



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 SEPTEMBER 12, 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 LeClere and Assistant Clerk Sally Navarez. Chair Pat Loe presiding when the following was had to wit:

9:30 a.m. CALL TO ORDER:

- a) Pledge of Allegiance to be led by Supervisor Marcus.
- b) *Upon motion duly made by Supervisor Monaco and seconded by Supervisor Marcus, acknowledged the Certificate of Posting.*
- c) **Public Comment:** Joe Thompson, local resident, urged the Board to support small businesses in our area and protect their property rights. Mr. Thompson cited that the City of Gilroy abused the eminent domain process by forcing out a small business owner in order to deed the property to a local developer. Mr. Thompson urged the Board to support Proposition 90 in order to preserve and protect property rights.

Marty Richman, local resident, noted this being September 12th, urged all members of the public to reflect on the 9-11 anniversary. Mr. Richman noted conducting business and buildings weren't as important, but people are important.

- d) **Department Head Announcements:** Per CAO Thompson, there were no announcements.

- e) **Board Announcements, Introductions and Presentations:** Supervisor De La Cruz commended the City of Hollister regarding the sewer problem and hoped that matter goes in the right direction.

Supervisor De La Cruz gave a brief overview of the LAFCO Conference he attended.

Supervisor De La Cruz invited the Board and the public to attend the Catholic Church Parade and Festival on Sunday at St. Benedict's Church on Fairview Road.

Supervisor Marcus noted he wanted to discuss further Board members being asked to attend meetings and not knowing what was to be discussed. Supervisor Marcus was concerned of attending meetings outside of the scope of Board of Supervisors members duties. Supervisor Marcus said he would like to discuss this matter in further detail whether it be in Closed Session, Open Session or Board Retreat.

Counsel Le Clere indicated it was at the discretion of the Board. Counsel Le Clere felt it would be best for the Board to discuss this matter at the next Board Retreat, but again, it was up to the Board.

Supervisor Loe agreed the Board should discuss this matter in further detail and preferred to do so at the next Board Retreat.

CONSENT AGENDA:

AGRICULTURAL COMMISSIONER – P. Matulich:

1) **Approved** agreement with the California Department of Food and Agriculture in the amount of \$9,260 for pesticide regulation reporting services with a contract term of July 1, 2006 through June 30, 2007. *(file #1.1)*

2) **Approved** agreement with the California Department of Food & Agriculture in the amount of \$3,540.56 for the provision of nursery inspection and seed services with a contract term of July 1, 2006, through June 30, 2007. *(file #1.1)*

3) **Approved** agreement with the California Department of Food & Agriculture in the amount of \$45,743 for the provision of pest detection trapping services with a contract term of July 1, 2006 through June 30, 2007. *(file #1.1)*

BEHAVIORAL HEALTH – A. Yamamoto:

4) **Adopted Resolution No. 2006-98** accepting State Department of Mental Health funds in the amount of \$295,285.04 and approving contract with the State DMH for the term July 1, 2006 through June 30, 2009 and authorize the Behavioral Health Director to sign said contract. *(file #810)*

COUNTY CLERK / AUDITOR / RECORDER – J. Hodges:

4.1) **Approved** agreement with Total Compensation Services (TCS) in the amount of \$6,900 for actuarial services required for compliance with Governmental Accounting Standards Board (GASB) #43 & #45. *(file #606)*

DISTRICT ATTORNEY – J. Sarsfield:

5) **Approved** out of state travel request for Deputy DA Wagner to attend training in South Carolina, October 17-20, 2006. *(file #205)*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

6) **Approved** agreement with Planned Parenthood Mar Monte in the amount of \$54,400 for the provision of teen pregnancy prevention services with a contract term of July 1, 2006 through June 30, 2007 and **authorized** the H&HSA Director to sign on behalf of the County. *(file #130)*

7) **Approved** agreement with the San Benito High School District in the amount of \$8,060 for the provision of specified school nursing services for the 2006/2007 school year and **Authorized** the H&HSA Director to sign on behalf of the County. *(file #420)*

8) **Approved** contract amendment between Community Services & Workforce Development and Community Services Development Corporation extending the contract ending date from September 30, 2006 to November 30, 2006 and **authorized** the H&HSA Director to sign said amendment. *(file #939)*

INTERNAL SERVICES DEPARTMENT – R. Inman:

- 9) Regarding revision to Schedule of Authorized Positions – Legal Clerk I/II
 - a) **Approved** the job specifications for a Legal Clerk I/II and add said specifications to County's classification listing; and
 - b) **Set** the range for the Legal Clerk I position at Range 7.7 and Range 9.7 for the Legal Clerk II position; and
 - c) **Approved** the revision of HSA Schedule of Authorized Positions to delete 1.0 FTE Office Assistant I/II and replace with a 1.0 FTE Legal Clerk I/II, effective immediately. (file #630)

PUBLIC WORKS – J. Lo:

10) **Approved** Invitation For Bid (IFB) for the rental of an asphalt cold planer to perform repairs to roads to be chip sealed. (file #105)

11) **Approved** amendment to agreement with CM Pros, Incorporated, for the provision of resident engineering and construction inspection services for federally funded projects, extending the contract to June 30, 2008 and authorizing an additional \$250,000 in services. (file #105)

SHERIFF – C. Hill:

12) Regarding financial contribution to the Boy Scouts of America's Soccer and Scouting program, consider the following:

- a) **Approved** a financial contribution in the amount of \$2,000 and an annual contribution from the Sheriff's Crime Prevention Trust Fund in the amount of \$500; and
- b) **Augmented** the Sheriff's budget (1001210) Revenue (576012) Misc. transfer from trust in the amount of \$1,951.59 using the balance of Juvenile Challenge Grant; and
- c) **Augmented** the Sheriff's budget (1001210) Expenses (623601) Special Department in the amount of \$1,952.00. (file #110)

REGULAR AGENDA:

COUNCIL OF GOVERNMENTS – B. Davies:

13) **Receive Council of Governments (COG) update and status of Blueprint Planning Project.**

Lengthy discussion ensued regarding amount of monies the County of San Benito might receive as a result of this project; representation by AMBAG as the Metropolitan Planning Organization (MPO), the lead agency on this project; support to AMBAG regarding the same and the County working collaboratively at the Regional level with the MPO, RCRC and CSAC.

Joe Thompson, local resident, felt if successful in acquiring monies for San Benito County, he didn't want to see COG continue to waste money on local transportation vehicles as 90% of the time, the vehicles were on the road yet empty of riders. With 17 buses on fleet via COG, this was just a waste of taxpayers money.

BOARD ACTIONS:

- a) *Received status report / update; and*
- b) *Directed the Interim COG Director bring back a letter of support for the AMBAG application to the State for Regional Blueprint planning funds; and*
- c) *Directed said letter of support be brought for the Chair to sign at the meeting of September 26, 2006. (file #1035)*

INTEGRATED WASTE MANAGEMENT – M. Rose:

14) **Approve proposed Resolution of Intent to lease real property located at 2733 John Smith Road, Hollister and set October 10, 2006 at 9:30 a.m. (or as soon thereafter as may be heard) the fixed time and place where all sealed bids shall be opened, examined and declared by the Board.**

Director Mandy Rose asked the Board for a continuance to the meeting of September 26, 2006 as the Sub-Committee and herself were close to finalizing the language contained within the lease agreement.

Supervisor Marcus and Supervisor Monaco, Board Sub-Committee members, concurred with Ms. Rose's request.

BOARD ACTION: *Upon motion duly made by Supervisor Monaco and seconded by Supervisor Marcus, **continued** this matter to the meeting of September 26, 2006 as requested. Motion passed unanimously. (file #75.4)*

INTERNAL SERVICES – R. Inman:

15) **Review and approve the San Benito County Volunteer Program.**

Director of Internal Services Rich Inman indicated this was a policy to protect the County and Volunteers as outlined in the Attachment.

Discussion ensued regarding there was a need for such a policy and add language to amend the document to include referencing that those participating in this program are volunteers and are not entitled to any financial compensation nor benefits.

BOARD ACTION: *Upon motion duly made by Supervisor De La Cruz, and seconded by Supervisor Marcus, **approved** the San Benito County Volunteer Program policy **as amended to include language to Exhibit A, paragraph #2, following compensation, to add “nor benefits.”** Motion passed unanimously. (file #630)*

16) **Provide direction concerning the establishment of a Parks and Recreation Commission.**

Background information was provided by Rich Inman, Director of Internal Services.

Lengthy discussion ensued whether or not to include Veterans Memorial Park Commission & Fish & Game Commission as an overall part of this proposed Commission or continuing to be stand alone Commissions; would representatives serving be compensated; how often to meet; creation of a new department which would be a part of the Public Works Department overall scope of duties; appointees be appointed by each Supervisor of a representative that resided with the same district; terms served to be concurrent with appointing Supervisor and how often should the Committee meet (i.e. once or twice a month).

CAO Thompson indicated she has been in discussion with Jerry Lo of Public Works regarding this matter and anticipates returning back before the Board as there will be costs associated with the creation of a new department.

BOARD ACTION: *Directed staff to draft an ordinance; confer with other counties relative the establishment of a new Commission; how much would this cost on an annual basis and to return back before the Board with preliminary cost estimates to establish a new department. (file #93)*

Board took a five (5) minute break.

PLANNING & BUILDING – A. Henriques:

17) **Receive report re: Del Webb Senior Living Project Development “Process” and provide direction to staff as appropriate.**

Planning director Art Henriques presented a power-point presentation.

Lengthy discussion ensued regarding the process and a question and answer period was held.

BOARD ACTION: *Received report. No formal action taken at this time. (file #790)*

Due to the lateness of the hour, Chair Loe adjourned the meeting at 12:45 and noted the Board would reconvene at 1:30 p.m. for the Closed Session portion of said meeting.

CLOSED SESSION:

For the record, Supervisor Marcus was absent for the Closed Session portion of this meeting.

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, et al. (Case #CU-06-00062)**

No action taken. (file #235.6)

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

No action taken. (file #235.6)

c) **William Damm and Mary Damm vs. San Benito County Board of Supervisors, et al. (Case #CU-06-00033)**

No action taken. (file #235.6)

19) **Public Employee Performance Annual Evaluation**

Title: County Administrative Officer

Authority: California Government Code Section 54957

No action taken. (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 to its next regularly scheduled meeting on Tuesday, September 26, 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