ACTION MINUTES
MONTEREY COUNTY BOARD OF SUPERVISORS
MONTEREY COUNTY WATER RESOURCES AGENCY

TUESDAY, JULY 22, 2008
9:00 A.M.

9:00 A.M.

ROLL CALL:
Present: Supervisors Armenta (Chair), Calcagno, Salinas, Mettee-McCutchen.
Absent: Supervisor Potter

NOTE: Supervisor Potter was present during Closed Session.

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

a. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the following public employment position:
   1. Natividad Medical Center CEO

RESULTS OF CLOSED SESSION: The Board performed evaluation and provided direction on goals and objectives.

b. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators (IHSS Unit); Elliott Robinson and Fran Buchanan for the County of Monterey.

RESULTS OF CLOSED SESSION: The Board provided direction to labor negotiators in those cases.
c. 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 County Counsel on how to proceed and how to avoid litigation in those matters.

d. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding the following existing litigation:
   1. Luis Alvarez (WC)
   2. Lynn Lincoln (WC)
   3. Margarita Covarrubias (WC)
   4. Ernest Spence (WC)
   5. Jessica Roche (WC)
   6. Gabrielle Gauci vs. County of Monterey

RESULTS OF CLOSED SESSION: SA-1 and SA-2 removed items 2 and 5. SA-3 added item 6. Items 1, 3 and 4 the Board approved tentative settlements in those cases. Item 6 the Board approved a settlement offer.

e. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators. Property: Monterey County Government Center and related properties (including 168 West Alisal Street, Salinas; 230 Church Street, Salinas; and 240 Church Street, Salinas). Agency negotiator: Wayne Tanda Negotiating Parties: County of Monterey and Widewater Salinas, LLC and Robert Leidig Associates, LLC Under negotiation: Terms

RESULTS OF CLOSED SESSION: The Board provided direction to negotiators on how to proceed in those negotiations.

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

RESULTS OF CLOSED SESSION: The Board provided direction on how to proceed in that matter, and appointed an Ad Hoc Subcommittee of the Board to assist in the litigation.

g. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators (all units); Keith Honda for the County of Monterey. 10:30 A.M.

RESULTS OF CLOSED SESSION: The Board provided direction to labor negotiator regarding various labor negotiations.

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

1. Pledge of Allegiance was led by Supervisor Armenta
2. Additions and Corrections

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

AC-1 CORRECTED
50. a. Accept the Conservation and Scenic Easement Deed for Ruben Sanchez for the property located at 4660 Lotte Lane, Royal Oaks North County area, Coastal Zone;
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 recordation.

(Conservation and Scenic Easement Deed - PLN070109/Sanchez, 4660 Lotte Lane, Royal Oaks)

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

3. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)

Supervisor Calcagno pulled item 48 for discussion.
Item 53 was pulled for clarification, per public request.

Motion 18-62, except 48 and 53, by Supervisor Potter, seconded by Supervisor Calcagno. All Ayes

Consent Item 48 discussion.
Supervisor Calcagno stated contents of Item 48 is an issue facing the agriculture industry, in part, and hoped this is a practical solution to transporting commodities throughout the United States.

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

Consent Item 53 discussion

PUBLIC COMMENT:
· Mr. Weaver spoke regarding the project study for this item and requests the project study to include alternatives.

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

4. CONSENT CALENDAR - BORONDA COUNTY SANITATION DISTRICT (See Supplemental Sheet)

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

5. CONSENT CALENDAR - MONTEREY COUNTY REDEVELOPMENT AGENCY (See Supplemental Sheet)

Motion by Supervisor Mettee-McCutchen, seconded by Supervisor Salinas. All Ayes
OTHER BOARD MATTERS:

6. Received Board Comments, Referrals, and Updates
   · Supervisor Potter expressed his appreciation for efforts by Monterey County
     Government; State and Federal Government; all agencies from SPCA to the Red
     Cross and all the individuals that have participated in fighting the fires in the 4th
     and 5th Districts.
   · Supervisor Salinas echoed the comments of Supervisor Potter in terms of the
     impact in his District and thanked all those who have been involved in fighting
     the fires.
   · Supervisor Armenta stated he is appointing a Salinas AdHoc Committee for all
     matters relating to the City of Salinas. Supervisor Armenta also thanked the
     CAO's office; the Emergency Command Center; the Sheriff’s Department;
     Supervisor Potter and staff; Supervisor Salinas and the people on the front lines
     fighting the fires.

7. CAO Comments
   Lew Bauman on behalf of Monterey County and staff, expressed appreciation
   and gratitude to the U.S. Forest Service; Cal-Fire; the Sheriff’s Department; and
   other agencies that spent many long hours in the Emergency Operations Center.
   He also thanked Supervisor Potter and Congressman Sam Farr. A slide show was
   presented, which provided a brief overview of support by the California
   Department of Corrections and local personnel.

8. Public Comment (Limited to 3 minutes per speaker)
   · Roy Johnson spoke regarding County employment discrimination practices.

NOTE: Item 9 heard after item 17.
Supervisor Salinas not present.

APPOINTMENTS:

10. Appointed Eva A. Maggini to the Greenfield Cemetery District for a term ending
    December 31, 2012. (Supervisor Salinas)
    Motion by Supervisor Potter, seconded by Supervisor Calcagno.
    4 Ayes; 1 - Absent Supervisor Salinas

11. Appointed Raul C. Rodriguez to the Greenfield Cemetery District to fill the
    vacancy of Carlos Landeros for a term ending December 31, 2009. (Supervisor
    Salinas)
    Motion by Supervisor Potter, seconded by Supervisor Calcagno.
    4 Ayes; 1 - Absent Supervisor Salinas

12. Reappointed Raymond "Ridge" Watson to the Agricultural Advisory Committee
    for a term ending June 30, 2011. (Supervisor Potter)
    Motion by Supervisor Potter, seconded by Supervisor Calcagno.
    4 Ayes; 1 - Absent Supervisor Salinas
13. Appointed Kurt Gollnick to the Agricultural Advisory Committee for a term ending June 30, 2011. (Supervisor Armenta)
   Motion by Supervisor Potter, seconded by Supervisor Calcagno.
   4 Ayes; 1 Absent - Supervisor Salinas

14. Reappointed John Baillie to the Agricultural Advisory Committee for the Grower Shipper Association of Central California for a term ending June 30, 2011. (Full Board)
   Motion by Supervisor Potter, seconded by Supervisor Calcagno.
   4 Ayes; 1 Absent - Supervisor Salinas

15. Appointed Steve Henderson to the Community Action Commission for a term ending July 1, 2011. (Supervisor Potter)
   Motion by Supervisor Potter, seconded by Supervisor Calcagno.
   4 Ayes; 1 Absent - Supervisor Salinas

16. Appointed Sam Davidson to the Fish and Game Advisory Commission to fill the vacancy of Chris Daniel for a term ending February 1, 2011. (Supervisor Potter)
   Motion by Supervisor Potter, seconded by Supervisor Calcagno.
   4 Ayes; 1 Absent - Supervisor Salinas

17. Appoint Traci Townsend to the Commission on the Status of Women for a term ending February 1, 2010. (Supervisor Potter)
   Motion by Supervisor Potter, seconded by Supervisor Calcagno.
   4 Ayes; 1 Absent - Supervisor Salinas

NOTE: Supervisor Salinas present

9. Adopted Resolution No.08-248 in opposition of the diversion of First 5 funds. (Supervisor Salinas)
   Motion by Supervisor Salinas, Supervisor Potter. All Ayes

SCHEDULED MATTERS

S-2 Adopted Resolution No. 08-249 - calling for a special election on November 4, 2008, to submit to the voters an ordinance authorizing the Transportation Agency for Monterey County to impose a one-half of one percent retail transactions and use tax to provide revenues for implementation of the Investment Plan for Transportation Sales Taxes in Monterey County for a period not to exceed twenty-five years, for specific transportation improvements.

PUBLIC COMMENT:
· Mike Weaver stated he is in opposition of the tax measure and presented document to the Board.
· Hans Jongens opposed staff recommendation.
· Tom Carvey, Executive Director Common Ground Monterey County, supported staff recommended tax measure.

Motion by Supervisor Potter, seconded by Supervisor Salinas. All Ayes.
S-3 Received a presentation from the California Department of Corrections and Rehabilitation regarding location of a Secure Community Reentry Facility.

PUBLIC COMMENT:
- Robert Auhll urged the Board to approve the secure reentry facility.
- Bill Ziering supported the approval of the reentry facility.
- Charles Russell supported the approval of the reentry facility.
- Margaret Serina-Bennett opposed the location of the reentry facility but not the concept.
- Hans Jongens spoke regarding public comment received on the correctional system used by the Maricopa Arizona County Sheriff.

12:00 P.M.

Recessed to Lunch - Legislative Committee Meeting

1:30 P.M. RECONVENED

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

S-4 Received an oral report and considered recommendations from the Legislative Committee meeting of July 22, 2008.

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

S-5 Resolution No. 08-251 - Approved the Basin Complex Recovery Guidelines to support the processing of permits for the rebuilding of structures destroyed or damaged by the Basin Complex Fire Incident and the Indians Fire Incident.

(PD080635/Basin Complex Recovery Guidelines).

PUBLIC COMMENT:
- Mike Caplan, Palo Colorado Canyon resident, thanked the Board and staff for the quick action for the residents who lost their homes/property. Expressed concern regarding timelines related to applying for building permits and made suggestions.
- Robert Carver, 34 year resident of Big Sur and Director of the Coast Properties Association of Big Sur, stated they have raised over $300,000 and distributed cash grants of $300 from the Big Sur Land Trust; to over 700 community members in need due to the fires. He addressed two points in the draft resolution one on page 16, # 6 D, the other related to the timeline and the language on page 18, # 9.
- Dale Ellis, representing property owners, thanked the staff and County for some clear guidelines to facilitate reconstruction / replacement of properties and homes lost in the fires. Mr. Ellis voiced concerns regarding some inherent conflicts between the provisions in the Coastal Implementation Plan and asked the Board to continue to work with the public for further policy direction.
- John Kusunich, Haro & Kusunich, agreed with Mr. Ellis’s comments; stated retaining walls have been damaged by the fires; and requested those people receive waivers as well.

Motion by Supervisor Potter, seconded by Supervisor Salinas. All Ayes
S-6 Received the recommendation from the Natividad Medical Center Strategic Plan: Vision 2010 and from Wellspring/Huron Consulting to establish a Monterey County Health Services Agency which would encompass Natividad Medical Center and the Monterey County Health Department.

PUBLIC COMMENT:
- Dr. Wayne Clark, Behavioral Health Monterey County, recommended 90 vs. 45 days to establish a Monterey County Health Services Agency.
- Dr. Laura Sororio recommended more time needed for the formation of the agency.
- Harry Weis supported a 45 day formation time frame.
- Jesse Armenta, Board Trustee Natividad Medical Center, supported 45 days.
- Barbara Mitchell urged the Board to delay; expressed concern that 45 days are not sufficient time for community input.
- John Jameson stated he would like to see the plan finalized before Wellspring Contract completed.
- Linda Sanchez, supported a 90 day extension
- Robin McCray supported a 90 day extension.
- David Diaz supported a 90 day extension.

**Motion by Supervisor Salinas to return to the Board in 60 days, to allow community members, union members and healthcare stakeholders to provide input on the establishment of a new Monterey County Health Services Agency, seconded by Supervisor Potter. All Ayes**

**BOARD RECESSED**

**RECONVENED**

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

S-7 a. Received staff report on the General Plan schedule; and
b. Provided direction as appropriate. (Update - PLN070525/General Plan 2007).

PUBLIC COMMENT:
- Kevin Stone, Government and Community Affairs Director, Monterey County Association of Realtors, stated the timeline is aggressive and urged the Board to adopt by years end.
- Rod Mills, 27-year County resident and member of the Sierra Club; The Vantana Chapter, requested the Board provide the public with at least 60 days in which to comment on the newest draft EIR.
- Ron Chesshire urged the Board to stay with the 45-day review period and that Jane Parker, as Supervisor, should be seated for the important vote with proper recognition.
- Margaret Robbins, Carmel Valley housewife, stated a 60-day review period is essential. Stated Jane Parker should be able to vote on this plan.
- Tom Rowley urged the expedition of the review period and suggested having one joint presentation by the staff to the Planning Commission and the
Supervisors in an informational presentation, to be televised and publicized in the media so people can watch.

- John Dalessio, President of Carmel Valley Association, submitted a letter; spoke regarding the time to review the Draft EIR; and urged the Board to wait until District 4’s elected Supervisor has been seated.
- Roelof Wijbrandus stated a 60-day review period is more than adequate and encouraged the Board to allow adequate time for the public and accountability to allow Jane Parker to be part of the decision making process.
- Tom Carvey, Executive Director Common Ground Monterey County, urged the Board to stick to the 45-day review period.
- Carlos Ramos, resident of District 5 and member of the Good Neighbor’s Coalition, encouraged the Board to move forward with a 45-day review period and advocated for public input through evening meetings.
- Meg Giberson urged the Board to consider a 60-day public review of the Draft EIR and requested allowance for several Planning Commission meetings before any decisions move forward.
- Carolyn Anderson urged the Board to consider adequate time to review, during the holiday period.
- Janet Brennan, President of League of Women Voters Monterey Peninsula, urged the Board for a 60-day review period.
- Chris Fitz, Landwatch Monterey County, urged the Board to give the public a period of 60 days for a realistic and fair amount of time for review.
- Christopher Bunn, 5th generation farmer, urged the Board for a 30-day review period for the Draft EIR.
- Jan Mitchell, Prunedale Neighbors Group and Prunedale Preservation Alliance, requested at least one evening public meeting and a 60-day review of the complete Draft EIR.
- Hans Jongens urged the Board to allow at least 60 days for the EIR for review.
- Bob Schaffer urged the Board to follow the staff’s recommendation.
- John Bridges offered two comments with regard to the schedule, and abiding by statutory 45-day time frame for review of the Draft EIR.
- Bob Perkins, Executive Director of Monterey County Farm Bureau, supported keeping on schedule.
- Kent Surpinski, Head of International Brothers Electrical Union for Monterey County, supported the 45-day recommendation by staff.
- Mike Weaver urged fairness and allow 60 days for an EIR review period.

**Motion by Supervisor Armenta 45 day period, seconded by Supervisor Mettee-McCutcheon. 3 Ayes; 2 Noes - Supervisors Calcagno, Potter.**

S-8 Resolution No. 08-251

a. Adopted the Revised Mitigated Negative Declaration with an associated Mitigation Monitoring and Reporting Program;

b. Denied the appeal from the Zoning Administrator’s approval of a Combined Development Permit (PLN060735/Skeen & Chang); and

c. Approved a Combined Development Permit (PLN060735/ Skee & Chang) consisting of a 1) Coastal Administrative Permit to allow the construction of a new two-story 2,950 square foot single family dwelling with a 545 square foot...
attached garage, 1,130 cubic yards of grading, and retaining walls; 2) Coastal Development to allow development within 750 feet of archaeological resources; and 3) Design Approval. (Appeal, Discretionary Decision - PLN060735/Skeen & Chang, 26327 Scenic Road, Carmel, Carmel Area Land Use Plan).

PUBLIC COMMENT:
· Mayone Etemain, attorney for applicant, provided testimony and respectfully requested the Board do all the things regarding the three approvals the staff has recommended.
· David Sahbi, appellant, provided testimony and supported denial for appeal.
· John Kusunich, Geotechnical Engineer for project, provided testimony.
· Molly Erickson, attorney for appellant David Sabih, provided testimony and urged the Board to uphold the appeal and deny the project or require an EIR.

Rebuttal:
· Dr. Etemain reiterated the late submittal of engineers report and not being able to respond to the reports.
· John Kusunich reviewed pin piling design; stated able and willing to work with Mr. Sahib's engineers during the final design that will be submitted for Building Departments review to ensure adequate pier review.

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

Motion to reconsider amending prior motion by Supervisor Potter, seconded Supervisor Armenta. All Ayes

Motion by Supervisor Potter to include additional insurance added to the project for $4 million to be in place from commencement of construction until certificate of occupancy is issued, seconded by Supervisor Armenta seconded. All Ayes.

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

ORDER FOR ADJOURNMENT

APPROVED:

/s/ Supervisor Armenta
CHAIR, BOARD OF SUPERVISORS

ATTEST: NICHOLAS E. CHUILOS
Interim Clerk of the Board

BY: /s/ Denise Hancock
DEPUTY
CONSENT CALENDAR

Supervisor Calcagno pulled item 48 for discussion. Item 53 was pulled for clarification, public requested.

Motion on balance of Consent Agenda Items by Supervisor Potter, seconded by Supervisor Calcagno. All Ayes

Consent Item 48 discussion.
Supervisor Calcagno stated this is an issue facing the agriculture industry, in part and hopes this is a practical solution to transporting commodities throughout the United States.

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

Consent Item 53 discussion

PUBLIC COMMENT:
· Mr. Weaver spoke regarding the project study for this item and requests the project study to include alternatives.

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

NATIVIDAD MEDICAL CENTER:

18. Agreement No. A-10757 - Authorized the Purchasing Manager for Monterey County to issue a one-time Purchase Order to Toyon Associates Inc., in an amount not to exceed $150,981.50 for services rendered per the existing Agreement for Medicare Appeal Services at Natividad Medical Center (NMC).

HEALTH AND SOCIAL SERVICES:

19. a. Agreement No. A-11129 - Approved and authorized the Director of Health to sign an Agreement with the Housing Authority of Monterey County for the County to provide alcohol and drug treatment services effective June 1, 2008 through May 31, 2009 for a total amount not to exceed $145,120, to replace Agreement A-10932 which expires May 31, 2008; and

b. Authorized 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 total contract amount and do not significantly change the scope of work.

20. Approved the form of the Exclusive Franchise Agreement for the Collection, Transportation, Recycling, and Diversion of solid waste in the unincorporated area of Monterey County, for which bids will be received on August 8, 2008.

21. a. Agreement No. A-11237 - Approved and authorized the Director of the Department of Social and Employment Services, or his designee, to sign an Agreement with Nelson Landscape, Inc., for $11,950 for weekly landscape
maintenance for the period Fiscal Year 2008-09, including Mutual Indemnification provision in Exhibit D; and

b. Authorized the Director of the Department of Social & Employment Services, or his designee, to sign up to three (3) amendments to this Agreement where the total amendments do not exceed ten percent (10%) and do not significantly change the scope of work.

22. a. Agreement No. A-11130 - Approved and authorized the Director of the Department of Social and Employment Services, or his designee, to sign an Agreement with Moss Beach Homes, Inc./dba Aspira for $191,622 for operation of the CHERISH Receiving Center for the period July 1, 2008 - June 30, 2009; and

b. Authorized the Director of the Department of Social and Employment Services, or his designee, to sign up to (3) amendments to the Agreement where the total amendments do not exceed ten percent (10%) of the original contract amount and do not significantly change the scope of work.

23. a. Agreement No. A-11131 - Approved and authorized the Director of the Department of Social & Employment Services, or his designee, to sign an Agreement with Unity Care Group, Inc., for $738,882 for the period July 1, 2008 - June 30, 2009 to provide intensive SB 163 Wraparound services to eligible Monterey County foster, probation and at-risk youth and their families; and

b. Authorized the Director of the Department of Social & Employment Services, or his designee, to sign up to three (3) amendments to this Agreement where the total amendments do not exceed ten percent (10%) of the original contract amount, and do not significantly change the scope of work.

24. a. Agreement No. A-11132 - Approved and authorized the Director of the Department of Social & Employment Services, or his designee, to sign an Agreement with Kinship Center, for $302,112 to provide intensive Adoption Assistance Program (AAP) Wraparound services to eligible Monterey County youth and their families for the period July 1, 2008 through June 30, 2009; and

b. Authorized the Director of the Department of Social & Employment Services, or his designee, to sign up to three (3) amendments to the Agreement where the total amendments do not exceed ten percent (10%) of the original contract amount, and do not significantly change the scope of work.

25. a. Agreement No. A-11133 - Approved and authorized the Director of the Department of Social & Employment Services, or his designee, to sign an Agreement with Kinship Center, for $320,000 for the period July 1, 2008 through June 30, 2009 for the provision of support services to relative and near-kin caregivers; and

b. Authorized the Director of the Department of Social & Employment Services, or his designee, to sign up to three (3) amendments to the Agreement where
the total amendments do not exceed ten percent (10%) of the original contract amount, and do not significantly change the scope of work.

26. a. Agreement No. A-11134 - Approved and authorized the Director of the Department of Social & Employment Services, or his designee, to sign a contract with Alliance on Aging, for the provision of services to seniors funded by the Older Americans Act and Older Californians Act in the amount of $500,255 for Fiscal Year 2008-2009; and
b. Authorized the Director of the Department of Social & Employment Services, or his designee, to sign up to three (3) amendments to the Agreement where the total amendments do not exceed ten percent (10%) of the original contract amount, and do not significantly change the scope of work.

27. a. Agreement No. A-11135 - Approved and authorized the Director of the Department of Social and Employment Services, or his designee, to sign an Agreement with Moss Beach Homes, Inc., dba Aspira, for $1,086,432 for the period July 1, 2008 - June 30, 2009 to provide intensive SB 163 and AAP Wraparound services to eligible Monterey County foster, probation and at-risk youth and their families; and
b. Authorized the Director of the Department of Social and Employment Services, or his designee, to sign up to three (3) amendments to this Agreement where the total amendments do not exceed ten percent (10%) of the original contract amount, and do not significantly change the scope of work.

28. a. Agreement No. A-11136 - Approved and authorized the Director of Health to sign a Professional Services Agreement with the Foundation of California State University, Monterey Bay for $134,400, effective August 1, 2008 through July 31, 2009, for a dedicated PhD Social Work faculty member to assist with the development of a Master of Social Work program; and
b. Authorized the Purchasing Manager 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.

29. Board Budget No. 08/09-011 - Directed the County Administrative Office and the Auditor-Controller’s Office to amend the Fiscal Year 2007-08 Health Department Clinic Services Budget Unit 413 to increase revenue and appropriations by $450,000 as outlined in the Board Order (4/5th vote required).

CRIMINAL JUSTICE:

30. Agreement No. A-11138 - Approved and authorized the Chair to sign the Memorandum of Understanding between the cities of Salinas, Seaside and Soledad and the County of Monterey and the Department of California Highway Patrol regarding the Monterey County Joint Gang Task Force.
31. Agreement No. A-11139 - Approved and authorized the Sheriff-Coroner to sign a Professional Medical Services Agreement with John R. Hain, M.D., for forensic pathology services in an amount not to exceed $360,000 annually for the period July 1, 2008 through June 30, 2011.

**GENERAL GOVERNMENT:**

32. Resolution No. 08-261 - Approved amendments to the Conflict of Interest Code of the County Counsel of Monterey County.

33. Resolution No. 08-252 - Extended the Board of Supervisor’s Proclamation of Local Emergency regarding wildland fire storms of June 2008 and authorized emergency contracts for work, replacements, and/or repairs without giving notice for bids (4/5th vote).

34. Resolution No. 08-253 - Authorized the Designation of the County Administrative Officer, or designee, as the County of Monterey’s Applicant Agent for the purpose of obtaining federal financial assistance under the Robert T. Stafford disaster Relief and Emergency Assistance Act of 1988 and/or state financial assistance under the California Disaster Assistance Act in conjunction with the 2008 California wildfires, FEMA-3287-EM-CA.

35. Board Budget No. 08/09-112 - Approved a request from the North County Recreation and Park District for a dry period loan of $130,000 for the Fiscal Year ending June 30, 2009.

36. Board Budget No. 08/09-113 - Approved a request from the North County Fire Protection District for a dry period loan of $3,150,000 for the Fiscal Year ending June 30, 2009.

37. Board Budget No. 08/09-114 - Approved a request from the Salinas Rural Fire District for a dry period loan of $2,500,000 for the Fiscal Year ending June 30, 2009.

38. Approved Resolution No. 08-254 designating County staff positions to authorize and execute documents and applications for the purpose of obtaining financial assistance with the Fiscal Year 2008 Homeland Security Grant Program.

39. a. Accepted the recommendation of the Monterey County Fish and Game Commission to award one funding grant to Monterey Bay Veterans; and

b. Approved the distribution of Fish and Game grant funds in the amount of $1,500 for a specified grant project for Fiscal Year 2008-09.

40. Approved the use of San Lorenzo County Park for one function by First Baptist Church of King City, in compliance with Monterey County Code 14.12.130.
41. Approved the Action Minutes for the meetings of: Tuesday, April 1, 2008; Tuesday, April 8, 2008; Tuesday, April 15, 2008; Tuesday April 22, 2008; Tuesday, April 29, 2008; Tuesday, May 6, 2008; Tuesday, May 13, 2008; and Tuesday, May 20, 2008, copies having been previously distributed to each Board member.

42. Resolution No. 08-261 - Adopted Treasurer’s Investment Policy for Fiscal Year 2008-09; Delegated Investment Authority to the Treasurer-Tax Collector; Accepted Treasurer’s Report of Investments for the quarter ending June 30, 2008.

43. Received revisions to the Educational Assistance Program Administrative Guidelines.

44. Resolution No. 08-255; Board Budget No. 08/09-015
   a. Amended Personnel Policies and Practices Resolution No. 98-394 to add the classification of Student Intern;
   b. Amended Monterey County Student Internship Program Policies and Procedures to include Paid Internships;
   c. Approved Side Letter of Agreement between SEIU (Service Employees International Union) 521 and County of Monterey to exempt Student Interns from Union Dues/Fees; and
   d. Directed staff to implement the pilot paid Student Internship Program effective August 16, 2008 through April 30, 2009.

45. Resolution No. 08-256; Board Budget No. 08/09-016  - Amended Personnel Policies and Practices Resolution No. 98-394 to revise Section A.49.3 Employee Relocation/Moving Allowance to allow Relocation/Moving Allowances of up to $10,000 with County Administrative Officer approval and higher allowances with Board of Supervisors’ approval.

46. Resolution No. 08-257; Board Budget No. 08/09-017
   a. Amended Personnel Policies and Practices Resolution No. 98-394 to add the classification of Victim/Witness Assistance Program Manager;
   b. Reclassified one (1) FTE (fulltime equivalent) Victim/Witness Assistance Program Coordinator to one (1) FTE Victim/Witness Assistance Program Manager;
   c. Amended the Fiscal Year (FY) 2008-09 Budget Unit 224 to delete one (1) allocated FTE Victim/Witness Assistance Program Coordinator position and add one (1) FTE Victim/Witness Assistance Program Manager position;
   d. Directed the Auditor-Controller to incorporate this change into the FY 2008-09 District Attorney’s (DA) Office Budget Unit 224; and
   e. Directed the Auditor-Controller to amend the FY 2008-09 Budget Unit 224 to increase revenues and appropriations by $11,480. (4/5th vote required)

47. Introduced, waived reading, and set for adoption on August 26, 2008 at 1:30 p.m. an ordinance of the County of Monterey, State of California, amending Sections
2.12.040, 2.13.010, and 2.13.020 of the Monterey County Code relating to the Clerk of the Board of Supervisors.

48. Agreement No. A-11140 - Approved and authorized the Agricultural Commissioner to execute an Agreement with the Grower-Shipper Association of Central California, in an amount not to exceed $15,000, to provide an evaluation of the feasibility and industry interest in utilizing rail carriers for transport of agricultural products in addition to the current direct ship by truck to market.

**RMA - PLANNING DEPARTMENT:**

49. a. Agreement No. A-11141 - Approved a Professional Services Agreement with Michael Brandman Associates, Inc., (MBA) where the Base Budget is in an amount not to exceed $19,685 to prepare a re-circulated Environmental Impact Report (EIR) or EIR chapter(s) for the September Ranch Subdivision (PLN050001) east of Highway 1 on the north side of Carmel Valley Road, for a term to March 1, 2009;

b. Agreement No. A-11142 - Approved a Reimbursement Agreement with September Ranch Partners where the Base Budget is $19,685 and the County Surcharge is $6,890, for a total amount not to exceed $26,575, to allow reimbursement to Monterey County for costs incurred by MBA and County departments to provide a re-circulated EIR or EIR chapter(s) for the September Ranch Subdivision (PLN050001) east of Highway 1 on the north side of Carmel Valley Road, for a term to March 1, 2009; and

c. Authorized the Director of Planning to execute the Professional Services Agreement, Reimbursement Agreement and future amendments that do not significantly alter the scope of work or change the approved Agreement amounts. (Contract - PD060227/Michael Brandman & Associates, Inc., County-wide)

50. a. Accepted the Conservation and Scenic Easement Deed for Ruben Sanchez for the property located at 14660 Lotte Lane, Royal Oaks North County area, Coastal Zone;

b. Authorized the Chair of the Board of Supervisors to sign the Conservation and Scenic Easement Deed; and

c. Directed the Clerk of the Board to submit the Conservation and Scenic Easement Deed to the County Recorder for recordation. (Conservation and Scenic Easement Deed - PLN070109/Sanchez, 14660 Lotte Lane, Royal Oaks)

51. Approved and authorized Director of Planning Services to execute Release of Liability from Indemnification Agreement between Sven Simonsen (PC07904) and the County of Monterey. (Release of Liability - PC07904/Simonsen, Monterey Dunes Colony)
RMA - PUBLIC WORKS:

52. a. Agreement No. A-10948 - Approved Amendment No. 1 to Cooperative Agreement No. A-10948 with Caltrans for preparation of the Project Report and Environmental Documentation for the State Route 1 Climbing Lane Project between Rio Road and Carmel Valley Road, Project No. 10-869065, in the amount of $50,000 for a total amount not to exceed $250,000;  
b. Authorized the Chair to execute Amendment No. 1 to Cooperative Agreement No. A-10948; and  
c. Directed the Clerk of the Board to submit Amendment No. 1 to Cooperative Agreement No. A-10948 to the County Clerk-Recorder for filing.

53. a. Agreement No. A-10949 - Approved Amendment No. 1 to Cooperative Agreement No. A-10949 with Caltrans for the preparation of the Project Report and Environmental Documentation for the State Route 68 and Corral de Tierra Road Intersection Improvements Project, Project No. 10-114065, from June 26, 2007, to December 31, 2009, in the amount not to exceed of $100,000;  
b. Authorized the Chair to execute Amendment No. 1 to Cooperative Agreement No. A-10949; and  
c. Directed the Clerk of the Board to submit Amendment No. 1 to Cooperative Agreement No. A-10949 to the County Clerk-Recorder for filing.

PUBLIC COMMENT:
· Mr. Weaver spoke regarding the project study for this item and requests the project study to include alternatives.

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

54. a. 2008CONST0009 - Approved Plans and Specifications for construction of the IT Fleet Parking Lot Improvements, Information Technology Building, Project No. 859502, Bid No. 10124; and  
b. Authorized the Clerk of the Board to advertise the "Notice to Contractors" in The Californian and The Monterey County Herald on July 25 and August 1, 2008.

55. a. 2007CONST0003; Agreement No. A-10935 - Authorized Acceptance of Work for the Repair/Upgrade the Fire Alarm System at the Sheriff’s Public Safety Building located at 1414 Natividad Road, Salinas, Project No. 8519; and  
b. Authorized the Acting Public Works Director to execute and record the Notice of Completion.

56. a. Adopted Resolution No. 08-258 finding that the closure of the North Wing of the Monterey County Courthouse continues to pose an emergency requiring immediate action; and  
b. Adopted 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).
57.  a. Adopted Resolution No. 08-259 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 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).

58.  a. 2008CONST0010 - Approved Plans and Special Provisions for the construction of the Laureles Grade/State Route 68 Intersection Improvements, Project No. 09-112065; and  
b. Authorized the Clerk of the Board to advertise the "Notice to Contractors" in The Californian and The Monterey County Herald on July 25 and August 1, 2008.

59.  a. Agreement No. A-11143; 2008CONST0007 - Awarded a contract to Reed & Graham, Inc., the lowest responsible bidder, for the Procurement (Delivery and Application) of Asphalt Emulsion for the Seal Coat 2008, Contract No. 09-550917, in the amount of $853,260;  
b. Approved the Performance and Payment Bonds executed and provided by Reed & Graham Inc.;  
c. Increased the contract amount by 7% ($59,728) to fund the allowance for additional charges;  
d. Authorized a contingency (not to exceed 10% of the contract amount) to provide funding for approved contract change orders; and  
e. Authorized the Acting Public Works Director to execute the contract.

BORONDA COUNTY SANITATION DISTRICT:  
Motion by Supervisor Calcagno, seconded by Supervisor Salinas. All Ayes

60.  Adopted Resolution No. 08-260 in support of an application to the Local Agency Formation Commission to annex the San Jerardo Co-op and related well site to the Boronda County Sanitation District.

RMA - MONTEREY COUNTY REDEVELOPMENT AGENCY:  
Motion by Supervisor Mettee-McCutchon, seconded by Supervisor Salinas. All Ayes

61.  2008CONST0011 Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey:  
a. Approved the plans and specifications for the Japanese Schoolhouse Restoration project in Castroville, Project No. 09-721720;  
b. Authorized bids to be received for construction of the Project; and  
c. Authorized the Clerk of the Board to advertise the "Notice to Contractors" in The Californian and The Monterey County Herald on July 25 and August 1, 2008.
62. Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey:
   a. Approved amended program guidelines for implementation of Castroville Commercial Improvement Program;
   b. Authorized the Director of Redevelopment and Housing to execute grant or loan agreements up to $25,000; and
   c. Approved the standard Commercial Improvement Program Grant Agreement.

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