



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 ACTION MINUTES AUGUST 5, 2008

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 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.

9:00 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.*

PRESENTATIONS & RECOGNITIONS:

- c) **Present Certificate of Recognition to Sergio Garcia who has retired after 22 years of service as San Benito County Farm Advisor.**

Chairman De La Cruz presented plaque to Mr. Garcia.

- d) **Public Comment:** Robert Huenemann, Harbern Way Resident, submitted a petition to the Board of Supervisors regarding Harbern Way Connection to Fairview Corners dated 06-26-08 on behalf of Harbern Way residents. Mr. Huenemann stated the petitioners were asking that Harbvern Way remain closed to Fairview Corners as long as they are zoned for five-acre parcels. Mr. Huenemann stated that they would like to be a part of the discussion of the Environmental Impact Report (EIR) for the project.

Stephen Rosati, Hollister resident, thanked County Administrative Officer (CAO) Susan Thompson, Board of Supervisors and staff that worked on trying to get his pharmacy as part of the MEDCO network prescription program on a county level. Mr. Rosati stated that he ultimately went to our State legislators in Sacramento and in approximately 30 days it finally got settled.

Mr. Rosati thanked the City of Hollister for its recent Traffic Circulation Fee increase and requested that the Board of Supervisors consider an ordinance to increase the county's fees. Mr. Rosati thanked Mandy Rose, Integrated Waste Management Department Director, for ongoing recycle program for appliances and the hazardous waste program.

Mr. Rosati further expressed his support for the northern route on Highway 152 and felt it was going to be impacting us later on if it is not addressed.

Marty Richman, Hollister resident, addressed the way we are going to determine the economic viability of El Rancho San Benito, in particular. Mr. Richman suggested that we enlist some of the experts in the area who are neutral such as the Board of Education, and the Sheriff to represent the public safety component and who can help determine if this project will pay its expenses.

Sharry Jones, county resident, stated that at the Board of Supervisors' meeting of July 1, 2008 during the discussion of Item #22, Supervisor Monaco stated that he felt he owed it to developers to vote against the item because of all of the time and money that they have spent on their proposal. Ms. Jones challenged that statement stating that anyone getting involved in that development must surely realize that they could lose thousands and thousands of dollars but they also know they could make millions of dollars. Ms. Jones feels that the General Plan should be in place prior to considering this large development.

- e) **Department Head Announcements:** CAO Susan Thompson reported that she received a memo yesterday (August 4, 2008) from the CSAC (California State Association of Counties) Executive Director pertaining to the State Budget which she felt was pretty good news at this point. Ms. Thompson stated that as far as taking away funds from counties for Proposition 1-A (Operations dollars for counties) and Proposition 42 dollars (Road money) the leadership of CSAC had an opportunity to meet with the Governor himself who basically said that he understood that borrowing funds from local governments at this point in time was not the long-term solution to the State budget and they really did not want to go there which is very reassuring to local governments.

Agricultural Commissioner Paul Matulich reported that two contracts totaling a little less than \$500 with the Division of Measurement Standards have been suspended although he has been assured they will be reinstated once the State budget has been settled.

County Counsel Dennis Le Clere introduced new Assistant County Counsel Barbara Thompson who comes to San Benito County from Plumas County where she was County Counsel for the past couple of years.

- f) **Board Announcements, Introductions and Presentations:** Supervisor Marcus reported that he had the privilege of acting as the Master of Ceremonies for the Relay for Life event that was held over the weekend. Supervisor Marcus commended the committee for the fabulous job that was done in coordinating this event.

Supervisor Marcus also reported that the Project Advisory Team for the new courthouse met on Thursday and welcomed June Quan the new Project Manager for the Executive Office of the Courts (EOC). Supervisor Marcus said that during this new seismic study at the Fremont School Site a 130 foot seismic fault was located and created the need for a re-design to the Courthouse but it is still feasible and we are moving forward with the Memorandum's of Understanding (MOU) and pertinent documentation and the new courthouse.

Supervisor Loe reported that the Relay for Life Event raised over \$165,000 for cancer research noting there was outstanding support from the community. Supervisor Loe thanked her fellow board members for their contributions and county staff for their participation.

CONSENT AGENDA:

Upon motion made by Supervisor Monaco and seconded by Supervisor Botelho, approved Consent Agenda Items 1 through 15 with the exception of Items 13 and 14 which were pulled for discussion.

AGRICULTURAL COMMISSIONER – P. Matulich:

- 1) **Approved** contract with the California Department of Pesticide Regulation for pesticide regulation reporting services for the FY 2008/2009 in the amount of \$16,204.00; and **authorized** the Agricultural Commissioner to sign contract certification. *File #1.1*
- 2) **Authorized** the purchase of the Ford 150 4x4 pick up truck from Tiffany Motors as the lowest responsive, responsible bidder at a cost not to exceed \$17,553.87. *File #1.1*

BEHAVIORAL HEALTH – A. Yamamoto:

- 3) **Approved** contract renewal with American Medical Response for ambulance transport services for the FY 2008/2009 for a maximum amount of \$4,000. *File #810*
- 4) **Approved** contract renewal with Kings View Corporation for Telepsychiatry Services for the FY 2008/2009 for a maximum total of \$102,000. *File #810*
- 5) **Approved** contract renewal with Kings View Corporation for Management Information System (MIS) for the FY 2008/2009 for a maximum total of \$224,838.23; and **authorized** the County Behavioral Health Director to sign contract. *File #810*
- 6) **Approved** request to hire a Mental Health Clinician I at range 23.9, Step D. *File #810*

CITY OF HOLLISTER – W. Avera:

- 7) **Adopted Resolution No. 2008-84** authorizing the submittal of the 2007 Comprehensive Economic Development Strategy (CEDS) report to the Economic Development Administration. *File #20*

CLERK OF THE BOARD – L. Churchill:

- 8) **Approved** the action minutes of the meeting of July 1, 2008.

HEALTH & HUMAN SERVICES – K. Flores:

- 9) **Approved** agreement with Planned Parenthood Mar Monte for provision of teen pregnancy prevention services for the period of July 1, 2008 to June 30, 2009 in the amount of \$54,400; and **authorized** the H & HSA Director to sign agreement. *File #130*
- 10) **Approved** recommendation to revise the schedule of authorized positions which will eliminate a 1.0 FTE Eligibility Worker III and will add a 1.0 FTE Employment & Training Services Counselor I/II. *File #130*

INTERNAL SERVICES – R. Inman:

- 11) **Approved** contract with Billy Joe Electric for the electrical services required for the Ag Commissioner Modular Facility as the lowest responsive, responsible bidder at a total not to exceed \$11,900. *File #1.1*

PROBATION DEPARTMENT – B. Cardall:

- 12) **Approved** and **accepted** one time emergency allocation from the Youthful Offender Block Grant; **approved** purchase of vehicle through the California Department of General Services Procurement Program for a total amount not to exceed \$18,000; **increased** fixed assets schedule to include the addition of one new vehicle; **approved** the increase of budget under extra help salaries with the remaining dollars for transporting the YOBG minors. *File #510*

PUBLIC WORKS DEPARTMENT – J. Lo:

- 13) **Accept all responsive bids; award contract to Reed & Graham, Inc. as the lowest responsive, responsible bidder for the purchase, delivery and application of asphaltic emulsion in the amount of \$225,984.47; authorize the Public Works director to issue change orders, when needed, not to exceed 10 percent of the contract amount, or \$22,598.**

Supervisor Botelho expressed concerns with this process coming in pieces and also with receiving only one bid. Supervisor Botelho asked if this bid included a surtax or fee since the price of oil is going down are we going to see a reduction or added emulsions to the contract.

Public Works Director Jerry Lo answered no. The contract is fixed for that period.

Supervisor Botelho stated that coordination needs to take place between County Counsel and Public Works in preparing these contracts so that these contracts and bids get out quicker and also we need to improve the communication between all departments.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Monaco, approved this item as recommended. (Unanimous) File #105*

SHERIFF'S DEPARTMENT – C. Hill:

- 14) **Allow Sheriff to accept a donation for K-9 Training from Gavilan Kennel Club in the amount of \$500.00.**

Sheriff Curtis Hill stated that it has been six or seven years that he has asked the Board of Supervisors to allow him to accept a donation from Gavilan Kennel Club. Sheriff Hill introduced Deputy Kip Brown the new K-9 handler and Dix (Deputy Dog).

Joe Pendry, representing the Gavilan Kennel Club, provided background information stating that the Gavilan Kennel Club have agreed for many years to make this donation and to help keep the "Deputy Dog" in San Benito County.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Botelho, allowed the Sheriff to accept the \$500.00 donation from the Gavilan Kennel Club and recognize it as Other Revenue to 1001210-570014.. (Unanimous) File #110*

- 15) **Authorized** applicant agent to submit the FY08 Homeland Security Grant Program on behalf of the County operation area; **approved** Applicant Agent **Resolution No. 2008-95** and **authorized** positions named to execute for and on behalf of the county for making application. *File #110*

ADMINISTRATION:**16) Consideration of FY 2008-2009 Contributions to Community Organizations.**

County Administrative Officer Susan Thompson provided background information stating that this is the first year that we will be addressing community based organizations funding in a different way. CAO Thompson stated that commencing FY 2008-09 the annual appropriation budgeted for community organizations will be based upon 6.5% of the most recent calendar year sales tax receipts and using this methodology the total FY 2008-09 allocation adopted by the Board on June 24, 2008 is \$83,016 which is a reduction of \$822 from FY 2007-2008. CAO Thompson stated that staff is recommending that the Board of Supervisors take a look at all of the ongoing programs that we have been funding for the past number of years and consider funding them at pretty much the same level as last year and staff would spend this year coming up with a new process by which we can receive requests of proposals and evaluate and determine funding amongst them for next year.

Supervisor Loe declared a conflict of interest due to being a member of the Board of Directors of Emmaus House and excused herself from the chambers during this item.

The following representatives from community organizations addressed the Board:

- Advocacy Inc. -- Kathleen Johnson, Executive Director.
- Agency on Aging and Senior Legal Services -- Clay Kempf, Executive Director.
- Jovenes de Antano – Pauline Valdivia. Ms. Valdivia requested a draw down of 100% due to no cash flow at present time.
- Suicide Prevention – Carly Galarneau, Outreach Coordinator.
- Emmaus House – Dale Yarmuth, Executive Director and Linda Smith, Board Member of Emmaus House.

Supervisor Monaco made a motion to approve the allocations as presented and directed the County Administrative Officer to execute contracts accordingly outlining pragmatic funding requirements. Supervisor Botelho seconded the motion.

The motion was withdrawn for further discussion by Board members.

Supervisor Marcus supports placing a ceiling on the amount of money we spend based on the total amount of \$83,016. Supervisor Marcus stated he would like to modify some of the allocations to make a donation to the Emmaus House.

Discussion ensued regarding the consideration of reducing other allocations and supporting the Emmaus House or taking money out of contingencies for an additional allocation to the Emmaus House and if this would be setting a precedent for other organizations to request donations as well this year.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by seconded by Supervisor Botelho, approved allocations as follows:*

1. Advocacy, Inc.	\$ 4,951
2. Agency on Aging	\$29,100
3. Jovenes de Antano	\$39,608
4. Senior Legal Services	\$ 3,119
5. Suicide Prevention	\$ 5,941
6. Veteran's Day Parade	<u>\$ 297</u>
7. Total	\$83,016

and, directed CAO to execute contracts accordingly outlining pragmatic funding requirements. (4-0 Vote. Loe abstained)

Chairman De La Cruz directed administrative staff to bring an item back on the August 12, 2008 meeting for consideration of an allocation from contingencies for Emmaus House without a dollar amount specified. File #865

The Board adjourned for a 5-minute break and reconvened at 10:20 a.m at which time Supervisor Loe returned to the meeting.

Chairman De La Cruz moved Item 17 to after the Item 18 (public hearing).

PUBLIC HEARING – 10:00 A.M. (Or as soon thereafter as the matter may be heard)

PUBLIC WORKS – J. Lo:

- 18) **Hold a public hearing to adopt proposed resolution declaring a water shortage emergency condition in CSA-31, Stonegate. The proposed resolution will provide regulations and restrictions on the delivery and consumption of water within CSA-31 in order to conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation and fire protection.**

Public Works Director Jerry Lo provided background information stating that the advantages of an emergency resolution is it will prohibit water waste and focus on providing health and safe water to the Stonegate community. It would also declare the Stonegate community's urgency to seek a permanent solution for a 20-year old problem of finding a reliable source for a water supply.

Mr. Lo noted that this emergency declaration would not bypass the CEQA (California Environmental Quality Act) process.

Supervisor Marcus asked for clarification about the CEQA process and if this was true that it could not be bypassed.

County Counsel Dennis LeClere explained that what the Board is being asked to do is to declare an emergency water shortage condition and even though the word emergency is used it is considerably different than the use of the term emergency in other areas including CEQA and the Public Works Director was correct.

Discussion ensued about the length of time for this emergency and whether the resolution could be changed at any time.

Further discussion ensued pertaining to the long-term solution and what is being done to move forward.

Supervisor Botelho stated that he wants regular updates to be kept abreast of solution plans.

Discussion continued pertaining to solving the current water problem.

Supervisor Marcus stated that the Public Works Director needs to work on this matter every day.

Chairman De La Cruz opened the public hearing.

The following members of the public addressed the Board: Pamela Alvarado, Manager of the Tres Pinos Water District; Donald Kurgen, Stonegate resident; Kim Passini-Akhtar, Stonegate Board member; and, John Gudgeon, Stonegate resident.

The Chairman closed the public hearing.

Discussion ensued pertaining to water meters, penalty for violations and enforcement; and expediting process of crossing Highway 25 with pipeline if resolution is adopted.

BOARD ACTION: *Upon motion made by Supervisor Loe and seconded by Supervisor Monaco, adopted **Resolution No. 2008-86** declaring a water shortage emergency condition in County Service Area No. 31, Stonegate Subdivision. (Unanimous)*

Supervisor Marcus thanked the Tres Pinos County Water District and private participants for their help in providing water and working towards a solution.

Further discussion ensued pertaining to having the meters read and considering an ordinance imposing penalties for over usage .

Mr. Lo informed the Board that he was not confident in the meters stating that the readings are not accurate and he is looking into new meters.

It was the consensus of the Board to move forward with metering and replace if necessary to get correct readings.

Chairman De La Cruz directed staff to continue to provide updates to the Board of Supervisors; solve the metering issue and then the Board of Supervisors will consider penalties; and, agendize a discussion regarding a long-term solution on a future agenda. File #105 / CSA 31 File

PLANNING DEPARTMENT - A. Henriques:

- 17) **Review and comment on the Homebuyer Workshop scheduled on Saturday, September 20, 2008 at the Veteran's Memorial Building Conference Room #218.**

C. J. Valenzuela, Housing Program Coordinator, announced that a Homebuyer Workshop is scheduled on September 20, 2008 at the Veteran's Memorial Building noting this was the first in a series of workshops to be held. Mr. Valenzuela reported that this workshop is to be an interim step to overall action items and goals for affordable housing to be reviewed and discussed with the Board of Supervisors in the near future. Mr. Valenzuela stated that other workshops to follow will include, but are not limited to: Foreclosure Prevention, Financial Literacy and Credit Counseling.

Mr. Valenzuela reported that the first Homebuyer Workshop will cover all aspects of the home buying process and experts in their respective fields have been recruited to sponsor and speak at the Workshop.

Mr. Valenzuela provided handouts that will be available at the workshops.

Mr. Valenzuela answered questions posed by Board members. *File #790*

REGULAR AGENDA (Continued):

BOARD OF SUPERVISORS:

- 19) **Reconsider the previous Board action establishing an ad hoc subcommittee to study and prepare policy recommendations on the 1% growth cap and 30% Inclusionary housing ordinances, and instead direct staff to schedule regular monthly agenda items on these topics for Board consideration over the next several months.**

Chairman De La Cruz stated that he requested that this item come back on the agenda noting that at the last meeting the Board of Supervisors created a subcommittee to review the 1% growth cap and the 30% inclusionary ordinance and after talking with members of the community he decided that it would be better to allow members of the public to participate in this preliminary discussion process. Therefore Chairman De La

Cruz said he was asking the Board of Supervisors to eliminate the subcommittee and to instead have these discussions once a month at regular board meetings during the afternoon session.

Supervisor Marcus agreed that this was an excellent alternative to the subcommittee and it will bring the entire board's ideas all together as we progress and also allow for public input.

County Administrative Officer Susan Thompson stated that staff thinks it would be beneficial to set the topics for Board discussion after the Planning Commission meets and bring the topic up there as well to get their input. CAO Thompson said they were considering splitting the two issues and discussing them separately.

Supervisor Marcus requested a survey of surrounding counties of the Central Coast as to what their growth ordinances are and also what their inclusionary housing percentages are. Supervisor Marcus further requested a recap of the last five years as to how many allocations have been requested on a yearly basis and how many were awarded.

Supervisors Botelho and Marcus agreed with this public process and with handling these items as separate issues.

Supervisor Loe agreed with Supervisor Marcus' request for a report but would like to add if these are realistic doable projects.

Marty Richman, Hollister resident, supported this decision stating that this is too contentious an issue for an ad hoc committee.

Supervisor Marcus stated that based on our current tax rate he would like to see some sort of analysis of how a large, medium or smaller priced home affects how county costs are effectively covered.

BOARD ACTION: *Upon motion made by Chairman De La Cruz and seconded by Supervisor Botelho, reconsidered the sub-committee for 1% cap and 30% inclusionary housing review and have all the discussion and public hearings scheduled for Board of Supervisors meetings on a monthly basis to address areas of policy and fiscal matters and other such matters as directed by the Board of Supervisors. (Unanimous) File #790*

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 August 12, 2008 at 9:00 a.m. for a regular meeting.

JAIME DE LA CRUZ, CHAIRMAN

San Benito County Board of Supervisors

ATTEST:

Linda Churchill

Clerk of the Board