



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 JUNE 6, 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, County Counsel Dennis Le Clere 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:

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

REGULAR AGENDA ITEMS:

ADMINISTRATIVE BUSINESS:

- 1) **Receive report from Superior Court Judge Steven Sanders on the new San Benito County Courthouse construction project and direct staff as appropriate.**

Received report from Superior Court Judge Steven Sanders who provided background information regarding the collaboration of the County of San Benito and the Superior Court with regards to the transfer of space within the existing Courthouse to the State of California. Judge Sanders noted that the County of San Benito rates #3 on a priority list of approximately 200 court projects statewide that was compiled by the Administrative Office of the Courts (the administrative division of the Judicial Council). Judge Sanders reported that San Benito County is one of six (6) projects that the State of California would like to proceed on and fund commencing with the budget year 2007/2008.

Judge Sanders further indicated that this is by no means a guarantee that a new courthouse will be constructed but it represents a significant opportunity for our community. Judge Sanders stated that there has been an overwhelmingly positive feedback from the local agencies and local business community to keep the site for the courthouse in the downtown area noting that there is a potential purchase of the Fremont School site.

Judge Sanders answered questions posed by the Board of Supervisors.

Court Executive Officer Gil Solorio reported that the next steps of the new Courthouse construction project include collecting information with regard to site acquisition, design and etc. Mr. Solorio stated that he was looking at this more as an opportunity than as a guarantee. Mr. Solorio reiterated that the collaborative effort going on has been essential up until now and until the time that the Department of Finance becomes involved.

No action taken. File #595

PRESENTATIONS / RECOGNITIONS:

2) Public recognition by City of Hollister Police Chief Jeff Miller to Juvenile Impact Program Award recipient as follows:

- ❖ **Acknowledge Probation Officers Claudia Huerta, Nick Rabago, Kiely Sheppard and Adam Sanders for their contributions to making the Juvenile impact program a success; and**
- ❖ **Acknowledge the Probation Department through these officers for efficiency in government by meeting a community need at no additional cost to the taxpayers.**

County Administrative Officer Susan Thompson noted that this item should actually have been agendaized for the June 13, 2006 meeting.

Upon motion made by Supervisor Monaco and seconded by Supervisor Monaco, continued this item to the June 13, 2006 meeting. (Unanimous) File #510

Public Comment: *There was no public comment.*

Department Head Announcements: County Administrative Officer Susan Thompson introduced our new County Counsel Dennis Le Clere noting this was his first Board meeting.

Mr. Le Clere stated it was a pleasure being here and he looked forward to working here in San Benito County.

Ms. Thompson also introduced Public Works Director Jerry Lo who has been with the County for three weeks.

Ms. Thompson informed the Board that she had received an invoice from the Water Resources Association for \$30.00 for an association membership for San Benito County and she inquired at the San Benito County Water District if the Board of Supervisors has taken action to become a member and she is waiting for clarification.

The Board directed Ms. Thompson to bring this back at a future meeting.

Ms. Thompson further announced that we are in a full-blown budget preparation mode and the proposed budget will be on the agenda of the June 27, 2006. Budget hearings will be scheduled for the first week in August.

Board Announcements, Introductions and Presentations: Supervisor Marcus informed the public that he and Supervisor Botelho are continuing to meet with the County Fire Department to bring forward a County Rural Residential Fire Sprinkler ordinance. Supervisor Marcus encouraged input from the public.

Supervisor De La Cruz announced that last weekend, Zeke Lopez, who is the boxing coach for kids here in Hollister, held an event that attracted over 200 kids and parents. Supervisor De La Cruz applauded Mr. Lopez for organizing this event.

Supervisor Monaco encouraged everyone to vote today, Election Day.

CONSENT AGENDA:

Upon motion made by Supervisor Botelho and seconded by Supervisor Monaco, approved Consent Agenda Items 1 through 14 with the exception of Items 3, 11 and 12 that were pulled for discussion. (Unanimous)

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 3) **Approve appointment of Sandra Mota, Dori Bannister and Muree Reafs as public interest members to the Substance Abuse Advisory Board each for three-year terms effective June 6, 2006 through June 6, 2009. File #1053**

Supervisor Botelho thanked these new appointees for showing interest in serving on the advisory board. Supervisor Botelho expressed his gratitude for individuals that serve their community in this capacity.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Monaco approved appointments as recommended. (Unanimous) File #1053*

FIRST 5 SAN BENITO – K. Castillo:

- 4) **Approved** agreement with the Tres Pinos Union School District in the amount of \$75,000 for the provision of “Rural Mobile Preschool” Program services with a contract term of July 1, 2006 through July 31, 2007 and **authorized** the Chair to sign said agreement. *File #155*
- 5) **Approved** agreement with the San Benito County Behavioral Health department in the amount of \$43,000 for the provision of “Parent, Child, Interactive Therapy” program services with a contract term of July 1, 2006 through July 31, 2007 and **authorized** Chair to sign said agreement. *File #155*
- 6) **Approved** agreement with the San Benito County Health & Human Services Agency in the amount of \$114,000 for the provision of “Great Beginnings” program services with a contract term of July 1, 2006 through July 31, 2007 and **authorized** Chair to sign said agreement. *File #155*
- 7) **Approved** agreement with the San Benito County Public Health Department in the amount of \$80,000 for the provision of “Healthy Pathways for Children” project services with a contract term of July 1, 2006 through July 31, 2007 and **authorized** Chair to sign said agreement. *File #155*
- 8) **Approved** agreement with the Aromas-San Juan Unified School District in the amount of \$64,000 for the provision of the “Health and Ready” program services with a contract term of July 1, 2006 through July 31, 2007 and **authorized** Chair to sign said agreement. *File #155*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 9) **Approved** Memorandum of Understanding (MOU) with the Department of Rehabilitation for One-Stop Career Center partner agency activities with a

contract term of July 1, 2006 through June 30, 2009 and **authorized** the Chair to sign said MOU. (CSWD) *File #939*

- 10) **Authorized** the Program Director, Health Officer, Agency Director and the Chair of the Board of Supervisors to sign Certification Statements regarding Compliance for Child Health and Disability Prevention (CHDP) and California Children's Services (CCS) programs. *File #130*

INTERNAL SERVICES / HUMAN RESOURCES:

- 11) **Approve three (3) job class specifications and set salary ranges as follows:**

- a) **Quality Improvement Supervisor with a current salary range of 26.3**
- b) **Desktop/Server Administrator with a current salary range of 22.3**
- c) **Server/Network Administrator with a current salary range of 25.3**

Supervisor Botelho asked for clarification stating that he thought they had already approved the Quality Improvement Supervisor.

County Administrative Officer Susan Thompson explained that the position had already been approved but this request was for job classifications and to set the salary ranges.

Jacki Credico, Management Analyst, further explained that in the IT agreement that was previously approved it included a position and we are adding two class specifications into the Class Title and Pay Plan in order to have flexibility for recruitment purposes.

Supervisor De La Cruz asked about the salary range. This information was brought back later in the meeting.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Marcus, approved the three (3) job class specifications and set salary ranges as recommended. (Unanimous) File #630*

- 12) **Proposed resolution authorizing the County Administrative Officer (CAO) to approve Industrial Disability Retirements for local Safety Employees and to make applications for Disability Retirement for all employees through the California Public Employees' Retirement System. (Res. No. 2006-38)**

Supervisor De La Cruz asked for clarification of this item.

Jacki Credico, Management Analyst, explained that currently when a safety officer retires out on a Industrial Disability Retirement, which is a Workers' Compensation claim that results in the inability to perform the essential functions of the job on a permanent basis, we have to bring a resolution to the Board of Supervisors for approval. This item is requesting that the Board authorize the CAO to approve those resolutions.

Lengthy discussion ensued regarding why was this practice set up that way before and how do other counties handle this practice and expressing concern that maybe the Board needs to be involved in the process.

Supervisor De La Cruz moved to deny this request. Supervisor Botelho seconded the motion.

Further discussion ensued and Supervisor De La Cruz rescinded his motion. Supervisor Botelho concurred.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, directed staff to bring back a report including the standard practices of other counties and why this procedure of Board of Supervisor's review is in*

place now and what are the risks of changing the current procedure; and, also directed staff to provide an annual report regarding applications for Disability Retirement for employees. (Unanimous) File #100

PROBATION DEPARTMENT – D. Botts:

- 13) **Approved** agreement with Fouts Springs Youth Facility in the amount of \$30,000 for the provision of placement of juvenile wards with a contract term of July 1, 2006 through June 30, 2007 and **authorized** the Chair to sign said agreement. *File #510*
- 14) Regarding augmentation of budget for carpet replacement at Juvenile Hall:
- a) **Approved** the reduction of expenditure line 1001224-623507 – Professional Services in the amount of \$4,226.00; and
 - b) **Approved augmentation** of the expenditure line 1001226-650106 – Building Improvements in the amount of \$4,226.00. *File #510*

REGULAR AGENDA :

BOARD OF SUPERVISORS:

- 15) **Proclamation honoring National Flag Week and National Flag Day June 14th. (Supervisor De La Cruz)**

Supervisor De La Cruz introduced Linda Stamatopoulos who has been heading a program to educate the community about the American Flag. Ms. Stamatopoulos announced that on June 11th between 1:00 p.m. and 5:00 p.m. there would be a picnic with lots of activities at Dunn Park in celebration of Flag Day, which is June 14th. Ms. Stamatopolous encouraged the public to attend.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco, approved proclamation honoring National Flag Week and National Flag Day on June 14th and authorized the Chair to sign. (Unanimous) File #430*

SAN BENITO COUNTY RESOURCE CONSERVATION DISTRICT:

- 16) **Consider request that San Benito County Board of Supervisors issue a letter of support to the State Water Resources Control Board in support of the Santa Cruz Resource Conservation District's grant proposal to develop a Permit Coordination Program in San Benito County**

Leticia Hain, Pajaro Watershed Project Coordinator, San Benito Resource Conservation District, came forward on behalf of the Board of the San Benito Resource Conservation District. Ms. Hain requested a letter of support for a grant proposal for funds that are being offered by the Regional Water Quality Control Board and explained that this proposal is being written collaboratively between the Santa Cruz and San Benito Resource Conservation District (SBRCD). Ms. Hain explained the purpose of the SBRCD noting that the project proposes to develop a Permit Coordination Program in San Benito County and Southern Santa Clara County, implement a minimum of 12 conservation practices and provide cost-share funding and assistance in the implementation of those conservation practices throughout the Pajaro Watershed region.

Supervisor Marcus asked if there was a timeline for the application of the grant and would the letter be imperative.

Ms. Hain stated that the grant proposal is due on June 9, 2006 noting she included a sample letter of support for use by the Board of Supervisors.

Question and answer period ensued. The Board members expressed concerns about the benefit and the impact of this project and the issues surrounding the Pajaro River watershed, which is a very sensitive issue, and indicated that a meeting with the Inter-Governmental Committee would be advantageous.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Monaco, referred this matter to the Inter-Governmental Committee for further study and return to the Board of Supervisors on July 5, 2006 for consideration. (Unanimous) File #1059*

PLANNING AND BUILDING DEPARTMENT – A. Henriques:

- 17) **Adopt Ordinance revising San Benito County Code, Chapter 31 (Growth Management Ordinance) sections 31-13.1 and 31-13.2 Preliminary Allocations Ranking System and adding section 31-13.3 tie breaking procedures; and, direct Clerk of the Board to publish summary of said ordinance and post a certified copy of the full text in the office of the Clerk of the Board within 15 days of its adoption.**

Planning Director Art Henriques provided background information noting that staff has made the additional revisions as requested by the Board of Supervisors when last reviewed. Clarifications under the affordable housing section were included and also clarified under the transit section to focus on school transit versus mass transit system. Also the tiebreaker system was detailed in the ordinance.

BOARD ACTION: *Upon motion made by Supervisor Marcus and seconded by Supervisor De La Cruz, adopted **Ordinance No. 797** revising San Benito County Code, Chapter 31 (Growth Management Ordinance) section 31-13.1 and 31-13.2 Preliminary Allocations Ranking System and adding section 31.13.3 tie breaking procedures; and, directed the Clerk of the Board of Supervisors to publish a summary of said ordinance and post a certified copy of the full text at the San Benito County Administrative Office within 15 days of its adoption. (Unanimous) File #790*

BOARD OF SUPERVISORS:

- 18) **Consider letter of support for AB2840 (Benoit) regarding auto insurance rates. (Supervisor Marcus)**

Supervisor Marcus reported that AB2840 requires that before any changes can be made to the way auto insurance rates are calculated, a statewide study must be done to ensure that the changes will result in rates which are fair and based on actual costs to provide insurance to each driver. Supervisor Marcus stated that the Regional Council of Rural Counties (RCRC) believes this bill will help ensure drivers are not forced to unfairly subsidize unjustified rate decreases for other drivers and would unfairly penalize small counties like San Benito.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Botelho directed staff to forward letter to the Assembly Insurance Committee supporting AB2840 (Benoit) and authorized the Chair to sign said letter. (Unanimous) File #156.1*

- 19) **Consider letter of opposition to AB2469 (Evans) altering the current realignment structure for In Home Supportive Services (IHSS) and allowing**

**advance payments for counties with populations of 250,000 or less.
(Supervisor Marcus)**

Kathy Flores, Health & Human Services Agency Director, came forward explaining that this legislation would give priority to one program, the In-Home Supportive Services Program, over other programs in our community that are also badly needed and also state mandated. Ms. Flores stated it was her understanding that the way this legislation would work is that small counties such as ours could request an advance from re-alignment funds out of social services re-alignment. This could cause having to turn people away and we may have to ask for more money from General Fund for other state mandated programs.

Supervisor De La Cruz noted that even if we don't support this legislation we are still going to have to get money from the General Fund.

County Administrative Officer Susan Thompson stated that this is a very contentious bill and it doesn't offer the Board of Supervisors any value in the financing scheme and could send the wrong message to the public about IHSS and its priority over other health and welfare programs.

Supervisor Marcus stated that RCRC adamantly opposed this bill.

Supervisor Monaco commented that larger counties are the ones that are pushing for opposition of this bill because it changes their status or rankings in applying for re-alignment funds from the State of California and basically would put them at a disadvantage to smaller counties. Supervisor Monaco said his understanding is that this does not put IHSS in any superior position.

BOARD ACTION: *Supervisor Marcus made a motion to forward a letter to the Assembly Human Services Committee opposing AB2469 (Evans) and authorize the Chair to sign said letter. Chair Loe seconded the motion.*

Roll Call Vote:

Supervisor Monaco -	No
Supervisor De La Cruz -	No
Supervisor Botelho -	No
Supervisor Marcus -	Yes
Supervisor Loe -	Yes

The motion failed 2-3. File #156.1

ADMINISTRATIVE BUSINESS:

20) Ratify appointment and approve employment contract with Richard Inman for the position of Internal Services Director / Assistant County Administrative Officer effective June 19, 2006. (CAO)

County Administrative Officer Susan Thompson introduced Richard Inman who will be beginning the position of Internal Services Director/Assistant County Administrative Officer after ratification of this appointment by the Board of Supervisors.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus, ratified appointment of, and approved employment contract, for Richard Inman, Internal Services Director/Assistant County Administrative Officer effective June 19, 2006.*

Mr. Inman came forward stating he was excited about being a part of the San Benito County family and he is looking forward to getting to know and work with everyone here. Mr. Inman introduced his wife and two daughters who were present at the meeting. *File #630*

21) Consider availability of 7.57-acre parcel adjacent to Ladd Lane School and direct staff as appropriate. (CAO)

County Administrative Officer Susan Thompson provided background information stating that this item was agendaized per direction by the Board of Supervisors at the previous Board meeting. Ms. Thompson reported that the county received a courtesy notice from the School District of this 7.57 acre surplus property and they are obligated under law to inform all local agencies when there is surplus property.

Sheriff Curtis Hill came forward stating that he is a member of the Board of Managers of the YMCA and also serves on the Land Acquisition Committee and they have been looking into this site for approximately four and a half years now and this is a site that is endorsed by the community. Sheriff Hill recommended that the Board of Supervisors not pursue this acquisition stating this is a very positive project for this county.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, moved to not pursue acquiring the 7.57-acre parcel adjacent to the Ladd Lane School and to notify the School District of this decision. File #13*

Closed Session was added to the June 9, 2006 Board of Supervisors Agenda as follows:

CLOSED SESSION:

The Board adjourned into Closed Session and reconvened into Regular Session re:

22) Conference with Legal Counsel – Existing Litigation

Authority: California Government Code Section 54956.9(a)

a) John Sarsfield, San Benito County District Attorney vs. San Benito County Board of Supervisors.

No reportable action. 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 at to its next regularly scheduled meeting on, Tuesday, June 13, 2006 at 9:30 a.m.

PAT LOE, CHAIR

San Benito County Board of Supervisors

ATTEST:

Linda Churchill, Clerk of the Board