



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

County Administration Building – Board of Supervisors Chambers, 481 Fourth Street, Hollister, California

REGULAR MEETING MINUTES JANUARY 10, 2006

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in regular session. Supervisors Monaco, De La Cruz; Botelho, Marcus and Loe were all present. Also present was County Administrative Officer Susan Thompson, Interim County Counsel Claude Biddle and Assistant Clerk Sally Navarez. Madame Chair Pat Loe presiding when the following was had to wit:

9:30 a.m. CALL TO ORDER:

- a) Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged the Certificate of Posting.*
- c) **Public Comment:** Joe Thompson, local resident came forward. Mr. Thompson noted while he was on the COG Rail Advisory Committee, he was speaking as a private citizen today. Mr. Thompson stated he had provided documentation to the Board on how the county could achieve the creation of an intermodal facility on Hollister branch line without any tax dollars. By relying on a new law that had become effective in the regulations at that point in time which were still on the drawing boards at the Federal Railroad Administration, that program, known as Railroad Rehabilitation and Infrastructure Financing Act, which can be compared to as a small business loan. The net results protects taxpayers as you will get a transportation infrastructure improvement which relieves congestion off the highways; creates jobs and has other positive things for a community like ours where we need an alternative that saves money for badly needed road repair/construction.

Mr. Thompson indicated other areas on the Central Coast don't have one. However, Mr. Thompson noted he went to other Economic Development Corporation leaders around here and it was agreed this was an excellent idea. When he went to the US Department of Transportation Office of Intermodalism, they questioned where was the leadership? Mr. Thompson noted he spoke with Congressman Mike Honda, who sits on the Transportation and Infrastructure Committee of the House of Representatives and on the Freight Connectors Caucus, and the Congressman was looking for someone who believes in this idea. The EDC's in this area believe in this and now it was time the Board afford this economic development sub-committee of this Board to go forward with this idea. The foundation that we have laid on the Rail Advisory Committee for six years could form the launching pad to take this idea into fruition. Union Pacific's Manager of Industrial Management has come to Hollister and supports the idea of increased rail oriented economic development on the Hollister branch line. Mr. Thompson urged the Board to create jobs in this county which we have the power to do if we just had the leadership.

Mr. Thompson concluded by noting he would volunteer to work with the sub-committee to follow up on this excellent foundation that has been created by the Rail Advisory Committee.

d) **Department Head Announcements:** CAO Susan Thompson noted as matters related to the Public Works Director recruitment, Ms. Thompson reminded the Board the recruitment will close on January 28th and had high hopes for a number of candidates that will be looked at.

Ms. Thompson noted final preparation paperwork was being done regarding the County Counsel recruitment and she anticipated recommendations from the Consultant relative to salary of that position and she will bring the matter back to the Board on the 24th. Ms. Thompson thought the recruitment would run for six weeks, opening at the beginning of February.

Ms. Thompson noted she was in continuing discussions with the Interim Counsel regarding a potential on-going agreement with him during the interim period during the 6-8 weeks that we will need assistance and also will be contacting Professional Skills Services, the organization that brought us Mr. Biddle, for potential assistance if needed during that interim.

Ms. Thompson shared with the Board regarding ethics training for the Board and Planning Commission as discussed previously. With the recent passage of State legislation that is requiring ethics training of all elected/appointed commissions in the State of California, we are now awaiting the States' approval of the training program that we will bring to your Board. Ms. Thompson noted at this point, the State is trying to put together a standard expectation for those trainings and the trainer that did our Department Heads is working with the State of California directly and will probably be the one that will do it. However, Ms. Thompson noted, she needed certification from the State that that will meet all of the requirements of the law before bringing the matter before the Board resulting in a slight delay.

Ms. Thompson noted she was working with Deputy District Director Rich Crumwell of CalTrans to come before the Board in late February so Mr. Crumwell can keep the Board informed of CalTrans' planning and projects within our area/region so we can get a better handle of what CalTrans is doing/thinking.

e) **Board Announcements, Introductions and Presentations:** Supervisor Marcus thanked Ms. Thompson for the CalTrans meeting update and local state bond projects as reported in the media. Supervisor Marcus noted the Board needs to stay on top of that along with COG representation and we need to stay well informed on those monies, possible money available for much needed transportation highway improvements.

Supervisor Marcus noted the Governance Committee which is involved with the wastewater treatment master plan, will meet on Monday, January 23rd, 4:00 p.m. at the Water District and encouraged attendance of the public.

Supervisor Marcus also noted on Friday, January 6th, he was the newly appointed representative to the Pajaro River Watershed Flood Prevention Authority and attended his first meeting. Supervisor Marcus noted any interested parties could contact him with questions.

CONSENT AGENDA:

Chair Loe noted there was a request to pull Item #1 and Item #8 for further discussion.

BOARD ACTION: Upon motion duly made by Supervisor Botelho and seconded by Supervisor Marcus, **approved** Consent Agenda Items #2 through #11, minus Items #1 and #8. Motion passed unanimously.

CLERK OF THE BOARD:

1) **Consider the minutes of the special meeting of December 20, 2005 and the regular meeting of December 20, 2005.**

Supervisor De La Cruz asked that this matter be pulled and clarified that in the final recap of the vote of the Board to reflect he was absent for that meeting and did not vote "no" on matters.

BOARD ACTION: Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Marcus, **approved** the minutes of the special and regular meetings of December 20, 2005 **as amended**. Motion passed unanimously.

2) **Directed** Clerk of the Board to prepare Certificates of Recognition for the Chamber of Commerce Man and Woman of the Year and Chamber of Commerce Businesses of the Year for 2005 for presentation on January 21, 2006. (file #156)

COMMUNITY SERVICES & WORKFORCE DEVELOPMENT (CSWD) – K. Flores:

3) **Approved** the appointment of Esquiel Arrizon to the Workforce Investment Board (WIB) to represent the private sector for a three-year term effective January 31, 2006 through January 31, 2009. (file #939)

4) **Approved** the appointment of Sherrean Carr to the Workforce Investment Board to represent the public sector for a three-year term effective January 31, 2006 through January 31, 2009. (file #939)

5) **Approved Resolution No. 2006-2 Authorizing Execution of a Grant Agreement and Signing Authority for the 2006-2007 Community Services Block Grant #06F-4736 authorizing** the Health & Human Services Agency Executive Director to execute and sign the 2006-2007 Community Services Block Grant (CSBG). (file #939)

6) **Approved Resolution No. 2006-3 authorizing** the Health & Human Services Agency Executive Director to execute and sign the 2006 Low Income Home Energy Assistance Program grant (LIHEAP). (file #939)

7) **Approved** budget augmentation to the CSWD fiscal year 2005-2006 budget to reflect an increase to the Workforce Investment Act (WIA) Rapid Response Program in the amount of \$120,000. (file #939)

COUNTY ADMINISTRATIVE OFFICE:

8) **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) (cont. from 1/3/06 mtg.)**

Chair Loe noted the staff report didn't spell out the salary range, unit code and on the budget, it shows 18.8 as the step, was that where the starting point was?

Assistant CAO Susan Lyons noted the salary was \$4,831, at 18.8.

Chair Loe asked if it was standard, if something was approved in the budget, that's where we started at?

ACAO Lyons noted the standard was there needs to be an increase to an employee when they are promoted of 5%. When approving something in the budget, that person gets what is rightfully theirs. If it is less than what's approved in the budget, that's what is paid and there is a savings to the budget. Ms. Lyons noted we usually budget according to what to specifically what we plan to pay an employee.

Chair Loe noted the range was set up not particularly as a norm for that job, but is set up for someone who is promoted with an automatic 5% raise?

Ms. Lyons explained that a range was set up for an employee for a position and when budgeted within those positions, departments calculate their position costs based on the next step of that employee. Those calculations are made per employee, but the step/range, the range for the position is for the position only.

CAO Thompson noted this was the rule, if a person is promoted into a range higher than the one they were in, we have a rule that says they will get at least a 5% raise. If, for example, it was in a range that would not get them in the range, we would have to give them the lowest point

of the range. In this particular case, the 5% was within the range of the position. There was no change to the range of the position.

Chair Loe asked, the actual steps, that would then dictate if it would be Step A, B or C, you could use that at the 5%, as long as it was a minimum of 5%.

CAO Thompson noted that was correct.

Chair Loe asked staff to explain the difference between a reclassification and a reorganization.

Ms. Lyons explained the difference in detail for the Board.

Discussion ensued regarding retro-activity dated back to July 1, 2005; length of time lapsed on this matter; Department Head concurrence for this request; investigative report performed by CPS of Sacramento; and concluded with Supervisor Monaco making the motion to approve the request as requested.

BOARD ACTION: *Upon motion duly made by Supervisor Monaco and seconded by Supervisor Botelho, **approved** the reclassification of the Planning & Building Department Secretary II to an Administrative Services Specialist effective July 1, 2005 and **approved** amendment to the Authorized Position Schedule, deleting the Secretary II and adding the Administrative Services Specialist position. Motion passed unanimously. (file #790)*

MENTAL HEALTH – A. Yamamoto:

9) Regarding the Mental Health Services Act (MHSA), Community Services and Supports three (3) year program and expenditure plan for Fiscal Years 2005-2006; 2006-2007 & 2007-2008, consider the following:

- a) **Authorized** the County Mental Health Director to sign and submit the San Benito County Mental Health Department, Mental Health Services Act, Community Services and Supports, Three Year Program and Expenditure Plan, Fiscal Years 2005-2006, 2005-2007 and 2007-2008 (requested amount year one, \$729,700); and
- b) **Authorized** the County Mental Health Director to submit applications for the Mental Health Services Act, One-Time System Improvement Funds (requested amount \$102,114) and Other One-Time System Improvement Funds (requested amount \$291,000). (file #810)

10) **Approved Resolution No. 2006-4** *Approving The Amended Mental Health program Contract No. 05-75099-000 Between The California Department of Mental Health that San Benito County Mental Health Department accepting the State Department of Mental Health (DMH) funds and amended Contract No. 05-75099-000 with DMH and **authorized** the County Mental Health Director to sign said contract. (file #810)*

SHERIFF:

11) **Approved** updated job specification – Sheriff's Lieutenant – Operations. (file #110 & 630)

REGULAR AGENDA:

PROCLAMATIONS & RECOGNITIONS:

12) **Proclamation to American Red Cross declaring January, 2006 as "Volunteer Blood Donor Month" in San Benito County. (Chair)**

Mr. Mike McLennan, Vice-President of the Monterey Bay and San Benito Chapters of the American Red Cross came forward. Mr. McLennan noted local support was appreciated and explained for every viable pint donated, three lives are saved or affected. In calendar year 2005, San Benito County residents gave 438 viable pints of blood which in turn helped over 1300 people. Mr. McLennan urged residents to continue to donate blood and as a matter of fact, there will be a blood drive at the Church of Latter Day Saints on Cienega Road this Thursday. The

local red cross has blood drives the first Thursday of each month at the Church and encouraged the public to attend.

BOARD ACTION: *Upon motion duly made by Supervisor Marcus and seconded by Supervisor De La Cruz, authorized the Chair to sign said Proclamation declaring the month of January, 2006 as "Volunteer Blood Donor Month" in San Benito County. Motion passed unanimously. (file #430)*

13) Presentation of Certificates of Recognition to Interim Planning Director Michael Bethke. (cont. from 1/3/06 mtg.)

Supervisor Monaco presented Mr. Bethke with a Certificate of Recognition signed by the Board of Supervisors thanking him for his assistance during a difficult period.

Trish Maderis, of the Planning Department, presented Mr. Bethke with a Certificate of Appreciation from Planning Staff as well.

Mr. Bethke thanked the Board and praised the Planning Department staff for their dedication to the county. (file #790)

14) Presentation of Certificate of Recognition to Dan Vrtis, Finance Director, in appreciation of 4 ½ years of service to the County of San Benito.

Supervisor Marcus presented Mr. Vrtis with a Certificate of Recognition signed by the Board of Supervisors thanking him for his services to the County as Interim County Administrative Officer as well as serving as the Finance Director.

Mr. Vrtis asked that all the Auditing staff come forward and he introduced said staff. Mr. Vrtis noted his job has been made much easier due to the fact that he has been supported by such competent and dedicated people.

Chair Loe thanked Mr. Vrtis for his hard work and dedication to the community as well. (file #630)

15) Presentation of Certificate of Recognition to Robin Scattini, Management Analyst, in appreciation of 11 years of service to the County of San Benito.

Chair Loe presented Ms. Scattini with a Certificate of Recognition signed by the Board of Supervisors thanking her for eleven years of hard working, dedicated service with the county. (file #630)

ADMINISTRATIVE BUSINESS:

16) Regarding the Scope of Services in the Traffic Impact Fee Program contract with Hexagon Transportation Consultants and the Council of Governments (COG), consider the following:

- a) **Hold discussion regarding the Scope of Services in the Traffic Impact Fee Program Study and the assumptions of future projects by the contractor;**
- b) **Consider recommendations to the Council of Governments (COG) for Study assumptions;**
- c) **Consider approval of the cost of the study in the amount of \$17,500 for the county's share; and**
- d) **Approve appropriation from contingencies.**

CAO Thompson noted with the intent of engaging conversation in the public setting with the Board with regard to the County's participation in the cost of the study that would drive our traffic impact fees in this community. We have a history of sharing the cost of that traffic impact fee study with the City of Hollister and that is the case in this particular year as well. We share the cost of the study half and half.

CAO Thompson noted the outcome of this traffic impact fee study then for us it to provide us the justification for the determination of the actual fees themselves that we do impose for traffic impacts. These studies need to be done on a regular basis in order to continue to have appropriate documentation upon which we base these fees themselves. If the studies get too far

out of date, then they are no longer valid and therefore, our fees become potentially questionable and that would be a really difficult and problematic issue for us.

CAO Thompson stated one of the issues that has come up in conversations, as she is learning about this for the first time, is that the model that is used to establish traffic impacts and therefore, establish the costs of the fees, is a very complex model. This is done state-wide, so this isn't something that isn't usual and common place; however, it is a complex process and it is a process that has been challenged many times in court and has become a very tight model that has been proven to be affective and appropriate. However, some of the judgment calls that get made in terms of the assumptions of that model are something that your Board may wish to discuss or ask questions about, and that is something she wasn't an expert in and CAO Thompson noted she asked Mary Dinkuhn to be here to discuss. In particular, what kinds of things are used as assumptions in that model and again, this was something she wasn't an expert in so she would like to ask Ms. Dinkuhn to provide background on that.

Mary Dinkuhn came forward and indicated she would do her best to answer questions of the Board. Ms. Dinkuhn explained that the traffic impact fees were determined and could only be assessed on projects that have trip generating impacts on the roadways. Once it is determined how many trips a project will generate, based on that, the fee is determined. How many traffic impact fees we can collect divided among the anticipated number of units that we expect to build.

Ms. Dinkuhn noted we can't assess traffic impact fees to make roadway improvements that are not capacity increasing. The traffic impact fees are meant to build new roads or build new capacity for more cars on the road that are going to be needed due to the new trips generated by development, residential or commercial. We can't use traffic impact fees for general street improvements, i.e. potholes, it has to be specific projects that are increasing capacity on our roads.

Lengthy discussion ensued regarding new impact fee study; appropriate and allowable uses for said fees; conditions of deteriorating county roads and the best avenue to pursue to repair them; input from the COG Technical Advisory Committee included in the analysis of the fees; list of proposed projects generating impact fees; appropriate expenditures associated with traffic impact fees and received input from Mr. Joe Thompson, local citizen.

Direction was given to Counsel to review current ordinance and bring back an amended ordinance regarding the use of traffic impact fees.

Supervisor Monaco indicated he would like to see at a future meeting, date not specified, road fees and the fixing of rural county roads, possibly utilizing traffic impact fee monies.

BOARD ACTION: *Upon motion duly made by Supervisor Monaco and seconded by Supervisor Marcus, **approved** the cost of said study in the amount of \$17,500 for the county's share and **approved** appropriation from General Fund Contingencies. Motion passed unanimously. (file #156 & #1035)*

CLOSED SESSION:

- 17) 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 action taken. (file #235.6)
- 18) 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 action taken. (file #235.6)

- 19) Conference with Legal Counsel – Existing Litigation
Authority: California Government Code Section 54956.9(a)
a) Stafford-Pelt v. County of San Benito, et al.
No action taken. (file #235.6)
- 20) Public Employee Discipline/Dismissal/Release
Authority: California Government Code Section 54957
Counsel deferred this item to the meeting of January 24, 2006.

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 24, 2006 at 9:30 a.m.

PAT LOE, CHAIR
San Benito County Board of Supervisors

ATTEST:
Linda Churchill
Clerk of the Board

BY:
Sally Navarez
Assistant Clerk to the Board