

Monterey County

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



Meeting Minutes - Draft

Tuesday, September 21, 2021

9:00 AM

Board of Supervisors

Chair Supervisor Wendy Root Askew - District 4

Vice Chair Supervisor Mary L. Adams - District 5

Supervisor Luis A. Alejo - District 1

Supervisor John M. Phillips - District 2

Supervisor Chris Lopez - District 3

9:00 A.M. - Called to Order

The meeting was called to order by Chair Supervisor Wendy Root Askew.

Roll Called

Present: 5 - Supervisor Wendy Root Askew, Supervisor John M. Phillips and Supervisor Mary L. Adams appeared in person with Supervisor Chris Lopez and Supervisor Luis A. Alejo who 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 and corrections for the agenda.

Closed Session

1. Closed Session under Government Code section 54950, relating to the following items:
 - a. Pursuant to Government Code section 54957(a), the Board will confer with County Counsel regarding matters posing a threat to the security of public buildings, essential public services, or the public’s right of access to public services or facilities.
 - b. 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
 - c. ~~Pursuant to Government Code sections 54956.9(d)(2) and 54956.9(d)(4), the Board will confer with legal counsel regarding one matter of significant exposure to litigation and/or potential initiation of litigation.~~ REMOVED ON SUPPLEMENTAL
 - d. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding three matters of significant exposure to litigation.
 - e. Pursuant to Government Code section 54956.9(d)(4), the Board will confer with legal counsel regarding one matter of potential initiation of litigation.

Public Comments

Open for public comments; Wildfire and Wes White, in person, and Elizabeth Tyler, Melissa Mundo, Araceli Flores, Augustina Gallegos, Coral Ovalle, Cheryl Williams and Margarita Covarrubias, all via Zoom, commented.

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

Roll Called

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

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

Pledge of Allegiance

The Pledge of Allegiance to be led by Julian Lorenzana, Board Clerk.

Additions and Corrections by Clerk

There were no additions and corrections for the agenda.

Ceremonial Resolutions

Open for public comments; no public comments made.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Mary L. Adams to adopt Ceremonial Resolution Number 2.

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE

Supervisor Phillips: AYE

Supervisor Lopez: AYE

Supervisor Adams: AYE

Chair Supervisor Root Askew: AYE

2. Adopt a resolution proclaiming the month of September 2021, as “National Food Safety Education Month” in Monterey County and call upon public and private organizations to celebrate with the Monterey County Health Department, Environmental Health Bureau, and the Monterey County Food Safety Advisory Council by participating in learning opportunities and activities that promote food safety. (Supervisor Askew)

Adopted Resolution No. 21-306

Appointments

Open for public comments; no public comments made.

A motion was made by Supervisor Wendy Root Askew, seconded by Supervisor Mary L. Adams to reappoint Item Number 3.

Roll call vote taken pursuant to Government Code 54953:

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

3. Reappoint Nick Brockman to the Fish and Game Advisory Commission, with a term ending date of September 27, 2024. (Supervisor Askew)

Reappointed

Approval of Consent Calendar – (See Supplemental Sheet)

Open for public comments; no public comments made.

Supervisor Wendy Root Askew commented on Item No. 14 and 17 and Supervisor John M. Phillips commented on Item No. 17.

A motion was made by Supervisor Mary L. Adams, seconded by Supervisor John M. Phillips to approve Consent Calendar Item Numbers 11 through 19.

Roll call vote taken pursuant to Government Code 54953:

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

General Public Comments

4. General Public Comments

Open for general public comments for items not on today's agenda; Jacqueline Beaudette-Eveanoff, Veronica Lomeli Spanish Interpreter for the following people: Araceli, Maria Rodriguez, Kenya Amaya, Anna Galvan and Alicia Lucer, lastly Bernie Gomez commented, all via Zoom.

10:30 A.M. - Scheduled Matters

5. a. Hold a public hearing in compliance with the Tax Equity and Financial Responsibility Act of 1982 (TEFRA) and the Internal Revenue Code of 1986, as amended, regarding the issuance by the California Statewide Communities Development Authority (CSCDA) of tax-exempt revenue bonds for financing and refinancing the acquisition, construction, equipping, improvement, renovation, rehabilitation and/or remodeling of healthcare and related facilities for Montage Health; and
b. Adopt a resolution approving the issuance, for federal income tax purposes, of CSCDA revenue

bonds, in the aggregate principal amount not to exceed \$165,000,000, for financing and refinancing the acquisition, construction, equipping, improvement, renovation, rehabilitation and/or remodeling of Montage Health healthcare and related facilities and certain other matters relating thereto; and

c. Determine that the above actions involve government funding mechanisms and/or fiscal activities and are not a project under the California Environmental Quality Act (CEQA), pursuant to Section 15378(b)(4) of the CEQA Guidelines.

Public hearing commenced.

Juan Lopez, Principal Administrative Analyst from the County Administrative Office, via Zoom, verbally presented.

Open for public comments; no public comments made.

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

a. Hold a public hearing in compliance with the Tax Equity and Financial Responsibility Act of 1982 (TEFRA) and the Internal Revenue Code of 1986, as amended, regarding the issuance by the California Statewide Communities Development Authority (CSCDA) of tax-exempt revenue bonds for financing and refinancing the acquisition, construction, equipping, improvement, renovation, rehabilitation and/or remodeling of healthcare and related facilities for Montage Health; and

b. Adopt Resolution No. 21-310 approving the issuance, for federal income tax purposes, of CSCDA revenue bonds, in the aggregate principal amount not to exceed \$165,000,000, for financing and refinancing the acquisition, construction, equipping, improvement, renovation, rehabilitation and/or remodeling of Montage Health healthcare and related facilities and certain other matters relating thereto; and

c. Determine that the above actions involve government funding mechanisms and/or fiscal activities and are not a project under the California Environmental Quality Act (CEQA), pursuant to Section 15378(b)(4) of the CEQA Guidelines.

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE

Supervisor Phillips: AYE

Supervisor Lopez: AYE

Supervisor Adams: AYE

Chair Supervisor Root Askew: AYE

- 6. ~~Receive a preliminary analysis report in response to Board Referral No. 2021.14 on EV Charging Stations.~~ REASIGNED AS ITEM NO.: 9.1**

12:00 P.M. - Recessed to Lunch back into Closed Session

1:30 P.M. - Reconvened

Roll Called

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

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

1:30 P.M. - Scheduled Matters

- 7. Consider providing direction regarding amendments to or rescission of Chapter 10.72 of the Monterey County Code regarding “Desalinization Treatment Facility.”

Les Girard, County Counsel from the County Counsel office, in person, verbally presented.

Open for public comments; Shawn Folsom, Melodie Chrislock, Rick Aldinger, Wallace Notley, Eric Tynan, Susan Schiavone, Anna Thompson, Nancy Isakson, Margaret Ann Kaufman, Lisabeth Visscher, Marli Kneldon, Christopher Bunn, Margie Kay and Norm Groodt, all via Zoom, commented.

A substitute motion was made by Supervisor John M. Phillips, seconded by Supervisor Luis A. Alejo with Supervisor Wendy Root Askew voting no, to:
Direct staff to come back within 3 weeks with a recommendation on a specific proposal for the Board to consider regarding amendments to or rescission of Chapter 10.72 of the Monterey County Code regarding “Desalinization Treatment Facility.”

Roll call vote taken pursuant to Government Code 54953:

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

Motion carried 4 to 1

- 8. Consider adopting an ordinance requiring the use of face coverings indoors by all persons over the age of two (2) regardless of vaccination status, with limited exceptions.

Les Girard, County Counsel from the County Counsel office, in person, presented via PowerPoint presentation.

Open for public comments; Pastor Lattimore, Mr. Block, Amy Zinetta, Gabriela, in person, phone number ending in 631, Robin Pele, b nice, Drea (no last name provided), Christopher Bunn, Rick Aldinger, Marietta Bain, Teri Owens, Carolyn Swanson, Olivia Mandilk, Pete (no last name provided), Andrew (no last name provided), Nicole Alexander, Suzanna Garcia, Susan Schiavone, Carol Chorbajian, Marcela Ramirez with the assistance of Maria Avila Spanish Interpreter, Harmony DeAngelo, Dawn Mathes and Eric Tynan, all via Zoom, commented.

A motion was made by Supervisor Wendy Root Askew, seconded by Supervisor Luis A. Alejo, as amended, with Supervisor John M. Phillips and Supervisor Chris Lopez, voting no to:
Keep the original language in Section 3 and add the modified language in Section 2 Item 1 and directed staff to return next week with the amended ordinance for consideration of adoption requiring the use of face coverings indoors by all persons over the age of two (2) regardless of

vaccination status, with limited exceptions.

Roll call vote taken pursuant to Government Code 54953:

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

Motion carried 3 to 2

Other Board Matters

9. County Administrative Officer Comments and Referrals

Charles McKee, County Administrative Officer from the County Administrative office commented and shared there is one new referral this week:

One new referral from Supervisor Luis A. Alejo and Supervisor Wendy Root Askew Referral 2021.17:

Referral Purpose: For the County of Monterey to sponsor state and federal legislation and initiate a process to construct a Veterans Home in the Monterey Bay Region at the former Fort Ord.

Correction on a referral from last week recited.

Open for public comments; no comments made.

County Administrative comments/referrals can be heard by clicking the following link:

http://monterey.granicus.com/EditFile.php?clip_id=4342

9.1 Receive a preliminary analysis report in response to *Board Referral No. 2021.14* on EV Charging Stations. ADDED VIA SUPPLEMENTAL

Board discussions had.

The Board upon consensus:

Received a preliminary analysis report in response to Board Referral No. 2021.14 on EV Charging Stations and requested the Sustainability Manager come back with a presentation. ADDED VIA SUPPLEMENTAL

10. Board Comments

Board Comments can be heard by clicking the following link:

http://monterey.granicus.com/EditFile.php?clip_id=4342

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 54957(a), the Board will confer with County Counsel regarding matters posing a threat to the security of public buildings, essential public services, or the public's right of access to public services or facilities.

The Board took no reportable actions on items 1.a.

b. 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

The Board took no reportable actions on items 1.b.(1)

c. Pursuant to Government Code sections 54956.9(d)(2) and 54956.9(d)(4), the Board will confer with legal counsel regarding one matter of significant exposure to litigation and/or potential initiation of litigation.

REMOVED ON SUPPLEMENTAL

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

The Board took no reportable actions on items 1.d.

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

The Board took no reportable actions on items 1.e.

Adjourned

The meeting was recessed at 4:43 p.m. in Memory of Harvey Kuffner by Chair Supervisor Wendy Root Askew and will adjourn from Closed Session.

APPROVED:

**WENDY ROOT ASKEW, CHAIR
BOARD OF SUPERVISORS**

ATTEST:

BY: _____
**VALERIE RALPH
CLERK OF THE BOARD
APPROVED ON** _____

Supplemental Sheet, Consent Calendar**Health Department**

11. a. Approve and authorize the Director of Health or Assistant Director of Health to execute a Mental Health Services Agreement (MHSA) with Center for Community Advocacy retroactive to July 1, 2021 for the provision of culturally specific mental health prevention and early intervention services for unserved adults, children, and families in the amount of \$141,989 for FY 2021-2022 and \$141,989 for FY 2022-2023 for a total Agreement amount of \$283,978 for the term of July 1, 2021 through June 30, 2023; and
- b. Approve and Authorize the Director of Health or Assistant Director of Health to approve up to three (3) future amendments that do not exceed (10%) (\$23,398) of the original Agreement amount and do not significantly alter the scope of services.

Approved - Agreement No.: A-15539

Department of Social Services

12. Consider a Resolution:
- a. Approve amending the Department of Social Services Budget Unit 001-5010-8262-SOC005 to reallocate one (1) Principal Clerk Confidential to one (1) Personnel Technician Confidential for Human Resources; and
- b. Authorize and direct the County Administrative Office and the Auditor-Controller's Office to incorporate the changes in the FY 2021-22 Adopted Budget Unit 001-5010-SOC005-8262 to reflect the change in position counts.

Adopted Resolution No.: 21-311

General Government

13. a. Amend the Agricultural Commissioner's Budget Unit 2810-8001-Fund 001-Appropriation AGR001 to reallocate one half (.5) Weights/Measures Inspector III position to one half (.5) Agricultural Inspector/Biologist III position funded with Cannabis revenue; and
- b. Authorize and direct the County Administrative Office and the Auditor-Controller's Office to incorporate the changes in the FY 2021-22 Adopted Budget; and
- c. Direct the Human Resources Department to implement the changes in the Advantage HRM System. (4/5 vote required)

Adopted Resolution No. 21-388

14. a. Receive an update on the Enterprise Resource Planning (ERP) Replacement Project Planning; and
- b. Approve an initial budget allocation of \$690,000 for the project resource costs related to pre-implementation planning phase which will include requirements definition, implementation resource planning, RFP development and release, and vendor selection; and

c. Authorize the Auditor-Controller to amend the Fiscal Year 2021-2022 Adopted Budget to increase appropriations by \$690,000 in Fund 478 (Enterprise Resource Planning), Department 1050 CAO, Unit 8506, Appropriation Unit CAO034 funded by unrestricted net position. (4/5 vote required)

Received

15. Approve the Board of Supervisors Draft Action Meeting Minutes for the following meeting dates: Tuesday, January 5, 2021, Tuesday, January 12, 2021, Tuesday, January 26, 2021, Friday, January 29, 2021 and Tuesday, February 2, 2021.

Approved

Public Works, Facilities and Parks

16. Adopt a resolution authorizing and directing the Auditor-Controller to amend the Fiscal Year (FY) 2021-22 Adopted Budget for County Service Area 47 - Carmel Views/Mar Vista, Fund 076, Appropriation Unit PFP030, increasing appropriations in the amount of \$28,607 to fund necessary street maintenance and repairs, where Fund 076 unassigned fund balance is the financing source (4/5th vote required).

Adopted Resolution No. 21-312

17. a. Adopt the Plans and Specifications for 331 North Sanborn Road-Alisal Integrated Health Center, Project No. 1701, Bid Package No.10817; and
b. Authorize the Director of Public Works Facilities and Parks to advertise for bids in the *Monterey County Weekly*.

Adopted

18. a. Approve and authorize the Contracts/Purchasing Officer, or designee, to sign Amendment No. 1 to the County Standard Services Agreement with Nelson D. Holman dba Holman's Hook N' Haul for towing and recovery services at WeatherTech Raceway Laguna Seca, adding \$90,000 for a revised contract total of \$180,000, for the same term of August 19, 2020 through December 31, 2022; and
b. Approve and authorize the Contracts/Purchasing Officer, or designee, to sign up to three (3) future amendments to this Agreement where the total amendments do not exceed 10% (\$18,000) of the original contract amount and do not significantly change the scope of work.

Approved - Agreement No.: A-15540; Amendment No.: 1

19. a. Approve and authorize the Contracts/Purchasing Officer, or designee, to sign a retroactive Agreement with Whitson & Associates, Inc. to provide engineered drawings for WeatherTech Raceway Laguna Seca retroactive from January 1, 2021 through December 31, 2023, for an amount not to exceed \$25,000; and
b. Approve and authorize the Contracts/Purchasing Officer, or designee, to sign up to three (3) future amendments to this Agreement where the total amendments do not exceed 10% (\$2,500) of the original contract amount and do not significantly change the scope of work.

Approved - Agreement No.: A-15541

Addenda/Supplemental

20.

Removed from Closed Session

c. Pursuant to Government Code sections 54956.9(d)(2) and 54956.9(d)(4), the Board will confer with legal counsel regarding one matter of significant exposure to litigation and/or potential initiation of litigation.

Other Board Matters - Added Corrected Attachment

Board Referral 2021.16 (Revised 9-14-21)

Correction to 10:30 A.M. - Scheduled Matters - Item No. 6 moving to item No. 9.1

6. Receive a preliminary analysis report in response to Board Referral No. 2021.14 on EV Charging Stations.

Added to Adjournment

Adjourn in Memory of Harvey Kuffner