

Monterey County

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



Meeting Agenda - Final-revised

Tuesday, November 1, 2016

9:00 AM

See separate agenda for Board of Supervisors of the Monterey
County Water Resource Agency.

Board of Supervisors

*Chair Jane Parker - District 4
Vice Chair Dave Potter - District 5
Supervisor Fernando Armenta - District 1
Supervisor Simón Salinas - District 3
Supervisor John M. Phillips - District 2*

The Board of Supervisors welcomes you to its meetings, which are regularly scheduled each Tuesday. Your interest is encouraged and appreciated. Meetings are held in the Board Chambers located on the first floor of the Monterey County Government Center, 168 W. Alisal St., Salinas, CA 93901. As a courtesy to others, please turn off all cell phones and pagers prior to entering the Board Chambers.

ALTERNATE AGENDA FORMATS: If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Individuals with a disability requiring a modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may make these requests to the Clerk of the Board Office.

CEREMONIAL/APPOINTMENTS/OTHER BOARD MATTERS: These items may include significant financial and administrative actions, and items of special interest, usually approved by majority vote for each program. The regular calendar also includes "Scheduled Items," which are noticed hearings and public hearings.

CONSENT CALENDAR: These matters include routine financial and administrative actions, appear in the supplemental section by program areas, and are usually approved by majority vote.

TO ADDRESS THE BOARD ON A MATTER ON THE AGENDA: Walk to the rostrum and wait for recognition by the Chair. In order that all interested parties have an opportunity to speak, please be brief and limit your comments to the specific subject under discussion. Time limitations shall be at the discretion of the Chair, with equal time allocated to opposing sides of an issue insofar as possible. Allocated time may not be reserved or granted to others, except as permitted by the Chair. On matters for which a public hearing is required, please note that a court challenge to the Board's action may be limited to only those issues raised at the public hearing or in correspondence delivered to the Board at or before the public hearing.

TO ADDRESS THE BOARD DURING PUBLIC COMMENT: Please complete a Speaker Request Form, available on the rostrum, and submit it to the Clerk of the Board before the commencement of that agenda item. Public comments shall not pertain to matters on the agenda.

DOCUMENT DISTRIBUTION: Documents related to agenda items that are distributed to the Board less than 72 hours prior to the meeting shall be available for public inspection at the Clerk of the Board Office, 168 W. Alisal Street, 1st Floor, Salinas, CA. Documents distributed to the Board at the meeting by County staff will be available at the meeting; documents distributed to the Board by members of the public shall be made available after the meeting.

INTERPRETATION SERVICE POLICY: The Monterey County Board of Supervisors invites and encourages the participation of Monterey County residents at its meetings. If you require the assistance of an interpreter, please contact the Clerk of the Board located in the Monterey County Government Center, 168 W. Alisal St., Salinas - or by phone at (831) 755-5066. The Clerk will make every effort to accommodate requests for translation assistance. Requests should be made as soon as possible, and at a minimum 24 hours in advance of any meeting of the Board of Supervisors.

La Cámara de Supervisores del Condado de Monterey invita y apoya la participación de los residentes del Condado de Monterey en sus reuniones. Si usted requiere la asistencia de un interprete, por favor comuníquese con la oficina de la Asistente de la Cámara de Supervisores localizada en el Centro de Gobierno del Condado de Monterey, (Monterey County Government Center), 168 W. Alisal, Salinas – o por teléfono al (831) 755-5066. La Asistente hará el esfuerzo para acomodar los pedidos de asistencia de un interprete. Los pedidos se deberán hacer lo mas pronto posible, y a lo mínimo 24 horas de anticipo de cualquier reunión de la Cámara de Supervisores.

All documents submitted by the public must have no less than ten (10) copies. The Clerk of the Board of Supervisors must receive all materials for the agenda packet by noon on the Tuesday one week prior to the Tuesday Board meeting. Any agenda related writings or documents distributed to members of the County of Monterey Board of Supervisors regarding any open session item on this agenda will be made available for public inspection in the Clerk of the Board's Office located at 168 W. Alisal St., 1st Floor, Salinas, California. during normal business hours and in the Board Chambers on the day of the Board Meeting, pursuant to Government Code §54957.5

NOTE: All agenda titles related to numbered items are live web links. Click on the title to be directed to corresponding Board Report.

9:00 A.M. - Call to Order

Roll Call

Additions and Corrections for Closed Session:

The Clerk of the Board will announce agenda corrections and proposed additions, which may be acted on by the Board as provided in Sections 54954.2 of the California Government Code. The public may comment on Closed Session items prior to the Board's recess 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)(2), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.
 - b. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding discipline, dismissal, or release of a public employee.
 - c. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:
 - (1) Designated representatives: Manuel Gonzalez and Brette NealEmployee Organization(s): Units D and L (ADDED VIA ADDENDUM)
 - d. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators:
 - (1) Property: Concession Agreement regarding Mazda Raceway at Laguna SecaAgency Negotiator(s): Dewayne Woods, Assistant County Administrative Officer;
Leslie J. Girard, Chief Assistant County Counsel
Negotiating Parties: Friends of Laguna Seca; International Speedway Corporation; and,
World Automobile Championship of California, LLC
Under negotiation: Price and Terms

Continuance of Closed Session to be held at the conclusion of the Board's Regular Agenda, or at any other time during the course of the meeting announced by the Chairperson of the Board. The public may comment on Closed Session items prior to the Board's recess to Closed Session.

10:30 A.M. - Reconvene**Roll Call****Pledge of Allegiance****Additions and Corrections**

The Clerk of the Board will announce agenda corrections and proposed additions, which may be acted on by the Board as provided in Sections 54954.2 of the California Government Code.

Ceremonial Resolutions

2. Adopt Resolution recognizing Salinas Police Chief Kelly J. McMillin upon his retirement after 32 years of Service to the City of Salinas, California. (Full Board)
Attachments: [McMillin Ceremonial Resolution](#)
3. Adopt Resolution honoring Catherine J.K. Sandoval for her many contributions as a member of the California Public Utilities Commission. (Supervisor Potter)
Attachments: [Sandoval Ceremonial Resolution](#)
- 3.1 Adopt Resolution honoring “Undisclosed Recipient” of Inns of Monterey/Casa Munras Hotel & Spa upon being named recipient of the 2016 Monterey County Hospitality Association Papa Vince Award. (Full Board)
Attachments: [Undisclosed Recipient](#)
- 3.2 Adopt Resolution of proclamation commending Rosalinda Yanez Soto, of the Monterey County Office of Employment and Training, upon her retirement after 39 years of dedicated public service. (Full Board) (ADDED VIA ADDENDUM)
Attachments: [Soto Ceremonial Resolution](#)

Appointments

4. Reappoint Brian Turlington to the Monterey County Workforce Development Board, representing Business for a term ending November 5, 2019. (Full Board)
Attachments: [Notification to Clerk - Turlington](#)
5. Reappoint Salvador Munoz to the Monterey County Workforce Development Board, representing Business for a term ending July 27, 2019. (Full Board)
Attachments: [Notification to Clerk - Munoz](#)

6. Reappoint Mimi Laurent to the Monterey County Workforce Development Board, representing Rehabilitation for a term ending October 29, 2019. (Full Board)

Attachments: [Notification to Clerk - Laurent](#)

Consent Calendar

7. Approval of Consent Calendar (See Supplemental Sheet)

Other Board Matters

8. Board Comments
9. CAO Comments and Referrals

Attachments: [Referrals 11-01-16](#)

10. General Public Comment

This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under the jurisdiction of the Board of Supervisors. Board members may respond briefly to the statement made or questions posed. They may ask a question for clarification; make a referral to staff for factual information or request staff to report back to the Board at a future meeting.

10:30 A.M. - Scheduled Matters

11. Consider adoption of a non-binding Resolution of Intent to allow the County of Monterey's continued participation in the formation of a proposed Monterey Bay Community Power Joint Powers Authority; and, consider providing staff direction to modify the Resolution of Intent to include provision for weighted voting for specified matters.

Attachments: [Board Report](#)

[A. MBCP Resolution of Intent to Join](#)

[B. City and County Comments to Draft Resolution of Intent](#)

[C. Response to Comments from County of Santa Cruz](#)

[D. County of Monterey Resolution of Intent to Join MBCP](#)

Adjournment

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

- 12.
- a. Approve Natividad Medical Center to increase the total project cost approved by the Board of Supervisors for \$1,156,036 for the Medical Office Buildout -Floor One by \$1,059,716 to a revised total project cost of \$2,215,752.; and
 - b. Approve Natividad Medical Center to increase the total project cost approved by the Board of Supervisors for \$800,000 for The Building 400 - Mechanical Upgrade by \$44,381 to a revised total project cost of \$844,381; and
 - c. Award an agreement in the total amount of \$2,604,675 for the construction component to Tombleson Inc. the lowest responsible and responsive base bidder, for Natividad Medical Center for the above mentioned projects; and
 - d. Approve the Performance and Payment Bonds executed and provided by Tombleson Inc.; and
 - e. Authorize a contingency (not to exceed 10% of the contract amount) to provide funding for approved contract change order.

Attachments: [Board Report](#)
[Performance and Payment Bonds.pdf](#)
[Tombleson Agreement.pdf](#)
[Exhibit 1 - Project Budget.pdf](#)
[Exhibit 2 - Project Schedule.pdf](#)

- 13.
- a. Approve the revised Business Associate Agreement (“BAA”) template to be utilized by Natividad Medical Center (“NMC”) in conjunction with contracts with Business Associates (“BAs”) performing specified services involving the use or disclosure of protected health information (“PHI”).
 - b. Authorize the NMC Chief Executive Officer or Contracts/Purchasing Officer to execute the revised BAA Template in conjunction with contracts with BAs performing specified services involving the use or disclosure of PHI.
 - c. Authorize NMC to implement future changes to the BAA template and to execute further revised BAAs , all subject to review and approval by County Counsel; delegation of authority limited to June 30, 2021.

Attachments: [Board Report](#)
[NMC BAA Revised Template.pdf](#)

- 14.
- a. Approve the Natividad Medical Center (NMC) Program Letter of Agreement template for use with clinical institutions for the purpose of offering clinical rotations outside of Natividad Medical Center (NMC)for the residents currently working at NMC;
 - b. Authorize updates to the NMC Program Letter of Agreement template in accordance with local, federal and/or state law, subject to review and approval of County Counsel;
 - c. Authorize amendments to the NMC Program Letter of Agreement template

that do not significantly change the level of risk or the scope of either party's obligations or responsibilities, subject to review and approval by County Counsel; and

- d. Authorize execution of the NMC Program Letter of Agreement template by the NMC Deputy Purchasing Agent or his designee, subject to review and approval of County Counsel; delegation of authority to expire June 30, 2021.

Attachments: [Board Report](#)
[Program Letter of Agreement Outgoing Residents Template.pdf](#)

Health Department

15. Accept and approve the Emergency Medical Services Agency (EMS) Annual Report for Fiscal Year 2015-16.

Attachments: [Board Report](#)
[EMS Annual Report.pdf](#)

16.
 - a. Approve and authorize the Director of Health or Assistant Director of Health to execute a three (3) year Mental Health Services Agreement with Fred Finch Youth Center in Oakland, CA for the provision of mental health services, medication support, crisis intervention, case management, and residential services for Monterey County youth that require the highest level of care, in the amount of \$903,628 for Fiscal Year (FY) 2016-17, \$903,628 for FY 2017-18, and \$914,789 for FY 2018-19, for a total Agreement amount not to exceed \$2,722,045, retroactive to July 1, 2016 through June 30, 2019; and
 - b. Approve and authorize the Director of Health or Assistant Director of Health to approve up to three (3) future amendments that do not exceed ten percent (10%) (\$272,205) of the original Agreement amount and do not significantly alter the scope of services.

Attachments: [Board Report](#)
[Fred Finch_MHS Agmt_20160701-20190630_scanned & signed.pdf](#)

17.
 - a. Approve participation in the California Department of Health Care Services (DHCS) Medi-Cal 2020 Demonstration Waiver Whole Person Care Pilot Program (WPC Pilot), including providing matching non-federal funds in the amount up to \$2,683,463 per year, for five years for a total non-federal match up to \$13,417,315; and
 - b. Approve and authorize the Director of Health or Assistant Director of Health to sign the WPC Agreement with DHCS to participate in DHCS's Medi-Cal 2020 Demonstration Waiver Whole Person Care five year pilot program which aims to improve coordination of health, behavioral health, and social services to improve Medi-Cal beneficiary health and wellbeing through more efficient and effective use of resources effective from the date DHCS and County have executed the WPC Agreement through June 30, 2021 unless the application is renewed or the WPC Pilot program is extended, for an annual amount up to

\$5,366,926 and total WPC Agreement amount up to \$26,834,630; and
c. Authorize the Director of Health or Assistant Director of Health to sign up to three (3) future amendments to the DHCS WPC Agreement where the amendments in the aggregate, do not exceed 10% of the original Agreement amount (\$2,683,463) and which do not significantly change the scope of the pilot project.

Attachments: [Board Report](#)
[WPC AGM 20161024.pdf](#)
[WPC AGM Att A 20161024.pdf](#)

General Government

18. Adopt a Resolution to revise and approve amendments to the Conflict of Interest Code of the Soledad Unified School District.

Attachments: [Board Report](#)
[Attachment A - COI for Soledad Unified School District](#)
[Attachment B - Resolution](#)
[Attachment C - County Counsel Memo](#)

19. Adopt a Resolution to revise and approve amendments to the Conflict of Interest Code of the Pebble Beach Community Services District.

Attachments: [Board Report](#)
[Attachment A - COI of Pebble Beach Community Services District](#)
[Attachment B - Resolution](#)
[Attachment C - County Counsel Memo](#)

20. a. Authorize the Interim Director of Information Technology to execute a non-standard Agreement with QSI 2011 Inc., dba Questys Solutions, for software and support used for Records Management, in the annual amount of \$109,096.14 for FY 2016-17, retroactive to September 1, 2016, \$111,278.06 for FY 2017-18, and \$113,503.62 for FY 2018-19 for a total aggregate amount not to exceed \$ 333,878; and
b. Accept non-standard provisions as recommended by the Interim Director of Information Technology.

Attachments: [Board Report](#)
[QSI 2011, Inc. Support Agreement](#)

21. Receive and Accept the Treasurer's Report of Investments for the Quarter Ending September 30, 2016.

Attachments: [Board Report](#)
[Exhibit A - Investment Portfolio Review 09.30.16](#)
[Exhibit B - Portfolio Management Report 09.30.16](#)
[Exhibit C - Monterey County Historical Yields vs. Benchmarks 09.30.16](#)
[Exhibit D - Aging Summary 10.01.16](#)

22. Adopt an ordinance (Attachment A) amending Section 2.12.040 of the Monterey County Code and adding Chapter 2.22 to the Monterey County Code to:

- a. Change the appointing authority of the Public Defender and establish the Public Defender as an appointed position to be appointed by and serve at the will of the Board of Supervisors; and
- b. Change the appointing authority of the Director of Child Support Services; and
- c. Update the reference to the County Department of Social Services to reflect a prior change in the name of the department.

Attachments: [Board Report](#)
[PD and DSS Ordinance.Clean.Att A](#)
[PD and DSS BR Ordinance.Redlined.Att B](#)

RMA - Public Works and Facilities

23. a. Award a contract to Viking Construction Company, the lowest responsible and responsive bidder, for Castroville Bicycle/Pedestrian Path and Railroad Crossing Project No.8622, Federal Aid Project No. RSTPLE-5944(111) (“Project”), in the total amount of \$6,509,050.56;

b. Approve the Performance and Payment Bonds executed and provided by Viking Construction Company and Travelers Casualty and Surety Company of America;

c. Authorize a contingency, not to exceed ten percent (10 %) of the contract amount, to provide funding for approved contract change orders;

d. Authorize the ~~Interim~~ Resource Management Agency Deputy Director of Public Works and Facilities to execute the contract and, subject to the provisions of the Public Contract Code, ~~and~~ approve change orders to the contract that do not ~~exceed ten percent (10%) of the original contract amount, and do not~~ significantly change the scope of work; and

e. Authorize the ~~Interim~~ Resource Management Agency Deputy Director of Public Works and Facilities to execute a Certificate of Completion and record a Notice of Completion with the County Recorder when the ~~Interim~~ Deputy Director determines the contract is complete in all respects in accordance with the Plans and Special Provisions for the construction of the Castroville Bicycle/Pedestrian Path and Railroad Crossing Project No.8622, performed by Viking Construction Company. (REVISED VIA SUPPLEMENTAL)

Attachments: [Revised Board Report](#)
[Attachment A - Viking Contract Agreement](#)
[Attachment B - Payment Bond](#)
[Attachment C - Performance Bond](#)
[Attachment D - Bid Summary, 10.5.16](#)
[Attachment E - Project Budget](#)
[Attachment F - Location Map](#)

24. Introduce, waive the reading, and set November 15, 2016 at 10:30 a.m. (Consent Agenda) as the date and time to consider adoption of an ordinance amending Section 12.24.020 of the Monterey County Code to establish stop intersections on Bishop Street at Florence Street, on Cayetano Street at Florence Street, and on Jonathan Street at Florence Street in Pajaro, an unincorporated area of the County of Monterey.

Attachments: [Board Report](#)
[Attachment A - Ordinance](#)
[Attachment B - Location Map](#)

Board of Supervisors Addenda / Supplemental Agenda

25. Monterey County Board of Supervisor's Addenda/Supplemental agenda for Tuesday, November 1, 2016.

ADDENDUM

Add to Closed Session

1. Closed Session under Government Code section 54950, relating to the following items:
 - c. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:
 - (1) Designated representatives: Manuel Gonzalez and Brette Neal
- Employee Organization(s): Units D and L

Add to Ceremonial Resolutions

- 3.2 Adopt Resolution of proclamation commending Rosalinda Yanez Soto, of the Monterey County Office of Employment and Training, upon her retirement after 39 years of dedicated public service. (Full Board)

SUPPLEMENTAL

Correction to Consent Calendar - Public Works and Facilities

Revised Board Report submitted.

Title now reads:

23. a. Award a contract to Viking Construction Company, the lowest

- responsible and responsive bidder, for Castroville Bicycle/Pedestrian Path and Railroad Crossing Project No.8622, Federal Aid Project No. RSTPLE-5944(111) (“Project”), in the total amount of \$6,509,050.56;
- b. Approve the Performance and Payment Bonds executed and provided by Viking Construction Company and Travelers Casualty and Surety Company of America;
 - c. Authorize a contingency, not to exceed ten percent (10 %) of the contract amount, to provide funding for approved contract change orders;
 - d. Authorize the ~~Interim~~ Resource Management Agency Deputy Director of Public Works and Facilities to execute the contract and, subject to the provisions of the Public Contract Code, ~~and~~ approve change orders to the contract that do not ~~exceed ten percent (10%) of the original contract amount, and do not~~ significantly change the scope of work; and
 - e. Authorize the ~~Interim~~ Resource Management Agency Deputy Director of Public Works and Facilities to execute a Certificate of Completion and record a Notice of Completion with the County Recorder when the ~~Interim Deputy~~ Director determines the contract is complete in all respects in accordance with the Plans and Special Provisions for the construction of the Castroville Bicycle/Pedestrian Path and Railroad Crossing Project No.8622, performed by Viking Construction Company.