



# 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 MARCH 11, 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, Botelho, Marcus and De La Cruz were all present. Also present was Assistant County Administrative Officer Rich Inman, County Counsel Dennis Le Clere, and Assistant Clerk Janet Slibsager. Chairman Jaime De La Cruz presided.

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

- a) Supervisor Marcus led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- c) **Public Comment:** *No one from the public came forward to address the board.*
- d) **Department Head Announcements:**

Rich Inman, Director of Internal Services, announced that CAO Susan Thompson was not in today and he would be serving as Administrative Officer.

Librarian Nora Conte announced that they have been working on the fundraising for the building of mobile services and have received a CBG Grant in the amount of \$7,500 that can be used towards the mobile services. Ms. Conte also announced that they would be receiving the bus from the city of Woodland sometime this week and during the month of April they will hold an open house at the Library.
- e) **Board Announcements, Introductions and Presentations:**

Supervisor Marcus stated that Supervisor Loe and himself sit on the Inter-Governmental Committee and they had a briefing from Sheriff Curtis Hill along with CAO Susan Thompson on the current gang activity within the County. Supervisor Marcus stated they had a meeting last night with the City Chief of Police Miller and the City representatives and he would like to let everyone know this is a very important issue. Supervisor Marcus said he has a lot of faith in Sheriff Curtis Hill and his posture as to how the County is being represented on the current gang activity in the County.

Supervisor Botelho mentioned that he believes for the past 3 ½ years they have been very fortunate to have hired a staff that is greatly talented and

experienced and it is a great team to move the county forward but one of the areas he is very concerned with is the process to get projects or applications processed in a timely matter.

Rich Inman, Director of Internal Services, announced there is an urgency item that is related to item #15, AB900 application that needs action today due to information that came up after the posting of the agenda.

Sheriff Curtis Hill explained the reason this is an urgency item and asked that the item be added as number 15.1.

**BOARD ACTION:** *Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus, moved to add urgency item to agenda as 15.1 due to the need to have immediate action and that the issue came up after the posting of the agenda. (Unanimous)*

#### **CONSENT AGENDA:**

*Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus approved Consent Items 1 through 11, with the exception of Items 4, 5 & 8, which were pulled for discussion.*

#### **CLERK/AUDITOR/RECORDER - J. P. Gonzalez:**

- 1) **Adopted Resolution No. 2008-21** accepting the certified statement of Election Results for the February 5, 2008 Presidential Primary Election. *File #285*

#### **CLERK OF THE BOARD - L. Churchill:**

- 2) **Approved** the action minutes of the February 12, 2008 regular meeting.

#### **HEALTH & HUMAN RESOURCES - K. Flores:**

- 3) **Approved** lease agreement with US Bancorp for a 36 month period in the annual amount of \$9,186 plus tax; and approve maintenance agreement with Monterey Bay Office Products in the annual amount of \$1,800 a month beginning March 18, 2008 to March 18, 2009 to be renewed annually; and authorize the H & HSA Director to sign agreements. *File #130*

- 4) **Approve contract amendment with the Emmaus House extending the contract ending date from September 30, 2009 to June 30, 2011; and authorize the H & HSA Director to sign.**

Supervisor Loe stated she is a Board Member of the Emmaus House and will be abstaining from the vote.

**BOARD ACTION:** *Upon motion made by Supervisor Botelho and seconded by Supervisor Monaco, **approved** contract amendment with the Emmaus House extending the contract ending date from September 20, 2009 to June 30, 2011; and authorized the H & HSA Director to sign. (4-1 Vote. Loe abstain) File #130*

- 5) **Approve contract amendment with the Homeless Task Force extending the contract ending date from March 30, 2009 to June 30, 2011; and authorize the H & HSA Director to sign.**

Supervisor Loe stated she is a Board Member of the Homeless Task Force and will be abstaining from the vote.

**BOARD ACTION:** *Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus, **approved** contract amendment with the Homeless Task*

*Force, extending contract ending date from March 30, 2009 to June 30, 2011; and authorized the H & HSA Director to sign. (4-1 Vote. Loe abstained) File #130*

**INTERNAL SERVICES - R. Inman:**

- 6) **Approved** contract with the City of Hollister IT Management Services to be provided by the City of Hollister's Information Manager for period of July 1, 2007 to June 30, 2008 at a cost not to exceed \$118,587. (*Unanimous*) *File #119.1*

**LIBRARIAN - N. Conte:**

- 7) **Approved** out of state travel for the County Librarian to attend the 2008 Public Library Association Conference in Minneapolis, Minnesota from March 24-30, 2008. *File #80*

**PUBLIC WORKS - J. Lo:**

- 8) **Recognize the \$2,740 grant awarded by Monterey Bay Unified Air Pollution Control District (MBUAP) for the purchase of two Toyota Prius vehicles contributing toward direct emissions reductions; and approve the purchase of two Toyota Prius Hybrid vehicles from Stevens Creek Toyota in the amount of \$47,190 plus \$393.50 in fees/costs for a total of \$47,583.50.**

Supervisor Loe questioned why we are buying cars rather than trucks for road maintenance and ground maintenance.

Public Works Director Jerry Lo explained that they are trying to take advantage of a grant and 2 of the vehicles would be for the specific managers and the trucks would be purchased later which would be for the maintenance workers.

Supervisor Loe also stated she had a problem with buying vehicles out of town with the community in real economic hard times and does not agree with it.

Supervisor Botelho also stated he does not agree with not getting some of the quotes from our local dealerships and believes the local dealers should have a shot at it.

Mr. Loe said a bid was sent to our local venders but they had no responses. Mr. Loe stated in order to get the grant they had to bid on the Toyota Prius specifically.

Supervisor Marcus supports the idea behind the grant but does not agree that the State mandates the grant has to go towards a vehicle that cannot be purchased in our own community.

Marty Richman, local resident, stated that he does believe it is not worth spending approximately \$40,000 to make \$2,000 and it would probably benefit getting a vehicle you can use in multiple ways. Mr. Richman suggested doing an economic analysis to determine what the costs would be to obtain this vehicle.

**BOARD ACTION:** *No action was taken. File #1005*

- 9) **Received** staff report on the energy efficient lighting provided by the Energy Watch Program to reduce energy usage by the County. *File #105.3*

**SHERIFF'S DEPARTMENT - C. Hill:**

- 10) **Approved** request for out of state travel for Sheriff Hill, Undersheriff Turturici and Lt. Escamilla to attend the National Institute of Corrections training program for Managing Jail Design and Construction in Aurora, Colorado from April 7-10, 2008. *File #110*

- 11) **Approved** contract with Dimensions Unlimited Inc. to develop the Hazard Mitigation Plan for San Benito County for the period of March 15, 2008 to March 15, 2010 in the amount of \$48,750. *File #110*

## **REGULAR AGENDA:**

### **INTERNAL SERVICES – R. Inman:**

- 12) **Approve Department Head Salary adjustments as followed: District Attorney at Range 42.5, Clerk of the Board 20.3 and provide 5% salary adjustment to Director of Health & Human Services Agency, Director of Behavioral Health, Agricultural Commissioner, Director of Integrated Waste Management, Assessor, Tax Collector-Treasurer and Marshal.**

Director of Internal Services Rich Inman reported that this is a follow-up and implementation to the discussion that took place on February 26, 2008 in regards to two items, one is for the internal equity adjustment for the District Attorney aligning that salary with County Counsel, and 5% market adjustments for a number of department heads, elected officials and the Clerk of the Board.

Supervisor Marcus stated he wants to recommend that on Item #3, instead of a step 5% increase that it is a range increase.

Mr. Inman stated that is correct and would be in addition to the motion.

Supervisor Monaco supports Supervisor Marcus' statements.

Mr. Inman stated there is three specific recommendations that he has outlined and the addition to that would be that the 5% adjustment be done by range increase and the effective date is February 26, 2008.

**BOARD ACTION:** *Upon motion made by Supervisor Marcus and seconded by Monaco, moved to approve those three items as presented with the modification as presented by our Assistant CAO. (Unanimous) File #630*

### **PLANNING & BUILDING DEPARTMENT - A. Henriques:**

- 13) **Receive 2007 Annual Review of the County's Water Well Program and provide additional or further direction to staff as appropriate.**

Planning Director Art Henriques reported in regards to the Annual Review Well Permit program between the San Benito County Water District and the County. Mr. Henriques stated that the Planning staff conducted an annual review of the program following the Boards direction and would like the board to review the information and provide any further direction as appropriate.

Supervisor Monaco stated that the informational pamphlets would be helpful and commends Planning staff for their work on this and feels we are moving in the right direction.

Supervisor Marcus stated he is pleased with how the agencies are working together and the reestablishment of the well permitting. Supervisor Marcus asked if there was any discussion in regards to the Counties current water table?

Mr. Henriques replied there was some discussion and the San Benito County Water District is working on some analysis, not available at this time, but will update the Board when that information is available.

Supervisor Marcus mentioned another real concern in rural well drilling and the length and depths of sanitary seal.

Supervisor Botelho is also glad to see that the Water Districts and the County are working together to have this dialogue and hope we maintain this on a regular basis.

Supervisor Botelho stated he remembers a similar report back in 2005 where there were some language problems with Ordinance 778 regarding wells in the unincorporated areas.

Supervisor Monaco stated he would like to continue with the annual review, but does not recall discussing any issues with the ordinances.

Art Henriques stated it would be something that they could go back and review.

Supervisor Monaco gave direction to Art Henriques, Planning Director, that when they meet this summer to make some notes if this issue comes up and then it can be brought back to the Board. *File #790*

#### **PLANNING & BUILDING DEPARTMENT – A. Henriques:**

##### **14) Rescission of Ordinance 820:**

a) **Adopt resolution finding the adoption of proposed ordinance is not an activity subject to the California Environmental Quality Act and remanding Zone Change Petition 06-150 to the Planning Commission for further consideration, in conjunction with the Planning Commission's further consideration of the application for Commercial District Review 59-06 for the Spur Hotel in Tres Pinos (John and Jae Eade); and**

b) **Adopt Ordinance rescinding ordinance 820.** *(Continued from 3/4/08 meeting)*

Planning Director Art Henriques provided information in regards to the zone change being rescinded stating that the zoning decision will go back to the Planning Commission along with the Commercial District review. Mr. Henriques stated when the Planning Commission concludes their Commercial District review they then can make a recommendation on the zone change and it will then be brought back to the Board.

**BOARD ACTION:** *Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus, moved to adopt Resolution No. 2008-22 finding the adoption of the previous Ordinance No. 820 is not an activity subject to the California Environmental Quality Act and remanding Zone Change Petition 06-150 to the Planning Commission for further consideration, in conjunction with the Planning Commission's further consideration of the application for Commercial District Review 59-06 and moved to adopt Ordinance No. 826, "An Ordinance of the San Benito County Board of Supervisors to rescind Ordinance No. 820.*

*File #790*

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

##### **15 & 15.1) Approve AB900 Grant Application and adopt supporting resolution.**

(addendum) Sheriff Curtis Hill reported on the progress in regards to the AB900 grant application and explained the supporting resolutions pertaining to item #15 and item #15.1 and the difference between the two resolutions. Sheriff Hill reported that the application is due by 5:00 p.m. Monday, March 18, 2008.

Supervisor Marcus stated he believes it is vitally important that we consider this because San Benito County has a very excellent opportunity to take advantage of San Luis Obispo's offer to cooperate in a site for this facility.

Sheriff Hill pointed out that we are not only looking at the re-entry component, which is very delicate, with the two resolutions but the

\$15,053,000.00 that will become available to this County to add the 60 bed addition to the County Jail, money that only comes available through the state process every 10 or 15 years.

Supervisor Monaco asked for clarification of the two resolutions.

Sheriff Hill explained the two resolutions.

County Counsel Dennis Le Clere recommended that the Chair call for item #15 and Item 15.1 to be handled together and then the vote be to authorize the Chair to sign the Resolution that is appropriate to the facts as they play out; either the sight will be obtained or not.

**BOARD ACTION:** *Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, moved that the Chair will sign either Resolution in Item 15 (Res. No. 2008-23) or Item 15.1 (Res. No. 2008-24) whichever Resolution is appropriate at the Sheriff's discretion with regards to site selection. (Unanimous)*  
*File #120.5*

#### **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 10:25 and reconvened into Regular Session at 11:02 re:

- 16) Public Employee Discipline/Dismissal/Release Matter  
(Authority: California Government Code Section 54957)  
***No reportable action.*** *File #235.6*
- 17) Consider the Discipline, Dismissal or Release of a Public Employee  
Consider Complaints or Charges Against a Public Employee.  
(Authority: California Government Code Section 54954.5)  
***County Counsel reported that there was a settlement authorizing the Chair to sign, accepting resignation of Mental Health Clerk. (Vote 5-0) File #235.6***

**ADJOURN TO TUESDAY, MARCH 25, 2008 AT 9:30 A.M.**

**AGENDA DEADLINE IS MONDAY, MARCH 17, 2008 AT 1:00 P.M.**

**The Board of Supervisors will adjourn as the Board of Supervisors and reconvene as the County Board of Equalization. A separate agenda has been prepared.**

NOTE: A copy of this Agenda is published on the County's Web site on the Friday preceding each Board meeting and may be viewed at [www.san-benito.ca.us/agendas](http://www.san-benito.ca.us/agendas). All proposed agenda items with supportive documents are available for viewing at the San Benito County Administration Building, 481 Fourth Street, Hollister, CA between the hours of 8:00 a.m. & 5:00 p.m., Monday through Friday (except holidays). This is the same packet that the Board of Supervisors reviews and discusses at each Board meeting.

***In compliance with the Americans with Disabilities Act (ADA) the Board of Supervisors meeting facility is accessible to persons with disabilities. If you need special assistance to participate in this meeting, please contact the Clerk of the Board's office at (831) 636-4000 at least 48 hours***

*before the meeting to enable the County to make reasonable arrangements to ensure accessibility.*