



## 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

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

### REGULAR MEETING JANUARY 24, 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 was led by Supervisor Monaco.

b) *Acknowledged Certificate of Posting.*

c) **Public Comment:** Richard Place, Hollister resident, came forward. Mr. Place commented with regards to comments by Chair Loe at the first meeting concerning the budget cycle and budget committee. Mr. Place pointed out that having a semi-annual budget meeting would be extremely expensive and create quite a burden on the department heads because in January the County Administrative Officer (CAO) has instructions to develop and start to receive all of the information from the department heads as they prepare for the budget for the rest of the year. Mr. Place reminded the Chair that she couldn't eliminate a committee like that without a vote of the full Board.

Joe Thompson, Tres Pinos resident, came forward. Mr. Thompson encouraged the Board to agendaize, in the very near future, the fiscal impact of what is going on with county transit. Mr. Thompson noted that there is a rising demand for transit services in our county. Mr. Thompson recommended that the Board hold a workshop or study session before the next Council of Governments (COG) meeting or have its newly appointed Economic Development Sub-Committee form some sort of response that the Board could forward to COG on how to proceed.

d) **Department Head Announcements:** CAO Susan Thompson reported that the first Library Visioning meeting will occur on January 31<sup>st</sup> with Kathy Sheridan acting as the facilitator. Ms. Thompson stated there were about 20 people from the community invited to this meeting along with Supervisor De La Cruz who is the Board's representative.

Ms. Thompson further reported that the Public Works Director recruitment closed on January 28<sup>th</sup> and at this point there is four potential candidates.

Ms. Thompson asked Undersheriff Pat Turturicci to come to the podium. Undersheriff Turturicci stated that the Sheriff's Office would like to recognize the Gavilan Kennel Club and Joe Pendry who over the last one and a half years has donated \$1500 to our canine program. Undersheriff Turturicci stated that this is an expensive operation and there is a lot of ongoing training that is needed so the money will be used for training aids and food for Deputy Dix our new working canine. Deputy Dix was introduced.

Joe Pendry, Gavilan Kennel Club, came forward. Mr. Pendry stated it has been pleasure to be able to continue to support the Sheriff and his department in the matter of "Deputy Dog". Mr. Pendry stated that this was started a few years ago when there was more raidings by the Governor and the legislature on county government and he hopes to be able to continue to support the canine. Mr. Pendry noted that the Gavilan Kennel Club represents everything within a 50-mile radius of the City of Gilroy and they have a two-day annual show at Bolado Park in April.

Kathy Flores, Executive Director of Health & Human Services Agency came forward with comments regarding the Governor's proposed budget, which was unveiled on January 10<sup>th</sup>. Ms. Flores noted that there were some proposals regarding the CalWorks Program which means potential budget reductions in midyear 2005/2006 and another proposal to reduce next year's allocation as well. There is also a proposal to suspend any CalWorks public assistance grants which would be about a \$149,000 reduction here in San Benito County this year. Ms. Flores reported that they might be in the potential position of over-expending in CalWorks by \$100,000 this year. Ms. Flores indicated that the California Welfare Directors Association is looking into the legality of this proposed action and she is waiting for the outcome of that legal opinion. Ms. Flores stated she would keep the Board and the CAO apprised of what is going on noting that the Board may need to consider taking action.

Supervisor Marcus stated that he would take this information to the Regional Council of Rural Counties.

CAO Susan Thompson noted these are mandatory programs and we are not at liberty to eliminate services. Ms. Thompson felt it was highly unlikely that they will be able to take this action because a budget commitment has already been made.

Supervisor De La Cruz asked if there were any reserves in the HHSA Department or would the Board be asked to make budget allocations from the General Fund.

Ms. Flores indicated that there was always that possibility although she would strive to make sure that she will not be in that position of having to ask the Board to backfill, noting that CalWorks is a mandatory program.

e) **Board Announcements, Introductions and Presentations:** Supervisor Monaco reported that he attended California State Association of Counties (CSAC) Ag and Natural Resource Policy Committee on January 18<sup>th</sup>. Supervisor Monaco stated that the issue addressed was flood protection noting that the primary focus of this committee's recommendation was to emphasize and retain local control. Supervisor Monaco reported that at this meeting he also received information on the federal transmission line corridors process. Also a report was received from the Department of Conservation regarding the Williamson Act and mining. Supervisor Monaco stated all of this information would be available for the public through the Administrative Office.

Supervisor Monaco also attended the annual Association of Monterey Bay Area Governments (AMBAG) Economic Conference which was very informative and it gave a good overall perspective of the economic performance and potential of our region.

CAO Susan Thompson, who was a panelist at the AMBAG Conference, stated that it was a large group in attendance and there were a lot of kudos about San Benito County re-connecting with AMBAG as a regional forum for us to become more active with our partnering cities.

Supervisor De La Cruz referred to an article in the Pinnacle Newspaper titled "County to Amend Los Valientes Suit". Supervisor De La Cruz stated he was very disturbed about this article because the community should know that the county is not involved in this suit noting it was a suit brought on by District Attorney Sarsfield without approval by the Board of Supervisors. Supervisor De La Cruz commented with regards to the reasons behind the District Attorney's actions and felt the District Attorney is out of control and the Board should take a vote of no confidence and forward a request to the Attorney General to review these actions.

Supervisor De La Cruz was cautioned by County Counsel Claude Biddle that this was not an item on the agenda and the Board could not take any action.

Supervisor Botelho reported that he is a member of the Fire Safe Council and the mission is to educate our rural residents as far as fire safety and one of the services provided is brush clipping

and chipping services and there is a special machine that would assist rural citizens. Supervisor Botelho stated that this service was under-utilized and it was dedicated to BLM.

Supervisor Botelho reported that the Emergency Medical Care Commission is in the process of applying for two separate grants. One grant is for personal protective equipment for our ambulance personnel and one grant is from the California Office of Traffic Safety. Supervisor Botelho further reported that West Med is now the ambulance provider for Monterey County which affects our mutual aid agreements and there has been some concern but our mutual aid agreements are in effect with Monterey County with West Med and AMR and West Med are working together as well as agreements with Santa Cruz County.

Supervisor Botelho reported that he has had meetings with the Veterans Service Officer and Veterans of Foreign Wars and American Legion along with Supervisor De La Cruz. Supervisor Botelho asked that this item be agendized for the February 7, 2006 meeting for a report and resolution by the Board. Also, Supervisor felt it would be appropriate to agendize a discussion regarding the location of Gavilan College and possibly inviting Gavilan District Board members or their representative to report to us.

Supervisor Marcus reported that he and Supervisor Botelho represented San Benito County at the monthly AMBAG meeting noting that having that presence there is very valuable.

Supervisor Marcus also reported that he and Supervisor Botelho represented the county at the annual Chamber of Commerce Banquet and congratulated Jim Slesnick and Barbara Nicora, the 2005 Chamber Man and Woman of the Year, as well as Granite Rock, Bishop-Lusink Insurance, Johnny's Bar and Grill and Damm Water who were the four businesses of the year.

Chair Loe asked the CAO if there was a update on an Ethics Committee and when that was planned.

CAO Susan Thompson reported that she had not scheduled a meeting yet noting that the direction received by the Board was to have County Counsel and the CAO provide the community with an opportunity to discuss options and processes that could be utilized to have any group interested to step forward and actually become a separate stand alone 501C3 and it was decided that the Board was not going to be involved in the make-up of this committee. Ms. Thompson stated it was still her intention to set up this meeting sometime in February, although she has not yet been contacted by any group who is interested in doing that.

## **CONSENT AGENDA:**

*Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, approved Consent Agenda Items 1 through 13 with the exception of Item 5 which was pulled for discussion. (Unanimous)*

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

- 1) **Approved** out of state travel for two employees to attend the West Nile/Mosquito abatement training in Reno, Nevada, January 29, 2006 through February 1, 2006 as part of employees becoming certified in vector control by the Department of Health Services with funding from the County's portion of the West Nile fund budget. **File #1.1**
- 2) **Approved** purchase of chemical storage unit with funding coming from West Nile/Mosquito program funds. **File 1.1**

### **BOARD OF SUPERVISORS:**

- 3) **Proclaimed** January, 2006 as "National Glaucoma Awareness Month" in San Benito County. (Chair) **File #430**

#### **CLERK OF THE BOARD:**

- 4) **Approved** corrected minutes of the meeting of December 6, 2006 reflecting incorporation of actions relative to Land Conservation Act Public Hearings and **approved** the minutes of the January 3, 2006 regular meeting and the January 17, 2006 special meeting.

#### **COUNTY ADMINISTRATIVE OFFICE:**

- 5) **Proposed resolution and amended agreement with the California Department of Forestry for FY 2005/2006. (ACAO) (Res. No. 2006-5).**

Supervisor Botelho asked to pull this item for discussion.

*Chair Loe directed the Fire Sub-Committee, Supervisors Botelho and Marcus, to work with the Administrative Office to set up a workshop regarding fire services.*

*Chair Loe directed the Fire Sub-Committee to bring back a report on the last Board of Supervisors meeting in February (February 21, 2006).*

**BOARD ACTION:** Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, approved the amended contract with the California Department of Forestry and Fire Protection for the time period July 1, 2003 through June 30, 2006; and adopted **Resolution No. 2006-05** reflecting a total of \$880,614 in Schedule A services for the fiscal year 2005-2006 and authorized the Chair to sign said contract and resolution. (Unanimous) *File #60*

#### **ELECTIONS – J. Hodges:**

- 6) **Approved** agreement with Springer Business Systems for a 48-month lease agreement for a photocopier. *File #943.1*

#### **MENTAL HEALTH – A. Yamamoto:**

- 7) Regarding contract renewal with the Department of Mental Health for State Hospital Bed Use, consider the following:
  - a) **Authorized** the County Mental Health Director to sign Contract #05-75396-000 between DMH and the County for \$0 dollars for the term of FY2005/2006; and
  - b) **Adopted Resolution No.2006-6** signifying Board approval to enter into said contract. *File #810*
- 8) **Approved** agreement renewal with Victor Treatment Center, Inc. in the amount of \$80,000 for the provision of specialized treatment services for adolescents with a contract term of December 27, 2005 through June 30, 2006. *File #810*
- 9) **Approved** agreement renewal with St. Helena Hospital Center for Behavioral Health in the amount of \$45,000 for the provision of acute psychiatric hospital services for children and adolescents with a contract term of July 1, 2005 through June 30, 2006. *File #810*

#### **PROBATION – D. Botts:**

- 10) **Adopted Resolution No. 2006-07** requesting authorization of the Chief Probation Officer to submit and sign agreement with the Corrections Standards Authority (CSA) for the Juvenile Probation and Camps Funding program. *File #510*

#### **PUBLIC WORKS:**

- 11) **Approved** amendment to contract for janitorial services to Central Maintenance Company for an amount not to exceed annual amount of \$78,432 terminating services to COG, providing services to Superior Court office and **authorized** Chair to sign said amendment. *File #105*

#### **SHERIFF – C. Hill:**

- 12) **Approved** reinstatement of Deputy Sheriff at Range 21.1, Step F pursuant to the County Policies and Procedures Manual, Rule 8.D Reinstatement. *File #110*

- 13) **Adopted Resolution No. 2006-08** authorizing temporary closure of a county roadway for a special event sponsored by the Hollister Rotary Club – 23<sup>rd</sup> Annual Mission 10 Run. **File #105**

## **REGULAR AGENDA:**

### **PRESENTATIONS / RECOGNITIONS:**

- 14) **Certificate of Appreciation to Claude Biddle for his services as Interim County Counsel.**

*Supervisor De La Cruz presented a Certificate of Recognition plaque to Claude Biddle in appreciation of Mr. Biddle's commitment and dedication to San Benito County over the past nine months.*

- 15) **Certificate of Recognition to retiring employee Lynn Miller, Director of the Regional Division of Child Support Services for Santa Cruz & San Benito Counties.**

*Supervisor Botelho presented a Certificate of Recognition plaque to Lynn Miller who his retiring after more than 37 years of service to the community, including 30 years of service to Santa Cruz County and in appreciation of Mr. Miller's collaborative efforts and his commitment and dedication to San Benito County since October 2002.*

### **BOARD OF SUPERVISORS:**

- 16) **Receive Council of Governments (COG) update. (Tom Quigley)**

*Continued this item to the February 7, 2006 Board of Supervisor's meeting.*

*It was the consensus of the Board that Mr. Quigley provides monthly updates and allowing him to select the meeting date.*

- 17) **Consider status report on the San Benito County Water and Wastewater Master Plan project from Harry Blohm, Consultant. (CAO)**

*Harry Blohm, Program Manager for the Hollister Urban Area Water and Wastewater Master Plan, provided a brief update to the Board.*

*Richard Place, Hollister resident, addressed questions to Mr. Blohm.*

*No action was taken. File #695*

### **DEPARTMENT OF EMERGENCY SERVICES – M. Riopel:**

- 18) **Regarding replacement of the med-net radio at Fremont Peak, consider the following:**

- a) **Approve the radio equipment as specified from Eden Radio Inc. for the replacement of the med-net radio equipment at Fremont Peak; and**
- b) **Authorize the transfer of funds from trust #4230120 (EMS 17%) to budget unit #2216101; and**
- c) **Amend the fixed asset list to add radio equipment to the Emergency Medical Services (EMS) budget unit #2216101.**

*Emergency Services Margie Riopel provided background information.*

*Discussion was held.*

**BOARD ACTION:** *Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus approved as recommended in a, b, and c above. (Unanimous) File #75.5*

### **COUNTY COUNSEL – C. Biddle:**

- 19) **Hold discussion and provide direction to counsel and planning staff of various approaches/alternatives to regulating and/or abating crowing fowl.**

*County Counsel Claude Biddle provided background information.*

*Supervisor Marcus recommended the following changes to the draft ordinances pertaining to Light Agriculture Uses in Rural Districts:*

- Paragraph (B) of first page regarding the grazing of cattle, horses, sheep, goats, hogs or other farm stock or animals, including the supplementary feeding thereof, provided not more than one (1) such animal per forty thousand (40,000) square feet and should be changed read twenty thousand (20,000) square feet.
- Paragraph (C) would then be changed to twenty thousand (20,000) square feet or larger; keeping of small and large animals shall be cumulative and would read four (4) large animals or forty (40) small animals.

Supervisor Marcus suggested that the obtaining of the permits should be through the Planning Department and in that draft ordinance under Section 18-14.4, Standards for Approval, he would like to see Animal Control added as having jurisdiction on the impact on the public health, safety or welfare.

Julie Carreiro, Animal Control Officer, came forward stating that she felt that Animal Control should be involved and didn't think it would impact the costs.

Chair Loe suggested that this matter be taken up with the Inter-Governmental Committee.

The following members of the public addressed the Board regarding this item: Marvin Jones, Hollister resident; David Rovella, Lone Tree Road resident; Web Winans, Lovers Lane resident; and Robert Wilson, neighbor of the rooster farm.

Stacy Watson, County Code Enforcement Officer, came forward stating that she could enforce the Dark Skies ordinance and it was something she would be working on immediately.

*Chair Loe asked the Planning Director if he could give us an idea of a date that the Board can expect this item back asking if the new Planning Director could come back at the next meeting, under Department Head announcements, and give them some kind of idea about a date certain.*

*Planning Director Art Henriques stated that he would come back at the next meeting with a date. File #790*

#### **ADMINISTRATIVE BUSINESS:**

##### **20) Discuss County Counsel recruitment regarding salary. (CAO)**

CAO Susan Thompson provided background information.

Discussion was held.

**BOARD ACTION:** *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Marcus approved salary package up to \$140,000 for the County Counsel position. (Unanimous) File #160*

##### **21) Consider the reorganization of the Office of Emergency Services (OES). (CAO)**

CAO Susan Thompson provided background information and explained the reorganization plans for the functional areas of Communications, Emergency Services, and Emergency Medical Services.

Discussion was held.

**BOARD ACTION:** *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Botelho moved to:*

- 1) *Approve the elimination of the Emergency Services Department, transferring the staff, program and budgetary responsibility for Emergency Services and Communications to the Sheriff's Office, and transferring Emergency Medical Services to the Health and Human Services Agency, effective January 29, 2005; and*
- 2) *Amend the schedule of authorized positions for budget units #1001212, #1001263 and #2216101.*

Under the question.

*After some discussion Supervisor De La Cruz amended his motion to review salary adjustments within the next 90 days. Supervisor Botelho agreed to the amendment. (Unanimous) File #75.5*

##### **22) Consider compensation for the County Clerk/Auditor/Recorder. (CAO)**

CAO Susan Thompson introduced the item noting this was a request from the County Clerk/Auditor/Recorder to ask for policy direction as it relates to the intention of the Board as to what the organizational function of the Finance Director position is.

Discussion was held.

**BOARD ACTION:** *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco moved to approve the adjustment of the County Clerk/Auditor/Recorder salary to 20% higher than the top step of the Finance Director salary range.*

County Counsel Claude Biddle reported that he had received communication after the posting of the agenda and it required immediate attention. Mr. Biddle asked to add one additional case to Item 24 for a total of 4 cases.

**BOARD ACTION:** *Upon motion made by Supervisor Marcus and seconded by Supervisor De La Cruz added 1 case to Item 24, Conference with Legal Counsel – Anticipated Litigation. (Unanimous)*

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

#### **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.)*

**23) 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 reportable action.***

b) Monteon vs. Richard Scagliotti, San Benito County Board of Supervisors, San Benito County Financing Corporation et. al.

***No reportable action. File #235.6***

**24) Conference with Legal Counsel – Anticipation Litigation**

a) Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9. Number of cases: **3**

1 case added to the agenda for a total of 4 cases.

***No reportable action. File #235.6***

**25) 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***

**26) 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***

**27) Public Employee Discipline/Dismissal/Release**

Authority: California Government Code Section 54957

**BOARD ACTION:** *County Counsel Claude Biddle reported that by a 5-0 vote the Board of Supervisors made the findings as required by the Government Code that Officer Mark Lema is in fact disabled to perform the function of this position and authorized the filing of **Resolution No. 2006-09** with the PERS board. 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 a special meeting on Monday, January 30, 2006 at 9:30 a.m.

PAT LOE, CHAIR

San Benito County Board of Supervisors

ATTEST:

Linda Churchill

Clerk of the Board