

Monterey County

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



Meeting Agenda - Final-revised

Tuesday, February 5, 2013

9:00 AM

**See separate agendas for Successor Agency to the Monterey
County Redevelopment Agency and Monterey County Water
Resources Agency**

Board of Supervisors

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

The Board of Supervisors welcomes you to its meetings, which are regularly scheduled each Tuesday. Your interest is encouraged and appreciated. Meetings are held in the Board Chambers located on the first floor of the Monterey County Government Center, 168 W. Alisal St., Salinas, CA 93901. As a courtesy to others, please turn off all cell phones and pagers prior to entering the Board Chambers.

ALTERNATE AGENDA FORMATS: If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Individuals with a disability requiring a modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may make these requests to the Clerk of the Board Office.

CEREMONIAL/APPOINTMENTS/OTHER BOARD MATTERS: These items may include significant financial and administrative actions, and items of special interest, usually approved by majority vote for each program. The regular calendar also includes "Scheduled Items," which are noticed hearings and public hearings.

CONSENT CALENDAR: These matters include routine financial and administrative actions, appear in the supplemental section by program areas, and are usually approved by majority vote.

TO ADDRESS THE BOARD ON A MATTER ON THE AGENDA: Walk to the rostrum and wait for recognition by the Chair. In order that all interested parties have an opportunity to speak, please be brief and limit your comments to the specific subject under discussion. Time limitations shall be at the discretion of the Chair, with equal time allocated to opposing sides of an issue insofar as possible. Allocated time may not be reserved or granted to others, except as permitted by the Chair. On matters for which a public hearing is required, please note that a court challenge to the Board's action may be limited to only those issues raised at the public hearing or in correspondence delivered to the Board at or before the public hearing.

TO ADDRESS THE BOARD DURING PUBLIC COMMENT: Please complete a Speaker Request Form, available on the rostrum, and submit it to the Clerk of the Board before the commencement of that agenda item. Public comments shall not pertain to matters on the agenda.

DOCUMENT DISTRIBUTION: Documents related to agenda items that are distributed to the Board less than 72 hours prior to the meeting shall be available for public inspection at the Clerk of the Board Office, 168 W. Alisal Street, 1st Floor, Salinas, CA. Documents distributed to the Board at the meeting by County staff will be available at the meeting; documents distributed to the Board by members of the public shall be made available after the meeting.

INTERPRETATION SERVICE POLICY: The Monterey County Board of Supervisors invites and encourages the participation of Monterey County residents at its meetings. If you require the assistance of an interpreter, please contact the Clerk of the Board located in the Monterey County Government Center, 168 W. Alisal St., Salinas - or by phone at (831) 755-5066. The Clerk will make every effort to accommodate requests for translation assistance. Requests should be made as soon as possible, and at a minimum 24 hours in advance of any meeting of the Board of Supervisors.

La Cámara de Supervisores del Condado de Monterey invita y apoya la participación de los residentes del Condado de Monterey en sus reuniones. Si usted requiere la asistencia de un interprete, por favor comuníquese con la oficina de la Asistente de la Cámara de Supervisores localizada en el Centro de Gobierno del Condado de Monterey, (Monterey County Government Center), 168 W. Alisal, Salinas – o por teléfono al (831) 755-5066. La Asistente hará el esfuerzo para acomodar los pedidos de asistencia de un interprete. Los pedidos se deberán hacer lo mas pronto posible, y a lo mínimo 24 horas de anticipo de cualquier reunión de la Cámara de Supervisores.

All documents submitted by the public must have no less than ten (10) copies. The Clerk of the Board of Supervisors must receive all materials for the agenda packet by noon on the Tuesday one week prior to the Tuesday Board meeting. Any agenda related writings or documents distributed to members of the County of Monterey Board of Supervisors regarding any open session item on this agenda will be made available for public inspection in the Clerk of the Board's Office located at 168 W. Alisal St., 1st Floor, Salinas, California. during normal business hours and in the Board Chambers on the day of the Board Meeting, pursuant to Government Code §54957.5

NOTE: All agenda titles related to numbered items are live web links. Click on the title to be directed to the corresponding Board Report.

9:00 A.M. Call to Order

Additions and Corrections for Closed Session

The Clerk of the Board will announce agenda corrections and proposed additions, which may be acted on by the Board as provided in Sections 54954.2 of the California Government Code. The public may comment on Closed Session items prior to the Board's recess to Closed Session.

Closed Session

0.1 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) County of Monterey v. Nova Partners, Inc., et al. (Santa Clara County Superior Court case no. 1-10-CV-178283)

b. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the following public employee positions:

(1) Natividad Medical Center CEO

(2) County Counsel (ADDED VIA ADDENDUM)

Continuance of Closed Session to be held at the conclusion of the Board's Regular Agenda, or at any other time during the course of the meeting announced by the Chairperson of the Board. The public may comment on Closed Session items prior to the Board's recess to Closed Session.

10:30 AM Reconvene

Roll Call

Pledge of Allegiance

Additions and Corrections

The Clerk of the Board will announce agenda corrections and proposed additions, which may be acted on by the Board as provided in Sections 54954.2 of the California Government Code.

Consent Calendar- (See Supplemental Sheet)

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

Appointments

2. Appoint Mary Jo Zenk to the Housing Authority, term ending April 1, 2015.
(Supervisor Parker)

Attachments: [Zenk Notification to Clerk](#)
3. Reappoint Richard Medley to the Fish & Game Commission, term ending February 1, 2016. (Supervisor Calcagno)

Attachments: [Medley Notification to Clerk](#)
4. Appoint Scott Dick to the Military & Veterans Affairs Advisory Commission to fill an unscheduled vacancy term ending January 1, 2014. (Supervisor Potter)

Attachments: [Dick Notification to Clerk](#)
5. Reappoint Mark Holbrook to the CSA #50 Citizens Advisory Committee, term ending January 1, 2015. (Supervisor Potter)

Attachments: [Holbrook Notification to Clerk](#)

Other Board Matters

6. Board Comments
7. CAO Comments and Referrals

Attachments: [Referrals020513](#)
8. General Public Comment

This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under the jurisdiction of the Board of Supervisors. Board members may respond briefly to statement made or questions posed. They may ask a question for clarification; make a referral to staff for factual information, or request staff to report back to the Board at a future meeting.

10:30 A.M. - Scheduled Matters

9. Receive and accept a report on the Governor's 2013-14 Proposed Budget.

Attachments: [State Budget Impacts 013013](#)
10. Reconsider "Guiding Principles in Implementing Policy Options Following the Base Reuse Plan (BRP) Reassessment."

Attachments: [Exhibit A 12/4 Board Report w/attachments and order](#)
[2.5.13 Continuance Memo](#)
[Completed Board Order](#)

11. Receive an oral report from Matthew Cate, Executive Director, California State Association of Counties (CSAC) regarding issues pertaining to the 2013-14 State Legislative Session.

Attachments: [Matthew Cate Biography](#)

12:00 PM Recess to Lunch and:

**Continued Workshop with Monterey County Board of Supervisors
and Department Heads regarding issues pertaining to the
2013-2014 State Legislative Session**

1:30 PM Reconvene

Roll Call

1:30 P.M. - Scheduled Matters

12. Public hearing (continued from December 4, 2012 and January 15, 2013) to consider:
- a. Granting appeal by Sam Reeves from a decision of the Monterey County Planning Commission approving an after-the fact permit to clear a code violation (CE090288). The permit consists of a Coastal Development Permit and Restoration Plan for the removal of two landmark Monterey cypress trees, significant pruning of three Monterey cypress trees and sand dune degradation in an environmentally sensitive habitat area;
 - b. Finding the project Categorical Exempt from CEQA per CEQA Guidelines Section 15307; and
 - c. Approving an after-the fact permit to clear a code violation (CE090288). The permit consists of a Coastal Development Permit and Restoration Plan per section 20.90.130 of the Monterey County Coastal Implementation Plan Part 1 (Title 20, Zoning Ordinance) for the removal of two landmark Monterey cypress trees, significant pruning of three Monterey cypress trees and sand dune degradation in an environmentally sensitive habitat area.
(Appeal of a Coastal Development Permit and Restoration Plan - PLN100418/Signal Hill LLC (Mehdipour), 1170 Signal Hill Road, Pebble Beach, Del Monte Forest Area Land Use Plan area)

- Attachments:** [Attachment A - Discussion](#)
[Attachment B - Draft Board Resolution](#)
[Attachment C - Vicinity Map](#)
[Attachment D - Notice of Appeal](#)
[Attachment E - Planning Commission Resolution No. 12-033](#)
[Attachment F - Del Monte Forest Land Use Advisory Committee Minutes](#)
[Attachment G - Request for Waiver of Coastal Development Permit for Tree Rer](#)
[Attachment H - Compliance Letter to Massy Mehdipour dated December 15, 20](#)
[Attachment I - Miscellaneous Project Correspondence dated 6-9-09 to 12-3-12](#)
[Attachment J - Miscellaneous Project Correspondence received since 12-3-12](#)
[Attachment K - Technical Reports](#)

Adjournment

Adjourn in Memory of John Bernardi

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

13. a. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute an Agreement with the American College of Surgeons (ACS) for participation in the ACS National Surgical Quality Improvement Program (ACS NSQIP) in an amount not to exceed \$30,500 for the period January 1, 2013 through December 31, 2013; and
- b. Accept the modification of non-standard Insurance, Warranty, Indemnification language, Governing Law and Payment Provisions per the ACS NSQIP Agreement and as recommended by the NMC CEO.

Attachments: [American College of Surgeons NSQIP](#)

Health and Social Services

14. Approve and authorize the Director of Health or designee to execute, on behalf of the County of Monterey, grant applications and agreements, and any amendments thereto, for continued Waste Discharge Permit Fund and Beaches Environmental Assessment and Coastal Health Act Grant Program funding administered by the California State Water Resources Control Board.

Attachments: [Attachment A - BR Order and Program Funding List 06-26-12.pdf](#)
[Attachment B - BR Order and revised Program Funding List 11-06-12.pdf](#)
[Attachment C - Proposed Resolution.doc](#)

15. Approve and authorize the Director of Health or designee to execute, on behalf of the County of Monterey, grant applications and agreements, and any amendments thereto, for the Certified Unified Program Agency (CUPA) Electronic Reporting Grant agreement between the California Environmental Protection Agency (Cal/EPA) and the Monterey County Health Department and ratify said approval and authorization to relate back to the April 6, 2011 application submittal date.

Attachments: [ATTACHMENT A CUPA.pdf](#)
[ATTACHMENT B CUPA.pdf](#)
[ATTACHMENT C CUPA.pdf](#)

16. Approve the proposed amended bylaws of the Monterey County In-Home Supportive Services Advisory Committee (IHSSAC).

Attachments: [Existing IHSS Bylaws](#)
[Revised IHSS ByLaws Clean Copy](#)
[Revised IHSS ByLaws with Co Counsel changes](#)

17. a. Approve and authorize the Director of Child Support Services to sign the Interagency Agreement for Enhanced Early Intervention with the Contra Costa

County Department of Child Support Services not to exceed the sum of \$31,143.80 for the period of February 1st 2013 through June 30th, 2013; and

- b. Accept non-standard County liability and indemnification provisions as recommended by the Director of Child Support Services; and
- c. Authorize the Director of Child Support Services or designee to approve up to two full one-year extensions to this Agreement and/or amend this Agreement up to ten percent (10%) of the annual amounts.

18.
 - a. Approve and authorize the Director of Child Support Services to sign the shared services Plan of Cooperation with Ventura County Child Support Services regarding the handling of its non-emergency customer calls received at the statewide toll-free telephone number with no exchange of funds commencing February 27, 2013; and
 - b. Accept non-standard County liability and mutual indemnification provisions as recommended by the Director of Child Support Services.

Criminal Justice

19.
 - a. Authorize the Auditor-Controller to increase revenue in the amount of \$77,887, an offset of \$63,261 from the FY 2011-12 fund balance, and increase appropriations of \$141,148 for the Public Defender Budget PUB001, Dept 2270, Unit 8169, Program AB 109 for Fiscal Year 2012-13 in support of AB 109, criminal justice realignment (4/5ths vote required) and;
 - b. Authorize the County Administrative Office to add 1.0 FTE Legal Secretary, 80B22, in the Public Defender's Budget PUB001, Dept 2270, Unit 8169.

General Government

20. Approve amendments to Monterey County Workforce Investment Board Bylaws to align with statewide initiatives, primarily the new state strategic plan to incorporate a Business Services Committee as a standing committee of the Workforce Investment Board.

Attachments: [Proposed WIB Bylaws Amendment](#)

21.
 - a. Approve and authorize the Contracts/Purchasing Officer to execute the extension and Amendment No. 1 of Master Services Agreement between the County of Monterey and CGI Technologies and Solutions, Inc. to April 7, 2017; and
 - b. Approve and authorize the Contracts/Purchasing Officer to execute the extension and Amendment No. 1 to Master Proprietary Software Maintenance Agreement-Standard Support and Maintenance Services between the County of Monterey and CGI Technologies and Solutions, Inc. to April 7, 2017, which includes a five percent annual increase over five years.

Attachments: [Master Services Agreement Extension 2.5.13.doc](#)
[Master Proprietary Software Maintenance 2.5.13.doc](#)
[Maintenance Extension 2013 to 2017.pdf](#)
[2013 Maintenance Products Summary.pdf](#)
[2008 Master Services.pdf](#)
[2008 Software Maintenance.pdf](#)

22. a. Authorize the Registrar of Voters to execute Memorandum of Understanding (MOU) Agreement 632-M1211 with the County of El Dorado as the lead County of a consortium of 13 California counties, which will participate in a Federal Voting Assistance Program (FVAP) grant in the amount of \$157,189; and
b. Authorize the Registrar of Voters to take any other action necessary to implement the Memorandum of Understanding and the FVAP grant.

Attachments: [MOU Agreement #632-M1211-County of El Dorado](#)

23. Approve recommendation from the Legislative Committee to support AB 60 (Alejo) The Safe and Responsible Driver Act.

Attachments: [AB 60 Fact Sheet](#)
[AB 60 Support Letter \(Alejo\) The Safe and Responsible Driver Act](#)

24. Approve Monterey County Board of Supervisor Action Minutes from Tuesday, September 25, 2012; Friday, October 26, 2012; Tuesday, November 6, 2012 and Friday, December 7, 2012.

Attachments: [BOS Final Minutes 09-25-12](#)
[BOS Final Minutes 10-26-12](#)
[BOS Final Minutes 11-06-12](#)
[BOS Final Minutes 12-07-12](#)

RMA - Public Works

25. Introduce, waive the reading, and set February 26, 2013, at 10:30 a.m., to consider adoption of an ordinance amending the Monterey County Code, Title 12, Section 12.28.010 to revise and extend the distance of the current no parking at any time on the west side of Boronda Road from a point 285 feet north of the centerline of Madison Lane, northerly for a distance of 220 feet, in place of the current 100 feet, in the unincorporated area of the County of Monterey.

Attachments: [Ordinance](#)
[Redline Ordinance](#)
[Location Map Proposed No Parking](#)

26. Adopt a Resolution:
- Accepting the Certificate of Completion for construction of the 1412 Natividad Rd, B-Wing Window Replacement, Project No. 8531, Bid Package No. 10331, performed by Legg, Inc.; and
 - Authorizing the Director of Public Works to execute and record the Notice of Completion for the 1412 Natividad Rd, B-Wing Window Replacement, Project No. 8531, Bid Package No. 10331, performed by Legg, Inc.

Attachments: [Resolution](#)
[Project Budget](#)
[Certificate of Completion](#)
[Notice of Completion](#)
[Location Map](#)

27. Adopt a Resolution extending the term date of the Franchise Agreement with California American Water Company (formerly known as California Water & Telephone Company, a corporation) pursuant to Ordinance No. 1278 subject to the same terms and conditions, for a period of twelve (12) months from February 11, 2013 through February 10, 2014.

Attachments: [Resolution](#)
[1963 Ordinance No. 1278](#)
[2012 Letter from California American Water](#)
[Location Map](#)

28.
 - Accept construction of road improvements to Livingston Road, Yanks Way, and the "Access Road" as completed; and
 - Accept Livingston Road, Yanks Way, and the "Access Road" into the County Maintained Road System.

Attachments: [Maintenance Bond](#)
[Monumentation Bond for Subdivisions](#)
[Engineer's Statement of Approved Construction Completion](#)
[2010 Recorded Agreement for Construction of Road Improvements](#)
[Location Map](#)
[Vicinity Map](#)

RMA - Building Services

29. Adopt a Resolution for Implementation of a Records Retention Schedule for Resource Management Agency (RMA) Building Services for the storage and/or destruction of County records as set forth by federal and state laws, county codes, and policies.

Attachments: [Resolution RMA Building Svcs Retention Schedule.doc](#)
[Exhibit A-RMA Building Services Retention Schedule.pdf](#)

Addendum/Supplemental for Tuesday, February 5, 2013

30.

Addendum

Add Under Closed Session

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

- b. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the following public employee positions:
 - (1) Natividad Medical Center CEO
 - (2) County Counsel

Supplemental

Revised 12:00 PM Recess to Lunch with:

~~Monterey County Department Heads and Matthew Cate Monterey Room, 2nd Floor~~

Continued Workshop with Monterey County Board of Supervisors and Department Heads regarding issues pertaining to the 2013-14 State Legislative Session.