



SAN BENITO COUNTY BOARD OF SUPERVISORS

Don Marcus
District No. 1
Vice-Chair

Anthony Botelho
District No. 2

Pat Loe
District No. 3
Chair

Reb Monaco
District No. 4

Jaime De La Cruz
District No. 5

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

REGULAR MEETING ACTION MINUTES JULY 25, 2006

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in regular session. Supervisors Monaco, De La Cruz; Botelho, Marcus and Loe were all present. Also present was County Administrative Officer Susan Thompson, County Counsel Dennis LeClere; Assistant Clerk Sally Navarez for the morning session and Clerk of the Board Linda Churchill for the afternoon session. Chair Pat Loe presiding when the following was had to wit:

9:30 a.m. CALL TO ORDER:

- a) Pledge of Allegiance to be led by Supervisor Botelho.
- b) *Upon motion duly made by Supervisor Monaco and seconded by Supervisor De La Cruz, **acknowledged** the Certificate of Posting.*

PRESENTATIONS / RECOGNITIONS:

bb) Presentation of Certificate of Recognition to the San Benito County 4-H for their efforts in combating West Nile Virus via mosquito fish program.

Supervisor Botelho asked the Union Road 4-H Club to come forward and commended the Clubs' dedication to helping tackle the West Nile Virus problem by distributing mosquito fish to the community.

Matt Fore, Environmental Health, also commended the 4-H Club as mosquito fish ate not only the larvae but adult mosquitoes in troughs, ornamental fountains, spas, etc.

Supervisor Botelho asked the Union 4-H Club to come forward and presented the youth with said Certificate of Recognition. (*file #156*)

- c) **Public Comment:** Joe Thompson, local resident, at a COG meeting held yesterday, the perception that COG is a stand alone department is incorrect. Mr. Thompson asked the Board to strongly consider not allowing COG to pursue a Legislative Analyst to help set policy as this wasn't a good solution to existing problems.

Tony Luis, Aromas resident, indicated his disappointment with how matters were handled during the July 4th "non" rally. Mr. Luis stated too much money was spent on law enforcement. He cited people were stopped at least three times by law enforcement personnel just while walking downtown and noted the City Council and Board of Supervisors need to discuss this situation so it doesn't happen again.

- d) **Department Head Announcements:** Reno DiTullio, CDF Assistant Chief, noted there were three (3) lightning sparked fires in South County over the weekend. Chief

DiTullio noted all were contained quickly but cited a large fire broke out in South Monterey County as result of lightning as well.

Chief DiTullio noted the Monterey County fire had at least 800 persons, a DC10 and helicopters to drop retardant on the fire in order to contain it.

Chief DiTullio stated there were several large wildfires in the State and efforts were being made to ensure local resources were not depleted.

Supervisor Monaco noted he had received reports from his constituents in the Panoche area and they were grateful to CDF and commended all CDF staff for their quick response.

e) **Board Announcements, Introductions and Presentations:** Supervisor Monaco noted that due to the extreme heat, expect crop damage which would be an economic loss to the County. Supervisor Monaco hoped weather reports were accurate that a cooling trend could be expected as early as tomorrow.

Supervisor De La Cruz noted he would like an update on the bid process for waste management.

Supervisor De La Cruz also asked if the Board direction that the DA has to have Board approval on all contracts carried over into the next fiscal year and could that be discussed today.

County Counsel Dennis Le Clere stated it couldn't be discussed today but it was his understanding that this particular Board action transpired on March 28, 2006. Counsel Le Clere felt the order was still applicable but would look into the matter and respond at a later date.

Supervisor De La Cruz noted his frustration with the events of July 4th and noted he supported the City of Hollister, Chief Jeff Miller and Sheriff Curtis Hill. Supervisor De La Cruz felt law enforcement did a good job.

Supervisor Marcus reported that he and Supervisor Monaco met with Jim DeLamonica of CDF and had reached a rough draft for a rural residential sprinkler ordinance.

Supervisor Marcus noted there was a site selection committee meeting at the San Benito County Water District office to discuss the city treatment plant tonight at 5:30 and invited the public.

CONSENT AGENDA:

BOARD ACTION: *Upon motion duly made by Supervisor Monaco and seconded by Supervisor Marcus, **approved** Consent Items #1 through #30. Motion passed unanimously.*

AGRICULTURAL COMMISSIONER – P. Matulich:

1) **Accepted** the 2005 annual Crop Report and **authorized** the release of said report to the public via departmental web-site. *(file #1.1)*

BEHAVIORAL HEALTH – A. Yamamoto:

2) **Approved** agreement renewal with HOPE Rehabilitation Services for the provision of work activity programs for a maximum annual total of \$25,000 with a contract term of July 1, 2006 through June 30, 2007. *(file #810)*

- 3) **Approved** agreement renewal with Victor Treatment Center Inc. for the provision of child and adolescent residential treatment services a maximum amount of \$80,000 with a contract term of July 1, 2006 through June 30, 2007. *(file #810)*
- 4) **Approved** agreement renewal with Chamberlain's Children Center, Inc. for the provision of Therapeutic Behavioral Services (TBS) for Medi-Cal beneficiaries for a maximum annual total of \$75,000 with a contract term of July 1, 2006 through June 30, 2007. *(file #810)*
- 5) **Approved** agreement renewal with Remi Vista, Inc. for the provision of Therapeutic Behavioral Services (TBS) for Medi-Cal beneficiaries for a maximum annual total of \$75,000 for the term of July 1, 2006 through June 30, 2007. *(file #810)*
- 6) **Approved** agreement renewal with Carrie Budd, LMFT for the provision of therapy for adults and children for a maximum annual amount of \$84,000 for the term of July 1, 2006 through June 30, 2007. *(file #810)*
- 7) **Approved** agreement renewal with Santa Cruz Counseling Center, Inc., Si Se Puede Facility, for the provision of residential treatment services for a maximum annual amount of \$40,928 for the term of July 1, 2006 through June 30, 2007. *(file #1053)*
- 8) **Approved** agreement with Elaine Finnberg, PhD, for the provision of psychological testing services for a maximum annual amount of \$6000 for the term of July 1, 2006 through June 30, 2007. *(file #810)*
- 9) **Approved** agreement renewal with Advocacy, Inc. for the provision of patient rights advocacy services for a maximum annual amount of \$7,500 for the term of July 1, 2006 through June 30, 2007. *(file #810)*
- 10) **Approved** agreement renewal with Santa Cruz Counseling Center, Inc. for the provision of residential substance abuse treatment services for a maximum annual amount of \$97,290 for the term July 1, 2006 through June 30, 2007. *(file #1053)*
- 11) **Approved** agreement renewal with Monterey County Behavioral Health Services for the provision of mental health services for a maximum annual amount of \$25,000 for the term of July 1, 2006 through June 30, 2007. *(file #810)*
- 12) **Adopted Resolution** approving the Mental Health Program contract between the California Department of Mental Health (DMH) and San Benito County Mental Health Department accepting the DMH funds (\$288,051.81) and authorizing the San Benito County Behavioral Health Director to sign related contract. (Res. No. 2006-74)
- 13) **Approved** agreement renewal with Jadille Minkoff, LCSW for the provision of Early and Periodic Screening, Diagnosis and Treatment (EPSDT) services in the amount of \$5,000 for the term of July 1, 2006 through June 30, 2007. *(file #810)*
- 14) **Approved** agreement renewal with Changing Echoes, Inc. for the provision of residential treatment services for a maximum total of \$2,549.96 with a contract term of July 1, 2006 through June 30, 2007. *(file #810)*

15) **Approved** agreement renewal with Good Samaritan/Mission Oaks Hospital for the provision of inpatient psychiatric hospital services in the amount of \$50,000 with a contract term of July 1, 2006 through June 30, 2007. (file #810)

16) **Approved** agreement renewal with St. Helena Hospital Center for inpatient psychiatric acute care services in the amount of \$50,000 with a contract term of July 1, 2006 through June 30, 2007, (file #810)

CLERK OF THE BOARD – L. Churchill:

17) **Approved** the minutes for the June 27, 2006 and July 5, 2006 Board of Supervisors meetings.

COUNTY CLERK/AUDITOR/RECORDER – J. Hodges:

18) **Approved Resolution No. 2006-75** accepting official canvass of the June 6, 2006 Primary Election. (file #285)

COUNTY COUNSEL – D. LeClere:

19) **Approved** amendment to subscription contract for on-line legal research service, Lexis Nexis, in order to add resources for legal research and **authorized** County Counsel to sign said agreement. (file #160)

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

20) **Approved** agreement with the Private Industry Council, Inc. in an amount not to exceed \$10,000 for the provision of management services with the Community Services and Workforce Development department with a contract term of August 1, 2006 through December 30, 2006 and **authorized** the H&HSA Director to sign on behalf of the County. (file #939)

21) **Approved** the hiring of a Public Health Nurse III at Step E of Range 24.3 effective July 26, 2006. (file #630/420)

22) Regarding positions for the Public Health Division, consider the following:
a) **Approved** job specification for Supervising Public Health Nurse (PHN) and Supervising Community Health Nurse (CHN); and
b) **Set** the compensation for Supervising PHN at Range 26.3 and Supervising CHN at Range 25.3; and
c) **Revised** the H&HSA Public Health Schedule of Authorized Position to delete 1.0FTE PHN I/II/III and replace with a 1.0FTE Supervising PHN/Supervising CHN position. (file #630/420)

23) **Approved** appointment of Michael Hodges to the Workforce Investment Board representing the private sector for a three-year term effective January 31, 2006 through January 31, 2009. (file #939)

24) **Approved and authorized** submission of the Workforce Investment Act Plan modification approval for Program Year 2006/2007 to the State of California. (file #939)

INTEGRATED WASTE MANAGEMENT – M. Rose

25) **Approved** contract with Golder Associates to perform groundwater monitoring for FY 2006/2007 at John Smith Road Landfill, Class I and Class III Sites. (file #75.4)

26) **Approved** contract with Golder Associates to encompass general services type of tasks as needed by Integrated Waste Management Department with a contract term of July 25, 2006 through June 30, 2008. (file #75.4)

INTERNAL SERVICES – R. Inman:

27) Regarding job specifications for the position of Assistant Director, Behavioral Health, consider the following:

- a) **Approved** new class specifications for Assistant Director, Behavioral Health Department with a Salary Range of 28.6; and
- b) **Authorized** the addition of 1.0FTE for the position of Assistant Director, Behavioral Health; and
- c) **Deleted** Deputy Director of Behavioral Health, 1.0FTE from allocations positions for FY2006/2007. (file #630)

PROBATION – D. Botts:

28) **Approved** retroactive emergency purchase of a Dell Server with SQL Server and Iomega back-up drive in the amount of \$7,861. (file #510)

SHERIFF – C. Hill:

29) **Approved** out of state travel request for Sheriff's Deputy to attend Missing and Exploited Children Chief Executive Officer Seminar August 13-14, 2006 in Alexandria, VA and approve department request to pay for per diem. (file #110)

30) **Approved** two-year agreement with California Forensic Medical Group (CFMG) in the amount of \$708,572.64 for the provision of comprehensive medical services for adult inmates and juvenile detainees with a contract term of July 1, 2006 through June 30, 2008. (file #110)

REGULAR AGENDA:

COUNTY ADMINISTRATIVE OFFICE:

31) **Receive update of activities by the YMCA of San Benito County.**

Margie Barrios, Chair of the YMCA Board of Directors, introduced YMCA members present, Lou Bettencourt, Annette Giacomazzi, Curtis Hill, Scott Fuller, Kay Felice and Teresa Kiernan. Received update of activities by Margie Barrios, Lou Bettencourt and Annette Giacomazzi of the YMCA including a power-point presentation outlining proposed new facility located near Ladd Lane School.

BOARD ACTION: Received update and power-point presentation. No formal action(s) taken. (file #934.1)

INTEGRATED WASTE MANAGEMENT – M. Rose

32) **Consider disposition of County Owned Property at 2733 John Smith Road.**

Director Mandy Rose indicated the land was purchased as a buffer for future landfill growth. Initially, the property was used for cattle grazing and the residence was leased; however changes in the groundwater forced the eviction of the residents and strictly focused on the cattle grazing. CDF used the demolition of the structure as a controlled burn training project.

Lengthy discussion ensued regarding the former terms of the grazing lease at one year; undergoing an RFP process for a cattle grazing operation in the near future with a

three (3) year term as opposed to a one year term; protection of the County's' interest in the land for future landfill growth and development.

Chair Loe opened the matter up for any public comment.

Alan Renz, local resident, came forward and indicated his interest in pursuing a lease for cattle grazing.

Chair Loe noted to Mr. Renz following the recommendations of the Sub-Committee an RFP would probably be forthcoming to which Mr. Renz could complete.

Chair Loe appointed a sub-committee comprising of Supervisor Marcus and Supervisor Monaco to work with Ms. Rose and bring back a report within thirty (30) days.

CAO Thompson also indicated that an RFP could be brought back within thirty days as well.

Supervisor Botelho asked when would be the anticipated start of said lease for cattle operations?

Supervisor Monaco indicated that would be included in the recommendations brought back in thirty days.

Supervisor Marcus indicated normally late fall would be a good time to start a cattle operation.

BOARD ACTION: *Upon motion duly made by Supervisor Monaco and seconded by Supervisor Botelho that a Sub-Committee be established comprising of Supervisor Monaco and Supervisor Marcus to work on an RFP and bring it back within thirty days. Motion passed unanimously. (file #75.4)*

33) **Receive report and provide direction to staff regarding setting a future Landfill funding policy.**

Ms. Rose explained that the current landfill had a life left of approximately 23-years remaining for landfill capacity. When approaching upon 15-years of life left, the County has to plan on how to continue funding for said landfill activities, waste generation, compaction and diversion efforts. Ms. Rose turned the matter over to Mr. Rich Hughley with Shaw Environmental for a power-point presentation and outline.

Received presentation from Mr. Hughley and lengthy discussion was had regarding the impact of future development at the Landfill; out of county waste accepted versus locally generated waste accepted at the Landfill; future expansion efforts on the county-owned land adjacent to the Landfill and funding for the Landfill.

Ms. Rose explained that what occurred in the past, is that any fund balance remaining in the Solid Waste Enterprise Fund was designated by your Board at budget time into the Landfill Development and Diversion reserve. Ms. Rose stated if that was a policy that the Board wished to continue to report that, it would be good but she still needed that direction from the Board.

Supervisor De La Cruz questioned out of county waste fees, amount of in-county waste and how costs would impact lower income families.

Chair Loe explained that the sub-committee would be discussing all these concerns with Ms. Rose and report back following budget hearings.

BOARD ACTION: *Upon motion duly made by Supervisor Monaco and seconded by Supervisor Marcus to continue with previous practice of any fund balance in the solid waste Enterprise Fund being directed to the Landfill Development and Diversion fund. Motion passed unanimously. (file #75.4)*

AGRICULTURAL COMMISSIONER – P. Matulich:

34) **Regarding professional services contract for Special Benefit Assessment to fund mosquito abatement, consider the following:**

- a) **Authorize Chair to sign contract with SCI Consulting Group for a three (3) year period effective July 26, 2006 through July 26, 2009 in the amount of \$147,175; and**
- b) **Waive any and all bid requirements for the contract; and**
- c) **Direct staff to complete Phase I of the Scope of Services outlined in said contract and bring the survey results back to the Board for further direction**

Ag Commissioner Paul Matulich indicated that with assistance from Matt Fore of Environmental Health, this was an agreement for professional services with SCI Consulting Group to fund a special benefit assessment district for mosquito abatement.

Matt Fore, Environmental Health Specialist indicated this was agreement was to pursue an abatement district to provide long term services. Mr. Fore explained that there were time constraints associated with the completion of Phase I of the Scope of Services and urged the Board to approve this matter as recommended in order to move forward with the project.

Discussion ensued regarding scope of services in Phase I and then bringing the matter back before the Board with said survey results.

BOARD ACTIONS: Upon motion duly made by Supervisor Monaco and seconded by Supervisor Marcus:

- a) **Authorized the Chair to sign said contract with the SCI Consulting Group for a three (3) year period effective July 26, 2006 through July 26, 2009 in the amount of \$147,175; and**
- b) **Waived any and all bid requirements for said contract; and**
- c) **Directed staff to complete Phase I of the Scope of Services as outlined in said contract and bring back survey results back to the Board of Supervisors for further direction.**

Motion passed unanimously. (file #1.1)

PLANNING & BUILDING – A. Henriques

35) Appointment of Fire Board of Appeals as provided for in California Fire Code Section 103.1.4 and provide appropriate direction.

Planning Director Art Henriques indicated that there doesn't exist such an Appeals Board in the County of San Benito. Mr. Henriques explained that matter came to light after an applicant for a building permit to place a secondary residence on Cottonwood Road disagreed with CDF that a permanent bridge was necessary for emergency measures versus a low water crossing. The Applicant disagrees with CDF and would like to appeal the matter, however no such Appeals Board exists within the County structure. This matter has been discussed with the State pursuant to the guidelines of the State Fire Code; however, Mr. Henriques was seeking direction from the Board on how best to proceed.

Fire Chief Reno DiTullio came forward and agreed there were shared concerns. Chief DiTullio agreed there needed to be guidance and direction from the Board on this matter.

Chief DiTullio indicated once the information was received and a final determination was made based on what the Fire Code requires, which is unobstructed access in this particular case, then the land owner or permittee at that point doesn't agree, there is the right to appeal. However, there is no Appeals Board in place and thus must go to the Board of Supervisors for resolution.

Lengthy discussion ensued regarding the formation of such an Appeals Board; who should serve on said Board; the need for practical solutions to difficult problems; whether or not this Board would act as a judicial body and what does this appeals process do.

BOARD DIRECTION: Chair directed that this matter be continued to the afternoon session for further discussion to allow County Counsel to meet with the Planning Director and report back during the afternoon.

INTERNAL SERVICES – R. Inman

36) Direction concerning automatic payroll deduction for United Way of San Benito County.

Director of Internal Services Rich Inman indicated that the United Way wished to make a presentation to the employees of San Benito County. Mr. Inman explained this would be a voluntary program whereby employees can donate and receive tax benefits as a payroll deduction.

Jim West, United Way spokesperson, provided an overview and emphasized that the monies donated in San Benito County would stay here via “give where you live” emphasis.

Discussion ensued regarding whether or not local donations stayed local; how this program would impact payroll and auditing staff and the tax benefits to participating employees.

Marvin Jones, South Street resident, noted specific organizations can be designated by the employee where they would like their donation to go to, but cautioned that the United Way doesn’t recognize some organizations such as the Boy Scouts of America.

Jim West stated the United Way has provided donations to Boy and Girl Scouts of America again with the emphasis on local monies staying local.

BOARD ACTION: Upon motion duly made by Supervisor Botelho and seconded by Supervisor Monaco, **authorized** automatic payroll deduction on an employee voluntary basis to contribute to the United Way. Motion passed unanimously. (file #630)

37) Consider appropriation of \$3,000 in the final budget to support an employee appreciation barbeque.

Director of Internal Services Rich Inman noted the barbeque was again intended to show support to the employees of this organization and requested said appropriation be incorporated into the final budget.

BOARD ACTION: Upon motion duly made by Supervisor Monaco and seconded by Supervisor De La Cruz, **authorized** the appropriation of \$3,000 in the final budget to support an employee appreciation barbeque. Motion passed unanimously. (file #865)

ADMINISTRATIVE BUSINESS:

38) Consider and direct staff with respect to the engagement of an Independent Financial Advisor for San Benito County. (CAO)

CAO Susan Thompson noted this was a request for policy direction. Based on the results of the recently completed needs assessment study, the Board will be pursuing expansion of the Jail and Juvenile Hall, construct administration buildings for the Sheriff and Probation departments so it would be a good idea to engage a financial advisor to look at the financing of such large projects. Ms. Thompson explained that following receiving direction from the Board, she would return with an agreement with an outline of the scope of services.

Ms. Thompson indicated she received a proposal from SEIU to assist with auditing the financial status of the county, but after conferring with Joe Paul Gonzales, it is better to secure an outside financial advisor and bring back an agreement with a detailed scope of services at a later date for Board approval.

Discussion ensued between the Board and staff regarding relevant information that will be gleaned from budgets, reports, capital improvement plans, and other reports to be

incorporated into a scope of services which will be brought back before the Board for approval at a later date.

BOARD ACTION: *Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Botelho, **authorized** the expenditure of \$50,000 to engage an Independent Financial Advisor for San Benito County for the purposes of evaluation of the County's financial condition, debt capacity and related tasks for decision making on future debt financing for capital projects. Motion passed unanimously.*

Web Winans, Lovers Lane resident, came forward. Mr. Winans felt that if the County wanted to have some financial information it would be best to go with a private agency. (file #156 & #865)

CLOSED SESSION:

39) Public Employee Performance Annual Evaluation

Title: County Administrative Officer

Authority: California Government Code Section 54957

Due to the lateness of the hour, Chair Loe continued this matter to the afternoon session following the scheduled public hearings.

1:30 P.M. PUBLIC HEARINGS (or as soon thereafter as the matter(s) may be heard):

HEALTH & HUMAN SERVICES AGENCY: K. Flores:

40) Hold public hearing to consider an ordinance amending Chapter 6C.1 of the San Benito County Code, Fees for County Services re: establishing fees and charges to recover the full cost of the administration of the state-mandated Medical Marijuana Program (MMP) and issuance of MMP identification cards.

Mark Eiser, Finance Manager, H & HSA, reported that in October 2003, Senate Bill (SB) 420 was signed into law and mandated that the State Department of Health Services (DHS) establish and maintain a statewide medical marijuana identification care and registry for qualified patients and their caregivers. The County Health Department will review applications, determine the accuracy of the information on the application and issue identification cards but will not recommend, prescribe, or dispense medical marijuana. Mr. Eiser further stated that Article 2.5 of the California Health and Safety Code was amended and authorized the counties to impose a fee for administering the Medical Marijuana Program.

Supervisor Botelho expressed concern that there may be General Fund monies required in the future if the fee did not cover the costs.

The Chair opened the public hearing. Hearing no one from the public who wished to speak the Chair closed the public hearing.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Marcus, adopted **Ordinance No. 798** amending Chapter 6C.1 of the San Benito County Code, Fees for County Services, and adopting a fee addition for the costs of administering the Medical Marijuana Program (MMP) and processing MMP applications. (4-1 Vote. Botelho voted no.) File #130*

41) Hold two (2) public hearings to consider proposed resolutions confirming the annual report, as per Government Code Section 25210.77a, on the following County Services Areas in San Benito County:

HEALTH & HUMAN SERVICES AGENCY: K. Flores:

a) **CSA #36 (Emergency Medical Services & Advanced Life Support Services)**

Marta Denice, Deputy Director, H & HSA, reported that this item was to consider a resolution confirming the annual written report and setting the charges of \$16.76 for a benefit assessment unit for County Service Area #36. This CSA was originally established in 1990 by public vote and provides for advanced life support or paramedic services, coordination and oversight of medical protocols, personnel, training, equipment and the administration of emergency medical services program. Ms. Denice reported that CSA 36 is maintained for the purpose of providing revenue to support emergency medical services and advanced life support services to the incorporated and non-incorporated areas of San Benito County.

Questions from Board members were answered.

The Chair opened the public hearing. Hearing no one from the public who wished to address this item, the Chair closed the public hearing.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Marcus, adopted Resolution No. 2006-76 confirming the written report setting forth charges for each parcel or real property for CSA #36 (Emergency Medical Services & Advanced Life Support). (Unanimous) CSA File 36*

PUBLIC WORKS – J. Lo:

b) **CSA #4 (Santa Rosa Acres); CSA #5 (Hillcrest); CSA #8 (Bonnie View); CSA #9 (Ridgemark); CSA #11 (Barnes Lane); CSA #16 (Santa Ana Estates/Holiday Ranch Estates); CSA #19 (Springwood Estates); CSA #21 (Long Acres); CSA #22 (Cielo Vista); CSA #23 (Rancho San Joaquin/Tevis Trails); CSA #24 (Santa Ana Acres); CSA #25 (Vineyard Estates); CSA #28 (Heatherwood); CSA #29 (Magladry); CSA #30 (McCloskey Acres); CSA #31 (Stonegate); CSA #33 (Torrano); CSA #34 (Ausaymas); CSA #35 (Union Heights); CSA #42 (Lemmon Acres); CSA #45 (Rancho Larios); CSA #46 (Quail Hollow); CSA #47 (Oak Creek); CSA #48 (Dry Creek); CSA #49 (Hollister Ranch Estates); CSA #50 (Dunneville Estates); CSA #51 (Comstock Estates); CSA #53 (Riverview Estates); CSA #54 (Pacheco Creek Estates).**

Assistant Public Works Director Pete Corn provided background information stating that as required by law the Board is charged with annually adopting the fees charged within each County Service Area as identified in the CSA Annual Report. The staff report identifies three CSA's that would require an increased fee. Mr. Corn stated that staff would like the opportunity to further evaluate the three County Service Areas where an increased fee is being recommended.

Mr. Corn further reported that the Board of Supervisors has the option to adopt the fees in the report or modify them. The resolution being considered maintains all fees for all CSA's at the FY 2005-2006 levels. Mr. Corn further stated that after staff has conducted its analysis they would return to the Board for further direction if necessary.

Lengthy discussion ensued with regards to various CSA's.

The Chair opened the public hearing.

The following members of the public addressed the Board and staff.

Terry Younger, President, Stonegate Homeowners Association; Patty Mauerman, property owner at Stonegate; Diana Cisneros, property owner at Stonegate; and, Roberta Daniel, Cielo Vista property owner.

The Chair closed the public hearing.

The Board of Supervisors and staff held question and answer period.

BOARD ACTION: *Supervisor Monaco made a motion to adopt Resolution No. 2006-77 accepting the Annual Report and adopting the fees for extended services at existing fiscal year 2005/06 levels for all identified County Service Areas.*

Under the question. Supervisor Botelho noted that with regards to CSA 49 he urged staff to be frugal in incurring expenses until we have this CSA resolved.

The Chair called for the question.

The motion to adopt Resolution No. 2006-77 passed unanimously. CSA File

PLANNING & BUILDING – A. Henriques

35) Appointment of Fire Board of Appeals as provided for in California Fire Code Section 103.1.4 and provide appropriate direction.

This item was continued from the morning session for further discussion.

Art Henriques, Planning Director, reported that part of the challenge that Planning and Building ran into when consulting with the State was their response was to just read the code and follow it. Mr. Henriques stated that County Fire indicated that the Universal Code is both very flexible and also very specific and it allows fire departments to look very carefully at protecting the public safety but gives them some latitude; but, in the course of Planning and Building they are just looking at the practical application of issuing someone a permit. Mr. Henriques indicated that this permit process is not complete and the applicant is sort of testing the waters before submitting their ultimate application. The question is at what point in time does the Building Officer have to administer discretion.

Mr. Henriques further reported that there are different ways of approaching the establishment of a Fire Board of Appeals and there are several questions that have come up and a few weeks are needed to gather additional information.

Supervisor Monaco stated he did not want to contribute to the landowner's frustration and would like to set a date certain to bring this item back to the Board for consideration.

County Counsel Dennis Le Clere noted that since the application process is not complete there is time to research this matter noting that if it is determined that an ordinance must be adopted, or an amendment to an current ordinance must be adopted, it could take considerably longer.

Supervisor Botelho stated that it looks at though we are moving towards a Fire Appeals Board but then the ultimate authority will be with the Board of Supervisors.

County Counsel Le Clere indicated that it was his understanding that would be correct and he would be looking into that issue.

Supervisor Marcus noted that there is a written application process to the Fire Chief.

County Counsel Le Clere indicated that his office would be researching that process also.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz continued this item to the August 22, 2006 meeting. (Unanimous) File #790*

CLOSED SESSION:

The Board adjourned into Closed Session at 2:45 p.m. and reconvened into Regular Session at 3:10 p.m. re:

39) Public Employee Performance Annual Evaluation

Title: County Administrative Officer

Authority: California Government Code Section 54957

No reportable action. 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; De La Cruz; Botelho; Marcus & Loe
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: None

There being no further business the Board adjourned to its next regularly scheduled meeting on August 1, 2006 at 9:30 a.m.

PAT LOE, Chair
San Benito County Board of Supervisors

ATTEST:
Linda Churchill
Clerk of the Board
Afternoon Session

BY:
Sally Navarez
Assistant Board Clerk
Morning Session