

# Monterey County

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



## **Action Minutes - Final**

**Tuesday, July 24, 2012**

**9:00 AM**

**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 Simón Salinas and Supervisor Jane Parker

### 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(c), the Board will confer with legal counsel regarding one matter of potential initiation of litigation.
  - b. Pursuant to Government Code section 54957, the Board will confer regarding discipline, dismissal, or release of two public employees.
  - c. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:
    - (1) Designated representative: Izetta Birch  
Employee Organizations: Unit E

**Public comment: Dawn Allen comment regarding ARB 10-0439**

    - a. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding one matter of potential initiation of litigation.  
**CLOSED SESSION REPORT: The Board authorized initiation of litigation. When litigation is initiated, copies of the complaint will be made available to the public.**
    - b. Pursuant to Government Code section 54957, the Board will confer regarding discipline, dismissal, or release of two public employees.  
**CLOSED SESSION REPORT: The Board rejected the arbitrator's decision at this time, reserving in itself the right to review the record and either adopt the arbitrator's decision at a later date or reject or modify the decision. The Board will consider this matter at a later date.**
    - c. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:
      - (1) Designated representatives: Izetta Birch and Brette Neal  
Employee Organization(s): Units E and S**CLOSED SESSION REPORT: The Board conferred with Izetta Birch and approved a new MOU with Unit E and this matter will return to the Board for open session ratification at a future Board meeting.**

d. Pursuant to Government Code section 54957, the Board will confer regarding appointment to the position of Water Resources Agency General Manager.

CLOSED SESSION REPORT: There was no reportable actions.

MONTEREY COUNTY BOARD OF SUPERVISORS - CLOSED SESSION JULY 10, 2012: Item f.

f. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:

(1) Designated representatives: Morin Jacob, Izetta Birch, and Brette Neal  
Employee Organization(s): Unit D, E, S, and U

CLOSED SESSION REPORT: The Board approved MOU and tentative agreement with Unit D, and it will return to the Board at a future date in open session for ratification.

### **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 Salinas.

### **Additions and Corrections**

There were no additions or corrections.

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

2.

Approve Consent Calendar - Regular (See Supplemental Sheet, items 17 through 33)

Supervisor Parker pulled item 21.1 and requested it be continued to a date to be determined as a scheduled item.

A motion was made by Supervisor Salinas, seconded by Supervisor Parker to approve the Consent Calendar - Regular with the exception of item 21.1. ALL AYES

Public comment on item 21.1: Eric Peterson; Carlos Ramos; Lowell Freeman; Samir Bahkta; Dr. Max (last name unintelligible) ; Pam Norton; Huga Falino; Rogelio Cassito with Interpreter, Charlie Steves; Allie Chavez interpreted for unidentified female; Ruth Lorgas; Laura Luna; Adam Routia; Unidentified female with Interpreter Charlie Steves; Joe Grimar; Ed Mitchell.

A motion was made by Supervisor Armenta, seconded by Supervisor Salinas to approve item 21.1 and adopt Resolution No. 12-215 discouraging Community Health Center expansion into Monterey county until completion and consideration of the Regional Safety Net Provider Assessment Projec and Reprt by the California Stae University Monterey Bay, anticipated in October

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of 2012. 4-1 (Supervisor Parker dissented)

### Ceremonial Resolutions

3. Adopt Resolution commending Elm House on its 5th Anniversary.  
(Supervisor Potter)  
**A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, to adopt Resolution No. 12-172. ALL AYES**
4. Adopt Resolution honoring Dr. Phoebe K. Helm on her retirement as President/Superintendent of Hartnell Community College. (Supervisor Armenta)  
**A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, to adopt Resolution No. 12-173. ALL AYES**

### Appointments

5. Reappoint Kit Elliott to the Mental Health Commission term ending May 31, 2015. (Supervisor Parker)  
**A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, that this Reappointment be approved. ALL AYES**
6. Appoint Caroline Haskell to the Mental Health Commission, term ending May 31, 2013. (Supervisor Parker)  
**A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, that this Appointment be approved. ALL AYES**
7. Appoint Max Chaplin to the Carmel Valley Road Committee, term ending June 30, 2014. (Supervisor Potter)  
**A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, that this Appointment be approved. ALL AYES**
8. Appoint Kathryn Picetti to the County Service Area One to fill unscheduled vacancy, term ending June 30, 2013. (Supervisor Potter)  
**A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, that this Appointment be approved. ALL AYES**

### Other Board Matters

9. Board Comments  
**Supervisor Calcagno announced that he attended the D'Arrigo Facility facility dedication at Natividad Medical Center. It was a tremendous success. He congratulated the D'Arrigo family and encouraged the community to visit the facility.**
10. CAO Comments and Referrals

County Administrative Officer Dr. Lew Bauman advised he received a copy of a letter from Insurance Commissioner Dave Jones regarding the Worker's Compensation Insurance Fund and the Fraud Assessment Commission's award to the Monterey County District Attorney for \$600,000 for our Worker's Compensation Insurance Fraud program. He acknowledged the DA's office for the grant award and tremendous work they do to prevent Worker's Compensation fraud .

11. General Public Comment

Eric Peterson; Carlos Ramos; Steve Ecklund.

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

12. Public hearing to consider:  
Adoption of an ordinance to amend Title 19 (non-coastal subdivision ordinance) and Title 21 (non-coastal zoning ordinance) of the Monterey County Code to change the process for consideration of applications for subdivisions and lot line adjustments in the unincorporated inland area of the County of Monterey. Changes to the process include dissolution of the County of Monterey's Minor and Standard Subdivision Committees, elimination of the Director of Planning's authority to decide upon minor subdivisions and lot line adjustments, and designation of the Monterey County Planning Commission as the appropriate authority to consider applications for subdivisions and lot line adjustments in the inland unincorporated area of the County.  
(REF100014, Elimination of Minor and Standard Subdivision Committees, Non-Coastal Ordinance Amendments)
- Public comment: Michael Kling; Ed Mitchell**  
**A motion was made by Supervisor Fernando Armenta, seconded by Supervisor Simón Salinas, to continue this item to August 28, 2012. ALL AYES**
13. Item Deleted

### **12:00 PM - Recess to Lunch and Joint Meeting of the Monterey County Board of Supervisors and the Natividad Medical Center Board of Trustees**

#### **Roll Call**

14. Closed Session under Government Code section 54950, relating to the following items:
- a. Pursuant to Health and Safety Code section 1462, the Boards will receive a report and confer regarding health care facility/hospital trade secret. Discussion will concern a new service or new facility.
  - b. Pursuant to Government Code section 54956.9(b), the Boards will confer

with legal counsel regarding one matter of significant exposure to litigation.

c. Pursuant to Government Code section 54957.6, the Boards will confer with labor negotiators.

(1) Designated representative: Harry Weis  
Employee Organization(s): Units R and S

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

**CLOSED SESSION REPORT: The Board took no reportable actions on items 14. a. through d.**

### **Adjournment**

### **2:30 PM Reconvene - Monterey County Board of Supervisors**

### **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

### **Scheduled Matters**

15.

Public hearing to consider:

a. Approving a Lot Line Adjustment of Williamson Act Lands consisting of the removal of 477 acres from an existing 950 acre parcel [Assessor's Parcel Numbers 145-181-003-000, 145-181-004-000, and 145-181-005-000 (Parcel C)] and the addition of 477 acres to an existing 40-acre parcel [Assessor's Parcel Number 145-181-002-000 (Parcel B)]. The existing parcels are within Williamson Act Agricultural Preserves per Land Conservation Contract No. 68-094, (Assessor's Parcel Nos. 145-181-002-000 and 145-181-005-000), owned by TMV Lands; and Land Conservation Contract No. 71-001 (Assessor's Parcel Number 145-181-003-000) owned by TMV Lands; and Land Conservation Contract No. 72-017 (Assessor's Parcel Number 145-181-004-000), owned by TMV Lands. The Lot Line Adjustment would result in two (2) parcels of 517 acres (Parcel 1) and 473 acres (Parcel 2); and

b. Authorizing the Chair to execute new or amended Land Conservation Contracts, in order to rescind a portion of the existing Land Conservation Contracts as applicable to the reconfigured lots only and simultaneously execute new or amended Land Conservation Contracts for the reconfigured lots between the County and the Property Owners of Record, reflecting the new legal descriptions, current ownership interests and to incorporate any legislative changes to State Williamson Act provisions and current County Agricultural Preserve Policies or Procedures; and

c. Directing the Clerk of the Board to record the new or amended Contracts concurrently with the recordation of the Certificate of Compliance for the reconfigured Williamson Act parcels.

(Lot Line Adjustment - PLN110267/TMV Lands, Chualar Canyon Road and Old Stage Road, east of Old Stage Road and south of Chualar Canyon Road, east of the town of Chualar, Central Salinas Area Plan)

**Public comment: Paul Hart on behalf of TMV Lands**

**The Board conducted a public hearing.**

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Louis R. Calcagno, to adopt Resolution No. 12-234:**

**a. Approving a Lot Line Adjustment of Williamson Act Lands consisting of the removal of 477 acres from an existing 950 acre parcel [Assessor's Parcel Numbers 145-181-003-000, 145-181-004-000, and 145-181-005-000 (Parcel C)] and the addition of 477 acres to an existing 40-acre parcel [Assessor's Parcel Number 145-181-002-000 (Parcel B)]. The existing parcels are within Williamson Act Agricultural Preserves per Land Conservation Contract No. 68-094, (Assessor's Parcel Nos. 145-181-002-000 and 145-181-005-000), owned by TMV Lands; and Land Conservation Contract No. 71-001 (Assessor's Parcel Number 145-181-003-000) owned by TMV Lands; and Land Conservation Contract No. 72-017 (Assessor's Parcel Number 145-181-004-000), owned by TMV Lands. The Lot Line Adjustment would result in two (2) parcels of 517 acres (Parcel 1) and 473 acres (Parcel 2); and**

**b. Authorizing the Chair to execute new or amended Land Conservation Contracts, in order to rescind a portion of the existing Land Conservation Contracts as applicable to the reconfigured lots only and simultaneously execute new or amended Land Conservation Contracts for the reconfigured lots between the County and the Property Owners of Record, reflecting the new legal descriptions, current ownership interests and to incorporate any legislative changes to State Williamson Act provisions and current County Agricultural Preserve Policies or Procedures; and**

**c. Directing the Clerk of the Board to record the new or amended Contracts concurrently with the recordation of the Certificate of Compliance for the reconfigured Williamson Act parcels.**

**(Lot Line Adjustment - PLN110267/TMV Lands, Chualar Canyon Road and Old Stage Road, east of Old Stage Road and south of Chualar Canyon Road, east of the town of Chualar, Central Salinas Area Plan) ALL AYES**

**16.**

a. Authorize the County Administrative Office to reduce the position count in the Office of Employment and Training by 12, as detailed below;

b. Authorize the issuance of layoff notices to impacted employees no sooner than August 10, 2012, with an effective date of September 1, 2012;

c. Direct the Human Resources Department to provide in-placement and out-placement services;

d. Authorize budgetary adjustments in Fund 007, Budget Unit 8261 - Office of Employment and Training as detailed below (4/5ths vote required);

e. Authorize the County Administrative Office, Auditor Controller and Human Resources Department to implement the actions as outlined in this report. (4/5ths vote required).

**Public comment: Jay Donato; Harry Gamotan; Dave Stewart.**

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, to: a. Authorize the County Administrative Office to reduce the**

- position count in the Office of Employment and Training by 12, as detailed below;
- b. Authorize the issuance of layoff notices to impacted employees no sooner than August 10, 2012, with an effective date of September 1, 2012;
- c. Direct the Human Resources Department to provide in-placement and out-placement services;
- d. Authorize budgetary adjustments in Fund 007, Budget Unit 8261 - Office of Employment and Training as detailed below (4/5ths vote required);
- e. Authorize the County Administrative Office, Auditor Controller and Human Resources Department to implement the actions as outlined in this report. (4/5ths vote required). 4-1 (Supervisor Armenta dissented)

**Adjournment**

**APPROVED:**

\_\_\_\_\_  
**FERNANDO ARMENTA, CHAIR  
BOARD OF SUPERVISORS**

**ATTEST:**

**BY: \_\_\_\_\_  
GAIL T. BORKOWSKI  
CLERK OF THE BOARD**



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

17. a. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to enter into a Master Agreement pursuant to the Request for Proposals (RFP #9600-22) for Ancillary Registry Services at NMC.
- b. Authorize the Purchasing Manager for NMC to execute contracts pursuant to RFP #9600-22 for Ancillary Registry Services with Alara Healthcare Staffing Inc., Aureus Radiology LLC, Integrated Healthcare Staffing, Maxim Staffing Solutions, Per Diem Staffing Systems Inc., Sonotemps Inc. and SHC Services Inc, for a total aggregate amount of \$3,600,000 over three years (or \$1,200,000 per fiscal year) for all contracts issued under the Master Agreement for the period August 1, 2012 to June 30, 2015.
- c. Authorize the Purchasing Manager for NMC to approve up to two (2) future amendments to all contracts pursuant to Master Agreement, RFP #9600-22 where the amendments do not exceed 10% of the original Master 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-12281**

**Health and Social Services**

18. a. Amend the FY 2012-13 Health - Clinic Services Budget 4000, HEA007, Unit 8097 and 8105 to reallocate two (2.0) FTE Nurse Practitioner II's to two (2.0) FTE Physician Assistant II's; and
- b. Authorize the County Administrative Office to incorporate approved changes in the FY 2012-13 Adopted Budget.

**Approved**

19. Accept the First 5 Monterey County Annual Report to the Community and the First 5 Monterey County Connecting the Dots Evaluation Report.

**Approved**

20. Approve the bylaws of the Commission on the Status of Women

**Approved**

21. a. Approve and authorize the Director of the Department of Social & Employment Services, or his designee, to sign contracts with the Alliance on Aging, Legal Services for Seniors, Meals on Wheels of the Salinas Valley, and Meals on Wheels of the Monterey Peninsula for a total of \$1,128,781 to provide services to Monterey County seniors for the period July 1, 2012 through June 30, 2013; and

b. Authorize the Director of the Department of Social & Employment Services, or his designee, to sign up to three (3) amendments to these agreements, where the total amendments do not exceed 10% of the original contract amounts, and do not significantly change the scopes of work.

**Approved - Agreement Nos. A-12275 (Alliance on Aging); A-12276 (Legal Services for Seniors); A-12277 (Meals on Wheels of the Salinas Valley); and A-12278 (Meals on Wheels of the Monterey Peninsula)**

**21.1**

Adopt a resolution discouraging Community Health Center expansion into Monterey County until completion and consideration of the Regional Safety Net Provider Assessment Project and Report by the California State University Monterey Bay, anticipated in October of 2012.

**Adopted Resolution No. 12-215 - See action under item 2 (Approval of Consent Calendar-Regular)**

**21.2**

Authorize the Director of Health, or his designee, on behalf of Monterey County, as Lead Agency for the County and the twelve incorporated cities of Monterey County, to execute and submit all necessary applications, contracts, payment requests, agreements, annual reports, expenditure reports, documents and amendments thereto for the purposes of securing Used Oil Payment Program funds for FY 12-13 in an amount not to exceed \$200,000, and for subsequent agreements for FY 13-14, FY 14-15, FY 15-16 and FY 16-17 in amounts not to exceed \$200,000 annually, and to implement and carry out the purposes specified in the applications.

**Approved**

### **Criminal Justice**

**22.**

Approve and adopt a Resolution amending Article VII of the Master Fee Resolution to set fees and authorize collection of fees by the Sheriff's Office effective August 1, 2012 as attached in Exhibit I.

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker, to adopt Resolution No. 12-228 amending Article VII of the Master Fee Resolution to set fees and authorize collection of fees by the Sheriff's Office effective August 1, 2012 as attached in Exhibit I. ALL AYES**

**23.**

Authorize the Auditor-Controller to amend the FY 2011-12 District Attorney's Budget, DIS001, to increase revenues and appropriations by \$687,332 (4/5ths vote required).

**Approved**

### **General Government**

**24.**

a. Approve Amendment No. 1 (Amendment) to the Subrecipient

Agreement (Agreement) between the County of Monterey and the Housing Resource Center (HRC) of Monterey County to extend the term through April 30, 2013, and increase the contract amount by \$25,000 for a total of \$50,000 to continue providing homebuyer counseling and education services related to the County's Neighborhood Stabilization Program (NSP1); and

- b. Authorize the County Administrative Officer, or designee, to execute the Amendment and make minor revisions to it provided the overall feasibility of the objectives of the Amendment is not in jeopardy, no additional funds are required from the County, and no material term of the Amendment is altered.

**Approved - Agreement No. A-11418**

25. Approve authorizing the Office of the Auditor-Controller to modify the appropriations in the FY 2011-12 Adopted Budget, up to the amounts listed on Attachment A, as necessary, to reflect the changes required in the allocation of the County's property insurance premiums (4/5ths Vote Required).

**Approved**

26. Adopt a Resolution:
  - a. Thanking County Counsel and the Treasurer-Tax Collector for their service on the Housing Loan Committee (HLC);
  - b. Changing the composition of the HLC to consist of the Auditor-Controller, the Director of the Resource Management Agency, and the Chair of the Housing Advisory Committee, or their designees; and
  - c. Changing the body which hears appeals of HLC decisions from the Housing Advisory Committee to the Economic Development Director, or his designee.

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker, to adopt Resolution No. 12-229:**

- a. Thanking County Counsel and the Treasurer-Tax Collector for their service on the Housing Loan Committee (HLC);
  - b. Changing the composition of the HLC to consist of the Auditor-Controller, the Director of the Resource Management Agency, and the Chair of the Housing Advisory Committee, or their designees; and
  - c. Changing the body which hears appeals of HLC decisions from the Housing Advisory Committee to the Economic Development Director, or his designee.
- ALL AYES**

27. Receive and Accept the Treasurer's Report of Investments for the quarter ending June 30, 2012;
  - b. Receive and Approve the Treasurer's investment policy for FY 2012-13; and
  - c. Renew the Delegation of Investment Authority to the Treasurer-Tax Collector pursuant to California Government Code 53607.

**Approved**

28. Receive Action Minutes of the Budget Committee for October 26, 2011, November 9, 2011 and December 7, 2011.

**Approved**

29. Approve a request from the Greenfield Fire Protection District for dry period loan of \$325,000.00 for the Fiscal Year ending June 30, 2013.

**Approved****RMA - Planning**

30. a. Approve the Parcel Map for a minor subdivision to divide a 3.02 acre parcel into two 1.51 acre parcels; and  
b. Direct the Clerk of the Board to submit the Parcel Map to the County Recorder for filing.  
(Parcel Map - PLN080458/Santa Barbara Bank and Trust (Denver Dudley Stanton Dale Trust et al), 1272 Sombria Lane, Pebble Beach, Del Monte Forest Area Land Use Plan)

**Approved**

31. a. Approve a Professional Services Agreement with ICF Jones & Stokes, Inc. where the Base Budget is \$268,190.00 with a Contingency of \$40,228.50, for a total amount not to exceed \$308,418.50 to provide an Environmental Impact Report (EIR) for the Stonewall Canyon Quarry (PLN060550) in the Central Salinas Valley Area Plan in South County, for a term through January 31, 2014; and  
b. Approve a Funding Agreement with Syar Industries, Inc. where the Base Budget is \$268,190.00 with a Contingency of \$40,228.50 and the County contract administration fee is \$3,170.00, for a total amount not to exceed \$311,588.50, to allow funding to Monterey County for costs incurred by ICF Jones & Stokes, Inc. to provide an EIR for the Stonewall Canyon Quarry (PLN060550) in the Central Salinas Valley Area Plan in South County, for a term through January 31, 2014; and  
c. Authorize the Director of Planning to execute the Professional Services Agreement, Funding Agreement and future amendments to the Agreements where the amendments do not significantly alter the scope of work or change the approved Agreement amounts.  
(REF110024/ICF International, County-wide and PLN060550/Stonewall Quarry, Central Salinas Valley Area Plan, South County)

**Approved - Agreement Nos. A-12269 (Jones & Stokes); A-12270 (Syar Industries, Inc.)**

32. Adopt a Resolution of Intent directing the Director of Planning to investigate, evaluate, and initiate the process of amendment to the 2010 General Plan and

zoning to change the land use designation and zoning of two parcels totaling approximately 116 acres in the Fort Ord Master Plan, located at the northeast corner of 7th Avenue and Intergarrison Road (known as the Whispering Oaks site), from Planned Development-Mixed Use (Public/Quasi-Public zoning) to Open Space (APN: 031-101-041-000, 031-101-056-000).  
(REF120055/Whispering Oaks, Board Referral 2012.02)

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker, to adopt Resolution of Intent No. 12-227 directing the Director of Planning to investigate, evaluate, and initiate the process of amendment to the 2010 General Plan and zoning to change the land use designation and zoning of two parcels totaling approximately 116 acres in the Fort Ord Master Plan, located at the northeast corner of 7th Avenue and Intergarrison Road (known as the Whispering Oaks site), from Planned Development-Mixed Use (Public/Quasi-Public zoning) to Open Space (APN: 031-101-041-000, 031-101-056-000).  
(REF120055/Whispering Oaks, Board Referral 2012.02). ALL AYES**

### **RMA - Public Works**

- 33.**
- a. Approve a Project Agreement with the Federal Highway Administration for the preparation of Project Plans, Specifications, Estimate, Right-of-way, Construction and Construction Management for the Project CA PFH 129 - 1 (2) Arroyo Seco Road;
  - b. Authorize the Director of Public Works to execute the Project Agreement;
  - c. Authorize the Clerk of the Board to submit the Project Agreement to the County Recorder for filing upon execution by Federal Highway Administration of the Project Agreement; and
  - d. Authorize the Director of Public Works to execute all future amendments that do not significantly alter the scope of work or change the approved Project Agreement amount.

**Approved**