

BOARD OF SUPERVISORS

Fernando Armenta	1 st District (Vice Chair)	Lew C. Bauman
Louis R. Calcagno	2 nd District	County Administrative Officer
Simón Salinas	3 rd District	
Jerry Smith	4 th District	Charles J. McKee
Dave Potter	5 th District (Chair)	County Counsel

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ACTION MINUTES
SPECIAL MEETING:
MONTEREY COUNTY BOARD OF SUPERVISORS
MONDAY APRIL 2, 2007
1:30 P.M.

1:30 p.m.

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1. Pledge of Allegiance
The Pledge of Allegiance was led by Chair Potter
 2. Additions and Corrections to the agenda.

The Clerk of the Board will announce agenda corrections and proposed additions, which may be acted on by the Board as provided in section 54954.2 of the California Government Code.
There were no additions or corrections.

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- 6300.000 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 the following existing litigation:
 1. In re Monterey County Initiative Matter (Melendez vs. Board of Supervisors, Madrigal vs. County of Monterey)
 2. Rangel and Buell vs. County of Monterey, et al.
 3. Rancho San Juan Opposition Coalition vs. Board of Supervisors
 4. Lupe Garcia, et al. vs. Board of Supervisors of the County of Monterey, et al.
 5. H-Y-H v. County of Monterey

BOARD ACTION: In the above referenced matters, the Board received and update and provided direction to Counsel regarding how to proceed.

OTHER BOARD MATTERS

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- 6300.000 3. Board Comments and Referrals
- a. Supervisor Armenta: Addressed the Board to advise that the ALCO Sub-Committee held their first meeting this morning. This was the Sub-Committee created a few

weeks ago at the Supervisor's request. The Committee was to be a joint committee of the County and the city of Salinas. The Supervisor and Supervisor Salinas represent the County of Monterey. The Supervisor requested a referral through the Board regarding shared administrative costs (with the City of Salinas). Administrative costs would include a court reporter (which will be needed at their Community Meeting – April 16, 2007 at Cesar Chavez Elementary School – 6 p.m.), outreach materials, and a Community Public Relations Person. The Supervisor requested direction through the Board.

County Administrative Officer Lew Bauman, advised the Supervisor that these costs were within his Administrative Budget Authority.

6300.000 4. **Received** Board Referrals update.

0600.025 5. CAO Comments
There were none.

SCHEDULED MATTERS

0600.500
0602.200
0600.750
6300.000
1350.000

S-2 **Resolution No. 07-092; Considered and adopted** a resolution calling for an election on June 5, 2007 to submit to the voters of Monterey County the question of whether or not to adopt Resolution No. 05-305 relating to approvals for Butterfly Village.

BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Armenta, and carried (4/0 with Supervisor Smith absent from this meeting) the Board adopted the resolution.

Public Comment:

- a. Jan Mitchell: Vice Chair of the Rancho San Juan Opposition Coalition. Ms. Mitchell addressed the Board to advise that 76% of the voters rejected Rancho San Juan the first time. Ms. Mitchell requested that the Board not appeal the decision advising that to do so would be the height of fiscal irresponsibility.
- b. Mark Blum: Representing the HYH Corporation. Mr. Blum addressed the Board requested that they delay their decision and request for clarification of the Judges decision. Mr. Blum argued a request for clarification from the Federal Court should be made.
- c. Chris Fitz: Executive Director Landwatch Monterey County. Mr. Fitz addressed the Board as follows: The reasons cited by Mr. Blum to delay your decision are not relevant. The whole issue of the Declaratory Relief will go before Judge O Farrell (Spelling?) on the 19th. They were not granted their request to speed up those hearings. Judge O' Farrell (Spelling?) is going to have initial hearings on that issue of which prevails. Whether it's the order from the Judge on the H-Y-H claim or the Referendum. Quite frankly the courts have been very clear in these matters. They do not decide these issues until after the election. So, there is no reason to delay your decision. It is time to put this measure on the ballot. H-Y-H will have its opportunity in front of Judge O' Farrell (Spelling?) with the Declaratory Relief and I believe that the Judges decision will be that any questions about these issues will be decided after the election. As to the liability, its certainly true that the problem has been from the very beginning that H-Y-H did not receive its appropriate due process to straight forward and timely yes or no vote and there is no question that there have been delays. But, what is also untrue and has been a huge exaggeration is the extent to that liability. The notion that there

was some granting of a privilege to develop out on Rancho San Juan is just untrue. This development has always been controversial and certainly you could meet the requirements of Judge Silvers order by adopting a specific plan that leaves the land uses in agriculture absolutely consistent with the initiative, absolutely consistent with what the people of Monterey County want. There will be due process for H-Y-H to be heard on their Declaratory Relief and their claims of a taking. That is no reason to delay the people's opportunity to vote. Please put this measure on the ballot straight away. Thank you very much.

- d. Ed Mitchell: Representing the Prunedale Preservation Alliance. Mr. Mitchell addressed the Board requesting that they place the measure on the ballot.
- e. Carlos Ramos: Representing the Latino Voting Rights Coalition. Mr. Ramos addressed the Board requesting that they explore any and all accessible appeals and delay their decision. Mr. Ramos argues that the Judges decision was a social error.
- f. Margie Kay: Ms. Kay addressed the Board to request consistency in the translation requirements.
- g. Hans Jongens: Mr. Jongens addressed the Board advising that there is one language for this Country and it is English. Further, by becoming a citizen you are expected to be able to both read and to write in English.

ORDER FOR ADJOURNMENT

APPROVED:

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Chair

ATTEST:

LEW C. BAUMAN, Clerk of the Board

By: _____
Deputy