



## 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 27, 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 Botelho 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, encouraged the Board to do something to reform COG (Council of Governments) or to abolish it and also to stand up to the VTA (Valley Transportation Authority) which he referred to as an 800 pound gorilla.  
Marty Richman, local resident, thanked the citizens of San Benito County for being so supportive of our troops in the field and the men and women who defend us every day and informed the public that due to some postal regulations and concerns for security and safety the post office will no longer be accepting any mail that is not addressed to a specific service member. Mr. Richman stated that interested members of the public could go to the website at [americasupportsyou.mil](http://americasupportsyou.mil) and select from one of the many charities.
- d) **Department Head Announcements:** County Administrative Officer Susan Thompson announced that she had been drafted to “go to jail” in support of the Muscular Dystrophy Association (MDA) and asked for small donations that would help get her out of jail.
- e) **Board Announcements, Introductions and Presentations:** Supervisor Monaco reported that on November 19<sup>th</sup> he traveled to New Idria Mines with Rick Cooper, BLM Director and Sheriff Curtis Hill and Deputy Jack Smiley who drove them. Supervisor Monaco stated that the reason for the trip was to assess the vandalism that has been occurring at that site.  
Sheriff Hill added that they looked over the entire property stating there has been lots of degradation over the past 35 years and there is lots of traffic that goes through

there with a lot of problems that occur and they would be looking into doing something to preserve that land.

Supervisor Botelho encouraged folks to be charitable this season noting that there are many worthy charities. Supervisor Botelho announced that there would be a Lights on Parade in San Juan Bautista over the weekend and he invited the public to attend.

Supervisor De La Cruz commended the Hollister Downtown Association for Hollister's Lights on Ceremony that took place over the weekend. Supervisor De La Cruz encouraged the public to donate organs through the donor program.

Chairman Marcus stated that he and Supervisor Loe toured the new wastewater facility plant that the City of Hollister is constructing and he was very impressed with the accomplishment.

Chairman Marcus further reported that he and Supervisor Botelho met with Senator Jeff Denham a few weeks ago and he will be meeting with the Senator again on December 3<sup>rd</sup> along with Sheriff Hill to discuss the problems of local accelerated growing of marijuana in remote hill areas.

#### **CONSENT AGENDA:**

*Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, approved Consent Agenda Items 1 through 15 with the exception of Items 12 and 14 that were pulled for discussion. (Unanimous)*

#### **ADMINISTRATIVE BUSINESS:**

- 1) ***Adopted Resolution No. 2007-92*** accepting agreement #7FG70089 with the California Department of Forestry and Fire Protection for Volunteer Fire Assistance (VFA) funds in the amount of \$8,225. *File #60*

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

- 2) ***Approved*** the appointment of Catherine Farnham, RN as a public interest member to the Substance Abuse Advisory Board effective November 27, 2007 to November 27, 2010. *File #1053*
- 3) ***Approved*** contract renewal with Project Ninety, Inc. for residential substance abuse treatment and recovery services for a maximum total of \$50,000 for the period of December 1, 2007 to June 30, 2008. *File #810*

#### **COUNTY LIBRARIAN – N. Conte:**

- 4) ***Accepted*** donation of \$500 from the Community Foundation for San Benito County and ***approved*** budget transfer form increasing expenditures in the amount of \$500 and offsetting revenue for the same amount. *(4/5 votes required) File #80*

#### **COUNTY CLERK/AUDITOR – J. P. Gonzalez:**

- 5) ***Adopted Resolution No. 2007-93*** accepting the certified statement of election results for the November 6, 2007 consolidated district election. *File #285*

**FIRST 5 SAN BENITO – K. Castillo:**

- 6) **Appointed** Ms. Diane Evans to the First 5 San Benito Children and Families Commission for a term of three (3) years effective November 31, 2007 to November 31, 2010. *File #155*
- 7) **Re-appointed** Ms. Kendra Bobsin to the First 5 San Benito Children and Families Commission for term of three (3) years effective November 31, 2007 to November 31, 2010. *File #155*

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

- 8) **Appointed** Ms. Kristi Alarid to the Workforce Investment Board (WIB) to represent HOPE Services South Valley District, a mandated representative board position, for a three-year term effective November 27, 2007 to November 26, 2010. (CSWD) *File #939*
- 9) **Approved** budget augmentation for Mosquito Control Award in the amount of \$5,975 and incorporate the funds into H & HSA fiscal year 2007-2008 budget. *File #130*
- 10) **Approved** the amended Memorandum of Understanding (MOU) between Court Appointed Special Advocates (CASA) of Monterey County for the period of June 1, 2007 to June 1, 2009. *File #130*
- 11) **Accepted** report on change of Director of Nursing 1.0 FTE for a Deputy Director 1.0 FTE of the Public Health Division of H & HSA. *File #130*

**PLANNING DEPARTMENT – A. Henriques:**

- 12) **Receive report update on San Benito County Regional Housing Needs Allocation.**  
Planning Director Art Henriques gave a verbal report as requested by Chairman Marcus.  
Discussion ensued.  
Joe Thompson, Tres Pinos resident, stated that the State is not always right in what they force counties to do and he had provided a report prepared by four experts that concluded that affordable and inclusionary housing doesn't work.  
**Received report.** *File #790*

**PROBATION DEPARTMENT – M. Covell:**

- 13) **Approved** agreement with Crystal Creek Regional Boys' Camp for placement of Juvenile Court Wards at this facility upon execution by Shasta County. *File #510*

**PUBLIC WORKS – J. Lo:**

- 14) **Update on the status of the Per Capita Grant Program approved November 6, 2007.**  
Supervisors Monaco and Loe asked that the report be provided verbally to the public.  
Public Works Director Jerry Lo gave a verbal update on the status of the projects approved for the Veteran's Memorial Park and the Historical Park.  
Discussion ensued.  
County Administrative Officer Susan Thompson informed the Board that they would be recommending a sole source vendor for the playground equipment.  
**Received report.** *File #790*

**SHERIFF'S DEPARTMENT – C. Hill:**

- 15) **Approved** application with Ford Motor Credit for lease purchase of five (5) new patrol cars and **authorized** the Sheriff to sign said application. *File #110*

**REGULAR AGENDA:**

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

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

Lisa Rheinheimer, Council of Governments Executive Director, gave a power point presentation.

Question and answer period ensued.

Members of the public who addressed this item were: Joe Thompson, Tres Pinos resident; Marty Richman, local resident; Robert Brians, Shore Road resident provided a handout to the Board; Janet Brians, local resident; and, Joe Morris, San Juan Bautista resident.

It was the consensus of the Board to support the most northerly route as the best alternative.

**Received presentation.** *File #1035*

**PLANNING DEPARTMENT – Art Henriques:**

- 17) **Receive county staff report on US 101 Improvement Project, Monterey Road to State Route (SR) 129, and provide direction on attached environmental scoping letter as appropriate.**

Planning Director Art Henriques presented the staff report.

Marty Richman, local resident, stated that he supports the improvement of Highway 101.

**BOARD ACTION:** *Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, moved to modify the proposed environmental scoping letter adding verbiage that the county supports the project; however, San Benito County has very limited resources and all of our resources are diverted to other priority projects such as Highway 25 and authorized the Chair to sign revised letter.(Unanimous) File #790*

- 18) **Advise Board of Supervisors that the County Planning Department has been voted as the Best Bureaucracy in San Benito County as part of the Pinnacle Newspaper's annual "Best Of" series.**

Planning Director Art Henriques advised the Board that the Planning Department was voted as the Best Bureaucracy in San Benito County and he appreciated the support of the community and the Board of Supervisors. *File #790*

**ADMINISTRATIVE BUSINESS:**

- 19) **Hear report on California State Association of Counties (CSAC) Annual Meeting. (Supervisor Monaco)**

Supervisor Monaco and County Administrative Officer Susan Thompson reported on their attendance at the annual CSAC meeting and summarized the key issues discussed at the many workshops they attended.

Clerk/Auditor/Recorder/Registrar of Voters Joe Paul Gonzalez came forward and reported that currently Proposition 93, 94 and 95 are the propositions relating to the

tribal agreements and currently they are in a legal quandary. Mr. Gonzalez stated that it is very probable that they are not going to be settled before the February election and there may be a requirement to issue a supplementary ballot. Also, there may be a supplementary ballot related to the water issue whereby southern California wants to use Northern California water.

**Received reports.** File #1110

**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.)*

20) **Conference with Legal Counsel:**

Existing Litigation – (Subdivision (a) of Section 54956.9)

Name of Case: Pekin v. Scagliotti, et.al.; Superior Court Case No. CU 03-00150

**No reportable action.** File #235.6

21) **Conference with Legal Counsel:**

Existing Litigation – (Subdivision (a) of Section 54856.9)

Name of Case: Frank Del Carlo, et al. vs. County of San Benito

(Case No. CU-06-00079)

**No reportable action.** File #235.6

**1:30 p.m. Assessment Appeal Hearings (Minutes prepared separately.)**

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 December 4, 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