AGENDA
Tuesday, November 15, 2011

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, http://monterey.granicus.com/ViewPublisher.php?view_id=5 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.
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 intérprete, 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 intérprete. Los pedidos se deberán hacer lo más pronto posible, y a lo mínimo 24 horas de antelación 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.

Any agenda related writings or documents distributed to members of the County of Monterey Board of Supervisors regarding any open session item on this agenda will be made available for public inspection in the Clerk of the Board’s Office located at 168 W. Alisal St., 1st Floor, Salinas, California. during normal business hours and in the Board Chambers on the day of the Board Meeting, pursuant to Government Code §54957.5
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 Sections 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 will confer with legal counsel regarding existing litigation:
      (1) Stephen Sapiro v. Monterey County, et al. (Monterey County Superior Court case no. M73264)
      (2) County of Monterey v. Nova Partners, Inc., et al. (Monterey County Superior Court case no. M96829)
      (3) LandWatch Monterey County v. County of Monterey; Redevelopment Agency of the County of Monterey, et al., Real Parties in Interest (Monterey County Superior Court case no. M113552)
   
   b. Pursuant to Government Code section 54956.9(b), the Board will confer regarding two matters of significant exposure to litigation.
   
   c. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding liability claims against the County of Monterey.
      (1) Claim of Franklynn James Elias
   
   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 54957, the Board will confer regarding discipline, dismissal, or release of a public employee.
f. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators.
   (1) Property: 20 East Alisal Street, Salinas, California
       Negotiators: Gene Rogers, Interim Director of the Resource Management Agency
       Under negotiation: Price and terms

Continuance of Closed Session to be held at the conclusion of the Board’s Regular Agenda, or at any other time during the course of the meeting announced by the Chairperson of the Board.

10:30 A.M. RECONVENE

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 Sections 54954.2 of the California Government Code.

5. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)

Recess

Convene as the Board of Supervisors of the Monterey County Water Resources Agency

MONTEREY COUNTY WATER RESOURCES AGENCY

ROLL CALL

6. CONSENT CALENDAR – MONTEREY COUNTY WATER RESOURCES AGENCY (See Supplemental Sheet)

Adjournment

Convene as the Board of Directors of the Boronda County Sanitation District

BORONDA COUNTY SANITATION DISTRICT

ROLL CALL
7. CONSENT CALENDAR – BORONDA COUNTY SANITATION DISTRICT
   (See Supplemental Sheet)

Adjournment

Reconvene as the Monterey County Board of Supervisors

MONTEREY COUNTY BOARD OF SUPERVISORS

CEREMONIAL RESOLUTIONS

8. Adopt Resolution proclaiming November 2011 as "Courage to Care and National Family Caregivers Month" in recognition of In-Home Support Service providers who offer services throughout the County of Monterey. (Chair Parker)

9. Adopt Resolution celebrating the City of Marina as one of the nation's 100 Best Communities for Young People for 2011. (Full Board-Supervisor Parker)

APPOINTMENTS

10. Appoint Richard Rangel to the Mental Health Commission to fill an unexpired term ending May 31, 2014. (Supervisor Salinas)

11. Appoint Eugenia Jimenez to the Commission on the Status of Women to fill an unexpired term ending February 1, 2012. (Supervisor Salinas)

OTHER BOARD MATTERS

12. Board Comments

13. CAO Comments and Referrals

14. Public Comment (Limited up to 3 minutes per speaker at the discretion of the Chair)

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.

SCHEDULED MATTERS

S-1 Consider receiving and accepting the Fiscal Year (FY) 2010-11 Budget End-of-Year Report (BEYR) from the County Administrative Office.

S-2 Consider:
   a. Receiving a report on the General Financial Guidelines; and
b. Directing the County Administrative Office to work with departments to develop funding strategies for Capital Improvements and Compensated Absences for inclusion in the General Financial Guidelines.

12:00 P.M. RECESS TO LUNCH

1:30 P.M. RECONVENE

MONTEREY COUNTY BOARD OF SUPERVISORS

ROLL CALL

SCHEDULED MATTERS

S-3  a. Receive report and consider recommendation by the Legislative Committee to adopt the 2012 Legislative Program documents (2012 Legislative Platform and 2012 Legislative Principles and Priorities);
   b. Receive annual legislative report from Monterey County's federal legislative advocate, Brent R. Heberlee of Nossaman LLP; and
   c. Receive annual legislative report from Monterey County's state legislative advocate, John E. Arriaga of JEA & Associates.

S-4  a. Receive a report from the Interagency Joint Governance Review Committee for Violence Prevention regarding their inability to reach consensus regarding a governance structure;
   b. Consider Committee recommendation that the Committee be dissolved; and
   c. Consider Committee recommendation that the participants reaffirm their commitment to violence prevention efforts.

S-5  Public Hearing (continued from October 11, 2011) to consider:
   a. Disapproval of proposed amendments to the Carmel Area Land Use Plan and Coastal Implementation Plan (Chapter 20.146.120-- Land Use and Development Standards) to establish a High Density Residential (HDR) land use designation and HDR zoning district, and to change the existing designation and zoning on a 3.68 acre site from MDR/2 (Medium Density Residential/2 units per acre) to HDR/12.5 (High Density Residential/12.5 units per acre); and
   b. Denial of the application.
   (PLN070497 - Rigoulette [Villas de Carmelo], 24945 Valley Way, Carmel, Carmel Area Land Use Plan)

S-6  a. Receive an oral report on the topic of “inactive” discretionary permit applications, including discussion on drafting an “inactive” discretionary permit ordinance;
   b. Receive an oral report on the status of public outreach for input on proposed “inactive” discretionary permit ordinance;
   c. Provide direction to staff if other Stakeholders need to be integrated to the public outreach process for input; and
d. Provide direction to staff on whether to proceed to draft an “inactive” discretionary permit ordinance. 
(Inactive Discretionary Permits/Board Referral 2010.26 – REF100058, Countywide)

S-7 Adopt Resolution to issue a report pursuant to Government Code Section 65858(d) describing the measures taken to alleviate the condition that led to adoption of Interim Ordinance No. 5171, as modified and extended by Ordinance No.5172, establishing a process to determine 2010 General Plan consistency for discretionary and ministerial permits, pending the adoption of applicable programs and ordinances to implement the 2010 Monterey County General Plan. (General Plan Implementation Plan Interim Ordinance –REF100050 – Inland area of County)

S-8 Reconsider and provide direction for the Blanco Road Class II Bikeway Project, Contract No. 11-869365, State Project No. EA 05-4A2794L, Federal Aid Project No. RPSTPLE-5944(106) to continue with the bid process or based on public comments regarding safety concerns associated with the project stop the bid process and evaluate other potential regional bikeways.

ADJOURNMENT
CONSENT CALENDAR

NATIVIDAD MEDICAL CENTER

15. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute the Fifth Amendment to Professional Services Agreement with Medical Doctor Associates to provide locum tenens services at NMC for the total Agreement amount not to exceed $1,200,000 for the period February 1, 2009 to June 30, 2012 (an increase of $200,000 for Fiscal Year 2012).

16. a. Award a contract in the total amount of $1,480,200 to Avila Construction, Inc. the lowest responsible and responsive base bidder, for the Natividad Medical Center (NMC) Outpatient Expansion Tenant Improvement Project No. 8842, Bid No. 10317; and
b. Approve the Performance and Payment Bonds executed and provided by Avila Construction Inc; and
c. Authorize a contingency (not to exceed 10% of the contract amount) to provide funding for approved contract change order; and
d. Authorize the Purchasing Manager at NMC to execute the contract and subject to the terms of the Public Contract Code, approve change order to the contract that do not exceed 10% of the original contract amount, and do not significantly change the scope of work.

17. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute a Renewal to the Agreement (A-11696) with Paragon Mechanical for Repair and Maintenance Services at NMC, extending the Agreement to June 30, 2012 and adding $80,000 for Fiscal Year 2011-2012 for a revised total Agreement amount not to exceed $306,000 in the aggregate.

18. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Renewal and Amendment No. 6 to the Agreement (A-10448) with Total Repair Express for Operating Room Equipment Repair and Maintenance Services at NMC, extending the Agreement to June 30, 2012 and adding $100,000 for Fiscal Year 2011-2012 for a revised total Agreement amount not to exceed $860,000 in the aggregate.

19. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute the Third Amendment to Professional Medical Services Agreement with Precision Orthopedics, extending the term for Orthopedic Services at NMC to December 31, 2011.

20. Approve and Authorize the Natividad Medical Center ("NMC") CEO to Execute Employment Agreements ("Agreements") with the Following NMC Physicians:
b. Lawrence Lenz, for a total not to exceed amount of $316,000 for the term January 29, 2011 through January 27, 2012.
c. Caleb Liem, for a total not to exceed amount of $365,180 for the term January 15, 2011 through January 13, 2012;
d. Richard Heiner, for a total not to exceed amount of $365,180 for the term January 15, 2011 through January 13, 2012; and
e. Rebecca Rosen, for a total not to exceed amount of $150,594 for the term May 7, 2011 through May 4, 2012.

21. a. Reallocate one (1.0) FTE Administrative Secretary to one (1.0) FTE Administrative Secretary-Confidential; and
b. Reclassify the Current Incumbent from Administrative Secretary to Administrative Secretary-Confidential; and
c. Authorize the Auditor-Controller to make the above changes to Natividad Medical Center's Fiscal Year 2011-2012 Adopted Budget, Unit 9600.

22. Adopt Resolution to:
   a. Amend Personnel Policies and Practices Resolution No. 98-394 to adjust the salary range of the classification of NMC Human Resources Administrator; and
   b. Authorize the Auditor-Controller to amend the adopted Fiscal Year (FY) 2011-2012 in Department 9600 Natividad Medical Center, Unit 8360 to reflect the change as outlined in the Resolution.

HEALTH AND SOCIAL SERVICES

23. a. Approve and authorize the Director of the Department of Social & Employment Services, or his designee, to sign Amendment No. 1 to Agreement No. A-12071 with Alisal Union School District adding $59,570 to continue support for the Family-to-Family Initiative in the Salinas area and provide CAPIT case management through June 30, 2012, increasing the total contract amount to $189,570; and
b. Authorize the Director of the Department of Social & Employment Services, or 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.

24. a. Authorize the Contracts/Purchasing Officer to approve and sign a Professional Services Agreement with James Stubblefield, M. D., for the period of December 01, 2011 through November 30, 2012 for Medical Director services for the Emergency Medical Services Agency, in the total amount of $80,100 upon receipt of all required and updated documents and certificates of professional liability insurance; and
b. Authorize the modification of the County standard insurance requirements pertaining to General Liability Insurance and Business Automobile Liability Insurance.

**CRIMINAL JUSTICE**

25. a. Adopt Resolution to amend the Fiscal Year (FY) 2011-12 Sheriff's Budget to delete one (1) FTE Sheriff's Records Director and to add one (1) FTE Department Information Systems Manager II;
   b. Authorize to transfer two (2) FTE Senior Department Information System Coordinators (DISC) from the Sheriff's Appropriation Unit SHE003 to SHE001 with related appropriations of $114,380 (4/5ths votes required); and
   c. Authorize the Auditor-Controller to incorporate the changes as detailed in the Resolution.

**GENERAL GOVERNMENT**

26. Adopt Resolution designating the Monterey County Water Resources Agency General Manager or Deputy General Manager as its Authorized Agents and authorizing those Authorized Agents to provide to the California Emergency Management Agency all assurances and agreements required for state disaster assistance to secure a Federal Emergency Management Agency Pre-Disaster Mitigation Program Grant.

27. a. Adopt Resolution to authorize the Treasurer-Tax Collector's Revenue Division to renew the Franchise Tax Board Court-Ordered Debt collection program contract for the period January 1, 2012 to December 31, 2014; and
   b. Direct the Chair of the Board to sign the contract renewal.

28. a. Approve and authorize the County Librarian to accept and execute all necessary documents and certifications in processing a California State Library grant award of $37,000 to provide literacy services for the period FY2011-2012; and
   b. Authorize the Auditor-Controller to amend the FY2011-2012 County Library Budget Unit 6110 to increase revenue and appropriations in the amount of $37,000. (4/5ths vote required)

29. In accordance with Personnel Policies and Practices Resolution (PPPR) No. 98-394, Sections A.1.11.1 and A.1.11.5, authorize advanced step placement for:
   a. Ms. Dianah Neff at Step 5 of the Director of Information Technology salary range, effective January 14, 2012; and
   b. Mr. Jim Cook at Step 5 of the Economic Development/Workforce Investment Board Director salary range, effective November 19, 2011.

30. a. Authorize the Registrar of Voters to execute Agreement Number 07G30117 Amendment #03 with the Secretary of State's office to terminate Agreement 07G30117 for Help America Vote Act (HAVA) Section 301 grant funds; and
b. Authorize the Registrar of Voters to execute Agreement Number 11G30112 with the Secretary of State’s office to receive federal grant funds in the amount of $326,196.39 for HAVA Section 301.

31. a. Approve and authorize the Contracts/Purchasing Officer on behalf of the Information Technology Department to execute Amendment No. 1 to Agreement A-12019 between the County of Monterey and Granicus, Inc. in the increased amount of $67,732 for Fiscal Year (FY) 2011-12, $56,327 for FY 2012-2013, and $57,327 for FY 2013-14, for a total revised contract amount of $182,386 for the provision of maintenance and support of the Granicus software to include MinutesMaker™ and MediaManager™ which is part of a comprehensive services package for storage, archiving, audio/video streaming and the implementation and yearly maintenance and support of the Granicus-Legistar Solution in support of the Board of Supervisors, Planning Commission, and LAFCO meetings which take place in Monterey County; b. Accept vendor’s coverage term and limits; c. Authorize the Contracts/Purchasing Officer to sign future renewals to the maintenance and support services; and d. Authorize the Auditor-Controller to transfer funds from Fund 020-2883 PEG funds upon request from the Information Technology Department as needed.

RMA - PLANNING DEPARTMENT

32. Item deleted.

33. Set a Public Hearing for December 6, 2011 at 1:30 p.m. to consider 2012 Applications to Establish five (5) Agricultural Preserves ("AgP") and twenty (20) Farmland Security Zones ("FSZ") and Contracts. (PLN110505/Williamson Contract Applications - 2012, County-wide)

34. a. Authorize the Planning Director to execute "RELEASE OF LIABILITY" from "LAND CONSERVATION CONTRACT NO. 72-16" established per Resolution No. 72-33-16, between the COUNTY OF MONTEREY, a political subdivision of the State of California and Neil H. Fanoe, individually and as executor of the estate of Alice T. Fanoe, deceased; Anker P. Fanoe, J. Georgia Richardson, individually and as executor of the estate of Alice T. Fanoe, deceased; and Lynne Costa (hereafter, "Owner's Predecessors in Interest"); and current property owners of record, Neil H. Fanoe et al. (hereafter, "Owner"); and b. Direct the Clerk of the Board to record "RELEASE OF LIABILITY" with the County Recorder.

RMA - PUBLIC WORKS

35. a. Approve and authorize the Contracts/Purchasing Manager to sign a four-year lease agreement, effective August 1, 2011, with James I. & Barbara S. Miller, Trustees of the Miller Family Trust, dated February 2, 1992, for 30 parking
spaces at 1168 Fremont Boulevard, Seaside, California, for use by the Health Department's Seaside Family Health Clinic;

b. Authorize the Auditor-Controller to make lease payments in the amount of $1,200 per month in accordance with the agreement; and

c. Authorize the optional extension of the Lease Agreement for an additional three one-year periods under the same terms and conditions if deemed by the Contracts/Purchasing Officer to be in the best interests of the County.

36. Adopt Resolution to:

a. Find that the contract is properly awarded without further competitive bidding;

b. Award a not to exceed contract in the amount of $711,868 with a 10% contingency of $71,187 to Santa Cruz Westside Electric Inc, DBA Sandbar to design and install a photovoltaic system at the Laurel Yard Buildings A-H, located 855 East Laurel Drive, Salinas, California, Project No. 8550, pursuant to Energy Efficiency and Conservation Block Grant Program Notice 10-014 and 10 Code of Federal Regulations (C.F.R) 600.236;

c. Approve the Performance and Payment Bonds executed and provided by the Guarantee Company of North America USA;

d. Authorize the Contracts/Purchasing Officer to execute the Agreement;

e. Authorize the Director of Public Works to execute change orders to the contract that are within Public Contract Code 20142 limits and do not significantly change the scope of work; and

f. Authorize the Director of Public Works to apply for available rebates under Pacific Gas & Electric (PG &E), California Solar Initiative (CSI) and to execute an agreement with PG & E to receive CSI Performance Based Incentive (PBI) payments, following approval by County Counsel as to form and legality.

MONTEREY COUNTY WATER RESOURCES AGENCY

37. Authorize the Chair of the Board of Supervisors of the Water Resources Agency to execute for and on behalf of the Agency a contract with DCS Consulting, LLC for the services of Mr. David Chardavoyne to serve as the Interim Water Resources General Manager for a term ending June 30, 2012, a monthly rate of $18,000, and such other terms as may be deemed necessary or appropriate by County Counsel.

SPECIAL DISTRICTS

38. Acting as the Board of Directors of the Boronda County Sanitation District (BCSD):

a. Authorize the Auditor-Controller to amend the budget for Boronda County Sanitation District – San Jerardo Fund 157, Appropriation Unit RMA046, for Fiscal Year (FY) 2011-12 by increasing revenues by $4,088,564; and
b. Authorize the Auditor-Controller to amend the budget for Boronda County Sanitation District – San Jerardo Fund 157, Appropriation Unit RMA046, for FY 2011-12 by increasing appropriations by $4,088,564 (4/5ths vote required).

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