Monterey County

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

Meeting Agenda - Final-revised

Tuesday, October 1, 2013

9:00 AM

See separate agendas for Boronda County Sanitation District, Successor Agency to the Redevelopment Agency of the County of Monterey and the Board of Supervisors of the Monterey County Water Resources Agency

Board of Supervisors

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

9:00 AM 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(d)(1), the Board will confer with legal counsel regarding existing litigation:
      (1) Leslie Rostron v. County of Monterey, et al. (United States District Court case no. CV 13 03077 LHK PSG)
   b. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the following public employee positions:
      (1) County Counsel
      (2) Equal Opportunity Officer
   c. Pursuant to Government Code sections 54956.9(d)(2) and 54956.9(4), the Board will confer with legal counsel regarding one matter of significant exposure to litigation and/or potential initiation of litigation.
   d. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.
   e. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:
      (1) Designated representatives: James May and Brette Neal
      Employee Organizations: All Units
   f. Pursuant to Government Code section 54956.9(e)(3), the Board will confer with legal counsel regarding liability claims against the County of Monterey.
      (1) City of Carmel-by-the-Sea
      (2) City of Del Rey Oaks
      (3) City of Gonzales
      (4) City of King City
(5) City of Marina
(6) City of Monterey
(7) City of Pacific Grove
(8) City of Salinas
(9) City of Sand City
(10) City of Seaside
(11) City of Soledad

(ADDED VIA ADDENDUM)
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. The public may comment on Closed Session items prior to the Board's recess to Closed Session.

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. Approval of Consent Calendar (See Supplemental Sheet)

Ceremonial Resolutions

3. Adopt Resolution commending Heather Hardee, District Attorney’s Office upon her retirement from 23 Years of Public Service. (Supervisor Armenta)

Attachments: Hardee Retirement Resolution

Appointments

4. 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 2014 Board of Directors of the California State Association of Counties (CSAC).

5. Reappoint Angie Ortega to the Community Restorative Justice Commission, term ending October 1, 2015. (Supervisor Armenta)

Attachments: Ortega Notification to Clerk

6. Appoint Gary Edwards to the Commission on Disabilities, term ending December 31, 2015. (Full Board)
Other Board Matters

7. Board Comments

8. CAO Comments and Referrals

Attachments: Referrals 100113

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 the 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.

12:00 PM Recess to Lunch

1:30 PM Reconvene

Roll Call

1:30 PM - Scheduled Matters

10. a. Receive, through the Contracts/Purchasing Officer and Health Department - EMS Agency Director, the recommendations of the independent review panel regarding the hospital that is most qualified to become the designated adult Level II Trauma Center, for Monterey County; and,
b. Authorize the Contracts/Purchasing Officer and the EMS Agency Director to:
   i) if the Salinas Valley Memorial Hospital System (“SVMHS”) is the recommended designee, negotiate a Memorandum of Understanding with SVMHS for designation as an adult Level II Trauma Center; or, ii) if Natividad Medical Center (“NMC”) is the recommended designee, work with NMC to develop an implementation plan to be approved by the Board of Supervisors and codified in the County Code.

Adjournment
Supplemental Sheet, Consent Calendar

Natividad Medical Center

11. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment #7 to the Agreement (A-11879) with Beacon Partners Inc., for resources to support implementation and upgrades to Meditech Clinical Modules including:

- Meditech 5.66 Software Upgrade
- Intelligent Medical Objects (IMO) software implementation
- Patient Portal Implementation
- Meditech Support Analysts of Meditech Clinical Modules; and
- Meaningful Use Management and support,

Extending the Agreement to June 30, 2015 and adding $4,098,400 for a revised total Agreement amount not to exceed $8,154,270 in the aggregate.

Attachments: Beacon Partners Amendment #7
Beacon Partners Inc
Beacon Partners Amendment #7 Spend Sheet
Explanation and Description of Meaningful Use

11.1

a. Ratify execution by Natividad Medical Center (“NMC”) Chief Executive Officer (“CEO”) of a Hospital Services Agreement with Aspire Health Plan, effective January 1, 2014, adding NMC as an acute care hospital member of Aspire’s network of Medicare Advantage providers of healthcare services to enrollees in Monterey County for one (1) year until December 31, 2014 and automatically renewing for consecutive one (1) year terms unless terminated by written notice at least ninety (90) days’ in advance of the expiration of the current term (“the Hospital Services Agreement”), subject to correction of provider name to read “County of Monterey d/b/a Natividad Medical Center”; and

b. Authorize execution by NMC CEO of two (2) Primary Care Physician Agreements with Monterey Bay Independent Physician Association, Inc. (“MBIPA”), effective October 1, 2013, on behalf of Steven Harrison, M.D. and Minerva Perez-Lopez, M.D, to become participating physicians in MBIPA as providers of primary care physician services to Medicare enrollees in the Aspire Health Plan and potentially other Aspire Health Plan enrollees and other Health Plans that contract with MBIPA in the future, for a term of one (1) year, automatically renewing for consecutive one (1) year terms unless terminated at any time, without cause, on sixty (60) days’ advance written notice (“the Primary Care Physician Services Agreements”); and

c. Authorize execution by NMC CEO of three (3) Specialty Care Physician Agreements with MBIPA, effective October 1, 2013, on behalf of Anthony Galicia, M.D., Alexander DiStante, M.D., and Barron Mark Palmer, M.D. to
become participating physicians in MBIPA as providers of specialty care physician services to Medicare enrollees in the Aspire Health Plan and potentially other Aspire Health Plan enrollees and other Health Plans that contract with MBIPA in the future, for a term of one (1) year, automatically renewing for consecutive one (1) year terms unless terminated, at any time, without cause on sixty (60) days’ advance written notice (“the Specialty Care Physician Services Agreements”); and
d. Authorize execution by NMC CEO of future, additional Primary Care Physician Agreements and Specialty Care Physician Agreements with MBIPA, with substantially the same terms as those agreements described above and approved by the Board of Supervisors, subject to review and approval by County Counsel and County Auditor-Controller, establishing additional NMC physician employees as participating providers of either primary care or specialty care physician services, as the case may be, in MBIPA’s provider network to Medicare enrollees in the Aspire Health Plan and potentially other enrollees in Aspire Health Plan and other Health Plans that contract with MBIPA; and
e. Authorize execution by NMC CEO of a Side Letter with MBIPA with regard to the Primary Care Physician Agreements and Specialty Care Physician Agreements, clarifying that (1) the physician under each of these Agreements (“NMC Physician Employee”) is employed by the County; (2) the County is the contracting party on behalf of its physicians; MBIPA will provide at least sixty (60) days’ advance notice of implementation by MBIPA of any new Health Plan in addition to Aspire Health Plan, and (3), at the time of implementation of any new Health Plan, MBIPA will consider whether to give the NMC Physician Employee the option to continue to participate under each Agreement in effect as to Aspire Health Plan enrollees, and enrollees of any other Plan under which he or she is then providing professional services, without requiring acceptance of any enrollees of the new Plan (“the Side Letter Agreement”).

**Attachments:**

- Attachment A
- Attachment B
- Attachment C
- Attachment D
- Attachment E
- Attachment F
- Attachment G

**Health and Social Services**

12. Adopt a Resolution to:
a. Approve the creation of the Child Support Assistant I (25C17) classification and approve the title change of the existing Child Support Assistant (25C18) to Child Support Assistant II (25C18) as indicated in the attached Resolution;
b. Amend Personnel Policies and Practices Resolution No 98-394 to create the new position of Child Support Assistant I (25C17) with the salary range as
indicated in the attached Resolution;
c. Amend Personnel Policies and Practices Resolution No 98-394 to retitle the existing classification of Child Support Assistant (25C18) to Child Support Assistant II (25C18) with the salary range as indicated in the attached Resolution;
d. Amend the Department of Child Support Services Budget 2250 to reallocate the existing eleven (11) Child Support Assistants (25C18) to Child Support Assistants IIs (25C18); and
e. Authorize the County Administrative Office and the Auditor-Controller to take the necessary action to program the Advantage system to implement these actions including the transfer of positions and units.

Attachments: Attachment A_CSA BoS resolution_file ID 13-0992.docx

13. a. Amend the Department of Social Services (DSS) Budget Unit Budget Unit 5010-SOC005-8262, to add two (2) FTE Social Worker V positions for CalWORKs family stabilization component; and
b. Authorize the County Administrative Office to incorporate the changes into the 5010- SOC005-8262 FY 2013-14 Adopted Budget to reflect the change in position counts; and
c. Approve and authorize the Auditor-Controller to amend the 5010-SOC005-8262 FY 2013-14 Adopted Budget to increase appropriations and estimated revenues in the amount of $154,542. (4/5ths Vote Required)

14. Authorize the Contracts/Purchasing Officer to execute the Acknowledgement and Consent to the Assignment and Assumption Agreement between Aegis RapidText, Inc. and Aegis Receivables Management, Inc. dba Aegis RapidText, Inc. effective April 1, 2013, to allow the merged company to assume the original contract. The contract is to provide translation services for the Health Department.

Attachments: Aegis Assignment Assumption Agrmt 9-6-13.pdf

15. a. Approve and authorize the Director of Health or his designee to sign Agreement #13-20017 with the California Department of Public Health in the amount of $1,319,529, for the period of October 1, 2013 to September 30, 2016, for services to create innovative partnerships that assist Supplemental Nutrition Assistance Program-Education (SNAP-Ed) eligible consumers in adopting healthy eating and physical activity behaviors as part of a healthy lifestyle; and
b. Authorize the Contracts/Purchasing Officer to approve three future amendments up to ten percent (10%) of the annual amount, which does not significantly alter the scope of services or result in an increase to net county costs.

Attachments: Agreement SNAP-Ed.pdf

16. Approve and authorize the Director of Health to sign Amendment No. 6 to the License and Support Agreement A-10635 dated September 12, 2006, between the County of Monterey and Decade Software Company, LLC, to expand the
scope of work and to establish the fee payable to Decade Software Company, LLC, at $34,750 for additional services to be provided in the form of new hardware and improved software functionality in Environmental Health’s enterprise database needed to meet State-mandated electronic reporting requirements for Certified Unified Program Agencies.

**Attachments:**
- ATTACHMENT A - BOARD REPORT, ORDER AND AGREEMENT A-10635.09-
- ATTACHMENT B - AMENDMENT NO 1 TO AGREEMENT A-10635.pdf
- ATTACHMENT C - AMENDMENT NO 2 TO AGREEMENT A-10635.pdf
- ATTACHMENT D - AMENDMENT NO 3 TO AGREEMENT A-10635.pdf
- ATTACHMENT E - AMENDMENT NO 4 TO AGREEMENT A-10635.pdf
- ATTACHMENT F - AMENDMENT NO 5 TO AGREEMENT A-10635.pdf
- ATTACHMENT G - AMENDMENT NO 6 TO AGREEMENT A-10635 (PROPOSE
- ATTACHMENT H - BOARD REPORT AND ORDER FOR CERS GRANT AGRE

**Criminal Justice**

17. Receive and accept the Annual Real Estate Fraud Report for fiscal year 2012-13 submitted by the District Attorney’s Office in accordance with Government Code Section 27388(d).

**Attachments:**
- Board Report - Real Estate Fraud - October 1 2013

**General Government**

18. Receive the action minutes from the July 29, 2013 meeting of the Legislative Committee.

**Attachments:**
- 07-29-13 Legislative Committee Meeting Minutes

19. Approve the Monterey County Board of Supervisors, Action Minutes of Tuesday, June 18, 2013; Tuesday, June 25, 2013; Tuesday, July 9, 2013 and Tuesday, July 16, 2013.

**Attachments:**
- BOS Draft Minutes 6-18-13
- BOS Draft Minutes 6-25-13
- BOS Draft Minutes 7-9-13
- BOS Draft Minutes 7-16-13


b. Authorize the Auditor Controller to increase appropriations in the Castroville/Pajaro Capital Fund 171-1070-8210-7614-DEO008 in the amount of $7,510,038.86 (4/5th vote required);

c. Authorize the Auditor Controller to increase appropriations in the Boronda
Capital Fund 172-1070-8209-7614-DEO009 in the amount of $5,618,237.86 (4/5th vote required); 
d. Authorize the Auditor Controller to increase appropriations in the East 
Garrison Capital Fund 174-1070-8212-7614-DEO011 in the amount of 
$100,276.35 (4/5th vote required); and 
e. Authorize the Auditor-Controller’s Office to incorporate the approved 
appropriation increases into the FY2013-14 Budget (4/5th vote required).  
(ADDED VIA ADDENDUM)

**Attachments:**  [BR Attachment A Transfer non housing cash balances.pdf]

**RMA - Planning**

20.  
a. Accept the Conservation and Scenic Easement Deed for the Pini property; 
b. Authorize the Chair of the Board of Supervisors to execute the Conservation 
and Scenic Easement Deed; and 
c. Direct the Clerk of the Board to submit the Conservation and Scenic 
Easement Deed to the County Recorder for recordation.  
(Conservation and Scenic Easement Deed - PLN040256/Pini, 527 Pini Road, 
North County Land Use Plan, Coastal Zone)

**Attachments:**  [Attachment A - Easement Deed]

21.  
a. Approve Amendment No. 2 to Professional Services Agreement No. A-11561 
with Benchmark Land Use Group, Inc. (d.b.a. Benchmark Resources) to include 
an additional mine site, Bureau of Land Management (BLM) Querfurth, also 
known as Carmel Stone, to meet annual State of California Surface Mining and 
Reclamation Act (SMARA) guidelines associated with annual inspection and 
reporting for the County of Monterey’s Resource Management Agency - 
Planning, in the amount of $3,120.00 for a total amount not to exceed 
$178,593.50, for a term to November 3, 2013; and 
b. Authorize the Contracts/Purchasing Officer to execute Amendment No. 2 to 

**Permit Type:** PD060230/Contract and PD090745/SMARA

State of California Surface Mining and Reclamation Act (SMARA) annual 
inspections (Request for Proposal No. 10209)

**Attachments:**  [Attachment A - Amendment to PSA]  
[Attachment B - Synopsis of PSA]

22.  
a. Set a public hearing for October 15, 2013 at 10:30 AM to consider 
County-initiated Notices of Non-Renewal for portions of two (2) 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 15, 2013 at 10:30 AM, for
County-initiated Notices of Non-Renewal for portions of two (2) Williamson Act Agricultural Preserve Land Conservation Contracts due to not meeting program or Contract requirements and/or with the Property Owner’s consent.

(REF130093 - County initiated Notices of Non-Renewal 2014 - Portions of Williamson Act Agricultural Preserve Land Conservation Contract (Ag P) No. 68-087 and No. 68-094)

**Attachments:**  Attachment A - Non-Renewal Map and Aerial Photo Maps  Attachment B - Public Hearing Notice

### RMA - Public Works

23.  
   a. Award a contract to William A. Thayer Construction, Inc., the lowest responsible and responsive bidder for the Clerk of the Board Security Upgrades, Project No. 8594, Bid No. 10421, in the total amount of $36,700.00;  
   b. Approve the Performance and Payment Bonds executed and provided by William A. Thayer Construction, Inc.;  
   c. Authorize a contingency (not to exceed 10% of the contract amount) to provide funding for approved contract change orders;  
   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 that do not significantly change the scope of work;  
   e. Authorize the Director of Public Works to execute a Certificate of Completion and record a Notice of Completion with the County Recorder when he determines that the contract is complete in all respects in accordance with the Plans and Special Provisions for the Clerk of the Board Security Upgrades, Project No. 8594, Bid No. 10421, performed by William A. Thayer Construction, Inc.; and  
   f. Approve a project budget increase of $15,430 for the Clerk of the Board Security Upgrades, Project No. 8594, Bid No. 10421.

**Attachments:**  Project Budget  Bid Summary  Contract Agreement with Bonds  Location Map

24.  
   a. Overrule and reject bid protest and award a contract to Castlewood Construction Company, Inc., the lowest responsible and responsive bidder for the Modular #1 Training and Law Library Tenant Improvements, Project No. 8778, Bid No. 10435, in the total amount of $153,560.00;  
   b. Approve the Performance and Payment Bonds executed and provided by Castlewood Construction Company, Inc.;  
   c. Authorize a contingency (not to exceed 10% of the contract amount) to provide funding for approved contract change orders;  
   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 that do
not significantly change the scope of work; and

e. Authorize the Director of Public Works to execute a Certificate of Completion and record a Notice of Completion with the County Recorder when he determines that the contract is complete in all respects in accordance with the Plans and Special Provisions for the Modular #1 Training and Law Library Tenant Improvements, Project No. 8778, Bid No. 10435, performed by Castlewood Construction Company, Inc.

**Attachments:**  
- Project Budget
- Bid Summary
- Contract Agreement with Bonds
- Location Map

**Addendum for Tuesday, October 1, 2013**

**25. Add Under Closed Session**

1. Closed Session under Government Code section 54950, relating to the following items:

   f. Pursuant to Government Code section 54956.9(c)(3), the Board will confer with legal counsel regarding liability claims against the County of Monterey.

   (1) City of Carmel-by-the-Sea
   (2) City of Del Rey Oaks
   (3) City of Gonzales
   (4) City of King City
   (5) City of Marina
   (6) City of Monterey
   (7) City of Pacific Grove
   (8) City of Salinas
   (9) City of Sand City
   (10) City of Seaside
   (11) City of Soledad

**Add Under Consent Calendar - General Government**


b. Authorize the Auditor Controller to increase appropriations in the Castroville/Pajaro Capital Fund 171-1070-8210-7614-DEO008 in the amount of $7,510,038.86 (4/5th vote required);

c. Authorize the Auditor Controller to increase appropriations in the Boronda Capital Fund 172-1070-8209-7614-DEO009 in the amount of $5,618,237.86 (4/5th vote required);

d. Authorize the Auditor Controller to increase appropriations in the East Garrison Capital Fund 174-1070-8212-7614-DEO011 in the amount of $100,276.35 (4/5th vote required); and
e. Authorize the Auditor-Controller’s Office to incorporate the approved appropriation increases in to the FY2013-14 Budget (4/5th vote required).