

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

THE MONTEREY COUNTY BOARD OF SUPERVISORS AND
THE MONTEREY COUNTY WATER RESOURCES AGENCY

Tuesday, May 27, 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 Lindley, 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:

Under Appointments:

1. Adopt a resolution authorizing the direct appointment by the Board of Supervisors, or its designee, of a Chief Financial Officer for Natividad Medical Center, without requiring compliance with the usual and customary recruitment and hiring procedures, because of the hospital's fiscal crisis.

After Natividad Medical Center Item S-14 scheduled for 1:30 please add the following:

2. Approve and authorize the CEO of Natividad Medical Center (NMC) to sign amendments to extend the Professional Service Agreements (PSAs) with: a) Agostini, a nurse registry company, for \$500,000; and b) MedStaff, Inc, a nurse registry company, \$40,000, to supply nurse registry personnel for NMC through June 30, 2003; and

3. Approve and authorize the CEO of Natividad Medical Center (NMC) to sign an amendment to extend the Professional Service Agreement (PSA) with Nursefinders of San Jose, a nurse registry company, for \$50,000 for services through June 30, 2003.

After General Plan Update Item S-16 scheduled for 5:30, please add the following:

4. Informational Report on Second Unit Regulations in Monterey County.

S-2 CONSENT CALENDAR - REGULAR (See Supplementary Sheet attached)

S-3 CONSENT CALENDAR - MONTEREY COUNTY WATER RESOURCES AGENCY (See Supplementary Sheet attached)

2050.000 S-4 PUBLIC COMMENT PERIOD:

1. Jane Finney, a Quality Program Manager at Natividad Medical Center, spoke on behalf of the middle managers at the hospital in support of the sales tax initiative for Monterey County health care.
2. Dr. Melissa Larson, President-elect of the Monterey County Medical Society and a physician at Natividad Medical Center, asked that an administrative change at the hospital take place immediately using qualified physicians and nurses as part of that change.
3. Wren Bradley, Sr. Field Representative for Social Services Bargaining Unit SEIU 535, and is on the Health Care Review Committee. Volunteers from Local 535 are willing to research, without pay, alternatives to current plans to help reduce the pressure on the Board to look into other health care plans. In order for this to occur, the County Administrative Office would need to turn over financial information to enable their research.
4. Julie Filice, representative of Monterey County Chapter SEIU 817, has submitted five proposals to negotiators and hasn't had a reply. She asked if they have authority to make decisions. She stated that negotiators need to be able to negotiate in good faith.
5. Richard Oaksus, pharmacist at Natividad Medical Center. He reported that the pharmacist shortage nation-wide is even greater than the shortage of nurses. The hiring freeze in County has not allowed hiring to fill vacated positions leaving the pharmacy at NMC short-staffed. Replacement with trained technicians takes 2-4 years.
6. Jesus Anaya spoke on behalf of the custodians. The custodial staff is down to 13 workers. Mr. Anaya requested that these remaining workers be allowed to stay employed with the County.
7. Cathy Burns, SEIU 817 negotiating team. Was told by the chairperson of the County negotiating team that he has no authority to act on the proposals put forth by SEIU 817. Negotiation process must be honored and conducted in good faith.
8. Joe Vierra expressed his views.
9. Dr. Moreno, a physician at Natividad Medical Center, spoke in support of Dr. Melissa Larson's recommendations that an

administrative change at the hospital take place immediately using qualified physicians and nurses as part of that change.

10. Jesus Anaya spoke again asking that labor negotiations be conducted in good faith.

2050.000 S-5 **Resolution No. 03-170: Adopted** a Resolution Honoring Veronica Ferguson for her exemplary service to Monterey County. The members of the Board of Supervisors each spoke in praise of Ms. Ferguson and her contributions during her twenty-four years with the County. A large, framed version of her resolution was presented to her. **BOARD ACTION: Upon motion of Supervisor Potter, seconded by Supervisor Johnsen, and unanimously carried.**

APPOINTMENTS:

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

- 0401.500 1. **Appointed** Bobbie Reynolds, to fill a vacancy, on the Commission on the Status of Women, for a term to end on February 1, 2006. (Lindley)
- 0804.350 2. **Appointed** Susan A. Gonzalez, to fill the unexpired term of Kacy Fleming, to the Soledad-Mission Recreation District, for a term to end on January 31, 2007. (Lindley)

It was also noted that an addition had been made to the Appointment schedule during the reading by the Clerk to the Board of the Additions and Corrections to the Agenda. That appointment was included in the motion.

OTHER BOARD MATTERS:

6300.000 3. Board comments and referrals:

The following comments and referrals were received from Board members:

1. Supervisor Calcagno, noted that, in reviewing the newspaper, his last name had been misspelled. While reading through the resolution for Veronica Ferguson before the meeting, he saw that he was listed as being absent when he wasn't, and that his first name was spelled as Louise instead of Louis on the Agenda.

2. Supervisor Lindley had two comments:
 - a. As a member and representative of the Committee of Restorative Justice, Supervisor Lindley presented a Certificate of Appreciation to the Monterey County Board of Supervisors for dedication and commitment to the establishment restorative justice.
 - b. He reported that last Thursday he became a graduate of the new Supervisors training through CSAC. New supervisors throughout California, from experienced to novice, went through the course. He felt that it was very beneficial to all who participated.
3. Supervisor Armenta made the following referrals:
 - a. A referral to follow up on request made by Wren Bradley during Public Comments regarding volunteers from Local 535 who are willing to research, without pay, alternatives to current plans to help reduce the pressure on the Board to look into other health care plans. In order for this to occur, the County Administrative Office would need to turn over financial information to enable their research.
 - b. A referral what to do to assure permanent pharmacists at Natividad Medical Center.
 - c. Request of an update as to the status of the custodial staff and any responses from staff regarding this matter.

0600.025 4. County Administrative Officer's comments and reports:

Sally R. Reed, County Administrative Officer, made the following comments:

- a. County budget staff have been working many hours, including the past three-day weekend on the budget, which will be out at the end of the week.
- b. The Sheriff reported to Ms. Reed that, after reviewing the final numbers for the Sheriff Department for the fiscal year, they will be able to end the fiscal year without overspending. He feels that there will be a possible \$100,000 left over at the end of the fiscal year.
- c. Len Foster, Director of the Health Department, will be providing two staff members to the Natividad Medical Center in order to assist in establishing the same billing process that is currently being successfully used in the Health Department. The staff being provided would be there approximately 90 days, or until the new procedure is in place.

- 2050.000 5. **Resolution No. 03-171: Adopted** a Resolution Proclaiming the month of May 2003 as Elder Abuse Awareness and Skills Building Month.
BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Potter, and unanimously carried.

SCHEDULED MATTERS:

10:00 a.m.

- 2800.000 S-6 **Resolution No. 03-180: Introduced, waived reading, and set** for public hearing on June 24, 2003, at 11:00 a.m., an Ordinance amending Chapter 2.65 to the Monterey County Code relating to the governance of the Monterey County In-Home Supportive Services Public Authority. Elliott Robinson, Director of Social Services, stated that the title of the staff report should be changed to remove "amending Chapter 2.65 to the Monterey County Code" and inserting "repealing Chapter 2.65 and replacing with a new version of the same Chapter to the Monterey County Code." This revision was accepted into the motion.
BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Potter, and unanimously carried.
- 0800.125 S-7 **Resolution No. 03-181: Held** public hearing on written report of sewer service charges to be levied on Boronda County Sanitation District for the Fiscal Year 2003-04 maintaining service charges at present level and adopting written report and resolution certifying compliance with state law. This item is brought before the Board on an annual basis. Lew Bauman, Director of Public Works and Ron Lundquist, Deputy Public Works Director-Operations, gave a presentation to the Board.
BOARD ACTION: Upon motion of Supervisor Potter, seconded by Supervisor Johnsen, and unanimously carried.
- 0803.375 S-8 **Resolution No. 03-182: Held** public hearing on written report of sewer service charges to be levied on Moss Landing County Sanitation District for the Fiscal Year 2003-04 maintaining service charges at present level and adopting written report and Resolution certifying compliance with state law. This item is brought before the Board on an annual basis. Lew Bauman, Director of Public Works and Ron Lundquist, Deputy Public Works Director-Operations, gave a presentation to the Board.

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

- 0650.000 S-9 **Resolution Nos. 03-183 through 03-214: Held** public hearing on written report of service charges to be levied on CSAs (County Service Areas) for Fiscal Year 2003-04 maintaining service charge levels for specified service charges that are collected on the tax rolls for all service areas except the Moro Cojo zone in CSA 14 and the Oak Tree Views zone in CSA 66 where service charges are being raised; **adopted** resolutions approving CSA written reports of service charges for Fiscal Year 2003-04 for all CSAs except CSA 10, CSA 17, CSA 25, CSA 34, CSA 55, CSA 57, CSA 67, CSA 69 and CSA 100 where no service charges are collected on the tax rolls. This item is brought before the Board on an annual basis. Lew Bauman, Director of Public Works and Ron Lundquist, Deputy Public Works Director-Operations, gave a presentation to the Board.
- BOARD ACTION: Upon motion of Supervisor Potter, seconded by Supervisor Johnsen, and unanimously carried.**

- 4000.000 S-10 **Held** continued public hearing on the appeal by James Hill, El Sur Ranch, (PLN010530) to the decision of the Planning Commission finding that a lot line adjustment is subject to the provisions of Government Code Section 66412(d) as amended by SB 497. (Continued from March 25, 2003).
- BOARD ACTION: Upon motion of Supervisor Armenta, seconded by Supervisor Potter, and unanimously carried, the Board tabled the item, based upon the staff's recommendation.**

10:30 a.m.

S-11 Closed Session relating to the following items:

- 0950.000 a. Confer with labor negotiators (all represented Units) pursuant to Government Code section 54957; Keith Honda, designated representative
- BOARD ACTION: Direction was given to negotiators.**
- 6200.000 b. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding the following existing litigation:

Berryman v. County of Monterey,

BOARD ACTION: Direction was given to staff.

Diaz, et al. v. Natividad Medical Center

BOARD ACTION: Approved retention of outside counsel at this time.

0300.000

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

- 1. Claim of Gerald White,
- 2. Claim of John Vaughn

BOARD ACTION: A vote of 5/0 to deny both.

0950.000

d. 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: David Small, CEO, Natividad Medical Center submitted a letter of resignation, effective June 3, 2003, to the Board of Supervisors which was accepted by the Board. Martha Heubach was named as interim CEO.

6200.000

e. Removed, no action taken. 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, no action taken.

11:00 a.m.

0802.050

S-12 Report on the status of the relinquishment process for the Zone 1 and Zone 1A Pajaro Levee. Curtis Weeks, Director of the Water Resources Agency, gave a presentation to the Board. Supervisor Calcagno Felt that relinquishing the Pajaro Levee to the State would result in taxation without representation and that property and business owners would not have a say on what the fees would be. He stated that he feels that

it would be more beneficial to work collaboratively, through a committee, with the County of Santa Cruz in maintaining the levee. Supervisors Johnsen and Potter agreed, adding that a periodic report should be brought to the Board by Mr. Weeks regarding the progress of the committee.

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

- a. Continue to no time certain staff recommendation for a Resolution initiating the relinquishment process for the Zone 1 and 1A Pajaro Levee.
- b. Direct the Director of the Water Resources Agency to create a community group that includes both Monterey and Santa Cruz Counties, establish a process; return in one month with a progress report.

12:00 p.m.

Recess to lunch for Board Budget Committee meeting. (Full Board)

1:30 p.m.

0601.525 S-13 Report from Natividad Medical Center Action Committee on Sales Tax Initiative.

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

- a. Directed County Counsel to draft sales tax ordinance, together with related resolutions calling for election; and
- b. Directed staff to bring back to the budget hearings a business plan, including a breakdown of action committee's recommendations.

0601.525 S-14 **Authorized** Natividad Medical Center (NMC) to suspend payment on the \$11,000,000 balance of the capital facilities loan due to the County for Fiscal Year 2002-03 and Fiscal Year 2003-04; Authorize suspension of repayment of approximately \$30,000,000 cash advances and \$11,000,000 outstanding balance of the capital facilities loan due to the County until NMC can demonstrate sufficient funding capacity; Direct the Auditor-Controller to appropriately record the cash advance and capital facilities loan.

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

0601.525 S-14a-b Items that were added to Scheduled Items during the reading by the Clerk to the Board of the Additions and Corrections to the Agenda.

Judy Begley, Director of Nursing at Natividad Medical Center, spoke to the Board explaining the need to continue to use nurses from a registry in order to adequately fill staffing needs at Natividad Medical Center, most particularly in the OB/GYN and Pediatrics Departments. Several other staff members from NMC spoke in support of her statements.

Supervisor Johnsen stated that she would not vote for this and similar Agreements until she was able to see an analysis that Agreements such as these are necessary. She also stated that she wanted to see a plan that would attract and retain permanent nursing staff.

BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Armenta, the motion was carried by a vote of 4/1, with Supervisor Johnsen voting against.

2:30 p.m.

0802.150 S-15 **Resolution Nos. 03-176 and 03-177: Held** a public hearing and adopt Resolutions of the Monterey County Water Resources Agency approving Fiscal Year 2003-04 Assessments for Zones 2A and 2B, and Fiscal Year 2003-04 water delivery charge for Zone 2B for the Castroville Seawater Intrusion Project and the Salinas Valley Reclamation Project.

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

5:30 p.m.

1251.450 S-16 **Received** report and **provided** direction to staff on revised draft General Plan policies related to housing, growth areas (Community Areas, Affordable Housing Overlay Areas), city growth assumptions, and clustered subdivisions.

BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Potter, and unanimously carried, the Board directed staff to move forward with the housing, growth area, and city growth portions

of the General Plan and the Environmental Impact Report with the removal of the Affordable Housing Overlay from the Carmel Valley area, except for the Mouth of the Valley.

ORDER FOR ADJOURNMENT TO TUESDAY, JUNE 3, 2003 AT 9:30 A.M.

APPROVED:

_____ Chair

ATTEST:

SALLY R. REED,
Clerk of the Board

By: _____ Deputy

(Supplementary Sheet)

CONSENT CALENDAR

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

HEALTH AND SOCIAL SERVICES:

- 0125.000 6. **Agreement No. A-09398: Approved and authorized** the Director of Social Services to sign the Interim Statewide Automated Welfare System (ISAWS) Consortium Memorandum of Understanding and Bylaws.
- 0125.000 7. **Agreement No. A-09399: Approved and authorized** the Director of Health to sign Grant Agreement # 1006712 between the Monterey County Health Department and the Public Health Institute/Public Health Trust in the amount of \$215,000 to fund Tobacco-Free Events Projects for the period of March 15, 2003 through December 31, 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 8. **Agreement No. A-09400: Approved and authorized** the Chair to sign a 3-year agreement with the Monterey County Office of Education in the amount of \$183,000 for the period of July 1, 2001 through June 30, 2004 for the implementation of the Foster Youth Services Program.

CRIMINAL JUSTICE:

- 0602.500 9. **Resolution No. 03-172: Approved and authorized** the Sheriff/Coroner to sign a grant application in the amount of \$353,112 with the State Office of Criminal Justice Planning to continue funding for Anti-Drug Abuse Enforcement Program - Narcotics Enforcement Unit County of Monterey (NEUCOM).
- 0602.250 10. **Resolution No. 03-173: Approved and authorized** the Chief Probation Officer to submit an application to the State Office of Criminal Justice Planning for the Juvenile Justice and Delinquency Prevention Title II Program Grant in the amount of \$200,000 per FY for three years.

GENERAL GOVERNMENT:

- 6300.000 11. **Approved** Action Minutes of the meeting of Tuesday, May 13, 2003, copies having been distributed to each Board member.
- 0525.000 12. **Awarded** the contract to The Don Chapin Company, Inc. for the "San Lorenzo Fuel Tank Project" in the amount of \$51,699.00, plus change order contingencies.
- 0601.160 13. **Authorized** the budget transfer of \$150,000 to Monterey County's Information Technology Department to augment the project budget for the new microwave tower on Mt. Toro.
- 0525.000 14. **Directed** the Capital Projects Manager to file a Notice of Completion for the project "Tenant Improvement at Revenue and Recovery Offices", and authorize the Auditor/Controller to make final payment and release construction retention upon approval of Capital Projects Management.
- 0525.000 15. **Authorized** the Capital Projects Manager to file a Notice of Completion for the project "Casework for Temporary Buildings", and **authorized** the Auditor/Controller to make final payment and release the construction retention upon approval of Capital Projects Management.
- 0200.260 16. **Agreement A-08077: 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.
- 1225.000 17. **Rescinded** Public Benefit Conveyance (PBC) requests for certain property at the former Fort Ord known as Parcels L20.15, L20.16.1, L20.16.2, L20.16.3, L20.17.1, L20.17.2, and S4.1.4.
- 0600.225 18. **Resolution No. 03-178: Approved** Application and Order for the Destruction of Records for the Revenue Division's office.
- 0601.175 19. **Approved and authorized** the Chief Assistant County Administrative Officer to submit an application for federal assistance to the Geological Survey, United States Department of the Interior, for the Cooperative

Agreements Program 2003, Category 1 ("Don't Duck Metadata"), Metadata Creation and Implementation Assistance Project for a total amount of \$8,657 for the period August 1, 2003 through July 31, 2004.

- 4300.00 20. **Approved** allocation of \$2,207,850 of FY 2002-03 Proposition 172 Public Safety Sales Tax Revenue to Monterey County Fire Protection Agencies; and **approved** increase estimated revenues and appropriations; and **approved** allocations of \$63,599 of FY 2001-02 Proposition 172 Revenue to Monterey County Fire Protections Agencies.
- 0600.760 21. **Amended** Emergency Communications Budget Unit 152 to Approve reclassification and **directed** the County Administrative Office and Auditor-Controller's Office to incorporate change in the final Budget for 2003-04.
- 0525.000 22. **Awarded** construction contract to Granite Construction Company in the amount of \$37,088 for the base bid and \$2,000 for alternate #1 to roadway widening and repair at Manzanita County Park, Bid No. 9714; **authorized** the Chair of the Board to sign the contract; **authorized** the Director of Parks to approve change orders up to 10% of the bid; and **directed** the Auditor-Controller to encumber \$42,997 in Budget Unit 755.

PLANNING AND BUILDING INSPECTION:

- 4000.000 23. **Approved** removal of a 60-foot portion of the existing non-access strip along the south side of Valley Greens Drive in Carmel Valley to accommodate construction of a driveway connection to serve three (3) residential lots configured as part of the Wolter's Property Limited Partnership lot line adjustment (PLN010503). **David Lutes, Planning and Building Inspection, reported that Item 24 on the Consent Calendar should be corrected to read as four (4) residential lots instead of three (3) residential lots.**
- 3300.000 24. **Resolution No. 03-179: Approved** the Design Approval for AT&T Wireless Telecommunication consisting of: (1) a Design Approval (DA020478) to allow for the mounting of a two foot antenna and a small equipment box to an existing telephone pole, located easterly of the intersection of State Highway One and Ribera Road intersection, Carmel Highlands Area of the Coastal Zone; (2) a Design Approval (DA020480) to allow for the

mounting of a nine foot eleven inch extension and a two foot panel antenna to an existing telephone pole, located approximately 1.2 miles south of the Ribera Road site, westerly of State Highway One and Riley Ranch Road intersection, Carmel Highlands Area of the Coastal Zone; and (3) a Design Approval (DA020483) to allow for the mounting of a nine foot eleven inch extension and a two foot panel antenna to an existing telephone pole and a new radio ground equipment container located, easterly of State Highway One and across from the Yankee Point Drive intersection, Carmel Highlands Area of the Coastal Zone and **adopted** the Resolution with the recommended findings and evidence and permit conditions attached at Exhibit "A".

PUBLIC WORKS:

- 0125.000 25. **Approved** Amendment No. 1 to Professional Services Agreement with Affordable Arborist Tree Care for tree maintenance services.
- 0125.000 26. **Agreement No. A-08327: Approved** Amendment No. 4 in the amount of \$10,000 to the Professional Services Agreement with LSA Associates, Inc. for environmental consulting services for the Schulte Road Bridge No. 501 Replacement Project, Carmel Valley area.
- 0125.000 27. **Agreement No. A-09051: Approved** Amendment No. 2 in the amount of \$22,938 to the Professional Services Agreement with Bestor Engineers, Inc. for professional engineering services for the Castroville Storm Drain Improvement Project, Castroville area.
- 0125.000 28. **Agreement No. A-09401: Approved** Professional Services Agreement with Imbsen & Associates, Inc. in an amount not to exceed \$221,066 for engineering services for the Schulte Road Bridge No. 501 Replacement Project, Carmel Valley area.
- 4600.000 29. **Approved** two grant applications in the total amount of \$854,899 to be submitted to Caltrans for Safe Route to School (SR2S) Grant Funds.
- 4600.000 30. **Approved** two grant applications in the total amount of \$302,440 to be submitted to the Monterey Bay Unified Air Pollution Control District for AB2766 Emission Reduction Grant Funds.

MONTEREY COUNTY WATER RESOURCES AGENCY

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

- 0802.000 31. **Approved** an increase in estimated revenue and appropriations in the Monterey County Water Resources Agency fund 231.