

Monterey County

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



Meeting Agenda - Final-revised

Tuesday, February 13, 2018

9:00 AM

See page 2 for separate agendas.

Board of Supervisors

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

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.

See separate agenda for Board of Supervisors of the Monterey County Water Resources Agency.

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 54957.6, the Board will provide direction to labor negotiators:
 - (1) Designated representative: Lew C. Bauman
Employee Position: Public Defender
 - (2) Designated representative: Lew C. Bauman
Employee Position: Agricultural Commissioner and Sealer of Weights and Measures
 - b. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:
 - (1) Stagecoach Territory, Inc. v. County of Monterey, et al. (Monterey County Superior Court case no. M104908/Sixth District Court of Appeal case no. H041076)
 - (2) Anastacia Martin v. County of Monterey, et al. (Monterey County Superior Court case no. 17-CV-000084)
 - c. Pursuant to Government Code section 54956.9(e)(3), the Board will confer with legal counsel regarding liability claims against the County of Monterey.
 - (1) Virginia Smith, individually; and as the Executor of the Estate of James Andrew Smith; Herbert Smith; Hannah Smith, A Minor, by and through her Guardian Ad Litem, Amanda Simpson; Gabriel Smith, A Minor, by and through his Guardian Ad

Litem, Amanda Smith; Jeremy Smith; Justin Smith and Joshua Smith

d. Pursuant to Health & Safety Code section 1461 and Government Code section 54954.5, the Board of Supervisors will receive a report and confer regarding health care facility/hospital trade secret. Discussion will concern a new service, program or facility. Estimated date of public disclosure: September 1, 2018.

e. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding discipline, dismissal, or release of a public employee.

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

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

Roll Call

Pledge of Allegiance

2. Presentation honoring the Japanese American Community of the Monterey Bay and remembering the 76th Anniversary of Executive Order 9066.

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- (See Supplemental Sheet)

3. Approval of Consent Calendar (See Supplemental Sheet)

Ceremonial Resolutions

4. Adopt Resolution honoring an Undisclosed Recipient upon his selection as Monterey County Cattlemen's Association 2018 Cattleman of the Year. (Full Board)

Attachments: [Undisclosed Recipient Ceremonial Resolution](#)

5. Adopt Resolution setting forth the Monterey County Board of Supervisors' formal acknowledgment that the treatment of Japanese Americans during World War II represented a fundamental injustice against Japanese and Japanese Americans, its deepest regrets of these acts, and its reaffirmation of a commitment to preserving the rights of all peoples and celebrating their contributions. (Full Board)

Attachments: [Apology to Japanese American Resolution](#)
[1943 Supervisors Resolution](#)

6. Adopt Resolution commending Deputy Fernando White upon his retirement from the Monterey County Sheriff's Office after 29.5 years of public service. (Full Board)

Attachments: [White Ceremonial Resolution](#)

Appointments

7. Reappoint Dionne Ybarra to the Commission on the Status of Women for a term ending February 1, 2021. (Supervisor Adams)

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

8. Consider approval of proposed revisions to the assigned Board of Supervisors members and staff to boards, committees, and commissions for calendar year 2018, change the cannabis ad hoc committee to a standing committee of the Board in response to Board Referral No. 2018.01, and correct the name of a committee.

Attachments: [Board Report](#)
[Exhibit A - Board Referral 2018.01 - Cannabis Standing Committee](#)
[Exhibit B - 2018 Assignments \(Revised\) - Clean](#)
[Exhibit C - 2018 Assignments \(Revised\) - Tracked Changes](#)

- 8.1 Reappoint Tim K. West to the Community Service Area CSA - 45 Advisory Committee for a term ending January 1, 2021. (Supervisor Phillips)

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

- 8.2 Reappoint Alex Rouch to the Community Service Area CSA - 45 Advisory Committee for a term ending January 1, 2021. (Supervisor Phillips)

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

- 8.3 Appoint Lynn Riddle to the Community Service Area CSA - 45 Advisory Committee for a term ending January 1, 2021. (Supervisor Phillips)

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

- 8.4 Reappoint Andrew Reiter to the Community Service Area CSA - 45 Advisory Committee for a term ending January 1, 2021. (Supervisor Phillips)

Attachments: [Notrification to Clerk - Reiter](#)

- 8.5** Appoint Cynthia Suverkrop to the Community Service Area CSA - 45 Advisory Committee for a term ending January 1, 2021. (Supervisor Phillips)
(CORRECTED VIA SUPPLEMENTAL)

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

Other Board Matters

- 9.** Adopt a Resolution in opposition to the U.S. Interior Department Offshore Oil and Gas Development proposal.

Attachments: [Board Report](#)
[2018-02-13 Reso Opposing Offshore Oil and Gas Development Proposal](#)
[2018-01-09 Letter from Senator Feinstein](#)

- 10.** Board Comments

- 11.** CAO Comments and Referrals

Attachments: [Referrals 2-13-18](#)

- 12.** General Public Comment

This portion of the meeting is reserved for persons to address the Board of Supervisors on any matter not on this agenda but under the jurisdiction of the Board of Supervisors. Board of Supervisors 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 of Supervisors at a future meeting.

10:30 A.M. - Scheduled Matters

- 13.** Authorize an advanced placement at Step 4 for Jeremy Dzubay, selected for the position of Assistant Public Defender salary range, in accordance with Personnel Policies and Practices, Resolution (PPPR) No. 98-394, Sections A.1.11.1 and A.1.11.5, effective February 17, 2018.

Attachments: [Board Report](#)

- 14.**
- a. Conduct a public hearing to consider an appeal filed by General Farm Investment (Chris Bunn) of the denial by the Monterey County Department of Health of General Farm Investment's application for a Water Well Construction Permit (#17-12916) for Assessor's Parcel Number 414-011-001, at Cooper Road and McFadden Road; and
 - b. Provide direction to staff; and
 - c. Continue the hearing to a later date for staff to return with a resolution with findings

and evidence pursuant to the Board of Supervisors' direction.

Attachments: [Board Report](#)

[Notice of Appeal of Denial 17-12916](#)

[Water Well Construction Denial 17-12916](#)

[Well Application to Construct No. 17-12916](#)

[17-12916 General Farm Investment - UPDATE - 01-30-18](#)

Adjournment

Supplemental Sheet, Consent Calendar**Health Department**

15. a. Approve and authorize the Director of Health or Assistant Director of Health to sign a Professional Services Agreement with University Corporation at Monterey Bay (CSUMB), effective on February 12, 2018, for the provision of evaluation services for the three-year Proposition 47 Grant services in Monterey County, in the amounts of \$100,000 for Fiscal Year (FY) 2017-18, \$100,000 for Fiscal Year (FY) 2018-19 and \$100,000 for Fiscal Year (FY) 2019-20 for a total Agreement not to exceed \$300,000; and
- b. Approve and authorize the Director of Health or Assistant Director of Health to approve up to three (3) future amendments that do not exceed ten percent (10%) (\$30,000) of the original Agreement amount and do not significantly alter the scope of services

Attachments: [Board Report](#)
[CSUMB FY 2017-21 Agreement Final.pdf](#)

16. a. Approve and authorize the Director of Health or Assistant Director of Health to sign a multi-year Mental Health Services Agreement with Turning Point of Central California, Inc. (TP Inc.) for the provision of employment and supportive services for Proposition 47 clients in Monterey County, for the term of February 12, 2018 to October 31, 2020, in the amount of \$86,622 for Fiscal Year (FY) 2017-18, \$173,185 for Fiscal Year (FY) 2018-19, \$173,185 for Fiscal Year (FY) 2019-20 and \$72,637 for Fiscal Year (FY) 2020-21 for a total Agreement not to exceed \$505,629; and
- b. Approve and authorize the Director of Health or Assistant Director of Health to approve up to three (3) future amendments that do not exceed ten percent (10%) (\$50,562) of the original Agreement amount and do not significantly alter the scope of services.

Attachments: [Board Report](#)
[TPCC FY 2017-21 Prop 47 MH Agreement.pdf](#)

17. a. Approve and authorize the Director of Health or Assistant Director of Health to execute a Memorandum of Understanding (MOU) retroactive to January 1, 2018 through June 30, 2021 by and between the County of Monterey, on behalf of the Monterey County Health Department (hereinafter referred to as "Health") and Santa Cruz-Monterey-Merced Managed Medical Care Commission, dba Central California Alliance for Health (CCAH), for the purpose of facilitating services under the County of Monterey Whole Person Care Pilot Program (WPC) through the exchange of Personally Identifiable Information (PII) and Protected Health Information (PHI); and
- b. Approve and authorize the Director of Health or Assistant Director of Health to sign up to three (3) future amendments to this MOU where the amendments do not

significantly change the terms of the MOU.

Attachments: [Board Report](#)
[CCAH MOU WPC 20180101-20210630](#)

18. Approve refund of the appeal fee, payable to Valle Del Sol Properties in care of Anthony Lombardo and Associates in the amount of \$753.00, in connection with appeal of denial of Well Permit Application No. 17-12919.

Attachments: [Board Report](#)
[Water Well Construction Denial 17-12919](#)
[Appeal of Water Well Construction Denial 17-12919](#)
[Approval Letter Well Construction 17-12919](#)
[Corrected Water Well Construction Denial 17-12919](#)
[Email Notification RAMCO Withdrawal of Appeal](#)

Department of Social Services

19. Adopt a Resolution to:
- Approve and authorize the Auditor-Controller to amend the FY 2017-18 Adopted Budget for the Department of Social Services Unit 001-5010-SOC001-8255 by decreasing appropriations by \$602,718; and
 - Approve and authorize the Auditor-Controller to amend the FY 2017-18 Adopted Budget for the Department of Social Services Unit 001-5010-SOC002-8253 by increasing appropriations by \$602,718 (4/5ths vote required).

Attachments: [Board Report](#)
[RES 17-133 Board Order Resolution 6.28.17](#)
[Brd Res GA Appropriations](#)

Criminal Justice

- 20.
- Approve and authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to sign a non-conforming software agreement with TracNet, Incorporated for a comprehensive software management system that serves several Sheriff's Office divisions and other county and external partners, at an estimated cost of \$269,623 for FY 2018-19, \$274,799 for FY 2019-20; and \$235,594 for FY 2020-21, for a three-year cumulative total of \$780,016; and
 - Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute up to three (3) additional amendments to the contract, provided the amendments do not significantly change the scope of services and do not exceed ten percent (10%) (\$78,002.00) of the original contract amount for a total, not to exceed three-year contract amount of \$858,018.00.

Attachments: [Board Report](#)
[Professional Service Agreement between County of Monterey and TracNet](#)

20.1

- a. Approve and authorize the Public Defender to accept a grant award not to exceed \$681,000 in allocated funds from the Bureau of State and Community Correction Proposition 47 grant funded program during the three-year period from January 1, 2018 through October 31, 2020, to be disbursed through Intra-fund Transfer as defined in the attached Inter-departmental Agreement between Health Department Behavioral Health Bureau and Office of the Public Defender;
- b. Adopt a resolution to amend the Public Defender's FY 2017-18 Adopted Budget (PUB001-001-2270-8169) by increasing estimated revenues and appropriations by \$68,684 (4/5th vote required); and
- c. Amend the Public Defender's FY 2017-18 Adopted Budget (PUB001-001-2270-8169) to add one (1) FTE Deputy Public Defender IV as indicated in Attachment A; and
- d. Adopt a resolution authorizing the Auditor-Controller's Office to incorporate, and the County Administrative Office to reflect, approved modifications in the FY 2017-18 Adopted Budget (4/5ths vote required). (ADDED VIA ADDENDUM)

Attachments: [Board Report](#)
[Prop 47 Attorney - Attachment A](#)

General Government**21.**

Adopt an ordinance amending the County Code by:

- a. Adding Chapter 2.21 to set forth more specifically the role and duties of the County Counsel and the Office of the County Counsel;
- b. Amending Chapter 2.32 to authorize the District Attorney, Public Defender, and County Counsel to engage independent contractors for expert, legal, and other services where the aggregate cost does not exceed \$100,000 if certain budgetary conditions are met, and clarifying the exceptions to the County Purchasing Agent's authority to engage independent contractors, specifically excepting contracts for legal services and certain other specified types of services; and
- c. Amending Chapter 5.16 to clarify the process of filing claims, the settlement of claims and litigation, and the procurement of insurance.

Attachments: [Board Report](#)
[Attachment A](#)
[Attachment B](#)

22.

Receive a Report on the Governor's 2018-19 Proposed Budget.

Attachments: [Board Report](#)
[Attachment 1 - Overview of the Gov Prop Budget - 1-31-18](#)
[Attachment 2 - CSAC Budget Action Bulletin - 1-31-18](#)

- 23.** Receive the action minutes from the September 11, October 11, and November 13, 2017 meetings of the Legislative Committee.

Attachments: [Board Report](#)
[Action Minutes of September 11, 2017](#)
[Action Minutes of October 11, 2017](#)
[Action Minute of November 13, 2017](#)

- 24.**
- a. Approve and Authorize the Contracts/Purchasing Officer to execute a Renewal of Lease Agreement A-3314 on a month to month basis between the County and Rajendra M. and Renu R. Vakhara for approximately 1,300 square feet of space located at 387 Blohm Avenue, Aromas, California, for use by the Monterey County Free Libraries, Aromas Branch;
 - b. Direct the Auditor-Controller to make lease payments of \$1,500.00 per month, retroactively effective July 1, 2017, and in accordance with the terms of the Renewal of Lease Agreement.

Attachments: [Board Report](#)
[Aromas Library Lease 2 5 18](#)
[Aromas Library Change of Ownership docs \(02 06\)](#)
[387 Blohm Ave Location Map](#)
[Aromas Library Lease Agreement \(7-14-81\)](#)
[Aromas Library Amendments Extensions \(82-04\)](#)

- 25.**
- a. Approve and authorize the Contracts/Purchasing Officer to sign Amendment No. 3 to Agreement No. A-13188 between the County of Monterey and UNUM extending the term of the Agreement through June 30, 2020 and changing the Scope of Service to change the current self-funded short-term disability advice-to-pay agreement to a fully-insured short-term disability agreement; 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%).

Attachments: [Board Report](#)
[Amendment No. 3](#)
[Amendment No. 2](#)
[Amendment No. 1](#)
[Agreement](#)

- 25.1** Adopt a resolution noticing the Board of Supervisors' intent to consider, pursuant to Revenue and Taxation Code section 3731, rescinding the tax sale of those properties identified as Assessor's Parcel Numbers 131-061-008 and 125-151-006, that occurred on or about August 24, 2015

Attachments: [Board Report](#)
[Resolution](#)

RMA - Administration

26. Adopt a resolution authorizing the Auditor-Controller to amend the FY 2017-18 adopted budget for County Service Area 47 Carmel Views/Mar Vista, Fund 076, Appropriation Unit RMA072, increasing appropriations in the amount of \$139,583 to fund necessary guardrail replacement, where Fund 076 unassigned fund balance is the financing source (4/5th vote required).

Attachments: [Board Report](#)
[Attachment A - Resolution - pdf](#)
[Attachment B - Project Budget Sheet](#)
[Attachment C - Budget Sheet](#)
[Attachment D - Location Map](#)

RMA - Land Use and Community Development

27. a. Approve and accept a Conservation and Scenic Easement Deed over a 5,458.5 square foot area of APN 008-201-013 as required as mitigation for PLN110247 and authorize the Chair to sign the Acceptance and Consent to Recordation.
b. Direct the Clerk of the Board to submit the Conservation and Scenic Easement Deed to the County Recorder for filing.
(Conservation Easement Deed - PLN110247/Martinez, 1631 Sonado Road, Pebble Beach)

Attachments: [Board Report](#)
[Attachment A - Scenic and Conservation Easement Deed](#)
[Attachment B - Updated letter from biologist](#)

28. a. Approve and accept a Conservation and Scenic Easement Deed of approximately 0.95 acres of APN 243-113-007-000 as required as mitigation for PLN010528 and authorize the Chair to sign the Acceptance and Consent to Recordation.
b. Direct the Clerk of the Board to submit the Conservation and Scenic Easement Deed to the County Recorder for filing.
(Conservation Easement Deed - PLN010528 - Whisler Francis L, 61 Riley Ranch, Road, Carmel)

Attachments: [Board Report](#)
[Attachment A - Conservation and Scenic Easement Deed](#)

29. a. Approve and accept a Conservation and Scenic Easement Deed of approximately 4,480 square foot area of APN 008-112-036-000 as required as mitigation for PLN150809 and authorize the Chair to sign the Acceptance and Consent to

Recordation.

b. Direct the Clerk of the Board to submit the Conservation and Scenic Easement Deed to the County Recorder for filing.

(Conservation Easement Deed - PLN150809 - Geremia, 4026 Sunset Lane, Pebble Beach)

Attachments: [Board Report](#)

[Attachment A - Conservation and Scenic Easement Deed](#)

Board of Supervisors Addendum/Supplemental

30. Board of Supervisors Addendum/Supplemental Agenda for the meeting of Tuesday, February 13, 2018.

ADDENDUM

Added to Criminal Justice

- 20.1 a. Approve and authorize the Public Defender to accept a grant award not to exceed \$681,000 in allocated funds from the Bureau of State and Community Correction Proposition 47 grant funded program during the three-year period from January 1, 2018 through October 31, 2020, to be disbursed through Intra-fund Transfer as defined in the attached Inter-departmental Agreement between Health Department Behavioral Health Bureau and Office of the Public Defender;
- b. Adopt a resolution to amend the Public Defender's FY 2017-18 Adopted Budget (PUB001-001-2270-8169) by increasing estimated revenues and appropriations by \$68,684 (4/5th vote required); and
- c. Amend the Public Defender's FY 2017-18 Adopted Budget (PUB001-001-2270-8169) to add one (1) FTE Deputy Public Defender IV as indicated in Attachment A; and
- d. Adopt a resolution authorizing the Auditor-Controller's Office to incorporate, and the County Administrative Office to reflect, approved modifications in the FY 2017-18 Adopted Budget (4/5ths vote required).

SUPPLEMENTAL

Correction to Appointments

- 8.5 Appoint Cynthia ~~Suverkroft~~ Suverkrop to the Community Service Area CSA - 45 Advisory Committee for a term ending January 1, 2021. (Supervisor Phillips)