



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 26, 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 Monaco led the pledge of allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*

PRESENTATIONS / RECOGNITIONS:

- 1) **Present proclamation proclaiming August 3-4 2007 as the dates for the Relay for Life Event in San Benito County. (Supervisors Loe and Marcus)**
Supervisor Loe presented proclamation to Carolyn Totorelli, Chair of the Relay for Life Event and Geri Johnson, Relay for Life Committee member.
BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, proclaimed August 3-4 2007 as the dates for the Relay for Life Event in San Benito County. (4-0 vote. Botelho absent) File #430*
- 2) **Present proclamation declaring July as “Parks and Recreation Month” in San Benito County. (Public Works)**
Supervisor Monaco presented proclamation to Don Kelly, Chairman of the newly established Parks and Recreation Commission.
BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, proclaimed July as “Parks and Recreation Month” in San Benito County. (4-0 Vote. Botelho absent.) File #430*
- 3) **Present Certificate of Recognition to Marta Denice, Deputy Director of the Health and Human Services Agency, who is retiring after more than 23 years of outstanding and dedicated service to the County of San Benito. (H & HSA)**

Chairman Marcus presented plaque to Marta Denice in appreciation of over 23 years of service to the County of San Benito. *File #130*

- 4) **Present Certificate of Recognition to Maria Fehl, Deputy Director of Community Services and Workforce Development for 21 years of outstanding and dedicated service to the County of San Benito. (H & HSA)**
This item was pulled from the agenda.
- 5) **Present Certificate of Recognition to Pat Johns, County Director, University of California Cooperative Extension Program who is retiring after 35.5 years of service with the 4-H Program and the University of California and for her past seven years of service in San Benito County. (Board of Supervisors)**
Chairman Marcus presented plaque to Pat Johns, County Director, in appreciation of her service to the County of San Benito. File #3
- 6) **Present Certificate of Recognition to Mike Smith, San Benito County Planning Commissioner representing District 5 for his nearly two years of dedicated service.**
Supervisor De La Cruz presented plaque to Mike Smith, Planning Commissioner, District 5, in appreciation of his service to the County of San Benito. File #790.2

REGULAR AGENDA:

BOARD OF SUPERVISORS:

- 7) **Regarding nomination for appointment to the Planning Commission, consider the following:**
 - a) **District 5 Supervisor nominates Robert D. Scattini for appointment to the San Benito County Planning Commission; and**
 - b) **Accept nomination and consider appointment of Robert D. Scattini to the San Benito County Planning Commission representing Supervisorial District 5 with a term effective June 26, 2007 and co-terminus with that of the duly elected Supervisor. (Supervisor De La Cruz)**

BOARD ACTION: *Upon motion duly made, seconded and carried, appointed Robert D. Scattini to the San Benito County Planning Commission representing District 5 with a term co-terminus with that of Supervisor De La Cruz. (4-0 Vote. Botelho absent.)*

Public Comment: There was no public comment.

Department Head Announcements: County Administrative Officer (CAO) Susan Thompson announced that the Agricultural Extension Office, located at the Veteran's Memorial Building, would be closed to the public on July 5th & 6th due to the Motorcycle Rally Events that would be held downtown.

CAO Thompson reported that as the County Purchasing Agent she has extended two contracts, one with Facility Program Management, Inc. with the term extended to July 15, 2007 with no monetary terms involved; and, the second contract with the California Conservation Corporation Corp. was extended to June 30, 2008 with no monetary terms involved.

CAO Thompson reminded the Board of Supervisors and the public that the next Board meeting would be held on July 3, 2007 and not July 5, 2007 which had been previously re-scheduled.

Kathy Flores, Health & Human Services Agency Director, reported that tomorrow, June 27, 2007, the Public Health Department was sponsoring "Kids at the Park" at Dunne Park in Hollister that would begin at 10:00 a.m. and end at 2:00 p.m. Ms. Flores handed out fliers advertising the event.

Alan Yamamoto, Director of Behavioral Health Department, provided an update on the Mental Health Services Act project, reporting that an open house was held at the Esperanza Center on May 10th. Mr. Yamamoto reported that the California Institute of Mental Health has invited the San Benito County Behavioral Health Department to do a presentation at the statewide conference on Friday, June 29, 2007.

Board Announcements, Introductions and Presentations: Supervisor Monaco reported that the Annual Saddle Horse Show and Rodeo held over the past weekend was a very successful event.

Supervisor De La Cruz commended the community, the County Administrative Officer and staff for the effort in working towards a new courthouse facility.

Chairman Marcus reported that the courthouse project was a tremendous effort on all parts and was now moving forward. Chairman Marcus further reported that the Hollister Business Council is meeting on a monthly basis with the main topic being economic development. Chairman Marcus stated that he and Supervisor Botelho attended last months meeting and Supervisor Loe would be attending the next meeting tomorrow, June 27, 2007.

CONSENT AGENDA:

Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, approved Consent Agenda Items with the exception of Items 8, 9, 12, 28, 34, 42, 43 and 44 which were pulled for discussion. (4-0 Vote. Botelho absent.)

ADMINISTRATIVE BUSINESS:

- 8) **Approve interdepartmental transfer to the Risk Management (\$135,000) and Public Defender Budget (\$45,000) from Non-Departmental Expense Budget (1001-180) for a total of \$180,000. File #149**

Supervisor Loe questioned the amount showing on the Agenda Item Transmittal in the amount of \$135,000 asking if that was all that is paid for health insurance benefits.

Rich Inman, Internal Services Director, answered yes that is all retiree health costs and is part of the presentation that County Clerk/Auditor/Recorder Joe Paul Gonzalez recently gave to the Board with regard to GASB.

CAO Thompson explained that this a pay as you go cost and it had been under-budgeted by \$135,000.

BOARD ACTION: *Upon motion made by Supervisor Loe and seconded by Supervisor De La Cruz, approved interdepartmental transfer as recommended. (4-0 vote. Botelho absent.) File 149*

- 9) **Approve amendment to original contract with Jerry Lo, Director of Public Works which extends contract to May 24, 2009 and provides adjustments to compensation. File #105**

Supervisor De La Cruz questioned the sentence on Page 4, which states that the employer shall not at any time during the term of the agreement reduce the base salary,

compensation, or other financial benefits of employees. Supervisor De La Cruz felt that this sentence should be stricken from all contracts because during a budget crisis all contracts need to be discussed for budget consideration.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, approved amendment to contract as recommended. (4-0 vote. Botelho absent). File #105*

- 10) **Set** Budget Hearings commencing August 7, 2007 at 1:30 p.m. and continuing day to day at 9:00 a.m. until concluded and **directed the** Clerk of the Board to publish notice of hearings. *File #865*

AGRICULTURAL COMMISSIONER – P. Matulich:

- 11) **Appointed** Jim Myers to the Taylor Act Grazing Advisory Board for a three-year term effective July 1, 2007 to June 30, 2010. *File #1.1*

- 12) **Approve contract from the United States Department of Agriculture to re-establish the Wildlife Services Program in an amount not to exceed \$82,471 and authorize the Agricultural Commissioner to sign said contract.** *File #1.1*

Supervisor Loe stated it was her understanding that this item would come before the Board during budget hearings when we knew how much money we had.

The Agricultural Commissioner stated that the contract is effective July 1, 2007 and it would not be implemented until we bring somebody from the state on to perform the job.

Discussion ensued.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, approved contract as recommended. (3-1 vote. Loe voted no. Botelho absent).*

BEHAVIORAL HEALTH – A. Yamamoto:

- 13) **Approved** contract renewal with Gary Ernst as Administrative/Fiscal Consultant for FY 2007/2008 for a maximum annual total of \$79,000. *File #810*
- 14) **Approved** contract renewal with Project 90 Inc., for residential treatment facility services for a maximum total of \$86,360 for FY 2007/2008. *File #810*
- 15) **Approved** contract renewal with Remi Vista, Inc. for Therapeutic Behavioral Services (TBS) for a maximum amount of \$70,000 for FY 2007/2008. *File #810*
- 16) **Approved** contract renewal with Idea Consulting for assistance with data collection & analysis for a maximum annual total of \$92,000 for FY 2007/2008. *File #810*
- 17) **Approved** contract renewal with Victor Treatment Inc. for mental health services for residential treatment facilities for a maximum amount of \$80,000 for FY 2007/2008. *File 810*
- 18) **Approved** contract renewal with King View Corporation for Telepsychiatry Services for FY 2007/2008 for a maximum total of \$60,000. *File #810*

- 19) **Approved** contract renewal with Heritage Oaks Hospital, Inc. and Sierra Vista Hospital, Inc. for inpatient psychiatric hospital services for an amount not to exceed \$50,000 for FY 2007/2008. *File #810*
- 20) **Approved** contract renewal with K & R Manor and Salvador Lodge, Board and Care Facilities for residential treatment services for FY 2007/2008 for a total annual maximum amount not to exceed \$15,000. *File #810*
- 21) **Approved** contract renewal with Lifestyle Management Drydock, Inc. for County's Driving Under the Influence and Drug Diversion Programs in the amount of \$1,750 for FY 2007/2008. *File #810*
- 22) **Approved** contract renewal with Door to Hope for substance abuse residential treatment and recovery services for adults for FY 2007/2008 for a maximum total of \$22,250.50. *File #810*

CLERK OF THE BOARD – L. Churchill:

- 23) **Approved** the action minutes of the June 5, 2007 regular meeting.

CLERK/AUDITOR/RECORDER - J. Paul Gonzalez:

- 24) **Approved** contract with VitalChek Network, Inc. to provide the public with the capability of using their credit card to purchase certified government issued vital records online. *File #1112.5*

COUNTY LIBRARIAN – N. Conte:

- 25) **Approved** reimbursement of personal expenses for out of state travel for the County Librarian who is attending the 2007 American Library Association Conference in Washington D.C. from June 21–27, 2007. *File #80*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 26) **Approved** contract with the California Department of Health Services (DHS) in the amount of \$22,000 for the Immunization Assistance Program (IAP) for FY 2007/2008 and **authorized** H & HSA Director to sign said contract. *File #*
- 27) **Approved** contract with the California Department of Health Services (DHS) in the amount of \$42,750 for Statewide Immunization Information System (SIIS) for FY 2007/2008 and **authorized** the H & HSA Director to sign said contract. *File #130*
- 28) **Approve the H & HSA Director's report and approve the contract amendment for the 2005 Community Development Block Grant (CDBG) with the YMCA extending the contract date from September 30, 2007 to December 31, 2008 and authorize the H & HSA Director to sign said contract. (CSWD) File #939**

Supervisor De La Cruz expressed his concern that other organizations are not considered for this grant funding and stated that he expects the Community Action Board (CAB) to restructure their process for bringing other organizations into the consideration for funding.

Discussion ensued.

BOARD ACTION: Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, approved the H & HSA Director's report and approved the contract amendment as recommended. (4-0 vote. Botelho absent)

- 29) **Approved** contracts with First Five Commission for Family Resource Center (FRC) Great Beginnings Program and Public Health Division Health Pathways Program in the amounts of \$100,000 and \$125,000 for FY 2007/2008 and **authorized** the H & HSA Director to sign said contract. *File #155*
- 30) **Approved** agreement with Geographic Solutions for a swipe card client-tracking system in the amount of \$32,138 and authorize the H & HSA Director to sign said agreement. (CSWD) *File #939*
- 31) **Authorized** the H & HSA Director to hire the Environmental Health Manager at Step F, (\$7141) of Range 27.4 to be effective July 15, 2007. *File #*
- 32) **Authorized** the H & HSA Director to hire Donna Elmhorst as an extra-help social worker III at Step F, Range 20.4 for the FY 07/08 for a total cost of \$21,953. *File #*
- 33) **Corrected** the June 12, 2007 Board action authorizing the H & HSA Director to hire a Social Work Supervisor II at Step E to read "range 24.4" instead of "range 25.9."
File #130

INTEGRATED WASTE MANAGEMENT DEPT. – M. Rose:

- 34) **Approve contract with KCBA, KION, CAW and Telemundo (Clear Channel Communications Inc.) to air public service announcements on used oil and used oil filter recycling for the period of July 1, 2007 through June 30, 2008.**

Chairman Marcus asked for examples of the public education about used oil recycling stating he had never seen it.

Integrated Waste Management Department Director Mandy Rose provided an explanation.

BOARD ACTION: Upon motion made by Supervisor De La Cruz and seconded by Supervisor Loe, approved contract as recommended. (4-0 vote. Botelho absent) *File #142*

- 35) **Approved** contract with Golder Associates, Inc. for groundwater and landfill gas monitoring, inspection and reporting services for John Smith Road Landfill Class I and Class III for FY 2007/2008 and 2008/2009 in the amount of \$120,294. *File #142*
- 36) **Approved** contract with Golder Associates, Inc. to perform general and specific landfill engineering services at John Smith Road Landfill for FY 2007/2008 in an amount not to exceed \$25,000. *File #142*

INTERNAL SERVICES – R. Inman:

- 37) **Adopted Resolution 2007-33** approving the 2007 Employer Contributions for CalPERS health insurance premiums for retirees for San Benito County. (Res. No. 2007-33)
File #36
- 38) **Adopted** San Benito County Drug and Alcohol Policy to maintain a safe and drug-free environment by eliminating substance abuse and its effects in the workplace. *File #630*

- 39) **Approved** contract with Miller Network Inc. for professional computer services in an amount not to exceed \$32,480 for FY 2007/ 2008. *File #119.1*

PROBATION DEPARTMENT – M. Covell:

- 40) **Approved** contract with Paula Norton to provide initial pre-testing, tutoring and post-testing of Early Intervention Program for Minors in an amount not to exceed \$15,000 for FY 2007/2008. *File #510*
- 41) **Approved** contract with King and Associates to teach Health Realization principles to minors and their parents in an amount not to exceed \$15,000 for FY 2007/2008. *File #510*

PUBLIC WORKS – J. Lo:

- 42) **Adopt resolutions identifying services for each County Service Area (CSA) for FY 2007/2008. (Res. Nos. 2007-34 thru 2007-60)**

Chairman Marcus asked if all resolutions could be adopted at the same time.

County Counsel Dennis LeClere answered all resolutions could be adopted.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco adopted **RESOLUTION NOS. 2007-34 THRU 2007-60** and authorized the Chair to sign said resolutions. (4-0 Vote. Botelho absent) CSA File*

- 43) **Approve Final Map No. 04-71, Tract No. 297 commonly known as Rodriquez Estates and authorized chair to sign the final map and authorize staff to record said map.**

Supervisor De La Cruz stated that he would abstain from this item due to having performed a financial analysis for the applicant.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, approved Final Map No. 04-71, as recommended. (3-0 vote. De La Cruz abstained and Botelho absent.) File #105*

- 44) **Approve Amendment No.1 to contract with Quincy Engineering, Inc. to address proposed scope changes, increase the total compensation to the contractor and extend term from June 30, 2007 through June 30, 2009.**

Supervisor Loe asked if due to the networking of the root structure would it kill all of the old oak trees.

Public Works Director Jerry Lo answered that the consultants working on this project would know if this were going to happen and he did not think it would.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, approved Amendment No. 1 to contract as recommended. (4-0 Vote. Botelho absent. File #105*

SHERIFF'S DEPT. – C. Hill:

- 45) **Approved** contract with Motorola Service Agreement for 911 Radio System for a two-year agreement in the amount of \$9,552. annually effective July 1, 2007 through June 30, 2009. *File 116*

- 46) **Approved** Law Enforcement Services contract with the City of Hollister for the 2007 Hollister Independent Rally and **authorized** the Sheriff to sign said contract. *File #110*

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

AGRICULTURAL COMMISSIONER - P. Matulich:

- 47) Held public hearing and consider the levy of assessments for the proposed mosquito and disease control assessment for the San Benito County Mosquito Abatement Program and close the balloting period.**

Chairman Marcus explained the hearing procedure for this item and public hearing

Introductory comments and a general overview of proposed improvements were provided by Agricultural Commissioner Paul Matulich and Gerard Van Steyn, SCI Consulting Group, Assessment Engineer.

Chairman Marcus opened the public hearing. The following members of the public spoke on the issue and asked questions: Ruth Erickson, Hollister resident; Marvin Jones, Hollister resident; Marty Richman, Hollister resident, David Nicolayson, County resident; Sally Bettencourt; County resident; Aurelio Zuniga, Hollister resident; V. G. "Sleepy" Avant, Aromas resident; Robert Scoles, Aromas resident.

Staff and consultant answered questions asked during public input.

Discussion ensued and Board members posed questions regarding the process.

Chairman Marcus issued the last call for ballot submission for the proposed Mosquito and Disease Control Assessment noting that ballots received after the close of the public input portion of the hearing would not be counted.

Chairman Marcus closed the public input portion of the hearing.

Chairman Marcus directed the County Clerk to begin the tabulation of the ballots on this matter and announced the continuation of the public hearing to July 24, 2007 when the ballot tabulation is projected to be completed and announced, and if the tabulation finds that a weighted majority of ballots submitted are in support of the proposed assessment the Board may consider a resolution to levy the assessments commencing in fiscal year 2007-2008. File #1.1

REGULAR AGENDA (Continued):

INTERNAL SERVICES – R. Inman:

- 48) Employee Appreciation Program Presentation by Lyndsay Peters of Terryberry Company.**

Rich Inman, Director of Internal Services introduced Lyndsay Peters of Terryberry Company who made a presentation to the Board regarding a possible Employee Appreciation Program and handed out sample catalog.

Mr. Inman noted that costs would be discussed during budget hearings. *File #630*

The Board adjourned for lunch at 12:05 p.m. and reconvened at 1:30 p.m. re:

BOARD OF SUPERVISORS:

- 49) Receive report on CSAC Board of Directors meeting attended by Supervisor Monaco on June 14, 2007.**

Supervisor Monaco reported that he attended the Ag & Natural Resources Committee meeting held in conjunction with the CSAC Board of Directors meeting as

well as attending the Directors meeting. Supervisor Monaco provided information that he received at the meeting to the Clerk of the Board for public review. *File #1110*

- 50) **Authorize one or more Board member to represent San Benito County Board of Supervisors at the 2007 annual NACO conference July 13, 2007 through July 17, 2007 in Richmond, Virginia.**

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, authorized sending Supervisor De La Cruz to represent San Benito County Board of Supervisors at the 2007 annual NACO Conference as recommended. (4-0 Vote. Botelho absent) File #156*

ADMINISTRATIVE BUSINESS:

- 51) **Approve and authorize Chair to sign transfer agreement of the Courthouse with the Judicial Council of California.**

County Administrative Officer Susan Thompson provided background information stating that this was the culmination of a lot of work and the formal agreement was now before the Board for consideration.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, approved and authorized the Chairman to execute transfer agreement between the Judicial Council of California Administrative Office of the Courts and San Benito County for the transfer of responsibility for the County Court Facility. (4-0 Vote. Botelho absent.) File #595*

1:30 P.M. PUBLIC HEARING:

PLANNING DEPARTMENT – A. Henriques:

- 52) **Continue public hearing from June 12, 2007 regarding an appeal of the San Benito County Planning Commission decision made on April 4, 2007 re: Minor Subdivision No. 1194-06. Request: Modification of Condition Of Approval 14(a), requiring certain roadway improvements on John Smith Road along the property's frontage, to allow deferment of said roadway improvements.**

Principle Planner Byron Turner reported that Planning staff was requesting a continuation of this hearing to the July 3, 2007 meeting noting that the applicant supports the continuance.

There was no comment from the public.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, continued the public hearing to the July 3, 2007 meeting at 1:30 p.m. (4-0 Vote. Botelho absent)*

- 53) **Review the General Plan Update Community Survey and provide direction for any necessary revisions and approve survey for distribution.**

Planning Director Art Henriques provided background information stating the survey submitted was a draft and was distributed to the Board for their review and comment.

Mr. Henriques noted that this draft would be on file with the Clerk of the Board and the Planning Department should any members of the public wish to review its contents and provide input.

Richard Bettencourt, San Benito County Planning Commissioner, stated that the Planning Commission had not yet been informed and haven't reviewed the survey yet.

Mr. Henriques responded that the survey will be submitted to the Planning Commission for their review at their next meeting or possibly a special meeting could be set.

Board members suggested the inclusion of transitional housing; rental type housing and recreational activities.

Continued this item to the July 3, 2007 meeting with supervisors to pass on any suggestions to the Planning Department prior to that date. File #790

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, De La Cruz, Marcus

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: Botelho

There being no further business the Board adjourned to July 3, 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