BOARD OF SUPERVISORS

Fernando Armenta 1st District (Chair)  Lew C. Bauman
Louis R. Calcagno 2nd District (Vice-Chair)  County Administrative Officer
Simon Salinas 3rd District  Charles J. McKee
Ila Mettee-McCutcheon 4th District  County Counsel
Dave Potter 5th District

Nicholas E. Chiulos Phone: (831) 755-5066
Interim Clerk of the Board FAX: (831) 755-5888
P. O. Box 1728 www.co.monterey.ca.us
Salinas, CA 93902

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

TUESDAY, SEPTEMBER 16, 2008
9:00 A.M.

9:00 A.M.

ROLL CALL:
Present: Supervisors Armenta (Chair), Calcagno, Mettee-McCutcheon, Potter
Absent: Supervisor Salinas

NOTE: Supervisor Salinas present in Closed Session

S-1 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. Helping Our Peninsula’s Environment vs. Monterey County (M82972)
   2. LandWatch, et al. vs. County of Monterey (M82969)

SA-1 3. Frank Hennessy vs. County of Monterey, et al.

RESULTS OF CLOSED SESSION: The Board provided direction to counsel as to how to try to resolve these matters.
b. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding two items of significant exposure to litigation.

RESULTS OF CLOSED SESSION: The Board provided direction as to how to continue litigation on these matters.

c. Pursuant to Government Code section 54956.9(b), the Board will confer with real property negotiators. Property: One or more sites in the unincorporated area of the County. Agency negotiator: Wayne Tanda Negotiating parties: County of Monterey and California Department of Corrections and Rehabilitation Under negotiation: Terms

RESULTS OF CLOSED SESSION: The Board discussed terms of possible sites and gave direction to Mr. Tanda. No site was identified.

Additions and Corrections: County Counsel announced agenda corrections and proposed additions which were acted on by the Board as provided in Sections 54954.2 of the California Government Code.

AC-2  S-1  a.  4. In Re Lehman Brothers Holdings Inc., US Bankruptcy Court, Southern District of New York (08-13555)

Motion by Supervisor Salinas, Calcagno. All Ayes

RESULTS OF CLOSED SESSION: The Board provided direction to counsel as to how to proceed in this matter and also to retain outside counsel to secure all bonds that the County might retain.

ROLL CALL:

Present: Supervisors Armenta (Chair), Calcagno, Salinas, Mettee-McCutcheon, Potter

1. Pledge of Allegiance was led by Brian Smart, International Firefighters Association.

2. Additions and Corrections. The Clerk of the Board announced agenda corrections and proposed additions which may be acted on by the Board as provided in Sections 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, the Board was asked to make the following additions and corrections:

AC-1; S-5; SA-3

Consider one or more resolutions relating to a Secure Community Reentry Facility Siting Agreement with the California Department of Corrections and Rehabilitation in the County of Monterey. Items to be considered include, but may not be limited to:

a. Receive an update from staff regarding discussions with the California Department of Corrections and Rehabilitation;

b. Approve and direct staff to request an extension of time from the Corrections Standards Authority to provide for identification of one or more sites within the
unincorporated area of the County of Monterey as potential locations for a Secure Community Reentry Facility;

c. Direct staff regarding negotiations with the California Department of Corrections and Rehabilitation and other representatives of the State of California; and

d. Approve other actions as necessary.

AC-2  S-1 a.  4.  In Re Lehman Brothers Holdings Inc., US Bankruptcy Court, Southern District of New York (08-13555)

Motion by Supervisor Salinas, seconded by Supervisor Calcagno. All Ayes

NOTE: Charles McKee noted that the Board added AC-2 during the morning session.

3.  CONSENT CALENDAR - REGULAR (See Supplemental Sheet)

Motion by Supervisor Potter, seconded by Supervisor Salinas. All Ayes

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

Motion by Supervisor Mettee-McCutcheon, seconded by Supervisor Salinas. All Ayes

OTHER BOARD MATTERS:

5.  Board Comments, Referrals, and Updates

No Board comments, no referrals; received updates.

6.  CAO Comments. No Comments.

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

· Alex Hulanicki, representing The Refinement Group, urged the Board to keep the General Plan timeline scheduled.

· Rodrigo Reynozo urged the Board to establish an Ordinance to prevent Big Box Superstores; submitted letter.

· Chris Fitz, Executive Director LandWatch Monterey County, supported establishment of Big Box Superstore Ordinance; supported staff adding eight days to the General Plan review period.

· Brian Smart submitted letter.

8.  Adopted Resolution No. 08-289 proclaiming September 15, 2008 through October 15, 2008 as National Hispanic Heritage Month. (Supervisor Salinas)

Motion by Supervisor Salinas, seconded by Supervisor Mettee-McCutcheon. All Ayes
9. Adopted Resolution No. 08-283 honoring an Jessie Herrera for being named the 2008 Latino Network Luncheon Awardee by the Monterey County Latino Network to be held Thursday, September 18, 2008 at the Salinas Community Center. (Supervisor Armenta)
   Motion by Supervisor Salinas, seconded by Supervisor Potter. All Ayes.

10. Received Budget Committee Report and Action Minutes for the 4th Quarter of FY 2007-08.
    Motion by Supervisor Potter, seconded by Supervisor Salinas. All Ayes

**APPOINTMENTS:**

11. Reappointed Connie White to the Community Restorative Justice Commission (CRJC) for a term ending September 16, 2011. (Full Board)
    Motion by Supervisor Calcagno, seconded by Supervisor Mettee-McCutcheon. All Ayes.

12. Appointed Darius Engles to the Community Restorative Justice Commission (CRJC); Chief of Police Representative for a term ending September 16, 2011. (Full Board)
    Motion by Supervisor Calcagno, seconded by Supervisor Mettee-McCutcheon. All Ayes.

13. Appointed Harold Kahn to the Community Restorative Justice Commission (CRJC); Education Representative for a term ending September 16, 2011. (Full Board)
    Motion by Supervisor Calcagno, seconded by Supervisor Mettee-McCutcheon. All Ayes.

    Motion by Supervisor Calcagno, seconded by Supervisor Mettee-McCutcheon. All Ayes.

SA-2 Corrected appointment of Mike Parrish filling the vacancy of Bob Whitlock from the County Service Area No. 14 to the County Service Area No. 15 Advisory Committee for a term ending January 1, 2011. (Supervisor Potter)
    Motion by Supervisor Potter, seconded by Supervisor Salinas. All Ayes

**SCHEDULED MATTERS**

S-2 Accepted an oral presentation on Monterey County Health Report 2007: Conditions and Behaviors from the Monterey County Health Officer.
    Motion by Supervisor Calcagno, seconded by Supervisor Salinas. All Ayes
12:00 P.M. Recessed to lunch

1:30 P.M. RECONVENED

ROLL CALL:
Present: Supervisors Armenta (Chair), Calcagno, Salinas, Mettee-McCutcheon, Potter

S-3 Considered and adopted Ordinance No. 5115 amending the Monterey County Code, Title 12, Section 12.12.010, to establish a 50 m.p.h. speed limit on San Miguel Canyon Road from a point 250 feet south of the centerline of Wilson Way to a point 350 feet south of the centerline of Hamby Lane, in Prunedale.

Motion by Supervisor Calcagno, seconded by Supervisor Potter. All Ayes.

NOTE: S-4 was heard after S-5

S-5 Resolution No. 08-287 Considered one or more resolutions relating to a Secure Community Reentry Facility Siting Agreement with the California Department of Corrections and Rehabilitation in the County of Monterey. Items to be considered include, but may not be limited to:

a. Received an update from staff regarding discussions with the California Department of Corrections and Rehabilitation;

b. Requested an extension of time from the Corrections Standards Authority to provide for identification of one or more sites within the unincorporated area of the County of Monterey as potential locations for a Secure Community Reentry Facility; and

c. Gave further direction regarding negotiations with the California Department of Corrections and Rehabilitation and other representatives of the State of California.

Motion by Supervisor Potter, seconded by Supervisor Salinas. All Ayes

S-4 Received oral report regarding the Literacy Campaign in Monterey County.

Motion by Supervisor Calcagno, seconded by Supervisor Potter. All Ayes.

CLOSED SESSION READ OUT. (See S-1 a-c; AC-2)

ORDER FOR ADJOURNMENT

APPROVED:

/s/ Fernando Armenta
CHAIR, BOARD OF SUPERVISORS

ATTEST;
NICHOLAS E. CHIULOS
Interim Clerk of the Board

BY: /s/ Denise Hancock
DEPUTY

S – Scheduled Items   SA - Supplemental Agenda   AC - Additions and Corrections
CONSENT CALENDAR

Motion by Supervisor Potter, seconded by Supervisor Salinas. All Ayes

NATIVIDAD MEDICAL CENTER:

15. Agreement No. A-11277 - Authorized the Purchasing Manager for Monterey County to execute Amendment No. 1 to the Agreement between Natividad Medical Center and The Marblehead Group, LLC for continued consultative services in an amount not to exceed $440,000 (an increase of $340,000) for the term September 1, 2008 through June 30, 2009.

HEALTH AND SOCIAL SERVICES:

16. Agreement No. A-11278 - Approved and authorized the Director of Social & Employment Services to sign the Medi-Cal Data Privacy and Security Agreement between the California Department of Health Care Services and Monterey County Department of Social & Employment Services.

17. Board Budget No. 08/09-045 - Approved the attached Side Letter between the County of Monterey and Monterey County Deputy Sheriffs’ Association, amending the Sheriff’s Office Supplemental Law Enforcement Services of the Memorandum of Understanding for Unit C, to implement an overtime rate of time and one-half (1.5) for Sheriff’s employees designated as the Officer in Charge at Supplemental Law Enforcement events retroactive July 1, 2008.

GENERAL GOVERNMENT:

18. Adopted Resolution No. 08-284 to authorize the Director of Parks to file an application with the Federal Preserve America program to designate Monterey County as a "Preserve America County".

19. Agreement No. A-11279; Board Budget No. 08/09-046
   a. Approved and authorized the Chair to execute an Agreement, including non-standard insurance provisions, with ACS Enterprise Solutions, Inc., for the provision of redaction and indexing software and hardware services for the County Clerk-Recorder’s Office in the amount not to exceed $290,265;
   b. Approved and authorized the transfer of funds in the amount of $290,265 from Fund 080 Restricted Revenue Designations, Account 3330 to Budget Unit 291-County Clerk-Recorder for necessary aiIndex upgrades and aiRedact redaction software and hardware components;
   c. Increased estimated revenue and appropriations in the amount of $290,265 in Budget Unit 291-County Clerk-Recorder (4/5th vote required); and
   d. Directed the Auditor-Controller to transfer funds and increase appropriations as detailed in the attached Board Order.
20. Approved the Minutes of Tuesday, August 26, 2008; having been previously
distributed to Board of Supervisors.

RMA - PUBLIC WORKS:

   a. Awarded a contract in the total amount of $371,291 to William A. Thayer
      Construction, Inc., the lowest responsible bidder, for the First Floor Recorder-
      County Clerk and Assessor Area Remodel, Project No. 8814, Bid Package
      No. 10081;
   b. Approved the Performance and Payment Bonds executed and provided by
      William A. Thayer Construction, Inc.;
   c. Authorized a contingency (not to exceed 10% of the contract amount) to
      provide funding for approved contract change orders; and
   d. Authorized the Acting Public Works Director to execute the contract.

22. a. Adopted Resolution No. 08-285 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 a 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).

23. a. Adopted Resolution No. 08-286 ratifying the County Administrative Officer’s
      proclamation of a local emergency dated August 29, 2008, that the closure of
      the North Wing of the Monterey County Courthouse continues to pose an
      emergency requiring immediate action;
   b. Found that the closure of the North Wing of the Monterey County Courthouse
      continues to pose an emergency requiring immediate action; and
   c. Ratified the execution of emergency contracts and emergency actions taken by
      the Acting Public Works Director, or his designee, to respond to the
      emergency (4/5th vote required).

RMA - MONTEREY COUNTY REDEVELOPMENT AGENCY:
Motion by Supervisor Mettee-McCutchon, seconded by Supervisor Salinas.
All Ayes

24. Acting as the Board of Directors of the Redevelopment Agency of the County of
    Monterey:
   a. Approved Amendment No. 2 to Agreement No. A-09509 with the North
      County Recreation and Parks District (NCRPD) for the North County High
      School Project in Castroville to:
         1. Relieve the NCRPD from further obligation to construct North County
            High School ball park in exchange for agreeing to provide long-term
operation, management and maintenance of the Japanese Schoolhouse Facility;
2. Amend the term of the Agreement;
3. Authorize the Director of the Redevelopment and Housing Office to execute the Amendment on behalf of the Agency; and
b. Agreement No. A-11281 - Approved Lease Agreement between North County Recreation and Parks District and the Redevelopment Agency of the County of Monterey to manage, operate and maintain the Japanese School Facility.

25. Board Budget No. 08/09-047
Acting as the Board of Directors of the Redevelopment Agency of Monterey County:
a. Directed the Auditor-Controller to increase estimated revenues and appropriations in the Fort Ord Redevelopment Debt Service Fund (Fund 022) by $176,616 (4/5th vote required); and
b. Directed the Auditor-Controller to increase estimated revenues and appropriations in the Fort Ord Redevelopment Capital Fund (Fund 403) by $263,668 (4/5th vote required).

###