



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 AUGUST 8, 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 and Marcus were present. Supervisor Loe was absent. Also present was Assistant County Administrative Officer Rich Inman, County Counsel Dennis Le Clere and Clerk of the Board Linda Churchill. Vice Chair Don Marcus presided.

9:30 a.m. CALL TO ORDER:

- a) Pledge of Allegiance was led by Supervisor Monaco.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- c) **Public Comment:** Lino Navarro, Hollister resident, (Supervisorial District 3) came forward. Mr. Navarro expressed frustration with the District Attorney. Mr. Navarro stated that the District Attorney is not doing his job and he has not responded to Mr. Navarro's requests and he is very tired of all of this. Mr. Navarro stated he has complained to the Board of Supervisors before and has also gone to the City Council and nothing gets done.

d) **Department Head Announcements:** There were none.

e) **Board Announcements, Introductions and Presentations:** Supervisor De La Cruz reported that he attended a farm meeting in Salinas which was attended by Assemblyman Simon Salinas, Supervisor Lindley of Monterey County and other farming community members where farm worker issues were discussed. Supervisor De La Cruz stated that he would be attending these meetings every three months.

Supervisor De La Cruz further reported that on Monday, August 14, 2006 at 7:00 p.m. he would be hosting a sewer/water rates discussion to be held in the Board of Supervisors Chambers.

Supervisor Monaco reported that at the Veteran's Memorial Park Commission held a meeting on the evening of August 7, 2006 and there would be a press release coming out soon regarding a ceremony that will be held unveiling two plaques at the Veteran's Memorial Park honoring the Somavia and Renz families for their donation of the land to the park. The ceremony will be held on Saturday, August 12, 2006 at 9:30 a.m.

Supervisor Marcus reported that he and Supervisor Monaco met with the Courts Security Committee on Monday, August 7, 2006 noting that they are moving forward with the representative from Wald, Ruhnke & Dost on the architectural aspects of the existing courthouse security.

CONSENT AGENDA:

Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, approved Consent Agenda Items 3, 5, 6, 7, 8 and 9 and pulled Items 1, 2 and 4 for discussion. (4-0 Vote)

BEHAVIORAL HEALTH – A. Yamamoto:

- 1) **Approve agreement renewal with John Muir Behavioral Health Center in the amount of \$50,000 for the provision of ongoing inpatient acute, psychiatric hospital care with a contract term of July 1, 2006 through June 30, 2007.**

Supervisor De La Cruz questioned the re-alignment funds and the potential for these monies to come out of the General Fund.

Mental Health Director Alan Yamamoto responded that this has never happened.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco, approved the agreement renewal with John Muir Behavioral Health Center as requested. (4-0 Vote) File #810*

- 2) **Approve agreement renewal with Door to Hope for a maximum total of \$27,180 for the provision of substance abuse residential treatment facilities with a contract term of July 1, 2006 through June 30, 2007.**

Supervisor De La Cruz asked how much money from Proposition 36 comes into this county and what process does the State use to allocate the money down to the county.

Mental Health Director Alan Yamamoto responded that Prop 36 is dedicated for individuals that are mandated by the court to be in treatment as an alternative to incarceration.

Supervisor De La Cruz asked if there was a sunset clause.

Mr. Yamamoto responded that a sunset clause has not been discussed to date but it is dependent on year-to-year approval by the Governor.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Botelho, approved agreement renewal with Door to Hope as requested. (4-0 Vote) File #810*

- 3) Regarding Version 2, Final Amendment to Negotiated Net Amount Contract with the State of California for FY2005/2006, consider the following:
 - a) **Authorized** the Behavioral Health Director to sign the Final Amendment to the Negotiated Net Amount (NNA) contract with the State Department of Alcohol and Drug Programs (ADP); and
 - b) **Adopted Resolution No. 2006-80** and **authorized** the Chair to sign acceptance of the ADP amendment for FY2005/2006. *File #810*

- 4) **Approve agreement renewal with Paths Training, LLC for a maximum total of \$3,000 for the provision of training for Promoting Alternative Thinking**

Strategies (PATHS) program curriculum with a contract term of July 1, 2006 through June 30, 2007.

Supervisor De La Cruz asked why teachers need this training.

Mental Health Director Alan Yamamoto responded that teachers believe that ongoing training is beneficial to learn new techniques noting that the teachers attend this training when they are on vacation or on their own time.

Supervisor Botelho asked if the schools contribute to the cost of this program?

Mr. Yamamoto responded no they don't contribute to this program.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco, approved agreement renewal with Paths Training, LLC as requested. (4-0 Vote) File #810*

COUNTY CLERK/AUDITOR/RECORDER – J. Hodges:

- 5) **Approved** agreement with AK & Company for State Mandated Claiming Services (SB90) in the amount of \$14,000. *File #608*

FIRST 5 SAN BENITO – K. Castillo:

- 6) **Adopted Ordinance No. 799**, as amended, amending Chapter 5-E of the County Code, Children and Families First Commission. *(Continued from the meeting of August 1, 2006).*

INTERNAL SERVICES – R. Inman:

- 7) **Approved** and **authorized** the County Administrative Officer to sign Microsoft Select Enrollment form with Microsoft. *File #119*
- 8) **Authorized** the appointment of Server/Network Administrator at Range 25.3 Step D. *File #630*
- 9) **Approved** agreement with Advanced Information Management, in an amount not to exceed \$12,000, for the provision of referral services for the position of Interim Librarian with a contract term of July 24, 2006 through July 23, 2007. *File #80*

REGULAR AGENDA:

BOARD OF SUPERVISORS:

- 10) **Approve response to Civil Grand Jury Report dated May 24, 2006 regarding operation of Child Protective Services (CPS) and forward to the presiding Judge of the Superior Court of California, San Benito County.**

Rich Inman, Assistant County Administrative Officer, provided background information stating that the response from the County CPS program to the Grand Jury Report has been provided to the Board of Supervisors for review and authorization of the transmittal letter.

Health & Human Services Agency Director Kathy Flores answered questions from the Board.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, approved the response to the May 23, 2006 Grand Jury Report regarding operations of CPS, authorized Vice Chair to sign transmittal letter and directed staff to forward pertinent documents to the Presiding Judge of the Superior Court within the mandated response period ending August 19, 2006. (4-0 Vote) File #155*

ADMINISTRATIVE BUSINESS:

- 11) **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.** *(Continued from 8/1/06 mtg.)*

Management Analyst Margie Riopel reported that this agenda item pertains to the development of a microwave radio communications project that the County has been working on for approximately two and a half years. Ms. Riopel reported that in 2004 the City of San Jose was awarded Federal UASI Funding of \$9.9 million to develop and coordinate projects with other neighboring jurisdictions to improve homeland security issues in regards to terrorist threats. The UASI program designated \$1.8 million for the County of Monterey, Santa Cruz and San Benito for the development of an interoperability project to link all four counties. This agreement is between those four counties for the development of a Microwave Radio Communications Project.

Ms. Riopel answered questions from the Board.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Monaco, approved the MOU between the County of Santa Clara, County of Santa Cruz, County of Monterey and County of San Benito for the development of a Microwave Radio Communications Project and authorized the County Administrative Officer to sign said MOU. (4-0 Vote.) File #75.5*

- 12) **Consider Water Resources Association Membership.** *(Continued from 7/5/06 mtg.)*
(CAO)

Rich Inman, Assistant County Administrative Officer, provided background information stating that the Board of Supervisors previously directed that an invitation be extended to John Gregg, San Benito County Water District Manger, to come to a Board meeting to discuss this association membership.

Mr. Gregg answered questions from Board members regarding the benefits of the County's membership to the Water Resources Association. Mr. Gregg indicated that he did not see a benefit to the county at this time.

It was the consensus of the Board to not take any action at this time.

Mr. Gregg assured the Board that the County would still receive information regarding the Water Resources Association without paying a membership. *File #695*

CLOSED SESSION:

Matters discussed during Closed Session include existing and pending litigation, personnel matters and real property negotiations. Reportable actions taken by the Board during Closed Session will be announced during open session. (Gov. Code Section 54957.1(a) & (b), Ralph M. Brown Act.)

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

- 13) **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)

No reportable action.

- b) John Sarsfield vs. San Benito County Board of Supervisors
(Case #CU-06-00100)

No reportable action. *File #235.6*

14) Public Employee Discipline/Dismissal/Release

Authority: California Government Code Section 54957

BOARD ACTION: County Counsel Dennis Le Clere reported that the Board of Supervisors voted 4-0 to accept the resignation of the Council of Governments (COG) Director. File #235.6

1:30 p.m. PUBLIC HEARING (or as soon thereafter as the matter may be heard):

Supervisor Botelho was absent from the afternoon session.

PLANNING AND BUILDING – A. Henriques:

- 15) Hold a public hearing to review the traffic study prepared by Hexagon Transportation Consultants, Inc. regarding the Appeal of Use Permit No. 858-02(A), an amendment to increase quarry production initially heard on April 5, 2005. Applicant: Robert Enz. Location: Limekiln Road. Appellant: James Ryan. *(A request for continuance to the meeting of August 22, 2006 has been received from the Applicant)*

BOARD ACTION: Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, continued the public hearing to August 22, 2006 at 1:30 p.m. (or as soon thereafter as the matter may be heard) as requested by the appellant. (3-0 Vote. Loe and Botelho absent.) *Appeal File*

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
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: Loe

There being no further business the Board adjourned to August 10, 2006 at 9:00 a.m. for Budget Hearings.

DON MARCUS, VICE CHAIR

San Benito County Board of Supervisors

ATTEST:

Linda Churchill, Clerk of the Board