

Monterey County

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



Meeting Agenda - Final-revised

Tuesday, March 21, 2017

9:00 AM

**See separate agendas for Monterey County Board of Supervisors
and other Board of Supervisors governed Agencies and Special
Districts.**

Board of Supervisors

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

The Board of Supervisors welcomes you to its meetings, which are regularly scheduled each Tuesday. Your interest is encouraged and appreciated. Meetings are held in the Board Chambers located on the first floor of the Monterey County Government Center, 168 W. Alisal St., Salinas, CA 93901. As a courtesy to others, please turn off all cell phones and pagers prior to entering the Board Chambers.

ALTERNATE AGENDA FORMATS: If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Individuals with a disability requiring a modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may make these requests to the Clerk of the Board Office.

CEREMONIAL/APPOINTMENTS/OTHER BOARD MATTERS: These items may include significant financial and administrative actions, and items of special interest, usually approved by majority vote for each program. The regular calendar also includes "Scheduled Items," which are noticed hearings and public hearings.

CONSENT CALENDAR: These matters include routine financial and administrative actions, appear in the supplemental section by program areas, and are usually approved by majority vote.

TO ADDRESS THE BOARD ON A MATTER ON THE AGENDA: Walk to the rostrum and wait for recognition by the Chair. In order that all interested parties have an opportunity to speak, please be brief and limit your comments to the specific subject under discussion. Time limitations shall be at the discretion of the Chair, with equal time allocated to opposing sides of an issue insofar as possible. Allocated time may not be reserved or granted to others, except as permitted by the Chair. On matters for which a public hearing is required, please note that a court challenge to the Board's action may be limited to only those issues raised at the public hearing or in correspondence delivered to the Board at or before the public hearing.

TO ADDRESS THE BOARD DURING PUBLIC COMMENT: Please complete a Speaker Request Form, available on the rostrum, and submit it to the Clerk of the Board before the commencement of that agenda item. Public comments shall not pertain to matters on the agenda.

DOCUMENT DISTRIBUTION: Documents related to agenda items that are distributed to the Board less than 72 hours prior to the meeting shall be available for public inspection at the Clerk of the Board Office, 168 W. Alisal Street, 1st Floor, Salinas, CA. Documents distributed to the Board at the meeting by County staff will be available at the meeting; documents distributed to the Board by members of the public shall be made available after the meeting.

INTERPRETATION SERVICE POLICY: The Monterey County Board of Supervisors invites and encourages the participation of Monterey County residents at its meetings. If you require the assistance of an interpreter, please contact the Clerk of the Board located in the Monterey County Government Center, 168 W. Alisal St., Salinas - or by phone at (831) 755-5066. The Clerk will make every effort to accommodate requests for translation assistance. Requests should be made as soon as possible, and at a minimum 24 hours in advance of any meeting of the Board of Supervisors.

La Cámara de Supervisores del Condado de Monterey invita y apoya la participación de los residentes del Condado de Monterey en sus reuniones. Si usted requiere la asistencia de un interprete, por favor comuníquese con la oficina de la Asistente de la Cámara de Supervisores localizada en el Centro de Gobierno del Condado de Monterey, (Monterey County Government Center), 168 W. Alisal, Salinas – o por teléfono al (831) 755-5066. La Asistente hará el esfuerzo para acomodar los pedidos de asistencia de un interprete. Los pedidos se deberán hacer lo mas pronto posible, y a lo mínimo 24 horas de anticipo de cualquier reunión de la Cámara de Supervisores.

All documents submitted by the public must have no less than ten (10) copies. The Clerk of the Board of Supervisors must receive all materials for the agenda packet by noon on the Tuesday one week prior to the Tuesday Board meeting. Any agenda related writings or documents distributed to members of the County of Monterey Board of Supervisors regarding any open session item on this agenda will be made available for public inspection in the Clerk of the Board's Office located at 168 W. Alisal St., 1st Floor, Salinas, California. during normal business hours and in the Board Chambers on the day of the Board Meeting, pursuant to Government Code §54957.5

NOTE: All agenda titles related to numbered items are live web links. Click on the title to be directed to corresponding Board Report.

PUBLIC COMMENT: Members of the public may address comments to the Board concerning each agenda item. Timing of public comment shall be at the discretion of the Chair.

9:00 A.M. - Call to Order

Roll Call

Additions and Corrections for Closed Session:

The Clerk of the Board will announce agenda corrections and proposed additions, which may be acted on by the Board as provided in Sections 54954.2 of the California Government Code. The public may comment on Closed Session items prior to the Board's recess to Closed Session.

Closed Session

1. Closed Session under Government Code section 54950, relating to the following items:
 - a. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:
 - (1) Friends, Artists and Neighbors of Elkhorn Slough v. Board of Supervisors of the County of Monterey, et al. (Monterey County Superior Court case no. M74104).
 - (2) County of Santa Clara v. Donald J. Trump, et al. (U.S. District Court case no. 5:17-CV-00574)
 - (3) City and County of San Francisco v. Donald J. Trump, et al. (U.S. District Court case no. 3:17-CV-00485)
 - b. Pursuant to Government Code sections 54956.9(d)(2) and 54956.9(d)(4), the Board will confer with legal counsel regarding one matter of significant exposure to litigation and/or potential initiation of litigation.
 - c. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators:
 - (1) Property: Concession Agreement regarding Mazda Raceway at Laguna Seca
Agency Negotiator(s): Dewayne Woods, Assistant County Administrative Officer; Leslie J. Girard, Chief Assistant County Counsel
Negotiating Parties: International Speedway Corporation
Under negotiation: Price and Terms
 - (2) Property: ~~2700 Imjin road (Ord Market)~~
~~Agency Negotiator(s): Carl Holm~~
~~Negotiating Party: Darryl Choates~~

~~Under negotiation: Price and Terms (REMOVED VIA SUPPLEMENTAL)~~

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

(1) Designated representatives: Manuel Gonzalez and Brette Neal
Employee Organization(s): Units L, M and N

e. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the Public Defender.

Continuance of Closed Session to be held at the conclusion of the Board's Regular Agenda, or at any other time during the course of the meeting announced by the Chairperson of the Board. The public may comment on Closed Session items prior to the Board's recess to Closed Session.

10:30 A.M. - Reconvene

PUBLIC COMMENT: Members of the public may address comments to the Board concerning each agenda item. Timing of public comment shall be at the discretion of the Chair.

Roll Call

Pledge of Allegiance

Additions and Corrections

The Clerk of the Board will announce agenda corrections and proposed additions, which may be acted on by the Board as provided in Sections 54954.2 of the California Government Code.

Consent Calendar

2. Consent Calendar - (See Supplemental Sheet)

Ceremonial Resolutions

3. Adopt Resolution proclaiming the week of March 26 - April 1, 2017 as "Tsunami Preparedness Week" in Monterey County. (Full Board)

Attachments: [Tsunami Week Ceremonial Resolution](#)

Appointments

4. Reappoint Kevin Healy to the Housing Authority of the Monterey County for a term ending January 1, 2020. (Supervisor Phillips)

Attachments: [Notification to Clerk - Healy](#)

Other Board Matters

5. Board Comments
6. CAO Comments and Referrals

Attachments: [Referrals 3-21-17](#)

7. General Public Comment

This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under the jurisdiction of the Board of Supervisors. Board members may respond briefly to the statement made or questions posed. They may ask a question for clarification; make a referral to staff for factual information or request staff to report back to the Board at a future meeting.

10:30 A.M. - Scheduled Matters

8. Conduct a public hearing to consider:
 - a. Traffic volumes on Carmel Valley Road for segments six (6) and seven (7), pursuant to the 2010 General Plan, Carmel Valley area; and
 - b. If additional road segments need to be evaluated annually.

Attachments: [Board Report](#)
[Attachment A- Notice of Public Hearing 2017](#)
[Attachment B - ADT and PTSF](#)
[Attachment C - Percent Under Threshold](#)
[Attachment D - Location Map](#)

9. Consider adoption of the Go Green! Monterey County Work Plan.

Attachments: [Board Report](#)
[Att. A-Go Green Work Plan](#)

Recess to Lunch and Continued Closed Session**Adjournment**

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

10. Adopt Resolution to:
- a. Amend Personnel Policies and Practices Resolution No. 98-394 Appendix A and B to add the new non-represented Unit U classifications of: Colon & Rectal Surgeon, Neurosurgeon, Trauma Surgeon, and Vascular Surgeon with salary ranges as indicated in the attached resolution;
 - b. Amend Personnel Policies and Practices Resolution No. 98-394 Appendix A to increase the negotiable salary range for the current non-represented classification of Contract Physician from a maximum \$192.306 per hour to a maximum \$240.385 per hour (increase maximum of salary range from \$399,996 to \$500,000 per year);
 - c. Amend Personnel Policies and Practices Resolution No. 98-394 to add Section A.1.7: Physician Salary Rates, as indicated in the attached resolution; and
 - d. Direct the Human Resources Department to implement the changes in the Advantage HRM System.

Attachments: [Board Report](#)
[03.21.17 - Resolution - Hosp Specialty Physicians](#)

Department of Social Services

11. Adopt a resolution supporting the future placement of a Vietnam era combat helicopter at the Monterey County Vietnam Veterans Memorial.

Attachments: [Board Report](#)
[Resolution for helicopter placement](#)

12. Approve and authorize the Director of the Department of Social Services to sign a no cost agreement with California Department of Social Services (CDSS), effective upon execution through October 1, 2019, to ensure the privacy and security of the Department's customer's Personally Identifiable Information (PII).

Attachments: [Board Report](#)
[ACL-16-100](#)
[CDSS Privacy and Security Agreement](#)

General Government

13. a. Approve and authorize the Contracts/Purchasing Officer to sign a Renewal and Amendment No. 1 to Agreement No. A-13188 between the County of Monterey and UNUM, retroactive to February 1, 2017, and extending the term of the agreement through January 31, 2018, and replacing Exhibit B, in its entirety, with Exhibit B-1; and

b. Authorize the Contracts/Purchasing Officer to sign future amendments to the agreement where the amendments do not significantly change the scope of work or cause an increase in the agreement rates to a total of more than ten percent (10%) of the aggregate total of the contract.

Attachments: [Board Report](#)

[UNUM Original Agreement-020115-013117.Signed](#)

[UNUM Renew & Amend #1_020115-013118.Original Signed](#)

14.

a. Award a contract to Avila Brother's, Inc., dba Avila Construction Company; the lowest responsible and responsive bidder, for the Monterey County Government Center East/West Wing Renovation, Project No. 8864, Bid Package No.10599, in the total amount of \$22,706,220;

b. Approve the Performance and Payment Bonds executed and provided by Avila Brother's, Inc., dba Avila Construction Company, and Great American Insurance Company;

c. Authorize a contingency not to exceed ten percent (10%) of the contract amount, to provide funding for approved contract change orders;

d. Authorize the Interim RMA Deputy Director of Public Works and Facilities, to execute the contract and, subject to the terms of the Revised Contract Change Order Procedure for Construction Contracts Administered by the Public Works Department approved by the Board on August 28, 2001, and after review by the Assistant County Administrative Officer, approve contract change orders where each change order does not exceed \$25,000, plus five percent (5%) of the amount of the original contract cost in excess of \$250,000; and

e. Authorize the Interim RMA Deputy Director of Public Works and Facilities to execute a Certificate of Completion and record a Notice of Completion with the County Recorder when the Interim Director determines the contract is complete in all respects in accordance with the Plans and Special Provisions for the construction for the Monterey County Government Center East/West Wing Renovation, Project No. 8864, Bid Package No.10599, performed by Avila Brother's, Inc., dba Avila Construction Company.

Attachments: [Board Report](#)

[1 - 2.2.17 Bid Summary Sheet](#)

[2 - Avila Agreement](#)

[3 - Avila Performance Payment Bonds](#)

[4 - Insurances](#)

[5 - Project Budget](#)

[6 - 8.28.01 Board Order Change Order Amounts](#)

[7 - Location Map](#)

15.

Adopt Resolution to approve the election date change for the governing board members of school and community college districts, members of the county board of education and directors of special districts to the same day as the Statewide General Election in accordance with the attached list pursuant to the

Uniform District Election Law and SB 415

Attachments: [Board Report](#)
[Draft Resolution](#)
[Exhibit A - List of Districts Requesting Election Date Change](#)
[Exhibit B - Special District Fiscal Impact Analysis](#)

16. Approve the Monterey County Board of Supervisors Draft Action Meeting Minutes for the following meeting dates: Tuesday, December 6, 2016, Thursday, December 8, 2016, Wednesday, January 11, 2017, Thursday, January 12, 2017, Thursday, January 19, 2017 and Tuesday, February 14, 2017.

Attachments: [Board Report](#)
[BoS Draft Action Minutes 12-06-2016](#)
[BoS Draft Action Minutes 12-08-2016](#)
[BoS Draft Action Minutes 01-11-2017](#)
[BoS Draft Action Minutes 01-12-2017](#)
[BOS Spec Mtg Draft Minutes 01-19-2017](#)
[BOS Draft Action Minutes 02-14-2017](#)

17. Adopt an ordinance authorizing the County of Monterey to implement a Community Choice Aggregation program within the unincorporated area of the County by joining with other participating counties and cities in the tri-county region of Monterey, Santa Cruz, and San Benito Counties to form the Monterey Bay Community Power Authority.

Attachments: [Board Report](#)
[Att. A-CCA Ordinance](#)

18. Adopt a Resolution approving the amended Conflict of Interest Code of the County Administrative Office.

Attachments: [Board Report](#)
[Resolution](#)
[CAO COI Code - 2016 - Redlined version - Mar 2017](#)
[CAO COI Code - 2016 - Final version - Mar 2017](#)

19. Adopt a resolution to extend the Proclamation of a Local Emergency dated February 15, 2017, ratified on February 22, 2017, in accordance with California Government Code 8630 for winter storm events which occurred between February 7, 2017 through February 12, 2017 that resulted in multiple significant rainfall events causing damage to public infrastructure and private property.
(4/5ths vote required)

Attachments: [Board Report](#)
[Board resolution Big Sur 02-7 thru 2-12-17 Emerg 03212017 ext](#)
[Emerg Proc Big Sur related signed 02152017](#)

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

Attachments: [Board Report](#)
[Board Resolution 2-7 thru 2-20-17 Winter Storms 03212017 ext](#)
[Emerg Proc Winter Storm signed 02152017 County of Monterey](#)

- 20.1 Adopt a Resolution authorizing the Office of Emergency Services to submit an application and designating County staff positions to authorize and execute documents and applications for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act. (ADDED VIA ADDENDA)

Attachments: [Board Report](#)
[Board Resolution Designating staff for CDAA 2017 application final](#)

RMA - Administration

21. Adopt a Resolution to:
- Receive the County Service Area 75 - Chualar Consolidated Draft Wastewater Rate Study;
 - Approve the Rate Alternative 1B - No Loan Payback, Three (3)-Year Phase-In; and
 - Approve the forgiveness of four (4) loans totaling \$1,166,483, and
 - Find that the forgiveness of said loans constitutes a public benefit.

Attachments: [Board Report](#)
[Attachment A - Summary Proposed Rev Adjustments](#)
[Attachment B - Comparative Rates](#)
[Attachment C - CSA 75 Location Map](#)
[Attachment D - Resolution](#)

22.
 - Accept the recommendation of the Monterey County Fish and Game Advisory Commission to award the remaining \$6,000 of a \$10,000 grant request to the Ventana Wildlife Society (VWS) for a Non-lead Ammo project; and
 - Approve the distribution of \$6,000 from Fish and Game Propagation Fund to Ventana Wildlife Society for Fiscal Year 2016 - 2017.

Attachments: [Board Report](#)
[Attachment A - 2/9/16 F&G Mtg Agenda and Minutes](#)
[Attachment B - 8/9/16 F&G Mtg Agenda and Minutes](#)

23. a. Approve retroactive payments and approve Amendment No. 5 to Professional Services Agreement No. A-12755, Multi-Year Agreement #3000*364, with ES Engineering Services, LLC, a Delaware Limited Liability Company to: provide funding to pay the Contractor for previously rendered on-call landfill monitoring services (Request for Qualifications #10249) in the amount of \$28,520.46 from June 30, 2016 through January 31, 2017; increase the not to exceed amount of \$200,000 by \$300,000 for a total amount not to exceed \$500,000; and extend the expiration date from March 21, 2017 for one (1) additional year through March 21, 2018, for a revised term from March 21, 2012 to March 21, 2018; and
- b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute Amendment No. 5 to Professional Services Agreement.

Attachments: [Board Report](#)
[Attachment A - Amendment No. 1 to PSA](#)
[Attachment B - Amendment No. 2 to PSA](#)
[Attachment C - Amendment No. 3 to PSA](#)
[Attachment D - Amendment No. 4 to PSA](#)
[Attachment E - A5 to PSA](#)
[Attachment F - PSA](#)
[Attachment G - Summary of PSA](#)
[Attachment H - Smry PSAs Annl Expndtrs & Balance](#)

RMA - Parks

24. Receive an update on implementation of the Parks Strategic Plan.

Attachments: [Board Report](#)
[Parks Strategic Plan](#)

Board of Supervisors Addenda/Supplemental

25. Board of Supervisors Addenda/Supplemental Agenda for the meeting of Tuesday, March 21, 2017.

ADDENDA

Added to General Government

- 20.1 Adopt a Resolution authorizing the Office of Emergency Services to submit an application and designating County staff positions to authorize

and execute documents and applications for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

SUPPLEMENTAL**Closed Session item 1.c.(2) removed from Agenda**

1. Closed Session under Government Code section 54950, relating to the following items:
 - c. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators:
 - (2) Property: 2700 Imjin road (Ord Market)
Agency Negotiator(s): Carl Holm
Negotiating Party: Darryl Choates
Under negotiation: Price and Terms