AGENDA
Tuesday, April 27, 2010

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, http://monterey.granicus.com/ViewPublisher.php?view_id=5 or 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 más 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.

Any agenda related writings or documents distributed to members of the County of Monterey Board of Supervisors regarding any open session item on this agenda will be made available for public inspection in the Clerk of the Board’s Office located at 168 W. Alisal St., 1st Floor, Salinas, California, during normal business hours and in the Board Chambers on the day of the Board Meeting, pursuant to Government Code §54957.5.
MONTEREY COUNTY BOARD OF SUPERVISORS  
TUESDAY, APRIL 27, 2010  
9:00 AM  

AGENDA  

ROLL CALL:  

1. Additions and Corrections for Closed Session:  

   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  

CLOSED SESSION  

2. 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 item of significant exposure to litigation.  

   b. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation.  
      (1) Shirley Stuckey (WC608-177744)  
      (2) Pamela Barclay (WC608-478031)  
      (3) Omni Resources, LLC v. Monterey County, et al. (USDC case no. C06 05420 HRL)  

   c. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators:  
      (1) Property: All or Portions of APNs 415-011-011, 415-011-010, and 139-012-012 in the vicinity of 497 - 499 Monterey-Salinas Highway (the property formerly known as the Marks Ranch).  
      County negotiator: John Pinio, Director and Chief Ranger of the Parks Department  
      Negotiating parties: The County of Monterey and the Big Sur Land Trust  
      Under negotiation: Price and terms  

   d. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators.  
      (1) Designated representatives: Keith Honda and Patricia Covert; Employee organizations: All Units
Continuance of Closed Session to be held at the conclusion of the Board’s Regular Agenda, or at any other time during the course of the meeting announced by the Chairperson of the Board.

10:30 A.M.

ROLL CALL:

3. Pledge of Allegiance

4. 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.

5. CONSENT CALENDAR – REGULAR (See Supplemental Sheet)

OTHER BOARD MATTERS:

6. Board Comments

7. CAO Comments and Referrals

8. Public Comment (Limited to 3 minutes per speaker)

This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under the jurisdiction of the Board of Supervisors. Board members may respond briefly to statements made or questions posed. They may ask a question for clarification, make a referral to staff for factual information, or request staff to report back to the Board at a future meeting.

9. Adopt Resolution proclaiming the week of May 10 through May 16, 2010, as Bike Week in Monterey County. (Full Board)

10. Adopt Resolution proclaiming the Month of May, 2010, as Clean Air Month in Monterey County. (Full Board)

11. Adopt Resolution honoring Gary Kearns, Assistant Engineer to the Department of Public Works, upon his retirement from the County of Monterey after thirty-five and a half years of public service. (Full Board)

12. a. Consider recommendations by the Legislative Committee to take positions on proposed State legislation as follows: Support AB 1717 (DeLeon) Ballot materials: electronic access; Oppose SB 1140 (Yee) Voter registration; Watch AB 1953 (Salas) Public contracts: cities and counties: in-state jobs; Support AB 1225 (DeLaTorre) Emergency and disaster response exercises: infectious
diseases; Oppose AB 155 (Mendoza) Local government: bankruptcy proceedings; and
b. Receive the action minutes from the March 22, 2010 meeting of the Legislative Committee.

APPOINTMENTS:

13. Appoint Jessica Nicholas, Student Representative, to the Community Restorative Justice Commission, term ending April 27, 2013. (Full Board)

14. Appoint Jeannette Selina Vera-Morga, Alternate Student Representative, to the Community Restorative Justice Commission, term ending April 27, 2013. (Full Board)

SCHEDULED MATTERS:

S-1 Consider adoption of an Ordinance amending the Monterey County Code, Title 12, Section 12.28.010, to establish no parking at any time on the west side of San Benancio Road from a point 30 feet north of the extension of the centerline of Harper Canyon Road, southerly for a distance of 100 feet, San Benancio area.

S-2 Consider adoption of an Ordinance amending the Monterey County Code, Title 12, Section 12.28.070, to revise the times and days of an existing 24-minute-limit parking location on Porter Drive from between 8:00 a.m. and 5:00 p.m., Monday through Friday, to between 8:00 a.m. and 8:00 p.m., all days, in Pajaro.

12:00 P.M.

Recess to Lunch

1:30 P.M. RECONVENE

ROLL CALL:

SCHEDULED MATTERS:

S-3 Receive a status update on development of the County of Monterey Fiscal Year 2010-11 Recommended Budget.

S-4 a. Consider adoption of Resolution to authorize the issuance of lay-off notices to impacted employees on May 4, 2010 with an effective date of June 30, 2010;
b. Consider authorizing County negotiators to meet with the Unions/Associations upon request of the Unions/Associations;
c. Consider directing the County Administrative Office – Human Resources Division to collaborate with Departments to place employees at risk of lay-off into vacant positions within the County;
d. Consider granting flexibility to Department Heads to withhold the issuance of a lay-off notice due to unanticipated vacancies or resignations that may materialize; and

e. Consider directing staff to return to the Board with further identified lay-offs, if necessary.

S-5 Accept a progress report regarding the development of employee seniority lists.

ORDER FOR ADJOURNMENT
CONSENT CALENDAR

NATIVIDAD MEDICAL CENTER:

15. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute an Agreement with HSM, Inc. for Meditech Scanning and Archiving Project Manager Services per RFP No. 9600-2 at NMC in an amount not to exceed $296,000 for the period May 1, 2010 to April 30, 2011

HEALTH AND SOCIAL SERVICES:

16. a. Approve and authorize the Director of the Department of Social & Employment Services, or his designee to sign the Amended Joint Exercise of Powers Agreement (JPA) with an effective date of June 2010; and
b. Approve and authorize the Director of the Department of Social & Employment Services, or his designee to sign the Memorandum of Understanding (MOU) between the California Statewide Automated Welfare System Consortium IV and the County of Monterey with an effective date of June 2010.

17. Approve the Area Agency on Aging 2009-10 Area Plan Update, and authorize the Chair to sign the Area Plan Update Transmittal Letter.

18. Approve and authorize the Director of Health to execute on behalf of the County of Monterey standard agreements, and any amendments thereto, for continued funding from local, State, and Federal agencies for designated programs.

19. Concur with the Monterey County Workforce Investment Board (WIB) Executive Committee to:
   a. Approve the Workforce Investment Act Local Plan Modification for Program Year 2009-10; and
   b. Authorize the Chairperson of the Board of Supervisors to sign the local plan modification and local area grant recipient listing.

GENERAL GOVERNMENT:

20. a. Award annual construction contract to Granite Construction, low bidder, in an amount not to exceed $150,000 for Annual Maintenance of Park Roadways at Laguna Seca Recreation Area, for Calendar Year 2010 (January 1, 2010 through December 31, 2010), Bid No. 10225; and
   b. Authorize the Chair of the Board to sign the contract.

21. Approve and authorize the County Librarian to Accept Grant Funds of $105,000 from the USDA Rural Development Office, a contribution toward the purchase of a $300,000 bookmobile and laptops in Fiscal Year 2010-11, allowing the library to continue the delivery of library services to the rural areas of South Monterey County.
22. Adopt Resolution to support the grant application of the Arts Council for Monterey County to the California Arts Council.

23. a. Adopt the local agency resolution and approve the borrowing of funds for Fiscal Year 2010-11 through the issuance and sale of Tax and Revenue Anticipation Notes at the maximum legal amount, but not to exceed $30 million through participation in the California Communities Cash Flow Financing Program; and
   b. Authorize the County Debt Manager to determine a more cost effective alternative.

24. Approve and authorize the Contracts/Purchasing Officer to sign a Professional Services Agreement with Marsh Risk and Insurance Services, not to exceed $120,000 per year (3 year and 5 month term) for workers' compensation and casualty insurance brokerage services.


27. a. Recognize program income of $1,750,000 for the Neighborhood Stabilization Program; and
   b. Direct the Auditor-Controller to amend the FY 2009-10 budget to increase revenues and appropriations in Fund 13, Unit 8199 (Community Development Reuse) by $1,750,000 (4/5 vote required).

28. a. Ratify the September 29, 2006 execution of the existing Maintenance Services Agreement and the associated Amendments No. 1 and No. 2 between the County of Monterey and NICE Systems, Inc. for maintenance services of the voice logging and recording system at Emergency Communications at a cost not to exceed $48,000 for Fiscal Year 2009-10;
   b. Approve and Authorize the Contracts/Purchasing Officer to sign Amendment No. 3 to the Maintenance Services Agreement correcting the "NICE Maintenance and Additional Services Price List” subject to final, non-substantive changes agreeable to County and to be approved by County Counsel;
   c. Accept non-standard insurance, liability, and indemnification provisions in the Maintenance Services Agreement as recommended by the Director of Emergency Communications; and
   d. Approve an auto renewal clause as recommended by the Director of Emergency Communications.

**RMA - PLANNING DEPARTMENT:**

29. Approve amendments to conflict of interest code of the Resource Management Agency of Monterey County.
30. a. Approve Amendment No. 1 to Professional Services Agreement with EcoSystems West Consulting Group where the Base Budget is increased by $24,965 for a total amount not to exceed $49,964 to include 2010 Piperia Plan Studies to the 2009 Piperia Plan Studies for The Pebble Beach Company's Del Monte Forest Preservation and Development Plan (PLN010254) in Pebble Beach, for a term through April 30, 2011;

b. Approve Amendment No. 1 to Reimbursement Agreement No. A-11411 with The Pebble Beach Company where the Base Budget is increased by $24,965 to $49,964 with no increase to the Surcharge Budget amount of $2,500 for a total amount not to exceed $52,464 to allow reimbursement to Monterey County for costs incurred by EcoSystems West Consulting Group and the County Planning Department to include 2010 Piperia Plan Studies to the 2009 Piperia Plan Studies for The Pebble Beach Company's Del Monte Forest Preservation and Development Plan (PLN010254) in Pebble Beach, for a term through April 30, 2011;

c. Authorize the Contracts/Purchasing Officer to execute Amendment No. 1 to the Professional Services Agreement and future amendments to the Agreement where the amendments do not significantly alter the scope of work or change the approved Agreement amount; and

d. Authorize the Director of Planning to execute Amendment No. 1 to Reimbursement Agreement No. A-11411 and future amendments to this Agreement where the amendments do not significantly alter the scope of work or change the approved Agreement amount.

(Contract - PD060822/EcoSystems West Consulting Group)

RMA - PUBLIC WORKS:

31. a. Approve the transfer of $60,000 to the Carmel River Floodplain Restoration Project from Capital Projects Fund, Fund 402, Unit 8174, Account 7521 (Unspecified-Needs Board Approval) and allocate to the Road Fund, Fund 002, Unit 8195, Appropriation Unit RMA012;

b. Direct the Auditor-Controller to move appropriations in the amount of $60,000 within Capital Projects Fund, Fund 402, Unit 8174, Appropriation Unit RMA014, from Account 7521 (Unspecified - Needs Board Approval) to Account 7614 (Operating Transfers Out); and

c. Direct the Auditor-Controller to amend the Fiscal Year 2009-10 budget by increasing revenue and appropriations to the Road Fund, Fund 002, Unit 8195, Appropriation Unit RMA012, Accounts 5940 and 6835, (Operating Transfers-In and Buildings and Other Department Expenses, respectively) in the amount of $60,000 (4/5th vote required).

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MONTEREY COUNTY
BOARD OF SUPERVISORS

Addendum for Tuesday, April 27, 2010

View Addendum Reports at:

http://000sweb.co.monterey.ca.us/cob/BOS%20Supplemental_Addendum/default.asp

Item Added Under Other Board Matters:
11.1 Adopt Resolution in memory of Norm Braga of Monterey County in recognition of his community services and dedication to preserving the rich history of South County. (Supervisor Calcagno)

Material Submitted Under Scheduled Matters:
S-4 Report available on-line, see link above.

a. Consider adoption of Resolution to authorize the issuance of lay-off notices to impacted employees on May 4, 2010 with an effective date of June 30, 2010;

f. Consider authorizing County negotiators to meet with the Unions/Associations upon request of the Unions/Associations;

g. Consider directing the County Administrative Office – Human Resources Division to collaborate with Departments to place employees at risk of lay-off into vacant positions within the County;

h. Consider granting flexibility to Department Heads to withhold the issuance of a lay-off notice due to unanticipated vacancies or resignations that may materialize; and

i. Consider directing staff to return to the Board with further identified lay-offs, if necessary.

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