

Monterey County

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



Action Minutes - Final

Tuesday, September 10, 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: 5 - Supervisor Mary L. Adams, Supervisor Jane Parker, Supervisor John M. Phillips, Supervisor Chris Lopez and Supervisor Luis A. Alejo

Staff Present

Dr. Lew Bauman, County Administrative Officer, Charles McKee, County Counsel 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. 1.a. through f.

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) Lisa Rose (Workers Compensation Appeals Board case no. ADJ2181886)
 - (2) Steven Mauck v. County of Monterey, et al. (United States District Court case no. 18CV04482)
 - (3) Luciano Reyes v. County of Monterey, et al. (United States District Court case no. 18CV03935)
 - b. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding appointment to the position of County Administrative Officer.
 - c. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the County Administrative Officer.
 - d. Pursuant to Government Code section 54957.6, the Board will provide direction to negotiators:
 - (1) Designated representatives: Irma Ramirez-Bough and Kim MooreEmployee Organization(s): All Units
 - e. Pursuant to Government Code section 54957.6, the Board will provide direction to labor negotiators:
 - (1) Designated representatives: John Phillips, Chair and Chris Lopez, Vice Chair of

the Board of Supervisors
Employee Position: County Administrative Officer.

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

Public Comment

Open for public comment; no public comments made.

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

10:30 A.M. - Reconvened on Public Agenda Items at 10:35 a.m.

Roll Called

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

Staff Present

Dr. Lew Bauman, County Administrative Officer, Charles McKee, County Counsel and Valerie Ralph, Clerk of the Boa

Pledge of Allegiance

The Pledge of Allegiance was led by County Administrative Officer Dr. Lew C. Bauman.

Announcement of Interpreter

Maria Alvila, Spanish Interpreter present and announced Spanish interpreter services.

Additions and Corrections by Clerk

Item No. 26 from the General - Consent Calendar is in receipt of a revised attachment FY 19-20 Secured Roll Debt Service Tax Rate as to the percentage to the Monterey Peninsula Unified School District Bond 2010 Ser A B C D & 2016 Ref & 2018 Series A B .117071.

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Mary L. Adams to approve the additions and corrections. ALL AYES

10:30 A.M. - Scheduled Matters

1.1

a. Approve and Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to sign a two (2) year agreement between the Sheriff's Office and the Department of State Hospitals for an amount not to exceed

\$3,697,388.00, to host a regional Jail Based Competency Treatment program in the Monterey County Jail retroactive to June 28, 2019 with a term ending June 27, 2021; and

- b. Approve and Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to sign Amendment #1 to the CFMG (A-13814) agreement, in an amount of \$2,177,286.00, for the Jail Based Competency Treatment program, for new not to exceed amount of \$30,430,371.45; and
- c. Amend the Sheriff's Office Fiscal Year 2019-20 Adopted Budget (001-SHE003-2300-8238-6111) to add two (2) FTE Deputy Sheriff Positions; and
- d. Authorize and direct the County Administrative Office to incorporate the position change into the Sheriff's Office FY 2019-20 Adopted Budget; and
- e. Authorize and direct the Auditor-Controller to amend the Sheriff's Office FY 2019-20 Adopted Budget to increase appropriations by \$1,525,319.00, including \$892,649.00 in 001-SHE003-2300-8238-6111 and \$632,670.00 in 001-SHE-003-2300-8238-6384 financed by increased revenues of \$1,525,319.00 in 001-SHE003-2300-8238-5870; (4/5 vote required) and
- f. Approve designating the Monterey County Jail as a facility to provide medically approved medication to defendants found to be mentally incompetent and unable to provide informed consent due to a mental disorder, pursuant to California Penal Code Section 1367 et. seq. (MOVED VIA SUPPLEMENTAL)

John Mineau, Undersheriff from the Monterey County Sheriff's Office presented with County Counsel and the Public Defender's Office.

San Benito and Santa Cruz Counties Sheriff's office representatives present.

Open for public comment; no public comments made.

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Mary L. Adams to:

- a. Approve and Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to sign a two (2) year agreement (A-14494) between the Sheriffs Office and the Department of State Hospitals for an amount not to exceed \$3,697,388.00, to host a regional Jail Based Competency Treatment program in the Monterey County Jail retroactive to June 28, 2019 with a term ending June 27, 2021; and**
- b. Approve and Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to sign Amendment #1 to the CFMG (A-13814) agreement, in an amount of \$2,177,286.00, for the Jail Based Competency Treatment program, for new not to exceed amount of \$30,430,371.45; and**
- c. Amend the Sheriffs Office Fiscal Year 2019-20 Adopted Budget (001-SHE003-2300-8238-6111) to add two (2) FTE Deputy Sheriff Positions; and**
- d. Authorize and direct the County Administrative Office to incorporate the position change into the Sheriffs Office FY 2019-20 Adopted Budget; and**
- e. Authorize and direct the Auditor-Controller to amend the Sheriffs Office FY 2019-20 Adopted Budget to increase appropriations by \$1,525,319.00, including \$892,649.00 in 001-SHE003-2300-8238-6111 and \$632,670.00 in 001-SHE-003-2300-8238-6384 financed by increased revenues of \$1,525,319.00 in 001-SHE003-2300-8238-5870; (4/5 vote required) and**

f. Approve designating the Monterey County Jail as a facility to provide medically approved medication to defendants found to be mentally incompetent and unable to provide informed consent due to a mental disorder, pursuant to California Penal Code Section 1367 et. seq. (MOVED VIA SUPPLEMENTAL)
ALL AYES

Consent Calendar- (See Supplemental Sheet)

2. Approval of Consent Calendar Items No. 19 through 35.

Open for public comment; no public comments made.

Supervisor Jane Parker commented on Item No. 21; Supervisor Chris Lopez commented on Item No. 29 and Supervisor Mary L. Adams commented on Item No. 28 and requested a separate vote on Item No. 27.

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Jane Parker to approve Consent Calendar Item No.'s 19 – 35 excluding Item No 27.
ALL AYES

Separate vote taken on Item No. 27:

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Chris Lopez with Supervisor Mary L. Adams voting no to:
Adopt Ordinance No. 5317 of the County of Monterey, State of California, adding Section 2.04.355 to the County Code related to attorney communications with members of the Board of Supervisors and other decision-makers acting in an adjudicative capacity.
Motion carried 4 to 1

Ceremonial Resolutions

Open for public comment; no public comments made.

3. Adopt Resolution honoring Mary C. Owens as a recipient of the 2019 NAACP Presidents Award. (Full Board)

A motion was made by Supervisor Chris Lopez, seconded by Supervisor Mary L. Adams to adopt Resolution No. 19-292 honoring Mary C. Owens as a recipient of the 2019 NAACP Presidents Award. (Full Board) ALL AYES

4. Adopt Resolution honoring Chris Shake as a recipient of the 2019 NAACP Tolly and Cleo Martin Spirit of Partnership Award. (Full Board)

A motion was made by Supervisor Chris Lopez, seconded by Supervisor Mary L. Adams to Adopt Resolution No. 19-288 honoring Chris Shake as a recipient of the 2019 NAACP Tolly and Cleo Martin Spirit of Partnership Award. (Full Board)
ALL AYES

5. Adopt Resolution honoring Joe Watson as a recipient of the 2019 NAACP Medgar Evers Freedom Legacy Award Posthumous Honoree. (Full Board)

A motion was made by Supervisor Chris Lopez, seconded by Supervisor Mary L. Adams to adopt Resolution No. 19-291 honoring Joe Watson as a recipient of the 2019 NAACP Medgar Evers Freedom Legacy Award Posthumous Honoree. (Full Board) ALL AYES

6. Adopt Resolution honoring Don Champion Ph.D. upon his retirement from the Board of Directors of the North Monterey County Fire Protection District after more than 24 years of service. (Full Board)

A motion was made by Supervisor Chris Lopez, seconded by Supervisor Mary L. Adams to adopt Resolution No. 19-289 honoring Don Champion Ph.D. upon his retirement from the Board of Directors of the North Monterey County Fire Protection District after more than 24 years of service. (Full Board) ALL AYES

7. Adopt a Resolution proclaiming the month of September 2019 as “National Preparedness Month” in Monterey County. (Supervisor Phillips)

A motion was made by Supervisor Chris Lopez, seconded by Supervisor Mary L. Adams to adopt a Resolution No. 19-293 proclaiming the month of September 2019 as “National Preparedness Month” in Monterey County. (Supervisor Phillips) ALL AYES

8. Adopt Resolution honoring Frank Balesteri upon his retirement from the Board of Directors of the North Monterey County Fire Protection District after more than 23 years of service. (Full Board)

A motion was made by Supervisor Chris Lopez, seconded by Supervisor Mary L. Adams to adopt Resolution No. 19-290 honoring Frank Balesteri upon his retirement from the Board of Directors of the North Monterey County Fire Protection District after more than 23 years of service. (Full Board) ALL AYES

9. Adopt Resolution honoring County of Monterey’s County Administrative Officer Lew C. Bauman on his retirement after twenty years of dedicated service to Monterey County. (Full Board)

A motion was made by Supervisor Chris Lopez, seconded by Supervisor Mary L. Adams to adopt Resolution No. 19-294 honoring County of Monterey’s County Administrative Officer Lew C. Bauman on his retirement after twenty years of dedicated service to Monterey County. (Full Board) ALL AYES

10. Presentation of resolutions and farewell remarks by elected and public officials in honor of Dr. Lew C. Bauman, County Administrative Officer.

Kathleen Lee, Chief of Staff from Congressman Jimmy Panetta's office, Tom Habashi, Chief Executive Officer from Monterey Bay Community Power, Mayor Joseph Gunter and Ray Corpuz, City Manager from the City of Salinas, Mayor Maria Orozco from the City of Gonzalez, Hans Uslar, City Manager from the City of Monterey and the Board Supervisor Luis A. Alejo, Supervisor Jane Parker, Supervisor Mary L. Adams, Supervisor Chris Lopez and Supervisor John M. Phillips commented and presented resolutions to retiring Dr. Lew C. Bauman.

Recessed for reception for Dr. Lew C. Bauman, retiring County Administrative Officer in the lobby of the Government Center at 11:50 a.m.

Reconvened at 12:11 p.m.Roll Called

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

Other Board Matters

11.

Board Comments

Supervisor Luis A. Alejo acknowledged Senator Bill Monning for carrying the sponsored Monterey County bill to allow cannabis to be reported starting next year on our annual County crop reports. He thinks it's an effective tool to help market Monterey County as a leader in this industry as it is here to stay. He stated we can strengthen the businesses in our communities by showing that we continue to be one of the largest cultivating counties in the state. He continued to share this weekend communities across the country will be celebrating Mexican Independence Day. Salinas will have the El Grito parade on Saturday in East Salinas and then on Sunday 50,000 local residents attend El Grito celebrations on Alisal. He encouraged people to support these events and to celebrate the diverse cultures here in our communities.

Supervisor Jane Parker commented the next hot topics will be in October on the 14th at the Oven Pizzeria in Seaside for anyone who is able to attend. It starts at 5:30 p.m. and goes to 6:30 p.m.

Supervisor Chris Lopez commented they will also be having El Grito celebrations in South Monterey County in King City that he will be participating in.

Supervisor Mary L. Adams and Supervisor John M. Phillips made no comments this week.

12.

County Administrative Officer Comments and Referrals

Dr. Lew C. Bauman introduced Lori Medina as our new Director for Social Services. She succeeds Henry Espinosa who was our interim and the famous Elliot Robinson. We are lucky to have Lori join us. She has a 27 year career already in public child welfare. She has held positions in Los Angeles and Santa Clara County before rejoining Monterey County. She also has local roots. She was raised in Marina and is a graduate of Seaside High School. She received her Bachelor of Arts from Morris Brown College in Atlanta, Georgia and she also has her Masters' Degree of Social Work from the University of Southern California. In addition, we have another fabulous new Department Head, Hillary Theyer. She is our new Library Director and she takes over from Jayanti. We are so pleased to have her join us. She brings extensive leadership and hands on experience. She spent the last 20 years with Torrance public library where she was the most recent City Librarian. She also worked in the beautiful Palace Verdes library district and Sacramento public library. She is also active with the California Public Library Association and is currently their President Elect. She also has a very prestigious

academic background with her Bachelor of Arts from U.C. Santa Cruz and also a Masters of Library Science from U.C. Los Angeles and also a Masters of Public Administration from University of Long Beach. We are so pleased to have her as our new Library Director.

Both Hillary Theyer and Lori Medina came up and made comments on their new positions.

Next there are a number of referrals, first there is a referral from the Chair's office for a request to evaluate the feasibility and cost of purchasing a mobile warming shelter shower facility. The intent to see if it's feasible to get one of those mobile units to be put across the street in our warming shelter. This would provide our patrons the opportunity to shower. It would also include cost of purchase, installation and then, of course, that they don't run themselves so we would need an agreement for our service provider to operate the facility. We also have a referral from Supervisor Parker's office, and this was a request to identify County rules for addressing noise disturbance caused by bird cannons and staff is already acted on this. They will formalize the action and come back to the Board to report. We also received a referral from Supervisor Alejo's office, and the request is to identify State funding to preserve and provide adaptive reuse of the old Monterey County Jail in the 2020 state budget. We do have a formal item on this matter coming up right after lunch so it's an opportunity for the Board to provide further direction. Last but not least a joint referral was received from Supervisor Alejo and Lopez' offices to install signage for the Salinas Valley Wine Trail to enhance Agri-Tourism, Viticulture and Economic Prosperity in Salinas Valley. We did that many years ago and it certainly can be enhanced, and staff will be pleased to follow up. Supervisor Lopez made one correction that it is the River Road wine trail which was agreed upon.

13. General Public Comments

Open for general public comments for items not on today's agenda; Kristin Skromme and Alex Miller commented.

12:00 P.M. - Recessed to Lunch to continued closed session at 12:23 p.m.

1:30 P.M. - Reconvened at 1:40 p.m.

Roll Called

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

Staff Present

Dr. Lew Bauman, County Administrative Officer, Charles McKee, County Counsel and Valerie Ralph, Clerk of the Boa

Announcement of Interpreter

Maria Alvila, Spanish Interpreter present and announced Spanish interpreter services.

1:30 P.M. - Scheduled Matters

14. a. Receive an update on the Old Monterey County Jail; and
b. Review options for the disposition of the Old Jail; and
c. Provide direction on a preferred option for the disposition of the Old Jail.
(Board Referral #: 2017.15)

Dave Pratt, Project Planner and Carl Holm, Director of Resources Agency Management from the Resources Management Agency Public Works presented via PowerPoint presentation.

Open for public comment; Salvador E. Munoz commented.

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

- a. Receive an update on the Old Monterey County Jail; and
b. Review options for the disposition of the Old Jail; and
c. Move forward on Scheme's 3, 5, 7 and a Hybrid of 3 & 7 for the disposition of the Old Jail.**

(Board Referral #: 2017.15)

ALL AYES

15. a. Receive a presentation on the California Alliance for Prevention Funding (CAPF) California Wellness Trust initiative by Tracey Rattray of the California Alliance for Prevention Funding; and
b. Adopt a resolution supporting the exploration of funding and policy measures, such as the establishment of a statewide California Wellness Trust, to implement and sustain population-based efforts to prevent chronic disease, injury, and premature death and to promote health equity in Monterey County and California.

Dr. Ed Moreno, Bureau Chief with the Health Department introduced Tracy Rattray of the California Alliance for Prevention Funding who presented via PowerPoint presentation.

Open for public comment; Tiffany Ditullio and Katy Castagna commented.

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

- a. Receive a presentation on the California Alliance for Prevention Funding (CAPF) California Wellness Trust initiative by Tracey Rattray of the California Alliance for Prevention Funding; and
b. Adopt Resolution No. 19-298 supporting the exploration of funding and policy measures, such as the establishment of a statewide California Wellness Trust, to implement and sustain population-based efforts to prevent chronic disease, injury, and premature death and to promote health equity in Monterey County and California.**

ALL AYES

16. It is recommended that the Board of Supervisors:

- a. Receive an update on the 2020 Census Complete Count Committee for Monterey County Strategic Plan.
- b. Adopt a 2020 Census Complete Count Committee structure to include a Steering Committee chaired by an appointed member(s) of the Board of Supervisors.
- c. Adopt a resolution authorizing the Auditor-Controller to amend the Fiscal Year 2019-20 Adopted Budget for the CAO Office of Community Engagement and Strategic Advocacy, 001-1050-CAO024-8440, increasing appropriations and revenues by \$401,996 funded by the California Governor's Complete Count Committee (Agreement # CCC-18-20021) (4/5ths vote required).
- d. Consider and approve a request for a one-time investment in the 2020 Census Monterey County outreach efforts, authorizing the Auditor-Controller to amend the Fiscal Year 2019-20 Adopted Budget for the CAO Office of Community Engagement and Strategic Advocacy, 001-1050-CAO024-8440, increasing appropriations by \$300,000 financed by a release from the Cannabis Tax assignment, BSA 001-3132 (4/5ths vote required).

Rosemary Soto, Management Analyst with the County Administrative Office Intergovernmental Legislative Affairs presented via PowerPoint presentation.

Open for public comment; Tish Sammon, Daniel Gonzalez and Manuel Valencia.

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor John M. Phillips to:

- a. Receive an update on the 2020 Census Complete Count Committee for Monterey County Strategic Plan.
- b. Adopt a 2020 Census Complete Count Committee structure to include a Steering Committee chaired by the Supervisors from the hardest areas to count from the Board of Supervisors.
- c. Adopt Resolution No. 19-299 authorizing the Auditor-Controller to amend the Fiscal Year 2019-20 Adopted Budget for the CAO Office of Community Engagement and Strategic Advocacy, 001-1050-CAO024-8440, increasing appropriations and revenues by \$401,996 funded by the California Governor's Complete Count Committee (Agreement # CCC-18-20021) (4/5ths vote required).
- d. Consider and approve a request for a one-time investment in the 2020 Census Monterey County outreach efforts, authorizing the Auditor-Controller to amend the Fiscal Year 2019-20 Adopted Budget for the CAO Office of Community Engagement and Strategic Advocacy, 001-1050-CAO024-8440, increasing appropriations by \$300,000 financed by a release from the Cannabis Tax assignment, BSA 001-3132 (4/5ths vote required).

ALL AYES

17.
 - a. Receive information and recommendations on the Treasurer-Tax Collector's intent to discontinue processing of parking citations;
 - b. Approve contracting for parking citation processing and collection services; and
 - c. Authorize and direct the Auditor-Controller to amend the FY 2019-20 Adopted Budget for Facilities Maintenance, Fund 001, Appropriation Unit RMA006,

increasing appropriations by \$30,000, financed by a corresponding decrease in appropriations in General Fund Contingencies, Fund 001, Appropriation Unit CAO017 (4/5th vote required).

Veronica Fernandez, Senior Administrative Analyst from the Budget and Analysis Division presented.

Open for public comment; Mari Beraz and Jay Donato commented.

A motion was made by Supervisor Jane Parker, seconded by Supervisor Luis A. Alejo to adopt Resolution No. 19-300 to:

- a. Receive information and recommendations on the Treasurer-Tax Collector's intent to discontinue processing of parking citations;**
- b. Approve contracting for parking citation processing and collection services; and**
- c. Authorize and direct the Auditor-Controller to amend the FY 2019-20 Adopted Budget for Facilities Maintenance, Fund 001, Appropriation Unit RMA006, increasing appropriations by \$30,000, financed by a corresponding decrease in appropriations in General Fund Contingencies, Fund 001, Appropriation Unit CAO017 (4/5th vote required).**

ALL AYES

18.

- a. Consider approval of the response to the 2018 - 2019 Monterey County Civil Grand Jury Final Report - "*Monterey County's Unenforced Rooster Keeping Ordinance*"
- b. Direct the County Administrative Officer to file the approved response with the Presiding Judge of the Superior Court, County of Monterey, by September 21, 2019.

Nick Chiulos, Assistant County Administrative Officer from the County Administrative Office presented.

Open for public comment; Cindy Burnham from Animal Services from the Health Department, Henry Gonzales, Agriculture Commissioner, Berk Brannon, Deputy District Attorney and gentleman in a black suit with glasses (no name provided) commented.

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

- a. Consider approval of the response to the 2018 - 2019 Monterey County Civil Grand Jury Final Report - "*Monterey County's Unenforced Rooster Keeping Ordinance*"**
- b. Direct the County Administrative Officer to file the approved response with the Presiding Judge of the Superior Court, County of Monterey, by September 21, 2019.**

ALL AYES

Read Out from Closed Session by County Counsel

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) Lisa Rose (Workers Compensation Appeals Board case no. ADJ2181886)
- (2) Steven Mauck v. County of Monterey, et al. (United States District Court case no. 18CV04482)
- (3) Luciano Reyes v. County of Monterey, et al. (United States District Court case no. 18CV03935)

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

b. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding appointment to the position of County Administrative Officer.

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 provide a performance evaluation for the County Administrative Officer.

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): All Units

CLOSED SESSION REPORT: The Board approved a new Memorandum of Understanding basically a Tentative Agreement that was then ratified by SEIU 521 for all units and that final document will be available through Human Resources.

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

- (1) Designated representatives: John Phillips, Chair and Chris Lopez, Vice Chair of the Board of Supervisors
Employee Position: County Administrative Officer.

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

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

CLOSED SESSION REPORT: The Board authorized initiation of litigation against the Center of Medicare and Medicaid services regarding some reimbursement rates.

Adjourned

The meeting was adjourned at 4:10 p.m. by Chair Supervisor John M. Phillips.

APPROVED:

_____/s/ John M. Phillips_____
JOHN M. PHILLIPS, CHAIR
BOARD OF SUPERVISORS

ATTEST:

BY: _____/s/ Valerie Ralph_____
VALERIE RALPH
CLERK OF THE BOARD
APPROVED ON October 8, 2019

Supplemental Sheet, Consent CalendarHealth Department

19. a. Approve and authorize the Director of Health or Assistant Director of Health to execute a Agreement with Mary Claire Heffron, Inc. for the provision of training services for a total Agreement not to exceed \$16,800 for the term beginning July 1, 2020 through June 30, 2022; and
- b. Approve the modified insurance provisions in the Agreement, as recommended by the Director of Health; and
- c. 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%) (\$1,680) of the original Agreement amount and do not significantly alter the scope of services.

Approved - Agreement No. A-14495

20. a. Approve and authorize the Director of Health or Assistant Director of Health to sign State Agreement number 18-10906 with the California Department of Public Health in the amount of \$43,000, for the period retroactive to April 1, 2019 through June 29, 2020, to provide services to local communities with populations at high risk for diabetes, cardiovascular disease, and hypertension as part of the 1815 Supplemental Funds; and
- b. Approve and authorize the Director of Health or Assistant Director of Health to approve up to three (3) future amendments up to ten percent (10%) (\$4,300) of the original contract amount, which does not significantly alter the scope of services.

Approved - Agreement No. A-14496

21. Approve and authorize the Director of Health or Assistant Director of Health to execute a Renewal and Amendment No. 1 with Natividad Medical Foundation (NMF) DBA Indigenous Interpreting+, to renew the Agreement for the provision of translation services and extend the term for 2 years retroactive to July 1, 2019, for an amended term of May 1, 2016 to June 30, 2021, for a total Agreement amount not to exceed \$50,000.

Approved - Agreement No. A-14497

22. Adopt a Resolution Amending Article I.B - Public Health Bureau of the Monterey County Master Fee Resolution effective October 10, 2019, to adjust fees pursuant to the attached Fee Schedule relating to services provided by the Health Department's Administration and Public Health Bureau.

Adopted Resolution No. 19-301

Criminal Justice

23. Receive and accept the Annual Real Estate Fraud Report for Fiscal Year (“FY”) 2018-19 submitted by the District Attorney’s Office in accordance with California Government Code section 27388(d).

Received

24. Remove from the Criminal Justice Consent Calendar and add to the 10:30 A.M. - Scheduled Matters as Item No. 1.1

Moved to the 10:30 A.M. Scheduled Matters

General Government

25. a. Approve amending Fiscal Year 2019-20 Auditor-Controller budget (1110-AUD001-8372-001) in reallocating one (1) Accountant Auditor III (20B22) to one (1) Auditor-Controller Analyst I (20B24); and
b. Direct the Auditor-Controller and County Administrative Office to incorporate the approved changes in the Fiscal Year 2019-20 Adopted Budget.

Adopted Resolution No. 19-302

26. Adopt the Secured Roll Tax Rates calculated by the Office of the Auditor-Controller for Fiscal Year 2019-20.

Adopted

27. Adopt an ordinance of the County of Monterey, State of California, adding Section 2.04.355 to the County Code related to attorney communications with members of the Board of Supervisors and other decision-makers acting in an adjudicative capacity.

Adopted Ordinance No. 5317

28. Authorize and direct the Auditor-Controller to amend the FY 2019-20 Adopted Budget to increase appropriations by \$340,468.55 in County Counsel General Fund Risk Enterprise Unit 8429, Appropriation Unit COU006 (001-1210-COU006-8429), financed by a reduction in appropriations of \$340,468.55 from General Fund Contingencies, Fund 001, Appropriation Unit CAO020 (001-1050-CAO020-8034) to provide sufficient funding for remediation work at Lake San Antonio (4/5 vote required).

Adopted Resolution No. 19-303

- 28.1**
- a. Approve and authorize the Contracts/Purchasing Officer or the Contracts/Purchasing Supervisor to execute a Standard Agreement with David Gambetta dba Dave's Repair Service to provide on-call inspections and compliance repairs and services for Aboveground and Underground Storage Tanks for county-owned fueling stations as described in Exhibit A: Scope of Services/Payment Provisions retroactive to July 1, 2019 through June 30, 2022, for a total not to exceed amount of \$147,000; and
 - b. Authorize the Contracts/Purchasing Officer or the Contracts/Purchasing Supervisor to execute up to three (3) Amendments to the Agreement where the Amendments do not significantly change the scope of work or cause an increase in the total aggregate not to exceed amount in the Agreement of more than ten percent (10%) (i.e. the increase may not exceed \$14,700 total over the life of the Agreement).

Approved - Agreement No. A-14498

- 28.2**
- Delegation of authority to the CAO, and the Assistant CAOs or the Risk Manager in the event the CAO is unavailable, to: 1) make applications on behalf of the County for industrial disability retirements; and 2) make industrial disability determinations. (ADDED VIA ADDENDA)

Approved

RMA – Public Works and Facilities

- 29.**
- a. Award a contract to Papich Construction Company, Inc. the lowest responsible bidder, for the Arroyo Seco Road Overlay, Project No. 1154, in the total amount of \$1,536,797;
 - b. Award a contract to Papich Construction Company, Inc. the lowest responsible bidder, for the River Road Overlay, Project No. 1161, in the total amount of \$3,061,999;
 - c. Approve the Performance and Payment Bonds executed and provided by Papich Construction Company, Inc.;
 - d. Authorize a contingency, not to exceed 10% of the contract amount or \$153,680, to provide funding for approved contract change orders for Arroyo Seco Road Overlay, Project No. 1154;
 - e. Authorize a contingency, not to exceed 10% of the contract amount or \$306,200, to provide funding for approved contract change orders for River Road Overlay, Project No. 1161;
 - f. Authorize the Resource Management Agency Director to execute the contracts and, subject to the terms of the Public Contract Code, approve change orders to the contracts that do not exceed 10% of the original contract amount and do not significantly change the scope of work; and
 - g. Authorize the Resource Management Agency Director to execute a Certificate of Completion and record a Notice of Completion with the County Recorder when the

Director determines that the contracts are complete in all respects in accordance with the Plans and Special Provisions for the construction of Arroyo Seco Road Overlay, Project No. 1154 and River Road Overlay, Project No. 1161.

Approved - Agreement No. A-14499

- 30.**
- a. Award a contract to VSS International, Inc. (dba VSS Emultech), the lowest responsible base bidder, for the Procurement of Asphalt Emulsion for the Seal Coat FY 2019-20, Project No. 5520, in the total amount of \$311,284;
 - b. Award a contract to Sterndahl Enterprise, Inc., the lowest responsible base bidder, for the Pavement Delineation for the Seal Coat FY 2019-20, Project No. 5520, in the total amount of \$435,550;
 - c. Approve the Performance and Payment Bonds executed and provided by VSS International, Inc. (dba VSS Emultech) and Sterndahl Enterprise, Inc.;
 - d. Authorize a contingency not to exceed 10% of the contract amount or \$31,128, to provide funding for approved contract change orders for the Procurement of Asphalt Emulsion for the Seal Coat FY 2019-20, Project No. 5520;
 - e. Authorize a contingency not to exceed 10% of the contract amount or \$43,555, to provide funding for approved contract change orders for the Pavement Delineation for the Seal Coat FY 2019-20, Project No. 5520;
 - f. Authorize the Resource Management Agency Director to execute the contracts and subject to the terms of the Public Contract Code, approve change orders to the contracts that do not exceed 10% of the original contract amount and do not significantly change the scope of work; and
 - g. Authorize the Resource Management Agency Director to execute a Certificate of Completion and record a Notice of Completion with the County Recorder when the Director determines that the contracts are complete in all respects in accordance with Plans and Special Provisions for the construction of Procurement of Asphalt Emulsion for the Seal Coat FY 2019-20, Project No. 5520 and Pavement Delineation for the Seal Coat FY 2019-20, Project No. 5520.

Approved - Agreement No. A-14500

- 31.**
- Authorize the Contracts/Purchasing Officer, under the terms of the cooperative agreement with NJPA (Sourcewell) contract #031715 to approve purchase orders for detention facility furniture for Phase 1 for the New Juvenile Hall (Project No. 8811) in an amount not to exceed \$168,379.

Approved - Agreement No. A-14501

- 32.**
- a. Approve Lease of City Property Amendment No. 1, as revised by City of Salinas, for the purpose of accommodating juror parking at 111 West Alisal Street in Salinas,
 - b. Find that the approval of the amendment as revised is categorically exempt from CEQA under section 15301 of the CEQA Guidelines; and
 - c. Authorize the Chair to sign Lease of City Property Amendment No. 1, for the

purpose of accommodating juror parking at 111 West Alisal.

Approved

RMA - Land Use and Community Development

- 33. PLN160605 - MALDONADO**
- a. Accept the Parcel Map for a minor subdivision to divide a 26,500 square foot parcel resulting into two (2) parcels of 12,940 square feet (Lot 1), 13,560 square feet (Lot 2); and
 - b. Direct the Clerk of the Board to submit the Parcel Map to the County Recorder for recording, subject to the collection of the applicable recording fees and submit the Tax Clearance Letter from the Tax Collector as required by the County Recorder’s Office.
- CEQA Action:** Statutorily Exempt per California Environmental Quality Act (CEQA) Guidelines Section 15268 (b)(3) - Approval of Final Subdivision Maps.
Project Location: 441-A Hyland Drive, Salinas

Approved

- 34.**
- a. Approve and accept a Conservation and Scenic Easement Deed protecting a 0.38 acre area of APN 129-091-071-000 as condition of approval for PLN170705 and
 - b. Authorize the Chair to sign the Acceptance and Consent to Recordation.
 - c. Direct the Clerk of the Board to submit the Conservation and Scenic Easement Deed to the County Recorder for filing with all recording fees to be paid by the applicant.
- Project Location:** 473 Paradise Road, Salinas
Proposed CEQA Action: N/A - not a project

Approved

Department of Social Services

- 35.**
- a. Approve and authorize the Department of Social Services Director to sign funding Agreement CF-1920-32 for \$37,309 with California Department of Aging for the CalFresh Program Expansion to provide outreach and application assistance to seniors throughout Monterey County, retroactively effective July 1, 2019 through June 30, 2020;
 - b. Authorize the Director of the Department of Social Services to sign up to three (3) amendments to the Agreement, where the amendments do not significantly change the scope of work;
 - c. Approve an increase in appropriations and estimated revenues of \$37,309 for the Social Services - Area Agency on Aging’s Budget Unit 001-5010-SOC010-8268

FY 2019-20 Adopted Budget (4/5ths vote required); and
d. Authorize the Auditor-Controller to amend the FY 2019-20 Adopted Budget by increasing appropriations and estimated revenues by \$37,309 in Social Services - Area Agency on Aging's Budget Unit 001-5010-SOC010-8268 (4/5ths vote required).

Adopted - Resolution No. 19-304

Addenda/Supplemental

36.

ADDENDA

Consent Calendar

Add to General Government as Item No. 28.2:

Delegation of authority to the CAO, and the Assistant CAOs or the Risk Manager in the event the CAO is unavailable, to: 1) make applications on behalf of the County for industrial disability retirements; and 2) make industrial disability determinations.

SUPPLEMENTAL

1:30 P.M. - Scheduled Matters

Add to Item No. 18:

Attachment - Agriculture Commissioner's Response

Consent Calendar

Remove Item No. 24 from the Criminal Justice consent calendar and add to the 10:30 A.M. - Scheduled Matters as Item No. 1.1:

a. Approve and Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to sign a two (2) year agreement between the Sheriff's Office and the Department of State Hospitals for an amount not to exceed \$3,697,388.00, to host a regional Jail Based Competency Treatment program in the Monterey County Jail retroactive to June 28, 2019 with a term ending June 27, 2021; and

b. Approve and Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to sign Amendment #1 to the CFMG (A-13814) agreement, in an amount of \$2,177,286.00, for the Jail Based Competency Treatment program, for new not to exceed amount of \$30,430,371.45; and

c. Amend the Sheriff's Office Fiscal Year 2019-20 Adopted Budget (001-SHE003-2300-8238-6111) to add two (2) FTE Deputy Sheriff Positions; and

d. Authorize and direct the County Administrative Office to incorporate the position change into the Sheriff's Office FY 2019-20 Adopted Budget; and

e. Authorize and direct the Auditor-Controller to amend the Sheriff's Office FY 2019-20 Adopted Budget to increase appropriations by \$1,525,319.00, including

\$892,649.00 in 001-SHE003-2300-8238-6111 and \$632,670.00 in 001-SHE-003-2300-8238-6384 financed by increased revenues of \$1,525,319.00 in 001-SHE003-2300-8238-5870; (4/5 vote required) and
f. Approve designating the Monterey County Jail as a facility to provide medically approved medication to defendants found to be mentally incompetent and unable to provide informed consent due to a mental disorder, pursuant to California Penal Code Section 1367 et. seq.