



# 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

## SPECIAL MEETING DECEMBER 20, 2005 ACTION MINUTES

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in *special* session. Supervisors Marcus, Botelho, Loe and Monaco were present. Supervisor De La Cruz was absent. Also present was County Administrative Officer Susan Thompson, County Counsel Claude Biddle and Senior Board Clerk Linda Churchill. Chairman Monaco called the meeting to order at 9:00 a.m.

### **9:00 A.M. - CALL TO ORDER:**

*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.)*

- a) *Acknowledged Certificate of Posting.*

The Board adjourned into Closed Session at 9:00 a.m. and reconvened into Regular at 9:25 a.m. re:

### **SPECIAL CLOSED SESSION:**

- 1) Public Employment  
Title: Planning & Building Services Director  
Authority: California Government Code Section 54957  
***County Counsel reported out that by a 4-0 vote the Board took action to offer the Planning and Building Services Director position to Arthur Henriques. File #235.6***

## REGULAR MEETING DECEMBER 20, 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, Botelho, Loe and Monaco were present. Supervisor De La Cruz was absent. Also present was County Administrative Officer Susan Thompson, 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:** There was no public comment.

d) **Department Head Announcements:** County Administrative Officer (CAO) Susan Thompson reported that the Christmas Food Drive that the county employees have been working on brought in about 2000 pounds of food which is an extraordinary outcome for this first time effort.

Ms. Thompson further reported that the Public Works Director recruitment closes January 13, 2006 and she hopes that this will be as successful as the Planning Director recruitment has been. Ms. Thompson also reported that a Water and Wastewater Management status report will be scheduled for the January 3, 2006 Board meeting.

Dan Vrtis, Finance Director, came forward stating that he has accepted an offer from Kings County as the Finance Director which is a combination of the Auditor/Controller/Treasurer/Tax Collector. Mr. Vrtis thanked Gil Solorio and John Hodges who were instrumental in bringing him to San Benito County 4 ½ years ago. Mr. Vrtis thanked the department heads and the Board of Supervisors stating that it was a pleasure to work for this county. Mr. Vrtis stated that he felt he was leaving the department in good hands noting that Joe Paul Gonzalez of his office will do a good job.

The Board of Supervisors thanked Mr. Vrtis for a job well done.

Kathy Flores, Executive Director of the Health & Human Services Agency (HHS) thanked members of the community and various organizations such as churches and individuals who have donated to several projects under HHS, namely the transitional shelter and winter shelter for families with children. Ms. Flores indicated that there were 42 families at the Migrant Center shelter and staff is presently preparing to receive these children during the Christmas holiday.

Ms. Flores also thanked the community for all of the generous gifts that have been made to children in the Child Protective Services system.

e) **Comments by outgoing Chairman.** Chairman Monaco shared some of his thoughts on his experiences as the 2005 Chair of the Board of Supervisors. Chairman Monaco thanked the Board for the trust and confidence they bestowed upon him and expressed his deep appreciation for staff who has been extremely supportive. Chairman Monaco shared some of the achievements of 2005 and some that will carry into the future. Chairman Monaco noted that this has been an exiting year with dramatic changes and sometimes transformations that required patience and perseverance but in reflection noted that this has been an incredibly accomplished year that has been worth celebrating. Chairman Monaco listed the many accomplishments of 2005 stating that the Board should be very proud of these accomplishments.

f) **Board Announcements, Introductions and Presentations:** The Board members thanked Chairman Monaco for a job well done and wished the community a Merry Christmas and Happy New Year.

Supervisor Marcus reported that he attended a meeting of the Regional Council of Rural Counties (RCRC) last week and came home with all of the legislative updates that affect rural counties. Supervisor Marcus highlighted discussion held with regards to Transportation Funding, information on Biotech spraying and rural applications on farmland and on-site wastewater treatment.

Supervisor Marcus further reported that the Courthouse Security design team has been meeting and we are moving forward very well in that endeavor. Also, Supervisor Marcus encouraged the public to attend the Governance Committee to be held tonight (December 20, 2005) where continued efforts to repair the City Wastewater Plant and treatment of wastewater in the county will be discussed.

## **CONSENT AGENDA:**

*Upon motion made by Supervisor Botelho and seconded by Supervisor Marcus approved Consent Items 1 through 14 pulling Items 3, 4, 5 and 15 for discussion. (4-0 vote)*

**CLERK OF THE BOARD:**

- 1) **Approved** the minutes of the meeting of November 22, 2005.

**COUNTY ADMINISTRATIVE OFFICE:**

- 2) **Approved** contract with Law Offices of Senior Citizens Legal Services in the amount of \$3,060 to provide free legal assistance to the elderly of San Benito County with a contract term of December 20, 2005 through June 30, 2006. (Mgmt. Analyst) *File #1040*
- 3) **Regarding amended contract for Fire Protection Services, consider the following:**
  - a) **Approve amended contract with California Department of Forestry and Fire Protection with a contract term of July 1, 2003 through June 30, 2006; and**
  - b) **Adopt proposed resolution reflecting a total of \$891,933 in Schedule A services for Fiscal Year 2005-2006.**

Supervisor Marcus noted that the increase to the CDF Fire Protective Services that is on the agenda today to approve results in an 11% increase in funding and he believes that this needs to be discussed at Board level and particularly let the community be aware of the fact that the increase is due to the state negotiated salary and benefit packages for the CDF employees and is not something that the County is bringing forward. Supervisor Marcus stated he needed clarification on this increase that is well above a COLA or standard that we're looking towards.

County Administrative Officer (CAO) Susan Thompson stated that Supervisor Marcus' statements were correct and the changes in the contract do not add or delete any additional service areas or service teams and is simply the cost of doing business with CDF at this time.

Supervisor Botelho stated that he would like to see this item continued for a couple of weeks with a direction to staff to explore the restructuring of the CDF employment model to absorb some of the increases and look into some alternatives.

Reno Ditullio, Interim Fire Chief, came forward stating this contract was a 5-year negotiated increase and this is the final step and not a new issue indicating that they were willing to sit down with the CAO and discuss the issue.

***Continued this item to a meeting date in January 2006.***

- 4) **Consider salary adjustments for Department Heads adding a 3% cost of living adjustment effective January 1, 2006 and adjusting for compaction for Assessor, Chief Probation Officer and Sheriff. (CAO)**

Supervisor Marcus stated that it was very important to report out to the public that the 3% cost of living adjustment that was reported in the newspaper and here on the agenda today does not include the Board of Supervisors.

**BOARD ACTION:** *Upon motion made by Supervisor Marcus and seconded by Supervisor Botelho, adopted Resolution No. 2005-127 ratifying the negotiated salary adjustments for Department Heads adding a 3% cost of living adjustment effective January 1, 2006 and adjusting for compaction as follows: Assessor, Chief Probation Office and Sheriff. (4-0 vote) File #630*

- 5) **Regarding job specification for the Clerk of the Board, consider the following:**
  - a) **Approve the job specification; and**
  - b) **Approve the Salary Range at 19.3; and**
  - c) **Amend the Authorized Position Schedule to include 1.0FTE Clerk of the Board and delete Senior Board Clerk; and**
  - d) **Appoint Linda Churchill to the position of Clerk of the Board effective December 22, 2005.**

Supervisor Loe asked for clarification with regards to Item (c) and although we were not going to fill the Senior Board Clerk position whether the job description for the Senior Board Clerk was going to be deleted.

CAO Susan Thompson explained that they were eliminating the position because we are exchanging that position for the Clerk of the Board position and the proposal is not to add any positions to this function but to stay as two positions which would be the Clerk of the Board and the Assistant Board Clerk positions making it two positions and not three.

Supervisor Loe asked if we could leave the job description for Senior Board Clerk so at some point in time if we decided we want to make that job available we could do that.

Ms. Thompson explained that the job description never goes away and will always be in the files but it is the position that would be eliminated and is exchanging one for the other.

Supervisor Loe wanted to make sure the job description will stay available.

Ms. Thompson stated that the job description never goes away and it is just that the position is not in the Authorized Position Schedule. Ms. Thompson stated that if at some point it was recommended that organizationally it was important to change the staffing patterns of that operation then we could always go back and pull that job description and offer it up for approval or offer up another job description. There isn't any limitation to this for the future noting that the Board of Supervisors has complete authority over how this organizational structure would look now or in the future.

**BOARD ACTION:** Upon motion made by Supervisor Loe and seconded by Supervisor Botelho approved this item as recommended. (4-0 Vote) File #943

#### **ELECTIONS – J. Hodges:**

- 6) **Adopted Resolution No. 2005-124** accepting the certified statement of election results for the November 8, 2005 Special Statewide Election. File #285
- 7) Regarding voter management server upgrade, consider the following:
  - a) **Approved** fixed asset purchase of a PowerEdge 1800 server; and
  - b) **Approved augmentation of** the Elections FY2005/2006 budget with \$9,014.88 from Recorder's Modernization Trust; and
  - c) **Added** the PowerEdge 1800 server to schedule of fixed assets and
  - d) **Approved** contract with Hodges Consulting Services for installation of said server in an amount not to exceed \$1,950. File #285

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

- 8) **Approved** agreement with Hollister School District in the amount of \$5,000 for the provision of "Early Start" program services with a contract term of December 20, 2005 through June 30, 2006. File #155
- 9) **Approved** amendment to agreement with Hollister School District – Gabilan Hills Elementary for the provision of home based, center based and summer preschool services by a net increase of \$22,000 due to increasing the Center-Based preschool's days of operation. File #155

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

- 10) **Approved** contract with Shaw Environmental Inc./Emcon/OWT, Inc. in an amount not to exceed \$65,000 for landfill engineering services for purposes of general and specific regulatory compliance at John Smith Landfill with a contract term of December 20, 2005 through December 31, 2006. File #142.2

#### **MENTAL HEALTH – A. Yamamoto:**

- 11) **Approved** agreement with Good Samaritan/Mission Oaks Hospital in the amount of \$45,000 for the provision of inpatient psychiatric hospital services with a contract term of December 6, 2005 through June 30, 2006. File #810

#### **PUBLIC WORKS:**

- 12) **Acknowledged** completion of the following capital improvement projects:
  - a) Fairview Road/Fallon Road intersection improvements (Co. Project 670)

- b) Old Hernandez Low Water Crossing (Co. Project 684)
  - c) Southside Road Bike Lane (Co. Project 686)
  - d) Thomas Road slide repair at Mile Post 1.92 (Co. Project 303-4) *File #105*
- 13) **Approved** contract with AC Louie Acquisition Services in an amount not to exceed \$25,000 for acquisition services for John Smith and Cienega Road Realignment Projects with a contract term of December 20, 2005 through June 30, 2007. *File #105*
- 14) Regarding award of contract to George Bianchi Construction, Inc.
- a) **Accepted** all bids in the bid summary report; and
  - b) **Awarded** contract to George Bianchi Construction Company as the lowest responsive/responsible bidder for construction of Bridge Earthquake Retrofit Projects and **authorized** chair to sign said contract. *File #105*
- 15) **Consider agreement with Cullinan Appraisal & Realty in an amount not to exceed \$50,000 for the provision of preparation of right-of-way value estimates, negotiating right-of-way and acquisition services with a contract term of January 3, 2006 through June 30, 2006 and authorize chair to sign said contract.**

Supervisor Marcus indicated that he originally called to pull this item because we had not received the competitive bids for the appraisal service and noted that those bids have been submitted and now a part of the Board packet. Supervisor Marcus stated that now having all of the bid information he was comfortable with moving forward on this item.

**BOARD ACTION:** *Upon motion made by Supervisor Marcus and seconded by Supervisor Loe approved contract with Cullinan Appraisal & Realty as recommended. (4-0 vote) File #105*

<b>REGULAR AGENDA:</b>
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**PRESENTATIONS & RECOGNITIONS:**

**16) Recognize Sheriff Curtis Hill for his efforts towards organ donation awareness.**

Chairman Monaco reported that the San Benito County Board of Supervisors received notice from the California Transplant Donor Network regarding Sheriff Hill's extraordinary efforts to increase awareness of organ donation programs. Chairman Monaco presented a Certificate of Recognition to Sheriff Hill for his exemplary efforts.

Sheriff Hill accepted the plaque stating that as the County Coroner he knew he had to step up to the plate regarding efforts towards organ donation awareness and he is now involved on a national level.

Helen Christensen, California Transplant Donor Network, came forward and extended thanks to Sheriff Hill for his compassion and passion towards these efforts noting that he has helped many to get organ donations.

Paul Adams, one of the 88,000 people waiting for a kidney, presented a plaque to Sheriff Hill from the Transplant Donor Network for his extraordinary efforts. *File #15*

**17) Presentation of Certificate of Recognition honoring the San Benito High Haybalers, Central Coast Section (CCS) Football Champions 2005. (Chair)**

Chairman Monaco presented Certificate of Recognition to the San Benito High Haybalers. Receiving the plaque were Coach Todd Thatcher, and Team Captains, Karson Klauer, Ryan Dunn, Anthony Francis and Vinnie Sardam.

**ADMINISTRATIVE BUSINESS:**

- 18) a) **Adopt resolution recognizing the seriousness and recent escalation of gang violence in San Benito County;**
- b) **Appoint one (1) Board member to serve on the Hollister Gang Task Force;**
- c) **Request the Sheriff, Chief Probation Officer and District Attorney to work collaboratively and expeditiously with the Chief of Police to develop a San Benito**

**County Gang prevention, intervention and suppression program and funding proposal for submission to both State and Federal agencies;**

- d) Consider and direct staff regarding appropriation of up to \$20,000 from General Fund Contingencies to support the preparation, submission and presentation of the gang program to potential funding agencies. (CAO)**

CAO Susan Thompson reported that on behalf of folks in the community who are working to address the gang violence issue this item was prepared for Board consideration. Ms. Thompson stated that we are all dealing with the recent gang violence in this community and it has focused all of our attention noting there have been some very effective efforts ongoing in this community. Ms. Thompson said that we have learned from surrounding communities that there are opportunities to seek state and federal additional resources to help us to address our issues.

Sheriff Curtis Hill came forward stating that at last night's Hollister City Council meeting the Chief of Police recommended that he (Sheriff Hill) and a member of the Board of Supervisors be appointed to their Gang Advisory Task Force which has been meeting for over a year now. Sheriff Hill supports today's efforts noting that this issue has no jurisdictional boundaries. Sheriff Hill stressed that the community must step up to the plate and start taking their neighborhoods back and that they have to be able to start getting involved with their families, how they raise their kids, how they interact with their neighbors and work with law enforcement in order to get this issue stopped because it is infesting our neighborhoods.

Chief of Police Miller came forward stating that on behalf of the City of Hollister and the Hollister Police Department he wanted to thank the Board for their support in the efforts and joining with them and continuing to work together with the Sheriff and Probation Departments. Chief Miller stated that the Hollister City Council did indeed add two positions to the Gang Task Force Advisory Board which are in addition to other county positions that have already been on the this Board – Judge, District Attorney and Chief Probation Officer. Alternate members were also approved for appointment to the Gang Task Force Advisory Board.

Chief Miller summarized the overview he presented to the Hollister City Council to address the gang problem. Chief Miller stated that the City has adopted a philosophy that the resolution of the gang problem can only be accomplished through a community effort and has recognized that we need all three components in this effort which are the prevention, the intervention and the suppression. Chief Miller directed the public to the City's website at [www.hollister.ca.us](http://www.hollister.ca.us) where there is a link to the Gang Task Force Advisory Board with information about prevention and information about the gang problem. Chief Miller reported that the City has engaged in a number of gang prevention activities. Chief Miller thanked the Board of Supervisors for their continued support and welcomes an even greater level of participation and collaboration in this effort.

District Attorney John Sarsfield came forward and thanked the Board of Supervisors for taking this step. Mr. Sarsfield stated that the Police Department, Sheriff's Department and Probation Department have all been doing a very good job and what he sees is a weakness in the status quo is we do not have collectively the resources we need to address the increase in gang and gun violence. Mr. Sarsfield commended the Board for bringing forward the idea of all of us going together to seek additional resources to be funded by the federal government.

Chief Probation Officer Deborah Botts commended the county for taking this approach to look at comprehensive planning and acknowledged that we have been working collectively for at least the past four years to really address this issue. Ms. Botts stated that the Probation Department in particular is pleased to note that prevention and intervention are going to be a part of the plan because that really is the department's mandate. Ms. Botts supported any suppression efforts.

Henry Sumaya, Hollister resident, came forward commending the Board for their great effort. Mr. Sumaya stated this is a regional problem and he has been working on these efforts for years. Mr. Sumaya noted that Supervisor De La Cruz was one of the originators of these efforts. Mr. Sumaya further commented with regards to problems along our border and feels that these youngsters come in to our county and creates problems and agrees with our Governor and the President that we should close those borders.

Marvin Jones, Hollister resident, came forward and handed out his remarks regarding Gangs in Hollister for distribution to Board members, the CAO and County Counsel. Mr. Jones supported the

involvement of the Board of Supervisors in the Gang Prevention Task Force. Mr. Jones stated that the prevention, intervention and suppression are showing dividends already. Mr. Jones feels that the problems with gangs are a deeper, more fundamental problem and one is disrespect for the law. Mr. Jones stated that for years the County of San Benito has ignored the problem of illegal aliens and feels that some of the arrests made are illegals and Immigration Services (INS) should be notified.

Chairman Monaco stated that the entire Board of Supervisors is very committed to this issue and it was difficult choosing one member and an alternate for the Gang Task Force.

Supervisor Botelho thanked law enforcement and the collaborative efforts noting that will take a team effort. Supervisor Botelho stated he would like to add language to the proposed resolution adding "and other violent acts" to line 4.

Discussion and suggestions by the Board was held with the following actions taken:

**BOARD ACTIONS:** *Upon motion made by Supervisor Loe and seconded by Supervisor Botelho, directed staff to draft a letter to the legislature for signature by the Chair regarding funding for gang prevention. (4-0 vote.)*

*Upon motion made by Supervisor Botelho and seconded by Supervisor Loe, adopted **Resolution No. 2005-125** recognizing the seriousness and recent escalation of gang violence in San Benito County and committing to action and adding the language "and other violent acts" to line 4 of the resolution. (4-0 vote)*

*Chairman Monaco appointed Supervisor De La Cruz to serve on the Hollister Gang Task Force and appointed Supervisor Botelho as the alternate.*

*Requested the Sheriff, Chief Probation Officer and District Attorney to work collaboratively and expeditiously with the Chief of Police to develop a San Benito County gang prevention, intervention and suppression program and funding proposal for submission to both State and Federal agencies.*

*County Administrative Officer Susan Thompson will bring back an agenda item on January 3, 2006 or soon thereafter for appropriation of the monies to the Sheriff budget.*

*The Board requested a report as funds are distributed.*

*Upon motion made by Supervisor Marcus and seconded by Supervisor Loe, directed staff regarding appropriation of up to \$20,000 from General Fund Contingencies to support the preparation, submission and presentation of the gang program to potential funding agencies. (4-0 vote.)*

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

19) Receive report from the H&HSA Director on the homeless task force winter shelter facility. (*cont. from 12/6/05 mtg*)

Kathy Flores, H&HSA Executive Director, reported that at the December 6, 2005 Board meeting there were some comments expressed by members of the Homeless Task Force which is a non-profit organization that we at H&HSA under the Community Services division is providing grant funding for operations of the winter shelter project. Ms. Flores reported that the Homeless Shelter was opened last night. Ms. Flores reported that the contract was signed by the State and she was able to move forward.

Ms. Flores thanked Interim Planning Director Michael Bethke for his help in making certain the permit process went smoothly. Ms. Flores reported that several departments are involved in the project and they are working to make it successful.

Lee Dietz, Homeless Shelter Manager, came forward and reported that there were six people who stayed at the shelter last night and she was expecting more to be there this evening. Ms. Dietz explained the procedure that is followed when someone comes to the shelter noting there is an extensive questionnaire that must be filled out. Dinner and breakfast are served and there are shower facilities, bag of toiletries, clothes and sleepwear provided. Ms. Dietz stated that they are still looking into such services as medical for the participants.

The Board thanked Ms. Flores and the staff for getting this shelter open.

Ms. Flores noted that the \$2 million CDBG grant fund received was very important to this project and also feels it will be instrumental in helping with the gang prevention activities through the low income assistance to the YMCA for our youth.

*No action required. File #939*

#### **COUNCIL OF GOVERNMENTS – T. Quigley:**

**20) Receive update on Council of Governments (COG) highway projects in San Benito County.**

Tom Quigley, Executive Director of COG, provided a project status report for the following highway projects as detailed in the Board Staff report:

- Highway 25 4-Lane Widening Project
- Highway 25 Safety and Operational Enhancements Project
- Highway 156 Improvement Project
- Highway 156 safety and Operational Enhancements Project
- System Analysis of Routes 101, 156 and 152
- Highway 25 Bypass.

Joe Thompson, Tres Pinos resident, came forward and thanked Mr. Quigley for all of his hard work this year and for seeing to it that the Board of Supervisors is going to have a regular report about transportation. Mr. Thompson stated that there were a lot of negative things being said about the MPO system. Mr. Thompson noted that whatever our transportation needs may be in San Benito County we have to work with 11 cents per dollar for each dollar that we send to Sacramento and that is extremely important when you consider some of the transportation projects that are being proposed. Mr. Thompson referred to the Valley Transportation Authority (VTA) who recently released its Southern Gateway Study in which it said that we may spend up to a billion dollars for a certain new freeway connecting the San Joaquin Valley with basically the Salinas Valley. This study omits mention of viable, presently existing technology that can help move tonnage out of this region. Mr. Thompson stated we are the largest area in North America without an inter-modal option. Mr. Thompson expressed concern that the VTA can impose its will on us and dictate not only transportation options but also land use options. Mr. Thompson encouraged the Board of Supervisors to take hold and keep reports coming because the buck stops with the Board of Supervisors.

Supervisor Botelho agreed that this has everything to do with land use planning and while some of the projects that Mr. Quigley outlined are very good for this community but there are some that are not and will not serve San Benito County and its citizens in responsible economic development and traffic circulation. Supervisor Botelho stated that one of the projects he is most concerned about is the 156 widening project and he believes we should take a different path as this would adversely affect the San Juan Valley and City of San Juan Bautista.

Further discussion ensued and it was agreed upon that these monthly reports were vital to the County and the Board and confidence was expressed in the current COG representatives, Supervisors Botelho and Loe.

Supervisor Marcus felt we should consider a report at the beginning of the new year from CalTrans and actually see what is actually being spent.

*No action required. File #1035*

**PUBLIC WORKS:**

**21) Proposed resolution summarily vacating an unused portion of the historical right-of-way for Nash Road.**

Assistant Public Works Director Arman Nazemi provided background information stating this was a follow up from the previous meeting on December 6, 2005 and is necessary to complete the right of way acquisition process for the Nash Road Bridge Replacement Project.

**BOARD ACTION:** *Upon motion made by Supervisor Botelho and seconded by Supervisor Loe adopted **Resolution No. 2005-126** summarily vacating an unused portion of the historical right-of-way for Nash Road. (4-0 vote.) File #105*

The Board took a 5 minute break at 11:30 a.m. and reconvened at 11:35 a.m. re:

**BUILDING & PLANNING DEPARTMENT – M. Bethke:**

**22) Consider review of the Preliminary Allocation ranking with direction to the Planning Commission to hold public workshops.**

Interim Planning Director Michael Bethke reported that this item has been directed to the Board of Supervisors by the Planning Commission to inform the Board that the Preliminary Allocation (P.A.)



ranking process is in need of review and possible revision. Mr. Bethke stated that the last five years for the selection process of P.A.'s have been rather checkered in how the selection and the ranking criteria were done. Mr. Bethke noted that in the Growth Management Ordinance (#751), Section 31-13.1 there is a provision for periodic review. No such review has ever been done and the Planning Commission is asking the Board of Supervisors to consider this matter and direct the Planning Department staff to go back to the Planning Commission as per this periodic review provision in Ordinance #751 and come up with a more fair and honest ranking system and proceed forward within the next three months and bring the revised ranking criteria back to the Board for formal adoption and amendment to the ordinance.

**BOARD ACTION:** *It was the consensus of the Board of Supervisors to move forward as recommended by directing staff to work with the Planning Commission to conduct workshop(s) as part of a formal periodic review of the ranking criteria of the Growth Management System (Ordinance #751) and bring it back to the Board with any proposed recommendations for review and adoption of an actual ordinance amendment.*

Raymond Gray, Orchard Hill Road property owner, came forward and thanked Michael Bethke for the work he has been doing at the Planning Department. Mr. Gray felt that things were improving in that department. Also, Mr. Gray urged the Board of Supervisors to encourage the Planning Department to hold the workshop within the three months as stated. *File #790*

**23) Receive General Plan Housing Element compliance update.**

Interim Planning Director Michael Bethke provided background information stating that this was an information item brought forward by a request from Supervisor Loe to provide an update on where the Planning Department is regarding compliance with the State Department of Housing and Community Development's (HCD) request for us to consider re-zoning, or up zonings, of parcels in the County for possible consideration of additional housing stock. A Power Point presentation showed four sites that are now being pursued for considered for re-designation. Three parcels of approximately 128 acres are proposed to be rezoned to R1 and RM zoning designations. These parcels are the Hart Property, 31 acres; Javid Site, 17 acres; and the Migrant Camp Site, 36 acres. Mr. Bethke reported that staff has also included in these rezoning considerations a recent application to rezone another 67 acres, the Enterprise/Southside Site to R1 zoning. Mr. Bethke noted that essentially, on paper, this will appease the State to show that indeed we are designating potential sites for future housing. Mr. Bethke further noted that a lot of these sites will have some constraints to deal with.

Question and answer period ensued. There was no public comment.

*Received report and Power Point Presentation. No action required. File #790*

**COUNTY COUNSEL – C. Biddle:**

**24) Regarding an ordinance repealing Ordinance No. 773 pertaining to fees for services of the Agricultural Commissioner and Sealer of Weights and Measures:**

- a) **Waive the reading of the ordinance in its entirety; and**
- b) **Introduce the ordinance by title only; and**
- c) **Continue the matter to the meeting of January 3, 2006 for adoption of said ordinance.**

County Counsel Claude Biddle provided background information stating this proposed ordinance, if adopted, will repeal Ordinance No. 773 that was adopted last year. Ordinance No. 773 set fees for the Department of Agricultural Commissioner and Sealer of Weights and Measures and since that time AB889 has become law and would become effective January 1<sup>st</sup> and adopt a whole new set of fees running through the year 2010. Mr. Biddle explained that the reason for repealing this ordinance is that we already have an existing code section in the San Benito County Code establishing a mechanism for setting these fees on an annual basis. Mr. Biddle stated that when this proposed ordinance becomes effective it will allow the Board to adopt, by resolution, a new fee established by the legislature for the year 2006-2010.

**BOARD ACTION:** *Upon motion made by Supervisor Marcus and seconded by Supervisor Botelho, waived the reading of the ordinance in its entirety; introduced the ordinance by title only as read by the Deputy Clerk and continued the matter to the meeting of January 3, 2006 for adoption of said ordinance. File #1.1*

**ADMINISTRATIVE BUSINESS:**

**25) Consider ratification of appointment of Director of Planning and Building effective January 23, 2006. (ACAO)**

CAO Susan Thompson stated that it was with great pleasure that she present the Board with her recommended appointee for the position of Planning and Building Director, Art Henriques. Ms. Thompson noted that Mr. Henriques comes to us from City of Santa Clara and has many years of experience and a Master's Degree in Urban/Regional Planning from San Jose State. Ms. Thompson reported that Mr. Henriques has extensive management experience and background in the planning field.

Ms. Thompson stated that it was her intention to engage Mr. Henriques, with the Board's concurrence, in a 3-year performance based contract and would appreciate the ratification of the appointment at a starting salary of \$109,199.00 plus benefits.

**BOARD ACTION:** *Upon motion made by Supervisor Botelho and seconded by Supervisor Marcus, ratified appointment of Arthur "Art" Henriques as Director of Planning and Building effective January 23, 2006.*

Art Henriques came forward and thanked the Board for the wonderful opportunity to help the Board and County Administrative Officer and her team and the Planning and Building Services Department and all of the employees here to help the County accomplish its goals for the future. Mr. Henriques stated this was an amazing County and there are a lot of wonderful opportunities to move forward collectively and he will work hard to meet the goals and to help the County team and the community be successful in the future. *File #630*

**26) Hold discussion and direct staff re: Library visioning workshop.**

CAO Susan Thompson provided background information stating at the last meeting on December 6, 2005 the Board directed Administrative staff to make some inquiries and to do some more research about what it might, in fact, cost the county to engage a facilitator to help us do some library visioning in our community. Ms. Thompson reported that her staff had contact with a group that is well known as library headhunters and consultant obtainers called AIM. They have given us a general idea that in order to bring somebody in to help us would cost us approximately \$100 to \$125 per hour and assuming that it will take about three days of work she feels it would probably not exceed \$3000 to bring someone in to help us.

Ms. Thompson further reported that she is working with a person who lives in San Juan Bautista and is presently the Librarian in Redwood City and a very interested individual in being part of this project. Ms. Thompson stated she was going to approach this individual about the possibility of being able to help us without cost, maybe just expenses.

Ms. Thompson stated that she is looking toward late January 2006 to pull this all together and strategize how we will be able to proceed.

Ms. Thompson noted that she did not feel that at this point we will need to augment any budgets for that and we should be able to use the CAO budget to handle this and possibly the Library budget as well.

Supervisor Loe suggested that we talk to Gavilan College and the Superintendent of Schools Tim Foley to help with this matter.

*No action required. File #80*

The Board adjourned into Closed Session at 12:00 p.m. noon and reconvened into Regular Session at approximately 12:30 p.m. 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.)*

**27) Conference with Labor Negotiator**

Authority: California Government Code Section 54957.6

Agency Designated Representative: Susan Thompson, Co. Admin. Officer  
Employee Organization: Deputy Sheriff's Association (DSA)  
**No reportable action. File #235.6**

- 28) 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: Marcus, Botelho, Loe & Monaco  
NOES: SUPERVISORS: None  
ABSENT: SUPERVISORS: De La Cruz

There being no further business the Board adjourned to its next regularly scheduled meeting on Tuesday, January 3, 2006 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