Monterey County

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

Meeting Agenda - Final-revised

Tuesday, October 9, 2012

9:00 AM

See separate agenda for Monterey County Water Resources Agency

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.

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) Save Our Peninsula Committee v. County of Monterey (Monterey County Superior Court case no. M110694)
      (2) Carmel Rio Road LLC v. County of Monterey (Monterey County Superior Court case no. M118773)
      (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)
      (6) Martin Sanchez, et al. v. Jack Robert Hudson, et al., and related cross-actions (Monterey County Superior Court case no. M108880)

   b. Pursuant to Government Code section 59456.9(b), the Board will confer with legal counsel regarding significant exposure to two litigation matters.

   c. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding potential initiation of two litigation matters.

   d. Pursuant to Government Code section 54957, the Board will confer regarding discipline, dismissal, or release of two public employees.

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

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)

Appointments


Attachments: Vosti Notification to the Clerk
Kesecker Notification to the Clerk
Headley Notification to the Clerk

Other Board Matters

4. Board Comments

5. CAO Referrals

Attachments: Referrals 10-09-12

6. 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

7. Public hearing to:
   a. Consider alternatives for the provision of safe potable water to the approved nine-lot Oaks subdivision due to the high arsenic level in the subdivision well
water;
b. Provide direction to staff as to the preferred alternative to enable staff to
c. Direct staff to return to the Board for further action following environmental review.
(PC947170 & PLN030107 (Ferrini Oaks): fronting on east side of San Benancio Road adjacent to San Benancio school, Toro Area Plan)

[Board to consider request for continuance of the hearing to December 4, 2012]

Attachments:  
Exhibit A - Draft MOU
Exhibit B - Summary of Options
holm oaks memo

8.  
a. Approve Work Plan from CAO-Intergovernmental & Legislative Affairs Division regarding development and implementation of a Countywide performance measurement program, Managing for Results (MFR);
b. Receive MFR Performance Measurement Program update;
c. Receive Resource Management Agency (RMA) selected Bureau performance measure results; and
d. Provide direction as appropriate.

Attachments:  
Managing for Results Work Plan
RMA Bureau Performance Measures
Revised RMA Bureau Performance Measures

12:00 PM Recess to Lunch and Continued Closed Session

Reconvene (following Closed Session)

Adjournment

Supplemental Sheet, Consent Calendar

Health and Social Services

9.  
a. Approve and authorize the Contracts/Purchasing Officer to sign a one fiscal year term Agreement (July 1, 2012 to June 30, 2013) with the County of San Benito, permitting the Monterey County Health Department, Behavioral Health Bureau to provide mental health services to clients under the Medi-Cal jurisdiction of San Benito County and to bill County of San Benito for these services for an annual total contract amount not to exceed $25,000 for Fiscal Year 2012-13, and
b. Authorize the Contracts/Purchasing Officer, to approve up to three future amendments to this Agreement where the amendments do not exceed ten
percent (10%) of the annual amount and do not significantly change the scope of work or result in an increase to County General Fund Contribution.

**Attachments:** FY12-13 Monterey CMH San Benito.pdf
San Benito Signed Contract.pdf

**General Government**

10. Accept the Monterey County Law Library Annual Report for FY 2011-12.

**Attachments:** MCLL Annual Report FY 2011-12

11. Adopt a Resolution to:
   a. Approve the 2012 Winter Recess from December 26, 2012 through December 31, 2012 for Units D, E, G, P, X and Z;
   b. Authorize the Auditor-Controller to implement the Winter Recess for the aforementioned Units in the Advantage HRM system; and
   c. Approve closure of selected County departments and/or divisions for the Winter Recess from December 26, 2012 through December 31, 2012 and waive Ordinance No. 766, fixing the days and hours of operation of County offices.

**Attachments:** BoS Resolution Winter Recess_10-09-012.pdf
2012_Winter Recess_Schedule_10-09-12.pdf
Ordinance No. 766_adopted 6-18-1951.pdf

**RMA - Building**

12. Introduce, waive reading, and set November 6, 2012 at 1:30 P.M. as the date and time to consider adoption of an ordinance amending Chapter 18.12 of the Monterey County Code to adopt the 2010 California Green Building Standards Code by reference and add requirements and incentives for incorporating “green” building principles and practices into new development in the unincorporated area of Monterey County.
   (Green Building Ordinance - REF110058, County-Wide)
   (DATE REVISED VIA SUPPLEMENTAL)

**Attachments:** Attachment A - Draft Ordinance
Attachment B - Planning Commission Recommendation
Attachment C - Financial Analysis

**RMA - Public Works**

13. 
   a. Award a contract to Stronger Building Services, the lowest responsible and responsive bidder, for the 142 W. Alisal St, Salinas, CA-Old Jail-Roof Replacement and Limited Weatherization, Project No. 8820, Bid Package No. 10362, in the total amount of $187,000;
   b. Approve the Performance and Payment Bonds executed and provided by
Stronger Building Services;
c. Authorize a contingency (not to exceed 20% of the contract amount) to provide funding for approved contract change orders; and
d. Authorize the Director of Public Works to execute the contract and, subject to the terms of the Public Contract Code, approve contract change orders where total change orders do not exceed 20% of the original contract amount, and do not significantly alter the project’s scope.

Attachments:  Project Budget
               Bid Summary
               Agreement and Bonds
               Location Map

14. Supplemental Agenda for Tuesday, October 9, 2012

CORRECTION

CORRECTION UNDER CONSENT - RMA BUILDING

12. Revised Report
Introduce, waive reading, and set November 6, 2012 at 1:30 P.M. as the date and time to consider adoption of an ordinance amending Chapter 18.12 of the Monterey County Code to adopt the 2010 California Green Building Standards Code by reference and add requirements and incentives for incorporating “green” building principles and practices into new development in the unincorporated area of Monterey County.
(Green Building Ordinance - REF110058, County-Wide)

MATERIALS SUBMITTED

REVISED MATERIALS SUBMITTED UNDER SCHEDULED MATTERS

8. Revised Attachment - RMA Bureau Performance Measures
   a. Approve Work Plan from CAO-Intergovernmental & Legislative Affairs Division regarding development and implementation of a Countywide performance measurement program, Managing for Results (MFR);
   b. Receive MFR Performance Measurement Program update;
   c. Receive Resource Management Agency (RMA) selected Bureau performance measure results; and
   d. Provide direction as appropriate.

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