

# BOARD OF SUPERVISORS

Fernando Armenta  
Louis R. Calcagno  
Simón Salinas  
Vacant  
Dave Potter

1<sup>st</sup> District (Vice Chair)  
2<sup>nd</sup> District  
3<sup>rd</sup> District  
4<sup>th</sup> District  
5<sup>th</sup> District (Chair)

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## ACTION MINUTES

### MONTEREY COUNTY BOARD OF SUPERVISORS MONTEREY COUNTY REDEVELOPMENT AGENCY MONTEREY COUNTY WATER RESOURCES AGENCY

TUESDAY, DECEMBER 18, 2007  
9:00 AM

#### 9:00 a.m.

**NOTE: Supervisor Calcagno was excused from the morning session, but was present for the afternoon session.**

- 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 provided a performance evaluation. The CEO gave an update on performance measures and the Board gave direction to the CEO on how to continue in his current position.**
  - b. 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
    2. Helping Our Peninsula's Environment vs. County of Monterey
    3. LandWatch Monterey County, et al vs. County of Monterey, et al

4. Save Our Peninsula Committee vs. County of Monterey, et al
5. Megan D. Allen vs. County of Monterey, et al
6. Candice Vaughn (WC)
7. Ralph Roberts (WC)
8. In Re: Alice M.

**BOARD ACTION: The Board gave direction to Counsel on items 1, 2, 3, and 4 and methods to try and resolve those cases. On item 5 the Board approved a contract amendment with the firm of Kessel and Associates to defend County dependents. On items 6 and 7 the Board approved tentative settlements for those cases. On item 8 the Board gave authority to Counsel to file briefs in support of the County of Sacramento on behalf of the County of Monterey and the California State Association of Counties.**

- c. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding the following significant exposure to litigation/liability claims:
  1. Claim of Christopher Lee Griffith

**BOARD ACTION: The Board denied the claim.**

- d. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators (all units); Keith Honda for the County of Monterey.

**BOARD ACTION: The Board gave direction to the labor negotiator on how to conduct negotiations.**

- e. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding one item of potential initiation of litigation.

**BOARD ACTION: The Board authorized Counsel to draft pleadings in this matter and file if necessary.**

**10:30 a.m.**

1. Pledge of Allegiance was led by Supervisor Potter.
- 6300.000 2. Additions and Corrections

The Clerk to 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.

Due to the need for immediate consideration by the Board of matters which arose after the posting of today's agenda, the Board is asked to make the following additions and corrections:

A/C-1 **ADDED** - Approve and authorize the CEO of Natividad Medical Center to execute an Agreement extension between Natividad Medical Center and Monterey Anesthesia Professionals, A Medical Corporation, in an amount not to exceed \$2,450,000 for the term January 1, 2008 through December 31, 2008, for the provision of Anesthesia professional services at Natividad Medical Center.

A/C-2 **ADDED** - Adjourn in memory of Anneliese Gowin and Evelyn Larson

**BOARD ACTION: Upon motion of Supervisor Salinas, and seconded by Supervisor Armenta, and carried 3/0 (Supervisor Calcagno absent, District 4 vacant)**

3. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)

**NOTE: Consent items 24, 30, and 44 were trailed to the afternoon session due to a 4/5ths vote requirement.**

Public Comment:

a. Lynn Learch, Administrative Secretary of Parks Department, commented on items 34 and 36 regarding Park's Department reorganization.

**BOARD ACTION: Upon motion of Supervisor Salinas, and seconded by Supervisor Armenta, Consent Agenda Items 17-48, excepting Items 24, 30, and 44 considered in the afternoon, were approved and carried 3/0 (Supervisor Calcagno absent, District 4 vacant)**

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

**BOARD ACTION: Upon motion of Supervisor Salinas, and seconded by Supervisor Armenta and carried 3/0 (Supervisor Calcagno absent, District 4 vacant)**

5. CONSENT CALENDAR – MONTEREY COUNTY WATER RESOURCES AGENCY (See Supplemental Sheet)

**BOARD ACTION: Upon motion of Supervisor Salinas, and seconded by Supervisor Armenta, and carried 3/0. (Supervisor Calcagno absent, District 4 vacant)**

**OTHER BOARD MATTERS:**

- |          |    |  |
|----------|----|--|
| 6300.000 | 6. | Board Comments and Referrals - No comments   |
| 6300.000 | 7. | <b>Received</b> Board Referrals Update   |
| 0600.025 | 8. | CAO Comments – Lew Bauman thanked Supervisor Potter for his leadership during the past year as Chairman. |

- 2050.000      9.      Public Comment (Limited to 3 minutes per speaker)
- a. Paul Ingram voiced support of the Del Fino Carmel Valley Airport Village Park & Commons Project and submitted letter into the record.
  - b. Brian Rothenberger, with SaveElection Monterey County, spoke regarding the cost of hand counting ballots and submitted his hand count estimated costs.
  - c. Hans Jongens spoke regarding health care for everyone in California and related costs, slumping housing sales in Monterey County, and the price of oil.
- 2050.000      10.      **Adopted** the Board of Supervisors' meeting schedule for the calendar year 2008.  
**BOARD ACTION: Upon motion of Supervisor Salinas, and seconded by Supervisor Armenta, and carried 3/0. (Supervisor Calcagno absent, District 4 vacant)**
11.      **Resolution No. 07-412 Adopted** Resolution commending Detective John David Luna, Monterey County Sheriff's Office, upon his retirement from 29 years of public service.  
**BOARD ACTION: Upon motion of Supervisor Salinas, and seconded by Supervisor Armenta, and carried 3/0. (Supervisor Calcagno absent, District 4 vacant)**

**APPOINTMENTS:**

**BOARD MOTION: Upon motion of Supervisor Salinas, and seconded by Supervisor Armenta, and carried 3/0. (Supervisor Calcagno absent, District 4 vacant)**

- 12.      **Appointed** Alejandro Hogan to the Equal Opportunity Advisory Commission for a term ending December 31, 2010. (Supervisor Armenta)
- 13.      **Reappointed** Elizabeth T. Price to the Military and Veterans Affairs Advisory Committee for a term ending January 1, 2011. (Full Board)
- 14.      **Reappointed** Sarah Hardgrave to the Housing Advisory Committee for a term ending January 17, 2010. (Full Board)
- 15.      **Reappointed** Yolanda M. Harris to the Area Agency on Aging Advisory Council for a term ending January 1, 2011. (Full Board)
- 16.      **Reappointed** Mary Ann Carbone, Doris Jones, and Dr. Bettye Lusk to the Commission on the Status of Women for terms ending February 1, 2011. (Full Board)





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- b. **Directed** the Auditor-Controller to amend Fiscal Year 2007-08 Health Department Budget Unit 411 to reflect the change in position count as outlined in the Board Order.
- 0601.100 22. **Ordinance No. 5093 Approved** a correction to Exhibit 2 to Ordinance 5093 to add the Turner application, PLN050738/APN241-131-005-000, to the list of pending applications allowed to be processed during development of the Onsite Wastewater Management Plan for the Carmel Highlands Study Area.  
(Ordinance - PLN070521/Carmel Area Land Use Plan, Carmel Highlands)
- 0601.100 23. **Received and accepted** a report from the Health Department regarding efforts underway and planned to address health disparities among racial and ethnic groups within the County, with particular attention to the causes of death among the County's African-American residents.
- 0601.100 24. a. **Board Budget No. 07/08-083; Approved;** and **authorized** the Director of Health to accept a grant award in the amount of \$18,400 from the Community Foundation of Monterey County as financial support for ultrasound services at the Alisal Health Center; and  
b. **Directed** the Auditor-Controller to amend the FY 2007-08 budget to increase estimated revenues and appropriations in the Clinic Services Budget Unit 413 in the amount of \$18,400. (4/5ths vote required)
- 0602.550 25. **Agreement No. A-10606 Approved** and **authorized** the Director of the Department of Social and Employment Services, or his designee, to sign Amendment #3 to Agreement #A-10606 with Melvin Smith Learning Center for learning disability evaluations for CalWORKs customers by adding \$14,200, increasing the contract amount to \$90,000 and extending the term to March 31, 2008.
- 0602.550 26. **Approved** the revised Community Action Commission Bylaws.  
0401.550
- 0602.550 27. **Resolution 07-433 Proclaimed** state of local emergency relating to the spread of HIV among injection drug users in Monterey County.

- 0601.100 28. a. **Board Budget No. 07/08-084; Approved** the Health  
0150.147 Department Behavioral Health Budget Unit 415 to reallocate  
1.0 FTE Management Analyst II position to 1.0 FTE  
Management Analyst III position; and  
b. **Directed** the Auditor-Controller to amend Fiscal Year 2007-08  
Health Department's Mental Health Budget Unit 415 Position  
Allocation to reflect the changes.

**CRIMINAL JUSTICE:**

- 0602.500 29. **Agreement No. A-10071 Approved and authorized** Chair of the  
Board of Supervisors to sign an amendment to the Professional  
Medical Services Agreement with John R. Hain, M.D. to include  
postmortem autopsy services and set rate for hospitals that have  
contracts with the County.

- 0602.550 30. a. **Board Budget No. 07/08-085; Approved and authorized** the  
0150.147 Sheriff to accept a grant award in the amount of \$177,168, with  
the State Governor's Office of Emergency Services (OES) for  
County of Monterey Marijuana Eradication Team (COMMET)  
Program for the period of July 1, 2007 to June 30, 2008; and  
b. **Directed** the Auditor-Controller to increase appropriations and  
estimated revenues by \$58,262 in Sheriff's Budget Unit 230.  
(4/5ths vote required)

- 0602.500 31. **Approved and authorized** the Sheriff's Office to accept a grant  
award from the Monterey Bay Unified Air Pollution Control  
District in the amount of \$170,319 as partial funding for the Inmate  
Video Conferencing System.

- 0602.250 32. **Agreement No. A-11080; Approved and authorized** the Chief  
0600.700 Probation Officer to sign a memorandum of Understanding with  
the Monterey County Office of Education in the amount of  
\$210,972 for collaborative services with the Salinas and Seaside  
Community Schools Program for FY 2007-08.

**GENERAL GOVERNMENT:**

- 0602.025 33. **Resolution No. 07-429; Board Budget No. 07/08-093**  
0151.147 a. **Amended** Personnel Policies and Practices Resolution No. 98-  
394 to comply with Senate Bill 1835, raising minimum wage to  
\$8.00/hr on January 1, 2008;and  
b. **Directed** the Auditor-Controller to implement this change.



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- 0601.600 34. a. **Resolution no. 07-420; Board Budget No. 07/08-086;**  
0150.147 b. **Approved** the Parks Department Reorganization;  
c. **Amended** Personnel Policies and Practices Resolution No. 98-394 and Parks Department Budget Unit 750 to incorporate changes and approve position reclassifications as detailed in the attached Board Order;  
c. **Directed** the Auditor-Controller to move Park Department Peace Officer managers to Safety Retirement from Miscellaneous Retirement, effective September 1, 2007; and  
d. **Directed** the Auditor-Controller to incorporate these changes in the FY 2007-08 Parks Department Adopted Budget position classifications and count, Budget Unit 750.
- 0600.025 35. **Agreement No. A-11086 Approved and authorized** the Contracts-Purchasing Manager to Sign Master Agreements with The Madden Company, Simplified Office Systems, Monterey Bay Office Products, and Tri-County Business Systems, to provide copier equipment rental and maintenance services for departments throughout the County for a term of one (1) year from the date of signing the Agreements, with the option of extending each Agreement for two (2) additional one (1) year periods. The Agreements carry an aggregate value of approximately \$1,500,000 per year.
- 0601.600 36. **Resolution No. 07-418 Adopted** Resolution amending Article V of the Monterey County Master Fee Resolution relating to establishing Parks Department user fees for park use and rentals, effective January 1, 2008.
- 0600.025 37. **Resolution No. 07-431 Approved** the amendment of Article II of the Monterey County Master Fee Resolution to adjust fees for registration of structural pest control business with the Agricultural Commissioner.
- 0601.175 38. a. **Resolution No. 07-419; Board Budget No. 07/08-087;**  
0150.147 b. **Amended** the FY 2007-08 County Administrative Office Budget Unit 105 to reallocate one (1) to be determined allocation to one (1) Senior Board of Supervisors Clerk; and  
c. **Directed** the Auditor-Controller to incorporate this change in the FY 2007-08 County Administrative Office Budget Unit 105.

**RMA - PLANNING:**

- 0602.200 39. a. **Accepted** the Parcel Map to allow subdivision of one (1) 144 acre lot into three (3) parcels of 48 acres each, the Indemnification Agreement, the Permit Approval Notice, the Notice of Water Conservation, the Soils and Percolation Deed Notification, the Property Tax Clearance from the Tax Collector, and the Parcel Map Guarantee; and
- b. **Directed** the Clerk to the Board to submit the Parcel Map, Indemnification Agreement, Permit Approval Notice, Notice of Water Conservation and Soils and Percolation Deed Notification to the County Recorder for filing.  
(Parcel Map PLN020546/Mark La Mascus, 62901 Argyle Rd, King City, South County Area Plan)

- 0602.200 40. a. **Agreement Nos. A-11077 Approved** Professional Services Agreement with EcoSystems West Consulting Group in the amount of \$137,972 to the base budget and \$20,696 in contingency, for a total amount not to exceed \$158,668 to provide 2007 Piperia Plan Studies for The Pebble Beach Company's Del Monte Forest Preservation and Development Plan in Del Monte Forest for a term to February 29, 2008 (PLN010254);
- b. **Agreement No. A-11078 Approved** Reimbursement Agreement with The Pebble Beach Company in the amount of \$137,972 to the base budget, \$6,899 for County surcharge, and \$20,696 in contingency, for a total amount not to exceed \$165,567 to reimburse Monterey County for costs incurred by EcoSystems West Consulting Group and County Planning Department to provide 2007 Piperia Plan Studies for The Pebble Beach Company's Del Monte Forest Preservation and Development Plan in Del Monte Forest for a term to February 29, 2008; and
- c. **Authorized** the Director of Planning to execute the Professional Services Agreement, Reimbursement Agreement, and future amendments that do not significantly alter the scope of work or change the approved Agreement amounts.  
(Contract - PD060822/EcoSystems West Consulting Group, County-wide)

**RMA - PUBLIC WORKS:**

- 0602.350 41. Authorize the Public Works Director or his designee to execute the Certificate of Acceptance and Consent to Recordation for a 5 by 5 foot easement granted by Monterey Bay Aquarium Research Institute for Sandholdt Road on behalf of the County.

- 0602.350 42. **Accepted** the report on the status of developers' fees for the period ending June 30, 2007.
- 0602.350 43. **Accepted** the annual evaluation report of traffic on Carmel Valley Road, Rio Road, and Carmel Rancho Boulevard pursuant to Carmel Valley Master Plan, Policy 39.3.2.1(b).
- 0602.350 44. a. **Resolution No. 07-424; Adopted** 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** Resolution ratifying the execution of emergency contracts and emergency actions taken by the Public Works Director or his designee to respond to the emergency. (4/5ths vote required)
- 0602.350 45. **2007CONST0015**  
a. **Approved** Plans and Specifications for the drilling of a test/production well for the San Jerardo Water System Improvement Project, Project No. 08-859967; and  
b. **Authorized** the Clerk to the Board to advertise the "Notice to Contractors" in The Californian on December 21, 2007 and January 4, 2008.

**RMA - MONTEREY COUNTY REDEVELOPMENT AGENCY:**

**BOARD ACTION: Upon motion of Supervisor Salinas, and seconded by Supervisor Armenta and carried 3/0 (Supervisor Calcagno absent)**

- 5100.000 46. **Approved** the 2006-2007 Annual Report of the Redevelopment Agency of the County of Monterey.
- 5100.000 47. **Agreement No. A-11098 Approved and authorized** the Chair of the Board to sign a Memorandum of Agreement with the Fort Ord Reuse Authority regarding Property Ownership and Responsibilities during the Period of the Environmental Services to Remove Munitions and Explosives of Concern (ET/ESCA) on the former Fort Ord, Monterey County, California.

**MONTEREY COUNTY WATER RESOURCES AGENCY:**

**BOARD ACTION: Upon motion of Supervisor Salinas, and seconded by Supervisor Armenta and carried 3/0 (Supervisor Calcagno absent, District 4 vacant)**

- 0802.100 48. **Agreement Nos. A-11081 and A-11082; Approved** agreements for two Grazing Leases at Lake Nacimiento, Leases #1 and #5, and authorize the Chair of the Board to sign agreements.

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