



# 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 OCTOBER 25, 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:** Joe Thompson, Tres Pinos resident, came forward with comments regarding Council of Government's (COG) County Transit. Mr. Thompson expressed his concerns about AB 765 (Salinas) and urged the Board to adopt an emergency resolution stating that an emergency presently exists and it does because the fiscal integrity of the Board of Supervisors and the County is jeopardized by what is being thrust down upon us by Sacramento.  
Mr. Thompson further stated that he convened a meeting at the Economic Development Corporation for the purpose of discussing rail oriented economic development and he would like to have the Board of Supervisors tell the COG delegation to go to COG and insist that we spend money on rail oriented economic development.  
Richard Russei, came forward on behalf of the Paul Sanard family (Pauline Gentry) who filed criminal charges on September 7<sup>th</sup>. Mr. Russei stated that it has been more than 30 days and the situation has been devastating to the family because the Sanards passed away and the children are fighting and leaving one son with nothing and he is about to be evicted from the family farm. Mr. Russei asked the Board to take a look at this.
- d) **Department Head Announcements:** County Administrative Officer Susan Thompson provided an update on the Planning and Public Works Director recruitment.
- e) **Board Announcements, Introductions and Presentations:** Supervisor Botelho reported that he and Supervisor De La Cruz attended the first AMBAG (Association of Monterey Bay Area Governments) meeting in our new official capacity and made their presence known. Supervisor Botelho explained that there were grant applications approved for studies regarding the Monterey Bay Freight Analysis framework and another for Urban Land Use Interaction study.  
Supervisor Marcus asked if AMBAG had taken a position regarding casinos.  
Supervisor Botelho stated that it hadn't been to date but he didn't see why that could not be addressed by AMBAG.

Supervisor De La Cruz stated that his interpretation of AMBAG is more towards to two key elements – Housing Allocation and transportation needs to provide the Housing Allocation and we should take a stand.

Supervisor Botelho brought to the attention of the public the good work that was done by the Director of Emergency Services Margie Riopel and staff in coordinating the emergency disaster and training exercise that was held on October 19, 2005.

Supervisor Botelho commented with regards to a shooting that occurred in our community over the weekend noting that it was gang related. Supervisor Botelho stated that the Board of Supervisors needs to get reports from the Local Task Force and should get more involved and aggressive in ways to curb this problem.

*Chairman Monaco suggested that Supervisor Botelho take this matter up with staff and bring it back in the future.*

Supervisor Loe announced that the Southern Gateway Transportation is now available and will be discussed at the next COG meeting and public input would be welcome.

Supervisor Loe further announced that she talked with City of Hollister Mayor Pauline Valdivia over the weekend and she is doing well and is now at home.

Supervisor De La Cruz announced that tonight (Oct. 25, 2005) at 7:00 p.m. there would be a public forum held at the Veteran's Memorial Building pertaining to housing and jobs. The forum will be hosted by DMB and will be bi-lingual.

Supervisor De La Cruz commented that there is a gang problem here and that there are rumors that a Southern Californian gang is going to try to take over San Benito County and there may be a turf war. Supervisor De La Cruz stated it was time for the community to move forward to try and solve this problem.

Supervisor De La Cruz reported that he attended an Economic Development meeting recently and there was discussion about a request to be made to the Board of Supervisors that the General Plan be reviewed.

Supervisor Marcus reported that he attended the Habitat for Humanity fundraiser over the weekend and he participated in the trail ride. Supervisor Marcus stated that it was an enjoyable event and he hoped that the fundraiser was a success.

Supervisor Marcus announced that on Thursday, October 27, 2005 at 9:00 a.m. in the Board Chambers there was going to be a meeting of a group of staff members and concerned citizens to discuss the nuisance of the crowing fowl. Supervisor Marcus indicated that they would be coming forward again with the crowing fowl ordinance and along with that they were also proposing to amend the Chapter of the County Code that pertains to light agricultural uses on Ag. Productive district properties. Supervisor Marcus encouraged any interested persons to attend the meeting.

Supervisor Marcus stated that he wanted to make certain that the issue with the Veterans Services Office regarding having their own representation was kept in the forefront.

Supervisor De La Cruz stated he had met with county staff regarding the Veterans Services Office and they are preparing a survey to see what type of customer service is being provided currently to if there is need for improvement and he would report back after that survey has been completed.

Chairman Monaco reported that he attended the Habitat for Humanity fundraiser dinner noting that it was a great success and well received.

Chairman Monaco announced that he has been appointed to the Hollister Hills Advisory Committee by the California State Department of Parks and Recreation.

Chairman Monaco further reported with concern about the availability of flu shots. Chairman Monaco announced the dates where the shots would be available or persons could call their physician.

Liz Falade, County Health Officer, came forward stating that the Health Department responded to an article in the newspaper about flu shots with a press release. Ms. Falade stated that generally about 40% of the people get their flu shots from their own physicians. Ms. Falade indicated that physicians had received their allotment of flu shots. The Health Department gave their flu shots to the two clinics, the hospital and the foundation, and the Health Department will also be

giving flu shots to children who come to Health Department immunization clinic. Ms. Falade stated that there should be enough flu shots for everyone.

Ms. Falade further noted that they were not worried about the bird flu in this area for this year. Ms. Falade encouraged persons to get a flu shot and that would help prevent a pandemic.

#### **CONSENT AGENDA:**

*Upon motion made by Supervisor Marcus and seconded by Supervisor De La Cruz approved Consent Agenda Items 1 through 16 with the exception of Item 7, which was pulled for discussion. (Unanimous)*

#### **CLERK OF THE BOARD:**

- 1) **Approved** the minutes of the meetings of September 27, 2005; October 4, 2005 and October 11, 2005.

#### **COUNTY ADMINISTRATIVE OFFICE:**

- 2) **Approved** reclassification of Deputy Director Community Services & Workforce Development (CSWD) Position to Deputy Director Health & Human Services Agency (H&HSA) to reflect previously approved reorganization. *File #630*
- 3) **Approved** compensation for Director of Health & Human Services Agency To Reflect The Expansion of the Span of Responsibility Resulting From the Previously Approved Reorganization . *File #630*

#### **DEPARTMENT OF EMERGENCY SERVICES – M. Riopel:**

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

#### **FIRST 5 SAN BENITO – K. Castillo:**

- 5) Regarding agreement with the San Benito County Mental Health Department, consider the following:
  - a) **Approved** agreement in the amount of \$75,000 for the provision of the “Parent, Child, Interactive Therapy” program with a contract term of October 25, 2005 through July 30, 2006; and
  - b) **Authorized** the Board Chair to sign said contract; and
  - c) **Authorized** the County Mental Health Director to sign said contract. *File #155*

#### **INTEGRATED WASTE MANAGEMENT – M. Rose:**

- 6) **Approved** out of state travel request for the Director of Integrated Waste Management to attend annual conference for Brownfields held by the United States Environmental Protection Agency in Denver, Colorado on November 2-4, 2005. *File #142.2*
- 7) **Consider payment to K & M Asphalt Maintenance Specialists, Inc. for secondary containment/asphalt paving at John Smith Road Landfill for the new Household Hazardous Waste facility in the amount of \$12,650.**

Supervisor De La Cruz asked if we should have gone through the process as a Board.

Integrated Waste Management Director Mandy Rose explained that this was part of a project moving the Household Hazardous Waste Facility from the City Public Works yard out to the landfill. The landfill operator offered to help us with the paving because they were doing paving of their own and in doing the project together it would save the county money. They did go out and get quotes and Ms. Rose stated that her error was not coming back to the Board of Supervisors with that final request before they did the work.

Supervisor De La Cruz asked about the itemization.

Ms. Rose stated that they were given the square footage of what they did and then it was divided out.

Supervisor De La Cruz said that we should make sure that this doesn't happen again noting the public should be aware of what is going on.

**BOARD ACTION:** Upon motion made by Supervisor De La Cruz and seconded by Supervisor Marcus approved the payment to K & M Asphalt Maintenance Specialists Inc. for secondary containment/asphalt paving at John Smith Road Landfill for the new Household Hazardous Waste facility. File #142.2

- 8) **Awarded** contract to TechLaw, Inc. in an amount not to exceed \$50,000 for the Potentially Responsible Party and Insurance Archeology Search in connection with the New Idria Mercury Mine with a contract term of October 25, 2005 through October 24, 2006. File #142.2

**MENTAL HEALTH – A. Yamamoto:**

- 9) **Approved** agreement renewal with American Medical Response in an amount not to exceed \$3,500 for non-emergency transportation services for patients for fiscal year 2005/2006. File #810
- 10) **Approved** agreement with Charis Youth Center in an amount not to exceed \$80,000 for the provision of residential treatment services with a contract term of October 11, 2005 through June 30, 2006. File #810
- 11) **Approved** agreement with Door to Hope in an amount not to exceed \$27,189 for the provision of residential treatment services with a contract term of October 1, 2005 through June 30, 2006. File #810
- 12) **Approved** agreement with Remi Vista, Inc. in an amount not to exceed \$125,000 for the provision residential care and Therapeutic Behavioral Services (TBS) with a contract term of October 25, 2005 through June 30, 2006.

**PROBATION – D. Botts:**

- 13) **Approved** request to fund associated per diem, mileage, and hotel expenses in an amount not to exceed \$1,000 for Rich Phillips related to his provision of training in the Search Institute's 40 Developmental Assets. File #510

**PUBLIC WORKS:**

- 14) **Declared** Sheriff vehicles as surplus and to remove from inventory. File #105
- 15) **Declared** H&HSA equipment and one (1) vehicle as surplus and remove from inventory. File #105

**SHERIFF – C. Hill:**

- 16) **Approved** amendment #4 to Aramark Correctional Services, Inc. in an amount not to exceed \$252,842.35 for food services to the Jail and Juvenile Hall with a contract term of October 28, 2005 through October 27, 2006. File #110

**REGULAR AGENDA:**

**Sitting as the Board of Directors of various CSA's:**

The Board adjourned as the Board of Supervisors and reconvened as the Board of Directors of CSA's #45, #46, #47 and #53 re:

- 17) **Sitting as the Board of Directors of CSA's #45 (Rancho Larios), #46 (Quail Hollow), #47 (Oak Creek) and #53 (Riverview Estates), regarding RFP for landscaping services, the following actions were taken.**

- a) **Accepted** all proposals; and
- b) **Waived** informalities and irregularities in the proposal process; and
- c) **Awarded** contract to Big Red Yard Service to provide landscaping services in CSA #45 Rancho Larios, #46 Quail Hollow; #47 Oak Creek and #53 Riverview Estates for the period commencing December 1, 2005 and ending November 30, 2006 in the amount of \$48,000; and
- d) **Authorized** Chair to sign said contract.

The Board adjourned as the Board of Directors of CSA's #45, #46, #47 and #53 and reconvened as the Board of Supervisors re:

**INTEGRATED WASTE MANAGEMENT – M. Rose:**

**18) Review and consider candidates for the appointment of an at-large position to the Local Task Force.**

Integrated Waste Management Director Mandy Rose provided background information explaining that the Local Task Force is mandated by the State of California for each city and county to have an organizational committee that will address the Integrated Waste Management needs of the region. Ms. Rose stated that there is presently one At-Large vacancy noting that the appropriate noticing as been completed. A total of two candidates applied for the position.

Lengthy discussion ensued as to the urgency of this appointment and the possibility of creating another at-large position in order to allow both qualified candidates to serve on this task force.

**BOARD ACTION:** *Directed County Administrative Office staff to look into the procedure for adding one At-Large position to the San Benito County Local Task Force for a total of two At-Large positions and to bring the information back to the Board of Supervisors. File #142.2*

**HEALTH & HUMAN SERVICES AGENCY – K. Flores:**

**19) Consider West Nile Virus Task Force report.**

Kathy Flores, Health & Human Services Agency Director and Paul Matulich, Agricultural Commissioner, provided an update on the local West Nile Virus Task Force noting this is one of the last reports to be given before the Task Force will be taking a recess for several months.

Supervisor Marcus asked with regards to certain products that must be purchased from certain major manufacturers for abatement and other services if there were any companies that have come forward with any cost savings or donations towards this cause.

Mr. Matulich stated that up to date they have been purchasing the items through Monterey County at whatever price they were getting and we are not dealing directly with the suppliers.

*County Administrative Officer Susan Thompson stated that the county will contact Monterey County and see what process is being used and ask if there are any special philanthropic type donations that are coming through the industry.*

Supervisor Botelho, who sits on the West Nile Virus Task Force, commended Mr. Matulich and Ms. Flores for the outstanding job they have done putting all of this together and asked how do we proceed when we perform services within the cities and private property. Are we going to look for reimbursement?

Ms. Thompson explained that at this point the City of Hollister appropriated funds in their own budget.

*Ms. Thompson will look into and follow up on the City of Hollister contributions and how it is handled. File #130*

The Board adjourned into Closed Session and reconvened into Regular Session re:

**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.)*

**20) Conference with Legal Counsel – Existing Litigation**

Authority: California Government Code Section 54956.9(a)

a) Fancher & Roybal v. County of San Benito

**No reportable action.**

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

**No reportable action. File #235.6**

**21) Conference with Labor Negotiator**

Authority: California Government Code Section 54957.6

Agency Designated Representative: Susan Thompson, County Administrative Officer

Employee Organization: Deputy Sheriff's Association (DSA)

**No reportable action. File #235.6**

**22) 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**

**23) Conference with Labor Negotiator**

Authority: California Government Code Section 54957.6

Agency Designated Representative: Susan Thompson, County Administrative Officer

Employee Organizations: Management Employees Group (MEG)  
Confidential Management Employees

**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 Tuesday, November 1, 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