

Monterey County

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



Meeting Minutes - Final

Tuesday, July 27, 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 Mary L. Adams and Supervisor John M. Phillips 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 section 54956.9(d)(4), the Board will confer with legal counsel regarding two matters of potential initiation of litigation.
 - d. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the County Counsel.
 - e. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:
 - (1) *County of Monterey, et al. v. Amerisourcebergen Drug Corp., et al.* (U.S. District Court for the Northern District of California, Case No. 7:18-cv-02693)
 - (2) *Baldwin County, Alabama, et al. v. Richard S. Sackler, et al.* (U.S. District Court for the Southern District of New York, Case No. 1:19-cv-2421)

Public Comments

Open for public comments; Steven Rosen, Sonia (no last name provided), Jose Alvarado, Karen Pointess, Elizabeth Tyler, Victor Cabrerias and Alisha Meters, in person, and Gloria Jaimez, Lyle Green Nickerson, and Iris Medina, via Zoom, commented.

The Board Recessed for Closed Session Agenda Items

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

Roll Called

Present: 5 - Supervisor Wendy Root Askew, Supervisor Mary L. Adams and Supervisor John M. Phillips 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

Jocelyn Martinez, Spanish Interpreter present and announced Spanish interpreter services.

Pledge of Allegiance

The Pledge of Allegiance to be led by Ms. Kristan Lundquist, Director of Libraries & Community Services

Additions and Corrections by Clerk

The following additions and corrections were read into the record:

Correction to the 1:30 P.M. Schedule Matters

Item No. 15 is in receipt of a revised Attachment B

Correction to the General Government Consent Calendar

Item No. 33 is being requested to be pulled from the agenda at the request of the department.

Ceremonial Resolutions

Open for public comments; no public comments made.

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor John M. Phillips to adopt Ceremonial Resolution 2 through 7.

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 August 2021 as Child Support Awareness Month in Monterey County. (Full Board - Supervisor Askew)

Adopted Resolution No. 21-195

3. Adopt a resolution commending Emergency Services Planner Patrick Moore upon his retirement from the Monterey County Office of Emergency Services. (Full Board - Supervisor Askew)

Adopted

4. Adopt a resolution recognizing Patricia Zerounian upon her retirement from Monterey County Health Department and her public service to Monterey County residents. (Full Board - Supervisor Askew)

Adopted Resolution No. 21-220

5. Adopt resolution honoring Head Cook Kurt Matthews upon his retirement from the Monterey County Probation Department after 33 years of dedicated County service. (Full Board - Supervisor Askew)

Adopted Resolution No. 21-219

6. Adopt a resolution proclaiming the Month of August 2021 as “Breastfeeding Awareness Month” in Monterey County. (Full Board - Supervisor Askew)

Adopted Resolution No. 21-218

7. Adopt a resolution celebrating the Community Foundation for Monterey County for their work in assisting with Monterey County’s COVID-19 recovery efforts. (Full Board - Supervisor Askew)

Adopted

Appointments

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 Appointments 8 through 11.

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

8. Appoint Christopher Long to the East Garrison CSD Advisory Committee, with a term ending date of January 31, 2023. (Supervisor Askew)

Appointed

9. Reappoint Emma Bojorquez to the Community Action Partnership Commission, with a term ending

date of July 01, 2024. (Supervisor Lopez)

Reappointed

- 10.** Appoint Dr. Charles R. Harris to the Central California Alliance for Health, with a term ending date of December 31, 2023. (Full Board)

Appointed

- 11.** Appoint Luis Angel Zamora to the North County Recreation & Park District, with a term ending date of November 30, 2022. (Supervisor Phillips)

Appointed

Approval of Consent Calendar – (See Supplemental Sheet)

Open for public comments; Mike (no last name provided), via Zoom, commented.

Supervisor John M. Phillips commented on Item No. 36, Supervisor Wendy Root Askew had comments/questions on Item No.'s 25, 29, 36, 41.2 and 41.3, Supervisor Mary L. Adams commented on Item No. 26 and Supervisor Chris Lopez commented on Item No. 25.

A motion was made by Supervisor John M. Phillips , seconded by Supervisor Luis A. Alejo to approve Consent Calendar Item Numbers 20 through 49 excluding Item No. 33 which was pulled from the agenda by the department and Item No.'s 36, 41.2 and 41.3 which will have a separate vote taken on them.

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

A motion was made by Supervisor Mary L. Adams , seconded by Supervisor John M. Phillips to approve Consent Calendar Item No.'s 36, 41.2 and 41.3.

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: Abstain

Other Board Matters

- 12.** Board Comments

Board Comments can be heard by clicking the following link:

http://monterey.granicus.com/EditFile.php?clip_id=4308

Open for public comments; no public comments made.

13. County Administration Officer Comments and Referrals

Charles McKee, County Administrative Officer from the County Administrative office made no comments and shared there is one new referral this week:

One new referral from Supervisor John M. Phillips: Referral 2021.13:

Referral Purpose: Expand entities allowed to own and operate desalination facilities to provide additional water supply while maintaining protections for health & welfare.

Open for public comments; Melodie Chrislock, Tammy Jennings, Margie Kay, Susan Schiavone, Wayne Kelly, Margaret Ann Cottonball, Anna Thompson, Kathy Biala, Lisabeth Vischer, Marli Melton and Wallace Notley, all via Zoom, commented.

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

http://monterey.granicus.com/EditFile.php?clip_id=4308

14. General Public Comments

Open for general public comments for items not on today's agenda; Melodie Chrislock and Eloise Shimm, via Zoom, commented.

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 Mary L. Adams and Supervisor John M. Phillips 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

Jocelyn Martinez, Spanish Interpreter present and announced Spanish interpreter services.

1:30 P.M. - Scheduled Matters

15. PLN200192 and DA210122/SCHWARTZ MAL

Public hearing to consider a remodel, 531-square foot studio addition, conversion of an attached garage to habitable space, construction of a new 447-square foot 2-car carport, new cedar fence, re-finish an existing chimney with a tan Carmel stone and add a metal flue cap and spark arrestor, after-the fact approval to paint the single-family residence a white "swiss coffee," (PLN200192 - remodel/addition) and after-the-fact relocation and height increase of a previously permitted 120

square foot shed (DA210122 - shed).

Project Location: 24980 Outlook Drive, Carmel, Carmel Valley Master Plan

Proposed CEQA Action: Find the project Categorical Exemption pursuant to section 15303 of the CEQA Guidelines.

Public hearing commenced on the PLN200192 and DA210122/SCHWARTZ MAL appeal:

To consider a remodel, 531-square foot studio addition, conversion of an attached garage to habitable space, construction of a new 447-square foot 2-car carport, new cedar fence, re-finish an existing chimney with a tan Carmel stone and add a metal flue cap and spark arrestor, after-the fact approval to paint the single-family residence a white "swiss coffee," (PLN200192 - remodel/addition) and after-the-fact relocation and height increase of a previously permitted 120 square foot shed (DA210122 - shed).

Project Location: 24980 Outlook Drive, Carmel, Carmel Valley Master Plan

Proposed CEQA Action: Find the project Categorical Exemption pursuant to section 15303 of the CEQA Guidelines.

Erik Lundquist, Director introduced Phil Angelo, Assistant Planner both from the Housing Community Development Department, both in person, with Phil Angelo presenting via PowerPoint presentation.

Open for public comments; no public comments made.

Applicant's Mal Schwartz and Lauran Trion made opening remarks with Counsel John Bridges, on their behalf, addressed the proposed revisions for the Board's consideration to adopt the revised Resolution No. 21-264 amended which the parties have agreed too.

Christine Kempt, Counsel on behalf of the Appellant Rob Kohn concurred the parties agree to the proposed revisions and further reads into the record the detailed proposed revisions for the consideration to adopt amended Resolution No. 21-264

A motion was made by Supervisor Mary L. Adams, seconded by Supervisor John M. Phillips to adopt amended Resolution No. 21-264 as revised and stated for the record.

In the matter of the application of:

SCHWARTZ MAL (PLN200192 and DA210122)

RESOLUTION NO. 21-264

Resolution by the Monterey County Board of Supervisors:

- 1) Partially Granting an Appeal by Christine Kemp on behalf of Robert Kahn challenging the Zoning Administrator's approval of a Design Approval (HCD-Planning File No. PLN200192)
- 2) Finding that the project qualifies as a Class 3 Categorical Exemption under section 15303 of the CEQA Guidelines, and there are no exceptions pursuant to section 15300.2; and
- 3) Approving a design approval to amend PLN170572 to permit expanding the studio addition from 355 square feet to 531 square feet and a 63-square foot landing; modifying the roof of the studio addition to have 2 skylights instead of 1 skylight; an interior remodel of the southeastern portion of the home, including conversion of the garage to living space and removal and replacement of the garage door with lap siding; construction of a new 447 square foot detached two-car carport; reducing the height of the chimney and re-finishing the chimney with a Carmel Stone or retaining the existing white stucco, to address the presently unpermitted white smooth stucco finish and added flue cap; and construction of a 4 foot tall to 6 foot tall cedar fence; and
- 4) Approving a design approval DA210122 increasing the height of a previously permitted shed from 8 feet to approximately 9 feet, changing its roof pitch, removing its skylights and upper window, painting it brown, changing its approved location.

[Schwartz, 24980 Outlook Drive, Carmel, Carmel Valley Master Plan (APN: 015-522-008-000)]

The Schwartz application (PLN200192) came on for a public hearing before the Monterey County Board of Supervisors on July 27, 2021. Having considered the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented.

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

16. a. Approve District appointments to the 2021 Advisory Redistricting Commission for a term ending December 31, 2021.

Rosemary Soto, Management Analyst III, via Zoom, from the County Administrative Office presented via PowerPoint presentation.

Open for public comments, no public comments made.

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Chris Lopez to: Approve District appointments to the 2021 Advisory Redistricting Commission for a term ending December 31, 2021.

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

17. ~~a. Receive an update from Environmental Health and Sustainability Program staff regarding the County Action Plan and enforceable ordinance for SB 1383; and~~
~~b. Provide a recommendation to staff on discretionary policy questions involving whether to allow Self-Hauling of organic waste, inspection, and enforcement; and~~
~~e. Provide direction to staff. (REMOVED VIA SUPPLEMENTAL)~~

Removed from agenda via addendum/supplemental

18. a. Receive an update on the expenditure report through June 30, 2021 (Attachment A) and the proposed right-sizing process for the Virus Integrated Distribution of Aid Project (VIDA) Project, formerly known as the Community Outreach and Education Pilot Project (“Pilot Project”); and
b. Approve a budget modification request submitted by the Community Foundation for Monterey County (CFMC) as highlighted in Attachment B, to move unspent allocated funds from one previously approved line item to another and from one budget category to another, to meet budget gaps as identified by the CFMC and VIDA Project partners; and
c. Approve and authorize the County Administrative Officer or Assistant County Administrative Officer to approve budget modification requests in accordance with the budget categories and line items previously approved by the Board on December 21, 2020, as outlined in Attachment B; and
d. Provide direction to staff as appropriate.

Rosemary Soto, Management Analyst III, via Zoom, from the County Administrative Office presented via PowerPoint presentation.

Open for public comments, Maria Elena Manzo, Karla Lobo, and Sarait Martinez, all via Zoom commented.

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

- a. Receive an update on the expenditure report through June 30, 2021 (Attachment A) and the proposed right-sizing process for the Virus Integrated Distribution of Aid Project (VIDA) Project, formerly known as the Community Outreach and Education Pilot Project (“Pilot Project”); and
- b. Approve a budget modification request submitted by the Community Foundation for Monterey County (CFMC) as highlighted in Attachment B, to move unspent allocated funds from one previously approved line item to another and from one budget category to another, to meet budget gaps as identified by the CFMC and VIDA Project partners; and
- c. Approve and authorize the County Administrative Officer or Assistant County Administrative Officer to approve budget modification requests in accordance with the budget categories and line items previously approved by the Board on December 21, 2020, as outlined in Attachment B; and
- d. Approve the budget modification request listed as July 27, 2021, with a total budget of \$4,062,624 and authorize the County Administrative Officer or his designee discretion to make any amendments to the line items within the VIDA Project budget up to \$50,000 with a report back to the Board if any changes are made.

\$927,026 remains in the VIDA Project budget, however, is not allocated and staff will return to the Board to get direction on where those funds should be allocated too.

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

19. Public hearing to consider actions to conditionally approve the Rancho Cañada Village Project (PLN040061-AMD1/ Rancho Canada Ventures, LLC), including:
- a. General Plan Amendment - Resolution to amend of the text of Carmel Valley Master Plan Policy CV-1.27 to provide that notwithstanding any other General Plan policies, residential development may be allowed with a density of up to 10 units/acre with a minimum of 20% affordable housing; and
 - b. Zoning Amendment - An ordinance to rezone approximately 25 acres of the project site from Public/Quasi-Public with Design Control, Site Plan Review and Residential Allocation Zoning Overlay Districts (PQP-D-S-RAZ) to Medium Density Residential with Design Control and Site Plan Review Overlays (MDR/3-D-S), rezone 5 acres from PQP-D-S-RAZ to High Density Residential with Design Control, Site Plan Review Overlays (HDR/10-D-S); rezone approximately 3 acres from PQP-D-S-RAZ to High Density Residential with Design Control, Site Plan Review Overlays (HDR/5-D-S); and rezone the remaining approximate 41 acres of the project site from PQP-D-S-RAZ to Open Space (O). The ordinance also amends sections 21.10.070 (High Density Residential Zoning District special regulations) and 21.12.070 (Medium Density Residential Zoning District special regulations) of the Monterey County Code to include special setback, height, lot coverage, and floor area ratio regulations for development in the Rancho Cañada Village Subdivision.; and
 - c. Rancho Cañada Village project - A Combined Development Permit for Rancho Cañada Village “Increased Unit, Greater Affordability Project” (refinement of Alternative 6B of the Second Final EIR),

for a total of 145 units, including forty affordable units consisting of twenty-eight units affordable to moderate income households, six Workforce Housing I (affordable to households earning between 120% and 150% of County median income) and six Workforce Housing II units (affordable to households earning between 150% and 180% of County median income). The Combined Development Permit consists of:

- 1) A Standard Subdivision Vesting Tentative Map subdividing 77 acres into 106 residential lots with common areas and roadways, and approximately 38-acres of habitat preserve on two Open Space lots;
 - 2) A blanket Administrative Permit (Site Plan Approval) allowing development on 93 single family residential lots (parcels to be zoned MDR), 12 townhomes, and 40 units of affordable/workforce housing (parcels to be zoned HDR) within the S (Site Plan Review) Zoning Overlay District;
 - 3) An Administrative Permit for development within the S District of a 1.5 acre community park and 8.6 acres of common areas, grading of up to 220,000 cubic yards and infrastructure installation, including installation of a below-grade drainage pipe and culvert to improve area-wide flood control and drainage.
 - 4) Use Permit for development in the Carmel Valley Floodplain; and
 - 5) Use Permit for removal of up to 37 trees.
- d. Adopt a Mitigation Monitoring and Reporting Plan.

Proposed CEQA Action: Certify the Rancho Cañada Village Second Final Environmental Impact Report (SCH#: 20006081150) (SFEIR)

Location: In the Carmel Valley along Carmel Valley Road, east of the intersection of Carmel Valley Road and State Route 1 in unincorporated Monterey County (former West Course at Rancho Canada Golf Course) [Assessor Parcel Numbers: 015-162-017-000, 015-162-025-000, 015-162-026-000, 015-162-040-000, 015-162-048-000, 015-162-049-000, and portions of 015-162-043-000 and 015-162-051-000]

Public hearing commenced.

Mary Israel, Senior Planner, in person, from the Housing and Community Development and Wendy Strimling, Assistant County Counsel, in person, from the County Counsel Office presented via PowerPoint presentation.

Jim Moose, Attorney, via Zoom, very presented on behalf of the Applicant.

Mr. Williams, in person, verbally presented.

Anthony Lombardo, Attorney Land Owner's Representative, verbally presented.

Open for public comments; Jens Peterson, Pris Walton, Larry Levine, Barbara Grace, Margaret Robins, Alex Brant, Michael Robins, Larry Levine, Alex Brandt, Michael Waxer, Chink Winge and Larry Bacon, all via Zoom, commented.

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

RANCHO CANADA VENTURES LLC (PLN040061-AMD1)

Adopt Resolution No. 21-307

Resolution by the Monterey County Board of Supervisors to:

- 1) Certify the Rancho Cañada Village Environmental Impact Report;**

- 2) Adopt CEQA Findings for Project approval;
- 3) Adopt a Statement of Overriding Considerations.

[Carmel Valley, located on the south side of Carmel Valley Road approximately 0.6 miles east of Highway 1

APNs: 015-162-009-000, 015-162-017-000, 015-162-025-000, 015-162-026-000, 015-162-040-000, 015-162-048-000, 015-162-049-000; and portions of 015-162-043-000 and 015-162-051-000.]

Adopt Resolution No. 21-308

Resolution by the Monterey County Board of Supervisors regarding proposed Amendment to Policy CV-1.27 of the Carmel Valley Master Plan.

Adopt Resolution No. 21-309

Resolution by the Monterey County Board of Supervisors:

1) Conditionally approving a Combined Development Permit for the Rancho Cañada Village “Increased Unit, Greater Affordability Project” (refinement of Alternative 6b of the Second Final EIR), for a 145 unit subdivision, including 40 affordable units consisting of twenty-eight units for moderate income households, six units of Workforce I housing (affordable to households earning between 120% and 150% of County median income) and six units of Workforce II housing (affordable to households earning between 150% and 180% of County median income), with the Combined Development Permit consisting of:

- a) Vesting Tentative Map subdividing 77 acres into 106 residential lots with common areas and roadways, and approximately 38-acres of habitat preserve on two open space lots;
- b) A blanket Administrative Permit (Site Plan Approval) allowing development on 93 single family residential lots (parcels to be zoned MDR Medium Density Residential), 12 townhomes, and 40 units of affordable/workforce housing (parcels to be zoned HDR High Density Residential) within the S Site Plan Review Zoning Overlay District;
- c) An Administrative Permit for development within the S District of a 1.5 acre community park and 8.6 acres of common areas, grading of up to 220,000 cubic yards and infrastructure installation, including installation of a below-grade drainage pipe and culvert to improve area[1]wide flood control and drainage.
- d) Use Permit for development in the Carmel Valley Floodplain; and Legistar File ID No. RES 21-140 Agenda Item No. 19Rancho Canada Ventures LLC (PLN040061-AMD1) Page 2
- e) Use Permit for removal of up to 37 trees.

2) Adopt a Mitigation Monitoring and Reporting Plan.[Carmel Valley, located on the south side of Carmel Valley Road approximately 0.6 miles east of Highway 1

APNs: 015-162-009-000, 015-162-017-000, 015-162-025-000, 015-162-026-000, 015-162-040-000, 015-162-048-000, 015-162-049-000; and portions of 015-162-043-000 and 015-162-051-000.]

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

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 came to a tentative agreement with Unit D - Public Defender's, Office Unit E - District Attorney's Office, Unit G - County Counsel's Office and Unit's M & N the Probation's Association regarding a 3 year Memorandum of Understanding on item 1.b.(1)

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

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

d. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the County Counsel.

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

e. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:

(1) County of Monterey, et al. v. Amerisourcebergen Drug Corp., et al. (U.S. District Court for the Northern District of California, Case No. 7:18-cv-02693)

(2) Baldwin County, Alabama, et al. v. Richard S. Sackler, et al. (U.S. District Court for the Southern District of New York, Case No. 1:19-cv-2421)

The Board took no reportable actions on items 1.e.(1)(2)

Adjourned

The meeting was adjourned in Memory of Susie Franklin at 4:23 p.m. by Chair Supervisor Wendy Root Askew.

APPROVED:

_____/s/ Wendy Root Askew_____
**WENDY ROOT ASKEW, CHAIR
BOARD OF SUPERVISORS**

ATTEST:

BY: ____/s/ Valerie Ralph_____

**VALERIE RALPH
CLERK OF THE BOARD**

APPROVED ON: November 16, 2021

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

20. Adopt Resolution to:
- Amend Personnel Policies and Practices Resolution (PPPR) No. 98-394 Appendix A to adjust the salary range for the classification of Hospital Director of Food Services, as indicated; and
 - Direct the Human Resources Department to implement the changes in the Advantage HRM System.

Adopted Resolution No. 21-254

21. a. Authorize the County Counsel to execute a Renewal and Amendment No. 7 to the Services Agreement ("Agreement") with Latham & Watkins LLP, for the provision of healthcare legal services at Natividad Medical Center, adding 1 year, for a revised full term from May 10, 2010 through June 30, 2022, with no change to the total agreement amount of \$1,510,000; and
- b. Accept the non-standard removal of indemnification provision, as recommended by the Interim Chief Executive Officer.

Approved - Agreement No.: A-11791; Amendment No.: 7

22. a. Authorize the Interim Chief Executive Officer for Natividad or his designee to execute the Fourth Amendment to the Professional and Call Coverage Services Agreement (A-13611) with Mohamed Kerala Serio, M.D. to provide cardiology services, extending the term by twelve months (August 1, 2021 to July 31, 2022) for a revised full agreement term of July 1, 2017 to July 31, 2022, and adding \$610,000 for a revised total not to exceed amount of \$3,100,000 in the aggregate; and
- b. Authorize the Deputy Purchasing Agent for NMC to sign up to three (3) future amendments to this agreement where the amendments do not significantly change the scope of work, and do not cause an increase of more than ten percent 10% (\$122,000) of the original contract amount.

Approved - Agreement No.: A-13611; Amendment No.: 4

23. a. Authorize the Interim Chief Executive Officer for Natividad or his designee to execute the Second Amendment to the Professional and Call Coverage Services Agreement (A-14453) with Advanced Gastroenterology of Monterey County to provide gastroenterology services extending the term by twelve months (August 1, 2021 to July 31, 2022) for a revised full agreement term of August 1, 2019 to July 31, 2022, and adding \$650,000 for a revised total not to exceed amount of \$1,950,000 in the aggregate; and
- b. Authorize the Interim Chief Executive Officer for Natividad or his designee to sign up to three (3) future amendments to this Agreement where the total amendments do not significantly change the scope of work and do not cause an increase of more than ten percent 10% (\$65,000) of the original contract amount.

Approved - Agreement No.: A-14453; Amendment No.: 2

Health Department

24. a. Approve and authorize the Director of Health or Assistant Director of Health to execute a three-year Mental Health Services Agreement with Oaklandidence Opco, LLC DBA Medical Hill Healthcare Center in Oakland, California for the provision of skilled nursing services for organic brain syndrome, traumatic brain injured, and medically debilitated patients, in the amount of \$1,050,420 for Fiscal Year (FY) 2021-22, \$1,085,358 for FY 2022-23, and \$1,121,521 for FY 2023-24, for a maximum County obligation of \$3,257,300 for the retroactive term of July 1, 2021 through June 30, 2024; and
- b. Approve and authorize the Director of Health or Assistant Director of Health to approve up to three (3) future amendments not to exceed ten percent (10%) (\$325,730) of the original Agreement amount and do not significantly alter the scope of services.

Approved - Agreement No.: A-15468

25. Adopt the Monterey County Mental Health Services Act Fiscal Year 2021-22 Annual Update.

Adopted

26. a. Approve and Authorize the Director of Health, or Assistant Director of Health to execute an Agreement with Novogradac & Company LLP (Novogradac) for consulting services related to the funding of Health Department's New Markets Tax Credit (NMTC)-financed facility for a contract amount of \$99,800 and a term of 24 months from the date of final execution by both parties; and
- b. Authorize the Director of Health or Assistant Director of Health to sign up to three (3) future amendments to this Agreement where the amendments do not exceed 10% of the contract amount and do not significantly change the scope of work.

Approved - Agreement No.: A-15469

27. a. Approve and authorize the Director of Health or Assistant Director of Health to execute a Memorandum of Understanding template for the provision of therapeutic services to students of Greenfield Union School District ("School District"), for a total maximum amount of \$113,989 effective August 1, 2021 through June 30, 2022; and
- b. Approve non-standard insurance provision in Agreement as recommended by the Director of Health; and
- c. Approve and authorize the Director of Health or Assistant Director of Health to approve up to three (3) future amendments to the MOU that in total do not exceed ten percent (10%) of the initial liability amount and that do not significantly change the scope of services.

Approved - Agreement No.: A-15470

28. Approve and authorize the Director of Health or Assistant Director of Health to sign an Operational Agreement with the Monterey County Rape Crisis Center (MCRCC) and the Monterey County Health Department's Sexual Assault Response Team (SART), agreeing to work together toward the mutual goal of providing maximum available assistance for crime victims residing in Monterey County, for the term retroactive to October 1, 2019 through September 30, 2022.

Approved - Agreement No.: A-15471

29. a. Approve and authorize the Director of Health or the Assistant Director of Health to sign a non-standard Exhibition Agreement with Sand City, in the amount of \$125, to participate in the West End Celebration in Sand City on August 28, 2021 through August 29, 2021;
- b. Accept non-standard risk provisions as recommended by Director of Health; and
- c. Approve the recommendation of the Director of Health to accept insurance provisions in the Agreement.

Approved - Agreement No.: A-15472

30. Adopt a resolution continuing the Local Health Emergency for the Monterey County Fires Incident.

Adopted Resolution No.: 21-255**Criminal Justice**

31. Adopt Resolution to:
- a. Request the State of California Department of Motor Vehicles (DMV) increase the one dollar (\$1) vehicle registration fee authorized pursuant to section 9250.19(2)(A) of the Vehicle Code to two dollars (\$2); funding will be used to finance the RAN board, which uses money for an automated fingerprint system used by all law enforcement agencies in the County of Monterey; and
- b. Request the DMV to increase from two dollars (\$2) to four dollars (\$4) the registration fee for commercial vehicles pursuant to section 9250.19 (4)(A); and
- c. Commence collection of the two dollar (\$2) fee or four dollars (\$4) for commercial vehicles on vehicle registrations within the County of Monterey, effective January 1, 2022.

Adopted Resolution No. 21-256

32. Adopt an ordinance repealing Chapter 2.93 of the Monterey County Code to rescind authority to collect fees for probation services.

Adopted Ordinance No. 5356**General Government**

33. Adoption of a resolution to set aside portions of Resolution No. 15-084 for the Harper Canyon (Encina Hills) Subdivision Project only as they relate to project wildlife corridor issues in compliance with the Second Amended Peremptory Writ of Mandate.

Removed from agenda via additions and corrections

34. a. Authorize the Director of Human Resources, or designee, to execute a Student Intern Placement Agreement template through June 30, 2025, between the Educational Institution(s) and the County of Monterey.

Approved - Agreement No.: A-15473

35. a. Approve and authorize the County Administrative Officer, or designee, to execute an Agreement with TOURtech Support, Inc. for I.T. services for events at WeatherTech Raceway Laguna Seca effective August 1, 2021 through December 31, 2022, for an amount not to exceed \$300,000; and
b. Authorize the County Administrative Officer, or designee, to execute up to three (3) future amendments to this Agreement where the total amendments do not exceed 10% (\$30,000) of the agreement amount and do not significantly change the scope of work.

Approved - Agreement No.: A-15474

36. Consider:
a. Approving and authorizing the County Administrative Officer or designee to execute an Amendment No. 1 to the Agreement for the Operation and Management of the Laguna Seca Recreation Area between the County and A&D Narigi Consulting LLC to provide additional advances for the allowed expense fund and management fee expense for the period August 1 - December 31, 2021, only;
b. Authorize the Auditor-Controller to amend the FY 2021-22 Laguna Seca Recreation Area adopted budget, Fund 453, Appropriation Unit CAO046, to increase appropriations by \$1,160,000, financed by an operating transfer from an appropriate fund as determined by the Board or CAO (4/5ths vote required); and,
c. Authorize the Auditor-Controller to transfer \$1,160,000 from an appropriate fund as determined by the Board or CAO to Laguna Seca Recreation Area adopted budget, Fund 453, Appropriation Unit CAO046 (4/5th the vote required).

Approved - Agreement No.: A-15475; Amendment No.: 1

37. a. Receive and Accept the Treasurer's Report of Investments for the Quarter Ending June 30, 2021; and
b. Receive and Approve the Treasurer's Investment Policy for FY 2021-2022; and
c. Renew the Delegation of Investment Authority to the Treasurer-Tax Collector pursuant to California Government Code 53607; and
d. Approve the dissolution of the Monterey County Treasury Oversight Committee.

Approved

38. a. Approve and authorize the County Administrative Officer, or designee, to execute a retroactive Agreement with Dougherty Pump & Drilling, Inc. for general repairs and maintenance of the water system at Laguna Seca Recreation Area retroactive from June 15, 2021 through May 31, 2022, for an amount not to exceed \$25,000; and
b. Approve and authorize the County Administrative Officer, or designee, to execute up to three (3) future amendments to this Agreement where the total amendments do not exceed 10% (\$2,500) of the agreement and do not significantly change the scope of work.

Approved - Agreement No.: A-15476

39. a. Authorize the County Counsel to execute an Agreement for Specialized Attorney Services

("Agreement") with the Law Offices of Kelly Wachs, P.C., for independent consulting and legal services with respect to employment-based immigration law matters for the Monterey County Information Technology Department ("IT"), for a term retroactive to July 1, 2021 through June 30, 2023 and for a total agreement amount not to exceed \$30,000; and

b. Accept the recommendation of the Director of IT to approve the non-standard automobile insurance provisions in the Agreement; and

c. Authorize the County Counsel to execute up to three (3) future amendments to this Agreement where the total amendments do not exceed 10% (\$3,000) of the agreement amount and do not significantly change the scope of work.

Agreement No.: A-15477

- 40.** a. Ratify execution by Auditor-Controller of Amendment No. 2 to the Agreement ("Agreement") with Hinderliter de Llamas & Associates for sales, use and transaction tax related services, extending the Agreement 1 year, for a revised full term of July 1, 2019 to June 30, 2021, and adding \$61,115 for a revised total contract amount of \$253,996; and
- b. Approve execution by the Auditor-Controller of a Renewal and Amendment No. 3 to the Agreement extending the Agreement 1 year, for a revised full term of July 1, 2019 to June 30, 2022, and adding \$43,025 for a revised total contract amount of \$297,021.

Approved - Agreement No.: A-14510, Amendment No.: 2; Agreement A-14510

- 41.** a. Approve and authorize the County Administrative Officer, or designee to execute Amendment 1 to the Agreement with Lapkoff & Gobalet Demographic Research, Inc. (hereinafter, "Lapkoff") effective retroactive to June 8, 2021 through March 31, 2022, solely to cap the indemnification clause at the aggregate limits of CONTRACTOR'S insurance.

Approved - Agreement No.: A-15259; Amendment No.: 1

- 41.2** Approve and authorize the County Administrative Officer, or designee, to execute Amendment No. 2 to the Agreement with IndyCar, LLC, revising the Sanctioning Fee and payment schedule for the 2021 scheduled event at WeatherTech Raceway Laguna Seca, reducing the Sanctioning Fee and payment schedule for the 2021 scheduled event by \$200,000 for a revised contract amount not to exceed \$1,300,000, as requested by A&D Narigi Consulting, LLC. (ADDED VIA ADDENDA)

Approved - Agreement No.: A-15188; Amendment No.: 2

- 41.3** a. Approve and authorize the County Administrative Officer, or designee, to execute an Agreement with INDYCAR, LLC for the production and execution of an annual major race event at WeatherTech Raceway Laguna Seca in the years 2022-2024 for a total Sanctioning Fee of \$1,350,000 per year if not the finale event and \$1,600,000 per year if the finale event, as requested by A&D Narigi Consulting, LLC; and
- b. Approve and authorize the County Administrative Officer, or designee, to execute up to three (3) future amendments to this Agreement where the total amendments do not exceed 10% (\$160,000) and do not significantly change the scope of work. (ADDED VIA ADDENDA)

Approved - Agreement No.: A-15478

Housing and Community Development**Agreement No.: A-12637; Amendment No.: 6**

42. a. Approve and accept a Conservation and Scenic Easement Deed covering approximately 25,894 square feet (0.594 acre) for Assessor's Parcel Number 008-012-013-000 as a required condition of approval 9 in Planning Commission Resolution No 17-048, and authorize the Chair to sign the Acceptance and Consent to Recordation; and
- b. 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 Name: PLN160144 - VIRNIG CONSERVATION AND SCENIC EASEMENT DEED**Project Location:** 1154 The Dunes, Pebble Beach**Proposed CEQA action:** Pursuant to Section 15378(b)(5) of the CEQA Guidelines this action is not considered a project. As such, no action is warranted.**Approved****Public Works, Facilities and Parks**

43. a. Approve an Agreement for Purchase of Real Property to purchase a Permanent Roadway Easement and a Temporary Construction Easement, (0.207 acres, and 0.017 acres respectively) between the County of Monterey and The Bluffs Homeowner Association, (APN 203-061-001), in the amount of \$20,700 for right-of-way for the construction of the Davis Road Bridge Replacement and Road Widening project, Project No. 3600; and
- b. Authorize the Director of Public Works, Facilities, and Parks or their designee to execute the Agreement for Purchase of Real Property to purchase a Permanent Roadway Easement and a Temporary Construction Easement.
- c. Authorize the Director of Public Works to execute the Certificate of Acceptance and Consent to Recordation of the Permanent Easement with the County Recorder.

Approved - Agreement No.: A-15479

44. a. Approve Professional Services Agreements with the following ten (10) contractors: Kasavan Architects, Inc., Kitchell/CEM, Inc., Lionakis, Nacht & Lewis Architect, Inc., Nichols, Melburg & Rossetto Architects, The Paul Davis Partnership, LLP, RIM Architects (CA), LLP, Sally Swanson Architects, Inc., The KPA Group, Wald, Ruhnke & Dost Architects, LLP, to provide on-call architectural and engineering design services for various projects located in Monterey County pursuant to Request for Qualifications (RFQ) #10790, amounts not to exceed \$5,000,000 each, for a combined total of \$50,000,000, for a term of three (3) years beginning August 1, 2021 to July 31, 2024, with the option to extend each Agreement for up to two (2) additional years;
- b. Approve additional term extensions beyond the anticipated five (5) year term with no increase to the dollar amount or change in the scope of work limited to project(s) initiated during the initial five (5) year term to allow continuity of services for active projects, subject to review and approval by the Office of the County Counsel and the Contract/Purchasing Officer or Contracts/Purchasing Supervisor; and
- c. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute the

Professional Service Agreements and future amendments to each Agreement where the amendments do not increase the approved amount of each Agreement subject to the review and approval as to form of any future amendments by the Office of the County Counsel.

Approved - Agreement No's: A-15480 through A-15489

45. a. Approve a one-time Special Event Agreement between Spartan Race, Inc. and the County of Monterey to hold a Monterey Spartan Super and Sprint Race Event at Toro County Park on August 21-22, 2021;
- b. Find that the one-time Monterey Spartan Super and Sprint Race Event scheduled for August 21-22, 2021, at Toro County Park in Monterey County, is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15304(e) of the CEQA Guidelines; and
- c. Authorize the Public Works, Facilities, & Parks Director or designee to sign the Special Event Agreement between Spartan Race, Inc. and the County of Monterey.

Approved - Agreement No.: A-15490

46. a. Adopt the Monterey County 2021 Construction Task Catalogs, Job Order Contracting (JOC) 2021 - Roads & Bridges Project Specifications and JOC 2021 - Facilities Project Specifications, and Monterey County 2021 Technical Specifications for JOC 2021, Project No. JOC 2021, Bid No. Roads & Bridges 2021-01, Bid No. Roads & Bridges 2021-02, and Bid No. Roads & Bridges 2021-03, Bid No. Roads & Bridges 2021-04, and Project No. JOC 2021, Bid No. Facilities 2021-01, Bid No. Facilities 2021-02, Bid No. Facilities 2021-03, and Bid No. Facilities 2021-04;
- b. Authorize the Department of Public Works, Facilities, & Parks Director to advertise for bids in the Monterey County Weekly;
- c. Support lowest bid price as the basis of award for the FY 2021/22 JOC bids.

Adopted

47. a. Authorize the Public Works, Facilities and Parks (PWFP) Director to execute Amendment No. 3 to the Board of State and Community Corrections (BSCC) SB 81 Round 1 Local Youthful Offender Rehabilitative Facility Construction Agreement for Monterey County New Juvenile Hall (Agreement) in a form substantially similar to the "Execution Copy" of said Amendment No. 3, which amends the project milestone schedule;
- b. Ratify execution of Amendment No. 1 and Amendment No. 2 to the Agreement by the Chair of the Board of Supervisors which updated the New Juvenile Hall Project milestone schedule;
- c. Authorize the PWFP Director to execute future amendments to the Agreement to amend, update and extend the project milestone schedule as necessary and subject to the approval of the BSCC and the Office of the County Counsel.

Approved - Agreement No.: A-14956; Amendment No.: 3

48. a. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute a Non-Standard Agreement with The Gordian Group, Inc. and approve the recommendation of the PWFP Director to accept all non-standard provisions in the Agreement, including insurance terms, to extend the JOC program under Sourcewell Agreement 050421-GCI through June 7, 2025 (Attachment A); and

b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute future amendments to the Standard Agreement to match any term extension of Sourcewell Agreement 050421-GCI through June 7, 2025, subject to review and approval by the Office of the County Counsel.

Approved - Agreement No.: A-15491

49. a. Approve and authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute Amendment 1 to the Lease Agreement (adopted by Resolution 19-267) extending the lease term through January 2, 2023 with Jimmy Panetta, 20th District Congressman, a Member of the United States House of Representatives for 2,390 square feet of general office space located at 142 West Alisal Street, First Floor, East Wing, Salinas, California for \$2,400 per month;
- b. Approve and authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute the United States House of Representatives District Office Lease Attachment for the 117th Congress; and
- c. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute future amendments and congressional lease attachments under similar terms, conditions and format if deemed by the Contracts/Purchasing Officer to be in the best interest of the County, subject to review and approval by the Office of the County Counsel-Risk Management.

Approved - Agreement No.: A-15492; Amendment No.: 1

50.

ADDENDA

Added to General Government - Consent

- 41.1 Approve and authorize the County Administrative Officer, or designee, to execute Amendment No. 2 to the Agreement with IndyCar, LLC, revising the Sanctioning Fee and payment schedule for the 2021 scheduled event at WeatherTech Raceway Laguna Seca, reducing the Sanctioning Fee and payment schedule for the 2021 scheduled event by \$200,000 for a revised contract amount not to exceed \$1,300,000, as requested by A&D Narigi Consulting, LLC.
- 41.2 a. Approve and authorize the County Administrative Officer, or designee, to execute an Agreement with INDYCAR, LLC for the production and execution of an annual major race event at WeatherTech Raceway Laguna Seca in the years 2022-2024 for a total Sanctioning Fee of \$1,350,000 per year if not the finale event and \$1,600,000 per year if the finale event, as requested by A&D Narigi Consulting, LLC; and
- b. Approve and authorize the County Administrative Officer, or designee, to execute up to three (3) future amendments to this Agreement where the total amendments do not exceed 10% (\$160,000) and do not significantly change the scope of work.

Removed from Schedule 1:30 p.m. - Scheduled Matters

17. a. Receive an update from Environmental Health and Sustainability Program staff regarding the

- County Action Plan and enforceable ordinance for SB 1383; and
- b. Provide a recommendation to staff on discretionary policy questions involving whether to allow Self Hauling of organic waste, inspection, and enforcement; and
 - c. Provide direction to staff.