



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 26, 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 Clerk of the Board Linda Churchill. Chairman Jaime De La Cruz presided.

9:30 a.m. CALL TO ORDER:

- a) Supervisor Monaco led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- c) **Public Comment:** Joe Pendry, representing the Gavilan Kennel Club of Santa Clara, announced that their annual 2-day dog show would be held at Bolado Park on April 26th and 27th. Mr. Pendry invited the Chairman of the Board of Supervisors to be present on April 26th to present the Best in Show Award.

Joe Thompson, Tres Pinos resident, expressed his continued frustration with what he feels is a continued erosion of the Board of Supervisors' jurisdiction with respect to the Council of Governments (COG) now considering housing allocations.

Marty Richman, local resident, expressed his concern that COG has only two representatives from the Board of Supervisors and it is not enough to represent the majority of the Board and suggested that the COG representatives not vote on anything unless they get full Board of Supervisors approval to do so.

Stephen Rosati, handed out a letter to the Board of Supervisors re: San Benito County's Corridor Trans Needs. Mr. Rosati expressed his concerns with the realignment alternatives for Hwy. 152, specifically the fact that the northern alignment established in late 2006 was not included as one of the alternatives in the document entitled State Route 152 Corridor Alignment Alternatives.

Richard Saxe, Aromas resident, asked for support by the Board of Supervisors by adopting a resolution asking the Postal Service to do everything in its power to retain the Aromas Post Office in the same status as it now exists and to also ask the United States Postal Service to share what plans it has to insure the future of the Aromas Post Office. Mr. Saxe stated they would also be asking the counties of Monterey and Santa Cruz, who also have constituents in this postal district, to help as well.

- d) **Department Head Announcements:** County Administrative Officer Susan Thompson reported that the State of California Legislature has approved some mid-year budget cuts that are affecting medical providers and SSI and SSP recipients in terms of their COLA's noting that this will affect residents of our community but are not funds that flow through the County's budget.

Ms. Thompson also reported that she attended the Economic Development Corporation Board meeting at which time discussion was held regarding the recruitment of their Executive Director position. Ms. Thompson will place an item on next week's agenda for consideration by the Board of Supervisors concerning the potential for the EDC Executive Director position being either within the City or the County class of positions similar to the way the COG positions are now handled with costs to be fully reimbursed to the county.

Ms. Thompson further reported that a formal proposal for a Revenue Tax Sharing Agreement has been received from the City of San Juan Bautista related to the Stephens property annexation and a response will be forthcoming in the next few weeks.

Planning Director Art Henriques announced that a General Plan Update Workshop (Special Joint Meeting of the Board of Supervisors and the Planning Commission) will be held on Thursday, March 6, 2008 at 1:30 p.m. in the Board of Supervisors Chambers.

Supervisor Loe wanted to make sure that the special meeting would be televised.

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

Supervisor Botelho reported that he would be attending a town hall meeting in Aromas regarding the retention of a Post Office in Aromas. Supervisor Botelho stated he would like to have a resolution at the next Board meeting supporting retaining a post office in Aromas.

Chairman De La Cruz directed the CAO to bring back a resolution at the next meeting.

Supervisor Botelho stated that he would like to see the Board of Supervisors become more involved and aggressive concerning the lack of infrastructure for the power (such as P.G. & E.) in this county.

Supervisor Botelho stated that his perception with regards to AMBAG and COG and the housing allocations and distribution of the requirements of the State is that it is forum of the jurisdictions that need to split up this need and an area where we can have that dialogue. Supervisor Botelho stated that the jurisdictions do not have to accept the direction from the MPA (Metropolitan Planning Organization).

Supervisor Botelho further commented with regards to the Highway 156 Gap alternative that was approved by COG at its last meeting which he finds contrary to the direction by the Board of Supervisor's and specifically his district. *Supervisor Botelho stated he supported Supervisor's Loe request to bring this back for clarification and discussion.*

Supervisor Monaco proposed that we request a P.G. and E. representative come before the Board of Supervisors and explain the status of our current power system and what P.G. & E. has planned for the future.

Supervisor Monaco would like to have the Board of Supervisor's original position statement concerning the discussion held at the Retreat in San Juan

Bautista in 2006 with regards to the Highway 156 GAP alternative and he would like it included in the future Board discussion.

CONSENT AGENDA:

Upon motion made by Supervisor Monaco and seconded by Supervisor Botelho, approved Consent Agenda Items 1 through 8. (Unanimous)

BEHAVIORAL HEALTH – A. Yamamoto:

- 1) **Authorized** the implementation of SB-568 (Wiggins), Involuntary Administration of Antipsychotic Medications at the County Jail. *File #810*
- 2) **Approved** contract renewal with Natividad Medical Center for acute hospital psychiatric services for the FY 2007/2008 for a maximum annual total of \$100,000. *File #810*

BOARD OF SUPERVISORS:

- 3) **Approved** out of state travel for Supervisor De La Cruz to attend the 2008 NACO Annual Conference and Exposition in Kansas City, Missouri – July 11-15, 2008. *File #156*

HEALTH & HUMAN SERVICES – K. Flores:

- 4) **Adopted Resolution No. 2008-15** authorizing the Director of Health and Human Services Agency to execute Certified Unified Program Agency (CUPA), grant documents for the Aboveground Petroleum Storage Act (APSA) necessary to secure grant funds and to implement the approved grant project. *File #130*
- 5) **Adoptd Resolution No. 2008-16** authorizing the H & HSA Executive Director to execute and sign the LIHEAP grant contract and any amendments to such grant. *File #939*

CLERK OF THE BOARD – L. Churchill:

- 6) **Approved** the action minutes of the January 22, 2008 and February 5, 2008 meetings.

PLANNING & BUILDING DEPARTMENT – A. Henriques:

- 7) **Approved** out of state travel for Byron Turner to attend American Planning Association National Conference in Las Vegas NV from April 27, 2008 through May 1, 2008 and **authorized** reimbursement of work related expenses. *File #790*

PUBLIC WORKS – J. Lo:

- 8) **Approved** field use agreement with Hollister Little League, Hollister Babe Ruth League, Hollister Heat Softball League and Hollister Tremors for the use of the fields at Veterans Memorial Park for period of February 1, 2008 through January 31, 2011. *File #93*

REGULAR AGENDA:

INTEGRATED WASTE MANAGEMENT - M. Rose:

- 9) **Receive presentation by Robyn Camp of the California Climate Action Registry.**

Integrated Waste Management Director Mandy Rose introduced Sarah Stanner-Cranston, Member Service Manager, California Climate Action Registry who presented a Power Point Presentation titled "The Role of the California Climate Action Registry".

The following members of the public addressed the Board: Joe Thompson, Tres Pinos resident; Sally Haydon, Hollister resident; and, Marvin Jones, Hollister resident.

Ms. Stanner-Cranston answered questions posed by the Board. *File #142*

The Board adjourned at 10:55 a.m. for a break and reconvened at 11:00 a.m.

- 10) **Discuss concepts for the Resource Recovery Park Feasibility Study and direct staff to proceed with an RFP (Request for Proposal).**

Integrated Waste Management Director Mandy Rose provided background information stating that on October 2, 2007 the Board of Supervisors approved moving ahead with a feasibility study for a Resource Recovery Park. Ms. Rose stated that a public outreach to the business community was done prior to finalizing the document.

Joe Thompson, Tres Pinos resident, commented with regards to small businesses and felt we do not need to grow more government.

Discussion was held.

It was the consensus of the Board of Supervisors to move forward with the RFP. File #142

PLANNING & BUILDING DEPT. – A. Henriques:

- 11) **County response to San Juan Bautista Initial Study for Sphere of Influence amendment.**

Planning Director Art Henriques provided background information stating that San Juan Bautista has been looking at a proposed Sphere of Influence amendment on the southern portion of the City. Mr. Henriques handed out a copy of a letter dated February 20, 2008 that he signed and sent to City of San Juan Bautista Planner Matthew Sundt. The subject of the letter: Initial San Benito County Comments regarding Davidson Sphere of Influence Amendment Initial Study outlines potential concerns of San Benito County Planning Staff including the County's policy of Grade One Soils. Mr. Henriques also handed out a copy of the City of San Juan Bautista's Notice of Intent to Adopt a Negative Declaration. Project Title: City of San Juan Bautista – Davidson Sphere of Influence Amendment.

Jan McClintock, City Manager, City of San Juan Bautista addressed the Board pointing out on a map that the Davidson property is currently within the City's Sphere of Influence today. Ms McClintock stated they are not asking to expand the Sphere by Influence by 490 acres noting that all three of the parcels

are partially in and/or partially out of the Sphere of Influence. Ms. McClintock noted that in order to try and to do a specific plan the developer would like one basic focus.

Lengthy discussion ensued with regards to whether the Board of Supervisors should send a letter not supporting the Initial Study and the Sphere of Influence at this time.

Supervisor Botelho made a motion to not send the letter. Supervisor Monaco seconded the motion.

Supervisor Marcus asked for more discussion and clarification as to what effect this letter, other than being a part of the record, would have on San Juan's ability to move forward and adjust those lines.

Supervisor Monaco withdrew his second to the motion.

The motion failed for lack of a second.

Further discussion ensued.

County Counsel Dennis Le Clere explained that the Board is dealing with the CEQA issue only and they can either weigh in now within the 20 days requirement to respond noting they would not be able to respond at a later date

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Monaco, moved to not send the letter to the City of San Juan Bautista City Planner. (3-2 Vote. Loe and Marcus voted no.) File #790*

PUBLIC WORKS – J. Lo:

- 12) **Receive the FY 2007/08 Capital Improvement Program Mid Year Status Report; provide direction as appropriate; and approve budget adjustment reducing revenue and expenditures for the Farm Worker Housing project.**

Item 12 was continued to the meeting of March 4, 2008.

SHERIFF'S DEPARTMENT – C. Hill:

- 13) **Verbal status report on AB 900, Corrections Standards Authority, and Construction Funding Program for jail expansion funding.**

Sheriff Curtis Hall provided an update on the progress to date of the efforts pertaining to the grant application of jail expansion funding. Sheriff Hill indicated that this item would be agendized on March 11, 2008 for action by the Board of Supervisors. *File #120.5*

1:30 p.m.

INTERNAL SERVICES – R. Inman:

- 14) **Presentation and staff direction concerning additional compensation for certain elected and appointed department heads, clerk of the board and Board of Supervisors. (Rescheduled from the 2/12/08 mtg.)**

Rich Inman, Internal Services Director, provided background information stating that the Board of Supervisors directed him to return with an analysis of department head salaries as it relates to internal equity and to those appointed department head positions that have received adjustments during recruitment and/or after appointment. Mr. Inman noted that an analysis of the Clerk of the Board is also included since during salary discussions with the Confidential Employees it was agreed that this analysis would take place.

Discussion ensued.

Marty Richman, local resident, stated that he was against having these analysis' done and felt that they should be looking at the job responsibility, professional qualifications, number of people supervisors, budgets involved and also look into significant longevity steps.

Mr. Inman answered that the county did not have longevity until a month ago and we now have that ability.

Further discussion ensued pertaining to salary adjustments for department heads.

Discussion was held with regard to the salary of the Board of Supervisors and how it should be determined.

BOARD ACTION: *It was the consensus of the Board to move forward with an increase for the Agricultural Commissioner, Health & Human Services Agency Director, Behavioral Health Director, Integrated Waste Management Director and the Assessor, Treasurer/Tax Collector and Marshal; and, directed staff to bring back a proposal to adjust the salaries of the Clerk of the Board and the District Attorney; and, to adjust the Board of Supervisors' salaries annually by the same COLA increase to San Benito County Superior Court Judges, not to exceed the amount given to general county employees. File #630*

PUBLIC HEARING:

PLANNING DEPARTMENT – A. Henriques:

- 16) **Hold a public hearing and adopt proposed resolution granting the appeal of Larry Anderson and modifying the Planning Commission's distribution of allocations for major and minor subdivisions for fiscal year 2007-2008. (Continued from February 5, 2008 when the Board considered the appeal of the December 5, 2007 Planning Commission decision re: Fiscal-Year 2007-2008 Preliminary Allocations. Request: Overrule the Planning Commission's denial of Preliminary Allocations #08-08 and #08-09. Applicant/Appellant: Larry Anderson. Location: North end of Cypress Street and Southeast corner of Los Altos and Hillcrest Road, Hollister, CA. APN's: 20-12-127 & 20-58-18. Zoning: Rural Residential. CEQA Determination: Categorically Exempt.)**

Planning Director Art Henriques provided background information stating that on February 5, 2008 the Board of Supervisors directed staff to pursue Option 2 pertaining to the residential preliminary allocation appeal which would defer some allocations from three applicants until the next Preliminary Allocation cycle making available a total of 15 allocations for re-allocation to PA-08-08 and 08-09.

Mr. Henriques stated that a proposed resolution was prepared granting the appeal with a list of the various projects.

Supervisor Botelho stated for the record that he listened to the audio tape of the January 22, 2008 hearing since he was absent on that day.

Question and answer period ensued.

The Chairman opened the public hearing. There was no one from the public who wished to address the Board. The Chairman closed the public hearing.

BOARD ACTION: *Upon motion made by Supervisor Marcus and seconded by Supervisor Monaco, adopted **Resolution No. 2008-17** granting the*

appeal of Larry Anderson and modifying the Planning Commission's distribution of allocations for major and minor subdivisions for Fiscal Year 2007-2008. (Unanimous) Appeal File

2:25 p.m.

ADMINISTRATIVE BUSINESS:

17) Financial Advisors Presentation, Part 2. Debt Capacity Analysis; Alternative Financing Plans for Capital Projects and Financial Management Assessment.

Held a workshop conducted by the County's Financial Advisor, KNN. CAO Susan Thompson introduced David Liefer and Anasticia Beckett who provided a Power Point titled "Financial Advisor's Presentation – Part II.

Mr. Liefer answered questions posed by the Board.

Supervisor Marcus stated that the Chairman may want to pursue an Oversight Committee and to create policies and guidelines such as a reserve policy.

Clerk / Auditor / Recorder Joe Paul Gonzalez reported that over the past few years the Auditor's Office has really grown in technical competence noting that now the financial statements are done internally and have developed levels of competency where every staff member has a particular function with regards to the financial audit.

Marty Richman, local resident, stated he was impressed with the KNN report and thanked the Board for maintaining a good budget and for making sure the County's financial situation was a good one by keeping a conservative hat on. *File #119*

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 3:50 p.m. and reconvened into Regular Session at 4:10 p.m. re:

15) Conference with Legal Counsel – Existing Litigation – (Subdivision(a) of Section 54956.9)

Name of Case: *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

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, Botelho, Marcus, De La Cruz

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

There being no further business the Board adjourned to March 4 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