



# **Monterey County Board of Supervisors**

**Response to the**

**2010 Monterey County Grand Jury  
Final Report**

**March 22, 2011**

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**REPORT TITLE:** Public Employees' Retirement System in Monterey County - CalPERS  
**RESPONSE BY:** Monterey County Board of Supervisors  
**RESPONSE TO:** Findings F1.1 – F1.12

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**Finding F1.1:** *The CalPERS retirement system is worth retaining.*

**Response F1.1:** The respondent agrees with the finding.

**Finding F1.2:** *Those local agencies that have binding arbitration have ceded their collective bargaining authority and responsibility to an individual arbitrator.*

**Response F1.2:** The respondent partially disagrees with the findings. If a local agency agrees to binding arbitration, it is presumed to have negotiated such an agreement freely understanding the full benefit and detriment of the bargain. In this context, the County does not agree that any public agency has ceded any bargaining authority. Agencies continue to retain the bargaining authority to seek to be released from binding arbitration.

A local agency may agree to binding arbitration to resolve impasse during bargaining or as a method to resolve disciplinary matters. Monterey County has not agreed to binding arbitration to resolve bargaining issues. However, Monterey County did at some point agree to binding arbitration for disciplinary appeals for some of its employees. In the recent past, the County was able to utilize its bargaining authority and reached an agreement to be released from binding arbitration for disciplinary appeals.

**Finding F1.3:** *A vote of the electorate before granting increased retirement benefits has not been implemented as a check on overspending.*

**Response F1.3:** The respondent partially disagrees with the finding. The existing check on overspending is the public hearing process.

**Finding F1.4:** *Some agencies may allow retired employees to come back to work part time at the same agency and receive retirement and a salary, provided they don't work more than 960 hours per year, the maximum allowed by CalPERS.*

**Response F1.4:** The respondent agrees with the finding.

**Finding F1.5:** *Some agencies may have practices that allow employees to increase or "spike" their base year salaries by converting unused sick leave or vacation leave to salary during their last year of employment.*

**Response F1.5:** The respondent wholly disagrees with the finding. Monterey County does not permit the conversion of leave into salary during their last year of employment for the purpose of increasing their CalPERS annuity. Additionally, PERS law prohibits such salary spiking and will not consider final year conversions of leave as salary unless they are specifically included in the agency contract.

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**Finding F1.6:** *The practice of offering an employee up to two years unearned credit for retirement in exchange for taking an early retirement (“a Golden Handshake”), as authorized by Section 20903 of the Government Code, may be subject to abuse.*

**Response F1.6:** The respondent agrees with the finding. Any benefit authorized by law or regulation may be subject to abuse.

**Finding F1.7:** *Some employees do not pay an appropriate CalPERS retirement share.*

**Response F1.7:** The respondent partially disagrees with the finding. The appropriate share is defined by the County as the share established through the exercise of management authority (or policy) or collective bargaining. Some County employees pay 2%. The majority of employees pay nothing. The County agrees that paying a share of zero is indistinguishable from not paying. However, the County's position is that the payment on their behalf is properly considered earned compensation indistinguishable from wages. The employees earn the payment made on their behalf.

**Finding F1.8:** *Some employees may pay for all optional CalPERS benefits. Some employees may pay for some or a portion of some of these benefits, and some may pay nothing for optional benefits received.*

**Response F1.8:** The respondent partially disagrees with the finding. See response to F1.7 above.

**Finding F1.9:** *Some agencies have no caps on the maximum amount of time one can accumulate in sick leave or vacation leave.*

**Response F1.9:** The respondent wholly disagrees with the finding. All Monterey County employees are subject to limits on the accruals of sick or vacation leave. The Federal Fair Labor Standards Act also imposes limitations on accruals.

**Finding F1.10:** *The California Legislature could enact changes that would limit new employees to 2% @ 55 for Safety with a 90% of salary retirement cap and 2% @ 60 for Miscellaneous in the CalPERS system with a 36-month salary base for each.*

**Response F1.10:** The respondent agrees with the finding.

**Finding F1.11:** *CalPERS could be made more affordable to the agencies if new employees were provided, in lieu of benefits accorded to existing employees, a second-tier of benefits of 2% @ 55 for Safety employees with a 90% of salary retirement cap and 2% @ 60 for Miscellaneous employees, each with a 36-month salary base.*

**Response F1.11:** The respondent agrees with the finding, though the affordability would not be realized for a significant period of time (beginning 5 years out from the action).

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**Finding F1.12:** *Some MOU's may not allow the reopening of negotiations to make prospective changes to salary and benefits in the event of unforeseen dire economic circumstances.*

**Response F1.12:** The respondent agrees with the finding.

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**Recommendation R1.1:** *Continue to participate in the CalPERS retirement system. [Related Finding: F1.1]*

**Response R1.1:** The respondent has implemented this recommendation. The County is a CalPERS member agency.

**Recommendation R1.2:** *Abolish binding arbitration in labor matters. [Related Finding: F1.2]*

**Response R1.2:** The recommendation will not be implemented because it is not warranted or is not reasonable. (The County cannot comment on its bargaining strategy). Binding arbitration has been removed from provisions of one MOU. In other negotiations, proposals for binding arbitration have not been accepted. The County does not discuss current or future negotiations with employee organizations in a public forum. Therefore, the County cannot commit to any specific bargaining position.

**Recommendation R1.3:** *Require a vote of the electorate as a prerequisite to increase retirement benefits and thereby limit spending. [Related Finding: F1.3]*

**Response R1.3:** The recommendation will not be implemented because it is not warranted or is not reasonable. The County has no intention to increase retirement benefits. Under current PERS law, any change in benefits results in a contract amendment. Such amendments are time driven and approved by the Board of Supervisors via resolution process in accordance with PERS law. This recommendation would need input from CalPERS. Requiring a vote of the electorate is a policy decision under the purview of the Board of Supervisors.

**Recommendation R1.4:** *Do not allow those who have retired from the agency to be re-employed by the same agency on a part-time basis. [Related Finding: F1.4]*

**Response R1.4:** The recommendation will not be implemented because it is not warranted or is not reasonable. Retired officials are retained from time to time by agencies because of their unique knowledge and expertise and to assist in the transition of recruitment for permanent employees.

**Recommendation R1.5:** *Prevent "spiking" the base salary. [Related Finding: F1.5]*

**Response R1.5:** The respondent has implemented this recommendation. The County's policies are consistent with existing laws and regulations which prohibit pension spiking.

**Recommendation R1.6:** *Do not offer a "Golden Handshake." [Related Finding: F1.6]*

**Response R1.6:** The recommendation will not be implemented because it is not warranted or is not reasonable. (The County cannot comment on its bargaining strategy). In the past,

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the County has decided not to offer Golden Handshakes as available under Government Code §20903. In the future, the County anticipates reviewing the pros and cons of offering Golden Handshakes as available under Government Code §20903. That analysis will not be made public, as the County does not discuss current or future negotiations with employee organizations in a public forum. Therefore, the County cannot commit to any specific bargaining position.

**Recommendation R1.7:** *Require employees to pay the CalPERS employee contribution rate. [Related Finding: F1.7]*

**Response R1.7:** The recommendation will not be implemented because it is not warranted or is not reasonable. (The County cannot comment on its bargaining strategy). The County agrees that requiring employees to pay the CalPERS employee contribution can have an immediate effect on reducing County expenditures. The County is also aware that this option is not the only option available (the County may eliminate positions, reduce services, etc.). As noted above, the County does not discuss current or future negotiations with employee organizations in a public forum. Therefore, the County cannot commit to any specific bargaining position.

**Recommendation R1.8:** *Require employees to pay for all optional CalPERS benefits. [Related Finding: F1.8]*

**Response R1.8:** The recommendation will not be implemented because it is not warranted or is not reasonable. (The County cannot comment on its bargaining strategy). The County agrees that requiring employees to pay for optional CalPERS benefits can have an immediate effect on reducing County expenditures. The County is also aware that this option is not the only option available (the County may eliminate positions, reduce services, etc.). As noted above, the County does not discuss current or future negotiations with employee organizations in a public forum. Therefore, the County cannot commit to any specific bargaining position.

**Recommendation R1.9:** *Place a cap on the maximum amount of sick leave and vacation leave an employee can accumulate. [Related Finding: F1.9]*

**Response R1.9:** The respondent has implemented this recommendation. The County's MOU's and personnel policies cap sick leave and vacation accruals.

**Recommendation R1.10:** *Urge passage of legislation that new hires are limited to 2% @ 60 for Miscellaneous employees, 2% @ 55 for Safety employees with a 90% of salary retirement cap, and a 36-month salary base for each. [Related Finding: F1.10]*

**Response R1.10:** The recommendation will not be implemented because it is not warranted or is not reasonable. The support or opposition of state legislation is a policy matter under the purview of each County's Board of Supervisors.

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**Recommendation R1.11:** *Contract for a CalPERS retirement benefit for newly hired employees of 2% @ 55 for Safety employees with a 90% of salary cap and 2% @ 60 for Miscellaneous employees with a 36-month salary base for each. [Related Finding: F1.11]*

**Response to R1.11:** The recommendation will not be implemented because it is not warranted or is not reasonable. (The County cannot comment on its bargaining strategy). The County agrees that requiring new employees to accept a lower tier of CalPERS benefits can result in lower retirement expenditures in out years. The drawback of such a plan is that it does not create an immediate reduction in expenditures. The County is also aware that this option is not the only option available (the County may eliminate positions, reduce services, etc.). As noted above, the County does not discuss current or future negotiations with employee organizations in a public forum. Therefore, the County cannot commit to any specific bargaining position.

**Recommendation R1.12:** *In all future MOU's, reserve the right to reopen negotiations in the event of unforeseen dire economic circumstances to make changes to salary and benefits with no reduction to salary and/or benefits already earned. [Related Finding: F1.12]*

**Response R1.12:** The recommendation will not be implemented because it is not warranted or is not reasonable. (The County cannot comment on its bargaining strategy). The County agrees that MOU's that permit the employer to reopen contracts is to the advantage of the employer. However, the County retains management rights even with a closed contract to reduce expenditures by eliminating positions and reducing services. As noted above, the County does not discuss current or future negotiations with employee organizations in a public forum. Therefore, the County cannot commit to any specific bargaining position.

**REPORT TITLE:** Trauma Care and Emergency Medical Evacuation in Monterey County  
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**RESPONSE TO:** Findings F2.1 – F2.6

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**Finding F2.1:** *Monterey County does not have a trauma center, and all MTV's are transported out-of-county for trauma care.*

**Response F2.1:** The respondent agrees with the finding.

**Finding F2.2:** *Monterey County emergency responders are doing an excellent job of following the MAP triage algorithm, and the county's over-triage rate is low when compared to the national average.*

**Response F2 .2:** The respondent agrees with the finding.

**Finding F2.3:** *In the past, the EMSA has not adequately collected, analyzed, or reported trauma data on a regular basis. This is due, in part, to insufficient staff assigned to this task.*

**Response F2 .3:** The respondent partially disagrees with the finding. Whereas, the EMSA has not comprehensively collected, analyzed, and reported trauma data in the past, reports should be forthcoming. This is currently a priority for staff and transportation agencies.

**Finding F2.4:** *HEMES is an appropriate method to transport MTV's to out-of-county trauma centers in the absence of a local trauma center. Monterey County will still have a need for HEMES even with designation of the local trauma center, due to the county's unique geography and population distribution.*

**Response F2.4:** The respondent agrees with the finding.

**Finding F2.5:** *Due to a high non-reimbursement rate and the fact that Monterey County does not subsidize HEMES, an unfair burden is placed on those MTV's with the financial ability to pay.*

**Response F2.5:** The respondent agrees with the finding. The practice of cost shifting from uninsured to insured is prevalent in medical care.

**Finding F2.6:** *CALSTAR is doing a high-quality job of trauma transport. The agreement between Cal star and Monterey County is out of date.*

**Response F2.6:** The respondent agrees with the finding.

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**Recommendation R2.1:** *The EMSA and the County Board of Supervisors need to initiate steps toward designation of a Level II or Level III county-based trauma center by appointing a County Trauma Director and updating the Trauma Care System Plan. [Related Finding: F2.1]*

**Response R2.1:** The recommendation has been implemented. The County has hired a trauma system consultant who is in the process of updating the 2007 Trauma Plan to include an application and designation process for either a level II or level III trauma center. The plan will also contain suggested staffing, including a Trauma Director, to maintain the trauma system.

In addition, several local hospitals in Monterey County are working with consultants to assess the operational and financial feasibility of obtaining trauma center designation for their respective facilities.

**Recommendation R2.2:** *The EMSA must continue to monitor and assess data pertinent to the execution of the MAP guidelines at the scene to ensure that guidelines are appropriately followed. [Related Finding: F2.2]*

**Response R2.2:** The recommendation has been implemented. The EMSA will continue to monitor and assess data pertinent to the execution of the MAP guidelines at the scene to ensure that guidelines are properly followed. Additionally, with the implementation of the updated trauma system additional data will come available to further the evaluate utilization of MAP guidelines.

**Recommendation R2.3:** *The EMSA must fund additional staff and develop an ongoing process to collect analyze, and report all pertinent trauma data to assess the effectiveness of the County Trauma Care System Plan. [Related Finding: F2.3]*

**Response R2.3:** The recommendation has not yet been implemented, but will be implemented. Human resources is studying the qualifications for a trauma nurse coordinator position and the feasibility of changing the classification of the vacant Management Analyst position to a Trauma Nurse. The additional analysis and subsequent findings will be implemented in concert with the update of the Monterey County Trauma Plan.

**Recommendation R2.4:** *The EMSA must continue to incorporate HEMES into the County trauma care system plan, even after the development of the local trauma center. [Related Finding: F2.4]*

**Response R2.4:** The recommendation has not yet been implemented, but will be implemented. The County has hired a trauma system consultant who is in the process of updating the 2007 Trauma Plan to include an application and designation process for a Monterey County trauma center. Additionally, the trauma plan will include any necessary updates to patient destination and helicopter dispatch policies. The updated trauma plan is currently scheduled to be completed by August 1, 2011. Subsequent to Board of Supervisors

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approval and State Emergency Medical Services Authority approval, any necessary policy changes will be completed.

**Recommendation R2.5:** *The EMSA and the County Board of Supervisors should consider alternative forms of funding/reimbursement to help cover the cost of transporting MTV's who cannot pay for HEMES. [Related Finding F2.5]*

**Response R2.5:** The recommendation has been implemented. Staff will continue to monitor other State and federal programs that may provide reimbursement for any health care services, including trauma and HEMES.

**Recommendation R2.6:** *The EMSA and the County Board of Supervisors should develop an updated Memorandum of Understanding to secure CALSTAR's services as the primary HEMES provider in the County. [Related Finding: F2.6]*

**Response R2.6:** The recommendation has not yet been implemented, but will be implemented in the future. It is anticipated that the EMS aircraft policy and provider agreements will be updated and put in place by September 30, 2011, subject to the rules and regulations relating to franchises and purchasing policies.

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**RESPONSE BY:** Monterey County Board of Supervisors  
**RESPONSE TO:** Findings F4.1 - F4.4

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***Finding F4.1:*** *The policy of discontinuing emergency dispatch services for agencies which don't obtain digital trunked radios upon implementation of the NGEN Radio Project is not in the best interest of the public.*

**Response F4.1:** The respondent wholly disagrees with the finding.

Background: The Monterey County Emergency Communications Department has operated a consolidated 911 Dispatch Center(s) for more than forty years. The ECUAC serves as a representative advisory body – advisory to the Department Director, the CAO and, through the Emergency Communications Policy Advisory Council, the Board of Supervisors – on matters relating to policy, fiscal, and service level issues. Because of this long-standing oversight relationship ECUAC was directed by the Cities and Fire Districts to serve as the governing body of the NGEN Radio Project.

The dispatch operation is an essential element, and hub, of the new radio system, which will provide the tools for all field users to better communicate with each other and with Dispatch to serve the public. Much work has been done over the last several years to improve and standardize dispatch operations within and across disciplines (Fire, Law Enforcement and EMS). This level of standardization streamlines dispatch policies and procedures; shortens the amount of time it takes to train a dispatcher to serve thirty separate agencies; and lowers costs for all participants.

The new NGEN Radio System will allow for even greater efficiencies with field units able to access multiple “talk groups” (instead of one-to-one radio channels). Units can communicate with each other on a talk group without being interrupted by car to dispatch traffic, and the system will queue traffic to dispatch, letting someone with a non-emergency transmission know the channel is busy – and importantly allowing the dispatcher to hear the first unit's traffic instead of two or three units talking at once, which sounds totally garbled, requiring that everything must be repeated.

Agencies not wishing to participate in the NGEN Radio Project are responsible for their own radio communications system. The cost and operational impact associated with integration of another radio system into the current dispatch center is unknown and unplanned. The analog overlay is a part of the NGEN Radio Project and provides specific functionality for firefighter paging, rural coverage and interoperability. The analog overlay does not have capacity to also function as a service for primary radio communications.

It is for all of the above described reasons that ECUAC promulgated the policy that agencies served by County Communications must also participate in the NGEN Radio System. In addition to meeting the FCC mandate to narrowband by January 1, 2013, the NGEN system provides for greatly increased capacity, better frequency utilization, greatly expanded interoperability across disciplines (fire, law, EMS, public works/local government), improved officer and firefighter safety, more efficient use of airtime, and improved utilization of dispatch resources. Maintaining the old inefficient model for individual

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agencies is not cost effective, does not well serve the agencies or the public, and is therefore not in the best interest of the public.

***Finding F4.2:*** *If they are denied access to Monterey County 9-1-1 dispatching services, agencies facing tough financial circumstances might be able to reduce their overall communications costs by foregoing participation in the NGEN Radio Project and finding or establishing a dispatching service alternative to the Monterey County 9-1-1 dispatch center.*

**Response F4.2:** The respondent wholly disagrees with the finding. The following two key reasons are provided:

1. While the respondent has not specifically completed cost comparisons on a per agency basis, about half of the agencies that participate in the County 9-1-1 Dispatch Center receive 24 x 7 dispatch services for less than the cost of a single staff person. It is precisely because we are highly consolidated that all participants benefit from significant cost savings. Several agencies have done cost analyses over the years to determine the feasibility of providing their own dispatch service, but none have done so. All Cities, Fire Districts, and the County are “*facing tough financial circumstances*”, and all are making difficult choices with scarce resources.
2. Planning for the NGEN System began in 2004. Over the last seven years there has been ample opportunity for each agency to assess continuing to participate in the consolidated dispatch center and the NGEN project. Most importantly, in 2009 when participants were asked to sign the NGEN Governance and Financing Agreement, several agencies did review their options and chose to stay in the system. Having signed the agreement upon which the functional requirements for the new system were determined, the Request for Proposal was published, and much work was done – by many agency representatives – to negotiate the best possible contract for the lowest possible cost; it is not possible at this late stage to undo all the work and all of the agreements. On December 7, 2010 a contract with the chosen vendor, and private financing for a thirteen year term, were approved by the Monterey County Board of Supervisors acting as the lead agency for the NGEN partnership.

***Finding F4.3:*** *The scarcity of and demand for uncongested public safety radio frequencies in our region make clear the importance of protecting existing FCC licenses against unintended expiration and securing needed new licenses as rapidly as possible.*

**Response F4.3:** The respondent agrees with the finding. The Monterey County Information Technology Department (ITD) has designated staff responsible for ensuring that FCC licenses for all public safety agencies in Monterey County are maintained and protected. In addition to a list of frequencies maintained by the Telecommunications Division of ITD, staff regularly performs a “geo search” of the FCC database to assure that no new licenses are missed.

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County ITD adds the following response: The County's FCC licensing office was set up before Y2K by the County IT/Telecom group to monitor and review FCC licenses in the County. The intent was to ensure that there was a process in place to enable any area FCC license to be kept current and accurate. The relicense service, necessary for County agencies, is also offered to local agencies in "advise and assist" capacity, at no charge and with no conditions for future use of the frequencies. The renewed license assignment is always left as local agency although ownership correctly remains with the FCC.

***Finding F4.4:*** *It is appropriate for client agencies wishing to do so to obtain and maintain FCC licenses in their own names for the frequencies they use.*

**Response F4.4:** The respondent agrees with the finding. Licenses were updated to include the County of Monterey contact information to assure that the recipients of notices understand and take necessary actions. The County maintains a database that includes the use and original owner or all frequencies.

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**Recommendation R4.1:** *Allow agencies not wishing to participate in the NGEN Radio Project or which don't obtain digital trunked radios to continue to receive dispatch services (operating on the analog overlay, if necessary). [Related Finding: F4.1]*

**Response R4.1:** The recommendation will not be implemented because it is not reasonable. VHF frequencies that can be used throughout Monterey County without interference are an extremely scarce resource. Of the frequencies currently in use there are a limited number that can be used countywide and those will be used in the digital trunked system or analog overlay as needed. Only three channels (frequencies or pairs of frequencies) are planned for the analog overlay, which is intended for the limited communications that take place in rural areas not covered by the digital trunked system, fire paging, and interoperability. (See also the Response to Findings F4.1 and F4.2, Paragraph 2).

**Recommendation R4.2:** *After fulfilling any existing contractual commitment but before making any further substantial purchases of radio equipment, evaluate the feasibility of cash-strapped fire agencies contracting with CAL FIRE or with others for fire dispatch services. [Related Finding F4.2]*

**Response R4.2:** The recommendation will not be implemented because it is not warranted and is not reasonable. See Response to Finding F4.2 for a detailed response to the related Finding. Prior to the execution of the NGEN Governance and Financing Agreement in 2009, at least two fire districts did investigate and review alternatives, including CAL FIRE, before signing – or choosing not to sign – the Agreement.

**Recommendation R4.3:** *After fulfilling any existing contractual commitment but before making any further substantial purchases of radio equipment, evaluate the feasibility of Monterey Peninsula police agencies contracting with the City of Carmel-by-the-Sea or with others for police dispatch services. [Related Finding F4.2]*

**Response R4.3:** The recommendation will not be implemented because it is not reasonable. As described in Response to Finding F4.2, all agencies participating in the new radio system signed the NGEN Governance and Financing Agreement in 2009, and participated – or were represented – on several teams/committees working to confirm and describe functional requirements that will meet all agencies needs; wrote and released the NGEN RFP; reviewed proposals received and performed thorough reference checks and site visits; and negotiated the best possible contract for the lowest possible cost with the chosen vendor. That contract and the private financing arranged to pay for the system infrastructure over 13 years was approved by the County Board of Supervisors on December 7, 2010.

Regarding the feasibility of the City of Carmel-by-the-Sea providing 9-1-1 Dispatch services, the respondent has the utmost respect for the City Police Department's well trained dispatch staff that well serves its 4,000 residents and visitors, but is compelled to make two points:

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1) The City's dispatch center is very small, with normally one dispatcher on duty, and the capacity for a second dispatcher during extraordinary events. The County Center has 24 dispatch positions with normal staffing of 13 to 16 dispatchers on duty (depending on the time of day/night); 3 dispatchers dedicated to peninsula police radio channels nearly 24x7; and with significant capacity to handle a large influx of 9-1-1 calls and/or assist any agency with extra dispatch help during emergencies and major events.

2) Carmel-by-the-Sea is also a participant in the NGEN Radio System – for both their Fire Department (dispatched by the County), and their Police Department. Therefore, they would have the same issues, described in Response to Findings F4.1, paragraphs 3-4. Also note there are no "others" within Monterey County identified to provide public safety dispatch services, and the start up costs to create a new dispatch center would be prohibitive and would likely take at least two years to complete.

***Recommendation R4.4:*** *After fulfilling any existing contractual commitment but before making any further substantial purchases of radio equipment, evaluate the feasibility of South Monterey County police agencies contracting with others or cooperating to establish their own joint police dispatch services. [Related Finding F4.2]*

**Response R4.4:** The recommendation will not be implemented because it is not reasonable. (See Response to Recommendation R4.3 and Finding F4.1 and F4.2 paragraph 2). The connection between obtaining dispatch services from the County 9-1-1 Dispatch Center and the NGEN Radio System is described in Finding F4.1. Regarding dispatch services, as described in the 9-1-1 Dispatch Service Agreement, any agency may terminate the Agreement with two years notice (or a lesser term if approved by ECUAC). However, such alternative dispatch service would not affect the agency(s) commitment to participate in the NGEN Radio System, pursuant to their approval of the NGEN Agreement in 2009.

***Recommendation R4.5:*** *Immediately obtain and secure the use of FCC licenses for all frequencies anticipated to be used in or in connection with the NGEN Radio Project and continue to maintain all licenses for frequencies already in use by client agencies, to the extent that such licenses are not already maintained by the agencies. [Related Finding: F4.3]*

**Response R4.5:** The recommendation has been implemented. The County of Monterey has been maintaining all licenses for frequencies in use by client agencies. In addition, the County- on behalf of NGEN participating agencies – has been actively seeking additional frequencies to be licensed for use in the County, to further improve the capacity and flexibility of the system.

***Recommendation R4.6:*** *If requested by a client agency, transfer existing licenses or obtain new licenses from the FCC for the frequencies used by that agency, naming the agency as licensee and bearing the contact information such person and address as the agency may designate. [Related Finding F4.4]*

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**Response R4.6:** The recommendation has been implemented. As stated in Finding F4.4 the County updated license information to reflect the County's contact information only to assure that the individual receiving information understood the correct action to take. Attachment 3 of the 2009 NGEN Governance and Financing Agreement makes clear the County's intent to assist agencies that do not participate with licensing frequency spectrum for their use.

**REPORT TITLE:** Suppression, Intervention, Prevention: Three Pillars of Fighting Gang Activity  
in Monterey County  
**RESPONSE BY:** Monterey County Board of Supervisors  
**RESPONSE TO:** Findings F5.1 - F5.7

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**Finding F5.1:** *CASP has made tremendous progress in working with Ceasefire to reduce gang violence in the city of Salinas.*

**Response F5.1:** The respondent agrees with the finding.

**Finding F5.2:** *CASP continues to modify its programs and goals to maximize its effectiveness by engaging the community.*

**Response F5.2:** The respondent agrees with the finding.

**Finding F5.3:** *Ceasefire's primary strategy is suppression. As a result of its outreach, it is also involved in intervention of gang violence.*

**Response F5.3:** The respondent agrees with the finding.

**Finding F5.4:** *Through a CalGRIP grant, the Four Cities for Peace have joined in a cooperative effort to reduce gang crime in that area of the Salinas Valley.*

**Response F5.4:** The respondent agrees with the finding.

**Finding F5.5:** *Salinas is one of six cities in the United States which is receiving special advice and financial aid from state and federal agencies. This is a result of successful gang violence intervention programs such as CASP and Ceasefire.*

**Response F5.5:** The respondent agrees with the finding.

**Finding F5.6:** *MCOE administers a wide range of programs to assist the students and young adults within the county. MCOE works as a team in strategic ways to meet the needs of this community in spite of tight budget constraints.*

**Response F5.6:** The respondent agrees with the finding.

**Finding F5.7:** *Rancho Cielo is the result of creative leadership and collaboration and provides opportunities both vocationally and academically to at-risk youth by providing a positive and nurturing environment.*

**Response F5.7:** The respondent agrees with the finding.

**REPORT TITLE:** Suppression, Intervention, Prevention: Three Pillars of Fighting Gang Activity in Monterey County  
**RESPONSE BY:** Monterey County Board of Supervisors  
**RESPONSE TO:** Recommendations R5.1 - R5.7

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**Recommendation R5.1:** *CASP should continue to work with and combine strategies with Ceasefire and all agencies that can enhance the CASP goals. [Related Finding: F5.1]*

**Response R5.1:** While this is a worthwhile goal, CASP activities are outside the County's direct jurisdiction. Through its participation in the CASP membership, the County will continue to promote collaboration among partner agencies.

**Recommendation R5.2:** *Because the success of CASP depends on the expanding and continual support of the Salinas community, CASP should continue to find more methods and strategies of drawing in public support. [Related Finding: F5.2]*

**Response R5.2:** While this is a worthwhile goal, CASP activities are outside the County's direct jurisdiction. Through its participation in the CASP membership, the County will continue to promote methods and strategies for community participation and support.

**Recommendation R5.3:** *Since an important part of the Ceasefire strategy is the ongoing support of the gang members who elect to leave the lifestyle, Ceasefire strategy must continue to include Rancho Cielo and the programs offered by that organization. [Related Finding: F5.3]*

**Response R5.3:** While this is a worthwhile goal, Ceasefire activities are outside the County's direct jurisdiction. Through its participation in the Ceasefire model as well as Rancho Cielo, the County will continue to promote alternatives and services to offenders who embrace a lifestyle alternative to gangs.

**Recommendation R5.4:** *Every effort must be made by the leaders in the Four Cities for Peace to establish and maintain effective communication and a database of shared information. [Related Finding: F5.4]*

**Response R5.4:** While this is a worthwhile goal, Four Cities for Peace's activities are outside the County's direct jurisdiction. The County of Monterey has actively participated in this project in the grant application process, managing referrals to the Silver Star Gang Prevention and Intervention program, and attending the Four Cities for Peace's monthly meetings.

**Recommendation R5.5:** *All of the ongoing suppression, intervention, and prevention successes should be documented and presented to state and federal agencies on a regular basis to secure continued support. [Related Finding: F5.5]*

**Response R5.5:** The recommendation has been implemented. As far as programs under the purview of the County of Monterey, all ongoing suppression, intervention, and prevention successes – as well as challenges – are periodically documented in the progress reports required by federal and state grantors.

**REPORT TITLE:** Suppression, Intervention, Prevention: Three Pillars of Fighting Gang Activity  
in Monterey County  
**RESPONSE BY:** Monterey County Board of Supervisors  
**RESPONSE TO:** Recommendations R5.1 - R5.7

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**Recommendation R5.6:** *MCOE should continue to work with the many agencies to keep students interested in education and the future it provides. This should include both traditional schooling and expanded alternative ways of educating. [Related Finding: F5.6]*

**Response R5.6:** While this is a worthwhile goal, MCOE activities are outside the County's direct jurisdiction. Historically, MCOE has been implementing traditional and alternative methodologies to educate youth, and partnering with local agencies to provide support services to its students.

**Recommendation R5.7:** *Rancho Cielo should continue with its vision and expand the vocational training that it offers, especially those programs that benefit the industries of Monterey County. [Related Finding: F5.7]*

**Response R5.7:** While this is a worthwhile goal, Rancho Cielo activities are outside the County's direct jurisdiction. The County maintains a solid partnership with Rancho Cielo and the local private industry, with the goal of offering employment opportunities for youth and matching them with the needs of the local job market.

**REPORT TITLE:** Salinas Valley Water Project Rubber Dam  
**RESPONSE BY:** Monterey County Water Resources Agency  
**RESPONSE TO:** Findings F7.1 - F7.11, Except F7.4

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**Finding F7.1:** *The variable height of the OGS allows for flood control for the safety of the community.*

**Response F7.1:** The respondent agrees with the finding.

**Finding F7.2:** *OGS is an innovative, cost effective means to retrofit existing concrete structures.*

**Response F7.2:** The respondent agrees with the finding.

**Finding F7.3:** *The OGS has reduced aquifer overdraft.*

**Response F7.3:** The respondent partially disagrees with the finding. The SVWP is designed to stop seawater intrusion, balance the Salinas Valley groundwater basin, and provide additional water supplies for the planning horizon of 2030.

**Finding F7.5:** *The OGS has improved river water quality by using “flow triggers.”*

**Response F7.5:** The respondent agrees with the finding.

**Finding F7.6:** *Fish passage has been improved.*

**Response F7.6:** The respondent agrees with the finding.

**Finding F7.7:** *Fish abundance studies have only just started and are not complete.*

**Response F7.7:** The respondent agrees with the finding.

**Finding F7.8:** *The Lower Salinas River does not have suitable spawning or rearing habitat.*

**Response F7.8:** The respondent agrees with the finding.

**Finding F7.9:** *That 480 salmonid fish were caught in the Arroyo Seco River, a tributary of the Salinas Basin River, demonstrates that fish can get up river.*

**Response F7.9:** The respondent agrees with the finding.

**Finding F7.10:** *The use of a “flow prescription” improves water flow and condition for fish.*

**Response F7.10:** The respondent agrees with the finding.

**Finding F7.11:** *The Salinas River consistently has the lowest water quality in Monterey County, as reported by the Coastal Watershed Council.*

**REPORT TITLE:** Salinas Valley Water Project Rubber Dam  
**RESPONSE BY:** Monterey County Water Resources Agency  
**RESPONSE TO:** Findings F7.1 - F7.11, Except F7.4

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**Response F7.11:** The respondent partially disagrees with the finding. Water quality in the Salinas River varies greatly both spatially and temporally. Ambient winter storm driven flows can carry significant amounts of sediment but generally are of good quality. Reservoir released waters are also of good quality. Salinas River Lagoon water quality when the river mouth is sealed by naturally occurring sand bars can have poor water quality.

**REPORT TITLE:** Salinas Valley Water Project Rubber Dam  
**RESPONSE BY:** Monterey County Water Resources Agency  
**RESPONSE TO:** Recommendations R7.1 - R7.7, Except R7.3

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**Recommendation R7.1:** *The MCWRA should explore other ways as innovative as the rubber dams to increase the storage capacity and safety of existing dams for the community. [Related Findings: F7.1, F7.2]*

**Response R7.1:** The recommendation has been implemented. The proposed development of brackish water supply wells for the Regional Desalination Project is another example of innovative water supply development for Monterey County. The MCWRA mission is to enhance and protect Monterey County water quantities and quality for current and future generations, and MCWRA is charged with implementing innovative programs for development and protection of County water supplies. The twelve-year old Salinas Valley Reclamation Plant and the Castroville Seawater Intrusion project are two other successful innovative projects brought forward by the MCWRA.

**Recommendation R7.2:** *The MCWRA needs to continue studies to determine if the OGS are reducing overdraft of the aquifer. [Related Finding: F7.3]*

**Response R7.2:** The recommendation has been implemented. The SVWP implementation includes a continuing monitoring program of the Salinas Valley groundwater basin for seawater intrusion and groundwater elevations to confirm seawater intrusion is halted and the groundwater basin is in balance.

**Recommendation R7.4:** *Continued environmental studies should be done to see if the “flow triggers” are an effective means of improving river water quality. [Related Findings: F7.5, F7.11]*

**Response R7.4:** The recommendation has been implemented. The Biological Opinion and Flow Prescription from National Marine Fisheries Service as part of the U.S. Army Corps of Engineers 404 permit requires the recommended studies continue.

**Recommendation R7.5:** *The MCWRA should extend the period in which fish are annually counted. [Related Findings: F7.6, F7.7, F7.8, F7.9, F7.10]*

**Response R7.5:** The recommendation will not be implemented because it is not warranted or is not reasonable. Biological Opinion and Flow Prescription from National Marine Fisheries Service as part of the U.S. Army Corps of Engineers 404 permit set the required monitoring and sampling protocols, and the MCWRA will comply with those requirements.

**Recommendation R7.6:** *The MCWRA should consult with National Marine Fisheries Service to establish a monitoring strategy for evaluating the Salinas Basin adult steelhead as they move through the Salinas River OGS. [Related Findings: F7.6, F7.7, F7.8, F7.9, F7.10]*

**Response R7.6:** The recommendation has been implemented. The Biological Opinion and Flow Prescription from National Marine Fisheries Service as part of the U.S. Army Corps of Engineers 404 permit requires the recommended evaluation be conducted. The MCWRA has installed an innovative fish monitoring weir system for in-channel steelhead evaluation.

**REPORT TITLE:** Salinas Valley Water Project Rubber Dam  
**RESPONSE BY:** Monterey County Water Resources Agency  
**RESPONSE TO:** Recommendations R7.1 - R7.7, Except R7.3

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**Recommendation R7.7:** *The MCWRA should coordinate its water quality improvement strategies for the Salinas River with agencies such as the Coastal Watershed Council and the Monterey Bay National Marine Sanctuary. [Related Finding: F7.10]*

**Response R7.7:** The recommendation has been implemented. All three organizations have representatives on the ongoing Greater Monterey County Integrated Regional Water Management Planning effort.

**REPORT TITLE:** The Monterey County Regional Water Project  
**RESPONSE BY:** Monterey County Board of Supervisors  
**RESPONSE TO:** Findings F8.4, F8.8

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***Finding F8.4:*** *It would be in the public interest for MPWMD to have a role in the project, so as to make available its considerable water expertise.*

**Response F8.4:** The respondent agrees with the finding.

***Finding F8.8:*** *The current desalination plan is to replace Carmel River water. Vital service upgrades for schools and nursing homes cannot happen without new water.*

**Response F8.8:** The respondent agrees with the finding.

**REPORT TITLE:** The Monterey County Regional Water Project  
**RESPONSE BY:** Monterey County Board of Supervisors  
**RESPONSE TO:** Recommendation R8.4

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***Recommendation R8.4:*** *MRWPCA, MCWD, MCWRA, and CalAm should continue to work to come to some agreement for participation of MPWMD. Because these agency positions may have become entrenched, the Monterey County Board of Supervisors is encouraged to intervene to facilitate some agreement to include MPWMD. [Related Finding: F8.4]*

**Response R8.4:** The recommendation will not be implemented because it is not warranted or is not reasonable. The Water Purchase Agreement (WPA) has established the role for each organization, and has been approved by each organization's governing body and the California Public Utilities Commission.

**REPORT TITLE:** The Monterey County Regional Water Project  
**RESPONSE BY:** Monterey County Water Resources Agency  
**RESPONSE TO:** Findings F8.4, F8.5, F8.6, F8.7, F8.8

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**Finding F8.4:** *It would be in the public interest for MPWMD to have a role in the project, so as to make available its considerable water expertise.*

**Response F8.4:** The respondent agrees with the finding.

**Finding F8.5:** *There seems to be no independent financial oversight.*

**Response F8.5:** The respondent wholly disagrees with the finding. Each organization has independent financial oversight through its public budgeting and regular board processes, in effect providing the public with multiple independent financial reviews. In addition, a third party independent review of the project financing plan will be presented to each organization's decision making body.

**Finding F8.6:** *Peninsula recycled waste water is not being used to offset an equal amount of Salinas Basin water for export.*

**Response F8.6:** The respondent agrees with the finding.

**Finding F8.7:** *There are many areas of concern in the technical aspects of this large-scale desalination project.*

**Response F8.7:** The respondent partially disagrees with the finding. While water quality parameters from the brackish wells are unknown, they will be determined during the testing period. However, desalting technologies are mature throughout the world and are readily available for this project.

**Finding F8.8:** *The current desalination plan is to replace Carmel River water. Vital service upgrades for schools and nursing homes cannot happen without new water.*

**Response F8.8:** The respondent agrees with the finding.

**REPORT TITLE:** The Monterey County Regional Water Project  
**RESPONSE BY:** Monterey County Water Resources Agency  
**RESPONSE TO:** Recommendations R8.2, R8.4, R8.5, R86, R8.7

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**Recommendation R8.2:** *Grant the Municipal Advisor role a voting position, as many members are familiar with desalination operations. [Related Finding: F8.2]*

**Response R8.2:** The recommendation will not be implemented because it is not warranted or is not reasonable. The Water Purchase Agreement (WPA) has established the role for each organization, and has been approved by each organization's governing body and the California Public Utilities Commission.

**Recommendation R8.4:** *MRWPCA, MCWD, MCWRA, and CalAm should continue to work to come to some agreement for participation of MPWMD. Because these agency positions may have become entrenched, the Monterey County Board of Supervisors is encouraged to intervene to facilitate some agreement to include MPWMD. [Related Finding: F8.4]*

**Response R8.4:** The recommendation will not be implemented because it is not warranted or is not reasonable. The Water Purchase Agreement (WPA) has established the role for each organization, and has been approved by each organization's governing body and the California Public Utilities Commission.

**Recommendation R8.5:** *Consider the formation of an independent financial overview committee to review major functions of the project. [Related Finding: F8.5]*

**Response R8.5:** The recommendation has been implemented. Each organization has independent financial oversight through its public budgeting and regular board processes, in effect providing the public with multiple independent financial reviews. In addition, a third party independent review of the project financing plan will be presented to each organizations decision making body.

**Recommendation R8.6:** *MPWMD and MCWRA should pursue legal clarification or adjudication to allow Peninsula recycled water to be used to offset an equal amount of Salinas Basin water for export to the Monterey Peninsula. [Related Finding: F8.6]*

**Response R8.6:** The recommendation will not be implemented because it is not warranted or is not reasonable. The Salinas Valley Reclamation Plant and the Castroville Seawater Intrusion Project (SVRP/CSIP) are the product of a series of agreements between the MCWRA and MRWPCA. The property owners in the entire Salinas Valley have paid all costs to date for the SVRP/CSIP projects. MRWPCA and MCWRA have already legally obligated the recycled water through existing contracts. There is also a Memorandum of Understanding between MCWD, MCWRA and MRWPCA for the development of an urban recycled water project.

**Recommendation R8.7:** *It would be prudent to continue work toward additional solutions for more water because of the technical high risk elements of this plan and to assist communities that need to upgrade their outdated municipal services. MCWRA, MPWMD, MRWPCA, and CalAm should pursue all avenues of finding new water for the community. [Related Findings: F8.7, F8.8]*

**REPORT TITLE:** The Monterey County Regional Water Project  
**RESPONSE BY:** Monterey County Water Resources Agency  
**RESPONSE TO:** Recommendations R8.2, R8.4, R8.5, R86, R8.7

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**Response R8.7:** The recommendation has been implemented. MCWRA, MCWD, MPWMD and MRWPCA are all part of the ongoing Integrated Regional Water Management Planning effort.