ROLL CALL:
Present: Supervisors Armenta, Salinas, Parker and Potter. Supervisor Calcagno (Chair) arrived prior to Closed Session.

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

2. Closed Session under Government Code section 54950, relating to the following items:
   a. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation.
      (1) Steven Davies (WC)

CLOSED SESSION REPORT: The Board conferred with legal counsel and authorized tentative settlement in this matter; if settlement is executed by all parties, the settlement agreement will be available through County Counsel’s office.
b. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators.
   Designated representative: Keith Honda
   Employee organizations: Unit X
   CLOSED SESSION REPORT: The Board conferred with labor negotiators and provided direction to Mr. Honda as to how to proceed.

c. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators.
   (1) Property: 312 East Alisal Street, Salinas
       County negotiator: Wayne Tanda, RMA Director
       Negotiating parties: The County of Monterey and the City of Salinas
       Under negotiation: Price and terms
   CLOSED SESSION REPORT: The Board conferred with real property negotiator and provided direction to Mr. Tanda as to how to proceed in this negotiation.

   (2) Property: County owned property at the corner of Laurel Drive and Constitution Boulevard (APNs 003-851-021, -024, and -027)
       County negotiator: Wayne Tanda, RMA Director
       Negotiating parties: The County of Monterey and the Salinas Regional Sports Authority
       Under negotiation: Price and terms
   CLOSED SESSION REPORT: The Board conferred with real property negotiator and provided direction to Mr. Tanda as to how to proceed in this negotiation.

   (3) Real Prop negotiations (ADDED VIA ADDENDUM)
       Property: 20 East Alisal Street
       Parties: County and Croker Corner Partnership
       Agency negotiator: Wayne Tanda
       Under negotiation: Price and terms
   CLOSED SESSION REPORT: The Board conferred with real property negotiator and provided direction to Mr. Tanda as to how to proceed in this negotiation.

d. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one item of significant exposure to litigation (ADDED VIA ADDENDUM)
   CLOSED SESSION REPORT: The Board conferred with legal counsel and provided direction to counsel on how to proceed in this matter. No final decisions were made regarding this item.
ROLL CALL:
Present: Supervisors Calcagno (Chair), Armenta, Salinas, Parker, and Potter

3. The Pledge of Allegiance was led by County Administrative Officer Lew Bauman.

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.

CORRECTION UNDER NATIVIDAD MEDICAL CENTER:
12. Revised Attachment A submitted correcting Dollar Variance for Fernandes & Sons and K & D Landscaping

5. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)
   Supervisor Parker pulled consent item 13 for comment.
   Motion by Supervisor Parker, seconded by Supervisor Potter. ALL AYES

OTHER BOARD MATTERS:

6. Board Comments
   · Supervisor Armenta advised he notified staff that the original referral date for Board referral No. 15 needs to be corrected. Supervisor Armenta made a referral based on a SEIU request regarding a countywide food drive.
   · Supervisor Salinas advised of his attendance at the Regional Council and Rural Counties meeting and workshops on Renewable Future: Can California Meet its Energy Needs Through Alternative Means, Healthy Forests-Healthy Communities, Forest Biomass Removal on National Forest Lands. He advises he can provide PowerPoint presentations to Board members.

7. CAO Comments and Referrals
   County Administrative Officer Lew Bauman advised of Supervisor Armenta’s referral for County participation in collections for the Food Bank and confirmed that the County will coordinate efforts so support collection activities.

   Director of Department of Social and Employment Services Elliott Robinson announced the kick-off of Monterey County Employee’s Giving Campaign.

APPOINTMENTS:

Items 9 and 10 were heard concurrently.

9. Appointed Virdette Brumm to the Mental Health Commission to fill an unexpired term, term ending May 31, 2011. (Supervisor Potter)
   Motion by Supervisor Potter, seconded by Supervisor Armenta. ALL AYES
10. Appointed Paul Ingram to the Carmel Valley Recreation and Park District to fill an unexpired term, term ending December 31, 2009. (Full Board)

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

8. Public Comment: None

SCHEDULED MATTERS:

S-1 A. Received reports and provided direction on recommendations and options concerning the impacts to Monterey County resulting from the Fiscal Year 2009-10 State Budget Amendments enacted on July 28, 2009 from the following departments:

1. Department of Social and Employment Services:
   Received and accepted the follow-up report on the impacts to the Department of Social & Employment Services resulting from the FY 2009-10 State Budget Amendments enacted July 28, 2009; and directed the Social and Employment Services Department to report to the Board’s Budget Committee and Board of Supervisors additional recommendations to mitigate the remaining State budget impacts and necessary budgetary action to rebalance the County’s FY 2009-10 Budget

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

2. Health Department:
   a. Received and accepted a report on the impacts to Monterey County Health Department programs resulting from the FY 2009-10 State Budget Amendments enacted July 28, 2009; and,
   b. Approved Plan of Action to mitigate the State Impacts as summarized in the Board Order.
   c. Directed the Health Department to report to the Board’s Budget Committee and Board of Supervisors additional recommendations to mitigate the remaining State budget impacts and necessary budgetary action to rebalance the County’s FY 2009-10 Budget.

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

3. Sheriff’s Office:
   Received the Sheriff’s Office report on the State budget impact due to the one day per month closure of the Superior Court; and directed Sheriff’s Office to report to the Board’s Budget Committee and Board of Supervisors additional recommendations to mitigate the remaining State budget impacts and necessary budgetary action to rebalance the County’s FY 2009-10 Budget.

Motion by Supervisor Potter, seconded by Supervisor Salinas. ALL AYES
4. Resource Management Agency - Public Works Department:
   Received a follow-up report regarding the impact on available operational
   cash due to the State’s payment deferrals for the Highway Users Tax
   Account (HUTA) and Proposition 42, including scenarios for potential
   prolonged deferrals; and directed Public Works to continue to monitor
   Road Fund cash flow and provide updates to Board’s Budget Committee.
   Motion by Supervisor Potter, seconded by Supervisor Salinas.  ALL
   AYES

5. Redevelopment and Housing Office: Acting as the Board of Directors of
   the Redevelopment Agency of the County of Monterey:
   a. Received a report on the impact of the FY 2009-10 State Budget
      Amendments on the Redevelopment Agency of the County of
      Monterey; and
   b. Directed staff to prepare a loan for Board consideration from the Fort
      Ord Housing Set-Aside Fund 177 to the Fort Ord Capital Fund 173, in
      an amount equal to the Fort Ord portion of the ERAF shift, to be
      repaid by June 30, 2015.
   Motion by Supervisor Potter, seconded by Supervisor Salinas.  ALL
   AYES

6. County Administrative Office/Auditor-Controller’s Office:
   a. Received report and consider options to address impacts of the State’s
      FY 2009-10 suspension of Proposition 1A, enabling the State to
      "borrow" local property tax revenues;
   b. Conceptually approved Monterey County’s participation in the
      "California Statewide Communities Development Authority
      Proposition 1A Securitization Program For Cities, Counties, and
      Special Districts," pending approval of still needed "clean-up"
      legislation, Senate Bill (SB) 67;
   c. Directed staff to return to the Board at the earliest scheduled meeting
      date after Securitization Program participation documents become
      available, but not later than November 3, 2009, to adopt a Resolution
      of Approval for a purchase and sale agreement of Monterey County’s
      Proposition 1A receivables, estimated at $10.6 million;
   d. Authorized borrowing from internal funds such as the Workers’
      Compensation Liability Fund as a loan to backfill the General Fund’s
      Proposition 1A suspension funding gap, to be repaid with interest at
      the same rate as the State’s repayment of Proposition 1A borrowed
      funds, protecting current levels of service in the event that
      Securitization is not available; and
   e. In the event that the Securitization Program does not become an
      available option, directed the Auditor-Controller’s Debt Manager to
      develop documents necessary to effect borrowing from one or more
      internal fund, such as the Workers’ Compensation Liability Fund, to
      backfill an amount equivalent to the total Proposition 1A suspension
impact on the General Fund, estimated at $9.9 million, and to return to the Board before December 31, 2009 with recommendations to finalize the borrowing and transfer of internal funds;

f. Directed County Administrative Officer to report to the Board’s Budget Committee and Board of Supervisors additional recommendations to mitigate the remaining State budget impacts and necessary budgetary action to rebalance the County’s FY 2009-10 Budget;

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

7. Resource Management Agency - Planning Department/County Administrative Office:

a. Received a report on impacts to Monterey County resulting from the State action to discontinue Williamson Act subventions to Counties;

b. Deferred direction to staff to explore opportunities to mitigate the loss of subventions with land owners, and/or development of a Williamson Act Assessment District as potential mechanisms for partial backfill of agricultural land subventions in the event that efforts for Williamson Act funding restoration are not successful; and directed staff to continue to process applications for Williamson Act Contracts (Agricultural Preserve [AgP] and Farmland Security Zones [FSZ] Contracts) as outlined in Exhibit A; and

c. Directed staff to report back to the Board before the end of January 2010 with additional recommendations to mitigate remaining budget impacts. (PD090954/Williamson Act Subventions)

d. Directed the Planning Department to report to the Board’s Budget Committee and Board of Supervisors additional recommendations to mitigate the remaining State budget impacts and necessary budgetary action to rebalance the County’s FY 2009-10 Budget.

Motion #1: by Supervisor Potter, seconded by Supervisor Salinas to approve staff recommendations and defer 7.b. ALL AYES

Motion #2: by Supervisor Potter, seconded by Salinas to authorize letters and political pressures to be put on our two State Senators to encourage reconvening and resolutions on Senate Bill (SB) 65 and Senate Bill (SB) 67. ALL AYES

12:30 P.M. RECESS TO SPECIAL CLOSED SESSION

11. Special Closed Session at Natividad Medical Center, 1441 Constitution Bld., Salinas, CA 93906, Steinbeck Room, Second Floor

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

a. Pursuant to Government Code section 54957, the Board will provide a
performance evaluation for the County Administrative Officer.
b. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the County Counsel.

County Counsel Charles McKee announced the read-out of this Closed Session will take place today after Closed Session at Natividad Medical Center and on Tuesday, October 6, 2009 during the regular Board of Supervisors meeting.

Closed Session Report: (See item 2)

ORDER FOR ADJOURNMENT

APPROVED:

LOUIS R. CALCAGNO, CHAIR
BOARD OF SUPERVISORS

ATTEST: GAIL T. BORKOWSKI
Clerk of the Board

BY: __________________________
CONSENT CALENDAR

NATIVIDAD MEDICAL CENTER:

12. Approved and authorized the Contracts/Purchasing Officer for Monterey County to increase the not to exceed dollar amounts of the County Master Agreements listed on Attachment A for services performed at Natividad Medical Center (NMC) for the period July 1, 2009 through June 30, 2010.

12.1 Agreement No. A-11277 Authorized the Purchasing Manager for Natividad Medical Center to execute Amendment #3 to the Agreement between Natividad Medical Center and The Marblehead Group, LLC for continued Consultative Services in an amount not to exceed $890,500 for the full term of the Agreement, an increase of $331,500 for the term October 1, 2009 through June 30, 2010. (ADDED VIA ADDENDUM)

HEALTH AND SOCIAL SERVICES:

13. Approved and authorized an application to California Community Services and Development for an Earned Income Tax Credit Grant in the amount of $46,420, application was due and submitted August 17, 2009.

14. Accepted a report on Board of Supervisors Referral 2009-27 from the Director of Health on Financial Marketing Concepts, Inc., Coast2Coast Rx Card Program, a provider of a discount prescription card service.

GENERAL GOVERNMENT:

15. a. Accepted the recommendation of the Monterey County Fish and Game Commission to award one (1) funding grant; and
b. Approved the distribution of Fish and Game grant funds in the amount of $2,000 for a specified grant project for Fiscal Year 2009 - 2010.

16. a. Approved a second amendment to Agreement No. A-09340 between the County of Monterey and the Veteran’s Transition Center;
b. Approved a second restated promissory note; and
c. Authorized the Director of the Redevelopment and Housing Office to sign the Amendment and all related documents.

17. Approved an amendment to Loan Agreement No. A-06877 between the County of Monterey and Franciscan Workers of Junipero Serra; and Authorize the Director of the Redevelopment and Housing Office to sign the Amendment and all related documents.
18. Introduced, waived reading, and set October 13, 2009 at 10:30 a.m. for adoption of an Ordinance to restore Subparagraph B to Section 2.27.010 of the Monterey County Code to describe the services provided by the Resource Management Agency. (PLN090215/County of Monterey, County-wide)

18.1 a. Approved the transition of the Board of Supervisors Ad Hoc Committee for Human Resources and Labor to a regular Board of Supervisors Committee, named the Human Resources Committee; and
b. Appointed Supervisor Armenta Chair of the Board of Supervisors Human Resources Committee and Supervisor Parker Vice-Chair of the Board of Supervisors Human Resources Committee

**RMA - PLANNING DEPARTMENT:**

19. a. Adopted Resolution No. 09-387 to approve findings, evidence and conditions to facilitate a lot line adjustment between three separate parcels under Farmland Security Contract Nos. 00-011 and 00-012 with no net decrease in acreage under Williamson Act Land Conservation Contract; as shown on the proposed lot line adjustment map on file in Planning File No. PLN070051; and
b. Authorized the Chair of the Board to execute new or amended Farmland Security Zone Contracts rescinding a portion of the existing Farmland Security Zone Contract Nos. 00-011 and 00-012 to reflect the newly reconfigured parcels, and simultaneously execute new or amended Farmland Security Zone Contracts between the County and D’Arrigo Brothers Company of California, reflecting the new legal descriptions and current ownership interests and to incorporate any legislative changes to State Williamson Act provisions and current County Agricultural Preserve Policies or Procedures; and
c. Directed the Clerk of the Board to record the new or amended contracts. (Lot Line Adjustment - PLN070051/D’Arrigo Brothers, Harris Road, Spreckels area, Greater Salinas Area Plan)

**RMA - PUBLIC WORKS:**

20. a. Determined that the prevention of illegal dumping on public land on the former Fort Ord along and adjacent to Inter-Garrison Road is necessary for the protection of the public; and
b. Authorized the Director of Public Works to temporarily restrict vehicular access to a portion of Inter-Garrison Road by locking the existing steel gate located approximately 350 feet east of Schoonover Road.
20.1  a. Accepted the Moonglow Estates Subdivision Improvements as completed:
b. Approved release of the Faithful Performance Security issued by the Travelers Casualty and Surety Company of America (Bond No. 1036 80971) for infrastructure improvements in the amount of $163,000;
c. Approved release of the Labor and Materials Security (Bond No. 1036 80971) in the amount of $81,500; and
d. Approved release of the Monument Bond (Bond No. 1036 80972) in the amount of $12,500. (ADDED VIA ADDENDUM)

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