



**SAN BENITO COUNTY
BOARD OF SUPERVISORS
and as the
PUBLIC AUTHORITY for
IN HOME SUPPORTIVE SERVICES**

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
JUNE 12, 2007
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, Botelho, De La Cruz and Marcus were all present. Also present was County Administrative Officer Susan Thompson, County Counsel Dennis Le Clere and Clerk of the Board Linda Churchill. Chairman Don Marcus presided.

9:30 a.m. CALL TO ORDER:

- a) Supervisor Botelho led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*

PRESENTATIONS / RECOGNITIONS:

- c) **Introduced** Amanda Jacobsen, Miss San Benito Rodeo 2007 who is representing the San Benito County Saddle Horse Association in the 2007 Saddle Horse Show and Rodeo Downtown Parade and the Saddle Horse Show and Rodeo to be held June 22-24 at Bolado Park. (Supervisors Marcus & Monaco)
- d) **Public Comment:** There was no public comment.
- e) **Department Head Announcements:** County Administrative Officer (CAO) Susan Thompson reported that at the next Board meeting on June 26, 2007 there will be an item to set budget hearings beginning Tuesday afternoon, August 7th, and noting that on July 1st we would be rolling the current year's budget over as appropriation authority.
Kathy Flores, H & HSA Director, reported that a Challenge Award will be submitted to CSAC (California State Association of Counties) for the 4-H Mosquito Fish Project with an endorsement letter from the CAO.
- f) **Board Announcements, Introductions and Presentations:** Supervisor Botelho reported that he would be attending the re-dedication of the De Anza Trail and also Historical Days in San Juan Bautista and encouraged everyone to attend this historical event to be held on June 23-24.
Supervisor Monaco reported that he attended the Bitterwater/Tully 8th grade graduation ceremony in South County noting it was a wonderful event.

Supervisor De La Cruz reported that he attended the Independent Rally Committee noting that the organization had its act together and he hoped it would set a model for future rallies to occur in the county.

Supervisor De La Cruz further reported that he attended and gave a speech at the Pinnacles School graduation.

Supervisor De La Cruz thanked the CAO and staff for the wonderful job they have done in our county departments by developing a good business plan and stated that he we still have a long way to go to develop a better Economic Development Plan and we must move forward to grow in the right way for this community to provide housing and jobs for our kids.

CONSENT AGENDA:

Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, approved Consent Agenda Items 1 through 19 with the exception of Items 7, 8 and 15 which were pulled for discussion. (Unanimous)

AGRICULTURAL COMMISSIONER – P. Matulich:

- 1) **Approved** contract with the California State Department of Food and Agriculture in the amount of \$2325 to provide weighmasters reporting services for fiscal year 2007/2008 and **authorized** the Agricultural Commissioner to sign said contract. *File #1.1*
- 2) **Approved** contract with California Dept. of Food & Agriculture in the amount of \$2500 for Organic Inspection Services for FY 2007/2008 and **authorized** chair to sign said contract. *File #1.1*

BEHAVIORAL HEALTH – A. Yamamoto:

- 3) **Appointed** Manual Ochoa to the Substance Abuse Advisory Board as a public interest member for a term of June 12, 2007 to June 12, 2010. *File #810*
- 4) **Approved** contract with Planned Parenthood and the County Substance Abuse Program for a maximum amount of \$33,584 for the term July 12, 2007 to June 30, 2008. *File #810*
- 5) **Authorized** Behavioral Health Director to sign the Multi-Year Negotiated Net Amount Contract (NNAA) with the State Department of Alcohol and Drug Programs (ADP) for FY 2007-2008 through FY 2009-2010; and **adopted Resolution No. 2007-28** accepting said ADP contract. *File #810*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 6) **Approved** contract with Dr. Elizabeth Lee in the amount of \$72,180 to provide psychological services for children and families in the Child Welfare system for the period July 1, 2007 through June 30, 2008 and **authorized** the Director of HHSA to sign said contract. *File #130*
- 7) **Receive and approve the HHSA Director's report and approve contract amendment with the Homeless Taskforce extending the contract ending date from June 30, 2007 to March 30, 2009 and authorize signing authority to the HHSA Director. (CSWD)**

BOARD ACTION: Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz approved the H & HSA Director's report and contract amendment as recommended. (3-0 Vote. Supervisor Botelho abstained due to being a member of the San Benito Labor Association and Supervisor Loe abstained due to being a member of the Homeless Taskforce.) File #939

- 8) Receive and approve the HHS A Director's report and approve the contract amendment with the Emmaus House extending the contract date from September 30, 2007 to September 30, 2009 and authorize signing authority to the HHS A Director. (CSWD)

BOARD ACTION: Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco, approved the H & HSA Director's report and contract amendment as recommended. (4-0 vote. Supervisor Loe abstained due to being a member of the Emmaus House Board.) File #939

- 9) **Approved** contract with Transitions: A Rehabilitation Group, Inc. to provide occupational and physical therapy services in the amount of \$182,400 for the term July 1, 2007 through June 30, 2008. File #130
- 10) **Authorized** the HHS A Director to hire a Social Work Supervisor II at Step E, of range 25.9, effective June 12, 2007. File #130
- 11) **Approved** contract amendment with Community Services & Workforce Development and Community Services Development Corp. adjusting budget items to meet actual shelter expenditures and **authorized** the H & HSA Director to sign. (CSWD) File #939
- 12) **Authorized** the chairman to sign the declaration of intent **not** to apply for FY 2007/2008 Rural Health Services program funding. File #130

INTERNAL SERVICES – R. Inman:

- 13) **Ratified** agreement with Vince Hurley, Attorney for outside legal services for the Aromas officer-involved shooting matter. File #110

LONG TERM CARE COMMISSION – G. Swanson:

- 14) a) **Re-appointed** the following to the Long Term Care Commission with terms to expire on December 21, 2009: Patsy Pence, Alexandra Morris, Terrance Hancock and Linda Robinson; b) **Accepted** the resignation of Gifford Swanson; and, c) **Appointed** Robert Hill with term to expire on December 31, 2008. File #1042

PLANNING DEPT. – A. Henriques:

- 15) **Adopt ordinance revising Chapter 31 (Growth Management Ordinance) of the County Code regarding the Preliminary Allocations Ranking System and tie breaking procedures. (Ord. No. 818)** (Continued from 6/5/07 meeting)
BOARD ACTION: Upon motion made by Supervisor Monaco and seconded by Supervisor Botelho, Code, adopted **Ordinance No. 818** with changes as submitted by the Planning Department, and authorized the Chair to sign said ordinance. (Unanimous) File #790

PROBATION DEPARTMENT – M. Covell:

- 16) **Approved** contract with the City of Hollister for staff costs related to probation officer services for the July 2007 Motorcycle Rally and **authorized** the Chief Probation Officer to sign said contract. *File #510*
- 17) **Approved** Juvenile Probation and Camps Funds Program 2007/2008 agreement and **adopted Resolution No. 2007-29** authorizing Chief Probation Officer to submit and sign said agreement in the amount of \$360,418. *File #510*

PUBLIC WORKS DEPARTMENT – J. Lo:

- 18) **Approved** agreement with the California Department of Transportation for the Regional Surface Transportation Program (RSTP) Federal Exchange and State Match Program for FY 2006-2007 in the amount of \$239,849 and **adopted Resolution No. 2007-30** approving allocation of the RSTP Program funds. *File #510*
- 19) **Approved** contract for civil engineering services with Begur Consulting for an amount not to exceed \$60,000 per year for a term of June 12, 2007 to June 30, 2009. *File #105*

PUBLIC HEARING – 9:30 A.M. (Or as soon thereafter as the matter may be heard):

HEALTH & HUMAN SERVICES AGENCY - K. Flores:

- 20) **Held public hearing to consider a proposed resolution approving the 2008-2009 Community Services Block Grant (CSBG) Community Action Plan and contract execution for funding from the State Department of Community Services and Development. (CSWD)**

Kathy Flores, H & HSA Director provided background information.

Maria Fehl, Deputy Director of Community Services & Workforce Development presented the staff report noting there was a sign up sheet at the back of the room and she would assist with any translation necessary.

Chairman Marcus opened the public hearing. There was no one from the public wishing to address the Board. The Chairman closed the public hearing.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor De La Cruz, received H & HSA Director's report on the 2008-2009 Community Action Plan (CAP) and adopted Resolution No. 2007-31 approved the 2008-2009 and authorizing signing authority for H & HSA Director. (Unanimous) File #939*

The Board adjourned as the Board of Supervisors and reconvened as the Public Authority Governing Board for In Home Supportive Services re:

IN HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY- G. Swanson:

- 21) **Consider amended Joint Power Agreement with the CSAC Excess Insurance Authority to ensure no lapse in liability insurance for the IHSS Public Authority.**

County Administrative Officer Susan Thompson provided background information.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco, approved the amended Joint Powers Agreement with the CSAC Excess Insurance Authority as recommended. (Unanimous) File #130.1*

The Board adjourned as the Public Authority Governing Board for In Home Supportive Services and reconvened as the Board of Supervisors re:

REGULAR AGENDA:

AGRICULTURAL COMMISSIONER – P. Matulich:

22) Consider acceptance of the 2006 San Benito County Crop Report.

Agricultural Commission Paul Matulich presented the 2006 San Benito County Crop Report.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco, accepted the 2006 Crop Report and authorized the release of this report to the public via the department website. (Unanimous) File #1.1*

INTEGRATED WASTE MANAGEMENT DEPT. – M. Rose:

23) Request for direction to staff regarding the agricultural lease violation on County owned property located at 2733 John Smith Road.

Integrated Waste Management Department Director Mandy Rose provided background information stating that the lessee is still in violation of the lease.

Discussion was held.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco, moved to terminate the contract immediately, send lessee 30-day notice for breach of contract, and to litigate if necessary. (Unanimous)*

Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco, authorized the Agricultural Commissioner to sign all necessary documents relative to this matter. (Unanimous)

Directed the Agricultural Commissioner to provide copies of all documents sent to the lessee to the Board of Supervisors through the Chairman. File #75.4

PLANNING DEPT. – A. Henriques:

24) Consider approval of contract with Bay Area Economics for economic/fiscal analysis services for the period June 12, 2007 through June 12, 2008 in an amount not to exceed \$100,000; and provide direction regarding the advancement of funds in the amount of \$7500 for the City of San Juan Bautista's share of proposed Task Order #3 for the development of a Master Revenue Sharing Agreement.

Planning Director Art Henriques explained the services to be provided by Bay Area Economics (BAE) stating that the proposed task orders are specifically outlined on Page 3 of the staff report

Lengthy discussion ensued regarding the proposed services to be provided and the related costs.

Ray Becker representing DMB (El Rancho San Benito) came forward stating that he understood the concerns of the Board and pledged that every nickel that is spent will be reimbursed to the County.

Further discussion ensued.

BOARD ACTION: *Upon motion made by Supervisor Loe and seconded by Supervisor De La Cruz moved to: 1) Approve the contract with BAE for economic/fiscal analysis services for the period June 12, 2007 through June 12, 2008 in an amount not to exceed \$100,000 and authorized the Chair to sign said contract; and 2) Directed staff to come back with a reimbursement agreement with the City of San Juan Bautista. (Unanimous)*

Supervisor Monaco clarified the motion stating that each agreement would come before the Board of Supervisors on an individual basis.

Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco, included Task #1 of the contract, in light of Ray Becker's (DMB) commitment made today, and the fact that DMB has been in the community for a long time, that there is no written contract for the \$9500. (3-2 vote. Botelho & Loe voted no.) File #790

Heard Item 26 prior to Item 25.

ADMINISTRATIVE BUSINESS:

- 26) **Consider appointment of Supervisor De La Cruz to represent county government on the Comprehensive Economic Development Strategy (CEDS) Committee. (Chairman Marcus)**

Chairman Marcus provided background information explaining the purpose of this committee.

BOARD ACTION: Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, approved the appointment of Supervisor De La Cruz to the CEDS Committee. (Unanimous) File #1105.1

- 25) **Update re: proposed resolution accepting grant of open space easement to San Benito County from Robert Enz and Tina Enz for TM-03-69. (Continued from 6/5/07 meeting.)**

Planning Director Art Henriques reported that the applicant and staff had come to an agreement.

Principle Planner Byron Turner provided background recommending approval of the resolution as submitted today.

Doug Marshall, Attorney representing the Enz's was present to address the Board if necessary.

BOARD ACTION: Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco, adopted **Resolution No. 2007-32**, as submitted today, approving and accepting the agricultural Open-Space Easement to San Benito County from Robert and Tina Enz (Tract Map 03-69) to preserve on-site soils for agricultural use.. (Unanimous) 645

1:30 P.M. PUBLIC HEARINGS:

ASSESSOR – TOM SLAVICH:

- 27) **Held public hearings to consider Land Conservation Act (LCA) Requests and take action as appropriate.**

Assessor Tom Slavich provided background information for each LCA request indicating that the Agricultural Preserve Advisory Committee recommended approval of all requests as submitted.

The Chairman opened the public hearings for each request with no one from the public wishing to address the Board. The Chairman closed each hearing.

BOARD ACTIONS:

- **Doodlebug Ranches, LLC:** Compatible Use Request: APN'S 55 Assessor Parcels, Book 23, Pages 10, 11, 12, 13 & 14 and Book 26 Pages 7 & 9.
Upon motion made by Supervisor Botelho and seconded by Supervisor Monaco, approved request as recommended. (Unanimous.)

- **Bayly, Harold Jr. & Beverly P:** Division Request : APN'S 6 Assessor Parcels, Book 26, Pages 10, 12, 15 & 17.
Upon motion made by Supervisor Monaco and seconded by Supervisor Botelho, approved request as recommended. (Unanimous)
- **Casillas, Frank J. & Melinda L:** Division Request: APN 022-13-0-024-0.
Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, approved request as recommended. (Unanimous)
- **Edwards, Robert S:** Division Request: APN'S 028-08-0-003-0; 028-11-0-014-0; 028-13-0-001-0.
Upon motion made by Supervisor Botelho and seconded by Supervisor Monaco, approved request as recommended. (Unanimous)
- **Groot, P & E Family Trust:** Division Request: APN 016-09-0-018-0.
Upon motion made by Supervisor De La Cruz and seconded by Supervisor Botelho, approved request as recommended. (Unanimous)
- **Blackburn, Cortland J. & Laura W:** Lot Line Adjustment: APN'S 016-01-0-041-0; 016-01-0-042-0. **Blackburn Farms III LP:** Lot Line Adjustment: 016-01-0-039-0; 016-01-0-040-0.
Upon motion made by Supervisor Botelho and seconded by Supervisor De La Cruz, approved request as recommended. (Unanimous) File #7

PLANNING DEPARTMENT – A. Henriques:

- 28) **Held public hearing to consider an appeal of the San Benito County Planning Commission decision made on April 4, 2007 re: Minor Subdivision No. 1194-06. Request: Modification of Condition Of Approval 14(a), requiring certain roadway improvements on John Smith Road along the property's frontage, to allow deferment of said roadway improvements. Applicant/Appellant: Al Silva, Jr. Location: 4155 John Smith Road, Hollister, CA. (Continuance granted from the May 8, 2007 BOS meeting).**

Planning Director Art Henriques provided background information.

Principle Planner Byron Turner presented the staff report.

Discussion ensued regarding the appropriate action that the Board of Supervisors would be able to take and questions posed by the Board were addressed by County Counsel Dennis LeClerc.

Chairman Marcus opened the public hearing.

Ann Hall, San Benito Engineering, representing the applicant, spoke on their behalf.

Ms. Hall handed out photographs which she felt showed a false sense of the safety issue of the road improvement proposed by the county. Ms. Hall stated they would not like to see this matter sent back to the Planning Commission but to defer it at this point until such time as a major subdivision may be considered.

Lengthy discussions ensued

Al Silva, applicant, came forward. Mr. Silva stated that he would like to enter into a deferment agreement with the county requiring certain roadway improvements at the time of a proposal for a major subdivision.

Tammy Jackson, daughter of the applicant, stated she would give up splitting off her parcel for her son if it would trigger a major subdivision.

Jerry Lo, Public Works Director and Arman Nazemi, County Engineer, answered questions posed by the Board.

County Counsel stated that the legal issues could be addressed by the meeting of June 26, 2007 but there were other factors that needed to be addressed.

Chairman Marcus clarified the points of the direction to staff to bring back to the Board of Supervisors for consideration as follows:

- 1) The Board of Supervisors agrees to defer this road widening requirement if:
 - a. The applicant enters into a 10 year deferred improvement agreement on the four parcels;
 - b. That the parcel owners of the four parcels would guarantee a widening of John Smith Road for 1200 feet, plus or minus, if two things happen: 1) If John Smith Road is significantly improved for the total distance and/or more than four additional homes are added to the four parcels (this could be all on one parcel, individually) but there would still be the ability to add an additional home for the applicant's parcel plus two others and the fourth home would trigger the road improvement; and, also the 320 foot widening would be included in the total – not waiving it but trying to include it the deferred improvement agreement.

Staff was directed to analyze the CEQA documents accordingly and bring back an answer to the Board.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, continued the public hearing to the June 26, 2006 meeting at 1:30 p.m. (Unanimous) Appeal File*

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 June 26, 2007 at 9:30 a.m. for a regular meeting.

DON MARCUS, CHAIRMAN
San Benito County Board of Supervisors

Attest:
Linda Churchill, Clerk of the Board