The Clerk of the Board will issue a Supplemental Agenda on the Friday preceding this meeting. To see if there are any changes, please go to the County’s website at www.co.monterey.ca.us, or call the Clerk of the Board office at 755-5066. Urgency items, submitted after posting of the Supplemental Agenda and/or Regular Agenda, may be read in by the Clerk of the Board at the beginning of the meeting.
MEETING PROCEDURES
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 requesting a disability-related modification or accommodation, including auxiliary aids or services, may contact the Clerk of the Board’s Office. A person with a disability who requires a modification or accommodation in order to participate in the public meeting may make these requests.
The agenda is divided into two sections:

CONSENT CALENDAR: These matters include routine financial and administrative actions, appear in the supplemental section, and are usually approved by a single majority vote.

REGULAR CALENDAR: These items include significant financial and administrative actions of special interest, appear in the white section, are classified by program areas and are usually approved by a single majority vote for each program. The regular calendar also includes “Scheduled Matters,” which are noticed hearings, work sessions and public hearings.

TO ADDRESS THE BOARD ON A MATTER ON THE AGENDA: Please walk to the rostrum and wait for recognition from 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 or Board, 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.

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 mas pronto posible, y a lo mínimo 24 horas de anticipo 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.
MONTEREY COUNTY BOARD OF SUPERVISORS
PAJARO COUNTY SANITATION DISTRICT
MONTEREY COUNTY WATER RESOURCES AGENCY
TUESDAY, MAY 20, 2008
9:00 AM

AGENDA

9:00 A.M.

ROLL CALL:

CLOSED SESSION:

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

a. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding the following existing litigation:
   1. Christopher L. Griffith vs. Monterey County Sheriff's Department, et al.
   2. Clifford L. Jackson vs. Monterey County Jail, et al.
   3. People vs. Skanska USA Building, Inc.

b. Pursuant to Government Code sections 54956.9(b), the Board will confer with legal counsel regarding items of significant exposure to litigation/claims.
   1. Claim of Jason Scott Chioino (Claim No. 5)
   2. Claim of Christopher Lee Griffith (Claim No. 5)
   3. Claim of Clifford Lemar Jackson, Jr.

c. Pursuant to Government Code sections 54956.9(b) and 54956.9(c), the Board will confer with legal counsel regarding three items of significant exposure to litigation and/or potential initiation of litigation.

d. Pursuant to Government Code section 54956.6, the Board will confer with labor negotiators (all units); Keith Honda for the County of Monterey.

e. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding two items of significant exposure to litigation.

10:30 A.M.

ROLL CALL:

1. Pledge of Allegiance
2. 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.

3. CONSENT CALENDAR – REGULAR (See Supplemental Sheet)

4. CONSENT CALENDAR – PAJARO COUNTY SANITATION DISTRICT (See Supplemental Sheet)

5. CONSENT CALENDAR – MONTEREY COUNTY WATER RESOURCES AGENCY (See Supplemental Sheet)

OTHER BOARD MATTERS:

6. Board Comments, Referrals, and Updates

7. CAO Comments

8. Public Comment (Limited to 3 minutes per speaker)


10. Adopt the revised Board of Supervisors meeting schedule for the remainder of calendar year 2008.

11. Approve recommended amended appointments of Board Members to Boards, Committees and Commission for the Calendar Year 2008.

12. Adopt Resolution commending Ronald J. Lundquist, PE, Director of Public Works, upon his retirement with 35 years of dedicated service to the County of Monterey.

13. Adopt Resolution commending George Blumenthal upon his inauguration as Chancellor of the University of California, Santa Cruz. (Supervisor Mettee-McCutchon)

APPOINTMENTS:


12:00 P.M.

Recess to Lunch- Legislative Committee Meeting
1:30 P.M. RECONVENE:

ROLL CALL:

SCHEDULED MATTERS:

S-2 Receive oral report and consider recommendations from the Legislative Committee meeting of May 20, 2008.

SA-1 S-3 a. Deny Appeal by Bruce Meyer;
b. Adopt the Mitigated Negative Declaration and Mitigation Monitoring Reporting Plan; and
c. Approve Combined Development Permit consisting of: Coastal Administrative Permit and Design Approval to demolish an existing 2,704 square foot single family residence and 426 square foot garage (3,130 square feet total), construct a new 5,167 square foot, 3-level single family residence with a 1,498 square foot subterranean garage, grading (400 cubic yards cut) [3,229 sq. ft. above grade; 1,938 sq. ft. lower habitable level; 1,498 sq. ft. is garage; 6,665 sq. ft. total all]; Variance to reduce the east side setback from five feet to three feet, six inches along a private easement; retaining walls; and Coastal Development Permit to allow development with a positive archaeological report; and
d. Deny Variance to reduce front setback from 20 feet to 16 feet.
(Appeal – PLN040581/Moellentine, 26195 Scenic Road, Carmel, Carmel Area Land Use Plan)

ORDER FOR ADJOURNMENT
TO TUESDAY, JUNE 3, 2008

FUTURE MEETINGS:
Tuesday, May 27, 2008 - No meeting
Tuesday, June 3, 2008;
Tuesday, June 10, 2008
CONSENT CALENDAR

NATIVIDAD MEDICAL CENTER

15. Approve and authorize the Purchasing Manager for Monterey County to execute Amendment No. 2 to Professional Service Agreement No. A-10650 with Denine Polito Transcription for Medical Records, Pathology and Diagnostic Imaging Transcription Services at Natividad Medical Center, in an amount not to exceed $106,000, for the period May 1, 2008 through July 31, 2008.

16. Approve and authorize the Purchasing Manager for Monterey County to execute Amendment No. 2 with Systemwise for Independent Billing Consulting Services at Natividad Medical Center (NMC), in an amount not to exceed $344,000 (an increase of $245,000), for the period June 1, 2008 through June 30, 2009.

HEALTH AND SOCIAL SERVICES:

17. Approve and authorize the Director of the Department of Social & Employment Services, or his designee, to sign Amendment No. 1 of the Memorandum of Understanding (MOU) with the California Statewide Automated Welfare System Consortium IV and the County of Monterey.

18. Proclaim state of local emergency relating to the spread of HIV among injection drug users in Monterey County.

19. a. Approve and authorize the Director of Health to sign Mental Health Services Agreement with California Psychiatric Transitions, to provide mental health rehabilitation services to clients with severe mental disabilities in the amount of $61,000 for January 1, 2008 to June 30, 2008, and annually in the amount of $396,500 for FY 2008-09 and FY 2009-10, for a total maximum Agreement amount of $854,000; and

b. Authorize the Director of Health to sign up to three future amendments to this Mental Health Services Agreement where the amendments do not exceed ten percent (10%) and do not significantly change the scope of work.

20. a. Approve and authorize the Director of Health to sign an Agreement with FreshX Selective Teams, LLC, to provide specialized custodial maintenance services and supplies to the Health Department's Clinic Services Division for the initial term of two (2) years, beginning June 1, 2008 through May 31, 2010, with the option to extend the Agreement for two (2) additional one (1) year periods in the amount of $226,637.40 per year; and

b. Authorize the Director of Health, to sign up to three future amendments to this Agreement where the amendments do not exceed ten percent (10%) and do not significantly change the scope of the work.
21.  a. Approve and authorize the Health Department Budget Unit 413 to accept the Central Coast Alliance for Health Quality Based Incentive in the amount of $218,178;  
    b. Approve and authorize the Health Department Budget Unit 413 to accept the Healthy Families Risk Pool Settlement in the amount of $114,240;  
    c. Direct the County Administrative Office and Auditor-Controller’s office to incorporate an increase of $100,000 in Provisions for Designation (Account 3815) in the FY 2008-09 Adopted Budget; and  
    d. Direct the County Administrative Office and the Auditor-Controller’s Office to amend the FY 2007-08 Health Department Clinic Services Budget Unit 413 to increase revenue and appropriations by $232,418 as outlined in the Board Order (4/5th vote required).

CRIMINAL JUSTICE

22.  a. Adopt Resolution authorizing the Chief Probation Officer to sign and submit a grant application to the State Corrections Standards Authority for utilization of Juvenile Accountability Block Grant (JABG) funds in the amount of $24,303 from Probation Department's Budget Unit 255 for the Probation Victim Restitution Program during FY 2008-09; and  
    b. Authorize the Chief Probation Officer to sign the grant agreement with the Corrections Standard Authority, and related amendments.

23.  a. Approve and authorize the Chief Probation Officer to sign an Agreement with the Superior Courts of California for the Collaborative Justice Substance Abuse Focus Grant from February 1, 2008 through June 30, 2008; and  
    b. Direct the Auditor-Controller to amend Probation Budget Unit 255 to increase FY 2007-08 estimated revenues and appropriations by $72,015 (4/5th vote required).

24.  a. Approve and authorize the Sheriff to purchase one (1) new prisoner transportation van with security caging, $46,000; a Special Weapons and Tactics (SWAT) Armored Rescue Vehicle, $260,000; and an evidence tracking system, $50,000;  
    b. Approve and authorize the Sheriff to utilize existing equipment appropriations in the Sheriff's Bureau Budget Units to purchase the equipment; and  
    c. Direct the Auditor-Controller to transfer the appropriations as specified.

GENERAL GOVERNMENT:

25.  Authorize the Agricultural Commissioner to execute, on behalf of the County of Monterey, standard agreements and any amendments thereto, with Federal, State and local agencies, for designated programs performed by the department for a period of three (3) years ending June 30, 2011.

26.  a. Approve the transfer of $18,821 from Services and Supplies appropriations to Fixed Assets appropriations in Parks Department, Lake Nacimiento Budget Unit 759; and
b. Authorize the Auditor-Controller to transfer $18,821 from account 001-759-7590-6599 to account 001-759-7590-6890, to complete the purchase of capital equipment needed for resort operations.

27. a. Award annual construction contract to McGuire and Hester, low bidder, in an amount not to exceed $100,000 for Annual Maintenance of Park Roadways at Laguna Seca Recreation Area, for Calendar Year 2008 (January 1, 2008 through December 31, 2008), Bid No. 10108; and
b. Authorize the Chair of the Board to sign the contract.

28. Approve an Agreement with GALLINA LLP, to perform the FY 2007-08 Independent and Single Audits, in an amount not to exceed $154,338, and authorize the Board Chair to sign the Agreement.

29. a. Approve and authorize an increase in FY 2007-08 estimated revenues and appropriations of $500,000 in Budget Unit 281- Agricultural Commissioner (4/5ths vote required);
b. Approve FY 2007-08 fixed asset purchase of three vehicles totaling $61,000 in Budget Unit 281-Agricultural Commissioner;
c. Approve the FY 2007-08 budget transfer of $780,000 from Salaries and Benefits to Fixed Assets ($61,000) and Operating Transfers Out ($719,000) in Budget Unit 281-Agricultural Commissioner;
d. Approve FY 2007-08 transfer of up to $1,219,000 from Budget Unit 281-Agricultural Commissioner to Capital Projects Fund 010, Budget Unit 173, for existing Master Plan Capital Improvement Project for Agricultural Center facilities; and
e. Direct the Auditor-Controller to increase revenue and appropriations in the amount of $500,000 and direct the Auditor-Controller to transfer $780,000 from Salaries and Benefits to Fixed Assets and Operating Transfers Out in Budget Unit 281-Agricultural Commissioner, and increase Operating Transfers In and related appropriations in Fund 010, Budget Unit 173 - Capital Projects Fund in an amount up to $1,219,000.

30. Receive the FY 2008-09 Appropriations Limits pursuant to Article XIIB of the California Constitutions and set to Monday, June 9, 2008 at 9:00 A.M. as the date to establish these limits.

RMA – PLANNING:

31. a. Approve Amendment No. 2 to Professional Services Agreement No. A-10401 with Resource Design Technology, Inc., where the base budget is increased by $105,000 to $1,504,900 with a contingency increase of $15,750 to $212,058, for a total amount not to exceed $1,716,958, to provide additional services for preparation of an Environmental Impact Report (EIR) for the Chevron Heated Oil Pipe Line Project (PLN030507) in South County, for a term to June 30, 2008;
b. Approve Amendment No. 2 to Funding Agreement No. A-10402 with Chevron U.S.A., Inc. where the base budget is increased by $105,000 to
$1,504,900 and the County Surcharge is increased by $34,650 to $662,836, with a contingency increase of $15,750 to $212,058, for a total amount not to exceed $2,379,794 to allow funding to Monterey County for costs incurred by Resource Design Technology, Inc., and County departments to provide additional services for preparation of an EIR for the Chevron Heated Oil Pipe Line Project (PLN030507) in South County, for a term to June 30, 2008; and

c. Authorize the Director of Planning to execute Amendment No. 2 to Professional Services Agreement No. A-10401, Amendment No. 2 to Funding Agreement No. A-10402 and future amendments that do not significantly alter the scope of work or change the approved Agreement amounts.

(Contract Amendment - PD060230/PLN030507 - Resource Design Technology, Inc./Chevron Heated Oil Pipeline, San Ardo area, South County Area Plan)

RMA - PUBLIC WORKS:

32. a. Adopt Resolution finding that the closure of the North Wing of the Monterey County Courthouse continues to pose an emergency requiring immediate action; and
b. Adopt Resolution ratifying the execution of emergency contracts and emergency actions taken by the Public Works Director or his designee to respond to the emergency (4/5th vote required).

33. a. Approve Plans and Special Provisions for Procurement (Delivery and Application) of Asphalt Emulsion for the Seal Coat 2008 Project (Contract No. 09-550917); and
b. Authorize the Clerk of the Board to advertise the "Notice to Contractors" in The Salinas Californian on May 23 and May 30, 2008.

34. a. Approve Amendment No. 2 to the Professional Services Agreement with Schaaf and Wheeler Consulting to provide additional services for the San Jerardo Water System and to assist County Service Area 72 - Las Palmas with a wastewater monitoring plan and salt management study, in the amount of $46,000 for a total amount not to exceed $145,000, and extend the term of the Agreement to March 31, 2009; and
b. Authorize the Contracts/Purchasing Officer to execute the Amendment and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

35. a. Accept the Rauber Ranch Minor Subdivision (PLN980372/040776) Improvements as completed; and
b. Approve release of the Faithful Performance Security issued by Community Bank in the form of a subordinated Deed of Trust for infrastructure improvements in the amount of $237,910.20 for the Rauber Ranch Minor Subdivision (PLN980372/040776).

36. a. Approve a Professional Services Agreement with MNS Engineers, Inc., to provide construction management and inspection services for the Thorne Road Bridge (Co. No. 317) at Arroyo Seco River, Project No. 08-172165,
Federal Aid Project No. BRLKO-5944 (073), for a total amount not to exceed $529,436 for a term to December 31, 2009; and
b. Authorize the Contracts/Purchasing Officer to execute the Agreement and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

37. Introduce, waive the reading, and set Tuesday, June 3, 2008, at 10:30 a.m., to consider adoption of an Ordinance adding Chapter 12.90 to the Monterey County Code, to establish a Regional Development Impact Fee.

38. a. Adopt Resolution finding that the repairs and renovations in various shower stalls of the Monterey County Adult Detention Facilities, located at 1410 Natividad Road, Salinas, continues to pose an emergency requiring immediate action without adopting plans and specifications and giving notice for bids to let contracts; and
b. Adopt Resolution ratifying the execution of emergency contracts and emergency actions taken by the Purchasing Manager or his designee to respond to the emergency. (4/5ths vote required)

39. a. Approve a License with the Judicial Council of California Administrative Office of the Courts for the benefit of Superior Court of California, County of Monterey, for use of the Board of Supervisors' Chambers, located at 168 West Alisal Street, Salinas, California, for jury assembly purposes;
b. Approve a License with the Judicial Council of California Administrative Office of the Courts for the benefit of the Superior Court of California, County of Monterey, for use of one office at the Courthouse facility at 1200 Aguajito, Monterey, California for one (1) year;
c. Approve Settlement Agreement with Superior Court of California, County of Monterey, to resolve certain outstanding claims attributed to the North Wing Salinas Courthouse remodel;
d. Approve the Memorandum of Understanding with the Judicial Council of California Administrative Office of the Courts for the benefit of Superior Court of California, County of Monterey, for construction of a courtroom at Modular Building #3 adjacent to the Salinas Courthouse; and
e. Authorize the Chair to execute the two Licenses, Settlement Agreement, and Memorandum of Understanding on behalf of the County.

40. Approve the Extension of Time Addendum for Temporary Construction Easements previously acquired for the State Route 68 - Laureles Grade Intersection Improvement Project.

SPECIAL DISTRICTS – PAJARO COUNTY SANITATION DISTRICT

41. Authorize the Auditor-Controller to transfer $7,500 in appropriations within the Pajaro County Sanitation District (Fund 382, Budget Unit 910) from Services and Supplies (Account 6499-Other Special Department Expense) to Fixed Assets (Account 6890-Equipment).
RMA – WATER RESOURCES AGENCY

42.  a. Set a date for a public hearing on Tuesday, June 10, 2008, at 1:30 p.m., to approve the FY 2008-09 assessments and water delivery charges for Zone 2B and FY 2008-09 assessments for Zones 2Y and 2Z for the Castroville Seawater Intrusion Project and the Salinas Valley Reclamation Project, and;
   b. Direct the Clerk of the Board to publish a hearing notice in the Salinas Californian and the King City Rustler at least ten days prior to the date set for the hearing.

43.  a. Set a date for a public hearing for Tuesday, June 10, 2008, at 1:30 p.m., to adopt Zone 2C FY 2008-09 assessment charges for the Salinas Valley Water Project, and
   b. Direct the Clerk of the Board of publish a hearing notice in the Salinas Californian and the King City Rustler at least ten days prior to the date set for the hearing.

44.  a. Set a date for a public hearing on Tuesday, June 10, 2008, at 1:30 p.m., to adopt the FY 2008-09 benefit assessments for Zones 1, 1A, 8, 9, 12, and 17, and;
   b. Direct the Clerk of the Board to publish a hearing notice in the Salinas Californian, the Soledad Bee, the Register-Pajaronian and the King City Rustler at least ten days prior to the date set for the hearing.

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