

BOARD OF SUPERVISORS

Fernando Armenta
Louis R. Calcagno
Simón Salinas
Jane Parker
Dave Potter

1st District (Vice-Chair)
2nd District
3rd District
4th District
5th District (Chair)

Lew C. Bauman
County Administrative Officer

Charles J. McKee
County Counsel

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Clerk of the Board
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ACTION MINUTES **MONTEREY COUNTY BOARD OF SUPERVISORS** **MONTEREY COUNTY WATER RESOURCES AGENCY**

TUESDAY, MARCH 27, 2012
9:00 A.M.

9:00 A.M.

ROLL CALL

Present: Supervisors Potter (Chair), Parker, Armenta, Calcagno, and Salinas.

1. Additions and Corrections for Closed Session: There were no additions or corrections to Closed Session.

CLOSED SESSION

2. 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) Javier Guzman, et al. v. Rick Pinch, et al. (Monterey County Superior Court case no. M71543)
 - (2) Shirley Stucky (WC 608-177744)
 - (3) Vincent Earland (WC 608-638026 and WC 608-645826)
 - (4) Gregory Liskey (WC 608-631742)
 - (5) Joseph Palazzolo (WC 608-618031 and WC 608-612484)
 - (6) James Huggins (WC 608-507441 and WC 608-652177)

CLOSED SESSION REPORT: The Board conferred with counsel and gave Settlement Authority to counsel on how to resolve items 2.a. (2), (3), (4), (5)

and (6). If settlement is reached, the agreement(s) will be available through the office of County Counsel.

The Board took no reportable action on item 2.a.(1).

b. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding three matters of significant exposure to litigation.

CLOSED SESSION REPORT: The Board took no reportable actions.

c. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:

(1) Designated representatives: Izetta Birch and Brette Neal Employee Organization: Unit D

(2) Designated representatives: Elliot Robinson and Fran Buchanan Employee Organization: IHSS Unit

CLOSED SESSION REPORT: The Board took no reportable actions.

d. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the following public employees positions:

(1) Equal Opportunity Officer

(2) Natividad Medical Center
CEO

CLOSED SESSION REPORT: The Board took no reportable actions.

Acting as the Board of Supervisors of the Monterey County Water Resources Agency:

CLOSED SESSION

e. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation:

(1) In the Matter of the Application of California-American Water Company (Application 04-09-019)

(2) Ag Land Trust v. Monterey County Water Resources Agency, et al. (Monterey County Superior Court case no. M110691)

CLOSED SESSION REPORT: The Board took no reportable actions.

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

CLOSED SESSION REPORT: The Board took no reportable actions.

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

CLOSED SESSION REPORT: The Board took no reportable actions.

- h. Pursuant to Government Code section 54957, the Board will confer regarding recruitment/appointment for the position of General Manager of the Water Resources Agency.

CLOSED SESSION REPORT: The Board took no reportable actions.

10:30 A.M. RECONVENED

ROLL CALL

Present: Supervisors Potter (Chair), Armenta, Calcagno, Salinas and Parker.

3. The Pledge of Allegiance was led by Supervisor Parker.
4. Additions and Corrections
The Clerk of the Board announced Agenda corrections and proposed additions, which were acted on by the Board as provided in Section 54954.2 of the California Government Code.

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 additions and corrections:

Remove from Other Board Matters

- 18.1 Approve appointments by Board of Supervisors to the Oversight Boards for the former redevelopment agencies of the cities of Gonzales, Greenfield, King City, Marina, Monterey, Salinas, Sand City, Seaside, and Soledad and the former Redevelopment Agency of the County of Monterey.

Remove from Consent Natividad Medical Center

22.
 - a. Award a contract in the total amount of \$269,999 to Tricorp Hearn Construction the lowest responsible and responsive base bidder, for the Natividad Medical Center (NMC) Seismic Project No. 9600-27, Bid No. NMC-1001;
 - b. Approve the Performance and Payment Bonds executed and provided by Tricorp Hearn Construction; and
 - c. Authorize a contingency (not to exceed 20% of the contract amount) to provide funding for approved contract change order; and
 - d. Authorize the Purchasing Manager at NMC to execute the contract and subject to the terms of the Public Contract Code, approve change order to the contract that do not exceed 20% of the original contract amount, and do not significantly change the scope of work.

Adjourn in Memory of

Mollie Sumida

Motion by Supervisor Parker, seconded by Supervisor Salinas. ALL AYES

5. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)
Supervisor Parker pulled 41 for comment.
Motion by Supervisor Salinas, seconded by Supervisor Parker. ALL AYES

Recessed

Convened as the Board of Directors of the East Garrison Public Financing Authority

EAST GARRISON PUBLIC FINANCING AUTHORITY

6. CONSENT CALENDAR - EAST GARRISON PUBLIC FINANCING AUTHORITY (See Supplemental Sheet)
Supervisor Parker commented on item 42
Supervisor Calcagno commented on item 42.
Public comment: Julie Engell, Kuei Villa; Hans Jongens; Jim Fletcher; Betsy Wilson
Motion by Director Salinas, seconded by Director Armenta to approve the Consent Calendar – East Garrison Public Financing Authority (See Supplemental Sheet). 4 - 1 (Supervisor Calcagno Dissented)

Adjournment

Reconvened as the Monterey County Board of Supervisors

MONTEREY COUNTY BOARD OF SUPERVISORS

CEREMONIAL RESOLUTIONS

7. Adopted **Resolution No. 12-075** proclaiming March 2012 Professional Social Worker Month. (Supervisor Potter)
Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES
8. Adopted **Resolution No. 12-076** honoring Sergeant Norman Rose as a Company C, 194th Tank Battalion survivor of the 1942 Bataan Death March. (Supervisor Potter)
Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES
9. Adopted **Resolution No. 12-077** honoring Sergeant Roy Diaz as a Company C, 194th Tank Battalion survivor of the 1942 Bataan Death March. (Supervisor Potter)
Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES
10. Adopted **Resolution No. 12-078** honoring Sergeant Manuel Nevarez as a Company C, 194th Tank Battalion survivor of the 1942 Bataan Death March. (Supervisor Potter)

Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES

11. Adopted **Resolution No. 12-079** honoring Konny Murray upon her selection as one of five Outstanding Women of Monterey County for 2012. (Supervisor Potter)

Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES

12. Adopted **Resolution No. 12-080** honoring Dr. Jeannette Kern upon her selection as one of five Outstanding Women of Monterey County for 2012. (Supervisor Potter)

Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES

13. Adopted **Resolution No. 12-081** honoring Lupe Galaviz upon her selection as one of five Outstanding Women of Monterey County 2012. (Supervisor Potter)

Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES

14. Adopted **Resolution No. 12-082** honoring Carla Lee Mullanix-Ackerman upon her selection as one of five Outstanding Women of Monterey County for 2012. (Supervisor Potter)

Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES

15. Adopted **Resolution No. 12-083** honoring Debbie Aguilar upon her selection as one of five Outstanding Women of Monterey County 2012. (Supervisor Potter)

Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES

- 15.1 Adopted **Resolution No. 12-084** honoring Pauline Tomasini upon her selection as one of the 15th Annual Jefferson Award Honorees. (Supervisor Salinas)

Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES

OTHER BOARD MATTERS

16. Board Comments
Supervisor Armenta advised he is leaving for Washington, D.C. on Sunday to attend the two-day White House National Forum to Prevent Youth Violence. He also announced that he joined the City of Salinas at Hebron Heights for the graduation of mostly Latino women after they completed a six week leadership academy. He sat on a panel with City Council members, under the title “Governance”, and spoke on the role of County Supervisors.

17. CAO Comments and Referrals: None

18. Public Comment
Hans Jongens; Kuei Villa; Helen Rucker.

- 18.1 **REMOVED VIA ADDITIONS AND CORRECTIONS:** ~~Approve appointments by Board of Supervisors to the Oversight Boards for the former redevelopment agencies of the cities of Gonzales, Greenfield, King City, Marina,~~

~~Monterey, Salinas, Sand City, Seaside, and Soledad and the former
Redevelopment Agency of the County of Monterey. (Added Via Addendum)~~

SCHEDULED MATTERS

S-1 Received, by consensus, an oral update from the Department Heads' Cost Savings Committee.

Public comment: Jay Donato

S-2 a. Approved 2012 Monterey County Strategic Initiatives and Key Objectives update; and
b. Provided further direction to staff as necessary.

Motion by Supervisor Armenta, seconded by Supervisor Parker. ALL AYES

12:00 P.M. - RECESS TO LUNCH- CONTINUED CLOSED SESSION

2:00 P.M - RECONVENED

MONTEREY COUNTY BOARD OF SUPERVISORS

ROLL CALL

Present: Supervisor Potter (Chair), Armenta, Calcagno, Salinas and Parker

SCHEDULED MATTERS

S-3 a. Conducted a public hearing to receive input related to a State Community Development Block Grant (CDBG) Program application;
b. Adopted **Resolution No. 12-085** authorizing the submittal of an application to the California Department of Housing and Community Development for a CDBG Grant in the amount of \$1,036,400 for (i) a Housing Acquisition / Rehabilitation project for the Camphora Highlands Farm Labor Camp and (ii) a Planning and Technical Assistance Study for a Regional Cut Flower Transportation Consolidation Study;
c. Approved a local match of \$1,820;
d. Authorized the County Administrative Officer to sign the Statement of Assurances;
e. Authorized the Economic Development Director to make minor modifications to the grant application as necessary and to comply with State requirements, sign the grant application, as well as any contracts, amendments and other documents related to the application and grant funds;
f. Approved **Agreement No.: A-12196** between the County of Monterey and South County Housing for implementation of CDBG activities at the Camphora Highlands Farm Labor Camp, if grant funds are awarded; and

- g. Authorized the Economic Development Director to make minor modifications to the Agreement, sign it, make amendments to it as necessary, and undertake other documents related to the Agreement.

Motion by Supervisor Calcagno, seconded by Supervisor Salinas. ALL AYES

S-4 Public hearing held:

Adopted **Resolution of Intent 12-099** to:

- a. Provide direction on interpretation of the 2010 General Plan as it applies to the application for a Combined Development Permit for a 42-unit subdivision on 7.92 acres on Val Verde Drive in Carmel Valley;
- b. Continue to a date uncertain the Public Hearing on the appeal by Brian Clark from the Planning Commission denial of the Combined Development Permit, with direction to prepare an Environmental Impact Report (EIR) for the project in accordance with the County's EIR consultant selection policy and to address General Plan consistency and density issues;
- c. Remand the application to the Planning Commission for a recommendation on the application following the completion of an EIR; and
- d. Direct staff to set a public hearing on the application and appeal before the Board of Supervisors following a recommendation by the Planning Commission. (Appeal - GPZ090004/Carmel Rio road, LLC, 15 and 26500 Val Verde Drive, Carmel Valley Master Plan)

Testimony: Pam Silkwood, for Applicant Carmel Rio Road, LLC.

Public comment: Brian Clark; Maxine Keen; Christine Williams; Paola Bertreaux; Richard Stott; Lonnie Krakowski for Todd Norgard; Donna Haggarty; Dale Agron; Mibs McCarthy; Dale McCauley; Margaret Robbins; Amy White; Ed Mitchell; Don Ask; Jan Mitchell; Hans Jongens.

Motion by Supervisor Potter, seconded by Supervisor Calcagno to adopt a Resolution of Intention No. 12-099 to deny the application and directed staff to bring back a resolution with the appropriate conditions and findings for denial of the application and the appeal, on Tuesday, April 24, 2012 on the Consent Calendar. ALL AYES

S-5 Received by the Board, without exception, an annual report regarding the progress of the General Plan Implementation Work Program (REF120007/General Plan Implementation, Inland area of County) Title correction and materials submitted (Correction via Supplemental)

CLOSED SESSION REPORT: (See item 2.a through h)

**ADJOURNMENT
In Memory of Mollie Sumida**

APPROVED:

DAVE POTTER, CHAIR
BOARD OF SUPERVISORS

ATTEST: GAIL T. BORKOWSKI
Clerk of the Board

BY: _____

(Supplemental Sheet)

CONSENT CALENDAR

NATIVIDAD MEDICAL CENTER

19. Authorized the Purchasing Manager for Natividad Medical Center (NMC) to execute **Agreement No. A-11065** Amendment No. 3 to and Renewal of the County of Monterey Agreement No. A-11065 with Kronos Incorporated, effective October 1, 2011, adding additional software, support services, and professional services related to worker productivity improvement at NMC, decreasing the total Agreement maximum liability to \$1,630,737.90, and extending the term to June 30, 2013.

20. **Agreement No.: A-12197; Construction No.: 2011-019**
 - a. Awarded a contract in the total amount of \$135,749 to Mill Construction the lowest responsible and responsive base bidder, for the Natividad Medical Center (NMC) Medical Surgical Unit Workroom and Office Refresh No. 9600-26, Bid No. NMC-1000;
 - b. Approved the Performance and Payment Bonds executed and provided by Mill Construction;
 - c. Authorized a contingency (not to exceed 10% of the contract amount) to provide funding for approved contract change order; and
 - d. Authorized the Purchasing Manager at NMC to execute the contract and subject to the terms of the Public Contract Code, approve change order to the contract that do not exceed 10% of the original contract amount, and do not significantly change the scope of work.

21. **Agreement No.: A-11434**

Authorized a one year extension to May 31, 2013 of the Professional Services Agreement between Salinas Valley Radiologists, Inc. ("SVR") and Natividad Medical Center ("NMC") for radiology services at NMC.

- ~~22. **REMOVED VIA ADDITIONS AND CORRECTIONS**~~
 - ~~a. Award a contract in the total amount of \$269,999 to Tricorp Hearn Construction the lowest responsible and responsive base bidder, for the Natividad Medical Center (NMC) Seismic Project No. 9600-27, Bid No. NMC-1001;~~
 - ~~b. Approve the Performance and Payment Bonds executed and provided by Tricorp Hearn Construction; and~~
 - ~~c. Authorize a contingency (not to exceed 20% of the contract amount) to provide funding for approved contract change order; and~~
 - ~~d. Authorize the Purchasing Manager at NMC to execute the contract and subject to the terms of the Public Contract Code, approve change order to the contract that do not exceed 20% of the original contract amount, and do not significantly change the scope of work.~~

23. Authorized the Chief Executive Officer for Natividad Medical Center (NMC) to execute the First Amendment to the Affiliation Agreement between The Regents of the University of California, a California Constitutional corporation, on behalf of the University of California, San Francisco, School of Medicine, ("UCSF"), and NMC for the purpose of providing a clinical learning environment to UCSF medical students extending the term to October 30, 2017.
24. **Agreement No. A-12198**
Authorized the Chief Executive Officer ("CEO") of NMC to execute a Medical Residency/Fellowship Agreement with United States Air Force, for fellowship training in obstetrics at Natividad Medical Center (NMC) for the period July 1, 2012 to June 30, 2013.

HEALTH AND SOCIAL SERVICES

25. **Agreement No.: A-12199**
 - a. Approved and authorized the Director of Health to accept California Community Transformation Initiative Subaward from the Public Health Institute in the amount of \$253,000, to provide financial assistance for a multi-institutional collaborative initiative to plan and implement programs to prevent and reduce chronic diseases, for the period of September 30, 2011 through September 29, 2016;
 - b. Authorized the Director of Health to approve annual awards, subject to funding, for this Agreement in equal installments of \$253,000 for the remaining four years of a five-year term; and
 - c. Authorized the Director of Health to approve up to three future amendments to this Agreement where the amendments do not exceed ten percent (10%) of the original Agreement amount and do not significantly alter the scope of services or result in an increase in County General Fund Contribution.
26.
 - a. Reallocated a 1.0 FTE Research Analyst to a 1.0 FTE Management Analyst III in Health Department Budget Unit HEA003-8124; and
 - b. Authorized the County Administrative Office to incorporate the approved position changes in the Fiscal Year (FY) 2011-12 Budget and the FY 2012-13 Adopted Budget.
27.
 - a. Amended Fiscal Year (FY) 2011-12 Health Department Budget 4000, HEA002-8073 to add 2.0 FTE Psychiatric Social Worker II, 1.0 FTE Clinical Psychologist, 1.0 FTE Behavioral Health Services Manager I, 1.0 FTE Physician Assistant II, 1.0 FTE Senior Psychiatric Social Worker;
 - b. Amended FY 2011-12 Health Department Budget 4000, HEA002-8081 to add 1.0 FTE Senior Psychiatric Social Worker;
 - c. Amended FY 2011-12 Health Department Budget 4000, HEA002-8082 to add 5.0 FTE Psychiatric Social Worker II; and
 - d. Authorized the County Administrative Office to incorporate approved position changes in the FY 2011-12 Budget and the FY 2012-13 Adopted Budget.

- 27.1 Adopted **Resolution No. 12-086** (Exhibit A) extending the San Lucas Potable Water Subsidy Program for the San Lucas Union Elementary School District for the period of January 1, 2012 through June 11, 2012. (Added via Addendum)
CRIMINAL JUSTICE
28. **Agreement No.: A-11537**
Approved and authorized the Contracts/Purchasing Officer to sign Amendment No. 3 in the amount of \$307,259.73, for an aggregate of \$1,955,275.01 with California Forensic Medical Group, Inc. to renew the Agreement retroactive to December 31, 2011, and extending the Agreement through June 30, 2012 for medical and mental health services to wards in the Juvenile Hall and Youth Center facilities.
- 28.1 **Agreement No.: A-10883**
Authorized the Contracts/Purchasing Officer to sign Amendment No. 5 to renew the Agreement A-10883 retroactive to December 31, 2011 through June 30, 2012 with California Forensic Medical Group (CFMG) for inmates' medical, mental health and dental services at the County Jail. (Added via Addendum)
29. **Agreement No.: A-12200**
- a. Approved and authorized the Contracts and Purchasing Officer to sign an Agreement with California Forensic Medical Group, Inc. (CFMG) for Inmate Healthcare Services in Adult and Juvenile Detention Facilities for the Sheriff's Office and the Probation Department of Monterey County per Request for Proposals (RFP) #10303, with the initial Agreement term beginning on April 1, 2012 through June 30, 2015, including the option to extend the Agreement for up to two (2) additional one (1) year periods, and whereby the total Agreement shall not exceed \$6,311,324.00 for the first year of service and shall not increase annually by more than 15%;
 - b. Authorized the Contracts and Purchasing Officer to sign future Amendments to the Agreement where the Amendments do not significantly change the scope of work or cause an increase in the Agreement annual rates of more than fifteen percent (15%).
- 29.1 Authorized the Contracts/Purchasing Officer to sign Amendment No. 6 to renew the Agreement (RFP#10001) retroactive to November 29, 2011 with Aramark Correctional Services for inmate commissary items and food service operations at the County Jail, which includes an extension until August 31, 2012 for the term and meal price schedule. (Added Via Addendum)

GENERAL GOVERNMENT

30. **Agreement No.: A-10088**
- a. Approved and authorized the Contracts/Purchasing Officer on behalf of the Information Technology Department to execute a renewal Agreement with Paetec Software Corp. in the amount not to exceed \$68,644 for the period of

- April 1, 2012 to March 31, 2015 for the provision of software maintenance/support which includes up to eighty (80) hours of software and database modifications as needed during the term of the Agreement;
- b. Accepted non-standard insurance language provided by the vendor as recommended by the Director of Information Technology; and
 - c. Authorized the Contracts/Purchasing Officer to sign future renewals to software maintenance with the same liability and indemnification provisions as recommended by the Director of Information Technology.
31.
 - a. Adopted **Resolution No. 12-087** authorizing the Economic Development Director to execute all State of California and all federal grants and grant-related documents on behalf of the County of Monterey that the Board of Supervisors had previously authorized the Director of Redevelopment and Housing to execute; and
 - b. Adopted **Resolution No. 12-088** authorizing the Economic Development Director to execute State of California Department of Housing and Community Development (HCD) grant and grant-related documents in regard to the Housing Related Parks Program on behalf of the County of Monterey that the Board of Supervisors had previously authorized the Director of Redevelopment and Housing to execute.
 32. Approved and authorized the Contracts/Purchasing Officer to sign and execute a Purchase Order for software/training from Prime Source Technologies, LLC in the amount of \$111,112.53 on behalf of the Office of Emergency Services.
 33. Approved and authorized the Chair of the Board of Supervisors to sign an application to the U.S. Environmental Protection Agency for reimbursement of funds expended by the County of Monterey in response to the Dayton Hazardous Materials Emergency. (4/5ths vote required)
 34. **Agreement No.: A-11865**
 - a. Approved and authorized the Contracts/Purchasing Officer to sign Amendment No. 1 to the Professional Services Agreement with Management Partners, Inc. (A-11865) to extend the term of this agreement to December 31, 2012; and
 - b. Authorized the Contracts/Purchasing Officer to sign future amendments to this agreement that do not significantly alter the scope of work or change the approved contract amount.
 35. Adopted **Resolution No. 12-089** to Approve a Zero Property Tax Transfer for the Proposed Water West Sphere of Influence Amendment and Annexation of APNs 119-101-012 and 027 to the Pajaro County Sanitation District.
 36. Approved the 2012 Annual Housing Report including funding recommendations, subject to the Fiscal Year (FY) 13 budget process, and the Housing Element

Implementation Report.

37. **Agreement No.: A-11754**
- a. Approved Amendment No. 2 to Professional Services Agreement with California Coastal Rural Development Corporation to extend the term through December 31, 2012, to continue administration of the County's Small Business Revolving Loan Fund (RLF) Programs;
 - b. Authorized the Economic Development Director to execute Amendment No. 2 to: 1) extend the term through December 31, 2012; and 2) increase the contract amount by \$94,500 for a revised total of \$329,500; and
 - c. Directed staff to complete an evaluation of the Small Business Revolving Loan Fund Program and return to the Board with programmatic recommendations.
38. Approved the amended Conflict of Interest Code of the Soledad Community Health Care District.

RMA - PLANNING DEPARTMENT

39. Adopted **Resolution No. 12-090** to:
- a. Approve the appeal of Mark and Gayle Comer from the discretionary decision by the Planning Commission to partially deny a Fee Waiver Request;
 - b. Waive and ratify the refund of planning code violation fees of \$9,406.95;
 - c. Waive and direct staff to refund the planning application and environmental review fees of \$15,942.86;
 - d. Waive building application and code violation fees related to PLN060768 and CE070045 (BP090107, 10CP00609, 10CP00610, 11CP00387, and 11CP00758), and refund the paid portion of the fees related to these permits in the amount of \$12,193.03; and
 - e. Provide direction to staff to analyze County impacts of the fee waiver policy. (Appeal, Discretionary Decision - PLN060768/Comer, 19014 Pesante Rd, Prunedale, North County Area Plan)

RMA - PUBLIC WORKS

40. **Agreement No.: A-12200**
- a. Approved Utility Agreement No. 3820-02 with California American Water Company for the relocation of water lines into the proposed bridge conduits for the Schulte Road Bridge at Carmel River, County Bridge No. 501, State Bridge No. 44C-0115, Project No. 382065, State Project No. EA 05-141004L, Federal Aid Project No. BRLO-5944 (010), in the amount of \$155,100, plus 10% contingencies, for the total amount of \$170,610; and
 - b. Authorized the Acting Director of Public Works to execute Utility Agreement No. 3820-02 and future amendments that do not significantly alter the scope of work.

41.
 - a. Authorized the additional expenditure of \$50,000 from the County's Capital Projects Fund 402 to Aromas Water District to finalize preparations for the creation of an assessment district and conduct of a Proposition 218 majority protest procedure for the connection of Oak Ridge Mutual Water Company and a portion of Via Del Sol Drive Area to the Aromas Water System;
 - b. Transferred \$50,000 from County Capital Projects Fund 402, Unit 8174, Account 7521, Buildings and Improvements to Account 7201, Contributions to Other Agencies;
 - c. Authorized the Resource Management Agency Director to execute an amendment No. 1 to the Agreement with the Aromas Water District outlining the Agreement Terms for Funding of specified work and repayment via successful Proposition 218 Assessment District;
 - d. Considered the Mitigated Negative Declaration approved by the Aromas Water District for this project in taking the actions set forth above, and find on the basis of the whole record that there is no substantial evidence that the project will have a significant effect on the environment with implementation of mitigation measures; and
 - e. Authorize, should Assessment District fail, the County funds provided to Aromas Water District will be deemed a County Contribution without repayment.

EAST GARRISON PUBLIC FINANCING AUTHORITY

42. Acting as the Board of Directors of the East Garrison Public Financing Authority: Approved and authorized the Chair to sign a Construction and Transfer of Water, Sewer, and Recycled Water Infrastructure Agreement among the East Garrison Public Financing Authority, the Marina Coast Water District and UCP East Garrison LLC for the financing, construction, and transfer of water, sewer, and recycled water infrastructure related to the East Garrison development project on the former Fort Ord.

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