



# SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios  
District No. 1

Anthony Botelho  
District No. 2  
*Chair*

Pat Loe  
District No. 3

Reb Monaco  
District No. 4  
*Vice-Chair*

Jaime De La Cruz  
District No. 5

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

## REGULAR MEETING DECEMBER 15, 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 Assistant Clerk of the Board Janet Slibsager. Chairman Anthony Botelho presided.

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

- a) Supervisor Barrios led the Pledge of Allegiance.

A moment of silence in memory of former San Benito County Planning Commissioner Jack Kent.

- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*

### **PRESENTATIONS & RECOGNITIONS:**

- c) **Present Certificate of Recognition to Claudia Arnold, Community Health Nurse, in appreciation for her 19.5 years of service and dedication to the County.**

Supervisor Loe presented Certificate of Recognition to Community Health Nurse Claudia Arnold for over 19.5 years of service to San Benito County. *File #130*

- d) **Adopt Resolution acknowledging and supporting the California Women for Agriculture 2010 Convention to be held Jan 8-10, 2010 in San Benito County. (Supervisor Barrios)**

**BOARD ACTION:** *Upon motion made by Supervisor Botelho and seconded by Supervisor Barrios, adopted Resolution No. 2009-117 acknowledging and supporting the California Women for Agriculture 2010 Convention to be held January 8-10, 2010 in San Benito County.*

*Supervisor Barrios presented resolution to Kristina Chavez Wyatt a representative for California Women for Agriculture.*

*Supervisor Barrios announced that the Convention would be taking place January 8-10, 2010 in San Benito County.*

- e) **Public Comment:** Robert Scoles announced that on December 18, 2009 the Community Service and Workforce Development would be having their annual Christmas Party for Homeless Families which is through the Winter Shelter Program in San Benito County. Mr. Scoles said that staff is looking for volunteers and donations of food, toys, clothing etc. for those housed in this program. Mr. Scoles placed information in the back of the Board chambers for those who were interested.
- f) **Department Head Announcements:** County Administrative Officer Susan Thompson announced that this was the last Board meeting of the season and the next Board meeting would be January 12, 2010.  
Ms. Thompson said that she appreciated working with Chairman Botelho and looked forward to working with the new chairman.  
Planning Director Art Henriques announced that tonight at 6:30 p.m. a Model Landscape Ordinance Workshop presented by the Department of Water Resources would be held at the City Council Chambers. On December 16, 2009 at 6:30 p.m. to 8:00 p.m. at the Veterans Memorial Building there would be a community meeting hosted by County Planning Department to get input on the notice of preparation for the draft and environmental impact report for the Santana Ranch Project.
- g) **Board Announcements, Introductions and Presentations:** Supervisor Barrios thanked Management Analyst Janelle Cox for attending a CSA meeting with her. Supervisor Barrios also thanked administrators and directors who provided a presentation for at risk students from San Andreas High School and San Benito High School at the San Benito County Board Chambers.  
Supervisor Loe announced that on December 18, 2009 from 9:00 a.m to 11:00 a.m. there would be an Open House for the Esperanza Center that is moving to a new location (544 San Benito Street, Hollister, CA).  
Supervisor Monaco also thanked Janelle Cox and Public Works Administrator Steve Wittry who accompanied him at one of the CSA meetings in his district. Supervisor Monaco said that he took Public Works Administrator Steve Wittry out to the New Idria Mines to show him the road conditions in South County.  
Supervisor De La Cruz congratulated Victor Gomez who was elected City Hollister Mayor.  
Chairman Botelho announced that he attended the League of Cities meeting on December 14, 2009 in Hollister and said that the leadership that comes out of this County is phenomenal. Chairman Botelho expressed gratitude to Victor Gomez and believes he is going to do great job representing the City of Hollister.  
Chairman Botelho announced that on December 18, 2009 is the Annual San Juan Bautista Bond Fire would be held and encouraged everyone to attend.

#### **CONSENT AGENDA:**

*Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco, approved Consent Agenda Items 1 through 26, with the exception of items 4, 5, 10 and 13 that were pulled for discussion. (Unanimous)*

**AGRICULTURAL COMMISSIONER – R. Ross:**

- 1) **Approved** contract with the California Department of Food & Agriculture for the Light Brown Apple Moth (LBAM) trapping services for the FY 2009/2010. *File #1.1*

**ADMINISTRATION:**

- 2) **Approved** the prepared response to Grand Jury Report dated September 5, 2009 and authorize Chair to sign. *File #605*

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

- 3) **Approved** the action minutes of the November 3, 2009, November 10, 2009 meeting and the special meeting of November 23, 2009.

**CLERK, AUDITOR & RECORDER – J. P. Gonzalez:**

- 4) **Approve budget transfers as part of the June 30, 2009 Year-End Closing Adjustments.**

Clerk, Auditor, Recorder Joe Paul Gonzalez explained that this item is an annual item in regards to year end department's budget adjustments and this would adjust items for the FY 2008/2009.

Supervisor De La Cruz asked if there were some type of over run procedure.

Mr. Gonzalez explained the procedure.

Supervisor Loe said that she would like to have this come back the first meeting in January 2010 with each department explaining why there were overruns.

*Chairman Botelho concurred with Supervisor Loe and said that we are due for a budget update in January.*

Supervisor Barrios voiced concern with less revenue and more expense that was not budgeted.

**BOARD ACTION:** *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco, **approved** the attached Budget Adjustment/Transfer form in the amount of \$1,443,898 from the FY 2008-2009 General Fund Appropriation for contingencies and the Auditor's Budget to the various budget units within the General Fund and Other Funds; **recognized** the attached Unreceived Revenues in the amount of \$473,029 from the various operating funds for FY 2008-2009 increasing Net County Cost or Use of Ending Fund Balance. (Unanimous) File #865*

**COUNTY FIRE DEPARTMENT - P. Avila:**

- 5) **Approve purchase for the Type 1 Fire Engine from Ferrara Fire Apparatus in the amount of \$359,382 plus tax.**

Supervisor Barrios asked if we were putting another fire engine out of commission and where would this fire engine be located.

Management Analyst Margie Riopel replied that this would be for a new fire engine that would be located at Hollister Fire.

**BOARD ACTION:** *Upon motion made by Supervisor Barrios and seconded by Supervisor Monaco, **approved** purchase for the Type 1 Fire Engine from Ferrara Fire Apparatus in the amount of \$359,382 plus tax. (Unanimous) File #60*

**FIRST FIVE CHILDREN & FAMILIES COMMISSION – K. Castillo:**

- 6) **Appointed** Cindy Lerma to the First Five San Benito Children and Families Commission for a term of three years beginning January 1, 2010. *File #155*
- 7) **Appointed** Dr. David M. Redman to the First 5 San Benito Children and Families Commission for a term of three years beginning January 1, 2010. *File #155*

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

- 8) **Augmented** HSA Budget Unit by \$423,471 recognizing \$423,471 in revenues and \$423,471 in expenditures; **approved** TANF ECF Work Site Agreement Template and **authorized** HHSA Director or the Deputy Director of CSWD to sign. (4/5 vote) *File #130*
- 9) **Approved** MOU with Court Appointed Special Advocates (CASA) of Monterey County to provide advocacy services to children in the juvenile dependency system for the period of June 1, 2009 to June 1, 2011. *File #130*
- 10) **Approve contract with First 5 San Benito Children and Families Commission for H1N1 Vaccine Campaign for the period of December 15, 2009 through July 30, 2010 in the amount of \$55,478.**

Supervisor De La Cruz asked if the funding could be used to purchase the vaccine instead of using those dollars to educate.

Health & Humans Services Director Kathy Flores replied that the vaccine they receive is free.

**BOARD ACTION:** *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios, approved contract with First 5 San Benito Children and Families commission for \$55,478 for the term of December 15, 2009 through July 30, 2010 for an H1N1 vaccine campaign. (Unanimous) File #130*
- 11) **Approved** contract amendment with Janette Simin for contracted H1N1 Nursing Services in the amount of \$29,400 for the period of November 3, 2009 to May 31, 2010 and **authorized** the HHSA Director to sign said contract. *File #130*
- 12) **Approved** contract with the Hollister Youth Alliance for Tobacco Peer Education and Outreach Program for Youth for the period of December 15, 2009 to June 30, 2010 in the amount of \$25,000 and **authorized** the HHSA Director to sign said contract. *File #130*
- 13)
  - 1) **Approve and adopt the Workforce Investment Act (WIA) Adult Work Experience Agreement Template and authorize the Director of HHSA and/or the Deputy Director of CSWD to enter said contracts on the county's behalf.**
  - 2) **Approve and ratify the Adult Work Experience training agreement with TekNova effective December 7, 2009 through March 15, 2010 and authorize Director of HHSA or the Deputy Director of CSWD to sign.**
  - 3) **Add the Deputy Director of CSWD as an authorized signer to enter into contracts for the approved Youth Work Experience Agreement template.**

Supervisor De La Cruz had a question in regards to the effective date of the contract already being in effect as of December 7, 2009.

Enrique Arreola provided clarification as to why the effective date was for the December 7, 2009.

**BOARD ACTION:** Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco, **approved** items 1 through 3 as specified on the agenda item transmittal. (Unanimous) File #939

**INTERNAL SERVICES – R. Inman:**

- 14) **Approved** the Memorandum of Understanding with CSAC Excess Insurance Authority and the Stabilization Agreement with Delta Dental, CSAC Excess Insurance Authority for Dental Program and **authorized** Internal Services Director to sign. File #630
- 15) **Approved** the agreement with CMAP to continue to provide services for the county with a term to begin on December 15, 2009 through December 15, 2014. File #630
- 16) **Approved** the Release of Claims Agreement regarding Charter Franchise Fees. File #630
- 17) **Approved** the contract with William S. Patterson for professional data base computer services for a term beginning December 15, 2009 through June 30, 2010 for an amount not to exceed \$50,000. File #119.1
- 18) **Approved** renewal agreement with Liebert Cassidy Whitmore for training and consulting services for the period of January 1, 2010 through December 31, 2010. File #630

**PROBATION DEPARTMENT – Brent Cardall:**

- 19) **Approved** and **authorized** Chief Probation Officer to sign and submit a grant application to the California Emergency Management Agency (CalEMA) for the Evidence-Based Probation Supervision Program in the amount of \$113,000 for Fiscal years 2009-2012. File #510

**PUBLIC WORKS DEPARTMENT – S. Wittry:**

- 20) Adopted **Resolution No. 2009-13** taking action related to construction of CSA No. 31 (Stonegate), test well, including but not limited to, acceptance of all proposals; award of contract to Guardino Well Drilling, Inc. in an amount not to exceed \$111,102; authorization of change orders not to exceed \$11,110; approval of letter of understanding for access to Granite Rock property and making related CEQA findings. File #CSA#31/105
- 21) **Approved** the specifications and bid documents for pavement striping services. File #105
- 22) **Approved** the appropriation of General Fund Contingency in the amount of \$10,000 for inspection and repairs to Stonegate CSA 31 Potable Water Supply Tank. (4/5 vote) File #CSA #31/105.3
- 23) Adopted **Resolutions No. 2009-114 and No. 2009-115**, to apply for Energy Efficiency Conservation Block Grant and Low Interest Loan Program through California Energy Commission. File #105.3

- 24) **Found** that competitive bidding would not be in the public interest for the purchase of a modular office building, because Hazel Hawkins Memorial Hospital will accept the amount of \$1.00 for a modular office building; **ratified** the purchase of a modular office building in the amount of \$1.00; **approved** the Budget Adjustment transferring appropriated budget from the Demolition of 3276 Southside Road project. *File #105.3*

#### **SHERIFF'S DEPARTMENT – C. Hill:**

- 25) **Approved** the purchase of an ice machine for a total amount of \$3,267 (includes tax) from American Supply Company; and **amended** the Schedule of Fixed Assets; **approved** the augmentation of budget unit increasing expenditures (fixed assets/equipment) in the amount of \$3,267 and revenue in the same amount. *File #110*
- 26) **Approved** Amendment No. 3 to the Aramark contract originally approved December 16, 2006 authorizing the annual CPI increase of 3.22%. *File #110*

#### **REGULAR AGENDA:**

##### **ADMINISTRATION:**

- 27) **Receive report from the San Benito County Business Council and provide direction to staff if necessary.**

Larry Barr, President of the San Benito County Business Council, provided a report and handout in regards to Business Council recommendations on the state of the local economy and offer strategies to stabilize and improve the local situation.

Discussion ensued by Board, staff and Mr. Barr.

Marty Richman, Local resident said that we haven't seen the worst of this because the housing market and the property tax money are not going to be there. You cannot provide services with money that you don't have.

Mr. Barr said that the Business Council appreciated the time that the Board of Supervisors had given them.

Supervisor Loe said that she would like to have this item placed on the agenda for the Board Retreat in January.

**BOARD ACTION:** *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios, moved to have this topic placed on at the Board of Supervisors Retreat agenda in January for full discussion and direction and bring back to the Board of Supervisors in February. (Unanimous) File #119*

#### **9:00 A.M. PUBLIC HEARING (Or as soon thereafter as the matter may be heard)**

##### **INTERNAL SERVICES:**

- 28) **Hold a public hearing introducing a new ordinance amending Chapter 7.05 of Title 7 of the San Benito County Code by adding a new Article II "State Video Service Franchises" to that Chapter. Waive the reading of the ordinance; continue to January 12, 2010 for adoption of said ordinance.**

Management Analyst Margie Riopel provided information in regards to the new ordinance amending Chapter 7.05 of Title 7 of San Benito County Code, State Video Service Franchise.

Chairman Botelho opened the Public Hearing there was no one from the public who addressed the Board.

Chairman Botelho closed the Public Hearing.

**BOARD ACTION:** *Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, **waived** the reading of the ordinance; **continued** the Public Hearing to January 12, 2010 for adoption of the ordinance. (Unanimous) File # 119.2*

## **REGULAR AGENDA (Continued):**

### **COUNTY COUNSEL – M. Granger:**

**29) Status report in regards to payment of arbitration award of \$70,000 to County of San Benito by John and Jae Eade.**

Acting County Counsel Barbara Thompson provided information in regards to the \$70,000 owed to San Benito County by John and Jae Eade.

Ms. Thompson said that Council for Eade had mentioned that they would pay this award by December 31, 2009.

Discussion ensued by Board and staff.

Chairman Botelho said that the Eade's are not the victims, noting this has been going on for several months and they have not made any good faith effort to pay this bill so that is why direction has been given to staff to move forward in collecting this award. *File #160*

### **HUMAN RESOURCES – J. Credico:**

**30) Approve Resolution regarding the County Contributions for the Retirement Benefit for the Elected Sheriff.**

Management Analyst Jacki Credico provided information in regards to the County Contributions for the Retirement Benefit for the Elected Sheriff.

Discussion ensued by Board and staff.

**BOARD ACTION:** *Upon motion made by Supervisor Barrios and seconded by Supervisor Monaco, **approved Resolution No. 2009-116**, regarding the County Contribution for the Retirement Benefit for the Elected Sheriff. (Unanimous) File #110*

### **PLANNING DEPARTMENT – A. Henriques:**

**31) Approve the third amendment to the environmental services agreement with Pacific Municipal Consultants (PMC), in an additional amount not to exceed \$23,061, for on-going planning services related to the preparation of an EIR for the Santana Ranch Specific Plan application.**

Planning Director Art Henriques provided information in regards to the service agreement with Pacific Municipal Consultants (PMC) for the Santana Ranch Specific Plan stating that this was the third amendment.

Discussion ensued by Board and staff.

Frank Guerra, Santana Ranch, said that they have had a lot of meetings on this and appreciate the concern. Mr. Guerra said that they don't want to pay but stated that they want to get the project going.

**BOARD ACTION:** *Upon motion made by Supervisor Monaco and seconded by Supervisor Barrios, **approved** the third amendment to the environmental services agreement with Pacific Municipal Consultants (PMC) in an additional amount not to exceed \$23,061 for on-going planning services related to the*

preparation of an EIR for the Santana Ranch Specific Plan application; and **authorized** the Board Chair to sign the amendment. (Unanimous) File #790

**32) Receive staff report on the work scope for consultant time to assist County review of the draft Resource Management Plan and EIS for the Clear Creek Management area at an initial cost of \$9,900 and provide direction.**

Planning Director Art Henriques provided a report on the consultant work needed to assist County review of the draft Resource Management Plan and EIS for the Clear Creek Management Area.

Mr. Henriques mentioned that the Bureau of Land Management (BLM), Hollister Field Office has begun a public comment period on the draft Resource Management Plan and the Environmental Impact Statement (EIR) for the Clear Creek Management Area in South County. Mr. Henriques said that there is a 90 day comment period and comments need to be back to BLM no later than March 5, 2010. Mr. Henriques said that he would have another update for the Board in January 2010.

Discussion ensued by Board and staff.

*Chairman Botelho provided direction that the Board would like to have a dialog as to what to do with the county roads through the Clear Creek area to bring back suggestions to the Board to present to BLM. ( Unanimous) File #790*

**33) Authorize staff to reduce costs for the General Plan Update by amending contracts with David Powers & Associates, TRA and Todd Engineers for a total general fund savings of \$120,263; and direct staff to review a potential savings with use of habitat funds.**

Planning Director Art Henriques provided a revised Agenda Item Transmittal to show changes in dollar figures referencing potential savings if we use habitat money. Mr. Henriques explained General Plan Update Budget reductions on how costs can potentially be reduced for the General Plan Update project and recommended to the Board to continue the General Plan Update process.

Discussion ensued by Board and staff.

**BOARD ACTION:** *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Loe with regards to Item #1 of the recommended action moved to go out and get another consultant for EIR work; and **agendized** Item #2, 4 & 5 for the recommended action for the Board's Retreat on January 21, 2010 for discussion.*

*Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco with regards to Item #3, **authorized** staff to amend the General Plan Update consultants contract to add Todd Engineers as a sub-consultant for water supply analysis and EIR work. (Unanimous) File #790*

**BOARD OF SUPERVISORS:**

**34) Report on California State Association of Counties (CSAC) Annual Meeting. (Supervisor Monaco)**

Supervisor Monaco announced that he attended the Annual California State Association of Counties (CSAC) meeting on November 17-20, 2009 in Monterey, California. Supervisor Monaco provided information in regards to the sessions that he attended and mentioned some of the highlights that were discussed.

Supervisor Monaco announced that at the January 2010 CSAC meeting they would be discussing the Williamson Act issues pertaining to alternative energy and compatible uses and the future of the program. Supervisor Monaco said that he would be attending this meeting and would keep the Board and public updated.

Supervisor Monaco announced that all the materials relevant to this report would be available with the Clerk of the Board, Administrative Office, 481 Fourth Street, Hollister, California for review.

Supervisor Barrios said she attended the session in regards to the future of health care and provided information.

Supervisor De La Cruz said that he attended the session in regards to AB811 Alternative Solar Energy and provided information. *File #1110*

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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 to January 12, 2010 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  
By: Janet Slibsager, Assistant Board Clerk