



# SAN BENITO COUNTY BOARD OF SUPERVISORS

**Don Marcus**  
District No. 1

**Anthony Botelho**  
District No. 2  
Vice-Chair

**Pat Loe**  
District No. 3

**Reb Monaco**  
District No. 4

**Jaime De La Cruz**  
District No. 5  
Chair

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

## REGULAR MEETING APRIL 22, 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 morning session, Clerk of the Board Linda Churchill afternoon session. Chairman Jaime De La Cruz presided.

### 9:30 a.m. CALL TO ORDER:

- a) Supervisor Marcus led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- c) **Public Comment:** Joe Thompson, Tres Pinos resident, spoke in regards to the constant erosion of the Boards jurisdiction as Council of Governments (COG) gains authority in this County. Mr. Thompson stated at the last COG meeting he saw COG extending its authority and jurisdiction and feels something needs to be done about it.

Marvin Jones, Hollister resident, spoke in regards to the trash pickup in the City of Hollister and the San Benito County for the upcoming fiscal year. Mr. Jones stated he lost his senior citizen discount but most of the bills will actually go down a couple of dollars for most residents. Mr. Jones commended the Board on taking advantage of the economy scale and combining some of the activities controlled by the municipalities in the County and putting them all under one-contract noting it was very positive.

Supervisor Botelho stated he would like to have an item put on a future board meeting in regards to the rates pertaining to senior citizens.

*Chairman De La Cruz gave direction to County Administrative Officer (CAO) Susan Thompson to agendize this item on a future Board meeting for discussion.*

***Chairman De La Cruz announced that beginning May 6, 2008 all regular scheduled board meetings will start at 9:00 a.m., and that there would be no meeting on Tuesday, April 29, 2008.***

d) **Department Head Announcements:**

Internal Services Manager Rich Inman introduced Mr. Ray Espinosa who is the new Information Technology (IT) Manager.

Ray Espinosa stated he has been in the technology field for 24 years, 11 of those years with IBM and 13 with Healds College. Mr. Espinosa stated he is looking forward to working for San Benito County.

CAO Susan Thompson announced the Sheriff, Supervisor Marcus and herself would be attending a presentation tomorrow, April 23<sup>rd</sup> and asked the Sheriff to provide information.

Sheriff Hill stated they would be attending the AB900 oral presentation in Sacramento and Janelle Cox, Project Analyst, would also be attending.

CAO Susan Thompson stated that she and the Chief Probation Officer Brent Cardall have attended some California State Association of Counties (CSAC) Legislative Committee meetings on the issue of parole realignment. Ms. Thompson stated that the legislative analyst office in February presented an alternative budget proposal to the State that suggested taking a look at realigning, which would mean sending counties approximately 70,000 state parolees for services at the local level in terms of reentry into our community. Ms. Thompson stated they would stay involved and let the Board know how this progresses.

Sheriff Curtis Hill stated he did not believe that this realignment is going to see the light of day because they want to fund it by shifting all of Prop 172 monies at the local level and take all the deputy's money and shift that also, so for the Sheriff's office that would mean laying off about six deputy sheriff's and the State Sheriff's Association will jump all over that.

**Board Announcements, Introductions and Presentations:** Supervisor Marcus stated last night he attended the joint meeting between the Board of Supervisors and the Hollister City Council to discuss the proposed location of our new courthouse. Supervisor Marcus stated he thought the meeting was excellent, there were many speakers from the community that promoted the idea of trying to maintain the Fremont School site as the preferred site for the proposed new courthouse. Supervisor Marcus stated Rona Rothenberg from the State Administrative Office of the Courts was present and gave an excellent presentation. Supervisor Marcus stated at the end of the meeting he felt we got a full commitment from Redevelopment Agency (RDA) and the City Council to work diligently with CAO Susan Thompson and the Board of Supervisors to get a MOU in place and to move forward to get the seismic results of that site.

Supervisor Monaco stated on May 3, 2008 at 10:00 a.m. there would be a ribbon cutting ceremony at Hollister Hills OHV Park in San Benito County for the opening of a new area that was acquired several years ago.

Supervisor Loe stated she would like to announce that May 1<sup>st</sup> is going to be the official kick off for Relay of Life and the theme this year is "Paint Your Town Purple". Supervisor Loe thanked her fellow Board members for their support in buying the purple ribbons.

Supervisor Loe stated she wanted to thank the Library, Friends of the Library and everyone that worked on the great open house the Library had last week. Supervisor Loe stated she had the opportunity to tour the new piece of equipment that was purchased for the library, and it is going to be a great learning center for the community.

Supervisor Botelho announced that Sunday, April 27<sup>th</sup> is the Chicken Festival in San Juan Bautista and there will be a parade and BBQ. He encouraged the public to come out and bring their families and enjoy a great day in San Juan Bautista.

Chairman De La Cruz stated he attended the ribbon cutting for the Library and is glad that the library is an important element in the community.

#### **PRESENTATIONS & RECOGNITIONS:**

**1) Child Abuse Prevention Council's presentation of Annual Blue Ribbon Award to Carol Thomas.**

Director of Human Services Agency and Child Abuse Prevention Council member Kathy Flores presented the Annual Blue Ribbon Award to Carol Thomas who has done a lot for our youth in San Benito County. Carol Thomas thanked the council for an unexpected honor and stated it has been a privilege to be able to go into juvenile hall and the jail to help the youth. *File #130*

**2) Proclaim the month of May 2008 as National Military Appreciation Month. (Richard Garza Veteran's Service Office)**

**BOARD ACTION:** *Upon motion made by Supervisor Botelho, and seconded by Supervisor Monaco, moved to proclaim the month of May 2008 as National Military Appreciation Month by the United States Congress, calling to honor the men and women of all of our armed services who have served and are now serving our Country, together with their families. (Unanimous)*

Supervisor Botelho presented Proclamation to Colonel Thomas Griffin, California National Brigade Commander, who accepted the Proclamation on behalf of the US Army and the National Guard. Mr. Richard Garza was also present representing the Veteran's Service Office. *File #430*

**3) Proclaim May as "Water Awareness Month". (Shawn Novack Water Resources Association of San Benito County)**

**BOARD ACTION:** *Upon motion made by Supervisor Marcus and seconded by Supervisor Monaco, moved to proclaim May as "Water Awareness Month". (Unanimous)*

Supervisor Marcus presented Proclamation to Shawn Novack with the Water Resources Association.

Program Manager Shawn Novack thanked the Board of Supervisors for the Proclamation and stated he encourages everyone to contact the Water Resources at 637-4378 or visit the website at [www.wrasbc.org](http://www.wrasbc.org); as there are several programs and rebates available. Mr. Novack announced there would be a Water Awareness Festival at Veterans Memorial Park on May 17<sup>th</sup> from 11:00 a.m. to 3:00 p.m., and there will be local irrigation specialists, landscaping experts, plumbers and water softener specialist present to answer questions.

*File #430*

4) **Proclaim the month of May 2008 as Mental Health Month in San Benito County. (Alan Yamamoto, Director of Mental Health)**

**BOARD ACTION:** *Upon motion made by Supervisor Loe and seconded by Supervisor Botelho, moved to proclaim the month of May 2008 as Mental Health Month in San Benito County. (Unanimous)*

Supervisor Loe presented Proclamation to Diane Ortiz, Chairman of the Mental Health Board.

Mental Health Director Alan Yamamoto spoke in regards to how mental health effects thousands of individuals in our society and very few ever seek treatment. Mr. Yamamoto announced that on May 28<sup>th</sup> from 1:00 p.m. to 5:00 p.m. at the Esperanza Center at 327 Fifth Street they would be having different activities to make the public aware that seeking mental health treatment is something that is acceptable, and on May 22<sup>nd</sup> from 5:00 p.m. to 7:00 p.m. the evening will be dedicated to the homeless population. *File #430*

5) **Proclaim April 20 – 26, 2008 as “Safety Seat Checkup Week:” in San Benito County.**

**BOARD ACTION:** *Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, moved to proclaim April 20-26, 2008 as “Safety Seat Checkup Week in San Benito County. (Unanimous)*

Supervisor Monaco presented Proclamation to Director of Health & Human Services Agency Kathy Flores.

Ms. Flores introduced Samella Perez, Health Education Coordinator, and Ofelia Toledo-Prieto, Heath Education Associate. Ms. Perez announced that on Saturday, April 26<sup>th</sup> from 10:00 a.m. to 3:00 p.m. at the Kmart in Hollister they would be holding an event in regards to car seat safety. Ms. Perez stated this event is collaboration between Health & Human Services, Public Health, First Five, California Highway Patrol and United Way. *File #430*

**CONSENT AGENDA:**

*Upon motion made by Supervisor Marcus and seconded by Supervisor Loe, approved Consent Agenda Items 6 through 17 with the exception of Item 9, which was pulled for discussion. (Unanimous)*

**AGRICULTURAL COMMISSIONER – P. Matulich:**

6) **Re-appointed** members Ed Strohn, Robert Frusetta & Jim Hawkins, of the Taylor Act Grazing Advisory Board, for three year terms effective July 1, 2008. *File #1.1*

**BEHAVIORAL HEALTH – A. Yamamoto:**

7) **Approved** purchase of (2) two-sedan vehicles for total amount of \$31,553; and purchase Digital Copy Machine in the amount of \$12,484; a FY 07-08 budget and fixed assets adjustment in the amount of \$44,037. **(4/5 vote)** *File #810*

**BOARD OF SUPERVISORS:**

8) **Approved** Certificates of Recognition for Joe Paul Gonzalez and Marcellina Munoz recognizing them as the MACE 2008 Man and Woman of the Year for presentation on May 3, 2008. (Chairman De La Cruz) *File #156*

**CLERK OF THE BOARD – L. Churchill:**

- 9) **Acknowledge resignation submitted by Joe Conconi, San Benito Resource Conservation District Director.**

Supervisor Botelho stated he would like to have some kind of recognition given to Mr. Conconi for his many years of service and have it presented at a future date.

**BOARD ACTION:** *Upon motion made by Supervisor Botelho and seconded by Supervisor Marcus, moved to accept resignation. (Unanimous)*

*Chairman De La Cruz directed staff to bring back a Certificate of Recognition for years of service for presentation. File #1059*

**FIRST 5 SAN BENITO – K. Castillo:**

- 10) **Re-appointed** Dr. Marnie Freidman to the First 5 San Benito Children and Families Commission for a three-year term effective April 22, 2008 to March 31, 2011.

*File #155*

**HEALTH & HUMAN RESOURCES – K. Flores:**

- 11) **Appointed** Ms. Mimi Laurent to the Workforce Investment Board (WIB) to represent the State of California Department of Rehabilitation, for a three-year term effective April 22, 2008 to April 21, 2011. *File #939*

**INTERNAL SERVICES – R. Inman:**

- 12) **Amended** the Schedule of Positions for Public Health deleting one (1) Deputy Director Public Health and one (1) Supervising Public Health Nurse and allocating one (1) Director of Nursing at Range 33.0. *File #630*

- 13) **Approved** new class specifications for Assistant Planning Director salary range 30; **approved** modifications to Class Specifications Principal Planner; **approved** new class specifications Accounting-Appraiser Technician and set current salary range of 14.9; amended Assessor's Office schedule of authorized positions to include flexible position of Accounting-Appraiser Technician/Account Clerk I/II/III; **approved** modifications to class specifications for Emergency Services Specialist; **approved** new class specifications for Heavy Equipment Mechanic's Assistant salary range 11.6. *File #630*

**PROBATION DEPARTMENT – B. Cardall:**

- 14) **Adopted** specifications and **approved** an Invitation for Bid (IFB) for purchase and installation of a Control Panel System for the Juvenile Hall. *File #510*

**SAN BENITO RESOURCE CONSERVATION DISTRICT – K. Guerra:**

- 15) **Approved** the appointment of Tim Foley as Director of the San Benito Resource Conservation District to fill the unexpired term ending November 2008. *File #1059*

**SHERIFF'S DEPARTMENT – C. Hill:**

- 16) **Approved** appointment of the 911 Communications System Coordinator Step F of Range 18.8 in the Communications Unit of the Sheriff's Office. *File #116*

- 17) **Approved** 2-year agreement for extended warranty/service plan with Eaton Powerware in support of the 911 and Warrant system; and **approved** budget adjustment in the amount of \$3,390, effective May 1, 2008. (4/5 vote) *File #116*

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

**PLANNING & BUILDING DEPARTMENT – A. Henriques:**

- 18) **Consider adoption of the resolution granting the appeal of Jeff Hall (Minor Subdivision No. 1165-05(A) and reversing the Planning Commissions denial and removing Condition #18, requiring dedication of access. (Continued from 4/8/08 public hearing.)**

Planning Director Art Henriques provided an update, stating that on April 8<sup>th</sup> the Board of Supervisors heard an appeal by Jeff Hall on a minor subdivision and the Board directed staff to return with a Resolution granting the appeal to remove condition #18, requiring dedication of access. Mr. Henriques stated staff has prepared the resolution for consideration.

**BOARD ACTION:** *Upon motion made by Supervisor Marcus and seconded by Supervisor Monaco, moved to **adopt Resolution No. 2008-30**, granting the appeal of Jeff Hall and reversing the Planning Commissions denial of Minor Subdivision No. 1165-05(A) and **approving** Minor Subdivision 1165-05(A) removing condition 18 requiring the applicant to dedicate access. (4-1 Vote, Supervisor Loe opposed). *File #790**

**REGULAR AGENDA:**

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

- 19) **Approve purchase of 2008 Ford Focus replacement vehicle \$15,246.81; approve budget appropriation of \$15,246.81 with offsetting revenue from insurance proceeds; and amend schedule of fixed assets to delete a 2005 Dodge Stratus. (4/5 vote)**

Deputy of Administrative Services Mark Izer provided background information in regards to the purchase request of a 2008 Ford Fusion, which would be replacing a vehicle that was destroyed by fire.

**BOARD ACTION:** *Upon motion made by Supervisor Monaco and seconded by Supervisor Botelho, **approved** budget appropriation by \$15,246.81 with offsetting revenue from insurance proceeds; and **approved** the purchase of a 2008 Ford Fusion from Tiffany Motors for replacement vehicle for a total amount of \$15,246.81 with a net cost to Health and Human Services Agency of \$1,000; and **amended** Health and Human Services Agency schedule of fixed assets to delete the 2005 Dodge Stratus and include a 2008 Ford Fusion in the amount of \$15,246.81. (Unanimous) *File #130**

- 20) **Approve transfer of \$107,554 from General Fund Contingency Budget to Public Authority Budget for FY 07/08; and increase appropriations in IHSS Public Authority Budget Unit by \$107,554 in Care and Support for FY 07/08. (4/5 vote)**

Deputy of Administrative Services Mark Izer provided background information in regards to the request to augment Public Authority Budget for FY 07/08 due to the case size growth.

**BOARD ACTION:** Upon motion made by Chairman De La Cruz and seconded by Supervisor Monaco, **approved** the transfer of \$107,554 from Contingency Budget to Public Authority Budget #512 revenues (#575001) for FY 07/08; and to increase appropriations in IHSS Public Authority Budget Unit #512 by \$107,554 in #630104 Care and support for FY 07/08. (Unanimous) File #130

**PROBATION DEPARTMENT – B. Cardall:**

- 21) **Authorize the Probation Department to submit the application for continuation funding to the Corrections Standards Authority to expend the funds provided by the Juvenile Justice Crime Prevention Act (JJCPA).**

CAO Susan Thompson stated that she would be covering this item today for the Chief Probation Officer Brent Cardall who is attending an academy. Ms. Thompson stated that for the past seven years San Benito County has successfully participated in and received funding from the Juvenile Justice Crime Prevention Act (JJCPA), which provides funding for those counties interested in developing and implementing programs aimed at deterring juvenile crime. Ms. Thompson stated that San Benito County is eligible for continued funding in the program for FY 2008/2009 based on the per capita distribution in the amount of \$163,994.

**BOARD ACTION:** Upon motion made by Supervisor Monaco and seconded by Supervisor Botelho, **authorized** the Probation Department to submit the Juvenile Justice Crime Prevention Act application to the Corrections Standards Authority to expend the funds provided by this act. (Unanimous) File #510

**SHERIFF'S DEPARTMENT – C. Hill:**

- 22) **Take support of AB 2215 and authorize Chairman to sign letter to Assemblyman Berryhill.**

Sheriff Curtis Hill provided background information in regards to letter of support for Assembly Bill 2215-Jail Staffing Bill. Sheriff Hill stated this bill would change the classification of their correctional officers to peace officers for the jail, which would give them deputy sheriff authority only while they are conducting the functions of a correctional officer. Sheriff Hill stated he would like to ask the Board to take a position and support of AB2215 and sign letter to Assemblyman Berryhill.

Discussion and questions ensued by Supervisors and staff.

**BOARD ACTION:** Upon motion made by Supervisor Botelho and seconded by Supervisor Marcus, moved to take a position in support of AB2215 and **authorized** the chair to sign letter to Assemblyman Berryhill. (Unanimous) File #120.5

**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.)

The Board adjourned into Closed Session and reconvened into regular session re:

- 23) **Conference with Legal Counsel – One case of existing litigation Subdivision (a) of Government Code Section (54956.9)**

1. **Name of case: Steve Schwartz & Associates, Inc. Defined Benefit Pension Plan, vs. Tina Benford, Marty Williams, County of Kern, County of San Benito, and DOES 1 – 10, inclusive, (Case number S-1500-CV-263305 AEW)**  
**County Counsel Dennis LeClere reported that the Board provided conditional authority to file disclaimer in this case. (Unanimous)**

## AFTERNOON AGENDA

1:30 p.m.

### CONSENT AGENDA: (Continued)

*Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, **approved** Consent Agenda Items 24, 25 and 27 and pulled Item 27 for discussion. (Unanimous)*

#### **PUBLIC WORKS – J. Lo:**

- 24) **Approved** agreement with Bellinger Foster Steinmetz for the development of a parks and recreation master plan, for the period of April 22, 2008 to April 22, 2009 in the amount of \$141,000; **approved** the budget adjustment, augmenting the Historical and San Justo Reservoir Parks Budget Unit by \$20,000 and reducing the Administration and Engineering Budget Unit by \$20,000. *File #93*
- 25) **Ratified** the agreement signed by Jerry Lo, Public Works Director, with Caltrans funding the San Juan Highway Bike Lane Project from the State's Bicycle Transportation Account; and **augmented** the Public Works Capital Improvement Projects Budget Unit by \$705,641 recognizing the State and Federal grant revenue for the project. *File #105*
- 26) **Approve Memorandum of Understanding with the Council of Governments for the San Juan Highway Bike Lanes project.**  
Supervisor Botelho asked why COG is the lead agency on this rather than the County Public Works Department.  
Veronica Lezama, Council of Governments (COG), explained that this was initially a COG project and then transferred over to the county and is currently a COG project because in order for us to receive both Federal and State Funds the County must be the grantee for the funds; however, after much discussion with the County it was decided that COG would be the lead agency in order to allow for a quicker turnaround period for the project to be constructed.  
**BOARD ACTION:** *Upon motion made by Supervisor Botelho and seconded by Supervisor Monaco, approved Memorandum of Understanding with COG for the San Juan Highway Bike Lanes Project. (Unanimous) File #105*
- 27) **Approved** contract for Janitorial Services with Jose & Jose Janitorial Building Maintenance for the period of May 5, 2008 to May 4, 2009, in the amount not to exceed \$171,687. *File #105.3*

**REGULAR AGENDA: (Continued)**

**PLANNING & BUILDING DEPARTMENT:**

- 28) **Approve reimbursement agreement with Santana Ranch to fully recover County costs to review the Santana Ranch specific plan.**

Planning Director Art Henriques provided background information stating that this agreement is similar to the El Rancho San Benito Project reimbursement agreement and essentially the same kind of agreement. Under Chapter 30 of the County Code this would allow for recovery of staff and consultant costs for review of the General Plan Amendment and environmental and other items associated with this mixed use project on the 292 acre site on the Eastern edge of Hollister, Fairview Road, North of Highway 25. ]

Mr. Henriques answered questions posed by the Board.

**BOARD ACTION:** *Upon Motion made by Supervisor Marcus and seconded by Supervisor Monaco, approved the reimbursement agreement with Santana Ranch to fully recover county costs to review this project and authorized Chair to sign said agreement. (Unanimous) File #790*

**1:30 P.M. PUBLIC HEARING (or as soon thereafter as the matter may be heard)**

**PLANNING & BUILDING DEPARTMENT – A. Henriques:**

- 29) **Held a public hearing; and adopt Resolution, vacating the easement as to the subject parcel, under Government Code section 25367, and finding; (1) that the easement is not longer required for County or public use; (2) that vacation of the easement is consistent with the County's General Plan; and (3) that vacation is exempt from CEQA pursuant to CEQA Guideline section 15061(b)(3).**

Planning Director Art Henriques provided background information and presented a Power Point Presentation describing the subject property, the historical schematic, and a brief history and overview of current Aromas Water District projects. Mr. Henriques reported that staff recommends adopting the resolution vacating the easement.

Chairman De La Cruz opened the public hearing.

Larry Cain, General Manager of the Aromas Water District, stated that this was vital to the District's needs and he hoped the Board of Supervisors looked favorably on this request.

Chairman De La Cruz closed the public hearing.

Supervisor Botelho stated this was a unique opportunity for Aromas to have a sub-station for the Sheriff and he strongly supports assisting the Water District in moving forward.

**BOARD ACTION:** *Upon motion made by Supervisor Botelho and seconded by Supervisor Marcus, adopted **Resolution No. 2008-31** vacating the easement as to the subject parcel, under Government Code Section 25367, and finding that the easement is no longer required for County or public use and that vacation of the easement is consistent with the County's General Plan and vacation is exempt from CEQA pursuant to CEQA Guideline Section 15061(b)(3). (Unanimous) File #790*

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 Tuesday, May 6, 2008 at 9:00 a.m. for a regular meeting.

**JAIME DE LA CRUZ, CHAIRMAN**

San Benito County Board of Supervisors

**ATTEST:**

Linda Churchill

Clerk of the Board, Afternoon Session

Janet Slibsager

Asst. Clerk of the Board, Morning Session