

Monterey County

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



Action Minutes - Final

Tuesday, March 22, 2016

9:00 AM

See separate agendas Board of Supervisors of the Monterey County
Water Resources Agency and Boronda County Sanitation District.

Board of Supervisors

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

9:00 A.M. - Call to Order

The meeting was called to order by Chair Parker.

Roll Call

Present: 5 - Supervisor Jane Parker, Supervisor Fernando Armenta, Supervisor Dave Potter, Supervisor John M. Phillips and Supervisor Simón Salinas

Additions and Corrections for Closed Session:

There were no additions or corrections to Closed Session. County Counsel Charles McKee noted there were changes to Closed Session made via the Supplemental/Addendum agenda.

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) Keep Fort Ord Wild v. County of Monterey, et al. (Monterey County Superior Court case no. M114961)
 - (2) Estate of Joshua Claypole, et al. v. County of San Mateo, et al. (United States District Court case no. 14-CV-02730-BLF)
 - (3) Fermin Vasquez, et al. v. County of Monterey, et al. (Monterey County Superior Court case no. M128437)
 - (4) College Ville Farmworkers, Inc. v. County of Monterey (Monterey County Superior Court case no. 16AP000001)
 - (5) Hughes v. Monterey County, et al. (Monterey County Superior Court case no. 16-CV-000181) (ADDED VIA ADDENDUM)
 - (6) Marina Coast Water District v. California Coastal Commission, et al. (Court of Appeal, Sixth District case no. CV180839) (ADDED VIA ADDENDUM)
 - b. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding ~~three~~ one matters of significant exposure to litigation. (REMOVED VIA SUPPLEMENTAL)
 - c. Pursuant to Government Code section 54956.9(e)(3), the Board will confer with legal counsel regarding liability claims against the County of Monterey.
 - (1) Jennifer Empasis
 - (2) Deanna Gunn
 - d. ~~Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:~~

(1) Designated representatives: Manuel Gonzalez and Brette Neal
Employee Organization(s): Units F, J and K (REMOVED VIA
SUPPLEMENTAL)

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.

CLOSED SESSION REPORT

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) Keep Fort Ord Wild v. County of Monterey, et al. (Monterey County Superior Court case no. M114961)

(2) Estate of Joshua Claypole, et al. v. County of San Mateo, et al. (United States District Court case no. 14-CV-02730-BLF)

(3) Fermin Vasquez, et al. v. County of Monterey, et al. (Monterey County Superior Court case no. M128437)

(4) College Ville Farmworkers, Inc. v. County of Monterey (Monterey County Superior Court case no. 16AP00001)

(5) Hughes v. Monterey County, et al. (Monterey County Superior Court case no. 16-CV-000181) (ADDED VIA ADDENDUM)

CLOSED SESSION REPORT: The Board took no reportable actions on items 1.a.(1) through (5).

(6) Marina Coast Water District v. California Coastal Commission, et al. (Court of Appeal, Sixth District case no. CV180839) (ADDED VIA ADDENDUM)

CLOSED SESSION REPORT: The Board conferred with counsel and authorized counsel to file an amicus curae brief in the matter of Marina Coast Water District v. California Coastal Commission, et al. (Court of Appeal, Sixth District case no. CV180839).

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

c. Pursuant to Government Code section 54956.9(e)(3), the Board will confer with legal counsel regarding liability claims against the County of Monterey.

(1) Jennifer Empasis

CLOSED SESSION REPORT: The Board unanimously rejected the claim of Jennifer Empasis.

(2) Deanna Gunn

CLOSED SESSION REPORT: The Board unanimously rejected the claim of Deanna Gunn.

d. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:

(1) Designated representatives: Manuel Gonzalez and Brette Neal

Employee Organization(s): Units F, J and K (REMOVED VIA SUPPLEMENTAL)

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.

CLOSED SESSION REPORT: The Board took no reportable action on item 1.e.

10:30 A.M. - Reconvene

Roll Call

Present: 4 - Supervisor Jane Parker, Supervisor Fernando Armenta, Supervisor John M. Phillips and Supervisor Simón Salinas

Absent: 1 - Supervisor Dave Potter

Pledge of Allegiance

The Pledge of Allegiance was led by Supervisor Parker.

Additions and Corrections

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 correction:

Correction to Consent Calendar – Public Works

52. Corrected Title to read as:

a. Approve and authorize the Chair to sign Amendment No 2 to the Subdivision Improvement Agreement for the York Highlands Re subdivision for an extension of 24 months.

A motion was made by Supervisor Simon Salinas, seconded by Supervisor John M. Phillips to approve the correction to the agenda. 4-0 (Supervisor Potter Absent)

Consent Calendar

2. Approval of Consent Calendar (See Supplemental Sheet)

Supervisor Phillips pulled items 27 and 48. He advised he would have preferred item 27 be on the regular agenda and not consent and to receive an oral report on the item.

Supervisor Phillips recused himself on item 48 as he is involved with Rancho Cielo. He left the dais. #48: See item for motion.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to approve the Consent Calendar (See Supplemental Sheet), with the exception of item 48. 4-0 (Supervisor Potter Absent)

Ceremonial Resolutions

3. Adopt Resolution proclaiming April 5, 2016, as National Service Recognition Day. (Full Board)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor

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- Fernando Armenta to adopt Resolution No. 16-067 proclaiming April 5, 2016, as National Service Recognition Day. (Full Board) 4-0 (Supervisor Potter Absent)**
4. Adopt Resolution Designating the Week of April 10 - April 16, 2016, as National Crime Victims' Rights Week in Monterey County. (Full Board)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to adopt Resolution 16-068 Designating the Week of April 10- April 16, 2016, as National Crime Victims' Rights Week in Monterey County. (Full Board) 4-0 (Supervisor Potter Absent)**
5. Adopt Resolution commending Leigh Rodriguez as the recipient of the Monterey County Branch of the National Association for the Advancement of Colored People's (NAACP) Tolly & Cleo Martin Spirit of Partnership Award. (Full Board)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to adopt Resolution No. 16-069 commending Leigh Rodriguez as the recipient of the Monterey County Branch of the National Association for the Advancement of Colored People's (NAACP) Tolly & Cleo Martin Spirit of Partnership Award. (Full Board) 4-0 (Supervisor Potter Absent)**
6. Adopt Resolution commending Michelle "Mickey" Welsh as the recipient of the Monterey County Branch of the National Association for the Advancement of Colored People's (NAACP) Medgar Evers Freedom Legacy Award. (Full Board)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to adopt Resolution No. 16-070 commending Michelle "Mickey" Welsh as the recipient of the Monterey County Branch of the National Association for the Advancement of Colored People's (NAACP) Medgar Evers Freedom Legacy Award. (Full Board) 4-0 (Supervisor Potter Absent)**
7. Adopt Resolution commending Mr. and Mrs. William and Jan Zeigler as the joint recipients of the Monterey County Branch of the National Association for the Advancement of Colored People's (NAACP) President's Award. (Full Board)
- A motion was made by Supervisor John M. Phillips, seconded by Supervisor Fernando Armenta to adopt Resolution No. 16-071 commending Mr. and Mrs. William and Jan Zeigler as the joint recipients of the Monterey County Branch of the National Association for the Advancement of Colored People's (NAACP) President's Award. (Full Board) 4-0 (Supervisor Potter Absent)**
8. Adopt Resolution recognizing the American Legion, District 28, Honor Guard, of Monterey County for their service and volunteerism for the past 45 years. (Supervisor Armenta)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to adopt Resolution No. 16-072 recognizing the American Legion, District 28, Honor Guard, of Monterey County for their service and volunteerism for the past 45 years. (Supervisor Armenta) 4-0 (Supervisor Potter Absent)**

9. Adopt Resolution commending Mike Novo, Resource Management Agency Director of Planning, on his retirement with 18 years of dedicated public service to the residents of Monterey County and 29 years of dedicated public service to the residents of the State of California. (Full Board)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to adopt Resolution No. 16-074 commending Mike Novo, Resource Management Agency Director of Planning, on his retirement with 18 years of dedicated public service to the residents of Monterey County and 29 years of dedicated public service to the residents of the State of California. (Full Board) 4-0 (Supervisor Potter Absent)**
10. Adopt Resolution designating the month of March, as Prescription Drug Abuse Awareness Month in Monterey County. (Full Board)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to adopt Resolution No. 16-073 designating the month of March, as Prescription Drug Abuse Awareness Month in Monterey County. (Full Board) 4-0 (Supervisor Potter Absent)**

Appointments

11. Appoint Lori McDonnal to the Children's Council of Monterey County to fill an unscheduled vacancy with a term ending December 31, 2016. (Full Board)
- A motion was made by Supervisor John M. Phillips, seconded by Supervisor Simón Salinas to appoint Lori McDonnal to the Children's Council of Monterey County to fill an unscheduled vacancy with a term ending December 31, 2016. (Full Board) 4-0 (Supervisor Potter Absent)**
12. Appoint Steve Goodman to the Carmel Valley Recreation & Park District to fill an unscheduled vacancy with a term ending December 31, 2017. (Full Board)
- A motion was made by Supervisor John M. Phillips, seconded by Supervisor Simón Salinas to appoint Steve Goodman to the Carmel Valley Recreation & Park District to fill an unscheduled vacancy with a term ending December 31, 2017. (Full Board) 4-0 (Supervisor Potter Absent)**
13. Appoint Jamie Valenzuela-Mumau to the Monterey County Children & Families First Commission with a term beginning April 1, 2016 and ending March 31, 2019. (Full Board)
- A motion was made by Supervisor John M. Phillips, seconded by Supervisor Simón Salinas to appoint Jamie Valenzuela-Mumau to the Monterey County Children & Families First Commission with a term beginning April 1, 2016 and ending March 31, 2019. (Full Board) 4-0 (Supervisor Potter Absent)**

Other Board Matters

14. Board Comments
- There were no Board comments.**

15. CAO Comments and Referrals

There were no CAO comments or referrals.

16. General Public Comment

Anthony Lombardo; Steve Eklund; Joe Vierra; Eric Peterson; Doug Dunn; Hans Jongens; Travis Robinson; Wes White; Beatriz Diaz.

10:30 A.M. - Scheduled Matters

- 17.**
- a. Approve the draft Urban County Annual Action Plan for Fiscal Year 2016-2017, including recommendations for projects and programs to be funded, for issuance for a 30-day period of public review; and
 - b. Approve the amended Consolidated Plan, reflecting changes in Urban County jurisdictional partners, for issuance for a 30-day period of public review.

Public comment: Hans Jongens.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to: a. Approve the draft Urban County Annual Action Plan for Fiscal Year 2016-2017, including recommendations for projects and programs to be funded, for issuance for a 30-day period of public review; and b. Approved the amended Consolidated Plan, reflecting changes in Urban County jurisdictional partners, for issuance for a 30-day period of public review. 4-0 (Supervisor Potter Absent)

12:00 P.M. - Recessed to Lunch**1:30 P.M. - Reconvened - Monterey County Board of Supervisors****Roll Call**

Present: 5 - Supervisor Jane Parker, Supervisor Fernando Armenta, Supervisor Dave Potter, Supervisor John M. Phillips and Supervisor Simón Salinas

1:30 P.M. - Scheduled Matters

- 17.1** *County staff will request that this item be continued to April 19, 2016.*
- a. Receive a status report on the outcome of public discussions regarding the proposed water and energy efficient landscape regulations;
 - b. Consider the recommended solutions for addressing the public's concerns; and
 - c. Direct staff to modify the proposed water and energy efficient landscape regulations as necessary.
(Water and Energy Efficient Landscape Ordinance - REF110056, County-wide)
(TITLE REVISED VIA SUPPLEMENTAL)

A motion was made by Supervisor Dave Potter, seconded by Supervisor Simón Salinas to continue to April 19, 2016, consideration to:

- a. Receive a status report on the outcome of public discussions regarding the proposed water and energy efficient landscape regulations;
- b. Consider the recommended solutions for addressing the public's concerns; and
- c. Direct staff to modify the proposed water and energy efficient landscape regulations as necessary.

(Water and Energy Efficient Landscape Ordinance - REF110056, County-wide)
(TITLE REVISED VIA SUPPLEMENTAL) ALL AYES

18.

Public hearing to:

- a. Consider an appeal by Alan and Sandra Cordan from a decision of the Monterey County Planning Commission denying a Lot Line Adjustment application (Friedman-Cordan/PLN141011) between two legal lots of record of approximately 0.63 acres (Lot 3, Assessor's Parcel Number 015-522-010-000) and 0.66 acres (Lot 4, Assessor's Parcel Number 015-522-011-000);
- b. Find the application statutorily exempt from the California Environmental Quality Act; and
- c. Deny the Lot Line Adjustment application (Friedman-Cordan/PLN141011) between two legal lots of record of approximately 0.63 acres (Lot 3, Assessor's Parcel Number 015-522-010-000) and 0.66 acres (Lot 4, Assessor's Parcel Number 015-522-011-000).

(Appeal, PLN141011/Friedman-Cordan; 24960 and 24950 Outlook Drive, Carmel, Carmel Valley Master Plan Area)

Public comment: Mr. Beals, Esq.; Steve Wilson; Christine Kemp; Robert Kahn; Carl Polheimer; Ann Kahn; Moya Hellebine.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to adopt Resolution No. 16-078 to: Resolution No. 16-078 to:

1. Deny the appeal by Alan and Sandra Cordan from a decision of the Monterey County Planning Commission denying a Lot Line Adjustment application (Friedman-Cordan/PLN141011) between two legal lots of record of approximately 0.63 acres (Lot 3, Assessor's Parcel Number 015-522-010-000) and 0.66 acres (Lot 4, Assessor's Parcel Number 015-522-011-000);
2. Find the application statutorily exempt from the California Environmental Quality Act; and
3. Deny the Lot Line Adjustment application (Friedman-Cordan/PLN141011) the Lot Line Adjustment application (Friedman-Cordan/PLN141011) between two legal lots of record of approximately 0.63 acres (Lot 3, Assessor's Parcel Number 015-522-010-000) and 0.66 acres (Lot 4, Assessor's Parcel Number 015-522-011-000). 4-1 (Supervisor Phillips Dissented)

The Board recessed at approximately 3:52 pm and reconvened at approximately 4:00 pm.

19.

Approve and authorize the Auditor/Controller to execute CGI Statement of Work No. 12 (SOW 12) in the amount of \$8,218,497 to provide CGI Advantage Enterprise Resource Planning (ERP) System upgrade services for the implementation of the CGI Advantage ERP System version 3.10 (v3.10)

production environment.

Public comment: Julie Filice.

A motion was made by Supervisor Dave Potter, seconded by Supervisor John M. Phillips to Approve and authorize the Auditor/Controller to execute CGI Statement of Work No. 12 (SOW 12) in the amount of \$8,218,497 to provide CGI Advantage Enterprise Resource Planning (ERP) System upgrade services for the implementation of the CGI Advantage ERP System version 3.10 (v3.10) production environment. ALL AYES

20.

- a. Authorize the Auditor-Controller execute an Agreement with eCare Manage, Inc. in the amount of \$2,066,000 for Project Management, Quality Assurance Services and Technical Documentation Services relating to the CGI 3.10 Enterprise Resource Planning (ERP) Upgrade. The term of the Agreement is November 1, 2015 through June 30, 2017; and
- b. Approve of a FY 2015-16 appropriation increase of \$804,824 in 403-1110-8006 (AUD006) for the Office of the Auditor-Controller to fund this Agreement with eCare Manage, Inc. to include County portion of PERS contributions (4/5ths Vote Required).

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to authorize the Auditor-Controller to execute an Agreement with eCare Manage, Inc. in the amount of \$2,066,000 for Project Management, Quality Assurance Services and Technical Documentation Services relating to the CGI 3.10 Enterprise Resource Planning (ERP) Upgrade. The term of the Agreement is November 1, 2015 through July 1, 2016. 3-2 (Supervisors Potter & Phillips)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to reconsider motion to approve item a. only. ALL AYES

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to: a. Authorize the Auditor-Controller execute an Agreement with eCare Manage, Inc. in the amount of \$2,066,000 for Project Management, Quality Assurance Services and Technical Documentation Services relating to the CGI 3.10 Enterprise Resource Planning (ERP) Upgrade. The term of the Agreement is November 1, 2015 through July 1, 2016; and b. Approve of a FY 2015-16 appropriation increase of \$804,824 in 403-1110-8006 (AUD006) for the Office of the Auditor-Controller to fund this Agreement with eCare Manage, Inc. to include County portion of PERS contributions (4/5ths Vote Required). ALL AYES

Adjournment

In Memory of Erling Lagerholm

APPROVED:

/s/ Jane Parker

**JANE PARKER, CHAIR
BOARD OF SUPERVISORS**

ATTEST:

BY: /s/ Gail T. Borkowski

**GAIL T. BORKOWSKI
CLERK OF THE BOARD**

APPROVED ON 06-07-2016

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

21. Approve Natividad Medical Center to increase the total project cost of the Acute Rehab Unit (ARU)/Medsurg 2 (MS2), by \$498,012 to a revised total project cost of \$2,676,384.
- Approved**
22. a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute the Professional and Call Coverage Services Agreement with Jonathan Pryor, MD to provide general surgery and surgical critical care services at NMC for an amount not to exceed \$500,000 for the period April 1, 2016 to March 31, 2018; and
- b. Authorize the Deputy Purchasing Agent for NMC or his designee to sign up to three (3) amendments to this Agreement where the total amendments do not extend the term by more than twelve (12) months, do not exceed 10% of the original contract amount (\$50,000) and do not significantly change the scope of work.
- Approved - Agreement No. A-13079**
23. a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute an Agreement with Clinical Computer Systems, Inc. for support services for the OBIX Perinatal Data Systems Services at NMC for an amount not to exceed \$130,394 for the term April 1, 2016 through March 31, 2021; and
- 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%) of the original cost of the agreement per each amendment.
- Approved - Agreement No. A-13073**
24. a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute a Master Agreement with CareFusion Solutions, LLC (CareFusion) for the provision of Medmined software used for surveillance, analytics, benchmarking, alerting and reporting in medication management and infection control, including a Customer Order, and containing non-standard risk terms regarding limitation on liability, non-standard insurance provisions, limitation on warranty and indemnification, in an amount not to exceed \$288,904 for a 5-year term of March 23, 2016 through March 22, 2021; and
- 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 (\$28,890) of the original cost of the Agreement per each amendment.

Approved - Agreement No. A-13080

25.

- a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute an Agreement with Forward Advantage, for purchase of the Imprivata product, a single sign on software solution used by NMC Physicians and Clinical Staff, plus implementation, licenses, and maintenance and support, in an amount not to exceed \$267,967 for the period of March 23, 2016 through March 22, 2018; and
- b. Authorize the Deputy Purchasing Agent for NMC 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%) of the original cost of the Agreement per each amendment.

Approved - Agreement No. A-13074

Health Department

26.

Approve and authorize the Director of Health or Assistant Director of Health to execute a no-extension Amendment No. 2 to Mental Health Services Agreement A-12522 with Fred Finch Youth Center for the provision of mental health services in the increased amount of \$690,216 for Fiscal Year (FY) 2015-16 for a new total Agreement amount of \$768,577 for the same full term of FY 2013-14 through FY 2015-16.

Approved - Agreement No. A-12522

27.

Adopt the Monterey County Mental Health Services Act Fiscal Year 2015-16 Annual Update.

Approved

28.

- a. Ratify and approve the execution by the Clinic Services Bureau Chief of a Memorandum of Understanding with Monterey Hospitalist Medical Group, Inc. (MHMG) for the provision of inpatient primary care coverage for hospitalized patients at Community Hospital of the Monterey Peninsula (CHOMP) for patients assigned to Health Department Clinics, with an effective date of December 1, 2010 and which shall renew automatically unless earlier terminated or amended; and
- b. Approve and authorize the Director of Health or Assistant Director of Health to execute Amendment No. 1 to Memorandum of Understanding, adding Sliding Scale Discount Fee language; and
- c. Approve and authorize the Director of Health or Assistant Director of Health to sign up to three (3) future amendments to this Memorandum of Understanding where the amendments do not significantly change the scope of work.

Approved

29. Authorize the Contracts/Purchasing Officer or the Contracts/Purchasing Supervisor to sign a Renewal Agreement and Amendment No. 2 to the Master Agreement for personnel consulting services by and between County of Monterey and Renne Sloan Holtzman Sakai - Public Law Group, in the amount of \$15,882.50 for the period of January 1, 2014 to June 30, 2014.

Approved - Agreement No. A-11213

30. a. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to sign an Agreement with Monterey County and EMSystems, LLC in the amount of \$51,761.28 for emergency services resource management software services subscription that enhance emergency preparedness for the period September 18, 2015 to September 18, 2018; and
- b. Accept the Non-Standard Contract Provisions and Indemnification Language as recommended by the Director of Health; and
- c. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to approve up to three (3) one year future amendments that do not exceed (10%) (\$5,176) of the original Agreement and do not significantly alter the scope of services.

Approved - Agreement No. A-13081**Department of Social Services**

31. Approve and authorize the Chair of the Board of Supervisors to sign the Memorandum of Understanding with the California Department of Social Services (CDSS) for the purpose of operating the Resource Family Approval Program for the period March 1, 2016 through December 31, 2016.

Approved

32. Approve and authorize the Director of the Department of Social Services to sign an agreement with the California Department of Social Services to allow Monterey County Social Services employees access to The Work Number service for the period April 1, 2016 through September 30, 2017.

Approved - Agreement No. A-13082**General Government**

33. a. Authorize the Agricultural Commissioner to execute, on behalf of the County of Monterey, Standard Agreements and any Amendments thereto, with Federal, State and local agencies for designated programs performed by the department for a period of three (3) years ending June 30, 2019 and;
- b. Approve and authorize the Agricultural Commissioner, or his designee, to sign up to three (3) amendments to each agreement where the total

amendments do not exceed fifteen percent (15%) of the original amount of the subject agreement and do not significantly change the scope of work.

Approved - Agreement No. A-13075

- 34.
- a. Approve and authorize the Agricultural Commissioner to sign a Memorandum of Understanding (MOU) with the Grower-Shipper Association Foundation not to exceed \$50,000 to provide support of agricultural education efforts in Monterey County; and
 - b. Authorize the Auditor-Controller to make payments in accordance with the terms of the MOU.

Approved

- 35.
- a. Approve and authorize the Agricultural Commissioner to sign a Memorandum of Understanding (MOU) with Monterey County Agricultural Education, Inc., not to exceed \$50,000, to provide support of agricultural education efforts in Monterey County, and;
 - b. Authorize the Auditor-Controller to make payments in accordance with the terms of the MOU.

Approved - Agreement No. A-13076

- 36.
- a. Approve and authorize the Agricultural Commissioner to sign a Memorandum of Understanding (MOU) with the Monterey County Fair, through the 7th District Ag Association (MCF) to provide support of agricultural education efforts in Monterey County not to exceed \$10,000, and;
 - b. Authorize the Auditor-Controller to make payments in accordance with the terms of the MOU.

Approved

- 37.
- a. Approve and Authorize the Contracts/Purchasing Officer or Contracts Purchasing Supervisor to execute a non-standard Agreement with Robis Elections, Inc. to grant a license for use of AskED Help Desk software and provide annual support and maintenance for the period January 1, 2016 to December 31, 2018, for a total amount not to exceed \$30,962;
 - b. Approve the non-standard terms and conditions contained in the vendor's contact pursuant to the recommendation of the Registrar of Voters; and
 - c. Authorize the Contracts/Purchasing Officer or Contracts Purchasing Supervisor to execute any future Extensions for no more than two (2) successive terms of one (1) year which do not significantly impact the scope of work or exceed \$13,000 per additional year.

Approved - Agreement No. A-13070

38. Receive the 1st & 2nd Quarter of 2015 Action Minutes of the Budget Committee for January 28, 2015, March 2, 2015, March 25, 2015, April 29,

2015, May 29, 2015 and June 24, 2015.

Approved

39. Receive the Equal Opportunity Advisory Commission's 2015 Annual Report.

Approved

40. a. Authorize the Contracts/Purchasing Officer to execute a non-standard agreement with Project Leadership Associates (PLA), a Microsoft solutions partner, to migrate the current SharePoint environment to SharePoint Online for the period of April 1, 2016 to December 31, 2016, with Phase 1 of the migration paid for by Microsoft Inc., and Phase 2 of the migration paid for by the County in an amount not to exceed \$14,570.00;
- b. Accept non-standard contract provisions as recommended by the Director of the Information Technology Department; and
- c. Authorize the Director of Information Technology, upon satisfactory completion of implementation services, to complete and provide a proof of execution notice to Microsoft certifying completion of all work at the end of the engagement.

Approved - Agreement No. A-13071

41. a. Adopt of an Ordinance of the County of Monterey, State of California, amending Section 5.32 of the Monterey County Code as it relates to the Documentary Transfer Tax to reflect current law; and
- b. Direct the Clerk of Board to publish the summary within 15 days of adoption in The Salinas Californian.

..Report

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Adopt of an Ordinance of the County of Monterey, State of California, amending Section 5.32 of the Monterey County Code as it relates to the Documentary Transfer Tax to reflect current law; and
- b. Direct the Clerk of Board to publish the summary within 15 days of adoption in The Salinas Californian.

SUMMARY/DISCUSSION:

The County's Documentary Transfer Tax ordinance was originally adopted in 1967, has been regularly updated to reflect changes in the law and procedure, and allows for collecting administrative fees associated with documenting the transfer of real property, whether or not such transfer of property interest is recorded. The proposed amendment reflects and conforms with current state law related to the now repealed option for a party to request a separate transfer tax statement. Importantly, the amendment would reflect and recognize the current state law regarding the amendment of sections 11932 and 11933 of the Revenue and Taxation Code to delete the ability of a recording party to require that, upon request, the amount of tax due be shown on a separate paper affixed

to the document.

The recommended action does not adjust or change the amount or the method of calculating the existing Documentary Transfer Tax; it only implements current state law to effectuate transparency of all transactions conducted in the County of Monterey.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has reviewed and approved the recommended action and Ordinance as to form and legality.

FINANCING:

The recommended action will result in no change to the existing charges and rates. The charges will continue to be collected by the Recorder on behalf of the County (100% General Fund) for unincorporated property transfers and on behalf of the related City and County (50/50% split) for property transfers within incorporated areas. The recommended action will not impact the County General Fund contribution.

Prepared by: Corina Morgan, Finance Manager, x5821

Approved by: Stephen L. Vagnini, Assessor-County Clerk-Recorder, x5803

Attachments:

Proposed Ordinance-Clean

Proposed Ordinance-Strike Out

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to adopt Ordinance No. 5266 amending Section 5.32 of the Monterey County Code as it relates to the Documentary Transfer Tax to reflect current law; and

b. Direct the Clerk of Board to publish the summary within 15 days of adoption in The Salinas Californian. 4-0 (Supervisor Potter Absent)

42.

Approve and authorize the Director of Information Technology to sign a non-disclosure agreement addressing access to Charter Communications' confidential customer information so that this information can be disclosed to

the County and its consultants for purposes of reviewing a pro-forma audit of Charter Communications' payment of video franchise and PEG access fees.

Approved - Agreement No. A-13072

- 43.
- a. Amend the Board Order dated March 8, 2016, based upon Board Report 16-296, increasing appropriations of \$291,817.90 for the FY 2015-16 Economic Development Department's Revolving Loan Fund, Fund 011 Appropriations Unit DEO020, Unit 8044, financed by an operating transfer of \$291,817.90 from the Unassigned Fund Balance to;
 - b. Authorize Auditor-Controller to amend the FY2015-16 General Fund adopted budget, Fund 001, Appropriation Unit CAO017, to increase appropriations by \$291,818, financed by General Fund 001 Unassigned Fund Balance; (4/5th vote required)
 - c. Authorize Auditor-Controller to make an operating transfer out of \$291,817.90 from the General Fund, Fund 001, Appropriation Unit CAO017, to Economic Development Department's Revolving Loan Fund, Fund 011 Appropriations Unit DEO020; and (4/5th vote required)
 - d. Authorize Auditor-Controller to amend the FY2015-16 adopted budget, Economic Development Department's Revolving Loan Fund 011, Appropriation Unit DEO020, to increase appropriations by \$291,818, financed by an operating transfer in from the General Fund 001, Appropriation Unit CAO017; (4/5th vote required).

Approved

RMA - Planning

- 44.
- a. Approve Amendment No. 5 to Agreement No. A-11132 with Accela, Inc. to continue to provide required annual program maintenance and managed hosting for the Accela Automation software product in the amount of \$687,342 for a total amount not to exceed \$3,132,393, and extend the term for three (3) years to March 30, 2019; and
 - b. Authorize the Contracts/Purchasing Officer or the Contracts/Purchasing Supervisor to execute Amendment No. 5 to Agreement No. A-11132 and future amendments to the Agreement where the amendments do not significantly alter the scope of work or change the approved Agreement amount.

Approved - Agreement No. A-11132

45. Item Deleted

RMA - Public Works

46. Adopt an ordinance amending Section 12.48.031 of the Monterey County Code to prohibit commercial vehicles exceeding a gross weight of 14,000

pounds at any time on the entire length of Atherton Drive and Mesa Drive in the Carmel area of the unincorporated area of the County of Monterey.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to adopt Ordinance No. 5267 amending Section 12.48.031 of the Monterey County Code to prohibit commercial vehicles exceeding a gross weight of 14,000 pounds at any time on the entire length of Atherton Drive and Mesa Drive in the Carmel area of the unincorporated area of the County of Monterey. 4-0 (Supervisor Potter Absent)

47. Approve the Final Facility Assessment Report for County Buildings, Project 8526, RFP 10492, completed by Kitchell/CEM, Inc.

Approved

48. a. Declare two (2) County owned relocatable classroom buildings located at 1420 Natividad Road, Salinas, California (Juvenile Hall Facility) as surplus personal property;
- b. Approve and authorize the Contracts/Purchasing Officer to execute a Transfer Agreement with Rancho Cielo, Inc., a California nonprofit public benefit corporation for the conveyance of two (2) County owned relocatable classroom buildings located at 1420 Natividad Road, Salinas, California pursuant to Government Code Section 25372; and
- c. Authorize the Contracts/Purchasing Officer to execute any and all documents needed to complete the transaction, including but not limited to the Transfer Agreement, Release of Title, notices or related documents.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to: a. Declare two (2) County owned relocatable classroom buildings located at 1420 Natividad Road, Salinas, California (Juvenile Hall Facility) as surplus personal property;

b. Approve and authorize the Contracts/Purchasing Officer to execute a Transfer Agreement with Rancho Cielo, Inc., a California nonprofit public benefit corporation (A-13083) for the conveyance of two (2) County owned relocatable classroom buildings located at 1420 Natividad Road, Salinas, California pursuant to Government Code Section 25372; and

c. Authorize the Contracts/Purchasing Officer to execute any and all documents needed to complete the transaction, including but not limited to the Transfer Agreement, Release of Title, notices or related documents.3-0 (Supervisor Potter Absent; Supervisor Phillips recused as he is involved with Rancho Cielo)

49. Adopt a Resolution to:
- a. Find that the exchange and lease of properties is categorically exempt from environmental review under CEQA Guidelines Section 15332.
- b. Approve and authorize the Contracts/Purchasing Officer to execute a twenty-five year (25) Lease Agreement with the City of Salinas for city owned property located at 331 North Sanborn Road in Salinas, California for the future operation by the County of a public health clinic or other County-operated public service;
- c. Approve and authorize the Contracts/Purchasing Officer to execute a

twenty-five (25) year Lease Agreement with the City of Salinas for county owned property located at 312 East Alisal Street in Salinas, California for the future operation by the City of Salinas of a City public safety facility;

d. Authorize the Auditor-Controller to make lease payments of \$1.00 per year to the City of Salinas for the lease of 331 North Sanborn Road in Salinas, California and in accordance with the terms of an approved Lease Agreement;

e. Authorize the Contracts/Purchasing Officer or the Contracts/Purchasing Supervisor to execute and extend the above mentioned Lease Agreements for five (5) additional five (5) year terms under the same terms and conditions, and make minor revisions to the Lease Agreements if deemed necessary by the Contracts/Purchasing Officer to be in the best interest of the County; and

f. Adopt a resolution to approve and authorize the Resource Management Agency Director to execute a Property Exchange Agreement in substantially the format attached, Grant Deed, and any related transfer and recordable documents on behalf of the County of Monterey upon completion of all conditions.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to adopt Resolution No. 16-077 to to:

- a. Find that the exchange and lease of properties is categorically exempt from environmental review under CEQA Guidelines Section 15332.**
- b. Approve and authorize the Contracts/Purchasing Officer to execute a twenty-five year (25) Lease Agreement with the City of Salinas for city owned property located at 331 North Sanborn Road in Salinas, California for the future operation by the County of a public health clinic or other County-operated public service;**
- c. Approve and authorize the Contracts/Purchasing Officer to execute a twenty-five (25) year Lease Agreement with the City of Salinas for county owned property located at 312 East Alisal Street in Salinas, California for the future operation by the City of Salinas of a City public safety facility;**
- d. Authorize the Auditor-Controller to make lease payments of \$1.00 per year to the City of Salinas for the lease of 331 North Sanborn Road in Salinas, California and in accordance with the terms of an approved Lease Agreement;**
- e. Authorize the Contracts/Purchasing Officer or the Contracts/Purchasing Supervisor to execute and extend the above mentioned Lease Agreements for five (5) additional five (5) year terms under the same terms and conditions, and make minor revisions to the Lease Agreements if deemed necessary by the Contracts/Purchasing Officer to be in the best interest of the County; and**
- f. Adopt a resolution to approve and authorize the Resource Management Agency Director to execute a Property Exchange Agreement in substantially the format attached, Grant Deed, and any related transfer and recordable documents on behalf of the County of Monterey upon completion of all conditions. 4-0 (Supervisor Potter Absent)**

50.

- a. Find that the proposed actions are not projects per CEQA Guideline Sections 15060 (c)(3) and 15378(b)(4);
- b. Ratify the Intergovernmental Cooperation Act Agreement 15WSZG000154386, OPA Number ICA # 15-4386 wherein the United States Geological Survey (USGS) have and shall continue to participate on a

Technical Advisory Committee (TAC) for the Salinas River Groundwater Basin (SRGB) Investigation;

- c. Approve a cooperative water resources program between the County of Monterey (County) and the USGS as described in the attached workplan entitled: “Salinas River Groundwater Basin Investigation, Salinas Valley, California”;
- d. Approve Joint Funding Agreement (JFA) 16WSCA600466210 between the County and the USGS in the amount of \$757,330 for work performed during the period of January 1, 2016 to October 31, 2019;
- e. Authorize the Resource Management Agency Director to execute JFA 16WSCA600466210;
- f. Approve Professional Services Agreement with Martin B. Feeney to provide facilitation of the TAC and management of the Stakeholders Facilitation/Outreach efforts associated with the SRGB Zone 2C Study required by Policy PS-3.1 of the 2010 Monterey County General Plan in an amount not to exceed \$139,420, from date last signed to June 30, 2017; and
- g. Authorize the Resource Management Agency Director to execute Professional Services Agreement and future amendments to the Agreement where the amendments do not significantly alter the scope of work or change the approved Agreement amount.

Approved - Agreement Nos. A-13077 (USGS); A-13078 (Martin B. Feeney)

- 51.
- a. Adopt the Plans and Specifications for the Schilling Tenant Improvements, Project No. 8862, Bid Package No.10569; and
 - b. Authorize the Director of Public Works to advertise for bids in the *Monterey County Weekly*

Approved

- 52.
- a. Approve and authorize the Chair to sign Amendment No 2 to the Subdivision Improvement Agreement for the York Highlands Re-subdivision for an extension of 24 months; and
 - ~~b. Authorize the Director of Resource Management Agency to act as the agent for the County in processing all documentation to extend Subdivision Improvement Agreements for subdivisions for a period not to exceed 24 months.~~(Revised via Additions & Corrections)

Approved as revised via Additions and Corrections