

A C T I O N M I N U T E S
THE MONTEREY COUNTY BOARD OF SUPERVISORS
AND MONTEREY COUNTY SPECIAL DISTRICTS
TUESDAY, OCTOBER 14, 2003

9:30 a.m.

- S-1 Pledge of Allegiance
 Supervisor Armenta led the Pledge of Allegiance.
- S-2 Additions and corrections to the Agenda.

Under Scheduled Matters, add the following:

1. Amend the Natividad Medical Center Budget Unit 960 to approve the addition of one Hospital Director of Food Services and one Hospital Chef position.

Under Closed Session:

2. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators regarding the East Garrison areas of the former Fort Ord; negotiating parties: County of Monterey; U.S. Army and/or Monterey Peninsula College.
3. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding two items of significant exposure to litigation:
 - a. Claim of Fred Dalton
 - b. Discrimination complaint filed by a public employee

4. Pursuant to Government Code section 54957.6, conference with labor negotiators regarding SEIU 817, Keith Honda, negotiator.
- S-3 CONSENT CALENDAR - REGULAR (See Supplementary Sheet)
 CONSENT CALENDAR – SPECIAL DISTRICTS (See Supplementary Sheet)
- 2050.000 S-4 PUBLIC COMMENT (Limited to 3 minutes per speaker.)
- a. Cecil Golden, Linda Barbour, Joseph Russo, Richard Karzewski, residents of Monte del Lago, a mobile home park, spoke on behalf of the residents of Monte del Lago regarding the recent rent increases at the park. They addressed the Board as to the high rate of increase and the hardships it was placing on the residents. The new rent is especially hard on the senior citizens residing in the park.
 - b. Joe Vierra, asked the Board to consider fully funding the Sheriff's Department in the interest of safety for the County.
 - c. Bob Antle, co-owner of Tanimura and Antle, commended the Board on their program of welcoming home military troops.
 - d. Hans Jongens, asked the Board to find ways to eliminate MTBE from gasoline. He also asked the Board to have the Ag Commissioner investigate the GMO situation.
 - e. Richard Karzewski asked the Board to replace Charter Cable Co. with Comcast in North County. He stated that Comcast is less expensive and offers more services.

APPOINTMENTS:

- 0402.800 1. **Appointed** Ila Mettee-McCutchon, to fill the unexpired term of Dave McCall, on the Overall Economic Development Committee, for a term to end on June 30, 2004. (Full Board)

BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried.

OTHER BOARD MATTERS:

- 6300.000 2. Welcome Home to Troops.

The Board held a ceremony and presented medallions to the following Military Troops returning from Operation Iraqi Freedom:

- a. Lance Corporal Kevin Johns-Rhoades, Marines
- b. Specialist Julio Lopez, Jr., Army

- 6300.000 3. Board comments and referrals.
- a. Supervisor Potter made a referral to the CAO in regard to the planning process for the Big Sur Marathon. There is an existing resolution which contains an endorsement of the marathon by the Board, but no structure is laid out as to how the event should be planned in conjunction with the community. He requested the County establish a process of planning the event that involves the community and local agencies.
 - b. Supervisor Potter also requested that the Water Resources Agency return to the Board on Tuesday, October 28, 2003, with an update regarding the County's legal ability to breach the Carmel Lagoon in order to prevent flooding.
 - c. Supervisor Lindley commended the Department Heads on the positive and cooperative approaches that have been taken in an effort to work through the current budget situation.
 - d. Supervisor Lindley made a referral through the CAO office to Public Works regarding the amount of trash that he has noticed on the portion of Highway 101 that runs through the County. It appears to be worse than other places he has observed along that same highway. He requested that he would like to see it cleaned up.
 - e. Supervisor Calcagno reported that he had attended the Prunedale Senior Citizen's Center fund raiser at Royal Oaks Park, which had been put on by Phil's Fish Market and was supported by the community. He commended the Parks Department for having the park and facilities in excellent shape for the event. He felt that this was instrumental in the success of the fund raiser.
 - e. Supervisor Calcagno made a referral through the CAO to County Counsel to explore the possibility of rent control for mobile home parks such as Monte del Lago, and report back within 60 days. He included Housing and Redevelopment, CAO Office, and Planning and Building Inspection in the referral. He stated that the senior citizens at Monte del Lago appear to be victimized by the owners of the mobile home park. There are no other locations in county for people to move their homes to, if they wanted to leave Monte del Lago. Space rents in that community are continually being raised. He has had meetings in his office with all mobile home parks in the County, and the rent at Monte del Lago is almost double of what is being charged in the rest of County.

Supervisor Johnsen commented on when she was Mayor of Marina the community worked together to effect changes in a similar case involving a

mobile home park in Marina. She stated that people working together do make a difference.

- 0600.025 4. County Administrative Officer's comments and reports.
- a. Sally Reed, County Administrative Officer, referred to a public comment made by Richard Karzewski as to the County's current contract with Charter Communications. The CAO office is currently working on a staff report in regard to extending the service contract with Charter Communications. She informed the public that those wishing to be notified when the public hearing is scheduled, to give their names to Virgil Schwab, Director of Information Technology, who was present at the meeting.
- 2050.000 5. **Resolution No. 03-340: Adopted** Resolution honoring Congressman Sam Farr upon being presented the 2003 Ralph B. Atkinson Award for Civil Liberties by the American Civil Liberties Union.

BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Potter, and unanimously carried.

SCHEDULED MATTERS:

10:00 a.m.

- 0550.325 S-5 **Resolution No. 03-346: Adopted** Resolution to certify the Final Environmental Impact Report for the Monterey County Government Center capital improvements project, State Clearing House Number (SCH#) 2003011115; adopt findings and evidence required by CEQA pursuant to Public Resources Code 21081; adopt a Resolution with findings and evidence to approve the capital improvement project.
- BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried.**
- 3150.000 S-6 **Resolution No. 03-348: Approved** Combined Development Permit (PLN020587/Mike & Jacquelyne Love) consisting of a Coastal Administrative Permit and Design Approval for remodel and additions to an existing two-story single-family dwelling (3,975 sq. ft. added to 5,158 sq. ft. existing); a Coastal Development Permit for native tree removal (2 Monterey pines); a Coastal Development Permit for development on slopes of 30% or greater; a Variance for additions to exceed the maximum-allowable height limitation by 822 sq. ft. in the Pescadero watershed (9,822 sq. ft. total); grading (850 cu. yds. of cut and 50 to 100

cu. yds. of fill); and a basement (approximately 1,323 sq. ft.), located at 3108 Flavin Lane, Pebble Beach. (Assessor's Parcel No.008-171-043-000)

BOARD ACTION: Upon motion of Supervisor Potter, seconded by Supervisor Johnsen, and unanimously carried.

10:30 a.m.

0125.000 S-7 **Agreement No. A-09576: Approved and authorized** the Purchasing Manager to rollover established purchase orders for McKesson Medication Management for Pharmaceuticals (\$2,500,000) and Per-Se Technologies for Professional Fee Billing (\$1,000,000) for FY 2003-04.

BOARD ACTION: Upon motion of Supervisor Potter, seconded by Supervisor Lindley, and unanimously carried.

0125.000 S-8 **Agreement No. A-09577: Approved and authorized** the CEO to sign the application for the California Healthcare for Indigents Program Funding for FY 2003-04; approve the standard agreement for California Healthcare for Indigents Program funding; and, approve the description of proposed expenditures for FY 2003-04.

BOARD ACTION: Upon motion of Supervisor Potter, seconded by Supervisor Lindley, and unanimously carried.

0601.525 S-9 **Continued to Tuesday, October 28, 2003,** Adopt Resolution to amend the Medically Indigent Adult (MIA) Program by approving the changes to Resolutions 88-369 and 89-13 set forth in the proposed Resolution.

BOARD ACTION: Upon motion of Supervisor Potter, seconded by Supervisor Lindley, and unanimously carried, after discussion the Board moved to continue the item for two weeks.

0125.000 S-10 **Agreement No. A-09578: Approved and authorized** the Purchasing Manager for Monterey County to consolidate budgeted funds of \$81,176 previously allocated to two (2) separate Purchase Orders into one (1) Purchase Order with 3M Health Information Systems and increase amount by \$26,500 for a total of \$107,676 for expenses related to the existing 3-year Health Data Management Software License Agreement.

BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Lindley, and unanimously carried.

- 0125.000 &
0601.525 S-11a. **Approved and authorized** the Purchasing Manager for Monterey County to establish a close-out Purchase Order to Sodexo for outstanding invoices in the amount of \$96,415.99.

BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Lindley, and unanimously carried.

- 5400.000 &
0601.525 S-11b. **Amended** the Natividad Medical Center Budget Unit 960 to approve the addition of one Hospital Director of Food Services and one Hospital Chef position.

BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Lindley, and unanimously carried.

- 0125.000 S-12 **Agreement No. A-09579: Approved and authorized** the Purchasing Manager for Monterey County to sign an Agreement with Siemens Medical Systems in the amount of \$130,000 for the completion of remediation work identified as a result of the performance of a Gap Analysis Study to make the Natividad Medical Center (NMC) Hospital Information System (HIS) compliant with the Health Insurance Portability and Accountability Act (HIPPA) patient billing and remittance record transactions.

BOARD ACTION: Upon motion of Supervisor Potter, seconded by Supervisor Lindley, and unanimously carried.

10:45 a.m.

S-1 Closed Session relating to the following items:

- a. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding the following item of existing litigation:

Berryman v. County of Monterey

BOARD ACTION: The Board approved a settlement. Disclosure of the settlement will be made available to the public when the details are finalized.

- b. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding the following item of significant exposure to litigation:

Claim of James Haggard

BOARD ACTION: The claim was denied.

- c. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the following position:

Public Employment-Natividad Medical Center – CEO

BOARD ACTION: The evaluation did not occur.

- A/C 2 Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators regarding the East Garrison areas of the former Fort Ord; negotiating parties: County of Monterey; U.S. Army and/or Monterey Peninsula College.

BOARD ACTION: Negotiator for Monterey County was Nick Chiulos. Direction was provided to negotiator. The Board authorized the signing of an Agreement with Monterey Peninsula College regarding the East Garrison and Parker Flats sites. The Board will assist Monterey Peninsula College in the acquisition arrangements that need to be made with the Parker Flats sites. The East Garrison and Parker Flats sites in the agreement indicates what each of the parties will be bound to.

- A/C 3 Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding two items of significant exposure to litigation:

- a. Claim of Fred Dalton

BOARD ACTION: The claim was denied.

- b. Discrimination complaint filed by a public employee

BOARD ACTION: Direction was given to staff.

- A/C4 Pursuant to Government Code section 54957.6, conference with labor negotiators regarding SEIU 817, Keith Honda, negotiator.

BOARD ACTION: Status report was provided.

12:00 p.m.

**ORDER FOR ADJOURNMENT TO TUESDAY, OCTOBER 21, 2003, 9:30 A.M.
AT THE TRAINING AND LEADERSHIP CENTER,
LOCATED AT 2345 GARDEN ROAD, MONTEREY, FOR A BOARD OF
SUPERVISORS STRATEGIC PLANNING
AND GOAL SETTING WORKSHOP**

APPROVED:

Chair

ATTEST:

SALLY R. REED,
Clerk of the Board

By: _____
Deputy

(Supplemental Sheet)

CONSENT CALENDAR

Upon motion of Supervisor Johnsen, seconded by Supervisor Potter, and unanimously carried, the Board approved the following actions, except as otherwise noted:

HEALTH AND SOCIAL SERVICES:

- 0125.000 6. **Agreement No. A-09572: Approved and authorized** the Chair to sign a contract with Victorian Home Care Inc. in the amount of \$46,000 for the provision of personal care services in support of the Multi-Services Senior Program (MSSP) in FY 2003-04.
- 5400.000 &
0150.143 7. **Approved** establishment of Fund 083, Budget Unit 591 In-Home Supportive Services Public Authority for the administration of the Public Authority; **amended** the Department of Social Services position allocation to add 6 permanent positions as detailed on the attached Board Order; **authorized** execution of Professional Services Agreement with existing Executive Director to continue in that capacity until Program Manager II position is filled; **designated** remaining existing In-Home Supportive Services Public Authority employees as County employees and **directed** the Auditor-Controller to credit them with their current leave balances; and **directed** the Auditor-Controller to transfer appropriations and estimated revenue as detailed on the accompanying Board Order. (4/5ths vote required)

CRIMINAL JUSTICE:

- 0602.250, 0601.100 &
0602.550 8. **Approved and authorized** the Departments of Health, Probation and Social Services to participate in the School Readiness Expansion collaborative application to First 5 - Monterey County for utilization of Prop 10 funding for the period January 2004 through June 2006.

GENERAL GOVERNMENT:

- 2050.000 9. **Approved** Action Minutes of the meeting of September 30, 2003, copies having been distributed to each Board member.
- 0125.000 10. **Agreement No. A-09573: Approved and authorized** the Chair to sign Amendment No. 1 to professional services contract for contract negotiation advisory services with Government Finance Officers

Association (GFOA) to add contractor services and increase the total amount of the contract by an amount not to exceed \$15,000 for the County's Human Resources/Payroll System Project.

- 0150.143 &
0601.600 11. **Amended** Budget Unit 755, Parks Grant Program to increase estimated revenue and appropriations by \$100,000; **accepted** a donation in the amount of \$30,000 from the Parks Foundation of Monterey County; and **received** State Bond Act Grant Funds in the amount of \$70,000 for playground equipment at County Park Facilities. (4/5ths vote required)
- 0800.300 12. **Resolution No. 03-345: Approved** a Zero Property Tax Transfer for the proposed "Howe Annexation" to the Carmel Area Wastewater District.

PUBLIC WORKS:

- 5900.000 13. **Exonerated** the Labor and Materials Security for the Terra Linda Subdivision (25 lots, private roads - located off Pesante Road, Prunedale area).

SPECIAL DISTRICTS

Upon motion of Supervisor Johnsen, seconded by Supervisor Armenta, and unanimously carried, the Board approved the following actions, except as otherwise noted:

- 0125.000 14. **Agreement No. A-09574: Approved** Agreement in the amount of \$71,297 between County Service Area No. 14 - Castroville and the North County Recreation and Park District for continuation of extended recreation and park services for the Castroville area.
- 0125.000 15. **Agreement No. A-08525: Approved** Amendment No. 1 to Agreement No. A-08525 between the Pajaro County Sanitation District and the City of Watsonville for wastewater treatment services.