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

1. Additions and Corrections for Closed Session: None.
   County Counsel Charles McKee advised the Board will be acting as the Board of Supervisors of the Monterey County Water Resources Agency on items 2.g and h. These items are related to the regional water project and allegations that the Water Resources Agency may have breached its duties under the contract and whether the County should initiate litigation for possible breaches of contract or other causes of actions under the contracts that might be available to the County Water Resources agency, in relation to the regional water project.

CLOSED SESSION

2. Closed Session under Government Code section 54950, relating to the following items:
a. Pursuant to Government Code section 54957, the Board will confer regarding recruitment and appointment to the position of Resource Management Agency Director.

**CLOSED SESSION REPORT:** The Board conducted interviews, and no final action was taken.

b. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation:
   (1) Daniel J. Mitchell v. County of Monterey (United States District Court, CAND, case no. C08-01166JW)
   (2) Joette Juarez (Workers’ Compensation case nos. WC608-592374 and WC608-607493)
   (3) William Freeman (Workers’ Compensation case no. WC608-595259)
   (4) Terry Rahiri (Workers’ Compensation case no. WC608-604594)
   (5) Grievances of Dan Mitchell (Added via Addendum)
   (6) Grievances of Dave Dungan (Added via Addendum)

**CLOSED SESSION REPORT:** The Board gave settlement authority to counsel in items b.(1) through (6), and if those settlements are fully executed by all parties, the agreements will be available through the office of County Counsel.

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

**CLOSED SESSION REPORT:** No reportable action.

c.1 Pursuant to Government code section 54957.6(b), the Board will confer regarding one matter of significant exposure to litigation. (Added via Addendum)

**CLOSED SESSION REPORT:** No reportable action taken.

**Acting as the Board of Directors of the Monterey County Redevelopment Agency:**

**CLOSED SESSION:**

d. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators.
   (1) Property: The "Parker Flats" area of the former Fort Ord,
      Negotiators: Jim Cook for the Agency; Monterey Downs LLC, for the developer
      Under negotiation: Terms

**CLOSED SESSION REPORT:** The Board provided direction to the negotiator on how to proceed. No reportable action taken.
e. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation:
   (1) LandWatch Monterey County v. County of Monterey; Redevelopment Agency of the County of Monterey, et al., Real Parties in Interest (Monterey County Superior Court case no. M113552)
   
   CLOSED SESSION REPORT: The Board provided direction to counsel on how to proceed. No reportable action taken.

Acting as the Board of Supervisors of the Monterey County Water Resources Agency:

CLOSED SESSION

f. Pursuant to Government Code section 54956.9(a), the Board will confer regarding existing litigation:
   (1) In the Matter of the Application of California-American Water Company (Application 04-09-019)
   (2) Ag Land Trust v. Monterey County Water Resources Agency, et al. (Monterey County Superior Court case no. M110691)
   
   CLOSED SESSION REPORT: No reportable action taken on f.(1) and (2).

g. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.
   
   CLOSED SESSION REPORT: The Board conferred with counsel. This matter relates to the regional desalination water project and allegations of contract defaults. No reportable action taken.

h. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding one matter of potential initiation of litigation.
   
   CLOSED SESSION REPORT: No reportable action taken.

i. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the Water Resources Agency General Manager.
   
   CLOSED SESSION REPORT: The Board conducted a performance review of the Water Resources Agency General Manager and discussed issues related to performance and the contract. The Board approved an amendment to the contract for the Water Resources Agency General Manager in open session. No reportable action taken in closed session.

Acting as the Board of Directors of the Boronda County Sanitation District

CLOSED SESSION

j. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.
CLOSED SESSION REPORT: The Board provided direction to counsel. No reportable action taken.

Adjourned

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

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

MATERIAL SUBMITTED:
27.1 Amendments to PSA’s with CCC; CSG; and WC3 have been distributed to all Board members
   a. Approve Amendment No. 4 to Professional Services Agreement No. A-11957 with California Code Check, Inc. (CCC) to continue to provide services associated with plan check, inspection and related services to the Monterey County Building Services Department, in the amount of $102,446 for a total amount not to exceed $387,446 and extend the term through March 31, 2012; and
   b. Approve Amendment No. 2 to the Professional Services Agreement with CSG Consultants, Inc. (CSG) to continue to provide services associated with plan review services to the Monterey County Building Services Department, in the amount of $102,446 for a total amount not to exceed $202,446 and extend the term through March 31, 2012; and
   c. Approve Amendment No. 2 to the Professional Services Agreement with West Coast Code Consultants, Inc. (WC3) to continue to provide services associated with plan review services to the Monterey County Building Services Department, in the amount of $102,446 for a total amount not to exceed $202,446 and extend the term through March 31, 2012; and
   d. Authorize the Contracts/Purchasing Officer to execute the Amendments to the Professional Services Agreements and future amendments that do not significantly alter the scope of work or change the approved Agreement amounts.

Motion by Supervisor Potter, seconded by Supervisor Salinas accepts corrections and trail item 27.1 to the afternoon. ALL AYES

5. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)
Supervisor Parker pulled items 23 and 24 and requested item 27.1 be trailed to the afternoon to review the amendments to Public Service Agreements.

Motion by Supervisor Salinas, seconded by Supervisor Armenta with the exception go items 23, 24 and 27.1. ALL AYES

Supervisor Parker commented on items 23 and 24.
Motion by Supervisor Potter, seconded by Supervisor Armenta to approve items 23 and 24. ALL AYES

Recessed as the Monterey County Board of Supervisors

Convoked as the Monterey County Redevelopment Agency

MONTEREY COUNTY REDEVELOPMENT AGENCY

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

6. CONSENT CALENDAR - MONTEREY COUNTY REDEVELOPMENT AGENCY (See Supplemental Sheet)
   Motion by Director Potter, seconded by Director Armenta. ALL AYES

Adjourned

Reconvened as the Board of Supervisors of the Monterey County Water Resources Agency

MONTEREY COUNTY WATER RESOURCES AGENCY

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

7. CONSENT CALENDAR - MONTEREY COUNTY WATER RESOURCES AGENCY (See Supplemental Sheet)
   Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES

Adjourned

Reconvened as the Monterey County Board of Supervisors

MONTEREY COUNTY BOARD OF SUPERVISORS

CEREMONIAL RESOLUTIONS 8 and 9 heard concurrently

8. Adopted Resolution No. 11-311 of proclamation commemorating the retirement of Stan Uchiyama from North Salinas High School after 41 years of service. (Full Board-District 2)
   Motion by Supervisor Calcagno, seconded by Supervisor Salinas. ALL AYES

9. Adopted Resolution No. 11-312 proclaiming the month of September as "Hunger Action Month" in Monterey County.
   Motion by Supervisor Calcagno, seconded by Supervisor Salinas. ALL AYES
APPOINTMENTS 10 and 11 heard concurrently

10. Appointed Joanna Deyers to the Resource Conservation District, to fill an unexpired term ending November 30, 2014. (Full Board)
   Motion by Supervisor Potter, seconded by Supervisor Armenta. ALL AYES

11. Appointed Eric Bailey to the Assessment Appeals Board as an Alternate member, term ending June 1, 2014. (Supervisor Salinas)
   Motion by Supervisor Potter, seconded by Supervisor Armenta. ALL AYES

OTHER BOARD MATTERS

12. Board Comments
   Supervisor Armenta announced the All County Veterans parade in Salinas on November 11th. For more information, contact Supervisor Armenta, any other Board office or Post 31. He also announced the quarterly Welcome Home Troops ceremony scheduled on October 18, 2011. If Monterey County residents know veterans to be recognized, they can contact Tom Griffin at Monterey Veterans Affair’s Office or any Board office. Supervisor Armenta also advised he will not be present at the October 4th Board meeting as he will be attending the American Public Transportation Annual Conference on behalf of Monterey-Salinas-Transit.

13. CAO Comments and Referrals: None.

14. Public Comment
   Hans Jongens and Nina Beety.

SCHEDULED MATTERS

S-1 CONTINUED TO OCTOBER 18, 2011: Public hearing to: Consider a request to amend Williamson Act Agricultural Preserve Compatible Use List for Agricultural Preserve No. 71-047, to allow: Assemblages of people, such as carnivals, circuses, festivals, concerts, dances, quinceneras, weddings, races (motorcycle and bicycle) and private parties not exceeding ten (10) days per event and not involving construction of permanent facilities, and other uses of a similar character, density and intensity. The subject Agricultural Preserve totals approximately 135.50 acres in size, and is comprised of three (3) adjoining parcels: Assessor’s Parcel Number (APN) 137-161-001-000; 11.54 acres, APN 137-161-002-000; 7.59 acres and APN 137-161-003-000; 116.37 acres. PLN110238/Jack Barbieri, et al. / The properties are located at 1652 Old Stage Road, Central Salinas Valley Area Plan. (Time changed to 10:30 am via Supplemental)
   Motion by Supervisor Salinas, seconded by Supervisor Calcagno. ALL AYES

RECESSSED TO LUNCH – CONTINUED CLOSED SESSION

1:30 PM RECONVENED
ROLL CALL
Present: Supervisors Parker (Chair), Armenta, Calcagno, Salinas, and Potter.

The Clerk announced a correction to Supplemental Item S-1 Motion on item 27.1. See Item 27.1 for action on that item.

SCHEDULED MATTERS

S-2 **Conducted a public hearing and accepted** the Nitrate Analysis Addendum to the Hydro-geologic Characterization and Test Well Feasibility Analysis for the San Lucas County Water District funded by a Community Development Block Grant (CDBG) Planning and Technical Assistance (PTA) Grant.

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

S-3 Considered and approved Amendment No. 1 to Employment Agreement with the General Manager to modify the terms of employment and separation (Material available on September 20, 2011)

**Public comment:** Ed Mitchell

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

ORDER FOR ADJOURNMENT
In Memory of Ben Omoto and Luci Post

The Board recessed to Continued Closed Session

Closed Session Report (see 2.a. through j.)

APPROVED:

______________________________
JANE B. PARKER, CHAIR
BOARD OF SUPERVISORS

ATTEST: GAIL T. BORKOWSKI
Clerk of the Board

BY: __________________________
CONSENT CALENDAR

NATIVIDAD MEDICAL CENTER

15. Authorized the Chair of the Board of Supervisors to execute, on behalf of the County, a Lease Agreement No. A-12102 with Mumtaz Tabbaa, MD, an individual, to lease administrative office space located at Natividad Medical Center (NMC), 1441 Constitution Boulevard, Building 580, in Salinas, California for the initial period August 1, 2011 to July 31, 2012 at the monthly rate of $165.00 with automatic renewal for three (3) additional one year periods and with an option that either party may terminate with ninety days written notice.

HEALTH AND SOCIAL SERVICES

16. Approved and authorized the Contracts/Purchasing Officer to transfer ownership of used oil and oil filter collection and recycling equipment, purchased during Fiscal Year 1999-2000 with grant funds from the California Integrated Waste Management Board, now known as California Department of Resources Recycling and Recovery, to the Salinas Valley Solid Waste Authority which currently houses, maintains and operates the equipment at the Jolon Road Landfill in King City.

GENERAL GOVERNMENT

17. Adopted Resolution No. 11-313:
   a. Approving the Office of Emergency Services to submit an application in the amount of $630,723 for the Homeland Security Fiscal Year (FY) 2011 Grant Program; and
   b. Designating and authorizing as Monterey County representatives, the appropriate Auditor-Controller staff, Emergency Services Manager and Planner to execute grant documents.

18. Accepted the recommendation of the Monterey County Fish and Game Advisory Commission to authorize the Chair of the Commission to send a letter on Monterey County official letterhead to other Fish and Game commissions throughout California urging them to contribute to the Californians Turn in Poachers ("CalTIP") program.

19. a. Approved the renewal of an Agreement originally approved by the Board October 26, 2010, Budget No. 10/11-050, Agreement No. A-11878, for the conversion of the Recorder’s Offices microfilmed maps and official records into electronic tiff images by and between ACS Enterprise Solutions, Inc. (Contractor) and the County of Monterey (County) through June 30, 2012;
b. Authorized the transfer of funds in the amount of $542,390.94 from Fund 020 (Restricted Revenue Designation), Account 2751 to Budget 1180_8004 County Clerk-Recorder, for the Map/Official Record Conversion project;

c. Authorized the Auditor-Controller to increase estimated revenues and appropriations in the amount of $542,390.94 in Budget 1180_8004 County Clerk-Recorder (4/5ths vote required); and

d. Authorized the County Contracts/Purchasing Officer to sign up to three (3) amendments to this Agreement where the total accumulative amounts do not exceed five percent (5%) of the original contract amount, and do not significantly change the scope of work.

20. Accepted the Monterey County Law Library Annual Report for Fiscal Year 2010-2011.

21. a. Authorized and approved the Director of the Redevelopment and Housing Office to execute the Renewal and Amendment No. 1 Agreement (A-11754) with California Coastal Rural Development Corporation (Cal Coastal) to continue administration of the County’s Small Business Revolving Loan Fund (RLF) Programs in an amount not to exceed $235,000 in the aggregate, and an increase of $85,000, retroactive from July 1, 2011 to March 31, 2012;

b. Directed staff to complete an evaluation of the Small Business Revolving Loan Fund Program and return to the Board with programmatic recommendations; and

c. Approved modification of County standard professional liability insurance language to reduce coverage limits from $2,000,000 to $1,000,000.

22. Adopted Resolution No. 11-314 approving and authorizing the execution of the Redevelopment Agency Transfer Payment Agreement required by AB1x27, The Voluntary Program Act, to implement the transfer of Redevelopment Tax Increment to the County to make the Annual Community Remittance Payment, subject to pending litigation.

23. Approved a Memorandum of Understanding by and among the County of Monterey, City of Seaside, Central Coast Veterans Cemetery Foundation, and Fort Ord Reuse Authority regarding development of the California Central Coast Veterans Cemetery located within the former Fort Ord. (Economic Development Department)

**Motion by Supervisor Potter, seconded by Supervisor Armenta to approve items 23. ALL AYES**

24. Approved a Memorandum of Understanding by and among the County of Monterey and City of Seaside clarifying the roles and responsibilities for the processing of the Monterey Downs proposed development within the former Fort Ord. (Economic Development Department)

**Motion by Supervisor Potter, seconded by Supervisor Armenta to approve items 24. ALL AYES**
25. Received the Registrar’s Certificate to the Referendum Petition Against Monterey County Ordinance No. 5181.

26. **Rescheduled a public hearing** date from September 27, 2011 to October 4, 2011 at 10:30 a.m. to consider the Fiscal Year 2011-12 Citizens’ Option for Public Safety (COPS) Program funding requests for the District Attorney and Sheriff’s Offices, pursuant to Government Code 30061.

26.1 Adopted **Resolution No. 11-315** to approve the Tentative Agreement with Unit E dated September 13, 2011, for a term of one year, for the Memorandum of Understanding between the Monterey County Prosecutors’ Association (Unit E) and the County of Monterey, effective July 1, 2011 to June 30, 2012. (Added via Addendum)

**RMA - BUILDING DEPARTMENT**

27. **Introduced, waived reading, and set for adoption on October 4, 2011 at 1:30 p.m.** an Ordinance adding Chapter 2.33 to the Monterey County Code to establish the position of County Fire Warden.

27.1 **Agreement Noes. A-11957; A-12103; A-12104**

a. Approved Amendment No. 4 to Professional Services Agreement No. (A-11957) with California Code Check, Inc. (CCC) to continue to provide services associated with plan check, inspection and related services to the Monterey County Building Services Department, in the amount of $102,446 for a total amount not to exceed $387,446 and extend the term through March 31, 2012; and

b. Approved Amendment No. 2 to the Professional Services Agreement with CSG Consultants, Inc. (CSG) (A-12103) to continue to provide services associated with plan review services to the Monterey County Building Services Department, in the amount of $102,446 for a total amount not to exceed $202,446 and extend the term through March 31, 2012; and

c. Approved Amendment No. 2 to the Professional Services Agreement with West Coast Code Consultants, Inc. (WC3) (A-12104) to continue to provide services associated with plan review services to the Monterey County Building Services Department, in the amount of $102,446 for a total amount not to exceed $202,446 and extend the term through March 31, 2012; and

d. Authorized the Contracts/Purchasing Officer to execute the Amendments to the Professional Services Agreements and future amendments that do not significantly alter the scope of work or change the approved Agreement amounts. (Added via Addendum)

**Motion by Supervisor Potter, seconded by Supervisor Armenta. ALL AYES**
RMA - PUBLIC WORKS

28. Acting on behalf of County Service Area No. 1 - Carmel Point adopted Resolution No. 11-316
   a. Establishing the Public Works Advisory Committee for County Service Area No. 1 - Carmel Point pursuant to the Resolution No. 80-12; and
   b. Appointing members of the Public Works Advisory Committee for County Service Area No. 1 - Carmel Point; and
   c. Adopting the County Service Area No. 1 - Carmel Point Public Works Advisory Committee By-Laws.

29. Adopted Resolution No. 11-317:
   a. Establishing the Carmel Valley Road Committee pursuant to the Carmel Valley Master Plan Policy CV 2.18;
   b. Adopting the Carmel Valley Road Committee By-Law Guidelines; and
   c. Appointing members of the Carmel Valley Road Committee.

MONTEREY COUNTY REDEVELOPMENT AGENCY

30. As the Board of Directors of the Redevelopment Agency of Monterey County:
   a. Adopted Resolution No. 11-318 approving and authorizing the execution of the Redevelopment Agency Transfer Payment Agreement required by AB1x27, The Voluntary Program Act, to implement the transfer of Redevelopment Tax Increment to the County to make the Annual Community Remittance Payment, subject to pending litigation; and
   b. Adopted Resolution No. 11-319 authorizing reducing the Redevelopment Agency of the County of Monterey’s Deposit to the Low and Moderate Income Housing Fund for the Fort Ord Project Area for Fiscal Year (FY) 2011-12 and making certain Findings and Determinations related to making the Community Remittance Payment pursuant to Part 1.9 of Redevelopment Law.

MONTEREY COUNTY WATER RESOURCES AGENCY

31. a. Approved and authorized the General Manager of the Monterey County Water Resources Agency to execute a one-year Lease Agreement A-12105 between the Monterey County Water Resources Agency and the Monterey County Board of Education for 13,318 square feet of space located at 893 Blanco Circle, Salinas, California, for use by the Monterey County Water Resources Agency; and
   b. Authorized the Auditor-Controller to make lease payments of $20,509.72 per month, effective July 1, 2011, and in accordance with the terms of the agreement; and
   c. Authorized optional extensions of the Lease Agreement for a cumulative period not to exceed ten years under the same terms and conditions if deemed by the Monterey County Water Resources Agency Board of Directors to be in the best interest of the Monterey County Water Resources Agency.

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