ROLL CALL:
Present: Supervisors Salinas (Chair), Armenta, Calcagno, Parker, and Potter.

1. Additions and Corrections for Closed Session: There were no additions or corrections to Closed Session.

CLOSED SESSION

2. Closed Session under Government Code section 54950, relating to the following items:
   a. Pursuant to Government Code section 54956.9(a), the Board conferred with legal counsel regarding existing litigation.
      (1) LandWatch, et al. v. County of Monterey; MCSC Case No. M82969
      CLOSED SESSION REPORT: The Board provided direction to staff on how to proceed and no final decision was made in this matter.

      (2) Helping Our Peninsula’s Environment v. Monterey County; MCSC Case No. M82972.
      CLOSED SESSION REPORT: The Board provided direction to staff on how to proceed and no final decision was made in this matter.

CLOSED SESSION REPORT: The Board provided direction to staff on how to proceed and no final decision was made in this matter.

(4) Yevgeniy Pinchuk v. City of Los Angeles; CSCA 2nd Appellate District, Division Two, Case No. B219213 (Added via Addendum)

CLOSED SESSION REPORT: The Board did not discuss this item and removed this item from the agenda.

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

CLOSED SESSION REPORT: The Board provided direction to counsel on how to proceed to avoid litigation in these matters.

10:30 A.M.

ROLL CALL:
Present: Supervisors Salinas (Chair), Armenta, Calcagno, Parker, and Potter.

3. The Pledge of Allegiance was led by County Counsel Charles McKee.

4. Additions and Corrections
The Clerk of the Board announced Agenda corrections and proposed additions, which were acted on by the Board as provided in Section 54954.2 of the California Government Code.

Title Correction to Consent Regular – General Government:

At the request of the CAO it is requested the Board make a correction to the second paragraph of the Board Report under discussion to indicate that Mr. Lauritzen was appointed for a second term which began June 30, 2005.

By consensus, the Board approved corrections to the agenda.

5. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)
Motion by Supervisor Parker, seconded by Supervisor Armenta to approve all regular consent items, except items 27 and 28. ALL AYES
- Supervisor Calcagno pulled items 27 and 28 for comment. He commended Eric Lauritzen for his work as Agricultural Commissioner for the County of Monterey.

Motion by Supervisor Calcagno, seconded by Supervisor Potter to approve items 27 and 28.

Recessed as the Monterey County Board of Supervisors
*Convened as the Board of Directors of the Boronda County Sanitation District*

6. CONSENT CALENDAR - BORONDA COUNTY SANITATION DISTRICT (See Supplemental Sheet, Item 34)
   Motion by Director Calcagno, seconded by Director Parker. ALL AYES
   Adjourned as the Board of Directors of the Boronda County Sanitation District

***Reconvened as the Monterey County Board of Supervisors***

7. Board Comments
   · Supervisor Parker thanked the Director of Social and Employment Services Elliott Robinson for being her guest at Hot Drinks and Hot Topics Monday night. Her next guest will be hydrologist, Doug Smith on September 27th. She announced Coastal Clean-Up Day on Saturday, September 25th from 9:00 am - 12:00 pm at the beach in Marina.
   · Supervisor Salinas thanked all County agencies that participated in the El Dia del Trabajador Agricola event in Greenfield on Sunday, August 29th.

8. CAO Comments and Referrals
   · County Administrative Officer Lew Bauman introduced the County’s new Health Services Director Ray Bullick, formerly with Tulare County. Director Bullick addressed the Board.
   · CAO Bauman advised of one Board referral from Supervisor Parker’s office requesting consideration of a moratorium on smart meters, pending resolution of customer concerns; referred to the Director of Health and the Health Committee.

OTHER BOARD MATTERS:

9. Public Comment:
   Sergio Sanchez; Everett Abraham Munoz; Robert Juhler; Gary Richard Arnold; Steve Ecklund; Ron Cheshire; Hans Jongens

10. Adopted Resolution No. 10-242 proclaiming September 17 through 23, 2010, as "Constitution Week" in the County of Monterey. (Full Board)
    Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES

APPOINTMENTS: 11 through 15.1 heard concurrently

11. Appointed George W. Haines to the Monterey County Regional Fire District to fill an unexpired term ending March 1, 2013. (Supervisor Potter)
    Motion by Supervisor Parker, seconded by Supervisor Armenta. ALL AYES

12. Reappointed Steve McShane to the Housing Advisory Committee, term ending
August 26, 2012. (Supervisor Parker)

Motion by Supervisor Parker, seconded by Supervisor Armenta. ALL AYES

13.   Appointed James Griffith to the Emergency Medical Care Committee to fill an unexpired term ending June 30, 2012. (Full Board)

Motion by Supervisor Parker, seconded by Supervisor Armenta. ALL AYES

14.   Appointed Annalisa Mitchell to the Commission on the Status of Women to fill an unexpired term ending February 1, 2011. (Supervisor Parker)

Motion by Supervisor Parker, seconded by Supervisor Armenta. ALL AYES

15.   Reappointed Linda Payne and Nancy Upadhye to the Mental Health Commission, terms ending May 31, 2013. (Supervisor Armenta)

Motion by Supervisor Parker, seconded by Supervisor Armenta. ALL AYES

15.1  Appointed Stella Lauerman to the Commission on disabilities, term ending December 31, 2012. (Full Board)

Motion by Supervisor Parker, seconded by Supervisor Armenta. ALL AYES

SCHEDULED MATTERS:

S-1  Adopted Resolution No. 10-252 proclaiming the month of September, 2010, as "National Preparedness Month" to promote emergency preparedness in Monterey County.

Motion by Supervisor Parker, seconded by Supervisor Armenta. ALL AYES

S-2  (Continued from a closed public hearing on July 27, 2010) Adopted Resolution No. 10-253 to:
   a. Grant the appeal by Kurt and Sue Jaggers from the April 8, 2010, discretionary decision by the Zoning Administrator to deny a Variance to the 18-foot height limit;
   b. Categorically exempt the Combined Development Permit (PLN090253/Jaggers) per Section 15302 of the CEQA Guidelines; and
   c. Approve the application for a Combined Development Permit (PLN090253/Jaggers) consisting of: 1) a Coastal Administrative Permit for the demolition of an existing 4,095 square foot single family dwelling with 248 square feet of deck and an attached 429 square foot garage, the construction of a new 5,080 square foot single family dwelling with an attached 670 square foot garage and 644 square feet of deck, and cisterns, 2) a Coastal Development Permit to allow development within 750 feet of a known archaeological resource, 3) a Coastal Development Permit to allow development on slope greater than 30 percent, 4) a Variance from the 18-foot height limit to allow a height above average natural grade of approximately 21.7 feet (net reduction of approximately 1.6 feet from the existing residence), 5) Design Approval, and grading consisting of approximately 1,010 cubic yards of cut and 200 cubic yards of fill (net export of approximately 810 cubic
yards). (Appeal, Discretionary Decision - PLN090253/Jaggers, 2741 Calle la Cruz, Carmel Meadows, Carmel Area Land Use Plan)

Motion by Supervisor Potter, seconded by Supervisor Calcagno. ALL AYES

S-3 Received a report from the County Administrative Officer on Board Referral No. 2010.16 - Customer Service Review

Motion by Supervisor Potter, seconded by Supervisor Parker. ALL AYES

S-4 Received an oral report from the Auditor-Controller, Treasurer-Tax Collector and County Administrative Office on the County’s Cash Balance and Impact of Delay of Adoption of the California State Budget.

Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES

S-5 Approved and authorized the Temporary Delegation of Authority from the County Administrative Officer to Department Heads for the Purposes of Approving Hiring Decisions and Purchase of Fixed Assets in Accordance with the Position Allocations and Appropriations Contained in the Fiscal Year 2010-11 Budget, and Institute Salary Savings Targets for County Departments.

Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES

Recessed to Lunch

1:30 P.M. Reconvened

SCHEDULED MATTERS

Roll Call
Present: Supervisors Salinas (Chair), Armenta, Calcagno, Parker, and Potter.

S-6 a. Conducted public hearing and received report on the draft 2010 Monterey County General Plan and its Environmental Impact Report, and received the Planning Commission recommendation;
   b. Provided direction to staff regarding the format and schedule for the public hearing; and
   c. Continued the public hearing to September 14, 2010. (General Plan Update - PLN070525/County of Monterey)

Public Comment: Ed Mitchell; Amy White; Tom Rowley; Pam Silkwood; Molly Erickson; Jan Mitchell; Nancy Isaacson; Christopher Bunn; Rudolph Gonzales.

Motion by Supervisor Calcagno, seconded by Supervisor Parker to continue the Public Hearing to September 14, 2010, noting the General Plan hearing will be scheduled from 1:30 p.m. to 4:30 p.m., and will continue from 6:00 p.m. until 8:00 p.m.; additionally the Board directed staff to return with options for addressing long term sustainable water supply and an annotated
version of comments received on policies received on the General Plan (Planning Commission Exhibit B). ALL AYES

Closed Session Report: (See item 2a – b)

ORDER FOR ADJOURNMENT

APPROVED:

/s/ Simón Salinas
SIMÓN SALINAS, CHAIR
BOARD OF SUPERVISORS

ATTEST: GAIL T. BORKOWSKI
Clerk of the Board

BY: /s/ Gail T. Borkowski
CONSENT CALENDAR

NATIVIDAD MEDICAL CENTER:

16. Agreement No. A-11841 Authorized the Purchasing Manager for Natividad Medical Center (NMC) to execute an amended Scope of Services with Reel Grobman & Associates from County Master Agreement for Professional Design Services at NMC’s Specialty Clinic in an amount not to exceed $185,340 (an increase of $86,340) for the period July 1, 2010 through June 30, 2011.

HEALTH AND SOCIAL SERVICES:

17. Agreement A-11842
   a. Approved and authorized the Director of the Department of Social & Employment Services, or his designee, to sign an MOU with Monterey County Office of Education for leveraging of Title IV-E Administrative funding to support Foster Youth Services; 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 MOU amount, and do not significantly change the scope of responsibility.

18. Agreement No. A-11843 Approved and authorized the Directors of the Departments of Health and Social & Employment Services, or their designees, to sign Memoranda of Understanding between County of Monterey and George L. Mee Memorial, Salinas Valley Memorial and Natividad Medical Center Hospitals to ensure compliance with Penal Code Section 11165.13 and Health and Safety Code Sections 1255.7 regarding substance-exposed infants and abandoned newborns.

CRIMINAL JUSTICE:

19. Board Budget No. 10/11-023
   a. Approved and authorized the District Attorney to accept award of a Life and Annuity Consumer Protection Grant from the Department of Insurance; and
   b. Authorized the Auditor-Controller to increase estimated revenues and appropriations totaling $160,013 in DIS001, District Attorney (4/5th vote required).

20. Agreement No. A-11578
   a. Approved and authorized the Contracts/Purchasing Officer to execute Amendment No. 1 to Lease Agreement A-11578 with Crocker Corner
Partnership for the 20 East Alisal Street, First Floor building in Salinas, for
use and consolidation of the Probation Department’s Adult Division;
b. Approved Plans and Specifications, Project Schedule, and Cost Breakdown
and Payment Method;
c. Authorized the Auditor-Controller to transfer $125,000 in funds from Capital
Projects Fund 402, Project No. 8827 Probation-Additional Administrative
Office Space for additional project costs; and
d. Authorized the Auditor-Controller to increase revenue and appropriations in
the amount of $125,000 in Fund 001, PRO001-Probation budget for fiscal
year 2010-11 (4/5th vote required).

GENERAL GOVERNMENT:

21. Accepted Monterey County Law Library Fiscal Year 2009-10 Annual Report.

22. Approved Amendment to Conflict of Interest Code of the County Counsel of
Monterey County.

23. Approved the 2010-11 Secured Roll Tax Rates.

24. Board Budget No. 10/11-024
   Approved and authorized the Auditor Controller to increase Revenues and
   Appropriations in Community Development Grants (Fund 013, Unit 8200) by
   $460,750.

25. Agreement No.A-11844; Construction No. 2010-014
   a. Awarded construction contract to Garcia Engineering, in the amount of
      $133,391 for the base bid on the Island Group Area Improvements at Laguna
      Seca Recreation Area, Bid No.10251;
   b. Authorized the Chair of the Board to sign the contract; and
   c. Authorized the Director of Parks to approve change orders to up ten percent
      (10%) of the bid.

26. Agreement No. A-11845; Construction No. 2010-013
   a. Awarded construction contract to Mill Construction, in the amount of $79,989
      for the base bid and $6,904 for Alt. No. 1 on the Island Group Area Building
      Improvements at Laguna Seca Recreation Area, Bid No.10252;
   b. Authorized the Chair of the Board to sign the contract; and
   c. Authorized the Director of Parks to approve change orders to up ten percent
      (10%) of the bid.

27. Reappointed Eric Lauritzen as Sealer of Weights & Measures for a four-year term
    of office effective August 31, 2010; and corrected the second paragraph of the
    Board Report under discussion to indicate that Mr. Lauritzen was appointed for a
    second term which began June 30, 2005.
Motion by Supervisor Calcagno, seconded by Supervisor Potter. ALL AYES

Motion by Supervisor Calcagno, seconded by Supervisor Potter. ALL AYES

RMA - PLANNING DEPARTMENT:

29. a. Accepted the Conservation and Scenic Easement Deed for the Blackstock property;
b. Authorized the Chair of the Board of Supervisors to execute 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 recording. (Conservation and Scenic Easement Deed - PLN090130/Blackstock, 1134 Madre Lane, Pebble Beach, Del Monte Forest Land Use Plan, Coastal Zone)

30. a. Accepted the Conservation and Scenic Easement Deed for the Peter Pan Investors, LLC;
b. Authorized the Chair of the Board of Supervisors to execute 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 recording. (Conservation and Scenic Easement Deed - PLN990376/Peter Pan Investors, LLC, 226 Peter Pan Road, Carmel Area Land Use Plan)

RMA - PUBLIC WORKS:

31. Construction No. 2010-015
   a. Approved Plans and Special Provisions for the Procurement (Delivery and Application) of Asphalt Emulsion for the Seal Coat 2010 Project (Contract No. 11-551120); and
   b. Authorized the Clerk of the Board to advertise the "Notice to Bidders" in The Californian on September 10 and September 17, 2010.

32. Board Budget No. 10/11-025
   a. Approved the transfer of $68,412.88 from Appropriation Unit RMA014 to the Assessor/County Clerk-Recorder, Recorder’s GC Code 27361 (c) Fees - Modernization, Fund 020, Account 2751, for a refund of unused monies related to the First Floor Recorder-County Clerk and Assessor Area Remodel, Project No. 8814, Bid Package No. 10081 (4/5th vote required); and
   b. Authorized the Auditor-Controller to move appropriations totaling $68,412.88 within Appropriation Unit RMA014, Capital Projects Fund, from Project Account 7551 to 7614 (Construction in Progress, and Operating Transfers Out, respectively) (4/5th vote required).
33. Made a finding that there is an unmet transit need that is reasonable to meet in the County unincorporated areas in Fiscal Year 2010-11.

33.1 Adopted Resolution No. 10-254:
   a. Declaring an emergency as defined by California Public Contract Code Section 1102 due to the broken sanitary sewer at the Monterey County Adult Detention Facility kitchen;
   b. Finding that the emergency will not permit a delay resulting from a formal solicitation of bids and that the action is necessary to respond to the emergency;
   c. Finding that the repairs are necessary to permit the continued conduct of county operations or services;
   d. Authorizing emergency sanitary sewer repairs at the Monterey County Adult Detention Facility kitchen, located at 1410 Natividad Road, Salinas CA, without adopting plans and specifications and giving notice for bids to let contracts; and
   e. Authorizing the Contracts/Purchasing Manager, or his designee, to enter into contracts and issue purchase orders to accomplish the required emergency work and ratifying the execution of emergency contracts and actions taken by the Contracts/Purchasing Manager, or his designee, to respond to the emergency (4/5th vote required). (Added via Addendum)

BORONDA COUNTY SANITATION DISTRICT:

34. Agreement No. A-11846 Acting as the Board of Directors of the Boronda County Sanitation District:
   Authorized the Director of Public Works, or his designee, to sign all documents to approve an Intertie Agreement (Agreement) between the Boronda County Sanitation District (BCSD) and Foothill Estates, Inc. to provide for two (2) sources of water supply for the San Jerardo Water System (System) and the Foothill Estates, Inc. Water System (hereafter, collectively referred to as "Water Systems").

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