

**SAN BENITO COUNTY
BOARD OF SUPERVISORS
REGULAR MEETING
NOVEMBER 2, 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 and Kesler were present. Supervisors Cruz and Supervisor Scagliotti were absent. Also present was Interim County Administrative Officer Gil Solorio, County Counsel Karen R. Forcum and Senior Board Clerk Linda Churchill. Vice-Chair Kesler presiding when the following was had to wit:

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.** Mr. Winans mentioned there were several unfortunate incidents that have happened out on Lovers Lane that were mainly stemmed from the fact that people did not know about the rules that govern the use of their property which then becomes a problem for our County Code Enforcement Officer. Mr. Winans handed out a document that would be going out to people with their tax bill explaining the various uses that are permitted on property. Mr. Winans said that we need to do more to get people to read this document and indicated after talking with local Realtor Ray Pierce we now have the source to get the realtors and the county together to produce something that everyone will see as they are buying property. Mr. Winans stated that with the help of the supervisors adopting a resolution stating that in order to sign off on the property the buyers will have to prove that they have read this document it will keep people informed.

Mark Tobias, local 4-H member, came forward stating that he had completed is 4-H Emerald Star Project raising a hog for the San Benito County Fair and then sold it at the Junior Livestock Auction which raised \$10,750. Mr. Tobias proudly presented the San Benito County Board of Supervisors the proceeds of this project.

The Board of Supervisors thanked Mark for a job well done.

- d) **Department Head Announcements:** There were none.
- e) **Board Announcements, Introductions and Presentations:** There were none.

CONSENT AGENDA:

Upon motion made by Supervisor Monaco and seconded by Supervisor Loe approved Consent Agenda Items 1 through 12 with the exception of Item 4 which was pulled for a correction. (3-0 vote. Cruz & Scagliotti absent.)

AUDITING:

- 1) **Approved** Departmental Claims.

COUNCIL OF GOVERNMENTS:

- 2) Adopted **Resolution No. 2004-114** adopting the San Benito County Bikeway and Pedestrian Master Plan. *File #1035*

COUNTY COUNSEL - K. Forcum:

- 3) **Rejected** claim of Maria L. Lopez, filed with the clerk of the board on September 24, 2004 and **directed** clerk to notify claimant. *File #235*

HEALTH & HUMAN SERVICES AGENCY - M. Coppola:

- 4) **Consider appointment of Occupational Therapist at Step F of Range 22.1.**

Marta Denice, Deputy Director of Health & Human Services Agency, explained that as a result of the recent negotiations with SEIU the range for Occupational Therapist had been revised and the correct range is 22.7

Upon motion made by Supervisor Monaco and seconded by Supervisor Loe approved the appointment of Occupational Therapist at Step F or Range 22.7. (3-0 vote. Cruz & Scagliotti absent.) *File #630*

MENTAL HEALTH - A. Yamamoto:

5) **Approved** agreement renewal with American Medical Response in the amount of \$3,500 re: transportation services with a contract term of July 1, 2004 through June 30, 2005.

6) **Approved** agreement renewal with Ansavoice Communication Services, Inc. in the amount of \$8,000 re: 24-hour crisis services with a contract term of July 1, 2004 through June 30, 2005.

PUBLIC WORKS:

- 7) Consider response to Invitation For Bid (IFB) re: CSA slurry seal project:
 - a) **Accepted** all bids; and
 - b) **Awarded** contract to Intermountain Slurry Seal, Inc. as the lowest responsible bidder in the amount of \$75,000; and
 - c) **Authorized** Chair to sign. *File #105*
- 8) Adopted **Resolution No. 2004-15** adopting the updated Disadvantaged Business Enterprise Program for Fiscal Year 2004/2005. *File #105*
- 9) **Declared** Planning Department vehicle as surplus equipment. *File #105*

SHERIFF - C. Hill:

- 10) **Approved** the appointment of one Deputy Sheriff at Step F of Range 21.1 and one Deputy Sheriff at Step E of Range 21.1. *File #110*

SUBSTANCE ABUSE PROGRAM - M. Narasaki:

- 11) **Approved** the Negotiated Net Amount (NNA) Contract Cost Report for FY03/04 for submission to the California Department of Alcohol and Drug Programs. *File #1053*
- 12) Adopted **Resolution No. 2004-116** authorizing the Substance Abuse Program Administrator to accept cash donations for community based events. *File #1053*

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

PLANNING DEPARTMENT - R. Mendiola:

13) Hold a public hearing to consider a proposed resolution and ordinance re: Zone Change 04-138, a request to rezone a 4.8 acre parcel, located within the City of Hollister Sphere of Influence, from the RR (Rural Residential) zoning district to the C-1 (Commercial Thoroughfare) and CM (Controlled Manufacturing) zoning districts (2.99 and 1.8 acres). Location: 581 McCray Street, Hollister. Applicant: Premiere Cinemas, Inc./Ted Intravia.

Susan Heiser, Planning Department, reported that the notice to neighboring property owners regarding this hearing was incorrect and recommended that the hearing be continued to the December 7, 2004 Board of Supervisor meeting after corrected noticing is sent out.

Vice-Chair Kesler asked if there was anyone from the public wishing to speak. There were no comments.

BOARD ACTION: Upon motion made by Supervisor Loe and seconded by Supervisor Monaco continued the public hearing to December 7, 2004 at 9:30 a.m. (or as soon thereafter as the matter may be heard). (3-0 vote. Cruz & Scagliotti absent.) File #790

9:40 a.m. REGULAR AGENDA:

HEALTH & HUMAN SERVICES AGENCY - M. Coppola:

14) Consider the following re: funds received from a First 5 San Benito/Children and Families Commission grant:

- a) **Augmentation of FY04/05 budget #2214-446 (Child Care Health Linkages) in the amount of \$29,539; and**
- b) **Authorize increase of .5 FTE Health Education Associate I/II to the FY04/05 Schedule of Authorized positions through June 30, 2005.**

County Administrative Officer Gil Solorio noted that this item requires a 4/5 approval vote and since there are only three Board members present today it is recommended that this item be continued to November 9, 2004.

BOARD ACTION: Upon motion made by Supervisor Loe and seconded by Supervisor Monaco continued this item to the November 9, 2004 Board of Supervisors meeting. (3-0 vote. Cruz and Scagliotti absent.) File #130

INTEGRATED WASTE MANAGEMENT - M. Rose:

15) Consider proposed resolution to recognize rate increase under contract between Norcal Waste Systems of San Benito County and the County of San Benito.

Mandy Rose, Integrated Waste Management Director, provided background information stating that this annual rate increase was a condition of the contract approved by the Board of Supervisors on December 4, 2001. A review resulted in a 4.26 % increase which translates into a 60 cent rate adjustment to the majority of our residents.

Ms. Rose introduced Phil Couchee the new Manager of Norcal Waste Systems.

BOARD ACTION: Upon motion duly made by Supervisor Loe and seconded by Supervisor Monaco adopted **Resolution No. 2004-118** recognizing a rate increase under contract between Norcal Waste Systems of San Benito County and the County of San Benito effective January 1, 2005. (3-0 vote. Cruz & Scagliotti absent.) File #142

PLANNING DEPARTMENT - R. Mendiola:

- 16) **Consider recommendation of the Transfer of Development Credits (TDC) Advisory Group to the Board of Supervisors to amend the San Benito County Growth Control Ordinance.** (cont. from 10/26/04 mtg.)

Planning Director Rob Mendiola asked for direction given the fact that only three Board members were present today.

BOARD ACTION: Supervisor Monaco made a motion to direct staff to advise the TDC Group to move forward and explore the 1/2 % per year for those units that use the TDC Program on a project. Supervisor Loe seconded the motion. Supervisor Kesler voted no. (2-1 vote. Motion failed.) File #790

COUNTY COUNSEL - K. Forcum:

- 17) Consider the establishment of an ad hoc Campaign Ethics Advisory Committee/Study Group. (cont. from 10/26/04 mtg.)

Darren Bogie provided background information stating that this item had been continued to today for a full Board to consider it.

BOARD ACTION: Upon motion made by Supervisor Loe and seconded by Supervisor Monaco continued this item to the November 9, 2004. (3-0 vote. Cruz & Scagliotti absent).

10:00 a.m. CLOSED SESSION AGENDA:

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

18) 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**

All 3 cases withdrawn by County Counsel.

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

All 3 cases withdrawn by County Counsel. File #235.6

19) 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) United States Of America v. San Benito County, John R. Hodges, et al.

No reportable action.

- d) Fancher and Roybal v. County of San Benito, John Sarsfield, et al.

No reportable action.

- e) Lawrence Family, LLC vs. Charles Frost Roofing, R.M. Bracco, Inc., County of San Benito, et al.

No reportable action.

- f) Casarez v. County of San Benito and Sheriff Curtis Hill

No reportable action. File #235.6

20) Conference with Labor Negotiators:

Agency Designated Representative: Elizabeth Brown, Human Resources Director

Employee Organization: Management Employees Group (MEG)

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: Pat Loe, Reb Monaco, Ruth Kesler

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: Richard Scagliotti, Bob Cruz

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

RUTH E. KESLER, VICE CHAIR

San Benito County Board of Supervisors

ATTEST:

John R. Hodges

Clerk of the Board

BY:

Linda Churchill

Senior Board Clerk