



SAN BENITO COUNTY BOARD OF SUPERVISORS

Don Marcus
District No. 1
Vice Chair

Anthony Botelho
District No. 2

Pat Loe
District No. 3
Chair

Reb Monaco
District No. 4

Jaime De La Cruz
District No. 5

REGULAR MEETING AGENDA JANUARY 3, 2006 ACTION MINUTES

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in regular session. Supervisors Marcus, De La Cruz, Botelho, Loe and Monaco were all present. Also present was County Administrative Officer Susan Thompson, County Counsel Claude Biddle and Clerk of the Board Clerk Linda Churchill. Chairman Monaco called the meeting to order at 9:30 a.m.

9:30 a.m. CALL TO ORDER:

- a) Pledge of Allegiance.

BOARD RE-ORGANIZATION:

1) **a) Open nominations and conduct election for Chair of the Board of Supervisors.**

Chairman Monaco opened the floor to nominations to conduct elections for the Chair and Vice Chair of the Board of Supervisors for 2006.

Supervisor Marcus nominated Supervisor Loe.

Supervisor Monaco seconded the nomination.

There were no additional nominations.

BOARD ACTION: *Chairman Monaco made a motion that a white ballot be cast. Supervisor Marcus seconded the motion. (Vote 4-1. De La Cruz voted no.) Supervisor Loe was elected as Chair for 2006.*

b) Open nominations and conduct election for Vice-Chair of the Board of Supervisors.

Chairman Monaco opened nominations to conduct elections for the Vice Chair of the Board of Supervisors for 2006.

Supervisor Botelho nominated Supervisor Marcus.

Supervisor Loe seconded the nomination.

There were no additional nominations.

BOARD ACTION: *Supervisor Monaco made a motion that a white ballot be cast. Supervisor Loe seconded the motion. (Unanimous) Supervisor Marcus was elected Vice Chair for 2006. Chairman Monaco handed the gavel over to newly elected 2006 Chair Pat Loe.*

Newly elected Chair Pat Loe presided over the remainder of the meeting.

Chair Loe presented a plaque recognizing Supervisor Monaco for his dedicated service as Chair of the Board of Supervisors for 2005.

Chairman Monaco accepted the plaque and thanked the Board for their support and also the support of the entire county staff especially the Administrative Office staff. **File #156**

2) Receive Committee appointments from the newly elected Chair of the Board of Supervisors.

Chair Loe handed out the sub-committee and Board assignments for 2006. Chair Loe explained that she has added a sub-committee to explore economic development and then add that as an element to our General Plan. If the Board decides to adopt a new General Plan then that element will be ready to go in that General Plan. Chair Loe further stated that she did not appoint a Budget Sub-committee this year. Chair Loe stated that we must first have a mid-year budget review to see where we are for 2005/2006 and then we must assess what the 2006/2007 will look like. If we have to stop spending then it is better to start that immediately. Chair Loe said that after these assessments have been made it might be necessary to have budget hearings this year so the full Board can understand what the financial situation is and have input to developing the new budget.

Supervisor De La Cruz suggested that a budget review be done every month or two months and then we would really know what the expenditures are throughout the year noting that half of the year is already gone.

Chair Loe agreed with Supervisor De La Cruz noting that we do have quarterly reports now and this full budget review would be something that we have never done before.

Supervisor De La Cruz felt we should have a report once per month. Supervisor De La Cruz stated we should be consistent across the board with all departments.

Chair Loe stated we should have a full budget review sometime this month. **File #156**

CALL TO ORDER: (Continued)

Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.

d) Department Head Announcements: County Administrative Officer (CAO) Susan Thompson called on Margie Riopel, Emergency Services Director and Pete Corn, Assistant Public Works Director for an update on the effects of the weekend storm.

Ms. Riopel reported that she has been involved in conference calls with State Office of Emergency Services since Wednesday and those calls provided information with regards to the weather and how it would hit our area. Ms. Riopel stated that the hardest hit counties were north of us noting that San Benito County fared very well during this storm. Ms. Riopel reported that there were numerous calls received for downed wires, trees and signs and roadways that were flooded in certain areas and pockets of flooding in certain areas but nothing significant that she was aware of at this time. Ms. Riopel further stated that the City of Hollister and City of San Juan Bautista did not report any significant damage.

Mr. Corn reported that most of the calls received this weekend were wind related and mostly trees, signs and some power lines down. There were some pockets of flooding which have dissipated. Mr. Corn stated that his department accumulated 63 hours of overtime this weekend from call outs. Mr. Corn stated that most of the problems were taken care of immediately. Mr. Corn noted that the Jones slide site in Panoche held up fine.

Supervisor Monaco asked about Thomas Road where the previous slide had been repaired.

Mr. Corn answered that it was holding up well.

Supervisor Botelho asked about the 63 hours of overtime and if it was budgeted.

Mr. Corn stated that it was above and beyond of what is normally allocated but hopefully there is salary savings that will cover it.

Supervisor De La Cruz asked about reimbursement from FEMA.

Ms. Riopel stated we could get reimbursed for any overtime cost so it is important that we track that to date in case we can include these costs but again we would have to have significant damage to go along with that.

e) Board Announcements, Introductions and Presentations: There we no announcements.

c) Public Comment: Tony Ruiz, Hollister resident and concerned citizen, came forward. Mr. Ruiz talked about Measure L which was passed at the last election and this allocated \$12.7 million for Gavilan College to purchase land in San Benito County. Mr. Ruiz referred to a recent newspaper article which stated that Gavilan College zooms in a new campus site and it talks about the possibility that it may be located north of the airport near Highway 156 and he believed this was a terrible location. Mr. Ruiz feels that the site should be close to the city center for many reasons such as economic development. Also the access to students would be better if located downtown. Mr. Ruiz further commented that there was a bond issue coming up in June for \$600 million for libraries and if located out in north county would make it impossible to partnership with the library. Mr. Ruiz recommended that the Board of Supervisors, City Council and the community band together and see that this college is located in a more appropriate place than currently being planned.

CONSENT AGENDA:

Upon motion made by Supervisor Marcus and seconded by Supervisor Botelho approved Consent Agenda Items 1 through 13 with the exception of Items 7, 13 and Item 14 which were pulled for discussion and Item 5 which was continued. (Unanimous)

CLERK OF THE BOARD:

3) **Approved** the minutes of the meeting of December 6, 2005.

COUNTY ADMINISTRATIVE OFFICE:

4) **Approved** agreement with the Seniors' Council in the amount of \$28,672 for the provision of senior services in the County with a contract term of January 3, 2006 through June 30, 2006. (Mgmt Analyst) **File #1042**

5) **Consider reclassification of the Planning and Building Department Secretary II to an Administrative Services Specialist effective July 1, 2005 and approve amendment to the Authorized Position Schedule. (CAO)**
This item was continued to a future meeting date.

6) **Approved** Compensation Plan for Law Enforcement Managers effective October 1, 2005 through September 30, 2006. (CAO) **File #110**

HEALTH & HUMAN SERVICES AGENCY (HHSA) – K. Flores:

7) **Consider agreement with the City of San Jose in an amount not to exceed \$20,920 for the provision of Housing Opportunities for Persons with AIDS (HOPWA) with a contract term of July 1, 2005 through June 30, 2006 and authorize the H&HSA Director to sign on behalf of the County.**

HHSA Executive Director Kathy Flores pointed out that there was a correction on Page 2, Section 6 of the agreement that refers to program sponsors. Ms. Flores stated that Santa Clara County was inadvertently typed in instead of San Benito County and she handed a corrected copy of page 2 to the Clerk of the Board.

BOARD ACTION: *Upon motion made by Supervisor Marcus and seconded by Supervisor Botelho approved agreement with the City of San Jose as amended. (Unanimous) File #420*

- 8) **Approved** agreement with the Aromas-San Juan Unified School District in an amount not to exceed \$885.44 for the provision of specified school nursing services with a contract term of January 3, 2006 through June 30, 2006. **File #420**
- 9) **Approved** proposed Anti-Displacement and Relocation Assistance Plan to be submitted to the State Department of Housing and Community Development. (CSWD) **File #939**

PROBATION – D. Botts:

- 10) **Approved** Request For Proposal (RFP) for distribution to solicit bids for electronic monitoring services and equipment. **File #105**

PUBLIC WORKS:

- 11) **Declared** Office of Emergency Services equipment as surplus per county procedure and remove from inventory. **File #105**

- 12) **Declared** Health & Human Services agency equipment as surplus per county procedure and remove from inventory. **File #105**

- 13) **Consider approval of plans and bid document for Nash Road Bridge at San Benito River Crossing and authorize staff to solicit for construction.**

Supervisor Botelho asked if the 15% of the construction cost was considered the contingency.

Mr. Nazemi explained that the contingency is included in the construction costs and already added in.

Supervisor Botelho asked what percentage of the \$3 million are the contingency costs.

Mr. Nazemi answered 10%, which is \$300,000.

Supervisor Botelho expressed concern that this may not be enough noting this is a 2-year contract.

Mr. Nazemi stated that he felt that we have a good cushion and FHWA would cover it if we went over the amount noting that the increased costs for fuel and construction material were already factored in.

Further questions and discussion ensued regarding the bid documents and requirements.

BOARD ACTION: *Upon motion made by Supervisor Marcus and seconded by Supervisor Monaco approved plans and bid document for Nash Road Bridge at San Benito River as recommended.*

(Unanimous) File #105

- 14) **Consider proposed resolution revising Resolution No. 2005-118 re: Nash Road right of way from the December 6, 2005 meeting providing proper plat and description to Temporary Construction Easement. (Res. No. 2005-128)**

Chair Loe noted that the resolution number should read 2006-1.

BOARD ACTION: Upon motion made by Supervisor Marcus and seconded by Supervisor Marcus adopted **Resolution No. 2006-1** re: Nash Road Right of Way from December 6, 2005 meeting providing proper plat and description to Temporary Construction Easement. (Unanimous) File #105

REGULAR AGENDA:

PRESENTATIONS & RECOGNITIONS:

- 15) **Presentation of Certificates of Recognition to Interim Planning Director Michael Bethke.**

Upon motion made by Supervisor Marcus and seconded by Supervisor Botelho continued this presentation to the meeting of January 10, 2006 when Mr. Bethke could be present. (Unanimous)

AGRICULTURAL COMMISSIONER – P. Matulich

- 16) **Regarding reorganization of the Agricultural Commissioner's Department:**
- a) **Approve the reorganization of the Agricultural Commissioner's Department, inclusive of amending the Authorized Position Schedule to add 1.0 FTE Deputy Sealer of Weights and Measures and delete 1.0 FTE Agricultural-Biologist;**
 - b) **Approve amended job specification for Deputy Agricultural Commissioner and new job specification for Deputy Sealer of Weights and Measures; and**
 - c) **Set salary at Range 21.0 for both positions.**

Upon motion made by Supervisor Monaco and seconded by Supervisor Botelho continued this item to a date uncertain. (Unanimous)

COUNTY COUNSEL:

- 17) **Consider adoption of ordinance repealing Ordinance No. 773 pertaining to fees for services of the Agricultural Commissioner and Sealer of Weights and Measures.**
(Continued from Dec. 20, 2005 meeting.)

County Counsel Claude Biddle provided background information stating this ordinance could be adopted today.

BOARD ACTION: Upon motion made by Supervisor Botelho and seconded by Supervisor Marcus adopted **Ordinance No. 794** pertaining to fees for services of the Agricultural Commissioner and Sealer of Weights and Measures. (Unanimous) File #1.1

PUBLIC WORKS:

- 18) **Consider augmentation from Parks and Recreation Impact Fee Trust Account to Veteran's Memorial Park budget in the amount of \$28,000 for playfield construction.**

Assistant Public Works Director Pete Corn provided background information stating that this item was agendaized at the direction of the Veterans Memorial Park Commission. Mr. Corn reported that this money would be coming from Park Impact Fees for the purpose of constructing a new soccer and softball field. Mr. Corn noted that the new soccer field would be in place of the BMX track. Mr. Corn indicated that a plan would then be forthcoming for a parking lot to enhance parking. Mr. Corn stated that the two cost estimates are included in the Board packet noting this would be a joint effort between the County and Hollister Tremors for the soccer field and also Hollister Heat and the County for the softball field.

Supervisor Monaco added that the BMX track has not been utilized because of the tremendous amount of difficulty in getting a concessionaire and a higher risk of

allowing that to be open with no supervision. Supervisor Monaco stated that there is a growing need for a soccer field and this was alternative that was recommended by the Veteran's Park Commission.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, approved the augmentation as recommended. (Unanimous) File #127*

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.)

19) Conference with Labor Negotiator

Authority: California Government Code Section 54957.6

Agency Designated Representative: Susan Thompson, Co. Admin. Officer

Employee Organization: Deputy Sheriff's Association (DSA)

No reportable action. File #235.6

20) Conference With Labor Negotiator

Authority: California Government Code Section 54957.6

Agency Designated Representative: Susan Thompson, Co. Admin. Officer & Gifford Swanson, Public Authority Manager (IHSS)

Employee Organization: SEIU, Local 817 – In Home Supportive Services (IHSS)

No reportable action. File #235.6

21) Conference with Legal Counsel – Existing Litigation

a) Stafford-Pelt v. County of San Benito, et al.

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; De La Cruz; Botelho; Marcus & Loe

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

There being no further business the Board adjourned to its next regularly scheduled meeting on Tuesday, January 10, 2006 at 9:30 a.m.

PAT LOE, CHAIR

San Benito County Board of Supervisors

ATTEST:

Linda Churchill

Clerk of the Board