



Monterey County

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

Action Minutes - Draft Board of Supervisors

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

Tuesday, January 8, 2013

9:00 AM

See separate agenda for Monterey County Water Resources Agency

9:00 A.M. Call to Order

Roll Call

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

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: James May, Kimberley Moore and Brette Neal
Employee Organizations: All Units
 - b. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one item of significant exposure to litigation.
REMOVED VIA SUPPLEMENTAL

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

10:30 AM Reconvene

Roll Call

Present: Jane Bonnet, Interpreter

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

Pledge of Allegiance

The Salinas Valley Elks Color Guard presented the flag. The Pledge of Allegiance was led by Supervisor Potter.

2. Swearing-In Ceremony for returning Supervisors

The Oath of Office was administered to First District Supervisor Fernando Armenta by Judge Albert Maldonado.

The Oath of Office was administered to Fourth District Supervisor Jane Parker by Justice Adrienne Grover, 6th District Appellate Court.

The Oath of Office was administered to Fifth District Supervisor Dave Potter by Justice Adrienne Grover, 6th District Appellate Court.

Supervisor Jane Parker commented on her re-election and accomplishments of the previous term. She thanked her constituents, family and staff for their support.

Supervisor Fernando Armenta commented on his re-election and invited various supporters to stand with him as he acknowledged their work on his campaign and for the community.

Supervisor Dave Potter commented on his re-election and thanked his supporters and family.

3. Nominate and elect members of the Monterey County Board of Supervisors to serve as:
1. 2013 Chair; and
 2. 2013 Vice Chair

A motion was made by Supervisor Simón Salinas, seconded by Jane Parker, to elect Supervisor Fernando Armenta as Chair and Supervisor Louis R. Calcagno as Vice Chair of the Monterey County Board of Supervisors for the 2013 Calendar Year. ALL AYES

4. Presentation of plaque to outgoing Chair Dave Potter:
1. Comments by outgoing Chair;
 2. Comments by in-coming Chair; and
 3. Comments by re-elected Supervisors

Chair Armenta presented a plaque to outgoing Chair Potter for his service as Chair of the Board of Supervisors for 2012, and commented on his service to Monterey County.

Chair Armenta commented on his election as Chair for 2013. The Board of Supervisors congratulated Supervisor Armenta.

Recess to reception in Monterey Room honoring sworn-in Supervisors

Reception held in the Monterey Room.

12:00 PM Recess to Lunch

1:30 PM Reconvene

Roll Call

Present: Jane Bonnet, Interpreter

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

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:

**Add Adjourn in Memory of
Hugo Scattini & Jud Vandevere**

**Remove from Consent Calendar– Natividad Medical Center
17. Authorize the Purchasing Manager of Natividad Medical Center (NMC) to execute Amendment #6 to the Agreement (A 11102) with the Natividad Medical Foundation (NMF) for philanthropic services, defined as “capital campaign development fundraising; community outreach in connection with fundraising; preparing and submitting foundation grant applications; administering current/future foundation grants; providing administrative and fiscal oversight expertise of secured federal grant awards and support and coordinate NMC/NMF joint community relations” in support of NMC’s strategic vision which includes a goal of \$6 million through philanthropy to support capital needs at NMC; adding \$974,428 (a decrease of \$40,000 from the previous year) and extending the Agreement to December 31, 2013, for a revised total Agreement amount not to exceed \$5,112,826 in the aggregate.**

A motion was made by Supervisor Calcagno, seconded by Supervisor Salinas to approve Additions and Corrections. ALL AYES

Consent Calendar- (See Supplemental Sheet)

5. Approval of the Consent Calendar - Regular (See Supplemental Sheet)

**Supervisor Parker pulled items 14 and 15.
A motion was made by Supervisor Simón Salinas, seconded by Dave Potter, to approve the Consent Calendar-Regular with the exception of items 14 and 15.
ALL AYES**

Item 14: Supervisor Parker addressed concerns and requested staff explore other options for this service since the liability issues are so great and return to the Board of Supervisors at a later date.

A motion was made by Supervisor Jane Parker, seconded by Supervisor Dave Potter to explore other options for this service and return to the Board of Supervisors in a couple of weeks. **ALL AYES**

Item 15: Supervisor Parker commented on this item and provided further clarifying directions to staff.

A motion was made by Supervisor Jane Parker, seconded by Supervisor Dave Potter to approve item 15, with further clarifying direction that: the Board of Supervisors will be involved earlier in the process; assure that some of the users of Natividad Medical Center services should be included as stakeholders as well; and that the company be made aware of direction provided to Natividad Medical Center by the Board of Supervisors regarding the Low Income Health Plan, Access Point and the Board of Supervisors' ongoing commitment to the public safety net status of the hospital. **ALL AYES**

Ceremonial Resolutions

6. Adopt Resolution commending Commander Christopher Pascone, Monterey County Sheriff's Office upon his retirement from 32 1/2 years of Public Service. (Supervisor Armenta)

A motion was made by Supervisor Simón Salinas, seconded by Dave Potter, to adopt Resolution No. 13-001. **ALL AYES**

Appointments

7. Appoint Wendy Francioni to the Area Agency on Aging Advisory Council, term ending January 1, 2016. (Supervisor Salinas)

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

Other Board Matters

8. Board Comments

Supervisor Parker advised she will continue her Hot Topics meeting in 2013. The second of the month meetings will be held at Me and Ed's pizza in Seaside; third Monday of the month will be at Mountain Mike's in Marina; and the fourth Monday of the month will be at Portabello's in Salinas. Everyone is welcome.

Supervisor Parker announced the Homeless Census will be conducted this year on Wednesday, January 23rd. Coalition of Homeless Services Providers is coordinating the activity and welcomes volunteers. Contact them at 883-3080.

9. CAO Comments and Referrals

County Administrative Officer Dr. Lew Bauman congratulated Chair Armenta on his election as Chair for 2013.

He thanked Supervisor Potter for his steady leadership and oversight as Chair during 2012, noting that while Chair, he not only ran for re-election, but served on various Boards and Committees and maintained his sense of humor.

10. General Public Comment

Eric Peterson; Joe Vlerra; Hans Jongens.

Scheduled Matters

11. Receive the presentation of the Monterey County Mental Health Commission's Annual Report Covering the Period of January through June 2012 from Commission Chairperson Virdette Brumm.

Public comment: Hans Jongens

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Louis R. Calcagno, to receive the presentation; and acknowledged that the commission will informally forward a revised document to the Board of Supervisors consolidating recommendations; further directed staff to meet with the Mental Health Commission regarding the funding request for Fiscal Year 2013-14. ALL AYES

12. a. Approve the recommended County Financial Guidelines containing County-wide financial principles and strategies for building the Fiscal Year (FY) 2013-14 Recommended Budget and ongoing fiscal management; and
b. Approve the financial strategy to fulfill Board direction established in the Financial Guidelines to fund the Capital Improvement Program through the Building Use Allowance as calculated in the Countywide Cost Allocation Plan (COWCAP).

A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Simón Salinas, to approve the recommended County Financial Policies containing County-wide financial principles and strategies for building the Fiscal Year (FY) 2013-14 Recommended Budget and ongoing fiscal management; and

b. Approve the financial strategy to fulfill Board direction established in the Financial Policies to fund the Capital Improvement Program through the Building Use Allowance as calculated in the Countywide Cost Allocation Plan (COWCAP). ALL AYES

13. a. Consider approval of the response to the 2012 Monterey County Civil Grand Jury Interim Final Report No. 1; and
b. Direct the County Administrative Officer to file the approved response with the Presiding Judge of the Superior Court, County of Monterey, by January 23, 2013.

Public comment: Hans Jongens

A motion was made by Dave Potter, seconded by Supervisor Simón Salinas to:
a. Approve the response to the 2012 Monterey County Civil Grand Jury Interim Final Report No. 1; with additional direction to staff to modify the responses as to: R.1 to add a statement that the Elections Department will propose dates for tours and reach out to elected officials to learn more about the election

process; R.3:clarify why administrative action is needed for the Elections Department to use the Social Security Master Death Index; R.4 answer each item referenced to be more responsive; and additionally, directed staff to return on January 15, 2013 on the Consent Calendar with the revisions; and b. Directed the County Administrative Officer to file the approved response with the Presiding Judge of the Superior Court, County of Monterey, by January 23, 2013; ALL AYES

Adjournment

In Memory of Helen Anderson Lindley, Hugo Scattini and Judd Vandevere

APPROVED:

**FERNANDO ARMENTA, CHAIR
BOARD OF SUPERVISORS**

ATTEST:

**BY: _____
GAIL T. BORKOWSKI
CLERK OF THE BOARD**

Supplemental Sheet, Consent Calendar**Natividad Medical Center**

14. a. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute an Agreement with MSDS Online for MSDS Database License and Annual Subscription Services at NMC in an amount not to exceed \$9,243 for the period September 28, 2012 to September 27, 2015;
- b. Accept non-standard language in the Agreement provided by the vendor as recommended by the NMC Chief Executive Officer; and
- c. Authorize the Auditor/Controller's Office to issue annual payments not to exceed the total aggregate amount as requested by the NMC Chief Executive Officer.

A motion was made by Supervisor Simón Salinas, seconded by Dave Potter, to remove this item from today's agenda and directed staff to explore other options for this type of service and bring this item back to the Board at a later date. ALL AYES

15. Authorize the Purchasing Manager of Natividad Medical Center (NMC) to execute the Agreement with The Camden Group for the development of an NMC Strategic Plan in the amount not to exceed \$179,000 for the period January 1, 2013 to June 30, 2013.

A motion was made by Jane Parker, seconded by Dave Potter, to approve this item with additional direction to staff to include the Board of Supervisors involvement earlier in the process, make sure that users of Natividad Services are included as stakeholders, assure that the company is aware of direction given by the Board of Supervisors to Natividad about the Low Income Health Plan (LIHP) and Access Point and this Board's commitment to the ongoing public safety net status of the hospital. ALL AYES

16. a. Approve and authorize the Chair of the Board of Supervisors to execute, on behalf of the County, a Lease Agreement with Monterey Bay Management Services, LLC, to lease office space located at Natividad Medical Center (NMC), 1441 Constitution Boulevard, Building 400, in Salinas, California for the period January 1, 2013 to December 31, 2013.
- b. Authorize the Purchasing Manager of NMC to continue to negotiate new terms with the tenant, at which time when landlord and tenant are in agreement with the new terms, the new lease will be brought to the County Board of Supervisors for approval.

Approved - Agreement No. A-12382

17. Authorize the Purchasing Manager of Natividad Medical Center (NMC) to execute Amendment #6 to the Agreement (A-11102) with the Natividad Medical Foundation (NMF) for philanthropic services, defined as "capital campaign development fundraising; community outreach in connection with fundraising; preparing and submitting foundation grant applications;

administering current/future foundation grants; providing administrative and fiscal oversight expertise of secured federal grant awards and support and coordinate NMC/NMF joint community relations” in support of NMC’s strategic vision which includes a goal of \$6 million through philanthropy to support capital needs at NMC; adding \$974,428 (a decrease of \$40,000 from the previous year) and extending the Agreement to December 31, 2013, for a revised total Agreement amount not to exceed \$5,112,826 in the aggregate.

Item Removed via Additions and Corrections.

Health and Social Services

18. Approve and authorize the Director of Health to accept a four-year federal grant from the Substance and Mental Health Services Administration (SAMHSA) to incorporate primary care and wellness services in behavioral health clinics.

Approved

19. a. Approve and authorize the Director of the Department of Social & Employment Services, or his designee, to sign Amendment #1 to Agreement #A-12280 with the Alisal Union School District for the provision of meal services to Monterey County seniors for the period July 1, 2012 to June 30, 2013, allowing for non-standard mutual indemnification; and
b. Authorize the Director of the Department of Social & Employment Services, or his designee, to sign up to three (3) amendments to this agreement, where the total amendments do not exceed 10% of the original contract amount, and do not significantly change the scope of work.

Approved - Agreement No. A-12280

20. a. Approve and authorize the Director of the Department of Social Services, or his designee, to sign Amendment #1 to Agreement #A-12275 with the Alliance on Aging for the provision of services to Monterey County seniors for the period July 1, 2012 to June 30, 2013, adding \$39,613, increasing the total contract amount to \$401,637; and
b. Authorize the Director of the Department of Social Services, or his designee, to sign up to three (3) amendments to this agreement, where the total amendments do not exceed 10% of the original contract amount, and do not significantly change the scope of work.

Approved - Agreement No. A-12275

21. Approve and authorize the Director of Health to sign Amendment No. 1 to the Mental Health Services Agreement A-12268 with Door to Hope for the provision of mental health rehabilitation services. Amendment No. 1 revises the Scope of Services, Payment and Billing Provisions and Budget and Expenditure Reports, and increases Fiscal Year (FY) 2012-13 annual amount by \$418,014.19, FY 2013-14 and FY 2014-15 annual amounts by

\$405,638.31 per year for a revised total Agreement amount not to exceed \$7,285,951.81.

Approved - Agreement No. A-12268

22. Approve and authorize the Director of Health to sign Amendment No. 2 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. 2 adds \$129,020.00 (\$366,302.44 for Fiscal Year (FY) 2012-13 and \$357,732.44 for FY 2013-14) for a total Agreement amount of \$1,019,292.32.

Approved - Agreement No. A-11985

General Government

23. a. Authorize the Auditor-Controller to amend the FY 2012-13 budget to decrease appropriations by \$151,883 in Sheriff's Office, 2300-SHE001-Unit 8400 and increase appropriations by \$151,883 in Human Resources Department, 1060-HRD001-Unit 8402; and
b. Authorize the County Administrative Office to transfer one 1.0 FTE Personnel Technician - Confidential position from Sheriff's Office, 2300-SHE001-Unit 8400, to Human Resources Department 1060-HRD001-Unit 8402 as indicated in Attachment A.

Approved

24. a. Authorize the Contracts/Purchasing Officer to execute a software license and support services Agreement with Tyler Technologies for a residential computer aided mass appraisal system (CAMA) for an amount not to exceed \$175,000 for the term January 2013 through December 2013;
b. Accept non-standard County Liability and indemnification provisions as recommended by the Assessor;
c. Approve the use of Capital Fund 401 for the initial Agreement cost of CAMA, not to exceed \$175,000; and
d. Authorize the Contracts/Purchasing Officer to sign future Amendments to the initial Agreement where the Amendments do not significantly change the scope of work or cause an increase in the approved Agreement amount.

Approved - Agreement No. A -12383

25. Authorize advance step placement of Michael Ferry at Step 4 of the Chief Ranger/Parks Director salary range, effective February 1, 2013 in accordance with Personnel Policies and Practices Resolution (PPPR) #98-394, Sections A.1.11.1 and A.1.11.5.

Approved

26. a. Award a contract to Golden State Utility Company, Inc., the lowest

responsive bidder, for the 20600 Corral de Cielo, Salinas, California, Mount Toro Grounding Project No. 5108, Bid Package No. 10395, in the total amount of \$35,955.00;

- b. Approve the Performance and Payment Bonds executed and provided by Golden State Utility Company, Inc.;
- c. Authorize a contingency (not to exceed 10 percent of the contract amount) to provide funding for approved contract change orders; and
- d. Authorize the Contracts/Purchasing Officer to execute the agreement and, subject to the terms of the Public Contract Code, approve contract change orders where total change orders do not exceed 10 percent of the original contract amount, and do not significantly alter the scope of work.

Approved - Agreement No. A-12384; Construction No. 2012-013

RMA - Public Works

27.

Adopt a Resolution:

- a. Accepting the Certificate of Completion for construction of 142 W. Alisal St, Salinas, CA-Old Jail-Roof Replacement and Limited Weatherization, Project No. 8820, Bid Package No. 10362, performed by Stronger Building Services; and
- b. Authorizing the Director of Public Works to execute and record the Notice of Completion for 142 W. Alisal St, Salinas, CA-Old Jail-Roof Replacement and Limited Weatherization, Project No. 8820, Bid Package No. 10362, performed by Stronger Building Services.

A motion was made by Supervisor Simón Salinas, seconded by Dave Potter, to adopt Resolution No. 13-003:

- a. Accepting the Certificate of Completion for construction of 142 W. Alisal St, Salinas, CA-Old Jail-Roof Replacement and Limited Weatherization, Project No. 8820, Bid Package No. 10362, performed by Stronger Building Services; and**
- b. Authorizing the Director of Public Works to execute and record the Notice of Completion for 142 W. Alisal St, Salinas, CA-Old Jail-Roof Replacement and Limited Weatherization, Project No. 8820, Bid Package No. 10362, performed by Stronger Building Services. ALL AYES**

28.

- a. Approve and authorize the Contracts/Purchasing Officer to execute a Sublease Agreement with the Administrative Office of the Courts for the lease period through January 31, 2013, for 1,100 square feet of general office space at 118 West Gabilan Street, Salinas, California, for use by the Health Department Behavioral Health Division and Probation Department;
- b. Ratify the October 18, 2010 "letter agreement" between the Resource Management Agency Director and the Senior Manager of the State of Administrative Office of the Courts, relating to 118 West Gabilan Street, Salinas, California;
- c. Authorize the Auditor-Controller to make lease payments of \$900.00 per month, and in accordance with the terms of the Sublease Agreement; and
- d. Authorize the Auditor-Controller to make within 45 days of lease execution a one-time payment of \$12,317.68 to the Administrative Office of the Courts

for the difference in its back rent obligations offset by the Administrative Office of the Courts' share of back rent and utilities in accordance with the terms of the Sublease Agreement.

Approved - Agreement No. A-12385