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

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

2. Closed Session under Government Code section 54950, relating to the following items:

a. Pursuant to Government Code section 54956.8, the Board conferred with real property negotiators.
   Property: All Monterey County Superior Court facilities, locations: 240 Church Street, Salinas; 1200 Aguajito Road, Monterey; 250 Franciscan Way, King City; 3180 Del Monte Boulevard, Marina; and 1422 Natividad Road, Salinas.
   Agency Negotiator: Patricia Maitland
   Negotiating parties: The County of Monterey and the Administrative Office of the Courts, State of California
   Under negotiation: Terms and conditions

RESULTS OF CLOSED SESSION: The Board received information from the County’s negotiator and provided direction concerning how to proceed.
b. Pursuant to Government Codes section 54957, the Board conferred regarding appointment to the position of Natividad Medical Center CEO.

RESULTS OF CLOSED SESSION: The Board conducted an oral interview of one candidate for the position of Natividad Medical Center CEO.

c. Pursuant to Government Code section 54956.8, the Board of Directors of the Redevelopment Agency Board conferred with real property negotiators.

Property: Fort Ord Veteran’s Cemetery parcel
Agency negotiator: Kay Reimann
Negotiating Parties: Redevelopment Agency; City of Seaside; FOR A
Under negotiation: Terms and conditions

RESULTS OF CLOSED SESSION: The Board received information from the County’s negotiators and provided direction concerning how to proceed in negotiating a Memorandum of Agreement with the City of Seaside and the Fort Ord Reuse Authority. The Board received information from the County’s negotiator and provided direction concerning how to proceed.

d. Pursuant to Government Code section 54956.9(b), the Board conferred with real property negotiators.

Property: The public rights of way in Waste Management Company’s "Western Franchise" and "Northeastern Franchise" areas of the County.
Agency Negotiator: Len Foster
Negotiating Parties: County of Monterey and Waste Management Corporation
Under negotiation: Terms and conditions

RESULTS OF CLOSED SESSION: The Board received information from the County’s negotiator and provided direction concerning how to proceed.

e. Pursuant to Government Code sections 54956.9(b) and 54956.9(c), the Board conferred with legal counsel regarding one item of significant exposure to litigation and/or potential initiation of litigation.

RESULTS OF CLOSED SESSION: The Board received information from legal counsel and provided direction concerning how to proceed.

f. Pursuant to Government Code section 54956.9(a), the Board conferred with legal counsel regarding existing litigation.

1. The Preserve Golf Club vs. County of Monterey

RESULTS OF CLOSED SESSION: The Board authorized the Chair to sign a contract amendment with the law firm of Kronick, Moskovitz, Tiedemann & Girard for its final attorney services in defense of the case. A copy of the amendment will be available for review in the Office of the County Counsel upon request after the litigation has been completed.

2. Guadalupe "Jose" Martinez (WC)

RESULTS OF CLOSED SESSION: The Board authorized the County’s Third Party Administrator, Helmsman Insurance, Inc., a division of Liberty Mutual, and the County’s workers’ compensation attorney, M. Galileo Morales of the law firm
of Hanna Brophy, to settle the case as recommended by the County’s Risk Manager.

g. Pursuant to Government Code section 54957.6, the Board conferred with labor negotiators. Designated representative: Keith Honda

Employee organizations: All Units

RESULTS OF CLOSED SESSION: The Board did not confer with the County’s labor negotiators concerning labor negotiations for all units.

SA-6 h. Pursuant to Government Code section 54956.9(b), the Board conferred with legal counsel regarding two items of significant exposure to litigation.

RESULTS OF CLOSED SESSION: The Board conferred with legal counsel regarding one item of significant exposure to litigation. The Board received information from legal counsel concerning the matter and provided direction concerning how to proceed

10:30 A.M. RECONVENED

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

3. Pledge of Allegiance was led by Supervisor Armenta.

4. Additions and Corrections There were no additions or corrections.

NOTE: Motion by Supervisor Salinas, seconded by Supervisor Calcagno to continue Item S-3 to a date closer to completion of the Health Department building.

ALL AYES

5. CONSENT CALENDAR - MONTEREY COUNTY REDEVELOPMENT AGENCY (See Supplemental Sheet)

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

6. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)

· Mike Novo, Director of Planning, requested Consent Item 41 be withdrawn. He also requested Consent Item 43 be trailed after S-2.
· Mary Perry, County Counsel, requested Consent Item 39 be trailed to later in the day. This item was heard after S-1.

Motion by Supervisor Potter, seconded by Supervisor Salinas. All Consent Items approved excluding Consent Items 41 which was withdrawn from the Agenda and Consent Item 39 and 43 which were trailed. ALL AYES

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

Motion by Supervisor Salinas, seconded by Supervisor Calcagno. ALL AYES
OTHER BOARD MATTERS:

8. Board Comments, Referrals, and Updates
   · Supervisor Calcagno recommended staff to provide a policy on wind generators and solar power.

9. CAO Comments
   · County Administrative Officer Lew Bauman acknowledged the Elections Department for their service, and expressed appreciation for the widespread participation by many community groups toward a successful elections process which resulted in a historic 83% voter turn out.

10. Public Comment (Limited to 3 minutes per speaker)
    · Yadira R. Real, member of SEIU 6434, spoke through an interpreter regarding Consent Item 21 and thanked the Board for their support.
    · Franklin Lunding requested the County reopen negotiations and review the Amended Revenue Neutrality Agreement relating to Carmel Valley Incorporation; handout received.
    · Hans Jongens spoke regarding global warming and provided two reports from the American Free Press.

NOTE: Supervisor Armenta recognized elected officials in attendance.

11. Adopted the Board of Supervisors meeting schedule for calendar year 2009.
    Motion by Supervisor Calcagno, seconded by Supervisor Salinas.
    ALL AYES

12. Adopted Resolution honoring Charles Harriman, Senior Road Maintenance Worker to the Public Works Department, upon his retirement from Monterey County for over twenty-three years of public service. (Full Board)
    Motion by Supervisor Potter, seconded by Supervisor Salinas. ALL AYES

13. Adopted Resolution honoring Bryce Hori, Assistant Engineer to the Public Works Department, upon his retirement from Monterey County for over thirty-six years of public service. (Full Board)
    Motion by Supervisor Calcagno, seconded by Supervisor Salinas. ALL AYES

14. a. Adopted Resolution honoring Ila Mettee-McCutchon for her service to Monterey County as the 4th District Supervisor (Full Board);
    b. Received farewell remarks by Supervisor Mettee-McCutchon; and
    c. Recessed to lobby for a reception honoring Supervisor Mettee-McCutchon.
Chairman Armenta presented a plaque to Supervisor Mettee-McCutchon for her service as Fourth District Supervisor. The following conveyed their appreciation to Ila Mettee-McCutchon for her honesty, integrity, and service to Monterey County and the community. Supervisor Potter, Supervisor Salinas, Supervisor Calcagno; Mrs. Byrl Smith; County Administrative Officer Lew
Bauman; County Counsel Charles McKee; Council Member Tom Mancini presented a plaque on behalf of the Mayor and City Council of Seaside; Mayor Gary Wilmot, City of Marina, presented Certificate of Recognition; Mayor Dennis Donohue, City of Salinas, on behalf of Salinas City Council, presented a plaque.

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

RECONVENED

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

APPOINTMENTS:

NOTE: Agenda Items 15-18 were heard concurrently.

15. Reappointed Steven Harrison, M.D. to the Santa Cruz-Monterey Managed Medical Care Commission, dba, Central Coast Alliance for Health for a term ending January 1, 2013. (Full Board)
   Motion by Supervisor Calcagno, seconded by Supervisor Mettee-McCutcheon. 4 AYES; 1 Absent - Supervisor Potter

16. Appointed Richard Barratt to the Military and Veterans Affairs Advisory Commission to fill the vacancy of Ralph Norm Channel for a term ending January 1, 2011. (Supervisor Potter)
   Motion by Supervisor Calcagno, seconded by Supervisor Mettee-McCutcheon. 4 AYES; 1 Absent - Supervisor Potter

17. Appointed Edith Johnsen to the Central Coast Veterans Cemetery Citizen’s Advisory Committee filling the new ex-officio position for a term ending at the Pleasure of the Board. (Full Board)
   Motion by Supervisor Calcagno, seconded by Supervisor Mettee-McCutcheon. 4 AYES; 1 Absent - Supervisor Potter

18. Appointed Ted J. Gilbert to the Cholame Valley Cemetery District for a term ending February 1, 2012. (Supervisor Salinas)
   Motion by Supervisor Calcagno, seconded by Supervisor Mettee-McCutcheon. 4 AYES; 1 Absent - Supervisor Potter

SCHEDULED MATTERS:

NOTE: S-2 was heard prior to S-1.
S-2  a. Acknowledged receipt of Coastal Commission letter certifying a map amendment to Monterey County’s Local Coastal Program Initiated by File PLN040079 (Petersen);
   b. Adopted an Ordinance to amend Sheet 20-4 of Section 20.08.060 of Title 20 of the Monterey County Code (Monterey County Coastal Implementation Plan) to rezone a 23-acre parcel (APN: 133-014-020-000) from RDR/B-7 to RDR/10;
   c. Directed staff to transmit the adopted Ordinance with revised map to the California Coastal Commission to incorporate into the public file; and
   d. Directed staff to transmit a Final Local Action Notice (FLAN) to the California Coastal Commission for the Petersen project (PLN040079) approved by the County Planning Commission on October 26, 2005. (Zoning change and map amendment - PLN040079/Petersen, 16770 Blackie Road, Salinas, North County Land Use Plan Area)

Public Comment:
· Sheri Damon, Lombardo and Gilles, on behalf of the applicant, urged the Board’s support.

Motion by Supervisor Salinas, seconded by Supervisor Calcagno.
4 AYES; 1 Absent - Supervisor Potter

NOTE: Regular Consent Item 43 was heard after S-2.

43.  a. Approved Parcel Map for a Minor Subdivision (PLN060503/Petersen) to subdivide a 23.02 acre parcel into two parcels consisting of 11.51 acres each;
   b. Accepted Tax Clearance Letter and Parcel Map Guarantee; and
   c. Directed the Clerk of the Board to submit the Parcel Map for recording.
   (Parcel Map - PLN060503/Petersen, 16770 Blackie Road, Salinas (North County LUP area)
   No public comment.

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

S-1  a. Approve Fiscal Year (FY) 2008-09 Mid-Year Budget modifications to rebalance the County Budget due to State Budget Impacts, Quarter Funding Issues, Non-Program Revenue and Program Revenue reductions and Investment Losses;
   b. Approve the use of $4,530,519 of FY 2006-07 Fund Balance rollover (4/5th vote required);
   c. Direct the Auditor-Controller to amend the FY 2008-09 Adopted Budget to reflect elimination of vacant positions, increases and decreases in appropriations and revenues, use of contingencies and use of prior year fund balance as outlined in the Board Order with any changes directed by the Board (4/5th vote required);
   d. Authorize the establishment of employee seniority ranking lists;
e. Authorize activation of the County’s Inplacement Program;
f. Direct staff to meet with the employee labor organizations to develop strategies to minimize employee layoffs;
g. Direct the Departments of Planning and Building Services to submit a reduction plan to the Budget Committee and Board by January 2009 that aligns their operations within the departmental revenue resources available and establishes a sustainable level of service; and,
h. Consider directing staff to contract for independent financial analysis services aimed at assessing the County’s financial position, including fund balances and reserves, current and future cash flow needs and current and future revenue flows, etc., and to bring forward to the Budget Committee cost and timelines.

Public Comment:
· Jyl Luts spoke in support for the presence of the Gang Task Force and the Silver Star Program and urged continued funding.
· Manny Perrien, Deputy Chief, Salinas Police Department, urged the Board to continue the Gang Task Force as a local priority.
· Eddie Rodriguez, Chief of Police, City of Marina, and President-elect of the Monterey County Chief Law Enforcement Officers’ Association, spoke in support of continued funding for the Gang Task Force and Silver Star Program.

S-1 Continued to afternoon session.

12:30 P.M. Recessed

Joint meeting between the Monterey County Board of Supervisors and Natividad Medical Center Board of Trustees in the Monterey Room, located at 168 W. Alisal Street, Second Floor, Salinas, California.

Closed Session

Pursuant to Government Code Section 54957, the Board of Supervisors and the Board of Trustees conferred regarding appointment to the position of Natividad Medical Center CEO.

RESULTS OF CLOSED SESSION: The Monterey County Board of Supervisors met jointly with the Natividad Medical Center Board of Trustees during lunch pursuant to Government Code Section 54957 and conferred regarding appointment of the Natividad Medical Center CEO. The Board of Supervisors gave direction to staff concerning how to proceed.

2:30 P.M. RECONVENED

ROLL CALL:
Present: Supervisors Armenta (Chair), Calcagno, Salinas, Mettee-McCutcheon, Potter
NOTE: Supervisor Potter stated he was not present during the morning’s presentation of S-1. He attended a Board of Trustees meeting for NMC. He further stated he was extensively briefed on S-1 and is qualified to participate in the deliberation.

S-1 Continued

S-1 a. Approved Fiscal Year (FY) 2008-09 Mid-Year Budget modifications to rebalance the County Budget due to State Budget Impacts, Quarter Funding Issues, Non-Program Revenue and Program Revenue reductions and Investment Losses;

b. Approved the use of $4,530,519 of FY 2006-07 Fund Balance rollover (4/5th vote required);

c. Directed the Auditor-Controller to amend the FY 2008-09 Adopted Budget to reflect elimination of vacant positions, increases and decreases in appropriations and revenues, use of contingencies and use of prior year fund balance as outlined in the Board Order with any changes directed by the Board (4/5th vote required);

d. Authorized the establishment of employee seniority ranking lists;

e. Authorized activation of the County’s Inplacement Program;

f. Directed staff to meet with the employee labor organizations to develop strategies to minimize employee layoffs;

g. Directed the Departments of Planning and Building Services to submit a reduction plan to the Budget Committee and Board by January 2009 that aligns their operations within the departmental revenue resources available and establishes a sustainable level of service; and,

h. Consider directing staff to contract for independent financial analysis services aimed at assessing the County’s financial position, including fund balances and reserves, current and future cash flow needs and current and future revenue flows, etc., and to bring forward to the Budget Committee cost and timelines.

Public Comment continued from morning session.

· Sheriff Kanalakis, Sheriff-Coroner, urged the Board to fund the Sheriff's office fiscal shortfall, or a portion, with regard to Gang Task Force and the Silver Star Gang Prevention Program.

· Manuel Real, Chief Probation Officer, requested the Board's support and continued funding for the Gang Task Force and the Silver Star Program for the remainder of 2008.

· Dean Flippo, District Attorney urged the Board to reconsider restoring funding for the Gang Task Force and the Silver Star Program

Motion by Supervisor Salinas, seconded by Supervisor Calcagno to support the staff's recommendation a-g, excluding section (h) to fund for one month the Gang Task Force at $82,880 and Silver Star Program at $47,137, and further directed staff to review potential funding mechanisms for the Gang Task Force and the Silver Star Program for report back on Tuesday, January 27, 2009. ALL AYES
NOTE: Motion by Supervisor Salinas, seconded by Supervisor Calcagno to correct a procedural clarification to Board action taken on December 9, 2008 for item S-1 to include the language to adopt Resolutions approving Ag Preserve and Farmland Security Zone applications which was not included in the original title. ALL AYES

NOTE: Regular Consent Item 39 heard following S-1
Moved by Supervisor Salinas, seconded by Supervisor Mettee-McCutcheon to approve Agenda Item 39. ALL AYES

SCHEDULED MATTERS:

S-3 CONTINUED TO A DATE UNCERTAIN Adopt Resolution formally memorializing the County Health Department Headquarters Building (presently under construction), at 1270 Natividad Road, Salinas, California, in honor of late County Supervisor, Gerald "Jerry" C. Smith (unanimous vote required).

S-4 Authorized the Contracts/Purchasing Officer to release a Request for Proposal (RFP No. 10156) for countywide provision of "advanced life support" ambulance service.
Public Comment:
· Martha Karstens, Administrations Assistant Chief Big Sur Fire Brigade, presented letter and map, agreed with response times.
· Brett Loomis, Acting Deputy Fire Chief Salinas Fire Department, agreed with the RFP language, requested options be available, and proposed possibility of a more comprehensive total systems approach.
· Jeff Ruch, Acting President of IFF 4513, spoke regarding the RFP Workforce Protection Language and is in support of Option 2, and further requested the Board's consideration to add the dispatchers to the WPL. He commented regarding testing for qualification for employment.
Motion by Supervisor Salinas, seconded by Supervisor Calcagno to approve the staff recommendation, including workforce protection taken from the prior Request for Proposal (RFP) language as modified by County Counsel to reduce potential liability to the County and with inclusion of dispatchers. ALL AYES

S-5 a. Received an oral presentation regarding the Monterey County Juvenile Justice Complex (Complex);
 b. Adopted Resolution authorizing the Chief Probation Officer to sign and submit an application for funding in the amount of $35 million under SB 81 Local Youthful Offender Rehabilitative Facility Construction Funding Program (Juvenile Detention Center);
 c. Directed staff to return April 2009 for consideration and determination of funding approach (e.g. voter approved Assessment Bond, General Obligation Bond, Public Safety Tax, General Tax, etc.) for County contribution, Operations expenditures and Debt Service requirements toward the Juvenile

S – Scheduled Items SA - Supplemental Agenda AC - Additions and Corrections
Detention Center and Complex given the financial condition of the County’s General Fund; and  
d. Provided Board with information on any outstanding issues.

Public Comment letter received from Monterey County Water Resources Agency.

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

S-6 Reintroduced, waived first reading, and set for adoption on Tuesday, January 13, 2009, an Ordinance of the County of Monterey, State of California, to add Chapter 1.22 (Administrative Remedies for Code Enforcement) for administrative procedures that govern the imposition, enforcement, collection, and administrative review of administrative fines or penalties for violations of the Monterey County Code.  
(Ordinance - PLN040372/Administrative Draft Procedures, County-wide)

**Opening Public Hearing**

Public Comment:
- Julie Filice, on behalf of SEIU, requested the Board enforcement Ordinance be tabled until the Union has opportunity to review the costs.  
- Mike Caplan, Coast Properties Owners Association, presented and read letter into the record for possible proposed language.  
- Pam Silkwood, Member of Code Enforcement Group, spoke on behalf of Lisa and Carl Klisner raised several issues regarding the proposed Ordinance and requested addition and deletion of language in the proposal.  
- Jan Mitchell, representing Prunedale Neighbor’s Group, expressed support of the Ordinance in part, and encouraged public input and participation before the Administrative Law Judge or Hearing Officer, and stated violation penalties must be substantial.  
- Carolyn Anderson, representing Advocates for Code Compliance, urged the Board to adopt Ordinance with modifications recommended.  
- Bob Perkins, Executive Director of Monterey County Farm Bureau, urged the Board to reject proposed Ordinance.  
- Paula Lotz, speaking on behalf of LandWatch Monterey County, expressed concerns with Ordinance changes and proposed accepting the Ordinance which would allow changes.  
- Received two letters from Law Office of Michael Stamp dated December 15 and 16, 2008.

**Motion by Supervisor Potter, seconded by Supervisor Calcagno adopted staff recommendations and directed staff to meet with interest groups for clarification. Any substantive modifications are required to return to the Board for a subsequent third hearing. ALL AYES**
S-7   a. Approve the recommendation from the Natividad Medical Center (NMC) Board of Trustees to reorganize Monterey County healthcare delivery services through a two-phase reorganization plan: Phase I will be the creation of the Monterey County Integrated Healthcare System to include Natividad Medical Center and the County Health Department’s Clinic Services Division (all of the County’s primary care clinics), and Phase II will be the creation of and implementation of the Monterey County Health Services Agency (HSA) in January 2010 to include the Integrated Healthcare System and the following divisions and services of the Health Department involved in the direct delivery of healthcare to our County residents: Behavioral Health, Community Health, Office of the Health Officer, and Emergency Medical Services (EMS) with the remaining divisions and services of the Health Department not included in the HSA—Environmental Health, Animal Services, Public Guardian and Public Administrator—to either be reassigned to other County agencies/departments or would form their own department;

b. Directed the CAO, the NMC CEO, and the Director of the Health Department to present an implementation plan for the Integrated Healthcare System to the County Board on 1/13/09;

c. Direct staff to implement the Integrated Healthcare System plan immediately upon Board approval on 1/13/09;

d. Appoint Wellspring interim management as interim leadership of the Integrated Healthcare System; and

e. Appoint the permanent NMC leadership as leadership of the Integrated Healthcare System.

Public Comment:

- Charles Edwards M.D. urged the Board not to support the reorganization plan.
- Charles Limbach, M.D. read and submitted letter into the record providing perspective from the stakeholders in the Clinic Services Division.
- Inga DeAngelo, Nurse Practitioner, urged the Board to vote against integrated health services.
- Esther Kluge did not support staff recommendations.
- Maria Anaya urged the Board not to support the merger.
- Deborah Rivas, Nurse Practitioner, requested the Board to reconsider today's approval.
- Lena Valdez, Director of SEIU Local 521 representing Monterey and San Benito Counties, demanded a committee appointed by SEIU Local 521 be part of the team that develops implementation of Phase I.
- Angelida Partido, Public Health Nurse, voiced questions regarding merger of NMC and the Health Department.
- Barbara Bannan M.D. urged the Board not to assimilate the clinics into the administration of NMC as presently proposed.
- Laura Solorio M.D. addressed the Board regarding Attachment C and requested her name be removed from the Consensus Statement.
- Cesar Lara, Monterey Bay Central Labor Council, requested the Board have an implementation plan in hand before approving and if not have representation from SEIU.
· Kurt Sliger M.D. Vice-Chair Interim Board of Trustees, supported NMC proposal.
· Heather Deming, spoke on behalf of patients and her personal experience within the Behavioral Health System.
· Alma McHoney urged the Board to vote against the reorganization of Monterey County Health Care Delivery Services.
· Pat Hunton, Chair of the Mental Health Commission, requested the Board not authorize the Health Services Agency or Monterey County Integrated Health Care System until it has selected a CEO. The Commission opposed the implementation of a Health Services Agency without the development of an implementation plan with collaboration. The Commission urged the Board not to approve the Health Services Agency until a CEO is hired and a strategic plan developed.
· Robert Jackson, Behavioral Health Services Manager, stated the focus should be on the incoming CEO of NMC.
· Linda Sanchez urged the Board to eliminate the Health Services Agency into Phase II.
· Donna Oliveira, President of Mee Memorial Hospital Service League and member Natividad Medical Foundation, spoke in support of Wellspring/Huron.
· Manuel Sapiens opposed the Monterey County Healthcare Services Agency.
· Jennifer Ramirez, Deputy Director for Central Coast Center for Independent Living (CCCL), stated their opposition to the proposed reorganization of the Monterey County Health Care Delivery Services.
· Kate Spacher urged the Board not to accept the proposal without developing a strategic plan that includes input from all major stakeholders.
· Anna Lowery, member of the Board of the National Alliance on Mental Illness of Monterey County, requested more open community forums before approval.
· Kontrena McPheter spoke regarding her health care and effective communication.
· David Smith spoke regarding Prop 63 and the impact of Health Services Agency.
· Dr. Gary Gray, Chief of Staff at NMC, Family Physician, Director at a Family Medicine Residency Program, stated the medical staff at NMC fully supports an integrated delivery model and encouraged the Board to take action in support of the proposal and encouraged the Board to keep an open dialogue.
· Valarie Choy, Internal Medicine Physician, commented on PowerPoint presentation provided by Mr. Foley.

Motion by Supervisor Salinas, seconded by Supervisor Mettee-McCutchon to approve the Monterey County Hospital and Clinic Health Care Services System to include NMC and the County Health Department’s Clinic Services Division; (the primary care clinics); Directed Supervisor Salinas, the County Administrative Officer, NMC Chief Executive Officer, and the Director of Health to present to present a report on an Implementation Plan on Tuesday, January 13, 2009. ALL AYES
S-8  a. Continued the public hearing to Tuesday, January 27, 2009; or
   b. Grant the project applicant’s request to hold the public hearing on
      December 16, 2008, and if the Board holds the hearing, consider adoption of a
      Resolution to:

      1. Deny the appeal;
      2. Adopt the Mitigated Negative Declaration with errata and approve the
      3. Approve a Coastal Development Permit consisting of a Tentative Parcel
         Map creating four parcels of 3 acres, 3 acres, 3 acres, and 11 acres,  
         subject to the recommended conditions. (Appeal - PLN080185/Jehovah
         Witnesses South Spanish Congregation, 125 Sill Road, Las Lomas)

Public Comment on Continuance
· John Bridges agreed to hold the public hearing.
· Margie Kay, appellant, requested continuance of hearing.
· Evelyn Daria, applicant, requested the hearing.
· Tomas Gomez, applicant, urged the Board to begin the hearing.
· Jesus Hernandez, applicant, agreed to begin the hearing.

Motion by Supervisor Potter, seconded by Supervisor Calcagno to not grant
reconsideration and will leave the matter set for Tuesday, January 27, 2009.
4 AYES; 1 No - Supervisor Mettee-McCutchen

ORDER FOR ADJOURNMENT

Adjourned in Memory of
Supervisor Thomas W. Mayfield,
Stanislaus County Chairman of the Board of Supervisors.

NOTE: A written report of the Results of Closed Session was provided by
County Counsel and filed with the Clerk of the Board. (See Items 2 a-h)

APPROVED:

CHAIR, FERNANDO ARMENTA
BOARD OF SUPERVISORS

ATTEST:
DENISE PENNELL
Interim Clerk of the Board

BY: ______________________
    Denise Hancock, Deputy
CONSENT CALENDAR
Motion by Supervisor Potter, seconded by Supervisor Salinas. All Consent Items approved excluding Consent Item 41, which was withdrawn from the Agenda and Consent Items 39 and 43 which were trailed. ALL AYES

Consent Item 43
Motion by Mettee-McCutcheon, seconded by Supervisor Salinas.
4 AYES; 1 Absent - Supervisor Potter

Consent Item 39
Moved by Supervisor Salinas, seconded by Supervisor Mettee-McCutcheon.
ALL AYES

NATIVIDAD MEDICAL CENTER:

19. a. Authorized the Purchasing Manager for Natividad Medical Center (NMC) to sign an Agreement with Doctor Diesel in an amount not to exceed $3,100 per year or $6,200 for the term July 1, 2008 through June 30, 2010 for inspection, repair, maintenance of underground fuel tanks at NMC and;
   b. Modified County insurance requirements.

SA-1 a. Approved and authorized the Purchasing Manager to execute an agreement between Zynx Health Incorporated and Natividad Medical Center (NMC) for the period, November 1, 2008 through October 31, 2013, to provide evidenced-based order sets (ZynxOrder) and care paths (ZynxCare) in an amount not to exceed $495,000; and
   b. Directed the Auditor-Controller to amend the FY 2008-09 Natividad Medical Center Budget Unit 960 to reflect the changes in appropriations as outlined in the Board Order (4/5th vote required).

HEALTH AND SOCIAL SERVICES:

20. Approved and authorized the Military & Veterans Affairs Officer to sign annual Certificate of Compliance (subvention) and Certificate of Participation (Medi-Cal Cost Avoidance) Agreements.

21. Approved and adopted a tentative Agreement with Service Employees International Union (SEIU) Local 6434, representing In-Home Supportive Services Providers Unit for a new Memorandum of Understanding (MOU), for the period March 1, 2009 through February 29, 2012.

22. a. Approved and authorized the Director of the Department of Social & Employment Services, or his designee, to sign two (2) Agreements with CareAccess Silicon Valley, Inc., for a total of $11,760, for the maintenance of websites to access third-party software, for the period July 1, 2008 through
June 30, 2009, including Mutual Indemnification provisions in Exhibits K and L (Section 7), respectively; 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 scope of work.

23. a. Approved and authorized the Chair of the Board to sign a Notice of Intent for Monterey County to participate in the Child Abuse Prevention, Intervention and Treatment (CAPIT), Community Based Child Abuse Prevention (CBCAP), and Promoting Safe and Stable Families (PSSF) programs for State Fiscal Years 2008-11;

b. Designated the Child Abuse Prevention Council as the entity providing oversight of the County Children’s Trust Fund (CCTF); and

c. Approved and authorized the Director of Social and Employment Services to submit CAPIT/CBCAP/PSSF Three-year Plan 2008 to the California Department of Social Services.

24. Proclaimed state of local emergency relating to the spread of HIV among injection drug users in Monterey County.

25. a. Concurred with the Monterey County Workforce Investment Board (WIB) to submit the ninth year modification of the WIB’s five-year plan to the State of California;

b. Authorized Chair of the Board to sign six (6) copies of the modification.

26. a. Approved and authorized the Director of the Department of Social and Employment Services, or his designee, to sign Amendment No. 1 to Agreement No. A-11197 with the ACTION Council of Monterey County to provide project leadership and coordination for Differential Response (aka: Pathways to Safety), adding $113,949 and increasing the contract to $747,527 for the period July 1, 2008 through June 30, 2009;

b. Authorized the Director of the Department of Social and 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; and

c. Directed the Auditor-Controller to increase appropriations and estimated revenues in Budget Unit 501 by $113,949 (4/5th vote required).

27. Concurred with the Monterey County Child Care Planning Council Executive Committee to approve submission of a grant for $6,600,000 to First 5 Monterey County to continue an Early Childhood Workforce Development Incentive Program, from July 1, 2009 to June 30, 2015.
28. a. Approved and authorized the Director of Health to use funds from the Northeastern Franchise Agreement Liability Account No. 061-2748 to finance the cost of consulting services related to the development of a new Request for Proposal for exclusive solid waste collection, transportation, recycling and diversion services in the Unincorporated County; and
b. Directed the Auditor-Controller to increase revenue and appropriations for Budget Unit 414 by $100,000 (4/5th vote required).

29. a. Approved and authorized the District Attorney to accept a grant previously applied for from the Department of Insurance (DOI) in the amount of $195,229; and
b. Directed the Auditor-Controller to amend the Fiscal Year 2008-09 District Attorney Budget Unit 224 to increase revenues and appropriations in the amount of $56,485 as detailed in Board Order (4/5th vote required).

30. a. Approved an increase in Cal-ID Program appropriations and estimated revenues in Sheriff’s Budget Unit 230 for the purchase of software license providing an open data base connectivity (ODBC) between County Criminal Justice Information System (CJIS) and DataWorks Plus PhotoManager application, a photo identification system, in the amount of $40,000; and
b. Directed the Auditor-Controller to increase appropriations and estimated revenues in Sheriff’s Budget Unit 230 as detailed in the Board Order (4/5th vote required).

GENERAL GOVERNMENT:

31. Approved and authorized the Assistant County Administrative Officer to sign Addendum No. 1 to the Memorandum of Understanding dated July 1, 2004 between the Superior Court of California, County of Monterey and the County of Monterey related to Services to be provided and reimbursement for services.

32. Accepted receipt of 2007-08 Annual Report for the Redevelopment Agency of the County of Monterey.

33. Approved and authorized Delegation of Authority to the Assistant County Administrative Officer, or designee, to negotiate and execute any and all necessary documents to implement the intent of the Transfer Agreement(s) for the following Court Facilities: Salinas Courthouse - North Wing, Marina Courthouse, Monterey Courthouse, King City Courthouse, and Juvenile Courthouse pursuant to the Trial Court Facilities Act of 2002 as amended (AB 1732 & AB 1491) (the "Act"), from the County of Monterey to the Judicial Council of California, Administrative Office of the Courts following approval by County Counsel and the County Administrative Officer as to consistency with the Act. Delegation of authority shall expire on January 1, 2009.
34. a. Authorized the Parks Director to approve and execute the Memorandum of Understanding with the California State Department of Boating and Waterways for Park Rangers to attend the Marine Law Enforcement Training Program as related to boating in Fiscal Year 2008-09; and 
b. Authorized the Parks Director to execute and submit all necessary documentation to obtain reimbursement from the California State Department of Boating and Waterways, to the extent that such funding is available.

35. Extended the proclamation of local emergency adopted September 23, 2008, in the aftermath of the Basin Complex Fire and authorize and direct the County Administrative Officer as Director of Emergency Services to further extend the proclamation if the local emergency continues to exist, subject to ratification by the Board of Supervisors at its regular meeting on January 13, 2009 (4/5th vote required).

36. a. Approved and authorized Chair of the Board to sign "Agreement RE 2007 Community Oriented Policing Services (COPS) Technology Grant Between Monterey County and City Of Salinas" to permit the use of COPS Grant funding for public safety communications projects including $180,000 for the purchase of radio frequencies; 
b. Approved and authorized the Contracts/Purchasing Officer to sign the "Frequency Purchase Agreement" between County of Monterey and Repeater Communications Corporation of California upon written approval from the COPS Grant Authority for purchase of radio frequencies for the NGEN project at a cost of $300,000; 
c. Approved and authorized transfer of $120,000 from the Emergency Communications Reserve Fund (Fund 80) to Budget Unit 151-Telecommunications for purchase of these frequencies; and 
d. Directed the Auditor-Controller to increase estimated revenue and appropriations by $300,000 in Budget Unit 151-Telecommunications as detailed in the Board Order (4/5th vote required).

37. a. Authorized expenditure of an amount not to exceed a total of $180,000 for the services of both The Sohagi Law Group, PLC and ICF Jones & Stokes for tasks related to the completion of the General Plan Update and its associated Environmental Impact Report; 
b. Authorized the County Administrative Officer to determine the appropriate allocation of funds between the consultants to enable completion of tasks and, if necessary, execute an amendment to Professional Services Agreement No. A-11088 with ICF Jones & Stokes to augment the amount payable within this funding limit and extend the term of the Agreement; and 
c. Approved and authorized Chair of the Board to sign Amendment No. 2 to Agreement No. A-11028 for Specialized Attorney Services with The Sohagi Law Group, PLC.
38. a. Authorized the Assessor to charge fees pursuant to Section 63.1 (j) (2) of the California Revenue & Taxation Code to process claim forms for exemption from real property reassessment; and  
b. Authorized the Assessor to add fees pursuant to Section 5.33 of the Monterey County Code, Article XIII of the Monterey County Fee Resolution relating to the Assessor-County Clerk-Recorder.

RMA - PLANNING DEPARTMENT:

39. a. Approved the 2009 Application for Establishment of an Agricultural Preserve and Land Conservation Contract by Alvin C. Mortensen and Karen R. Mortensen, Trustees of the Mortensen Family Trust (AgP No. 2009 - 007);  
b. Authorized Chair to execute an Agricultural Preserve Land Conservation Contract; and  
c. Directed the Clerk of the Board to record the Agricultural Preserve Land Conservation Contract.  
   (PLN080438/Williamson Act Agricultural Preserve and Land Conservation Contract Application, South County Area Plan)  
   Moved by Supervisor Salinas, seconded by Supervisor Mettee-McCutchen.  
   ALL AYES

40. a. Accepted an Irrevocable Offer to Dedicate an Open Space Easement, Recorded Instrument No. 9731835, at Reel 3528 pages 40-71, Recorded 6/5/97(PD070661) executed by Myron E. Etienne, as Executor of the Estate of Douglas E. Madsen, Grantor, for property located on the east side of Highway 1, Lafler Canyon area (APN: 420-201-004-000) Big Sur area, Coastal Zone;  
b. Authorized Chair of the Board to sign Certificate of Acceptance; and  
c. Directed the Clerk of the Board to submit the signed Certificate of Acceptance to the County Recorder for filing/recordation.  
   (Open Space Easement - PD070661/Douglas E. Madsen, Big Sur)

41. WITHDRAWN  
   a. Accept an Irrevocable Offer to Dedicate an Open Space Easement, Recorded Instrument No. 64408, at Reel 2304 pages 541-578, Recorded 12/1/88 (PD070662) executed by Mr. & Mrs. Lee Brandenburg and James J. Hill, III located at Pescadero Point, South side of 17 Mile Drive, (APN: 008-451-010-000) Pebble Beach area, Coastal Zone;  
b. Authorize Chair of the Board to sign Certificate of Acceptance; and  
c. Direct the Clerk of the Board to submit the signed Certificate of Acceptance to the County Recorder for filing/recordation.  
   (Open Space Easement – PD070662/Mr. & Mrs. Lee Brandenburg and James Hill, III, Pescadero Point, South side of 17 Mile Drive, Pebble Beach)
42. a. Accepted an Offer to Dedicate an Open Space Easement, for property located at 61550 Highway 1, Big Sur, executed by Big Sur Preservation Alliance, (APN: 422-011-027-000) Big Sur area, Coastal Zone;
   b. Authorized Chair of the Board to sign the Conservation and Scenic Easement Deed; and
   c. Directed the Clerk to the Board to submit the Conservation and Scenic Easement Deed to the County Recorder for filing/recordation.

   (Conservation and Scenic Easement Deed - PD081080 / Big Sur Preservation Alliance, 61550 Highway 1 (Big Sur LUP area)

43. a. Approved Parcel Map for a Minor Subdivision (PLN060503/Petersen) to subdivide a 23.02 acre parcel into two parcels consisting of 11.51 acres each;
   b. Accepted Tax Clearance Letter and Parcel Map Guarantee; and
   c. Directed the Clerk of the Board to submit the Parcel Map for recording.

   (Parcel Map - PLN060503/Petersen, 16770 Blackie Road, Salinas (North County LUP area)

   Motion by Mettee-McCutchon, seconded by Supervisor Salinas.

   4 AYES: 1 Absent - Supervisor Potter

RMA - PUBLIC WORKS:

44. a. Approved a Cooperative Agreement with Caltrans for the State Route 1/Salinas Road Interchange Project;
   b. Authorized the Chair to execute the Cooperative Agreement; and
   c. Directed the Clerk of the Board to submit the Cooperative Agreement to the County Recorder for filing.

45. a. Adopted 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. 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).

46. Introduced, waived the reading, and set January 13, 2009, at 10:30 a.m. to consider adoption of an Ordinance amending the Monterey County Code, Title 12, Section 12.12.010, to establish 45 m.p.h., 55 m.p.h., and 35 m.p.h. speed limits on three (3) segments of Carmel Valley Road, Carmel Valley area.

47. Rejected all bids for the construction of a new Telecommunications Radio Building located on Mount Toro.

48. Accepted report on the status of developers’ fees for the period ending June 30, 2008.
49. Authorized increasing the scope of the Jail Expansion Project to include a Conceptual Master Plan for the entire Laurel/Natividad site utilizing available funding.

50. Directed the Auditor-Controller to make the following changes:
   a. Transferred $600,000 from the Parking Structure-Government Center, Fund 030, Budget Unit 174, Account 3800 (Unreserved Fund Balance), Project No. 8777, to Fund 009, Budget Unit 166, Account 6310 (Maintenance Facilities & Construction);
   b. Transferred appropriations of $600,000 within Fund 010, Budget Unit 173, from Account 6701 to Budget Unit 166, Fund 009, Account 6310 (Maintenance-Facilities and Construction); and
   c. Increased appropriations by $600,000 in Budget Unit 166, Fund 009, to fund Emergency Repairs to the County Jail’s Men and Women’s Showers, Project No. 8516, for a budget not to exceed $1,600,000 (4/5th vote required)

51. a. Approved Amendment No. 2 to Professional Services Agreement (PSA) No. A-10076 with Dokken Engineering, Inc. to provide utility design services for the Highway 68 - Laureles Grade Road Intersection Improvements, Project No. 112065, in the amount of $14,000 for a total amount not to exceed $167,145, and extend the term through April 30, 2009; and
   b. Authorized the Contracts/Purchasing Officer to execute Amendment No. 2 to PSA No. A-10076 and future amendments to this Agreement where the amendments do not exceed ten percent (10%) of the original Agreement amount and do not significantly alter the scope of work.

SA-2 a. Approved Modification No. 4 to Project Agreement No. 04R011050700034 with USDA Forest Service for road work on Tassajara, Miller Canyon, Scout Camp, Church, Arroyo Seco, Indians, Lucia Adobe and Nacimiento Ferguson Roads, Los Padres National Forest;
   b. Authorized the Director of Public Works to execute the Modification No. 4 Project Agreement; and
   c. Directed the Clerk of the Board to submit the Modification No. 4 Project Agreement to the County Recorder for filing.

SA-3 a. Approved Resolution No. * authorizing the Chair of the Board to accept the transfer from the Fort Ord Reuse Authority ownership of Parcel E11a, a 148-acre parcel adjacent to Intergarrison and Reservation roads, and E11b.6.2, a 16-acre parcel located within the area designated as "East Garrison II";
   b. Approved and authorized staff to negotiate a Memorandum of Agreement to transfer from the County of Monterey to the U.S. Bureau of Land Management ownership of Parcel E11b.6.2;
   c. Directed staff to submit the Quitclaim Deed to the Recorder for recordation;
   d. Approved and authorized the Resource Management Agency, Public Works Department, Facilities and Mail Services Budget Unit 106 to act as the interim lead agency;
e. Approved and authorized funding for necessary services related to property management for these parcels in an amount not to exceed $50,000 for FY 2008-09 appropriations, from Budget Unit 850; and
f. Directed staff to return to the Board no later than January 27, 2009, with identified funding alternatives to address recurring costs associated with the acquisition of the property, and a recommendation for the identified lead County Department to assume primary responsibility for Parcel E11a.

**RMA - MONTEREY COUNTY REDEVELOPMENT AGENCY:**
Motion by Supervisor Salinas, seconded by Supervisor Potter. ALL AYES

52. Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey:
   a. Approved a Memorandum of Agreement (MOA) regarding habitat management on portions of the landfill site at the former Fort Ord that requires the Agency to convey and record a Conservation Easement affecting portions of property adjacent to the Fort Ord Landfill, upon the approval of an amended Incidental Take Permit by the California Department of Fish and Game and the payment of consideration by Cypress Marina Heights, L.P.; and
   b. Authorized Chair of the Board of Directors of the Redevelopment Agency to execute the Memorandum of Agreement.

53. Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey, authorized Chair of the Board of Directors of the Redevelopment Agency to approve Amendment No. 2 to Agreement No. A-11093 with Royston, Hanamoto, Alley & Abey to extend the term of the agreement to August 31, 2009.

54. Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey:
   a. Approved 2007-08 Annual Report for the Redevelopment Agency of the County of Monterey; and
   b. Authorized submittal of Annual Report to the State of California.

**MONTEREY COUNTY WATER RESOURCES AGENCY:**
Motion by Supervisor Salinas, seconded by Supervisor Calcagno. ALL AYES

55. Approved letter to US Army Corps of Engineers and other federal agencies stressing need for immediate action to reduce risk to life, property and public infrastructure resulting from fire induced flooding and debris flow hazards in the Arroyo Seco and Salinas River watersheds.

###