

# **Monterey County**

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



## **Action Minutes - Final**

**Tuesday, December 11, 2012**

**9:00 AM**

**See separate agendas for Successor Agency to the Monterey  
County Redevelopment Agency, Pajaro County Sanitation District &  
Monterey County Water Resources Agency**

**Board of Supervisors**

**Call to Order**

The meeting was called to order by Chair Potter.

**Roll Call**

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

**Additions and Corrections for Closed Session**

There were no additions or corrections to Closed Session.

**Closed Session**

1. Closed Session under Government Code section 54950, relating to the following items:
  - a. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation:
    - (1) County v. Loan Exchange Group, et al., Monterey Superior Court Case no. M113741
  - b. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding liability claims against the County of Monterey.
    - (1) Joseph M. Banuelos, Jr.
    - (2) Janet E. Pessagno
    - (3) Jodi L. Dionne
    - (4) Michael Greene
    - (5) Neelima Vegesna
    - (6) Monterey-Salinas Transit District
  - c. Pursuant to Government Code section 54957, the Board will confer regarding discipline, dismissal, or release of a public employee.
  - d. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:
    - (1) Designated representatives: James May and Brette NealEmployee Organization(s): Units A, B, and C
  - e. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.

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

- a. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation:

(1) Loan Exchange Group, et al. v. County of Monterey, et al. (Monterey County Superior Court case no. M 88120 )

CLOSED SESSION REPORT: The Board took no reportable actions.

b. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding liability claims against the County of Monterey.

(1) Joseph M. Banelos, Jr.

CLOSED SESSION REPORT: The Board rejected the claim of Joseph M. Banelos, Jr., unanimously.

(2) Janet E. Pessagno

CLOSED SESSION REPORT: The Board rejected the claim of Janet E. Pessagno, unanimously.

(3) Jodi L. Dionne

CLOSED SESSION REPORT: The Board rejected the claim of Jodi L. Dionne, unanimously.

(4) Michael Greene

CLOSED SESSION REPORT: The Board rejected the claim of Michael Greene, unanimously.

(5) Neelima Vegesna

CLOSED SESSION REPORT: The Board rejected the claim of Neelima Vegesna, unanimously.

(6) Monterey-Salinas Transit District

CLOSED SESSION REPORT: The Board took no reportable action on claim of Monterey-Salinas Transit District.

c. Pursuant to Government Code section 54957, the Board will confer regarding discipline, dismissal, or release of a public employee.

CLOSED SESSION REPORT: The Board took no reportable action.

d. 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, and C

CLOSED SESSION REPORT: The Board conferred with labor negotiators and approved a side letter related to the special leave bank. The letter will get approved in open session in the near future and will be effective as soon as it is executed.

**10:30 AM Reconvene**

**Roll Call**

*Present: Charlie Steves, Interpreter*

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

**Pledge of Allegiance**

The Pledge of Allegiance was led by Supervisor Parker.

**Additions and Corrections**

Due to the need for immediate consideration by the Board of matters which arose after the posting of today's agenda, as provided in Section 54954.2 of the California Government Code the Board is asked to make the following additions and corrections:

**Remove from Consent Calendar– General Government**

49. a. Introduce, waive reading and set January 15, 2013 at 1:30 p.m. to consider adoption of an Ordinance of the County of Monterey, State of California, revising Monterey County Code, Title 2, Chapter 2.80 of the County of Monterey Discrimination Complaint Ordinance and retitling Chapter 2.80 to Equal Opportunity and Non Discrimination Ordinance;
- b. Direct the Clerk of Board to publish the summary five days prior to set date of January 15, 2013 and within 15 days of adoption in The Salinas Californian.

**Consent Calendar- General Government**

48. Materials submitted

Approve the Monterey County Travel and Business Expense Reimbursement Policy, effective December 11, 2012. (A strikeout version of the County Travel and Business Expense Reimbursement Policy has been submitted and provided to all Board members.)

Adjourn in memory of

Birt Johnson, Sr. and Robert Johnson

### **Consent Calendar- (See Supplemental Sheet)**

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

Art McGloughlin requested item 71 be pulled.

Supervisor Parker pulled items 71 and 45 for comments and clarification.

Supervisor Calcagno pulled item 32 and requested it be continued to January 8, 2013.

Item 49 removed from the agenda via Additions and Corrections as read into the record by the Clerk.

Public comment regarding item 71: Art McGlouglin, Eric Petersen, Lavonne Stone  
A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Simón Salinas, to approve the Consent Calendar - Regular with the exception of item 49 which was removed from the agenda and item 32 which was continued to January 8, 2013. ALL AYES

### **Ceremonial Resolutions**

#### **Approval of the Consent Agenda**

A motion was made to approve the Consent Agenda. The motion carried unanimously.

3. Adopt Resolution commending Assemblyman Luis Alejo for his many contributions to the County of Monterey. (Supervisor Potter)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, that Resolution 12-351 be adopted. ALL AYES

4. Adopt Resolution commending Sergeant John Pellerin, Monterey County Sheriff's Office, upon his retirement from 28 years of Public Service. (Supervisor Potter)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, that Resolution 12-352 be adopted. ALL AYES**
5. Adopt Resolution commending Chief Deputy Jeffrey J. Budd, Monterey County Sheriff's Office upon his retirement from 34.5 years of Public Service. (Supervisor Potter)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, that Resolution 12-353 be adopted. ALL AYES**
6. Adopt Resolution commending Commander Scott Ragan, Monterey County Sheriff's Office upon his retirement from 28 years of Public Service. (Supervisor Potter)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, that Resolution 12-354 be adopted. ALL AYES**
7. Adopt Resolution commending Sergeant Richard Rodriguez, Monterey County Sheriff's Office upon his retirement from 28 years of Public Service. (Supervisor Potter)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, that Resolution 12-356 be adopted. ALL AYES**
8. Adopt Resolution commending Deputy Kevin Hockenhill, Monterey County Sheriff's Office upon his retirement from 25 years of service. (Supervisor Potter)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, that Resolution No. 12-359 be adopted. ALL AYES**
9. Adopt Resolution honoring Lynn Diebold upon her retirement from the County of Monterey after 44 years of Public Service. (Supervisor Potter)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, that Resolution No. 12-355 be adopted. ALL AYES**
10. Adopt Resolution honoring Elizabeth "Petie" Helfrich as recipient of the 2012 Monterey County Women Lawyers Association Lady Justice Lifetime Achievement Award. (Supervisor Potter)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, that Resolution No. 12-357 be adopted. ALL AYES**
11. Adopt Resolution honoring Gail S. Terry on the occasion of her retirement after 35 years of distinguished service with the County of Monterey, Department of Social and Employment Services. (Supervisor Potter)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, that Resolution No. 12-358 be adopted. ALL AYES**

### **Appointments**

- 12.** Reappoint Salvador Muñoz to the Historical Resources Review Board, term ending December 31, 2015. (Supervisor Armenta)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta, that this appointment be approved. ALL AYES**
- 13.** Appoint Michael A. O'Brien to the Military & Veterans Affairs Advisory Commission to fill an unexpired term ending December 31, 2015. (Full Board)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta, that this appointment be approved. ALL AYES**
- 14.** Reappoint Dan Presser to the Military & Veterans Affairs Advisory Commission, term ending December 31, 2016. (Full Board)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta, that this reappointment be approved. ALL AYES**
- 15.** Reappoint Sid Williams to the Military & Veterans Affairs Advisory Commission, term ending December 31, 2016. (Full Board)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta, that this reappointment be approved. ALL AYES**
- 16.** Appoint Genie Jimenez to the In-Home Supportive Services Advisory Committee, term ending June 30, 2013. (Supervisor Armenta)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta, that this appointment be approved. ALL AYES**
- 17.** Reappoint Paul Binsacca to the Resource Conservation District, term ending November 30, 2016. (Full Board)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta, that this reappointment be approved. ALL AYES**
- 18.** Reappoint Juan Sanchez to the Military and Veterans Commission, term ending January 1, 2016. (Supervisor Salinas)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta, that this reappointment be approved. ALL AYES**
- 18.1** Appoint Raquel Toribio to the In-Home Supportive Services Advisory Committee to fill an unexpired term ending June 30, 2013. (Full Board) (ADDED VIA ADDENDUM)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta, that this appointment be approved. ALL AYES**

**Other Board Matters**

- 19. Board Comments  
  
**Supervisor Parker announced she is looking for people to serve as District 4 Supervisor's representatives on the In-Home Supportive Services Advisory Committee and the Housing Authority for Monterey County. Anyone interested can find details on her website. Please send letter of interest and resume to her office.**
  
- 20. CAO Comments and Referrals  
  
**There were no CAO comments or referrals.**
  
- 21. General Public Comment  
  
**Pam Silkwood; Brian Clark; Joe Vierra; Thelma McIntosh; Hans Jongens.**

**10:30 A.M. - Scheduled Matters**

- 22. Adopt an Ordinance amending Section 5.08.120 of the Monterey County Code, in response to Board Referral 2011.07 regarding the local hiring process for County construction contracts.  
  
**Public comment: Ron Chesshire; Don Chapin; Yvonne Stone; Joe Vierra; Abel Moran.**  
**A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, to adopt Ordinance 5210 amending Section 5.08.120 of the Monterey County Code, in response to Board Referral 2011.07 regarding the local hiring process for County construction contracts; additionally directed staff to return in a reasonable amount of time to report on how the program is working. ALL AYES**
  
- 23. Continued from October 23, 2012 to:  
Adopt resolution finding that a public convenience or necessity would be served by the issuance of a Type 20 (Off-Sale Beer and Wine) license by the Department of Alcoholic Beverage Control (ABC) to Peninsula Petroleum, LLC at 7 Carmel Center Place, Carmel for the sale of beer and wine for off-site consumption, pursuant to California Business and Professions Code Section 23958.4.  
(PLN120569/ Peninsula Petroleum, LLC, 7 Carmel Center Place, Carmel, Carmel Valley Master Plan)  
  
**Item withdrawn. No action taken.**
  
- 24. Accept an oral presentation from the Department Heads' Geographic Information Systems Committee.  
  
*Public comment: Lavonne Stone*

A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta, to accept the oral presentation. ALL AYES

25. Receive and accept the County of Monterey Cost Savings Committee report.

**Public comment: Cesar Lara**

A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta, to receive and accept this report; adopt the 2013-14 Legislative Program with modifications as follows: 1) Change references from "gang violence" to "violence prevention" with the understanding that primary focus is for the gang prevention; and 2) add bullet under Economic Development "to support comprehensive immigration reform to assure an adequate labor supply"; additionally, directed staff to meet with the agricultural community and return with a more fleshed out program through the Legislative Committee then back to the Board.

ALL AYES

A motion was made by Supervisor Simon Salinas, seconded by Supervisor Armenta to receive the annual legislative report from Monterey County's federal legislative advocate, Brent R. Heberlee of Nossaman LLP; and received annual legislative report from Monterey County's state legislative advocate, John E. Arriaga of JEA & Associates. ALL AYES

### **12:00 PM Recess to Lunch**

### **1:30 PM Reconvene**

### **Roll Call**

*Present: Charlie Steves, Interpreter*

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

### **1:30 P.M. - Scheduled Matters**

26. a. Receive report and consider recommendation by the Legislative Committee to adopt the 2013-14 Legislative Program;
- b. Receive annual legislative report from Monterey County's federal legislative advocate, Brent R. Heberlee of Nossaman LLP; and
- c. Receive annual legislative report from Monterey County's state legislative advocate, John E. Arriaga of JEA & Associates.

**Public comment: Cesar Lara**

A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Jane Parker to a. Receive report and consider recommendation by the Legislative Committee to adopt the 2013-14 Legislative Program and 1) change references to "gang violence" to "violence prevention", understanding that the primary focus is the gang violence prevention; 2) changes in early childhood development section focusing on Dr. Heckman's talking points; 3) add bullet under economic development "to support comprehensive immigration reform to assure an adequate labor supply for agriculture and hospitality"; 4) meet



with agriculture and hospitality communities to address labor needs and issues. **ALL AYES**

**A motion was made by Supervisor Simon Salinas, seconded by Supervisor Fernando Armenta to: b. Receive annual legislative report from Monterey County's federal legislative advocate, Brent R. Heberlee of Nossaman LLP; and c. Receive annual legislative report from Monterey County's state legislative advocate, John E. Arriaga of JEA & Associates. ALL AYES**

**27.**

Adopt Resolution to:

- a. Approve the transfer of the administrative organizational reporting structure of the Office for Employment Training from the Department of Social and Employment Services to the Economic Development Department;
- b. Amend Personnel Policies and Practices Resolution No. 98-394 to re-title the classification of Economic Development/WIB Director to Economic Development Director and amend Section A.10.1 Department Heads Designated as indicated in Attachment A;
- c. Approve the re-titling of the Department of Social and Employment Services to the Department of Social Services; and
- d. Authorize the County Administrative Officer and Auditor Controller to take the necessary action to program the Advantage system to implement these actions including the transfer of positions, appropriations and units as well as the accounting structure and levels of the appropriation control effective July 1, 2013 (4/5ths vote required). (CONTINUED VIA ADDITIONS AND CORRECTIONS TO OCTOBER 23, 2013)

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 12-367 to:**

- a. Approve the transfer of the administrative organizational reporting structure of the Office for Employment Training from the Department of Social and Employment Services to the Economic Development Department;**
- b. Amend Personnel Policies and Practices Resolution No. 98-394 to re title the classification of Economic Development/WIB Director to Economic Development Director and amend Section A.10.1 Department Heads Designated as indicated in Attachment A;**
- c. Approve the re-titling of the Department of Social and Employment Services to the Department of Social Services; and**
- d. Authorize the County Administrative Officer and Auditor Controller to take the necessary action to program the Advantage system to implement these actions including the transfer of positions, appropriations and units as well as the accounting structure and levels of the appropriation control effective July 1, 2013 (4/5ths vote required). ALL AYES**

**28.**

Receive an oral report from the Equal Opportunity Officer on the Commission on Disabilities' 2011-12 annual report.

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta, to receive the oral report from the Equal Opportunity Officer on the Commission on Disabilities' 2011-12 annual report. ALL AYES**

**29.**

Public hearing to:

Consider a continuance to January 15, 2013 of a public hearing to consider an

application for a Lot Line Adjustment between four lots of record within Farmland Security Zone (FSZ) and FSZ Contract No. 2012-010 and Ag P No. 83-05 and Land Conservation Contract No. 83-05 to: reduce a 373.66 acre parcel (Lot MM, Assessor's Parcel Numbers (APN) 167-081-006-000, 137-151-006-000, 137-151-007-000 and 137-151-000-800) to a 359.44 acre parcel (proposed Lot 1); increase a 0.84 acre parcel (Lot LL, a portion of APN 167-011-013-000) to a 14.22 acre parcel (proposed Lot 2); reduce a 30.7 acre parcel (Lot GG, a portion of APN 167-011-015-000) to a 6.28 acre parcel (proposed Lot 3); and increase a 29.3 acre parcel (Lot DD, a portion of APN 167-011-015-000 and a portion of APN 167-011-013-000) to a 54.56 acre parcel (proposed Lot 4); and, removal of 7.42 acres from Williamson Act Agricultural Preserve (AgP) No. 73-12 and Land Conservation Contract No. 73-12. A 7.42 acre portion of APN 167-011-015-000 will be removed from Ag P No. 73-12 and Williamson Act Land Conservation Contract No. 73-12. A total of 24.33 acres (APN Nos. 137-151-006-000 [2.31 acres], 137-151-007-000 [1.59 acres] and 137-151-008-000 [20.43 acres]) currently within FSZ No. 2012-010, will be removed from Ag P No. 83-05 and Land Conservation Contract No. 83-05, to correct an inadvertent omission from Board of Supervisors Resolution No. 2011-379 which placed portions of the property subject to Ag P No. 73-12 and Land Conservation Contract No. 73-12 and Ag P No. 83-05 and Land Conservation Contract No. 83-05 into FSZ No. 2012-010 and FSZ Contract No. 2012-010 without rescinding Ag P No. 83-05 and Land Conservation Contract No. 83-05 as applicable to the 24.33 acres of property within FSZ No. 2012-010 and subject to FSZ Contract No. 2012-010. (Lot Line Adjustment Application - PLN120746/Sea Mist Farms LLC, Desert Mist Farms LLC, Desert Mist LLC, located along River Road, adjacent to Somavia Road, Chualar, Toro Area Plan & Central Salinas Valley Area Plan within the Agricultural and Winery Corridor Plan [AWCP])

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta, to continue to January 15, 2013, the Public hearing to: Consider a continuance to January 15, 2013 of a public hearing to consider an application for a Lot Line Adjustment between four lots of record within Farmland Security Zone (FSZ) and FSZ Contract No. 2012-010 and Ag P No. 83-05 and Land Conservation Contract No. 83-05 to: reduce a 373.66 acre parcel (Lot MM, Assessor's Parcel Numbers (APN) 167-081-006-000, 137-151-006-000, 137-151-007-000 and 137-151-000-800) to a 359.44 acre parcel (proposed Lot 1); increase a 0.84 acre parcel (Lot LL, a portion of APN 167-011-013-000) to a 14.22 acre parcel (proposed Lot 2); reduce a 30.7 acre parcel (Lot GG, a portion of APN 167-011-015-000) to a 6.28 acre parcel (proposed Lot 3); and increase a 29.3 acre parcel (Lot DD, a portion of APN 167-011-015-000 and a portion of APN 167-011-013-000) to a 54.56 acre parcel (proposed Lot 4); and, removal of 7.42 acres from Williamson Act Agricultural Preserve (AgP) No. 73-12 and Land Conservation Contract No. 73-12. A 7.42 acre portion of APN 167-011-015-000 will be removed from Ag P No. 73-12 and Williamson Act Land Conservation Contract No. 73-12. A total of 24.33 acres (APN Nos. 137-151-006-000 [2.31 acres], 137-151-007-000 [1.59 acres] and 137-151-008-000 [20.43 acres]) currently within FSZ No. 2012-010, will be removed from Ag P No. 83-05 and Land Conservation Contract No.**

83-05, to correct an inadvertent omission from Board of Supervisors Resolution No. 2011-379 which placed portions of the property subject to Ag P No. 73-12 and Land Conservation Contract No. 73-12 and Ag P No. 83-05 and Land Conservation Contract No. 83-05 into FSZ No. 2012-010 and FSZ Contract No. 2012-010 without rescinding Ag P No. 83-05 and Land Conservation Contract No. 83-05 as applicable to the 24.33 acres of property within FSZ No. 2012-010 and subject to FSZ Contract No. 2012-010.

(Lot Line Adjustment Application - PLN120746/Sea Mist Farms LLC, Desert Mist Farms LLC, Desert Mist LLC, located along River Road, adjacent to Somavia Road, Chualar, Toro Area Plan & Central Salinas Valley Area Plan within the Agricultural and Winery Corridor Plan [AWCP]) ALL AYES

30.

- a. Receive an oral update on the status of the Low Income Health Program application; and
- b. Receive a presentation on the development of a local program to improve access to health care services for uninsured in Monterey County.

Public comment: Female (name not given); Cesar Lara; Denise Turley; Linda Lu; Cathy Goldenbrantz; Jay Donato; Erik Larsen.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker, to a. Receive an oral update on the status of the Low Income Health Program application; and

b. Receive a presentation on the development of a local program to improve access to health care services for uninsured in Monterey County. ALL AYES

**Adjournment**

In Memory of Robert Lowell Johnston and Birt Johnson, Sr.

**APPROVED:**

/s/ Fernando Armenta  
**FERNANDO ARMENTA, CHAIR**  
**BOARD OF SUPERVISORS**

**ATTEST:**

**BY:** /s/ Gail T. Borkowski

**GAIL T. BORKOWSKI**

**CLERK OF THE BOARD** Approved May 7, 2013

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

31. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. 2 to the Agreement (A-12015) with Databank IMX for OnBase Software, Software Implementation, Software & Scanner Maintenance and Professional Services at NMC, adding \$270,716.36 (\$238,398.21 for new services to be rendered in Fiscal Years 2012-2013 and 2013-2014 and \$32,318.15 for services rendered in FY 2011-2012) for a total contract amount not to exceed \$548,222.16 in the aggregate.

**Approved - Agreement No. A-12015**

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

*Supervisor Calcagno requested this item be continued.*

**A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Simón Salinas, to continue this item to January 8, 2013. ALL AYES**

33. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. 1 to the Agreement (MYA 427) with Soliant Health Inc. for Temporary Staffing Services at NMC, extending the Agreement to June 30, 2013 and adding \$100,000 for a revised total Agreement amount not to exceed \$200,000 in the aggregate.

**Approved - Agreement No. A-12367**

34. a. Award a contract in the total amount of \$35,875.00 to Tombleson Incorporated, the lowest responsible and responsive base bidder, for the Natividad Medical Center (NMC) ED Exterior Door Replacement Project No 9600-28 Bid NMC-1003;  
b. Approve of the Performance and Payment Bonds executed and provided by Tombleson Incorporated;  
c. Approve a contingency (not to exceed 10% of the contract amount) to

provide funding for approved contract change orders; and  
d. Approve the Purchasing Manager at NMC to execute the contract and subject to the terms of the Public Contract Code, approve change orders to the contract that do not exceed 10% of the original contract amount, and do not significantly change the scope of work.

**Approved - Agreement No. A-12368; Construction No. 2012-015**

35. a. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute the Acknowledgement and Consent of the Assignment and Assumption Agreement between John Schatz M. D., an individual and John Schatz M.D., a Medical Corporation effective January 1, 2013; and  
b. Authorize the Purchasing Manager for NMC to execute the Second Amendment to the Professional Services Agreement (A-11862) with John Schatz M.D., a Medical Corporation (formerly John Schatz M.D., an individual) to provide cardiology services at NMC, extending the Agreement to June 30, 2014 and adding \$258,000 for a revised total Agreement amount not to exceed \$794,600 in the aggregate (for the period October 1, 2011 to June 30, 2014); and  
c. Authorize the Purchasing Manager for NMC to execute to sign up to three (3) amendments to this agreement where the total amendments do not exceed 10% of the original contract amount, and do not significantly change the scope of work.

**Approved - Agreement No. A-11862**

36. a. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute the Professional Services Agreement with Specialists on Call, Inc. ("SOC"), a Delaware corporation; Tele-Physicians, P.A., a California professional association doing business as California Tele-Physicians ("CATP") to provide neurology consultative services for an amount not to exceed \$380,000 from the effective date to December 31, 2015. The term of this Agreement is thirty six (36) months with an option that either party may terminate without cause after the first twelve (12) months with one hundred twenty (120) days written notice.  
b. Authorize the Purchasing Manager for NMC to execute to sign up to three (3) amendments to this agreement where the total amendments do not exceed 10% of the original contract amount, and do not significantly change the scope of work.

**Approved - Agreement No. A-11369**

37. a. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute the First Amendment to the Professional Services Agreement (A-12154) with Precision Orthopedics to provide orthopedic services at NMC, extending the Agreement from January 1, 2013 to December 31, 2013 and adding \$820,000 for a revised total Agreement amount not to exceed \$2,020,000 in the aggregate (for the period January 1, 2012 to December 31,

2013); and

b. Authorize the Purchasing Manager for NMC to execute to sign up to three (3) additional amendments to this agreement where the total amendments do not exceed ten percent (10%) of the original contract amount, and do not significantly change the scope of work.

**Approved - Agreement No. A-12154**

38. a. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute the Second Amendment to Professional Medical Services Agreement (A-12157) with Jason Wasche D. O. to provide Hospitalist Services at NMC, extending the term of the Agreement from January 1, 2013 to December 31, 2014 for a total amount not to exceed \$350,000 (no change from the previously approved amount) in the aggregate (for the period July 1, 2011 to December 31, 2014); and
- b. Authorize the Purchasing Manager for NMC to execute to sign up to three (3) additional amendments to this agreement where the total amendments do not exceed ten percent (10%) of the original contract amount, and do not significantly change the scope of work.

**Approved - Agreement No. A-12157**

39. Approve and ratify the Anthem Blue Cross Facility Agreement negotiated and executed by the Chief Executive Officer (CEO) for Natividad Medical Center (NMC) which makes NMC a Top/Preferred Benefit Tier hospital for all underwritten Anthem insurance plans from August 1, 2012 through July 31, 2014 and automatically renews for consecutive one (1) year terms unless otherwise terminated.

**Approved - Agreement No. A-12370**

### **Health and Social Services**

40. Approve and authorize the Director of the Department of Social and Employment Services (DSES), or his designee, to sign an agreement with Health Projects Center allowing the exchange of information to successfully transition the Multi-purpose Senior Services Program (MSSP) from Monterey County to Health Projects Center, effective February 1, 2012.

**Approved - Agreement No. A-12371**

41. a. Approve and authorize the Director of the Department of Social and Employment Services, or his designee, to sign County Purchase MT-01-2012 with the California SAWS Consortium IV (C-IV) under the Joint Powers Agreement amended in 2010, and the C-IV MOU executed on April 27, 2010, for \$2,182,286 to implement C-IV Contact Center technology in Monterey County for the period December 31, 2012 through June 30, 2014; and
- b. Authorize the Director of the Department of Social and Employment Services, or his designee, to sign up to three (3) amendments to this

agreement, where the total amendments do not exceed ten percent (10%) of the original contract amount, and do not significantly change the scope of work.

**Approved - Agreement No. A-12372**

- 42.
- a. Approve and authorize the Contracts/Purchasing Officer to execute Amendment No. 1 to Professional Services Agreement A-12219 in the amount of \$30,000 with Central Coast HIV/AIDS Services, increasing the Agreement by \$70,000 for a revised total amount not to exceed \$100,000 for the provision of education, counseling and testing services in relation to HIV/AIDS, STDs, and Hepatitis C for local alcohol/drug treatment recovery centers; and to provide HIV Targeted Prevention services for the period of July 1, 2011 through June 30, 2013; and
  - b. Authorize the Contracts/Purchasing Officer to approve up to two (2) future amendments to the Agreement where the amendments do not exceed ten percent (10%) of the original Agreement amount, and do not significantly change the scope of services or result in an increase in County General Fund Contribution.

**Approved - Agreement No. A-12219**

- 43.
- a. Approve and authorize the Director of Health to sign a one fiscal year term Mental Health Services Agreement (November 1, 2012 to June 30, 2013) with Crestwood Behavioral Health, Inc. for the provision of mental health services to adults with severe psychiatric disabilities in the amount of \$54,934.00 for Fiscal Year 2012-13 (November 1, 2012 through June 30, 2013), for a total maximum agreement amount of \$54,934.00;
  - b. Authorize the Director of Health to sign the Mental Health Services Agreement with Addendum No. 1 for the County of Monterey; and
  - c. Authorize the Director of Health to approve up to three future amendments to this Agreement where the amendments do not exceed ten percent (10%) of the original contract amount and do not significantly change the scope of work or result in an increase to County General Fund Contribution.

**Approved - Agreement No. A-12373**

### **Criminal Justice**

- 44.
- Approve and authorize the Contracts/Purchasing Officer to sign Amendment No. 3 to the Professional Services Agreement with Behavioral Interventions, Incorporated DBA The GEO Group, Incorporated to extend its term to June 30, 2013, and increase its amount by \$990,000 for FY 2012-13 for a revised total not to exceed \$3,007,051 in the aggregate to continue services to adult offenders participating in the Day Reporting Center.

**Approved - Agreement No. A-12374**

- 45.
- Adoption of a resolution authorizing a two-year extension of the

Memorandum of Understanding by and among the County of Monterey, El Sur Ranch and Don Smythe regarding the role and services of a reserve Deputy Sheriff.

**A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Simón Salinas to adopt Resolution No. 12-370 authorizing a two-year extension of the Memorandum of Understanding by and among the County of Monterey, El Sur Ranch and Don Smythe regarding the role and services of a reserve Deputy Sheriff; additionally directed staff to continue to provide reports to the Board every six months about the kinds of calls that are received and whether the calls are about the El Sur Ranch property. ALL AYES**

### **General Government**

46. a. Approve and authorize the Contracts/Purchasing Officer to execute an Agreement with Websense Inc. on behalf of the County of Monterey for the provision of software subscription for the Websense Web Security software in the amount of \$34,872 for the period of March 1, 2013 through February 29, 2014;
- b. Accept non-standard County liability and indemnification provisions as recommended by the Director of Information Technology; and
- c. Authorize the Contracts/Purchasing Office to sign up to two one-year extensions to this Agreement subject to a 10% subscription price increase limitation each year.
- Approved - Agreement No. A-12375**
47. Receive the attached Action Minutes of the Budget Committee for February 29, 2012, April 25, 2012, May 30, 2012 and June 27, 2012.
- Approved**
48. Approve the Monterey County Travel and Business Expense Reimbursement Policy, effective December 11, 2012.
- Approved**
49. a. Introduce, waive reading and set January 15, 2013 at 1:30 p.m. to consider adoption of an Ordinance of the County of Monterey, State of California, revising Monterey County Code, Title 2, Chapter 2.80 of the County of Monterey Discrimination Complaint Ordinance and retitling Chapter 2.80 to Equal Opportunity and Non-Discrimination Ordinance.
- b. Direct the Clerk of Board to publish the summary five days prior to set date of January 15, 2013 and within 15 days of adoption in The Salinas Californian.
- A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Simón Salinas, this item was removed from the agenda. ALL AYES**
50. Ratify Approval of Amendments to the Memorandum of Understanding regarding the Monterey County Joint Gang Task Force.



**Approved - Agreement No. A-12376**

51. a. Approve and authorize the Contracts / Purchasing Officer to sign a “Revocable License Agreement for Non-Federal Use of Real Property” (License Agreement) between the United States of America Department of Transportation Federal Aviation Administration (FAA) and Monterey County revocable with thirty (30) days written notice;
- b. Authorize expenditures of up to \$5,000 per year on shared road maintenance as defined in the Agreement; and
- c. Accept Non-Standard County Liability and Indemnification Provisions as recommended by the Director of Emergency Communications.

**Approved - Agreement No. A-12377**

52. Approve updates to the Monterey County Internal Revenue Code Section 125 Plan.

**Approved**

53. Approve and authorize the Contracts / Purchasing Officer to sign the Agreement for the Sharing of Costs for a Telephone Emergency Notification System (TENS) between the County and cities in Monterey County that are participating in the system.

**Approved - Agreement No. A-12378**

54. a. Receive the Certified Statement of Votes cast and declare the results of the November 6, 2012 Presidential Election;
- b. Declare elected the candidates to their respective offices who received the highest number of votes on November 6, 2012, for which the Board of Supervisors has jurisdiction; and
- c. Declare reelected the incumbent candidates nominated to the office of Superior Court Judge in accordance with California Election Code Section 8203.

**Approved**

55. a. Approve and authorize Tom Shepherd, Deputy Chief Park Ranger/Operations Manager to sign on behalf of Monterey County one (1) Standard Grant Agreement and all necessary certifications and documents with the Department of Boating and Waterways for a new patrol boat (Agreement #12-204-755 for \$80,000) in furtherance of receipt of the Grant;
- b. Authorize the Auditor-Controller’s office to increase estimated revenues and appropriations totaling \$80,000 in Appropriation Unit PAR004 (4/5 vote required); and
- c. Authorize the Contracts/Purchasing Officer to approve purchase up to the approved grant amount \$80,000 respectively.

**Approved - Agreement No. A-12379**

56. a. Amend the Office of County Counsel Budget Unit 1210-8057 to reallocate one (1.0) FTE Senior Legal Secretary-Confidential to one (1.0) FTE Administrative Secretary-Confidential; and  
b. Direct the County Administrative Office to incorporate the approved changes into the FY 2012-13 adopted budget

**Approved**

57. a. Approve and authorize the Contracts/Purchasing Officer to execute on behalf of the County of Monterey non-standard software licensing, software maintenance/support, and software subscription Agreements up to \$100,000, at the recommendation of the Director of Information Technology, where the Agreements do not require on-site services by the vendor and after consultation with Risk Management and the Office of the County Counsel;  
b. Accept non-standard language in the Agreements issued by the vendors, after consultation with Risk Management and the Office of the County Counsel; and  
c. Authorize the Contracts/Purchasing Officer to issue purchase orders as recommended by the Director of Information Technology for the software licensing, software maintenance/ support, and software subscriptions where the annual Agreement amount does not exceed \$100,000.

**Approved - Agreement No. A-12380**

58. a. Approve and authorize the Contracts/Purchasing officer to renew Lease Agreement A-07887 through June 30, 2014, with Jonna Tam Ball for 4,316 square feet of space located at 65 West Carmel Valley Road, Carmel Valley, California, for use by the Monterey County Free Libraries, Carmel Valley Branch;  
b. Authorize the Auditor-Controller to make lease payments of \$4,783.39 per month, effective November 1, 2012, and in accordance with the terms of the agreement; and  
c. Authorize the optional renewal of the Lease Agreement for an additional three, two-year periods under the same terms and conditions if deemed by the Contracts/Purchasing Officer to be in the best interest of the County.

**Approved - Agreement No. A-07887**

59. Adopt a Resolution in support of a grant application prepared by the Arts Council for Monterey County submitted to the California Arts Council.

**A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Simón Salinas, to adopt Resolution No. 12-371 in support of a grant application prepared by the Arts Council for Monterey County submitted to the California Arts Council. ALL AYES**

- 59.1 Adopt Resolution to:  
a. Amend the Personnel Policies and Practices Resolution (PPPR) No. 98-394 to adjust the salary range of the Assistant County Administrative Officer

classification as indicated in the attached Resolution;

b. Authorize the Human Resources Department to implement the change in the Advantage HRM system.

**A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Simón Salinas to adopt Resolution No. 12-372 to:**

**a. Amend the Personnel Policies and Practices Resolution (PPPR) No. 98-394 to adjust the salary range of the Assistant County Administrative Officer classification as indicated in the attached Resolution ;**

**b. Authorize the Human Resources Department to implement the change in the Advantage HRM system. ALL AYES**

### **RMA - Planning**

- 60.** a. Approve the Parcel Map for a minor subdivision to divide a 36.7 acre parcel into two parcels of 11.5 acres (Parcel 1), 15.1 acres (Parcel 2) and a remainder parcel of 10.1 acres,  
b. Direct the Clerk of the Board to submit the Parcel Map and Declaration of Covenants, Conditions and Restrictions for a Water System to the County Recorder for filing and recordation;  
(Parcel Map - PLN090145/Miller, 797, 799, 801 and 803 Laureles Grade, Carmel Valley Master Plan)

**Approved**

- 61.** a. Accept the Amended Conservation and Scenic Easement Deed for the Hain and Foster properties;  
b. Authorize the Chair of the Board of Supervisors to execute the Amended Conservation and Scenic Easement Deed; and  
c. Direct the Clerk of the Board to submit the Amended Conservation and Scenic Easement Deed to the County Recorder for recordation.  
(Conservation and Scenic Easement Deed Amendment - PLN120637/Hain and Foster, 38000 and 38010 Rocky Creek Road, Big Sur Coast Land Use Plan, Coastal Zone)

**Approved**

- 62.** Approve and Authorize the Director of Planning to execute the Release of Liability from Indemnification Agreement between Monterey Design Group, LLC (PLN000413) and the County of Monterey.

**Approved - Agreement No. A-12381**

- 63.** a. Approve the Parcel Map for the subdivision of an 80-acre parcel into two (2) 40-acre parcels.  
b. Authorize the Chair to execute the Conservation and Scenic Easement Deed and Certificate of Acceptance and Consent to Recordation.  
c. Authorize the Chair to execute Farmland Security Zone (FSZ) Contract No. 2007-005-A between the County and Leavens Ranches General Partnership (Leavens Ranches GP), amending FSZ and FSZ Contract No. 2007-005.

- d. Accept the Parcel Map Guarantee and Property Tax Clearance Certification (Subdivision).
  - e. Direct the Clerk of the Board to submit the Parcel Map for filing with the County Recorder.
  - f. Direct the Clerk of the Board to submit the Conservation and Scenic Easement Deed and FSZ Contract No. 2007-005-A to the County Recorder for recordation.
- (PLN 070197 Charles E. & Judy A. Martin Trust, Trustees of the Martin Living Trust U/D/T July 25, 2005 (Martin Living Trust), Leavens Ranches General Partnership (Leavens Ranches GP), and Amaral Ranches General Partnership (Amaral Ranches GP), 31300 River Road Soledad, (APN: 216-013-019-000) Central Salinas Valley Area Plan)

**Approved**

### **RMA - Public Works**

- 64.**
- a. Accept subdivision improvements for the Tehàma Phase I, Tehàma Phase III, Tehàma Phase IV, and the Cañada Woods Commercial Center Subdivisions as completed;
  - b. Approve and authorize the Director of Public Works or his designee to execute the Request for Full Reconveyance for the Deeds of Trust for Phase I, Phase III, Phase IV and the Commercial Center securing completion of the infrastructure improvements; and
  - c. Authorize the Director of Public Works or his designee to execute Substitution of Trustee and Reconveyance documents for Tehàma Phase I, Tehàma Phase II, Tehàma Phase III, Tehàma Phase IV, Canada Woods Commercial Center, and York Highlands Subdivisions.

**Approved**

- 65.**
- a. Approve the recommended list of capital projects for allocation of capital funds from Capital Projects, Fund 402;
  - b. Approve the FY 2012-13 Amended Adopted Capital Projects Budget, Fund 402, Appropriation RMA014 increasing appropriations by \$9,090,409 and estimated revenue by \$4,790,300 (4/5th vote required); and
  - c. Authorize the Auditor-Controller to reflect approved appropriations and estimated revenue changes in Capital Projects, Fund 402, Appropriation Code RMA014.

**Approved**

- 66.**
- a. Approve and authorize the Chair to execute the Deed Restriction and Covenants on County-owned properties previously conveyed from the Fort Ord Reuse Authority, as identified in Exhibit A of the Deed Restriction and Covenants; and
  - b. Authorize the Director of Public Works to submit the Deed Restriction and Covenants to the County Recorder for recordation.

**Approved**

67. a. Approve an Amendment to the Real Property Purchase Agreement, No. A-11403, and a License Agreement with Jonathan C. Wooster and Margaret Jane Wooster, Trustees of the 1993 Wooster Revocable Trust U/D/T dated 12/1/93 as to the fee estate, in the amount of \$1,000 for the License Agreement and \$24,000 to remove and relocate the existing steel fence for the construction of the Lonoak Road Bridge at Lewis Creek, County Bridge No. 402, State Bridge No. 44C-0158, Federal Aid Project No. BRLOZB-5944(035), Project No. 09-220565 east of King City; and
- b. Authorize the Director of Public Works to execute the Amendment to Real Property Purchase Agreement, No. A-11403, and License Agreement (Jonathan C. Wooster APN No. 419-141-015 in Monterey County) including the Certificate of Acceptance and Consent to Recordation on behalf of the County.

**Approved - Agreement No. A-11403**

68. a. Approve Amendment No.1 to Professional Services Agreement No. A-12164 with Kimley-Horn and Associates, Inc. to provide for the inclusion of additional engineering services for the analysis of corridor improvements on Carmel Valley Road to provide the Countywide Fee Program Nexus Study; Agriculture and Winery Corridor Plan Impact Fee based on the recent adoption of the General Plan Update; Carmel Valley Transportation Improvement Program Traffic Analysis and Fee Calculation; and California Environmental Quality Act Environmental Review for the Carmel Valley Transportation Improvement Program in the amount of \$97,090 for a total amount not to exceed \$352,253, and extend the term to December 31, 2013; and
- b. Authorize the Contracts/Purchasing Officer to execute Amendment No. 1 to Professional Services Agreement No. A-12164 and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

**Approved - Agreement No. A-12164**

69. Adopt Resolution:
- a. Accepting the Certificate of Completion for the construction of the Procurement (Delivery and Application) of Asphalt Emulsion for the Seal Coat 2012 Project, Project No. 13-551327, performed by Telfer Oil Company; and
- b. Authorizing the Director of Public Works to execute and record the Notice of Completion for the Procurement (Delivery and Application) of Asphalt Emulsion for the Seal Coat 2012 Project, Project No. 13-551327, performed by Telfer Oil Company.

**A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Simón Salinas, to adopt Resolution No. 12-373:**

- a. **Accepting the Certificate of Completion for the construction of the Procurement (Delivery and Application) of Asphalt Emulsion for the Seal Coat 2012 Project, Project No. 13-551327, performed by Telfer Oil Company; and**
- b. **Authorizing the Director of Public Works to execute and record the Notice of Completion for the Procurement (Delivery and Application) of Asphalt Emulsion for the Seal Coat 2012 Project, Project No. 13-551327, performed by Telfer Oil Company. ALL AYES**

70.

Acting on behalf of County Service Area No. 75 adopt Resolution:

- a. Finding that there was sufficient cause to take actions on an emergency basis to implement necessary repairs of the County Service Area No. 75- Chualar wastewater system;
- b. Ratifying the execution of purchase orders and emergency actions taken by the Contracts/Purchasing Officer in response to the identified emergency (4/5th vote required);
- c. Authorize the Auditor-Controller to amend the budget for County Service Area No. 75- Chualar, Fund 093, Appropriation Unit RMA088, for FY 2012-13 by increasing appropriations by \$399,922 and estimated revenues in the amount of \$399,922 for emergency repairs (4/5th vote required); and
- d. Authorize the Auditor-Controller's Office to incorporate approved appropriation and estimated revenue modifications to the FY 2012-13 Budget (4/5th vote required).

**A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Simón Salinas, Acting on behalf of County Service Area No. 75, adopted Resolution No. 12-374:**

- a. Finding that there was sufficient cause to take actions on an emergency basis to implement necessary repairs of the County Service Area No. 75- Chualar wastewater system;
- b. Ratifying the execution of purchase orders and emergency actions taken by the Contracts/Purchasing Officer in response to the identified emergency (4/5th vote required);
- c. Authorize the Auditor-Controller to amend the budget for County Service Area No. 75- Chualar, Fund 093, Appropriation Unit RMA088, for FY 2012-13 by increasing appropriations by \$399,922 and estimated revenues in the amount of \$399,922 for emergency repairs (4/5th vote required); and
- d. Authorize the Auditor-Controller's Office to incorporate approved appropriation and estimated revenue modifications to the FY 2012-13 Budget (4/5th vote required). **ALL AYES**

71.

- a. Adopt a Resolution accepting the November 20, 2012 Quitclaim Deed transferring ownership of land on the former Fort Ord designated as Assessor's Parcel No. 031-161-034 (COE Parcels L20.2.2 and L20.2.3.1 - Youth Camp) from the Fort Ord Reuse Authority to the County of Monterey, and authorizing the Chair to sign the Quitclaim Deed on behalf of the County;
- b. Authorize the Director of Public Works to submit the Quitclaim Deed to the County Recorder for recordation;
- c. Authorize the Resource Management Agency - Public Works to proceed with demolition of substandard structures on the property due to safety and health concerns; and
- d. Authorize the Parks Department to manage the property including the

issuance of permits for low impact use.

**Public comment: Art McGlaughlin; Eric Peterson; Lavonne Stone.**

**A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Simón Salinas, to adopt Resolution No. 12-375 accepting the November 20, 2012 Quitclaim Deed transferring ownership of land on the former Fort Ord designated as Assessor's Parcel No. 031-161-034 (COE Parcels L20.2.2 and L20.2.3.1 - Youth Camp) from the Fort Ord Reuse Authority to the County of Monterey, and authorizing the Chair to sign the Quitclaim Deed on behalf of the County;**

**b. Authorize the Director of Public Works to submit the Quitclaim Deed to the County Recorder for recordation;**

**c. Authorize the Resource Management Agency - Public Works to proceed with demolition of substandard structures on the property due to safety and health concerns; and**

**d. Authorize the Parks Department to manage the property including the issuance of permits for low impact use.**

**e. additionally directed RMA and Parks staff to meet with youth camp staff and other users and return with a more detailed authorization for Board approval regarding limitations on use and program management of the camp. ALL**

**AYES**