

Monterey County

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



Meeting Agenda - Final-Revised

Tuesday, February 11, 2020

9:30 AM

Board of Supervisors

*Chair Supervisor Chris Lopez - District 3
Vice Chair Supervisor Jane Parker - District 4
Supervisor Luis A. Alejo - District 1
Supervisor John M. Phillips - District 2
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 interpreter 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 agenda items are live web links. Click on the title to be directed to the corresponding Board Report.

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

Please refer to the separate agendas for Special Districts and Agencies governed by the Board of Supervisors that may be scheduled for agenda items today.

**SUPERVISOR LUIS A. ALEJO WILL APPEAR BY TELECONFERENCE ON THIS DATE AT:
7237 S. 40th Lane Phoenix, AZ 85041**

9:30 A.M. - Call to Order

Roll Call

Additions and Corrections for Closed Session by County Counsel

County Counsel 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.

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) Joseph Crivello (Worker's Compensation Appeals Board case no. ADJ11052100)
 - (2) Joseph Crivello (Worker's Compensation Appeals Board case no. ADJ11052101)
 - (3) Fort Ord Reuse Authority v. All Persons Interested, et al. (Monterey County Superior Court case no 20CV000381) (ADDED VIA SUPPLEMENTAL)
 - b. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the Natividad Medical Center Chief Executive Officer.
 - c. Pursuant to Government Code section 54957.6, the Board will provide direction to negotiators:
 - (1) Designated representatives: Margaret Huffman
Employee Organization(s): IHSS

Public Comment

The Board Recesses for Closed Session Agenda Items

Closed Session may be held at the conclusion of the Board's Regular Agenda, or at any other time during the course of the meeting, before or after the scheduled time, 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 on Public Agenda Items**Roll Call****Pledge of Allegiance****Additions and Corrections by Clerk**

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)

2. Approval of Consent Calendar Items No. 22 through 30.1.

Ceremonial Resolutions

3. Adopt a Resolution recognizing Patricia Sanchez upon her retirement from County of Monterey after forty-one years of public service. (Full Board)

Attachments: [Ceremonial Resolution - Patricia Sanchez](#)

4. Adopt resolution recognizing Taylor Farms as a recipient of the United States Green Building Council Total Resource Use and Efficiency (TRUE) platinum zero waste certification. (Full Board)

Attachments: [Ceremonial Resolution - Taylor Farms](#)

Appointments

5. Reappoint Henry Gonzales representing the Department Head Council on the Equal Opportunity and Civil Rights Advisory Commission with a term ending on December 31, 2022. (Full Board)

Attachments: [Notification to Clerk of Appt - Gonzales](#)

6. Reappoint James Bogan representing United Veterans Council on the Equal Opportunity and Civil Rights Advisory Commission ending on December 31, 2022. (Full Board)

Attachments: [Notification to Clerk of Appt - Bogan](#)

7.

Reappoint Michael Fritsche representing the Deputy Sheriff's Association on the Equal Opportunity and Civil Rights Advisory Commission with a term ending on December 31, 2022. (Full Board)

Attachments: [Notification to Clerk of Appt - Fritsche](#)

8.

Reappoint Kevin Healy to the Housing Authority of Monterey County with a term ending on April 1, 2021. (Supervisor Phillips)

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

9.

Reappoint Mary Estrada to the Military and Veterans Affairs Advisory Commission with a term ending on January 1, 2023. (Full Board)

Attachments: [Notification to Clerk of Appt - Estrada](#)

10.

Reappoint John Gay to the Military and Veterans Affairs Advisory Commission with a term ending on January 1, 2023. (Full Board)

Attachments: [Notification to Clerk of Appt - Gay](#)

11.

Reappoint Daniel Presser to the Military and Veterans Affairs Advisory Commission with a term ending on January 1, 2023. (Full Board)

Attachments: [Notification to Clerk of Appt - Presser](#)

12.

Reappoint Elizabeth Barratt to the Historic Advisory Committee with a term ending on February 1, 2023. (Supervisor Adams)

Attachments: [Notification to Clerk of Appt- Barratt](#)

13.

Appoint Acting Chief Probation Officer Todd Keating to the Community Restorative Justice Commission for an unexpired term. (Full Board)

Attachments: [Notification to Clerk of Appt- Keating](#)

14.

Reappoint Robert Lockwood to the Military and Veterans Affairs Advisory Commission with a term ending on January 1, 2023. (Full Board)

Attachments: [Notification to Clerk of Appt- Lockwood](#)

15.

Reappoint James Bogan to the Military and Veterans Affairs Advisory Commission with a term ending on January 1, 2023. (Full Board)

Attachments: [Notification to Clerk of Appt - Bogan](#)

16.

Reappoint Regan Huerta to the Historical Advisory Commission with a term ending on February 1, 2023. (Full Board)

Attachments: [Notification to Clerk of Appt -Huerta](#)

- 16.1** Appoint Melissa Duflock to the San Ardo Water District with a term ending on November 30, 2023. (Supervisor Lopez) (ADDED VIA ADDENDA)

Attachments: [Notification to Clerk of Appt- Duflock](#)

- 16.2** Appoint Jonathan Wizard to the Housing Authority of Monterey County with a term ending on April 1, 2023. (Full Board) (ADDED VIA ADDENDA)

Attachments: [Notification to Clerk of Appt - Wizard](#)

Other Board Matters

- 17.** Board Comments
- 18.** County Administrative Officer Comments and Referrals

Attachments: [Referrals 02-11-20](#)

- 19.** General Public Comments

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

- 20.**
- a. Consider the proposed transfer from the Fort Ord Reuse Authority to the City of Seaside of successor role under the Environmental Services Cooperative Agreement and federal Local Redevelopment Authority role under the Economic Development Conveyance; and
 - b. Provide direction to staff.

Attachments: [Board Report](#)
[Attachment A-Memorandum to FORA Administrative Committee, 2-3-2020](#)
[Attachment B-2-5-20 FORA Administrative Committee Agenda Item No. 7c](#)

12:00 P.M. - Recess to Lunch/Closed Session

1:30 P.M. - Reconvene

Roll Call

1:30 P.M. - Scheduled Matters

21.

Public Hearing to consider:

- a. Amending East Garrison Combined Development Permit (PLN030204) Condition of Approval No. 184 [air quality mitigation measure] clarifying the type of qualifying projects under the program to reduce emissions; and
- b. Approving and authorizing County Counsel to execute the Agreement Between the County of Monterey and Monterey Bay Air Resources District to provide for indemnification.

Project: PLN030204-AMD1/UCP EAST GARRISON, LLC**Project Location:** Southeast of the intersection of Reservation Road and Inter Garrison Road, approximately 2 miles north of the City of Marina East Garrison Specific Plan Area, Greater Monterey Peninsula Area Plan**Proposed CEQA Action:** Consider an addendum together with certified Final Subsequent Environmental Impact Report (FSEIR) for the East Garrison Specific Plan Project.**Attachments:** [Board Report](#)[Attachment A – Draft Resolution](#)[Attachment B – Addendum to the FSEIR East Garrison Specific Plan Project](#)[Attachment C - East Garrison Specific Plan Project FSEIR](#)[Attachment D – BoS Resolution No. 05-264 Certifying the FSEIR](#)[Attachment E – MBARD Letter Dated September 13, 2018](#)[Attachment F – Indemnification Agreement](#)[Attachment G - Correspondence from Owner_062019](#)**Read Out from Closed Session by County Counsel**

Read out by County Counsel will only occur if there is reportable action(s).

Adjournment

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

22. a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute an agreement with Preventice Services, LLC for remote arrhythmia monitoring for NMC for an amount not to exceed \$100,000 with an agreement term February 12, 2020 through February 11, 2021.
- b. Approve the NMC Chief Executive Officer's recommendation to accept non-standard indemnification, insurance, and limitations on liability, provisions within the agreement.

Attachments: [Board Report](#)
[Preventice Services, LLC Agreement](#)

Health Department

23. a. Approve and authorize the Monterey County Health Department to submit applications and any necessary documents required to the California Department of Resources Recycling and Recovery ("CalRecycle") for all grant documents, including but not limited to, applications, agreements, amendments, and requests for payment; and
- b. Approve and authorize the Monterey County Director of Health, or Assistant Director of Health, as the Signature Authority to execute all documents.
- c. Adopt a Resolution authorizing the Monterey County Health Department to submit applications and any necessary documents required to the California Department of Resources Recycling and Recovery ("CalRecycle") for all grant documents, including but not limited to, applications, agreements, amendments, and requests for payment.

Attachments: [Board Report](#)
[Resolution CalRecycle 2022](#)
[Resolution CalRecycle 2022-2027_1-22-2020](#)

General Government

24. a. Approve and authorize the Agricultural Commissioner to sign a Memorandum of Understanding (MOU) with the Monterey County 4-H Council (MC4H) not to exceed \$14,000, to provide support of agricultural education efforts in Monterey County; and
- b. Authorize the Auditor-Controller to make payments in accordance with the terms of the MOU.

Attachments: [Board Report](#)
[MOU MC4H FY2019-20](#)

25. a. Approve and authorize the Executive Director of the Monterey County Workforce Development Board to execute an agreement with Turning Point of Central California, Inc., effective January 1, 2020 through December 31, 2021, for provision of workforce services to formerly incarcerated and justice-involved adults;
- b. Authorize the Executive Director to execute, subject to prior County Counsel review, future amendments to the agreement, provided the amendments do not substantially change the terms of the agreement approved by the Board, and that any increase or decrease in funding levels is not greater than 25% (\$97,985); and
- c. Approve non-standard terms and conditions based on the recommendation of the Executive Director.

Attachments: [Board Report](#)
[Agreement between MCWDB and Turning Point of Central California](#)

26. a. Approve and authorize the Executive Director of the Monterey County Workforce Development Board and the Chair of the Board of Supervisors to sign a Regional Agreement with the Workforce Development Boards of Santa Cruz and San Luis Obispo counties, effective January 28, 2020 through June 30, 2022, for the provision of regional workforce development services funded by various grants in the total amount of \$1,489,975; and
- b. Authorize the Executive Director of the Monterey County Workforce Development Board to sign amendments to the Regional Agreement, subject to approval by County Counsel, that reflect increases or decreases in funding levels of up to 25% (\$372,494), so long as the amendments do not substantially change the terms of the Regional Agreement.

Attachments: [Board Report](#)
[2019 Regional Agreement Three WDBs](#)

27. Adopt a Resolution to:
- a. Authorize the Auditor-Controller to execute an Amendment No. 1 to an Agreement with Hinderliter de Llamas & Associates for the provision of sales, use and transaction tax analysis and audit services, adding \$117,881 for a total not to exceed amount of \$192,881, with no change to the term of July 1, 2019 to June 30, 2020; and
- b. Authorize the Auditor-Controller to amend the FY 2019-20 Adopted Budget by increasing appropriations by \$117,881 in Annual Audits (001-AUD002), financed by a decrease in appropriations of \$117,881 in Auditor-Controller (001-AUD001).

Attachments: [Board Report](#)
[Hinderliter de Llamas FY19-20 Agreement](#)
[Hinderliter de Llamas Amend No 1](#)
[HdL Resolution](#)

28. Adopt a Resolution to:
- Amend the Fiscal Year 2019-20 Auditor-Controller budget (1110-AUD001) to reallocate 1.0 FTE vacant Payroll Technician-Confidential (80J96) from Unit 8372 to 1.0 FTE ERP Business Analyst (14P32) Unit 8373; and
 - Direct the County Administrative Office and the Auditor-Controller to incorporate the approved changes in the Fiscal Year 2019-20 Adopted Budget and the Human Resources Department to implement the changes in the Advantage HRM system.

Attachments: [Board Report \(REVISED VIA SUPPLEMENTAL\)](#)

[Board Report](#)

[Auditor Controller - ERP Business Analyst Request to Classify](#)

[Exhibit A - BA Resource Plan - Understaffing Calculations](#)

[Board Resolution Reallocation PTEch to ERP BA](#)

- 28.1 Consider adopting a resolution authorizing the Monterey County Cannabis Program to access state and federal level summaries of criminal history for the issuance and monitoring of the Cannabis Business Permit. (ADDED VIA ADDENDA)

Attachments: [Board Report](#)

[Attachment A - Draft Resolution_final \(002\)](#)

Resource Management Agency

29. Adopt a Resolution to:
- Amend the FY 2019-20 Resource Management Agency (RMA): 1) Unit 8170-Building Services, Budget to reallocate one (1) Senior Building Plans Examiner position to one (1) Senior Civil Engineer position; and 2) Unit 8176-Facilities Maintenance Budget to reallocate one (1) Real Property Specialist position to one (1) Management Analyst II position, as indicated in the attached Resolution; and
 - Authorize the Auditor-Controller, Human Resources Department, and County Administrative Office to incorporate these changes in the FY 2019-20 Budget.

Attachments: [Board Report](#)

[Attachment A-Proposed Org Chart-Senior Civil Engineer](#)

[Attachment B-Proposed Org Chart-Management Analyst II](#)

[Attachment C-RMA Position Cost Analysis](#)

[Attachment D-Draft Resolution Reallocation of Positions](#)

- 30.
- Find that the project is a Conservation and Scenic Easement Deed which qualifies as a Class 8 Categorical Exemption pursuant to Section 15308 of the CEQA Guidelines, Actions by Regulatory Agencies for Protection of the Environment.
 - Approve and accept a Conservation and Scenic Easement Deed protecting areas comprising environmentally sensitive habitat outside of the approved driveway access and the house footprints as a condition of approval for PLN060430, and;
 - Authorize the Chair to sign the Acceptance and Consent to Recordation; and

d. Direct the Clerk of the Board to submit the Conservation and Scenic Easement Deed to the County Recorder for filing with any applicable recording fees to be paid by the applicant.

Project Location: 1125 Porque Ln, Pebble Beach, APN 008-281-027-000.

Attachments: [Board Report](#)

[Attachment A – Cons. Easement Deed – Open Space Habitat Cons.](#)

[Attachment B – Memo to the Clerk of the Board](#)

30.1

Adopt Resolution to:

a. Approve and authorize the Director of the Resource Management Agency (RMA) of the County of Monterey to sign and submit the Grant Agreement, Notice of Unrecorded Grant Agreements, and all necessary documents to apply for and receive up to \$2.5 million in grant funds from the Wildlife Conservation Board for the Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project (“Project”);

b. Certify that, subject to Project approval, the County of Monterey will comply with all federal, state and local environmental, public health, and other appropriate laws and regulations applicable to the Project and will obtain or will ensure that the other project partners obtain all appropriate permits applicable to the Project; and

c. Commit further to the terms and conditions specified in the Grant Agreement.

(ADDED VIA ADDENDA)

Attachments: [Board Report](#)

[Attachment A-Draft Resolution](#)

[Attachment B-WCB Grant Agreement](#)

Addenda/Supplemental

31.

ADDENDA

Add to Appointments

16.1 Appoint Melissa Duflock to the San Ardo Water District with a term ending on November 30, 2023. (Supervisor Lopez)

16.2 Appoint Jonathan Wizard to the Housing Authority of Monterey County with a term ending on April 1, 2023. (Full Board)

Add to General Government

28.1 Consider adopting a resolution authorizing the Monterey County Cannabis Program to access state and federal level summaries of criminal history for the issuance and monitoring of the Cannabis Business Permit.

Add to Resources Management Agency

- 30.1 Adopt Resolution to: a. Approve and authorize the Director of the Resource Management Agency (RMA) of the County of Monterey to sign and submit the Grant Agreement, Notice of Unrecorded Grant Agreements, and all necessary documents to apply for and receive up to \$2.5 million in grant funds from the Wildlife Conservation Board for the Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project (“Project”); b. Certify that, subject to Project approval, the County of Monterey will comply with all federal, state and local environmental, public health, and other appropriate laws and regulations applicable to the Project and will obtain or will ensure that the other project partners obtain all appropriate permits applicable to the Project; and b. Commit further to the terms and conditions specified in the Grant Agreement.

SUPPLEMENTAL**Revised Closed Session to add**

- 1 a. (3) Fort Ord Reuse Authority v. All Persons Interested, et al. (Monterey County Superior Court case no 20CV000381)

Revised Board Report General Government

28. Adopt a Resolution to:
- a. Amend the Fiscal Year 2019-20 Auditor-Controller budget (1110-AUD001) to reallocate 1.0 FTE vacant Payroll Technician-Confidential (80J96) from Unit 8372 to 1.0 FTE ERP Business Analyst (14P32) Unit 8373; and
 - b. Direct the County Administrative Office and the Auditor-Controller to incorporate the approved changes in the Fiscal Year 2019-20 Adopted Budget and the Human Resources Department to implement the changes in the Advantage HRM system.