

BOARD OF SUPERVISORS

Fernando Armenta
Louis R. Calcagno
Simón Salinas
Jane Parker
Dave Potter

1st District
2nd District (Chair)
3rd District (Vice-Chair)
4th District
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ACTION MINUTES **MONTEREY COUNTY BOARD OF SUPERVISORS** **MONTEREY COUNTY WATER RESOURCES AGENCY**

TUESDAY, JANUARY 27, 2009
9:00 A.M.

9:00 A.M.

ROLLCALL:

Present: Supervisors Calcagno (Chair), Salinas, Parker, Potter, Armenta

1. Additions and Corrections to Closed Session - There were no additions or corrections to Closed Session.
2. 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. Monica Baez (WC)
CLOSED SESSION REPORT: The Board conferred with staff and provided settlement authority to staff, and if executed in that manner, the settlement agreement will be available in the office of the County Counsel for the public.
 - b. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators.
Designated representative: Keith Honda and Patricia Covert
Employee organizations: All Units
CLOSED SESSION REPORT: The Board conferred with labor negotiators, Keith Honda and Patricia Covert and provided direction to Mr. Honda on how to proceed in negotiations.

c. Pursuant to Government Code section 54956.95, the Board will confer with legal counsel regarding a liability claim against the County of Monterey.

1. Carl Wilson

CLOSED SESSION REPORT: The Board conferred with Counsel and denied the application to file a late claim by a vote of 5-0.

d. Pursuant to Government Code section 54957, the Board will confer regarding recruitment for and/or appointment to the position of Natividad Medical Center CEO.

CLOSED SESSION REPORT: The Board conferred with Counsel, no final action was taken.

e. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding two items of anticipated litigation.

CLOSED SESSION REPORT: The Board conferred with Counsel and provided direction to Counsel and received an update on the two items.

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

CLOSED SESSION REPORT: The Board performed the performance evaluation for the Natividad CEO, no action was taken.

ROLL CALL:

Present: Supervisors Calcagno (Chair), Salinas, Parker, Potter, Armenta

3. Pledge of Allegiance was led by County Administrative Officer, Lew Bauman.
4. Additions and Corrections: The Clerk of the Board announced agenda corrections and proposed additions which were acted on by the Board as provided in Section 54954.2 of the California Government Code.

Due to the need for immediate consideration by the Board of matters which arose after the posting of today's agenda, the Board is asked to make following additions and corrections:

AC-1 42. 5. Green Project – County Administration Building Photovoltaic System with appropriation request of \$1.32 million; and

AC-2 WITHDRAWN TO A DATE UNCERTAIN

23. a. Adopt Resolution amending Personnel Policies and Practices Resolution No. 98-394 to add the following classifications: Hospital Chief Information Officer and Hospital Chief Medical Officer;
- b. Approve and amend Natividad Medical Center Budget Unit 960 to add 1.0 FTE Hospital Chief Information Officer and 1.0 FTE Hospital Chief Medical Officer;

- c. Direct the Auditor-Controller to amend Fiscal Year (FY) 2008-09 Natividad Medical Center Budget Unit 960 to reflect the change in position count;
- d. Adopt Resolution amending Personnel Policies and Practices Resolution No. 98-394 to retitle the following classifications: NMC Chief Executive Officer to Hospital Chief Executive Officer; NMC Chief Financial Officer to Hospital Chief Financial Officer; NMC Chief Nursing Officer to Hospital Chief Nursing Officer; and NMC Assistant Administrator to Hospital Assistant Administrator;
- e. Adopt Resolution amending Personnel Policies and Practices Resolution No. 98-394 to adjust the salary ranges for Hospital Specific Executive-Level Classifications of Hospital Chief Executive Officer, Hospital Chief Financial Officer, Hospital Chief Nursing Officer and Hospital Assistant Administrator in accordance with the NMC compensation philosophy; and
- f. Direct and authorize the Auditor-Controller to increase Natividad Medical Center FY 2008-09 appropriations in Budget Unit 960 in the amount of \$488,571 (4/5th vote required)-

AC-3 Adopt Resolution honoring Denise Pennell for service provided to the County of Monterey.

Motion by Supervisor Potter, seconded by Supervisor Armenta. ALL AYES

5. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)
 - Jan Mitchell requested Consent Item 47 be called for discussion.
 - Hans Jongens commented the Board should look at all proposed salary increase and freeze all salaries and that no further money should be spent on Green projects.

Public Comment on Consent Item 47.

 - Jan Mitchell, representing Prunedale's Neighbor's Group and Prunedale Preservation Alliance, spoke regarding January 13, 2009 continuance of this day's Consent Item 47 regarding development and water sources, she requested the Board to think prudently on Item 47.
 - Luisa Martinez spoke against the Bartelbaugh project and cited three areas of concern regarding drilling of water well.
 - Anna Martinez addressed a number of errors made by the Building and Planning Department's with regard to the Bartelbaugh application.
 - Eugene Martinez opposed the Bartelbaugh project.
 - John Bridges, representing Mr. Bartelbaugh, explained the project is not located in Holly Hills subdivision, the original subdivision was approved in 1982 and that today's action is not an appeal on the approval of a tentative map. It is for approval of Conditions set on the tentative map and urged the Board to approve the final map.

Motion by Supervisor Potter, seconded by Supervisor Salinas to approve Consent Item 47 4 Ayes; 1 No - Supervisor Parker

Motion by Supervisor Salinas, seconded by Supervisor Potter to approve remainder of Consent Items (excluding 47) ALL AYES

6. CONSENT CALENDAR - MONTEREY COUNTY WATER RESOURCES AGENCY (See Supplemental Sheet)
Motion by Supervisor Salinas, seconded by Supervisor Potter. ALL AYES

OTHER BOARD MATTERS:

7. Board Comments, Referrals, and Updates received.
8. CAO Comments
Lew Bauman, County Administrative Officer, commented on Consent Item 37, Winter Storm Emergency Response Plan and is a comprehensive implementation plan primarily targeted to debris and mud flow potential and is an important document for any flood event in the County. The document includes every aspect of this type of disaster and is a comprehensive effort on the part of multiple agencies.
9. Public Comment
- Hans Jongens spoke on the relationship between crime in Salinas, Mexican government and the American economy, three articles submitted.
 - Raquel Ramirez Ruiz, Director of the Diabetes Health Center and Coordinator for the Regional Diabetes Collaborative, spoke on the Collaborative mission to support, promote and coordinate efforts to reduce the onset of diabetes in Monterey, Santa Cruz and San Benito Counties
 - Leslie Goodfriend, Regional Diabetes Collaborative Chairperson provided statistical data on diabetes in Monterey County
 - Alicia Cortes, resident of Prunedale, advised of the impacts of diabetes management on her son and her family.
 - Bettye Peña commented on public and school transportation systems and requested collaborative efforts to solve the problem.

Note: Agenda Items 10-14 and AC-3 were heard concurrently.

10. Adopted Resolution No. 09-009 honoring Sharon Pursley upon her selection as the 2008 King City Chamber of Commerce Friend of the Community. (Supervisor Salinas)
Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES
11. Adopted Resolution No. 09-010 honoring Lee Conatser Welding & King City Industrial upon their selection as the 2008 King City Chamber of Commerce Business of the Year. (Supervisor Salinas)
Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES

12. Adopted Resolution No. 09-011 honoring Mickey and Patty Hearne upon their selection as the 2008 King City Chamber of Commerce Citizens of the Year. (Supervisor Salinas)
Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES
13. Adopted Resolution No. 09-012 honoring Helen Stevenson, M.P.H., P.H.N, upon her retirement from the Monterey County Health Department after twenty years of public service. (Full Board)
Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES
14. Adopted Resolution No. 09-013 proclaiming the Month of January as "National Blood Donor Month." (Full Board)
Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES
- AC-3 Adopted Resolution No. 09-014 to Denise Pennell for service to Monterey County.
Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES
15. Received Budget Committee Report and Action Minutes for the 2nd Quarter of Fiscal Year 2008-09.
Motion by Supervisor Potter, seconded by Supervisor Salinas. ALL AYES

APPOINTMENTS:

Note: Agenda Items 16-19 were heard concurrently.

16. Reappointed Richard L. Hughett to the Fish & Game Advisory Commission for a term ending February 1, 2012. (Supervisor Armenta)
Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES
17. Reappointed Sonia Jaramillo and Yolanda Salinas Teneyuque to the Commission on the Status of Women with terms ending February 1, 2012. (Supervisor Salinas)
Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES
18. Reappointed Leonard Ortiz to the Fort Ord Cemetery Citizen's Advisory Committee for a term ending January 1, 2012. (Supervisor Salinas)
Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES
19. Reappointed Greg Burch to the Overall Economic Development Commission for a term ending June 30, 2011. (Supervisor Calcagno)
Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES

SCHEDULED MATTERS:

- S-1 Public hearing to consider adoption of a Resolution to deny an application for a Combined Development Permit consisting of:
- a. Amendment to the Hidden Hills Estates Subdivision Final Map;
 - b. Variance to reduce the required front yard setbacks from 50 feet to 0 feet along Whip Road;
 - c. Use Permit and Design Approval for development of a new 12,116 sq ft two-story single-family residence in the Visual Sensitivity or "VS" Zoning District including an indoor swimming pool (1,473 sq ft), an attached 4-car garage (1,157 sq ft) and a detached accessory structure (3,280 sq ft), 7,640 cubic yards of grading (6,320 cut/1,320 fill), and the relocation of one 18-inch diameter oak tree;
 - d. Use Permit for ridgeline development; and
 - e. Administrative Permit for a detached 1-story caretaker unit (965 sq ft). (Combined Development Permit Application- PLN060575/Curtis Angton, 11395 Saddle Road, Greater Monterey Peninsula Area Plan)

Recessed to Lunch

1:30 PM RECONVENED

ROLL CALL:

Present: Supervisors Calcagno (Chair), Salinas, Parker, Potter, Armenta

- S-1 Continued from 10:30 Session.
- Public hearing adopted a Resolution of Intent 09-015 to deny an application for a Combined Development Permit consisting of:
- a. Amendment to the Hidden Hills Estates Subdivision Final Map;
 - b. Variance to reduce the required front yard setbacks from 50 feet to 0 feet along Whip Road;
 - c. Use Permit and Design Approval for development of a new 12,116 sq ft two-story single-family residence in the Visual Sensitivity or "VS" Zoning District including an indoor swimming pool (1,473 sq ft), an attached 4-car garage (1,157 sq ft) and a detached accessory structure (3,280 sq ft), 7,640 cubic yards of grading (6,320 cut/1,320 fill), and the relocation of one 18-inch diameter oak tree;
 - d. Use Permit for ridgeline development; and
 - e. Administrative Permit for a detached 1-story caretaker unit (965 sq ft). (Combined Development Permit Application- PLN060575/Curtis Angton, 11395 Saddle Road, Greater Monterey Peninsula Area Plan)

Public Comment on S-1:

- Gary (no speaker card), neighbor of Hidden Hills Subdivision, supported the project.
- Public Comment correspondence received from the following:
Salinas Rural Fire District (2); Patti Garnero; Manuel Lopez; Clinton Thelander (2); Roger Todd; Joy Jacobs; Christine Kemp.

Motion by Supervisor Armenta, seconded by Supervisor Salinas to adopt Resolution of Intent for approval of the project, consistent with the findings to be brought back by staff on March 17, 2009; Board will consider approval upon the submission of findings.

3 Ayes; 2 Noes - Supervisor Potter, and Supervisor Parker

- S-2 Considered and adopted Ordinance 5123 amending the Monterey County Code, Title 12, Section 12.28.012, to establish no parking at anytime for commercial vehicles on both sides of Rio Road from Carmel Rancho Boulevard generally east to its terminus, Carmel area.

Motion by Supervisor Potter, seconded by Supervisor Parker. ALL AYES

- S-3 Considered and adopted Ordinance 5124 amending the Monterey County Code, Title 12, Section 12.12.010, to establish 45 m.p.h., 55 m.p.h., and 35 m.p.h. speed limits on three (3) segments of Carmel Valley Road, Carmel Valley area.

Motion by Supervisor Potter, seconded by Supervisor Parker. ALL AYES

- S-4 Resolution No. 09-016

- a. Considered the recommendations of the Moss Landing Community Plan Update Committee; and
- b. Provided direction to staff regarding preparation of a scope of work and budget for drafting the Moss Landing Community Plan Update and Environmental Impact Report.
(PD080541/Moss Landing Community Plan, Highway 1 and Dolan Road, North County Land Use Plan)

Public Comment:

- Cosme Padilla, Chair Moss Landing Planning Committee, thanked committee participants and commented on the efforts of staff and the committee.

Motion by Supervisor Calcagno, seconded by Supervisor Potter to accept the presentation; directed staff to return on March 31, 2009 with the final version of the proposal for approval and the budget for the process, as well as what's needed to move to the next phase of the North County Coastal Plan Revision. ALL AYES

Note: Agenda Item S-5 was heard following Agenda Item S-7.

- S-6 Board Budget No. 08/09-102
- a. Approved an appropriations transfer of \$68,380 from Budget Unit 990-Contingencies to Budget Unit 256-Juvenile Institutions and Alternative Programs as funding gap solution for the Silver Star Gang Prevention and Intervention (SSGPI) program for Fiscal Year (FY) 2008-09 (4/5th vote required); and
 - b. Directed the Auditor-Controller to decrease FY 2008-09 appropriations in Budget Unit 990-Contingencies and increase appropriations in Budget Unit 256 by \$68,380 as detailed in the Board Order (4/5th vote required).

Motion by Supervisor Salinas, seconded by Supervisor Potter. ALL AYES

- S-7 Board Budget No. 08/09-103
- a. Accepted report on Gang Task Force funding gap solution for Fiscal Year (FY)2008-09 and projected Gang Task Force Net County Cost for FY 2009-10; and
 - b. Authorized the Auditor-Controller to transfer appropriations from the Contingencies Fund to the Gang Task Force Budget Unit 235 in the amount of \$156,077 as detailed in the Board Order (4/5th vote required).

Motion by Supervisor Parker, seconded by Supervisor Salinas. ALL AYES

- S-5 Public hearing (continued from November 18, 2008) adopted Resolution No. 09-017 to:
- a. Deny the appeal by Marjorie Kay from the Minor Subdivision Committee's adoption of the Mitigated Negative Declaration and approval of a Coastal Development Permit (Jehovah Witnesses South Spanish Congregation/ZA06672);
 - b. Adopt the Mitigated Negative Declaration with errata and approve the Mitigation Monitoring and Reporting Plan; and
 - c. Approve a Coastal Development Permit consisting of a Tentative Parcel Map creating four parcels of 3 acres, 3 acres, 3 acres, and 11 acres, based on the findings and evidence and subject to the recommended conditions.
(Appeal - PLN080185/Jehovah Witnesses South Spanish Congregation, 125 Sill Road, Las Lomas)

Applicant Addressed the Board:

- John Bridges, appearing on behalf of applicants; read an excerpt from the previous Board meeting.
- Marjorie Kay, appellant, commented on project and water overdraft. (doc cam presentation) Requested denial of the project or an EIR, submitted correspondence.
- Julie Engell asked to uphold the appeal and deny the project, submitted correspondence.
- Amy White, Landwatch Monterey County, requested denial of Mitigated Negative Declaration and instead require-an EIR.
- Mari Kloeppe representing Friends Artists and Neighbors of Elkhorn Slough, urged the Board to uphold the appeal and deny the project.

- Klaus Kloeppel supported denial of the project and the requirement of an EIR.
- Michael Stamp submitted correspondence.
- Elizabeth Gonzales submitted correspondence.

Applicant Addressed the Board:

- Evelyn (No speaker card), applicant, requested the denial of the appeal of Marjorie Kay; approval of project; have tried to alleviate concerns and don't know what else can be done.
- John Bridges rebutted prior comments and stated his clients have addressed this project and have done more than legally required.

Motion by Supervisor Salinas, seconded by Supervisor Armenta to approve staff recommendation.

2 Ayes; 3 Noes - Supervisors Calcagno, Potter, and Parker

Motion by Supervisor Parker, seconded by Supervisor Potter. adopt a Resolution of Intent to uphold the appeal of Marjorie Kay and directed staff to return in five weeks with findings and evidence to uphold the appeal.

3 Ayes; 2 Noes - Supervisors Armenta and Salinas

Motion by Supervisor Parker, seconded by Supervisor Potter. adopt a Resolution of Intent to uphold the appeal of Marjorie Kay and directed staff to return on March 17, 2009 with findings and evidence in support of the appeal. 3 Ayes; 2 Noes - Supervisors Armenta and Salinas

Note: Charles McKee, County Counsel read out of Closed Session (See Item 2 a-f)

ORDER FOR ADJOURNMENT

APPROVED:

 /s/ Louis R. Calcagno
LOUIS R. CALCAGNO, CHAIR
BOARD OF SUPERVISORS

ATTEST:

GAIL T. BORKOWSKI
Clerk of the Board

BY: /s/ Gail T. Borkowski

(Supplemental Sheet)

CONSENT CALENDAR

Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES

NATIVIDAD MEDICAL CENTER:

20. Resolution No. 09-018; Board Budget No. 08/09-104
 - a. Adopted Resolution amending Personnel Policies and Practices Resolution No. 98-394 to adjust the salary range for the following classification at Natividad Medical Center: Director of Family Practice Residency Program;
 - b. Authorized the Auditor-Controller to make the adjustment retroactive to August 30, 2008 and pay the incumbent employee retroactive to August 30, 2008; and
 - c. Directed and authorized the Auditor-Controller to increase Natividad Medical Center appropriations for Fiscal Year 2008-09 in the amount of \$21,781 (4/5th vote required).

21. Resolution No. 09-019; Board Budget No. 08/09-105
 - a. Adopted Resolution amending Personnel Policies and Practices Resolution No. 98-394 to add the following classifications at Natividad Medical Center: Hospital Quality Assurance Nurse and Hospital Nurse Auditor;
 - b. Approved and amended Fiscal Year (FY) 2008-09 Natividad Medical Center Budget Unit 960 to add the following allocations: 2.00 FTE Hospital Quality Assurance Nurse and 1.00 FTE Hospital Nurse Auditor;
 - c. Directed the Auditor-Controller to amend the FY 2008-09 Natividad Medical Center Budget Unit 960 to reflect the change in position count;
 - d. Approved to reclassify one incumbent into the Hospital Quality Assurance Nurse Classification at Natividad Medical Center in accordance with the attached side letter between the County of Monterey and SEIU-Local 521;
 - e. Authorized the Auditor-Controller to make the adjustment retroactive to October 25, 2008 and pay the incumbent employee retroactive to October 25, 2008; and
 - f. Directed and authorized the Auditor-Controller to increase Natividad Medical Center FY 2008-09 appropriations in Budget Unit 960 in the amount of \$84,549 (4/5th vote required).

22. Board Budget No. 08/09-106
 - a. Approved and amended Fiscal Year (FY) 2008-09 Natividad Medical Center Budget Unit 960 to delete 1.0 FTE Senior Patient Account Representative and add 1.0 FTE Patient Account Manager;
 - b. Directed the Auditor-Controller to amend FY 2008-09 Natividad Medical Center Budget Unit 960 to reflect the change in position count; and
 - c. Directed and authorize the Auditor-Controller to increase Natividad Medical Center FY 2008-09 appropriations in Budget Unit 960 in the amount of \$36,340 (4/5th vote required).

- AC-2 23. **WITHDRAWN TO A DATE UNCERTAIN**
- ~~a. Adopt Resolution amending Personnel Policies and Practices Resolution No. 98-394 to add the following classifications: Hospital Chief Information Officer and Hospital Chief Medical Officer;~~
 - ~~b. Approve and amend Natividad Medical Center Budget Unit 960 to add 1.0 FTE Hospital Chief Information Officer and 1.0 FTE Hospital Chief Medical Officer;~~
 - ~~c. Direct the Auditor-Controller to amend Fiscal Year (FY) 2008-09 Natividad Medical Center Budget Unit 960 to reflect the change in position count;~~
 - ~~d. Adopt Resolution amending Personnel Policies and Practices Resolution No. 98-394 to retitle the following classifications: NMC Chief Executive Officer to Hospital Chief Executive Officer; NMC Chief Financial Officer to Hospital Chief Financial Officer; NMC Chief Nursing Officer to Hospital Chief Nursing Officer; and NMC Assistant Administrator to Hospital Assistant Administrator;~~
 - ~~e. Adopt Resolution amending Personnel Policies and Practices Resolution No. 98-394 to adjust the salary ranges for Hospital Specific Executive Level Classifications of Hospital Chief Executive Officer, Hospital Chief Financial Officer, Hospital Chief Nursing Officer and Hospital Assistant Administrator in accordance with the NMC compensation philosophy; and~~
 - ~~f. Direct and authorize the Auditor-Controller to increase Natividad Medical Center FY 2008-09 appropriations in Budget Unit 960 in the amount of \$488,571 (4/5th vote required).~~
- Motion by Supervisor Potter, seconded by Supervisor Armenta. ALL AYES**
24. Resolution No. 09-020; Board Budget No. 08/09-107
- a. Adopted Resolution amending Personnel Policies and Practices Resolution No. 98-394 to add the following classifications of Hospital Risk Assessment and Compliance Officer and Hospital Director of Nursing Education;
 - b. Adopted Resolution No. 09-020 amending Personnel Policies and Practices Resolution No. 98-394 to delete the classification of Hospital Safety and Risk Officer;
 - c. Approved and amended Natividad Medical Center Budget Unit 960 to add 1.0 FTE Hospital Risk Assessment and Compliance Officer and 1.0 FTE Hospital Director of Nursing Education;
 - d. Directed the Auditor-Controller to amend Fiscal Year (FY) 2008-09 Natividad Medical Center Budget Unit 960 to reflect the change in position count; and
 - e. Directed and authorized the Auditor-Controller to increase Natividad Medical Center FY 2008-09 appropriations in Budget Unit 960 in the amount of \$167,258 (4/5th vote required).
25. Agreement No. A-11359 Approved and authorized the Purchasing Manager of Natividad Medical Center (NMC) to execute an Agreement with Beacon Partners for Consulting Services for the implementation of the Picis Operating Room Management (ORM) system in an amount not to exceed \$165,600 for the period

- January 1, 2009 through June 30, 2009.
26. Concurred with the Monterey County Workforce Investment Board (WIB) Executive Committee to accept \$291,561 in job training economic stimulus grant funds from the Governor's Workforce Investment Act (WIA) 25 Percent Dislocated Worker Additional Assistance fund.
 27. Agreement No. A-11360
 - a. Approved and authorized the Director of Health to sign an Agreement with Lincoln Child Center, for provision of mental health services, effective October 22, 2008 through June 30, 2010, for a total amount not to exceed \$144,345; and
 - b. Authorized the Director of Health 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.
 28. Agreement No. A-11361 Approved and authorized the Director of Health to sign the Agreement with Questa Engineering Corporation, in an amount not to exceed \$283,870 for the term November 26, 2008 through November 26, 2009, to prepare an investigative study report and onsite wastewater management plan for the Carmel Highlands. (Ordinance - PLN070521/Carmel Area Land Use Plan, Carmel Highlands)
 29. Board Budget No. 08/09-108
 - a. Amended Health Department Budget Unit 411 to reallocate the following vacant positions: 6.0 FTE Community Service Aide III, 1.0 FTE Community Service Aide IV, 2.0 FTE Chronic Disease Prevention Coordinator, and 1.0 FTE Office Assistant II to 10.0 FTE Chronic Disease Prevention Specialist I;
 - b. Amended Health Department Budget Unit 411 to retitle 2.0 FTE Health Education Assistant to Chronic Disease Prevention Specialist I, and reallocate these positions to 2.0 FTE Chronic Disease Prevention Specialist I;
 - c. Amended Health Department Budget Unit 411 to add 7.0 FTE Chronic Disease Prevention Specialist I;
 - d. Amended Health Department Budget Unit 411 to reallocate a vacant 1.0 FTE Public Health Programs Supervisor to 1.0 FTE Supervising Public Health Nutritionist;
 - e. Amended Health Department Budget Unit 411 to reclassify 1.0 FTE Public Health Program Manager I to 1.0 FTE Public Health Program Manager II; and
 - f. Directed the Auditor-Controller to amend the adopted FY 2008-09 Health Department Budget Unit 411 to reflect the change in position count as outlined in the attached Board Order (4/5th vote required).

CRIMINAL JUSTICE:

30. Adopted Resolution No. 09-121 amending Resolution No. 97-428 to adjust the fee from \$2.00 to \$3.00 for Real Estate recordings in support of the Real Estate

Fraud Prosecutors Fund for the District Attorney's Office, Budget Unit 224, effective January 1, 2009.

31. Board Budget No. 08/09-109
 - a. Approved and authorized the District Attorney to accept a grant previously applied for from the Department of Insurance (DOI) in the amount of \$450,000; and
 - b. Directed the Auditor-Controller to amend Fiscal Year 2008-09 District Attorney Budget Unit 224 to increase revenues and appropriations in the amount of \$124,788 as detailed in the Board Order (4/5th vote required).
32. Agreement No. A-11362 Approved and authorized the Chair to sign a reciprocal Agreement between the Counties of Monterey and San Benito for placement of youth at the other party's Juvenile Hall, effective November 25, 2008 through June 30, 2013.
33. Board Budget No. 08/09-110
 - a. Approved an appropriations transfer in the amount of \$101,882 from Budget Unit 255-Probation to Budget Unit 256-Juvenile Institutions and Alternative Programs within the Probation Department's budget due to a shortfall in Juvenile Probation and Camps Funding Program funding; and
 - b. Directed the Auditor-Controller to decrease Fiscal Year 2008-09 appropriations in Budget Unit 255-Probation and increase appropriations in Budget Unit 256-Juvenile Institutions and Alternative Programs by \$101,882, as detailed in the Board Order (4/5th vote required).

GENERAL GOVERNMENT:

34. Approved and authorized the Contracts/Purchasing Officer to sign Agreements with Terrasearch, Inc. (Agreement No. A-11363), Moore Twining Associates, Inc. (Agreement No. A-11364), and Kleinfelder West, Inc. (Agreement No. A-11365), to provide Lab Testing of Construction Materials on an as-needed basis to the County of Monterey Public Works Department for the initial term of approximately nineteen (19) months from the date of Board approval through June 30, 2010, including the option to extend the Agreements for two (2) additional one (1) year periods, in accordance with the terms and conditions set within each Agreement.
35. Received report regarding the Office of Emergency Services' Quarterly Work Plan for the period of January through March 2009.
36. Resolution No. 09-122
Extended the Proclamation of Local Emergency adopted September 23, 2008, in the aftermath of the Basin Complex Fire (4/5th vote required).

37. Resolution No. 09-123 Adopted Monterey County Winter Storm Emergency Response Plan.
38. Resolution No. 09-124 Received and accepted the Treasurer's Report of Investments for the quarter ending December 31, 2008.
39. Board Budget No. 08/09-111
 - a. Amended Fiscal Year 2008-09 Budget Unit 193 - Information Technology Department to reflect increased expenditures and \$280,000 of additional offsetting revenue being received from Natividad Medical Center for three (3) months of information technology services to be rendered between January 1 and March 31, 2009 (4/5th vote required); and
 - b. Directed the Auditor/Controller to increase estimated revenue and appropriations by \$280,000 in Budget Unit 193 - Information Technology Department as detailed in the Board Order.

RMA - PUBLIC WORKS:

40. Resolution No. 09-125
 - SA-1 a. Authorized the Treasurer-Tax Collector's Revenue Division to renew the Franchise Tax Board Court-Ordered Debt ~~on~~ collection program contract; and
 - b. Directed the Chair of the Board to sign the contract renewal.
41. Authorized the Registrar of Voters to render specified election services to the City of Gonzales for the May 5, 2009 All Mail Ballot Special Municipal Election.
- SA-2 TITLE CORRECTION
42. ~~Approve recommendations from the Legislative Committee as follows:~~
 - a. ~~Amend the 2009 Legislative Priorities and Platform to include an increase in federal match rate on Medicaid, eliminate provisions of federal law which exclude the use of Medicaid costs for individuals receiving care in institutions for mental diseases and oppose attempts to eliminate the Medicaid Administrative Allowance and Targeted Case Management funds; and~~
 - b. ~~Submit federal Fiscal Year 10 appropriations requests to the office of United States Senator Dianne Feinstein.~~

Approve the recommendations of the Legislative Committee to

1. Amended the Monterey County 2009 Legislative Priorities and Legislative Platform to add the following:
 - a. Support the increased Federal match rate on Medicaid for California; and
 - b. Support the elimination of provisions of Federal law which exclude the use of Medicare funding to pay for the costs associated with the provision of otherwise eligible individuals receiving care in institutions for mental disease; and
 - c. Oppose attempts to eliminate the Medicaid Administrative Allowance (MAA) and the Targeted Case Management (TCM) funds.

2. Submitted FY2010 Federal appropriations requests to the office of Senator Dianne Feinstein, such requests to be ranked in the following order:
 1. Gang Task Force with appropriations request of \$3.5 million and Silver Star Gang Prevention & Intervention Program with appropriation request of \$1.3 million for a total of \$4.8 million;
 2. Pajaro River Flood Control Project with appropriation request of \$5 million;
 3. Monterey Bay Sanctuary Trail - Moss Landing Segment with appropriation request of \$3.7 million;
 4. NGEN Public Safety Radio Interoperability Project Shared Infrastructure with appropriation request of \$12 million;
 5. Green Project - County Administration Building Photovoltaic System with AC-1 appropriation request of \$1.32 million; and
 6. Green Project - Laurel-Natividad Cogeneration Plant with appropriation request of \$5.6 million
3. Received a memo from Matt Thomas, Troutman Sanders, LLC, regarding the status of the Federal Economic Stimulus legislation and legislation to assist impact local governments with losses associated with the Lehman Bros and Washington Mutual bankruptcies; and
4. Received a memo from JEA and Associates regarding the status of State of State budget negotiations with particular emphasis on potential County payment deferrals impacting Transportation and Medi-Cal payments; and
5. Directed Staff to work with JEA and Associates regarding potential State legislation related to Child Support Services and Court Facilities.

RMA - PLANNING DEPARTMENT:

43. Resolution No. 09-126
Approved the request for a Letter of Public Convenience and Necessity for the sale of beer and wine for off-site consumption (Type 20 license). (Public Convenience & Necessity - PLN080257/AJIR, dba NAFT Petroleum, 27800 Dorris Drive, Carmel, Carmel Valley Master Plan)
44.
 - a. Accepted the Parcel Map Conditional Certificate of Compliance;
 - b. Accepted the Parcel Map Guarantee and Tax Report from the Tax Collector; and
 - c. Directed the Clerk to the Board to submit the Parcel Map to the County Recorder for filing. (Parcel Map - PLN060755/Thomas, Carmel Valley Master Plan)
45.
 - a. Accepted the Parcel Map for the Harness Minor Subdivision to subdivide an 8.95 acre parcel into two (2) parcels consisting of 6.98 and 1.96 acres each;
 - b. Accepted the Tax Clearance Letter and the Parcel Map Guarantee; and
 - c. Directed the Clerk of the Board to submit the Parcel Map for recording. (Parcel Map - PLN070139/Harness MS Resolution No. 08006, 25 Esquiline Rd, Carmel Valley, CA, Carmel Valley Master Plan)

- 46./50. a. Accepted the Parcel Map to allow a minor subdivision to divide two (2) existing lots of record of 152.2 and 111.8 acres, totaling 264 acres into three (3) parcels of 40 acres each and one (1) remainder parcel of 144 acres, Permit Approval Notice, Indemnification Agreement, Agreement to Implement a Mitigation Monitoring and Reporting Plan, Deed Restriction, and Deed of Trust for Assignment of Rents;
- b. Accepted the Parcel Map Guarantee and Property Tax Clearance Certification;
- c. Authorize the Chair of Water Resources to execute Road and Drainage Maintenance Agreement; and
- d. Directed the Clerk of the Board to submit the Parcel Map, Permit Approval Notice, Indemnification Agreement, Agreement to Implement a Mitigation Monitoring and Reporting Plan, Deed Restriction, and Deed of Trust for Assignment of Rents to the County Recorder for filing. (Parcel Map - PLN050025/Coletta TR ET AL, 68961 Argyle Road, King City, South County Area Plan)
47. a. Accepted the Parcel Map to allow minor subdivision of one (1) 5 acre parcel into two (2) 2.5 acre parcels.
- b. Accepted the Parcel Map Guarantee and Property Tax Clearance Certification.
- c. Directed the Clerk of the Board to submit the Parcel Map to the County Recorder for filing. (PLN060375 Kyle Bartlebaugh, 8871 Holly Hill Drive, Prunedale North County Non-Coastal Area)

Motion by Supervisor Potter, seconded by Supervisor Salinas to approve Consent Item 47 4 Ayes; 1 No - Supervisor Parker

48. a. Adopted Resolution No. 09-127 finding that the repairs and renovations in various shower stalls of the Monterey County Adult Detention Facilities, located at 1410 Natividad Road, Salinas continues to pose an emergency requiring immediate action without adopting plans and specifications and giving notice for bids to let contracts; and
- b. Adopted Resolution No. 09-127 ratifying the execution of emergency contracts and emergency actions taken by the Contracts Purchasing Officer, or his designee, to respond to the emergency (4/5th vote required).
49. Accepted the Annual Evaluation Report of traffic on Carmel Valley Road, Rio Road, and Carmel Rancho Boulevard, pursuant to Carmel Valley Master Plan, Policy 39.3.2.1(b), Carmel Valley Area.

MONTEREY COUNTY WATER RESOURCES AGENCY:

Motion by Supervisor Salinas, seconded by Supervisor Potter. ALL AYES

- 50./46. a. Accepted the Parcel Map to allow a minor subdivision to divide two (2) existing lots of record of 152.2 and 111.8 acres, totaling 264 acres into three (3) parcels of 40 acres each and one (1) remainder parcel of 144 acres, Permit Approval Notice, Indemnification Agreement, Agreement to Implement a

Mitigation Monitoring and Reporting Plan, Deed Restriction, and Deed of Trust for Assignment of Rents;

- b. Accepted the Parcel Map Guarantee and Property Tax Clearance Certification;
- c. Authorize the Chair of Water Resources to execute Road and Drainage Maintenance Agreement; and
- d. Directed the Clerk of the Board to submit the Parcel Map, Permit Approval Notice, Indemnification Agreement, Agreement to Implement a Mitigation Monitoring and Reporting Plan, Deed Restriction, and Deed of Trust for Assignment of Rents to the County Recorder for filing. (Parcel Map - PLN050025/Coletta TR ET AL, 68961 Argyle Road, King City, South County Area Plan)

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