

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
Clerk of the Board	FAX: (831) 755-5888
P. O. Box 1728	Home Page: www.co.monterey.ca.us
Salinas, CA 93902	

ACTION MINUTES

MONTEREY COUNTY BOARD OF SUPERVISORS MONTEREY COUNTY WATER RESOURCES AGENCY TUESDAY, OCTOBER 9, 2007 9:00 AM

9:00 a.m.

6300.000

- S-1 Closed Session under Government Code section 54950, relating to the following items:
- Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding the following existing litigation:
 - H-Y-H Corporation vs. County of Monterey
 - Helping Our Peninsula's Environment vs. Monterey County
 - LandWatch Monterey County, et al. vs. County of Monterey, et al.
 - Save Our Peninsula Committee vs. County of Monterey, et al.
 - Javier Guzman, et al. vs. Rick Pinch, et al.

BOARD ACTION: On matters 1, 2, 3, and 4 the Board heard from Counsel and gave direction to County Counsel on how to resolve those matters. On matter 5 the Board gave authority to County Counsel to seek appellant review in the California Supreme Court.

- Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators (Units D, E, F, G, H, J, K, R, X, and Y); Keith Honda, for the County of Monterey.

BOARD ACTION: The Board gave direction to negotiators on how to proceed with those negotiations.

10:30 a.m.

6300.000

- Pledge of Allegiance
The Pledge of Allegiance was led by Rosie Pando
- Additions and Corrections – No additions or 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.
- CONSENT CALENDAR - REGULAR (See Supplemental Sheet)

BOARD ACTION: Upon motion of Supervisor Salinas, and seconded by Supervisor Calcagno, and unanimously carried 3/0 (Supervisor Smith and Supervisor Armenta were absent from the meeting), the Board approved the following actions, unless otherwise noted:

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

BOARD ACTION: BOARD ACTION: Upon motion of Supervisor Salinas, and seconded by Supervisor Calcagno, and unanimously carried 3/0 (Supervisor Smith and Supervisor Armenta was absent from the meeting), the Board approved the following actions, unless otherwise noted:

OTHER BOARD MATTERS:

- 6300.000 5. Board Comments and Referrals
Supervisor Calcagno stated to CAO from Sheriff Mike Kanalakas regarding a report requested from legal department in regards to mitigation for law enforcement fees from development. Would like research on that and put into a document and given to Sheriff so he understands where we are on that issue.
- 6300.00 6. **Received** Board Referrals Update
- 0600.025 7. CAO Comments
Assistant CAO Rosie Pando expressed appreciation to Darlene Drain for her years of service as Clerk of the Board. Ms. Pando commented that Ms. Drain is assuming a new position with the Health Department, and acknowledged her contributions to streamlining the agenda process and her responsiveness to researching records for the public and the Board of Supervisors.
Chair Potter also expressed appreciation to Ms. Drain for her professionalism and assistance.
Supervisor Calcagno also acknowledged Ms. Drain's leadership and guidance in assisting him and his staff, and she provided valuable assistance to LAFCO staff on the operations of the Board Chamber. He added that Ms. Drain will be missed.
- 2050.000 8. Public Comment (Limited to 3 minutes per speaker)
No public comment.
- 2050.000 9. **Resolution No.: 07-353; Adopted** a Resolution proclaiming October to be National Domestic Violence Awareness Month. (Full Board)
BOARD ACTION: Upon motion of Supervisor Salinas, and seconded by Supervisor Potter, and carried 3/0 (Supervisor Smith and Supervisor Armenta were absent from the meeting).
- 2050.000 10. **Resolution No.: 07-352; Adopted** a Resolution recognizing Bobby Rahal's contributions to motor-sports in Monterey County and congratulating him on his induction into the Legends of Laguna Seca Walk of Fame. (Full Board)
BOARD ACTION: Upon motion of Supervisor Salinas, and seconded by Supervisor Potter, and carried 3/0 (Supervisor Smith and Supervisor Armenta were absent from the meeting).

SCHEDULED MATTERS:

- 0601.525 S-2 **Agreement No.: A-10751; Approved and authorized** the Chief Executive Officer of Natividad Medical Center, (NMC) to execute Amendment No. 2 to the Professional Services Agreement with Juan Calzetta, M.D. in an amount not to exceed \$144,000 (an increase of \$4,000) for the term of July 1, 2007 through June 30, 2008 for vascular surgery professional services and call coverage at NMC.

BOARD ACTION: Upon motion of Supervisor Salinas, and seconded by Supervisor Calcagno, and carried 3/0 (Supervisor Smith and Supervisor Armenta were absent from the meeting).

0601.525
0125.000

- S-3 a. **Agreement No.: A-10663; Authorized** the Chief Executive Officer of Natividad Medical Center, (NMC) to execute Amendment No. 2 to the Agreement with Joel Weinstein, M.D. in an amount not to exceed \$287,672, an increase of \$197,672, for the term of November 1, 2007 through June 30, 2008 for general surgery call and surgical services at NMC; and
- b. **Authorized** the Purchasing Manager to increase the current Purchase Order in an amount not to exceed \$287,672 to Joel Weinstein, M.D. for general surgery call and surgical services between November 1, 2007 and June 30, 2008.

BOARD ACTION: Upon motion of Supervisor Salinas, and seconded by Supervisor Calcagno, and carried 3/0 (Supervisor Smith and Supervisor Armenta were absent from the meeting).

0803.800
0602.200

- S-4 **Ordinance No.: 5087; Held** Public hearing to adopt an ordinance amending Chapter 10.80 of the Monterey County Code modifying fire facility mitigation fees applicable to new development within boundaries of the Salinas Rural Fire Protection District.

(Ordinance - PD070727/Salinas Rural Fire Protection District Mitigation Fees, County-wide)

BOARD ACTION: Upon motion of Supervisor Salinas, and seconded by Supervisor Calcagno and carried 3/0 (Supervisor Smith and Supervisor Armenta were absent from the meeting).

12:00 p.m.

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Recess to Lunch- Joint Board Leadership Committee Meeting

**ORDER FOR ADJOURNMENT
IN MEMORY OF
BARBARA VANDEGRIFT
ASSISTANT COUNTY CLERK-RECORDER**

APPROVED:

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_____/s/ Supervisor Armenta
Chair

ATTEST:
LEW C. BAUMAN, Clerk of the Board

By: _____/s/ Denise Pennell_____
Deputy

(Supplemental Sheet)

CONSENT CALENDAR

BOARD ACTION: Upon motion of Supervisor Salinas, and seconded by Supervisor Calcagno, and unanimously carried 3/0 (Supervisor Smith and Supervisor Armenta were absent from the meeting), the Board approved the following actions, unless otherwise noted:

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HEALTH AND SOCIAL SERVICES:

- 0602.550 11. **Approved** the Monterey County Department of Social and Employment Services, Family and Children's Services Division's 2007 Self Assessment for the California-Child and Family Services Review (C-CFSR).
- 0602.550 12. a. **Agreement No.: A-10640; 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-10640 with VNA Community Services, Inc. adding \$57,000 and increasing the contract to \$139,000, to provide Adult Day Care in support of the Multipurpose Senior Services Program (MSSP) for the period of September 1, 2006 through June 30, 2008; and
b. **Authorized** the Director of the Department of Social and Employment Services, or his designee, to sign up to 3 amendments to this Agreement where the total amendments do not exceed 10% of the original contract amount, and do not significantly change the scope of work.
- 0601.100 13. **Agreement No.: A-11032; Approved and authorized** a one-year extension, through June 30, 2009, to the term of the current franchise agreement entitled "Agreement between the County of Monterey and USA Waste of California, dba Carmel Marina Corporation for Collection of Refuse, Recyclables and Greenwaste from Residential and Commercial Customers in Unincorporated Northeastern Monterey County."
- 0601.100 14. **Proclaimed** state of local emergency relating to the spread of HIV among injection drug users in Monterey County.
- 0601.100 15. **Agreement No.: A-10991; Approved and authorized** the
0125.000 Director of Health to sign an Amendment No. 1 to the Memorandum of Agreement with Natividad Medical Center for the Family Practice Residency Program and Medical Student Education Program Extension Affiliation Agreement to clarify the role of the Residency Program Director as required by the Residency Review Committee.

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GENERAL GOVERNMENT:

- 6300.000 16. **Approved** the Action Minutes for the meeting of Tuesday September 18, 2007, copies having been previously distributed to each Board member.
- 6300.000 17. **Approved** the Action Minutes for the meeting of Tuesday September 25, 2007, copies having been previously distributed to each Board member.
- 0601.160 18. a. **Approved and authorized** the Purchasing Manager to execute
0125.000 Professional Services Agreement with Executive Information Systems, LLC, in the amount of \$23,543.38 to provide software license and maintenance of the SAS BI Server Programs for the period of February 1, 2007 through January 31, 2008; and
 b. **Authorized** the Purchasing Manager to sign up to three optional one year extensions to this agreement subject to a 10 percent price increase per year; and
 c. **Accepted** Non-Standard County Liability, Indemnification, Confidentiality, and Termination Provisions as recommended by the Director of Information Technology.

RMA - PLANNING:

- 0602.200 19. a. **Agreement No.: A-10863; Approved** Amendment No. 1 in
0125.000 the amount of \$60,000 for a total amount not to exceed \$168,000 to the Professional Services Agreement with Pacific Municipal Consultants to provide additional staff assistance to the Monterey County Planning Department to January 1, 2010 (RFP #9992); and
 b. **Authorized** the Purchasing Manager to execute the Amendment and future amendments that do not significantly alter the scope of work or change the approved agreement amount.
 (Contract - PD060591/Pacific Municipal Consultants, County-wide)
- 0602.200 20. **Resolution No.: 07-356** The Board of Supervisors **adopted** a resolution issuing its report pursuant to Government Code section 65858(d) describing the measures taken by the County to alleviate the conditions that led to the adoption and extension of Interim Urgency Ordinance No. 5077 establishing standards and processes for the voluntary construction of fencing up to eight feet in height for the protection of agricultural crops in the unincorporated area of Monterey County.
(Interim Ordinance – PD070086/Interim Ordinance for Agricultural Fences, County-wide)

RMA - PUBLIC WORKS:

- 0602.350 21. a. **Agreement No.: A-11031; Approved** a Professional Services
0125.000 Agreement with TRC Engineers, inc., in an amount not to exceed \$396,850 to provide structural engineering services for the Davis Road Bridge Replacement Project, County No. 208 including the widening of Davis Road to four lanes between Blanco Road and Reservation Road in Monterey County, Federal Aid Project No. BRLS-5944 (068), Project No. 09-360065; and
 b. **Authorized** the Purchasing Manager to execute the Agreement and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

MONTEREY COUNTY WATER RESOURCES AGENCY:

BOARD ACTION: Upon motion of Supervisor Salinas, and seconded by Supervisor Calcagno, and unanimously carried 3/0 (Supervisor Smith and Supervisor Armenta was absent from the meeting), the Board approved the following actions, unless otherwise noted:

- 0802.500 22. **Set** a public hearing on November 6, 2007 at 10:30 a.m., post

6000.000

public notice, and recommend that the Board of Supervisors approve annexation of APN 125-211-001 totaling 7.35 acres into the Monterey County Water Resources Agency Zone 9 as a condition of approval for a minor subdivision, and direct applicant to supply proof of successful application with the State Board of Equalization.