

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
MONTEREY COUNTY BOARD OF SUPERVISORS
TUESDAY, MAY 15, 2007
9:00 AM

9:00 a.m.

6300.000 S-1 Closed Session under Government Code section 54950, relating to the following items:

- a. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the following public employment position:

1. Natividad Medical Center CEO

BOARD ACTION: The Board engaged in the performance evaluation and this matter will be ongoing.

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

1. Megan Deann Allen vs. County of Monterey
2. Water World Resorts, Inc. vs. County of Monterey, et al.
3. Lake San Antonio Resorts, Inc. vs. County of Monterey, et al.

BOARD ACTION: On matter 1, the Board approved an amendment to outside legal services contract. On matters 2 and 3, the Board received an update and gave direction on how to resolve.

10:30 a.m.

1. Pledge of Allegiance
The Pledge of Allegiance was led by Supervisor Jerry Smith.

Preceding the Pledge of Allegiance, Chair Potter took a moment to advise those in attendance that the Flags were being flown at half staff today in honor of Peace Officers Memorial Day. Chair

Potter further advised that the week of May 13-19, 2007 is National Police Week. May 15, 2007 is Peace officers Memorial Day.

Chair Potter further welcomed Supervisor Jerry Smith back today.

6300.000 2. Additions and Corrections

The Clerk of the Board will announce Agenda corrections and proposed additions, which may be acted on by the Board as provided in Sections 54954.2 of the California Government Code.

There were no additions or corrections to today's agenda.

3. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)

APPOINTMENTS:

Upon motion of Supervisor Calcagno, and seconded by Supervisor Salinas, and carried 5/0 the Board approved the following appointments, except as noted:

0650.045 4. **Re-appointed** Martha Rau to the CSA-45 Advisory Committee for a term ending January 1, 2010. (Supervisor Calcagno)

0650.045 5. **Re-appointed** Jim Vincent to the CSA-45 Advisory Committee for a term ending January 1, 2010. (Supervisor Calcagno)

0401.500 6. **Appointed** Caron DeSeguirant to the Commission on the Status of Women for a term ending February 1, 2010. (Supervisor Calcagno)

0402.800 7. **Appointed** April Wooden to the Overall Economic Development Commission for a term ending June 30, 2009. (Supervisor Salinas)

0402.800 8. **Appointed** Bettye Saxon to the Overall economic Development Commission for a term ending June 30, 2007. (Supervisor Potter)

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OTHER BOARD MATTERS:

6300.000 9. Board Comments and Referrals
a. Supervisor Smith addressed his fellow Board members, staff and the public, to express his appreciation for all of the support, prayers and well wishes that he has received.

6300.000 10. **Received** Board Referrals Update

0600.025 11. CAO Comments
There were no comments from the County Administrative Officer at today's meeting.

2050.000 12. Public Comment (Limited to 3 minutes per speaker)
a. Hans Jongens: Mr. Jongens addressed the Board regarding an article from the Business Week magazine addressing a housing situation in the nation. The article referenced a number of big developers that were collapsing. Mr. Jongens further expressed concern to the Board regarding Chinese stock, advising anyone who owned

Chinese stock should dump it. Lastly, Mr. Jongens addressed the Board regarding concerns of a declining population worldwide.

2050.000 13. **Resolution No.: 07-138 Adopted** a Resolution commemorating the Centennial Celebration of the Pacific Coast Steamship Company Building in Moss Landing. (Supervisor Calcagno)
BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Smith, and carried 5/0.

2050.000 14. **Resolution No.: Adopted** a Resolution designating the Week of May 21st, 2007, as Emergency Medical Services Week in Monterey County. (Full Board)
BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Smith, and carried 5/0.

SCHEDULED MATTERS:

0602.025 S-2 a. **Accepted** the Monterey County FY 2007-2008 Five Year Capital Improvement Program (CIP) report, making any changes deemed appropriate; and
b. **Approved** the recommended list of projects defined as "Priority A" and authorize the County Administrative Officer (CAO) to include as many of these projects as considered feasible in the FY 2007-08 Recommended Budget; with the understanding that final funding decisions will be made by the Board of Supervisors during the June 2007 Budget Hearings; and
c. **Directed** the CAO to continue to provide an annual Five Year Capital Improvement Program report.
BOARD ACTION: Upon motion of Supervisor Smith and seconded by Supervisor Salinas, and carried 5/0.

0601.100 S-3 **Resolution No. 07-131; Amended** Article I.E. of the Monterey County Master Fee Resolution to adjust fees relating to land use permitting activities provided by the Health Department's Environmental Health Division pursuant to the Fee Schedule attached.
BOARD ACTION: Upon motion of Supervisor Armenta, and seconded by Supervisor Salinas, and carried 5/0.

0601.175 S-4 **Received** an oral presentation from the Monterey Peninsula Water
0803.300 Management District on the District's key projects and programs.
BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Smith, and carried 5/0.

Public Comment:

- a. Hans Jongens: Mr. Jongens questions the Water usage – 1 acre feet for (4) houses. He urged the Board to look at the city usage arguing that the City of Salinas uses 2 acre feet per acre. Mr. Jongens took issue with a statement that less water is used when you build houses.

12:00 p.m.

Recess to Lunch – Fort Ord Committee meeting

1:30 p.m.

0600.025 S-5 **Ordinance No. 5070, Considered and adopted** of the attached ordinance of the County of Monterey amending Paragraph F of Section 2.32.030 of the Monterey County Code relating to the signature authority of the Purchasing Agent.

BOARD ACTION: Upon motion of Supervisor Salinas, and seconded by Supervisor Armenta, and carried 4/0 (Supervisor Smith was absent from this vote).

ORDER FOR ADJOURNMENT IN MEMORY OF FRED K. REED

(Supplemental Sheet)

CONSENT CALENDAR

BOARD ACTION: Upon motion of Supervisor Smith, and seconded by Supervisor Armenta, and unanimously carried, the Board approved the following actions unless otherwise noted

HEALTH AND SOCIAL SERVICES:

- 0602.550 15. a. **Agreement Nos.: A-10658, A-10594, A-10660; B.U. No. 06/07-196** Approved and authorized the Director of the Department of Social & Employment Services, or his designee, to sign contract amendments with various community agencies for the provision of services to seniors funded by the Older Americans Act and Older Californians Act in the amount of \$69,023 for Fiscal Year 2006-07; and
- 0150.146
0125.000
- b. **Authorized** the Director of the Department of Social & Employment Services, or his designee, to sign up to three (3) amendments to these agreements where the total amendments do not exceed 10% of the original contract amount, and do not significantly change the scope of work; and
- c. **Directed** the Auditor-Controller to increase appropriations and estimated revenues for Fiscal Year 2006-07 in Budget Unit 594 in the amount of \$179,480. (4/5th vote required)
- 0600.775 16. As authorized by SB 1773, **approved** the increase in penalty assessments in the amount of Two (2) Dollars for every Ten (10) upon Court-imposed collected fines, penalties, and forfeitures for specified criminal offenses, for a total of Four (4) Dollars, to provide additional funding for the Emergency Medical Services (Maddy) Fund and improve access to local pediatric emergency services.
- 0601.100 17. a. **Authorized** the Emergency Medical Services (EMS) Director to access criminal history information for the purpose of determining eligibility for Emergency Medical Technician (EMT) certification and recertification and monitoring certified EMTs for future arrests and criminal convictions; and
- 0401.650
- b. **Authorized** the EMS Director to sign all California Department of Justice (DOJ) application and authorization forms.
- 0601.150 18. **Agreement No.: A-09848** Approved and authorized the Director of Health to sign Amendment 3 to Agreement A-09848, a three year agreement with Door to Hope to provide residential and non-residential alcohol and drug treatment for women residents of Monterey County with addictions to alcohol and drugs. This amendment will increase the contract to \$2,449,944, with an
- 0125.000

additional \$31,774 funded from the Substance Abuse Offender Treatment Program grant and \$50,000 funded from Proposition 36.

- 0601.150 19. **Agreement No.: A-10198 Approved** and **authorized** the Director
0150.146 of Health to sign Amendment No.4 to Agreement A-10198 with Beverly Health and Rehabilitation Services, Inc. d.b.a. San Jose Care and Guidance for services to adults with severe psychiatric disabilities, adding \$84,247 for Fiscal Year (FY) 2006-07, and \$354,227 for FY 2007-08 for a total contract amount of \$ 2,363,938 for the period of July 1, 2005 through June 30, 2008.
- 0601.150 20. a. **BU No.: 06/07-194 Amended** Health Department Behavioral
0150.146 Health Division Budget Unit 415 to approve one (1) FTE new allocation each of Management Analyst I and Accountant III; and
b. **Approved** an increase in estimated revenue and appropriations in the amount of \$54,573 from Prop 63 Mental Health Services Act; and
c. **Directed** the County Administrative Office and the Auditor-Controller's Office to amend Health Department Behavioral Health Division Budget Unit 415 to reflect the change in position count and increase revenue and appropriations by \$54,573 for FY 2006-07 as outlined in the Board Order, and to incorporate these changes into the FY 2007-08 Adopted Budget (4/5th vote required).
- 0601.100 21. **Proclaimed** state of local emergency relating to the spread of HIV among injection drug users in Monterey County.
- 0601.150 22. a. **BU No.: 06/07-195 Approved** and authorize the Director of
0150.146 Health to accept \$1,244,954 in grant carryover funds from the Substance Abuse and Mental Health Services Administration Grant No.: SM56058-04-1; and
b. **Directed** the Auditor-Controller and County Administrative Office to increase the Fiscal Year (FY) 2006-2007 adopted budget for the Health Department, Mental Health Division by \$882,424 (4/5th vote required); and increase the FY 2007-08 recommended budget by \$362,530 and incorporate this action into the FY 2007-08 adopted budget.
- 0601.100 23. **Resolution No. 07-147 Approved** the amendment of the bylaws
0401.650 for the Monterey County Emergency Medical Services (EMS) Council to delete references to the EMS Administrator, and articulate the responsibilities of the EMS Director to the EMS Council.

CRIMINAL JUSTICE:

- 0602.500 24. **Agreement No.: A-10890 Approved** and **authorized** the Sheriff to
sign Professional Services Agreement with Central Valley Toxicology, Inc. (CVT), in
the amount of \$65,000, to provide toxicological services for the Coroner's Unit, Budget
Unit 292, Fiscal Year 2007-2008.
- 0602.250 25. a. **Resolution No. 07-148 Approved** and **authorized** the Chief Probation Officer to sign
and submit the Monterey County Comprehensive Multi-agency Juvenile Justice Plan
to the California Corrections Standards Authority for programs funded by the Juvenile
Justice Crime Prevention Act (JJCPA) during Fiscal Year 2007-08; and

- b. **Authorized** the Chief Probation Officer to sign related contracts, amendments or extensions with the State of California.

GENERAL GOVERNMENT:

- 5100.000 26. **Approved** a Declaration attesting to the State of California's interest in the land and building at the Castroville Library (Castro Plaza Project, Castroville).
- 0600.025 27. **Agreement Nos.: A-10891, A-10892, A-10893 Approved** and
0125.000 **authorized** the Contracts/Purchasing Manager to sign Agreements with California Towing, Miller's Towing and Salinas Auto Center, to provide towing services for County owned vehicles for the term of two (2) years from the date of signing the Agreements through May 30, 2009, with the option of extending each Agreement for three (3) additional one (1) year periods. The Agreements carry an aggregate value of approximately \$45,000, in accordance with the terms and conditions set within each Agreement.
- 0602.025 28. **Received** the report regarding the Office of Emergency Services'
0600.775 Quarterly Work Plan for the period of April - June 2007.
- 0600.025 29. **Resolution No.: 07-150 Approved** a Resolution designating
0602.350 Public Works Department representatives that will coordinate and prepare Federal and State Disaster Assistance Applications and submit reimbursement requests.
- 0602.750 30. **Introduced, and waived** the reading and **set** for a public hearing on
June 19, 2007 amendments to Sections 5.40.020, 5.40.030, 5.40.090, 5.40.140,
5.40.160 and 5.40.170 of the Monterey County Code relating to the assessment and
collection of Transient Occupancy Tax.
- 0601.155 31. **B.U. No. 06/07-197 Authorized** the Chair of the Board of
0150.146 Supervisors to:
0125.000 a. **Agreement No.: A-10894 Approved** a Professional Services Agreement with Architectural Resources Group, Inc. (ARG) to provide an historic restoration analysis of the Old Monterey County Jail Reuse Project (Phase II), and evaluate options for necessary roof repairs. The estimated cost of the analyses is \$55,000. The term of this Agreement will be April 20, 2007, through December 31, 2007; and
b. **Directed** the Auditor-Controller to transfer appropriations in the amount of \$160,000 within Fund 010, Budget Unit 173-Capital Projects Fund, from Account 6469 (Other Professional Services) to Fixed Assets Account 6739 (Old Jail - W. Alisal Street) to fund the anticipated work in FY 2007-08 on the Old Monterey County Jail Reuse Project (Phase II) including this Agreement.
- 0601.600 32. **Approved** the use of San Lorenzo Park for two functions by Grace Lutheran
Church in compliance with Monterey County Code 14.12.130
- 0601.600 33. a. **Agreement No.: A-10895 Approved** a Professional Services
0125.000 Agreement (PSA) with Star Sanitation Services for an amount not to exceed \$75,000, for the term of July 1, 2007 through June 30, 2008 to regularly pump the septic holding tanks at all North County Parks; and
b. **Authorized** the Purchasing Manager to execute the PSA for an amount not to exceed \$75,000.
- 0600.750 34. **Approved** the transfer of funds in the amount of \$111,496 from
Services and Supplies to Fixed Assets in the Elections Budget Unit 141 for Fiscal Year

2006-07 for the purchase of an automated envelope opener for \$8,871 and WinEDS /
BPS voting equipment software for \$102,625.

- 0601.160 35. a. **Agreement No.: A-10896 Approved** and **authorized** the
0125.000 Purchasing Manager to execute a License and Maintenance Service Agreement with
Computer Associates (CA, Inc.), in the amount of \$442,565 payable in three annual
installments, to provide software license and maintenance of the Computer Associates
Mainframe Programs for the period of March 31, 2007 through March 30, 2010; and
b. **Authorized** the Purchasing Manager to sign an optional one-year extension to this
agreement; and
c. **Accepted** Non-Standard County Liability, Indemnification, and Termination
Provisions as recommended by the Director of Information Technology.
- 0600.025 36. a. **Adopted** a new Countywide Pre-Employment Drug Testing
Policy; and
b. **Amended** the Personnel Policies and Practices Resolution No.
98-394, to replace Section B.4.0 with B.4.0 Pre-Employment Drug
Testing Policy.
- 0600.025 37. **Authorized** a letter to North Monterey County Unified School District in support of the
District's U.S. Department of Education Readiness and Emergency Management for
Schools grant application.
- 5100.000 38. a. **Agreement No.: A-10897 Approved** an Advanced Funding Agreement
between the County, and NESTech Management Group Land Holdings, LLC
relating to land use staff and consulting costs during Boronda Meadows
development project processing and implementation; and
b. **Authorized** the Housing and Redevelopment Director to execute
the Agreement.

RMA – PLANNING:

- 0602.200 S/A-1 a. **Agreement No.: A-10335 Approved** Amendment No. 1 in the amount of \$216,630
for a total amount not to exceed \$857,760 to the Professional Services Agreement
with Michael Brandman Associates, Inc. for the Monterey County General Plan
Update Environmental Impact Report (EIR) to June 30, 2007 (PLN050045); and
b. **Authorized** the Purchasing Manager to execute the Amendment.
(Contract – PD060227/Michael Brandman Associates, Inc., County-wide)

RMA - PUBLIC WORKS:

- 0602.350 39. a. **Approved** FY 2007-08 Local Transportation Fund application in the amount of
\$2,179,129 for County contributions to various transportation programs; and
b. **Authorized** the Public Works Director to execute and submit the FY 2007-08
Local Transportation Fund application to the Transportation Agency for Monterey
County.
- 0602.350 40. a. **Received** Written Reports for County Service Areas containing service
charges; and
b. **Set** for public hearing on June 12, 2007 at 10:30 a.m. to consider
protests and objections to said Written Reports; and
c. **Directed** the Clerk of the Board to publish a Notice of Public
Hearing for said Written Reports once a week for two successive

weeks beginning no later than May 22, 2007, in the
County Herald, and the Rustler.

Californian, Monterey

- 0602.350 41. a. **Resolution No.: 07-149 Adopted** a resolution finding that the closure of the North Wing of the Monterey County Courthouse continues to pose an emergency requiring immediate action; and
- b. Adopt a resolution ratifying the execution of emergency contracts and emergency actions taken by the Public Works Director or his designee to respond to the emergency (4/5th vote required).
- 0602.350 42. a. **Agreement No.: A-10898 Approved** Contract to Purchase a Permanent Easement over 0.136 acres (5,925 sq. ft.) of property and Temporary Construction Easement over 0.146 acres (6,360 sq. ft.), APN 173-031-018; and
- b. **Accepted** Permanent Easement Deed to acquire additional road right-of-way for the Highway 68/Laureles Grade Intersection Improvement Project; and
- c. **Authorized** the Public Works Director to execute the contract for the purchase in the amount of \$51,500.