

# BOARD OF SUPERVISORS

Fernando Armenta	1 <sup>st</sup> District	Lew C. Bauman
Louis R. Calcagno	2 <sup>nd</sup> District	County Administrative Officer
W. B. "Butch" Lindley	3 <sup>rd</sup> District	
Jerry Smith	4 <sup>th</sup> District (Chair)	Charles J. McKee
Dave Potter	5 <sup>th</sup> District (Vice Chair)	County Counsel

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Salinas, CA 93902	

**ACTION MINUTES**  
**MONTEREY COUNTY BOARD OF SUPERVISORS**  
**TUESDAY, FEBRUARY 21, 2006**  
**1:00 P.M.**

**1:00 p.m.**

S-1 The Pledge of Allegiance  
The Pledge of Allegiance was led by Supervisor Armenta.

6300.000 S-2 Additions and Corrections to the Agenda

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

**BOARD ACTION: Upon motion by Supervisor Potter, and seconded by Supervisor Armenta, and carried, the Board approved the following additions and corrections to the Agenda:**

**Title Corrections:**  
Under ORDER FOR ADJOURNMENT:  
IN MEMORY OF ROBERT T. TANIMURA

S-3 CONSENT CALENDAR – REGULAR (See Supplemental Sheet)

**APPOINTMENTS:**

**BOARD ACTION: Upon motion by Supervisor Armenta, and seconded by Supervisor Lindley, and carried, the Board approved the following appointments, except as noted:**

- |          |    |  |
|----------|----|--|
| 0804.250 | 1. | <b>Re-appointed</b> Richard Godoy to the Soledad Cemetery District for a term to end February 1, 2010. (Supervisor Lindley)  |
| 0401.750 | 2. | <b>Re-appointed</b> John Sargenti to the Fish & Game Commission for a term to expire February 1, 2009. (Supervisor Calcagno) |
| 0403.825 | 3. | <b>Appointed</b> Richard Gillis to the Workforce Investment Board for a term to expire February 14, 2009. (Full Board)       |

- 0403.825 4. **Appointed** David Bernahl to the Workforce Investment Board for a term to expire February 14, 2009. (Full Board)
- 0402.950 5. **Appointed** Nancy Isakson to the Planning Commission for a term to expire January 23, 2010. (Supervisor Smith)

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**OTHER BOARD MATTERS:**

- 6300.000 6. Board Comments and Referrals  
There were none.
- 6300.000 7. Update on Board Referrals  
There were none.
- 0600.025 8. CAO Comments  
There were none.
- 2050.000 9. Public Comments (Limited to 3 minutes per speaker)
- a. Elsa Quezada: Spoke on behalf of Individual Living for people with disabilities. She questioned whether or not there were measures taken to ensure that these individuals were represented in the initiative.
  - b. Hans Jungens: Spoke in regard to a weeks worth of Land Use meetings. Expressed that Land use lawyers were going to destroy the County.
  - c. Jan Mitchell: Questioned the notice for the scoping meeting scheduled to gather information on the EIR. She voice concern because how will both she and the press be able to be in two placed at once?
  - d. Carlos Ramos: Expressed concern over the dates and times of the meetings being held. He advises that many who would like to have attended cannot due to the change. Further, he advises that any petition not in Spanish is flawed. Lastly, thanks the Board for their efforts in attempting to balance issues.
  - e. Aurora Ursella (Spelling – No speaker card): Advised that any petitions should be in English and in Spanish.
  - f. Mirssa Salazar: Advised that any petitions should be in English and in Spanish and because the General Plan Initiative was only in English, it should be stopped.
  - g. Sergio Sanchez: Advises that when a petition goes forward it should do so in a language that can be understood.
- 2050.000 6. **Resolution No.: 06-038: Adopted** a Resolution Commending Richard and Debora (Debbie) Benson, recipients of the 2005 King City Chamber of Commerce Citizens of the Year Award. (Supervisor Lindley)  
**BOARD ACTION: Upon motion by Supervisor Lindley, and seconded by Supervisor Potter, and carried.**

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**SCHEDULED MATTERS:**

- 6300.000 S-4 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. Neil Shaw (WC)
2. County of Monterey vs. City of Salinas (Boronda Crossing litigation)
3. California Department of Transportation vs. County of Monterey (Rancho San Juan)
4. LandWatch Monterey County, et al. vs. County of Monterey, et al. (Rancho San Juan)
5. John L. McDonnell, Jr., et al. vs. County of Monterey, et al. (Rancho San Juan)
6. Save Our Peninsula Committee vs. County of Monterey, et al. (Rancho San Juan)
7. City of Salinas vs. County of Monterey (Rancho San Juan)
8. H-Y-H Corporation vs. County of Monterey (Rancho San Juan)
9. California American Water vs. City of Seaside, et al

**BOARD ACTION: No. 1: The Board agreed to offer settlement. The documents will be made available if the settlement is accepted and after the execution of the documents. No.'s 2-8: The Board received updates and provided direction. No. 9: The Board received an update from staff and counsel and provided direction.**

- b. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding the following liability claim(s):
  1. Claim of Carrie Wilkinson

**BOARD ACTION: This claim was denied.**

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

**BOARD ACTION: The Board received updates on two of the three items and gave direction to Counsel.**

- d. Pursuant to Government Code sections 54956.9(b) and 54956.9(c), the Board will confer with legal counsel regarding the following item of significant exposure to litigation and/or potential initiation of litigation:
  1. General Plan Initiative

**BOARD ACTION: This matter was discussed but no final action taken.**

- e. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the following public employment positions:
  1. Natividad Medical Center CEO

**BOARD ACTION: The Board provided a review and direction with how to move forward.**

0600.100  
0803.575

S-5 **Received** update on State Approval of transfer of ALCO Water Company to Pajaro Sunny Mesa Water District (San Jerardo).

**BOARD ACTION: Upon motion by Supervisor Armenta, and seconded by Supervisor Potter and carried. The motion was amended to include authorizing the Chair to sign a letter, 2. To encourage the State and Congressionally elected official to send their own letters of support, 3. Look into temporary storage facilities to hold water trucked in, 4. Look into Filter Systems.**

#### **PUBLIC COMMENTS:**

- a. Sally Torres: Spoke on behalf of the residence of San Jerardo. She advised that 5 years is an unacceptable amount of time to live with bad water.
- b. Mary Castillo: COPA member: Expressed concern for the children living in such conditions.
- c. Joracio Mequitta (Spelling – no speaker card): Wanted to know when the Judge was going to decide this issue. Further requested some political help in resolving this

- problem.
- d. Sergio Sanchez: Wants to see the County and the City work mutually in helping this community.
  - e. Marc Del Pierro: Spoke to a letter that was drafted by Simon Salinas and finalized, to be forwarded to Judge Fogel. The letter was to request approval of the offer submitted by John Richardson.  
He further advised that when no one will volunteer land to help resolve this matter, then eminent domain is an option.
  - f. John Richardson: Inquired as to a loan from the county which could be evidenced by a Court Order and refundable by any Grant then received.

**BOARD/STAFF COMMENTS:**

- a. Supervisor Lindley: Spoke to the issues and inquired through the CAO the possibility of a loan.
- b. Supervisor Calcagno: Expressed concern over the fact that the court had not yet decided who the legal owners were and thus how could such a recommendation work?
- c. Supervisor Armenta: Requested a serious discussion regarding eminent domain.
- d. CAO Dr. Bauman: Reminded, this is not our water system. It is in receivership. However, political support can be provided and proposed that Assemblyman Salinas authorize the letter. Further, authorize that the letter be sent to Judge Fogel. Direct the Legislative Committee to start a dialogue with Sam Farr's office
- e. County Counsel Charles McKee: Further suggested that Sam Farr also sent his own letter.

0602.200 S-6 **Received** oral report from Michael Brandman and Associates regarding progress in the drafting of an Environmental Impact Report for the Draft General Plan and recommendations regarding several modifications to policy language.

**BOARD ACTION: Upon motion to receive the report and to integrate the proposed language by Supervisor Lindley, and seconded by Supervisor Smith and carried.**

The power point presentation was made by Michael Brandman, Kirk Schlyer, Grant Gruber, Jeff Peters and Deborah Fehr.

**PUBLIC COMMENTS:**

- a. Jan Mitchell: Thought that the consultants were going to review and go over costs.
- b. Brian Finnegan: Expressed surprise in the change of direction regarding RSJ and that his clients will now be in purgatory for another 10 years.
- c. Tom Carvey: Congratulated the Board and Staff on the whole process and the support that has been generated. He also requested that if there are to be drastic changes made, that the public be given adequate notice.
- d. Chris Bunn: Requested that a copy of the Power Point Presentation be made available to the public.

**ORDER FOR ADJOURNMENT  
IN MEMORY OF ROBERT T. TANIMURA**

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 Calcagno, and seconded by Supervisor Lindley, and unanimously carried, the Board approved the following actions unless otherwise noted:**

**HEALTH AND SOCIAL SERVICES:**

0403.825 11. **Concurred** with the Monterey County Workforce Investment  
0602.550 Board to accept a U.S. Department of Labor (USDOL) grant for \$40,000 for the Base  
Realignment and Closure (BRAC) to provide employment and training services to  
dislocated workers at the Fort Ord Accounting and Finance Department.

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0403.825 12. **Concurred** with the Monterey County Workforce Investment  
0602.550 Board to submit a grant proposal to the State of California Employment Development  
Department for Dislocated Worker Additional Assistance in the amount of \$1,595,734 to  
provide core, intensive, retraining and supportive services to a minimum of 400 dislocated  
workers.

**CRIMINAL JUSTICE:**

0125.000 13. **Agreement No.: A-10390 Approved and authorized** the Purchasing Manager to sign a  
Professional Services Agreement (PSA) with Partners for Peace to provide a mentoring  
program to support the Silver Star Gang Prevention and Intervention grant in the amount  
of \$46,850 from February 1, 2006 through August 31, 2006.

**GENERAL GOVERNMENT:**

0500.050 14. **Approved** amendments to conflict of interest code of the County  
0600.025 Administrative Office of Monterey County.

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0601.600 15. **Agreement No.: A-10391**  
0125.000 a. **Approved** the California Department of Corrections and Rehabilitation  
Standard Agreement to allow inmate community service work crews to perform  
general clean-up services for the County's Park Department; and  
b. **Authorized** the Parks Director to sign the Agreement.

0500.050 16. **Approved** amendments to conflict of interest code of the  
0601.035 Monterey County Free Library District.

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0801.975  
0801.250  
0250.000

17. **Resolution No.: 06-032: Approved** Property Tax Transfer for the Proposed Annexation of Approximately 267.5 Acres to the City of Gonzales and Detachment from the Monterey County Resource Conservation District and Gonzales Rural Fire Protection District.

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