

BOARD OF SUPERVISORS

Fernando Armenta	1 st District	Lew C. Bauman
Louis R. Calcagno	2 nd District	County Administrative Officer
W. B. "Butch" Lindley	3 rd District	
Jerry Smith	4 th District (Chair)	Charles J. McKee
Dave Potter	5 th District (Vice Chair)	County Counsel

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ACTION MINUTES

MONTEREY COUNTY BOARD OF SUPERVISORS
BOARD OF DIRECTORS OF THE MOSS LANDING SANITATION DISTRICT
MONTEREY COUNTY WATER RESOURCES AGENCY
TUESDAY, JANUARY 24, 2006
9:30 AM

9:30 a.m.

S-1 Pledge of Allegiance
The Pledge of Allegiance was led this morning by Supervisor Potter.

6300.000 S-2 Additions and Corrections to the Agenda

The Clerk of the Board will announce Agenda corrections and proposed additions, which may be acted on by the Board as provided in section 54954.2 of the California Government code.

BOARD ACTION: Upon motion by Supervisor Potter, and seconded by Supervisor Lindley, and carried 5/0 the Board approved the following additions and corrections:

Title Corrections:

Under Appointments:

7. Appoint Chris Daniel, SRA, as a regular member of the assessment Appeals Board, to complete the unexpired term of Dee Maitland, to end June 1, 2007. (Supervisor Calcagno)

S-3 CONSENT CALENDAR – REGULAR (See Supplemental Sheet)

S-4 CONSENT CALENDAR – BOARD OF DIRECTORS OF THE MOSS LANDING SANITATION DISTRICT (See Supplemental Sheet)

APPOINTMENTS:

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

0401.750 1. **Re-appointed** Mike Hosfelt to the Fish & Game Advisory

Commission for a term to end February 1, 2009. (Supervisor Smith)

- 0602.800 2. **Re-appointed** Ralph Villar to the Military & Veterans Affairs Advisory Commission, for a term to end January 1, 2009. (Supervisor Armenta)
- 0400.975 3. **Re-appointed** Lance Monosoff to CSA 50 for a term to end January 1, 2009. (Supervisor Potter)
- 0400.975 4. **Re-appointed** Warren Finch to CSA 50 for a term to end January 1, 2009. (Supervisor Potter)
- 0400.975 5. **Re-appointed** Mark Holbrook to CSA 50 for a term to end January 1, 2009. (Supervisor Potter)
- 0400.975 6. **Re-appointed** Ms. Margaret Robbins to CSA 50 for a term to end January 1, 2009. (Supervisor Potter)
- 0402.950 S/A-1 **Re-appointed** Ms. Martha Diehl to the Planning Commission for a term to end January 23, 2010. (Supervisor Potter)
- 0139.000 7. **Appointed** Chris Daniel, SRA, as a regular member of the assessment Appeals Board, to complete the unexpired term of Dee Maitland, to end June 1, 2007. (Supervisor Calcagno)

OTHER BOARD MATTERS:

- 6300.000 8. Board Comments and Referrals
- Supervisor Armenta: Advised that he received a phone call from Mark del Pierro last Friday. The call was in reference to Pajaro Sunny Mesa and the San Jerardo Water situation. He further advised that he brought Supervisor Lindley in on the matter as it was within his district.
- 6300.000 9. Receive Update on Board Referrals
There were none.
- 0600.025 10. County Administrative Officer's Comments
- CAO Bauman requested clarification regarding the San Jerardo issue and whether Mr. del Pierro should come up now or wait until public comment to speak.
- County Counsel advised that it is not appropriate to have a full discussion on this matter as it is not on today's agenda. Mr. del Pierro should speak at public comment and if necessary the issue can be agendized at a future date.
- 2050.000 11. Public Comment (Limited to 3 minutes)
- a. Mark Del Pierro: Attorney for Pajaro Sunny Mesa District. Spoke regarding the water issues of San Jerardo.
 - b. Alan Strough: Director of Environmental Health: Spoke in response to advise that they issues referenced have funding in line.
 - c. Joe Vierra: Advised of his displeasure over the audio system difficulties being experienced today – that not being able to hear the meeting due to the system failure was a denial of basic rights.

- d. Hans Jungens: Reviews today's newspaper – specifically the announcement by Ford of its intentions to lay off 25-30,000 workers. Then references the McCormack closure announcement.

2050.000

12. **Resolution No. 06-011: Adopted** a resolution recognizing the Filipino Women's Club of Salinas for 75 years of Service to the County of Monterey.

BOARD ACTION: Upon motion by Supervisor Armenta, and seconded by Supervisor Potter, and carried 5/0.

SCHEDULED MATTERS:

6300.000

- S-5 Closed Session relating to the following items:

- a. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding the following existing litigation:
1. Salinas Valley Property Owners for Lawful Assessments, et al. vs. County of Monterey, et al.
 2. Monterey County Water Resources Agency and County of Santa Cruz vs. Arthur R. Wilson Quarry, before the State Water Resources Control Board.
 3. California American Water vs. City of Seaside, et al.
 4. H-Y-H Corporation vs. County of Monterey

BOARD ACTION: The Board received and update on these matters. The Board extended authority to County Counsel on matter number 2 to seek a writ to challenge the decision of the Water Control Board.

THIS ITEM AS PULLED AND THERE WAS NO DISCUSSION.

- b. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiator(s) (all units); Keith Honda, designated representative.
- c. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one item of significant exposure to litigation.

BOARD ACTION: The Board received and update from Counsel and gave direction.

- d. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding one item of potential initiation of litigation.

BOARD ACTION: The Board extended authority to Counsel for litigation when Counsel is ready to file. Once filed it will be made available to the public through County Counsel's office.

10:30 a.m.

6300.000

- S-6 **Ordinance No. 5015: Considered** Adoption of an ordinance of the County of Monterey amending Section 2.04.030 of the Monterey County Code relating to the time and place of meetings of the Board of Supervisors.

BOARD ACTION: Upon motion by Supervisor Lindley, and seconded by Supervisor Potter, and carried 5/0.

0600.750

1351.280

- S-7 **Resolution No. 06-027: Rancho San Juan/Butterfly Village Project**
Referendum:

- a. **Received** the Registrar's certification of the results of examination of signatures; and
- b. **Reconsidered** adoption of Resolution No. 05-305 and either (a) entirely repeal or rescind the Resolution or (b) adopt a resolution to order that Resolution No. 05-305 be submitted to the voters at the next regularly scheduled County election occurring not less than 88 days after the date of the Board's order.

BOARD ACTION: Upon motion by Supervisor Calcagno, and seconded by Supervisor Armenta, the matter was then opened for public comment.

PUBLIC COMMENT:

Carlos Ramos: A District 5 Resident Mr. Ramos questioned the equitability in the approach of those individuals that were gathering the signatures. He asked for assurance that all of the residents were equally represented. Mr. Ramos referred to a legal matter – Padilla (2005).

STAFF COMMENT:

County Counsel responded to the issue advising the Board that the speaker should be encouraged to submit his complaint in writing and submit it to the Registrar of Voters. It can then be decided whether County Counsel or the D.A. will further investigate the matter. Further County Counsel advised that Padilla is a case arising out of Orange County and that if the Board requested a brief on the matter it should be handled in closed session (next week if necessary).

BOARD ACTION: Upon motion for reconsideration of this matter made by Supervisor Potter, and seconded by Supervisor Lindley, and carried, this matter was then reconsidered.

Supervisor Armenta: Would like the complaint submitted in writing. Further, he would like consideration of a public briefing to respond to the complaint.

County Counsel Charles McKee: Concurred in requesting that the Speaker submit the complaint in writing to the Registrar of Voters. Then it can be decided whether the investigation will be handled by County Counsel's office or the D.A. County Counsel also reminded the Board that a Sub Committee had been created and they can set any dates for a hearing.

Chair Smith: Expressed the allegations raised are serious and will agendize the matter once the written complaint has been received. Chair Smith then requested clarification whether this complaint expressed effects the action that they are being requested to take today on this scheduled matter.

County Counsel advised that it does not. The Board action today is ministerial and it should go forward to accept the certification. The complaint does not affect it because there has been no indication made that there is not enough adequate signatures received.

BOARD COMMENT: Directed to part (b);

Supervisor Armenta inquired whether this was done in English only without any Spanish translation.

The Registrar of Voters Tony Anchundo advised that the petitions for Rancho San Juan were all done in English.

County Counsel: Advised that there is presently a standing Court Order v. the Voting Public. He recommended that the Board seek a Court Declaration regarding how the County can fulfill/comply with the Court Order in light of the Referendum.

Supervisor Potter: Clarified that he had recused himself from this discussion during closed session at the recommendation of Counsel due to a potentially perceived conflict.

He expressed that he is in total agreement with such a recommendation as he has been suggesting this all along.

There was no public comment.

BOARD ACTION: Upon motion by Supervisor Potter, and seconded by Supervisor Lindley, and carried 5/0.

12:00 p.m.

Lunch

1:30 p.m.

5400.000 S-8 **Resolution No. 98-394; BU 05/06-136: Amended Personnel**
 0601.525 Policies and Practices Resolution No. 98-394 to add the selected
 0150.145 Per Diem classes at Natividad Medical Center (NMC) to reduce registry expenditures.

BOARD ACTION: Upon motion by Supervisor Arments, and seconded by Supervisor Lindley, and carried 5/0.

0601.525 S-9 **Received a Report on the Public Outreach Actions as coordinated by Armanasco Public Relations for services provided to Natividad Medical Center.**

BOARD ACTION: Upon motion by Supervisor Armenta, and seconded by Supervisor Lindley, and carried 5/0.

PUBLIC COMMENT:

Jan Mitchell: Would like the amount budgeted to be reviewed for the benefit of those that are listening to the broadcast who might not have the Board Report.

0601.525 S-10 **BU 05/06-137: NMC Budget Action Plan and Ratification of**
 0150.145 Direction to explore Alternative Hospital Health Care Service Provisions Scenarios.
BOARD ACTION: Upon motion by Supervisor Armenta, and seconded by Supervisor Potter, and carried. There will be an (f) added to the motion made last week, which will be to explore the possibilities of a ½ cent sales tax. There will be a #7 added that is to bring back at next weeks meeting (January 31, 2006) a list of names for a Blue Ribbon Committee to coordinate and bring in community involvement in this matter.

Supervisor Calcagno: Requested the formation of a Blue Ribbon Committee.

Supervisor Potter: Echo'd this request advising again that there is a large pool of untapped resources out there in the community who have a great deal of insight and perhaps experience to offer in addressing the problems with Natividad Hospital.

Supervisor Armenta: Requested that a formal consideration be made for another effort at Measure Q. He would like this added to the Board recommendations/motion made last week.

PUBLIC COMMENT:

- a. Jan Mitchell: Would like the financial summary read out – again to benefit those that may be listening.
- b. John Vellardita: Local SEIU representative. Wanted the stakeholders to meet with the SEIU on a weekly basis when discussing these issues.

0601.525 S-11 **Agreement No. A-10379 / B.U. 05/06-145: Considered** approval
 0150.145 of an agreement with Foley & Lardner to provide specialized legal
 0125.000 services for evaluation of various hospital healthcare delivery options for NMC and the County.

BOARD ACTION: Upon motion by Supervisor Potter, and seconded by Supervisor Lindley, and carried 5/0.

5100.000 S-12 **B.U. 05/06-137: Endorsed** the preliminary incentive program for 0150.145 The
 Commons at Rogge Road Project.

BOARD ACTION: Upon motion by Supervisor Armenta, and seconded by Supervisor Potter, and carried 5/0.

5100.000 S-13 **Endorsed** the Draft Affordable/Workforce Housing Program Concept.
BOARD ACTION: Upon motion by Supervisor Armenta, and seconded by Supervisor Potter, and carried 5/0.

Also introduced were the following individuals for the Housing Trust: Ken Stein, Jan Lindenthal, Tom Carvey, Renee Boskov, Ron Cheshire, and Ians Gillis

0401.955 S-14 **Approved** 2006 Annual Housing Report.
BOARD ACTION: Upon motion by Supervisor Lindley, and seconded by Supervisor Potter, and carried 5/0.

It was requested by Supervisor Potter that the meeting be Adjourned in Memory of Santo Capuccio. Chair Smith formally adjourned the meeting as requested.

**ORDER FOR ADJOURNMENT
 IN MEMORY OF SANTO CAPUCCIO**

APPROVED:

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 Chair

ATTEST:
 LEW C. BAUMAN, Clerk of the Board

By: _____
 Deputy

(Supplemental Sheet)

CONSENT CALENDAR

BOARD ACTION: Upon motion by Supervisor Potter, and seconded by Supervisor Lindley, and unanimously carried, the Board approved the following actions, unless otherwise noted. Consent Item #26 was pulled and will be brought back at a later date.

HEALTH AND SOCIAL SERVICES:

- 0601.100 13. **Agreement No. A-10372: Approved** Agreement with waiver of
0125.000 standard insurance provision and authorize the Director of Health to sign such Agreement with the Diabetes Care Center in the amount of \$40,000 to provide technical review and medical oversight of elements of the Community Action Plan related to clinical services for the Steps to a Healthier Salinas Initiative for the period of December 15, 2005 through October 30, 2006.
- 0601.100 14. a. **BU 05/06-138: Approved and amended** the Health
0150.145 Department Clinic Services Budget Unit 413 to reallocate 1.0 FTE vacant Accountant Auditor to 1.0 FTE Outpatient Services Manager I; and
b. **Directed** the Auditor-Controller to amend the FY 2005-06 Health Department Budget Unit 413 to reflect the changes in position count.
- 0601.100 15. a. **BU 05/06.142: Approved** the Children's Medical Services
0150.145 Annual Plan and Budget for Fiscal Year 2005-06; and
b. **Authorized** the Board Chair to sign the Certification Statement; and
c. **Resolution No. 06-015: Approved and Amended** the FY 2005-06 Health Department Budget to Add 0.5 FTE Public Health Nutritionist II position; and
d. **Added** 2.0 FTE Office Assistant II positions; and
e. **Added** 1.0 FTE Supervising Office Assistant I position; and
f. **Reallocated** 0.5 FTE Public Health Nurse II to a 0.5 FTE Public Health Nurse III position; and
g. **Reallocated** 1.0 Health Program Coordinator to a 1.0 FTE Supervising Public Health Nurse position; and
h. **Directed** the Auditor-Controller to amend the FY 2005-06 Health Department Budget Unit 440 to reflect the change in position count as outlined in the attached Board Order.
- 0601.100 16. **Agreement No. A-09418: Approved and authorized** the Director
0125.000 of Health to sign Amendment No. 4 to the Health Department's Agreement No. A-09418 with Public Health Foundation Enterprises, Inc. to increase the Agreement in the amount of \$159,950, for the purpose of acquiring operational and management service for the Emergency Medical Services (EMS) program.
- 0601.100 17. a. **Resolution No. 06-018; BU 05/06-143: Amended** the
0150.145 Personnel Policies and Practices Resolution No. 98-394 to retitle the classification of Conservator-Guardianship Investigator to Deputy Public Administrator/Guardian I; and
b. **Amended** the Personnel Policies and Practices Resolution No. 98-394 to add the classification of Deputy Public Administrator/Guardian II; and
c. **Amended** the Personnel Policies and Practices Resolution No. 98-394 to retitle and increase the salary range of the classification of Public Guardian Conservator to Public Administrator/Guardian; and

- d. **Amended** the Health Department's Budget Unit 415 to approve reallocation of (5) Conservator-Guardianship Investigator positions to Deputy Public Administrator/Guardian II; and
- e. **Amended** Health Department's Budget Unit 415 to approve reclassification of a Principal Office Assistant to a Deputy Public Administrator/Guardian II effective February 4, 2006; and
- f. **Directed** the Auditor-Controller to incorporate change in the FY 2005-2006 Budget.
- 0602.550
0125.000
18. a. **Agreement No. A-10371: Approved and authorized** the Director of the Department of Social and Employment Services to sign Agreement 06-F-4729 in the amount of \$919,742.00 for the receipt of Community Services Block Grant (CSBG) Funds from the California Department of Community Services and Development for calendar years 2006 and 2007; and
- b. **Authorized** the Director of the Department of Social & Employment Services to sign all future financial amendments to this Agreement.
- 0602.550
0125.000
19. a. **Agreement No. A-10373: Approved and authorized** the Director of the Department of Social and Employment Services to sign an agreement with Hartnell College in the amount of \$1,033,283, for the period January 1, 2006 through June 30, 2007, to provide training and recruitment services to eligible Monterey County local agency employees and current and prospective caregivers; and
- b. **Approved and authorized** the Director of the Department of Social and Employment Services to sign all future amendments to the agreement not exceeding 5% of the original contract amount, and a three (3) month extension.
- 5400.000
0150.145
20. a. **Resolution No. 06-019; BU 05/06-139: Amended** Personnel Policies and Practices Resolution No. 98-394 to add the classification of Senior Civil Process Server; and
- b. **Amended** the FY 2005-06 Child Support Services Budget Unit 225 to add one (1) Senior Civil Process Server; and
- c. **Directed** the Auditor-Controller to incorporate this change in the FY 2005-06 Child Support Services Budget Unit 225

CRIMINAL JUSTICE:

- 0602.250
1100.000
0150.145
21. a. **Resolution No. 06-016; BU 05/06-144: Approved** adoption of a Fee Schedule Resolution for the Probation Department; and
- b. **Amended** the Monterey County Fee Resolution to add Article XVIII relating to fees charged by the Probation Department and Approve incorporation of the new Fee Schedule in that Article.

GENERAL GOVERNMENT:

- 0602.150
0150.145
22. a. **Resolution No. 06-013; BU 05/06-140: Amended** the FY 2005-06 CAO-Human Resources Budget Unit 125 to add one (1) Principal Employee Relations Representative; and
- b. **Directed** the Auditor-Controller's Office to reflect this change to Budget Unit 125 in the FY 2005-06 budget.
- 0600.050
0801.350
23. **Approved** a Request from the Greenfield Cemetery District for an "ongoing" Exemption to the Annual Audit Required by Government Code Section 26909 and Authorize Preparation of a Biennial Audit covering the Fiscal Years of 2005-06 and each year thereafter (unanimous vote required)

- 0150.145 24. **BU 05/06-141: Introduced**, waive reading, and set for adoption on February 7, 2006 at 11:30 am an ordinance of the County of Monterey amending Subsection A of the Section 15.29.055 of the Monterey County Code relating to the Paramedic Emergency Medical Services Special Tax for residential timeshare units.
- 0600.850 25. a. **Agreement No. A-09156: Approved and authorized** the
0125.000 Purchasing Manager to sign an agreement and optional extensions with Branch's Janitorial Services, Inc. to provide custodial maintenance services and supplies for the County of Monterey, for the term of seven (7) months, December 1, 2005 through June 30, 2006, with the option to extend the Agreement for three (3) additional one (1) month terms, with an aggregate value of approximately \$705,000, in accordance with the terms and conditions within the Agreement; and
- b. **Authorized** payments to Branch's Janitorial Services, Inc. for a three-year term of the Agreement.

RMA - PLANNING AND BUILDING INSPECTION:

This matter was pulled by the applicant with Staff in agreement and will be brought back at a later date.

26. ~~Adopt a resolution to grant an appeal and to approve a Combined Development Permit (KEIG; PLN040530) including a Coastal Development permit to allow the construction of a 3,499 sq. ft. two-story single family dwelling and attached 1,049 sq. ft. garage; a production well; grading (640 cu. yd. cut and 640 cu. yd. fill); a Coastal Development Permit to remove nine Monterey pines (12" to 22" dbh) and eight Coast live oak trees (6" to 9" dbh); and Design Approval. The subject property is located at 100 Crest Road, Carmel Highlands (Assessor's Parcel Number 241-221-013-000), Coastal Zone.~~

- 0602.200 27. a. **Agreement No. A-10375: Approved** Amendment No. 1 in the
0125.000 amount of \$50,000 to the Professional Services Agreement with Rincon Consultants, Inc. for a total cost of services not to exceed \$75,000 for contract planning services to the Monterey County Planning and Building Inspection Department; and
- b. **Authorized** the Director of Planning and Building Inspection to execute the Amendment and future amendments that do not significantly alter the scope of work or change the approved agreement amount.

RMA - PUBLIC WORKS:

- 0602.350 28. **Approved** release of the Labor and Material Security for the Woodland Heights Subdivision in the form of a Certificate of Deposit issued by the First National Bank in the amount of \$100,000 (located off Pesante Road, Prunedale area).
- 5900.000 29. a. **Accepted** substitute security (which includes \$13,600 for
Faithful Performance Security and \$6,800 for Labor and Material Security) in the form of a Certificate of Deposit for \$20,400 issued by World Savings; and
- b. **Approved** release of Faithful Performance Security in the form of a Set-Aside Letter for \$108,870 issued by Monterey Bay Bank (now Union Bank) for the Villa De Castro Subdivision (located off Koester Street, Castroville area).
- 0602.350 30. a. **Accepted** the Notice of Completion of infrastructure improvements for the Vista Verde Estates Subdivision (located off Lewis Road, 17 lots, private road); and
- b. **Authorized** release of the Faithful Performance Security in the amount of \$416,051 in the form of a Subordinated Deed of Trust.
- 0125.000 31. **Agreement No. A-09964; 2004 CONST 0023: Endorsed** the Public

- 0525.000 Works Director's decision to approve a change order with Restec Contractors in the amount of \$310,714 for additional abatement in the North Wing.
- 0602.350 32. **Approved** the Public Works Department Five-Year Capital Improvement Program Update for FY 2006-07.

RMA – BOARD OF DIRECTORS OF THE MOSS LANDING SANITATION DISTRICT:

BOARD ACTION: Upon motion by Supervisor Calcagno, and seconded by Supervisor Lindley, and unanimously carried, the Board approved the following actions, unless otherwise noted.

- 0803.375 33. a. **Introduced**, waive reading, and set public hearing for March 14, 2006 at 10:30 a.m. to adopt an ordinance for the Moss Landing County Sanitation District raising the service charge rates (2/3 vote required); and
- b. **Directed** the Clerk of the Board of Supervisors to post the proposed ordinance and publish the ordinance ten days prior to the hearing in The Salinas Californian and The Monterey County Herald.