



# 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

## SPECIAL MEETING AGENDA MARCH 14, 2006 Action Minutes

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in *special* 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:

### 8:30 a.m. - CALL TO ORDER:

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

Board of Supervisors adjourned into Closed Session re:

### CLOSED SESSION:

1) **Public Employment**

**Authority: California Government Code Section 54957**

**Title: County Counsel**

**BOARD ACTION:** Upon exiting special Closed Session, Acting County Counsel Irma Valencia noted the Board would continue this matter into the afternoon, following the regularly scheduled Board of Supervisors meeting.

## REGULAR MEETING AGENDA MARCH 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 led by Supervisor Botelho.

b) *Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Monaco, **acknowledged** the Certificate of Posting.*

c) **Public Comment:** John Vellardita, Executive Director of SEIU Local 817 presented the Board with a handout and again asked the Board of Supervisors to reconsider the offer made by the County regarding IHSS worker pay increase of \$1.00 and felt the facts offered to the Board were not adequately conveyed.

Joe Thompson, local resident, continued to urge the Board to direct the COG delegates to work with the Economic Development Committee to increase use of the Hollister railroad line and take a proactive approach to better utilizing the system as the matter does not appear on COG agendas.

d) **Department Head Announcements:** Sheriff Curtis Hill indicated that the Governor has pulled additional funding request for jails and courts off the table on Saturday. Sheriff Hill indicated that this matter needs to continued discussion and the California Sheriff's Association will try and proceed with Plan B in the next few days.

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

#### **CONSENT AGENDA:**

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

1) **Approved** purchase of a gas-powered fogger from West Nile/Mosquito funding. (file #1.1)

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

2) **Approved** the minutes of the meetings of February 28, 2006 and March 7, 2006.

##### **HEALTH & HUMAN SERVICES AGENCY – K. Flores:**

3) **Approved and revised** class specifications for Community Health Nurse I/II/III and Public Health Nurse I/II/III. (file #630 & #130)

4) **Reappointed** Don Moody to the Workforce Investment Board representing the private sector for a three year term effective March 14, 2006 through March 14, 2009. (file #939)

##### **MENTAL HEALTH DEPARTMENT – A. Yamamoto:**

5) **Approved** amendment to agreement with Santa Cruz Counseling Center, Inc. increasing maximum total to \$63,864 with a new term ending date of June 30, 2007. (file #810)

##### **PROBATION – D. Botts:**

6) **Approved Resolution No. 2006-18** authorizing the Chief Probation Officer to submit and sign the application for the Juvenile Accountability Block Grants Program in the amount of \$50,764. (file #510)

**SHERIFF – C. Hill:**

7) **Approved** computer purchase for the Sheriff's Sub-Station in the City of San Juan Bautista using funds from Trust Account for Technology purchases, consider the following:

- a) **Increasing** Revenue Misc Transfer from Trust in the amount of \$1,305.00; and
- b) **Increasing** Expenditures Computer Equipment in the amount of \$1,305.00. (file #110)

8) **Approved** Southwest Border Patrol Initiative Revenue and Expense, consider the following:

- a) **Augmenting** budget to Jail's Revenue (1001220-562204) Institution and Care of Inmates; in the amount of \$6,120 and to prior year revenue (1001185-5700110) in the amount of \$34,654.56; and
- b) **Augmenting** budget to Jail's Expenses (1001220-623507) Professional Services, Other Consultants in the amount of \$6,120. (file #110)

**REGULAR AGENDA:**

**ADMINISTRATIVE BUSINESS:**

9) **Receive report on Trindel Insurance Fund activities.**

Received information report from Don Hemphill of Trindel Insurance.

**BOARD ACTION:** *No formal action taken – informational report only. (file #36)*

**HEALTH & HUMAN SERVICES AGENCY – K. Flores:**

10) **Receive Directors report and approve sub-recipient agreement with the YMCA in an amount not to exceed \$269,653.**

Director Kathryn Flores provided background information in securing the three-year grant as well disbursement of the grant awards.

Deputy Director Maria Fehl informed the Board the goal of this grant was to working with community based organizations in providing various after school activities to the youth in our community.

**BOARD ACTION:** *Upon motion duly made by Supervisor Monaco and seconded by Supervisor Marcus, received and approved Directors Report and approved sub-recipient agreement with the YMCA in an amount not to exceed \$269,653 with a contract term of March 14, 2006 through September 30, 2007. Motion passed unanimously. (file #939)*

**MENTAL HEALTH DEPARTMENT – A. Yamamoto:**

11) **Agreement renewal with ValueOptions, Administrative Services Organization (ASO) for the provision of specialty mental health services for Medi-Cal beneficiaries in an amount not to exceed \$10,000 with a contract term of July 1, 2005 through June 30, 2006.**

Director Alan Yamamoto noted to the Board the previous agreement had expired in June of 2005. Mr. Yamamoto explained that the contractor is a national level organization that maintains a contractor provider panel network that can be utilized on short notice in many geographical areas, he was recommending the Board renew this agreement with the noted contract term.

**BOARD ACTION:** *Upon motion duly made by Supervisor Marcus an seconded by Supervisor De La Cruz, approved agreement renewal with ValueOptions for the provision of specialty mental health services for MediCal beneficiaries in an amount not to exceed*

\$10,000 with a contract term of July 1, 2005 through June 30, 2006. Motion passed unanimously. (file #810)

**PROBATION – D. Botts:**

- 12) **Regarding Juvenile Justice Crime Prevention Act Plan, consider the following:**
- a) **Proposed resolution authorizing the Chief Probation Officer to submit and sign application for approval of Multi-Agency Juvenile Justice Plan modification; and**
  - b) **Authorize the Chief Probation Officer to submit said application for continued funding to the Board of Corrections to expend the funds provided by the Crime Prevention Act.**

Chief Probation Officer Deb Botts indicated that during the last five years, San Benito County has successfully participated in and received funding from the Juvenile Justice Crime Prevention Act (JJCPA) which has provided funding for those counties interested in developing and implementing programs aimed at deterring juvenile crime.

Assistant Chief Probation Officer Christine Armer provided a detailed outline of the success of the program and noted particular thanks to Paula Norton who is a tutor in the reading program which has successfully helped many youth with reading needs.

**BOARD ACTION:** *Upon motion duly made by Supervisor Botelho and seconded by Supervisor De La Cruz, approved Resolution No. 2006-19 authorizing the Chief Probation Officer sign the ap for the Multi-Agency Juvenile Justice Plan modification and authorized the Chief to submit said application for continued funding from the Board of Corrections to expend the funds provided via the Crime Prevention Act. Motion passed unanimously. (file #510)*

**BUILDING & PLANNING DEPARTMENT – A. Henriques:**

- 13) **Receive comments and informational report on San Benito County land use issues pertaining to proposed Gavilan College campus.**

Planning Director Art Henriques provided a detailed background informational report on this matter as matters pertained to land use issues.

Steve Kansella, President of Gavilan College provided a detailed outline of the proposed college which will be a full-level site, educational benefits to the community and employment opportunities associated with the proposed new campus.

Ms. Chris Breen represents the Smart Researcher Corporation, noted this campus needs to be transit friendly and indicated there needed to be a collaborative effort by the City of Hollister and County of San Benito to work together in smart planning for the community as a whole and for its future.

Mr. Mike Smith, Planning Commissioner for District 5, indicated there needs to be dialogue with the Gavilan Board of Trustees to work with the General Plan update. Mr. Smith stated all interested parties need to take advantage of any and all public forums whether sponsored by this Board or the City of Hollister in order to work together.

Ms. Ruth Erickson representing the Hollister Airman's Association indicated the proposed site for the college is a dangerous and deadly site near the end of the runway and cited circumstances from the Sacramento and San Jose areas where small planes have crashed into structures surrounding small airports. Ms. Erickson stated noise and safety issues need to be thoroughly addressed.

Mr. Richard Morris, San Juan Bautista resident, agreed that there needs to be a collective, collaborative effort on all parts and stakeholders on the important decisions associated with this proposal.

Mr. Steve Rosati, local businessman, agreed that the public needs to be assured that the Gavilan Board is willing to work with all affected jurisdictions regarding the noise and safety issues but not to neglect the impacts on traffic concerns such as the "3-in-1" proposals affecting impacts on already burdened traffic arteries.

Joe Thompson, local resident, noted while he was in favor of the college, future transportation issues need to be addressed as it wasn't the government's responsibility to provide transportation and there should be alternatives to public transportation.

Ms. Janet Brians, local resident, noted as per information provided regarding the site needs to be on 100-acre parcel, the other alternative site was located at Fairview and Airline Hwy near the proposed new high school and both projects should be equally considered.

Mr. Tony Ruiz, local resident, indicated additional public forums were necessary to receive input but stated the Planning Commission for the City of Hollister and County of San Benito need to formalize these concerns to the Gavilan Board especially on land use issues and site locations with potentials for campus expansion.

Mr. Bob Tiffany, local businessman, stated the economic vitality of the airport expansion is a major attraction in bringing additional industry to the area, but if the proposed campus infringes on the airport expansion moving forward, other viable sites should be reviewed.

Mr. Gordon Machado stated public safety issues have to be addressed as do Federal Aviation Agency (FAA) requirements as 85% of the airport funding comes from FAA grants and we don't want to compromise future economics within the county if the airport cannot expand thereby reducing the possibility of future viable industry coming into the area.

Deanne Judd, aircraft owner and pilot, agreed with Mr. Machado and opposed the site citing safety and noise issues as the proposed site would be located near the noisiest part of the airport as well as near the CDF tanker area. Ms. Judd urged Gavilan College to look at a different site as this was an incompatible with the airport as a land use issue.

Lengthy discussion ensued amongst the Board and staff regarding economic concerns, public safety concerns, downtown Hollister area business viability, land use concerns; the need for public forums to allow community input and the need for collaborative efforts of the City of Hollister and Board of Supervisors in working with the Gavilan Board of Trustees.

***BOARD ACTION:*** *Chair directed this matter be agendaized for the meeting of March 28, 2006 to allow time for the Gavilan Board of Trustees to meet and discuss the matters discussed and then bring back an update to this Board of Supervisors. (file #790)*

**ADMINISTRATIVE BUSINESS continued:**

14) **Receive Council of Governments (COG) update.**

Transportation Planner Mary Dinkuhn provided an update and overview of projects throughout the County.

Joe Thompson, local resident, noted his dissatisfaction with COG in not being held accountable for its actions in its intentional and deliberate deficit spending of the taxpayers monies as well as not providing adequate oversight of the transit system.

Ruth Erickson, representing the Aviators Association, expressed her concern that the Airport Land Use Commission (ALUC), in accordance with the Public Utilities Code, didn't have two (2) representatives on its Board with experience in airport interests. Ms. Erickson

indicated according to the PUC, the Commission is a seven member board, but the existing county commission consisted of only five and felt two additional seats should be added with the stipulation that those two positions be filled with persons experienced in airport interests.

CAO Thompson indicated to the Board that County Counsel's office was looking into the matter and will advise the Board and COG Board of its findings at a later date.

**BOARD ACTION:** *Received informational report. No formal Board action was taken. (file #1035)*

15) **Receive and discuss presentation regarding County Trust Funds.**

CAO Thompson indicated due to the length of the meeting, she suggested this matter be rescheduled to a later date.

**BOARD ACTION:** *Per request of the Chair, this matter will be rescheduled to a later date for discussion purposes. (file #865)*

16) **Consider and direct staff to respond to February 28, 2006 Civil Grand Jury report.**

CAO Thompson stated that while the Board of Supervisors had no authority over the released report, she needed Board of Supervisors direction in responding to the report in accordance with the Penal Code to respond to the Grand Jury.

Discussion ensued with regards on how best to assist the affected agencies in resolving the matter including the possible formation of an Inter-Governmental Committee to comprised of representatives from the Board of Supervisors and San Juan Bautista City Council and the Water District.

Supervisor Loe offered the services of the Intergovernmental Committee as well.

Supervisor Monaco preferred to look at a separate intergovernmental committee involving Supervisor Botelho and look at options to assist however the Board of Supervisors can.

Discussion ensued regarding exploring options to offer assistance.

Ken Perry, San Benito County Water District, indicated the District has been willing to work with San Juan Bautista, but was experiencing problems and hoped to have the matter resolved as soon as possible.

**BOARD ACTION:** *Directed the CAO to prepare a letter for Chairs' signature to inform the Grand Jury that the Board of Supervisors has met and discussed the matter noting the Board would be willing to explore option in the future in order to offer further assistance. (file #608)*

**CLOSED SESSION:**

17) **Conference with Legal Counsel – Existing Litigation**

**Authority: California Government Code Section 54956.9(a)**

a) **William Damm & Mary Damm vs. San Benito County Board of Supervisors, Tina Bertuccio, et al.**

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

**SITTING AS THE PUBLIC AUTHORITY FOR IN HOME SUPPORTIVE SERVICES:**

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)**

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

**SPECIAL BOARD OF SUPERVISORS MEETING CONTINUED FROM A.M. SESSION:**

**CLOSED SESSION:**

- 1) **Public Employment**  
**Authority: California Government Code Section 54957**  
**Title: County Counsel**  
**BOARD ACTION: No action taken. (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, March 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