



SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios
District No. 1

Anthony Botelho
District No. 2

Pat Loe
District No. 3
Vice-Chair

Reb Monaco
District No. 4
Chair

Jaime De La Cruz
District No. 5

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

REGULAR MEETING FEBRUARY 23, 2010 ACTION MINUTES

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in *regular session*. Supervisors Botelho, Loe, Barrios, De La Cruz and Monaco were present. Also present was County Administrative Officer Susan Thompson, Assistant County Counsel Barbara Thompson and Clerk of the Board Linda Churchill. Chairman Reb Monaco presided.

9:00 a.m. CALL TO ORDER:

- a) Supervisor De La Cruz led the Pledge of Allegiance.

A moment of silence was held in memory of County Counsel Matt Granger's father who passed away.

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

PRESENTATIONS & RECOGNITIONS:

- c) **Present Certificate of Recognition to Nancy Bozzo who is retiring after over 9 years of service with the San Benito County Public Works Department.**

Chairman Monaco presented Certificate of Recognition to Nancy Bozzo who accepted the plaque stating it was actually 12 years of service.

- d) **Public Comment:** Irma Rodriguez, speaking on behalf of Home Care Providers (IHSS), requested support from the Board of Supervisors regarding their contract which would be discussed in Closed Session and thanked the Board for their continued support.

Lisa Faulkner, H1N1 Coordinator, provided some key dates and handed out a schedule for rural school visits and explained how she strategizes her visits with students and parents.

Lydia Zendejas, speaking on behalf of LULAC, stated that a 20 year reunion for the San Benito County LULAC Youth Council was held on Saturday stating there were many community leaders attending and it was a great celebration.

Joe Thompson, local resident, stated there were several reasons why taxpayer abuse alerts should be issued stating that he discovered that in his CSA (County Service Area) there has been illegal activity on behalf of two county employees which he feels taints the Proposition 218 process.

Mr. Thompson also commented with regards to the Mobility Partnership Committee meeting which he feels is making decisions unconstitutionally.

Chairman Monaco responded with a prepared statement to the CSA issue that Mr. Thompson raised stating that the County does not concede that any legal advice was in fact provided by non attorneys; however, the County has taken steps to insure that its staff is aware of the fine line between providing information to the public and having staff, who are not attorneys, provide information which could be construed as legal advice. The County Counsel's Office has met with the Public Works Department and counseled them against providing any legal advice to the public. Staff was further informed to notify CSA residents that they are not attorneys and cannot provide any legal advice and that homeowners need to seek an attorney if they want representation on any legal matters. Chairman Monaco concluded by stating that the office of the County Counsel has also indicated that it is willing to be present at any future meetings when legal issues are anticipated to be discussed.

Marty Richman, local resident, commented with regards to the economic situation in our county and also addressed the issues of the road repairs that are so needed in many areas.

- e) **Department Head Announcements:** County Administrative Officer (CAO) Susan Thompson announced that she has been invited by RCRC (Regional Council of Rural Counties) to attend and be on a panel in front of the Senate Local Government Committee in Sacramento on March 3, 2010 representing small counties and the topic is the Williamson Act, past, present and future. CAO Thompson said she would report back to the Board after attending.

Management Analyst Margie Riopel reported that the California Energy Commission announced the recipients of the State Energy Program grant funds. Ms. Riopel stated that San Benito County will be among the counties who will receive funds.

- f) **Board Announcements, Introductions and Presentations:** Supervisor Loe reported that she and Supervisor Botelho attended the Mobility Partnership meeting stating she felt it was important and it is something we need to do. Supervisor Loe stated that the next meeting will be held in San Benito County in the near future and she invited all the public to attend. Supervisor Loe noted that any item that requires a vote will come back to the full Board of Supervisors.

Supervisor Loe also reported that the new Courthouse has moved on to the next phase and hopefully they will be breaking ground by the end of this year and we'll have a new courthouse by 2012.

Supervisor Botelho stated that there is no question that we have a regional transportation problem and through the corridor partnership information is gathered and then comes back to Board of Supervisors for vote.

Supervisor Botelho reported that he and Supervisor Barrios have met with staff on the Inclusionary Housing Ordinance and they are currently working on the wording and he and Supervisor Barrios would be attending the General Plan Revision Advisory Committee meeting tomorrow evening.

Supervisor Botelho thanked the Sheriff's Office for a very nice dedication ceremony that he attended yesterday at the San Juan School with regards to a Sheriff's sub-station. Supervisor Botelho stated this was a great partnership

between the school and the County and City of San Juan Bautista to provide a presence in town.

Supervisor Botelho also stated that the county strives to save on energy costs and he met with a solar company last week that might be good thing for the county to move towards and would be positive for the community.

Supervisor Barrios thanked Lydia Zendejas, who spoke under public comment, noting that the county has been a partner in helping some of the youth that were recognized at the LULAC Youth Council reunion.

Supervisor Barrios stated that she also attended the Sheriff Sub-Station kick-off stating that it was a nice event.

Supervisor Barrios also reported that she and Supervisor Botelho are working on the Inclusionary Housing Ordinance and they are in hopes to bring it to the entire Board of Supervisors in a few weeks.

Supervisor Barrios reported that she attended the Clear Creek Management Area Social Economic workshop yesterday along with Supervisor Monaco. Supervisor Barrios stated that the closure of the Clear Creek Area has been a total injustice for the businesses in San Benito County.

Supervisor De La Cruz thanked the HHSA staff and Supervisor Loe for hearing testimony from staff as to what the poor in our community are facing.

Supervisor De La Cruz stated he has confidence that Supervisors Botelho and Loe are representing the County well with regards to transportation issues and that they will report back to the full Board.

Chairman Monaco reported that he serves on the new Courthouse site committee with Supervisor Loe and they are moving rapidly forward.

Chairman Monaco stated he was also proud of the Sheriff's Sub-station in San Juan Bautista and it was a good partnership.

Chairman Monaco thanked Supervisors Botelho and Barrios for their work on the Inclusionary Housing Ordinance.

Chairman Monaco reported that he also attended the meeting on the economic impact of closing the Clear Creek Management Area stating that this closure is of significant impact to the community.

Chairman Monaco also reported that he met with Nancy Martin, Executive Director of the Economic Development Corporation (EDC), to discuss the interest of a couple of businesses that are interested in coming to San Benito County which would bring in needed jobs.

Chairman Monaco referred to a form letter that the supervisors received from the Governor basically addressing our county and stating that he (the Governor) is committed to expediting renewable energy projects to help California meet mutual goals of economic development and economic protection.

CONSENT AGENDA:

Upon motion made by Supervisor Loe and seconded by Supervisor Barrios, approved Consent Agenda Items 1 through 15 with the exception of Item #5 which was pulled for discussion. (Unanimous)

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

- 1) Adopted **Resolution No. 2010-16** authorizing the County Clerk to render election services for County Service Area (CSA) Mail Ballot Election to be held on May 4, 2010. *File #285*

- 2) **Approved** contract with Transcend for translation of election materials for the upcoming June 8, 2010 Primary Election, the County Service Area (CSA) Election be held on May 4, 2010 and for the November 2, 2010 General Election. *File #285*

CLERK OF THE BOARD – L. Churchill:

- 3) **Approved** the action minutes for the January 26, 2010 and February 2, 2010 regular meetings.

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 4) **Adopted Resolution No. 2010-17** accepting the 2010 Community Services Block Grant (CSBG) and **authorizing** the HHSA Executive Director to approve and sign the grant agreement and any amendments pertaining to such grant (\$21,430). (CSWD) *File #939*

- 5) **Approve the second amended Joint Exercise of Powers Agreement with the California Statewide Automated Welfare System Consortium IV; approve the updated C-IV Memorandum of Understanding (MOU); and authorize the Chair to sign.**

This item was pulled for discussion.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor De La Cruz, approved Joint Exercise of Powers Agreement as recommended. File #130*

- 6) **Adopted Resolution No. 2010-18** accepting the 2010 Low Income Heating Energy Assistance Program grant and **authorizing** the HHSA Executive Director to approve and sign grant agreement and any amendments pertaining to such grant (\$19,205). (CSWD) *File #939*

LONG TERM CARE COMMISSION – B. Pate:

- 7) **Re-appointed** the following Long Term Care Commission members with terms to be effective 01/01/2010 through 12/31/2012: Patsy Pence, Daphne Weaver, Barbara Pate, John Beleutz, Terry Hancock and Linda Robinson. *File #1042*

PROBATION DEPARTMENT – B. Cardall:

- 8) **Approved** contract with Corrections Software Solutions, L.P. for case management application software and support services for the period of February 23, 2010 through February 22, 2013 in the amount of \$70,192 and **approved** budget transfer in the amount of \$5,226. *File #510*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 9) **Declared** vehicles and equipment as surplus and direct staff to remove it from inventory. *File #105*
- 10) **Appointed** Jesse Garza to the San Benito County Parks and Recreation Commission for a one-year term effective February 23, 2010. *File #93*
- 11) **Approved** the plans, specifications and bid documents for the West and 4th Street Parking Lot Improvements Project. *File #105*

- 12) **Approved** the San Benito County Parks and Recreation Commission By-Laws. *File #93*
- 13) **Adopted Resolution No. 2010-19** approving delegation of authority for executing California Department of Transportation (CALTRANS) documents. *File #105.2*

SHERIFF-CORONER – C. Hill:

- 14) **Approved** budget augmentation in the amount of \$48,481.00 for Sheriff's UNET budget recognizing increased grant funding. *File #110*

REGULAR AGENDA:

ADMINISTRATION:

- 15) **Receive report from the Local Census Bureau representatives as to the 2010 Census Count activities in San Benito County.**

Estella Espinosa, Partnership Assistant for the US Census Bureau, provided handouts and reported that they are basically, as a partnership team, outreaching to our communities to let them know that the Census is coming and the importance of the Census and to make sure that everyone gets counted. Ms. Espinosa talked about their purpose and key messages.

Ms. Espinosa stated that they are recruiting for enumerators for the Census and the number to call if interested is 1-866-861-2010.

Supervisor Loe suggested that this telephone number be placed on the County's website.

Lydia Zendejas, National Association of Latino Elected Officials representative for the Tri-County region, supported Ms. Espinosa and stated that it was crucial that we have Census assistance centers here in San Benito County.

Mike Sanchez, Superintendent of Schools, stated that every effort that we put forth for the Census results in more services to kids and others in need. *File #119*

COUNTY COUNSEL – M. Granger:

- 16) **Approve reimbursement agreement with Solargen Energy, Inc. dated February 23, 2010.**

Assistant County Counsel Barbara Thompson provided background information stating that this agreement has two primary purposes. First to insure that the County expenses and processing of the application are totally recovered and secondly it sets forth details regarding indemnification and defense of the County in the event that the County is sued arising from the processing or potential approval of the application. Ms. Thompson stated that Solargen has reviewed the agreement and have agreed.

Mike Petersen, Solargen representative, came forward stating that he has truly enjoyed working with County Counsel's Office and working towards addressing their concerns. Mr. Petersen stated that the need to protect the County and their expenses is important. Mr. Petersen asked that with regards to the next item pertaining to the Aspen Environmental Group contract that a

maximum amount is set for Solargen's expenses for this third party consultant and encouraged that it be looked at prudently.

Assistant Counsel Barbara Thompson and County Clerk/Auditor/Recorder Joe Paul Gonzalez answered questions posed by Board members and the Board provided input.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor Loe, approved the Reimbursement Agreement with Solargen Energy Inc., dated February 23, 2010 and authorized the Chair to sign said agreement. (Unanimous) File #160*

The Board adjourned for a break at 10:20 a.m. and reconvened at 10:30 a.m. re:

PLANNING DEPARTMENT – A. Henriques:

17) **Approve Amendment No. 2 to the contract with Aspen Environmental Group for environmental and fiscal review services not to exceed \$779,391.**

Planning Director Art Henriques provided background information stating this item follows the Reimbursement Agreement with Solargen and the County. Mr. Henriques explained that this Amendment #2 would allow Aspen to assist the County in doing the full scope of work for the EIR and related fiscal analysis for review of the Solargen project. Mr. Henriques explained some of the details of this contract.

Board members congratulated staff on the great work and the good concise document that was prepared.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor De La Cruz, approved Amendment No. 2 to the contract with Aspen Environmental Group as recommended. (Unanimous) File #790*

18) **Adopt Resolution regarding the appeal of the Planning Commission's decision on Use Permit 1011-08, for Flea Market at 1370 Shore Road.**

Assistant Planning Director Byron Turner provided background information stating that an appeal to the Board of Supervisors was filed by Robert Rodriguez alleging that the Planning Commission made errors in making its determination to deny the Use Permits. Mr. Turner reported that on January 26, 2010 and February 2, 2010 the Board of Supervisors conducted hearings and heard opponents and proponents of those projects and the Board directed staff to return at a later date with a resolution denying the appeal.

Mr. Turner stated that the resolution reflects that the Planning Commission did not error in their decision to deny the project and that the findings for approval could not be made and the specific use was not properly located and could adversely impact surrounding properties.

Mr. Turner pointed out that this is for Use Permit 1011-08 and not 1010-08 for the Rodeo application, which Mr. Rodriguez verbally withdrew, and that is also reflected in the resolution.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor Loe, adopted **Resolution No. 2010-20** regarding the appeal of the Planning Commission's decision on use Permit 1011-08 noting that a slight change was made to the last page of the resolution correcting the date to read the 23rd day of February. (4-1 vote. De La Cruz voted no.) Appeal File*

PUBLIC WORKS DEPARTMENT – S. Wittry:

19) **Receive status report on San Benito County bridge projects and provide direction.**

Public Works Administrator Steve Wittry presented a PowerPoint presentation titled San Benito County Bridge Projects, February 23, 2010 and covering the following points: Bridge Program; Funding Process; Listed Bridges, Union Rd – San Benito River, Hospital Road – San Benito River, Shore Road – Tesquisquita Slough, Panoche Road – Tres Pinos Creek, Rosa Morada Road – Arroyo Dos Picachos and Rocks Road – Pinicate Rock Creek; and, Submitted but not approved – Anzar Road.

Mr. Wittry answered questions posed by Board members and the Board provided input.

It was the consensus of the Board that it is critical that we get Hospital Road and Union Road bridges done. File #105

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

20) **Receive the HHS Director report; add four (4) Full Time Equivalents (FTE's), one (1) FTE Office Assistant I and three (3) FTE's Eligibility Worker I to the HHS Schedule of Authorized Positions.**

Supervisor De La Cruz commented on the need for more public services during these tough economic times stating that he and Supervisor Loe met with HHS Director Kathy Flores to work on ideas to help solve these problems.

Ms. Flores provided background information stating that our community is going through a severe economic crisis right now and there has been a huge jump in requests for assistance. Ms. Flores stated that the unemployment rate is currently 18% whereas two years ago it was 9% and it makes sense that we are suddenly seeing all of these folks coming through our doors for assistance yet the staffing pattern has not changed. Ms. Flores reported that there was a huge backlog of applications.

Ms. Flores further reported that the migration to a new automated eligibility system is more time consuming than previously thought. Ms. Flores stated that help is coming from County staff in San Bernardino County who have already completed their migration.

Ms. Flores also reported that she is working with Hazel Hawkins Hospital to have someone on site to perform Medi-Cal eligibility activities for the hospital's customers. This position would be funded by the hospital.

Question and answer period ensued.

Marty Richman, local resident, commented that if the county hired experienced workers and pay them more money the training period would not take as long.

Chairman Monaco directed staff to send a letter of appreciation thanking San Bernardino County for helping our county move forward with the migration to the new system. It was the consensus of the Board to send a letter.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Loe, approved the addition of four (4) FTE's, one (1) FTE Office Assistant I and three (3) FTEs Eligibility Worker I to the HHS Schedule of Authorized Positions and to send a letter to San Bernardino County thanking them for their offer of help. (Unanimous) File #130*

BOARD OF SUPERVISORS:

21) **Adopt Resolution supporting the co-location of Gavilan College and YMCA at the former Leatherback site.** *(Supervisors Loe & Barrios)*

Supervisor Barrios thanked Supervisor Loe for bringing this resolution to fruition stating they worked together on the wording. Supervisor Barrios stated that she supports this downtown partnership because it creates economic vitality that we very much need in this community.

Scott Fuller, Chairman of the YMCA Board, supported the partnership and thanked the Board for its support.

Jerry Muenzer, Hollister Downtown Association, also supports this partnership and thanked the Board for its support.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor Loe, adopted **Resolution No. 2010-21** supporting the co-location of Gavilan College and YMCA at the former Leatherback site. (Unanimous) File #156*

ADMINISTRATION:

22) **Approve two budget adjustments in the amount of \$43,604, authorizing the reduction of revenues and expenditures in FY 2009-10 as submitted by Planning & Building and Clerk of the Board.**

Catherine Shaw, Management Analyst, reported that since the mid-year budget review presented on February 9, 2010 the Administration Office has been meeting with individual General Fund departments with the specific goal of working with the department heads on making additional cuts for the current fiscal year without operational impacts. Ms. Shaw stated that these additional cuts are to mitigate the projected revenue shortfall and thanked the Clerk of the Board and Planning Department for being the first to step up to the plate.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor De La Cruz, approved two budget adjustments in the amount of \$43,604 authorizing the reduction of revenues and expenditures in FY 2009-10 as submitted by the Clerk of the Board (BU 102) and Planning & Building (BU 265). (Unanimous)*

The Board adjourned at 11:45 a.m. for lunch break and reconvened at 1:30 p.m. re:

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.)

23) **Conference with Labor Negotiators:**

Authority: California Government Code Section 54957.6

Agency Designated Chief Negotiator: Linzie Daniel

Employee Organization: In-Home Support Services

No reportable action. File #235.6

24) **Conference with Labor Negotiators:**

Authority: California Government Code Section 54957.6

Agency Designated Chief Negotiator: Linzie Daniel

Employee Organization: SEIU

No reportable action. File #235.6

- 25) **Conference with Real Property Negotiator:**
Authority: Government Code Section 54956.8
Property: 2733 John Smith Road, Hollister, CA
Agency Negotiator: Susan Thompson, County Administrative Officer
Negotiating Party: Newlight Technologies
Under Negotiation: Price and terms of Lease
No reportable action. File #235.6
- 26) **Conference with Legal Counsel-Existing Litigation** (Subdivision (a) of Section 54956.9)
Name of Case: Joseph P. Thompson, et.al. v. San Benito County Council of Governments, et.al., Superior Court of California, County of San Benito, Case No. CU-10-00019
BOARD ACTION: Authorized County Counsel's office to defend the matter. (Unanimous) File #235.6
- 27) **Conference with Legal Counsel – Existing litigation** (Subdivision (a) of Government Code Section 54956.9)
Name of Case: *Nuno, et al. v. Churchman*, et al; Monterey County Superior Court; Case No. M95209
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: Botelho, Loe, Barrios, De La Cruz, Monaco
NOES:	SUPERVISORS: None
ABSENT:	SUPERVISORS: None

There being no further business the Board adjourned at 3:00 p.m. to March 2, 2010 at 9:00 a.m. for a regular meeting.

REB MONACO, CHAIRMAN
San Benito County Board of Supervisors

ATTEST:
Linda Churchill, Clerk of the Board