



# 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 MAY 6, 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, and De La Cruz were all present. Supervisor Marcus was absent. Also present was County Administrative Officer Susan Thompson, County Counsel Dennis Le Clere and Clerk of the Board Linda Churchill. Chairman Jaime De La Cruz presided.

### 9:00 a.m. CALL TO ORDER:

- a) Supervisor Loe 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, thanked the Board of Supervisors for holding a special meeting with Assembly Member Anna Caballero on May 1<sup>st</sup>. Mr. Thompson stated that Assembly Member Caballero described the hole in the State budget but she didn't state that it was a black hole. Mr. Thompson felt that the solution should not be to raise fees, but to reduce burdensome, redundant agencies in government.  
Marty Richman, local resident, stated that he also attended the special meeting with Assembly Member Caballero. Mr. Richman said he couldn't find information on the state budget online and felt that transparency is important. Mr. Richman stated that Assembly Member Caballero said she does not have access to that information either. Mr. Richman hopes that transparency is encouraged.  
Sangeetha Ramanujam, CASA (Court Appointed Special Advocates), stated that she wanted to explain the fundraiser being held this week, noting that the Board members received invitation. This fundraiser raises awareness of the children in the juvenile dependency system in our community. CASA is a new organization that serves as mentors and role models to help these children through the dependency courts. Ms. Ramanujam encouraged the Board and the public to learn more about CASA noting there are up to 100 children, at any given time, in San Benito County within the dependency court.
- d) **Department Head Announcements:** County Administrative Officer Susan Thompson reported that there are issues at the State level that we are not aware of at this point in terms of the budget. Ms. Thompson stated that we would like

to present the Board of Supervisors with multi-year budget planning but the way the system is set up right now, and the dependency that all local governments have upon decisions made in Sacramento, it really makes it almost impossible to do. Ms. Thompson indicated that the Capital Budget Hearings would be held on March 13, 2008.

Ms. Thompson reported that as of May 1, 2008 the Auditor has placed a purchasing freeze on all operating departments meaning that those that are drawing down funds from the General Fund have to have pre-approval by her before doing any purchasing in hopes to generate additional fund balance.

Ms. Thompson further reported that we have a continuing position control in place that requires her review and approval of any vacant positions.

Ms. Thompson announced that Budget Hearings would begin on Monday, June 9, 2008 at 9 a.m. Ms. Thompson emphasized that we will adopt the budget based on current State budget knowledge.

Paul Matulich, Agricultural Commissioner, provided an update on the Light Brown Apple Moth stating that previous finds in Monterey County resulted in an expansion of the State's quarantine into approximately one and half miles into the Aromas area. These areas are being checked through trappings by personnel in Watsonville. Mr. Matulich reported that on April 17, 2008 a Light Brown Apple Moth was found on Seeley Avenue in Aromas and on May 1, 2008 a second moth was found on Snyder Avenue in Aromas and this find initiated a Federal quarantine. Mr. Matulich stated that the biggest impact would be nursery growers that ship out of state. Mr. Matulich reported that his staff would be conducting the trappings of the nurseries in our area.

Planning Director Art Henriques reported that a candidate has accepted the position of Housing Program Coordinator and he hopes that he will start within the next couple of weeks.

e) **Board Announcements, Introductions and Presentations:**

Chairman De La Cruz reported that he attended the Gang Task Force Committee meeting on Saturday, May 3<sup>rd</sup> where there was lots of good discussion held regarding local gang activity. Supervisor De La Cruz reported that there is a new Youth Coordinator Department to address this issue. Supervisor De La Cruz hopes to see a presentation on an upcoming Board of Supervisor's agenda and Board of Education agenda.

Chairman De La Cruz announced that Hollister Super Market, owned by Jim West, just celebrated 25 years in business, which is a great accomplishment.

Chairman De La Cruz thanked Assembly Member Anna Caballero who met with the Board of Supervisors at a public meeting on May 1, 2008 in the Board Chambers. Chairman De La Cruz directed staff to send a thank you.

Chairman De La Cruz recognized Joe Paul Gonzalez who was named the MACE (Mexican American Committee on Education) Man of the Year.

**CONSENT AGENDA:**

*Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, approved Consent Agenda Items 1 through 15 with the exception of Items 3 and 13 which were withdrawn from the agenda and Item 8 which was pulled for discussion. (4-0 Vote. Marcus absent.)*

### **ADMINISTRATION:**

- 1) **Approved** contract with Community Pantry for period of April 1, 2008 to June 30, 2008 to provide 4,717 bags of food at a cost of \$4.24 per bag in an amount not to exceed \$20,000. *File #156*
- 2) **Approved** merit-based advancement effective April 19, 2008 for Agricultural Commissioner. *File #1.1*
- 3) Approve merit-based advancement effective May 30, 2008 for County Counsel Dennis LeClere.  
***This item was withdrawn from the agenda.***

### **AGRICULTURAL COMMISSIONER - P. Matulich:**

- 4) **Approved** the attached contract with the California Department of Food & Agriculture for Light Brown Apple Moth Trapping services for FY 2007/2008 in the amount of \$9,617. *File #1.1*
- 5) **Declared** county vehicle, 1968 Jeep CJ5, Vin#83050172454, Lic. #E685288 as surplus property; and **authorized** the Ag Commissioner to solicit and accept sealed bids through a local bid process for said vehicle. *File #1.1*

### **BEHAVIORAL HEALTH - A. Yamamoto:**

- 6) **Authorized** the Behavioral Health Director to sign and submit a request to the State Department of Mental Health (DMH) to dedicate Mental Health Services Act (MHSA) funds in the amount of \$363,260 to the DMH required MHSA, Community Services and Supports Local Prudent Reserve. *File #810*

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

- 7) **Approved** the action minutes for the April 1 and April 8, 2008 regular meetings and the April 21, 2008 special joint meeting.

### **COUNCIL OF GOVERNMENTS – L. Rheinheimer:**

- 8) **Approve Amendment #2 to agreement with the Council of San Benito County Governments (COG) and Lisa Rheinheimer, Executive Director, to extend term to January 18, 2012.**

Joe Thompson, Tres Pinos resident, stated that it really doesn't make a difference who the Executive Director of COG is because it is virtually impossible job that we give a COG Director because he/she has to manage and control an agency, which in our county, runs empty bus seats more than 98% of the time and requires taxpayers subsidies of 99% to keep the bus rolling. Why aren't these issues on the MPO's (Metropolitan Planning Organization) agendas? Why do we blind ourselves to solutions? Mr. Thompson stated this was not the fault of the COG Executive Director noting that we need to change our approach.

Supervisor Botelho stated that this is a personnel agreement that we have with our Executive Director noting that she has done a fine job and we must reward her for her good work and we are very lucky to have someone with her qualifications.

**BOARD ACTION:** *Upon motion made by Supervisor Botelho and seconded by Supervisor Loe, approved Amendment #2 to agreement with the Council of San*

**COUNTY FIRE – R. DiTullio:**

- 9) **Approved** the expenditure of funds to replace front parking apron at Fairview Road fire station and direct staff to use the fire mitigation fees account for payment. *File #60*

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

- 10) **Approved** proposed and amended Emergency Medical Care Commission bylaws. *File #1068*
- 11) **Appointed** Mr. Steven M. Tuma to the Workforce Investment Board (WIB) to represent the Drywall/Lathers Local Union 9144, a mandated representative board position, for a three-year term effective May 6, 2008 to May 5, 2011. (CSWD) *File #939*
- 12) **Appointed** Ms. Maria Fehl to the Workforce Investment Board (WIB) to represent the private sector, a mandated representative board position, for a three-year term effective May 6, 2008 to May 5, 2011. (CSWD) *File #939*

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

- 13) Approve deletion of the Resource Recovery Coordinator position and allocate a Secretary II position.  
***This item was withdrawn from the agenda.***

**SHERIFF'S DEPARTMENT – C. Hill:**

- 14) **Authorized** the applicant agent (Emergency Services Manager) to submit the FY 08 Emergency Management Performance Grant (EMPG) Program on behalf of the County Operational Area. *File #75.5*
- 15) **Approved** contract with the California Department of Justice for the Cal Photo program and **authorized** Sheriff to sign contract and **approved** the budget adjustment/transfer to augment budget by \$15,000 in expenses and revenues.) *File #110*

**REGULAR AGENDA:**

**ADMINISTRATIVE BUSINESS:**

- 16) **Consider report from the Bureau of Land Management as to the closure of a portion of the Clear Creek Management Area and implications to efficient and effective public health risk management that may be posed by the County roads in the closed area; and direct staff as appropriate.**

Rick Cooper, Field Manager, BLM Hollister Field Office, began by handing out his written statement to the Board of Supervisors dated May 1, 2008 and the Closure Order that he would be discussing and also a copy of the Environmental Protection Agency (EPA) Report.

Mr. Cooper reported that there were three key points. 1) The recently completed EPA asbestos exposure and health risk assessment for the Clear

Creek Management Area located in South San Benito County. 2) The decision BLM made to issue an immediate and temporary closure to that area as a result of the findings of the assessment. 3) Discussion of some of the logistics of enforcing the closure and protecting public health and safety as related to San Benito County's road system in the closure area.

Mr. Cooper continued his report based on his written statement as submitted stating that the closure will remain in effect until BLM completes CCMA Resource Management Plan / Environmental Impact Statement sometime in 2010. Mr. Cooper further stated that BLM's challenge will be to enforce a closure on public lands with an active county road system going through the closed area.

Supervisor Monaco stated that the County's concern is the road and the issues for the county relevant to law enforcement and issues of potential liability.

Discussion was held.

*Directed staff to investigate what the possibilities are of either temporary closure or abandonment, law enforcement issues, cooperation we could have with BLM; our potential liability for whatever decision we make; and, keeping in mind also gating the road up to New Idria at some point; and have staff come back at a later date with recommendations to the Board of Supervisors.*

*County Administrative Officer, along with County Counsel, will come back on May 13, 2008 with information regarding temporary closure of the road.*

*File #755*

#### **INTERNAL SERVICES – R. Inman:**

- 17) **Introduce Ordinance entitled “An Ordinance Setting the Compensation for the Board of Supervisors of San Benito County” and repeals Ordinance No. 752; waive reading; and return for adoption of Ordinance on May 13, 2008.**

Rich Inman, Director of Internal Services, provided background information stating this presentation is the result of previous direction by the Board of Supervisors relating to our Department Head Salary Plan adoption. Mr. Inman noted that there were a number of issues that are important and not just a method by which there is a trigger for board consideration of increased compensation. Mr. Inman stated that the current ordinance (No. 752) has some problems and one is it currently reads that whenever there is a increase in compensation for all elected officials the Board of Supervisors receives the average of that increase and also a car allowance is included of \$100 per month which may not be an appropriate inclusion. Mr. Inman stated that the proposed ordinance would tie the salary to the window that opens up for San Benito County Superior Court Judges salary increases.

Mr. Inman answered questions posed by the Board.

Marty Richman, local resident, stated he was happy to see the car allowance deleted and he did not have a problem with this fair compensation.

**BOARD ACTION:** *Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, introduced ordinance entitled “An Ordinance Setting the Compensation for the Board of Supervisors of San Benito County” which also rescinds Ordinance No. 752 entitled “ An Ordinance Setting the Compensation and Reimbursement for Expenses of the Board of Supervisors”; waived the reading of the ordinance, and continued to the March 13, 2008 for adoption of said ordinance. (4-0 Vote. Marcus absent) File #156*

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

- 18) **Receive report on senior and low-income garbage and recycling rates for jurisdictions within the San Benito County Integrated Waste Management Regional Agency.**

Mandy Rose, Director of Integrated Waste Management Department, provided background information stating that at the April 22, 2008 Board of Supervisors' meeting there were questions regarding the new garbage service that starts July 1, 2008 and how we are handling low income and senior rates. Ms. Rose clarified that each jurisdiction sets their own rates. In the County of San Benito, we presently have and have had for many years a program to assist low-income and seniors with a means test. If an individual qualifies for the P. G. & E. Care Program all of they have to do is give us a copy of that P.G. & E. bill and they automatically qualify for a 20% discount on their garbage service. The County of San Benito paid for that and it is budgeted each year in the Integrated Waste Management Department. Ms. Rose explained that when rates were set this time we were subject to the rules that got promulgated under Proposition 218 where you could no longer use other rate payers to assist you in subsidizing other rate payers. In the County of San Benito we had always used cost of service rates so the sticker shock for anyone seeing the new rates was not anything like they saw in the City of Hollister and City of San Juan Bautista. This is the first time they saw true cost of service rates. Ms. Rose state that the City of Hollister sent out a letter to all of the people currently on the City's senior program explaining that the reason why the rates were cost of service rates now.

Ms. Rose answered questions posed by the Board. *File #142*

## **ADMINISTRATION:**

- 19) **Take a formal position to oppose Proposition 98 and support Proposition 99 in regards to eminent domain law.**

County Administrative Officer Susan Thompson provided background information reporting that two initiative measures will be on the June 2008 ballot dealing with the issue of Eminent Domain Reform. Ms. Thompson stated that while Proposition 98 and Proposition 99 both propose to amend Article 1, Section 19 of the California constitution, these measures vary considerably in their scope and potential impact on the ability of local government agencies to exercise local land use control.

Lengthy discussion ensued regarding the pros and cons of the two propositions.

Joe Thompson, local resident, encouraged the Board of Supervisors to do the opposite of what is recommended.

Marvin Jones, local resident, stated that the Board of Supervisors should support Proposition 98 and oppose Proposition 99.

Mindy Sotelo, Farm Bureau, came forward and invited the public and Board of Supervisors to attend a meeting at the local Farm Bureau Office on Thursday, May 8, 2008 at 2:00 p.m. where Paul Langer, First Vice President with the California Farm Bureau, would be addressing concerns regarding Proposition 98 and clear up any issues that had previously been brought up by the League of California Cities.

Marty Richman, local resident, stated that the Board of Supervisors should not support either proposition and should send a letter to the legislature telling

them they are not doing their job and should come up with a precise piece of legislation.

**BOARD ACTIONS:** *Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, moved to take a position in opposition to Proposition 98 and support Proposition 99 based on information that Supervisor Monaco has gathered from CSAC (California State Association of Counties) at several meetings he has attended.*

Under the question. Supervisor Botelho stated he would like the two propositions to be handled separately.

*Chairman De La Cruz stated that the first motion would be to issue a position in opposition to Proposition 98. (4-0 Vote. Marcus absent)*

*Chairman De La Cruz stated that the second motion would be to issue a position supporting Proposition 99. (2-2 Vote. Marcus absent.) Therefore, no position was taken on Proposition 99. File #156.1*

## **AFTERNOON AGENDA**

**1:30 p.m.**

### **REGULAR AGENDA: (Continued)**

#### **ADMINISTRATION:**

20) **Receive status report and discuss the State Route 152 Mobility Partnership and conceptual alignment alternatives.**

Lisa Rheinheimer, Council of Governments (COG) Executive Director, introduced Mike Evanhoe who is working with the Valley Transportation Authority (VTA) and is available to answer questions. Ms. Rheinheimer explained that the Mobility Partnership is an ad hoc committee of COG and Santa Clara VTA.

Ms. Rheinheimer reported that a more northerly alignment was requested to be put on the map and that has now been added. The Partnership is willing to look at the viable options for widening Route 152 to address the existing traffic as well as future traffic concerns.

Ms. Rheinheimer indicated that COG will working towards formalizing the partnership in the form of a Memorandum of Understanding (MOU) with the VTA. The next phase will be to move the project into the environmental and preliminary design phase.

Ms. Rheinheimer and Mr. Evanhoe answered questions posed by Board members concerning funding and the formalization of the MOU and the impact on San Benito County.

Joe Thompson, Tres Pinos resident; Stephen Rosati, Hollister resident and Sally Haydon, Hollister resident addressed the Board. *File #1035*

21) **Receive report and discuss the State Routes 156 project.**

Lisa Rheinheimer, COG Executive Director, introduced Rich Krumholz, District 5 Director, Caltrans. Mr. Krumholz presented a Power Point Presentation explaining the following: History of Route 156; Project Schedule and Funding; Alternatives Considered, Design Selected; Safety and Collision Data; Traffic Analysis; and Benefit/Cost Analysis.

Mr. Krumholz answered questions posed by Supervisor Botelho who stated that he felt strongly that the Board of Supervisors supported four lanes with the smallest footprint and he did not believe six lanes is necessary.

The Board adjourned at 2:35 p.m. for a 10 minute break and reconvened at 2:45 p.m.

The following members of the public addressed the Board concerning the State Route 156 project between Hollister and San Juan Bautista: Eva Reyna, Hollister resident; Gayle Sleznick; San Juan Bautista resident; James Sleznick, San Juan Bautista resident; Ruben Lopez, San Juan Bautista resident; Ted Thoene, San Juan Bautista resident; John Goff, San Juan Bautista resident; George Dias, Jr., San Juan Bautista resident; Elaine Reyna, San Juan Bautista resident; Colleen Johnson, San Juan Bautista resident; Donna Holmes on behalf of Jolene and Bob Cosio, San Juan Bautista residents; George Dias, Sr.; San Juan Bautista resident; Louis Fiori, San Juan Bautista resident; Rick Edge, San Juan Bautista resident; Rich Morris, San Juan Bautista resident; Greg Swett, Paicines resident; John Hopper, San Juan Bautista resident; Marty Richman, Hollister resident; Joe Morris, San Juan Bautista resident; Tod du Bois, San Juan Bautista resident; Scott Fuller representing San Juan Oaks Golf Club; Jan McClintock, City Manager, City of San Juan Bautista; Joe Thompson, Tres Pinos resident; Emily Renzez, Palo Alto and San Juan Bautista resident; Cara Vonle, San Juan Bautista resident; Dieter Kierl, Hollister resident; Leila Forouhi, San Jose resident and representing the Amah Matsun Tribal Band; Arturo Medina, San Juan Bautista resident; Cathy Alameda, San Juan Bautista resident; Doug Emerson, Hollister City Council and lives in District 2; Stephen Rosati, Hollister resident and Pat Riley, local resident.

The Chairman closed the public comment period.

The Board of Supervisors expressed their views.

Supervisor Monaco, Loe and De La Cruz stated we should move forward with the Highway 156 project and work with Caltrans by expressing our safety and noise concerns.

Supervisor Botelho is opposed to this project as proposed.

Supervisor Marcus was absent. *File #1035*

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, De La Cruz

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: Marcus

There being no further business the Board adjourned to Tuesday, May 13, 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