

Monterey County

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



Meeting Agenda - Final-revised

Tuesday, March 19, 2013

9:00 AM

See separate agendas for Monterey County Water Resources Agency, Pajaro County Sanitation District, Carmel Valley County Sanitation District, Boronda County Sanitation District, and East Garrison Community Services District.

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

Roll Call

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

1. Closed Session under Government Code section 54950, relating to the following items:
 - a. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding two matters of significant exposure to litigation.
 - b. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the following public employee positions:
 - (1) County Administrative Officer
 - (2) County Counsel
 - c. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:
 - (1) Designated representatives: James May and Brette NealEmployee Organizations: F, H, J, S, U, X, and Y
 - d. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:
 - (1) The County of Monterey v. Nova Partners, Inc., et al. (Monterey County Superior Court case no. M96829 (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)

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

Ceremonial Resolutions

3. Adopt Resolution proclaiming the month of March 2013 as “Tsunami Awareness and Preparedness Month” in Monterey County. (Supervisor Armenta)

Attachments: [Tsunami Resolution](#)

4. Adopt Resolution commending Josephine Morris as the recipient of the National Association for the Advancement of Colored People 2013 President’s Award. (Supervisor Parker)

Attachments: [Morris Resolution](#)

5. Adopt Resolution commending Red’s Donuts as the recipient of the National Association for the Advancement of Colored People 2013 Tolly and Cleo Martin Spirit Partnership Award. (Supervisor Parker)

Attachments: [Red's Donuts Resolution](#)

6. Adopt Resolution commending Leon E. Panetta for his contribution to the County of Monterey. (Full Board)

Attachments: [Panetta Resolution](#)

Appointments

7. Reappoint Darlene Acosta to the Domestic Violence Coordinating Council, term ending January 2, 2015. (Supervisor Salinas)

Attachments: [Acosta Notification to Clerk](#)

8. Appoint Hazel Tompkins to the Military & Veterans Affairs Advisory Commission, to fill an unscheduled vacancy, term ending January 1, 2014. (Supervisor Parker)

Attachments: [Tompkins Notification to Clerk](#)

9. Appoint Jennifer Barrett to the Mental Health Commission, term ending May 31, 2015. (Supervisor Calcagno)

Attachments: [Barratt Notification to Clerk](#)

Other Board Matters

10. Board Comments
11. CAO Comments and Referrals

Attachments: [Referrals 031913](#)

12. 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

13. Receive a report and recommendation from the Legislative Committee in response to a Board Referral related to possible adoption of a resolution in support of comprehensive immigration reform.

Attachments: [DRAFT Immigration Reform Resolution](#)

- 13.1 Open and continue a Public Hearing on Monterey County's Community Development Block Grant (CDBG) Program Income Reuse Plan with Jurisdictional Certifications.

12:00 PM Recess to Lunch

1:30 PM Reconvene

Roll Call

1:30 P.M. - Scheduled Matters

14. Public hearing to consider:
- Denying an appeal by Constance Murray from the decision of the Director of Resource Management Agency - Planning approving of a Design Approval to correct a code violation (11CE00134) and to allow the placement of a 20 foot high communication antenna within a water tank easement to serve a California-American Water Company water tank; and
 - Finding the project categorically exempt from CEQA pursuant to CEQA

Guidelines Section 15301; and

c. Approving the Design Approval to correct a code violation (11CE00134) and to allow the placement of a 20 foot high communication antenna within a water tank easement to serve a California-American Water Company water tank; and
d. Granting Appellant's request to waive the appeal fee and authorizing the RMA-Planning Director to refund the appeal fee.

(Appeal of a Design Approval - PLN120817 California-American Water Company, 10 Oak Meadow Lane, Carmel Valley, Carmel Valley Master Plan)

Attachments: [Attachment A - Discussion](#)
[Attachment B - Draft Board Resolution](#)
[Attachment C - Vicinity Map & Aerial View](#)
[Attachment D - Final Recorded Subdivision Map](#)
[Attachment E - Grand Deed of Easements to Cal-Am](#)
[Attachment F - Conservation & Scenic Easement Deed](#)
[Attachment G - Compliance Order \(11CE00134\)](#)
[Attachment H - Design Approval](#)
[Attachment I - Notice of Approved Design Approval](#)
[Attachment J - Notice of Appeal](#)
[Attachment K - Fee Waiver Request](#)

15. Consider the Appeal of the Pebble Beach Company's Request for Refund of \$130,287.67 in Assessed Penalties for Delinquent Transient Occupancy Tax Remittances.

Attachments: [TOT REMITTANCE AND PENALTY PYMT](#)
[5-8-12 Pebble Beach Company Request for Penalty Waiver](#)
[5-16-12 Administrative Denial of Penalty Waiver Request](#)
[7-10-12 Appeal of Administrative Denial of Penalty Waiver](#)

16. a. Receive a report on the draft *Monterey County Gang Violence Prevention: Strategic Plan*;
b. Consider authorization of community meetings to receive community input on the draft strategic plan;
c. Consider approval of funding in the amount of \$95,998 from General Fund Contingencies for the Social Policy Research Associates (SPR) proposal to provide facilitation services to develop an integrated gang violence prevention action plan; and
d. Consider direction to staff to develop a budget and staffing plan for implementation and coordination of the Gang Violence Prevention Strategic Plan program.

Attachments: [Draft - A Strategic Plan for Gang Violence Prevention](#)
[Proposal-Development of Integrated Gang Violence Prevention Action Plan](#)
[Presentation Slide Strategic Plan for Gang Violence Prevention](#)

17. a. Receive a report from the Resource Management Agency-Planning regarding the three possible appropriate authority processing options for lot line adjustment and minor subdivision applications related to the proposed elimination of the County's Minor and Standard Subdivision Committees; and
b. Consider staff's recommendation to implement *Option 1* which establishes the Planning Commission as the appropriate authority for lot line adjustment and minor subdivision applications; and
c. Provide direction to staff on the preparation of the ordinances to be considered at a future date.
[REF100014 (Inland) and REF120004 (Coastal), Options for Application Processes with the Elimination of the Minor and Standard Subdivision Committees.]

Attachments: [Attachment A Discussion](#)
[Attachment B Option 1](#)
[Attachment C Option 2](#)
[Attachment D Option 3](#)
[Attachment E Public Comment](#)

18. a. Conduct a continued public hearing from March 12, 2013 to consider the funding allocation recommendations of the Community Development Block Grant (CDBG) Ad Hoc Committee for FY 2013/14.
b. Authorize the Director of Economic Development to execute agreements with the grantees.

Attachments: [2013-03-19 Urban Ent. Attachment](#)

Adjournment

Adjourn In Memory of Jose "Socorro" Ramirez

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

19. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Renewal and Amendment No. 1 to the Agreement (A-12169) with eCare Manage Inc. for Strategic and Information Technology Services at NMC, extending the Agreement to December 31, 2013 and adding \$1,140,000 for a revised total Agreement amount not to exceed \$2,490,000 in the aggregate.

Attachments: [eCare Manage NMC Strategic Accomplishments](#)
[eCare Manage NMC Clinical Projects Timeline](#)
[eCare Manage Inc 2011](#)
[eCare Manage Inc. 2012](#)
[eCare Manage Renewal and Amendment #1](#)

20. a. Approve the Intergovernmental Transfer of Public Funds (“IGT”) between the County of Monterey (“County”) and the California Department of Health Care Services (“State DHCS”), the source of which shall be funds from Natividad Medical Center (“NMC”) and not the County’s General Fund, pursuant to Sections 14164 and 14168.7 of the Welfare & Institutions Code, from NMC to State DHCS to be used as the nonfederal share of supplemental Medi-Cal managed care capitation rate payments to the Monterey-Santa Cruz-Merced Managed Medical Care Commission d/b/a Central California Alliance for Health, for a total amount not to exceed \$3,500,000 for healthcare services rendered in Fiscal Year 2011-2012 and transfer to occur in Fiscal Year 2012-2013 or 2013-2014 and;
- b. Authorize Chief Executive Officer (“CEO”) of NMC to execute the following agreements, in substantially the same form as that which has been presented to the Board, without material change to the amounts at issue, committing for a total amount not to exceed \$3,500,000 for healthcare services rendered in Fiscal Year 2011-2012 and for the transfer to occur in Fiscal Year 2012-2013 or 2013-2014:
- i. Intergovernmental Agreement Regarding the Transfer of Public Funds, between County and State DHCS.
 - ii. Intergovernmental Transfer Assessment Fee Agreement, between County and State DHCS.
 - iii. Amendment No. 13 to Health Plan - Provider Agreement, Primary Hospital and Outpatient Laboratory Services Agreement, between County and the Santa Cruz-Monterey-Merced Managed Medical Care Commission, a public entity organized under the laws of California, doing business as the Central California Alliance for Health (CCAH).

Attachments: [IGT Agreements Attachments](#)

Health and Social Services

21. a. Approve the establishment of a Monterey County Financial Abuse Specialist Team (FAST); and,
b. Authorize the Department of Social Services to oversee implementation of the Monterey County Financial Abuse Specialist Team (FAST) Memorandum of Understanding that incorporates additional members that are not part of the County governance structure.

Attachments: [FAST MOU](#)

Criminal Justice

22. Revise the January 29, 2013 Board Order (File # 13-015) to correct the grantor agency, administering agency, and grant program as requested by the Board of State and Community Corrections for the County of Monterey Marijuana Eradication Team (COMMET).

Attachments: [Resolution 13-015 with changes](#)
[COMMET Resolution revised](#)

23. Revise the January 29, 2013 Board Order (File #13-0019) to correct the grantor agency, administering agency, and grant program as requested by the Board of State and Community Corrections for the County of Monterey Narcotics Enforcement Unit (NEUCOM).

Attachments: [Resolution 13-019 with changes](#)
[Revised NEUCOM Resolution](#)

General Government

24. Approve and authorize the Contracts/Purchasing Officer to sign Amendment #3 to the contract with Liebert Cassidy Whitmore for labor relations consulting and negotiations from July 1, 2012 - September 30, 2013, increasing the amount from \$100,000.00 to \$250,000.00.

Attachments: [LCW Amendment No. 3 Agreement for Special Services.pdf](#)
[LCW Amendment No. 2 of Agreement for Special Services.pdf](#)
[LCW Renewal & Amendment No. 1 of Agreement for Special Services.pdf](#)
[LCW Original Agreement for Special Services term 4-1-12 thru 6-30-12.pdf](#)

25. a. Approve and authorize the Auditor-Controller to write off a \$83,972.48 Small Business Revolving Loan Fund loan fund to Emmanuel C. Marchica doing business as (dba) Diesel Fitness, Inc. as bad debt;
b. Approve and authorize the Auditor-Controller to write off a \$72,303.44 Small Business Revolving Loan Fund loan fund to Ernest and Candace Samudio, dba as Italica as bad debt; and

c. Approve and authorize the Auditor-Controller to write off a \$45,178.30 Small Business Revolving Loan Fund loan fund to Alex Ortiz dba Zitro Elevator Company, Inc. as bad debt.

Attachments: [Diesel Fitness BK Discharge](#)
[Italica Samudio Bankruptcy Discharge](#)
[Zitro Elevator Bankruptcy Discharge](#)

26. Adopt Resolution to approve the amendments to the Conflict of Interest Code of the Monterey Peninsula College.

Attachments: [Draft Resolution](#)
[Attachment B - MPC COI - clean version](#)
[MPC COI 1977](#)
[MPC Board of Trustees approval of COI amendments](#)
[3-8-13 Memo to BoS re MPC COI Code](#)

27. Adopt resolutions approving property tax transfers for the proposed annexation of property to the Cypress Fire Protection District and the Carmel Highlands Fire Protection District respectively.

Attachments: [Cypress FPD BOS Resolution](#)
[Cypress FPD LAFCO Legal Notice](#)
[Cypress FPD Map](#)
[Carmel Highlands FPD BOS Resolution](#)
[Carmel Highlands FPD LAFCO Legal Notice](#)
[Carmel Highlands FPD Map](#)

28. Adopt a Resolution to approve a Zero Property Tax Transfer for the Proposed Annexation of one parcel (Doyle/APN 015-042-023) to the Carmel Area Wastewater District.

Attachments: [Draft BOS Resolution - Zero Property Tax Transfer for Doyle \(CAWD\)](#)
[Map of Proposed \(Doyle\) Annexation to Carmel Area Wastewater District A](#)
[Map of Proposed \(Doyle\) Annexation to Carmel Area Wastewater District B](#)

29. Adopt Resolution to:
- a. Amend Personnel Policies and Practices Resolution No. 98-394 to create, add, re-title, and align salaries for classifications as indicated in the attached Resolution;
 - b. Amend the Information Technology Budget Unit 1930-INF002, to delete one (1) Data Entry Operator II, one (1) Network Systems Engineer III, one (1) Security Analyst III, two (2) Systems Programmer Analyst III, and one (1) Information Technology Manager; and add two (2) Division Managers, three (3) Information Technology Supervisors, and one (1) Information Technology Project Management Analyst III;
 - c. Amend the Information Technology Budget Unit 1930-INF001, to delete one

- (1) Telecommunications Technician III, and one (1) Assistant Director of Information Technology; and add one (1) Telecommunications Specialist IV, and one (1) Division Manager;
- d. Authorize the County Administrative Office to incorporate these changes into the FY 2012-13 Adopted Budget to reflect the change in position counts as described in Attachment A; and
- e. Authorize the County Administrative Office and the Human Resources Department to take necessary action to program the Advantage system to implement these actions.

Attachments: [Board Resolution File ID #13-0237](#)
[Attachment A File ID #13-0237](#)
[Attachment B File ID #13-0237](#)

30. Approve the Board of Supervisor Action Minutes of Wednesday, June 6, 2012; Tuesday, June 12, 2012 and Tuesday June 26, 2012.

Attachments: [BOS - FINAL MINUTES 06-06-12](#)
[BOS - FINAL MINUTES 06-12-12](#)
[BOS - FINAL MINUTES 06-26-12](#)

31. a. Approve staff recommendation to amend Section 5.4.130 of the Code to establish "Abuse of Discretion" as the Standard for the Board of Supervisors to Consider Appeals of Taxes, Penalties and Interest for Delinquent Transient Occupancy Tax Remittances;
- b. Direct Staff to Return Within Four Weeks with Proposed Amendments to the Transient Occupancy Tax Ordinance that Establishes "Abuse of Discretion" as the Standard of Review by the Board of Supervisors for Taxes, Penalties and Interest, and Additional Amendments as May be Recommended by the Treasurer-Tax Collector; and
- c. Approve recommended interim "De Novo" Standard of Appeal for the procedure set forth in Article 5.40.130 of the County Code related to appeals by operators of transient occupancy taxes, penalties and interest for two current appeals.

Attachments: [Attachment A TOT Penalty Appeal](#)
[Attachment B TOT Penalty Appeal](#)

32. Authorize advance step placement of Mr. Dewayne Woods at Step 4 of the Assistant County Administrative Officer (ACAO) salary range in accordance with Personnel Policies and Practices Resolution (PPPR) No. 98-394, Sections A.1.11.1, A.1.11.5 and A.5.1.

RMA - Planning

33. a. Approve Amendment No. 2 to Funding Agreement No. A-12185 with California-American Water Company where the Base Budget of \$58,409.00 is increased by \$23,006.00 to \$81,415.00, and the Contingency budget of

\$8,761.35 is increased by \$3,450.90 to \$12,212.25 with no change to the County fee of \$3,170.00, for a total amount not to exceed \$96,797.25 to allow funding to Monterey County for costs incurred by Rincon Consultants, Inc. to internally transfer budget funds and include new additional tasks associated with providing support to the Planning Department for the processing of the San Clemente Dam Diversion Project Application (PLN110373) in Carmel Valley and extend the term to December 31, 2013; and

b. Authorize the Contracts/Purchasing Officer to execute Amendment No. 2 to Funding Agreement No. A-12185 and future amendments to the Agreement where the amendments do not significantly alter the scope of work or change the approved Agreement amount.

(PD060202/Rincon Consultants, Inc. and PLN110373/San Clemente Dam Diversion Project Application in Carmel Valley)

Attachments: [Attachment A - Amendment No. 2 to Funding Agreement No. A-12185](#)

RMA - Public Works

34. a. Adopt Plans and Special Provisions for the Harris Road Overlay, Project No. 13-142365; and

b. Authorize the Director of Public Works to advertise the “Notice to Bidders” in the *Monterey County Weekly*.

Attachments: [Project Budget](#)

[Notice to Bidders](#)

[Book One Harris Road Overlay Project No. 13-142365](#)

[Book Two Harris Road Overlay Project No. 13-142365](#)

[Construction Plans Harris Road Overlay Project 13-142365](#)

[Location Map](#)

35. a. Adopt Plans and Special Provisions for the Castroville Drainage and Road Improvements between Union Street and Poole Street, Project No. 13-142465; and

b. Authorize the Director of Public Works to advertise the “Notice to Bidders” in the *Monterey County Weekly*.

Attachments: [Project Budget](#)

[Notice to Bidders](#)

[Book One Castroville Drainage & Rd Improvements, Project No. 13-142465](#)

[Book Two Castroville Drainage & Rd Improvements, Project No. 13-142465](#)

[Construction Plans Castroville Drainage & Rd Improvements, Project No. 13-14](#)

[Location Map](#)

36. a. ~~Approve and authorize the Chair to execute a First Amendment to the Agreement Concerning Maintenance, Repair, and Operation of Drainage and~~

~~Flood Control Systems and Required Provisions of CC&Rs by and among the County of Monterey, the Monterey County Water Resources Agency, and UCP-East Garrison, LLC, for the East Garrison development on the former Fort Ord; and~~

~~b. Direct the Director of Public Works to submit the executed First Amendment to the County Recorder for recordation.-(REMOVED VIA SUPPLEMENTAL)~~

37. ~~Approve and authorize the Chair to sign a First Amendment to the Urban Services Agreement by and between the County of Monterey and the East Garrison Community Services District Relating to East Garrison for operation and maintenance of infrastructure at the East Garrison development. (REMOVED VIA SUPPLEMENTAL)~~
38. ~~a. Approve and authorize the Chair to sign an Advance Funding Agreement between BMC EG GARDEN, LLC and the County of Monterey for Prevailing Wage Compliance at the East Garrison Project at Fort Ord relating to the provision of funds to cover County costs for monitoring and reporting on prevailing wages obligations;~~
~~b. Approve and authorize the Chair to sign an Advance Funding Agreement between BMC EG BUNGALOW, LLC and the County of Monterey for Prevailing Wage Compliance at the East Garrison Project at Fort Ord relating to the provision of funds to cover County costs for monitoring and reporting on prevailing wages obligations; and~~
~~c. Approve and authorize the Chair to sign an Advance Funding Agreement between BMC EG VILLAGE, LLC and the County of Monterey for Prevailing Wage Compliance at the East Garrison Project at Fort Ord relating to the provision of funds to cover County costs for monitoring and reporting on prevailing wages obligations. (REMOVED VIA SUPPLEMENTAL)~~
39. ~~a. Accept as complete a portion of the East Garrison Subdivision Phase 1 Infrastructure Improvements, including off-site road improvements, off-site and on-site drainage improvements, and on-site grading, erosion control, and infrastructure;~~
~~b. Accept the completed road improvements on Intergarrison Road, Intergarrison Connector Road, and West Camp Street into the County's maintained road system; and~~
~~c. Approve the release or reduction of Grading, Faithful Performance, and Labor and Material Bonds related to said improvements in accordance with Government Code section 66499.7 after the passage of time for recording claims or liens.-(REMOVED VIA SUPPLEMENTAL)~~

Addendum/Supplemental for March 19, 2013

41. Addendum / Supplemental for Tuesday, March 19, 2013

ADDENDUM

Add Under Closed Session

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

d. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal

counsel regarding existing litigation:

(1) The County of Monterey v. Nova Partners, Inc., et al. (Monterey County Superior Court case no. M96829)

SUPPLEMENTAL**Remove From Consent Calendar - Public Works**

36. a. Approve and authorize the Chair to execute a First Amendment to the Agreement Concerning Maintenance, Repair, and Operation of Drainage and Flood Control Systems and Required Provisions of CC&Rs by and among the County of Monterey, the Monterey County Water Resources Agency, and UCP East Garrison, LLC, for the East Garrison development on the former Fort Ord; and
- b. Direct the Director of Public Works to submit the executed First Amendment to the County Recorder for recordation.
37. Approve and authorize the Chair to sign a First Amendment to the Urban Services Agreement by and between the County of Monterey and the East Garrison Community Services District Relating to East Garrison for operation and maintenance of infrastructure at the East Garrison development.
38. a. Approve and authorize the Chair to sign an Advance Funding Agreement between BMC EG GARDEN, LLC and the County of Monterey for Prevailing Wage Compliance at the East Garrison Project at Fort Ord relating to the provision of funds to cover County costs for monitoring and reporting on prevailing wages obligations;
- b. Approve and authorize the Chair to sign an Advance Funding Agreement between BMC EG BUNGALOW, LLC and the County of Monterey for Prevailing Wage Compliance at the East Garrison Project at Fort Ord relating to the provision of funds to cover County costs for monitoring and reporting on prevailing wages obligations; and
- c. Approve and authorize the Chair to sign an Advance Funding Agreement between BMC EG VILLAGE, LLC and the County of Monterey for Prevailing Wage Compliance at the East Garrison Project at Fort Ord relating to the provision of funds to cover County costs for monitoring and reporting on prevailing 39 wages obligations.
39. a. Accept as complete a portion of the East Garrison Subdivision Phase

- 1 Infrastructure Improvements, including off-site road improvements, off-site and on-site drainage improvements, and on-site grading, erosion control, and infrastructure;
- b. Accept the completed road improvements on Intergarrison Road, Intergarrison Connector Road, and West Camp Street into the County's maintained road system; and
- c. Approve the release or reduction of Grading, Faithful Performance, and Labor and Material Bonds related to said improvements in accordance with Government Code section 66499.7 after the passage of time for recording claims or liens.