

**A C T I O N   M I N U T E S****MONTEREY COUNTY BOARD OF SUPERVISORS AND  
THE MONTEREY COUNTY WATER RESOURCES AGENCY****Tuesday, February 26, 2002 at 9:30 a.m.****Lunch Break from 12:00 Noon to 1:40 p.m.****9:30 a.m.**

2050.000 S-1 **Resolution No. 02-056: Adopted and presented** Resolution designating February 26 through March 26, 2002 as "Prevent a Litter Month;" **designated** Tuesday, February 26, 2002 as "Spay Day USA." (Full Board)

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

S-2 Additions and corrections to Agenda

**Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried, the Board approved the following additions and corrections to the Agenda:**

Under "Appointments," add the reappointment of Howard Thielbar to the Fish and Game Advisory Commission, for a term expiring on February 1, 2005. (Johnsen)

Upon the request of Supervisor Armenta, under "Other Board Matters," add a Resolution congratulating Salinas Union High School District, in particular Alisal High School, for its "Exploring New Worlds in Technology, Science, Mathematics and Modern Languages" Celebration.

Consent Matter No. 26, to extend the Professional Services Agreement for one year with Zucker Systems for consulting services to review the Planning and Building functions and develop an implementation plan, is continued two weeks, to Tuesday, March 12, 2002.

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

S-4 CONSENT CALENDAR - SPECIAL DISTRICTS

2050.000 S-5 **PUBLIC COMMENT PERIOD: Hans Jongens addressed the Board concerning the gasoline additive MTBE, and on the proposed desalinization plant at Moss Landing. Michael Griva, representing the Independent Growers Association, stated that they do not concur with statements contained in a letter dated February 12, 2002 from Common Ground Monterey County and LandWatch Monterey County outlining their agreement on certain conservation and development**

principles. He lists a number of individuals and organizations which find these principles unacceptable and destructive of production agriculture. Nancy Isakson, representing the Salinas Valley Water Coalition, submits a letter in support of the comments made by Mr. Griva on behalf of Independent Growers. They too have some concerns about the conservation and development principles outlined in the joint letter from Common Ground and LandWatch.

#### APPOINTMENTS:

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

- 0400.250 1. **Appointed** Marguerite Fern to the Equal Opportunity Advisory Commission, for a term to end on December 31, 2003. (Full Board)
- 0401.750 2. **Reappointed** Al Espindola to the Fish and Game Advisory Commission for a term expiring February 1, 2005. (Armenta)
- 0801.500 3. **Reappointed** Rodney McCollough and Eldon Pura to the Board of Directors of the Greenfield Public Recreation District, for terms expiring on December 31, 2005. (Calcagno)
- 0801.400 4. **Appointed** Jose Luis Aguilar to the Board of Directors of the Greenfield Fire Protection District for a term expiring November 30, 2003. (Calcagno)
- 0801.450 5. **Appointed** Pete Rocha to the Board of Directors of the Greenfield Memorial District to fill the unexpired term of Thomas Rumley, deceased, for a term ending November 30, 2003. (Calcagno)
- 0401.750 NA/1 **Reappointed** Howard Thielbar to the Fish and Game Advisory Commission, for a term expiring on February 1, 2004. (Johnsen)

#### OTHER BOARD MATTERS:

6. Board comments and referrals. **None.**
- 0600.025 7. County Administrative Officer's Comments and Reports: **Sally R. Reed, County Administrative Officer, presented the Board with a report on the concerns expressed by Sergio Sanchez, representing Service Employees' International Union (SEIU) Local 817 regarding alleged inappropriate or illegal activity being conducted by Children's Services International to discourage workers' efforts to organize. She states staff has invested significant time following up on all of the allegations. Specifically, staff addressed the following three issues: 1) whether or not supervisors should be in the same unit; 2) alleged termination of an employee as a result of union activity rather than job-**

related causes; and 3) the hiring of a specific legal firm. Staff will continue to follow up, and continue to work with the Union.

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

- 2050.000 8. **Resolution No. 02-048: Adopted** Resolution commending Dub Harden, Grounds supervisor, in the Department of General Services, upon his retirement. (Full Board)
- 2050.000 9. **Resolution No. 02-047: Adopted** Resolution commending Richard Schonert, Building Maintenance Worker, in the Department of General Services, upon his retirement. (Full Board)
- 2050.000 10. **Resolution No. 02-055: Adopted** Resolution Honoring the 100<sup>th</sup> Anniversary of John Steinbeck's birth and the National Steinbeck Center for its commitment to keep alive the literary achievement of one of America's most prominent authors. (Armenta)
- 2050.000 NA/2 **Resolution No. 02-060: Adopted** Resolution congratulating Salinas Union High School District, in particular Alisal High School, for its "Exploring New Worlds...in Technology, Science, Mathematics and Modern Languages" Celebration.

#### SCHEDULED MATTERS

#### 10:00 a.m.

- S-6 Public hearing to adopt an Ordinance amending existing Section 15.40.030 of the Monterey County Code relating to the Emergency Medical Services Agency, to revise and streamline the advisory-committee structure for the Monterey County Emergency Medical Services Agency.  
**BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried, the matter was rescheduled to Tuesday, March 12, 2002 at 10:00 a.m.**
- 0525.000 S-7 **Resolution No. 02-061: Declared** local emergency concerning potential slide on Elkhorn Road (Las Lomas); and **authorized** the execution of contracts for associated repair/construction work.  
**BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Pennycook, and unanimously carried, the Board adopted Resolution No. 02-061, declaring the local emergency and authorizing emergency work.**
- 3150.000 S-8 Deny a Combined Development Permit (PLN990150 - Kovacevich) consisting of a Coastal Administrative Permit for a single family residence and a Coastal Development Permit for a 30% slope waiver, and Design Approval. The project is located at the terminus of Mt. Devon Road in the Carmel Highlands,

Carmel Area Land Use Plan (Assessor's Parcel # 241-161-005-000)

**BOARD ACTION:** Upon motion of Supervisor Pennycook, seconded by Supervisor Potter, and unanimously carried, the Board continued this matter indefinitely to allow the applicant an opportunity to complete the environmental review process necessary for further consideration of the proposed development, including requested waivers/variances.

4600.000 S-9 **Received** status report on Road Conditions for the North Monterey County area and Asset Management Report on Pavement Rehabilitation Requirements.  
**BOARD ACTION:** Upon motion of Supervisor Johnsen, seconded by Supervisor Pennycook, and unanimously carried, the Board received the status report.

0950.000 S-10 **Received** County Administrative Officer's report regarding SEIU Local 817 recommendation for representation of temporary workers; **adopted** Administration recommended alternative resolution.  
**BOARD ACTION:** Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried, the Board received the report, and adopted Resolution No. 02-063, affirming the county's obligation to maintain strict neutrality.

11:00 a.m.

3600.000 S-11 Approve a two-year extension of a Use Permit for Quail Meadows and Quail Lodge, File Nos. PLN020039 and PC7012, to allow a hotel and seminar center; affirm that the EIR prepared for Quail Meadows, EIR No. 87-005, adequately addresses environmental issues associated with the permit extension. The project is located on Lot 57, Quail Meadows, Carmel Valley. Assessor's Parcel No. 157-171-057.  
**BOARD ACTION:** Upon motion of Supervisor Johnsen, seconded by Supervisor Pennycook, and unanimously carried, the Board adopted Resolution No. 02-064, approving the staff's recommendation.

S-12 **Monterey County Water Resources Agency:**

0802.400 a. **Received** the North Monterey County Comprehensive Water Resources Management Plan (Zone 7).  
**BOARD ACTION:** Upon motion of Supervisor Pennycook, seconded by Supervisor Calcagno, and unanimously carried, the Board received the report.

0802.050 b. Adopt a Resolution supporting Pajaro Valley Water Management Agency Ordinance 2002-01 (Measure N) in the March 5, 2002 election.  
**BOARD ACTION:** Upon motion of Supervisor Pennycook, seconded by Supervisor Calcagno, and unanimously carried,

**the Board adopted Resolution No. 02-065.**

**12:00 p.m.**

Recess to lunch

**1:40 p.m.**

S-13 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. County of Monterey v. Cortes

**BOARD ACTION: The Board approved the compromise of its \$123,000 claim for payment for medical services for \$87,000 to be received over a five year period.**

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 Victor Tuchman
2. Claim of Sergio and Paula Moya

**BOARD ACTION: The Board granted leave for Mr. Tuchman to file a late claim but took no other action on the claim. The Board took no formal action on the claim of Sergio and Paula Moya.**

6200.000 c. Pursuant to Government Code Section 54956.9(c), the Board will confer with legal counsel regarding one matter of potential litigation.

**BOARD ACTION: As the governing board of County Sanitation District No. 388, the Board approved the terms of an agreement with Carmel Valley Ranch whereby payment of an unpaid balance due for operation of the sanitary plant at the Ranch would be paid out of proceeds from the sale of the plant to California American Water Company.**

0950.000 d. Pursuant to Government Code Section 54957, the Board will confer with legal counsel regarding one matter of public employee discipline/dismissal/release.

**BOARD ACTION: No reportable action taken.**

**2:00 p.m.**

1352.025 S-14 Receive report on the public outreach efforts, and expand the study area boundary for the Rancho San Juan Area of Development Concentration (ADC).

**BOARD ACTION:** Upon motion of Supervisor Pennycook, seconded by Supervisor Johnsen, and unanimously carried by those members present with Supervisor Potter absent, the Board continued this matter to Tuesday, April 9, 2002 at 10:30 a.m. for a public hearing. This will allow time for more comprehensive public outreach and legal noticing to property owners who would be affected by this project and the proposed expansion.

1351.450 S-15 **Adopted** criteria to be used to review property owner General Plan amendment requests for changes in their land use designation and zoning; and **directed** staff to return to the Board with the results of the first screening based on the adopted criteria prior to forwarding the requests to the advisory bodies.

**BOARD ACTION:** Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried, the Board adopted the criteria in an "advisory capacity" to be used along with the 12 general plan objectives which the Board has previously approved to review property owner amendment requests by staff and, in a concurrent process, by the Land Use Advisory Committees. The motion provided direction to staff that the matter come back to the Board of Supervisors for review and for adoption and to create an appeal process.

**ORDER FOR ADJOURNMENT TO TUESDAY, MARCH 12, 2002 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 Johnsen, seconded by Supervisor Armenta, and unanimously carried, the Board approved the following actions, except as otherwise noted:

HEALTH AND SOCIAL SERVICES:

0403.310 11. **Accepted** 2001 Annual Report of the Santa Cruz-Monterey Managed Medical Care Commission, also known as the Central

Coast Alliance for Health.

- 0125.000 12. **Agreement No. A-08891: Approved and authorized** the Director of Health to sign Behavioral Health Services Agreement with Edgewood Children's Center for the provision of mental health services in the amount of \$106,880 for the period of October 17, 2001 through June 30, 2002; **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.
- 0110.000 13. **Agreement No. A-07972: Approved and authorized** the Director of Health to sign Amendment #A02 to Agreement #99-85456 with the State Department of Health Services for claiming Federal Financial Participation for Medi-Cal administrative activities in the total amount of \$300,000 for FY 1999-00; 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.
- 0600.950 14. **Approved** the Three-Year Plan for the Child Abuse Prevention, Intervention, and Treatment (CAPIT) and the Community Based Family Resource and Support (CBFRS) programs for July 1, 2002 - June 30, 2005.

**CRIMINAL JUSTICE:**

- 0600.600 15. **Resolution No. 02-067: Amended** District Attorney Budget  
0150.141 Unit 224 to approve reallocation of position, to delete (1) Legal Secretary and add (1) Accounting Technician.

**GENERAL GOVERNMENT:**

- 6300.000 16. **Approved** Action Minutes for the meetings of Tuesday, January 29, 2002, Tuesday, February 5, 2002 and Tuesday, February 12, 2002, copies having been distributed to each Board Member.
- 0600.150 17. **Approved** the increase of the Monterey County Office for Employment Training 2001/2002 Revenue and Appropriations budget by \$104,232 to include funds drawn from the Governors' Discretionary Funds of Title I Workforce Investment Act (WIA) Funds for Rapid Response activities; **authorized** the WIB Executive Director to coordinate the execution of these funds; and **authorized** the Auditor-Controller to increase Estimated Revenue and Appropriations in Fund 007, Budget Unit 565, Office for Employment Training.
- 0950.000 18. **Approved and adopted** the Monterey County Employee

- 0600.750 Election Official Program for all unrepresented employee organizations; and approve Side Letters with Bargaining Units A, B, C, D, E, F, H, J, K, M, N and R concerning the Election Official Program.
- 0402.800 19. **Approved** amending Section 6, Quorum, of the bylaws of the Monterey County Overall Economic Development Commission.
- 0801.250 20. **Approved** request from Gonzales Rural Fire Protection District for an exception to the annual audit requirement mandated by Government Code Section 26909 and authorize preparation of a Five (5) Year Audit beginning with Fiscal Year ending 2001. (Unanimous Vote Required)
- 0125.000 21. **Agreement No. A-08890: Approved and authorized** the Director of the Parks Department to enter into an Agreement with Water World Resorts, Inc., for the collection of boating fees at Lake Nacimiento.
- 0601.850 22. **Approved and authorized** the acceptance of transfer of title from the Monterey County Parks Foundation to the Monterey County Parks Department for a modular building located at Laguna Seca Recreational Area Chaparral Campground.
- 0601.600 23. **Amended** Budget Unit 755, Parks Grant Program; **increased**
- 0150.141 estimated revenue and appropriations by \$7,000 to receive State Bond Act Grant funds for improvements at County Parks Facilities.

**PLANNING AND BUILDING INSPECTION:**

- 0602.200 24. **Approved** the purchase of a computer network server and the associated transfer of \$26,700 from Fiscal Year 2001-02 Services and Supplies to Fixed Assets in Planning and Building Inspection Department Budget Unit 293.
25. Approval and authorization for the Chair to sign on behalf of the Board, a Professional Services Agreement with Resource Design Technology, Inc. in the amount of \$392,783 for the preparation of an Environmental Impact Report (EIR) for the Handley Ranch Quarry Operations and Reclamation Plan (PLN010290), and provision of project management support; 2) approval and authorization the Chair to sign on behalf of the Board, a reimbursement agreement between the County of Monterey and Granite Construction Company, Inc.; and 3) directed the County Purchasing Manager and Director of Planning and Building Inspection to execute the contracts. Recommendation: Authorize the Chair to sign the two contracts, and direct the County Purchasing Manager and Director of Planning and Building Inspection to execute the contract.



**BOARD ACTION:** Upon motion of Supervisor Johnsen, seconded by Supervisor Armenta, and unanimously carried, the Board continued this matter to Tuesday, March 12, 2002 at 9:30 a.m. to allow for review of concerns stated by a member of the public.

26. Approval of Amendment No. 1 to extend Professional Services Agreement for one year in an amount not to exceed \$175,000 with Zucker Systems for consulting services to review the Planning and Building functions and develop an implementation plan; and authorize the County Administrative Officer to sign the amendment.

**BOARD ACTION:** Upon motion of Supervisor Johnsen, seconded by Supervisor Armenta, and unanimously carried, the Board continued this matter to Tuesday, March 12, 2002 at 9:30 a.m.

**SPECIAL DISTRICTS:**

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

- 0650.000 27. **Resolution No. 02-062: Approved** initial listing of extended services for the County Service Areas (CSA's) for Fiscal Year 2002-03.