Monterey County

Monterey County Government Center
Board Chamber
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Meeting Agenda - Final-revised

Tuesday, February 6, 2018
9:00 AM

See page 4 for separate agendas.

Board of Supervisors

Chair Luis Alejo - District 1
Vice Chair John M. Phillips - District 2
Supervisor Simon Salinas - District 3
Supervisor Jane Parker - District 4
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 translation 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 más pronto posible, y a lo mínimo 24 horas de antelicio 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 items are live web links. Click on the title to be directed to corresponding Board Report.

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

See separate agendas for Board of Supervisors governed Agencies and Special Districts.

9:00 A.M. - Call to Order

Roll Call

Additions and Corrections for Closed Session:

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. The public may comment on Closed Session items prior to the Board’s recess to Closed Session.

Closed Session

1. Closed Session under Government Code section 54950, relating to the following items:

   a. Pursuant to Government Code section 54957.6, the Board will provide direction to labor negotiators:
      (1) Designated representative: Lew C. Bauman
      Employee Position: Public Defender

   b. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:
      (1) Stagecoach Territory, Inc. v. County of Monterey, et al. (Monterey County Superior Court case no. M104908/Sixth District Court of Appeal case no. H041076)
      (2) State of California, etc., v. Jefferson Sessions, et al. (United States District Court, Northern District, case number 17-CV-04701-WHO)
      (3) County of Santa Clara v. Donald J. Trump, et al., (United States District Court, Northern District, case number 17-CV-00574-WHO)
      (4) City and County of San Francisco v. Donald J. Trump, et al. (United States District Court, Northern District, case number 17-CV-00485-WHO)

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

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

(1) Steve Mauck

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

(1) Designated representatives: Irma Ramirez-Bough and Brette Neal

Employee Organization(s): All Units

g. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding appointment to the position of Agricultural Commissioner and Sealer of Weights & Measures.

Continuance of Closed Session to be held at the conclusion of the Board's Regular Agenda, or at any other time during the course of the meeting 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

Roll Call

Pledge of Allegiance

Additions and Corrections

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. The public may comment on Closed Session items prior to the Board's recess to Closed Session.

Consent Calendar

2. Approval of Consent Calendar (See Supplemental Sheet)

Appointments

3. Appoint Lynwood Eady to the Equal Opportunity Advisory Commission to fill an unscheduled vacancy representing NAACP for term ending December 31, 2019. (Full Board)

Attachments: Notification to Clerk - Eady

NAACP Replacement to the EOAC

4. Reappoint Sheri Braden to the San Lucas County Water District for a term ending December 1, 2021. (Supervisor Salinas)
5. Reappoint Mark DeHart to the Monterey County Fish & Game Commission for a term ending February 1, 2021. (Supervisor Salinas)

Attachments:  Notification to Clerk - DeHart

6. Reappoint Jim Slaten to the Monterey County Regional Fire District for a term ending March 1, 2022. (Supervisor Salinas)

Attachments:  Notification to Clerk - Slaten

7. Appoint Kent Hibino to the Boronda Public Works Citizens Advisory Committee for a term ending January 1, 2021. (Supervisor Phillips)

Attachments:  Notification to Clerk - Hibino

8. Appoint Alfredo Garcia to the Boronda Public Works Citizens Advisory Committee for a term ending January 1, 2021. (Supervisor Phillips)

Attachments:  Notification to Clerk - Garcia

9. Reappoint Laura Bernal to the Boronda Public Works Citizen’s Advisory Committee for a term ending January 1, 2021. (Supervisor Phillips)

Attachments:  Notification to Clerk - Bernal

Other Board Matters

10. Board Comments

11. CAO Comments and Referrals

Attachments:  Referrals 2-06-18

12. General Public Comment

This portion of the meeting is reserved for persons to address the Board of Supervisors on any matter not on this agenda but under the jurisdiction of the Board of Supervisors. Board of Supervisors 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 of Supervisors at a future meeting.

10:30 A.M. - Scheduled Matters

13.1

a. Receive an ERP Status Report; and,
b. Approve a retroactive Change Request for CGI services in the amount of $409,325.

Adjournment
Supplemental Sheet, Consent Calendar

Health Department

14. Approve and authorize the Contracts Purchasing Officer or Contracts/Purchasing Supervisor to execute a no-extension Amendment No. 2 to Standard Agreement A-13117 with LocumTenens.com for licensed Physicians and Healthcare Professionals, to increase the FY 2016-17 through FY 2018-19 amount by $1,800,000 to meet the Department’s needs for a total Agreement amount not to exceed $3,750,000.

Attachments: Board Report
              LT.com Amendment #2
              LocumTenens.com Amend., No. 1
              LocumTenens.com Std Agreement A-13117 Fully Executed

15. Approve and authorize the Director of Health or Assistant Director of Health to execute a no-extension Amendment No. 1 to Standard Agreement A-13174 with Jackson & Coker Locum Tenens, LLC for licensed Physicians and Healthcare Professionals, to increase the FY 2016-17 through FY 2018-19 amount by $650,000 to meet the Department’s needs for a total Agreement amount not to exceed $1,400,000.

Attachments: Board Report
              J&C Amendment #1
              JacksonCoker Agreement

16. a. Approve and authorize the Director of Health, the Assistant Director of Health, or the Emergency Medical Services Director, to execute Emergency Medical Services and Air Ambulance Service Provider Agreement between the County of Monterey and REACH Air Medical Services, LLC. for the provision of emergency medical air ambulance services for the County of Monterey from February 1, 2018 through February 1, 2020; and
b. Authorize the Director of Health, the Assistant Director or 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.

Attachments: Board Report
              Reach Air Agreement.pdf

17. Approve and authorize the Contracts Purchasing Officer or Contracts/Purchasing Supervisor to execute a no-extension Amendment No. 2 to Standard Agreement A-13217 with Medical Doctors Associates who provide temporary medical services. Amendment No. 2 is to increase the FY 2015-16 through FY 2017-18 amount by $250,000 to meet the Department’s needs for a total Agreement amount not to
exceed $680,000.

**Attachments:** Board Report  
MDA Amendment #2  
MDA Amend No. 1  
MDA Agreement

### Criminal Justice

**18.** Receive the Inmate Welfare Fund Annual Report for the Fiscal Year 2016-17.

**Attachments:** Board Report  
Fiscal Year 2016-17 Annual Financial Report.pdf

### General Government

**19.** Approve and authorize the Agricultural Commissioner or designee to donate surplus Weights and Measures equipment to San Benito County division of Weights and Measures.

**Attachments:** Board Report  
Attachment A.pdf  
Attachment B.pdf  
MOU.pdf

Attachments:  Board Report
            BoS Draft Minutes 05-27-2015
            BoS Draft Minutes 06-05-2017
            BoS Draft Minutes 07-11-2017
            BoS Draft Minutes 07-18-2017
            BoS Draft Minutes 07-25-2017
            BoS Draft Minutes 10-03-2017
            BoS Draft Minutes 11-7-2017
            BoS Draft Minutes 12-05-2017
            BoS Draft Minutes 12-12-2017
            BoS Draft Minutes 12-13-2017
            BoS Draft Minutes 12-14-2017
            BoS Draft Minutes 12-12-17 - REVISED

21. a. Approve and authorize the Acting Agricultural Commissioner to sign a Memorandum of Understanding (MOU) with the Monterey County Agricultural Education, Inc. not to exceed $50,000 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
            MCAE MOU.pdf

22. Adopt a Resolution to approve the Conflict of Interest Code for the Salinas Valley Basin Groundwater Sustainability Agency.

Attachments:  Board Report
            Attachment A - Proposed Resolution
            Attachment B - SVBGSA Conflict of Interest Code
            Attachment C - Resolution Adopted by SVBGSA


25. 

a. Adopt a resolution to authorize the Auditor-Controller to amend the FY 2017-18 Next Generation (NGEN) Radio Project adopted budget, Fund 405, Appropriation Unit EME002, to increase appropriations by $1,718,986, financed by $1,718,986 in assigned fund balance (Fund 405) (4/5ths vote required);
b. Approve and authorize an increase in the cap on project costs for the NGEN Radio System Project from $13,950,000 to $16,595,974 to account for expenditures made through FY 2016-17 and expected expenditures through the end of FY 2017-18 (4/5ths vote required); and
c. Receive a report on the plan to recover uncollected User Agency funds advanced by the County for the operation of the Monterey County Emergency Communications Center, including correction of billing errors and recovery of uncollected User Agency funds, and the transfer of NGEN Operations and Maintenance fees for NGEN Project costs made in FY 15/16.

26. Adopt a Resolution to:
a. Find that, due to the cumulative effects of the 2017 winter storms, an emergency exists with regard to necessary repairs to the raceway at the Laguna Seca Recreation Area, located at 1025 Monterey-Salinas Highway 68, Salinas, requiring immediate
action without adopting plans and specification and giving notice for bids to let contracts; and
b. Authorize and ratifying the execution of emergency contracts and emergency actions necessary or taken by the County Administrative Officer, or his designee, to respond to the emergency (4/5th vote required).

**Attachments:** Board Report
LSRA Emergency Work - Resolution - Jan 2018
Location Map

27.

Introduce, waive reading, and set for adoption on February 13, 2018, an ordinance amending the County Code by: 1) adding Chapter 2.21 to set forth more specifically the role and duties of the County Counsel and the Office of the County Counsel; 2) amending Chapter 2.32 to authorize the District Attorney, Public Defender, and County Counsel to engage independent contractors for expert, legal, and other services where the aggregate cost does not exceed $100,000 if certain budgetary conditions are met, and clarifying the exceptions to the County Purchasing Agent’s authority to engage independent contractors, specifically excepting contracts for legal services and certain other specified types of services; and 3) amending Chapter 5.16 to clarify the process of filing claims, the settlement of claims and litigation, and the procurement of insurance. (CORRECTED ATTACHMENT SUBMITTED VIA SUPPLEMENTAL)

**Attachments:** Board Report
Attachment A - PDF
Attachment A - Corrected
Attachment B - PDF

27.1

Adopt a resolution to authorize the Auditor-Controller to amend the FY 2017-18 Adopted Budget by increasing FY 2017-18 appropriations by $50,000.00 in CAO - Intergovernmental and Legislative Affairs Division Budget 001-1050-CAO004-8054, financed by increased cannabis tax revenue (001-1050-8041-4130), to fund professional services for a community survey ($30,000) and for professional services and supplies for public meetings ($20,000) related to Referral #2017.22 regarding “a process for community engagement and input on recommendations for uses of future incremental cannabis tax revenue” (4/5th vote required).

**Attachments:** Board Report
Att. A_DRAFT Resolution
Att. B_Completed Board Order
27.2

a. Approve and authorize the Contracts/Purchasing Officer to execute Amendment No. 15 to the Master Proprietary Software Maintenance Agreement for new and upgraded Licensed Software and Bundled Software beginning January 1, 2018 through June 30, 2019 for a total of $1,240,659.69; and,
b. Approve and authorize the Contracts/Purchasing Officer to execute Amendment No. 16 for Enhanced Maintenance Services for a three-year term through June 30, 2019 at a cost of $575,000. This would replace the five-year term of Amendment No. 13.

Attachments: Board Report
ERP Maintenance Cost Summary 2018
CGI Amend 15
CGI Amend 16 EMS
CGI Bundled Software Pricing

27.3

Authorize the Director of the Emergency Communications Department to submit a quotation for the County to provide emergency communications services to United States Army Garrison (USAG) Presidio of Monterey. (ADDED VIA ADDENDUM)

Attachments: Board Report
USAG POM Draft Solicitation W9124N-18-R-002
Memorandum For Record from COL Brown, Commander POM
Memorandum For Record from T. P. Joyce Fire Chief POM

RMA - Administration

28.

a. Approve a Five-year Facility Use Agreement between Wildflower Triathlon LLC and the County of Monterey to promote and conduct the Wildflower Triathlon at Lake San Antonio South Shore for the years 2018 to 2022, with the right to negotiate a five-year extension from 2022 to 2027 on terms and conditions to be mutually agreed to by the parties, if exercised by both parties;
b. Find that the Wildflower Triathlon at the Lake San Antonio South Shore is Categorically Exempt from CEQA pursuant to Section 15304(c) of the CEQA Guidelines;
c. Authorize the Chair of the Board to sign the Facility Use Agreement on behalf of the County; and
d. Authorize the RMA Director, or designee to sign an annual Concession Agreement for Special Events each year (2018-2022) for the Wildflower Triathlon to address specific details on maintenance and operations pursuant to the terms of the Facility Use Agreement.
RMA - Land Use and Community Development

29. a. Approve Amendment No. 1 to Standard Agreement with Albion Environmental, Inc. to: include one full-time on-site Native American construction monitor from the Monterey Band of the Ohlone-Costanoan-Esselen Nation (OCEN) during construction of the Moss Landing Rule 20A Underground Utility District Project; increase the not to exceed amount of $49,089.61 by $59,931.36 for a total not to exceed amount of $108,020.97; and extend the expiration date one (1) additional year for a revised term from October 15, 2017 to October 15, 2019; and
b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute Amendment No. 1 to the Standard Agreement; and
c. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute future amendments to the Standard Agreement to extend the term beyond the original term authorized in RFP No. 10513 where the amendments do not significantly alter the scope of work or change the approved Agreement amount.

30. a. Approve Amendment No. 6 to Professional Services Agreement No. A-12442 with Denise Duffy & Associates, Inc. to continue to provide services associated with completion of an Environmental Impact Report (EIR) for projects located in the Carmel River Lagoon Area and Carmel River Lagoon Restoration and Management Plan (Request for Proposals #2012-CRL-1) for Phases 1 and 2 to: update the Schedule of Rates; increase the not to exceed amount of $824,554 by $360,470 for a total amount not to exceed $1,185,024; and extend the expiration date from June 30, 2018 for eighteen (18) additional months through December 31, 2019, for a revised term from April 23, 2013 to December 31, 2019; and
b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute Amendment No. 6 to Professional Services Agreement No. A-12442; and
c. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute future amendments to Professional Services Agreement No. A-12442 to extend the term beyond the original term authorized in Request for Proposals
#2012-CRL-1 where the amendments do not significantly alter the scope of work or change the approved Agreement amount.

**Attachments:**  
- Board Report  
- Attachment A – Summary of PSA  
- Attachment B – Amendment No. 6  
- Attachment C – PSA and Amendments No. 1 – 5

**RMA - Public Works and Facilities**

31.  
an. Approve and authorize the Chair to sign a Contract to Purchase from Monterey Bay Aquarium Research Institute two Public Utility Easements (APN 133-342-008 - PUE “C” and APN 133-232-011 - PUE “F”) in the amount $9,500 for the Moss Landing Rule 20A Underground Utility District Project in the community of Moss Landing; and  
b. Direct the Clerk of the Board to record the two Easements with the County Recorder’s Office.

**Attachments:**  
- Board Report  
- Attachment 1 - Contract to Purchase  
- Attachment 2 - PUE C  
- Attachment 3 - PUE F

**Board of Supervisors Addendum/Supplemental**

32.  
Board of Supervisors Addendum/Supplemental Agenda for the meeting of Tuesday, February 6, 2018.

**ADDENDUM**  
**Add to General Government**  
27.3 Authorize the Director of the Emergency Communications Department to submit a quotation for the County to provide emergency communications services to United States Army Garrison (USAG) Presidio of Monterey.

**SUPPLEMENTAL**  
**General Government - Revised Attachment Submitted - Revised BoS Draft Minutes 12-12-17**  
General Government - Corrected Attachment Submitted - Attachment A

27. Introduce, waive reading, and set for adoption on February 13, 2018, an ordinance amending the County Code by: 1) adding Chapter 2.21 to set forth more specifically the role and duties of the County Counsel and the Office of the County Counsel; 2) amending Chapter 2.32 to authorize the District Attorney, Public Defender, and County Counsel to engage independent contractors for expert, legal, and other services where the aggregate cost does not exceed $100,000 if certain budgetary conditions are met, and clarifying the exceptions to the County Purchasing Agent’s authority to engage independent contractors, specifically excepting contracts for legal services and certain other specified types of services; and 3) amending Chapter 5.16 to clarify the process of filing claims, the settlement of claims and litigation, and the procurement of insurance.