

**MONTEREY COUNTY BOARD OF SUPERVISORS  
MONTEREY COUNTY REDEVELOPMENT AGENCY  
MONTEREY COUNTY WATER RESOURCES AGENCY  
PAJARO COUNTY SANITATION DISTRICT  
TUESDAY, JANUARY 11, 2011  
9:00 AM**

**AGENDA**

**9:00 A.M.**

**ROLL CALL**

1. Pledge of Allegiance
2. National Anthem
3. Swearing-In Ceremony for re-elected Supervisors.
4.
  - a. Elect members of the Board of Supervisors to serve as Chair and Vice Chair of the Monterey County Board of Supervisors for the 2011 calendar year.
  - b. Presentation of plaque to outgoing Chairman Sim n Salinas.

**Recess to reception honoring re-elected Supervisors**

**CLOSED SESSION 12:00 PM to 1:30 PM**

**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.**

5. 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.
6. 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 Sapiens Group Grievance (State Mediation and Conciliation Service no. ARB-09-0308)
  - b. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:

Designated representatives: Keith Honda and Dianne Dinsmore  
Employee Organizations: Units J, K, and N

- c. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding two matters of significant exposure to litigation.
- d. 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.
- e. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the Natividad Medical Center CEO.
- f. Pursuant to Government Code section 54956.9(a), the Board of Supervisors of the Water Resources Agency will confer with legal counsel regarding existing litigation.  
(1) In the Matter of the Application of California-American Water Company (U 210 W) for a Certificate of Public Convenience and Necessity to Construct and Operate its Coastal Water Project to Resolve the Long-Term Water Supply Deficit in its Monterey District and to Recover All Present and Future Costs in Connection Therewith in Rates (PUC A.04-09-019) PRIVILEGED AND CONFIDENTIAL - SETTLEMENT DISCUSSIONS - SUBJECT TO RULE 12.6 OF THE CPUC RULES OF PRACTICE AND PROCEDURE, CALIFORNIA EVIDENCE CODE SECTION 1152, RULE 408 OF THE FEDERAL RULES OF EVIDENCE, AND ALL OTHER SETTLEMENT PROTECTIONS - SUBJECT TO THE ATTORNEY-CLIENT PRIVILEGE, THE WORK PRODUCT DOCTRINE, AND JOINT DEFENSE PRIVILEGE, AND THE COMMON PURPOSE DOCTRINE
- g. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding one matter of potential initiation of litigation.
- h. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the County Counsel.

### **10:30 A.M. RECONVENE**

### **ROLL CALL**

#### 7. 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.

8. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)

**Recess**

**Convene as the Board of Directors of the Pajaro County Sanitation District**

**PAJARO COUNTY SANITATION DISTRICT**

**ROLL CALL**

9. CONSENT CALENDAR PAJARO SANITATION DISTRICT (See Supplemental Sheet, item 59)

**Adjournment**

**Convene as the Board of Directors of the Monterey County Redevelopment Agency**

**MONTEREY COUNTY REDEVELOPMENT AGENCY**

**ROLL CALL**

10. CONSENT CALENDAR - MONTEREY COUNTY REDEVELOPMENT AGENCY (See Supplemental Sheet, items 60 and 61)

**Adjournment**

**Convene as the Board of Supervisors Monterey County Water Resources Agency**

**MONTEREY COUNTY WATER RESOURCES AGENCY**

**ROLL CALL**

11. CONSENT CALENDAR AS THE BOARD OF SUPERVISORS OF THE MONTEREY COUNTY WATER RESOURCES AGENCY (See Supplemental Sheet, item 61)
12. Consider appointment of one Director to the Monterey County Water Resources Agency from nominees submitted by the Monterey County Farm Bureau.

**Recess**

**MONTEREY COUNTY BOARD OF SUPERVISORS**

**CEREMONIAL RESOLUTIONS:**

13. [Adopt Resolution commending Detective Mark Stevens upon his retirement from Monterey County Sheriff's office after 29 years of service \(Full Board\)](#)
14. [Adopt Resolution honoring Private First Class Conrado D. Javier Jr. \(Supervisor Parker\)](#)

**APPOINTMENTS:**

15. [Appoint Rebecca King to the Resource Conservation District for a term ending November 30, 2012. \(Full Board\)](#)
16. [Appoint John Kovarik to the Aromas Tri-County Fire Protection District for a term ending December 31, 2014. \(Supervisor Calcagno\)](#)
17. [Appoint Janet Brennan to the Monterey County Planning Commission term beginning January 24, 2011 to January 23, 2015. \(Supervisor Parker\)](#)
18. [Reappoint Steve Cobb, Sherwood Darington and Melissa Duflock to the Resource Conservation District term ending November 30, 2014. \(Full Board\)](#)
19. [Reappoint Richard Barratt to the Military & Veterans Affairs Advisory Commission term ending January 1, 2014. \(Supervisor Potter\)](#)
20. [Reappoint Ken Ekelund to the Monterey County Water Resources Agency Board of Directors term ending December 31, 2014. \(Supervisor Potter\)](#)
21. [Reappoint Carmelita Garcia to the Commission on Disabilities term ending December 31, 2013. \(Full Board\)](#)
22. [Reappoint Fabian Barrera to the Equal Opportunity Advisory Commission, term ending December 31, 2013. \(Full Board\)](#)
23. [Rescind the appointment of David Hart from the Agricultural Advisory Committee. \(Appointed December 14, 2010 in error.\)](#)
24. [Appoint David Hart to the Monterey County Water Resources Agency term ending December 31, 2014. \(Supervisor Salinas\)](#)

**OTHER BOARD MATTERS:**

25. Board Comments
26. [CAO Comments and referrals](#)
27. Public Comment (Limited to 3 minutes per speaker) - 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 statements 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.

28. [Receive Budget Committee Report and Action Minutes for the 2nd Quarter of FY 2010-11 \(October 27, 2010, and November 29, 2010\).](#)
29. [Consider and approve appointments of Board of Supervisors members to various boards, committees and commissions for Calendar Year 2011.](#)

**SCHEDULED MATTERS:**

- S-1 [Consider adoption of an ordinance amending Section 10.70.080 and repealing Section 10.70.120 of the Monterey County Code relating to indoor smoking restrictions.](#)

**12:00 P.M. RECESS TO LUNCH CLOSED SESSION**

**1:30 P.M. RECONVENE**

**ROLL CALL:**

**SCHEDULED MATTERS:**

- S-2 [Consider amending the County Fee Waiver Policy \(August 2000\) to broaden and/or clarify the circumstances for appeals to include non-profit organizations representing the public interest. \(Fee Waiver/Board Referral 2010.22 - REF100045, Countywide\)](#)
- S-3 [Receive a report on the status of Code Enforcement Case #CE020302, Property located in Moss Landing owned by Loan Exchange Group L.P.](#)
- S-4 [Receive a report on the status of Code Enforcement Case #CE080396. Property \(the Red Barn\) is located on Hwy 101, in Aromas. Property owned by Fran Ellingwood.](#)
- S-5 [Consider further continuance to March 15, 2011, of the public hearing on a Petitioner/Freeholder initiated Petition to vacate/abandon a 0.74 mile segment of an unimproved County Road commonly known as Old Stage Road, and variously known in the past as Los Angeles Stage Road, Monterey/Los Angeles Road, Old El Camino Real, Bee Rock Road or Old County Road in the Bradley area of South Monterey County, and Petitioner/Freeholder fee waiver request. \(Continued from December 14, 2010\)](#)

**Recess**

**Reconvene as the Board of Supervisors Monterey County Water Resources Agency**

**Monterey County Water Resources Agency**

- S-6 [As the Board of Supervisors of the Monterey County Water Resources Agency consider the Regional Desalination Project and act](#) as follows:
- a. Review and consider the FEIR as certified by the CPUC on December 17, 2009, in Decision D.09-12-017 and the Addendum released by the CPUC's consultant on March 24, 2010;
  - b. Reaffirm approval and adoption of the Findings attached hereto, which are incorporated herein and include a Statement of Overriding Considerations;
  - c. Reaffirm approval and adoption of the mitigation measures identified and proposed in the FEIR as tailored to MCWRA's role as a responsible agency as set forth in the Findings;
  - d. Approve the Regional Desalination Project, consistent with MCWRA's conditional project approval as set forth in Resolution No. 10-091; and
  - e. Direct staff to take all other actions that may be necessary to effectuate this project approval, including but not limited to filing a Notice of Determination with the Office of Planning and Research and the County Clerk for the County of Monterey.

**Adjournment**

**Reconvene as the Monterey County Board of Supervisors**

**ORDER FOR ADJOURNMENT  
IN MEMORY OF**

**PRIVATE FIRST CLASS CONRADO D. JAVIER, JR.  
and  
ROBERT E. KENNEDY**

**CONSENT CALENDAR**

**NATIVIDAD MEDICAL CENTER:**

30. [Adopt Resolution to:](#)
- a. Amend Personnel Policies and Practices Resolution No. 98-394 to Add the Classifications of Nursing Services Unit Manager and Health Information Management Data Integrity Examiner, with attached wage ranges;
  - b. Approve and Amend the FY 2010-2011 Natividad Medical Center Budget Unit 9600 to Add the Following Allocation(s): 2.0 FTE Health Information Management Data Integrity Examiner, 1.0 FTE Maintenance Painter, 1.0 FTE Medical Unit Clerk, and 1.0 FTE Senior Clinic Nurse; and

- c. Direct 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.
31. [Approve and authorize the Contract / Purchasing Officer for the County of Monterey to execute an amended Scope of](#) Services with First Alarm Security & Patrol Inc. from County Master Agreement (MA\*46) for Security Services at NMC in an amount not to exceed \$1,100,000 (an increase of \$400,000) for the period July 1, 2010 to June 30, 2011.
32. [Authorize the Purchasing Manager for Natividad Medical Center \(NMC\) to execute Amendment No. 4 to the Agreement](#) with First Databank for Pharmacy Software Licensing Services in an amount not to exceed \$47,757 for the period January 1, 2011 to December 31, 2013.
33. [Authorize the Purchasing Manager for Natividad Medical Center \(NMC\) to execute Amendment No. 2 to the Agreement](#) with GE Healthcare for Biomedical, Imaging Sterilizer and Laboratory Equipment Maintenance Services at NMC in an amount not to exceed \$2,522,506 for the period December 15, 2010 to December 14, 2017.
34. [a. Approve and authorize the Purchasing Manager of Natividad Medical Center \(NMC\) to execute Amendment No. 4](#) to the Agreement between NMC and the Natividad Medical Foundation (NMF) for \$1,131,470 for the period January 1, 2011 to December 31, 2011 (an increase of \$406,678 from the previous year) in an aggregate amount not to exceed \$3,101,470 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 public relations" in support of NMC's strategic vision which includes \$6 million raised through philanthropy to support capital needs"; and
- b. Modify County insurance endorsement requirements.
35. [Authorize the Purchasing Manager for Natividad Medical Center \(NMC\) to execute Amendment No. 1 to the Agreement](#) . with Latham & Watkins LLP for Legal Services at NMC in an amount not to exceed \$400,000 (an increase of \$300,000) for the period October 1, 2010 to June 30, 2011.
36. [Authorize the Purchasing Manager for Natividad Medical Center \(NMC\) to execute Amendment No. 1 to the Agreement](#) with Hooper, Lundy & Bookman, Inc. for Legal Services at NMC in an amount not to exceed \$350,000 (an increase of \$250,000) for the period November 1, 2010 to November 30, 2011.

**HEALTH AND SOCIAL SERVICES:**

37. [Approve and authorize the Director of Health to accept and](#) implement the new three-year \$1,275,000 Bureau of Justice Assistance (BJA) and Substance Abuse and Mental Health Services Administration (SAMHSA) Grant (Grant Number 2010-DC-BX-0094) entitled "Monterey County Adult Treatment Court Expansion and Enhancement Project".
38. [Accept a written report from Dr. Hugh Stallworth, Director of Public Health/Health Officer regarding Smart Meters](#) (Referral # 2010.20).
39. [Approve and authorize the Contracts/Purchasing Officer to sign Amendment No.1 to the Alcohol and Drug Treatment](#) Services Agreement A-11744 with Valley Health Associates for the provision of alcohol and drug recovery services. Amendment 1 adds \$93,287 (FY 2010-11 \$18,567, FY 2011-12 \$42,375 and FY 2012-13 \$32,345), for a revised total amount not to exceed \$582,639 for the period July 1, 2010 through June 30, 2013.
40. [Approve and ratify the action taken by the Director of Health and the Contracts/Purchasing Officer to sign an](#) Agreement with the Blue Shield of California Foundation for Grant No. 4572769, in the amount of \$200,000, beginning January 1, 2011 through December 31, 2011, for the purpose of implementing the 2010 County Coverage Expansion Planning, Round Two.
41.
  - a. [Approve and authorize the Director of Health to sign a three fiscal year term Mental Health Services Agreement](#) (July 1, 2010 to June 30, 2013) with Fred Finch Youth Center in the amount of \$50,472 for FY 2010-11, \$50,472 for FY 2011-12, and \$50,472 for FY 2012-13 for a total Agreement amount of \$151,416, to replace agreement A-11198 which expired June 30, 2010; and
  - b. Authorize the Director of Health, to sign up to three future amendments to this agreement where the amendments do not exceed 10% of the annual amount, and do not significantly change the scope of work, or result in an increase on net county contribution.

#### **CRIMINAL JUSTICE:**

42.
  - a. [Approve and authorize the Chief Probation Officer to sign](#) three (3) Memoranda of Understanding in the amounts of \$190,308, \$137,995, and \$214,032 with the Monterey County Office of Education for collaborative services with the Boronda Community School, the Silver Star Resource Center, Independent Study Program, and the Salinas/Seaside Community Schools during FY 2010-2011; and
  - b. Authorize the Chief Probation Officer to sign up to three (3) 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.



43.
  - a. [Approve and authorize the Contracts / Purchasing Officer to sign a Professional Services Agreement with California Youth Outreach to provide mentoring, outreach and intervention programs to support the Silver Star Gang Prevention and Intervention grant in the amount of \\$221,225 for the period October 1, 2010 through February 29, 2012.](#)
  - b. Authorize the Contracts / Purchasing Officer to sign up to three (3) 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.

**GENERAL GOVERNMENT:**

44. [Approve Action Minutes Board of Supervisors meetings for Tuesday, November 2, 2010; Tuesday, November 9, 2010; Tuesday, November 30, 2010; Tuesday, December 7, 2010; Wednesday, December 8, 2010; and Tuesday, December 14, 2010.](#)
45. [Accept the Monterey County Agricultural Advisory Committee Annual Report covering the period of July 1, 2009, through June 30, 2010.](#)
46. [Approve the application from Joan Hoover to add the George A. Born House to the County's Local Official](#) Register of Historic Resources, as recommended by the County's Historic Resources Review Board.
47. [Accept the Annual Report for Fiscal Year 2009-2010 from the Monterey County Fish and Game Advisory Commission](#)
48. [Adopt a resolution establishing protocols in the event of the death of a Monterey County resident, employee,](#) or their family while serving on active duty in the military directing the Military and Veterans Affairs Officer to:
  - a. Provide the County Medal to the family of the deceased;
  - b. Issue letters of condolence and purchase flowers for the family on behalf of the Board of Supervisors; and
  - c. Appeal, on behalf of the Board of Supervisors, to the Governor of California for a proclamation that the National flags shall be flown at half-staff within the County of Monterey following all protocols for lowering the flag.
49.
  - a. [Adopt Resolution to accept Internship Program Annual](#) Report; and
  - b. Approve funding the pilot Internship Program from the General Fund as permanent program; and
  - c. Direct the County Administrative Office to amend the Human Resources (Unit 8049) Adopted FY2010-11 Budget to include one (1) .5 FTE Management Analyst III position; and
  - d. Authorize the Auditor-Controller to transfer appropriations totaling \$35,104 from County Administrative Office 020 Contingencies to County Administrative Office 003 Human Resources (4/5ths Vote Required).

50. [Approve and authorize the Chair to sign Amendment No. 3 to Agreement No. A-10489 between the Redevelopment Agency and the County of Monterey for implementation of the Hyland Drive/El Rancho Way Street and Storm Drain Improvement Project in the community of Boronda to; extend the term of Agreement to June 30, 2013; and reduce the financing required for design and construction of the project by \\$394,273 for a total project cost not to exceed \\$3,190,127.](#)
51. [Approve an Advanced Funding Agreement with Union Community Partners for the Negotiation of Modifications to the East Garrison Development Agreement in the Fort Ord Redevelopment Area.](#)
52. [Approve the recommendation of the Overall Economic Development Commission \(OEDC\) to fund the Fall FY 2010-11 Development Set-Aside regranting proposal submitted by the Arts Council for Monterey County \(ACMC\) in the amount of \\$131,000.](#)
53. [Approve amendments to Conflict of Interest Code of the County Administrative Office of Monterey County.](#)

**RMA - PLANNING DEPARTMENT:**

54. [Adopt a resolution to issue a report pursuant to Government Code Section 65858\(d\) describing the measures taken to alleviate the](#) condition that led to adoption of Interim Ordinance No. 5170 establishing a process to determine 2010 General Plan consistency for discretionary and ministerial permits, pending the adoption of applicable programs and ordinances to implement the 2010 Monterey County General Plan. (General Plan Interim Ordinance - REF100050/County of Monterey)
55.
  - a. [Accept and authorize the Chair of the Board of Supervisors to execute a Revised Conservation and Scenic Easement Deed;](#) and
  - b. Direct the Clerk of the Board to submit the Revised Conservation and Scenic Easement Deed to the County Clerk for recordation.  
(Conservation and Scenic Easement Deed - REF100046/17160 Wilson Way, Royal Oaks, North County Area Plan)
56.
  - a. [Accept the Parcel Map for a minor subdivision to divide a 50 acre parcel into two parcels of](#) 43.3 (Parcel 1) and 6.7 (Parcel 2) acres;
  - b. Accept the Property Tax Clearance Certification and the Parcel Map Guarantee;
  - c. Approve and Authorize the Chair to sign the Conservation and Scenic Easement Deed; and

- d. Direct the Clerk to the Board to submit the Parcel Map, Permit Approval Notice, Conservation and Scenic Easement Deed, Indemnification Agreement and Deed Restriction to the County Recorder for recording.

(PLN050193) Krasznekewicz/8025 Carmel Valley Road, Carmel Valley, Carmel Valley Master Plan.)

- 57.
  - a. [Approve a Professional Services Agreement with EMC Planning Group, Inc. \(EMC\) where the Base Budget is \\$254,986 with a Contingency of \\$45,014, for a total amount not to exceed \\$300,000, to provide the Moss Landing Community Plan Update Environmental Impact Report \(EIR\) \(PD080541\) in Moss Landing, for a term through May 31, 2011;](#)
  - b. Approve a Funding Agreement with various Project Applicants where the Project Applicants' portion of the Base Budget is \$242,237 with a Contingency of \$42,763 and Deposits for County Staff services are \$49,467, for a total amount not to exceed \$334,467, to allow funding to Monterey County for costs incurred by EMC and County departments to provide the Moss Landing Community Plan Update EIR (PD080541) in Moss Landing, for a term through May 31, 2011; and
  - c. Authorize the Director of Planning to execute the Professional Services Agreement, Funding Agreement and future amendments to these Agreements that do not significantly alter the scope of work or change the approved Agreement amounts. (PD060200EMC Planning Group, Inc., County-wide)

#### **RMA - PUBLIC WORKS:**

- 58. [Accept the Annual Evaluation Report of traffic on Carmel Valley Road, Rio Road, and Carmel Rancho Boulevard,](#) pursuant to Carmel Valley Master Plan, Policy 39.3.2.1(b), Carmel Valley Area.

#### **PAJARO COUNTY SANITATION DISTRICT**

- 59.
  - a. [Approve Amendment No. 6 to Operations and Services Agreement No. A-10766 with the Pajaro/Sunny Mesa](#) Community Services District to continue to provide tasks associated with operational and maintenance services for the wastewater collection system in the Pajaro County Sanitation District, in the amount of \$182,000 for a total amount not to exceed \$918,000 and extend the term through February 9, 2012; and
  - b. Authorize the Chair to execute Amendment No. 6 to Operations and Services Agreement No. A-10766 and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

#### **MONTEREY COUNTY REDEVELOPMENT AGENCY**

- 60. [Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey, approve and authorize the Chair to sign Amendment No. 3 to Agreement No. A-10489](#) between the Redevelopment Agency and the County of

Monterey for implementation of the Hyland Drive/El Rancho Way Street and Storm Drain Improvement Project in the community of Boronda to; extend the term of the Agreement to June 30, 2013; and reduce the financing required for design and construction of the project by \$394,273 for a total project cost not to exceed \$3,190,127.

61. [Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey: approve an Advanced Funding Agreement with Union Community Partners for the](#) Negotiation of Modifications to East Garrison Disposition and Development Agreement in the Fort Ord Redevelopment Area.

**RMA - MONTEREY COUNTY WATER RESOURCES AGENCY**

62. [Approve amendments to Conflict of Interest Code of the Monterey County Water Resources Agency.](#)

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