

County of Monterey

*Government Center - Board Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901*



Meeting Minutes - Final

Tuesday, November 8, 2022

9:00 AM

Board of Supervisors

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

9:00 A.M. - Called to Order

The meeting was called to order by Chair Supervisor Mary L. Adams.

Roll Called

Present: 5 - Supervisor Mary L. Adams, Supervisor Wendy Root Askew and Supervisor John M. Phillips, appeared in person, and Supervisor Chris Lopez and Supervisor Luis A. Alejo, appeared via video conference

Staff Present

Charles McKee, County Administrative Officer, Les Girard, County Counsel and Valerie Ralph, Clerk of the Board appeared in person.

Additions and Corrections for Closed Session by County Counsel

There were no additions or corrections to closed session.

Closed Session

1. Closed Session under Government Code section 54950, relating to the following items:
 - a. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:
 - (1) Terrence Rahiri (Worker's Compensation Appeals Board No. ADJ13158502)
 - b. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding appointment/recruitment to the position of County Administrative Officer.
 - c. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding two matters of significant exposure to litigation.
 - d. Pursuant to Government Code section 54957.6, the Board will provide direction to negotiators:
 - (1) Designated representatives: Irma Ramirez-Bough and Ariana Hurtado
Employee Organization(s): Units R and X
 - (2) Designated representatives: Irma Ramirez-Bough and Ariana Hurtado
Employee Organization(s): Unit H
 - (3) Designated representatives: Irma Ramirez-Bough and Ariana Hurtado
Employee Organization(s): Unit F
 - (4) Designated representatives: Irma Ramirez-Bough and Ariana Hurtado
Employee Organization(s): All Units
 - e. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding appointment/recruitment to the position of Agricultural Commissioner.

Public Comments for Closed Session

Open for public comments; no public comments made.

The Board Recessed for Closed Session Agenda Items**10:30 A.M. - Reconvened on Public Agenda Items****Roll Called**

Present: 5 - Supervisor Mary L. Adams, Supervisor Wendy Root Askew, Supervisor John M. Phillips and Supervisor Chris Lopez, appeared in person, and Supervisor Luis A. Alejo, appeared via video conference

Staff Present

Charles McKee, County Administrative Officer, Les Girard, County Counsel and Valerie Ralph, Clerk of the Board appeared in person.

Announcement of Interpreter

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

Pledge of Allegiance

The Pledge of Allegiance led by Debra Siler.

Additions and Corrections by Clerk

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 addition and correction:

The following was read into the record:

Revision to Item No. 9 under Ceremonial Resolutions – VETS ERG:

Revised Resolution received

Revision to Item No. 25 under Scheduled Matters: Public Works, Facilities & Parks:

Revised Attachment C received

Addition to Item No. 26 under Scheduled Matters: Housing and Community Development:

Errata Memorandum received

Revision to Item No. 30 under Scheduled Matters: Cannabis Program:

Attachment C received

Addition to Item No. 60 under Housing and Community Development - Consent Calendar:

Attachment C – Location Map received

New Referrals:

At the request of Supervisor Chris Lopez this referral will be removed from the agenda:

Referral No. 2022.25

Supervisor Lopez & Supervisor Phillips District #: 3

Referral Title: Wildlife Trapper Resources

Referral Purpose: Identify resources to re-establish a trapper program in Monterey County

A motion was made by Supervisor Chris Lopez, seconded by Supervisor Wendy Root Askew to approve the additions and corrections to the agenda.

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE

Supervisor Phillips: AYE

Supervisor Lopez: AYE

Supervisor Root Askew: AYE

Chair Supervisor Adams: AYE

Ceremonial Resolutions

Open for public comments; no public comments made.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Wendy Root Askew to adopt Ceremonial Resolutions 2 through 14.

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE

Supervisor Phillips: AYE

Supervisor Lopez: AYE

Supervisor Root Askew: AYE

Chair Supervisor Adams: AYE

- 2.** Adopt a resolution recognizing Debra Siler as Monterey County's 2022 In-Home Supportive Services (IHSS) Provider of the Year. (Supervisor Adams)

Adopted Resolution No. 22-434

- 3.** Adopt a resolution recognizing Maria Rodriguez as Monterey County's 2022 In-Home Supportive Services (IHSS) Provider of the Year. (Supervisor Adams)

Adopted Resolution No. 22-437

- 4.** Adopt a resolution recognizing November 2022 as National Family Caregivers Month in Monterey County. (Supervisor Adams)

Adopted Resolution No. 22-439

- 5.** Adopt a resolution proclaiming November as National Family Caregiver Month in the County of Monterey.

(Supervisor Askew)

Adopted Resolution No. 22-440

6. Adopt a resolution proclaiming November 20, 2022 as Universal Children's Day in the County of Monterey. (Supervisor Askew)

Adopted Resolution No. 22-443

7. Adopt a resolution recognizing Doug Matheson's 37 years of Service with the Monterey County District Attorney's Office. (Supervisor Phillips)

Adopted Resolution No. 22-435

8. Adopt a resolution recognizing Pamela Patterson for 43 years of dedicated service to the Monterey County District Attorney's Office. (Supervisor Adams)

Adopted Resolution No. 22-441

9. Adopt a resolution recognizing the Monterey County Veterans Employee Resource Group VETS-ERG. (Supervisor Alejo)

Adopted Resolution No. 22-431

10. Adopt a resolution recognizing Monterey Peninsula Regional Park District on its 50th Anniversary. (Supervisor Adams)

Adopted Resolution No. 22-438

11. Adopt a resolution commending Deputy David Burnside upon his retirement from twenty-seven years of public service with the Monterey County Sheriff's Office. (Supervisor Adams)

Adopted Resolution No. 22-432

12. Adopt a resolution commending Deputy David Ramon upon his retirement from twenty-four years of public service with the Monterey County Sheriff's Office. (Supervisor Adams)

Adopted Resolution No. 22-433

13. Adopt a resolution commending Deputy Gregory James Borg upon his retirement from twenty-five years of public service with the Monterey County Sheriff's Office. (Supervisor Adams)

Adopted Resolution No. 22-436

14. Adopt a resolution commending Deputy Sonia Lopez Wingo upon her retirement from twenty-five years of public service with the Monterey County Sheriff's Office. (Supervisor Adams)

Adopted Resolution No. 22-442

Appointments

Open for public comments; no public comments made.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Luis A. Alejo to appoint/reappoint Item Numbers 15 through 22.

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE

Supervisor Phillips: AYE

Supervisor Lopez: AYE

Supervisor Root Askew: AYE

Chair Supervisor Adams: AYE

15. Appoint Janna Espinoza to the Central Coast Alliance for Health as a Public Representative to fill an unexpired term ending on December 31, 2023. (Nominated By District 4, Supervisor Askew)

Appointed

16. Appoint Catherine Stedman to the Economic Development Committee as a Climate & Clean Energy Representative with a term ending at the pleasure of the Board. (Nominated By The Economic Development)

Appointed

17. Appoint Dan Ripke to the Economic Development Committee as a Higher Education Representative with a term ending at the pleasure of the Board. (Nominated By The Economic Development Committee)

Appointed

18. Appoint Ida Chan to the Economic Development Committee as a Minority Owned Business Representative with a term ending at the pleasure of the Board. (Nominated by the Economic Development Committee).

Appointed

19. Appoint Janine Bouyea to the Economic Development Committee as a Healthcare Representative with a term ending at the pleasure of the Board. (Nominated By Economic Development Committee)

Appointed

20. Appoint Janine Chicourrat to the Economic Development Committee as a Tourism Representative with a term ending at the pleasure of the Board. (Nominated By The Economic Development Committee)

Appointed

21. Appoint Norman Groot to the Economic Development Committee as an Agriculture Representative

with a term ending at the pleasure of the Board. (Nominated By The Economic Development Committee)

Appointed

- 22.** Appoint Terice Clark to the Economic Development Committee as a Finance Representative with a term ending at the pleasure of the Board. (Nominated By the Economic Development Committee)

Appointed

Approval of Consent Calendar – (See Supplemental Sheet)

- 23.** See Supplemental Sheet

Open for public comments; no public comments made.

Supervisor Wendy Root Askew questioned Consent Item Number 67, Supervisor John M. Phillips commented and questioned Item Numbers 48 and 65 and requested to take a separate vote on Item Number 48 and Supervisor Luis A. Alejo commented on Item Number 46.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Luis A. Alejo to approve Consent Calendar Item Numbers 36 through 67 excluding Item Number 48 which a separate vote will be taken on.

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE

Supervisor Phillips: AYE

Supervisor Lopez: AYE

Supervisor Root Askew: AYE

Chair Supervisor Adams: AYE

A motion was made by Supervisor Mary L. Adams, seconded by Supervisor Wendy Root Askew to approve Consent Calendar Item Number 48.

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: NAY

Supervisor Phillips: NAY

Supervisor Lopez: AYE

Supervisor Root Askew: AYE

Chair Supervisor Adams: AYE

Motion passed 3 to 2

General Public Comments

- 24.** General Public Comments

Open for general public comments for items not on today's agenda; Levonne Stone, Eloise Shim and Patrick Gartlett, all in person, commented.

Scheduled Matters

- 25.** Adopt a Resolution of Necessity Finding and determining that:
- The Public Interest and Necessity Require the Davis Road Bridge Replacement and Road Widening Project (Project).
 - The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
 - The property sought to be acquired is necessary for the Project.

Proposed CEQA Action: Environmental Impact Report certified by the Board of Supervisors on July 11, 2016.

Project Location: Davis Road between Blanco Road and Reservation Road, south of the City of Salinas.

Property Owners of Record: CUS Holding Trust

Randy Ishii, Director, in person, announced the item and Enrique Saavedra, Chief of Public Works, via Zoom, both from Public Works, Facilities and Parks presented via PowerPoint presentation.

Gary Varga, via Zoom, and Rick Friess from Allen Matkins Leck Gamble Mallory & Natsis LLP, via Zoom, verbally presented.

Open for public comments; no public comments made.

A motion was made by Supervisor Wendy Root Askew, seconded by Supervisor Mary L. Adams to continue this matter to Tuesday, November 22, 2022:

It is recommended that the Board of Supervisors adopt a Resolution of Necessity Finding and determining that:

- The Public Interest and Necessity Require the Davis Road Bridge Replacement and Road Widening Project (Project).
- The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
- The property sought to be acquired is necessary for the Project.

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE

Supervisor Phillips: AYE

Supervisor Lopez: AYE

Supervisor Root Askew: AYE

Chair Supervisor Adams: AYE

- 26.** Conduct a public hearing and Adopt Resolutions to:
- Authorize the County Administrative Officer or his designee to request the California Department of Housing and Community Development (HCD) approve Amendment 1 to the County's Permanent Local Housing Allocation (PLHA) program Standard Agreement;
 - Authorize the County Administrative Officer or his designee enter, execute, and deliver a State of California an amended Agreement (Standard Agreement as required by PLHA, subject to review and approval of the Office of the County Counsel as to form and legality;
 - Authorize the Director of Housing and Community Development to enter into a Grant Agreement

with Interim, Inc. to provide \$400,213 in PLHA Activity 6 funding for construction cost overruns at the Sun Rose Gardens Permanent and Transitional Housing Development in Salinas.

- d. Apply for Permanent Local Housing Allocation (PLHA) grant funding on behalf of the City of Carmel-by-the-Sea;
- e. Apply for PLHA grant funding on behalf of the City of Soledad; and,
- f. Authorize the Director of Housing & Community Development to execute Agreements for the Joint Participation in the PLHA Funding Program for program years 2019-2023 with the cities of Carmel-by-the-Sea and Soledad.

Public hearing commenced.

Darby Marshall, Housing Program Manager, in person, verbally presented.

A motion was made by Supervisor Wendy Root Askew, seconded by Luis A. Alejo, as amended, per the Errata memorandum, to Adopt three (3) resolutions to:

- a. Authorize the County Administrative Officer or his designee to request the California Department of Housing and Community Development (HCD) approve Amendment 1 to the County's Permanent Local Housing Allocation (PLHA) program Standard Agreement;**
- b. Authorize the County Administrative Officer or his designee enter, execute, and deliver a State of California an amended Agreement (Standard Agreement as required by PLHA, subject to review and approval of the Office of the County Counsel as to form and legality;**
- c. Authorize the Director of Housing and Community Development to enter into a Grant Agreement with Interim, Inc. to provide \$400,213 in PLHA Activity 6 funding for construction cost overruns at the Sun Rose Gardens Permanent and Transitional Housing Development in Salinas.**
- d. Apply for Permanent Local Housing Allocation (PLHA) grant funding on behalf of the City of Carmel-by-the-Sea;**
- e. Apply for PLHA grant funding on behalf of the City of Soledad;**
- f. Authorize the Director of Housing & Community Development to execute Agreements for the Joint Participation in the PLHA Funding Program for program years 2019-2023 with the cities of Carmel-by-the-Sea, Soledad, and Greenfield provided the cities also execute the Agreements; and,**
- g. Apply for PLHA grant funding on behalf of the City of Greenfield, provided the City adopts a resolution authorizing the County to do so.**

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE

Supervisor Phillips: AYE

Supervisor Lopez: AYE

Supervisor Root Askew: AYE

Chair Supervisor Adams: AYE

- 27.** a. Adopt an ordinance amending Paragraph F of Section 2.32.030 of the Monterey County Code to authorize the Purchasing Agent to engage independent contractors to perform services for the County and the offices thereof, with or without the furnishing of material, where the aggregate cost does not exceed \$200,000; and.
- b. Approve the County Administrative Office, Contracts and Purchasing division Purchasing Policy to ensure stewardship and transparency in alignment with amended Government Code Section 25502.5. (ADDED VIA ADDENDA)

This matter was called out of order.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Chris Lopez to continue the matter to Tuesday, December 13, 2022:

- a. Adopt an ordinance amending Paragraph F of Section 2.32.030 of the Monterey County Code to authorize the Purchasing Agent to engage independent contractors to perform services for the County and the offices thereof, with or without the furnishing of material, where the aggregate cost does not exceed \$200,000; and.
- b. Approve the County Administrative Office, Contracts and Purchasing division Purchasing Policy to ensure stewardship and transparency in alignment with amended Government Code Section 25502.5. (ADDED VIA ADDENDA)

Roll call vote taken pursuant to Government Code 54953:

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

28. Report moved under Public Works, Facilities and Parks - Consent, Item No. 67

Report moved under Public Works, Facilities and Parks - Consent Item No. 67 via the addenda/supplemental.

12:00 P.M. - Recessed to Lunch

1:30 P.M. - Reconvened

Roll Called

Present: 5 - Supervisor Mary L. Adams, Supervisor Wendy Root Askew, Supervisor John M. Phillips and Supervisor Chris Lopez, appeared in person, and Supervisor Luis A. Alejo, appeared via video conference

Staff Present

Charles McKee, County Administrative Officer, Les Girard, County Counsel and Valerie Ralph, Clerk of the Board appeared in person.

Announcement of Interpreter

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

Scheduled Matters

29.
 - a. Receive a status update on the Sustainability Program's exploration of reach codes to reduce greenhouse gas emissions from new construction through reach codes in the 2022 Building Code, and
 - b. Consider reach code options and direct staff on which options to further develop then return to the Board of Supervisors; and

c. Provide further direction as appropriate.

Cora Panturand, Management Analyst and Ashly Paulsworth, in person, via PowerPoint presentation.

Open for public comments; Sean Armstrong, via Zoom, Gabriel Sanders and John Greaser, in person, commented.

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

- a. Received a status update on the Sustainability Program's exploration of reach codes to reduce greenhouse gas emissions from new construction through reach codes in the 2022 Building Code, and**
- b. Considered reach code options and directed staff on Option 3 to further develop then return to the Board of Supervisors; and**
- c. Provided further direction as appropriate.**

Roll call vote taken pursuant to Government Code 54953:

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

Motion passed 3 to 2

A motion was made by Supervisor Wendy Root Askew, seconded by Supervisor Mary L. Adams to:

Direct staff to continue community outreach on reach codes to be prepared.

Roll call vote taken pursuant to Government Code 54953:

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

Motion passed 4 to 1

- 30. Introduce, waive reading of, and set December 6, 2022 at 10:30 a.m. as the date and time to consider adoption of an ordinance amending Chapter 7.100 of the Monterey County Code to reduce the tax rate imposed upon manufacturers of commercial cannabis from 3.5% of gross receipts per fiscal year to 1.5% of gross receipts per fiscal year.**

Joann Iwamoto, Cannabis Program Manager II, in person, presented via PowerPoint presentation.

Open for public comments; Mark Ainsworth, in person, commented.

A motion was made by Supervisor Chris Lopez, seconded by Supervisor Mary L. Adams to: Introduced, waive reading of, and set December 6, 2022 at 10:30 a.m. as the date and time to consider adoption of an ordinance amending Chapter 7.100 of the Monterey County Code to reduce the tax rate imposed upon manufacturers of commercial cannabis from 3.5% of gross receipts per fiscal year to 1.5% of gross receipts per fiscal year.

Roll call vote taken pursuant to Government Code 54953:

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

Motion passed 4 to 1

31. a. Receive a status update on the commercial cannabis industry's ability to pay delinquent and current taxes due on or before January 31, 2023; and
- b. Consider commercial cannabis business cultivation tax rate options; and
- c. Consider a formal commercial cannabis business payment plan, including requirements and actions if the payment plan is found to be in default; and
- d. Authorize the Treasurer-Tax Collector to record liens for commercial cannabis cultivation business tax for the period of FY 21-22 Q2-Q4, and FY 22-23 Q1 to be released upon payment in full; and
- e. Reaffirm the authority of the Director of Housing and Community Development and authorize the Director to deny cannabis land use permit applications without prejudice if they have remained incomplete for a period of six months or longer; and
- f. Provide further direction as appropriate.

Joann Iwamoto, Cannabis Program Manager II, et. al., in person, presented via PowerPoint presentation.

Open for public comments; Mark Ainsworth, Bob Roach, Michelle Hackett, Sergio (no last name provided), all in person, and Cat Mineo and Chris Boggs, via Zoom, commented.

The Board upon consensus:

- a. Received a status update on the commercial cannabis industry's ability to pay delinquent and current taxes due on or before January 31, 2023; and

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

- b. Consider commercial cannabis business cultivation tax rate options; and directed staff to provide options on tax rates on a sliding scale, look into possible program reductions as stated for the record and return to the Board in November or early December 2022 for consideration of both.

Roll call vote taken pursuant to Government Code 54953:

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

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

- c. Consider a formal commercial cannabis business payment plan, including requirements and actions if the payment plan is found to be in default; and directed staff the duration will go through September 2023 with initial payment to be on December 30, 2022, with operator being able to miss two (2) payments while on the plan.

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE

Supervisor Phillips: AYE
Supervisor Lopez: AYE
Supervisor Root Askew: AYE
Chair Supervisor Adams: AYE

A motion was made by Supervisor Chris Lopez, seconded by Supervisor Wendy Root Askew to:
d. Authorize the Treasurer-Tax Collector to record liens for commercial cannabis cultivation business tax for the period of FY 21-22 Q2-Q4, and FY 22-23 Q1 to be released upon payment in full; and

Roll call vote taken pursuant to Government Code 54953:

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

A motion was made by Supervisor Chris Lopez, seconded by Supervisor Luis A. Alejo, as amended, to:
e. Authorize the Director of Housing and Community Development Department to process the denial without prejudice those land use permits that have remained incomplete for a period of six months or more to the appropriate review authority; and

Roll call vote taken pursuant to Government Code 54953:

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

Motion passed 4 to 1

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Chris Lopez to:
f. Provide further direction as appropriate which authorizes immediate shut down for operators who are not participants in the payment plan.

Roll call vote taken pursuant to Government Code 54953:

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

- 32.** Receive Financial Performance Reports and a report on a Potential Concession Agreement for the Laguna Seca Recreational Area.

Randy Ishii, Director of Public Works, Facilities and Parks and Bryan Flores, Chief of Parks, both in person, presented via PowerPoint presentation.

John Narigi from A & D Consulting, Ross Merrill and Bruce Canepa both from the Friends of Laguna Seca, in person, commented.

Open for public comments; Lee Aims, Steve McShane, Gary Cursio, Carol Cobojin, and Brian Antle, in person, with Steve Fields and Mr. Keefe, both via Zoom, commented.

Upon the consensus the Board:

Received Financial Performance Reports and a report on a Potential Concession Agreement for the Laguna Seca Recreational Area.

Other Board Matters

County Administrative Officer Comments

33. County Administrative Officer Comments

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

http://monterey.granicus.com/EditFile.php?clip_id=4756

New Referrals

34. New Referrals

Charles McKee, County Administrative Officer shared there are two new referrals this week:

Referral No. 2022.23; Supervisor John M. Phillips

Referral Title: Long-Range Funding Source for Pajaro Park

Referral Purpose: To seek a long-range funding source for Pajaro Park to ensure long term park access to residents of the Pajaro Valley which will enhance the overall health and well-being of residents of this disadvantaged community who need it the most; and

Referral No. 2022.24; Supervisor Chris Lopez

Referral Title: LGBTQ Commission

Referral Purpose: To create a commission that monitors and makes recommendations around policies that impact LGBTQ communities, in order to provide leadership and support for the well-being and longevity of LGBTQ communities in Monterey County through coordinated, integrated approaches

Referral No. 2022.25; Supervisor Chris Lopez

Referral Title: Wildlife Trapper Resources (Removed via additions and corrections)

Board Comments

35. Board Comments

Board Comments can be heard by clicking the following link:

http://monterey.granicus.com/EditFile.php?clip_id=4756

Read Out from Closed Session by County Counsel

The Board approved a tentative agreement with Unit R Residing Physicians in closed session.

Adjourned in Memory of Ruth Andresen

The meeting was adjourned In Memory of Ruth Andresen at 5:30 p.m. by Chair Supervisor Mary L. Adams.

APPROVED:

____/s/ Mary L. Adams_____
MARY L. ADAMS, CHAIR

ATTEST:

BY: ____/s/ Valerie Ralph_____

VALERIE RALPH

CLERK OF THE BOARD

APPROVED ON: December 6, 2022

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

- 36.** Authorize the Chief Executive Officer for Natividad Medical Center (NMC) or his designee to execute amendment No. 3 to the agreement (A-14660) with Pureserve Building Services, Inc. for professional building maintenance services, adding a scope of services for the Natividad Medical Group Prunedale, with a \$60,000 increase for a revised total Agreement amount of \$393,116, with no change to the agreement term of May 1, 2019 through April 30, 2024.

Approved

Health Department

- 37.** a. Ratify the execution by the Director of Health or the Assistant Director of Health of a Non-Standard Agreement between the County of Monterey Health Department and Monterey County Children and Families Commission dba First 5 Monterey County in the amount of \$300,000 to support the Bright Beginnings Early Childhood Development Initiative for the term retroactive to July 1, 2022, through June 30, 2023; and
- b. Approve and authorize the Director of Health or the Assistant Director of Health to sign up to three (3) future amendments to this Agreement where the 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.

Approved

- 38.** a. Approve and authorize the Director of Health or the Assistant Director of Health to sign a standard Agreement with The Social Changery LLC in the amount of \$80,000, to provide social media messaging and educational materials to address the adverse effects of cannabis use by youth and young adults for the term of upon execution date through June 30, 2023; and
- b. Approve and authorize the Director of Health or the Assistant Director of Health to sign up to three (3) future amendments to this Agreement where the amendments do not significantly change the scope of work and do not cause an increase of more than ten percent (10%) (\$8,000) of the original contract amount.

Approved

- 39.** a. Approve and Authorize the Contracts/Purchasing Officer or the Contracts/Purchasing Supervisor to execute an Agreement between the County of Monterey and Smile Business Products, Inc. for a term retroactive to July 1, 2022, to June 30, 2025, for the provision of equipment lease for printers, copiers, and multifunction machines services for all Health Department facilities as needed, in the amount not to exceed \$650,000; and
- b. Approve and authorize the Contracts/Purchasing Officer or the Contracts/Purchasing Supervisor to execute up to six (6) future amendments to the agreement which do not significantly alter the scope of work and in the aggregate do not cause an increase of more than fifteen percent (15%) (\$97,500) of the original contract amount and not to significantly change the scope of work in order to accommodate

the various departmental lease renewals as needed.

Approved

- 40.** a. Authorize the Director of Health to accept a \$190,030 award from The Regents of the University of California Davis Campus School of Veterinary Medicine on behalf of its Koret Shelter Medicine Program in connection with the California for All Animals statewide animal shelter assistance program; and
- b. Authorize the Director of Health to sign the services agreement to receive the grant award effective November 9, 2022 to November 8, 2023 and provide deliverables consisting of intake and euthanasia statistics from 2017-2021 and one final report upon completion of the award.

Approved

- 41.** a. Approve and authorize the Director of Health or the Assistant Director of Health to execute an Agreement between the County of Monterey and Blue Pearl Specialty & Emergency Pet Hospital for the term retroactive from October 10, 2022, to October 9, 2024, for the provision of emergency veterinary services to injured or sick domestic animals brought in by Monterey County, City of Salinas Animal Services Staff, or Good Samaritans, for a total Agreement amount not to exceed \$15,000; and
- b. Approve the Director of Health or the Assistant Director of Health to approve up to three (3) future Amendments that do not exceed ten percent (10%) (\$1,500) of the original Agreement amount and do not significantly alter the scope of services.

Approved

- 42.** Adopt a Resolution to:
- a. Amend the Fiscal Year (FY) 2022-23 Health Department Adopted Budget 001-4000-8124-HEA003 to add 1.0 FTE Chronic Disease Prevention Specialist (CDPS) II, resulting in estimated increased costs of \$94,536 for FY 2022-23, financed by California Personal Responsibility Education Program (CAPREP) and Adolescent Sexual Health Information and Education (ASHED) funds; and
- b. Direct the Auditor-Controller and County Administrative Office to incorporate the position changes in the FY 2022-23 Health Department Adopted Budget 001-4000-8124-HEA003.

Adopted

Department of Social Services

- 43.** a. Approve and authorize the Director or Assistant Director of the Department of Social Services to sign an agreement with the Housing Resource Center of Monterey County for \$806,961 to provide housing supports to families who are receiving child welfare services and who are experiencing, or at risk of, homelessness for the period of November 8, 2022 through June 30, 2024; and
- b. Authorize the Director or Assistant Director of the Department of Social Services to sign up to three (3) amendments to this agreement where the total amendments do not exceed 10% (\$80,696) of the contract amount and do not significantly change the scope of work.

Approved

44. a. Approve and authorize the Director or Assistant Director of the Department of Social Services to sign a Renewal and Amendment #4 to Agreement A-14168 with Binti, Inc., for the provision of licenses and support for Resource Family Approval software to extend the contract through October 30, 2024 and add \$62,111 for a new contract total of \$176,656; and
- b. Authorize the Director or Assistant Director of the Department of Social Services to sign up to three (3) amendments to the Agreement where the total amendments do not exceed 10% (\$17,665) of the contract amount and do not significantly change the scope of work.

Approved

45. a. Approve and authorize the Director or Assistant Director of the Department of Social Services to sign an agreement with the San Benito County Health & Human Services Department, allowing them to use Monterey County's CHERISH Receiving Center for the temporary placement of children removed from their homes, for the term of December 6, 2022 to September 30, 2025, where San Benito County will reimburse Monterey County for the placements in an amount not to exceed \$30,000; and
- b. Authorize the Director or Assistant Director of the Department of Social Services to sign up to three amendments to this agreement that do not encompass payment by Monterey County or significantly change the scope of work.

Approved

46. a. Approve the submission of the Homeless Housing, Assistance and Prevention Program (Round 4) Application to the California Interagency Council on Homelessness on behalf of Monterey County; and
- b. Authorize the Director or the Assistant Director of Social Services to execute all documents (standard funding agreements, amendments, etc.) required to be awarded the Homeless Housing, Assistance and Prevention Program (Round 4) allocation.

Approved

47. Adopt a resolution to authorize and direct the Auditor-Controller to amend the Fiscal Year 2022-23 Adopted Budget by increasing appropriations and estimated revenues by \$1,411,981 for the Social Services - Area Agency on Aging's Budget, Fund 001, Appropriation Unit SOC010 FY 2022-23 Adopted Budget to provide funding to support various programs (4/5ths vote required).

Adopted

General Government

48. Introduce, waive first reading, and set December 6, 2022 at 10:30 a.m. as the date and time to consider adoption of an ordinance amending Chapters 2.12 and 2.68 of the Monterey County Code to establish a Director of Emergency Management and Department of Emergency Management.

Approved

49. Adopt a Resolution to:
- a. Amend the FY 2022-23 County Administrative Office - Workforce Development Board's Adopted

Budget to add one (1) Management Analyst I allocation as indicated in Attachment A

b. Authorize and direct the County Administrative Office and the Auditor-Controller to incorporate these changes in the FY 2022-23 Adopted Budget

Adopted

- 50.** Approve the Board of Supervisors of the Monterey County Draft Action Meeting Minutes for the following meeting date: Tuesday, October 18, 2022 and Tuesday, October 25, 2022.

Approved

- 51.** a. Authorize the Chief Information Officer or his designee to execute a non-standard agreement with Digital Scepter Corporation for Palo Alto licensing and hardware, installation of Palo Alto Networks and related equipment, maintenance and related equipment, Palo Alto Network updates and upgrades, Palo Alto related products and services, security related products, security operations management, consulting and project support, training, and after-hours support in an amount not to exceed \$1,500,000, with a retroactive term of June 1, 2022 through May 30, 2025; and
- b. Authorize the Chief Information Officer, or his designee, to execute order forms and such documents as are necessary to implement the non-standard agreement with Digital Scepter Corporation; and
- c. Authorize the Chief Information Officer or his designee to execute two (2) amendments to the agreement, subject to County Counsel review, extending the term by one (1) year per amendment, where the amount of each amendment does not exceed the original annual cost-plus ten percent (10%) per amendment, and where the amendments do not significantly change the scope of work or the terms of the Agreement.

Approved

- 52.** Adopt a Resolution to:
- a. Amend Personnel Policies and Practices Resolution (PPPR) No. 98-394 Appendix A to adjust the base wage salary range of the Medical Assistant classification as indicated in Attachment A;
- b. Direct the Human Resources Department to implement the changes in the Advantage HRM system.

Adopted

- 53.** a. Accept grant funds on behalf of the County of Monterey from the California Public Utilities Commission, Communications Division Local Agency Technical Assistance Grant Program grant award in the amount of \$500,000 for the development of an open access broadband conceptual network design, estimation, and foundational planning; and
- b. Authorize the Chief Information Officer or his designee to enter and to execute the California Public Utilities Commission, Communications Division Local Agency Technical Assistance Grant and all other grant documents as required by the California Public Utilities Commission subject to review and approval of the Office of the County Counsel as to form and legality; and
- c. Approve and authorize the Chief Information Officer or his designee to execute a Memorandum of Understanding between Golden State Connect Authority and the County of Monterey for implementation of the Local Agency Technical Assistant Grant Program subject to review and approval of the Office of the County Counsel as to form and legality; and
- d. Authorize the Auditor-Controller to amend the Fiscal Year 2022-23 Information Technology

Department Adopted Budget 001-1930-INF002-8436 to increase appropriations and estimated revenue by \$500,000 funded by the augmentation of grant revenues from California Public Utilities Commission, Communications Division Local Agency Technical Assistance Grant Program (4/5ths vote required).

Approved

54. a. Approve the 2022 Winter Recess for unit ZX;
b. Direct the Auditor-Controller to implement the 2022 Winter Recess for Unit ZX.

Approved

55. a. Approve County of Monterey Social Media Policy to the County Information Technology Social Media Usage Policy (Policy Number O-70 of the Board Policy Manual).
b. Present County of Monterey Social Media Style Guide as a supplemental document to be maintained independently from the Social Media Policy.
c. Provide direction to staff as appropriate.

Approved

56. Adopt a Resolution to:
a. Amend the Public Defender Budget Unit 2270-8169-Fund 001 - Appropriation Unit PUB001 to reallocate and reclassify one (1) Chief Deputy Public Defender to one (1) Assistant Public Defender as indicated in Attachment A with an effective date of November 19, 2022; and
b. Direct the County Administrative Office and the Auditor-Controller to incorporate the approved position change in the FY 2022-23 Adopted Budget.

Adopted

Housing and Community Development

57. a. Set a public hearing for December 6, 2022 at 2:00 P.M. to consider nine (9) 2023 Williamson Act Applications to Create a Farmland Security Zone ("FSZ") and Contract or to Establish an Agricultural Preserve and Land Conservation Contract (REF220054):
1. FSZ Application No. 2023-01 - The 2006 Pura Revocable Trust dated February 28, 2006, The 2003 Pura Revocable Trust U/D/T dated November 13, 2003; APNs 245-021-020 and 245-021-021
 2. FSZ Application No. 2023-02 - Nunes Home Ranch LLC; APN 223-011-007
 3. AgP Application No. 2023-03 - Thomas C. & Christina M. Willoughby; APNs 421-111-007; 421-111-018; 421-111-019; 421-111-034; 421-111-035; 421-121-008; 421-121-009
 4. FSZ Application No. 2023-04 - Nello Angelo Solari, LLC; APNs 245-021-007

5. FSZ Application No. 2023-05 - Cauley Family Limited Partnership; APNs 235-072-019 and 235-072-020

6. AgP Application No. 2023-06 - SkyRoseRanch, LLC; APNs 424-421-009; 424-421-010; 424-421-012; 424-421-013; 424-421-014; 424-421-015; 424-421-016; 424-421-017; 424-421-018; 424-421-019; 424-421-020; 424-421-021; 424-421-022; 424-421-023; 424-421-024; 424-421-025; 424-421-026; 424-421-028; 424-421-029; 424-421-030; 424-421-032; 424-421-033; 424-421-034

7. FSZ Application No. 2023-07- George Helmers, The Phyllis H. Johnson Family Partners, LP, a California Limited Partnership, Bowen Ranch Land Company LLC, a California Limited Liability Company, Haley Family Trust dated February 17, 1982, Marjorie H. Wayland, Sydney Campbell-Johns Separate Property Trust dated January 3, 2019; APNs 147-021-006; 147-021-008; and 207-031-001

8. FSZ Application No. 2023-08- Storm Ranches, a California General Partnership et al.: APNs 207-033-006; 207-033-007; and 207-042-007

9. FSZ Application No. 2023-09- Linda S. De Santiago, Trustee of the Linda S. De Santiago Living Trust, created under an agreement dated December 21, 1998; APNs 165-101-006 and 165-101-008

b. Direct the Clerk of the Board of Supervisors to publish Notice of Public Hearing for the Public Hearing to take place on December 6, 2022 at 2:00 P.M. to consider the nine (9) 2023 applications, to create seven (7) Farmland Security Zones ("FSZ") and FSZ Contracts and to establish two (2) Agricultural Preserves and Land Conservation Contracts.

California Environmental Quality Act (CEQA) Status: Categorically Exempt pursuant to CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, Article 19, Categorical Exemptions, Section 15317 Open Space Contracts or Easements (Class 17 - establishment of agricultural preserves).

Approved

- 58.**
- a. Approve Amendment No. 1 to the Subdivision Improvement Agreement for the Carmel One Subdivision (September Ranch) replacing the form of improvement security and authorize the Chair to execute the Amendment; Approve the release of a Certificate of Deposit (CD) in the amount of \$6,500,000 upon subdivider filing a replacement security with the department of Housing and Community Development.
 - b. Approve the release of the second deed of trust benefiting the County in the amount of \$6,000,000 upon subdivider filing replacement security with the department of Housing and Community Development.
 - c. Approve the release of a deed restriction recorded against the property prohibiting the sale of the entire property or any individual or lots created by the recordation of the final map contingent upon subdivider filing a replacement security with County Housing and Community Development.

Approved

- 59.** Adopt a resolution:
- a. Retroactively extending a Private Purpose Franchise Agreement to ExxonMobil Oil Corporation (formerly Mobil Oil Corporation) for ten years, from May 17, 2021 through May 16, 2031;
 - b. Authorizing the Clerk of the Board to submit copies of the Resolution, retroactively extending the Private Purpose Franchise Agreement, and a copy of Resolution No. 00-271 to the County Auditor-Controller for annual billing; and
 - c. Authorizing the County Auditor-Controller to allocate all fees collected through this franchise to the General Fund.

Adopted

- 60.** Adopt a resolution:
- a. Retroactively extending a Private Purpose Franchise Agreement with ExxonMobil Oil Corporation (formerly Mobil Oil Corporation) for a period of ten years from May 17, 2021, through May 16, 2031;
 - b. Authorizing the Clerk of the Board to submit a copy of the resolution retroactively extending the Private Purpose Franchise Agreement and a copy of Resolution No. 00-272 to the County Auditor-Controller for annual billing; and
 - c. Authorizing the County Auditor-Controller to allocate all fees collected through this franchise to the General Fund.

Adopted

- 61.**
- a. Approve and authorize the Director of Housing and Community Development to sign the closure statement to Agreement 05-0234 with California State Department of Transportation (Caltrans), executed on May 6, 2014, for Project Approval and Environmental Document (PA&ED) of the Carmel River Floodplain and Environmental Enhancement (CRFREE) Project; and
 - b. Approve a Cooperative Agreement with California State Department of Transportation (Caltrans) for continuing the development of Plans, Specifications, and Estimates (PS&E) and Right-of-Way coordination leading up to the bid/contract award of construction of a 360-foot-long overflow bridge south of the Carmel River on State Route 1; and
 - c. Authorize the Director of Housing and Community Development to execute the Cooperative Agreement.

Approved

- 62.** Introduce, waive reading, and set December 6, 2022, at 1:30 p.m. as the date and time for a public hearing to consider adoption of an ordinance:
- a. To make express findings that County amendments to the 2022 California Building Standards Code are reasonably necessary due to local climatic, geological or topographical conditions; and
 - b. To repeal the 2019 California Building Standards Code with County amendments and adopt the 2022 California Building Standards Code with County amendments.

Adopted

Public Works, Facilities and Parks

63. a. Introduce, waive reading, and set November 22, 2022 to consider adoption of an ordinance amending Chapter 12.12.10 of the Monterey County Code to set a speed limit of twenty-five (25) miles per hour (MPH) on the entirety of Watkins Gate Road and West Camp Street in the East Garrison community; and
- b. Find that the adoption of the ordinance is categorically exempt per Section 15301(c) of the California Environmental Quality Act (CEQA) Guidelines.

CEQA Action: Categorically Exempt.

Adopted

64. a. Approve Amendment No. 1 to the Standard Agreement, Multi-Year Agreement #3200*6210, with Specialized Utility Services Program, Inc. to continue to provide Chief Plant Operator services for the water and wastewater utility systems at Lake San Antonio and County Service Area 75 - Chualar, and to: include services for Lake Nacimiento; update the annual cost of each location effective January 1, 2023; increase the not-to-exceed amount by \$67,624 for a total amount not-to-exceed \$130,904; and extend the expiration date for one (1) additional year through December 31, 2023, for a revised term from January 1, 2022 to December 31, 2023; and
- b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute Amendment No. 1 to the Standard Agreement and future amendments to the Agreement where the amendments do not significantly alter the scope of work or increase the approved Agreement amount.

Approved

65. a. Introduce, waive first reading, and set November 22, 2022 at 10:30 a.m. as the date and time to consider adoption of an ordinance amending Title 12 of the Monterey County Code to:
- i. Amend Section 12.12.010 to establish a 45-mph speed limit on San Miguel Canyon Road from a point 250 feet south of Wilson Way to its intersection with Hall Road; and
- ii. Amend Section 12.28.010 to prohibit parking on both sides of San Juan Grade Road from Crazy Horse Canyon Road and continuing north along San Juan Grade Road to the County limit boundary.
- b. Find that adoption of the ordinance is categorically exempt per California Code of Regulations (CCR) Section 15301(c) of the California Environmental Quality Act (CEQA) Guidelines.

CEQA Action: Categorically Exempt per CEQA Guidelines Section 15301(c).

Adopted

66. Adopt a Resolution to:
- a. Approve the 2022 Alisal Memorandum of Understanding (Alisal MOU) with the City of Salinas regarding the mutual planning of government services and facilities in East Salinas; and
- b. Authorize the Auditor-Controller to amend the Fiscal Year (FY) 2022-23 Adopted Budget, General Fund, Fund 001, Facility Services Appropriation Unit PFP054, by increasing appropriations by \$50,000, financed by the release of \$50,000 from the Cannabis Tax Assignment (BSA 001-3132) (4/5ths vote required);

Adopted

- 67.** Approve and authorize the Monterey County Laguna Seca Representative to sign a Facility Use Agreement between Stonefish, Inc., a California corporation, and County of Monterey to promote and conduct a Music Festival to be held at Laguna Seca Recreation Area, with a term beginning June 15, 2023 through June 19, 2023, for a base event fee of \$75,000, plus an additional fee of \$25,000 if the number of tickets sold exceeds 5,000.

Approved

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

68.

Addenda/Supplemental

No. 27 - Added Purchasing Process Policy Attachment

Remove Item No. 28 from Scheduled AM

General Government - Consent

55. Added Revised Board Report and Revised Social Media Policy and Guidelines Attachments

Added Item Under Public Works, Facilities and Parks - Consent

- 67.** Approve and authorize the Monterey County Laguna Seca Representative to sign a Facility Use Agreement between Stonefish, Inc., a California corporation, and County of Monterey to promote and conduct a Music Festival to be held at Laguna Seca Recreation Area, with a term beginning June 15, 2023 through June 19, 2023, for a base event fee of \$75,000, plus an additional fee of \$25,000 if the number of tickets sold exceeds 5,000.