SAN BENITO COUNTY
BOARD OF SUPERVISORS

Don Marcus	Anthony Botelho	Pat Loe	Reb Monaco	Jaime De La Cruz
District No. 1	District No. 2 Vice-Chair	District No. 3	District No. 4	District No. 5 Chair

County Administration Building – Board of Supervisors Chambers, 481 Fourth Street, Hollister, California

REGULAR MEETING
APRIL 1, 2008
ACTION MINUTES

The Board of Supervisors of San Benito County met in the Board Chambers on the above date *in regular session*. Supervisors Monaco, Loe, Botelho, Marcus and De La Cruz were all present. Also present was County Administrative Officer Susan Thompson, County Counsel Dennis Le Clere and Asst. Clerk of the Board Janet Slibsager. Chairman Jaime De La Cruz presided.

9:30 a.m. CALL TO ORDER:

Chairman De La Cruz acknowledged and thanked the student delegation present at the meeting from Kato City, Japan and announced they were going to dedicate this meeting in their name.

a) Supervisor Monaco led the Pledge of Allegiance.

b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*

c) **Presentation & Recognitions:**

Ruth Erickson thanked the Board for inviting the Student delegation from Kato City, Japan. Ms. Erickson introduced the two adults and the students who were visiting.

Chairman De La Cruz announced that the San Benito County Board of Supervisors would like to recognize the student's presence in San Benito County and hoped their stay was very humble and welcome.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Botelho,* ***approved*** *Certificate of Recognition presented to the City Sister City student delegation from Kato City, Japan.*

Chairman De La Cruz presented the student leader from Kato City with a Certificate of Recognition and San Benito County pins for all the students.

d) Supervisor Loe presented Certificate of Recognition to Kathleen Bouleware for eight dedicated years of work with San Benito County as a Public Health Nurse.

Public Health Nurse Kathleen Bouleware thanked the board and stated she has enjoyed her time in San Benito County and it has been a pleasure and an honor to work here.

Ms. Bouleware stated the Supervising Health Nurse is a registered nurse and it is within their trust to make sure that the health of the community is upheld with improving the conditions or circumstances of different programs.

e) Supervisor Monaco presented a Proclamation to incoming Rotary President Mike Sanchez in Recognition of Rotary International and proclaimed February as Rotary Awareness Month.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Botelho,* ***approved*** *Proclamation in recognition of Rotary International.*

Mike Sanchez, on behalf of Hollister Rotary and current President Ruth Humbe,r stated they are very grateful for support and recognition of what Hollister Rotary does. Mr. Sanchez also gave a special welcome to guests from Japan and mentioned that three or four years ago a member from Hollister Rotary attended International Conference in Japan and brought back some wonderful information.

Mr. Sanchez welcomed everyone to come out and visit Hollister Rotary or San Juan Bautista Rotary and thanked the Board of Supervisors for their support.

f) **Public Comment:** District Attorney Candice Hooper, representing Community Solutions, stated that this is Sexual Assault Awareness Month. Ms. Hooper said that in the State of California a person is raped every 5 minutes and to represent these individuals today Community Solutions is placing a flag every 5 minutes at the Briggs Building in the lawn area. Ms. Hooper encouraged and invited the public to come out to the Briggs Building and place a flag starting at 7:00 a.m. and ending at 7:00 p.m.

Joe Thompson, Tres Pinos resident, stated he attended the last Council of Governments (COG) meeting and there was a vote to approve a years appropriations or budget for COG for the year. Mr. Thompson said that within that budget were increases in the County Transit System, which he believes conflicts with what COG had previously voted on. Mr. Thompson stated he still thinks COG is unconstitutional.

g) **Department Head Announcements:** CAO Susan Thompson gave an update on the zebra mussel problem at San Justo Reservoir. Ms. Thompson said that last Thursday, March 27th the Multiple Agency Task Team met at the San Bento County Water District Office and efforts are continuing to evolve and the next conference call meeting would be on April 22, 2008 and by May 1st when we expect to have a pretty complete draft plan of an eradication proposal. Ms. Thompson stated she was very pleased to have Paul Matulich, Agricultural Commissioner, there and that his staff will be helping in some of the research related to eradication options.

Supervisor Monaco appreciated the report and stated that when they get some kind of summary master plan document he would like to have a meeting in the board chambers to report to the public.

Supervisor Botelho thanked CAO Susan Thompson for taking the time and interest in this very important issue that has a huge impact on this County.

Supervisor Botelho stated he hopes that the Bureau of Reclamation and Fish and Game realize that they have to step up and address this problem.

Supervisor Botelho questioned if there has been any discussion as to lowering the water level in the reservoir or draining it completely.

CAO Susan Thompson answered that was one of the options that they are looking at but there is a need for repairs at the San Justo Reservoir as a result of leakage of water and seepage that does need to be addressed. Ms. Thompson stated that the Water District and the Bureau of Reclamation are working on that project which they were told at the last meeting could take up to two years for the plan and design and the mussel situation really can't wait that long.

h) **Board Announcements, Introductions and Presentations:** Supervisor Marcus stated that he appreciates Mr. Thompson's public comments, but wanted to remind everyone that when board members are appointed to COG, or any of the other committees they are appointed to, they are always under the watchful eye of our fellow supervisors and always make ourselves available to comments from our fellow supervisor. Supervisor Marcus stated that is how the system continues to work and he thinks it is a good system.

Supervisor Marcus stated he did not want the community to get the perception that a couple of supervisors are controlling certain committees. That is not happening.

Supervisor Botelho reported that he attended a ribbon cutting at the Community Hall in San Juan Bautista and it was a very nice event and it goes to show that it is possible to work with other agencies to bring forward a great project. Supervisor Botelho thanked Janelle Cox, Management Analyst and Jerry Lo, Public Works Director, for taking their time on a Saturday to attend.

Supervisor Botelho stated he serves on the San Benito County Fire Safe Committee and proud to announce that they were successful in obtaining two grants, the San Benito County Community Wild Fire Protection Plan for $25,000 and the San Benito Residential Chipping and Public Education for $61,000, and he wanted to also recognize Cindy Reeves for her hard work.

Supervisor Botelho stated he also appreciates Joe Thompson's views and interests but stated that he wasn't aware that they voted on a budget at the last COG meeting but rather a review of a draft. Supervisor Botelho stated that the public needs to be clear that as far as the process when we do move forward with government budgets that it is nothing less than transparent. Supervisor Botelho stated that they have remained completely consistent and that it is unfortunate that they get beat up on it every single meeting.

Supervisor Botelho stated that the authority and the constitutionalism of COG has been well established and it is a great working relationship with the two cities and the county as far as coordinating services for our public. Supervisor Botelho said he completely supports what we are doing there.

Supervisor Monaco stated he attended the 100th Anniversary Celebration at the Pinnacles National Monument. It was an outstanding event that was well attended by many people outside of San Benito County, and they had hikes and many activities available throughout the day.

Chairman De La Cruz stated that there was an article in the Hollister Free Lance about trying to organize a meeting to discuss the situation and the process of the new courthouse. Chairman De La Cruz stated he is trying to organize a

forum and invite some representatives from the State to come to San Benito County to address the process.

Supervisor Monaco noted that Kathy Flores from Health & Human Services has an item to address.

Health & Human Services Director Kathy Flores stated she has an item that came up yesterday that was after the posting of the agenda. Ms. Flores stated she is requesting approval for out of state travel.

County Counsel Dennis LeClere stated that the board could entertain a motion to add this as an urgency item along with two findings; first the issues arose following the posting of today's agenda and it must be acted on immediately.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Botelho; moved to add urgency item to the consent agenda as item #7.1 with the findings that this item came up after the posting of the agenda on Friday and the action is required prior to our next meeting.*

CONSENT AGENDA:

Upon motion made by Supervisor Monaco and seconded by Supervisor Botelho, approved Consent Agenda Items 1 through 7.1. (Unanimous)

AGRICULTURAL COMMISSIONER – P. Matulich:

1) ***Approved*** augmentation to the Agricultural Commissioner's Fixed Asset Schedule to include one (1) jeep in the amount of $7,500. ***File #1.1***

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2) ***Authorized*** the Chairman of the Board to sign a letter of support for AB 2327 (Caballero), Effective Disaster Assistance Act, and direct Clerk of the Board to forward said letter to Assembly Member Anna Caballero, 28th Assembly District. ***File #156.1***

3) ***Adopted Ordinance No. 827*** amending Chapter 2, Section 2-1 of the County Code, Changing the Board of Supervisors meeting schedule. **(Continued from 3/25/08 meeting)** ***File #156***

COUNTY FIRE:

4) ***Approved*** contract amendment with the California Department of Forestry and Fire Protection for the second year FY 07/08 at a cost not to exceed $894,008; and ***adopted Resolution No. 2008-26*** acknowledging the amendment and reflecting the cost for the FY 07/08. ***File #60***

PROBATION DEPARTMENT – B. Cardall:

5) ***Approved*** agreement with the City of Hollister for staff costs related to probation officer services during the 2008 Motorcycle Rally and allows the Chief Probation Officer to sign agreement. ***File #510***

PUBLIC WORKS – J. Lo:

6) ***Approved*** contracts for hazardous materials assessment services with STech Consulting, LLC effective 3/11/08 to 3/11/09 in an amount not to exceed $60,000;

and ***approved*** contract with Environmental Technical Services, Inc. effective 3/11/08 to 3/11/09 in an amount not to exceed $60,000. ***File #105.3***

SHERIFF'S DEPARTMENT – C. Hill:

7) ***Proclaimed*** April 13-19, 2008, "National Public Safety Telecommunications Week". ***File #110***

7.1) ***Approved*** out of state travel for an H&HSA Social Worker for purposes of complying with the court order in Case JV-08-00007 of the Superior Court of California, County of San Benito. ***File #130***

REGULAR AGENDA:

INTERNAL SERVICES – R. Inman:

8) Appoint Paul Matulich as Agricultural Commissioner for four year term effective April 19, 2008.

Jacki Credico, Human Resources Management Analyst III, stated that section 2121 and 2122 of the Food and Agricultural Code requires the Board of Supervisors to appoint the County Agricultural Commissioner for a term of four years. Mr. Paul Matulich was appointed Agricultural Commissioner on April 19, 2004, so it is necessary to appoint him for an additional four year term effective April 19, 2008.

Supervisor Botelho stated that Paul has done a great job serving the agricultural community and is happy that he is being re-appointed.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Monaco; moved to appoint Paul Matulich for a four-year term effective April 19, 2008.*

Agricultural Commissioner Paul Matulich stated he appreciated how the Board has supported the projects that he has brought before them. ***File #1.1***

ADMINISTRATION:

9) Receive funding request for Community Pantry to support the Emergency Food Program and consider appropriation of county funding.

Mary Ann Hughes spoke on behalf of Community Pantry stating while unemployment in San Benito County has risen from 8.7% to 10.5% from last year there are now more families in need.

Ms. Hughes stated they have projected a 30% increase as a result of their move to a larger facility on San Felipe Road and they have increased the number of households served and while they have increased there revenues by 25% it is still not enough to replace or maintain their working capital.

Ms. Hughes stated they are working hard to organize fundraisers and they are working on submitting a grant request and it takes time to get through the process. Ms. Hughes stated that they are now in need of short-term relief, so she is here now asking the Board for help as a one time only request.

Lengthy discussion ensued by the Board.

Supervisor Marcus stated the board needs to put guidelines and procedures in place for these types of circumstances.

Supervisor Monaco stated Ms. Hughes has stated that this is a one-time request. Supervisor Monaco stated he wanted it clear to the public that they are dealing with one non-profit that is facing an emergency situation and that they

are endeavoring to correct that in the future and that we are simply providing some funding to get them through a rough time.

Supervisor Loe stated that maybe it would be possible to offer staff to help go over their budget to see if there are ways to help in regards to expenses.

County Administrative Officer (CAO) Susan Thompson stated that they are preparing a discussion item for the Board that would be establishing County parameters to proceed to reserve a certain amount of dollars each year for basic needs programs. Ms. Thompson stated that the counties in California have mandated responsibilities to be safety net providers in many arenas for folks in our community. Ms. Thompson stated that today we are looking at a one-time emergency and she can help the board move the funds if they wish to do so.

Supervisor Monaco stated he would like to add to possibly help assist Community Pantry with their grant applications.

CAO Susan Thompson replied that would be a bigger job than what Supervisor Loe suggested and not sure what it would entail in terms of commitment of time and energy on our part.

Supervisor Loe stated that maybe during budget process we could look at putting some money aside somewhere for help with grant writing.

Marty Richman, Hollister resident, stated that he does not oppose this but has a recommendation to ask the non-profits to get together and form a council of non-profits so that what ever money is available is used at the maximum efficiency. Mr. Richman stated that if the Board of Supervisors could find the funds to support this one-time request it would be a good thing to do.

Ed Stephenson, resident of Ridgemark, stated he has been working with Mary Ann Hughes and her Board for about a year on their fund raising activities to broaden their donors and try to find additional sources. Mr. Stephenson stated that Supervisor Loe's suggestion in regards to help with the review of the budget might be available would certainly be very welcome and that they are currently working on the budget. Mr. Stephenson stated that what ever the Board of Supervisors could do today he assures would be well used.

Dale Yarmuth, Director of the Emmaus House, stated that they get food delivered weekly from the Community Pantry and it is an essential service to their clients and urged the support.

Margie Barrios stated she has been a volunteer with education for many years and the people that get affected most are children. Ms. Barrios stated that she has witnessed when children go to school hungry they do not have the capacity to sit there and learn so she urges the board to think about this situation seriously.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Botelho, moved to take $20,000 from Contingency Fund for one time help; CAO to engage in agreement for a specific item; and provide staffing by the direction of the CAO to help assist with the Community Pantry budget.*

Roll Call Vote:
Supervisor Monaco ------ Yes
Supervisor Loe ------ Yes
Supervisor Marcus ------ Yes
Supervisor Botelho ------ Yes
Supervisor De La Cruz -- Yes
The motion passed 5-0.

CAO Susan Thompson stated that the next step in this process would be to engage in a written agreement stating specifically for what service. Ms. Thompson stated this is not a donation or a gift of public funds. We will buy something specific that can be audited.
File #119

COUNTY COUNSEL – D. Le Clere:

10) Receive status report on DMB reimbursement agreement and direct staff as necessary.

County Counsel Dennis LeClere stated that at the meeting of March 25, 2008 the board directed staff to return on April 22, 2008 with an amended reimbursement agreement in the DMB matter. Mr. LeClere stated that today he is presenting a status report in the process of reaching an agreement and amending agreement and request for further direction from the Board.

Mr. LeClere stated that at the meeting on March 25th Chairman De La Cruz summarized five issues to be addressed in possibly amending the reimbursement agreement. Mr. LeClere spoke in regards to the five options and possible language changes that can be made to the agreement.

DMB Developer Ray Becker agreed with the report of County Counsel.

Supervisor Marcus stated he favored the 2nd option presented.

Supervisor Monaco stated he does not wish to take a position on any of the options at this time.

Supervisor Botelho stated he agrees with the 2nd option presented.

Supervisor Loe stated she likes the 1st option better but if the Board is comfortable with the 2nd one she could go with the 2nd. Supervisor Loe stated she agrees that it is up to the Board to endeavor to avoid.

Developer Ray Becker stated he would agree with the endeavor language.

Chairman De La Cruz gave direction to County Counsel that the majority of the board agrees with Option 2.

Developer Ray Becker stated he would like to have this matter acted on sooner than April 22nd if possible.

Supervisor Loe would like to see this on the agenda for the April 8th meeting with the developer's signature on the document so we can move forward.

It was the consensus of the Board to have it come back on the April 8th meeting. Chairman De La Cruz directed County Counsel Dennis LeClere to bring back to the Board at the April 8th meeting.
File #790

BOARD OF SUPERVISORS:

11) Receive report on California State Association of Counties (CSAC) Board of Directors meeting. (Supervisor Monaco)

Supervisor Monaco reported on the CSAC Board of Directors meeting he attended on March 20, 2008 in Sacramento and provided a printed copy of the agenda and some other pertinent information that is available with the Clerk of the Board if anyone is interested in reviewing.

Supervisor Monaco reported on a few of the items that were discussed at the meeting. Supervisor Monaco stated the first item on the agenda was the draft of the legislative priorities. Supervisor Monaco stated at the state level CSAC had a list of their priorities, which in general are to protect the counties

interest during the state budget process and to prevent loss of local revenues to local governments and the reduction to county programs.

Supervisor Monaco stated that a particular item that is of interest to our own county was support for the continuation of the Williamson Act, which is a major issue for rural counties. Supervisor Monaco stated at the Federal level CSAC would monitor reauthorization of the farm bill and collaboration with agriculture interests and issues that directly impact California Counties.
File #1110

CLERK/AUDITOR/RECORDER – J. P. Gonzalez:

12) Consider and take action to establish an Internal Service Fund for OPEB (Other Post Employment Benefits) funds.

County Auditor Joe Paul Gonzalez stated that the item he is presenting is for the board to consider and take action to establish an internal service fund for the OPEB (Other Post Employment Benefits) work and other employment benefits. Mr. Gonzalez stated that the purpose of the fund is really an accounting tool.

CAO Susan Thompson stated the current year's budget appropriated two different types of funding for OPEB; one was the PEGO, which is the actual cost that we are incurring for already retired employees. That dollar amount was appropriated and will be expended this year to pay for the cost of that benefit: The second portion that the Board appropriated was for the normal cost which was for current employees future benefits and that was distributed to all the County departments. Ms. Thompson stated since that is appropriated now we need to expend it into this internal service fund which allows us to ensure that those appropriations the Board made this year stay in a fund that can earn interest and help us to build that long term payment to our OPEB liability.

Lengthy discussion and questions ensued by Board and staff.

Marty Richman, Hollister resident, stated he is strongly in support of anything that takes this to the top, but does object to the fact that all levels of government that would include city, counties, state and federal are basically taking these responsibilities and putting them in the bottom drawer of the desk where they can't be seen. Mr. Richman stated he encourages the Board to not use the CalPers 7 ¾ % that used to be 8% return.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Monaco, moved to approve the establishment of the (OPEB) Internal Services Fund for capturing our estimated current year's costs prior to the adoption of the irrevocable trust plan. (Unanimous)* ***File #608***

ADMINISTRATION:

13) Formalize 2009 Board of Supervisors priorities.

CAO Susan Thompson stated the Board talked about 2009 priorities at their March 13, 2008 Retreat, some which they are in the process of and have been over the last year and some that will take several years of effort to achieve. Ms. Thompson provided list of the 2009 priorities as follows;

- General Plan
- Gang Violence/Crime Reduction
- Capital Improvement Plan & Projects including County Office Facilities and Justice
- Regional Water Waste Water Master Plan

- Housing Growth Cap and Inclusionary Housing Adjustments
- Formalize Transfer Development Credit Policy/Procedures
- Complete new Courthouse site selection
- Economic Development Strategic Plan
- Affordable Housing Plan/Objectives

Ms. Thompson stated she hopes this reflects the issues that the Board recalls discussing and she is looking for adoption of these priorities.

Supervisor Monaco stated he would like to add to the list of policy procedures to include disbursing funds to non-profits.

Supervisor Botelho stated that there is still confusion as far as the process and procedure to get projects/applications processed through our County application processes. Supervisor Botelho stated he would like to see if there was a way to streamline or clarify to people who come in, how long it takes to get through our requirements.

CAO Susan Thompson stated that is a project that is currently in the work plan between herself and the Director of Building and Planning.

Supervisor Monaco stated a lot of the ownership of that issue lies with the Planning Director and is communication with the CAO and the Board to move in the direction to make it as efficient as possible.

CAO Susan Thompson stated she would add to the 2009 priorities policy and procedures list the disbursement of funds for non-profits for the Boards consideration and hopes to have this before budget.

Chairman De La Cruz stated that Planning Director Art Henriques came up with some neat ideas when an economic project comes before the Planning that we designate a county employee or someone to become a contact person.

File #156

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: Monaco, Loe, Botelho, Marcus, De La Cruz
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: None

There being no further business the Board adjourned to April 8, 2008 at 9:30 a.m. for a regular meeting.

JAIME DE LA CRUZ, CHAIRMAN
San Benito County Board of Supervisors

ATTEST:
Janet Slibsager
Asst. Clerk of the Board