BOARD OF SUPERVISORS

1st District Fernando Armenta Lew C. Bauman

2nd District Louis R. Calcagno County Administrative Officer

3rd District W. B. "Butch" Lindley

4th District (Chair) Jerry Smith Charles J. McKee 5th District (Vice Chair) Dave Potter County Counsel

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Salinas, CA 93902

ACTION MINUTES

MONTEREY COUNTY BOARD OF SUPERVISORS MONTEREY COUNTY REDEVELOPMENT AGENCY EAST GARRISON COMMUNITY SERVICES DISTRICT MONTEREY COUNTY WATER RESOURCES AGENCY **TUESDAY, FEBRUARY 28, 2006** 9:30 AM

9:30 a.m.

S-1 Pledge of Allegiance

The Pledge of Allegiance was led this morning 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 of Supervisor Potter, and seconded by Supervisor Lindley, and carried, the Board approved the following additions and corrections to the Agenda:

ITEMS ADDED:

Under Appointments:

A/C-1 Appoint Jacinta Atilano representing SEIU Local 535 to the Equal Opportunity Advisory Commission for a term to end December 31, 2006. (Full Board)

A/C-2 Appoint Bettye Lusk to the Equal Opportunity Advisory Commission for a term to end December 31, 2009. (Full Board)

ITEMS REMOVED:

Under Consent:

- a. Amend the FY 2005-06 Sheriff's Budget Unit 251 to delete one Sr. Corrections 12. Specialist and add one Corrections Specialist; and amend Sheriff's Budget Unit 230 to delete one Sheriff's Records Specialist II and add one Corrections Specialist to Budget Unit 251: and
 - b. Direct the Auditor-Controller to incorporate this change in the FY 2005-06 Sheriff's Budget Unit 251 and 230.
- 27. Acting as the Board of Directors for the EGCSD:
 - a. Adopt a resolution adopting the By-Laws for the East Garrison Community Services District (EGCSD); and

- b. Adopt a resolution electing officers of the Board of Directors of the EGCSD, appointing a General Manager and Clerk and designating the Treasurer; and
- c. Adopt a resolution adopting Policies governing purchasing and bidding, and personnel; and
- d. Adopt a resolution adopting a calendar of regular meetings for the EGCSD Board of Directors.
- 6300.000 S-3 CONSENT CALENDAR REGULAR (See Supplemental Sheet)
- 6300.000 S-4 CONSENT CALENDAR MONTEREY COUNTY REDEVELOPMENT AGENCY (See Supplemental Sheet)
 - S-5 CONSENT CALENDAR EAST GARRISON COMMUNITY SERVICES DISTRICT (See Supplemental Sheet)

APPOINTMENTS:

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

- O401.865 1. **Re-appointed** John Scourkes to the Historic Resources Review Board for a term to end December 31, 2008. (Supervisor Smith)
- 0400.250 A/C-1 **Appointed** Jacinta Atilano representing SEIU Local 535 to the Equal Opportunity Advisory Commission for a term to end December 31, 2006. (Full Board)
- 0400.250 A/C-2 **Appointed** Bettye Lusk to the Equal Opportunity Advisory Commission for a term to end December 31, 2009. (Full Board)

OTHER BOARD MATTERS:

6300.000 2. Board Comments and Referrals

Supervisor Calcagno discussed legislation being brought by Assemblyman Laird on levies. The Supervisor made a referral through the legislative committee to prepare a written letter of support and a request that the Board of Supervisors be sponsors of the legislation and that this be brought back before the Board as soon as possible for mailing to Assemblyman Laird and Salinas.

6300.000 3. Update on Board Referrals

Alana Knaster provided an update on Code Enforcement. Ms. Knaster advised that the staff has done a redraft. The new draft amends the Coastal Zone and therefore must go before the Planning Commission. Consequently, there will be a delay in coming back before the Board of Supervisors, of a couple of weeks.

0600.025 4. CAO Comments

There were no comments.

- 2050.000 5. Public Comment (Limited to 3 minutes per speaker)
 - a. Joe Vierra: Spoke to an issue by a local property owner whose home was in jeopardy due to eroding cliffs. He requested that the County step in to assist this property owner.
 - b. Hans Jongens: Spoke regarding all those in the United States that have lost their job and how President Bush is going over to India to visit workers who have taken American jobs.
 - c. Walter Wagner: Spoke of his work with the Return of the Natives.
- 2050.000 6. **Resolution No. 06-045: Adopted** Resolution commending Yakama Stinson, Monterey County Deputy Sheriff, upon his retirement from public service. (Full Board)

BOARD ACTION: Upon Motion of Supervisor Armenta, and seconded by Supervisor Lindley, and carried.

2050.000

7. **Resolution No. 06-046: Adopted** Resolution Proclaiming the Month of March 2006 as Certified Government Financial Manager Month. (Full Board)

BOARD ACTION: Upon Motion of Supervisor Armenta, and seconded by Supervisor Lindley, and carried.

6300.000

S/A-1 **Authorized** the Board Chair to sign a letter of support for the North Monterey County Unified School District.

BOARD ACTION: Upon Motion of Supervisor Lindley, and seconded by Supervisor Armenta, and carried.

SCHEDULED MATTERS:

6300.000

- S-7 Closed Session under Government Code section 54950, relating to the following items:
 - a. Pursuant to Government Code section 54956.8, the Board will confer with legal counsel regarding the following existing litigation:
 - 1. County of Monterey vs. City of Salinas (Boronda Crossing litigation)
 - 2. California Department of Transportation vs. County of Monterey (Rancho San Juan)
 - 3. LandWatch Monterey County, et al. vs. County of Monterey, et al. (Rancho San Juan)
 - 4. John L. McDonnell, Jr., et al. vs. County of Monterey, et al. (Rancho San Juan)
 - 5. Save Our Peninsula Committee vs. County of Monterey, et al. (Rancho San Juan)
 - 6. City of Salinas vs. County of Monterey (Rancho San Juan)
 - 7. H-Y-H Corporation vs. County of Monterey (Rancho San Juan)

BOARD ACTION: The Board received and update and provided direction.

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

1. General Plan Initiative

BOARD ACTION: The Board conferred with legal counsel on whether this lawsuit is now muted by the Board's actions this evening.

10:00 a.m.

0601.525

- S-8 **BU 05/06-159**:
- 0150.145
- a. **Received** the FY 2005-06 Mid-Year Financial Status Report; and:
- b. **Approved** Budget Changes to Various Budget Units to fund Employee Salary and benefit increases, Office Lease Expenses in the Elections Department, and Purchase Increased Licenses for the Questys System; and
- c. **Increased** Estimated Revenues and Appropriations by \$1,316,815 in various Budget Units to partially finance increased employee salary and benefit costs; (4/5 Vote Required); and
- d. **Approved** Transfer of \$11,681,804 from the General Fund to Natividad Medical Center to cover the first six months' cash loss of Fiscal Year 2005-06 (4/5 Vote Required);

BOARD ACTION: Upon Motion of Supervisor Armenta, and seconded by Supervisor Lindley, and carried.

BOARD COMMENT:

- a. Supervisor Lindley: This is not good news but it is news that was looked into and with a good deal of effort to find solutions were made.
- b. Supervisor Potter: Advised that he could not recall being on any governing body in which the contingency fund is completely deleted.

PUBLIC COMMENT:

a. Hans Jongens: People are loosing their pensions. Why should County employees be any different?

0600.525 S-9 **BU 05/06-141: Received** Status Report on the 0150.145

Governor's Proposed FY 2006-07 Budget and the Proposed

Federal Budget for 2007.

BOARD ACTION: Upon Motion of Supervisor Lindley, and seconded by Supervisor Armenta, and carried.

PUBLIC COMMENT:

Joe Vierra: Funds are being sucked up by the State and are needed by the County. Need more Republicans otherwise they are just going to keep on hammering us.

0601.525 S-10 **BU 05/06-163**:

0150.145

- a. **Received** Updated Three-Year Financial Forecast Report for FY 2006-07 through FY 2008-09.
- b. Effective immediately, approved implementation of Hiring Freeze in the General Fund and Natividad Medical Center Enterprise Fund; and
 - c. Approved proposed Hiring Freeze Guidelines.

BOARD ACTION: Upon Motion of Supervisor Potter, and seconded by Supervisor Lindley, and carried.

PUBLIC COMMENTS:

- a. Joe Vierra: The Budget situation is going to need more aggressive action such as layoffs.
- b. Chad Chadwick: They understand the Hiring freeze but request that Special Clinical employees be exempt.

STAFF RESPONSE:

Rosie Pando: Special Clinical employees would fall under Health and Safety and thus more than likely exempt.

0400.750

S-11 **BU 05/06-162:**

0150.145

- a. Received Natividad Medical Center Budget Action Plan Report; and
- b. Natividad Medical Center Stabilization Blue Ribbon Committee update.

BOARD ACTION: Upon Motion to receive the action plan of Supervisor Lindley, and seconded by Supervisor Calcagno, and carried.

PUBLIC COMMENTS

- a. Joe Vierra: The MIA costs are a leach.
- b. Harry Nestor: Works at Natividad spoke to the employees.
- c. John Jameson: Presented and read a letter.
- d. Jesse Armenta: Is a Trustee of the Board and is also serving on the Blue Ribbon Committee. He advised he was appreciative of additional Blue Ribbon Meetings being added.
- e. Walter Wagner: Member of the Society of Nuclear Medicine and encourages Dr. Chadwick to move forward with those departments that are generating revenue.

12:00 p.m.

Recess to Lunch-Closed Session

1:30 p.m.

0601.525

S-12 **BU 05/06-164:**

0150.145

- a. **Received** presentation from Consultants RSM Mc Gladrey and Hayashi & Wayland regarding Natividad Medical Center (NMC). Topics to be covered include:
 - 1. Financial Analysis of the Status Quo Scenario
 - 2. Assessment of NMC's Action Plan
 - 3. Identification of core and non-core services
 - 4. Operation costs reduction and revenue maximization opportunities

- 5. Labor expense reduction and productivity improvement opportunities
- 6. Vendor and employee contractual rate expense reduction opportunities
- 7. Revenue cycle and cash collection opportunities
- 8. Five-Year Financial Modeling based on various service line configurations
- 9. Board of Trustees structure of Natividad Medical Center and role of County officials on the Natividad Board
- 10. Recommended action and next steps
- b. **Provided** direction to staff with regard to implementation of the NMC Action Plan, recommendations from RSM McGladrey and Hayashi & Wayland, and fiscal implications for the County's FY 2006-07 General Fund Budget..

BOARD ACTION: Upon Motion to pursue Action Plan #4 of Supervisor Lindley, and seconded by Supervisor Calcagno, and carried.

This item was trailed until after S-13.

0601.525

S-13 **BU 05/06-165**:

0150.145

- a. **Received** a report from Foley &
 - Lardner LLP on healthcare alternatives for the operation of Natividad Medical Center; and
- b. **Provided** direction to staff to take all necessary actions to implement the sale, lease, transfer, partnership or restructure of Natividad Medical Center.

BOARD ACTION: Upon Motion of Supervisor Potter and seconded by Supervisor Calcagno, and carried. The motion was amended to include the following direction: 1. Maintain a commitment to provide health care to the indigent. 2. Full JPA discussion/alternatives. 3. Risk Analysis to be completed – Risk Share. 4. Define the Financial Partnership and Associations – Cost Allocations. 5. Labor needs to be at the front of this – SEIU participation. 6. Development of a Transition Plan – Outline & Schedule. 7. This matter needs to be continually brought back with an evaluation and all other analysis to employees. That the employees and public are kept informed. 8. Health Department needs to be a part of this process. 9. Identify the method that will be used to transfer the Real Estate/Capitol (i.e. lease, sale...). 10. Through the CAO – prepare RF to go out so that if this should fall apart the option is still available to seek out all possible providers to the hospital. 11. Take into consideration the Nadar Agha letter. 12. By the CAO authorize staff to retain the necessary legal counsel and that the 30 days to begin 3/1/06.

PUBLIC COMMENTS:

- a. Dr. Jameson: Requested clarification of the legal implications of the medical staff.
- b. Lou Solton: Requested clarification on the taxability of outstanding Certificates. submitted a letter to county counsel. There is no record in the Clerks office.
- c. Jay Hudson: Requested clarification regarding the medical program.

STAFF COMMENTS:

- 1. The county can employ physicians. A District cannot. The physicians at NMC are represented by a Union.
- 2. Certificates of Participation: if a for Profit Organization Probable tax consequences. If a non-profit, then it is probably a matter of a re-financing.
- 3. The Medical program is an annual dance. It was effective 7/1/2005 but have not yet been implemented. The funding has not yet flowed. The state expects to make payments within the next couple of months.

0601.525

S/A-2 **Considered** letter proposal by Salinas Valley Memorial Healthcare System to negotiate alternative organizational structures for Natividad Medical Center to stabilize regional health care needs

This matter was moved to the first matter heard at 1:30 p.m.

^{*}This matter trailed S/A-2 and a letter received yesterday.

5:00 p.m.

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Closed Session - Continued

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6:00 p.m.

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1351.280 S-14 Initiated amending the Monterey

1351.450

County General Plan, including the North County Land Use Plan:

- a. Received and considered reports pursuant to Elections Code section 9111 from Nossaman Guthner Knox & Elliott and from BAE Consultants; and
- b. **Considered** whether to (1) adopt the initiative measure without alteration within 10 days after the 9111 reports are presented or (2) adopt a resolution to submit the initiative measure without alteration to the voters at the next regularly-scheduled statewide election occurring not less than 88 days after the order of election.

BOARD ACTION: Upon Motion to adopt (1)-not to send the initiative to the June Ballot, of Supervisor Lindley, and seconded by Supervisor Smith, and carried.

Roll Call vote:

District 1: Y
District 2: N
District 3: Y
District 4: Y
District 5: N

PUBLIC COMMENTS:

The following spoke in favor of the initiative:

- a. Larry Hawkins
- b. George Urciuoli
- c. Hans Jongens
- d. Mildred Price
- e. Julie Engell
- f. Andy Williams
- g. Jane Parker
- h. Chris Fitz
- i. Arturo Gamino
- j. Tony Barrera
- k. Jyl Lutes
- 1. Annemarie Tresch
- m. Jillian Taylor
- n. Martha Rau
- o. Glenn Robinson
- p. John Durichek
- q. Jan Mitchell
- r. Angelica Lopez Simons
- s. David Fried
- t. Wave Fairchild
- u. Cecile Mills

The following spoke against the initiative:

- Barry Fadem
- Alfred Diaz Infante b.
- Xavier Maruyama c.
- d. Ron Cheshire
- Tom Carvey e.
- f. Sarah Hardgrave
- Joe Vierra
- Kurt Gollack
- Maria Buehl
- Carlos Ramos
- Chris Steinbruner
- Sergio Sanchez 1.
- Sabina Lopez
- Chris Bunn

Order for Adjournment

	APPROVED:
	-
ATTEST: LEW C. BAUMAN, Clerk of the Board	Chair
By: Deputy	

(Supplemental Sheet)

CONSENT CALENDAR

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

HEALTH AND SOCIAL SERVICES:

0601.175 0150.145	8.	Resolution No. 06-047; BU 05/06-154: Amended Personnel Policies and Practices Resolution No. 98-394 to add the classification of Managing Child Support Attorney; amend Fiscal Year 2005-06 Child Support Services Budget Unit 225 to add one (1) Managing Child Support Attorney; and direct the Auditor-Controller to incorporate this change in the FY 2005-06 Child Support Services Budget Unit 225.
0601.100	9.	Approved and authorized the Director of Health to accept contributions of \$12,672 from the Friends of the County Animal Services Center.
0601.150	10.	Agreement No. 10394: Approved and authorized the Director of

0125.000

Health to sign a Behavioral Health Services Agreement with Lebron Consulting Group for \$282,361 effective March 1, 2006 through June 30, 2008 for consultation and evaluation of the La Familia Sana/The Healthy Family Grant.

0601.150 0125.000 11. **Agreement No. 10247: Approved and authorized** the Director of

Health to sign Amendment 1 to Agreement A-10247 with Charis Youth Center for day treatment, medication support, and mental health services for \$119,251 effective July 1, 2005 through June 30, 2006, and for \$123,425 effective July 1, 2006 through June 30, 2007, for a total amount not to exceed \$242,676.

CRIMINAL JUSTICE:

- 12. a. Amend the FY 2005-06 Sheriff's Budget Unit 251 to delete one Sr. Corrections Specialist and add one Corrections Specialist; and amend Sheriff's Budget Unit 230 to delete one Sheriff's Records Specialist II and add one Corrections Specialist to Budget Unit 251; and
- b. Direct the Auditor-Controller to incorporate this change in the FY 2005-06 Sheriff's Budget Unit 251 and 230.

0602.250 0150.145 13. **BU 05/06-155:**

- a. **Approved** increased revenues and appropriations in the amount of \$17,098 in Budget Unit 255-Probation during Fiscal Year 2005-06 (4/5th vote required);
- b. Approved addition of one Accounting Technician position in Budget Unit 255-Probation; and
- c. **Directed** the Auditor-Controller to amend Budget Unit 255 to reflect changes in allocated positions.

0602.250

14. **Resolution No. 06-049: Authorized** the Chief Probation Officer to sign and submit to the California Corrections Standards Authority the Monterey County's Juvenile Probation and Camp Funding Program Agreement for Fiscal Year 2005-06.

0602.250

15. Agreement No. A-10140: Approved and authorized the

0125.000

Purchasing Manager to sign Amendment No. 1 in the amount of \$40,000 to the Professional Services Agreement with TEKSystems, Inc., to provide technical analysis and database support services during Fiscal Year 2005-06.

0602.500

16. **BU 05/06-156**; Agreement No. A-10395

0150.145 0125.000

- a. **Approved and authorized** the Sheriff to submit a joint grant application with the City of Salinas to the Federal government under the Justice Assistance Grants (JAG) Program for FY 2006 in the amount of \$28,631 to purchase technology equipment; and
- b. **Authorized** the County Administrative Officer to sign a Memorandum of Agreement for the grant as well as a joint application with the City Manager of Salinas.

GENERAL GOVERNMENT:

0525.000

17. **2006 CONST 0004**

- a. **Adopted** scope of repairs and specifications to repair building and site deficiencies at the Agricultural Commissioner's buildings 1428 Abbott Street, Salinas; and
- b. **Directed** the Clerk of the Board to advertise for bids to be received no later than 2:00 p.m. on Thursday, March 30, 2006.

0600.850

18. **Agreement No. A-10396**

0125.000

a. **Approved and authorized** the Chair to the Board of Supervisors to sign the Amended Lease (which supercedes Lease Agreement A-08433) to extend the lease period through February 28, 2055 with Rancho Cielo, Inc., a California nonprofit corporation previously known as "Rancho Natividad, Inc.," pursuant to Section 26227 of the Government Code, for property

- formerly known as the Natividad Boys' Ranch, situated at 710 Old Stage Road in Salinas, California for Juvenile Justice Crime Prevention programs and related services; and
- b. Authorized two automatic, twenty-five year extensions to the Amended Lease upon the same terms, covenants, and conditions, unless Rancho Cielo gives written notice to the County of it's intention not to renew.
- 0402.800
- 19. Approved recommendation of the Overall Economic Development Commission (OEDC) to fund the Fiscal Year 2005-06 Development Set-Aside re-granting proposals submitted by the Cultural Council for Monterey County (CCMC) in the amount of \$83,100.
- 0601.160
- 20. BU 05/06-160; Agreement No. A-10398
- 0150.145 0125.000
- a. Approved and authorized the Purchasing Manager to execute a Professional Services Agreement for the period of July 1, 2005 through June 30, 2006 with the Monterey County Office of Education (MCOE) to provide production, broadcasting, videotaping, and related services and equipment to the Government Channel (Ch 28 MGTV) broadcast on the Comcast cable television network in an amount not to exceed \$57,000; and
- b. **Directed** the Auditor-Controller to transfer funds from the Cable TV-PEG Funds account (a restricted revenue account) in the amount of \$57,000 into Revenue Account 001-151-5899, Other Miscellaneous Revenue; and
- c. Approved and authorized the Auditor-Controller to make a payment for services provided under the agreement upon approval of the Information Technology Department.
- 0801.025 21. **Resolution No. E/G 06-001: Adopted** a resolution appointing the Board of Supervisors as the Board of Directors for the East Garrison Community Services District (EGCSD).

RMA - PLANNING AND BUILDING INSPECTION:

0602.200 6000.500

Resolution No. 06-050 22.

- a. Accepted the Final Parcel Map for the minor subdivision [PLN030619, Tovar] of 10.1 acres into two lots of 5+ acres each, Indemnification Agreement, Tax Clearance Letter, Subdivision Title Guarantee and Recording Fee; and
- b. Authorized the Clerk to sign the Parcel Map; and
- c. **Directed** the Clerk of the Board to submit the Parcel Map, and Indemnification Agreement to the County Recorder for filing.

RMA - PUBLIC WORKS:

0602.350 0525.000

23. 2005 CONST 0081; Resolution No. 06-051

- a. Accepted the Certificate of Completion for construction of the Spreckels Boulevard Class II Bicycle Lane Project (Project No. 05-866265); and
- b. Authorized the Public Works Director to execute and record the Notice of Completion.

0602.350

24. 2005 CONST 0085; Agreement No. A-09160

0525.000 0125,000

- a. **Approved** Amendment No. 5 in the amount of \$19,918 for a total amount not to exceed \$511,098 to the Professional Services Agreement with Advanced Engineering Design for additional engineering services for the Spreckels Boulevard/Reservation Road Bicycle Path and Bridge Project, Federal Aid Project No. 5944 (062) (Project No. 05-866424); and
- b. Authorized the Public Works Director to execute the Amendment and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

0602.350

0525.000

05 CONST 0050: 25.

- a. Awarded a contract in the amount of \$261,765 to Hough Construction Company, Inc., for construction of the Public Works Material Testing Laboratory Relocation Project (Project Bid
- b. Approved the performance and payment bonds executed and provided by Hough Construction Company, Inc.;

- c. **Established** a contingency not to exceed 10% of the contract amount; and
- d. **Authorized** the Public Works Director to execute the contract.

RMA - MONTEREY COUNTY REDEVELOPMENT AGENCY

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

5100.000	26.	BU 05/06-157; Agreement No. A-10397: Approved and
0150.145		authorized the Chair to sign the Memorandum of Agreement
0125.000		among the Fort Ord Reuse Authority, the Redevelopment Agency of the County of Monterey, and
		East Garrison Partners I, LLC concerning certain base wide funding obligations of the Fort Ord
		Reuse Authority on portions of the former Fort Ord.

EAST GARRISON COMMUNITY SERVICES DISTRICT

- 27. Acting as the Board of Directors for the EGCSD:
 - a. Adopt a resolution adopting the By-Laws for the East Garrison Community Services District (EGCSD); and
 - b. Adopt a resolution electing officers of the Board of Directors of the EGCSD, appointing a General Manager and Clerk and designating the Treasurer; and
 - e. Adopt a resolution adopting Policies governing purchasing and bidding, and personnel; and
 - d. Adopt a resolution adopting a calendar of regular meetings for the EGCSD Board of Directors.

MONTEREY COUNTY WATER RESOURCES AGENCY

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

0802.900
0150.145

BU 05/06-158: It is recommended that the Board of Supervisors
approve the purchase of two flood control pumps for the Castroville pumping station for an
amount not to exceed \$110,000 and transfer \$110,000 within the Moro Cojo Slough Fund 237,
Budget Unit 930 Services and Supplies to Fixed Assets and Equipment.