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

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

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 three matters of significant exposure to litigation.
      CLOSED SESSION REPORT: The Board took no reportable actions.
   b. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding liability claims against the County of Monterey.
      (1) Kurt and Sue Jaggers
      CLOSED SESSION REPORT: The Board took no reportable action.
   c. Pursuant to Government Code section 54957, the Board will confer regarding discipline, dismissal, or release of a public employee.
      CLOSED SESSION REPORT: The Board took no reportable action.
d. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the Natividad Medical Center CEO.

CLOSED SESSION REPORT: The Board took no reportable actions.

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

CLOSED SESSION

e. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation:
   (1) In the Matter of the Application of California-American Water Company (Application 04-09-019)

CLOSED SESSION REPORT: The Board took no reportable action.

(2) Ag Land Trust v. Monterey County Water Resources Agency, et al. (Monterey County Superior Court case no. M110691)

CLOSED SESSION REPORT: The Board took no reportable action.

f. 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 took no reportable action.

g. 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: The Board took no reportable actions.

10:30 A.M. RECONVENE

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

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, as provided in Section 54954.2 of the California Government Code the Board is asked to make the following additions and corrections:

Correction on Calendar Regular Consent – General Government
36. Revised Ordinance submitted related to 36.f. - to amend Sections 5.16.010 and 5.16.020 of the Monterey County Code relating to claims against the County.
a. Approve the transfer of Risk Management to County Counsel to include all units within the County Administrative Office Appropriations CAO006, CAO009 and CAO010 as indicated in the attached Board Order;
b. Amend the County Administrative Office-Compliance Budget 1050, CAO006-8052 to delete one (1) Principal Compliance Analyst position;
c. Amend the County Counsel Budget 1210, COU001-8057 to reallocate one (1) Senior Legal Secretary-Confidential to one (1) Management Analyst III;
d. Appoint Steve Mauck, Principal Risk and Benefits Analyst to CSAC-Excess Insurance Authority Board of Directors, thereby rescinding the prior appointment of Keith Honda;
e. Authorize the County Administrative Office and the Auditor-Controller to take the necessary action to program the Advantage system to implement these actions including the transfer of positions, appropriations and units as well as the creation of a new department accounting structure and levels of appropriation control effective July 1, 2012 (4/5ths vote required); and
f. Introduce, waive reading and set April 10, 2012 at 1:30 p.m. as the date and time to consider adoption of an ordinance to amend Sections 5.16.010 and 5.16.020 of the Monterey County Code relating to claims against the County.

**ADDED UNDER ADJOURNMENT**

Adjourn in memory of Trine Rodriguez

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

5. **CONSENT CALENDAR - REGULAR (See Supplemental Sheet 19 through 42)**
   - Supervisor Calcagno pulled item 21 on behalf of Chief Urquides. Chief Urquides commented on the item.
   - Supervisor Calcagno pulled item 28 for comment. He thanked the Redevelopment Agency and Nick Nichols for their work.
   - Supervisor Parker pulled item 22 and asked questions of staff. Ray Bullick responded.
   - Supervisor Parker pulled item 34 and reminded staff large reports should be copied two-sided.
   - Supervisor Armenta pulled item 19 and asked questions of staff. Harry Weis responded.

**Motion by Supervisor Salinas, seconded by Supervisor Parker to approve the Consent Calendar – Regular. ALL AYES**
CEREMONIAL RESOLUTIONS 6 through 14 heard concurrently

6. Adopted Resolution No. 12-064 honoring Cynthia M. Buhl as the recipient of the Monterey Peninsula Chamber of Commerce 2011 Robert C. Littlefield Award for Lifetime Achievement. (Supervisor Potter)
   Motion by Supervisor Calcagno, seconded by Supervisor Armenta. ALL AYES

7. Adopted Resolution No. 12-065 honoring Michael A. Houlemard, Jr. as the recipient of the Monterey Peninsula Chambers of Commerce 2011 Ruth Vreeland Memorial Public Official of the Year Award. (Supervisor Potter)
   Motion by Supervisor Calcagno, seconded by Supervisor Armenta. ALL AYES

8. Adopted Resolution No. 12-066 honoring Mark Verbonich as the recipient of the Monterey Peninsula Chambers of Commerce 2011 Citizen of the Year Award. (Supervisor Potter)
   Motion by Supervisor Calcagno, seconded by Supervisor Armenta. ALL AYES

9. Adopted Resolution No. 12-067 honoring Julie Ann Lozano as the Monterey Peninsula Chamber of Commerce 2011 Volunteer of the Year Award recipient. (Supervisor Potter)
   Motion by Supervisor Calcagno, seconded by Supervisor Armenta. ALL AYES

10. Adopted Resolution No. 12-068 honoring Cardinale Moving & Storage as the Monterey Peninsula Chamber of Commerce 2011 Business of the Year Award Recipient. (Supervisor Potter)
    Motion by Supervisor Calcagno, seconded by Supervisor Armenta. ALL AYES

11. Adopted Resolution No. 12-068 honoring Sam Teel as recipient of the Monterey County Hospitality Association 2011 Hospitality Professional of the Year Award. (Supervisor Potter)
    Motion by Supervisor Calcagno, seconded by Supervisor Armenta. ALL AYES

12. Adopted Resolution No. 12-072 commending the County of Monterey Commission on Disabilities on its 10th Anniversary. (Supervisor Potter)
    Motion by Supervisor Calcagno, seconded by Supervisor Armenta. ALL AYES
13. Adopted Resolution No. 12-070 commending Lawrence "Neal" Thompson, P.E., Traffic Engineer for the Department of Public Works, for his 20 years of dedicated service to the County of Monterey upon his retirement. (Supervisor Potter)
   Motion by Supervisor Calcagno, seconded by Supervisor Armenta. ALL AYES

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

APPOINTMENTS 15 and 15.1 heard concurrently

15. Appointed Albert Amaya to the Community Restorative Justice Commission term ending March 20, 2015. (Full Board)
   Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES

15.1 Appointed Richard Denier to the County Service Area 50, term ending March 20, 2015. (Supervisor Potter) (Added Via Addendum)
   Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES

OTHER BOARD MATTERS

16. Board Comments
   Supervisor Parker thanked all that attended the last Hot Topics meeting at Mountain Mike’s in Marina and announced the meeting next week will be in Salinas at Portabellos.

17. CAO Comments and Referrals
   County Administrative Officer Lew Bauman advised of the following Board Referral:
   Review tuition reimbursement program for County employees and look at the cost benefit in the context of the upcoming budget. This is assigned to the CAO Budget Office and Human Resources.

18. Public Comment
   Eric Peterson

SCHEDULED MATTERS

S-1 a. Considered and approved the response to the 2011 Monterey County Grand Jury Final Report with amendments as follows: On page 4 of 12, Response F-3 – Add the following sentences at the end of the paragraph: “Additionally
because fresh fruit and vegetables are critical to health, the County promotes fruit and vegetable consumption by supporting policies that make it easier for CalFRESH users to purchase nutritious foods. The County heavily promotes the Fundamentally Fresh program that provides additional funds to CalFRESH users who shop at certain farmers’ markets and has succeeded in ensuring that nearly all farmers’ markets accept EBT for payment.”; On page 5 of 12, Response F-7 – middle of second paragraph: Modify sentence to read: “This program is an important resource for assuring access to healthcare for the minor(s) and, when they are pregnant, their unborn child.”; and on the bottom of page 7 of 12, Response F-7 – Modify sentence to now read: “The Department of Social and Employment Services recognizes that teen sexuality is deeply problematic; sexual activity can be risky and problematic; yet must deal with the reality of its presence in the community.”; and

b. Directed the County Administrative Officer to file the approved response with the Presiding Judge of the Superior Court, County of Monterey, by April 8, 2012.

Public comment: Fernando Elizondo, Foreperson for Civil Grand Jury

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

Recessed as the Monterey County Board of Supervisors

12:00 P.M.

Joint Meeting

Board of Supervisors of the Monterey County Water Resources Agency and Monterey County Water Resource Agency Board of Directors

See separate minutes for Joint Meeting.

1:30 P.M. RECONVENED (Added via the Addendum/Supplemental)

MONTEREY COUNTY BOARD OF SUPERVISORS

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

SCHEDULED MATTERS

S-2 a. Received presentation on process for appointments to the Oversight Boards pursuant to Health and Safety Code § 34179 for the cities of Gonzales, Greenfield, King City, Marina, Monterey, Salinas, Seaside, Soledad, and Sand City, and to the County of Monterey Oversight Board;

b. Provided direction to staff that the Chair of the Board would designate specific supervisors who would then make recommended nominations for specific oversight Boards. The designated supervisor would make
recommended nominations for the County member and the public member to be considered by the full Board.

  c. Directed staff to return with recommended appointments on March 27, 2012. (Added via Addendum)

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

Closed Session Report (See item 2.a through h)

ADJOURNMENT
In Memory of Trine Rodriguez

APPROVED:

/s/ Dave Potter
DAVE POTTER, CHAIR
BOARD OF SUPERVISORS

ATTEST: GAIL T. BORKOWSKI
Clerk of the Board

BY: /s/ Gail T. Borkowski
CONSENT CALENDAR

NATIVIDAD MEDICAL CENTER

19.  a.  Approved and amended the Fiscal Year (FY) 2011-2012 Natividad Medical Center Budget Unit 9600 to Add the Following Allocation(s): 1.0 FTE Hospital Maintenance Mechanic, 1.0 FTE Management Analyst I, and 1.0 Health Information Management Coder II;
   b.  Approved and amended the FY 2011-2012 Natividad Medical Center Budget Unit 9600 to Reallocate one (1.0) FTE Social Worker V to one (1.0) Dietitian; and
   c.  Authorized the County Administrative Office to Incorporate Approved Changes into the FY 2011-2012 Natividad Medical Center Budget Unit 9600 to Reflect the Change in Position Count.

20.  a.  Authorized the Purchasing Manager for Natividad Medical Center (NMC) to execute Agreement No. A-12190 with Ortho Clinical Diagnostics for Laboratory Equipment Maintenance and Repair Services at NMC in an amount not to exceed $100,395 for the period February 20, 2012 to February 19, 2014;
   b.  Approved the modifications to standard County Insurance Requirements; and
   c.  Approved modifications to the County Standard Indemnification Language.

HEALTH AND SOCIAL SERVICES

21.  Approved and authorized the Emergency Medical Services (EMS) Agency Director to sign and execute Paramedic Service Provider Agreement No. A-12191 with Monterey County Regional Fire District to provide paramedic services in the County of Monterey.

22.  a.  Amended Fiscal Year (FY) 2011-12 Health Department Budget 4000, HEA006-8109, to reallocate 1.0 FTE Emergency Services Analyst to 1.0 FTE Health Program Coordinator; and
   b.  Directed the County Administrative Office to incorporate approved changes into the FY 2011-12 Health Department Adopted Budget, 4000, HEA006-8109 to reflect change in position count.

23.  a.  Approved the addition of 3.0 FTE Chronic Disease Prevention Specialist I; and
   b.  Directed the County Administrative Office to incorporate approved changes to Fiscal Year (FY) 2011-12 Health Department Budget 4000, HEA003-8124 to reflect change in position count as outlined in the Board Order.
24. a. Approved and authorized the Director of Health to sign a **Memorandum of Understanding (MOU) A-12192** with the Monterey County Special Education Local Plan Area (SELPA) for reimbursement to the County for the provision of Educational Related Mental Health Services (ERMHS) in Fiscal Year 2011-12; and
b. Approved and authorized the Director of Health to sign the Inter-Agency Agreement (IA) with SELPA for the provision of ERMHS in Fiscal Year 2011-2012; and
c. Authorized the Director of Health to sign the extension of the MOU and the IA upon the mutual consent of both parties.

**CRIMINAL JUSTICE**

25. Approved and authorized the Sheriff to sign a grant application for the State of California Alcoholic Beverage Control’s Grant Assistance Program (GAP).

26. Approved and authorized the Contracts/ Purchasing Officer to sign **Amendment No. 2 A-11836** in the amount of $37,500, for an aggregate of $337,500 through June 30, 2012 with Homeland Justice Systems, Inc. for maintenance of the Smart Probation Case Management System.

**GENERAL GOVERNMENT**

27. Approved recommendation from the Monterey County Parks Commission to name the special needs trail at Toro Park, the "Don Wolf Trail."

28. **Construction No. 2011-002**
   a. Made finding that satisfactory progress is being made by contractor Monterey Peninsula Engineering on construction of the Hyland Drive/El Rancho Way Street Improvement Project in the community of Boronda, and
   b. Authorized the contract retention to be reduced from ten percent (10%) to five percent (5%).

29. Approved and authorized the Contracts/Purchasing Officer to execute the Renewal and **Amendment No. 2 of Agreement No. 11606** with The Lipman Company (TLC) for benefits administration services, extending the term of the Agreement to September 30, 2012.

30. a. Approved a Sale and Purchase Agreement between the Big Sur Land Trust (seller) and the County of Monterey (buyer) for the County’s acquisition of a 113.5 acre portion of the Marks Ranch contingent upon the award of a funding Grant from the State of California Wildlife Conservation Board (WCB) in the amount of $542,076;
   b. Directed the Chair of the Board of Supervisors to execute the Agreement on behalf of the County of Monterey; and
c. Authorize the Director of Parks to utilize the Agreement and associated documents as part of the County’s presentation to the WCB in support of the County’s grant application, and permit the Director of Parks to execute any related documents necessary to process the grant application and accept the grant consistent with the 2007 prior Board authorization.

31. Accepted and approved the amendments to the County’s Cell Phone Policy bringing the current policy into compliance with the recent IRS Notice 2011-72 ruling related to business use of cell phones.

32. Adopted the Policy on Determining Indigency of Candidates for Payment of Statements of Qualification for Specified Offices Appearing in the Voter Information Portion of the Ballot Pamphlet Prepared and Distributed by the Monterey County Elections Department.

33. Authorized the Auditor-Controller to transfer $78,113 from General Fund Contingencies to increase appropriations in Department 1080 Equal Opportunity Office, Unit 8066, Appropriations Unit EQU001 (4/5ths Vote Required).

34. a. Authorized submittal of an application by the Monterey County Workforce Investment Board to the U.S. Department of Labor (DOL) - Employment and Training Administration (ETA) for grant funding in the amount of $5 million under the Workforce Innovation Fund (WIF) for the proposed "Creating Healthcare Career Pathways and Preparing Workers to Enter and Advance in the Healthcare Industry Senior Healthcare Sector" grant project; and b. Authorize the Director of the Economic Development Department to sign the grant application and all WIF grant documents as required by the DOL – ETA; and

b. Authorized the Economic Development Department Director to make minor modifications to the grant application as necessary to comply with Federal requirements and sign the grant application submittal documents.

35. Adopted Resolution No. 12-073 to:

a. Approve the creation of a Human Resources Department to include all Units within the County Administrative Office (CAO) Appropriations CAO003 and CAO021 as indicated in the attached Resolution;

b. Amend Personnel Policies and Practices Resolution (PPPR) No. 98-394 to create the classification of Director of Human Resources with the salary range as indicated in the attached Resolution and amend Section A.10.1 Department Heads Designated as indicated in Attachment A;

c. Amend the County Administrative Office-Human Resources Budget 1050, CAO003-8049 to reallocate one (1) Assistant County Administrative Officer to one (1) Director of Human Resources;

d. Authorize the County Administrative Office and the Auditor-Controller to take the necessary action to program the Advantage system to implement these actions including the transfer of positions, appropriations and units as well as
the creation of a new department accounting structure and levels of appropriation control effective July 1, 2012 (4/5ths vote required);

e. Introduced, waived reading, and set April 10, 2012 at 1:30 p.m. to consider adoption of an Ordinance of the County of Monterey, State of California, amending Subsection B of Section 2.12.040 of the Monterey County Code to provide for the appointment of the Director of Human Resources by the County Administrative Officer.

36. a. Approved the transfer of Risk Management to County Counsel to include all units within the County Administrative Office Appropriations CAO006, CAO009 and CAO010 as indicated in the attached Board Order;

b. Amended the County Administrative Office-Compliance Budget 1050, CAO006-8052 to delete one (1) Principal Compliance Analyst position;

c. Amended the County Counsel Budget 1210, COU001-8057 to reallocate one (1) Senior Legal Secretary-Confidential to one (1) Management Analyst III;

d. Appointed Steve Mauck, Principal Risk and Benefits Analyst to CSAC-Excess Insurance Authority Board of Directors, thereby rescinding the prior appointment of Keith Honda;

e. Authorized the County Administrative Office and the Auditor-Controller to take the necessary action to program the Advantage system to implement these actions including the transfer of positions, appropriations and units as well as the creation of a new department accounting structure and levels of appropriation control effective July 1, 2012 (4/5ths vote required); and

f. Introduced, waived reading and set April 10, 2012 at 1:30 p.m. as the date and time to consider adoption of an ordinance to amend Sections 5.16.010 and 5.16.020 of the Monterey County Code relating to claims against the County.

37. a. Approved and authorized the Contracts/Purchasing Officer to execute County Master Agreements No: A-12193 with William Avery & Associates, Bob Murray & Associates, Ralph Andersen & Associates, RJA Management Services Inc., City Gate Associates LLC, Koff & Associates and Mathis Consulting Group for the provision of Executive Recruitment Services for the County of Monterey on an as-needed basis, for the initial term of three (3) years from the date of execution through and including March 20, 2015, in the amount that shall not exceed $200,000, per fiscal year each and to include the option to extend the Master Agreements for two (2) additional one (1) year periods in accordance with the terms and conditions set within each Agreement, and, the aggregate amount to be spent for all Agreements issued under RFP #10344 shall not exceed $2,000,000 combined aggregate over the life of the agreements; and

b. Authorized the Contracts/Purchasing Officer to exercise the options therein for two (2) additional one (1) year periods in accordance with the terms and conditions set within each Agreement; and

c. Authorized the Contracts/Purchasing Officer to execute similar additional Agreements for Executive Recruitment Services with qualified contractors who meet the minimum requirements of the County of Monterey.
38. Received informational copies of the response by the District Attorney and Sheriff to the 2011 Monterey County Grand Jury Final Report.

39. a. Authorized the Auditor-Controller to work with the County Administrative Office to establish, fund and develop a disbursement protocol for the Low Income Health Program (LIHP); and
b. Authorized the County’s Risk Manager to acquire reinsurance (stop-loss insurance) for the LIHP and

c. Authorized the Director of Health and the Natividad Medical Center CEO to negotiate and execute the State Contract for the LIHP; and
d. Authorized the Director of Health and Natividad Medical Center CEO to negotiate and execute the Central California Alliance for Health Administrative Services Agreement; and

e. Authorized the Auditor-Controller to certify public expenditures for LIHP. (Revised Report submitted via Supplemental)

39.1 a. Approved and authorized the County Librarian to sign a Vendor supplied standard Service Agreement No. A-12194 with AT&T Corporation for high speed broadband connectivity from ten Monterey County Free Libraries branches to the County of Monterey’s Information Technology Department in an amount not to exceed $205,420 in the aggregate for the period of July 1, 2012 through 2017.

b. Waived detailed review and approval requirements by County Counsel, Auditor/Controller, Risk Management, and Contracts/Purchasing, and accept the vendor’s agreement, terms and conditions, including indeterminate exposure to financial and risk liability, and limited liability by AT&T as a business necessity. (Added via Addendum)

RMA - PUBLIC WORKS

40. Construction No. 2011-015
a. Approved a project budget increase in the amount of $210,000 for 1410 Natividad - Refurbish Kitchen, Project No. 8532, to provide funding associated with the temporary kitchen operations for leases, increased operating costs, infrastructure, and equipment purchases; and

b. Authorized the reallocation of $210,000 from Jail Restroom Renovation - 1410 Natividad Rd, Project No. 8546, to 1410 Natividad - Refurbish Kitchen, Project No. 8532.

41. Adopted Resolution No. 12-075; Agreement No.: A-11973; Construction No. 2011-001:
a. Approving an increase to the Contract for Public Work, Agreement No. A-11973, with Top Grade Construction, Inc., for the Davis Road Overlay, Contract No. 11-141065, in the amount of $24,923, for a total not to exceed $1,210,437;
b. Authorizing the Director of Public Works to execute all Change Orders and to add $24,923 to the Davis Road Overlay, Contract No. 11-141065;  

c. Accepting the Certificate of Completion for construction of the Davis Road Overlay, Contract No. 11-141065, performed by Top Grade Construction, Inc., and  

42. **Agreement No.: A-12195; Construction No. 2011-021**  

   a. Awarded a contract to R.M. Harris Co. Inc., the lowest responsible bidder, for the Schulte Road Bridge at Carmel River, County Bridge No. 501, State Bridge No. 44C-0115, Project No. 382065, State Project No. EA 05-141004L, Federal Aid Project No. BRLO-5944 (010), in the total amount of $2,802,499;  

   b. Approved the Performance and Payment Bonds executed and provided by R.M. Harris Co. Inc.;  

   c. Authorized a contingency (not to exceed 10% of the contract amount) to provide funding for approved contract change orders; and  

   d. Authorized the Director of Public Works to execute the contract and, subject to the terms of the Public Contract Code, approve change orders to the contract that do not exceed 10% of the original contract amount, and do not significantly change the scope of work.

###