

# Monterey County

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



## **Action Minutes - Final**

**Tuesday, October 23, 2012**

**9:00 AM**

**See separate agendas for the Monterey County Water Resources Agency, East Garrison Community Services District & Successor Agency to the Monterey County Redevelopment Agency**

**Board of Supervisors**

**Call to Order**

The meeting was called to order by Vice Chair Armenta.

**Roll Call**

**Present:** 4 - Supervisor Fernando Armenta, Supervisor Louis R. Calcagno, Supervisor Jane Parker and Supervisor Simón Salinas

**Absent:** 1 - Supervisor Dave Potter

**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) Martin Sanchez, et al. v. Jack Robert Hudson, et al., and related cross-actions (Monterey County Superior Court case no. M108880)
    - (2) County of Monterey v. California-American Water Company (San Francisco Superior Court case no. CGC-12-521875)
    - (3) Application of California-American Water Company (U210W) for Approval of the Monterey Peninsula Water Supply Project: Application 12-04-019
  - b. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.
  - c. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:
    - (1) Designated representatives: Kimberley Moore and Brette Neal  
Employee Organization(s): Units H and S
  - d. 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 actions on items 1.a. through d.**

**10:30 AM Reconvene**

**Roll Call**

*Present: Charlie Steves, Interpreter*

**Present:** 4 - Supervisor Fernando Armenta, Supervisor Louis R. Calcagno, Supervisor Jane Parker and Supervisor Simón Salinas

**Absent:** 1 - Supervisor Dave Potter

**Pledge of Allegiance**

The Pledge of Allegiance was led by Vice Chair Armenta.

**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:

**ADD TO CEREMONIAL RESOLUTIONS**

**17.3 Adopt Resolution honoring an undisclosed recipient upon being named recipient of the 2012 Monterey County Hospitality Association "Papa Vince Award". (Supervisor Potter)**

**A motion was made by Supervisor Parker, seconded by Supervisor Salinas to approve Additions and Corrections. 4-0 (Supervisor Potter Absent)**

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

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

**Supervisor Parker pulled items 33 and 41. Supervisor Calcagno pulled item 31. Members of the public pulled items 42 and 23. Nina Beety pulled items 23 and 32 and commented on the items. .**

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Louis R. Calcagno, to approve the Consent Calendar-Regular, with the exception of items 23, 31, 33, 41 & 42. 4-0 (Supervisor Potter Absent)**

**Ceremonial Resolutions**

- 3. Adopt Resolution honoring Dean Flippo on his selection by Community Partnership for Youth as a community leader who is making a difference in the lives of the youth. (Supervisor Parker)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, to adopt Resolution No. 12-277. 4-0 (Supervisor Potter Absent)**

- 4. Adopt Resolution honoring Martha Henry on her selection by Community Partnership for Youth as a community leader who is making a difference in the lives of the youth. (Supervisor Parker)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón**

**Salinas, to adopt Resolution No. 12-278. 4-0 (Supervisor Potter Absent)**

5. Adopt Resolution honoring Julianne Leavy on her selection by Community Partnership for Youth as a community leader who is making a difference in the lives of the youth. (Supervisor Parker)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, to adopt Resolution No. 12-279. 4-0 (Supervisor Potter Absent)**

6. Adopt Resolution honoring David Maradei on his selection by Community Partnership for Youth as a community leader who is making a difference in the lives of the youth. (Supervisor Parker)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, to adopt Resolution No. 12-280. 4-0 (Supervisor Potter Absent)**

7. Adopt Resolution honoring Taffra Mayo Purnsley on her selection by Community Partnership for Youth as a community leader who is making a difference in the lives of the youth. (Supervisor Parker)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, to adopt Resolution No. 12-281. 4-0 (Supervisor Potter Absent)**

8. Adopt Resolution honoring Claudia Ward as one of Monterey County Military and Veterans Services Advisory Commission's 2012 "Veteran's of the Year". (Supervisor Potter)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, to adopt Resolution No. 12-282. 4-0 (Supervisor Potter Absent)**

9. Adopt Resolution honoring Byron Hoffman as one of Monterey County Military and Veterans Services Advisory Commission's 2012 "Veteran's of the Year". (Supervisor Potter)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, to adopt Resolution No. 12-283. 4-0 (Supervisor Potter Absent)**

10. Adopt Resolution commending Sharon M. Distance, Senior Secretary to the Department of Public Works, for her dedicated service of over thirteen years to the County of Monterey. (Supervisor Potter)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, to adopt Resolution No. 12-284. 4-0 (Supervisor Potter Absent)**

11. Adopt Resolution honoring John Wesley Tomkinson as a Monterey County Military and Veterans Services Advisory Commission's "Veteran of the Year" for 2012. (Supervisor Parker)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, to adopt Resolution No. 12-285. 4-0 (Supervisor Potter Absent)**

12. Adopt Resolution Honoring Michael A. O'Brien as a Monterey County Military and Veterans Services Advisory Commission's "Veteran of the Year" for 2012. (Supervisor Parker)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, to adopt Resolution No. 12-286. 4-0 (Supervisor Potter Absent)**

13. Adopt Resolution Honoring Juan “Danny” Jose as a Monterey County Military and Veterans Services Advisory Commission’s “Veteran of the Year” 2012. (Supervisor Parker)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, to adopt Resolution No. 12-321. 4-0 (Supervisor Potter Absent)**

14. Adopt Resolution recognizing James P. Nunn on behalf of the Monterey County Veterans Services Advisory Commission. (Supervisor Armenta)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, to adopt Resolution No. 12-322. 4-0 (Supervisor Potter Absent)**

15. Adopt Resolution recognizing Carl W. Triplett on behalf of the Monterey county veterans Services Advisory Commission. (Supervisor Armenta)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, to adopt Resolution No. 12-323. 4-0 (Supervisor Potter Absent)**

16. Adopt Resolution honoring Karl Karl upon being selected as one of the Monterey County Military and Veterans Services Advisory Commission’s “Veteran of the Year” for the year 2012. (Supervisor Calcagno)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, to adopt Resolution No. 12-324. 4-0 (Supervisor Potter Absent)**

17. Adopt Resolution honoring Elkhorn Slough Foundation on the occasion of their 30th Anniversary. (Supervisor Calcagno)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, to adopt Resolution No. 12-325. 4-0 (Supervisor Potter Absent)**

- 17.1 Adopt Resolution honoring Dr. John W. Kisting on his selection as Monterey County Military and Veterans Services Advisory Commission’s 2012 Veteran of the Year. (Supervisor Salinas)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, to adopt Resolution No. 12-326. 4-0 (Supervisor Potter Absent)**

- 17.2 Adopt Resolution honoring Robert Lockwood on his selection as Monterey County Military and Veterans Services Advisory Commission’s 2012 Veteran of the Year. (Supervisor Salinas)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, to adopt Resolution No. 12-327. 4-0 (Supervisor Potter Absent)**

- 17.3 Adopt Resolution honoring Eric Groner of InterContinental The Clement Monterey upon being named recipient of the 2012 Monterey County Hospitality Association Papa Vince Award.

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, to adopt Resolution No. 12-328. 4-0 (Supervisor Potter Absent)**

### **Appointments**

18. Appoint Samantha Harrison, Joanne Webster and Alan Crawford to the Monterey County Workforce Investment Board, terms ending October 23, 2014. (Full Board)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, that this Appointment be approved. 4-0 (Supervisor Potter Absent)**
19. Appoint Dr. Willard Clark Lewallen to the Monterey County Workforce Investment Board to fill unscheduled vacancy, term ending February 14, 2015. (Full Board)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, that this Appointment be approved. 4-0 (Supervisor Potter Absent)**
20. Appoint Todd Farr to the Youth Council Workforce Investment Board to fill unscheduled vacancy, term ending February 14, 2014. (Full Board)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, that this Appointment be approved. 4-0 (Supervisor Potter Absent)**
21. Appoint Wendy Crawford to the Monterey County Workforce Investment Board to fill unscheduled vacancy, term ending May 25, 2013. (Full Board)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, that this Appointment be approved. 4-0 (Supervisor Potter Absent)**
22. Appoint Deidre Sullivan to the Water Resources Agency Board of Directors to fill unscheduled vacancy, term ending December 31, 2013. (Supervisor Parker) REVISED VIA SUPPLEMENTAL
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, that this Appointment be approved. 4-0 (Supervisor Potter Absent)**
23. Nominate one or more county supervisors and one or more city council members for consideration of appointment to the California Coastal Commission by the Speaker of the Assembly.
- Public comment: Bob Koble; Margie kay; Jane Haines; Paul Farmer; Ron Chesshire; Joe Vierra; Ed Mitchell; Hans Jongens.**
- A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Fernando Armenta nominating Supervisors Parker and Salinas for consideration of appointment to the California Coastal Commission by the Speaker of the Assembly. 4-0 (Supervisor Potter Absent)**

### **Other Board Matters**

24. Board Comments

There were no Board comments.

25. CAO Comments and Referrals

There were no CAO Comments and Referrals.

26. General Public Comment

Elma Cunning; Nina Beety; Ron Chesshire; Hans Jongens; Joe Vierra.

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

27. Public hearing to consider:

- a. Denial of the appeal by Glen R. Mozingo from the Zoning Administrator's approval of an application by the Estate of William Dan Powell for an amendment to a Coastal Administrative Permit (PLN110366/Powell) to allow the development of a test well and authorize the construction and use of the well for testing to establish a water source in a new location from the location that was previously approved;
- b. Approval of the amendment to a Coastal Administrative Permit (PLN110366/Powell) to allow the development of a test well and authorize the construction and use of the well for testing to establish a water source;
- c. Denial of the appeal by Glen R. Mozingo from the Zoning Administrator's approval of an application by the Estate of William Dan Powell for a Coastal Administrative Permit (PLN110367/Powell) to allow the conversion of the test well (previously approved under PLN070074 and amended under PLN110366) to a domestic production well; and
- d. Approval of a Coastal Administrative Permit (PLN110367/Powell) to allow the conversion of the test well (previously approved under PLN070074 and amended under PLN110366) to a domestic production well.

(Appeal of Coastal Administrative Permits - PLN110366 and PLN110367/Mozingo (Powell) 3072 Serra Avenue, Carmel, Carmel Area Land Use Plan)

[Board to consider applicant's request for continuance of the hearing.]

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker, to continue this item to January 15, 2013. 4-0 (Supervisor Potter Absent)**

28. Receive an oral report to consider County initiated Notice of Non-Renewal of a portion of Williamson Act Land Conservation Contract No. 69-017 effective January 1, 2013.

(PLN120564 - County initiated Notices of Non-Renewal 2013 - Portion of Williamson Act Agricultural Preserve Land Conservation Contract No.

69-017, South County Area Plan)

**Public comment: Sam Nagai**

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta, to receive an oral report to consider County initiated Notice of Non-Renewal of a portion of Williamson Act Land Conservation Contract No. 69-017 effective January 1, 2013**

**(PLN120564 - County initiated Notices of Non-Renewal 2013 - Portion of Williamson Act Agricultural Preserve Land Conservation Contract No. 69-017, South County Area Plan); approved Mr. Nagai's contract in place for Contract No. 69-35-017- Get Away. 4-0 (Supervisor Potter Absent)**

**28.1**

Receive an update oral report on "Via Care," Monterey County's contemplated Low Income Health Plan (LIHP) from the Director of Health and the CEO of Natividad Medical Center (NMC).

**Public comment: Cathy Reese-Goldencrantz; Art Schuyler; Kathy Singley; Cindy Valdez; Joe Vierra.**

**A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Simón Salinas, directing staff to return on November 6, 2013 @ 10:30 a.m. with a written report. 4-0 (Supervisor Potter Absent)**

**12:00 PM Recess to Lunch and Continued Closed Session**

**Adjournment**

**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**

29. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute the First Amendment to the Professional Services Agreement (A-11514) between The Regents of the University of California, a California Constitution corporation, on behalf of the University of California, San Francisco, School of Medicine, Department of Pediatrics (“UCSF”), and Natividad Medical Center (“NMC”) to provide Neonatology Services at NMC, extending the term Agreement to October 31, 2013, for a total amount not to exceed \$1,050,000 (no change from the previously approved amount) in the aggregate.

**Approved - Agreement No. A-11574**

**Health and Social Services**

30. a. Amend FY 2012-2013 Health Department Budget 4000, HEA012-8410 to reallocate 1.0 FTE Behavioral Health Aide to 1.0 FTE Psychiatric Social Worker II; and  
b. Direct the County Administrative Office to incorporate the approved change in the FY 2012-13 Adopted Budget.

**Approved**

31. a. Adopt a Resolution to approve Amendment No. 2 to the Unified Franchise Agreement (Agreement No. A-11631) between the County of Monterey and USA Waste of California, Inc., dba Carmel Marina Corporation, for the Exclusive Collection of Solid Waste and Recyclables in Unincorporated Monterey County in order to adjust collection rates as shown in Exhibit 1 “Approved Rates and Charges” of Amendment No. 2 effective January 1, 2013, to implement a rate adjustment as required by contract for services provided by USA Waste of California, Inc., dba Carmel Marina Corporation; and  
b. Approve and authorize the Director of Health to execute Amendment No. 2 to the Unified Franchise Agreement (Agreement No. A-11631) between the County of Monterey and USA Waste of California, Inc., dba Carmel Marina Corporation, for the Exclusive Collection of Solid Waste and Recyclables in Unincorporated Monterey County.

**Public comment: Margie Kay; Julie Engell.**

**A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Simón Salinas, to continue this item to November 6, 2012 at 10:30 a.m. 4-0 (Supervisor Potter Absent)**

32. Approve appointment of Lisa B. Hernandez, M.D., M.P.H., to the position of Health Officer at an annual salary of \$190,686, effective November 3, 2012.

**Approved**

### **General Government**

33. Adopt Resolution to:
- 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;
  - 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;
  - Approve the re-titling of the Department of Social and Employment Services to the Department of Social Services; and
  - 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 Jane Parker, seconded by Supervisor Simón Salinas, to continue this item to a date uncertain as a scheduled item. 4-0 (Supervisor Potter Absent)**

34.
  - Authorize the term of the Monterey County Civil Grand Jury to be on a fiscal year basis commencing July 1, 2013;
  - Request the Monterey County Superior Court to convene a new Civil Grand Jury for the term July 1, 2013 - June 30, 2014;
  - Extend the term of the 2012 Civil Grand Jury for one month, to end January 31, 2013; and
  - Request the Monterey County Superior Court to discharge the 2012 Civil Grand Jury no earlier than February 1, 2013.

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Louis R. Calcagno, to adopt Resolution No. 12-329:**

- Authorizing the term of the Monterey County Civil Grand Jury to be on a fiscal year basis commencing July 1, 2013;**
- Requesting the Monterey County Superior Court to convene a new Civil Grand Jury for the term July 1, 2013 - June 30, 2014;**
- Extending the term of the 2012 Civil Grand Jury for one month, to end January 31, 2013; and**
- Requesting the Monterey County Superior Court to discharge the 2012 Civil Grand Jury no earlier than February 1, 2013.**

35. Continue the date and time for Hearing the Pebble Beach Company's Appeal of Transient Occupancy Tax Late Payment Penalty from November 6, 2012,

to a date and time to be determined and set in 2013.

**Approved**

36. Receive and Accept the Treasurer's Report of Investments for the quarter ending September 30, 2012.

**Approved**

37. Appoint nominees to governing boards of various districts that have insufficient nominees to cause an election on November 6, 2012.

**Approved**

38. Approve and authorize Assessor to enter into a Two Year Agreement on Behalf of Monterey County for a Petroleum and Geothermal Property Sales Study between California Assessor's Association Members and Harold W. Bertholf, Inc.

**Approved - Agreement No. A-12343**

39. a. Approve a one-year extension on the Management Agreement between Monterey County and Urban Park Concessionaires, doing business locally as "Monterey Lakes Recreation Company", at Monterey County Parks lake resort operations, extending the current term through October 31, 2013;  
b. Authorize the Chair of the Monterey County Board of Supervisors to sign the Addendum No. 1 to the Agreement; and  
c. Authorize the Chair of the Monterey County Water Resources Agency Board to sign the Addendum No. 1 to the Agreement on behalf of the Water Resources Agency.

**Approved - Agreement No. A-12344**

- 39.1 a. Approve a request for the American Society of Civil Engineers to conduct a Peer Review for the Resource Management Agency ; and  
b. Authorize the Resource Management Agency Director to execute the American Society of Civil Engineers Peer Review Letter Agreement.

**Approved**

### **RMA - Planning**

40. a. Approve Amendment No. 1 to Professional Services Agreement No. A-11561 with Benchmark Land Use Group, Inc. (d.b.a. Benchmark Resources) to continue to provide tasks associated with State of California Surface Mining and Reclamation Act (SMARA) annual inspections and assistance with the Office of Mine Reclamation's (OMR) Lead Agency Review Team (LART) report for the County of Monterey Resource Management Agency - Planning Department, in the amount of \$46,773.50 for

a total amount not to exceed \$175,473.50 and extend the term to November 3, 2013; and

b. Authorize the Contracts/Purchasing Officer to execute Amendment No. 1 to Professional Services Agreement No. A-11561 and future amendments to the Agreement where the amendments do not significantly alter the scope of work or change the approved Agreement amount.

**Permit Type:** PD060230/Contract and PD090745/SMARA State of California Surface Mining and Reclamation Act (SMARA) annual inspections (Request for Proposal No. 10209)

**Approved - Agreement No. A-11561**

**41.**

Adopt resolution finding that a public convenience 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 Section 23958.4 of the Business and Professions Code. (PLN120569/ Peninsula Petroleum, LLC, 7 Carmel Center Place, Carmel, Carmel Valley Master Plan.

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta, to continue this item to December 11, 2012 at 10:30 a.m. as a scheduled item. 4-0 (Supervisor Potter Absent)**

**41.1**

a. Rescinding prior Board Resolution No. 06-206 approving an amendment to the Conservation and Scenic Easement Deed and Final Map Dedication for Phase IV of the Monterra Ranch Subdivision recorded as Volume 22, Cities and Towns, at Page 38, as adopted on May 16, 2006;

b. Adopting a Resolution approving the amendment to the Conservation and Scenic Easement Deed and Final Map Dedications for Canada Woods North, Phase II, recorded at Volume 22, Cities and Towns, at Page 8;

c. Authorizing the Chair of the Board to execute the amendment to the Conservation and Scenic Easement Deed and Final Map Dedications for Canada Woods North, Phase II, recorded as Volume 22, Cities and Towns, at Page 8; and

d. Directing the Clerk of the Board to submit the amendment to the Conservation and Scenic Easement Deed and Final Map Dedications to the County Recorder for recordation.

(Conservation & Scenic Easement - PLN030068/CRE LJ CA LLC, Greater Monterey Peninsula Area Plan)

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Louis R. Calcagno, to:**

**a. Rescind prior Board Resolution No. 06-206 approving an amendment to the Conservation and Scenic Easement Deed and Final Map Dedication for Phase IV of the Monterra Ranch Subdivision recorded as Volume 22, Cities and Towns, at Page 38, as adopted on May 16, 2006;**

**b. Adopt Resolution No. 12-330 approving the amendment to the Conservation and Scenic Easement Deed and Final Map Dedications for Canada Woods**

North, Phase II, recorded at Volume 22, Cities and Towns, at Page 8;

c. Authorize the Chair of the Board to execute the amendment to the Conservation and Scenic Easement Deed and Final Map Dedications for Canada Woods North, Phase II, recorded as Volume 22, Cities and Towns, at Page 8; and

d. Direct the Clerk of the Board to submit the amendment to the Conservation and Scenic Easement Deed and Final Map Dedications to the County Recorder for recordation.

(Conservation & Scenic Easement - PLN030068/CRE LJ CA LLC, Greater Monterey Peninsula Area Plan)

### **RMA - Public Works**

42. a. Receive a report on Board Referral No. 2012.05 regarding a feasibility study of various alternatives for wastewater treatment for the Toro Community; and
- b. Approve the recommendation to conduct the feasibility study.

**Public comment: Phillip Moore; Ken Dursa; Arthur McGlauglin.  
Approved**

43. a. Receive a report on Monterey Bay Unified Air Pollution Control District enhanced vapor recovery upgrade requirements for Standing Loss Control Retrofits; and
- b. Approve retrofitting nine aboveground gasoline storage tanks in order to conform to California Air Resources Board Executive Order VR-301 by April 1, 2013.

**Approved**

44. Adopt a Resolution:
- a. Accepting the Certificate of Completion for construction of the County of Monterey, Project 8810 Bid 10301 Agricultural Commissioner's Addition and Renovation, 1428 Abbott Street, Salinas CA, Earthwork Component, performed by Monterey Peninsula Engineering; and
- b. Authorizing the Director of Public Works to execute and record the Notice of Completion for the County of Monterey, Project 8810 Bid 10301 Agricultural Commissioner's Addition and Renovation, 1428 Abbott Street, Salinas CA, Earthwork Component, performed by Monterey Peninsula Engineering.

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Louis R. Calcagno to adopt Resolution No. 12-331:**

- a. Accepting the Certificate of Completion for construction of the County of Monterey, Project 8810 Bid 10301 Agricultural Commissioner's Addition and Renovation, 1428 Abbott Street, Salinas CA, Earthwork Component, performed by Monterey Peninsula Engineering; and**

**b. Authorizing the Director of Public Works to execute and record the Notice of Completion for the County of Monterey, Project 8810 Bid 10301 Agricultural Commissioner's Addition and Renovation, 1428 Abbott Street, Salinas CA, Earthwork Component, performed by Monterey Peninsula Engineering. (Construction No. 2011-011) 4-0 (Supervisor Potter Absent)**

- 45.** Introduce, waive the reading, and set December 11, 2012, at 10:30 a.m. as the date and time to consider adoption of an ordinance amending the Monterey County Code, Title 5, Section 5.08.120 as presented by the Resource Management Agency - Public Works in response to Board Referral 2011.07 regarding the local hiring process for County construction contracts.

**Approved**