

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