

A C T I O N M I N U T E S**MONTEREY COUNTY BOARD OF SUPERVISORS
AND THE MONTEREY COUNTY REDEVELOPMENT AGENCY****Tuesday, February 4, 2003 at 9:30 a.m.****Recess to Lunch from 12:00 Noon to 1:30 p.m.****9:30 a.m.**

Following the Pledge of Allegiance, the Chair called for a minute of silence, in remembrance of Commander Rick D. Husband, Pilot William C. McCool, Mission Specialists Kalpana Chawla, David M. Brown, Laurel B. Clark and Michael P. Anderson, and Payload Specialist Ilan Ramon. These seven astronauts manned the crew of the Space Shuttle Columbia, and perished on Saturday, February 1, 2003 during re-entry from a mission in space.

S-1 Additions and corrections to the Agenda.

Upon motion of Supervisor Potter, seconded by Supervisor Johnsen, and unanimously carried, the Board approved the following additions and corrections to the Agenda, due to the need for immediate consideration by the Board of matters which arose after the posting of today's agenda:

Upon the request of Virgil Schwab, Director of Information Technology, add to Consent, "General Government," approval of a two month extension of the term of the Cable TV Franchise of Charter Communications pending completion of the negotiations for a franchise renewal.

Upon the request of Supervisor Johnsen, add under "Other Board Matters," adopt a Resolution honoring Foster Alexander, a Golden Heritage Member of the NAACP, as an Unsung Hero by the Monterey Peninsula Branch for the year 2003.

The Board is asked by County Counsel to add to Scheduled Matter S-11, Closed Session, the following:

- a. Pursuant to Government Code Section 54956.9(a), the Board of Supervisors will confer with legal counsel regarding the following existing litigation:
 1. Orradre Ranch, et al. v. Monterey County Water Resources Agency [Case No. 115777 (Sixth DCA H025282), M55891, M54484, and M45589)]; and Tanimura and Antle, et al. v. Monterey County Water Resources Agency, et al. [Case No. M46013]

Under Scheduled Matter S-11, Closed Session, remove from the Agenda and take no action on Sub-Section (b), performance evaluation, for the following: "Public Employment: Natividad Medical Center - CEO."

S-2 CONSENT CALENDAR - REGULAR (See [Supplementary Sheet](#), attached)

S-3 CONSENT CALENDAR - MONTEREY COUNTY REDEVELOPMENT AGENCY

2050.000 S-4 PUBLIC COMMENT PERIOD:

1. **Philip Moore, President of the Salinas Valley Federation of Teachers, addressed the Board concerning proposed reductions of services offered at the Natividad Medical Center.**
2. **Douglas Fay requested the Board to direct staff to draft an Ordinance restricting unauthorized and damaging off-road use of the Salinas River, to increase protection of the river, river bed and riparian habitat.**

APPOINTMENTS:

Upon motion of Supervisor Calcagno, seconded by Supervisor Johnsen, and unanimously carried, the Board approved the following appointments:

- 0401.872 1. **Appointed** Ramona Robles and Irma Moreno to fill existing vacancies, and **reappointed** John O'Brien, to the In-Home Supportive Services Public Authority, for terms to end on November 3, 2006. (Full Board)
- 0400.435 2. **Appointed** Amy Jones, replacing Ken Caldwell, to the Older American's Advisory Council, for a term to end on January 1, 2004. (Potter)
- 0401.865 3. **Reappointed** Ted Larson, to the Historic Resources Review Board, for a term to end on December 31, 2005. (Potter)
- 0401.750 4. **Reappointed** Terry Hughes, to the Fish and Game Advisory Commission, for a term to end on February 1, 2006. (Lindley)
- 0802.000 5. **Reappointed** Richard Morgantini, to the Monterey County Water Resources Agency Board, for a term to end on December 31, 2006. (Full Board)

OTHER BOARD MATTERS:

6300.000 6. Board comments and referrals:

1. **Upon the request of Supervisor Lindley, the Board requested the County Administrative Officer to report**

back to the full Board on the Supervisors' correspondence policy.

2. Upon the request of Supervisor Calcagno, the Board set a joint public hearing on Tuesday, February 18, 2003 at the hour of 1:30 p.m., between the Board of Supervisors, and the Board sitting as the Board of Supervisors of the Monterey County Water Resources Agency, to consider approving a letter of support for the consolidation of small water systems in the North Monterey County Hydrogeologic Study Area.

- 0600.025 7. County Administrative Officer's comments and reports: **None.**
- 2050.000 8. **Resolution No. 03-033: Adopted** Resolution commending Nessen Schmidt as Monterey County Cattlemen's Association "Cattleman of the Year 2003." (Lindley)
BOARD ACTION: Upon motion of Supervisor Lindley, seconded by Supervisor Calcagno, and unanimously carried.
- 2050.000 9. **Resolution No. 03-034: Adopted** Resolution commending Laura Beechinor Orradre as Monterey County Cattlemen's Association "Cattlemethod of the Year 2003." (Lindley)
BOARD ACTION: Upon motion of Supervisor Lindley, seconded by Supervisor Calcagno, and unanimously carried.
- 2050.000 10. **Resolution No. 03-035: Adopted** Adopt Resolution commending Nate Holaday as recipient of the 2002 King City Chamber of Commerce Citizen of the Year. (Lindley)
BOARD ACTION: Upon motion of Supervisor Lindley, seconded by Supervisor Calcagno, and unanimously carried.
- 2050.000 NA/1 **Resolution No. 03-039: Adopted** a Resolution honoring Foster Alexander, a Golden Heritage Member of the NAACP, as an Unsung Hero by the Monterey Peninsula Branch for the year 2003.
BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried.

SCHEDULED MATTERS

10:00 a.m.

- 0601.175 S-5 Public hearing to approve Community Development Block Grant (CDBG) Application for City of Salinas' Lupin Gardens Transitional Housing Project - Interim Inc. and Chualar Farmworker Housing Rehabilitation Project - Housing Authority of Monterey County.
BOARD ACTION: Upon motion of Supervisor Potter, seconded by Supervisor Calcagno, and unanimously carried, the Board adopted Resolution No. 03-044, approving the staff's recommendation.

- 0601.175 S-6 Public hearing to authorize commitment of Community Development Block Grant (CDBG) Program reuse income for Castroville Child and Family Development Center.
BOARD ACTION: Upon motion of Supervisor Potter, seconded by Supervisor Calcagno, and unanimously carried, the Board approved the staff's recommendation.
- 0125.000 S-7 **Agreement Nos. A-09315, A-09316, and Resolution No. 03-045:** Approved real estate option agreement between the Redevelopment Agency of the County of Monterey and East Garrison Partners I, LLC (Redevelopment Agency); Consented and agreed to option agreement on behalf of County of Monterey (Board of Supervisors); Reserve 470 acre feet of water from the County's total Fort Ord water allocation for use at East Garrison pending environmental review and project approvals (Board of Supervisors).
BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Potter, and unanimously carried, the Board approved the following actions:
- a. **Agreement No. A-09315:** Acting as and on behalf of the Redevelopment Agency of the County of Monterey, the Board approved the Real Estate Option Agreement between the Agency and East Garrison Partners I, LLC;
 - b. **Agreement No. A-09315:** Acting as and on behalf of the County of Monterey, the Board approved the Consent and Agreement of the County of Monterey," consenting to the terms of the Option Agreement; and
 - c. **Resolution No. 03-045:** Acting as and on behalf of the County of Monterey, the Board adopted a Resolution reserving 470 acre feet of water from the County's total Fort Ord water allocation to serve the project to be proposed by Developer on the East Garrison Tract "O" property at the former Fort Ord, with the County to determine the exact amount of the allocation and make the allocation upon the processing of Developer's development application for the Property, environmental review required by CEQA, verification by the Marina Coast Water District of sufficient water supply to serve the project, and Developer obtaining all necessary land use authorizations and entitlements.
- 0602.200 S-8 **Received** oral presentation on technological advances in the Planning and Building Inspection Department and future plans: The demonstration will include an introduction to the use of GIS in screening applications, the on-line permitting system (Velocity Hall), the newly introduced file storage and management system and plans for the receipt and storage of electronic reports and documents from applicants.
BOARD ACTION: Upon motion of Supervisor Potter, seconded by Supervisor Lindley, and unanimously carried, the Board received the presentation.

11:00 a.m.

1351.450 S-9 **Accepted** Status Report on Ad Hoc Committee for Salinas Valley Cities/County of Monterey Growth Agreement; **Provided** direction to staff regarding distribution of regional housing allocation for inclusion of draft Housing Element. **BOARD ACTION: Supervisor Johnsen moved that the Board provide authorization to staff to utilize Alternate No. 3: Acreage/units distributed to community areas, affordable housing overlay zones (Peninsula and farmworker housing) and Rancho San Juan expanded area, regarding distribution of AMBAG/HCD regional housing allocation for inclusion in the draft Monterey County Housing Element, to be presented for Board of Supervisors' consideration at a later date. This alternate will be tied to the Draft General Plan itself, and will be subjected to the Environmental Impact Report process and subsequent review. The motion included support for a parallel process, and direction to staff to return to the Board on Tuesday, February 25, 2003 at 4:30 p.m. with a status report on this item. Supervisor Calcagno seconded the motion, and it carried by the following vote, to-wit:**

AYES: Supervisors Calcagno, Johnsen and Potter.

NOES: Supervisors Armenta and Lindley.

ABSENT: None.

11:45 a.m.

S-10 **Continued indefinitely** a tour the New Holding Cells project in the North Wing of the Monterey County Government Center, Salinas.

12:00 p.m.

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Recess to lunch

1:30 p.m.

—
S-11 Closed Session relating to the following items:

0950.000 a. Pursuant to Government Code Section 54957, the Board will discuss one matter of public employment:
Position Title: County Counsel

BOARD ACTION: No reportable action taken.

0950.000 b. Pursuant to Government Code Section 54957, the Board will provide a performance evaluation for the following positions:
Public Employment - Equal Opportunity Officer;

BOARD ACTION: No reportable action taken.

6200.000

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

1. Orradre Ranch, et al. v. Monterey County Water Resources Agency [Case No. 115777 (Sixth DCA H025282), M55891, M54484, and M45589)]; and Tanimura and Antle, et al. v. Monterey County Water Resources Agency, et al. [Case No. M46013]

BOARD ACTION: In order to avoid any appearance of a potential conflict of interest, Supervisor Lindley recused himself from participating in Closed Session regarding these cases. Interim County Counsel David Nawi announced that no reportable action was taken on these cases.

0300.000

d. Pursuant to Government Code Section 54956.9(b), the Board will confer with legal counsel regarding the following potential litigation:

1. Claims (2) of George Peterson
2. Claim of William and Arlene Yaley
3. Claim of John Knight

BOARD ACTION: David Nawi, Interim County Counsel, reported that on Tuesday, January 28, 2003, in Closed Session, the Board voted to deny these claims.

2:30 p.m.

0601.525 S-12 **Continued** approval of the revised Natividad Medical Center (NMC) Bylaws.

BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Potter, and unanimously carried, the Board continued approval of the revised Natividad Medical Center Bylaws to Tuesday, February 18, 2003.

0150.142 S-13 Natividad Medical Center budget discussion. (Continued
0601.525 from January 28, 2003)

BOARD ACTION: After receipt of a staff presentation from Sally Reed, County Administrative Officer, and David Small, Chief Executive Officer, Natividad Medical Center, and receipt of public testimony, the Board approved the following actions, based on the County Administrative Officer's recommendations:

1. Upon motion of Supervisor Johnsen, seconded by Supervisor Potter, and unanimously carried, the Board authorized the County Administrative Office to retain the accountant firm of Hayashi and Wayland, with a Professional Services Contract, to conduct a Natividad Medical Center financial condition assessment, as outlined in the staff report. The motion included direction to the County Administrative Officer to place approval of the contract

on the Board's agenda on Tuesday, February 18, 2003, as well as direction that the financial condition assessment be reported back to the Board within 60 days.

2. Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried, the Board gave direction to the County Administrative Officer to create the three committee structure and protocols, as outlined by Ms. Reed, as follows:
 - Hospital Executives Committee to look at joint ventures and collaborations, to include executive participation from each of the hospitals, including the CEO's or the Presidents of their Boards, if possible. The same would be expected from the County.
 - A Committee to review Patient Care and Patient Care Alternatives, what are the referral capabilities in the County, what is the capacity in our Health Department clinics and elsewhere to meet some of these needs, and to define the implications of referring patient business to a declining source of service.
 - A Committee composed of financial people, and people who are interested in helping the County from a financial and accounting perspective, to develop proposals for collecting revenue from every available source.

Direction is given that at least two Supervisors will sit on the Hospital Executives Committee, to create the liaison. The membership will be kept open for one more week, to allow interested persons to submit their names for consideration. Upon the request of Supervisor Calcagno, the Board directed the County Administrative Officer to look at a steering committee structure, that when the joint venture committee returns to the Board with their recommendations, that maybe 2 or 3 members meet with each committee to develop consensus, prior to making their presentations to the Board.

Chair Armenta appointed Supervisor Potter and himself to represent the full Board on the Hospital Executives Committee. This group will be convened next week, for an initial report back to the full Board on Tuesday, February 18, 2003 under "Other Board Matters," scheduled on or about 9:30 a.m. The three committees are directed to report back with findings and recommendation, to this Board within 60 days.

3. Upon motion of Supervisor Johnsen, seconded by Supervisor Armenta, and unanimously carried, the Board directed that the report of the impact of the \$3 million list be set

for discussion at the February 25, 2003 Board's Budget Committee meeting, which shall be a committee of the full Board.

4. Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried, the Board granted permission to hold Bielensen Hearings. Concurrently, staff is directed to develop a patient mitigation plan, to be reported back to the Board. The Board will be holding Bielensen Hearings on proposed reduction in health care services. The fundamentals of how the County provides the services and mitigates the impact, at least on those issues, need to be reported to the Board in some detail in order to develop a protocol. These actions will not prejudice any actions that the Board will be taking in the future.
5. Upon motion of Supervisor Johnson, seconded by Supervisor Calcagno, and unanimously carried, the Board determined that should unforeseen circumstances lead to an expected deficit in the enterprise Fund of Natividad Medical Center (NMC), the Department and the Board of Trustees shall act with urgency to bring revenues and expenditures into balance as quickly as feasible but no later than the end of the following fiscal year.
6. Upon motion of Supervisor Johnsen, seconded by Supervisor Potter, and unanimously carried, the Board adopted the policy that employees whose positions are deleted in the downsizing shall be offered other positions for which they may be qualified at NMC or within the County if available.
7. Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried, the Board referred the following policies:
 - a. New initiatives expected to be profitable shall be initiated based on proformas and market analysis which verify profitability at a level of confidence of at least 80%.
 - b. Improved reimbursement and enhanced collection of revenues due NMC shall be accomplished.
 - c. When revenue improvements cannot close the gap, expenditure reductions including any appropriate service/program reductions will be made to the degree necessary to assure the financial solvency of NMC.

to the appropriate committees for a thorough discussion, report and recommendation back to this Board.

Ms. Reed, CAO, discussed recommendations No. 9 and 10, concerning emergency services and acute inpatient services as defined by licensure requirements shall be given priority

over outpatient services when service reductions are enacted, and when County salaries for essential positions are below those paid by private vendors, improvements in wages shall be sought when contract negotiations are undertaken. No formal action is taken by the Board at this time on these issues.

THE BOARD RECESSED THIS MEETING TO MONDAY, FEBRUARY 10, 2003 at 12:00 P.M. AT THE LEADERSHIP INSTITUTE, 2354 GARDEN ROAD, MONTEREY, FOR A CLOSED SESSION, PURSUANT TO GOVERNMENT CODE SECTION 54957, TO DISCUSS ONE MATTER ON PUBLIC EMPLOYMENT - POSITION TITLE: COUNTY COUNSEL.

THE BOARD WILL THEN RECESS TO TUESDAY, FEBRUARY 11, 2003 AT 9:30 A.M. AT THE LEADERSHIP INSTITUTE FOR A BOARD RETREAT AND STRATEGIC PLANNING SESSION.

APPROVED:

_____, Chair

ATTEST:

SALLY R. REED,
Clerk of the Board

By: _____
Deputy

[\(Supplementary Sheet\)](#)

CONSENT CALENDAR

Upon motion of Supervisor Johnsen, seconded by Supervisor Lindley, and unanimously carried, the Board approved the following actions, except as otherwise noted:

NATIVIDAD MEDICAL CENTER:

0125.000 11. **Agreement No. A-09245: Approved and authorized** the CEO of Natividad Medical Center (NMC) to sign an amendment to an existing Professional Service Agreement with Supplemental Health Care Services, a temporary nursing and technologist registry company, to increase NMC's agreement from \$100,000 to \$200,000.

0125.000 12. **Agreement No. A-09307: Approved and authorized** the CEO of Natividad Medical Center (NMC) to amend NMC's existing Professional Service Agreement with Aureus, a temporary technologist registry company, to increase the agreement by \$400,000. The total agreement will be for \$730,000.

HEALTH AND SOCIAL SERVICES:

- 0125.000 13. **Agreement No. A-09308: Approved and authorized** the Director of Health to sign an Agreement with Southern Monterey County Memorial Hospital, DBA George L. Mee Memorial Hospital, for the provision of clinical services in South Monterey County in the amount of \$50,000 for the period of October 1, 2002 through June 30, 2003; and **authorized** the Director of Health to approve future amendments up to 50% of the annual amount, which do not significantly alter the scope of work or result in an increase to net county cost.
- 0125.000 14. **Agreement No. A-08583: Approved and authorized** the Director of Health to sign an Amendment to agreement #R40377 With Butte County in the amount of \$6,041 for the period of July 1, 2001 through June 30, 2003 for health services to eligible individuals through the provision of Medi-Cal Administrative activities and/or targeted case management; and **authorized** the Director of Health to approve future amendments up to 50% of the annual amount, which do not significantly alter the scope of work or result in an increase to net county costs.
- 0125.000 15. **Agreement No. A-09309: Approved and authorized** the Director of Health to sign a Memorandum Of Understanding between the Monterey County Health Department and the Alisal Union School District in the amount of \$50,000 to fund a Health Department position to enroll eligible families in the Healthy Families and Medi-Cal Programs for the period of January 1, 2003 through June 30, 2004; and **authorized** the Director Of Health to approve future amendments up to 50% of the annual amount, which do not significantly alter the scope of work or result in an increase to net County cost.
- 0125.000 16. **Agreement No. A-09310: Approved and authorized** the Director of Health to sign an agreement with Monterey County Health Consortium in the amount of \$150,000 for the development of the Consortium, data collection and analysis for the period January 1, 2003 through June 30, 2003; **authorized** the Director of Health to approve modifications of up to 50% of the amount of the agreement, provided there is no additional net county cost; and **authorized** the Director of Health to carry forward any un-obligated portion of the \$403,566 FY 2002-2003 budget appropriated for the Monterey County Health Consortium to FY 2003-2004.
- 0125.000 17. **Agreement No. A-09311: Approved and authorized** Chair to sign an agreement with Sun Street Centers in the amount of \$45,000 for the provision of clinical supervision and recovery support services for the period of July 1, 2002 through June 30, 2003; and **authorized** the Director of Social Services to make amendments to the contracts as necessary up to 50% of the contract amount.

- 0125.000 18. **Agreement No. A-09312: Approved and authorized** Chair to sign an agreement with Unity Care Group, Inc. in the amount of \$70,000 for the provision of emergency shelter services for the period of July 1, 2002 through June 30, 2003; and **authorized** the Director of Social Services to make amendments to the contracts as necessary up to 50% of the contract amount.
- 0125.000 19. **Agreement Nos. A-09313 and A-09314: Approved and authorized** Chair to sign agreements for Promoting Safe and Stable Families (PSSF) services, totaling \$70,000, with community agencies for the provision of services to families and children/youth for federal Fiscal Year (FFY) 2003; **increased** appropriations and estimated revenues of \$70,000; and authorize the Director of the Department of Social Services to sign future amendments and contract extensions, as follows:

Agr #	Agency	Service	Amount
A-09313	Salvation Army Pajaro	Family Service	\$ 35,000
A-09314	Shelter Outreach Plus	Family Service and Information and Assistance	\$ 35,000

- 0403.425 20. **Accepted and approved** the Social Services Commission's Annual Report to the Board of Supervisors.

GENERAL GOVERNMENT:

- 6300.000 21. **Approved** Action Minutes for the meeting of Tuesday, January 21, 2003, copies having been distributed to each Board Member.
- 0900.000 22. **Approved** designation of County staff authorized to execute documents and applications for the purposes of obtaining financial assistance in accordance with the Federal Emergency Management Agency 2002 Supplemental Appropriations for Citizen Corps Council and Community Emergency Response Team (Cert) Programs.
- 0600.050 23. **Resolution No. 03-040: Amended** Auditor-Controller 0150.142 Budget Unit 111 to delete Senior Administrative Analyst Allocation.
- 0601.175 24. **Resolution Nos. 03-041 and 03-042; Agreement No.**
0125.000 **A-09306: Adopted** Resolution approving Associate Membership in the Association of Bay Area Governments (ABAG); and **adopted** Resolution approving the issuance and sale of Variable Rate Demand Revenue Bonds by ABAG Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed \$10,000,000 for the benefit of KTEH Foundation, and **approved** an Associate Membership Agreement No. A-09306 by and between the ABAG Finance Authority for Nonprofit Corporations and the County of Monterey.

0200.260 NA/1 **Approved** a two-month extension to the existing Cable TV Franchise Agreement with Charter Communications, extending the existing agreement through March 31, 2003.

PUBLIC WORKS:

- 2800.000 25. **Introduced, waived the reading, and set** February 25, 2003 at 11 a.m. for a public hearing to adopt an ordinance amending Monterey County Code Title 12, Section 12.28.010 to prohibit parking on a portion of Lower Trail in the Carmel area.
- 2800.000 26. **Introduced, waived the reading, and set** February 25, 2003 at 11 a.m. for a public hearing to adopt an ordinance amending Monterey County Code Title 12, Section 12.24.020 to establish a stop intersection at Holt Road and Palisade Drive in Carmel Valley.
- 2800.000 27. **Introduced, waived the reading, and set** February 25, 2003 at 11 a.m. for a public hearing to adopt an ordinance amending Monterey County Code Title 12, Section 12.28.010 to prohibit parking on Elsa Street and Gonda Street in the community of Pajaro.
- 2800.000 28. **Introduced, waived the reading, and set** February 25, 2003 at 11 a.m. for a public hearing to adopt an ordinance amending Monterey County Code Title 12, Section 12.28.010 to prohibit parking on portions of Fontes Lane in the community of Boronda.
- 2800.000 29. **Introduced, waived the reading, and set** February 25, 2003 at 11:00 a.m. for a public hearing to adopt an ordinance amending Monterey County Code Title 12, Sections 12.28.022 and 12.28.012 to increase the commercial vehicle parking restriction from between "10 p.m. and 6 a.m." to "at any time"; and Section 12.28.010 to prohibit parking at all times on other portions of San Juan Grade Road, Salinas area.
- 2800.000 30. **Introduced, waived the reading, and set** February 25, 2003 at 11 a.m. for a public hearing to adopt an ordinance amending Monterey County Code Title 12, Section 12.28.010 and Section 12.28.021 to establish parking restrictions on portions of San Juan Road in the community of Pajaro.
- 0525.000 31. **Resolution No. 03-043: Approved** Contract Change Order No. 1 in the amount of \$142,899: **accepted** the Certificate of Completion, and **authorized** execution and recordation of the Notice of Completion for construction of the Abbott Street/Harris Road Intersection Improvement Project.

MONTEREY COUNTY REDEVELOPMENT AGENCY

Upon motion of Supervisor Johnsen, seconded by Supervisor Potter, and unanimously carried, the Board approved the following actions:

- 0125.000 32. **Agreement No. A-09305: Approved** the signing of a Memorandum of Understanding between Community Improvement Systems and Planning Association, Inc. (CHISPA) and the County of Monterey for the purpose of establishing a program to assist employees of Monterey County to purchase moderate-income priced housing.

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