

# 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

Gail T. Borkowski  
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## **ACTION MINUTES** **MONTEREY COUNTY BOARD OF SUPERVISORS** **MONTEREY COUNTY WATER RESOURCES AGENCY**

**TUESDAY, APRIL 10, 2012**  
**9:00 A.M.**

**9:00 A.M.**

### **ROLL CALL**

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

NOTE: Supervisor Potter arrived before recess into closed session\*

1. Additions and Corrections for Closed Session: The Clerk of the Board announced agenda corrections and proposed additions, which were acted on by the Board as provided in Sections 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:**

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

#### **Removed from Closed Session**

2. f. 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**

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) LandWatch Monterey County v. County of Monterey (Monterey County Superior Court case no. M109434)
- (2) The Open Monterey Project v. Monterey County Board of Supervisors (Monterey County Superior Court case no. M109441)
- (3) Carmel Valley Association, Inc. v. Board of Supervisors of the County of Monterey (Monterey County Superior Court case no. M109442)
- (4) Salinas Valley Water Coalition, et al. v. County of Monterey (Monterey County Superior Court case no. M109451)

**CLOSED SESSION REPORT: The Board met and discussed litigation related to the 2010 Monterey County General Plan; appropriate direction was provided.**

b. 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 provided appropriate direction; no reportable action taken.**

c. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding liability claims against the County of Monterey.

- (1) Lawrence Brown
- (2) Melissa Knight-Fine
- (3) James and Carol Byers
- (4) Cedric Johnson

**CLOSED SESSION REPORT: The Board provided direction to reject the all claims listed in 2.c. (1) through (4).**

d. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the Natividad Medical Center CEO.

**CLOSED SESSION REPORT: The Board received the report; no reportable action taken.**

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

- (1) Designated representatives: Izetta Birch and Brette Neal  
Employee Organizations: All Units

**CLOSED SESSION REPORT: The Board took no reportable action.**

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

**CLOSED SESSION**

f. ~~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)~~ **Removed Via Additions and Corrections**

g. 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: Appropriate direction was given by the Board; no reportable action taken.**

h. 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: Appropriate direction was given by the Board; no reportable action taken.**

**10:30 AM. RECONVENE**

**ROLL CALL**

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

3. The Pledge of Allegiance was led by Nick Chiulos.

4. Additions and Corrections:

The Clerk of the Board will announce Agenda corrections and proposed additions, which may be acted on by the Board as provided in Section 54954.2 of the California Government Code.

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

5. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)

Supervisor Calcagno pulled items 29 and 30 and asked questions of staff.

Mike Miller responded to Calcagno questions.

Supervisor Calcagno commented on item 32.

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

**CEREMONIAL RESOLUTIONS - 6 and 7 heard concurrently**

6. Adopted **Resolution 12-091** proclaiming April 8 through April 14, 2012 as "Public Safety Dispatchers Week" in Monterey County. (Supervisor Potter)

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

7. Adopted **Resolution No. 12-092** proclaiming the week of April 15th-April 21st as "Celebrating People in Action" in Monterey County and honoring Natividad

Medical Center's Volunteer Auxiliary for 52 years of volunteerism. (Supervisor Potter)

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

**APPOINTMENTS - 8 through 11.1 heard concurrently**

8. Appointed Nick Brockman to the Fish & Game Advisory Commission, to fill an unexpired term ending February 1, 2015. (Supervisor Parker)

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

9. Appointed Paul Miller and David Delfino to the Pajaro-Sunny Mesa, Community Services District, terms ending November 30, 2015. (Supervisor Calcagno)

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

10. Appointed Chief Philip Penko to the Community Restorative Justice Commission, term ending February 14, 2014. (Full Board)

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

11. Appointed Nick Chiulos to the Fort Ord Reuse Authority Board of Directors as an alternate, term ending at the pleasure of the Board. (Supervisor Potter)

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

- 11.1 Appointed Jerry Hernandez to the Successor Agency Oversight Committee, term ending June 30, 2016. (Full Board) (Added via Addendum)

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

**OTHER BOARD MATTERS**

12. Board Comments

Supervisor Armenta announced he was in Washington D.C. and attended the White House National Forum on Gang Violence. Each city was tasked with presenting a model and the City of Salinas presented a suppression model. They heard from youth and talked about their experiences and commitment for involvement at the policy level. He advised that the trip paid for by the Department of Justice (DOJ). Supervisor Armenta thanked the residents of Monterey County and the Mayor of Salinas.

13. CAO Comments and Referrals: There were no CAO comments or referrals.

14. Public Comment

Jay Donato; Hans Jongens; Bill Harris.

**SCHEDULED MATTERS**

- S-1 Received a status report on budget requests from County departments and development of the Fiscal Year 2012-13 Recommended Budget.  
**Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES**

**12:00 P.M. RECESSED TO LUNCH**

**SCHEDULED MATTERS**

**1:30 P.M. RECONVENED**

**MONTEREY COUNTY BOARD OF SUPERVISORS**

**ROLL CALL**

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

- S-2 Adopted **Ordinance No. 5196** amending Subsection B of Section 2.12.040 of the Monterey County Code to provide for the appointment of the Director of Human Resources by the County Administrative Officer.  
**Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES**

- S-3 Adopted **Ordinance No. 5197** to amend Sections 5.16.010 and 5.16.020 of the Monterey County Code related to claims against the County.  
**Motion by Supervisor Salinas, seconded by Supervisor Parker. ALL AYES**

**Closed Session Report (See 2 a-h)**

**ADJOURNMENT  
In Memory of  
Rod Mills, Peter Douglas and John Myers**

APPROVED:

\_\_\_\_\_  
DAVE POTTER, CHAIR  
BOARD OF SUPERVISORS

ATTEST: GAIL T. BORKOWSKI  
Clerk of the Board

BY: \_\_\_\_\_

(Supplemental Sheet)

### CONSENT CALENDAR

#### NATIVIDAD MEDICAL CENTER

15. Authorized the Purchasing Manager for Natividad Medical Center (NMC) to execute an **Agreement No. A-12201** with Jackson & Coker Locum Tenens to provide referrals of locum tenens providers for multiple specialties at NMC in amount not to exceed \$200,000 for the period April 1, 2012 to March 31, 2014.
16. **Construction No. 2012-010**
  - a. Approved the Plans and Specifications for the Natividad Medical Center, Project No. 9600-12 - Radiology Equipment Replacement, Bid No. NMC-1005 for contractors to bid on construction; and
  - b. Authorized the Clerk of the Board to advertise the "Notice to Contractors" in The Californian on April 16th and April 23rd 2012.

#### HEALTH AND SOCIAL SERVICES

17.
  - a. Approved and authorized the Contracts/Purchasing Officer to sign **Amendment 2** to the Professional Services **Agreement A-11518** with the University Corporation at Monterey Bay for dedicated staffing and to establish a scholarship fund specifically for Masters of Social Work ("MSW") students at California State University Monterey Bay. Amendment 2 extends the term by one fiscal year to June 30, 2013, and adds \$40,000 (\$135,212 for Fiscal Year (FY) 2009-10, \$234,827 for FY 2010-11, \$59,161 for FY 2011-12, and \$800 for FY 2012-13) for a revised total Agreement amount not to exceed \$430,000; and
  - b. Approved and authorized the Contracts/Purchasing Officer to sign a Consulting Agreement with the California Institute for Mental Health effective March 1, 2012 to June 30, 2012. The Agreement will provide funding to the County to fund the contract between the County Health Department and the University Corporation at Monterey Bay for the MSW program at California State University Monterey Bay in the amount of \$40,000, and will fund educational and training activities for the Southern Bay Area Regional Partnership in the amount of \$80,000, for a total Agreement amount not to exceed \$120,000.
18. Approved and authorized the Director of Health to sign **Amendment No. 6** to **Agreement A-11498** with Community Human Services to increase the Agreement amount by \$20,880 in FY 2011-12 for a new total Agreement amount not to exceed \$4,600,884 for the provision of alcohol and drug treatment residential and outpatient services.

19. Approved and authorized the Director of Health to sign **Amendment No. 1** 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. 1 adds \$72,000 (\$295,257.44 for Fiscal Year (FY) 2011-12, \$297,507.44 for FY 2012-13, and \$297,507.44 for FY 2013-14) for a total Agreement amount of \$890,272.32.
20. Approved and authorized the Director of Health to accept a donation from the Children's Miracle Network, a program of the Salinas Valley Memorial Hospital Foundation, in the amount of \$4,800 to support transportation-related client assistance.
21.
  - a. Reallocated 1.0 FTE Environmental Health Specialist II to 1.0 FTE Accountant I, Environmental Health Budget 4000- 8117; and
  - b. Reallocate 1.0 FTE Management Analyst II to 1.0 FTE Management Analyst III, Environmental Health Budget 4000-8117; and
  - c. Authorized the County Administrative Office to incorporate approved position changes in the Fiscal Year (FY) 2011-12 Budget and the FY 2012-13 Adopted Budget.
22. **Agreement No. A-12202** Approved and authorized the Director of the Department of Social & Employment Services, or his designee, to sign a Memorandum of Understanding between the California Department of Child Support Services and Monterey County Department of Social & Employment Services for on-line access to the California Child Support Automated Systems (CCSAS) for a period of 36 months.
23. **Agreement No. A-12203** Approved and authorized the Director of Department of Social and Employment Services, or his designee, to sign and execute standard funding agreements and amendments for continued funding from state agencies for designated programs on behalf of the County for Fiscal Year 2012-13 and Calendar Year 2013.

#### **GENERAL GOVERNMENT**

24.
  - a. Adopted **Resolution No. 12-093** to authorize the Parks Director to file an application with the California State Office of Historic Preservation (SOHP) for a grant in the amount of \$25,000 for Fiscal Year 2012-13 to fund a context statement for Pebble Beach historic resources; and
  - b. Authorized the Parks Director, or his designee, to coordinate, process, and execute all contracts, agreements, amendments, and ancillary documents within the scope of the application to accept the grant.

25. **Construction No. 12-011**
  - a. Approved specifications for annual maintenance and repair of Parks Department roadways at Laguna Seca Recreation Area, for calendar year 2012 (January 1, 2012 through December 31, 2012), Bid No.10365;
  - b. Authorized solicitation of bids; and
  - c. Authorized and directed the Clerk of the Board to advertise the "Notice to Bidders" in the local newspaper, The Californian, on April 16, 2012 and on April 23, 2012.
  
26.
  - a. Approved **Amendment No.1** to the **Concession Agreement No. A-10746** between Monterey County Parks Department and Sea Otter Classic, Inc at the Laguna Seca Recreation Area, renewing and extending the term through January 1, 2013; and
  - b. Authorized the Chair of the Monterey County Board of Supervisors to sign the Amendment.
  
27. Authorized the Registrar of Voters to consolidate and render election services to the cities of Greenfield and Soledad relating to the conduct of the June 5, 2012 Presidential Primary Election.
  
28. Authorized the Registrar of Voters to execute Agreement Number 11G27110 with the Secretary of State's office to receive Help America Vote Act (HAVA) Section 271 grant funds in the amount of \$5,000.
  
29.
  - a. Amended the Fiscal Year (FY) 2011-12 Auditor-Controller Budget 1110 and Units 8372 and 8374, to add one Auditor-Controller Analyst I to each unit;
  - b. Authorized the County Administrative Office to incorporate approved position changes in the FY 2011-12 Budget and the FY 2012-13 Adopted Budget.; and
  - c. Increased appropriations and estimated revenue/reimbursement totaling \$56,000 in Appropriation Unit AUD001 - Auditor-Controller. (4/5ths vote required)
  
30.
  - a. Amended the Fiscal Year (FY) 2011-12 Auditor-Controller Budget 1110, Unit 8373 to add one Enterprise Resource Planning Business Analyst;
  - b. Authorize the County Administrative Office to incorporate approved position changes in the FY 2011-12 Budget and the FY 2012-13 Adopted Budget; and
  - c. Increased appropriations and estimated revenue/reimbursement totaling \$29,000 in Appropriation Unit AUD001 - Auditor-Controller. (4/5ths vote required)
  
31. Approved Action Minutes of the Board of Supervisors meetings of Tuesday, February 7, 2012; Tuesday, February 14, 2012; Tuesday, February 28, 2012 and Tuesday March 20, 2012.



**RMA - PLANNING DEPARTMENT**

32. a. Consented to the grant by Post Ranch LP and Onesimo, LLC of a two-year extension of an Irrevocable Offer to Dedicate Public Access Easements and Declaration of Restrictions at Post Ranch in Big Sur;
- b. Authorized the Chair of the Board of Supervisors to execute the consent to the two-year extension; and
- c. Directed the Clerk of the Board to submit the signed extension to the County Recorder for recordation prior to April 17, 2012.  
(OTD Extension - REF110050/Post Ranch LP, 47100 Highway 1, Big Sur Coast Land Use Plan)

**RMA - BUILDING DEPARTMENT**

33. Adopted **Resolution No. 12-094** to amend Personnel Policies and Practices Resolution No. 98-394 to:
  - a. Amend Section A.10.1 Department Heads Designated to re-title the Chief Building Official as indicated in Attachment A;
  - b. Correct Steps 4 and 5 of the salary for the Chief Building Official as indicated in the attached Resolution; and
  - c. Direct the Human Resources Department to incorporate the changes.

**RMA - PUBLIC WORKS**

34. **Agreement No.: -12204; Construction No. 12-003**
  - a. Awarded a contract to Valley Slurry Seal Company, the lowest responsible bidder, for the Slurry Seal 2012 Project, Contract No. 12-551222, in the total amount of \$379,280.64;
  - b. Approved the Performance and Payment Bonds executed and provided by Valley Slurry Seal Company;
  - c. Authorized a contingency (not to exceed 10% of the contract amount) to provide funding for approved contract change orders; and
  - d. Authorized the Director of Public Works to execute the contract, and subject to the terms of the Public Contract Code approve change orders to the contract that do not exceed 10% of the original contract amount, and do not significantly change the scope of work.
35. Acting on behalf of County Service Area No. 45 - Oak Hills:
  - a. Authorized the Auditor-Controller to amend the FY 2011-12 Budget for County Service Area 45 - Oak Hills Open Space, Fund 075, Appropriation Code RMA071, by increasing appropriations for Account 6311, Buildings & Improvements Maintenance - External by \$32,260 (4/5ths vote required); and
  - b. Authorized the Auditor-Controller's Office to incorporate approved appropriation and estimated revenue modifications to the FY 2011-12 Budget, and the County Administrative Office to reflect these approved changes in the FY 2012-13 Adopted Budget.

36.
  - a. Authorized the Auditor-Controller to increase appropriations and estimated revenues in the amount of \$296,789 to the Resource Management Agency's Administration Fleet Appropriation Unit 001-3000-RMA007-8185 for contracted fuel purchases with the Monterey County Office of Education (4/5ths vote required); and
  - b. Authorized the Auditor-Controller's Office to incorporate approved appropriation and estimated revenue modifications to the Fiscal Year (FY) 2011-12 Budget, and the County Administrative Office to reflect these approved changes in the FY 2012-13 Adopted Budget.
  
37. **Agreement No.: A-12205; Construction No. 12-004**
  - a. Awarded a contract to Graham Contractors, Inc., the lowest responsible bidder, for the Crack Seal 2012 Project, Contract No. 12-551225, in the total amount of \$243,836.64;
  - b. Approved the Performance and Payment Bonds executed and provided by Graham Contractors, Inc.;
  - c. Authorized a contingency (not to exceed 10% of the contract amount) to provide funding for approved contract change orders; and
  - d. Authorized the Director of Public Works to execute the contract and, subject to the terms of the Public Contract Code, approve change orders to the contract that do not exceed 10% of the original contract amount, and do not significantly change the scope of work.

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