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

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

2. Closed Session under Government Code section 54950, relating to the following items:
   a. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding two item of significant exposure to litigation.
      CLOSED SESSION REPORT: The Board conferred with counsel and heard an update on how these items are being resolved.

   b. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation.
      (1) Shirley Stuckey (WC608-177744)
      CLOSED SESSION REPORT: The Board conferred with counsel and provided direction to counsel authorizing litigation in this matter.

      (2) Pamela Barclay (WC608-478031)
      CLOSED SESSION REPORT: The Board conferred with counsel and provided direction to counsel authorizing litigation in this matter.
(3) Omni Resources, LLC v. Monterey County, et al. (USDC case no. C06 05420 HRL)

CLOSED SESSION REPORT: The Board conferred with counsel and provided direction to counsel on how to resolve this matter.

c. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators:
   (1) Property: All or Portions of APNs 415-011-011, 415-011-010, and 139-012-012 in the vicinity of 497 - 499 Monterey-Salinas Highway (the property formerly known as the Marks Ranch).
   County negotiator: John Pinio, Director and Chief Ranger of the Parks Department
   Negotiating parties: The County of Monterey and the Big Sur Land Trust
   Under negotiation: Price and terms

CLOSED SESSION REPORT: The Board provided direction to Mr. Pinio, as the Director of Parks, to engage in negotiations.

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

CLOSED SESSION REPORT: The Board provided direction to Mr. Honda and Ms. Covert on how to proceed in negotiations.

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

3. The Pledge of Allegiance was led by County Counsel Charles McKee.

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 Sections 54954.2 of the California Government Code.

Due to the need for immediate consideration by the Board of matters which arose after the posting of today's agenda, as provided in Section 54954.2 of the California Government Code the Board was asked to make the following additions and corrections:

Under Other Board Matters:
Item 12 is being moved to the Consent Calendar under General Government to
12. a. Consider Approve recommendations by the Legislative Committee to take positions on proposed State legislation as follows: Support AB 1717 (DeLeon) Ballot materials: electronic access; Oppose SB 1140 (Yee) Voter registration; Watch AB 1953 (Salas) Public contracts: cities and counties: in-state jobs; Support AB 1225 (DeLaTorre) Emergency and disaster response exercises: infectious diseases; Oppose AB 155 (Mendoza) Local government: bankruptcy proceedings; and
b. Receive the action minutes from the March 22, 2010 meeting of the Legislative Committee.

**Added under Consent Regular – Public Works:**

32. a. Approve a Contract to Purchase Permanent Easement, Public Utility Overhead Easement and Temporary Construction Easement (2897 square feet, 4195 square feet, and 4195 square feet, respectively) with Brian McEldowney (727 Monterey-Salinas Highway, APN 161-061-003), in the amount of $32,300, for Right-of-Way for the State Route 68 at San Benancio Road Intersection Improvement Project, Project No. 10-111065; and

b. Authorize the Director of Public Works to execute the Contract to Purchase Permanent Easement, Public Utility Overhead Easement and Temporary Construction Easement, in the amount of $32,300, and Certificate of Acceptance and Consent to Recordation on behalf of the County.

33. a. Approve a Contract to Purchase Permanent Easements, and Temporary Construction Easement (18,927 square feet, 31,555 square feet, respectively) with the Domain corporation, a California corporation, and Islandia 29 LP, a Delaware limited partnership (APN 161-011-084), in the amount of $6,800, for Right-of-Way for the State Route 68 at San Benancio Road Intersection Improvements, Project No. 10-111065; and

b. Authorize the Director of Public Works to execute the Contract to Purchase Permanent Easements, and Temporary Construction Easement (18,927 square feet, 31,555 square feet, respectively) with the Domain corporation, a California corporation, and Islandia 29 LP, a Delaware limited partnership (APN 161-011-084), and the Certificates of Acceptance and Consent to Recordation on behalf of the County.

**Motion by Supervisor Parker, seconded by Supervisor Calcagno to approve Additions & Corrections. 4 - 0 (Supervisor Potter Absent)**

5. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)

· Supervisor Parker pulled item 12. Supervisor Parker requested the County take a “Watch” position SB 1140 Voter Registration. Nick Chiulos advised “Watch” position acceptable to Registrar of Voters. Supervisor Salinas commented on item 12.

· Supervisor Parker requested staff verify the language in the sentence in the last paragraph of the letter regarding AB 1953.

**Motion by Supervisor Calcagno, seconded by Supervisor Parker to approve the Consent Calendar, with the exception of item 12. 4 - 0 (Supervisor Potter Absent)**
OTHER BOARD MATTERS:

6. Board Comments
Supervisor Calcagno congratulated Monterey County resident Daniel Tapia as the winner of the 25th Annual Big Sur International Marathon and advised he will be invited to attend next week’s Board meeting for presentation of a resolution.

7. CAO Comments and Referrals
County Administrative Officer Lew Bauman announced the acceptance at the economic development conference, Monterey County Business Council awarded Monterey County Alert - Monterey County the Public/Private Partnership award, the alert provides for an extension of the telephone emergency notification system, commonly known Reverse 911. This project was a collaboration between Monterey County Department of Emergency Communications, AT&T, Armanasco Public Relations, Language Line, and Byte Technology. CAO Bauman thanked County staff Lynn Diebold, Nick Chiulos, Phil Yenovkian.

The County Administrative Officer advised of the following referrals:
1) Request CalPERS to provide costs and actuarials associated with establishing a two-tiered retirement system; referred to the County Administrative Office (Potter).
2) Provide a report on the option of implementing CalPERS Partial Service Retirement; referred to the County Administrative Office (Potter).

8. Public Comment
· Robert Juhler; Hans Jongens; Julie Filice.

RESOLUTIONS:

9. Adopted Resolution No. 10-106 proclaiming the week of May 10 through May 16, 2010, as Bike Week in Monterey County. (Full Board)

Motion by Supervisor Armenta, seconded by Supervisor Calcagno. 4-0 (Supervisor Potter Absent)

10. Adopted Resolution No. 10-105 proclaiming the Month of May, 2010, as Clean Air Month in Monterey County. (Full Board)

Motion by Supervisor Armenta, seconded by Supervisor Calcagno. 4-0 (Supervisor Potter Absent)

11. Adopted Resolution No. 10-104 honoring Gary Kearns, Assistant Engineer to the Department of Public Works, upon his retirement from the County of Monterey after thirty-five and a half years of public service. (Full Board)

Motion by Supervisor Armenta, seconded by Supervisor Calcagno. ALL AYES 4-0 (Supervisor Potter absent) Revised 8-26-10
11.1 Adopted Resolution No. 10-103 in memory of Norm Braga of Monterey County in recognition of his community services and dedication to preserving the rich history of South County. (Supervisor Calcagno)

Motion by Supervisor Armenta, seconded by Supervisor Calcagno. 4-0 (Supervisor Potter Absent)

12. a. Approved recommendations by the Legislative Committee to take positions on proposed State legislation, modified as indicated: Support AB 1717 (DeLeon) Ballot materials: electronic access; Oppose Watch SB 1140 (Yee) Voter registration; Watch AB 1953 (Salas) Public contracts, and language in last the last sentence of the first paragraph of the letter will be reviewed and verified, pursuant to Board direction: cities and counties: in-state jobs; Support AB 1225 (DeLaTorre) Emergency and disaster response exercises: infectious diseases; Oppose AB 155 (Mendoza) Local government: bankruptcy proceedings; and

b. Received the action minutes from the March 22, 2010 meeting of the Legislative Committee.

Motion by Supervisor Parker, seconded by Supervisor Armenta to approve, with modifications as indicated. 4 – 0 (Supervisor Potter Absent)

APPOINTMENTS:

13. Appointed Jessica Nicholas, Student Representative, to the Community Restorative Justice Commission, term ending April 27, 2013. (Full Board)

Motion by Supervisor Calcagno, seconded by Supervisor Parker. 4-0 (Supervisor Potter Absent)

14. Appointed Jeannette Selina Vera-Morga, Alternate Student Representative, to the Community Restorative Justice Commission, term ending April 27, 2013. (Full Board)

Motion by Supervisor Calcagno, seconded by Supervisor Parker. 4-0 (Supervisor Potter Absent)

SCHEDULED MATTERS:

S-1 Adopted Ordinance 5157 amending the Monterey County Code, Title 12, Section 12.28.010, to establish no parking at any time on the west side of San Benancio Road from a point 30 feet north of the extension of the centerline of Harper Canyon Road, southerly for a distance of 100 feet, San Benancio area.

Motion by Supervisor Calcagno, seconded by Supervisor Armenta. 4 – 0 (Supervisor Potter Absent)

S-2 Adopted Ordinance 5158 amending the Monterey County Code, Title 12, Section 12.28.070, to revise the times and days of an existing 24-minute-limit parking location on Porter Drive from between 8:00 a.m. and 5:00 p.m., Monday through Friday, to between 8:00 a.m. and 8:00 p.m., all days, in Pajaro.
Motion by Supervisor Calcagno, seconded by Supervisor Armenta. ALL
AYES 4-0 (Supervisor Potter absent) Revised 8-26-10

Recessed to Closed Session and Lunch

Reconvened 1:30 P.M.

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

S-3 Received a status update on development of the County of Monterey Fiscal Year
2010-11 Recommended Budget.

Public Comment on Items S-3, S-4, and S-5
Judy Pennycook; Teresa Wagner; Dr. Ila Davis; Barbara Allen; Stephan Graham;
Dan Ettinger; Gary Tiscornia; Barbara deGroodt; Carie Broeker; Stephanie
Whitehead; Abbie Wiseman; Yolanda Busby; Michelle Brown; Richard Munoz;
Frank Pierce; Bruce Welden; David Robinson; Cynthia (Cindy) Hutcherson;
Martina Shaw; Gina Wolf; David Lloyd; Paula Fasnacht; Tom Huffman; Amy
LaBranche; Delinda Robinson; Sherry deBoer; Rose Clark; Julie Roseman; Bill
Parham; Ron Miranda; Arlene Samrick; Lindsey Young; Jan Mitchell.
Supervisor Calcagno left the dais prior to the vote.

Motion by Supervisor Calcagno, seconded by Supervisor Parker. 3 - 0
(Supervisors Calcagno and Potter Absent)

S-4 a. Considered adoption of Resolution to authorize the issuance of lay-off notices
to impacted employees on May 4, 2010 with an effective date of June 30,
2010;
b. Authorized County negotiators to meet with the Unions/Associations upon
request of the Unions/Associations;
c. Directed the County Administrative Office - Human Resources Division to
collaborate with Departments to place employees at risk of lay-off into vacant
positions within the County;
d. Granted flexibility to Department Heads to withhold the issuance of a lay-off
notice due to unanticipated vacancies or resignations that may materialize; and

e. Directed staff to return to the Board with further identified lay-offs, if
necessary.
Supervisor Calcagno left the dais prior to the vote.

Motion by Supervisor Calcagno, seconded by Supervisor Parker to approve
staff recommendations b., c., d., and e. and continued consideration of
adoption of a resolution to authorize the issuance of lay-off notices to
impacted employees to May 4, 2010; additionally directed the County
Administrative Officer to bring back information related to additional cost
saving alternatives and to provide information to Union leadership. 3 – 0
(Supervisors Calcagno and Potter Absent)
S-5 Accepted progress report regarding the development of employee seniority lists. Supervisor Calcagno left the dais prior to vote.

Motion by Supervisor Calcagno, seconded by Supervisor Parker. 3 - 0 (Supervisors Calcagno and Potter Absent)

CLOSED SESSION REPORT: (See 2 a-c)

ORDER FOR ADJOURNMENT

 SIMÓN SALINAS, CHAIR
 BOARD OF SUPERVISORS

 /s/ Simón Salinas

ATTEST: GAIL T. BORKOWSKI
Clerk of the Board

BY: /s/ Gail T. Borkowski
CONSENT CALENDAR

NATIVIDAD MEDICAL CENTER:

15. Agreement No. A-11685
   Authorized the Purchasing Manager for Natividad Medical Center (NMC) to
   execute an Agreement with HSM, Inc. for Meditech Scanning and Archiving
   Project Manager Services per RFP No. 9600-2 at NMC in an amount not to
   exceed $296,000 for the period May 1, 2010 to April 30, 2011

HEALTH AND SOCIAL SERVICES:

16. Agreement No. A-11686
   a. Approved and authorized the Director of the Department of Social &
      Employment Services, or his designee to sign the Amended Joint Exercise of
      Powers Agreement (JPA) with an effective date of June 2010; and
   b. Approved and authorized the Director of the Department of Social &
      Employment Services, or his designee to sign the Memorandum of
      Understanding (MOU) between the California Statewide Automated Welfare
      System Consortium IV and the County of Monterey with an effective date of
      June 2010.

17. Approved the Area Agency on Aging 2009-10 Area Plan Update, and authorized
    the Chair to sign the Area Plan Update Transmittal Letter.

18. Approved and authorized the Director of Health to execute on behalf of the
    County of Monterey standard agreements, and any amendments thereto, for
    continued funding from local, State, and Federal agencies for designated
    programs.

19. Concurred with the Monterey County Workforce Investment Board (WIB)
    Executive Committee to:
    a. Approve the Workforce Investment Act Local Plan Modification for Program
       Year 2009-10; and
    b. Authorized the Chairperson of the Board of Supervisors to sign the local plan
       modification and local area grant recipient listing.

GENERAL GOVERNMENT:

20. 2010CONST008
    a. Awarded annual construction contract to Granite Construction, low bidder, in
       an amount not to exceed $150,000 for Annual Maintenance of Park Roadways
       at Laguna Seca Recreation Area, for Calendar Year 2010 (January 1, 2010
       through December 31, 2010), Bid No. 10225; and
b. Authorized the Chair of the Board to sign the contract.

21. Approved and authorized the County Librarian to Accept Grant Funds of $105,000 from the USDA Rural Development Office, a contribution toward the purchase of a $300,000 bookmobile and laptops in Fiscal Year 2010-11, allowing the library to continue the delivery of library services to the rural areas of South Monterey County.

22. Adopted Resolution No. 10-107 to support the grant application of the Arts Council for Monterey County to the California Arts Council.

23. Board Budget No. 09/10-137
   a. Adopted the local agency Resolution No. 10-109 and approve the borrowing of funds for Fiscal Year 2010-11 through the issuance and sale of Tax and Revenue Anticipation Notes at the maximum legal amount, but not to exceed $30 million through participation in the California Communities Cash Flow Financing Program; and
   b. Authorized the County Debt Manager to determine a more cost effective alternative.

24. Agreement No. A-11688 Approved and authorized the Contracts/Purchasing Officer to sign a Professional Services Agreement with Marsh Risk and Insurance Services, not to exceed $120,000 per year (3 year and 5 month term) for workers’ compensation and casualty insurance brokerage services.


27. Board Budget No. 09/10-138
   a. Recognized program income of $1,750,000 for the Neighborhood Stabilization Program; and
   b. Directed the Auditor-Controller to amend the FY 2009-10 budget to increase revenues and appropriations in Fund 13, Unit 8199 (Community Development Reuse) by $1,750,000 (4/5 vote required).

28. Agreement No. A-11689
   a. Ratified the September 29, 2006 execution of the existing Maintenance Services Agreement and the associated Amendments No. 1 and No. 2 between the County of Monterey and NICE Systems, Inc. for maintenance services of the voice logging and recording system at Emergency Communications at a cost not to exceed $48,000 for Fiscal Year 2009-10;
   b. Approved and authorized the Contracts/Purchasing Officer to sign Amendment No. 3 to the Maintenance Services Agreement correcting the
"NICE Maintenance and Additional Services Price List" subject to final, non-substantive changes agreeable to County and to be approved by County Counsel;
c. Accepted non-standard insurance, liability, and indemnification provisions in the Maintenance Services Agreement as recommended by the Director of Emergency Communications; and
d. Approved an auto renewal clause as recommended by the Director of Emergency Communications.

**RMA - PLANNING DEPARTMENT:**

29. Approved amendments to conflict of interest code of the Resource Management Agency of Monterey County.

30. Agreement No. A-11684; A-11411
   a. Approved Amendment No. 1 to Professional Services Agreement (A-11684) with EcoSystems West Consulting Group where the Base Budget is increased by $24,965 for a total amount not to exceed $49,964 to include 2010 Piperia Plan Studies to the 2009 Piperia Plan Studies for The Pebble Beach Company’s Del Monte Forest Preservation and Development Plan (PLN010254) in Pebble Beach, for a term through April 30, 2011;
   b. Approved Amendment No. 1 to Reimbursement Agreement No. A-11411 with The Pebble Beach Company where the Base Budget is increased by $24,965 to $49,964 with no increase to the Surcharge Budget amount of $2,500 for a total amount not to exceed $52,464 to allow reimbursement to Monterey County for costs incurred by EcoSystems West Consulting Group and the County Planning Department to include 2010 Piperia Plan Studies to the 2009 Piperia Plan Studies for The Pebble Beach Company’s Del Monte Forest Preservation and Development Plan (PLN010254) in Pebble Beach, for a term through April 30, 2011;
   c. Authorized the Contracts/Purchasing Officer to execute Amendment No. 1 to the Professional Services Agreement (A-11411) and future amendments to the Agreement where the amendments do not significantly alter the scope of work or change the approved Agreement amount; and
   d. Authorized the Director of Planning to execute Amendment No. 1 to Reimbursement Agreement No. A-11411 and future amendments to this Agreement where the amendments do not significantly alter the scope of work or change the approved Agreement amount. (Contract - PD060822/EcoSystems West Consulting Group)

**RMA - PUBLIC WORKS:**

31. Board Budget No. 09/10-139
   a. Approved the transfer of $60,000 to the Carmel River Floodplain Restoration Project from Capital Projects Fund, Fund 402, Unit 8174, Account 7521
(Unspecified-Needs Board Approval) and allocate to the Road Fund, Fund 002, Unit 8195, Appropriation Unit RMA012;

b. Directed the Auditor-Controller to move appropriations in the amount of $60,000 within Capital Projects Fund, Fund 402, Unit 8174, Appropriation Unit RMA014, from Account 7521 (Unspecified - Needs Board Approval) to Account 7614 (Operating Transfers Out); and  
c. Directed the Auditor-Controller to amend the Fiscal Year 2009-10 budget by increasing revenue and appropriations to the Road Fund, Fund 002, Unit 8195, Appropriation Unit RMA012, Accounts 5940 and 6835, (Operating Transfers-In and Buildings and Other Department Expenses, respectively) in the amount of $60,000 (4/5th vote required).

32. 2010CONST006
   a. Approved a Contract to Purchase Permanent Easement, Public Utility Overhead Easement and Temporary Construction Easement (2897 square feet, 4195 square feet, and 4195 square feet, respectively) with Brian McEldowney (727 Monterey-Salinas Highway, APN 161-061-003), in the amount of $32,300, for Right-of-Way for the State Route 68 at San Benancio Road Intersection Improvement Project, Project No. 10-111065; and
   b. Authorized the Director of Public Works to execute the Contract to Purchase Permanent Easement, Public Utility Overhead Easement and Temporary Construction Easement, in the amount of $32,300, and Certificate of Acceptance and Consent to Recordation on behalf of the County.  
      (Added via Additions and Corrections)

33. 2010CONST007
   a. Approved a Contract to Purchase Permanent Easements, and Temporary Construction Easement (18,927 square feet, 31,555 square feet, respectively) with the Domain corporation, a California corporation, and Islandia 29 LP, a Delaware limited partnership (APN 161-011-084), in the amount of $6,800, for Right-of-Way for the State Route 68 at San Benancio Road Intersection Improvements, Project No. 10-111065; and
   b. Authorized the Director of Public Works to execute the Contract to Purchase Permanent Easements, and Temporary Construction Easement (18,927 square feet, 31,555 square feet, respectively) with the Domain corporation, a California corporation, and Islandia 29 LP, a Delaware limited partnership (APN 161-011-084), and the Certificates of Acceptance and Consent to Recordation on behalf of the County.  
      (Added via Additions and Corrections)

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