



County of Monterey

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

Legislation Details (With Board Report)

File #:	A 21-029	Name:	Casa de Noche Buena shelter - Deed Restrictions
Type:	BoS Agreement	Status:	Passed - County Administrative Office
File created:	1/20/2021	In control:	Board of Supervisors
On agenda:	1/26/2021	Final action:	1/26/2021

Title: 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.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Exhibit A, 3. Exhibit B, 4. Exhibit C, 5. Exhibit D, 6. Exhibit E, 7. Completed Board Order Item No. 48

Date	Ver.	Action By	Action	Result
1/26/2021	1	Board of Supervisors	approved - county administrative office	Pass

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.

RECOMMENDATION:

It is recommended that the Board of Supervisors ratify the County Administrative Officer's execution of a Notice and Deed Restriction Regarding Limitation on Use of Water on a Property with Capacity Fee Deferral, and a Notice and Deed Restriction [to] Provide Public Access to Water Use Data with the Monterey Peninsula Water Management District for the Casa de Noche Buena shelter.

SUMMARY/DISCUSSION:

On August 27, 2019, the Board of Supervisors approved a ten-year lease of County property to Community Human Services (CHS) as a shelter for women and families. On October 27, 2020, the Board of Supervisors authorized an agreement for CHS and Gathering for Women to operate the shelter. The shelter is known as Casa de Noche Buena and is located at 1292 Olympia Avenue in Seaside.

Casa de Noche Buena was scheduled to open to its first guests on January 19, 2021. On January 14, 2021, staff was notified that a water capacity use and fee deferral deed restriction in favor of the Monterey Peninsula Water Management District (MPWMD) required signature by the County prior to occupancy. MPWMD further requested the submittal of a letter from County Counsel confirming the authority of the County Administrative Officer's (CAO) execution prior to the signing of the deed restrictions. The deed restrictions must be notarized to enable recording.

Understanding that these actions could not all be accomplished prior to the anticipated arrival of the first guests, MPWMD has allowed occupancy while the County completes document execution. The Board Orders authorizing the lease and operating agreement, correspondence from County Counsel to MPWMD outlining the authority of the CAO to execute, and above referenced deed restrictions are attached as exhibits to this report.

Pursuant to Monterey County Code section 2.12.040 (A) and (17), the CAO has authority to execute the deed

restrictions. In light of the fact that the Board previously authorized the lease and operating agreement; it is prudent to obtain Board's ratification of the CAO's signature, consistent with the Board's prior actions to approve use of the property as a shelter. Therefore, staff recommends Board approval of the recommended actions contained in this report.

OTHER AGENCY INVOLVEMENT:

The County Administrative Office has coordinated with County Counsel and Gathering for Women.

FINANCING:

There is no financial impact resulting from the approval of the recommended actions.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This recommendation further advances human service efforts at the County of Monterey.

Mark a check to the related Board of Supervisors Strategic Initiatives

☐ Economic Development
☐ Administration
☒ Health & Human Services
☐ Infrastructure
☐ Public Safety

Prepared/Approved by:

Charles J. McKee
County Administrative Officer

Attachments:

Board Report

Exhibit A - Board Order authorizing lease with CHS

Exhibit B - Board Order authorizing Agreement with CHS for shelter operation

Exhibit C - Letter from County to MPWMD

Exhibit D - Notice and Deed Restriction re Limitation on Use of Water on Property with Capacity Fee Deferral

Exhibit E - Notice and Deed Restriction to Provide Public Access to Water Use Data