



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 NOVEMBER 1, 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 noting that yesterday was the deadline for the county to respond to the VTA (Valley Transportation Authority) Southern Gateway Study. Council of Governments (COG) has reported that they have responded to the study and that response will be made public at a later date. Mr. Thompson stated that although this is packaged as a cooperative effort for four counties it is a very much one-sided thing in substance in that Santa Clara County is telling its three neighboring counties what it wants. Mr. Thompson stated that the Board of Supervisors should not allow Santa Clara County to dictate how land use is done in our county.
- d) **Department Head Announcements:** County Administrative Officer Susan Thompson reported that the first screening interviews for the Planning Director would take place on November 2, 2005.
Ms. Thompson further reported that she has asked the department heads to report to her regarding activities the county is involved in with sister jurisdictions. Ms. Thompson received information from Assistant Public Works Director Pete Corn that on November 9, 2005 there will be a meeting with the City of Hollister Parks and Recreation to follow up on our collaboration on river parkway grants that we plan to apply for together.
- e) **Board Announcements, Introductions and Presentations:** Supervisor Loe reported that the COG Board has decided to invite Santa Clara County Valley Transportation Authority (VTA) District 4 and District 5 to have joint meetings to discuss issues before anything happens and the Board of Supervisors will be advised what is happening every step of the way.
Supervisor De La Cruz commented that there was a shooting very close to his house and this is an issue that the community needs to move forward on and the Board of Supervisors and the City of Hollister should create some sort of partnership and get involved.

CONSENT AGENDA:

Upon motion made by Supervisor Marcus and seconded by Supervisor De La Cruz approved Consent Items 1 and 3. Item 2 was continued and Item 4 was pulled for discussion.

CLERK OF THE BOARD:

- 1) **Approved** the minutes of the special meeting of October 20, 2005.

COUNTY ADMINISTRATIVE OFFICE:

- 2) **Consider job specification for Supervising Appraiser and set salary Range at 22.1. (CAO)**
This item was continued to the November 22, 2005 meeting in order to re-evaluate the salary range. File #630
- 3) **Adopted Resolution No. 2005-104 and Resolution No. 2005-105** reflecting the rate of County contributions for health insurance premiums, effective January 1, 2006. (Management Analyst) *File #36*

PLANNING DEPARTMENT:

- 4) **Consider approval of Flex Scheduling for the Planning Department Employees.**
Supervisor Loe asked for an update on how it was working at the Planning Department with our staff and the new contract staff.
Assistant County Administrative Officer Susan Lyons reported that things are working very well and that Precision is doing a great job and also there is extensive clean up that is going on in the department.
Ms. Lyons stated that she would be bringing back an update in six (6) months as to the progress being made at the Planning Department.
BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Marcus, approved flex scheduling for the Planning Department employees. File #790*

REGULAR AGENDA:

ADMINISTRATIVE BUSINESS:

- 5) **Receive status report from Harry Blohm on the San Benito County Water and Wastewater Master Plan project.**
Harry Blohm, Project Manager for the San Benito County Water and Wastewater Master Plan Project provided a status report and Power Point presentation regarding the development of the Hollister Urban Area Water and Wastewater Master Plan.
Mr. Blohm answered questions from the Board members.
Richard Place, Hollister resident, came forward. Mr. Place asked what Mr. Blohm felt would be the first date that we'll finally be able to start back and crank up the economy again, when permits can be issued and things can be done and secondly who is the responsible body if this fails in 2007.
Mr. Blohm stated that he had used the target date of five (5) years into the future as an example only and he did not know if it would be five years. It may be longer because they cannot project the exact dates of how population will grow and so on. Mr. Blohm stated that ultimately we need some time to develop a market for recycled water and the interim stage of spray fields is going to be some period of time.
Mr. Blohm said that with respect to ultimate responsibility, he is the Project Manager for the master plan and not the manager for the wastewater treatment plant and he can't really comment on who is ultimately responsible. Mr. Blohm stated that the wastewater treatment plant

belongs to the City of Hollister and if they are the owners then they must have primary responsibility, but, there is a Memorandum of Understanding that says that everything that is done will have to be agreed upon by the Governance Committee.

Supervisor Loe stated that the one other important point here is that the City of Hollister says 2007 over and over again but they have also said that it depends on the environmental work and we must remember that because it could change things. Supervisor Loe stated that obviously 2007 is the target date and she and Supervisor Marcus are very dedicated to make sure that it happens.

Supervisor Marcus stated that as part of the arrangement, the treating of the water which is part the Hollister obligation is one thing, but the disposal is a county issue and that is the deciding factor as to where the water is going to go, how its going to be disposed and how it is going to be handled. Supervisor Marcus said that putting timelines to that aspect is something that is part of the plan and once that is decided we will work towards those target dates.

No action required. File #695

6) Consider options and direct staff to prepare necessary ordinance amending Chapter 2 of the San Benito County Code allowing for restructuring of the County Clerk/Auditor/Recorder/Registrar and/or Treasurer-Tax Collector and/or Assessor as determined to be in the best interest of the County and return appropriate documents for introduction and first reading on November 8, 2005 with final adoption anticipated on November 22, 2005.

County Administrative Susan Thompson provided background information stating that it was critical that if any action is taken today that it be considered immediately due to the statutory limits in terms of the time that we can deal with this as it relates to the upcoming election. Ms. Thompson stated that she has looked at options as to how these functions are organized in other counties in the State of California and how well it works and what the various costs and alternatives are to that.

Ms. Thompson stated that there are two proposals for consideration. One proposal is the consideration of the re-assignment of the Clerk of the Board function to the County Administrative Office. The second issue is little more complex and that is the function of Auditor is consolidated with the Clerk/Recorder/Registrar of Voters and in fact the Auditor (since that job was established many years ago) the Auditor function has now required certain minimum qualifications for someone to hold that title.

Lengthy discussion ensued regarding alternative consolidation of elected officials.

Comments were received from Clerk/Auditor/Recorder John Hodges who felt the Board should move forward on this restructuring. Assessor Tom Slavich was opposed to consolidation with his position. Finance Director Dan Vrtis felt some consolidation was necessary. Treasurer/Tax Collector Mary Lou Andrade expressed, by letter, her opposition to consolidation with the Treasurer/Tax Collector.

Supervisor Loe expressed concern that the re-classification pertaining to the proposed Clerk of the Board position should not move forward separately until the survey of salaries is complete and all are done at the same time.

Ms. Thompson stated that there are four (4) pending classifications being reviewed and this would be in addition to that and she would handle this herself to save money on the contract and assured Supervisor Loe that the pending classifications were moving forward.

Web Winans, Lovers Lane resident, stated he did not think we needed any more elected positions and that we should reduce elected officials instead of increasing the number.

Supervisor Botelho made a motion to restructure the Clerk of the Board function and to re-classify the Senior Board Clerk position to a mid-management position. Supervisor De La Cruz seconded the motion.

Under the question. County Administrative Officer Susan Thompson stated that what the Board would be doing is to direct staff to bring back an ordinance to effect this action.

Supervisor Marcus asked for clarification that the \$2600.00 amended annual amount is included in the action.

Supervisor Botelho said he would incorporate that into the motion if that was required.

Ms. Thompson explained that it was her intention to bring this back to the Board to make it a mid-management position so there will be some additional cost associated with that noting that the \$2600.00 should be a pretty solid number.

Supervisor Botelho stated that is why he did not incorporate it into the motion because the amount may vary.

Supervisor De La Cruz stated that what they should be doing is changing Chapter 2 relating to a title change because the issue has to be done by December 31, 2005 before the election and then the CAO will return at a later date with the dollar amount.

Supervisor Botelho agreed and Supervisor De La Cruz accepted the motion as amended.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor De La Cruz, directed staff to prepare an ordinance amending Chapter 2 of the San Benito County Code to establish the position of Clerk of the Board as an appointed position and to agendize consideration of the re-classification of the Senior Board Clerk to a mid-management position at a later date. (Unanimous)*

It was the consensus of the Board to not make a hasty decision about the restructuring of the Clerk/Auditor/Recorder but to discuss it in the future and bring it forward after the 2006 election in order to have it in place for the subsequent election and have the County Administrative Officer keep this in mind for future consideration. File #160

7) Receive first quarter financial report. (Management Analyst)

Robin Scattini, Management Analyst, reported that the county is on budget as of September 30, 2005. On average, total General Fund expenditures are at 21% of budget while revenues are at 11% of budget. Countywide, expenditures for all funds are at 18% of budget while revenues are at 10% of budget. Ms. Scattini explained that although the revenue percentages cited are below budget, the slow pace is normal for this time of year due to the timing of revenue sources such as property taxes and grant revenue.

Ms. Scattini and Finance Director Dan Vrtis answered questions.

No action required. File #865

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.)

8) 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.

9) 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)

Management Employees Group (MEG)

Confidential Management

Confidential Employees (Unrepresented)

Re: DSA – No reportable action.
Re: MEG and Confidential Management salaries and benefits contract for 2006.
The Board agreed to terms as negotiated by the negotiator and the Union.
Re: Confidential Employees (Unrepresented) – No reportable action. File #235.6

10) **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 to its next regularly scheduled meeting on Tuesday, November 8, 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