



# SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios  
District No. 1

Anthony Botelho  
District No. 2  
Chair

Pat Loe  
District No. 3

Reb Monaco  
District No. 4  
Vice-Chair

Jaime De La Cruz  
District No. 5

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

## REGULAR MEETING APRIL 14, 2009 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, Barrios, De La Cruz and Botelho were present. Also present was County Administrative Officer Susan Thompson, Acting County Counsel Barbara Thompson and Assistant Clerk Janet Slibsager. Chairman Anthony Botelho presided.

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

- a) Supervisor Barrios led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*

**Public Comment:** Judi Johnson, LAFCO Executive Director, announced that they currently have a vacancy for an Alternate Public Member position and invited anyone that is interested to call the LAFCO office at 630-0745.

Ms. Johnson expressed her concern with the local newspapers only publishing once a week now and without a radio station it is difficult to get these announcements out to the public. Ms. Johnson asked the representatives of (RCRC) Regional Council of Rural Counties and (CSAC) California State Association of Counties and any other supervisory agencies or groups to take note and see if we can't come to some better resolution of truly serving the public.

Supervisor Monaco said he appreciated Ms. Johnson bringing this information out in public stating it is a serious problem nationwide and not just locally.

- c) **Department Head Announcements:** County Administrative Officer (CAO) Susan Thompson reported that she is planning to place an item on the April 28, 2009 agenda with regards to financial policies, balancing the budget and providing options. CAO Thompson indicated that she might have found a candidate for the Management Analyst position that would be working on the budget.

Agricultural Commissioner Paul Matulich announced that they have found two male light brown apple moths that have been trapped in the Hollister area; one on Santa Ana Road and one on El Toro Drive within one mile of each other.

Mr. Matulich said that a federal quarantine would be established around the two sites and the boundaries would follow the physical features, roads, creeks, etc., and would most likely extend farther than one and a half miles around each line. The quarantine will not take affect until maps are prepared and are approved by the USDA and the California Department of Agriculture which usually takes about two weeks. Mr. Matulich said the quarantine would be in effect for at least three life cycles, approximately six weeks per life cycle, assuming that no other light brown apple moths are found in the quarantine area and would last to the end of October.

Mr. Matulich said currently there has been some discussion about extending the length of the quarantine to five life cycles and if this were brought forward the quarantine would extend to February or March of 2010 and the trapping would continue in those two areas until the quarantine is established.

Mr. Matulich said at this time their office is compiling a list of growers and nurseries that would fall into the expected quarantine zone. Mr. Matulich said these growers will need to have compliance agreements with the deregulatory agencies and have their crops inspected prior to harvest. These activities will not start until the quarantine is official.

Mr. Matulich answered questions posed by Board Members.

Internal Services Director Rich Inman provided an update on the recruitment efforts for the Public Works Administrator and County Counsel. Mr. Inman said that Bob Murray would be here on April 28, 2009 with recommendations to the Board of Supervisors. Mr. Murray will be recommending four applicants for the Public Works Administrator and seven for County Counsel.

Acting County Counsel Barbara Thompson announced that their office would be bringing forward an amended contract with Bingham, McCutchen for the DMB - El Rancho San Benito Project on the April 28, 2009 agenda.

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

Supervisor Loe announced that she attended an open forum planning session for the new courthouse and that the new courthouse would be built to lead silver standards, which means that we could have basically a green building and she could see this as a show place for our community.

Supervisor Loe said that the courthouse construction contract would be about 34 million dollars and looking to start construction in 2011 with a completion date of fall 2012.

Supervisor Monaco said that he is very proud that we are moving forward with this courthouse project, but mentioned that the State has not accepted the property yet, noting it was just a matter of formality.

Supervisor Monaco reported that he was currently working with Stonegate and Tres Pinos Water in regards to the water issues.

Supervisor Barrios reported that on April 9, 2009 she graduated from the New Supervisors Institute in Sacramento, California and said that she would like to continue to attend the institute to gain further knowledge in county government.

## CONSENT AGENDA:

Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, approved Consent Agenda Items 1 through 8 with the exception of Items 2 and 4, which were pulled for discussion. (Unanimous)

### **AGRICULTURAL COMMISSIONER – P. Matulich**

- 1) **Adopted Ordinance No.837** amending Chapter 7.07 of Title 7 of the San Benito County Code pertaining to head lettuce and salad products inspection. (Continued from 4/7/09 meeting.)

Roll Call Vote: Supervisor Monaco - Yes  
Supervisor Loe - Yes  
Supervisor Barrios – Yes  
Supervisor De La Cruz – Yes  
Chairman Botelho – Yes

File #1.1

- 2) **Send letter of opposition for Assembly Bill - AB622 (Swanson) regarding banning aerial spraying of pesticide to the State Assembly Agriculture Committee.**

Supervisor Barrios made a suggestion to change some of the wording in the letter to be sent by the Board of Supervisors to Sandre Swanson, California State Assembly.

Agricultural Commissioner Paul Matulich announced that this bill has been pulled for lack of support and it is now a two-year bill. Mr. Matulich said that our legislative analyst with the Agriculture Commission recommends holding off on sending a letter until this item is brought back next year.

Supervisor Monaco said that he recommends waiting on sending this letter until a later date.

*It was the consensus of the Board to not send a letter at this time. File #1.1*

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

- 3) **Adopted Resolution No. 2009-29**, amending the County's Conflict of Interest Code to reflect the addition of the Community Action Board. *File #943*

- 4) **Approve the action minutes of the meeting on March 24, 2009.**

Supervisor Barrios requested the following changes be made to the March 24, 2009 minutes: Page 1 – Would like it on record that she called for the moment of silence. Page 3, 2<sup>nd</sup> paragraph – Should read “Discussion on the May ballot propositions” and deleting “future legislation that is being sponsored by RCRC.

**BOARD ACTION:** Upon motion made by Supervisor Barrios and seconded by Supervisor Monaco; **approved** minutes as amended. (Unanimous)

### **PROBATION DEPARTMENT – B. Cardall:**

- 5) **Approved** request to apply for grant funding under the American Recovery and Reinvestment Act. *File #510*

## **PUBLIC WORKS DEPARTMENT – J. Cox:**

- 6) **Declared** equipment and vehicle provided on attached lists be declared surplus and direct staff to remove it from inventory and dispose of it per County practice. *File #105.3*
- 7) **Accepted** all bids; **approved** contract with Starkweather Painting, Inc. as the lowest responsive responsible bidder for the Juvenile Hall Maintenance and Improvements for the period of April 14, 2009 to June 5, 2009, in the amount of \$5,200; and **authorized** the Acting Public Works Administrator to issue change orders to the construction contract, in an amount not to exceed \$1,000. *File #120.5*
- 8) **Approved** the plans, specifications, and bid documents for signal modifications for a pedestrian push button control device, and crosswalk improvements at Southside and Union Roads. *File #105*

## **REGULAR AGENDA:**

### **INTERNAL SERVICES – R. Inman:**

- 9) **Allocate .75 FTE (Full Time Equivalent) for Human Resources Technician and approve budget transfer.**

Internal Services Director Rich Inman provided information in regards to the request for a .75 full time equivalent employee for the Human Resources Department stating that he is recommending that the Board of Supervisors give up one quarter of the temporary person for three quarter of a full time employee with benefits to help stabilize the department. Mr. Inman stated that it would generate a cost savings of about \$5,000 a year.

Mr. Inman answered questions posed by Board Members.

**BOARD ACTION:** *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios, **approved** .75 FTE for Human Resources Technician and **authorized** budget transfer. (Unanimous) File #630*

- 10) **Authorize County Administrative Officer to enter into contract with Willdan Financial Services for an amount not to exceed \$12,500 for analysis of county impact fees and preparation of reports to comply with state law.**

Internal Services Director Rich Inman provided background information stating that there are government code requirements that specify revisiting impact fees every year and submitting annual reports and to submit a five-year report of all impact fees. Mr. Inman said we have not been in compliance with those requirements.

Acting County Counsel Barbara Thompson provided additional information in regards to the legal requirements set forth in Government Code Section 66001(d), and 66006(b.1) and supports this contract being approved because these reports do need to be done for the county.

Lengthy discussion ensued by Board and staff.

**BOARD ACTION:** *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios, **authorized** County Administrative Officer to enter into contract with Willdan Financial Services for an amount not to exceed \$12,500 for analysis of county impact fees and preparation of reports to comply with state law. (Unanimous) File #119*

**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:*

11) **Conference with Labor Negotiator**

Authority: California Government Code Section 54957.6

Agency Designated Chief Negotiator: Susan Thompson

Employee Organization: In-Home Supportive Services (IHSS)

**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, Barrios, De La Cruz, Botelho

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

There being no further business the Board adjourned to March 24, 2009 at 9:00 a.m. for a regular meeting.

**ANTHONY BOTELHO, CHAIRMAN**  
San Benito County Board of Supervisors

**ATTEST:**

Janet Slibsager  
Assistant Clerk