9:00 A.M.

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

1. Additions and Corrections for Closed Session: None.

2. a. Pursuant to Government Code section 54956.8, the Board of Supervisors will confer with real property negotiators:
   (1) Property: APN 233-011-010-55410 Cattleman Road, San Lucas
       County Negotiator: Jim Cook, Director, Redevelopment and Housing Office
       Under negotiation: Price, terms, and conditions of right of entry, leading to pilot test well construction easement.
   (2) Property: APN 015-021-005
       Negotiator: Yazdan Emrani, Director, Public Works
       Under negotiation: Price and terms
       (Format changed via Addendum/Supplemental)

CLOSED SESSION REPORT: The Board conferred with real property negotiators and provided direction to county negotiators regarding items 2 a. (1) and (2).
b. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding three items of significant exposure to litigation.

**CLOSED SESSION REPORT:** The Board conferred with legal counsel and provided direction regarding each of the three matters.

c. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation:

1. Omni Resources, LLC v. Monterey County, et al. (USDC case no. 06-05420)

**CLOSED SESSION REPORT:** The Board conferred with legal counsel and received information on the status of this lawsuit.


**CLOSED SESSION REPORT:** The Board authorized settlement of the lawsuit and upon settlement and signature of all documents, the settlement agreement will be available in County Counsel’s office.


**CLOSED SESSION REPORT:** The Board authorized an offer in this matter and if accepted and signed, the settlement agreement will be available in County Counsel’s office.

4. California-American Water Company v. County of Monterey (PUC case no. 97-03-052)

**CLOSED SESSION REPORT:** The Board received information regarding this lawsuit.

5. Ag Land Trust v. Monterey County Water Resources Agency, et al. (MCSC case no. M110691)

**CLOSED SESSION REPORT:** The Board received information regarding this case.

6. Highway 68 Coalition v. County of Monterey (MCSC case no. M106390)

**CLOSED SESSION REPORT:** The Board authorized a settlement of the litigation and upon execution, that settlement agreement will be available in County Counsel’s office.

**ROLL CALL**

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

3. The Pledge of Allegiance was led by County Administrative Officer Dr. Lew Bauman.
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 Section 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:**

**Add Under Regular Consent – General Government – Urgency Item**
27.2 a. Ratify the Administrative Proclamation of Local Emergency in the aftermath of the Highway 1 road closure causing conditions of extreme peril to the safety of persons and property of the community of Big Sur and the South Coast of Monterey County signed by the Administrative Officer on March 20, 2011.

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

Motion by Supervisors Potter, seconded by Supervisor Armenta to add item 27.2 to the CONSENT CALENDAR – REGULAR. ALL AYES

**Correction Under Regular Consent – Building Department**
~On page 1 of the board report, item g, in the subject and in recommendations, delete the words “Purchasing Manger” and replaced with “Contract/Purchasing Officer”.
~In both sections of the Order, sections g, deleted “Purchasing Manger” and replaced with “Contract/Purchasing Officer”.
~In number 2 of Exhibit A, deleted the word “Accept” and replaced with “Except”.
~In number 3 of Exhibit B, deleted the word “Accept” and replaced with “Except”.
~In number 3 of Exhibit C, deleted the word “Accept” and replaced with “Except”.
~No changes to Exhibit D.

**Remove Under Regular Consent – General Government**
27.1 a. Adopt Resolution approving a Property Conveyance Agreement between the Redevelopment Agency of the County of Monterey and the County of Monterey for the conveyance of certain real property located in the Fort Ord Redevelopment Project Area;
b. Authorize the Chair of the Board of Supervisors to execute the Property Conveyance Agreement and to accept said conveyances; and
c. Direct the Director of Redevelopment and Housing to cause the recordation of all necessary documents and to report back to the Board of Supervisors on this issue within thirty (30) days.

Remove Under Consent – RMA Monterey County Redevelopment Agency
31.1 Acting as the Board of Directors of the Redevelopment Agency of the county of Monterey:
   a. Adopt Resolution approving a Property Conveyance Agreement between the Redevelopment Agency of the County of Monterey and the County of Monterey for the conveyance of certain real property located in the Fort Ord Redevelopment Project Area;
   b. Authorize the Chair of the Board of Directors to execute the Property Conveyance Agreement and to execute all necessary documents, including deeds for said conveyances; and
   c. Direct the Director of the Redevelopment and Housing Office to report back to the Board of Directors on this issue within thirty (30) days.

Remove Under Scheduled Items:
S-5 Consider and:
   a. Approve the recommended County Financial Guidelines containing Countywide financial principles and strategies for building the Fiscal Year (FY) 2011-12 Recommended Budget and ongoing fiscal management;
   b. Approve financial strategies to fulfill Board direction established in Ordinance and the Financial Guidelines to fund the Strategic Reserve and Workers' Compensation Liability Reserve; and
   c. Authorize the Auditor-Controller to make necessary accounting transactions to implement Board approved financial strategies related to Strategic Reserve and Workers' Compensation funding

Motion by Supervisor Potter, seconded by Supervisor Armenta to approve Additions and Corrections. ALL AYES

5. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)
   Supervisor Calcagno pulled items 19, 21, 22, 24, and 26.
   Motion by Supervisor Calcagno, seconded by Supervisor Armenta to approve the CONSENT CALENDAR - REGULAR (See Supplemental Sheet) with the exception of items 19, 21, 22, 24, and 26. ALL AYES

Director of Health Ray Bullick responded to questions regarding item 19.
Director of Parks John Pinio responded to question regarding item 21.
Treasurer-Tax Collector Mary Zeeb responded to questions regarding item 22.
Director Redevelopment and Housing Jim Cook responded to questions regarding item 24.
Chief Assistant Director of RMA Alana Knaster responded to questions regarding item 26.
Motion by Supervisor Calcagno, seconded by Supervisor Armenta to approve items 19, 21, 22, and 24. ALL AYES

Motion by Supervisor Potter, seconded by Supervisors Salinas to approve item 26. 4-1 (Supervisor Calcagno dissented)

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

6. CONSENT CALENDAR - PAJARO COUNTY SANITATION DISTRICT (See Supplemental Sheet, item 32)
   Supervisor Parker questioned staff regarding item 32. Yaz responds to Parker questions about #32 - Pajaro County Sanitation District.
   Motion by Director Calcagno, seconded by Director Armenta to approve the Consent Calendar -Pajaro County Sanitation District, item 32)

ROLL CALL

6.1 REMOVED CONSENT CALENDAR - MONTEREY COUNTY REDEVELOPMENT AGENCY (See Supplemental Sheet No. 31.1)

CEREMONIAL RESOLUTIONS

7. Adopted Resolution No. 11-071 approving an application by the Ag Land Trust for grant funds from the California Department of Conservation’s Farmland Conservation Program for the "Fisher Ranch" agriculture conservation easement. (Supervisor Calcagno)
   Motion by Supervisors Salinas, seconded by Supervisor Armenta. ALL AYES

8. Adopted Resolution No. 11-072 proclaiming March 20 - 26, 2011 as "Tsunami Awareness and Preparedness Week" in Monterey County.
   Motion by Supervisors Salinas, seconded by Supervisor Armenta. ALL AYES

APPOINTMENTS 9 and 10 heard concurrently

9. Appointed Kim Solano to the Moss Landing County Sanitation District Citizens Advisory Committee, term ending March 24, 2013. (Supervisor Calcagno)
   Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES

10. Appoint James Perry to the Historical Advisory Commission, term ending February 1, 2015. (Supervisor Calcagno)
    Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES
OTHER BOARD MATTERS

11. Board Comments – None.

12. CAO Comments and Referrals – None.

13. Public Comment (Limited to 3 minutes per speaker)
William Shram; Steve Eklund; Joe Alvarez.

SCHEDULED MATTERS

S-1 a. Considered approval of the response to the 2010 Monterey County Grand Jury Final Report and provide direction on any changes; 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 9, 2011 with the following suggested changes: 1) on page 2 of Finding F1.7 share, note that employees payment of CalPERS share is a negotiated item and not just determined by county on its own; 2) on page 8 Response R2.2, correct typo in last line “additional data will come available switch words “the” and “evaluate”; 3) page 18, Recommendation R5.6 regarding the value of County Office of Education (MCOE), it would be good to note that MCOE is a partner to county and note a couple of places where we value their programming. 4) on page 20 response to F7.11, response doesn’t address the toxins carried in sediment that were a concern of the Coastal Watershed Council; 5) page 21 response to R7.2 should be clear how we track salinity along with levels of groundwater monitoring groundwater basin for sea water intrusion; 6) on page 26, responses to 8.2 & 8.4: It would better to indicate an openness to future changes in the oversight structure of project; 7) Response to Recommendation 8.5 is not completely responsive and we should say if we do not support, but would like to see ongoing financial oversight that is independent; and 8) on page 17, R5.2 and R5.4, emphasize the great work of CASP and Monterey County as a collaborative member and the resources, time and effort contributed by the County to combat gangs in Monterey County.

Motion by Supervisor Calcagno, seconded by Supervisor Potter, provided direction to staff and continued this item to April 5, 2011. ALL AYES

S-2 Received an oral presentation on the recent updates to the Strategic Work Plan developed by the Community Alliance for Safety and Peace (CASP), Monterey County and City of Salinas.
Public comment: Georgina Mendoza; Nancy Kotowski

Motion by Supervisor Armenta, seconded by Supervisor Potter to approve staff recommendation; and noted Supervisor Parker’s suggested revisions as follows: On page 10 under Social Economic Conditions make reference to low wage jobs as being one of the factors there. On pages 13 through 20 note that those specific organizations and agencies were examples rather than the
only organizations that might be engaged to do the work in question. On page 16 No.4 under strategies list “foster leadership opportunities for youth” to increase the positive images of youth. On page 17 where there is discussion implementing policies and urban planning practices that have a positive effect on the safety of neighborhoods, add a bullet point under implementing policies that would engage community members to advocate for walkable communities and safe routes to schools. ALL AYES

Recessed to lunch continued closed session.

Reconvened

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

S-3 Considered approval of the California American Line of Credit Agreement in order to implement the Regional Desalination Project (RDP); and authorize the Monterey County Water Resources Agency General Manager to execute the Agreement.

Public comment: Peter Kaiser; Ken Eklund; Ralph Rubio

Motion by Supervisor Potter, seconded by Supervisor Salinas to approve the California American Line of Credit Agreement in order to implement the Regional Desalination Project (RDP); authorized the General Manager of the Water Resources Agency to execute the agreement and restricted access to the LOCA funds simply for the financial analysis, and the $186,000 that was associated with those funds for outside counsel’s advise for a financial analysis and litigation expenses be capped at $100,000 for a total of $286,000; directed staff to return with a financial plan no later than April 30, 2011; and directed staff to provide monthly status reports on what the time lines are, how we’re doing on various time lines, details on the expenditures that have been incurred, upcoming decisions that are being made by different parties on the project, results of tests on wells, potential problems, updates on litigation, and provide minutes of the Water Resources Advisory Committee.

ALL AYES

SCHEDULED MATTERS

S-4 a. Received a report regarding the status of the State budget, including the realignment proposal which is predicated upon the passage of a ballot initiative in a Statewide Special Election to extend income, sales and vehicle taxes for five years and which provides the framework and some protections to counties for funding the realigned programs; and

b. Took "support in concept" position on the constitutional amendment/realignment proposal.

Public comment: Peter Kaiser; Anne Marie Tresch; Debbie Lenz.
Motion by Supervisor Armenta, seconded by Supervisor Potter to approve staff recommendations and relay concern of the Monterey County Board of Supervisors for a concerted effort to reduce State spending in structural ways in the areas of pensions and bonding and the cost impacts to the General Fund. ALL AYES

Supervisor Potter announced he had to leave to attend a meeting regarding the Highway 1 landslide impacting Big Sur. He left the dais.

Consider and:

c. Approve the recommended County Financial Guidelines containing Countywide financial principles and strategies for building the Fiscal Year (FY) 2011-12 Recommended Budget and ongoing fiscal management;

d. Approve financial strategies to fulfill Board direction established in Ordinance and the Financial Guidelines to fund the Strategic Reserve and Workers' Compensation Liability Reserve; and

e. Authorize the Auditor-Controller to make necessary accounting transactions to implement Board approved financial strategies related to Strategic Reserve and Workers' Compensation funding. (Removed via Additions & Corrections)

a. Accepted a written report from Dr. Hugh Stallworth, Director of Public Health/Health Officer regarding Smart Meters (Referral #2010.20);

b. Directed Monterey County Health Department to send a letter to the PUC requesting the PUC continue to study through independent experts the effects of long-term exposure to low level EMFs and report out findings to all county health departments; and the Board of Supervisors support an opt-out option for residents be submitted to the PUC.

Public Comment: Annemarie Tresch; Bill Caruthers; Joan Hopkins; Jackie Day; Dinah Morada; Debby Lance; Nina Beedy; Larry Parrish; Peter Kaiser; bill Harris; Ellen Cecil; Marilee Childs; Marilyn Garrett; Don Ask; Glen Chase; Wendy Saursfield; Lynn Wyman; Hanna Curshing giving three mint to Professor Chase; Professor Chase; Tallie Laffee Rosalini; Leslie Patton; Toby Cecil

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

CLOSED SESSION REPORT (see 2a through c)

ADJOURNMENT

APPROVED:

JANE B. PARKER, CHAIR
BOARD OF SUPERVISORS

ATTEST: GAIL T. BORKOWSKI
Clerk of the Board

BY: _________________________
CONSENT CALENDAR

HEALTH AND SOCIAL SERVICES

14. a. Accepted the Monterey County Department of Social and Employment Services, Family and Children's Services Branch 2011 System Improvement Plan as part of the California Outcomes and Accountability System; and
b. Authorized the Department of Social and Employment Services to submit the approved plan to the California Department of Social Services and the Office of Child Abuse Prevention.

15. Executed the State required Notice of Intent for the Monterey County Department of Social and Employment Services, Family and Children's Services Branch 2011 System Improvement Plan as part of the California Outcomes and Accountability System requirements.

16. a. Approved and designated the Monterey County Child Abuse Prevention Council as the entity that has oversight of the Children's Trust Fund; and
b. Authorized the Department of Social and Employment Services to submit this order to the California Department of Social Services and the Office of Child Abuse Prevention.

17. Received a written report from the Behavioral Health Director regarding implementation of the Drug Treatment Court and the Bureau of Justice Assistance (BJA) and Substance Abuse and Mental Health Services Administration (SAMHSA) Grant entitled "Monterey County Adult Treatment Court Expansion and Enhancement Project".

18. a. Approved position changes to the Health Department Budget Units HEA002-8073, HEA002-8076, HEA002-8082 and HEA007 which include deleting 5 FTE positions from Budget Unit HEA002-8073 (3 FTE), HEA002-8073 (1 FTE), HEA002-8082 (1 FTE) and adding 5 FTE positions to Budget Unit HEA007; and
b. Directed the County Administrative Office to amend the FY 2010-11 Health Department Budget Units HEA002-8073, HEA002-8076, HEA002-8082 and HE007 to reflect the change in position count as outlined in the Board Order.

19. a. Approved and authorized the Contracts/Purchasing Officer to sign Amendment No. 1 to the Professional Services Agreement No. A-11745 with the Action Council of Monterey County, Inc., increasing the amount by $350,000 for a revised total amount of $600,000 for the provision of community educational management and contracting for specialized services; and extend the term of the Agreement by one (1) year, for a new term of July 1, 2010 through June 30, 2012; and
b. Authorized the Contracts/Purchasing Officer to sign up to three future Amendments to this Agreement where the Amendments do not exceed ten percent (10%) of the annual amount, and do not significantly alter the scope of services or result in an increase to net county costs.

**GENERAL GOVERNMENT**

20. Received informational copy of the response by the Sheriff to the 2010 Monterey County Grand Jury Final Report.

21. 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 2010-11; 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.

22. Adopted **Resolution No. 11-077** confirming the composition of the Monterey County Treasury Oversight Committee as nominated by the Treasurer.

23. Approved and authorized the Contracts/Purchasing Officer to execute Agreement No. A-11954 between the County of Monterey Treasurer-Tax Collector and RT Lawrence Corporation, in the amount of $350,098.89 for the provision, installation, programming and technical training of remittance processing equipment.

24. a. Adopted **Resolution No. 11-073** and authorize submittal of an application to the California Department of Housing and Community Development (HCD) for grant funding in the amount of $108,100 under the Housing Related Parks Program (HRPP) for the proposed Chualar Tot Lot; and  
   b. Authorized the Director of Redevelopment and Housing to sign the grant application and the HRPP grant documents as required by HCD.

25. Received the Housing Element Progress Report for 2010.


27. Approved a request from the Greenfield Fire Protection District for an exemption to the annual audit required by Government Code Section 26909 and authorize preparation of a biennial audit covering the Fiscal Years (FY) of 2010-11 and every two years thereafter. (unanimous vote required) (continued from March 15, 2011)

27.1 a. Adopted Resolution approving a Property Conveyance Agreement between the Redevelopment Agency of the County of Monterey and the County of
Monterey for the conveyance of certain real property located in the Fort Ord Redevelopment Project Area;
b. Authorize the Chair of the Board of Supervisors to execute the Property Conveyance Agreement and to accept said conveyances; and
c. Direct the Director of Redevelopment and Housing to cause the recordation of all necessary documents and to report back to the Board of Supervisors on this issue within thirty (30) days. (Added via Addendum) (Removed via Additions & Corrections)

27.2 Adopted Resolution No. 11-075 to:
   a. Ratify the Administrative Proclamation of Local Emergency in the aftermath of the Highway 1 road closure causing conditions of extreme peril to the safety of persons and property of the community of Big Sur and the South Coast of Monterey County signed by the Administrative Officer on March 20, 2011.
   b. Extend this proclamation of local emergency for an additional thirty days in accordance with Californian Government Code Section 8630 (4/5ths vote required).

RMA – BUILDING DEPARTMENT

28. Agreement Nos. A-11957; A-11958; A-11959
   a. Received a report from the Building Services Department on revenue projections in excess of Fiscal Year (FY) 2010-11 budget;
   b. Approved the increase of appropriations in the amount of $741,905 in FY 2010-11 to allow the expenditure of the anticipated additional revenue (Fund 001, Unit 8170, Appropriation Unit RMA011) (4/5th vote required);
   c. Authorized the Auditor-Controller to amend the Building Services Department's FY 2010-11 budget by increasing estimated revenues (Source 4230 - Construction Permits) and appropriations (Object 6613 - Other Professional & Special Services) by $741,905 (4/5th vote required);
   d. Approved Amendment No. 1 to the Professional Services Agreement with California Code Check (A-11957) where the total amount not to exceed is increased from $100,000.00 to not to exceed $165,000.00 with no change to the scope of work for plan check, inspection and related services;
   e. Ratified Amendment No. 1 to the Professional Services Agreement with JAS Pacific, Inc. (A-11958) where the total amount not to exceed is increased from $100,000.00 to not to exceed $250,000.00 and amendment to payment provisions, with no change to the scope of work for plan check, inspection and related services;
   f. Ratified Amendment No. 1 to the Professional Services Agreement with Taluban Engineering, Inc. (A-11959) where the total amount not to exceed is increased from $100,000.00 to not to exceed $190,000.00 and to change the length of term from June 30, 2011 to April 30, 2011, with no change to the scope of work for plan check, inspection and related services; and
g. Authorized the Purchasing Manager to execute said Amendments as well as future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

**RMA - PUBLIC WORKS**

29. Adopted Resolution No. 11-076:
   a. Accepting the Certificate of Completion for the construction of the Thorne Road Bridge at Arroyo Seco River, County Bridge No. 317, State Bridge No. 44C-0183, Federal-Aid Project No. BRLKO-5944(073), Project No. 08-172165; and
   b. Authorizing the Director of Public Works to execute and record the Notice of Completion.

30. a. Ratified Amendment No. 1 to Professional Services Agreement No. A-11955 with Schaaf & Wheeler to continue to provide tasks associated with construction inspection services of the mechanical and electrical systems of the San Jerardo Water System Improvements, Project No. 8599 and include additional services including tank inspection; and water quality sampling, testing and reporting in the amount of $17,210 for a total amount not to exceed $96,338 and extend the term through June 30, 2011; and
   b. Authorized the Contracts/Purchasing Officer to execute Amendment No. 1 to the Professional Services Agreement and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

31. **Agreement No. A-11956; Construction No. 2011-006**
   a. Awarded a contract to Top Grade Construction, Inc., the lowest responsible Base bidder, for the State Route 68 at San Benancio Road Intersection Improvements, State Project No. EA 05-0H8220, Contract No. 10-111065; in the total amount of $2,594,740;
   b. Approved the Performance and Payment Bonds executed and provided by Top Grade Construction, Inc.;
   c. Authorized a contingency, not to exceed ten percent (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 approve expenditures of contingency for contract change orders.

31.1 Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey:
   d. Adopt Resolution approving a Property Conveyance Agreement between the Redevelopment Agency of the County of Monterey and the County of Monterey for the conveyance of certain real property located in the Fort Ord Redevelopment Project Area;
e. Authorize the Chair of the Board of Directors to execute the Property Conveyance Agreement and to execute all necessary documents, including deeds for said conveyances; and
f. Direct the Director of the Redevelopment and Housing Office to report back to the Board of Directors on this issue within thirty (30) days.
(Added via Addendum) (Removed via Additions and Corrections)

PAJARO COUNTY SANITATION DISTRICT

32. Acting as the Board of Directors of the Pajaro County Sanitation District:
   a. Approved the release of designations totaling $334,724 within the Pajaro County Sanitation District, Appropriation Unit RMA040, from Fund Balance Designations Account, to the Unreserved Fund Balance Account, to provide funding to replace an unanticipated accounts receivables shortfall;
   b. Authorized the Auditor-Controller to amend the budget for Pajaro County Sanitation District, Appropriation Unit RMA040, for FY 2010-11 by decreasing the Fund Balance Designations Account by $334,724, and by increasing the Unreserved Fund Balance Account by $334,724; and
   c. Authorized the Auditor-Controller to amend the budget for Pajaro County Sanitation District, Appropriation Unit RMA040, for FY 2010-11 by increasing appropriations totaling $334,724 for the Professional & Other Services Account (4/5th vote required).

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