



## 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 NOVEMBER 6, 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 were present. Supervisor Marcus was absent. Also present was County Administrative Officer Susan Thompson, County Counsel Dennis Le Clere and Asst. Clerk of the Board Janet Slibsager. Vice-Chair De La Cruz 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, Tres Pinos resident, voiced his concern regarding Council of Governments (COG) and stated that County Counsel, Dennis LeClere expressed the opinion that COG is a separate independent agency, separate and a part from the County. Mr. Thompson stated he feels COG should be abolished and does not like the direction it is going.  
Marvin Jones, Hollister resident, stated it was voting day in Hollister and San Juan Bautista and that the voters in Hollister can vote on Measure T and raise the price of their gas. Mr. Jones wanted to commend Council of Governments (COG) for the replacement of three buses and for the increase of the rider ship in the 42-passenger bus. Mr. Jones said it was the largest I have ever seen it, with only 2 passengers.  
Stephen Rosati, Hollister resident and pharmacist, voiced concern regarding Health Care Coverage for County Employees. Mr. Rosati stated that Cal Pers, as far as a pharmacy is related is a closed system and they are not allowing new sign ups. Mr. Rosati stated there are tax dollars going into this system and he does not think it is right that tax-paying business are not allowed into the system. Mr. Rosati stated that the County might want to look and see if there is another program that provides similar coverage and rates and is not closed and is open to everybody.  
Vice Chair, De La Cruz asked Mr. Rosati to send a letter to the County Administrative Office regarding his concerns. CAO Susan Thompson asked that Mr. Rosati give her a call.
- d) **Department Head Announcements:** County Administrative Officer Susan Thompson announced that there would be a Special Board Meeting on November 20, 2007 due to a Public Hearing that had to be scheduled.

Ms. Thompson also stated that the State of California is in the process of issuing an order for budget cuts for next year in the amount of about ten percent, which could be an approximate ten million dollar deficient in the State Budget for next year. Ms. Thompson stated one of the most volatile and at risk sources of funds that we have is the Williamson Act, which is about \$800,000. of the general fund. Ms. Thompson stated she would be meeting with department heads and discussing strategies.

- e) **Board Announcements, Introductions and Presentations:** Supervisor Monaco reported that he was recently appointed to the Regional Advisory Committee (RAC) for Bureau of Land Management (BLM). Supervisor Monaco stated he attended their first meeting in Monterey, California and they meet about three times a year. Supervisor Monaco stated he has all of the BLM land in the Clear Creek area in his district.

Supervisor Loe reminded everyone that today is Election Day and encouraged everyone to get out and vote.

#### **CONSENT AGENDA:**

*Upon motion made by Supervisor Monaco and seconded by Supervisor Botelho, approved Consent Agenda Items 1 through 17 with the exception of items 1, 6 & 12, which were pulled for discussion. (Unanimous)*

#### **ADMINISTRATIVE BUSINESS:**

- 1) **Adopt plans and specifications for the San Benito County Courthouse Modifications project; and authorize staff to solicit bids.**

Supervisor Loe had a question with regards to voting on Election Day and going through security.

Janelle Cox, Management Analyst, answered that during that period the staircase at the south end of the building would be opened up for access and there would be a telephone down in the lobby installed for citizens that did not wish to proceed up to the second floor. They would be able to call a staff person that would go down and assist them in the lobby.

**BOARD ACTION:** *Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, adopted plans and specifications for the San Benito County Courthouse modifications project; and authorized staff to solicit bids. File #595*

- 2) **Approved** Proclamation proclaiming Thursday, November 15, 2007 as National Philanthropy Day in San Benito County and authorized the Vice Chair to sign said proclamation. (Vice-Chair De La Cruz) *File #430*

#### **AGRICULTURAL COMMISSIONER – P. Matulich:**

- 3) **Accepted** donation from San Juan Oaks Golf Course in the amount of \$500.00 in support of the Wildlife Services program. *File #1.1*

#### **BEHAVIORAL HEALTH – A.Yamamoto:**

- 4) **Adopted Resolution No. 2007-88** for the FY 2007/2008 County Plan for the Substance Abuse Crime Prevention Act (SACPA) (Prop. 36) and Offender Treatment Program (OTP) *File #810*

- 5) **Authorized** the Behavioral Health Director to sign the proposed MHSA, CSS Plan contract amendment request and **authorized** the Behavioral Health Department to submit request to the State Department of Mental Health. File #810

**BOARD OF SUPERVISORS:**

- 6) **Approve Certificate of Recognition for presentation on Tuesday, November 13, 2007 to Hazel Hawkins Memorial Hospital recognizing their 100<sup>th</sup> Anniversary and honoring T.S. Hawkins, Hazel Hawkins and the Hawkins family.**  
Supervisor Botelho stated he attended the dinner dance on Saturday, November 3<sup>rd</sup> that the foundation hosted for the Hazel Hawkins Memorial Hospital's 100<sup>th</sup> year Anniversary and it was a great event. Supervisor Botelho stated he would like to add to the agenda item another certificate for Mary McCullough to be presented at the November 13<sup>th</sup> event for her generous contributions to the hospital.  
Supervisor Monaco also agreed that there should be a certificate for Mary McCullough.  
**BOARD ACTION:** *Upon motion made by Supervisor Monaco and seconded by Supervisor Botelho, approved Certificate of Recognition for presentation on Tuesday, November 13, 2007 to Hazel Hawkins Memorial Hospital recognizing their 100<sup>th</sup> Anniversary and honoring T.S. Hawkins, Hazel Hawkins and the Hawkins family and also to prepare a certificate to recognize Mary McCullough for her outstanding service.*  
File #30

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

- 7) **Approved** the action minutes of the October 22, 2007 special meeting and the October 23, 2007 regular meeting.

**COUNTY LIBRARIAN – N. Conte:**

- 8) **Accepted** grant of \$37,924 from First 5 San Benito for Bookmobile funding for FY 2007/2008; **approved** contract with First 5 San Benito for Bookmobile support program services and **authorized** the County Librarian to sign said contract; **approved** budget transfer increasing expenditures in the amount of \$37,924 and offsetting revenue for the same amount from First 5 San Benito. File #80

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

- 9) **Adopted Resolution No. 2007-89** authorizing application for Emergency Housing and Assistance Program (EHAP) grant for an amount not to exceed \$13,275. (CSWD) File #939
- 10) **Approved** Workforce Investment Board (WIB) Bylaws as presented. File #939
- 11) **Adopted Ordinance No. 821** amending Chapter 6C.1, Article V. of the San Benito County Code pertaining to Medical Marijuana Program fees. (*Continued from 10/23/07*)  
File #130

**INTEGRATED WASTE MANAGEMENT – M. Rose:**

- 12) **Authorize the Director of Integrated Waste Management to sign attached letter to Monterey County accepting transfer of ownership of 250 gallon above ground tank ownership located at Aromas Auto Repair, 309 Blohn Avenue, Aromas, CA.**  
Supervisor Botelho had questions regarding the recycled program in Monterey County and wanted to know the particulars. Mandy Rose, Integrated Waste Management Department, provided information as to why the County of Monterey is asking if San Benito County would be interested in taking ownership of this piece of

equipment. Ms. Rose stated that there is a change in wording in the letter in the second paragraph last sentence to read; "Approved the transfer of the above noted equipment to San Benito County, and thereby accepts ownership, liability and the on-going responsibility associated with the ownership of said equipment."

**BOARD ACTION:** *Upon motion made by Supervisor Botelho and seconded by Supervisor Loe, approved Director of Integrated Waste Management to sign attached letter to Monterey County accepting transfer of ownership of 250 gallon above ground tank ownership located at Aromas Auto Repair, 309 Blohn Avenue, Aromas, CA with the amended language to the letter. File #142*

#### **INTERNAL SERVICES – R. Inman:**

- 13) **Adopted Resolution No. 2007-90** authorizing the Pacheco Pass Water District to replace the annual audit requirement with a five-year audit not to exceed \$50,000. File #695

#### **PUBLIC WORKS – J. Lo:**

- 14) **Approved** contract with Mark Thomas Company, Inc. for engineering services related to San Benito County bridges, for the period of October 23, 2007 through June 30, 2008, in the amount of \$29,818; **authorized** the Public Works Director to sign change orders up to \$5,182; and **approved** budget augmentation to the Public Works Administration and Engineering Budget Unit in the amount of \$35,000. File #105

#### **SHERIFF'S DEPARTMENT – C. Hill:**

- 15) **Approved** Deputy Sheriff applicant be hired at Range 22.7, Step F based on training, experience and over 8 years of employment as a Peace Officer. File #110
- 16) **Approved** Multi Service Officer applicant be hired at Range 19.5, Step F based on training, experience and over 6 years of employment as a Community Service Officer. File #110
- 17) **Authorized** purchase contract for one Computer Aided Dispatch System (CAD) for County Communications not to exceed the amount of \$135,437.50 and augment Communication's schedule of fixed assets to include the CAD System; and augment Communication's budget to increase fixed asset expenditures in the amount of \$135,437.50 and offsetting revenue in the same amount. File #110

#### **REGULAR AGENDA:**

*For each regular agenda item, the following schedule shall occur:*

- a) Staff report.*
- b) Public opportunity to address the Board on a particular agenda item. Please fill out a speaker card and present it to the Clerk prior to consideration of the item.*
- c) Consideration by the Board.*

#### **BOARD OF SUPERVISORS:**

- 18) **Discussion on eCivis Services.**

Margie Riopel, Management Analyst, presented background of eCivis subscription service grant locator program. Ms. Riopel stated it was approved by the Board in August 2007 and took effect September 1, 2007 and the contract is shared with the City of Hollister. Ms. Riopel stated the first training took place on October 26, 2007 for the City and County staff.

The supervisors supported this service and felt the training was worthwhile and a great tool for San Benito County.

Susan Thompson, County Administrative Officer, thanked the Board for their support on this program. Ms. Thompson stated she would be discussing this at the monthly Department Head meetings and will bring some strategies and opportunities back to the Board for their authorization to proceed. File #156

#### **COUNCIL OF GOVERNMENTS – L. Rheinheimer:**

##### **19) Receive presentation on Mobility Partnership and State Route 152 alignment alternatives and provide comments.**

Vice Chair De La Cruz stated this item would be continued to the November 27, 2007 meeting.

Susan Thompson, County Administrative Officer, stated that since Supervisor Marcus is absent and this primarily affects his district we thought it would be appropriate to cancel until he is present.

**BOARD ACTION:** *Upon motion made by Supervisor Monaco and seconded by Supervisor Loe continued this item to the November 27, 2007 meeting. File #103.5*

#### **COUNTY SUPERINTENDENT OF SCHOOLS – S. Villa:**

##### **20) Receive County Superintendent's report.**

Mr. Sanchez, Assistant Superintendent, presented a report regarding California Education Code Section 1240 which requires that they visit and take a look at schools that are categorized Decile 3 or below and report the results of the visit. Mr. Sanchez stated the report concerns visits to Calaveras and R.O. Hardin Elementary Schools, which are in the Hollister School District and San Juan and Aromas Elementary Schools, which are in the Aromas-San Juan Unified School District.

Supervisor Monaco asked if the schools identified have they been on this list for a period of time and how do they get off? Mr. Sanchez replied they get off the list by test scores.

Vice Chair De La Cruz questioned safety and road issues regarding R.O. Hardin and Calaveras schools and would like to see if safety issues could be addressed.

Mr. Sanchez stated they have quarterly meetings with the school and law enforcement partnership and he will make sure it gets on the agenda. File #13

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

##### **21) Accept the self-assessment final report for Child and Family Services Review for 2007.**

Health & Human Services Agency Director Kathy Flores presented a self-assessment report on the Child Welfare System. Ms. Flores stated back in 2001 State Legislation was passed under AB636 that requires that each county conduct a child and family services review for the purpose of taking a look at child welfare outcome and to determine if the system is working right. Ms. Flores stated that the last assessment report was 2003/2004 and is done every three years. Ms. Flores stated in January 2008 she would be presenting to the board, a new three-year system improvement plan.

Deputy Director of Social Services, Maria Corona gave a brief presentation as to what a social workers day consists of.

Supervisor Botelho asked if there is any financial recuperation to the County from the parents for services. Ms. Flores answered no the children become the counties dependents.

Marty Richman, resident of Hollister, stated these children need help and it is a difficult job that nobody wants.

Mr. Richman thanked Health & Human Services Department for doing this difficult job. This is a case where children are actually in trouble and need response right away. Mr. Richman made some suggestions with regards to maybe getting volunteers for driving and possibly raise funds for child seats that are the right size and look for a better data system.

**BOARD ACTION:** *Upon motion made by Supervisor Botelho and seconded by Supervisor Monaco accepted the Self-Assessment Final Report submitted by Health & Human Services a. File #130*

### **INTEGRATED WASTE MANAGEMENT – M. Rose:**

**22) *Receive Landfill rate subcommittee report and take action as appropriate.***

Mandy Rose, Integrated Waste Management Department, reported that on October 9, 2007, Chair Marcus appointed Supervisors Loe and Botelho to a sub-committee to review the landfill rates and on October 16, 2007 the sub-committee met and are now reporting.

Supervisor Loe reported that the sub-committee felt very strongly that this is not just one item, it is very circular and things connect to other things. Supervisor Loe stated that the difference between residual waste and household waste was so different that they wanted to take the field trip to the landfill and let all the board members see what residual waste truthfully meant and it is not the same as household waste. Supervisor Loe stated they felt that things coming into the landfill from out of county were more of a benefit at this point.

Supervisor Botelho stated that the Board does have a concern and want to maintain that concern regards to what the citizens are paying at the landfill. Mr. Botelho stated having the sub-committee meeting and the tour out at the landfill did educate the Board on how things operate and felt this is the best program at this time.

Ms. Rose also reported that the sub-committee would be meeting one more time to review the draft criteria and the feasibility study that the board approved. File #75.4

### **PUBLIC WORKS – J. Lo:**

**23) *Hold discussion and approve recommended actions relative to the State of California 2000 Parks and 2002 Resource Bond Acts, Per Capita Grant program and consider alternative allocations and direct the Public Works Director, or his designee, to submit all documents necessary.***

Janelle Cox, Management Analyst provided background information. Ms. Cox stated there was a special joint meeting with the Parks and Recreation, Veterans Memorial Park and Recreation Commission on November 1, 2007 to discuss and make recommendations regarding the possible reallocation of the \$100,000. Ms. Cox stated the recommendation from the Commission was the allocation of \$50,00 each to the Veterans Memorial Park and Historical Park for playground equipment. Ms. Cox reported that if the playground equipment purchase is less than \$50,000 the residual funds are to be used for safety netting in the case of the Vets Park and for trees in the Historical Park. Ms. Cox stated if approved by the Board today these projects could be approved by the state, go out to bid for the required 10 days, award the contracts in December and they could be completed by the end of January 2008.

The following people spoke and provided information with regards to the project: Jan McClintock, City Manager San Juan Bautista; Don Kelly, Chairman Parks and Recreation Commission; Jeff Gaffney, Chief Ranger Hollister Hills.

Lengthy discussion ensued.

**BOARD ACTION:** Upon motion made by Supervisor Botelho and seconded by Supervisor Monaco, moved to: 1) rescind the allocation of \$100, 000 from Proposition 12, 2000 Parks Bond Act, Per Capita Grant funds, for the San Juan Bautista Community Center Renovation Project; 3) approve the allocation of \$100,000 of Proposition 40, 2002 Resources Bond Act, Per Capita Grant Funds for the San Juan Bautista Community Center Renovation project; and, 4) directed the Public Works Director, or his designee, to submit all documents necessary to the Project Application Process, for all recommended projects. (Unanimous)

**BOARD ACTION:** Upon motion made by Supervisor Monaco and seconded by Supervisor Botelho moved to take the recommended advice of the joint committee's meetings and spend \$50,000 of the Proposition 12, \$100,000 to purchase and install playground equipment at Vet's Memorial Park and \$50,000 of those funds to purchase playground equipment, BBQ facilities and replace trees at the Historical Park and directed the Public Works Director, or his designee, to submit all documents necessary for the Project Application Process. (Unanimous)

Supervisor Monaco directed staff to come back on November 27, 2007 with an update. File #105

- 24) **Approve Amendment No. 3 to the agreement with CM Pros, Inc., for construction management services, increasing the agreement by \$250,000 for a total agreement amount of \$1,000,000.**

Arman Nazemi, Assistant Public Works Director, provided background information regarding CM Pros, Inc. agreement amendment.

Supervisor Monaco and Botelho asked questions with regards to additional costs and additional projects.

Susan Thompson, County Administrative Officer, and Mr. Nazemi answered questions.

**BOARD ACTION:** Upon motion made by Supervisor Monaco and seconded by Supervisor Botelho, moved to approve Amendment No. 3 to the agreement with CM Pros, increasing the compensation by \$250,000, for a total agreement amount of \$1,000,000; and authorized the chair of the Board to sign the agreement. (Unanimous)

File #105

#### **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.)

- 25) **Conference with Legal Counsel – Existing Litigation – (Subdivision (a) of Section 45956.9) Name of Case: Sarsfield v. County of San Benito; Us District Court Case No. C-07-2528 EDL**  
**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, De La Cruz, Botelho

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: Marcus

There being no further business the Board adjourned to November 27, 2007 at 9:30 a.m. for a regular meeting.

**JAIME DE LA CRUZ, VICE-CHAIRMAN**  
San Benito County Board of Supervisors

Attest: Linda Churchill, Clerk of the Board

By: Janet Slibsager, Asst. Clerk of the Board