

Monterey County

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



Action Minutes - Final

Tuesday, October 14, 2014

9:00 AM

**See separate agenda for Board of Supervisors of the Monterey
County Water Resources Agency**

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 Chair Calcagno.

Roll Call

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

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) Hector Campos, DFEH case no. 368152-126105-R
 - (2) Gabriel Ramirez, DFEH case no. 268152-126137-R
 - b. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:
 - (1) Designated representatives: James May and Brette Neal
Employee Organization(s): Unit H
 - c. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding discipline, dismissal, or release of a public employee.

CLOSED SESSION REPORT:

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) Hector Campos, DFEH case no. 368152-126105-R**
- (2) Gabriel Ramirez, DFEH case no. 268152-126137-R**

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

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

- (1) Designated representatives: James May and Brette Neal
Employee Organization(s): Unit H**

CLOSED SESSION REPORT: The Board conferred with counsel and approved a modification to the Memorandum of Understanding (MOU) for Unit H to make a correction. The MOU will come back to the Board of Supervisors in open session.

c. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding discipline, dismissal, or release of a public employee.

CLOSED SESSION REPORT: The Board took no reportable actions on item 1.c.

10:30 AM Reconvene

Roll Call

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

Pledge of Allegiance

The Pledge of Allegiance was led by Supervisor Salinas.

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:

Remove From Consent Calendar – RMA Public Works

17. a. Approve a Grant Award from the California Department of Transportation for an Active Transportation Program Grant in the amount of \$913,000 for the Castroville Bicycle/Pedestrian Path and Railroad Crossing Project; and b. Authorize the Director of Public Works, or his designee, to accept, administer, and execute documents to secure these funds from the California Department of Transportation.

18. a. Approve a Grant Award from the Transportation Agency for Monterey County for a Regional Surface Transportation Program Competitive Grant in the amount of \$361,622 for the State Highway 68 at Corral de Tierra Project; and b. Authorize the Director of Public Works, or his designee, to accept, administer, and execute documents to secure these funds from the Transportation Agency for Monterey County.

Add Under Consent Calendar – General Government

15.1 Ratify the Proclamation of Local Emergency due to the conditions of saltwater intrusion into groundwater sources and inundation near the Moro Cojo Slough, causing conditions of extreme peril to the safety of persons and property nearby.

Added under Adjournment

Adjourn in Memory of Norm Channell

A Motion was made by Supervisor Potter, seconded by Supervisor Potter to add under Adjournment: Adjourn in Memory of Norm Channell. ALL AYES

A motion was made by Supervisor Simon Salinas, seconded by Supervisor Dave Potter to approve Additions & Corrections. ALL AYES

Consent Calendar- (See Supplemental Sheet)

- 2. Approval of Consent Calendar (See Supplemental Sheet)

Supervisor Calcagno recused himself from item 15.1 as he owns property in Moro Cojo Slough area.

A motion was made by Jane Parker, seconded by Supervisor Simón Salinas to approve the Consent Calendar with the exception of item 15.1. ALL AYES

Motion on item 15.1: A motion was made by Supervisor Jane Parker, seconded by Supervisor Dave Potter to approve

Ceremonial Resolutions

- 3. Adopt Resolution honoring an Undisclosed Recipient of Wayside Inn/Inns-by-the Sea upon being named recipient of the 2014 Monterey County Hospitality Association Papa Vince Award. (Supervisor Potter)

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to adopt Resolution No. 14-280 honoring Undisclosed Recipient of Wayside Inn/Inns-by-the Sea upon being named recipient of the 2014 Monterey County Hospitality Association Papa Vince Award. (Supervisor Potter) ALL AYES

Appointments

- 4. Appoint one member of the Board of Supervisors to serve as Director and one member of the Board of Supervisors to serve as Alternate on the 2014-2015 Board of Directors of the California State Association of Counties (CSAC).

A motion was made by Jane Parker, seconded by Supervisor Simón Salinas to appoint Supervisor Fernando Armenta of the Board of Supervisors to serve as Director and Supervisor Dave Potter of the Board of Supervisors to serve as Alternate on the 2014-2015 Board of Directors of the California State Association of Counties (CSAC). ALL AYES

Other Board Matters

- 5. Board Comments

There were no Board comments.

- 6. CAO Comments and Referrals

There were no CAO comments or referrals.

- 7. General Public Comment

There were no public comments.

10:30 A.M. - Scheduled Matters

8. Receive an oral report from Monterey County's representative for the 30th Assembly District, Assemblymember Luis A. Alejo.
- Public comment: Kevin Dayton; Joe Vierra.**
The Board received the oral report from Monterey County's representative to the 30th Assembly District, Assemblymember Luis A. Alejo.
Assemblymember Alejo presented Supervisor Lou Calcagno with a resolution commending him for his years of service.
9. Receive an oral report and presentation on the General Liability and Workers' Compensation programs for Fiscal Year-End 2013-14.
- A motion was made by Supervisor Fernando Armenta, seconded by Jane Parker to Receive an oral report and presentation on the General Liability and Workers' Compensation programs for Fiscal Year-End 2013-14; further directed staff to return with a report on December 16, 2014 with a strategic plan and answers to questions posed by Board members. ALL AYES**

12:00 PM Recess to Lunch

1:30 PM Reconvene

Roll Call

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

1:30 P.M. - Scheduled Matters

10. Public Hearing to consider County initiated Notices of Non-Renewal of Williamson Act Land Conservation Contracts effective January 1, 2015
- a. Consider adoption of Resolution approving County-initiated Notices of Non-Renewal for portions of fifteen (15) Williamson Act Agricultural Preserve Land Conservation Contracts due to not meeting Williamson Act Program and County Land Conservation Contract requirements and/or with the Property Owner's consent.
- b. Direct the Clerk of the Board of Supervisors to record County-initiated Notices of Non-Renewal for portions of fifteen (15) Contracts with the County Recorder on or before November 1, 2014 and to provide a copy of the recorded Notices of Non-Renewal to the Department of Conservation, Williamson Act Program.
- (REF140054 - County initiated Notices of Non-Renewal 2014 - Portions of Williamson Act Agricultural Preserve Land Conservation Contracts)
- Public Hearing held to consider County initiated Notices of Non-Renewal of Williamson Act Land Conservation Contracts effective January 1, 2015.**
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Dave Potter to adopt Resolution No. 14-304 approving County-initiated Notices of Non-Renewal for portions of fifteen (15) Williamson Act Agricultural**

Preserve Land Conservation Contracts due to not meeting Williamson Act Program and County Land Conservation Contract requirements and/or with the Property Owner's consent.

b. Directed the Clerk of the Board of Supervisors to record County-initiated Notices of Non-Renewal for portions of fifteen (15) Contracts with the County Recorder on or before November 1, 2014 and to provide a copy of the recorded Notices of Non-Renewal to the Department of Conservation, Williamson Act Program.

(REF140054 - County initiated Notices of Non-Renewal 2014 - Portions of Williamson Act Agricultural Preserve Land Conservation Contracts). ALL AYES

Adjournment

In Memory of Norm Channell

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 12/2/2014

Supplemental Sheet, Consent Calendar

Health Department

11. a. Approve and authorize the Contracts/Purchasing Officer to execute a five (5) year Lease Agreement, effective on or around October 1, 2014, with King City Town Square, LLC for approximately 8,713 rental square feet of office space located at 200 Broadway, Suites 70 and 88 in King City, California for use by the Health Department's Behavioral Health Bureau; and
- b. Authorize the Auditor-Controller to make lease payments of up to \$9,845.69 per month in accordance with the terms of the Lease Agreement; and
- c. Authorize the extension of the Lease Agreement for two (2) additional three (3) year terms under the same terms and conditions, and make minor revisions to the Lease Agreement if deemed by the Contracts/Purchasing Officer to be in the best interest of the County.

Approved - Agreement No. A-12809

12. Adopt Resolution to:
- a. Amend Personnel Policies and Practices Resolution (PPPR) No. 98-394, Section A.48.3 Sexual Assault Forensic Examiner - Per Diem language; and
- b. Authorize the Human Resources Department to implement these changes.

A motion was made by Jane Parker, seconded by Supervisor Simón Salinas to adopt Resolution No. 14-295 to: a. Amend Personnel Policies and Practices Resolution (PPPR) No. 98-394, Section A.48.3 Sexual Assault Forensic Examiner - Per Diem language; and b. Authorize the Human Resources Department to implement these changes. ALL AYES

Criminal Justice

13. Authorize the Sheriff to accept a donation of a 2003 Ford Type III modular "box rig" ambulance (VIN# 1FDXE45F53HB48182) from American Medical Response.

Approved

General Government

14. Receive the action minutes from the May 19, 2014 and August 25, 2014 meetings of the Legislative Committee.

Approved

15. Adopt Resolution authorizing the Director of the Parks Department, or designee, to apply for Mussel Fee Grant Funds from the California Department of Boating and Waterways and to negotiate and execute a grant

agreement with the Department to receive and expend said funds to implement the mussel prevention program at Lakes Nacimiento and San Antonio.

A motion was made by Jane Parker, seconded by Supervisor Simón Salinas to adopt Resolution No. 14-294 authorizing the Director of the Parks Department, or designee, to apply for Mussel Fee Grant Funds from the California Department of Boating and Waterways and to negotiate and execute a grant agreement with the Department to receive and expend said funds to implement the mussel prevention program at Lakes Nacimiento and San Antonio. ALL AYES

15.1

Adopt Resolution to:

Ratify the Proclamation of Local Emergency due to the conditions of saltwater intrusion into groundwater sources and inundation near the Moro Cojo Slough, causing conditions of extreme peril to the safety of persons and property nearby.

**A motion was made by Jane Parker, seconded by Supervisor Dave Potter to adopt Resolution No. 14-299 to:
Ratify the Proclamation of Local Emergency due to the conditions of saltwater intrusion into groundwater sources and inundation near the Moro Cojo Slough, causing conditions of extreme peril to the safety of persons and property nearby. 4-0 (Supervisor Calcagno recused because he owns property in Moro Cojo Slough)**

RMA - Planning**16.**

Introduce, waive reading, and set October 28, 2014 at 1:30 P.M. as the date and time to consider adoption of an ordinance amending Chapter 16.40, commonly known as the “Right to Farm” ordinance, of the Monterey County Code in order to increase the protection of agricultural operations from nuisance claims, with the goal of promoting the long-term protection of agricultural lands in Monterey County.

(Right-to-Farm ordinance - REF130040, County-wide; exempt under CEQA)

Approved

RMA - Public Works**17.**

a. Approve a Grant Award from the California Department of Transportation for an Active Transportation Program Grant in the amount of \$913,000 for the Castroville Bicycle/Pedestrian Path and Railroad Crossing Project; and
b. Authorize the Director of Public Works, or his designee, to accept, administer, and execute documents to secure these funds from the California Department of Transportation.

Approved

- 18.
- a. Approve a Grant Award from the Transportation Agency for Monterey County for a Regional Surface Transportation Program Competitive Grant in the amount of \$361,622 for the State Highway 68 at Corral de Tierra Project; and
 - b. Authorize the Director of Public Works, or his designee, to accept, administer, and execute documents to secure these funds from the Transportation Agency for Monterey County.

Approved