

Monterey County

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



Meeting Minutes - Final

Tuesday, October 5, 2021

9:00 AM

Board of Supervisors

Chair Supervisor Wendy Root Askew - District 4

Vice Chair Supervisor Mary L. Adams - District 5

Supervisor Luis A. Alejo - District 1

Supervisor John M. Phillips - District 2

Supervisor Chris Lopez - District 3

9:00 A.M. - Called to Order

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

Roll Called

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

Staff Present

Charles McKee, County Administrative Officer, Les Girard, County Counsel and Valerie Ralph, Clerk of the Board appeared in person.

Additions and Corrections for Closed Session by County Counsel

There were no additions and corrections for the agenda.

Closed Session

1. Closed Session under Government Code section 54950, relating to the following items:
 - a. Pursuant to Government Code section 54957(a), the Board will confer with County Counsel regarding matters posing a threat to the security of public buildings, essential public services, or the public's right of access to public services or facilities.
 - b. Pursuant to Government Code section 54957.6, the Board will provide direction to negotiators:
 - (1) Designated representatives: Irma Ramirez-Bough and Kim Moore
Employee Organization(s): All Units
 - (2) Designated representatives: Lori Medina and Jeff Bailey
Employee Organization(s): IHSS
 - c. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding two matters of significant exposure to litigation.

Public Comments

Open for public comments; Wildfire, Wes White, Rita Acosta, David Rosen, Dee Carera, Lilia Gomez, young woman in black attire no name provided, in person, and Scott Brusaschetti, Jennifer Jean-Pierre and Elizabeth Tyler, 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 John M. Phillips and Supervisor Mary L. Adams appeared in person with Supervisor Chris Lopez and Supervisor Luis A. Alejo who appeared via video conference

Staff Present

Charles McKee, County Administrative Officer, Les Girard, County Counsel and Valerie Ralph, Clerk of the Board appeared in person.

Announcement of Interpreter

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

Pledge of Allegiance

The Pledge of Allegiance to be led Amy Burnett and members of the San Benancio 4H group.

Additions and Corrections by Clerk

The following additions and corrections were read into the record:

Correction to the 1:30 p.m. scheduled matters:

Item No. 9 is in receipt of revised Board Report.

Ceremonial Resolutions

Open for public comments; no public comments made.

A motion was made by Supervisor Mary L. Adams, seconded by Supervisor Chris Lopez to adopt Ceremonial Resolution Numbers 2 through 6.

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 honoring Linda McGlone upon her retirement from Monterey County Health Department and her public service to Monterey County residents. (Supervisor Askew)**

Adopted Resolution No. 21-327

- 3. Adopt a resolution celebrating California's Clean Air Day. (Supervisor Adams)**

Adopted Resolution No. 21-325

- 4. Resolution of the Board of Supervisors of the County of Monterey, State of California, Honoring**

County of Monterey employees for their service during the COVID-19 pandemic. (Supervisor Askew)

Adopted Resolution No. 21-326

Appointments

Open for public comments; no public comments made.

A motion was made by Supervisor Chris Lopez, seconded by Supervisor John M. Phillips to reappoint/appoint Item Numbers 5.

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 Chris Lopez, seconded by Supervisor John M. Phillips to nominate Supervisor Luis A. Alejo, as primary member and Supervisor Wendy Root Askew as the alternate member for CSAC for Item Number 5.

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

5. Appoint Cesar Lara to the Juvenile Justice Coordinating Council, with a term ending date Pleasure of the Board. (Juvenile Justice Coordinating Council)

Appointed

- 6.

Nominate one member of the Board of Supervisors to serve on the California State Association of Counties (CSAC) Board of Directors, and one member of the Board of Supervisors to serve as alternate, for a one-year term of office beginning on November 29, 2021.

Supervisor Luis A. Alejo was nominated as the primary member and Wendy Root Askew was nominated as the alternate member for CSAC.

Approval of Consent Calendar – (See Supplemental Sheet)

Open for public comments; Steve Vagnini, via Zoom, commented.

Supervisor Wendy Root Askew made comments on Item No. 20.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Mary L. Adams to approve Consent Calendar Item Numbers 14 through 23.

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE

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

General Public Comments

7. General Public Comments

Open for general public comments for items not on today's agenda; Ron (no last name provided), Nina Beety, Jacquie (no last name provided) and Jenae Jervis, all via zoom, commented.

10:30 A.M. - Scheduled Matters

8. Receive a presentation from the Monterey County Health Department's Striving to Reduce Youth Violence Everywhere (STRYVE) Program, the City of Salinas' Community Safety Division and the Monterey County Administrative Office's (CAO) Office of Community Engagement and Strategic Advocacy to describe the strategies and results of their collaboration to prevent violence.

Jose Arreola, Administrator City of Salinas; Rosemary Soto, Management Analyst, from the County Administrative Office, Linda McGlone, Senior Health Educator and Edward Moreno, Bureau Chief of Health Department, all via Zoom, presented via PowerPoint presentation.

Open for public comments; Eloise Shim and Sonja Koehler, via Zoom, commented.

Upon consensus the Board:

Received a presentation from the Monterey County Health Department's Striving to Reduce Youth Violence Everywhere (STRYVE) Program, the City of Salinas' Community Safety Division and the Monterey County Administrative Office's (CAO) Office of Community Engagement and Strategic Advocacy to describe the strategies and results of their collaboration to prevent violence.

12:00 P.M. - Recessed to Lunch

1:30 P.M. - Reconvened

Roll Called

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

Staff Present

Charles McKee, County Administrative Officer, Les Girard, County Counsel and Valerie Ralph, Clerk of the Board appeared in person.

Announcement of Interpreter

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

1:30 P.M. - Scheduled Matters

9. a. Receive an update on the County Habitat Resource Management Plan for the former Fort Ord;
b. Consider authorizing the Housing and Community Development Department to utilize the County Habitat Management Funds, Fund 029, to fund the development of the County Habitat Resource Management Plan for properties owned by the Monterey Peninsula College;
c. Consider and provide input to the Public Participation Plan; and
d. Provide direction to staff.

Melanie Beretti, Services Manager and Jacquelyn Nickerson, Management Analyst, from the Housing Community and Development Department and comments by Erin Harwayne, Senior Planner/Environmental Scientist from Denise Duffy & Associates, all via, Zoom, presented via PowerPoint presentation.

Open for public comment; no public comments made.

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

- a. Receive an update on the County Habitat Resource Management Plan for the former Fort Ord;
b. Authorize the Housing and Community Development Department to utilize the County Habitat Management Funds, Fund 029, to fund the development of the County Habitat Resource Management Plan for properties owned by the Monterey Peninsula College;
c. Provided input to the Public Participation Plan with an interim check in to the Board; and
d. Provided direction to staff.

Roll call vote taken pursuant to Government Code 54953:

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

Motion carried 3 to 2

10. a. Introduce, waive reading, and set October 19, 2021 at 10:30 a.m. as the date and time to consider the adoption of an ordinance amending Chapter 7.90 of the Monterey County Code to allow permitted cultivators to modify the total canopy area of any cultivation or nursery operation in their commercial cannabis permit on two occasions during the permit's annual term if certain criteria are met; and
b. Provide direction to staff as appropriate.

Joann Iwamoto, Program Manager and Myles Echenique, Management Analyst; both in person, presented via PowerPoint presentation.

Open for public comment; Christine DiPaci, Michelle Hackett, Chris Boggs, Mike Ferguson, Eloise Shimm, and Joey Espinoza, all via Zoom, commented,

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

- a. Introduce, waive reading, and set October 19, 2021 at 10:30 a.m. as the date and time to consider the adoption of an ordinance amending Chapter 7.90 of the Monterey County Code to allow permitted cultivators to modify the total canopy area of any cultivation or nursery operation

in their commercial cannabis permit on two occasions during the permit's annual term if certain criteria are met; and
b. Provide direction to staff as appropriate.

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

Other Board Matters

County Administrative Officer Comments and New Referrals

11. County Administrative Officer Comments and New Referrals

Charles McKee, County Administrative Officer from the County Administrative office made no comments and had no new referrals this week.

Referral Responses

12. Receive a preliminary analysis report in response to a revision of **Board Referral 2016.02** requesting that the Housing and Community Development Department (HCD) address the enforcement of unauthorized short term rentals and potential funding sources to cover costs.

Erik Lundquist, Director of Housing Community and Development Department, in person, presented via PowerPoint presentation.

Open for public comments; Chris Walton, John Isle, Eric Sand, Rick (no last name provided), Mary Ann Dewaine, Doyle Moises, Noel (no last name provided), Gary Cursio, Dawn Knotis, all in person, Kim Stemler, Rick Aldinger, and Janine Chicourrat, via Zoom, commented.

A motion was made by Supervisor Mary L. Adams, seconded by Supervisor John M. Phillips to: Receive a preliminary analysis report in response to a revision of Board Referral 2016.02 requesting that the Housing and Community Development Department (HCD) address the enforcement of unauthorized short term rentals and potential funding sources to cover costs; and Directed staff to return on Tuesday, November 16, 2021 to implement a pilot program in District 5 and using Host Compliance for code compliance and lastly use the Short Term Rental Transient Occupancy Tax to form the Enforcement Unit.

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

13. Receive a preliminary analysis report in response to **Board Referral No. 2021.16** seeking to combat health misinformation and curb the spread of falsehoods that threaten the health and safety of our residents and visitors.

Charles McKee, County Administrative Officer from the County Administrative Office, in person, verbally presented on this item, in addition to, Elsa Jimenez, Director of the Health Department, via Zoom, spoke on the item.

Open for public comments; Nina Beety, and Carol Kuzdenyi, all via Zoom, commented.

Upon consensus the Board:

Received a preliminary analysis report in response to Board Referral No. 2021.16 seeking to combat health misinformation and curb the spread of falsehoods that threaten the health and safety of our residents and visitors.

Board Comments

Board Comments can be heard by clicking the following link:

http://monterey.granicus.com/EditFile.php?clip_id=4352

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

(2) Designated representatives: Lori Medina and Jeff Bailey

Employee Organization(s): IHSS

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

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

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

Adjourned

The meeting was adjourned at 4:24 p.m. by Chair Supervisor Wendy Root Askew and the adjourn in Memory of Terry Kaiser will be postponed until next week.

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**Health Department**

14. a. Approve and authorize the Director of Health or Assistant Director of Health to execute an Agreement with Nurse-Family Partnership (“NFP”) in the amount of \$200,000 to provide evidence-based programming to Monterey County first-time mothers and their babies for the period retroactive to June 1, 2021 through May 31, 2023; and
- b. Approve the nonstandard indemnification provision as recommended by the Director of Health; and
- c. Approve and authorize the Director of Health or the Assistant Director of Health to sign up to three (3) future amendments to this Agreement that will not exceed ten percent (10%) (\$7,652) of the original Agreement and will not significantly change the Agreement.

Approved - Agreement No.: A-15552

15. a. Approve and authorize the Director of Health or the Assistant Director of Health to sign an Agreement with the City of Marina (City) in the amount of approximately \$18,600 for services to be performed by the Monterey County Health Department’s Animal Services unit to provide shelter, care and other required services for the term retroactive from July 1, 2021 through December 31, 2021; and
- b. Approve and authorize the Director of Health or the Assistant Director of Health 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 exceed 10% (\$1,860) of the original Agreement amount.

Approved - Agreement No.: A-15553

Department of Social Services

16. a. Approve and authorize the Director of the Department of Social Services to sign a no cost agreement with the California Department of Social Services, retroactive to July 1, 2021 through June 30, 2024, to establish responsibilities for the provision of legal services for Resource Family Program administrative appeals; and
- b. Approve and authorize the Director of the Department of Social Services to sign up to three (3) amendments to this agreement as long as they do not encompass payment or significantly change the scope of services.

Approved - Agreement No.: A-15554

General Government

17. a. Revise the date for employee certification of COVID-19 vaccination status compliance to October 15, 2021;
- b. Revise the date for vaccine compliance (excluding employees under State Mandate) to October 31, 2021;

- c. Revise the indoor face covering requirement to allow fully vaccinated employees and members of the public who show proof of vaccination to not be required to wear a face covering in a County facility office or meeting room if all other individuals are fully vaccinated;
- d. Direct the Director of Human Resources to implement changes in the Monterey County Emergency Response Manual and COVID-19 Prevention Program.

Approved

- 18.** Adopt a Resolution to:
- a. Amend Personnel Policies and Practices Resolution (PPPR) No. 98-394 to modify Section A.21.4.1 to reflect the County’s maximum contributions for medical insurance for Units O, XL, and Y;
 - b. Direct the Human Resources Department to incorporate the changes in the Personnel Policies and Practices Resolution No.98-394;
 - c. Direct the Human Resources Department and Auditor-Controller’s Office to implement the changes in the Advantage HRM/Payroll system.

Adopted Resolution No. 21-330

- 19.**
- a. Authorize the Auditor-Controller to pay Employnet Workforce Solutions (“Employnet”) \$3,569.60 for specified invoices charging County of Monterey (“County”) for hours worked by an Employnet temporary worker assigned in Fiscal Year 2020-2021 to the Public Defender’s Office to ensure adequate staffing levels during the COVID-19 Pandemic, which hours were in excess of the 720 hour limitation set forth in the County’s now expired agreement with Employnet under RFP 10495 (“Employnet Agreement”); and
 - b. Authorize the Auditor-Controller to pay Employnet \$9,360.90 for specified invoices charging County for hours worked by 2 other Employnet temporary workers assigned in Fiscal Year 2021-2021 to Natividad Medical Center (“Natividad”) to ensure adequate staffing levels during the COVID-19 Pandemic, in excess of the 720 hours limitation set forth in the Employnet Agreement; and
 - c. Approve and authorize the Auditor-Controller to pay B.E. Smith, Inc. (“B.E. Smith”) \$13,600 for an invoice charging County for hours worked by a B.E. Smith temporary worker assigned in Fiscal Year 2021-2021 to Natividad to ensure adequate staffing levels during the COVID-19 Pandemic, which hours were in excess of the 720 hours limitation set forth in the current agreement, No. A-13995, between the County, on behalf of Natividad, and B.E. Smith.

Approved

- 20.** Adopt a Resolution to:
- a. Amend Personnel Policies and Practices Resolution (PPPR) No. 98-394 Appendix A and B to adjust the base wage salary ranges of the Office Assistant I, II, and III, Principal Office Assistant, Supervising Office Assistant I and II, Secretarial Assistant, Secretary, Senior Secretary, and Administrative Secretary classifications as indicated in Attachment A;
 - b. Direct the Human Resources Department to implement the changes in the Advantage HRM system.

Adopted Resolution No. 21-331

Housing and Community Development

- 21.** Adopt a resolution to:
- a. Amend the Housing and Community Development Department (HCD) Budget Unit Administration, 406-3100-8572-HCD010 to increase appropriations of \$3,403,777 and estimated revenues in the amount of \$3,403,777; and
 - b. Authorize and direct the Auditor-Controller and County Administrative Office to incorporate the changes in the FY 2021-22 Housing and Community Development Department Adopted Budget, 406-3100-8572-HCD010 (4/5th vote required).

Adopted Resolution No. 21-332

- 22.** Adopt a resolution to:
- a. Support the Ag Land Trust's agricultural conservation easement proposal to the State of California Department of Conservation Farmland Conservancy Program (DoC) for 210 acres of the Hitchcock-Gill Farm; and
 - b. Support the Ag Land Trust's application for grant funding from the DoC for the purchase of an agricultural conservation easement over the Hitchcock-Gill Farm totaling 210 acres (APN 145-181-009) situated approximately 1.5 miles west of Chualar, on the eastern side of Old Stage Road, and to place said parcels into an agricultural conservation easement to conserve priority agricultural land resources; and
 - c. Direct the Housing and Community Development (HCD) Director or Chief of Planning to collaborate with the Ag Land Trust in the grant application process.
 - d. Find that the proposed action is categorically exempt per California Environmental Quality Act (CEQA) Guidelines Section 15317 and/or CEQA Guidelines Section 15317(b).

California Environmental Quality Act (CEQA) Action: Categorically Exempt per CEQA Guidelines Section 15317 (Open Space Contracts or Easements) and/or CEQA Guidelines Section 15325 (Transfer of Ownership in Land to Preserve Existing Natural Conditions and Historical Resources, Section 15317(b) - Acquisition, sale, or other transfer of areas to allow continued agricultural use of the areas.)

Planning File No. REF210028**Adopted Resolution No. 21-333****Public Works, Facilities and Parks**

- 23.** a. Approve Amendment No. 4 to Professional Services Agreement No. A-12658 with TRC Engineers, Inc. to: include additional services associated with bridge design services for the Robinson Road Bridge Scour Repair, County Bridge No. 503, State Project No. EA 05-930265, Federal Aid Project No. BHLO-5944 (099) under Request for Qualifications (RFQ) #10490; update the Rate Schedule effective January 1, 2022; increase the not to exceed amount by \$49,594 for a total amount not to exceed \$745,975; and to extend the expiration date two (2) additional years through December 31, 2023, for a revised term from March 10, 2015 to December 31, 2023; and

b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute Amendment No. 4 to Professional Services Agreement No. A-12658 and future amendments to the Agreement to extend the term beyond the original term authorized in RFQ #10490 where the amendments do not significantly alter the scope of work or increase the approved Agreement amount.

Approved - Agreement No.: A-12658; Amendment No. 4