Monterey County

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

Meeting Agenda - Final-revised

Tuesday, October 2, 2012
9:00 AM

See separate agenda for Monterey County Water Resources Agency/Addendum & Supplemental items referenced under item 26.

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.

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.

Call to Order

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) Carmel Rio Road LLC v. County of Monterey (Monterey County Superior Court case no. M118773) REMOVED VIA SUPPLEMENTAL
      (2) Javier Guzman, et al. v. Rick Pinch, et al. (Monterey County Superior Court case no. M71543)
      (3) County of Monterey v. California-American Water Company (San Francisco Superior Court case no. CGC-12-521875
      (4) Application of California-American Water Company (U210W) for Approval of the Monterey Peninsula Water Supply Project: Application 12-04-019
      (5) Stephen P. Collins v. County of Monterey, et al. (Monterey County Superior Court case no M117744) ADDED VIA ADDENDUM

   b. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding two three matters of significant exposure to litigation. ADDED VIA ADDENDUM

   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 54956.8, the Board will confer with real property negotiators:
      (1) Property: APN 031-161-034 (the Fort Ord “Youth Camp”)
          Negotiator: Gene Rogers, Interim Assistant CAO
          Negotiating party: Fort Ord Reuse Authority
          Under negotiation: Terms
      (2) Property: Portion of State Route 68 between State Route 1 and Scenic Drive
          Agency Negotiator: Benny Young, RMA Director
Negotiating Party: Caltrans
Under negotiation: Price and terms
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 14 through 24)

Ceremonial Resolutions

3. "Undisclosed Recipient" Resolution. (Supervisor Potter)

Attachments: Undisclosed Recipient

4. Resolution honoring Monterey County Ohlone Basket Weaver Linda Yamane. (Supervisor Potter)

Attachments: Linda Yamane Resolution

Appointments

5. Appoint Juanita Perea, Laura Bernal and Paul Schively to the Boronda County Sanitation District Advisory Committee, terms ending January 1, 2015. (Supervisor Calcagno)

Attachments: Perea Notification to the Clerk
Bernal Notification to the Clerk
Schively Notification to the Clerk

6. Reappoint Harry Weis to the Central California Alliance for Health, term ending October 7, 2015. (Full Board)

Attachments: Weis Notification to the Clerk

7. Appoint Lynne Semeria to the Carmel Highlands Fire Protection District to fill
unscheduled vacancy, terms ending June 30, 2014. (Supervisor Potter)

**Attachments:**  Semeria Notification to the Clerk

8. Appoint one member of the Board of Supervisors to serve as Director and one member of the Board of Supervisors to serve as Alternate on the 2013 Board of Directors of the California State Association of Counties (CSAC).

**Attachments:**  Memo from CSAC

8.1 Appoint Bill Lipe as a temporary alternate for the Agricultural Advisory Committee, term ending June 30, 2012. (Full Board) (ADDED VIA ADDENDUM)

**Attachments:**  Lipe Notification to the Clerk

**Other Board Matters**

9. Board Comments

10. CAO Comments and Referrals

**Attachments:**  Referrals 100212

11. General Public Comments

*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**

12. a. Conduct a public hearing under the requirements of the Tax Equity and Financial Responsibility Act (TEFRA) and the Internal Revenue Code of 1986, as amended, and;

b. Adopt a resolution approving the issuance of up to $55,000,000 of tax-exempt revenue notes by the California State Communities Development Authority (CSCDA) to benefit California Shock Trauma Air Rescue.

**Attachments:**  Calstar Resolution 9 6 12.doc

13. Consider adoption of the attached ordinance repealing Section 2.32.035, of the Monterey County Code to enable full implementation of the Monterey County Local Preference Policy.

**Attachments:**  Draft Redline Ordinance 9-11-12.pdf

Draft Ordinance 9-11-12.pdf
12:00 PM Recess to Lunch

Adjournment

Supplemental Sheet - Consent Calendar

Criminal Justice

14. a. Approve and authorize the Chief Probation Officer to sign the Memorandum of Understanding with the Monterey County Office of Education for the High Risk Youth Education and Public Safety Program - Through and Beyond Program to receive funds in the amount of $185,909 from July 1, 2012 through June 30, 2013.
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.

Attachments: MOU MCOE Through and Beyond Grant 2012-2013.pdf

15. a. Authorize the Auditor-Controller to amend the FY 2012-13 budget for the District Attorney, DIS001, Unit 8062, by increasing the revenues and appropriations by $67,774, (4/5ths vote required) and;
b. Authorize the County Administrative Office to add a new position in the District Attorney’s Department (2240), Unit 8062, for a Deputy District Attorney.

Attachments: Real Estate Fraud Stats 100212

General Government

16. a. Approve and authorize the Director of Information Technology to retroactively execute an IBM Customer Agreement and Master Services Attachment for ServiceElite Agreement for software licensing/support, and hardware maintenance/support (collectively, the “Agreement”), effective July 1, 2012;
b. Accept non-standard language in the Agreement provided by the vendor as recommended by the Director of Information Technology; and
c. Authorize the Contracts/Purchasing Officer to issue purchase orders on an as needed basis in an aggregate amount not to exceed $300,000 per fiscal year, over the next three fiscal years, as recommended by the Director of Information Technology.
### 17. Approve the proposed amended bylaws of the Monterey County Veterans Services Advisory Commission.

**Attachments:**  
MVAAC Bylaws 2011  
By Laws revised 2012

### 18. Authorize the Auditor-Controller to increase appropriations in the NGEN Project Fund 405 Appropriation Unit EME002 by $1,049,394, using fund balance in the same fund to install end user radio equipment and purchase ancillary equipment for County general fund departments (4/5 Vote Required).

### 19.  
- a. Amend the FY 2012-13 Treasury-Tax Collector, Revenue Division 1170, Unit 8264 Budget to Reallocation one Legal Process Clerk to one Account Clerk; and  
- b. Authorize the reclassification of one Legal Process Clerk to one Account Clerk; and  
- c. Authorize the County Administrative Office to incorporate approved position changes in the FY 2012-13 Adopted Budget.

**Attachments:**  
BO ATTACHMENT A

### RMA - Planning

#### 20. PLN120564 - County initiated Notices of Williamson Act Non-Renewal 2013  
- a. Set a public hearing for October 16, 2012 at 10:30 a.m., to Consider County-initiated Notices of Non-Renewal for portions of three (3) Williamson Act Agricultural Preserve Land Conservation Contracts due to not meeting Williamson Act Program and County Land Conservation Contract requirements and/or with the Property Owner’s consent.  
- b. Direct the Clerk of the Board of Supervisors to publish Notice of Hearing for the Public Hearing to take place on October 16, 2012 at 10:30 a.m., for County-initiated Notices of Non-Renewal for portions of three (3) Williamson Act Agricultural Preserve Land Conservation Contracts due to not meeting program or Contract requirements and/or with the Property Owner’s consent. (PLN120564 - County initiated Notices of Non-Renewal 2013 - Portions of Williamson Act Agricultural Preserve Land Conservation Contract No. 68-011, No. 69-009 and No. 69-017)

**Attachments:**  
Attachment A - Maps  
Attachment B - Notice of Public Hearing

### RMA - Public Works

#### 21. Adopt a Resolution:
a. Accepting the Certificate of Completion for construction of the 855 E. Laurel Drive Bldg A, Salinas CA - Equipment and Stormwater Management, Project No. 8542, Bid Package No. 10290, performed by The Don Chapin Company, Inc.; and

b. Authorizing the Director of Public Works to execute and record the Notice of Completion for the 855 E. Laurel Drive Bldg A, Salinas CA - Equipment and Stormwater Management, Project No. 8542, Bid Package No. 10290, performed by The Don Chapin Company, Inc.

Attachments: Resolution
Project Budget
Certificate of Completion
Notice of Completion
Location Map

22. Introduce, waive the reading, and set October 16, 2012 at 10:30 a.m. as the date and time to consider adoption of an ordinance amending section 12.24.020 of the Monterey County Code to establish a four-way stop intersection at Portola Drive and Estoque Place in Toro Park Estates in the unincorporated area of the County of Monterey.

Attachments: Ordinance
Location Map
Proposed Stop Intersection

23. Designate the Monterey County Weekly as the newspaper for the publication of notices for performance of public work including County Highways, where weekly publication in a newspaper of countywide circulation is appropriate.

24. Adopt a Resolution:
   a. Approving an application to the State of California Department of Public Health (CDPH) for funding under the Safe Drinking Water State Revolving Fund (SDWSRF) program to assist the San Lucas County Water District to enhance the provision and protection of the municipal drinking water supplied to the consumers of the community of San Lucas; and
   b. Authorizing and directing the Director of the Resource Management Agency to cause the necessary data and application for said funding to be prepared, to sign the application, and to file the signed application with CDPH.

Attachments: Attachment A - Resolution
Attachment B - SLWD Resolution

25. a. Accept subdivision improvements for the Tehama, Phase II Subdivision as completed; and
   b. Approve and authorize the Director of Public Works or his designee to execute the reconveyance of the Deed of Trust for Phase II securing completion of the infrastructure improvements. (ADDED VIA ADDENDUM)
Attachments:  
Request for Full Reconveyance  
Subdivision Improvement Agreement  
Engineer's Letter of Inspection Dated August 20, 2008  
Subordinated Deed of Trust  
Location Map

26. Supplemental / Addendum for Tuesday, October 2, 2012

ADDENDUM

ADD UNDER 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:
      (5) Stephen P. Collins v. County of Monterey, et al. (Monterey County Superior Court case no M117744)

   b. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding two three matters of significant exposure to litigation. ADDED VIA ADDENDUM

ADD UNDER APPOINTMENTS
8.1 Appoint Bill Lipe as a temporary alternate for the Agricultural Advisory Committee, term ending June 30, 2012. (Full Board)

ADD UNDER CONSENT CALENDAR- RMA- PUBLIC WORKS
25. a. Accept subdivision improvements for the Tehama, Phase II Subdivision as completed; and
   b. Approve and authorize the Director of Public Works or his designee to execute the reconveyance of the Deed of Trust for Phase II securing completion of the infrastructure improvements.

SUPPLEMENTAL

REMOVE UNDER 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) Carmel Rio Road LLC v. County of Monterey (Monterey County Superior Court case no. M118773)