

Monterey County

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



Action Minutes - Final

Tuesday, February 4, 2020

9:45 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*

9:45 A.M. - Called to Order

The meeting was called to order by Chair Supervisor Chris Lopez.

Roll Called

Present: 5 - Supervisor Mary L. Adams, Supervisor Jane Parker, Supervisor John M. Phillips, Supervisor Chris Lopez and Supervisor Luis A. Alejo appearing via teleconference

Staff Present

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

Additions and Corrections for Closed Session by County Counsel

There were no additions and corrections for Item No. 1.a. through c.(1).

Closed Session

1. Closed Session under Government Code section 54950, relating to the following items:
 - a. Pursuant to Government Code section 54956.9(d)(4), the Board will confer with legal counsel regarding one matter of potential initiation of litigation.
 - b. Pursuant to Government Code section 54956.9(e)(3), the Board will confer with legal counsel regarding worker's compensation claim against the County of Monterey.
 - (1) Dorothy Thomas
 - c. Pursuant to Government Code section 54957.6, the Board will provide direction to negotiators:
 - (1) Designated representatives: Irma Ramirez-Bough and Kim Moore
 - Employee Organization(s): S

Public Comment

Open for public comment; no public comments made.

The Board Recessed for Closed Session Agenda Items**10:30 A.M. - Reconvened on Public Agenda Items****Roll Called**

Present: 5 - Supervisor Mary L. Adams, Supervisor Jane Parker, Supervisor John M. Phillips, Supervisor Chris Lopez and Supervisor Luis A. Alejo appearing via teleconference

Staff Present

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

Pledge of Allegiance

The Pledge of Allegiance was led by Les Girard, County Counsel.

Announcement of Interpreter

Maria Avila, Spanish Interpreter present and announced Spanish interpreter services.

Additions and Corrections by Clerk

Additions and corrections to the agenda that were recited for the recorded:

Adjournment:

Add to Adjourn In Memory of Mike Payne

Consent Calendar- (See Supplemental Sheet)

- 2.** Approval of Consent Calendar Items No. 20 through 28.

Open for public comments; no public comments made.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Mary L. Adams to approve Consent Calendar Item Numbers 20 through 28.

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE

Supervisor Phillips: AYE

Supervisor Parker: AYE

Supervisor Adams: AYE

Chair Supervisor Lopez: AYE

Ceremonial Resolutions

Open for public comment; no public comments made.

- 3.** Adopt Resolution recognizing Celeste Settrini as the recipient of the 2020 Valley of the World Ag Leader Award. (Supervisor Lopez)

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Jane Parker to adopt Resolution No. 20-019 recognizing Celeste Settrini as the recipient of the 2020 Valley of the World Ag Leader Award. (Supervisor Lopez)

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE

4. Adopt Resolution recognizing Dr. Willard Clark Lewallen as the recipient of the 2020 Valley of the World Education Award. (Supervisor Lopez)

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Jane Parker to adopt Resolution No. 20-020 recognizing Dr. Willard Clark Lewallen as the recipient of the 2020 Valley of the World Education Award. (Supervisor Lopez)

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE

5. Adopt Resolution recognizing Hugo Tottino and Ed Boutonnet as the recipients of the 2020 Valley of the World Hall of Fame Award. (Supervisor Lopez)

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Jane Parker to adopt Resolution No. 20-021 recognizing Hugo Tottino and Ed Boutonnet as the recipients of the 2020 Valley of the World Hall of Fame Award. (Supervisor Lopez)

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE

6. Adopt Resolution recognizing Scott and Nancy Scheid as the recipients of the 2020 Valley of the World Ag Leader Award. (Supervisor Lopez)

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Jane Parker to adopt Resolution No. 20-023 recognizing Scott and Nancy Scheid as the recipients of the 2020 Valley of the World Ag Leader Award. (Supervisor Lopez)

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE

7. Adopt Resolution recognizing Robert Kennedy as the recipient of the 2020 Valley

of the World Education Award. (Supervisor Lopez)

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Jane Parker to adopt Resolution No. 20-022 recognizing Robert Kennedy as the recipient of the 2020 Valley of the World Education Award. (Supervisor Lopez)

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE

Supervisor Phillips: AYE

Supervisor Parker: AYE

Supervisor Adams: AYE

Chair Supervisor Lopez: AYE

Appointments

Open for public comment; no public comments made.

- 8.** Reappoint Charles Nelson to the Fish & Game Advisory Commission with a term ending on February 1, 2023. (Full Board)

A motion was made by Supervisor Jane Parker, seconded by Supervisor John M. Phillips to reappoint Charles Nelson to the Fish & Game Advisory Commission with a term ending on February 1, 2023. (Full Board)

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE

Supervisor Phillips: AYE

Supervisor Parker: AYE

Supervisor Adams: AYE

Chair Supervisor Lopez: AYE

- 9.** Reappoint Javier Cervantes to the San Lucas County Water District with a term ending on February 1, 2023. (Supervisor Lopez)

A motion was made by Supervisor Jane Parker, seconded by Supervisor John M. Phillips to reappoint Javier Cervantes to the San Lucas County Water District with a term ending on February 1, 2023. (Supervisor Lopez)

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE

Supervisor Phillips: AYE

Supervisor Parker: AYE

Supervisor Adams: AYE

Chair Supervisor Lopez: AYE

- 10.** Reappoint Curtis Carroll to the San Lucas County Water District with a term ending on December 1, 2023. (Supervisor Lopez)

A motion was made by Supervisor Jane Parker, seconded by Supervisor John M. Phillips to reappoint Curtis Carroll to the San Lucas County Water District with a term ending on December 1, 2023. (Supervisor Lopez)

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE

Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE

11. Reappoint Timothy Maxwell to the King City Cemetery District with a term ending on July 1, 2023. (Supervisor Lopez)

A motion was made by Supervisor Jane Parker, seconded by Supervisor John M. Phillips to reappoint Timothy Maxwell to the King City Cemetery District with a term ending on July 1, 2023. (Supervisor Lopez)

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE

12. Reappoint Will Taylor to the King City Cemetery District with a term ending on July 1, 2023. (Supervisor Lopez)

A motion was made by Supervisor Jane Parker, seconded by Supervisor John M. Phillips to reappoint Will Taylor to the King City Cemetery District with a term ending on July 1, 2023. (Supervisor Lopez)

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE

13. Appoint Jose Vasquez to the Greenfield Memorial District with a term ending on November 30, 2023. (Supervisor Lopez)

A motion was made by Supervisor Jane Parker, seconded by Supervisor John M. Phillips to appoint Jose Vasquez to the Greenfield Memorial District with a term ending on November 30, 2023. (Supervisor Lopez)

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE

14. Appoint Juan Morales to the In-Home Supportive Services filling an unexpired term ending on June 20, 2021. (Full Board)

A motion was made by Supervisor Jane Parker, seconded by Supervisor John M. Phillips to appoint Juan Morales to the In-Home Supportive Services filling an unexpired term ending on June 20, 2021. (Full Board)

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE

15. Appoint Maria Magana to the In-Home Supportive Services Advisory Council with a term ending on June 30, 2023. (Full Board)

A motion was made by Supervisor Jane Parker, seconded by Supervisor John M. Phillips to appoint Maria Magana to the In-Home Supportive Services Advisory Council with a term ending on June 30, 2023. (Full Board)

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE

Other Board Matters

16. Board Comments

Supervisor Mary L. Adams shared this past weekend there was a competition called Math Counts that the professional society of engineers and another group of people participate in to sponsor this competition amongst schools who can excel they best at math. There were five schools in the area that succeeded so well that they are going on to the national competitions who are San Benancio Middle School, Carmel Middle School, Santa Catalina and San Carlos. There were a number of individual students within those teams that did really well also. She felt it was important to acknowledge our students who do well in learning and scholarship as well as when they do well in sports.

Supervisor Chris Lopez attended a Soledad Youth Council event that they put all on their own to address mental health concerns in their community. There were about 35 students who attended and shared their thoughts about the challenges that students in the high school setting are facing in Monterey County especially southern Monterey County. To have that come from them a topic they decided on their own was important enough to put together Community Forum and invite elected officials from the state level to their local Council as well as supervisors. It was encouraging and he felt moved by it which good things are happening in Soledad being led by the youth council. He was unable to attend the Arts Council Annual Champion of the Arts Gala. Jeanine Norm from South County was honored as one of the nonprofit leaders. She is a dear friend of his who has served on many committees with him. He wasn't there as he brought home a baby boy this weekend and enjoying the new sounds in the home and the lack of sleep. He wanted to take this opportunity since he wasn't able to that night to congratulate her for all that she has done for the community in South County. He knows her efforts aren't over, and she will continue to give back. He thanked everyone for their thoughts and prayers that the baby that has arrived and they are very lucky to

be have mom and baby doing well.

Supervisor Luis A. Alejo congratulated Supervisor Lopez and his wife on their new baby boy.

Supervisor John M. Phillips and Supervisor Jane Parker passed on comments this week.

17. County Administrative Officer Comments and Referrals

Charles McKee, County Administrative Officer congratulated Supervisor Lopez and his wife on their new arrival and recited two referrals from Supervisor Lopez office. The first one was on the restoration and relocation of the Avenue of Honors display at San Lorenzo Park, in King City working I think with the King City young farmers and the second on seeking to amend cell phone tower noticing requirements for new wireless communication facilities.

18. General Public Comments

Open for general public comments for items not on today's agenda; Mike Weaver and Jason Pineda commented.

10:30 A.M. - Scheduled Matters

19. Receive a status report from the Cannabis Program concerning the requirement in Chapter 7.90 of the Monterey County Code that all employees and property owners must undergo Live Scan to receive a Cannabis Business Permit; review options regarding the Live Scan requirement; and provide direction to staff as appropriate.

Joann Iwamoto, Cannabis Program Manager with the County Administrative Office, David Rabow, Deputy District Attorney from the District Attorney's Office and John Mineau, Undersheriff from the Monterey County Sheriff's office presented via PowerPoint presentation.

Open for public comment; Robert Roach, Joey Espionosa, Aaron Stoney, Aaron Johnson, Chris Boggs and Sergio Sanchez commented.

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

- a. Receive a status report concerning the requirement in Chapter 7.90 of the Monterey County Code that all employees and property owners must undergo Live Scan to receive a Cannabis Business Permit;
- b. Review options regarding the Live Scan requirement; and
- c. Direct staff to bring back an ordinance amending Chapter 7.90 that eliminates Live Scan to employees, supervisors, and property owners; require the owner/operator to maintain, on the premises, a roster of all employees with their date of birth indicating they have been checked and they meet the requirements of no criminal records that are disqualifying; and provide a workshop on the outdoor grow pilot program as well as a separate stakeholder workshop on a general overview.

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE

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

CLOSED SESSION REPORT: The Board took no reportable actions on items 1.a.

b. Pursuant to Government Code section 54956.9(e)(3), the Board will confer with legal counsel regarding worker's compensation claim against the County of Monterey.

(1) Dorothy Thomas

CLOSED SESSION REPORT: The Board took no reportable actions on items 1.b.(1).

c. Pursuant to Government Code section 54957.6, the Board will provide direction to negotiators:

(1) Designated representatives: Irma Ramirez-Bough and Kim Moore
Employee Organization(s): S

CLOSED SESSION REPORT: The Board took no reportable actions on items 1.c.(1).

Adjourned

The meeting was adjourned In Memory of Mike Payne at 12:06 p.m. by Chair Supervisor Chris Lopez.

APPROVED:

_____/s/ Chris Lopez_____
CHRIS LOPEZ, CHAIR
BOARD OF SUPERVISORS

ATTEST:

BY: _____/s/ Valerie Ralph_____
VALERIE RALPH
CLERK OF THE BOARD
APPROVED ON March 10, 2020

Supplemental Sheet, Consent Calendar**Health Department**

20. a. Approve and authorize the Director of Health, Assistant Director of Health, or the Emergency Medical Services (EMS) Agency Director to execute the Emergency Medical Services and Air Ambulance Service Provider Agreement between the County of Monterey and REACH Medical Holdings, LLC by and through its operating subsidiaries, namely CALSTAR Air Medical Services, LLC and REACH Air Medical Services, LLC, a Delaware Limited Liability Company duly qualified to conduct business in the State of California for the provision of emergency medical air ambulance services for the period from February 1, 2020 through January 31, 2022.
- b. Authorize the Director of Health, the Assistant Director of Health, or the Emergency Medical Services Director, to sign up to three (3) amendments to this Agreement where the amendments do not significantly change the scope of work.

Approved - Agreement No. A-14615

21. Consider adopting a Resolution to:
- a. Amend Fiscal Year (FY) 2019-20 Health Department Budget 001-4000-HEA005-8117 to reallocate 1.0 FTE vacant Accountant I to 1.0 FTE Accountant II;
- b. Authorizes the County Administrative Office and the Auditor-Controller to incorporate the approved position changes in the FY 2019-20 Adopted Budget and the Human Resources Department to implement the changes in the Advantage HRM system.

Adopted Resolution No. 20-024

General Government

22. a. Authorize the Director of Information Technology to execute a Department of Homeland Security Cybersecurity and Infrastructure Security Agency (CISA) Cyber Assessment Rules of Engagement in order to allow an upcoming no-cost cyber Red Team Assessment (RTA) to be performed by CISA as a mean to proactively test the County's cybersecurity defenses.

Approved - Agreement No. A-14616

23. Authorize CAO/IGLA staff to apply for the Homeless Housing, Assistance, and Prevention Program (HHAP);

Approved

24. Adopt a Resolution to:

- a. Amend Personnel Policies and Practices Resolution (PPPR) No. 98-394 Sections A.25.9, A.30.10, A.30.11, and A.30.13 and add sections A.25.9.2 and A.30.13.2 related to cash out of vacation/annual leave/paid time off (PTO) hours for employees who receive a change in class during the cash out eligibility period; and
- b. Authorize the Auditor-Controller to process 2019 cash out requests for impacted employees; and
- c. Direct the Human Resources Department to incorporate the changes in the Personnel Policies and Practices Resolution No.98-394.

Adopted Resolution No. 20-025

- 25.** Receive a report on the Governor's Fiscal Year (FY) 2020-21 Proposed Budget.

Approved

- 26.** Adopt Resolution to:
- a. Amend Treasurer-Tax Collector Property Tax Budget Unit 1170-8263-001-TRE001 to reallocate one (1.0) vacant Finance Manager II to one (1.0) Deputy Treasurer-Tax Collector; and
 - b. Direct the County Administrative Office and the Auditor-Controller to incorporate the approved changes in the FY 2019-20 Adopted Budget and the Human Resources Department to implement the changes in the Advantage HRM system.

Adopted Resolution No. 20-026

- 27.** Consider adopting a resolution to:
- a. Amend the FY 2019-20 Human Resources Department Adopted Budget (001-1060-8404-HRD001) to add one (1) 1.0 FTE Senior Personnel Analyst as the American with Disabilities Act (ADA) Coordinator for the County, as indicated in Attachment A (4/5ths vote required); and
 - b. Authorize the Auditor-Controller and the County Administrative Office to incorporate these changes in the FY 2019-20 Adopted Budget.

Adopted Resolution No. 20-027

- 28.** Consider adopting the Resolution to:
- a. Amend the FY 2019-20 Human Resources Department Adopted Budget (001-1060-8445-HRD001) to reallocate one (1) 1.0 FTE Management Analyst I to one (1) 1.0 FTE Management Analyst II, as indicated in Attachment A; and
 - b. Authorize the County Administrative Office to incorporate this position reallocation in the FY 2019-20 Adopted Budget.

Adopted Resolution No. 20-028

Addenda/Supplemental

29.**SUPPLEMENTAL****Revised Board Attachments to General Government Consent Item**

26. Adopt Resolution to:
- a. Amend Treasurer-Tax Collector Property Tax Budget Unit 1170-8263-001-TRE001 to reallocate one (1.0) vacant Finance Manager II to one (1.0) Deputy Treasurer-Tax Collector; and
 - b. Direct the County Administrative Office and the Auditor-Controller to incorporate the approved changes in the FY 2019-20 Adopted Budget and the Human Resources Department to implement the changes in the Advantage HRM system.