



SAN BENITO COUNTY BOARD OF SUPERVISORS

Don Marcus
District No. 1
Vice-Chair

Anthony Botelho
District No. 2

Pat Loe
District No. 3
Chair

Reb Monaco
District No. 4

Jaime De La Cruz
District No. 5

County Administration Building – Board of Supervisors Chambers, 481 Fourth Street, Hollister, California

SWEARING IN CEREMONY

9:00 a.m.

The oath of office was administered by Presiding Superior Court Judge Harry Tobias to the following newly elected officials:

Assessor:	Tom Slavich
Clerk/Auditor/Recorder:	Joe Paul Gonzalez
District Attorney:	Candice Hooper-Mancino
Sheriff/Coroner:	Curtis Hill
Supervisor, District 3:	Pat Loe
Supervisor, District 4:	Reb Monaco
Treasurer/Tax Collector/PA:	Mary Lou Andrade

REGULAR MEETING JANUARY 9, 2007 ACTION MINUTES

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in regular session. Supervisors Monaco, De La Cruz, Botelho, Marcus and Loe were all present. Also present was County Administrative Officer Susan Thompson, County Counsel Dennis Le Clere and Clerk of the Board Linda Churchill. Chair Pat Loe called the meeting to order.

9:30 a.m. CALL TO ORDER:

- a) Pledge of Allegiance was led by Supervisor Monaco.

Chair Loe called for a Moment of Silence in honor of President Gerald Ford.

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

BOARD RE-ORGANIZATION:

- 1) a) Open nominations and conduct election for Chair of the Board of Supervisors. *Supervisor Monaco nominated Supervisor Marcus for Chairman. Supervisor De La Cruz seconded the nomination.*
Supervisor Marcus was elected Chairman of the Board of Supervisors for 2007.
- b) Open nominations and conduct election for Vice-Chair of the Board of Supervisors.

Supervisor Botelho nominated Supervisor De La Cruz for Vice-Chairman. Supervisor Marcus seconded the nomination.

Supervisor De La Cruz was elected Vice-Chairman of the Board of Supervisors for 2007. File #790.2

Newly elected Chairman Don Marcus presented a plaque recognizing Supervisor Loe who presided as Chair for 2006.

Chairman Marcus presented his goals and objectives for the 2007 calendar year and presided over the remainder of the meeting.

- 2) Consider appointment of Planning Commissioners for Supervisorial Districts 3 and 4. *Supervisor Loe nominated Gordon Machado for Planning Commissioner, District 3. Supervisor Botelho seconded the nomination.*

Gordon Machado was appointed as District 3 Planning Commissioner for a four-year term co-terminus with Supervisor Loe.

Supervisor Monaco nominated Richard Bettencourt for Planning Commissioner, District 4. Supervisor De La Cruz seconded the nomination.

Richard Bettencourt was appointed as District 4 Planning Commission for a four-year term co-terminus with Supervisor Monaco. File #790.2

- 3) Committee appointments by the Chair of the Board of Supervisors.

Chairman Marcus announced committee appointments for calendar year 2007. File #156

PRESENTATIONS & RECOGNITIONS:

- 4) **Present Certificate of Recognition to Manuel Bettencourt for his 29 years of service as a member of the Willow Grove School Board of Trustees**

Supervisor Monaco made the presentation to Manuel Bettencourt who accepted the certificate.

Public Comment: Joe Thompson, Tres Pinos resident, came forward stating it was his opinion that the county is in desperate need for a change in policy noting that new personnel doesn't do it. Mr. Thompson further commented with regards to transportation issues.

Department Head Announcements: Planning Director Art Henriques reported that they would be holding the first round of General Plan stakeholder meetings / interviews noting the first official day is January 17, 2007.

Supervisor Botelho asked to be provided a list of stakeholders and meetings dates.

Mr. Henriques responded that he would provide that list.

Reno DiTullio, California Department of Forestry Unit Chief, introduced the new County Fire Department Battalion Chief Curt Itson.

Board Announcements, Introductions and Presentations: Supervisors Botelho, De La Cruz and Monaco all thanked Supervisor Loe for a great job as 2006 Board Chair.

Supervisor Loe congratulated new Chairman Don Marcus stating she looked forward to the new year.

CONSENT AGENDA:

Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco, approved Consent Agenda Items 5 through 10. (Unanimous)

BOARD OF SUPERVISORS:

- 5) **Approved** preparation of certificates of recognition for 2006 Chamber of Commerce Man and Woman of the year and the 2006 Businesses of the year for presentation on January 20, 2007. *File #156*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 6) **Approved** agreement with the Bay Area Regional Immunization Registry Joint Powers Agreement (JPA), Santa Clara County as the Lead Agency, with a contract term of January 14, 2007 through January 13, 2012. *File #420*
- 7) **Approved** and **accepted** the Public Health Emergency Preparedness Comprehensive agreement for the provision of pandemic influenza preparedness in the amount of \$514,261 with a contract term of August 31, 2006 through August 31, 2007 and **authorized** the H&HSA Director to sign on behalf of the County. *File #420*
- 8) Approve the addition of a .5 Full Time Employee (FTE) Social Worker I/II/III/IV and the deletion of a 1.0 FTE Account Clerk I/II to the HSA Schedule of Authorized Positions.

INTERNAL SERVICES – R. Inman

- 9) **Approved** contract with Liebert Cassidy Whitmore for Employment Relations Training through the Monterey Bay Employment Relations Consortium in the amount of \$2941.00. and **authorized** the Chair to sign. *File #630*

SHERIFF – C. Hill:

- 10) **Approved** appointment of a Communications Dispatcher II at Step F of Range 17.2 in the Communications Unit of the Sheriff's Office. *File #110*

REGULAR AGENDA:

SAN BENITO COUNTY LAW LIBRARY BOARD OF TRUSTEES – J. Zlotkin:

- 11) Regarding annual report of the San Benito County Law Library, consider the following:
- a) **Accept annual report from the San Benito County Law Library Board of Trustees; and**
 - b) **Adopt resolution increasing the law library fees to \$29.00.**
- (Continued from the 12/19/06 meeting.)*

Jean Zlotkin, President, San Benito County Law Library Board of Trustees, answered questions from the Board of Supervisors with regards to the level of services that will be offered and explained that the code limits the increase to \$3.00. Ms. Zlotkin noted that the increase would not take effect until January 2008.

BOARD ACTION: Upon motion made by Supervisor Monaco and seconded by Supervisor Botelho, adopted **Resolution No. 2007-01** increasing Law Library fees collected by the San Benito County Superior Court. (Unanimous) File #595

HEALTH & HUMAN SERVICES AGENCY – K. Flores

- 12) **Hold discussion regarding establishment of new fee schedule for Environmental Health Fees and provide direction to staff.**

Kathy Flores, Health & Human Services Agency Director, provided background information noting that this item was presented at the December 5, 2006 meeting and was based on full cost recovery. An alternate proposal for a three-year plan for fees that increased over 70% from current levels was also presented. Ms. Flores requested direction from the Board on whether to pursue full cost recovery or the 70% phase-in option before finalizing the ordinance.

Lengthy discussion ensued with regards to how much to increase fees and whether or not a longer phase-in period could be implemented to ease the burden on small businesses.

Staff was directed to bring this item back on the February 6, 2007 meeting with two schedules showing phasing in all fees and also phasing in the fees of over 70% increase. File #142.9

PLANNING DEPARTMENT – A. Henriques:

- 13) **Approve request for change to schedule of authorized positions by deleting a 1.0FTE Office Assistant III (Range 9.7) and the addition of a 1.0FTE flexibly staffed Account Clerk II (Range 9.7) or Account Clerk III (Range 11.7) for the Planning and Building Department.**

Planning Director Art Henriques provided background information and explained the advantages of changing the authorized positions.

Question and answer period ensued.

BOARD ACTION: Upon motion made by Supervisor Botelho and seconded by Supervisor De La Cruz, approved the request to change the schedule of authorized positions as recommended. (Unanimous) File #790

- 14) **Adopt ordinance amending Ordinance 733 (Growth Management System), exempting affordable housing units from the Preliminary Allocation system requirements. cont. from 12/19/06 mtg.)**

Planning Director Art Henriques provided background information stating this item was back for adoption of the ordinance.

Question and answer period ensued.

Joe Thompson, Tres Pinos resident, came forward stating he sees this as a disaster noting affordable housing is different for everyone and this type of ordinance does not work.

BOARD ACTION: Upon motion made by Supervisor De La Cruz and seconded by Supervisor Botelho, adopted **Ordinance No. 806** amending Ordinance No. 733, Growth Management System, as previously amended (Chapter 31 of the County Code). (Unanimous) File #790

ADMINISTRATIVE BUSINESS:

- 15) **Approve contract with Wald, Ruhnke & Dost Architects, LLP for the development of the construction documents, bidding services and construction administration for the Courthouse Security Project for an amount not to exceed \$138,405.00.**

Margie Riopel, Management Analyst, provided background information and stating that a security project will address the necessary modifications to the existing courthouse and the proposed design will address two common security goals, to create a single point of entry into the courthouse building for both employees and the public and to create an inmate entry directly into the first floor courtroom. Ms. Riopel noted that the proposed layout was included in the Board's packet for their review.

Supervisors Marcus and Monaco expressed concern with the \$39,000 figure for construction management and directed staff to closely monitor the amount of time spent for this service.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, approved contract with Wald, Ruhnke & Dost Architects, LLP as requested. (Unanimous) File #595*

- 16) **Receive Council of Governments (COG) update.**

Bob Davies, Interim Council of Government Executive Director, provided an update regarding COG projects. Mr. Davies announced the anticipation of an appointment of a new permanent Executive Director, Lisa Rheinheimer, at the next COG meeting to be held on January 18, 2007.

Question and answer period ensued.

Supervisor Loe suggested that staff prepare a letter from the Board of Supervisors, and signed by the Chairman, to CalTrans District 4 & 5 letting them know we appreciate their working together on the Barnheisal problem and noting we are a small county with limited funds.

Mr. Davies stated COG would draft a letter to Will Kempton, CalTrans Director, in appreciation for their willingness to come together and look at this problem for signature by the Chairman of the Board of Supervisors.

Joe Thompson, Tres Pinos resident, came forward. Mr. Thompson stated that even though we are changing personnel we are not changing course. Mr. Thompson feels we should stand up to organizations such as AMBAG and COG and further we need to privatize transportation. *File #1035*

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 11:40 a.m. and reconvened into Regular Session re:

- 17) **Public Employee / Dismissal / Release - (2)**
Authority: California Government Code Section 54954.5
No reportable action. File #235.6

SITTING AS THE PUBLIC AUTHORITY FOR IN HOME SUPPORTIVE SERVICES:

- 18) Conference With Labor Negotiator
Authority: California Government Code Section 54957.6
Agency Designated Representative: JoDan & Associates, Inc.
Employee Organization: SEIU, Local 817 – In Home Supportive Services (IHSS)
This item was withdrawn from the agenda.

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, De La Cruz, Marcus
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: None

There being no further business the Board adjourned to its next regularly scheduled meeting on January 23, 2007 at 9:30 a.m.

DON MARCUS, CHAIRMAN

San Benito County Board of Supervisors

ATTEST:

Linda Churchill, Clerk of the Board