



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 14, 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. Chair Pat Loe presiding when the following was had to wit:

9:30 a.m. CALL TO ORDER:

- a) Pledge of Allegiance was led by Supervisor Monaco.
- b) *Upon motion duly made, seconded and carried, **acknowledged*** the Certificate of Posting.
- c) **Public Comment:** Joe Thompson, local resident, noted that the Council of Governments will be again addressing the unmet transit needs of the community. Said needs are referred to as “reasonable to meet” under previous discussions, however, Mr. Thompson stated COG must identify what the unmet needs are.

Mr. Thompson noted the RDA allocated \$10-million to the Highway 25 Flyover safety improvements but if the “unmet needs” are not met as identified and implemented, the RDA monies cannot be spent.

Mr. Thompson urged the Board to direct the COG delegates not to use the same definitions of “unmet needs” as utilized in the past.

Supervisor Botelho suggested placing this matter on an agenda in March to discuss further the COG issues raised by Mr. Thompson – the policies of COG and the Local Transit Authority (LTA).

Chair Loe directed Supervisor Botelho to work with County Counsel and CAO Thompson on this matter as COG is considered a separate entity to which Supervisor Botelho noted he would.

- d) **Department Head Announcements:** CAO Thompson noted there will be a public meeting held on February 24th, 10:30 a.m. to noon, sponsored by the CAO and County Counsel offices regarding the creation of an ethics commission. This meeting will provide information as a guide for such a commission to operate under non-profit status and will provide the tools to interested parties on how to proceed.

H&HSA Director Kathryn Flores noted a change at the State level regarding program funding called for a “take back” of some \$114-million. However, Ms. Flores noted the trailer bill was introduced and it didn’t look favorable as there wasn’t enough support for it to pass. Ms. Flores felt confident the measure wouldn’t pass as did CAO Thompson.

Sheriff Curtis Hill gave a brief overview of a meeting he attended with the State Sheriff's Association regarding \$6-million available in obligation bonds for new construction funding and noted he will be returning to the Board of Supervisors at a later date for a letter of support for said funding.

e) **Board Announcements, Introductions and Presentations:** Supervisor Marcus noted San Benito County was last in the Central Coast to implement an ordinance or resolution in the regulation of fire sprinkler in residential units in rural areas and would like the matter revisited at a later date.

Supervisor Botelho indicated he and Supervisor Marcus had met with CDF and will in fact be coming back with a formal report to the Board at a later date.

Supervisor Marcus also stated he would like to have a report presented to the Board of Supervisors from Sheriff Hill and DA Sarsfield relative to the July 4th Motorcycle Rally and what is being proposed due to public safety concerns now that the City of Hollister has cancelled the Rally.

Supervisor Monaco stated he and Supervisor De La Cruz met with the CAO regarding these same issues and concurred that there were public safety issues and concerns and agreed the matter needs to be agendized for further discussions.

Supervisor Loe directed Sheriff Hill to meet with City of Hollister Police Chief Jeff Miller and bring back a report to the Board of Supervisors on the Boards' public safety issues and concerns on the Motorcycle Rally for a later date.

Supervisor Loe noted she and Supervisor Botelho met with the Valley Transit Authority (VTA) sub-committee regarding the Hwy. 156 flyover and MOU all concerns should be knocked out by next month.

Supervisor Botelho agreed with Supervisor Loe and indicated road safety and congestion topped the topics discussed regarding the flyover.

Chair Loe asked the Board to move Item #11 before the Consent Agenda and it was agreed to do so.

PRESENTATIONS / RECOGNITIONS:

11) **Presentation of Certificate of Recognition to Louie Aguirre, Road Maintenance Worker for the Public Works Department who is retiring after 16 years of service to San Benito County.**

Chair Loe asked Mr. Aguirre to please come forward and presented him with said Certificate. Chair also thanked the Public Works Road Crew for attending in support of Mr. Aguirre.

Mr. Aguirre thanked the Board for the Certificate as well as Public Works for the time he spent working for the County. (*file #630*)

CONSENT AGENDA:

Chair Loe noted there was a request to pull Items #4 and #6 from the Consent Agenda.

BOARD ACTION: Upon motion duly made by Supervisor Monaco and seconded by Supervisor Marcus, approved the Consent Agenda Items #1-10, minus Items #4 and #6. Motion passed unanimously.

BOARD OF SUPERVISORS:

1) **Approved** letter be sent to the National Court Appointed Special Advocates (CASA) in support of a grant application by CASA of Monterey County for a new program in San Benito County. (file #156)

CLERK OF THE BOARD:

2) **Approved** the minutes of the meeting of January 24, 2006.

ELECTIONS – J. Hodges:

3) Regarding printer replacement, consider the following:

- a) **Approved** fixed asset purchase of a HP LaserJet 8150DN printer; and
- b) **Approved** augmentation from the Recorder's Modernization Trust in the amount of \$3,637 to the Elections FY2005/2006 Recorder budget; and
- c) **Added** the HP LaserJet 8150DN printer to schedule of fixed assets. (file #285)

4) **Regarding 460 Campaign Statements scanner/web creation, consider the following:**

- a) **Approve augmentation from General Fund Contingency in the amount of \$6,961 to the Elections 2005/2006 budget; and**
- b) **Add the HP Color LaserJet 2820 to schedule of fixed assets.**

Supervisor De La Cruz asked if there was existing county staff that could do the web creation regarding this matter.

CAO Thompson indicated there may be persons that were skilled in some areas of web creation or troubleshoot IT issues, she indicated the County routinely contracted out for such services and recommended approval.

BOARD ACTION: Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Marcus, **approved** augmentation from General Fund Contingencies in the amount of \$6,961 and **added** the color printer to the Schedule of Fixed Assets. Motion passed unanimously. (file #285)

HEALTH & HUMAN SERVICES AGENCY– K. Flores:

5) **Approved** agreement with Central Coast Energy Services, Inc. for the provision of low-income home weatherization referrals by CSWD with a contract term of January 1, 2006 through December 31, 2006 and authorize the Executive Director to sign said agreement.

6) **Regarding sub-recipient contract for the 2005 Community Development Block Grant (CDGB) with the Emmaus House, consider the following:**

- a) **Receive and approve the H&HSA Directors report, approve and allow the sub-recipient agreement with the Emmaus House for the period of February 15, 2006 to September 30, 2007 for the amount not to exceed \$435,088; and**
- b) **Authorize signing authority for the H&HSA Director.**

Supervisor De La Cruz questioned Director Kathryn Flores what will happen in 4-5 years when block grant subsidies were not available, would she come back and ask for a General Fund Contingency allocation?

Ms. Flores indicated the Emmaus House was aware once the grant expires, they were on their own. Ms. Flores explained the Emmaus House was doing their own fund raising and the

subsidies were being utilized as “seed money” and then the organization would have to become self-sufficient.

BOARD ACTION: *Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Botelho, approved Directors report and approved and allowed sub-recipient agreement with the Emmaus House for the period of February 15, 2006 through September 30, 2007 in an amount not to exceed \$435,088 and authorized H&HSA Director to sign on behalf of the County. Motion passed unanimously. (file #939)*

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 7) **Authorized** the Director of Integrated Waste Management to sign letter to Monterey County accepting transfer of ownership of equipment associated with the Agricultural Used Oil Recycling Program. (file #142)

PROBATION – D. Botts:

- 8) **Approved** agreement with the Department of Corrections and Rehabilitation regarding Juvenile Probation Camp Funding program 2005/2006. (file #510)
- 9) Regarding acceptance of proposals for electronic monitoring services, consider the following:
 - a) **Accepted** all responsive proposals submitted in response to the RFP for electronic monitoring services; and
 - b) **Waived** all informalities and irregularities in the RFP process; and
 - c) **Awarded** the contract to Behavioral Interventions as the highest-ranked proposal; and
 - d) **Approved** contract with Behavioral Interventions to provide an electronic monitoring system at a cost of \$12,000 with a contract term of February 1, 2006 to January 31, 2009. (file #510)

PUBLIC WORKS:

- 10) **Approved** agreement with Mark Thomas & Company in the amount of \$26,117 for continued design/engineering/project support services for Nash Road Bridge from February 15, 2006 to June 30, 2006. (file #105)

REGULAR AGENDA:

PRESENTATIONS / RECOGNITIONS:

- 11) **Presentation of Certificate of Recognition to Louie Aguirre, Road Maintenance Worker for the Public Works Department who is retiring after 16 years of service to San Benito County.**

Item was heard prior to the Consent Agenda. (see page two of minutes)

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

BUILDING & PLANNING DEPARTMENT – A. Henriques:

- 12) **Hold public hearing to consider a proposed ordinance for Zone Change 05-152, General Plan Amendment 05-27. Applicant is requesting a Zone Change and General Plan Amendment to change the existing Agricultural Rangeland (AR) land use and zone designations to Agricultural Productive (AP) for approximately 40-acres of property**

located on Santa Ana Valley Road. Applicant: Jack Tyler. Location: Santa Ana Valley Road. Environmental Evaluation: Mitigated Negative Declaration.

Principal Planner Byron Turner indicated the Planning Commission intended to approve a resolution adopting the Negative Declaration in December of 2005 recommending approval; however, the resolution was never formally adopted. Mr. Turner explained the Planning Commission would be adopting the resolution at their next meeting scheduled for February 15, 2006. Mr. Turner asked the Board continue this matter to February 28th in order for the Planning Commission to adopt its resolution at their meeting of February 15th.

Deputy County Counsel Shirley Murphy explained the Board could hold the public hearing and/or continue the public hearing to the meeting of February 28th.

Supervisor Marcus recommended the Board of Supervisors hear the public hearing and then bring the matter back at the meeting of February 28th to adopt the ordinance and resolution on the Consent Agenda.

This being the duly noted time and place, Chair Loe opened the public hearing. However, hearing no one wishing to address the Board, Chair Loe closed the public hearing.

BOARD ACTION: *Upon motion duly made by Supervisor Monaco and seconded by Supervisor Marcus, held public hearing and continued the matter to the meeting of February 28, 2006 on the Consent Agenda for adoption of ordinance and resolution. Motion passed unanimously. (file #790)*

REGULAR AGENDA continued:

AGRICULTURAL COMMISSIONER – P. Matulich

- 13) **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. (cont. from 1/3/06 mtg.)**

Ag Commissioner Paul Matulich noted that with the adoption of the new fee schedule by the Board of Supervisors at their meeting of February 7th, the revenues generated will help offset the costs association with this request.

BOARD ACTION: *Upon motion duly made by Supervisor Monaco and seconded by Supervisor Marcus, approved this matter as recommended. Motion passed unanimously. (file #1.1)*

TREASURER / TAX COLLECTOR – M. Andrade:

- 14) **Proposed resolution delegating authority to the County Treasurer to invest/reinvest county funds and other depositor's funds in the county treasury or to sell or exchange securities so purchased, pursuant to the requirement of state law, for the period of one (1) year beginning January 1 to December 31, 2006. (Res. No. 2006-14)**

Treasurer/Tax Collector Mary Lou Andrade indicated this request was routinely done in accordance with Government Code Section 53607 on a yearly basis.

Supervisor De La Cruz indicated he would like to see quarterly report on the investment portfolios, availability of funds and rates of returns on said investments.

Chair Loe suggested there be a one-time report made by the Treasurer/Tax Collector and then a quarterly update before the Board be made regarding the investment portfolios.

Ms. Andrade noted she would meet with CAO Thompson and provide the quarterly updates.

BOARD ACTION: *Upon motion duly made by Supervisor Botelho and seconded by Supervisor De La Cruz, approved Resolution 2006-14 as recommended. Motion passed unanimously. (file #685.2)*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

15) **Regarding the Medical Marijuana Program, consider the following:**

a) **Receive Directors report; and**

b) **Authorize staff to proceed with implementation of the Medical Marijuana Program (MMP) upon adoption of new County fee Schedule, inclusive of the MMP identification card fee.**

H&HSA Director Kathryn Flores noted as a result of SB420 being signed into law in October of 2003, the County was obligated to provide identification cards for this program. Ms. Flores indicated there would be the strictest screening process per State standards in the issuance of these cards. Fees associated with this matter would be included in the proposed new county fee schedule.

Sheriff Curtis Hill indicated he would schedule a meeting with Ms. Flores and County Health Officer Dr. Liz Falade and provide them with copies of draft ordinances regarding dispensaries within the County. Sheriff Hill noted he had to support the issuance of the I.D cards, but didn't support a dispensary in the County.

City of Hollister Chief of Police Jeff Miller also noted he supported the issuance of the I.D. cards, but also couldn't and wouldn't support a dispensary in the City or County.

Commander Otto Knorr of the California Highway Patrol echoed Sheriff Hill and Chief Miller's comments.

BOARD ACTION: *Received H&HSA Director's report and authorized H&HSA Staff to proceed with implementation of the Medical Marijuana Program upon adoption of a new County fee schedule (inclusive of the MMP identification card fee) and pending the determination of the need for an ordinance governing medical marijuana dispensaries in the County. (file #420)*

ADMINISTRATIVE BUSINESS:

16) **Receive and review fiscal year 2005/2006 mid-year budget status report. (CAO)**

Management Analyst Kellie Kennedy provide a handout and PowerPoint presentation to the Board indicating the County is mostly on schedule with expenditures and revenues.

CAO Thompson noted her office would have a better outlook on the whole budget following the third quarter reporting.

BOARD ACTION: *Received mid-year budget status report. (file #865)*

CLOSED SESSION:

17) **Conference with legal Counsel – Anticipated Litigation**

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 Legal Counsel – Existing Litigation**

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

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
Employee Organization: Deputy Sheriff's Association (DSA)
BOARD ACTION: 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)
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 28, 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