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 antelación para 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.
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 Section 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(a), the Board will confer with legal counsel regarding existing litigation.
      (2) Jonah Burgess v. Mihu, et al. (MCSC Case No. M89405)

   b. Pursuant to Government Code sections 54956.9(b) and 54956.9(c), the Board will confer with legal counsel regarding one item of significant exposure to litigation and/or potential initiation of 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

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)

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

OTHER BOARD MATTERS:

7. Board Comments, Referrals, and Updates

8. CAO Comments

9. 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.

10. Adopt Resolution recognizing Laura Solorio, MD, for her service as Medical Director of the Clinic Services Division for the Monterey County Health Department. (Full Board)

11. Adopt Resolution honoring Derek Renault as the 2009 Recipient of the Area Agency on Aging Advisory Council John McCune Senior Recognition Award. (Supervisor Potter)

12. Adopt Resolution honoring Dennis Donohue for his service as Chair of the Board to the Growers-Shipper Association. (Full Board)

13. Adopt Resolution proclaiming the Week of May 17 through May 23, 2009, as "Emergency Medical Services Week" in Monterey County. (Full Board)

APPOINTMENTS:

14. Appoint Kevin Healy to the Housing Authority of Monterey County Board of Commissioners, term ending April 1, 2013. (Supervisor Calcagno)

14.1 Appoint Theresa A. Nichols to the San Ardo Water District, term ending November 30, 2011. (Supervisor Salinas)

14.2 Appoint Tina Starkey Lopez to the Overall Economic Development Commission, term ending June 30, 2012. (Supervisor Salinas)
**SCHEDULED MATTERS:**

**S-1**
- Adopt Resolution opposing the State seizure of local tax funds; and
- Authorize the Chair of the Board of Supervisors to forward the Resolution to the Governor, State legislators and to the California State Association of Counties.

**S-2**
Receive oral report from Legislative Committee meeting of May 18, 2009.

**S-3**
- Authorize the issuance of lay-off notices with an effective date no later than July 1, 2009, contingent upon adoption of the Fiscal Year 2009-10 Final Budget scheduled for late June 2009; and
- Provide department heads flexibility to withhold issuance of lay-off notices until June 9, 2009, at the latest, to in-place staff in the event unplanned vacancies emerge over the next three weeks.

**S-4**
- Acting as the Board of Directors of the Monterey County Water Resources Agency:
  - Continue to date uncertain:
    - Approval of Monterey Regional Water Supply Program Planning Memorandum of Understanding (MOU).

**S-5**
- Acting as the Board of Directors of the Monterey County Water Resources Agency:
  - Continue to date uncertain:
    - Approval of Monterey Regional Water Supply Program Recycled Water Three-Way Memorandum of Understanding (MOU).

**12:00 P.M.**

Recess to Lunch – Joint Board Leadership Committee Meeting

**1:30 P.M. RECONVENE**

**ROLL CALL:**

**SCHEDULED MATTERS:**

**S-6**
- Building Services Department and Planning Department Organization Update
  - Receive oral presentation regarding organizational changes in the RMA - Planning Department and RMA - Building Services Department resulting from workload and revenue reductions; and
  - Accept a report on departmental changes to reflect workload reductions in the RMA - Planning Department and RMA - Building Services Department.

**S-7**
- Create Article XXX (Building Services Department) of the Monterey County Master Fee Resolution to establish new fees and revise existing fees, fines and
penalties relating to permits, plan reviews, inspections, records and code enforcement;

b. Approve an automatic annual adjustment every July 1st for a four year period through June 20, 2013 with adjustment based on the Consumer Price Index (CPI) for the San Francisco-Oakland-San Jose area; and

c. Direct the Auditor-Controller's Office and the County Administrative Office to incorporate approved changes in the Fiscal Year 2009-10 Adopted Budget.

S-8

a. Certify the EIR and adopt statement of overriding considerations;

b. Approve, subject to conditions, a Lot Line Adjustment between two parcels reducing APN167-061-032-000 (Riehl) from 52.0 acres to 48.53 acres and increasing APN167-061-033-000 (Mohsin) from 245.51 acres to 249.0 acres;

c. Amend the 1982 Monterey County General Plan and Toro Area Plan to: a) Amend land use map for 17-acres (APN: 167-061-029-000/Samoske) from Farmland/40 acre minimum (F/40) to Low Density Residential with a Special Treatment Area (STA) Overlay; and b) Amend land use map for 266-acres (APN 167-061-033-000/Mohsin) from Permanent Grazing/40 acre minimum (PG/40) to Low Density Residential with a STA Overlay; and c) Adopt Toro Area Plan policy 30.1.1.2(T), establishing a STA Overlay policy that would generally allow a maximum of 14 new single-family residential lots on the lower 72 acres with an agricultural buffer plan and require the upper 249 acres to remain Permanent Grazing;

d. Adopt an Ordinance to: a) change the zoning designation of 17 acre parcel (APN 167-061-029-000/Samoske) from F/40-D to LDR/5-VS; and b) change the zoning designation of the lower 55 acres of a 249-acre parcel (APN 167-061-033-000/Mohsin) from PG/40-D to LDR/5-VS, with 194 acres remaining PG/40; and

e. Approve, subject to conditions, a Combined Development Permit consisting of: a) 14-lot residential subdivision, and b) Administrative Permit for a small water system; and adopt a mitigation monitoring and reporting plan.

(PLN980516/ 874, 884, 870, River Road)

ORDER FOR ADJOURNMENT
TO TUESDAY, JUNE 2, 2009

Future Board Meetings:
Tuesday, May 26, 2009 – No Meeting
Tuesday, June 2, 2009
Monday, June 8, 2009 – Budget Hearings
CONSENT CALENDAR

NATIVIDAD MEDICAL CENTER:

15. a. Authorize the CEO of Natividad Medical Center (NMC) to execute Amendment No. 9 to the Agreement for Professional Services between the County of Monterey and Wellspring Management Services LLC, A Huron Consulting Group Company, for the period May 1, 2009 through June 30, 2010, in an amount not to exceed $432,000; and

b. Direct the Auditor/Controller to increase budgeted revenues and appropriations in the amount of $432,000 for Fiscal Year 2008-09 (4/5th vote required).

16. Approve and authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute the Agreements between Jackson & Coker, Interim Physicians, Psychiatrists Only, Staff Care and Medical Doctor Associates and NMC to provide locum tenens physician services for NMC for the period February 1, 2009 through June 30, 2010.

17. Receive and approve recommendation from the Natividad Medical Center (NMC) Board of Trustees (BOT) that a designated SEIU seat on the BOT not be created.

HEALTH AND SOCIAL SERVICES:

18. Concur with the Monterey County Workforce Investment Board (WIB) to accept $72,000 in grant funds from the State of CA Employment Development Department to support the Disability Program Navigator (DPN) for the sixth year for program year 2008-09.

GENERAL GOVERNMENT:

19. Approve an application and order for destruction of records for the Equal Opportunity Office (4/5th vote required).

20. a. Approve a Memorandum of Understanding with the Skip Barber Racing School to authorize a payment schedule to bring outstanding payments up-to-date; and

b. Authorize the Parks Director to sign the Memorandum of Understanding.

21. a. Adopt Resolution formalizing existing practices and meeting new certification requirements applicable to Community Development Block Grant (CDBG) programs by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

b. Adopt Resolution enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of non-violent civil rights demonstrations.
22.  a. Approve and authorize an increase in Fiscal Year (FY) 2008-09 estimated revenues and appropriations of $173,109 in Budget Unit 281- Agricultural Commissioner (4/5th vote required);
   b. Approve the funding of two (2) vacant Agricultural Inspector/Biologist III and one (1) vacant Deputy Agricultural Commissioner, and c. Direct the Auditor-Controller's Office and the County Administrative Office to amend FY 2008-09 Budget and incorporate approved changes in the FY 2009-10 Adopted Budget.

23.  a. Adopt Resolution ratifying submittal of two (2) Weed Management Area Grant applications to the California Department of Food and Agriculture in the amounts of $16,758, and $50,000 to fund countywide weed management activities. The application was required to be submitted prior to the matter being considered by the Board and thus ratification of the submittal is sought; and
   b. Authorize the Agricultural Commissioner to apply to the California Department of Food and Agriculture for future grants for weed management activities and to act as agent for the County in processing and signing all documentation to accept and secure these funds, for a period of five (5) years.

24.  a. Accept the recommendation of the Monterey County Fish and Game Commission to award a funding grant to South Monterey County Sportsmen's Association; and
   b. Approve the distribution of Fish and Game grant funds in the amount of $3,000 for a specified grant project for Fiscal Year 2008-09.

25.  a. Approve and authorize an increase in Fiscal Year (FY) 2008-09 estimated revenues and appropriations of $400,000 in Budget Unit 281, Agricultural Commissioner (4/5th vote required);
   b. Approve FY 2008-09 fixed asset purchase of a dynamometer, five vehicles and software totaling $150,000 in Budget Unit 281, Agricultural Commissioner; and
   c. Direct the Auditor Controller to increase revenue and appropriations in the amount of $400,000 in Budget Unit 281.

26.  Approve and authorize the Contracts/Purchasing Officer to release the Request for Proposals (RFP) for the Next Generation (NGEN) Public Safety Voice and Data Radio System for the Design and Construction of the new NGEN system shared infrastructure.

27.  a. Approve and authorize the Contracts/Purchasing Officer to execute a Service Agreement with Verizon Business Network Services Inc., to provide the County with a High Speed Digital Link Internet access for the period of June 1, 2009 through May 31, 2012 in an amount not to exceed $98,500 per year; and
   b. Accept non-standard terms as recommended by the Director of Information Technology; and
c. Authorize the Contracts/Purchasing Officer to sign extensions for up to two additional years of service.

**RMA - PLANNING DEPARTMENT:**

28. a. Accept Conservation and Scenic Easement Deed for SPCA;
   b. Authorize the chair to execute the Conservation and Scenic Easement Deed; and
   c. Direct the Clerk of the Board to submit the Conservation and Scenic Easement Deed to the County Recorder for filing (PLN060658 - SPCA).

29. a. Approve increase in appropriations in the amount of $552,000 in the Planning Department's Fiscal Year 2008-09 Approved Budget to fund General Plan activities;
   b. Direct the Auditor-Controller to increase appropriations in Fund 001, Budget Unit 293 as follows: Account 6469 – $407,755; Account 6402 – $144,245 (4/5th vote required).
   (PD090249/Appropriations)

30. a. Accept the Parcel Map for the Franscioni Minor Subdivision to subdivide a 232 acre parcel into four (4) parcels consisting of 58.6 acres, 66.2 acres, 53.6 acres, and 53.6 acres each, respectively;
   b. Accept the Tax Clearance Letter and the Parcel Map Guarantee; and
   c. Direct the Clerk of the Board to submit the Parcel Map to the County Recorder for filing.
   (PLN 060042 Franscioni TR ET AL, Resolution No. 08008, 32721 River Road, Soledad, CA, Central Salinas Valley Area Plan.)

**RMA - BUILDING DEPARTMENT:**

31. a. Approve the transfer of the following twelve (12) positions from the RMA-Building Services Department, BU 299 to RMA-Planning Department, BU 293: one (1) Planning & Building Services Manager, one (1) Senior Planner, three (3) Land Use Technicians, one (1) Principal Office Assistant, one (1) Branch Chief Code Enforcement Officer, one (1) Code Enforcement Officer and four (4) Office Assistant II; and amend Fiscal Year (FY) 2008-09 RMA-Planning Department, BU 293 to delete one (1) one vacant Land Use Technician;
   b. Direct the Auditor-Controller and the County Administrative Office to amend the Fiscal Year (FY) 2008-09 Budget, RMA-Building Services Department, BU 299 and incorporate approved changes in the FY 2009-10 Adopted Budget; and
   c. Direct the Auditor-Controller and the County Administrative Office to amend the FY 2008-09 Budget, RMA-Planning Department, BU 293 and incorporate approved changes in the FY 2009-10 Adopted Budget.
32. a. Approve the Personnel Policies and Practices Resolution No. 98-394 to add the classification of Assistant Director of Building Services;
b. Approve the reallocation of one (1) Management Analyst I to one (1) Management Analyst III; one (1) Senior Secretary to one (1) Administrative Secretary; and one (1) Planning & Building Services Manager to (1) Assistant Director of Building Services; and
c. Direct the Auditor-Controller Office and County Administrative Office to amend the Fiscal Year (FY) 2008-09 Budget, Building Services, BU 299 and incorporate approved changes in the FY 2009-10 Adopted Budget.

**RMA - PUBLIC WORKS:**

33. a. Approve submittal of future grant applications to the Federal and State Programs administering funds from the American Recovery Reinvestment Act; and
b. Authorize the Director of Public Works, or his designee, to act as the agent for the County in processing all documentation to secure these funds.

34. a. Authorize and direct the Auditor-Controller to decrease Fund Balance Designations - 3810, by $40,000 and increase the available fund balance, Unreserved Fund Balance - 3800, by $40,000 for County Service Area 17 - Rancho Tierra Grande, Fund 117, Budget 910; and
b. Authorize and direct the Auditor-Controller to increase appropriations for Fund 117, Budget Unit 910, Account 6315, Maintenance - Public Works, by $40,000 (4/5th vote required).

35. a. Approve Employment Agreement for Gerald Williams;
b. Approve Employment Agreement for Anthony Mitre;
c. Authorize the Public Works Director to execute the Agreements; and
d. Direct the Auditor Controller to implement the employment Agreements.

36. a. Approve Amendment No. 2 to Professional Services Agreement No. A-10966 with Kleinfelder West, Inc., to provide additional field geotechnical services and construction materials testing and observation (special inspection) for the Monterey County Health Department located at 1270 Natividad Road in Salinas, in the amount of $27,500, for a total amount not to exceed $181,019; and
b. Authorize the Contracts/Purchasing Officer to execute Amendment No. 2 to the Professional Services Agreement No. A-10966 and future amendments to this Agreement where the amendments do not exceed ten percent (10%) of the original Agreement amount and do not significantly alter the scope of work.

37. a. Approve a Professional Services Agreement with Biggs Cardosa Associates, Inc., to provide project management, preliminary engineering and reports, and final design for the Nacimiento Lake Drive Bridge Replacement (Co. No. 449) at San Antonio River, Project No. 220265, Federal Aid Project No.
STPLZ-5944 (040), in an amount not to exceed $646,270 for a term through December 31, 2010; and
b. Authorize the Contracts/Purchasing Officer to execute the Professional Services Agreement and future amendments to this Agreement where the amendments do not exceed ten percent (10%) of the original Agreement amount and do not significantly alter the scope of work.

38. a. Approve a Professional Services Agreement with Biggs Cardosa Associates, Inc. to provide project management, preliminary engineering and reports, and final design for the Peach Tree Road Bridge Replacement (Co No. 412) at Pancho Rico Creek, Project No. 220165, Federal Aid Project No. STPLZ-5944 (041), in an amount not to exceed $245,589 for a term through December 31, 2010; and
b. Authorize the Contracts/Purchasing Officer to execute the Professional Services Agreement and future amendments to this Agreement where the amendments do not exceed ten percent (10%) of the original Agreement amount and do not significantly alter the scope of work.

RMA - MONTEREY COUNTY WATER RESOURCES AGENCY:

39. Acting as the Board of Directors of the Monterey County Water Resources Agency:
   a. Set a public hearing on June 16, 2009, at 1:30 P.M., to approve the Fiscal Year (FY) 2009-2010 assessment, water delivery charge, and water service charge for Zone 2B and FY 2009-2010 assessment for Zones 2Y and 2Z for the Castroville Seawater Intrusion Project and the Salinas Valley Reclamation Project, and;
   b. Direct the Clerk to the Board to publish a hearing notice in the Californian and the King City Rustler at least ten days prior to the date set for the hearing.

40. Acting as the Board of Directors of the Monterey County Water Resources Agency:
   a. Set a public hearing for June 16, 2009, at 1:30 P.M., to adopt Zone 2C Fiscal Year 2009-2010 assessment charges for the Salinas Valley Water Project, and;
   b. Direct the Clerk of the Board to publish a hearing notice in the Californian and the King City Rustler at least ten days prior to the date set for the hearing.

41. Acting as the Board of Directors of the Monterey County Water Resources Agency:
   a. Set a public hearing on June 16, 2009, at 1:30 P.M., to adopt the Fiscal Year 2009-2010 benefit assessments for Zones 1, 1A, 8, 9, 12, and 17, and; 2.
   b. Direct the Clerk to the Board to publish a hearing notice in the Californian, the Soledad Bee, the Register-Pajaronian and the King City Rustler at least ten days prior to the date set for the hearing.

###
AGENDA ADDENDA
THE FOLLOWING ITEMS HAVE BEEN ADDED TO THE AGENDA SINCE RELEASE OF THE AGENDA TO THE PUBLIC:

Under Closed Session:

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

Under Scheduled Matters:


Under Consent Calendar – Regular

Criminal Justice:

18.1  a. Approve and authorize the Contracts/Purchasing Officer to increase the Purchase Order amount by $18,400 for the Agreement A-11139 with Dr. John Hain to pay service charges for private hospital autopsies for Fiscal Year 2008-09; and

b. Authorize the Contracts/Purchasing Officer to sign future amendments for the Agreement. Such amendments shall be limited to minor changes in the Scope of Services and either individual or cumulative annual payable amount shall be no more than 10 percent of the original contract amount of $360,000 per year for the period of July 1, 2008 through June 30, 2011.

General Government:

27.1 Receive The Fiscal Year 2009-10 Appropriation Limits Pursuant To Article XIIIB Of The California Constitution And Set June 8, 2009 At 1:30 P.M. As The Date To Establish These Limits.

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