



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 24, 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 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, acknowledged Certificate of Posting.*
- c) **Public Comment:** Lisa Parrella, Attorney from the Law Offices of Bruce Tichinin, and representing Thomas Grant came forward. Ms. Parrella submitted a letter dated May 12, 2004 to the Chairman of the Board of Supervisors from Mr. Grant. Ms. Parrella stated that the letter specifies and describes the importance of the county adopting the flood plan map that started in 1999. Ms. Parrella stated that this is an item that requires follow-up by the county. **File #696**
Gail Gomez, Pan Tempo Way resident, came forward and had the Board of Supervisors listen to a recording of roosters crowing. Ms. Gomez stated that there was a noise and smell generated by these roosters and it created a problem in her neighborhood. Ms. Gomez asked how this man was allowed to do this and it should have never happened here. This has caused the value of the neighboring properties to be lower and this is a business and belongs in an area isolated from people. Ms. Gomez stated that they believe it is the responsibility of the county to protect the legal rights of all of the homeowners who are adversely affected by this and the county should be held accountable for allowing this to happen.
Stephen Rosati, local resident, expressed his disappointment of the recent firing of Rob Mendiola, especially the order in which the action takes place. Mr. Rosati stated it was confusing that if the CAO has the power to fire at-will employees without the Board's approval then why was the Board's approval necessary after the fact. Mr. Rosati stated he did not feel this helped the morale or productivity of the rest of the county employees.
Mr. Rosati further stated he hoped that those behind the firing have a good plan in place to start picking up all of the pieces. Mr. Rosati stated that there better be some intelligent moves taken by the Board especially related to infrastructure, growth and re-building of confidence. Mr. Rosati cautioned the Board that the county has begun traveling down the same scary road as the City of Hollister and warned the Board to be very careful so that the unincorporated area of our community does not end up facing a similar outcome like that of the City of Hollister.
Lori Woodle, Accountant for the Sheriff's office, came forward and addressed the salary adjustments that hopefully will be taking place within the county. Ms. Woodle said she understands the fiscal impact of the employees, however, losing employees is also a fiscal impact that we all suffer. Ms. Woodle noted that in her own department people come in and get trained and then leave for the benefit of another county or city and we are very affected by that here.

Yolanda Gomez, Eligibility Worker III with the Health and Human Services Agency, came forward. Ms. Gomez stated that the cost of living here continues to rise and our salaries continue to stay below its level. Ms. Gomez noted that insurance for some families has reached a point where some employees have dropped their coverage and unfortunately she is one of those people placing her family at risk and chosen a cheaper insurance where she can no longer see her children's family doctor that they have had for 10 years. Ms. Gomez stated that while she understands the current budget status, the Board must still do what is fair by granting salary adjustments.

Dilia Blanco, Library Technician at the San Benito County Free Library and San Juan Bautista resident came forward. Ms. Blanco asked the Board to approve wage adjustment for employees. Ms. Blanco asked how many employees can we afford to lose and the county should be thinking about retention noting that it is too costly to train new hires and there are employees who have gone on to other counties for more wages. Ms. Blanco stated that she would love to work and live in the county.

Richard Saxe, Aromas resident for over 30 years, came forward. Mr. Saxe stated that there was a growing number of very concerned citizens in San Benito County noting that he receives telephone calls and e-mails everyday asking what is going on with our county's Planning Department and what is going on with all of the developments that we are reading and hearing about. Mr. Saxe stated that he was assured by many of the members of this Board of Supervisors that he had no reason to be concerned about such development as Rancho San Benito and that it couldn't happen in this county and there were protections in place. Mr. Saxe stated that he was also assured that there is a 1% growth cap and it would continue and the county would be protected from rampant and residential growth. Mr. Saxe asked the Board to please consider the benefits to all of the county residents of any developments proposed and to not just consider the few landowners and developers, but, think about the generations to come who are going to be saddled with the decisions that this Board makes. Mr. Saxe said we are at a critical juncture here in San Benito County and urged the Board to do the right thing.

David Rovella, Lone Tree Road resident, came forward. Mr. Rovella stated that he lives roughly 155 yards away from the rooster farm and he has great concerns. The noise is annoying and it is getting worse and he hoped the Board of Supervisors could look into the problem and do something about it. Mr. Rovella stated there would have been more people present at the meeting today but they had to work.

Charles Lomanto, Lone Tree Road, came forward. Mr. Lomanto stated that he had a special concern about the roosters noting that his parents live on the east side of this rooster farm and it is only about 12 feet away from the nearest rooster. Mr. Lomanto stated that his elderly parents can't even open a window in their house even if it gets really hot and this is not acceptable. Mr. Lomanto stated that the rooster noise is bothersome to himself and his wife also but his main concern was with his elderly parents. Mr. Lomanto said he hoped the Board could help.

Supervisor Marcus stated that this was in his district and he had received no less than eight calls and letters regarding this nuisance. Supervisor Marcus stated that this was a real tragedy that this occurred on that corner. Supervisor Marcus said he would work with staff and possibly remedy the nuisance and not let this happen again.

Chairman Monaco directed staff to work with Supervisor Marcus to remedy this problem.

Acting County Administrative Officer Susan Lyons stated that she has already been in touch with the Planning Director and working with County Counsel and she will include Environmental Health as well as Code Enforcement because noise is a nuisance and it needs to be mitigated. Ms. Lyons stated that she would be meeting that day with the Planning Director and moving forward regarding this matter.

d) **Department Head Announcements:** Dan Vrtis, Finance Director, came forward. Mr. Vrtis reported that there is an Assembly Bill 1033 presently in committee which would permit a transfer of property tax revenues from the Educational Revenue Augmentation Fund within 16 designated counties which fall below the statewide 19% average including San Benito County. In San Benito County we are at 11% and that would bring in an additional \$4 million. Mr. Vrtis stated that this is a bill that should be brought to the attention of our local legislators. Mr. Vrtis reported that by his calculations San Benito County is in the lowest three on both expenditures per capita and revenue per capita of all of the counties. Our problem here is really revenue.

Supervisor Loe said she would like to look into a proposed bill that basically states that counties would not have to fund state programs that we don't get total funding for.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco directed staff to prepare a letter to be signed by the Chairman of the Board supporting Assembly Bill 1033 and send it to our local representatives.*

e) **Board Announcements, Introductions and Presentations:** Supervisor Loe reported that she attended the Blue Star Salute on Saturday, May 21st celebrating Armed Forces Day. This recognizes the families of the men and women presently serving in the armed forces. Supervisor Loe stated this was a very moving tribute to the family members.

Supervisor Marcus reported that on Wednesday, May 18th he attended the Regional Council of Rural Counties (RCRC) meeting representing the Board of Supervisors and although we are not yet a voting member but he was allowed to attend. Supervisor Marcus stated it was a very productive day and he met with various legislators in Sacramento. Supervisor Marcus reported that the Board should look into taking a position on various bills and propositions such that along with some of the Assembly and Senate bills he reported on the local government finance situations that is on the agenda today and as far as supporting full funding of Proposition 42 which the Governor may revise would be beneficial along with the support of \$593 million along with the VLG (Vehicle License Gap) loan to cities and counties. Supervisor Marcus reported that Senate Bill 164, which would require the state to reimburse the county with a population of 250,000 or less for the full cost of providing In Home Supportive Services, should be looked into to support. Also, Supervisor Marcus reported that Assembly Bill 1128 allows a member of the Regional Water Quality Control Board to participate in the Board action of certain requirements and should be looked into.

Supervisor Marcus further reported that the most pertinent and the Board should oppose is Senate Bill 1059 which would authorize the California Energy Commission to designate transmission corridor zones in a matter that would tie up the future use of the land without adequate property owner notification and without landowner compensation. Supervisor Marcus stated that the Board should look into this bill and RCRC is already opposing this bill.

Chairman Marcus directed Supervisor Marcus to work with staff and to come back at future Board meetings with summary reports on these proposed bills in order for the Board to take a position.

CONSENT AGENDA:

Upon motion made by Supervisor Botelho and seconded by Supervisor De La Cruz, approved Consent Items 1 through 22a excluding Items 1, 4 and 9 that were pulled for discussion.

ADMINISTRATION:

1) **Consider agreement with Michael Bethke for the provision of Interim Planning Director services with a contract term of May 24, 2005 through May 23, 2006. (Acting CAO)**

Acting CAO Susan Lyons pulled this item from the agenda stating that Michael Bethke will become a temporary employee of the county working 25 hours a week as the Interim Planning Director rather than a being a contract employee.

Supervisor Loe requested that a report on the status of the Planning Department be agendized.

Ms. Lyons said she would bring back a report. File #790

2) **Approved** augmentation to the Elections, Human Resources and Library budgets in the amount of \$44,000, \$62,000 and \$34,000 respectively, for FY2004/2005 to be paid from General Fund Contingencies. (Management Analyst) **File #865**

3) Regarding amended agreement for fire protection services with the California Department of Forestry for FY2004/2005, consider the following:

a) **Approved** amended agreement for fire protection services for the period of July 1, 2003 through June 30, 2006; and

- b) **Adopted Resolution No. 2005-31** to reflect a total of \$799,304 in Schedule A services for FY2004/2005. (Management Analyst) *File #60*

AUDITOR – J. Hodges:

4) **Consider Departmental Claims.**

Supervisor Loe stated that on the CAO claims register (Page 8/9) it shows that there were nine items with outside counsel for \$20,000 and asked what that was.

Acting CAO Susan Lyons explained that this was a contract with Liebert, Cassidy, Whitmore for our personnel attorneys and Human Resources utilizes those attorneys as needed for personnel issues only stating she would be willing to go over the bills with Supervisor Loe after the meeting.

Dan Vrtis, Finance Director, explained how the claims print out reads and stated he would provide a “cheat sheet” to the Board for their clarification.

Supervisor Loe also stated there was not a report by Consultant Sally Reed in May and requested that it is agendaized in June.

Ms. Lyons stated she would have it agendaized for the June 7, 2005 meeting.

- 5) **Approved** agreement with Stringer Business Systems, Inc. for a 48-month period for copier rental services. *File #608*

CLERK OF THE BOARD:

- 6) **Approved** the minutes of the meetings of April 26, 2005, May 3, 2005, May 10, 2005 and the special meetings of May 12, 2005 and May 13, 2005.

COMMUNITY SERVICES & WORKFORCE DEVELOPMENT – K. Flores:

- 7) Regarding the Workforce Investment Act (WIA) Subgrant for FY2005/2006, consider the following:

- a) **Approved** the WIA Title I Master Subgrant; and
- b) **Adopted Resolution No. 2005-32** granting signatory authority for WIA documentation and **authorized** Chair to sign said resolution; and
- c) **Authorized** Executive Director of CSWD to sign said WIA documentation and/or amendments on behalf of the County of San Benito. *File #939*

- 8) Regarding lease of migrant daycare center, consider the following:

- a) **Adopted Resolution No. 2005-33** declaring an intent to lease an interest in real property for a value under \$10,000 and **authorized** Chair to sign said resolution; and
- b) **Approved** lease agreement with Go Kids Inc. for use of the Migrant Daycare facility at 3225 Southside Road for the provision of childcare services and **authorized** the CSWD Executive Director to sign said lease, effective June 1, 2005 through May 31, 2008, on behalf of the County. *File #750*

COUNTY FIRE DEPARTMENT – M. Martin:

- 9) **Consider agreement with the Aromas Tri-County Fire Protection District re: Mutual-Aid services.**

Supervisor Botelho asked if there was any consideration that would include almost everything west of San Juan Bautista as an Auto-Aid zone.

Battalion Chief Ken French answered that Auto-Aid zone is in place and is the Auto-Aid zone for that area. This specifically refers to Aromas going into and taking the Betabel area of Highway 101 and this would simply clean up a dispatch issue when people call from a cell phone and are not sure exactly where they are and Aromas will be taking responsibility for that.

Supervisor Botelho asked if the Auto-Aid area stretches up into the Rancho Larios area.

Battalion Chief Ken French answered absolutely it does.

BOARD ACTION: Upon motion made by Supervisor Botelho and seconded by Supervisor Loe approved the San Benito County Fire Department and Aromas Tri-County Fire Protection District Auto-Aid agreement. *File #60*

DEPARTMENT OF EMERGENCY SERVICES - M. Riopel:

10) **Adopted Resolution No. 2005-34** identifying services to be provided in FY2005/2006 for CSA #36 – Emergency Medical Services (EMS) and Advanced Life Support Services (ALS). *File #1068*

11) **Reaffirmed** 14-Day Proclamation of Local Emergency – Thomas Road. *File #104*

ELECTIONS – J. Hodges:

12) **Adopted Resolution No. 1005-35** accepting the certified statement of elections results for the May 3, 2005 Special Election. *File 285*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

13) Due to receipt of a one-time funding augmentation for FY2004/2005 Maternal, Child and Adolescent Health budget, consider the following:

- a) **Approved** the augmentation of Revenues in the amount of \$10,000; and
- b) **Approved** the augmentation of Expenditures in the amount of \$10,000. *File #130*

INTEGRATED WASTE MANAGEMENT – M. Rose:

14) **Approved** application and **adopted Resolution No. 2005-36** authorizing said application for 11th Cycle Used Oil Block Grant Funds from the California Integrated Waste Management Board. *File #142.2*

PUBLIC WORKS:

15) **Adopted Resolutions No. 2005-37 through Resolution No. 2005-66** identifying services to be provided in FY2005/2006 for each County Service Area. *File #105/CSA File*

16) **Adopted Resolution No. 2005-67** vacating a segment of Payne Road. *File #105*

17) **Acknowledged** final close out of expenditures incurred for the 1998 storm damage on Federal Highway Administration (FHWA) sites. *File #104*

18) **Approved** agreement with Stringer Business Systems for the lease of two (2) photocopy machines. *File #105*

SHERIFF – C. Hill:

19) **Approved** Sheriff's recommendation to retire the K9 and find appropriate and suitable disposition for the animal. *File #110*

20) **Approved** Letter of Agreement (LOA) with the State of California Drug Enforcement Agency (DEA) requesting receipt of funds in the amount of \$10,000 to assist in the eradication of marijuana. *File #110*

21) **Adopted Resolution No. 2005-68** authorizing submission of grant proposal by the Sheriff/Coroner for available Off Highway Vehicle grant monies to continue enforcement efforts in the Clear Creek Management Area. *File #110*

22) Regarding grant application with the State of California Office of Criminal Justice Planning to obtain marijuana suppression monies, consider the following:

- a) **Approved** grant application in the amount of \$250,000; and
- b) **Adopted Resolution No. 2005-69** authorizing submission of said grant. *File #110*

SUBSTANCE ABUSE PROGRAM – M. Narasaki:

22.a) Regarding replacement of computer server, consider the following:

- a) **Approved** the purchase of a replacement computer server in the amount of \$4,450; and
- b) **Approved** the augmentation of FY2004/2005 Substance Abuse Fixed Asset expenditure line item in the amount of \$4,450 to be paid by the Substance Abuse trust funds; and
- c) **Approved** the addition of a computer server to the FY2004/2005 Fixed Asset Schedule.
File #1053

9:30 A.M. PUBLIC HEARING (or as soon thereafter as the matter may be heard):

PUBLIC WORKS:

23) **Hold public hearing to consider the qualifications of the candidate or candidates for the position of Road Commissioner and consider proposed resolution appointing said Road Commissioner.**

Acting County Administrative Officer Susan Lyons provided background information stating that the County is out of compliance with the State Controller's Office and we need to have a qualified Road Commissioner. Mr. Arman Nazemi, Assistant Public Works Director, meets the requirements because he is an engineer.

Chairman Monaco noted that this was only a temporary situation until we go through the process of hiring a full-time Director of Public Works.

Chairman Monaco opened the public hearing. There being no comment by the public Chairman Monaco closed the public hearing.

BOARD ACTION: *Upon motion made by Supervisor Loe and seconded by Supervisor Marcus adopted Resolution No. 2005-70 appointing Arman Nazemi as the San Benito County Road Commissioner. File #105*

REGULAR AGENDA:

COUNTY OFFICE OF EDUCATION – T. Foley:

24) **Consider County Superintendent's Report regarding the results of compliance visits to schools.**

Tim Foley, County Superintendent of Schools, provided his report stating this report was a requirement by California Education Code Section 1240 which requires that he visit schools identified in our county and report to the Board of Supervisors the results of his visit. *File #13*

SUBSTANCE ABUSE PROGRAM – M. Narasaki:

25) **Regarding allocation Revenues and Expenditures for FY2005/2006, consider the following:**

- a) **Approve authority to layoff 2.0 FTEs effective June 30, 2005 for FY2005/2006 (the two positions are identified as Substance Abuse Counselors); and**
- b) **Direct the Substance Abuse Program Administrator to work with the Human Resources Department in commencing with the layoff process per the San Benito County Layoff Policy.**

Marc Narasaki, Substance Abuse Program Administrator, came forward and began by handing out a draft letter to the California Health and Human Services Agency to be signed by the Chairman of the Board of Supervisors.

Mr. Narasaki explained a loss of funding and requested approval to begin the layoff policy and reduce Full Time Equivalents by two positions. Mr. Narasaki reported that he would also have to reduce services. If funding is restored the layoff process could be stopped.

BOARD ACTIONS: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Botelho added urgency item re: issue of addressing draft letter, as submitted by Marc Narasaki, to the Office of the Secretary of the California Health and Human Services Agency re: opposition of Emergency Regulations submitted by the Department of Alcohol and Drug Programs that distribute funds allocated under the Substance Abuse and Crime Prevention Act of 2000 (SACPA).*

Upon motion made by Supervisor De La Cruz and seconded by Supervisor Loe adopted **Resolution No. 2005-72**, to be prepared by County Counsel, incorporating the letter to the California Department of Health and Human Services Agency; authorized the Chair and the Vice-Chair to review said resolution; and, authorized the Chair to sign the resolution after review and directed staff to send it to the California Health & Human Services Agency.

Upon motion made by Supervisor Botelho and seconded by Supervisor Marcus, approved authority to layoff 2.0 Full Time Equivalents (FTE's) effective June 30, 2005 for FY 2005-2006 with the (2.0) positions identified as Substance Abuse Counselors; and, directed the Substance Abuse Program Administrator to work with the Human Resources Department in commencing with the layoff process per the San Benito County Layoff Policy. File #1053

PLANNING DEPARTMENT:

- 26) **Regarding the Transfer of Development Credits (TDC) Advisory Group, consider the following:**
- a) **Receive report from Advisory Committee; and**
 - b) **Direct Staff to forward the report to the Planning Commission for review through public workshops.**

BOARD ACTION: Upon motion made by Supervisor De La Cruz and seconded by Supervisor Marcus continued this item to the June 7, 2005 meeting. File #790

ADMINISTRATIVE BUSINESS:

- 27) **Consider West Nile Virus Task Force update. (Acting CAO)**

The Board received an update from Acting County Administrative Officer Susan Lyons re: West Nile Virus Task Force activities and a recent meeting with the Inter-Governmental Committee. File #130

- 28) **Consider Governor's May Revision to the State budget and update on the County's budget process. (Acting CAO)**

The Board received a report from Acting County Administrative Officer Susan Lyons regarding the Governor's May Revision to the 2005-2006 State budget.

Ms. Lyons also reported that she has met with the County's entire head's of departments regarding our own County budget noting that we are still facing a gap of \$2.6 million after starting with a gap of \$4.8 million and there will be a department head meeting scheduled where they will talk about how we will continue to close this gap.

The Board received a copy of the budget policies that were adopted by the Board on May 10, 2005. There were no changes requested by the Board. File #865

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.)

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

Authority: California Government Code Section 54956.9(a)

- a) **Sandman vs. County of San Benito.**

No reportable action.

- b) **Monteon vs. Richard Scagliotti, et al.**

No reportable action. File #235.6

- 30) **Public Employment**

Authority: California Government Code Section 54957

Title: **County Administrative Officer**

BOARD ACTION: As reported out by Interim County Counsel Claude Biddle the Board unanimously voted to appoint Susan Thompson as the new County Administrative Officer for the County of San Benito. Ms. Thompson will assume office on July 5, 2005 at a salary of \$136,000 per year. File #235.6

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

Authority: California Government Code Section 54957

BOARD ACTION: As reported out by Interim County Counsel Claude Biddle the Board authorized the County Administrative Officer to execute an agreement and release with Rob Mendiola as a result of his dismissal from employment as Planning Director. File #235.6

32) **Conference with Labor Negotiators:**

Authority: California Government Code Section 54957.6

Agency Designated Representative: Megan Booth, Interim Human Resources Director

Employee Organization: General Unit – SEIU, Local 817

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: 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 June 7, 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