



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 AGENDA JULY 5, 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 De La Cruz and seconded by Supervisor Botelho, **acknowledged** the Certificate of Posting.*
- c) **Public Comment:** Joe Thompson, Tres Pinos resident urged the Board to make the effort to attract businesses that are leaving the Gilroy area due to Union Pacific Railroad limiting train traffic in that area. Mr. Thompson indicated the City of Gilroy is converting old cannery sites to retail/residential facilities – two story buildings with retail shops on the lower floor and residential living on the upper floor. Due to the announcement of Union Pacific to limit train traffic, Mr. Thompson said he foresees that eventually railroad service will not be coming to San Benito County in the very near future and that needs to be prevented.
- d) **Department Head Announcements:** Substance Abuse Program Administrator Marc Narasaki indicated that the Board had sent a letter to the State Department of Health & Human Services urging that Prop 36 funding be restored. Mr. Narasaki noted it was rumored that there would be limited monies available for the next fiscal year; however he received notification that the full amount will be funded for 2005/2006 as a result of the Board letter. Mr. Narasaki thanked the Board for their continued support.
- e) **Board Announcements, Introductions and Presentations:** Supervisor Loe noted she would like to get a committee together to work with Department Heads to have an open house for the new County Administrative Officer.
Chairman Monaco agreed with Supervisor Loe and indicated he would work with Supervisor Loe on this matter.
Supervisor Marcus took the opportunity to thank Sheriff Curtis Hill for protecting the County during the July 4th Rally.
Supervisor Botelho concurred that law enforcement work in a professional manner Saturday evening when there was the potential an incident to get out of control. Supervisor Botelho felt all citizens should know what it takes for law enforcement to protect the community during such an event.
Supervisor Botelho also took the opportunity to thank Susan Lyons for her services as the Acting County Administrative Officer.
Chairman Monaco noted he would like to receive an agendized report from Sheriff Hill on the activities. He agreed there were some tense moments Saturday night but law enforcement handled the matter well.
Sheriff Curtis Hill indicated security for the rally was a joint effort of agencies. Under the Unified Command System, he, along with Police Chief Jeff Miller and CHP Captain Bob Davies collectively worked for the safety of the community.

Regarding the incident of Saturday evening, Sheriff Hill noted the placement of cameras set up downtown have paid for themselves and all of the hard working law enforcement made it possible for safe event.

Chairman Monaco also commended Susan Lyons for her services as Acting CAO.

CONSENT AGENDA:

These matters shall be considered as a whole and without discussion unless a particular item is removed from the Consent Agenda. Approval of a consent item means approval of the recommended action as specified on the Agenda Item Transmittal.

If any member of the public wishes to comment on a Consent Agenda Item, please fill out a speaker card, present it to the Clerk prior to consideration of the Consent Agenda and request the item be remove and considered separately.

AGRICULTURAL COMMISSIONER – P. Matulich:

1) **Approved** agreement for Pesticide Regulation Reporting Services for fiscal year 2005/2006 in the amount of \$8,440; authorized the Chair to sign and **directed** the clerk to prepare a minute order reflecting Board action. (file #1.1)

AUDITOR – J. Hodges:

2) **Approved** Departmental Claims.

CLERK OF THE BOARD:

3) **Approved** Proof of Publication.

COMMUNITY SERVICES & WORKFORCE DEVELOPMENT – K. Flores:

4) **Approved** contract amendment with the Community Service Development Corporation (CSDC) for use of mobile homes for sheltering homeless families and **authorized** the CSWD Executive Director to sign said agreement on behalf of the County. (file #939)

5) **Approved** agreement with South County ROP with a contract term of July 25, 2005 through August 12, 2005 for the provision of summer youth academic enrichment and leadership development services in an amount not to exceed \$9,192 and **authorized** the CSWD Executive Director to sign said agreement on behalf of the County. (file #939)

6) **Approved** agreement with Santa Cruz Peninsula Private Security Corporation with a contract term of July 7, 2005 through June 30, 2007 for the emergency winter shelter and mobile home shelter at the County Migrant Center in an amount not to exceed \$26,160 and **authorized** the CSWD Executive Director to sign said agreement on behalf of the County. (file #939)

COUNCIL OF GOVERNMENTS: T. Quigley:

7) **Approved** contract with Airport Land Use Commission for professional and clerical services for fiscal year 2005/2006. (file #1035)

8) **Approved** contract with the Council of Governments for professional and clerical services for fiscal year 2005/2006. (file #1035)

9) **Approved** contract with the Local Transportation Authority for professional and clerical services for fiscal year 2005/2006. (file #1035)

10) **Approved** contract with the Measure A Authority for professional and clerical services for fiscal year 2005/2006. (file #1035)

11) **Approved** contract with the Service Authority for Freeways & Expressways for professional and clerical services for FY 2005/2006. (file #1035)

COUNTY COUNSEL – C. Biddle:

12) **Rejected** claim of Orlando Gomez filed with the Clerk of the Board on May 25, 2005 and **directed** clerk to notify claimant. (file #235)

13) **Rejected** claim of Rachel Sanchez filed with the Clerk of the Board on June 1, 2005 and **directed** clerk to notify claimant. (file #235)

14) **Rejected** claim of Samuel Zendejas Manzo filed with the Clerk of the Board on June 9, 2005 and **directed** clerk to notify claimant. (file #235)

DEPARTMENT OF EMERGENCY SERVICES – M. Riopel:

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

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

16) **Approved** agreement with the San Benito County Office of Education for the provision of school nursing services for FY2005/2006 and **authorized** the Director of H&HSA to sign said agreement on behalf of the County. (file #420)

17) **Approved** agreement with Transitions: A Rehabilitation Group, Inc. for occupational and physical therapy services with a contract term of July 5, 2005 through June 30, 2006 and **authorized** the Director of H&HSA to sign on behalf of the county. (file #420)

18) **Approved** contract with the State Department of Health re: Childhood Lead Poisoning Prevention Program with a contract term of July 1, 2005 through June 30, 2008 and **authorized** the Director of H&HSA to sign on behalf of the county. (file #420)

PUBLIC WORKS:

19) **Approved** agreement with the City of Hollister re: resurfacing a portion of Buena Vista Road. (file #105)

20) **Approved** agreement with San Benito Engineering & Surveying, Inc. for the preparation of plans, specifications and bid documents for the Old Hernandez Road low water crossing at San Benito River. (file #105)

SUBSTANCE ABUSE PROGRAM – M. Narasaki:

21) **Approved** agreement with Asian American Residential Recovery Services for the provision of residential treatment services with a contract term of July 1, 2005 through June 30, 2006. (file #1053)

REGULAR AGENDA:

For each regular agenda item, the following schedule shall occur:

- a) Staff report.
- b) Public opportunity to address the Board on a particular agenda item. Please fill out a speaker card and present it to the Clerk prior to consideration of the item.
- c) Consideration by the Board.

PRESENTATIONS / RECOGNITIONS:

22) **Consider Certificate of Recognition honoring the retirement of Mike Machado for over nineteen (19) years of service to San Benito County. (Supervisor Monaco)**

Interim Planning Director Michael Bethke asked the Chair if Item #23 could be heard prior to Item #22 as Mr. Machado was not yet present.

Chairman Monaco if there was no objection from the Board, Item #23 would be heard at this time.

23) **Consider presentation and proposed resolution in support of the “Under The Influence And Under 21” project. (Supervisor Botelho)**

Supervisor Botelho indicated he had the opportunity to view the documentary and felt it was important to support this item. Supervisor Botelho indicated Ms. Jennifer Roybal-Marquez, Keith Medlin of Seal Rock Inc. and Sheriff Curtis Hill have been invited to Washington, D.C. to present the video to national figureheads such as MADD.

Jennifer Roybal-Marquez, President of Seal Rock Inc. came forward. Ms. Roybal-Marquez indicated she would like to show the 15-minute version of the film and presented said clip.

Supervisor Botelho commended Ms. Roybal-Marquez and Mr. Medlin for their presentation. Supervisor Botelho felt it was necessary to show the film and its impact especially since the subject matter was directly related to underage drinking and its fatal consequences on our community.

BOARD ACTION: *Upon motion duly made by Supervisor Botelho and seconded by Supervisor Marcus, approved Resolution No. 2005-75 In Support Of The Project "Under The Influence And Under 21." Motion passed unanimously.*

Supervisor Loe thanked Ms. Roybal-Marquez and Mr. Medlin for their hard work on this project and hoped the visual imagery will help to drive home the message home of the consequences of drinking and driving among the young people.

Supervisor De La Cruz also agreed the presentation was vital for the young people as one of his nephews was involved in such a tragedy and noted these circumstances destroy families. Supervisor De La Cruz agreed if this film helped save one life, it was worth it.

Supervisor Marcus agreed with Supervisors Loe and De La Cruz. Supervisor Marcus indicated the impact is felt much more by the residents of a small community such as San Benito County and wished them well on the trip to Washington, D.C. (file #156)

PRESENTATIONS / RECOGNITIONS:

22) **Consider Certificate of Recognition honoring the retirement of Mike Machado for over nineteen (19) years of service to San Benito County. (Supervisor Monaco)**

Chairman Monaco indicated this item would be revisited at this time.

Interim Planning Director Michael Bethke came forward. Mr. Bethke noted Mr. Machado was now present but stated he had make several calls to the office to ensure Mr. Machado would be present.

Chairman Monaco asked Mr. Machado to please come forward. Chairman Monaco presented Mr. Machado with said Certificate of Recognition.

Mr. Machado thanked the Board for the Recognition and noted he was late due to working on items on his desk. Mr. Machado indicated he would miss those he had come into contact with through the course of his tenure with the County.

AGRICULTURAL COMMISSIONER – P. Matulich:

24) **Accept 2004 Crop Report and consider release of said report to the public via the department web site.**

Ag Commissioner Paul Matulich came forward. Mr. Matulich indicated in accordance with Sections 2272 and 2279 of the California Food and Agricultural Code, this report is ready for release pending acceptance from the Board of Supervisors. Mr. Matulich concluded by stating the report will be made available to the public on the Ag Commissioner's website upon Board acceptance and approval.

Discussion ensued regarding agricultural and livestock production continue to be the mainstay of the county.

BOARD ACTION: *Upon motion duly made by Supervisor Marcus and seconded by Supervisor De La Cruz, accepted the 2004 Crop Report from Ag Commissioner Paul Matulich and authorized release of said report to the public via the Ag Commissioners web-site. Motion passed unanimously. (file #1.1)*

COUNTY COUNSEL - C. Biddle:

25) **Consider proposed resolution authorizing third party claims administrator, George Hills Company, to reject, settle, compromise or approve claims filed against the county.**

Interim County Counsel Claude Biddle noted this request to allow the third party claims administrator, George Hill Company on behalf of the County if said claims are under \$20,000.

Discussion ensued regarding if the Board would be kept apprised of proposed settlement of claims prior to the George Hills Company to which Counsel Biddle indicated the Board would be appraised before and following the settlement of any claim.

BOARD ACTION: *Upon motion duly made by Supervisor Marcus and seconded by Supervisor Botelho, approved Resolution No. 2005-76 Authorizing the contract third party administrator to reject, settle, compromise or approve claims filed against the County of San Benito. Motion passed unanimously. (file #36)*

ADMINISTRATIVE BUSINESS:

26) Receive update regarding San Benito County's adopted Housing Element. (Acting CAO)

Discussion was held with input from Interim Planning Director Michael Bethke, Acting CAO Susan Lyons and members of the Board.

Discussion included reviewing whether or not the City of Hollister has an inclusionary housing ordinance, how it compares with the County of San Benito ordinance, what are surrounding counties are implementing, is there a need to amend the existing ordinance in January of 2006, etc.

No formal action was taken – update/informational item only. (file #790)

27) Hold discussion regarding employee appreciation activities and provide direction. (Acting CAO)

Ms. Lyons indicated there was an appreciation barbecue for the employees and it was received well. She felt the dedication of the employees needed to be recognized and would like to see an annual barbecue structured around a safety program since there were monies available for safety programs from last year. Ms. Lyons noted that the Department Heads and Board of Supervisors members would serve the employees.

Chairman Monaco questioned the monies left from last year and were those monies rolled over.

Ms. Lyons indicated that was correct, the monies were rolled over into the General Fund and this years' estimated cost would be around \$3500.

Chairman Monaco indicated he was involved with the event last year and felt it was a great idea to coordinate the event into a safety program. Chairman Monaco also felt the event should be held on a Saturday to allow employees and their families to attend.

Chairman Monaco indicated he and Supervisor Loe would work with staff on coordinating this event.

Supervisor Loe agreed this was a good idea and would serve with Chairman Monaco.

Supervisor De La Cruz stated this was a great idea and it didn't involve taxpayer monies and use of safety monies could help reduce health care and workers comp costs.

Supervisor Marcus noted it was important to recognize staff for their team efforts and would like to see a date specific set. Supervisor Marcus noted he would like each Board member to donate \$200 for said the barbecue and indicated he would be providing his donation right away.

BOARD DIRECTION: *Chairman Monaco indicated he and Supervisor Loe would be working with Acting County Administrative Officer Susan Lyons on the coordination of this event.*

Chairman Monaco took the opportunity to thank Susan Lyons for her services to the Board during the Interim period.

Supervisor De La Cruz also commended Ms. Lyons for being supportive and helpful to him as well during her serving as the Acting County Administrative Officer. (file #630)

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.)

- 28) Conference with Legal Counsel – Existing Litigation**
Authority: California Government Code Section 54956.9(a)
a) Stafford-Pelt v. County of San Benito
No reportable action. (file #235.6)

b) Jimenez v. County of San Benito

No reportable action. (file #235.6)

c) Fort v. County of San Benito

No reportable action. (file #235.6)

29) **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: Marcus; De La Cruz; Botelho; Loe & Monaco

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

There being no further business the Board adjourned to a ***special meeting of July 19, 2005 at 6:30 p.m.***

REB MONACO, CHAIRMAN

San Benito County Board of Supervisors

ATTEST:

John R. Hodges
Clerk of the Board

BY:

Sally Navarez
Assistant Board Clerk