



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 ACTION MINUTES MAY 9, 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 was led by Supervisor Monaco.
- b) *Upon motion duly made by Supervisor Marcus and seconded by Supervisor De La Cruz **acknowledged** the Certificate of Posting.*

PRESENTATIONS / RECOGNITIONS:

- c) **Presentation of Certificate of Recognition to Christopher Intravia of Public Works in recognition of 24-years of service to the County of San Benito.**

Supervisor Monaco presented Mr. Intravia with a plaque signed by the Board of Supervisors members and thanked Mr. Intravia for his many years of services to the citizens and the County of San Benito.

Pat Dunne of the Public Works Department came forward and acknowledged Mr. Intravia. Mr. Dunne, noting that it has been his pleasure to work with Mr. Intravia for approximately 10-years, stated Mr. Intravia will be sorely missed.

- d) **Public Comment:** Joe Thompson, Citizen's Rail Advisory Committee, stated that due to rising fuel costs, ridership on public transportation is rapidly increasing. Mr. Thompson urged the Board to freeze the amount of monies being spent by COG so they don't exceed their allotted budget and head into deficit spending.

David Grimsley, CalRock Products, noted he received a letter from the Planning Department relative to quarry inspections and the proposed associated costs. Mr. Grimsley felt there should have been better communication from the Planning Department relative to the increased costs associated with the upcoming inspections. Mr. Grimsley noted the substantial increased rates would be difficult for some operators and these fees could become hardships for operators to continue business.

Ruth Erickson, President of the Hollister Airman's Association, took the opportunity to invite the Board and public to the Living Aviation History event at the Hollister Airport May 19-21, 2006.

e) **Department Head Announcements:** CAO Susan Thompson noted staff needed direction on the scheduling of the next discussion relative to the General Plan. Ms. Thompson stated historically, no items were generally scheduled for the afternoon on election days, but on June 6th, the next workshop relative to the General Plan was scheduled and asked if the Board wanted to reschedule the matter.

Additionally, CAO Thompson noted the next Board retreat was scheduled for June 15th and was concerned with the timing of the submittal of the Proposed FY2006/2007 Budget going on that same meeting, did the Board also want to consider postponing the Retreat as well.

Chair Loe stated both these items should be placed on the next agenda for further discussion.

Art Henriques, Planning Director, stated he would respond to Mr. Grimsley as well the other quarry operators regarding quarry inspections. Mr. Henriques noted all quarry operators were contacted via a letter but follow-up with a meeting between all operators, the consultant and his office. Mr. Henriques also stated if applicable, payment plans can be worked out with the operators.

f) **Board Announcements, Introductions and Presentations:** Supervisor Monaco stated he attended the CA Retired Teachers meeting last week and noted that May 10th was the "Day Of The Teacher." Supervisor Monaco stated the local Chapter has approximately eighty-five members and those members have volunteered over 1200 hours of community service.

Supervisor Botelho indicated he had concerns with the current Dell Webb proposal and noted it should be discussed further at the Board level. Supervisor Botelho wanted to know how this project would affect the General Plan process, other ramifications to San Benito County; current growth cap, annexation process; and how this project affects the proposed Gavilan College site.

Chair Loe noted the Planning Director was working with the City of Hollister on this matter and would provide more information at the next General Plan workshop.

Supervisor De La Cruz indicated he would like more information globally on this and include all development projects and the affects at the community level.

Supervisor Marcus noted this matter was discussed at the last inter-governmental committee meeting with the City of Hollister. Supervisor Marcus noted the petition circulating represents this as a senior housing project, it was important to really consider all affects on the City of Hollister General Plan as well as the growth control ordinance.

Supervisor Monaco indicated this matter does need to be agendized and discussed further.

Chair Loe indicated staff would be doing so shortly.

CONSENT AGENDA:

BOARD DIRECTION: Upon motion duly made by Supervisor Botelho and seconded by Supervisor De La Cruz, **approved** Consent Agenda Items #1 through #4. Motion passed unanimously.

COUNTY FIRE – J. Row:

- 1) Regarding concrete slab for fire apparatus bay, consider the following:
 - a) **Approved** the construction of the concrete slab for the fire apparatus bay; and
 - b) **Augmented** the County Fire fixed asset expenditure budget and revenue budget in the amount of \$8,000 to be paid from Fire Impact Fees; and
 - c) **Amended** the FY2005/2006 Fixed Asset Schedule to add the County Fire concrete slab in the amount of \$8,000. (file #60)

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

2) **Approved** agreement with the State Department of Health Services for Local Public Health Services (LPHS) Program – Environmental Health Services in the amount of \$193,606 with a contract term of July 1, 2005 through June 30, 2008 and **authorized** the H&HSA Director to sign on behalf of the County. (file #420)

INTEGRATED WASTE MANAGEMENT – M. Rose:

3) **Approved** amendment to agreement with Conor Pacific/Golder Associates acknowledging modifications to the Scope of Services for installation of two (2) groundwater-monitoring wells at the John Smith Road Landfill. (file 75.4)

4) **Approved Resolution No. 2006-34** Authorizing Application for 12th Cycle Used Oil Block Grant funds from the California Integrated Waste Management Board and **authorized** submission of said application. (file #142)

REGULAR AGENDA:

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

5) **Proclaim May 2006 as “National Nurses Week” in San Benito County and authorize Chair to sign said Proclamation.**

Director Kathryn Flores introduced the Public Health Nursing staff and thanked the staff for all of their hard work on the many, many projects they work with in the community.

BOARD ACTION: Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Marcus, **proclaimed** May 2006 as “National Nurses Week” in San Benito County and authorized the Chair to sign said Proclamation. Motion passed unanimously. (file #430)

6) **Receive West Nile Virus / Mosquito Abatement informational update.**

Director Kathryn Flores noted discussions will be taking place with the Inter-Governmental Committee to discuss a cost proposal after June 30, 2006. Ms. Flores indicated staff would provide further update at this time.

Matt Fore, Environmental Health Specialist, provide an update of actions and activities including progression of larvicide’s applications within the City of Hollister, the County and met with the new City Manager in San Juan to start sewer applications there, public education and service announcements in the *Free Lance* and *Pinnacle* newspapers and 4-H volunteers, under adult supervision, distributing mosquito fish as a 4-H project.

Paul Matulich, Ag Commissioner, gave the Board a monetary breakdown of expenditures which purchased equipment but stressed the program will need larvicide

product to last 2-3 years. Mr. Matulich noted he intended to spend as much of the grant monies as possible as he didn't want to return those monies to the State.

Ruth Erickson, local resident, asked if funding from Homeland Security was a possibility or possibly even aerial applications of herbicide and/or larvicide. Ms. Erickson questioned the 4-H volunteers handing out mosquito fish. Were the fish going to just anyone?

Mr. Fore explained that there were Fish and Game requirements associated with the distribution of the mosquito fish and that this project was overseen by adults and strict logs were kept on who the fish were given to and how many fish distributed.

Mr. Matulich noted aerial applications were not being considered as this was a measure to take only if the situation is out of control.

Discussion ensued regarding the continuation of this project and the possibility of the formation of an official abatement district.

BOARD ACTION: *Received informational update. No formal action was taken. (file #130)*

COUNTY ADMINISTRATIVE OFFICE:

7) Review and direct staff with regard to recruitment of a full-time County Librarian.

Jacki Credico, Management Analyst, indicated direction was necessary on how to best proceed in this matter. Ms. Credico noted a previous recruitment produced only three viable candidates but was basically unsuccessful. Ms. Credico indicated an in-house recruitment would cost approximately \$16,000 while a full service recruitment with an outside agency would be at least \$16,000 plus expenses and that could be up to \$20,000.

Richard Fish, Friends of the Library, noted the Library required leadership and a full time, dedicated Librarian will do that plus have a vision for the future for the community as a whole.

Mary Schneider, President of the Friends of the Library, was concerned with not maximizing the recruitment efforts in using the California Librarians Association or the American Librarians Association which advertise state-wide and nation wide.

Ruth Erickson, Friends of the Library for 23-years, noted when the County was recruiting for this position she had mentioned to Human Resources that the two mentioned Associations should have been utilized but weren't and suggested raising the salary to be competitive with the surrounding areas which might enhance the recruitment.

Discussion ensued regarding using the California Librarians Association, the American Librarians Association, CSAC employment services and the possibility of asking one of the adjacent Counties to "loan" a Librarian until a permanent employee can be hired.

BOARD ACTION: *Upon motion duly made by Supervisor Botelho and seconded by Supervisor De La Cruz, **directed** staff to conduct an in-house recruitment for a full-time Librarian, utilizing suggestions of the Friends of the Library by advertising with California Librarians Association and the American Librarians Association, as well as utilizing CSAC recruitment services and report back to the Board after three (3) months if recruitment is unsuccessful. Motion passed unanimously. (file #630)*

8) Approve response to the Civil Grand Jury Report dated February 28, 2006 and forward to the presiding Judge of the Superior Court of California, San Benito County.

CAO Thompson reminded the Board that a response was warranted by May 30, 2006 on this matter. Ms. Thompson indicated it was her understanding that a tentative agreement has been reached between the City of San Juan and the Water District and there was no need for the Board of Supervisors to step in further on this matter.

Supervisor Botelho suggested waiting until the last possible date before signing such letter in case the need does arise where the Board has to step in.

Acting Counsel Irma Valencia indicated the meeting of May 23rd would be the last possible date for the Board to sign said required response.

BOARD ACTION: *Upon motion duly made by Supervisor Botelho and seconded by Supervisor Marcus, **directed** staff to wait for the last possible date to provide response to the presiding Judge in order to allow the Water District ample time to review agreement submitted to said District by the San Juan Bautista City Council and revisit this matter at the meeting of May 23, 2006. Motion passed unanimously. (file #605)*

Chair Loe asked the Board to take Items #11 and #12 at this time.

11) Consider ratification of appointment of County Counsel effective May 31, 2006.

CAO Susan Thompson introduced Mr. Dennis LeClere and requested that the Board approve the appointment of Mr. LeClere as County Counsel effective May 31, 2006.

Mr. LeClere indicated he was looking forward to working with the Board and Counsel's staff.

BOARD ACTION: *Upon motion duly made by Supervisor Monaco and seconded by Supervisor De La Cruz, **approved** the appointment of Dennis LeClere as San Benito County Counsel effective May 31, 2006 and **directed** that employment agreement be brought back to the Board at their meeting of May 23, 2006 via Closed Session. Motion passed unanimously. (file #630)*

12) Consider ratification of the appointment of Director of Public Works effective May 22, 2006.

CAO Thompson introduced Mr. Jerry Lo and requested that the Board approve the appointment of Mr. Lo as Director of Public Works effective May 22, 2006.

Mr. Lo indicated he was looking forward to working with the Board and Public Works staff.

BOARD ACTION: *Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Botelho, **approved** the appointment of Jerry Lo as the Director of Public Works effective May 22, 2006 and **directed** that employment agreement be brought back to the Board at their meeting of May 23, 2006. Motion passed unanimously. (file #630)*

9) Receive update on Highway 25 Bypass Project, Project funding and authorize release of additional funds from the County's Traffic Impact Fees for the Bypass Project.

Supervisor Marcus excused himself participating in this matter citing a potential conflict of interest and left the Chambers while this matter was discussed.

CAO Thompson provided background on the matter and indicated there was a shortfall in funding and asked the Board for direction on how to cover that shortfall, whether or not to use current traffic impact fees or future impact fees. CAO Thompson then provided background on the appropriate usage of impact fees.

Tom Quigley, COG director, provided background and information from the Council of Governments and cited COG recommended the use of said traffic impact fee money in the amount of \$1.3 million.

Assistant Director of Public Works Arman Nazemi indicated Mr. Quigley was correct that the John Smith Road project would be ready to go to bid in approximately two (2) months.

Clint Quilter, City of Hollister City Manager, noted it was his recommendation to the City Council to forego the North Street extension project in order to add to the projected Bypass shortfall.

Lengthy discussion ensued on what projects could potential be stalled if dedicating impact fees to this Bypass project; potential increased costs to those stalled projects; public safety concerns and which scenario the Board would chose as outlined in staffs' report.

BOARD ACTION: Upon motion duly made by Supervisor Botelho and seconded by Supervisor De La Cruz, **authorized** release of additional funds from future traffic impact fees in the amount of \$1.3 million and **selected** Scenario 3 as outlined by Staff. Motion passed 4-0 with Supervisor Marcus being absent for the vote. (file #1035)

Supervisor Marcus returned to the meeting at this point and the Board of Supervisors continued on.

10) **Receive report on FY2006/2007 General Fund Budget request and adopt the recommended FY 2006/2007 budget policies.**

CAO Thompson presented a power-point presentation outlining where the budget process is at this time. Ms. Thompson asked the Board to provide direction on the adoption of FY2006/2007 budget policies.

BOARD ACTION: Upon motion duly made by Supervisor Marcus and seconded by Supervisor Botelho, approved FY2006/2007 Budget Policies with the elimination of the Cost Allocation Plan (A-87 charges) from said policies. Motion passed unanimously. (file #865)

Due to the lateness of the hour, Chair Loe adjourned the meeting at 1:30 p.m. and noted the Board will reconvene at 3:30 p.m.

CLOSED SESSION:

Board reconvened at 3:30 p.m. to hear the Closed Session portion of the agenda.

13) **Conference with Legal Counsel – Anticipation Litigation**
a) **Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9. Number of cases: 1**

Item was withdrawn by Counsel. (file #235.6)

14) **Conference with Legal Counsel – Existing Litigation**
Authority: California Government Code Section 54956.9(a)
a) **Monteon vs. Richard Scagliotti, San Benito County Board of Supervisors, San Benito County Financing Corporation et. al.**

No action taken. (file #235.6)

- 14.1) **Urgency Item added - Conference with Legal Counsel – Existing Litigation**
Authority: California Government Code Section 54956.9(a)
a) **County of San Benito v. Picone (Fee Arbitration)**
No action taken. (file #235.6)

SITTING AS THE PUBLIC AUTHORITY FOR IN HOME SUPPORTIVE SERVICES:

- 15) **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, 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 May 23, 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