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

1. Additions and Corrections to Closed Session Items: County Counsel Charles McKee announced agenda corrections and proposed additions which may be acted on by the Board as provided in Sections 54954.2 of the California Government Code.

AC-1 Pursuant to Government Code Section 54956.9(c), the Board will confer with legal counsel to determine whether to initiate litigation in the matter of Lehman Bros. and Washington Mutual.

Motion by Supervisor Mettee-McCutcheon, seconded by Supervisor Salinas. 4 Ayes; 1 Absent – Supervisor Potter

NOTE: Supervisor Potter was present before adjourning to Closed Session.

S-1 Closed Session under Government Code section 54950, relating to the following items:
   a. Pursuant to Government Code section 54956.95, the Board will confer with legal counsel regarding liability claims against the County of Monterey.
      1. Harold Mahlon Wooldridge
RESULTS OF CLOSED SESSION: This item was not heard.

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

RESULTS OF CLOSED SESSION: Only two items were addressed, the Board provided direction to counsel on how to proceed.

c. Pursuant to Government Code section 54956.9(a), the Board will confer regarding existing litigation:
   1. Bernardi, Patricia & The Open Monterey Project vs. Monterey County (M73763/H031648)

RESULTS OF CLOSED SESSION: The Board provided direction to Counsel on this matter.

d. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators.
   Designated representative(s): Keith Honda, Patricia Covert.
   Employee Organizations: Unit R.

RESULTS OF CLOSED SESSION: This item was not heard.

AC-1 Pursuant to Government code Section 54956.9(c) the Board will confer with legal counsel to determine whether to initiate litigation in the matter of Lehman Bros. and Washington Mutual

RESULTS OF CLOSED SESSION: The Board authorized Counsel to engage the law firm of Cotchett Pitre and McCarthy in South Bay Area in association with the law firm of Lavorato to seek recovery of funds in the Lehman Brothers Holdings, Inc., and Washington Mutual bankruptcy cases.

10:30 A.M. - RECONVENE

ROLL CALL:
Present: Supervisors Armenta (Chair), Calcagno, Salinas, Mettee-McCutcheon, Potter

2. Pledge of Allegiance was led by Supervisor Armenta

3. Additions and Corrections The Clerk of the Board announced agenda corrections and proposed additions which were acted on by the Board as provided in Sections 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 the agenda, the Board made the following additions and corrections:

AC-2 Under Consent – Public Works: SA-4: Emergency Watershed Protection Program Treatments for Big Sur. Language amendments to Sections d. and e. as follows:

S – Scheduled Items  SA - Supplemental Agenda   AC - Additions and Corrections
d. Transfer $1 million in appropriations from the Contingencies, Budget Unit 990 to County Surveyor, Budget Unit 199 General Fund (4/5th vote required); and

e. Authorize and direct the County Auditor/Controller to modify the FY 2008-09 Adopted Budget to reflect these actions.

AC-3 Adjourn in Memory of Walter Victor Piini

Motion by Supervisor Potter, seconded by Supervisor Salinas, approving Additions and Corrections. All Ayes

4. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)
Supervisor Calcagno pulled item AC-2/SA-4 for comment.
Members of the public pulled Consent Items 13 and 25 for discussion.

Motion by Supervisor Potter, seconded by Supervisor Salinas, approving all Consent Items excepting AC-2/SA-4, 13, and 25 which were held over for separate discussion. All Ayes

Consent Item AC-2/SA-4: Staff presentation made.

Motion by Supervisor Potter, seconded by Supervisor Salinas, approving AC-2/SA-4. All Ayes

Consent Item 13 – Public Comment:
· Franklin J. Lunding, President of Planning 20/20, requested postponement of the proposed amendment until sufficient and complete review has been obtained.

Motion to approve Item 13 by Supervisor Potter, seconded by Supervisor Armenta. All Ayes

NOTE: Public Comment on Consent Item 25 heard after Item 5 and approved after Item 7.

OTHER BOARD MATTERS:

5. Board Comments, Referrals, and Updates Received
Supervisor Salinas expressed appreciation to all agencies who participated in the Arroyo Seca Storm Preparedness meeting.

Supervisor Armenta requested clarification on the Interest Based Bargaining (IBB) and labor relations issues which he has discussed with County Counsel.

Consent Item 25 – Public Comment:
· Hans Jongens suggested looking into the use of an existing bridge foundation already located on the subject property. (Board Action after Agenda Item 7.)
6. CAO Comments
County Administrative Officer Lew Bauman welcomed and acknowledged the return of Denise Pennell as Interim Clerk of the Board until the recruitment for Clerk of the Board is completed.

7. Public Comment (Limited to 3 minutes per speaker)
Hans Jongens spoke and submitted document from the American Free Press.

Motion to approve Consent Item 25 by Supervisor Salinas, seconded by Supervisor Potter. All Ayes

NOTE: Agenda Items 8, 9, SA-1, SA-2, and SA-3 were heard concurrently.

8. Adopted Resolution No. 08-325 honoring Kathleen F. Scariot upon her retirement from the Monterey County Sheriff’s Office for thirty years of public Service. (Full Board)
Motion by Supervisor Calcagno, seconded by Supervisor Salinas. All Ayes

9. Received Budget Committee Report and Action Minutes for the 1st Quarter of Fiscal Year 2008-09.
Motion by Supervisor Calcagno, seconded by Supervisor Salinas. All Ayes

SA-1 Adopted Resolution No. 08-326 honoring Juan Altamirano of The Highlands Inn upon being named recipient of the 2008 Papa Vince Award. ( Supervisor Potter)
Motion by Supervisor Calcagno, seconded by Supervisor Salinas. All Ayes

SA-2 Adopted Resolution No. 08-327 commemorating the retirement of Mr. Nicolas Papadakis after 31 years of service to the Association of Monterey Bay Area Government. ( Supervisor Calcagno)
Motion by Supervisor Calcagno, seconded by Supervisor Salinas. All Ayes

SA-3 Adopted Resolution No. 08-328 honoring the Association of Monterey Bay Area Governments (AMBAG) upon the celebration of Their 40th Anniversary. ( Supervisor Calcagno)
Motion by Supervisor Calcagno, seconded by Supervisor Salinas. All Ayes

SCHEDULED MATTERS:

S-2 Held a Welcome Home Troops Ceremony honoring Monterey County residents returning from service in Operation Iraqi Freedom, Operation Enduring Freedom and other military combat associated with the Global War on Terror.
Sergeant Marcos Osuma; Staff Sergeant Andrew Riter, US Army; Sergeant First Class Anderson Swift, US Army; Specialist Ruben Valdez, US Army.

S-3 a. Adopted Resolution No. 08-329 amending the Treasurer’s Investment Policy and reestablish the Monterey County Treasury Oversight Committee making certain technical corrections; and

b. Received and accepted the Treasurer’s Report of Investments for the quarter ending September 30, 2008.

Motion by Supervisor Calcagno, seconded by Supervisor Salinas, adopting the Resolution with minor amendments to the title as recommended by County Counsel. All Ayes

NOTE: County Counsel Charles McKee reported the results of Closed Session (See S-1 a-d and AC-1)

ORDER FOR ADJOURNMENT

In Memory of Walter Victor Piini

APPROVED:

/s/ Louis R. Calcagno
CHAIR, FERNANDO ARMENTA
CHAIR, LOUIS R. CALCAGNO
BOARD OF SUPERVISORS

ATTEST:
DENISE PENNELL
Interim Clerk of the Board

BY: /s/ Denise Hancock
Denise Hancock, Deputy
CONSENT CALENDAR

Motion on Consent Items excluding AC-2/SA-4, 13, and 25 by Supervisor Potter, seconded by Supervisor Salinas. All Ayes

NATIVIDAD MEDICAL CENTER:

10. Agreement No. A-10327 Approved and authorized the Natividad Medical Center (NMC) Director of Purchasing to execute Amendment No. 7 to the Agreement between NMC and Monterey Anesthesia Professionals, a Medical Corporation, in an amount not to exceed $2,227,500 (an increase of $990,000 per year) for the term October 1, 2008 through December 31, 2010, for the provision of added dual anesthesia in-house professional services at NMC.

HEALTH AND SOCIAL SERVICES:

11. Agreement No. A-10970 Approved and authorized the Director of Health to sign Amendment No. 3 to Agreement No. A-10970 with The Action Council of Monterey County, Inc., increasing the current Agreement amount of $632,500 by $35,750 for Fiscal Year 2008-09 for a revised maximum total Agreement amount of $668,250 for program implementation, community education, and training services for the period July 7, 2007 to June 30, 2010.

GENERAL GOVERNMENT:

12. Board Budget No. 08/09-075
   a. Approved and authorized the transfer of $75,000 from the Emergency Communications Reserve Fund (Fund 80) to Budget Unit (BU) 152-Emergency Communications for equipment and services necessary to replace the County Multi-site controller used for law enforcement mobile data communications;
   b. Increased estimated revenue and appropriations by $75,000 in Fund 001, BU 152-Emergency Communications as detailed in the Board Order (4/5th vote required); and
   c. Directed the Auditor-Controller to transfer required funds and increase estimated revenue and appropriations as detailed in the Board Order.

13. Approved and authorized the Chair to sign Amendment No. 1 to the Revenue Neutrality Agreement between the County of Monterey and the proposed Town of Carmel Valley.

   Motion to approve Item 13 by Supervisor Potter, seconded by Supervisor Armenta. All Ayes
14. Board Budget No. 08/09-076  
   a. Approved the addition of one (1) Deputy County Counsel IV allocation in Budget Unit 121-County Counsel to provide additional services to Natividad Medical Center;  
   b. Approved increased estimated revenue and appropriations of $124,354 to Budget Unit 121-County Counsel related to attorney costs covered by Natividad Medical Center (4/5th vote required); and  
   c. Directed the Auditor-Controller to reflect approved actions in the Fiscal Year 2008-09 Budget as detailed in the attached Board Order.

15. Agreement No. A-11315  
   a. Approved and authorized the Chair to execute an Agreement for the period of October 1, 2008 to September 30, 2009 in the amount of $27,832.65, including non-standard provisions, with ACS Enterprise Solutions, Inc., for software maintenance of IBM DB2 Content Manager for 205 users, IBM Content Manager iSeries Workflow, and IBM Content Manager iSeries Processor; and  
   b. Approved a policy allowing the use of the same proposed non-standard provisions, as determined by the County’s Contracts and Purchasing Officer to be appropriate, in future ACS/Clerk Recorder Agreements of $100,000 or less, specific to the related unique and necessary services provided by this vendor, utilizing existing Purchasing Agent execution authority.


17. Received the report regarding the Office of Emergency Services’ Quarterly Work Plan for the period of October - December 2008.

18. Board Budget No. 08/09-077  
   a. Accepted the award of grant funds from the U.S. Dept. of Commerce, Economic Development Administration (EDA), to prepare economic development and infrastructure studies for the Castroville and Moss Landing communities;  
   b. Directed the Auditor Controller to reopen Budget Unit 182 - Economic Development and amend the FY 2008-09 budget to increase budgeted revenues and appropriations in Fund 001, Budget Unit 182 by $200,000 (4/5 vote required); and  
   c. Directed staff to implement the attached Work Program.

19. Adopted Resolution No. 08-331 to authorize the Director of Parks to file an application with Preserve America for a grant in the amount of $20,000 for Fiscal Year (FY) 2008-09 to fund an Historic Structure Report for the Andrew Marks House.

20. Accepted the Annual Report for Fiscal Year 2007-08 from the Monterey County Fish and Game Advisory Commission.
21. Agreement No. A-11316 (Belli Architectural Group); Agreement No. A-11317 (Huboi Architecture); Agreement No. A-11318 (Paul Davis Partnership); Agreement No. A-11319 (Sally Swanson Architects); Agreement No. A-11320 (Weston Miles Architects); Agreement No. A-11321 (Wald Ruhnke & Dost); Agreement No. A-11322 (Kitchell) approved and authorized the Contracts/Purchasing Officer to sign Master Agreements with Belli Architectural Group, Huboi Architecture, Kitchell, Paul Davis Partnership, Sally Swanson Architects, Weston Miles Architects, and Wald Ruhnke & Dost, to provide professional architectural services on an as-needed basis for projects of $100,000 or less each, to the County of Monterey for the initial term of the date of signing the Agreements, through October 31, 2009, including the option to extend the Agreements for two (2) additional one (1) year periods, with a yearly aggregate value estimated not to exceed $2,000,000 for the Agreements, in accordance with the terms and conditions set within each Agreement.

22. Adopted Resolution No. 08-332 Electing the County’s Method to Receive Secure Rural Schools Funds from the U.S. Forest Service.

23. Approved a request from the Carmel Valley Fire Protection District for dry period loan of $600,000.00 for the Fiscal Year ended June 30, 2009.

24. Introduced, waived reading, and set November 18, 2008 at 10:30 a.m. for adoption of an ordinance of the County of Monterey, State of California, to amend the Title of Chapter 2.45 of, and Sections 2.45.010, 2.45.020, 2.45.030, 2.45.060, and 2.45.100 of, the Monterey County Code Relating to the Monterey - Santa Cruz Commission on Medical Care.

**RMA - PUBLIC WORKS:**

25. a. Considered and adopted Resolution No. 08-333 to approve the submittal of a California River Parkways grant application in the amount of $2,161,345 for the Spreckels Boulevard/Reservation Road Bicycle Path and Bridge Project; and

   b. Authorized the Acting Public Works Director, or his designee, to act as the agent for the County in processing all documentation to secure California River Parkways Grant Program funds.

   **Motion to approve Consent Item 25 by Supervisor Salinas, seconded by Supervisor Potter. All Ayes**

26. a. Accepted a portion of the East Garrison Subdivision Improvements as completed;

   b. Approved reduction of the Faithful Performance Bond No. 5026126 issued by Bond Safeguard Insurance Company for off-site infrastructure improvements in the amount of $791,500; and
c. Approved reduction of the Grading Bond No. SU5022535 issued by Arch Insurance Company in the amount of $4,026,000.

27. Board Budget No. 08/09-078
   Authorized the placement of Mr. Yazdan Emrani at Step 4 of the Public Work’s Director salary range in accordance with Personnel Policies and Practices Resolution No. 98-394, Section A.1.11.1, Non-Elected Unit Y Salary Steps, General Provisions.

SA-4 Resolution No. 08-335; Board Budget No.08/09-066
AC-2 Emergency Watershed Protection Program Treatments for Big Sur. Staff recommendation to:
   a. Authorized the Chair of the Board to execute Cooperative Agreements with the Natural Resource Conservation Service for the Emergency Watershed Protection Program Treatments;
   b. Approved the form of and authorize the Resource Management Agency Director or the Acting Public Works Director to execute agreements with property owners for the implementation of the Emergency Watershed Protection Program Treatments;
   c. Authorized and directed the County Administrative Officer, Resource Management Agency Director, Acting Public Works Director, Planning Director, and County Counsel to take such other and further actions necessary or appropriate, consistent with this action, to implement the Emergency Watershed Protection Program Treatments, including the modification of the form contracts based upon particular circumstances; the execution of emergency professional services or construction contracts; and, the identification of grant or other funding sources to supplement the Emergency Watershed Protection Program funding;
   d. Transferred $1 million in appropriations from the Contingencies, Budget Unit 990 to County Surveyor, Budget Unit 199 General Fund (4/5th vote required); and
   e. Authorized and directed the County Auditor/Controller to modify the FY 2008-09 adopted budget to reflect these actions.

Motion to approve AC-2/SA-4 by Supervisor Potter, seconded by Supervisor Salinas. All Ayes

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