

# Monterey County

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



## Action Minutes - Final

Tuesday, June 11, 2013

9:00 AM

See separate agendas for Monterey County Water Resources  
Agency and East Garrison Financing Authority

## Board of Supervisors

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

**9:00 AM Call to Order**

The meeting was called to order by Chair Armenta.

**Roll Call**

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

**Absent:** 1 - Supervisor Dave Potter

**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(d)(1), the Board will confer with legal counsel regarding existing litigation:
    - (1) County of Santa Cruz, et al. v. Sebelius (USDC CAND case no. 3:07-CV-02888 MJJ)
    - (2) Ramon Obas v. County of Monterey (USDC CAND case no. CV-09-5540-LHK)
    - (3) Save Our Peninsula Committee v. County of Monterey (Monterey County Superior Court case no. M110694)
    - (4) LandWatch Monterey County v. County of Monterey (Monterey County Superior Court case no. M109434)
    - (5) The Open Monterey Project v. County of Monterey Board of Supervisors (Monterey County Superior Court case no. M109441)
  - b. Pursuant to Government Code section 54956.9(e)(3), the Board will confer with legal counsel regarding liability claims against the County of Monterey.
    - (1) Monterey-Salinas Transit District
  - c. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:
    - (1) Designated representatives: James May and Brette Neal  
Employee Organizations: All Units.
  - d. Pursuant to Government Code section 54956.87 and Health & Safety Code section 1462, the Board will receive a report and confer regarding health care facility/hospital trade secrets. Discussion will concern two new programs.  
(REMOVED VIA SUPPLEMENTAL)

e. Pursuant to Government Code sections 54956.9(d)(2) and 54956.9(d)(4), 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. through c. and e. Item 1.d was deleted via the supplemental.**

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

### **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

### **Pledge of Allegiance**

The Pledge of Allegiance was led by Supervisor Armenta.

### **Additions and Corrections**

Supervisor Salinas requested the Board adjourn in memory of Steven Pessagno.

Upon the motion of Supervisor Simon Salinas, seconded by Supervisor Jane Parker, the Board approved this addition to the agenda. 4-0 (Supervisor Potter Absent)

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

2. Approval of Consent Calendar (See Supplemental Sheet)

Supervisor Parker pulled item 30 and asked questions of staff. Ray Bullick responded.

Supervisor Calcagno pulled item 32 for comment.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to approve the Consent Calendar - Regular (See Supplemental Sheet items 22-47). 4-0 (Supervisor Potter Absent)

### **Ceremonial Resolutions**

3. Adopt Resolution Commending George David Montanez, Mechanic II, Department of Public Works, upon his retirement for more than 29 Years of Public Service. (Supervisor Armenta)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to adopt Resolution No. 13-163 commending George David Montanez, Mechanic II, Department of Public Works, upon his retirement for more than 29 Years of Public Service. (Supervisor Armenta) 4-0 (Supervisor Potter Absent)

4. Adopt Resolution Recognizing Estella “Stella” Serrano for distinguished service as a Secretary for the County of Monterey Department of Social Services. (Supervisor Armenta)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to adopt Resolution No. 13-164 Recognizing Estella “Stella” Serrano for distinguished service as a Secretary for the County of Monterey Department of Social Services. (Supervisor Armenta) 4-0 (Supervisor Potter Absent)**
5. Adopt Resolution on behalf of the Monterey County Branch of the NAACP in Commemoration of the 50th Anniversary of the death of Medgar Wiley Evers. (Supervisor Armenta)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to adopt Resolution No. 13-165 on behalf of the Monterey County Branch of the NAACP in Commemoration of the 50th Anniversary of the death of Medgar Wiley Evers. (Supervisor Armenta) 4-0 (Supervisor Potter Absent)**

### Appointments

6. Appoint David Salles to the Mental Health Commission with a term ending May 31, 2016. (Supervisor Calcagno)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker, that this Appointment be approved. 4-0 (Supervisor Potter Absent)**
7. Appoint Carolyn Anderson to the Commission on the Status of Women to fill an unscheduled vacancy, term ending February 1, 2015. (Supervisor Potter)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker, that this Appointment be approved. ALL AYES**
8. Appoint Will Taylor to the King City Cemetery Board to fill an unscheduled vacancy, term ending July 1, 2015. (Supervisor Salinas)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker, that this Appointment be approved. 4-0 (Supervisor Potter Absent)**
9. Reappoint to the Emergency Medical Care Committee the following members: Heidi Burch; Donald C. Tettelbach; Harry B. Robins, Jr. and Sherrie L. Collins, with terms ending June 30, 2015. (Full Board)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker, that this Reappointment be approved. 4-0 (Supervisor Potter Absent)**
10. Appoint Michael J. Tozzi and Fire Chief Edmond A. Rodriguez to the Emergency Medical Care Committee, terms ending June 30, 2015. (Full Board)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker, that this Appointment be approved. 4-0 (Supervisor Potter Absent)**

11. Reappoint Levonne Stone to the Community Action Commission, term ending July 1, 2016. (Supervisor Parker)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker, that this Reappointment be approved. 4-0 (Supervisor Potter Absent)**
12. Reappoint Tom Mancini to the Ft. Ord Veteran Cemetery Citizen's Advisory Committee, term ending December 31, 2013. (Full Board)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker, that this Reappointment be approved. 4-0 (Supervisor Potter Absent)**
13. Reappoint Chris Daniel to the Assessment Appeals Board, term ending June 1, 2016. (Supervisor Parker)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker, that this Reappointment be approved. 4-0 (Supervisor Potter Absent)**

### **Other Board Matters**

14. Board Comments
- Supervisor Parker announced the two recipients of the Instigator of Excellence Scholarship for 2013 for District 4 residents. The award is designed for people that have shown academic excellence, leadership and giving back to their community. The recipients are Queyen Nguyen of Marina, who moved to the United States at age 12 or 13 and will be attending U.C. San Diego. She tutored at schools in Marina to assist others in perfecting their English skills. She was presented with a proclamation at the Marina City Council meeting and received \$250. Janeesha Williams of Seaside will continue her education at Monterey Peninsula College and ultimately wants to be a nurse. Janeesha realized later in her high school career that she wanted to do higher quality work. She caught up in school and shown herself to be a responsible young member of the community and writes beautiful poetry. She received a proclamation and will also receive \$250. Supervisor Parker congratulated both recipients.
- Supervisor Calcagno advised of the structural fire at the Franco Hotel in Castroville that left 38 people homeless. His staff spent considerable time working to coordinate support services for the displaced residents. He requested that the County have someone in charge of these type of concern in a specific department. This type event will occur again and the County should be prepared to respond. We don't have the structure currently to handle these type of situations. Nick Chiulos responded that County staff is working to create a more coordinated structure for response to emergency situations such as this.
- Supervisor Armenta announced that Supervisor Salinas attended the annual Veteran's appreciation event last Thursday at the One-Stop Center. Supervisor Armenta advised he attended the COPA community event on ViaCare at St.Marys. He thanked Harry Weis and Ray Bullick and others supporting

community outreach efforts.

15. CAO Comments and Referrals

**Assistant County Administrative Officer Nick Chiulos advised County staff has been briefed on the fire incident and will work on a more coordinated response structure. Mr. Chiulos also advised of the following Board Referral from Supervisor Parker:  
Status Report on ViaCare and increase ViaCare eligibility to match MediCal FPL; referred to Harry Weis at Natividad Medical Center.**

16. General Public Comment

**Alexander Miller; Nina Beety; Hans Jongens; Eric Peterson; Gail Smith.**

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

17. Receive an oral report/presentation from Office of Emergency Services (OES) Division regarding the status of the Emergency Management in Monterey County, including the realignment of the Operational Area Coordinating Council (OACC), grant management, Emergency Operations Center (EOC) upgrades, Continuity of Government plans, community preparedness efforts, and new hazard mitigation planning.

**Public comment: Hans Jongens.**

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas and received an oral report/presentation from Office of Emergency Services (OES) Division regarding the status of the Emergency Management in Monterey County, including the realignment of the Operational Area Coordinating Council (OACC), grant management, Emergency Operations Center (EOC) upgrades, Continuity of Government plans, community preparedness efforts, and new hazard mitigation planning. 4-0 (Supervisor Potter Absent)**

18. Adopt Resolution to:

Authorize the execution and delivery by the County of amendments to a ground lease and a lease agreement in connection with the lease substitution and release of property previously leased with respect to the County of Monterey Certificates of Participation (2007 Refunding and Public Facilities Financing) and authorizing execution by the County Debt Manager of necessary documents and certificates and related actions. (REVISED ATTACHEMENT SUBMITTED - BOARD REPORT DISCUSSION - VIA SUPPLEMENTAL)

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 13-179 to:**

**Authorize the execution and delivery by the County of amendments to a ground lease and a lease agreement in connection with the lease substitution and release of property previously leased with respect to the County of Monterey Certificates of Participation (2007 Refunding and Public Facilities Financing) and authorizing execution by the County Debt Manager of necessary documents and certificates and related actions. 4-0 (Supervisor**

Potter Absent)

19. Consider adoption of an ordinance amending section 12.24.020 of the Monterey County Code to establish a stop intersection on Pollock Lane at the north entrance to Pesante Road in Prunedale in the unincorporated area of the County of Monterey.

**A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Simón Salinas to adopt Ordinance 5216 amending section 12.24.020 of the Monterey County Code to establish a stop intersection on Pollock Lane at the north entrance to Pesante Road in Prunedale in the unincorporated area of the County of Monterey. 4-0 (Supervisor Potter Absent)**

### **12:00 PM Recess to Lunch - Continued Closed Session**

### **1:30 PM Reconvene**

### **Roll Call**

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

20. Public hearing to consider:
- Adoption of an ordinance amending Title 21 (non-coastal zoning) of the Monterey County Code to classify Cottage Food Operations as a permitted use of residential property for zoning purposes; and
  - Adoption of a resolution of intent to adopt an ordinance amending the Monterey County Coastal Implementation Plan, Part 1 (Title 20 of the Monterey County Code) to classify Cottage Food Operations as a permitted use of residential property for zoning purposes, with direction to staff to transmit the proposed ordinance to the California Coastal Commission for certification.
- [REF120083 (Inland) and REF130010 (Coastal), Cottage Food Operation Ordinances  
(AB 1616), County-wide]

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Louis R. Calcagno and conducted a Public Hearing**

- Adopted Ordinance 5217 amending Title 21 (non-coastal zoning) of the Monterey County Code to classify Cottage Food Operations as a permitted use of residential property for zoning purposes; and**
  - Adopted Resolution of Intention No. 13-283 to adopt an ordinance amending the Monterey County Coastal Implementation Plan, Part 1 (Title 20 of the Monterey County Code) to classify Cottage Food Operations as a permitted use of residential property for zoning purposes, with direction to staff to transmit the proposed ordinance to the California Coastal Commission for certification.**
- [REF120083 (Inland) and REF130010 (Coastal), Cottage Food Operation Ordinances  
(AB 1616), County-wide]**

- 21. Consider adoption of a Resolution to:
  - a. Consider the Greenfield General Plan Environmental Impact Report and the South End Environmental Impact Report and City General Plan EIR Addendum;
  - b. Adopt the Greater Greenfield Area Memorandum of Agreement; and
  - c. Authorize the Chair of the Board of Supervisors to execute the Memorandum of Agreement.
 (Greenfield Memorandum of Agreement/PD060778)

**Public comment: Kate McKenna, John Huerta, Amy White, Eric Peterson. A motion was made by Supervisor Simón Salinas, seconded by Supervisor Louis R. Calcagno to adopt Resolution No. 13-201 to:**

- a. Consider the Greenfield General Plan Environmental Impact Report and the South End Environmental Impact Report and City General Plan EIR Addendum;
  - b. Adopt the Greater Greenfield Area Memorandum of Agreement; and
  - c. Authorize the Chair of the Board of Supervisors to execute the Memorandum of Agreement.
- (Greenfield Memorandum of Agreement/PD060778) 3-1 (Supervisor Parker Dissented; Supervisor Potter Absent)

**Adjournment**

In Memory of Donna Alonzo-Vaughan & Stephen Pessagno

**APPROVED:**

/s/ Fernando Armenta  
**FERNANDO ARMENTA, CHAIR**  
**BOARD OF SUPERVISORS**

**ATTEST:**

**BY: /s/ Gail T. Borkowski**  
**GAIL T. BORKOWSKI**  
**CLERK OF THE BOARD**  
 Approved August 27, 2013



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**Supplemental Sheet, Consent Calendar****Natividad Medical Center**

22. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. 1 to the Agreement (MYA703) with The Abaris Group for Phase II of Level II Trauma Center Designation Preparation Services at NMC, extending the Agreement to June 30, 2014 and adding \$191,450 for a revised total Agreement amount not to exceed \$291,450 in the aggregate.
- Approved - Agreement No. A-12466**
23. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. 2 to the Agreement (MYA73) with Shred It USA for Document Shredding Services at NMC, extending the Agreement to June 30, 2014 and adding \$80,000 for a revised total Agreement amount not to exceed \$179,620 in the aggregate.
- Approved - Agreement No. A-12468**
24. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. 5 to the Agreement (A-11010) with Metro Republic Commercial Service Inc. for Bad Debt Collection Services at NMC, extending the Agreement to June 30, 2015 for a total Agreement amount not to exceed \$3,100,000 (no change to previously approved amount) in the aggregate.
- Approved - Agreement No. A-11010**
25. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. 4 to the Agreement (A-12214) with Monterey Language Services for Translation, Interpretation and other Language Services at NMC, extending the Agreement to June 30, 2014 and adding \$74,000 for Fiscal Year 2013-2014 for a revised total Agreement amount not to exceed \$245,000 in the aggregate.
- Approved - Agreement No. A-12214**
26. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. 7 to the Agreement (A-10081) with Professional Research Consultants Inc. for Patient Satisfaction Survey Services at NMC, extending the Agreement to June 30, 2014 and adding \$45,000 for Fiscal Year (FY) 2013-14 for a revised total Agreement amount not to exceed \$348,937.50 in the aggregate.
- Approved - Agreement No. A-10069**

27. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. 2 to the Agreement with Marci Bracco Cain for Marketing & Public Relations Consulting Services at NMC, extending the Agreement to June 30, 2014 and adding \$100,000 for a revised total Agreement amount not to exceed \$200,000 in the aggregate.

**Approved - Agreement No. A-1472**

### **Health and Social Services**

28. Set a date for a public hearing on June 25, 2013, at 10:30 A.M., to consider approving the Fiscal Year (FY) 2013-14 assessments for CSA 74 for the Emergency Medical Services System Special Tax.
- Approved**
29. Receive and accept a report that explains staff's decision to transfer oversight responsibilities for remediation of leaking Underground Storage Tanks from the Environmental Health Bureau to the Regional Water Quality Control Board.
- Approved**
30. Receive and accept the first annual financial report from the Director of Health regarding the funds received by the Health Department from the Childhood Lead litigation settlement and accepted by action of the Board of Supervisors on December 13, 2011.
- Approved**
31. a. Authorize the Auditor-Controller to increase appropriations for FY 2012-13 in the Department of Social Services General Assistance Budget Unit 8253 (SOC002) by \$85,000, financed by a cancellation of \$85,000 from the Social Services Assignment (4/5th vote required); and  
b. Direct the County Administrative Office to confirm with the Auditor-Controller the amount to cancel from the Social Services Assignment during the closing of the Fiscal Year 2011-12 actual results.
- Approved**
32. a. Approve and authorize the Contracts/Purchasing Officer to execute a twenty year Lease Agreement with Community Hospital Properties for approximately 25,000 rentable square feet of space located at 1150-1154 Fremont Boulevard, Seaside, California for use by the Health Department's Clinic Services Bureau, to commence within one hundred twenty days of Board of Supervisors approval;  
b. Authorize the Auditor-Controller to make lease payments in an amount not to exceed \$68,750 per month and in accordance with the terms of the Lease Agreement; and

- c. Authorize the extension of the Lease Agreement for two additional five year terms under the same terms and conditions, if deemed by the Contracts/Purchasing Officer to be in the best interest of the County.
- d. Authorize the establishment of a committed fund of up to \$3.2 million from the Natividad Medical Center Enterprise Fund in accordance with the Article 5 of the Lease Agreement, solely for that purpose.

**Approved - Agreement No. A-12467**

- 33.** Approve and authorize the Director of Health to sign the Second Amended and Restated Joint Exercise of Powers Agreement that governs operations of the California Mental Health Services Authority (CalMHSA).

**Approved**

### **Criminal Justice**

- 34.** Approve and Authorize the District Attorney to sign, submit and execute a grant application, including any extensions or amendments thereof, for continued funding for FY 2013-16 from Federal and State agencies for the District Attorney's Office Victim Compensation and Government Claims Board (VCGCB).

**Approved**

- 35.** Amend the February 5, 2013 Board Order (File# 13-0084) to increase Fund 022 State AB109 Public Safety Realignment appropriations for the Public Defender 2270-PUB002-8169-7614 in the amount of \$63,261.

**Approved**

### **General Government**

- 36.**
- a. Approve and authorize the Contracts/Purchasing Officer to execute an Enrollment Confirmation with County of Ventura for their existing Master Contract with Gartner, Inc. on an as-needed basis for the period of May 1, 2013 through April 30, 2014 for the provision of information technology advisory services;
  - b. Accept non-standard liability and indemnification provisions in the Master Contract as recommended by the Director of Information Technology,
  - c. Authorize the Contracts/Purchasing Officer to enter into up to four (4) additional one year Enrollment Confirmations under the Master Contract, provided that the terms and conditions for the Master Contract, as amended, remain the same; and
  - d. Authorize the Contracts/Purchasing Officer to issue purchase orders pursuant to the Enrollment Confirmation(s) on an as-needed basis in an amount not to exceed \$100,000 yearly.

**Approved**

37. Adopt Resolution to approve the Conflict of Interest Code of the Northern Salinas Valley Mosquito Abatement District.
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 13-178 to approve the Conflict of Interest Code of the Northern Salinas Valley Mosquito Abatement District. 4-0 (Supervisor Potter Absent)**
38. Approve authorizing the Office of the Auditor-Controller to modify the appropriations in the FY 2012-13 adopted budget, up to the amounts listed on Attachment A, as necessary, to reflect the changes required in the allocation of the County's property insurance premiums (4/5ths Vote Required).
- Approved**
39. Approve a request authorizing:
- The transfer of General Fund Contingency funds as supported and recommended by the Budget Committee, in the amount of \$1,018,685, for costs related to the San Antonio and Nacimiento Lakes Fuel Spill; and
  - The Auditor-Controller to increase FY 2012-13 revenue and appropriations by \$1,018,685 in the newly created Lakes Fuel Spill Budget Unit 8429, which is under County Counsel Risk Management. (4/5ths Vote Required)
- Approved**
40.
  - Approve Amendment Number 4 to the Contractual Agreement No. A-07625 between the County of Monterey and the Megabyte Systems Inc. dated April 28, 1998, and its Addendum, the Software Upgrade MPTS2000+ dated July 1, 2007, as it has been subject to Amendments Nos. 1, 2, and 3, combined.
  - Approve an additional year of maintenance for the Megabyte Property Tax system for the fiscal year 2013-2014 at 1.7% increase from the current annual rate.
- Approved - Agreement No. A-07625**
41. Set the time and place for hearing of Carmel Valley Ranch's appeal of Transient Occupancy Tax Penalty for Tuesday, June 25, 2013 at 1:30 p.m. or as soon thereafter as the matter may be heard, at the Monterey County Government Center Board Chamber, 168 W. Alisal St., 1st Floor, Salinas, California.
- Approved**
42. Approve the use of San Lorenzo Park on June 23, 2013 and August 18, 2013 for two functions held by Grace Lutheran Church in compliance with Monterey County Code 14.12.130.

**Approved**

43. a. Ratify the May 7, 2013 execution of a Revocable License Agreement for Non-Federal Use of Real Property between the County of Monterey and the United States of America by the Commandant of the Coast Guard for the use of the Point Sur Radio Communications site for public safety communications;
- b. Accept non-standard indemnification and insurance provisions as recommended by the Sheriff and Director of Emergency Communications;
- c. Authorize the Contracts / Purchasing Officer to sign amendments to this agreement where the total amendments do not result in additional cost to the County or significantly change the scope of the Agreement; and
- d. Authorize the Director of Information Technology to sign the Waiver and Release from Liability Form related to climbing towers and other structures on the site;

**Approved**

44. Authorize the Registrar of Voters to execute Agreement Number 13G26117 with the Secretary of State's office to receive Help America Vote Act (HAVA) Section 261 grant funds in the amount of \$30,000.

**Approved**

45. a. Approve a Housing and Financing Regulatory Agreement and Declaration Of Restrictive Covenants for Rockrose Gardens; and
- b. Authorize the Director of Economic Development to execute the Agreement and make minor modifications as necessary.

**Approved - Agreement No. A-12473****RMA - General**

46. Adopt Resolution to:
- a. Approve a Memorandum of Understanding (MOU) by and between Monterey County, the US Army Corp of Engineers and the National Marine Fisheries Service for "Flood Prevention and Habitat Protection at the Carmel Lagoon"; and
- b. Authorize the Chair of the Board of Supervisors to sign the Memorandum of Understanding (MOU).

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 13-181 to:**

- a. Approving a Memorandum of Understanding (MOU) by and between Monterey County, the US Army Corp of Engineers and the National Marine Fisheries Service for "Flood Prevention and Habitat Protection at the Carmel Lagoon"; and**
- b. Authorizing the Chair of the Board of Supervisors to sign the Memorandum**

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of Understanding (MOU). 4-0 (Supervisor Potter Absent)

**RMA - Public Works**

- 47.
- a. Award a contract to John F. Otto, Inc., dba Otto Construction, the lowest responsible and responsive bidder, for Modular #3 District Attorney - Tenant Improvements, 320 Church Street, Salinas, CA Project No. 8778, Bid Package No. 10405, in the total amount of \$308,900;
  - b. Approve the Performance and Payment Bonds executed and provided by John F. Otto, Inc., dba Otto Construction and Travelers Casualty and Surety Company of America;
  - c. Authorize the Director of Public Works to establish a twenty percent contingency in the amount of \$61,780, to provide funding for approved contract change orders that do not significantly change the scope of work;
  - d. Authorize the Director of Public Works to execute the contract and, subject to the terms of the August 28, 2001 Board Order, approve contract change orders where each change order does not exceed \$25,000, plus 5 percent of the amount of the original contract cost in excess of \$250,000; and
  - e. Authorize the Director of Public Works to accept a Certificate of Completion and record a Notice of Completion with the County Recorder when he determines the contract is complete in all respects in accordance with the Plans and Special Provisions for the construction of the Modular #3 District Attorney - Tenant Improvements, 320 Church Street, Salinas, CA Project No. 8778, Bid Package No. 10405, performed by John F. Otto, Inc., dba Otto Construction.

**Approved - Agreement No. A-12474; Construction No. 2013-005**