



**SAN BENITO COUNTY
BOARD OF SUPERVISORS
and as the
PUBLIC AUTHORITY for
IN HOME SUPPORTIVE SERVICES**

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
APRIL 24, 2007**

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) Supervisor Loe led the Pledge of Allegiance.

After the pledge of allegiance a moment of silence was held in respect to the losses of lives at Virginia Polytechnic College that occurred last week.

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

PRESENTATIONS / RECOGNITIONS:

- c) 1) **Proclamation recognizing the 60th Anniversary of the Veterans of Foreign War. (Supervisor Loe)**
Supervisor Loe made the presentation to members of the local VFW.

Supervisor Loe left the meeting at 9:40 a.m. and returned at 10:35 a.m.

- 2) **Proclaim May 2007 as Water Awareness Month and authorize the Chairman to sign said proclamation. (Shawn Novack, Water Resources Association of San Benito County)**
Chairman Marcus presented proclamation to Shawn Novack of the Water Resources Association of San Benito County. Mr. Novack read the proclamation. File #430
- 3) **Approve Certificate of Recognition to retiring Executive Director Lou Bettencourt honoring 17-years of service to the San Benito County Chapter of the YMCA. (Supervisor Botelho)**
Supervisor Botelho presented a Certificate of Recognition to Mr. Bettencourt who thanked the Board of Supervisors for their support of the YMCA. File #156

- 4) **Child Abuse Prevention Council's presentation of Blue Ribbon Award to Lou Bettencourt.**
Kathy Flores, Health & Human Services Agency Executive Director, introduced Shenoah Summers of the Child Abuse Prevention Council who presented the Annual Blue Ribbon Award to Mr. Bettencourt. File #130
- 5) **Approve proclamation declaring April as "Child Abuse Prevention Month" in San Benito County.**
Upon motion made by Supervisor Botelho and seconded by Supervisor Monaco proclaimed April as "Child Abuse Prevention Month" in San Benito County. File #430
- 6) **Presentation of Trindel Employee Safety Award to Antoinette Moreno of the Health & Human Services Agency.**
Continued this presentation to a date uncertain when Ms. Moreno could be present.
- d) **Public Comment:** Dale Yarmuth, Executive Director of Emmaus House, came forward. Mr. Yarmuth thanked the Board of Supervisors for their continued support of the Emmaus House and what they are doing there for women and children of domestic violence. Mr. Yarmuth handed out informational pamphlets to the Board.
Joe Thompson, Tres Pinos resident came forward stating there are some serious questions that the Board of Supervisors needs to transmit to the Council of Governments (COG). Mr. Thompson said discussion should be held as to who will determine the transportation policy for San Benito County.
Leigh Dietz, Executive Director, Homeless Task Force of San Benito County, came forward and thanked the Board of Supervisors for their support and for approving the Federal Emergency Shelter Grant. Ms. Dietz reported that they were gearing up for the Second Annual Jazz Under the Stars event.
Doug Emerson, Treasurer for the Homeless Task Force, also thanked the Board for their support
Paul Hain, committee member for Vision San Benito and also a member of the leadership class of San Benito for 2007, invited the Board and the public to a series of workshops on the Vision San Benito draft document. The first workshop will be held on Thursday, April 26, 2007 from 7:00 p.m. to 9:00 p.m. at the Veterans Memorial Building and will be in English. The second workshop will be held on May 3, 2007 and will be in Spanish.
- e) **Department Head Announcements:** Mandy Rose, Integrated Waste Management Director, reported that the 8th Annual Earth Day Event was held on Saturday, April 21st. Ms. Rose reported that there were over 281 students who participated and helped in cleaning the San Benito River.
Sheriff Curtis Hill provided an update to the Board on several items taking place in the Sheriff's office that will effectively address the gang issues in the community. Sheriff Hill reported that a second officer will be placed in the Cal Met program; a second School Resources Officer proposal will be coming before the Board soon and also an Inmate Services Manager position to handle programs for people in custody and out of custody.
- f) **Board Announcements, Introductions and Presentations:** Supervisor Monaco reported that he attended an open house at the Charles River Laboratories at the Hollister Business Park. Supervisor Monaco also attended the condor release at the Pinnacles over

the weekend. Supervisor Monaco also attended a field trip hosted by the Biodiversity Council of California and on April 11th they visited our own Hollister Hills.

Supervisor Botelho invited Jim Clark, Emergency Services Coordinator for the County of San Benito and Dr. Elizabeth Falade of the County Public Health Department to come forward to report on the Bay Area Summit on Cross Sector Pandemic Influenza Planning which they all attended on Friday, April 20th in San Francisco.

Supervisor Botelho requested that the Hollister Ranch Estates (CSA #49) issue be agendized for the next meeting on May 1, 2007 to get it resolved.

Supervisor De La Cruz reported that he attended the Earthbound Natural Selection Facility where they are making terrific strides to eliminate any further E-Coli issues.

Paul Hain stated that he attended also noting this was a world-class facility that reacted commendably.

Supervisor De La Cruz reported that he attended the 50th Anniversary of the Babe Ruth Baseball League season. Also, the Gang Task Force will be meeting tomorrow, April 25th, at the Veteran's Memorial Hall and he encouraged people to attend. Further Supervisor De La Cruz reported that the Hollister Youth Alliance will hold an educational forum on May 17-19.

Supervisor De La Cruz thanked the City of Hollister for the re-surfacing of the city streets.

Supervisor De Le Cruz also toured the Milgard Window facility here in Hollister and commended this company for providing jobs to locals.

Chairman Marcus reported that the Fire Sprinkler ordinance that he and Supervisor Botelho have been working on has become more complicated noting that at the first of the year (2008) there will be a new uniform fire code coming out and he suggested that we postpone working on our own ordinance for now.

Chairman Marcus announced that the PRGI (Potential Residential Growth Initiative) Ordinance Committee would be meeting this afternoon and invited input from the community.

CONSENT AGENDA:

Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, approved Consent Agenda Items 1 through 26 with the exception of Items 11 and 17 that were pulled for discussion. (4-0 Vote. Loe absent for the vote.)

AGRICULTURAL COMMISSIONER – P. Matulich:

- 7) **Approved** agreement with the California Department of Food and Agriculture for the provision of pesticide regulation reporting services for FY2007/2008 in the amount of \$15,076. *File #1.1*

BEHAVIORAL HEALTH – A. Yamamoto:

- 8) **Approved** Amendment #1 to the agreement with State Department of Alcohol and Drug Programs for FY2006/2007 Negotiated Net Amount (NNA) and **adopted Resolution No. 2007-18** accepting said amendment. *File #1053*
- 9) **Approved** Memorandum Of Understanding (MOU) with the San Benito County Office of Education accepting an annual total of \$49,869 for reimbursement for mental health services delivered and **authorized** Chair and Behavioral Health Director to sign said MOU. *File #810*

CLERK OF THE BOARD – L. Churchill:

- 10) **Approved** the action minutes of the meeting of April 10, 2007.

COUNTY ADMINISTRATIVE OFFICER – S. Thompson:

- 11) Regarding an agreement with the Aromas/San Juan School District, consider the following:

- a) **Approve** joint use agreement with the Aromas/San Juan School District establishing responsibilities for the development, use and maintenance of the San Juan Schools Athletic Fields, for the period of April 24, 2007 through April 24, 2018 in an amount not to exceed \$67,768.58; and
- b) **Approve** budget transfer of \$67,768.58 from the Rancho Larios Recreation Hall Special Revenue Fund to Contributions to Community-Based Organizations (4/5 vote required); and
- c) **Authorize Chair to sign said agreement.**

Supervisor De La Cruz questioned the 10-year term.

Janelle Cox, Management Analyst, explained that the intent is that this is a joint use agreement so the school district is committing to the improvement on the site and as a part of our contribution they are going to in turn offer the maintenance and operation of the facilities for 10 years per this agreement. Ms. Cox stated that the agreement could be extended at any time.

BOARD ACTION: Upon motion made by Supervisor Botelho and seconded by Supervisor Monaco, approved Item 11 as recommended. (4-0 Vote. Loe absent for the vote.) File #13

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 12) **Approved** amended Emergency Medical Care Commission (EMCC) Bylaws. File #1068
- 13) **Approved** the deletion of a 1.0 FTE Vocational Assistant and the addition of a 1.0 FTE Social Worker to the HSA Schedule of Authorized Positions. File #130
- 14) **Approved** proclamation declaring April 22 – 28, 2007 as “Safety Seat Checkup Week.” in San Benito County. File #430
- 15) Regarding submission of an application for Federal Emergency Shelter Grant, consider the following:
 - a) **Adopted Resolution No. 2007-19** authorizing the submittal of a Federal Emergency Shelter Grant application; and
 - b) **Authorized** Board Chair sign said resolution and any related documentation; and
 - c) **Authorized** the CAO or HHSA Executive Director to sign or initial the application, required certifications and any other related documents required for submission of the application. File #939
- 16) Regarding replacement of Live Scan System consider the following:
 - a) **Increased** the FY2006/2007 HSA budget (Unit #500) by \$23,000 in revenues and expenses and add one (1) replacement Live Scan system to its Schedule of Fixed Assets; and
 - b) **Waived** the public bid requirements as it would not be in the best interest of the County; and

- c) **Authorized** the HHS Director to proceed with purchase of Live Scan System with Indentix Corp. (4/5 vote required) File #130

Supervisor Loe returned to the meeting.

INTERNAL SERVICES DEPARTMENT – R. Inman:

- 17) Regarding various class specifications, consider the following:
- a) Approve Class Specifications for Deputy Sheriff Trainee and set current salary range of 20.7; and
 - b) Approve Class Specifications for Peer Mentor (Behavioral Health) Temporary, Part Time and set flat hourly rate of \$9.00; and
 - c) Approve Class Specifications for Executive Secretary to the CAO/Safety Program Coordinator and set current salary range of 16.7; and
 - d) Approve reclassification of Executive Secretary to the CAO to the new classification of Executive Secretary to the CAO/Safety Program Coordinator; and
 - e) Approve Class Specifications for Secretary to the Board of Supervisors and set current salary range of 13.7; and
 - f) Approve Class Specifications for Vector Control Technician I/II and set current salary ranges of 13.6 and 16.6 respectively.

Supervisor De La Cruz questioned Item (f) and requested that language be added to the motion that if the ballot measure fails then the classification shall be terminated immediately upon the official results of the failure at the ballot.

Discussion ensued as to the necessity of approving this class specification at this time.

BOARD ACTION: Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, approved Item 17 as recommended with the exception of Item (f) which was eliminated at this time. (Unanimous) File #630

LIBRARY – N. Conte:

- 18) **Approved** budget augmentation to increase the Library's revenues and expenditures by \$28,000 for FY2006/2007 reflecting receipt of a California Library Literacy Services grant. (4/5 vote required) File #80

PLANNING AND BUILDING – A. Henriques:

- 19) **Approved** appointment of Building Inspector II at Step E, Range 19.0 based on qualifications and experience. File #790

PROBATION – M. Covell:

- 20) Regarding a Juvenile Justice Crime Prevention Act grant application, consider the following:
- a) **Adopted Resolution No. 2007-21** approving said Juvenile Justice Crime Prevention Plan as modified; and
 - b) **Authorized** the Probation Department to submit the Juvenile Justice Crime Prevention Act application for continued funding to the Board of Corrections to expend the funds provided by the Crime Prevention Act in the amount of \$184,057. File #510

PUBLIC WORKS – J. Lo:

- 21) **Approved** specifications and invitation for bids for new pneumatic tire roller; and **authorized** the Director of Public Works to advertise Invitation for Bids. *File #105*
- 22) Regarding agreement with the City of San Juan Bautista, consider the following:
- a) **Approved** and **authorized** the Chair to sign a joint use agreement with the City of San Juan Bautista, establishing responsibilities for the renovation and maintenance of the San Juan Community Center for the period of April 24, 2007 through April 24, 2017 in an amount not to exceed \$100,000; and
 - b) **Directed** the Public Works Director, or his designee, to submit all documents necessary for the Project Application Process. *File #1119*

SHERIFF – C. Hill:

- 23) **Approved** out of state travel for Sheriff, Undersheriff, Lieutenant and Sergeant to attend the Outlaw Motorcycle Gang Training Conference in South Lake Tahoe, Nevada May 7-11, 2007. *File #110*
- 24) Regarding new gurney for Coroner's Division, consider the following:
- a) **Approved** purchase of new gurney for Coroner's Division; and
 - b) **Amended** FY2006/2007 Coroner's Fixed Asset Schedule to reflect purchase in the amount of \$4,076 from Equipment; and
 - c) **Amended** FY2006/2007 Coroners budget reflecting a decrease to the Services & Supplies Professional Services Physicians line item in the amount of \$4,076. *File #110*
- 25) Regarding Letter of Agreement (LOA) with the State of California Drug Enforcement Agency (DEA) to receive cannabis eradication and suppression funding in the amount of \$20,000, consider the following:
- a) **Approved** the Letter of Agreement between the San Benito County Sheriff's Office and Drug Enforcement Administration and **authorized** the Sheriff to sign; and
 - b) **Approved** the Request for Advance Funds and **authorized** the Sheriff to sign; and
 - c) **Approved** the funds be received via Electronic Funds Transfer; and
 - d) **Approved** the Certifications regarding Lobbying; Debarment, Suspension and other Responsibility Matters; and Drug-Free Workplace Requirements and **authorized** the Sheriff to sign. *File #110*
- 26) **Adopted Resolution No. 2007-20** authorizing submission of a grant proposal by the Sheriff/Coroner for a 2007/2008 Federal Anti-Drug Abuse Enforcement Program & Justice Assistance Grant for UNET. *File #110*

9:30 a.m. PUBLIC HEARING: (or as soon thereafter as the matter may be heard.)
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HEALTH & HUMAN SERVICES AGENCY: K. Flores:

- 27) **Held public hearing to adopt a proposed ordinance increasing fees for Environmental Health Services and authorizing future adjustment of fees based on the Consumer Price Index (CPI).**

Kathy Flores, HHSA Director, provided background information and staff report reporting that there have been several presentations made to the Board of Supervisors regarding increasing fees for Environmental Health Services. This ordinance includes a proposed fee schedule and language as requested by the Board. Ms. Flores pointed out that one change was made to Section 6 of the proposed ordinance by County Counsel that puts a cap on the annual CPI adjustment that is not to exceed 5% per year and also there would be a 5-year limitation for this annual adjustment.

The Chairman opened the public hearing. There being no one from the public who wished to address this item the Chairman closed the public hearing.

Supervisor De La Cruz recommended that a Section 9 should be added to the ordinance stating that the Board of Supervisors shall review and make recommendations on the fee one year before the termination of this ordinance.

Discussion ensued as to the language to be added.

County Counsel stated that the ordinance could be adopted today with a language change adding Section 9 that reads the Board of Supervisors will review all fees in year five and every third year following.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco, adopted **Ordinance No. 814** with the addition of Section 9 to read the Board of Supervisors will review all fees in year five and every third year following. (3-2 vote. Botelho & Marcus voted no.) File #142.9*

The Board adjourned for a break at 10:55 a.m. and reconvened at 11:00 a.m.

REGULAR AGENDA:

SITTING AS THE PUBLIC AUTHORITY FOR IN HOME SUPPORTIVE SERVICES:

The Board adjourned as the Board of Supervisors and reconvened as the Governing Board of the Public Authority for In Home Supportive Services re:

IN HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY:

- 28) **Approve successor Memorandum of Understanding with SEIU, Local 6434 and the San Benito County In Home Supportive Services Public Authority with a contract term of January 1, 2007 through December 31, 2009**

Ralph Nava came forward on behalf of the SEIU, Local 6434, workers and thanked the Board for supporting this contract.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, approved the successor Memorandum of Understanding with SEIU, Local 6434 as recommended. (Unanimous) File #130.1*

The Board adjourned as the Governing Board of the Public Authority for In Home Supportive Services and reconvened as the Board of Supervisors re:

INTERNAL SERVICES DEPARTMENT – R. Inman:

- 29) **Approve class specifications for the position of Environmental Health Manager and approve the addition of a 1.0 FTE Environmental Health Specialist I/II/III and**

a 1.0FTE Environmental Health Manager to the HSA Health Division Schedule of Authorized positions.

Kathy Flores, HHSA Director, provided the staff report.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Botelho, approved class specifications and additions as recommended. (Unanimous) File #630*

PLANNING DEPARTMENT – A. Henriques:

30) **Consider a proposed ordinance amending Chapter 19 of the San Benito County Code pertaining to Code Enforcement.**

Art Henriques, Director of Planning, provided the staff report.

Discussion ensued as to the duties and selection of hearing officers and clarifying that a hearing officer would make a final decision that could then be appealed to the Board of Supervisors.

Directed staff to bring back the process of selection of the hearing officers at the May 8, 2007 meeting.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Botelho, introduced an Ordinance Amending Chapter 19 of the San Benito County Code Pertaining to Code Enforcement; waived the reading of the ordinance, and continued the item to May 8, 2007 for adoption of said ordinance. File #790.3*

ADMINISTRATIVE BUSINESS:

31) **Receive third quarter financial report.** (Mgmt. Analyst Kennedy)

Kellie Kennedy, Management Analyst, provided the fiscal year 2006-2007 third quarter budget status report. Ms. Kennedy presented a Power Point Presentation titled "2006-2007 Third Quarter Status Report – San Benito County – An Overview of the Third-quarter Budget". Ms. Kennedy reported that the Countywide third quarter expenditures are at 46% with revenue at 43% of budget and noting that as 75% of the fiscal year has expired, it is expected that expenditures will not exceed, and revenue will meet, the 75% target.

Question and answer period ensued.

No action required. File #865

CLOSED SESSION:

The Board adjourned into Closed Session at 11:50 a.m. and reconvened in Regular Session at 12:06 p.m. re:

32) **Conference with Legal Counsel – Anticipated Litigation**

a) Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9 Number of cases: **1**

No reportable action. File #235.6

b) Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9. Number of cases: **1**

No reportable action. File #235.6

33) **Conference with Legal Counsel – Existing Litigation – (Subdivision (a) of Section 54856.9)**

Name of Case(s);

1) Frank Del Carlo, et al. vs. County of San Benito (Case no. CU-06-00079)
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, Botelho, De La Cruz, Marcus
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: None

There being no further business the Board adjourned to May 1, 2007 at 9:30 a.m. for a regular meeting.

DON MARCUS, CHAIRMAN
San Benito County Board of Supervisors

Attest:
Linda Churchill, Clerk of the Board