

Monterey County

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



Action Minutes - Final

Tuesday, September 16, 2014

9:00 AM

Board of Supervisors

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

9:00 A.M. - Call to Order

The meeting was called to order by Vice Chair Salinas.

Roll Call

Present: 4 - Supervisor Fernando Armenta, Supervisor Simón Salinas, Supervisor Dave Potter and Jane Parker

Absent: 1 - Supervisor Louis R. Calcagno

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 54957.6, the Board will confer with labor negotiators:
(1) Designated representatives: Elliott Robinson, Director and Fran Buchanan
Employee Organization: IHSS Unit
 - b. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation: (1) Jesse Hernandez v. County of Monterey, U.S. District Court, Northern Division case no. CV-13-2354-PSG.
 - ~~c. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.~~
 - ~~d. Pursuant to Government Code section 54957.6, the Board will confer with negotiators:
(1) Designated representatives: Dr. Kelley O'Keefe, NMC Interim CEO and Charles J. McKee, County Counsel. (REMOVED VIA SUPPLEMENTAL)~~

CLOSED SESSION REPORT

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: Elliott Robinson, Director and Fran Buchanan
Employee Organization: IHSS Unit
- b. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation: (1) Jesse Hernandez v. County of Monterey, U.S. District Court, Northern Division case no. CV-13-2354-PSG.
CLOSED SESSION REPORT: The Board took no reportable actions on items

1.a.(1) and b.

c. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding one matter of significant exposure to litigation. (REMOVED VIA SUPPLEMENTAL)

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

(1) Designated representatives: Dr. Kelley O'Keefe, NMC Interim CEO and Charles J. McKee, County Counsel. (REMOVED VIA SUPPLEMENTAL)

10:30 AM Reconvene

Roll Call

Present: 4 - Supervisor Fernando Armenta, Supervisor Simón Salinas, Supervisor Dave Potter and Jane Parker

Absent: 1 - Supervisor Louis R. Calcagno

Pledge of Allegiance

The Pledge of Allegiance was led by Supervisor Jane Parker.

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 correction:

Under Consent Calendar – General Government strike language "Adopt a Resolution to" from item:

23.1 a. Amend the Auditor Controller Budget 1110, AUD001 8372 to add one (1) Accounts Payable Supervisor and add two (2) Payroll Technician; b. Amend the Auditor Controller Budget 1110, AUD001 8373 to add two (2) Enterprise Resource Planning Business Analyst; c. Amend the Auditor Controller Budget 1110, AUD001 8374 to add two (2) Accountant Auditor III; d. Direct County Administrative Office to incorporate the approved changes in the FY 2014 15 Adopted Budget; and e. Increase Appropriations in AUD001, Auditor Controller, by \$564,000 offset by an Interfund Reimbursement of \$564,000 from AUD006, Capital Project Automation. (4/5ths Vote Required)

A motion was made by Supervisor Dave Potter, seconded by Supervisors Fernando Armenta to approve the Correction to the agenda. 4-0 (Supervisor Calcagno Absent)

Consent Calendar- (See Supplemental Sheet)

2.

Approval of Consent Calendar (See Supplemental Sheet)

Supervisor Parker requested item 14.2 be pulled for discussion. She withdrew this request because she intended to pull item 14.1 which is a scheduled item.

Supervisor Armenta requested item 23 be pulled and asked questions of staff.

Item 23: Public comment: James Kovacs; Frank Garden; Adam Rukka.

A motion was made by Supervisor Fernando Armenta, seconded by Supervisor Dave Potter to continue item 23 for one week and directed staff to consult with SEIU and the Human Resources Department regarding the requested actions and the Board's concerns. 4-0 (Supervisor Calcagno Absent)

A motion was made by Jane Parker, seconded by Supervisor Fernando Armenta to approve the Consent Calendar, with the exception of items 14.2 and 23. 4-0 (Supervisor Calcagno Absent)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Dave Potter to approve item 14.2. 4-0 (Supervisor Calcagno Absent)

Ceremonial Resolutions

3. Adopt Resolution commending Chef John Pisto for his culinary contributions to the County of Monterey for the past six decades. (Supervisor Potter)

A motion was made by Supervisor Dave Potter, seconded by Jane Parker to adopt Resolution No. 14-252 commending Chef John Pisto for his culinary contributions to the County of Monterey for the past six decades. (Supervisor Potter) 4-0 (Supervisor Calcagno Absent)

4. Adopt Resolution recognizing Paul Binsacca upon his retirement after twenty-five years of service to the Resource Conservation District of Monterey County. (Full Board)

A motion was made by Supervisor Dave Potter, seconded by Jane Parker to adopt Resolution No. 14-254 recognizing Paul Binsacca upon his retirement after twenty-five years of service to the Resource Conservation District of Monterey County. (Full Board) 4-0 (Supervisor Calcagno Absent)

Appointments

5. Appoint to the Commission on the Status of Women Pamela Weston for a term ending February 1, 2017. (Supervisor Parker)

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to Appoint to the Commission on the Status of Women Pamela Weston for a term ending February 1, 2017. (Supervisor Parker) 4-0 (Supervisor Calcagno Absent)

6. Appoint to the Agricultural Advisory Committee Matt Shea for a term ending June 30, 2017. (Supervisor Potter)

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to Appoint to the Agricultural Advisory Committee Matt Shea for a term ending June 30, 2017. (Supervisor Potter) 4-0 (Supervisor Calcagno Absent)

7. Appoint to the Area Agency on Aging Advisory Council Katie Tong to fill an unexpired term ending January 1, 2016. (Full Board)

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to Appoint to the Area Agency on Aging Advisory Council Katie Tong to fill an unexpired term ending January 1, 2016. (Full Board) 4-0 (Supervisor Calcagno Absent)

Other Board Matters

8. Board Comments

Supervisor Parker noted that a Farmworker Advisory Committee Advocates worked with the Ag Commission on a number of issues affecting the farmworker community. She hopes this will be an example of how public participation can help County departments be more responsive, collaborative and be proactive on issues affecting farmworker constituents.

Supervisor Parker advised there is a lot of attention on County Parks lately and announced there will be a special meeting of the Parks Commission on October 15th at 12:00 p.m. at the office of the Parks Commission to review the Parks' fee schedule and it is open to the public. Call (831) 755-4895 to request an agenda.

Supervisor Salinas requested the County Administrative Officer to address the letter received from Mr. Bailey regarding the Steinbeck Center and return to the Board of Supervisors and the Board of Supervisors of the Water Resources Agency to consider the issues raised in the letter.

9. CAO Comments and Referrals

There were no CAO comments or referrals.

10. General Public Comment

Carolyn Rigg.

10:30 A.M. - Scheduled Matters

11. Receive a presentation on Managing for Results (MFR) from the Assessor-County Clerk-Recorder.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to receive a presentation on Managing for Results (MFR) from the Assessor-County Clerk-Recorder. 4-0 (Supervisor Calcagno Absent)

12. Receive a status report on Fleet Management process improvements.

By consensus the Board received a status report on Fleet Management process improvements. 4-0 (Supervisor Calcagno Absent)

13. Accept and Approve the Community Restorative Justice Commission 2013 Annual Report.

Public comment: John Huerta; Roberto Garcia; Connie White.

A motion was made by Jane Parker, seconded by Supervisor Dave Potter to accept and approve the Community Restorative Justice Commission 2013 Annual Report. 4-0 (Supervisor Calcagno Absent)

12:00 PM Recess to Lunch

1:30 PM Reconvene

The meeting was reconvened by Vice Chair Salinas.

Roll Call

Present: 4 - Supervisor Fernando Armenta, Supervisor Simón Salinas, Supervisor Dave Potter and Jane Parker

Absent: 1 - Supervisor Louis R. Calcagno

1:30 P.M. - Scheduled Matters

14. a. Receive a presentation and request for funding in the amount of \$70,000 from Salinas Valley Tourism & Visitors Bureau, as recommended by the Economic Opportunity Administrative Subcommittee, and
b. Consider potential funding options.

Presentation by Craig Kaufman.

Public comment: Tammy Blount; Don Chapin; Eric Peterson.

A motion was made by Supervisor Dave Potter, seconded by Jane Parker to: a. Receive a presentation and request for funding in the amount of \$70,000 from Salinas Valley Tourism & Visitors Bureau, as recommended by the Economic Opportunity Administrative Subcommittee, and b. Directed staff to return to the Board after the next MCVVB meeting to consider potential funding options. 4-0 (Supervisor Calcagno Absent)

- 14.1 a. Approve and authorize the Contracts/Purchasing Officer to sign Amendment #1 to Agreement A-10833 with California Forensic Medical Group, Inc. (CFMG) for increased staffing for the provision of Inmate Healthcare Services in the Adult Detention Facility of Monterey County;
b. Increase Appropriations in Sheriff's Office Budget 2300, SHE004-8237 by \$1,350,110 for Amendment #1 to Agreement A-10833 with CFMG; (4/5ths Vote Required)
c. Amend Sheriff's Office Budget 2300, SHE003-8238 and increase Appropriations by \$1,534,205 to add 10 Deputy Sheriffs -Corrections in Jail Operations; (4/5ths Vote Required)
d. Amend Sheriff's Office Budget 2300, SHE003-8234 and increase appropriations by \$153,421 to add 1 Deputy Sheriff -Corrections in the Transportation unit; and, (4/5ths Vote Required)

- e. Direct the County Administrative Office to incorporate the approved changes in the FY 2014-15 Adopted Budget; and,
- f. Authorize the Auditor Controller to modify the FY 2014-15 budget based on the indicated actions. (ADDED VIA ADDENDUM)

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to: a. Approve and authorize the Contracts/Purchasing Officer to sign Amendment #1 to Agreement A-10833 with California Forensic Medical Group, Inc. (CFMG) for increased staffing for the provision of Inmate Healthcare Services in the Adult Detention Facility of Monterey County; b. Increase Appropriations in Sheriff's Office Budget 2300, SHE004-8237 by \$1,350,110 for Amendment #1 to Agreement A-10833 with CFMG; (4/5ths Vote Required) c. Amend Sheriff's Office Budget 2300, SHE003-8238 and increase Appropriations by \$1,534,205 to add 10 Deputy Sheriffs -Corrections in Jail Operations; (4/5ths Vote Required); d. Amend Sheriff's Office Budget 2300, SHE003-8234 and increase appropriations by \$153,421 to add 1 Deputy Sheriff -Corrections in the Transportation unit (4/5ths Vote Required); e. Direct the County Administrative Office to incorporate the approved changes in the FY 2014-15 Adopted Budget; and, f. Authorize the Auditor Controller to modify the FY 2014-15 budget based on the indicated actions. 4-0 (Supervisor Calcagno Absent)

Adjournment

APPROVED:

/s/ Louis R. Calcagno
LOUIS R. CALCAGNO, CHAIR
BOARD OF SUPERVISORS

ATTEST:

BY: /s/ Gail T. Borkowski
GAIL T. BORKOWSKI
CLERK OF THE BOARD
APPROVED ON 11-04-14

Supplemental Sheet, Consent Calendar**Health Department****14.2**

- a. Approve the updated Business Associate Agreement (“BAA”) to be used by the Health Department for all agreements for which a business associate agreement is required pursuant to Federal and State privacy laws, subject to further review and approval of County Counsel and County Risk Manager regarding the indemnity provision in BAA.; and
- b. Authorize the Director of Health or Contracts/Purchasing Officer, as the case may be, to execute the updated BAA to replace the current standalone BAA accompanying any existing approved agreement with a business associate of the Health Department;
- c. Approve one amendment to each existing approved agreement with a business associate of the Health Department for the sole purpose of replacing any current BAA attached to the agreement as an exhibit or addendum with the updated BAA; and
- c. Authorize Director of Health or Contracts/Purchasing Officer, as case may be, to execute one amendment to each existing approved agreement with a business associate of the Health Department for the sole purpose of replacing any current BAA attached to the agreement as an exhibit or addendum with the updated BAA.

Approved**Department of Social Services****15.**

Approve an increase of \$501,505 in appropriations and revenues in the Department of Social Services (DSS) Appropriation Unit SOC0012 for 1991 Health & Welfare Realignment Fund for Fiscal Year 2013-14. (4/5th vote required).

Approved**Criminal Justice****16.**

Designate the Monterey County Sheriff’s Office as the Authorized Representative on Medi-Cal applications for inmates needing inpatient hospital care.

Approved**17.**

- a. Ratify the Sheriff’s submission of a joint grant application with the City of Salinas to the U.S. Department of Justice, Office of Justice Programs for the 2014 Justice Assistance Grant (JAG) Program in the amount of \$17,049 to purchase mobile data board band connection systems;

- b. Ratify the County Administrative Officer's execution of the Memorandum of Agreement as well as a joint application for the grant with the City Manager of Salinas; and
- c. Authorize increase of appropriations and estimated revenues in Sheriff's Budget Unit 001-SHE001-8242 for the Fiscal Year 2014-15 in the amount of \$17,049 (4/5th Vote Required).

Approved

General Government

18. Accept the Monterey County Agricultural Advisory Committee Annual Report covering the period July 1, 2013, through June 30, 2014.

Approved

19.
 - a. Authorize the Auditor-Controller to increase revenue and appropriations in Economic Development Department's Boronda Housing Set-Aside Unit, 176-8202-DEO013 by \$300,000.
 - b. Authorize the Auditor-Controller to incorporate the modifications in the FY 2014-15 Adopted Budget.

Approved

20. Adopt a Resolution:
 - a. Authorizing the issuance and sale of King City Union School District 2014-2015 Tax and Revenue Anticipation Notes on behalf of the King City Union School District in the aggregate principal of not to exceed \$4,000,000.00;
 - b. Authorizing the execution and delivery of a note purchase contract; and
 - c. Approving other matters relating thereto.

A motion was made by Jane Parker, seconded by Supervisor Fernando Armenta to adopt Adopt Resolution No. 14-265:

- a. Authorizing the issuance and sale of King City Union School District 2014-2015 Tax and Revenue Anticipation Notes on behalf of the King City Union School District in the aggregate principal of not to exceed \$4,000,000.00;**
- b. Authorizing the execution and delivery of a note purchase contract; and**
- c. Approving other matters relating thereto. 4-0 (Supervisor Calcagno Absent)**

21. Approve the 2014-15 Secured Roll Tax Rates.

Approved

22. Approve the use of Toro Park, in compliance with Monterey County Code 14.12.130, for a function to be held by Landmark Missionary Baptist Church on September 21, 2014.

Approved

- 23.
- a. Approve the reallocation of 2.0 vacant FTE 80S01 - Communications Dispatcher II positions to 2.0 FTE 14C31 - Management Analyst III positions in the Emergency Communications Department Budget 1520-8065.
 - b. Approve the deletion of 1.0 vacant FTE 80S26 - Emergency Communications Operations Supervisor position in the Emergency Communications Department Budget 1520-8065; and
 - c. Direct the County Administrative Office to incorporate the approved changes in the FY 2014-15 Adopted Budget and the Human Resources Department to implement the changes in the Advantage HRM system.

A motion was made by Supervisor Fernando Armenta, seconded by Supervisor Dave Potter to continue this item for one week. 4-0 (Supervisor Calcagno Absent)

23.1

Adopt a Resolution to:

- a. Amend the Auditor-Controller Budget 1110, AUD001-8372 to add one (1) Accounts Payable Supervisor and add two (2) Payroll Technician;
- b. Amend the Auditor-Controller Budget 1110, AUD001-8373 to add two (2) Enterprise Resource Planning Business Analyst;
- c. Amend the Auditor-Controller Budget 1110, AUD001-8374 to add two (2) Accountant Auditor III;
- d. Direct County Administrative Office to incorporate the approved changes in the FY 2014-15 Adopted Budget;
- e. Increase Appropriations in AUD001, Auditor-Controller, by \$564,000 offset by an Interfund Reimbursement of \$564,000 from AUD006, Capital Project Automation. (4/5ths Vote Required)

Upon motion of Supervisor Parker, seconded by Supervisor Armenta and carried by those members present, the Board of Supervisors hereby:

- a. **Amended the Auditor Controller Budget 1110, AUD001 8372 to add one (1) Accounts Payable Supervisor and add two (2) Payroll Technician;**
- b. **Amended the Auditor Controller Budget 1110, AUD001 8373 to add two (2) Enterprise Resource Planning Business Analyst;**
- c. **Amended the Auditor Controller Budget 1110, AUD001 8374 to add two (2) Accountant Auditor III;**
- d. **Directed County Administrative Office to incorporate the approved changes in the FY 2014 15 Adopted Budget; and**
- e. **Increased Appropriations in AUD001, Auditor Controller, by \$564,000 offset by an Interfund Reimbursement of \$564,000 from AUD006, Capital Project Automation. (4/5ths Vote Required) 4-0 (Supervisor Calcagno Absent)**

- 24.
- Approve and authorize the Contracts/Purchasing Officer to sign Renewal and Amendment No. 2 to professional services agreement with Marsh Risk and Insurance Services, effective July 1, 2014 through June 30, 2015, for workers' compensation and casualty insurance brokerage service, in an amount not to exceed \$120,000 for a total compensation amount not to exceed \$360,000.

Approved - Agreement No. A-12240

25. Adopt Resolution to amend Personnel Policies and Practices Resolution No. 98-394 to:
- a. Amend the designation of the Bargaining Unit for the Agricultural Programs Biologist classification from Unit J to Unit F as indicated in the attached Resolution; and
 - b. Direct the Human Resources Department to incorporate the approved change.

A motion was made by Jane Parker, seconded by Supervisor Fernando Armenta to adopt Resolution No. 14-267 to amend Personnel Policies and Practices Resolution No. 98-394 to: a. Amend the designation of the Bargaining Unit for the Agricultural Programs Biologist classification from Unit J to Unit F as indicated in the attached Resolution; and b. Direct the Human Resources Department to incorporate the approved change. 4-0 (Supervisor Calcagno Absent)

RMA - General Government

26. Adopt a resolution to approve the amendments to the Conflict of Interest Code of the Resource Management Agency of the County of Monterey.

A motion was made by Jane Parker, seconded by Supervisor Fernando Armenta to adopt Resolution No. 14-266 to approve the amendments to the Conflict of Interest Code of the County Resource management Agency of the County of Monterey. 4-0 (Supervisor Calcagno Absent)

RMA - Public Works

27. Introduce, waive the reading, and set September 30, 2014 at 1:30 p.m., as the date and time to consider adoption of an ordinance amending section 12.12.010 of the Monterey County Code to revise the speed limits and segment limits of two sections on Carmel Valley Road in the Carmel Valley area, in the unincorporated area of the County of Monterey.

A motion was made by Jane Parker, seconded by Supervisor Fernando Armenta to Introduce, waive the reading, and set September 30, 2014 at 1:30 p.m., as the date and time to consider adoption of an ordinance amending section 12.12.010 of the Monterey County Code to revise the speed limits and segment limits of two sections on Carmel Valley Road in the Carmel Valley area, in the unincorporated area of the County of Monterey. 4-0 (Supervisor Calcagno Absent)