



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 23, 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:

Chair Loe asked that the audience remain standing following the Pledge on the untimely death of Ron Stubblefield.

- a) Pledge of Allegiance to be led by Supervisor De La Cruz.
- b) *Upon motion duly made by Supervisor Monaco and seconded by Supervisor De La Cruz, **acknowledged** the Certificate of Posting.*
- c) **Public Comment:** Sally Bettencourt, Campaign Chair for Ron Stubblefield, came forward. Ms. Bettencourt thanked the Board for remembering Mr. Stubblefield. She indicated a press release was forthcoming regarding the sudden passing of Mr. Stubblefield.

John Vellardita, Executive Director of SEIU, offered the services of the Union in assisting the Board of Supervisors to reduce the budget shortfall. Mr. Vellardita indicated the Union has enlisted outside auditors, namely the Harvey Rose Group, which helped adjacent counties during difficult budget decisions and offered any assistance to the Board of Supervisors and CAO Thompson.

Lino Navarro, local resident, asked the Board for assistance in a matter he and his son were having with the Police Department and the District Attorney's office. Mr. Navarro was experiencing difficulties with persons in Salinas regarding police reports and hasn't been able to receive any assistance.

CAO Thompson indicated she would contact the police department and assist Mr. Navarro.

Joe Thompson, local resident, indicated residents in Gilroy and Santa Clara County had received a flyer asking for support of services by the Valley Transit Authority (VTA). Mr. Thompson urged residents not to support the VTA in its efforts to

intrude San Benito County and urged the Board to direct the members on the Council of Governments to convey no support of the VTA by San Benito County.

d) **Department Head Announcements:** CAO Thompson noted she received a request from the Hollister School District to bid on an offer of 7.75 acres of surplus land adjacent to Ladd Lane School. Ms. Thompson indicated the County had sixty days to submit an offer and will be agendaizing this matter for further Board discussion and direction.

Supervisor Marcus suggested that the Facility sub-committee meet with Ms. Thompson to explore this matter and the Board of Supervisors agreed.

Ms. Thompson indicated that Management Analyst Kellie Kennedy had completed the first round of meetings with Department Heads regarding their respective budgets and it was the goal to provide the Board with a Preliminary Budget at the meeting of June 27th and then have budget hearings in the first week of August.

Ms. Thompson thanked Ms. Kennedy as well as Management Analyst Margie Riopel for their continued hard work through the budget process.

e) **Board Announcements, Introductions and Presentations:** Supervisor De La Cruz urged all not to take life for granted and honored the memory of Mr. Stubblefield.

Supervisor Monaco expressed his condolences to Mrs. Stubblefield indicating Mr. Stubblefield was a classmate of his and Mr. Stubblefield was a gentleman.

Supervisor Marcus expressed his condolences to Mr. Stubblefields' family as he will certainly be missed.

Supervisor Marcus stated he had been to Sacramento on May 17th attending the RCRC Board of Directors' meeting and noted there was concerns regarding the continuing funding required for West Nile Virus. Supervisor Marcus indicated the matter needs to be discussed in more detail and look further into formalizing an Abatement District.

Supervisor Marcus also indicated that RCRC was asking for support of SB1266 to keep funding in place for transportation bonds for rural road projects; opposition of AB2840 (Benoit) regarding insurance rates which will raise rates paid by all of California and noted this matter would be brought back before the Board for further discussion.

Supervisor Marcus also noted he and Supervisor Botelho met with the County Fire Department in the development of a sprinkler ordinance for rural areas and that too would be brought before the Board at a later date.

Supervisor Botelho expressed his condolences to the Stubblefield Family. Supervisor Botelho indicated he too was concerned with continuing funding on the West Nile Virus matter and believed the time was now to discuss the formation of an Abatement District.

Supervisor Botelho also felt the offer of the Union and Mr. Vellardita should be explored further.

CONSENT AGENDA:

Chair Loe noted there was a request to pull Item #17 for further discussion.

Upon motion duly made by Supervisor Botelho and seconded by Supervisor Marcus, approved the Consent Agenda Items #1 - #16 and pulled #17 for further discussion. Motion passed unanimously.

AGRICULTURAL COMMISSIONER – P. Matulich:

- 1) **Authorized** purchase of mosquito control products with funding from the West Nile/Mosquito program. (file #1.1)
- 2) **Authorized** purchase of gasoline with funding from the West Nile/Mosquito program. (file #1.1)
- 3) **Approved** agreement with the State of California Department of Food and Agriculture for organic inspection services for FY2006/2007 and **authorized** Chair to sign said agreement. (file #1.1)

BEHAVIORAL HEALTH – A. Yamamoto:

- 4) **Received** 2005 Mental Health Board Annual Report. (file #810)
- 5) **Approved** the addition of one (1) FTE Quality Improvement Supervisor position allocation to the County Behavioral Health Department's FY2005/2006 approved position allocations. (file #810)

BOARD OF SUPERVISORS:

- 6) **Approved Resolution No. 2006-35** Resolution to Endorse and Support 2006 California Library State Bond, **authorized** Chair to sign and **directed** the clerk of the board to forward a certified copy of said resolution to the Governor's Office. (file #80)

CLERK OF THE BOARD:

- 7) **Approve** the minutes of the meetings of April 25, 2006 and May 2, 2006.

COUNTY COUNSEL – I. Valencia:

- 8) **Approved** licensing and maintenance agreements with Cycom Data Systems for two software modules, litigation and assignments and authorize the Acting County Counsel to sign said agreements. (file #160)

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 9) **Appointed** Danny Villalon to the Workforce Investment Board (WIB) representing the private sector for a three year term effective May 23, 2006 through May 23, 2009. (file #939)
- 10) **Approved** augmentation to the CSWD Fiscal Year 2005/2006 budget to reflect an increase to the Emergency Housing and Assistance Program (EHAP) in the amount of \$14,704. (file #939)
- 11) **Approved Resolution No. 2006-36** extending services for CSA 36 for FY2006/2007 for Emergency Medical Services (EMS) and Advanced Life Support (ALS) services and **authorized** Chair to sign said resolution. (file 1068)

HUMAN RESOURCES:

- 12) **Approved** employment agreement with Jerry Lo for the position of Public Works Director. (file #630)
- 13) **Approved** employment agreement with Dennis LeClere for the position of County Counsel. (file #630)

14) **Approved** job description for Assistant County Administrative Officer / Internal Services Director and set flat salary at \$114,000 annually. (file #630)

INTEGRATED WASTE MANAGEMENT – M. Rose:

15) **Approved** the San Benito County Integrated Waste Management Regional Agency Cost Sharing agreement with the Cities of Hollister and San Juan Bautista. (file #142)

REGIONAL DEPARTMENT OF CHILD SUPPORT SERVICES – D. Ogawa:

16) Regarding correction to Salary Range and Amendment to Position Title, consider the following:

- a) **Amended** the position title from an Account Clerk Supervisor II to Account Clerk Supervisor I; and
- b) **Corrected** the salary range from 15.6 to 16.2. (file #22)

THIRTY-THIRD AG DISTRICT & SAN BENITO COUNTY SADDLE HORSE ASSOC:

17) Regarding ten (10) year lease agreement for Bolado Park Fairgrounds, consider the following:

- a) **Proposed resolution authorizing the expenditure of Section 19630 B&P Code funds to stage the annual San Benito County Saddle Horse Show, Rodeo and Fair (Res. No. 2006-37); and**
- b) **Approve agreement between the County and the Saddle Horse Association; and**
- c) **Approve lease agreement between the 33rd Ag District Association and the County.**

Supervisor Marcus indicated he has been Director of the Saddle Horse Association for many years yet received no monies in doing so. Supervisor Marcus explained the Association received State monies to hold the County Fair and, again, as a Director, received no monetary compensation for his services. Supervisor Marcus explained, therefore, there was no conflict of interest in his voting on this matter.

Supervisor Monaco also indicated he has served on the Saddle Horse Association for twenty years and neither has he received any monetary stipend while serving as a Director and therefore, he also did not have a conflict of interest in voting on this matter.

Acting County Counsel Irma Valencia indicated both Supervisor Marcus and Supervisor Monaco were correct and could vote on this matter.

BOARD ACTION: *Upon motion duly made by Supervisor Monaco and seconded by Supervisor Marcus;*

- a) **Approved Resolution No. 2006-37** authorizing the expenditure of Section 19630 B&P Code funds to stage the annual San Benito County Saddle Horse Show, Rodeo and Fair (Res. No. 2006-37); and
- b) **Approved** agreement between the County and the Saddle Horse Association; and
- c) **Approved** the lease agreement between the 33rd Ag District Association and the County. (file #55)

REGULAR AGENDA:

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

18) **Award to Adam Sanders the Child Abuse Prevention Council's "Blue Ribbon Award."**

H&HSA Director Kathryn Flores provided background information in the choosing of recipients of this award.

Chenoa Summers of the reviewing committee provided background information on the many good works of this exceptional employee who not only went the extra distance in his working with the youth as a Probation Officer, but also through many organizations in the community. Ms. Summers noted it was her distinct pleasure to present Mr. Sanders with this recognition.

ACTION: *Presentation was made to Adam Sanders by Chenoa Summers of the Child Abuse Prevention Council. (file #130)*

CLERK / AUDITOR / RECORDER – J. Hodges:

18.1) **Hold discussion and provide direction to staff regarding November 2005 Special Election costs reimbursement letters to Senate and Assembly Budget Committee Chairs.**

Finance Director Joe Gonzales requested that Board authorize the sending of letters to the respective Chairs of the Senate and Assembly Budget Committees in order for San Benito County to receive State reimbursement for costs associated with the November 2005 Special Election.

CAO Thompson indicated that the County Administrative Officers Association of California (CAOAC) urged support of this matter.

Supervisor Marcus indicated that the Regional Council of Rural Counties (RCRC) also urged support of this matter as these costs impacted the smaller counties.

BOARD ACTION: *Upon motion duly made by Supervisor Monaco and seconded by Supervisor Marcus, **authorized** the Chair to sign letters to the Chairs of the Senate and Assembly Budget Committees for the reimbursement of costs associated with the November 2005 Special Election. Motion passed unanimously. (file #285)*

SHERIFF – C. Hill:

19) **Regarding replacement of the School Resource Officer vehicle, consider the following:**

- a) **Approve the purchase of a replacement car; and**
- b) **Approve said purchase to come from General Fund Contingencies (will full insurance reimbursement going back to the General Fund); and**
- c) **Augment Sheriff's Patrol Budget Expense, Fixed Assets in the amount of \$14,527 transfer from General Fund Contingencies in the amount of \$14,527; and**
- d) **Amend the FY2005/2006 Fixed Asset Schedule to add one (1) vehicle.**

Undersheriff Pat Turturici noted the vehicle was involved in an accident and totaled. While the officer was uninjured, the vehicle has been declared totaled by the insurance and asked the Board to authorize said replacement.

Supervisor De La Cruz asked if this matter had to go through the conditions associated with the purchasing ordinance.

Undersheriff Turturici asked that the Board waive the bidding requirement and that be added to the final motion.

BOARD ACTION: *Upon motion duly made by Supervisor Monaco and seconded by Supervisor Marcus:*

- a) **Approved** the purchase of a replacement car; and
- b) **Approved** said purchase to come from General Fund Contingencies (will full insurance reimbursement going back to the General Fund); and
- c) **Augmented** Sheriff's Patrol Budget Expense, Fixed Assets in the amount of \$14,527 transfer from General Fund Contingencies in the amount of \$14,527; and
- d) **Amended** the FY2005/2006 Fixed Asset Schedule to add one (1) vehicle; and
- e) **Waived** the purchasing ordinance requirements due to emergency necessity for the replacement of said vehicle.

Motion passed unanimously. (file #110)

BOARD OF SUPERVISORS:

20) **Approve appointment of two Board of Supervisors members to serve as members of the Hollister Redevelopment Agency Revolving Loan Fund Board.**

CAO Thompson noted this sub-committee had not had an appointment for some time and felt it was necessary and suggested that the same supervisors sitting on the Intergovernmental Committee, Supervisor Loe and Supervisor Marcus serve in this capacity.

BOARD ACTION: *Upon motion duly made by Supervisor Monaco and seconded Supervisor Botelho, appointed the same Supervisors who serve on the Inter-Governmental Committee, Supervisors Loe and Marcus, to the Hollister Redevelopment Agency Revolving Loan Fund Board. Motion passed unanimously. (file #156)*

21) **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. (cont. from 5/9/06 mtg.)**

CAO Thompson indicated this matter had been continued and noted the deadline to respond was coming quickly. CAO Thompson stated it was her understanding that the City of San Juan and the Water District were close to a full agreement on this matter.

Supervisor Botelho stated he has spoken with both entities and this looked favorable.

BOARD ACTION: *Upon motion duly made by Supervisor Botelho and seconded by Supervisor Marcus, approved the response to the Civil Grand Jury Report dated February 28, 2006; authorized the Chair to sign said response and directed said letter be forwarded to the presiding Judge of the Superior Court. Motion passed unanimously. (file #605)*

COUNTY ADMINISTRATIVE OFFICE:

22) **Consider Budget augmentation request from the District Attorney and direct transfer of funds as necessary.**

CAO Thompson provided background information and indicated the staff report indicated how, if approved, the augmentation would be distributed.

District Attorney John Sarsfield indicated he was before the Board on this matter as requested by Judge Sanders.

Discussion ensued regarding if contracts necessary for some of the services requested and the matter of direction of the Judge.

Supervisor Botelho made the motion to deny the request.

Supervisor De La Cruz was second on the matter.

Supervisor Marcus asked the maker of the motion if he would consider authorizing the \$45,000 request for the Grand Jury investigation.

Supervisor Botelho replied no.

BOARD ACTION: *Upon motion duly made by Supervisor Botelho and seconded by Supervisor De La Cruz, **denied** the request for budget augmentation by the District Attorney. Motion passed 3-2 with Supervisor Loe and Supervisor Marcus voting no on the matter. (file #265)*

23) Proposed postponement of the June 6, 2006 General Plan Update Workshop and the scheduled Board Retreat of June 15, 2006.

CAO Thompson indicated due to the continuing budget process, having a Workshop on June 15th would hamper staff's abilities to stay on track with the preparation of the Preliminary Budget.

Additionally, CAO Thompson indicated it has been past practice of the Board not to schedule an afternoon session on an Election Day. Ms. Thompson asked the Board for direction.

Discussion ensued.

BOARD DIRECTION: *Directed that the General Plan Workshop originally scheduled for June 6, 2006 be rescheduled to the afternoon of the June 13, 2006 meeting. Directed that discussion regarding the rescheduling of the June 15, 2006 Board Retreat be brought back before the Board at their first meeting in August for further consideration. (file #156)*

24) Approve agreement with the City of Hollister to provide IT Management Services and oversight for the Information Technology Division with a contract term of July 1, 2006 through June 30, 2007 in an amount not to exceed \$111,000.

Management Analyst Margie Riopel provided background information.

Supervisor De La Cruz asked about benefits for this matter.

Ms. Riopel indicated this was a contract with the City of Hollister and since the employee was a City employee, the City would be paying the benefits.

CAO Thompson indicated this was a services agreement and not an employment agreement with the City.

BOARD ACTION: *Upon motion duly made by Supervisor Monaco and seconded by Supervisor Marcus, **approved** an agreement with the City of Hollister to provide IT Management Services and oversight for the Information Technology Division in an amount not to exceed \$111,000 with a contract term of July 1, 2006 through June 30, 2007. Motion passed unanimously. (file #20)*

25) Regarding a Geographical Information System (GIS), consider the following:

- a) **Approve and authorize the Chair to sign a contract with Lynx Technologies in an amount not to exceed \$54,700 for maintenance**

- services, training and the development of a Strategic Plan for implementation and distribution of the County GIS project; and
- b) **Approve and authorize the Chair to sign on behalf of the County, the Memorandum of Understanding (MOU) with the City of Hollister, City of San Juan Bautista, San Benito County Water District, San Benito County Office of Education, Gavilan Joint Community College and the Council of Governments to fund the GIS Project with Lynx Technology.**

Management Analyst Margie Riopel indicated this was a collaborative effort and asked the Board to approve the request.

Discussion ensued.

BOARD ACTION: *Upon motion duly made by Supervisor Botelho and seconded by Supervisor Marcus,*

- a) **Approved and authorized the Chair to sign a contract with Lynx Technologies in an amount not to exceed \$54,700 for maintenance services, training and the development of a Strategic Plan for implementation and distribution of the County GIS project; and**
- b) **Approved and authorized the Chair to sign on behalf of the County, the Memorandum of Understanding (MOU) with the City of Hollister, City of San Juan Bautista, San Benito County Water District, San Benito County Office of Education, Gavilan Joint Community College and the Council of Governments to fund the GIS Project with Lynx Technology.**
(file #)

CLOSED SESSION:

26) **Conference with Legal Counsel - Anticipated Litigation**

- a) **Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9. Number of cases: 1**

County Board of Supervisors authorized retention of outside counsel on behalf of the Sheriff of County of San Benito regarding a criminal Grand Jury matter. (file #235.6)

- b) **Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9. Number of cases: 1**

Board of Supervisors authorized the initiation of litigation in the matter of County of San Benito vs. Francisco Vasquez, Olga Vasquez et al. (file #235.6)

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

Authority: California Government Code Section 54956.9(a)

- a) **Frank Del Carlo and Jimmy Hayhurst v. County of San Benito et. al**
No action taken. (file #235.6)

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

No action taken. (file #235.6)

PLANNING AND BUILDING – A. Henriques:

- 28) Regarding revisions to ranking system of San Benito County Growth Management Ordinance No. 733, consider the following:
- a) Introduce Ordinance, revising Chapter 31 of the County Code (Ordinance No. 733 as previously amended); and
 - b) Waive reading of said ordinance; and
 - c) Continue the item to the June 6, 2006 Board of Supervisors meeting for final adoption; and
 - d) Direct the Clerk of the Board to publish a summary of said ordinance in a newspaper of general circulation in the County of San Benito and post a certified copy of ordinance's full text at the San Benito County Administrative Office at least five (5) days before the June 6, 2006 Board of Supervisors meeting.

Planning Director Art Henriques provided a detailed background on this matter. Mr. Henriques indicated this has been discussed at numerous Planning Commission meetings, public hearings and received public comment on the matter.

Planner Byron Turner provided more detail on matter discussed at the Planning Commission.

Lengthy discussion ensued regarding the ranking of projects; low income/affordable housing issues and potential credits for same; whether or not the Transfer of Development Credits (TDC) committee had reviewed the matter; infrastructure matters; accountability factors; proposed traffic improvements around schools and the General Plan update project.

BOARD ACTIONS: *Upon motion duly made by Supervisor Marcus and seconded by Supervisor De La Cruz,*

- a) ***Introduced*** Ordinance, revising Chapter 31 of the County Code (Ordinance No. 733 as previously amended); and
- b) ***Waived*** reading of said ordinance; and
- c) ***Continued*** the item to the June 6, 2006 Board of Supervisors meeting for final adoption; and
- d) ***Directed*** that traffic improvement matter be relative to the proximity of schools and ***include*** affordable housing; and
- d) ***Directed*** the Clerk of the Board to publish a summary of said ordinance in a newspaper of general circulation in the County of San Benito and post a certified copy of ordinance's full text at the San Benito County Administrative Office at least five (5) days before the June 6, 2006 Board of Supervisors meeting. (file #790)

COUNTY ADMINISTRATIVE OFFICE:

- 29) Receive User Fee report and presentation from MuniFinancial representative.

Management Analyst Margie Riopel indicated the Board had signed an agreement in August, 2005 for the preparation of a User Fee Report. Ms. Riopel noted this was an informational report and before the Board could implement any suggested rate increases for services, a public hearing must be held and then the rates could be implemented.

CAO Thompson noted this was not a request for the Board to adopt new fees, but rather information on the methodology used and explained in the report.

Received power-point presentation from Quennelle Quartararo of MuniFinancial.

BOARD ACTION: *No action required – informational report only. (file #870)*

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 Tuesday, June 6, 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