



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 OCTOBER 11, 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. Chairman Monaco called the meeting to order at 9:30 a.m.

9:30 a.m. CALL TO ORDER:

- a) Pledge of Allegiance.
- b) *Acknowledged Certificate of Posting.*
- c) **Public Comment:** Nenette Corotto, County resident, came forward to make comments regarding Consent Item #3 on the October 4, 2005 agenda. Mrs. Corotto stated that she received one letter in May 2004 regarding the orchard and she went to speak to the Agricultural Commissioner and requested more time and she told him that they had already begun discussing the removal of the orchard and that it was going to be happening with time but she would have preferred not to have it happen this way. Mrs. Corotto stated she received no other communication from the county other than the letter and noted that the burden of this embarrassment sits on her shoulders. Mrs. Corotto stated that they are in the process of making arrangements to remove the orchard and it was unfortunate that she had to come before the Board of Supervisors but she wanted to clarify that the rest of her family did not know.
Mrs. Corotto further stated that she hopes, that since it was her understanding that the County is going to clean up all of these abandoned orchards, that everybody remember that abandoned orchards are not the sign of a minor criminal and the word misdemeanor really bothers her. They are the sign of a farmer who no longer has any market and she hopes that the County keeps that in mind.
Jesse Garza, representing the Veteran's Coalition of San Benito County, came forward to speak on behalf of the Veteran's Parade to be held on November 11th. Mr. Garza stated that it was brought to the attention of the committee that they were discriminating against certain political groups from participating in the parade. Mr. Garza stated this was not true and that what they are trying to do is make this parade very non-political and they have had both parties ask if they could participate and both parties were turned down. Obviously this is not working and the committee is still working to get this parade organized but they are not discriminatory against anything except the politics of the parade. Mr. Garza state that the Veteran's Parade is a day of remembrance for the past and present veterans and that is the way they are trying to keep it.
- d) **Department Head Announcements:** County Administrative Officer Susan Thompson provided an update on the status of the recruitment for the Planning Director and Director of Public Works. Ms. Thompson stated that the recruitment is on track and they were moving along.

e) **Board Announcements, Introductions and Presentations:** Supervisor Marcus reported that the Governance Committee, which includes Supervisor Loe and himself, along with the CAO, two representatives from the Hollister City Council and two representatives from the San Benito County Water District meet on a monthly basis to address and work on the sewer problem and the continuing moratorium. Supervisor Marcus stated the Governance Committee would be meeting on October 12, 2005 at 5:30 p.m. in the Board Chambers and he encouraged the public and the press to attend the monthly meetings so everyone can stay abreast of how they are proceeding with this ongoing, very serious problem. Supervisor Marcus noted that he has asked the CAO to provide a monthly agendaized report for future Board of Supervisors meetings.

Supervisor Loe stated that she wholeheartedly wants this to move forward and she thinks the monthly reports are a very positive way to do that because the general public knows exactly what is going on at all times and can call her, Supervisor Marcus or CAO Susan Thompson at any time to answer questions. Supervisor Loe stated that everyone at the Governance Committee meetings has the same goal in the mind and that is to move forward with the sewer problems and getting the new plant up and operating.

Chairman Monaco referred to County Counsel Claude Biddle to address adding an item to the Closed Session Agenda.

Mr. Biddle stated that the matter arose after the posting of the agenda late Friday afternoon and it is an offer of settlement in the case of Fancher / Roybal v. County of San Benito as an adjunct action as a result of a writ filed in the Public Records Act. The settlement offer has a time expiration date that is prior to the next Board meeting.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Loe, moved to make findings that this item arose after the posting of the agenda. (Unanimous vote)*

Upon motion made by Supervisor De La Cruz and seconded by Supervisor Loe, added Item 18(b) to the Closed Session Agenda: Conference with Legal Counsel – Existing Litigation. Fancher / Roybal v. County of San Benito.

CONSENT AGENDA:

Chairman Monaco announced that County Counsel had given his opinion that Supervisors Monaco and Marcus do not have a conflict of interest in voting on Item 11 of today's Consent Agenda dealing with the approval of the 2006 Saddle Horse Show Budget.

Supervisor Botelho made a motion to approve Consent Agenda Items 1 through 13. Supervisor De La Cruz seconded the motion.

Under the question. Supervisor Loe asked if there should be a resolution adopted relating to Item 11.

Interim County Counsel Claude Biddle said he would look into the matter and would prepare a resolution for the Chair's signature if necessary.

The Chair called for the question.

The motion passed to approve the Consent Agenda. (Unanimous Vote)

ADMINISTRATION – S. Thompson:

- 1) Regarding Paralegal position for the District Attorney's Office, consider the following:
 - a) **Approved** the Job Specification for a Paralegal position; and
 - b) **Approved** the Salary Range of 14.0; and
 - c) **Amended** the Authorized Position Schedule to include 1.0FTE Paralegal in the District Attorney's Office; and
 - d) **Appropriated** \$44,000 from Contingencies to the District Attorney Budget Unit. **File #630**
- 2) **Approved** a Side Letter Agreement between San Benito County and Service Employees International Union (SEIU) Local 817 effective October 1, 2005. **File #38**

AGRICULTURAL COMMISSIONER – P. Matulich:

- 3) **Approved** agreement with the California Department of Food and Agriculture in the amount of \$9,460.88 for the provision of Nursery Inspection, Seed Services and Sudden Oak Death programs for FY2005/2006. *File #1.1*

CLERK OF THE BOARD:

- 4) **Approved** the minutes of the meetings of September 6, 2005 and September 13, 2005.

DEPARTMENT OF EMERGENCY SERVICES – M. Riopel:

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

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 6) **Approved** request to amend the H&HSA Schedule of Authorized Positions to add a 1.0FTE Administrative Services Manager and to de-fund a 1.0FTE Accountant III position upon filling of the Administrative Services Manager position. *File #130*

MENTAL HEALTH DEPT. – A. Yamamoto:

- 7) **Accepted** San Benito County Mental Health Board 2004 Annual Report. *File #810*
- 8) **Approved** agreement renewal with Jadille Minkoff, LCSW in the amount of \$5,000 for the provision of mental health assessments and psychotherapy for MediCal eligible residents with a contract term of October 11, 2005 through June 30, 2006. *File #810*
- 9) **Approved** agreement renewal with Ombudsman/Advocate, Inc. in the amount of \$7,200 for the provision of patient rights advocacy services with a contract term of October 4, 2005 through June 30, 2006. *File #810*

PLANNING & BUILDING DEPT. – M. Bethke:

- 10) **Approved** revision to specifications for the Planning Technician position. *File #790*

SAN BENITO COUNTY SADDLE HORSE ASSOCIATION – K. Ferreira:

- 11) **Approved** the 2006 Saddle Horse Show budget. *File #55*

SHERIFF – C. Hill:

- 12) **Approved** request for Deputy Sheriff applicant to be hired at Range 21.1, Step D based on extensive law enforcement training and experience. *File #110*

SUBSTANCE ABUSE PROGRAM – A. Yamamoto:

- 13) **Adopted Resolution No. 1005-103** authorizing the Substance Abuse Program Administrator to accept cash donations for community based events. *File #1053*

REGULAR AGENDA:

PRESENTATIONS & RECOGNITIONS:

- 14) **Consider proclamation supporting the newly formed chapter of Habitat for Humanity San Benito County. (Supervisor Botelho)**

Supervisor Botelho reported that he wanted to bring to the attention of the Board of Supervisors and the public that we have a newly formed chapter of Habitat for Humanity in San Benito and there will be a horse trail ride and dinner on October 22nd promoting this newly formed chapter and noted this was a very worthwhile cause.

George Lewis, local resident, came forward and explained the newly formed Habitat for Humanity in San Benito County noting that it was just officially recognized on September 1st 2005 and they are

committed to be a volunteer non-profit organization who partners with the community and a future homeowner to build houses that are affordable to the very low-income family.

Mr. Lewis encouraged the public to participate and volunteer and invited everyone to the first fundraiser to be held on October 22nd.

BOARD ACTION: Upon motion made by Supervisor Botelho and seconded by Supervisor Marcus adopted the proclamation supporting the newly formed chapter of Habitat for Humanity San Benito County. (Unanimous vote.) File #430

SITTING AS THE COUNTY BOARD OF EQUALIZATION:

The Board adjourned as the Board of Supervisors and reconvened as the County Board of Equalization re:

15) Consider the minutes of Assessment Appeal Hearings held on July 7, 2005.

BOARD ACTION: Upon motion by Supervisor De La Cruz and seconded by Supervisor Marcus **approved** the minutes of Assessment Appeal Hearings held on July 7, 2005. (Vote 4-1. Supervisor Loe abstained.) As. Appeal File

The Board adjourned as the County Board of Equalization and reconvened as the Board of Supervisors re:

ADMINISTRATIVE BUSINESS:

16) Regarding the positions of Director of Internal Services and Management Analyst I/II/III, consider the following:

- a) **Approve elimination of vacant Director of Human Resources position, addition of a new Director of Internal Services position and approve job description, specifications and salary level; and**
- b) **Approve job description and specification for Management Analyst I/II/III to reflect addition of essential duties related to Human Resources, Purchasing and Space Planning depending on area of assignment.**

County Administrative Officer Susan Thompson provided background information stating this was a recommendation regarding the previously discussed office re-organization. Ms. Thompson reported that during budget hearings the Board approved a staffing pattern that brought into play an additional Management Analyst position that at the time was assigned to the Human Resources Department. The recommendation today is to change the Human Resources Department into a Department of Internal Services which will have not only the responsibility for Human Resources, and continue to have that as probably largest workload within that organization, but also to add responsibilities for purchasing, policies and procedures and oversight for the County of San Benito and space planning. This recommendation simply adds job descriptions that would describe the Director of Internal Services and also the Management Analyst positions so that we can not only use that Management Analyst classification for its traditional use, which was exclusively within the County Administrative Office, but also note that individuals might be assigned as well to the Department of Internal Services for specific functions of Human Resources and/or space planning as well.

Discussion was held regarding the roles and responsibilities of the recommended new job descriptions.

BOARD ACTION: Upon motion made by Supervisor De La Cruz and seconded by Supervisor Botelho, approved this item as recommended. (Unanimous) File #630

17) Hold workshop regarding Federal Office of Management and Budget (OMB) Cost Allocation Plan Process (A-87) for recovery of county overhead costs from State and Federal sources. (Auditor)

Dan Vrtis, Finance Director, provided background information, stating that during Budget Hearings discussion came up with regards to A-87 and questions arose as to what A-87 is.

Joe Paul Gonzalez, Accounting Manager for the Auditing Department, presented a Power Point presentation entitled US Office of Management and Budget (OMB) A-87 Cost Plan.

Question and answer period was held.

BOARD ACTION: Received the County Cost Plan Power Point presentation. File #608

The Board adjourned for a 10 minute break at 10:30 a.m. and then into Closed Session and reconvened into Regular Session re:

CLOSED SESSION:

The San Benito County Board of Supervisors and the San Benito County Council of Governments met jointly in closed session regarding Item 18(a).

18) Conference with Legal Counsel – Existing Litigation

Authority: California Government Code Section 54956.9(a)

a) Martinez v. County of San Benito, et al.

b) Fancher/Roybal vs. County of San Benito, et al. (This item was added to the agenda)

No reportable action. File #235.6

19) Conference with Labor Negotiator

Authority: California Government Code Section 54957.6

Agency Designated Representative: Susan Thompson, County Administrative Officer

Employee Organization: General Unit – SEIU, Local 817

Deputy Sheriff's Association (DSA)

No reportable action. File #235.6

20) Conference With Labor Negotiator

Authority: California Government Code Section 54957.6

Agency Designated Representative: Susan Thompson, Co. Admin. Officer & Gifford Swanson, Public Authority Manager (IHSS)

Employee Organization: SEIU, Local 817 – In Home Supportive Services (IHSS)

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 at 11:50 a.m. to Thursday, October 20, 2005 at 10:00 for a special meeting (Board Retreat) to be held at the St. Francis Retreat, San Juan Bautista, California.

REB MONACO, CHAIRMAN

San Benito County Board of Supervisors

ATTEST:

John R. Hodges

Clerk of the Board

BY:

Linda Churchill

Senior Board Clerk