



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 JUNE 5, 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) Supervisor Loe led the Pledge of Allegiance.

Chairman Marcus called for a moment of silence honoring Former County Supervisor Rocky Lydon who passed away.

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

c) **Public Comment:** Joe Thompson, Tres Pinos resident, came forward. Mr. Thompson thanked the Board for their support of the continuance of the Williamson Act noting that ACA 8, which has been proposed by Jarrod Huffman from Marin County, would lower the voting requirement to impose a new tax or fee from 2/3 to 55% and it is a much bigger issue and the county needs all of the support that can be given by the Board of Supervisors. Mr. Thompson further stated he would like the Board to send a message of opposition to Assemblywoman Anna Caballero, who is sponsoring AB1260

d) **Department Head Announcements:** County Administrative Officer Susan Thompson stated that recent information was received regarding the Williamson Act situation noting that at this point in time the Williamson Act issue is not in budget conference committee and it has been approved for placing it back in the budget by both the Senate and Assembly but is not in conference. Ms. Thompson stated she would prepare letters to the legislature and the Governor letting him know how important this is to San Benito County and how it would impact our small county based on past action by the Board and she will have the Chairman sign the letters.

Lisa Rheinheimer, Council of Governments Director, updated the Board on the Highway 25 Bypass Project announcing there would be a public open house at the Veteran's Memorial Building today from 4:00 p.m. – 7:00 p.m. to answer questions and also they are working

towards increasing opportunities for people to hear about what is going on with news releases and also a website and an information hotline that has been established.

e) **Board Announcements, Introductions and Presentations:** Supervisor Monaco thanked the Agricultural Commissioner for working hard with the United States Department of Agriculture to have our county designated, along with several other counties, as a disaster area as a result of the agricultural losses caused by the combined effects of the drought and abnormally cold temperatures this winter.

Supervisor DeLaCruz reported that he attended a Wireless Internet Conference in Monterey the previous week noting it was very informative and educational.

Supervisor Botelho reported that he attended a meeting in Sacramento in Assemblywoman Anna Caballero's office along with City of San Juan Bautista City Manager Jan McIntock, and Mayor Priscilla Hill to discuss ways to explore avenues to help enhance the business environment in San Juan Bautista to develop a strategy. Supervisor Botelho felt these strategies could be used for the entire County as well.

Chairman Marcus reported that he and Supervisor Botelho met with the Hollister Business Council and various leaders within the county to discuss specifically economic development in the county. Chairman Marcus stated this group would be meeting on a monthly basis.

CONSENT AGENDA:

Upon motion made by Supervisor Monaco and seconded by Supervisor Botelho, approved Consent Agenda Items 1 through 6 and pulling Items 7, 8 and 9 for discussion. (Unanimous)

ADMINISTRATIVE BUSINESS:

- 1) **Approved** Memorandum of Understanding (MOU) with the San Benito County Council of Governments (COG) for transfer of funds from County's Traffic Impact Fees for the Highway 25 Bypass project. *File #1035*

AGRICULTURAL COMMISSIONER - P. Matulich:

- 2) **Approved** contract for Pierce's Disease-Glassy Wing Sharp shooter with the Calif. Dept. of Food & Agriculture for the FY 2007/2008, 2008/2009, 2009/2010, & **authorized** chair to sign said contract. *File #1.1*

BEHAVIORAL HEALTH - A. Yamamoto:

- 3) **Adopted Resolution No. 2007-25** approving the Mental Health Services Act contract No. 05-75515-000 with the California Dept. of Mental Health for the term June 1, 2006 through June 1, 2008. *File #810*

CLERK OF THE BOARD – L. Churchill:

- 4) **Approved** the action minutes of the May 22, 2007 regular meeting, the Special Joint Meeting held on May 22, 2007 and the special meeting of May 24, 2007.

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 5) **Approved** Workforce Investment Act (WIA) FY 07-08 Subgrant and **adopted Resolution No. 2007-26** authorizing HHSA Director to sign WIA documentation and/or amendments on behalf of the County. *File #939*

- 6) **Approved** contract with Michelle House for the H & HSA Tobacco Control Program evaluation services for term July 1, 2007 through June 30, 2010. *File #420*

INTERNAL SERVICES – R. Inman:

- 7) **Approve Amendment #1 to employment agreement with Lisa Rheinheimer, Executive Director of COG, to include Exhibit B – Goals and Performance Objectives.**

Supervisor DeLaCruz questioned the language “Credit for Prior Service Time” asking if this was a statement that was included in all of our contracts for contract employees.

County Administrative Officer (CAO) Susan Thompson answered that no it is not standard but something that was a negotiated benefit with this particular contract employee.

Supervisor DeLaCruz wanted to publicly announce that on Page 3 there is a statement that this contract will never reduce in dollar amount and he wants to make sure in future years when there is a fiscal crisis that this would be taken into consideration.

CAO Thompson answered yes it would.

Joe Thompson, local resident, came forward stating that this was not enough pay for the complexity of the job and he also wanted to state that we need to have a different way to address flawed, unsound, unsustainable transportation policy that the COG Director must follow as one of her goals.

BOARD ACTION: *Upon motion made by Supervisor DeLaCruz and Supervisor Loe approved Amendment #1 as recommended. (Unanimous) File #1035*

PLANNING DEPARTMENT – A. Henriques:

- 8) **Update re: proposed resolution accepting grant of open space easement to San Benito County from Robert Enz and Tina Enz for TM-03-69. (Continued from 5/22/07 meeting.)**

Supervisor Botelho noted that this item was extensively discussed at the prior Board of Supervisors meeting and he was still somewhat confused noting that what they were trying to get at was the mutual agreement on the reservation clause as far as the use of the remaining agriculture piece and he hopes that the language will be clear.

CAO Thompson indicated that staff was still in active negotiations with the Enz’s and they would be bringing the item back.

Planning Director Art Henriques stated that they were talking to the applicant and attorney and stressed that staff wants to protect the county’s wishes and making it clear for this *Staff was directed to update the Board on June 12th and on June 26th.*

PUBLIC WORKS – J. Lo:

- 9) **Adopt resolution accepting Grant Deed for the purchase of 3.03 acres in fee simple, a storm drainage easement, and 2.58 acres for temporary construction easements from Ulrich Wingens, Trustee of the Ulrich Wingens 1989 Revocable Trust, and authorize the Chairman to sign the Right-of-Way Agreement, Certification of Acceptance and Consent to Record the grant deed. (Res. No. 2007-27)**

Chairman Marcus stated that he had no problem with the purchase of the easement and the property needed to make the road align with the St. Benedict’s driveway but he did have concern with the plan asking if there was going to be a definite turn lane coming from St. Benedict’s Church to turn north on Fairview Road that will provide a safe exit for cars.

Discussion was held and it was agreed that they will and should design a left hand turn lane.

BOARD ACTION: Upon motion made by Supervisor Botelho and seconded by Supervisor Monaco, adopted **Resolution No. 2007-27** accepting Grant Deed for the purchase of 3.03 acres in fee simple, a storm drainage easement, and 2.58 acres for temporary construction easements from Ulrich Wingens, Trustee of the Ulrich Wingens 1989 Revocable Trust, and authorized the Chair to sign the necessary documents are recommended. (Unanimous) File #645

9:30 a.m. PUBLIC HEARING (or as soon thereafter as the matter(s) may be heard):

PLANNING & BUILDING DEPARTMENT - A. Henriques:

- 10) **Hold a public hearing to consider an ordinance for Zone Change 90-80A (Pacheco Creek Estates). Applicant: Casa de Fruta Orchards. Location: Highway 156 & Pacheco Creek Drive, Hollister, CA. (Ord. No. 817)**

Planning Director Art Henriques reported that at the February 27, 2007 meeting the Board asked that we take a look at the PUD ordinance to see if there could be some flexibility in the Grade 1 soils issue when conditions are met. These recommendations are now before the Board and the project can now move forward.

Principle Planner Byron Turner presented the staff report.

Joe Zanger, representing Casa de Fruta Orchards, came forward and thanked the Board for considering this item today.

The Chair closed the public hearing.

BOARD ACTION: Upon motion made by Supervisor Monaco and seconded by Supervisor DeLaCruz, approved and adopted the Mitigated Negative Declaration; made findings that approval of the zone change petition will serve the public necessity, convenience and general welfare, and is good zoning practice, based on the evidence reflected in Planning Commission Resolution 2004-8 and the findings provided in the staff report; and adopted **Ordinance No. 817**, approving Zone Change 90-80A. (Unanimous) File #790

The Board adjourned as the County Board of Supervisors and convened as the Board of Directors of County Service Area (CSA) No. 31 (Stonegate) re:

SITTING AS THE BOARD OF DIRECTORS OF COUNTY SERVICE AREA (CSA) NO. 31 (STONEGATE) CONSIDER THE FOLLOWING:

PUBLIC WORKS DEPARTMENT – J. Lo:

- 11) **Approve the contract with the San Benito County Water District for the purchase of San Felipe Water Distribution System for contract year 2007-2008 in an amount not to exceed \$48,762 with a contract term of March 21, 2007 through February 28, 2008.**

Public Works Director Jerry Lo stated that this was a routine item and had previously been done by staff but he was bringing it to the Board for their information regarding the reliance of the water.

Discussion was held regarding looking into alternatives for supplying the water.

BOARD ACTION: Upon motion made by Supervisor Monaco and seconded by Supervisor Botelho, approved the contract with the San Benito County Water District for the purchase of San Felipe Water Distribution System as recommended. (Unanimous) CSA 31 File

The Board adjourned as the Board of Directors of CSA 31 and reconvened as the County Board of Supervisors to consider the following:

REGULAR AGENDA:

SUPERINTENDENT OF SCHOOLS - T. Foley:

12) Receive the County Superintendent's Report.

County Superintendent of Schools Tim Foley distributed copies of the individual site reports for review and provided a verbal report to the Board of Supervisors.

Mr. Foley answered questions posed by the Board.

No formal action taken. Received report. File #13

AGRICULTURAL COMMISSIONER - P. Matulich:

13) Presentation regarding bringing back the Wildlife Services program for rural & urban control.

Paul Matulich, Agricultural Commissioner, reported that he was in support of re-establishing the USDA Wildlife Services Program.

Mr. Matulich handed out a letter from Scott Fuller of San Juan Oaks Gold Club in support of the program.

Tom Manning, Director of the Farm Bureau and the Cattlemen's Association, came forward stating that the need for a wildlife specialist has changed dramatically since it was last brought before the Board of Supervisors. Mr. Manning supported the re-establishment of this program.

Charles McCullough, Panoche resident, came forward in support of the program and handed out a sample letter that he felt should be sent to Assemblywoman Caballero and our legislators.

Discussion ensued about the funding for this program.

Chairman Marcus read a letter from Kay Filice, local farmer and Chairwoman of the California Growers and Shippers Association supporting this program.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Monaco, directed staff to re-establish the Wildlife Services Program, move forward and bring this back at budget time and authorized the Agricultural Commissioner to sign any necessary official documents. (Unanimous) File #1.1*

A request was made to hear Item 15 at this time.

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

15) Approve Memorandum of Understanding (MOU) between HHSA and Court appointed Special Advocates (CASA) of Monterey County

Health & Human Services Agency Executive Director Kathy Flores provided background information and introduced Shavonne Green, Executive Director of CASA, who explained the services provided by CASA to children in the Foster Care Child Welfare System.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Monaco, approved the MOU between HHSA and CASA of Monterey County for the period June 1, 2007 to June 1, 2009 as recommended. (Unanimous) File #130*

CLERK/AUDITOR/RECORDER – J.Paul Gonzalez:

- 14) **Presentation regarding the County of San Benito’s Actuarial Report on “Other Post-Employment Benefits” and consideration of the establishment of a committee to study the various options available.**

County Clerk/Auditor/Recorder Joe Paul Gonzalez gave a Power Point Presentation entitled “County of San Benito GASB (Governmental Accounting Standards Board) 43/45 OPEB (Other than pension Post Employment Benefits) Compliance Overview.”

Mr. Gonzalez answered questions posed by the Board.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Loe, 1) Accepted Auditor’s report and Power Point Presentation; and, 2) Approved the establishment of a committee to study the various options available and make recommendations for funding the cost of the County’s OPEB and naming Supervisors DeLaCruz and Marcus to this committee along with appropriate county staff. (Unanimous)*

File #608

PLANNING DEPARTMENT – A. Henriques:

- 16) **Re-introduce Ordinance revising Chapter 31 (Growth Management Ordinance) of the County Code regarding the Preliminary Allocations Ranking System and tie breaking procedures; waive reading of said ordinance and continue to the June 12, 2007 meeting for final adoption.**

Planning Director Art Henriques provided background information noting that this item was agendized per direction by the Board of Supervisors and the amendments to the ordinance regarding the verification habitat and 30% slope factor close have been included.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor DeLaCruz, re-introduced the Ordinance revising Chapter 31 (Growth Management Ordinance) of the County Code regarding the Preliminary Allocations Ranking System and tie breaking procedures; waived the read of said ordinance and continued the item to the June 12, 2007 meeting for final adoption. (Unanimous) File # 790*

ADMINISTRATIVE BUSINESS:

- 17) **Consider letter of support to Gavilan College Board of Trustees on Hollister Campus development project and authorize chair to sign. (CAO) (Continued from 5/22/07 mtg.)**

County Administrative Officer Susan Thompson noted that there was a revised letter that was submitted to the Board this morning with added language as recommended by Supervisor Loe. Clerk of the Board Linda Churchill read the revision into the record.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor DeLaCruz, approved letter as revised to the President of the Gavilan College Board of Trustees and authorized the Chair to sign. (Unanimous) File #13*

- 18) **Consider Report on FY 2007-2008 General Fund Budget Requests. (CAO)**

County Administrative Officer Susan Thompson reported that the Administrative Office has prepared preliminary calculations of the FY 2007-2008 General Fund Budget and noted that the departments have submitted their requested budgets and at this point in time the analysis has just begun of both the requested allocations and proposed revenues and the plan is to return to the Board with a balanced budget proposal recommendation during budget hearings in August 2007. The Administrative Office calculates a deficit in the amount of \$4.4 million and will be meeting with the departments to seek department suggestions for preparing a balanced FY 2007-2008 and this does not include \$1 million towards the unfunded liability

towards the OPEB but does include the \$1.3 million contribution to current normal employee costs.

No formal action taken. *File #865*

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.)

19) **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*

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 June 12, 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