AGENDA
Tuesday, December 7, 2010

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.
MEETING PROCEDURES

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 más pronto posible, y a lo mínimo 24 horas de anticipo 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.
MONTEREY COUNTY BOARD OF SUPERVISORS
TUESDAY, DECEMBER 7, 2010
9:00 AM

AGENDA

9:00 A.M.

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

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 discipline, dismissal, or release of a public employee.

   b. Pursuant to Government Code section 54957.6(a), the Board will confer with legal counsel regarding existing litigation.
      (1) M. Sapiens Group Grievance (SEIU Case No. 57501-521; State Mediation and Conciliation Service Case No. ARB-09-0308)

   c. Pursuant to Government Code section 54957.6(b), the Board will confer with legal counsel regarding two items of significant exposure to litigation.

   d. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the Natividad Medical Center CEO.

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.

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)

CEREMONIAL RESOLUTIONS:

6. Adopt Resolution honoring an "Undisclosed Recipient" as the Monterey County Hospitality Association 2010 Volunteer of the Year Award. (Supervisor Potter)

7. Adopt Resolution honoring Deputy Bryan Hoskins as the Monterey County Sheriff's Office Deputy of the Year 2010. (Full Board)

APPOINTMENTS:

8. Reappoint Erik Cushman, Ralph Rubio and Scott Grover to the Monterey County Workforce Investment Board, terms ending December 11, 2013. (Full Board)

8.1 Reappoint Verna Snowden to the Greenfield Cemetery District, term ending December 31, 2014.

OTHER BOARD MATTERS:

9. Board Comments

10. CAO Comments and Referrals

11. 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.

SCHEDULED MATTERS:

S-1 a. Approve and authorize the Contracts/Purchasing Officer to sign and execute the Radio System Purchase Agreement (Purchase Agreement) with Harris Corporation in an amount not to exceed $7,806,940 for shared infrastructure and an additional $7,210,000 for subscriber equipment for a term beginning December 7, 2010 and concluding at the end of the Warranty Period defined in the Purchase Agreement;

b. Approve and authorize the Contracts/Purchasing Officer to sign contract amendments to utilize the project contingency fund and any change orders including those required to pay sales tax not included in the Purchase Agreement using funds available in the NGEN Project Fund upon approval of County Counsel and the Director of Emergency Communications;
c. Approve and authorize the Contracts/Purchasing Officer to sign the “Stand Alone Agreements” referenced in Section 4 of the Purchase Agreement as they become a necessary part of the completion of the project upon approval of County Counsel and the Director of Emergency Communications;

d. Approve and authorize the Contracts/Purchasing Officer to sign Amendment No. 1 to Memorandum of Agreement RE Next Generation Radio System Joint Governance and Financing (NGEN Financing Agreement) with the City of Salinas to commit the City of Salinas to a purchase of at least $1,900,000 in subscriber equipment and Amendment No. 2 to the NGEN Financing Agreement with the City of Monterey to commit the City of Monterey to a purchase of at least $900,000 in subscriber equipment to meet County commitment of $7,210,000 in order to receive a significant discount on infrastructure;

e. Approve the funding proposal for the County share of the project costs (Attachment 2) including seeking contribution from outside funds where possible; and

f. Subject to approval of project financing, authorize the Auditor-Controller to increase revenue and appropriations by $1,951,735 in the NGEN Project Fund Appropriation Unit EME002 for contract costs anticipated this fiscal year (4/5th vote required).

S-2  

a. Grant County Debt Manager Authority to execute all documents necessary to complete financing of the Next Generation Radio System Project (NGEN Project); and

b. Adopt a Resolution authorizing the execution and delivery by the County of a lease, a sublease and an acquisition fund and control agreement and authorizing execution of necessary documents and certificates and related actions.

S-3 Consider allowing decision making bodies to provide new discretionary land use entitlements (excluding subdivisions and lot line adjustment) three (3) years (through December 31, 2012) to clear their conditions and either begin actual construction or commence the allowed use.

(Permit Extension - PD090361, Countywide)

12:00 P.M.

Recess to Lunch – Board of Supervisors and Natividad Medical Center Board of Trustees Leadership Committee Meeting.

1:30 P.M.

SCHEDULED MATTERS:

S-4 Approve recommendations from the Board Economic Development Committee:

a. Create an Economic Development Department;
b. Create an Economic Development/Workforce Investment Board (WIB) Director position and approve the job description/annual salary (attached);
c. Add a Management Analyst II position in the Economic Development Department;
d. Approve Economic Development Department organizational structure (attached);
e. Direct the County Administrative Officer to consolidate the Economic Development/WIB Director, WIB staff, and Redevelopment and Housing Office staff in a single facility;
f. Direct the CAO to identify the funding source for the Economic Development Department and to allocate costs for the Economic Development/WIB Director annual salary (costs shared between Economic Development, Redevelopment and Housing, and Workforce Investment Board);
g. Approve the composition and roles/responsibilities of the Board Standing Economic Development Committee (attached); and
h. Direct the CAO to take all other necessary actions to establish the Economic Development Department and Economic Development/WIB Director position.

S-5 Consider adopting a resolution approving and authorizing the Chair of the Board of Supervisors to sign the Monterey County Community Wildfire Protection Plan (MCCWPP) - (Community Wildfire Protection Plan - PD090290, Countywide)

S-6 a. Consider adoption of an urgency ordinance 1) making express findings regarding amendments to the California Building Standards Code that are reasonably necessary due to local climatic, geological or topographic conditions pursuant to Sections 17958.7 and 18941.5 of the Health And Safety Code; 2) amending sections 1.2.2.060 and 1.2.2.130 of the Monterey County Code; 3) repealing sections 16.08.450, 16.08.460, 16.08.470, 16.08.480, 16.08.490, 16.08.500, 16.08.510, 16.08.520, 16.12.180 and 16.12.210; 4) repealing chapters 18.04, 18.06, 18.08, 18.12, 18.14, 18.16, 18.20, 18.22, 18.24, 18.26, 18.28, 18.32, 18.36, 18.38, 18.51, 18.52 and 18.54; and, 5) adding chapters 18.01, 18.02, 18.03, 18.04, 18.05, 18.06, 18.07, 18.08, 18.09, 18.10, 18.11, 18.12, 18.13, 18.14, 18.15, 18.16 and 18.17 relating to adoption of the 2010 edition of the California Building Standards Code and local amendments with related administrative and enforcement provisions; and

b. Consider the amount of any incentive rebate to be established towards construction permit fees for those projects that voluntary comply with the CALGreen Tier 2 level of performance in the 2010 California Green Building Standards Code. (4/5th vote required)

S-7 Public Hearing for the Board of Supervisors to consider:

a. Adopting an interim ordinance as an urgency measure that establishes a General Plan consistency determination process for discretionary and ministerial permits, pending adoption of applicable programs and ordinances to implement the 2010 Monterey County General Plan; or
b. Providing direction to staff to draft a detailed interim ordinance pending adoption of applicable programs and regulations to implement the General Plan.

(General Plan Interim Ordinance - REF100050/County of Monterey-4/5th vote required)

ORDER FOR ADJOURNMENT
CONSENT CALENDAR

HEALTH AND SOCIAL SERVICES:

12. a. Approve and authorize the Director of Health to accept and implement the new three-year $974,964 Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Treatment grant (Grant Number H79TI022902-01) entitled "Monterey County Juvenile Treatment Drug Court;"
b. Approve and amend the Fiscal Year (FY) 2010-11 Health Department Budget Unit HEA002-8082 to add a 1.0 FTE Psychiatric Social Worker II and a 1.4 FTE Social Worker III; and
c. Authorize the County Administrative Office to incorporate approved actions in the FY 2010-11 Health Department Adopted Budget for Unit HEA002-8082 to reflect the change in position count.

GENERAL GOVERNMENT:

13. a. Authorize the Contracts/Purchasing Officer to sign a Professional Services Agreement with Mathis Consulting Group in the amount of $2,000 for services previously performed on the Emergency Services Manager recruitment assessment.
b. Authorize the Auditor Controller’s Office to pay for work completed prior to approval of the Agreement.

14. a. Receive the Certified Statement of Votes cast and results of the November 2, 2010 Consolidated General Election;
b. Declare elected the candidates to their respective offices who received the highest number of votes on November 2, 2010, for which the Board of Supervisors has jurisdiction; and
c. Declare reelected the incumbent candidates nominated to the office of Superior Court Judge in accordance with California Elections Code Section 8203.

RMA - PLANNING DEPARTMENT:

15. a. Accept and authorize the Chair of the Board of Supervisors to execute a Revised Conservation and Scenic Easement Deed; and
b. Direct the Clerk of the Board to submit the Revised Conservation and Scenic Easement Deed to the County Clerk for recordation.
   (Conservation and Scenic Easement Deed - REF100046/17160 Wilson Way, Royal Oaks, North County Area Plan)

RMA - PUBLIC WORKS:

16. a. Approve submittal of a Highway Safety Improvement Program grant applications to Caltrans for a total amount not to exceed $900,000; and
b. Authorize the Director of Public Works, or his designee, to act as the agent for the County in processing all documentation to secure these funds.

###

MONTEREY COUNTY
BOARD OF SUPERVISORS

Supplemental / Addendum for Tuesday, December 7, 2010
View Addendum reports at:

http://www.co.monterey.ca.us/cob/BOS%20Supplemental%20Addendum/default.aspx

**ADDENDUM**

**Added Under Appointments:**

8.2 Reappoint Carl Hanson and Silvio Bernardi to the Northern Salinas Valley Mosquito Abatement District terms ending January 1, 2015. (Supervisor Calcagno)

8.3 Reappoint Salvador Vasquez to the Pajaro Valley Water Management Agency term ending December 1, 2014. (Supervisor Calcagno)

**SUPPLEMENTAL**

Consent Item 14 Statement of Vote can be viewed at
http://www.montereycountyelections.us/statements/sov20101102.pdf

**Title Change Under Scheduled Matters:**

S-2 a. Grant County Debt Manager Authority

Authorize the County Debt Manager to execute all documents necessary to complete financing of the Next Generation Radio System Project (NGEN Project); and

b. Adopt a Resolution authorizing the execution and delivery by the County of a lease, a sublease and an acquisition fund and control agreement and authorizing execution of necessary documents and certificates and related actions.

Material Submitted see link above
Public Hearing for the Board of Supervisors to consider: Consider

a. Adopting an interim ordinance as an urgency measure that establishes a General Plan consistency determination process for discretionary and ministerial permits, pending adoption of applicable programs and ordinances to implement the 2010 Monterey County General Plan; or

b. Providing direction to staff to draft a detailed interim ordinance pending adoption of applicable programs and regulations to implement the General Plan.

(General Plan Interim Ordinance - REF100050/County of Monterey-4/5th vote required)

Material Submitted see link above

MATERIALS SUBMITTED
(See link above)

a. Consider adoption of an urgency ordinance 1) making express findings regarding amendments to the California Building Standards Code that are reasonably necessary due to local climatic, geological or topographic conditions pursuant to Sections 17958.7 and 18941.5 of the Health And Safety Code; 2) amending sections 1.22.060 and 1.22.130 of the Monterey County Code; 3) repealing sections 16.08.450, 16.08.460, 16.08.470, 16.08.480, 16.08.490, 16.08.500, 16.08.510, 16.08.520, 16.12.180 and 16.12.210; 4) repealing chapters 18.04, 18.06, 18.08, 18.12, 18.14, 18.16, 18.20, 18.22, 18.24, 18.26, 18.28, 18.32, 18.36, 18.38, 18.51, 18.52 and 18.54; and, 5) adding chapters 18.01, 18.02, 18.03, 18.04, 18.05, 18.06, 18.07, 18.08, 18.09, 18.10, 18.11, 18.12, 18.13, 18.14, 18.15, 18.16 and 18.17 relating to adoption of the 2010 edition of the California Building Standards Code and local amendments with related administrative and enforcement provisions.

b. Consider the amount of any incentive rebate to be established towards construction permit fees for those projects that voluntarily comply with the CALGreen Tier 2 level of performance in the 2010 California Green Building Standards Code.

###