



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

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

REGULAR MEETING APRIL 28, 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 De La Cruz 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 in regards to the taxes, fees and regulations that are strangling and killing the small business owners in San Benito County. Mr. Thompson asked, on behalf of all the small business owners in the county, to formally resolve to oppose any proposition on the May ballot that would increase fees.

Mr. Thompson also asked for the support of Senate Bill 356 that is currently pending at the State Senate. This bill would take some of the strangling suffocating regulations off of our small business owners.

Paul Rovella, Attorney with Lombardo & Gilles, spoke in regards to legislation in the state. Mr. Rovella asked that the Agricultural Commissioners Office look into AB1372, which is a bill that adds language to the Health & Safety Code for future food safety planning.

Supervisor Monaco encouraged the Agricultural Commissioner to look into AB1372 as requested by Mr. Rovella.

Chairman Botelho asked Mr. Rovella to make an appointment with the Agricultural Commissioner to discuss the issue.

Natasha Wist, San Benito County Health Care for All, stated that they are proposing a resolution to the Board of Supervisors regarding the public health crisis in San Benito County due to skyrocketing costs and diminishing benefits of the current health care system. This resolution supports the passage of house resolution bill 676 in the United States Congress and AB810 in the California Legislature.

Sandra Blinn, Hollister resident, spoke in regards to health care in San Benito County and announced that "Health Care for All" would be showing a video entitled "Siko at the Neighborhood Pizza Parlor on May 12, 2009. Ms. Blinn invited the public to attend.

Mary Zanger, San Benito County Health Care for All, spoke in regards to the health care issues in San Benito County and insurances and co-payments and pharmacists.

Marty Richman, Hollister resident, opposed the proposed resolution in regards to health care. Mr. Richman stated that you cannot get something for nothing and someone is going to have to pay for it some how.

- d) **Department Head Announcements:** San Benito County Health Officer Doctor Elizabeth Falade spoke in regards to the swine flu. Ms. Falade said that it is a new virus that no one has seen before and the Public Health Department and the Behavioral Health Department are taking precautions and have held educational programs for schools, daycares, businesses, and faith bases organizations and have conducted at least three influenza clinics for the public.

Ms. Falade said that they are working closely with the hospitals, clinics, pre-hospital care providers, law enforcement and other public safety agencies to help them to prepare for a possible epidemic.

Ms. Falade stated that there are no cases currently reported in San Benito County as of 9:30 a.m. this morning, but if there are any possible cases reported they have to send them to a public health laboratory to be tested.

Ms. Falade noted that she has left posters and flyers in the back of the room for the public to take and post in regards to what to do to stop disease, which are basic respiratory hygiene and good health habits and a Centers for Disease Control (CDC) pamphlet on the Swine Flu and You.

Health & Human Services Director Kathy Flores mentioned that last week she placed in the Board of Supervisors boxes an informal written report regarding the joint report that was put together by the California State Association of Counties (CSAC) as well as the County Welfare Director's Association (CWDA), the report talked about the impact to Human Services programs because of the economy right now.

Ms. Flores answered that the One Stop Career Center and the Employment Development Department has expanded their hours from 7:30 a.m. to 5:30 p.m. Monday through Friday and Saturday from 10:00 a.m. to 2:00 p.m.

Internal Services Director Rich Inman provided an update in regards to an issue regarding a veteran that was having a problem with the Veteran's Service Office. Mr. Inman said that he has contacted the veteran and has coordinated a meeting between the veteran and Mr. Garza with the Veteran's Services Office and they are now working on those issues.

Integrated Waste Manager Mandy Rose reported that last week was Earth Week and Earth Day and a community wide cleanup in various areas in the County was done.

Ms. Rose stated that the landfill reported that there were 23.1 tons of materials collected, 189 tires, and about two tons of metal and a bunch of concrete. Ms. Rose mentioned those participating in the cleanup were the City of Hollister and their Public Works crew, County Public Works and San Benito High School Outdoor Club.

District Attorney Candice Hooper announced that she had the honor of attending the Future Farmers of America (FFA) State Conference in Fresno and our local chapter president and regional president, Sam Doty from Hollister, California was elected vice-president of the state FFA officer's team.

Ms. Hooper said that Mr. Doty would travel throughout the country serving as ambassador for the Agricultural Industry in the FFA program. This is the first time since 1992 or 1994 that we have one of our San Benito County FFA students elected to the State office.

Chief Probation Officer Brent Cardall announced that the San Benito County Probation Department, Juvenile Hall, and San Benito High School Filmmakers Club are proud to announce the release and first public viewing of their new San Benito County Juvenile Hall Orientation video on Thursday, April 30, 2009 at 1:30 p.m. for the press and 6:00 p.m. for the public at the San Benito High School. Chief Probation Officer Cardall said that the High School Media Relations developed this video.

Supervisor Monaco commended Mr. Cardall for an outstanding job on informing parents and juvenile offenders of what to expect in that procedure and mentioned it is a great program.

Council of Governments (COG) Director Lisa Rheinheimer announced that the State has authorized them to move forward with the Highway 25 Safety Project, which is a concrete media barrier that would be placed on Highway 25 between Hudner Lane and San Benito County line. It would also consolidate driveways and provide a safety mechanism in that area to prevent cross over accidents. Mr. Rheinheimer stated this is a ten million dollar project and would start around June and will take about ten months for completion.

Supervisor Monaco had a question in regards to the weed abatement along Highway 25.

Ms. Reinheimer announced that Acting Public Works Administrator Janelle Cox and her Public Works crew were the ones who took care of the weed abatement on the Highway 25 bypass.

Clerk/Auditor/Recorder Joe Paul Gonzalez spoke in regards to an audit that was done by the United States Department of Justice and determined that we needed to send back about \$400,000. Mr. Gonzalez said that of that amount there was about \$28,000 that had been paid out to a vender who was a consultant responsible for submitting the claims for reimbursement to the Department of Justice Programs. Mr. Gonzalez said the \$28,000 was received last week from the vendor and is additional revenue for this year.

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

Supervisor Monaco announced that he had the privilege of meeting with County Librarian Nora Conte and noted that the bookmobile is coming along. Supervisor Monaco said that he would like to commend Ms. Conte for doing such a good job with this.

Supervisor Barrios thanked Joe Pendry and the Gavilan Kennel Club for the wonderful dog show at Bolado Park this last weekend. Supervisor Barrios said that she was honored to present the Best in Show award.

Supervisor Barrios requested that Integrated Waste Management look into plastic bag initiative (AB87) for San Benito County and its effects on the county.

Supervisor Loe announced that on May 1, 2009 is the official kick off for Relay for Life. There will be a celebration, "Paint Your Town Purple", at 5:00 p.m. at the Veterans Memorial Building.

Supervisor De La Cruz mentioned that he had done some research on the 25-cent a plastic bag issue (AB87) and the effect on the low-income families and believes this needs to be taken into consideration and to come up with a solution on how to address this issue.

PRESENTATIONS & RECOGNITIONS:

1) Present the Child Abuse Prevention Council's Annual Blue Ribbon Award to Chris Armstrong.

Jean Amelis, Public Health Representative, announced that the Child Abuse Council of San Benito County annually presents a Blue Ribbon Award to a local citizen or organization that has benefited the health, safety and well-being of our counties children.

Ms. Amelis said that this year she was very honored to present this award to Officer Chris Armstrong with the California Highway Patrol for his years of work with the San Benito County Child Injury Prevention Program and Health Education Alliance stating that his hard work in ensuring the safety of our young children through our annual Car Seat Fitting Events, educating parents on proper car seat installation and assistance in the installation of car seats helped countless families in San Benito County.

Chairman Botelho presented Mr. Armstrong with this award for all his hard work protecting the youngest members of our community.

Officer Chris Armstrong said that he was honored to receive the award.

File #130

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

Shawn Novack, Water Conservation Program Manager, spoke in regards to water awareness month and mentioned that our water supply is in fairly good shape compared to some of our surrounding counties.

Mr. Novack encouraged everyone to conserve water and to attend the Spot Light on Hollister and San Benito County event on May 14, 2009 at the Veteran's Memorial Building.

Chairman Botelho presented Shawn Novack with the Proclamation declaring May as Water Awareness Month in San Benito County.

BOARD ACTION: Upon motion made by Supervisor Monaco and seconded by Supervisor Barrios, proclaimed May as "Water Awareness Month" and ***authorized*** the chair to sign proclamation. (Unanimous) File #430

CONSENT AGENDA:

Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, approved Consent Agenda Items 3 through 13 with the exception of Items 3, 7, 10 and 12, which were pulled for discussion. (Unanimous)

ADMINISTRATIVE BUSINESS – S. Thompson:

- 3) **Approve County financial participation in the Hollister Urban Area Water Master Plan Implementation Program under terms of existing Memorandum of Understanding (MOU) and authorize County Administrative Officer to process the County share of actual cost payments up to a maximum of \$30,000 between May 1, 2009 and June 30, 2010.**

Chairman Botelho had a concern with this just being a study and stated that we need more than a study. We need action.

Supervisor Barrios mentioned that she feels this needs to be on the table constantly with water being the biggest issue we have in our county and the State of California and this plan provides for looking ahead to the year 2015.

Supervisor Loe said that she feels that this plan is critical and we need to move forward with it.

County Administrative Officer Susan Thompson said that she does not call this a study. This is an implementation program and the first step towards a very costly and long term program that we have to all agree to.

Marty Richman, Hollister resident, mentioned that we are moving forward and believes most of the citizens are willing to pay their fair share. Mr. Richman said that he hopes the Board moves forward.

BOARD ACTION: *Upon motion made by Supervisor Loe and seconded by Supervisor Barrios, **approved** and **authorized** the county's financial participation in the Hollister Area Master Plan Implementation Program under the terms of the existing four-party MOU and **authorized** the CAO to process the County share of actual cost payments up to maximum of \$30,000 between May 1, 2009 and June 30, 2010. (Unanimous) File #695*

AGRICULTURAL COMMISSIONER – P. Matulich:

- 4) **Approved** contract with the California Department of Food & Agriculture to provide light brown apple moth trapping services for the fiscal year 2008/2009 in the amount of \$11,344. File #1.1

BEHAVIORAL HEALTH – A. Yamamoto:

- 5) **Authorized** the Behavioral Health Director to sign and submit a request to the State Department of Mental Health for Mental Health Services Act (MHSA), Innovation Community Program Planning funds for an amount of \$72,500.
File #810
- 6) **Proclaimed** May 2009 as Mental Health Month in San Benito County and authorize chair to sign proclamation. File #810

BOARD OF SUPERVISORS:

- 7) **Approve Certificates of Recognition for 2009 MACE (Mexican-American Committee on Education) Man and Woman of the Year, Jose Zepeda and Guille Reynoso, for presentation on May 2, 2009. (Chairman Botelho)**

Supervisor De La Cruz mentioned that it is important to recognize individuals for outstanding activities in our community such as MACE. However, when politics plays a role it really deters the intentions of the organization that provides a lot of scholarships. Supervisor De La Cruz said what happened last

year was insulting by not allowing the Chairman to make the presentations and we need to make sure those kinds of activities don't occur because MACE is a good organization.

Supervisor De La Cruz said in the future lets make sure that politics do not play a role, because at the end the community gets hurt.

Supervisor Monaco said that he would like to have this topic on the next Board Retreat meeting to establish a written policy so the Clerk of the Board can hand it out to any organization that wants the Board of Supervisors to make a presentation.

Supervisor Monaco said that he concurs with Supervisor De La Cruz and does not like to see these things be used in a political way and unfortunately it did happen last year.

Supervisor Barrios said that she also concurs with Supervisors De La Cruz and Monaco. Supervisor Barrios said that as County Supervisors, when someone does request any of us to make a presentation, it is up to us to decide who would be there to make that presentation.

Chairman Botelho mentioned that what happened last year should have never occurred and agrees with the points that Supervisor De La Cruz made. Chairman Botelho said that he had thought that when an organization asked this board to make a presentation for some kind of recognition that it was the prerogative of the chair to make that presentation or assign it to someone else.

BOARD ACTION: Upon motion made by Supervisor Monaco and seconded by Supervisor Barrios, **approved** and **signed** Certificates of Recognitions for the 2009 Man and Woman of the Year Awards to Jose Zepeda and Guille Reynoso for presentation at a later date. (Unanimous) File #156

CLERK OF THE BOARD – L. Churchill:

- 8) **Approved** the action minutes of the April 7, 2009 and April 14, 2009 meetings.

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

- 9) **Approved** the acceptance of \$125,000 grant from the Secretary of State for the Vote Grant Program to improve voter equality opportunity and access; and **adopted Resolution No. 2009-30**, approving application for grant funds; and **authorized** the County Clerk/Auditor/ Recorder/Registrar to sign said grant.
File #285

COUNCIL OF SAN BENITO COUNTY GOVERNMENTS – L. Rheinheimer:

- 10) **Approve Amendment #3 to Employment agreement between the County of San Benito County and the Council of San Benito County Governments and Lisa Rheinheimer.**

Joe Thompson, local resident, voiced his concern about how the Council of Governments and its joint powers authority is wasting our tax dollars. Mr. Thompson asked the Board to think about the ruinous course we are on with this unconstitutional, unsound and unsustainable Council of Governments.

BOARD ACTION: Upon motion made by Supervisor Loe and seconded by Supervisor De La Cruz, **approved** Amendment #3 to Employment Agreement between the County of San Benito and the Council of San Benito County Governments and Lisa Rheinheimer. (Unanimous) File #1035

PROBATION DEPARTMENT – B. Cardall:

- 11) **Authorized** Chief Probation Officer to submit fiscal year 2009/2010 Juvenile Justice Crime Prevention Act's Application (JJCPA) to California Standard's Authority (CSA) and to expend the funds provided by this Act in the amount of \$146,007. File #510

PUBLIC WORKS DEPARTMENT – J. Cox:

- 12) **Reject non responsive bid, accept all responsive bids and approve contract with U.S. National Corp. as the lowest responsive, responsible bidder for the painting of the Courthouse-Hall of Records for the period of May 4, 2009 through July 3, 2009, in the amount of \$41,000; and, authorize the Public Works Administrator to issue change orders to the construction contract in an amount not to exceed \$4,100.**

Supervisor Barrios asked if this corporation comes with references and if the references are followed up.

Acting Public Works Administrator answered that she would have to let her know stating she did not see the bid documents.

County Administrative Officer Susan Thompson stated that in the bid documents they are required to submit references.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, **accepted** all responsive bids in the bid summary report; **determined** the bid of D & S Painting Corporation is non-responsive; **rejected** the bid of D & S Painting Corporation as non-responsive for incomplete documentation; **awarded** contract to U.S. National Corp. as the lowest responsive responsible bidder; **approved** the contract for the Courthouse-Hall of Records Painting for the period of May 4, 2009 through July 3, 2009, in the amount of \$41,000, and **authorized** the Chair to sign; and **authorized** the Public Works Administrator to issue change orders to the construction contract in amount not to exceed \$4,100. (Unanimous) File #105.3*

SHERIFF'S DEPARTMENT – C. Hill:

- 13) **Made** finding that Emergency Vehicle Specialist is the sole source provider; and **approved** service agreement with Emergency Vehicle Specialist for maintenance and repair for the San Benito County repeater sites for the period of May 1, 2009 to June 30, 2010 in an amount not to exceed \$27,720. File #110

REGULAR AGENDA:

AGRICULTURAL COMMISSIONER – P. Matulich:

- 14) **Update on urban and rural wildlife activities; and approve Wildlife Services contract with the United States Department of Agriculture for animal and plant health inspection services for the period of July 1, 2009 through June 30, 2010 and authorize the Agricultural Commissioner to sign said contract, in the amount of \$88,285.**

Agricultural Commissioner Paul Matulich reported that he needed to pull the contract because he received a revised contract from the United States Department of Agriculture (USDA) that they decreased the amount of the contract by \$15,000. Mr. Matulich said the revised contract would be brought back at the May 5, 2009 meeting.

Mr. Matulich provided an update to the Wildlife Services Program. Mr. Matulich said that they are concluding the second year of the program and it has significantly exceeded expectations and goals established by the Board of Supervisors. Mr. Matulich said during the last year there were 891 visits to urban related issues and 184 to rural complaints. The Wildlife Specialist, Mr. Klassen, who was assigned to the contract, has responded to 1075 requests (visits) during the last year, not including numerous phone calls for assistance or information.

Mr. Matulich said that he had received letters of support from the San Benito County Farm Bureau and the San Benito County Cattleman's Association supporting the Wildlife Services Program and over a dozen letters from private citizens who have had the necessity to use the program for various issues and they all expressed that they hope that the county can retain the services of this valuable program.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, **accepted** update on the Rural & Urban Wildlife Activities program and moved to continue the contract to May 5, 2009 meeting.*

COUNTY COUNSEL – B. Thompson:

- 15) **Approve amendment to contract with Bingham, McCutchen, LLP, in an additional amount not to exceed \$100,000 for on-going legal services related to processing the El Rancho San Benito (ERSB) Master Community Specific Plan application.**

Deputy County Counsel Shirley Murphy provided information regarding the amendment to the legal services contract with Bingham, McCutchen, LLP. for the El Rancho San Benito Master Plan Project. Ms. Murphy said that the amendment increases the amount of the contract by \$100,000 for services to be provided in the next two months, including some of the services previously assigned to the law firm of Hoge, Fenton, Jones & Appel that was terminated on February 10, 2009. Mr. Murphy said at this point, Bingham, McCutchen is providing all of the outside legal services related to this project.

Discussion ensued by Board and staff.

Marty Richman, Hollister resident, asked if there was an estimate as to what the total cost has been charged so far.

County Administrative Officer said probably hundreds of thousand of dollars.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor Monaco, **approved** amendment to the current legal services agreement with the law firm of Bingham, McCutchen, LLP, in an additional amount not to exceed \$100,000, for on-going legal services related to processing the El Rancho San Benito (ERSB) Master Community Specific Plan application; and **authorized** the Board Chair to sign. (Unanimous) File #160*

PUBLIC WORKS DEPARTMENT – J. Cox:

- 16) **Review of Draft Parks and Receptions Facilities Master Plan and provide direction to staff.**

Don Kelly, Parks & Recreation Commission Chairman, provided a brief history of where they started and where they are going with some of their completed projects and some of their upcoming projects. Mr. Kelly said that this master plan, when adopted, would provide the direction needed to build the parks and recreation system that provides a diverse element with programs and

facilities for all ages and cultures; and would provide cooperative efforts with National, State, City Park Systems, Schools and Independent Providers; allows the park system to be tied to our local industry, agriculture and business, and promotes San Benito County as a tourism destination, etc.

Chairman Botelho commented that this was a lot of real good work and sets a good plan to moving forward for our community.

Acting Public Works Administrator Janelle Cox provided a power point presentation of the Parks and Recreations Facilities Master Plan.

Ms. Cox said that the plan defined a vision for parks and recreation in the county; identifies the needs of the community; encourages joint-use and public/private partnerships and establishes an implementation plan.

Ms. Cox explained the process steps: Establishing the Team; Existing Conditions; Public Input; Vision, Goals and Objectives, Action Items.

Ms. Cox said from the data that was received from the community members they integrated the vision, goals and objectives.

Ms. Cox said the last step was implementation, which includes capital projects recommended and the enhance coordination and communication between the providers.

Ms. Cox provided information in regards to the short-term action items that would be taking place in the plan.

Ms. Cox said that they plan to bring back status reports every year and recommend that we review the master plan every three years.

Discussion ensued with Board and staff.

Scott Fuller, Chair of the YMCA of San Benito County Board of Directors, mentioned that he looks forward to working with the County and the Parks & Recreation Commission as a potential provider of services at some of these facilities and particularly on the community center part of this plan.

The consensus of the Board was that it was a great plan and are looking forward to having it move forward.

The Board thanked the staff and parks commission for an amazing job in such a short time. **File #93**

11:00 a.m. CLOSED SESSION:

The Board adjourned into Closed Session and reconvened into Regular Session re:

- 17) Public Employee Appointment
Title: County Counsel and Public Works Administrator
Authority: Government Code Section 54957
No reportable action.

AFTERNOON SESSION

1:30 P.M.

CLOSED SESSION:

The Board adjourned into Closed Session and reconvened into Regular Session re:

- 18) Conference with Legal Counsel-Existing Litigation.
(Subdivision (a) of Section 54956.9)
Name of Case: Del Carlo v. County of San Benito, Superior Court of California, County of San Benito, Case No. CU 06-00079
The Board voted to take action on the trial judgment matter; Trial Judge made a ruling that was adverse to the county and the county is going to make a motion to reconsider. (3/2 vote) File #235.6
- 19) Public Employment Performance Evaluation
Title: Agricultural Commissioner / Sealer of Weights & Measures
Authority: California Government Code Section 54957
No reportable action. File #235.6
- 20) Conference with Legal Counsel-Existing Litigation.
(Subdivision (a) of Section 54956.9)
Name of Case: Association for Equal Information and Governmental Integrity v. County of San Benito, Superior Court of California, County of San Benito, Case No. CU-09-00043
No reportable action. File #235.6
- 21) Conference with Legal Counsel-Existing Litigation.
(Subdivision (a) of Section 54956.9)
Name of Case: New Century Trs Holdings, Inc. et.al; In the United States Bankruptcy Court for the District of Delaware, Case No. 07-10416
No reportable action. File #235.6
- 22) Conference with Legal Counsel-Anticipating Litigation
Significant Exposure to litigation pursuant to subdivision (b) of Section 54956.9:
Number of Cases: (2)
Closed Session is authorized by Section 54956.9(b)(3)(A)
Item was pulled from the agenda. 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 5, 2009 at 9:00 a.m. for a regular meeting.

ANTHONY BOTELHO, CHAIRMAN
San Benito County Board of Supervisors

ATTEST:
Janet Slibsager
Assistant Clerk