



SAN BENITO COUNTY BOARD OF SUPERVISORS

Don Marcus
District No. 1
Chair

Anthony Botelho
District No. 2

Pat Loe
District No. 3

Reb Monaco
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 ACTION MINUTES FEBRUARY 13, 2007

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in regular session. Supervisors Monaco, Loe; Botelho and Marcus were all present. Supervisor De La Cruz was absent. Also present was County Administrative Officer Susan Thompson, County Counsel Dennis Le Clere and Deputy Clerk of the Board Sally Navarez. Chair Don Marcus presiding when the following was had to wit:

9:30 a.m. CALL TO ORDER:

a) Pledge of Allegiance was lead by Supervisor Loe.

Chairman Marcus stated he had spoken with Supervisor De La Cruz who was recovering from recent surgery and indicated Supervisor De La Cruz was doing well.

b) *Upon motion duly made by Supervisor Monaco and seconded by Supervisor Loe, **acknowledged** the Certificate of Posting.*

c) **Public Comment:** Joe Thompson, local resident, urged the Board to have their COG delegates side with the Valley Transit Authority on the proposed east/west connector route being proposed at the special Thursday COG meeting. Mr. Thompson indicated there were too many unmet needs that should be resolved first.

Supervisor Loe commented to Mr. Thompson that COG has added one (1) additional bus specifically to transport patients to receive dialysis treatments thereby addressing some of the needs of the community.

d) **Department Head Announcements:** Per CAO Thompson, there were no Department Head announcements.

e) **Board Announcements, Introductions and Presentations:** Supervisor Botelho indicated he disagreed with Mr. Thompson's' assessment of the transit system. Supervisor Botelho stated he and Supervisor Loe served on COG and said an efficiency study was done and concluded by saying the transit routes are a vital service to this community.

Supervisor Loe noted she had an ethical problem with the retreat agenda and felt the proposed discussion items relative to inclusionary housing and affordable housing should be discussed in Chambers to allow discussions to take place with the public present.

CAO Thompson indicated the items listed were for discussion only and no action(s) would be taken.

Discussion ensued.

Chairman Marcus noted he wanted the items referenced pulled from the retreat agenda per request of Supervisor Loe.

CONSENT AGENDA:

Chairman Marcus noted there was a request to pull Item #6 from the Consent Agenda for further discussion.

BOARD ACTION: *Upon motion duly made by Supervisor Monaco and seconded by Supervisor Botelho, **approved** Consent Agenda Items #1 through #8, less Item #6. Motion passed 4-0 with Supervisor De La Cruz being absent for the vote.*

BOARD OF SUPERVISORS:

1) **Confirmed** appointment of Joseph McMahon to the Historical Heritage Advisory Committee representing Supervisorial District 4 for a coterminous term with that of Supervisor Monaco. *(file #92.1)*

COUNTY ADMINISTRATIVE OFFICER - S. Thompson:

2) **Approved** agreement with Claude Biddle for a term of February 13, 2007 to February 12, 2008 in an amount not to exceed \$50,000 for attorney services pertaining to the re-codification of the County Code project and land use / code enforcement issues. *(cont. from 1/23/07 mtg.) (file #160)*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

3) **Approved** agreement with Kathleen Sheridan for facilitation of Advisory Board trainings in the amount of \$1,200 with a contract term of February 13, 2007 through April 30, 2007 and **authorized** the HSA Executive Director to sign on behalf of the County. *(file #939)*

INTERNAL SERVICES DEPARTMENT – R. Inman:

4) **Approved** agreement between the County and Law Enforcement Managers (LEM) effective October 1, 2006 through September 30, 2008. *(file #630)*

PUBLIC WORKS – J. Lo:

5) **Approved** plan specifications and bid documents for the construction of the Cienega Road Bridge and authorize staff to solicit for construction bids for this project. *(file #105)*

SHERIFF – C. Hill:

6) **Approve two (2) resolutions for Appointment of the Director/Assistant Director for the Direction / Coordination of Emergency Services and for the Order of Succession in the Absence of the Director of Emergency Services. (Res. No. 2007-9 and 2007-10)**

Supervisor Loe questioned at what point did the Board Chair become involved in the process and how was the public kept informed during a disaster.

Management Analyst Margie Riopel explained the process as established by ordinance.

Emergency Services Manager Brian Tempero also noted the county would be involved in a major disaster exercise later this year to better define roles during a disaster. Mr. Tempero stated the Public Information Officer (PIO) role, which is responsible for all public information during such a time, would continue with training as well.

Discussion ensued.

BOARD ACTION: Upon motion duly made by Supervisor Loe and seconded by Supervisor Monaco, **approved Resolution No. 2007-9** Appointment of the Director / Assistant Director for the Direction / Coordination of Emergency Services and **Resolution No. 2007-10** The Order of Succession In the Absence of the Director of Emergency Services. Motion passed 4-0 with Supervisor De La Cruz being absent for the vote. (file #75.5)

7) **Approved** the appointment of a Deputy Sheriff applicant at Range 21.7, Step F based on training and experience. (file #630)

8) **Approved** agreement with Monterey County Office of Education for space at School Peak to house communication radio equipment in the amount of \$2,805 with a contract term of July 1, 2006 through June 30, 2007 and **authorized** the Sheriff to sign said agreement on behalf of the County. (file #116)

9:30 A.M. PUBLIC HEARINGS:

HEALTH & HUMAN SERVICES AGENCY – K. Flores

9) **Hold a public hearing to consider an ordinance amending Chapter 6C.1 of the San Benito County Code, Fees for County Services to increase fees for Medical Marijuana Program and issuance of Medical Marijuana Identification Cards.**

HSA Director Kathryn Flores indicated the Board approved a previous ordinance to establish these state mandated fees in July, 2006. Director Flores indicated the State was now raising their fees from \$13 to \$142 effective March 1, 2007. In order to recover costs associated with this program, the County must now raise its fees from \$40 to \$213. From the collected \$213, the State takes back \$142 and the balance covers staff costs.

Discussion ensued.

This being the duly noted time and place, Chairman Marcus opened the public hearing. However, hearing no one wishing to address the Board, Chairman Marcus closed the public hearing.

BOARD ACTION: Upon motion duly made by Supervisor Botelho and seconded by Supervisor Loe, **waived** the reading of said ordinance and **adopted** Ordinance No. 809 Amending Chapter 6C.1 of the San Benito County Code, Fees For County Services. Motion passed 4-0 with Supervisor De La Cruz being absent for the vote. (file #420)

ASSESSOR – T. Slavich:

10) **Hold a public hearing to consider a proposed resolution establishing fees for applications pursuant to the Agriculture Preserve Ordinance of San Benito County. (Res. No. 2007-11)**

Assessor Tom Slavich provided background information and cited what surrounding counties were charging. Mr. Slavich explained that these fees haven't been raised since 1988 and this ordinance will tie the fees into the San Francisco Consumer Price Index (CPI).

Discussion ensued.

This being the duly noted time and place, Chairman Marcus opened the public hearing. However, hearing no one wishing to address the Board, Chairman Marcus closed the public hearing.

BOARD ACTION: Upon motion duly made by Supervisor Monaco and seconded by Supervisor Loe, **approved** Resolution No. 2007-11 Establishing Fees for Applications

Pursuant to the Agriculture Preserve Ordinance of San Benito County. Motion passed 4-0 with Supervisor De La Cruz being absent for the vote. (file #7)

SHERIFF – C. Hill:

11) **Hold a public hearing to consider a proposed ordinance establishing fees for Special Law Enforcement Services. This is a fee charged to individuals and organizations that hire deputy services for security at special events both public and private.**

Undersheriff Patrick Turturici provided background information on this matter noting the services provided were for security purposes at special events both public and private. Undersheriff Turturici said this ordinance will also tie the fees into the San Francisco Consumer Price Index (CPI).

Discussion ensued.

This being the duly noted time and place, Chairman Marcus opened the public hearing. However, hearing no one wishing to address the Board, Chairman Marcus closed the public hearing.

BOARD ACTION: *Upon motion duly made by Supervisor Monaco and seconded by Supervisor Botelho, waived the reading of said ordinance and adopted Ordinance No. 808 Adopting Fees For Special Law Enforcement Services Of The San Benito County Sheriff's Office And Authorizing Automatic Future Adjustment Of Fees Based On Consumer Price Index. Motion passed 4-0 with Supervisor De La Cruz being absent for the vote. (file #110)*

REGULAR AGENDA:

PLANNING AND BUILDING – A. Henriques:

12) **Approve assignment of County's option to purchase affordable housing unit located at 3088 Riverview Way to the Community Services Development Corporation.**

Planning Director Art Henriques provided background relative to this items in detail regarding the County's Resale Restriction Agreement and Option to Purchase on units at the Riverview Estates subdivision.

Brian Abbott, Community Services Development Corporation, provided additional information on the resale process of affordable housing units.

Lengthy discussion ensued.

BOARD ACTION: *Upon motion duly made by Supervisor Monaco and seconded by Supervisor Loe, directed assignment of the County's purchase option for 3088 Riverview Way to the Community Services Development Corporation. Motion passed 4-0 with Supervisor De La Cruz being absent for the vote. (file #790)*

PUBLIC WORKS – J. Lo:

13) **Hold discussion regarding the Lone Tree Bridge replacement project.**

Public Works Director Jerry Lo provided background information relative to this project and gave an overview of the five (5) options available to the Board of Supervisors. Director Lo recommended the Board choose Option #3 with the current bridge design for 40-mp and a retaining wall for the preservation of large trees.

Lengthy discussion ensued with additional information provided by Assistant Director of Public Works – Engineering Arman Nazemi with regard to replacement of trees for this project.

BOARD ACTION: *Upon motion duly made by Supervisor Marcus and seconded by Supervisor Loe, approved Option #3 as recommended and added that more mature trees be place with the retaining wall. Motion passed 4-0 with Supervisor De La Cruz being absent for the vote. (file #105)*

ADMINISTRATIVE BUSINESS:

- 14) **Receive and review the FY2006/2007 mid-year budget status report.**
Power point presentation was provided by Management Analyst Kellie Kennedy.
BOARD ACTION: *Received status report. No formal action(s) taken. (file #865)*

CLOSED SESSION:

- 15) **Conference with Labor Negotiator:**
Authority: California Government Code Section 54957.6
Agency Designated Representatives: Susan Thompson, CAO &
Rich Inman, Dir. of Internal Services
Employee Organization(s): Department Heads – Elected & Appointed
No action taken. (file #235.6)
- 16) **Conference with Real Property Negotiators**
Authority: California Government Code Section 54957.8
Property: APN: 020-96-0-026-0
Address: 3088 Riverview Way, Hollister, CA 95023
Agency Negotiator: Art Henriques, Planning Director
Negotiating Parties: Owner/Seller: Richard and Joanne Beltran
Under Negotiation: Price and terms of payment
CAO Thompson noted due to the action taken by the Board under Item #12, this matter didn't need to be discussed in Closed Session; therefore withdrew this matter from the agenda. (file #235.6)
- 17) **Conference With Real Property Negotiators**
Authority: California Government Code Section 54957.8
Property: APN: 053-14-0-013-0
Address: 424 West Street, Hollister, CA 95023
Agency Negotiator: Susan Thompson, CAO, Rich Inman, Internal Svcs. Dir.
Negotiating Parties: Owner/Seller: Fernando Gonzalez
Under Negotiation: Price and terms of payment
No action taken. (file #235.6)
- 18) **Conference with Legal Counsel – Existing Litigation – (Subdivision(a) of Section 54956.9)**
Name of Case(s):
1) **Sarsfield vs. SBC Board of Supervisors, et al. (San Benito Superior Court, Case no. CU 06 00062)**
No action taken. (file #235.6)
2) **Pekin vs. Scagliotti, et al. (San Benito Superior Court, Case no. CU-03-00150)**
No action taken. (file #235.6)
3) **Pekin vs. COSB et al. (Northern District Court, Case no. C05 05402)**
No action taken. (file #235.6)
4) **MK Ballistics Systems, et al. vs. Simpson, et al (Northern District Court, Case no. C07 00688)**
No action taken. (file #235.6)

- 19) **Conference with Legal Counsel – Anticipated Litigation**
 (a) **Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9**
Number of Cases: 1
No action taken. (file #235.6)
- 20) **Conference with Legal Counsel – Anticipated Litigation**
 (a) **Significant exposure to litigation pursuant to subdivision (c) of Government Code Section 54956.9**
No action taken. (file #235.6)

SITTING AS THE PUBLIC AUTHORITY FOR IN HOME SUPPORTIVE SERVICES:

- 21) **Conference With Labor Negotiator**
Authority: California Government Code Section 54957.6
Agency Designated Representative: JoDan & Associates, Inc.
Employee Organization: SEIU, Local 817 – In Home Supportive Services (IHSS)
No action taken. (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: Monaco, Loe, Botelho & Marcus
 NOES: SUPERVISORS: None
 ABSENT: SUPERVISORS: De La Cruz

There being no further business the Board adjourned to a ***special meeting – Board Retreat, on Thursday, February 15, 2007 at 9:30 a.m.***

DON MARCUS, CHAIRMAN
 San Benito County Board of Supervisors

ATTEST:
 Linda Churchill, Clerk of the Board

BY:
 Sally Navarez, Assistant Clerk to the Board