



SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios
District No. 1
Chair

Anthony Botelho
District No. 2

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4

Jaime De La Cruz
District No. 5
Vice-Chair

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

REGULAR MEETING FEBRUARY 22, 2011 ACTION MINUTES

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in *regular session*. Supervisors Barrios, Botelho, Rivas, Muenzer and De La Cruz were present. Also present were County Administrative Officer Rich Inman, County Counsel Matthew Granger, and Clerk of the Board Denise Thome for the morning session and Assistant Clerk of the Board Janet Slibsager for the afternoon session. Chair Barrios presided.

9:00 a.m. CALL TO ORDER:

- a) Supervisor Rivas led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- c) **Public Comment:** Bill Mifsud, Hollister resident, spoke in regards to the issue with street vendors.
Chair Barrios stated that the matter would be on the next Inter-Governmental committee meeting.
Richard Bettencourt, Hollister resident, expressed concern with the street vendor issue.
- d) **Department Head Announcements:** Health and Human Services Agency Director Kathy Flores spoke of the Federal discussions that may impact HHSA funding.
Treasurer-Tax Collector Mary Lou Andrade gave the website where taxpayers could view and print out their tax bills at no cost. It is www.cosb.us/view-tax-bill.
- e) **Board Announcements, Introductions and Presentations:** Supervisor Rivas noted that there was a budget committee meeting on February 10th and they were looking at a 3 to 5 year timeframe for budget projections and a way to involve the public in the budget process.
Supervisor De La Cruz stated that there would be no sacred cows this time around and that everyone was in partnership. He added that they would let the public know the revenue and expenditures for the next 3 to 5 years.

Public Comment (late):

California State Park District Superintendent Jeff Gaffney asked to speak on a budget urgency item. He requested staff to help him draft a letter from the Board in regards to the Assembly Budget Committee's direction the previous Friday to take 27 million out of their trust fund to move into the general fund as opposed to the 5 million previously stated. He indicated that if they took the 27 million he would have to make significant cuts come July at Hollister Hills including layoffs. He noted that would mean significant impacts to the County and conservatively estimated a 6 million dollar loss of direct revenue to the County. He felt that a letter from the County urging them not to make this closure happen or what would eventually be a closure of Hollister Hills for rotating weekends or weekdays. He explained that the program at Hollister Hills had been self-sustaining, paid for through user fees, not using a dime of general fund money in the last 40 years. He explained that previously money had been transferred over to the general fund but this was the first time it was to be taken out of the operating budget.

County Administrative Officer Rich Inman indicated that he thought it would be best to draft a letter from the Chair, not the whole Board, as the matter was time sensitive.

County Counsel Matt Granger stated that in order to make it an urgency item, they would have to make findings that staff was not aware of this item prior to the posting of the agenda on Friday and action needs to be taken now in order to avoid circumstances down the road.

Mr. Gaffney stated that they needed the letter for Thursday and found out about it the previous Friday.

Chair Barrios noted that the day before, Monday, was a holiday.

Supervisor De La Cruz moved that due to urgency and the fact that the State would be meeting on Thursday and needed the letter for that day, moved to put the item on the agenda.

County Counsel Granger summarized Supervisor De La Cruz's motion with a finding of an urgency issue, namely that there is a need to take immediate action because of the Thursday meeting and the Board would not be able to convene prior to that Thursday meeting and that this need for action came to the attention of the local agency after the agenda was posted on Friday.

Supervisor De La Cruz confirmed that was the intent of his motion. Supervisor Muenzer seconded the motion. (Unanimous)

Supervisor De La Cruz suggested that the matter be heard right after regular agenda and give it an item number of 10-A.

SEIU (Service Employees International Union) United Long Term Care Workers Representative Erik Larsen stated that he was representing home care workers that provided care to the disabled and low income seniors. He presented 600 cards of support signed by members of the public to the Board. He explained that this month home care workers received a 3.6% cut in hours and another 8.4% cut in hours is projected for July. He added that if the June ballot measure did not pass cuts could be doubled. He stated that the cuts are devastating to the community and looked forward to working with the Board and the community to find solutions to protect home care.

e) **Board Announcements, Introductions and Presentations (continued):**

Supervisor Botelho reported on the Volunteer Fair held at Sacred Heart School on February 13, 2011 and noted that it was well attended. He also spoke on the AMBAG meeting that he and Supervisor Rivas attended which included a long discussion on the blue print plan which was finalized, although the consensus was that it was somewhat incomplete.

Supervisor Rivas added that there was much disagreement from the coastal areas and that it was an advisory type of document.

Supervisor De La Cruz reported that he attended the COG meeting and that Cal Trans representatives committed to the City of Hollister and the community of San Benito County that they would try to get things done by December 2012. He spoke of all the hard work community members had put into the project and expressed his disappointment and hoped members of the community would call Cal Trans and tell them they want San Benito Street the way it was supposed to be.

Supervisor Muenzer reported that he attended his first MBUAPCD meeting and was voted vice-chair.

Chair Barrios indicated that she had spoken to the CAO about appointing an ad hoc committee for review of ordinances as part of a stream lining process. She added that they would be looking at old ordinances that needed to be addressed and needed to be changed. She stated that if there was a consensus to move forward with such an ad hoc committee, she and Supervisor Botelho would serve on the committee. She reported that she was asked to be the presenter at the Chamber of Conference Lunch with Leaders to talk about the state of the county. She thanked Analyst Catherine Shaw for the budget information she presented as CAO Rich Inman was out sick. She stated that she attended a CSAC realignment conference noting that if the ballot initiative did not pass a lot of social mandates may come back to the County without dollars. She reported that she was invited by the Community Foundation along with other county leaders to attend the Silicon Valley Joint Ventures Committee Foundation presentation where they gave a report on the state of the Silicon Valley, noting a rise in patents and innovations. She further noted that venture capital investments were growing in the areas of; software, industrial energy, biotechnology and medical devices. Chair Barrios stated that YMCA had started their strong community support campaign, adding that money raised stays in the county.

CONSENT AGENDA:

*Upon motion made by Supervisor Rivas and seconded by Supervisor De La Cruz, **approved** Consent Agenda Items 1 through 9 with the exception of Items 1, 4, 5, 8 and 9 which were pulled for discussion. (Unanimous)*

AGRICULTURAL COMMISSIONER – R. Ross:

- 1) **Accept Agricultural Commissioner's recommendation to join the water monitoring coalition operated by the Mosquito and Vector Control Association of California; authorize Agricultural Commissioner to execute documents related to coalition membership.**

Item was pulled for discussion.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Botelho, **accepted** the Agricultural Commissioner's recommendation*

to join water monitoring coalition operated by the Mosquito and Vector Control Association of California and **authorized** the Agricultural Commissioner to execute documents related to coalition membership. (Unanimous) *File #1.1*

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 2) **Authorized** the County Behavioral Health Director to sign the Cal. State University Monterey Bay (CSUMB) Masters in Social Work (MSW) Program Student Field Placement Agreement for the period of February 22, 2011 through January 31, 2014. *File #810*

BOARD OF SUPERVISOR:

- 3) **Approved** Certificate of Recognition honoring Pat's Place, San Benito County 2010 Hunger Fighter of the Year, for presentation at a later date. *File #156*

CLERK OF THE BOARD – D. Thome:

- 4) **Approve the action minutes of the January 11, 2011, January 25, 2011, February 1, 2011 and February 8, 2011 regular meetings.**

Item was pulled for discussion.

BOARD ACTION: Chair Barrios indicated that she had already advised the Clerk of the typographical changes to be made to the February 8, 2011 minutes. Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas, **approved** the action minutes of the January 11, 2011, January 25, 2011, February 1, 2011 and February 8, 2011 regular meetings. (Unanimous)

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

- 5) **Accept report and approve contract with BMI Imaging Systems regarding redaction of Social Security Numbers from Recorder's Official Records in Digital Reel in the amount of \$50,000.**

Item was pulled for discussion.

BOARD ACTION: Upon motion duly made by Supervisor Muenzer and seconded by Supervisor De La Cruz, **accepted** report and **approved** contract with BMI Imaging Systems regarding redaction of Social Security Numbers from Recorder's Official Records in Digital Reel in the amount of \$50,000. (Unanimous) *File # 943.1*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 6) **Adopted Resolution No. 2011-17** authorizing the HHSA Director to apply for and sign Emergency Housing Assistance Program (EHAP) grant application and any grant amendments, and all documents pertaining to said grant, for an amount not to exceed \$25,247; and **authorized** the Chair to sign the Payee Data Record form and Resolution. (CSWD) *File # 939*

- 7) **Authorized** Health & Human Services to send grant application to Office of Traffic Safety for \$46,000 to Fund Education and Promotion of Occupant Protection; and **adopted Resolution No. 2011-18** authorizing application to Office of Traffic Safety; and **authorized** the Director of Health & Human Services to sign the application. *File # 130*

INTEGRATED WASTE DEPARTMENT – M. Rose:

- 8) **Approve Amendment #1 to contract with Golder Associates, Inc. for additional General Services work related to the Resource Recovery Park, Landfill expansion and landfill gas issues in the amount of \$8,000.00.**

Item was pulled for discussion.

Discussion ensued and the following members of the public were allowed to speak on the matter; Hollister residents Bob DeGeorge, Bill Kiel and John Basanese.

BOARD ACTION: *Upon motion duly made by Supervisor Botelho and seconded by Supervisor Rivas, **approved** Amendment #1 to contract with Golder Associates, Inc. for additional General Services work related to the Resource Recovery Park, Landfill expansion and landfill gas issues in the amount of \$8,000.00. The motion passed 3-2. Supervisors Muenzer and De La Cruz voted NO. File #75.4*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 9) **Declare vehicles listed on the attached memos to be surplus; and direct staff to remove surplus vehicles from inventory per County practice.**

Item was pulled for discussion.

BOARD ACTION: *Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Barrios, **continued** the item to March 8, 2011. (Unanimous) File # 105.3*

9:00 A.M. - PUBLIC HEARING (Or as soon thereafter as the matter may be heard)
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PLANNING DEPARTMENT – G. Armstrong:

- 10) **Held a public hearing to adopt an urgency interim Ordinance to impose a temporary moratorium on marijuana dispensaries and other like businesses by adding a new Article V, “Medical Marijuana Dispensaries” to Chapter 25.29 of Title 25 of the San Benito Code and amending section 25.51.006 of the San Benito County Code and provide further direction to staff regarding development of a medical marijuana ordinance.**

Chair Barrios opened the public hearing.

Planning Director Gary Armstrong gave a staff report and read the title of the ordinance for the record.

There being no public comment, the Chair closed the public hearing.

Supervisor Botelho felt this was appropriate action to be taken by the Board and that only 11 cards had been issued in San Benito County for medical marijuana.

Supervisor Rivas also felt that the moratorium was appropriate action to take. He also expressed that he would like to see the matter come back in 45 days and be resolved soon.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor Rivas, **accepted** the introduction and **waived** further reading of the ordinance and **adopted Urgency Ordinance 868** imposing a temporary moratorium on marijuana dispensaries, including collectives, cooperatives, and clubs, in the unincorporated County, by the addition of a new Article V, “Medical*

10a) Urgency Letter to Governor re: Off-Highway Vehicle (OHV) – Jeff Gaffney:

California State Park District Superintendent Jeff Gaffney explained that Hollister Hills was user financed and no money was taken from general fund. He noted that there was a surplus in the trust fund and in previous years that surplus has been used in a borrowing system to augment the general fund. This time however they were proposing to take from the operating fund. He gave details of a study done from 2007 to 2009 noting attendance and money spent in San Benito County by those visitors. He added that no public comment was allowed at the Assembly and Senate Budget Committee meetings and a letter needed to be sent.

Discussion ensued by Supervisors in support of Hollister Hills.

Supervisor Rivas encouraged local residents to contact Assemblyman Alejo and their local State Senate representative. He added that phone calls can be made in lieu of letters.

Supervisor De La Cruz suggested to the Board and Chair to direct staff to draft a letter today for all supervisors to sign to be brought back in the afternoon as item 20a.

Chair Barrios supported strong language specific to San Benito County.

Marty Richman, Hollister resident, spoke in support of Hollister Hills.

County Counsel Matt Granger stated that the matter would be continued to the afternoon and no motion was needed.

The Board adjourned for a short break and reconvened into regular session.

Chair Barrios directed that items 16 and 17 would be moved up.

INTEGRATED WASTE DEPARTMENT – M. Rose:

16) Approve Amendment #2 to contract with Environmental Stewardship & Planning to provide a facilitated public workshop to solicit input on potential design guidelines and mitigation for the proposed Resource Recovery Park in the amount of \$5,340.00.

Integrated Waste Management Director Mandy Rose gave a staff report.

Discussion ensued among Board members.

Speaking under public comment were Hollister residents Bob DeGeorge, Paul Levy, Marty Richman, Barbara Taddeo and Richard Bettencourt.

BOARD ACTION: *Upon motion made by Supervisor Muenzer and seconded by Supervisor De La Cruz, **approved** Amendment #2 to contract with Environmental Stewardship & Planning to provide a facilitated public workshop to solicit input on potential design guidelines and mitigation for the proposed Resource Recovery Park in the amount of \$5,340.00. (Unanimous) File #142*

17) Receive information from the Integrated Waste Management Department regarding the operation of Stericycle, Inc., which deals with medical waste, at John Smith Road Landfill.

Integrated Waste Management Director Mandy Rose gave a brief staff report noting that there was inaccurate information out there. She explained that

the material was treated, no pathogens and was different than medical waste. She added that it is solid waste and never dumped in an area where the general public dumps and they try to dump first thing in the morning. She indicated that there were handouts at the dump that explained everything. Ms. Rose then introduced Shawn Ashkenasy, Area Safety Manager of Stericycle, Inc.

Mr. Ashkenasy explained that the material was regulated medical waste derived from hospitals, veterinary clinics and schools. He stated that there are different types of regulated medical waste and how it is handled or treated. He indicated that autoclave was the process used at the Shelton plant which is steam sterilization. Mr. Ashkenasy noted that Stericycle goes beyond compliance by steam sterilizing it for 30 minutes at 280 degrees. He explained only anything that has contact with blood is autoclaved or any sort of material that has been used with handling of blood. He stated that there is no tissue, no chemicals, no pharmaceuticals and no radiological agents in any of that process. He added that any of that type of material is sent off to a different facility to be incinerated and disposed of into a proper landfill. He indicated that residual steam was not part of the waste.

Supervisor asked questions of Mr. Ashkenasy.

Mr. Ashkenasy stated that Stericycle ran tests on every load with thermal tape and did a spore test two times a month. He added that there were many regulations to adhere to before they even dispose of it.

Ms. Rose explained that the needles dumped were not infectious but they tried to dump early so that they were not exposed.

Supervisor De La Cruz asked if they would be able to tour Stericycle.

Mr. Ashkenasy replied affirmatively.

Supervisor De La Cruz suggested that they tour Stericycle and also the facility where he was employed, allowing Supervisors to tour two recycling facilities in one day.

Gary Richard Arnold spoke under public comment.

Chair Barrios directed that items 13 and 19 would be moved up.

13) Discussion and/or direction concerning appointment to the Planning Commission.

Supervisor Botelho stated that he felt strongly all districts be represented with an adequate level of officials. He added that even parks and recreation appointments should come from the specific district. He stated that they needed to make sure that going forward in the future, appointments coming from the appropriate districts. He suggested directing staff to come back with verbiage to clarify that.

Aurelio Zuniga, Hollister resident, thanked the Board and staff for putting the item on the agenda for discussion. He stated that it was important to keep in mind why we have districts. He hoped the Board and staff would consider making the necessary changes to the ordinance to ensure that in the future each supervisor be required to appoint a planning commissioner that resides in his/her district.

Gary Richard Arnold spoke under public comment.

Chair Barrios recommended changing the wording on the Planning Commission as currently one district is represented by two commissioners and

another district has no representation. She suggested amending Article 3 to require 1 member from each supervisorial district.

Supervisor Rivas indicated that he had a tough time finding a qualified resident of his district to serve but felt it was a requirement on his behalf to choose someone within his district to represent the residents within the district. He noted that it took some effort on his part to find someone qualified but was able to. Supervisor Rivas felt it was in the best interest of the county to amend the ordinance to require that each planning commissioner appointed be from that supervisor's district.

Supervisor De La Cruz stated that San Benito County was a small community and it didn't matter where the person is from. He felt it was in the best interest to find the best person available. He stated that he would stick to his decision and would not support changing the ordinance.

Supervisor Muenzer stated that each district needed to be represented on the Planning Commission. He added that he would not support any ordinance that would change the makeup of the current Planning Commission. He added that for the future, he felt every district should be represented.

Chair Barrios explained that the change to the ordinance would apply to future appointments.

County Counsel Matt Granger suggested that they would put into the Article that any appointment made after July 1, 2011, the date of adoption of the ordinance, the following shall happen. He stated that the date was at the pleasure of the Board.

Chair Barrios stated that in a district of about 10,000 residents and about 4,000 voting members, she found it hard to believe that one would be unable to find someone qualified.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor Rivas, **directed** staff to put into wording that each planning commissioner appointment by supervisors must reside in the district of the appointing supervisor, effective July 1, 2011, with wording to be brought back to the Board for approval. (The vote passed 4-1. Supervisor De La Cruz voted no.) File #790.2*

SHERIFF'S DEPARTMENT – D. Thompson:

- 19) Approve the layoff of three (3) positions within the Sheriff's Corrections Division, effective on or around April 4, 2011. 1.0 FTE – Inmate Program Manager and 2.0 FTE Correctional Officer; and direct Human Resources to provide notice as required in County's Layoff Policy.**

Sheriff Darren Thompson gave a staff report relaying the history of the matter. He asked the Board to consider how valuable the positions were to the community.

Lieutenant Edward Escamilla gave a history of hiring at the correctional facility and his own personal history at the jail. He spoke of the need for the correctional officers.

County Administrative Officer Rich Inman stated that when then CAO made a recommendation to eliminate the three positions in the budget hearings, prior Sheriff Curtis Hill lectured the Board that they did not make operational decisions for the constitution created officer which is the sheriff and asked them to give him a number and stated that he would come back with savings equal to that amount. Mr. Inman indicated that the revenue generating scheme Curtis Hill

spoke of never took place and that \$286,000 had been compounded. He explained the possibilities for funding the positions and where it would come from.

Discussion ensued among Supervisors and staff.

Supervisor De La Cruz asked how much it would cost to keep the two correctional officers from April 5, 2011 through June 30, 2011.

Management Analyst Jacki Credico stated that salaries and benefits for the two correctional officers would be about \$45,000.

Supervisor De La Cruz stated that he felt comfortable keeping the two correctional officer positions until June 30, 2011.

CAO Inman noted that the dollars were compounded because the positions were not funded now. He added that the sheriff's budget was in a \$300,000+ deficit now. He added that if layoffs or some other reductions that will increase his revenue were not done now, the sheriff would be \$400,000 to \$500,000 in the hole at the end of the fiscal year.

Supervisor Rivas stated that given the time allocated to explore revenue opportunities or alternatives, he thought they would have alternatives by now.

Sheriff Thompson stated that prior Sheriff Hill's alternatives did not pan out and since he took office on January 3, 2011 no alternatives had surfaced.

Further discussion ensued among Supervisors and staff.

Chair Barrios requested a consensus from the Board as to whether they wanted to continue or take a lunch break.

SEIU representative Lewis Myers stated that many of the workers from the jail had taken time off to be there and many had to report to work. He thanked Sheriff Thompson for his eloquent words. He asked if it was possible to not take lunch in the interest of a very pressing matter.

The consensus was to continue with the matter without a lunch break.

Chair Barrios called for a short break to allow time to change plans, and reconvened into regular session.

Mr. Myers spoke of different ideas for revenue and savings and asked that the Board delay layoffs until they took a closer look at revenue streams.

Those speaking under public comment were; Abraham Arredondo, correctional officer; Jose Garza, correctional officer; Jeanene Rasmussen, Jail Administrative Assistant; Aaron Ayala, correctional officer; Nicholas Cummings, correctional officer; Beth Matulich, correctional officer; Mike Kirschmann, correctional officer; Asteria Lopez, program manager and Gary Richard Arnold.

Upon motion made by Supervisor De La Cruz and seconded by Supervisor Rivas, moved to not lay off the two correctional officers and allow enough time to come up with funds at the 2011/2012 budget process. Further moved to allow Sheriff Thompson to come up with funding ideas and proceed with program manager layoff.

Under discussion Supervisor Rivas stated that in order to fund the positions concessions had to be made somewhere and there needed to be a plan for that. He added that would be the only way he would support the motion.

Chair Barrios summarized Supervisor Rivas's comments by stating that they as a Board, not the department, would find funds or revenue to fund it.

Supervisor Rivas concurred.

CAO Inman noted that there was an ad hoc budget committee meeting that Friday which would afford an opportunity to meet with the Sheriff and report back March 1, 2011.

Supervisor Muenzer commented that the department was asked to cut \$300,000 last June and they have not come up with a solution in those 6 or 8 months. He added that at some point they are going to have to make some cuts. Supervisor Muenzer noted that if they delay it, what guarantee did they have for answers for next year's budget.

Supervisor De La Cruz indicated that hopefully during the budget process they would start working on those issues and start implementation in 2011/2012 budget. He stated that he would not support laying them off that day.

Supervisor Botelho concurred with Supervisor Muenzer that they did not adopt a balanced budget in July to give the previous Sheriff time to look for other areas to cut. He commented that being a jailer was a difficult and dangerous position. He added that if they did not cut these positions, they needed to cut some other positions. He suggested putting the decision off for a week since they were having an ad hoc budget committee meeting. Supervisor Botelho stated that would afford time for the SEIU to come forward with savings.

Chair Barrios supported what Supervisor Muenzer and Supervisor Botelho were saying and added that the cuts have to come from somewhere. She agreed to allow the matter to be continued for one more week sending out the message that the Board really cares.

Mr. Lewis SEIU representative stated that he hoped the Board would instruct upper management department heads to take a closer look at cuts at their level also.

Marty Richman objected to the testimony as it was negotiation.

Chair Barrios called for order.

Mr. Lewis stated that Santa Clara County voted to eliminate the no cap on vacation for upper management. He hoped the Board would strongly consider.

Mr. Richman called for a point of order.

Mr. Lewis stated that was an opinion.

Mr. Richman stated that it was not an opinion but rather negotiations. He stated that a union member could not come up and suggest the Board cut the salaries of the executives.

Chair Barrios stated there would be no further comment. She stated there was a motion and a second on the table. She called for the question.

Supervisor Rivas requested that they amend the motion to table the matter till the next week.

Supervisor De La Cruz took his motion off the table.

BOARD ACTION: Upon motion made by Supervisor Rivas, seconded by Supervisor De La Cruz, **tabled** the matter to **March 1, 2011**. (Unanimous) File #110

The Board adjourned to lunch and reconvened into regular session at 1:30 p.m.

Chair Barrios announced that they would be beginning the afternoon session with Item #14 and then resume back in order.

REGULAR AGENDA:

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 14) Approve the System Improvement Plan (SIP) for Children's Protective Services for the period of January 2011 through January 2014.**

Health & Human Services Director Kathy Flores provided some information in regards to the System Improvement Plan for Child Protective Services and introduced Deputy Director of Social Services Maria Corona who provided additional information in regards to the three year System Improvement Plan (SIP) for Child Protective Services for the period of January 2011 through January 2014.

Chair Barrios thanked Health & Human Services for a well laid out report and review.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Rivas, **approved** System Improvement Plan (SIP) for Children's Protective Services for the period of January 2011 through January 2014. (Unanimous) File #130*

11:00 A.M. – (Or as soon thereafter as the matter may be heard)
County Board of Supervisors
SITTING AS THE BOARD OF DIRECTORS OF THE SAN BENITO COUNTY FINANCING CORPORATION

The Board will adjourn as the Board of Supervisors and reconvene as the Board of Directors of the San Benito County Financing Corporation. *(separate agenda)*

(At 1:40 p.m. the Board adjourned as the Board of Supervisors and reconvened as the Board of Directors of the San Benito County Finance Corporation)

(At 1:45 p.m. the Board adjourned as the San Benito County Finance Corporation and reconvened as the Board of Supervisors with Regular Agenda Item #11)

ADMINISTRATION – R. Inman:

11) Receive and review the FY 2010-11 second quarter (mid-year) budget status report; and direct staff as needed.

Management Analyst Catherine Shaw provided a PowerPoint presentation on the Second Quarter Budget Review. Items covered were: Revenues received-12/31/10; Unemployment Rate Comparison; Employment Projections through 2018 provided by EDD; Santa Clara-San Benito County Employment projections through 2018; Monterey County Employment projections through 2018; Tasks completed-Sheriff/Admin County Permit Center Building purchase; 911 Consolidation Feasibility Study; District Attorney re-organization; To do list for remainder of year; Veterans Service contract; Consideration of the Sheriff's staff reductions.

Discussion ensued by Board and staff. *File #865*

12) Approve the County Flag.

CAO Rich Inman updated the Board of Supervisors on the County Flag and the adoption of the flag, a draft of the flag was provided to the Supervisors.

Supervisor Rivas thanked the staff and the FFA students for their time and mentioned that the draft of the flag looks great.

BOARD ACTION: *Upon motion made by Supervisor Rivas and seconded by Supervisor Muenzer, **approved** the County Flag. (Unanimous) File #156*

INTERNAL SERVICES – R. Inman:

15) Approve the Annual Impact Fee Report for 2009/2010.

Management Analyst Margie Riopel provided information in regards to the Annual Impact Fee Report for 2009/2010.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor De La Cruz, **approved** the San Benito County Annual Impact Fee Report for 2009/2010. (Unanimous) File #119.2*

PLANNING DEPARTMENT – G. Armstrong:

18) Hold administrative hearing regarding weed abatement regarding 490 Bridgevale Road, parcel number 019-24-0-017-0; adopt resolution authorizing code enforcement and provide additional direction to staff.

Planning Director Gary Armstrong provided information in regards to a weed abatement problem at 490 Bridgevale Road, Hollister and a proposed resolution authoring Code Enforcement to proceed with weed abatement and trash/debris removal.

Chair Barrios asked if the cost of \$150.00 to maintain was accurate.

Code Enforcement Officer Stacey Watson provided information.

Discussion ensued by Board and staff.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Muenzer, **adopted Resolution No. 2011-19**, authorizing Code Enforcement to proceed with weed abatement and trash/debris removal at 490 Bridgevale Road, further identified as parcel number 019-24-0-017-0 pursuant to San Benito County Code, Section §1.03.005, **authorized** Public Works Department to assist with abatement by providing equipment and manpower to remove vegetation and trash from premises. (Unanimous) File #790*

AFTERNOON SESSION

1:30 P.M.

PLANNING DEPARTMENT – G. Armstrong:

21) Receive progress report on the continuation of the Appeal of Planning Commission Denial of M-District Review 91-10 for a flea market located at 1771 San Felipe Road, Hollister and direct staff accordingly.

Chair Barrios provided information in regards to the continuation of the Appeal of Planning Commission Denial of M-District Review for flea market located at 1771 San Felipe Road, Hollister and the process that has taken place up to today.

Robert Scattini, Hollister resident, said that he is pro business. Mr. Scattini spoke in regards to safety around the Airport and stated that he believes that Mr. Rodriguez is a professional business person and does not believe he is being treated fair. He is a tax payer and owns his land and deserves to have a business and should be given an opportunity to start his business and hopes that the Board of Supervisors approves it.

Chair Barrios said that she supports the Planning Commission's decision to deny District Review 91-10. She said that she believes that the location of the proposed project is not in the best interest of the community in that area and the businesses in general. Supervisor Barrios said that the zone needs to be kept as an industrial area. She said that she is not against a flea market and will continue to assist Mr. Rodriguez the best she can.

Supervisor De La Cruz said that Mr. Rodriguez has the property and wants to invest and take a risk, let him be. He should be able to go forward and therefore supported Mr. Rodriguez's appeal.

Supervisor Rivas said that he doesn't agree that it is a bad location, we don't know if it is or isn't. He said that he supports the project without a long term lease, should be on a month to month or year to year basis and gives us an opportunity to evaluate and see if it works or not.

Supervisor Botelho said that if we don't uphold the Planning Commission's decision we would have to refer back to the Planning Commission for rezone and it would cost a lot more money to do that, is it really worth it.

Supervisor Muenzer said that the best action would be to refer it back to the Planning Commission and have it come back as a conditional use permit with the conditions that would be acceptable placed upon it.

Planning Director Gary Armstrong provided additional information as to what could happen if it went back to the Planning Commission. Mr. Armstrong said that the Board has the options to uphold the appeal; deny the appeal or send it back to the Planning Commission for further review or continue it.

Assistant Planning Director Byron Turner provided additional information.

Mr. Armstrong mentioned that they did have a meeting with the applicant and the City of Hollister was present and there were a number of alternative sites that were presented at that time that could potentially be reviewed for Mr. Rodriguez. He said they are trying to work with Mr. Rodriguez.

BOARD ACTION: Upon motion made by Supervisor Barrios and seconded by Supervisor Botelho, **denied** the applicants appeal and **upheld** the decision of the Planning Commission denial of the M-District Review 91-10 for the property located at 1771 San Felipe Road, Hollister. (3-2 vote) De La Cruz and Rivas voted no.

(Item Continued from morning session)

10a) Urgency Letter to Governor re: Off-Highway Vehicle (OHV) – Jeff Gaffney:

Board of Supervisors reviewed draft letter presented by Mr. Gaffney.

Discussion ensued by Board and Staff in regards to draft letter.

Supervisor Botelho asked if reference could be made to Clear Creek.

BOARD ACTION: Upon motion made by Supervisor Muenzer and seconded by Supervisor Rivas, **accepted** letter with the amended changes and **moved** to send letter to the Governor and the California Budget Conference Committee. (Unanimous) File #119

CLOSED SESSION:

20) Authority: California Government Code Section 54957

Consider Discipline/Dismissal/Release Matter of a Public Employee

Board of Supervisors approved a CalPers disability for a San Benito County Probation Officer II. (Unanimous) 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, Rivas, Muenzer, De La Cruz, Barrios

NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: None

There being no further business the Board adjourned to March 1, 2011 at 9:00 a.m.

MARGIE BARRIOS, CHAIR
San Benito County Board of Supervisors

ATTEST:
Denise R. Thome, Clerk of the Board
Janet Slibsager, Asst.Clerk of the Board