

# Monterey County

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



## Meeting Agenda - Final-revised

Tuesday, May 8, 2012

9:00 AM

**Please see separate agendas for the Monterey County Water  
Resources Agency and the Successor Agency to the  
Redevelopment Agency of the County of Monterey**

### 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*

The Board of Supervisors welcomes you to its meetings, which are regularly scheduled each Tuesday. Your interest is encouraged and appreciated. Meetings are held in the Board Chambers located on the first floor of the Monterey County Government Center, 168 W. Alisal St., Salinas, CA 93901.

As a courtesy to others, please turn off all cell phones and pagers prior to entering the Board Chambers.

**ALTERNATE AGENDA FORMATS:** If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Individuals with a disability requiring a modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may make these requests to the Clerk of the Board Office.

**CEREMONIAL/APPOINTMENTS/OTHER BOARD MATTERS:** These items may include significant financial and administrative actions, and items of special interest, usually approved by majority vote for each program. The regular calendar also includes "Scheduled Items," which are noticed hearings and public hearings.

**CONSENT CALENDAR:** These matters include routine financial and administrative actions, appear in the supplemental section by program areas, and are usually approved by majority vote.

**TO ADDRESS THE BOARD ON A MATTER ON THE AGENDA:** Walk to the rostrum and wait for recognition by the Chair. In order that all interested parties have an opportunity to speak, please be brief and limit your comments to the specific subject under discussion. Time limitations shall be at the discretion of the Chair, with equal time allocated to opposing sides of an issue insofar as possible. Allocated time may not be reserved or granted to others, except as permitted by the Chair. On matters for which a public hearing is required, please note that a court challenge to the Board's action may be limited to only those issues raised at the public hearing or in correspondence delivered to the Board at or before the public hearing.

**TO ADDRESS THE BOARD DURING PUBLIC COMMENT:** Please complete a Speaker Request Form, available on the rostrum, and submit it to the Clerk of the Board before the commencement of that agenda item. Public comments shall not pertain to matters on the agenda.

**DOCUMENT DISTRIBUTION:** Documents related to agenda items that are distributed to the Board less than 72 hours prior to the meeting shall be available for public inspection at the Clerk of the Board Office, 168 W. Alisal Street, 1st Floor, Salinas, CA. Documents distributed to the Board at the meeting by County staff will be available at the meeting; documents distributed to the Board by members of the public shall be made available after the meeting.

**INTERPRETATION SERVICE POLICY:** The Monterey County Board of Supervisors invites and encourages the participation of Monterey County residents at its meetings. If you require the assistance of an interpreter, please contact the Clerk of

the Board located in the Monterey County Government Center, 168 W. Alisal St., Salinas - or by phone at (831) 755-5066. The Clerk will make every effort to accommodate requests for translation assistance. Requests should be made as soon as possible, and at a minimum 24 hours in advance of any meeting of the Board of Supervisors.

La Cámara de Supervisores del Condado de Monterey invita y apoya la participación de los residentes del Condado de Monterey en sus reuniones. Si usted requiere la asistencia de un interprete, por favor comuníquese con la oficina de la Asistente de la Cámara de Supervisores localizada en el Centro de Gobierno del Condado de Monterey, (Monterey County Government Center), 168 W. Alisal, Salinas – o por teléfono al (831) 755-5066. La Asistente hará el esfuerzo para acomodar los pedidos de asistencia de un interprete. Los pedidos se deberán hacer lo mas pronto posible, y a lo mínimo 24 horas de anticipo de cualquier reunión de la Cámara de Supervisores.

All documents submitted by the public must have no less than ten (10) copies. The Clerk of the Board of Supervisors must receive all materials for the agenda packet by noon on the Tuesday one week prior to the Tuesday Board meeting. Any agenda related writings or documents distributed to members of the County of Monterey Board of Supervisors regarding any open session item on this agenda will be made available for public inspection in the Clerk of the Board's Office located at 168 W. Alisal St., 1st Floor, Salinas, California. during normal business hours and in the Board Chambers on the day of the Board Meeting, pursuant to Government Code §54957.5

**NOTE: All agenda titles related to numbered items are live web links. Click on the title to be directed to the corresponding Board Report.**

## **ROLL CALL**

**Additions and Corrections for Closed Session: The Clerk of the Board will announce agenda corrections and proposed additions, which may be acted on by the Board as provided in Sections 54954.2 of the California Government Code. The public may comment on Closed Session items prior to the Board's recess 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) LandWatch Monterey County v. County of Monterey; Redevelopment Agency of the County of Monterey, et al., Real Parties in Interest (Monterey County Superior Court case no. M113552)
    - (2) LandWatch Monterey County v. County of Monterey (Monterey County Superior Court case no. M109434)
    - (3) The Open Monterey Project v. Monterey County Board of Supervisors (Monterey County Superior Court case no. M109441)
    - (4) Carmel Valley Association, Inc. v. Board of Supervisors of the County of Monterey (Monterey County Superior Court case no. M109442)
    - (5) Salinas Valley Water Coalition, et al. v. County of Monterey (Monterey County Superior Court case no. M109451)
    - (6) Javier Guzman, et al. v. Rick Pinch, et al. (Monterey County Superior Court case no. M71543)
    - (7) Timothy McCormick v. County of Monterey, et al. (Monterey County Superior Court case no. M117171)
  - b. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:
    - (1) Designated representatives: Izetta Birch and Brette Neal  
Employee Organization(s): Units D and E
  - c. Pursuant to Government Code sections 54956.9(b) and (c), the Board will confer with legal counsel regarding two matters of significant exposure to litigation and/or potential initiation of litigation.
  - d. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one matter of significant exposure to litigation. **ADDED VIA**

**ADDENDUM****10:30 AM Reconvene****ROLL CALL****Pledge of Allegiance****Additions and Corrections****Public Comment****Ceremonial Resolutions**

2. Adopt Resolution proclaiming Natividad Medical Center's "National Hospital Week" May 6th through May 12th, 2012. (Supervisor Potter)  
**Attachments:** [National Hospital Week May 6-May 12, 2012](#)
3. Adopt Resolution recognizing May 2012 as **Older American's Month**. (Supervisor Salinas)  
**Attachments:** [Older American's Month May 2012](#)
4. Adopt Resolution proclaiming the month of May 2012 as "**Clean Air Month**" in Monterey County. (Supervisor Potter)  
**Attachments:** [Clean Air Month Resolution](#)
5. Adopt Resolution proclaiming the month of May 2012 as "**Building Safety Month**" in Monterey County. (Supervisor Potter)  
**Attachments:** [Building Safety Month Resolution](#)
6. Adopt Resolution declaring May 9, 2012 as California's "**DAY OF THE TEACHER**".  
(Supervisor Calcagno)  
**Attachments:** [California Day of the Teacher Resolution](#)
- 6.1 Adopt Resolution proclaiming the week of May 20 through May 26, 2012 as **Classified Employee Week** in Monterey County (Supervisor Calcagno)  
(Added via the Addendum)  
**Attachments:** [2012 May 20-26 - Classified School Employee Week](#)

**Appointments**

7. Reappoint Cheryl Ward-Kaiser to the Community Restorative Justice Commission,

term ending April 11, 2015. (Supervisor Parker)

**Attachments:** [Ward-Kaiser Notification to Clerk](#)

8. Appoint Rosaura Sanchez to the Community Action Commission to fill and unscheduled vacancy, term ending July 1, 2012. (Supervisor Armenta)

**Attachments:** [Notification to Clerk of Appt - Sanchez](#)

- 8.1 Appoint Karina Torres to the Oversight Board, term ending at the pleasure of the Chair (Full Board) **(Added via the Addendum)**

**Attachments:** [Torres Notification to Clerk](#)

### **Other Board Matters**

9. Board Comments

10. CAO Comments and Referrals

**Attachments:** Referrals 05-08-12

11. Public Comment (Limited to 3 minutes per speaker at the discretion of the Chair)

This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under the jurisdiction of the Board of Supervisors. Board members may respond briefly to statements made or questions posed. They may ask a question for clarification; make a referral to staff for factual information, or request staff to report back to the Board at a future meeting.

### **Adjournment - In Memory of Bill Hyler**

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

#### **Natividad Medical Center**

12. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. 3 to the Agreement (SC1860) with Monterey Language Services for Translation, Interpretation and other Language Services at NMC, extending the Agreement to June 30, 2013 and adding \$93,000 for Fiscal Year (FY) 2011-12 and FY 2012-2013 for a revised total Agreement amount not to exceed \$171,000 in the aggregate.

**Attachments:** [Monterey Language Services](#)

[Monterey Language Services AMENDMENT #3](#)

13. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. 6 to the Agreement (A-11938) with Cynthia Harlowe for Consulting

Services at NMC for Joint Commission accreditation consulting services, extending the Agreement to June 30, 2013 and adding \$25,000 for Fiscal Year (FY) 2012-13 for a revised total Agreement amount not to exceed \$240,000 in the aggregate.

**Attachments:** [Cynthia Harlowe Amendment #6](#)

14. a. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute a Contract with County of San Benito (“San Benito County”) for the provision by NMC of Acute Psychiatric Inpatient Services at NMC’s In-Patient Facility to San Benito County Residents Referred by San Benito County, at an interim daily rate of \$1,172.71 for the period July 1, 2011 to June 30, 2013; and  
b. Authorize the Purchasing Manager for NMC to sign up to three (3) amendments to this Agreement where the total amendment do not exceed 10% of the original contract amount and do not significantly change the scope of work.

**Attachments:** [San Benito County \(MHU Agreement\)](#)

15. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. Five to the Agreement (A-10757) with Toyon Associates Inc for Medicare Appeal Services at NMC, extending the Agreement to June 30, 2013 and adding \$500,000 for a revised total Agreement amount not to exceed \$2,400,000 in the aggregate.

**Attachments:** [Toyon \(Medicare Appeal\)](#)

16. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. Two to the Agreement (SC1882) with Toyon Associates Inc. for Medicare Cost Report Preparation Services at NMC, extending the Agreement to June 30, 2013 and adding \$40,000 for a revised total Agreement amount not to exceed \$110,000 in the aggregate.

**Attachments:** [Toyon \(Medicare Cost Report Prep\)](#)

17. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. 1 to the Agreement (A-11583) with Toyon Associates Inc. for Rural Floor Budget Neutrality Appeal Services at NMC, extending the Agreement to June 30, 2015 and adding \$300,000 for a revised total agreement amount not to exceed \$600,000 in the aggregate.

**Attachments:** [Toyon \(Rural Floor Budget Neutrality\)](#)

18. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. Four to the Agreement (A-11512) with CyraCom International for Language Interpretation Services at NMC, extending the Agreement to June 30, 2013 and adding \$20,000 for Fiscal Year (FY) 2012-13 for a revised total Agreement amount not to exceed \$121,000 in the aggregate.

**Attachments:** [Cyracom](#)

## Health and Social Services

19. a. Accept and approve the revised standard Mental Health Services Agreement and associate revised Exhibit B, H and I as the official County Mental Health Services Agreement template (“MHS Agreement template”) for the provision of non-County department of mental health treatment services to clients with psychiatric impairments and disabilities for contracts with providers over \$100,000, and for \$100,000 or less;
- b. Authorize the Director of Health to sign contracts with non-County providers of mental health treatment services using the MHS Agreement template in substantially the same form as that which has been presented to the Board, without material change to its content;
- c. Authorize the Director of Health to sign future contracts with non-County department providers of mental health services of \$100,000 or less using the MHS Agreement template; and
- d. Authorize the Director of Health to sign future amendments that incorporate the revised text of the MHS Agreement template and associated Exhibits where amendments do not exceed 10% of the original contract amount and do not significantly change the scope of work or result in an increase in County General Fund Contribution.

**Attachments:** [BH - Standard.doc](#)  
[EXHIBIT B\\_MediCal 04 13 12 Final Draft.doc](#)  
[EXHIBIT H\\_Budget and Expenditure Report 04 13 2012.xls](#)  
[EXHIBIT I\\_Annual Report Audit Requirements 4 23 12 final draft \(2\).doc](#)

- 19.1 Introduce, waive the reading, and set May 15, 2012 at 10:30 a.m. as the date and time to consider adoption of an ordinance adding Chapter 7.80 to the Monterey County Code to establish licensing requirements for tobacco retailing within the unincorporated area of Monterey County. (**Added via Addendum**)

**Attachments:** [Tobacco Retailer License Ordinance.pdf](#)

## Criminal Justice

20. a. Authorize the Sheriff to submit a joint grant application with the City of Salinas to the U.S. Department of Justice, Office of Justice Programs for the 2012 Justice Assistance Grant (JAG) Program in the amount of \$15,801 to purchase mobile data systems; and
- b. Authorize the County Administrative Officer to sign a Memorandum of Agreement as well as a joint application for the grant with the City Manager of Salinas.

**Attachments:** [Attachment “A” - 2012 Justice Assistance Grant](#)  
[Attachment “B” - MOU for 2012 JAG Local Grant](#)

21. a. Approve and authorize the Contracts/Purchasing Officer to sign Amendment No.2

to Professional Service Agreement with Justice Benefits, Inc. to extend the term through January 31, 2013 and increase the Agreement by \$80,762 for a revised total of \$161,052.86 to continue with professional assistance for the State Criminal Alien Assistance Program (SCAAP); and

b. Authorize the Contracts/Purchasing Officer to sign future amendments to the Agreement that do not significantly alter the scope of work or change the approved Agreement amount not to exceed 10 % of the revised total amount.

**Attachments:** [Sheriff Tech Amendment](#)

## **General Government**

22. a. Authorize the Auditor-Controller to modify revenues and appropriations for the Sheriff, Probation, and Public Defender, to cover unbudgeted costs associated with the July 2011 position restorations; and  
b. Provide direction to staff.

23. a. Accept the Parks Director's recommendation to allow the Sports Car Racing Association of the Monterey Peninsula (SCRAMP) to enter into Amendment No. 2 to their Sponsorship Agreement with Mazda Motor of America (Mazda), for the Laguna Seca Raceway, for an additional period of five (5) years (2012-2017); and  
b. Authorize the Parks Director, on behalf of Monterey County, to execute Amendment No. 5 to the Concession Agreement between SCRAMP and Monterey County approving Amendment No. 2 to the Sponsorship Agreement between SCRAMP and Mazda, including restricting the use of the of the income generated primarily for capital improvements to the Laguna Seca racing facility, Exhibits A and B attached hereto.

**Attachments:** [Exhibit A Amendment No. 2 to Sponsorship Agreement](#)

[Exhibit B - Amendment No. 5 to SCAMP Consession Agreement](#)

24. Approve the Action Minutes of Tuesday, April 10, 2012 and Tuesday, April 17, 2012.

**Attachments:** [Final Minutes 4-10-12](#)

[Final Minutes 4-17-12](#)

## **Resource Management Agency**

25. a. Approve a Memorandum of Understanding by and between the County of Monterey and the City of Salinas regarding the mutual planning and implementation of a multi-agency campus style government center located in downtown Salinas; and,  
b. Authorize the Chair of the Board to execute the Memorandum of Understanding.

**Attachments:** [MOU County-City Salinas Downtown May 8 2012](#)

**RMA-Public Works**

26. a. Approve the Road Maintenance Agreement with Vance Querfurth, an individual (“Querfurth”), in compliance with Condition of Approval No. 30 of Development Permit No. PLN090191, located six miles west of Highway 101 and San Ardo, northerly of Lockwood - San Ardo Road, South County; and
- b. Authorize the Chair of the Board to execute the Road Maintenance Agreement.

**Attachments:** [Road Maintenance Agreement](#)  
[Location Map](#)

**Addendum - See numbered items for related material****Addendum to Board of Supervisors Meeting Agenda for Tuesday, May 8, 2012**

View Addendum reports at: <http://monterey.legistar.com/Calendar.aspx>

**ADDENDUM****Add Under Closed Session**

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

**Add Under Ceremonial Resolutions**

6.1 Adopt Resolution proclaiming the week of May 20 - 26, 2012 as **Classified School Employee Week** in Monterey County. (Supervisor Calcagno)

**Add Under Appointments**

8.1 Appoint Karina Torres to the Oversight Board, term ending at the pleasure of the Chair. (Full Board)

**Add Under Consent Regular - Health & Social Services**

19.1 Introduce, waive the reading, and set May 15, 2012 at 10:30 a.m. as the date and time to consider adoption of an ordinance adding Chapter 7.80 to the Monterey County Code to establish licensing requirements for tobacco retailing within the unincorporated area of Monterey County.

**Add Under Adjournment**

Adjourn in the Memory of Bill Hyler