

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
MONTEREY COUNTY REDEVELOPMENT AGENCY
MONTEREY COUNTY WATER RESOURCES AGENCY
TUESDAY, SEPTEMBER 11, 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 54957.6, the Board will confer with labor negotiators (G Unit); Keith Honda and Jonathan Holtzman for the County of Monterey.

BOARD ACTION: The Board gave direction to the labor negotiators on how to continue.

- 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: This review occurred.

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

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

- ~~A/C-1~~ ~~3. Marjorie Alford (WC)~~
~~4. Stacie McGrady (WC)~~
~~5. James Meekel (WC)~~
~~6. Craig Pakish (WC)~~
~~7. Peter Reyersbach (WC)~~
~~8. Anna Meacham (WC)~~
~~9. Michael S. Williams (WC)~~

BOARD ACTION: The Board gave direction on how to finalize the settlement of each of the cases. Matters 3 through 9 were pulled from the agenda and no discussion of these occurred.

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

and/or potential initiation of litigation.

BOARD ACTION: The Board did not extend any authority to initiate but received an update and gave direction to hopefully avoid further litigation.

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

1. Patricia Bernardi, et al. vs. County of Monterey.

BOARD ACTION: The Board gave direction to Counsel on settlement possibilities or to move forward with the Appeal.

- S/A-1 Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding the following existing litigation:

1. H-Y-H Corporation vs. County of Monterey

BOARD ACTION: The Board heard from Counsel on the tentative decision by the Superior Court Judge, and gave direction.

10:30 a.m.

1. Pledge of Allegiance
The Pledge of Allegiance was led by Supervisor Potter.

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.

- A/C-1 S-1 c. 3. Marjorie Alford (WC)
4. Stacie McGrady (WC)
5. James Meckel (WC)
6. Craig Pakish (WC)
7. Peter Reyersbach (WC)
8. Anna Meacham (WC)
9. Michael S. Williams (WC)

3. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)

4. CONSENT CALENDAR - MONTEREY COUNTY REDEVELOPMENT AGENCY (See Supplemental Sheet)

OTHER BOARD MATTERS:

6300.000

5. Board Comments and Referrals
a. Supervisor Armenta: The Supervisor made a referral through the CAO's office to explore the combination or consolidation of the existing Health and Human Services Committee with the Housing Committee. The Supervisor also advised his fellow Board members that he has been recommended by CSAC to attend the Great Valley Leadership Institute.
b. Supervisor Potter: The Supervisor made a referral from a letter received from Carl Sedoric. The Supervisor provided a copy of the letter to the County Administrative Officer in addition to his fellow Board members.

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6. **Received Board Referrals Update**

- 0600.025 7. CAO Comments
There were none.
- 2050.000 8. Public Comment (Limited to 3 minutes per speaker)
a. Hans Jongens: Mr. Jungens addressed the Board regarding some articles on combating cancer. In addition Mr. Jungens addressed the Board regarding the use of steel in building homes instead of the use of wood.
- 2050.000 9. **Resolution No.: 07-320; Adopted** a Resolution commending Stacie McGrady, Monterey County Deputy Sheriff, upon retirement from Public Service. (Full Board)
BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Salinas, and carried 4/0 (Supervisors Smith was absent from this meeting).
- 2050.000 10. **Resolution No.: 07-321; Adopted** a Resolution commending Efren N. Iglesia for his dedicated service of 24 years in the Office of the County Counsel upon his appointment by Governor Schwarzenegger to the Monterey County Superior Court. (Full Board)
BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Salinas, and carried 4/0 (Supervisors Smith was absent from this meeting).
- 2050.000 11. **Resolution No.: 07-322; Adopted** a Resolution commending Bob Burlison for his dedicated service with the Office of the District Attorney upon his appointment by Governor Schwarzenegger to the Monterey County Superior Court. (Full Board)
BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Salinas, and carried 4/0 (Supervisors Smith was absent from this meeting).
- ~~12. a. Receive a report on, and draft action minutes from, the Legislative Committee meeting of August 28, 2007; and~~
~~b. Consider a recommendation from the Legislative Committee to support funding for and expansion of USDA Rural Development Initiatives in the 2007 Farm Bill.~~

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SCHEDULED MATTERS:

S-2 **Continued to September 25, 2007: Appeal - Reynolds - PLN050447.**
BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Salinas, and carried 4/0 (Supervisors Smith was absent from this meeting).

- 0600.760 S-3 **Received Bi-Annual 9-1-1 Update Report from Emergency Communications Department on Implementation Status of Consultant Recommendations for Dispatch Operations.**
BOARD ACTION: Upon motion of Supervisor Armenta, and seconded by Supervisor Salinas, and carried 4/0 (Supervisor Smith was absent from this meeting).

12:00 p.m.

Recess to Lunch

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1:30 p.m.

Continue with Closed Session, if necessary.

ORDER FOR ADJOURNMENT

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 4/0 (Supervisor Smith was absent from this meeting), the Board approved the following actions, unless otherwise noted:

HEALTH AND SOCIAL SERVICES:

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13. a. **Agreement No.: A-10194; Approved and authorized** the Director of Health to sign Amendment No. 2 to the Health Department's Agreement No. A-10194, with Public Health Foundation Enterprises, Inc., to increase the Agreement in the amount of \$2,864,000, for a total Agreement amount not to exceed \$4,069,000, and to extend the term of the Agreement from July 1, 2005 through June 30, 2010, for the purpose of providing Request for Proposal services and Subcontractor oversight on behalf of Monterey County Health Department for its HIV/AIDS State Agreements; and
- b. **Authorized** the Director of Health to sign up to three future amendments to this Agreement where the amendments do not exceed 10% and do not significantly change the scope of work.

0601.100

14. a. **Resolution No.: 07-327; Approved** the amended Schedule of Fees and Charges for Health Department Services; and
- b. **Adopted** the fees as the Amended Article I b. of the Monterey County Fee Resolution effective October 1, 2007; and
- c. **Approved** the attached Monterey County Master Fee Resolution modifying Article I b; and
- d. **Approved** the amended Sexual Assault Response Team (SART) Fee Schedule.

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15. a. **Agreement No.: A-10786; Approved and authorized** the Director of Health to sign Amendment No.2 to Agreement No. A-10786 with The Action Council of Monterey County Inc., to increase the agreement by \$130,000 for the provision of community educational management services for the period of March 24, 2006 through June 30, 2009 for a revised total amount of \$215,000; and
- b. **Authorized** the Director of Health to sign up to three future amendments to this agreement where the amendments do not exceed 10%, and do not significantly change the scope of work.

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16. **Proclaimed** state of local emergency relating to the spread of HIV among injection drug users in Monterey County.

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17. a. **Budget Unit No.: 07/08-041; Approved and authorized** the reallocation of 2.0 FTE to the Health Department Clinic Services Budget Unit 413 as follows: reallocate 1.0 FTE Community Service Aide III to 1.0 FTE Medical Assistant; and reallocate 1.0 FTE Contract Physician to 1.0 FTE General Internist; and
- b. **Directed** the Auditor-Controller to amend the FY 2007-08 Health Department Budget Unit 413 to reflect the change in position counts.

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18. a. **Agreement No.: A-11015; Approved and authorized** the Director of Health to sign a Professional Services Agreement with the University of California, San Francisco, Pediatric Department in the amount of \$123,900 for the term of January 1, 2007 through December 31, 2008; and
- b. **Agreement No.: A-11016; Approved and authorized** the Director of Health to sign a Professional Services. Agreement with the University of

California, San Francisco, Urology Department in the amount of \$35,400 for the term of January 1, 2007 through December 31, 2008; and
 c. **Agreement No.: A-11017; Approved and authorized** the Director of Health to sign a Professional Services Agreement with the University of California, San Francisco, Neurology Department in the amount of \$70,800 for the term of January 1, 2007 through December 31, 2008; and
 d. **Authorized** the Purchasing Manager to sign up to three future amendments to these agreements where the amendments do not exceed 10% and do not significantly change the scope of work or change the approved amount.

CRIMINAL JUSTICE:

- 0602.500 19. a. **Approved and amended** Budget Unit 251 - Sheriff's Custody Operations Bureau to add 1.0 Deputy Sheriff position for court bailiff services, effective September 15, 2007; and
 b. **Budget Unit No.: 07/08-042; Directed** the Auditor-Controller to amend Budget Unit 251 - Sheriff's Custody Operations Bureau to change the position count and to increase appropriations and estimated revenues by \$126,841 as detailed in the attached Board Order. (4/5th vote required)
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GENERAL GOVERNMENT:

- 0601.175 20. **Approved** Property Tax Transfer for the proposed "Cornuts Reorganization" involving annexation of 51 acres to the City of Greenfield and detachment from the Monterey County Resource Conservation District.
- 0600.760 21. **Resolution No.: 07-331/Budget Unit No.: 07/08-043; Approved and adopted** an extension of the Side Letter between the County of Monterey and Service Employees' International Union, Local 521 (SEIU) representing Communications Dispatch personnel in the General (Unit J) and Supervisory (Unit F) Units regarding the provision of special "Break Pay."
- 0600.760 22. **Resolution No.: 07-328; Approved and adopted** a Resolution authorizing the Department of Emergency Communications to access Federal summary criminal history information for employment, licensing, or certification purposes.
- 0600.750 23. **Authorized** the Registrar of Voters to consolidate and render election services to specified cities and districts relating to the conduct of the November 6, 2007 School/Special District Election.
- 0600.750 24. **Appointed** nominees to governing boards of various districts that have insufficient nominees to cause an election on November 6, 2007, as detailed on the attached Board Order.

RMA - PLANNING:

- 0602.200 25. a. **Accepted** the Parcel Map to allow a minor subdivision to divide the 21.8 acre parcel into two parcels of 11.8 and 10 acres respectively; and
 b. **Accepted** the Subdivision Guarantee and Tax Report from the Tax Collector; and

0401.753

5100.000

29. Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey, **adopted** the Fort Ord Veterans Cemetery Citizen's Advisory Committee revised bylaws.