

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
Clerk of the Board
P. O. Box 1728
Salinas, CA 93902

Phone: (831) 755-5066
FAX: (831) 755-5888
www.co.monterey.ca.us

ACTION MINUTES **MONTEREY COUNTY BOARD OF SUPERVISORS** **MONTEREY COUNTY WATER RESOURCES AGENCY** **TUESDAY, APRIL 17, 2012**

9:00 A.M.

9:00 A.M.

ROLL CALL

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

Absent: Supervisor Potter.

1. Additions and Corrections for Closed Session:

County Counsel Charles McKee clarified that the removal of item 2.b as referenced on the Supplemental/Addendum, should have read:

Remove from Closed Session

2. b. Pursuant to Government Code sections 54956.9(b), the Board will confer with legal counsel regarding one matter of significant exposure to litigation and/or potential initiation of litigation.

2. Closed Session under Government Code section 54950, relating to the following items:

Read out for March 20, 2012 Closed session

Pursuant to Government Code 54957: To clarify, the Board considered the discipline or dismissal of a County employee and voted unanimously to make a final decision to adopt the arbitrator's decision to terminate one deputy sheriff following consideration of alternative positions.

- a. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation:
- (1) Heritage Oaks, LLC v. The County of Monterey, et al. (Monterey County Superior Court case no. M109417)
 - (2) LandWatch Monterey County v. County of Monterey; Redevelopment Agency of the County of Monterey, et al., Real Parties in Interest (Monterey County Superior Court case no. M113552)
 - (3) Gary Roller v. County of Monterey (Monterey County Superior Court case no. CEO30425)
 - (4) LandWatch Monterey County v. County of Monterey (Monterey County Superior Court case no. M109434)
 - (5) The Open Monterey Project v. Monterey County Board of Supervisors (Monterey County Superior Court case no. M109441)
 - (6) Carmel Valley Association, Inc. v. Board of Supervisors of the County of Monterey (Monterey County Superior Court case no. M109442)
 - (7) Salinas Valley Water Coalition, et al. v. County of Monterey (Monterey County Superior Court case no. M109451)

CLOSED SESSION REPORT: The Board took no reportable actions on items 2.a.(1) through (7).

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

- c. Pursuant to Government Code sections 54956.9(b) and 54956.9(c), 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 action.

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

CLOSED SESSION

- d. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation:
- (1) In the Matter of the Application of California-American Water Company (Application 04-09-019)
 - (2) Ag Land Trust v. Monterey County Water Resources Agency, et al. (Monterey County Superior Court case no. M110691)

CLOSED SESSION REPORT: The Board took no reportable actions on items 2.d.(1) and (2).

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

CLOSED SESSION REPORT: The Board took no reportable action.

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

CLOSED SESSION REPORT: The Board took no reportable action.

10:30 A.M. RECONVENED

ROLL CALL

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

Absent: Supervisor Potter.

3. The Pledge of Allegiance was led by Supervisor Armenta.

4. Additions and Corrections

The Clerk of the Board will announced Agenda proposed additions, which were acted on by the Board as provided in Section 54954.2 of the California Government Code.

Due to the need for immediate consideration by the Board of matters which arose after the posting of today's agenda, as provided in Section 54954.2 of the California Government Code the Board is asked to make the following additions and corrections:

Add to Regular Consent – General Government

21.1 Ratify and extend the County Administrative Officer's Proclamation of Local Emergency dated April 17, 2012 (4/5th vote required)

Motion by Supervisor Calcagno, seconded by Supervisor Parker. 4 – 0 (Supervisor Potter Absent)

5. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)

Supervisor Parker pulled item 20 and questioned staff. John Pinio responded.

Motion by Supervisor Salinas, seconded by Supervisor Parker to approve Consent item 20. 4 -0 (Supervisor Potter Absent)

Supervisor Calcagno pulled items 19 and 22.

Motion by Supervisor Parker, seconded by Supervisor Calcagno to approve Consent Calendar - Regular, with the exception of items 19, 21.1 and 22. 4 -0 (Supervisor Potter Absent)

County Administrative Officer Bauman requested item 19 be trailed to the end of the agenda.

Supervisor Calcagno asked questions of staff regarding item 22. Wanda Hickman responded on behalf of planning.

Supervisor Parker thanked Water Resources Agency for being responsive to the issue of steelhead and for consulting with NOAA.

Motion by Supervisor Parker, seconded by Supervisor Salinas to approve Consent items 19, 21.1 and 22. 4 – 0 (Supervisor Potter Absent)

CEREMONIAL RESOLUTIONS

6. Adopted **Resolution No. 12-096** commending Chuck Bancroft, State Park Ranger for California State Parks, for his dedicated service of 34 1/2 years to the State of California upon his retirement. (Supervisor Potter)
Motion by Supervisor Calcagno, seconded by Supervisor Salinas. 4 – 0 (Supervisor Potter Absent)
7. Adopted **Resolution No. 12-095** designating the Week of April 22 through April 28, 2012 as National Crime Victims' Week in Monterey County. (Supervisor Potter)
Motion by Supervisor Calcagno, seconded by Supervisor Salinas. 4 – 0 (Supervisor Potter Absent)
8. Adopted **Resolution No. 12-097** honoring Meals on Wheels of the Salinas Valley on their 40th Anniversary. (Supervisor Calcagno)
Motion by Supervisor Calcagno, seconded by Supervisor Salinas. 4 – 0 (Supervisor Potter Absent)
- 8.1 Adopted **Resolution and Proclamation No. 12-098** honoring north Monterey County Woman's Club on their 50th Anniversary. (Supervisor Calcagno) (Added via Addendum)
Motion by Supervisor Calcagno, seconded by Supervisor Salinas. 4 – 0 (Supervisor Potter Absent)

APPOINTMENTS

9. Appointed Richard Denier to the Community Service Area 50 Advisory Committee to fill an unexpired term ending March 20, 2015, previously appointed on March 20, 2012 to a new term ending March 20, 2015. (Supervisor Potter)
Motion by Supervisor Parker, seconded by Supervisor Salinas. 4 – 0 (Supervisor Potter Absent)
10. Reappointed James Bogan and Charlie Eskridge to the Military & Veterans Affairs Advisory Commission, term ending January 1, 2015. (Full Board)
Motion by Supervisor Parker, seconded by Supervisor Salinas. 4 – 0 (Supervisor Potter Absent)
11. Reappointed Carlo Cortopassi to the Castroville Cemetery District, term ending March 30, 2015. (Supervisor Calcagno)
Motion by Supervisor Parker, seconded by Supervisor Salinas. 4 – 0 (Supervisor Potter Absent)

12. Reappointed Jeanne Hori-Garcia to the Child Care Planning Council for a term ending December 31, 2013. (Full Board)
Motion by Supervisor Parker, seconded by Supervisor Salinas. 4 – 0 (Supervisor Potter Absent)
13. Reappointed Cindy Beal and Willie Lopez to the San Ardo Cemetery District, terms ending March 31, 2016. (Supervisor Salinas)
Motion by Supervisor Parker, seconded by Supervisor Salinas. 4 – 0 (Supervisor Potter Absent)

OTHER BOARD MATTERS

14. Board Comments
Supervisor Parker announced she attended the Salinas Senior Prom last Saturday night. She also advised that her Hot Topics meetings next week will be in Salinas at Portabello's Restaurant from 5:30 to 6:30 p.m.
15. CAO Comments and Referrals: There were not comments or referrals.
16. Public Comment
Christie Marcella, Interpreter
Nicholas Chavez; Roberta Camacho; Lupe Castillo; Juvenal Ybarra; Jose Castaneda; Senor Arroyo; Dora Lopez; Sylvia Huerta; Michael Gosari; Ramiro Alcala; Margaret Serna Bonetti; Jose Martinez Saldana; Abel Moran; Hans Jongens

SCHEDULED MATTERS

- S-1
 - a. Approved the Area Agency on Aging 2012-2016 Area Plan; and
 - b. Authorized the Chair of the Board of Supervisors to sign the Area Plan Transmittal Letter
Motion by Supervisor Parker, seconded by Supervisor Salinas. 4 – 0 (Supervisor Potter Absent)
- S-2 Oral presentation received on the InSight public access portal for Board of Supervisors meeting agendas and minutes.

Closed Session Report (See item 2.a through f)

ADJOURNMENT

APPROVED:

DAVE POTTER, CHAIR
BOARD OF SUPERVISORS

ATTEST: GAIL T. BORKOWSKI
Clerk of the Board

BY: _____

(Supplemental Sheet)

CONSENT CALENDAR

NATIVIDAD MEDICAL CENTER

17. Authorized the Purchasing Manager for Natividad Medical Center (NMC) to execute **Agreement No. A-10789 Amendment No. 6** to the Agreement with Foley & Lardner for Independent Consulting and Legal Services at NMC, extending the term to June 30, 2013 for a total Agreement amount not to exceed \$1,918,000 (no increase to previously approved amount) in the aggregate.

HEALTH AND SOCIAL SERVICES

18. **Agreement No.: A-12206**
Approved and ratified the action taken by the Director of Health and the Contracts/Purchasing Officer to sign an Agreement with the Blue Shield of California Foundation for Grant No. 5913675, in the amount of \$120,000, beginning January 1, 2012 through December 31, 2012, for the implementation of Monterey County's Low Income Health Program, ViaCare.

GENERAL GOVERNMENT

19. Authorized the Auditor-Controller to amend the Fiscal Year (FY) 2011-12 Office of Emergency Services CAO005 Budget to increase estimated revenue and appropriation in the amount of \$195,158 (4/5ths vote required).
20.
 - a. Approved an amendment to **Agreement No A-07014**, Concession Agreement for Laguna Seca Raceway between Monterey County and Skip Barber Racing School, LLC., to authorize implementation of a Payment Plan to bring outstanding concession payments up-to-date, modify the terms of the mandatory track rental days for 2012 and 2013, and modify and clarify other terms and conditions regarding scheduling, activities, and fees; and
 - b. Authorized the Parks Director to sign the Amendment to Agreement No A-07014.
21. Approved Action Minutes of the Board of Supervisors meeting of Friday, March 30, 2012.
- 21.1 **Resolution No. 12-108** ratified and extended the County Administrative Officer's Proclamation of Local Emergency dated April 17, 2012 (4/5th vote required)
(Added via Addendum)

RMA - PLANNING DEPARTMENT

22. Adopted **Resolution 12-100** finding that a public convenience would be served by the issuance of a Type 21 (Off-Sale General) license by the Department of Alcoholic Beverage Control (ABC) to Ryan Kamp Sanchez at 26340 Carmel Rancho, Carmel for the sale of alcoholic beverages, pursuant to Section 23958.4 of the California Business and Professions Code.
(PLN120183/LNS Group, LP, 26340 Carmel Rancho Boulevard, Carmel, Carmel Valley Master Plan)

###