

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

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ACTION MINUTES MONTEREY COUNTY BOARD OF SUPERVISORS TUESDAY, DECEMBER 7, 2010

9:00 A.M.

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ROLL CALL:

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

1. Additions and Corrections for Closed Session: There were no additions or corrections to Closed Session.

CLOSED SESSION

2. Closed Session under Government Code section 54950, relating to the following items:
 - a. Pursuant to Government Code section 54957, the Board will confer regarding discipline, dismissal, or release of a public employee.
CLOSED SESSION REPORT: The Board heard a matter of an arbitration, and approved the arbitrators award; tentatively and will be moving forward in this confidential public employee matter.
 - b. Pursuant to Government Code section 54957.6(a), the Board will confer with legal counsel regarding existing litigation.
 - (1) M. Sapiens Group Grievance (SEIU Case No. 57501-521; State Mediation and Conciliation Service Case No. ARB-09-0308)

CLOSED SESSION REPORT: The Board authorized Counsel to amend the contract with Renne, Sloan, Holtzman and Sakai Public Law Group to assist in providing defense in this matter.

- c. Pursuant to Government Code section 54957.6(b), the Board will confer with legal counsel regarding two items of significant exposure to litigation.

CLOSED SESSION REPORT: The Board heard from counsel and provided direction on how to proceed.

- d. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the Natividad Medical Center CEO.

CLOSED SESSION REPORT: The Board provided a performance evaluation for the Natividad Medical Center CEO and this evaluation will resume on December 8, 2010 at a Special Joint Meeting of the Board of Supervisors and the NMC Board of Trustees.

10:30 A.M.

ROLL CALL:

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

Absent: Supervisor Potter.

3. The Pledge of Allegiance was led by Supervisor Armenta.
4. Additions and Corrections: The Clerk of the Board announced agenda corrections and proposed additions which were acted on by the Board as provided in Sections 54954.2 of the California Government Code.

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:

Add Under Ceremonial Resolutions:

- 7.1 Adopt a Resolution honoring Tony Campos for his service to Santa Cruz County as 4th District Supervisor. (Supervisor Calcagno)

Remove Under Regular Consent – Planning:

15. 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)

Adjournment

Adjourn in Memory of Sgt. Wayne Ashlock and Mary “Angie Lopez, Craig Nicholson (added later in meeting)

Motion by Supervisor Calcagno, seconded by Supervisor Parker to approve Additions and Corrections. 4-0 (Supervisor Potter Absent)

5. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)
Motion by Supervisor Calcagno, seconded by Supervisor Parker to approve. 4-0 (Supervisor Potter Absent)
6. Adopted Resolution No. 10-315 honoring an Hunter Harvath as the Monterey County Hospitality Association 2010 Volunteer of the Year Award. (Supervisor Potter)
Motion by Supervisor Parker, seconded by Supervisor Armenta. 4-0 (Supervisor Potter Absent)
7. Adopted Resolution No. 10-314 honoring Deputy Bryan Hoskins as the Monterey County Sheriff’s Office Deputy of the Year 2010. (Full Board)
Motion by Supervisor Parker, seconded by Supervisor Armenta. 4-0 (Supervisor Potter Absent)
- 7.1 Adopted Resolution No. 10-316 honoring Tony Campos for his service to Santa Cruz County as 4th District Supervisor. (Supervisor Calcagno) (Added Additions/Corrections)
Motion by Supervisor Parker, seconded by Supervisor Armenta. 4-0 (Supervisor Potter Absent)

APPOINTMENTS:

8. Reappointed Erik Cushman, Ralph Rubio and Scott Grover to the Monterey County Workforce Investment Board, terms ending December 11, 2013. (Full Board)
Motion by Supervisor Calcagno, seconded by Supervisor Armenta. 4-0 (Supervisor Potter Absent)
- 8.1 Reappointed Verna Snowden to the Greenfield Cemetery District, term ending December 31, 2014.
Motion by Supervisor Calcagno, seconded by Supervisor Armenta. 4-0 (Supervisor Potter Absent)
- 8.2 Reappointed Carl Hanson and Silvio Bernardi to the Northern Salinas Valley Mosquito Abatement District terms ending January 1, 2015. (Supervisor Calcagno)
Motion No. 1: by Supervisor Calcagno, seconded by Supervisor Armenta to reappoint Carl Hanson to the Northern Salinas Valley Mosquito Abatement District for a term ending January 1, 2015 and Silvio Bernardi to the

Monterey County Water Resources Agency Board of Directors for a term ending January 1, 2015. 4-0 (Supervisor Potter Absent)

Motion No. 2: by Supervisor Calcagno, seconded by Supervisor Parker to reconsider. 4-0 (Supervisor Potter Absent)

Motion No. 3: by Supervisor Calcagno, seconded by Supervisor Armenta to reappoint Silvio Bernardi to the Northern Salinas Valley Mosquito Abatement District for a term ending January 1, 2015. (Supervisor Calcagno) 4-0 (Supervisor Potter Absent)

- 8.3 Reappointed Salvador Vasquez to the Pajaro Valley Water Management Agency term ending December 1, 2014. (Supervisor Calcagno)
Motion by Supervisor Calcagno, seconded by Supervisor Armenta. 4-0 (Supervisor Potter Absent)

OTHER BOARD MATTERS:

9. Board Comments
- Supervisor Armenta attended two community outreach forums in East Salinas, one conducted by the California Endowment “Building Healthy Communities” to encourage more resident participation in setting goals and objectives; and one with the Community Alliance for Safety and Peace aimed at resident involvement, in the effort to reduce violence in east Salinas. He also attended the 3rd Annual Omni Resources open house.
 - Supervisor Parker thanked the Director of Emergency Communications Lynn Diebold, the law enforcement team and Purchasing Director for attending Hot Drinks & Hot Topics and announced the last meeting for 2010 is next Monday. Hot Drinks & Hot Topics meetings will resume in 2011 at the City of Seaside at the Monterey Free Library.
 - Supervisor Calcagno announced at North County High School scoping meeting for Granite Ridge and environmental document will take place under the direction of the Monterey County Water Resources Agency and the firm preparing the environmental document.
10. CAO Comments and Referrals
The County Administrative Officer advised of the following Board referral from Supervisor Parker: Request to establish a deadline for the County to act on discretionary permits and to review procedural issues and complexities when the applications were submitted on rules that are different than those currently in place.
11. Public Comment
Steve Eklund; Linda Kaufman; Hans Jongens; Nina Beety

SCHEDULED MATTERS

- S-1 Agreement No. A-11897; Board Budget No. 10/11-058
- a. Approved and authorized the Contracts/Purchasing Officer to sign and execute the Radio System Purchase Agreement (Purchase Agreement) with Harris Corporation in an amount not to exceed \$7,806,940 for shared infrastructure and an additional \$7,210,000 for subscriber equipment for a term beginning December 7, 2010 and concluding at the end of the Warranty Period defined in the Purchase Agreement;
 - b. Approved and authorized the Contracts/Purchasing Officer to sign contract amendments to utilize the project contingency fund and any change orders including those required to pay sales tax not included in the Purchase Agreement using funds available in the NGEN Project Fund upon approval of County Counsel and the Director of Emergency Communications;
 - c. Approved and authorized the Contracts/Purchasing Officer to sign the "Stand Alone Agreements" referenced in Section 4 of the Purchase Agreement as they become a necessary part of the completion of the project upon approval of County Counsel and the Director of Emergency Communications;
 - d. Approved and authorized the Contracts/Purchasing Officer to sign Amendment No. 1 to Memorandum of Agreement RE Next Generation Radio System Joint Governance and Financing (NGEN Financing Agreement) with the City of Salinas to commit the City of Salinas to a purchase of at least \$1,900,000 in subscriber equipment and Amendment No. 2 to the NGEN Financing Agreement with the City of Monterey to commit the City of Monterey to a purchase of at least \$900,000 in subscriber equipment to meet County commitment of \$7,210,000 in order to receive a significant discount on infrastructure;
 - e. Approved the funding proposal for the County share of the project costs (Attachment 2) including seeking contribution from outside funds where possible; and
 - f. Subject to approval of project financing, authorized the Auditor-Controller to increase revenue and appropriations by \$1,951,735 in the NGEN Project Fund Appropriation Unit EME002 for contract costs anticipated this fiscal year (4/5th vote required).

Presenters: Lynn Diebold, Fred Cohen; Zach Sturmgold; Ron Holly; Commander Tracy Malfino.

Public comments: Nina Beety; Hans Jongens; Mike Doherty Paris Corporation

Motion by Supervisor Armenta, seconded by Supervisor Parker. 4-0 (Supervisor Potter Absent)

- S-2
- a. Granted County Debt Manager Authority Authorize the County Debt Manager to execute all documents necessary to complete financing of the Next Generation Radio System Project (NGEN Project); and
 - b. Adopted Resolution No. 10-317 authorizing the execution and delivery by the County of a lease, a sublease and an acquisition fund and control agreement

and authorizing execution of necessary documents and certificates and related actions. (Title Changed via Supplemental)

**Motion by Supervisor Armenta, seconded by Supervisor Parker. 4-0
(Supervisor Potter Absent)**

- S-3 Considered and allowed decision making bodies to provide new discretionary land use entitlements (excluding subdivisions and lot line adjustment) three (3) years (through December 31, 2012) to clear their conditions and either begin actual construction or commence the allowed use.(Permit Extension - PD090361, Countywide)

**Motion by Supervisor Calcagno, seconded by Supervisor Parker. 4-0
(Supervisor Potter Absent)**

Recessed to Lunch - Board of Supervisors and Natividad Medical Center Board of Trustees Leadership Committee Meeting.

Reconvened

SCHEDULED MATTERS

Roll Call

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

Absent: Supervisor Potter.

- S-4 Board Budget No. 10/11-089
Approved recommendations from the Board Economic Development Committee to:
- a. Create an Economic Development Department;
 - b. Create an Economic Development/Workforce Investment Board (WIB) Director position and approve the job description/annual salary (see attachment);
 - c. Add a Management Analyst II position in the Economic Development Department;
 - d. Approve Economic Development Department organizational structure (attached);
 - e. Direct the County Administrative Officer to consolidate the Economic Development/WIB Director, WIB staff, and Redevelopment and Housing Office staff in a single facility;
 - f. Direct the CAO to identify the funding source for the Economic Development Department and to allocate costs for the Economic Development/WIB Director annual salary (costs shared between Economic Development, Redevelopment and Housing, and Workforce Investment Board);
 - g. Approve the composition and roles/responsibilities of the Board Standing Economic Development Committee (see attachment); and
 - h. Direct the CAO to take all other necessary actions to establish the Economic Development Department and Economic Development/WIB Director position; **and**

- i. **Additionally directed that committee structure would work with the possible merger of OET within a year.**

Public comment: Elma McCunney; Harry Gamotan; Julie Felice; Sherry Tune.

Motion by Supervisor Calcagno, seconded by Supervisor Armenta. 4-0 (Supervisor Potter Absent)

- S-5 Considered adopting a resolution approving and authorizing the Chair of the Board of Supervisors to sign the Monterey County Community Wildfire Protection Plan (MCCWPP) - (Community Wildfire Protection Plan - PD090290, Countywide)

Public comment: Pam Silkwood; Frank Penny; Dick Ravich; Sherry Tune; Rod McMann; Michael Emmett; Mike Kaplan; Robin Hammlin; Lynn Sumaria; Seth Parker; Kelly O'Brien; Art Trainer.

Motion by Supervisor Armenta, seconded by Supervisor Calcagno adopting Resolution of Intention 10-328 to approve staff recommendations and continued this item to December 14, 2010; directed staff to work with interested parties on issues that were raised today. 4-0 (Supervisor Potter Absent)

- S-6
 - a. Considered and adopted an urgency Ordinance 5170 1) making express findings regarding amendments to the California Building Standards Code that are reasonably necessary due to local climatic, geological or topographic conditions pursuant to Sections 17958.7 and 18941.5 of the Health And Safety Code; 2)amending sections 1.22.060 and 1.22.130 of the Monterey County Code; 3) repealing sections 16.08.450, 16.08.460, 16.08.470, 16.08.480, 16.08.490, 16.08.500, 16.08.510, 16.08.520, 16.12.180 and 16.12.210; 4) repealing chapters 18.04, 18.06, 18.08, 18.12, 18.14, 18.16, 18.20, 18.22, 18.24, 18.26, 18.28, 18.32, 18.36, 18.38, 18.51, 18.52 and 18.54; and, 5) adding chapters 18.01, 18.02, 18.03, 18.04, 18.05, 18.06, 18.07, 18.08, 18.09, 18.10, 18.11, 18.12, 18.13, 18.14, 18.15, 18.16 and 18.17 relating to adoption of the 2010 edition of the California Building Standards Code and local amendments with related administrative and enforcement provisions; and
 - b. Considered and set the amount of \$1,000 as the incentive rebate to be established towards construction permit fees for those projects that voluntary comply with the CALGreen Tier 2 level of performance in the 2010 California Green Building Standards Code. (4/5th vote required)

Public comment: Dorothy Priello; Robin Hammelin

Motion by Supervisor Calcagno, seconded by Supervisor Armenta to approve staff recommendations, including the revision to page 35, O.1.b. of the ordinance changing total floor area from 500 square feet to 12,000 square feet. 4-0 (Supervisor Potter Absent)

- S-7 Public Hearing for the Board of Supervisors to consider:
 - a. Adopting an interim ordinance as an urgency measure that establishes a General Plan consistency determination process for discretionary and

ministerial permits, pending adoption of applicable programs and ordinances to implement the 2010 Monterey County General Plan; or

- b. Providing direction to staff to draft a detailed interim ordinance pending adoption of applicable programs and regulations to implement the General Plan. (General Plan Interim Ordinance - REF100050/County of Monterey-4/5th vote required) (Title Changed via Supplemental)

Public comment: Dale Ellis; Joel Panzer; Amy White; Andy Myrick (sp)

Motion by Supervisor Calcagno, seconded by Supervisor Armenta to continue this item to December 14, 2010 for consideration and to receive an update from County Counsel on the impact of pending litigation. 4-0 (Supervisor Potter Absent)

Other Board Matters:

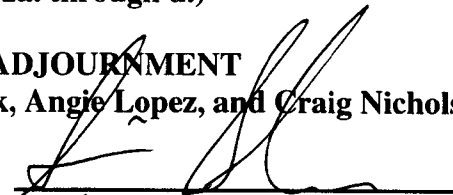
- Supervisor Calcagno announced a meeting on December 8th from 4:00 pm - 5:30 pm at the Monterey County Office of Education to explore new technique in learning and what a Resource Area for Teachers (RAFT) can mean for Monterey County schools.
- Supervisor Armenta directed a referral to the County Administrative Officer requesting:
1) Military Veterans Affairs provide the County Medal to the family of Wayne Ashlock, who died while serving on active duty as a member of the Armed Forces; 2) staff to issue a letter of condolence and purchase flowers for Sgt. Ashlock's family on behalf of the Board of Supervisors; 3) the Chair to appeal to the Governor of California for a proclamation that the National flag shall be flown at half-staff within the County of Monterey in honor of Sgt. Ashlock following all protocols for lowering of the flag; 4) CAO staff to bring a resolution on January 11, 2011 formalizing this protocol for fallen residents of Monterey County serving on active duty in the Armed Forces; he also requested the County family offer their support to Sgt. Ashlock's family during this difficult time.
- Supervisor Calcagno requested the Chair and County Administrative Office organize a reception to honor 2010 retiring elected officials and long time County employees for their service to the County.

Motion by Supervisor Armenta, seconded by Supervisor Calcagno approving these referrals action. 4-0 (Supervisor Potter Absent)

CLOSED SESSION REPORT: (see item 2a. through d.)

ORDER FOR ADJOURNMENT

In Memory of Sgt. Wayne Ashlock, Angie Lopez, and Craig Nicholson


SIMÓN SALINAS, CHAIR
BOARD OF SUPERVISORS

ATTEST: GAIL T. BORKOWSKI
Clerk of the Board

BY: 

(Supplemental Sheet)

CONSENT CALENDAR

HEALTH AND SOCIAL SERVICES:

12. Board Budget No. 10/11-060
 - a. Approved and authorized the Director of Health to accept and implement the new three-year \$974,964 Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Treatment grant (Grant Number H79TI022902-01) entitled "Monterey County Juvenile Treatment Drug Court;"
 - b. Approved and amended the Fiscal Year (FY) 2010-11 Health Department Budget Unit HEA002-8082 to add a 1.0 FTE Psychiatric Social Worker II and a 1.4 FTE Social Worker III; and
 - c. Authorized the County Administrative Office to incorporate approved actions in the FY 2010-11 Health Department Adopted Budget for Unit HEA002-8082 to reflect the change in position count.

GENERAL GOVERNMENT:

13.
 - a. Authorized the Contracts/Purchasing Officer to sign a Professional Services Agreement with Mathis Consulting Group in the amount of \$2,000 for services previously performed on the Emergency Services Manager recruitment assessment
 - b. Authorized the Auditor Controller's Office to pay for work completed prior to approval of the Agreement.
14.
 - a. Received the Certified Statement of Votes cast and results of the November 2, 2010 Consolidated General Election;
 - b. Declared elected the candidates to their respective offices who received the highest number of votes on November 2, 2010, for which the Board of Supervisors has jurisdiction; and
 - c. Declared reelected the incumbent candidates nominated to the office of Superior Court Judge in accordance with California Elections Code Section 8203.

RMA - PLANNING DEPARTMENT:

15. **PULLED DURING ADDITIONS AND CORRECTIONS**
 - ~~a. Accepted and authorized the Chair of the Board of Supervisors to execute a Revised Conservation and Scenic Easement Deed; and~~
 - ~~b. Directed 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)~~

RMA - PUBLIC WORKS:

16. a. Approved submittal of a Highway Safety Improvement Program grant applications to Caltrans for a total amount not to exceed \$900,000; and
- b. Authorized the Director of Public Works, or his designee, to act as the agent for the County in processing all documentation to secure these funds.

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