

**A C T I O N   M I N U T E S****THE MONTEREY COUNTY BOARD OF SUPERVISORS****Tuesday, May 6, 2003 at 9:30 a.m.****9:30 a.m.**

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 County Counsel remove from the agenda, and take no action on the following:

Scheduled Matter S-13, b, regarding the existing litigation in the case of TCI Cablevision of California, Inc. v. County of Monterey.

Scheduled Matter S-13, d, regarding one matter of significant exposure to litigation.

Upon the request of Supervisor Armenta, the Board will receive a presentation from Yvonne Martinez, on behalf of John Vellardita, representing SEIU Local 817, at 2:30 p.m.

Upon the request of Supervisor Johnson, the Board will adjourn today's meeting in memory of Gerald J. Gromko, retired Monterey County Director of Public Works, deceased.

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

2050.000 S-3 PUBLIC COMMENT PERIOD:

1. **Joseph Vierra addressed the Board concerning security issues and the financial impact of illegal immigrants upon the federal, state and local governments.**
2. **Rev. E. L. Moon, Pastor of Calvary Community Church and Prunedale Christian Academy, submitted a letter again requesting the Board to direct County staff to sign off on the occupancy permit for their 15,000 sq. ft. Performing Arts Center at 8180 Prunedale North Road in Prunedale.**

**Upon the request of Supervisor Lindley, the Board directed the County Administrative Officer to work with**

the General Manager of the Monterey County Water Resources Agency to respond to the request by Rev. Moon as quickly as possible.

3. Sharon Green, equestrian, requested the Board that trails be included in the General Plan Update, and to designate those trails as multi-use.

#### APPOINTMENTS:

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

- 0400.410 1. **Appointed** Bill Cornelius, to fill the seat formerly held by Denis Howard, on the Americans with Disabilities Act Advisory Commission, for a term to end on December 31, 2005. (Full Board)

#### OTHER BOARD MATTERS:

- 6300.000 2. Board comments and referrals:
- a. Supervisor Johnsen presented the Board with an oral report on proposed cuts in the state budget.
  - b. Supervisor Armenta announced that his son, Corporal Fernando Armenta, currently stationed in Kuwait, and the 23<sup>rd</sup> Marine Infantry Battalion out of San Bruno, are scheduled to arrive at Camp Pendleton between May 17<sup>th</sup> and May 20<sup>th</sup>. He announced that this Sunday, May 11<sup>th</sup>, a group of individuals led by Brian Contreras of Second Chance, will be hosting a Mother's Day bar-be-que for mothers who have sons and daughters in the Middle East.
- 0600.025 3. County Administrative Officer's comments and reports: **None.**
- 2050.000 4. **Resolution No. 03-154: Adopted** Resolution designating the Week of May 18-24, 2003, as Emergency Medical Services Week in Monterey County. (Full Board)  
**BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Lindley, and unanimously carried.**
- 2050.000 5. **Resolution No. 03-138: Adopted** Resolution proclaiming the week of May 6-12, 2003 as National Nurses Week in Monterey County. (Armenta)  
**BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Johnsen, and unanimously carried.**

#### SCHEDULED MATTERS

—  
**10:00 a.m.**

1351.450 S-4 Create two Board General Plan Subcommittees to resolve issues requiring further clarification and provide direction regarding the timeline for the Subcommittees to report back to the full Board.

**BOARD ACTION:** Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried, the Board received the report from James J. Colangelo, Chief Assistant County Administrative Officer, and approved the following actions:

1. The Board selected Alternative Schedule No. 1 as the master timeline to move the General Plan Update process through by December 16, 2003, as amended by adopting the following approaches for achieving that timeline:

- Thursday, 5/8/03, Supervisors Calcagno and Potter will meet with the California Coastal Commission staff and start exploring timelines and activities toward moving the coastal area policies forward.
- Tuesday, 5/20/03, at 2:15 p.m. the Board will hold a workshop to give staff direction on trails, receive the coastal plan draft and how to handle the parks issue..
- Tuesday, 5/27/03, at 5:30 p.m. hold a workshop on housing, growth areas (community areas, affordable housing overlay areas, and clustered subdivisions), and city growth.
- Tuesday, 6/3/03 at 2:30 p.m. hold a workshop on public services, water concurrency requirements, health and safety.
- Tuesday, June 17, 2003 at 2:30 p.m. hold a workshop on economic development, administration, and industrial lands.
- Tuesday, June 24, 2003 at 5:30 p.m. hold a workshop on Environmental Resource Management Element (ERME), agriculture, winery corridors, land use (rural lands and agriculture lands), and inland area policies.

In conjunction with this workshop, Supervisors Calcagno and Lindley will act as a subcommittee of the Board to take input as needed in specialized meetings throughout the community in order to get a sense of how the County is doing, and what still needs to be worked on

- Directed staff to start work on the EIR on a segmented and sequenced fashion.

0150.143 S-5 **Received** the report from Keith Honda, Assistant County Administrative Officer, on work furloughs and work sharing. **BOARD ACTION:** Upon motion of Supervisor Potter, seconded by Supervisor Calcagno, and unanimously carried, the Board received the report on work furloughs and work sharing. The

**motion included direction to staff to include a proposed Work Furlough Program as part of the Board's budget discussions as an alternative to lay-offs.**

- 0150.143 S-6 **Received** report from Keith Honda, Assistant County Administrative Officer, on Public Employee Retirement System (PERS) "Golden Handshake" and Phase II Systems, Public Agency Retirement System (PARS) Trust Administrator Early Retirement Options.  
**BOARD ACTION:** Upon motion of Supervisor Potter, seconded by Supervisor Johnsen, and unanimously carried, the Board received the report from Mr. Honda, and directed staff to evaluate the early retirement options for report and recommendation back to the Board.
- 0150.143 S-7 **Received** report on County's process for utilization of private contractors and professional service agreements.  
**BOARD ACTION:** Upon motion of Supervisor Potter, seconded by Supervisor Lindley, and unanimously carried.
- 0150.143 S-8 **Received** a report on the Training and Leadership Institute Center programs and Leadership Institute building use.  
**BOARD ACTION:** Upon motion of Supervisor Potter, seconded by Supervisor Johnsen, and unanimously carried.
- 0950.00 S-9 **Received** report on Workers Compensation and **approved**  
1590.000 recommended funding plan to include transfer of \$1.7 million in residual balance from Monterey County Employees Health Plan (MCEPH) account to Workers Compensation account.  
**BOARD ACTION:** Upon motion of Supervisor Calcagno, seconded by Supervisor Lindley, and unanimously carried by those members present, with Supervisor Potter absent.
- Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried, the Board approved the following addition to the Agenda, due to the need for immediate consideration by the Board of a matter which arose after the posting of today's agenda:
- 0125.000 NA/1 **Agreement No. A-09317:** Grant conceptual approval for Amendment No. 2 to increase the amount of the contract with Hayashi & Wayland, Accounting and Consulting, and RSM McGladrey, Inc., National Health Care Consulting Group from \$300,000 to an amount not to exceed \$386,400, to continue professional consulting services regarding Natividad Medical Center's (NMC) improvement process to stabilize NMC's financial condition.  
**BOARD ACTION:** Upon motion of Supervisor Calcagno, seconded by Supervisor Johnsen and unanimously carried, the Board granted conceptual approval, and continued this matter one week to Tuesday, May 13, 2003 for final approval, to be listed on the agenda under "General Government, Consent."

0150.143 S-10 Hold workshop to consider various budget related policy issues and provide direction to staff.

**BOARD ACTION:** Upon motion of Supervisor Potter, seconded by Supervisor Calcagno, and carried 4-0 with Supervisor Lindley voting "No," the Board approved the following recommendations:

- a. Reaffirmed its budget policy on the use of one-time funds for one-time expenditures.
- b. Supported the conversion from a cash basis to an accrual basis for appropriate revenue sources and recognizing Tobacco Settlement revenues in the year received.
- c. Disapproved the borrowing from other County funds under the Board of Supervisors jurisdiction to bridge the State deferral of mandate reimbursement (SB90).
- d. Referred to the Board's Budget Committee for consideration during the FY 2004-05 budget cycle a multi-year funding approach for major future budget year needs.
- e. Referred to the Board's Budget Committee the establishment of a formal policy on the appropriate level of general-purpose reserves in the General Fund.

12:00 p.m.

Recess to lunch

1:30 p.m.

0601.525 S-11 **Received** report and consider implementation of Natividad Medical Center's (NMC) Action Committee recommendations, and extend the Action Committee process through May, 2003 to continue to seek ways to close the budget gap.

**BOARD ACTION:** Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried, the Board received the report from the Natividad Medical Center's Action Committee, and granted conceptual approval on the fifteen recommendations for operational improvement options. The motion included direction to the County Administrative Officer to report back to the Board on Tuesday, May 13, 2003, at 3:00 p.m. with an implementation process. On that date the Supervisors will be prepared to fill the 5 open positions on the NMC Board of Trustees and establish an oversight committee to assist NMC and its Board with its current financial situation.

0125.000 S-12 **Agreement No. A-09347:** Approved and authorized the CEO of Natividad Medical Center (NMC) to sign an agreement with Richard John Grainey, M.D. to fill the position of Pediatric Physician at an annual amount not to exceed \$150,000, effective June 30, 2003.

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

- 0125.000 S-13 **Agreement No. A-09348: Approved and authorized** the CEO of Natividad Medical Center (NMC) to sign a contract with McKesson for \$55,801.65, to provide NMC's Materials Management Department with an IT software upgrade for the hospital's purchasing software program and on-site training for appropriate NMC staff members for the fiscal year 2002-2003.  
**BOARD ACTION: Upon motion of Supervisor Potter, seconded by Supervisor Lindley, and unanimously carried.**
- 0125.000 S-14 **Agreement No. A-09349: Approved and authorized** the CEO of Natividad Medical Center (NMC) to sign Amendment #1 to increase the Professional Agreement with Scotts Valley Express from \$20,000 to \$55,000 (an increase of \$35,000) to provide courier services in the County of Santa Cruz for Central Coast Alliance for Health (CCAH) patients.  
**BOARD ACTION: Upon motion of Supervisor Potter, seconded by Supervisor Lindley, and unanimously carried.**
- 0125.000 S-15 **Agreement No. A-09183: Approved and authorized** the CEO of Natividad Medical Center (NMC) to sign Amendment #2 to extend the agreement with Superior Consulting Company (A-09183) for interim management in admitting and patient accounting; and **authorized** the Purchasing Manager to approve payments to the contractor beyond the maximum amount by ten percent, which does not significantly alter the scope of work or result in an increase to net county cost. The amendment will extend the contract through June 14, 2003. The total cost of this extension is \$103,200, plus out-of-pocket expenses. The maximum amount payable under this amendment to the contractor is \$570,000.  
**BOARD ACTION: Upon motion of Supervisor Potter, seconded by Supervisor Lindley, and unanimously carried.**
- 0125.000 S-16 **Agreement No. A-09130: Approved and authorized** the CEO of Natividad Medical Center (NMC) to sign an amendment #7 to the Professional Services 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.  
**BOARD ACTION: Upon motion of Supervisor Potter, seconded by Supervisor Lindley, and unanimously carried.**

**2:30 p.m.**

S-13 Closed Session relating to the following items:

- 0950.000 a. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the following position:

Public Employment - Natividad Medical Center - CEO

**BOARD ACTION: The performance review occurred.**

- 6200.000 b. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding the following existing litigation:
1. TCI Cablevision of California, Inc. v. County of Monterey

**BOARD ACTION: REMOVED FROM THE AGENDA; NO ACTION TAKEN.**

2. H-Y-H Corporation, Inc. v. County of Monterey, et al.

**BOARD ACTION: A status report was given to the Board on this case.**

- 0950.000 c. Conference with labor negotiators (all represented Units) pursuant to Government Code section 54957.6; Keith Honda, designated representative;

**BOARD ACTION: Direction was provided to the labor negotiator.**

- 6200.000 d. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one matter of significant exposure to litigation;

**BOARD ACTION: REMOVED FROM THE AGENDA; NO ACTION TAKEN.**

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

1. Margie Anaya (WC)

**BOARD ACTION: A settlement was approved in Closed Session, and will be made public upon request when that settlement is consummated.****2:30 p.m.**

- 0950.000 NA/2 **Received** presentation from Yvonne Martinez, on behalf of John Vellardita, representing SEIU Local 817. (Armenta)  
**BOARD ACTION: Presentation regarding the request from SEIU Local 817 to have negotiations with the Board in task groups to address their concerns of increased productivity and right-sizing of the Natividad Medical Center organization consistent with NMC's mission, received.**

**ORDER FOR ADJOURNMENT TO TUESDAY, MAY 13, 2003 AT 9:30 A.M. IN MEMORY OF GERALD J. GROMKO, RETIRED MONTEREY COUNTY DIRECTOR OF PUBLIC WORKS, 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 Lindley, and unanimously carried by those members present with Supervisor Potter absent temporarily, the Board approved the following actions, except as otherwise noted:

HEALTH AND SOCIAL SERVICES:

0602.550 6. **Resolution No. 03-155: Approved** the Resolution for the Board of Supervisors of Monterey County amending the terms and language of the General Assistance Resolution effective January 1, 2003 to be consistent with the Welfare and Institutions Code and CalWORKs language.

CRIMINAL JUSTICE:

0125.000 7. **Agreement No. A-09335: Approved and authorized** the Chief Probation Officer to sign an agreement with Department of Youth Authority for emergency placement of Monterey County Juvenile Hall wards at the El Paso de Robles Youth Correctional Facility from May 9 through June 30, 2004.

GENERAL GOVERNMENT:

6300.000 8. **Approved** Action Minutes for the meeting of Tuesday, April 22, 2003, copies having been distributed to each Board member.

0525.000 9. **Directed** the Facilities Projects Manager to file Notice of Completion for the project, "King City Courthouse Remodel."



- 0525.000 10. **Directed** the Facilities Projects Manager to file Notice of Completion for the project, "Sheriff's Public Safety Building Data/Voice Cabling Replacement."
- 5500.000 11. **Approved and authorized** the Chair to sign the Year 2003 Operating Budget form provided by the Salinas Valley Fair Association, Inc., a non-profit 501 (c) (3) public benefit corporation, pursuant to Section 25905 of the Government Code.
- 0525.000 12. **Adopted** plans and specifications to install an electric gate and perimeter fencing at the Public Works facility located at 312 E. Alisal Street, Salinas, CA, Bid Number 9694; **directed** the Clerk to advertise for bids to be received no later than 1:30 p.m. on Friday, May 30, 2003.
- 0525.000 13. **Adopted** plans and specifications for the project to repair the boiler in the west wing of the Salinas Courthouse, located at 240 Church Street, Bid Number 9718; **directed** the Clerk to advertise for bids to be received no later than 3:00 p.m. Friday, June 20, 2003.
- 0601.160 14. **Transferred** \$24,000 from restricted account (80-3490) to fund legal services needed for AT&T/Comcast Franchise transfer and related matters.
- 0600.775 15. **Resolution No. 03-156: Designated** County staff authorized to execute documents and application for the purposes of obtaining financial assistance in accordance with the Federal Department of Homeland Security, Office of Domestic Preparedness (ODP) FY-02 State Domestic Preparedness Grant Program (SDPGP).
- 0600.775 16. **Resolution No. 03-157: Designated** County staff authorized to execute documents and applications for the purposes of obtaining financial assistance in accordance with the Federal Department of Homeland Security, Office for Domestic Preparedness (ODP) FY-03 State Homeland Security Grant Program (SHSGP).
- 0525.000 17. **Approved** the plans and specifications for Media Center Erosion Control Project at Laguna Seca Recreation Area, Bid No. 9725 and Authorize solicitation of bids.

**PUBLIC WORKS:**

- 0525.000 18. **Approved** Plans and Special Provisions and directed the Clerk to advertise for bids for the Maher Road Flashing Beacons Project, Royal Oaks area.
- 0125.000 19. **Agreement No. A-09346: Approved** a Hold Harmless Agreement between the County of Monterey and our Lady of Refuge Catholic Church in Castroville in connection with a Community Cleanup Day in Castroville on May 10, 2003; and

**authorized** the Public Works Director to execute the Agreement on behalf of the County.

- 0125.000 20. **Agreement No. A-08904: Approved** Amendment No. 1 to the Memorandum of Understanding with Monterey-Salinas Transit to extend the term; and **amended** specific conditions of the South Monterey County Demonstration Fixed Route Transit Service and related Americans with Disabilities Act Paratransit Service.
- 0525.000 21. **Approved** plans and special provisions and advertise for bids for the State Highway 68 Emergency Vehicle Pre-emption Upgrade Project.

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