9:00 A.M.

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

1. Additions and Corrections for Closed Session:
   Item 2.C. (1) and (2) were removed from the agenda via Additions and Corrections.

2. Closed Session under Government Code section 54950, relating to the following items:
   a. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators.
     able Property: County exclusive franchise for solid waste and recycling services County Negotiator: John Ramirez
      Negotiating Parties: To be determined
      Under negotiation: Price and terms
   CLOSED SESSION REPORT: The Board provided negotiation instructions to Mr. Ramirez and his staff on how to proceed.
(2) 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 provided direction to Mr. Tanda on how to proceed in negotiations.

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

b. Pursuant to Government Code section 54956.9(a), the Board of Supervisors of the Monterey County Water Resources Agency will confer with legal counsel regarding existing litigation.
(1) In the Matter of the Application of California-American Water Company (U 210 W) for a Certificate of Public Convenience and Necessity to Construct and Operate its Coastal Water Project to Resolve the Long-Term Water Supply Deficit in its Monterey District and to Recover All Present and Future Costs in Connection Therewith in Rates (PUC A.04-09-019)
CLOSED SESSION REPORT: The Board of Supervisors of the Monterey County Water Resources Agency provided direction to counsel and the Water Resources Agency on how to proceed in this matter.

c. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation.
(1) Mark Tavares (WC)
CLOSED SESSION REPORT: This item removed.

(2) Ernest Rowe (WC)
CLOSED SESSION REPORT: This item removed.

(3) William Cassara (WC)
CLOSED SESSION REPORT: The Board conferred with counsel and approved a tentative settlement, and if approved, the settlement agreement will be available to the public through the office of County Counsel.
d. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one item of significant exposure to litigation.

CLOSED SESSION REPORT: The Board conferred with counsel and received information on options to mitigate the exposure to litigation.

10:30 A.M.

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

3. The Pledge of Allegiance was led by Supervisor Armenta.

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, the Board is asked to make the following additions and corrections:

ADDITION UNDER OTHER BOARD MATTERS:
9.1 a. Ratify the Administrative Proclamation of Local Emergency concerning high surf and wind conditions causing erosion along Scenic Road signed by the County Administrative Officer on January 24, 2010.

b. Extend this proclamation of local emergency for an additional thirty days in accordance with California Government Code Section 8630 (4/5ths vote required).

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

5. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)
· Calcagno pulled Items 25, 40, 42; Elliott Robinson responded to questions regarding Item 25. County Counsel Charles McKee responded to questions regarding Item 42.
· Supervisor Parker pulled Items 40 and 44 for questions and comments. Marti Noel responded to questions regarding Item 40.

Public comment: Jan Mitchell commented on Item 40.

Motion by Supervisor Parker, seconded by Supervisor Calcagno. ALL AYES

OTHER BOARD MATTERS:

6. Board Comments
· Supervisor Parker advised of her next community meeting on January 31st at the Marina Library and invited public input regarding economic development for Monterey County.
· Supervisor Armenta requested that the CAO provide a response to the January 22, 2010 SEIU letter submitted to the County Administrative Office regarding the County Cell Phone Policy, and to review and report on the impact of the
policy on County employees. Supervisor Armenta also requested a report on the impact of the C-IV computer system on County eligibility workers and processing and resolution of implementation challenges. He advised he would put his requests in writing.

- Supervisor Salinas invited the community to attend the Monterey County First 5 photographic exhibition entitled, “A PhotoVoice Exhibit: Valuing and Respecting Children and Families” on Friday, January 29th at the National Steinbeck Center from 5:30 p.m. – 7:00 pm.

7. CAO Comments and Referrals
   County Administrative Officer Lew Bauman advised of the following Board referral:
   
   1) Report and the opportunity to provide direction on the status of development and performance measures as outlined in the Board approved General Financial Guidelines (Parker).

   - Elliott Robinson, Director of the Department of Social and Employment Services provided an update on the County’s Giving Campaign for 2009. Mr. Robinson advised the County raised $236,830 for the Giving Campaign.

8. Public Comment:
   Vince Lombardo; Mariscela Cruz; Warren Wayland; Alfred Diaz; Kurt Almanac; Ed Mitchell; Jose Mendez; Steve Dallas; Peter Fallon.

9. Adopted Resolution No. 10-003 Honoring Jesus "Jesse" Armenta for his years of public service and tenure on the Natividad Medical Center Board of Trustees (Full Board)
   
   Motion by Supervisor Potter, seconded by Supervisor Armenta. ALL AYES

9.1 a. Ratified the Administrative Proclamation Resolution No. 10-011 of Local Emergency concerning high surf and wind conditions causing erosion along Scenic Road signed by the County Administrative Officer on January 24, 2010.

   b. Extended this proclamation of local emergency for an additional thirty days in accordance with California Government Code Section 8630 (4/5ths vote required).

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

APPOINTMENTS: Items 10 through 23 were heard concurrently.

10. Reappointed Rosalie Gray to the Historical Advisory Commission, term ending February 1, 2014. (Supervisor Parker)
    
    Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES

Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES

12. Reappointed Charles Collins to the Fish and Game Advisory Commission, term ending February 1, 2013. (Supervisor Parker)
Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES

13. Reappointed Bob Bogardus and Larry Levine to the Community Service Area 50, terms ending January 1, 2013. (Supervisor Potter)
Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES

14. Appointed Marilyn Bloom to the Area Agency on Aging Advisory Council, term ending January 1, 2013. (Supervisor Potter)
Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES

15. Appointed Kathy Adamson to the Area Agency on Aging Advisory Counsel to fill an unexpired term ending January 1, 2012. (Supervisor Potter)
Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES

16. Appointed Noah Schumpert to the Domestic Violence Coordinating Council, term ending January 13, 2013. (Supervisor Parker)
Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES

17. Reappointed Kevin Kreyenhagen and Jud Vandevere to the Fish and Game Advisory Commission, terms ending February 1, 2013. (Supervisor Potter)
Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES

18. Reappointed Rosemary Soto to the Commission on the Status of Women, term ending February 1, 2013. (Supervisor Potter)
Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES

19. Appointed Brent Conatser to the King City Cemetery District, term ending July 1, 2014. (Supervisor Salinas)
Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES

20. Reappointed John Pack to the Monterey County Fish and Game Commission, term ending February 1, 2013. (Supervisor Salinas)
Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES

21. Appointed Jodilyn Barker to the San Lucas County Water District to fill an unexpired term ending December 1, 2011. (Supervisor Salinas)
Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES

22. Appointed Yazdan Emrani to the Equal Opportunity Advisory Commission, term ending December 31, 2012. (Full Board)
Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES

23. Reappointed Jay Brown to the Monterey County Planning Commission, term
Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES

SCHEDULED MATTERS

S-1 Public Hearing held to consider adoption of Ordinance amending Title 21; Approved Resolution of Intent No. 10-023 to:

a. Adopt an Ordinance amending Title 21 (Exhibit B) to grant an automatic, one-time, extension of two (2) years for certain types of existing planning permits that have been approved and have not expired prior to January 1, 2008 provided no more than one prior extension has been granted and no extension request has been denied (Permit Extension Ordinance/Non-Coastal).

Motion #1: by Supervisor Potter, seconded by Supervisor Parker (Permit Extension Ordinance/Non-Coastal Zone). ALL AYES

b. Approved Resolution of Intent No. 10-024 to: Adopt Resolution of Intent to:

1. Adopt an Ordinance amending Title 20 to grant an automatic, one-time, extension of two (2) years for certain types of existing planning permits that have been approved and have not expired prior to January 1, 2008 provided no more than one prior extension has been granted and no extension request has been denied (Permit Extension Ordinance/Coastal); and

2. Direct staff to submit the resolution together with materials sufficient for a thorough and complete review to the California Coastal Commission. (PD090361/Permit Extensions, Countywide)

c. Additionally, directed staff to return with modifications to the proposed ordinance that include a date change of January 1, 2008 for approval of certain permits and modify wording in Criteria 1 to “one prior extension”; the Board deferred consideration of inclusion of lot line adjustments in the proposed ordinances.

Public Comment: Tim Baldwin; Dr. William Lewis; Margaret Robbins; Jan Mitchell; Derinda Messenger

Motion #2: by Supervisor Potter, seconded by Supervisor Parker (Permit Extension Ordinance/Coastal). ALL AYES

S-2 Reviewed and accepted the Monterey County Workforce Investment Board’s (WIB) Annual Report for Program Year 2008-09.

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

Recessed to Lunch – Legislative Committee Meeting and Continued Closed Session

RECONVENED

ROLL CALL:
Present: Supervisors Salinas (Chair), Calcagno, Armenta, Parker, and Potter.
S-3 **Continued to February 9, 2010 at 1:30 p.m.:** Public hearing to:

a. Consider denial of an appeal from the Planning Commission’s determination that the Red Barn operations are in violation of Use Permits ZA-3117, ZA-3567-D, and ZA-3629-D;

b. Consider finding that the Red Barn operations are in violation of Use Permits ZA-3117, ZA-3567-D, and ZA-3629-D, for 1) outdoor retail sales outside the approved area, 2) landscaping not in conformance with the approved landscaping plan for ZA-3629-D, and 3) parking and storage of vehicles outside the approved area (ZA-3567-D);

c. Consider determining that the uses allowed on the "Red Barn" property are those uses stated in the resolutions adopted for ZA-3117, ZA-3567-D, and ZA-3629-D; and

d. Consider modifying the conditions of approval for Use Permits ZA-3117, ZA-3567-D and ZA-3629-D to include new conditions of approval. (Appeal - PD080726/Stagecoach Territory (‘Red Barn’), 1000 Highway 101, Aromas, North County Area Plan)

· Myron Etienne, on behalf of the appellant, withdrew his request for continuance; stated he had no objection to a continuance by the Board.

**Public Comment:** Carolyn Anderson; Ed Mitchell.

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

Closed Session Report (See 2.a. through d.)

**ORDER FOR ADJOURNMENT**

APPROVED:

/s/ Simón Salinas  
SIMÓN SALINAS, CHAIR  
BOARD OF SUPERVISORS

ATTEST: GAIL T. BORKOWSKI  
Clerk of the Board

BY: /s/ Gail T. Borkowski
CONSENT CALENDAR

HEALTH AND SOCIAL SERVICES:

24. Approved the recommendation from the Department of Social and Employment Services (DSES) to continue providing administrative support to the Commission on the Status of Women.

25. Agreement No. A-11624
   a. Approved and authorized the Director of the Department of Social and Employment Services, or his designee, to sign an Agreement with ACTION Council of Monterey County Inc., for $488,386 for the period January 1, 2010 through June 30, 2011 to provide the Wraparound Administrative Services Agent (WASA) function for Wraparound Monterey County; and
   b. Authorized the Director of the Department of Social and Employment Services, or his designee, to sign up to three (3) amendments to this Agreement, where the total amendments do not exceed ten percent (10%) of the original contract amount and do not significantly change the scope of work.

26. Agreement No. A-11625
   a. Approved and authorized the Director of the Department of Social and Employment Services, or his designee, to sign an Agreement with Rebekah Children’s Services (RCS) for $1,004,848 for the period January 1, 2010 through June 30, 2011 to provide intensive SB 163 and AAP Wraparound Care Coordination to adoption assisted families and foster youth and their families; and
   b. Authorized the Director of the Department of Social and Employment Services, or his designee, to sign up to three (3) amendments to this Agreement where the total amendments do not exceed ten percent (10%) of the original contract amount and do not significantly change the scope of work.

27. Agreement No. A-11626; Board Budget No: 09/10-090
   a. Approved and authorized the Director of the Department of Social and Employment Services or his designee, to sign an Agreement with the California Department of Community Services and Development for $45,000 awarded to the Community Action Partnership for the Earned Income Tax Credit Program;
b. Authorized the Director of the Department of Social and Employment services, or his designee, to sign up to three (3) amendments to this Agreement where the total amendments do not exceed ten percent (10%) of the original contract amount and do not significantly change the scope of services; and

c. Directed the Auditor-Controller to amend the Department of Social and Employment Services Fiscal Year 2009-10 Adopted Budget 001-5010-SOC007-8257 to increase appropriations and estimated revenues of $45,000 as indicated in the Board Order. (4/5th vote required).

28. Accepted the Fiscal Year 2008-09 First 5 Monterey County Annual Report to the Community.

CRIMINAL JUSTICE:

29. Board Budget No. 09/10-091
   a. Approved and authorized the District Attorney to accept Federal Grant Funds in the amount of $12,231 from the California Emergency Management Agency (CalEMA) for immediate assistance to victims and their children of felony crimes; and
   b. Directed the Auditor-Controller to increase Fiscal Year (FY) 2009-10 revenue and appropriations totaling $12,231 in the District Attorney Fund 001, Budget 2240, Unit 8063, Appropriations DIS001. (4/5th vote required)

30. Board Budget No. 09/10-092
   a. Approved and authorized the District Attorney to accept Federal Grant Funds in the amount of $18,159 from the California Emergency Management Agency (CalEMA) for equipment and training needs for the Victim Assistance Unit; and
   b. Directed the Auditor-Controller to increase Fiscal Year 2009-10 revenue and appropriations totaling $18,159 in the District Attorney Fund 001, Budget 2240, Unit 8063, Appropriations DIS001. (4/5th vote required)

31. Approved yearly update to the application, criteria and disqualifiers recommended by the Probation Department for the Supervised Home Confinement Program, as mandated by Penal Code 1203.016(d)(1).

GENERAL GOVERNMENT:

32. Agreement No. A-11619
   a. Approved and authorized the Contracts/Purchasing Officer to execute a Professional Services Agreement with Executive Information Systems, LLC, in the amount of $16,937.90, to provide software maintenance of the SAS Analytics Pro Program for the period of June 30, 2009 through June 29, 2010;
b. Authorized the Contracts/Purchasing Officer to sign up to three (3) optional one-year extensions to the maintenance Agreement subject to a ten percent (10%) price increase per year; and 
c. Accepted Non-Standard County Liability, Indemnification, Confidentiality, and Termination Provisions as recommended by the Director of Information Technology.

33. a. Authorized 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 2009-10; and 
b. Authorized 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.

34. Agreement No. A-11621
   a. Authorized the Registrar of Voters to execute Agreement No. 09G30321 between Monterey County and the Secretary of State to receive Help America Vote Act (HAVA) Section 303 grant funds in the amount of $468 to facilitate implementation of VoteCal, the statewide voter registration database; and 
b. Authorized the Registrar of Voters to execute future cost neutral amendments to Agreement No. 09G30321 for VoteCal related activities.

35. Agreement No. A-11619; Board Budget No. 09/10-088
   a. Declared 30 Edge II voting units, 6 Edge II carts, and 60 VeriVote printers to be surplus personal property not required for public use by Monterey County; 
b. Authorized the Registrar of Voters to execute an Agreement to sell 30 Edge II voting units, 6 Edge II carts, and 60 VeriVote printers to Santa Cruz County for $81,755; and 
c. Approved increased revenue in the amount of $81,755 to Restricted Revenue account 020-2889-H301 so that it may be used solely for Help America Vote Act (HAVA) 301 reimbursable purposes.

36. Resolution No. 10-007
   a. Received and accepted the Treasurer’s Report of Investments for the quarter ending December 31, 2009; 
b. Adopted the Treasurer’s amended Investment Policy for Fiscal Year 2009-10.

37. Board Budget No. 09/10-089
   Adopted Resolution No. 10-008 to amend Personnel Policies and Practices Resolution No. 98-394 to approve an Employee Unit change from Y Unit to X Unit for the Emergency Services Manager.

38. Agreement No. A-11622; A-11623
   a. Approved and authorized the Contracts / Purchasing Officer to sign the Agreement for Shared Dispatch Space, Equipment, Associated Costs and Services between the County of Monterey and American Medical Response
West (AMR) (A-11622) for a five year term beginning on January 30, 2010 subject to final, non-substantive changes agreeable to County and to be approved by County Counsel; and

b. Approved and authorized the Contracts / Purchasing Officer to sign the Mutual Non-Disclosure and Confidentiality Agreement between the County and AMR (A-11623) subject to final, non-substantive changes agreeable to County and to be approved by County Counsel.

39. a. Approved an amendment to Agreement No. A-10965 between the County of Monterey and Pacific Meadows Senior Housing, L.P., successor to Carmel Valley Overview Limited Partnership which (i) reduces the amount of the County loan and increases the term; (ii) increases the level and duration of affordability restrictions; and (iii) reduces the amount of acreage securing the County loan; and

b. Authorized the Director of the Redevelopment and Housing Office or designee to execute the amendment and related documents upon submission of a revised land lease between Pacific Meadows Senior Housing, L.P., and the Housing Authority of the County of Monterey, provided it is determined that the overall feasibility of the objectives of the Project is not in jeopardy, no additional funds are required from the County, and no material term of the amendment and related documents is altered.

40. Agreement No. A-11618 Approved and authorized the Chair to sign a Memorandum of Understanding and License Agreement among the Marina Coast Water District, UCP-East Garrison LLC, and the County of Monterey for the Temporary Use of the North Drainage Basin and Associated Storm Water Pipeline for Construction of Well No. 34.

41. Introduced, waived reading, and set a public hearing on February 2, 2010 at 10:30 a.m. to consider adoption of an Ordinance of the County of Monterey amending Paragraph D of Section 2.32.030 of the Monterey County Code relating to the specific duties of the Purchasing Agent to lease, license, and acquire any interest in real property, subject to the conditions set forth in the Paragraph.

RMA - PLANNING DEPARTMENT:

42. Agreement Nos. A-11028; A-11187; A-11088; Board Budget No. 09/10-093
a. Authorized expenditure of an additional amount not to exceed a total of $210,000 for the services of The Sohagi Law Group, PLC (A-11028); Kimley-Horn and Associates (A-11187); and IFC Jones & Stokes (A-11088) for tasks related to the completion of the General Plan Update and its associated Environmental Impact Report;

b. Authorized the County Administrative Officer to determine the appropriate allocation of funds between the above-named consultants to enable completion of tasks and, if necessary, execute appropriate amendments to Professional Services Agreement No. A-11088 with ICF Jones & Stokes, and
Professional Services Agreement No. A-11187 with Kimley-Horn and Associates to augment the amount payable within this funding limit and extend the term of the Agreements;
c. Authorized County Counsel to 1) execute an appropriate amendment to Agreement No. A-111028 for Specialized Attorney Services with The Sohagi Law Group, PLC to augment the amount payable within this funding limit, and 2) process payments for all consultants pursuant to this action; and
d. Authorized and direct the Auditor-Controller to transfer $210,000 from General Fund Contingencies 001-CAO020-1050-8034-7811 to County Counsel 001-COU001-1210-8057-6606 (4/5th vote required).

43. Accepted report to support Staff’s proposal to circulate form letters to all Williamson Act AgP/FSZ Contract holders to encourage property owners to contact the State Governor directly in support of restoration of Williamson Act State Subvention Payments. (PD090954/Williamson Act Subventions)

44. Accepted report on the Planning Department’s revised template for General Development Plan proposals. BOS Referral No. 2009-30. (PD091058/General Development Template, County-wide)

**RMA - PUBLIC WORKS:**

45. 2009CONST0012
Rejected all bids and authorize the Director of Public Works to advertise for the construction of San Miguel Canyon Road Signal Coordination, Project No. 10-135065.

46. Agreement No. A-11627 Authorized the Director of Public Works to execute an Agreement with the Superior Court of California, County of Monterey regarding construction improvements to the Renovation of North Wing of Salinas Courthouse and to take actions consistent with that Agreement.

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