



# 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 AUGUST 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 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.

Chairman De La Cruz announced that Supervisor Botelho would be arriving late to the meeting.

### 9:00 a.m. CALL TO ORDER:

- a) Supervisor Loe led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- c) **Public Comment:** Joe Thompson, Tres Pinos resident, reiterated that the jurisdiction of the Board of Supervisors was being eroded by the Council of Governments (COG) stating that at the last COG meeting there was a vote by COG members to send a new delegate to the Mobility Partnership. Mr. Thompson stated that no one is elected to this partnership and they do not fall under the provisions of the Brown Act and he asked the Board to support and defend us.
- d) **Department Head Announcements:** County Administrative Officer Susan Thompson reported that there was some re-organization done within Cal Fire and the new officials were present. George Haines, the Unit Chief for CalFire, San Benito & Monterey County came forward. Chief Haines introduced Reno Ditullio, Sr. who has been the Division Chief for the North Division for several years and he was brought out of retirement and has been working for Cal Fire for the past couple of years.  
Chief Ditullio introduced new Battalion Chief Phil Madison who was the local Battalion Chief of the Aromas Tri-County Fire Protection District and has been promoted to Assistant Chief and is taking Chief Ditullio's position. Replacing Battalion Chief Itson is Mike Marlow who is the new County Battalion Chief. Chief Ditullio introduced his son, Reno Ditullio, Jr., who is now the Battalion Chief for the Aromas Tri-County Fire Protection District.

e) **Board Announcements, Introductions and Presentations:** Supervisor Monaco reported that he attended a public meeting in South County last night (August 25, 2008) at Jefferson School to hear about the Pinnacles National Monument General Management Plan.

Supervisor Loe announced that there would be a meeting held on September 23, 2008 at 6:30 p.m. on the San Benito County Water and Wastewater Master Plan at the Veteran's Memorial Building. Supervisor Loe encouraged attendance by the public.

Supervisor Botelho arrived at 9:12 a.m.

Supervisor Marcus reported that as the representative on the Pajaro River Watershed Flood Prevention Authority he attended a very interesting and productive meeting on August 14, 2008 in Castroville. Supervisor Marcus stated that the purpose of this meeting was to discuss federal legislation related to the Pajaro River Watershed Flood Prevention Authority easement acquisition program and the relationship we have with the lower Pajaro River project. Supervisor Marcus noted that Congressman Sam Farr was also in attendance and other legislative representatives.

Supervisor Marcus further reported that he has heard that with regards to the Fire Prevention Systems that we have put into use in rural, residential projects there is word that the Sunnyslope Water District have an idea to meter individually the water prevention piping. Supervisor Marcus felt that another \$2000 added cost to the already cost that we've discussed for the fire suppression system is not something he would agree with. Supervisor Marcus stated that maybe staff should be asking questions about this plan.

Supervisor Botelho reported that he attended a Mosquito Abatement Task Force meeting recently and the main topic was how to deal with the swimming pools that have been abandoned that have become a health issue in neighborhoods. Supervisor Botelho stated that we are now working with 48 pools within the County, predominately in the City of Hollister. *Supervisor Botelho requested information to be brought before the Board of Supervisors as to how we might develop a cost recovery process for the abandoned pool problem.*

Supervisor Botelho further reported that he attended the Regional Council of Rural Counties (RCRC) conference last week where there were lots of very close votes pertaining to propositions coming up on the November ballot. Supervisor Botelho also reported that there was a lengthy discussion on the Solar Clean Energy Act.

Chairman De La Cruz reported that on August 15, 2008 he attended a breakfast kick-off for Hollister School District teachers. Chairman De La Cruz also attended the Leadership San Benito County graduation on August 21, 2008.

## **CONSENT AGENDA:**

*Upon motion made by Supervisor Monaco and seconded by Supervisor Botelho, approved Consent Agenda Items 1 through 16. (Unanimous)*

**ADMINISTRATIVE BUSINESS – S. Thompson:**

- 1) ***Canceled*** the October 14, 2008 scheduled Board Retreat and ***rescheduled*** for November 6, 2008.

**BEHAVIORAL HEALTH DEPARTMENT- A. Yamamoto:**

- 2) ***Approved*** contract amendment with the Santa Cruz Counseling Center, Inc. for a maximum total of \$115,190.20 for the FY 2008-09. ***File #810***

**CLERK OF THE BOARD – L. Churchill:**

- 3) ***Approved*** the action minutes of the August 5, 2008 meeting.

**COUNTY CLERK – J. P. Gonzalez:**

- 4) ***Adopted Resolution No. 2008-90*** authorizing the consolidation and provision of services by the Registrar of Voters for the West Hills Community District for the November 4, 2008 Statewide General Election. ***File #285***
- 5) ***Adopted Resolution No. 2008-91*** requesting consolidation of School Districts and Community College Districts with the Statewide General Election on November 4, 2008. ***File #285***
- 6) ***Adopted Resolution No. 2008-92*** authorizing the consolidation and provisions of services by the Registrar of Voters for the Aromas Tri-County Fire District with the November 4, 2008 Statewide General Election. ***File #285***
- 7) ***Adopted Resolution No. 2008-93*** authorizing the consolidation and provision of services by the Registrar of Voters for the City of San Juan Bautista with the November 4, 2008 Statewide General Election. ***File #285***
- 8) ***Adopted Resolution No. 2008-94*** authorizing the consolidation and provisions of the Special Districts with the November 4, 2008 Statewide General Election. ***File #285***
- 9) ***Adopted Resolution No. 2008-95*** authorizing the consolidation and provision of services by the Registrar of Voters for the City of Hollister for the November 4, 2008 Statewide General Election. ***File #285***
- 10) ***Adopted Resolution No. 2008-96*** authorizing the consolidation and provision of the San Benito Health Care District with the November 4, 2008 Statewide General Election. ***File #285***
- 11) ***Approved*** contract with Transcend for translation of election materials for the upcoming November 4, 2008 Presidential Election. ***File #285***

**PROBATION DEPARTMENT – B. Cardall:**

- 12) ***Approved*** contract with Paula Norton to provide initial pre-testing, tutoring and post-testing of Early Intervention Program for the period of July 1, 2008 to June 30, 2009 not to exceed \$15,000. ***File #510***

- 13) **Approved** contract with King & Associates to teach Health Realization principles to minors and their parents for the period of July 1, 2008 to June 30, 2009 not to exceed \$15,000. *File #510*

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

- 14) **Approved** contract with EnImagine, Inc. to develop an updated Emergency Operations Plan and provide comprehensive training to address State and Federal requirements for EMPG FY 2008 Funding for term August 27, 2008 to June 30, 2009 in an amount not to exceed \$50,000. *File #75.5*
- 15) **Ratified** retroactive contract with California Forensic Medical Group (CFMG) for Comprehensive Medical Services for Adult Inmates and Juvenile Detainees for a two-year period commencing July 1, 2008 to June 30, 2010. *File 120.5*
- 16) **Authorized** the Sheriff to accept public donations during FY 08-09 for the purpose of offsetting the cost of materials for Crime Prevention programs.  
*File #110*

**REGULAR AGENDA:**

**BOARD OF SUPERVISORS:**

- 17) **Adopt resolution acknowledging and supporting the Condor Classic Bicycle Event to be held on October 11, 2009 in San Benito County. (Supervisor Monaco)**

*Upon motion made by Supervisor Monaco and seconded by Supervisor Botelho, adopted **Resolution No. 2008-97** acknowledging and supporting the Condor Classic Bicycle Event. (Unanimous)*

Supervisor Monaco introduced Scott Fuller of the San Benito County Chamber of Commerce Tourism Committee who encouraged participation in this event stating that the proceeds would go to the Pinnacles National Monument. Mr. Fuller submitted promotional handouts noting there were basically three rides which all start and end at San Juan Oaks Club. One of them goes through the San Juan Valley, one goes through the Cienega Valley Wine Trail and one will go to the Pinnacles National Monument. Mr. Fuller stated that for more information the public can visit [www.condorclassic.com](http://www.condorclassic.com)

Bob Hunnemann, local resident, stated that this was troublesome to him since there are over 800 cyclists killed in the United States each year. Mr. Hunnemann suggested that cyclists wear visible apparel and also use tail lights.

Mr. Fuller indicated that there has never been any deaths associated with organized cyclist events.

Sheriff Curtis Hill stated that there would be plenty of signage and traffic control by local law enforcement and the California Highway Patrol to assure this would be a safe event. *File #156*

- 18) **Create General Plan Advisory Committee with a total membership of 15 and announce at-large appointees to the Committee.**

Chairman De La Cruz provided background information stating that at the August 12, 2008 Board of Supervisors meeting the Board established a criteria for membership to the General Plan Advisory Committee noting that there would be one

member from each supervisor district and two at-large members for a total of 15 members. The district representatives were named at that meeting and today the Board will announce their appointees to at-large positions.

Board members named the following at-large appointments as follows:

District 1 Supervisor Marcus – Jessica French and Jason Noble

District 2 Supervisor Botelho – Jim West and Damon Felice

District 3 Supervisor Monaco – Eric Brunnemann and Tim Foley

District 4 Supervisor Loe - Joan Moore and David Roemer

District 5 Supervisor De La Cruz – Vicki Montoya and Robert Gatto

Discussion ensued with regards to terms for members of the committee and whether it should be co-terminus and if this committee should serve at the pleasure of the Board of Supervisors.

**BOARD ACTION:** *Upon motion made by Supervisor Marcus and seconded by Supervisor Loe, created the General Plan Advisory Committee with a total membership of 15 one (1) member representing each Supervisorial District and two (2) at-large members selected by each supervisor as previously reported out. (Unanimous)*

Further discussion ensued and it was decided that there are other procedures and processes for this committee that should be discussed at a future agenda.

Also, it was the consensus of the Board that if there was an issue that arises about a member on this committee that it would come back to the entire Board of Supervisors and not send a message to the public that the Board is micro-managing this committee.

*Directed County Counsel and staff to draft up language with regards to procedures, processes and membership.*

Bob Hunnemann, local resident, came forward stating that he was concerned in the development of this process for creating this committee. Mr. Hunnemann asked if there was anyone on this committee who owns and resides on a 5-acre parcel?

Supervisor Botelho said that one of his appointees lives on a 5-acre parcel and it would be represented.

Chairman De La Cruz noted that these General Plan Advisory Committee meetings would be open to the public and these concerns could be addressed during the meetings. Chairman De La Cruz suggested that Mr. Hunnemann get a list of the members and he could ask each of these appointees individually. *File #790*

### **NATIONAL PARKS SERVICE - B. Phillips:**

#### **19) Receive presentation on the Pinnacles National Monument General Management Plan Preliminary Alternatives and provide input.**

Eric Brunnemann, Superintendent of Pinnacles National Monument reported that the Pinnacles National Monument is working on a new General Management Plan which is the document combined with their Environmental Impact Statement that will help them in the next 20 to 30 years how to develop and manage our national park. Mr. Brunnemann stated that the public comment period for input is still wide open.

Mr. Brunnemann answered questions posed by Board members.

Martha Crusius, Senior Planner, Pacific West Regional Office, Park Planning & Environmental Compliance, Oakland, CA office provided a report referring to the newsletter handout titled "Pinnacles National Monument General Management Plan Preliminary Alternatives. Ms. Crusius explained Alternative B (Research and Learning); Alternative C (Background Experience) and Alternative D (Expanded Visitor Experience).

Board members provided input and asked questions.

Supervisor Monaco noted that Congressman Farr is working towards getting the designation of the park changed from National Monument to a State Park. Supervisor Monaco stated that the status should be a park and it would help to get maximum use and income from it.

Marty Richman, local resident, suggested that rather than all of these alternatives just have the various parts of the park include all alternatives so every visitor has the opportunity to use it as they wish.

*Supervisor Marcus stated that the Board of Supervisors should take a stand on the designation status.*

*Supervisor Monaco stated that this could come back on a future agenda and he would work with the County Administrative Officer and Congressman Farr. File #93*

#### **ADMINISTRATIVE BUSINESS – S. Thompson:**

20) **Consider two-month extension of contract with San Benito Tire, Inc. for fleet service and repair until November 5, 2008.**

Kellie Kennedy, Management Analyst, provided background information stating that on September 6, 2005 the County entered into a three-year contract with San Benito Tire, Inc. for fleet vehicle maintenance and repairs. Ms. Kennedy reported that the contract is due to expire on September 5, 2008 and staff is in the process of preparing a Request for Qualifications for the subsequent contract and is requesting the current contract be extended until November 5, 2008 in order to complete the process and analyze the responses.

Board members expressed disappointment in the need to look into extending this contract and did not want to have it delayed again.

CAO Thompson stated that we have planned to look at an in-house program and possibly a collaborative effort with the City of Hollister and we would like to complete that analysis and provide it to the Board as an alternative.

**BOARD ACTION:** *Upon motion made by Supervisor Botelho and seconded by Supervisor Loe, approved extending the contract with San Benito Tire, Inc. for fleet service and repair until November 5, 2008. (4-1 Vote. De La Cruz voted no.) 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 10 15 a.m. and reconvened into Regular Session at 11:30 a.m. re:

21) **Conference with Labor Negotiator:**

Authority: California Government Code Section 54957.6

Agency Designated Chief Negotiator: Linzie Daniel

Employee Organization: Deputy Sheriff's Association

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

## AFTERNOON SESSION 1:30 P.M.

<b>CONSENT AGENDA:</b>
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*Item 22 was pulled from Consent Agenda for discussion.*

### **PUBLIC WORKS – J. Lo:**

- 22) **Approve agreement for Proposition 218 related services for County Service Areas (CSAs) for the period of August 26, 2008 to June 30, 2009 in an amount not to exceed \$148,050 and authorize the Public Works Director to approve the preferred option as recommended and issue task order for such work.**

Supervisor Botelho expressed his frustration and stated that he understands that we are in the process of trying to bring our fee structure for our CSA's up to date and he knows that we went out to bid for this contract, which is good, but he wanted to know how we can strap this cost on to the CSA's and we can't even get some of the work done that we need to get done. Supervisor Botelho wanted to know that in terms of the administrative cost how much is charged to each CSA such as Rancho Larios or Stonegate. Supervisor Botelho asked why can't we do an engineer's report or fee structure in house that is fair and provides the work that needs to be done on these CSA's.

CAO Thompson explained that we have no choice but to do a Prop. 218 study. We have been out of compliance with Prop. 218 since the day it passed in this county and we don't have the in-house capacity to get this done or it would have been done before today. CAO Thompson stated that we thought we were doing what we were expected to do since we have talked about this numerous times during Board meetings. CAO Thompson stated that we went out to competitive bid and this is the best of the bids we received.

Bea Gonzalez-Ramirez, Public Works Department Staff Analyst, stated that there has been extensive work done on this matter and they want to make sure that the consultant provides the services that are going to answer all of the questions that have been articulated.

Supervisor Botelho asked if all of the citizens in the CSA's have been notified of what we're doing.

Ms. Gonzalez-Ramirez answered that they are in the process of gathering addresses noting that they want open transparency in this process and have also met with some of the CSA's.

Supervisor Botelho asked what was the deadline for the Stonegate CSA noting there is an accelerated pace due to the water emergency out there.

Ms. Gonzalez-Ramirez stated that November 15<sup>th</sup> is the deadline for Stonegate CSA and early December for the remainder of the CSA's.

Lengthy discussion ensued with regards to timelines, qualifications for this bid, scope of work and the need to move forward with this study. Further it was noted that this item was previously discussed at public budget hearings and is included in the budget.

Marvin Jones, Hollister resident, stated that he appreciated Supervisor Botelho's comments about spending \$148,000 to do a study to determine how much you're

going to raise the taxes. Mr. Jones stated that CSA residents didn't know this was coming. Mr. Jones felt there was not sufficient notification noting that the Board of Supervisors works for the voters and sometimes it looks like they are working for staff.

Further discussion ensued.

Supervisor Botelho stated that he wants to see that we perform the services that we're obligated to do and we should do it in phases with reports to the Board of Supervisors.

*Supervisor Botelho stated that he wants to hear the Stonegate Engineers report and he wants accountability of this contract held to very high standards. Supervisor Botelho wants a status report at a December meeting.*

Further discussion ensued.

CAO Thompson explained that the Proposition 218 process that was brought forward by the Jarvis group initiative and was imposed upon us by the voters initiative and the imposition of all these extra steps and studies was not something that came out of the legislature but from the voters.

**BOARD ACTION:** *Upon motion made by Supervisor Marcus and seconded by Supervisor Loe: 1) Approved the agreement with NBS, dba Government Finance Groups, for Proposition 218 related services for County Service Areas, for the period August 26, 2008 through June 30, 2009, in the amount not to exceed \$148,050; 2) Authorized the Chair to sign the agreement; and 3) Authorized the Public Works Director to approve the preferred option, as recommended by NBS, and to issue Task Order for such work. (Unanimous) File 105 / CSA File*

## **REGULAR AGENDA:**

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

**23) Conduct a hearing and authorize Code Enforcement Officer to proceed with abatement of a public nuisance at 1720 Cienega Road, Hollister, CA pursuant to San Benito County Code, Chapter 19 – Code Enforcement.**

Planning Director Art Henriques reported that staff has been working with these property owners for some time and there are now some State and local code concerns and we have some concerns about some leaning, dilapidated structures; some old vehicles that appear to have been dumped; rubbish, debris and other materials on the property create potential agricultural issues and also some public safety and public nuisance code issues and there is also a concern about condition of the orchards and vegetation.

Mr. Henriques stated that in his tenure for the past couple of years the owners have certainly been good about trying to disk the leaves and there have been equipment and other issues that have slowed it down at times and they were also were cooperative about draining water but there remains a number of issues.

Mr. Henriques noted that a draft resolution was prepared and it has been handed out to the Board of Supervisors. The resolution authorizes the county to proceed with abatement of a public nuisance pursuant to San Benito County Code, Chapter 19, at the owner's expense.

Mr. Henriques noted that Harold and Frank Cerrato have requested an extension of time for the hearing to October 7, 2008. This request is included in the Board's packet.



Agricultural Commissioner Paul Matulich and Code Enforcement Officer Stacey Watson presented the Board of Supervisors with background information on what staff believes to be an existing public nuisance at 1720 Cienega Road.

Harold Cerrato presented his case stating that there is not a thing not safe to the community on his property. Mr. Cerrato further stated that when Interim Planning Director Michael Bethke looked at the two buildings in question he said they were okay.

Lengthy question and answer period ensued between Board members and Mr. Cerrato about what can be done to bring a resolution to this matter.

Sharin Scagliotti, who lives across the street from Mr. Cerrato, expressed her frustration stating that she has had conversations with Harold and his brother to get this cleaned up but it just doesn't get done. Ms. Scagliotti stated that all board members have to do is just drive by.

The Board agreed with Supervisor Marcus' prioritized list of items for Mr. Cerrato to complete as follows: 1) Remove overgrown vegetation and foliage; 2) Removal of rubbish and trash and sorting through the metal to determine if it's junk; 3) Go through the trees and neglected trees in the orchard and prune properly; 4) Line up the vehicles systematically and determine how the older buildings need to be modified or rebuilt to meet code standards.

Sheriff Curtis Hill stated that there are a couple of buildings that are collapsed and basically being held up by fruit boxes and bins.

Supervisor Marcus said that Mr. Cerrato can take a look at those buildings with the county and mitigate the problem but there may be some judgment calls on those and this is not what he considers one of the priorities.

**BOARD ACTION:** *Chairman De La Cruz made a motion as follows: 1) That a compromise plan will be brought back on the September 9<sup>th</sup> Board of Supervisors meeting for final Board approval; and, 2) Give Mr. Cerrato a deadline of November 1<sup>st</sup> to mitigate all issues as agreed upon by the plan; and, 3) That in 30 days there will be an update to the Board of Supervisors. Supervisor Botelho seconded the motion.*

Under the question:

Supervisor Botelho said that the Sheriff brings up a very valid point and he understands what Supervisor Marcus is saying that with regards to the building that this is private property but you can make that argument about the whole thing. But, Supervisor Botelho said that it is what it is and it's in town, near a school and a neighborhood and it should be evaluated as well. Supervisor Botelho said he really thinks that Mr. Cerrato doesn't want that liability and that has to be in this equation if we are going to look at the whole thing.

Supervisor Monaco said why don't we wait and we've asked for a report back on how this is going and developing and we can make a judgment on that. Supervisor Monaco stated that there is an understanding from both staff and Mr. Cerrato of what the expectations are and if those aren't being met when we have this review then he supports, as Supervisor Loe mentioned, that we can then make a firmer decision.

Chairman De La Cruz said that in two weeks, after Mr. Cerrato meets with staff, and Sheriff Hill can also provide input on that structure, that a report will be provided at the September 9<sup>th</sup> meeting.

Supervisor Botelho stated that he did not want anyone thinking we are going to forget about the buildings and everything is fine and if that's the case then he would vote against this, but if we all understand that we need to do something about that as well in a reasonable time then he agrees.

Supervisor Marcus stated that he only wants to make it clear that if all of the other things were done and the rubbish, trash and leaves were all cleared that would

make the neighbors much happier. Supervisor Marcus said he was not saying forget about the buildings, but that would be the last evaluation as to something very specific.

Supervisor Marcus stated that he understands Sheriff Hill's concern but there needs to be some sort of analysis done with regards to the buildings as to either demolish and remove and completely eliminate from the premises or to modify. Supervisor Marcus stated that all we're saying is the buildings are falling down which doesn't give any direction.

*Chairman De La Cruz called for the question.  
The motion carried unanimously. 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 September 2, 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