



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 APRIL 4, 2006 ACTION MINUTES

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 Monaco.
- b) Acknowledge Certificate of Posting.

Chair Loe asked for a moment of silence honoring the passing of Gary Goularte, local resident.

Acting County Counsel Irma Valencia noted there was an Urgency Item to add under Closed Session Item #21 as letter “c” – John Sarsfield vs. San Benito County Board of Supervisors et al.

BOARD ACTION: *Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Marcus, **added** Item #21.c as noted by Counsel. Motion passed unanimously.*

- c) **Public Comment:** Joe Thompson, Citizens Rail Advisory Committee, thanked Supervisors Loe and Botelho for voting down COG’s request to separate from the County government as the agency needs to be kept with the County as a principal and held accountable for the spending of taxpayer monies on a transit system that is below the 10% legal operating limit.

- d) **Department Head Announcements:** CAO Thompson indicated it was “National Library Week” but stated Supervisor Botelho would provide additional information under Board Announcements.

H&HSA Director Kathryn Flores noted it was also “Public Health Week” recognizing all involved with public health services. Ms. Flores indicated that public health services is not just immunizations, but included health education projects, diabetes awareness, flu outbreak preventive measures and worked with the community regarding the raising of healthy children. Ms. Flores noted Dr. Richard Jackson, former CDC Director, would be speaking at

an upcoming event, May 1st in Salinas and she and key staff persons would be attending this meeting.

e) **Board Announcements, Introductions and Presentations:** Supervisor Monaco presented CAO Thompson with the Second Harvest Foodbank "Heavyweight Award" recognizing the County's efforts in the Holiday Food Drive.

CAO Thompson indicated former Management Analyst Robin Scattini spearheaded the drive, but thanked all employees who contributed.

Supervisor Botelho noted it was "National Library Week" and urged the public to attend an open house at the San Juan Bautista Public Library this evening from 5:30-8:00 p.m.

Supervisor Botelho noted he had attended an AMBAG meeting which was discussing /exploring energy efficiencies with cost savings through PG&E.

Supervisor De La Cruz indicated he attended the CSAC Conference in Sacramento along with CAO Thompson. Supervisor De La Cruz briefed on issues related to library bond allocations, gas tax monies for road improvements and urged all citizens to take the opportunity to reach out to all Senate, Congressional and Assembly member and indicated he would try to touch bases with these representatives at six month intervals.

BOARD ACTION: *Upon motion duly made by Supervisor Marcus and seconded by Supervisor Botelho, **approved** Consent Agenda Items #1 through 12. Motion passed unanimously.*

CONSENT AGENDA:

CLERK OF THE BOARD:

1) **Approved** minutes of the meeting of March 14, 2006 and special meeting of March 14, 2006.

ELECTIONS – J. Hodges:

2) **Approved Resolution No. 2006-22** Authorizing Consolidation Of The West Hills Community College District With The Statewide Primary Election on June 6, 2006. *(file #285)*

3) **Approved Resolution No. 2006-23** Authorizing Consolidation Of The North County Joint Union School District With The Statewide Primary Election on June 6, 2006. *(file #285)*

4) **Approved Resolution No. 2006-24** Authorizing Consolidation Of The Aromas/San Juan Unified School District With The Statewide Primary Election on June 6, 2006. *(file #285)*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

5) Regarding copier lease agreements, consider the following:

- a) **Approved** sixty (60) month lease agreement with Monterey Bay Office Products for the Konica Minolta Bizhub 250 with a monthly lease payment of \$116.70 plus tax and **authorized** the H&HSA Director to sign on behalf of the County; and
- b) **Approved** sixty (60) month lease agreement with Monterey Bay for a GDSM660 Digital Imaging System with a monthly lease payment of \$282.76

plus tax and **authorized** the H&HSA Director to sign on behalf of the County.
(file #130)

6) **Approved** agreement renewal with the San Benito Health Care District in the amount of \$7,000 for paramedic base station services and **authorize** the H&HSA Director to sign on behalf of the County. (file #1068)

7) **Approved** agreement with Omega Laboratories in an amount not to exceed \$1,800 for hair follicle drug testing related to CPS cases with a contract term of April 4, 2006 through December 31, 2006 and **authorized** the H&HSA Director to sign on behalf of the County. (file #130)

8) **Approved** agreement with Charles Doan in an amount not to exceed \$6,730 for website development of the Business Service Center with a contract term of April 4, 2006 through June 30, 2006 and **authorized** the Executive Director to sign on behalf of the County. (file #939)

9) **Approved** sub-recipient agreement with the Community Services Development Corporation in an amount not to exceed \$151,100 for the purchase and installation of three mobile homes for use as transitional shelter at the Southside Road Migrant Camp with a contract term of April 4, 2006 through September 30, 2006. (file #750)

10) **Approved** agreement with the Hollister School District for the provision of scoliosis screening services with a contract term of April 4, 2006 through April 28, 2006 and **authorized** the H&HSA Director to sign on behalf of the County. (file #420)

INTERNAL SERVICES DEPARTMENT:

11) **Approved** Electronic Communications Usage Policy. (file #630)

SHERIFF – C. Hill:

12) **Approved** Proclamation declaring April 9-15, 2006 as “National Public Safety Telecommunications Week” in San Benito County. (file #430)

REGULAR AGENDA:

PROCLAMATIONS:

13) **Proclaim April as “Child Abuse Prevention Month” in San Benito County.**

Director Kathryn Flores noted Dr. Bruce Perry, an expert in prevention, will hold a community forum on Tuesday, April 25th for two sessions and indicated there were flyers on at the back of the Chambers for interested parties. Ms. Flores indicated this proclamation is intended to call attention to and strive to eliminate child abuse at all levels.

BOARD ACTION: Upon motion duly made by Supervisor Monaco and seconded by Supervisor De La Cruz, **declared** April as “Child Abuse Prevention Month” in San Benito County and **authorized** Chair to sign said Proclamation. Motion passed unanimously. (file #430)

BOARD OF SUPERVISORS:

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

Received detailed report from Harry Blohm, Consultant on progression of the Master Plan project.

BOARD ACTION: *Received informational report – no formal action taken. (file #695)*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

15) **Receive West Nile Virus / Mosquito Abatement informational update and provide direction to Task Force regarding pursuit of cost-sharing options for abatement services.**

Received status report on Task Force activities from H&HSA Director Kathryn Flores, Environmental Health Specialist Matt Fore and Agricultural Commissioner Paul Matulich regarding reporting efforts and financial sustainability for future fiscal years.

BOARD ACTION: *Directed staff to have the Task Force pursue cost sharing as discussed for future fiscal years. (file #420)*

COUNCIL OF GOVERNMENTS – T. Quigley:

16) **Receive update on COG projects in San Benito County.**

Received detailed update from Tom Quigley, COG Director.

Joe Thompson, Citizens Rail Advisory Committee, indicated there needed to be a land use study to correspond with the proposed widening of Hwy 156 from the Don Pacheco Y to US 101 as proposed by the Santa Clara Valley Transit Authority as not all of those members were in favor of such project.

BOARD ACTION: *Received update on Council of Government projects – no formal action(s) taken. (file #1035)*

Per Chair Loe, due to the lateness of the hour, Board would take a five minute break, adjourn into Closed Session and continued the balance of the agenda to 1:30 p.m.

Acting County Counsel Irma Valencia indicated one case was pulled from Item #21, but noted the addition of new case of John Sarsfield, District Attorney vs. San Benito County Board of Supervisors et al.

1:45 p.m. Adjourned as the San Benito County Board of Supervisors and reconvened as the San Benito County Financing Corporation.

Held Corporation meeting.

Adjourned as the San Benito County Financing Corporation and reconvened as the San Benito County Board of Supervisors.

SHERIFF – C. Hill:

17) **Approve agreement with Monterey Information Technologies (MIT) to enhance the fiber optic network.**

Management Analyst Margie Riopel addressed the Board on this matter on behalf of Sheriff Hill. Ms. Riopel explained this agreement further enhance the fiber optic network which began in 2004. This network connects the County of San Benito Sheriff, City of Hollister Police and Fire as well as CDF as part of Homeland Security funding received.

BOARD ACTION: *Upon motion duly made by Supervisor Botelho and seconded by Supervisor Marcus, **approved** agreement with Monterey Information Technologies to enhance the fiber optic network as recommended. Motion passed unanimously. (file #110)*

PUBLIC WORKS:

18) Receive annual road report.

Received annual road report and Power Point presentation by Assistant Director Pete Corn.

BOARD ACTION: *Informational report only – no action(s) taken. (file #105)*

ADMINISTRATIVE BUSINESS:

19) Receive and discuss presentation regarding County Trust Funds. (cont. from 3/14/06 mtg.)

Received Power Point presentation by CAO Susan Thompson on all County Trust Funds and held discussion.

BOARD ACTION: *Received informational report – no action(s) taken. (file #865)*

20) Receive report regarding salary savings through layoff or transfer of employee(s) in the District Attorney office and direct staff accordingly.

CAO Thompson stated this matter was a follow-up from last week's discussion relative to the District Attorney's budget. CAO Thompson provided a detailed outline on each position, with the exception of Deputy DA's, in Mr. Sarsfield's office as to what salary savings could be incurred through the end of the fiscal year. CAO Thompson indicated she needed direction on how to proceed.

District Attorney John Sarsfield indicated to the Board of Supervisors that each position was critical to the continuation of services in his office and noted that the Investigator position wasn't included in the CAO's overview.

Discussion ensued amongst the Board, CAO Thompson and Mr. Sarsfield.

BOARD ACTION: *Supervisor Marcus directed to leave the District Attorney staff as it is right now. Supervisor Monaco concurred. Supervisor Loe indicated nothing is to be gained by laying somebody off for two (2) months. (file #205)*

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.)

21) 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.

Acting County Counsel Irma Valencia pulled this item from the agenda.

b) County v. Picone (Fee Arbitration)

Upon exiting Closed Session, Acting County Counsel Valencia noted the Board of Supervisors has approved a contract with Attorney Lance Burrow to review bills and motions filed by Mr. Picone in the De La Cruz v. County matter. (file #235.6)

c) John Sarsfield vs. San Benito County Board of Supervisors et al. (urgency item added)

Upon exiting Closed Session, Acting County Counsel Valencia noted the Board of Supervisors has agreed to retain outside counsel to represent the County in this litigation. The attorney firm is Ropers, Majeski. (file #235.6)

22) **Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9. Number of cases: 1**
Acting County Counsel Irma Valencia pulled this item from the agenda.

23) **Public Employment**
Authority: California Government Code Section 54957
Title: County Counsel
No action taken. (file #235.6)

24) **Public Employment**
Authority: California Government Code Section 54957
Title: Director of Internal Services
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, 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