

Monterey County

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



Action Minutes - Final

Tuesday, April 18, 2017

10:00 AM

Board of Supervisors

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

10:00 A.M. - Called to Order

The meeting was called to order by Chair Adams.

Roll Call

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

Additions and Corrections for Closed Session:

There were no additions or corrections to Closed Session.

Closed Session

1. Closed Session under Government Code section 54950, relating to the following items:
 - a. Pursuant to Government Code section 54956.9(d)(4), the Board will confer with legal counsel regarding one matter of potential initiation of litigation.
 - b. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:
 - (1) Keep Fort Ord Wild v. County of Monterey, et al., Monterey County Superior Court case no. M114961

CLOSED SESSION REPORT: The Board conferred with counsel and took no reportable actions on items 1.a. and 1.b.

10:30 A.M. - Reconvened

Roll Call

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

Pledge of Allegiance

The Pledge of Allegiance was led by Supervisor Phillips.

Additions and Corrections

There were no additions or corrections to the agenda.

Consent Calendar

2. Approval of Consent Calendar (See Supplemental Sheet)

Supervisor Jane Parker pulled item 23 and asked questions of staff. Sandra Schaeffer responded.

Supervisor John M. Phillips pulled items 18 and 30 and commented on the items.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor John M. Phillips to approve the Consent Calendar (See Supplemental Sheet), except items 18, 23, and 30. ALL AYES

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Jane Parker to approve items 18, 23 and 30. ALL AYES

Ceremonial Resolutions

- 3. Adopt Resolution commending Monterey County Sheriff’s Deputies Thomas W. Day and Joe Manuel Rafael Pomber. (Full Board)

A motion was made by Supervisor Luis Alejo, seconded by Supervisor Simón Salinas to adopt Resolution No. 17-101 commending Monterey County Sheriff’s Deputies Thomas W. Day and Joe Manuel Rafael Pomber. (Full Board) ALL AYES

- 4. Adopt Resolution in honor and recognition of David Pendergrass for 38 years of service to the Monterey Regional Water Pollution Control Agency. (Full Board)

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Simón Salinas to adopt Resolution No. 17-100 in honor and recognition of David Pendergrass for 38 years of service to the Monterey Regional Water Pollution Control Agency. (Full Board) ALL AYES

Appointments

- 5. Reappoint Sandy Chamberlain to the Monterey County Workforce Development Board, representing business for a term ending April 27, 2020. (Full Board)

A motion was made by Supervisor Luis Alejo, seconded by Supervisor Simón Salinas to reappoint Sandy Chamberlain to the Monterey County Workforce Development Board, representing business for a term ending April 27, 2020. (Full Board) ALL AYES

Other Board Matters

- 6. Board Comments

This General Agenda Item was approved

- 7. CAO Comments and Referrals

There were no CAO comments or referrals.

- 8. General Public Comment

Linda Marin; Jan Leisher; Richard Matthews; Steve Ecklund; Eric Peterson;
Hans Jongens; Bud Riewertz.

10:30 A.M. - Scheduled Matters

9. Receive an oral presentation from the Monterey County Health Department, Public Health Bureau and the Monterey County Office of Education on the status of bullying prevention efforts in Monterey County.

Public comment: Hans Jongens; Jay Donato; Steve Ecklund; Eric Peterson.

By consensus, the Board received an oral presentation from the Monterey County Health Department, Public Health Bureau and the Monterey County Office of Education on the status of bullying prevention efforts in Monterey County.

- 10.

Public hearing to consider adoption of an ordinance:

- a. To make express findings that County amendments to the 2016 California Building Standards Code are reasonably necessary due to local climatic, geological or topographical conditions; and
- b. To repeal the 2013 California Building Standards Code with County amendments and adopt the 2016 California Building Standards Code with County amendments.

Public hearing held.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor John M. Phillips to adopt Ordinance No. 5286: a. To make express findings that County amendments to the 2016 California Building Standards Code are reasonably necessary due to local climatic, geological or topographical conditions; and
b. To repeal the 2013 California Building Standards Code with County amendments and adopt the 2016 California Building Standards Code with County amendments. ALL AYES

Adjourned

In honor of Supervisor Phillips' Birthday

APPROVED:

/ s / Mary L. Adams

**MARY L. ADAMS, CHAIR
BOARD OF SUPERVISORS**

ATTEST:

BY: / s/ Gail T. Borkowski

GAIL T. BORKOWSKI

CLERK OF THE BOARD

APPROVED ON August 29, 2017

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

11. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute an agreement with ARxIUM for pharmacy purchasing and inventory management software services for an amount not to exceed \$55,000 retroactive to August 1, 2016 through July 31, 2018.
- Approved - Agreement No. A-13505**
12. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute Amendment No. 1 to the agreement with Healthcare Coding and Consulting Services, LLC for US-based remote medical record coding and consulting services, extending the agreement an additional two (2) year period (August 22, 2017 through August 21, 2019) for a revised full agreement term of August 22, 2016 through August 21, 2019, and adding \$570,000 for a revised total agreement amount not to exceed \$660,000
- Approved - Agreement No. A-13517**
13. a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute an Agreement with FocusOne Solutions, LLC. pursuant to the Request for Proposal (RFP) #9600-62 for a Healthcare Vendor Management System to include a managed service provider, replacing current nurse and ancillary registries, with an initial Agreement term of April 19, 2017 through April 18, 2018 with the option to extend for two (2) additional two (2) year periods, and for an original contract amount not to exceed \$5,000,000; and
- b. Authorize the Deputy Purchasing Agent for NMC or his designee to execute up to three (3) amendments, in which the total does not exceed 1% (\$50,000) of the original contract amount across all amendments.
- Approved- Agreement No. A-13506**
14. a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) to execute an Agreement with RehabCare Group Management Services, Inc. for Rehabilitation Program Management Services at NMC for an amount not to exceed \$1,000,000 annually and an agreement term of May 1, 2017 through April 30, 2022 for a total Agreement amount not to exceed \$5,000,000.
- b. Authorize the Deputy Purchasing Agent for NMC or his designee to execute up to three (3) future amendments to the agreement which do not significantly alter the scope of work and do not cause an increase of more than ten percent (10%) (\$500,000) of the original cost of the agreement across all amendments in total.
- Approved - Agreement No. A-13516**

Health Department

15. Authorize the Director of Health or Assistant Director of Health to execute a no-extension Amendment No. 2, to the SB 18 Medi-Cal Renewal Services Contract Agreement A-13088 with Monterey Bay Central Labor Council to increase funding from \$227,045.14 to \$249,345.14 (an increase of \$22,300.00) from additional state allocations for AB 82 Medi-Cal Outreach and Enrollment, and to replace Exhibit A1 Scope of Services/Payment Provisions with Exhibit A2 to include additional services, for a contract term of April 1, 2016 thru December 31, 2018.
- Approved - Agreement No. A-13088**
16. a. Ratify execution by the Outpatient Services Manager, as designee of the Director of Health, of a three-year Patient-Centered Medical Home (PCMH 2014) Recognition Program Agreement with the National Committee for Quality Assurance (NCQA) with a retroactive effective date of January 23, 2017, submitted in connection with an application to NCQA (“NCQA Application”) seeking renewal of NCQA’s recognition of the Laurel Internal Medicine Clinic as a Patient Centered Medical Home; and
- b. Ratify execution by the Director of Health of a Business Associate Agreement (BAA) with NCQA, with an effective date of February 1, 2017 and which shall remain in effect for the term of the PCMH 2014 Recognition Program Agreement; and
- c. Approve and authorize the Director of Health or Assistant Director of Health to sign up to one (1) future amendment to the PCMH 2014 Recognition Program Agreement or BAA where the amendments do not significantly change the scope of the Agreement.
- Approved - Agreement Nos. A-13518 (NCQA-Application); A-13519 (BAA with NCQA)**
17. a. Approve and authorize the Director of Health, the Assistant Director of Health, or the Emergency Medical Services Agency Director to execute a three (3) year Agreement with ESO Solutions, Inc. for the provision of a Unified Electronic Patient Care Reporting (ePCR) Solution for all county first responders, ambulance transport, hospitals, and communication agencies, retroactive to March 31, 2017 through March 30, 2020 for an amount not to exceed \$450,000.00; and
- b. Accept the non-standard risk terms regarding limitations on liability and indemnification, as recommended by the Director of Health; and
- c. Authorize the Director of Health, the Assistant Director of Health, or the Emergency Medical Services Agency Director, to sign up to three (3) future amendments to this Agreement where each amendment does not exceed ten percent (10%) (\$45,000) of the original Agreement and does not significantly change the scope.

Approved - Agreement No. A-13507

- 18.
- a. Authorize the Auditor - Controller to amend the FY 2016-17 Public Guardian/Administrator/Conservator's adopted budget 001-4000-HEA008-8118 to increase appropriations by \$347,254; (4/5th vote required) and
 - b. Authorize the Auditor - Controller to amend the FY 2016-17 Children's Medical Services adopted budget 001-4000-8121-HEA004 to decrease appropriations by \$269,000; (4/5th vote required) and
 - c. Authorize the Auditor - Controller to amend the FY 2016-17 Health Department Administration's adopted budget 001-4000-8438-HEA014 to decrease appropriations by \$78,254 (4/5th vote required).
 - d. Authorize the Auditor-Controller's Office to incorporate, and the County Administrative Office to reflect, these approved modifications in the FY 2016-2017 Adopted Budget.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Jane Parker to adopt Resolution No. 17-102 to:

- a. Authorize the Auditor - Controller to amend the FY 2016-17 Public Guardian/Administrator/Conservator's adopted budget 001-4000-HEA008-8118 to increase appropriations by \$347,254; (4/5th vote required) and**
- b. Authorize the Auditor - Controller to amend the FY 2016-17 Children's Medical Services adopted budget 001-4000-8121-HEA004 to decrease appropriations by \$269,000; (4/5th vote required) and**
- c. Authorize the Auditor - Controller to amend the FY 2016-17 Health Department Administration's adopted budget 001-4000-8438-HEA014 to decrease appropriations by \$78,254 (4/5th vote required).**
- d. Authorize the Auditor-Controller's Office to incorporate, and the County Administrative Office to reflect, these approved modifications in the FY 2016-2017 Adopted Budget. ALL AYES**

Department of Social Services

- 19.
- a. Approve and authorize the Director of the Department of Social Services to sign Amendment #1 to PSA1048 with First Alarm adding \$43,580, effective May 1, 2017, for Digital Monitoring Products Access System security monitoring and maintenance, increasing the total contract amount to \$143,545 and extending the term of the Agreement through March 31, 2018; and
 - b. Authorize the Director of the Department of Social Services to sign up to (3) additional amendments to this Agreement where the total amendments do not exceed 10% of the amended contract amount, and do not significantly change the scope of work.

Approved - Agreement No. A-13508

Criminal Justice

- 20.
- Approve and authorize the District Attorney to sign, submit and execute grant applications for existing programs, including any extensions or amendments thereof

under similar terms, for continued funding for FY 2017-18 from Federal and State agencies for the District Attorney's Office Victim Assistance Unit and other Prosecution Programs.

Approved

21. Adopt a resolution authorizing the Monterey County Sheriff's Office to receive and access state and federal level summaries of criminal history information for the issuance and monitoring of medical cannabis regulatory permits.
(REF150048/Resolution - Cannabis Permitting background checks, County-wide)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor John M. Phillips to adopt Resolution No. 17-115 authorizing the Monterey County Sheriff's Office to receive and access state and federal level summaries of criminal history information for the issuance and monitoring of medical cannabis regulatory permits. (REF150048/Resolution - Cannabis Permitting background checks, County-wide) ALL AYES

General Government

22. Receive the Action Minutes of the Budget Committee for the 2nd through 4th Quarters of 2016 for April 27, 2016, May 25, 2016, June 29, 2016, August 31, 2016, September 28, 2016, October 26, 2016 and December 12, 2016.

Approved

23. Adopt an ordinance amending Section 7.13.070 of the Monterey County code to reauthorize the Public, Educational, and Government Access (PEG) Support Fee on cable operators and video service providers that hold state franchises and operate within unincorporated Monterey County.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Jane Parker to adopt Ordinance No. 5285 amending Section 7.13.070 of the Monterey County code to reauthorize the Public, Educational, and Government Access (PEG) Support Fee on cable operators and video service providers that hold state franchises and operate within unincorporated Monterey County. ALL AYES

24. Adopt a resolution to extend the Proclamation of a Local Emergency dated February 15, 2017, ratified on February 22, 2017, and reviewed and extended on March 21, 2017, in accordance with California Government Code 8630 for atmospheric river events which occurred between February 7, 2017 through February 20, 2017 that resulted in multiple significant rainfall events causing damage to public infrastructure and private property. (4/5ths vote required)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor John M. Phillips to adopt Resolution No. 17-108 to extend the Proclamation of a Local Emergency dated February 15, 2017, ratified on February 22, 2017, and reviewed and extended on March 21, 2017, in accordance with California Government Code 8630 for atmospheric river events which occurred between February 7, 2017 through February 20, 2017 that resulted in multiple significant

**rainfall events causing damage to public infrastructure and private property.
(4/5ths vote required) ALL AYES**

25. Adopt a resolution to proclaim the termination of the Local Emergency dated February 15, 2017, ratified on February 22, 2017, and reviewed and extended March 21, 2017, in accordance with California Government Code 8630 for winter storm events which occurred between February 7, 2017 through February 12, 2017 that resulted in multiple significant rainfall events causing damage to public infrastructure and private property. (4/5ths vote required)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor John M. Phillips to adopt Resolution No. 17-109 to proclaim the termination of the Local Emergency dated February 15, 2017, ratified on February 22, 2017, and reviewed and extended March 21, 2017, in accordance with California Government Code 8630 for winter storm events which occurred between February 7, 2017 through February 12, 2017 that resulted in multiple significant rainfall events causing damage to public infrastructure and private property.
(4/5ths vote required) ALL AYES**
26. a. Approve and authorize the Contracts/Purchasing Officer to sign a Renewal and Amendment No. 1 to Agreement between the County of Monterey and Metropolitan Life Insurance Company (MetLife), retroactive to January 1, 2017, and extending the term of the agreement through December 31, 2017, with the option to extend the Agreement for one (1) additional one (1) year period.
b. Authorize the Contracts/Purchasing Officer to sign future amendments to the agreement where the amendments do not significantly change the scope of work or cause an increase in the agreement rates to a total of more than ten percent (10%) of the aggregate total of the contract.
- Approved - Agreement No. A-13502**
27. a. Approve the Assignment Agreement authorizing the Sports Car Racing Association of the Monterey Peninsula (SCRAMP) to assign the current Sponsorship Agreement with Mazda North American Operations (MNAO) to the County of Monterey
b. Authorize the Chair to execute the Assignment Agreement.
c. Approve the request for the County of Monterey to execute an extension of the Mazda Sponsorship Agreement through March 31, 2018.
d. Authorize the Chair of the Board to execute the Amendment No. 4 to the Sponsorship Agreement.
- Approved - Agreement No. A-13509**
28. a. Amend Personnel Policies and Practices Resolution No. 98-394 Appendix A to adjust the salary ranges of the Library Page and Aide I classifications as indicated in the attached Resolution to comply with California Senate Bill No. 3, raising the minimum wage to \$10.50/hour, retroactive to January 1, 2017;
b. Amend Personnel Policies and Practices Resolution No. 98-394 Appendices A

- and B to abolish the classifications of Recreation Leader and Temporary Library Page;
- c. Authorize the Auditor-Controller to make payments to impacted employees, retroactive to January 1, 2017; and
- d. Direct the Human Resources Department to implement the changes in the Advantage HRM System.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor John M. Phillips to adopt Resolution No.17-117 to:

- a. Amend Personnel Policies and Practices Resolution No. 98-394 Appendix A to adjust the salary ranges of the Library Page and Aide I classifications as indicated in the attached Resolution to comply with California Senate Bill No. 3, raising the minimum wage to \$10.50/hour, retroactive to January 1, 2017;**
- b. Amend Personnel Policies and Practices Resolution No. 98-394 Appendices A and B to abolish the classifications of Recreation Leader and Temporary Library Page;**
- c. Authorize the Auditor-Controller to make payments to impacted employees, retroactive to January 1, 2017; and**
- d. Direct the Human Resources Department to implement the changes in the Advantage HRM System. ALL AYES**

28.1

- a. Approve and authorize the Contracts / Purchasing Officer or Designee to sign Amendment Number 4 to the Agreement with NICE Systems, Inc., to retroactively continue existing maintenance services of the NICE audio logging recording system for an additional year, March 27, 2017 through March 26, 2018 in the amount of \$47,691, and to add purchase and maintenance of features required to make the system compatible with the NGEN system in the amount of \$53,150, for a new Agreement amount not to exceed \$100,841.00;
- b. Approve up to three (3) amendments providing for three (3) renewals of one year each for maintenance and support services, subject to review of County Counsel, provided the increased cost of such renewals does not exceed ten percent (10%) of Agreement costs (\$10,084.10), for a total cost maximum cost of \$110,925.10 per renewal, and provided that the terms of the Agreement remain substantially unchanged, including nonstandard provisions previously approved by the Board. (ADDED VIA ADDENDA)

Approved - Agreement No. A-11689

RMA - Land Use and Community Development

29.

- a. Accept the Parcel Map for a minor subdivision to allow the reconfiguration of twenty (20) existing patents totaling 4,607 acres into twenty (20) legal lots totaling 4,607 acres;
- b. Approve Contract Amendments to Agricultural Preserve Land Conservation Contract Nos. 69-10 and 72-15;
- c. Authorize the Chair to execute the Contract Amendments to Agricultural Conservation Contract Nos. 69-10 and 72-15;
- d. Approve the subject deed restrictions;

e. Direct the Clerk of the Board to submit the Parcel Map and the Amendments to Agricultural Preserve Land Conservation Contracts No. 69-10 and 72-15, and the subject deed restrictions to the County Recorder for recording, subject to the property owners' submittal of the applicable recording fees.

Proposed CEQA Action: Statutorily Exempt per California Environmental Quality Act (CEQA) Guidelines Sections 15268 (b) (3); 15305(a); and 15061 (b) (3). (PLN110015/Aurignac & Garrissere Ranch Co.)

Approved

RMA - Public Works and Facilities

30.

Adopt a resolution to:

- a. Approve appropriation of \$150,000 in the Fiscal Year 2016-17 Budget from the Castroville Area Regional Traffic Impact Fee Fund 002-3000-2652 to construct a pedestrian crosswalk on Merritt Street at Crane Street intersection in Castroville, an unincorporated area of the County (4/5th vote required); and
- b. Authorize the Auditor-Controller to amend the FY 2016-17 Adopted Budget to increase appropriations and revenue by \$150,000 in the Road Fund 002, Appropriation Unit RMA012, funded by the Castroville Area Regional Traffic Impact Fees (4/5th vote required).

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Jane Parker to adopt Resolution No. 17-118 to:

- a. **Approve appropriation of \$150,000 in the Fiscal Year 2016-17 Budget from the Castroville Area Regional Traffic Impact Fee Fund 002-3000-2652 to construct a pedestrian crosswalk on Merritt Street at Crane Street intersection in Castroville, an unincorporated area of the County (4/5th vote required); and**
- b. **Authorize the Auditor-Controller to amend the FY 2016-17 Adopted Budget to increase appropriations and revenue by \$150,000 in the Road Fund 002, Appropriation Unit RMA012, funded by the Castroville Area Regional Traffic Impact Fees (4/5th vote required). ALL AYES**

31.

- a. Adopt Plans and Special Provisions for the Bridge Preventive Maintenance Project (Methacrylate & Polyester Overlay), Project No. 1143, Federal Aid Project No: BPMPL-5944(122); and
- b. Authorize the Resource Management Agency Director to advertise the "Notice to Bidders" in the Monterey County Weekly.

Approved - Construction No. 2017-001

RMA - Parks

32.

- a. Approve the recommendation of the Monterey County Fish and Game Advisory Commission to award seven (7) funding grants;
- b. Approve and authorize the Auditor Controller's Office to increase appropriations by \$25,237 in the Fish and Game Propagation Fund 006-7500-8155-PAR002 to fund the award of seven (7) funding grants

(4/5th vote required);

- c. Approve and authorize the Auditor Controller's Office to increase revenues by \$13,303 in the Fish and Game Propagation Fund 006-7500-8155-PAR002 where the financing source is an operating transfer in from the CAO's Other Financing Uses Fund 001-1050-8038-CAO017 (4/5th vote required); and
- d. Approve the distribution of Fish and Game Propagation Fund grants in the amount of \$29,700 for specified projects for Fiscal Year 2016 - 2017.

Approved