AGENDA
Tuesday, March 22, 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 mas pronto posible, y a lo mínimo 24 horas de antípico 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

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

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

2. a. Pursuant to Government Code section 54956.8, the Board of Supervisors will confer with real property negotiators:
   (1) Property: APN 233-011-010-55410 Cattleman Road, San Lucas County
   Negotiator: Jim Cook, Director, Redevelopment and Housing Office
   Under negotiation: Price, terms, and conditions of right of entry, leading to pilot test well construction easement.
   (2) Property: APN 015-021-005
   Negotiator: Yazdan Emrani, Director, Public Works
   Under negotiation: Price and terms

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

c. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation:
   (1) Omni Resources, LLC v. Monterey County, et al. (USDC case no. 06-05420)
   (3) Jennifer Leonard v. Monterey County (MCSC case no. M107976)
   (4) California-American Water Company v. County of Monterey (PUC case no. 97-03-052)
   (5) Ag Land Trust v. Monterey County Water Resources Agency, et al. (MCSC case no. M110691)
   (6) Highway 68 Coalition v. County of Monterey (MCSC case no. M106390)
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 Directors of the Pajaro County Sanitation District

PAJARO COUNTY SANITATION DISTRICT

ROLL CALL

6. CONSENT CALENDAR – PAJARO COUNTY SANITATION DISTRICT (See Supplemental Sheet, item 32)

Adjournment

Reconvene as the Monterey County Board of Supervisors

MONTEREY COUNTY BOARD OF SUPERVISOR

CEREMONIAL RESOLUTIONS

7. Adopt Resolution approving an application by the Ag Land Trust for grant funds from the California Department of Conservation’s Farmland Conservation Program for the “Fisher Ranch” agriculture conservation easement. (Supervisor Calcagno)

APPOINTMENTS

9. Appoint Kim Solano to the Moss Landing County Sanitation District Citizens Advisory Committee, term ending March 24, 2013. (Supervisor Calcagno)

10. Appoint James Perry to the Historical Advisory Commission, term ending February 1, 2015. (Supervisor Calcagno)

OTHER BOARD MATTERS

11. Board Comments

12. CAO Comments and Referrals

13. Public Comment (Limited to 3 minutes per speaker)

This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under the jurisdiction of the Board of Supervisors. Board members may respond briefly to statements made or questions posed. They may ask a question for clarification, make a referral to staff for factual information, or request staff to report back to the Board at a future meeting.

SCHEDULED MATTERS

S-1 a. Consider approval of the response to the 2010 Monterey County Grand Jury Final Report and provide direction on any changes; and
b. Direct the County Administrative Officer to file the approved response with the Presiding Judge of the Superior Court, County of Monterey, by April 9, 2011.

S-2 Receive an oral presentation on the recent updates to the Strategic Work Plan developed by the Community Alliance for Safety and Peace (CASP), Monterey County and City of Salinas.

Recess

12:00 P.M. RECESS TO LUNCH – CONTINUED CLOSED SESSION

1:30 P.M. RECONVENE

BOARD OF SUPERVISORS OF THE MONTEREY COUNTY WATER RESOURCES AGENCY
ROLL CALL

S-3 Consider approval of the California American Line of Credit Agreement in order to implement the Regional Desalination Project (RDP); and authorize the Monterey County Water Resources Agency General Manager to execute the Agreement.

Adjournment

Reconvene as Monterey County Board of Supervisors

MONTEREY COUNTY BOARD OF SUPERVISORS

SCHEDULED MATTERS

S-4 a. Receive a report regarding the status of the State budget, including the realignment proposal which is predicated upon the passage of a ballot initiative in a Statewide Special Election to extend income, sales and vehicle taxes for five years and which provides the framework and some protections to counties for funding the realigned programs; and
b. Consider taking a “support in concept” position on the constitutional amendment/realignment proposal.

S-5 Consider and:
   a. Approve the recommended County Financial Guidelines containing Countywide financial principles and strategies for building the Fiscal Year (FY) 2011-12 Recommended Budget and ongoing fiscal management;
b. Approve financial strategies to fulfill Board direction established in Ordinance and the Financial Guidelines to fund the Strategic Reserve and Workers' Compensation Liability Reserve; and
c. Authorize the Auditor-Controller to make necessary accounting transactions to implement Board approved financial strategies related to Strategic Reserve and Workers' Compensation funding.

S-6 a. Accept a written report from Dr. Hugh Stallworth, Director of Public Health/Health Officer regarding Smart Meters (Referral #2010.20);
b. Direct Monterey County Health Department to send a letter to the PUC requesting the PUC continue to study through independent experts the effects of long-term exposure to low level EMFs and report out findings to all county health departments.

ADJOURNMENT
CONSENT CALENDAR

HEALTH AND SOCIAL SERVICES

14. a. Accept the Monterey County Department of Social and Employment Services, Family and Children's Services Branch 2011 System Improvement Plan as part of the California Outcomes and Accountability System; and
b. Authorize the Department of Social and Employment Services to submit the approved plan to the California Department of Social Services and the Office of Child Abuse Prevention.

15. Execute the State required Notice of Intent for the Monterey County Department of Social and Employment Services, Family and Children's Services Branch 2011 System Improvement Plan as part of the California Outcomes and Accountability System requirements.

16. a. Approve and designate the Monterey County Child Abuse Prevention Council as the entity that has oversight of the Children's Trust Fund; and
b. Authorize the Department of Social and Employment Services to submit this order to the California Department of Social Services and the Office of Child Abuse Prevention.

17. Receive a written report from the Behavioral Health Director regarding implementation of the Drug Treatment Court and the Bureau of Justice Assistance (BJA) and Substance Abuse and Mental Health Services Administration (SAMHSA) Grant entitled "Monterey County Adult Treatment Court Expansion and Enhancement Project".

18. a. Approve position changes to the Health Department Budget Units HEA002-8073, HEA002-8076, HEA002-8082 and HEA007 which include deleting 5 FTE positions from Budget Unit HEA002-8073 (3 FTE), HEA002-8073 (1 FTE), HEA002-8082 (1 FTE) and adding 5 FTE positions to Budget Unit HEA007; and
b. Direct the County Administrative Office to amend the FY 2010-11 Health Department Budget Units HEA002-8073, HEA002-8076, HEA002-8082 and HE007 to reflect the change in position count as outlined in the Board Order.

19. a. Approve and authorize the Contracts/Purchasing Officer to sign Amendment No. 1 to the Professional Services Agreement with the Action Council of Monterey County, Inc., increasing the amount by $350,000 for a revised total amount of $600,000 for the provision of community educational management and contracting for specialized services; and extend the term of the Agreement by one (1) year, for a new term of July 1, 2010 through June 30, 2012; and
b. Authorize the Contracts/Purchasing Officer to sign up to three future Amendments to this Agreement where the Amendments do not exceed ten
percent (10%) of the annual amount, and do not significantly alter the scope of services or result in an increase to net county costs.

**GENERAL GOVERNMENT**


21. a. Authorize the Director of Parks to approve and execute all documentation with the California State Department of Boating and Waterways for Park Rangers to attend enforcement training for Fiscal Year 2010-11; and
   b. Authorize 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.

22. Confirm the composition of the Monterey County Treasury Oversight Committee as nominated by the Treasurer.

23. Approve and authorize the Contracts/Purchasing Officer to execute an agreement between the County of Monterey Treasurer-Tax Collector and RT Lawrence Corporation, in the amount of $350,098.89 for the provision, installation, programming and technical training of remittance processing equipment.

24. a. Approve Resolution and authorize submittal of an application to the California Department of Housing and Community Development (HCD) for grant funding in the amount of $108,100 under the Housing Related Parks Program (HRPP) for the proposed Chualar Tot Lot; and
   b. Authorize the Director of Redevelopment and Housing to sign the grant application and the HRPP grant documents as required by HCD.


27. Approve a request from the Greenfield Fire Protection District for an exemption to the annual audit required by Government Code Section 26909 and authorize preparation of a biennial audit covering the Fiscal Years (FY) of 2010-11 and every two years thereafter. (unanimous vote required) (continued from March 15, 2011)

**RMA – BUILDING DEPARTMENT**

28. a. Receive a report from the Building Services Department on revenue projections in excess of Fiscal Year (FY) 2010-11 budget;
b. Approve the increase of appropriations in the amount of $741,905 in FY 2010-11 to allow the expenditure of the anticipated additional revenue (Fund 001, Unit 8170, Appropriation Unit RMA011) (4/5th vote required);  
c. Authorize the Auditor-Controller to amend the Building Services Department's FY 2010-11 budget by increasing estimated revenues (Source 4230 - Construction Permits) and appropriations (Object 6613 - Other Professional & Special Services) by $741,905 (4/5th vote required);  
d. Approve Amendment No. 1 to the Professional Services Agreement with California Code Check where the total amount not to exceed is increased from $100,000.00 to not to exceed $165,000.00 with no change to the scope of work for plan check, inspection and related services;  
e. Ratify Amendment No. 1 to the Professional Services Agreement with JAS Pacific, Inc. where the total amount not to exceed is increased from $100,000.00 to not to exceed $250,000.00 and amendment to payment provisions, with no change to the scope of work for plan check, inspection and related services;  
f. Ratify Amendment No. 1 to the Professional Services Agreement with Taluban Engineering, Inc. where the total amount not to exceed is increased from $100,000.00 to not to exceed $190,000.00 and to change the length of term from June 30, 2011 to April 30, 2011, with no change to the scope of work for plan check, inspection and related services; and  
g. Authorize the Purchasing Manager to execute said Amendments as well as future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

RMA - PUBLIC WORKS

29. Adopt Resolution:  
a. Accepting the Certificate of Completion for the construction of the Thorne Road Bridge at Arroyo Seco River, County Bridge No. 317, State Bridge No. 44C-0183, Federal-Aid Project No. BRLKO-5944(073), Project No. 08-172165; and  
b. Authorizing the Director of Public Works to execute and record the Notice of Completion.

30. a. Ratify Amendment No. 1 to Professional Services Agreement with Schaaf & Wheeler to continue to provide tasks associated with construction inspection services of the mechanical and electrical systems of the San Jerardo Water System Improvements, Project No. 8599 and include additional services including tank inspection; and water quality sampling, testing and reporting in the amount of $17,210 for a total amount not to exceed $96,338 and extend the term through June 30, 2011; and  
b. Authorize the Contracts/Purchasing Officer to execute Amendment No. 1 to the Professional Services Agreement and future amendments that do not
significantly alter the scope of work or change the approved Agreement amount.

31. a. Award a contract to Top Grade Construction, Inc., the lowest responsible Base bidder, for the State Route 68 at San Benancio Road Intersection Improvements, State Project No. EA 05-0H8220, Contract No. 10-111065; in the total amount of $2,594,740;
b. Approve the Performance and Payment Bonds executed and provided by Top Grade Construction, Inc.;
c. Authorize a contingency, not to exceed ten percent (10%) of the Contract amount, to provide funding for approved contract change orders; and
d. Authorize the Director of Public Works to execute the contract and approve expenditures of contingency for contract change orders.

PAJARO COUNTY SANITATION DISTRICT

32. Acting as the Board of Directors of the Pajaro County Sanitation District:
a. Approve the release of designations totaling $334,724 within the Pajaro County Sanitation District, Appropriation Unit RMA040, from Fund Balance Designations Account, to the Unreserved Fund Balance Account, to provide funding to replace an unanticipated accounts receivables shortfall;
b. Authorize the Auditor-Controller to amend the budget for Pajaro County Sanitation District, Appropriation Unit RMA040, for FY 2010-11 by decreasing the Fund Balance Designations Account by $334,724, and by increasing the Unreserved Fund Balance Account by $334,724; and
c. Authorize the Auditor-Controller to amend the budget for Pajaro County Sanitation District, Appropriation Unit RMA040, for FY 2010-11 by increasing appropriations totaling $334,724 for the Professional & Other Services Account (4/5th vote required).

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