9:00 A.M.

ROLL CALL:
Present: Supervisors Armenta (Chair), Calcagno, Salinas, Mettee-McCutcheon, Potter

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.

RESULTS OF CLOSED SESSION: S-1 a. 1-4 and S-1 b: Involved claims relating to alleged asbestos exposure. The Board approved an amendment to the contract with outside counsel to provide defense coverage in these matters.

RESULTS OF CLOSED SESSION: S-1 a. 5: The Board heard an update from Counsel on the recent decision by the Court and provided direction to Counsel on how to proceed in this litigation.

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.

RESULTS OF CLOSED SESSION: Involved claims relating to alleged asbestos exposure. The Board approved an amendment to the contract with outside counsel to provide defense coverage in these matters.

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.

RESULTS OF CLOSED SESSION: The Board provided direction to Counsel on how to proceed in these matters.

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

RESULTS OF CLOSED SESSION: The Board discussed strategies on how to approach labor negotiations.

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

RESULTS OF CLOSED SESSION: The Board provided direction to Counsel on how to proceed to try to avoid litigation in these matters.

ROLL CALL:
Present: Supervisor Armenta (Chair), Calcagno, Salinas, Mettee-McCutcheon, Potter

1. Pledge of Allegiance led by Ron Lundquist, Director of Public Works

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.

Due to the need for immediate consideration by the Board of matters which arose after the posting of today's agenda, the Board made the following additions and corrections:

AC-1 ADDED: To adjourn meeting in the memory of Jan Retez.

Motion by Supervisor Potter, seconded by Supervisor Calcagno. All Ayes

3. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)

Supervisor Calcagno announced he would recuse himself from the vote on Consent Agenda Item 44 due to a potential conflict of interest.

NOTE: Separate Board action was taken on Agenda Item 44 after Item No. 12.
Motion by Supervisor Mettee-McCutcheon, seconded by Supervisor Salinas. All Ayes

4. CONSENT CALENDAR - PAJARO COUNTY SANITATION DISTRICT (See Supplemental Sheet)
   Motion by Supervisor Salinas, seconded by Supervisor Potter. All ayes

5. CONSENT CALENDAR - MONTEREY COUNTY WATER RESOURCES AGENCY (See Supplemental Sheet)
   CONSENT ITEMS 42 & 43, excepting Item 44, which was voted on separately.
   Motion by Supervisor Potter, seconded by Supervisor Salinas. All Ayes

   CONSENT ITEM 44
   Motion by Supervisor Potter, seconded by Supervisor Salinas - 4 Ayes; 1 Abstained - Supervisor Calcagno

OTHER BOARD MATTERS:

6. Board Comments, Referrals, and Updates

   Supervisor Calcagno referred to the Legislative Committee review and possible support for legislation proposed by Senator Dianne Feinstein, the Emergency Agriculture Relief Act.

   Supervisor Potter referred to Environmental Health, proposal of an ordinance banning the use of polystyrene foam, and requiring food providers, government facilities and contractors use biodegradable and recyclable alternatives.

7. CAO Comments - None

8. Public Comment - None

NOTE: Agenda Item 9 was trailed for consideration after Agenda Item 14.

10. Adopted the revised Board of Supervisors meeting schedule for the remainder of calendar year 2008.
    Motion by Supervisor Mettee-McCutcheon, seconded by Supervisor Salinas. All Ayes

11. Approved recommended amended appointments of Board Members to Boards, Committees and Commission for the Calendar Year 2008.
    Motion by Supervisor Salinas, seconded by Supervisor Calcagno. All Ayes

12. Adopted Resolution 08-160 commending Ronald J. Lundquist, PE, Director of Public Works, upon his retirement with 35 years of dedicated service to the County of Monterey.
Motion by Supervisor Potter, seconded by Supervisor Salinas. All Ayes

NOTE: Chairman Armenta announced separate action was necessary at this time on Consent Agenda Item 44 due to Supervisor Calcagno's announcement to recuse himself from the vote on that item.

Motion by Supervisor Potter, seconded by Supervisor Salinas. Approved Consent Agenda Item 44 as recommended. 4 Ayes; 1 Abstained – Supervisor Calcagno

13. Adopted Resolution 08-164 commending George Blumenthal upon his inauguration as Chancellor of the University of California, Santa Cruz. (Supervisor Mettee-McCutchon)

Motion by Supervisor Mettee-McCutchon, seconded by Supervisor Potter. All Ayes

APPOINTMENTS:


Motion by Supervisor Potter, seconded by Supervisor Salinas. All Ayes

NOTE: Agenda Item 9 was presented at this time by Assistant County Administrative Officer Rosie Pando.

9. Received Budget Committee Report and Action Minutes for the 3rd Quarter of FY 2007-08.

Motion by Supervisor Calcagno, seconded by Supervisor Potter. All Ayes

Recessed to Lunch- Legislative Committee Meeting

RECONVENED:

ROLL CALL:
Present: Supervisors Armenta (Chair), Calcagno, Salinas, Mettee-McCutchon, Potter

SCHEDULED MATTERS

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

Motion by Supervisor Potter, seconded by Supervisor Salinas. All Ayes

SA-1 S-3 a. Continued to a time uncertain 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)

Motion by Supervisor Potter, seconded by Supervisor Mettee-McCutchen, at the request of the applicant, this matter was continued to a time uncertain.

All Ayes

COUNTY COUNSEL PROVIDED RESULTS OF CLOSED SESSION (See Agenda Items S-1, a-e)

ORDER FOR ADJOURNMENT
IN MEMORY OF JAN RETEZ

APPROVED:

/s/ Supervisor Armenta
CHAIR, BOARD OF SUPERVISORS

ATTEST:
DENISE PENNELL
Interim Clerk of the Board

BY: /s/ Denise Hancock
DEPUTY
CONSENT CALENDAR

Motion by Supervisor Mettee-McCutchon, seconded by Supervisor Salinas. Consent Agenda Items 15-43, excepting Item 44, which was voted on separately. All Ayes

NATIVIDAD MEDICAL CENTER:

15. Agreement No. A-10650 Approved and authorized 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. Agreement No. A-11155 Approved and authorized 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. Agreement No. A-11156 Approved and authorized 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. Adopted Resolution No. 08-165 proclaiming state of local emergency relating to the spread of HIV among injection drug users in Monterey County.

19. a. Agreement No. A-11157 Approved and authorized 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. Authorized 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. Agreement No. A-11158 Approved and authorized 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. Authorized 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. Board Budget No. 07/08-187 Approved and authorized the Health Department Budget Unit 413 to accept the Central Coast Alliance for Health Quality Based Incentive in the amount of $218,178;
   b. Approved and authorized the Health Department Budget Unit 413 to accept the Healthy Families Risk Pool Settlement in the amount of $114,240;
   c. Directed 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. Directed 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).

22. a. Adopted Resolution No. 08-166 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. Authorized the Chief Probation Officer to sign the grant agreement with the Corrections Standard Authority, and related amendments.

23. a. Agreement No. A-11159; Board Budget No. 07/08-188 Approved and authorized 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. Directed 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. Board Budget No. 07/08-189 Approved and authorized 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. Approved and authorized the Sheriff to utilize existing equipment appropriations in the Sheriff’s Bureau Budget Units to purchase the equipment; and
   c. Directed the Auditor-Controller to transfer the appropriations as specified.

GENERAL GOVERNMENT:

25. Agreement No. A-11160 Authorized 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. Board Budget No. 07/08-190  Approved the transfer of $18,821 from Services and Supplies appropriations to Fixed Assets appropriations in Parks Department, Lake Nacimiento Budget Unit 759; and
b. Authorized 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. 2008CONST0002; Agreement No. A-11161  Awarded 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. Authorized the Chair of the Board to sign the contract.

28. Agreement No. A-11162 Approved 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. Board Budget No. 07/08-191  Approved and authorized an increase in FY 2007-08 estimated revenues and appropriations of $500,000 in Budget Unit 281- Agricultural Commissioner (4/5ths vote required);
b. Approved FY 2007-08 fixed asset purchase of three vehicles totaling $61,000 in Budget Unit 281-Agricultural Commissioner;
c. Approved 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. Approved 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. Directed 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. Received 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. Agreement No. A-10401: A-10402 Approved 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. Approved 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. Authorized 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.

RMA - PUBLIC WORKS:

32. a. Adopted Resolution No. 08-167 finding that the closure of the North Wing of the Monterey County Courthouse continues to pose an emergency requiring immediate action; and

b. Adopted 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. 2008CONST0007 Approved Plans and Special Provisions for Procurement (Delivery and Application) of Asphalt Emulsion for the Seal Coat 2008 Project (Contract No. 09-550917); and

b. Authorized the Clerk of the Board to advertise the "Notice to Contractors" in The Salinas Californian on May 23 and May 30, 2008.

34. a. Agreement No. A-11163 Approved 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
1. Authorized 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. Accepted the Rauber Ranch Minor Subdivision (PLN980372/040776) Improvements as completed; and
b. Approved 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. Agreement No. A-11164 Approved 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. Authorized 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. Introduced, waived 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. Resolution No.; 08-168 Adopted 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. Adopted 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. Agreement No. A-11165; A-11166; A-11167; A-11168 Approved 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. Approved 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. Approved Settlement Agreement with Superior Court of California, County of Monterey, to resolve certain outstanding claims attributed to the North Wing Salinas Courthouse remodel;
d. Approved 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. Authorized the Chair to execute the two Licenses, Settlement Agreement, and Memorandum of Understanding on behalf of the County.

40. Agreement No. A-10898 Approved the Extension of Time Addendum for Temporary Construction Easements previously acquired for the State Route 68 - Laureles Grade Intersection Improvement Project.

41. Board Budget No. 07/08-192 Authorized 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. Directed 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. Directed 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. Directed 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.

Motion by Supervisor Potter, seconded by Supervisor Salinas - 4 Ayes; 1 Abstained - Supervisor Calcagno

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