



## SAN BENITO COUNTY BOARD OF SUPERVISORS

Don Marcus  
District No. 1

Anthony Botelho  
District No. 2  
Vice-Chair

Pat Loe  
District No. 3

Reb Monaco  
District No. 4

Jaime De La Cruz  
District No. 5  
Chair

County Administration Building – Board of Supervisors Chambers, 481 Fourth Street, Hollister, California

### REGULAR MEETING FEBRUARY 12, 2008 ACTION MINUTES

The Board of Supervisors of San Benito County met in the Board Chambers on the above date *in regular session*. Supervisors Monaco, Loe, Marcus, Botelho and De La Cruz were all present. Also present was County Administrative Officer Susan Thompson, County Counsel Dennis Le Clere and Asst. Clerk of the Board Janet Slibsager. Newly elected Chairman Jaime De La Cruz presided.

#### 9:30 a.m. CALL TO ORDER:

- a) Supervisor Botelho led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- c) **Public Comment:** Marty Richman, local resident, stated he sent a letter to the Army and received a nice response back in regards to his concerns regarding military charities. Mr. Richman asked that the people of San Benito County try to support the armed forces.  
Joe Thompson, Tres Pinos resident, stated that we are celebrating Abraham Lincoln's 199<sup>th</sup> Birthday today. Mr. Thompson stated if Mr. Lincoln were to come to San Benito County today to start a small business it would suffer today at the hands of our government.
- d) **Department Head Announcements:**  
County Administrative Officer Susan Thompson introduced the new Chief Probation Officer Brent Cardall.  
Brent Cardall, Chief Probation Officer stated it was a pleasure to be here and be a part of the community and that he hopes to make some changes for the better. Mr. Cardall stated there is great staff and believes they have a lot to offer the County.  
Paul Matulich, Agricultural Commissioner, reported that there is a proposed ordinance in Santa Clara County to ban all circuses and rodeos. Mr. Matulich noted this could affect the cattleman who want to have a branding.  
Supervisor Marcus thanked Mr. Matulich for bringing this to the Board's attention. Supervisor Marcus stated that the Saddle Horse Association has been battling with this for decades. Supervisor Marcus stated he would like to see the

Board take every step necessary in writing letters etc. to continue the fight against this type of restriction.

Candice Hopper, District Attorney, also mentioned that the FFA Teachers/Advisors in Santa Clara County are very concerned that this could impact their programs.

Supervisor Monaco stated he is very concerned about this and would like to monitor this closely. Supervisor Monaco mentioned it might be more prudent to give direction to the Agricultural Commissioner to do what ever he can to express the Boards concerns.

Supervisor Loe stated it needs to be discussed and possibly a letter sent out signed by the Chair stating that the county has strong feelings about these kinds of events in San Benito County and it is our heritage.

County Counsel Dennis LeClere advised the Board.

*Chairman De La Cruz directed the Agricultural Commissioner to keep the board advised, agendize the item for the next board meeting and put a copy of the ordinance if it passes in each Board members box.*

Art Henriques, Planning Director, announced that DMB has posted a draft of El Rancho San Benito specific plan on their website and copies are being distributed to the Board of Supervisors and County Departments.

Mr. Henriques also mentioned that the General Plan Phase I will be discussed at a joint Planning Commission and Board of Supervisors meeting on March 6, 2008 at 1:30 p.m.

e) **Board Announcements, Introductions and Presentations:**

Supervisor Marcus announced that he would be attending a ribbon cutting for the Second Harvest Food Bank in Watsonville on February 13, 2008.

Supervisor Botelho congratulated the San Benito County Chamber of Commerce and their tourism committee as this fall they are going to host a bike run which will be called the Condor Classic.

Supervisor Botelho announced he attended the AMBAG conference in Washington D.C. and it was a very informative trip.

<b>CONSENT AGENDA:</b>
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*Upon motion made by Supervisor Marcus and seconded by Supervisor Monaco, approved Consent Items 1 through 9, with the exception of Items 3 & 7, which were pulled for discussion.*

**INTERNAL SERVICE – R. Inman:**

- 1) **Adopted Resolution No. 2008-14** updating the County's Conflict of Interest Code and **authorized** the Chair to sign said resolution. *File #285.7*
- 2) **Approved** Class Specifications for Facilities and Grounds Manager and set current salary range of 24.9 and add 1.0 FTE for same to the Schedule of Authorized Positions for Public Works Department. *File #630*
- 3) **Approve Class Specifications, Change and Set Salary Ranges and Approve Modifications to the Schedule of Authorized Positions for the Sheriff's Office and approve Organizational Change.**

Supervisor Botelho had a question in regards to the positions.

Sheriff Hill explained that these positions have been recently directed to his department and there has been a tremendous growth on both sides of that division and he provided some background information.

**BOARD ACTION:** Upon motion made by Supervisor Botelho and seconded by Supervisor Monaco, approved Item 3 as requested. (Unanimous) File #630

#### **HEALTH & HUMAN SERVICES – K. Flores:**

- 4) **Approved** Statement of Agreement (SOA) with City of Hollister for use of the City of Hollister Community Center building, grounds and equipment as a Receiving, Preparation and Dissemination site for pharmaceutical and medical materials to the public in the event of a public health emergency; and **authorized** the Director of Health & Human Services Agency to sign said agreement. File #130
- 5) **Approved** contract with Sandra Montgomery for Physical Therapy Services for the period of February 13, 2008 through June 30, 2008 for an amount not to exceed \$15,000. File #130
- 6) **Approved** contract with the State Department of Health Services (Ryan White CARE Act) for persons living with HIV and AIDS for the period of April 1, 2007 through March 31, 2010, in the amount of \$102,375. File #130

#### **PUBLIC WORKS – J. Lo:**

- 7) **Approve agreement with Christina Perez Architects for architectural and engineering services for the period of February 12, 2008 through June 30, 2008 in an amount not to exceed \$50,000; and approve agreement with Wald, Ruhnke & Dost, Architects LLP for architectural and engineering services for the period of February 12, 2008 through June 30, 2008 in an amount not to exceed \$50,000.**

Supervisor Marcus had a question in regards to the quotes from the two architectural firms and also had a question in regards to the electrical work.

Public Works Director Jerry Lo provided information in regards to the quotes and the electrical work.

Supervisor Botelho stated he does not support this agreement at this time and would like to have some additional information as to why we need an architectural firm and engineering services to do these types of projects.

Jerry Lo, Public Works Director, provided additional information as to why they are hiring an architectural firm.

County Counsel Dennis LeClere explained the complex process of the public projects code and that there is a requirement that an engineer sign off on this project and San Benito County does not have an engineer on staff to do that.

Supervisor Monaco stated that he feels the Board should discuss hiring a staff person to fulfill this need as a County agency or continue to contract out.

*Supervisor Monaco gave direction to the CAO Susan Thompson to look into a Public Works staff person to do these types of jobs.*

**BOARD ACTION:** Upon motion made by Supervisor Marcus and seconded by Supervisor Monaco **approved** the agreement with Christina Perez Architects for architectural and engineering services for the period of February 13, 2008 to June 30, 2008 not to exceed \$50,000; and **approved** the agreement with Wald, Ruhnke & Dost for the similar services for the same time period not to exceed \$50,000 and **authorized** the Chair to sign. (4-1 Vote. Botelho voted no) File #105

- 8) **Authorized** staff to proceed with the grant application to the Highway Safety Improvement Program for \$957,000 for guardrail improvements. *File #105*
- 9) **Acknowledged** the completion of construction for the Nash Road Bridge and Cienega Road Bridge; and **authorized** staff to file Notices of Completion with the County Recorder's Office for both projects. *File #105*

**ADJOURNED AS THE BOARD OF SUPERVISORS AND RECONVENED AS THE BOARD OF DIRECTORS OF CSA #31**

<b>Sitting as the Board of Directors of CSA 31:</b>
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- 10) **Sitting as the Board of Directors of CSA's #31 (Stonegate):**
  - a) **Approve contract with San Benito County Water District for the purchase of San Felipe Water distribution system for contract year March 1, 2008 to February 28, 2009, for an amount not to exceed \$55,487.60.**
  - b) **Authorize the Public Works Director, or designee, to sign the contract.**

Supervisor Monaco stated he feels this needs some clarification. Supervisor Monaco stated there is an increase in expenditure because there is a higher charge for this service now and there are some questions under the San Felipe Water project that pertain to large agriculture operations that use this water and if this water is cut the last would be Stonegate where it is used for municipals.

Supervisor Marcus questioned why in 2007/2008 there was such a high increase in acre-foot requirements as opposed to the years past.

Public Works Director Jerry Lo answered that he believes the increase was due to a previous misreading by San Benito County Water District.

Supervisor Botelho questioned if there is a reason not to take the full allocation without knowing what the percentage of the allocation is.

Public Works Director Jerry Lo explained the allocation process of the San Benito County Water District.

Lengthy discussion ensued by Supervisors and Public Works Director Jerry Lo.

**BOARD ACTION:** *Upon motion made by Supervisor Monaco and seconded by Supervisor Botelho, **approved** the contract with San Benito County Water District for the purchase of the water from the San Felipe Water distribution system for the contract year March 1, 2008 to February 28, 2009 in an amount not to exceed \$55,487.60 with the amended 16.4 acre feet of landscape use; and **authorized** the Public Works Director, or his designee, to sign the contract. (Unanimous) File #CSA 31*

**ADJOURN AS THE BOARD OF DIRECTORS OF CSA #31 AND RECONVENE AS THE BOARD OF SUPERVISORS**

## **REGULAR AGENDA:**

### **SHERIFF'S DEPARTMENT – C. Hill:**

- 11) **Receive Status Report on the AB 900, Corrections Standards Authority, Construction Funding Program and County's grant application for jail expansion funding.**

Sheriff Curtis Hill provided updated information in regards to the AB900 grant application and touched on the difficulty and the challenges of the application.

Mental Health Director Alan Yamamoto provided information in regards to the need for the continuance of Mental Health crisis services and the concern of the lack of funding.

Discussion ensued by the Board.

Marty Richman, local resident, had comments in regards to the release program and the liability.

CAO Susan Thompson assured the Board that they are going to prepare an application for the Board to review at the meeting on February 26, 2008 and will have another follow up discussion and update at that time. *File #120.5*

### **INTERNAL SERVICES – R. Inman:**

- 12) **Presentation and staff direction concerning additional compensation for certain elected and appointed department heads, clerk of the board and Board of Supervisors.**

CAO Susan Thompson asked to have this item continued to the February 26, 2008 due to illness of Director of Internal Services Rich Inman who was not present.

*Upon motion made by Supervisor Monaco and seconded by Supervisor Botelho continued item to February 26, 2008 meeting. File #630*

### **ADMINISTRATIVE BUSINESS:**

- 13) **Designate one Board Member and alternate to attend Economic Corporation Board of Directors meeting.**

CAO Susan Thompson provided information regarding the Economic Corporation Board.

Supervisor Marcus asked if CAO Susan Thompson would be sitting as the County's designated spoke person.

CAO Susan Thompson stated yes, the Economic Development Corporation has asked their board of directors and have invited her to represent the County. Ms. Thompson stated she would be the Board's voice and would vote on behalf of the Board.

Supervisor Monaco mentioned he thought it was best not to appoint a representative at all so they then could attend the meetings.

Supervisor Monaco requested to leave as they have left it before with the CAO as the voting member of CDC and at the discretion of any Board member if they wish to attend any of the meetings.

Chairman De La Cruz stated the consensus is it will remain that way.

*File #119*

13) **Receive and review the FY 2007/2008 mid-year budget status report.**

Management Analyst Kellie Kennedy provided a PowerPoint presentation on the 2007/2008 mid-year budget report and gave a brief overview of the departmental expenditures and revenue.

Clerk, Auditor, Recorder Joe Paul Gonzalez spoke in regards to the non-departmental general fund revenues and the economic impacts.

Supervisor Loe thanked Ms. Kennedy for a great job on the report and would like to have a copy of the department line items and would like it available to the public also.

Supervisor Monaco commended the departments for doing so well in their expenditures.

Management Analyst Kellie Kennedy mentioned she would be bringing back a 3<sup>rd</sup> quarter report as soon as the numbers are available and will be providing the preliminary numbers for 2008/2009 at the first board meeting in March 2008. Ms Kennedy mentioned that the department's budgets are due on February 22, 2008.

CAO Susan Thompson stated she is very comfortable where the county is at this time. *File #865*

**CLOSED SESSION:**

*Matters discussed during Closed Session include existing and pending litigation, personnel matters and real property negotiations. Reportable actions taken by the Board during Closed Session will be announced during open session. (Gov. Code Section 54957.1(a) & (b), Ralph M. Brown Act.)*

The board adjourned into Closed Session at 11:50 a.m. and reconvened into Regular Session re:

15) **Public Employee Discipline/Dismissal/Release**  
**Authority: California Government Code Section 54957**  
**No reportable action.** *File #235.6*

16) **Conference with Legal Counsel – Two cases of existing litigation (Subdivision (a) of Government Code Section 54956.9) Name of Cases (s)**  
1. ***Friends of Tres Pinos v. County of San Benito, et al; Superior Court, San Benito County; Case No. CU-07-00186***  
**No reportable action.** *File #235.6*

2. **San Benito County and Service Employees International Union, Local No. 521, C.S.M.C.S. Case No. ARB-06-0679**  
**BOARD ACTION:** *County Counsel Dennis Le Clere reported that by a 4-0 vote the Board agreed and approved settlement approval in the San Benito County and Service Employees International Union, Local No. 521, Case No. ARB-06-0649. File #235.6*

17) **Conference with Legal Counsel – Existing Litigation – (Subdivision(a) of Section 54856.9**  
**Name of Case(s):**  
**Frank Del Carlo, et al. vs. County of San Benito (Case No. CU-06-00079)**  
**No reportable action.** *File #235.6*

**Conference with Legal Counsel – Anticipated Litigation**

**Initiation of litigation pursuant to subdivision(c) of Government Code  
Section 54956.9**

**Number of cases: 1**

***No reportable action.*** File #235.6

The vote of each member of the Board of Supervisors upon each matter at the foregoing meeting, unless otherwise stated, was as follows:

AYES: SUPERVISORS: Monaco, Loe, Marcus, Botelho, De La Cruz

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

There being no further business the Board adjourned to February 26, 2008 at 9:30 a.m. for a regular meeting.

**JAIME DE LA CRUZ, CHAIRMAN**

San Benito County Board of Supervisors

Attest: Linda Churchill, Clerk of the Board

by: Janet Slibsager, Asst. Clerk of the Board