



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 MAY 5, 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 Clerk of the Board Linda Churchill. Chairman Anthony Botelho presided.

9:00 a.m. CALL TO ORDER:

- a) Supervisor Monaco led the Pledge of Allegiance.
- a) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- b) **Public Comment:** There was no public comment.
- c) **Department Head Announcements:** Jim Clark, Emergency Medical Services Manager, provided an update on the County's public health response to the current H1N1 Virus (Swine Flu) stating that it has remained pretty much the same as last week's report given by County Public Health Director Liz Falade. Mr. Clark reported that to date there are no confirmed or probable cases of this flu strain in the county. Mr. Clark stated that Public Health's focus remains on the epidemiological surveillance by polling the community, looking for trends that could possibly identify the disease out in the community.

County Administrative Officer (CAO) Susan Thompson reported that on Monday, May 4, 2009, Emergency Operations Managers met noting that there has now been a partial activation of Emergency Services at a Level 2 and this was mainly to help the Public Health Department with their surveillance which entails a tremendous amount of telephoning to various schools and other agencies.

Health & Human Services Agency Director Kathy Flores announced that there were informational flyers available on the H1N1 Virus and encouraged members of the public to take copies.

Planning Director Art Henriques reported that the General Plan Advisory Committee met and elected Tim Foley as Chairman and Jim West as Vice Chairman of the committee. Mr. Henriques stated that a series of meetings have been scheduled for June 6th, August 11th and September 10th. Mr.

Henriques noted that CMAP is televising the meetings and tapes are available and also a public website will soon be set up.

Chairman Botelho directed that a full report be placed on the Board of Supervisor's agenda, either late summer or early fall, with regards to the General Plan Revision and also milestones as to the process.

County Librarian Nora Conte reported that she has received word that the new Bookmobile will be arriving in San Benito County on May 18th and thanked the Board of Supervisors for their support.

CAO Susan Thompson introduced Catherine Shaw, our new Management Analyst for the County Administrative Office.

- d) **Board Announcements, Introductions and Presentations:** Chairman Botelho thanked Acting Public Works Director Janelle Cox and Assistant Public Works Director Arman Nazemi for attending a town hall meeting in Aromas on Sunday afternoon to discuss the speeding problems on Carr Avenue. Chairman Botelho stated that there about 50 people who attended noting that the Sheriff's Office and California Highway Patrol sent representatives also.

Chairman Botelho reported that he attended the MACE (Mexican-American Committee on Education) dinner and awards banquet on Saturday, May 2nd, where he presented Certificates of Recognition to the 2009 MACE Man and Woman of the Year. Chairman Botelho stated that the guest speaker, Rocky Delgadillo, City Attorney in Los Angeles, was very impressive.

Chairman Botelho expressed his dissatisfaction with the County's failure grade for air quality. Chairman Botelho felt this is very misleading due to the location of the monitoring system and we should encourage the Air Board to move the monitoring system to a place in the county where the air quality would receive much better grades.

Supervisor Monaco stated that the report has to do with the geographical location of the air monitoring station at the Pinnacles where it winds up getting the pollution from Santa Clara and Monterey Counties. Supervisor Monaco said that as the County's representative he has addressed this issue with the Air Board and there may be hope that we get another monitoring location in San Benito County which should change the status of our air quality reports.

Supervisor Monaco reported that he attended the last Courthouse Advisory Committee along with Supervisor Loe and he was encouraged by the progress noting that construction date has been moved up which is good news.

Supervisor Monaco also reported that he has received several calls about the housing foreclosures in our county and how people leave the houses gutted and in bad shape. Supervisor Monaco stated that since the Board of Supervisors has no jurisdiction over this that it is probably something that should be addressed at the State Legislature level.

Supervisor Monaco stated that he and Supervisor Barrios attended the screening of the orientation film for Juvenile Hall stating that he was very impressed and he felt that the county should apply for the CSAC Challenge Award as this is certainly a viable project that deserves recognition at the state level.

CAO Thompson said she has talked with Chief Probation Officer Brent Cardall about applying for the CSAC Challenge Award and believes that we can certainly apply within the submission timeframe of June 12th.

Supervisor Loe thanked Supervisor Monaco and his wife Jill who braved the elements and came out for the "Paint Your Town Purple" kickoff for the Relay for Life event on Friday evening and although no one else showed up they are advertising it today at the Board of Supervisor's meeting by wearing purple (in their hair). Supervisor Loe encouraged the community to participate in this worthwhile cause to fight cancer.

Supervisor Loe reported that she attended the new Courthouse Advisory Committee meeting and was very impressed with how this is moving along and feels that this will be a tremendous boost to downtown.

Supervisor De La Cruz stated that he was shocked that San Benito County failed the air quality test stating it was so misleading.

Supervisor De La Cruz reported that he attended the Veteran's Memorial Park Commission meeting last night, May 4, 2009, stating there was very good attendance and noting that there is a great need for more parks with baseball, softball and soccer fields in this community

Supervisor De La Cruz stated that he attended and delivered a speech at the grand opening of the new Hazel Hawkins Hospital clinic and he commended the hospital's CEO Ken Underwood for this project and the services it will provide.

Supervisor De La Cruz noted that today is "Cinco de Mayo" stating go out and celebrate.

Supervisor Barrios recognized the children from San Benito High School who put in endless hours to prepare the video that was spearheaded by our County Probation Department. Supervisor Barrios stated that this video will be used for children at the lower grade levels to discourage them from getting into trouble or from joining gangs.

Supervisor Barrios announced that there would be a presentation in San Benito County sometime at the end of May or beginning of June presented by the Pajaro River Watershed Flood Control Authority who is pushing for legislation to acquire the monies for the lower Pajaro River levee.

Supervisor Barrios also recommended that a slight change be made to the Agenda Item Transmittal form to change the Annual Cost Box to read Total Cost.

CONSENT AGENDA:

Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz moved to approve Consent Agenda Items 4 through 8 with the exception of Items 1, 2 and 3, which were pulled for discussion. (Unanimous)

AGRICULTURAL COMMISSION – P. Matulich:

- 1) **Approve contract with the United States Department of Agriculture for the Wildlife Services Program for the fiscal year 2009/2010 in the amount of \$73,285.**

Supervisor Barrios expressed concern with regards to an article in the newspaper about cougars that may be causing property damage and possible damage to livestock and humans.

Agricultural Commissioner Paul Matulich explained that this is a State Fish and Game issue stating that the Board of Supervisors could send a request to

State Fish and Game Commission to do a lion count noting that the last count was done in 1988 and the count at that time was 6000 and there hasn't been a study done since then.

Supervisor Barrios also noted that on Page 2 of the contract it refers to San Luis Obispo County.

Acting County Counsel Barbara Thompson stated that this was a typographical error and should read San Benito County.

Supervisor Monaco agreed that there is a need for a statewide count of lions to assess how many lions are now in our County.

Supervisor Loe suggested that a letter requesting a lion count be prepared and signed by the Board of Supervisors and ask surrounding counties to do the same thing.

Acting County Counsel Thompson stated that staff would draft a letter and bring it back to the Board of Supervisors for approval.

Chairman Botelho directed that the letter be prepared and sent to State Fish and Game, surrounding counties, local legislators, CSAC and RCRC.

Nina Schafer, San Felipe Road resident, came forward stating that she supported the renewing of this contract reporting that trappers helped her out on a couple of occasions. Ms. Schafer reported that two bobcats were caught which were most likely killing her adult geese and goslings.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor Monaco, approved the Wildlife Services Contract as recommended. (Unanimous) File #1.1*

BOARD OF SUPERVISORS:

- 2) **Adopt resolution supporting the naming of the Highway 152/156 Flyover after Joseph Anthony Zanger, Sr. and direct the Clerk of the Board to send said resolution to the office of Senator Jeff Denham. (Res. No. 2009-31)**

Chairman Botelho stated that he supported this resolution after Mr. Zanger who spent a lot of time promoting safety of highways and especially this one.

Joseph Zanger, Jr. thanked the Board of Supervisors for considering this resolution and spoke about his father and how proud he would be to have this flyover named after him. Mr. Zanger stated that Senator Denham would be carrying this request to the legislature and if passed the signage would be paid for by the Zanger family.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, adopted Resolution No. 2009-31 supporting the naming of the Highway 152/156 Flyover after Joseph Anthony Zanger, Sr. as recommended. (Unanimous) File #156*

- 3) **Approve out of state travel for Supervisor De La Cruz to attend the 2009 NACO Annual Conference and Exposition in Nashville, Tennessee July 24-28, 2009, estimated cost \$2,653.00 plus expenses.**

Discussion ensued regarding the merits of this trip and the expenditure during this budget crisis.

It was the consensus of the Board to discuss establishing a policy with regards to travel at the Board Retreat to be held on May 21, 2009.

CAO Susan Thompson indicated that this expense was well within the Board's travel budget.

Treasurer/Tax Collector Mary Lou Andrade noted that sometimes associations have funding to help with travel expenses and maybe that could be looked into.

Marty Richman, local resident, suggested that at their Retreat the Board could pick out which meetings are a priority for attendance by Board members

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Barrios, approved out of state travel for Supervisor De La Cruz to attend the 2009 NACO Annual Conference in Nashville, Tennessee July 24-28, 2009 with total expenses not to exceed \$2652.53. (Unanimous) File #156*

HEALTH & HUMAN SERVICES – K. Flores:

- 4) **Appointed** Mr. Jerry Muenzer to the Workforce Investment Board for a three-year term effective May 5, 2009 through May 5, 2012. *File #939*

INTERNAL SERVICES – R. Inman:

- 5) **Approved** revised class specification of Capital Projects Manager at Range 25.5. *File # 630*

LONG TERM CARE COMMISSION – S. NeSmith:

- 6) **Appointed** Ms. Sunny Underwood to the San Benito County Long Term Care Commission as an At Large Member who provides services to seniors for the term May 5, 2009 through December 31, 2012. *File #1042*

PUBLIC WORKS DEPARTMENT – J. Cox:

- 7) **Approved** the plans, specifications and bid documents for the Southside Road Asphalt Overlay Project. *File #105*

VICTIM WITNESS ASSISTANCE PROGRAM – K. Fancher:

- 8) **Reviewed** proposed grant application for continuation funding for the San Benito County Victim/Witness Assistance Program; and **adopted Resolution No. 2009-32** designating the District Attorney's Office as the Implementing Agency for the program and **authorized** the Victim/Witness Program Coordinator and County Auditor to sign and submit grant application. *File #165*

REGULAR AGENDA:

BOARD OF SUPERVISORS:

- 9) **Consider and provide direction to CSAC (California State Association of Counties) Delegate Reb Monaco with regard to a proposed CSAC Constitution amendment. (Supervisor Monaco)**

Supervisor Monaco asked for Board direction regarding a proposed CSAC Constitutional amendment pertaining to CSAC caucus membership for counties that exceed population of 100,000 or more and it could be in our best interest in the future if our population increases.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor De La Cruz, directed CSAC delegate, Supervisor Monaco, to vote in support of the proposed CSAC Constitutional amendment. (Unanimous) File #1110*

ADMINISTRATION – S. Thompson:

10) Receive and review the FY 2008-09 Third Quarter Budget Status Report.

CAO Susan Thompson reported that we are currently in full budget preparation mode and she has been meeting with the department heads and going through the process of reducing the requested budgets and scrutinizing the revenue streams. CAO Thompson stated that in addition we have continued to have very strict spending controls that we've all adhered to and we will be recommending the elimination of 22 vacant positions in the budget.

CAO Thompson reported that as of March 31, 2009 General Fund expenditures are 66% of budget with General Fund revenue reported at 54% of budget. CAO Thompson stated that the Contingency Fund balance is also in a very healthy situation and we anticipate that by year-end there will be approximately \$1.9 million in unspent operating appropriations.

CAO Thompson further reported that General Fund general-purpose revenues are still estimated to come in at approximately \$830,000 less than we assumed in our adjusted budget. CAO Thompson stated that these shortfalls would consume a portion of savings that were just reported so that at year-end we estimate a fund balance of \$3.36 million.

CAO Thompson stated that while the fund balance is good it also will mean that we end the year in having consumed a fund balance from our budgeted amount of about \$3.5 million.

CAO Thompson stated that we have done a great job with what we've had but this is not going to save us from having to make some changes in reductions in our budget for the upcoming fiscal year and it is certainly a very responsible budget outcome.

CAO Thompson answered questions posed by Board members.

Discussion ensued with regards to OPEB (Other Post Employment Benefits) and the need for a plan with regards to establishing an irrevocable trust.

Joe Paul Gonzalez, County Clerk/Auditor/Recorder, addressed the Board and answered questions

CAO Thompson stated that she would be bringing back an item for Board consideration in the near future with regards to establishing an irrevocable trust.

Marty Richman, local resident, congratulated the CAO stating that she was doing a better job than the State and Federal Governments and noting that micro managing is a good thing. *File #865*

11) Consider, discuss and provide staff direction with regard to the formal establishment of designated reserve funds for various future operational and capital needs including the designation of a rainy day fund for use to support operating costs during FY 2009-10 through 2011-12.

CAO Susan Thompson provided background information stating that she prepared, with the assistance of the Clerk-Auditor-Recorder Joe Paul Gonzalez and his Auditing staff, a summary of the General Fund Reserves and Capital Reserves so there is a feel for the kind of resources that are available to keep this organization (County) functional even in the face of continuing reduction of General Purpose Revenues that we know we will be experiencing in the upcoming year and perhaps the next year as well. CAO Thompson stated that her report is a detailed explanation of what is currently in these accounts and she has also provided what she believes to be prudent recommended designations for these reserves that she would like the Board to consider.

CAO Thompson provided her report as submitted to the Board in their packets and referring to Attachment A and Attachment B of the Board report. CAO Thompson explained the unrestricted General Reserves that have been developed by revenues that came in over expected by certain actions of the Board's constituency such as Measure T Funds.

Board members provided input and CAO Thompson answered questions posed by the Board.

It was the consensus of the Board of Supervisors to support the plan as laid out by the County Administrative Officer including designated General Fund Reserves totaling \$14,290,000.00 and designated Capital Reserves totaling \$7,900,000.00. File #865

12) **Consider and take action to adopt FY 2009-10 Budget and Financial Policies.**

CAO Thompson provided background information stating that this item will establish some general budget policies within which we balance the budget policies. CAO Thompson explained the changes from the 2008-2009 adopted policies as follows:

- 1) The reduction of the prudent cash reserve to \$6 million;
- 2) The reduction in Contingency Budget from \$2 million to \$1 million for the upcoming year;
- 3) The formal designation of the General Fund Reserves for specific purchases that we just discussed in the prior Agenda Item would be adopted as part of the budget;
- 4) Identifying the rainy day reserve amount and how much that would be as we just talked about in prior Agenda Item; and
- 5) The establishment of an irrevocable trust for funding of Retiree Health Premiums (OPEB) during FY 2009-2010.

Board members provided input and suggested changes.

Clerk-Auditor-Recorder Joe Paul Gonzalez stated that he will be coming forward in the near future to ask the Board of Supervisors to adopt other financial policies such as long-range planning policies, asset and inventory protection policies, revenue management policies, expenditure management and control policies, treasury management policies and debt policies.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, approved FY 2009-10 Budget and Fiscal Policies amending second paragraph to include that it is a reduction from \$2 million to \$1 million and deleting the entire second sentence of second paragraph. (Unanimous) File #865*

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 at 12:10 p.m. to May 12, 2009 at 9:00 a.m. for a regular meeting.

ANTHONY BOTELHO, CHAIRMAN
San Benito County Board of Supervisors

ATTEST:
Linda Churchill
Clerk of the Board