



# 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 JUNE 3, 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, Marcus, Botelho and De La Cruz were present. 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.

Reverend Rudy Ruiz, Pastor of Sacred Heart / St. Benedict's Catholic Church recited a blessing.

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

- c) **Public Comment:** Reverend Ruiz invited the community and the Board of Supervisors to the 131<sup>st</sup> anniversary celebration of the founding of the Sacred Heart / St. Benedicts Catholic Church parish to be held on Sunday, June 22, 2008.

Joe Thompson, Tres Pinos resident, thanked Supervisor Marcus for supporting Proposition 98 and opposing Proposition 99 at the last Council of Governments (COG). Mr. Thompson asked the Board to please protect and defend the people whatever the outcome of today's election regarding these propositions regarding use of eminent domain to take from one private property owner for another. Mr. Thompson asked the Board to please join him in asking for the appointment of a special prosecutor to investigate and prosecute to the maximum extent of the law anybody in the League of California Cities or California State Association of Counties or the Redevelopment Association or anybody connected with them that have been found to violate California Law by using taxpayers dollars to fund a campaign against Proposition 98 and campaign in favor of Proposition 99. Mr. Thompson further asked the Chairman to plan a workshop or special study session of the Board to consider the consequences and ramifications of a case called Bankruptcy of City of Vallejo.

Marty Richman, Hollister resident, encouraged the Board to express its opposition to Proposition 99 and he hoped that the citizens of this county reject it. Mr. Richman stated that he objected to taking private property for what is essentially private use. Mr. Richman stated that Proposition 99 covers only homeowner occupied households and only if you've been in the home for 12 months and also does not protect rentals.

- d) **Department Head Announcements:** County Administrative Officer (CAO) Susan Thompson announced that the Countywide Budget proposal is now on the County's website and budget hearings begin at 9:00 a.m., Monday, June 9, 2008.

Health & Human Services Agency Director Kathy Flores introduced the new Deputy Director of Community Services & Workforce Development (CSWD) Enrique Arreola.

County Clerk / Auditor / Recorder and Registrar of Voters Joe Paul Gonzalez encouraged people to vote today noting a low voter turnout is expected. Mr. Gonzalez stated that election results will be posted on the website at [www.sbcvote.us](http://www.sbcvote.us) and will be updated as votes are counted.

- e) **Board Announcements, Introductions and Presentations:** Supervisor Botelho reported that he attended the ground breaking at the St. Francis Retreat on Sunday noting that this follows the fire a couple of years ago which destroyed the house on the property where the Franciscan Fathers lived.

Chairman De La Cruz stated that the grand opening of the John C. Hernandez Park was held noting there was a good turnout, and he commended the City of Hollister and the County staff working together on this wonderful project

## **CONSENT AGENDA:**

*Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus, approved Consent Agenda Items 1 through 8 with the exception of Items 2, 3, 5 and 7 which were pulled for discussion. (Unanimous)*

## **BOARD OF SUPERVISORS:**

- 1) **Approved** Certificate of Recognition and presentation of county pin to Stephen Anthony Weber for achieving the rank of Eagle Scout, in San Benito County, to be presented at a later date. (Supervisor Monaco) *File #156*

## **ADMINISTRATION:**

- 2) **Approve substitution of general fund allocations with Tobacco Securitization and County Measure T Funds within the Capital Outlay Budget Unit.**

Supervisor Loe stated that she felt that this item should be moved to the Regular Agenda for further discussion and she also thought that the disclosure on this item was inadequate for the general public as it is a huge policy change and there should be notification to the public before it is discussed.

CAO Thompson stated that this item was properly noticed and was agendaized as any board agenda item would be noticed. Ms. Thompson stated that at this point in time what this recommendation does is create a very badly needed fund balance for the Board to deal with during upcoming budget deliberations. Ms. Thompson explained the

use of the funds noting that this was an extremely tight budget this year and this would prevent some drastic cuts. Ms. Thompson stated if the Board decides not to make this transfer today the budget that she has prepared and submitted to the Board will be out of balance going into budget hearings by \$1.579 million.

Lengthy discussion ensued.

*Supervisor Marcus moved to approve the substitution of general fund allocations with Tobacco Securitization and County Measure T Funds within the Capital Outlay Budget Unit.*

*The motion died for lack of a second.*

Chairman De La Cruz directed that the item be discussed as part of budget hearings. *File #865*

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

3) **Adopt the plans and specifications for the San Benito County Health Department Floor Leveling Project; and authorize staff to solicit bids.**  
*It was the consensus of the Board to withdraw this item from the agenda and it will be considered at a future meeting after budget hearings. File #420*

4) **Approved** the Workforce Investment Act (WIA) Title I Sub grant; and **adopted Resolution No. 2008-40.1** to grant signatory authority for the Executive Director of Health & Human Services Agency to sign WIA. (CSWD) *File #939*

5) **Approve contract extension with the State Department of Parks and Recreation to fund Emergency Medical Services (EMS) and mitigate impacts of Hollister Hills SVRA for an additional 18 months ending December 31, 2009; for a total of \$199,500; and authorize the Director of Health and Human Services Agency to sign agreement.**

Supervisor Botelho asked for clarification as to how we arrived at the \$199,500 since it was an increase from the \$114,000 previously paid and asked if this meets the entire cost of the staging of a third unit at Hollister Hills.

HHSA Director Kathy Flores explained that this was offered to us in the past two years and she would be reluctant to hold this up under the current environment of the state budget and the revenue shortfalls that have been announced. Ms. Flores stated that this does help us to offset our providing an additional ambulance to Hollister Hills Park on the weekends.

Discussion ensued.

Ms. Flores stated that she would pass on the concerns by Board members to EMS Coordinator Jim Clark to talk with Hazel Hawkins Hospital about collection efforts and see if they can provide data on the percentage of calls and uncollectible bills pertaining to Hollister Hills.

**BOARD ACTION:** *Upon motion made by Supervisor Botelho and seconded by Supervisor Monaco, approved contract extension with the State Department of Park and Recreation as recommended and authorized the HHSA Director to sign agreement. (Unanimous) File #1068*

### **INTEGRATED WASTE MANAGEMENT:**

6) **Approved** application for used oil recycling block grant for FY 08/09; and **adopted Resolution No. 2008-41** authorizing application for 14<sup>th</sup> Cycle Used Oil Block Grant funds from the California Integrated Waste Management Board (CIWMB). *File #142*

**INTERNAL SERVICES – R. Inman:**

- 7) **Adopt Resolution authorizing County Administrative Officer to file for Workers' Compensation Self-Insurance with the Department of Industrial Relations. Res. No. 2008-42**

Supervisor Loe asked how much this was going to cost us and do we have any tracking mechanism?

Internal Services Rich Inman explained the program noting that there is over 10 years of history. Mr. Inman stated that we have paid in excess of our costs about \$2.6 million and that what we have done is to subsidize the other counties by being in this program. Mr. Inman stated that we are going to pool ourselves with nine small counties (TRINDEL) and we can control the program better and we can have cost control and we can return those excess surplus dollars to the member counties. Mr. Inman stated that this would save the county a lot of money.

**BOARD ACTION:** *Upon motion made by Supervisor Marcus and seconded by Supervisor Monaco, adopted Resolution No. 2008-42 authorizing the County Administrative Officer to file an Application for Workers' Compensation Self-Insurance with the Department of Industrial Relations. (Unanimous) File #36*

**PROBATION DEPARTMENT – B. Cardall:**

- 8) **Authorized** the Chief Probation Officer to hire a Juvenile Hall Superintendent at Step "F", of Range 24.4 effective June 2008. *File #510*

**REGULAR AGENDA:**

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

- 9) **Adopt the San Benito County Area Plan for emergency response to hazardous materials incidents.**

HNSA Director Kathy Flores reported that the Health & Safety Code requires the Certified Unified Program Agency (CUPA) to establish an area plan on how we are going to handle hazardous material incidents on our roads and property. Ms. Flores stated that Environmental Health Services is our designated CUPA in the area. Ms. Flores noted that this Area Plan only responds to hazardous materials incidents. Ms. Flores reported that the multi-agency planning and coordination with the development of the Area Plan included various city and county agencies.

Marty Richman, Hollister resident, asked if the plan has provisions in it to use local expertise for certain hazardous materials and he encouraged staff to keep a contact list of experts for particular materials.

Bob Shingai, Environmental Health Coordinator, answered that the big companies in this area have their own expertise and response teams and would be consulted if there were any issues that may arise.

Mr. Shingai answered questions posed by Board members.

**BOARD ACTION:** *Upon motion made by Supervisor Botelho and seconded by Supervisor Monaco, adopted the San Benito County Area Plan. (Unanimous) File #142.9*

**ADMINISTRATION – S. Thompson:**

- 10) **Consider and discuss alternative financial arrangements between the City of Hollister/Hollister Redevelopment Agency and the County to be included in an MOU regarding site acquisition for the new Courthouse, and direct staff accordingly.**

CAO Susan Thompson provided background information stating that an agreement between the State of California, the City of Hollister and the County should be ready for approval at the June 10, 2008 Board of Supervisors meeting

with regards to the parameters of what costs will be picked up the local entity for the trenching and any escalating cost construction.

CAO Thompson further reported that since that property (Fremont School site) is not owned by the County and the County is obligated to provide the property to the State we will need to have an agreement between the County and the City as to how we would acquire that property from the City Redevelopment Agency (RDA) should the State choose that site. We had originally discussed the parameters would be if the City donated the site to the County then the City would like to have us consider leasing to them, at a very discounted rate, some of the vacated space in our old courthouse for a long term. Ms. Thompson stated that at this point in time the request on the table from the City is for approximately 7300 square feet of the 8659 square feet that will be vacated at a value of approximately \$110 per square foot per month as a rental number and the City has asked for a 15-year term. The value of that for us would be about \$1.4 million.

CAO Thompson stated that another option would be the County could purchase that land from the City RDA, for an amount that is acceptable to both entities, and the City Council is more than willing to look into either option, either a cash buy-out or a 15-year lease. Ms. Thompson suggested that the Flynn Road site, which was appraised at a value of \$1.37 million dollars in April 2007, as a maximum cash out the Board may wish to incur to acquire the Fremont Site because we are obligated to give one or the other to the State noting that the Fremont Site appraised at \$2.05 million.

*It was the consensus of the Board to support the buy-out option.*

Doug Emerson, Hollister City Mayor, stated that the City accepts either option but leans toward the cash buy out. *File #595*

- 11) **Receive verbal status report on the City of Hollister Waste Water Treatment construction project.**

Clint Quilter, Hollister City Manager, provided a verbal status report on the Wastewater Treatment Plans including construction progress, costs and schedules. Mr. Quilter stating this is a very impressive project and invited Board members or anyone who would like to tour the facility to contact him. Mr. Quilter reported that the Waste Water Treatment Plant itself is about 90% complete and well under budget and the seasonal storage ponds are about 85% complete and expect to be done by summer.

Mr. Quilter reported that on Friday, May 30, 2008 the City of Hollister closed escrow and now owns 50 acres near San Juan Bautista to be a community park. This is the Brigantino Park Reclaimed Water Irrigation Project and is the initial place where we will be using our reclaimed water.

Mr. Quilter further reported on the Airport Reclaimed Water Pipeline Project which will take reclaimed water out to the airport.

Mr. Quilter answered questions posed by Board members.

The Board of Supervisors congratulated the City of Hollister on this major accomplishment noting there is finally a light at the end of the tunnel.

Supervisor Marcus thanked the Brigantino family for their generous contribution to the community to make possible this 50-acre park.

Marty Richman, local resident, came forward stating that the City has done a great job on this project noting there was an excellent management team and Mr. Quilter and the entire City Council deserves credit. Mr. Richman also noted that the taxpayers and ratepayers of Hollister are unsung heroes here after having to pay increased rates to make this possible. *File #20*

The Board adjourned at 10:17 a.m. for a five-minute break, adjourned into Closed Session and reconvened into Regular Session re:

**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.)*

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

1. Name of Case: *Friends of Tres Pinos v. County of San Benito, et al;*  
*Superior Court, San Benito County; Case No. CU-07-00186*

**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: Monaco, Loe, Marcus, Botelho, De La Cruz

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

There being no further business the Board adjourned to Monday, June 9, 2008 at 9:00 a.m. for budget hearings.

**JAIME DE LA CRUZ, CHAIRMAN**

San Benito County Board of Supervisors

**ATTEST:**

Linda Churchill  
Clerk of the Board