

Women Leaders

P.4



Affordable
Housing Approach

P.5

INSIDE THIS ISSUE: Relief for Manufacturers **P.9** | Local Member Hotels **P.12** | Investment Advice **P.14**

Local Elections Bring Generational Shift

by Chamber Staff

Monterey County political observers and news media noticed the abundance of young and passionate candidates who ran for Monterey County local public offices in the November 2020 elections. The **Monterey County Weekly** described them as a “new wave of candidates: young, ambitious and engaged.”

Voters also noticed this new wave of candidates. In fact, voters elected many of them. As reported in a **Voices of Monterey Bay** article, “the 2020 election cycle in Monterey County was marked by an infusion of upstart enthusiasm, fresh blood and plenty of upsets.”

Salinas Valley Chamber of Commerce leadership views this development with cautious optimism. Young leaders can bring fresh energy and perspective to institutions and organizations that have become tired, perfunctory, and risk-adverse in their operations. In fact, the Chamber’s own Board of Directors reflects a multi-year effort to bring fresh energy and perspective to this association through recruitment and cultivation of a diverse group of young leaders.

Your Chamber’s Candidate Review Committee knew this when it interviewed candidates for local offices and recommended endorsements that the Board of Directors subsequently ratified. Our endorsements included candidates who are young, ambitious, and engaged. Some of the candidates we endorsed were elected by voters. **(See page 6 for some results.)**

However, we don’t know everyone in the new wave of young candidates elected to local office in November 2020. Some of them did not respond to requests from the Salinas Valley Chamber of Commerce for interviews in our endorsement process. (The Monterey Peninsula Chamber of Commerce had a similar response from some of the younger candidates.) Regrettably, the background activism and campaign material of some of these candidates seems skeptical about market economics as part of a just and equitable society.

Your Chamber’s official vision is a **thriving, welcoming Salinas Valley where people, families, and businesses succeed via economic opportunity and growth**. In pursuit of this vision, we will continue to focus on policies that promote economic growth, job creation, and market competition.

We will work cooperatively with elected officials who agree with our vision. And we will introduce ourselves and seek common ground with elected officials who are skeptical of our vision. ➡

ELECTIONS - Continued on page 6

A Simple Explanation of “Developer Impact Fees”

Read a news article or opinion piece about obstacles to increasing the housing supply in California, and you’ll likely see developers and housing advocates complaining about the cost of “fees.” They will assert that high developer impact fees discourage construction of new residential units.

What are these notorious fees? Contrary to what some people believe, they’re not meant to prop up a local government’s general fund or its underfunded employee benefit program.

California law allows a local government to charge a fee on an approved class of projects or an approved individual project to defray all or a portion of the cost of public facilities and services related to the development project. These fees are meant to relieve existing residents (to some extent) from paying the costs when governments accommodate the needs of new residents.

Presumably developers that build new residential units incorporate the cost of these fees into the price of their units. Buyers or renters end up paying for their “fair share” of new or expanded public facilities and services.

California law is written to find a balance between existing residents and the developer (essentially acting on behalf of future residents). A local government must show a reasonable relationship between the fee, the type of project on which the fee is imposed, and the purpose for which it is charged. Local governments are not allowed to charge a fee that exceeds the estimated reasonable cost of providing the facility or service.

To show their fees are imposed legally, local governments must report findings that justify the fees. The reports used to justify the fees are often called “nexus studies” (the word nexus is derived from the Latin word *nectere*, to bind), indicating connections or links among things, persons, or events.

Governing boards of local governments must approve the fees in a public hearing. Every five years local governments must produce an accountability report for the public concerning the fees.

Not all California local governments charge developer impact fees. But the City of Salinas does. These fees are authorized in its Municipal Code for facilities and services that include sewers, parks, libraries, trees, annexations, arterial (streets), fire, and police. ➡

FEES - Continued on page 6



Do I have the flu? Or is it COVID-19?

That is a question some of us will ask at the first sign of a cough or fever. Flu season is here now and COVID-19 remains a serious threat.

You can stay healthy by taking these simple steps:

1. Get your flu shot
2. Wear a mask
3. Wash your hands
4. Stay 6 feet away from others

This year, taking care of your health is important for you and helps protect everyone else too. **To find out where you can get a flu shot or for information about COVID-19, call 211.**

BROUGHT TO YOU BY:

Community Hospital of the Monterey Peninsula | Salinas Valley Memorial Healthcare System
Natividad | Mee Memorial Healthcare System | County of Monterey Health Department



Have You Considered Marketing Through Your Chamber?



Gain Valuable Exposure for Your Company while Supporting the Salinas Valley Chamber!

Free & Low-Cost Marketing Available to our Members

Digital & Print Advertising Opportunities are Available Through:

- Our Salinas Valley Business Journal
- Our enewsletter
- Our Facebook page

Reach 15,000 people through our Business Journal and 2,500 people through our digital communications.

Budgeting for 2021 or have some extra funds left in your 2020 marketing budget?

CONTACT LINDSEY KNIGHT TODAY TO FIND OUT ABOUT OUR MARKETING SPECIALS FOR 2021, OFFERS END ON 12/31/2020 AT 12 PM NOON!



Share the spirit of the season!

Pinnacle Bank has always put our community first, and we are dedicated to helping those in need. That's why we are continuing our holiday tradition of donating to local food banks on behalf of our clients.

We wish you all a safe, healthy and happy holiday season!



PINNACLE BANK

(888) 485-7050 • www.pinnacle.bank

Member FDIC SBA Preferred Provider
Serving Monterey, San Benito and Santa Clara Counties.

Progress, Despite 2020's Many Challenges

by Andrea Bailey, Board Chair



I have been honored to serve as the Salinas Valley Chamber of Commerce Board Chair this year, and despite many obstacles, we have persevered. The last eight months have presented issues and challenges unlike any we have experienced before. I am proud that here in Monterey County and around the globe – despite health concerns, employment and economic pressures, and social unrest – the Chamber has stayed true to our values and made progress toward our strategic goals.

From the creation and implementation of our three-year strategic plan, to helping our many business members navigate through the complexities of the COVID-19 pandemic, to hiring new Chamber staff, we have remained strong. The Chamber's foundation is built upon our values, which distinguish us and guide our actions to deliver results. This year we have focused on improving our operational excellence, growing our membership value and reach, increasing regional collaboration, and advocating for and advancing the interests of our members, like you.

Throughout the course of this year, I have watched the Chamber grow and evolve. Continual improvement – and at times, necessary change – is how great organizations stay great. It is also a reminder that we should continue to embrace opportunity as we pursue operational excellence. I am very proud of the work that we have done and the many things that we have accomplished together during my time as Board Chair.

I want to say thank you to our members for your ongoing support and commitment to the Salinas Valley Chamber of Commerce. Thank you to our Ambassadors for giving us the gift of your time and helping to represent the Chamber at our events and much more. Thank you to our Board of Directors and liaisons for your continuous support and governance of the Chamber.

Thank you to the Executive Committee for all of the hard work you did this year and playing an active role in shaping our culture of service, integrity, collaboration, communication, inclusivity, empathy, and trust. Your insights and energies gave life to the strategic plan. And I especially want to thank our President & CEO Paul Farmer for your leadership of the Salinas Valley Chamber of Commerce.

And finally, I happily pass the baton to my successor Kristy Santiago, incoming Board Chair for 2021. As we all (gratefully!) turn the calendar page to January 1 together, we will put to bed forever this most memorable year of 2020. Kristy, I wish you the best of luck in continuing to move the Chamber forward and I will be there every step of the way to support you and the Chamber. ■

Sincerely,



2020 EXECUTIVE COMMITTEE

- Chair - **Andrea Bailey** (Chevron)
- Chair-elect - **Kristy Santiago** (KION TV)
- Past Chair - **John Bailey** (Alternative Dispute Resolution)
- Vice Chair, GRC - **Jennifer Williams** (Natividad Medical Foundation)
- Vice Chair, Finance - **Bill Hastie** (Hastie Financial Group)
- Vice Chair, Events - **Amy Gibson** (Portola Hotel & Spa)
- Vice Chair, Membership - **Julie Ann Lozano** (MBS Business Systems)

2020 BOARD OF DIRECTORS

- **Jim Bogart** (Ag Industry Legend)
- **Kalah Bumba** (Consultant Community/Health)
- **Esteban Calderon** (Comerica Bank)
- **Raymond Costa** (RHC Management, dba McDonald's)
- **John Haupt** (Haupt & Associates)
- **Albert Maldonado** (MP Express Printing)
- **Rodney Meeks** (Credit Consulting Services)
- **Kathy Miller** (Aera Energy)
- **Krishna Patel** (Duda Farm Fresh Foods)
- **Brandon Patterson** (Brandon D Patterson - Windermere Valley Properties)
- **Starla Warren** (Monterey County Housing Authority Development Corporation)

CHAMBER LIAISONS

- **Peter Kasavan** (SPARC)
- **Matt Huerta** (Monterey Bay Economic Partnership)
- **Kevin Dayton** (Salinas City Center Improvement Assn.)

LEGAL COUNSEL

- **Matt Ottone**

PROFESSIONAL STAFF

- **Lindsey Knight** (Membership Development Director)
- **Shae Scarr** (Member Services Coordinator)
- **Phillip Saldaña** (Operations & Accounts Manager)
- **Paul Farmer** (CEO & Chief Member Advocate)

CREATING A STRONG LOCAL ECONOMY
PROMOTING THE COMMUNITY
PROVIDING NETWORKING OPPORTUNITIES
POLITICAL ACTION
REPRESENTING THE INTERESTS OF BUSINESS WITH GOVERNMENT

Info@SalinasChamber.com
(831)751-7725

Women Leaders Share Success

by CalChamber

'Bet on Yourself': Women Leaders Share Stories of Success, Tips to Propel Women Forward

Five of the state's top women leaders, representing the private sector and state government, recently joined the California Chamber of Commerce in a panel webinar to recount their personal journeys to success and share strategies to help women on their paths to leadership and entrepreneurship. The women on the panel were:

- **State Senator Melissa Hurtado**, Senate District 14;
- **Assemblymember Jacqui Irwin**, 44th Assembly District;
- **Sandra Floyd**, president and CEO of OUTSOURCE Consulting Services;
- **Maryam Brown**, president of Southern Gas Company; and
- **Donna Lucas**, CEO and president of Lucas Public Affairs.

A recording of the webinar is available at www.calchamber.com/webinars/20201030-women-in-leadership.

CalChamber podcasts, webinars, blogs, and other training materials on diversity and inclusion are available for free at <http://www.calchamber.com/diversity>.

Journeys to Success

To kick off the webinar, each panelist shared the journeys they took to be where they are now.

Always looking for ways to help disadvantaged communities and create economic opportunities for struggling families, Senator Melissa Hurtado realized that she couldn't generate change if she was on the "outside." So she ran for city council. Once on the city council, she realized that her community also needed investment, leading her to run for the State Senate.

Originally from Tennessee, Sandra Floyd began a career at Pacific Bell, where she met a mentor who helped her succeed at the company. Floyd retired early from Pacific Bell and later opened a successful bridal shop, but six years later realized that dealing with brides was getting to be too much. She decided entering the world of human resources was better suited to her skills and interests, and founded ➡ **WOMEN** - Continued on page 15



Top row, from left: Assemblymember Jacqui Irwin, 44th Assembly District; Jennifer Barrera, executive vice president, CalChamber; State Senator Melissa Hurtado, Senate District 14. Bottom row, from left: Maryam Brown, president of Southern Gas Company; Donna Lucas, CEO and president of Lucas Public Affairs; Sandra Floyd, president and CEO of OUTSOURCE Consulting Services.

100th Annual Awards Luncheon

Join us for our biggest annual event where we honor our own.

Note: this event is expected to be virtual for 2021.

NOMINATIONS OPEN:

- ♦ Small Business of the Year
- ♦ Large Business of the Year
- ♦ Businesswoman of the Year
- ♦ Citizen of the Year
- ♦ Agricultural Leadership
- ♦ Spirit of the Community

Nominate online at our website or
contact the Chamber.

Thursday
February 26, 2021
11am-1pm

Register online by 2/21

SalinasChamber.com

Or 831-751-7725



Presented by



State Must Overhaul Approach to Affordable Housing

Summary of State Auditor Report



The California State Legislature has identified housing as an essential motivating force in helping people achieve self-fulfillment in a free and democratic society. To that end, the Legislature has declared that the State's basic housing goal is to provide a home and suitable living environment for every Californian. However, the Legislature has also declared that in California, private investment alone cannot achieve the needed construction of housing at costs that are affordable to people of all income levels, including to those households earning 80 percent or less of their area's median income (lower-income households).

Audit Highlights

Our audit of the State's efforts to support affordable housing projects highlighted the following:

- » The State's approach to planning and financing the development of affordable housing at both the state and local levels is ineffective.
 - Four key state agencies contribute to the State's basic housing efforts, but there is no sound, well-coordinated strategy or plan to most effectively use their financial resources to support affordable housing.
 - The lack of a comprehensive plan allowed one agency to mismanage and ultimately lose \$2.7 billion in bond resources.
 - The four agencies' requirements are misaligned and inconsistent, which results in an unnecessarily cumbersome process for awarding their financial resources.
 - Local jurisdictions have created local barriers such as restrictions on the number of units developers can build and lengthy project approval processes.
- » State law and oversight are not strong enough to ensure that cities and counties are doing their part to facilitate the construction of affordable housing.
 - We reviewed cases in which local jurisdictions acted inconsistently with state law and/or delayed projects, yet the State lacks authority to ensure affordable housing is built in a timely manner.

Results in Brief

California's ongoing affordable housing shortage has contributed to the homelessness crisis and has left more than three million renter households with burdensome housing costs. This shortage in part stems from the State's ineffective approach to planning and financing development of affordable housing at both the state and local levels. Specifically, the State requires a far more effective statewide plan as well as sufficient oversight over the billions of dollars available for construction. In addition, the State's processes for awarding its financial resources for housing development are unnecessarily cumbersome. At the local level, state law and state oversight are not strong enough to ensure that cities and counties (local jurisdictions) are doing their part to facilitate the construction of affordable housing. Therefore, the State needs to improve its statewide housing plan (state housing plan), harmonize its funding programs, and strengthen its oversight of local jurisdictions.

The State plays a critical role in supporting affordable housing development and the Legislature has declared that private investment alone cannot achieve the needed

amount of housing construction at costs that are affordable to people of all income levels—including households earning 80 percent or less of their area's median income (lower-income households). We refer to housing affordable to lower-income households as affordable housing. Four key state agencies contribute to the State's basic housing efforts and its goal of providing a home for every Californian: the California Department of Housing and Community Development (HCD), the California Housing Finance Agency, the California Tax Credit Allocation Committee (Tax Committee), and the California Debt Limit Allocation Committee (Debt Limit Committee). These four agencies provide financial resources in the form of loans, tax credits, and tax-exempt bonds

(financial resources) to housing developers who build and rehabilitate affordable housing (developers) for lower-income households. This is in accordance with state law, which gives the State and local jurisdictions the responsibility to facilitate the improvement and development of housing to meet the needs of all state residents. However, the State does not currently have a sound, well coordinated strategy or plan for how to most effectively use its financial resources to support affordable housing. For example, state law requires HCD to develop a state housing plan every four years, but its most recent state housing plan from 2018 lacks key attributes, such as explaining how state financial resources will contribute to meeting current and future housing need and identifying where those resources will have the most impact. Although state law does not expressly require this information in the plan, without it, the State cannot demonstrate how it will build enough affordable housing and ensure that its financial resources are put to best use. In one important example, the absence of a comprehensive and coordinated plan allowed the Debt Limit Committee to mismanage and ultimately to lose \$2.7 billion in bond resources with little scrutiny, a loss the committee failed to publicly disclose and struggled to explain. These lost bond resources could have helped support the construction of more affordable housing.

The State's lack of a coordinated housing plan is also evident in the four agencies' misaligned and inconsistent requirements for the affordable housing programs they administer. The resulting approval process for the programs' financial resources is cumbersome for developers who need state resources to support their projects. Because these developers must often use multiple sources of funding for their developments to be financially feasible, the misaligned requirements can slow development and increase project costs. In addition, the Tax Committee's and Debt Limit Committee's review processes for projects are redundant in several respects because the committees review most of the same projects, contributing to our recommendation to streamline the funding process and consolidate these two committees.

The State's shortage of affordable homes is also attributable to barriers local jurisdictions have created. These local barriers—such as restrictions on the number of units developers can build or lengthy processes for approving developers' projects—make it more challenging to build needed affordable homes. Each local jurisdiction is responsible for planning to accommodate a designated portion of the State's needed affordable housing units; state law requires jurisdictions to ➡

HOUSING - Continued on page 7

Salinas Valley Chamber Endorsement Results			
Office	Candidates	Chamber Endorsed	Elected
Salinas Mayor	<i>Chris Barrera</i> <i>Kimbley Craig</i> <i>Ernesto González</i> <i>Michael Lipe</i> <i>Wes White</i>	Kimbley Craig	Kimbley Craig
Salinas City Council District 1	<i>Scott Davis</i> <i>Carla Viviana González</i>	Scott Davis	Carla Viviana González
Salinas City Council District 4	<i>Albert Lomeli</i> <i>Ramon Montemayor</i> <i>Orlando Osornio</i>	Orlando Osornio	Orlando Osornio
Salinas City Council District 6	<i>Vanessa Robinson</i> <i>Mars Rocamora Jr.</i> <i>Anthony Rocha</i>	Vanessa Robinson	Anthony Rocha
Hartnell Community College Area 1	<i>Alejandra González</i> <i>Manuel Osorio</i>	Manuel Osorio	Alejandra González
Hartnell Community College Area 2	<i>Schileen Potter</i> <i>Aurelio Salazar Jr.</i>	Aurelio Salazar Jr.	Aurelio Salazar Jr.
Hartnell Community College Area 3	<i>Margaret D'Arrigo</i> <i>Jeanne Hori-Garcia</i> <i>Kari Valdés</i>	Kari Valdes	Margaret D'Arrigo
Hartnell Community College Area 4	<i>Grant Hill</i> <i>Irma Lopez</i>	Irma Lopez	Irma Lopez
Monterey County Board of Supervisors District 4	<i>Wendy Root Askew</i> <i>Steve McShane</i>	Steve McShane	Wendy Root Askew

Note: names in italics did not interview with the Chamber.

Common Ground in “Disrupting” Systems

A theme among some of the newly-elected young candidates for Monterey County local offices is a quest to “disrupt” various systems that perpetuate social injustice and inequity in our community. While it’s often vague what these systems are or what needs to be done to disrupt them, your Salinas Valley Chamber of Commerce sees potential to work with these new elected officials on a few common issues of concern. There ARE systematic issues that make living and working in Monterey County difficult for many residents.

1. Ensuring an Adequate Supply of Housing That’s Affordable

The Chamber continues to share concern with many regional organizations across the political spectrum about the inadequate supply of housing that’s affordable to ordinary workers and their families. There seem to be intangible

systematic forces in our region that result in ordinary people enduring long commutes and spending an excessive percentage of their earnings on housing.

Housing demand that greatly exceeds supply is destructive for employees and their families. It also compromises the ability of employers to recruit and retain excellent employees. And yet it persists.

2. A Fair and Easy Process to Get Government Permission to Do Things

One system that almost everyone wants to see disrupted is the process to get government permits for construction or activities. Once again, intangible systematic forces seem to make the permit process a miserable, costly, and time-consuming experience at times. As a result, law-abiding residents are discouraged from doing things, while other residents simply ignore the law and do things without permission.

3. Advancing Downtown Vibrancy

If the ideal vision for the future of California is people living and working in centralized high-density neighborhoods around transit centers, then local governments and the community must continue focusing on bringing quality residential and commercial development to Downtown Salinas, near the Intermodal Transportation Center now under construction. But intangible systematic forces seem to impose obstacles to advancing the Downtown Vibrancy Plan. There is no place in Monterey County better placed to advance and demonstrate the priorities of younger generations than Downtown Salinas.

4. A Diverse Regional Economy That Offers Quality Employment

While K-12 and higher education systems in Monterey County face significant challenges, our schools apparently overcome those challenges and prepare our children so well that they’re able to graduate and leave for better employment and more edifying lifestyles elsewhere. Parents are working hard here to give their children an opportunity to move away from them.

Perhaps older generations have inadvertently created intangible systematic barriers to expand and diversify economic opportunities in our region. We expect that young candidates elected to local public office will have actual experience with this dilemma and will strive to change it. This is a topic of continual conversation at Salinas Valley (and Monterey Peninsula) Young Professionals group meetings and at the Cal State Monterey Bay (CSUMB) College of Business, but now the conversation may move to the decision-making process at our local governments. ■

A Current Example of a New Developer Impact Fee

On December 5, 2018, the City of Salinas advertised for proposals to prepare a “Parks Facilities Development Impact Fee Update Study.” This nexus study would justify the park facilities fees imposed by the city on developers of new residential units to pay for new or expanded parks. The study would particularly focus on two special areas of the city within the North of Boronda Future Growth Area: the “West Area Specific Plan” and the “Central Area Specific Plan.”

After receiving and reviewing five submissions for the nexus study, city staff selected a national firm called Willdan Financial Services that produces many nexus studies for local governments. This firm then began its research and interaction with city staff and the developers.

On December 3, 2019, the Salinas City Council approved a resolution to update the city’s park impact fees as part of its fee schedule - that is, a table listing fixed fees. This resolution set park impact fees for the West Area Specific Plan at **\$10,280 per single family unit and \$8,751 per multi-family unit**. This resolution also authorized the future addition of park impact fees for the

Central Area Specific Plan into the city’s fee schedule.

After additional work with the consultant, city staff recommended setting park impact fees for the Central Area Specific Plan at **\$11,624 per single family unit and \$9,895 per multi-family unit**. City staff presented the findings to the city’s appointed Library and Community Services Commission on September 9, 2020 and the Salinas Valley Chamber of Commerce Government Relations Committee on October 21, 2020. On November 17, 2020, the Salinas City Council approved the park impact fees.

Park Facilities Fees Are Just One of Many Fees

Keep in mind that the City of Salinas imposes fees for several kinds of development impacts. And other local and regional governments impose fees as well. These add up.

It’s expensive for governments to provide facilities and services to the public! And when the public demands more facilities and services, someone has to pay. This is one reason why ordinary people in the City of Salinas struggle to find housing they can afford. ■

adopt what are called housing elements (local housing plans) that identify sites suitable to accommodate these units, and also requires them to include actions to mitigate potential barriers to development. However, state law does not currently ensure that local jurisdictions actually mitigate such barriers. For example, although state law requires local jurisdictions to conduct streamlined reviews of affordable housing projects in certain cases, it does not guarantee streamlined reviews for all potential sites that jurisdictions have identified in their housing plans—meaning that jurisdictions can still undermine affordable housing development by using lengthy and uncertain approval processes. We found that, as of June 2019, local jurisdictions had collectively reported issuing building permits for only 11 percent of the affordable housing units in their current housing plans. Underdevelopment of affordable housing statewide and in certain areas is especially problematic because nearly every area in the State needs more affordable housing: for example, in 523 of 539 local jurisdictions, at least 20 percent of lower income renter households spend half or more of their incomes on housing—a severe cost burden.

Even if the Legislature strengthens state law to ensure that local jurisdictions mitigate key barriers to building affordable housing, HCD's current limited oversight is insufficient and its lack of authority does not permit it to ensure that all jurisdictions follow through with mitigating those barriers. Although HCD is responsible for overseeing local jurisdictions' housing efforts, it lacks adequate enforcement authority—short of initiating time intensive litigation—to ultimately ensure that jurisdictions comply with state law when they review affordable housing projects. In one case, HCD indicated that a city had acted inconsistently with state law by delaying a project on a site the city had identified for affordable housing and that the developer had subsequently withdrawn its application for the proposed development. Yet HCD simply encouraged the city to work with the developer and indicated that failure to comply with state law could result in litigation. The State needs a timely enforcement mechanism—such as an appeals process developers can use—for situations when local jurisdictions fail to approve eligible affordable housing projects. Without substantial changes to address these issues, the State will continue to face a patchwork of local housing efforts that limit Californians' access to affordable homes.

Summary of Recommendations Legislature

The Legislature should amend state law to do the following:

- Require HCD to prepare an annual addendum to the State's housing plan that identifies all of the financial resources the State possesses for the development of affordable housing, the number of affordable units those resources are expected to help build, the amount the State will need to obtain from other sources, where the State's resources will have the most impact, and outcomes to measure the success of its investments.

- Create an interagency workgroup to develop consistent program requirements for awarding financing resources to multifamily housing projects to maximize affordable housing built and remove administrative barriers.
- Strengthen existing standards for mitigating barriers on potential affordable housing sites to ensure that local jurisdictions conduct streamlined reviews and do not unduly restrict the number of

units developers can build on each site.

- Create an appeals process for developers to resolve disputes over eligible affordable housing projects in a timely and fair manner.
- Eliminate the Debt Limit Committee and transfer its authority to the Tax Committee to manage tax-exempt bonds, including its responsibilities for reviewing applications and allocating bond resources ■

WHO CAN AFFORD TO RENT

Renters need to earn 2.5 times minimum wage to afford the average two-bedroom asking rent in Monterey County.



MONTEREY COUNTY 2020 Affordable Housing Needs Report



KEY FINDINGS

- 14,014 low-income renter households in the county do not have access to an affordable home.
- Low-Income Housing Tax Credit production and preservation in the county increased by 204% since 2016 while state production and preservation decreased 13%.
- 58% of extremely low-income households are paying more than half of their income on housing costs compared to just 6% of moderate-income households.
- Renters in Monterey County need to earn \$32.94 per hour — 2.5 times the state minimum wage — to afford the average monthly asking rent of \$1,713.
- In Monterey County, state funding decreased 94% while federal funding increased 126% for housing production and preservation from FY 2008-09 to FY 2018-19.

Non-Compete Restrictions in B2B Contexts

by Danny Little, Attorney,
Noland, Hamerly, Etienne & Hoss



Non-compete agreements, or contracts that prevent individuals or entities from working with one another, typically show up in three different contexts: business-to-business agreements (for example, as part of a cooperative working arrangement), employer-employee relationships, or as part of an agreement to sell or purchase a business or its assets.

Except as specifically provided for in the California Business and Professions Code, "every contract by which anyone is restrained from engaging in a lawful profession, trade, or business of any kind is to that extent void." (Bus. & Prof. Code section 16600.) In other words, non-compete agreements are invalid and unenforceable unless a statutory exception applies to the particular circumstances. Examples of exceptions to this broad prohibition are when a company sells its assets and goodwill to another company or upon the dissolution of a partnership or LLC. However, an opinion recently issued by the California Supreme Court (*Ixchel Pharma, LLC v. Biogen Inc.*), has broadened the circumstances when a non-compete can be enforced.

In 2016, two pharmaceutical development companies, Ixchel Pharma, LLC and Forward Pharma, entered into a Collaboration Agreement under which they were to jointly produce a drug to treat a rare genetic disease. In 2017, as part of an entirely unrelated dispute, a third biotech company (and competitor of Ixchel), Biogen Inc., and Forward Pharma entered a settlement agreement pursuant to which Forward was required to stop all existing business relationships with Ixchel. As was its right under the Collaboration Agreement, Forward Pharma immediately terminated its relationship with Ixchel, causing Ixchel to sue Biogen, challenging the settlement agreement as an unenforceable non-compete covenant under California law. Eventually, the question of how to evaluate business-to-business non-compete agreements made its way to the California Supreme Court.

After considering the potential impacts of strictly prohibiting all contractual restrictions on competition between business, the Court

held that section 16600 "is best read not to render void per se all contractual restraints on business dealings, but rather to subject such restraints to a *rule of reason*." The Court stated that the rule of reason asks "whether an agreement harms competition more than it helps by considering the facts peculiar to the business in which the restraint is applied, the nature of the restraint and its effects, and the history of the restraint and the reasons for its adoption." In other words, in business-to-business contexts, a non-compete restriction will be *per se* invalid only if it is unreasonable.

The Ixchel holding was particularly significant because historically, California courts strictly interpreted section 16600 to prohibit enforcement of any agreement which restricted trade between businesses. Now, after Ixchel, it appears that if a non-compete restriction between businesses is "reasonable" under the law, it will likely be enforced.

Moving forward, the *Ixchel* case will likely have a two-fold effect. First, it opens the door for business owners to impose reasonable non-compete restrictions in their business-to-business relationships, which previously was understood not to be permissible. Second, the Court's ruling has the potential to significantly reduce the risk of costly litigation for businesses that may already have reasonable non-compete restrictions in their business-to-business contracts, such as an exclusive dealing agreement.

In summary, the California Supreme Court held that contractual restrictions on competition between businesses are not per se invalid, but rather will be evaluated by "the rule of reason," or whether an agreement harms competition more than it helps. ■

This article is intended to address topics of general interest and should not be construed as legal advice. © 2020 Noland, Hamerly, Etienne & Hoss

Danny Little is an attorney with Noland, Hamerly, Etienne & Hoss in Salinas and Monterey. His practice is focused on business and real estate matters, and he serves on the Board of CASA of Monterey County. NHEH intern Jeff Tuttle assisted with this article.

CONTINUING TO SUPPORT THE LEGAL NEEDS OF OUR COMMUNITY

Client Focused. Relationship Driven.
A Tradition of Excellence Since 1928.

Agriculture Law
Business & Taxation
Construction
Creditor's Rights
Estate Planning
Labor & Employment
Litigation
Personal Injury
Public Agencies
Real Estate & Land Use

333 Salinas Street
Salinas, CA 93901
831.424.1414

470 Camino El Estero
Monterey, CA 93940
831.373.3622

nheh.com

NOLAND
HAMERLY
ETIENNE
HOSS

Attorneys at Law

Have You
Registered Yet?



Littler

Tuesday, Wednesday & Thursday
January 12, 13, 14, 2021

VirtuaLivesm
Online Training

**17th Annual Employment Law
& Leadership Conference**

Use Code **SVCC** for Discount Rate of \$279

NEW Convenient Schedule Spanning Three Days!

Tuesday January 12th	8:45am - 11:30am	General Session Littler Employment Update
Wednesday January 13th	9:00am - 10:30am 10:45am - 12:15pm	Wage & Hour Update Remote Worker: <i>Here to Stay</i>
Thursday January 14th	9:00am - 10:30am 10:45am - 12:15pm 1:00pm - 2:00pm	HR/Legal Q&A Front Row Leadership The Ag Employer

Go to: www.tpohr.com

Relief for Local Manufacturers

MBEP & CMTC Provide Resources to Local Manufacturers for COVID-19 Relief

Monterey Bay Economic Partnership (MBEP, which is a member of the Salinas Valley Chamber), has partnered with California Technology Manufacturing Consulting (CMTC) on a program designed to bring economic relief to manufacturers in the Monterey Bay region. Manufacturers, like all businesses, have been hard hit by the changing landscape caused by the COVID-19 pandemic. CARES Act funding has been allocated through CMTC to economic development organizations throughout the state of California to help alleviate the crisis.

"CMTC has long been a valued member of MBEP. When they approached us to participate in this program, it seemed like a perfect fit. We've been 100% focused on helping our region with COVID-19 relief in the past few months, and this effort is specifically tailored to getting the manufacturing sector up and running to pre-crisis conditions. We want to help them sustain their operations now and



5 Year Anniversary



Monterey Bay
ECONOMIC PARTNERSHIP

in the future," said Kate Roberts, President & CEO of MBEP.

MBEP is providing resources and services at no cost to manufacturers such as assistance in finding sources of capital or local/state incentives, guidance on PPP loan repayment, information on new local and state policies and laws, information regarding workforce development programs, and technical assistance through California's Manufacturers

Accelerator program. The goal is to meet with manufacturers throughout the region to identify and understand their specific needs, challenges, and opportunities, and provide them with assistance for recovery and growth.

Eligible industries include print, woodworking, R&D, biotech, food/beverage production and processing, jewelry making, stone and tile working, electronics and more.

If your business might benefit from this program, please contact Freny Cooper at fcooper@mbep.biz. ■



Responsible Business Leaders are Made at CSUMB

#MadeAtCSUMB



csumb.edu/business

A Magical Christmas Experience at Aquablue Spa

Spa-la-la

Wellness salt aromatherapy massage with
soothing foot treatment (75 mins)
followed by eternal youth dermal infusion and
hydrating under eye treatment facial (45 mins)

\$290

Healing Holiday

Luminous-C facial (60 mins) followed by
CBD massage (90 mins)

\$255

Holiday Bliss

Arctic cranberry enzyme facial (45 mins)
with hydrating undereye treatment followed
by a hot stone massage (60 mins)

\$210

Aquablue SPA
(831)422-2500
www.aquabluespa.com



Presenting Sponsor



Thank You Sponsors

Platinum Sponsors



Silver Sponsors

- Noland, Hamerly, Etienne & Hoss
- Quintes
- Green Rubber Kennedy Ag
- Fenton & Keller
- Central Coast Federal Credit Union
- Hastie Financial Group
- Monterey County Housing Authority Development Corporation
- CSUMB
- D'Arrigo Bros. Co., of California
- RHC Management
- Credit Consulting Services, Inc.
- Alternative Dispute Resolution
- Alvarez Technology Group Inc
- Graniterock
- American AgCredit
- RDO Equipment Co.
- Altai Brands

Junior Sponsors

- KSBW 8 (NBC)
- Smith & Enright Landscaping

Media Sponsors



Legacy of Leadership Honors Locals

The Salinas Valley Chamber of Commerce honored several impactful local leaders at our annual Legacy of Leadership event on Nov. 13, presented by 1st Capital Bank:

- **President Eduardo M. Ochoa** from California State University, Monterey Bay
- **Melissa Kendrick**, Executive Director of the Food Bank for Monterey County
- **Ron Johnson**, President and CEO of the Boys & Girls Clubs of Monterey County



Eduardo M. Ochoa



Melissa Kendrick



Ron Johnson

Andrea Bailey, Chair of the SVCC Board, said that the recipients were chosen for their roles as leaders in bringing positive change to those around them.

"Especially during one of the most challenging years we are continuing to experience – the COVID 19 pandemic," Bailey said. "Dr. Eduardo Ochoa, Melissa Kendrick and Ron Johnson embody these characteristics and were quick to pivot to meet the unprecedented level of need in the community."

Part fundraiser, the event started on a playful note, with SVCC CEO Paul Farmer, in a black sequined jacket, recognizing attendees and auction bidders in the chat box including Karina Rusk of Salinas Valley Memorial Healthcare System, Supervisor Chris Lopez, Susie Brusa of Rancho Cielo, and Colleen Bailey of the Monterey Jazz Festival.

In his acceptance address, Ochoa said, "I am accepting this award not for myself but for the dedicated faculty and staff of CSUMB. It is their dedication to our students and the betterment of our community that has allowed me to lead this institution to achieve as much as it has in the past eight years."

He talked about what makes for effective leadership in these times.

"It's no longer the heroic, charismatic man on a horseback," Ochoa continued. "Rather it is the person who listens well, who can capture and articulate the hopes and aspirations and potential of an organization, so all its members recognize themselves and their contributions in that vision. And then who supports and empowers them to achieve it. It has been my honor and my privilege to do this for Cal State Monterey Bay, and for our community."

In her thanks to the Chamber, Melissa Kendrick talked about the growing need for food during the time of Coronavirus. The Food Bank for Monterey County is now serving over 60,000 families (which includes one in three children in the County). "We will remember this as a time when we dug more deeply and worked harder than ever before to continue exploring new and transformative ways to alleviate suffering and end hunger in Monterey County."

Ron Johnson accepted the award on behalf of the Board and staff at the Boys & Girls Clubs of Monterey County. He discussed the particular challenges that have affected the youth who benefit from the Boys & Girls Clubs and ways they have met these challenges, including repurposing their Seaside and Salinas Clubs to become distance learning centers, with reliable WiFi and socially-distant learning environments.

Bailey reported that the entire event—including sponsorships, ticket sales, silent and live auctions, fund-a-need, and a bidding game—raised nearly \$62,000. ■



CLARISSA ROWE
COMMUNITY AFFAIRS OFFICER

CHARLES CHRIETZBERG
CEO / PRESIDENT

STEPHANIE CHRIETZBERG
SENIOR VICE PRESIDENT

Photo Courtesy of MPCC

**At Monterey County Bank,
we believe in building
Personal Banking Relationships**

Comprehensive Business Banking
SBA Lending
Commercial Lending
Business Accounts
Personal Accounts
Merchant Services
CD's, IRA'S

Call Our Business Banking Team TODAY!

Monterey: 601 Munras Avenue (831) 649-4600
Salinas: 1127 South Main St (831) 422-4600
Pacific Grove: 542 Lighthouse Ave (831) 655-4300
Carmel Rancho: 3785 Via Nona Marie (831) 625-4300



**Oldest Locally Owned, Locally Managed Bank
in Monterey County - OVER 40 YEARS!**

The Leading SBA Lender in Monterey County

Member F.D.I.C. • Equal Housing Lender



BUY LOCAL

Find Local Hotels Just in Time for the Holiday Season



Residence Inn by Marriot
17215 El Rancho Way,
Salinas, CA 93907
(831) 775-0410



Motel 6, #0639
1257 De La Torre St,
Salinas, CA 93905
(831) 757-3077



Steinbeck Lodge
109 John St, Salinas,
CA 93901
(831) 424-4801



Hampton Inn & Suites
523 Work St, Salinas,
CA 93901
(831) 754-4700



Quail Lodge & Golf Club
8205 Valley Greens Dr,
Carmel, CA 93923
(831) 624-2888



Inns of California
1215 De La Torre St,
Salinas, CA 93905
((831) 424-1741



Motel 6, #1370
140 Kern St, Salinas,
CA 93901
(831) 753-1711



**Monterey Plaza
Hotel & Spa**
400 Cannery Row,
Monterey, CA 93940
(831) 646-1700



**InterContinental - The
Clement Monterey**
750 Cannery Row,
Monterey, CA 93940
(831) 642-2011



**Chukchansi Gold
Resort and Casino**
711 Lucky Ln,
Coarsegold, CA 93614
(559) 692-5200



Embassy Suites
1441 Canyon Del
Rey, Seaside, CA
93955 (831) 393-1115



**Holiday Inn Express &
Suites**
195 Kern St, Salinas, CA
93905
(831) 737-1160



Courtyard by Marriott 18620
Madrone Parkway, Morgan
Hill, CA 95037
(831) 775-0491



Howard Johnson Inn,
131 John St, Salinas, CA
93901
(831) 757-1020



Laurel Inn
801 West Laurel Dr,
Salinas, CA 93906
(831) 449-2474



Best Western
175 Kern St, Salinas, CA
93905
(831) 784-0176

New Member Profiles

Bright Beginnings

The countywide Bright Beginnings Early Childhood Development Initiative takes a holistic approach to ensure that all children have what they need to be ready for school and life. It brings together leaders from all sectors and disciplines to co-create research informed and locally adapted solutions to support young children and their families. Areas of focus are fair systems, resilient parents, supported families, and prepared caregivers. For more information, visit www.BrightBeginningsMC.org.

**1125 Baldwin Street
(831) 920-8058**



Clark Pest Control

Clark Pest Control is a Lodi, California-based provider of commercial and residential pest management and grounds care services. The company, founded by Charlie Clark in 1950, operates 27 service centers across California and one in Reno, Nevada. Offerings include pest management, termite control and repair, a termite protection plan, burrowing rodent control, bird and bat prevention, bed bug remediation, mosquito control, lawn fertilization, tree and shrub care, weed control and firebreaks, and a disinfecting service.

**www.clarkpest.com/locations/salinas-ca
12360 Christensen Rd • 831-204-9525
clarkcares@clarkpest.com**



FinePrint Plus

FinePrint Plus has been the first choice for affordable quick turn-around printing for over 50 years! We'll give you the personalized attention you deserve, regardless of order volume. Our business has been built on word-of-mouth referrals. We've been depended on for over 30 years because of our customer-focused company culture.

We'll know you by name and put in extra hours to make an important deadline.
**www.FinePrintPlus.com • 559-237-4747
office@fineprintplus.com**



Heena Sikand, Realtor

I have lived in Monterey County my whole life and just recently earned my master's degree from CalPoly Pomona. I hope to serve my community, and the greater San Benito and Santa Clara County area, with the extensive knowledge of current market trends I have acquired regarding buying and selling of residential properties. I am known for serving my clients with the most reliable information and efficient communication possible, and I hope to assist you in navigating the real-estate market in the same manner.

831-444-1928 • sikandheena@gmail.com



Planting to Processing Magazine

Our goal is to cultivate knowledge and feed the world by connecting with professionals in Agribusiness--the Agricultural, Food Processing, Food & Beverage, and Manufacturing industries--to exchange industry safety and compliance news.

<http://wcismag.com> • 559-999-6637 • tara@wcismag.com



Pro-Tec Coatings Inc.

Pro-Tec Coatings Inc. is a full-service protective coatings company specializing in industrial epoxy/urethane floor coatings and seamless wall systems. When you contract our services, you get quality installation using the best product that your environment requires, and above all else, our commitment to excellence.

<http://ProTecCoatings.com> • 805-455-3343



Salinas Regional Sports Authority

The Salinas Regional Sports Authority was formed in 2009 by local community volunteers with the specific mission of developing and managing local sports facilities for youth in five major areas: soccer, softball, baseball, track, and volleyball. Beginning with soccer, it is our vision to develop, build, and manage high-quality sporting facilities for recreational and competitive teams. The facilities will also serve as a venue for youth development, training, and after-school programs by local child-serving organizations.

www.SalinasSoccer.org

1440 Constitution Blvd • 831-756-6312 • community@salinassoccer.org



Sanitation Specialists

Food-processing sanitation is a critical customer concern that impacts your whole production lifecycle from harvest and preparation to packaging and delivery. With 23 years of experience, we understand the chemistry of cleaning and the industry practices set by FSMA, OSHA, and SSOPs. Our services include trained sanitation specialists, a customized fixed-budget plan for your facility, monitoring reports, and master sanitation. In addition, we prepare and provide audit-ready documentation — all in a program that leaves you free to focus on your core business.

**www.SanitationSpecialists.com • 119 W Beach St in Watsonville
866-828-1813 • info@sanitationspecialists.com**



ZenBusiness

ZenBusiness makes it easy to start, run, and grow your business. We are a small business that is excited about helping other entrepreneurs realize their dreams of creating and growing a successful business. By making business formation easy and affordable, we hope to foster a small business community where owners can connect on a local and national level and help each other grow.

844-493-6249 • outreach@zenbusiness.com



Seeking Alpha in your Investments

by Bill Hastie, MBA



Modern Portfolio Theory (MPT), developed by Harry Markowitz and first published in the *Journal of Finance* under the title of "Portfolio Selection" in 1952, laid the foundation for many portfolio management concepts used today. Perhaps the most widely accepted of these concepts is "diversification" – the theory of not putting all your eggs in one basket in an effort to reduce overall portfolio risk. Markowitz went on to share a Nobel Peace Prize in Economics in 1990.

Another widely used concept from MPT is the statistical measure of "alpha," or the amount of return received in excess of what was expected from the investment based on its risk. For the individual investor, a positive alpha means the investor was over-compensated for the risk they took from an investment or their portfolio. Conversely, a negative alpha indicates that the investor was not fully compensated for the risk they took. An alpha of zero indicates that the investor received a return commensurate with the risk they took.

Enter the age-old controversy of passive versus active investment management. Passive management is when a manager simply follows an index, the S&P 500 for example. This manager does no research and typically does not deviate from the index they are trying to mirror. Active management is when a manager or team of managers typically make buy, sell or hold decisions seeking mispriced (underpriced) investments in the market. While the most cited statistic is that over the long run most active managers fail to beat their respective benchmark, data also indicates that there are active managers who have been successful in producing returns in excess of their benchmark on a reasonably consistent basis. The advantage to passive investing is typically a lower (can be much lower) management cost, whereas the potential

benefit from active investing is the possibility of returns in excess of what is expected given the risk.

Now let's combine the two concepts of alpha and active versus passive management. By definition, the "market" portfolio (index) generates no alpha and is assigned an alpha value of zero. The active managers who fail to generate returns at least equal to what is expected based on their inherent risk are assigned a negative alpha, begging the question, "Why would I invest in something that does not compensate me for the risk I take?" For the active managers who have generated "excess return," a positive alpha typically indicates superior management and is the holy grail for many individual investors.

One common strategy that may help keep investment costs down while seeking the possibility of generating a positive alpha is known as "core/satellite." This strategy is implemented by dedicating the majority of stock and bond allocations to passive (or index) investments, creating the core of the portfolio. Then smaller holdings are added to the portfolio serving as satellites which are typically actively managed investments. This process always involves maintaining the overall risk of the portfolio consistent with the risk tolerance, time horizon and investment objectives of the investor.

This is a simplistic overview of this investment technique, and it is always recommended to engage the guidance of a professional investment advisor. ■

Bill Hastie, MBA is the Founder of locally-owned Hastie Financial Group. If you would like to discuss your personal or company's investment needs, please contact Bill at william.hastie@hastiefg.com



Advanced Solutions From Your Local Business Neighbors

- Air Print
- Wireless
- Scan Solutions
- I.T Support Services
- Server Solutions
- Label Design and Printing



KYOCERA

Lexmark

RICOH

muratec
A KONICA MINOLTA COMPANY

Phone 831-759-8760

startdb.com

540 Work St., Suite E • Salinas, CA 93901

OUTSOURCE Consulting Services. Along the way, she has met many mentors who have encouraged her to serve on boards and take on positions of leadership.

The daughter of parents who met at the state Capitol, Donna Lucas grew up in a political family but decided to turn to a career in music publishing and in the 1980s was working for Ozzy Osbourne. In the 1990s, Lucas became an entrepreneur, buying a statewide public affairs firm and later selling it to a global communications firm. Going down a “fascinating road” of working in public policy and politics, Lucas is now CEO of Lucas Public Affairs, a renowned public relations firm that focuses on the intersection of politics, policy and communications and works with government, mission-driven nonprofits and corporations.

Through her journey, Lucas credits the numerous mentors she has had for instilling confidence in her and pushing her to further her career. And times have changed. She notes that when she was working for Governor Deukmejian, there were virtually no women in senior positions. Twenty years later when she began working in Governor Arnold Schwarzenegger’s administration, about 60% of senior positions were held by women.

Although the equity is improving, it’s still vitally important to help others along the way, especially women and people of color, she says.

Assemblymember Jacqui Irwin recalled how she had to lobby her San Fernando Valley high school assistant principal to grant female students their own swim team. Although the high school should have had a girls’ swim team under Title IX, it took Assemblymember Irwin six months of lobbying to get the swim team approved. When the team was finally formed, they placed No. 2 in Los Angeles Unified. The experience taught her many valuable lessons.

“...one of the biggest lessons that I learned was that if you don’t keep pushing forward, they will push you back,” she says.

Maryam Brown grew up the daughter of immigrants and pursued a career in engineering and law, but it was being an engineer that opened her eyes and brought her to the energy field. As an intellectually curious person, it was hard

for Brown to navigate through her career and figure out where she wanted to go. But in the end, she came to realize that she could not fight the river and urges others to let their rivers take them to their destiny. Looking back at her experiences, she says that her career has been a “series of purposeful, but not necessarily prescribed, steps.”

Mentorships, Securing Opportunities

How, Barrera asks, do women take advantage of opportunities?

The golden rule, Brown answers, is “be ready.” Do your homework, she stresses, and think about who your audience is on the other side of the table.

Lucas notes that the culture is shifting—three of her firm’s major corporate clients have women leading the helm. Still, it is important that opportunities are created for women through conscious mentorships.

Organizations like SheShares help women coming into the professional world meet women leaders and learn about the challenges and successes those leaders have had. Mentorship programs also can be started on a company level. Lucas’ firm, for example, has a mentorship program that helps interested employees develop their careers. These programs are a great investment for companies, Lucas says, because “you’re growing your biggest asset, which is your talent.”

Parting Words of Advice

To wrap up the webinar, each panelist offered final words of advice.

Floyd advised viewers to never give up. If you have a passion for something, pursue it and stay focused on what you want to achieve, she says.

Brown reminded watchers to be willing to bet on themselves and value what they bring to the table.

“Don’t let failure lead you to a lifetime of regret,” Assemblymember Irwin said.

Lucas said to invest in oneself and to take the time to think about what you want to do. Most important, people should try to pave the way for others, and reach behind them to pull others up with them.

Lastly, Senator Hurtado urged others to listen to their heart and not be afraid to follow it. They should look back on everything they’ve come across with positivity, as the experiences are going to propel them to move forward. ■



Catholic Charities
Diocese of Monterey
Providing Help. Creating Hope. Serving All.

DonorSTAR GOLD SEAL OF TRANSPARENCY

Donate Today!
catholiccharitiesdom.org

This year, we have made a positive impact on over 5,000 people!

Your generosity will provide stability to people who have lost their jobs due to the pandemic. Join us in helping the hundreds of people that call us everyday in need of help and hope.

- rent & utilities assistance • aid for food & basic items
- immigration & citizenship services • connections to healthcare insurance, food programs and other resources



In uncertain times,
you need experienced investment guidance.

Find it at HFG.

HFG Hastie Financial Group

307 Main Street, Ste. 300, Salinas
hastiefinancialgroup.com
(831) 422-4910

For confidence in your future.

The financial professionals of Hastie Financial Group are Registered Representatives and Investment Adviser Representatives with/and offer securities and advisory services through Commonwealth Financial Network, a Member FINRA/SIPC, a Registered Investment Adviser. Financial planning services offered through Hastie Financial Group are separate and unrelated to Commonwealth.



Mental Health is Everyone's Business

Together WE Raise Monterey County



Nina Alcaraz

2020 has been an exhausting year, right?! We've all felt it. Everyone has had big changes to their lifestyle - job cuts, working WHILE supporting distance learning, new workplace protocols, zooming for work and play.... People of all ages are taxed physically, mentally, and emotionally, so finding ways to address our overall well-being is important.

Read on below for tips and resources to take care of yourself, your immediate circle, and help bolster our community. Also, remember that you are not alone. We have great resources in Monterey County. Dana Edgull at Monterey County Behavioral Health says, "If your situation is impacting your daily functioning. If you are worrying so much night after night that you can't sleep, not enjoying the things you normally do, or having panic attacks, it is time to check in with your primary care doctor."

Take care of yourself

The holidays normally bring on feelings of stress and that can even build during COVID-19. "With some practical tips, you can minimize the stress that accompanies the holidays," according to the Mayo Clinic. Keep up healthy habits like exercising regularly, eating well-balanced meals, and getting plenty of sleep.

- **For yourself:** Take a break. Spending just 15 minutes alone, without distractions, may refresh and support you. (<https://mayoclinic.org/2IMsgpM>)

Model healthy practices

According to the American Academy of Pediatrics (AAP), "[It is] important to help children feel safe, keep healthy routines, manage their emotions and behavior and build resilience." You can address a child's fears by recognizing their feelings, answering questions simply and honestly, and talking about how you manage

your feelings too.

- **For friends and family:** Write a thank you card once a week for the rest of the year. Gratitude improves relationships, physical health, self-esteem, and your mindset. You'll feel great and the recipients will feel great too. (<https://bit.ly/3f9MxBY>)

Give the gift of mental health supports to 1600 children and their families

Providing mental health support for young children is critical and a unique skill. First 5 Monterey County offers a one-of-a-kind mental health training series designed to build practical expertise for those that work with young children - including parents, caregivers, teachers, doctors, and therapists. First 5 Monterey County has been dedicated to enriching the lives of children 0-5 and their families since 1998. In response to the pandemic, it is expanding this transformative mental health training series, with a goal of benefitting 1600 children.

"We're at a time in our nation, and especially in our state and in our community, where people understand the importance of quality early childhood experiences and we need to put our money where our hearts are, and where our children need it," says Francine Rodd, Executive Director for First 5 Monterey County.

- **For the community:** Give the gift of mental health by donating to the "Together We Raise Monterey County!" campaign through Monterey County Gives! at: montereycountygives.com/five.

Nina Alcaraz is the Senior Policy, Advocacy, and Communications Manager for First 5 Monterey County. She has over 20 years combined experience in the fields of policy, community development, facilitation, and non-profit management working both domestically and overseas.

TOGETHER WE RAISE MONTEREY COUNTY

Support First 5 Monterey County in their critical work with local children and families!



MONTEREY COUNTY **GIVES!**

DONATE TODAY:
montereycountygives.com/five



Chamber Events • Mixers • Ribbons Cuttings



The Chamber performed our first socially-distanced ribbon cutting, broadcast on FaceBook Live for Valley Health Associates. We are celebrating the expansion to their larger office at 427 Pajaro St.



In Rancho Cielo's Ted Taylor Ag Vocational Center, the Chamber brought together local business leaders who discussed areas of collaboration with workforce development.



Spenser Smith, Lab Director, ARCPoint Labs of Monterey Bay cuts the ribbon on their new location in Salinas.



Rancho Cielo's Executive Director, Susie Brusa gave a tour of "the Ranch" to Josh Metz with Monterey Bay Drone Automation & Robotics (DART) and Amy Gross with Joby Aviation.



This is the workshop where area youth gain life and job skills while helping maintain the facilities at Rancho Cielo.

Commercial Sales Transactions In Goods

by *Stephan A. Barber, Partner and Director of Litigation
JRG Attorneys at law*

Daily sales transactions involving goods occur by phone, email, text, fax, or mail and involve components, food, equipment, or electronics. They typically involve a purchase order and an invoice. Many purchase orders and invoices have terms and conditions on the front or back thereof. In many instances, the parties do not actually provide their terms and conditions or they are not reviewed by the other party.

When terms and conditions are not effectively communicated or there is a material difference between seller's and buyer's terms and conditions, a dispute can arise as to which terms control. Common events provoking a dispute include: (1) loss or damage; (2) non-conforming or defective goods; (3) insurance; (4) indemnification for claims; (5) damages to the seller or buyer; (6) contract modification; and (7) cancellation. If the parties' terms do not resolve a dispute or if there is a conflict in material terms, the California Commercial Code can resolve the dispute for the parties, sometimes to their chagrin.

The Code's Article 2 governs sales of goods, which are "all things which are movable at the time of identification to a sales contract." The acceptance of an offer to sell goods can be made in any manner reasonable under the circumstances, including a written confirmation sent within a reasonable time. If the confirmation states additional or different terms, those terms become part of the contract unless the offer or acceptance is expressly conditioned on the other party accepting the former's terms and conditions. As between "merchants" the additional or different terms become part of the contract unless the original offer expressly limits acceptance to the terms of the offer; materially alter the offer, or the offeror

notifies the other of objections.

The Code can resolve some of these issues, often called the "battle of the forms." The Code addresses additional or different terms in an acceptance or contract; deterioration; casualty; non-arrival; risk of loss; damages; and what happens if there is no specific agreement. The court can look at the course of dealings to determine how to interpret the parties' contract for them. The terms and in the invoice, purchase order, or other documents or communications often compete or are contradictory and may have to be resolved by the Code.

Expensive and time-consuming disputes can be avoided if parties are careful at the front end of the transaction. If the buyer and seller have an ongoing relationship, ideally there should be an agreed master contract or purchase order between them. You can ask the other party to acknowledge that it has reviewed and consents to your contract terms. In that instance, your terms and conditions should supersede any contradictory terms and conditions. Both parties should determine whether the other has standard or general terms and conditions and actually read them. Ascertain important ones that may be in conflict with your terms and conditions and specifically agree to the material terms that will control or object in writing to the other party's terms.

Prevention at the beginning of a transaction is worth its weight in gold, so business owners should pay attention to their contractual relationship before a problem arises. Employees should be trained what to look for in their daily transactions and contracts. Having a lawyer review and prepare standard terms should be considered. ■

Member News

BKP Appoints Penner

The partner group at Bianchi, Kasavan & Pope is proud to announce that Jarrod Penner, CPA, Senior Audit Manager, has transitioned into a new role as the Manager of our Monterey office. Jarrod has been with BKP for ten years during which time has utilized his skills and expertise in the areas of attest services in agriculture, construction, local government, medical and not-for-profit to provide clients with the attention to detail and quality service for which BKP is known. BKP has been providing services in the communities on the Central Coast since 1950, and their philosophy "Peace of Mind Through Valued Service," continues on with their next generation of BKP professionals. More information available at bkpcpa.com.



Jarrod Penner

Vertical Farming at Driscoll's

Driscoll's, the leading consumer brand in fresh berries, and indoor vertical-farming company Plenty Unlimited Inc. have announced a joint development agreement to grow Driscoll's proprietary flavorful strawberries year-round in Plenty's vertical indoor farms.

Driscoll's is the global market leader of fresh strawberries, blueberries, raspberries and blackberries. With more than 100 years of farming heritage, Driscoll's is a pioneer of berry flavor innovation and the trusted consumer brand of **Only the Finest Berries™**. Plenty will incorporate Driscoll's proprietary genetics and berry expertise into its advanced, indoor farming technology using its plant science expertise

SVG Ventures played an important role in this opportunity with their open innovation partnership with Driscoll's.



ATG Earns Innovation Award

Alvarez Technology Group has been recognized by the Channel Company as one of its 2020 IoT ("Internet of Things") Innovators Award winners. IoT Innovators Award recipients stand at the forefront of the industry in developing unique IoT solutions.

Tackling the need for fast and effective fever screening for high body temperatures, ATG created ATG Thermal Protect, providing both permanent and portable thermal imaging equipment that can be quickly deployed in support of many industries, including healthcare facilities, educational institutions, agribusiness facilities, government and commercial buildings as well as public gathering locations, conference centers and entertainment venues.

The IoT Innovators list is featured online at www.crn.com/IoTInnovators.



Coastal Roots Offer for Non Profits

Nonprofits Invited to Apply for Coastal Roots Hospitality's "Pick It Up Pay It Forward" Campaign

Coastal Roots Hospitality (CRH) is a restaurant, events and catering company managing Tarpy's Roadhouse, Montrieo Bistro and Rio Grill. We are dedicated to strengthening our community ties by connecting with local businesses and causes. Above all else, we are dedicated to giving back in meaningful and ongoing ways. With the difficulties of the pandemic, many non-profits are struggling to keep up with growing demand. So, we will be partnering with different charities in the Monterey Bay area to work with and support on an ongoing basis. All three of our restaurants have launched a **"Pick It Up Pay It Forward" campaign where 10% of all proceeds from carry out orders will be donated to six non-profits.**

We feel a strong commitment to our guests, to the neighborhoods and communities in which they live, as well as to the organizations that are important to them. For our family in particular it is also extremely important to nurture society in meaningful ways.

Now we are actively seeking non-profits to be partners in our 2021 Program. CRH will select 6 organizations to benefit from the Pick It Up Pay It Forward campaign throughout next year. Every two months one of our selected partners will be the beneficiary of the Pick It Up Pay It Forward drives at all three restaurants.

Submissions for consideration need to be **sent by December 15, 2020**. Recipients will be announced December 23rd, 2020.

If you or a group you know would like to be considered, please submit your application to: **PR@CoastalRootsHospitality.com**

Please include the following information: (In fewer than 300 words total)


- Name of your non-profit
- Contact name, email and phone number
- Link to website and all social media used
- Mission Statement
- Statement as to why your organization should be considered and how you would use the funds ■



Calling All Nonprofit Partners!



**Even though we're 6 feet apart,
we're all in this together.**



A proud member of the Salinas Valley Chamber of Commerce since 1962, we are committed to providing high-quality water and reliable service to this community, today, and in the days to come.

254 Commission St. | Salinas, CA 93901 | 831-757- 3644

www.SalinasChamber.com

DECEMBER 2020

19

NEW NAME. SAME FACES. MORE CONVENIENCE.

Welcome to the bank you already love.
Rabobank is now **Mechanics Bank**. The same great service, even more options.

Learn more at: **RabobankAmerica.com/More**

