NOTE: Pursuant to Government Code Section 54953, Subdivision (b), the following Board meeting will include teleconference participation by Supervisor Dave Potter from the Hyatt Regency Sacramento, 1209 L Street, Sacramento, CA 95814. This Notice and Agenda will be posted at the teleconference location; public comment from such address shall be allowed.

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 interprete. Los pedidos se deberán hacer lo mas pronto posible, y a lo mínimo 24 horas de antelación 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.
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 Section 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 provide a performance evaluation for the Natividad Medical Center CEO.

   b. Pursuant to Government Code section 54957, the Board will confer regarding recruitment for and/or appointment to the position of Equal Opportunity Officer.

   c. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators.
      Designated representative: Keith Honda; Employee organizations: All Units

   d. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one item of significant exposure to litigation.

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 Section 54954.2 of the California Government Code.

5. CONSENT CALENDAR – REGULAR (See Supplemental Sheet)

6. CONSENT CALENDAR – MONTEREY COUNTY REDEVELOPMENT AGENCY (See Supplemental Sheet)

OTHER BOARD MATTERS:

7. Board Comments

8. CAO Comments and Referrals

9. 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. Board members may respond briefly to statements made or questions posed. They may ask a question for clarification; make a referral to staff for factual information, or request staff to report back to the Board at a future meeting.

APPOINTMENTS:

10. Appoint Hilary Orzel to the Commission on the Status of Women, term ending February 1, 2011. (District 4)

11. Appoint Lavonne Chin to the Emergency Medical Services Council, term ending June 30, 2011. (Full Board)

SCHEDULED MATTERS:

S-1 Accept and approve the Community Restorative Justice Commission 2009 Annual Report.

S-2 Accept an oral presentation on the Monterey County Health Profile 2008: Children and Youth, from the Monterey County Health Department's Surveillance and Preparedness Manager.

12:00 P.M.

Recess to Lunch – Closed Session

1:30 P.M. RECONVENE

ROLL CALL:
SCHEDULED MATTERS:

S-3  
a. Consider Resolutions/Agreements for County-initiated Notice of Non-Renewal of all or part of 13 Williamson Act Land Conservation Contracts and Farmland Security Zone Contracts due to not meeting Williamson Act Program and County Contract requirements; and  
b. Provide direction to staff for developing a Monitoring and Enforcement Program for Williamson Act Land Conservation Contracts and Farmland Security Zone Contracts. (PD091035/Williamson Act Non-Renewals 2010)

S-4  
a. Conduct a public hearing and approve Resolution adopting the Neighborhood Stabilization Program (NSP) Program Income Reuse Plan, authorize the Redevelopment and Housing Director to submit it to the State and make minor corrections and modifications to meet State requirements; and  
b. Adopt Resolution which confirms and ratifies Resolution No. 09-269 and amend said Resolution clarifying the authority granted to the Redevelopment and Housing Director related to signing the Grant Agreement and any subsequent amendment thereto, with the State of California.

S-5  
a. Receive a report from the Planning Department, in response to a Board of Supervisors referral, on implementation of the Mills Act (California Government Code, Sections 50280 - 50290, a State law allowing contracts between the county and private property owners to restore and maintain qualified historic properties in exchange for property tax reductions);  
b. Provide direction to staff to draft an ordinance allowing a limited number of historic property contracts; and  
c. Direct staff to return to the Board by March 23, 2010 with a draft ordinance and associated financial impact scenarios.  
(Ordinance PLN080298/Mills Act Ordinance, County-Wide)

S-6  
a. Receive and accept the Fiscal Year 2008-09 Budget End of Year Report from the County Administrative Office; and  
b. Provide direction to staff.

ORDER FOR ADJOURNMENT  
TO TUESDAY, OCTOBER 27, 2009

Future Board Meetings:  
Tuesday, November 3, 2009  
Tuesday, November 10, 2009 – No Meeting  
Tuesday, November 17, 2009 – No Meeting

(Supplemental Sheet)
CONSENT CALENDAR

HEALTH AND SOCIAL SERVICES:

12. a. Approve and authorize the Director of the Department of Social and Employment Services, or his designee, to sign an agreement for $580,100 with Housing Resource Center of Monterey County to provide shelter for families facing emergency circumstances, including domestic violence, for the period July 28, 2009 through September 30, 2010;
   b. Authorize 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; and
   c. Direct the Auditor-Controller to amend the Department of Social and Employment Services Fiscal Year 2009-10 adopted budget SOC005-001-5010-8262 to increase appropriations and estimated revenues of $580,100 as indicated in the Board Order. (4/5th vote required)

13. a. Authorize the fixed asset purchase of a laboratory/pharmacy grade 38 cubic foot refrigerator, in the amount of $7,400, for the storage of vaccine; and
   b. Direct the Auditor-Controller to transfer Fiscal Year 2009-10 Health Department Budget 4000 appropriations as outlined in the attached Board Order (4/5th vote required).

14. a. Approve and authorize the Director of the Department of Social & Employment Services, or his designee, to sign agreement MI-0910-32 for $15,840 with the California Department of Aging for the Medicare Improvements for Patients and Providers Act of the Health Insurance Counseling and Advocacy Program; and
   b. Authorize the Director of the Department of Social & Employment Services, or his designee, to sign up to three (3) amendments to this agreement, where the total amendments do not exceed 10% of the original contract amount, and do not significantly change the scope of work.

15. a. Amend Health Department budget 4000, HEA003, to reallocate a vacant 1.0 FTE Laboratory Assistant to 1.0 FTE Public Health Microbiologist II; and
   b. Direct the Auditor-Controller to amend the adopted Fiscal Year 2009-10 Health Department Budget 4000, HEA003, to reflect the change in position count as outlined in the Board Order (4/5th vote required).

CRIMINAL JUSTICE:

16. Accept and approve the Fiscal Year 2007-08 Children's Council of Monterey County Annual Report to the Board of Supervisors.

17. a. Approve and authorize the Chief Probation Officer to accept a grant award in the amount of $1,427,000 from the US Department of Health and Human Services for the Silver Star Gang Prevention and Intervention Program for the
period September 30, 2009 through February 28, 2011, and sign all grant-related documents and amendments;
b. Approve increased estimated revenues and appropriations in the amount of $679,882 in Probation Budget 2550, Unit 8162 for services funded by the grant in Fiscal Year 2009-10 (4/5th vote required); and
c. Direct the Auditor-Controller to amend Probation's Budget for Fiscal Year 2009-10 to reflect the change in revenue and appropriations.

GENERAL GOVERNMENT:

18. a. Disallow any and all bid protests regarding the bid received from Raminha Construction Inc., the lowest responsible bidder;
b. Award a contract in the total amount of $496,675 to Raminha Construction Inc., the lowest responsible bidder, to Construct Lake Nacimiento Entry Site Improvements consisting in general of repaving the existing parking lot, constructing a fish-cleaning station and recreational vehicle sewer dump, and upgrading utilities in Bradley, California, Project No. 08-062, Bid No. 10206-A;
c. Approve the Performance and Payment Bonds executed and provided by The Guarantee Company of North America USA;
d. Authorize and establish a ten percent (10%) contingency of $49,668 to provide funding for approved contract change orders; and
e. Authorize the Parks Director to execute the contract, and subject to the terms of the Public Contract Code, approve amendments to the contract where each amendment does not exceed $37,334, the total of the amendments do not exceed ten percent (10%) of the original contract amount, and any amendments do not significantly change the scope of work.

19. a. Waive any irregularities in the bid received from Sharp Engineering and Construction Inc., the lowest responsible bidder; as immaterial, and disallow any and all bid protests;
b. Award a contract in the total amount of $142,000 to Sharp Engineering and Construction Inc., the lowest responsible bidder, to construct a Kiosk at Lake Nacimiento in Bradley, California, Project No. 08-063, Bid No. 10206-B;
c. Approve the Performance and Payment Bonds executed and provided by The Contractors Bonding and Insurance Company;
d. Authorize and establish a ten percent (10%) contingency in the amount of $14,200 to provide funding for approved contract change orders; and
e. Authorize the Parks Director to execute the contract, and subject to the terms of the Public Contract Code, approve amendments to the contract where the total of the amendments do not exceed ten percent (10%) of the original contract amount, and any amendments do not significantly change the scope of work.

20. a. Approve and authorize the Emergency Services Manager to accept a grant from the Federal Department of Homeland Security (DHS) in the amount of $947,114; and
21. Correct the Board Order approved on June 24, 2008 authorizing the Contracts/Purchasing Officer to sign a "Wireless Communication Site Lease Agreement" with Crown Castle MU LLC for the Information Technology Department to reflect the intended contract amount not to exceed $43,874.88 for lease fees for the first year and increases of four percent (4%) per year after that for the period of June 15, 2008 through June 30, 2013.

22. Approve the Board of Supervisor Action Minutes of Tuesday, August 25, 2009; Tuesday, September 1, 2009; Tuesday, September 22, 209; Tuesday, September 29, 2009; and Tuesday October 6, 2009.

23. 
   a. Approve reclassification of 1.0 FTE Secretary to 1.0 FTE Senior Secretary;
   b. Amend the Fiscal Year (FY) 2009-10 Sheriff’s Budget Unit 2300-8232 to delete 1.0 FTE Secretary and add 1.0 FTE Senior Secretary;
   c. Approve the retroactive payment of the rate difference effective March 14, 2009; and
   d. Direct the Auditor-Controller to incorporate the change in the FY 2009-10 Sheriff’s Budget Unit 2300-8232.

24. Approve amendments to conflict of interest code of the Transportation Agency for Monterey County.

25. 
   a. Approve and authorize the Director of Information Technology to sign addendum Exhibit B, to extend License Agreement with Allen Systems Group, Inc. (ASG), previously approved by the Board of Supervisors on October 31, 2006, for the period of October 1, 2009 through September 30, 2010, to provide software used for managing mainframe print functions and archiving in an amount not to exceed $36,499.00 for the license and $16,428.00 for maintenance;
   b. Approve and authorize the Director of Information Technology to extend the maintenance portion of this agreement for two (2) additional one-year periods with price increases on the maintenance portion not to exceed ten percent (10%); and
   c. Direct the Auditor-Controller to make payments for services provided under the Agreement upon approval of the Information Technology Department.

RMA - PLANNING DEPARTMENT:

26. 
   a. Authorize Planning Director to execute "Release of Liability" from "Land Conservation Agreement No. 68-93" established per Resolution No. 68-56-93,
between the County of Monterey, a political subdivision of the State of California, and Sumner D. Gould and Anna M. Gould to current property Owner, Neil P. Mussallem; and
b. Direct Clerk of the Board to record "Release of Liability" with the County Recorder.

RMA - PUBLIC WORKS:

27. a. Adopt Resolution finding that the repairs and renovations in various shower stalls of the Monterey County Adult Detention Facilities, located at 1410 Natividad Road, Salinas continues to pose an emergency requiring immediate action without adopting plans and specifications and giving notice for bids to let contracts; and
b. Adopt Resolution ratifying the execution of emergency contracts and emergency actions taken by the Contracts/Purchasing Officer, or his designee, to respond to the emergency (4/5th vote required).

28. Adopt Resolution formally memorializing the Monterey County Youth Center Sports Complex located at 970 Circle Drive, Salinas, California, in memory of late Division Director of Juvenile Hall, Kenneth L. Tutt (unanimous vote required).

29. Adopt Resolution formally memorializing the new County Health Department Headquarters Building located at 1270 Natividad Road, Salinas, California, in memory of late County Supervisor, Gerald "Jerry" C. Smith (unanimous vote required).

RMA - MONTEREY COUNTY REDEVELOPMENT AGENCY

30. Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey:
Approve and authorize Chair of the Board of Directors of the Redevelopment Agency to sign Implementation Agreement No. 6 to the Japanese School Disposition and Development Agreement No. A-09003 (DDA) between the Redevelopment Agency of Monterey County and the North County Recreation and Park District (NCRPD) modifying their loan repayment terms.

31. Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey:
Adopt Resolution to authorize the Designation of the County Administrative Officer, or designee, as the County of Monterey's Applicant Agent for the purpose of obtaining state financial assistance under the California Disaster Assistance Act in conjunction with the 2009 California wildfires, CDAA-2009-06 Wildfires.

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MONTEREY COUNTY
BOARD OF SUPERVISORS

Addendum for Tuesday, October 20, 2009

Item Added Under Closed Session:
3. Closed Session under Government Code section 54950, relating to the following items:
   e. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation.
      (1) Department of Fair Employment and Housing v. Monterey County, et al.; Paul Michael Breech, Real Party in Interest (MCSC Case No. M96824)
      (2) Paul Breech v. County of Monterey (Workers' Compensation Appeals Board Case Nos. SAL 114901 and SAL 114902)

Item Added Under Other Board Matters:
9.1 Ratify and Extend the County Administrative Officer’s Proclamation of Local Emergency dated October 13, 2009 (4/5ths vote required).

Item Added Under General Government:
25.1 Adopt Resolution to authorize the Designation of the County Administrative Officer, or designee, as the County of Monterey's Applicant Agent for the purpose of obtaining state financial assistance under the California Disaster Assistance Act in conjunction with the 2009 California wildfires, CDAA-2009-06 Wildfires.

Item Removed Under RMA Monterey County Redevelopment Agency:
31. Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey:
   Adopt Resolution to authorize the Designation of the County Administrative Officer, or designee, as the County of Monterey's Applicant Agent for the purpose of obtaining state financial assistance under the California Disaster Assistance Act in conjunction with the 2009 California wildfires, CDAA-2009-06 Wildfires.
   (See item 25.1)

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