ACTION MINUTES
SPECIAL MEETING
MONTEREY COUNTY BOARD OF SUPERVISORS
MONTEREY COUNTY WATER RESOURCES AGENCY
FRIDAY, JUNE 3, 2011
8:30 A.M.

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

Additions and Corrections

The Clerk of the Board announced Agenda corrections and proposed additions, which were acted on by the Board as provided in Section 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, as provided in Section 54954.2 of the California Government Code the Board is asked to make the following additions and corrections:

Change to Item 4e.
4. Adopt a Resolution:
   a. Declaring an emergency as defined by California Public Contract Code Section 1102 due to failure of the sub-floor at the County of Monterey Department of Health Alisal Family Health Clinic (Health Clinic) located at 559 E. Alisal Street, Salinas, CA;
b. Finding that the emergency will not permit a delay resulting from a formal solicitation of bids and that the action is necessary to respond to the emergency;

c. Finding that the repairs are necessary to permit the continued conduct of county operations or services;

d. Authorizing emergency flooring repairs at the Health Clinic located at 559 E. Alisal Street, Salinas, CA, without adopting plans and specifications and giving notice for bids to let contracts; and

e. Authorizing the Director of Public Works Contracts/Purchasing Officer, or his designee, to enter into contracts and issue purchase orders to accomplish the required emergency work, and ratifying the execution of emergency contracts and actions taken by the Director of Public Works, or his designee, to respond to the emergency (4/5th vote required).

Supervisor Armenta questioned staff on responsibility to notify the landlord regarding this item being placed on today’s agenda. County Counsel McKee advised there is a Closed Session item on today’s agenda.

Supervisor Salinas requested consideration of this item be delayed until after Closed Session to contact the landlord and allow him an opportunity to appear before the Board between 11:15 am and 11:30 am.

CONSENT CALENDAR - REGULAR

NATIVIDAD MEDICAL CENTER

1. a. Approved the Intergovernmental Transfer of Public Funds ("IGT") between the County of Monterey ("County") and the California Department of Health Care Services ("State DHCS"), the source of which shall be funds from Natividad Medical Center ("NMC") and not the County’s General Fund, pursuant to Sections 14164 and 14168.7 of the Welfare & Institutions Code, from NMC to State DHCS to be used as the nonfederal share of supplemental Medi-Cal managed care capitation rate payments to the Monterey-Santa Cruz-Merced Managed Medical Care Commission d/b/a Central California Alliance for Health, for a total amount not to exceed $3,000,000 for healthcare services rendered in Fiscal Year 2010-2011 and transfer to occur in Fiscal Year 2010-2011 or 2011-2012; and

b. Authorized Chief Executive Officer ("CEO") of NMC to execute a Letter to State DHCS in substantially the same form as that which has been presented to the Board, without material change to its content, committing for a total amount not to exceed $3,000,000 for healthcare services rendered in Fiscal Year 2010-2011 and for the transfer to occur in Fiscal Year 2010-2011 or 2011-2012.

Motion by Supervisor Salinas, seconded by Supervisor Armenta. 4-0 (Supervisor Calcagno Absent)
GENERAL GOVERNMENT

2. Agreement No. A-11998; Construction No. 2011-004
   a. Awarded a construction contract to Garcia Engineering, lowest responsive bidder in the amount of $64,561 for Turn One Improvements at Laguna Seca Recreation Area, Bid No.10293;
   b. Rejected as Unresponsive, bids from Norcal and Silicon Valley Paving; and
   c. Authorized the Director of Parks to execute the contract and to approve change orders up to ten percent (10%) of the contract amount.
   Motion by Supervisor Salinas, seconded by Supervisor Armenta. 4-0 (Supervisor Calcagno Absent)

3. Agreement No. A-12013
   Approved and authorized the Contracts/Purchasing Officer to:
   a. Amend the Renne Sloan Holtzman & Sakai, LLP (RSHS) contract to increase the contract amount from $100,000 to $200,000; and
   b. Extend the contract through June 30, 2012.
   Motion by Supervisor Salinas, seconded by Supervisor Armenta. 4-0 (Supervisor Calcagno Absent)

RMA – PUBLIC WORKS

4. Adopted Resolution No. 11-220
   a. Declaring an emergency as defined by California Public Contract Code Section 1102 due to failure of the sub-floor at the County of Monterey Department of Health Alisal Family Health Clinic (Health Clinic) located at 559 E. Alisal Street, Salinas, CA;
   b. Finding that the emergency will not permit a delay resulting from a formal solicitation of bids and that the action is necessary to respond to the emergency;
   c. Finding that the repairs are necessary to permit the continued conduct of county operations or services;
   d. Authorizing emergency flooring repairs at the Health Clinic located at 559 E. Alisal Street, Salinas, CA, without adopting plans and specifications and giving notice for bids to let contracts; and
   e. Authorizing the Director of Public Works, or his designee, to enter into contracts and issue purchase orders to accomplish the required emergency work, and ratifying the execution of emergency contracts and actions taken by the Director of Public Works, or his designee, to respond to the emergency. (4/5ths vote required)
   Motion by Supervisor Salinas, seconded by Supervisor Armenta. 4-0 (Supervisor Calcagno Absent)

° The Board was advised the landlord is out of town and unable to appear.
MONTEREY COUNTY WATER RESOURCES AGENCY

CLOSED SESSION

5. 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 regarding existing litigation:
      (1) In the Matter of the Application of California-American Water Company (Application 04-09-019)
      CLOSED SESSION REPORT: The Board heard from counsel on this matter. No final action taken.
      (2) Ag Land Trust v. Monterey County Water Resources Agency, et al. (MCSC case no. M110691)
      CLOSED SESSION REPORT: The Board heard from counsel on this matter. No final action taken.
   b. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.
      CLOSED SESSION REPORT: County Counsel advised the Board conferred with counsel regarding the impacts to the desalination project due to alleged conflict of interest by a former member of the Board of Directors of the Water Resources Agency and exposure to litigation and whether to initiate litigation this item. The Board heard from counsel on this matter on how to avoid exposure to litigation and how to move forward. No final action taken.
   c. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding one matter of potential initiation of litigation.
      CLOSED SESSION REPORT: County Counsel advised that the Board conferred with counsel regarding the impacts to the desalination project due to alleged conflict of interest by a former member of the Board of Directors of the Water Resources Agency and exposure to litigation, and whether to initiate litigation on this item. The Board did not authorize initiation of litigation at this time.
   d. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding two matters of significant exposure to litigation.
      CLOSED SESSION REPORT: In one matter is related to item 4 on the open session Consent agenda, regarding the emergency declaration for repairs needed at a health clinic building on E. Alisal. County Counsel advised there is a threat of litigation from the landlord if the County moves forward with repairs and deducting rent for the cost of those repairs.
repairs. The Board heard from counsel and directed staff and counsel to proceed in making repairs, if approved in open session. Directed staff to work with landlord to cover costs of repairs; authorized the Department to withhold rent to cover the cost of repairs; directed staff to work with the landlord and the time frame within which rent would be withheld and any future items of repair that need to be made in the building.

The Board heard from counsel on the other matter of significant exposure to litigation and no action was taken.

ADJOURNMENT

APPROVED:

/s/ Jane B. Parker
JANE B. PARKER, CHAIR
BOARD OF SUPERVISORS

ATTEST: GAIL T. BORKOWSKI
Clerk of the Board

BY: /s/ Gail T. Borkowski