



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 JULY 26, 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 County Administrative Officer Susan Thompson, Interim County Counsel Claude Biddle and Senior Board Clerk Linda Churchill (morning session) and Assistant Clerk Sally Navarez (afternoon session). Chairman Monaco called the meeting to order at 9:30 a.m.

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:** Charles Lomanto, Lone Tree Road resident, came forward. Mr. Lomanto stated that he had complained to the Board a couple of months ago under public comment about the roosters that he and his neighbors have been contending with. Mr. Lomanto stated that the noise was really aggravating and it was an everyday occurrence. Mr. Lomanto stated that he had talked with the District Attorney and other officials and he was told he must bring it back to the supervisors for some kind of resolution.

Chairman Monaco directed staff to address this matter at the next Board meeting.

Chris Alvarez, Hollister resident, came forward. Mr. Alvarez addressed Supervisor De La Cruz stating that he was on the recall committee but he is now putting his hand out to be a liaison between Supervisor De La Cruz and the committee to move forward for the betterment of the city and the county. Mr. Alvarez offered his help in establishing an Ethics Commission.

Web Winans, Lovers Lane resident, came forward and quoted from the Zoning Ordinance noting that frog and poultry farms are addressed. Mr. Winans stated that the Planning Commission has already considered this problem and all that has to be done is to have the code enforced.

- d) **Department Head Announcements.** Susan Thompson, new County Administrative Officer for the County of San Benito, stated that she was pleased to be here for her first Board meeting and looked forward to a long and very prosperous engagement with the county.

- e) **Board Announcements, Introductions and Presentations:** Supervisor De La Cruz noted that yesterday he got the information that the recall effort had ended. Supervisor De La Cruz stated that as Mr. Alvarez commented it is time for us to move forward and work on the issues facing the county. Supervisor De La Cruz extended this message to the entire community noting that he was ready to move forward to help the community.

Chairman Monaco welcomed Susan Thompson the new County Administrative Officer and congratulated her for taking the helm here and felt she will do an outstanding job for the county.

CONSENT AGENDA:

Upon motion made by Supervisor Botelho and seconded by Supervisor Marcus approved Consent Items 1 through 21 with the exception of Items 8, 9 and 17 noting that Supervisor De La Cruz would abstain from the vote on Item 10. (Unanimous)

ADMINISTRATIVE BUSINESS:

1) **Approved** appointment of Susan Thompson, County Administrative Officer, to the Trindel Insurance Fund Board and **designated** Robin Scattini, Management Analyst, as the County's alternate. **File #36**

2) **Approved** appointment of Susan Thompson, County Administrative Officer, to the CSAC-EIA Board and **designated** Robin Scattini, Management Analyst, as the County's alternate. **File #36**

AUDITOR – J. Hodges:

3) **Approved** Departmental Claims.

CLERK OF THE BOARD:

4) **Approved** the minutes of the meetings of June 14, 2005 and July 5, 2005.

COMMUNITY SERVICES & WORKFORCE DEVELOPMENT – K. Flores:

5) **Approved** the re-appointment of Soila Rojas to the Workforce Investment Board (WIB) representing the private sector for a three-year term effective August 1, 2005 through June 30, 2008. **File #939**

6) **Approved** the re-appointment of Sue Flanagan to the Workforce Investment Board (WIB) representing the private sector for a three-year term effective August 1, 2005 through June 30, 2008. **File #939**

7) **Adopted Resolution No. 2005-77** approving the FY2005/2006 Migrant Center Operation and Maintenance contract in the amount of \$333,062 with the State Department of Housing and Community Development and **authorized** the CSWD Director to be the signature authority for this contract and any subsequent amendments to said contract. **File #750**

COUNCIL OF GOVERNMENTS – T. Quigley:

8) **Consider amended Joint Powers Agreement (JPA) between the County, City of Hollister and the City of San Juan Bautista.**

Joe Thompson, Tres Pinos resident, came forward stating that he understands this to mean that this JPA would increase the Council of Government's (COG's) powers at a time when he thinks COG's powers should be reduced and feels there are more efficient ways to cope with the problem.

Discussion was held.

Supervisor Botelho stated that that the Board would just be reaffirming the ability of COG to acquire property needed for public infrastructures.

Deputy Counsel Shirley Murphy noted that this is a very old document and essentially they were trying to update it to accurately reflect all of the things that are done by COG and have been doing for some time. This is not intended to expand powers but merely to make clarifications in terms of what has been implied in the previous document.

Mary Dinkun, COG Transportation Planner, explained that this document would clarify the powers that COG now has to actually perform certain projects.

County Counsel Claude Biddle explained that this JPA just reaffirms and clarifies the powers that people may want to challenge.

Supervisor De La Cruz asked Deputy County Counsel Shirley Murphy to bring back information regarding the Measure A Authority remaining as the commission that administers the unexpended funds from the 1988 Measure A ballot measure passed by voters and ended in 1999.

BOARD ACTION: *Upon motion made by Supervisor Loe and seconded by Supervisor Botelho approved the amended Joint Powers Agreement as recommended. (Unanimous) File #1035*

DISTRICT ATTORNEY – J. Sarsfield:

9) **Consider agreement with Community Solutions in the amount of \$10,000 for the provision of advocacy services to victims of crime with a contract term of July 1, 2005 through June 30, 2006.**

Supervisor De La Cruz questioned Attachment A (Scope of Services) asking what the difference was between what this grant will provide and what Victim Witness Program provides.

District Attorney John Sarsfield answered that the purpose of this grant is primarily to provide a series of public education classes for domestic violence and sexual assault awareness. This is not an overlap of the existing services noting this is prevention rather than enforcement. Mr. Sarsfield further explained that Community Solutions is a non-profit agency within San Benito County.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Loe approved the execution of the agreement between the District Attorney's Office and Community Solutions as recommended with an amendment changing the effective dates of the agreement to August 1, 2005 through July 30, 2006. (Unanimous) File #205*

FIRST 5 SAN BENITO – K. Castillo:

10) **Approved** agreement with the Hollister School District – Gabilan Hills Elementary in an amount not to exceed \$50,000 for the provision of Home Based, Center Based and Summer Preschool services with a contract term of July 28, 2005 through June 30, 2006. (4-1 vote. *Supervisor De La Cruz abstained*). **File #155**

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

11) **Approved** agreement with Chamberlain's Mental Health Services in an amount not to exceed 19,992 for the provision of parent education classes and counseling services in the amount of \$19,992 with a contract term of July 1, 2005 through June 30, 2006 and **authorized** the Director of H&HSA to sign said agreement on behalf of the County. **File #130**

12) **Approved** agreement with the City of San Jose in the amount of \$20,000 for the provision of Housing Opportunity for Persons (HOPWA) with AIDS. **File #130**

13) **Approved** agreement with Chamberlain's Children's Center for the provision of respite/shelter services and family worker services in the amount of \$63,462 with a contract term of July 1, 2005 through June 30, 2006 and **authorized** the Director of H&HSA to sign said agreement on behalf of the County. **File #130**

14) **Approved** Memorandum Of Understanding (MOU) with the City of Hollister for the use of the Veterans' Memorial Building for mass vaccination clinics in the event of a public health emergency. **File #130**

15) **Approved** agreement with the State Department of Health Services in the amount of \$31,686 for implementation of an Immunization Registry with a contract term of July 1, 2005 through June 30, 2006 and **authorized** the H&HSA Director to sign said agreement on behalf of the County. **File #130**

16) **Approved** amendment to the agreement with the State Department of Health Services in the amount of \$1,990 for the Ryan White Program and **authorized** the H&HSA Director to sign said agreement on behalf of the County. **File #130**

PUBLIC WORKS:

17) **Consider requirement contract with CM Pros in an amount not to exceed \$250,000 for resident engineering and construction inspection services for federal bridge replacement and roadway projects with a contract term of July 25, 2005 through June 30, 2007.**

Supervisor Marcus asked if this was bid out competitively and were there other bids.

Arman Nazemi, Assistant Public Works Director, answered yes noting that there were specific federal guidelines for consultant selection and those guidelines were followed.

Lengthy discussion ensued.

Supervisor Botelho made a motion to approve the contracts with amendments to the proposal that this would only be for the Fallon/Fairview Road intersection improvement project and the Southside Road Bike Lane projects and lower the not to exceed amount to \$100,000. Supervisor De La Cruz seconded the motion. The motion was rescinded.

BOARD ACTION: *Upon motion made by Supervisor Marcus and seconded by Supervisor De La Cruz, approved the contract with CM PROS for resident engineering and construction inspection services for Federal bridge replacement and roadway projects adding that CM PROS is made aware of future projects that we have coming up so they can staff accordingly and be on board to do it economically. (Unanimous) File #105*

REGIONAL DEPARTMENT OF CHILD SUPPORT SERVICES – L. Miller:

18) **Approved** Proclamation declaring August 2005 as “Child Support Awareness Month” in San Benito County. **File #430**

SUBSTANCE ABUSE PROGRAM – M. Narasaki:

19) **Approved** agreement with Sheri’s Maintenance in an amount not to exceed \$5,100 for the provision of janitorial services for the Substance Abuse Program offices with a contract term of July 1, 2005 through June 30, 2006. **File #1053**

20) **Approved** renewal of agreement with Lifestyle Management & Associates in the amount of \$1,750 for Drinking Drivers and Drug Diversion Programs for FY2005/2006. **File #1053**

21) **Approved** agreement with Project Ninety in the amount of \$30,600 for residential treatment services with a contract term of July 1, 2005 through June 30, 2006. **File #1053**

REGULAR AGENDA:

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

22) **Regarding the West Nile Virus (WNV) Task Force, consider the following:**

a) **Receive Task Force report; and**

b) **Ratify the submission of a grant application for \$200,000 to the State Department of Health Services by the Agricultural Commissioner for mosquito control services.**

Received reports by Kathy Flores, Health & Human Services Agency Director and Paul Matulich, Agricultural Commissioner.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Loe, ratified submission of a grant application for \$200,000 to the State Department of Health Services by the Agricultural Commissioner for mosquito control services. (Unanimous)*

Susan Thompson, County Administrative Officer, emphasized it was the county’s mission to work very closely with the City of Hollister on this matter. **File #130**

ELECTIONS – J. Hodges:

23) **Regarding new voting system for the Elections Department, consider the following:**

a) **Authorize the County Clerk/Auditor/Recorder (Registrar of Voters) to execute the agreement between the County and Sequoia Voting Systems for Electronic and Optical Scan Voting Systems and related services (agreement) upon approval of contract/agreement by County Counsel; and**

b) Authorize County Clerk/Auditor/Recorder (Registrar of Voters) to apply and execute all required documents for Help America Vote Act (HAVA) 301 funding once funding procedure is established.

John Hodges, Clerk/Auditor/Recorder, reported that the County of San Benito needs new elections voting machines noting that the proposed machines were displayed in the lobby this morning for the Board's and the public's viewing. In order to take advantage of the Federal and State of California funding available for a new electronic voting system that meets the requirements of the Help America Vote Act (HAVA), San Benito County must move forward on this issue due to the Federal and State deadlines (January 1, 2006) for issuing a contract for acquisition and delivery of such a system in 2005.

Discussion was held.

Sheree Noell, Sequoia Voting Systems Vendor, answered questions about the system, the company and the competitive bidding process.

BOARD ACTION: *Upon motion made by Supervisor Marcus and seconded by Supervisor De La Cruz, approved request as recommended. (Unanimous) File #285*

ADMINISTRATIVE BUSINESS:

24) Consider approval of Request For Proposals (RFP) for vehicle maintenance services. (Management Analyst)

Susan Lyons, Management Analyst, provided background information stating that the current contract expires on August 31, 2005 noting this is a request to approve an RFP that will go out to about 22 different businesses within the county. Ms. Lyons stated that it is expected the contract will be back for consideration on September 6, 2005 noting that the current contract could be extended to that date.

Supervisor De La Cruz asked if the Board could see all of the bids received and could staff prepare a matrix of all of the key points.

Chairman Monaco authorized the Budget Sub-Committee (Supervisors Marcus and De La Cruz) to review all the bids and come back with a recommendation.

Discussion was held with regards to bid bonds.

Chairman Monaco questioned the fact that no bodywork is included in this proposal.

County Administrative Officer Susan Thompson stated she would look into a separate bid process for bodywork for a future agenda item.

BOARD ACTION: *Upon motion made by Supervisor Marcus and seconded by Supervisor De La Cruz approved the Request for Proposals (RFP) to solicit bids for County vehicle maintenance and repair services; authorized Chair to sign RFP and authorized staff to distribute the RFP. (Unanimous) File #45*

25) Consider agreement with Precision Inspection Company, Inc. for plan check services on an as needed basis for the Building Department at a cost not to exceed \$125,000. (Management Analyst)

Susan Lyons, Management Analyst, reported that the County is 60 to 100 plans behind and this company provides services to the City of Hollister for plan checks. Ms. Lyons stated that the county would collect plan check fees and the company would get 75% of that fee.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Marcus approved contract as recommended for the period of July 26, 2005 through June 30, 2006. File #790*

The Board adjourned at 11:00 a.m. for a short break and reconvened at 11:10 a.m. The Board adjourned as the Board of Supervisors and reconvened as the San Benito County Financing Corporation. Those minutes have prepared separately. The Board adjourned as the San Benito County Financing Corporation and reconvened as the Board of Supervisors re:

26) Receive report and hold discussion re: proposed flyover at Highway 152 / 156 (Pacheco Y) and take action as appropriate. (Supervisors Loe and Botelho)

Supervisor Loe provided background information stating that this item came before Council of Governments (COG) at their last meeting. Supervisor Loe noted that in October 2003 the COB Board of

Directors went on record stating that they supported Alternative and Design #2 and they wanted it studied in the environmental document and brought forward and if Alternative #1 was chosen by the VTA (Valley Transportation Authority) then we wanted a full report on the implementation and how much additional traffic would be brought into San Benito County. Supervisor Loe stated none of these things were addressed in the environmental document.

Discussion was held as to how to address this matter.

BOARD ACTION: Upon motion made by Chairman Monaco and seconded by Supervisor Marcus, directed County Administrative Officer to work with Supervisors Loe and Botelho to draft a letter from the Board of Supervisors (BOS) to the Valley Transportation Authority (VTA) in opposition to the VTA's plan for the Highway 152/156 flyover and to invite the VTA to speak at a Board of Supervisor's meeting noting this letter must be sent by Friday, July 29, 2005 at 5:00 p.m. which will meet the extension deadline granted by VTA for submission of comments on the Initial Study/Environmental Assessment for the 152/156 Improvements Project. (Unanimous) File #1035

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.)

27) Conference with Legal Counsel – Anticipated 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

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) Fancher & Roybal v. County of San Benito**

No reportable action. File #235.6

- c) Martinez v. County of San Benito, et al.**

No reportable action. File #235.6

29) Public Employment

Title: County Counsel

Authority: California Government Code Section 54957

Report out: Interim County Counsel's public employment contract will be extended for three (3) additional months with the same terms as the present contract. File #235.6

30) Public Employee Discipline/Dismissal Release (2)

Authority: California Government Code Section 54957

Report out: The Board of Supervisors considered the application for disability retirement for Richard Solano. The Sheriff's Department determined that he is to be retired as a result of an industrial injury. **Resolution No. 2005-80** has been executed and a certified copy will be forwarded to PERS to commence retirement.

An application for disability retirement for Deputy Sheriff David Hackman was reviewed and based on medical evidence the Board of Supervisors concluded that he is to be retired for disability as a result of an industrial injury and a certified copy of **Resolution No. 2005-81** as adopted will be forwarded to PERS for commencement of the proceedings. File #235.6

31) Conference with Labor Negotiator

Authority: California Government Code Section 54957.6

Agency Designated Representative: Susan Thompson, County Administrative Officer & Megan Booth, Interim HR Director

Employee Organization:
No reportable action. File #235.6

General Unit – SEIU, Local 817

32) Conference with Labor Negotiator

Authority: California Government Code Section 54957.6

Agency Designated Representative: Susan Thompson, County Administrative Officer &
Megan Booth, Interim HR Director

Employee Organization: Deputy Sheriff's Association (DSA)

No reportable action. File #235.6

1:30 P.M. PUBLIC HEARING (or as soon thereafter as the matter(s) may be heard):

Chairman Monaco noted for the record that Supervisor Marcus was absent for the afternoon session.

Hold **two (2) public hearings** to consider proposed resolutions confirming the annual report, as per Government Code Section 25210.77a, on the following County Services Areas in San Benito County:

EMERGENCY SERVICES – M. Riopel:

33) CSA #36 (Emergency Medical Services & Advanced Life Support Services); and

Director of Emergency Services Margie Riopel came forward. Ms. Riopel indicated the County was required to annually report on CSA #36 charges and activities. Ms. Riopel provided a brief overview of the EMS and ALS charges assessed to the approximate 22,887 benefit assessment units.

This being the duly noted time and place, Chairman Monaco opened the public hearings. However, hearing no one wishing to address the Board, Chairman Monaco closed said public hearing.

BOARD ACTION: *Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Loe, adopted Resolution No. 2005-78 Setting Forth Charges For Each Parcel Of Real Property For CSA 36 Emergency Medical Services and Advanced Life Support. Motion passed 4-0 with Supervisor Marcus being absent for the vote. (file #75.5 & CSA 36)*

PUBLIC WORKS – P. Corn:

35) CSA #4 (Santa Rosa Acres); CSA #5 (Hillcrest); CSA #8 (Bonnie View); CSA #9 (Ridgemark); CSA #11 (Barnes Lane); CSA #16 (Santa Ana Estates/Holiday Ranch Estates); CSA #19 (Springwood Estates); CSA #21 (Long Acres); CSA #22 (Cielo Vista); CSA #23 (Rancho San Joaquin/Tevis Trails); CSA #24 (Santa Ana Acres); CSA #25 (Vineyard Estates); CSA #28 (Heatherwood); CSA #29 (Magladry); CSA #30 (McCloskey Acres); CSA #31 (Stonegate); CSA #33 (Torrano); CSA #34 (Ausaymas); CSA #35 (Union Heights); CSA #38 (Ashford Highlands); CSA #42 (Lemmon Acres); CSA #45 (Rancho Larios); CSA #46 (Quail Hollow); CSA #47 (Oak Creek); CSA #48 (Dry Creek); CSA #49 (Hollister Ranch Estates); CSA #50 (Dunneville Estates); CSA #51 (Comstock Estates); CSA #53 (Riverview Estates); CSA #54 (Pacheco Creek Estates).

Assistant Director of Public Works Pete Corn came forward and provided background information relative to each individual CSA. However, Mr. Corn noted there were members present in the audience who may wish to address the Board on a respective CSA and its proposed charges.

This being the duly noted time and place, Chairman Monaco opened the public hearing.

Harvey Morriss President of the Rancho Larios Howmeowners Association (CSA #45) came forward. Mr. Morriss asked that matters pertaining to CSA #45 be postponed in order to discuss issues of concern. Mr. Morriss indicated he had met with Peter Corn, Nadine DeRoza of Public Works, County Counsel and Supervisor Botelho to voice his concerns over proposed charges.

CAO Thompson indicated this matter, pertaining to CSA #45 could be postponed, however she indicated the matter needed to be resolved quickly due to Budget Hearings to be held next week.

David Baumiller, 630 Tevis Trail (CSA #23) questioned having street lights then not having street lights.

Assistant Director Corn indicated off site ditch maintenance, slurry sealing of road and signage maintenance was completed.

Steve Stewart, Rancho Larios Homeowners' Board Member (CSA #45) stated he would like to postpone CSA #45 at this time in order to meet with staff and his respective Supervisor to clarify proposed charges.

Mike Biechman, Stonegate (CSA #31) Board of Director also noted he would like to postpone matters pertaining to CSA #31 regarding proposed charges and would be willing to meet whenever possible.

Diane Sisneros, Homeowner at CSA #31 also asked for clarification in proposed charges and felt additional breakdowns need to be provided to the Homeowners.

Hearing no one further wishing to address the Board on this matter, Chairman Monaco closed the public hearing.

CAO Thompson suggested scheduling meetings for the concerned parties of CSA #31 and CSA #45 as soon as possible.

Discussion ensued regarding the need for immediate meeting between Public Works Staff and the concerned Homeowners of CSA #31 and CSA #45.

BOARD ACTION: *Upon motion duly made by Supervisor Botelho and seconded by Supervisor Loe, adopted Resolution No. 2005-79 Confirming Report Setting Forth The Charges For Each Parcel Of Real Property Receiving Services Through A County Service Area (CSA #4, CSA #5, CSA #8, CSA #9, CSA #11, CSA #16, CSA #19, CSA #21, CSA #22, CSA #23, CSA #24, CSA #25, CSA #28, CSA #29, CSA #30, CSA #33, CSA #34, CSA #35, CSA #38, CSA #42, CSA #46, CSA #47, CSA #48, CSA #49, CSA #50, CSA #51, CSA #53 and CSA #54, **with the exception of CSA #31-Stonegate and CSA #45-Rancho Larios.** CSA #31 and CSA #44 continued to the meeting of August 2, 2005 in order to allow a meeting between the CAO, Supervisor Botelho, Supervisor Monaco, Public Works staff and concerned Homeowners to discuss concerns regarding proposed charges. Motion passed 4-0 with Supervisor Marcus being absent for the vote. (file #105)*

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 Monday, August 1, 2005 at 9:30 a.m. for budget hearings.

REB MONACO, CHAIRMAN

San Benito County Board of Supervisors

ATTEST:

John R. Hodges

Clerk of the Board

BY:

Linda Churchill

Senior Board Clerk
(Morning Session)

Sally Navarez

Assistant Board Clerk
(Afternoon Session)