



# 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

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County Administration Building – Board of Supervisors Chambers, 481 Fourth Street, Hollister, California

## REGULAR MEETING AUGUST 1, 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.

<b>9:30 a.m. CALL TO ORDER:</b>
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- a) *Pledge of Allegiance was led by Supervisor Marcus.*
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- c) **Public Comment:** Joe Thompson, County resident, stated that he disagreed with the comment in the newspaper that COG (Council of Governments) is a Regional Transportation Advisory Board calling it a committee which it is not and to the extent that COG's powers grow and enlarge, it's largely at the expense of the Board of Supervisors powers. Mr. Thompson stated that you cannot correct the unsound and unsustainable policy that we presently have by changing COG's personnel. Mr. Thompson said this was the appropriate time to seize this opportunity and say we are going to change COG's policy because until and unless we do that, we are going to continue down a road that has Chapter 9 Bankruptcy written all over it. Mr. Thompson recommended that the Board take a look at the critique that he had written for the COG Director (and shared with all of the Board) and base future policy of COG on truth in transportation and not hypocrisy.

Martin Richman, County resident, commented with regards to the possible impact of the City of Hollister Housing Opportunity Act noting that the initiative that will be going on the ballot in November, which is a change in the City of Hollister General Plan, currently applies to land that is in San Benito County, even though it's within the City's planning influence. Mr. Richman stated he was very concerned about this proposed development because it is the objective of the folks who put the initiative on the ballot that they would like to have that land annexed by the City of Hollister. Mr. Richman requested that the Board of Supervisors direct the Planning Commission of San Benito County to take a look at this possibility and get some kind of reading on the possible

impact that it would have financially on both entities and how it would affect the planning in the City versus the planning in the County.

d) **Department Head Announcements:** County Administrative Officer Susan Thompson expressed condolences to Health & Human Services Agency Director Kathy Flores whose father passed away over the weekend noting that HSA staff was present on behalf of Ms. Flores at today's meeting.

Ms. Thompson further reported that staff is actively preparing for Budget Hearings which will begin on Thursday, August 10, 2006 at 9:00 a.m.

Supervisor De La Cruz asked about a report with regards to the District Attorney's office.

County Counsel Dennis Le Clere responded that this report would be given in Closed Session today.

e) **Board Announcements, Introductions and Presentations:** Supervisor Botelho stated that in response to Mr. Richman's public comment he had directed staff a couple of months ago to come back with a report on the Del Webb project and he is hoping that will come before the Board of Supervisors long before the election in November.

Planning Director Art Henriques responded that staff is working on this report and anticipates having it on the agenda sometime in August.

Supervisor Botelho reported that there are a lot of big projects that COG is working on and they do evaluate the local transit authority office and try to find ways to make it a more efficient operation within the state mandate guidelines that we have to work under noting we are moving forward on the Highway 25 Bypass.

Supervisor Botelho read excerpts from Mr. Thompson's recommendations and critique stating that as a COG Director he knows that all five COG Directors try very hard in trying to run that organization, noting that it is Joint Powers Authority, and they work together with the Cities of San Juan Bautista and Hollister to meet transportation needs now and into the future and they will continue to do that.

Supervisor Monaco reported that he and his wife attended a very interesting presentation by the Pinnacles National Monument regarding the condor release program and he encouraged the public to attend one of these presentations and become familiar with this successful program.

Supervisor De La Cruz reported that he attended a special meeting of the City of Hollister yesterday and one of the items discussed that got his attention was the 1% sales tax increase proposed for the November ballot noting that this should be considered carefully.

Supervisor De La Cruz further announced on August 14, 2006 at 7:00 p.m. he would be holding a Town Hall meeting to discuss the raised wastewater rates for the City of Hollister.

#### **CONSENT AGENDA:**

*Upon motion made by Supervisor Botelho and seconded by Supervisor De La Cruz, approved Consent Agenda Items 1, 5, 6 and 10 noting a correction to Item 10 correcting the resolution number to read Resolution No. 2006-78 and pulling the remainder of Consent Agenda Items for discussion. (Unanimous)*

**AG COMMISSIONER – P. Matulich:**

- 1) **Approved** agreement with the State Department of Food & Agriculture in the amount of \$5,922.38 regarding the Sudden Oak Death Program for Fiscal Year 2006/2007. *File #1*

**BEHAVIORAL HEALTH – A. Yamamoto:**

- 2) **Approve agreement with San Jose Care & Guidance for a maximum annual amount of \$89,000 for the provision of sub-acute level skilled nursing services with a contract term of July 1, 2006 through June 30, 2007.**

Supervisor De La Cruz asked if there was any General Fund allocation out of this program.

Mental Health Director Alan Yamamoto answered no there are no General Fund monies used for this program.

**BOARD ACTION:** *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco, approved agreement with San Jose Care & Guidance as requested. (Unanimous) File #810*

- 3) **Approve contract renewal with Project 90 for a maximum total of \$51,748 for substance abuse residential treatment facilities with a contract term of July 1, 2006 through June 30, 2007.**

Supervisor De La Cruz questioned the effective date of July 1, 2006.

Mental Health Director Alan Yamamoto explained that it is extremely difficult to prepare all of the contract renewals and get everyone of them to land within a time frame that fits right on July 1<sup>st</sup>. Mr. Yamamoto stated that there are some delays that are out of his control and part of it relates to negotiations with the contractor, part of it relates to when Board meetings occur and when the contract gets back to him.

**BOARD ACTION:** *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco, approved contract renewal with Project 90 as requested. (Unanimous) File #810*

**FIRST 5 SAN BENITO – K. Castillo:**

- 4) **Regarding proposed ordinance amending Chapter 5-D of the County Code, consider the following:**
  - a) **Introduce ordinance; and**
  - b) **Waive reading of said ordinance; and**
  - c) **Continue item to the meeting of August 8, 2006 for adoption of said ordinance.**

This item was moved to the end of the Consent Calendar for consideration.

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

- 5) **Approved** appointment of Pat Turturici of the San Benito County Sheriff's Department, to the Youth Employment Program (YEP) Council, a division of the Workforce Investment Board (WIB), representing the juvenile justice and local law enforcement agencies effective August 1, 2006. *File #939*
- 6) **Approved** appointment of Elena de la Puerta, of the Hollister Youth Alliance, to the Youth Employment Program (YEP) Council, a division of the Workforce

Investment Board (WIB), representing youth activity organizations effective August 1, 2006. *File #939*

- 7) **Approve agreement with Annette Hernandez in an amount not to exceed \$5,736 for the provision of summer youth academic enrichment and leadership development services with a contract term of August 1, 2006 through August 31, 2006 and authorize the H&HSA Director to sign on behalf of the County.**

Supervisor De La Cruz asked why this contract was not bid out.

Community Services and Workforce Development Deputy Director Maria Fehl responded that they did bid out but this was the only contractor to submit a bid.

**BOARD ACTION:** *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Botelho, approved agreement with Annette Hernandez as requested. (Unanimous) File #939*

- 8) **Approve agreement with Kathleen Sheridan in the amount of \$1,200 to facilitate CSWD Advisory Board training with a contract term of August 7, 2006 through November 30, 2006 and authorize the H&HSA Director to sign on behalf of the County.**

Supervisor De La Cruz asked if there was anyone else who could provide this training.

Ms. Fehl responded that this was the lowest bid they received.

**BOARD ACTION:** *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco, approved agreement with Kathleen Sheridan as requested. (Unanimous) File #939*

#### **INTERNAL SERVICES – R. Inman:**

- 9) **Consider Memorandum Of Understanding (MOU) between the Counties of Santa Clara, Santa Cruz, Monterey and San Benito for the development of a Microwave Radio Communications Urban Area Security Initiative (UASI) project and authorize the County Administrative Officer to sign on behalf of the County.**

County Administrative Officer Susan Thompson noted that the MOU still required signatures and asked to continue this item.

**BOARD ACTION:** *Upon motion made by Supervisor Marcus and seconded by Supervisor De La Cruz, continued this item to the August 8, 2006 meeting. (Unanimous)*

#### **NORTH COUNTY JOINT UNION ELEMENTARY SCHOOL DIST:**

- 10) **Adopted Resolution No. 2006-78 authorizing the Board of Trustees to issue and sell general obligation bonds of the District on its own behalf pursuant to State law. *File #13***

#### **SHERIFF – C. Hill:**

- 11) **Approve agreement with the City of San Juan Bautista in the amount of \$168,000 for the provision of Deputy services with a contract term of July 1, 2006 through June 30, 2007.**

Supervisor De La Cruz asked why we used Ford Motor Credit and not use a bidding process and seek out the lowest bidder.

Sheriff Curtis Hill responded that in the purchase of vehicles for the Sheriff's Department the State Bid process used for police vehicles are through Ford and under current County policy that is the process that is being used currently.

**BOARD ACTION:** *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Marcus, approved agreement with the City of San Juan Bautista as requested. (Unanimous) File #110*

**FIRST 5 SAN BENITO – K. Castillo:**

- 4) **Regarding proposed ordinance amending Chapter 5-D of the County Code, consider the following:**
- a) **Introduce ordinance; and**
  - b) **Waive reading of said ordinance; and**
  - c) **Continue item to the meeting of August 8, 2006 for adoption of said ordinance.**

Kathy Castillo, Executive Director of First 5 San Benito, requested consideration of an ordinance amendment to change Chapter 5-E of the San Benito County Code noting that this is a correction to a typographical error that stated 5-D. Ms. Castillo explained that there was legislation passed in 2005 (AB109), which required that a new sub-section be added to the existing ordinance.

Supervisor De La Cruz noted that there was a comma included in Section 5-D-12, Duties, that was incorrect.

**BOARD ACTION:** *Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz moved to waive the reading of said ordinance and continued the item to the August 8, 2006 meeting for adoption of the ordinance as corrected. (Unanimous) File #155*

<b>REGULAR AGENDA:</b>
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**COUNTY CLERK / AUDITOR / RECORDER – J. Hodges:**

- 12) **Receive report on the new voting system and update on the June 6, 2006 Primary Election.**

County Clerk/Auditor/Recorder John Hodges reported that this was the first election in which our new equipment and voting touch screen was used. Mr. Hodges stated that voters participating responded very well to this new system and he was very pleased with the operations of this election.

Question and answer period ensued.

Martin Richman, County resident, came forward asking if there was any system that works better for counting absentee ballots than just hand counting.

Mr. Hodges responded that absentee ballots are counted by machine and not by hand.

*Report received. No action required. File #285*

**INTERNAL SERVICES – R. Inman**

- 13) **Consider salary adjustments for additional duties for Sheriff, Director of Health & Human Services Agency, and Director of Behavioral Health.**

Rich Inman, Director of Internal Services, provided background information, stating that previously the Board of Supervisors took action to reorganize three departments and consolidate functions. The Communications function was assigned to the Sheriff-Coroner, the Substance Abuse function was assigned to the Director of Behavioral Health and the Emergency Medical Services function was assigned to the Director of Health & Human Services Agency and at that time the question was should there be consideration of additional compensation based on those assigned duties. Mr. Inman provided a staff report recommending that there should be some adjustments to those departments.

Lengthy discussion ensued regarding whether or not these salary adjustments were warranted.

Web Winans, County resident, commented that these are government jobs that are better paid than private business and the benefits that are carried on after retirement. Mr. Winans felt the county does not need to keep raising salaries noting that there are a lot of raises that have already been implemented.

Sally Bettencourt, County resident, added to Mr. Winan's comments stating that she is always reading about budget shortfalls and she has been seeing a lot of raises for high ranking employees noting that recently the Chair was protested by workers in the Health Care services who were looking for a raise, and comparing this to these high ranking employees is something she can't support.

**BOARD ACTION:**

*Supervisor Botelho made a motion to deny the request for salary adjustments for the Sheriff, Director of H & HSA, Director of Behavioral Health, Undersheriff and Assistant Director of H & HSA and requested a roll call vote. Supervisor De La Cruz seconded the motion.*

*Roll Call Vote:*

<i>Supervisor Monaco -</i>	<i>No</i>
<i>Supervisor De La Cruz -</i>	<i>Yes</i>
<i>Supervisor Botelho -</i>	<i>Yes</i>
<i>Supervisor Marcus -</i>	<i>No</i>
<i>Supervisor Loe -</i>	<i>No</i>

*The motion failed 2-3.*

*Supervisor Marcus made a motion to approve salary increases as follows:*

- 1. 5% salary increase effective 1/14/06 to Sheriff-Coroner.*
- 2. 5% salary increase effective 3/24/06 to Director Behavioral Health.*
- 3. 2% salary increase effective 1/14/06 to Director H & HSA.*
- 4. Minor annual increase to Undersheriff (\$386.46 annually) effective 1/14/06.*
- 5. 3.7% salary increase effective 1/14/06 to Assistant Director H & HSA.*

*Supervisor Loe seconded the motion.*

Under the question. Supervisor De La Cruz asked to amend the motion to include roll call vote.

Supervisor Marcus agreed to amend the motion. Supervisor Loe concurred.

Roll Call vote:

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

The motion passed 3-2.

Supervisor De La Cruz asked if this action required a 4/5 vote or a simple majority.

County Counsel Dennis Le Clere responded it required a simple majority.

File #630

**14) Approve agreement for professional services re: conceptual design and planning for the Courthouse Security Project with Wald, Ruhnke and Dost.**

Management Analyst Margie Riopel provided background information stating this project is a collaborative effort of Superior Court and the County to address levels of security in the courthouse building that has resulted in two common security goals. The first is to establish a single-point of entry into the courthouse and secondly to establish an inmate entry.

The Board members commented with regards to this proposal.

**BOARD ACTION:** Upon motion made by Supervisor Botelho and seconded by Supervisor Marcus, approved the contract for professional services for conceptual design and planning for the Courthouse Security Project with Wald, Ruhnke and Dost for an amount not to exceed \$10,000. (Unanimous) File #595

**PUBLIC WORKS – J. Lo**

**15) Proposed resolution authorizing the donation of County owned land to the Superior Court of California as an alternative site for construction of a new Courthouse.**

Assistant Public Works Director Arman Nazemi reported that there have been reports and discussion of constructing of a new courthouse facility in San Benito County due to current need, future expansion and the fact that the existing facility does not meet the criteria set by California Superior Court; therefore, the San Benito County Superior Court wishes to demonstrate to the State of California Department of Finance, as part of the application process, an alternative site for new courthouse location and related financing purposes.

Court Executive Officer Gil Solorio clarified that the Board of Supervisors is not under any requirement to provide land for this particular project and it is a mechanism that we are hoping will add to the proposal overall that is prepared right now for delivery to the Department of Finance. Mr. Solorio stated that this is both a symbolic and practical in terms of including this particular parcel as a secondary consideration to the parcel that has already been donated by the City of Hollister meaning that this is merely a back-up to the preferred site which is the old Fremont School site.

Question and answer period ensued. It was emphasized that this action puts us in a better position to deal with the California Department of Finance and demonstrates

to them that we are very serious about this project and noting that the Fremont Site is the number one site for this project.

**BOARD ACTION:** *Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz adopted Resolution No. 2006-79 approving the donation of five (5) acres of county owned property located on Flynn Road, commonly referred to Jail-Juvenile Hall site, to the Superior Courts of California for a new courthouse site in San Benito County. (Unanimous) File #595*

**BOARD OF SUPERVISORS:**

- 16) **Approve responses to Grand Jury Report dated May 23, 2006 regarding the Juvenile Hall and Probation Department and direct staff to forward responses to the Presiding Judge of the Superior Court of California, San Benito County. (CAO)**

County Administrative Officer Susan Thompson reported that the actual written response to the Grand Jury for two reports that they issued on May 23, 2006 and June 12, 2006 was included in the Board's packet. These two reports are a requirement of the Grand Jury. Ms. Thompson noted that both reports have already been responded to by the Chief Probation Officer and have been attached to the formal response.

**BOARD ACTION:** *Upon motion made by Supervisor Botelho and seconded by Supervisor Monaco, approved the response to the May 23, 2006 and July 12, 2006 Grand Jury reports regarding the Juvenile Hall and Probation Department, authorized the chairman to sign a transmittal letter and directed staff to forward pertinent documents to the Presiding Judge of the Superior Court within the mandated response period. (Unanimous) File #605*

**ADMINISTRATIVE BUSINESS:**

- 17) **Consider re-scheduling of canceled Board Retreat.**

County Administrative Officer Susan Thompson provided background information stating that the Board previously canceled the Board Retreat scheduled for June 15, 2006 noting that according to the original schedule there is a Board Retreat scheduled for October 12, 2006.

Discussion ensued with suggestions for the agenda for the next Board Retreat and whether or not a facilitator is needed.

**BOARD ACTION:** *Upon motion made by Supervisor Marcus and seconded by Supervisor De La Cruz, directed staff to set the next Board Retreat for the already scheduled October 12, 2006 date and directed staff to prepare a prior set of guidelines for the Board of Supervisors to review and work with Administration to prepare an agenda. (Unanimous) File #156*

**CLOSED SESSION:**

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

- 18) **Conference with Legal Counsel – Existing Litigation**

Authority: California Government Code Section 54956.9(a)

- a) John Sarsfield vs. San Benito County Board of Supervisors (Case #CU-06-00062)
- b) John Sarsfield vs. San Benito County Board of Supervisors



(Case #CU-06-00100)

**No reportable action.** File #235.6

**19) Public Employee Performance Annual Evaluation**

Title: County Administrative Officer

Authority: California Government Code Section 54957

**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, August 8, 2006 at 9:30 a.m.

PAT LOE, CHAIR

San Benito County Board of Supervisors

ATTEST:

Linda Churchill, Clerk of the Board