



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 APRIL 10, 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; De La Cruz and Marcus were all present. 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 led by Supervisor Monaco.
- b) *Upon motion duly made by Supervisor Monaco and seconded by Supervisor Botelho, **acknowledged** the Certificate of Posting.*

PRESENTATIONS / RECOGNITIONS:

- c) 1. **Presentation of Certificate of Recognition to Mary Damm “Jefferson Award” honoree. (Supervisor De La Cruz)**

Presentation was made by Supervisor De La Cruz who commended Ms. Damm on her commitment to the community and outlined some of her many achievements.

Mary Damm came forward and thanked the Board for the recognition. Ms. Damm encouraged all members of the public to become involved in the community as one person can make a difference. (file #156)

- 2. **Proclaim April 27, 2007 as Arbor Day in the County of San Benito. (County Administrative Officer for Nants Foley)**

Nants Foley read said Proclamation into the record. Ms. Foley noted this would be the first time Arbor Day would be celebrated in conjunction with the Downtown Association annual cleanup day and noted that DMB would present each participant with a one-gallon container with an oak tree and Ms. Foley and her spouse, along with Quicksilver Farms, donated one-pound of compost to go with the tree for planting. Ms. Foley thanked the Board for recognizing Arbor Day in the County.

BOARD ACTION: *Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Monaco, **declared and proclaimed** April 27, 2007 as Arbor Day in San Benito County. Motion passed unanimously. (file #430)*

- d) **Public Comment:** Joe Thompson, local resident, asked the Board to remind the COG delegates that COG takes direction from the Board and not vice versa as was

being proposed at the latest stakeholders meeting relating to the General Plan update, protecting its jurisdiction.

e) **Department Head Announcements:** CAO Thompson noted she had spoken with the Executive Director of the Courts and reported the new courthouse construction costs would be included in the Governors' May Budget Revise. This was good news and she would keep the Board updated on this matter and the next step was to move quickly on the transfer agreement.

Kathryn Flores, Director of H&HSA, provided information regarding an open house at the Family Resource Center on Wednesday, April 25th from 3:00 p.m. – 6:00 p.m. recognizing April 2007 as "Child Abuse Prevention Month" and indicated she would be making presentation of the annual Blue Ribbon award recognizing individual(s) dedication to the prevention of child abuse at the meeting of April 24th.

Planning Director Art Henriques noted at the last Planning Commission meeting, the Commissioners received direction from the Board regarding the hillside ordinance revisions and guidelines. Director Henriques noted the Commission will again discuss the matter at their meeting of April 18th and he will provide an update to the Board at a later date.

Director Henriques informed the Board that the C-District Review regarding the Lowes Home Improvement store is moving forward and discussions regarding annexation to the City of Hollister will be discussed in the future.

Director Henriques further explained that three (3) applications for temporary use permits have been received for proposed activities during the July 4th Motorcycle Rally. The events include camping at Bolado Park, flea market on Cienega Road and a music/food event in San Juan Bautista.

Discussion ensued regarding the proposed activities, procedure to obtain a temporary use permit, collectively working with other affected agencies, i.e. sheriff, CHP, fire, etc., ensuring that all applications for events, not just the July 4th even, are handled fairly regarding reasonable costs for fire, sheriff, etc. services, and utilizing the July 4th event to promote tourism in the County.

f) **Board Announcements, Introductions and Presentations:** Supervisor De La Cruz stated he has researched local areas and found that Santa Cruz schools are pursuing solar energy measures and would like to see something like this be incorporated into the General Plan update as viable alternatives.

Supervisor De La Cruz stated he received a thank you note addressed to the whole Board from Ms. Hall, Teacher of the Year from Gabilan Hills School.

Supervisor Botelho reported he was appointed to the Juvenile Justice Commission and applications to fill all vacancies have been filled. Supervisor Botelho indicated he would be reporting back to the Board of Supervisors at a later date on this matter.

Supervisor Marcus reported that regarding the Courthouse security project, the sides were coming closer to a design.

CONSENT AGENDA:

Chairman Marcus indicated a request was received to pull Item #4 and he would entertain a motion for the balance of the Consent Agenda.

BOARD ACTION: *Upon motion duly made by Supervisor Monaco and seconded Supervisor De La Cruz, **approved** Consent Items #3, #4 & #6. Motion passed unanimously.*

CLERK OF THE BOARD – L. Churchill:

3) **Approved** the action minutes of the meetings of March 27, 2007 and April 3, 2007.

COUNTY ADMINISTRATIVE OFFICER – S. Thompson:

4) **Approve agreement with KNN Public Finance for independent financial advisory services for a term commencing April 10, 2007 through March 31, 2010 in an amount not to exceed \$50,000 per fiscal year.**

Lengthy background information was provided by CAO Susan Thompson and County Clerk/Auditor/Recorder Joe Paul Gonzalez.

Lengthy discussion ensued.

BOARD ACTION: *Upon motion duly made by Supervisor Botelho and seconded by Supervisor Monaco, **approved** agreement with KNN Public Finance for independent financial advisory services as recommended and **directed** that the Contractor provide a public presentation to the Board within ninety (90) days. Motion passed unanimously. (file #119)*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

5) Regarding adding vehicle to FY2006/2007 Fixed Asset Schedule, consider the following:

- a) **Increased** the FY06/07 Human Services budget (Budget Unit #500) by \$17,000 in revenues and expenses and add one (1) replacement vehicle to its Schedule of Fixed Assets; and
- b) **Authorized** the H&HSA Director to proceed with purchase of said vehicle utilizing the State General Services Administration (GSA) contract. (file #130)

SHERIFF'S DEPARTMENT – C. Hill:

6) **Approved** defined workweeks for Sheriff's Communications Dispatchers, effective April 8, 2007 as follows:

- a) Work Period A – Begins on Wednesday 10:00 a.m. and ends on the following Wednesday at 9:59 a.m.
- b) Work Period B – Begins on Thursday 2:00 a.m. and ends on the following Thursday at 1:59 a.m. (file #110 #630)

REGULAR AGENDA:

Chairman Marcus adjourned as the San Benito County Board of Supervisors and reconvened as the Public Authority for In Home Supportive Services.

SITTING AS THE PUBLIC AUTHORITY FOR IN HOME SUPPORTIVE SERVICES:

IN HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY:

7) **Approve the Memorandum of Understanding (MOU) with the California State Association of Counties (CSAC) Excess Insurance Authority to insure no lapse in liability insurance for the IHSS Public Authority.**

Background information was provided by Gifford Swanson, Manager of the IHSS Public Authority.

BOARD ACTION: *Upon motion duly made by Supervisor Monaco and seconded by Supervisor Loe, **approved** Memorandum Of Understanding with CSAC Excess Insurance Authority for liability Insurance as recommended. Motion passed unanimously. (file #130.1)*

Chairman Marcus adjourned as the Public Authority for In Home Supportive Services and reconvened as the San Benito County Board of Supervisors.

AGRICULTURAL COMMISSIONER - P. Matulich:

- 8) **Regarding the Mosquito Abatement Program, consider the following:**
- a) **Accept Engineer's report; and**
 - b) **Accept Resolution No. 2007-25 from the City of Hollister; and**
 - c) **Accept Resolution No. 2007-06 from the City of San Juan Bautista; and**
 - d) **Approve Resolutions No. 2007-16 and 2007-17 and authorize Chair to sign; and**
 - e) **Authorize the Agricultural Commissioner to proceed with the balloting for the Mosquito Assessment Program.**

Background information was provided by Agricultural Commissioner Paul Matulich as well as from Gerard Van Steyn of SCI Consulting Group.

Marvin Jones and Joe Thompson spoke in opposition to the establishment of a benefit assessment area citing this was nothing more than an additional imposed tax on the community.

Discussion ensued.

BOARD ACTIONS: *Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Botelho:*

- a) ***Accepted the Engineer's report; and***
- b) ***Accepted Resolution No. 2007-25 from the City of Hollister; and***
- c) ***Accepted Resolution No. 2007-06 from the City of San Juan Bautista; and***
- d) ***Approved Resolutions No. 2007-16 Adopting Proposition 218 Assessment Ballot Proceedings Procedures and 2007-17 Initiating Proceedings, Providing Intention To Levy Assessments, Preliminarily Approving Engineer's Report, And Providing For Notice Of Hearing, And The Mailing Of Assessment Ballots For The San Benito Mosquito Abatement Program, Mosquito And Disease Control Assessment and authorized the Chair to sign said resolutions; and***
- e) ***Authorized the Agricultural Commissioner to proceed with the balloting for the Mosquito Assessment Program.***

Motion passed unanimously. (file #1.1)

Board took a 5-minute break.

COUNTY FIRE DEPARTMENT – R. DiTullio:

- 9) **Regarding a residential fire sprinkler ordinance, consider the following:**
- a) **Introduce Ordinance amending Chapter 5 of the San Benito County Code and amending the California Building Code and Fire Code to require Residential Automatic Fire Sprinkler systems; and**
 - b) **Make findings, pursuant to Health and Safety Code Section 17958.5 that the amendments made to the California Building Code and Fire Code are required to protect the health welfare and safety of the general public in the unincorporated areas of the county and are reasonably necessary due to local geological, topographical and climatic condition; and**
 - c) **Waive reading of the ordinance and continue to the April 24, 2007 meeting for adoption of said ordinance.**

Background information was received from Reno DiTullio, Assistant Chief and Curt Itson, Battalion Chief of County Fire relative to this matter.

Scott Fuller, representing San Juan Oaks Golf Club; Ray Becker, representing DMB El Rancho San Benito; Marvin Jones, local resident; Beverly Bryant representing Home Builders Association of Northern California and Sally Bettencourt, local resident all spoke in opposition to this proposed ordinance.

Lengthy discussion ensued regarding the need for consistent standards established; flexibility within those standards; State Fire Code changes forthcoming in January 2008 and how will those changes affect an ordinance adopted before that date and the need for the ad hoc committee to continue discussions with County Fire on this matter.

BOARD ACTION: *Upon motion duly made by Supervisor Botelho and seconded Supervisor Monaco **directed** that the ad hoc Fire Committee continue to meet with County Fire in order to refine ordinance. Motion passed unanimously. (file #60)*

PLANNING & BUILDING – A. Henriques:

- 10) **Approve first amendment to agreement with Dyett & Bhatia, General Plan Update – Phase I Consultant, extending term of agreement from April 25, 2007 to October 25, 2007 and increasing compensation by \$7,500 for a total agreement amount of \$49,540.**

Planning Director Art Henriques provided background information relative to this matter.

Joe Thompson, local resident, indicated he has been attending the public meetings on this matter and agreed with Mr. Henriques that the agreement should be extended.

BOARD ACTION: *Upon motion duly made by Supervisor Monaco and seconded by Supervisor De La Cruz, **approved** the first amendment to the agreement with Dyett & Bhatia as recommended by staff, extending the term of said agreement from April 25, 2007 to October 25, 2007 and **increased** compensation by \$7,500 for a total agreement amount of \$49,540. Motion passed unanimously. (file #790)*

ADMINISTRATIVE BUSINESS:

- 11) **Approve an agreement with Calpo, Hom, and Dong Architects, Inc., for program and space planning for the One Stop Permit Center for the period of April 10, 2007 through August 10, 2007 in the amount of \$40,960. (CAO)**

Management Analyst Janelle Cox provided background information relative to this matter and briefly went over the RFQ process associated with this item.

BOARD ACTION: *Upon motion duly made by Supervisor Botelho and seconded by Supervisor De La Cruz, **approved** agreement with Calpo, Hom & Dong Architects, Inc. as recommended by staff for program and space planning for the One Stop Permit Center for the period of April 10, 2007 through August 10, 2007 in the amount of \$40,960. Motion passed unanimously. (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: Monaco, Loe, Botelho, De La Cruz, Marcus
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: None

There being no further business the Board adjourned to its next regularly scheduled meeting on April 27, 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, Deputy Clerk