

**SAN BENITO COUNTY
BOARD OF SUPERVISORS
REGULAR MEETING
JUNE 22, 2004**

ACTION MINUTES

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in regular session. Supervisors Loe, Monaco, Kesler and Cruz were present. Supervisor Scagliotti was absent. Also present was County Administrative Officer Dan Vrtis, County Counsel Karen Forcum and Senior Board Clerk Linda Churchill. Chairman Cruz presided.

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:** Darlene Dunham, new District Director for Assemblyman Simon Salinas, came forward and introduced herself. Ms. Dunham announced that Richard Herrera was leaving after many years with Assemblyman Salinas. Ms. Dunham noted that the assemblyman is very interested in serving the entire district and San Benito County is very important to the district.
- d) **Department Head Announcements:** County Administrative Officer Dan Vrtis said there were no Department Head Announcements. Mr. Vrtis did announce that there was a change in how the minutes of the Board of Supervisor's meeting are prepared. The minutes are now Action Minutes that are shorter than the minutes prepared in the past. If direct testimony is requested then the recorded tapes are available.

County Counsel Karen Forcum noted that in addition to the existing Closed Session Existing Litigation Agenda and pursuant to Government Code Section 54956.9, subdivision (a), the following case would be added to Existing Litigation as Item #49d: United States of America vs. San Benito County, John R. Hodges, et al. Ms. Forcum further noted that if there was any public comment regarding any issues pertaining to that litigation, including the Consent Decree, it would be appropriate to take that comment before the Board of Supervisors (BOS) goes into Closed Session.
- e) **Board Announcements, Introductions and Presentations:** Supervisor Monaco announced that San Benito County has been selected by the Environmental Protection Agency (EPA) to receive a \$200,000 Brownsfield Assessment Grant for the New Idria former mine site. This grant is a crucial first step for creating a good clean-up plan and gaining a better understanding of the damage from the mercury mines.

Chairman Cruz formally introduced our new County Administrative Officer, Dan Vrtis. Mr. Vrtis introduced Susan Lyons, Management Analyst, who came to us from Monterey County, and prior to that Mariposa County, and welcomed her to our staff.

CONSENT AGENDA:

Upon motion made by Supervisor Monaco and seconded by Supervisor Kesler, approved Consent Agenda Items 1 through 40 items as follows with the exception of Items 23 and 29, which were pulled for discussion and/or correction.

AGRICULTURAL COMMISSIONER - P. Matulich:

1) **Approved** agreement with the State of California Department of Food and Agriculture for High Risk Inspection Services in the amount of \$446.63. *File #1.1*

ASSESSOR - A. Fontes:

2) **Approved** Assessment Roll Corrections. *File #7.2*

AUDITOR - J. Hodges:

3) **Approved** Departmental Claims.

CHILDREN & FAMILIES COMMISSION - K. Castillo:

- 4) **Approved** agreement with Jefferson School District in the amount of \$75,605 for Mobile Early Childhood Program services with a contract term of July 1, 2004 through June 30, 2005. *File #155*
- 5) **Approved** agreement with Aromas-San Juan Unified School District in the amount of \$92,200 for Healthy and Ready Program services with a contract term of July 1, 2004 through June 30, 2005. *File #155*
- 6) **Approved** agreement with North County Joint Union School District in the amount of \$79,000 for First Steps Preschool Program services with a contract term of July 1, 2004 through June 30, 2005. *File #155*
- 7) **Approved** agreement with San Benito County Public Health Department in the amount of \$125,000 for Child Care Health Linkages Program services with a contract term of July 1, 2004 through June 30, 2005. *File #155*
- 8) **Approved** agreement with San Benito County Health & Human Services Agency in the amount of \$15,840 for Medical Home Project services with a contract term of July 1, 2004 through June 30, 2005. *File #155*
- 9) **Approved** agreement with San Benito County Health & Human Services Agency in the amount of \$125,000 for Great Beginnings Program services with a contract term of July 1, 2004 through June 30, 2005. *File #155*
- 10) **Approved** agreement with Hollister School District Migrant Education in the amount of \$86,508 for Home Based Preschool Program services with a contract term of July 1, 2004 through June 30, 2005. *File #155*
- 11) **Approved** agreement with Chamberlain's Mental Health Services in the amount of \$15,040 for Parent and Family Counseling services with a contract term of July 1, 2004 through June 30, 2005. *File #155*

CLERK OF THE BOARD:

- 12) **Approved** the action minutes of the meetings of June 1, 2004 and June 8, 2004 and the special meeting of June 4, 2004.
- 13) **Approved** Proofs of Publications. *File #530*

COMMUNITY SERVICES & WORKFORCE DEVELOPMENT - K. Flores:

- 14) **Authorized** CSWD Director to forward an application to County Planning for a lot line adjustment for various Southside Road Parcels located at the unaccompanied adult labor camp and **authorized** the waiver of application fees. *File #939*
- 15) **Approved** appointment of Fran Lopez to the Workforce Investment Board representing local education agencies for a three year term effective July 1, 2004 through June 30, 2007. *File #939*
- 16) **Approved** reappointment of Rosa Rivera-Sharboneau to the Community Action Board as the Supervisorial District #4 low-income representative. *File #939*
- 17) **Adopted Resolution No. 2004-76** for Operation and Maintenance Contract with the State Department of Housing and Community Development for the Migrant Center in the amount of \$289,666 and **authorized** CSWD Director to sign agreement on behalf of the County. *File #750*
- 18) **Approved** amendment to lease agreement with Go Kids, Inc. for daycare activities at the County Migrant Center daycare facility clarifying provision of services as well as language that would allow for lease termination in the event of the lack of funding. *File #750*
- 19) **Approved** sole source agreement with Go Kids, Inc. in an amount not to exceed \$15,000 for childcare services and **authorized** CSWD Director to sign on behalf of the County. *File #939*
- 20) **Approved** amendment to agreement with the Private Industry Council, Inc. in an amount not to exceed \$14,000 providing reimbursement of management services. *File #939*
- 21) **Approved** non-financial work site agreement and **authorized** CSWD Director to enter into and sign said agreement with various work site organizations. *File #939*

COUNTY COUNSEL:

- 22) **Allowed** claim of Jennifer Miller in the amount of \$463.71 filed with the clerk of the Board on May 14, 2004, as submitted and **directed** clerk to notify claimant. *File #235*

INTEGRATED WASTE MANAGEMENT - M. Rose:

- 23) **Approved** agreement with the California Conservation Corps in the amount of \$16,200 to perform storm drain marking services with a contract term of July 1, 2004 through June 30, 2005 and **authorized** the Director of Integrated Waste Management to sign said agreement. *File #142.2*

MENTAL HEALTH - A. Yamamoto:

- 24) **Approved** agreement with Value Options, Administrative Services Organization (ASO) in the amount of \$10,000 for the provision of Specialty Mental Health Services for Medi-Cal beneficiaries. *File #810*
- 25) **Adopted Resolution No. 2004-77** accepting the amended agreement with the State Department of Mental Health Services for FY2003/2004 in the amount of \$263,094. *File #810*
- 26) **Approved** amendment to FY2003/2004 agreement with Gary Ernst for administrative consulting services, increasing hours and compensation by \$15,250. (*cont. from 6/8/04 mtg.*) *File #810*

PLANNING DEPARTMENT - R. Mendiola:

- 27) **Approved** transfer of funds from Professional Services to Fixed Assets for FY03/04 in the amount of \$8,500 and **authorized** purchase of equipment and installation for network of computers and Internet upgrade. *File #790*
- 28) **Approved** extension of agreement with Rick Pruetz in the amount of \$27,500 for consultation services for Transfer of Development Credits (TDC) ordinance with a contract term of April 23, 2004 through April 23, 2005. *File #790*

PROBATION - D. Botts:

- 29) **Approved** agreement with the City of Hollister for Probation Officer services during the Fourth of July Motorcycle Rally and **allowed** Chief Probation Officer to sign the agreement on behalf of the County. *File #510*
- 30) **Approved** amendment of Fixed Asset schedule for FY03/04 reflecting expenditure of Juvenile Justice Crime Prevention Act funds for the purchase of a van through the California Department of General Services Procurement program at a cost not to exceed \$24,000. *File #510*

PUBLIC WORKS:

- 31) **Adopted Resolution No. 2004-78** accepting a dedication of right of way and grant deed for Non-Conforming Parcel Review (NCR) 04-80 along El Toro Drive. *File #645*
- 32) **Accepted** all bids for consideration; **awarded** contract for installation of traffic signal at the intersection of Sunnyslope and Fairview Roads to Beltramo Electric Company and **directed** staff to negotiate said contract. *File #645*
- 33) **Accepted** bid and **awarded** plumbing services contract to A & N Plumbing, in an amount not to exceed \$9,999; **waived** immaterial defects with a contract term of July 1, 2004 through June 30, 2005. *File #105*
- 34) **Adopted Resolution No. 2004-79** and grant deed for right of way for Non-Conforming Parcel Review (NCR) 03-76 along Lovers Lane. *File #645*
- 35) **Approved** Notice of Completion acknowledging completion of the Southside Road Bridge and Fallon Road Bridge construction projects. *File #105*
- 36) **Approved** agreement with the Hollister Kiwanis Club for use of softball fields at Veterans Memorial Park with a contract term of June 7, 2004 through December 31, 2004. *File #127*

SHERIFF - C. Hill:

- 37) **Approved** agreement renewal with Los Angeles County Sheriff's Department for statewide transportation of prisoners for a five-year period effective July 1, 2004 through June 30, 2009. *File #110*
- 38) **Authorized** acceptance of monetary donations in the amount of \$16,000 for the Sheriff's High Risk Team and **authorized** Auditor's Office to establish a trust fund for said High Risk Team donations. *File #110*
- 39) **Approved** agreement with the Thirty-Third Agricultural District for work alternative program services with a contract term of July 1, 2004 through June 30, 2005.

SUBSTANCE ABUSE PROGRAM - M. Narasaki:

- 40) **Approved** agreement with Door To Hope to provide residential treatment services for women effective July 1, 2004 through June 30, 2005 in an amount not to exceed \$64,080. *File #1053*

9:30 a.m. PUBLIC HEARING (or as soon thereafter as the matter may be heard):

PLANNING DEPARTMENT - R. Mendiola:

- 41) Hold a public hearing to consider a resolution and an ordinance for Amendment to Zone Change 90-80A to reconfigure and expand the existing Pacheco Creek Estates Planned Unit Development (PUD), in order to create four more 2-acre residential parcels, and to increase the size of the agricultural preserve parcel (Parcel A) from 23 acres to 38 acres. The project involves three parcels containing 47 acres and would require subsequent approval of a Lot Line Adjustment (LLA 03-435) and Minor Subdivision (MS 1139-03) to enact the PUD. Location: Pacheco Creek Drive (APNs: 16-06-46; 47; & 48). Applicant: Casa de Fruta Orchards. Zoning: Agricultural Productive/PUD. (cont. from the mtg. of 5/25/04) REQUEST FOR CONTINUANCE TO A DATE UNCERTAIN HAS BEEN RECEIVED.

BOARD ACTION: Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, continued this matter to a date uncertain as requested by Planning Staff. (4-0 vote. Scagliotti absent.) File #790

9:40 a.m. REGULAR AGENDA:

DEPARTMENT OF EMERGENCY SERVICES - M. Riopel:

- 42) Consider agreement with American Medical Response (AMR) in the amount of \$184,417 for the provision of emergency advanced life support ambulance coverage.

BOARD ACTION: Upon motion made by Supervisor Loe and seconded by Supervisor Kesler, approved and authorized the Chair to sign contract with American Medical Response to provide emergency advanced life support ambulance coverage for the county as prescribed. (4-0 vote. Scagliotti absent.) File #6

SHERIFF - C. Hill:

- 43) Consider agreement with the California Forensic Medical Group (CFMG) in the amount of \$631,047 for comprehensive medical services for adult inmates and juvenile detainees with a contract term of July 16, 2004 through June 30, 2006.

BOARD ACTION: Upon motion made by Supervisor Monaco and seconded by Supervisor Kesler, approved contract with CFMG for comprehensive health care services for adult males and juvenile detainees in the amount of \$631,046.04. (4-0 vote. Scagliotti absent.) File #110

INTEGRATED WASTE MANAGEMENT - M. Rose:

- 44) Consider revision of landfill rate schedule with clarification and revision of applicability of transportation franchise fees and direct a public hearing be scheduled for July 6, 2004 at 1:30 p.m. to take public testimony on the proposed rate schedule.

BOARD ACTION: *Upon motion made by Supervisor Kesler and seconded by Supervisor Loe, directed Integrated Waste Management Department Director to set two public hearings for July 6, 2004 at 1:30 p.m. (or as soon thereafter as the matters may be heard) to take public testimony on the proposed rate schedule at John Smith Road Landfill and on the proposed clarification and revision of the applicability of transportation franchise fees. (4-0 vote. Scagliotti absent.) File #142*

COUNTY CLERK / AUDITOR / RECORDER - J. Hodges:

- 45) a) **Consider job description for the classification of Bilingual Election Program Coordinator;**
b) **Amend the FY2003/2004 Schedule of Authorized Positions in the County Clerk Auditor / Recorder Department;**
c) **Authorize the Human Resources Department to begin recruitment for the position immediately.**

County Counsel Karen Forcum noted that Items 45, 46 and 47 are Human Resources items that pertain to the Consent Decree that the BOS authorized on May 25, 2004 and they pertain to the establishment of new positions for the County Elections Department, including the Bilingual Election Program Coordinator and a Deputy County Clerk/Recorder who is going to be in Elections and also serve in the Clerk's office, and also an increase in Poll Workers Compensation rates. The items are specifically agendized for discussion on the establishment of these positions and the compensation in addition to the job description that will be put out for the recruitment of the positions.

County Counsel Karen Forcum further suggested revised language under the minimum qualifications for the Bilingual Election Program Coordinator that would state under the Ability To section: Perform all of duties fluently in both Spanish and English as indicated by the ability to understand, speak, write and read fluently both Spanish and English.

County Clerk/Auditor/Recorder John Hodges provided background information. Mr. Hodges provided a handout entitled Consent Decree's Information and Plan.

BOARD ACTION: *Upon motion made by Supervisor Loe and seconded by Supervisor Kesler:*

- 1) *Continued Item to July 6, 2004 meeting;*
- 2) *Directed staff to contact the Department of Justice (DOJ) to make sure job description is correct;*
- 3) *Directed staff to find out if there is someone that we can contract the November 2004 Election out to and have the DOJ agree or say no to this specific point;*
- 4) *Directed staff to come back with information as to whether or not there is someone in the Elections Department who speaks Spanish and has two (2) years background experience; and,*
- 5) *Directed staff to find out what the price would be to contract out.*

The motion passed 3-1 with Supervisor Monaco voting no and Supervisor Scagliotti absent. File #285

- 46) a) **Authorize amendment of the FY2003/2004 Schedule of Authorized positions to add the position of Deputy County Clerk / Recorder II;**
b) **Consider recruitment for the position of Deputy County Clerk/Recorder II;**

- c) **Authorize the Human Resources Department to begin recruitment for the position immediately.**

BOARD ACTION: *Upon motion made by Supervisor Loe and seconded by Supervisor Monaco, continued this item to the July 6, 2004 BOS meeting. (4-0 vote. Scagliotti absent.) File #235*

- 47) **Consider increase in Poll Workers compensation rates and direct the CAO to increase the Elections Budget #1001140 for FY2004/2005 in the amount of \$7,385.**

BOARD ACTION: *Upon motion made by Supervisor Kesler and seconded by Supervisor Loe,*

- 1) *Approved poll worker compensation rates in the amounts of \$175 for Inspectors and \$150 for Clerks; and,*
 - 2) *Approved a rate of \$15 for class attendance and \$15 for return of voted ballots and supplies; and,*
 - 3) *Directed County Administrative Officer to increase the Election Budget #1001140 FY 2004/2005 in the amount of \$7385.00.*
- (4-0 vote. Scagliotti absent) File #285*

10:30 a.m. CLOSED SESSION AGENDA:

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

48) **Conference with Legal Counsel - Anticipated Litigation**

- a) Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9. Number of cases: **3**

2 cases withdrawn by County Counsel

1 case – No reportable action

- b) Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9. Number of cases: **3**

3 cases withdrawn by County Counsel.

49) **Conference with Legal Counsel - Existing Litigation**

- a) Sandman vs. County of San Benito.

No reportable action.

- b) Monteon vs. Richard Scagliotti, San Benito County Board of Supervisors, San Benito County Financing Corporation, et al.

No reportable action.

- c) California Farm Bureau Federation, et al. vs. California Department of Forestry and Fire Protection, et. al.

No reportable action.

- d) United States of America vs. County of San Benito, John R. Hodges, et. al

No reportable action.

50) **Conference with Labor Negotiators:**

Agency Designated Representative:

Elizabeth Brown, Human Resources Director

Employee Organization:

General Unit - SEIU, Local 817

No reportable action.

- 51) **Public Employee Discipline/Dismissal/Release**
No reportable action.

- 52) **Public Employment**
Title: County Administrative Officer
No reportable action.

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: Pat Loe, Reb Monaco, Ruth Kesler, Bob Cruz
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: Richard Scagliotti

There being no further business the Board adjourned to its next regularly scheduled meeting on Tuesday, July 6, 2004 at 9:30 a.m.

BOB CRUZ, CHAIRMAN
San Benito County Board of Supervisors

ATTEST:
John R. Hodges,
Clerk of the Board
BY:
Linda Churchill
Senior Board Clerk