



# 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 11, 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 De La Cruz.
- b) *Upon motion duly made, seconded and carried, **acknowledged** the Certificate of Posting.*

### PRESENTATIONS / RECOGNITIONS

- c) **Presentation of Certificates of Recognition to Ken Range following 11 years of service on the San Benito County Fish & Game Commission and 4 years of service on the Substance Abuse Advisory Board.**

Supervisor Monaco asked Mr. Range to come forward and acknowledged the many years of service to the Fish & Game Commission, Substance Abuse Advisory Board, Williamson Act Board as well as serving as a Deputy Sheriff.

Ronald Rodrigues of the Fish & Game Commission, came forward and presented Mr. Range with a plaque as well. Mr. Rodrigues noted that Mr. Range has served this county in many capacities and wish he and his family well as they leave the State.

Supervisor Loe thanked Mr. Range for his dedication to this community and all other Fish & Game Commissioners present at the meeting.

- d) **Public Comment:** David Nicolayson, local resident, concerned with recent news reports of potential large development projects, asked that there be a ballot measure put on the November election to uphold the 1% growth cap which is already in place.

CAO Susan Thompson indicated she would discuss the matter with Mr. Nicolayson and noted the Board of Supervisors will be holding a workshop the afternoon of the April 25, 2006 meeting to continue General Plan process discussions.

Chair Loe directed the CAO to meet with Mr. Nicolayson to discuss his concerns and related questions relative to this matter.

- e) **Department Head Announcements:** CAO Thompson asked Assistant Director of Public Works, Pete Corn, to provide a storm update relative to county roads.

Mr. Corn indicated there were a lot of potholes and a few small slides being monitored. Mr. Corn indicated matters would improve once we have better weather.

Supervisor Botelho asked about the flooding at The Alameda and San Juan Canyon Road to which Mr. Corn indicated the cause was due to the property owner where the drainage ditch was didn't keep it clean, thereby causing debris buildup and flooding.

Supervisor Marcus commended all the Public Works staff for their hard work during this time and asked Mr. Corn to convey his thanks to all staff members.

Supervisor Monaco echoed Supervisor Marcus' comments as well.

Planning Director Art Henriques introduced Chuck Ortwein, Senior Planner and Evan Hill, Chief Building Official as the newest members of his staff.

f) **Board Announcements, Introductions and Presentations:** Supervisor Botelho asked that the audience keep there thoughts and prayers with San Juan Bautista Mayor Dan Reed who was experiencing some health issues.

## **CONSENT AGENDA:**

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

1) **Approved** contribution of \$1,000 from H&HSA STD Community Interventions Program (SCIP) to the Hollister Youth Alliance for expenses related to the May 5<sup>th</sup> Teen Rally. (file #420)

2) **Approved Resolution No. 2006-25** Authorizing Criminal Background Checks Regarding Employment, Licensing And Certification For New H&HSA Employees. (file #630 & 130)

3) **Approved Resolution No. 2006-26** and **renewed agreement** with the State Department of Parks and Recreation, Off Highway Motor Vehicle Recreation Division in the amount of \$114,000 to fund EMS services an mitigate impacts of the Hollister Hills State Vehicle Recreation Area (SVRA) with a contract term of July 1, 2006 through June 30, 2008. (file 1068)

4) Regarding an application for Federal Emergency Shelter Grant, consider the following:

a) **Approved Resolution No. 2006-27** authorizing The Submittal For A Federal Emergency Shelter Grant; and

b) **Authorized** the Board Chair sign said resolution and any related documentation; and

c) **Authorized** CAO to sign or initial any related documents required for submission of said application. (file #939)

### **INTERNAL SERVICES DEPARTMENT:**

5) **Authorized** extension of the effective date for the deletion of the position of Substance Abuse Program Therapist from March 12, 2006 to April 21, 2006 in the Behavioral Health Department. (file #630)

### **LIBRARY:**

6) **Authorized** Librarian to submit application for Public Access Hardware Upgrade Program (PAC-HU6) from the Bill and Melinda Gates Foundation. (file #80)

7) **Authorized** Librarian to place signage inside the County Library for the promotion of "Over The Hedge" reading program sponsored by the DreamWorks. (file #80)

**PROBATION – D. Botts:**

8) **Approved** agreement with the Hollister School District for the Asset Builders Program and authorize the Chief Probation Officer to sign on behalf of the County. (file #510)

**PUBLIC WORKS:**

9) **Declared** County Counsel equipment surplus per County procedure and remove from inventory. (file #105)

10) **Authorized** Chair to sign Invitation For Bid and approve specifications for a 5,500 lb. capacity pneumatic tire forklift. (file #105)

11) **Authorized** Chair to sign Invitation For Bid and approve specifications for a four-wheel drive utility tractor with cab. (file #105)

- 12) Regarding construction of the Nash Road Bridge, consider the following:
- a) **Accepted** all bids in bid summary report; and
  - b) **Awarded** contract to Viking Construction Company as the lowest responsive / responsible bidder; and
  - c) **Approved** agreement with Viking Construction Company and authorize Chair to sign said agreement in the amount of \$3,950,688. (file #105)

<b>REGULAR AGENDA:</b>
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**COUNTY ADMINISTRATIVE OFFICE:**

13) **Proposed resolution in support of the San Benito County Arts Council as the Official County Arts Council with recognition as a State partner.**

CAO Thompson indicated approval of said Resolution would allow the new re-formed Arts Council to enable securing grants and fund raising events.

**BOARD ACTION:** Upon motion duly made by Supervisor Monaco and seconded by Supervisor De La Cruz, **approved Resolution No. 2006-28 In Support of the San Benito County Arts Council as the Official Designated Local Arts Agency With Recognition As A State Local Partner.** Motion passed unanimously. (file #156)

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

14) **Regarding proposed ordinance regarding Drainage Impact Fees, consider the following:**

- a) **Introduce proposed ordinance clarifying Ordinance #529 on the collection of Drainage Impact Fees; and**
- b) **Waive the reading of said Ordinance; and**
- c) **Allow for Board discussion and public input regarding said proposed ordinance; and**
- d) **Continue to the meeting of April 25, 2006 for consideration.**

Planning Director Art Henriques provided detailed background information relative this matter and requested the Board provide direction to staff on how best to move forward with this matter.

Discussion ensued.

**BOARD ACTION:** *Directed Planning Director to incorporate a sliding fee scale into proposed ordinance and directed that the proposed ordinance with said amendment be brought back before the Board at the meeting of April 25, 2006 for introduction and discussion.*

Board took a five (5) minutes break before entering Closed Session.

Acting County Counsel Irma Valencia reported that the Board would adjourn into Closed Session to discuss Item #15 and Item #16 but Item #16.b was pulled. Additionally, the Board would adjourn as the San Benito County Board of Supervisors and reconvene as the Public Authority for the In Home Supportive Services for Item #17.

<b>CLOSED SESSION:</b>
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- 15) **Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9. Number of cases: 1**  
*No action taken. (file #235.6)*
- 16) **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.**  
*No action taken. (file #235.6)*
- b) **County v. Picone (Fee Arbitration)**  
*As noted, this item was pulled. (file #235.6)*
- c) **John Sarsfield, San Benito County District Attorney vs. County of San Benito et al.**  
*No action taken. (file #235.6)*

<b>SITTING AS THE PUBLIC AUTHORITY FOR IN HOME SUPPORTIVE SERVICES:</b>
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- 17) **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)**

*Sitting as the Public Authority for In Home Supportive Services, Acting County Counsel reported that the Board of Supervisors ratified the decision to continue with the mediation process with respect to the In Home Supportive Services. (file #235.6)*

Adjourned as the Public Authority for In Home Supportive Services and reconvened as the San Benito County Board of Supervisors.

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, **Tuesday, April 18, 2006.**

PAT LOE, CHAIR  
San Benito County Board of Supervisors

ATTEST:  
Linda Churchill  
Clerk of the Board

BY:  
Sally Navarez  
Assistant Board Clerk