AGENDA
Tuesday, September 30, 2008

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/agenda, 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 with a disability requiring a modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may make these requests to the Clerk of the Board Office.

The agenda is divided into two sections:

REGULAR CALENDAR: These items include significant financial and administrative actions, and items of special interest, 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.

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

TO ADDRESS THE BOARD ON A MATTER ON THE AGENDA: Walk to the rostrum and wait for recognition by the Chair. In order that all interested parties have an opportunity to speak, please be brief and limit your comments to the specific subject under discussion. Time limitations shall be at the discretion of the Chair, with equal time allocated to opposing sides of an issue insofar as possible. Allocated time may not be reserved or granted to others, except as permitted by the Chair. On matters for which a public hearing is required, please note that a court challenge to the Board’s action may be limited to only those issues raised at the public hearing or in correspondence delivered to the Board at or before the public hearing.

TO ADDRESS THE BOARD DURING PUBLIC COMMENT: Please complete a Speaker Request Form, available on the rostrum, and submit it to the Clerk of the Board before the commencement of that agenda item. Public comments shall not pertain to matters on the agenda.

DOCUMENT DISTRIBUTION: Documents related to agenda items that are distributed to the Board less than 72 hours prior to the meeting shall be available for public inspection at the Clerk of the Board Office, 168 W. Alisal Street, 1st Floor, Salinas, CA. Documents distributed to the Board at the meeting by County staff will be available at the meeting; documents distributed to the Board by members of the public shall be made available after the meeting.

INTERPRETATION SERVICE POLICY: The Monterey County Board of Supervisors invites and encourages the participation of Monterey County residents at its meetings. If you require the assistance of an interpreter, please contact the Clerk of the Board located in the Monterey County Government Center, 168 W. Alisal St., Salinas - or by phone at (831) 755-5066. The Clerk will make every effort to accommodate requests for translation assistance. Requests should be made as soon as possible, and at a minimum 24 hours in advance of any meeting of the Board of Supervisors.

La Cámara de Supervisores del Condado de Monterey invita y apoya la participación de los residentes del Condado de Monterey en sus reuniones. Si usted requiere la asistencia de un intérprete, 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 intérprete. Los pedidos se deberán hacer lo mas pronto posible, y a lo mínimo 24 horas de anticipio 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.
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(b), the Board will confer with legal counsel regarding two items of significant exposure to litigation.

b. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding one item of potential initiation of litigation.

c. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation.
   1. David Sabih vs. County of Monterey, et al.; Dale Skeen and Joe Mei Chang, Real Parties in Interest

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 - MONTEREY COUNTY REDEVELOPMENT AGENCY (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)

9. Adopt a Resolution honoring Regina Jones upon her retirement as a Consumer Member, from the Community Health Center Board (formerly, the Primary Care Clinics Council of the Monterey County Health Department Clinic Services Division) for 13 years of volunteer service. (Full Board)

APPOINTMENTS:

10. Appoint Mark T. Ruiz to the Greenfield Public Recreation District for a term ending December 31, 2011. (Supervisor Salinas)

SCHEDULED MATTERS:

S-2 Accept an oral report from Elliott Robinson, Director of the Department of Social and Employment Services, marking September 30, 2008, as the kick-off of the 2008-09 Monterey County Employees Giving Campaign.

S-3 a. Consider approval of the response to the Monterey County Civil Grand Jury 2008 Mid-year Final Report;
   b. Authorize the County Administrative Officer to file the approved response with the Presiding Judge of the Superior Court, County of Monterey, by October 14, 2008; and
   c. Authorize the Chair to sign cover letter.

S-4 a. Hold a Public Hearing to consider Fiscal Year 2008-09 Citizens’ Option for Public Safety (COPS) Program funding requests for the District Attorney’s and Sheriff’s Offices, pursuant to Government Code 30061; and
   b. Increase appropriations and estimated revenue by $124,763 in Budget Unit 224 - District Attorney; $183,500 in Budget Unit 230 - Sheriff’s Office Administration and Enforcement Bureau; and $124,763 in Budget Unit 251 - Sheriff’s Office Custody Operations Bureau (4/5th vote required).

S-5 Consider applicant’s request to continue to October 14, 2008, the public hearing on an appeal from the Minor Subdivision Committee’s adoption of a Mitigated Negative Declaration and Mitigation Monitoring Program and approval of a Coastal Development Permit consisting of a Tentative Parcel Map creating four parcels of 3 acres, 3 acres, 3 acres, and 11 acres, based on the Findings and Evidence and subject to the recommended Conditions. (Appeal – PLN080185/Spanish Congregation, 125 Sill Road (Kinghall Road) North County Area, Coastal Zone)
ORDER FOR ADJOURNMENT
TO TUESDAY, OCTOBER 7, 2008

Future Board Meetings:
Tuesday, October 7, 2008
Tuesday, October 14, 2008
Tuesday, October 21, 2008
CONSENT CALENDAR

NATIVIDAD MEDICAL CENTER:

11. a. Receive the summary report (Attachment A) outlining completion of the Natividad Medical Center's (NMC's) implementation of purchasing delegation deliverables as defined in the Board of Supervisors approved Memoranda of Understanding (MOU) for delegation of administrative authorities for purchasing functions to NMC effective November 1, 2007;
   b. Approve the current NMC Contracts/Purchasing Manual; and
   c. Authorize the commencement of the delegation of purchasing authority from the County of Monterey to Natividad Medical Center.

12. Authorize the Contracts/Purchasing Manager for the County of Monterey to execute an Agreement with Beacon Partners for Consulting Services for the implementation of the Meditech Emergency Department Management (EDM) Module in an amount not to exceed $127,600 for the period September 1, 2008 to March 31, 2009.

HEALTH AND SOCIAL SERVICES:

13. a. Approve and authorize the Director of the Department of Social & Employment Services, or his designee, to sign contracts with Legal Services for Seniors and VNA Community Services, Inc., for a total of $255,522 to provide services to Monterey County seniors for the period July 1, 2008, through June 30, 2009; and
   b. Authorize the Director of the Department of Social & Employment Services, or his designee, to sign up to three (3) amendments to these agreements where the total amendments do not exceed ten percent (10%) of the original contract amounts, and do not significantly change the scopes of work.

14. a. Approve and authorize the Director of Health to sign an Agreement with John Muir Behavioral Health Center for the provision of mental health services effective July 1, 2008, through June 30, 2011 for a total amount not to exceed $150,000; and
   b. Authorize the Director of Health, to sign up to three (3) future amendments to this agreement where the amendments do not exceed ten percent (10%) of the original contract amount, and do not significantly change the scope of work.

15. a. Approve and authorize the Health Department Clinic Services Budget Unit 413 to reallocate as follows: reallocate one (1.0) FTE Administrative Services Officer to one (1.0) FTE Accountant II; reallocate one (1.0) FTE Senior Departmental Information Systems Coordinator to one (1.0) FTE Accountant II; and reallocate one (1.0) FTE Patient Account Representative II to one (1.0) FTE Senior Patient Account Representative; and
b. Direct the Auditor-Controller to amend the Fiscal Year 2008-09 Health Department Clinic Services Budget Unit 413 to reflect the changes in position counts as outlined in the Board Order.

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

CRIMINAL JUSTICE:

17. a. Approve and authorize the Sheriff to accept the Governor's Office of Emergency Services grant for $270,000 to fund the Monterey County Agricultural Crime Task Force, with a Joint Powers Agreement between the Sheriff and District Attorney, for the period of July 1, 2008, through June 30, 2009;

b. Approve Fiscal Year (FY) 2008-09 amendment to Sheriff's Budget Unit 230 to delete one (1.0) Deputy Sheriff; and

c. Direct the Auditor-Controller to amend FY 2008-09 Sheriff's Budget Unit 230 to change the position count (4/5th vote required).

18. Approve and authorize the Sheriff to sign a Professional Services Agreement with Identix, A L-1 Identity Solutions Company, in the amount of $56,731.00, effective March 9, 2008 through May 31, 2009, for maintenance and support services for Live Scan Fingerprint equipment located at the Sheriff’s Office and various law enforcement agencies within Monterey County and to sign up to three (3) future amendments to this Agreement not exceeding ten percent (10%) of the contract amount.

GENERAL GOVERNMENT:


20./34. Approve and authorize the Chair of the Board of Supervisors to sign a Memorandum of Agreement between the County of Monterey and the Redevelopment Agency of the County of Monterey for the financing, design and construction of Artichoke Avenue (Phase One) in Castroville.

21. Approve and authorize the Chair of the Board to sign a letter of support for the Monterey County Business Council and California State University Monterey Bay planning and development grant application to the Economic Development Administration (EDA).

22. a. Approve increased estimated revenues and appropriations in the amount of $250,609 in Budget Unit (BU) 152- Emergency Communications (4/5th vote required);

b. Approve transfer of $27,563 from BU 990- Contingencies to BU 152- Emergency Communications (4/5th vote required); and
c. Direct the Auditor-Controller to incorporate approved changes in the Fiscal Year 2008-09 Budget as detailed on the Board Order.

23. a. Receive a status report on programs currently funded for the first quarter of Fiscal Year (FY) 2008-09;
b. Approve use of $530,627 from the FY 2006-07 Undesignated/ Unreserved Available Fund Balance retained to provide for cash flow and contingent financial resources (4/5th Vote Required);
c. Approve increased appropriations of $248,424 in Budget Unit (BU) 235-Joint Gang Task Force; $141,413 in BU 256-Juvenile Institutions and Alternative Programs; $108,254 in BU 416-Public Guardian; $177,524 in BU 417-Alcohol and Drug Programs (4/5th Vote Required);
d. Approve increased estimated revenues by $269,884 and increase appropriations by $124,896 in BU 193-Information Technology (4/5th Vote Required); and
e. Direct the Auditor-Controller to incorporate approved changes in the FY 2008-09 Budget.

RMA - PLANNING DEPARTMENT:

24. a. Accept the Conservation and Scenic Easement Deed for Daniel J. Keig (PLN040023) for property located at 120 Crest Road, Carmel area, Coastal Zone (APN: 241-221-005-000);
b. Authorize the Chair of the Board of Supervisors to sign the Conservation and Scenic Easement Deed; and
c. Direct the Clerk of the Board to submit the Conservation and Scenic Easement Deed to the County Recorder for filing/recordation.

(Conservation and Scenic Easement Deed - PLN040023 / Keig 120 Crest Road Carmel Coastal LUP area)

25./36. a. Accept Parcel Map for the Minor Subdivision of an existing 23.43 acre lot to be subdivided into four residential lots: Parcel 1 will consist of 5.00 acres; Parcel 2 will consist of 5.53 acres; Parcel 3 will consist of 6.30 acres; Parcel 4 will consist of 6.57 including a 60-foot wide road and utilities easement across all parcels; the Road and Drainage Maintenance Agreement, Deed of Trust and Assignments of Rents, the Subdivision Improvement Agreement, Deed Restriction and Covenants, Notice of Water Conservation and Landscaping Requirements, Parks Department In-Lieu Fees, Deed Notification for Percolation Report, Deed Notification forParcel 1 Wastewater, Deed Notification forParcel 3 Wastewater and Deed Restriction for Parcel 3 Bedroom Count Limitations;
b. Authorize the Chair of the Board of Supervisors to execute the Subdivision Improvement Agreement;
c. Authorize the Chair of the Water Resources Agency to execute the Road and Drainage Maintenance Agreement;
d. Authorize the Parks Department to deposit the recreation in lieu fee of $2,652.30 in the Recreation in Lieu Fee Trust Account No. 080-3473; and
e. Direct the Clerk of the Board to submit the Parcel Map, the Subdivision Improvement Agreement, Road and Drainage Maintenance Agreement, Deed of Trust and Assignment of Rents, Deed Restriction and Covenants, Notice of Water Conservation and Landscaping Requirements, Deed Notification for Percolation Report, Deed Notification for Parcel 1 Wastewater, Deed Notification for Parcel 3 Wastewater, and Deed Restriction for Parcel 3 Bedroom Count Limitations to the County Recorder for filing.

(Parcel Map – PLN980663/Jenkins, located south of San Benancio Canyon Road, three miles east of Highway 68, Salinas, (Toro area)).

**RMA - PUBLIC WORKS:**

26. a. Adopt a 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 a resolution ratifying the execution of emergency contracts and emergency actions taken by the Acting Public Works Director, or his designee, to respond to the emergency (4/5th vote required).

27. a. Adopt a 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 a Resolution ratifying the execution of emergency contracts and emergency actions taken by the Contracts Purchasing Officer, or his designee, to respond to the emergency (4/5th vote required).

28. a. Set a public hearing for unmet transit needs in the unincorporated area of Monterey County on October 28, 2008, at 10:30 a.m., in preparation for Fiscal Year 2009-10 Local Transportation Fund allocations; and
   b. Direct the Clerk of the Board to publish a Notice of Public Hearing ten days prior to the hearing in *The Californian, Monterey County Herald*, and *King City Rustler*.

29. a. Approve and authorize the Contracts/Purchasing Officer to execute Amendment No. 4 to renew Lease Agreement A-07352 through July 31, 2011, with Prunedale Shopping Center, LP, for 7,200 square feet of space located at 17822 Moro Road, Prunedale, California, for use by the Monterey County Free Libraries, Prunedale Branch;
   b. Direct the Auditor-Controller to make lease payments of $3,594.24 per month, effective March 1, 2008, and in accordance with the terms of the agreement; and
   c. Authorize the optional extension of the Lease Agreement for two additional five-year periods under the same terms and conditions, if deemed by the Contracts/Purchasing Officer to be in the best interest of the County.
30. a. Approve and authorize the Contracts/Purchasing Officer to execute a Grant of Easement, effective upon Board approval, to Pacific Bell Telephone Company, a California Corporation dba, AT&T California, for the purpose of installing a fiber-optic conduit pathway under County-owned property located at 855 East Laurel Drive in Salinas, California, specifically for special federal- and state-funded school projects at the Salinas Union High School District's Mission Trails Regional Occupational Programs facility; and
b. Authorize the Acting Public Works Director to accept the Grant of Easement for Recordation on behalf of the County.

31. a. Approve Hold Harmless and Indemnification Agreements between the County of Monterey and the Rosenberg Family Ranch, LLC, and Ronald Wayne Bernard in connection with a Community Cleanup Day in San Ardo on October 4, 2008; and
b. Authorize the Acting Public Works Director to execute the Agreements on behalf of the County.

32. a. Award a contract in the total amount of $69,775 to Scheel Construction and Development, the lowest responsible bidder, to Construct Improvements - Information Technology Building, 1590 Moffett Street, Salinas, California, Project No. 8523, Bid No. 10049;
b. Approve the Performance and Payment Bonds executed and provided by Scheel Construction and Development;
c. Authorize a contingency (not to exceed ten percent (10%) of the contract amount) to provide funding for approved contract change orders; and
d. Authorize the Acting Public Works Director to execute the contract.

MONTEREY COUNTY REDEVELOPMENT AGENCY:

33. Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey:
a. Approve a $540,000 Loan Agreement with Mid-Peninsula Castroville Associates for the acquisition and development of property on Merritt Street in Castroville for the Cynara Court I affordable housing project;
b. Approve the Operating Agreement for Cynara Court I and II; and
c. Authorize the Redevelopment and Housing Director to execute the Loan Agreement, Operating Agreement and related documents and amendments as authorized in the Agreements.

34./20. Acting as the Board of Directors of the Redevelopment Agency, approve and authorize the Chair to sign a Memorandum of Agreement between the County of Monterey and the Redevelopment Agency of the County of Monterey for the financing, design and construction of Artichoke Avenue (Phase One) in Castroville.
MONTEREY COUNTY WATER RESOURCES AGENCY:

35. Approve the following revisions to the Monterey County Water Resources Agency’s FY 2008-2009 budget:
   a. Decrease appropriation in Fund 260, Budget Unit 930, Account 6499, Other Special Departmental Expense by $330,000 and
   b. Increase estimated revenue in Fund 260, Budget Unit 930, Account 5795 Hydro-electric Power Revenue, by $195,000 (4/5ths vote required), and
   c. Increase appropriation for the purchase of a Log Boom and Flow Meter in Fund 260, Budget Unit 930, Account 6890 (Fixed Assets) by $525,000 (4/5ths vote required), and
   d. Increase estimated revenue in Fund 206, Budget Unit 930, Account 4899 Other State Aid, by $510,000, and
   e. Increase appropriation in Fund 206, Budget Unit 930, Account 6499, Other Special Departmental Expense by $124,000, and
   f. Increase appropriation in Fund 206, Budget Unit 930, Account 6463, Other Outside Consultants, by $386,000.

36./25. a. Accept Parcel Map for the Minor Subdivision of an existing 23.43 acre lot to be subdivided into four residential lots: Parcel 1 will consist of 5.00 acres; Parcel 2 will consist of 5.53 acres; Parcel 3 will consist of 6.30 acres; Parcel 4 will consist of 6.57 including a 60-foot wide road and utilities easement across all parcels; the Road and Drainage Maintenance Agreement, Deed of Trust and Assignments of Rents, the Subdivision Improvement Agreement, Deed Restriction and Covenants, Notice of Water Conservation and Landscaping Requirements, Parks Department In-Lieu Fees, Deed Notification for Percolation Report, Deed Notification for Parcel 1 Wastewater, Deed Notification for Parcel 3 Wastewater and Deed Restriction for Parcel 3 Bedroom Count Limitations;
   b. Authorize the Chair of the Board of Supervisors to execute the Subdivision Improvement Agreement;
   c. Authorize the Chair of the Water Resources Agency to execute the Road and Drainage Maintenance Agreement;
   d. Authorize the Parks Department to deposit the recreation in lieu fee of $2,652.30 in the Recreation in Lieu Fee Trust Account No. 080-3473; and
   e. Direct the Clerk of the Board to submit the Parcel Map, the Subdivision Improvement Agreement, Road and Drainage Maintenance Agreement, Deed of Trust and Assignment of Rents, Deed Restriction and Covenants, Notice of Water Conservation and Landscaping Requirements, Deed Notification for Percolation Report, Deed Notification for Parcel 1 Wastewater, Deed Notification for Parcel 3 Wastewater, and Deed Restriction for Parcel 3 Bedroom Count Limitations to the County Recorder for filing.

(Parcel Map – PLN980663/Jenkins, located south of San Benancio Canyon Road, three miles east of Highway 68, Salinas, (Toro area)).

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MONTEREY COUNTY
BOARD OF SUPERVISORS

Supplemental Agenda for Tuesday, September 30, 2008

AGENDA ADDENDA
THE FOLLOWING ITEMS HAVE BEEN ADDED TO THE AGENDA SINCE RELEASE OF THE AGENDA TO THE PUBLIC:

Under Closed Session:

SA-1  S-1  d. Pursuant to Government Code section 54956.9(b), the Board will confer with real property negotiators.
Property: The public rights of way in Waste Management Company's "Western Franchise" and "Northeastern Franchise" areas of the County.
Agency Negotiator: Len Foster
Negotiating Parties: County of Monterey and Waste Management Corporation
Under negotiation: Price and terms

TITLE CORRECTIONS
THE FOLLOWING AGENDA ITEMS HAVE HAD CHANGES TO THEIR RECOMMENDED ACTIONS SINCE RELEASE OF THE AGENDA TO THE PUBLIC:

Under Closed Session:

SA-2  S-1  a. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding three items of significant exposure to litigation.