



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 ACTION MINUTES JUNE 23, 2009

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, Deputy County Counsel Shirley Murphy and Assistant Clerk Janet Slibsager for the morning session and Clerk of the Board Linda Churchill for the afternoon session. Chairman Anthony Botelho presided.

9:00 a.m. CALL TO ORDER:

- a) Supervisor Loe led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- c) **PRESENTATIONS & RECOGNITIONS:**
Introduction of Alyssa Abercrombie, Miss San Benito Rodeo 2009 who is representing the San Benito County Saddle Horse Association in the 2009 Saddle Horse Show and Rodeo Downtown Parade and the Saddle Horse Show and Rodeo to be held June 26-28 at Bolado Park. (Supervisor Monaco)
Supervisor Monaco introduced Alyssa Abercrombie, Miss San Benito Rodeo 2009. Ms. Abercrombie encouraged the public to attend the Saddle Horse Show and Rodeo and the downtown parade. *File #156*
- d) **Public Comment:** Brian Daley, resident of Dunneville Estates, spoke in regards to the prop 218 process and the increase of fees for Dunneville Estates, CSA #50. Mr. Daley said that he is in protest of the fees, and believes that this is an unlawful fee and is not legal.
Joe Thompson, resident, spoke in regards to his continued frustration for the small business owners. Mr. Thompson said that he would like to see Resolution 2009-40 be revisited, which was for the increase in tax subsidies to keep Caltrain going to and from San Jose and Gilroy, which is paid for by small business clients like himself.
Marvin Jones, Hollister resident, stated that he attended the Blood Mobile and noted that Supervisor Monaco received his ten-gallon pin for his donation of blood.

Mr. Jones said that he also attended a meeting of the Council of Governments where they reported the amount of riders they had last month on the bus transit, was eleven thousand riders and they took in \$12,000 dollars and spent about two thirds of that on fuel.

e) **Department Head Announcements:**

County Administrative Officer Susan Thompson mentioned that we received a memo from California State Association of Counties (CSAC) last week that the Governor issued an executive order which disencumbered all funds at the State level for State contracts. Ms. Thompson said that we are currently taking a hard look at all of our contracts that we have with the State to see how this would affect our County.

Supervisor Monaco thanked Ms. Thompson for being an active participant in Sacramento and keeping the Board aware.

Health & Human Services Director Kathy Flores announced that on June 24th at Dunne Park in Hollister they would be holding their annual Kids in the Park Fair from 10:00 a.m. to 2:00 p.m. and encouraged everyone to come out and attend.

Community Services Workforce Development (CSWD) Enrique Arreola reported on the Summer Youth Program. Mr. Arreola said that they had one hundred twenty youth attending the program and the program starts June 22, 2009 and runs for seven weeks. Mr. Arreola said that he would continue to keep the Board updated in regards to the program and the funds.

County Librarian Nora Conte announced that they are holding a Summer Reading Program and they had one hundred and sixty sign ups for their first reading session. Ms. Conte wanted to let everyone know that the program is for all children and adults.

Ms. Conte also mentioned that the Bookmobile is out and that there were about two hundred and fifty participants for the Bookmobile kick off.

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

Supervisor Barrios congratulated Nora Conte and the Community for the Bookmobile debut stating that it was well attended and was a beautiful event.

Supervisor Barrios reported that she attended a meeting with numerous County and City Officials and other organizations regarding the importance of an airport in San Benito County and what a big economic role it plays in bringing industry and company's to San Benito County.

Supervisor Loe announced that Thursday, June 25th, before or after the Horseshow Parade, Paines Restaurant is going to be sponsoring there dinners and giving a percentage of the money back to Relay for Life in San Benito County.

Supervisor De La Cruz commended the Downtown Association for a wonderful job on the Movie's Under The Stars.

Supervisor De La Cruz stated that he attended the ad hoc committee meeting for the Gang Prevention Coordinator and they are moving forward and he would have a report at a later date.

Chairman Botelho congratulated Librarian Nora Conte on the reading program success.

Chairman Botelho stated that he attended the Regional Council of Rural Counties (RCRC) meeting and most of the conversation was in regards to the

budget. Supervisor Botelho mentioned that they also discussed AB885 pertaining to the septic tank regulation and storm water general permit for construction activities.

Chairman Botelho mentioned the potential of the State Park being closed in San Juan Bautista due to the State budget cuts. Chairman Botelho said that the City of San Juan Bautista just passed a resolution urging that the Park in San Juan Bautista remain open. Chairman Botelho said that he would like to see the Board of Supervisors do the same.

Supervisor Monaco said that he wanted to dovetail on what Chairman Botelho mentioned in regards to the closure of the State Park in San Juan Bautista. Supervisor Monaco said that it would be a terrible blow to the community and for the education system of California that brings busloads of children there to tour the mission and park.

Supervisor Monaco said that we have a couple of other State Parks in our County including Fremonts Peak and Hollister Hills and suggested having a global resolution pertaining to all three parks.

Chairman Botelho asked that a resolution be brought back to the Board of Supervisors at the next meeting for these parks.

CONSENT AGENDA:

Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, approved Consent Agenda Items 1 through 28 with the exception of Items 15 and 18, which were pulled for discussion. (Unanimous)

ADMINISTRATION – S. Thompson:

- 1) **Approved** transfers or Appropriations for Year End Cleanup to the Public Defender, Public Works-Administration and Engineering, and Victim Witness Budgets. (4/5 Vote Required - Unanimous) *File #865*

BEHAVIORAL HEALTH – A. Yamamoto:

- 2) **Approved** amendment to the July 1, 2008 to June 30, 2010 inpatient and outpatient services contract with Merced County for a maximum amount of \$75,000. *File #810*
- 3) **Approved** contract renewal with Value Options for Administrative Services Organization for the period of July 1, 2009 to June 30, 2012 for an amount not to exceed \$10,000. *File #810*
- 4) **Approved** contract renewal with Door to Hope for Abuse Residential Treatment Facility for the FY 2009-10 for a maximum total of \$49,375. *File #810*
- 5) **Approved** contract renewal with Santa Cruz Counseling Center, Inc. residential treatment provider for the FY 2009-10 for a maximum total of \$105,000. *File #810*
- 6) **Approved** contract renewal with Liz Alameda for Facilitation of Domestic Violence Diversion Groups for the period of July 1, 2009 to June 30, 2010 for a maximum total of \$14,000. *File #810*

- 7) **Approved** contract renewal with Project Ninety, Inc. for residential substance abuse treatment and recovery services for the period of July 1, 2009 to June 30, 2010 for maximum total not to exceed \$105,000. *File #810*
- 8) **Approved** contract renewal with Mary Helen Lopez for therapy for Bicultural/Monolingual Spanish speakers for the period of July 1, 2009 to June 30, 2010 for a maximum annual total of \$10,000. *File #810*

BOARD OF SUPERVISORS:

- 9) **Adopted Resolution No. 2009-47** recognizing the Community Pantry of San Benito County and supporting its efforts to obtain grants and funding. (Supervisor Monaco) *File #156*
- 10) **Adopted Resolution No. 2009-48** recognizing the Emmaus House and supporting its efforts to obtain grants and funding. (Supervisor Monaco) *File #156*
- 11) **Adopted Resolution No. 2009-49** recognizing the San Benito County Homeless Task Force and supporting its efforts to obtain grants and funding. (Supervisor Monaco) *File #156*

CHILD SUPPORT SERVICES – K. Johnson:

- 12) **Approved** Addendum E to the Commercial Lease Agreement for the Department of Child Support Services at 2320 Technology Parkway, to extend the lease for a five-year term ending on June 30, 2014. *File #22*

CLERK OF THE BOARD – L. Churchill:

- 13) **Approved** the action minutes of the May 12, 2009, May 26, 2009 regular meetings and the June 12, 2009 special meeting.

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

- 14) **Adopted Resolution No. 2009-50** accepting the certified statement of Election Results for the May 19, 2009 Statewide Election. *File #285*
- 15) **Adopt Resolution entitled “A Resolution of the San Benito County Board of Supervisors Authorizing County Clerk to Render Election Services on August 25, 2009 for County Service Area (CSA) Elections”. (Res. No. 2009-51)**

Supervisor Barrios asked for clarification of the mail ballot process for the County Service Area (CSA) Election.

Clerk/Auditor/Recorder Joe Paul Gonzalez explained the mail ballot process.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor Monaco, approved Resolution No. 2009-51, entitled “A Resolution of the San Benito County Board of Supervisors Authorizing County Clerk to Render Election Services on August 25, 2009 for County Service Area (CSA) Elections. (Unanimous) File #285*

COUNTY COUNSEL – B. Thompson:

- 16) **Approved** budget adjustment by \$275,000 in professional services to reflect total FY 08/09 expenditures for developer reimbursed projects, such as DMB and

Santana Ranch; **approved** adjustment in revenue "Developer Charges" by an equal amount of \$275,000. (4/5 Vote Required. Unanimous) *File #160*

HEALTH & HUMAN SERVICES – K. Flores:

17) **Re-appointed** Mr. Frank Ledesma to the Community Action Board (CAB) for a three-year term effective June 23, 2009 through June 23, 2012. (CSWD) *File #939*

18) **Approve contract with Plan A Solutions for the Development of Alternate Care Site Plan (ACS) for the period of June 23, 2009 to August 8, 2009 in the amount of \$15,000; and authorize the Health & Human Services Director to sign.**

Supervisor Barrios asked if we had designated areas like bomb shelters that can be used in case of an emergency and if there was a method to send out communication to the community to let them know what was available.

Health & Human Services Director Kathy Flores responded that part of their job is to educate the community when there is a disaster or an emergency situation and that they do have satellite phones for communication and that the Public Health puts information out to the public prior to any emergency.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor Monaco, approved contract with Plan A Solutions in the amount of \$15,000 for the term of June 23, 2009 to August 8, 2009 and authorized the HHS Director to sign said contract. (Unanimous) File #130*

19) **Approved** contract renewal with Dr. Elizabeth Lee for Psychological Services for the period of July 1, 2009 through June 30, 2010 for the amount of \$72,180; and **authorized** the Health & Human Services Director to sign. *File #130*

20) **Approved** contract with the National Council on Crime and Delinquency for Structured Decision Making (SDM) report services for the period of July 1, 2009 to June 30, 2010 in the amount of \$15,000 and **authorized** the Health & Human Services Director to sign. *File #130*

21) **Approved** contract with Sandra Montgomery for Physical Therapy Services for the period of July 1, 2009 to June 30, 2012 for an amount not to exceed \$46,080; and **authorized** the Health & Human Services Director to sign. *File #130*

22) **Approved** the Workforce Investment Act (WIA) Title I Subgrant and **adopted Resolution No. 2009-54** to grant signatory authority for the Director of Health & Human Services Agency to sign WIA documentation and/or documents on behalf of the county of San Benito. *File #939*

INTERNAL SERVICES – R. Inman:

23) **Approved** contract with Advanced Computer Experts for professional computer services for the period of July 1, 2009 to June 30, 2010 for an amount not to exceed \$20,000. *File #119.1*

24) **Approved** contracts with Megabyte System, Inc. for the maintenance of the Megabyte Property Tax System MPTS 2000 and Web Access at a cost not to exceed \$46,032; and approve contract for SQL Server Database Support at a

cost not to exceed \$23,559, for the period of July 1, 2009 to June 30, 2010. *File #608*

PROBATION DEPARTMENT – B. Cardall:

- 25) **Approved** revenue agreement with the San Benito County Office of Education providing funding in the amount of \$47,500 to continue the Truancy Reduction Program for FY 2009-2010. *File #510*

SHERIFF'S DEPARTMENT – C. Hill:

- 26) **Approved** the multi-year agreement with Global Tel*Link Corporation for inmate telephone services; and **authorized** the Sheriff to sign agreement. *File #110*
- 27) **Approved** Memorandum of Agreement with the City of Hollister that the \$18,314 allocation of Justice Assistance Grant (JAG) award funds shall be distributed to the City of Hollister. *File #110*

U.C. COOPERTIVE EXTENSION/AGRICULTURAL EXTENSION – W. Coates:

- 28) **Approved** lease agreement with Toshiba Business Solutions for photocopier. *File #3*

PUBLIC HEARING – 9:30 A.M. (Or as soon thereafter as the matters may be heard)

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 29) **Receive HHS Director's report on 2010-2011 Community Action Plan (CAP); hold a public hearing to receive comments on the 2010-2011 CAP; adopt resolution approving the 2010-2011 CAP; and authorize signing authority to the HHS Director.**

Health & Human Services Director Kathy Flores provided information in regards to the two-year plan related to the Community Services Block Grant Funding that is received from Community Services Workforce Development.

Enrique Arreola provided information in regards to the Community Services Block Grant (CSBG) and how it works.

Mr. Arreola mentioned that there was a sign up sheet in the back of the room for the public to sign along with the Community Action Plan for the public's review.

Chairman Botelho opened the public hearing.

Marty Richman, Hollister resident, spoke in regards to the cost factors for low-income housing.

Chairman Botelho closed the public hearing.

Supervisor Loe mentioned there are a lot of needs out there and the money is to help run some of those programs. Supervisor Loe said that she was very impressed with the report and staff did a wonderful job and we are moving in the right direction.

Supervisor Monaco said that he also appreciated the report and commended Kathy Flores and her staff.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco, **adopted Resolution No. 2009-55, and authorized Chair to sign resolution approving the 2010-2011 CAP and authorized HSA Director to sign. (Unanimous) File #130***

REGULAR AGENDA:

ADMINISTRATION:

- 30) **Set FY 2009-10 budget hearings and specify expenditure limitations effective July 1, 2009; and take other actions as deemed necessary.**

County Administrative Officer Susan Thompson provided information on a policy decision that was made by the Board of Supervisors at a previous meeting in regards to the budget hearings and how we would handle the operating budget beginning July 1, 2009, which is the beginning of our fiscal year.

Ms. Thompson said that she is recommending that the Board of Supervisors allow the current years budget to roll forward automatically, which is how it works in the law, rather than have separate budget hearings at this time and set the Boards budget hearings to begin on August 3, 2009 and bring the final budget back for tentative adoption on August 25, 2009.

Ms. Thompson said that she would like the Board of Supervisors to continue our standing policy right now to impose more stringent budgetary controls into our next fiscal year, authorize that we continue our hiring freeze that we have had in place this whole year, and continue purchasing control which needs to cross the County Administrative Officer's desk.

Ms. Thompson said that today's actions would be; 1) set the budget hearings to begin August 3, 2009; 2) require that the Board of Supervisors approve the purchase of any fixed assets, continue hiring freeze subject to the County Administrative Officers approval for exceptions, continue mandated review by the County Administrative Officer the approval for all purchases; 3) continue standing policy that General Fund Contributions to other funds will be limited to the amount necessary to balance the fund for FY 2008/2009 budget.

Discussion ensued by Board and staff.

Supervisor's Monaco, Barrios, De La Cruz, Loe and Chairman Botelho said that they support the actions and recommendations brought forward by the CAO Susan Thompson.

Ms. Thompson said that she urges the Board not to make blanket policies; we need to talk about some of these items of concern and not make any decisions without facts.

CAO Susan Thompson said that she would issue a memo to all Department Heads immediately based on conversation today in regards to travel.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios, **moved** to set Budget Hearings to begin August 3, 2009 to publicly review the proposed FY 2009/20 Budget and directed the Clerk of the Board to post and publish notice of the hearings as required by law. Final budget adoption is tentatively scheduled for August 25, 2009; **approved** required Board approval for purchases of any fixed assets, **continued** hiring freeze subject to CAO approval for exceptions, **continued** mandated CAO review and approval for all purchases authorizing CAO to deny any purchase request not deemed critical to ongoing operations or safety or necessary to complete grant funded program obligations; **continued** standing policy that General Fund Contributions to other funds will be limited to the amount necessary to balance the fund even if this results in the contribution being less than the budgeted contribution included in the approved FY 2008/2009 budget. (Unanimous) File #865*

AGRICULTURAL COMMISSIONER – P. Matulich:

- 31) **Accept the Engineers Report from SCI Consulting Group; schedule a public hearing; adopt Resolution of intention to Levy Assessments for FY 2009-10, preliminarily approving engineer's report and providing for notice of hearing for the San Benito County Mosquito Abatement Program.**

Agricultural Commissioner Paul Matulich presented the Mosquito & Disease Control Assessment Engineers Report from SCI Consulting Group relative to the Mosquito Abatement Program.

Discussion ensued by Board and staff in regards to service area, fees and green pools.

Marvin Jones, Hollister resident, spoke in regards to the fee change proposal and the report area.

BOARD ACTION: *Upon motion made by Supervisor Loe and seconded by Supervisor De La Cruz, **accepted** the Engineers Report from SCI Consulting Group; **scheduled** a public hearing for July 28, 2009; **adopted Resolution No. 2009-56**, of intent to levy assessment for fiscal year 2009-10. (Unanimous) File #1.1*

BOARD OF SUPERVISORS:

- 32) **Adopt resolution entitled “Resolution of San Benito County Board of Supervisors Supporting In Home Supportive Services (IHSS) Caregivers and Opposing Proposed State Funding Reductions.** (Supervisor De La Cruz & Supervisor Barrios)

Supervisor De La Cruz said that he would like to see the Board of Supervisors approve a Resolution and send it to the State of California to have them reconsider the cutting of the funding reductions for In Home Supportive Services (IHSS).

The following members of the public addressed the Board: Tony Madiugal, Representative with SEIU United Long Term Care Workers Union; Marie Violeta Sanchez, Home Care Provider in San Benito; Gifford Swanson, In Home Service Public Authority; Marty Richman, Hollister resident; Benigno Delgado, representing SEIU United Long Term Care Workers Union, Local 6434

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios, **adopted Resolution No. 2009-57**, supporting In Home Supportive Services (IHSS) Caregivers and Opposing Proposed State Funding Reductions”. (Unanimous) File #130.1*

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

- 33) **Approve and accept the completed and signed Elected Officials Base Pay Salary Waiver Form; adopt Resolution adopting a policy with regard to waiver of salaries for the elected offices of County Assessor, County District Attorney and County Clerk, Auditor & Recorder.**

Clerk/Auditor/Recorder Joe Paul Gonzalez said that the Assessor Tom Slavich, District Attorney Candice Hooper-Mancino and himself, as elected officials, would like to offer up 5% of their base salary, due to the fiscal crisis that this county is going through, to help meet county obligations.

Mr. Gonzalez said they have signed an offer and would like the Board of Supervisors to accept and adopt a resolution to that effect.

Chairman Botelho thanked them for their generous offer and mentioned that we all need to pull together with the same type of sacrifice. Supervisor Botelho said that shows great leadership.

Supervisor Barrios thanked the three of them and commended them for their supportive efforts and said that this paved the way for others, as this is strictly voluntary.

Mr. Gonzalez said that they are all in agreement that this needs to be done given the severity of the budget that we are facing for the next fiscal year.

County Administrative Officer said that whether elected or appointed these department heads are an extraordinary team of individuals and she appreciated them. Mrs. Thompson said that all the appointed Department Heads have all stepped up to the plate and will sign the same 5% reduction in base salaries, non revocable, with a voluntary approach.

Supervisor Loe thanked those Elected Department Heads and said that this is a great message and said she was very proud to work with the team that we have.

BOARD ACTION: Upon motion made by Supervisor De La Cruz and seconded by Supervisor Loe, **approved** and **accepted** the completed and signed Elected Officials base pay salary waiver form and **adopted Resolution No. 2009-58** regards to wavier of salaries for the elected offices of County Assessor, County District Attorney and County Clerk-Auditor-Recorder. (Unanimous) File #285

- 34) **Accept the actuarial study for Post Employment Benefits Other that Pensions (OPEB) for medical coverage of our retired employees; approve the participation agreement to set up an irrevocable Retiree Benefit Trust through CalPERS and adopt Resolution for delegation of authority to request disbursements and sign the Certification of OPEB funding policy; assign an Ad Hoc Board of Supervisor Committee to research and identify options for managing cost and to make recommendations for ongoing funding of the costs of the County's Other Post-Employment Benefits.**

Clerk, Auditor, Recorder Joe Paul Gonzalez provided information in regards to Post Employment Benefits other than Pension (OPEB) for medical coverage of our retired employees in San Benito County.

Mr. Gonzalez is recommending that the Board of Supervisors set up an irrevocable retiree benefit trust through CalPERS and adopt a resolution for delegation of authority to request disbursement and sign Certification of OPEB funding policy and create a subcommittee of two Board members to help research and identify options for managing costs and to make recommendations for ongoing funding of the costs of the County's other post-employment benefits.

Mr. Gonzalez said that a decision needs to be made by June 30, 2009 in order to be in compliance with the law.

County Administrative Officer Susan Thompson said that the Board has taken action over the last two years during the budget process to set aside funding to pay this bill plus some. Ms. Thompson said that a decision needs to be made today one way or the other and it is a \$25 million dollar swing.

Supervisor Monaco said that he has some concerns and asked if we have explored other option other than CalPERS.

Supervisor Monaco said that he does support an ad hoc committee with having some board members involved, but is not comfortable about making a decision today.

Chairman Botelho said that he would like to move forward and take this course today and then continue to explore other options.

Supervisor Barrios said this is a must and we need to plan for these retirements.

Supervisor Barrios said that we need to commit this money and set up irrevocable trust but she doesn't believe we need to decide who we are going to do it with at this time.

Mr. Gonzalez replied that we don't have the opportunity to go with someone else at this time; it has currently been prepared to go with CalPERS. Mr. Gonzalez said that we do have the option to explore other options for the future.

Discussion ensued by Board and staff.

Marty Richman, Hollister resident, said that he was glad to see that we are moving forward to recognize our liabilities and it is unfortunate that we have a deadline to comply with, but hopes that the Board supports this action today.

Chairman Botelho appointed an ad hoc committee to include Supervisor De La Cruz and himself.

BOARD ACTION: Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios; **accepted** actuarial study for OPEB for medical coverage of our retired employees; **approved** the participation agreement to set up an irrevocable Retiree Benefit Trust through CalPERS and **adopted Resolution No. 2009-59** for delegation of authority to request disbursements and sign the Certification of OPEB funding policy; **assigned** an Ad Hoc Board of Supervisors Committee to research and identify options for managing cost and to make recommendations for ongoing funding of the costs of the County's Other Post-Employment Benefits.

Roll Call Vote:

Supervisor Monaco - Yes

Supervisor Loe - Yes

Supervisor Barrios - Yes

Supervisor De La Cruz - Yes

Chairman Botelho - Yes

The motion passed 5-0

File #608

INTERNAL SERVICES – R. Inman:

35) **Appoint Mr. Matthew Granger pursuant to government code sections 27640 and 27641 as County Counsel effective July 15, 2009.**

Internal Services Director Rich Inman provided information for the appointment of Mr. Matthew Granger as County Counsel to be effective July 15, 2009.

Supervisor Barrios said that she feels that he would be a great fit for San Benito County.

BOARD ACTION: Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco, **approved** the appointment of Matthew Granger as County Counsel for San Benito County effective July 15, 2009; and **approved** the following: (1) Employee shall receive 120 hours of administrative leave on

July 15, 2009, and thereafter 120 hours of administrative leave shall be credited each calendar year on January 1. (2) Car allowance of \$500 per month. (3) Moving expenses not to exceed \$5,000, which shall be the lowest of 3 competitive estimates. (4) Waiver of employee's residence qualifications in accordance with Government Code Section 27641.1. (5) All other benefits provided to appointed department heads. (Unanimous) File #160

- 36) **Ratify the Auditor's Office payment of wages for hours worked in excess of 1000 hours for FY 2008/2009 for the following temporary employees: Dr. Elizabeth Falade (County Health Officer), Dr. James Nelson (Psychiatrist); authorize Auditor's Office to pay CalPERS (retirement) contributions for both the employee and the employer amounts, as required by the Public Employment Retirement Law (PERL), for Dr. Elizabeth Falade (County Health Officer) in the amount of approximately \$18,850 and for Dr. James Nelson (Psychiatrist) in the amount of approximately \$165,000 in FY 2008/2009.**

Internal Services Management Analyst Jacki Credico provided information in regards to the ratification of the auditor's office payment of temporary employees listed above.

Supervisor Barrios had a question in regards to budget funding.

Ms. Credico explained the budget funding.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor Loe; **ratified** the Auditor's Office payment of wages for hours worked in excess of 1000 hours for fiscal year 2008/2009 for the following temporary employees: Dr. Elizabeth Falade (County Health Officer), Dr. James Nelson (Psychiatrist); **authorized** Auditor's Office to pay CalPERS (retirement) contributions for both the employee and the employer amounts, as required by the Public Employment Retirement Law (PERL), for temporary employees Dr. Elizabeth Falade (County Health Officer) in the amount of approximately \$18,850 and for Dr. James Nelson (Psychiatrist) in the amount of approximately \$165,000 in fiscal year 2008/2009 from respective department budgets. (Unanimous) File #630*

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:

- 37) **Authority: California Government Code Section 54957.6**
Agency Designated Chief Negotiator: Linzie Daniel
Employee Organization: Deputy Sheriff's Association, Management Employees Group, General Unit (SEIU)
No reportable action. File #235.6

Closed Session Items 38, 39 and 40 were moved to the end of the afternoon session.

AFTERNOON SESSION
1:30 P.M.

CONSENT AGENDA:

Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, approved Consent Agenda Items 41, 42, 44 and 46 and pulled Item 43 for discussion. Item #45 was withdrawn from the agenda. (Unanimous)

PUBLIC WORKS DEPARTMENT - J.Cox:

- 41) **Adopted** the Final Mitigated Negative Declaration, the Mitigation Monitoring and Reporting Program and **adopted Resolution No. 2009-52** for the Hospital Road Bridge Project, adopting the required CEQA Findings and Mitigation Measures.
File #105
- 42) **Introduced** ordinance amending Chapter 17.01 of the San Benito County Code, Motor Vehicles and Traffic, establishing a speed limit of 25 miles per hour on Carr Avenue, from its intersection at Carpenteria Road, to Mile Post 1.275 , and 35 miles per hour from Mile Marker 1.275 to 1.63, at the intersection of Anzar and Aromitas Road; **waived** the reading of said ordinance and **continued** to July 7, 2009 for adoption of said ordinance. *File #105*
- 43) **Approve contract amendment for janitorial services with M.A. Jones Incorporated, DBA Cleaning Services, extending the term through June 24, 2010, and to include automatic renewal for successive one-year periods not to exceed three years, in an amount not to exceed \$131,025 annually.**
Lengthy discussion ensued about the possibility of asking the contractor to reduce this contract by 5% and also the employment of local people and possibility using local youth.
Deputy County Counsel Shirley Murphy noted that the contract has a 30-day termination clause without cause so the Board could go ahead and approve it as presented today and if the Board then chose to do something else at a later date they could do so.
BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor De La Cruz, approved contract amendment for janitorial services with M.A. Jones Incorporated, DBA Cleaning Services as recommended and directed staff to find out if this company uses local employees. (Unanimous)*
File #105.3
- 44) **Approved** fiscal year 2008-2009 and 2009-2010 proposed Proposition 1B Funding Disbursement Plans; and **adopted Resolution No. 2009-53** establishing an annual Proposition 1B Funding Disbursement Plan. *File #105*
- 45) Find that no bids were received in response to the invitation for bids issued on March 24, 2009 for the Courthouse Inmate Entry Project; and elect to proceed under Public Contract Code §20150.9; award contract to Nino Development Inc. for the Courthouse Inmate Entry Project for a total amount not to exceed \$129,785; and authorize the Chair go sign contract; authorize the Acting Public

Works Administrator to issue change orders, when needed, not to exceed 10 percent of the contract amount, or \$12,978. (CSWD)

This item was withdrawn from the agenda.

- 46) **Adopted** plans and specifications for the Stonegate Water Supply Test Well.
CSA #31 File

REGULAR AGENDA:

PUBLIC WORKS DEPARTMENT – J. Cox:

- 47) **Receive report regards to Potential State Cuts to Local Gas Tax and Proposition 42 and provide direction to staff.**

Acting Public Works Director Janelle Cox reported that on June 11, 2009 the Budget Conference Committee voted to take the local governments' share of a Highway Users Tax for two years and also Proposition 42 dollars to defer payment on those revenues until May of 2010. Ms. Cox stated that this action, statewide, affects approximately 4000 Public Works employees that are involved in the road maintenance industry and also then affects those businesses that are out there doing road maintenance repairs. Ms. Cox reported that these revenues account for approximately 50% to 90% of the revenues used to support Public Works functions in the state and county.

Ms. Cox explained the impacts that these cuts would have on the San Benito County Public Works Department and the possible elimination of certain positions.

Ms. Cox stated that California State Association of Counties (CSAC) is recommending a 5% user fee tax instead of taking these dollars to pay down the bond debt.

County Administrative Officer Susan Thompson stated that this could reduce the current road crew by 11.8 positions, which would be a horrible thing to happen, and would have a devastating effect on the county's road maintenance.

Board members posed questions and provided input.

BOARD ACTION: *Directed staff to bring back more information regarding the user tax fee proposal on the July 7, 2009 agenda. File #105*

MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT:

- 48) **Presentation from Richard A. Stedman, Air Pollution Control Officer of the Monterey Bay Unified Air Pollution Control District regarding air quality.**

Richard Stedman, Executive Director Air Pollution Control Officer of the Monterey Bay Unified Air Pollution Control District (MBUAPCD), provided a verbal presentation on the recent negative air quality report for San Benito County that has been in the news. Mr. Stedman explained that this report showed that San Benito County received an "F" in air quality, which is an unfair determination. Mr. Stedman explained that the air quality monitor located at the Pinnacles National Monument showed high levels of air contaminants but assured the Board and members of the public that the air quality in the City of Hollister and others is very good. Mr. Stedman stated that the MBUAPCD would be working to correct this air quality grade.

Board members expressed their dissatisfaction with this report that became public and felt the monitoring station should be somewhere else as this was not fair and it is now a stigma about the entire county. *File #1005*

PLANNING & BUILDING DEPARTMENT – A. Henriques

49) **Receive project update regarding Fairview Corners and provide comments as necessary.**

Planning Director Art Henriques provided an update reporting that Fairview Corners made an application and this was related to the Gavilan College Site and Fairview Corners was in somewhat of a secondary position while the college portion of the larger area went through its own review process to ultimately the public review process and to their Board of Trustees. Mr. Henriques stated that there was a lot more focus on the college area and once it went through the Board of Trustees then Fairview Corners wanted to speed up its process. Mr. Henriques reported that Planning staff has been meeting regularly with them to go through their particular proposals and the reimbursement agreement should be before the Board of Supervisors in July.

Mr. Henriques and Assistant Planning Director Byron Turner answered questions posed by Board members about the possible requirement for a complete new EIR (Environmental Impact Report); the determination that this project does not require a public vote; and, the completion of a Specific Plan.

Janet Brians, local resident, and Bob Huenemann, Harbern Way resident, provided comments.

Board members agreed that a separate EIR from the college should be done for this development and TDC (Transfer of Development Credits) should be looked into. *File #790*

50) **Receive project update regarding Santana Ranch Project and provide comments as necessary.**

Planning Director Art Henriques provided a quarterly update stating this project proposed a multi use development on a 292 acres site including a maximum of 1,092 residential units, approximately 12 acres of neighborhood commercial space/missed use, and eight (8) acre site proposed for an elementary school site or community center and 18.2 acres of park space.

Mr. Henriques reported that after several meetings with various agencies County staff has determined that a full EIR is the appropriate approach to take and the applicant has agreed to that approach.

Mr. Henriques answered questions posed by Board members with regards to wastewater issues, fire coverage and capital projects such as roads.

Jerry Muenzer, Hollister Downtown Association, expressed concern that there is no good road from Fairview to the center of town noting that Meridian Street has been dropped from the Regional Transportation Plan.

COG (Council of Governments) Executive Director Lisa Rheinheimer explained that Meridian Street extension was dropped from the 2005 Regional Transportation Plan as a result of the City of Hollister dropping it from their Circulation Element when they updated their General Plan.

Board members agreed that Meridian Street should be an artery to downtown and to make sure that this was taken into account. *File #790*

51) **Review growth projections for San Benito County through 2035.**

Planning Director Art Henriques reported that our economic sub-consultant for the General Plan Update is looking at alternative future scenarios and felt it was important to develop some initial scenarios for the General Plan Committee, the Planning Commission and the Board of Supervisor's early look and comment. Mr. Henriques stated that the economic consultant felt that AMBAG's (Association of Monterey Bay Area Governments) forecast was a little too conservative in looking at the overall growth of the four-county region.

Mr. Henriques provided an overview of the staff report, which included the AMBAG Forecast, ERA Market-Based Forecast and Hybrid Policy/Market-Based Forecast.

Chairman Botelho expressed his opinion that we just use the AMBAG Forecast and not waste so much time and money on these numbers.

Board members provided input.

Robert Brians, local resident; Jeannette Langstaff, local resident and Richard Saxe, Aromas resident, provided comments.

Supervisor Loe stated that some of the General Plan Committee members mentioned that they would like to see some of these numbers prior to a meeting so they have time to review them and are more prepared when they come to the meeting to discuss it.

BOARD ACTION: *Upon motion made by Supervisor Loe and seconded by Supervisor Monaco, directed staff to use AMBAG's Forecast. (Unanimous)*
File #790

52) **Reset a public hearing for July 7, 2009 to consider a resolution for General Plan Amendment 08-38 and an ordinance for Zone Change 08-166. Applicant: Darin Del Curto Location: 2200 Santa Ana Valley Road, San Benito County, CA. APN: 025-090-061.**

Assistant Planning Director Byron Turner requested that the Board reset this public hearing.

BOARD ACTION: *Upon motion made by Supervisor Loe and seconded by Supervisor Monaco, reset public hearing for July 7, 2009 as requested. File #790*

53) **Reset a public hearing for July 7, 2009 to consider a resolution for General Plan Amendment 08-39 and an ordinance for Zone Change 08-167. Applicant: Calera Wine Co./Josh Jensen Location: 11300 Cienega Road, San Benito County, CA. APN: 023-090-033.**

Assistant Planning Director Byron Turner requested that the Board reset this public hearing.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, reset public hearing for July 7, 2009 as requested. File #790*

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.)

Deputy County Counsel Shirley Murphy requested that an urgency Closed Session Item be added to Item #40 making it two (2) cases.

BOARD ACTION: Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios added urgency item to Closed Session Agenda as Item #40, Case 2, and made findings that it came to the attention of the County today and needs to be acted upon before the next Board meeting. (Unanimous)

The Board adjourned into Closed Session at 3:45 p.m. and reconvened into Regular Session re:

- 38) **Conference with Legal Counsel-Anticipated Litigation.**
Initiation of litigation pursuant to subdivision (c) of Section 54956.9: Number of Cases: (6)
(Discussion regarding filing small claims actions to recover unpaid debts to county)
Authorized small claims action on 5 cases. (Unanimous) File #235.6
- 39) **Conference with Legal Counsel-Anticipated Litigation.**
Significant Exposure to litigation pursuant to subdivision (b) of Section 54956.9: Number of Cases (1)
Closed session is authorized by Section 54956.9(b)(3)(c).
No final action taken. File #235.6
- 40) **Conference with Legal Counsel-Anticipated Litigation.**
Initiation of litigation pursuant to subdivision (c) of Section 54956.9: Number of Cases: (1)
Case 1: Authorized litigation to be commenced in 2 separate cases. (Unanimous)
Urgency Item – Case 2: The taking of Highway Use Tax funds if other counties commence that litigation as well. (Unanimous) File #235.6

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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 4:45 p.m. to July 7, 2009 at 9:00 a.m. for a regular meeting.

ANTHONY BOTELHO, CHAIRMAN
San Benito County Board of Supervisors

ATTEST:
Janet Slibsager
Assistant Board Clerk
Morning Session
Linda Churchill
Clerk of the Board
Afternoon Session