



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 APRIL 25, 2006 ACTION MINUTES

9:30 a.m. CALL TO ORDER:

- a) Pledge of Allegiance was led by Supervisor Botelho.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*

PRESENTATIONS / RECOGNITIONS:

- c) **Present plaque to Assistant County Administrative Officer Susan Lyons in appreciation of outstanding and dedicated service to San Benito County.**

Supervisor Marcus presented a plaque to Assistant County Administrative Officer Susan Lyons recognizing her 17 years in public service and her time spent in San Benito County and wished her well in her retirement.

- d) **Public Comment:** Joe Thompson, Tres Pinos resident, came forward asking the Board of Supervisors to declare an emergency explaining that while attending a meeting at the Capitol in Sacramento he felt that people were laughing at San Benito County and the reason being that COG (Council of Governments) had not submitted an annual audit to the State and that the State Controller had terminated the flow of funds to San Benito County. Mr. Thompson expressed his concern over that kind of conduct and negligence. Mr. Thompson indicated that consequences of doubling of county transit ridership extended over the time would have significant effects. Mr. Thompson urged the Board to adopt a resolution directing the COG delegates from the Board of Supervisors to go to COG and say we must change the way we are handling transit.

Henry Sumaya, Hollister resident, came forward stating that the county had been threatened by illegal aliens whose daughters are not bi-lingual and are employees of a local establishment and do not speak English. They were threatened in the parking lot and Mr. Sumaya felt enough is enough. Mr. Sumaya stated that he went around the County and to his amazement there were posters put up at some of the business establishments and he went in and politely talked to the owners about taking the posters down because they were printed all in Spanish. Mr. Sumaya agreed that we do need a bracero program such as we used to have. Mr. Sumaya stated that he was planning to have a rally on May 1st for all of those supporters that would like to continue taking action against *illegal* aliens.

- e) **Department Head Announcements:** County Administrative Officer Susan Thompson reminded the Board of Supervisors that on the afternoon of May 3, 2006 at the Veterans Memorial Building there will be an ethics training that is now required by (Assembly Bill) AB1234 legislation. There will be additional trainings between now and January 2007

when there is an obligation for completion of this two-hour training. This particular training is open to other city and county boards and commissions.

Health & Human Services Agency Director Kathy Flores reported that the Child Abuse Prevention Council was hosting Dr. Bruce Perry, an expert in child trauma, and there was an event going on downtown today. Ms. Flores stated that over 400 people registered and are coming from the tri-county area. These people are from education, law enforcement, behavioral and public health, child welfare, etc.

Ms. Flores further reported that this week, April 24-30, is West Nile Virus Mosquito and Vector Control Awareness Week. Ms. Flores noted that the local West Nile Virus Task Force has been making presentations to the Board over the past year on what the local efforts have been. Ms. Flores noted that locally we have submitted between seven to ten birds to the State for testing none of which have resulted with a positive test result.

Mandy Rose, Director of Integrated Waste Management, reported that this was the seventh year that Earth Day has been held in San Benito County and the San Benito River has been cleaned. Ms. Rose reported that there was 13.68 tons pulled from the river – 120 tires; 10 appliances and 15 mattresses. Ms. Rose further reported that an electrical contractor decided it was okay to dump transformers and fluorescent tubes and it became a Hazmat incident and now has to be disposed of.

Supervisor Botelho commented that he had found a huge pile of garbage in the river and he found out names and approached those people and he was told that someone was going around in a pick-up asking if they had any trash and they would haul it away for \$20.00. Supervisor Botelho stated that there were people who are not reputable doing this type of thing and people should be on guard.

f) **Board Announcements, Introductions and Presentations:**

Supervisor Botelho reported that he attended the Fire Safety Council meeting last week noting they are scheduling a chipping procedure for people that are clearing brush from their property and announced that if anyone would like to sign up for this program the service is now available. Also, Supervisor Botelho reminded folks that now is the season to clean up their properties where there is a fire defense zone noting that California Department of Forestry (CDF) is now recommending 100 feet.

Supervisor Marcus reported that he attended a one-day session of the Regional Council of Rural Counties (RCRC) held in Amador County. Supervisor Marcus stated that it was a very informative day on legislative issues and he will be bringing a couple of those issues forward in the weeks ahead, particularly with regards to the continued use of methamphetamines and also the prohibitive disposal of batteries in the landfills.

CONSENT AGENDA:

Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, approved Consent Agenda Items 1 through 15 with the exception of Item 11 which was pulled for discussion.

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 1) ***Proclaimed*** May 2006 as “Mental Health Month” in San Benito County and ***authorized*** Chair to sign said Proclamation. *File #810*
- 2) ***Adopted Resolution No. 2006-29*** approving FY2006-2007 County Substance Abuse Crime Prevention Act Plan (SACPA); ***authorized*** submission to the State

Department of Alcohol and Drug Programs and **authorized** Chair to sign said resolution. *File #1054*

BOARD OF SUPERVISORS:

- 3) **Re-appointed** Jill LaCorte to the Area Developmental Disabilities Board VII to represent persons with developmental disabilities for a three-year term effective January 1, 2006 to January 1, 2009. (Supervisor Loe) *File #1054*
- 4) **Appointed** Pamela Alvarado to the Area Developmental Disabilities Board VII to represent persons with developmental disabilities for a three-year term effective May 1, 2006 to May 1, 2009 and **accepted** the resignation of Elizabeth Alameda. (Supervisor Loe) *File #1054*
- 5) **Adopted Resolution No. 2006-30** declaring May 2006 as "Clean Air Month" in San Benito County. (Supervisor Loe) *File #1111*

CLERK OF THE BOARD:

- 6) **Approved** the minutes of the meetings of March 28, 2006; April 4, 2006; April 11, 2006 and special meetings of April 7, 2006 and April 18, 2006.

COUNTY ADMINISTRATIVE OFFICE:

- 7) **Approved** inter-object transfer in Budget Unit 1001-130, Human Resources, associated with contracts with Waters Oldani relative to executive recruitments from Salaries and Benefits to Professional Services line items. *File #865*

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 8) **Approved** out of state travel request for Director to attend regional conference for Brownfields held by the USEPA in Tucson, AZ on June 4-17, 2006. *File #142.2*

INTERNAL SERVICES DEPARTMENT:

- 9) **Designated** Jacki Credico, Management Analyst, as the alternate representative to the Trindel Insurance Fund Board. *File #36*
- 10) **Designated** Jacki Credico, Management Analyst, as the alternate representative to the CSAC Excess Insurance Authority (EIA) Board of Directors. *File #36*
- 11) **Approve modification of the job specifications and salary increase from Range 15.7 to Range 19.4 for the Assessor's Office Manager position, per recommendation of CPS Human Resource Services effective retroactive to April 9, 2006.**

Supervisor Botelho expressed concern about another position that is being expanded. CAO Susan Thompson provided background information leading up to this request stating that this was not a change in title or classification but it is simply adding into the classification the actual work that this employee has been doing for the county for some time and this has all been documented by extensive study.

Discussion ensued with regards to the fiscal effects of these types of requests.

Assessor Tom Slavich noted that this was something that the prior Assessor had started and he was now getting it cleared up.

BOARD ACTION: Upon motion made by Supervisor Marcus and seconded by Supervisor Loe moved to approve the modification of job specifications and salary increase from range 15.7 to range 19.4 for the Assessor's Office Manager position, per the recommendation of CPS Human Resource Services, effective retroactive to April 9, 2006.

Supervisor De La Cruz asked the maker of the motion if he would amend the motion to not be retroactive to April 9, 2006 but to April 24, 2006.

Supervisor Marcus stated he was not willing to amend the motion and he felt it was important to clean up this issue at this time on this particular issue.

The motion passed 4-1 with Supervisor Botelho voting no. File #7

PUBLIC WORKS:

- 12) ***Adopted Resolution No. 2006-31*** approving Federal Apportionment Exchange Program for Regional Surface Transportation Program (RSTP) funds and State Match Program agreement and ***authorized*** Chair to sign said agreement and resolution. *File # 105*

SHERIFF – C. Hill:

- 13) ***Approved*** request for a change of Dispatcher work-week to make a more uniform timesheet/payroll system on current payroll. *File #116*
- 14) Regarding an application for the 2006 Byrne Justice Assistance Grant (JAG), consider the following:
- a) ***Approved*** Memorandum Of Understanding (MOU) with the City of Hollister; and
 - b) ***Authorized*** the County Administrative Officer to sign said grant on behalf of the County for submission. *File #110*

WATER RESOURCES ASSOCIATION OF SAN BENITO COUNTY:

- 15) ***Proclaimed*** May 2006 as "Water Awareness Month" in San Benito County and ***authorized*** Chair to sign said Proclamation. *File #430*

REGULAR AGENDA:

INTEGRATED WASTE SERVICES – M. Rose:

- 16) **Receive presentation of pilot Central Coast Recycling Market Development Zone project with the Business Alliance of Local Living Economies (BALLE) by Don Shaffer, National Coordinator.**

Mandy Rose, Director of the Integrated Waste Management Department, provided background information stating that the county is part of the Central Coast Recycling Market Development Zone which is a program of the California Integrated Waste Management Board through a Memorandum of Understanding (MOU) that was formed in 1994 with the counties and cities in San Luis Obispo, Monterey, San Benito and Santa Cruz. Ms. Rose stated that it is the County of San Benito's turn to be the administrator of the zone taking over approximately two years ago. The mission of the recycling market development zone is to use recycling for economic development.

Don Shaffer, Executive Director of a national non-profit organization called the Business Alliance for Local Living Economies based in San Francisco came forward. Mr. Shaffer reported with regards to the process stating that they like to work with business owners in the first couple of phases and then also work with other agencies that touch on

economic development. Mr. Shaffer reported that he has been working with Al Martinez of the Economic Development Corporation, the San Benito County Chamber of Commerce, the Farm Bureau, the Economic Vitality Group and most recently the new Economic Development Manager for the City of Hollister. Mr. Shaffer outlined the process and reported on the progress of this pilot and its success thus far and the future plans.

Mr. Shaffer answered questions by the Board of Supervisors.

Joe Thompson, Tres Pinos resident, came forward stating he has been representing small businesses on the Central California Coast before State and Federal courts and agencies for 26 years and he would like to inject a little reality noting that we rank 49th out of 50 states in terms of business friendly environment. Mr. Thompson stated that 80% of small businesses fail in the first five years. Mr. Thompson stated that one of the major hurdles of recyclable movement, recyclable commerce and of recyclable industry is if you are going to move stuff in and out of this county it is a lot less expensive to move it my rail and there is not a place in San Benito County where you can spot a box car to load or unload tires or anything else and this could be the inter-model gateway and it is an opportunity we should seize.

No action required. File #142.2

SHERIFF – C. Hill:

17) Provide update in preparation for July 4th weekend.

Sheriff Curtis Hill reported with regards to law enforcement's preparation for the July 4th weekend. Sheriff Hill stated that the Sheriff's Department is working in support of the City of Hollister and the police department and other law enforcement agencies in the community, primarily the California Highway Patrol, to assist in providing for the appropriate level of public safety for the entire county for this time period. Sheriff Hill stated that he and the Chief of Police have the very same enforcement posture for the rally which has always been welcome to San Benito County, come and have a good time – break the law and you will either get cited or will get booked in jail.

Chief of Police Jeff Miller came forward reporting that they have been contact with the Sheriff's Department who stands as the operational area level for mutual aid and that is the first step towards summoning mutual aid. Chief Miller stated they have also contacted the Governor's Office of Emergency Services, the California Highway Patrol, the Department of Justice, the Department of Alcoholic Beverage Control and the Parole Division of the State Department of Corrections and they will of course follow all mutual aid protocols and the planning for this July 4th holiday continues and more meetings are planned regionally and with our neighboring counties.

Discussion ensued and concerns were addressed by Sheriff Hill and Chief Miller.

Robert Scattini, Mayor of City of Hollister, came forward stating that motorcycles started coming here in the 1930's and this motorcycle event is not going to go away and they will continue to come here. Mayor Scattini stated that the City of Hollister had an offer of \$350,000 up front to run this motorcycle rally and the City Council voted it down. It is now going to cost the City upwards of \$200,000 and we should welcome the bikes to come here. There is always an element that will come here but they're going to come anyway. Mr. Scattini said that this has been advertised all over the country. *File #123*

PLANNING & BUILDING DEPARTMENT – A. Henriques:

18) Consider request to continue discussion of San Benito County Ordinance No. 529 regarding drainage impact fees to a future meeting for consideration. (cont. from 4/11/06 mtg.)

County Administrative Officer Susan Thompson and Planning Director Art Henriques postponed this item to a date uncertain. *File #790*

19) Hold discussion and provide direction to staff regarding the application process for Potential Residential Growth Increase (PRGI) designations.

Art Henriques, Planning Director, provided background information, reporting that the Board of Supervisors and the Planning Commission have requested information on the application process for potential residential growth increase designation including when a project is referred to the voters. Mr. Henriques noted that the process has not been specifically tested by a large project that would trigger this and the ordinance has been in effect approximately nine years.

Mr. Henriques presented a Power Point presentation titled "Application Process for Potential Residential Growth Increase Designation".

Discussion was held and concerns were addressed with regards to the clarification of the process and the need to amend the ordinance to include the CEQA process. Various options for the Board of Supervisors were discussed.

ACTION TAKEN:

Chair Loe appointed herself and Supervisor Marcus to an ad hoc committee to work with the Planning Commission (who shall appoint their own committee members), the Planning Director, County Administrative Officer and County Counsel to clarify this process and bring their findings back to the Board of Supervisors at a future meeting. File #790

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.)

Acting County Counsel Irma Valencia reported that there was an urgency item that needed to be added to the Closed Session agenda noting that this item arose after the posting of the agenda and needs immediate attention. The item is with regards to the Public Works Director candidate.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus moved to add the urgency item 21.2 as requested. (Unanimous)*

The Board adjourned for lunch and reconvened into Closed Session at 1:00 p.m. The Board adjourned into Closed Session once again at 2:40 p.m. after the public hearing and reconvened into Regular Session re:

**20) Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9. Number of cases: 1
*No reportable action. File #235.6***

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.

No reportable action.

b) John Sarsfield, San Benito County District Attorney vs. County of San Benito et al.

No reportable action.

c) Monteon vs. Richard Scagliotti, San Benito County Board of Supervisors, San Benito County Financing Corporation et. al.

No reportable action.

21.1 (Addendum) **Public Employment**

Authority: California Government Code Section 54957

Title: County Counsel

No reportable action. File #235.6

21.2 (Urgency Item) **Public Employment**

Authority: California Government Code Section 54957

Title: Public Works Director

No reportable action. File #235.6

1:30 p.m. GENERAL PLAN UPDATE PROCESS:

PLANNING & BUILDING INSPECTION – A. Henriques:

22) **Held workshop re: General Plan update process.** (1:50 p.m.)

Art Henriques, Planning Director, recapped the meeting of March 28, 2006 at which time discussion was held regarding the General Plan Process and discussing what the State of California typically envisions or requires as a General Plan Update Process and also the current status of the various elements of the General Plan and some of the pros and cons of funding.

Mr. Henriques reported that the Power Point presentation today would continue with the possible options for a General Plan update. The presentation noted possible options including minimum, moderate and more comprehensive requirements and also recommendations from Planning Department staff.

Discussion was held and questions by the Board were answered. The Board of Supervisors agreed they would like to move forward with a moderate approach at this time.

There was no one from the public who wished to address this item.

It was decided that a public workshop on the General Plan would be held on June 6, 2006. File #790

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 at 2:40 p.m. to its next regularly scheduled meeting on, Tuesday, May 2, 2006 at 9:30 a.m.

PAT LOE, CHAIR

San Benito County Board of Supervisors

ATTEST:

Linda Churchill, Clerk of the Board