



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 AUGUST 28, 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.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- c) **Public Comment:** Joe Thompson, local resident, expressed his concern with what he feels is a jurisdictional dispute between COG (Council of Governments) and the Board of Supervisors. Mr. Thompson did not agree with advertising to students to use County Transit here in the county.
Herman Fehl, local resident, expressed his concerns with the new Medicare reimbursement rates for doctors in San Benito County noting that if the doctors here are paid a lower rate than other counties then senior citizens may have to travel out of town for medical care.
Catherine Farnham, Perinatal Services Coordinator for the Public Health Department, stated that we are currently in negotiations and urged the Board of Supervisors to treat the county employees fairly noting the biggest problem is parity.
- d) **Department Head Announcements:** County Administrative Officer Susan Thompson reported that the State Budget had been enacted and noting that the Williamson Act was retained. Ms. Thompson indicated that the primary impact to the County would be from Proposition 36.
Ms. Thompson stated that she has done research on the Medicare issue and she can send letters to the Legislature.
Jim Clark, Emergency Medical Services Coordinator, announced that the Public Health staff was conducting a full function strategic national stock drill to be held at the Veterans Memorial Building on August 29, 2007 beginning at 8:00 a.m.

- e) **Board Announcements, Introductions and Presentations:** Supervisor Monaco reminded the public that schools are now in session and encouraged people to be aware and drive carefully and keep the kids safe. Supervisor Monaco also reported that CSAC (California State Association of Counties) says that the State will stop picking on the Williamson Act in the future.

Supervisor Loe reported that she met with Congressman Sam Farr and discussed the need to make the Legislature aware of our concerns here about the reimbursement rates to doctors here in San Benito County.

Supervisor Botelho addressed the public comment by Joe Thompson stating that from his own perspective Inter-model transit is not good for this area. Also, we need to continue to improve our county transit.

Supervisor Marcus stated that we need private interaction with regards to Inter-model transportation and agrees with Supervisor Botelho that we need to continue to sit with our neighboring counties to resolve transportation issues.

Supervisor De La Cruz reported that he worked with his neighbors on a clean up of the Tony Aguirre Park and thanked the community for their participation.

Supervisor Marcus stated that he also met with Congressman Farr and discussed the Congressman's perspective on the East/West Corridor.

Supervisor Marcus thanked the Free Lance newspaper for the recent article on economic development in the county noting it was a step in the right direction.

CONSENT AGENDA:

Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco, approved Consent Agenda Items 1 through 13 with the exception of Item 6 which was pulled for discussion.

ADMINISTRATIVE BUSINESS:

- 1) **Approved** lease agreement with Marlin Leasing for a period of five (5) years and a maintenance agreement with Simplified Office Machines to be renewed annually and **authorized** the County Administrative Officer to sign all related documents. (Management Analyst) *File #119*

CLERK OF THE BOARD – L. Churchill:

- 2) **Approved the** action minutes of the August 7, 2007 regular meeting and the August 14, 2007 meeting.

COUNTY CLERK / AUDITOR / ELECTIONS – J.P.Gonzalez:

- 3) **Adopted Resolution No. 2007-72** consolidating the municipal election for the City of Hollister with the November 6, 2007 General Election. *File #119*

MENTAL HEALTH – A. Yamamoto:

- 4) **Approved** contract renewal with Lewis Aptekar, Ph.D., licensed Clinical Psychologist, for the contract term of August 28, 2007 to June 30, 2008 for a maximum annual total of \$35,000. *File #810*
- 5) **Approved** contract renewal with Kings View Corporation for MIS (Management Information System) for FY 2007-08 for a maximum annual total of \$76,412 and **authorized** the County Behavioral Health Director to sign said contract. *File #810*

PLANNING DEPARTMENT – A. Henriques

- 6) **Authorize the chair to sign and send the attached comment letter to Caltrans on the notice of preparation for the Highway 25 widening project west of San Felipe Road.**

Supervisor Monaco expressed concern with language included on Page 2, Paragraph 2 - last 2 lines, and stating he was uncomfortable with the wording since we are currently amending our General Plan and it could change and minimizing the effect on farmlands should be emphasized.

County Administrative Officer Susan Thompson suggested changing the wording to read, "The effects of the widening project should minimize impacts on productive agricultural land".

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Botelho, approved letter to Caltrans with suggested amendment and authorized the Chair to sign said letter. (Unanimous) File #790*

- 7) **Authorized** letter of support of SB 748 for State Local Partnership Program and **authorized** chair to sign said letter and send to Assembly Member Anna Caballero, Senator Jeff Denham and Senator Ellen Corbett. *File #790*

SHERIFF DEPT. – C. Hill:

- 8) **Approved** out-of-state travel for narcotic detectives to attend the 2007 California Narcotic Officers' Association Annual Conference in Reno, Nevada, November 16-20, 2007. *File #110*
- 9) **Approved** transfer title of a Ford Crown Victoria to the City of San Juan Bautista; **authorized** Chair to sign necessary documents; **removed** this vehicle from Dept. 1001210 Fixed Asset Schedule and **removed** from County's Insurance policy. *File #110*
- 10) **Approved** the purchase of the Transportable LiveScan System; and,
- **Augmented** the Sheriff's Communications Budget (1001212) Revenue in the amount of \$11,708.00.
 - **Augmented** the Sheriff's Communications Budget (1001212) Fixed Asset in the amount of \$11,708.00.
 - **Increased** Communication's Fixed Asset Schedule to include a Transportable LiveScan System. *File #110*
- 11) **Authorized** the purchase of evidence lockers in the amount of \$9,009.00 from OES Grant Funds; and, **amended** the FY 07-08 Fixed Asset Schedule for UNET (2515101) to include the evidence lockers. *File #110*
- 12) **Approved** agreement between the Sheriff and the San Benito High School for a School Resource Officer for a three-year term commencing in the 2007-2008 school year and ending on July 1, 2010 and **authorized** the Sheriff to sign said agreement. *File #110*
- 13) **Approved** agreement between the Sheriff's Office and County Office of Education for a School Resource Officer dedicated to San Andreas School and special programs for a three-year term commencing in the 2007/2008 school year and ending July 1, 2010 and **authorized** Sheriff to sign. *File #110*

REGULAR AGENDA:

CLERK /AUDITOR/RECORDER – J. P. Gonzalez:

14) **Adopt resolution for the final budget for FY 2007/2008.**

County Clerk Joe Paul Gonzalez provided background information stating that the budget is balanced.

BOARD ACTION: *Upon motion made by Supervisor Loe and seconded by Supervisor Botelho, adopted Resolution No. 2007-73 adopting the final budget for the County of San Benito for the Fiscal Year July 1, 2007 to June 30, 2008. (Unanimous) File #865*

15) **Adopt resolution establishing Proposition 4-appropriation limit for the FY 2007/2008 at \$24,948.658.**

County Clerk Joe Paul Gonzalez provided background information stating that the County has met the Proposition 4 appropriation limit, also known as the Gann limit.

BOARD ACTION: *Upon motion made by supervisor De La Cruz and seconded by Supervisor Monaco, adopted Resolution No. 2007-74 establishing the Proposition 4 appropriation limit for the FY 2007/2008 at \$24,948,658. (Unanimous) File #865*

16) **Presentation on Fiscal Year 2005/2006 Financial Statements by the County of San Benito's Independent Auditor, Grace and Associates, CPA's.**

County Clerk Joe Paul Gonzalez provided background information and introduced Mike Grace, CPA who presented a Power Point Presentation of the Fiscal Year 2005/2006 Financial Statements, San Benito County.

Mr. Grace answered questions posed by the Board of Supervisors.

Marty Richman, local resident, came forward stating that the Board should embrace the request that we recognize unfunded liability. Mr. Richman stated that someone would have to pay these promised benefits at some point.

No action required. File #608

17) **Authorize chair to sign letter opposing AB1168 (Jones) and direct staff to submit said letter to the Senate appropriations committee.**

County Clerk Joe Paul Gonzalez provided background information stating that this bill would require recorders of each county to redact social security numbers in all recorded documents dating back to 1962. Mr. Gonzalez stated that this would be a tremendous financial burden to the County.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, authorized the Chair of the Board to sign letter opposing AB1168 (Jones) and directed staff to submit said letter to the Senate Appropriations Committee. (Unanimous) File #112.5*

INTEGRATED WASTE – M. Rose:

18) **Accept donation of approximately 2000 dozen-cotton gloves from Jam Pak, Inc. for an estimated value of \$12,000.**

Mandy Rose, Integrated Waste Management Department, provided background information stating that these gloves were being brought to the landfill for disposal and

the Site Manager inquired as to whether or not there was any interest in diverting them for County use.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Monaco, accepted the donation of approximately 2000 dozen cotton gloves from Jam Pak, Inc. as recommended. (Unanimous)*

INTERNAL SERVICES:

- 19) **Approve MOU between the City of Hollister and County of San Benito to share the cost of eCivis Contract; and approve contract with eCivis, a grant locator service, at a cost of \$32,000 for the term September 1, 2007 to August 31, 2008.**

Margie Riopel, Management Analyst, provided background information explaining the services that would be provided by this grant locator service.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco, approved the MOU (Memorandum of Understanding) with the City of Hollister to share cost of the eCivis contract; and, approved contract with eCivis as recommended. (Unanimous) File #20*

- 20) **Approve contract with Megabyte Systems Inc. for a property tax system and data conversions for the Assessor, Tax Collector and Auditor at a cost not to exceed \$750,000.**

Margie Riopel, Management Analyst, provided background information explaining that this system was approved in the 2007/2008 Capital Outlay budget. Ms. Riopel reported that the current system is antiquated and noted that 19 counties use this system successfully.

County Clerk Joe Paul Gonzalez and Assessor Tom Slavich both strongly encouraged approval of this system.

Marty Richman, local resident, stated that there is a world of difference in what is promised and what is delivered and encouraged having a project manager stay on top of this and make periodic reports to the Board of Supervisors.

Comments were made by the Board of Supervisors regarding this system.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, approved the contract with Megabyte Systems, Inc. for a property tax system and data conversions for the Assessor, Tax Collector and Auditor as recommended. (Unanimous) File #685.2*

PLANNING DEPARTMENT – A. Henriques:

- 21) **Consider adoption of ordinance revising Chapter 30 of the San Benito County Code, General Plan and Specific Plan-Local Procedures, also known as the General Plan Potential Residential Growth Increase (PRGI) ordinance. (Continued from the 8/14/07 meeting.)**

Planning Director Art Henriques provided background information stating that this ordinance was introduced at the August 14, 2007 Board of Supervisor meeting and recommended approval of the ordinance.

The following local residents addressed the Board: Helen Ross, Ann Carpenter, Beatrice Gonzalez-Ramirez, Janet Brians, Annette Giacomazzi and Marty Richman.

BOARD ACTION: Upon motion made by Supervisor Monaco and seconded by Supervisor Botelho, adopted **Ordinance No. 819** amending Chapter 30 of the San Benito County Code, General Plan and Specific Plan – Local Procedures, also known as the PRGI (Potential Residential Growth Increase) program (4-1 Vote. Loe voted no.)

BOARD OF SUPERVISORS:

- 22) Consider appointment of an ad hoc committee of the Board of Supervisors to review the need for the retention of expert outside legal counsel to assist with the legal issues involved in the processing of a major land use project application and direct said committee to return to the Board of Supervisors no later than September 11, 2007.

Chairman Marcus provided background information.

County Counsel Dennis LeClere provided comments stating that he has talked with several attorneys / firms about this service.

BOARD ACTION: Upon motion made by Supervisor De La Cruz and seconded by Supervisor Botelho, approved an ad hoc sub-committee of Supervisors Loe and Marcus to review the need for the retention of expert outside legal counsel as recommended. (Unanimous) 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.)

The Board adjourned into Closed Session and reconvened into Regular Session re:

- 23) **Conference with Legal Counsel – Anticipated Litigation**

- a) Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9 Number of Cases: **1**

No reportable action. File #235.6

- 24) **Conference with Legal Counsel – Existing Litigation** – (Subdivision(a) of Section 54956.9)

Name of case: Marciano Plata v. Schwarzenegger (Case #C01-1351TEH)

Name of case: Ralph Coleman v. Schwarzenegger (Case #CIVS90-0520LKKJFMP)

No reportable action. File #235.6

- 25) **Urgency Item:** Upon motion made by Supervisor Loe and seconded by Supervisor Botelho, added an urgency item to consider cancellation of the re-scheduled regular meeting of the Board of Supervisors on September 6, 2007 making a finding that this item arose after the posting of the agenda and must be acted upon prior to the next regular Board meeting. (Unanimous)

Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, cancelled the re-scheduled Board of Supervisors meeting of September 6, 2007 and directed staff to move all business to the September 11, 2007 regularly scheduled meeting. (Unanimous)

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 September 11, 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