

# Monterey County

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



## Action Minutes - Draft

Tuesday, February 5, 2019

9:00 AM

## Board of Supervisors

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

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

The meeting was called to order by Chair Supervisor John M. Phillips.

**Roll Called**

Present: 4 - Supervisor Mary L. Adams, Supervisor John M. Phillips, Supervisor Chris Lopez and Supervisor Jane Parker

Absent at the time roll called: 1 - Supervisor Luis A. Alejo

**Staff Present**

Dr. Lew Bauman, County Administrative Officer, Les Girard, Chief Assistant County Counsel, Julian Lorenzana, Board Clerk and Valerie Ralph, Clerk of the Board

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

There were no additions and corrections for Item No.'s 1.a. through d.

**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) Lisa Adrian v. Christopher Plummer, et al., Monterey County Superior Court Case No. 17CV003377
  - b. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding ~~three~~ four matters of significant exposure to litigation. (ADDED VIA SUPPLEMENTAL)

c. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding two matters of discipline, dismissal, or release of a public employee. (ADDED VIA SUPPLEMENTAL)

d. Pursuant to Government Code section 54957.6, the Board will provide direction to negotiators:

(1) Designated representatives: Irma Ramirez-Bough and Kim Moore  
Employee Organization(s): Units A, B, C, D, E, F, G, H, J, K, L, M, N, Q and V.

**Public Comment**

Open for public comment; no public comment made.

**The Board Recessed for Closed Session Agenda Items at 9:02 a.m.**

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

**Roll Called**

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

Supervisor Alejo arrived during closed session.

**Staff Present**

Dr. Lew Bauman, County Administrative Officer, Les Girard, Chief Assistant County Counsel, Julian Lorenzana, Board Clerk and Valerie Ralph, Clerk of the Board

**Announcement of the Interpreter**

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

**Pledge of Allegiance**

The Pledge of Allegiance was led by Chief Assistant County Counsel Les Girard.

**Additions and Corrections by the Clerk**

Added to Appointments:

Added the term expiration date of November 3, 2020 for Items No.'s 5.1 and 5.2:

5.1 Reappoint Ken Mahler to the Aromas Tri-County Fire Protection District for a term ending November 2020. (Supervisor Phillips)

**5.2 Reappoint Ron Mesiroff to the Aromas Tri-County Fire Protection District for a term ending November 2020. (Supervisor Phillips)**

**A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Chris Lopez to approve the additions and corrections.**

**ALL AYES**

**Consent Calendar- (See Supplemental Sheet)**

- 2.** Approval of Consent Calendar Items No. 14 through 17.

**Open for public comment; no public comment made.**

**A motion was made by Supervisor Mary L. Adams, seconded by Supervisor Luis A. Alejo to approve Consent Calendar Item No.'s 14 through 17. (See Supplemental Sheet) ALL AYES**

**Ceremonial Resolutions**

**Open for public comment; no public comment made.**

- 3.** Adopt Resolution proclaiming February 11-16, 2019 “African American Mental Health Awareness Week” in Monterey County. (Full Board)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Mary L. Adams to adopt Resolution No. 19-027 proclaiming February 11-16, 2019 “African American Mental Health Awareness Week” in Monterey County. (Full Board) ALL AYES**

- 4.** Adopt Resolution recognizing David Chardavoyne for his years of service and leadership of the Monterey County Water Resource Agency. (Full Board)  
(REVISED VIA SUPPLEMENTAL)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Mary L. Adams to adopt Resolution No. 19-028 recognizing David Chardavoyne for his years of service and leadership of the Monterey County Water Resource Agency. (Full Board) (REVISED VIA SUPPLEMENTAL) ALL AYES**

- 4.1** Adopt Resolution Proclaiming February 2019 As Black History Month in the County of Monterey. (Supervisor Phillips) (ADDED VIA ADDENDA)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Mary L. Adams to adopt Resolution No. 19-029 proclaiming February 2019 As Black History Month in the County of Monterey. (Supervisor Phillips) ALL AYES**

- 4.2** Adopt Resolution Recognizing and Congratulating 2-1-1 Monterey County.  
(Supervisor Phillips)  
(ADDED VIA ADDENDA)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Mary L. Adams to adopt Resolution No. 19-030 recognizing and congratulating 2-1-1 Monterey County. ALL AYES**

Appointments

Open for public comment; no public comment made.

5. Appoint Francine Goodwin to the Housing Authority for a term ending January 9, 2020. (Supervisor Phillips)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Luis A. Alejo to appoint Francine Goodwin to the Housing Authority for a term ending January 9, 2020. (Supervisor Phillips) ALL AYES**
- 5.1 Reappoint Ken Mahler to the Aromas Tri-County Fire Protection District for a term ending November, 2020. (Supervisor Phillips)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Luis A. Alejo to reappoint Ken Mahler to the Aromas Tri-County Fire Protection District for a term ending November, 2020. (Supervisor Phillips) ALL AYES**
- 5.2 Reappoint Ron Mesiroff to the Aromas Tri-County Fire Protection District for a term ending November 2020. (Supervisor Phillips)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Luis A. Alejo to reappoint Ron Mesiroff to the Aromas Tri-County Fire Protection District for a term ending November 2020. (Supervisor Phillips) ALL AYES**
- 5.3 Reappoint Sam Daniels to the Military and Veterans Affairs Advisory Commission for a term ending February 2, 2021. (Supervisor Alejo)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Luis A. Alejo to reappoint Sam Daniels to the Military and Veterans Affairs Advisory Commission for a term ending February 2, 2021. (Supervisor Alejo) ALL AYES**
- 5.4 Appoint Gilbert Ramos to the Community Action Commission for a term ending July 1, 2020. (Supervisor Alejo) (ADDED VIA ADDENDA)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Luis A. Alejo to appoint Gilbert Ramos to the Community Action Commission for a term ending July 1, 2020. (Supervisor Alejo) (ADDED VIA ADDENDA) ALL AYES**
- Appoint Francine Goodwin to the Housing Authority for a term ending January 9, 2020. (Supervisor Phillips)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Luis A. Alejo to appoint Francine Goodwin to the Housing Authority for a term ending January 9, 2020. (Supervisor Phillips) ALL AYES**

Other Board Matters

6. Board Comments
- Supervisor Chris Lopez shared Happy Lunar New Year; it's the Year of the Pig and he hoped it will be a good one.**

Supervisor Mary L. Adams commented on the meeting conducted last week where they responded to numerous constituents concerns; she hosted a community meeting on getting better prepared for the next wildfire, more than 300 people attended which was hosted at the new Monterey Peninsula Regional Park District headquarters the former Rancho Canada Golf Course; she thanked General Manager of the Monterey Peninsula Regional Park District Rafael Payan for helping pull it together but she really wanted to give a special thanks to the number for people who were there: Gerry Malais, from County OES, Chief Katys from Monterey Regional Fire, Jonathan Pangburn from Cal Fire, Under Sheriff John Mineau who all did an excellent presentation; she specifically wanted to thank County Administrative Officer Dr. Bauman who attended and was able to respond to questions that came up from the audience on the County's role in preparing for the next fire; they also had representation from numerous other agencies to help answer questions like the City of Monterey, Caltrans, Big Sur Fire Brigade, State Parks, Highway Patrol Presidio, SPCA and so many others who will play a part in what will have to be done when they respond to the next emergency fire; there were resource tables around the room so people could take away information and have the opportunity to speak one-on-one to the various representatives; the week before that there was a meeting she participated in which was an evacuation summit hosted by the City of Monterey with a variety of different fire and police representatives from Monterey Peninsula; she commented all of the speaks to the tragedies that we had in Santa Rosa and Paradise and shows that the issue of wildfires is at the forefront of people's mind; she stated, you think it will flood outside but we know that it's not if it's when the next big fires are going to happen; she said that during the question-and-answer part of the meeting members of the public raised several questions about maintaining defensible space around their homes and one of the outcomes she had during the meeting was the opportunity to talk with Carl Holm, Director of the County's Resource Management Agency Department from this she will bring back a board referral to have a presentation on both the state's laws and the county's ordinances and regulations on permitting requirements that may impede a property owners ability to manage vegetation for fire protection; she looks forward to working with Cal OES and Monterey County OES' staff that will be doing a year-round evacuation planning program and hopes that we can take that effort and include it in the public meeting and outreach as it is absolutely clear that so many people in the unincorporated area have legitimate concerns about their safety when it comes to fire; from her comments she provided a real broad update to the audience and also shared that this was live streamed on the Cal Fire website and it may also be shown on AMP as it was filmed; three hundred people attended and it was an amazing; secondly she commented that this week is the Pebble Beach AT&T golf tournament so traffic's going to be here as well as many golfers and a couple days of sunshine.

Supervisor John M. Phillips commented on a peace march on Sunday, in his district, which Supervisor Luis A. Alejo set up and will comment on.

Supervisor Luis A. Alejo acknowledged all the artists that were honored last Saturday night at the arts gala for the Arts Council for Monterey County which was a really successful event; there were some pretty amazing artist that were recognized; he also mentioned that this Sunday is the 25th anniversary of the tragic death of two young people in Monterey County that were residents of

Pajaro, at the time, Jessica Cortez was only 9 years old, her brother was 16 and their mother had sent them down the street to the bakery when they were gunned down by individuals who are never brought to justice; this was a tragic case because their mother Maria Salazar Cortez two years prior to that had lost her sixteen-year-old daughter in a car accident and then two years later she loses two other children so you can imagine a mother losing three of her five children in a span of two to three years; she has suffered a lot throughout her life and he had the opportunity to sit down with her and have an hour long conversation just catching up on what's happened over the last 25 years; in memory of her children a march that started 25 years ago, by young people, in his hometown in their memory has continued every year and it is led by mothers and family members of numerous and dozens of other families who lost their loved ones to domestic violence or gang violence in the community; this Sunday starting at 11 a.m., on the plaza, they will march into Pajaro where he and Supervisor Phillips are going to build a memorial bench with funds raised from private dollars; the bench will have a plaque in their honor; also this small park which is off Salinas Road, will be renamed the Cortez Park and a memorial Japanese cherry blossom tree will be planted; this is one example where the community hasn't forgotten the names of young people that they're not just statistics, they are brothers and sisters that were not forgotten, their names or ages or faces and he's proud that the community has continued to come over to march every year to educate people about the impact of violence on families because the pain never goes away; he shared that today Jessica would be 34 years old and her brother would be at 41 and he wondered what they'd be doing today, would they be teachers, business leaders, educators you have to wonder what they would have become had their lives not been cut so short; he was nineteen, at the time, when it all happened; the community is invited to join the event in memory of these kids, their families and he hopes that this will continue; lastly he commented that as a result a lot of issues with gang violence around that time is now at a 30-year low in crime and that the Community of Watsonville has the lowest per-capita crime in Santa Cruz County; he went on to say that sometimes these efforts do make a difference and despite it being a working-class area which is highly immigrants and highly a Latino community they were still able to make some strides in turn to bring peace to neighborhoods.

Supervisor Jane Parker commented on some of the events that were announced by Mel and Regina Mason; she reiterated that Mel mentioned on February 16th at 2:00 p.m. the film on black psychology and then on March 1st from 6:00 to 8:00 p.m., at the village project, the archaeologists Mr. Browder which all sound like really interesting events; these were just some of the Black History Month events happening in her district; there are ones that are happening all over the county, there's the Seaside Black History Month art reception and program at Seaside City Hall on Sunday the 17th of February from 1:30 to 3:30 p.m.; she mentioned that our Civil Rights Office was working on some Black History Month's events, their theme this year is African American migration and so far they have an interview with Helen Rucker talking about her journey where she grew up on then coming to this area; there will be a message going out to County employees and on the Civil Rights Office's web page with links to other events that are going on within the county family; out in the community and anyone's interested, there is a very good resource on the Cal State Monterey Bay website that talks about some of these events in black history month, on the 10th of February, Sunday from 6:00 to 10:00 p.m. there is gala, all black gala, lessons from Ferguson, there's a film

on Martin Luther King called King a filmed record from Montgomery to Memphis that's on Tuesday the 19th of February at 7 p.m. that's at the Peace and Justice Center there's also the NAACP and CSUMB are having a they often meet jointly particularly in the black history month so this is their eighth year of doing that that's on Thursday February 28th from 7:00 to 8:30 p.m. that's at the University Center, Living Room at CSUMB then there's a tour of historically black churches that is going on throughout February and into March as well and there is information about carpooling and location details on that CSUMB website and then another interesting series Harambee African American Heritage men's support group that's a Monday evenings from 3:30 to 5:00 p.m. through February and March and April again information on CSUMB website again NAACP and CSUMB jointly sponsored series on anti-complacency bi-weekly club meetings on Wednesday at 6:00 p.m. at the Student Center on CSUMB so it's a lot going on to help us honor and celebrate Black History Month and she courage's anyone, who is able, to get to some events; she also mentioned hot topics as it's a new year and her monthly gathering to connect with community members will be happening as usual; they have some new location this year; the next meeting is February 11th that's next Monday in Marina at Cheesecake Dreamations and then the following month they will be in Salinas at the Pizza Factory and then after that they'll be back in Seaside at the Oven Pizzeria all start at 5:30 p.m. on the second Monday of the month where they go over the agenda for the Board of Supervisors' meeting and then any other topics that the attendees want to discuss; then just a reminder about the town hall next Wednesday, not this week, but next week February 13th this is being put on by council members John Wizard and Dave Pacheco at the Oldemeyer Center in Seaside from 6:00 to 8:00 p.m. to discuss peninsula homeless shelter sites so that should be a good discussion and she again encourages anyone, who is interested, to participate.

7. CAO Comments and Referrals

There were no CAO comments and referrals.

8. General Public Comments

There were no general public comments made.

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

9. Receive a presentation from the County Administrative Office regarding 2018 Attendee Survey results for the events at WeatherTech Raceway Laguna Seca and a preview of the 2019 season.

**Dewayne Woods, Assistant County Administrative Officer from the Budget & Analysis Division presented via PowerPoint with Mr. Tim McGrane CEO from WeatherTech Raceway Laguna Seca.**

**Open for public comment; Kevin Dayton; Gary Cursio, Peter Munteer, Norm Groodt, and Mr. Weaver who presented the 2019 Unrestricted Sound Days on the overhead, commented.**

**Upon consensus, the Board received a presentation from the County**



**Administrative Office regarding 2018 Attendee Survey results for the events at WeatherTech Raceway Laguna Seca and a preview of the 2019 season.**

- 10.
  - a. Consider options for the use of the former site of the County modular buildings 1, 2, 3, and 6 located at the southwest corner of Gabilan and Church Streets in Salinas; and
  - b. Provide direction to staff.
 (Board referral 2018.22)

**Carl Holm, Resource Management Agency Director and Dave Pratt, Project Manager II with the Resource Management Agency presented via PowerPoint.**

**Don Reynolds and Lisa Brenton from the City of Salinas commented.**

**Open for public comment; Tom Worthington; Kevin Dayton and Jane Barr commented.**

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

**A. Alejo to:**

- a. Consider options for the use of the former site of the County modular buildings 1, 2, 3, and 6 located at the southwest corner of Gabilan and Church Streets in Salinas; and selected Option No. 1 to include an agreement with the City of Salinas including the Vibrancy Plan. In addition, staff has the flexibility to preserve the trees and landscape, look at additional EC slots; and
- b. Provide other direction to staff. (Board referral 2018.22)

**ALL AYES**

**12:39 P.M. - Recessed to Lunch**

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

**Roll Called**

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

**Staff Present**

**Dr. Lew Bauman, County Administrative Officer, Les Girard, Chief Assistant County Counsel, Julian Lorenzana, Board Clerk and Valerie Ralph, Clerk of the Board**

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

- 11. Accept the FY 2017-18 Annual Report from First 5 Monterey County (a.k.a. The Monterey County Children and Families Commission).

**Elsa Jimenez, Director of the Health Services from the Health Department with Francine Rodd, Director of First 5 presented via PowerPoint.**

**Open for public comment; no public comment made.**

Upon consensus, the Board accepted the FY 2017-18 Annual Report from First 5 Monterey County (a.k.a. The Monterey County Children and Families Commission).

**Announcement of the Interpreter**

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

12.

**PLN180204 - RAVA JERRY J II TR**

Public hearing to adopt a resolution for approval of a Lot Line Adjustment between three (3) legal lots of record of 160 acres (Parcel 1), 160 acres (Parcel 2) and 156.5 acres (Parcel 3) merging three (3) lots into two (2) resulting in lots of 91 acres (Parcel A) and 385.5 acres (Parcel B). The properties are located north of Wildhorse Canyon Road, near King City (Portion of Assessor's Parcel Number 420-091-010-000 and 420-091-018-000), Central Salinas Valley Area Plan. The properties are under Williamson Act Contract.

**Propose California Environmental Quality Act (CEQA) Action:** Categorically Exempt per California Environmental Quality Act (CEQA) Guidelines Section 15305(a)

**Project Location:** North of Wildhorse Canyon Road, near King City (Assessor's Parcel Number 420-091-010-000 and 420-091-018-000), Central Salinas Valley Area Plan.

**Public hearing commenced.**

Shelley Glennon, Senior Planner with Brandon Swanson, Interim Chief of Planning with the Resource Management Agency presented via PowerPoint.

Open for public comment; no public comment made.

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

Adopt Resolution No. 19-033 to approve of a Lot Line Adjustment between three (3) legal lots of record of 160 acres (Parcel 1), 160 acres (Parcel 2) and 156.5 acres (Parcel 3) merging three (3) lots into two (2) resulting in lots of 91 acres (Parcel A) and 385.5 acres (Parcel B). The properties are located north of Wildhorse Canyon Road, near King City (Portion of Assessor's Parcel Number 420-091-010-000 and 420-091-018-000), Central Salinas Valley Area Plan. The properties are under Williamson Act Contract.

**Propose California Environmental Quality Act (CEQA) Action:** Categorically Exempt per California Environmental Quality Act (CEQA) Guidelines Section 15305(a) **Project Location:** North of Wildhorse Canyon Road, near King City (Assessor's Parcel Number 420-091-010-000 and 420-091-018-000), Central Salinas Valley Area Plan.

Adopted Resolution No. 19-033 to:

a. Find that the project is a Lot Line Adjustment, which qualifies as a Class 5 Categorical Exemption per California Environmental Quality Act (CEQA) Guidelines Section 15305(a), and there are no exceptions pursuant to CEQA

**Guidelines Section 15300.2;**

- b. Approve a Lot Line Adjustment between three (3) legal lots of record of 160 acres (Parcel 1), 160 acres (Parcel 2) and 156.5 acres (Parcel 3) merging three (3) lots into two (2), resulting in lots of 91 acres (Parcel A) and 385.5 acres (Parcel B) under Williamson Act Agricultural Preserve Land Conservation Contract (LCC) No. 68-018 (Document No. G05567 Reel 545 Pg. 559-572) established by County Board of Supervisors Resolution No. 68-56-18, with no net decrease in acreage under the Williamson Act Contract;**
- c. Authorize the Chair to execute a new or amended Land Conservation Contract in order to rescind a portion of the existing Land Conservation Contract as applicable to the reconfigured lots only and simultaneously execute a new or amended Land Conservation Contract or Contracts for the reconfigured lots between the County and Jerry Rava II, Trustee of the Jerry Rava II Trust Dated August 19, 1994 reflecting the new legal descriptions, current ownership interests and to incorporate any legislative changes to State Williamson Act provisions and current County Agricultural Preserve Policies or Procedures; and**
- d. Direct the Clerk of the Board to record the new or amended Land Conservation Contract or Contracts subject to the submittal of the appropriate recording fees from the property owners of record.**

**ALL AYES**

**13.**

- a. Receive a report on the update process for the Affordable Housing Ordinance, the Inclusionary Housing Ordinance Financial Evaluation and provide direction on options for modifying the Ordinance;
- b. Receive a report on funding restricted for affordable housing to support the development and retention of affordable housing;
- c. Direct staff to analyze establishing a replacement reserve for the Kents Court in Pajaro to be funded from monthly lease income received from tenants of this affordable housing development;
- d. Authorize staff to issue a Request for Proposals for the preparation of a Housing Sustainability Plan for Monterey County and set aside \$210,000 from the Inclusionary Housing Fund for this purpose;
- e. Authorize staff to issue a Request for Proposals for affordable housing development and rehabilitation projects and planning activities to be funded from various restricted funding sources including the BEGIN program, HOME program, Inclusionary Housing In-Lieu Fees, and redevelopment low-moderate-income housing set-asides; and,
- f. Authorize staff to work with the Board of Supervisor's Legislative Committee, lobbyists, and other interested parties to advocate for changes to AB11 - Community Redevelopment Law of 2019.

**Nick Chiulos, Assistant County Administrative Officer made opening remarks and introduced the new Housing Program Manager Anastacia Wyatt for the Economic Development Department.**

**Darby Marshall, RHO Project Analyst II with the Economic Development Department and Kathe Head, Managing Principal with Keyser Marston Associates presented via PowerPoint.**

Open for public comment; Jane Barr, Rafael Hernandez, Alfred Diaz Infante, Lisa Griffith Burns, Eric Johnson, Cesar Lara, Jane Haines and Maria Magana commented.

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

- a. Receive a report on the update process for the Affordable Housing Ordinance and the Inclusionary Housing Ordinance Financial Evaluation and directed staff to convene stakeholders and bring input through a report in 6 weeks as an agenda item; the report to include the Castroville Community Nexus Plan, ADU Blueprints and checking in with stakeholders on the Housing Sustainability Plan in addition to any changes to the Inclusionary Housing Ordinance;
- b. Receive a report on funding restricted for affordable housing to support the development and retention of affordable housing;
- c. Direct staff to analyze establishing a replacement reserve for the Kents Court in Pajaro to be funded from monthly lease income received from tenants of this affordable housing development;
- d. Authorize staff to delay issuance of Request for Proposals for the preparation of a Housing Sustainability Plan for Monterey County, in order to, check in with stakeholders first and set aside up to \$210,000 from the Inclusionary Housing Fund for this purpose;
- e. Authorize staff to come back with what the evaluation criteria, in the Request for Proposal, would be in 4 to 6 weeks and also try to check in with the stakeholder community beforehand and prior to issuance of a Request for Proposals for affordable housing development, rehabilitation projects and planning activities which are to be funded from various restricted funding sources including the BEGIN program, HOME program, Inclusionary Housing In-Lieu Fees, and redevelopment low-moderate-income housing set-asides; when staff comes back they are to raise the question on protecting the county projects first ahead of project readiness and,
- f. Authorize staff to start conversing with school districts and other interested parties on changes to AB11 - Community Redevelopment Law of 2019 then come to the Board of Supervisor's Legislative Committee, lobbyists to further vet out.

ALL AYES

### Read Out from Closed Session

#### CLOSED SESSION REPORT:

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) Lisa Adrian v. Christopher Plummer, et al., Monterey County Superior Court Case No. 17CV003377

CLOSED SESSION REPORT: The Board took no reportable actions on items 1.a.(1)(2)(3)(4)(5)(6)(7)

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

CLOSED SESSION REPORT: The Board took no reportable actions on items 1.b.

c. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding two matters of discipline, dismissal, or release of a public employee. (ADDED VIA SUPPLEMENTAL)

CLOSED SESSION REPORT: The Board took no reportable actions on items 1.c.

d. Pursuant to Government Code section 54957.6, the Board will provide direction to negotiators:  
(1) Designated representatives: Irma Ramirez-Bough and Kim Moore  
Employee Organization(s): Units A, B, C, D, E, F, G, H, J, K, L, M, N, Q and V.

CLOSED SESSION REPORT: The Board took no reportable actions on items 1.d.(1)

**Adjourned**

The meeting was adjourned at 4:23 p.m. by Chair Supervisor John M. Phillips.

**APPROVED:**

\_\_\_\_\_  
**JOHN M. PHILLIPS, CHAIR**  
**BOARD OF SUPERVISORS**

**ATTEST:**

**BY:** \_\_\_\_\_  
**VALERIE RALPH**  
**CLERK OF THE BOARD**  
**APPROVED ON** \_\_\_\_\_

**Supplemental Sheet, Consent Calendar****Health**

14. Approve and authorize the Contracts Purchasing Officer or Contracts Purchasing Supervisor to sign Amendment No. 4 with Bagley Enterprises, Inc. (with a term of July 1, 2013 through June 30, 2019 and not to exceed \$125,000) to change the scope to allow for annual inspections rather than more frequent inspections for services related to used oil and filter collection.

**Approved - Agreement No. A-13938**

**General Government**

15. Accept the Monterey County Law Library Annual Report, Financial Year 2017-2018.

**Accepted**

**RMA Administration**

16. Adopt a Resolution to:
- a. Amend the FY 2018-19 Resource Management Agency (RMA), General Fund 001, Unit 8170- Building Services, Appropriation Unit RMA011 Budget to reallocate one (1) Principal Office Assistant position to one (1) Supervising Office Assistant II position, as indicated in the attached Resolution;
  - b. Amend the FY 2018-19 RMA, General Fund 001, Unit 8196 - Development Services, Appropriation Unit RMA010 Budget to reallocate one (1) Engineering Technician position to one (1) Civil Engineer position and one (1) RMA Services Manager to one (1) Management Analyst II, as indicated in the attached Resolution;
  - c. Amend the FY 2018-19 RMA, General Fund 001, Unit 8475 - Parks Operations, Appropriation Unit RMA102 Budget to reallocate one (1) Sanitation Worker position to one (1) Parks Utilities and Water Systems Specialist position, as indicated in the attached Resolution;
  - d. Amend the FY 2018-19 RMA, Road Fund 002, Unit 8195 - Public Works Engineering, Appropriation Unit RMA012 Budget to reallocate one (1) Project Manager II position to one (1) Project Manager III position, as indicated in the attached Resolution;
  - e. Amend the FY 2018-19 RMA, Road Fund 002, Unit 8443 - Public Works Maintenance, Appropriation Unit RMA012 Budget to create a new allocation for a Road Superintendent position, as indicated in the attached Resolution; and
  - f. Authorize the Auditor-Controller, Human Resources Department and the County Administrative Office to incorporate these changes in the FY 2018-19 Budget.

**Adopted Resolution No. 19-031**

**RMA – Public Works and Facilities**

- 17. Adopt a Resolution to:
  - a. Approve a report on the status of development traffic impact fees for fiscal year ending June 30, 2018; and
  - b. Adopt findings for retaining uncommitted funds in accordance with Government Code Section 66000 et. seq.

**Adopted Resolution No. 19-032**

**Addenda/Supplemental**

18.

**ADDENDUM**

**Add to Ceremonial Resolutions:**

- 4.1 Adopt Resolution Proclaiming February 2019 As Black History Month in the County of Monterey. (Supervisor Phillips)
- 4.2 Adopt Resolution Recognizing and Congratulating 2-1-1 Monterey County. (Supervisor Phillips)

**Add to Appointments:**

- 5.4 Revised to Appoint Gilbert Ramos to the Community Action Commission for a term ending July 1, 2020. (Supervisor Alejo)

**SUPPLEMENTAL**

**Revised Closed Session:**

- 1. b. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding ~~three~~ four matters of significant exposure to litigation.
- c. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding **two matters of** discipline, dismissal, or release of a public employee.

**Revised Ceremonial Resolution:**

4. WHEREAS, David Chardavoyne was initially recruited to resolve a three-party contract dispute related to design and construction of a 10,000 acre-ft/year desalination plant and continued on to become General Manager of this state established agency having an annual budget of \$24 million. ~~and is currently managing a~~ A key task he undertook as Gerneal Manager was the \$78.2 million project to construct a 10-foot diameter tunnel between the two reservoirs; and