



# 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 27, 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 and De La Cruz were present. Chairman Don Marcus was absent. Also present was County Administrative Officer Susan Thompson, County Counsel Dennis Le Clere and Clerk of the Board Linda Churchill. Vice Chairman Jaime De La Cruz presided.

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

- a) Supervisor Botelho led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- c) **Public Comment:** Marty Richman, local resident, stated that there are issues with the Valley Transportation Authority (VTA) noting they are wasting millions of dollars and are poorly managing their funds and he suggested that the Board of Supervisors read the Hay report and then send a letter to the VTA to get their act together.  
Supervisor Loe asked Mr. Richman to send the information to her so she can review it.  
Mr. Richman said he would send a copy of the letter that was in the newspaper from the manager of the VTA.  
Supervisor Monaco stated that the letter should be sent to the entire Board of Supervisors.  
Joe Thompson, Tres Pinos resident, thanked the Board for their Economic Development workshop (Board Retreat) where he was allowed to address the Board. Mr. Thompson encouraged the Board to read the report he provided them from the Napa Valley Economic Corporation and from the Napa Farm Bureau noting these are excellent role models. Also, Mr. Thompson warned the Board that the VTA should not tell us how to plan our transit here.
- d) **Department Head Announcements:** County Administrative Officer Susan Thompson reported that the County has been contacted by Carl Guardino, who is one of the Governor's new appointees to the California Transportation Commission, and he will be visiting San Benito County and will address the Board at their regular meeting of June 12, 2007.

Ms. Thompson further reported that at the April 3, 2007 Board meeting the Board will be asked to sign off on a Term Sheet which would indicate our intentions to the State with regards to the new courthouse and the old courthouse.

Jerry Lo, Public Works Director, reported that Proposition 50, the River Parkway Grant, is now in its second stage and there is a 50% chance of receiving some money.

Mr. Lo introduced Theresa Yee, our new Capital Projects Manager for the County.

Sheriff Curtis Hill reported that he and District Attorney Candice Hooper along with Supervisor Monaco met with the Monterey District Attorney, the Sheriff and Monterey County Supervisor Simon Salinas. Sheriff Hill stated that the purpose of the meeting was to discuss forming a better partnership relative to the law enforcement public safety coverage in southern San Benito County and Monterey County.

Kathy Flores, Health & Human Services Agency Executive Director, reported that she is very concerned with the public health nursing positions noting these are some of the hard to recruit positions the County has been discussing. Ms. Flores reported that the Public Health Clinic hours have been reduced due to our public health nursing shortage.

e) **Board Announcements, Introductions and Presentations:** Supervisor Botelho thanked HHSA Director Kathy Flores and Agricultural Commissioner Paul Matulich for attending the City of Hollister and City of San Juan Bautista Council meetings with him to get the necessary resolutions adopted to get the mosquito abatement measure on the ballot.

Vice Chairman De La Cruz reported that he would be presenting certificates of recognition to the 2007 District of the Year recipients on Wednesday evening at the Joint Board of Trustees dinner meeting to be held at San Juan Oaks.

#### **CONSENT AGENDA:**

*Upon motion made by Supervisor Monaco and seconded by Supervisor Loe approved Consent Agenda Items 1 through 19. (4-0 Vote. Marcus absent)*

#### **AGRICULTURAL COMMISSIONER – P. Matulich:**

- 1) **Approved** re-appointment of Charles Strohn to the Taylor Act Grazing Advisory Board for a three-year term effective July 1, 2007 through June 30, 2010. *File #1.1*

#### **BOARD OF SUPERVISORS:**

- 2) **Approved** certificate of recognition for Mickie Luna, City of Hollister Finance Department, who is retiring after 29 years of dedicated public service for presentation at a later date. (Supervisor Loe) *File #156*
- 3) **Accepted** nomination of Larry E. Brown to the San Benito County Fish and Game Advisory Commission; and, **appointed** Mr. Brown to said commission for a term effective March 27, 2007 through March 31, 2009. (Supervisor De La Cruz) *File 24*

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

- 4) **Approved** the minutes of the March 6, 2007, March 13, 2007 regular meetings and the March 9, 2007 special meeting.

**COUNTY ADMINISTRATIVE OFFICE – S. Thompson:**

- 5) **Rescinded**, without prejudice, the Board order of March 28, 2006 instituting line item control over the services and supplies appropriations of the Office of the District Attorney's budget. *File #205*
- 6) **Approved** the reassignment of the Victim / Witness Assistance Program under the authority of the District Attorney's Office; and, **approved** the physical relocation of the Victim / Witness Assistance to within the District Attorney's office. *File #165*

**COUNTY CLERK/AUDITOR/RECORDER – J. Gonzalez:**

- 7) **Approved** appointment of an Accountant III at Step F of Range 22.4 due to applicant's qualifications. *File #608*

**DISTRICT ATTORNEY – C. Hooper:**

- 8) **Approved** reimbursement expenses incurred by Deputy District Attorney Wagner while attending training in South Carolina, November 13-17, 2006 and December 4-7, 2006 in the amount of \$360.89. *File #205*

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

- 9) **Adopted Resolution No. 2007-14** authorizing the Director of HHSA to submit an application to the California Integrated Waste Management Board for the Local Enforcement Grant for FY2007/2008. *File #142.9*
- 10) **Approved** agreement with Betty Hanna, California Consulting, in the amount of \$2,000 to develop and produce the AB636 Child Welfare System Improvement and Accountability Act of 2001 required Peer Quality Case Report (PQCR) with a contract term of March 27, 2007 through April 30, 2007 and **authorized** the H&HSA Executive Director to sign on behalf of the County. *File #130*

**PUBLIC WORKS – J. Lo:**

- 11) **Declared** HSA vehicle as surplus equipment per county procedure and remove from inventory. *File #105*
- 12) Regarding contract for rental of an asphalt cold planer, consider the following:
  - a) **Received** and **accepted** all bids; and
  - b) **Awarded** contract with Fronseca/McElroy Grinding Co. Inc., as lowest responsive, responsible bidder; and
  - c) **Authorized Chair** to sign said contract. *File #105*
- 13) **Approved** agreements with Hollister Little League, Hollister Babe Ruth League, Hollister Heat Softball League and Hollister Tremors Soccer League for use of the fields at Veterans Memorial Park all with contract term of February 1, 2007 through January 31, 2008. *File #127*
- 14) **Adopted Resolution No. 2007-15** to establish a "No Parking" zone along the perimeter of county property formed at the intersection of Anzar Road, San Justo Road and San Juan Highway. *File #105*

- 15) **Approved** Granite Rock Aggregate Division in Aromas, CA as sole source provider for hot mix asphalt concrete, **approved** purchase of three thousand tons of hot asphalt concrete delivered at the price of \$63.86 per ton. *File #105*

**SHERIFF – C. Hill:**

- 16) **Approved** appointment of a temporary, extra-help Communications Dispatcher I at Step F of Range 13.2 in the Communications Unit of the Sheriff's Office Administrative Division effective March 27, 2007. *File #116*
- 17) **Approved** appointment of two (2) Communications Dispatcher I at Step F of Range 13.2 in the Communications Unit of the Sheriff's Office Administrative Division effective March 27, 2007. *File #116*
- 18) **Proclaimed** April 8-14, 2007 as "National Public Safety Telecommunicators Week." *File #430*
- 19) **Approved** out of state travel for Undersheriff Turturici to tour the criminal justice facilities in Georgia April 3-7, 2007. *File #110*

**PUBLIC HEARING: 9:30 A.M. (Or as soon thereafter as the matter may be heard.)**

**PLANNING DEPARTMENT: A. Henriques**

- 20) **Held a public hearing to consider an ordinance for Zone Change 05-144. Applicant: Rick and Audrey Pennington. Location: North side of Enterprise Road between State Highway 25 (Airline Highway) and Quail Hollow Road, San Benito County, CA. APN: 29-30-13. Request: A zone change from R-1 (Single Family Residential District) to C-2 (Neighborhood Commercial). Zoning: Single Family Residential.**

Byron Turner, Principle Planner, provided staff report and background information and recommended that the Board of Supervisors approve this item as proposed.

The Chairman opened the public hearing.

Rick Pennington, applicant, came forward. Mr. Pennington stated he and his mother have owned this property for 25 years and it has changed significantly and is not an appropriate place for a rural farm house. Mr. Pennington plans to put in a real estate office, a small engineering operation and maybe a Certified Public Accountant (CPA) office. Mr. Pennington stated he felt it would have very little impact in terms of traffic.

The Chairman closed the public hearing.

Mr. Turner answered questions posed by the Board

**BOARD ACTION:** *Upon motion made by Supervisor Monaco and seconded by Supervisor Botelho, approved and adopted the Negative Declaration; adopted the Planning Commission's finding that approval of Zone Change 05-144 will serve the public necessity, convenience, general welfare or good zoning practice, as reflected in Planning Commission Resolution No. 2007-01; and, adopted **Ordinance No. 813** approving Zone Change 05-144. (4-0 Vote. Marcus absent) File #790*

**REGULAR AGENDA:**

**VETERAN'S SERVICES OFFICER – R. Garza:**

- 21) **Receive annual report of the functions and activities of the San Benito County Veteran's Services Office.**

Received annual report presented by Richard Garza, County Veteran's Services Office.

Veterans James D. Perales and Marty Richman provided public comment.  
*File #125*

**INTERNAL SERVICES – R. Inman:**

- 22) **Regarding two new positions for the Information Technology Division, consider the following:**
- a) **Approve allocation of two (2) Information Technology Support Technicians I/II; and**
  - b) **Adopt job descriptions for Information Technology Support Technician I Range 15.2 and Information Technology Support Technician II Range 18.2; and**
  - c) **Approve budget transfer form.**

Rich Inman, Director Internal Services, provided staff report stating that included in the Board's packet was the service log showing the activity that has taken place for the last seven months indicating there were over 800 calls being addressed by one contracted employee and one full time network administrator. Mr. Inman further reported that most of this work could be more efficiently done by technicians and furthermore much of that work in the past would have been done by contract vendors and this action would create significant savings to the County.

Mr. Inman answered questions posed by the Board.

**BOARD ACTION:** *Upon motion made by Supervisor Botelho and seconded by Supervisor Monaco, approved this item as recommended. (4-0 Vote. Marcus absent) File #119.1*

**ADMINISTRATIVE BUSINESS:**

- 23) **Approve response letter to the Notice of Preparation of a draft EIR for the Hollister Spray field project and the Regional Recycled Water project and authorize the Chair to sign. (Direction from 3/13/07 mtg.)**

County Administrative Officer Susan Thompson provided background information stating this was an item that was requested by the Board at the last meeting held on March 13, 2007. This letter reflects the comments, with some editing, and the items that the Board had instructed to be sent to the City of Hollister on the scoping for their draft EIR for the spray field portion of the project.

Lengthy discussion ensued.

It was the consensus of the Board that we do whatever is necessary to make sure this is a very public process.

Steve Wittrey, City of Hollister Engineer in charge of the environmental process for the plans of this project, addressed the Board and answered questions.

Richard Silva, Vice President, San Benito County Farm Bureau, came forward on behalf of the Farm Bureau and provided requests for inclusion in the Environmental Impact Report (EIR).

It was suggested that the Farm Bureau also send a letter to the City of Hollister expressing their concerns.

*Vice Chairman De La Cruz directed the County Administrative Officer to relay the messages discussed this morning to the City of Hollister noting that there needs to be more outreach to the stakeholders.*

**BOARD ACTION:** *Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, approved the response letter to the Notice of Preparation of a draft EIR for*

*the Hollister Spray field project and the Regional Recycled Water Project and authorized the Vice Chairman to sign said letter on behalf of the Chairman. (4-0 Vote. Marcus absent) File #1005.1*

24) **Hold discussion and direct staff regarding the rescheduling of the July 5, 2007 Board of Supervisors meeting and retreat schedule. (CAO)**

County Administrative Officer Susan Thompson reported that it recently came to staff's attention that the July 5, 2007 Board of Supervisor's meeting will conflict with law enforcement's need to utilize the Board Chambers as a primary security staging facility in preparation for the Motorcycle Rally. Ms. Thompson also reported that during its March 20, 2007 Retreat the Board agreed to a reduction in the frequency of Retreats in favor of the scheduling of additional Board workshops and study sessions.

**BOARD ACTION:** *Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, directed staff to re-schedule the July 5, 2007 Board to July 3, 2007; and, cancelled the June 14, 2007 Board Retreat and maintained the October 11, 2007 Board Retreat. (4-0 Vote. Marcus absent) File #156*

**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.)*

**SITTING AS THE PUBLIC AUTHORITY FOR IN HOME SUPPORTIVE SERVICES:**

25) **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.***

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

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: Marcus

There being no further business the Board adjourned to April 3, 2006 at 9:30 a.m. for a regular meeting.

**JAIME DE LA CRUZ, VICE CHAIRMAN**

San Benito County Board of Supervisors

Attest: Linda Churchill, Clerk of the Board