

# **Monterey County**

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



## **Action Minutes - Final**

**Tuesday, October 2, 2012**

**9:00 AM**

**See separate agenda for Monterey County Water Resources  
Agency/Addendum & Supplemental items**

**Board of Supervisors**

**Call to Order**

The meeting was called to order by Chair Potter.

**Roll Call**

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

**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(a), the Board will confer with legal counsel regarding existing litigation:
    - (1) Carmel Rio Road LLC v. County of Monterey (Monterey County Superior Court case no. M118773) REMOVED VIA SUPPLEMENTAL
    - (2) Javier Guzman, et al. v. Rick Pinch, et al. (Monterey County Superior Court case no. M71543)
    - (3) County of Monterey v. California-American Water Company (San Francisco Superior Court case no. CGC-12-521875
    - (4) Application of California-American Water Company (U210W) for Approval of the Monterey Peninsula Water Supply Project: Application 12-04-019
    - (5) Stephen P. Collins v. County of Monterey, et al. (Monterey County Superior Court case no M117744) ADDED VIA ADDENDUM
  - b. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding ~~two~~ three matters of significant exposure to litigation. ADDED VIA ADDENDUM
  - c. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding one matter of potential initiation of litigation.
  - d. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators:
    - (1) Property: APN 031-161-034 (the Fort Ord “Youth Camp”)  
Negotiator: Gene Rogers, Interim Assistant CAO  
Negotiating party: Fort Ord Reuse Authority  
Under negotiation: Terms
    - (2) Property: Portion of State Route 68 between State Route 1 and Scenic

Drive  
Agency Negotiator: Benny Young, RMA Director  
Negotiating Party: Caltrans  
Under negotiation: Price and terms

**CLOSED SESSION REPORT: The Board took no reportable actions on items 1.a through c.**

**10:30 AM Reconvene**

**Roll Call**

*Present: Charlie Steves, Interpreter*

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

**Pledge of Allegiance**

The Pledge of Allegiance was led by Chair Potter.

**Additions and Corrections**

There were no additions or corrections to the agenda.

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

- 2. Approve Consent Calendar - Regular (See Supplemental Sheet, items 14 through 24)  
**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta, to approve the Consent Calendar - Regular. ALL AYES**

**Ceremonial Resolutions**

- 3. “Undisclosed Recipient” Resolution. (Supervisor Potter)  
**A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta, to adopt Resolution No. 12-261 honoring the Community Foundation for Monterey County. ALL AYES**
- 4. Resolution honoring Monterey County Ohlone Basket Weaver Linda Yamane. (Supervisor Potter)  
**A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta, to adopt Resolution No. 12-262. ALL AYES**

**Appointments**

- 5. Appoint Juanita Perea, Laura Bernal and Paul Schively to the Boronda County Sanitation District Advisory Committee, terms ending January 1, 2015.

(Supervisor Calcagno)

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker, that these Appointments be approved. ALL AYES**

6. Reappoint Harry Weis to the Central California Alliance for Health, term ending October 7, 2015. (Full Board)

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker, that this Reappointment be approved. ALL AYES**

7. Appoint Lynne Semeria to the Carmel Highlands Fire Protection District to fill unscheduled vacancy, terms ending June 30, 2014. (Supervisor Potter)

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker, that this Appointment be approved. ALL AYES**

8. 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 2013 Board of Directors of the California State Association of Counties (CSAC).

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker, to appoint Supervisor Fernando Armenta to serve as Director and Supervisor Dave Potter to serve as Alternate Director of the 2013 Board of Directors of the California State Association of Counties (CSAC). ALL AYES**

- 8.1 Appoint Bill Lipe as a temporary alternate for the Agricultural Advisory Committee, term ending June 30, 2012. (Full Board) (ADDED VIA ADDENDUM)

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker, that this Appointment be approved. ALL AYES**

### **Other Board Matters**

9. Board Comments

**There were no Board comments.**

10. CAO Comments and Referrals

**There were no CAO comments or referrals.**

11. General Public Comments

**Bill Freeman; Hans Jongens; Nina Beety; Erik Larson; Jay Donato; Mario Torres; Yadira Real, with interpreter Charlie Steves; Raquel Toribio, with interpreter Charlie Steves; Hugo Ferlito.**

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

12. a. Conduct a public hearing under the requirements of the Tax Equity and

Financial Responsibility Act (TEFRA) and the Internal Revenue Code of 1986, as amended, and;

b. Adopt a resolution approving the issuance of up to \$55,000,000 of tax-exempt revenue notes by the California State Communities Development Authority (CSCDA) to benefit California Shock Trauma Air Rescue.

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker, to: a. Conduct a public hearing under the requirements of the Tax Equity and Financial Responsibility Act (TEFRA) and the Internal Revenue Code of 1986, as amended, and;**

**b. Adopted Resolution No 12-263 approving the issuance of up to \$55,000,000 of tax-exempt revenue notes by the California State Communities Development Authority (CSCDA) to benefit California Shock Trauma Air Rescue. ALL AYES**

13.

Consider adoption of the attached ordinance repealing Section 2.32.035, of the Monterey County Code to enable full implementation of the Monterey County Local Preference Policy.

**A motion was made by Supervisor Fernando Armenta, seconded by Supervisor Jane Parker, to adopt Ordinance 5207 repealing Section 2.32.035, of the Monterey County Code to enable full implementation of the Monterey County Local Preference Policy adopted on August 28, 2012. ALL AYES**

**Adjournment**

**APPROVED:**

\_\_\_\_\_  
**FERNANDO ARMENTA, CHAIR  
BOARD OF SUPERVISORS**

**ATTEST:**

**BY: \_\_\_\_\_  
GAIL T. BORKOWSKI  
CLERK OF THE BOARD**

## Supplemental Sheet - Consent Calendar

### Criminal Justice

14. a. Approve and authorize the Chief Probation Officer to sign the Memorandum of Understanding with the Monterey County Office of Education for the High Risk Youth Education and Public Safety Program - Through and Beyond Program to receive funds in the amount of \$185,909 from July 1, 2012 through June 30, 2013.
- b. Authorize the Chief Probation Officer to sign up to three (3) future amendments to this Agreement where the amendments do not exceed ten percent (10%) of the original contract amount and do not significantly change the scope of work.

**Approved - Agreement No. A-12331**

15. a. Authorize the Auditor-Controller to amend the FY 2012-13 budget for the District Attorney, DIS001, Unit 8062, by increasing the revenues and appropriations by \$67,774, (4/5ths vote required) and;
- b. Authorize the County Administrative Office to add a new position in the District Attorney's Department (2240), Unit 8062, for a Deputy District Attorney .

**Approved**

### General Government

16. a. Approve and authorize the Director of Information Technology to retroactively execute an IBM Customer Agreement and Master Services Attachment for ServiceElite Agreement for software licensing/support, and hardware maintenance/support (collectively, the "Agreement"), effective July 1, 2012;
- b. Accept non-standard language in the Agreement provided by the vendor as recommended by the Director of Information Technology; and
- c. Authorize the Contracts/Purchasing Officer to issue purchase orders on an as needed basis in an aggregate amount not to exceed \$300,000 per fiscal year, over the next three fiscal years, as recommended by the Director of Information Technology.

**Approved - Agreement Nos. A-12332 (IBM); A-12333 (Service Elite)**

17. Approve the proposed amended bylaws of the Monterey County Veterans Services Advisory Commission.

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta, to adopt Resolution No. 12-264 to approve the amended bylaws of the Monterey County Veterans Services Advisory Commission. ALL**

**AYES**

18. Authorize the Auditor-Controller to increase appropriations in the NGEN Project Fund 405 Appropriation Unit EME002 by \$1,049,394, using fund balance in the same fund to install end user radio equipment and purchase ancillary equipment for County general fund departments (4/5 Vote Required).
- Approved**
19. a. Amend the FY 2012-13 Treasury-Tax Collector, Revenue Division 1170, Unit 8264 Budget to Reallocate one Legal Process Clerk to one Account Clerk; and  
b. Authorize the reclassification of one Legal Process Clerk to one Account Clerk; and  
c. Authorize the County Administrative Office to incorporate approved position changes in the FY 2012-13 Adopted Budget.

**Approved****RMA - Planning**

20. PLN120564 - County initiated Notices of Williamson Act Non-Renewal 2013  
a. Set a public hearing for October 16, 2012 at 10:30 a.m., to Consider County-initiated Notices of Non-Renewal for portions of three (3) 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 publish Notice of Hearing for the Public Hearing to take place on October 16, 2012 at 10:30 a.m., for County-initiated Notices of Non-Renewal for portions of three (3) Williamson Act Agricultural Preserve Land Conservation Contracts due to not meeting program or Contract requirements and/or with the Property Owner's consent. (PLN120564 - County initiated Notices of Non-Renewal 2013 - Portions of Williamson Act Agricultural Preserve Land Conservation Contract No. 68-011, No. 69-009 and No. 69-017)

**Approved****RMA - Public Works**

21. Adopt a Resolution:  
a. Accepting the Certificate of Completion for construction of the 855 E. Laurel Drive Bldg A, Salinas CA - Equipment and Stormwater Management, Project No. 8542, Bid Package No. 10290, performed by The Don Chapin Company, Inc.; and  
b. Authorizing the Director of Public Works to execute and record the Notice of Completion for the 855 E. Laurel Drive Bldg A, Salinas CA - Equipment

and Stormwater Management, Project No. 8542, Bid Package No. 10290, performed by The Don Chapin Company, Inc.

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta, to adopt Resolution No. 12-265:**

**a. Accepting the Certificate of Completion for construction of the 855 E. Laurel Drive Bldg A, Salinas CA - Equipment and Stormwater Management, Project No. 8542, Bid Package No. 10290, performed by The Don Chapin Company, Inc.; and**

**b. Authorizing the Director of Public Works to execute and record the Notice of Completion for the 855 E. Laurel Drive Bldg A, Salinas CA - Equipment and Stormwater Management, Project No. 8542, Bid Package No. 10290, performed by The Don Chapin Company, Inc. (Construction No. 2011-008) ALL AYES**

22. Introduce, waive the reading, and set October 16, 2012 at 10:30 a.m. as the date and time to consider adoption of an ordinance amending section 12.24.020 of the Monterey County Code to establish a four-way stop intersection at Portola Drive and Estoque Place in Toro Park Estates in the unincorporated area of the County of Monterey.

**Approved**

23. Designate the Monterey County Weekly as the newspaper for the publication of notices for performance of public work including County Highways, where weekly publication in a newspaper of countywide circulation is appropriate.

**Approved**

24. Adopt a Resolution:
- a. Approving an application to the State of California Department of Public Health (CDPH) for funding under the Safe Drinking Water State Revolving Fund (SDWSRF) program to assist the San Lucas County Water District to enhance the provision and protection of the municipal drinking water supplied to the consumers of the community of San Lucas; and
- b. Authorizing and directing the Director of the Resource Management Agency to cause the necessary data and application for said funding to be prepared, to sign the application, and to file the signed application with CDPH.

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta, to adopt Resolution No. 12-266:**

**a. Approving an application to the State of California Department of Public Health (CDPH) for funding under the Safe Drinking Water State Revolving Fund (SDWSRF) program to assist the San Lucas County Water District to enhance the provision and protection of the municipal drinking water supplied to the consumers of the community of San Lucas; and**

**b. Authorizing and directing the Director of the Resource Management Agency to cause the necessary data and application for said funding to be prepared, to sign the application, and to file the signed application with CDPH. ALL AYES**

25. a. Accept subdivision improvements for the Tehama, Phase II Subdivision as completed; and



b. Approve and authorize the Director of Public Works or his designee to execute the reconveyance of the Deed of Trust for Phase II securing completion of the infrastructure improvements. (ADDED VIA ADDENDUM)

**Approved**