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

TUESDAY, JANUARY 25, 2011
9:00 A.M.

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

1. Additions and Corrections for Closed Session:
The County Counsel announced Agenda corrections and proposed additions, which may be acted on by the Board as provided in Section 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, as provided in Section 54954.2 of the California Government Code the Board is asked to make the following additions and corrections:

Add to Closed Session under Government Code section 54950, related to the following items:

2. a. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation.
   (9) Transient Occupancy Tax Cases [Decision of the Los Angeles County Superior Court (Dec. 16, 2010) (Coordinated Proceeding No. 4472)]
2. e. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:
   (1) Designated representatives: Keith Honda, Dianne Dinsmore, and Jim Colangelo
   Employee Organizations: Units A, B, and C

2. f. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:
   (1) Designated representatives: Keith Honda and Dianne Dinsmore
   Employee Organizations: Units H and S

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

CLOSED SESSION

2. a. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation.
   (1) David Sabih v. County of Monterey, et al.; MCSC case no. M93135
   (2) LandWatch Monterey County v. County of Monterey; MCSC case no. M109434
   (3) The Open Monterey Project v. Monterey County Board of Supervisors; MCSC case no. M109441
   (4) Carmel Valley Association, Inc. v. Board of Supervisors of the County of Monterey; MCSC case no. M109442
   (5) Salinas Valley Water Coalition, et al. v. County of Monterey; MCSC case no. M109451
   (6) Daniel J. Mitchell v. County of Monterey; USDC CAND case no. C08-01166JW
   (7) Monterey County Deputy Sheriffs’ Association v. County of Monterey, et al.; MCSC case no. M97873 (Added via Addendum)

CLOSED SESSION REPORT: The Board received an update from counsel on 2.a. 1 through 8 and provided direction to counsel on how to proceed.

   (9) Transient Occupancy Tax Cases [Decision of the Los Angeles County Superior Court (Dec. 16, 2010) (Coordinated Proceeding No. 4472)]

CLOSED SESSION REPORT: The Board authorized County Counsel to enter into this case as amicus curiae (Friends of the Court) and support the City of Anaheim and the League of Cities in this matter.

b. Pursuant to Government Code section 54957, the Board will confer regarding one matter of public employee discipline.

CLOSED SESSION REPORT: The Board received an informational update. No action was taken.
c. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the County Counsel.

CLOSED SESSION REPORT: The Board conducted a performance evaluation for County Counsel and provided direction for organizational changes in the office of County Counsel. Those changes will be brought back to the Board in open session for final approval.

d. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:
   (1) Designated representatives: Keith Honda, Dianne Dinsmore and Jim Colangelo
   Employee Organizations: Units A, B, and C.

CLOSED SESSION REPORT: The Board conferred with labor negotiators and provided direction on how to proceed in resolving any outstanding labor issues.

e. Pursuant to Government Code section 54956.87 and Health and Safety Code section 1462, the Board will confer with the Natividad Medical Center CEO regarding trade secrets concerning a proposed new service, program, or facility.

CLOSED SESSION REPORT: The Board conferred with the Natividad Medical Center CEO and provided direction to return in open session regarding the new programs, services or facilities and to receive direction from this body.

f. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:
   (1) Designated representatives: Keith Honda and Dianne Dinsmore
   Employee Organizations: Units H and S (added via Additions and Corrections)

CLOSED SESSION REPORT: The issue is whether the current MOU is inconsistent with evidence of the intent of the parties (the County and the Unions) for these MOUs, regarding health coverage, related to benefits for part-time employees. The intent of the written material outside the MOUs appeared to be for employees working half-time or more to receive the same health related benefit as full-time equivalent employees and not to change benefits received prior to the most current MOU going into effect. The Board directed the CAO Human Resources Director to return next week or as soon as possible with documents to memorialize the original intent not to change benefits for part-time employees and requested the Auditor-Controller to take action as soon as possible to make whole employees who were affected by recent changes in the implementation of the payroll ERP system. And then to implement permanent changes consistent with direction out of Closed Session and consistent with the prior intent of the parties for those MOUs. Clarification will come next week from CAO HR to outline what the Board is intending and no opposition is expected.
ROLL CALL
Present: Supervisors Parker (Chair), Armenta, Calcagno, Salinas, and Potter.
Interpreter: David Ugalde

3. The Pledge of Allegiance was led by Supervisor Calcagno.

4. Additions and Corrections: There were no Additions or Corrections.

5. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)
   Motion by Supervisor Salinas, seconded by Supervisor Armenta to approve
   the Consent Calendar – Regular. ALL AYES

RESOLUTIONS 6 through 8 were heard concurrently.

6. Adopted Resolution No. 11-009 honoring Probation Division Manager Douglas
   L. Rieffel upon his retirement from Monterey County after 41 years of service.
   (Supervisor Parker)
   Motion by Supervisor Potter, seconded by Supervisor Armenta. ALL AYES

7. Adopted Resolution No. 11-008 honoring American Red Cross of Northern
   California Blood Services in Recognition of National Blood Donor Month (Full
   Board)
   Motion by Supervisor Potter, seconded by Supervisor Armenta. ALL AYES

8. Adopted Resolution No. 11-110 commending Stephen R. Hooper for his 36 years
   of Dedicated Service in the Department of Child Support Services as a Child
   Support Attorney.
   Motion by Supervisor Potter, seconded by Supervisor Armenta. ALL AYES

APPOINTMENTS Items 10 through 18 were heard concurrently.
   · Item 9 pulled by members of the public.

9. Appoint Janet Brennan to the Monterey County Planning Commission term
   ending January 23, 2015. (Supervisor Parker) (Continued from January 11, 2011)
   Public Comment: Bob Perkins; Tom Rowley; Alva Rucker; Alvin Edwards; Kay
   Kline; Ron Chesshire; Priscilla Walton; Margie Kay; Bill Nye; Darryl Shotane;
   Beryl Smith; Ralph Rubio; Nelson Vega; Gary Richard Arnold; Karen Arajo; Ed
   Mitchell; Don Ask; Joe Vierra; Julie Engell; Jan Mitchell.
   Motion by Supervisor Potter, seconded by Supervisor Parker to approve
   appointment of Janet Brennan to the Monterey County Planning
   Commission. 2 – 3 (Supervisors, Supervisor Armenta, Calcagno, and Salinas
   dissented) Motion Failed

10. Reappointed Kevin L. Jones and Joseph Hernandez to the North Monterey County
    Recreation & Park District Board of Directors terms ending November 30, 2014.
    (Supervisor Calcagno)
    Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES
11. Appointed Angelita Partido to the Area Agency on Aging Advisory Council term ending January 1, 2014. (Supervisor Calcagno)  
Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES

12. Appointed John Pack to the Fish and Game Advisory Commission to fill an unexpired term ending February 1, 2012. (Supervisor Parker)  
Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES

13. Reappointed Sheree Goldman to the Domestic Violence Coordinating Council, term ending January 1, 2015. (Supervisor Potter)  
Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES

14. Reappointed Bill Nye to the Fort Ord Veteran Cemetery Citizens Advisory Committee, term ending January 4, 2013. (Supervisor Potter)  
Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES

15. Reappointed Ryan Anthony Flagg and Pat Jones to the Area Agency on Aging Advisory Council, terms ending January 1, 2014. (Full Board)  
Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES

16. Reappointed Sean M. Graham to the North Monterey County Recreation & Park District with a term ending November 30, 2014. (Supervisor Calcagno)  
Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES

17. Reappointed Victor Lanini to the Monterey County Fish and Game Advisory Commission with a term ending February 1, 2014. (Supervisor Salinas)  
Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES

18. Reappointed Mike Parrish to the Community Service Area (CSA) 15 Advisory Committee with a term ending January 1, 2014. (Supervisor Potter)  
Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES

OTHER BOARD MATTERS

19. Board Comments  
· Supervisor Armenta addressed staff regarding an anticipated request from the Housing Authority, SEIU and members of the public during Public Comment and inquired as to whether a Board referral will be necessary to address the request. Supervisor Parker clarified Public Comment is item 21 on today’s agenda.

· Supervisor Calcagno advised he will be hosting a one-hour public radio show tonight on the Land Conservancy of Monterey County and will be interviewing their manager and officers to discuss some of the things they’ve done over the past 25 years.
· Supervisor Parker thanked all that attended the Youth and Families Forum held last week at the Boys and Girls Club in Seaside. She advised Hot Topics meetings will be held in the Seaside Branch of the Monterey County Free Libraries from 5:30 pm to 6:30 pm, on Mondays preceding a Tuesday Board of Supervisors meeting, in 2011. She thanked members of the Planning Department staff: Bob Schubert, Linda Rotharmel and Alana Knaster for moving quickly to get CEQA forms completed for electric vehicle charging stations. The California Energy Commission announced additional funding and there was a tight turnaround time to get paperwork done. She expressed her appreciation for the quick response.

20. CAO Comments and Referrals
· County Administrative Officer Lew Bauman announced the San Jerardo Water System Improvement Project was selected by the American Public Works Association Monterey Bay Chapter as the Project of the Year on January 19th at their meeting in Hollister. This was a community water supply project that was contaminated and not under the jurisdiction of the Monterey County Board of Supervisors. The Board took tremendous leadership recognizing there was an issue and completed installation of two miles of water pipeline, a third of a million gallon tank potable water system and well for the community. He thanked County staff involved in the water project.

21. Public Comment
Olivia Martinez; Socorro Vasquez; Mercedes Olmieda; Sylvia Cruett; Margie Kay; Gary Richard Arnold; Joe Vierra; Abel Moran; Hans Jongens; Bud Riewerts.

SCHEDULED MATTERS

S-1 a. Ratified District Appointments to the Citizen Redistricting Advisory Committee; and
b. Received report on the Supervisiorial Redistricting Project.

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

S-3 Receive a preliminary report on the Governor’s FY 2011-12 State Budget Proposal.

By consensus, the Board continued this item to February 1, 2011.

LUNCH RECESS – CONTINUED CLOSED SESSION

RECONVENED

ROLL CALL
Present: Supervisors Parker (Chair), Armenta, Calcagno, Salinas, and Potter.
Interpreter: David Ugalde
SCHEDULED MATTERS

S-2 Conducted a public hearing and accepted the Hydrogeologic Characterization and Test Well Feasibility Analysis for the San Lucas County Water District funded by a Community Development Block Grant (CDBG) Planning and Technical Assistance (PTA) Grant.

Public comments: Julie Engell

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

S-4 Hearing held; and the Board:

a. Granted the appeal of William McKiernan from the August 26, 2010 discretionary decision by the Zoning Administrator to approve the Combined Development Permit (PLN090364/Pelio)

b. Categorically exempted the Combined Development Permit (PLN090364/Pelio) pursuant to Section 15301(d), 15301(e), and 15303 of the CEQA Guidelines; and

c. Approved the Combined Development Permit, based on Findings and Evidence subject to conditions of approval, and deny the applicant’s request for the caretaker unit located at the southwest end (rear) of the subject property. The Combined Development Permit consists of: 1) a Coastal Administrative Permit to allow the construction of a new second story and remodel of an existing single family dwelling, the demolition of an existing detached accessory structure and the construction of a new 974 square foot garage with a 636 square foot storage area, and associated grading; 2) a Coastal Development Permit to allow the construction of a 846 square foot caretaker unit above the garage/storage area; 3) a Coastal Development Permit to allow development within 750 feet of a known archaeological resource; and 4) a Variance to exceed the Pescadero Watershed coverage limitations and to allow the caretaker unit to exceed the 15-foot height limitation. (Appeal, Discretionary Decision - PLN090364/Pelio, 3346 17 Mile Drive, Pebble Beach, Del Monte Forest Land Use Plan)

Comments: John Bridges for applicant; Dale Ellis for appellant.

Motion by Supervisor Potter, seconded by Supervisor Armenta to approve staff recommendations, including Errata submitted on January 25, 2011; and added a condition regarding post construction tree preservation. ALL AYES

S-5 Public hearing held and adopted Ordinance 5172, An Interim Ordinance of the County of Monterey, State of California, Extending Interim Urgency Ordinance No. 5171 with Minor Modification for 10 Months, 15 Days, Until and Through December 14, 2011, Establishing a process to Determine 2010 General Plan Consistency for Specified Discretionary and Ministerial Permits, Pending the Adoption of Applicable Programs and Ordinances to Implement the 2010 Monterey County General Plan.

(General Plan Interim Ordinance - REF100050/County of Monterey - 4/5 vote required)

Motion by Supervisor Armenta, seconded by Supervisor Potter. ALL AYES
S- 6  a. Considered and adopted the General Plan Implementation Work Program;
    b. Directed staff to continue to work with the CAO Budget Office to develop an
       appropriate financing plan, subject to review by the Budget Committee; and
    c. Directed staff to establish a tracking and reporting system. (General Plan
       Implementation Plan/REF1000512, Inland area of County) (Title Correction -
       via Supplemental)

Public comments: Julie Engell; Amy White; Hans Jongens.

Motion by Supervisor Potter, seconded by Supervisor Calcagno to approve
staff recommendation, and modified recommendation b. to add language,
“subject to review by the Budget Committee”. ALL AYES

CLOSED SESSION REPORT  (See item 2.a.1 through f.)

ORDER FOR ADJOURNMENT

APPROVED:

/s/ Jane B. Parker
JANE PARKER, CHAIR
BOARD OF SUPERVISORS

ATTEST: GAIL T. BORKOWSKI
Clerk of the Board

BY:  /s/ Gail T. Borkowski
CONSENT CALENDAR

NATIVIDAD MEDICAL CENTER

22. Adopted Resolution No. 11-010; Board Budget No. 09/10-071
   a. Approved and amended the FY 2010-11 Natividad Medical Center Budget Unit 9600 to add the following allocations: 2.00 FTE Pharmacist; and
   b. Direct the County Administrative Office to Incorporate approved changes into the FY 2010-11 Natividad Medical Center Budget Unit 9600 to reflect the change in position count.

HEALTH AND SOCIAL SERVICES

23. Agreement No. A-11916
   a. Approved and authorized the Director of the Department of Social & Employment Services to sign an Agreement with Aspiranet, Inc. for the provision of Intensive Treatment Foster Care (ITFC) within Monterey County; and
   b. Authorized the Director of the Department of Social & Employment Services, or his designee, to sign amendments to the Agreement that do not significantly modify the scope of work or extend the Agreement beyond January 1, 2014.

24. a. Accepted the Freeman Minor Subdivision Water System Improvement Project (PLN 070032) as complete and direct the Director of Health to execute and record the proposed Notice of Completion;
   b. Approved release of a portion of the Faithful Performance Security in the amount of $35,114.46 held in Comerica Bank Certificate of Deposit account 890750000012503, retaining the amount of $12,615.09 in the Certificate of Deposit for the Warranty Security; and
   c. Approved release of the Labor and Materials Security in the amount of $23,864.78 held in Comerica Bank Certificate of Deposit account 890750000012503 after at least 60 days have elapsed since recordation of the proposed Notice of Completion in accordance with Government Code section 66499.7(h), if no liens have been filed.

25. Agreement Nos.: A-11917; A-11918; A-11919; A-11920; A-11921; A-11922; A-11923; A-11924
   a. Approved and authorized the Contracts/Purchasing Officer to sign an Agreement with each of the following awardees of Request for Proposal #10255: Allen/Loeb Associates (A-11917), Capacity Consulting (A-11918), Davis Y. Ja and Associates (A-11919), Gary Bess Associates (A-11920), Harder+Company Community Research (A-11921), Hatchuel Tabernik & Associates(A-11922), Lebron Consulting Group (A-11923), and Resource Development Associates (A-11924) for the provision of evaluation and/or
grant writing services, in an aggregate amount not to exceed $600,000 for the initial term of the Agreements to commence upon date of final signature through October 31, 2012; and
b. Approved and authorized the Contracts/Purchasing Officer to exercise the option to extend the Agreements for an additional one-year term in accordance with the terms and conditions set forth within each Agreement and Request for Proposal #10255.

GENERAL GOVERNMENT

26. Approved amendments to conflict of interest code of the Agricultural Commissioner of Monterey County.

27. Approved the conflict of interest code of the Department of Child Support Services of Monterey County.

28. Adopted Resolution No. 11-023 to Approve a Zero Property Tax Transfer for the Proposed Annexation of the Carmel Valley Athletic Club to the Carmel Area Wastewater District.

29. Adopted Resolution No. 11-011 amending Article V of the Monterey County Master Fee Resolution relating to Parks Department user charges for park use and rentals, effective February 1, 2011.

30. a. Adopted Resolution No. 11-012 of Necessity determining that the public interest and necessity require the acquisition of a temporary construction easement over the frontage of 415 Hyland Drive (APN 261-122-018) to construct the Hyland Drive/El Rancho Way Street and Storm Drain Improvement Project in the community of Boronda (4/5th vote required); and
b. Directed the filing of eminent domain proceedings and making of deposit.

31. Adopted Resolution No. 11-013 and received and accepted the Treasurer’s Report of Investments for the quarter ending December 31, 2010.

32. Board Budget No. 09/10-072 Approved an increase in appropriations and estimated revenue totaling $45,000 in Annual Audits AUD002 (001-1110-1111-8010) to fund a professional services agreement with MGT of America for the SB90 State Mandate Reimbursement program for fiscal year 2010-11. (4/5th vote required)

33. a. Approved and authorized the County Librarian to accept grant funds from the Community Foundation for Monterey County for a grant award of $60,000 for the 2011 calendar year, for expanded literacy services.
b. Approved continued allocation of one half-time Literacy Assistant position, paid with grand funds, for the 2011 calendar year.
34. Received the action minutes from the October 11, 2010 and November 8, 2010 meetings of the Legislative Committee.

**RMA - PLANNING DEPARTMENT**

35. Agreement Nos. A-11925; A-11926  
   a. Approved a Professional Services Agreement with Jones & Stokes Associates, Inc. (aka ICF International) (A-11925) where the Base Budget is $78,513 with a Contingency of $11,777, for a total amount not to exceed $90,290, to begin preparation of an Environmental Impact Report (EIR) for the Pebble Beach Company Project (PLN100138) in Pebble Beach, for a term through April 15, 2011;  
   b. Approved a Funding Agreement with The Pebble Beach Company (A-11926) where the Base Budget is $78,513 with a Contingency of $11,777 and the County fee is $3,170, for a total amount not to exceed $93,460, to allow funding to Monterey County for costs incurred by Jones & Stokes Associates, Inc. (aka ICF International) to begin preparation of an Environmental Impact Report (EIR) for the Pebble Beach Company Project (PLN100138) and to reimburse County for the cost of contract administration, for a term through April 15, 2011; and  
   c. Authorized the Director of Planning to execute the Professional Services Agreement, Funding Agreement and future amendments to these Agreements that do not significantly alter the scope of work or change the approved Agreement amounts. (PD061136/Jones and Stokes Associates, Inc. (aka ICF International), County wide)

**RMA - PUBLIC WORKS**

36. Adopted Resolution No. 11-014:  
   a. Declaring an emergency as defined by California Public Contract Code Section 1102 due to water intrusion at the Monterey County Adult Detention Shower Facilities, Pods D and R, located at 1410 Natividad Road, Salinas CA;  
   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 water intrusion repairs at the Monterey County Adult Detention Shower Facilities, Pod D and R, 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).  

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