

MONTEREY COUNTY



BOARD OF SUPERVISORS

Fernando Armenta
Louis R. Calcagno
Simón Salinas
Jane Parker
Dave Potter

1st District
2nd District
3rd District (Chair)
4th District (Vice-Chair)
5th District

Lew C. Bauman
County Administrative Officer

Charles J. McKee
County Counsel

Gail T. Borkowski
Clerk of the Board
P. O. Box 1728
Salinas, CA 93902

Phone: (831) 755-5066
FAX: (831) 755-5888
www.co.monterey.ca.us

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

TUESDAY, NOVEMBER 2, 2010

9:00 A.M.

9:00 A.M.

ROLL CALL:

Present: Supervisors Salinas (Chair), Armenta, Calcagno, Parker, and Potter.

1. Additions and Corrections for Closed Session: There were no additions or corrections to Closed session.
2. 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) The Bankruptcy of Falcon Cable Company dba Charter Communications (USBC NY SD Case No. 09-11435(JMP))
CLOSED SESSION REPORT: The Board authorized settlement of the matter and once settlement is approved, the settlement agreement will be available from County Counsels office.
 - b. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one item of significant exposure to litigation. (Changed via Supplemental)
CLOSED SESSION REPORT: The Board provided direction to counsel on how to proceed.

- c. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding liability claims against the County of Monterey
 - (1) Susan Dakis
 - (2) Annie Giammanco
 - (3) Vince Giammanco
 - (4) Maria J. Ramirez**CLOSED SESSION REPORT:** The Board rejected the claims of Susan Dakis, Annie Giammanco, Vince Giammanco and Maria J. Ramirez.

- d. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators;
 - (1) Designated representatives: Keith Honda and Dianne Dinsmore;
 - Employee Organizations: All Units**CLOSED SESSION REPORT:** This item was removed from the agenda and not considered by the Board.

- e. Pursuant to Government Code section 54956.87, and Health and Safety Code section 1462, the Board will confer with the Natividad Medical Center CEO regarding trade secrets concerning a proposed new service, program, or facility. (Added via Addendum)
CLOSED SESSION REPORT: This item was removed from the agenda and not considered by the Board.

ROLL CALL:

3. The Pledge of Allegiance was led by County Administrative Officer Lew Bauman.

4. Additions and Corrections: County Counsel and the Clerk announced agenda corrections and proposed additions which were acted on by the Board as provided in Sections 54954.2 of the California Government Code.
County Counsel announced S-4 has a corrected title and to delete the word agreement in the second line. New title reads: “Consider approving and authorizing the Chief Executive Officer of Natividad Medical Center to execute a tax exempt lease proposal in an amount not to exceed \$30, 000,000 for financing of capital equipment needs budgeted in the Fiscal Year 2010/11.”

Adjournment in the memory of Rina Tunzi and Sunny Wong
Motion by Supervisor Parker seconded by Supervisor Armenta ALL AYES

5. CONSENT CALENDAR - REGULAR (See Supplemental Sheet) Recess as the Monterey County Board of Supervisors
Supervisor Parker pulled items 14 and 21 for questions and comments.
Motion by Supervisor Potter, seconded by Supervisor Armenta to approve the Consent Calendar – Regular, excluding items 14 and 21. ALL AYES

Motion by Supervisor Armenta, seconded by Supervisor Calcagno to approve Consent items 14 and 21. ALL AYES

Recessed as the Monterey County Board of Supervisors

Convened as the Board of Supervisors of the Monterey County Water Resources Agency

Roll Call

Present: Supervisors Salinas (Chair), Armenta, Calcagno, Parker and Potter.

6. CONSENT CALENDAR - MONTEREY COUNTY WATER RESOURCES AGENCY (See Supplemental Sheet, Item 27)
Motion by Supervisor Calcagno, seconded by Supervisor Parker to approve Consent Calendar – Monterey County Water Resources Agency, item 27. ALL AYES

Adjourned as the Board of Supervisors of the Monterey County Water Resources Agency

Reconvened as Monterey County Board of Supervisors

CEREMONIAL RESOLUTIONS:

7. Adopted Resolution No. 10-293 commemorating the re-opening of the La Scuola building as the future home of the North Monterey County Chamber of Commerce, Artichoke Festival, and the California Artichoke Advisory Board. (Supervisor Calcagno)
Motion by Supervisor Calcagno, seconded by Supervisor Potter. ALL AYES

APPOINTMENTS: Items 7 through 9 were heard concurrently

8. Appointed Supervisor Armenta as Director and Supervisor Potter to serve as Alternate on the 2011 Board of Directors of the California State Association of Counties (CSAC).
Motion by Supervisor Calcagno, seconded by Supervisor Potter. ALL AYES
9. Reappointed Celia Castaneda and Tom Folliard to the In Home Supportive Services (IHSS) Advisory Committee, terms ending June 30, 2013. (Full Board)
Motion by Supervisor Calcagno, seconded by Supervisor Potter. INCLUDING APPOINTMENTS ALL AYES

OTHER BOARD MATTERS:

10. Board Comments
 - Supervisor Armenta commended the San Francisco Giants on winning the World Series. He requested the Board Chair send a letter of congratulations on behalf of the Board of Supervisors.
 - Supervisor Armenta announced the annual Veteran's ceremony at 11:00 a.m. on November 11th at the Vietnam Memorial in Salinas. He also advised he has discussed a Veteran's Standdown and the County taking a coordinating lead on a Homeless Strategic Plan beginning in 2011 with the Director of Social and Employment Services.
 - Supervisor Calcagno requested the Board also adjourn in memory of Rena Tunzi.

11. CAO Comments and Referrals: The County Administrative Officer advised of the following Board referrals:
 - 1) Request to review policy and processes for events in the unincorporated area; referred to County Administrative Office. (Salinas)
 - 2) Request creation of a joint Board of Supervisors (BOS) and Natividad Medical Center Board of Trustees (BOT) Leadership Standing Committee. Chairman of the Board of Supervisors to appoint two members of the BOS and two citizen members of the BOT, the County Administrative Officer and the Health Services Director to the Committee; referred to Natividad Medical Center CEO. (Calcagno)

12. Public Comment: None

SCHEDULED MATTERS

- S-1 Public hearing held and the Board :
 - a. Evaluated the Monterey County Historic Resource Review Board's (HRRB) recommendations on the 2010 Mills Act Historic Property Contract applications;
 - b. Ranked the 2010 Mills Act Historic Property Contract Applications; and
 - c. Authorized staff to negotiate Historic Property Contracts with the owner(s) of the Joan Baez house located at 40 Miramonte Road, Carmel Valley (Assessor's Parcel Number: 187-041-062-000) and with the owner(s) of the Captain's Inn, located at 8122 Moss Landing Road, Moss Landing (Assessor's Parcel Number: 133-212-007-000). (Mills Act Historic Property Contract Applications 2010 - Gideon/Captain's Inn, PLN100457, Moss Landing; and Blattberg/Baez house, PLN100458, Carmel Valley)
- Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES**

12:00 P.M. Recessed to Lunch - Continued Closed Session

SCHEDULED MATTERS

Roll Call

Present: Supervisors Salinas (Chair), Armenta, Calcagno, Parker and Potter.

S-2 Received and accepted the Fiscal Year 2009-10 Budget End of Year Report from the County Administrative Office and provide direction to staff.
Motion by Supervisor Calcagno, seconded by Supervisor Parker. 4-0 (Supervisor Potter Absent).

S-3 Received and accepted a preliminary report on the Fiscal Year 2010-11 State Budget enacted October 28, 2010 and estimated impacts to Monterey County.
Public comment: Lou Solton
Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES

S-4 Approve and authorize the Chief Executive Officer for Natividad Medical Center (NMC) to execute a tax-exempt lease proposal in an amount not to exceed \$30,000,000 for financing of Capital Equipment needs budgeted in the Fiscal Year 2010-11 NMC operating budget.

· Harry Weis identified documents submitted to Board and read modification to the two Bank of America lease proposals (on page 3 of each proposal), in the second sentence of the second paragraph at the title **Lease Structure**: revise first sentence, and the sentence now reads: "A lease intended as a security transaction. The lease will be an abatement lease or other lease structure compliant with California law." He advised he will provide an updated copy for official record.

Public Comment: Jay Donato

Motion by Supervisor Calcagno, seconded by Supervisor Potter to approve the \$15 million lease proposal and Option C: 84 month lease payments of \$194,836 at indicative annualized interest rate of 2.49%; and directed the Natividad Medical Center CEO to return by May 15, 2011 with the Capital Expenditure Plan, proposed business plan, campus master plan and the desired authority model for the hospital for Board review and possible authorization of an additional \$15 million. ALL AYES

CLOSED SESSION REPORT: (See 2 a-e)

**ORDER FOR ADJOURNMENT IN MEMORY OF
HENRY "HANK" HUGHES; SUNNY WONG; RENA TUNZI**

APPROVED:


SIMÓN SALINAS, CHAIR
BOARD OF SUPERVISORS

ATTEST: GAIL T. BORKOWSKI
Clerk of the Board

BY: 

(Supplemental Sheet)

CONSENT CALENDAR

NATIVIDAD MEDICAL CENTER:

13. Agreement No. A-11879 Authorized the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. 2 to the Agreement with Beacon Partners for Meditech Billing and Accounts Receivable (B/AR) Module Support services at NMC in an amount not to exceed \$193,080 (an increase of \$95,880) for the period October 1, 2010 through June 30, 2011.
14. Agreement No. A-11880 Authorized the Purchasing Manager for Natividad Medical Center (NMC) to execute an Agreement with Cloud Solutions, Inc. for Systems Engineer and Wireless Engineer Services at NMC in an amount not to exceed \$91,200 for the period October 1, 2010 through February 28, 2011.
15. Board Budget No. 10/11-052
 - a. Approved and amended the Fiscal Year (FY) 2010-11 Natividad Medical Center Budget Unit 9600 to delete 1.00 FTE Secretary-Confidential and add 1.00 FTE Principal Office Assistant;
 - b. Approved to reclassify one (1) incumbent into the Principal Office Assistant Classification at Natividad Medical Center; and
 - c. Directed the County Administrative Office to incorporate approved changes into the FY 2010-2011 Natividad Medical Center Budget Unit 9600 to reflect the change in position count.

HEALTH AND SOCIAL SERVICES:

16. Adopted Ordinance 5168 an amendment to Section 2.65.040.E of the Monterey County Code eliminating the six (6) year term limit for In-Home Supportive Services Advisory Committee members.
17. Agreement No. A-11881
 - a. Approved and authorized the Contracts/Purchasing Officer to sign a 340B Prime Vendor Participation Agreement with Apexus, Inc. for discounted outpatient pharmaceuticals for the term December 1, 2010 to November 30, 2011 with additional automatically renewing one (1) year terms; and
 - b. Accepted the deviations from the County's standard insurance and indemnification provisions.

CRIMINAL JUSTICE:

18. Accepted the Inmate Welfare Trust Fund Annual Report for the Fiscal Year (FY) 2009-10.

GENERAL GOVERNMENT:

19. Received Action Minutes from the August 30, 2010 and September 22, 2010 meetings of the Legislative Committee.
20. Adopted Resolution No. 10-294 to support the expansion of the Salinas Valley Enterprise Zone (SVEZ) to include the Castroville Industrial Park.

RMA - PLANNING DEPARTMENT:

21. Agreement Nos. A-10367; A-10368
 - a. Approved Amendment No. 9 to Professional Services Agreement No. A-10367 with EMC Planning Group, Inc. (EMC) where the Base Budget is increased by \$54,123 to \$194,199 with a Contingency increase of \$8,118 to \$29,130, for a total amount not to exceed \$223,329 to provide additional services associated with the Environmental Impact Report (EIR) for the Pajaro Valley Golf Course (PLN980571) in North County, Coastal Zone, for a term through June 30, 2012;
 - b. Approved Amendment No. 9 to Reimbursement Agreement No. A-10368 with BJCR, Inc. where the Base Budget is increased by \$54,123 to \$194,199 and the County Surcharge is increased by \$18,943 to \$67,969, with a Contingency increase of \$8,118 to \$29,130, for a total amount not to exceed \$291,298 to allow reimbursement to Monterey County for costs incurred by EMC and County departments to provide additional services associated with the EIR for the Pajaro Valley Golf Course (PLN980571) in North County, Coastal Zone, for a term through June 30, 2012; and
 - c. Authorized the Director of Planning to execute Amendment No. 9 to Professional Services Agreement No. A-10367, Amendment No. 9 to Reimbursement Agreement No. A-10368 and future amendments to these Agreements where the amendments do not significantly alter the scope of work or change the approved Agreement amounts. (PD060200/EMC Planning Group, Inc., County-wide)
22. Set a Public Hearing for November 30, 2010 at 10:30 A.M. to consider 2011 Applications to establish one (1) Agricultural Preserve ("AgP") and eighteen (18) Farmland Security Zones and Contracts. (PLN100299/Williamson Contract Applications - 2011, County-wide)

RMA - PUBLIC WORKS:

23. Board Budget No: 10/11-053
 - a. Approved the transfer of appropriations totaling \$174,000 from Capital Projects Fund, Appropriation Unit RMA014, to Road Fund, Appropriation Unit RMA012, for the Castroville Railroad Bicycle/Pedestrian Crossing Project (4/5th vote required); and

- b. Authorized the Auditor-Controller to move appropriations totaling \$174,000 within Capital Projects Fund, Appropriation Unit RMA014, from Account 7521 (Unspecified - Needs Board Approval) to Account 7614 (Operating Transfers Out).
24. Board Budget No. 10/11-054
- a. Approved the transfer of appropriations totaling \$100,790 from Capital Projects Fund, Appropriation Unit RMA014 to Facilities Project Fund, Appropriation Unit RMA004, for the Pajaro Mansion Windows, Siding and Paint Project (4/5th vote required); and
 - b. Authorized the Auditor-Controller to move appropriations totaling \$100,790 within Capital Projects Fund, Appropriation Unit RMA014, from Account 7521 (Unspecified - Needs Board Approval) to Account 7614 (Operating Transfers Out).
25. Board Budget No. 10/11-055
- a. Approved the transfer of appropriations totaling \$100,000 from Capital Projects Fund, Appropriation Unit RMA014, to Facilities Project Fund, Appropriation Unit RMA004, for the Sheriff's Rehabilitation Main Building-Visitor Annex located at 1410 Natividad Rd., Salinas (4/5th vote required); and
 - b. Authorized the Auditor-Controller to move appropriations totaling \$100,000 within Capital Projects Fund, Appropriation Unit RMA014, from Account 7521 (Unspecified - Needs Board Approval) to Account 7614 (Operating Transfers Out).
26. Item deleted.
- 26.1
- a. Accepted status report on the Resolution to support the Architectural Heritage Association in their fund-raising efforts to restore the historic Old Jail; and
 - b. Continued this item to a date uncertain. (Added via Addendum)

MONTEREY COUNTY WATER RESOURCES AGENCY:

27. Acting as the Board of Supervisors of the Monterey County Water Resources Agency:
Approved a clerical error correction to October 12, 2010 Board Report titled: Approve the Monterey County Water Resources Agency winning bids and signed grazing leases at Nacimiento and San Antonio Reservoirs and authorize the Monterey County Water Resources Agency Board of Supervisors Chair to sign each lease, so that the bid amount for Nacimiento Lease No. 3A/3B reads \$11,350, the amount of the successful bid for Four Seasons Ranch.

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