a reduction in appropriations in the County Administrative Office's IGLA Division (001 1050 CA0004 8054) (4/5ths vote required);**
- c. Direct the Human Resources Department to implement the changes in the HRM system; and**
- d. Direct staff to return with options to look at funding when it returns through the budget process. ALL AYES**

15. Introduce, waive reading, and set December 12, 2017, as the date and time to consider adoption of an ordinance to amend Chapter 2.19 of the Monterey County Code to change the name of the Equal Opportunity Office to the Civil Rights Office and re-establish the duties of the Office and Officer.

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Mary L. Adams to:**

**Introduce, waive reading, and set January 9, 2018, as the date and time to consider adoption of an ordinance to amend Chapter 2.19 of the Monterey County Code to change the name of the Equal Opportunity Office to the Civil Rights Office and re-establish the duties of the Office and Officer. ALL AYES**

16. Introduce, waive reading, and set December 12, 2017, as the date and time to consider adoption of an ordinance to amend Chapter 2.80 of the Monterey County Code to change the name of the Equal Opportunity Office to the Civil Rights Office and re-establish the duties of the office and officer.

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Mary L. Adams to:**

**Introduce, waive reading, and set January 9, 2018, as the date and time to consider adoption of an ordinance to amend Chapter 2.80 of the Monterey County Code to change the name of the Equal Opportunity Office to the Civil Rights Office and re-establish the duties of the office and officer. ALL AYES**

17. REF150048 - Inland & REF160042 - Coastal  
Commercial Cannabis (Marijuana) Regulations  
Public hearing to consider:
- a. Adoption of an ordinance amending Title 21 (non-coastal zoning ordinance) of the Monterey County Code to regulate medicinal and adult-use commercial cannabis activities in the inland unincorporated area of Monterey County consistent with state law;
  - b. Adoption of a resolution of intent to:
    1. Adopt an ordinance amending the Monterey County Coastal Implementation Plan, Part 1 and Part 2 (Title 20, coastal zoning ordinance) of the Monterey County Code to regulate commercial cannabis activities in the coastal zone of unincorporated Monterey



County consistent with state law; and

2. Amend the text of the North County Land Use Plan to allow permitting of commercial cannabis activities at the former Kaiser National Refractories site located at 7697 Highway 1, Moss Landing, notwithstanding the coastal-dependent industrial land use designation on the site;

c. Adoption of an ordinance amending Chapter 7.90 to the Monterey County Code to add commercial adult-use cannabis activities to the County's current commercial medical cannabis permit regulatory structure and to regulate the operation of commercial adult-use cannabis activities in a manner that is consistent with state law; and

d. Adoption of an ordinance amending Section 7.02.060 of the Monterey County Code to add commercial adult-use cannabis activities as a type of business that must obtain a business license within the unincorporated area of Monterey County.

Location: County-wide

Proposed CEQA action: Statutorily exempt pursuant to Business and Professions Code Section 26055(h) (CEQA exemption for the adoption of local commercial cannabis regulations that require subsequent discretionary permits that are themselves subject to CEQA review).

(REVISED ATTACHMENT D SUBMITTED; REVISED ATTACHMENT H SUBMITTED AND ADDED MEMORANDUM - REVISION SUBMITTED VIA SUPPLEMENTAL)

**Public hearing held regarding REF150048 Inland & REF160042 Coastal Commercial Cannabis (Marijuana) Regulations.**

**Public comment: Mike Linder; Gaelen; Tiffany Wright; Daniel Sosa; Oliver Bates; Hansen Reed; Adam Gallegos; Sam Kemp; Dan DeGeorge; Juan Cervantes; Wes White; Katie Newman.**

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Luis Alejo to:**

**a. Adopt Ordinance 5292 amending Title 21 (non coastal zoning ordinance) of the Monterey County Code to regulate medicinal and adult use commercial cannabis activities in the inland unincorporated area of Monterey County consistent with state law;**

**b. Adopt Resolution of Intent 17-501 to:**

**1. Adopt an ordinance amending the Monterey County Coastal Implementation Plan, Part 1 and Part 2 (Title 20, coastal zoning ordinance) of the Monterey County Code to regulate commercial cannabis activities in the coastal zone of unincorporated Monterey County consistent with state law; and**

**2. Amend the text of the North County Land Use Plan to allow permitting of commercial cannabis activities at the former Kaiser National Refractories site located at 7697 Highway 1, Moss Landing, notwithstanding the coastal dependent industrial land use designation on the site;**

**c. Adopt Ordinance 5293 amending Chapter 7.90 to the Monterey County Code to add commercial adult use cannabis activities to the County's current commercial medical cannabis permit regulatory structure and to regulate the operation of commercial adult use cannabis activities in a manner that is consistent with state law;**

**d. Adopt Ordinance 5294 amending Section 7.02.060 of the Monterey County**

Code to add commercial adult use cannabis activities as a type of business that must obtain a business license within the unincorporated area of Monterey County. Location: County wide; and

e. Direct staff to return in January regarding setbacks for public parks in Big Sur, CA. Proposed CEQA action: Statutorily exempt pursuant to Business and Professions Code Section 26055(h) (CEQA exemption for the adoption of local commercial cannabis regulations. 4-1 (Supervisor Adams Abstained)

After the 1:30 P.M. Reconvene, Carl Holm addressed the Board on this item. No further action was taken by the Board.

### **12:00 P.M. - Recess to Lunch**

### **1:30 P.M. - Reconvene**

#### **Roll Call**

**Present:** 5 - Supervisor Mary L. Adams, Supervisor Luis Alejo, Supervisor John M. Phillips, Supervisor Simón Salinas and Supervisor Jane Parker

### **1:30 P.M. - Scheduled Matters**

17.1

(Public hearing continued from October 24, 2017) Continue to a date uncertain the public hearing on an ordinance to add Chapter 16.58 to the Monterey County Code to establish exemption procedures for land uses in support of oil and gas operations in order to implement provisions of Measure Z, a voter-approved initiative measure.

Proposed CEQA Action: Statutorily exempt per CEQA Guidelines section 15378(b)(5).

**Public comment: Laura Solorio; Beverly Bean; Andy Hsia-Coron; Bill Carrothers; Richard Boyer.**

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Luis Alejo to: Continue to a date uncertain the public hearing on an ordinance to add Chapter 16.58 to the Monterey County Code to establish exemption procedures for land uses in support of oil and gas operations in order to implement provisions of Measure Z, a voter-approved initiative measure. (Public hearing continued from October 24, 2017)**

**Proposed CEQA Action: Statutorily exempt per CEQA Guidelines section 15378(b)(5); additionally, the Board noted that the continuance will allow staff to review any court ruling and return to the Board within 30-45 days of a court ruling. ALL AYES**

18.

Consider recommendations from the Legislative Committee to:

- a. Adopt the 2017-18 Legislative Program Update;
- b. Adopt the 2017 Strategic Grant Services Program;
- c. Receive an annual report from the County's federal legislative advocate, Brent Heberlee (Nossaman LLP);
- d. Receive an annual report from the County's state legislative advocates, Jennifer

Capitolo and Ashley Walker (Nossaman LLP);

e. Receive an annual report from the County's grant consultants, Jennifer Capitolo and Ashley Walker (Nossaman LLP).

**A motion was made by Supervisor Luis Alejo, seconded by Supervisor Simón Salinas to:**

**Approve recommendations from the Legislative Committee to:**

**a. Adopt the 2017-18 Legislative Program Update, including updates from staff of Congressman Jimmy Panetta, Assemblymember Anna Caballero and Assemblymember Mark Stone;**

**b. Adopt the 2017 Strategic Grant Services Program;**

**c. Receive an annual report from the County's federal legislative advocate, Brent Heberlee (Nossaman LLP);**

**d. Receive an annual report from the County's state legislative advocates, Jennifer Capitolo and Ashley Walker (Nossaman LLP);**

**e. Receive an annual report from the County's grant consultants, Jennifer Capitolo and Ashley Walker (Nossaman LLP). ALL AYES**

19.

REF170038- Williamson Act 2018 Contract Applications

Conduct a public hearing to consider seven (7) 2018 Williamson Act Applications and adopt a Resolution to:

a. Find that the project is for Open Space Contracts or Easements which qualifies as a Class 17 Categorical Exemption pursuant to Section 15317 of the CEQA Guidelines, and there are no exemptions pursuant to CEQA Guidelines Section 15300.2;

b. Continue three (3) applications to the 2019 round of applications;

c. Approve a total of four (4) contracts to create three (3) Farmland Security Zones ("FSZ") and FSZ Contracts and establish one (1) Agricultural Preserve ("AgP") and Land Conservation Contract;

d. Authorize the Chair to execute the recommended Farmland Security Zone Contracts and Agricultural Preserve Land Conservation Contract; and

e. Direct the Clerk of the Board of Supervisors to record the Farmland Security Zone and Agricultural Preserve Land Conservation Contracts prior to the January 1, 2018 property tax lien date subject to the submittal of recording fees by the property owners of record.

Proposed CEQA Action: Categorically Exempt per CEQA Guidelines Section 15317. Project Location: Various locations

**A motion was made by Supervisor Luis Alejo, seconded by Supervisor Simón Salinas to:**

**a. Find that the project is for Open Space Contracts or Easements which qualifies as Class 17 Categorical Exemption pursuant to CEQA Guidelines Section 15317, and there are no exemptions pursuant to CEQA Guidelines Section 15300.2;**

**b. Continue the following three (3) applications to the 2019 round of applications:**

**1. No. 2018-001 (FSZ) - Clinton F. Miller, Jr. and Karen V. Miller, Trustees of the Miller Family Trust dated December 9, 1999; APNs 117-411-012 and 117-411-024 to create a Farmland Security Zone and Contract (Continued FSZ Application No. 2017-010);**

2. No. 2018-006 (FSZ) - Linda S. De Santiago Living Trust dated December 21, 1998; APNs 165-101-006 and 165-101-008 to create a Farmland Security Zone and Contract (Continued FSZ Application No. 2017-011); and

3. No. 2018-007 (AgP) - George R. Work as Trustee of the WORK FAMILY ESTATE TRUST, George R. Work, Colleen M. Work, Jody L. Birks, Johnita A. Fisher Life Estate; APNs 424-161-020; 424-181-022 and 424-181-002 to establish an Agricultural Preserve and Land Conservation Contract (Continued AgP Application No. 2017-012) upon condition that a title company lot book report is timely submitted by September 15, 2018.

c. Approve the following four (4) applications to create three (3) Farmland Security Zones (FSZ) and FSZ Contracts and establish one (1) Agricultural Preserve (AgP) and Land Conservation Contract:

1. No. 2018-002 (AgP) - Kyler N. Hamann and Jamie Hamann and Kristan A. Hamann; APNs 423-151-059 and 423-151-060 to establish an AgP and approve a Land Conservation Contract as applicable to the real property described in Exhibit A "Legal Description" to proposed new AgP Land Conservation Contract No. 2018-002;

2. No. 2018-003 (FSZ) - Mechanics Bank, Sole Successor Trustee under and pursuant to the Decree of Distribution in the matter of the Estate of Edie Westphal Herold, deceased; APN 223-061-023-000 to create an FSZ and approve an FSZ Contract as applicable to the real property described in Exhibit A "Legal Description" to proposed new FSZ Contract No. 2018-003;

3. No. 2018-004 (FSZ) - Blackie Road Holdings, LLC, a California Limited Liability Company; APNs 133-013-001; 133-013-002; 133-013-003 to create an FSZ and approve an FSZ Contract as applicable to the real property described in Exhibit A "Legal Description" to proposed new FSZ Contract No. 2018-004;

And Rescind a portion of Agricultural Preserve and Land Conservation Contract No. 77-1 and simultaneously place the property in a new Farmland Security Zone and Contract as applicable to the real property described in Exhibit A "Legal Description" to proposed new Farmland Security Zone Contract No. 2018-004; and

4. No. 2018-005 (FSZ) - Thomas M. Borchard, Sr. and Katherine V. Borchard; APN 253-011-006 to create an FSZ and approve an FSZ Contract as applicable to the real property described in Exhibit A "Legal Description" to proposed new FSZ Contract No. 2018-005 and/or the reconfigured Parcel B which is the subject of an approved Lot Line Adjustment in PLN160515 (Borchard Lot Line Adjustment) subject to the approval and recordation of the Certificates of Compliance required per PLN160515 (Continued FSZ Application No. 2017-006).

d. Authorize the Chair to execute the recommended Farmland Security Zone Contracts and Agricultural Preserve Land Conservation Contract; and

e. Direct the Clerk of the Board of Supervisors to record the Farmland Security Zone Contracts and Agricultural Preserve Land Conservation Contract prior to the January 1, 2018 property tax lien date subject to the submittal of the applicable recording fees by the property owners of record. (REF170038 – Williamson Act Contract Applications 2018 – County-wide) ALL AYES

20.

PLN160381 - Amaral Williamson Act Lot Line Adjustment

Public hearing to adopt a resolution for a Lot Line Adjustment of Williamson Act lands between three (3) existing legal lots of 50.957 acres and 106.705 acres subject to Farmland Security Zone Contract No. 2005-007 and 180.00 acres subject to Land Conservation Contract No. 2012-025, resulting in three (3) lots of 83.45, 97.712 and 156.5 acres respectively.

Project Location: Located on Somavia Road, south of Harris Road between

Highway 101 and River Road, at the edge of Toro Area Plan and Greater Salinas Area.

Proposed CEQA Action: Categorically Exempt per CEQA Guidelines Section 15305

**Public hearing held.**

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor John M. Phillips to adopt Resolution No. 17-528 for a Lot Line Adjustment of Williamson Act lands between three (3) existing legal lots of 50.957 acres and 106.705 acres subject to Farmland Security Zone Contract No. 2005-007 and 180.00 acres subject to Land Conservation Contract No. 2012-025, resulting in three (3) lots of 83.45, 97.712 and 156.5 acres respectively.**

**Project Location: Located on Somavia Road, south of Harris Road between Highway 101 and River Road, at the edge of Toro Area Plan and Greater Salinas Area. Proposed CEQA Action: Categorically Exempt per CEQA Guidelines Section 15305, PLN160381 - Amaral Williamson Act Lot Line Adjustment. ALL AYES**

**21.**

Acting on behalf of County Service Area 75 - Chualar:

- a. Conduct a Public Hearing to hear objections to, or protests against, the proposed wastewater service fee increase by property owners within the service area pursuant to Proposition 218 requirements. Said fee increase reflects a Three (3)-Year Phase in and forgiveness of four (4) loans totaling \$1,166,483 as public benefit;
- b. Direct Clerk of the Board to tabulate and certify assessment ballots received before the conclusion of the public hearing;
- c. Determine if a majority protest exists, or, if no majority protest exists;
- d. If a majority protest exists, no assessment may be imposed; and
- e. If no majority protest exists, adopt a Resolution to approve the proposed wastewater rate increase.

**Acting on behalf of County Service Area 75 - Chualar: A motion was made by Supervisor Simón Salinas, seconded by Supervisor John M. Phillips to:**

- a. Conduct a Public Hearing to hear objections to, or protests against, the proposed wastewater service fee increase by property owners within the service area pursuant to Proposition 218 requirements. Said fee increase reflects a Three (3)-Year Phase in and forgiveness of four (4) loans totaling \$1,166,483 as public benefit;**
- b. Direct Clerk of the Board to tabulate and certify assessment ballots received before the conclusion of the public hearing;**
- c. Determine if a majority protest exists, or, if no majority protest exists;**
- d. If a majority protest exists, no assessment may be imposed; and**
- e. Adopt Resolution No. 17-407 to approve the proposed wastewater rate increase. ALL AYES**

**22.**

Consider a recommendation from the Legislative Committee to support a proposal to change the name of Confederate Corners, an unincorporated community southwest of the City of Salinas, to Campesino Corners or other name(s) proposed by the community; and to convey the Board's recommendation to the U.S. Geological Survey, U.S. Board on Geographic Names.

Public comment: Regina Mason; Richard Boyer; A.J. Alvaro; John Tresh; Ron Van Sussten; Wes White.

A motion was made by Supervisor Jane Parker, seconded by Supervisor Mary L. Adams to approve recommendation from the Legislative Committee to support a proposal to change the name of Confederate Corners, an unincorporated community southwest of the City of Salinas, to Springtown and to convey the Board's recommendation to the U.S. Geological Survey, U.S. Board on Geographic Names. ALL AYES

**Adjournment**

**APPROVED:**

/ s/ Luis A. Alejo

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**LUIS A. ALEJO, CHAIR  
BOARD OF SUPERVISORS**

**ATTEST:**

BY: / s/ Nicholas E. Chiulos

\_\_\_\_\_  
**NICHOLAS E. CHIULOS  
ACTING CLERK OF THE BOARD**

**APPROVED ON** February 6, 2018

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

23. a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute Renewal and Amendment No. 2 to the Agreement with Qventus (formerly known as AnalyticsMD, Inc.) for operational decision support software at NMC to extend the Agreement term for two (2) additional years (October 29, 2017 through October 28, 2019), for a revised full term of October 29, 2015 through October 28, 2019 and increasing the amount by \$190,000 for a revised total agreement amount not to exceed \$381,000.
- b. Authorize the Deputy Purchasing Agent 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%) (\$19,100) of the original cost of the agreement in total.

**Approved**

24. Authorize execution by the Deputy Purchasing Agent for Natividad Medical Center (NMC) of a three-year renewal lease agreement with Monterey Bay Management Services, LLC ("Lease Agreement"), with a retroactive start date of August 1, 2017 and ending July 31, 2020, for 5,935 square feet of space located at 1441 Constitution Boulevard, Building No. 400, Suite 100, Salinas, California, for use as an eye care facility on the Natividad Medical Center campus at the monthly rate of \$13,668.00 and subject to an annual rent adjustment of three percent.

**Approved**

25. a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute the First Amendment to the Professional and Call Coverage Services Agreement (A-13055) with Muralidhara R. Raju, M.D. to provide neurosurgery services, extending the term by thirty-six (36) months (January 1, 2018 to December 31, 2020) for a revised full agreement term of March 1, 2016 to December 31, 2020 and adding \$200,000 for a revised amount not to exceed \$500,000 in the aggregate; and
- b. Authorize the Deputy Purchasing Agent for NMC 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% (\$30,000) of the original contract amount per each amendment.

**Approved**

26. Authorize the Chief Executive Officer of Natividad Medical Center ("NMC") until June 30, 2022 to execute agreements/amendments with commercial/private payers, including agreements/amendments containing non-standard risk provisions, for the

purpose of adding NMC as an in-network provider of healthcare services for both hospital and professional services and for establishing reimbursement methodologies used in healthcare payments, subject to County Counsel and Auditor-Controller approval.

**Approved**

27. Approve and authorize the Auditor-Controller to process payment in the amount of \$121,820.16 to Software House International (SHI) per Quote No. 13796352 on behalf of Natividad Medical Center (NMC) for an additional 721 Microsoft licenses owed and as required by the existing Microsoft Enterprise Enrollment Program Agreement, increasing the total cost of that agreement from \$936,040 to \$1,057,860.16, with no change to the term of the agreement of September 1, 2015 through August 31, 2018.

**Approved**

28. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute amendment No. 2 to the agreement (A-12650) with Natividad Medical Foundation (NMF) for NMC specially requested services and for NMF's philanthropic services, extending the agreement an additional two (2) year period (January 1, 2018 through December 31, 2019) for a revised full agreement term of January 1, 2015 through December 31, 2019 and increasing the amount by an additional \$1,915,370 for a revised total agreement amount not to exceed \$4,609,944.

**Approved**

29. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute amendment No. 2 to the agreement (A-13067) with Medical Information Technology, Inc. (MEDITECH) for the addition of a file importer software interface for the MEDITECH system at NMC, adding \$36,900 for a revised total agreement amount not to exceed \$156,359, and with an implementation term effective on January 1, 2018 through December 31, 2018.

**Approved**

### **Health Department**

- 29.1 Approve and authorize the Director of Health or Assistant Director of Health to negotiate and execute an Agreement allowing Central Coast College to conduct Veterinary Technician and Veterinarian Assistant classes on site at the Monterey County Animal Services Shelter and to utilize the shelter clinic for spay and neuter services on Animal Services shelter animals, subject to review and approval of the Agreement by County Counsel, Risk Management, and, to the extent there are financial terms, Auditor-Controller. (ADDED VIA ADDENDA)



Approved

### **Department of Social Services**

30. a. Approve and authorize the Contracts/Purchasing Officer to execute a Fourth Amendment to extend Lease Agreement No. A-08449, effective January 1, 2018, with La Guardia, LLC until December 31, 2018 for 28,244 square feet of general office and training space for use by the Department of Social Services; and  
b. Authorize the Auditor-Controller's Office to make Lease payments of \$43,011 in accordance with the terms of the Lease Agreement.

Approved

- 30.1 Adopt Resolution declaring a Shelter Crisis in Monterey County through December 31, 2018, in accordance with Government Code Sections 8698 through 8698.2. (ADDED VIA ADDENDA)

**A motion was made by Supervisor Mary L. Adams, seconded by Supervisor Luis Alejo to adopt Resolution No. 17-509 declaring a Shelter Crisis in Monterey County through December 31, 2018, in accordance with Government Code Sections 8698 through 8698.2. (ADDED VIA ADDENDA) ALL AYES**

### **Criminal Justice**

31. Authorize the Chief Probation Officer and Public Defender to stop assessing and collecting specified administrative fees charged to the families of youth in the juvenile justice system, effective December 5, 2017 in order to implement SB 190.

Approved

### **General Government**

32. Adopt Resolution to approve the amendments to the Conflict of Interest Code of the Monterey County Office of Education.

**A motion was made by Supervisor Mary L. Adams, seconded by Supervisor Luis Alejo to adopt Resolution No. 17-536 to approve the amendments to the Conflict of Interest Code of the Monterey County Office of Education. ALL AYES**

33. Adopt Resolution to approve the amendments to the Conflict of Interest Code of the North County Recreation and Park District.

**A motion was made by Supervisor Mary L. Adams, seconded by Supervisor Luis Alejo to adopt Resolution No. 17-532 to approve the amendments to the Conflict of Interest Code of the North County Recreation and Park District. ALL AYES**

34. Adopt Resolution to approve the amendments to the Conflict of Interest Code of the Salinas City Elementary School District.

**A motion was made by Supervisor Mary L. Adams, seconded by Supervisor Luis Alejo to adopt Resolution No. 17-537 to approve the amendments to the Conflict of Interest Code of the Salinas City Elementary School District. ALL AYES**

35. a. Approve and authorize the Contracts Purchasing Officer or the Contracts Purchasing Supervisor to execute a State and Local Agency Server and Cloud Enrollment Agreement with Insight Direct USA, Inc. (Insight), a Microsoft licensing reseller, for the purchase of Microsoft government services, data backup software subscriptions and associated maintenance/support, for the period of January 1, 2018 through December 31, 2020 in the maximum amount of \$96,859.80; and
- b. Accept non-standard contract provisions as recommended by the Director of the Information Technology Department; and
- c. Authorize the Contracts/Purchasing Officer to issue purchase orders on an as-needed basis pursuant to this Agreement over the period of January 1, 2018 through December 31, 2020; and
- d. Approve and authorize the Contracts/Purchasing Officer to execute a renewal of the Agreement for one (1) additional 36-month term, subject to County Counsel approval, on the same or substantially similar contract terms and to issue purchase orders on an as-needed basis pursuant to Agreement renewal.

**Approved - Agreement No. A-13804**

36. Adopt a Resolution to approve the Amendment of Article XIII of the Master Fee Resolution, effective January 1, 2018, to set and authorize the adjusted fees contained in the attachment hereto for the Assessor-Clerk-Recorder's Office.

**A motion was made by Supervisor Mary L. Adams, seconded by Supervisor Luis Alejo to adopt Resolution No. 17-538 to approve the Amendment of Article XIII of the Master Fee Resolution, effective January 1, 2018, to set and authorize the adjusted fees contained in the attachment hereto for the Assessor-Clerk-Recorder's Office. ALL AYES**

37. a. Receive the Certified Statement of Votes Cast and declare final the results of the November 7, 2017 North Monterey County Unified School District Election as set forth in the attached document.
- b. Declare "elected" the candidate to the office of Trustee Area 2 of the North Monterey County Unified School District Governing Board Member.

**Approved**

38. Adopt a Resolution to approve closure of selected County departments and/or divisions for the winter holiday from December 26, 2017 through December 29, 2017 and for this purpose only, waive Ordinance No. 766, fixing the days and hours of operation of County offices.

**A motion was made by Supervisor Mary L. Adams, seconded by Supervisor Luis Alejo to adopt Resolution No. 17-539, as revised, to to approve closure of selected County departments and/or divisions for the winter holiday from**

December 26, 2017 through December 29, 2017 and for this purpose only, waive Ordinance No. 766, fixing the days and hours of operation of County offices.  
**ALL AYES**

### **RMA - Administration**

- 39.** Adopt a Resolution to authorize the Auditor-Controller to amend the FY 2017-18 adopted budget for County Service Area 66 Las Lomas/Monterra Ranch, Fund 087-3000-8198-RMA083, increasing appropriations in the amount of \$40,000 where Fund 087 Unassigned Fund Balance is the financing source (4/5th vote required).

**A motion was made by Supervisor Mary L. Adams, seconded by Supervisor Luis Alejo to adopt Resolution No. 17-514 to authorize the Auditor-Controller to amend the FY 2017-18 adopted budget for County Service Area 66 Las Lomas/Monterra Ranch, Fund 087-3000-8198-RMA083, increasing appropriations in the amount of \$40,000 where Fund 087 Unassigned Fund Balance is the financing source (4/5th vote required). ALL AYES**

- 40.**
- a. Amend the FY 2017-18 Resource Management Agency (RMA), Unit 8172- Planning Budget to reallocate one (1) Historical & Cultural Affairs position to one (1) Management Analyst II position, as indicated in the attached Resolution;
  - b. Amend the FY 2017-18 RMA, Unit 8173 - Architectural Services Budget to reallocate one (1) Architectural Services Manager position to one (1) Project Manager II, as indicated in the attached Resolution;
  - c. Amend the FY 2017-18 RMA, Unit 8222 - RMA Administration Budget to reallocate one (1) Senior Account Clerk position to one (1) Accounting Clerical Supervisor position, as indicated in the attached Resolution;
  - d. Amend the FY 2017-18 RMA, Unit 8444 - Environmental Services to reallocate one (1) Water Resources Technician position to one (1) Water Resources Hydrologist position, as indicated in the attached Resolution; and
  - e. Authorize the Auditor-Controller and the County Administrative Office to incorporate these changes in the FY 2017-18 Budget.

**A motion was made by Supervisor Mary L. Adams, seconded by Supervisor Luis Alejo to adopt Resolution No. 17-516 to:**

- a. Amend the FY 2017-18 Resource Management Agency (RMA), Unit 8172- Planning Budget to reallocate one (1) Historical & Cultural Affairs position to one (1) Management Analyst II position, as indicated in the attached Resolution;
- b. Amend the FY 2017-18 RMA, Unit 8173 - Architectural Services Budget to reallocate one (1) Architectural Services Manager position to one (1) Project Manager II, as indicated in the attached Resolution;
- c. Amend the FY 2017-18 RMA, Unit 8222 - RMA Administration Budget to reallocate one (1) Senior Account Clerk position to one (1) Accounting Clerical Supervisor position, as indicated in the attached Resolution;
- d. Amend the FY 2017-18 RMA, Unit 8444 - Environmental Services to reallocate one (1) Water Resources Technician position to one (1) Water Resources Hydrologist position, as indicated in the attached Resolution; and
- e. Authorize the Auditor-Controller and the County Administrative Office to

**incorporate these changes in the FY 2017-18 Budget. ALL AYES**

41. Approve and authorize the Contracts/Purchasing Officer to execute a Lease Agreement, effective upon mutual execution, with Westat, Inc. for a Term of Five (5) Months for the use of "Building G" approximately 2,880 square feet of "Office" space and a 10,000 square foot "Pad" located at 855 E. Laurel Drive Salinas, California 93901.
- Approved - Agreement No. A-13793**

### **RMA - Public Works and Facilities**

42. a. Award a contract to A. Teichert & Son, dba Teichert Construction, the lowest responsible bidder, for the State Route 1 Climbing Lane, Project No. 8690, in the total amount of \$4,731,210;
- b. Approve the Performance and Payment Bonds executed and provided by A. Teichert & Son, dba Teichert Construction;
- c. Authorize a contingency, not to exceed 10% of the contract amount or \$473,121, to provide funding for approved contract change orders;
- d. Authorize the Resource Management Agency Director or Resource Management Agency Deputy Director of Public Works & Facilities to execute the contract and, subject to the terms of the Public Contract Code, approve change orders to the contract that do not exceed 10% of the original contract amount and do not significantly change the scope of work; and
- e. Authorize the RMA Director or RMA Deputy Director of Public Works & Facilities to execute a Certificate of Completion and record a Notice of Completion with the County Recorder when the Director or Deputy Director determines that the contract is complete in all respects in accordance with Plans and Special Provisions for the construction of the State Route 1 Climbing Lane, Project No. 8690, A. Teichert & Son, dba Teichert Construction.

**Approved - Agreement No. A-13806; Construction No. 2017-003**

43. a. Approve Standard Agreements with the following four (4) consultants: Associated Right of Way Services, Inc.; Bender Rosenthal, Inc.; Briggs Field Services, Inc.; and Overland, Pacific & Cutler, LLC to provide on-call real estate appraisal and acquisition services under Request for Qualifications #1702, in an amount not to exceed \$300,000 each for a combined total of \$1,200,000, for a period of three (3) years beginning December 5, 2017 to December 5, 2020, with the option to extend each Agreement for two (2) additional one (1) year period(s); and
- b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute said Standard Agreements and future amendments to said Agreements where the amendments do not significantly alter the scope of work or change the approved amount of said Agreements.

A motion was made by Supervisor Simon Salinas, seconded by Supervisor Luis Alejo to approve

- a. Approve Standard Agreements with the following four (4) consultants: Associated Right of Way Services, Inc.; Bender Rosenthal, Inc.; Briggs Field Services, Inc.; and Overland, Pacific & Cutler, LLC to provide on-call real estate appraisal and acquisition services under Request for Qualifications #1702, in an amount not to exceed \$300,000 each for a combined total of \$1,200,000, for a period of three (3) years beginning December 5, 2017 to December 5, 2020, with the option to extend each Agreement for two (2) additional one (1) year period(s); and
- b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute said Standard Agreements and future amendments to said Agreements where the amendments do not significantly alter the scope of work or change the approved amount of said Agreements.

**Approved Agreements - Associated Right of Way Services, Inc (A-13795), Bender Rosenthal, Inc. (A-13796), Briggs Field Services, Inc (A-13797), Overland, Pacific & Cutler, LLC (A-13798) ALL AYES**

**44.**

- a. Approve an Agreement for Purchase of Real Property to purchase a Permanent Roadway Easement, and a Temporary Construction Easement (0.028 acres and 0.130 acres, respectively) between County of Monterey and Don Keith Johnston and Susan J. Johnston, husband and wife as joint tenants (APN 424-091-019 & APN 424-091-020), in the amount of \$5,000, for Right-of-Way for the construction of Nacimiento Lake Drive Bridge Project, Project No. 2202;
- b. Approve an Agreement for Purchase of Real Property to purchase a Permanent Roadway Easement, and a Temporary Construction Easement (0.267 acres and 0.841 acres, respectively) between County of Monterey and Thomas A. Cooper and Randy R. Cooper, husband and wife as joint tenants (APN 424-091-017), in the amount of \$7,626, for Right-of-Way for the construction of Nacimiento Lake Drive Bridge Project, Project No. 2202;
- c. Approve the Real Property Purchase Agreement to Purchase Permanent Easement, and Temporary Construction Easement (.013 acres and .077 acres, respectively) with Richard C. Johnston and Desariee A. Johnston, husband and wife as joint tenants (APN 424-091-018), in the amount of \$5,000, for Right-of-Way for the construction of Nacimiento Lake Drive Bridge Project, Project No. 2202;
- d. Approve the Real Property Purchase Agreement to Purchase Permanent Easement, and Temporary Construction Easement (0.622 acres and 0.244 acres, respectively) with the Joseph Vineyard Estates, LLC (APN 424-091-015 and APN 424-091-016), in the amount of \$2,500.00, for Right-of-Way for the construction of Nacimiento Lake Drive Bridge Project, Project No. 2202; and
- e. Authorize the Resource Management Agency Deputy Director of Public Works and Facilities to execute the Agreements for Purchase of Real Property to purchase a Permanent Roadway Easement, and a Temporary Construction Easement, and the respective Certificates of Acceptance and Consent to Recordation on behalf of the County.

**Approved - Agreement No. A-13799 (Don Keith Johnston & Susan J. Johnston);**

**A-13800 (Thomas A. Cooper & Randy R. Cooper); A-13801 (Richard C. Johnston & Desariee A. Johnston); A-13802 (Joseph Vineyards Estates, LLC)**

- 45.**
- a. Approve Amendment No. 6 to the Professional Services Agreement (PSA) (Multi-Year Agreement [MYA] #3000 \*648) with Quinn Power Systems to continue to provide preventative maintenance and repairs on County of Monterey emergency generators, to increase the not to exceed amount of \$100,000 by \$50,000 for a total amount not to exceed \$150,000, with no extension to the term beginning July 1, 2012 through October 2, 2018; and
  - b. Authorize the Contracts/Purchasing Officer or the Contracts/Purchasing Supervisor to execute Amendment No. 6 to the Professional Services Agreement.

**Approved - Agreement No. A-13815**