



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 JUNE 7, 2005 ACTION MINUTES

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) ***Chairman Monaco called for a moment of silence honoring the late George Kincaid, former Board of Supervisors member who passed away May 30, 2005.***
- c) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- d) **Public Comment:** Ava Morgan, 748 Riverside Road resident, came forward. Ms. Morgan had a complaint regarding a rodeo that she says has been taking place next door to her at 758 Riverside Road. Ms. Morgan stated that it was extremely noisy and dusty and she did not feel that the buildings there are up to code and she has dealt with the Planning Department and Code Enforcement and nothing has been done. Ms. Morgan stated that accidents have happened due to the drinking that goes on at this rodeo and then people are driving afterwards and this has been going on for years. Ms. Morgan submitted a petition signed by neighbors. *(File #790)*
Anna Maria De Alba, Nash Road resident, came forward stating that she knows for sure that there is illegal gambling going on at this rodeo. They sell raffle tickets and they invite people to come and eat and drink beer and they leave the area drunk and she has called the police department to come out there and watch for the drunk drivers. Ms. De Alba stated that there has been accidents occur because of this. Ms. De Alba said this has been going on for a long time and they want to know what to do about it.
Acting County Administrative Officer Susan Lyons stated that she would look into this matter and report back to the Board of Supervisors with her findings.
Supervisor Botelho stated that at some point, after Ms. Lyons looks into the matter, that some of the land use issues involving five-acre parcels should be agendized. Supervisor Botelho stated that a lot of things going on are not appropriate and should be discussed in detail to find solutions.
- e) **Department Head Announcements:** Substance Abuse Program Administrator Marc Narasaki came forward stating that he would like to introduce a new program which is about to begin. Mr. Narasaki stated early next week a juvenile intensive day treatment program will begin that will be six hours a week for four weeks for youth that have been referred to the Substance Abuse Program.

Mr. Narasaki stated that they would be using the Living and Balance curriculum that was purchased with grant monies. The kinds of issues to be addressed are alcohol and drug education, avoiding relapse, planning for sobriety, tobacco use, and spirituality, stress and anger management.

f) **Board Announcements, Introductions and Presentations:** Supervisor De La Cruz reported that at the last First 5 San Benito Commission meeting a resolution was developed to support the resolution of the Board of Supervisors concerning the reduction of the two employees at the Substance Abuse office. The First 5 members felt that the services provided trickle down to the children and felt it was in the best interest of those children to support the supervisor's resolution.

Supervisor Marcus reported that he and Supervisors Botelho and De La Cruz completed the CSAC New Supervisors Institute. Supervisor Marcus stated that the highlight of this training was a presentation on the statewide election system and the pure monetary drain that the State is imposing on the counties to follow suit in the election process. It could be changed in a year or so to mail-in ballots but in the meantime the counties are going to have to buy into very expensive machines and this process.

Supervisor Botelho stated this was a very helpful training to attend and it helped to focus on how the Board of Supervisors should relate with each other, policy making and how to work with staff.

Supervisor De La Cruz stated that his concern was mostly the fiscal impact whereby the State commands that the county provide certain services and fund the program in the first year and after that it becomes the responsibility of the county and yet we are limited in dollars.

Supervisor Monaco stated that he had just attended the CSAC Agriculture and Natural Resources Committee meeting and also the CSAC Board of Directors meeting and he will have an agenda report at the June 14, 2005 Board of Supervisors meeting.

Supervisor De La Cruz stated that he had attended an Arts Commission meeting in Sacramento and basically they were told that the State of California has no funding in this arena of the performing arts areas and if there is any financial commitment then it must come from members of the local community and tools were provided as to how to get the program moving.

CONSENT AGENDA:

Upon motion made by Supervisor Botelho and seconded by Supervisor De La Cruz, approved Consent Agenda Items 1 through 18 excluding items 2, 3, 5, 10, 14 and 18 that were pulled for discussion. (Unanimous.)

AUDITING – J. Hodges:

- 1) **Approved** Departmental Claims.

CLERK OF THE BOARD:

- 2) **Consider Proofs of Publications.**

Supervisor Botelho commented with regards to a recent publication of an ordinance that filled an entire page in the newspaper. Supervisor Botelho asked if there was a requirement to have it published in such a large format expressing his concern that it is very costly.

Interim County Counsel explained that department heads have been alerted that we are now going to require summary ordinances for publication that will avoid the cost of the publication of the ordinance in its entirety.

Supervisor Botelho felt we needed to try to save money any way we can and this would be a good effort. Supervisor Botelho asked if the ordinances could be published on the website in lieu of the newspaper.

Mr. Biddle answered that it has to be published in a newspaper of general circulation per Government Code and it is the law. **File #530**

Supervisor Loe suggested that the ordinances be published on the website for the benefit of the public to access the entire ordinance.

COUNTY FIRE DEPARTMENT – M. Martin:

3) **Consider agreement with the South Santa Clara County Fire Protection District re: Mutual Aid Services.**

Mikel Martin, Assistant Fire Chief, noted that the agenda item should read Auto-Aid Services rather than Mutual Aid Services and explained what Auto-Aid Services are.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Botelho, approved the agreement between San Benito County Fire and South Santa Clara County Fire Protection District. (Unanimous) File #60*

DEPARTMENT OF EMERGENCY SERVICES – M. Riopel:

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

DISTRICT ATTORNEY – J. Sarsfield:

5) **Consider agreement with Ship Vantage for District Attorney website design with a contract term of June 7, 2005 through June 30, 2006.**

Supervisor Botelho questioned the necessity of having a website designed separately from that of a uniform county website.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Marcus, tabled this item to June 28, 2005 at which time it will come back for discussion to see if we can have a more uniform website designed by Santa Cruz County IT Department who are currently doing a study on the status of the San Benito County internet/website capabilities noting that this request from the District Attorney is time sensitive and if a uniform county website is not going to be timely then Mr. Sarsfield can go ahead and proceed with his design of a District Attorney website using Asset Forfeiture money. (Unanimous) File #205*

Supervisor Loe requested that on June 28, 2005 the report must include a timeframe on when we will actually have a new county website up and running.

FIRST 5 SAN BENITO – K. Castillo:

6) **Approved** amendment to agreement with Harder+Company Community Research modifying the payment schedule for FY2004/2005. *File #155*

7) **Approved** agreement with the Action Council of Monterey County regarding program evaluation services with a contract term of June 7, 2005 through September 30, 2006. *File #155*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

8) **Approved** contract with Dr. Elizabeth Lee re: psychological services for children and families in the Child Welfare system with a contract term of July 1, 2005 through June 30, 2006. *File #130*

9) **Approved** Memorandum Of Understanding (MOU) with Butte County re: administering Medical Administration Activities (MAA) and Targeted Case Management (TCM) funding and **authorized** Interim H&HSA Director to sign on behalf of County. *File #130*

PROBATION – D. Botts:

10) **Consider agreement with the City of Hollister for probation officer services during the Fourth of July Motorcycle Rally and authorize the Chief Probation Officer to sign said agreement on behalf of County.**

Supervisor Loe stated that she had a general question regarding making sure 100% of the expenses incurred due to the Motorcycle Rally are recovered.

Kathy Flores, Interim Health & Human Services Agency Director, reported that with regards to Environmental Health there is a mechanism to re-coup costs through our fee schedule.

Sheriff Curtis Hill reported that he had just received the contract with the City of Hollister and we have been getting timely and fully reimbursed by the City for the last couple of years. Discussion was held regarding various services that are provided and possible means of making money from the Rally.

BOARD ACTION: *Upon motion made by Supervisor Marcus and seconded by Supervisor De La Cruz, approved the agreement between the City of Hollister and San Benito County for probation officer services during the Fourth of July Motorcycle Rally and authorized the Chief Probation Officer to sign said agreement. (Unanimous) File #510*

PUBLIC WORKS:

11) **Approved** Invitation For Bid (IFB) for carpet replacement for the second floor of the County Administration Building and placement of carpet in the Elections Department. **File #105**

12) **Approved** declaring Marshal equipment as surplus and remove from inventory. **File #105**

13) **Approved** declaring County Counsel equipment as surplus and remove from inventory. **File #105**

REGIONAL DIVISION OF CHILD SUPPORT SERVICES – L. Miller:

14) **Consider addendum to commercial lease agreement with Kenneth D. Gimelli and Nancy J. Gimelli for office space located at 2320 Technology Parkway extending lease term an additional three (3) years to June 30, 2009.**

Supervisor Botelho asked if this was the best location for providing services for children stating that it seems quite a ways out of town.

Lynn Miller, Regional Director of Santa Cruz/San Benito Department of Child Support Services stated that at the time they had to make the move it was basically the only location noting that the move had to be made within a two-week time period because of mold issues. Mr. Miller noted there was bus service and there have been no complaints.

Discussion was held regarding the possibility of utilizing a county facility at some point in time and the ability to get out of this lease.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor De La Cruz approved Addendum D to commercial lease agreement with Kenneth D. Gimelli and Nancy J. Gimelli for office space located at 2320 Technology Parkway with a term of July 1, 2005 through June 30, 2009. (Unanimous) File #22*

15) **Approved** addendum to Memorandum Of Understanding (MOU) between Santa Cruz and San Benito Counties extending the term for the consolidation of the administration of Child Support Services through June 30, 2006. **File #22**

16) **Approved** agreement with MGT of America, Inc. for training of support staff in the conversion to a statewide distribution service and system with a contract term of June 7, 2005 through June 30, 2005. **File #22**

SHERIFF – C. Hill:

17) **Approved** agreement with the San Benito County High School District and the County Office of Education for the provision of School Resource Officer agreement for a three- year period commencing with the 2004/2005 school year and ending on July 1, 2007. **File #110**

18) **Regarding purchase of jail transportation bus, consider the following:**

a) **Allow Sheriff to purchase jail transportation bus outright; and**

b) **Amend FY2004/2005 Fixed Asset Schedule to reflect increase in cost of bus from three (3) year lease purchase agreement to single payment in the amount of \$91,548.76; and**

c) **Amend Corrections Budget Fixed Asset Expense - Vehicles by adding \$58,324.23; and**

d) **Amend Corrections Budget Capital Improvement Impact Fees by adding \$58,324.23.**

Chairman Monaco expressed concern over the expenditure of over \$91,000 for a bus and asked for clarification of what this expenditure entails and the longevity of the use of this bus.

Sheriff Hill explained the long process noting that this is not a CMAS item because its such a specialty item and they couldn't come to an agreement with the vendor to lease the bus and also that by not entering into a lease purchase agreement with WFIS as originally planned the County will save over \$8000.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Marcus, approved Items a, b, c, d as recommended and made finding that this bid falls outside of the scope of Chapter 13 of the County Purchasing Ordinance and that it is a specialty item and there is no CMAS specifications created for such an item. File #110*

REGULAR AGENDA:

PRESENTATIONS / RECOGNITIONS:

19) **Consider Proclamation declaring June 12-18, 2005 as "Chamberlain's Children Center Appreciation Week" in San Benito County.**

Doreen Crumrine, Acting Interim CEO of Chamberlain's Children Center, came forward stating that this proclamation is very important to their agency to recognize the services they provide and the presence in the community. Ms. Crumrine stated that have been here for 30 years.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, proclaimed June 12-18, 2005 as Chamberlain's Children Center Appreciation Week in San Benito County. (Unanimous) File #430*

DEPARTMENT OF EMERGENCY SERVICES –M. Riopel:

20) **Consider an updated Emergency Medical Services Plan and direct staff to submit said plan to the State Emergency Medical Services Authority.**

Margie Riopel, Director of Office of Emergency Services, provided staff report stating that the County Emergency Medical Services agency is required to submit an updated EMS Plan to the State Emergency Medical Services Authority.

BOARD ACTION: *Upon motion made by Supervisor Marcus and seconded by Supervisor De La Cruz, approved and directed staff to submit the EMS Plan to the State Emergency Medical Services Authority. (Unanimous) File #75.5*

PLANNING DEPARTMENT:

21) **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. (cont. from 5/24/05 mtg)**

Mary Paxton, Senior Planner, introduced the TDC Advisory Group that was established two years ago during the midst of the Measure G controversy and it is comprised of a diverse group of people who have been working hard for two years to come together and find consensus on some Guiding Principals for a possible program.

Tom Tobias and Janet Brians spoke on behalf of the TDC Advisory Group stating that the group is ready to forward its report to the Planning Commission.

Marvin Jones, local resident and Richard Saxe, Aromas resident provided comments.

The Board provided input.

BOARD ACTION: Upon motion made by Supervisor Marcus and seconded by Supervisor Monaco received report from the TDC Advisory Committee and directed staff to forward the report to the Planning Commission for review through public workshops. (Unanimous) File #790

COMMUNITY SERVICES & WORKFORCE DEVELOPMENT – K. Flores:

22) Consider approval to submit an application for a 2005 Joe Serna Jr. Farm Worker Housing Grant.

Kathy Flores, Executive Director of Community Services and Workforce Development provided background information stating this was a request for approval to proceed with a submission of a Joe Serna Jr. Farm Worker Housing Grant application for new construction at the Southside Road Migrant Labor Camp unaccompanied adult section.

BOARD ACTION: Upon motion made by Supervisor Marcus and seconded by Supervisor De La Cruz: 1) Authorized the submission of a Joe Serna Jr., Farm Worker Housing Grant application for up to \$2,000,000 to reconstruct new facilities at the unaccompanied section of the County's Labor Camp located at 3229 Southside Road by the CSWD Executive Director noting that the remaining funds in the pool may be less than \$2,000,000; and, 2) If said application is funded, authorized the County's CSWD Executive Director or the Chief Administrative Officer to execute and sign a Standard Agreement and any amendments thereto, any lien agreements and amendments or modification thereto, and any other documents or security instruments required to secure the grant. (4-0 vote. Supervisor Botelho abstained) File #750

23) Consider approval to remove kitchen equipment and lockers from former Southside Road Convalescent Home for use at the Unaccompanied Adult Migrant Farmworker Camp.

Kathy Flores, Executive Director of Community Services and Workforce Development stated that for health and safety reasons, the kitchen at the migrant labor camp requires updates to new codes and regulations and the former Southside Road Convalescent Hospital has a variety of kitchen equipment and lockers that could be used.

BOARD ACTION: Upon motion made by Supervisor De La Cruz and seconded by Supervisor Loe approved the removal of kitchen equipment and lockers from the former Southside Road Convalescent Hospital for use at the Unaccompanied Adult Migrant Farmworker Camp by CSWD. (4-0 vote. Supervisor Botelho abstained) File #750

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

24) Regarding grant revenues and expenditures for FY2005/2006, consider the following:

- a) Approve the layoff of 1.5FTEs effective June 30, 2005 for FY2005/2006 (the 1.5FTEs identified as Health Education Associates); and**
- b) Direct the Interim HHSA Director to work with the Human Resources Department in commencing with the layoff process per the San Benito County Layoff Policy.**

Interim Health & Human Services Agency Director Kathy Flores provided background information stating that the Health Division of the HHSA receives a variety of Federal, State and private grants to operate the programs that promote and protect the health and safety of our community and funding will be ending or significantly reduced in several programs. Ms. Flores stated that staff finds it necessary to recommend a reduction in staffing in order to offset the reduction in revenues.

Ms. Flores handed out an addendum to her Board Report changing the reduction to 1.3 FTE's.

Discussion was held regarding possible ways to fund these positions.

Supervisor Loe suggested that we move ahead with the layoff process and look into it again at budget time.

BOARD ACTION: Upon motion made by Supervisor Botelho and seconded by Supervisor Marcus, approved the layoff of 1.3FTE's effective June 30, 2005 for FY 05-06 and directed the HHSA Director to work with the Human Resources Department in commencing with the layoff process per the San Benito County Layoff Policy. (Unanimous) File #130

PUBLIC WORKS – A. Nazemi

25) **Regarding an Ordinance Amending Chapter 9 of the San Benito County Code, Motor Vehicles and Traffic re: Anzar, Olympia and Duncan roads consider the following:**

- a) **Introduce the ordinance,**
- b) **Waive the reading of said ordinance; and,**
- c) **Continue consideration of ordinance to the June 14, 2005 Board of Supervisors meeting for adoption.**

Assistant Public Works Director Arman Nazemi provided background information stating that the Public Works Department had received a number of calls from concerned residents regarding excessive speeding on Anzar Road, Olympia Avenue and Duncan Avenue. A study was done and the ordinance has been prepared to reduce the speed to 50 MPH.

Discussion was held regarding the possibility of reducing the speed even lower however it was noted that we must follow state requirements.

Bill Hunter, School Road resident, came forward and spoke to his concerns about Anzar Road indicating that there are trucks, bicyclists on that road and he felt there should at least be signs up to warn people of the danger of some of the curves and it should be posted at 35 MPH.

Mr. Nazemi stated that advisory signs will be put up for upcoming curves.

Supervisor Botelho stated he would like to see Bixby, Freitas, Mission Vineyard and Cole Roads and Lucy Brown Lane included in the 50 MPH.

Mr. Nazemi stated that would include more traffic studies.

Senior Board Clerk Linda Churchill introduced the ordinance by reading the title into the record.

BOARD ACTION: *Upon motion made by Supervisor Marcus and seconded by Supervisor Loe waived the reading of said ordinance and continued the consideration of the ordinance to the June 14, 2005 Board of Supervisors meeting for adoption. (Unanimous) File #105*

ADMINISTRATIVE BUSINESS:

26) **Consider options for Board support of an Ethics Committee process. (Acting CAO)**

Consultant Sally Reed provided background information stating that the Board of Supervisors has struggled with the issue of how to appropriately assure that future campaigns are handled in a way that is respectful and has integrity and the Board has looked for a way to engage an Ethics Committee process that would be independent of the Board of Supervisors but at the same time would have clear support of the Board. Ms. Reed outlined options for the Board to consider.

Susan Swanson, Paicines resident, came forward stating that she was extremely pleased to see that the Board of Supervisors changed its mind and reconsidered the whole idea of an Ethics Commission and it was important to make sure that this commission is diverse.

Helen Ross, Hollister resident, came forward stating that we need an Ethics Commission in this community stating that our recent elections showed us that persons who should have known better made mistakes. Ms. Ross felt it would not be expensive to have such a committee because they wouldn't have to meet very often. Ms. Ross further stated that this should not be under any special group but just ordinary citizens like those who serve on the Grand Jury.

Discussion was held.

BOARD ACTION: *Upon motion made by Supervisor Loe and seconded by Supervisor Monaco, directed staff to set up a workshop for July 19, 2005 at 6:30 p.m. to include the general public and all stakeholders who would like to be involved and have information available regarding the Waste Management Program pertaining to ethics training and also Gavilan College; and, also directed staff to get out as much publicity as possible to the press and others regarding this workshop. (Unanimous.) File #156*

27) **Receive report regarding the Planning and Building Inspection Department. (Acting CAO)**

Acting County Administrative Officer Susan Lyons provided a report regarding the status of the Planning Department since the hiring of a new Interim Planning Director. Ms. Lyons reported that the Planning Department is moving forward in the revitalization of the Planning Department and she was extremely pleased with Interim Planning Director Michael Bethke's progress and accomplishments so far.

Supervisor Loe asked for an explanation of why a letter from the State Department of Housing states that the County has agreed to amend the Inclusionary Housing Ordinance and she is concerned about that statement. Supervisor Loe wanted to know, according to the letter, why we agreed to amend this ordinance before the Board of Supervisors looked at it. She would like to know who agreed to amend it and on what authority.

Mary Paxton, Senior Planner, explained that there were two milestones that must be accomplished if we do not want to lose the status of the certification of the Housing Element and one of those milestones includes reviewing the inclusionary housing program.

BOARD ACTION: *Supervisor Loe directed staff to clarify the statement in the letter from the State Department of Housing that the County agreed to amend its Inclusionary Ordinance and to have that clarification on the June 28, 2005 Board of Supervisors meeting agenda. File #79*

28) Receive report by Consultant Sally Reed.

The Board received a consulting services update by Consultant Sally Reed regarding the following issues: General Plan Revision, County Reorganization, Staffing Executive Leadership Positions, Business Development and Job Creation, Structural Balance of the Budget, Homelessness, Technology Investment, Litigation Costs, Leadership Stability and Cooperation. *File #156*

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 – Anticipation Litigation

- a) Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9. Number of cases: 1**

No reportable action. File #235.6

30) 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.

- b) Fancher and Roybal v. County of San Benito.**

No reportable action.

- c) Martinez vs. San Benito County et al.**

No reportable action. File #235.6

31) Public Employment

Authority: California Government Code Section 54957

Title: County Administrative Officer

No reportable action. File #235.6

32) Conference with Labor Negotiator

Authority: California Government Code Section 54957.6

Agency Designated Representative: Megan Booth, Interim HR 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 a special meeting scheduled for Thursday, June 9, 2005 at 10:30 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