



SAN BENITO COUNTY BOARD OF

Don Marcus
District No. 1

Anthony Botelho
District No. 2

Pat Loe
District No. 3
Vice-Chair

Reb Monaco
District No. 4
Chair

Jaime DeLaCruz
District No. 5

REGULAR MEETING ACTION MINUTES MARCH 22, 2005

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in regular session. Supervisors Marcus, De La Cruz, Botelho, Loe and Monaco were all present. Also present was Acting County Administrative Officer Susan Lyons, County Counsel Karen Forcum and Senior Board Clerk Linda Churchill. Chairman Monaco called the meeting to order.

9:30 a.m. CALL TO ORDER:

- a) Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledge Certificate of Posting.*
- c) **Public Comment:** Jennifer Coile, Hollister resident, came forward. Ms. Coile alerted the Board to a potential public safety problem brewing in the fall of 2005 which she believes may have a significant impact on County services such as Juvenile Hall that deal with youth. Ms. Coile stated that in their FY 2005/06 Budget the Board might want to adjust the resources available to handle significant changes in security and discipline at Rancho San Justo Middle School. Ms. Coile reported that on February 15, 2005 the Board of Trustees of Hollister School District voted to eliminate all vice principals in the Hollister School District and the middle school counselor position at Rancho San Justo Middle School. Ms. Coile stated that at present gang-related activity is virtually non-existent and many serious fights and suspensions are averted because of early intervention and quick resolution of small problems by the superb bilingual bicultural staff.
Ms. Coile urged the Board of Supervisors to let the Hollister School District know anything they may know about past conditions at Rancho and the potential impact on County youth services to make sure they have the facts to make a sound decision about these position cuts. Ms. Coile also urged the Board to investigate whether there are creative ways for the County to apply for Homeland Security and Department of Justice School Safety/Gang Preventions funds and use them to fund these administrative positions at Rancho to avoid straining county youth resources.
Charles Geiger, Vice Mayor of San Juan Bautista, came forward. Mr. Geiger asked the Board to consider the possibility of having at least one night meeting per month for people who work during the day to be able to attend the Board of Supervisors meeting. Mr. Geiger stated that a great majority of our citizens have to work between 8 a.m. to 5 p.m. and there is a concern that they would like to attend a meeting at least once a month and listen to what is going on in the county.
- d) **Department Head Announcements:** There were none.
- e) **Board Announcements, Introductions and Presentations:** Supervisor Marcus attended the San Benito County of Education Joint Board of Trustees Dinner meeting on Wednesday, March 15th at Ridgemark. Supervisor Marcus commented with regards to the keynote speaker at the function, Dr. Steven Constantino, the founder of family friendly schools. Supervisor Marcus stated that it was a very enlightening presentation on family involvement and education and it was well received.

Chairman Monaco reported that he had attended the California State Association of Counties (CSAC) Legislative Conference in Sacramento the previous week and noted that the budget issues in California were not painted as a very rosy picture and there will be a big impact on counties.

CONSENT AGENDA:

Upon motion made by Supervisor De La Cruz and seconded by Supervisor Marcus, approved Consent Agenda Items 1 through 20 with the exception of Items 3, 5, 7 and 16, which were pulled for discussion and Item 18, which was withdrawn from the agenda.

ADMINISTRATIVE BUSINESS:

- 1) **Adopted Resolution No. 2005-18** amending Ordinance 752 regarding compensation of Elected Officials, increasing salary rate by 3%. *File #630*
- 2) Regarding an agreement with the Santa Clara County Counsel's Office, consider the following:
 - a) **Approved** corrected agreement with the Santa Clara County Counsel's Office for investigation of the Planning and Building Department policies, procedures and practices for an amount not to exceed \$25,000; and
 - b) **Authorized** the Chair to sign said agreement. *File #790*

AGRICULTURAL COMMISSIONER – P. Matulich:

- 3) **Consider agreement with the Department of Food & Agriculture for FY2005/2006 for the provision of weighmaster reporting services.**
BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Loe, continued this item to the meeting of April 5, 2005 when the Agricultural Commissioner is present to answer questions. (Unanimous vote.)*

AUDITOR – J. Hodges:

- 4) **Approved** Departmental Claims.

BOARD OF SUPERVISORS:

- 5) **Consider adoption of amended Rules of Procedure of the San Benito County Board of Supervisors. (Acting CAO)**
BOARD ACTION: *Upon motion made by Supervisor Loe and seconded by Supervisor Marcus, adopted the Rules of Procedure of the Board of Supervisors of San Benito County as amended March 22, 2005 with additional amendment to Item VIII adding to provide the Board of Supervisors and the County Administrative Officer with a quarterly update. (Unanimous vote) *File #156**
- 6) **Approved** Certificate of Recognition honoring John Rose, San Benito County 2005 Hunger Fighter of the Year for presentation at a later date. (Supervisor Monaco) *File #156*
- 7) **Consider Proclamation declaring March 2005 as “Colon Cancer Awareness Month” in San Benito County. (Supervisor Botelho)**
Melissa Wood, on behalf of a group made up of Exact Sciences, Pacific Health Alliance and The Strides for Life Foundation and the Gard Foundation, reported that Hollister and all of San Benito County have been selected to be the first county to eradicate colon cancer by starting an aggressive screening program. Ms. Wood stated that this is a great opportunity for the health of our citizens and a wonderful chance for positive publicity. Ms. Wood handed out a blue bracelet to be worn to represent colon cancer awareness and encouraged everyone over 50 to be screened.

BOARD ACTION: Upon motion made by Supervisor Botelho and seconded by Supervisor Loe, authorized the Chair to sign Proclamation declaring March 2005 at "Colon Cancer Awareness Month" in San Benito County. (Unanimous Vote) *File #156*

CLERK OF THE BOARD:

- 8) **Approved** the minutes of the meetings of March 1, 2005 and March 8, 2005 and special meeting of February 28, 2005.

COMMUNITY SERVICES AND WORKFORCE DEVELOPMENT – K. Flores:

- 9) **Approved** the appointment of Rick Deraiche to the Workforce Investment Board representing the Employment Development Department for a three-year term effective April 1, 2005 through March 31, 2008. *File #939*
- 10) **Approved** the re-appointment of Kay Gibson, representing Health & Human Services, and Kendra Bobsin, representing community-based organizations to the Workforce Investment Board for a three-year term effective April 1, 2005 through March 31, 2008. *File #939*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 11) **Approved** amendment for the Local Public Health Services Program incorporating realignment revenue increases for FY2004/2005. *File #130*
- 12) **Adopted Resolution No. 2005-19** authorizing H&HSA Director to submit an application to the California Integrated Waste Management Board for the Local Enforcement Agency Grant for FY2005/2006 and **authorized** Director to sign said application on behalf of the County of San Benito. *File #420*

PROBATION – D. Botts:

- 13) **Approved** modification to Comprehensive Multiagency Juvenile Justice Plan. *File #510*
- 14) **Approved** request to submit Title V Community Prevention Grants Request For Proposal to the California Board of Corrections. *File #510*

PUBLIC WORKS:

- 15) Regarding air duct cleaning of county owned buildings, consider the following:
- a) **Authorized** an Invitation For Bids for the cleaning and service of the HVAC Systems of county owned buildings; and
 - b) **Authorized** the Chair to sign said Invitation For Bid. *File #30.1*

- 16) **Regarding purchase of vehicle, consider the following:**
- a) **Authorize purchase of a ¾ ton cab and chassis through the State of California Multiple Award Schedule for a total price of \$20,351; and**
 - b) **Allow Assistant Director of Public Works/Operations to sign vehicle purchase agreement subject to Counsel's review.**

Discussion was held regarding concerns that local vendors can't compete with the State's process for obtaining the lowest bids and clarification of Ordinance No. 782 (Purchasing Ordinance).

Supervisor Loe asked Assistant Public Works Director Pete Corn to write a letter to local car dealers about the CMAS (California Multiple Award Schedule) process and to see if there is any way they would be able to participate.

BOARD ACTION: a) Upon motion made by Supervisor De La Cruz and seconded by Supervisor Botelho, authorized purchase of a ¾ ton cab and chassis through the State of California Multiple Award Schedule for a total price of \$20,351.

b) Upon motion made by Supervisor De La Cruz and seconded by Supervisor Botelho, allowed Assistant Director of Public Works/Operations to sign vehicle purchase agreement subject to Counsel's review. (Unanimous vote.) File #105

- 17) Regarding the Regional Surface Transportation Program (RSTP), consider the following:
- a) **Approved** Federal Apportionment Exchange Program for RSTP and State Match Program Agreement No. X04-5943 (040) EA No. 05-927467; and
 - b) **Authorized** Chair to sign contract; and
 - c) **Adopted Resolution No. 2005-20** approving allocation for the above referenced program funds and to approve the above referenced agreement and **authorized** Chair to sign said resolution. File #105
- 18) Consider agreement with Grace & Associates with a contract term of March 22, 2005 through June 30, 2005 for the provision of audit services for various road projects at a cost not to exceed \$10,000.
This item was withdrawn from the agenda.
- 19) **Approved** declaring Health & Human Services agency equipment as surplus and remove from inventory. File #105

SUBSTANCE ABUSE PROGRAM – M. Narasaki:

- 20) **Approved** agreement for HIV testing supplies and testing services with Monterey County for the period of March 7, 2005 through June 30, 2006. File #1053

9:40 a.m. REGULAR AGENDA:

DEPARTMENT OF EMERGENCY SERVICES – M. Riopel:

- 21) **Regarding the San Benito County Emergency Operations Plan, consider the following:**
- a) **Review said Emergency Operations Plan; and**
 - b) **Approve and authorize Chair to sign resolution Approving the Emergency Operations Plan.**

Margie Riopel, Office of Emergency Services Director, provided background information, stating that this plan has been updated earlier than the five-year requirement because of changes in government in regards to terrorism.

BOARD ACTION: Upon motion made by Supervisor Marcus and seconded by Supervisor De La Cruz, adopted **Resolution No. 2005-21** approving the San Benito County Emergency Operations Plan as presented. (Unanimous vote.) File #75.5

- 22) **Reaffirm 14-Day Proclamation of Local Emergency – Thomas Road.**

Margie Riopel, Office of Emergency Services Director, provided an update stating she received a letter from the State Office of Emergency Services denying claim for any reimbursement on the Thomas Road project and noted that we must look at other alternatives.

Chairman Monaco directed Ms. Riopel to obtain an authorization in writing from State Office of Emergency Services regarding the continuation of the reaffirmation of a local emergency to June or July 2005 when we will be able to gain access into the creek to perform the work.

BOARD ACTION: Upon motion made by Supervisor Monaco and seconded by Supervisor Botelho, reaffirmed 14-Day Proclamation of a Local Emergency – Thomas Road. (Unanimous vote.) File #104

PLANNING DEPARTMENT – R. Mendiola:

- 23) **Consider request of the Planning Commission for direction regarding the review process of Ordinance 781 (Hillside Development Ordinance).**

Planning Director Rob Mendiola introduced Richard Bettencourt who serves as Chair of the San Benito County Planning Commission. Mr. Bettencourt came forward and stated that he was requesting clarity from the Board of Supervisors regarding their direction to the Planning Commission to review the existing Hillside Development Ordinance (No. 781).

Discussion was held and the Board of Supervisors clarified their position to have the Planning Commission review the entire ordinance and after collecting input from the community to bring back a revised ordinance or a new ordinance for consideration by the Board of Supervisors. File #790.2

COUNTY COUNSEL – K. Forcum:

24) Consider discussion regarding the establishment of an Ethics Committee.

Deputy County Counsel Darren Bogie provided background information stating that recently the supervisors requested that the subject of an ethics committee be re-examined to determine if the Campaign Ethics Advisory Committee should be expanded to be an Ethics Committee with powers to investigate and enforce ethical conduct in County dealings generally.

Discussion was held.

Supervisor De La Cruz asked to have Ordinance No. 775 (Ordinance Establishing Campaign Finance Reform and Voluntary Campaign Spending Limits for San Benito County Elections) agendized at a future meeting for review.

Deputy County Counsel Darren Bogie commented with regards to costs related to an Ethics Committee stating that he anticipated that the costs of such a committee would be comparable to the Civil Grand Jury in costs and manpower and he would look into that as a comparable budget item.

BOARD ACTION: *Upon motion made by Supervisor Marcus and seconded by Supervisor Botelho, directed staff to establish a Campaign Ethics Committee for San Benito County and have the Board of Supervisor's Sub-Committee (Supervisors Loe and Monaco) come back to the Board on April 26, 2005 with their recommendations and to move forward in that direction. File #156*

ADMINISTRATIVE BUSINESS:

25) Consider presentation regarding Vision San Benito. (Acting CAO)

Nenette Corotto, Co-Chair of Vision San Benito, provided background information about the Vision San Benito Group, which was created as an opportunity for residents and community leaders to come together and engage in a serious dialogue about the future of our community. Ms. Corotto asked the Board of Supervisors how they would like to participate in communications between the Board and Vision San Benito.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, assigned County Administrative Officer, or their designee, to attend Vision San Benito meetings on behalf of the County. File #156*

26) Regarding report on the request of the District Attorney regarding a temporary part time position, consider the following:

- a) **Consider funding of said position using Citizens Options for Public Safety (COPS) funds; and**
- b) **Consider and approve the transfer of \$9,000 from COPS funding to temporary salaries effective March 22, 2005 through June 30, 2005.**

Acting County Administrative Officer Susan Lyons provided background information

BOARD ACTION: *Upon motion made by Supervisor Marcus and seconded by Supervisor Botelho, approved request for funding of a part-time temporary attorney utilizing COPS funding and approved the transfer of \$9000 from COPS funding to temporary salaries. (4-1 Vote. De La Cruz voted no.) File #265*

27) Consider and receive report on the responsibilities and relationship between the Board of Supervisors and other elected County officials. (Acting CAO)

Acting County Administrative Officer Susan Lyons reported that the elected positions for the County of San Benito are the Assessor, Clerk-Auditor-Recorder, District, Marshal, Sheriff-Coroner,

and Treasurer-Tax Collector. The Board of Supervisors has responsibility and authority to supervise the official conduct of all county officers, but it has no power to direct the manner in which statutorily prescribed duties are performed. While California statutory law gives a county some authority to oversee a district attorney's and sheriff's conduct, Government Code Section 12550 expressly excludes conduct related to the investigation and prosecution of crimes, giving that authority instead to the Attorney General.

BOARD ACTION: *Received report. File #156*

28) **Consider and receive report regarding the Marshal's Office. (Acting CAO)**

Acting County Administrative Officer Susan Lyons provided a report regarding the functions of the Marshal's Office and the costs incurred by the County for Marshal services.

BOARD ACTION: *Supervisor Loe directed staff to bring back a report of monthly mileage on vehicles within a 12-month reporting period and to submit a 1099 form. File #265*

29) **Consider adoption of mission statement, guiding principles and implementation actions. (Acting CAO)**

Sally Reed, Consultant to the Board Supervisors, reported that the final version of the mission statement combines the concepts included in the two-step statement from the February 28, 2005 retreat held by the Board and the guiding principles were developed from actions discussed at that retreat.

Chairman Monaco directed staff to get the information out to the press and the public as soon as possible.

BOARD ACTION: *Upon motion made by Supervisor Marcus and seconded by Supervisor De La Cruz, adopted mission statement, guiding principles and implementation actions as presented. File #156*

10:00 a.m. CLOSED SESSION AGENDA:

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. (Govt. Code Section 54957.1(a) & (b), Ralph M. Brown Act.)

The Board adjourned for lunch at 11:30 a.m. and into Closed Session Agenda at 1:00 p.m. and reconvened into Regular Session re:

30) **Conference with Legal Counsel - Anticipated Litigation**

a) Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9. Number of cases: **3**

All 3 cases were withdrawn by County Counsel.

b) Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9.

Number of cases: **3**

All 3 cases were withdrawn by County Counsel. File #235.6

31) **Conference with Legal Counsel - Existing Litigation**

a) Sandman vs. County of San Benito.

No reportable action

b) Monteon vs. Richard Scagliotti, San Benito County Board of Supervisors, San Benito County Financing Corporation, et al.

No reportable action.

c) Martinez v. County of San Benito, Tom Quigley, et al.

No reportable action.

d) Torres vs. County of San Benito, et al.

No reportable action.

e) Fancher/Roybal vs. County of San Benito

Item (e) was added to the agenda by County Counsel. No reportable action. File #235.6

32) **Public Employment**

Title: County Counsel

Chairman Monaco reported that the Board of Supervisors has decided to terminate Karen Forcum's six-month reappointment as County Counsel, effective April 8, 2005. The Board wants to acknowledge that this action and the February 8, 2005 rescission of the August 10, 2004 four-year appointment are not based on concerns about Ms. Forcum's performance as County Counsel.

Ms. Forcum will continue employment in the County Counsel's Office as a Deputy County Counsel for an approximate two-month period of time due to an unexpected deputy leave. 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: Don Marcus, Jaime De La Cruz, Anthony Botelho, Pat Loe
Reb Monaco

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

There being no further business the Board adjourned to its next regularly scheduled meeting on April 5, 2005 at 9:30 a.m.

REB MONACO, CHAIRMAN

San Benito County Board of Supervisors

ATTEST:

John R. Hodges

Clerk of the Board

BY:

Linda Churchill

Senior Board Clerk