



# 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 SEPTEMBER 8, 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, County Counsel Matthew Granger and Clerk of the Board Linda Churchill. 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:** Charlie Scott, local resident, encouraged members of the public to apply to sit on the Senior's Council representing San Benito County. Mr. Scott asked the Board of Supervisors to help in recruiting someone locally to sit on this tri-county council stating that he is currently the only San Benito County resident on the 14 member council. The County Administrative Officer and Clerk of the Board said they would assist Mr. Scott in getting the word out and the posting process.
- d) **Department Head Announcements:** Chief Probation Officer Brent Cardall introduced Al De Vos the new Gang Prevention Coordinator. Mr. De Vos said he was glad to be here noting his office would be located at the Hollister School District Office on Cienega Road and he would be available by phone at 630-2323 and 902-7585.

Kathy Flores, Health & Human Services Agency Director, introduced Enrique Arreola, Deputy Director, who reported on the Summer Youth Program which was funded with American Recovery & Reinvestment Act (ARRA). Mr. Arreola stated the program was very successful.

Chairman Botelho asked the Planning Director where we are with the Growth Management Ordinance and Inclusionary Ordinance and when would it be agendized for Board consideration.

Planning Director Art Henriques responded that the Inclusionary Ordinance should be coming before the Board in early October 2009 but noted that this ordinance should not precede the Housing Element Revision which

should be complete sometime late in October and the Growth Management Ordinance should also be agendized sometime in October 2009.

Supervisor Monaco asked about the Hillside Ordinance.

Mr. Henriques reported that this was moving forward and final hearings should be scheduled within the next couple of months and completed by end of this year.

Supervisor Loe asked if the Inclusionary Ordinance would be coming before the Board of Supervisors for further review before it is adopted by the Planning Commission.

Mr. Henriques answered yes it would be back to the Board of Supervisors within a few weeks for input before final adoption by Planning Commission.

Supervisor Monaco stated that the Planning Commission does not make policy. That is done by the Board of Supervisors.

Supervisor De La Cruz stated that he just wants to make sure that these items get done and to send a message to the Planning Commission that it's the Board of Supervisors that set policy.

- e) **Board Announcements, Introductions and Presentations:** Supervisor Barrios reported that she attended the Inter-Governmental Committee meeting with the City of Hollister and several items were discussed and among them was spaying and neutering of animals at a low cost. Supervisor Barrios said that the City of Hollister is strapped with their budget at the present time and cannot commit any extra money for this program but they do have a program where this service is provided once a year. Supervisor Barrios stated that Supervisor Loe suggested that perhaps this matter could be discussed during our 2010-2011 budget hearings to see if some money can be allotted for this program.

Supervisor Barrios also reported that the City of Hollister's Parks and Recreation Master Plan was discussed and it was suggested that we collaborate at the Inter-Governmental meetings to discuss the plan.

Supervisor Barrios also reported that she attended, along with Supervisor Monaco, a national parks presentation in Salinas where a documentary was presented by Ken Burns and Pinnacles National Monument in San Benito County is featured

#### **CONSENT AGENDA:**

*Upon motion made by Supervisor Monaco and seconded by Supervisor Barrios, approved Consent Agenda Items 1 and 2. (Unanimous)*

#### **BOARD OF SUPERVISORS:**

- 1) **Approved** Proclamation proclaiming September 2009 as "California Birthday Extravaganza Month". (Chairman Botelho) *File #430*

#### **HEALTH & HUMAN SERVICES – K. Flores:**

- 2) **Adopted Resolution No. 2009-84** approving the Operation and Maintenance contract with the State Department of Housing and Community Development (HCD) for 2009/2010 Migrant Center Operation and Maintenance services in the amount of \$386,670 and **authorized** the HHSA Director to be the signature authority for said contract and any subsequent amendments to contract. *File #939*

**REGULAR AGENDA:**

9:25 a.m. Moved Item #5 to be heard prior to 9:30 public hearing.

**PUBLIC WORKS – S. Wittry:**

5) **Adopt Resolution approving the Parks and Recreation Facilities Naming Policy.**

Public Works Administrator Steve Wittry provided background information stating that on August 15, 2009 the San Benito County Parks & Recreation Commission prepared a naming policy which is before the Board for input and approval.

Supervisor Barrios noted an error in the first Whereas of the resolution stating that either the word an or the word a should be eliminated.

Supervisor Barrios felt that Items D, E and F of the policy are contrary to the items on A and B and felt that D, E and F should be deleted completely. Supervisor Barrios also felt that on Page 2, under Procedures, Item A talks about “contest” and that should be clarified as it sounds like it would be a prize.

Supervisor Monaco agreed with deleting D, E & F and felt that the word “contest” should be modified and phrased in such a way that we allow for the option of a prize.

Further discussion ensued.

Ray Pierce, Parks & Recreation Commission, arrived at the meeting and listened to the Board’s requests.

Supervisor Barrios suggested that on the Request Form that we add “g” – Other to Item 3.

Supervisor Monaco felt that county employees should not be eliminated for consideration. Also there should be something in there that says that prizes may be an option.

It was the consensus of the Board that a person does not need to be deceased to be recognized.

Supervisor Monaco stated that the word “contest” should be eliminated.

*The Board directed staff to take the changes made today by the Board of Supervisors to the Parks & Recreation Commission for review and bring it back to the Board for final consideration.*

Supervisor Monaco recognized the hard work of the Parks & Recreation Commission. *File #93*

**PUBLIC HEARING- 9:30 A.M. (Or as soon thereafter as the matter may be heard)**

**PUBLIC WORKS – S. Wittry:**

3) **Hold public hearing and adopt resolution imposing a property-related fee in County Service Area No. 31, Stonegate, ordering capital improvements and maintenance as described in the resolution and fee report, confirming the Fee Report, Fee Schedule and Fee, and providing for the levy of the Fiscal Year 2009/10 Property-Related Fee.**

Management Analyst Janelle Cox stated that she distributed a revised budget and fee report this morning. Ms. Cox said that the annual fee is to keep the cost down as much as possible and still provide the services required to support them. Ms. Cox stated that the revised fee received today eliminates the establishment of reserves in the CSA and reported that when we ended the fiscal year 2008-2009 Stonegate ended up with a substantial balance of approximately

\$73,000. Ms. Cox stated that at this point she was not recommending the establishment of those reserves that were in the board's packet noting the Board would see it in the revised report.

Ms. Cox stated that the revised budget also reduces the proposed budget for legal cost down to \$35,000.

Ms. Cox stated that the annual maximum fee is \$5888.02 and we are proposing a fee of \$5587.78 which is less than the annual maximum fee.

County Administrative Officer Susan Thompson stated that it includes some adjustments and it's important to know that we've done all of things we can do to make it as low as we could to meet the expectations of the homeowners.

Supervisor Barrios asked how the homeowner's would be noticed.

Ms. Cox said they would be noticed after the Board's approval today.

Chairman Botelho opened the public hearing.

Joe Thompson, local resident, referred to the handout on Page 2-4 the paragraph entitled "Cost of Living Inflater". Mr. Thompson noted a case in which it was determined that government imposed fee is not a tax. Mr. Thompson stated that the public wants the right to vote for taxes or fees. Mr. Thompson felt this undermines the principal that the taxpayers want to have the right to vote on tax increases.

Chairman Botelho clarified that the homeowners did vote on this through the Prop 218 process and included in the vote was the Cost of Living Inflater.

There were no other members of the public who wished to address the Board.

*Supervisor Loe requested that a quarterly report, as suggested during budget hearings, be agendized in October.*

**BOARD ACTION:** *Upon motion made by Supervisor Monaco and seconded by Supervisor Barrios, adopted **Resolution No. 2009-85** imposing a property-related fee in County Service Area No. 31, Stonegate, ordering capital improvements and maintenance as described in the resolution and fee report as handed out this morning, confirming the Fee Report, Fee Schedule and Fee, and providing for the levy of the Fiscal Year 2009-2010 Property Related Fee noting that the new proposed annual budget is \$406,958 and the recommended 2009-2010 fee is \$5587.78. (Unanimous) CSA 31 File / 105*

## **REGULAR AGENDA:**

### **LIBRARY – N. Conte:**

- 4) **Adopt Resolution entitled "Resolution of San Benito County Board of Supervisors authorizing the closure of the County Library on Saturdays for fiscal year 2009-2010".**

Nora Conte, County Librarian, read from a prepared document the reasons for recommending the closure the County Library on Saturdays. Ms. Conte noted that Saturdays are the least usage days and the Library would be open until 8 p.m. on Tuesdays and Thursdays for those who cannot get to the Library during the day.

Supervisor Monaco stated that this was a tough decision but the wisest decision that could be made.

*Supervisor Monaco felt that a discussion should be brought back to the Board with regards to rationale for the fees that were imposed for use of the*

*Barbara Memorial Room stating that basically this room was donated by a private citizen for citizen's use.*

Further discussion ensued.

Marty Richman, local resident, said he believes that this is a grievous error to cut library hours as it affects the future of education in San Benito County.

Board members expressed their frustration for having to reduce library hours but due to budget constraints it is the best way to reduce costs.

**BOARD ACTION:** *Upon motion made by Supervisor Barrios and seconded by Supervisor De La Cruz, adopted **Resolution No. 2009-86** authorizing the closure of the County Library on Saturdays for fiscal year 2009-2010. (Unanimous)File #80*

6) **Adopt Resolution declaring the results of the County Service Area (CSA) mail ballot election conducted on August 25, 2009.**

Management Analyst Janelle Cox provided background information noting that the required hearings and majority protests were completed. Ms. Cox reported that three County Service Areas, Dunneville, Rancho Larios and Cielo Vista did protest the fee. Ms. Cox reported we then ended up with 20 CSA's participating in the mail-ballot election which was for non-water or wastewater treatment services. Ms. Cox reported that there were 745 parcels that could have participated in the mail-ballot election and we received 345 ballots or 46% participation. Ms. Cox stated that results of that election were: two CSA's, Union Heights and Santa Ana, approved the fee leaving 18 CSA's voting down a property related fee to provide their services.

Ms. Cox stated that the recommendation is that we immediately cease the non-essential services that are provided for these CSA's. The non-essential services are street lights, landscaping services and road maintenance services. Ms. Cox stated that one of the services provided that is considered essential is storm drainage maintenance and we are recommending that we continue to provide these essential services from the fund balances available in the CSA's.

Ms. Cox reported that there are fund balances available, except for three, to provide the storm drainage maintenance services for Fiscal Year 2009-10 and for those CSA's we will need to loan them the dollars if we continue those service for them.

Ms. Cox stated we intend to immediately, after today's meeting, respond and let those CSA's know that the services are stopping immediately and they need to meet with us and give them the opportunity to provide those services.

Discussion ensued and staff answered questions posed by Board members.

Supervisor Loe felt that since lighting is a safety issue the homeowners should be given a certain amount of time before ceasing service.

Ms. Cox indicated that letters to homeowners will give date when services would cease.

Joe Thompson, local resident, expressed his opposition to fee increases and stating that we should shrink government.

Ray Pierce, Ashford Circle, stated that they are the only development who gave up their CSA which was turned back into their own homeowner's association. Mr. Pierce stated that there are some miscommunications and people need guidance noting there is another option which would be to roll over a CSA over to CSG (County Service Group).

**BOARD ACTION:** Upon motion made by Supervisor Monaco and seconded by Supervisor Barrios, adopted **Resolution No. 2009-87** declaring the results of the mail ballot election conducted on August 26, 2009, imposing the property-related fees in CSA No. 24 (Santa Ana Acres) and CSA No. 35 (Union Heights), and rejecting the property-related fees for County Service Area Nos. 16, 19, 21, 23, 25, 28, 30, 31 (non-water related services), 33, 34, 42, 46, 47, 48, 29, 51, 53, and 54; and directed staff to immediately cease the provision of nonessential services, including street lighting, landscaping maintenance, recreation and park maintenance, and road maintenance; and, directed staff to set meets with each CSA that rejected the property-related fees to identify available fund balance, maintenance services, and reach agreement on the provision of those services. (Unanimous) *CSA File / 105*

10:45 a.m. The Board adjourned for a break and reconvened at 10:50 a.m.

**ADMINISTRATION:**

- 7) **Adopt Resolution recommending the Administrative Office of the Courts make every effort to ensure the new courthouse construction project invites and encourages local contractors, trades and material suppliers to submit bids for the project.**

Supervisor Loe thanked staff for the well written resolution. Supervisor Loe stated that as public officials they want to have local sub-contractors at least be considered for some of these jobs.

*Supervisor Loe stated she would like to see this resolution go out to everybody on the management team and asked the Chairman to send a personal letter asking that we get quarterly feedback as to how the task of considering locals is moving along.*

*Supervisor Loe also requested that a letter be sent to Assemblymember Caballero and Senator Denham with the resolution asking them for any assistance they can get from Sacramento.*

It was the consensus of the Board to support this effort.

**BOARD ACTION:** Upon motion made by Supervisor Loe and seconded by Supervisor Monaco, adopted **Resolution No. 2009-88** and directed staff to send letters signed by Chairman Botelho to the courts and Assemblymember Caballero and Senator Denham as previously mentioned. *File #595*

- 8) **Consider and direct staff regarding reschedule of Board Retreat dates.**

County Administrative Officer Susan Thompson asked what the Board would like to accomplish in terms of having retreats and how the Board views them in general and if they choose to continue having retreats we'll need to pick dates.

Supervisor Monaco supported retreat settings and feels they are essential for team building and thinks there should be two retreats per year, possibly in January and mid-year.

Discussion ensued and it was the consensus of the Board to hold one or two retreats per year and felt they were important.

*It was decided to hold a Retreat on January 21, 2010 and allow the Chairman for 2010 call the second retreat at a later date in 2010 and directed staff to bring 2010 calendar to the Board for approval. File #156*

**HEALTH & HUMAN SERVICES – K. Flores:**

9) **Receive report on State Budget impacts to local Social Services programs.**

Health & Human Services Director Kathy Flores stated that she handed out a one page summary titled “Major Changes to Social Services Programs, State Budget FY 2009-2010 and also a matrix titled “Combined Budget Issue Matrix”. Ms. Flores followed the summary reporting on the FY Year 2009-2010 changes to CalWORKS; Child Welfare and In Home Supportive Services (IHSS).

Ms. Flores reported about a 4% reduction to Cal Works; a 10% cut to Child Welfare noting a big hit to social workers; and elimination of some IHSS services to clients.

Ms. Flores answered questions posed by Board members.

CAO Thompson stated that a lot of these changes and cuts were not thought out at the state level and they haven’t rolled out the how to make these changes therefore this is an unplanned and inefficient way to approach this process. *File #130*

**PLANNING DEPARTMENT - A. Henriques:**

10) **Review and comment on the “Quarterly Progress Report” on the tasks completed to date by TRA Environmental Sciences Inc. consulting firm for the County’s Habitat Conservation Plan (HCP) Feasibility Study.**

Planning Director Art Henriques noted this was the first quarterly update stating that the Board approved a contract in June 2009 for this study. Mr. Henriques reported that we are on an eight month contract with TRA a consulting firm that has previously worked with County. TRA is working with staff and key stakeholders, both locally and regionally, to look at alternatives that meet State law requirements for handling the protection of threatened and endangered species. Mr. Henriques referred to a Table included in the Board’s report titled “First Quarterly Report Deliverables”.

Mr. Henriques answered questions and noting that the \$50,000 approved for this contract was zero cost to County. *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.)*

11) **Public Employee Discipline / Dismissal / Release**

Authority: Government Code Section 54954.5

Consider Complaints or Charges Against a Public Employee

**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 at 12:20 p.m. to September 22, 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