

Monterey County

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



Meeting Minutes - Final

Tuesday, January 26, 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 appeared in person and Supervisor Chris Lopez, Supervisor John M. Phillips, Supervisor Mary L. Adams, Supervisor Luis A. Alejo 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, Kim Moore and Ariana Hurtado
Employee Organization(s): All Units
 - (2) Designated representatives: Irma Ramirez-Bough, Kim Moore and Ariana Hurtado
Employee Organization(s): Units J and F
 - (3) Designated representatives: Irma Ramirez-Bough, Kim Moore and Ariana Hurtado
Employee Organization(s): Unit R
 - (4) Designated representatives: Irma Ramirez-Bough, Kim Moore and Ariana Hurtado
Employee Organization(s): Unit S
 - c. Pursuant to Government Code section 54956.9(d)(4), the Board will confer with legal counsel regarding three matters of potential initiation of litigation.
 - d. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:
 - (1) Keweah Delta Health Care District, et al. v. Azar (U.S. District Court for the Central District of California Case No. 2:20-cv-06564-CMB)
 - (2) Vista Nadura, LLC v. County of Monterey Resource Management Agency, et al. (Monterey County Superior Court Case no. 20CV003534)

e. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators:

(1) Property: 259-261-003-000, 259-261-004-000 and 259-261-005-000

Agency Negotiator(s): County Counsel

Negotiating Parties: Don Chapin Company

Under negotiation: Price and terms

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.

Public Comment

Open for public comments; Mike (no last name provided), 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 appeared in person and Supervisor Chris Lopez, Supervisor John M. Phillips, Supervisor Mary L. Adams, Supervisor Luis A. Alejo 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.

Pledge of Allegiance

The Pledge of Allegiance was led by Mayor of the City of Soledad Anna Velasquez.

Announcement of Interpreter

Maria Avila, Spanish Interpreter, in person, and announced Spanish interpreter services for public comments.

Samuel Urrera, in the morning session only, and Lilia Guzman, all day, via Zoom, provided simultaneous Spanish interpretation services for the entirety of the meeting on the Spanish Zoom channel.

Additions and Corrections by Clerk

The following additions and corrections were read into the record:

To Add to Adjourn in Memory of:

Winifred Davies Church and Debbie Aguilar.

No vote is needed on this addition to the agenda.

Consent Calendar- (See Supplemental Sheet)

2. Approval of Consent Calendar Items No. 27 through 54.

Supervisor Mary L. Adams pulled Item No. 48.1, Supervisor John M. Phillips pulled on Item No. 43 and Supervisor Wendy Root Askew pulled Item No.'s 42, 45, 46 and 48 for comments/questions; staff responded.

Open for public comments; no public comments made.

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Chris Lopez to approve Consent Calendar Item Numbers 27 through 54.

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

Ceremonial Resolutions

Open for public comments; no public comments made.

3. Adopt a Resolution commending Carl P. Holm, Director of Housing and Community Development, on his retirement with 19 years of dedicated public service to the residents of Monterey County and 32 years of dedicated public service to the residents of the State of California. (Full Board - Supervisor Askew)

A motion was made Supervisor Luis A. Alejo, seconded by Supervisor John M. Phillips to adopt Resolution No. 21-013 commending Carl P. Holm, Director of Housing and Community Development, on his retirement with 19 years of dedicated public service to the residents of Monterey County and 32 years of dedicated public service to the residents of the State of California. (Full Board - Supervisor Askew)

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

4. Adopt Resolution commending Elvia Arellano upon her retirement from forty years of public service with the Monterey County Sheriff's Office (Full Board - Supervisor Askew)

A motion was made Supervisor Luis A. Alejo, seconded by Supervisor John M. Phillips to adopt Resolution No. 21-017 commending Elvia Arellano upon her retirement from forty years of public service with the Monterey County Sheriff's Office (Full Board - Supervisor Askew)

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. Resolution Commending Crime Prevention Specialist Donna Galletti upon her retirement after 23 years of service with the Monterey County Sheriff's Office. (Full Board- Supervisor Askew)

A motion was made Supervisor Luis A. Alejo, seconded by Supervisor John M. Phillips to adopt Resolution No. 21-016 commending Crime Prevention Specialist Donna Galletti upon her retirement after 23 years of service with the Monterey County Sheriff's Office. (Full Board- Supervisor Askew)

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

6. Adopt Resolution commending Supervising Forensic Evidence Technician Victor Lurz upon his retirement from thirty-six years of public service with the Monterey County Sheriff's Office. (Full board - Supervisor Askew)

A motion was made Supervisor Luis A. Alejo, seconded by Supervisor John M. Phillips to adopt Resolution No. 21-018 commending Supervising Forensic Evidence Technician Victor Lurz upon his retirement from thirty-six years of public service with the Monterey County Sheriff's Office. (Full board - Supervisor Askew)

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

7. Resolution Celebrating the 50th Anniversary of the Landmark Education and Civil Rights Case of Diana v. California State Board of Education that Ended the Use of Discriminatory IQ Tests in California Public Schools. (Full Board - Supervisor Alejo)

A motion was made Supervisor Luis A. Alejo, seconded by Supervisor John M. Phillips to adopt Resolution No. 21-015 celebrating the 50th Anniversary of the Landmark Education and Civil Rights Case of Diana v. California State Board of Education that Ended the Use of Discriminatory IQ Tests in California Public Schools. (Full Board - Supervisor Alejo)

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE

Supervisor Phillips: AYE

Supervisor Lopez: AYE

Supervisor Adams: AYE

Chair Supervisor Root Askew: AYE

8. Resolution recognizing Salinas City Councilmember Scott Davis (Ret.) for his many years of public service. (Full Board - Supervisor Alejo)

A motion was made Supervisor Luis A. Alejo, seconded by Supervisor John M. Phillips to adopt Resolution No. 21-019 recognizing Salinas City Councilmember Scott Davis (Ret.) for his many years of public service. (Full Board - Supervisor Alejo)

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

9. Adopt resolution honoring Office Assistant II Benny Espiritu upon his retirement from the Monterey County Probation Department after more than 23 years of dedicated County service. (Full Board - Supervisor Askew)

A motion was made Supervisor Luis A. Alejo, seconded by Supervisor John M. Phillips to adopt Resolution No. 21-014 honoring Office Assistant II Benny Espiritu upon his retirement from the Monterey County Probation Department after more than 23 years of dedicated County service. (Full Board - Supervisor Askew)

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

Appointments

Open for public comments; no public comments made.

10. Reappoint Sheila Lee Prader to the Monterey County Historic Resources Review Board, with a term ending date of December 31, 2023. (Supervisor Phillips)

A motion was made Supervisor Mary L. Adams, seconded by Supervisor Chris Lopez to reappoint Sheila Lee Prader to the Monterey County Historic Resources Review Board, with a term ending date of December 31, 2023. (Supervisor Phillips)

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

11. Reappoint Richard Hughett to the Monterey County Fish and Game Advisory Commission, with a term ending date of December 31, 2023. (Supervisor Alejo)

A motion was made Supervisor Mary L. Adams, seconded by Supervisor Chris Lopez to reappoint Richard Hughett to the Monterey County Fish and Game Advisory Commission, with a term ending date of December 31, 2023. (Supervisor Alejo)

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

12. Reappoint John Sargenti to the Fish and Game Advisory Commission, with a term ending date of January 1, 2024. (Supervisor Phillips)

A motion was made Supervisor Mary L. Adams, seconded by Supervisor Chris Lopez to reappoint John Sargenti to the Fish and Game Advisory Commission, with a term ending date of January 1, 2024. (Supervisor Phillips)

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. Appoint Fernando Elizondo to the Natividad Medical Center of Trustees, with a term ending date of January 26, 2024. (full board)

A motion was made Supervisor Mary L. Adams, seconded by Supervisor Chris Lopez to appoint Fernando Elizondo to the To the Natividad Medical Center of Trustees, with a term ending date of January 2024. (full board)

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

14. Appointment Simon Salinas to the Natividad Medical Center of Trustees, with a term ending date of January 26, 2022. (full board)

A motion was made Supervisor Mary L. Adams, seconded by Supervisor Chris Lopez to appoint Simon Salinas to the Natividad Medical Center of Trustees, with a term ending date of January 2022. (full board)

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

15. Appointment Manuel Osorio to the Natividad Medical Center of Trustees, with a term ending date of

January 26, 2022. (full board)

A motion was made Supervisor Mary L. Adams, seconded by Supervisor Chris Lopez to appoint Manuel Osorio to the To the Natividad Medical Center of Trustees, with a term ending date of January 2022. (full board)

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE

Supervisor Phillips: AYE

Supervisor Lopez: AYE

Supervisor Adams: AYE

Chair Supervisor Root Askew: AYE

- 16.** Appointment Manny Gonzalez to the Natividad Medical Center of Trustees, with a term ending date of January 26, 2022. (full board)

A motion was made Supervisor Mary L. Adams, seconded by Supervisor Chris Lopez to appoint Manny Gonzalez to the To the Natividad Medical Center of Trustees, with a term ending date of January 26, 2022. (full board)

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE

Supervisor Phillips: AYE

Supervisor Lopez: AYE

Supervisor Adams: AYE

Chair Supervisor Root Askew: AYE

- 16.1** Appoint Monica Hale to the Commission on the Status of Woman, with a term ending date of February 1, 2023. (Supervisor Phillips) (ADDED VIA SUPPLEMENTAL)

A motion was made Supervisor Mary L. Adams, seconded by Supervisor Chris Lopez to appoint Monica Hale to the To the Commission on the Status of Woman, with a term ending date of February 1, 2023. (Supervisor Phillips)

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

- 17.** Board Comments

Board Comments can be heard by clicking the following link to the video of the Board of Supervisors meeting for Item No. 17:

<https://monterey.granicus.com/player/clip/4148>

- 18.** County Administration Officer Comments and Referrals

Charles McKee, County Administrative Officer from the County Administrative office commented and shared there is one new referral this week:

Supervisor Luis A. Alejo submitted a referral to establish policies and the utilization of technology to provide public alerts when inmates escape from the Monterey County Jail, as well as the provision of immediate notifications to the Monterey County Board of Supervisors. Also, to review all County Jail exterior security plans and protocols to reduce risk of inmate escapes. The referral requests a report and presentation to the Board in one month.

Open for public comments; no comments made.

Comments and referrals can be heard by clicking the link to the video of the Board of Supervisors meeting for Item No.17:

<https://monterey.granicus.com/player/clip/4148>

19. General Public Comments

Open for general public comments for items not on today's agenda; Eric Peterson, Monica Tone, and Wes White, in person, Bill Hayward, Amanda Gonzales, and Nick Mushi, via a Zoom, commented.

10:30 A.M. - Scheduled Matters

20. Adopt Resolution approving the November 2020 revision of the County of Monterey Emergency Operations Plan and September 2020 Plan Annex N - Family Assistance Plan in accordance with Chapter 2.68.080 and 2.68.0404 of the County Code.

Kelsey Scanlon, Emergency Services Planner and Tracy Molfino, Emergency Services Planner, both via Zoom, from the Office of Emergency Services presented via PowerPoint presentation.

Open for public comments; no comments made.

A motion was made Supervisor Luis A. Alejo, seconded by Supervisor John M. Phillips to: Adopt Resolution No. 21- 020 approving the November 2020 revision of the County of Monterey Emergency Operations Plan and September 2020 Plan Annex N - Family Assistance Plan in accordance with Chapter 2.68.080 and 2.68.0404 of the County Code.

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

12:00 P.M. - Recessed to Lunch back into Closed Session

1:30 P.M. - Reconvened

Roll Called

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

Maria Avila, Spanish Interpreter, in person, and announced Spanish interpreter services for public comments.

Laura Porras, in the afternoon session only, and Lilia Guzman, all day, via Zoom, provided simultaneous Spanish interpretation services for the entirety of the meeting on the Spanish Zoom channel.

1:30 P.M. - Scheduled Matters

- 21.** a. Briefing and update on COVID-19, including impacts, and action, proposals and plans to address (verbal report);
b. Provide direction to staff to address COVID-19

Nick Chiulos, Assistant County Administrative Officer made opening remarks with the additional presenters:

Dr. Edward Moreno, Health Officer, via Zoom, from the Health Department presented on the update regarding lifting of state regional stay at home order and on testing and vaccinations (supply, distribution and clinics), via PowerPoint presentation.

Gerry Malais, Emergency Services Manager from the Office of Emergency Services, and Mike Derr, Contracts and Purchasing Officer from the Contracts and Purchasing Department, both via, Zoom presented on emergency services and set-up of test sites via PowerPoint presentation.

Chris Valadez from the Grower-Shipper Association, via Zoom, verbally presented on the status of the Agriculture and it's workers.

Dr. Max Cuevas from Clinica de Salud, via Zoom, verbally presented on the status of testing.

Brent Heberlee from Ballard Spahr verbally presented on Federal advocacy, and Ashley Walker from Nossaman LLP verbally presented on State advocacy, via Zoom,

Open for public comments; Kirk Cafill, Janine Chicourrat, Francine Rodd, Maritetta Bain, Mark Watson, Chris Barrera, Barbara Meiser, Carol Chorbajan, Gary (no last time provided), Norm Groodt, Rick Aldinger, Sonja Koehler, and Cesar Lara, all via Zoom, commented.

A motion was made by Supervisor Chris Lopez, seconded by Supervisor Wendy Root Askew to send a letter to the State requesting additional COVID vaccinations be sent to Monterey County; the letter shall request the State send clear data/information back to the community when it is disseminated as to not cause any ambiguities and or confusion.

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

- 22.** Consider recommendations from the Legislative Committee to:
- a. Adopt the 2021-2022 Legislative Program;
 - b. Adopt policies governing legislative activities;
 - c. Adopt the 2021 Strategic Grant Services Program;
 - d. Adopt policies governing Strategic Grant Services Program activities;
 - e. Receive an annual report from Ballard Spahr LLP, the County's federal legislative advocate;
 - f. Receive an annual report from Nossaman LLP, the County's state legislative advocate; and
 - g. Receive an annual report from Nossaman LLP, the County's grant consultant.

Annette D'Adamo, Management Analyst III, from Intergovernmental Legislative Affairs with Brent Heberlee from Ballard Spahr and Ashley Walker from Nossaman LLP, all via Zoom, presented via PowerPoint presentation.

Open for public comments; Nina Beety, via Zoom, commented.

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

- a. Adopt the 2021-2022 Legislative Program;**
- b. Adopt policies governing legislative activities;**
- c. Adopt the 2021 Strategic Grant Services Program;**
- d. Adopt policies governing Strategic Grant Services Program activities;**
- e. Receive an annual report from Ballard Spahr LLP, the County's federal legislative advocate;**
- f. Receive an annual report from Nossaman LLP, the County's state legislative advocate; and**
- g. Receive an annual report from Nossaman LLP, the County's grant consultant.**

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

- 23.**
- a. Receive an update on the COVID-19 Pandemic Disparate Impact Report.
 - b. Provide direction to staff as appropriate.

Rosemary Soto, Management Analyst III, from the Office of Community Engagement & Strategic Advocacy, via Zoom, presented via PowerPoint presentation with the additional presenters:

Lubna Mohammad, Management Specialist with the Office of Emergency Services, Krista Hanni , Public Health Program Manager II with the Health Department, Lauren Suwansupa, Community Affiliation Manager with Department of Social Services, Chris Donnelly, Executive Director with the County Administrative Office, Melanie Beretti, Services Manager with the Housing Community Development Department, Anastacia Wyatt, Housing Program Manager with the County Administrative Office, and Eric Chatham, Director with the Information Technology Department, all via Zoom.

Open for public comments; no public comments made.

Upon motion was made by Supervisor Mary L. Adams, seconded by Supervisor John M. Phillips to:

- a. Receive an update on the COVID-19 Pandemic Disparate Impact Report.
- 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

- 24.** Public hearing continued from December 9, 2020 to consider adoption of a resolution denying an appeal by Vista Nadura LLC and Nader Agha from the September 30, 2020 decision of the Monterey County Planning Commission that the Vista Nadura Subdivision application (Agha/PLN990274) for a Standard Subdivision dividing three parcels totaling 50 acres into 20 lots ranging in size from 1.1 acres to 8.5 acres was incomplete prior to October 16, 2007 and remains incomplete.

Project location: 8767 Carmel Valley Road, Carmel Valley Master Plan (APNs 169-011-009-000, 169-011-014-000, and 169-011-015-000).

Proposed CEQA Action: Application completeness determination is not a project per Section 15378 of the California Environmental Quality Act Guidelines.

Public hearing commenced to:

Consider adoption of a resolution denying an appeal by Vista Nadura LLC and Nader Agha from the September 30, 2020 decision of the Monterey County Planning Commission that the Vista Nadura Subdivision application (Agha/PLN990274) for a Standard Subdivision dividing three parcels totaling 50 acres into 20 lots ranging in size from 1.1 acres to 8.5 acres was incomplete prior to October 16, 2007 and remains incomplete.

Project location: 8767 Carmel Valley Road, Carmel Valley Master Plan (APNs 169-011-009-000, 169-011-014-000, and 169-011-015-000).

Proposed CEQA Action: Application completeness determination is not a project per Section 15378 of the California Environmental Quality Act Guidelines.

John Dugan, Management Specialist from the Housing Community Development Department, via Zoom, verbally presented.

Applicant/Agent Paul Hart and Appellant Nader Agha not present.

Open for public comments; no comments made.

A motion was made by Supervisor John M. Phillips, seconded Supervisor Chris Lopez to adopt Resolution No 21-028 to:

- a. Deny the appeal by Vista Nadura LLC and Nader T. Agha from the Monterey County Planning Commission's September 30, 2020 determination that a subdivision application filed by Durrel and Nader Agha (PLN990274) was incomplete prior to October 16, 2007 and remains incomplete; and
- b. Find that the application (Agha/PLN990274) for a Standard Subdivision to subdivide three lots totaling 50 acres into 20 lots ranging in size from 1.1 acres to 8.5 acres was not deemed complete prior to October 16, 2007 and continues to be incomplete pursuant to Government Code Section 65943 (the Permit Streamlining Act) and Monterey County Code Chapter 19.03.

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

25. Receive and accept a report on:
- Traffic volumes on Carmel Valley Road for all segments, pursuant to the 2010 General Plan, Carmel Valley Master Plan area; and
 - The Five (5) Year Interval Report.

Randy Ishii, Director and Chad Alinio, Civil Engineer both with the Public Works, Facilities and Parks, via Zoom, presented via PowerPoint presentation.

Open for public comments; no public comments made.

A motion was made by Supervisor Mary L. Adams, seconded by Supervisor Wendy Root Askew to receive and accept a report on:

- Traffic volumes on Carmel Valley Road for all segments, pursuant to the 2010 General Plan, Carmel Valley Master Plan area; and
- The Five (5) Year Interval Report.

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

26. ~~a. Approve Amendment No. 4 to the Subdivision Improvement Agreement for the York Highlands Resubdivision for an extension of 24 months (May 22, 2022); and~~
~~b. Authorize the Chair to execute the Amendment and direct the Clerk of the Board to record the Amendment with the County Recorder. (REMOVED VIA SUPPLEMENTAL)~~

Removed from agenda via addendum/supplemental

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, Kim Moore and Ariana Hurtado
Employee Organization(s): All Units
- (2) Designated representatives: Irma Ramirez-Bough, Kim Moore and Ariana Hurtado
Employee Organization(s): Unit J
- (3) Designated representatives: Irma Ramirez-Bough, Kim Moore and Ariana Hurtado

Employee Organization(s): Unit R

The Board approved a side letter with Units F and J regarding salaries for Animal Control Services on items 1.b.(1)(2)(3)

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

The Board authorized the County to join an Amicus Brief in the case of Apartment Association of Greater Los Angeles vs. The City of Los Angeles United States Court of Appeals for the 9th Circuit Case Number 20-5625 on items 1.c.

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

The Board authorized the County to join the litigation in Corea Delta Health District, et.al. vs. Azar Federal Court Case Number 2:20CV06564 Central District of California on items 1.d.

e. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators:

(1) Property: 259-261-003-000, 259-261-004-000 and 259-261-005-000

Agency Negotiator(s): County Counsel

Negotiating Parties: Don Chapin Company

Under negotiation: Price and terms

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

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

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

g. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the Natividad Medical Center Chief Executive Officer.

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

The Board will not recess back into Closed Session for the evening and the remaining matters will be taken up at next week's meeting.

Adjourned

The meeting was adjourned in Memory of Debbie Aguilar, Howard Gustafson and Winifred Davies Church at 6:05 p.m. by Chair Supervisor Wendy Root Askew

APPROVED:

____/s/ Wendy Root Askew____
WENDY ROOT ASKEW, CHAIR
BOARD OF SUPERVISORS

ATTEST:

BY: ____/s/ Valerie Ralph_____

VALERIE RALPH

CLERK OF THE BOARD

APPROVED ON: November 16, 2021

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

27. a. Ratify the execution by the Chief Executive Officer for Natividad Medical Center of the Professional and Call Coverage Services Agreement with Monterey Anesthesia Professionals (MAP) to provide anesthesia services, for an amount not to exceed \$12,000,000 for the period January 1, 2021 to December 31, 2022; and
- b. Authorize the Chief Executive Officer for NMC or his designee to sign up to three (3) future amendments to this Agreement where the total amendments do not exceed 10% (\$1,200,000) of the original contract amount and do not significantly change the scope of work.

Approved - Agreement No.: A-15091

28. a. Ratify the execution by the Chief Executive Officer for Natividad Medical Center of the Agreement with Monterey Anesthesia Professionals (MAP) to provide billing agent services, for an amount not to exceed \$120,000 for the period January 1, 2021 to December 31, 2022; and
- b. Authorize the Chief Executive Officer for NMC or his designee to sign up to three (3) future amendments to this Agreement where the total amendments do not exceed 10% (\$12,000) of the original contract amount and do not significantly change the scope of work.

Approved - Agreement No.: A-15092

29. a. Authorize the Chief Executive Officer for Natividad Medical Center (NMC) or his designee to execute an agreement with Dynalabs, LLC for analytical laboratory testing of compounded pharmaceutical services at NMC for an amount not to exceed \$32,000 with an agreement term retroactive to January 1, 2021 through December 31, 2025.
- b. Approve the NMC Chief Executive Officer's recommendation to accept non-standard indemnification and limitations on liability provisions within the agreement.

Approved - Agreement No.: A-15093

30. a. Authorize the Chief Executive Officer for Natividad Medical Center (NMC) or his designee to execute an agreement with Virtusa Corporation for CareDiscovery Quality Measures and CareDiscovery Electronic Quality Measures software subscription services at NMC for an amount not to exceed \$216,454 with an agreement term of January 26, 2021 through January 25, 2024.
- b. Authorize the Chief Executive Officer for NMC or his designee to execute up to three (3) future amendments to the agreement which do not significantly alter the scope of work and do not cause an increase of more than ten percent (10%) (\$21,645) of the original cost of the agreement per each amendment.
- c. Approve the NMC Chief Executive Officer's recommendation to accept non-standard indemnification, insurance, limitations on liability, and limitations on damages provisions within the agreement.

Approved - Agreement No.: A-15094

31. a. Authorize the Chief Executive Officer for Natividad Medical Center (NMC) or his designee to execute amendment No. 2 to the agreement (A-14274) with Visual Net Design for website update and hosting services, extending the agreement an additional two (2) year period (May 1, 2021 through April 30, 2023) for a revised full agreement term of May 1, 2018 through April 30, 2023, and adding \$139,976 for a revised total agreement amount not to exceed \$323,964.
- b. Authorize the Chief Executive Officer for NMC or his designee to execute up to three (3) future amendments to the agreement which do not significantly alter the scope of work and do not cause an increase of more than ten percent (10%) (\$3,398) of the original cost of the agreement.

Approved - Agreement No.: A-14274, Amendment No. 2

32. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute amendment No.3 to the agreement (A-13426) with UpToDate Inc. for Anywhere electronic clinical resource subscription services, extending the agreement an additional one (1) year period (March 1, 2021 through February 28, 2022) for a revised full agreement term of December 1, 2016 through February 28, 2022, and adding \$90,488 for a revised total agreement amount not to exceed \$426,326.

Approved - Agreement No.: A-13426, Amendment No. 3**Health Department**

33. a. Approve and authorize the Director of Health or Assistant Director of Health to execute a Mental Health Services Agreement for the term retroactive to March 4, 2019 through June 30, 2023 with Koinonia Foster Homes, Inc. DBA Koinonia Homes for Teens for the provision of mental health services in the amount of \$883 for Fiscal Year (FY) 2018-19; \$26,401 for FY 2019-20; \$324,247 for FY 2020-21; \$324,247 for FY 2021-22; and \$324,247 for FY 2022-23, for a total Agreement amount not to exceed \$1,000,025; 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%) (\$100,002.50) of the original Agreement amount and do not significantly change the scope of services.

Approved - Agreement No.: A- 15095

34. a. Approve and authorize the Director of Health or Assistant Director of Health to execute Amendment No. 3 to Agreement A-13816 between Clinica de Salud del Valle de Salinas (CSVS) and the County of Monterey, on behalf of the Monterey County Health Department, Behavioral Health Bureau for the purpose of referral to behavioral health services for CSVS patients, retroactive to November 1, 2020, for a revised term of November 1, 2017 through October 31, 2022; and
- b. Continue to accept non-standard risk provisions (indemnity, insurance) as recommended by the Director of Health; and
- c. Authorize the Director of Health or Assistant Director of Health to sign up to two additional amendments to the Agreement, subject to County Counsel approval.

Approved - Agreement No.: A-13816, Amendment No. 3

35. a. Approve and authorize the Director of Health or Assistant Director of Health to execute an Agreement with Clear Labs, Inc., in the amount of \$249,490.80 to install, train, verify, and validate services for the Clear Dx™ instrument, purchase a Clear Dx™ Subscription, consumables, reagent kits, and maintenance/software support that will enable customer to conduct testing for the period retroactive from January 1, 2021 to March 1, 2022; and
- b. Authorize the Director of Health or Assistant Director of Health to approve up to three (3) future one year amendments that do not exceed (10%) (\$24,949) of the original Agreement amount and do not significantly alter the scope of services.

Approved - Agreement No.: A-15096

36. a. Approve and authorize the Director of Health or Assistant Director of Health to sign a Work Order Agreement with Public Health Foundation Enterprises, Inc. dba Heluna Health, in the amount of \$319,618 to support COVID-19 epidemiology services for the period retroactive from May 1, 2020 to March 31, 2022; and
- b. Accept the risk provisions (indemnification, insurance, and limitations of liability) as recommended by the Director of Health; and
- c. Accept the Confidentiality and Non-Disclosure provision as recommended by the Director of Health.

Approved - Agreement No.: A-15097**Department of Social Services**

37. a. Approve and authorize the Director of the Department of Social Services to sign a zero dollar Agreement with Cake4Kids to provide free birthday and special occasion cakes to foster children and youth in care effective February 1, 2021 through January 31, 2022 with nonstandard liability and indemnification provisions; and
- b. Authorize the Director 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- 15098

38. a. Approve and authorize the Director of the Department of Social Services to sign an agreement with Chmura Economics & Analytics for a subscription license to utilize workforce and economic management tools in the amount of \$19,031 for the period February 1, 2021 to January 31, 2022 with nonstandard indemnification terms and provisions; 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 exceed 10% (\$1,903) of the total amount or significantly change the scope of work.

Approved - Agreement No.: A- 15099

39. Approve and authorize the Director of the Department of Social Services to execute a funding agreement, retroactively to November 1, 2020 through December 31, 2021 with the City and County of San Francisco, a municipal corporation, in its capacity as fiscal agent for the approval authority acting by and through the San Francisco Department of Emergency Management to receive \$135,600 to purchase emergency shelter stand-up kits and cots to enhance regional mass care resources.

Approved - Agreement No.: A-15100

Criminal Justice

40. a. Approve and Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to sign Amendment 1 with Mary Ann McConnell dba Bay Area Polygraph, extending the term of the agreement to June 30, 2023, for an amount not to exceed \$170,000; and
b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to sign two (2) additional one (1) year amendments to the agreement where the amendment does not significantly change the scope of work, and where each amendment does not exceed \$115,200, for a revised not to exceed maximum contract cost of \$285,200.

Approved - Agreement No.: A-12940, Amendment No. 1

General Government

41. Adopt a Resolution to approve amendments to the Conflict of Interest Code of the Monterey County Civil Rights Office.

Adopted Resolution No. 21-021

42. a. Consider approving a retroactive agreement and authorizing the Contracts/Purchasing Officer or his designee to sign a retroactive Agreement with First Alarm, a California Corporation, for the activation and monitoring of fire and intrusion equipment at WeatherTech Raceway Laguna Seca from May 1, 2020 through April 30, 2023, for an amount not to exceed \$21,500; and
b. Approve and authorize the Contracts/Purchasing Officer or his designee to execute up to three (3) future amendments to this Agreement where the total amendments do not exceed 10% (\$2,150) of the agreement amount and do not significantly change the scope of work.

Approved - Agreement No.: A- 15101

43. a. Receive a report on Board Referral No. 2020.11 regarding the feasibility and viability of the creation of a public bank to serve local government needs.

Approved

44. a. Receive and Accept the Treasurer's Report of Investments for the Quarter Ending December 31, 2020.

Approved

45. a. Approve a retroactive agreement and authorize the Contracts/Purchasing Officer or his designee to sign an Agreement with Sports Systems Services, Inc. to provide an online media credentialing program to WeatherTech Raceway Laguna Seca retroactive from January 1, 2020 through December 31, 2022, for an amount not to exceed \$6,500;
- b. Accept non-standard risk terms with respect to insurance provisions in the Agreement; and
- c. Approve and authorize the Contracts/Purchasing Officer or his designee to execute up to three (3) future amendments to this Agreement where the total amendments do not exceed 10% (\$650) of the agreement amount and do not significantly change the scope of work.

Approved - Agreement No.: A-15102

46. Adopt Resolution to:
- a. Amend the Monterey County Families First Coronavirus Response Act Implementation Policy to extend the paid leave provisions effective January 1, 2021 through March 31, 2021;
- b. Direct the Director of the Human Resources and Auditor Controller Office to implement the extension of the Emergency Paid Sick Leave and Emergency Family and Medical Leave in the Advantage HRM/Payroll system.

Adopted Resolution No. 21-022

47. Adopt Resolution to:
- Confirm the appointment of Mr. Mike Novo as Interim Director of Housing and Community Development

Adopted Resolution No. 21-023

48. Ratify the County Administrative Officer's execution of Deed Restrictions regarding water capacity and fee deferral, and Public Notice of access to water use data for the Casa de Noche Buena shelter serving single women and families.

Approved

- 48.1 Adopt a Resolution directing the Auditor-Controller to amend the FY 2020-21 Adopted Budget for the County Administrative Office (CAO), Fund 001, Appropriation Unit CAO005, Unit 8056, to increase appropriations by \$103,900, where the funding source is a release of Cannabis Assignment (BSA- 001-3132) funds or other source approved by the Board (4/5ths vote). (ADDED VIA ADDENDUM)

Adopted Resolution No. 21-024

Public Works, Facilities and Parks

49. a. Adopt Plans and Special Provisions for the Countywide Guardrail Project, Project No. 1149; and
- b. Authorize the Director of Public Works, Facilities and Parks to advertise the "Notice to Bidders" in the Monterey County Weekly.

Approved

50. Adopt a Resolution to:
- Approve a report on the status of development traffic impact fees for fiscal year ending June 30, 2020; and
 - Adopt findings, in accordance with Government Code section 66000, et seq. that the need for the improvements for which the fees are being collected still exists, and as such the funds will be retained.

Adopted Resolution No. 21-025

51. a. Approve an Agreement between Pacific Gas & Electric Company (PG&E) and the County of Monterey for Unmetered Low Wattage Equipment Connected to PG&E-owned Street Light Facilities to allow for the installation of security cameras on County-owned streetlights located in County Service Area 25-Carmel Valley Golf & Country Club;
- b. Approve a Reimbursement Agreement between the Homeowners at Quail, Inc. homeowners' association and the County of Monterey for monthly PG&E costs associated with the operation of two (2) security cameras to be installed on County-owned streetlights; and
- c. Authorize the Director of Public Works, Facilities, & Parks or Designee to execute the two (2) Agreements.

Approved - Agreement No.: A- 15103

52. Adopt a Resolution to:
- a. ~~Re-declare identified remnant lanes in the unincorporated areas of Hatton Fields and Carmel Woods located near the City of Carmel as surplus real property and no longer needed for County or public purposes;~~
- b. ~~Direct the Department of Public Works, Facilities, & Parks to publish a Notice of Intention to Sell Surplus Property for the identified remnant lanes in the unincorporated areas of Hatton Fields and Carmel Woods per Government Code section 25526;~~
- c. ~~Find that all remnant lane sales are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15312 Surplus Government Property Sales;~~
- d. ~~Delegate the Contracts/Purchasing Officer the authority to execute final Offers and Agreements to Purchase Real Property, Quitclaim Deeds, and other necessary transfer documents to complete present and future surplus remnant lane sales not exceeding \$25,000 for a period of five (5) years, pursuant to Government Code section 25526.5; and~~
- e. ~~Direct the Housing and Community Development Department to issue a certificate of compliance for a legal lot line adjustment within thirty (30) days of a completed remnant lane sale to expedite the legal lot line adjustment process as an incentive for neighboring property owners to purchase a remnant lane.~~ (REMOVED VIA SUPPLEMENTAL)

Removed from agenda via addendum/supplemental

53. a. Adopt a resolution to establish an Advisory Committee for County Service Area 25-Carmel Valley Golf & Country Club (CSA 25); and
- b. Adopt CSA 25 Advisory Committee Bylaws. **(Board Referral: 2020.26)**

Adopted Resolution No. 21-026

- 54.** Adopt a Resolution to direct the Registrar of Voters to:
- Cancel the East Garrison Community Services District (EGCSD) special election scheduled on May 4, 2021, and
 - Remove the posting for the EGCSD special election and take other actions necessary to effectuate the cancellation of the election.

Adopted Resolution No. 21-027**54.1 ADDENDA****Added Appointment**

16. Appoint Monica Hale to the To the Commission on the Status of Woman, with a term ending date of February 1, 2023. (Supervisor Phillips)

48.1 Adopt a Resolution directing the Auditor-Controller to amend the FY 2020-21 Adopted Budget for the County Administrative Office (CAO), Fund 001, Appropriation Unit CAO005, Unit 8056, to increase appropriations by \$103,900, where the funding source is a release of Cannabis Assignment (BSA- 001-3132) funds or other source approved by the Board (4/5ths vote)

SUPPLEMENTAL**Removed from Scheduled PM**

- 26.** a. Approve Amendment No. 4 to the Subdivision Improvement Agreement for the York Highlands Resubdivision for an extension of 24 months (May 22, 2022); and
- b. Authorize the Chair to execute the Amendment and direct the Clerk of the Board to record the Amendment with the County Recorder.

Removed from Consent Calendar

- 52.** Adopt a Resolution to:
- Re-declare identified remnant lanes in the unincorporated areas of Hatton Fields and Carmel Woods located near the City of Carmel as surplus real property and no longer needed for County or public purposes;
 - Direct the Department of Public Works, Facilities, & Parks to publish a Notice of Intention to Sell Surplus Property for the identified remnant lanes in the unincorporated areas of Hatton Fields and Carmel Woods per Government Code section 25526;
 - Find that all remnant lane sales are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15312 Surplus Government Property Sales;
 - Delegate the Contracts/Purchasing Officer the authority to execute final Offers and Agreements to Purchase Real Property, Quitclaim Deeds, and other necessary transfer documents to complete present and future surplus remnant lane sales not exceeding \$25,000 for a period of five (5) years, pursuant to Government Code section 25526.5; and
 - Direct the Housing and Community Development Department to issue a certificate of compliance for

a legal lot line adjustment within thirty (30) days of a completed remnant lane sale to expedite the legal lot line adjustment process as an incentive for neighboring property owners to purchase a remnant lane.

Added to Adjournment

Adjourn in Memory of Howard “Gus” Gustafson