



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 AGENDA FEBRUARY 7, 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, Acting County Counsel Irma Valencia 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.

Following the Pledge, Chair Loe asked that all remain standing and asked for a moment of silence honoring former Board of Supervisors member George Shore who had passed away.

b) *Upon motion duly made by Supervisor Botelho and seconded by Supervisor Marcus, **acknowledged** the Certificate of Posting.*

c) **Public Comment:** Joe Thompson, indicated he served on the Citizen's Rail Advisory Committee and served on COG's Transit Task Force. Mr. Thompson noted in a copy of a letter after the Santa Clara County Grand Jury indicted the Transportation Authority in Santa Clara County for gross mismanagement and governance flaws. In that letter Mr. Thompson stated to both AMBAG and the COG Executive Directors those same charges of that county's Grand Jury apply here as well and he would like an answer to his questions raised in his correspondence from as far back as two years ago, as he has never received a reply. Mr. Thompson asked that the Boards' AMBAG delegate from this Board, obtain an answer because we cannot continue to duck these crucial questions.

Mr. Thompson also noted almost four years ago, he went to the Union Pacific Economic Forum in Pleasanton; Union Pacific Industrial Development Department offered to help our county increase rail oriented economic development on the Hollister branch line four years ago, but we have never even responded and there has been the loss of the potential for more than 200 jobs because two employers wanted to come into San Benito County.

Mr. Thompson said CalTrans District 5 just released their final District System Management Plan for the next twenty years for ours as well as four surrounding counties. CalTrans didn't implement any of his recommended changes of last July and felt the county leadership needed to get ahead of this, but these matters are being crammed down our throats and will not be given an opportunity to respond. Mr. Thompson concluded by asking the Board sub-committee on Economic Development to report back to the Board to take a proactive role on these matters.

d) **Department Head Announcements:** CAO Susan Thompson recognized Integrated Waste Manager Mandy Rose.

Director Rose informed the Board about the new universal waste rules, effective February 9, 2006. Ms. Rose stated prior to this time, individuals and residences have been allowed to throw away all electronic devices other than TV's and computers. However, household batteries, mercury thermostats or mercury thermometers and fluorescent lamps effective February 9th, none of these items can be placed at the landfill. The exception that was in affect will terminate at that time. Ms. Rose noted batteries, mercury, fluorescents and household hazardous waste will continue to be collected at no charge to the residents. As far as electronic devices were concerned, the Board recently passed a rate

revision that allowed CRTs, computer CPUs and TV's to be taken at no charge to the landfill. All other electronic devices, fax machines, printers, etc. will be charged at the regular refuse rate which is not a change from current practice but were asking that residents note if they were bringing those items to the landfill so they could be separated.

Discussion ensued regarding the need now to separate household batteries from regular waste prior to disposing at the landfill, companies that will erase computer information professionally, dumping of electronic devices along county roads in an effort not to pay additional fees and local businesses providing on-site disposal services for batteries.

Supervisor De La Cruz asked what could residents do regarding disposal of prescribed medications.

Director Rose noted there was legislation in the works for landfill operators to work with hospitals for appropriate disposal of those items.

Planning Director Art Henriques noted to the Board that a draft ordinance regarding crowing fowl was in the works and would be presented to the Planning Commission and then the Planning Commission would bring the matter to the Board of Supervisors.

CAO Thompson asked the Chair if an update could be provided regarding the library visionary process under Board Announcements.

e) **Board Announcements, Introductions and Presentations:** Supervisor Monaco noted it was his pleasure to attend the 80th birthday party of Marland Holte who is a close personal friend. Supervisor Monaco noted Mr. Holte supports local causes for the underprivileged, the homeless and is a dedicated servant to this community.

Supervisor De La Cruz, responding to CAO Thompson's inquiry regarding the library visionary process, commented there was a meeting held and noted this matter required community participation, community commitment from all resources including volunteers, financial contributions, etc. otherwise this project cannot move forward. Supervisor De La Cruz stated this wasn't a County nor City issue, but a community issue and urged the community to lend its support.

Supervisor Marcus indicated he attended the February meeting of the Regional Council of Rural Counties (RCRC) in Sacramento and was accompanied by Supervisor Botelho. Supervisor Marcus stated it was an educational experience but some of the items discussed included a summary of the Governor's proposed 2006/2007 budget, a copy of which would be available upon request.

Supervisor Marcus noted incorporated into the budget plan is the Governor's long-term strategy to deal with the California booming population. The plan includes \$222-billion in infrastructure investments for transportation, flood control, etc. Rural crime prevention was also discussed and the budget proposes \$3.6-million for Central Valley rural crime prevention which is the same as 2005/2006 but additionally includes San Benito, Santa Cruz, Monterey, San Luis Obispo counties and \$100,000 of funding set aside for agricultural crime prevention. A \$6-million increase for methamphetamine strategy which will benefit the County.

Supervisor Marcus noted in the Governor's Strategic Growth Plan basically deals strictly with traffic and highway implementation, San Benito County and the Central Coast has listed a \$60-million for a 4-lane expressway at Highway 156. Supervisor Marcus noted we need to make sure that we are on track with that plan. He thought there was a plan by CalTrans to be presented later this month to discuss that effort, but we were on track with that money. There was nothing set aside, however, for local rural roads.

Supervisor Marcus noted regarding rural strategy which is eligible for funding, would be taken to the Governance Committee, improve water quality which there was a plan for urban runoff management which he believed would be beneficial in our efforts for the waste management and master plan for the water deposition.

Supervisor Botelho stated he participated in a meeting with CASA of Monterey who was looking to expanding their program into San Benito County. Supervisor Botelho noted this would be a wonderful opportunity if able to capitalize on this. Supervisor Botelho stated this matter would be coming back before the Board for support of this very important child advocacy group.

Chair Loe thanked staff for putting together the library visioning meeting as it was something that really needed to be done. Chair Loe noted this was extremely exciting as there was much positive energy in the room and believed we could move forward on this project and if there were any questions, comments or ideas, please let Supervisor De La Cruz or herself know as both were on the committee.

CONSENT AGENDA:

Chair Loe indicated request had been received to pull Items #1, #3, #4 & #6. Supervisor Botelho noted to the Chair that he was abstaining from Item #3.

BOARD ACTION: *Upon motion duly made by Supervisor Monaco and seconded by Supervisor Marcus, approved the Consent Agenda minus Items #1, #3, #4 & #6 and noted Supervisor Botelho was abstaining from Item #3. Motion passed unanimously.*

CHILDCARE LOCAL PLANNING COUNCIL: K. Bobsin:

1) Consider certification of composition of the membership for the San Benito County Childcare Local Planning Council.

Supervisor De La Cruz asked why the membership makeup still had the same persons on it for quite a while because didn't it change? Was there any accountability to ensure these persons were attending meetings?

CAO Thompson didn't believe there was anyone present to address Supervisor De La Cruz's questions.

Supervisor De La Cruz indicated he wanted to make sure it wasn't allowing other interested members of the community who might want to participate, not be able to participate because the positions are filled.

CAO Thompson stated she would ask for a report regarding members' attendance and urged the Board to approve the item in compliance with the law.

BOARD ACTION: *Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Marcus, approved and certified the composition of the membership for the San Benito County Childcare Local Planning Council. Motion passed unanimously. (file #1055)*

CLERK OF THE BOARD:

2) Approved the minutes of the meeting of January 10, 2006.

COMMUNITY SERVICES & WORKFORCE DEVELOPMENT – K. Flores:

3) Consider agreement with Labor Consultants of California in the amount of \$3,900 for labor consultant services to monitor wage and labor use during construction of the unaccompanied adult section of the Southside Road Migrant Labor Camp for the term of January 1, 2006 through May 31, 2006 and authorize the CSWD Executive Director to sign on behalf of the County.

Supervisor Marcus questioned if this was the firm assisting the Contractor.

Executive Director Kathryn Flores indicated that was correct. Ms. Flores noted this agency monitored the contractor as was required and noted the contract term should be February 8, 2006 through May 31, 2006.

BOARD ACTION: *Upon motion duly made by Supervisor Marcus and seconded by Supervisor Monaco, approved agreement with Labor Consultants of California as recommended; noted the term of the agreement was February 8, 2006 through May 31, 2006 and authorized the Executive Director to sign said agreement on behalf of the County. Motion passed 4-0 with Supervisor Botelho abstaining from the vote. (file #750)*

4) **Consider agreement with Pacific Gas & Electric California Alternate Rates for Energy (CARE) program for the provision of referrals by CSWD with a contract term of January 15, 2006 through January 15, 2007 and authorize the Executive Director to sign on behalf of the County.**

Supervisor Marcus questioned if the County received reimbursement after assisting clients and how was this program advertised.

Executive Director Kathryn Flores noted the County received revenue for referrals to this program and the offer was good for the first one-hundred referrals. Ms. Flores explained clients who inquired about utility assistance were notified of this program and offered this program if they qualified.

BOARD ACTION: *Upon motion duly made by Supervisor Botelho and seconded by Supervisor Marcus, approved said agreement as recommended and authorized the Executive Director to sign on behalf of the County. Motion passed unanimously. (file #939)*

COUNTY ADMINISTRATIVE OFFICE:

5) Regarding direction, coordination and preparation of plans in the event of a disaster, consider two (2) proposed resolutions as follows:

- a) **Approved Resolution No. 2006-10** Naming the Director and Assistant Director appointed for the Direction and Coordination of Emergency Services in the event of a disaster; and
- b) **Approved Resolution No. 2006-11** Naming the Order of Succession in the absence of the Director of Emergency Service. (file #75.5)

6) **Regarding approval of payment to HDR Consulting for San Benito County's portion of the Hollister Urban Area Water and Wastewater Master Plan, consider the following:**

- a) **Approve payment in the amount of \$83,913.70 made payable to SBCWD – Hollister Urban Area Water and Wastewater Master Plan Fund for services of HDR Consulting; and**
- b) **Approve transfer from Reserve for Contingencies in the amount of \$83,913.70 to the Planning & Building Inspection Department / Special Department Expense – Contracts to fund San Benito County's obligation to this Plan.**

Supervisor Botelho asked for clarification if was an agreement to fund another study for a basin plan?

CAO Thompson indicated the Hollister Regional Area Wastewater Management study, consisting of the City of Hollister, the San Benito County Water District and the County of San Benito, on the governance side of the project, to develop the master plan. That is why Mr. Harry Blohm has been before this Board to update you and the community on. This isn't just about Hollister water, but about the whole region and how we will plan for current and future water and wastewater disposal and water quality as a region. There are lots of players in it, it is not just the aforementioned entities, but includes other such as the Sunnyslope Water District. We may be looking at some of the other small water systems and yes, it is an additional study but it is a broader area to discuss regional planning rather than just the City of Hollister planning.

Discussion ensued and ended with the need for the County to continue with this study and justification for the payment as recommended by staff.

BOARD ACTION: *Upon motion duly made by Supervisor Monaco and seconded by Supervisor Marcus, approved said payment as recommended by staff. Motion passed unanimously. (file #695)*

7) **Approved** agreement with Liebert Cassidy Whitmore in the amount of \$2,805 for the provision of County Employee Training Services for the period of February 1, 2006 through December 31, 2006. *(file #630)

8) **Approved** budget adjustment/transfer for FY2005/2006 for the Emergency Medical Services HRSA Grant, reflecting decrease in budget revenues and expenditures due to change in grant methodology. (file #1068)

PUBLIC WORKS:

9) Regarding guardrail construction at bridges 43C-12 & 43C-51, consider the following:

- a) **Authorized** plans, specifications and bid documents for replacement of Guardrail for Bridges 43C-12 (Shore Road at Tequisquita Creek Tributary) and 43C-51 (San Felipe Road at Santa Ana Creek Tributary); and
- b) **Authorized** Staff to solicit bids for the guardrail replacement project; and
- c) **Approved** budget transfer in the amount of \$150,000. (file #105)

PUBLIC HEARINGS: 9:30 a.m. (or as soon thereafter as the matters may be heard)

AGRICULTURAL COMMISSIONER – P. Matulich:

10) **Hold public hearing to consider a proposed resolution establishing fees for the services of the San Benito County Agricultural Commissioner/Sealer of Weights and Measures. (Res. No. 2006-12)**

Ag Commissioner Paul Matulich indicated this request was in conjunction with legislation enacted effective January 2006.

Discussion ensued with questions asked about the role and responsibility of the Sealer of Weights and Measures, said implementation of fees spanning five (5) year increment as opposed to large increase up front and anticipated revenues generated by said fees for future fiscal years.

This being the duly noted time and place, Chair Loe opened the public hearing.

Marvin Jones, 425 South Street, came forward. Mr. Jones noted this was double-dipping in an effort to recover taxes by raising fees and urged the Board not to approved the requested fee hike.

Hearing no one further wishing to address the Board, Chair Loe closed the public hearing and brought the matter back to Board level.

BOARD ACTION: *Upon motion duly made by Supervisor Monaco and seconded by Supervisor Marcus, approved Resolution No. 2006-12 Establishing Fees For The Services Of The San Benito County Agricultural Commissioner/Sealer Of Weights And Measures. Motion passed unanimously. (file #1.1)*

PUBLIC WORKS – A. Nazemi:

11) **Hold public hearing to consider vacation of the entire length of Ashford Circle, Guinness Court and Corrib Court, generally located within the Ashford Highlands Subdivision off of Cienega Road. (In accordance with Chapter 3 of Part 3 of Division 9 (commencing within Section 8320) of the Streets and Highway Code.)**

Assistant Director of Public Works Arman Nazemi noted this was matter was at the request of the Ashford Highlands Homeowners Association to privatize the roads within this subdivision as the responsibility of said Association.

Lengthy discussion ensued regarding the benefits of the Association maintaining the roads and addressed the question of if the Association no longer wished to oversee the roads, what would happen such as making sure the roads were up to current standards should the County oversee them again.

Deputy County Counsel Shirley Murphy indicated the proposed resolution could have additional language added to reflect road standards.

This being the duly noted time and place, Chair Loe opened the public hearing.

Ray Pierce of the Homeowners Association, came forward. Mr. Pierce indicated the Association was in favor of the proposal and was in the process of making the subdivision a “gated community” and the Association understood its obligations in the maintaining of the roads.

Supervisor Marcus wanted it noted clearly that if the Association wants to activate the CSA and the road have to be brought up to standard, the Association is the responsible party.

Mr. Pierce indicated the Association was aware and agreed.

There being no one further wishing to address the Board, Chair Loe closed the public hearing.

Supervisor Marcus indicated he would like to see language reflecting the Homeowner Association being responsible for making sure if the CSA was activated, the roads overseen by the Association were up to standard.

Deputy Counsel Shirley Murphy suggested “Whereas, following the adoption of this resolution, the Homeowners will be solely responsible for all maintenance costs for these roadways.”

Supervisor Marcus agreed with the suggested language.

BOARD ACTION: Upon motion duly made by Supervisor Monaco and seconded by Supervisor Botelho, approved Resolution No. 2006-13, incorporating additional language as recommended by Counsel's office. Motion passed unanimously. (file #105 & CSA 38)

REGULAR AGENDA:

PRESENTATIONS / RECOGNITIONS:

12) **Proclamation declaring February 13-19, 2006 as "National-State-Local LULAC" week in San Benito County. (Supervisor Loe)**

BOARD ACTION: Upon motion duly made by Supervisor Marcus and seconded by Supervisor Botelho, **Proclaimed February 13-19, 2006 as National-State-Local LULAC week** and authorized the Chair to sign said Proclamation. (file #430)

BOARD OF SUPERVISORS:

13) **Receive report from Veterans Affairs Officer regarding Veteran's services offered in County of San Benito.**

Rich Garza from the Veterans Affairs Office presented an overview of the activities of the local office. Mr. Garza indicated a slight change in the operation schedule will be that the San Benito County office will be open from 8:00 a.m. to noon on Monday, Wednesday and Friday, but 1:00 to 5:00 p.m. on Tuesdays and Thursdays. Mr. Garza noted total operational hours for the week will not be reduced.

Supervisor Botelho indicated that he and Supervisor De La Cruz sat on the sub-committee that oversaw the Veterans operations and agreed the agreement and partnership with Monterey County is the best approach in providing these services at this time.

BOARD ACTION: No action required – received report from Veterans Services representative. (file #125)

14) **Receive Council of Governments (COG) update. (Tom Quigley) (cont. from 1/24/06 mtg.)**

Director Tom Quigley provided an update on the Hwy. 25 by-pass project; the Technical Advisory Committee matters; CalTrans projects and proposed projects and STIP funding.

Discussion ensued regarding the lack of funding for repair, maintenance and upkeep of existing rural roads in the county; the need to keep the Board of Supervisors apprised of COG concerns; the need for a public transport system report of summary balance sheet to see where fundings/projects were at and the need to work with Santa Clara County on the 152 Flyover land use issues.

Joe Thompson, local resident, noted a decision by COG needs to be made relative to setting priorities and urged the Board of Supervisors to direct the COG delegates to clearly define all unmet transit needs to ensure all highway safety concerns are listed as number one priority in the County.

BOARD ACTION: Received report – no formal action(s) taken as informational report only. (file #1035)

PUBLIC WORKS:

15) **Consider placement of three-way Stop sign at the intersection of Nash and Riverside Roads.**

Assistant Director of Public Works Arman Nazemi indicated due to citizen complaints and public safety concerns, it was recommended that placement of a three-way stop would help control traffic yet provide safe means of travel at this intersection.

Mr. Nazemi indicated this matter had been referred to the local CHP office for comments and CHP Commander Otto Knorr concurred with the need for said stop sign.

BOARD ACTION: Upon motion duly made by Supervisor Botelho and seconded by Supervisor Marcus, **approved the placement of a three-way Stop sign at the intersection of Nash and Riverside Roads.** Motion passed unanimously. (file #105)

16) **Approve payment of \$51,201 to Rancho Larios CSA #45 pursuant to terms of settlement agreement dated November 6, 2002.**

Assistant Director of Public Works Pete Corn indicated this payment is the result of a settlement agreement from November of 2002 approved by the previous Board of Supervisors and it was necessary to pay.

Supervisor De La Cruz noted this current Board was trying to control litigation expenses. Supervisor De La Cruz asked if this was negotiated by the prior Board, was there any way out of paying this amount?

Supervisor Botelho

CAO Thompson noted for the record that the transfer would come from General Fund Contingencies.

BOARD ACTION: *Upon motion duly made by Supervisor Monaco and seconded by Supervisor Botelho, approved payment in the amount of \$51,201, noting funds to come from General Fund Contingencies, to CSA #45 pursuant to terms of settlement agreement dated November 6, 2002. Motion passed 4-1 with Supervisor De La Cruz voting no on the matter. (file CSA #45/105)*

CLOSED SESSION:

17) **Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9. Number of cases: 2**

BOARD ACTION: *No reportable action. (file #235.6)*

18) **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)

BOARD ACTION: *No reportable action. (file #235.6)*

19) **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)

BOARD ACTION: *No reportable action. (file #235.6)*

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

Authority: California Government Code Section 54957.

BOARD ACTION: *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, February 14, 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 Board Clerk