

Monterey County

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



Meeting Agenda - Final-revised

Tuesday, September 18, 2012

9:00 AM

Board of Supervisors

*Chair Dave Potter - District 5
Vice-Chair Fernando Armenta - District 1
Supervisor Louis R. Calcagno - District 2
Supervisor Simón Salinas - District 3
Supervisor Jane Parker - District 4*

The Board of Supervisors welcomes you to its meetings, which are regularly scheduled each Tuesday. Your interest is encouraged and appreciated. Meetings are held in the Board Chambers located on the first floor of the Monterey County Government Center, 168 W. Alisal St., Salinas, CA 93901. As a courtesy to others, please turn off all cell phones and pagers prior to entering the Board Chambers.

ALTERNATE AGENDA FORMATS: If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Individuals with a disability requiring a modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may make these requests to the Clerk of the Board Office.

CEREMONIAL/APPOINTMENTS/OTHER BOARD MATTERS: These items may include significant financial and administrative actions, and items of special interest, usually approved by majority vote for each program. The regular calendar also includes "Scheduled Items," which are noticed hearings and public hearings.

CONSENT CALENDAR: These matters include routine financial and administrative actions, appear in the supplemental section by program areas, and are usually approved by majority vote.

TO ADDRESS THE BOARD ON A MATTER ON THE AGENDA: Walk to the rostrum and wait for recognition by the Chair. In order that all interested parties have an opportunity to speak, please be brief and limit your comments to the specific subject under discussion. Time limitations shall be at the discretion of the Chair, with equal time allocated to opposing sides of an issue insofar as possible. Allocated time may not be reserved or granted to others, except as permitted by the Chair. On matters for which a public hearing is required, please note that a court challenge to the Board's action may be limited to only those issues raised at the public hearing or in correspondence delivered to the Board at or before the public hearing.

TO ADDRESS THE BOARD DURING PUBLIC COMMENT: Please complete a Speaker Request Form, available on the rostrum, and submit it to the Clerk of the Board before the commencement of that agenda item. Public comments shall not pertain to matters on the agenda.

DOCUMENT DISTRIBUTION: Documents related to agenda items that are distributed to the Board less than 72 hours prior to the meeting shall be available for public inspection at the Clerk of the Board Office, 168 W. Alisal Street, 1st Floor, Salinas, CA. Documents distributed to the Board at the meeting by County staff will be available at the meeting; documents distributed to the Board by members of the public shall be made available after the meeting.

INTERPRETATION SERVICE POLICY: The Monterey County Board of Supervisors invites and encourages the participation of Monterey County residents at its meetings. If you require the assistance of an interpreter, please contact the Clerk of the Board located in the Monterey County Government Center, 168 W. Alisal St., Salinas - or by phone at (831) 755-5066. The Clerk will make every effort to accommodate requests for translation assistance. Requests should be made as soon as possible, and at a minimum 24 hours in advance of any meeting of the Board of Supervisors.

La Cámara de Supervisores del Condado de Monterey invita y apoya la participación de los residentes del Condado de Monterey en sus reuniones. Si usted requiere la asistencia de un interprete, por favor comuníquese con la oficina de la Asistente de la Cámara de Supervisores localizada en el Centro de Gobierno del Condado de Monterey, (Monterey County Government Center), 168 W. Alisal, Salinas – o por teléfono al (831) 755-5066. La Asistente hará el esfuerzo para acomodar los pedidos de asistencia de un interprete. Los pedidos se deberán hacer lo mas pronto posible, y a lo mínimo 24 horas de anticipo de cualquier reunión de la Cámara de Supervisores.

All documents submitted by the public must have no less than ten (10) copies. The Clerk of the Board of Supervisors must receive all materials for the agenda packet by noon on the Tuesday one week prior to the Tuesday Board meeting. Any agenda related writings or documents distributed to members of the County of Monterey Board of Supervisors regarding any open session item on this agenda will be made available for public inspection in the Clerk of the Board's Office located at 168 W. Alisal St., 1st Floor, Salinas, California. during normal business hours and in the Board Chambers on the day of the Board Meeting, pursuant to Government Code §54957.5

NOTE: All agenda titles related to numbered items are live web links. Click on the title to be directed to the corresponding Board Report.

Roll Call

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. The public may comment on Closed Session items prior to the Board's recess 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) Daniel J. Mitchell, et al. v. County of Monterey (United States District Court, California Northern District, case no. C 08-01166 JW)
 - 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 54956.9(c), the Board will confer with legal counsel regarding one matter of potential initiation of litigation.
 - d. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding liability claims against the County of Monterey.
(1) Claim of Gloria Rodriguez

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.

10:30 AM Reconvene

Roll Call

Pledge of Allegiance

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.

Consent Calendar- (See Supplemental Sheet)

2. Approve Consent Calendar - Regular (See Supplemental Sheet, items 13 through 21).

Ceremonial Resolutions

3. Resolution proclaiming September 19, 2012 as “It Can Wait-No Texting While Driving Pledge Day” in Monterey County. (Supervisor Potter)

Attachments: [No Texting While Driving Pledge Day Resolution](#)

Appointments

4. Appoint Chris Shannon to the Children & Families Commission, term ending September 26, 2015. (Full Board)

Attachments: [Shannon Notification to the Clerk](#)

5. Reappoint Josefina Silva to the Children & Families Commission, term ending September 25, 2015. (Full Board)

Attachments: [Silva Notification to the Clerk](#)

6. Appoint Elizabeth Barratt to the Carmel Valley Road Committee, term ending June 30, 2013. (Supervisor Potter)

Attachments: [Barratt Notification to the Clerk](#)

- 6.1 Appoint Supervisor Simon Salinas as the Alternate to the FORA Fort Ord Reuse Authority Board of Directors for Calendar Year 2012. (Full Board)

Attachments: [2012 Boards and Committees List Revised 9 11 12 \(2\) \(2\)](#)

Other Board Matters

7. Board Comments
8. CAO Comments and Referrals (Materials submitted via Supplemental)

Attachments: [Referrals 091812](#)

9. General Public Comment

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 statement 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.

10:30 A.M. - Scheduled Matters

10. a. Conduct a hearing under the requirements of the Tax Equity and Financial Responsibility Act (TEFRA) and the Internal Revenue Code of 1986, as amended for the Community Hospital of the Monterey Peninsula (CHOMP), a California nonprofit public benefit corporation, to finance the construction improvement, renovation, and equipping of certain acute-care hospital facilities and related facilities located within the County of Monterey and certain costs with respect thereto; and
- b. Adopt a resolution approving the issuance of up to \$35,000,000 in tax-exempt revenue bonds by the California Statewide Communities Development Authority for the benefit of CHOMP, to provide financing for the project

Attachments: [8-24-12 Resolution \(County\).doc](#)

12:00 PM Recess to Lunch**1:30 PM Reconvene - Monterey County Board of Supervisors****Roll Call****1:30 P.M. - Scheduled Matters**

11. Accept an oral presentation from the Interim Health Officer and the Program Manager of the Planning, Evaluation and Policy Unit regarding County support for Early Childhood Development, as requested by Board of Supervisors Referral #2012.04.

Attachments: [ECDInventory_final4.pdf](#)
[ECD_BOS_9_18_12final.pptx](#)

12. Receive an oral report from the Equal Opportunity Officer and representatives from Biddle Consulting Group on the Data and statistical analysis contained in the proposed revised Monterey Plan for Equal Access to Employment and Contracting Opportunities

Attachments: [Board Order 9.4.12.doc](#)

Adjournment**Supplemental Sheet, Consent Calendar****Health and Social Services**

13. Approve and authorize the Director of Health to sign Amendment No. 1 to the

Agreement A-11713 with ODD-Fellow Rebekah Children's Home of California to increase funding to add board and care services for April 1, 2012 to June 30, 2012 in the amount of \$54,876 and July 1, 2012 to June 30, 2013 in the amount of \$219,504, for the revised total amount not to exceed \$1,211,956.

Attachments: [Amend. # 1 ODD Fellow Rebekah to Agreement A-11713.pdf](#)

- 14.** Approve and authorize the Contracts/Purchasing Officer to sign Amendment No. 5 to Agreement No. A-11307 with Oregon Community Health Information Network, Inc. to adjust authorization requirements for Care Everywhere.

Attachments: [Amend 5 OCHIN.pdf](#)

- 14.1**
- a. Approve and authorize the Chualar Community Litter Abatement Clean-Up Day planned for September 22, 2012; and
 - b. Approve and authorize Waste Management to set up and monitor waste containers at the event, and to provide transportation and disposal of waste collected in those containers, in accordance with the provisions of Section 11.04 of the Unified Franchise Agreement.

Criminal Justice

- 15.**
- a. Authorize the Contracts/Purchasing Officer to sign and execute Amendment No.1 with Jon J. Smith, M.D to extend the term of the agreement an additional one (1) year for forensic pathological postmortem examinations; and
 - b. Authorize the Contracts/Purchasing Officer to sign future amendments to this agreement where the amendments do not significantly change the scope of work.

Attachments: [Amendment No 1 Jon J Smith, MD](#)

General Government

- 16.** Adopt a resolution to approve the amendments to the Conflict of Interest Code of the County Administrative Office of the County of Monterey.

Attachments: [Attachment A - CAO COI Resolution - 09-18-12.doc](#)

[CAO COI Code - 09-18-12.doc](#)

[Attachment B - CAO Conflict of Interest Code- STRIKEOUTS - Sep 2012.pdf](#)

- 17.** Adopt Resolution to:
Amend Resolution No. 09-357 and the Monterey County Agricultural Advisory Committee (AAC) Bylaws to provide for a temporary alternate Committee member in the event there is a need for a Committee member to take a temporary leave of absence due to personal or family medical reasons.

Attachments: [Resolution Amending 09-357 Temp Alt Mbr 08-29-2012 \(2\).doc](#)

[Executed Resolution 09-357.pdf](#)

[Revised AAC Bylaws Temp Alt Mbr 08-29-2012.doc](#)

18. Adopt Resolution to:
- a. Amend Personnel Policy and Practices Resolution No. 98-394 to re-title “Revenue Manager” to “Deputy Treasurer-Tax Collector”.
 - b. Approve the Reallocation of one “Allocation to Be Determined” to one “Deputy Treasurer-Tax Collector” in Budget Unit 1170-8264, Treasurer-Tax Collector, Revenue Division.
 - c. Amend the FY 2012-13 Treasurer-Tax Collector Budget 1170-8264 to delete one “Allocation to be determined” and add one “Deputy Treasurer-Tax Collector”.
 - d. Authorize the County Administrative Office to incorporate this change, as reflected in Attachment A, in FY 2012-13 Treasurer-Tax Collector Budget 1170-8264.

Attachments: [BOS resolution](#)
 [Attachment A](#)

19. Accept the Monterey County Agricultural Advisory Committee Annual Report covering the period of July 1, 2011, through June 30, 2012.

Attachments: [AAC 2011-2012 Annual Report.pdf](#)

20. a. Amend the FY 2012-13 County Clerk-Recorder Budget 1180, Unit 8004 to Reallocate one Management Analyst II to Finance Manager 1 and;
b. Authorize the County Administrative Office to incorporate approved position changes in the FY 2012-13 Adopted Budget.

Attachments: [ATTACHMENT A](#)
 [ACR MA to FM RTC 7 2012 Final Signed](#)

21. Introduce, waive the reading, and set October 2, 2012 at 10:30 a.m. as the date and time to consider adoption of an ordinance repealing Section 2.32.035 of the Monterey County Code to enable full implementation of the Monterey County Local Preference Policy.

Attachments: [Draft Ordinance 9-11-12.pdf](#)
 [Draft Redline Ordinance 9-11-12.pdf](#)

22. Supplemental / Addendum for Tuesday, September 18, 2012

View Addendum reports at:

<http://monterey.legistar.com/Calendar.aspx>

ADDENDUM

- 14.1 a. Approve and authorize the Chualar Community Litter Abatement Clean-Up Day planned for September 22, 2012; and
b. Approve and authorize Waste Management to set up and monitor waste containers at the event, and to provide transportation and disposal of

waste collected in those containers, in accordance with the provisions of Section 11.04 of the Unified Franchise Agreement.

SUPPLEMENTAL

MATERIALS SUBMITTED

(See link above)

8. CAO Comments and Referrals

Referrals submitted

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