9:00 A.M.

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

1. Additions and Corrections for Closed Session:
   Charles McKee, County Counsel, announced a withdrawal to Closed Session Item which was acted on by the Board as provided in Section 54954.2 of the California Government Code:

   AC-1 WITHDREW 2. a. 1.County of Monterey vs. Nova Partners, Inc., et al. (MCSC case no. M96829)

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.

CLOSED SESSION REPORT: The Board provided direction to Counsel on how to resolve this case and if not, to proceed to trial.

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

CLOSED SESSION REPORT: The Board provided direction to Counsel as to how to settle the matter and the settlement agreement will be available in the Office of County Counsel when it becomes fully executed.

c. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators.
   Designated representatives: Keith Honda and Patricia Covert
   Employee organizations: All Units

CLOSED SESSION REPORT: On various matters, the Board gave directions to the labor negotiators on how to proceed. The Board directed the labor negotiators to proceed to open up continuing discussions with bargaining Unit H to address salaries and benefits and possible changes to the MOU; staff anticipates this matter will come back to the Board at a future meeting.

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

Public comments were received prior to the Board convening the Closed Session.
   • Closed Session Public Comments:
   • Marsha Pompan, commented on the dedication, of the orthopedic surgeon team at Natividad Medical Center, to the hospital and the community; requested the assistance of the Board of Supervisors in negotiating a fair contract for the surgeons.
   • Dr. Ken Ishizue, Orthopedic Surgeon, advised of the service provided by the orthopedic surgeons at Natividad Medical Center and the current contract offer that would significantly reduce surgeon’s pay. He requested the surgeons be offered the basic terms of the contract from November 2007 and that they be allowed to meet with the County Administrative Officer to work out details.
   • Dr. Neil Richman, M.D. commented on the commitment of the orthopedic surgeons at Natividad Medical Center and the exceptional and cost saving services provided to families in this community. He requested the orthopedic surgeons as Natividad Medical Center be treated fairly.
   • Dr. Don Pompan, MD commented that replacing the loyal and committed orthopedic surgeons at Natividad Medical Center would be a poor business decision, as they practice cost effective medicine and have no quality of care issues. He advised binders were provided to the Board of Supervisors addressing various issues impacting the orthopedic surgeons at Natividad Medical Center and requested counsel review the 2007 Office of the Inspector General Advisory opinion re emergency room on-call compensation.
CLOSED SESSION REPORT: The Board conducted the performance evaluation of the Natividad Medical Center CEO and discussed the completion of various goals.

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

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.

AC-2 ITEM WITHDRAWN S-4 Consider adoption of an Ordinance amending the Monterey County Code, Title 12, Section 12.12.010, to increase an existing 0.50 mile long speed zone on Reservation Road at Davis Road from 45 m.p.h. to 50 m.p.h., near Salinas.

Motion by Supervisor Potter, seconded by Supervisor Armenta to approve withdrawal. ALL AYES

5. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)
   · David Diaz, SEIU 521 requested Item 18 be pulled until it can be discussed with Natividad administration.
   · Julie Filice requested Item 18 be pulled to allow the Union to review the information before going forward.
   · Mary Claypool requested Item 28 be pulled for discussion.

Motion by Supervisor Parker, seconded by Supervisor Salinas approved all Consent Items excluding 18 and 28. ALL AYES

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

Motion by Supervisor Parker, seconded by Supervisor Salinas. ALL AYES

OTHER BOARD MATTERS:

7. Board Comments, Referrals, and Updates
   · Supervisor Salinas requested the County Administrative Officer work with his office to develop Citizens Advisory Committee for the community of Chualar.
   · Chair Calcagno requested the County Administrative Officer return at next the meeting with a draft letter to Senator Abel Maldonado, Senator Jeff Denham, Assembly member Anna Caballero and Assembly member Bill Monning thanking them for the good work in adopting the state budget and recommended that the County Administrative Office issue a press release to the media highlighting the important benefit to Monterey County of adopting a state budget.
· Supervisor Parker requested a review and update of the rules related to the Planning Commission, as they do not match current practices; and an update on the Resource Management Agency recommendations as to how the county can reduce greenhouse emissions within the organization (AB 32). She requested these updates return by the end of March; and related to AB 32, Supervisor Parker requested information on the feasibility of adopting green building standards, styrofoam bans, and alternative energy generation. She stated she understands this information may take longer to provide.

8. CAO Comments – There were no CAO comments.

9. Public Comment (Limited to 3 minutes per speaker)
   · Hans Jongens commented the issue of health care costs, Mrs. Clinton’s visit to China and Japan, and the economic stimulus plan.

Items 10 through 13 were heard concurrently.

10. Adopted Resolution No. 09-140 proclaiming the week of February 23 through March 2, 2009, as "Peace Corps Week" in Monterey County. (Supervisor Calcagno)
    Motion by Supervisor Parker, seconded by Supervisor Salinas. ALL AYES

11. Adopted Resolution No. 09-142 proclaiming the week of March 1 through March 7, 2009, as "Weights and Measures Week" in Monterey County. (Full Board)
    Motion by Supervisor Parker, seconded by Supervisor Salinas. ALL AYES

12. Adopted Resolution No. 09-141 recognizing Harry Gamotan for his service as President of Monterey County Chapter of SEIU Local 817 and 521. (Supervisor Calcagno)
    Motion by Supervisor Parker, seconded by Supervisor Salinas. ALL AYES

13. Adopted Resolution No. 09-144 honoring Ruth Lopes upon her selection as the 2008 Cattlewoman of the Year. (Supervisor Salinas)
    Motion by Supervisor Parker, seconded by Supervisor Salinas. ALL AYES

APPOINTMENTS:

Items 14 through 17 heard concurrently.

14. Appointed Sid Williams to the Military & Veterans Affairs Advisory Commission to fill the unexpired term of Mack H. Jacobs, ending January 10, 2010. (Full Board)
    Motion by Supervisor Salinas, seconded by Supervisor Potter. ALL AYES
15. Reappointed Marleen Burch to the Historic Resources Advisory Board, for a term ending December 31, 2011. (Supervisor Calcagno)

   **Motion by Supervisor Salinas, seconded by Supervisor Potter. ALL AYES**

16. Reappointed Glorietta Rowland to the Commission on the Status of Women, for a term ending February 1, 2011. (Supervisor Calcagno)

   **Motion by Supervisor Salinas, seconded by Supervisor Potter. ALL AYES**

17. Reappointed Dave Kegebein to the Pajaro Valley Water Management Agency Board of Directors, for a term ending December 1, 2010. (Supervisor Calcagno)

   **Motion by Supervisor Salinas, seconded by Supervisor Potter. ALL AYES**

**SCHEDULED MATTERS:**

S-1 Resolution No. 09-152; Board Budget No. 08/09-116

   a. Conducted a public hearing and adopted Resolution No. 09-152 to approve the transfer of $75,000 in Community Development Block Grant (CDBG) Program Income into the CDBG Planning and Technical Assistance (PTA) Grant for the San Lucas water system improvement study;

   b. Accepted a CDBG PTA Grant award in support of a water system improvement study for the community of San Lucas and a housing study to develop a Home Buyer Assistance Program; and

   c. Directed the Auditor-Controller to amend the Fiscal Year 2008-09 budget to increase estimated revenues and appropriations in Fund 16, Budget Unit 575 by $146,400 (4/5th vote required).

   **Motion by Supervisor Salinas, seconded by Supervisor Potter. ALL AYES**

S-2 Approved 2009 Annual Housing Report, including funding recommendations.

   **Motion by Supervisor Potter, seconded by Supervisor Salinas. ALL AYES**

S-3 Considered and adopted Ordinance 5125 amending the Monterey County Code, Title 12, Sections 12.28.010 and 12.28.012, to replace an existing no parking at any time for commercial vehicles restriction, with no parking at any time for all vehicles on the east side of Merritt Street (State Highway 183) between Union Street and Poole Street, in Castroville.

   **Motion by Supervisor Salinas, seconded by Supervisor Parker. ALL AYES**

S-4 **ITEM WITHDRAWN**

Consider adoption of an Ordinance amending the Monterey County Code, Title 12, Section 12.12.010, to increase an existing 0.50 mile long speed zone on Reservation Road at Davis Road from 45 m.p.h. to 50 m.p.h., near Salinas.
S-5 Considered and adopted Ordinance 5126 amending the Monterey County Code, Title 12, Sections 12.24.010 and 12.24.020, to establish a stop intersection at Sargents Road and a private road at milepost 5.86. Stops required on Sargents Road at both entrances to the private road and on the private road at the westbound entrance to Sargents Road, San Ardo area.

Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES

Recessed to Closed Session

1:30 P. M. RECONVENED:

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

SCHEDULED MATTERS:

S-6 Board Budget No. 08/09-117
a. Received a budget briefing covering the County’s Fiscal Year 2009-10 Budget process and timeline of key actions; and
b. Provided direction to staff.

Motion by Supervisor Salinas, seconded by Supervisor Potter. ALL AYES

S-7 Agreement No. A-11032; Board Budget No. 08/09-118
a. Approved and authorized the Director of Health to execute "AMENDMENT NO. 5 AND EXTENSION OF AGREEMENT" to the current franchise Agreement entitled "Agreement between the County of Monterey and USA Waste of California, Inc., dba Carmel Marina Corporation for Collection of Refuse, Recyclables and Greenwaste from Residential and Commercial Customers in Unincorporated Northeastern Monterey County," extending the Agreement term to June 30, 2012;

b. Approved the amended Rate Schedule;

c. Approved and authorized the Director of Health to use funds from the Northeastern Franchise Agreement Liability Account No. 061-2748 to make five (5) payments totaling $3,300,000 to USA Waste of California, Inc., dba Carmel Marina Corporation, per the provisions of Amendment No. 5; and
d. Directed the Auditor-Controller to increase estimated revenues and appropriations for Budget Unit 414 by $1,800,000 for Fiscal Year 2008-09 (4/5th vote required).

PUBLIC COMMENT:
· USA Waste of California General Manager addressed the Board.
· Emily Hanson, Green Waste Recovery, introduced her company and advised that as a vertically integrated company, and they have the ability to handle all aspects of waste recovery. She looks forward to providing the Board with alternatives.

Motion by Supervisor Salinas, seconded by Supervisor Potter. ALL AYES
ORDER FOR ADJOURNMENT TO
TUESDAY, MARCH 3, 2009

APPROVED:

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

ATTEST:
GAIL T. BORKOWSKI
Clerk of the Board

BY: /s/ Gail T. Borkowski
CONSENT CALENDAR

NATIVIDAD MEDICAL CENTER:

18. **ITEM WITHDRAWN**
   a. Approve Amendment No. 5 to the Agreement with Aureus Radiology, LLC in an amount not to exceed $1,148,800, (an increase of $200,000) for Diagnostic Imaging & Cardio-Pulmonary Services at Natividad Medical Center for the period January 1, 2009 to June 30, 2009; and
   b. Direct the Auditor-Controller to amend Fiscal Year 2008-09 Natividad Medical Center Budget Unit 960 to increase appropriations by $200,000 (4/5th vote required).

   **Staff Comment:**
   · Bill Foley, Acting CEO for Natividad Medical Center, requested deferral of this item until they confer with the SEIU.

   **The vote on this item was concurrent with the vote on Item 28.**

   **Motion by Supervisor Potter, seconded by Supervisor Armenta to Withdraw. ALL AYES**

19. Agreement No. A-11378; Board Budget No. 08/09-119
   a. Authorized the Purchasing Manager for Natividad Medical Center (NMC) to sign Amendment No. 1 with advanced Waste Solutions, Inc., in an amount not to exceed $180,000 (an increase of $140,000) for the period January 1, 2009 to June 30, 2009 for Regulated Medical Waste (RMW) audit, transportation and treatment services at NMC; and
   b. Directed the Auditor-Controller to amend Fiscal Year 2008-09 Natividad Medical Center Budget Unit 960 to increase appropriations by $140,000 (4/5th vote required).

HEALTH AND SOCIAL SERVICES:

20. Board Budget No. 08/09-120
   a. Approved and accepted funds of $2,168.22 from a lawsuit settlement designated for child protection services agencies; and
   b. Deposited the funds into the Best Friends Fund account with the Action Council of Monterey County to support families receiving services from Family & Children Services.

21. Accepted 2008 Annual Report from the Santa Cruz-Monterey Managed Medical Care Commission, also known as the Central Coast Alliance for Health.

22. Resolution No. 08-153 Proclaimed state of local emergency relating to the spread of HIV among injection drug users in Monterey County.
CRIMINAL JUSTICE:

23. Board Budget No. 08/09-121
   a. Approved and authorized the Sheriff to accept a cash donation in the amount of $1,000 from Steven Bellone and Paul Bellone, of Castroville for ongoing expenditures at the Castroville Community Field Office (CFO); and
   b. Authorized the Sheriff to send a thank you letter.

24. ITEM DELETED PRIOR TO POSTING OF AGENDA

25. a. Adopted Resolution No. 09-254 increasing probation services fees and amending Article XVIII of the Monterey County Fee Resolution relating to fees charged by the Probation Department; and
   b. Incorporate the updated Fee Schedule in that Article.

GENERAL GOVERNMENT:

26. a. Approved and authorized the Chair of the Board to sign Amendment No. 1 to the Implementation Agreement between the Fort Ord Reuse Authority and the County of Monterey; and
   b. Directed the Clerk to the Board to record the Amendment.

27. Approved Resolution No. 09-150 designating County staff positions to authorize and execute documents and applications for the purpose of obtaining financial assistance under the Californian Emergency Management Agency (CalEMA) Homeland Security Grant Program.

28. Approved recommendation of the Overall Economic Development Commission (OEDC) to adopt the Monterey County Business Council (MCBC) Local Branding Logos, "Monterey County - Quality Products" and "Monterey County - Quality Services" on all OEDC literature.

PUBLIC COMMENT:
· Mary Claypool, Monterey County Business Council, thanked the Economic Development Commission for supporting the business council and agriculture working group and requested the Board consider allowing the Business Council to work with departments to expand some of their materials and better highlight Monterey County and the services provided.

The vote on this item was concurrent with the vote on Item 18.
Motion by Supervisor Potter, seconded by Supervisor Armenta. ALL AYES

29. Agreement No. A-11060
   a. Approved amended program guidelines for the CDBG Freeze Rental Assistance Program; and
   b. Approved Amendment No.1 to the Sub-recipient Agreement between the County of Monterey and the Monterey County Housing Advocacy Council for
implementation of the Freeze Rental Assistance Program which incorporates the amended program guidelines.

30. Approved the Action Minutes of Tuesday, January 27, 2009; and Tuesday, February 3, 2009, having been previously distributed to all Board members.


32. Resolution No. 09-148 ratified Proclamation of Local Emergency issued by the County Administrative Officer on February 15, 2009, for conditions present in the Carmel Lagoon (4/5th vote required).

33. Board Budget No. 08/09-115 Approved Unit R (SEIU Resident Physician MOU) Mediator’s Recommended Settlement covering the period January 1, 2009 through December 31, 2011.

**RMA - PUBLIC WORKS:**

34. a. Adopted Resolution No. 09-149 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 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).

35. 2009 CONST 001
   a. Approved plans and special provisions for the new addition and remodel of the Agricultural Commissioner, 1428 Abbott Street, Salinas, CA, Bid No. 10165; and
   b. Authorized the Clerk of the Board to advertise the "Notice to Contractors" in the Californian on March 2 and March 9, 2009.

**MONTEREY COUNTY WATER RESOURCES AGENCY:**


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