BOARD OF SUPERVISORS

Fernando Armenta 1st District (Chair) Lew C. Bauman
Louis R. Calcagno 2nd District (Vice-Chair) County Administrative Officer
Simon Salinas 3rd District Charles J. McKee
Ila Mettee-McCutcheon 4th District County Counsel
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ACTION MINUTES
MONTEREY COUNTY BOARD OF SUPERVISORS
MONTEREY COUNTY WATER RESOURCES AGENCY

TUESDAY, AUGUST 26, 2008
9:00 A.M.

9:00 A.M.

ROLL CALL:
Present: Supervisors Armenta (Chair), Calcagno, Salinas, Mettee-McCutcheon
Absent: Supervisor Potter

S-1 Closed Session under Government Code section 54950, relating to the following items:

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

RESULTS OF CLOSED SESSION: The Board conferred with County Counsel and authorized tentative settlement.

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

RESULTS OF CLOSED SESSION: 4 items listed; 3 items addressed and in those items the Board provided direction to Counsel on how to proceed and try to avoid litigation. 1 item not heard.

c. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators.
Property: Monterey County Laurel-Natividad complex  
Agency negotiator: Wayne Tanda  
Negotiating parties: County of Monterey and California Department of Corrections and Rehabilitation  
Under negotiation: Terms  

RESULTS OF CLOSED SESSION: The Board discussed the terms of this matter.

d. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators.  
   1. Designated representative(s): Keith Honda  
      Employee organization: Unit R  
   2. Designated representative(s): Elliott Robinson and Fran Buchanan  
      Employee organization: IHSS Unit  

RESULTS OF CLOSED SESSION: The Board conferred with labor negotiator and provided direction on how to proceed in negotiations.

10:30 A.M.

ROLL CALL:  
Present: Supervisors Armenta (Chair), Calcagno, Salinas, Mettee-McCutchon  
Absent: Supervisor Potter  

1. Pledge of Allegiance was led by Supervisor Armenta  

2. Additions and Corrections  

The Clerk of the Board announced agenda corrections and proposed additions which may be 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 was asked to make the following additions and corrections:

AC-1 ADDITION  
Consider the following actions for PD070665  
   b. Authorize the Chair of the Board of Supervisors to sign the Certificate of Acceptance.  
   c. Direct the Clerk of the Board to submit the signed Certificate of Acceptance to the County Recorder for filing/recordation.
AC-2 **CORRECTION CONSENT ITEM 19**

a. Authorize the Contracts/Purchasing Manager to sign the Agreement for Shared Dispatch Space, Equipment, Associated Costs and Services between Monterey County Emergency Communications Department and American Medical Response West. The Agreement with AMR is for shared space and expenditures related to co-located dispatch operations with the Emergency Communications Department; and,

b. Authorize the Director of the Emergency Communications Department to enter into a Mutual Non-Disclosure and Confidentiality Agreement with AMR to protect the confidentiality of proprietary and patient information.

**Motion by Supervisor Salinas, seconded by Supervisor Mettee-McCutcheon.**

4 Ayes 1 Absent – Supervisor Potter

3. **CONSENT CALENDAR - REGULAR (See Supplemental Sheet)**

PUBLIC COMMENT:

Item 21 pulled for public comment.

- Mike Miller, Auditor-Controller, addressed the Board and reviewed the Secured Roll Tax Rate attachment of the Board Report and thanked staff for their work.

**Motion by Supervisor Salinas, seconded by Supervisor Calcagno**

4 ayes; 1 absent – Supervisor Potter

4. **CONSENT CALENDAR - MONTEREY COUNTY REDEVELOPMENT AGENCY (See Supplemental Sheet)**

**Motion by Supervisor Mettee-McCutcheon, seconded by Supervisor Salinas**

4 ayes; 1 absent – Supervisor Potter

**OTHER BOARD MATTERS:**

5. **Board Comments, Referrals, and Updates**

- Supervisor Armenta made a referral to offices of the CAO and the Health Department to seek public input for new Requests for Proposals (RFPs) for ambulance service in Monterey County; establish RFP process for an EMS/Ambulance Provider; and stated the Health Department and EMS should work with all stakeholders to consider their concerns, including possible workforce protections.

- County Counsel, Charles McKee cautioned that as the referral moves forward, stakeholder input may be limited by Government Code section 1090 prohibitions on influencing the making of a government contract in which a person has a financial interest.

6. **CAO Comments**

- Lew Bauman asked Supervisor Calcagno about the discussion on creating an Ad Hoc Sub-Committee to address regional water supply issues, asking if he was going to address that issue this morning.
· Supervisor Calcagno stated the Ad Hoc Sub-Committee is on hold until the Water Resources Agency meets on the 3rd or 5th for a special meeting, and that it would be inappropriate to take action until after that meeting.
· Lew Bauman announced Monterey County entered several award-winning exhibits to the California State Fair this year. He thanked staff and a PowerPoint presentation was provided.

7. Public Comment (Limited to 3 minutes per speaker)
· Brian Smart spoke regarding the ambulance contract with American Medical Response; how the contract has affected their labor group and the citizens of Monterey County; and urged the Board to support them and the public safety of Monterey County.
· Tony Spitalent, service representative for the International Association of Firefighters Labor Group 4513, voiced concerns about the RFP; asked that all Westmed employees be allowed to stay employed in the interim until a new RFP is in place; and that they be allowed to be part of that process.
· Renee Forrest, one of 17 that will not be going forward with AMR on Sept. 1, 2008, informed the Board of her experience and knowledge as a paramedic, and urged the Board to allow Westmed employees to keep their jobs with AMR.
· Jeff Ruch spoke regarding his service as a paramedic in Monterey County; AMR’s statement to the press and to the Board they would be willing to give first crack to all "qualified individuals"; his participation in the hiring process, process and that despite passing the tests, he was not hired; neither the President nor Chief Shop Steward were hired, eliminating 3/5ths of the hierarchy of their Union; and the Board’s promise of protection for the workforce, recognizing the value of their experience, wisdom, and organization. Mr. Ruch urged the Board to recognize their promises.
· Cesar Lara, Executive Director of the Monterey Bay Central Labor Council, representing 63 Unions, 30,000 Union members in Santa Cruz County, expressed his concern that AMR is using the new emergency response contract to break up the Union; stated the Union has very qualified members in Local 4513 who are not being asked to come back as well as 3/5ths of the Union’s leadership; urged the Board to stand by with their promise of public safety; stated the County needs to certify the paramedics that are working for AMR; and indicated there was language in the Westmed Contract under Section 11 that needs to be honored in the new contract.

8. Adopted Resolution No. 08-272 honoring John G. Darling, Chief Deputy of the Enforcement Operations Bureau, upon his retirement from the Sheriff’s Office of Monterey County for his 31 years of public service. (Full Board)

Motion by Supervisor Calcagno, seconded by Supervisor Salinas.
4 Ayes; 1 Absent – Supervisor Potter
APPOINTMENTS:

9. Appointed Chris Orman to the Monterey Regional Water Pollution Control Agency to fill a vacancy of Gage Dayton for a term ending at the pleasure of the Board. (Supervisor Calcagno)
   Motion by Supervisor Calcagno, seconded by Supervisor Salinas
   4 Ayes; 1 Absent – Supervisor Potter

10. Appointed Marilyn Lynds to the Monterey Regional Water Pollution Control Agency as an alternate for a term ending at the pleasure of the Board. (Supervisor Calcagno)
    Motion by Supervisor Calcagno, seconded by Supervisor Salinas
    4 Ayes; 1 Absent - Supervisor Potter

11. Appointed Steve McShane to the Housing Advisory Committee for a term ending August 26, 2010. (Supervisor Mettee-McCutchon)
    Motion by Supervisor Calcagno, seconded by Supervisor Salinas
    4 Ayes; 1 Absent – Supervisor Potter

SA-1 Appointed Dale Denver to the Cypress Fire Protection District to fill a vacancy of Donald Seydel with a term ending June 30, 2011. (Full Board)
    Motion by Supervisor Calcagno, seconded by Supervisor Salinas
    4 Ayes; 1 Absent – Supervisor Potter

SA-2 Appointed Judy MacClelland to the Historic Resources Review Board for a term ending December 31, 2011. (Supervisor Potter)
    Motion by Supervisor Calcagno, seconded by Supervisor Salinas
    4 Ayes; 1 Absent - Supervisor Potter

SCHEDULED MATTERS

S-2 Held a Welcome Home Troops Ceremony honoring Monterey County residents returning from service in Operation Iraqi Freedom, Operation Enduring Freedom and other military combat associated with the Global War on Terror.

Recessed to Lunch

1:30 p.m. RECONVENED

ROLL CALL:
Present: Supervisors Armenta (Chair), Salinas, Mettee-McCutchon
Absent: Supervisors Potter and Calcagno
SCHEDULED MATTERS

NOTE: Supervisor Calcagno arrived during S-3 staff presentation

S-3 Ordinance No. 5113; Resolution No. 08-273; Board Budget No. 08/09-029
  a. Considered and adopted an Ordinance of the County of Monterey, State of California, to amend Section 2.12.040, and to add Section 2.13.005 to the Monterey County Code relating to the Clerk of the Board of Supervisors;
  b. Approved establishment of the Clerk of the Board of Supervisors as a County department and designate Budget Unit 112-Clerk of the Board of Supervisors for reporting and budgeting requirements of the newly created department;
  c. Amended Personnel Policies and Practices Resolution No. 98-394, Section A.10.1 Department Heads Designated, to add Clerk of the Board of Supervisors, to move it from Bargaining Unit X to Bargaining Unit Y, and to adjust the salary of Clerk of the Board of Supervisors to reflect this change;
  d. Amended Budget Unit 130-Intergovernmental and Legislative Affairs to transfer five positions to Budget Unit 112-Clerk of the Board of Supervisors, as detailed on the attached Board Order;
  e. Approved the transfer of $602,747 in appropriations from Budget Unit 130-Intergovernmental and Legislative Affairs to Budget Unit 112-Clerk of the Board of Supervisors, as detailed on the Board Order; and
  f. Directed the Auditor-Controller to incorporate approved changes in the Fiscal Year 2008-09 Intergovernmental and Legislative Affairs Budget Unit 130 and Clerk of the Board of Supervisors Budget Unit 112.

Motion by Supervisor Salinas, seconded by Supervisor Armenta.
4 Ayes; 1 Absent - Supervisor Potter

S-4
  a. Received an oral presentation from Leon Douglas, Development Economics, on the development and preparation of the 2009 Monterey County Comprehensive Economic Development Strategy (CEDS);
  b. Accepted the 2009 Monterey County Comprehensive Economic Development Strategy (CEDS), as recommended by the Overall Economic Development Commission (OEDC); and
  c. Directed staff to submit the 2009 Monterey County CEDS to the U.S. Department of Commerce, Economic Development Administration (EDA) for approval.

S-5
  a. Received a presentation on the status of site validation, City of Salinas Resolution, and public outreach efforts for the California Department of Corrections’ Secure Community re-entry Facility in Monterey County; and
  b. Received a presentation on key elements of Siting Agreement with the California Department of Corrections and Rehabilitation.

PUBLIC COMMENT
  · Dale Harris opposed the proposed of a reentry facility.
  · Jonabel Perez presented the Board with 600 signatures gathered opposing the creation of the State reentry facility. Ms. Perez read into the record a summary
of her research and community outreach on alternative solutions. She called on the elected officials and the Government to work towards a more permanent solution to crime.

CLOSED SESSION:
COUNTY COUNSEL PROVIDED RESULTS OF CLOSED SESSION
(See Agenda Items S-1, a-d)

ORDER FOR ADJOURNMENT

APPROVED:

/s/ Fernando Armenta
CHAIR, BOARD OF SUPERVISORS

ATTEST:
NICHOLAS E. CHIULOS
Interim Clerk of the Board

BY: D. Hancock
DEPUTY
CONSENT CALENDAR

Motion by Supervisor Salinas, seconded by Supervisor Calcagno
4 ayes; 1 absent – Supervisor Potter

HEALTH AND SOCIAL SERVICES:

12. a. Agreement No. A-11109 - Approved and authorized the Director of the Department of Social & Employment Services, or his designee, to sign Amendment No. 1 to Professional Service Agreement A-11109 with Shelter Outreach Plus to add funding for services to the Salinas, North County, and Monterey Peninsula regions using Community Services Block Grant and Domestic Violence Trust Funds for the period January 1, 2008, through December 31, 2008, in the amount of $16,418 and increasing the contract to $132,679; and
   b. Authorized the Director of the Department of Social & Employment Services, or his designee, to sign up to three (3) amendments to the 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.

13. Agreement No. A-10132 - Approved and authorized the Chair to sign the amendment extending the Cash Assistance Program for Immigrants (CAPI) Memorandum of Understanding between Monterey and San Mateo Counties through June 30, 2011.

14. Accepted the Monterey County Mental Health Commission Annual Report assessing the needs and performance of the County’s mental health system during 2007.

15. Accepted a progress report from the Santa Cruz-Monterey Managed Medical Care Commission, also known as the Central Coast Alliance for Health, covering the period February 1, 2008 through July 31, 2008.

16. a. Agreement No. a-11256 - Approved and authorized the Director of the Department of Social & Employment Services, or his designee, to sign a contract with Meals on Wheels of the Salinas Valley for the provision of meals to seniors funded by the Older Americans Act in the amount of $236,210 for Fiscal Year 2008-2009; and
   b. Authorized the Director of the Department of Social & Employment Services, or his designee, to sign up to three (3) amendments to the 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.
17. a. Agreement No. A-11257 - Approved and authorized the Director of the Department of Social & Employment Services, or his designee, to sign an Agreement with McWilliams-Mailliard Technology Group, Inc., for $26,220 for license and subscriptions to use AACTS software for Adult Protective Services staff for the period July 1, 2008 through June 30, 2010, including Mutual Indemnification in Exhibit A, Sections 9.2 and 9.3; and
b. Authorized 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 ten percent (10%) of the original contract amount, and do not significantly change the scope of work.

CRIMINAL JUSTICE:

18. a. Authorize the Sheriff’s Office to utilize $5,000 from the Sheriff’s Drug and Youth Gang Education Fund for Monterey Bay Area Council, Boy Scouts of America, Camp Pico Blanco renovation project; and
b. Increase estimated revenue and appropriations in Sheriff’s Budget Unit 230 in the amount of $5,000. (4/5th vote required)

SA-6 CORRECTED TITLE ON CONSENT ITEM 18
Board Budget No. 08/09-030
a. Authorized the Sheriff’s Office to utilize $5,000 from the Sheriff’s Drug and Youth Gang Education Fund for Monterey Bay Area Council, Boy Scouts of America, Camp Pico Blanco renovation project; and
b. Found that the action fulfills a public purpose that will assist gang diversion and combat drug abuse; and
c. Increased estimated revenue and appropriations in Sheriff’s Budget Unit 230 in the amount of $5,000. (4/5th vote required)

GENERAL GOVERNMENT:

19. Approve an Agreement with American Medical Response West (AMR) for shared space and expenditures related to co-located dispatch operations with Emergency Communications Department.

AC-2 CORRECTED TITLE ON CONSENT ITEM 19
AC-2 a. Agreement No. A-11258 - Authorized the Contracts/Purchasing Manager to sign the Agreement for Shared Dispatch Space, Equipment, Associated Costs and Services between Monterey County Emergency Communications Department and American Medical Response West. The Agreement with AMR is for shared space and expenditures related to co-located dispatch operations with the Emergency Communications Department; and,
b. Authorized the Director of the Emergency Communications Department to enter into a Mutual Non-Disclosure and Confidentiality Agreement with AMR to protect the confidentiality of proprietary and patient information.
20. a. Agreement No. A-11259 - Approved and authorized the Contracts Purchasing Officer to sign an Amendment to Monterey County Educational Network Agreement with the Naval Postgraduate School (NPS) for a five (5) year period permitting NPS to add additional equipment and clarifying the term of the agreement, costs, and access requirements; and
   b. Approved and authorized the Contracts Purchasing Officer to sign future Agreements to add additional qualified I-Net Users to the Ed-NET system upon direction of the Director of Information Technology and using the Monterey County I-NET Standard User Agreement.


SA-3 Agreement No. -11264; Board Budget No. 08/09-031
   a. Approved the Unit G (Monterey County Counsels Employee Association) Memorandum of Understanding (MOU) covering the period July 1, 2008 through June 30, 2010; and
   b. Approved and directed the Auditor-Controller to increase Budget Unit 121 (County Counsel) appropriations by $172,878 and increase estimated revenue by $80,389 (4/5ths vote required).

SA-4 Resolution No. 08-274; Board Budget No. 08/09-032
   a. Amended Personnel Policies and Practices Resolution No. 98-394 to adjust the salary range for the classification of Senior Deputy County Counsel from $8,520/mo. - $11,636/mo. to $9,857/mo. - $13,455/mo. retroactive to July 5, 2008; and
   b. Approved and directed the Auditor-Controller to increase appropriations and revenues as outlined in the Board Order (4/5ths vote required).

SA-5 Resolution No. 08-275; Board Budget No. 08/09-033
   a. Amended Personnel Policies and Practices Resolution No. 98-394 (PPPR) to revise sections A.13.1 - Bar Dues, A.13.2 - Professional Association Dues, A.13.3 - C.E.B. Course Reimbursement, and A.35.1 - Unrepresented Attorneys’ Professional Leave by removing the classification titles of Deputy County Counsel I, Deputy County Counsel II, Deputy County Counsel III and Deputy County Counsel IV; and
   b. Directed the Auditor-Controller to incorporate these changes effective August 26, 2008.

**RMA - PLANNING DEPARTMENT:**

22. a. Accepted the Final Map for the conversion of 14 existing apartment units into condominiums on a 0.7 acre parcel, and the conversion into condominiums of three existing single family dwellings on a 0.28 acre parcel;
   b. Accepted the Tax Report from the Tax Collector and the Subdivision Guarantee for filing;
   c. Authorized the Chair to execute the Workforce Housing Agreement; and
d. Directed the Clerk of the Board to submit the Final Map, Inclusionary Housing Agreement, and Workforce Housing Agreement, to the County Recorder for recording. (Final Map - PLN060520/Q’s Landing Redevelopment LLC, North County Area Plan)

23.  
a. Agreement No. A-11260 - Approved a Reimbursement Agreement with The Pebble Beach Company where the base budget is $65,405 with a contingency of $9,811, for a total amount not to exceed $75,216, to allow reimbursement for costs incurred by EcoSystems West Consulting Group to provide 2008 Piperia Plan Studies for The Pebble Beach Company’s Del Monte Forest Preservation and Development Plan (PLN010254) in Pebble Beach, for a term through February 28, 2009; and

b. Authorized the Director of Planning to execute the Reimbursement Agreement and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

(Contract - PD060822/EcoSystems West Consulting Group, County-wide)

AC-1 ADDED

Consider the following actions for PD070665

a. Accepted an Irrevocable Offer to Dedicate an Open Space Easement, Recorded Instrument No. 54282, at Reel 2141 pages 382-414, Recorded 9/2/1987 & as amended by Amendment to OTD recorded 4/22/88 (PD070665) executed by James A. Colo and Theresa C. Colo located at 30800 Aurora del Mar, Otter Cove, (APN: 243-341-006-000) Big Sur Area, Coastal Zone.

b. Authorized the Chair of the Board of Supervisors to sign the Certificate of Acceptance.

c. Directed the Clerk of the Board to submit the signed Certificate of Acceptance to the County Recorder for filing/recordation.

(Open Space Easement – PD070665/James A. Colo and Theresa C. Colo, Big Sur)

RMA - PUBLIC WORKS:

24.  
a. Agreement No. A-11261 - Approved and authorized the Contracts/Purchasing Officer to execute a Lease Agreement with Michela Caniglia, for 4,000 square feet of general office space located at 1942 Fremont Boulevard, Seaside, California, for use by the Health Department’s Community Health Division, Women, Infants, and Children Program;

b. Directed the Auditor-Controller to make lease payments of $2,982.57 per month in accordance with the terms of the Agreement; and

c. Authorized the optional extension of the Lease Agreement for an additional five (5) year period under the same terms and conditions if deemed by the Contracts/Purchasing Officer to be in the best interest of the County.
25. a. Approved the release of three Labor and Materials Security Bonds issued by Fidelity and Deposit Company of Maryland for improvements for the Santa Lucia Preserve Subdivision Phase A (Bond No. 08664367), Phase C (Bond No. 08664912), and Phase E (Bond No. 08779942); and 
b. Approved reduced Labor and Materials Security Bond issued by Fidelity and Deposit Company of Maryland for the Santa Lucia Preserve Phase B (Bond No. 08664055) to $110,000.

26. a. Agreement No. A-11262 - Approved a Professional Services Agreement (PSA) with RGA Environmental, Inc., to provide indoor air quality and environmental consulting services including abatement oversight monitoring and industrial hygiene services during the reconstruction work for the Monterey County Government Center North Wing Renovation Project, in an amount not to exceed $180,000 for a term through December 31, 2009; and 
b. Authorized the Contracts/Purchasing Officer to execute the PSA and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

27. a. Agreement No. A-10976 - Approved Amendment No. 1 to Construction Project Management Services Agreement No. A-10976 with Turner Construction to provide additional construction project management services for the Monterey County Government Center North Wing Renovation Project, in the amount of $737,674, for a total amount not to exceed $2,833,411, and extend the term to October 31, 2009; and 
b. Authorized the Chairman of the Board of Supervisors to execute Amendment No. 1 to Construction Project Management Services Agreement No. A-10976 and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

RMA - MONTEREY COUNTY REDEVELOPMENT AGENCY:
Motion by Supervisor Mettee-McCutcheon, seconded by Supervisor Salinas.
4 ayes; 1 absent – Supervisor Potter

28. Agreement No. A-10271 - Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey, approved and authorized the Chair to sign Amendment No. 2 to Professional Services Agreement No. A-10271 dated September 1, 2005, with Nolte Associates, Inc., for engineering design of the Artichoke Avenue Project in the community of Castroville to extend the term of the Agreement to October 15, 2009.

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