



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 SEPTEMBER 9, 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 Assistant Clerk Janet Slibsager. Chairman Jaime De La Cruz presided.

9:00 a.m. CALL TO ORDER:

- a) Supervisor Marcus led the Pledge of Allegiance.

There was a moment of silence in memory of former Supervisor Ruth Kesler and John O'Brien who was the District Attorney for 8 years. Supervisor Botelho and Loe each paid tribute to Supervisor Ruth Kesler.

- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*

- c) **Public Comment:** Joe Thompson, Tres Pinos resident, spoke in regards to the vote taken at the Chamber of Commerce in Gilroy last Friday by the Government Review Committee against the new 1/8th cent sales tax that Valley Transportation Authority is promoting with the Silicon Valley Leadership group for Santa Clara County. Mr. Thompson stated he hopes that we take a lesson from the outcome of that vote.

Mr. Thompson also talked about reading the last version of this Nations Highway bill, which could be referred to as the bridge to nowhere.

Marty Richman, Hollister resident, talked about the attack of 911 and stated that we have wasted billions of dollars on our war on terror by the way we have done things.

- d) **Department Head Announcements:** Agricultural Commissioner Paul Matulich reported that last Friday he submitted two letters concerning range land drought losses in San Benito County. One letter was sent to the USDA Farm Service Agency stating that losses have exceeded 30% of the FY 2007-2008 and will help assist local ranchers and growers to qualify for assistance to the new farm bill recently passed by Congress. The second letter was sent to the Governor's Office of Emergency Services asking for a USDA Secretarial Disaster Declaration. If approved San Benito County would become a primary disaster

county and would allow ranchers and growers to qualify for certain USDA programs.

Supervisor Marcus and Supervisor Monaco thanked Mr. Matulich for his great efforts in pursuing.

Planning Director Art Henriques mentioned that Gavilan College has a draft EIR out for their project for public review. Mr. Henriques mentioned that the public review period ends on October 17th. Mr. Henriques stated they are planning on coming back to the board on September 23, 2008 to begin the discussions.

County Administrative Officer Susan Thompson reported that she has been asked to serve on behalf of the County Administrative Officers' Association of California on a board of directors for a new group called Women Leading Government. Ms. Thompson stated that this is a group of women in California Leadership which are appointed officials that are working on succession planning, training and encouraging young women to get into the field. Ms. Thompson stated that she would be moderating a special session at the CSAC annual meeting in December in San Diego.

- e) **Board Announcements, Introductions and Presentations:** Supervisor Marcus stated that he was going to take the letter from the California Regional Water Resource Control Board that was signed by Roger Briggs and put in a frame. This is the official letter stating that by October 2008 they will be making recommendations with the completion of the Wastewater Master Plan's discharge of reclaimed water and on December 5, 2008 the Water Board will consider adoption of the Water Reclamation Plan and will recommend the rescission of a cease and desist order. Supervisor Marcus stated this was a great accomplishment.

Chairman De La Cruz thanked the staff for their help and commended the BBQ committee for helping to have a great Employee BBQ.

CONSENT AGENDA:

Chairman De La Cruz pulled item 13 off of closed session.

Upon motion made by Supervisor Monaco and seconded by Supervisor Botelho, approved Consent Agenda Items 1 through 5. (Unanimous)

BOARD OF SUPERVISORS:

- 1) **Approved** Certificate of Recognition for 2008 LULAC Woman of the Year Paula Jovita Solorio for presentation at a later date. (Supervisor Loe) File #156
- 2) **Approved** Certificate of Recognition for San Juan Bautista Rotary Past President Linda Murdock. (Supervisor Botelho) File #156

CLERK OF THE BOARD – L. Churchill:

- 3) **Approved** amended 2008 Conflict of Interest code for the San Benito County Water District as required by the Political Reform Act. File #285.7
- 4) **Approved** the action minutes of the August 12, 2008 and August 26, 2008 meetings.

SHERIFF'S DEPARTMENT - C. Hill:

- 5) ***Approved appointment of the Communications Dispatcher III at Step F of Range 20.8 in the Communications Unit of the Sheriff's Office. File #110***

REGULAR AGENDA:

AGRICULTURAL COMMISSIONER – P. Matulich:

- 6) **Accept staff report regarding Cost Recovery Process for Mosquito Abatement and abandoned swimming pools and provide further direction.**

Health & Human Services Director Kathy Flores spoke in regards to recovery costs and health & safety issues pertaining to abandoned swimming pools.

Agricultural Commissioner Paul Matulich provided information as to the Health & Safety Code Section 2060-2067, which allows the district to abate a public nuisance and the process that could be taken in regards to the abandoned swimming pools.

Supervisor Botelho stated he feels strongly about recovering our costs and would like to see some policy set forward to enact it as quickly as possible. Supervisor Botelho mentioned that he does not want to see next year that we need to raise the assessment because of this.

Supervisor Monaco agreed and does not believe it is fair to the citizens that are within the mosquito abatement district to have to flip the bill for those abandoned pools. Supervisor Monaco stated he also agreed that there is no way that he would support raising the assessment because of this issue.

Supervisor Loe stated that another concern with those pools that are abandoned with water in them is the safety of the children in the neighborhood if there is a fence that gets destroyed, knocked down etc. and asked if these pools could be checked monthly for security purposes?

Paul Matulich responded that with the homes with pools they have served warrants and do a forcible entry and treatment. When they leave the premises they put their own chain and lock to prevent children from getting in there.

County Administrative Officer Susan Thompson suggested that since most of these properties are within the city limits that we need to consult with City of Hollister about their enforcement program as well.

Stephen Rosati, Hollister resident, stated that the responsibility does lie with the loan institution and he does not appreciate taxpayer's money going towards this bail out at any level.

Paul Matulich stated that they have met with the Realtors Association at Ridgemark and asked for their help on these abandoned pools and they are trying to help with this situation.

Assistant County Counsel Barbara Thompson spoke in regards to public nuisance and the collection of fees and establishing fees.

Supervisor Marcus asked the Agricultural Commissioner what the service consisted of?

Agricultural Commissioner Paul Matulich replied they treat for larva in the pool, which lasts 20 to 30 days and each trip to that location will average about \$200.00.

CAO Susan Thompson summarized the direction to staff as follows: Work with the City on safety in regards to open fences, etc; set up a process to use the

Health & Safety Code authorities and to consider some kind of a local ordinance to establish a fee and collect that fee for consensual owners. File #1.1

ASSESSORS OFFICE – T. Slavich:

7) Review and approve the Assessor's Annual Report covering taxable values throughout San Benito County for the 2008-2009 Tax Year.

Assessor Tom Slavich presented the Assessor's Annual Report regarding the taxable values throughout San Benito County for 2008-2009-tax year and summarized other significant items that have taken place during the past fiscal year within the department.

Supervisor Botelho asked how taxes are collected on foreclosure homes?

Assessor Tom Slavich replied they are collected through escrow.

CAO Susan Thompson stated what the report translates into terms of loss of property tax revenue to our budget amounts to about \$276,600. Ms. Thompson stated she would be bringing back some amendments to the budget for consideration as soon as the state budget is adopted. Ms. Thompson mentioned that we have been on a purchasing freeze and managing to hold off expenditures and we will know in a couple of weeks when we get the figures how well we have done mitigating our expenditures to meet our revenues.

Marty Richman, Hollister resident, stated that we are not prospering here and we are taking a minus 1% and noting how our costs are being driven by Santa Clara County, Monterey County and the State of California.

Stephan Rosati, Hollister resident, spoke in regards to developer fees and keeping them up to date stating we need to act like a larger county and charge the appropriate fees that come from development interest. Mr. Rosati said the market drives the final selling price.

Supervisor Marcus mentioned that he was solicited by a firm that stated they would help him with the reassessment of his property and wondered if the Assessors Office was aware of this type of service.

Assessor Tom Slavich stated that these firms haven't approached our county but other counties have been and what they do is charge a fee to drum up business; but if you call the Assessors Office the staff will look at your property for you.

Supervisor Monaco stated he appreciated the report and had a question in regards to the Williamson Act. Supervisor Monaco said the report mentioned that in the next couple of years there would be a significant number of properties coming out of the Williamson Act, asking if they would be reinstated or what is the status?

Tom Slavich replied it is a phase out over the next nine years stating it takes nine years to get out of the Williamson Act. Those properties will probably be developed or sold for other purposes and revalued, which is by the request of the owner. Mr. Slavich said there are only a few that they had to forcibly take them out which was because they are no longer farming.

Supervisor Loe asked when the property comes out of the Williamson Act what is the assessed value at that point?

Tom Slavich replied it goes up to the Prop 213 base index and the date the property was acquired plus 2% added on to that value. It cannot exceed that value unless there is a change of ownership.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus, **approved** Assessors Annual Report. (Unanimous) File #7*

BOARD OF SUPERVISORS:

- 8) **Adopt Resolution entitled “Resolution of San Benito County Board of Supervisors Supporting Improvements to Highway 152 as the Major Route to Address Regional Transportation Traffic”.**

Director of Internal Services Rich Inman stated he was asked by Supervisor Loe and Supervisor Botelho to put this resolution together dealing with transportation issues. Mr. Inman passed out an amendment to the resolution with two minor changes.

Supervisor Botelho summarized the board’s position and the entire county including the two cities that will hopefully adopt a similar resolution along with Council of Governments (COG).

Supervisor Loe stated that we need to go on record now how we feel about these existing road needs.

Supervisor Marcus stated that he strongly supports this resolution, but wanted to clarify on Page 2 Paragraph one. a change in the wording to read “after 152 intersection” and continues within Santa Clara County to a point near the Pajaro River.

Joe Thompson, Tres Pinos resident, thanked the Board for standing up for the tax payers of San Benito County.

Stephen Rosati, Hollister resident, suggested a change on page 1 the last paragraph where it reads “as the primary commercial route from the San Joaquin Valley to the coastal regions of Northern California”, to insert help relieve the future congestion on Highway 156. Mr. Rosati said this was a good and needed document.

Greg Swett, San Benito County Farm Bureau Transportation Chair, stated that he believes this resolution is a great first start as we try to move forward to solving Highway 152 and 156 problems but still leaves Highway 25 as problematic.

Pat Riley, Hollister resident, thanked the Board from a group called San Juan Neighbors in San Juan Bautista, for adopting this resolution.

BOARD ACTION: *Upon motion made by Supervisor Marcus and seconded by Supervisor Monaco, **adopted Resolution No. 2008-98.1** entitled “Resolution of San Benito County Board of Supervisors Supporting Improvements to Highway 152 as the Major Route to Address Regional Transportation Traffic” which includes the amended wording to read on Page 2, Paragraph one, continues within Santa Clara County and also on Page 1, last Paragraph, to help relieve future. (Unanimous) File #156*

INTEGRATED WASTE MANAGEMENT – M.Rose:

- 9) **Adopt resolution to increase tonnage at John Smith Road Landfill by 60/tons per day for a new annual average of 310 tons per day, for a period of one year.**

Integrated Waste Management Director Mandy Rose provided information in regards to a resolution to increase tonnage at John Smith Landfill by 60 tons per day for a one-year period.

Discussion ensued by board members and staff in regards to increasing out of town tonnage and a possible surcharge for the increase in diesel costs.

Marty Richman, Hollister resident, stated he feels it should be pay as you go and there is a reason there are reserve funds for something like this. Mr.

Richman mentioned it would be a mistake to put it off and was not good policy and those who use the function should have to pay.

Further discussion ensued.

Supervisor Marcus asked what amount was in the reserves.

Mandy Rose replied about three million dollars.

Supervisor Marcus stated that this is an account that accumulates money every year and if we pull money from that reserve account it goes back into its own system to help rebuild the landfill to accommodate, hopefully, more San Benito County refuse.

Further discussion ensued in regards to closure, diversion, reserve funds and post closure costs.

BOARD ACTION: *Upon motion made by Supervisor Marcus and seconded by Supervisor Loe, moved to re-agendize at a later date for further discussion to support the idea of taking the funds from the reserve account and charging a surcharge to the consumer for the diesel expense. (Motion passed 3-2 vote. Botelho and De La Cruz voting no) File #75.4*

PLANNING & BUILDING DEPARTMENT- A. Henriques:

10) Receive progress report on abatement of 1720 Cienega Road, Hollister and provide direction to staff.

Planning Director Art Henriques provided an update in regards to the Cerrato abatement and the timelines that the Board had set up for staff and Mr. Cerrato. Mr. Henriques stated at the last board meeting they had attempted to set up a meeting on site with Mr. Cerrato and at that time he was not ready. Mr. Henriques mentioned that they have not been able to schedule an appointment since then, but Mr. Cerrato has come in and talked to staff. Mr. Cerrato stated he is trying to respond to the board's direction. Mr. Henriques stated they would endeavor to try and meet with him between now and September 23rd and stress to him the need for an action plan or the board may take further action. Mr. Henriques said that they have not been on site to physically confirm exactly what he has done but they would reporting back to the board on September 23, 2008 with more information.

Chairman De La Cruz announced that he wanted Mr. Cerrato to know that he needs to cooperate with the county because he will ask his fellow supervisors to start working on procedures as to what they will do on October 7th, as they have given Mr. Cerrato ample time to work with the County.

The consensus of the board agreed to send a letter to Mr. Cerrato stating that unless staff has been met with and there is an actual plan before us on September 23rd then they would take the steps to move forward with what the county has to do. File #790.3

SHERIFF'S DEPARTMENT – C. Hill:

11) Approve Central Coast Regional Secure Community Re-entry Facility Siting Agreement with the California Department of Corrections and Rehabilitation; adopt related supporting Resolutions; approve Memorandum of Understanding with the Counties of Santa Barbara, San Luis Obispo and the City of Paso Robles regarding the release and transportation of inmates, and post release services.

Sheriff Curtis Hill provided updated information in regards to the Re-entry Facility Program. Sheriff Hill mentioned that Santa Barbara County has now

entered into the siting agreement with San Luis Obispo, City of Paso Robles and San Benito County.

Sheriff Hill reported that there are two resolutions that are recommended for the board's approval today which will bring all the players together in agreement in preparation of the September 18th Correction Standard Authority meeting which will be in Alameda County, City of Berkeley. Sheriff Hill said that he is asking for Item number 11. 4 on the recommendations to be pulled for discussion.

Sheriff Hill recommended that we continue to move forward in the Phase I process and that the purpose of signing these resolutions will help place San Benito County in a position to move forward and possibly receive funding.

Supervisor Monaco commended Sheriff Hill on working on this and believes we are in a very good position to get this funding. Supervisor Monaco asked for clarification in regards to the delay of item 11.4 and if it would jeopardize anything.

Sheriff Hill replied that Paso Robles was concerned with the language in the agreement in regards to the transportation of inmates, which is going to be discussed between Paso Robles and their own counties operation and once they have done that it will come back to the board for approval. Sheriff Hill does not believe it will jeopardize anything.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus, moved to approve items 1 through 3 as presented with the changes to Number 3, Paragraph 2 to read; the County of San Benito has identified a 50-acre site for a new jail project in northern San Luis Obispo County and to pull item number 4 of the recommended action. (Unanimous) File #120.5*

ADMINISTRATIVE BUSINESS:

11.1) Authorize Chairman to sign letter to Governor Arnold Schwarzenegger requesting his veto of AB 2447 (Jones) relating to denial of approval of subdivision maps in State Responsibility Areas (SRAs) and Very High Fire Hazard Severity Zones (VHFHSAs).

County Administrative Officer Susan Thompson stated that this item was added to the agenda as an addendum. Ms. Thompson explained that this was a recommendation from the Regional Council of Rural Counties for the Board of Supervisors to take a position authorizing the chairman to sign a letter requesting a veto of AB 2447 (Jones). This bill would require San Benito County and all other counties to go through quite an extended review process in regards to fire safety for rural residences, and this would be very costly and time delaying.

BOARD ACTION: *Upon motion made by Supervisor Marcus and seconded by Supervisor Botelho, **approved** letter and **authorized** Chair to sign the letter requesting Veto of SB 2447 (Jones) (Unanimous) File #156.1*

CLOSED SESSION:

The Board adjourned into Closed Session at 11:35 a.m. and reconvened into Regular Session at 12.05 p.m. re:

12) 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

13) Conference with Legal Counsel – Anticipated Litigation – (Government Code Section 54956.9)

a) Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9

Number of cases: 1

This item was pulled. File #235.6

14) Authority: California Government Code Section 54957

Consider Discipline/Dismissal/Release of a Public Employee

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, Marcus, Botelho, De La Cruz

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

There being no further business the Board adjourned to September 23, 2008 at 9:00 a.m. for a regular meeting.

JAIME DE LA CRUZ, CHAIRMAN

San Benito County Board of Supervisors

ATTEST:

Janet Slibsager

Asst. Board Clerk