



## 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 MAY 2, 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 Clerk of the Board Linda Churchill. Chair Pat Loe presided when the following was had to wit:

#### 9:30 a.m. CALL TO ORDER:

- a) Pledge of Allegiance was led by Supervisor Marcus.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- c) **Public Comment:** There was no public comment.
- d) **Department Head Announcements:** County Administrative Officer Susan Thompson reported that the Administrative Office is experiencing its first week without Assistant County Administrative Officer Susan Lyons and we are adjusting to her being gone. Ms. Thompson reported that there was a lovely party on Friday evening in celebration of Ms. Lyons retirement and we wish her well.

Ms. Thompson reported that there is a lot going on with regards to preparing for the budget noting that all of the budget requests from departments have been received and we are in the process of assembling all of that information. Ms. Thompson further reported that with regards to Item 13 of today's agenda there was a problem discovered on one of the formulas and so the numbers in the Board's packet are not correct. Ms. Thompson requested postponement of that item to May 9, 2006.

Finance Director Joe Paul Gonzalez reported that he had just attended the 97<sup>th</sup> Annual Conference of the State Association of County Auditors that was held in Temecula in Southern California. Mr. Gonzalez reported that the GASB, which is the Governmental Accounting Standards Board, has various requirements that we as a governmental institution have to comply with. GASB 43 and 45 are forthcoming and he will be bringing this item before the Board of Supervisors at a future date for discussion as it relates to medical obligations that the county has incurred in the meet and confer process. Mr. Gonzalez stated that other counties are doing it very differently than we here in our county in order to contain costs. Mr. Gonzalez reported that one of the requirements is that we will have to have an actuarial study done to find out what those costs are and what they will be in the future and it must be footnoted in our financial statements.

e) **Board Announcements, Introductions and Presentations:** Supervisor Monaco concurred with Ms. Thompson stating that Linda Churchill and Jacki Credico of the County Administrative Office did an outstanding job of organizing Susan Lyon's Retirement Party held on Friday evening noting it was very well done and he appreciated that.

Supervisor Monaco expressed concern regarding a couple of items that were suppose to come back to the Board of Supervisors for review and one was the issue of well permitting that we turned over to the San Benito County Water District and we haven't heard anything about it to date and he would like staff to check on when it will be coming back for review.

Ms. Thompson stated that she and the Planning Director would get on it immediately.

Supervisor Monaco asked about an item on the March 28, 2006 agenda where there was direction to have at least a status report of the action of the Board of Supervisors to contact the Attorney General's office concerning issues with our District Attorney and he hadn't heard that report.

Acting County Counsel Irma Valencia stated that she has been in contact with the Attorney General's office and there is a tentative meeting scheduled for next week.

Supervisor Botelho stated that over the weekend he came across a full-page ad in the newspaper from a very large developer asking for support for a referendum for annexation into the city. Supervisor Botelho said that this was a County planning area and he felt a county project and he did not know of any discussion with the county or with the Inter-Governmental Committee and he wondered how we could move forward on this very large project with the water and transportation issues we have and a General Plan that needs to be revised. Supervisor Botelho stated that we need to be on the same page with the City of Hollister with regards to a growth plan and at some point there should be some sort of discussion as far as how this developer can proceed. Supervisor Botelho asked if this could go through LAFCO without the Board of Supervisors approval.

Supervisor Marcus stated that this is a concern and last week he and Supervisor Loe attended an Inter-Governmental Committee meeting to address a couple of other issues but this topic was skirted and only based on the fact that it was publicized and they did start an articulation process with the Mayor and with the City Manager just to start formulating some sort of cooperative game plan to make sure that LAFCO is involved and that we take a proactive approach to that particular project that is on the borderline of the city limits and they will agendize this issue and bring it forward.

#### **CONSENT AGENDA:**

*Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus, approved Consent Agenda Items 1 through 10. (Unanimous)*

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

- 1) **Approved** agreement with the State Department of Food & Agricultural for fiscal year 2006/2007 to provide Weighmaster Services. *File #1.1*

#### **BOARD OF SUPERVISORS:**

- 2) **Approved** Certificates of Recognition for the 2006 MACE (Mexican-American Committee on Education) Man and Woman of the Year for presentation at a later date. (Chair Loe) *File #156*

### **CHILD SUPPORT SERVICES DEPARTMENT – D. Ogawa:**

- 3) Regarding staffing for the Department of Child Support Services consider the following:
- a) **Approved** the deletion of 1.0 FTE Child Support Specialist II
  - b) **Approved** the deletion of 1.0 FTE Child Support Compliance Officer
  - c) **Approved** the addition of 1.0 FTE Child Support Specialist III
  - d) **Approved** the addition of 1.0 FTE Account Clerk Supervisor II
  - e) **Approved** salary range of 15.6 for the Account Clerk Supervisor II position
  - f) **Approved** recruitment of both new positions. *File #22*

### **FIRST 5 SAN BENITO – K. Castillo:**

- 4) **Approved** agreement with the Hollister School District for services associated with the “Jump Start” Preschool Program for the period May 2, 2006 to August 31, 2006 in the amount of \$28,550.00. *File #155*
- 5) **Approved** contract amendment with Aromas-San Juan Unified School District “Healthy and Ready Program” for the period July 1, 2005 to August 31, 2006 in the amount of \$71,725.00. *File #155*

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

- 6) **Reviewed** amended 2005 Emergency Medical Services (EMS) Plan and **directed** staff to submit said plan to the State Emergency Medical Services Authority. *File #75.5*
- 7) **Authorized** H & HSA Director to hire an Eligibility Worker II at Step F, of Range 11.7, effective May 22, 2006. *File #130*
- 8) **Approved** out-of-state travel for H & HSA Social Worker for purposes of complying with the court order in a Superior Court case. *File #130*

### **PUBLIC WORKS DEPARTMENT – A. Nazemi:**

- 9) **Approved** contract with Dana Bland and Associates for biological services with a contract term of April 25, 2006 through April 24, 2008 in an amount not to exceed \$20,000. *File #105*

### **SHERIFF: C. Hill:**

- 10) **Adopted Resolution No. 2006-32** authorizing the San Benito County Sheriff's Department to operate the Anti-Drug Abuse Grant Award funding the Unified Narcotic Enforcement Team (UNET) Task Force. *File #110*

### **REGULAR AGENDA:**

#### **PLANNING & BUILDING DEPT: A. Henriques**

- 11) **Request for consultant assistance for Annual Quarry and Mine Inspection as required by state law and consider contract for required services.**  
*Supervisor Botelho abstained from discussion of this item.*

Planning Director Art Henriques provided background information stating that this is an item that staff has been working on for several months. Mr. Henriques reported that the county received a letter from the State of California asking about the status of the county's

inspections of mines and quarries. This is an annual requirement that the county or contractors for the county (consultants) have to perform and it is something that has not been done for a while and there is some reporting that must be caught up for 2005 and typically the normal cycle of inspections would start with the 2006 inspection some time in the summer. This is a proposal to have staff get some assistance from a consulting firm. Mr. Henriques noted that three qualified consultants were contacted and provided quotes and the firm with the lowest typical cost per site was also one of the most qualified.

Mr. Henriques stated that a letter would be sent out to all of the quarry and mine operators explaining the process. Mr. Henriques recommended approval and support by the Board noting that a correction to the recommendation should read to authorize the Planning Director to sign the contract on behalf of the county.

Questions by the Board were answered by the Planning Director.

Jim West, Granite Rock Company, came forward stating that State law and the County's mining ordinance and the newer permits all state that the applicant pays for this. It pays for all of the consultant fees and even reimburses the County for staff time to oversee the consultant and therefore this is at no cost to the County. Further there is a list that Granite Rock Company is very concerned about called a 3098 List and if a quarry is not on this list it cannot sell aggregate or asphalt or concrete made with aggregate to CalTrans and that is a concern. Mr. West stated that we need to do this to be in compliance with the Reclamation Plan and that the financial assurances are adequate to bring the property back. Mr. West supported this item.

Further discussion ensued.

**BOARD ACTION:** *Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, approved contract with Resource Design Technology, Inc. in an amount not to exceed \$100,000 and authorized the Planning Director to sign said contract on behalf of the county.*

*(4-1 vote. Botelho abstained) File #790*

## **ADMINISTRATIVE BUSINESS:**

### **12) Receive third quarter budget status report.**

County Administrative Officer Susan Thompson introduced Kellie Kennedy, Management Analyst, who will be presenting the third quarter budget status report. Ms. Thompson stated that overall the departments heads have been quite responsive and responsible with spending this year.

Ms. Kennedy gave a Power Point presentation titled "Third Quarter Status Report". Ms. Kennedy gave an overview reporting that 75% of the fiscal year has elapsed and General Fund expenditures are at 59% while the revenues are at 76%. Ms. Kennedy further reported that county-wide expenditures are at 56% and revenues are at 59%. A graph was shown with Expenditures and Revenues and also General Fund revenue shortfalls and the general outlook were addressed.

Questions by the Board were answered by Ms. Kennedy and Ms. Thompson.

*Received report. No action required. File #865*

### **13) Receive report re: preliminary requested budget overview.**

*This item was postponed to the May 9, 2006 meeting. File #865*

## **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.)*

The Board adjourned at 10:20 a.m. for a 10 minute break and then into Closed Session and reconvened into Regular Session re:

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

Authority: California Government Code Section 54956.9(a)

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

**No reportable action.** File #235.6

15) **Public Employment**

Authority: California Government Code Section 54957

Title: Internal Services Director

**No reportable action.** File #235.6

<b>1:30 P.M. PUBLIC HEARING:</b> <i>(Or as soon thereafter as the matter may be heard)</i>
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**INTEGRATED WASTE MANAGEMENT: M. Rose**

16) ***Held public hearing re: proposed resolution adopting Revised Rate Schedule for Solid Waste Collection, Processing and Disposal.***

Mandy Rose, Director of the Integrated Waste Management Department, provided background information stating that this was a public hearing to accept comment on the proposed revisions to the rate schedule for Solid Waste Collection, Processing and Disposal with Norcal Waste Systems of San Benito County. The proposed changes reflect changes in commercial recycling options that are consistent with the provision of the agreement between the County of San Benito and Norcal that provides for non-exclusive services for commercial recycling. Ms. Rose stated that the revisions are needed to assist the County of San Benito in meeting its State mandated waste diversion goals.

Chair Loe opened the public hearing. There was no one from the public wishing to address the Board. Chair Loe closed the public hearing.

Supervisor Marcus asked about fees that did not change.

Ms. Rose explained that the only changes are removing commercial recycling and everything else stayed the same.

**BOARD ACTION:** *Upon motion made by Supervisor Botelho and seconded by Supervisor De La Cruz, adopted **Resolution No. 2006-33** approving revisions to the rate schedule within the agreement for Solid Waste Collection, Processing and Disposal Services and authorized the Chair to sign said resolution. (Unanimous) File #142.2*

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

**PAT LOE, CHAIR**

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San Benito County Board of Supervisors

ATTEST:

Linda Churchill, Clerk of the Board