9:00 A.M.

ROLL CALL:
Present: Supervisors Salinas (Vice Chair), Armenta and Parker
Absent: Supervisor Potter; Supervisor Calcagno arrived prior to Closed Session.

1. Additions and Corrections for Closed Session: There were no additions or corrections for 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 provide a performance evaluation for the Natividad Medical Center CEO.
   CLOSED SESSION REPORT: The Board provided a performance evaluation for the Natividad CEO and discussed goals for the future.

   b. Pursuant to Government Code section 54957, the Board will confer regarding recruitment for and/or appointment to the position of Equal Opportunity Officer.
   CLOSED SESSION REPORT: The Board conferred regarding the recruitment for and/or appointment to the position of Equal Opportunity Officer. No final determinations were made. The Board provided direction to begin some processes in this regard.
c. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators. Designated representative: Keith Honda; Employee organizations: All Units

**CLOSED SESSION REPORT:** This item was not considered by the Board and continued to October 27, 2009.

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

**CLOSED SESSION REPORT:** The Board conferred with counsel and provided direction to staff and counsel on how proceed to limit exposure.


e. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation.

(1) Department of Fair Employment and Housing v. Monterey County, et al.; Paul Michael Breech, Real Party in Interest (MCSC Case No. M96824)

**CLOSED SESSION REPORT:** The Board conferred with legal counsel and provided direction to counsel on how to settle this matter and provided settlement parameters.

(2) Paul Breech v. County of Monterey (Workers’ Compensation Appeals Board Case Nos. SAL 114901 and SAL 114902 (Added via addendum)

**CLOSED SESSION REPORT:** The Board conferred with counsel and no final direction was given.

10:30 A.M.

**ROLL CALL:**
Present: Supervisors Calcagno (Chair), Armenta, Salinas, Parker, and Potter.
NOTE: Pursuant to Government Code Section 54953, Subdivision (b), the following Council meeting included teleconference participation by Supervisor Dave Potter from the Hyatt Regency Sacramento, 1209 L Street, Sacramento, CA  95814

3. The Pledge of Allegiance was led by County Administrative Officer Lew Bauman.

4. 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.

Adjourn in memory of Linda Votaw, a 40 year County employee in the Department of Social Services

5. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)
· Supervisor Parker pulled Consent item No. 20.

Motion by Supervisor Salinas, seconded by Supervisor Parker. ALL AYES
6. CONSENT CALENDAR - MONTEREY COUNTY REDEVELOPMENT AGENCY (See Supplemental Sheet)
   Motion by Supervisor Salinas, seconded by Supervisor Armenta. 4-0
   (Supervisor Potter Absent)

OTHER BOARD MATTERS:

7. Board Comments
   · Supervisor Armenta announced that he and Supervisor Salinas have been invited to a community meeting with the Monterey County Mental Health Commission on Thursday, October 22, 2009 from 6:30 pm – 8:00 pm at the Cesar Chavez Elementary School for parents and children affected on an emotional, anxiety and fear level related to the violence in Salinas.

8. CAO Comments and Referrals
   · County Administrative Officer Lew Bauman announced he will be working with Supervisor Armenta’s office on a formal referral regarding itinerant vendors and fees, as well as working with Planning, Building and the Sheriff’s Office to bring this item October 27, 2009.

9. Public Comment
   · Hans Jongens

9.1 Resolution No. 09-418 ratified and extended the County Administrative Officer’s Proclamation of Local Emergency dated October 13, 2009. (Added via Addendum)
   Motion by Supervisor Salinas, seconded by Supervisor Parker. 4-0
   (Supervisor Potter Absent)

APPOINTMENTS:

10. Appointed Hilary Orzel to the Commission on the Status of Women, term ending February 1, 2011. (District 4)
    Motion by Supervisor Parker, seconded by Supervisor Salinas. 4-0
    (Supervisor Potter Absent)

11. Appointed Lavonne Chin to the Emergency Medical Services Council, term ending June 30, 2011. (Full Board)
    Motion by Supervisor Parker, seconded by Supervisor Salinas. 4-0
    (Supervisor Potter Absent)

SCHEDULED MATTERS:

S-1 Accepted and approved the Community Restorative Justice Commission 2009 Annual Report.
Motion by Supervisor Parker, seconded by Supervisor Salinas. 4-0 
(Supervisor Potter Absent)

S-2 Accepted an oral presentation on the Monterey County Health Profile 2008: Children and Youth, from the Monterey County Health Department’s Surveillance and Preparedness Manager.

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

11:30 A.M. Recessed to Lunch - Closed Session

2:00 P.M. RECONVENED

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

SCHEDULED MATTERS:

Continued to October 27, 2009
S-3 a. Consideration of Resolutions/Agreements for County-initiated Notice of Non-Renewal of all or part of 13 Williamson Act Land Conservation Contracts and Farmland Security Zone Contracts due to not meeting Williamson Act Program and County Contract requirements; and
b. Provide direction to staff for developing a Monitoring and Enforcement Program for Williamson Act Land Conservation Contracts and Farmland Security Zone Contracts. (PD091035/Williamson Act Non-Renewals 2010)

Motion by Supervisor Salinas, seconded by Supervisor Armenta to continue this matter to October 27, 2009 at 1:30 p.m. 4-0 (Supervisor Potter Absent)

S-4 a. Conducted a public hearing and adopted Resolution No. 09-416 adopting the Neighborhood Stabilization Program (NSP) Program Income Reuse Plan, authorized the Redevelopment and Housing Director to submit it to the State and make minor corrections and modifications to meet State requirements; and
b. Adopted Resolution No. 09-416 which confirms and ratifies Resolution No. 09-269 and amends said Resolution clarifying the authority granted to the Redevelopment and Housing Director related to signing the Grant Agreement and any subsequent amendment thereto, with the State of California.

Motion by Supervisor Parker, seconded by Supervisor Salinas. 4-0 
(Supervisor Potter Absent)

S-5 a. Received a report from the Planning Department, in response to a Board of Supervisors referral, on implementation of the Mills Act (California Government Code, Sections 50280 - 50290, a State law allowing contracts between the county and private property owners to restore and maintain qualified historic properties in exchange for property tax reductions);
b. Provided direction to staff to draft an ordinance allowing a limited number of historic property contracts; and

c. Directed staff to return to the Board by March 23, 2010 with a draft ordinance and associated financial impact scenarios. (Ordinance PLN080298/Mills Act Ordinance, County-Wide)

Public comment: Joel Panzer, Belinda Taluban, Mark Edward Norris

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

S-6 Board Budget No. 09/10-041

a. Received and accepted the Fiscal Year 2008-09 Budget End of Year Report from the County Administrative Office.

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

ORDER FOR ADJOURNMENT

In Memory of Linda Votaw

APPROVED:

__________________________________________
LOUIS R. CALCAGNO, CHAIR
BOARD OF SUPERVISORS

ATTEST: GAIL T. BORKOWSKI
Clerk of the Board

BY: ___________________________
CONSENT CALENDAR

HEALTH AND SOCIAL SERVICES:

12. Agreement No. A-11554; Board Budget No. 09/10-042
   a. Approved and authorized the Director of the Department of Social and Employment Services, or his designee, to sign an agreement for $580,100 with Housing Resource Center of Monterey County to provide shelter for families facing emergency circumstances, including domestic violence, for the period July 28, 2009 through September 30, 2010;
   b. Authorized the Director of the Department of Social and Employment Services, or his designee, to sign up to three (3) amendments to this Agreement where the total amendments do not exceed ten percent (10%) of the original contract amount and do not significantly change the scope of work; and
   c. Directed the Auditor-Controller to amend the Department of Social and Employment Services Fiscal Year 2009-10 adopted budget SOC005-001-5010-8262 to increase appropriations and estimated revenues of $580,100 as indicated in the Board Order.

13. Board Budget No. 09/10-043
   a. Authorized the fixed asset purchase of a laboratory/pharmacy grade 38 cubic foot refrigerator, in the amount of $7,400, for the storage of vaccine; and
   b. Directed the Auditor-Controller to transfer Fiscal Year 2009-10 Health Department Budget 4000 appropriations as outlined in the attached Board Order (4/5th vote required).

   a. Approved and authorized the Director of the Department of Social & Employment Services, or his designee, to sign agreement MI-0910-32 for $15,840 with the California Department of Aging for the Medicare Improvements for Patients and Providers Act of the Health Insurance Counseling and Advocacy Program; and
   b. Authorized the Director of the Department of Social & Employment Services, or his designee, to sign up to three (3) amendments to this agreement, where the total amendments do not exceed 10% of the original contract amount, and do not significantly change the scope of work.

15. Board Budget No. 09/10-044
   a. Amended Health Department budget 4000, HEA003, to reallocate a vacant 1.0 FTE Laboratory Assistant to 1.0 FTE Public Health Microbiologist II; and
b. Directed the Auditor-Controller to amend the adopted Fiscal Year 2009-10 Health Department Budget 4000, HEA003, to reflect the change in position count as outlined in the Board Order (4/5th vote required).

CRIMINAL JUSTICE:

16. Accepted and approved the Fiscal Year 2007-08 Children’s Council of Monterey County Annual Report to the Board of Supervisors.

17. Board Budget No. 09/10-045
   a. Approved and authorized the Chief Probation Officer to accept a grant award in the amount of $1,427,000 from the US Department of Health and Human Services for the Silver Star Gang Prevention and Intervention Program for the period September 30, 2009 through February 28, 2011, and sign all grant-related documents and amendments;
   b. Approved increased estimated revenues and appropriations in the amount of $679,882 in Probation Budget 2550, Unit 816 2 for services funded by the grant in Fiscal Year 2009-10; and
   c. Directed the Auditor-Controller to amend Probation’s Budget for Fiscal Year 2009-10 to reflect the change in revenue and appropriations.

GENERAL GOVERNMENT:

18. Agreement No. A-11552; 2009CONST009
   a. Disallowed any and all bid protests regarding the bid received from Raminha Construction Inc., the lowest responsible bidder;
   b. Awarded a contract in the total amount of $496,675 to Raminha Construction Inc., the lowest responsible bidder, to Construct Lake Nacimiento Entry Site Improvements consisting in general of repaving the existing parking lot, constructing a fish-cleaning station and recreational vehicle sewer dump, and upgrading utilities in Bradley, California, Project No. 08-062, Bid No. 10206-A;
   c. Approved the Performance and Payment Bonds executed and provided by The Guarantee Company of North America USA;
   d. Authorized and establish a ten percent (10%) contingency of $49,668 to provide funding for approved contract change orders; and
   e. Authorized the Parks Director to execute the contract, and subject to the terms of the Public Contract Code, approve amendments to the contract where each amendment does not exceed $37,334, the total of the amendments do not exceed ten percent (10%) of the original contract amount, and any amendments do not significantly change the scope of work.

19. Agreement No. A-11553: 2009CONST008
   a. Waived any irregularities in the bid received from Sharp Engineering and Construction Inc., the lowest responsible bidder; as immaterial, and disallowed any and all bid protests;
b. Awarded a contract in the total amount of $142,000 to Sharp Engineering and Construction Inc., the lowest responsible bidder, to construct a Kiosk at Lake Nacimiento in Bradley, California, Project No. 08-063, Bid No. 10206-B;
c. Approved the Performance and Payment Bonds executed and provided by The Contractors Bonding and Insurance Company;
d. Authorized and establish a ten percent (10%) contingency in the amount of $14,200 to provide funding for approved contract change orders; and
e. Authorized the Parks Director to execute the contract, and subject to the terms of the Public Contract Code, approve amendments to the contract where the total of the amendments do not exceed ten percent (10%) of the original contract amount, and any amendments do not significantly change the scope of work.

20. Board Budget No. 09/10-032
   a. Approved and authorized the Emergency Services Manager to accept a grant from the Federal Department of Homeland Security (DHS) in the amount of $947,114; and
   b. Directed the Auditor-Controller to amend the Fiscal Year 2009-10 Office of Emergency Services Department 1050, Unit 8056, Program HOME to increase estimated revenues and appropriations in the amount of $625,491 (4/5th vote required).

21. Agreement No. A-11217 Corrected the Board Order approved on June 24, 2008 authorizing the Contracts/Purchasing Officer to sign a "Wireless Communication Site Lease Agreement" with Crown Castle MU LLC for the Information Technology Department to reflect the intended contract amount not to exceed $43,874.88 for lease fees for the first year and increases of four percent (4%) per year after that for the period of June 15, 2008 through June 30, 2013.

22. Approved the Board of Supervisor Action Minutes of Tuesday, August 25, 2009; Tuesday, September 1, 2009; Tuesday, September 22, 2009; Tuesday, September 29, 2009; and Tuesday October 6, 2009.

23. Board Budget No. 09/10-033
   a. Approved reclassification of 1.0 FTE Secretary to 1.0 FTE Senior Secretary:
   b. Amended the Fiscal Year (FY) 2009-10 Sheriff’s Budget Unit 2300-8232 to delete 1.0 FTE Secretary and add 1.0 FTE Senior Secretary;
   c. Approved the retroactive payment of the rate difference effective March 14, 2009; and
   d. Directed the Auditor-Controller to incorporate the change in the FY 2009-10 Sheriff’s Budget Unit 2300-8232.

25. Agreement No. A-10716
   a. Approved and authorized the Director of Information Technology to sign addendum Exhibit B, to extend License Agreement with Allen Systems Group, Inc. (ASG), previously approved by the Board of Supervisors on
October 31, 2006, for the period of October 1, 2009 through September 30, 2010, to provide software used for managing mainframe print functions and archiving in an amount not to exceed $36,499.00 for the license and $16,428.00 for maintenance;

b. Approved and authorized the Director of Information Technology to extend the maintenance portion of this agreement for two (2) additional one-year periods with price increases on the maintenance portion not to exceed ten percent (10%); and

c. Directed the Auditor-Controller to make payments for services provided under the Agreement upon approval of the Information Technology Department.

25.1 Adopted Resolution No. 09-404 to authorize the Designation of the County Administrative Officer, or designee, as the County of Monterey’s Applicant Agent for the purpose of obtaining state financial assistance under the California Disaster Assistance Act in conjunction with the 2009 California wildfires, CDAA-2009-06 Wildfires. (Added via Addendum)

RMA - PLANNING DEPARTMENT:

26. a. Authorized Planning Director to execute "Release of Liability" from "Land Conservation Agreement No. 68-93" established per Resolution No. 68-56-93, between the County of Monterey, a political subdivision of the State of California, and Sumner D. Gould and Anna M. Gould to current property Owner, Neil P. Mussallem; and

b. Directed Clerk of the Board to record "Release of Liability" with the County Recorder.

RMA - PUBLIC WORKS:

27. a. Adopted Resolution No. 09-405 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 No. 09-405 ratifying the execution of emergency contracts and emergency actions taken by the Contracts/Purchasing Officer, or his designee, to respond to the emergency.

28. Adopted Resolution No. 09-406 formally memorializing the Monterey County Youth Center Sports Complex located at 970 Circle Drive, Salinas, California, in memory of late Division Director of Juvenile Hall, Kenneth L. Tutt

29. Adopted Resolution No. 09-407 formally memorializing the new County Health Department Headquarters Building located at 1270 Natividad Road, Salinas, California, in memory of late County Supervisor, Gerald "Jerry" C. Smith.
RMA - MONTEREY COUNTY REDEVELOPMENT AGENCY:

30. Agreement No. A-09003 Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey: Approved and authorized Chair of the Board of Directors of the Redevelopment Agency to sign Implementation Agreement No. 6 to the Japanese School Disposition and Development Agreement No. A-09003 (DDA) between the Redevelopment Agency of Monterey County and the North County Recreation and Park District (NCRPD) modifying their loan repayment terms.

31. **Removed via Addendum See Item 25.1** Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey: Adopt Resolution to authorize the Designation of the County Administrative Officer, or designee, as the County of Monterey’s Applicant Agent for the purpose of obtaining state financial assistance under the California Disaster Assistance Act in conjunction with the 2009 California wildfires, CDAA 2009-06 Wildfires.

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