



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 JULY 5, 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:

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

c) **Public Comment:** Joe Thompson, Tres Pinos resident, stated he was again pointing out some things that the Board of Supervisors should act on. Mr. Thompson stated he felt that the last meeting of the Council of Governments (COG), which was a special meeting, was given insufficient notice for a meeting to discuss matters of public finance, budgeting and the spending of public tax dollars and he felt that was improper. Mr. Thompson felt that there was mismanagement going on and the Board needs to make everyone accountable to the voters.

Further Mr. Thompson withdrew a request that the Board take action on his letter dated June 24, 2004, which he has submitted numerous times, and an answer has finally come with regards to the Valley Transportation Authority indictment by the Grand Jury. The answer was given by the Santa Clara County voters in denying Measure A in that county and also defeated in Monterey County.

Web Winans, Lovers Lane resident, stated that he has listened to Joe Thompson for many weeks speaking about some problems, irregularities and some things that ought to be done and never has the Board of Supervisors taken one step to agendize these items so we can hear them out and find out what can be done about it. Mr. Winans felt that Mr. Thompson's knowledge and expertise is worth listening to and he would like to see it talked about to try and get some solutions for this transportation issue.

d) **Department Head Announcements:** County Administrative Officer Susan Thompson announced that the County has hired an Interim Librarian, Jennifer Waterson

who will start on July 24, 2006. Ms. Thompson stated that she understands that Ms. Waterson will be an applicant for the permanent position of County Librarian.

e) **Board Announcements, Introductions and Presentations:** Supervisor De La Cruz reported that he recently attended the Boy's and Girl's Club of Salinas and he felt it was a very educational visit and it would be in the County's best interest to explore this club in San Benito County which is free to all who attend and he is going to pursue getting it started here.

Supervisor De La Cruz stated that he was not very happy with what happened with the 4th of July Independence Day rally. Supervisor De La Cruz stated that while he has great respect for the men and women in uniform, who did a wonderful job, he felt that the county and city dropped the ball on this event and a lot of businesses lost money and he was going to support this event for next year.

Supervisor Monaco stated that he was pleased that there were no serious issues that developed during the 4th of July weekend and he felt that we need to step back and take a look at how we want to manage this weekend in the future and we need to re-assess how to capitalize on this event.

Supervisor Botelho commented that with regards to holding a special COG meeting, which was posted properly, there were two topics. One was a budget study session, which really emphasized some assistance to the Board members on how to read a very complex, governmental budget. Supervisor Botelho stated this was more of a study session and not a decision-making meeting. Further Supervisor Botelho stated that the second topic was a presentation given by CalTrans on the 156 Highway widening project and there was a terrific turn out noting that it must have been an open process.

Supervisor Marcus reported that he and Supervisor Monaco met with County Administrative Officer Susan Thompson and adjoining staff to meet with architects again on courthouse security and he would continue to report out as we move ahead with this project.

Chair Loe recognized Craig Goldstein of CMAP who has been televising the Board meetings for a long time and he has been a great help to us in preparing for public events. Chair Loe wished Mr. Goldstein well in his new endeavors.

CONSENT AGENDA:

Upon motion made by Supervisor Botelho and seconded by Supervisor Monaco approved Consent Agenda Items 1 through 11 with the exception of Items 4, 5, 6, 7, 8 and 10 that were pulled for discussion. (Unanimous)

Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus, approved Consent Agenda Items 12 through 15. (Unanimous)

BOARD OF SUPERVISORS:

1) **Declined** request from the Santa Cruz County Resource Conservation District for letter of support for a grant proposal to develop a Permit Coordination Program in San Benito and Southern Santa Clara County. (Supervisors Loe and Marcus) *File #1059*

2) **Approved** response to the Grand Jury Report dated April 18, 2006 re: Health and Safety Issues at the San Benito High School Campus; **authorized** Chair to sign said

response and forward to the presiding Judge of the Superior Court of California, San Benito County. *File #605*

CLERK OF THE BOARD:

- 3) ***Approved*** the minutes of the meeting of June 13, 2006.

COUNCIL OF GOVERNMENTS (COG) – T. Quigley:

Supervisor Marcus asked for an explanation as to how the contracts (Items 4 through 8) work.

Tom Quigley, Director of COG, explained that basically all of the COG employees are county employees and therefore there needs to be a written agreement each year that the county supplies these employees to COG and this is just a formality noting that the County does not pay for any of these salaries and benefits for employees to operate COG or the local transit.

Lengthy discussion ensued with regards to how time is spent for the various services, how the money is dispensed, where the money comes from and what, if any, authority the Board has with regards to COG's budget.

Joe Thompson, Tres Pinos resident, commented that Cal Trans announcement that they were going to have a Town Hall meeting about the Highway 156 GAP project was published in the newspaper; however, COG did not make it a special meeting according to his e-mail until about the same hour that the meeting was about to start which he does not consider appropriate.

Mr. Thompson stated that Items 4 through 8 on the Consent Agenda indicate to him that it is revealing of the structural flaw and ambiguity that exists in the enabling legislation. There is no clear, definitive guidance for local government of where COG's power ends and how it infringes on, and what it infringes on, of previously existing local government.

Further discussion ensued with regards to the JPA formed between COG and the County and how the money is budgeted for salaries and benefits.

It was the consensus of the Board that the Board of Supervisors representatives to COG should follow direction of the full Board of Supervisors and report to the Board on key issues.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus approved Items 4 through 8 as recommended. (Unanimous)*

- 4) ***Approved*** agreement with Airport Land Use Commission for professional and clerical services for fiscal year 2006/2007. *File #1035*
- 5) ***Approved*** agreement with the Council of Governments for professional and clerical services for fiscal year 2006/2007. *File #1035*
- 6) ***Approved*** agreement with the Local Transportation Authority for professional and clerical services for fiscal year 2006/2007. *File #1035*
- 7) ***Approved*** agreement with the Measure A Authority for professional and clerical services for fiscal year 2006/2007. *File #1035*
- 8) ***Approved*** agreement with the Service Authority for Freeways & Expressways for professional and clerical services for FY 2006/2007. *File #1035*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 9) **Approved** Declaration of Intent **not** to apply for FY2006/2007 Rural Health Services (RHS) Program funding and **authorized** Chair to sign said Declaration. *File #420*
- 10) **Approval agreement renewal with Labor Consultants of California in an amount not to exceed \$3,900 to complete labor standards enforcement and review related to rehabilitation of the Unaccompanied Adult Labor Camp with a contract term of July 1, 2006 through June 30, 2006 and authorize the H&HSA Director to sign on behalf of the County.**
Supervisor Botelho excused himself from this item since he serves on the San Benito County Labor Association, which could be a potential conflict.
BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Marcus, approved agreement renewal with Labor Consultants of California as recommended. (4-0 Vote. Supervisor Botelho abstained.)*
- 11) **Approved** agreement with the Hollister School District in the amount of \$2,231.40 for the provision of summer school nursing services with a contact term of July 6, 2006 through August 2, 2006 and **authorized** the H&HSA Director to sign on behalf of the County. *File #420*

PUBLIC WORKS – J. Lo:

- 12) **Approved** request to declare HHSA vehicle as surplus per County procedure and remove from inventory. *File #105*
- 13) **Approved** request to declare Planning & Building Department equipment as surplus per County procedure and remove from inventory. *File #105*
- 14) **Approved** request to declare H&HSA equipment as surplus per County procedure and remove from inventory. *File #105*

SHERIFF – C. Hill:

- 15) **Approved** annual agreement with Executive Information Services (EIS) in the amount of \$6,000 for software maintenance services with a contract term of July 1, 2006 through June 30, 2007. *File #105*

REGULAR AGENDA:

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 16) **Receive report and provide direction to the West Nile Task Force regarding the long term funding options for mosquito abatement.**
Kathy Flores, Health & Human Services Agency Director provided background information noting that at the May 9, 2006 meeting, the Board of Supervisors directed the West Nile Virus Task Force to develop options for funding mosquito abatement activities the long term.
Paul Matulich, Ag Commissioner, reported that all applications for larvicide have been completed in storm drains for CSA's and the cities and they have followed up on a

few complaints around the county about mosquito problems. Mr. Matulich stated that the trapping program conducted once a week shows negative finds.

Matt Fore, Environmental Health Department, presented a report detailing the advantages and disadvantages of two options: 1) Inter-agency Cost Sharing; and, 2) Formation of a Mosquito Abatement District.

Discussion ensued with question and answer period.

BOARD ACTION: *Directed staff to pursue obtaining a consultant to help with the formation of a Mosquito Abatement District and bring back a contract at the meeting of July 25, 2006 or August 1, 2006 for consideration by the Board of Supervisors. File #130*

ADMINISTRATIVE BUSINESS:

17) Receive status report on the San Benito County Water and Wastewater master plan project.

Harry Blohm, Project Manager for the Hollister Urban Area Water and Wastewater Management Plan, began his report by stating that his report is strictly related to the Master Plan and not the City of Hollister's progress on its wastewater treatment plan. Mr. Blohm stated that this report has been presented the public.

Mr. Blohm provided a Power Point presentation after which a question and answer period took place.

BOARD ACTION: *Received report. File #695*

18) Consider membership to the Water Resources Association of San Benito County.

County Administrative Officer Susan Thompson provided background information stating that the County has been invited to become associate members (non-voting membership) of the Water Resources Association of San Benito County with membership due in the amount of \$30.00.

Discussion was held and Board requested more information.

BOARD ACTION: *Chair directed staff to have John Gregg, Manager of the San Benito County Water District, present at the July 25, 2006 meeting, or a future meeting, to answer questions regarding the Water Resources Association of San Benito County. File #695*

19) Receive Council of Governments (COG) update.

Tom Quigley, COG Director, provided an update including the Highway 25 Bypass; Highway 156 GAP; Highway 25 Safety Project; and the bond scheduled for November 2006 that would fund such things as Public Transportation Modernization, Improvement and Service Enhancement and is limited to capital that doesn't pay for any operating expenses.

Discussion was held including topics such as transportation issues, impact fees and toll roads.

Mr. Quigley indicated that he would be report to the Board of Supervisors on a monthly basis and he would be available to come more often for specific topics if requested.

Report received. No action taken. File #1035

Urgency Item:

County Counsel Dennis Le Clere requested the addition of Item 20, which arose after the posting of the agenda to be listed as follows:

20) Closed Session

Conference with Legal Counsel – Existing Litigation
Government Code Section 54956.9

1 Case – Sarsfield vs. San Benito County Board of Supervisors,
etal. (Case #CU0600100)

County Counsel Le Clere asked the Board to make findings that the matter arose after the posting of the agenda and the need to consider the matter is immediate.

Upon motion made by Supervisor Monaco and seconded by Supervisor Botelho, added Item 20, Closed Session, to the agenda with findings as recommended by County Counsel. (Unanimous)

Supervisor Botelho asked why this could not be discussed in open session.

County Counsel Le Clere explained that it was because this is existing litigation and the attorney/client relationship would not be protected.

The Board adjourned into Closed Session and reconvened into open session re: Urgency Item 20.

No reportable action.

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, July 25, 2006 at 9:30 a.m.

PAT LOE, CHAIR

San Benito County Board of Supervisors

ATTEST:

Linda Churchill, Clerk of the Board