

Monterey County

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



Action Minutes - Final

Tuesday, May 20, 2014

9:00 AM

**See separate agendas for Board of Supervisors of the Monterey
County Water Resources Agency, Successor Agency to the
Redevelopment Agency of the County of Monterey and Pajaro
County Sanitation District**

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 Jane Parker and Supervisor Dave Potter

Additions and Corrections for Closed Session

There were no additions and corrections.

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 and Brette Neal
Employee Organization(s): Units A, B, D, and E.
 - b. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding discipline, dismissal, or release of a public employee.
 - c. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators:
(1) Property: 1441 & 1448 Schilling Place, Salinas
Agency Negotiator: Benny Young, Resource Management Agency Director
Negotiating Party: Scott J. Prosser, CBRE
Under negotiation: Price and terms
(2) Property: Natividad Medical Center Campus
Agency Negotiators: Manuel Gonzalez, Assistant County Administrative Officer and Leslie J. Girard, Chief Assistant County Counsel
Negotiating Party: Pete Delgado, CEO, Salinas Valley Memorial Hospital
Under Negotiation: Terms
 - d. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the Natividad Medical Center CEO.
 - e. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.
- CLOSED SESSION REPORT:**
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 and Brette Neal
Employee Organization(s): Units A, B, D, and E.

CLOSED SESSION REPORT: The Board approved a side letter to the MOU for the Deputy Sheriff's Association for Units A & B, adding a dive team section to their MOU allowing for dive team extra pay and certifications. For units D & E the Board approved tentative agreements that would add MOU language that would be consistent with other units throughout the County that have had an MOU approved through recent negotiations. The agreements are available to the public through County Counsel's Office or the Human Resources Department.

b. 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 action on item 1. b.

c. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators:

(1) Property: 1441 & 1448 Schilling Place, Salinas

Agency Negotiator: Benny Young, Resource Management Agency Director

Negotiating Party: Scott J. Prosser, CBRE

Under negotiation: Price and terms

(2) Property: Natividad Medical Center Campus

Agency Negotiators: Manuel Gonzalez, Assistant County Administrative

Officer and Leslie J. Girard, Chief Assistant County Counsel

Negotiating Party: Pete Delgado, CEO, Salinas Valley Memorial Hospital

Under Negotiation: Terms

CLOSED SESSION REPORT: The Board took no reportable action on items 1.

c. (1) and (2).

d. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the Natividad Medical Center CEO.

CLOSED SESSION REPORT: The Board took no reportable action on item 1. d.

e. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.

CLOSED SESSION REPORT: The Board took no reportable action on item 1. e.

10:30 AM Reconvene

Roll Call

Present: Charlie Steves, Interpreter

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

Pledge of Allegiance

The Pledge of Allegiance was led by Lew Bauman.

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 correction:

**Revised Resolution Submitted - Ceremonial Resolutions
5.2 Adopt Resolution Commending Sergeant John Thornburg as the recipient of the Monterey County Sheriff's Office Deputy of the Year for 2012.**

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to approve additions and corrections. ALL AYES

Consent Calendar- (See Supplemental Sheet)

2. Approval of Consent Calendar (See Supplemental Sheet)

Supervisor Parker pulled item 14 and asked questions of staff and commented on the item. Dewayne Woods responded.

Supervisor Calcagno commented on item 14. Harry Weis responded.

Supervisor Calcagno pulled item 14.1 and questioned staff. Harry Weis responded.

Supervisor Parker requested a report from Natividad Medical Center to come to the Board in the near future regarding appropriation limits and budgets and the process for making sure contracts are not falling through the cracks. Harry Weis responded that the bottom line performance is \$2 million better than budget as of the ten month point and several million better than budget on capital expenses, and that the total expenditures are slightly higher than budget, but revenue and volumes are different than budget.

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to approve the Consent Calendar. (See Supplemental Sheet). ALL AYES

Ceremonial Resolutions

3. Adopt Resolution designating the Week of May 18-24, 2014, as Emergency Medical Services Week. (Full Board)

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to adopt Resolution No. 14-125 designating the Week of May 18-24, 2014, as Emergency Medical Services Week. ALL AYES

4. Adopt Resolution of the Monterey County Board of Supervisors in appreciation to 2nd Chance Family and Youth Services for their services to the community. (Full Board)

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to adopt Resolution No. 14-126 of the Monterey County Board of Supervisors in appreciation to 2nd Chance Family and Youth Services for their services to the community. ALL AYES

5. Adopt Resolution commemorating the 90th Anniversary of Ocean Mist Farms. (Full Board)

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to adopt Resolution No. 14-127 commemorating the 90th Anniversary of Ocean Mist Farms. ALL AYES

- 5.1 Adopt Resolution honoring Carla Diane Wright upon her retirement from the Monterey Peninsula Unified School District after 36 Years of Service. (Full Board) (ADDED VIA ADDENDUM)

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to adopt Resolution No. 14-128 honoring Carla Diane Wright upon her retirement from the Monterey Peninsula Unified School District after 36 Years of Service. ALL AYES

- 5.2 Adopt Resolution Commending Sergeant John Thornburg as the recipient of the Monterey County Sheriff's Office Deputy of the Year for 2012. (Full Board) (ADDED VIA ADDENDUM)

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to adopt Resolution No. 14-129 Commending Sergeant John Thornburg as the recipient of the Monterey County Sheriff's Office Deputy of the Year for 2012. ALL AYES

Appointments

6. Appoint Tom Hicks to the In-Home Supportive Services Advisory Committee to fill an unexpired term ending June 30, 2016. (Full Board)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to appoint Tom Hicks to the In-Home Supportive Services Advisory Committee to fill an unexpired term ending June 30, 2016. ALL AYES

7. Reappoint Virdette Brumm, Bryan Flores and Selina Irene Glater to the Mental Health Commission, terms ending May 31, 2017. (Supervisor Potter)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas reappoint Virdette Brumm, Bryan Flores and Selina Irene Glater to the Mental Health Commission, terms ending May 31, 2017. ALL AYES

8. Reappoint Fred Brown, Lorin Letendre and Dick Peery to the Community Service Area No.1 Advisory Committee for a term ending June 30, 2017. (Supervisor Potter)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to reappoint Fred Brown, Lorin Letendre and Dick Peery to the Community Service Area No. 1 Advisory Committee for a term ending June 30, 2017. ALL AYES

Other Board Matters

9. Board Comments

Supervisor Armenta announced that during the annual Memorial Day ceremony at the Laurel Drive memorial site there would be a dedication of a bench to

Iraqi and Afghanistan veterans.

10. CAO Comments and Referrals

Manny Gonzales provided an update on the Probation Department's ongoing negotiations regarding updating the needs assessment. There is an agreement in principle with the group from East Salinas which still needs to identify the funding source. They have also agreed to have the consultant who completed the 2006 needs assessment revise the assessment. Additionally, Manny Gonzales informed the Board that the Board of State and Community Corrections approved Probation's request to downsize their facility from 150 to 120 and approved the same funding levels.

Supervisor Armenta provided information on upcoming informational meetings regarding how the County reorganizes around facilities and services. His office will be looking at this issue, without compromise regarding negotiations and leases. Letters and emails will not be ignored.

11. General Public Comment

Steve Ecklund; Jessica Potts; Michael Dove; Amy White; Justin Salter; Michael Herrington; Hans Jongenz; Joe Vierra.

10:30 a.m. - Scheduled Matters

- 12.
- a. Conduct a Public Hearing to hear the report of delinquent fees and consider any protests or objections to the report by landowners liable to be assessed for delinquent fees for County Service Area 75 - Chualar;
 - b. Consider adopting a resolution confirming the report of delinquent fees for County Service Area 75 - Chualar; as identified in Exhibit A, and authorizing the delinquent fees as set forth in the confirmed report to constitute special assessments against the respective parcels of land to be collected at the same time and in the same manner as ordinary County ad valorem property taxes are collected; and
 - c. Consider authorizing the Clerk of the Board of Supervisors to file a certified copy of the confirmed report with the Auditor-Controller.

**Held a Public Hearing to hear the report of delinquent fees and consider any protests or objections to the report by landowners liable to be assessed for delinquent fees for County Service Area 75 - Chualar;
A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to:**

a. Adopt Resolution No. 14-136 confirming the report of delinquent fees for County Service Area 75 - Chualar; as identified in Exhibit A, and authorizing the delinquent fees as set forth in the confirmed report to constitute special assessments against the respective parcels of land to be collected at the same time and in the same manner as ordinary County ad valorem property taxes are collected; and

b. Authorized the Clerk of the Board of Supervisors to file a certified copy of the confirmed report with the Auditor-Controller. ALL AYES

13. Introduce, waive reading, and conduct a hearing on a proposed ordinance to amend Chapter 2.40 of the Monterey County Code to modify procedures relating to the appointment and terms of members and alternate members of the Monterey County Assessment Appeals Board and set June 3, 2014 at 10:30 a.m. as the date and time to consider adoption of the ordinance.

Held a Public Hearing:

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Dave Potter to introduce, waive reading, and conduct a hearing on a proposed ordinance to amend Chapter 2.40 of the Monterey County Code to modify procedures relating to the appointment and terms of members and alternate members of the Monterey County Assessment Appeals Board and set June 3, 2014 at 10:30 a.m. as the date and time to consider adoption of the ordinance.
ALL AYES**

12:00 PM Recess to Lunch - Continued Closed Session

Adjournment

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 8/26/2014**

Supplemental Sheet, Consent Calendar

Natividad Medical Center

14. Approve and direct the Purchasing Manager for Natividad Medical Center (NMC) to execute Renewal and Amendment No. 3 to the Agreement (A-1227/MYA512) with USA Mobility Wireless for Internet Capable Pager Services at NMC, extending the Agreement to June 30, 2016 and adding \$111,000 for a revised total Agreement amount not to exceed \$271,000 in the aggregate.

Approved - Agreement No. A-12227

- 14.1 Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. 1 to the McKesson Master Agreement MA 135605204 with McKesson Technologies Inc. for Cardio Picture Archiving & Communication System (CPACS) services, adding InterQual software services in the amount of \$169,296 for the period May 20, 2014 to June 30, 2019 and increasing the total maximum liability under the Agreement from \$954,669 to \$1,123,965. (ADDED VIA ADDENDUM)

Approved - Agreement No. A-12525

Health Department

15. Adopt a Resolution amending Article I.E. of the Monterey County Master Fee Resolution effective July 1, 2014, to adjust fees relating to oversight and services provided by the Health Department's Environmental Health Bureau pursuant to the attached Fee Schedule.

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to adopt Resolution No. 14-133 amending Article I.E. of the Monterey County Master Fee Resolution effective July 1, 2014, to adjust fees relating to oversight and services provided by the Health Department's Environmental Health Bureau pursuant to the attached Fee Schedule. ALL AYES

16. a. Approve and authorize the Director of Health to sign a three year term (July 1, 2014 to June 30, 2017) Mental Health Services Agreement with Psynergy Programs, Inc. for the provision of mental health services for Monterey County adult residents with severe psychiatric disabilities in the amount of \$1,162,105 for Fiscal Year (FY) 2014-15, \$1,162,105 for FY 2015-16, and \$1,162,105 for FY 2016-17 for a total Agreement amount of \$3,486,316; and
b. Authorize the Director of Health to approve up to three future amendments to this Agreement where the amendments do not exceed 10% of the original Agreement amount and do not significantly change the scope of work.

Approved - Agreement No. A-12682

Department of Social Services

17. Approve and authorize the Director of the Department of Social Services, or his designee, to sign and execute standard funding agreements and amendments for continued funding from state agencies for designated programs on behalf of the County for the period February 12, 2014 through December 31, 2015.

Approved

Criminal Justice

18. Authorize the Auditor-Controller to amend the FY 2013-14 budget for the District Attorney; increasing revenues and appropriations by \$1,007,300 in DIS001 (4/5's vote required).

Approved

19. Adopt a Resolution to:
- Authorize the Chief Probation Officer to sign and submit a grant application to the Board of State and Community Corrections for Juvenile Accountability Block Grant (JABG) funds in the amount of \$21,623 for the Probation Department's Victim Restitution Program during Fiscal Year 2014-15; and
 - Authorize the Chief Probation Officer to sign the Grant Agreement with the Board of State and Community Corrections, and related amendments.

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to adopt Resolution No. 14-133 to:

- Authorize the Chief Probation Officer to sign and submit a grant application to the Board of State and Community Corrections for Juvenile Accountability Block Grant (JABG) funds in the amount of \$21,623 for the Probation Department's Victim Restitution Program during Fiscal Year 2014-15; and**
- Authorize the Chief Probation Officer to sign the Grant Agreement with the Board of State and Community Corrections, and related amendments. ALL AYES**

General Government

20. Receive the Action Minutes of the Budget Committee for: January 30, 2013, February 19, 2013, February 27, 2013, March 27, 2013, April 24, 2013, June 12, 2013 and June 24, 2013.

Approved

21.
 - Approve and authorize the Agricultural Commissioner to sign Memorandum(s) of Understanding (MOU) with the Grower Shipper Association Foundation and with Monterey County Agricultural Education, Inc. to provide support of agricultural education efforts in Monterey County, and;
 - Authorize the Auditor-Controller to make payments in accordance with the terms of the MOUs.

Approved - Agreements No. A-12680 (Grower Shipper Association Foundation) & A-12681 (Monterey County Agricultural Education, Inc.)

22.
 - Authorize the Agricultural Commissioner or designee to execute an Acceptance Letter to accept the Monterey Bay Unified Air Pollution Control District's Offer of up to \$25,000 for the purchase of a Nissan Leaf Electric

Vehicle, Model S with QC from an authorized dealer and;
b. Authorize the Auditor-Controller to make payments in accordance with the terms of the Offer and Acceptance Letter.

Approved

23. a. Amend the County's Neighborhood Stabilization Program 3 (NSP3) Action Plan to increase funding for Interim, Inc.'s Rockrose Gardens project by up to \$40,000, decrease funding for Acquisition and Rehabilitation of Single Family Dwellings for rental to households earning up to 120% of Area Median Income (AMI) by \$7,584.28, and decrease funding for Administration by up to \$32,415.72;
b. Authorize the Economic Development Director to enter into an Amendment #1 to the Neighborhood Stabilization Program 3 (NSP3) Grant Agreement to memorialize the additional grant funding of up to \$40,000 of NSP3 funding to Rockrose Housing Corporation.

Approved

24. Set June 10, 2014 at 9:00 A.M. or thereafter for a public hearing to consider adoption of the Fiscal Year 2014-15 Appropriation Limits pursuant to Article XIII B of the California Constitution.

Approved

25. Approve the Monterey County Board of Supervisors Draft Action Minutes of Tuesday, March 11, 2014 and Tuesday, March 18, 2014.

Approved

26. Adopt Resolution to approve the amendments to the Conflict of Interest Code of the Pacific Grove Unified School District.

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to adopt Resolution No. 14-132 to approve the amendments to the Conflict of Interest Code of the Pacific Grove Unified School District. ALL AYES

27. Adopt Resolution to approve the amendments to the Conflict of Interest Code of the Mission Union School District.

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to adopt Resolution No. 14-135 to approve the amendments to the Conflict of Interest Code of the Mission Union School District.. ALL AYES

RMA - Building Services

28. Introduce, waive reading and set June 3, 2014, at 10:30 a.m. as the date and time to consider adoption of an ordinance amending Chapter 1.22 relating to the Administrative Remedies for Code Enforcement to further define "Hearing Officer" which would allow the County to use an alternative hearing officer

program, in addition to the Administrative Law Judge provided by the State of California Office of Administrative Hearings, as well as adding and amending sections clarifying administrative procedures for Code Enforcement.

Approved

RMA - Public Works

29. a. Ratify adoption of the Plans and Special Provisions prepared by Creegan and D'Angelo Engineers for the Emergency Watershed Protection treatments;
b. Ratify the execution of the Certificate of Completion and recordation of the Notice of Completion with the County Recorder by the Director of Public Works.

Approved - Construction No. 2014-010

30. Adopt a Resolution to:
a. Approve a Master Agreement between the Transportation Agency for Monterey County and the County of Monterey for Regional Surface Transportation Program Exchange Funds for County projects; and
b. Authorize the Director of Public Works, or his designee, to act as the agent for the County to execute documents to secure these funds from Transportation Agency for Monterey County.

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to adopt Resolution No. 14-130 to:

- a. Approve a Master Agreement between the Transportation Agency for Monterey County and the County of Monterey for Regional Surface Transportation Program Exchange Funds for County projects; and**
b. Authorize the Director of Public Works, or his designee, to act as the agent for the County to execute documents to secure these funds from Transportation Agency for Monterey County. ALL AYES