



SAN BENITO COUNTY BOARD OF SUPERVISORS

Don Marcus
District No. 1

Anthony Botelho
District No. 2

Pat Loe
District No. 3
Vice-Chair

Reb Monaco
District No. 4
Chair

Jaime De La Cruz
District No. 5

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

REGULAR MEETING ACTION MINUTES MAY 10, 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, Interim County Counsel Claude Biddle and Assistant Clerk Sally Navarez. Chairman Reb Monaco presiding when the following was had to wit:

9:30 a.m. CALL TO ORDER:

- a) Pledge of Allegiance.
- b) *Upon motion duly made by Supervisor Marcus and seconded by Supervisor Botelho, acknowledged the Certificate of Posting.*
- c) **Public Comment:** Ann Marie Sayers, Tribal Chairperson of the Coastanoan Indian Research, Inc. came forward. Ms. Sayer urged the Board to include Native American input on the County's General Plan update in accordance with SB18.
Chairman Monaco indicated he would direct Planning staff accordingly.

Linda Roma, friend of Rob Mendiola, indicated Mr. Mendiola is an honest man who protected the county, but has not gotten a fair share.

Mike Baumgartner, South County resident, indicated he had faith in the Boards' decisions and encouraged the Board to continue to make progress.

Dennis Conley, local historian with American Legion 69 invited the Board to "Armed Forces Day" on Saturday, May 21st from noon – 4:00 p.m. at the Veterans Memorial Building and would like the Chair and/or any Board members to attend.

Ruth Erickson, Friends of the Library Board Member, urged the Board to place an ad for a new County Librarian at the American Library Associations' web page. Ms. Erickson indicated Librarians throughout the Nation visit this site and felt the County would receive more qualified candidates in this manner.

Acting CAO Susan Lyons agreed with Ms. Erickson and noted the recruitment deadline had been extended in order to receive more applications.

Jose Rodriguez, local resident, indicated he supported the Board of Supervisors in their decision to let Mr. Mendiola go. Mr. Rodrigues felt this would be a good change and it was time for a change.

Robert Rodriguez, local businessman, also felt the Board of Supervisors was doing a good job and complimented them in their decision making efforts to keep the county on track.

Dale Coke, Coke Farms, indicated he disagreed with the county practice of having to pre-pay property taxes as a condition of approval for a lot line adjustment. Mr. Coke felt paying there was some better way to address this and asked the Board for help.

Interim County Counsel Claude Biddle indicated he would look into the matter and bring it back before the Board sometime during the month of June, 2005.

Bernadette Abramson, local resident, thanked the Board in their efforts to clean up the Planning Department. Ms. Abramson indicated she has been a Realtor for twenty years and stated different people were treated differently – some persons were made to jump through more hoops than other and it was about time to clean up this department. Ms. Abramson noted on the issue of affordable housing, nothing could be done until the County annexed land into the City due to the most affordable housing in other areas takes place in city limits – not county.

Richard Place, local resident, passed a handout to the Board regarding ethics codes. Mr. Place suggested the Board look at the Institute for Local Self Government suggestions for such a program, sponsored by Waste Management, if the Board wishes to move forward in this area to make the policy all staff inclusive as the Board suffers what department choose to establish as policy.

d) **Department Head Announcements:** Acting Administrative Officer Susan Lyons noted she would be issuing a press release later today with information on the status of the County Administrative Officer recruitment as well as the transitional period of the Planning Department. Ms. Lyons announced the appointment of Michael Bethke as Interim Planning Director.

e) **Board Announcements, Introductions and Presentations:** Supervisor Botelho indicated he received information that Santa Clara County has a “mail in” ballot regarding vector control. Supervisor Botelho suggested the West Nile Virus Task Force look into this process and possibly have San Benito County do the same. Supervisor Botelho indicated there have been eight (8) dead birds found in Santa Clara County and noted due to the unusually wet spring, San Benito County will be faced with more of a mosquito problem than before.

Chairman Monaco noted there was a request to pull Item #14 for further discussion.

Upon motion duly made by Supervisor Botelho and seconded by Supervisor De La Cruz, approved Consent Agenda Items #1 through #17, excluding #14. Motion passed unanimously.

CONSENT AGENDA:

ADMINISTRATION:

1) Regarding submission of an application for funding of the Victim/Witness Assistance Program to the Governor’s Office of Emergency Services, consider the following:

a) **Approved** Grant Application for continuation funding for the Victim/Witness Assistance Program; and

b) **Adopted Resolution No. 2005-29 Granting Approval And Submission Of Application For Funding Of The Victim/Witness Assistance Program** and authorized the County Auditor to sign and submit all appropriate documentation. *(file #165)*

AGRICULTURAL COMMISSIONER – P. Matulich:

2) **Approved** agreement with the Department of Food and Agriculture for the provision of organic inspection services for FY2005/2006. *(file #1.1)*

BOARD OF SUPERVISORS:

3) **Approved** Certificate of Recognition honoring the retirement of Rick Solano for thirty (30) years of service to the San Benito County Sheriffs Department and the community for presentation at a later date. (Supervisor Monaco) *(file #630)*

CLERK OF THE BOARD:

4) **Approved** Proof of Publication.

COUNTY COUNSEL – C. Biddle:

5) **Rejected** the claim of Wing and Mabel Lew filed with the Clerk of the Board on April 6, 2005 and **directed** Clerk to notify claimant. *(file #235)*

COUNTY FIRE DEPARTMENT – M. Martin:

6) **Approved** updated agreement with the City of Hollister re: Mutual-Aid services. *(file #60)*

DEPARTMENT OF EMERGENCY SERVICES – M. Riopel:

7) **Reaffirmed** 14-Day Proclamation of Local Emergency – Thomas Road. *(file #104)*

8) **Approved** budget augmentation for Emergency Medical Services in the amount of \$130,100 in both Revenues and Expenditures with monies coming from the EMS Trust Fund. *(file #1068)*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

9) **Approved** amendment to agreement with Chamberlain's Mental Health Services for the provision of parent education classes and counseling services in the amount of \$25,866 with a contract term of July 1, 2004 through June 30, 2005 and **authorized** Interim Director of H&HSA to sign said agreement. *(file #130)*

10) **Approved** augmentation of the In-Home Supportive Services Public Authority budget in the amount of \$100,000 with funds coming from the Tobacco Settlement Trust resulting from growth in caseload activity for FY2004/2005. *(file #130.1)*

11) **Approved** amendment to agreement with Chamberlain's Children's Center for respite and family worker services with the amount amended to \$62,000 for the term of July 1, 2004 through June 30, 2005 and **authorized** the Interim H&HSA Director to sign said amendment. *(file #130)*

12) **Approved** proclamation declaring May 2005 as "Foster Parent Appreciation Month" in San Benito County. *(file #430)*

MENTAL HEALTH – A. Yamamoto:

13) Regarding acceptance of Mental Health Services Act Community Program Planning Funds, consider the following:

- a) **Approved** a budget adjustment of \$28,922 to FY2004/2005 budget expenditures and revenues; and
- b) **Approved** the addition of one (1) FTE Administrative Services Specialist to the FY2004/2005 Schedule of Authorized Positions for Mental Health. *(file #810)*

PUBLIC WORKS:

14) **Consider agreement with Hansen and Company, Inc. re: appraisal and acquisition services in an amount not to exceed \$50,000 with a contract term of May 24, 2005 through June 30, 2006.**

Chair revisited this matter after being pulled from Consent Agenda for further discussion.

Supervisor Botelho inquired how much was allocated for this agreement and if services rendered was paid on an hourly basis.

Assistant Director of Public Works Arman Nazemi explained this contract was for services on an "as needed" basis and monies allocated were to be utilized. Mr. Nazemi further explained the amount of the agreement was \$50,000, but if all monies were not utilized, monies were returned to their respective funding source.

BOARD ACTION: *Upon motion duly made by Supervisor Botelho and seconded by Supervisor Marcus, approved agreement with Hansen and Company, Inc. for the provision of appraisal and acquisition services in an amount not to exceed \$50,000 with a contract term of May 24, 2005 through June 30, 2006. Motion passed unanimously. (file #105)*

15) **Approved** agreement with Lewis Engineering and Land Surveying re: civil engineering and surveying services in an amount not to exceed \$20,000 with a contract term of July 1, 2005 through June 30, 2006. *(file #105)*

SUBSTANCE ABUSE PROGRAM – M. Narasaki:

16) **Approved** amendment to agreement with Santa Cruz Community Counseling Center, Inc. reflecting new amount not to exceed \$78,160. *(file #1053)*

17) **Approved** FY2005/2006 County Plan for the Substance Abuse and Crime Prevention Act of 2000 (Prop 36) and **directed** Clerk of the Board to include a minute order reflecting Board action. *(file #1053)*

REGULAR AGENDA:

SHERIFF – C. Hill:

18) **Regarding an application for the 2005 Byrne Justice Assistance Grant (JAG), consider the following:**

- a) **Approve Memorandum Of Understanding (MOU) with the City of Hollister; and**
- b) **Authorize the Acting County Administrative Officer to sign said grant on behalf of the County for submission of said grant.**

Sheriff Curtis Hill noted to the Board that administratively he was handing this matter on behalf of the City of Hollister. Sheriff Hill stated an MOU was necessary between the agencies in order for the City of Hollister to receive grant monies.

BOARD ACTION: *Upon motion duly made by Supervisor Marcus and seconded by Supervisor De La Cruz, approved Memorandum of Understanding with the City of Hollister for*

an application for the 2005 Byrne Justice Assistance Grant (JAG) and authorized the Acting County Administrative Officer to sign said grant on behalf of the County for submission of said grant. Motion passed unanimously. (file #110)

- 19) **Regarding the replacement of a patrol car, consider the following:**
- a) **Approve the purchase of a replacement Ford Crown Victoria Police Interceptor; and**
 - b) **Approve said purchase to come from General Fund Contingencies (with full insurance reimbursement going back to Contingencies); and**
 - c) **Augment the Sheriff's Patrol Budget Expense – Fixed Assets in the amount of \$32,000, transfer from General Fund Contingencies in the amount of \$32,000; and**
 - d) **Amend the FY2004/2005 Fixed Asset Schedule to add one (1) vehicle.**

Sheriff Curtis Hill indicated the department was down two vehicles due to these vehicles being involved in accidents – one of which was totaled but the Deputy sustained minor injuries. Sheriff Hill indicated the vehicles are covered by county insurance but a replacement vehicle won't be ready until the first part of July due to the extra equipment that has to be fitted to the vehicle (ie. light bars, sirens, etc).

BOARD DIRECTION: *Supervisor Loe indicated she would like to see this matter revisited sometime in July 2005 and receive a report when the received reimbursement from the insurance on this matter.*

Supervisor Loe noted she would abstain from voting on this matter.

BOARD ACTION: *Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Marcus:*

- a) **Approved** the purchase of a replacement Ford Crown Victoria Police Interceptor; and
 - b) **Approved** purchase to come from General Fund Contingencies (with full insurance reimbursement going back to Contingencies); and
 - c) **Augmented** the Sheriff's Patrol Budget Expense – Fixed Assets in the amount of \$32,000, **transferred** from General Fund Contingencies in the amount of \$32,000; and
 - d) **Amended** the FY2004/2005 Fixed Asset Schedule to add one (1) vehicle.
- Motion passed 4-1 with Supervisor Loe abstaining from the vote. (file #110)*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

20) **Regarding the establishment of the Child Abuse Prevention Council of San Benito County, consider the following:**

- a) **Review staff report.**
- b) **Consider the urgency of the propose ordinance.**
- c) **Introduce urgency ordinance, waive the reading of the ordinance, and adopt urgency ordinance to establish the Child Abuse Prevention Council of San Benito County; and**
- d) **Adopt proposed resolution abolishing the Child Welfare Commission.**

Interim Director Kathryn Flores noted this urgency ordinance was for the establishment of a Child Abuse Prevention Council for San Benito County. Ms. Flores noted in accordance with Section Chapter 12.8 of the Welfare and Institutions Code, the county now had to make a change to a new commission structure in order to continue to receive Child Abuse Prevention Intervention and Treatment (CAPIT) funds. Ms. Flores indicated this new Council must be in place before the next fiscal year.

BOARD ACTIONS:

- 1) *Upon motion duly made by Supervisor Loe and seconded by Supervisor Marcus, **acknowledged** the urgency of this ordinance. Motion passed unanimously 5-0.*

- 2) Upon motion duly made by Supervisor Loe and seconded by Supervisor Marcus, **adopted** Urgency Ordinance #786 to establish the Child Abuse Prevention Council of San Benito County. Motion passed unanimously.
- 3) Upon motion duly made by Supervisor Loe and seconded by Supervisor Marcus, **adopted** Resolution No. 2005-30 abolishing the Child Welfare Commission and designating the Child Abuse Prevention Council of San Benito County as the coordinating community council. Motion passed unanimously. (file #130)

AGRICULTURAL COMMISSIONER – P. Matulich:

21) **Consider agreement with the U.S. Department of Agriculture Wildlife Services for the control of predatory, depredating and nuisance animals.**

Acting Administrative Officer Susan Lyons indicated this matter was being pulled from the agenda as the County wanted the contract to be a zero net County cost. Ms. Lyons indicated this agreement would be placed on the June 7, 2005 Board meeting.

Paul Wattis, Paicines resident, came forward. Mr. Wattis noted he has been sitting in the audience for over an hour in order to hear this item and encouraged the Board to accept the agreement when it comes back to them on June 7th.

BOARD ACTION: Continued this matter to the meeting of June 7, 2005 per request of the Acting CAO. (file #1.1)

ADMINISTRATIVE BUSINESS:

22) **Consider and accept the FY2004/2005 third quarter financial report. (Management Analyst)**

Management Analyst Robin Scattini came forward. Ms. Scattini indicated the county was right on target of spending for this fiscal year. The General Fund was at 68% with county-wide expenditures at 60%. Ms. Scattini commended all Department Heads on doing a good job in trying to maintain costs, however, with the county facing a \$4.7-million deficit for FY2005/2006, all departments were charged with the task of cutting monies in their preliminary budget packets turned in.

Acting CAO Lyons agreed with Ms. Scattini and also commended the Department Heads on being diligent with their budgets.

Supervisor Marcus, as part of the Board budget subcommittee, thanked Ms. Scattini and Finance Director Dan Vrtis for keeping them informed. Supervisor Marcus noted the Board itself, needed to tighten its spending as an example to all Departments.

Supervisor Loe questioned if the Board would receive a report on new revenue sources and questioned the Library account.

Ms. Scattini noted the library received most of its monies via trust funds but noted the county would not overlook other sources.

Supervisor Botelho questioned returns on reserve investments.

Treasurer/Tax Collector Mary Lou Andrade indicated she had provided a report recently to the Board outlining all returns on reserve investments but cautioned the report showed all monies, including the schools. The report did not have just county investments/returns but reflected those of the schools as well.

Supervisor De La Cruz questioned In Home Supportive Services (IHSS) revenues.

Interim H&HSA Director Kathryn Flores reminded Supervisor De La Cruz that monies supporting IHSS came from tobacco securitization funds but those monies wouldn't be available in the near future.

Chairman Monaco commended the budget committee, Ms. Scattini and Department Heads for continuing to do a good job in maintaining the budget.

BOARD ACTION: Received informational report – no formal action taken. (file #865)

23) **Consider Budget Policies for the FY2005/2006 Budget. (Interim CAO)**

Management Analyst Robin Scattini presented the Board with a listing of three (3) proposed additions to consider adding to the budget policies for FY2005/2006 as follows:

- a) The use of outside legal services first need to be discussed with and approved by County Counsel;
- b) Cost allocation plan (otherwise know as A-87) charges will be charged to all non-General Fund departments. In cases where a department does not have funds to fully pay this charge, the department head can negotiate the level of payment; and
- c) Establish funding for County information technology (IT) improvements in an amount to be determined at budget hearings.

BOARD ACTION: *Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Marcus, **approved and adopted** Budget Policies for the FY2005/2006, as amended. Motion passed unanimously. (file #865)*

CLOSED SESSION:

24) **Conference with Legal Counsel – Existing Litigation**

Authority: California Government Code Section 54956.9(a)

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

No reportable action. (file #235.6)

25) **Public Employee Discipline/Dismissal/Release**

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: Marcus; De La Cruz; Botelho; Loe & Monaco
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: None

There being no further business the Board adjourned to its next regularly scheduled meeting on May 24, 2005 at 9:30 a.m.

REB MONACO, CHAIRMAN
San Benito County Board of Supervisors

ATTEST:
John R. Hodges
Clerk of the Board

BY:
Sally Navarez
Assistant Board Clerk