



# 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

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

## REGULAR MEETING MARCH 9, 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, County Counsel Matthew Granger and Asst. Clerk of the Board Janet Slibsager. Chairman Reb Monaco presided.

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

- a) Supervisor Loe led the Pledge of Allegiance.

Chairman Monaco read a statement from the Bedell family with regards to the death of their son, Patrick.

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

- c) **Public Comment:** Joe Thompson, local resident, announced that he attended the foreclosure workshop that was held at the Veteran's Memorial Building in Hollister. Mr. Thompson also voiced his continuous concern about the small business owners in San Benito County.

Marvin Jones, local resident, spoke in regards to hard economic times in San Benito County.

- d) **Department Head Announcements:** County Administrative Officer Susan Thompson reported on the latest State Budget actions that are being taken.

County Librarian Nora Conte announced that the Friends of the Library and the Women's Club of Hollister would be holding a fundraiser, Champagne Tea & White Elephant Silent Auction, on Friday, March 26, 2010 at the San Juan Oaks Golf Club from 1:30 to 4:30 p.m. and tickets are \$30.00. Proceeds would be used to purchase books.

Ms. Conte also announced that National Library Week would be April 4<sup>th</sup> through the 17<sup>th</sup>, 2010.

Ms. Conte mentioned that she would like to acknowledge Nancy Martin of Economic Development Agency for her support in their grant writing efforts.

Lisa Rheinheimer, Council of Governments, announced that on Hwy 25 there is going to be some night time work scheduled for Sunday, March 14<sup>th</sup>

through Wednesday, March 17<sup>th</sup> from 8:00 p.m. to 5:00 a.m., and to expect traffic delays in the area between Hudner Lane and the San Benito County Line.

Ms. Rheinheimer said that the Hwy 25 Safety Project is scheduled for completion in June 2010.

- e) **Board Announcements, Introductions and Presentations:** Chairman Monaco announced that the Bureau of Land Management (BLM) has agreed to extend the public comment period another 45 days for the Clear Creek Management Area Draft Resource Management Plan and Environmental Impact Statement.

Chairman Monaco said that he would like to praise our County Administrative Officer Susan Thompson for going to Sacramento to testify at the Williamson Act hearing and deliver the message that was directed from this Board in regards to our support of the Williamson Act. Chairman Monaco said that he would like to have copies of this document available for the public.

Supervisor Barrios reported that she and Supervisor Loe participated in the first quarterly meeting of Cities, Counties and Schools (CCS) at the City Council Chambers on March 4, 2010.

Supervisor Barrios mentioned that she attended Day at the Museum at the California Museum in Sacramento hosted by the first lady of California Maria Shriver, honoring remarkable women in California.

Supervisor De La Cruz announced that he had a check in the amount of \$120.00 for San Benito County from the Prescription Discount Program that the Board approved with Coast to Coast RX.

Supervisor Loe wanted to remind all Veterans that the Veterans Mobile Clinic would be at the Veterans Building on Wednesday, March 10<sup>th</sup> from 9:00 a.m. to 3:00 p.m. to answer any questions they may have.

Supervisor Loe mentioned that she received an e-mail from the Courts that the Courts Project is inviting local contractors and suppliers to a pre-qualification meeting on Friday, March 19, 2010 at 1:00 p.m. at the corner of Monterey Street and Third Street, Hollister.

Supervisor Botelho announced that Tuesday, March 16, 2010 is Farm Day at Bolado Park and the public is invited.

#### **CONSENT AGENDA:**

*Upon motion made by Supervisor De La Cruz and seconded by Supervisor Loe approved Consent Agenda with the exception of Items 4, 7, 13, 14, 15 and 16 which were pulled for discussion (Unanimous)*

#### **AGRICULTURAL COMMISSIONER – R. Ross:**

- 1) **Approved** request for grant funding in support of the Wildlife Services Program. *File #1.1*

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

- 2) **Approved** contract from K & H Integrated Print Solutions for having the lowest responsible quote for the upcoming June 8, 2010 Primary Election for printing of ballots and booklets, and address/ mailing services for sample ballot booklets and ballots. *File #285*

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

- 3) **Approved** the action minutes for the February 23, 2010 meeting.

**COUNCIL OF SAN BENITO COUNTY GOVERNMENTS – L. Rheinheimer:**

- 4) Approve Amendment #4 to Employment Agreement with Council of San Benito County Governments and Lisa Rheinheimer adding FY 09-10 goals and objectives.

*Item pulled for discussion.*

**BOARD ACTION:** Upon motion made by Supervisor Botelho and seconded by Supervisor De La Cruz, **approved** item as presented. (Unanimous) File #1035

**COUNTY FIRE – P. Avila:**

- 5) **Approved** contract with the California Department of Forestry and Fire Protection for fire protection services for the period of July 1, 2009 through June 30, 2012; **adopted Resolution No. 2010-26** to reflect an amount not to exceed \$938,038 in Schedule A services for Fiscal Year 2009-2010. File #60

- 6) **Approved** Memorandum of Understanding with Aromas Tri-County Fire Protection District for Mobile Data Communications equipment and maintenance in the amount of \$12,562. File #60

- 7) **Recognize and add Seven (7) Mobile Data Computers as a fixed asset to the County Fire budget unit and to the County Schedule of Fixed Assets. (Value \$8.00 per unit for total of \$56,000).**

Management Analyst Margie Riopel pulled this item for correction to read: (\$8,000 per unit for a total of \$56,000).

**BOARD ACTION:** Upon motion made by Supervisor Barrios and seconded by Supervisor Loe, **approved** as corrected. (Unanimous) File #60

**COUNTY COUNSEL – M. Granger:**

- 8) **Approved** the “Stipulation for Settlement and Confirmation of Arbitrator’s Award” in the amount of \$70,000 in favor of the County by John and Jae Eade, and **authorized** the Chair to sign. File #160

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

- 9) **Approved** the plans, specifications and bid documents for Public Works Modular Building Improvements. File #105.3

- 10) **Approved** the specifications and bid documents for Treasurer’s Office carpet and paint. File #685.2

- 11) **Found** that competitive bidding would not be in the public interest because National Joint Powers Alliance (NJPA) Cooperative Agreements achieve County purchasing requirements through its competitive bid process, and it would be unnecessarily costly for the County to go through its own competitive bidding process when the NJPA has already done so, and **authorized** the issuance of a purchase order to Pringle Tractor Company of Watsonville for one tractor and mower unit in the amount of \$48,351.40. File #105

**LONG TERM CARE COMMISSION – B. Pate:**

- 12) **Appointed** Dr. David Reikowski to the San Benito County Long Term Care Commission to fill at At-Large vacancy for a term effective March 9, 2010 through December 31, 2012. *File 1042*

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

- 13) Approve the sub-recipient agreement for the 2010/2011 Community Development Block Grant (CDBG) with the Community Food Bank for the period of January 25, 2010 to June 30, 2011 for the amount not to exceed \$110,000.

*Item pulled for discussion.*

**BOARD ACTION:** Upon motion made by Supervisor Botelho and seconded by Supervisor Loe, **approved** the HHSA sub-recipient agreement with the Community Food Bank for the period of January 25, 2010 to June 30, 2011 for the amount not to exceed \$110,000.00 and **authorized** the advance of these funds. (Unanimous) *File #130*

- 14) Approve the HHSA Director's report; and approve the sub-recipient agreement for the 2010/2011 Community Development Block Grant (CDBG) with the Homeless Coalition of San Benito County for the period of January 25, 2010 to June 30, 2011 in an amount not to exceed \$110,000.

*Item pulled for discussion.*

**BOARD ACTION:** Upon motion made by Supervisor Barrios and seconded by Supervisor Loe, **approved** the sub-recipient agreement with the Homeless Coalition of San Benito County for the period of January 25, 2010 to June 30, 2010 in an amount not to exceed \$110,000 and **authorized** the advance of these funds. (Unanimous) *File #939*

- 15) Approve the sub-recipient agreement with Emmaus House for the period of January 25, 2010 to June 30, 2011 for the amount not to exceed \$110,000.

*Item pulled for discussion.*

**BOARD ACTION:** Upon motion made by Supervisor Loe and seconded by Supervisor Barrios, **approved** the sub-recipient agreement with Emmaus House for the period of January 25, 2010 to June 30, 2010 for the amount not to exceed \$110,000 and **authorized** the advance of these funds. (Unanimous) *File #130*

*Chairman Monaco directed staff to draft a letter on behalf of the Board of Supervisors to the State Representatives in Sacramento in regards to Items 13, 14 and 15 above for Chairs signature.*

- 16) Find that competitive bidding would not be in the Public Interest because Local Vendor Tiffany Ford can provide an equivalent vehicle at a price lower than the State received through its competitive bid process, approve purchase of Ford Fusion from Tiffany Motors for the base price of \$15,507 plus applicable taxes; authorize the Health & Human Services Agency Director to sign purchase contract; and amend HHSA schedule of fixed assets to include a 2010 Ford Fusion.

*Item pulled for discussion.*

**BOARD ACTION:** Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco, **approved as presented.** (Unanimous) *File #130*

- 17) **Approved** budget augmentation in the amount of \$170,000 to reflect grant activities that will be performed in FY 09/10 including services by Emmaus House, Homeless Task Force and Community Food Bank. *File #130*
- 18) **Re-appointed** Ms. Katherine Hough to the Workforce Investment Board to represent a required private sector agency for three-year term effective March 6, 2010 through March 5, 2013. (CSWD *File #939*)
- 19) **Re-appointed** Ms. Connie Herndon to the Workforce Investment Board to represent a required private sector agency for a three-year term effective February 27, 2010 through February 26, 2013. (CSWD) *File #939*
- 20) **Approved** the agreement with the San Benito County Public Authority (PA) for conducting new requirements for In Home Supportive Services (IHSS) for the period of March 9, 2010 through August 31, 2010 in the amount of \$29,134. *File #130.1*

<b>SITTING AS THE PUBLIC AUTHORITY FOR IN HOME SUPPORTIVE SERVICES (IHSS):</b>
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<b>REGULAR AGENDA:</b>
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The Board **adjourned** as the Board of Supervisors and **reconvened** as the IHSS Public Authority re:

**IN HOME SUPPORTIVE PUBLIC AUTHORITY:**

- 21)
  1. **Approve the Agreement with San Benito County Public Authority for conducting new requirements for the In Home Supportive Services (IHSS) for \$29,134 for the period of March 9, 2010 through August 31, 2010, and authorize the Chair of the Public Authority Board to sign said agreement;**
  2. **Increase the Office Assistant Full Time Equivalent (FTE) in the Public Authority Budget Schedule of Authorized Positions from .5 FTE to 1.0 FTE;**
  3. **Augment the Public Authority FY 09/10 budget to reflect \$6,898 in additional revenues from the agreement reimbursement and an offsetting amount of \$6,898 in additional expenses related to agreement activities that are expected to occur in the current fiscal year. (4/5 vote)**

Public Authority Manager Gifford Swanson spoke in regards to the IHSS program and the requirements for the IHSS workers and the program.

**BOARD ACTION:** *Upon motion made by Supervisor Barrios and seconded by Supervisor De La Cruz, **approved** 1, 2 and 3 above as presented. (Unanimous) File #130.1*

The Board **adjourned** as the IHSS Public Authority and **reconvened** as the Board of Supervisors re:

**PUBLIC WORKS – S. Wittry:**

- 22) **Hold public hearing and adopt Resolution, tabulating protests, imposing, in some instances subject to voter-approval, property-related fees in connection with various County Service Areas, providing for the levy of the fees in Fiscal year 2010-11 and subsequent years, and taking certain related actions, including identifying any ballot measures to be withdrawn by the Board of Supervisors.**

Public Works Administrator Steve Wittry provided information in regards to the process of the protest tabulation; public hearing, public comment and tabulation of votes from property owners.

Discussion ensued by Board and staff.

Chairman Monaco opened the public hearing.

The following members of the public addressed the Board in regards to CSA's:

CSA #25 (Vineyard Estates) Joe Thompson and Ray Creech.

CSA #31(Stonegate) Wendy Krulee.

CSA #34 (Ausaymas Estates) Connie Jennings.

CSA #45 (Rancho Larios) Martin Kret and Glenn Chatler.

CSA #48 (Dry Creek) Steve Lamb Jr.

Chairman Monaco closed the public hearing.

Clerk of the Board Linda Churchill stated that they had tabulated the written protests received by the Clerk of the Board and they found no majority protests for any of the CSA's.

Lengthy discussion ensued by Board and staff.

**BOARD ACTION:** *Upon motion made by Supervisor Botelho and seconded by Supervisor Barrios, **moved** to withdraw CSA #31(Stonegate), CSA#22 (Cielo Vista), CSA #45 (Rancho Larios) and CSA #49 (Hollister Ranch Estates) from ballot process and have County Counsel work with these CSA's on some kind of an agreement that would pay for the inspection and indemnify the County. (Unanimous)*

**BOARD ACTION:** *Upon motion made by Supervisor Botelho and seconded by Supervisor Barrios, **adopted Resolution No. 2010-27**, tabulating protests, imposing in some instances subject to voter-approval, property-related fees in connection with various County Service Areas, providing for the levy of the fees in Fiscal Year 2010-11 and subsequent years, and taking certain related actions, including identifying any ballot measures and modify Exhibit A to check which ballot measures were withdrawn and indicate the number of protests that were received. (Unanimous) File #CSA's*

**REGULAR AGENDA (Continued):**

**ADMINISTRATION:**

- 23) **Approve budget adjustment in the amount of \$20,200; accepting unanticipated grant revenues of \$11,200 and an increase to expenditures for the same amount in Special Department Expenses; and authorize the reduction of revenues and expenditures in FY 2009-10 as submitted by Library staff, for a net savings to the General Fund of \$7,500.**

Management Analyst Catherine Shaw provided information on budget adjustment in the amount of \$20,200 for the Library for a net savings to the General Fund of \$7,500.

**BOARD ACTION:** *Upon motion made by Supervisor Barrios and seconded by Supervisor Botelho, **accepted** unanticipated grant revenues of \$11,200 and an increase to expenditures for the same amount in Special Department Expenses; and **authorized** the reduction of revenues and expenditures in FY 2009-10 as submitted by Library staff, for a net savings to the General Fund of \$7,500. (Unanimous) File #119*

- 24) **Approve two budget adjustments in the amount of \$53,162, authorizing the reduction of revenues and expenditures in FY 2009-10 as submitted by Probation and Juvenile Hall.**

Management Analyst Catherine Shaw provided information on budget adjustments in the amount of \$53,163 for the Probation Department and the Juvenile Hall budgets.

**BOARD ACTION:** *Upon motion made by Supervisor Botelho and seconded by Chairman Monaco, **approved** two Budget Adjustments in the amount of \$53,162, **authorized** the reduction of departmental revenues and expenditures in FY 2009-10 as submitted by the Probation and Juvenile Hall. (Unanimous) File #865*

- 25) **Approve four budget adjustments in the amount of \$69,347 authorizing the reduction of revenues and expenditures in FY 2009-10 as submitted by the Public Works Department, for a net savings to the General Fund of \$23,249.**

Management Analyst Catherine Shaw provided information on budget adjustment in the amount of \$69,347 for the Public Works Department budget.

Discussion ensued by Board and staff.

**BOARD ACTION:** *Upon motion made by Supervisor Barrios and seconded by Supervisor Loe, **approved** four Budget Adjustments in the amount of \$69,347, **authorized** the reduction of revenues in FY 2009-10 as submitted by the Public Works Department, for a net savings to the General Fund of \$23,249. (Unanimous) File #105*

#### **INTERNAL SERVICES – R. Inman:**

- 26) **Review and approve the Five Year Impact Fee Report for fiscal year 2003/2004 through 2007/2008 and Annual Report for fiscal year 2008/2009. (Continued from 3/2/10 meeting.)**

Assistant County Administrative Officer Rich Inman provided information on the Five-Year Impact Fee Report for FY 2003/2004 through 2007/2008 and the Annual Report for FY 2008-2009.

Discussion ensued by Board and staff. *File #119.2*

## **AFTERNOON SESSION 1:30 P.M.**

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

- 27) **Take further public comment on the Clear Creek Management Area Draft Resource Management Plan and Environmental Impact Statement.**

Chairman Monaco announced that the Bureau of Land Management (BLM) had extended the public comment period forty-five days.

Planning Director Art Henriques provided additional information and said that they would continue to listen to public comment and take direction from staff.

The following spoke in opposition of Clear Creek Management Area being closed and the roads being closed: Dee Murphy; Ed Tobin; Ron Wilcher; Ross Ross; Jim Strenfel; Daphne Greene; John Hacker; John Ortiz.

Marty Richman, Hollister resident, said that he was glad to see an extension of time for the people to be able to comment.

Chairman Monaco said that he would like to ask other Board members for their support to send a letter to our Congressman Sam Farr with a copy sent to EPA and BLM requesting a peer review research, which was used to draw the conclusion of the health risk at the Clear Creek Management Area.

Supervisor Barrios said that she would like to also create a resolution to open up the roads and proceed with coordination mandate so this does not happen again.

Supervisor De La Cruz supported Supervisor Barrios' position on putting this item on the agenda to open up the roads.

Supervisor Botelho said that he would like to see the letter sent to every congressional representative in the state including our two State Senators and also supported the opening of the roads. Supervisor Botelho said that there is still a concern as far as liability for the County of San Benito. Supervisor Botelho said that the roads and the park should be open until there is any evidence that there is a health issue.

Chairman Monaco said that the only control that we currently have are the roads through Clear Creek because the management of the properties is under BLM.

Supervisor Loe said that she would like to see the peer review before making a final decision on the roads.

County Counsel Matt Granger said that he had met with Erica Niebauer, Assistant Regional Solicitor for BLM and Kathy Hardy the Central California District Manager for BLM and Rick Cooper the Hollister Field Office Manager on Friday, March 5, 2010.

Mr. Granger said that there are a number of unique legal issues out there. The first and most seminal issue is who owns the roads. It is unclear to BLM and the County Counsel's Office as to who are the actual owners of the roads.

Mr. Granger said that they have been reviewing records with the Public Works Department to try and establish any type of ownership or right of way use of those roads in accordance with the Federal Law. Mr. Granger said that he had also asked BLM to provide him any documentation that they had showing any control of the roads being retained by the Federal Government or anything indicating they were relinquished to the County.

Mr. Granger said that BLM records do not show that control or right of way was ever granted to the County on any of their documentation.

Mr. Granger said that there are a lot of things to think about at this time, not just is it opened or closed; it may take some kind of court action.

Discussion ensued by Board and staff.

*Chairman Monaco said that he would honor two Supervisors requests to bring this item back at a later meeting for the discussion of having roads opened or closed in the Clear Creek Management Area.*

Chairman Monaco said that it was the consensus of the Board to send a letter to our Federal Representatives, Congressman, Senators with copies to EPA and BLM to request a peer review of the research. *File #790*

**28) Receive update to the CEQA guidelines and provide direction as necessary.**

Planning Director Art Henriques provided information on the new CEQA guidelines for the Greenhouse Gas Emissions (SB97).

Discussion ensued by Board and staff.

Joe Thompson, local resident, said that he concurred whole heartedly with the Planning Commission voting unanimously to reject this stating we don't need another layer of regulations on small businesses and to please send this back.

Chairman Monaco said that there was no direction at this time. *File #790*

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

**29) Receive the midyear status report on the FY 2009/10 Capital Budget.**

Public Works Capital Project Manager Adam Goldstone provided a PowerPoint presentation on the midyear status on the 2009-10 Capital Improvement Program.

Discussion ensued by Board and staff.

Marty Richman, local resident, said that he would like to see the IT project pushed to the front because public access is important. *File #105*

The Board adjourned into Closed Session at 3:43 p.m. and reconvened into Regular Session at 5:42 p.m. re:

**CLOSED SESSION:**

- 30) Authority: Government Code Section 54957  
Consider Discipline/Dismissal/Release Matter of a Public Employee.  
*No reportable action. File #235.6*
- 31) 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)(A).  
*No reportable action. File #235.6*
- 32) Conference with Legal Counsel-Existing Litigation.  
(Subdivision (a) of Section 54956.9)  
Name of Case: Association for Equal Information and Governmental Integrity v. County of San Benito, Superior Court of California, County of San Benito, Case No. CU-09-00043.  
Board of Supervisors *authorized Counsel for the County to proceed with the filing of a writ of mandate. File #235.6*
- 33) Conference with Legal Counsel – Existing litigation (Subdivision (a) of Government Code Section 54956.9)  
Name of Case: *Guerrero v. County of San Benito. et al.*; U.S. District Ct., San Jose: Case No. C08 00307PVT.

*This item was withdrawn. File #235.6*

- 34) 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)(A).  
*No reportable action. 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: Botelho, Loe, Barrios, De La Cruz, Monaco  
NOES: SUPERVISORS: None  
ABSENT: SUPERVISORS: None

**ADJOURN TO TUESDAY, MARCH 23, 2010 AT 9:00 A.M.**

**AGENDA DEADLINE IS MONDAY, MARCH 15, 2010 AT 1:00 P.M.**

**REB MONACO, CHAIRMAN**  
San Benito County Board of Supervisors

**ATTEST:**  
Janet Slibsager, Asst. Clerk of the Board