



# 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 JULY 24, 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 Deputy Clerk of the Board Janet Slibsager. Chairman Don Marcus 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:**  
The following San Benito County SEIU employees asked the Board of Supervisors for support and fairness during upcoming labor negotiations: Bonnie Wells, H & HSA; Lori Woodle, Sheriff's Department; Dianna Smith, County Clerk/Recorder's Office; Catherine Farnham, H & HSA. Frank Garden of the Service Employees Union also addressed the Board stating he would be helping out the team to prepare for negotiations.
- d) **Department Head Announcements:**  
County Administrative Officer, Susan Thompson reported there is concerns regarding the states budget impasse. Ms. Thompson informed the Board that she would be preparing a letter for signature by the Chairman to our legislative delegation and the Governor expressing that we need to keep with past policies in order to protect the exchange of vital service that the county provides.

Art Henriques, Planning Director, reported that the Planning Department has scheduled a second annual meeting with the Local Mining Operators on July 26, 2007 at 9:00 a.m. in the Board Chambers. Mr. Henriques further advised the Board that a special Planning Commission meeting has been set for August 29, 2007 to focus on non-project application priorities and he will also be helping the commission to set up future special meetings in the Fall in order to get caught up.

Kathy Flores, Health & Human Services Agency Director, reported that she received a letter on Friday, July 20, 2007 from Leatherback Corporation regarding the layoff of an estimated 43 positions. Ms. Flores stated that the One Stop Career Center as well as

Employment Development Department would be giving presentations of various services that may be available to the effected employees.

e) **Board Announcements, Introductions and Presentations:**

Supervisor Monaco voiced his concern about the loss of jobs from Leatherback. Supervisor Monaco stated that he was disappointed with the lack of action from the Planning Department on the Hillside Ordinance stating he was prepared to volunteer two hours of time per week to the Planning Department to help them out so as to free up time for staff.

Supervisor De La Cruz also voiced his concern about the Hillside Ordinance and the importance of getting it done. Supervisor De La Cruz reported that his trip to the NACO Conference in Virginia was very rewarding and he attended many seminars and brought back information for the Board members.

Supervisor Botelho expressed concern with CDF negotiating for an area of the Hollister Airport and that it might conflict with potential development. Supervisor Botelho stated he would like to see a letter from the County emphasizing that we hope they conclude the negotiations and commitment to Cal Fire for the long-term future in that area and that it is vital that we maintain the air base here in the County at the Hollister Airport.

Chairman Marcus said they could direct staff to prepare the letter.

Supervisor Botelho also expressed concerns for the lack of water in certain areas of his district noting we continue to receive applications for splits and allocations. Supervisor Botelho reported that the City of San Juan received a Preserve America certification in Washington D.C.

Supervisor Loe asked everyone to please participate in the Relay for Life Event to be held the first weekend of August.

<b>CONSENT AGENDA:</b>
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Upon motion made by Supervisor Marcus and seconded by Supervisor DeLaCruz, approved Consent Agenda Items 1 through 22 with the exception of items 1, 18, 19, 20, 21 which were pulled for discussion and item 15.1 has been submitted as an urgency item. (Unanimous)

**ADMINISTRATIVE BUSINESS – S. Thompson:**

- 1) **Approve amendment to original contract with Rich Inman, Director Internal Services/Assistant County Administrative Officer that extends contract to June 19, 2010 and provides adjustments in salary and administrative leave provisions.**  
**BOARD ACTION:** *Upon motion made by Supervisor Loe and seconded by Supervisor De La Cruz, moved to continue item to next meeting of August 7, 2007 closed session to further discuss. (Unanimous) File #630*

**BEHAVIORAL HEALTH – A. Yamamoto:**

- 2) **Approved** contract renewal with 7<sup>th</sup> Avenue Center for sub-acute level psychiatric skilled nursing services for a maximum amount of \$89,000 for FY 2007/2008. *File #810*
- 3) **Approved** contract renewal with Monterey County Behavioral Health Services for child and adolescent clients that require outpatient and/or day treatment mental health services for a maximum amount of \$25,000 for FY 2007/2008. *File #810*

- 4) **Approved** contract renewal with John Muir Behavioral Health Center for inpatient acute, psychiatric hospital care services for FY 2007/2008. *File #810*
- 5) **Approved** contract with Charis Youth Center for Therapeutic Behavioral Services (TBS) for Medi-Cal beneficiaries under age 21 for a maximum amount of \$80,000 for FY 2007/2008. *File #810*
- 6) **Approved** contract renewal with Hope Rehabilitation Services for rehabilitation services for a maximum amount of \$25,000 for FY 2007/2008. *File #810*
- 7) **Approved** contract renewal with Carrie Budd, LMFT for therapy for adults and children for a maximum amount of \$20,000 for FY 2007/2008. *File #810*
- 8) **Approved** contract renewal with Santa Cruz Counseling Center, Inc., for substance abuse treatment services for a maximum total of \$115,190.20 for FY 2007/2008.  
*File #810*

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

- 9) **Approved** the action minutes of the June 26, 2007 regular meeting and the July 3, 2007 regular meeting.

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

- 10) **Approved** contract with HOPWA with the City of San Jose as the regional administrator of the HOPWA funds for San Benito County and Bay Area counties for FY 2007/2008.  
*File #130*
- 11) **Appointed** Mr. Frank O. Gamez to the Community Action Board (CAB) as the District #1 Private Sector Representative for a three-year term effective July 24, 2007 through July 24, 2010. (cswd) *File #939*
- 12) **Appointed** Mr. Stan Rose to the Workforce Investment Board (WIB) to represent the public sector for a three-year term effective August 1, 2007 through July 31, 2010. (cswd) *File #939*
- 13) **Reappointed** Mr. Al Martinez to the Workforce Investment Board (WIB) to represent the public sector for a three-year term effective August 1, 2007 through July 31, 2010. (cswd) *File #939*
- 14) **Reappointed** Mr. David Wright to the Workforce Investment Board (WIB) to represent the private sector for a three-year term effective September 1, 2007 through August 31, 2010. (cswd) *File #939*
- 15) **Approved** contract with Betty Hanna, California Consulting to provide planning, consultation, facilitation, analysis and production of related documents in order to complete San Benito County's second Self Assessment and System Improvement Plan for Child Protective Services for a total amount of \$12,567.68 for the period of August 1, 2007 through March 31, 2008.

- 15.1) **Urgency item added for Out-of- State travel for H & HSA Child Protective Services Worker to accompany a dependent currently placed in Oregon back to California per court order.**

**BOARD ACTION:** Upon motion made by Supervisor Monaco and seconded by Supervisor De, made findings that the item came up after the posting of the agenda and needed to be acted upon prior to the next scheduled Board meeting. (Unanimous)

**Approved** Out-of-State travel for H & HSA Social worker to comply with court order. (Unanimous) File #130

### **INTERNAL SERVICES**

- 16) **Approved** certificate of recognition to Montford Bryan, Appraise in appreciation for over sixteen years of service and dedication to the County. (For presentation at a later date). File #7

- 17) **Approved** amendment to contract for Delta Dental for employee benefits effective January 1, 2007. File #36

- 18) **Approve job descriptions and salary ranges for Mental Health, Public Works and Humans Services Agency. Item pulled for discussion.**

**BOARD ACTION:** Upon motion made by Supervisor Botelho and seconded by Supervisor Monaco, approved job descriptions and salary ranges for Mental Health, Public Works and Humans Services Agency. (Unanimous) File #630

### **PUBLIC WORKS – J. Lo:**

- 19) **Approve Step E, Range 19 of the Heavy Equipment Mechanic III position based on experience of over 25 years of employment as a mechanic. Item pulled for discussion.**

**BOARD ACTION:** Upon motion made by Supervisor Monaco and seconded by Supervisor Botelho, approved Step E. Range 19 of the Heavy Equipment Mechanic II position. (Unanimous) File #105

- 20) **Resolution accepting Grant Deed for purchase of 0.2147 acres of real property for road right-of-way and grant of temporary construction easement, landscape easement and overhead utility easement for the Lone Tree Road Bridge from Derald W. Langwell and Mari-Lu Langwell, Trustees under the Derald W. Langwell and Mari-Lu Langwell Living Trust, Shirley M. Marcus, Chuck R. Marcus and Joe R. Marcus and authorize vice chair to sign right-of-way agreement, Certification of Acceptance and Consent to record the grant deed and authorize payment for such purchases. (Res. No. 2007-63)**

Chair Marcus excused himself as it pertains to his relatives, so he passed the gavel to Vice Chair De La Cruz.

**BOARD ACTION:** Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, approved as recommended and adopted **Resolution No. 2007-63.** (4-1 Vote. Marcus abstained.) File #645

- 21) **Resolution accepting Grant Deed for purchase of 0.1993 acres of real property for road right-of-way and grants of temporary construction easement and landscape easement for the Lone Tree Road Bridge from Juanita Marcus and authorize vice chair to sign right-of-way agreement, Certification of Acceptance and Consent to**

**record the grant deed and authorize payment for such purchases. (Res. No. 2007-64)**

Chair Marcus excused himself as it pertains to his relatives, so he passed the gavel to Vice Chair De La Cruz.

**BOARD ACTION:** Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, approved as recommended and adopted **Resolution No. 2007-64** (4-1 Vote. Marcus abstained.) File #645

- 22) **Approved** Final Map No. 99-66, Tract No. 292 commonly known as Gonzalez Estates; **accepted** all offers of dedication; **authorized** the chair to sign the final map and **authorized** staff to record said map. File #106

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

**AG COMMISSIONER – P. Matulich:**

- 23) **Adopt Resolution accepting the engineers report, confirming diagram and assessment ordering the levy of the San Benito County Mosquito Abatement Program and Disease Control Assessments. (Res. No. 2007-65)**

Chair Marcus opened the public hearing and provided background information regarding the Mosquito Abatement Program.

County Counsel Dennis LeClere asked that the tabulation of votes be read. Clerk/Recorder, Joe Paul Gonzalez read vote tabulation. Mr. Gonzalez stated there were 2,276 Yes Votes and 1,522 No Votes. Total percent of Yes votes was 62.88% and the percentage of No votes was 27.12% and total of 59 invalid votes.

The following public speakers spoke in opposition to the Mosquito Abatement Program: Marvin Jones and Marty Richman.

Board members provided comments.

**BOARD ACTION:** Upon motion made by Supervisor Botelho and seconded by Supervisor Monaco, accepted certified statement of the ballot results received by the close of June 26, 2007 public hearing and adopted **Resolution No. 2007-65** approving engineer report, confirming service area boundaries and assessment and ordering the levy of the Mosquito Abatement Program & Disease control assessments. (4-1 vote. De La Cruz voted no) File #1.1

**REGULAR AGENDA:**

**INTERNAL SERVICES:**

- 24) **Approved Vector Control Technician I/II job description, set salary ranges 13.6 for Vector Control Technician I and 16.6 for Vector Control Technician II and allocate one (1) Vector Control Technician II in the Mosquito Abatement Program budget.**

Rich Inman addressed this item stating it was necessary to allocate a position to get the work done; therefore asking for adoption of this position and salary range and allocate the position to the Mosquito Abatement Program.

Supervisor Monaco asked are we creating a new position or are we going to utilize the services of existing staff? Inman replied, we are creating a new position.

**BOARD ACTION:** Upon motion made by Supervisor Loe and seconded by Supervisor De La Cruz, approved Vector Control Technician I/II job description as recommended. (Unanimous) File #1.1

**PLANNING DEPARTMENT – A. Henriques:**

- 25) **Continue ordinance revising Chapter 30 of the San Benito County Code and General Plan from July 3, 2007 meeting.**

Planning Director Art Henriques provided background information stating this is before the board today for final adoption.

Alexander Henson, Attorney spoke on behalf of the Concerned Citizens of San Benito County a group of residents and taxpayers who are apposed to this ordinance. Mr. Henson made a request for disclosure of all documents including e-mail communications under the California Public Records Act, Government Code Section 6250, which concern the creation of this proposed ordinance. Mr. Henson asked that the matter be continued.

The following members of the public addressed the Board in opposition to the adoption of the ordinance. Marty Richman, Janet Brians, Helen Ross, Marian Cruz, Ann Carpenter, Jeannette Langstaff, Susanna Langstaff and Aurelio Zuniga.

Lengthy discussion ensued.

**BOARD ACTION:** Upon motion made by Supervisor Botelho and seconded by Supervisor De La Cruz, moved to continue the item to August 7, 2007 after sub-committee meets to work on revisions for the Board's consideration. (Unanimous) File #790

- 26) **Consider General Plan Update Community Survey and authorize the consultant to send survey out with corrections and amendments.**

Planning Director Art Henriques reported that he has an updated draft of the survey.

Chair Marcus recommended a change to Item #8 and suggested taking out maintaining parks and trails and keep building and maintaining parks and would like to see something put in there for street and road improvement.

Supervisor Loe recommended adding the Internet to Item #9 and also adding some explanation of what the TDC means.

Supervisor Monaco recommended adding recreation other than family entertainment to Item #9.

**BOARD ACTION:** Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco, authorized the consultant to send survey out with corrections and amendments. (Unanimous)

Planning Director Art Henriques added for information that this will go out in a few weeks and there will be three community meetings and it will be advertised for people to provide comments. File #790

- 27) **Review and discuss the draft Coyote Valley Specific Plan Environmental Report.**

Planning Director Art Henriques provided a power point presentation regarding the Coyote Valley Specific Plan, which has been under review since the 1950's.

**BOARD ACTION:** Directed the CAO to work with Chair on a letter to regional organizations such as AMBAG, to possibly set up a joint meeting to discuss concerns. File #790

**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.)

- 28) **Public Employee Performance Annual Evaluation**  
Title: County Administrative Officer  
Authority: California Government Code Section 54957  
**No reportable action.** File # 235.6
- 29) **Public Employee Performance Evaluation**  
Title: County Counsel  
Authority: California Government Code Section 54957  
**No reportable action.** File #235.6
- 30) **Conference with Labor Negotiators;**  
Agency Designated Representatives: Linzie Daniel  
Employee Organization: SEIU. Local 521 – General Unit Employees  
Authority: California Government Code Section 54957.6  
**No reportable action.** File #235.6

**1:30 P.M. PUBLIC HEARINGS (or as soon thereafter as the matter(s) may be heard):**

Held **two** (2) public hearings to consider proposed resolutions confirming the annual report, as per Government Code Section 25210.77a, on the following County Services Areas in San Benito County:

The Chair opened the Public Hearing at 2:05 p.m.

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

- 31) a) **Adopt Resolution No. 2007-66 confirming the written report and charges set forth in CSA #36 (Emergency Medical Services and Advanced Life Support Services) for FY 2007/2008.**

H & H.S.A Director Kathy Flores reported that she was here today to hold a public hearing to hear comments regarding the annual written report for CSA County Service Area #36 which is for advanced life support emergency medical services for FY 07/08 and adopt resolution to confirm the written report and the charges that are being proposed in the written report.

Jim Clark, EMS Coordinator, reported that they are proposing an \$18.42 per parcel assessment up \$1.66 from last year to increase certain services.

There being no comment from the public, the Chair closed the Public Hearing at 2:15 p.m.

**BOARD ACTION:** Upon motion made by Supervisor De La Cruz and seconded by Supervisor Botelho, adopted **Resolution No. 2007-66** confirming the written report and charges set forth in CSA #36 and **authorized** the chair to sign. (Unanimous) File #1068/CSA File

Opened Public Hearing for Item #32 at 2:16 p.m.

**PUBLIC WORKS – J. Lo:**

- 32) *b) Adopt Resolution No. 2007-67 extending services and confirming report and setting forth charges for each Parcel receiving services in the County Service Areas: CSA #4 (Santa Rosa Acres); CSA #5 (Hillcrest); CSA #8 (Bonnie View); CSA #9 (Ridgemark); CSA #11 (Barnes Lane); CSA #16 (Santa Ana Estates/Holiday Ranch Estates); CSA #19 (Springwood Estates); CSA #21 (Long Acres); CSA #22 (Cielo Vista); CSA #23 (Rancho San Joaquin/Tevis Trails); CSA #24 (Santa Ana Acres); CSA #25 (Vineyard Estates); CSA #28 (Heatherwood); CSA #29 (Magladry); CSA #30 (McCloskey Acres); CSA #31 (Stonegate); CSA #33 (Torrano); CSA #34 (Ausaymas); CSA #35 (Union Heights); CSA #42 (Lemmon Acres); CSA #45 (Rancho Larios); CSA #46 (Quail Hollow); CSA #47 (Oak Creek); CSA #48 (Dry Creek); CSA #49 (Hollister Ranch Estates); CSA #50 (Dunneville Estates); CSA #51 (Comstock Estates); CSA #53 (Riverview Estates); CSA #54 (Pacheco Creek Estates).*

Public Works Director Jerry Lo reported that they have reviewed the CSA report and their budget and there is not any increase in assessment charge. Mr. Lo stated that starting this year staff is going through the Prop 218 processes to make sure we assess equally. Mr. Lo asked the Board to confirm the report.

Administrative Service Manager Nadine DaRoza provided staff report and noted that the CSA's were established to assure that development pays for itself.

There being no comment from the public the Chair closed the Public Hearing at 2:18 p.m.

Discussion ensued.

**BOARD ACTION:** *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco, adopted the charges for extended services in the Counties CSA's and adopted **Resolution 2007-67** confirming the report and **authorized** the chair to sign. (Unanimous) File #105/CSA File*

The Board adjourned into Closed Session at 2:28 p.m. and reconvened into Regular Session.

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, Botelho  
NOES: SUPERVISORS: None  
ABSENT: SUPERVISORS: None

There being no further business the Board adjourned to August 7, 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

By: Janet Slibsager, Deputy Clerk