



# 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 MARCH 6, 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, Loe, Botelho, De La Cruz and Marcus were all present. Also present was County Administrative Officer Susan Thompson, County Counsel Dennis Le Clere and Clerk of the Board Linda Churchill. Chairman Don Marcus presided.

### 9:30 a.m. CALL TO ORDER:

- a) Pledge of Allegiance was led by Supervisor Monaco.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- c) **Public Comment:** Joe Thompson, Tres Pinos resident, came forward. Mr. Thompson presented a chart that he prepared which showed in graph form why San Benito County should not be trying to form a partnership with somebody that is out of our league (Santa Clara County and Valley Transportation Authority). Mr. Thompson asked the Board to please send their Council of Governments (COG) delegates to COG armed with ideas for projects which will be beneficial to business industry and jobs in this county.  
Doug Ackerman, San Benito High School Librarian, came forward. Mr. Ackerman stated that the new County Librarian, Nora Conte, has made overtures to working with the school library that has never happened in the past. Mr. Ackerman supported the requests by Ms. Conte on today's agenda.  
Sarah Frias, local resident, came forward. Ms. Frias also supported programs at the library and volunteered herself for anything that she may be able to do to help educate local children through the library programs.
- d) **Department Head Announcements:** Mary Dinkun, COG, announced that she had great news about the Highway 25 Bypass Project. Ms. Dinkun reported that we received approval from the Federal Highway Administration authorizing COG to advertise the project for construction and the anticipated bid opening date will be April 11, 2007 with the award of the bid to be on April 26, 2007. Ms. Dinkun also announced there would be a public workshop on April 26<sup>th</sup> to advise the public how they will be affected during the 18 month construction process.

Paul Matulich, Agricultural Commissioner, provided an update (hand out to the Board) on the recent January freeze noting that he had sent a request to the Governor's Office of Emergency for a USDA Secretarial Disaster Declaration for Freeze Related Losses to Citrus,

Lettuce and Specialty Crops in San Benito County. Mr. Matulich reported that if this disaster designation is granted San Benito County will be considered a primary disaster county that allows local growers to qualify for possible monetary assistance along with available low-interest loans.

e) **Board Announcements, Introductions and Presentations:** Supervisor De La Cruz reported that he attended the Hollister City Council meeting and the City Council approved a contract with the County of San Benito to move forward on the John C. Hernandez Park.

## **CONSENT AGENDA:**

*Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, approved Consent Agenda Items 2 through 5. Consent Item 1 was pulled in order to make the presentation. (Unanimous)*

### **BOARD OF SUPERVISORS:**

- 1) **Proclaim the month of January as Rotary Awareness Month and February 23, 2007 as Rotary International World Understanding and Peace Day and authorize the Chair to sign said proclamation.**

Chairman Marcus presented the proclamation to Gerald McCullough, Hollister Rotary member for many years.

Mr. McCullough accepted the proclamation on behalf of the Hollister and San Juan Bautista Rotary clubs.

*Upon motion made by Supervisor Botelho, and seconded by Supervisor Monaco, proclaimed the month of January as Rotary Awareness Month and February 23, 2007 as Rotary International World Understanding and Peace Day. (Unanimous) File #430*

### **HEALTH & HUMAN SERVICES AGENCY – K. Flores:**

- 2) **Approved** appointment of Katherine Hough to the Workforce Investment Board to represent the private sector, a mandated representative board position, for a three-year term effective March 6, 2007 through March 6, 2010. *File #939*

### **INTERNAL SERVICES DEPARTMENT – R. Inman:**

- 3) **Approved** assignment of 24-hour vehicles to those departments identified on the 24-hour County Vehicle Log. *File #630*

### **SHERIFF – C. Hill:**

- 4) **Approved** agreement with the 33<sup>rd</sup> Agricultural District for the Work Alternative Program with a contract term of July 1, 2006 through June 30, 2008. *File #110*
- 5) **Approved** appointment of a Communications Dispatcher I at Step F of Range 13.2 in the Communications Unit of the Sheriff's Office due to applicants qualifications and years of experience. *File #116*

## **REGULAR AGENDA:**

### **LIBRARY – N. Conte:**

- 6) **Consider addition to the Library Authorized Position Schedule and budget augmentation/transfer from General Fund Contingencies. (4/5 vote required)**

San Benito County Librarian Nora Conte provided a report on her past 120 days as the new department head for the County Library. Ms. Conte reported that with the assistance of the Friends of the Library they have made a number of changes and embarked on several new programs noting it has been a very positive experience.

County Administrative Officer Susan Thompson stated that the request today was to consider additional staff for the Library and also to consider appropriating sufficient funds to allow repair of the Bookmobile.

The following members of the public came forward supporting Ms. Conte and the library programs that are now in effect: Sarah Frias, local resident; Mary Schneider, Friends of the Library; Adele Pimetel, Friends of the Library; Mark Badger, local resident; and, Bette Mason, prior Interim County Librarian;

Lengthy discussion ensued with the Board supporting Ms. Conte and the whole new level she has brought to the library and also expressing concern over spending such a significant amount of money to repair the Bookmobile which is approximately 25 years old.

**BOARD ACTION:** *Upon motion made by Supervisor Botelho and seconded by Supervisor De La Cruz, approved the following as recommended:*

- *The addition of a 1.5 FTE Librarian I/II – Range 16.4/18.4; and*
- *The addition of a .5 FTE Library Assistant I/II – Range 8.8/10.7*
- *Approved augmentation of Salaries & Benefits in the amount of \$38,934 from General Fund Contingencies; and*
- *An increase budgeted revenues by \$9,000*

*Also, directed staff to bring back alternative ideas for replacement or repair of the Bookmobile. (Unanimous) File #80*

7) **Approve application for the California Library Literacy Grant for Fiscal Year 2006/2007.**

San Benito County Librarian Nora Conte reported that the California State Library is inviting the County Library to apply for the California Library Literacy Grant for this fiscal year 2006-2007. Ms. Conte encouraged the Board to approve this application.

The following members of the public spoke in favor of a Literacy Grant: Diane Leverich, Coordinator of Library Literacy Program; Sarah Frias, local resident; and, Bette Mason, prior Interim County Librarian.

**BOARD ACTION:** *Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, approved the application for the California Library Literacy Grant for Fiscal Year 2006-07; authorized the County Librarian to complete required reports and forms; and approved the review of the grant requirements for competitive literacy applications in a 3-year funding cycle to approve a \$5000 match in cash. (Unanimous) File #80*

10:40 a.m. – The Board adjourned for a 10 minute break and reconvened re:

**HEALTH & HUMAN SERVICES AGENCY – K. Flores**

8) **Proposed resolution approving Construction Contract #06-OMS-826 with the State Department of Housing and Community Development and authorize the H&HSA Director to be the signature authority for this contract and any subsequent amendments.**

Kathy Flores, Health & Human Services Agency Director, provided background information stating that this contract would bring approximately \$1.1 million of state funds to the county for purposes of building a new child care facility at the Family Migrant Center.

Ms. Flores answered questions from the Board

**BOARD ACTION:** Upon motion made by Supervisor De La Cruz and seconded by Supervisor Botelho, adopted **Resolution No. 2007-12** approving the Construction Contract #06-OMS-826 with the State Department of Housing and Community Development and authorized the H & HSA Director to be the signature authority. (Unanimous) File #750

- 9) **Receive report from Director on a five-year phase in plan for increasing Environmental Health fees and provide direction to staff for development of a fee schedule incorporated into a subsequent ordinance to be brought back at a later date. (Continued from 1/9/07 mtg.)**

Received report the Kathy Flores, Health & Human Services Agency Director, on a five-year phase in place for increasing Environmental Health fees.

Mark Eiser, Finance Manager for Health & Human Services Agency, explained the five-year plan.

Lengthy discussion ensued along with question and answer period and input by the Board.

**BOARD DIRECTION:** Chairman Marcus asked that this ordinance be brought back to the Board for consideration in an expeditious time frame.

Ms. Flores stated that she would work with County Counsel and the Clerk of the Board and targeted April 3, 2007 as the hearing date and she would be preparing the ordinance based on the proposed fee schedule that was included in the Board's report.

Chairman Marcus directed H & HSA staff to look into the penalties discussed today and also include the CPI (Consumer Price Index) in the matrix. File #142.9

- 10) **Consider ordinance repealing Ordinance 798 (Medical Marijuana Program ID Cards) that was replaced by Ordinance 809; introduce ordinance, waive reading of said ordinance and continue to the March 13, 2007 meeting for adoption.**

Kathy Flores, Health & Human Services Agency Director, provided background information stating it was required to repeal Ordinance 798 in its entirety in order for currently adopted Ordinance 809 to be correct in its form. Ms. Flores further reported that she received notification from the State Department of Health Services that it was reducing its proposed \$142.00 share of the fee to \$66.00; therefore, a new ordinance will be prepared for consideration to adjust the fee.

**BOARD ACTION:** Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, introduced Ordinance of the San Benito County Board of Supervisors repealing Ordinance 798; waived the reading of said ordinance and continued item to the March 13, 2007 meeting for adoption. (Unanimous) File #130

#### **ADMINISTRATIVE BUSINESS:**

- 11) **Adopt Ordinance amending Chapter 13 (Purchasing) of the San Benito County Code. (Continued from Feb. 27, 2007 meeting.)**

Margie Riopel, Management Analyst, provided background information stating that this ordinance was now before the Board for adoption after being introduced at the February 27, 2007 meeting.

**BOARD ACTION:** Upon motion made by Supervisor Botelho and seconded by Supervisor Loe, adopted Ordinance No. 811, An Ordinance Amending Chapter 13 of the San Benito County Code, "Purchasing". (Unanimous) File #118

- 12) **Consider budget policies for FY2007/2008; hold discussion and provide direction regarding the FY2007/2008 Proposed Budget.**

County Administrative Officer Susan Thompson, explained the process she was proposing regarding adopting an operating budget for July 1 until budget hearings are complete and based on the budget of the preceding year. Further Ms. Thompson explained the recommended budget policies for fiscal year 07/08 as submitted in the Board's packet.

**BOARD ACTION:** *Chairman Marcus directed the County Administrative Officer to proceed as per the following recommended actions:*

- *Received and reviewed budget policies from fiscal year 06/07 and recommended policies for fiscal year 07/08.*
- *Held discussion and provided direction regarding adopting an operating budget for July 1 until budget hearings are complete based on the budget of the preceding year pursuant to Government Code Section 29124(a)(3). File #865*

The following item was added to the March 6, 2007 agenda:

**CLOSED SESSION:**

The Board adjourned into Closed Session and reconvened into Regular Session re:

13) **Conference with Legal Counsel – Existing litigation – (Subdivision(a) of Section 54956.9)**

Name of Case(s):

1. Pekin v. County of San Benito et al. (Federal Case no. C05 05402)

**BOARD ACTION:** *County Counsel Dennis Le Clere reported that by a unanimous decision the Board denied the request for counsel from William Simpson and directed County Counsel to send denial. 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 March 9, 2006 at 8:30 a.m. for a special meeting.

**DON MARCUS, CHAIRMAN**

San Benito County Board of Supervisors

Attest:

Linda Churchill, Clerk of the Board