DRAFT ACTION MINUTES
MONTEREY COUNTY BOARD OF SUPERVISORS
MONTEREY COUNTY WATER RESOURCES AGENCY

TUESDAY, SEPTEMBER 13, 2011
9:00 A.M.

9:00 A.M.

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

1. Additions and Corrections for Closed Session: None.

2. 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:
      (1) Diann Perez (Workers’ Compensation case no. WC608-529426)
      (2) Dorsami Reddy (Workers’ Compensation case no. WC608-588571)
      CLOSED SESSION REPORT: The Board authorized a tentative settlement agreement, and if it is approved by all parties, it will be available in the office of County Counsel.

   b. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding five matters of significant exposure to litigation.
      CLOSED SESSION REPORT: The Board approved retention of outside counsel for three of the matters to assist and no reportable action was taken on any of the five matters.
c. 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 authorized retention of outside counsel and initiation of litigation, if necessary; if these actions are taken, pleadings would be available through the office of County.

d. Pursuant to Government Code section 54957, the Board will confer regarding discipline, dismissal, or release of a public employee.

CLOSED SESSION REPORT: The Board voted 3-1 (Supervisor Armenta dissented) to impose proposed discipline in this confidential personnel matter.

e. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:
   (1) Designated representatives: Keith Honda and Dianne Dinsmore  
   Employee Organizations: Units E, F, H, J, and K

CLOSED SESSION REPORT: The Board provided direction to the negotiators.

f. Pursuant to Government Code section 54956.9(a), the Board will confer regarding existing litigation:
   (1) In the Matter of the Application of California-American Water Company (Application 04-09-019)
   (2) Ag Land Trust v. Monterey County Water Resources Agency, et al. (Monterey County Superior Court case no. M110691)

CLOSED SESSION REPORT: No reportable actions taken.

g. 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: No reportable action taken.

h. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding two matters of potential initiation of litigation.

CLOSED SESSION REPORT: In one matter, the Board authorized retention of outside counsel to assist. The Board did not provide authorization to file legal action. No reportable action taken on either matter.

i. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the Water Resources Agency General Manager.

CLOSED SESSION REPORT: No reportable action taken.

CLOSED SESSION REPORT
MONTEREY COUNTY BOARD OF SUPERVISORS AND
THE MONTEREY COUNTY WATER RESOURCES AGENCY
SPECIAL MEETING OF SEPTEMBER 7, 2011

Closed Session

1. a. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation:
   (1) LandWatch Monterey County v. County of Monterey (MCSC case no. M109434)
   (2) The Open Monterey Project v. Monterey County Board of Supervisors (MCSC case no. M109441)
   (3) Carmel Valley Association, Inc. v. Board of Supervisors of the County of Monterey (MCSC case no. M109442)
   (4) Salinas Valley Water Coalition, et al. v. County of Monterey (MCSC case no. M109451)

   CLOSED SESSION REPORT: No reportable action taken on items 1.a.(1) through (4). The Board provided direction to counsel on how to proceed.

MONTEREY COUNTY WATER RESOURCES AGENCY

2. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the Water Resources Agency General Manager.

   CLOSED SESSION REPORT: No reportable action taken.

ROLL CALL

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

4. Additions and Corrections
   The Clerk of the Board will announced Agenda corrections and proposed additions, which were acted on by the Board as provided in Section 54954.2 of the California Government Code.

CANCELLED
Monterey County Board of Supervisors and Natividad Medical Center Board of Trustees Joint Board Leadership Committee Meeting.

5. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)
   Motion by Supervisor Salinas, seconded by Supervisor Armenta.
   4 – 0 (Supervisor Potter Absent)

ROLL CALL
Present: Supervisors Parker (Chair), Armenta, Calcagno, and Salinas.
Absent: Supervisors Potter.
6. CONSENT CALENDAR - MONTEREY COUNTY WATER RESOURCES AGENCY (See Supplemental Sheet)
   #44 removed from Consent Calendar – Monterey County Water Resources Agency Motion by Supervisor Salinas, seconded by Supervisor Armenta. to approve item 43 and remove item 44 from the agenda. 4 Ayes; 1 Absent - Supervisor Potter

CEREMONIAL RESOLUTIONS 7 through 11.1 heard concurrently

7. Adopted Resolution No. 11-297 recognizing Sergeant Paul Guzman upon his retirement from the City of Greenfield Police Department after 35 years of public service. (Full Board-Supervisor Salinas)
   Public comment: Mayor Huerta supports resolution for Paul Guzman Motion by Supervisor Salinas, seconded by Supervisor Armenta. 4 – 0 (Supervisor Potter Absent)

8. Adopted Resolution No. 11-294 honoring Chief Warrant Officer 5/Special Agent Gregory D. Lee, United States Army Reserve Criminal Investigation Command, resident of Monterey County, upon his retirement after 39 years of distinguished military service. (Full Board-Supervisor Potter) Motion by Supervisor Salinas, seconded by Supervisor Armenta. 4 – 0 (Supervisor Potter Absent)

9. Adopted Resolution No. 11-298 proclaiming September 8 through September 14, 2011 as "Monterey County Literacy Week" in Monterey County. (Full Board-Supervisor Potter) Motion by Supervisor Salinas, seconded by Supervisor Armenta. 4 – 0 (Supervisor Potter Absent)

10. Adopted Resolution No. 11-299 proclaiming October 7 through October 23, 2011, as "Binational Health Week". (Chair Parker) Motion by Supervisor Salinas, seconded by Supervisor Armenta. 4 – 0 (Supervisor Potter Absent)

11. Adopted Resolution No. 11-300 commending Leslie Payne upon her retirement from the Monterey County Free Libraries for her 11 years of dedicated service as Managing Librarian. (Full Board-Supervisor Parker) Motion by Supervisor Salinas, seconded by Supervisor Armenta. 4 – 0 (Supervisor Potter Absent)

11.1 Adopted Resolution No. 11-301 honoring Captain (Ret) Gordon R. Nakagawa, a distinguished Monterey County veteran for his years of service to the country and the county upon the occasion of his end in service. (Full Board, Supervisor Parker) Motion by Supervisor Salinas, seconded by Supervisor Armenta. 4 – 0 (Supervisor Potter Absent)
APPOINTMENTS  12 through 18 heard concurrently

12. Appointed Pete Perez to the Greenfield Public Recreation District, term ending December 31, 2012. (Supervisor Salinas)
   Motion by Supervisor Calcagno, seconded by Supervisor Salinas. 4 - 0
   (Supervisor Potter Absent)

13. Reappointed Manuel Morales and Mike Manfre to the Agricultural Advisory Committee, terms ending June 30, 2014. (Full Board)
   Motion by Supervisor Calcagno, seconded by Supervisor Salinas. 4 - 0
   (Supervisor Potter Absent)

14. Reappointed Brian Contreras to the Parks Commission, term ending April 26, 2015. (Supervisor Armenta)
   Motion by Supervisor Calcagno, seconded by Supervisor Salinas. 4 - 0
   (Supervisor Potter Absent)

15. Reappointed Linda Sanchez to the Mental Health Commission, term ending May 31, 2014. (Supervisor Armenta)
   Motion by Supervisor Calcagno, seconded by Supervisor Salinas. 4 - 0
   (Supervisor Potter Absent)

16. Appointed Ryan Flagg to the In-Home Supportive Services Advisory Committee, term ending September 13, 2014. (Full Board)
   Motion by Supervisor Calcagno, seconded by Supervisor Salinas. 4 - 0
   (Supervisor Potter Absent)

17. Appointed Elliott Robinson to the Community Corrections Partnership’s Executive Committee, per Penal Code Section 1230 and 1231. (Full Board)
   Motion by Supervisor Calcagno, seconded by Supervisor Salinas. 4 - 0
   (Supervisor Potter Absent)

18. Appointed Nancy Valdez to the Equal Opportunity Advisory Commission, term ending December 31, 2013. (Full Board)
   Motion by Supervisor Calcagno, seconded by Supervisor Salinas. 4 - 0
   (Supervisor Potter Absent)

OTHER BOARD MATTERS

19. Board Comments
   Supervisor Armenta thanked County departments that participated in the El Grito Festival on Sunday, September 11, 2011, hosted by SUBA in Salinas. Supervisor Parker announced the community walk this Saturday at 6 pm at the former Fort Ord. Information flyers are located outside the Clerk of the Board’s office and are posted on her website. This Saturday is Save Our Shores Coastal Cleanup. Supervisor Parker will be at the Fort Ord State Beach from 9 am to
11am. Supervisors Parker announced she attended a play this weekend and appreciated the talents of the Clerk of the Board. The play was very powerful and brought to the audience in a skilled performance.

20. CAO Comments and Referrals

21. Public Comment
Nina Beety; Lee Holquist; Bill Hood; Ed Mitchell; Hans Jongens

SCHEDULED MATTERS

S-1 Considered and adopted Ordinance 5188 of the Monterey County Code, subject to pending litigation, to allow the Redevelopment Agency of the County of Monterey to continue to exist by the County’s agreement to make annual community remittance payments to the State funded entirely from tax increment.
Motion by Supervisor Salinas, seconded by Supervisor Armenta. 4 - 0
(Supervisor Potter Absent)

S-2 Received an oral presentation regarding poverty in Monterey County.
Public comment: Hans Jongens; Lavonne Stone

Motion by Supervisor Salinas, seconded by Supervisor Armenta. 4 - 0
Supervisor Potter Absent

S-3 a. Received a presentation from the Monterey County Children’s Council; and
b. Accepted the Fiscal Year (FY) 2009-2010 Children’s Council of Monterey County Annual Report to the Board of Supervisors.
Public comment: Lavonne Stone; Julie Hood
Motion by Supervisor Calcagno, seconded by Supervisor Salinas. 4 - 0
Supervisor Potter Absent

RECESSED TO LUNCH – CONTINUED CLOSED SESSION

1:30 PM RECONVENED

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

SCHEDULED MATTERS

S-4 Considered and adopted Ordinance 5189 to increase the Planning Commissioner compensation to $450 per month in Fiscal Year (FY) 2011-12 and raise it to a level of $600 per month over four fiscal years.
Motion by Supervisor Calcagno, seconded by Supervisor Salinas. 4 - 0
Supervisor Potter Absent
S-5  a. Accepted an oral presentation regarding the 2010 results for the Literacy Campaign from the Community Foundation of Monterey County; and  
b. Accepted an oral presentation from the new non-profit, Literacy Campaign for Monterey County, outlining their future strategic plans for the Literacy Campaign.  
Motion by Supervisor Salinas, seconded by Supervisor Armenta. 4 - 0  
Supervisor Potter Absent

S-6  Considered and adopted Ordinance 5190 amending Chapter 7.08 of the Monterey County Code relating to bingo.  
Motion by Supervisor Salinas, seconded by Supervisor Armenta. 4 - 0  
Supervisor Potter Absent

S-7  Received a report from the Auditor-Controller regarding the award of the Certificate of Achievement for Excellence in Financial Reporting for the Comprehensive Financial Report (CAFR) for the Fiscal Year ended June 30, 2010.  
Motion by Supervisor Calcagno, seconded by Supervisor Salinas. 4 - 0  
(Supervisor Potter Absent)

S-8  Received a report from the Office of the Auditor-Controller regarding the successful marketing of its $42,855,000 Tax Revenue Anticipation Note (TRAN) issuance for Fiscal Year 2011-12.  
Motion by Supervisor Calcagno, seconded by Supervisor Salinas. 4 - 0  
(Supervisor Potter Absent)

CLOSED SESSION REPORT: (See item 2.a.1 through 2.a.5 & item 1. and 2. from September 7, 2011)

ORDER FOR ADJOURNMENT  
In Memory of Pastor Richard Nance  

APPROVED:  

________________________________________  
JANE B. PARKER, CHAIR  
BOARD OF SUPERVISORS

ATTEST: GAIL T. BORKOWSKI  
Clerk of the Board

BY: __________________________
CONSENT CALENDAR

NATIVIDAD MEDICAL CENTER

22. Authorized the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. 6 to the Agreement (A-11717) with Automatic Door Systems Inc. for Automatic Door Maintenance and Repair Services at NMC in an amount not to exceed $170,000 in the aggregate and $25,000 for the period July 1, 2011 to June 30, 2012.

23. Adopted Resolution No. 11-302:
   a. Declaring an emergency as defined by California Public Contract Code Section 1102 due to failure of the Dietary Dept. walk-in refrigerator transformer at Natividad Medical Center (NMC) (Contractors - Consumer Electric, Quinn Power Systems) (4/5ths vote required);
   b. Finding that the emergency will not permit a delay resulting from a formal solicitation of bids and that the action is necessary to respond to the emergency (4/5ths vote required);
   c. Finding that the repairs are necessary to permit the continued conduct of County operations or services (4/5ths vote required);
   d. Authorizing emergency repairs at NMC without adopting plans and specifications and giving notice for bids to let contracts (4/5ths vote required);
   and
   e. Authorizing the NMC Purchasing Manager, or his designee, to issue an emergency purchase order to accomplish the required emergency work, and ratifying the execution of the emergency purchase requisition and purchase order and actions taken by the NMC Purchasing Manager, or his designee, to respond to the emergency. (4/5ths vote required)

24. Adopted Resolution No. 11-303:
   a. Declaring an emergency as defined by California Public Contract Code Section 1102 due to failure of the Magnetic Resonance Imaging (MRI) room cooling unit at Natividad Medical Center (NMC) (Contractor-Polar Refrigeration) (4/5ths vote required);
   b. Finding that the emergency will not permit a delay resulting from a formal solicitation of bids and that the action is necessary to respond to the emergency (4/5ths vote required);
   c. Finding that the cooling unit repairs are necessary to permit the continued conduct of County operations or services (4/5ths vote required);
   d. Authorizing emergency repairs at NMC without adopting plans and specifications and giving notice for bids to let contracts (4/5ths vote required);
   and
   e. Authorizing the NMC Purchasing Manager, or his designee, to issue an emergency purchase order to accomplish the required emergency work, and
ratifying the execution of the emergency purchase requisition and purchase order and actions taken by the NMC Purchasing Manager, or his designee, to respond to the emergency. (4/5ths vote required)

25. Authorized the Purchasing Manager for Natividad Medical Center (NMC) to execute the renewal **Agreement No. A-12092** with Monterey Bay GI Consultants for gastroenterology services at NMC in an amount not to exceed $250,000 in the aggregate for the period September 1, 2011 to August 31, 2012 which includes $208,000 for Fiscal Year 2012.

26. Adopted **Resolution No. 11-304:**
   a. Declaring an emergency as defined by California Public Contract Code Section 1102 due to failure of the Nurse Call and Code Blue System at Natividad Medical Center (NMC) (Contractor- Audac) (4/5ths vote required);
   b. Finding that the emergency will not permit a delay resulting from a formal solicitation of bids and that the action is necessary to respond to the emergency (4/5ths vote required);
   c. Finding that the repairs are necessary to permit the continued conduct of County operations or services (4/5ths vote required);
   d. Authorizing emergency repairs at NMC without adopting plans and specifications and giving notice for bids to let contracts (4/5ths vote required);
   and
   e. Authorizing the NMC Purchasing Manager, or his designee, to issue an emergency purchase order to accomplish the required emergency work, and ratifying the execution of the emergency purchase requisition and purchase order and actions taken by the NMC Purchasing Manager, or his designee, to respond to the emergency. (4/5ths vote required)

27. Authorized the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. 5 to **Agreement No. A-12096** to the Agreement (SC*961) with RFI Enterprises Inc. for Inspection and Repair of Smoke Alarm and Fire Sprinkler Services at NMC in an amount not to exceed $110,000 in the aggregate and $15,000 for the period July 1, 2011 to June 30, 2012.

**HEALTH AND SOCIAL SERVICES**

28. Approved and authorized the Contracts/Purchasing Officer to donate a 1999 Chevrolet Suburban to the Big Sur Volunteer Fire Brigade.

29. Approved and authorized the Director of Health to sign Amendment No. 1 to **Agreement No. A-11746** with Interim, Inc. for mental health services and supportive housing for clients with severe psychiatric disabilities for a revised amount of $6,285,744 for Fiscal Year 2011-12, for a total maximum contract amount of $19,015,282.
30. a. Adopted Resolution No. 11-305 authorizing an extension of the Monterey County Abandoned Vehicle Abatement Service Authority (MCAVASA) fee until April 2022; and  
b. Approved and authorized the Sheriff or designee to sign a Joint Powers Agreement to participate in the MCAVASA program.

31. Adopted Resolution 11-310 Approved and authorized the Sheriff to apply for a grant application in the amount of $229,587 with the California Emergency Management Agency (Cal EMA) to continue funding for the Narcotics Enforcement Unit County of Monterey (NEUCOM) Program for the period of July 1, 2011 to June 30, 2012.

32. a. Authorized the Probation Department and the Sheriff’s Office to initiate preliminary activities for the implementation of the Public Safety Realignment Act of 2011, taking effect on October 1, 2011;  
b. Authorized the Chief Administrator’s Office (CAO) to add 1.0 FTE Probation Officer III and 1.0 FTE Probation Officer II in Budget 2550-Probation; and  
c. Authorized the CAO’s Office to add 1.0 FTE Deputy Sheriff-Corrections in Budget 2300-Sheriff’s Office.

GENERAL GOVERNMENT

33. Accepted the Monterey County Agricultural Advisory Committee Annual Report covering the period of July 1, 2010, through June 30, 2011.

34. Agreement No. A-12097  
a. Approved and authorized the Contracts/Purchasing Officer to execute Statement of Work No. 7 in the amount of $70,300 to support the development, project management and testing of Win-CAMS interfaces to Advantage Financial pursuant to a Master Services Agreement with CGI Technologies for a total amended amount of $10,169,659.50; and  
b. Approved the increase of appropriations and interfund reimbursement totaling $70,300 in the Capital Automation Fund (403-1110-8006), Appropriation Unit AUD006. (4/5ths vote required)

35. a. Awarded contract to West Star Environmental, Inc. in the amount of $63,715 to replace the Environmental Vapor Recovery (EVR) system to fuel tanks at Monterey County Resorts Lake Nacimiento and Lake San Antonio, Bid No. 10308;  
b. Authorized the Contracts/Purchasing Officer to sign the Agreement; and  
c. Authorized the Director of Parks to approve change orders up to ten percent (10%) of the bid.

36. Approved and authorized the Contracts/Purchasing Officer to execute Statement of Work No. 9 in the amount of $15,200 to support the development of two interfaces for Natividad Medical Center pursuant to a Master Services Agreement
37. Adopted Resolution No. 11-306 to approve the Tentative Agreement No. A-12098 with Unit D dated August 26, 2011, for a term of one year, for the Memorandum of Understanding between the Monterey County Public Defenders Association (Unit D) and the County of Monterey, effective July 1, 2011 to June 30, 2012.

38. Adopted Resolution No. 11-307 to approve the Interim Agreement No. A-12099 with Unit S dated August 22, 2011, for a term of one year for the Memorandum of Understanding (MOU) between the Monterey County Registered Nurses’ Association (Unit S) and the County of Monterey, effective July 1, 2011 to June 30, 2012.

39. a. Adopted Resolution No. 11-308 to amend Personnel Policies and Practices Resolution No. 98-394 to:
   1. Add the classification of Economic Development/Workforce Investment Board Director and change the salary as indicated; and
   2. Add the classification of Economic Development/Workforce Investment Board Director to Section A.10.1 Department Heads Designated; and
b. Authorized the Auditor-Controller Office to incorporate this change in the FY 2011-12 Economic Development Department, Budget Unit 1070-8221 adopted budget.

40. a. Adopted Resolution of Intention No. 11-390 to approve an amendment to the Contract between the County of Monterey (County) and the Public Employees’ Retirement System (PERS) to provide that a Different Level of Benefits (Government Code Section 20475) consisting of 3% @ 55 Full Formula (Government Code Section 21363.1) with Three-Year Final Compensation (Government Code Section 20037) is applicable to Monterey County Safety Retirement Group employees hired after November 4, 2011;
   b. Introduced, waived reading and set for adoption on October 4, 2011 at 10:30 a.m. an Ordinance approving the above-described amendment to the retirement contract between the County and PERS;
   c. Authorized the Chair to sign the Resolution of Intention and the Certification of Compliance with Government Code Section 20475 (PERS-CON-30); and
   d. Authorized the Clerk of the Board to sign the Certification of Governing Body’s Action (PERS-CON-12) and Certification of Compliance with Government Code Section 7507 (PERS-CON-12A).

RMA - PUBLIC WORKS

41. a. Approved renewal to the Professional Services Agreement No. A-12100 with Chicago Title Company to continue to provide tasks associated with preliminary title reports, title insurance and escrow services within the County
of Monterey in the amount of $25,000 for a total amount not to exceed $50,000 and renew the term from August 1, 2011 through August 1, 2012; and
b. Authorized the Contracts/Purchasing Officer to execute the renewal to the Professional Services Agreement and future amendments that do not significantly alter the scope of work or change the approved renewal amount.

42. Acting on behalf of County Service Area 44 - Corral De Tierra Oaks:
   a. Authorized the Auditor-Controller to amend the Budget for County Service Area 44 - Corral De Tierra Oaks Fund 073, Appropriation Code RMA069, for FY 2011-12 by decreasing the Unappropriated Fund Balance Account by $40,000 and by increasing the Unreserved Fund Balance Account by $40,000 in County Service Area 44 - Corral De Tierra Oaks for installation of pavement and drainage improvements; and
   b. Authorized the Auditor-Controller to amend the Budget for County Service Area 44 - Corral De Tierra Oaks, RMA069, for FY 2011-12 by increasing appropriations for Account 6512, Buildings and Improvements Maintenance - Internal, by $40,000. (4/5ths vote required)

MONTEREY COUNTY WATER RESOURCES AGENCY

43. Approved a one-year lease Agreement No. A-12101 with Heritage Ranch Owners Association for 25 acres of lakefront property used by the Association to anchor docks and meet requirements set forth in the Monterey County Water Resources Agency Dock Ordinance.

44. Approve Amendment No. 1 to the employment agreement with the General Manager of the Monterey County Water Resources Agency modifying the scope, term, severance and communication.

REMOVED VIA ADDITIONS AND CORRECTIONS

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