ROLL CALL:
Present: Supervisors Armenta, Mettee-McCutchen, Potter
Absent: Supervisors Salinas and Calcagno

NOTE: Supervisor Salinas and Calcagno were present during Closed Session.

CLOSED SESSION

1. No Additions or Corrections to Closed Session Items

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.
      1. Raymond McLaughlin (WC)
      2. Margarita Marquez (WC)

SA-1 3. WITHDRAWN Bernardi, Patricia & The Open Monterey Project vs. Monterey County (M73763/H031648)

RESULTS OF CLOSED SESSION: The Board approved tentative settlements for items 1 and 2.
b. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators. Designated representative(s): Keith Honda, Patricia Covert Employee Organizations: Units F, H, J, and K.

**RESULTS OF CLOSED SESSION:** The Board provided direction to negotiators on how to proceed in these negotiations.

SA-2
c. WITHDRAWN Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation.
   1. Helping Our Peninsula’s Environment vs. Monterey County (M73763/H031648)

SA-3
d. WITHDRAWN Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one item of significant exposure to litigation

SA-4
e. ADDED Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators designated representative(s): Keith Honda, Patricia Covert Employee Organizations: All Units.

**RESULTS OF CLOSED SESSION:** The Board provided direction to negotiators on how to proceed in the negotiations.

**10:30 A.M. - RECONVENED**

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

2. Pledge of Allegiance was led by Supervisor Armenta

3. No Additions and Corrections

4. **CONSENT CALENDAR - REGULAR (See Supplemental Sheet)**
   *Motion by Supervisor Salinas, seconded by Supervisor Potter. All Ayes*

**OTHER BOARD MATTERS:**

5. Board Comments, Referrals, and Updates received.
   - Supervisor Calcagno requested staff work with the City of Salinas to create permit parking for County employees in the blocks surrounding the Government Center or temporary suspension for short-term parking restrictions.
   - Supervisor Armenta requested review of the County’s contracting out policy relating to temporary employees from 1982 and return with an update; requested an update on the management of the County’s temporary employee program; and made a referral to create a standing committee on labor relations county-wide and return within 30-45 days to move discipline
of County employees from the County Counsel’s office to the Central Resources Department.

6. CAO Comments
County Administrative Officer Lew Bauman stated the Resource Management Agency is looking into a no parking zone, as well as other alternatives to parking, and secured concurrence from Supervisor Calcagno to incorporate his previous comments into the existing referral.

7. Public Comment (Limited to 3 minutes per speaker)
   · G. Richard Arnold, Association of Real Estate Advisors, spoke regarding the economic bail out, the integrity of the Building Appeals Board, due process to citizens, and other matters.
   · Reverend Oracal spoke regarding California Building Code Sections 108.8.1; 108.8.2; and 108.8.3 and local Appeals Boards, due process for Monterey County residents, and precedent court cases.
   · Lou Solton, County Treasurer, provided an update on the financial markets and the County’s investments.
   · Hans Jongens spoke regarding the stock market and the upcoming election.

8. Adopted Resolution No. 08-303 proclaiming October 19-25, 2008, as “National Save for Retirement Week” in Monterey County (Full Board)
   Motion by Supervisor Calcagno, seconded by Supervisor Salinas.
   All Ayes

9. Adopted Resolution No. 08-304 proclaiming October 18, 2008, as "Diesel Awareness Day" in the County of Monterey. (Supervisor Potter)
   Motion by Supervisor Calcagno, seconded by Supervisor Salinas.
   All Ayes

10. Adopted Resolution No. 08-305 proclaiming October 16, 2008, "International Credit Union Day" and celebrating 100 years of Credit Unions in the United States. (Salinas)
    Motion by Supervisor Calcagno, seconded by Supervisor Salinas.
    All Ayes

11. Adopted Resolution No.08-302 honoring Investigator Mark W. Puskaric upon his retirement from the Monterey County District Attorney’s office, for over 30 years of public service. (Full Board)
    Motion by Supervisor Calcagno, seconded by Supervisor Salinas.
    All Ayes
SCHEDULED MATTERS

S-2  a. Acknowledge and receive National Weather Service certification of Monterey County as a "StormReady!" County.
     b. Adopted Resolution No. 08-308 proclaiming the week of October 19-25, 2008, as "Winter Storm Preparedness Week" in Monterey County.

Motion by Supervisor Potter, seconded by Supervisor Salinas.  All Ayes

S-3  Considered and Continued to October 28, 2008, the public hearing on an appeal from the Minor Subdivision Committee’s adoption of a Mitigated Negative Declaration and Mitigation Monitoring Program and approval of a Coastal Development Permit consisting of a Tentative Parcel Map creating four parcels of 3 acres, 3 acres, 3 acres, and 11 acres, based on the Findings and Evidence and subject to the recommended Conditions. (Appeal – PLN080185/Spanish Congregation, 125 Sill Road (Kinghall Road) North County Area, Coastal Zone)

Motion by Supervisor Salinas, seconded by Supervisor Calcagno. All Ayes

S-4  Conducted a second reading and considered adoption of an Ordinance of the County of Monterey, State of California, adding Chapter 1.22 (Administrative Remedies for Code Enforcement) and Chapter 2.98 (Code Enforcement Board) to the Monterey County Code for Administrative Procedures that governs the imposition, enforcement, collection, and administrative review of administrative fines or penalties for violations of the Monterey County Code. (Ordinance - PLN040372/Administrative Procedures Draft, County Wide)

NOTE: Supervisor Potter had a speaking engagement and left prior to vote.

PUBLIC COMMENT:
· Mike Caplan, representing Big Sur Coast Properties Association conveyed agreement with the position of the Code Enforcement Group that the Administrative Law Judge is more appropriate than a Board and spoke regarding the hardship waiver process and administrative citations.
· Sheryl McKenzie, McKenzie & Associates and Co-Chair, Code Enforcement Group, submitted letter; thanked County staff and spoke regarding Administrative Law Judge scheduling and costs; urged support for the Administrative Law Judge as arbiter; requested clarification on some of the hardship issues and others mentioned previously.
· Pam Silkwood, representing Lisa and Carl Klisner; member of the Code Enforcement Group, thanked County staff, and urged the Board to support use of an Administrative Law Judge with a one-year trial period; requested specific revisions to the Ordinance and clarify issues raised by Mike Caplan with a continuance to the next meeting.
· Paula Lots, on behalf of LandWatch Monterey County, supported use of an Administrative Law Judge.
· Jan Mitchell, Prunedale Preservation Alliance and Prunedale Neighbors Group, read letter into the record supporting Administrative Law Judge on a one-year trial basis.
· Bob Perkins, Executive Director Monterey County Farm Bureau, supported previous comments; supports Administrative Law Judge and one year trial period.
· Carolyn Anderson, encouraged the Board to support the position of an Administrative Law Judge.
· Kristina Trujillo, supported the Code Enforcement Group’s request for Administrative Law Judge option.
· Ed Mitchell, member Prunedale Neighbors Group, supports the Administrative Law Judge option.

Motion by Supervisor Calcagno to accept Administrative Law Judge option; return with changes as directed, seconded by Supervisor Mettee-McCutcheon. 4 Ayes; 1 Absent - Supervisor Potter

COUNTY COUNSEL PROVIDED A REPORT OUT OF CLOSED SESSION (see S-1 a- SA-4 e).

ORDER FOR ADJOURNMENT

IN MEMORY OF CHARLS PUGH
former Administrative Services Director
of the Public Works Department

APPROVED:

/S/ Louis R. Calcagno
CHAIR, FERNANDO ARMENTA
LOUIS R. CLACAGNO
BOARD OF SUPERVISORS

ATTEST;
NICHOLAS E. CHIULOS
Interim Clerk of the Board

BY: /S/ Denise Hancock
Denise Hancock, Deputy
CONSENT CALENDAR

Motion by Supervisor Salinas, seconded by Supervisor Potter. All Ayes

NATIVIDAD MEDICAL CENTER:

12. Agreement No. A-10757 - Authorized the Purchasing Manager for Monterey County to issue a one-time Purchase Order to Toyon Associates Inc., in an amount not to exceed $81,815.25 for services rendered per the existing Agreement for Medicare Appeal Services at Natividad Medical Center (NMC).

13. Resolution No. 08-306; Board Budget No. 08/09-061
   a. Approved and amended Personnel Policies And Practices Resolution No. 98-394 to adjust the salary ranges for the hospital-specific classifications of Patient Account Manager and Patient Financial Services Director in accordance with the NMC compensation philosophy; and
   b. Directed and authorized the Auditor-Controller to increase Natividad Medical Center Fiscal Year 2008-09 appropriations in Budget Unit 960 in the amount of $47,978 (4/5th vote required).

14. Board Budget No. 08/09-062
   a. Approved and amended the Fiscal Year (FY) 2008-09 Natividad Medical Center Budget Unit 960 to delete one (1.0) FTE Patient Services Representative II; and add two (2.0) FTE Senior Patient Services Representative and one (1.0) FTE Supervising Patient Services Representative;
   b. Directed the Auditor-Controller to amend the FY 2008-09 Natividad Medical Center Budget Unit 960 to reflect the change in position count; and
   c. Directed and authorized the Auditor-Controller to increase Natividad Medical Center FY 2008-09 appropriations in Budget Unit 960 in the amount of $157,583 (4/5th vote required).

CRIMINAL JUSTICE:

15. Accepted the Inmate Welfare Trust Fund Annual Report for Fiscal Year (FY) 2007-08.

16. Agreement No. A-10964 - Approved and authorized the Purchasing Manager to sign Amendment No. 1 to extend Agreement No. A-10964 with the District Attorney, Public Defender, Health Department and the Superior Court of Monterey County, for the Collaborative Action Linking Adolescents (CALA) program funded by the Mentally Ill Offender Crime Reduction (MIOCR) grant through September 30, 2008.
GENERAL GOVERNMENT:

17. Adopted the Action Minutes of Tuesday, September 9, 2008 and Tuesday, September 23, 2008; copies having been previously distributed to the Board of Supervisors.

18. Agreement No. A-11305
   a. Approved Amendment No. 2 to Professional Services Agreement dated August 1, 2007, with PMC for staff assistance related to affordable housing programs and projects to increase the amount of the agreement to $140,000 and extend the term of the Agreement to April 15, 2009; and
   b. Authorized the Redevelopment and Housing Office Director to execute the PSA and future amendments that do not significantly alter the scope of work or change the approved Agreement amounts.

19. Agreement No. A-10723 - Approved and authorized the Chair of the Board of Supervisors to sign Amendment No. 7 to Agreement No. A-10723 between the County of Monterey and Wellspring Management Services, LLC, a Huron Consulting Group Company, to extend Agreement No. A-10723 for professional management services at Natividad Medical Center for an additional six months, through May 1, 2009.

RMA - PUBLIC WORKS:

20. Agreement No. A-11306; 2008CONST0010
   a. Awarded a contract to Granite Rock Company, dba, Pavex Construction Division, the lowest responsible bidder, for the construction of the Laureles Grade/State Route 68 Intersection Improvements, Project No. 09-112065, in the amount of $1,369,406.90;
   b. Approved the Performance and Payment Bonds executed and provided by Granite Rock Company, dba, Pavex Construction Division;
   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 Acting Public Works Director to execute the contract.

21. a. Adopted Resolution No. 08-307 finding that the repairs and renovations in various shower stalls of the Monterey County Adult Detention Facilities, located at 1410 Natividad Road, Salinas continues to pose an emergency requiring immediate action without adopting plans and specifications and giving notice for bids to let contracts; and
   b. Adopted a Resolution ratifying the execution of emergency contracts and emergency actions taken by the Contracts Purchasing Officer, or his designee, to respond to the emergency (4/5ths vote required).
22. Accepted a report finding that the closure of the North Wing of the Monterey County Courthouse in Salinas no longer poses an emergency requiring immediate action.

23. 2007CONST0015
   a. Authorized acceptance of the work for the test/production well drilling phase of the San Jerardo Water System Improvement Project, Project No. 08-859967; and
   b. Authorized the Acting Public Works Director to execute and record the Notice of Completion.

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