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

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

TUESDAY, SEPTEMBER 30, 2008
9:00 A.M.

9:00 A.M.

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

S-1  Closed Session under Government Code section 54950, relating to the following items:

CLOSED SESSION 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-1  S-1  e.  Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing initiation.
   1.  In re: Washington Mutual, Inc.  (United States Bankruptcy Court, Delaware, Case No. 08-12229-MFW)
Motion by Supervisor Mettee-McCutcheon, seconded by Supervisor Salinas.
4 Ayes – 1 absent Supervisor Potter

NOTE: Supervisor Potter was present during Closed Session.
S-1  a. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding two three items of significant exposure to litigation.

RESULTS OF CLOSED SESSION: The Board conferred with County Counsel regarding three items of exposure to litigation; in two of those matters no final action was taken. In one item the Board authorized County Counsel to retain a law firm in that matter.

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

RESULTS OF CLOSED SESSION: The Board authorized initiation of litigation if necessary and would do so and report back to the Board if necessary.

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

  1. David Sabih vs. County of Monterey, et al.; Dale Skeen and Joe Mei Chang, Real Parties in Interest

RESULTS OF CLOSED SESSION: The Board directed Counsel on how to proceed in that litigation.

SA-1  d. Pursuant to Government Code section 54956.9(b), the Board will confer with real property negotiators.

  Property: The public rights of way in Waste Management Company’s "Western Franchise" and "Northeastern Franchise" areas of the County.

  Agency Negotiator: Len Foster

  Negotiating Parties: County of Monterey and Waste Management Corporation

  Under negotiation: Price and terms

RESULTS OF CLOSED SESSION: The Board provided direction to negotiators regarding price and terms.

AC-1  e. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing initiation.

  1. In re: Washington Mutual, Inc. (United States Bankruptcy Court, Delaware, Case No. 08-12229-MFW)

  Motion by Supervisor Mettee-McCutchon, seconded by Supervisor Salinas.

  4 Ayes – 1 absent - Supervisor Potter

RESULTS OF CLOSED SESSION: The Board authorized County Counsel to retain a law firm to represent the County’s interests in that bankruptcy case.

ROLL CALL:

Present: Supervisor Armenta (Chair), Calcagno, Salinas, Mettee-McCutchon, Potter

1. Pledge of Allegiance was led by Supervisor Armenta
2. Additions and Corrections The Clerk of the Board will announce agenda corrections and proposed additions, which were acted on by the Board as provided in Sections 54954.2 of the California Government Code.

The Clerk of the Board announced agenda corrections and additions, which were acted on by the Board as provided in Section 54954.2 of the California Government Code.

AC-1 S-1 e. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing initiation.
   1. In re: Washington Mutual, Inc. (United States Bankruptcy Court, Delaware, Case No. 08-12229-MFW)

**NOTE:** This action was taken at the 9:00 a.m. session

3. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)
   PUBLIC COMMENT:
   · Paul Gutierrez questioned if Consent Item 33 will be State or Federal prevailing wage, due to the involvement of the Redevelopment Agency.
   · Hans Jongens asked for the location of the project on Consent Item 25/36.

*Motion by Supervisor Potter balance of Consent Items (excluding Consent Items 33; 25/36), seconded by Supervisor Calcagno. All Ayes*

*Motion to approve Consent Items 33 and 25/36 by Supervisor Potter, seconded by Supervisor Mettee-McCutchon. All ayes*

4. CONSENT CALENDAR - MONTEREY COUNTY REDEVELOPMENT AGENCY (See Supplemental Sheet)
   *Motion by Supervisor Salinas, seconded by Supervisor Potter. All Ayes*

5. CONSENT CALENDAR - MONTEREY COUNTY WATER RESOURCES AGENCY (See Supplemental Sheet)
   *Motion by Supervisor Salinas, seconded by Supervisor Potter. All Ayes*

**OTHER BOARD MATTERS:**

6. Board Comments, Referrals, and Updates - None

7. CAO Comments
   Rosie Pando, Assistant County Administrative Officer, provided summary of Monterey County’s participation in the 17th Annual Swat Team Competition.

8. Public Comment (Limited to 3 minutes per speaker)
   · Hans Jongens, submitted article from Investors Business Daily, spoke about the economic problems in Washington and the stock market; questioned the cost of selling the General Plan.
9. Adopted Resolution No. 08-293 honoring Regina Jones upon her retirement as a Consumer Member, from the Community Health Center Board (formerly, the Primary Care Clinics Council of the Monterey County Health Department Clinic Services Division) for 13 years of volunteer service. (Full Board)

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

APPOINTMENTS:

10. Appointed Mark T. Ruiz to the Greenfield Public Recreation District for a term ending December 31, 2011. (Supervisor Salinas)

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

SCHEDULED MATTERS:

S-2 Accepted an oral report from Elliott Robinson, Director of the Department of Social and Employment Services, marking September 30, 2008, as the kick-off of the 2008-09 Monterey County Employees Giving Campaign.

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

S-3 a. Considered and approved of the response to the Monterey County Civil Grand Jury 2008 Mid-year Final Report;
   b. Authorized the County Administrative Officer to file the approved response with the Presiding Judge of the Superior Court, County of Monterey, by October 14, 2008; and
   c. Authorized the Chair to sign cover letter.

NOTE: Supervisor Potter stepped out during presentation.

Motion by Supervisor Salinas, seconded by Supervisor Armenta. 4 Ayes. 1 Absent – Supervisor Potter

NOTE: Motion to consider Consent Item 21 by Supervisor Mettee-McCutcheon, seconded by Supervisor Salinas. 4 Ayes; 1 absent Supervisor Potter

Motion to approve Consent Item 21 accepting a grant application in the amount of $150,000, seconded by Supervisor Salinas. 4 Ayes, 1 Absent Supervisor Potter

S-4 Board Budget No. 08/09-050
a. Held a Public Hearing to consider Fiscal Year 2008-09 Citizens’ Option for Public Safety (COPS) Program funding requests for the District Attorney’s and Sheriff’s Offices, pursuant to Government Code 30061; and
b. Increased appropriations and estimated revenue by $124,763 in Budget Unit 224 - District Attorney; $183,500 in Budget Unit 230 - Sheriff’s Office Administration and Enforcement Bureau; and $124,763 in Budget Unit 251 - Sheriff’s Office Custody Operations Bureau (4/5th vote required).

Motion by Supervisor Salinas, seconded by Supervisor Calcagno. 4 Ayes 1 Absent – Supervisor Potter
S-5  Considered applicant’s request and continued to October 14, 2008, the public hearing on an appeal from the Minor Subdivision Committee’s adoption of a Mitigated Negative Declaration and Mitigation Monitoring Program and approval of a Coastal Development Permit consisting of a Tentative Parcel Map creating four parcels of 3 acres, 3 acres, 3 acres, and 11 acres, based on the Findings and Evidence and subject to the recommended Conditions. (Appeal – PLN080185/Spanish Congregation, 125 Sill Road (Kinghall Road) North County Area, Coastal Zone)

Motion by Supervisor Salinas to continue to October 14, 2008, seconded by Supervisor Calcagno.
4 Ayes 1 – Absent Supervisor Potter

NOTE: THE BOARD RECONVENED INTO CLOSED SESSION

NOTE: COUNTY COUNSEL READ OUT OF CLOSED SESSION
(See S-1 a-c; SA-1 d; SA-2 a; AC-1 e)

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

(Supplemental Sheet)

S-1 – Scheduled Items    SA - Supplemental Agenda    AC - Additions and Corrections
CONSENT CALENDAR

PUBLIC COMMENT:
· Paul Gutierrez questioned if Consent Item 33 will be State or Federal prevailing wage, due to the involvement of the Redevelopment Agency.
· Hans Jongens asked for the location of the project on Consent Item 25/36.

Motion by Supervisor Potter on balance of Consent Items (excluding Consent Items 33; 25/36), seconded by Supervisor Calcagno. All Ayes

Motion to approve Consent Items 33 and 25/36 by Supervisor Potter, seconded by Supervisor Mettee-McCutchon. All ayes

NATIVIDAD MEDICAL CENTER:

11. a. Received the summary report (Attachment A) outlining completion of the Natividad Medical Center’s (NMC’s) implementation of purchasing delegation deliverables as defined in the Board of Supervisors approved Memoranda of Understanding (MOU) for delegation of administrative authorities for purchasing functions to NMC effective November 1, 2007;
   b. Approved the current NMC Contracts/Purchasing Manual; and
   c. Authorized the commencement of the delegation of purchasing authority from the County of Monterey to Natividad Medical Center.

12. Agreement No. A-11287 - Authorized the Contracts/Purchasing Manager for the County of Monterey to execute an Agreement with Beacon Partners for Consulting Services for the implementation of the Meditech Emergency Department Management (EDM) Module in an amount not to exceed $127,600 for the period September 1, 2008 to March 31, 2009.

HEALTH AND SOCIAL SERVICES:

13. Agreement Nos. A-11289 (VNA); A-11288 (Legal Services for Seniors)
   a. Approved and authorized the Director of the Department of Social & Employment Services, or his designee, to sign contracts with Legal Services for Seniors and VNA Community Services, Inc., for a total of $255,522 to provide services to Monterey County seniors for the period July 1, 2008, through June 30, 2009; and
   b. Authorized the Director of the Department of Social & Employment Services, or his designee, to sign up to three (3) amendments to these agreements where the total amendments do not exceed ten percent (10%) of the original contract amounts, and do not significantly change the scopes of work.

14. a. Agreement No. A-11290 - Approved and authorized the Director of Health to sign an Agreement with John Muir Behavioral Health Center for the provision
of mental health services effective July 1, 2008, through June 30, 2011 for a total amount not to exceed $150,000; and
b. Authorized the Director of Health, to sign up to three (3) future amendments to this agreement where the amendments do not exceed ten percent (10%) of the original contract amount, and do not significantly change the scope of work.

15. Board Budget No. 08/09-051
   a. Approved and authorized the Health Department Clinic Services Budget Unit 413 to reallocate as follows: reallocate one (1.0) FTE Administrative Services Officer to one (1.0) FTE Accountant II; reallocate one (1.0) FTE Senior Departmental Information Systems Coordinator to one (1.0) FTE Accountant II; and reallocate one (1.0) FTE Patient Account Representative II to one (1.0) FTE Senior Patient Account Representative; and
b. Directed the Auditor-Controller to amend the Fiscal Year 2008-09 Health Department Clinic Services Budget Unit 413 to reflect the changes in position counts as outlined in the Board Order.

16. Resolution No. 08-294 proclaimed state of local emergency relating to the spread of HIV among injection drug users in Monterey County.

CRIMINAL JUSTICE:

17. Agreement No. A-11295; Board Budget No. 08/09-052
   a. Approved and authorized the Sheriff to accept the Governor’s Office of Emergency Services grant for $270,000 to fund the Monterey County Agricultural Crime Task Force, with a Joint Powers Agreement between the Sheriff and District Attorney, for the period of July 1, 2008, through June 30, 2009;
   b. Approved Fiscal Year (FY) 2008-09 amendment to Sheriff’s Budget Unit 230 to delete one (1.0) Deputy Sheriff; and
   c. Directed the Auditor-Controller to amend FY 2008-09 Sheriff’s Budget Unit 230 to change the position count (4/5th vote required).

18. Agreement No. A-11291 - Approved and authorized the Sheriff to sign a Professional Services Agreement with Identix, A L-1 Identity Solutions Company, in the amount of $56,731.00, effective March 9, 2008 through May 31, 2009, for maintenance and support services for Live Scan Fingerprint equipment located at the Sheriff’s Office and various law enforcement agencies within Monterey County and to sign up to three (3) future amendments to this Agreement not exceeding ten percent (10%) of the contract amount.

GENERAL GOVERNMENT:
19. Accepted the Monterey County Agricultural Advisory Committee Annual Report covering the period of July 1, 2007, through June 30, 2008.

20./34. Agreement No. A-11292 - Approved and authorized the Chair of the Board of Supervisors to sign a Memorandum of Agreement between the County of Monterey and the Redevelopment Agency of the County of Monterey for the financing, design and construction of Artichoke Avenue (Phase One) in Castroville.

21. Approved and authorized the Chair of the Board to sign a letter of support for the Monterey County Business Council and California State University Monterey Bay planning and development grant application to the Economic Development Administration (EDA).

22. Board Budget No. 08/09-053
   a. Approved increased estimated revenues and appropriations in the amount of $250,609 in Budget Unit (BU) 152- Emergency Communications (4/5th vote required);
   b. Approved transfer of $27,563 from BU 990- Contingencies to BU 152- Emergency Communications (4/5th vote required); and
   c. Directed the Auditor-Controller to incorporate approved changes in the Fiscal Year 2008-09 Budget as detailed on the Board Order.

23. Board Budget No. 08/09-054
   a. Received a status report on programs currently funded for the first quarter of Fiscal Year (FY) 2008-09;
   b. Approved use of $530,627 from the FY 2006-07 Undesignated/ Unreserved Available Fund Balance retained to provide for cash flow and contingent financial resources (4/5th Vote Required);
   c. Approved increased appropriations of $248,424 in Budget Unit (BU) 235-Joint Gang Task Force; $141,413 in BU 256-Juvenile Institutions and Alternative Programs; $108,254 in BU 416-Public Guardian; $177,524 in BU 417-Alcohol and Drug Programs (4/5th vote required);
   d. Approved increased estimated revenues by $269,884 and increase appropriations by $124,896 in BU 193-Information Technology (4/5th vote required); and
   e. Directed the Auditor-Controller to incorporate approved changes in the FY 2008-09 Budget.

RMA - PLANNING DEPARTMENT:

24. a. Accepted the Conservation and Scenic Easement Deed for Daniel J. Keig (PLN040023) for property located at 120 Crest Road, Carmel area, Coastal Zone (APN: 241-221-005-000);
   b. Authorized the Chair of the Board of Supervisors to sign the Conservation and Scenic Easement Deed; and
c. Directed the Clerk of the Board to submit the Conservation and Scenic Easement Deed to the County Recorder for filing/recordation. (Conservation and Scenic Easement Deed - PLN040023 / Keig 120 Crest Road Carmel Coastal LUP area)

25./36. Board Budget No. 08/09-055
   a. Accepted Parcel Map for the Minor Subdivision of an existing 23.43 acre lot to be subdivided into four residential lots: Parcel 1 will consist of 5.00 acres; Parcel 2 will consist of 5.53 acres; Parcel 3 will consist of 6.30 acres; Parcel 4 will consist of 6.57 including a 60-foot wide road and utilities easement across all parcels; the Road and Drainage Maintenance Agreement, Deed of Trust and Assignments of Rents, the Subdivision Improvement Agreement, Deed Restriction and Covenants, Notice of Water Conservation and Landscaping Requirements, Parks Department In-Lieu Fees, Deed Notification for Percolation Report, Deed Notification for Parcel 1 Wastewater, Deed Notification for Parcel 3 Wastewater and Deed Restriction for Parcel 3 Bedroom Count Limitations;
   b. Authorized the Chair of the Board of Supervisors to execute the Subdivision Improvement Agreement;
   c. Authorized the Chair of the Water Resources Agency to execute the Road and Drainage Maintenance Agreement;
   d. Authorized the Parks Department to deposit the recreation in lieu fee of $2,652.30 in the Recreation in Lieu Fee Trust Account No. 080-3473; and
   e. Directed the Clerk of the Board to submit the Parcel Map, the Subdivision Improvement Agreement, Road and Drainage Maintenance Agreement, Deed of Trust and Assignment of Rents, Deed Restriction and Covenants, Notice of Water Conservation and Landscaping Requirements, Deed Notification for Percolation Report, Deed Notification for Parcel 1 Wastewater, Deed Notification for Parcel 3 Wastewater, and Deed Restriction for Parcel 3 Bedroom Count Limitations to the County Recorder for filing. (Parcel Map - PLN980663/Jenkins, located south of San Benancio Canyon Road, three miles east of Highway 68, Salinas, (Toro area)).

RMA - PUBLIC WORKS:

26.   a. Adopted Resolution No. 08-295 finding that the closure of the North Wing of the Monterey County Courthouse continues to pose an emergency requiring immediate action; and
   b. Adopted a Resolution ratifying 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).

27.   a. Adopted Resolution No. 08-296 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).

28. a. Set a public hearing for unmet transit needs in the unincorporated area of Monterey County on October 28, 2008, at 10:30 a.m., in preparation for Fiscal Year 2009-10 Local Transportation Fund allocations; and
b. Directed the Clerk of the Board to publish a Notice of Public Hearing ten days prior to the hearing in The Californian, Monterey County Herald, and King City Rustler.

29. a. Agreement No. A-07352 - Approved and authorized the Contracts/Purchasing Officer to execute Amendment No. 4 to renew Lease Agreement A-07352 through July 31, 2011, with Prunedale Shopping Center, LP, for 7,200 square feet of space located at 17822 Moro Road, Prunedale, California, for use by the Monterey County Free Libraries, Prunedale Branch;
b. Directed the Auditor-Controller to make lease payments of $3,594.24 per month, effective March 1, 2008, and in accordance with the terms of the agreement; and
c. Authorized the optional extension of the Lease Agreement for two additional five-year periods under the same terms and conditions, if deemed by the Contracts/Purchasing Officer to be in the best interest of the County.

30. a. Approved and authorized the Contracts/Purchasing Officer to execute a Grant of Easement, effective upon Board approval, to Pacific Bell Telephone Company, a California Corporation dba, AT&T California, for the purpose of installing a fiber-optic conduit pathway under County-owned property located at 855 East Laurel Drive in Salinas, California, specifically for special federal- and state-funded school projects at the Salinas Union High School District’s Mission Trails Regional Occupational Programs facility; and
b. Authorized the Acting Public Works Director to accept the Grant of Easement for Recordation on behalf of the County.

31. a. Agreement No. A-11293 - Approved Hold Harmless and Indemnification Agreements between the County of Monterey and the Rosenberg Family Ranch, LLC, and Ronald Wayne Bernard in connection with a Community Cleanup Day in San Ardo on October 4, 2008; and
b. Authorized the Acting Public Works Director to execute the Agreements on behalf of the County.

32. Agreement No. A-11298; 2008CONST0006
a. Awarded a contract in the total amount of $69,775 to Scheel Construction and Development, the lowest responsible bidder, to Construct Improvements - Information Technology Building, 1590 Moffett Street, Salinas, California, Project No. 8523, Bid No. 10049;
b. Approved the Performance and Payment Bonds executed and provided by Scheel Construction and Development;
c. Authorized a contingency (not to exceed ten percent (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.

MONTEREY COUNTY REDEVELOPMENT AGENCY:

33. Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey: Agreement No. A-11294
   a. Approved a $540,000 Loan Agreement with Mid-Peninsula Castroville Associates for the acquisition and development of property on Merritt Street in Castroville for the Cynara Court I affordable housing project;
b. Approved the Operating Agreement for Cynara Court I and II; and
c. Authorized the Redevelopment and Housing Director to execute the Loan Agreement, Operating Agreement and related documents and amendments as authorized in the Agreements.

34./20. Agreement No. A-11292 - Acting as the Board of Directors of the Redevelopment Agency, approved and authorized the Chair to sign a Memorandum of Agreement between the County of Monterey and the Redevelopment Agency of the County of Monterey for the financing, design and construction of Artichoke Avenue (Phase One) in Castroville.

MONTEREY COUNTY WATER RESOURCES AGENCY:

35. Approved the following revisions to the Monterey County Water Resources Agency’s FY 2008-2009 budget:
   a. Decrease appropriation in Fund 260, Budget Unit 930, Account 6499, Other Special Departmental Expense by $330,000;
b. Increase estimated revenue in Fund 260, Budget Unit 930, Account 5795 Hydro-electric Power Revenue, by $195,000 (4/5ths vote required), and
c. Increase appropriation for the purchase of a Log Boom and Flow Meter in Fund 260, Budget Unit 930, Account 6890 (Fixed Assets) by $525,000 (4/5ths vote required);
d. Increase estimated revenue in Fund 206, Budget Unit 930, Account 4899 Other State Aid, by $510,000;
e. Increase appropriation in Fund 206, Budget Unit 930, Account 6499, Other Special Departmental Expense by $124,000; and
f. Increase appropriation in Fund 206, Budget Unit 930, Account 6463, Other Outside Consultants, by $386,000.

36./25. Board Budget No. 08/09-055
a. Accepted Parcel Map for the Minor Subdivision of an existing 23.43 acre lot to be subdivided into four residential lots: Parcel 1 will consist of 5.00 acres; Parcel 2 will consist of 5.53 acres; Parcel 3 will consist of 6.30 acres; Parcel 4 will consist of 6.57 including a 60-foot wide road and utilities easement across all parcels; the Road and Drainage Maintenance Agreement, Deed of Trust and Assignments of Rents, the Subdivision Improvement Agreement, Deed Restriction and Covenants, Notice of Water Conservation and Landscaping Requirements, Parks Department In-Lieu Fees, Deed Notification for Percolation Report, Deed Notification for Parcel 1 Wastewater, Deed Notification for Parcel 3 Wastewater and Deed Restriction for Parcel 3 Bedroom Count Limitations;

b. Authorized the Chair of the Board of Supervisors to execute the Subdivision Improvement Agreement;

c. Authorized the Chair of the Water Resources Agency to execute the Road and Drainage Maintenance Agreement;

d. Authorized the Parks Department to deposit the recreation in lieu fee of $2,652.30 in the Recreation in Lieu Fee Trust Account No. 080-3473; and

e. Directed the Clerk of the Board to submit the Parcel Map, the Subdivision Improvement Agreement, Road and Drainage Maintenance Agreement, Deed of Trust and Assignment of Rents, Deed Restriction and Covenants, Notice of Water Conservation and Landscaping Requirements, Deed Notification for Percolation Report, Deed Notification for Parcel 1 Wastewater, Deed Notification for Parcel 3 Wastewater, and Deed Restriction for Parcel 3 Bedroom Count Limitations to the County Recorder for filing. (Parcel Map - PLN980663/Jenkins, located south of San Benancio Canyon Road, three miles east of Highway 68, Salinas, (Toro area)).

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