



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 AUGUST 24, 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 Assistant Clerk of the Board Janet Slibsager. Chairman Reb Monaco presided.

9:00 a.m. CALL TO ORDER:

- a) Supervisor Botelho led the Pledge of Allegiance.

A moment of silence for Jack O'Donnell who was a Historical Heritage Advisory Committee member in San Benito County for many years.

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

c) **PRESENTATIONS & RECOGNITIONS:**

Present Certificate of Recognition to John Pat Stevens who is retiring after almost 32 years of service with the County of San Benito.

Chairman Monaco presented Certificate of Recognition to Pat Stevens for his 32 years of service with the County of San Benito. File #630

Recognize Hansen and Company and Earthbound Farms for their certification as Green Businesses in the unincorporated area of San Benito County. (Integrated Waste Management Department)

Integrated Waste Director Mandy Rose and Recycling Resource Recovery Coordinator Lisa Jensema recognized and presented certificates to two businesses in San Benito County; Jerry Hansen of Hansen & Company and Chad Smith of Earthbound Farms for the Green Business Program. File #142

- d) **Public Comment:** Joe Thompson, Hollister resident, spoke in regards to the small business owners in San Benito County and how they cannot survive in a toxic environment due to taxation, fees and regulations. Mr. Thompson asked the voters to support repeal of the Green House Gas regulations that is going to be on the November ballot.

Mr. Thompson also voiced his concern of the Joint Powers Authority and the need to abolish the Council of Governments.

Hollister City Council Member Doug Emerson spoke in regards to an official challenge from the City of Hollister to the Board of Supervisors to get a team together for the September 17th YMCA Golf Tournament.

- e) **Department Head Announcements:** Chief Probation Officer Brent Cardall spoke in regards to a letter he received from Correction Standard Authority regarding crowding at Juvenile Hall. Mr. Cardall said that he would be addressing the issue and would continue to keep the Board informed.

Council of Governments Transportation Planning Manager Mary Gilbert announced they are near completion of the Hwy 25 Safety and Operational Enhancement Project and have scheduled a completion ceremony for Thursday, September 9th at 11:00 a.m. at the Veterans Memorial Building courtyard.

Ms. Gilbert also announced that they are inviting the public to apply for a spot on their Regional Transportation Plan Advisory Committee and the application is available on their website: www.sanbenitocog.org.

Planning Director Gary Armstrong requested to pull item number 19 on the agenda due to an error in noticing the item properly on the agenda. The project is the Leal Winery and the appeal of the use permit.

Mr. Armstrong provided a brief update in regards to the appeal as of this date. Mr. Armstrong stated that they would be returning on September 14, 2010 to conclude the hearing on the appeal.

BOARD ACTION: Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios, moved to remove Item 19 from the agenda. (Unanimous)

Health & Human Services Director Kathy Flores introduced Catherine Farnham, Perinatal Services Coordinator, who provided information in regards to August being Breastfeeding Awareness month.

Ms. Flores also announced that there would be a whooping cough free clinic on September 1st at the Hazel Hawkins (old business building) 911 Sunset Drive, Hollister, California from 12:30 p.m. to 6:30 p.m.

- f) **Board Announcements, Introductions and Presentations:** Supervisor Loe mentioned that she was at the grocery store last week and saw County Fire there and they were using the blue recyclable bags that were given out from Integrated Waste instead of the brown bags. Supervisor Loe said that she would like to thank County Fire for saving a tree and setting a good example.

Supervisor Botelho announced that Regional Council of Rural Counties (RCRC) has taken some key positions on Propositions 19, 21, 22, 23, 24, 25 and 26 that affect small rural counties.

Supervisor Botelho reported that he attended the Council of Governments (COG) meeting.

Supervisor Barrios reported that she attended the Association of Monterey Bay Area Governments (AMBAG) meeting and the discussion was Greenhouse emissions.

Supervisor De La Cruz reported that he also attended the Council of Governments (COG) meeting and the AMBAG meetings.

Chairman Monaco reported that he attended a Bureau of Land Management (BLM) meeting at the BLM Hollister Office and one of the

discussions was the Pinnacles National Monument moving closer to becoming a national park and potential extension of the boundaries of the park.

CAO Susan Thompson announced that Consent Items 3 and 4 need to be moved to the regular agenda.

BOARD ACTION: Upon motion made by Supervisor Loe and seconded by Supervisor Botelho, moved Items 3 and 4 from Consent Agenda to the beginning of the Regular Agenda. (Unanimous)

CONSENT AGENDA:

Upon motion made by Supervisor Botelho and seconded by Supervisor Barrios, approved Consent Agenda Items 1 through 15 with the exception of Items 8, 9, 10 and 14 which were pulled for discussion. (Unanimous)

AGRICULTURAL COMMISSIONER – R. Ross:

- 1) **Approved** contract with California Department of Food & Agriculture for Pierce's Disease-Glassy Wing Sharp Shooter Program for FY 2010/11 and 2011/12 for a total amount of \$61,892.44. *File #1.1*

CLERK OF THE BOARD – L. Churchill:

- 2) **Approved** the action minutes of July 27, 2010 and August 3, 2010 meetings.

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

- 3) Adopt Resolution establishing the Proposition 4 Appropriation Limit for the Fiscal Year July 1, 2010 to June 30, 2011 at \$26,166,288. (Res. No. 2010-103)
Moved to regular agenda.
- 4) Adopt Resolution for the FY 2010-2011 Final Budget. (Res. No. 2010-104)
Moved to regular agenda.

COUNTY FIRE – P. Avila:

- 5) **Adopted Resolution No. 2010-105** approving contract #7FG10111, with the California Department of Forestry and Fire Protection under the Volunteer Fire Assistance (VFA) program funds in the amount of \$14,235; and **authorized** Chair to sign said contract. *File #60*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 6) **Approved** amendment to extend the Dept. of Health Services (DHS) Public health Emergency Response State General Fund Pandemic Influenza, HHS Hospital Preparedness Program, CDC Public Health Emergency Response Phase I, II and III, HPP H1N1 Agreement and Phase IV to August 30, 2010; and **authorized** the HHS Director to sign. *File #420*
- 7) **Approved** Amendment #1 to agreement with IHSS Public Authority extending the term of the agreement to December 31, 2010 for conducting new provider background checks and orientations, and increasing the amount from \$29,134 to \$48,557. *File #130*

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 8) **Approve contract with SCS Engineers for Green House Gas Verification Services for Reporting to the Climate Registry for calendar year 2009 in the amount of \$16,000.**

Item pulled for discussion.

BOARD ACTION: Upon motion made by Supervisor De La Cruz and seconded by Supervisor Loe, **approved** item as presented. (Unanimous) File #142

- 9) **Approve contract with Alexander Electric, Inc. for Electrical Services for line and pole removal along John Smith Road in the amount of \$16,174.74.**

Item pulled for discussion.

BOARD ACTION: Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios, **approved** item as presented. (Unanimous) File #142

INTERNAL SERVICES – R. Inman:

- 10) **Approve Side Letter of Agreement between the County of San Benito and the Management Employees Group effective for benefits effective from August 1, 2010.**

Item pulled for discussion.

BOARD ACTION: Upon motion made by Supervisor De La Cruz and seconded by Supervisor Botelho, **moved** to continue this item to a date uncertain to gather further information. (Unanimous) File #630

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 11) **Approved** contract with Schaaf and Wheeler for professional engineering services and project management services for County Service Area (CSA) No. 31 for the period of January 1, 2010 through December 31, 2010 in the amount of \$83,340. File #CSA 31

- 12) **Approved** the specifications and bid documents for the Hillcrest Road Asphalt Overlay project. File #105

- 13) **Approved** contract with HGACBuy for cooperative purchasing of equipment and vehicles effective 8/24/10. File #105

SHERIFF'S DEPARTMENT – C. Hill:

- 14) **Adopt resolution authorizing submittal of the 2010-2011 California Emergency Management Agency Grant application regarding Anti-Drug Abuse Enforcement Program & Justice Assistance Grant for UNET; authorize the San Benito County Sheriff to sign said grant agreement if awarded. (Res. No. 2010-106)**

Item pulled for discussion.

BOARD ACTION: Upon motion made By Supervisor Barrios and seconded by Supervisor De La Cruz, **adopted Resolution No. 2010-106** authorizing submittal of the 2010-2011 California Emergency Management Agency Grant application regarding Anti-Drug Abuse Enforcement Program & Justice assistance grant for UNET; **authorized** the San Benito County Sheriff to sign said grant agreement if awarded. (Unanimous) File #110

- 15) **Approved** service agreement with Connect-CTY for Telephone Emergency Notification Services effective July 14, 2010 through July 14, 2013 for an annual cost of \$45,370. *File #110*

SITTING AS THE PUBLIC AUTHORITY FOR IN HOME SUPPORTIVE SERVICES:

The Board adjourned at 10:10 a.m. as the Board of Supervisors and reconvened as the IHSS Public Authority re:

IN HOME SUPPORTIVE PUBLIC AUTHORITY:

- 16) **Approve Amendment #1 to agreement with HHSA extending the term of the agreement to December 31, 2010 for conducting new provider background checks and orientations, and increasing the amount from \$29,134 to \$48,557.**

Health & Humans Services Director Kathy Flores provided information in regards to the amendment to current agreement extending the term of agreement and increasing amount of contract.

Discussion ensued by Board and staff.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Barrios, approved item as presented. (Unanimous) File #130.1*

The Board adjourned at 10:16 a.m. as the IHSS Public Authority and reconvened as the Board of Supervisors.

REGULAR AGENDA:

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

- 3) **Adopt Resolution establishing the Proposition 4 Appropriation Limit for the Fiscal Year July 1, 2010 to June 30, 2011 at \$26,166,288.**

Clerk, Auditor, Recorder Joe Paul Gonzalez provided information in regards to Proposition 4 Appropriation Limit for FY 2010/2011 resolution.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios, adopted Resolution No. 2010-103, establishing the Proposition 4 Appropriation Limit for the Fiscal year July 1, 2010 to June 30, 2011 at \$26,166,288. (Unanimous) File #608*

- 4) **Adopt Resolution for the FY 2010-2011 Final Budget.**

CAO Susan Thompson announced some changes that were made to the resolution and some of the attachments and provided background information in regards to the budget that is being proposed for adoption today.

Discussion ensued by Board and staff.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios, adopted Resolution No. 2010-104 approving the FY 2010-2011 Final Budget. (Unanimous) File #865*

PUBLIC HEARINGS – 9:00 A.M. (Or as soon thereafter as the matter may be heard)

PUBLIC WORKS – S. Wittry:

- 17) **Hold public hearing and adopt Resolution imposing a property-related fee in County Service Area No. 16, 21, 22, 23, 28, 31, 34, 42, 46, 47, 48, 50, 51**

and 53, confirming the fee report, fee schedule and fee, and providing for the levy of the Fiscal Year 2010/11 Property-Related Fees.

Management Analyst Janelle Cox provided information in regards to the proposed resolution imposing a property-related fee in county service areas, confirming fee report, fee schedule and fees and providing for the levy of the property related fees in various county service areas for the FY 2010/11.

Those speaking on behalf of the CSA's were: Michela Duino #28; Manny Amaral, #46; J. D. Fischer #28.

Marty Richman, Hollister resident, asked if this process has to be done every year.

Public Works Administrator Steve Wittry provided additional information and answered questions posed by the speakers.

Discussion ensued by Board and staff.

BOARD ACTION: Upon motion made by Supervisor Botelho and seconded by Supervisor Barrios, **adopted Resolution No. 2010-107**, imposing a property-related fee in County Service Area No. 16, 21, 22, 23 28, 31, 34, 42, 46, 47, 48, 50, 51 and 53 confirming the Fee Report, Fee Schedule and Fee, providing for the levy of the Fiscal Year 2010/11 Property-Related Fees, and making certain related findings. (Unanimous) File #CSA's

PLANNING DEPARTMENT – G. Armstrong:

- 18) **Hold a public hearing, and adopt Resolution making required findings and adopt Ordinance amending the San Benito County Code §21.01.021, pertaining to fire sprinklers in non-residential buildings. Location: the County Code applies in all unincorporated areas of the County. CEQA: Adoption of this amendment has been determined not to constitute a project and/or to be exempt from CEQA.**

Assistant Planning Director Byron Turner provided information explaining the amendment of this ordinance pertaining to fire sprinklers in non-residential buildings.

Chairman Monaco opened the public hearing.

No one from the public addressed the Board of Supervisors.

Chairman Monaco closed the public hearing.

BOARD ACTION: Upon motion made by Supervisor Barrios and seconded by Chairman Monaco, **adopted Resolution No. 2010-108**, making the required findings; and **adopted Ordinance No. 858**, further amending the 2007 California Fire Code (Unanimous) File #790

REGULAR AGENDA:

PLANNING DEPARTMENT – G. Armstrong:

- 19) Review the applicant's progress toward resolving outstanding issues and discuss continuation of this item to the meeting of September 14, 2010 to provide additional time for completion of all work.
Item was pulled from agenda and discussed under the Department Head Announcements.

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 20) **Remove restriction of an annual average of 250 tons per day within the currently authorized solid Waste Facility Permit of 500/tons per day.**

Integrated Waste Manager Mandy Rose provided information explaining increasing the annual average of tons from 250 to 500 per day.

BOARD ACTION: Upon motion made by Supervisor De La Cruz and seconded by Supervisor Botelho, **removed** the restriction of an annual average of 260 tons per day within the currently authorized Solid Waste Facility Permit of 500/tons per day. (Unanimous) File #75.4

INTERNAL SERVICES – R. Inman:

21) Approve San Benito County Military Leave policy.

Management Analyst Jacki Credico explained the San Benito County Military Leave policy.

Supervisor Barrios would like to see word inserted on page one to read calendar (days).

Supervisor De La Cruz said that he would like to see this policy come back every two years for review.

Supervisor Botelho said that he would like to look at all benefit packages not just for the Military.

BOARD ACTION: Upon motion made by Supervisor Botelho and seconded by Supervisor Loe, **approved** San Benito County Military Leave policy. (Unanimous) File #130

ADMINISTRATION:

22) Travel, training and meeting line item breakdown by Department.

This item moved to the September 28, 2010 meeting.

CLOSED SESSION:

Board adjourned into Closed Session at 11:50 a.m. and reconvened at 11:58 a.m.

23) Conference with Labor Negotiators:

Authority: California Government Code Section 54957.6

Agency Designated Chief Negotiator: Linzie Daniel

Employee Organizations: All Bargaining Groups and Unrepresented Employees

No reportable action. File #235.6

**County Board of Supervisors
SITTING AS THE COUNTY BOARD OF EQUALIZATION:**

The Board adjourned as the Board of Supervisors and reconvened as the County Board of Equalization.

Consider the following requests:

**24) Ridgemark Golf & Country Club - Application Nos. A-1.1 through A-1.21
APN's: 020-330-041; 020-330-042; 020-330-044; 020-330-046; 020-330-065;
020-330-055; 020-330-056; 020-330-058; 020-410-014; 020-550-015; 020-650-
010; 020-650-013; 020-650-014; 020-650-015; 020-650-016; 020-650-017; 020-
650-023; 020-650-024; 020-650-025; 020-650-026; 020-650-021; Filed on
November 5, 2007**

(Request for Extension of Time by Applicant)

Assessor Tom Slavich stated that in regards to Ridgemark's request for continuance, they have no objection.

BOARD ACTION: Upon motion made by Supervisor De La Cruz and seconded by Chairman Monaco, **approved** the continuance of above application for changed assessment. (Unanimous) File #197

25) **Applicant: General Chemical West - Application No: A-37 & A-38**

APN's: 051-152-005; 051-152-008 Filed on 11/24/08 For 2008 Assessments

(Request for Extension of Time by Agent)

Assessor Tom Slavich stated that in regards to General Chemical West's request for continuance, they have no objection

BOARD ACTION: Upon motion made by Supervisor Barrios and seconded by Supervisor De La Cruz, **approved** the continuance of above application for changed assessment. (Unanimous) File #197

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 to September 14, 2010 at 9:00 p.m.

REB MONACO, CHAIRMAN

San Benito County Board of Supervisors

ATTEST:

Janet Slibsager, Asst. Clerk of the Board