

Monterey County

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



Meeting Minutes - Final

Wednesday, December 8, 2021

10:00 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

10:30 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 and Supervisor Mary L. Adams appeared in person with Supervisor Chris Lopez, Supervisor John M. Phillips and Supervisor Luis A. Alejo who 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

Diego Celis, Spanish Interpreter present and announced Spanish interpreter services.

Additions and Corrections by Clerk

There were no additions and corrections for the agenda.

Ceremonial Resolutions

Open for public comments; no public comments made.

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor John M. Phillips to adopt Ceremonial Resolutions 1 through 3.

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

1. Adopt resolution honoring Juvenile Institutions Supervisor David Seva'aetasi upon his retirement from the Monterey County Probation Department after more than 26 years of dedicated County service (Supervisor Askew)

Adopted Resolution No. 21-408

2. Adopt a resolution commending Cheryl D. Collins Departmental Human Resources Manager, Social Services upon her retirement from 32 years of dedicated public service in Monterey County (Supervisor Askew)

Adopted Resolution No. 21-407

3. Adopt a resolution commending Maria Papurello, Administrative Services Officer, Office of the

Auditor-Controller, for her dedicated service of 14 years to the County of Monterey. (Supervisor Phillips)

Adopted Resolution No. 21-409

General Public Comments

4. General Public Comments

Open for general public comments for items not on today's agenda; no comments made.

10:30 A.M. - Scheduled Matters

- 5.**
- a. Receive a draft business plan and proforma that supports two projects under consideration for funding from A&D Consulting, LLC for Laguna Seca Recreational Area (LSRA);
 - b. Approve funding the 1) Start/Finish Bridge; and 2) Track resurfacing in the FY 2021-22, 5-year Capital Improvement Program (CIP) and Public Works, Facilities, and Parks (PWFP)-Facilities Work Program, for FY 2021-22; and
 - c. Provide direction to staff.

John Nirigi, General Manager of WeatherTech Raceway Laguna Seca, in person, presented.

Open for public comments; Bill Lipe, via Zoom, commented.

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Mary L. Adams to with Supervisor Wendy Root Askew voting no to:

- a. Receive a draft business plan and proforma that supports two projects under consideration for funding from A&D Consulting, LLC for Laguna Seca Recreational Area (LSRA);
- b. Approve funding the 1) Start/Finish Bridge; and 2) Track resurfacing in the FY 2021-22, 5-year Capital Improvement Program (CIP) and Public Works, Facilities, and Parks (PWFP)-Facilities Work Program, for FY 2021-22; with funding from TOT, Cannabis or surplus funds; and
- c. Directed staff to return in January 2022 with specific budget action on funding sources.

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: NAY

Motion carried 4 to 1

12:00 P.M. - Recessed to Lunch

1:30 P.M. - Reconvened

Roll Called

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

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

Diego Celis, Spanish Interpreter present and announced Spanish interpreter services.

1:30 P.M. - Scheduled Matters

6. Adopt a Resolution to:
- a. Accept the Budget End-of-Year Report for FY 2020-21 from the County Administrative Office.
 - b. Authorize the County Administrative Office to make the following fund balance designations in FY 2021-22 and authorize and direct the Auditor-Controller to make the fund balance changes in Advantage:
 1. Authorize the creation of a new section 115 pension trust assignment and authorize assigning \$30,641,609 financed by unassigned fund balance.
 2. Designate \$9,527,138 to the Compensated Absences Assignment (BSA 3115) to continue to keep reserves for employee vacation accruals financed by unassigned fund balance.
 3. Designate \$3,100,000 in a new sub-account in the General Capital Assignment (BSA 3065) for the future replacement of the Sheriff radios financed by unassigned fund balance.
 4. Designate \$526,700 in a sub-account in the General Capital Assignment (BSA 3065) for the capital equipment for the Elections Department financed by unassigned fund balance.
 5. Release \$550,000 from the Information Technology Charges Mitigation Assignment (BSA 3124) and assign \$550,000 to the new sub-account within the General Capital Assignment (BSA 3065) for capital equipment for the Elections Department.
 - c. Authorize a \$3,524,746 Natividad contribution to the pension trust (Fund 030) towards its share of the CalPERS miscellaneous plan's pension liability by:
 1. Authorize and direct the Auditor-Controller to increase appropriations in the Natividad FY 2021-22 adopted budget (451-NMC001-8142) by \$3,524,746 financed by unassigned fund balance, 4/5th vote required; and
 2. Transfer \$3,524,746 from the Natividad enterprise fund (451-NMC001-8142) to the Pension Liability Fund (030-CAO049-8570) 4/5th vote required.

Dewayne Woods, Assistant County Administrative Officer and Ezequiel Vega, Director of the Budget Analysis Office, both via Zoo, presented via PowerPoint presentation.

Open for public comments; Bill Lipe commented.

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Wendy Root Askew as amended, to:

Adopt Resolution No. 21-430 to:

- a. Accept the Budget End-of-Year Report for FY 2020-21 from the County Administrative Office.
- b. Authorize the County Administrative Office to make the following fund balance designations in FY 2021-22 and authorize and direct the Auditor-Controller to make the fund balance changes in

Advantage:

1. Authorize the creation of a new section 115 pension trust assignment and authorize assigning \$30,641,609 financed by unassigned fund balance.
2. Designate \$9,527,138 to the Compensated Absences Assignment (BSA 3115) to continue to keep reserves for employee vacation accruals financed by unassigned fund balance.
3. Designate \$526,700 in a sub-account in the General Capital Assignment (BSA 3065) for the capital equipment for the Elections Department financed by unassigned fund balance.
4. Release \$550,000 from the Information Technology Charges Mitigation Assignment (BSA 3124) and assign \$550,000 to the new sub-account within the General Capital Assignment (BSA 3065) for capital equipment for the Elections Department.

Motion carried 3 to 2

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE
Supervisor Phillips: NAY
Supervisor Lopez: NAY
Supervisor Adams: AYE
Chair Supervisor Root Askew: AYE

A separate vote was taken on Item No. c. 1. and 2.:

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Wendy Root Askew to:
c. Authorize a \$3,524,746 Natividad contribution to the pension trust (Fund 030) towards its share of the CalPERS miscellaneous plan's pension liability by:

1. Authorize and direct the Auditor-Controller to increase appropriations in the Natividad FY 2021-22 adopted budget (451-NMC001-8142) by \$3,524,746 financed by unassigned fund balance, 4/5th vote required; and
2. Transfer \$3,524,746 from the Natividad enterprise fund (451-NMC001-8142) to the Pension Liability Fund (030-CAO049-8570) 4/5th vote required.

Motion carried 4 to 1

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Lopez: NAY
Supervisor Adams: AYE
Chair Supervisor Root Askew: AYE

7. Consider a comprehensive analysis in response to revised **Board Referral 2016.02**, regarding enforcement of existing County regulations relating to transient use of residential properties, also known as short term rentals or vacation rentals, and provide direction to staff regarding unauthorized vacation rentals and potential funding sources to cover costs.

Erik Lundquist, Director of the Housing and Community Development Department, in person, presented via PowerPoint presentation.

Open for public comments; Thyme Lewis, Richard Barnwell, John Rogers, Dave Picus, Charles Hawley, Ross Bava, Jim Ferguson, Kay Austen, Charlie (no last name provided), Robert Mountain, Richard Matthews, Pris Walton, Jeff Wood, MaryAnn Gujan, CS Noel, Scott Hanhem, John Hiel, Eric Sands, David Picas, Alexis Cardenas, all in person, and Wendy Fickas, Chuck Stein, Eloise Shim, Doris Felbre, Carolyn Strauss, Vaughn McIlrath, Chuck W., Mark Watson, Richard Stott, 224 397 747, Carol Chorbajian, Cheryl Merritt, Tapasvi Moturu, Amy Sung, Diane Mazzeil, James

Greco, Daniel Tapia, Gwyn DeAmaral, Gary Cursio, David Smiley, Gary Jepson, and Kathryn Greenwater, all via Zoom, commented.

A motion was made by Supervisor Mary L. Adams, seconded by Supervisor Wendy Root Askew to:

- a. Receive a presentation regarding existing regulations relating to the transient use of residential properties and the enforcement of said regulations;
- b. Discuss and provide direction regarding the enforcement of existing transient use of residential properties regulations and potential funding sources to cover costs; and directed staff to: Come back in January 2022, for Board action regarding resources/staff, funding, an amendment of the ordinance regarding fine amounts and support the grouping of priority regarding enforcement:
Group 1 - not paying TOT, nuisance complaints and ineligible properties;
Group 2 - other unpermitted properties.

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. Consider whether to maintain, modify or terminate the suspension, approved by the Board of Supervisors on November 16, 2021, of the facial covering requirement of Ordinance No. 5363.

Charles McKee, County Administrative Officer, in person, and Dr. Edward Moreno, Director of Public Health, via Zoom, from the Health Department presented via PowerPoint presentation.

Open for public comments; Bill Lipe, via Zoom, and Kellen Rice, in person, commented.

A motion was made by Supervisor Wendy Root Askew, seconded by Supervisor Luis A. Alejo to adopt a Board Order that changes the metric that uses the CDC based on local reporting of COVID data to implement the mask requirements which modifies the suspension, approved by the Board of Supervisors on November 16, 2021, of the facial covering requirement of Ordinance No. 5363.

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE

Supervisor Phillips: NAY

Supervisor Lopez: NAY

Supervisor Adams: NAY

Chair Supervisor Root Askew: AYE

Motion failed 3 to 2

Read Out from Closed Session by County Counsel

There is no read out from closed session.

Adjourned

The meeting was adjourned in Memory of Latu Moli at 5:10 p.m. by Chair Supervisor Wendy Root Askew.

APPROVED:

_____/s/ Mary L. Adams_____
MARY L. ADAMS, CHAIR

ATTEST:

BY: ____/s/ Valerie Ralph_____

VALERIE RALPH

CLERK OF THE BOARD

APPROVED ON: September 13, 2022