



SAN BENITO COUNTY BOARD OF SUPERVISORS

Don Marcus
District No. 1

Anthony Botelho
District No. 2
Vice-Chair

Pat Loe
District No. 3

Reb Monaco
District No. 4

Jaime De La Cruz
District No. 5
Chair

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

REGULAR MEETING OCTOBER 28, 2008 ACTION MINUTES

The Board of Supervisors of San Benito County met in the Board Chambers on the above date *in regular session*. Supervisors Monaco, Loe, Marcus, Botelho and De La Cruz were present. Also present was Assistant County Administrative Officer Rich Inman, County Counsel Dennis Le Clere and Clerk of the Board Linda Churchill. Chairman Jaime De La Cruz presided.

9:00 a.m. CALL TO ORDER:

- a) Supervisor Marcus led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- c) **Public Comment:** Joe Thompson, local resident, expressed his concerns over what he considers to be the illegal jurisdiction of COG (Council of Governments) stating that he did not think they were in compliance with the Brown Act. Mr. Thompson stated that we need protection by all five of the supervisors rather than just the two who sit on the COG Board. Mr. Thompson asked that this matter be agendized on a future meeting.
Marty Richman, local resident, stated that there was a problem on Cerra Vista Drive in certain areas where people walk and suggested that the county and city work together to arrange for sidewalk funding for this street as well as streets such as Sunnyslope Road.
Supervisor Loe told Mr. Richman that she would place this matter on the next Intergovernmental Committee meeting.
Ruth Erickson thanked the Board of Supervisors for its support of the Hollister Sister City Association program of international exchange with Kato City, Japan and presented Chairman De La Cruz with a certificate of appreciation.
- d) **Department Head Announcements:** County Librarian Nora Conte announced that on the November 14th weekend they have been asked to make a presentation of the California Library Association in the City of San Jose on the leadership of libraries into the future.
- e) **Board Announcements, Introductions and Presentations:** Supervisor Loe reported that she attended the Monterey County Board of Supervisors meeting

last Tuesday where the Veterans' Cemetery was discussed. Supervisor Loe said that they hope to break ground by 2011 and they have enough land for 100 years of use and this is very positive for our county as well as Monterey County and Santa Cruz County.

Supervisor Loe further reported that she met with Congressman Sam Farr last week and she has been in contact with Assemblywoman Anna Caballero's office and Senator Jeff Denham's office with regards to the Recovery Act and everyone is working together on this and are hoping to get some positive news.

Supervisor Loe congratulated the City of Hollister stating that most of the Board of Supervisors attended the groundbreaking at the new sewer plant and to have them come in under budget and on time was a great accomplishment.

Supervisor Monaco added to Supervisor Loe's report regarding the Veterans' Cemetery at the former Fort Ord stating that he has passed on some information to Assistant County Administrative Officer Rich Inman to have a presentation at a future Board meeting concerning this matter.

Assistant CAO Rich Inman said that Richard Garza, Veterans' Services Officer, will be giving a presentation at a future meeting.

Supervisor Monaco also reported that the Emmaus House has celebrated its 2nd Anniversary and he attended that function last Tuesday as well.

CONSENT AGENDA:

Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus approved Consent Agenda Items 1 through 11 and pulled Items 12 and 13 for discussion. (Unanimous)

AGRICULTURAL COMMISSIONER – P. Matulich:

- 1) **Approved** contract amendment #2 with the California Department of Food & Agriculture for Pierce's Disease-Glassy Wing Sharp Shooter increasing the funding in the amount of \$3,000; and **approved** the necessary budget adjustment/transfer. (4/5 Vote) *File #1.1*
- 2) **Authorized** the purchase of 2009 Ford 150 4x4 Truck at a cost not to exceed \$18,321.22 from Tiffany Motors. *File #1.1*

BOARD OF SUPERVISORS:

- 3) **Approved** Certificate of Recognition and presentation of county pin to Andrew William Jones for achieving the rank of Eagle Scout, in Aromas, Ca., to be presented at a later date. (Supervisor Botelho) *File #156*

BEHAVIORAL HEALTH – A. Yamamoto:

- 4) **Approved** the submission of the Mental Health Services Act (MHSA), Community Services and Support Plan Update for FY 2008-2009 to the State Department of Mental Health; and **authorized** the Behavioral Health Director to sign County Certification and Administration Budget Worksheet. *File #810*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 5) **Approved** Memorandum of Understanding (MOU) with the State Department of Motor Vehicles (DMV) to access database; and **authorized** the Health & Human Services Director to sign said MOU. *File #130*

INTERNAL SERVICES – R. Inman:

- 6) **Adopted Resolution No. 2008-107 & 2008-108** regarding wages and benefits for Confidential Management Employees from October 1, 2008 to September 30, 2009; and wages and benefits for Confidential Clerical Employees from October 1, 2008 to September 30, 2009. *File 630*
- 7) **Authorized** an expenditure of \$500 from the appropriation for the employee appreciation BBQ for the annual City/County Christmas Party to be held on Saturday, December 13, 2008. *File #630*

PLANNING & BUILDING DEPARTMENT – A. Henriques:

- 8) **Approved** amendment to schedule of authorized positions in budget 265 and budget 271 to designate three levels of job class title for Code Enforcement Officer, I, II, III and **authorized** amendment to final budget. *File #790*

PROBATION DEPARTMENT – B. Cardall:

- 9) **Made** a finding that it would not be in the best interest of the public to go out for a competitive bid based on meeting state standards requirements; and **approved** the lease/purchase and monitoring service agreements with BI, Inc. for electronic monitoring devices; and **authorized** the Chief Probation Officer to sign said agreements for a period of 36 months at a cost not to exceed \$25,323 annually. *File #510*

PUBLIC WORKS DEPARTMENT – J. Cox:

- 10) **Adopted** plans specifications for the Clerk/Recorder Office remodel. *File #1112.5*
- 11) **Approved** of Colantuono & Levin, P.C providing legal services to the County and obtaining payment for those services from NBS Government Finance Group; and **authorized** the chair to sign consent. *File #105*

SHERIFF'S DEPARTMENT – C. Hill:

With regards to Items 12 and 13 Supervisor Loe expressed concern over the State Budget crisis and asked if we are certain we will get the funding.

Sheriff Hill answered that he has been assured that these funds are solid.

- 12) **Amend the Sheriff's Fixed Asset Schedule to delete the lease of two (2) Crown Victoria Police Interceptors and add the purchase of two (2) Dodge Chargers; and approve the budget adjustment form increasing expenditures and revenue in the total amount of \$49,966. (4/5 Vote)**
- 13) **Authorize the Sheriff to receive funding under the Cal-MMET Grant Program; and approve the addition of one (1) Deputy Sheriff – Range 22.7 in the Sheriff's State Grant Budget unit to be funded entirely through Cal-MMET grant; and approve budget adjustment/transfer document to recognize the grant revenue and expenditures in amount of \$163,020. (4/5 Vote)**

Supervisor Loe made a motion to approve Consent Agenda Items 12 and 13. Supervisor Monaco seconded and motion.

Roll Call Vote:

Monaco Yes
Loe Yes
Marcus Yes
Botelho Yes
De La Cruz Yes

The motion passed unanimously. *File #110*

REGULAR AGENDA:

ADMINISTRATION BUSINESS:

- 14) **Accept all proposals; and award the vehicle maintenance contract to San Benito Tire, Inc.; and direct staff to return with a contract for approval.**

Kellie Kennedy, Management Analyst, provided background information stating that on September 12, 2008 the Administrative Office issued an RFQ (Request for Qualification) for vehicle fleet maintenance and repairs of county fleet vehicles. Out of the five responses and of those five the top two respondents, Autoworks and San Benito Tire were selected to go forward in the process. Ms. Kennedy reported that on October 13, 2008 an interview was held with both respondents asking questions about their qualifications and their submitted proposal. Ms. Kennedy noted that there was also a site visit to both respondents on October 16, 2008. Based upon the submitted Statements of Qualifications, interview and site visits it is the recommendation of the Site Committee that San Benito Tire be awarded the fleet maintenance and repair contract.

Ms. Kennedy and Pat Dunn, Supervising Mechanic for the Council of Governments, answered questions posed by Board members

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Marcus, accepted all proposals and awarded the vehicle maintenance to San Benito Tire, Inc., and directed staff to return with a contract for approval. File #119*

AGRICULTURAL COMMISSIONER – P. Matulich:

- 15) **Approve letter of support of the University of California Cooperative Extension office in San Benito County; and authorize chair to sign letter.**

Agricultural Commissioner Paul Matulich reported that there is a possibility that the Cooperative Extension Office may be closed and we may lose our Farm Advisor. Mr. Matulich asked for support of a letter, which was also approved by the Farm Bureau, 4-H Council, Cattlegrowers Association, Cattlemen's Association and local Winegrowers Association.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Botelho, approved the letter of support as recommended and authorized the Chairman to sign. (Unanimous) File #1.1*

PLANNING & BUILDING DEPARTMENT – A. Henriques:

- 16) **Review report on Inclusionary Housing and provide comment and direction to staff to draft the necessary changes and refer the proposal to the Planning Commission for consideration.**

Assistant Planning Director Byron Turner provided a staff report stating that on October 7, 2008 the Board of Supervisors discussed various topics related to the Inclusionary Housing Ordinance and at this meeting the Board directed staff to return on October 28, 2008 with a report on the following items:

1. Information regarding the impact of the status of the San Benito county Housing Element with the State of California Housing Element Program 2-2 was amended to change the 30% inclusionary requirement from 30% to 20% of the inclusionary rate.
2. An analysis of Assembly Bill 2280, which institutes various changes in California's current Density Bonus Law.
3. An analysis of the "20-unit threshold", i.e. "Why is the requirement to construct affordable housing at 20 unites, not higher or lower?"

In addition to these items, the Board directed Staff to begin the necessary steps to prepare changes to the following aspects of the Inclusionary Housing Ordinance:

- Include rentals and allow a mix of housing types, not just single-family detached.
- Change the fee structure to the most updated figures.
- Include automatic reviews of the ordinance when the Housing Element is updated.
- Reduction of the 30% requirement to 20%.

Mr. Turner explained how these changes need to be accomplished.

The following members of the public addressed the Board: Scott Fuller, San Juan Oaks; Joe Thompson, local resident; Sally Haydon, local resident; Michael Groves, EMC Planning Group, representing Gavilan College and Fairview Corners; and Marty Richman, local resident.

Mr. Groves stated that he had sent a letter to the Planning Director Art Henriques and Planning Department on August 4, 2008 and it has suggestions in it for both the Affordable Housing and the Growth Management Ordinance and he wanted to call that to the record and have it considered as part of the thinking of the affordable housing component.

Lengthy discussion ensued and the Board members asked questions of the Planning Department and provided input

BOARD ACTION: *It was the consensus of the Board to include the following items in a new proposed Inclusionary Housing Ordinance and bring it back to the Board of Supervisors before the end of this year (2008):*

- *Annual review program.*
- *Change 30% inclusionary requirement to 20%.*
- *Add language to allow flexibility.*
- *Develop formula for in-lieu fees.*
- *Define what 20% inclusionary should be. File #790*

17) Review proposed General Plan Advisory Committee bylaws and provide direction to staff.

Planning Director Art Henriques provided background information stating that in August 2008 the Board of Supervisors appointed a General Plan Advisory Committee (GPAC) of 15 members to assist the staff, the Planning Commission, the Board of Supervisors and the community in the comprehensive update. At that time the Board asked staff to come back with some draft ideas on rules of operation for this committee. A draft document for by-laws for this committee is included in the Board's packet for review and input.

Mr. Henriques outlined the eight sections of the draft bylaws as follows: Preamble; Duties and Authority; Membership; Officers; Meetings; Agendas and Meeting Notices and Miscellaneous.

Discussion ensued and the Board provided input.

The following members of the public address the Board: Marty Richman, local resident; Joe Thompson, local resident; and, Sally Haydon, local resident.

BOARD ACTION: *Chairman De La Cruz directed staff to bring back the GPAC bylaws on November 4, 2008 with the following amendments:*

- *Include language that this is an ad hoc committee and this committee will sunset when the General Plan is completed.*
- *Eliminate the language that if you miss three meetings unexcused then you are off of the committee.*
- *Designate regular meeting dates, time and place.*
- *Under Purpose & Functions, Item b, add zoning and economic development to list.*
- *Under Vacancies add language in the event of a vacancy the appointing supervisors shall find a replacement and bring to full Board of Supervisors for ratification.*

File #790

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.)

The Board adjourned into Closed Session at 11:05 a.m. re:

- 18) **Conference with Legal Counsel – Existing Litigation –** (Government Code Section 54956.9, subdivision (a) Number of cases: one
Friends of Tres Pinos v. County of San Benito, et al; Superior Court, San Benito County; Case No. CU-07-00186
No reportable action. File #235.6
- 19) **Conference with Labor Negotiator**
Authority: California Government Code Section 54957.6
Agency Designated Representative: Rich Inman, Assistant CAO
Employee Organizations: Law Enforcement Management
Service Employees International Union (SEIU) 521
No reportable action. File #235.6

AFTERNOON SESSION

1:30 P.M.

1:30 p.m. - Assessment Appeal Hearings. Minutes prepared separately.

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: Monaco, Loe, Marcus, Botelho, De La Cruz
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: None

There being no further business the Board adjourned to October 28, 2008 at 9:00 a.m. for a regular meeting.

JAIME DE LA CRUZ, CHAIRMAN
San Benito County Board of Supervisors

ATTEST:
Linda Churchill
Clerk of the Board