ROLL CALL:
Present: Supervisors Salinas (Vice-Chair), Armenta, Parker, and Potter
Absent: Supervisor Calcagno

1. Additions and Corrections for Closed Session: County Counsel reviewed changes that were made on the Addendum. Item 2a.2 Case No. change and Item 2a.6 and 7 were withdrawn.
   - Supervisor Armenta requested Item 2a.8 be continued to a date to be determined.
   - County Counsel determined the request in Item 2b and one of the three items was withdrawn to be brought back at a later date.

Public Comment:
   - Frank Garden, staff representative for SEIU Local 521, spoke on Item 2a.10 regarding the Educational Assistance Program and requested the administrative staff be directed to engage SEIU in good faith bargaining with this issue.
   - Laurie Beth Merrill, participant in the Education Assistance Program, requested the Board reconsider it’s suspension of the tuition reimbursement program.
· Laurie Stone, appraiser with Monterey County and graduate student at Golden Gate University, requested the Board reconsider cutting the education program.
· Eileen Woodbury addressed the benefits of the tuition reimbursement program for the county and requested that forward thinking programs continue.

2. Closed Session under Government Code section 54950, relating to the following items:

   a. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation.
      1. Clifford L. Jackson v. Monterey County Jail, et al. (USDC Case No. C07-01202)
         CLOSED SESSION REPORT: The Board received an update on this item and authorized an amendment of the contract with Randal E. Willoughby of Willoughby, Stuart & Benign to assist with the defense and prosecution.
      2. Dorsami Reddy v. Skanska USA Building, Inc., et al. MCSC Case No. M81383) (Santa Clara County Superior Court Case No. 109 CV 138855) (MCSC Case No. M81383) (Case changed on the Addendum)
         CLOSED SESSION REPORT: The Board received an update on this item and authorized an amendment of the contract with Randal E. Willoughby of Willoughby, Stuart & Benign to assist with the defense and prosecution.
         CLOSED SESSION REPORT: The Board received an update on this item and authorized an amendment of the contract with Randal E. Willoughby of Willoughby, Stuart & Benign to assist with the defense and prosecution.
      4. Franklin J. Lunding, et al. v. County of Monterey (MCSC Case No. M96219)
         CLOSED SESSION REPORT: This item was removed from the agenda and not discussed. No action taken.
         CLOSED SESSION REPORT: the Board approved a settlement, tentative with court approval of a good faith settlement; when approved by the court the settlement agreement will be available to the public for review.
      6. Steven Davies (WC) (Withdrawn on the Addendum)
      7. Lynn Lincoln (WC) (Withdrawn on the Addendum)
      8. Monterey County Deputy Sheriffs’ Association v. County of Monterey, et al. (MCSC Case No. M97873)
         CLOSED SESSION REPORT: The Board received an update in this matter.
         CLOSED SESSION REPORT: the Board approved a settlement and it will be available through the County Counsel’s office for review.
when fully executed.
10. SEIU Local 521 v. County of Monterey (PERB Charge No. SF-CE-637-M)
   CLOSED SESSION REPORT: the Board received an update and provided direction to Counsel and Human Relations labor department

b. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding three items of significant exposure to litigation.
   CLOSED SESSION REPORT: One item was removed from the agenda and in two of the matters the Board provided direction to counsel on how to proceed in trying to avoid exposure to litigation.

c. 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
      CLOSED SESSION REPORT: The Board provided direction on how to proceed in several matters of negotiation with various units and all units depending on the items in question.
   2. Designated representatives: Elliott Robinson and Fran Buchanan
      Employee organization: IHSS Unit
      CLOSED SESSION REPORT: The Board provided direction to Mr. Robinson and Ms. Buchanan on how to proceed in those labor negotiations.

d. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the Natividad Medical Center CEO.
   CLOSED SESSION REPORT: The Board received the Natividad Medical Center CEO’s status update report regarding some of his performance goals.

e. Pursuant to Government Code section 54957, the Board will confer regarding discipline, dismissal, or release of a public employee.
   CLOSED SESSION REPORT: The Board approved a settlement agreement resolving the discipline case without the dismissal.

10:30 A.M.

ROLL CALL:
Present: Supervisors Salinas (Vice-Chair), Armenta, Parker, and Potter
Absent: Supervisor Calcagno

3. Pledge of Allegiance was led by Supervisor Salinas.

4. Additions and Corrections: The Clerk of the Board announced there were no agenda corrections or proposed additions to the agenda.
5. **CONSENT CALENDAR - REGULAR (See Supplemental Sheet)**
   · Supervisor Potter pulled Consent Items 38 and 39 for clarification. Ron Holly, Debt Manager, Auditor-Controller’s office responded. County Counsel Charles McKee clarified intent.
   · Supervisor Parker commented on Item 22 and 32. Lew Bauman, CAO and Len Foster, Director of Health, responded.

**Public comment:**
· Isabel Estalano, Natividad Medical Foundation, commented on Consent Item 22 and thanked the Board for their support.

**Motion by Supervisor Potter, seconded by Supervisor Armenta to approve all Consent Items, including modification to Item 38 adding sub item c. identical language in Item 39b: Authorizing the expenditure of the funds to receive the rating mentioned in 39 b.**

4-0 (Supervisor Calcagno Absent)

**OTHER BOARD MATTERS:**

6. **Board Comments, Referrals, and Updates Received**
   · Supervisor Armenta stated he and Supervisor Potter, along with staff; City of Salinas Mayor’s office will be in Washington, DC next April 20 and 21, 2009 regarding the Gang Task Force, Silver Star Program and other legislative matters and will not be present at the April 21, 2009 Board meeting. He further requested that his referral of April 8, 2008 to develop a comprehensive prevention program, highlighting the County’s extensive efforts, partnerships, and collaborations to address gang violence, be brought before the Board in two weeks to provide a date certain of completion of this referral.

7. **CAO Comments:** No comments.

8. **Public Comment (Limited to 3 minutes per speaker)**
   · Jose Velasquez spoke regarding mandatory trash collection exemptions, requesting clarification and asked for a variance.
   · Eric Mangahis, coordinator for 4th Annual Countywide Clean up Day, introduced event and provided packets with times and locations of clean up sites in Monterey County.
   · Bill Garrison introduced the Board to a recent discovery in South Monterey County of an authenticated, petrified embryo of a dinosaur; photos were provided to Supervisor Salinas’s office.
   · Lorna Moffatt explained GMO’s are being eradicated in counties due to State and Federal Government entrenchment with the Monsanto interest.

**RESOLUTIONS:**

Resolutions 9 through 13 heard concurrently.

9. Adopted Resolution No. 09-203 honoring the Monterey County Branch of the National Association for the Advancement of Colored People (NAACP) on their 100th Birthday Anniversary celebrated on February 21, 2009. (Supervisor Potter)
Motion by Supervisor Potter, seconded by Supervisor Armenta.  
4-0 (Supervisor Calcagno Absent)

10. Adopted Resolution No. 09-209 proclaiming the week of April 13, 2009 through April 17, 2009, as "Environmental Health Week" in Monterey County. (Full Board)  
Motion by Supervisor Potter, seconded by Supervisor Armenta.  
4-0 (Supervisor Calcagno Absent)

11. Adopted Resolution No. 09-204 proclaiming the week of April 19 through the 25, 2009, as "Safety Seat Checkup Week" in Monterey County. (Full Board)  
Motion by Supervisor Potter, seconded by Supervisor Armenta.  
4-0 (Supervisor Calcagno Absent)

12. Adopted Resolution No. 09-205 honoring Carmel High School Mock Trial Team as recipient of Countywide academic achievement competition. (Supervisor Potter)  
Motion by Supervisor Potter, seconded by Supervisor Armenta.  
4-0 (Supervisor Calcagno Absent)

13. Adopted Resolution No. 09-206 proclaiming the week of April 12, 2009 through April 18, 2009, as "Public Safety Dispatchers Week" in Monterey County. (Full Board)  
Motion by Supervisor Potter, seconded by Supervisor Armenta.  
4-0 (Supervisor Calcagno Absent)

APPOINTMENTS:  
Items 14 through 17 moved on concurrently.

Motion by Supervisor Armenta, seconded by Supervisor Potter.  
4-0 (Supervisor Calcagno Absent)

15. Appointed Ruby Urueta to the Commission on the Status of Women, to fill an unexpired term ending February 1, 2010. (Supervisor Salinas)  
Motion by Supervisor Armenta, seconded by Supervisor Potter.  
4-0 (Supervisor Calcagno Absent)

16. Appointed Supervisor Dave Potter to the Monterey County Workforce Investment Board representing Title I Adult, Dislocated Worker and Youth Programs, term ending April 14, 2012. (Full Board)  
Motion by Supervisor Armenta, seconded by Supervisor Potter.  
4-0 (Supervisor Calcagno Absent)
17. Reappointed John Sargenti to the Fish & Game Advisory Commission, term ending February 1, 2012. (Supervisor Calcagno)

Motion by Supervisor Armenta, seconded by Supervisor Potter.
4-0 (Supervisor Calcagno Absent)

SCHEDULED MATTERS:

S-1 Accepted an oral presentation on the Emergency Medical Services Agency (EMS) First Annual Report.

Public Comment:
· Sylvia Waldrup Quarles thanked the EMS transport for their service and asked what other comments from constituents that are served have you received? Is it included in the data collected? Tom Lynch, EMS Director, responded.
· Jan Mitchell, Prunedale Neighbors Group and Prunedale Preservation Alliance, commented that the organizations are in agreement with Fire Chief Chris Orman’s comments in today’s Herald that fire service be a partner in the County’s system and commended the board on taking the time to insure that the RFP is comprehensive. She further expressed appreciation of the Board’s full support regarding public health and safety as a number one priority.

Motion by Supervisor Parker, seconded by Supervisor Armenta.
4-0 (Supervisor Calcagno Absent)

Recessed to Lunch - Continued Closed Session

COUNTY COUNSEL PROVIDED CLOSED SESSION REPORT (see 2a-e)

ORDER FOR ADJOURNMENT
IN MEMORY OF ROBERT TOWNSEND
TO TUESDAY, APRIL 21, 2009

APPROVED:

/s/ Louis R. Calcagno
LOUIS R. CALCAGNO, CHAIR
BOARD OF SUPERVISORS

ATTEST:
GAIL T. BORKOWSKI
Clerk of the Board

BY: /s/ Gail T. Borkowski
CONSENT CALENDAR

NATIVIDAD MEDICAL CENTER:

18. Agreement No. A-11121 Approved and authorized the Purchasing Manager of Natividad Medical Center (NMC) to execute Amendment No. 5 to the Agreement (No. 20-009) with Salinas Valley Radiologists, Inc., in an amount not to exceed $930,000 (an increase of $154,000) for radiology reading and interpretation services at Natividad Medical Center between June 30, 2008 and May 31, 2009.

19. Agreement No. A-11397 Approved and authorized the Natividad Medical Center Chief Executive Officer to sign an Employment Contract with a new Hospital Chief Financial Officer at Natividad Medical Center.

20. Agreement No. A-11398 Approved and authorized the Natividad Medical Center Chief Executive Officer to sign an Employment Contract with a new Hospital Chief Information Officer at Natividad Medical Center.

21. Received an update from Natividad Medical Center (NMC) regarding the March 31, 2009 request by the Board of Supervisors that NMC consider SEIU representation on the NMC Board of Trustees.

HEALTH AND SOCIAL SERVICES:

22. Authorized a five-signature letter from the Board of Supervisors to the Director of the California Department of Public Health requesting the inclusion of Monterey County in the Healthy Food Purchase Pilot program.
   · Isabel Estalano, Natividad Medical Foundation, commented on Consent Item 22 and thanked the Board for their support.

23. Adopted Resolution No. 09-214 Proclaiming a state of local emergency relating to the spread of HIV among injection drug users in Monterey County.

24. Board Budget No. 08/09-149
   a. Approved the amended Schedule of Fees and Charges for Health Department services;
   b. Adopted the fees as the Amended Article I d of the Monterey County Fee Resolution effective April 28, 2009; and
   c. Approved the attached Monterey County Master Fee Resolution modifying Article I d. (4/5th vote required)

25. Agreement No. A-11273 Approved and authorized the Director of Health to sign Amendment No. 1 to Mental Health Services Agreement No. A-11273 with CF Merced Behavioral, LLC dba Country Villa Merced Behavioral Health Center for
services to adults with severe psychiatric disabilities, increasing the Agreement in the amount of $204,447 for Fiscal Year 2008-09 for a total Agreement amount of $911,106.

26. Approved and authorized the Director of Health to accept a donation from the Children’s Miracle Network in the amount of $2,500 for the provision of transportation costs for low-income children and their families to attend medical care appointments.

27. Agreement No. A-11401 Approved and authorized 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.

28. a. Approved a recommendation from the Director of Health to disband the Monterey County HIV/AIDS Advisory Committee; and
b. Adopted Resolution No. 09-215 disbanding the Monterey County HIV/AIDS Advisory Committee.

29. Approved and authorized the Director of the Department of Social and Employment Services, or his designee, to sign and submit applications for continued funding, and sign final funding Agreements and amendments from State agencies for designated programs for Fiscal Year (FY) 2009-10 and Calendar Year 2009/2010.

30. a. Approved modification to RFP No. 10156 for the countywide provision of ambulance and paramedic services as identified in this report;
b. Authorized the Contracts/Purchasing Officer to incorporate the approved modification into RFP No. 10156 and, if necessary, extend the RFP submission deadline; and
c. Authorized the Director of Health to approve an extension of the existing interim agreement with American Medical Response-West for a period of up to 90 days, subject to the same terms and conditions.

**CRIMINAL JUSTICE:**

31. Approved and authorized the District Attorney to sign and submit a grant application to the California Emergency Management Agency (CalEMA) for funding a Violence Against Women Vertical Prosecution (VAW-VV) Program for Fiscal Year (FY) 2009-10.

32. Approved the bylaws of the Community Restorative Justice Commission.
33. Board Budget No. 08/09-150
   a. Approved the transfer of funding in the amount of $78,100 from Fund 010, Budget Unit 173 to Fund 001, Budget Unit 256-Juvenile Institutions and Alternative Programs to enhance security at the Youth Center; and
   b. Approved and directed the Auditor-Controller to increase Fiscal Year (FY) 2008-09 estimated revenues and appropriations in the amount of $78,100 in Budget Unit 256- Juvenile Institutions and Alternative Programs (4/5th vote required).

34. Approved and authorized the District Attorney to sign and submit applications, including any extensions or amendments thereof, for continued funding for Fiscal Year (FY) 2009-10 from State agencies for five District Attorney’s Office assistance and prosecution programs as identified in the Board Order.

35. Board Budget No. 08/09-151
   a. Approved increased estimated revenues and appropriations in the amount of $42,319 from the CalGRIP grant for the City at Peace Project in Budget Unit 256-Juvenile Institutions and Alternative Programs during Fiscal Year (FY) 2008-09 (4/5th vote required);
   b. Directed the Auditor-Controller to amend the Fiscal Year (FY) 2008-09 Budget Unit 256 to reflect the change in revenue and appropriations;
   c. Approved and authorized the Vice-Chair of the Board of Supervisors to sign the Memorandum of Understanding with the City of Salinas for the City at Peace Project through March 31, 2010; and
   d. Authorized the Chief Probation Officer 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.

36. Approved and authorized the Sheriff’s Office to apply for a grant for ten (10) fully funded entry-level Deputy Sheriff positions with the Office of Community Oriented Policing Services (COPS) Hiring Recovery Program (CHRP) for a three (3) year period in the amount of approximately $3,350,000.

37. Agreement No. A-11440
   a. Approved and authorized the Purchasing Manager to sign Amendment No. 1 with First Alarm Security & Patrol, Inc., to increase the Agreement amount by $85,000 for a total of $150,000 to provide unarmed and armed uniformed guard services of inmates at medical facilities for Fiscal Year 2008-09; and
   b. Authorized the Purchasing Manager to sign future amendments increasing the amount payable under the Agreement with First Alarm Security & Patrol, Inc., without further approval by the Board of Supervisors, provided that any such amendment, either individually or cumulatively with other such amendments, shall not increase the total amount payable to First Alarm under paragraph 2 of the contract by more than $15,000 over the sum of $150,000.
37.1 a. Considered the rejection of a conditional award in the amount of $3,879,017 from the Corrections Standards Authority - SB 81 Local Youthful Offender Rehabilitative Facilities funding for the construction of a new juvenile detention facility; and
b. Approved the withdrawal of Monterey County’s Grant Application from consideration. (Added on the Addendum)

GENERAL GOVERNMENT:

38. Board Budget No. 08/09-152
a. Approved the borrowing of funds for Fiscal Year (FY) 2009-10 through issuance and sale of Tax and Revenue Anticipation Notes at the maximum legal amount, but not to exceed $60 million by means of a direct, stand alone, issuance; and
b. Approved the Financing Team recommended by the Debt Manager; and
c. Approved expenditure of up to $13,500 during FY 2008-09 to obtain a short term rating for the County from one of the Nationally Recognized Statistical Ratings Organizations.

Motion by Supervisor Potter, seconded by Supervisor Armenta to approve all Consent Items, including modification to Item 38 adding sub item c. identical language in Item 39b: Authorizing the expenditure of the funds to receive the rating mentioned in 39 b.

39. Board Budget No. 08/09-153
a. Approved the local agency Resolution and approve the borrowing of funds for Fiscal Year (FY) 2009-10 through the issuance and sale of Tax and Revenue Anticipation Notes at the maximum legal amount, but not to exceed $60 million through participation in the California Communities Cash Flow Financing Program; and
b. Approved expenditure of up to $13,500 during FY 2008-09 to obtain a short term rating for the County from one of the Nationally Recognized Statistical Ratings Organizations.

40. Approved the use of San Lorenzo Park on June 28, 2009 and September 13, 2009 for two functions by Grace Lutheran Church in compliance with Monterey County Code 14.12.130.

41. a. Adopted Resolution No. 09-213 to authorize the Director of Parks to file an application with the State Office of Historic Preservation (SOHP) for a grant in the amount of $25,000 for Fiscal Year 2009-10 to fund an historic resources survey of North County, and
b. Authorize the Director of Parks or his authorized deputy as the agent to coordinate, process, and execute all contracts, agreements, amendments, and ancillary documents within the scope of the application to accept the grant.
42. Board Budget No. 08/09-154
   a. Authorized the Information Technology Department to expend $280,000 of accumulated Fiscal Year 2008-09 budgetary expenditure savings for the purpose of responding to Natividad Medical Center’s request for an additional three (3) months of technology services; and
   b. Authorized Information Technology to bill Natividad Medical Center $280,000 for the services provided during the three month extension.

43. This item was withdrawn via the Addendum to the Agenda
   a. Approve and authorize the Contracts/Purchasing Officer to sign Amendment No. 1 to Agreement between The Corporation for Education Network Initiatives in California and the County of Monterey; and
   b. Approve and authorize the Director of Information Technology to authorize additional of installation equipment as permitted under this Amended Agreement provided that no costs are borne by the County.

RMA - PLANNING DEPARTMENT:

44. Board Budget No. 08/09-155
   a. Amended the Fiscal Year (FY) 2008-09 Planning Department, Budget Unit 293 to reallocate one (1) Senior Planner and (.5) of an Associate Planner, to two (2) Land Use Technicians; and
   b. Directed the Auditor-Controller to reflect this change in the FY 2008-09, Planning Department, Budget Unit 293. (PD090304/Personnel Amendments)

45. 
   a. Accepted the Conservation and Scenic Easement Deed for William C. and Shelby Jo Butzlaff/PC96001 for property located easterly of State Highway One, approximately 2 miles south of the Bixby Creek Bridge, Big Sur (APN: 418-021-003-000) Big Sur area, Coastal Zone;
   b. Authorized the Vice-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 filing/recordation. (Conservation and Scenic Easement Deed -PC96001/Butzlaff, easterly of State Highway One, approximately 2 miles south of the Bixby Creek Bridge, Big Sur Coastal LUP area)

46. 
   a. Accepted the Parcel Map for the Minor Subdivision of one (1) .705 acre parcel into two parcels of .253 acres (lot 1) and .452 acres (lot 2), the Tax Report from the Tax Collector and the Subdivision Guarantee; and
   b. Directed the Clerk of the Board to submit the Parcel Map to the County Recorder for filing. (Parcel Map - Portugaliza/PLN070649, 1128 & 1130 Fontes Lane, Salinas, Greater Salinas Area)
RMA - PUBLIC WORKS:

47. Agreement No. A-11396
   a. Approved an Agreement between the County of Monterey and California
      Water Service Company for the installation of an underground fire service
      main for the new Health Department Headquarters Building, Project No. 8776, in
      the amount of $29,985; and
   b. Authorized the Vice-Chair of the Board to execute the Agreement, including
      minor amendments that do not affect the substance of the Agreement.

48. Agreement No. A-11296; 2008CONST006
   a. Accepted the Certificate of Completion for the Construct Improvements -
      Information Technology Building, 1590 Moffett Street, Salinas, Project No.
      852365; and
   b. Authorized the Director of Public Works to execute and record the Notice of
      Completion.

49. Agreement No. A-11308; 2008CONST009
   a. Accepted the Certificate of Completion for the construction of the Information
      Technology Fleet Parking Lot Improvements, 1590 Moffett Street, Salinas,
      Project No. 859502; and
   b. Authorized the Director of Public Works to execute and record the Notice of
      Completion.

50. Agreement No. A-11403; 2009CONST005
   a. Approved a Real Property Purchase Agreement and a Right of Entry and
      Temporary Construction Easement with Jonathan C. Wooster and Margaret
      Jane Wooster, Trustees of the 1993 Wooster Revocable Trust U/D/T dated
      2/1/93 as to the fee estate, in the amount of $7,800 for the construction of the
      Lonoak Road Bridge at Lewis Creek, County Bridge No. 402, State Bridge
      No. 44C-0158, Federal Aid Project No. BRLOZB-5944(035), Project No. 09-220565
      east of King City; and
   b. Authorized the Director of Public Works to execute the Real Property
      Purchase Agreement and a Right of Entry and Temporary Construction
      Easement (Jonathan C. Wooster APN No. 31-04-05 in San Benito County and
      APN No. 419-141-015 in Monterey County) and the Certificate of Acceptance
      and Consent to Recordation on behalf of the County.

51. Agreement No. A-11405; 2009CONST005
   a. Approved a Cooperative Agreement with San Benito County for Construction
      of the Lonoak Road Bridge at Lewis Creek Project, County Bridge No. 402,
      State Bridge No. 44C-0158;
   b. Authorized the Chair of the Board to execute the Cooperative Agreement; and
   c. Directed the Clerk of the Board to submit the Cooperative Agreement to the
      County Recorder for filing.
52. a. Adopted Resolution No. 09-222 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 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).

53. Agreement No. A-11406
   a. Approved the California Department of Transportation Disadvantaged Business Enterprise Program Implementation Agreement for Local Agencies; and
   b. Authorized the Director of Public Works to sign the Agreement.

54. a. Adopted Resolution No. 09-223 approving submittal of a grant application to the State of California Department of Public Health for Economic Recovery funding in an amount not to exceed $4,000,000 pursuant and subject to all of the terms and provisions of the American Recovery and Reinvestment Act (ARRA) and amendments thereto; and
   b. Authorized and directed the Director of Public Works, to act as the agent for the County in processing and signing all documentation to secure these funds.

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