



# Monterey County

## Action Minutes - Draft

### Board of Supervisors

*Chair Dave Potter - District 5  
Vice-Chair Fernando Armenta - District 1  
Supervisor Louis R. Calcagno - District 2  
Supervisor Simón Salinas - District 3  
Supervisor Jane Parker - District 4*

Monterey County  
Government Center  
Board Chamber  
168 W. Alisal St. 1st Floor  
Salinas, CA 93901

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Tuesday, September 18, 2012

9:00 AM

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#### Roll Call

**Present:** 5 - Supervisor Dave Potter, Supervisor Fernando Armenta, Supervisor Louis R. Calcagno, Supervisor Simón Salinas and Supervisor Jane Parker

#### Additions and Corrections for Closed Session

There were no additions or corrections to Closed Session.

#### Closed Session

1. Closed Session under Government Code section 54950, relating to the following items:
  - a. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation:  
(1) Daniel J. Mitchell, et al. v. County of Monterey (United States District Court, California Northern District, case no. C 08-01166 JW)
  - b. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.
  - c. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding one matter of potential initiation of litigation.
  - d. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding liability claims against the County of Monterey.  
(1) Claim of Gloria Rodriguez

**CLOSED SESSION REPORT: There were no reportable actions on items 1.a. through c.**

**d. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding liability claims against the County of Monterey.**  
(1) Claim of Gloria Rodriguez

**CLOSED SESSION REPORT: The Board conferred with Counsel and approved a tentative settlement agreement regarding the claim of Gloria Rodriguez.**

**When the agreement has been approved by all parties, it will be available in the**

office of County Counsel.

### **10:30 AM Reconvene**

### **Roll Call**

*Present: Charlie Steves, Interpreter*

**Present:** 5 - Supervisor Dave Potter, Supervisor Fernando Armenta, Supervisor Louis R. Calcagno, Supervisor Simón Salinas and Supervisor Jane Parker

### **Pledge of Allegiance**

*The Pledge of Allegiance was led by Supervisor Armenta.*

### **Additions and Corrections**

*Due to the need for immediate consideration by the Board of matters which arose after the posting of today's agenda, as provided in Section 54954.2 of the California Government Code the Board is asked to make the following corrections:*

*Correction to the Calendar Regular Consent – Health & Social Services*

*14.1 The report has been revised and has been made available to all Board members.*

*a. Approve and authorize the Chualar Community Litter Abatement Clean-Up Day planned for September 22, 2012; and*

*b. Approve and authorize Waste Management to set up and monitor waste containers at the event, and to provide transportation and disposal of waste collected in those containers, in accordance with the provisions of Section 11.04 of the Unified Franchise Agreement. (ADDED VIA ADDENDUM)*

*Upon the motion of Supervisor Jane Parker, seconded by Simon Salinas, the Board approved the corrections to the agenda. ALL AYES*

### **Consent Calendar- (See Supplemental Sheet)**

2. Approve Consent Calendar - Regular (See Supplemental Sheet, items 13 through 21).

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta, that the Consent Calendar-Regular be approved. ALL AYES**

### **Ceremonial Resolutions**

3. Resolution proclaiming September 19, 2012 as "It Can Wait-No Texting While Driving Pledge Day" in Monterey County. (Supervisor Potter)

**A motion was made by Supervisor Fernando Armenta, seconded by Supervisor Simón Salinas, adopting Resolution No. 12-251 proclaiming September 19, 2012 as "It Can Wait-No Texting While Driving Pledge Day" in Monterey County. ALL AYES**

### **Appointments**

4. Appoint Chris Shannon to the Children & Families Commission, term ending September 26, 2015. (Full Board)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta, that this Appointment be approved. ALL AYES**

5. Reappoint Josefina Silva to the Children & Families Commission, term ending September 25, 2015. (Full Board)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta, that this Appointment be approved. ALL AYES**

6. Appoint Elizabeth Barratt to the Carmel Valley Road Committee, term ending June 30, 2013. (Supervisor Potter)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta, that this Appointment be approved. ALL AYES**

6.1 Appoint Supervisor Simon Salinas as the Alternate to the FORA Fort Ord Reuse Authority Board of Directors for Calendar Year 2012. (Full Board)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta, that this Appointment be approved. ALL AYES**

### **Other Board Matters**

7. Board Comments

8. CAO Comments and Referrals (Materials submitted via Supplemental)

9. General Public Comment

**Dell Matt; Peggy Shirrell; Nina Beety; Lynn Riddle; Carolyn Anderson; Sid Matt; Hans Jongens; Cosme Padilla.**

### **10:30 A.M. - Scheduled Matters**

10. a. Conduct a hearing under the requirements of the Tax Equity and Financial Responsibility Act (TEFRA) and the Internal Revenue Code of 1986, as amended for the Community Hospital of the Monterey Peninsula (CHOMP), a California nonprofit public benefit corporation, to finance the construction improvement, renovation, and equipping of certain acute-care hospital facilities and related facilities located within the County of Monterey and certain costs with respect thereto; and  
b. Adopt a resolution approving the issuance of up to \$35,000,000 in tax-exempt revenue bonds by the California Statewide Communities Development Authority for the benefit of CHOMP, to provide financing for the project

*Public Comment: Nina Beety*

- a. Conducted a public hearing under the requirements of the Tax Equity and Financial Responsibility Act (TEFRA) and the Internal Revenue Code of 1986, as amended for the Community Hospital of the Monterey Peninsula (CHOMP), a California nonprofit public benefit corporation, to finance the construction improvement, renovation, and equipping of certain acute-care hospital facilities and related facilities located within the County of Monterey and certain costs with respect thereto; and
- b. Adopted Resolution No. 12-257 approving the issuance of up to \$35,000,000 in tax-exempt revenue bonds by the California Statewide Communities Development Authority for the benefit of CHOMP, to provide financing for the project.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta. ALL AYES

### **12:00 PM Recess to Lunch**

### **1:30 PM Reconvene - Monterey County Board of Supervisors**

#### **Roll Call**

*Present: Charlie Steves, Interpreter*

**Present:** 4 - Supervisor Fernando Armenta, Supervisor Louis R. Calcagno, Supervisor Simón Salinas and Supervisor Jane Parker

**Absent:** 1 - Supervisor Dave Potter

### **1:30 P.M. - Scheduled Matters**

**11.** Accept an oral presentation from the Interim Health Officer and the Program Manager of the Planning, Evaluation and Policy Unit regarding County support for Early Childhood Development, as requested by Board of Supervisors Referral #2012.04.

*Public comment: Francine Rodd*

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, to accept the oral presentation. 4-0 (Supervisor Potter absent)**

**12.** Receive an oral report from the Equal Opportunity Officer and representatives from Biddle Consulting Group on the Data and statistical analysis contained in the proposed revised Monterey Plan for Equal Access to Employment and Contracting Opportunities

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker, to received the oral report. 3-0 (Supervisors Potter and Calcagno Absent)**

#### **Adjournment**

#### **Supplemental Sheet, Consent Calendar**

**Health and Social Services**

**13.** Approve and authorize the Director of Health to sign Amendment No. 1 to the Agreement A-11713 with ODD-Fellow Rebekah Children's Home of California to increase funding to add board and care services for April 1, 2012 to June 30, 2012 in the amount of \$54,876 and July 1, 2012 to June 30, 2013 in the amount of \$219,504, for the revised total amount not to exceed \$1,211,956.

**Approved - Agreement No. A-11713**

**14.** Approve and authorize the Contracts/Purchasing Officer to sign Amendment No. 5 to Agreement No. A-11307 with Oregon Community Health Information Network, Inc. to adjust authorization requirements for Care Everywhere.

**Approved - Agreement No. A-11307**

**14.1**

- a. Approve and authorize the Chualar Community Litter Abatement Clean-Up Day planned for September 22, 2012; and
- b. Approve and authorize Waste Management to set up and monitor waste containers at the event, and to provide transportation and disposal of waste collected in those containers, in accordance with the provisions of Section 11.04 of the Unified Franchise Agreement.

**Approved**

**Criminal Justice**

**15.**

- a. Authorize the Contracts/Purchasing Officer to sign and execute Amendment No.1 with Jon J. Smith, M.D to extend the term of the agreement an additional one (1) year for forensic pathological postmortem examinations; and
- b. Authorize the Contracts/Purchasing Officer to sign future amendments to this agreement where the amendments do not significantly change the scope of work.

**Approved - Agreement No. A-12326**

**General Government**

**16.** Adopt a resolution to approve the amendments to the Conflict of Interest Code of the County Administrative Office of the County of Monterey.

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta adopting Resolution No. 12-258 approving the amendments to the Conflict of Interest Code of the County Administrative Office of the County of Monterey. ALL AYES**

**17.**

Adopt Resolution to:

Amend Resolution No. 09-357 and the Monterey County Agricultural Advisory Committee (AAC) Bylaws to provide for a temporary alternate Committee member in the event there is a need for a Committee member to take a temporary leave of absence due to personal or family medical reasons.

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta, adopting Resolution 12-259 to Amend Resolution No. 09-357 and the Monterey County Agricultural Advisory Committee (AAC) Bylaws to provide for a temporary alternate Committee member in the event there is a need for a Committee member to take a temporary leave of absence due to personal or family medical reasons. ALL AYES**

**18.**

Adopt Resolution to:

- a. Amend Personnel Policy and Practices Resolution No. 98-394 to re-title "Revenue Manager" to "Deputy Treasurer-Tax Collector".
- b. Approve the Reallocation of one "Allocation to Be Determined" to one "Deputy Treasurer-Tax Collector" in Budget Unit 1170-8264, Treasurer-Tax Collector, Revenue Division.
- c. Amend the FY 2012-13 Treasurer-Tax Collector Budget 1170-8264 to delete one "Allocation to be determined" and add one "Deputy Treasurer-Tax Collector".
- d. Authorize the County Administrative Office to incorporate this change, as reflected in Attachment A, in FY 2012-13 Treasurer-Tax Collector Budget 1170-8264.

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta, adopting Resolution No. 12-260 to:**

- a. Amend Personnel Policy and Practices Resolution No. 98-394 to re-title "Revenue Manager" to "Deputy Treasurer-Tax Collector".
- b. Approve the Reallocation of one "Allocation to Be Determined" to one "Deputy Treasurer-Tax Collector" in Budget Unit 1170-8264, Treasurer-Tax Collector, Revenue Division.
- c. Amend the FY 2012-13 Treasurer-Tax Collector Budget 1170-8264 to delete one "Allocation to be determined" and add one "Deputy Treasurer-Tax Collector".
- d. Authorize the County Administrative Office to incorporate this change, as reflected in Attachment A, in FY 2012-13 Treasurer-Tax Collector Budget 1170-8264. **ALL AYES**

**19.**

Accept the Monterey County Agricultural Advisory Committee Annual Report covering the period of July 1, 2011, through June 30, 2012.

**Approved**

**20.**

- a. Amend the FY 2012-13 County Clerk-Recorder Budget 1180, Unit 8004 to Reallocate one Management Analyst II to Finance Manager 1 and;
- b. Authorize the County Administrative Office to incorporate approved position changes in the FY 2012-13 Adopted Budget.

**Approved**

**21.** Introduce, waive the reading, and set October 2, 2012 at 10:30 a.m. as the date and time to consider adoption of an ordinance repealing Section 2.32.035 of the Monterey County Code to enable full implementation of the Monterey County Local Preference Policy.

**Approved**