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
ACTION MINUTES
AUGUST 12, 2008

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 Asst. Clerk of the Board Janet Slibsager. Chairman Jaime De La Cruz presided.

9:00 a.m. CALL TO ORDER:

a) Supervisor Monaco led the Pledge of Allegiance.

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

c) **Public Comment:** Joe Thompson, local resident, spoke with regards to the title wave of small business failures, the ever-increasing deluge of bankruptcy notices and breach of contract cases between businesses and the ever-increasing number of foreclosures. Mr. Thompson asked the board to resist the temptation of increasing fees and taxes stating that the small business owners are the backbone of this Counties economy and they need to be protected.

Mr. Thompson stated he would like to see our AMBAG delegate Supervisor Botelho and AMBAG chairman, support the new effort in the Salinas Valley to create an intermodel facility at the old firestone plant, as this county will benefit if we can get some of that tonnage off of our over-crowded and congested roads.

d) **Department Head Announcements:** CAO Susan Thompson reported that the Sheriff and the County Administration Office are working together with the County of San Luis Obispo and a new partner, the County of Santa Barbara, to continue to pursue the possibility of the re-entry facility for our parolees in the San Luis Obispo-Paso Robles area.

Ms. Thompson mentioned that the County Administration Office participates in a weekly statewide briefing on the state budget through CSAC and she would keep the Board informed.

Planning Director Art Henriques announced that the Pinnacles National Monument will be updating their general management plan and that they are having an open house at the San Benito County Library on Tuesday, August 26th from 4:00 p.m. to 6:00 p.m. and the public is welcome to participate.

e) **Board Announcements:** Chairman De La Cruz announced that the San Benito County Employees Barbeque is Friday, September 5, 2008 from 11:00 a.m. to 2:00 p.m. at the Veteran's Memorial Park.

Chairman De La Cruz mentioned that Monday, August 17th is back to school and reminded everyone to drive carefully.

CONSENT AGENDA:

Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, approved Consent Agenda Items 1 through 10 with the exception of Items 4 and 10, which was pulled for discussion. (Unanimous)

CHILD SUPPORT SERVICES – K. Johnson:

1) ***Approved*** Proclamation proclaiming August 2008 as "Child Support Awareness Month" in San Benito County. ***File #430***

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

2) ***Approved*** contract with K & H Integrated Print Solutions regarding printing for the November 4, 2008 Election. ***File#285***

CLERK OF THE BOARD – L. Churchill:

3) ***Approved*** the action minutes for the July 22, 2008 meeting.

COUNTY COUNSEL – D. Le Clere:

4) Approve contract with Stephan A. Barber, Esq. for outside counsel in an amount not to exceed $20,000.

Chairman De La Cruz stated he pulled item to bring to a vote.

BOARD ACTION: *Upon motion made by Supervisor Marcus and seconded by Supervisor Botelho,* ***approved*** *the attached Attorney-Client Agreement with Stephan Barber in an amount not to exceed $20,000; and* ***authorized*** *the Chair to sign said agreement.* (Vote 3-2. De La Cruz and Monaco voted no) ***File #160***

HEALTH & HUMAN SERVICES – K. Flores:

5) ***Approved*** contract with California Department of Health Services for Immunization Assistance Program (IAP) for the period of July 1, 2008 to June 30, 2009 in the amount of $21,692; and ***authorized*** the H & HSA Director to sign contract. ***File#130***

6) ***Approved*** contract with Department of Health Care Services for Medi-Cal Eligibility Data System (MEDS) Security Agreement and ***authorized*** the H & HSA Director to sign said contract. ***File#130***

7) ***Adopted Resolution No.2008-87*** approving the Memorandum of Understanding (MOU) with the State Department of Social Services (DSS) for adoption services for the period of August 1, 2008 to June 30, 2013 and ***authorized*** the H & HSA Director to sign said MOU. ***File#130***

INTEGRATED WASTE MANAGEMENT DEPARTMENT – M. Rose:

8) ***Approved*** letter of support on SB 1625 expanding California's Bottle Bill. ***File#142***

INTERNAL SERVICES – R. Inman:

9) ***Approved*** contract with State of California for CALNET 2 Telecommunication Service request and ***authorized*** the Assistant County Administrative Officer to sign. ***File#119.1***

1**0) Approve contract with Vince Zuniga Construction for the interior construction work for the Agricultural Commissioner's Modular for a total not to exceed $16,424.**

Supervisor Marcus had a question in regards to the bid process and the invitation for bid.

Internal Services Director Rich Inman explained that the county went through a formal bid process and we did get one response but it did not meet all the criteria in the bid documents. We then solicited local contractors to see if they would reconsider an informal bid process. Mr. Inman said we did get four responses and this is the lowest bid received.

BOARD ACTION*:** Upon motion made by Supervisor Marcus and seconded by Supervisor Monaco, made findings responsive that no bids were received for the invitation for bids issued on June 24, 2008 for interior construction work on the Ag Commissioner's Modular Facility; elected to proceed under Public Contract Code § 20150.9; and **approved** and **authorized** the Chair to sign contract with Vince Zuniga Construction for the interior construction work for the Ag Commissioner Modular Facility in an total amount not to exceed $16,424. (Unanimous) ***File #1.1

REGULAR AGENDA:

PLANNING DEPARTMENT – A. Henriques:

11) Set the criteria for the General Plan Advisory Committee membership and provide direction to staff.

Planning Director Art Henriques provided information pertaining to the criteria or process to decide how to involve the community members that have applied noting there were 49 applicants. Mr. Henriques provided options as to the number of members to have on the advisory committee and the number of members appointed per Supervisorial district and the at-large members. Mr. Henriques stated the board has an option to go through an interview process but the staff recommends that each Board member select their own group of three and send them to the Board for ratification.

Lengthy discussion ensued with input from each Supervisor, the County Administrative Officer and County Counsel.

Joe Thompson, local resident, complimented the Board on the in-depth discussion and thanked the board on focusing on each of the districts being represented.

Bob Huenemann, local resident, stated he was concerned about having an overbalance of representation from organizations. Mr. Huenemann mentioned he would like to see someone on the committee that represents the interest of five-acre parcel homeowners.

Marty Richman, local resident, stated that we should try and get a wide range of views from the public and that the committee should have written instructions as to what their functions are and reinforce going out and soliciting

the community, as many people and organizations as possible, so that all can be involved.

Chairman De La Cruz asked for direction from fellow Supervisors to consider their position on creating two members from each district.

Supervisor Monaco stated he would support the concept of having one from each district and two at-large members and no more than three.

Supervisor Botelho stated that he would like to appoint two from each district and one at-large.

Supervisor Loe stated that she would like one from each district and two at-large.

Supervisor Marcus stated he would like one from each district and two at-large from any district.

Chairman De La Cruz provided direction to County Administrative Officer Susan Thompson as follows: Each supervisor will appoint a member representing their respective district and each supervisor will choose two at large members from the entire list of applicants and also name a first and second alternate in the event there were duplications in the names submitted by each supervisor. The supervisors are to provide one from district to staff today at the 1:30 p.m. session and the board was to submit their choices for at large representatives to the Clerk of the Board who would then agendize the item for the August 26, 2008 meeting. The consensus of the Board was to have a fifteen-member committee. ***File #790***

ADMINISTRATIVE BUSINESS – S. Thompson:

12) Consider FY 2008/2009 contribution to Emmaus House and approve related appropriation increase. (4/5 Vote)

Supervisor Loe declared a conflict of interest due to being a member of the Board of Directors of Emmaus House and excused herself from the chambers during this item.

Management Analyst Kellie Kennedy stated that this item had been brought back from the meeting on August 5th for discussion in regards to community funding for the Emmaus House. The Emmaus House had presented a request for the budget year but it was a new request for 2008/2009 and was not included in the recommend appropriations last week.

Ms. Kennedy stated since last week's discussion the Emmaus House has submitted three different levels of funding for the Boards consideration today in the amounts of $5,000, $10,000 or $15,000 and how the contributions would be used.

Supervisor Monaco asked if the Emmaus House had received a Packard Grant last year.

Dale Yarmuth, Board Member of Emmaus House, answered that they did receive a grant in the amount of $42,500, which was good for eighteen months and was received January 2007. Mr. Yarmuth stated that they would not be able to reapply for another grant until July 2009. Mr. Yarmuth stated that he currently has an application in for a grant with the Federal Emergency Shelter but has not heard from them yet. Mr. Yarmuth noted that they did receive a grant from CDBG in the amount of $155,000.

Supervisor Monaco stated that this is a very noble cause but the Board has moved in a direction this year to establish some kind of system to level the playing field.

Supervisor Botelho voiced concern and stated that the only thing that he would support was to fund $5,000 and to take the $5,000 from the other groups that we have choose to fund. Supervisor Botelho stated that he feels very strongly that the Board needs to stick with their funding mechanism procedure and has reservation as to digging into our general fund contingency.

Supervisor Marcus stated that the Board did define a goal and an objective to set a precedent and establish a funding mechanism that was based on sales tax that on a yearly basis would give a ceiling of money to give out. Supervisor Marcus stated that he would support pro rating $5,000 out of the six organizations without going to contingency to at least give this organization something.

Executive Director of Emmaus House Dale Yarmuth stated that $5,000 would be a great help and would be very much appreciated.

Board Member of Emmaus House Linda Smith stated she appreciates the Board bringing this back for conversation because it is a really good cause. Ms. Smith stated that the one item critical at this time is the computer for the mothers that come in can search for jobs. Ms. Smith stated that they would appreciate what ever could be given to them and thanked the Board of Supervisors.

Supervisor Monaco stated he has a problem with cutting the funding from the other organizations that we have already committed to. Supervisor Monaco stated he would not support pro rating from the other organizations but would support moving the money from the contingency.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus* moved to approve taking $5,000 from contingency to fund the Emmaus House. (3-1 vote, Botelho voted no, Loe abstained. Motion failed due to required 4/5 vote) ***File #865***

13) Receive status update on the Hollister Urban Area Water and Waste Water Master Plan and approve preferred option for completion of final financial analysis.

Harry Blohm, consultant and program manager, for the Hollister Urban Area Water and Waste Water Master Plan, stated that Robert Ellis, project manager for HDR, would be making a presentation. Mr. Blum provided background information in regards to HDR, which is a nationwide company.

Robert Ellis provided a PowerPoint presentation in outlining the master plan, alternatives, current recommended plan and what the next steps would be.

Mr. Ellis announced that they would be having a public meeting September 23, 2008 to update the public on the new findings.

Robert Ellis answered questions posed by board members.

Robert Hueneman, resident, spoke in regards to how the energy costs keep going up and hopes that has been factored into the calculations.

County Administration Officer Susan Thompson stated that the Governance Committee and the executive committee would proceed with the completion of the cost benefit analysis on the phased demineralization of urban wells. Ms. Thompson stated that today they are looking for the Boards concurrence.

BOARD ACTION: *Upon motion made by Supervisor Marcus and seconded by Supervisor Loe,* received *status report and* ***approved*** *preferred option for completion of final financial analysis. (Unanimous)* ***File #685***

AFTERNOON AGENDA
1:30 P.M.

Chairman De La Cruz announced the selection of the General Plan Advisory Committee as appointed by each board member: Supervisor Marcus – George Rajkovich; Supervisor Botelho - Jan Saxton; Supervisor Loe – Franz Schneider; Supervisor Monaco – Tom Tobias; Chairman De La Cruz – Antonio Ortega.

CONSENT AGENDA:

PUBLIC WORKS DEPARTMENT – J. Lo:

14) Adopt specifications for the County Administration Roof Project, Invitation for Bid (IFB).

Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus approved Consent Agenda Item 14. (Unanimous) ***File #105.3***

PUBLIC HEARING – 10:00 A.M. *(Or as soon thereafter as the matter may be heard)*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

15) Hold public hearing to consider proposed resolution confirming the Annual Report for CSA #36 (Emergency Medical Services and Life Support).
***At the hearing the Board of Supervisors will hear and consider the reports and all objections or protests, if any, to the reports*.**

Humans Resource Director Kathy Flores provided background information and requested consideration of the proposed resolution confirming the Annual Report for CSA #36 which is Emergency Medical Services and Advanced Life Support services in San Benito County. Ms. Flores stated that this year they are proposing a $19.99 assessment and noted that they would not need to take the Prop 218 process this year.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Marcus,* ***adopted Resolution No. 2008-88*** *confirming the written report and charges set forth in CSA #36 and authorize the chair to sign. (Unanimous)* ***File#1068***

REGULAR AGENDA (Continued):

PUBLIC WORKS – J. Lo:

16) Hold public hearing to consider proposed resolutions confirming the annual report, as per Government Code Section 25210.77a, on the following County Services Areas in San Benito County: CSA #4 (Santa Rosa Acres); CSA #5 (Hillcrest); CSA #8 (Bonnie View); CSA #9 (Ridgemark); CSA #11 (Barnes Lane); CSA #16 (Santa Ana Estates/Holiday Ranch Estates); CSA #19 (Springwood Estates); CSA #21 (Long Acres); CSA #22 (Cielo Vista); CSA #23 (Rancho San Joaquin/Tevis Trails); CSA #24 (Santa Ana Acres);

CSA #25 (Vineyard Estates); CSA #28 (Heatherwood); CSA #29 (Brown – Magladry); CSA #30 (McCloskey Acres); CSA #31 (Stonegate); CSA #33 (Torrano); CSA #34 (Ausaymas); CSA #35 (Union Heights); CSA #38 (Ashford Highlands); CSA #42 (Lemmon Acres); CSA #45 (Rancho Larios); CSA #46 (Quail Hollow): CSA #47 (Oak Creek); CSA #48 (Dry Creek); CSA #49 (Hollister Ranch Estates); CSA #50 (Dunneville Estates); CSA #51 (Comstock Estates); CSA #53 (Riverview Estates); CSA #54 (Pacheco Creek Estates).

***At the hearing the Board of Supervisors will hear and consider the reports and all objections or protests, if any, to the reports*.**

Public Works Director Jerry Lo provided information in regards to the CSA extended service area charges for each parcel receiving services and the changes that were being made to CSA #31 (Stonegate).

Lengthy discussion ensued by Board members and staff.

Chairman De La Cruz opened the public hearing

Rose Ford, President of Ridgemark Home Association, stated that they have been trying to work with Public Works to understand what is going on and have a better communication as they would like to have more input on what projects are done and how things are reserved. Ms. Ford also voiced concern in regards to parcel charges being taken out of fund reserves for the CSA #9 (Ridgemark).

County Counsel Dennis LeClere provided information as to County Service Area law.

County Administrative Officer Susan Thompson asked staff to explain the main change, which is incurring costs to do the Prop. 218 study, engineers report and the required mandatory studies and explain how that was generally portioned and how much it was.

Public Works staff analyst Terry Hill stated that the county administration charges are an accumulation of the overhead type of expenses and are allocated based on the percentage of expenditures for that County Service Area.

Mr. Hill stated that the adopted 2007-2008 budget included a total of the administrative charges that were allocated for the County Service Areas in the amount of $207,000. This year, 2008-2009, the allocations are $401,000, and $203,500 was budgeted for the County Service Area study that will need to be done.

Further discussion ensued.

Chairman De La Cruz closed the public hearing.

BOARD ACTION: *Upon motion made by Supervisor Marcus and seconded by Supervisor Monaco,* ***adopted*** *charges for the extended services to the 28 active County Service Areas and* ***adopted Resolution No. 2008-89*** *confirming the report and* **authorized** *the chair to sign. (Unanimous)* ***File #CSA/105***

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 August 12, 2008 at 9:00 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

ADJOURN TO TUESDAY, AUGUST 12, 2008 AT 9:00 A.M.