



Monterey County

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

Action Minutes - Draft Board of Supervisors

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

Tuesday, December 10, 2013

9:00 AM

See separate agenda for Monterey County Water Resources Agency

9:00 A.M. - Call to Order

The meeting was called to order by Chair Armenta.

Roll Call

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

Additions and Corrections for Closed Session

Closed Session

1. Closed Session under Government Code section 54950, relating to the following items:
 - a. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:
(1) Designated representatives: James May and Brette Neal
Employee Organization: Unit S
 - b. Pursuant to Government Code sections 54956.9(d)(2) and 54956.9(e)(3), the Board will confer with legal counsel regarding one matter of significant exposure to litigation and/or potential initiation of litigation.

CLOSED SESSION REPORT: The Board took no reportable actions on items 1.a. and b.

10:30 AM Reconvene

Roll Call

Present: Charlie Steves, Interpreter

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

Pledge of Allegiance

The Pledge of Allegiance was led by Chair 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 additions and corrections:

Add Adjournment in memory of Steve Conrad Clayton and Joseph N. Micheli

Remove from Consent Calendar – RMA Public Works

30. Adopt Resolution:

a. Accepting a Quitclaim Deed transferring ownership of 337 acres of development and habitat reserve property known as “Parker Flat Phase 1” on the former Fort Ord, specifically designated as Parcel L32.1 (drainage disposal site), Parcel R (portions of Parcel E19a.3 and E19a.4), and Parcel V (portions of Parcel E19a.2 and E19a.3) from the Fort Ord Reuse Authority to the County of Monterey;

b. Authorizing the Chair of the Board to sign the Quitclaim Deed accepting the parcels on behalf of the County, and the Deed Restriction and Covenants applicable to the property; and

c. Authorizing the Public Works Director to record the signed Quitclaim Deed and the Deed Restriction and Covenants with the County Recorder.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Jane Parker to approve Corrections to the Agenda. ALL AYES

Consent Calendar- (See Supplemental Sheet)

2. Approval of Consent Calendar (See Supplemental Sheet)

Hans Jongens pulled items 18 and 24 and commented.

A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Jane Parker to approve the Consent Calendar. ALL AYES

Ceremonial Resolutions

3. Adopt Resolution commending Candice Chin upon her retirement from Monterey County's County Administrative Office after 39 years of public service. (Supervisor Armenta)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to adopt Resolution No. 13-359 commending Candice Chin upon her retirement from the County of Monterey after 39 years of public service. (Supervisor Armenta) ALL AYES

4. Adopt Resolution commending Glenn Oania upon his retirement from the Castroville Community Services District of Monterey County after 41 years of service. (Supervisor Calcagno)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to adopt Resolution No. CR13-359 commending Glenn Oania upon his retirement from the Castroville Community Services District of Monterey County after 41 years of service. (Supervisor Calcagno) ALL AYES

Appointments

5. Reappoint Mayor John Huerta to the Community Restorative Justice Commission, term ending October 26, 2016. (Full Board)
A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to Reappoint Mayor John Huerta to the Community Restorative Justice Commission, term ending October 26, 2016. (Full Board) ALL AYES
6. Reappoint Bruce Dodson and Nita Thomas to the South Monterey County Fire Protection District, terms ending December 12, 2017 and reappoint James Massey with a term ending December 20, 2017. (Supervisor Salinas)
A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to Reappoint Bruce Dodson and Nita Thomas to the South Monterey County Fire Protection District, terms ending December 12, 2017 and reappoint James Massey with a term ending December 20, 2017. (Supervisor Salinas) ALL AYES
7. Reappoint Julie Edgcomb to the Santa Cruz -Monterey-Merced Managed Medical Care Commission aka Central California Alliance for Health, term ending December 31, 2017. (Full Board)
A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to Reappoint Julie Edgcomb to the Santa Cruz -Monterey-Merced Managed Medical Care Commission aka Central California Alliance for Health, term ending December 31, 2017. (Full Board) ALL AYES

Other Board Matters

8. Board Comments
Supervisor Parker encouraged members of the public to take the survey on the County's website to provide feedback on a new County website design to better serve residents of Monterey County.
Supervisor Parker announced a colloquium will be held this Thursday and Friday from 8 am - 3 pm at CSUMB to discuss issues and ideas for development of the former Fort Ord. Topics will included economic development, blight removal and design guidelines and national monuments as economic catalyts. Local and State experts will also be attending. For more information go to: www.FortOrdColloquium.eventbright.com
9. CAO Comments and Referrals
County Administrative Officer Dr. Lew Bauman advised of the following Board Referrals:
1) Review feasibility for housing or assistance to the Monterey County

Association of Families Caring for Children to assist them in caring for foster children in Monterey County. Referred to Elliott Robinson in the Department of Social Services. (Armenta)

Appointments to the Ad Hoc Committee to work with the Clinic Board will take place on December 17th.

Treasurer-Tax Collector Mary Zeeb invited the Board members and Department Heads to submit recipes to the Monterey County Cookbook to raise funds for the Monterey County Employees Scholarship Fund. She advised that Supervisor Potter has already submitted his recipe.

10. General Public Comment

Richard Calhoun; Virginia Ray; Eva Marie Martinez; Nina Beety; Hans Jongens; ArthurMcLaughlin; Joe Vierra.

10:30 A.M. - Scheduled Matters

- 11.** Receive a report on a Plan of Action matrix regarding recommendations and direction from Board of Supervisors on Ambulance System Issues Review and Analysis of Options Final Report presented by Citygate Associates LLC and EMS Agency on November 5, 2013.

Public comment: Evan Rodriguez

A motion was made by Supervisor Dave Potter, seconded by Supervisor Jane Parker to: a. Received a report on a Plan of Action matrix regarding recommendations and direction from Board of Supervisors on Ambulance System Issues Review and Analysis of Options Final Report presented by Citygate Associates LLC and EMS Agency on November 5, 2013; b. Directed staff to include complaint forms, fee discount program forms and applications in tri-fold brochure given to each patient receiving ambulance services; and make the forms and applications available on the EMS Agency website; c. Directed staff to present quarterly reports to the Board as consent items; and d. Directed staff to place in AMR contract direction to resolve under-reimbursement issue. ALL AYES

- 12.**
- a. Approve Amendment No. 3 to the Unified Franchise Agreement (Agreement No. A-11631) between the County of Monterey and USA Waste of California, Inc., dba Carmel Marina Corporation, for the Exclusive Collection of Solid Waste and Recyclables in Unincorporated Monterey County, effective January 1, 2014, in order to amend Exhibit 1 of the Unified Franchise Agreement to adjust collection rates, to amend Exhibit 2 of the Unified Franchise Agreement to change the disposal categories of the Refuse Rate Index, and to amend Article 17.07.1.1ff of the Unified Franchise Agreement to modify the hazardous waste recognition and response training requirements; and
 - b. Approve and authorize the Director of Health to execute Amendment No. 3 to the Unified Franchise Agreement (Agreement No. A-11631) between the County of Monterey and USA Waste of California, Inc., dba Carmel Marina Corporation, for the Exclusive Collection of Solid Waste and Recyclables in

Unincorporated Monterey County.

Adopted Resolution No. 13-366 which includes the following:

Motion 1:

A motion was made by Supervisor Calcagno, seconded by Supervisor Salinas to: Amend Article 17.07.1.1 ff of the Unified Franchise Agreement to modify the Hazardous Waste Recognition and Response training requirements. ALL AYES

Motion 2:

A motion was made by Supervisor Potter, seconded by Supervisor Salinas to: Amend Exhibit 2 of the UFA to change the disposal categories of the Refuse Rate Index. ALL AYES

Motion 3:

A motion was made by Supervisor Potter, seconded by Supervisor Parker to: Amend Exhibit 1 of the UFA to adjust collection rates by 2.46% for all rate payers within the Monterey Regional Waste Management District. ALL AYES

Motion 4:

A motion was made by Supervisor Potter, seconded by Supervisor Salinas to: Amend Exhibit 1 of the UFA to adjust collection rates by 8.03% for all rate payers within the Salinas Valley Solid Waste Authority. 4-1 (Supervisor Calcagno Dissented)

Motion 5:

A motion was made by Supervisor Potter, seconded by Supervisor Parker to: Authorize and direct the Director of Health to execute for Amendment No. 3 to the UFA to implement the amendments just approved. 4-1 (Supervisor Calcagno Dissented)

12:00 PM Recess to Lunch - Continued Closed Session

1:30 P.M. Reconvene

Roll Call

Present: Charlie Steves, Interpreter

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

1:30 P.M. - Scheduled Matters

- 13.
 - a. Receive a report and consider a recommendation by the Legislative Committee to adopt the revised 2013-14 Legislative Program;
 - b. Receive the annual legislative report from Monterey County’s federal legislative advocate, Brent R. Heberlee of Nossaman LLP; and
 - c. Receive the annual legislative report from Monterey County’s state legislative advocate, John E. Arriaga of JEA & Associates.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Jane Parker:

- a. Received a report and considered a recommendation by the Legislative

Committee to adopt the revised 2013 14 Legislative Program;
b. Received the annual legislative report from Monterey County's federal legislative advocate, Brent R. Heberlee of Nossaman LLP;
c. Received the annual legislative report from Monterey County's state legislative advocate, John E. Arriaga of JEA & Associates; and
d. Directed staff to add language regarding support efforts aimed at reducing jail problems.
ALL AYES

14. Authorize the Chief Executive Officer of Natividad Medical Center (NMC) to execute an Agreement (ICHC 12164) with the California Department of Corrections and Rehabilitation (CDCR), to enroll eligible patient-inmates identified by the California Department of Health Care Services (DHCS) in the ViaCare Low Income Health Program (LIHP) operated by Monterey County for inpatient hospital services provided off-site from state correctional institution grounds. The term of this agreement is March 1, 2013 through June 30, 2014.

Public comment: Hans Jongens.
A motion was made by Supervisor Dave Potter, seconded by Supervisor Simón Salinas to: Authorize the Chief Executive Officer of Natividad Medical Center (NMC) to execute an Agreement (ICHC 12164) with the California Department of Corrections and Rehabilitation (CDCR), to enroll eligible patient inmates identified by the California Department of Health Care Services (DHCS) in the ViaCare Low Income Health Program (LIHP) operated by Monterey County for inpatient hospital services provided off site from state correctional institution grounds. The term of this agreement is March 1, 2013 through June 30, 2014.
ALL AYES

15. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute an Agreement with The Greeley Company, a Division of HCPro Inc. for Central Sterile Operations Review and Central Sterile Process Redesign Services at NMC, for the period November 5, 2013 through June 30, 2015 for a total Agreement amount not to exceed \$130,000 in the aggregate.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Dave Potter to: Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute an Agreement (A-12610) with The Greeley Company, a Division of HCPro Inc. for Central Sterile Operations Review and Central Sterile Process Redesign Services at NMC, for the period November 5, 2013 through June 30, 2015 for a total Agreement amount not to exceed \$130,000 in the aggregate. **ALL AYES**

16. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Renewal and Amendment No. 1 to the Agreement (A-11898) with FujiFilm Medical Systems USA Inc. for Software/Hardware Support Services at NMC, extending the Agreement to August 30, 2015 and adding \$125,576.80 (over two years) for a revised total Agreement amount not to exceed \$238,576.80 in the aggregate.

A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Dave Potter to: Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Renewal and Amendment No. 1 to the Agreement (A 11898)

with FujiFilm Medical Systems USA Inc. for Software/Hardware Support Services at NMC, extending the Agreement to August 30, 2015 and adding \$125,576.80 (over two years) for a revised total Agreement amount not to exceed \$238,576.80 in the aggregate. ALL AYES

Adjournment

In Memory of Nelson Mandela, Steve Conard Clayton, Joseph N. Micheli

APPROVED:

**LOUIS CALCAGNO, CHAIR
BOARD OF SUPERVISORS**

ATTEST:

**BY: _____
GAIL T. BORKOWSKI
CLERK OF THE BOARD**

Supplemental Sheet, Consent Calendar**Health Department**

17. a. Approve and authorize the Director of Health to sign a Data Use Agreement (“Agreement”) with the Association of State and Territorial Health Officials;
- b. Accept non-standard warranty and limitation on liability provisions contained in Sections 11 and 12 of the Data Use Agreement, as recommended by the Director of Health;
- c. Accept and approve the standard Syndromic Surveillance and Situational Awareness Memorandum of Agreement (“SSSA Agreement”) template, used to partner with local hospitals and clinics for the purpose of obtaining and sharing important health-related data;
- d. Authorize the Director of Health to sign future SSSA Agreements with local hospitals and clinics using the template in substantially the same form as that which has been presented to the Board, without significant change to its content, subject to review and approval of County Counsel; and
- e. Authorize the Director of Health to approve up to three future amendments to this Agreement that do not significantly change the scope of work.

Approved - Agreement No. A-12611

18. Approve and authorize the Director of Health to sign Amendment No. 3 to the Mental Health Services Agreement A-11985 with Psynergy Programs, Inc. for provision of mental health services for Monterey County adult residents with severe psychiatric disabilities. Amendment No. 3 revises the Payment and Billing Provisions, adds Exhibit H Budget and Expenditures Report and Exhibit I Annual Reports(s), Cost Report Settlement, and Audit; and increases Fiscal Year 2013-14 annual amount by \$404,130 for a revised total Agreement amount not to exceed \$1,423,422.

Approved - Agreement No. A-11985

Criminal Justice

19. Authorize the Contracts/Purchasing Officer to sign Amendment No.1 to Professional Service Agreement with Identix, a MorphoTrust USA Company, to provide annual maintenance for 16 live scan machines in the amount of \$105,846 for Fiscal Year 2013-14.

Approved - Agreement No. A-12612

20. a. Amend the Sheriff’s Office Budget Unit 2300-SHE002-8226, to reallocate one (1) vacant part-time Office Assistant II (OAI) position to a part-time Forensic Autopsy Technician (FAT); and
- b. Authorize the County Administrative Office and the Auditor/Controller to incorporate the changes into the FY 2013-14 2300-SHE002-8226 adopted

budget to reflect the change in position counts as indicated in the attached Board Order.

Approved

General Government

21. a. Receive the Certified Statement of Votes cast and declare the results of the November 5, 2013 City, School and Special District Election; and
b. Declare elected the candidates to their respective offices who received the highest number of votes on November 5, 2013, for which the Board of Supervisors has jurisdiction.

Approved

22. a. Approve and authorize the Contracts / Purchasing Officer to sign a County of Monterey Standard Agreement with DELTAWRX Management Consultants for project management and related services for the Monterey County Next Generation Radio System Project (NGEN) in an amount not to exceed \$361,000 for the period of December 15, 2013 through July 14, 2015 to provide project management and related services for the NGEN Project which is administered by the Department of Emergency Communications subject to final, non-substantive changes agreeable to County and to be approved by County Counsel;
b. Approve and authorize the Contracts / Purchasing Officer to sign up to three (3) amendments to this agreement, where the total amendments do not exceed ten percent (10%) of the original contract amounts, and do not significantly change the scope of work upon approval of County Counsel and the Director of Emergency Communications provided that funds are available in the NGEN Project Fund (EME002); and
c. Approve and authorize the Auditor-Controller to reimburse DELTAWRX for authorized third party expenses such as travel outside of Monterey County or specific technical support authorized by the Director of Emergency Communications.

Approved - Agreement No. A-12609

23. a. Amend the Personnel Policies and Practices Resolution No. 98-394 to adjust salary range for Assistant Assessor-Valuation (12A15) and Assistant County Clerk/Recorder (12A05) as shown in Attachment A, effective 12/14/2013;
b. Direct the Human Resources Department to implement the changes in the Advantage HRM system.

A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Jane Parker to adopt Resolution No. 13-361 to: a. Amend the Personnel Policies and Practices Resolution No. 98-394 to adjust salary range for Assistant Assessor-Valuation (12A15) and Assistant County Clerk/Recorder (12A05) as shown in Attachment A, effective 12/14/2013; b. Direct the Human

Resources Department to implement the changes in the Advantage HRM system. ALL AYES

- 24.
- a. Amend Personnel Policies and Practices Resolution No. 98-394 Section A.40 to adjust the retirement contribution rate for “Classic” PERS members in Units O, P, X, XL, Y and Z such that non-Safety employees will pay an additional 3.5% toward the employee contribution and Safety employees will pay an additional 2.5% as indicated in Attachment A;
 - b. Amend Personnel Policies and Practices Resolution No. 98-394 Appendix A to add a 3.5% base salary increase for Units O, P, X, XL, Y (excluding X & Y Safety classifications) and Z effective November 16, 2013; express an intent to add a 2% increase effective the first full pay period in July 2014 and a 3% increase effective the first full pay period in July 2015;
 - c. Amend Personnel Policies and Practices Resolution No. 98-394 Appendix A to add a 2.5% base salary increase for Safety classifications in Units X, and Y effective November 16, 2013; express an intent to add a 1% increase effective the first full pay period in July 2014 and a 2% increase effective the first full pay period in July 2015;
 - d. Authorize the Auditor-Controller and Human Resources Department to implement these changes in the Advantage HRM System.

A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Jane Parker to adopt Resolution No. 13-361 to:

- a. Amend Personnel Policies and Practices Resolution No. 98-394 Section A.40 to adjust the retirement contribution rate for “Classic” PERS members in Units O, P, X, XL, Y and Z such that non-Safety employees will pay an additional 3.5% toward the employee contribution and Safety employees will pay an additional 2.5% as indicated in Attachment A;**

- b. Amend Personnel Policies and Practices Resolution No. 98-394 Appendix A to add a 3.5% base salary increase for Units O, P, X, XL, Y (excluding X & Y Safety classifications) and Z effective November 16, 2013; express an intent to add a 2% increase effective the first full pay period in July 2014 and a 3% increase effective the first full pay period in July 2015;**

- c. Amend Personnel Policies and Practices Resolution No. 98-394 Appendix A to add a 2.5% base salary increase for Safety classifications in Units X, and Y effective November 16, 2013; express an intent to add a 1% increase effective the first full pay period in July 2014 and a 2% increase effective the first full pay period in July 2015;**

- d. Authorize the Auditor-Controller and Human Resources Department to implement these changes in the Advantage HRM System. ALL AYES**

- 25.
- Approve an Agreement for the Treasurer-Tax Collector to sell to the City of Salinas the Tax Defaulted Property described as APN 002-194-016-000 for the purchase price of \$26,500.00 and authorize the Chair of the Board of Supervisors to sign the Agreement and the Treasurer-Tax Collector’s office to issue the related Tax Deed and other documents to complete the transaction.

Approved - Agreement No. A-12613

- 26.
- Approve and Authorize the Contracts/Purchasing Officer to execute an Agreement between the County of Monterey Treasurer-Tax Collector and

PFM Asset Management LLC, in the amount of \$60,000 per annum for Investment Consulting and Advisory Services.

Approved

27. Receive the action minutes from the September 16 and October 22, 2013 meetings of the Legislative Committee.

Approved

28. Adopt Resolution to:
- Amend Personnel Policies and Practices Resolution No. 98-394 to: create the new classification of Assistant Library Director; increase the salary ranges of existing classifications, specifically: Library Page, Library Assistant I, Library Assistant II, Library Assistant III, and Managing Librarian; re-title, change salary ranges and bargaining units of Librarian, Supervising Librarian, and Principal Librarian classifications; and re-title and change salary range of County Librarian classification, as detailed in the attached Resolution;
 - Authorize the County Administrative Office to incorporate the approved changes in the FY 2013-14 County Library Adopted Budget; and
 - Authorize the County Administrative Office, Human Resources Department and Auditor-Controller to take necessary action to implement these recommendations into the Advantage system.

A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Jane Parker to adopt Resolution No. 13-360 to:

- a. Amend Personnel Policies and Practices Resolution No. 98-394 to: create the new classification of Assistant Library Director; increase the salary ranges of existing classifications, specifically: Library Page, Library Assistant I, Library Assistant II, Library Assistant III, and Managing Librarian; re-title, change salary ranges and bargaining units of Librarian, Supervising Librarian, and Principal Librarian classifications; and re-title and change salary range of County Librarian classification, as detailed in the attached Resolution;**
- b. Authorize the County Administrative Office to incorporate the approved changes in the FY 2013-14 County Library Adopted Budget; and**
- c. Authorize the County Administrative Office, Human Resources Department and Auditor-Controller to take necessary action to implement these recommendations into the Advantage system. ALL AYES**

RMA - Public Works

29. a. Approve Amendment No. 5 to Professional Services Agreement No. A-11433 with Biggs Cardosa Associates, Inc. to prepare a Mitigated Negative Declaration and obtain the Incidental Take Permit required by the California Department of Fish and Wildlife for completion of the Peach Tree Road Bridge Replacement Project, in the amount of \$38,229, for a total amount not to exceed \$330,913, for a term to September 30, 2016; and
- b. Authorize the Contracts/Purchasing Officer to execute Amendment No. 5 to Professional Services Agreement No. A-11433, and up to three (3) future amendments that do not significantly alter the scope of work or change the

approved Agreement amount.

Approved - Agreement No. A-11443

30.

Adopt a resolution:

- a. Accepting a Quitclaim Deed transferring ownership of 337 acres of development and habitat reserve property known as “Parker Flat Phase 1” on the former Fort Ord, specifically designated as Parcel L32.1 (drainage disposal site), Parcel R (portions of Parcel E19a.3 and E19a.4), and Parcel V (portions of Parcel E19a.2 and E19a.3) from the Fort Ord Reuse Authority to the County of Monterey;
- b. Authorizing the Chair of the Board to sign the Quitclaim Deed accepting the parcels on behalf of the County, and the Deed Restriction and Covenants applicable to the property; and
- c. Authorizing the Public Works Director to record the signed Quitclaim Deed and the Deed Restriction and Covenants with the County Recorder.

ITEM REMOVED VIA ADDITIONS AND CORRECTIONS