

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

Darlene Drain	Phone: (831) 755-5066
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ACTION MINUTES

MONTEREY COUNTY BOARD OF SUPERVISORS
MONTEREY COUNTY REDEVELOPMENT AGENCY
EAST GARRISON PUBLIC FINANCING AUTHORITY
MONTEREY COUNTY WATER RESOURCES AGENCY
TUESDAY, MAY 22, 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 54956.9(a), the Board will confer with legal counsel regarding the following existing litigation:

1. Ted S. Eastman vs. County of Monterey

BOARD ACTION: The Board approved a modification to the settlement proposal. Once the settlement has been finalized, copies of the settlement documents will be made available to the public through County Counsel's office.

- b. 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 conducted this performance evaluation and discussed goals and objectives. This evaluation will continue through future dates.

- c. 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. Open Monterey Project vs. County of Monterey

BOARD ACTION: The Board gave direction to counsel.

- d. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators; (G Unit); Negotiators: Keith Honda and Jonathan Holtzman for the County of Monterey.

BOARD ACTION: The Board gave direction to labor negotiators Keith Honda and Jonathan Holtzman.

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

- ~~1. Roxanne Banks (WC)~~
- ~~2. Michael Berry (WC)~~
- ~~3. Dennis Howell (WC)~~
- ~~4. Bill Johns (WC)~~
- ~~5. Robert Mairs (WC)~~
- ~~6. Daniel Okaneku (WC)~~

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

BOARD ACTION: The Board gave direction on how to resolve.

10:30 a.m.

- 1. Pledge of Allegiance

The Pledge of Allegiance was led by Supervisor Calcagno

The National Anthem will be performed by the North County High School Condor Marching Band, led by Director D.L. Johnson.

- 2. Welcome Home Troops Ceremony.

To honor our veterans, Stars and Stripes Forever will be performed by the North County High School Condor Marching Band, led by Director D.L. Johnson.

2050.000

- 3. **Resolution No.: 07-153 Adopted** a resolution to commemorate the North Monterey County High School Condor Marching Band's 2007 Tour of Italy and participation in the Artichoke Festival of the city of Ladispoli. (Supervisor Calcagno)

BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Smith, and carried 5/0.

6300.000

- 4. 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.

BOARD ACTION: Upon motion of Supervisor Salinas, and seconded by Supervisor Armenta, and carried, the Board approved the following addition:

Under Order for Adjournment:

IN MEMORY OF KATHLEEN SMART

- 5. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)

6. CONSENT CALENDAR - MONTEREY COUNTY REDEVELOPMENT AGENCY
(See Supplemental Sheet)
7. CONSENT CALENDAR -EAST GARRISON PUBLIC FINANCING AUTHORITY -
(See Supplemental Sheet)
8. CONSENT CALENDAR - MONTEREY COUNTY WATER RESOURCES AGENCY
(See Supplemental Sheet)

APPOINTMENTS:

Upon motion of Supervisor Salinas, seconded by Supervisor Smith, and carried, the Board approved the following appointments, except as noted:

- 0402.250 9. **Re-appointed** J. Michael Klein to the Mental Health Commission for a term ending May 31, 2010. (Supervisor Salinas)
- ~~10. — Re-appoint Margaret Anne Coppemoll to the Mental Health Commission for a term ending May 31, 2010. (Supervisor Salinas)~~
- 0400.000 11. **Appointed** Leonard Ortiz to the Fort Ord Cemetery Citizen's Advisory Committee for a term ending January 1, 2009. (Supervisor Salinas)
- 0401.872 12. **Appointed** Richard Rangel to the Monterey County In-Home Supportive Services Public Authority for a term ending June 30, 2010. (Supervisor Salinas)
- 0802.000 13. a. Appoint Bill Petrovic, representing the Monterey County Farm Bureau, to the Board of Directors of the Monterey County Water Resources Agency for a term ending December 31, 2010 (Full Board); **or**
b. **Re-appointed** Richard Morgantini, representing the Monterey County Farm Bureau, to the Board of Directors of the Monterey County Water Resources Agency for a term ending December 31, 2010. (Full Board)

BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Salinas and carried 5/0.

OTHER BOARD MATTERS:

- 6300.000 14. Board Comments and Referrals
Supervisor Potter: The Supervisor acknowledged media technician Jack Peterson who added captions to help viewers identify the matters being discussed. This came as the result of a casual suggestion by the Supervisor in response to a request from a constituent. During the afternoon session, Supervisor Potter amended his comment to include and acknowledgement to Maia Carroll, the Communications Coordinator for the County of Monterey for her efforts in this media presentation.
- 6300.000 15. **Received** Board Referrals Update
- 0600.025 16. CAO Comments
County Administrative Officer, Lew Bauman introduced the new head of Elections, Linda Tulett. Dr. Bauman also acknowledged and thanked Claudio Valenzuela and his department for all of their hard work over the difficult past year.
- 2050.000 17. Public Comment (Limited to 3 minutes per speaker)
a. Manuel Gonzales: Mr. Gonzales addressed the Board requesting their assistance with the Fort Ord Veterans Cemetery. He expressed concern that it was still not available for the veterans and urged that assistance be giving to move the project along.

- b. Hans Jongens: Mr. Jongens addressed the Board regarding NAFTA. Mr. Jongens advised that prior to NAFTA there was a positive trade balance. After NAFTA there is now a negative trade balance. Mr. Jongens also shared with the Board some articles regarding truckers, and the poor quality of the semi trucks being driven across the border. Mr. Jongens also discussed briefly his concerns regarding global warming.

- 2050.000 18. **Resolution No.: 07-146 Adopted** a Resolution commending Steven Ronald Villegas, Monterey County Sheriff's Detective, upon his retirement from public service.
BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Salinas, and carried 5/0.
- 2050.000 19. **Resolution No.: 07-151 Adopted** a Resolution recognizing the unveiling of the Monterey County Vietnam Memorial located at the Monterey County Vietnam Memorial Park in Salinas, CA (Supervisor Armenta)
BOARD ACTION: Upon motion of Supervisor Armenta, seconded by Supervisor Potter, and carried 5/0.

SCHEDULED MATTERS:

- 0601.525 S-2 a. **Received** Report from Natividad Medical Center's CEO on Recommended Administrative Streamlining Strategies; and
b. **Provided** Direction to staff.
BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Smith, and carried 5/0.
- 0601.525 S-3 **Agreement No.: A-10900 Approved and authorized** the Purchasing Manager to increase Master Agreement for Nursing Registry (RFP #9770) by \$750,000 from \$3,314,328 to \$4,064,328 for FY 06/07 and to distribute these funds between all the vendors under the Master Agreement for Nursing Registry (RFP # 9770) to assure that funds are available as needs for services occur.
BOARD ACTION: Upon motion of Supervisor Salinas, seconded by Supervisor Armenta, and carried 5/0.

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12:00 p.m.

Recess to Lunch- Legislative Committee meeting

1:30 p.m.

- 1900.000 S-4 **Received** oral report and consider recommendations from the Legislative Committee meeting of May 22, 2007 including recommended positions on the May Revise of the Governor's Budget related to Williamson Act subventions and other issues.
BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Salinas, and carried 5/0.
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- 0601.100 S-5 **Accepted** an oral report from the Monterey County Health Department's Community Health Division regarding a Nutrition and Physical Activity Policy in support of Employee Wellness.
BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Salinas, and carried 5/0. Supervisor Armenta made a referral through the CAO's office to review whether this can be implemented County wide as either mandatory or voluntary and requested that the response be brought back within 90 days.

- 0601.100 S-6 **Received** a report from the EMS Agency and EMS Council Task
0401.650 Force regarding the following issues:
- a. Status of system re-design being performed in advance of development of an ambulance paramedic RFP; and
 - b. Exploration of alternative forms of governance for the County's ambulance paramedic franchise; and
 - c. Financing issues related to the ambulance paramedic franchise.

BOARD ACTION: Upon motion of Supervisor Salinas, seconded by Supervisor Calcagno, and carried 5/0.

Public Comment:

- a. Rick Rorsch: Mr. Rorsch is the CFO of Westmed. Mr. Rorsch spoke in support of staff's recommendations.
- b. Allen Cress: Mr. Cress is the CEO of Westmed. Mr. Cress spoke in support of staff's recommendations.
- c. River Gurtin: Mr. Gurtin is a member of the Board of the Monterey County Ambulance Service. Mr. Gurtin addressed the Board in support of a County Wide Community Service District out of CSA 74 funds.
- d. Virginia Shannon: Ms. Shannon is also a member of the Board of the Monterey County Ambulance Service. Ms. Shannon also addressed the Board in support of a County Wide Community Service District out of CSA 74 funds.
- e. Mark Angel: Mr. Angel addressed the Board in support of a County Wide Community Service District out of CSA 74 funds.
- f. Chris Orman: Chief – North County Fire District. Chief Orman is also on the EMS Counsel and the Task Force. Mr. Orman addressed the Board to urge adequate time be taken in implementing the new proposed changes. Mr. Orman advised that he believed that there was a good amount of work to be done and that he projected that it would be completed over the next 5 years. Mr. Orman encouraged time be taken in order to look at all optimal best practices.

- 0602.500 S-7
- a. **Received** and accepted the final report on Jail Facility Needs Assessment and update on negotiations with the California Department of Rehabilitation; and
 - b. **Directed** staff to proceed with an Environment Impact Study; and
 - c. **Directed** staff to hire an architect to design the appropriate facility; and
 - d. **Directed** staff to continue to explore funding sources.

BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Salinas, and carried 5/0. The Board also requested that the report be amended to include working with the Resource Management Agency Capital Projects Committee. A work book was also distributed to each Board member for their review and addition of any comments. Staff was directed to bring the final document back under Consent for the June 5, 2007 Board meeting.

ORDER FOR ADJOURNMENT

IN MEMORY OF KATHLEEN SMART

APPROVED:

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Chair

ATTEST:

LEW C. BAUMAN, Clerk of the Board

By: _____

Deputy

(Supplemental Sheet)

CONSENT CALENDAR

BOARD ACTION: Upon motion of Supervisor Salinas and seconded by Supervisor Armenta, and unanimously carried 5/0, the Board approved the following actions unless otherwise noted:

HEALTH AND SOCIAL SERVICES:

0602.550

0150.146

- 20. a. **Resolution No.: 07-159; BU No.: 06/07-200 Amended** Personnel Policies and Practices Resolution No. 98-394 to increase the salary range of Office Maintenance Worker to bring the salary into alignment with the Building Maintenance Worker and Custodian classifications; and
- b. **Amended** the Department of Social and Employment Services Budget Unit 501 to reallocate two (2.0) FTE positions; and
- c. **Directed** the County Administrative Office and the Auditor-Controller's Office to amend FY 2006-07 Budget and incorporate these actions in the FY 2007-08 Adopted Budget.

0403.425

0125.000

- 21. a. **Agreement No.: A-10606 Approved and authorized** the Director of the Department of Social and Employment Services, or his designee, to sign Amendment No. 1 to Agreement No. A-10606 with Melvin Smith Learning Center for learning disability evaluations for CalWORKs customers by adding \$12,000, increasing the total contract amount to \$60,800, and extending the term through September 30, 2007; and
- b. **Authorized** the Director of the Department of Social and Employment Services, or his designee, to sign up to three (3) amendments to this Agreement, where the total amendments do not exceed 10% of the original contract amount, or significantly change the scope of work.

0602.500

0125.000

- 22. a. **Agreement No.: A-10797 Approved and authorized** the Director of the Department of Social and Employment Services, or his designee, to sign Amendment No. 1 to Agreement No. A-10797 with Unity Care Group, Inc. adding \$65,000 for the period of January 1, 2007 - June 30, 2007, and increasing the total contract amount to \$505,010 to provide intensive SB 163 wraparound services to eligible Monterey County foster, probation and at-risk youth and their families; and

- b. **Authorized** the Director of the Department of Social and Employment Services, or his designee, to sign up to three (3) amendments to the agreement where the total amendments do not exceed 10%, and do not significantly change the scope of work.

- 0601.100 23. a. **B.U. No. 06/07-198 Approved** and **authorized** the Health
0150.146 Department Budget Unit 413 to accept the Central Coast Alliance for Health Quality Based Incentive in the amount of \$227,686.96; and
b. **Approved** and **authorized** the Health Department Budget Unit 413 to accept the Healthy Families Risk Pool Settlement in the amount of \$109,390.04; and
c. **Directed** the Auditor-Controller to increase Account 3815 Health Clinic Designations, in the amount of \$337,077.

CRIMINAL JUSTICE:

- 0600.600 24. **Approved** and **authorized** the District Attorney to sign and submit a
grant application for Fiscal Year 2007-08 for continuation of funding for the Spousal
Abuser Prosecution Program (SAPP).
- 0600.600 25. **Approved** and **authorized** the District Attorney to sign a contract for \$107,305.20 with
the Victim Compensation and Government Claims Board for Fiscal Years 2007-08 and
2008-09 for the continuation of the "Criminal Restitution Compact Unit".
- 0602.500
0150.146 26. **BU No.: 06/07-201 Approved** and **authorized** an increase in Fiscal Year 2006-07
appropriations and estimated revenues in Sheriff's Budget Unit 251 by \$13,728.11 to
purchase computer equipment for the Custody Operations Bureau with a technology
rebate. (4/5th vote required)
- 0602.500 27. a. **Approved** and **authorized** the Sheriff to accept an All Terrain Vehicle (ATV)
donated by the Wentz Family Estates; and
b. **Authorized** the Chair of the Board of Supervisors to send a thank you letter.
- 0602.250 28. **Approved** transfer of funds in the amount of \$43,127 from Other
Professional Services to Fixed Assets in Probation Budget Unit 256-Institutions and
Alternative Programs for the purchase of two 8-passenger vans during Fiscal Year
2006-07 for the use of Juvenile Justice Crime Prevention Act programs.

GENERAL GOVERNMENT:

29. **Approved** the Action Minutes for the meeting of Tuesday, April 10, 2007, copies having
been previously distributed to each Board member.
30. **Approved** the Action Minutes for the meeting of Tuesday, April 17, 2007, copies having
been previously distributed to each Board member.
- 0600.030 31. **Resolution No. 07-154; B.U. No. 06/07-199** Adopt a Resolution
0154.146 amending the Authorized Access to State Allocation and Registration Sales and Use Tax
Records Pursuant to Revenue and Taxation Code Section 7056.
- 0600.050 32. **Received** the 2007-08 Appropriation Limits Pursuant to Article
XIIIB of The California Constitution and set June 11, 2007, at 9:00 a.m. as the date to
establish these limits.

- 0606.160 33. a. **Approved** and **authorized** the Purchasing Manager to execute an Agreement for Radio Procurement Consulting Services with DELTAWRX for the period of May 1, 2007 - December 31, 2008 in an amount not to exceed \$429,216 to perform a functional design specification and assist with a Request for Proposal for the Design Build Phase of the Monterey County Operational Area Emergency Communications System; and
- b. **Directed** the Auditor-Controller to transfer funds up to \$170,178 from the Cable TV Funds Account 080-3490 (a restricted revenue account) and to increase FY 2007-08 estimated revenue and appropriations in Budget Unit 151-Telecommunications, as detailed on the attached Board Order (4/5th vote required); and
- c. **Directed** the County Administrative Office and Auditor-Controller's Office to incorporate approved actions in the FY 2007-08 Adopted Budget.
- 0600.025 34. a. **Resolution No.: 07-160 Authorized** the placement of Mr.
0600.750 Claudio Valenzuela at step 4 of the Assistant Registrar of Voters Salary Range in accordance with Personnel Policies and Practices Resolution (PPPR) #98-394, Section s A.1.11.1 and A.1.11.5; and
- b. **Authorized** retroactive step placement for Mr. Claudio Valenzuela to step 4 Assistant Registrar of Voters salary range for the period of April 11, 2006 to May 14, 2006.

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RMA - PLANNING:

- 0402.950
0802.000 35/45. a. **Resolution No. 07-162 Accepted** the Standard Subdivision Final Map to divide two parcels, a total of 5.87 acres into 33 residential lots, the Subdivision Improvement Agreement, Subdivision Improvement Plans, Parks and Recreation Plan, Notice of Water Conservation and Landscaping Requirements, Drainage and Flood Control Systems Agreement, the Tax Report from the Tax Collector and the Subdivision Guarantee; and
- b. **Authorized** the Chair to execute the Subdivision Improvement Agreement; and
- c. Authorized the Chair of the Water Resources Agency to execute the Drainage and Flood Control Systems Agreement; and
- d. **Directed** the Clerk of the Board to submit the Final Map, Subdivision Improvement Agreement, Parks and Recreation Plan, Notice of Water Conservation and Landscaping Requirements, Drainage and Flood Control Systems Agreement, to the County Recorder for filing.
- (Final Map - PLN040767 CHISPA/Valley View Subdivision, Highway 198 and Main Street, San Lucas)

RMA - PUBLIC WORKS:

- 0602.350 36. a. **Approved** submittal of three AB2766 Emission Reduction Grant applications to the Monterey Bay Unified Air Pollution Control District for a total amount not to exceed \$265,526; and
- b. **Authorized** the Public Works Director or his designee to act as _____ agent for the County in processing and signing all _____ documentation to secure these funds.
- 0602.350 37. a. **Resolution No. 07-155 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. **Adopted** 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 38. **Resolution No. 07-158 Adopted** a Resolution supporting submittal of a Small Community Wastewater Grant application by the San Jerardo Cooperative, Inc. to the State Water Resources Control Board to fund a facilities plan to upgrade their wastewater treatment facility.

- 0602.350 39. a. **Approved** a Request for pre-grading of Country Lake Estates Subdivision (PLN040103), subject to Monterey County requirements (Attachment A), South County area; and
 b. **Approved** the Pre-grading Agreement and authorize the Chair to sign the Agreement; and
 c. **Approved** the Phase 1 Subdivision Improvement Plans and authorize the Public Works Director to sign the Plans.

RMA - MONTEREY COUNTY REDEVELOPMENT AGENCY

BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Salinas, and unanimously carried 5/0, the Board approved the following actions unless otherwise noted:

- 5700.00 40. **Agreement No.: A-10899** Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey, **approved** a Reimbursement Agreement with Cypress Marina Heights LLC in the amount of \$58,918.18 to provide increased sewer capacity for future development in the unincorporated area.

EAST GARRISON PUBLIC FINANCING AUTHORITY

BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Salinas, and unanimously carried 5/0, the Board approved the following actions unless otherwise noted:

- 5100.000 41. **Approved and authorized** the Chair of the Board of Directors of the East Garrison Public Financing Authority to sign a \$50,000 Professional Services Agreement with Bondlogistix, LLC providing for comprehensive arbitrage rebate analysis and reporting services related to the issue of tax-exempt bonds by the East Garrison Community Facilities District. The term will end June 30, 2016.

MONTEREY COUNTY WATER RESOURCES AGENCY

BOARD ACTION: Upon motion of Supervisor Salinas, and seconded by Supervisor Armenta, and unanimously carried 5/0, the Board approved the following actions unless otherwise noted:

#42 was pulled for comment by the public – but still voted on collectively.

Public Comment:

- a. **Julie Engel:** Requested that public hearings be scheduled first to address a number of concerns inclusive of: status, time, cost as well as when the benefits were to be received.
 b. **Jan Mitchell:** Requested that public hearings be scheduled prior to any action being taken. Ms. Mitchell argued that public hearings should be held prior to any rate increases.

STAFF:

Bill Phillips: Mr. Phillips advised the Board that this action was to notice a public hearing set for June 19, 2007. In addition, that there had been public hearings on this matter.

- 0802.900
0802.050
0802.450
0802.500
0802.650
42. a. **Set** a date for a public hearing on June 19, 2007, at 1:30 p.m. to adopt the Fiscal Year 2007-2008 benefit assessments for Zones 1, 1A, 8, 9, 12, and 17; and
b. **Directed** the Clerk of the Board to publish a hearing notice in the Salinas Californian, The Soledad Bee, The Register-Pajaronian and the King City Rustler at least ten days prior to the date set for the hearing.
- 0802.175
0802.185
0802.190
43. a. **Set** a date for a public hearing on June 19, 2007 at 1:30 p.m, to approve the Fiscal Year (FY) 2007-2008 assessments and water delivery charges for Zone 2B and FY 2007-2008 assessments for Zones 2Y and 2Z for the Castroville Seawater Intrusion Project and the Salinas Valley Reclamation Project;
and
b. **Directed** the Clerk of the Board to publish a hearing notice in the Salinas Californian and the King City Rustler at least ten days prior to the date set for the hearing.
- 0802.180
44. a. **Set** a date for a public hearing for June 19, 2007, at 1:30 p.m. to adopt Zone 2C Fiscal Year 2007-2008 assessment charges for the Salinas Valley Water Project; and
b. **Directed** the Clerk of the Board to publish a hearing notice in the Salinas Californian and the King City Rustler at least ten days prior to the date set for the hearing.
- 0802.000
0402.950
- 45/35. a. **Accepted** the Standard Subdivision Final Map to divide two parcels, a total of 5.87 acres into 33 residential lots, the Subdivision Improvement Agreement, Subdivision Improvement Plans, Parks and Recreation Plan, Notice of Water Conservation and Landscaping Requirements, Drainage and Flood Control Systems Agreement, the Tax Report from the Tax Collector and the Subdivision Guarantee; and
b. **Authorized** the Chair to execute the Subdivision Improvement Agreement; and
c. **Authorized** the Chair of the Water Resources Agency to execute the Drainage and Flood Control Systems Agreement; and
d. **Directed** the Clerk of the Board to submit the Final Map, Subdivision Improvement Agreement, Parks and Recreation Plan, Notice of Water Conservation and Landscaping Requirements, Drainage and Flood Control Systems Agreement, to the County Recorder for filing.

(Final Map - PLN040767 CHISPA/Valley View Subdivision, Highway 198 and Main Street, San Lucas)