



SAN BENITO COUNTY BOARD OF SUPERVISORS

Don Marcus
District No. 1
Chair

Anthony Botelho
District No. 2

Pat Loe
District No. 3

Reb Monaco
District No. 4

Jaime De La Cruz
District No. 5
Vice-Chair

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

REGULAR MEETING ACTION MINUTES JANUARY 23, 2007

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in regular session. Supervisors Monaco, Loe; Botelo; De La Cruz and Marcus were all present. Also present was County Administrative Officer Susan Thompson, County Counsel Dennis Le Clere and Deputy Clerk of the Board Sally Navarez. Chair Don Marcus presiding when the following was had to wit:

9:30 a.m. CALL TO ORDER:

- a) Pledge of Allegiance.
- b) *Upon motion duly made by Supervisor Monaco and seconded by Supervisor De La Cruz, **acknowledged** the Certificate of Posting.*
- c) **Public Comment:** Joe Thompson, local resident, felt the County was being short-changed with the representation on COG as there were two Board members servicing 1390 square miles could be out-voted on matters by three Council members who oversee 6 square miles. Mr. Thompson concluded by suggesting the need to abolish COG and change the existing public transit system.
Supervisor Loe noted Mr. Thompson has raised good points but in order to achieve any change, suggested he go to the State and Federal legislators.

Chairman Marcus indicated there was a request to address Item #5.a at this time.

INTERNAL SERVICES - R. Inman:

5.a) **Approve employment agreement for the Executive Director of the Council of Governments (COG) effective January 19, 2007.**

CAO Thompson asked that the Board approved this matter as presented in order to publicly acknowledge the new COG Director.

BOARD ACTION: *Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Botelho, **approved** employment agreement for the Executive Director of the Council of Governments effective January 19, 2007. Motion passed unanimously. (file #630)*

- d) **Department Head Announcements:** CAO Thompson introduced the new Executive Director of COG Lisa Rheinheimer and provided a brief background on Ms. Rheinheimer's education and knowledge on transportation issues at the local, State and Federal levels.

CAO Thompson indicated she attended a Tri-County Economic Development conference which was extremely informative.

Planning Director Art Henriques provided a recap on the progression of the first round of General Plan interviews and indicated he would continue to keep the Board updated on this matter.

H&HSA Executive Director Kathryn Flores noted it was her pleasure to host a Leadership Day held last Friday with Gary Burne of the Community Foundation which outlined to community members of the many programs available to the public.

Ms. Flores also noted from the Governor's proposed budget, funding levels, which were reduced last year, were expected to remain at status quo and she would continue to keep the Board updated.

e) **Board Announcements, Introductions and Presentations:** Supervisor Botelho provided a brief report after attending an AMBAG meeting where pandemic flu was discussed, State housing authority projections affecting Monterey, Santa Cruz and San Benito Counties and that he was elected First Vice-President of AMBAG.

Supervisor Botelho concluded by disagreeing with Mr. Thompson on the efficiency of COG and noted there was a study in progress of the program and changes will be implemented when completed and reviewed as these services were needed in the County.

Supervisor De La Cruz indicated he attended the workshop Ms. Flores spoke about and was impressed with the presentation and the resources available to the community.

Supervisor De La Cruz noted he attended the Chamber of Commerce Man, Woman and Business of the Year event over the weekend and recipients were thankful for the Certificates of Recognition.

Supervisor De La Cruz noted he met with a representative of South County Housing and the Board was invited to see the transformation made at the old cannery in Gilroy.

Supervisor De La Cruz concluded by saying he had met with Assembly member Anna Caballero in efforts to build a working relationship with the Board and partner to put more money back into the community and possibly set up an annual town hall meeting to address the needs of the community.

Supervisor Loe stated the Board will be having a special meeting on Tuesday, January 30th to discuss affordable housing and asked when the agenda would be ready.

CAO Thompson indicated the agenda was in the works and when finalized, would be available at the Admin office and will be posted on the County website.

Supervisor Monaco indicated he attended the economic conference CAO Thompson attended and agreed it was very informative.

Supervisor Monaco took the opportunity to thank HSA Director Kathryn Flores and Deputy Director Maria Flores for all their hard work on obtaining grants and appreciated the updates. Supervisor Monaco also thanked Clerk of the Board Linda Churchill for moving forward on informing the public of vacancies available on Boards and Commissions.

CONSENT AGENDA:

Chair Marcus indicated there was a request to pull Item #5 from Consent and would entertain a motion for the balance of the Consent Agenda.

BOARD ACTION: *Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Monaco, approved the Consent Agenda Items #1 through #13, less Item #5. Motion passed unanimously.*

BOARD OF SUPERVISORS:

1) **Approved** Proclamation declaring January 2007 as "National Glaucoma Awareness Month" in San Benito County. (Chair) (file #430)

2) **Directed** the Clerk of the Board to submit the nomination of Ann Hall, San Benito Engineering, for consideration to the Monterey Bay Unified Air Pollution Control District Hearing Board to fill the Registered Engineer vacancy. (file #1005)

3) a) **Confirmed** the appointment of Mark Rianda to the Historical Heritage Advisory Committee representing Supervisorial District 3 for a coterminous term with that of Supervisor Loe. (file #92.1)

b) **Confirmed** the appointment of Janie Lausten to the Historical Heritage Advisory Committee representing Supervisorial District 4 for a coterminous term with that of Supervisor Monaco. (file #92.1)

CLERK OF THE BOARD:

4) **Approved** the action minutes of the meetings of December 5, 2006, December 19, 2006 and January 9, 2007.

COUNTY ADMINISTRATIVE OFFICER - S. Thompson:

5) **Approve amended agreement with Claude Biddle extending current expiration date of January 31, 2007 to January 31, 2008.**

Supervisor Loe questioned the amount of the proposed agreement.

CAO Thompson explained Mr. Biddle was originally contracted to assist during the transition period while securing a permanent Counsel and his expertise in areas of special projects, mainly codification of the County Code and code enforcement issues. CAO Thompson indicated the original agreement, while budgeted at a specific amount, only a minor portion was utilized and this would again be the case with the proposal before the Board. CAO Thompson indicated the agreement was for an amount not to exceed \$75,000 but that didn't necessarily mean the entire amount would be expended.

Discussion ensued.

BOARD ACTION: *Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Loe, continued consideration of this matter in order for the CAO to better define the Scope Of Services to be performed by Mr. Biddle as matters pertain to the codification of the County Code and Code Enforcement issues. Motion passed unanimously. (file #160)*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

6) **Approved** the appointment of Ms. Sylvia Ayala to the Community Action Board as the District #3 Low Income representative for a three year term effective January 23, 2007 through January 23, 2010. (file #939)

7) **Approved** the appointment of Ms. Lupe Ortiz to the Community Action Board as the District #5 Private Sector representative for a three year term effective January 23, 2007 through January 23, 2010. (file #939)

8) **Approved** the appointment of Mr. Jose Alvarez to the Community Action Board as the District #4 Private Sector representative for a three year term effective January 23, 2007 through January 23, 2010. (file #939)

9) **Approved** the appointment of Mr. Larry Cain to the Community Action Board as the District #2 Private Sector representative for a three year term effective January 23, 2007 through January 23, 2010. (file #939)

10) **Approved** the appointment of Ms. Carrie Fosdick to the Workforce Investment Board to represent the Private Sector for a three year term effective January 23, 2007 through January 23, 2010. (file #939)

11) **Approved Resolution No. 2007-2 authorizing** the Health & Human Services Agency Executive Director to execute and sign the 2007 Low Income Home Energy Assistance Program (LIHEAP) grant #07B-5433 and any amendments to such grant. (file #130)

INTERNAL SERVICES – R. Inman:

12) Regarding class specifications and modifications to the Schedule of Authorize Positions in the Sheriff's Department, consider the following:

- a) **Approved** the deletion of a 1.0FTE Correctional Sergeant from Emergency Services Division; and
- b) **Approved** the addition of a 1.0FTE Emergency Services Manager, Emergency Services Division; and
- c) **Approved** the class specifications for Sheriff's Inmate Program Manager and set salary range at 26.3; and
- d) **Approved** the class specifications for Emergency Services Manager and set salary range at 26.4. (file #630)

SHERIFF – C. Hill:

13) **Approved Resolution No. 2007-3 authorizing** the temporary road closure in the San Juan Bautista area for the 24th Annual Mission 10, 10-Mile, 5-K run on January 27, 2007. (Res. No. 2007-3)

REGULAR AGENDA:

TREASURER / TAX COLLECTOR – M. Andrade:

14) **Approve proposed resolution delegating to the Treasurer the Authority To Invest Or Re-Invest County Funds and The Funds Of Other Depositors In The County Treasury, Or To Sell Or Exchange Securities So Purchased. (Res. No. 2007-4)**

Treasurer/Tax Collector Mary Lou Andrade provided background information relative to this matter.

BOARD ACTION: Upon motion duly made by Supervisor Botelho and seconded by Supervisor Monaco, **approved Resolution No. 2007-4 Delegating to the San Benito County Treasurer the Authority to invest or re-invest county funds and the funds of other depositors in**

the county treasury or to sell or exchange securities so purchased. Motion passed unanimously. (file #685.2)

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

15) **Approve proposed resolution for the assessment of additional fines and forfeitures imposed and collected by the courts for specified criminal offenses and Vehicle Code violations. (Res. No. 2007-5)**

H&HSA Director Kathryn Flores and Emergency Medical Services Coordinator James Clark provided background information relative to this matter in conjunction with SB1773.

Discussion ensued.

BOARD ACTION: *Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Loe, **Approved Resolution No. 2007-5** regarding the Maddy Emergency Medical Services Fund for the assessment of additional fines and forfeitures imposed and collected by the courts for specified criminal offenses and Vehicle Code violations. Motion passed unanimously. (file #1068)*

INTEGRATED WASTE MANAGEMENT – M. Rose:

16) **On behalf of the San Benito County Integrated Waste Management Regional Agency, approve contract with Constance Hornig, Esq. for legal services to develop Request For Proposal / Franchise Agreement for solid waste services.**

Integrated Waste Manager Mandy Rose provided background information relative to the development of RFP and Franchise Agreement.

Discussion ensued.

BOARD ACTION: *Upon motion duly made by Supervisor Monaco and seconded by Supervisor Loe, **approved** agreement with Constance Hornig, Esq. for legal services to develop and RFP / Franchise Agreement for solid waste services. Motion passed unanimously. (file #142)*

SHERIFF – C. Hill:

17) **Regarding Grant Award for the State of California's Multi-Jurisdictional Methamphetamine Enforcement Team (Cal-MMET), consider the following:**

- a) **Authorize the Sheriff to participate and receive \$330,000 under the Cal-MMET Program; and**
- b) **Approve the addition of one (1) Deputy Sheriff Range 21.7; and**
- c) **Augment the Sheriff's Fixed Asset Schedule to include two (2) Sport Utility Vehicles; and**
- d) **Approve budget adjustment/transfer recognizing the Grant revenue and expenditures.**

Sheriff Curtis Hill provided background information relative to this matter. Sheriff Hill indicated that upon receipt of the monies, he will be providing half of that amount to Chief Jeff Miller of the City of Hollister Police Department. Sheriff Hill noted as has been past practice, after exhausting the grant monies, the additional Deputy Sheriff position will be eliminated.

Discussion ensued.

BOARD ACTIONS: *Upon motion duly made by Supervisor Monaco and seconded by Supervisor Botelho:*

- a) **Authorized** the Sheriff to participate and receive \$330,000 under the Cal-MMET Program; and
- b) **Approved** the addition of one (1) Deputy Sheriff Range 21.7; and

- c) **Augmented** the Sheriff's Fixed Asset Schedule to include two (2) Sport Utility Vehicles; and
- d) **Approved** budget adjustment/transfer recognizing the Grant revenue and expenditures. Motion passed unanimously. (file #110)

COUNTY FIRE DEPARTMENT – R. DiTullio:

18) **Hold discussion regarding a Residential Fire Sprinkler ordinance and direct staff to prepare and notice proposed ordinance for adoption by the Board of Supervisors.**

Assistant Chief Reno DiTullio provided background information relative to this matter and then presented a short video.

Ray Becker, DMB – El Rancho San Benito, asked the Board to review this matter carefully. Mr. Becker noted that projects that propose to have a fully staffed, fully funded fire station included in respective plans would be able to waive the requirements of a rural sprinkler ordinance.

Paul Wattis, Paicines resident, stated this proposed ordinance raised concerns:

- a) the increase of government intruding in private lives; and
- b) If approved, inspection services are going to ultimately drive the costs of fees up even more; and
- c) With the cold weather the county has been experiencing, while not the norm, causes pipes to break.

Mr. Wattis also urged to Board to proceed carefully and to take into consideration all aspects of buildings: warehouses and/or out buildings versus residences and the climbing fee rates.

Marvin Jones, South Street resident, agreed with Mr. Wattis that this type of decision shouldn't be done by the Board but rather by the voters as an individual responsibility.

Discussion ensued.

BOARD ACTION: Upon motion duly made by Supervisor Botelho and seconded by Supervisor Loe, **authorized** staff to prepare and set a public hearing for adoption by the Board of Supervisors at a later date. Motion passed unanimously. (file #60)

INTERNAL SERVICES – R. Inman:

19) **Consider and direct staff with regard to extension of contract with McTavish & Wender Insurance Services.**

Background information relative to this matter was provided by Internal Services Director Rich Inman.

Supervisor De La Cruz stated he would like to see this matter go to the RFP process in order to allow local vendors to participate.

Discussion ensued.

Supervisor De La Cruz made the motion to extend the agreement with McTavish & Wender Insurances for a one year period and provide sufficient time for staff to prepare bid documents, solicit alternative bids, evaluate the responses and prepare a recommendation for Board approval.

Motion by Supervisor De La Cruz died for lack of a second.

BOARD ACTION: Upon motion duly made by Supervisor Monaco and seconded by Supervisor Loe, **approved** extension of agreement with McTavish & Wender Insurance Services for a three year period effective March 1, 2007 through February 28, 2010. Motion passed 4-1 with Supervisor De La Cruz voting no on the matter. (file #36)

BOARD OF SUPERVISORS:

20) **Discuss creation of and appointment of Board of Supervisors members to serve on two (2) ad hoc committees:**

- a) **Southside Building use – Hazel Hawkins Hospital**
- b) **City of San Juan Bautista service requests**

CAO Thompson and Chairman Marcus provided background information relative to this matter.

Discussion ensued.

BOARD ACTION: *Chairman Marcus:*

- a) ***Appointed Supervisors Monaco and De La Cruz to the Southside Building use – Hazel Hawkins Hospital ad hoc committee; and***
- b) ***Appointed Supervisors Botelho and Loe to the City of San Juan Bautista service requests ad hoc committee. (file #156)***

21) **Receive overview on Prop 218 – Taxes, Assessments & Fees process.**

Received report / overview from County Administrative Officer Susan Thompson.

BOARD ACTION: *Received CAO's report. No formal action taken. (file #156)*

CLOSED SESSION:

22) **Conference with Labor Negotiator**

Authority: California Government Code Section 54957.6

Agency Designated Representative: Rich Inman, Internal Services Director

Employee Organization:

Law Enforcement Mid-Management

No action taken. (file #235.6)

23) **Conference with Real Property Negotiators**

Authority: California Government Code Section 54957.8

Address: 3310 Southside Road, Hollister, CA 95023

Agency Negotiator: Susan Thompson, CAO

No action taken. (file #235.6)

SITTING AS THE PUBLIC AUTHORITY FOR IN HOME SUPPORTIVE SERVICES:

24) **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)

Per County Counsel, this item was withdrawn from the agenda. (file #235.6)

25) **Public Employee / Dismissal / Release**

Authority: California Government Code Section 54954.5

Upon exiting Closed Session, County Counsel reported that the Board of Supervisors accepted, 5-0, the resignation agreement of the Chief Probation Officer. (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, De La Cruz, Marcus
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: None

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

DON MARCUS, CHAIR

San Benito County Board of Supervisors

ATTEST:
Linda Churchill, Clerk of the Board

BY:
Sally Navarez, Assistant Board Clerk