



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 25, 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 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 Botelho led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- c) **Public Comment:** There was no public comment.
- d) **Department Head Announcements:** Sheriff Curtis Hill provided an update on the AB900 Jail Expansion project reporting that the application was submitted last Tuesday. Sheriff Hill indicated that the county is in a good competitive position and it looks very promising.
- e) **Board Announcements, Introductions and Presentations:** Supervisor Monaco reported that he attended the California State Association of Counties (CSAC) conference last week and he will be presenting his complete report for the next Board of Supervisors' meeting.
Supervisor Botelho reported that he attended the Regional Council of Rural Counties (RCRC) meeting last week where state budget cuts were discussed. Supervisor Botelho reported that the Williamson Act subvention program is an issue and that the water supply issue was moving forward and that the state would be trying to pass bonds to support this. Further, Supervisor Botelho reported that the state is still discussing the plan to release prisoners and this will have a big effect on county's probation programs.
Supervisor Marcus reported that on March 13, 2008 the Board of Supervisors held a Retreat that was very productive and ideas and visions for the future were discussed. Supervisor Marcus stated that he and Supervisor Loe, as

members of the Intergovernmental Committee, are working with the Cities to get in front of the gang issues. Supervisor Marcus further reported that through the Governance Committee he is hearing great things about the progress of the sewer ponds.

CONSENT AGENDA:

Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus, approved Consent Agenda Items 1 through 10. (Unanimous)

ADMINISTRATIVE BUSINESS:

- 1) **Approved** position of support for SB1458, which rewrites County Service Area Law, and **authorized** Chair to sign letter of support to be sent to our State legislators. *File #156.1*

AGRICULTURAL COMMISSIONER – P. Matulich:

- 2) **Approved** contract with the California Dept. of Food & Agriculture for Weed Management effective January 1, 2008 to December 31, 2009 in the amount of \$19,993. *File #1.1*

CLERK/AUDITOR/RECORDER – J. P. Gonzalez:

- 3) **Approved** the amendment for Professional Services contract with Marsha Stillman for assistance in the review and reconciliation of the County's Property Taxes and in the implementation of the new Megabyte Property Tax; and **approved** the budget transfer in the amount of \$32,000. *File #608*

CLERK OF THE BOARD – L. Churchill:

- 4) **Approved** the action minutes of the February 26, 2008; March 4, 2008; March 11, 2008 Board of Supervisors meetings; the March 6, 2008 action minutes of the Special Joint Meeting/Workshop of the Board of Supervisors and the County of San Benito Planning Commission; and, the March 13, 2008 Board Retreat.

HEALTH & HUMAN SERVICES AGENCY– K. Flores:

- 5) **Appointed** Mr. Rick Deraiche to the Workforce Investment Board to represent the public sector, a mandated representative board position, for a three-year term, effective April 1, 2008 to March 31, 2011. (CSWD) *File #939*
- 6) **Appointed** Ms. Kendra Bobsin to the Workforce Investment Board to represent the public sector, a mandated representative board position, for a three-year term, effective April 1, 2008 to March 31, 2011. (CSWD) *File #939*
- 7) **Appointed** Ms. Kay Gibson to the Workforce Investment Board to represent the public sector, a mandated representative board position, for a three-year term, effective April 1, 2008 to March 31, 2011. (CSWD) *File #939*

INTERNAL SERVICES – R. Inman:

- 8) **Corrected** the salary adjustment for Clerk Of the Board from Range 19.9 to Range 20.9 instead of Range 19.3 to Range 20.3. *File #630*

SHERIFF'S DEPARTMENT – C. Hill:

- 9) **Approved** the purchase of supplies for use in the “911 for Kids” Program and **approved** the budget transfer. *File #116*
- 10) **Approved** promotion of Emergency Communications Dispatcher currently in the position of CDI Step F to CDII Step F (Range 18.8) effective March 25, 2008.
File #116

9:30 A.M. PUBLIC HEARING: (Or as soon thereafter as the matter may be heard)

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 11) **Held public hearing to consider the FY 2008/2009 Community Development Block Grant (CDBG) general allocation application and solicit citizen input; adopt resolution-authorizing submission of the grant application; and authorize County Administrative Officer to sign the assurances pertaining to the grant.**

Supervisor Loe recused herself due to sitting on the Board for the Emmaus House and the Homeless Task Force, which are involved in this grant.

Health & Human Services Agency Director Kathy Flores provided background information stating this was a required public hearing and there was a sign-in log in back of the Board Chambers. Mr. Flores also noted that there was a Spanish Translator, Sylvia Jacquez, present at the meeting.

Ms. Flores stated reported that they have been successful in the past in being award these funds for various services but expects that competition to be quite high this year.

Ms. Flores answered questions posed by the Board.

Chairman De La Cruz opened the public hearing.

Doug Emerson, Treasurer for the Homeless Task Force, assured the Board of Supervisors that the funds received are monitored very carefully stating that they really rely on grants but they are also looking into other revenue sources.

Gary Byrne, speaking on behalf of the Emmaus House and the Community Foundation, stated they are looking into other areas for resources noting that the Hewlett Packard Foundation will be looking into San Benito County. Mr. Byrne commended H & HSA for the excellent bookkeeping job they do noting there is due diligence in that respect.

Marty Richman, local resident, ask if they could seed the general administrative funds noting we would receive more points if less goes to administrative costs.

County Administrative Officer Susan Thompson stated that the 7-1/2% doesn't even cover the administrative costs now.

There was no one else who wished to address this item. Chairman De La Cruz closed the public hearing.

Supervisor Botelho commended staff and stated that the county should partner with non-profits and services for people in need Supervisor Botelho stated that Community Pantry is another good organization.

Supervisor Marcus agreed with Supervisor Botelho stating that the county needs to come up with some sort of policy to donate money on a yearly basis to non-profit organizations and we should work towards doing that.

BOARD ACTION: Upon motion made by Supervisor Monaco and seconded by Supervisor Botelho, took the following actions:

- 1) Received report.
- 2) Authorized the Chairman to sign **Resolution No. 2008-25** authorizing submission of the grant application; and authorizing signing authority for the HHSA Director; and
- 3) Authorized the County Administrative Officer to sign the "Assurances" pertaining to the grant. (4-0 vote. Loe abstained.) *File #130*

REGULAR AGENDA:

ADMINISTRATIVE BUSINESS:

- 12) **Receive report on the FY 2008/2009 General Fund budget requests and adopt the recommended FY 2008/2009 budget policies.**

CAO Susan Thompson provided a brief overview of the requested 2008-2009 General Fund budget. Ms. Thompson stated that the numbers are a little bit scary and it will be a very challenging to balance the General Fund this year but departments heads and Administrative staff have proven themselves in the past and can work together in bringing a balance plan to the Board. Ms. Thompson noted that the numbers requested at this time are about \$6.1 million out of balance in the General Fund noting that these numbers are very preliminary and early at this time and we will be looking very carefully at the revenue side and the cost side of a budget.

Discussion was held and Ms. Thompson answered questions posed by the Board.

BOARD ACTION: Upon motion made by Supervisor Botelho and seconded by Supervisor Marcus, adopted the recommended FY 2008-2009 budget policies as submitted. (Unanimous) *File #119*

CLERK/AUDITOR/RECORDER – J. P. Gonzalez:

- 13) **Accept the FY 2007 Financial Statements by the County of San Benito's Independent Auditor, Grace and Associates, CPA's.**

Joe Paul Gonzalez, County Clerk/Auditor/Recorder, introduced Mike Grace, CPA., San Benito County's independent auditor, who provided a Power Point Presentation and audit report of the Fiscal Year 2007 Financial Statements.

Mr. Grace answered questions posed by the Board.

Accepted report. File #608

The Board adjourned for a break at 10:40 a.m. and reconvened at 10:47 a.m. re:

PLANNING & BUILDING DEPARTMENT – A. Henriques:

- 14) **Approve reimbursement agreement with El Rancho San Benito LLC.**

Principal Planner Byron Turner provided background information stating that El Rancho San Benito has made an application for a General Plan Amendment that triggers the requirement (Chapter 30 of the County Code, PRGI Ordinance) for a reimbursement agreement.

County Counsel Dennis LeClere reported that the reimbursement agreement, which was negotiated between our outside counsel and the lead

counsel for the contractor, was before the Board and he would take any questions that the Board may have at this time.

Lengthy discussion ensued pertaining to the interest on the deposit; concern with the procedure for resolving disputes; the terminology of duplication; Section 3 (d), Process for Reimbursement of Project Costs; indemnification; the development of a cost containment formula and who will be responsible for tracking project costs.

Ray Becker, representing El Rancho San Benito, was present and addressed the Board and answered questions.

Joe Paul Gonzalez, Clerk /Auditor/Recorder and Shirley Murphy, Deputy County Counsel also answered questions posed by the Board.

Chairman De La Cruz summarized the directions given by the Board of Supervisors as follows:

- 1) *Complete the process for the interest formula.*
- 2) *Clarify method of resolving disputes to come before the Board. (Page 3, Section 10.)*
- 3) *Insert the word "County" before the word approved on Page 4 (d) Line 13 and work on the terminology of duplication.*
- 4) *Re-write Item 3 (d), Page 4.*
- 5) *Develop a cost containment formula and also designate who will be the lead person responsible for tracking project costs. (Page 3, Section 3(a)).*

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, directed County Counsel to bring this item back at the April 22, 2008 meeting with changes as discussed. (Unanimous) File #790*

BOARD OF SUPERVISORS:

- 15) **Introduce Ordinance amending Chapter 2, Section 2-1 of the San Benito County Code changing the Board of Supervisors meeting schedule; waive reading of said ordinance; and, continue to the meeting of April 1, 2008 for adoption of said ordinance.**

CAO Susan Thompson provided background information stating that at their recent Retreat the Board agreed to change the time of the Board of Supervisors meeting to 9:00 a.m. rather than 9:30 a.m. which requires a change to the current ordinance and amendment to the County Code.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, introduced ordinance amending Chapter 2, Section 2-1 of the San Benito County Code changing the Board of Supervisors meeting schedule; waived the reading of the ordinance and continued the item to the meeting of April 1, 2008 for adoption of said ordinance. File #156*

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 and reconvened into regular session re:

16) **Conference with Legal Counsel – existing litigation (Subdivision (a) of Government Code Section 54956.9)**

1. Name of Case: *Friends of Tres Pinos v. County of San Benito, et al.*; Superior Court, San Benito County; Case No. CU-07-00186

County Counsel Dennis LeClere reported that the Board considered and entered into a confidential joint defense agreement with real parties in that case. (Unanimous)

2. Name of Case: *John S. Sarsfield v. County of San Benito, et al.*; U.S. District Court; Case No. 3:07-CV-02528 EDL

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 April 1, 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