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

TUESDAY, AUGUST 24, 2010
9:00 A.M.

9:00 A.M.

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

1. Additions and Corrections for Closed Session: There were no additions or corrections to Closed Session.

CLOSED SESSION

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

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:

   CLOSED SESSION REPORT: The Board provided direction to counsel to continue proceeding in this matter.
2) United States v. State of Arizona, et al.; USDC AZ Case No. 2:10-cv-01413-SRB; 9th Cir. Case No. 10-16645
CLOSED SESSION REPORT: The Board provided direction to counsel to continue proceeding in this matter.

3) The Sapiens Group Grievance; State Mediation and Conciliation Service No. ARB-09-0308)
CLOSED SESSION REPORT: The Board approved a side-letter to resolve this action with the Union. The letter will be available in County Counsel’s office when it is signed. Both parties have agreed to the side-letter.

(4) Stagecoach Territory, Inc. v. County of Monterey, et al. (MCSC Case No. M104908)
CLOSED SESSION REPORT: The Board provided direction to counsel on how to proceed in this matter.

b. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding potential initiation of one litigation case.
CLOSED SESSION REPORT: The Board conferred with counsel and provided authorization to settle this matter short of litigation. The agreement will be available in County Counsel’s office when fully executed.

c. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators.
Designated representative: Keith Honda and Dianne Dinsmore; Employee organizations: All Units
CLOSED SESSION REPORT: The Board conferred with labor negotiators and provided direction to Mr. Honda and Ms. Dinsmore on how to proceed in negotiations on the various matters.

e. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators:
(1) Property: 20 East Alisal Street, Salinas
    County negotiator: Wayne Tanda, RMA Director
    Negotiating parties: The County of Monterey and Crocker Corner Partnership
    Under negotiation: Price and terms
CLOSED SESSION REPORT: The Board conferred with real property negotiators and provided authorization to address final negotiation issues.

3. Pledge of Allegiance was led by Supervisor Armenta.

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.
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:

Remove Under Other Board Matters:
13. Adopt Resolution proclaiming September 17 through 23, 2010, as "Constitution Week" in the County of Monterey. (Full Board)

Remove Under Appointments:
21. Appoint Salvador Vasquez to the Pajaro Valley Water Management Agency Board of Directors filling a vacancy, term ending December 1, 2010. (Supervisor Calcagno)

Under Scheduled Items Title Correction:
S-2 Consider continuing the public hearing, as requested by Monterey County staff, to September 21, 2010 to:
Conduct a public hearing to adopt a resolution to approve the transfer of $83,000 in Community Development Block Grant (CDBG) Program Income allocated to the San Lucas Water System Feasibility Study into construction activities for the San Lucas Well Replacement Project
Consider:
a. Adoption of Resolution to approve the transfer of $83,000 in Community Development Block Grant (CDBG) Program Income allocated to the San Lucas Water System Feasibility Study into construction activities for the San Lucas Well Replacement Project;
b. Adoption of Resolution to approve the transfer of $375,000 in Community Development Block Grant Program Income from the Small Business Revolving Loan Account into the San Lucas Well Replacement Project.

Item Removed Under Regular Consent – General Government, pursuant to the request of the Information Services Director:
41. Authorize the Auditor-Controller to transfer appropriations totaling $22,960 from Appropriation Unit INF002 (Information Technology), to Appropriation Unit INF004 (Records Retention) for Fiscal Year 2009-10.

Title Correction Regular Consent – Public Works:
44. Adopt Resolution finding that the recent flood damages to the North Wing of the Salinas Courthouse continue to pose an emergency requiring immediate remedial action and authorize the Director of Public Works to execute any change orders and the Contracts/Purchasing Officer to execute any contract amendments necessary to respond to the emergency (4/5th vote required).
Adopt Resolution finding that the recent flood damages to the North Wing of the Salinas Courthouse continue to pose an emergency requiring
immediate remedial action and ratifying the execution of emergency contracts by the Contracts/Purchasing Officer or his designee to respond to the emergency (4/5th vote required).

**Correction to Adjourn in Memory Name:**
Adjourn in the Memory of Howard Homer M. Hayward. (Supervisor Potter)

**Addition to Adjourn in Memory of:**
Allan Johnson
Motion by Supervisor Parker, seconded by Supervisor Armenta to approve the additions and corrections, as read into the record. 4-0 (Supervisor Potter Absent)

5. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)
   · Supervisor Parker pulled item 30 for comment and advised she is pleased that the program is leveraging funds in a creative way. **See item 30 for motion of approval.**
   · Supervisor Parker pulled item 43 for comment. Alana Knaster provided an update and requested a wording change to Exhibit B 1, Letter of Participation of City of Gonzalez, as stated for the record. **See item 43 for motion of approval.**
   Motion by Supervisor Calcagno, seconded by Supervisor Parker to approve the Consent Calendar – Regular, with the exception of items 30 and 43. 4-0 (Supervisor Potter Absent)

Recessed as the Monterey County Board of Supervisors

Convened as the Boronda County Sanitation District

6. CONSENT CALENDAR - BORONDA COUNTY SANITATION DISTRICT
   (See Supplemental Sheet, Item 45 )
   Motion by Supervisor Calcagno, seconded by Supervisor Parker. 4-0 (Supervisor Potter Absent)

Adjournment

Convened as the Monterey County Redevelopment Agency

7. CONSENT CALENDAR - MONTEREY COUNTY REDEVELOPMENT AGENCY (See Supplemental Sheet, Item 46)
   Motion by Supervisor Parker, seconded by Supervisor Armenta. 4-0 (Supervisor Potter Absent)

Adjournment

Reconvened as the Monterey County Board of Supervisors

MONTEREY COUNTY BOARD OF SUPERVISORS
OTHER BOARD MATTERS:

8. Board Comments
   · Supervisor Armenta requested a small-scale collaborative event be scheduled to recognize the good work of businesses and County staff and the success of the summer youth program.

   · Supervisor Parker thanked the staff of the Office of Employment and Training for bringing their one-stop mobile van to Hot Drinks and Hot Topics last night. She announced that Director of Social and Employment Services Elliott Robinson will be her guest next Monday.

   · Supervisor Calcagno noted the approval of the Marks Ranch purchase, also on today’s agenda, and thanked County staff for their work. Supervisor Calcagno requested County Administrative Office and Budget Office, Treasurer-Tax Collector and Auditor-Controller jointly provide report to the board on August 31, 2010 regarding the 1) estimate of the County’s overall cash position as of August 24, 2010; 2) projection of how long the County’s position will remain positive; and 3) summary of how much money is owed to Monterey County by outside sources, including the State and Federal Government as of August 24, 2010 and a recommendation of possible action to pursue.

   · Supervisor Salinas read a letter from EMQ Families First and their project for students of the Sierra Health Foundation Leadership Program who looked at the best rate of placement stability. They expressed their appreciation to Monterey County Human Services Director and child welfare staff for their efforts in out of home placement stability. Supervisor Salinas thanked Steve Vagnini and organizers and hosts for the West End Celebration event focused on the youth of the community. He commended the City of Sand for hosting the Event.

9. CAO Comments and Referrals
   · County Administrative Officer Bauman introduced Wes Morrill, Monterey County Management Council, who presented new, American flags to Judge John Phillips for Rancho Cielo. Judge Phillips addressed the Board.
   · CAO Bauman advised of a Board referral from Supervisor Calcagno requesting a progress report on the EMS response times, contract compliance and enforcement activities in North County.

10. Public Comment
    · Bill Harris
    · Nina Beety
    · Hans Jongens
RESOLUTIONS

Items 11, 12 and 14 were heard concurrently.

11. Adopted Resolution No. 10-243 honoring Joanne Juarez upon her retirement from the Department of Child Support Services after 29 years of public service. (Full Board)
   Motion by Supervisor Calcagno, seconded by Supervisor Parker. 4-0 (Supervisor Potter Absent)

12. Adopted Resolution No. 10-248 proclaiming August, 2010, as "Child Support Awareness Month" in Monterey County. (Full Board)
   Motion by Supervisor Calcagno, seconded by Supervisor Parker. 4-0 (Supervisor Potter Absent)

13. Adopt Resolution proclaiming September 17 through 23, 2010, as "Constitution Week" in the County of Monterey. (Full Board)

14. Adopted Resolution No. 10-244 requesting the California Department of Transportation to permit temporary off-site parking signage on portions of State Highway 1 and State Highway 68 during the Monterey County Fair and during the Monterey Jazz Festival during 2010.
   Motion by Supervisor Calcagno, seconded by Supervisor Parker. 4-0 (Supervisor Potter Absent)

APPOINTMENTS: Items 15 through 20 were heard concurrently.

15. Appointed Supervisor Salinas and Supervisor Calcagno to the Truck to Rail Advisory Committee (AMBAG).
   Motion by Supervisor Calcagno, seconded by Supervisor Parker. 4-0 (Supervisor Potter Absent)

16. Appointed Judith Sulsona to the Natividad Medical Center Board of Trustees, term ending June 30, 2011. (Full Board)
   Motion by Supervisor Calcagno, seconded by Supervisor Parker. 4-0 (Supervisor Potter Absent)

17. Appointed Cecile Mills to the Mental Health Commission, term ending May 31, 2013. (Supervisor Calcagno)
   Motion by Supervisor Calcagno, seconded by Supervisor Parker. 4-0 (Supervisor Potter Absent)

18. Appointed Deborah Etienne to the Area Developmental Disabilities Board VII to fill an unexpired term ending January 1, 2012. (Supervisor Potter)
   Motion by Supervisor Calcagno, seconded by Supervisor Parker. 4-0 (Supervisor Potter Absent)
19. Appointed Ricardo Torres to the Area Agency on Aging Advisory Council, term ending January 1, 2013. (Full Board)
   Motion by Supervisor Calcagno, seconded by Supervisor Parker. 4-0 (Supervisor Potter Absent)

20. Reappointed Joy Rosales to the Animal Control Advisory Board, term ending July 1, 2012. (Supervisor Calcagno)
   Motion by Supervisor Calcagno, seconded by Supervisor Parker. 4-0 (Supervisor Potter Absent)

21. Appoint Salvador Vasquez to the Pajaro Valley Water Management Agency Board of Directors filling a vacancy, term ending December 1, 2010. (Supervisor Calcagno) Removed via Additions and Corrections

**SCHEDULED MATTERS:**

S-1 Conducted a public hearing and:
   a. Approved the First Time Home Buyer Manual;
   b. Adopted Resolution No. 10-250 that authorizes the submittal of an application to the California Department of Housing and Community Development for a HOME Grant in the amount of $800,000 for Home Buyer Assistance; and
   c. Authorized the Director of the Redevelopment and Housing Office to make minor modifications to the grant application and First Time Homebuyer Manual to comply with State requirements, and sign the grant application submittal documents as well as any contracts, amendments and other documents related to the application and grant funds.
   Motion by Supervisor Calcagno, seconded by Supervisor Parker. 4-0 (Supervisor Potter Absent)

S-2 **Continued to September 21, 2010,** as requested by Monterey County staff
   A public hearing to adopt a resolution to approve the transfer of $83,000 in Community Development Block Grant (CDBG) Program Income allocated to the San Lucas Water System Feasibility Study into construction activities for the San Lucas Well Replacement Project.
   Motion by Supervisor Parker, seconded by Supervisor Armenta. 4-0 (Supervisor Potter Absent)

S-3 Adopted Ordinance 5164 amending the Monterey County Code, Title 12, Section 12.12.015, to establish a 5 m.p.h. speed limit for vehicles over 20 tons at Turner Creek Bridge No. 536 (State No. 44C-0163) and Mill Creek Bridge No. 540 (State No. 44C-0164) on Palo Colorado Road, Big Sur Coastal area.
   Motion by Supervisor Parker, seconded by Supervisor Armenta. 4-0 (Supervisor Potter Absent)
Closed Session Report: (See 2 a, b, c, and e)

ORDER FOR ADJOURNMENT

In Memory of
Homer M. Hayward, Lee Richard Hayman and Allan Johnson

APPROVED:

___________________________________
SIMÓN SALINAS, CHAIR
BOARD OF SUPERVISORS

ATTEST: GAIL T. BORKOWSKI
Clerk of the Board

BY: _________________________
CONSENT CALENDAR

NATIVIDAD MEDICAL CENTER:

22. Agreement No. A-11825 Authorized the Purchasing Manager for Natividad Medical Center (NMC) to execute an Agreement with Mumtaz Tabbaa MD to provide Gastroenterology Services at NMC in an amount not to exceed $200,000 for the period August 1, 2010 to July 31, 2011.

23. Agreement Nos. A-11826; A-11827; A-11828 Authorized the Purchasing Manager for Natividad Medical Center (NMC) to execute Agreements with multiple patient care provider groups (Central Coast Head & Neck (A-11826); Monterey County Eye Associates (A-11827) and Sweet, Renfer & Milanesa (A-11828), to provide patient care services at NMC in a total amount not to exceed $823,000 for the period July 1, 2010 to June 30, 2011.

24. Agreement No. A-11829 Authorized the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. 1 to the Agreement with PSM Medical Imaging Specialists (PSM) for Radiology, Picture Archiving and Communication System (PACS) Administration and Support Services at NMC in an amount not to exceed $170,000 (an increase of $70,000) for the period July 1, 2010 to June 30, 2011.

HEALTH AND SOCIAL SERVICES:

25. Agreement No. A-11830
   a. Approved and authorized the Contracts/Purchasing Officer to sign a three fiscal year term (July 1, 2010 through June 30, 2013) Agreement with Door to Hope for the provision of mental health services in the amount of $211,300 for Fiscal Year (FY) 2010-11; $211,300 for FY 2011-12; and $211,300 for FY 2012-13, for a total Agreement amount of $633,900; to replace Agreement A-11246 which expired June 30, 2010; and
   b. Authorized the Contracts/Purchasing Officer to approve future amendments to his agreement where the amendments do not exceed ten percent (10%) and do not significantly alter the scope of work or result in an increase to net county contribution.

26. Agreement No. A-11831 Authorized the Emergency Medical Services (EMS) Director to sign a contract with the State of California, Office of Administrative Hearings, Department of General Services for the services of Administrative Law Judges (ALJ) to hear appeal cases involving Emergency Medical Technician certification.
27. Approved and authorized the Interim Director of Health to accept a contribution of bicycles, helmets, and training lessons, valued at $2,000, from the Rotary Club of Salinas for the Laurel Pediatric Clinic’s Wellness Day.

28. Agreement No. A-11832
   a. Approved and authorized the Director of the Department of Social and Employment Services to sign an agreement with Alisal Union School District for $175,180 to provide support for the Family-to-Family Initiative in the Salinas 93905 area and to provide CAPIT case management for the period July 1, 2010 through June 30, 2011; and
   b. Authorized the Director of the Department of Social and Employment Services, or his designee, to sign up to (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.

29. Agreement Nos. A-11833; A-11834
   a. Approved and authorized the Director of the Department of Social & Employment Services, or his designee, to sign contracts with Meals on Wheels of the Monterey Peninsula (A-11833), and Meals on Wheels of the Salinas Valley (A-11834) for a total of $659,669 for the period July 1, 2010 through June 30, 2011; 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.

30. Agreement No. A-11835
   a. Approved and authorized the Director of the Department of Social & Employment Services, or his designee, to sign an agreement with McCourt & Calvo Consulting LLC for $201,305 to implement the CARES Program Professional Development Services throughout Monterey County for the period July 1, 2010 through June 30, 2011; 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 ten percent (10%) of the original contract amount, and do not significantly change the scope of work.

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

CRIMINAL JUSTICE:

31. Agreement No. A-11836; Board Budget No. 10/11-019
   a. Transferred funds for $194,478 from Probation Trust Fund502 and for $24,522 from JJCPA Restricted Fund 020 to PRO001-Probation;
   b. Increase appropriations for $219,000 in PRO001-Probation Budget (4/5th vote required);
c. Approved and authorized the Contracts/ Purchasing Officer to sign an agreement in the amount of $300,000 for the period September 1, 2010 through June 30, 2011 with Homeland Justice Systems, Inc. for implementation of the Smart Probation Case Management System;
d. Authorized a modification of the County standard liability language;
e. Approved and authorized the Contracts/ Purchasing Officer to sign up to (3) amendments to this agreement where the total amendments do not exceed ten percent (10%) of the original contract price and do not significantly change the scope of work; and
f. Authorized the Contracts/ Purchasing Officer to execute up to three (3) future amendments for annual software maintenance.

32. Approved and authorized the Sheriff to apply for a grant application in the amount of $268,327 with the California Emergency Management Agency to continue partial funding for the Narcotics Enforcement Unit County of Monterey (NEUCOM) Program for the period of July 1, 2010 through June 30, 2011.

GENERAL GOVERNMENT:

33. Approved Action Minutes of Tuesday, June 8, 2010; Wednesday, June 9, 2010; Tuesday, June 15, 2010 and Tuesday, June 29, 2010.

34. Agreement No. A-11824
   a. Approved a Purchase and Sale Agreement between the Big Sur Land Trust (seller) and the County of Monterey (purchaser) for the County’s acquisition of a 624 acre portion of the Marks Ranch contingent upon the award of a funding Grant from the State of California Wildlife Conservation Board (WCB);
   b. Directed the Chair of the Board to execute the Agreement on behalf of the County of Monterey; and
   c. Authorized the Director of Parks to utilize the Agreement and associated documents as part of the County’s presentation to the WCB in support of the County’s Grant application and accept a Grant if offered pursuant to Prior Board Authorization.

35. a. Considered a request to join the California Enterprise Development Authority (CEDA);
   b. Adopt Resolution No. 10-245 authorizing the Chair of the Board of Supervisors to execute the CEDA Associate Membership Agreement; and
   c. Adopted procedures for processing conduit financing applications authorizing the County Debt Manager to undertake actions related to the conduit financing.

36. Adopted Resolution No. 10-246 approving the distribution of excess proceeds on four properties, resulting from the sale of property at Tax Collector’s public internet auction.
37. Received a matrix from the County Administrative Office of action items requested by the Board of Supervisors during Fiscal Year 2010-11 Budget Hearings and the June 29, 2010, Board Meeting.

38. Agreement No. A-08158
Approved and authorized the Parks Director to sign Amendment No. 2 to the Professional Services Agreement No. A-08158 with Tri-California Events, Inc. (Wildflower Festival).

39. Adopted Resolution No. 10-247 designating County staff positions to authorize and execute documents and applications for the purpose of obtaining financial assistance with the Fiscal Year 2010 Emergency Management Performance Grant.

40. Board Budget No. 10/11-020
a. Approved reclassification of one Finance Manager I to Finance Manager II;
b. Amended the Fiscal Year (FY) 2010-2011 Treasurer-Tax Collector Budget 1170-8264 to delete one Finance Manager I and add one Finance Manager II; and
c. Authorized the Auditor-Controller to incorporate this change into the FY 2010-11 Adopted Budget.

41. Authorize the Auditor Controller to transfer appropriations totaling $22,960 from Appropriation Unit INF002 (Information Technology), to Appropriation Unit INF004 (Records Retention) for Fiscal Year 2009-10.

42. Agreement Nos. A-11837; A-11838; A-11839
a. Approved and authorized the Contracts/Purchasing Officer to sign Master Agreements between the County of Monterey and Johnson Electronics Inc. (A-11837); Direct Line Communications (A-11838) and Cal Coast Telecom (A-11839) for the provision of installation services of low voltage cabling for telecommunication infrastructures on an as-needed basis for an initial term of three years, effective from the date of execution through and including June 30, 2013, the aggregate amount not to exceed $450,000 for the initial term;
b. Approved and authorized the Contracts/Purchasing Officer to exercise the option to extend the Master Agreements for two additional one-year terms in accordance with the terms and conditions set forth within each agreement and the Request for Proposal (RFP) No. 10180; the total aggregate amount not to exceed $750,000 for the full five-year term; and
c. Authorized the Contracts/Purchasing Officer to sign future amendments where the amendments do not exceed ten percent of the original agreement amount and do not significantly change the scope of work and
d. Authorized the Contracts/Purchasing Officer to execute similar additional Agreements for low voltage cabling installation services with qualified contractors who meet the minimum requirements of the County of Monterey.
RMA - PLANNING DEPARTMENT:

43. a. Approved and authorized the Chair to sign two letters of intent and adopted Resolution No. 10-251 to participate in three Sustainable Communities Planning Grant and Incentives Program grant applications as follows: 1. Support as a participant, the application to be submitted by the City of Gonzales for Focus Area No. 1: Local Sustainable Planning; 2. Support as a participant, the application to be submitted by AMBAG for Focus Area No. 2: Regional SB375 Plus; and 3. Adopt Resolution committing the County to serve as the applicant for Focus Area No. 3: Regional Planning Activities with Multiple Partners; and

b. Authorized the County Administrative Officer or his designee to sign application materials in connection with the submission of the grant application for Focus Area No. 3: Regional Planning Activities with Multiple Partners. (REF100021/Sustainable Communities Grant Application)

Motion by Supervisor Parker, seconded by Supervisor Armenta to approve staff recommendations, including language change to Exhibit B 1. Letter of Participation of City of Gonzalez, as follows: "Support as a participant the application to be submitted by the City of Gonzales for Focus Area 1 Local Sustainable planning or economically disadvantaged community set-aside. 4-0 (Supervisor Potter Absent)

RMA - PUBLIC WORKS:

44. Adopted Resolution No. 10-249 finding that the recent flood damages to the North Wing of the Salinas Courthouse continue to pose an emergency requiring immediate remedial action and ratifying the execution of emergency contracts by the Contracts/Purchasing Officer or his designee to respond to the emergency (4/5th vote required).

BORONDA COUNTY SANITATION DISTRICT

45. Board Budget No. 10/11-022 Acting as the Board of Supervisors of the Boronda County Sanitation District:

a. Authorized the Auditor-Controller to approve and transfer appropriations totaling $28,760.56 from the Boronda County Sanitation Sewer Revenue Bond Fund, to the Boronda County Sanitation District, RMA045, to eliminate duplicate, unused fund; and

b. Authorized the Auditor-Controller to amend the Fiscal Year 2010-11 budget for the Boronda County Sanitation District, RMA045, to increase revenue totaling $28,760.56 in Operating Transfers-In; and increase appropriations totaling $28,760.56 in Maintenance - Public Works (4/5th vote required).
RMA - MONTEREY COUNTY REDEVELOPMENT AGENCY

46. Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey:
   a. Approved a grant Agreement No. A-11840 of $33,083 for improvement of the Reynoso Super Market Building as part of the Castroville Commercial Façade Program; and
   b. Authorized the Director of the Redevelopment and Housing Office to sign the grant agreement.

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