



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 ACTION MINUTES MAY 11, 2010

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 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.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting. (Unanimous)*
- c) **PRESENTATIONS & RECOGNITIONS:**

BOARD OF SUPERVISORS:

Adopt and present Resolution honoring Sheriff Curtis Hill's election to the Office of President of the California State Sheriff's Association. (Res. No. 2010-48)

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor Monaco adopted **Resolution No. 2010-48** honoring Sheriff Curtis Hill's election to the Office of President of the California State Sheriff's Association. (Unanimous)*

Supervisor Barrios and Chairman Monaco presented the resolution to Sheriff Hill.

Sheriff Hill accepted the resolution stating he was very proud of this local recognition and noting that the last local sheriff who was the President of the California State Sheriff's Association was his cousin, John Lucchetti, in 1964.

File #110

WATER RESOURCES ASSOCIATION OF SAN BENITO COUNTY:

Proclaim May as "Water Resources Month" in San Benito County.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Loe, approved proclamation. (Unanimous)*

Shawn Novack, Water Conservation Program Manager for Water Resources Association of San Benito County, accepted the proclamation stating that the good news this year is that the drought is over but our water from the

Delta has been reduced and we have to overcome the regulatory impacts on our water supply. Mr. Novack encouraged the public to conserve water. *File #430*

HEALTH & HUMAN SERVICES AGENCY:

Proclaim May 16-22, 2010 as Emergency Medical Services (EMS) Week in San Benito County.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Loe, approved proclamation. (Unanimous)*

Supervisor Botelho presented proclamation to Marcy Amara, EMS Coordinator, and Certificates of Recognition to Daniel Clampit, Paramedic, American Medical Response; Jack Harper, Supervising State Park Ranger, Hollister Hills State Vehicular Recreation Area; and Rick Espino, Captain, California Department of Forestry and Fire Protection. *File #430*

PUBLIC WORKS DEPARTMENT:

Proclaim May 16-22, 2010 as National Public Works week and authorize Chairman to sign proclamation.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios, approved proclamation. (Unanimous)*

Supervisor Barrios presented proclamation to Steve Wittry, Public Works Administrator. Mr. Wittry introduced Public Works staff Adam Goldstone, Hank Brown, and Linda McElroy stating that these employees and the rest of the Public Works staff are very dedicated and efficient employees.

- d) **Public Comment:** Jennifer Coile, local resident, stated that the public hearing for the Housing Element is scheduled for 1:30 p.m. today but she works and would not be able to attend at that time; therefore she had five points to enter into the public hearing record on the item (Item #18). Ms. Coile read her five points into the record and submitted a copy.

Joe Thompson, local resident, stated that San Benito County is the fourth worst county in the United States in economic trouble. Mr. Thompson asked the that the Board of Supervisors not do any more to persecute the small business owners. Mr. Thompson also addressed what he feels is a violation of the Brown Act with regards to the Mobility Partnership meetings.

Ray Iddings, Clear Creek resident, expressed concern about issues that affect him and the property he owns in the Clear Creek area. Mr. Iddings stated that he understands that the County said it would not be maintaining the roads but he needs to do some work on the road leading into his property and would need volunteers to help him but BLM (Bureau of Land Management) has said they would not allow him to do that and he would be cited. Mr. Iddings would like to have the Board of Supervisors tell BLM not to stop him and have Public Works do the repair. Mr. Iddings recommended that the Board write a letter of no confidence to the Department of Interior regarding the management of the BLM Hollister Field Office.

Chairman Monaco stated that the Board of Supervisors would be having a discussion in the near future on these issues.

- e) **Department Head Announcements:** County Administrative Officer Susan Thompson stated that there was some confusion in the newspaper regarding her

last presentation to the Board of Supervisors about reserves and she would like to bring this item back on May 25, 2010 for further clarification.

It was the consensus of the Board to bring this item back on May 25, 2010.

- f) **Board Announcements, Introductions and Presentations:** Supervisor Barrios asked the Board of Supervisors to consider placing an item on the May 25, 2010 agenda with regards to an organization called Children Uniting Nations that support services, awareness and advocacy for children who are either high risk in education and in foster care. Supervisor Barrios stated that this organization would like support in having this program in local areas and would like to make a presentation to the Board.

Chairman Monaco directed CAO Thompson to work with Supervisor Barrios to get this on the agenda.

Supervisor Barrios stated she would also like to recognize Jack O'Donnell for his service on the Historical Heritage Advisory Committee.

Chairman Monaco agreed that this item be agendized for the next meeting.

Supervisor Barrios reported that she and Supervisor Botelho have been working on the Inclusionary Housing Ordinance verbiage and she hopes to get this on the agenda.

Chairman Monaco directed staff to place this item on the agenda.

CAO Thompson stated that she would work towards getting this agendized for the May 25th or June 1st meeting for full Board discussion.

Supervisor Barrios stated that there was some folks in the community who wanted the Board of Supervisors to agendize a resolution in opposition to Arizona's SB1070 (Immigration Law). Supervisor Barrios urged all Americans to fight this law and supports this resolution from the Board of Supervisors and supports that we discourage the act of prejudice and discrimination such as Arizona SB1070.

Chairman Monaco stated that he has had the opportunity to research this issue and that first this would set a precedent that this Board has never taken action in issues outside the State of California and secondly that as a community we typically have handled our concerns about ethnic problems in some kind of discussion or something locally. Chairman Monaco stated there was not support from the rest of the Board to agendize such an item but he did encourage Supervisor Barrios as an individual citizen of this country and this State to express her opinion. Chairman Monaco indicated that he has provided for this or any organization to step up to our podium during the Public Comment period to address those issues but he did not believe the Board was prepared at this time to agendize such an item.

Supervisor Monaco reported that he has been very concerned with the Williamson Act issues and there is a State effort to support reinstating the subvention money. Supervisor Monaco read a letter from Governor Schwarzenegger indicating that the Williamson Act would be among the difficult decisions when revising the 2010-11 budget. Governor Schwarzenegger stated in the letter that when this recession ends and revenues return to normal, the Williamson Act will be among the first considered for restoration.

Supervisor Monaco encouraged members of the public to contact the Governor about their concerns about the effects on our agricultural industry.

CONSENT AGENDA:

Upon motion made by Supervisor De La Cruz and seconded by Supervisor Botelho, approved Consent Agenda Items 1 through 8 with the exception of Item #2 which was pulled for discussion. (Unanimous)

AGRICULTURAL COMMISSIONER – R. Ross:

- 1) **Approved** contract renewal with the United States Department of Agriculture for Wildlife Services Program for the FY 2010/2011 in the amount of \$73,285 and **authorized** the Agricultural Commissioner to sign said contract. *File #1.1*

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

- 2) **Receive the Fiscal Year 2009-10, 1st, 2nd and 3rd quarterly statement reports for Retiree Benefit Trust held with CalPERS.**

Discussion was held and Mr. Gonzalez answered questions posed by Board members.

It was decided that this item would come back at a future date for further explanation and comparison data.

Marty Richman, local resident, stated that we shouldn't be looking at short term comparisons and should be looking at long term (5 – 10 yrs.)

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Barrios, received report. (Unanimous)*

HEALTH & HUMANS SERVICES AGENCY – K. Flores:

- 3) **Approved** contract with Shared Vision Consultants, Inc. for Child Welfare County Self Assessment (CSA) and System Improvement Plan (SIP) for the period of May 12, 2010 to January 31, 2011 in the amount of \$14,405. *File #130*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 4) **Declared** vehicles, as listed, to be declared surplus and direct staff to remove surplus vehicles from inventory per County practice. *File #105*
- 5) **Approved** agreement with the California Department of Transportation for the Regional Surface Transportation Program (RSTP) Federal Exchange and State Match Program for FY 2009-2010 in the amount of \$239,849; **adopted Resolution No. 2010-49** approving allocation of the RSTP Federal Apportionment Exchange and State Match Program Funds; and **authorized** the Chair to sign the agreement and resolution. *File 105*
- 6) **Adopted Resolution No. 2010-50** for parking regulation for County parking lot at 4th and West Street during construction period of May 11, 2010 through June 30, 2010. *File #105*

SHERIFF'S DEPARTMENT – C. Hill:

- 7) **Allowed** the Sheriff to accept a donation of \$5,000 from Gary Filizetti, President of Devcon Construction, Inc., in support of marijuana eradication. *File #110*

VICTIM WITNESS – J. Roybal:

- 8) **Reviewed** the proposed Grant Application for continuation funding for the San Benito County Victim/Witness Assistance Program in the amount of \$119,788.;

and **adopted Resolution No. 2010-51** designating the District Attorney's Office as the Implementing Agency for the program and **authorizing** the Victim/Witness Coordinator and County Auditor to sign and submit all appropriate documentation for the grant application. *File #165*

The Board adjourned for a break at 10:01 a.m. and reconvened at 10:11 a.m. re:

REGULAR AGENDA:

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 9) **Accept the HHS Director's report and approve layoff of 2.0 Full Time Equivalent (FTEs) as follows: 1.0 FTE Administrative Services Specialist and 1.0 FTE Environmental Health Specialist I/II/III from the Public Health Schedule of authorized positions effective on or about July 1, 2010.**

Kathy Flores, HHS Director, reported that these layoffs were necessary in order that we maintain our expenditures within our anticipated revenue.

Lengthy discussion ensued with Board members expressing concern that the layoff of the Environmental Health Specialist would jeopardize streamlining of the Planning Department projects process and the plan checks and the Board would like to look into it further.

Marty Richman, local resident, suggested that employees be re-trained and be able to work for another department as well.

BOARD ACTIONS: *Upon motion made by Supervisor Barrios and seconded by Supervisor Botelho, approved the layoff of 1.0 FTE Administrative Services Specialist. (4-1 Vote. De La Cruz voted no)*

Upon motion made by Supervisor Loe and seconded by Supervisor Botelho, continued the layoff of the 1.0 FTE Environmental Health Specialist I/II/III to the meeting of May 25, 2010 for further consideration. (Unanimous)

File #420

- 10) **Approve contract with Hazel Hawkins Hospital for reimbursement of County Out- Station Eligibility Worker (EW) Personnel Costs for the period of July 1, 2010 through June 30, 2011 for an amount not to exceed \$52,000.**

Kathy Flores, HHS Director, provided background information, thanking Hazel Hawkins Hospital and County Counsel Matt Granger for working with her to get this accomplished.

Ms. Flores indicated that they were going through a very lengthy recruitment process to fill this position and have received over 150 applications.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor De La Cruz, approved the cost reimbursement contract with Hazel Hawkins Memorial Hospital for an amount not to exceed \$52,000 for the term July 1, 2010 through June 30, 2011 and authorized Chairman, CAO and HHS Director to sign said agreement. (Unanimous) File #130*

INTERNAL SERVICES – R. Inman:

- 11) **Discuss options for a San Benito County Military Leave Policy and provide direction to staff.**

Management Analyst Jacki Credico provided background information stating that at the request of two supervisors she has brought forth some options for discussion and direction to Human Resources on possibly upgrading our

policy on Military Leave. Ms. Credico stated that currently the County allows for up to 30 days paid leave for an employee who is actively deployed. Ms. Credico explained three possible options.

Discussion ensued and Ms. Credico answered questions posed by Board members.

The following members of the public addressed the Board: Jess Garza representing the Veterans of Foreign Wars Post 9242; Retired Air Force Master Sergeant Mike Pulido; Marty Richman, U.S. Army Retired; and Ralph Morden, Deputy Sheriff and Marine Corp Reserves.

County Clerk/Auditor/Recorder Joe Paul Gonzalez stated that from the Auditing perspective a mechanism would be needed by which payroll would have information as to what the pay is and what the employee would be receiving in order to create a supplemental payment. Mr. Gonzalez stated that the Human Resources Department should develop some sort of process so there is no confusion as to how much pay a person should receive.

It was the consensus of the Board members to support Option Two without sick leave.

Staff to bring back more detailed information including options as discussed by Board members. File #630

- 12) **Approve reorganization of Agricultural Commissioners' Office; Delete one (1) Deputy Agricultural Commissioner; add one (1) Senior Agricultural Biologist/Inspector at range 22.3 to schedule of authorized positions and Ag. Biologist/Inspector I,II,III series; adopt job specifications for Deputy Agricultural Commissioner/Sealer Weights and Measures, Senior Agricultural Biologist/Inspector, Agricultural Biologist/Inspector III and Agricultural Biologist/Inspector II.**

Internal Services Director Rich Inman provided background information reporting that with the appointment of Ron Ross as Agricultural Commissioner this is an opportunity to reorganize the department while generating approximately \$35,000 in savings.

Mr. Inman answered questions posed by Board members.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor Loe, approved reorganization of Agricultural Commissioners' Office as recommended. (Unanimous) File #1.1*

- 13) **Introduce ordinance authorizing an amendment to the contract with CalPERS regarding the 3% at 55 retirement formula for Safety Employees; waive the reading of said ordinance; and continue to May 25, 2010 for adoption of said ordinance.**

Management Analyst Jacki Credico provided background information and read title of the ordinance into the record.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor De La Cruz, introduced ordinance, waived reading and continued item to May 25, 2010 for adoption of said ordinance. (Unanimous)*

PLANNING DEPARTMENT – C. Woodbury:

- 14) **Approve the HOME Loan Committee Board Membership Application and approve the HOME Loan Committee Mission, Duties, Responsibilities and Selection Process Document.**

Interim Planning Director Cathy Woodbury stated that this was a very important to component in providing for housing opportunities in San Benito County.

C.J. Valenzuela, County Housing Program Coordinator, provided background information stating that on January 26, 2010 the Board of Supervisors approved a resolution to form a Loan Committee which is part of the process before the activation of the Down Payment Assistance Program and is one of the last steps before activating the program.

Mr. Valenzuela reported that proposed Loan Committee is to be a three-member committee including one member appointed by the Chairman of the Board of Supervisors and two at large appointed individuals. The Loan Committee will oversee the funding activities and help approve any down payment loans or funding that comes through. Mr. Valenzuela explained the noticing and application process.

Chairman Monaco appointed Supervisor Loe to the HOME Loan Committee and appointed Supervisor De La Cruz to a sub-committee to review the applicants.

Mr. Valenzuela answered questions posed by Board members and Board members provided suggestions.

Marty Richman, local resident, stated that people who have been paying their mortgages should be helped.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios, approved the appointments made by Chairman Monaco and approved the HOME Loan Committee Board Membership Application and the HOME Loan Committee Mission, duties, Responsibilities and Selection Process Document. (Unanimous) File #790*

15) **Receive report on Building Division Status & Activities and provide direction as necessary.**

Assistant Planning Director Byron Turner provided an update on the Building Division's first three quarters of this fiscal year reporting the department has issued 240 building permits and performed 667 building inspections. Mr. Turner noted that these numbers are considerably down in recent years.

Mr. Turner explained that since 2005 the Board of Supervisors has approved a contract with Precision Building Inspection Company who are contract to perform the Building Division duties on behalf of the County and this contract was extended by the Board in 2008 and is currently effective through 2011. Mr. Turner reported that results in savings to the County to contract with Precision is \$222,041.

Mr. Turner answered questions posed by Board members who also provided input and suggestions to improve efficiency and customer service.

No action required. File #790

PUBLIC WORKS DEPARTMENT – S. Wittry:

16) **Adopt Resolution of Intention to levy and collect a property-Related Fee, in County Service Areas No. 24 Santa Ana Acres, and 35 Union Heights, for Fiscal Year 2010-11 preliminarily approving a Fee Report and setting a public hearing for June 1, 2010 at 9:00 a.m. (or soon thereafter as the matter may be heard).**

Management Analyst Janelle Cox provided background information stating that this item is a Resolution of Intent to levy a property related fee for Fiscal Year 2010-11 for CSA's No. 24 and 35 for their operating and maintenance costs. Ms. Cox reported that both of these CSA's approved an annual maximum fee in August 2009 through a mail ballot election process. Ms. Cox stated that the fee for 2010-11 doesn't require a approval of the vote of the people at this point as long as the fee is less than the annual maximum fee.

Ms. Cox noted that upon today's Board approval of the fee report it will be mailed to all of the property owners to inform them of the upcoming public hearing on June 1, 2010 and the public notice will be published in the newspaper as well.

Ms. Cox provided clarification to Supervisor Barrios with regards to the road maintenance budget.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor Loe, adopted **Resolution No. 2010-52** as recommended and set a public hearing for June 1, 2010 at 9:00 a.m. (Unanimous) CSA File*

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.)

17) **Closed Session pursuant to Government Code 54956.8 (Real Property Negotiation)**

Conference with Real Property Negotiator

Property: (a) 2301 Technology Parkway; (b) 777 Flynn Road; (c) 411 San Felipe Road

Agency Negotiator: Susan Thompson

Negotiating Party: (a) Pivetti Family Trust; (b) Patrick and Sandra Stone; (c) Michael Greenwood

Under Negotiations: Price and Terms of Payment

No reportable action. File #235.6

AFTERNOON SESSION

1:30 P.M.

PUBLIC HEARINGS (1:30 p.m. or as soon thereafter as the matter may be heard):

PLANNING DEPARTMENT – C. Woodbury:

18) **Hold a public hearing to consider the 2007-2014 Draft Housing Element Update, and to consider adopting a Resolution, adopting the Negative Declaration and adopting an amendment to the San Benito County General Plan (General Plan Amendment 09-43), adopting the 2007-2014 Housing Element Update.**

Interim Planning Director Cathy Woodbury provided a PowerPoint presentation titled "Housing Element Update, General Plan Amendment 09-43" and reporting that the 2007-2014 Housing Element Update has been through a lengthy public process and work by county staff. Ms. Woodbury stated that a

few of those changes made along the way reflect the comments received at the public meetings and chief among them is suspending the Inclusionary Housing Ordinance which is the biggest change in the Housing Element. Ms. Woodbury noted that if the Board of Supervisors chooses to do so they could direct staff to bring this back formally at the next meeting so the Board could formally suspend it but it is included in the Housing Element.

Ms. Woodbury continued with the PowerPoint presentation covering the following points: Map showing parcels added; Earlier Changes; Rezoning to Implement Element and Next Steps

Ms. Woodbury stated that if the Board adopts the Housing Element today it would be transmitted to the Department of Housing Community Development at the State for certification.

Planning staff answered questions posed by Board members.

Chairman Monaco opened the public hearing.

The following members of the public addressed the Board: Joe Thompson, local resident; Harriet Brin, Friends of the Library; Marty Richman, local resident; Doug Emerson, Homeless Coalition; Michael Groves, EMC Planning Group, who provided a hand out titled "Specific Plan Area Vicinity; Jeannette Langstaff, who submitted a handout for the record; and Janet Brians, local resident.

Chairman Monaco closed the public hearing.

Supervisor Loe asked about the last discussion held on this item stating that we were told that the Planning Department would be notifying the Department of Housing and explaining how the county plans on moving forward to meet the quotas and basically asking if that was going to be adequate in this Housing Element. Supervisor Loe asked if that was done and what was the answer.

Ms. Woodbury answered that the Draft Housing Element was submitted to the State and received comments.

Mr. Turner explained that staff has attempted to address all of HCD's comments but we do not at this point have anything in writing. They are going to switch us from the pending to the approved Housing Element pile and expedite their review for certification but we do not have anything in writing that they are absolutely in support but we do have verbal confirmation.

Supervisor Loe asked then we have verbal confirmation that taking out the 30% and putting in ways to address the need to meet it is alright.

Mr. Turner answered yes that we would be surprised if we got anything back saying it was not alright.

Mr. Turner answered additional questions by Supervisor Loe.

It was the consensus of the Board to move forward.

Chairman Monaco thanked Supervisors Botelho and Barrios for their work as a subcommittee on the verbiage for this item.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor Botelho, adopted **Resolution No. 2010-53** adopting the Negative Declaration and adopting an amendment to the San Benito County General Plan (General Plan Amendment 09-43), adopting the 2007-2014 Housing Element Update and recognized that a public hearing was held and the staff report was reviewed. (Unanimous) File #790*

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 2:30 p.m. to May 25, 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