AGENDA
Tuesday, September 20, 2011

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.
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 antemano 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
MONTEREY COUNTY REDEVELOPMENT AGENCY
MONTEREY COUNTY WATER RESOURCES AGENCY
TUESDAY, SEPTEMBER 20, 2011
9:00 AM

AGENDA

9:00 A.M.

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 54957, the Board will confer regarding recruitment and appointment to the position of Resource Management Agency Director.

   b. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation:
      (1) Daniel J. Mitchell v. County of Monterey (United States District Court, CAND, case no. C08-01166JW)
      (2) Joette Juarez (Workers' Compensation case nos. WC608-592374 and WC608-607493)
      (3) William Freeman (Workers' Compensation case no. WC608-595259)
      (4) Terry Rahiri (Workers' Compensation case no. WC608-604594)

   c. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the County Administrative Officer.

   Acting as the Board of Directors of the Redevelopment Agency:

   CLOSED SESSION

   d. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators.
      (1) Property: The "Parker Flats" area of the former Fort Ord,
Negotiators: Jim Cook for the Agency; Monterey Downs LLC, for the developer
Under negotiation: Terms

e. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation:
   (1) LandWatch Monterey County v. County of Monterey; Redevelopment Agency of the County of Monterey, et al., Real Parties in Interest (Monterey County Superior Court case no. M113552)

**Acting as the Board of Directors of the Monterey County Water Resources Agency:**

**CLOSED SESSION**

f. Pursuant to Government Code section 54956.9(a), the Board will confer regarding existing litigation:
   (1) In the Matter of the Application of California-American Water Company (Application 04-09-019)
   (2) Ag Land Trust v. Monterey County Water Resources Agency, et al. (Monterey County Superior Court case no. M110691)

g. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.

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

i. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the Water Resources Agency General Manager.

**Acting as the Board of Directors of the Boronda County Sanitation District:**

**CLOSED SESSION**

j. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.

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. RECONVENE**

**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)

Recess

Convene as the Board of Directors of the Monterey County Redevelopment Agency

MONTEREY COUNTY REDEVELOPMENT AGENCY

ROLL CALL

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

Adjournment

Convene as the Board of Supervisors of the Monterey County Water Resources Agency

MONTEREY COUNTY WATER RESOURCES AGENCY

ROLL CALL

7. CONSENT CALENDAR - MONTEREY COUNTY WATER RESOURCES AGENCY (See Supplemental Sheet)

Adjournment

Reconvene as the Monterey County Board of Supervisors

MONTEREY COUNTY BOARD OF SUPERVISORS

CEREMONIAL RESOLUTIONS

8. Adopt Resolution of proclamation commemorating the retirement of Stan Uchiyama from North Salinas High School after 41 years of service. (Full Board-District 2)

9. Adopt Resolution proclaiming the month of September as “Hunger Action Month” in Monterey County.

APPOINTMENTS
10. Appoint Joanna Deyers to the Resource Conservation District, to fill an unexpired term ending November 30, 2014. (Full Board)

11. Appoint Eric Bailey to the Assessment Appeals Board as an Alternate member, term ending June 1, 2014. (Supervisor Salinas)

OTHER BOARD MATTERS

12. Board Comments

13. CAO Comments and Referrals

14. Public Comment (Limited up to 3 minutes per speaker at the discretion of the Chair)

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.

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.

12:00 P.M. RECESS TO LUNCH - CONTINUED CLOSED SESSION

1:30 P.M. RECONVENE

MONTEREY COUNTY BOARD OF SUPERVISORS

ROLL CALL

SCHEDULED MATTERS

S-1 Public hearing to: Consider a request to amend Williamson Act Agricultural Preserve Compatible Use List for Agricultural Preserve No. 71-047, to allow: Assemblages of people, such as carnivals, circuses, festivals, concerts, dances, quinceneras, weddings, races (motorcycle and bicycle) and private parties not exceeding ten (10) days per event and not involving construction of permanent facilities, and other uses of a similar character, density and intensity. The subject Agricultural Preserve totals approximately 135.50 acres in size, and is comprised of three (3) adjoining parcels: Assessor's Parcel Number (APN) 137-161-001-000; 11.54 acres, APN 137-161-002-000; 7.59 acres and APN 137-161-003-000; 116.37 acres. PLN110238/Jack Barbieri, et al. / The properties are located at 1652 Old Stage Road, Central Salinas Valley Area Plan.
S-2 Conduct a public hearing and accept the Nitrate Analysis Addendum to the Hydro-geologic 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.

ADJOURNMENT
In Memory of Ben Omoto and Luci Post
CONSENT CALENDAR

NATIVIDAD MEDICAL CENTER

15. Authorize the Chair of the Board of Supervisors to execute, on behalf of the County, a Lease Agreement with Mumtaz Tabbaa, MD, an individual, to lease administrative office space located at Natividad Medical Center (NMC), 1441 Constitution Boulevard, Building 580, in Salinas, California for the initial period August 1, 2011 to July 31, 2012 at the monthly rate of $165.00 with automatic renewal for three (3) additional one year periods and with an option that either party may terminate with ninety days written notice.

HEALTH AND SOCIAL SERVICES

16. Approve and authorize the Contracts/Purchasing Officer to transfer ownership of used oil and oil filter collection and recycling equipment, purchased during Fiscal Year 1999-2000 with grant funds from the California Integrated Waste Management Board, now known as California Department of Resources Recycling and Recovery, to the Salinas Valley Solid Waste Authority which currently houses, maintains and operates the equipment at the Jolon Road Landfill in King City.

GENERAL GOVERNMENT

17. Adopt Resolution:
   a. Approving the Office of Emergency Services to submit an application in the amount of $630,723 for the Homeland Security Fiscal Year (FY) 2011 Grant Program; and
   b. Designating and authorizing as Monterey County representatives, the appropriate Auditor-Controller staff, Emergency Services Manager and Planner to execute grant documents.

18. Accept the recommendation of the Monterey County Fish and Game Advisory Commission to authorize the Chair of the Commission to send a letter on Monterey County official letterhead to other Fish and Game commissions throughout California urging them to contribute to the Californians Turn in Poachers ("CalTIP") program.

19. a. Approve the renewal of an Agreement originally approved by the Board October 26, 2010, Budget No. 10/11-050, Agreement No. A-11878, for the conversion of the Recorder's Offices microfilmed maps and official records into electronic tiff images by and between ACS Enterprise Solutions, Inc. (Contractor) and the County of Monterey (County) through June 30, 2012;
   b. Authorize the transfer of funds in the amount of $542,390.94 from Fund 020 (Restricted Revenue Designation), Account 2751 to Budget 1180.8004 County Clerk-Recorder, for the Map/Official Record Conversion project;
c. Authorize the Auditor-Controller to increase estimated revenues and appropriations in the amount of $542,390.94 in Budget 1180_8004 County Clerk-Recorder (4/5ths vote required); and

d. Authorize the County Contracts/Purchasing Officer to sign up to three (3) amendments to this Agreement where the total accumulative amounts do not exceed five percent (5%) of the original contract amount, and do not significantly change the scope of work.


21. a. Authorize and approve the Director of the Redevelopment and Housing Office to execute the Renewal and Amendment No. 1 Agreement with California Coastal Rural Development Corporation (Cal Coastal) to continue administration of the County’s Small Business Revolving Loan Fund (RLF) Programs in an amount not to exceed $235,000 in the aggregate, and an increase of $85,000, retroactive from July 1, 2011 to March 31, 2012;

b. Direct staff to complete an evaluation of the Small Business Revolving Loan Fund Program and return to the Board with programmatic recommendations; and

c. Approve modification of County standard professional liability insurance language to reduce coverage limits from $2,000,000 to $1,000,000.

22. Adopt Resolution approving and authorizing the execution of the Redevelopment Agency Transfer Payment Agreement required by AB1x27, The Voluntary Program Act, to implement the transfer of Redevelopment Tax Increment to the County to make the Annual Community Remittance Payment, subject to pending litigation.

23. Approve a Memorandum of Understanding by and among the County of Monterey, City of Seaside, Central Coast Veterans Cemetery Foundation, and Fort Ord Reuse Authority regarding development of the California Central Coast Veterans Cemetery located within the former Fort Ord. (Economic Development Department)

24. Approve a Memorandum of Understanding by and among the County of Monterey and City of Seaside clarifying the roles and responsibilities for the processing of the Monterey Downs proposed development within the former Fort Ord. (Economic Development Department)

25. Receive the Registrar’s Certificate to the Referendum Petition Against Monterey County Ordinance No. 5181.

26. Approve to reset a public hearing date from September 27, 2011 to October 4, 2011 at 10:30 a.m. to consider the Fiscal Year 2011-12 Citizens’ Option for Public Safety (COPS) Program funding requests for the District Attorney and Sheriff’s Offices, pursuant to Government Code 30061.
RMA - BUILDING DEPARTMENT

27. Introduce, waive reading, and set for adoption on October 4, 2011 at 1:30 p.m. an Ordinance adding Chapter 2.33 to the Monterey County Code to establish the position of County Fire Warden.

RMA - PUBLIC WORKS

28. Acting on behalf of County Service Area No. 1 - Carmel Point adopt Resolution:
   a. Establishing the Public Works Advisory Committee for County Service Area No. 1 - Carmel Point pursuant to the Resolution No. 80-12; and
   b. Appointing members of the Public Works Advisory Committee for County Service Area No. 1 - Carmel Point; and
   c. Adopting the County Service Area No. 1 - Carmel Point Public Works Advisory Committee By-Laws.

29. Adopt Resolution:
   a. Establishing the Carmel Valley Road Committee pursuant to the Carmel Valley Master Plan Policy CV 2.18;
   b. Adopting the Carmel Valley Road Committee By-Law Guidelines; and
   c. Appointing members of the Carmel Valley Road Committee.

MONTEREY COUNTY REDEVELOPMENT AGENCY

30. As the Board of Directors of the Redevelopment Agency of Monterey County:
   a. Adopt Resolution approving and authorizing the execution of the Redevelopment Agency Transfer Payment Agreement required by AB1x27, The Voluntary Program Act, to implement the transfer of Redevelopment Tax Increment to the County to make the Annual Community Remittance Payment, subject to pending litigation; and
   b. Adopt Resolution authorizing reducing the Redevelopment Agency of the County of Monterey's Deposit to the Low and Moderate Income Housing Fund for the Fort Ord Project Area for Fiscal Year (FY) 2011-12 and making certain Findings and Determinations related to making the Community Remittance Payment pursuant to Part 1.9 of Redevelopment Law.

MONTEREY COUNTY WATER RESOURCES AGENCY

31. a. Approve and authorize the General Manager of the Monterey County Water Resources Agency to execute a one-year Lease Agreement between the Monterey County Water Resources Agency and the Monterey County Board of Education for 13,318 square feet of space located at 893 Blanco Circle, Salinas, California, for use by the Monterey County Water Resources Agency; and
   b. Authorize the Auditor-Controller to make lease payments of $20,509.72 per month, effective July 1, 2011, and in accordance with the terms of the agreement; and
c. Authorize optional extensions of the Lease Agreement for a cumulative period not to exceed ten years under the same terms and conditions if deemed by the Monterey County Water Resources Agency Board of Directors to be in the best interest of the Monterey County Water Resources Agency.

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MONTEREY COUNTY

BOARD OF SUPERVISORS

Addendum / Supplemental for Tuesday, September 20, 2011

View Addendum reports at:

http://www.co.monterey.ca.us/cob/Supplemental_Addendum%202011/

**ADDENDUM**

**Add to Closed Session**

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

   b. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation:
      (5) Grievances of Dan Mitchell
      (6) Grievances of Dave Dungan

   c.1 Pursuant to Government code section 54957.6(b), the Board will confer regarding one matter of significant exposure to litigation.

**Add to Consent Regular – General Government**

26.1 Adopt Resolution to approve the Tentative Agreement with Unit E dated September 13, 2011, for a term of one year, for the Memorandum of Understanding between the Monterey County Prosecutors’ Association (Unit E) and the County of Monterey, effective July 1, 2011 to June 30, 2012.

**Add to RMA – Building Department**

27.1 a. Approve Amendment No. 4 to Professional Services Agreement No. A-11957 with California Code Check, Inc. (CCC) to continue to provide services associated with plan check, inspection and related services to the Monterey County Building Services Department, in the amount of $102,446 for a total amount not to exceed $387,446 and extend the term through March 31, 2012; and
b. Approve Amendment No. 2 to the Professional Services Agreement with CSG Consultants, Inc. (CSG) to continue to provide services associated with plan review services to the Monterey County Building Services Department, in the amount of $102,446 for a total amount not to exceed $202,446 and extend the term through March 31, 2012; and

c. Approve Amendment No. 2 to the Professional Services Agreement with West Coast Code Consultants, Inc. (WC3) to continue to provide services associated with plan review services to the Monterey County Building Services Department, in the amount of $102,446 for a total amount not to exceed $202,446 and extend the term through March 31, 2012; and

d. Authorize the Contracts/Purchasing Officer to execute the Amendments to the Professional Services Agreements and future amendments that do not significantly alter the scope of work or change the approved Agreement amounts.

Add to Scheduled Items As the Board of Supervisors of Monterey County Water Resources Agency

S-3 Consider amendment to employment agreement with the General Manager to modify the terms of employment and separation. (Material available on September 20, 2011)

**SUPPLEMENTAL**

**CORRECTION**

**Under Scheduled Items**

This item is being moved to 10:30 a.m. Scheduled Item as noticed

S-3 Public hearing to: Consider a request to amend Williamson Act Agricultural Preserve Compatible Use List for Agricultural Preserve No. 71-047, to allow: Assemblages of people, such as carnivals, circuses, festivals, concerts, dances, quinceneras, weddings, races (motorcycle and bicycle) and private parties not exceeding ten (10) days per event and not involving construction of permanent facilities, and other uses of a similar character, density and intensity. The subject Agricultural Preserve totals approximately 135.50 acres in size, and is comprised of three (3) adjoining parcels: Assessor's Parcel Number (APN) 137-161-001-000; 11.54 acres, APN 137-161-002-000; 7.59 acres and APN 137-161-003-000; 116.37 acres. PLN110238/Jack Barbieri, et al. / The properties are located at 1652 Old Stage Road, Central Salinas Valley Area Plan.

25. Receive the Registrar’s Certificate to the Referendum Petition Against Monterey County Ordinance No. 5181.

*Board Report section OTHER AGENCY INVOLVEMENT should read:*
County Counsel and Resource Management Agency – Planning Department have been consulted with respect to this report and concur with the recommendations.
RMA – Public Works
28. Acting on behalf of County Service Area No. 1 - Carmel Point adopt Resolution:
   a. Establishing the Public Works Advisory Committee for County Service Area
      No. 1 - Carmel Point pursuant to the Resolution No. 80-12; and
   b. Appointing members of the Public Works Advisory Committee for County
      Service Area No. 1 - Carmel Point; and
   c. Adopting the County Service Area No. 1 - Carmel Point Public Works
      Advisory Committee By-Laws.

29. Adopt Resolution:
   a. Establishing the Carmel Valley Road Committee pursuant to the Carmel
      Valley Master Plan Policy CV 2.18;
   b. Adopting the Carmel Valley Road Committee By-Law Guidelines; and
   c. Appointing members of the Carmel Valley Road Committee.

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