AGENDA
Tuesday, February 10, 2009

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 www.co.monterey.ca.us/cttb/agenda, 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 inteprete, 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 inteprete. Los pedidos se deberán hacer lo mas pronto posible, y a lo mínimo 24 horas de anticipio de 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.
AGENDA

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 of Directors of the Monterey County Water Resources Agency will confer with legal counsel regarding existing litigation.

   b. Pursuant to Government Code section 54956.95, the Board will confer with legal counsel regarding a liability claim against the County of Monterey.
      1. Sergio Bustamante

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

   d. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the Natividad Medical Center CEO.

   e. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding three items of significant exposure to litigation.

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 Section 54954.2 of the California Government Code.

5. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)

OTHER BOARD MATTERS:

6. Board Comments, Referrals, and Updates

7. CAO Comments

8. 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.

9. Adopt Resolution proclaiming February 11, 2009, as “2-1-1 Day” in Monterey County. (Supervisor Calcagno)

10. Adopt Resolution honoring an “Undisclosed Recipient” upon his selection as the 2008 Cattleman of the Year. (Supervisor Salinas)

11. Adopt Resolution honoring Lavorato, House, Chilton & Lavorato for being named the 2008 Small Business of the Year by the Salinas Valley Chamber of Commerce. (Supervisor Armenta)

12. Adopt Resolution honoring Matsui Nursery for being named the 2008 Large Business of the Year by the Salinas Valley Chamber of Commerce. (Supervisor Armenta)

13. Adopt Resolution honoring Anne C. Leach for being named the 2008 ATHENA Award Recipient by the Salinas Valley Chamber of Commerce. (Supervisor Armenta)

14. Adopt Resolution honoring Peter Kasavan for being named the 2008 Member of the Year by the Salinas Valley Chamber of Commerce. (Supervisor Armenta)

15. Adopt Resolution honoring Jacqueline Cruz-Ortega for being named the 2008 Citizen of the Year by the Salinas Valley Chamber of Commerce. (Supervisor Armenta)
APPOINTMENTS:

16. Reappoint Richard Avelino; Lorenzo Sanchez; and Anne Trebino to the Soledad-Mission Recreation District for terms ending January 31, 2013. (Supervisor Salinas)

17. Reappoint Warren Finch to CSA 50 for a term ending January 1, 2013. (Supervisor Salinas)

18. Reappoint Andre Chapman to the Youth Council of the Monterey County Workforce Investment Board, representing Foster Care, for a term ending February 10, 2011. (Full Board)

19. Appoint Patricia Carter to the Youth Council of the Monterey County Workforce Investment Board, representing Parents of Eligible Youth, for a term ending February 10, 2011. (Full Board)

20. Reappoint Cheryl Ward-Kaiser to the Youth Council of the Monterey County Workforce Investment Board, representing an Individual with Experience in Youth Activities, for a term ending February 10, 2011. (Full Board)

21. Appoint Dr. Phoebe Helm to the Monterey County Workforce Investment Board, representing Economic Development, for a term ending February 10, 2012. (Full Board)

22. Reappoint David Bernahl, II to the Monterey County Workforce Investment Board, representing Business, for a term ending February 10, 2012. (Full Board)

23. Appoint Frank La Macchia to the Fish and Game Advisory Commission for a term ending February 1, 2012. (Supervisor Salinas)


25. Appoint Kay Kirkland to the Equal Opportunity Advisory Commission for a term ending at the pleasure of the Board. (Supervisor Potter)

SCHEDULED MATTERS:

S-1 Receive and accept a preliminary status report on: 1) the estimated financial impact to Monterey County as a result of the proposed Governor’s Fiscal Year 2009-10 State Budget released December 31, 2008, and 2) the impacts of cash payment delays recently announced by the State Controller.

S-2 a. Deny the appeal by Valera Lyles from the Planning Commission's approval of an application for a Combined Development Permit; and
b. Approve the application for the Combined Development Permit consisting of:
   a Coastal Administrative Permit to allow the construction of a 476 square foot
   second-story addition and 30 square foot addition to the existing first floor,
   100 square foot second floor deck, and 52 square foot exterior stair; a Coastal
   Development Permit to allow development within 750 feet of a known
   archaeological resource; and Design Approval.
   (Appeal, Discretionary Decision - PLN070584/McDowell, 160 Spindrift Rd,
   Carmel Highlands, Carmel Area Land Use Plan)

**12:00 P.M.**

Recess to Lunch – Joint Board Leadership Meeting

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

**ROLL CALL:**

**SCHEDULED MATTERS:**

S-3 Receive and accept an oral presentation on the Enterprise Resource Planning
(ERP) Project.

**ORDER FOR ADJOURNMENT**

**TO TUESDAY, FEBRUARY 24, 2009**

Future Board Meetings:
Tuesday, February 17, 2009 – No Meeting
Tuesday, February 24, 2009
Tuesday, March 3, 2009
CONSENT CALENDAR

HEALTH AND SOCIAL SERVICES:

26.  a. Approve the Monterey County Department of Health and Behavioral Health Division's participation in the California Counties' Mental Health Services Authority in order to jointly develop and fund mental health services and education programs as determined on a regional, statewide, or other basis;
   b. Authorize the Director of Health to sign the Joint Exercise of Powers Agreement and designate the Behavioral Health Director to act as the representative of Monterey County in the California Counties' Mental Health Services Authority; and
   c. Authorize the Director of Health to sign all future documents pertaining to the Agreement as may be required.

CRIMINAL JUSTICE:

27.  Approve an application and order for destruction of records in the Sheriff's Office (4/5th vote required).

28.  a. Approve and authorize the Chief Probation Officer to sign a Memorandum of Understanding with the Soledad Unified School District for campus-based services funded by the Safe Schools/Healthy Students grant effective July 2, 2008 through July 1, 2009, in the amount of $294,463; and
   b. Authorize the Chief Probation Officer 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.

29.  a. Approve and authorize the Chief Probation Officer to sign a Memorandum of Understanding with the Monterey County Office of Education for the High Risk Youth Education and Public Safety Program - Through and Beyond Program to receive funds in the amount of $185,909 from July 1, 2008 through June 30, 2009; and
   b. Authorize the Chief Probation Officer 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.

GENERAL GOVERNMENT:

31. a. Approve and authorize the Contracts/Purchasing Officer to execute a Professional Services Agreement with McKenna Long & Aldridge LLP in an amount not to exceed $30,000 for the period December 1, 2008, through April 30, 2009, to assist and advise Monterey County in efforts to recover for lost treasury pool investments related to the collapse of Lehman Brothers and Washington Mutual; and
   b. Approve Non-Standard County Liability and Indemnification Provisions as recommended by County Counsel and deemed appropriate to the scope of services requested.

RMA - PUBLIC WORKS:

32. a. Adopt Resolution 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. Adopt 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).

33. a. Approve and authorize the Contracts/Purchasing Officer to execute a one (1) year Lease Agreement, effective May 15, 2009, with Salinas Airport Business Park Partners, for approximately 10,500 square feet of rentable space located at 744B La Guardia Street, Salinas, California, for use by the Agricultural Commissioner;
   b. Direct the Auditor-Controller to make lease payments in the amount of $15,225 per month and in accordance with the terms of the Agreement; and
   c. Authorize the optional extension of the Lease Agreement for an additional second and third term at two years each under the same terms and conditions if deemed by the Contracts/Purchasing Officer to be in the best interest of the County.

34. a. Approve and authorize the Contracts/Purchasing Officer to renew Lease Agreement A-10468 through April 30, 2010, with Susan Glau Living Trust for 1,008 square feet of space located at 62350 College Street, San Ardo, California, for use by the Monterey County Free Libraries, San Ardo Branch;
   b. Direct the Auditor-Controller to make lease payments of $840.00 per month, effective May 1, 2008, and in accordance with the terms of the Agreement; and
   c. Authorize the optional extension of the Lease Agreement for an additional two (2) year period under the same terms and conditions if deemed by the Contracts/Purchasing Officer to be in the best interest of the County.

35. a. Approve and authorize the Contracts/Purchasing Officer to renew Lease Agreement A-09932 through August 31, 2010, with Magna Plantare, Inc. for 1,655 square feet of space located at 1127 Baldwin Street, Salinas, California,
for use by the Department of Social and Employment Services Family and Children Services Program;

b. Direct the Auditor-Controller to make lease payments of $2,048.99 per month, effective September 1, 2008, and in accordance with the terms of the Agreement; and

c. Authorize the optional extension of the Lease Agreement for three additional two (2) year periods under the same terms and conditions if deemed by the Contracts/Purchasing Officer to be in the best interest of the County.

36. a. Accept Certificate of Completion for construction and installation of the new Youth Center Educational Facility Replacement Project, Project No. 07-881565; and

b. Authorize the Director of Public Works to execute and record the Notice of Completion.

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MONTEREY COUNTY
BOARD OF SUPERVISORS

Supplemental Agenda for Tuesday, February 10, 2009

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

Under Closed Session:
SA-1 2. a. Pursuant to Government Code section 54956.9(a), the Board of Directors of the Monterey County Water Resources Agency will confer with legal counsel regarding existing litigation.

2. McAllister vs. California Coastal Commission, et al., Court of Appeal case number H031283.

SA-2 Receive a PowerPoint presentation from Sheriff’s Advisory Council regarding the Sheriff’s helicopter program.
TITLE CORRECTIONS

**THE FOLLOWING AGENDA ITEMS HAVE HAD CHANGES TO THEIR RECOMMENDED ACTIONS SINCE RELEASE OF THE AGENDA TO THE PUBLIC:**

**Under Closed Session:**
SA-3 2. e. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding **four** items of significant exposure to litigation.

**ITEMS REMOVED FROM AGENDA**

**THE FOLLOWING ITEMS HAVE BEEN REMOVED FROM THE AGENDA SINCE RELEASE OF THE AGENDA TO THE PUBLIC:**

**Under Scheduled Items:**
SA-4 S-2 a. Deny the appeal by Valera Lyles from the Planning Commission's approval of an application for a Combined Development Permit; and
b. Approve the application for the Combined Development Permit consisting of: a Coastal Administrative Permit to allow the construction of a 476 square foot second-story addition and 30 square foot addition to the existing first floor, 100 square foot second floor deck, and 52 square foot exterior stair; a Coastal Development Permit to allow development within 750 feet of a known archaeological resource; and Design Approval.
(Appeal, Discretionary Decision - PLN070584/McDowell, 160 Spindrift Rd, Carmel Highlands, Carmel Area Land Use Plan)