

A C T I O N M I N U T E S

MONTEREY COUNTY BOARD OF SUPERVISORS

Tuesday, March 25, 2003 at 9:30 a.m.

9:30 a.m.

2050.000 S-1 Pledge of allegiance with one minute comment by community member in support of individuals serving with the armed forces in Middle East.
BOARD ACTION: Received comments from Supervisor Lindley in support of our troops and the Board observed a moment of silence in their honor.

6300.0000 S-2 Additions and corrections to the Agenda

Upon motion of Supervisor Calcagno, 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:

Remove from the agenda, and take no action on the following items listed under "Consent, Natividad Medical Center:"

7. Approve and authorize the CEO of Natividad Medical Center (NMC) to sign Amendment No. 1 to increase the professional service agreement with UCSF for Perinatal/Neonatal Services.
8. Approve and authorize the CEO of Natividad Medical Center to increase an established purchase order(B960349437), with Johnson Electrics for data and voice jack installation for various NMC department moves and/or new installations.
10. Approve and authorize the CEO of Natividad Medical Center (NMC) to reallocate funds for nurse registry vendors and approve associated amendments to the vendors' Professional Service Agreements for fiscal year 2002-2003.

11. Approve and authorize the CEO of Natividad Medical Center (NMC) to sign an amendment (Amendment #7) to the Professional Services Agreement with Agostini and Associates, to increase the existing purchase order for nurse registry personnel.

Upon the request of County Counsel, the Board added the following to the Closed Session Agenda:

NA/1 "Pursuant to Government Code Section 54956.9(a), the Board conferred with legal counsel regarding the following existing litigation:

1. Christensen v. County of Monterey
2. Shimabukuro v. County of Monterey
3. Camacho v. County of Monterey

NA/2 **Upon the request of Supervisor Johnsen, the Board adjourned today's meeting in memory of Gloria Grenfell, deceased.**

NA/3 **Upon the request of County Counsel, the Board added the following matter to the Consent Calendar under General Government:**

Approve contract with Charles J. McKee to serve as County Counsel.

NA/4 **Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried, the Board approved the following addition to the agenda:**

Upon request of County Counsel, the Board was asked to add the following after the Beilenson hearing (Item S-15):
Approve letter to representatives of employee organizations inviting them to attend the April 8, 2003 meeting of the Budget Committee; Authorize CAO to sign. (4/5 vote required)

S-3 CONSENT CALENDAR - REGULAR (See [Supplementary Sheet](#), attached)

S-4 CONSENT CALENDAR - SPECIAL DISTRICTS

2050.000 S-5 PUBLIC COMMENT PERIOD:

The Board received the following comments from members of the public:

1. The following members of the public spoke in opposition of the 25% budget cutback for County custodial workers: Julie Filice, Jesus and Maria Anaya, and Fernando Vargas.
2. Hazel Tompkins addressed the Board asking that the Board adopt a process so that public comments be taken in the order in which the speaker request form was submitted, she expressed support to the President of the U.S. and our troop's at war

in Iraq, and paid former County Supervisor Sam Karas, deceased, a compliment stating he was always helpful and accessible to the public.

3. Phil Shapter submitted an article from the Sunday Herald regarding the County paying the \$250,000 settlement to Jennifer Christensen of which he expressed opposition and the Director of the Parks Department.
4. Margaret Giberson addressed the Board regarding the ALUC approval of an appeal (former Carmel Valley Airport) for applicants: Richard & Carolyn Gold; Mrs. Giberson submitted an appeal to the Clerk's office along with a check for the filing fee.
5. Hans Jongens, spoke on the war in Iraq and spoke on our water supply stating fluoride in the water is poison and should not be used as an additive.
6. Mark Sherman addressed the Board complimenting the County's excellent web site.

APPOINTMENTS:

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

- 0401.560 1. **Reappointed** Astrid Lang, to the Community Restorative Justice Commission, for a term to end on March 25, 2006. (Johnsen)
- 0402.800 2. **Appointed** Dave McCall, representing the City of Marina, to the Overall Economic Development Committee, to fill the unexpired term of Michael Morrison, to end on June 6, 2004. (Full Board)
- 0401.850 3. **Appointed** Ferne Mammen as Commissioner Emeritus on the Historical Advisory Commission. (Full Board)

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OTHER BOARD MATTERS:

- 6300.000 4. Board comments and referrals:

Supervisor Johnsen referred to Sally Reed, CAO, the issue of position cutbacks addressed under today's public comment from the County custodians asking that a policy be adopted for an early layoff notification process to any County employee and address how the implementation of negotiable rights will be handled as well as address the timelines of mutual contracts with us. Supervisor Johnsen stated she would like a response to the questions posed on the letters submitted by the custodians during public comment. She

stated staff should meet with the custodians and the union to find ways to keep those employees and suggested private contracting-out.

Supervisor Potter spoke on the Big Sur Sheriff's Department and the cutbacks on law enforcement in Big Sur.

0600.025 5. County Administrative Officer's comments and reports:

Sally Reed, CAO, stated no action will be taken on the cutbacks until the budget is approved by the Board; she stated she will follow up with the custodian staff.

2050.000 6. **Resolution No. 03-102: Adopted** Resolution honoring Randy Venard upon receiving Monterey County Hospitality Association's Hospitality Professional of the Year award. (Potter)

BOARD ACTION: Upon motion of Supervisor Potter, seconded by Supervisor Johnsen, and unanimously carried.

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SCHEDULED MATTERS
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10:00 a.m.

3150.000 S-6 **Received** status report for Combined Development Permit (PLN000357/Gamboa) for a 78 bed assisted care living facility with associated improvements and grading to include related permits for 30% slope, floodplain development, and change to a public/quasi public use. The project is located at the southwest corner of Carmel Valley Road and Val Verde Drive, east of Carmel Rancho Boulevard (Assessor's Parcel Number 015-021-036-000).

BOARD ACTION: Upon motion of Supervisor Potter, seconded by Supervisor Johnsen, and unanimously carried, the Board received the report. (Hearing scheduled for April 22, 2003 @10:30 a.m.)

3150.000 S-7 **Received** status report to the Board of Supervisors on permit and condition compliance for the four parcels of the Dolan Industrial Park located at 516 Dolan Road, North Monterey County, Coastal Zone.

BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Lindley, and unanimously carried, the Board received the report.

3150.000 S-8 Public hearing regarding the Planning Commission decision relating to the El Sur Ranch Lot Line Adjustment (Hill PLN010530). The project consists of a Coastal Development Permit for a Lot Line Adjustment of approximately 960 acres of the 7000+/- acre El Sur Ranch. The proposal is to reconfigure ten parcels ranging from 47 acres to 196 acres. The property is located east of the confluence of the north and south forks of the Little Sur River (Assessor's Parcel

Numbers: portions of 418-021-021-000, 418-021-025-000 and 418-021-034-000), east of Old Coast Road, Big Sur area, Coastal Zone.

BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Johnsen, and unanimously carried, the Board continued this public hearing, open, to Tuesday, May 27, 2003 at 10:00 a.m. to allow time for additional research on the issues related to the appeal.

11:00 a.m.

2800.000 S-9 **Adopted Ordinance 04178:** Public hearing to adopt an Ordinance amending Chapter 15.08 (Well Construction) of Title 15 of the Monterey County Code to prohibit the drilling of new water wells in a circumscribed Prohibition Zone near the Monterey Peninsula Airport known to have groundwater contamination, and to regulate the drilling of new water wells in a circumscribed Consultation Zone surrounding the Prohibition Zone.

BOARD ACTION: Upon motion of Supervisor Potter, seconded by Supervisor Johnsen, and unanimously carried, the Board adopted Ordinance No. 04178.

0601.175 S-10 **Adopted Resolution No. 03-106:** Public Hearing to approve Joe Serna, Jr. Farmworker Housing Grant Program and USDA Rural Development Housing Preservation Grant Program applications for housing rehabilitation

BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Lindley, and unanimously carried, the Board adopted Resolution No. 03-106 approving the staff's recommendations.

11:45 a.m.

0802.000 S-11 **Held** a protest hearing on Salinas Valley Water Project 218 Ballot.

BOARD ACTION: Upon motion of Supervisor Armenta, seconded by Supervisor Calcagno, and unanimously carried, the Board closed the public hearing and directed staff to return on April 8, 2003 at 10:00 a.m. with the results of the ballot count.

12:00 p.m.

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Recess to Budget Committee Meeting (Full Board)

1:30 p.m.

S-12 Closed Session relating to the following items:

6200.000 a. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding the following existing litigation:

1. Shaw-Sicuranzo v. Jamila, et al.
2. H-Y-H Corporation, Inc. v. County of Monterey, et al.
- NA/1 3. Christensen v. County of Monterey
- NA/1 4. Shimabukuro v. County of Monterey
- NA/1 5. Camacho v. County of Monterey

BOARD ACTION: There was no reportable action for items 1, 2 and 4 above; for item 3, the Board approved Agreement No. A-09354; and for item 5, the Board approved Agreement A-09355.

- 0300.000 b. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding the following potential litigation:

1. Claim of Gabriella R. Vigil

BOARD ACTION: The Board denied the leave to file a late claim and denied the claim relating to medical malpractice.

- 0950.000 c. Conference with labor negotiators pursuant to Government Code section 54957.6.

BOARD ACTION: No reportable action taken.

2:30 p.m.

- 3150.000 S-13 **Adopted Resolution No. 03-108: Held** public hearing on a Combined Development Permit consisting of a Coastal Development Permit for a subdivision (Silva: a.k.a. Blackie Meadow Estates, PLN990227) to create 5 new residential parcels and a remainder, with a water system. Proposed Lots 1, 3, 4, and 5 average five acres in area; Lot 2 has been configured for 9.58 acres in area, and the remainder parcel is proposed to be 14.84 acres in area. Approximately 10 acres of the remainder parcel adjacent to Blackie Road is within the Coastal Zone and is, therefore, subject to a Coastal Development Permit.

BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Lindley, and unanimously carried, the Board adopted Resolution No. 03-108 approving staff's recommendation.

- 0601.300 S-14 **Received** report and presentation from the Durrant Group, Inc. regarding alternatives to the Juvenile Hall.
- BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Potter, and unanimously carried, the Board received the report and directed staff to continue this matter to the consent calendar on Tuesday, April 1, 2003, to take appropriate action.**

3:00 p.m.

0601.525 S-15 **Held** Public Hearings (Beilenson Act) involving changes (reduction / elimination certain programs and services) in medical services at Natividad Medical Center and in the Monterey County Medical Services Program.

BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Potter, and unanimously carried, the Board continued the public hearing (open) to Tuesday, April 1, 2003 at 2:30 p.m. and received public testimony relating to the Beilenson hearing. The Board directed staff to review and analyze comments, bring them back in a grid form for clarification of what was received, and return with a recommendation for cost savings and containment. Supervisor Calcagno requested each clinic, and hospital a report of what exactly is being billed out and how many bills did not get sent out.

NA/4 Approve letter to representatives of employee organizations inviting them to attend the April 8, 2003 meeting of the Budget Committee. (4/5 vote required)

BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried.

6300.000 NA/2 **ORDER FOR ADJOURNMENT TO APRIL 1, 2003 AT 9:30 A.M., IN MEMORY OF GLORIA GRENFELL, DECEASED.**

APPROVED:

Chair

ATTEST:
SALLY R. REED,
Clerk of the Board

By: _____
Deputy

[\(Supplementary Sheet\)](#)

CONSENT CALENDAR

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

NATIVIDAD MEDICAL CENTER:

- 7. **REMOVED FROM THE AGENDA; NO ACTION TAKEN** to approve and authorize the CEO of Natividad Medical Center (NMC) to sign Amendment #1, to increase the professional service agreement

with UCSF for Perinatal/Neonatal Services from \$25,000 to \$29,880 (an increase of \$4,880) for the period from July 1, 2001 through June 30, 2003.

8. **REMOVE FROM THE AGENDA; NO ACTION TAKEN** to approve and authorize the CEO of Natividad Medical Center (NMC) to increase an established purchase order (B960349437), with Johnson Electrics, from \$20,000 to \$50,000 (an increase of \$30,000) for data and voice jack installation for various NMC department moves and/or new installations for fiscal year 2002-2003.

0125.000 9. **Agreement No. A-09307: Approved and authorized** the CEO of Natividad Medical Center (NMC) to sign Amendment #3, to increase the Professional Service Agreement with Aureus, a temporary nursing registry company supplying NMC with Radiology Technologists and Sonographers, from \$730,000 to \$1,300,000, a total increase of \$570,000. This increase will cover the time period from February 1, 2003 through June 2003.

10. **REMOVE FROM THE AGENDA; NO ACTION TAKEN** to approve and authorize the CEO of Natividad Medical Center (NMC) to reallocate funds, for nurse registry vendors, listed in Attachment "A" according to the appointed schedule, and approve the associated amendments to the vendors' Professional Service Agreements for fiscal year 2002-2003.

11. **REMOVE FROM THE AGENDA; NO ACTION TAKEN** to approve and authorize the CEO of Natividad Medical Center (NMC) to sign an amendment (Amendment #7) to the Professional Service Agreement with Agostini and Associates, to increase the existing purchase order (P.O. #B960340679) by \$50,000 for nurse registry personnel for the Discharge Planning Department of the hospital. The agreement will increase from \$5,800,000 to \$5,850,000.

0125.000 12. **Agreement No. A-09351: Approved and authorized** the CEO of Natividad Medical Center (NMC) to sign an agreement with Healthcare Financial Solutions (HFS) to provide services related to cost reporting, OSHPD report review, and other reimbursement related services; the amount of the agreement shall not exceed \$90,000 and shall cover the period from April 1, 2003 through June 30, 2003.

0601.525 13. **Approved and authorized** the Natividad Medical Center's (NMC's) capital equipment expenditures for the 3rd quarter in of the fiscal year 2002-2003 in the amount of \$160,000 for the purchase of a new dictation/transcription system and \$18,000 for County IT installation and lease cost of computers.

- 0125.000 14. **Agreement No. A-09352: Approved and authorized** the CEO of Natividad Medical Center (NMC) to sign an agreement with Bret Dougherty, M.D. to fill the position of Family Medicine Physician at an amount not to exceed \$150,000, effective March 1, 2003.
- 0601.525 15. **Approved and authorized** the CEO of Natividad Medical Center (NMC) to contract with a total of up to six (6) Anesthesiologists for 24-hour/day in-house coverage at \$300,000/year each Anesthesiologist, for a total of \$1,800,000.
- 0125.000 16. **Agreement No. A-09353: Approved and authorized** the CEO of Natividad Medical Center (NMC) to enter into an agreement with NCO Financial Systems, Inc. (NCO) to provide outside collection services for Natividad Medical Center effective from the date of the signed agreement through June 30, 2006.

HEALTH AND SOCIAL SERVICES:

- 0125.000 17. **Agreement No. A-09102: Approved** amendments to standard agreements with California Department of Aging for Older Americans Act funds; increase appropriations and estimated revenues of \$223,165; approve purchase of vehicle; and approve amendment to contract with Meals on Wheels of the Monterey Peninsula.

GENERAL GOVERNMENT:

- 0125.000 18. **Agreement No. A-09031: Approved** the amendment to the agreement with Nova Partners, Inc., in an amount of \$28,150, to provide project management and architectural services necessary to provide a study on the short-term and long-term solutions for Juvenile Hall.
- 0525.000 19. **Approved** an amendment to the Agreement with Telemetrix for the project "Phone and Data Cabling for Temporary Buildings" to revise the scope of work and increase the contract amount by \$4,075 to \$99,115.00.
- 0525.000 20. **Approved** an amendment to the agreement with Sterling Environmental Corporation for the project "Hazardous Material Abatement of the Old County Jail" to revise the scope of work and increase the contract amount by \$105,000, including change order contingencies, for a total contract amount of \$305,369.
- 0402.800 21. **Approved** amendments to the bylaws of the Monterey County Overall Economic Development Commission (OEDC).
- 0200.260 22. **Approved** a two-month extension of the term of the Cable TV Franchise of Charter Communications pending completion of the negotiations for a franchise renewal.

- 0602.750 23. **Resolution No. 03-107: Adopted** Resolution authorizing the County of Monterey to join with other public agencies as a participant of the Investment Trust of California, and to invest funds in the treasury pool with other public agencies in the Trust.
- 0125.000 NA/3 **Agreement No. A-09350:** Approved contract with Charles J. McKee to serve as County Counsel.

PLANNING AND BUILDING INSPECTION:

Consent 24 below was pulled by a member of the public to discuss and trailed to end of day at 3:00 pm.

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

- 5900.000 24. **Requested** for stay of the two-year approval term for a subdivision (PLN980464, Charles Wood) of 26.123 acres into ten residential lots ranging in size from 1.6 acres to 3.41 acres. The property is located at 7632 Langley Canyon Road, Prunedale Area (Assessor's Parcel Number 127-361-023-000), North County Area Plan.

PUBLIC WORKS:

- 5900.000 25. **Accepted** certain subdivision improvements and **approved** partial release of bonds for Las Palmas Ranch Subdivision Phase II Units IX and X, located off River Road, Toro area.
- 5200.000 26. **Set April 8, 2003 at 10:00 a.m.** for a public hearing to consider a petition for abandonment of a portion of Lincoln Street between Scott and Jackson Streets in the community of Chualar.

SPECIAL DISTRICTS:

Upon motion of Supervisor Johnsen, seconded by Supervisor Potter, and unanimously carried, with Supervisor Calcagno abstaining, the Board approved the following action:

- 0650.010 27. **Approved** transfers from the designated reserve funds and approve increases in appropriations for County Service Area 10 - Laguna Seca, County Service Area 66 - Oak Tree Views, and County Sanitation District 386 - Moss Landing, for the period of July 1, 2002 through June 30, 2003.

[\(Back\)](#)