

MONTEREY COUNTY BOARD OF SUPERVISORS

MEETING:	November 18, 2008	AGENDA NO.:	13
SUBJECT:	Approve the newly revised Natividad Medical Center (NMC) permanent Bylaws, as approved by the NMC Board of Trustees on November 7, 2008.		
DEPARTMENT:	Natividad Medical Center		

RECOMMENDATION:

It is recommended that the Board of Supervisors approve the newly revised Natividad Medical Center (NMC) permanent Bylaws as approved by the NMC Board of Trustees on November 7, 2008.

SUMMARY/DISCUSSION:

One of the improvement initiatives of the Wellspring professional management services Phase III engagement is the revitalization of governance at NMC by creating a permanent governing board whose members possess significant healthcare, community leadership, and business experience such that the Monterey County Board of Supervisors can rely on the board's oversight of NMC operations. In addition, the board will have the expertise to advise the Board of Supervisors on future strategies to ensure access to healthcare for the people of Monterey County. The revised NMC permanent Bylaws, attached as Exhibit A, enable the Board of Trustees to: 1) fulfill its role as the NMC governing board to the extent permitted by law and as authorized by the Monterey County Board of Supervisors; 2) clearly define accountability and responsibility for the efficient and effective oversight of day-to-day operations of NMC; 3) comply with Joint Commission and California Title XXII requirements; and 4) position NMC to function within policies and procedures prevalent in the health care industry and in compliance with applicable federal, state, and local statutes, regulations, and policies. A "Summary of Key Bylaws Revisions" is attached as Exhibit B.

OTHER AGENCY INVOLVEMENT:

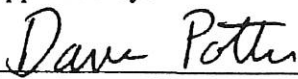
NMC's Board of Trustees and the Office of the County Counsel have participated in the discussions pertaining to the formulation and drafting of the NMC Bylaws, and concur in their form and content.

FINANCING:

The recommended action has no direct impact on the County Budget.

Prepared by:
William T. Foley, CEO
Natividad Medical Center

Approved by:



Dave Potter, Chair
Board of Trustees
Natividad Medical Center

Attachments: Board Order; Bylaws

EXHIBIT A

Natividad Medical Center

Bylaws

November, 2008

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ARTICLE I - PURPOSE

The primary purposes of the Natividad Medical Center ("NMC") By Laws are to, 1) establish the framework that allows the Board of Trustees to fulfill its role as the NMC governing board to the fullest extent permitted by law and as authorized by the Monterey County Board of Supervisors, 2) to clearly define accountability and responsibility for the efficient and effective oversight of day-to-day operations of NMC, to effectively permit **The Joint Commission ("TJC")** compliance and Title XXII requirements, and 3) to allow NMC to function within policies and procedures prevalent in the health care industry and in compliance with applicable Federal, State, and Local statutes, regulations, and policies.

ARTICLE II - DEFINITIONS

Within the context of this document, the following definitions apply:

Appeal means the specific procedure(s) set forth in the Medical Staff By-Laws by which an applicant has the right to request a review of an adverse decision on his/her application for staff membership and/or clinical privileges.

Board of Supervisors means the five duly elected representatives of the County of Monterey.

Board or Board of Trustees means the appointed and ex-officio members of the governing body of Natividad Medical Center.

Business Plan means the document developed by the Chief Executive Officer or designee(s) to define the directions and business objectives of the organization for the future.

Chief Executive Officer means the individual selected, employed and empowered by the Board of Supervisors and in consultation with the Board of Trustees to administer day to day Hospital operations.

Compliance means operation of Hospital affairs within limits established by such legal or regulatory documents as County ordinances and resolutions, requirements of **TJC**, as well as by relevant State and Federal statutes and regulations.

Conflict of Interest means direct or indirect economic interest, gained as the result of Board action in which the Board member participated; or any employment, activity, or economic enterprise for compensation that is inconsistent, incompatible, in conflict with, or inimical to his/her duties as a Board member.

County means the Legal Entity known as Monterey County in the State of California.

Due Process means the procedure(s) referenced or established by these By-Laws, together with the careful implementation thereof, to accord and protect existing legal rights of practitioner(s)/applicant(s) for staff membership and/or clinical privileges.

Efficiency means those parameters that define value in health care services that are most important to budget makers and payers for Hospital services.

Efficient Practices means accomplishment of institutional management objectives and patient-care objectives in a cost effective manner.

Ex-Officio means by virtue of an office held, with vote unless otherwise specified in this document.

Gender means words of masculine gender include correlative words of the feminine and neuter genders unless the context shall otherwise indicate.

Hearing Procedure means the detailed description contained in Medical Staff Bylaws of due process afforded an aggrieved applicant following an adverse recommendation by the Medical Executive Committee.

Hospital means Natividad Medical Center and intends to include patient-care services provided in the Hospital and/or in other locations, structures and facilities under Hospital auspices.

Chief Medical Officer means that individual appointed by the Chief Executive Officer responsible for working with and assisting the Chief of the Medical Staff and clinical departments, and is concerned with medico-administrative aspects of patient care.

Medical Staff means the staff of professional practitioners appointed by the Board. The details of Medical Staff organization are contained in Medical Staff Bylaws.

Medical Staff Bylaws means those documents, and rules and regulations, which define the conditions under which members of the medical staff are credentialed and function.

Mission Statement means the **Board of Trustees** approved statement of the purpose of Natividad Medical Center.

Quality means those parameters of health care that are most important to Medical Staff, patients and family members.

Regular Monthly Meeting means the meeting of the **Board of Trustees** held on a pre-established, published, monthly schedule as may be amended as necessary from time to time in accordance with the Ralph M. Brown Act (Government Code §56970, *et seq.*) and/or other applicable statutes.

Standards of Health Care - means reasonable goals of quality and efficiency in the delivery of health care services compared to industry benchmarks.

Vacancy means an unfilled Board member seat or an unfilled office. Vacancies may occur because of resignation, death, completion of term, or removal from the Board or from an officer position.

ARTICLE III - MISSION, AUTHORITY, OBLIGATIONS

Section 1. Mission. The Mission of Natividad Medical Center is to continually improve the health status of the people of Monterey County through access to affordable, high quality healthcare services.

Section 2. Authorities

- A. **Title to Property.** The title, direction and control of property is owned by the County of Monterey and is vested with the Board of Supervisors. Disposition shall be based upon consideration of recommendations from the Board of Trustees. Purchases or sales of property and investment, transfer or other expenditures of trust funds shall be made only upon the written approval of the Board of Supervisors or their designee(s).
- B. **Professional and Other Health Care Staff.** The Medical Staff and other health care professionals providing patient care services in or under the auspices of Natividad Medical Center are subject to the authority of the Board of Trustees.
- C. **Disposition of Surplus Funds.** In the event of a surplus of revenue over expenses, use of surplus funds shall be determined by the Board of Supervisors.
- D. **Approval of the Fiscal Year Budget** for the Hospital is vested by law in the County's Board of Supervisors and shall be based upon consideration of the recommendations of the Board of Trustees.

Section 3. Obligations & Responsibilities. The purpose of these By-laws is to clearly define accountability and responsibility for the efficient operation of NMC, to effectively permit regulatory and accrediting body compliance, to allow NMC to function with policies and procedures prevalent in the health care industry, and to clarify the respective roles and responsibilities of the Board of Trustees and the Board of Supervisors pertaining to NMC operations.

- A. The CEO shall be responsible for all day to day operational activities of the Hospital.
- B. The business of the Hospital shall be conducted by the CEO with direction of the Board of Trustees and with ultimate approval by the Board of Supervisors, as outlined in these bylaws with due attention to relevant community interests and concerns and designed to ensure one level of patient care.
- C. Obligations of the Board of Trustees include, but are not necessarily limited to:
 - 1. Assure Natividad Medical Center fulfills its mission by:
 - Creating a clear statement of the organization's mission, vision, values and strategic plan to achieve the mission and vision; and

- Monitoring management's strategies to assure they are aligned with the key goals and are achieving the vision.
2. Ensure effective Chief Executive Management by:
 - Providing input to the Board of Supervisors in the hiring and if necessary, terminating the CEO;
 - Monitoring the CEO's performance; and
 - Delegating all management functions to the CEO subject to County and Board of Trustees policies and directives.
 3. Ensure the organization provides high quality of care by:
 - Assuring the medical staff has an effective process for recommending the appointment, reappointment, credentialing and privileging of medical staff members;
 - Appointing, reappointing, and approving the privileges of medical staff members;
 - Adopting internal and external quality standards to be used to assess the care provided;
 - Ensuring management and medical staff have quality and utilization monitoring systems in place and that they are functioning effectively to achieve the desired outcomes.
 4. Ensure the organization's financial strength by:
 - Approving a financial plan that will meet the strategic plan;
 - Monitoring and assessing financial performance;
 - Holding management accountable for providing thorough and accurate financial reports.
 - Ensuring that management implements controls that provide an appropriate system of checks and balances.
 - Ensuring there is an effective internal audit function.
 - Selecting the external auditor and receiving the auditor's report.
 5. Function effectively and efficiently as a Board by:
 - Creating a statement of its role and responsibilities and using this statement to direct its work.
 - Ensuring the Board structure and committee structure reflects and supports its role and responsibilities, to include diligence in attendance and encouragement of candid conversations.
 - Recruiting effective Board members with the knowledge, time and skills needed to govern,
 - Ensuring systems and procedures are in place to assist the Board in doing its work, including an annual evaluation.
 - Ensuring the Board, medical staff, and management operate in accord with the applicable standards and laws.
- D. The Board of Supervisors reserves to itself the following authorities, with consideration of input from the Board of Trustees:
1. Borrowing approval(s);
 2. Labor relations / collective bargaining;
 3. Audit approval;
 4. Budget approval;
 5. Contract approval;

6. Hiring and termination of the CEO; and
7. Termination of any Hospital programs / services requiring a Beilenson Act hearing.
8. Any other authority the Board of Supervisors determines to be appropriate.

ARTICLE IV - MEMBERS

Section 1. Number, Qualifications, Section and Term. The Board of Trustees shall consist of nine-(9) to eleven (11) members:

- A. Four (4) of whom shall serve in an ex-officio capacity, with vote, for their terms of office as:
 1. County Administrative Officer
 2. Chief of the Hospital's Medical Staff
 3. One member of the Board of Supervisors, nominated and appointed by the Board of Supervisors
 4. Hospital CEO
- B. Five to seven (5-7) who shall be appointed because of their skills and backgrounds including but not limited to the following:
 1. Finance experience at the CFO level
 2. Executive experience in a large and complex organization
 3. Executive experience in the health care or insurance industry
 4. Experience in healthcare governance
 5. Experience as a community leader
 6. Skill related to the strategic plan of the hospital
 7. Clinical experience as a physician
- C. Authority for appointing individuals to the Board of Trustees shall be the responsibility of the Board of Supervisors. Individuals to be appointed shall be nominated by the Board of Trustees.

Criteria to be considered in nominating individuals as Trustees shall include:

1. Background and skills needed on the board
 2. Resident of Monterey County
 3. Available and willing to attend a minimum of ten (10) monthly Board meetings and actively participate on at least one Board committee.
 4. Willingness to acquire the knowledge and skills required to lead a complex healthcare organization
 5. History of community leadership
- D. Non ex-officio members of the Board of Trustees shall serve a three(3) year term, and shall continue in that office until his/her successor is appointed. Trustees shall not serve more than three (3) consecutive terms.

Section 2. Duties: Duties of individual Board members include, but are not necessarily limited to:

- A. Regularly attend Board meetings, including a minimum of ten (10) meetings per year;
- B. Actively participate on and attend meetings of committee(s) to which the member is assigned;
- C. Promptly relate community input to the Board;
- D. Represent the Hospital in a positive and effective manner in public forums;
- E. Learn enough details about Hospital management and patient care services that the Board member can effectively evaluate proposed actions and reports;
- F. Accept and fulfill reasonable assignments from the Chair of the Board;
- G. Participate in the orientation and educational programs for new Board members.

Section 3. Vacancies and Removal of Trustees or Officers

A. Trustees

- 1. If a Board of Trustees member has not satisfied the above-listed attendance requirements, the Board of Trustees shall recommend that the Board of Supervisors declare that a vacancy on the Board exists or present to the Board of Supervisors that good reason is present not to declare that a vacancy exists.
- 2. Board of Trustees member vacancies may also be created by other means such as, but not limited to, completion of term, resignation, death, removal, or moving outside the boundaries of Monterey County.
- 3. In the event of a vacancy, a replacement shall be nominated by the remainder of the Board of Trustees, based on the criteria set forth above in Article IV, Section 1.B and C, and recommended to the Board of Supervisors for timely confirmation.

B. Officers

- 1. Officers may be removed by vote of a majority of those Trustees currently appointed for failure to perform the duties of the Office, or for malfeasance in office.
- 2. Vacancy in any Office shall be filled by nomination and election by the Board of Trustees as soon as is reasonably possible

Section 4. Compensation. The members of the Board of Trustees shall receive no compensation, but shall be reimbursed for actual necessary expenses incurred in the performance of official business of the Hospital as assigned by the Board, in accordance with established County policies.

Section 5. Conflict of Interest

- A. No Board of Trustees member shall participate in any matter which comes before the Board, or in any matter in which he/she is required to act in his/her capacity as a Board member, when the Board member has or may have a direct or indirect economic interest which may be affected as a result of such action, unless by necessity. Additionally, no

Board member shall undertake any employment, activity, or economic enterprise for compensation that is inconsistent, incompatible, in conflict with or inimical to his/her duties as a Board member.

- B. Board members shall be required to follow the Conflict of Interest Code adopted by the Board of Supervisors, which shall be attached hereto.

ARTICLE V - OFFICERS

Section 1. List of Officers. The Officers of the Board shall be the:

- A. Chair;
- B. Vice Chair; and
- C. Secretary/Treasurer

Section 2. Qualifications, Selection and Term

- A. Officers are elected by the Board of Trustees at its Annual Meeting from among its own members. All members of the Board of Trustees are eligible. Election must be by no less than a majority of those Trustees currently appointed.
- B. Officers are elected for a one (1) year period and shall serve until a successor has been duly elected. Officers shall be eligible for no more than two (2) consecutive one (1) year terms in the particular office.
- C. A Board member shall not simultaneously hold more than one office.

Section 3. Duties

- A. The Chair shall:
 - 1. Preside at all meetings of the Board;
 - 2. Be an ex-officio member of all committees;
 - 3. Execute, correspondence, and other written instruments as authorized by the Board;
 - 4. Appoint chairpersons and members of Board committees.
- B. The Vice Chair shall:
 - 1. In the absence of the Chair, assume the duties of the Chair
 - 2. Perform such reasonable duties as may be required by the Board or by the Chair of the Board.
- C. The Secretary/Treasurer shall:
 - 1. Serve as chair of the Finance/Audit committee.
 - 2. Be responsible for overseeing the creation and/or maintenance of other financial documentation as may from time to time be required by the Board's activities.
 - 3. Perform such reasonable duties as may be required by the Board or by the Chair of the Board.

ARTICLE VI - COMMITTEES

Section 1. Appointment and Terms of Members of Board Committees

The Chair of the Board of Trustees shall appoint members of the Board committees. Appointments are for one (1) year.

A. The Chief Executive Officer shall be an ex officio member of all Board of Trustees committees.

Section 2. Standing Committees

A. Executive Committee

1. Composition: The Executive Committee consists of the Chair, Vice Chair, Secretary/Treasurer of the Board of Trustees and Chief Executive Officer.
2. Duties: Acts for the full Board as specifically authorized by the By-laws or when specifically empowered by a vote of the full Board of Trustees constituting a quorum at a regular or special meeting, or when time is of the essence and convening the entire board is not possible or practical. All actions of the Executive Committee shall be reported to the Board of Trustees at its next regular meeting.
3. The Executive Committee, or a subcommittee thereof, is authorized to attend closed sessions of the Board of Supervisors as may be requested by the Board of Supervisors.

B. Finance Committee

1. Composition. The Finance Committee consists of three (3) Board members appointed by the Chair of the Board of Trustees, including the Secretary/Treasurer of the Board of Trustees, plus the Chief Executive Officer and the County's Treasurer or Auditor-Controller as ex-officio. It shall be chaired by the Secretary/Treasurer. The Chief Financial Officer shall attend all meetings and provide professional support.
2. Duties: Assists in establishing and enhancing valid business and financial management systems. Annually reviews and recommends budget, as well as monthly reviews of financial performance. Acts as audit committee for the Board of Trustees and makes recommendations on capital expenditures.

C. Quality Committee

1. Composition: the Quality Committee consists of three board members, appointed by the Board Chair, including the Chief of Staff. The Chief Medical Officer and the chair of the Hospital Quality Council provide professional support for the committee.
2. Duties: The duties of the Quality Committee shall include, but not be limited to:
 - a. annually approve the Quality Improvement Plan for the hospital;
 - b. making recommendations to the full Board of Trustees regarding the

- development and adoption of Medical Staff and Hospital policy, practice, and planning;
 - c. reviewing the Medical Executive Committee recommendations regarding the qualifications, credentials, performance, professional competence, and character of applicants and staff members, and making recommendations to the full Board of Trustees regarding staff appointments and reappointments, assignments to clinical privileges, and responsive action;
 - d. understanding reasonable steps taken by the Medical Executive Committee to promote ethical conduct and competent clinical performance on the part of Medical Staff Membership including any Medical Staff corrective action and reporting to the full Board of Trustees when appropriate;
 - e. reviewing reports of the Hospital Quality Council and Medical Executive Committee including any identified actual or potential areas of patient risk and recommending to the full Board of Trustees appropriate action.
3. When the Quality Committee deals with peer review information:
- a. The peer review information is protected in accordance with California Evidence Code Section 1157;
 - b. The peer review deliberations occur in closed session.

D. Community Relations and Planning Committee

1. Composition: The Board Chair shall appoint all members of the Planning Committee. The Committee shall consist of two (2) members of the Board, with one (1) representative from the Medical Staff, and the Chief Executive Officer and/or his designee, including others as necessary.
2. Duties: Responsible, with Hospital administration, for developing a multi-year Strategic Plan for NMC that is consistent with Article III Section 1, as well as reviewing the annual business plan. Committee will also review recommendations from the CEO for changes in services provided and make recommendations to the Board of Trustees. The committee shall include in its review community relations and marketing programs.

E. Governance and Nominating Committee

1. Composition: the Governance and Nominating Committee shall consist of three board members appointed by the Chair of the Board.
 - a. Duties: the committee shall develop and implement a process for recruiting and nominating new members for the Board of Trustees. Nominations will be submitted to the Board of Supervisors for appointment to the Board of Trustees. In addition, the committee will be responsible for monitoring the Board's work in accordance with the bylaws and policies and procedures adopted by the board, overseeing the education and development of board members and conducting the annual Board evaluation.

Section 3. Medical Staff Authority and Responsibility

It is acknowledged that the Medical Staff of NMC is an independent entity governed by the Medical Staff Bylaws and rules and regulations. The NMC Board delegates to the NMC Medical Staff the responsibility for the oversight of clinical quality.

Section 4. Additional Committees and Assignments

Additional committees, permanent or temporary, may be established at any time and from time to time by the Board.

ARTICLE VII - MEETINGS

Section 1. Frequency

- A. The Board of Trustees will meet regularly, as designated from time to time, with the June meeting designated as the Annual meeting. Meetings are open to all members of the Hospital staff and the general public, except for closed sessions.
- B. Standing committees of the Board meet in accordance with the **annual** schedule of committee meetings adopted by the Board of Trustees, or as frequently as is necessary to fulfill the committee's duties, but not less than quarterly.
- C. Board and Standing Committee meetings are conducted in accordance with the Ralph M. Brown Act (Government Code §54950, *et seq.*) and/or other applicable statutes.

Section 2. Special Meetings

- A. Special meetings may be called at any time for a specific, announced purpose by the Board Chair, or on request of the majority of the then-sitting Board members.
- B. Notice of a special meeting shall be delivered, in writing, to all Board members at least twenty-four (24) hours in advance of the meeting **and such notice shall be posted and delivered in accordance with Government Code §54956.**

Section 3. Quorum

- A. For regular and special meetings of the Board, a quorum shall be a majority of those Trustees currently appointed.
- B. For committees, a quorum shall be a majority of the members of that committee, and shall include at least one Board member.

Section 4. Majority

Actions of the Board of Trustees shall be by a majority of those Trustees physically in attendance.

Section 5. Minutes

A record of proceedings of all meetings of the Board of Trustees and its committees shall be kept on file.

Section 6. Public Meetings

All meetings of the Board of Trustees shall be open to the public, unless otherwise provided by law, except for closed sessions. Meetings are conducted in accordance with the Ralph M. Brown Act (Government Code §54950, *et seq.*) or other applicable statutes.

ARTICLE VIII - CHIEF EXECUTIVE OFFICER**Section 1. Qualifications and Position**

- A. A qualified and competent Chief Executive Officer shall be retained by the Board of Supervisors, through a search and interview process, with input from the Board of Trustees, and given responsibility for the day-to-day management of the Hospital, subject to Board of Trustees and Board of Supervisors oversight. The Chief Executive Officer shall possess the requisite knowledge, skills and experience to sufficiently evaluate, support and monitor the quality of patient care.
- B. The Chief Executive Officer is an ex-officio member of all Board of Trustees\ committees.
- C. The State Department of Health Services shall be notified in writing whenever the services of a new Chief Executive Officer are retained.

Section 2. Annual Performance Evaluation; The Chief Executive Officer is evaluated annually by the Board of Supervisors with input from the Board of Trustees.

- A. Final decision on CEO hiring and termination will be retained by the Board of Supervisors, who will consider the recommendation of the Board of Trustees.

ARTICLE IX - MEDICAL STAFF

Section 1. Appointment; The Board of Trustees shall:

- A. Determine in accordance with State law which categories of practitioners are eligible candidates for appointment to the medical staff.
- B. Appoint members of the medical staff and approve clinical privileges of each practitioner, including practice prerogatives of allied health professionals, after considering the recommendations of the Medical Executive Committee, at the time of initial application and reappointment in accordance with the Bylaws and Rules and Regulations of the Medical Staff. The Board shall ensure that the criteria for selection are based on evidence of current licensure, relevant training and/or experience, current competence, clinical judgment, interpersonal and communication skills, and physical and mental health status commensurate with their practice.
- C. Assure that the medical staff has bylaws and approve the medical staff bylaws and other medical staff rules and regulations.
- D. Require that patient care services at the Hospital or under Hospital auspices be

provided only by a member of the medical staff or under supervision or direct order of a member of the medical staff, and within the scope of privileges granted by the Board of Trustees.

- E. Direct that adequate support personnel be available to assist the medical staff with organizational functions, including medical staff membership and clinical privileges (credentialing), physician performance evaluation (peer review), and collection and analysis of clinical data (quality assurance, utilization review, risk management).

Section 2. Termination and Due Process

Membership on the Medical Staff and specific practice privileges are subject to denial, suspension, termination, or curtailment for cause by the Board of Trustees. In such an event, due process shall be provided as described in Medical Staff Bylaws.

ARTICLE X - INDEMNIFICATION

Section 1. Indemnification of Trustees and Officers; Members of the Board of Trustees and officers shall be indemnified, defended, and held harmless to the full extent permitted by California law against all claims, liabilities and expenses incurred as a result of an action by the Board of Trustees, except in the instance of willful misconduct in the performance of duties as a Trustee or officer, or actions taken as a Trustee or Officer that are beyond the course and scope of his/her duties as a Trustee or officer.

ARTICLE XI - RULES AND PROCEDURES

Agreed upon rules and detailed procedures for implementation of these Bylaws may be contained in a companion document entitled, "Board Policy and Procedures," if adopted by the Board of Trustees.

ARTICLE XII - ADOPTION

The Board of Supervisors shall adopt bylaws with input from the Board of Trustees. Such Bylaws shall then be submitted to the Board of Trustees for enactment.

ARTICLE XIII - AMENDMENT

These Bylaws may be amended by the Board of Supervisors at any time. The Board of Trustees may recommend amendments to these bylaws to the Board of Supervisors. Such amended Bylaws shall then be submitted to the Board of Trustees for enactment.

ARTICLE XIV - REVIEW

Hospital Bylaws shall be reviewed at least every two years for revision or more frequently if necessary.

EXHIBIT B

Summary of Key Bylaws Revisions

Natividad Medical Center

November 18, 2008

- I. There are many editorial changes for the sake of internal consistency and to update language, e.g. Medical Director to Chief Medical Officer.
- II. There is a consistent effort to articulate the relationship between the Board of Supervisors (ultimate authority and responsibility) and the Supervisors' desire to benefit from the knowledge of members of the NMC Board through NMC Board input and recommendations.
- III. Board responsibilities have been restated in line with governance best practice.
- IV. Ex-officio membership of the Board now includes the Hospital CEO, and a member of the Board of Supervisors chosen by the Supervisors, as well as the County Administrative Officer and the Chief of the Hospital's Medical Staff. The County Treasurer or Auditor-Controller is made an ex-officio member of the Finance committee.
- V. The number of Board members is changed from 7 voting members to a range of 9-11.
- VI. Criteria for the selection of Board members has been revised and updated in line with industry and governance changes. Nominations of Board members to be appointed come from the then current NMC Board.
- VII. The committees have been revised:
 - a. The Joint Conference Committee has been replaced with a Board Quality committee in line with the Quality assessment recommendation and governance best practice.
 - b. The Community Relations and Planning Committees have been combined.
 - c. A Governance and Nominating committee has been added in line with governance best practice and to focus consistent attention on assuring appropriate and effective Board work.
- VIII. The section on the Medical Director has been removed as there is no comparable section for any other leadership position.
- IX. There is clarification that peer review data is considered in closed session while other quality data is not so restricted.
- X. All changes are understood to be compliant with the Brown Act specifically and California law generally, per legal review by William Litt.

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- II. There is a consistent effort to articulate the relationship between the Board of Supervisors (ultimate authority and responsibility) and the Supervisors' desire to benefit from the knowledge of members of the NMC Board through NMC Board input and recommendations.
- III. Board responsibilities have been restated in line with governance best practice.
- IV. Ex-officio membership of the Board now includes the Hospital CEO, and a member of the Board of Supervisors chosen by the Supervisors, as well as the County Administrative Officer and the Chief of the Hospital's Medical Staff. The County Treasurer or Auditor-Controller is made an ex-officio member of the Finance committee.
- V. The number of Board members is changed from 7 voting members to a range of 9-11.
- VI. Criteria for the selection of Board members has been revised and updated in line with industry and governance changes. Nominations of Board members to be appointed come from the then current NMC Board.
- VII. The committees have been revised:
 - a. The Joint Conference Committee has been replaced with a Board Quality committee in line with the Quality assessment recommendation and governance best practice.
 - b. The Community Relations and Planning Committees have been combined.
 - c. A Governance and Nominating committee has been added in line with governance best practice and to focus consistent attention on assuring appropriate and effective Board work.
- VIII. The section on the Medical Director has been removed as there is no comparable section for any other leadership position.
- IX. There is clarification that peer review data is considered in closed session while other quality data is not so restricted.
- X. All changes are understood to be compliant with the Brown Act specifically and California law generally, per legal review by William Litt.

ADENDA

MEETING:	November 18, 2008	AGENDA NO.:
SUBJECT:	Approve the newly revised Natividad Medical Center (NMC) permanent Bylaws, as approved by the NMC Board of Trustees on November 7, 2008.	
DEPARTMENT:	Natividad Medical Center	

ADDENDUM:

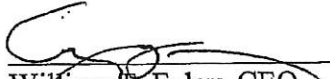
The following technical changes were made to the revised NMC permanent Bylaws approved by the NMC Board of Trustees on November 7, 2008, after approval by the Board of Trustees:

Page 5: "(Government Code §54950, *et seq.*)" replaces §56970;

Page 11, Article VI, Section 2(C)(1): "Patient Safety/Quality Council" replaces Hospital Quality Council; and

Page 12, Article VI, Section 2(C)(2)(e): "Patient Safety/Quality Council" replaces Hospital Quality Council.

Approved by:


William I. Foley, CEO
Natividad Medical Center

BOARD OF SUPERVISORS

Fernando Armenta	1st District (Chair)	Lew C. Bauman
Louis R. Calcagno	2nd District (Vice-Chair)	County Administrative Officer
Simon Salinas	3rd District	
Ila Mettee-McCutchon	4th District	Charles J. McKee
Dave Potter	5th District	County Counsel

Denise Pennell	Phone: (831) 755-5066
Interim Clerk of the Board	FAX: (831) 755-5888
P. O. Box 1728	www.co.monterey.ca.us
Salinas, CA 93902	

ACTION MINUTES MONTEREY COUNTY BOARD OF SUPERVISORS MONTEREY COUNTY WATER RESOURCES AGENCY

TUESDAY, NOVEMBER 18, 2008
9:00 A.M.

9:00 A.M.

ROLL CALL:

Present: Supervisors Armenta (Chair), Salinas, and Mettee-McCutchon.
Absent: Supervisors Calcagno and Potter

NOTE: Supervisors Calcagno and Potter were present during Closed Session

1. Additions and Corrections to Closed Session:
NO ADDITIONS OR CORRECTIONS

The Clerk of the Board will announce Agenda corrections and proposed additions to Closed Session, which may be acted on by the Board as provided in Section 54954.2 of the California Government Code.

- S-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.

SA-1 1. ~~Christopher L. Griffith vs. Monterey County Sheriff's Department, et al. (M82580; H032108)~~

SA-1 2. ~~Clifford L. Jackson vs. Monterey County Jail, et al. (C07-01202)~~

3. Dorsami Reddy vs. Skanska USA Building, Inc., et al. (M81383; M83813; M84578)

RESULTS OF CLOSED SESSION: The Board approved further actions in defense of these matters. Counsel will proceed with proper defense and some affirmative actions.

4. The Preserve Golf Club, Inc. vs. County of Monterey (M79407)
RESULTS OF CLOSED SESSION: The Board approved tentative Settlement Agreement which will be available at the Office of County Counsel when fully executed.

5. Patricia Bernardi, et al. vs. County of Monterey (M73763; H031648)
RESULTS OF CLOSED SESSION: The Board approved tentative Settlement Agreement which will be available at the Office of County Counsel when fully executed.

6. Delores Tognetti (Bailey) (WC)
RESULTS OF CLOSED SESSION: The Board approved tentative Settlement Agreement which will be available at the Office of County Counsel when fully executed.

7. John Luna (WC)
RESULTS OF CLOSED SESSION: The Board approved tentative Settlement Agreement which will be available at the Office of County Counsel when fully executed.

b. Pursuant to Government Code section 54956.95, the Board will confer with legal counsel regarding a liability claim against the County of Monterey.

1. Harold M. Wooldridge

RESULTS OF CLOSED SESSION: The Board denied claim.

c. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding potential initiation of two litigation cases.

THE RESULT OF CLOSED SESSION: The Board directed Counsel on how to resolve matters short of litigation at this time.

d. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators (Unit H & Unit X).

Designated representative(s): Keith Honda, Patricia Covert.

RESULTS OF CLOSED SESSION: The Board gave direction to both representatives on how to proceed.

e. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators (Unit D & Unit E).

Designated representative(s): Keith Honda, Patricia Covert.

RESULTS OF CLOSED SESSION: The Board gave direction to both representatives on how to proceed.

- f. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one item of significant exposure to litigation.
RESULTS OF CLOSED SESSION: The Board gave direction to Counsel on how to proceed to avoid continued exposure.
- g. Pursuant to Government Code section 54956.9(b), the Board will confer with real property negotiators.
Property: County owned property at the corner of Laurel Drive and Constitution Boulevard (APNs 003-851-021, -024, and -027).
County Negotiator: Wayne Tanda, RMA Director.
Negotiating Parties: County of Monterey and the Salinas Regional Sports Authority.
Under negotiation: Price and Terms.
RESULTS OF CLOSED SESSION: The Board gave direction to Mr. Tanda on how to proceed.
- SA-3 h. Pursuant to Government Code Section 54957.6, the Board of Directors of the Redevelopment Agency will confer with real property negotiators regarding the East Garrison area of the former Fort Ord; Negotiator, Jim Cook for the County of Monterey.
RESULTS OF CLOSED SESSION: The Board gave direction to Mr. Cook on how to proceed.

10:30 A.M. RECONVENED

ROLL CALL:

Present: Supervisors Armenta (Chair), Calcagno, Salinas, Mettee-McCutchon, Potter

2. Pledge of Allegiance: **Led by Chairman Armenta.**
3. Additions and Corrections. The Clerk of the Board announced agenda corrections and additions which were acted on by the Board as provided in Sections 54954.2 of the California Government Code.
Motion by Supervisor Salinas, seconded by Supervisor Potter. ALL AYES
4. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)
Motion by Supervisor Salinas, seconded by Supervisor Potter. ALL AYES

OTHER BOARD MATTERS:

5. Board Comments, Referrals, and Updates

Chairman Armenta requested a correction to the Board Referral Report of October 14, 2008, relating to No. 24, to change the Standard Labor Relations

Committee referral to an Ad Hoc Labor Relations Committee. (Heard after CAO comments)

6. CAO Comments
County Administrative Officer Lew Bauman announced the Monterey County Department of Social and Employment Services (DSES) is a recipient of a national award in regard to the MC Choice Program, an outreach program within the department. They have received the 2008 Hunger Champion Award from the U.S. Department of Agriculture. Elliott Robinson, Director, DSES, spoke.
7. Public Comment (Limited to 3 minutes per speaker)
Mr. Hans Jongens spoke regarding the election of Barack Obama; former State Legislator Sonny Bono; and other matters.
8. Adopted Resolution 08-336 honoring the 10th Anniversary of the Monterey Cowboy Poetry and Music Festival. (Supervisor Potter)
Mick Vernon, Artistic Director, Monterey Cowboy Poetry and Music Festival, made presentation and presented material for the Board.
Motion by Supervisor Potter, seconded by Supervisor Mettee-McCutchon. ALL AYES
- AC-2 Adopted Resolution 08-337 honoring the Filipino American Community Club of Monterey Peninsula on the crowning of Miss Filipino American Community (Mettee-McCutchon).
Motion by Supervisor Potter, seconded by Supervisor Calcagno. ALL AYES
- AC-3 Appointed Chairman Armenta to serve as Director and Supervisor Potter to serve as an Alternate on the 2009 Board of Directors for the California State Association of Counties (CSAC).
Motion by Supervisor Calcagno, seconded by Supervisor Salinas. ALL AYES

APPOINTMENTS:

NOTE: Agenda items 9-12 were heard concurrently.

9. Reappointed John E. Kesecker, Sandy Vosti, and Tim Headley to the Mission-Soledad Rural Fire Protection District with terms ending November 30, 2012. (Supervisor Salinas)
Motion by Supervisor Salinas, seconded by Supervisor Calcagno. ALL AYES
10. Reappointed Carol Lieberman to the Community Action Commission for a term ending July 1, 2011. (Supervisor Potter)
Motion by Supervisor Salinas, seconded by Supervisor Calcagno. ALL AYES

11. Appointed Ken Ekelund to the Monterey County Water Resources Board of Directors for a term ending December 31, 2010. (Supervisor Potter)
Motion by Supervisor Salinas, seconded by Supervisor Calcagno. ALL AYES
12. Appointed Bob Harper to the Monterey County Workforce Investment Board Youth Council, representing Education, for a term ending November 18, 2011. (Full Board)
Motion by Supervisor Salinas, seconded by Supervisor Calcagno. ALL AYES

SCHEDULED MATTERS:

- S-2 Ordinance No. 5117- Adopted Ordinance of the County of Monterey, State of California, to amend the Title of Chapter 2.45 of, and Sections 2.45.010, 2.45.020, 2.45.030, 2.45.060, and 2.45.100 of, the Monterey County Code relating to the Monterey - Santa Cruz Commission on Medical Care.

Mr. John Guertin gave presentation.

Motion by Supervisor Calcagno, seconded by Supervisor Potter. ALL AYES

- S-3 Considered applicant's request and continued to Tuesday, January 27, 2009, the public hearing on an appeal from the Minor Subdivision Committee's adoption of a Mitigated Negative Declaration and Mitigation Monitoring Program and approval of a Coastal Development Permit consisting of a Tentative Parcel Map creating four parcels of 3 acres, 3 acres, 3 acres, and 11 acres, based on the Findings and Evidence and subject to the recommended Conditions. (Appeal - PLN080185/Spanish Congregation, 125 Sill Road (Kinghall Road) North County Area, Coastal Zone)

Ms. Elizabeth Gonzales, Planner, gave presentation.

Motion by Supervisor Calcagno, seconded by Supervisor Salinas. ALL AYES

12:00 P.M.

Recessed for Lunch - Legislative Committee Meeting

1:30 P.M. RECONVENED

ROLL CALL:

Present: Supervisors Armenta (Chair), Calcagno, Salinas, Mettee-McCutcheon, Potter.

SCHEDULED MATTERS:

- S-4 Received an oral report and considered recommendations from the Legislative Committee meeting of November 18, 2008.
Nicholas Chiulos, Director, Legislative Affairs and Intergovernmental Relations, made presentation.
Motion by Supervisor Armenta, seconded by Supervisor Salinas. ALL AYES
- S-5 Adopted Resolution 08-338 to revise the Monterey County Land Use Advisory Committee (LUAC) Procedures. (PD061173/LUAC Guidelines Update 2008)
Mr. Carl Holm, Assistant Director of Planning, gave presentation.
Motion by Supervisor Calcagno, seconded by Supervisor Potter. ALL AYES

NOTE: COUNTY COUNSEL CHARLES MCKEE PROVIDED RESULTS OF CLOSED SESSION.

**ORDER FOR ADJOURNMENT IN MEMORY OF
ANGEL VALENZUELA, ELIZABETH KAPLAN, AND EDITH KARAS**

TO FRIDAY, NOVEMBER 21, 2008

APPROVED:

/s/ Louis R. Calcagno
CHAIR, ~~FERNANDO ARMENTA~~
LOUIS R. CALCAGNO
BOARD OF SUPERVISORS

ATTEST:
DENISE PENNELL
Interim Clerk of the Board

BY: /s/ Paola Munoz
Paola Munoz, Deputy

(Supplemental Sheet)

CONSENT CALENDAR

Motion by Supervisor Salinas, seconded by Supervisor Potter, approving Consent Agenda Items 13 - 35. ALL AYES

NATIVIDAD MEDICAL CENTER

13. Approved the revised Natividad Medical Center (NMC) permanent Bylaws, as approved by the NMC Board of Trustees on November 7, 2008.

HEALTH AND SOCIAL SERVICES:

14. Concurred with the Monterey County Workforce Investment Board Executive Committee to approve submission of a \$500,000 proposal for the Employment Development Department and California Workforce Investment Board, Governor's Gang Reduction, Intervention and Prevention (CalGRIP) solicitation.
15. Concurred with the Monterey County Workforce Investment Board Executive Committee to approve submission of a demonstration grant for \$1,000,000 to the U.S. Department of Labor, Employment and Training Administration that targets employment and training needs of pregnant and parenting young mothers.
16. Adopted Resolution No. 08-343 proclaiming state of local emergency relating to the spread of HIV among injection drug users in Monterey County.
17. Approved Agreement No. 11323 and authorized the Contracts/Purchasing Officer to sign an Agreement with California Commercial Interiors to provide modular laboratory furniture including installation services for the new County of Monterey Health Department for the initial term of the date of signing the Agreements, through June 30, 2009, including the option to extend the Agreements for two (2) additional one (1) year periods, with a yearly aggregate value estimated not to exceed \$320,770.86, in accordance with terms and conditions set within the Agreement.

CRIMINAL JUSTICE:

18. a. Board Budget No. 08/09-067: Approved increased estimated revenues and appropriations in the amount of \$156,046 in Budget Unit 255-Probation for the Juvenile Sex Offender Response Team (JSORT) federal grant during Fiscal Year (FY) 2008-09 (4/5ths vote required); and
b. Directed the Auditor-Controller to amend FY 2008-09 Budget Unit 255 to reflect the change in revenue and appropriations
19. Board Budget No. 08/09-068: Approved advancement of Gary Craft to Step 4 of

the Chief District Attorney Investigator salary range, pursuant to Personnel Policies and Practices Resolution, Section A.1.11.5 (Waiver for Unusual Circumstances).

- SA-4 a. Board Budget No. 08/09-074: Approved an increase in appropriations and estimated revenues by \$16,170 in Sheriff's Budget Unit 230 for the purchase of a used 2008 Chevrolet Trailblazer for the Abandoned Vehicle Abatement Unit; and
- b. Directed Auditor-Controller to increase appropriations and estimated revenues in Sheriff's Budget Unit 230 as detailed in the Board Order (4/5ths Vote Required).

SA-5 Adopted Resolution No. 08-347 (Board Budget No. 08/09-073) authorizing the Chief Probation Officer to submit a grant application to the Corrections Standard Authority in the amount of \$320,000 for utilization of Juvenile Accountability Block Grant (JBAG) funds for the Gang Intervention Collaborative.

GENERAL GOVERNMENT:

20. Adopted Resolution No. 08-340 approving a Zero Property Tax Transfer for the proposed annexation of three (3) non-contiguous parcels in the Carmel Highlands to the Carmel Area Wastewater District.
21. a. Board Budget No. 08/09-069: Approved and authorized Emergency Services Manager to accept a grant from the Federal Office of Homeland Security (OHS) in the amount of \$978,800; and
- b. Directed the Auditor-Controller to amend FY 2008-09 Office of Emergency Services Budget Unit 295 to increase estimated revenues and appropriations in the amount of \$498,287 (4/5ths vote required).
22. a. Adopted Resolution No. 08-341; Resolution No. 08-342 approving a property tax transfer agreement between the County of Monterey and the Salinas Rural Fire Protection District for the proposed Calera, Jacks, Jefferson, Limekiln, Olmsted, Panziera, and Underwood Annexations;
- b. Approved a property tax transfer agreement for the proposed Fort Ord Annexation to the Salinas Rural Fire Protection District, including policy direction to pursue revenue neutrality with respect to the fiscal impact of future development; and
- c. Authorized the Chair to sign a letter to the Local Area Formation Commission supporting the Salinas Rural Fire Protection District annexation application.
23. a. Board Budget No. 08/09-070: Accepted the recommendation of the Monterey County Fish and Game Commission to award a funding grant to Hunter's Supply; and
- b. Approved distribution of Fish and Game grant funds in the amount of \$2,683 for a specified grant project for Fiscal Year 2008-09.

24. Approved Agreement No. A-11324 (Casa de Floors) and Agreement No. A-11325 (Wheeler's Flooring America) authorizing the Contracts/Purchasing Officer to sign Master Agreements with Casa de Floors and Wheeler's Flooring America (dba Griffin Carpets) to provide carpet installation services on an as-needed basis for projects of \$10,000 or less each, to the County of Monterey for the initial term of two (2) years from the date of signing the Agreements, through June 30, 2010, including the option to extend the Agreements for three (3) additional one (1) year periods, with a yearly aggregate value estimated not to exceed \$150,000 for the Agreements, in accordance with the terms and conditions set within each Agreement.
25. Agreement No. A-10723 Approved and authorized the Chair to sign Amendment No. 8 to Agreement No. A-10723 with Wellspring Management Services, LLC, a Huron Consulting Group Company, for additional professional healthcare services at Natividad Medical Center in an amount not to exceed \$775,000.
26. Resolution No. 08-343 Extended Declaration of Local Emergency adopted September 23, 2008, in the aftermath of the Basin Complex Fire (4/5ths Vote Required).

RMA - PLANNING DEPARTMENT:

27.
 - a. Accepted the Parcel Map to allow a subdivision of a 100 acre parcel into two (2) separate parcels: one (1) 60 acre parcel and one (1) 40 acre parcel;
 - b. Accepted the Parcel Map Guarantee and Tax Clearance letter from the Tax Collector;
 - c. Directed the Clerk of the Board to submit the Parcel Map to the County Recorder for filing;
 - d. Approved the Conservation and Scenic Easement Deed;
 - e. Authorized the Chair to sign the Conservation and Scenic Easement Deed;
 - f. Directed the Clerk of the Board to submit the Conservation and Scenic Easement Deed to the County Recorder for filing;
 - g. Directed the Parks Department to deposit the recreation-in-lieu fee of \$95 into the Recreation-In-Lieu Fee Trust Account No. 080-3473 to be used for financing parks and recreation programs and facilities; and
 - h. Directed the Clerk of the Board to submit the Mitigation Monitoring Agreement to the County Recorder for filing. (PLN050523/ MONTEMAYOR, 63519 Argyle Road, Lockwood Area, South County Area)
28. Set a Public Hearing for Tuesday, December 9, 2008 at 10:30 A.M. to consider 2009 Applications to establish Agricultural Preserves and Farmland Security Zones and Contracts. (PLN080438/Williamson Contract Applications, County-wide)
29.
 - a. Accepted and authorized the Chair to execute the Conservation and Scenic Easement Deed; and

- b. Directed the Clerk of the Board to submit the Conservation and Scenic Easement Deed to the County Recorder for filing.
(Conservation and Scenic Easement Deed - PLN070157/Taylor [Oliver and Gold],
100 Via Milpitas, Carmel, Carmel Valley Master Plan)

RMA - PUBLIC WORKS:

- 30. a. Adopted Resolution No. 08-344; Board Budget No. 08/09-071 amending Personnel Policies and Practices Resolution No. 98-394 to revise Section A.9.9 Road Commissioner Pay Premium;
 - b. Appointed Assistant Public Works Director, Paul H. Greenway, P.E. as Road Commissioner; and
 - c. Directed the Auditor-Controller to implement the terms of this amendment.

- 31. a. Approved Maintenance Agreement No. A-11326 with the City of Salinas in compliance with the requirements of the Local Agency Formation Commission, Resolution No. 08-10, for maintenance on Rogge Road and Williams Road in the Salinas Area;
 - b. Authorized the Chair to execute the Maintenance Agreement; and
 - c. Directed the Clerk of the Board to return the Maintenance Agreement to the Department of Public Works to forward to the City of Salinas.

- 32. a. Adopted Resolution No. 08-345; Board Budget No. 08/09-072 to approve submittal of a grant application in the amount of \$1,800,000 to the State Bicycle Transportation Account for the Spreckels Boulevard/Reservation Road Bicycle Path and Bridge Project;
 - b. Authorized the Acting Public Works Director, or his designee, to act as the agent for the County in processing all documentation to secure these funds from the State Bicycle Transportation Account; and
 - c. Approved the commitment to fund \$180,000 from local, state, and/or federal secured grant funds as the ten percent (10%) grant-matching requirement.

- 33. a. Adopted Resolution No. 08-346 finding that repairs and renovations in various shower stalls of the Monterey County Adult Detention Facilities, located at 1410 Natividad Road, Salinas continues to pose an emergency requiring immediate action without adopting plans and specifications and giving notice for bids to let contracts; and
 - b. Adopted Resolution No. 08-346 ratifying the execution of emergency contracts and emergency actions taken by the Contracts Purchasing Officer, or his designee, to respond to the emergency (4/5th vote required).

- 34. a. Construction No. 2008CONST0014; Agreement No. A-11327 Awarded a contract to Granite Rock Company, dba, Pavex Construction Division, the lowest responsible bidder, for construction of the San Miguel Canyon Road Overlay Project in Prunedale from State Highway 101 to Hall Road, Project No. 09-140765, in the total amount of \$3,019,044;

- b. Approved the Performance and Payment Bonds executed and provided by Granite Rock Company, dba, Pavex Construction Division;
 - c. Authorized a contingency (not to exceed ten percent (10%) of the contract amount) to provide funding for approved contract change orders; and
 - d. Authorized the Acting Public Works Director to execute the contract.
35. a. Agreement No. A-07545 Approved and authorized the Contracts/Purchasing Officer to renew Lease Agreement A-07545 through October 31, 2018, with Salinas Airport Business Park Partners for 42,094 square feet of general office space located at 730 La Guardia Street, Salinas, California, for use by the Department of Social and Employment Services – Office for Employment Training Division;
- b. Directed the Fiscal Office of the Office for Employment Training to make lease payments of \$61,036.30 per month, effective November 1, 2008, and in accordance with the terms of the Agreement; and
 - c. Authorized the optional extension of the Lease Agreement for an additional two (2) five-year periods under the same terms and conditions if deemed by the Contracts/Purchasing Officer to be in the best interest of the County.

###

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Approve the revised Natividad Medical Center (NMC))
 permanent Bylaws, as approved by the NMC Board of)
 Trustees on November 7, 2008.)

Upon motion of Supervisor Salinas, seconded by Supervisor Potter, and carried by those members present, the Board hereby:

Approved the revised Natividad Medical Center (NMC) permanent Bylaws, as approved by the NMC Board of Trustees on November 7, 2008.

PASSED AND ADOPTED this 18th day of November, 2008, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Mettee-McCutchon, Potter

NOES: None

ABSENT: None

I, Denise Pennell, Interim Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 74 for the meeting on November 18, 2008.

Dated: November 19, 2008

Denise Pennell, Interim Clerk of the Board of Supervisors
 County of Monterey, State of California

By *Carla L. Quintana*
 Deputy

