



SAN BENITO COUNTY BOARD OF SUPERVISORS

Don Marcus
District No. 1

Anthony Botelho
District No. 2

Pat Loe
District No. 3
Vice-Chair

Reb Monaco
District No. 4
Chair

Jaime De La Cruz
District No. 5

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

REGULAR MEETING JUNE 14, 2005 MINUTES

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in regular session. Supervisors Marcus, De La Cruz; Botelho; Loe and Monaco were all present. Also present was Acting County Administrative Officer Susan Lyons, Interim County Counsel Claude Biddle and Assistant Clerk Sally Navarez. Chairman Reb Monaco presiding when the following was had to wit:

9:30 a.m. CALL TO ORDER:

- a) Pledge of Allegiance.
- b) *Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Botelho, acknowledged the Certificate of Posting.*
- c) **Public Comment:** Joe Thompson, local resident, came forward. Mr. Thompson indicated small businesses are under attack in today's economy and urged the Board to make San Benito County a "business friendly" environment to encourage new businesses to located in our community.
Steven Rosati, local businessman, came forward. Mr. Rosati noted that some of the conditions associated with the proposed Hwy 156/152 flyover are increasing the costs. Even though the COG board is working on this matter, he was concerned about increased traffic entering San Benito County impacting and already stressed system. Such increased traffic will impact the main transportation arteries in the County such as Hwy 25, Frazier Lake Road, Fairview Road and the widening of Hwy 156 to San Juan Bautista, especially if/when the City of Hollister building moratorium is lifted and residential construction begins again.
Manuel E. Gonzales, local resident, came forward. Mr. Gonzales indicated with the recent repaving of City streets, a man-hole was exposed posing a potential danger to vehicles that drive over it and agreed with Mr. Rosati that there needs to be more effort to bring businesses into the area.
Supervisor Loe expressed condolences on behalf of herself and the Board in the recent loss of Mr. Gonzales' sister.
- e) **Board Announcements, Introductions and Presentations:** Supervisor Botelho gave an overview of the Association of Monterey Bay Area Governments (AMBAG) meeting he attended. Supervisor Botelho urged the Board to join AMBAG in order to work with other agencies also faced with traffic impact issues.

CONSENT AGENDA:

Chairman Monaco indicated there was a request received to pull items #1 and #2 and entertained a motion from the Board for the rest of the Consent Agenda.

BOARD ACTION: *Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Marcus, approved Consent Agenda Items #3 through #18 and pulled Items #1 and #2 for further discussion. Motion passed unanimously.*

ADMINISTRATION:

1) **Consider approval of a contract for primary indigent defense services with the Law Office of Gregory Michael La Forge for a three (3) year period effective July 1, 2005 through June 30, 2008.**

Interim CAO Susan Lyons indicated this contract was pulled address an amendment to the Scope of Services with Mr. LaForge. Ms. Lyons gave a brief overview of the process undertaken by the County in bidding for primary indigent defense services and recommended the Board approve said agreement.

BOARD ACTION: *Upon motion duly made by Supervisor Botelho and seconded by Supervisor De La Cruz, **approved** agreement with the Law Office of Gregory La Forge for a three (3) year period effective July 1, 2005 through June 30, 2008 for the provision of primary indigent defense services. Motion passed unanimously. (file #149)*

2) **Consider approval of a contract for conflict indigent defense services with the Law Office of Harry J. Damkar for a three (3) year period effective July 1, 2005 through June 30, 2008.**

Interim CAO Susan Lyons indicated this contract was pulled address an amendment to the Scope of Services with Mr. Damkar. Ms. Lyons gave a brief overview of the process undertaken by the County in bidding for conflict indigent defense services and recommended the Board approve said agreement.

BOARD ACTION: *Upon motion duly made by Supervisor Botelho and seconded by Supervisor De La Cruz, **approved** agreement with the Law Office of Harry Damkar for a three (3) year period effective July 1, 2005 through June 30, 2008 for the provision of conflict indigent defense services. Motion passed unanimously. (file #149)*

AUDITOR – J. Hodges:

3) **Approved** Departmental Claims.

CLERK OF THE BOARD:

4) **Approved** the minutes of the meeting of May 24, 2005.

COMMUNITY SERVICES & WORKFORCE DEVELOPMENT – K. Flores:

5) **Approved** the appointment of Martha Martinez to the Community Action Board as the District #2 low-income representative for a three year term effective June 1, 2005 through May 31, 2008. (file #939)

6) **Approved** the re-appointment of Virginia Shaw to the Community Action Board representing District #1 Board of Supervisors for a three year term effective June 1, 2005 through May 31, 2008. (file #939)

COUNCIL OF GOVERNMENTS – T. Quigley:

7) **Approved** letter of support for a grant application through CalTrans for the “Safe Routes to School Program” for a bike lane on San Juan Highway between the City of San Juan Bautista and Anzar High School. (file #1035)

COUNTY COUNSEL – C. Biddle:

8) **Rejected** claim of Christopher Doman filed with the Clerk of the Board on May 11, 2005 and **directed** clerk to notify claimant. (file #235)

9) **Approved** agreement with Stringer Business Systems for one (1) Panasonic photocopier and authorize Interim County Counsel to sign the rental agreement. (file #160)

DEPARTMENT OF EMERGENCY SERVICES – M. Riopel:

10) **Reaffirmed** 14-Day Proclamation of Local Emergency – Thomas Road. (file #104)

FIRST 5 SAN BENITO – K. Castillo:

11) **Approved** agreement with Appolonia Foundation's Children's Oral Health Program for the provision of oral sedation and treatment services to children ages 0 to 5 in the community with a contract term of July 1, 2005 through July 30, 2006. (file #155)

12) **Approved** agreement with the San Benito County Health & Human Services agency for the "Great Beginnings" home visiting program with a contact term of July 1, 2005 through July 30, 2006. (file #155)

13) **Approved** agreement San Benito County Public Health Department re: "Healthy Pathways for Children" Project for services to children ages 0 to 5 in the community with a contact term of July 1, 2005 through July 30, 2006. (file #155)

14) **Approved** agreement with the San Benito County Health & Human Services Agency for the "Children's Dental Project" services with a contract term of July 1, 2005 through July 30, 2006. (file #155)

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

15) **Authorized** Chair to sign letter re: Department of Health Services - Local Public Health Services to cease the current Immunization Assistance Program (IAP) at the close of business, June 30, 2005. (file #420)

16) Regarding County Public Health Division Bioterrorism IT connectivity project, consider the following:

a) **Approved** contract with Miller Networks, Inc. for Stage 4 of Bioterrorism IT connectivity project and **authorized** Interim H&HSA Director to sign said contract; and

b) **Approved** addition of Intel Xeon Server to the FY2005/2006 Schedule of Fixed Assets in the amount of \$8,280. (file #420)

PUBLIC WORKS:

17) **Approved** adoption of **Ordinance No. 787 Amending Chapter 9 of the San Benito County Code, Motor Vehicles and Traffic re: Anzar, Olympia and Duncan roads.** (cont. from 6/7/05 mtg.) (file #105)

PROBATION – D. Botts:

18) **Approved** agreement with the San Benito County Office of Education for funding of the Truancy Reduction Program with a contract term of July 1, 2005 through June 30, 2006 and **authorized** the Chair **and** the Chief Probation Officer to sign said agreement on behalf of the county. (file #510)

9:30 a.m. PUBLIC HEARING (or as soon thereafter as the matter may be heard):

COUNTY FIRE DEPARTMENT – M. Martin:

19) **Hold public hearing to consider a proposed ordinance and proposed resolution establishing fees for permits and services for the San Benito County Fire Department.**

Captain Jim Dellamonica came forward and provided background information on this matter. Captain Dellamonica noted he also intended to bring before the Board, at a later date, a sprinkler ordinance for rural residential areas at a later date but he wanted the City of Hollister to review it in order for both agencies to be consistent with each other.

Discussion ensued with topics including only new rural residents would fall under a sprinkler ordinance following adoption of same; the overdue need for such a fee schedule, etc.

This being the duly noted time and place, Chairman Monaco opened the public hearing period.

Manuel Gonzales, III, came forward and expressed his concern about state and national items.

Chairman Monaco asked Mr. Gonzales to direct his comments to the matter at hand at which time Mr. Gonzales returned to the audience.

Hearing no one further wishing to address the Board, Chairman Monaco closed the public hearing.

BOARD ACTION: Upon motion duly made by Supervisor Marcus and seconded by Supervisor De La Cruz, approved/adopted Ordinance #788 An Ordinance Establishing Fees For Permits And Services For The San Benito County Fire Department and Resolution No. 2005 – 73 A Resolution By The San Benito County Board of Supervisors Establishing Fees For Permits And Services For The San Benito County Fire Department. Motion passed unanimously. (file #60)

COMMUNITY SERVICES & WORKFORCE DEVELOPMENT – K. Flores:

20) Hold public hearing to consider a proposed resolution to approve the 2006/2007 Community Services Block Grant (CSBG) Community Action Plan; contract extension for funding from the State Department of Community Services and Development and execution of grant agreement with the State of California for said grant.

Director Kathryn Flores came forward. Ms. Flores indicated there was a Spanish translator available if needed.

In the Directors' report, Ms. Flores gave an overview and background information regarding the specific components addressed in the Community Action Plan (CAP).

This being the duly noted time and place, Chairman Monaco opened the public hearing period. However, hearing no one wishing to address the Board on this matter, Chairman Monaco closed the public comment period.

BOARD ACTION: Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Botelho, approved Resolution No. 2005-74 Approving 2006/2007 Community Services Block Grant (CSBG) Community Action Plan And Contract Execution For Funding From The State Department Of Community Services And Development And Authorizing The Execution Of A Grant Agreement With The State Of California For The Purposes Of This Grant and authorized signing authority for the CSWD Director. Motion passed unanimously.

Ms. Flores took the opportunity to thank staff member Maria Fehl for all her hard work on this project while Ms. Flores was busy juggling both the CSWD and H&HSA departments. (file #939)

REGULAR AGENDA:

PRESENTATIONS / RECOGNITIONS:

21) **Recognize Caili Beebe, Miss San Benito Rodeo 2005. (Supervisor Monaco)**

Chairman Monaco asked Miss Beebe to come forward, presented her with a County pin and congratulated her on behalf of the Board of Supervisors.

Miss Beebe thanked the Board and noted it was an honor to represent San Benito County. (file #55)

PLANNING & BUILDING INSPECTION – M. Bethke:

22) **Regarding Traffic Impact Fee Study, consider the following:**

a) **Receive Report; and**

b) **Provide direction to staff on which option to pursue on the appropriation of funds for the update to the traffic impact fee study.**

Chairman Monaco indicated there was a request received to continue this item to the meeting of June 28, 2005 in order for the Council Of Governments (COG) Board to review this item.

BOARD ACTION: Upon motion duly made by Supervisor Loe and seconded by Supervisor Botelho, continued this matter to the meeting of June 28, 2005 to allow the Council Of Governments (COG) the opportunity to review this item. Motion passed unanimously. (file #790)

PUBLIC WORKS:

23) **Consider approval of plans and bid documents for improvements at Fairview Road / Fallon Road intersection and authorize staff to solicit bids for same.**

Assistant Director of Public Works Arman Nazemi provided background information relative to this item. Mr. Nazemi indicated CalTrans has approved this project.

Discussion ensued regarding funding of the project as well as the need for improvements at this dangerous intersection.

BOARD ACTION: Upon motion duly made by Supervisor Marcus and seconded by Supervisor Loe, **approved** plans and specifications; authorized staff to solicit bids for the construction of improvements at the Fairview Road / Fallon Road intersection and authorized Chair to sign said bid documents. Motion passed unanimously. (file #105)

ADMINISTRATIVE BUSINESS:

24) Consider approval of a Request For Proposal (RFP) for a Countywide Fee Study.

Acting CAO Susan Lyons provided background information on this matter specifically noting most county fees have not been updated since 1991 and solicited Board input.

Discussion ensued and included noting funding for this study was already incorporated from last year's budget; the need for a fee structure in order to generate revenues.

BOARD ACTION: Upon motion duly made by Supervisor Botelho and seconded by Supervisor Marcus, **approved** Request For Proposal for a countywide fee study. Motion passed unanimously. (file #870)

25) Receive informational report / update from the CSAC Board of Directors meeting held in Sacramento on June 2, 2005. (Supervisor Monaco)

Chairman Monaco noted he provided handouts to the Board members with an overview of topics that had been discussed at the CSAC Board of Directors meeting and provided handouts to all Board members. Subjects discussed included various Assembly Bills, Senate Bills, Vehicle License Fee reimbursements to counties and California wilderness fire protection systems.

BOARD ACTION: None required. Received report/update from Chairman Monaco. (file #1110)

26) Consider letter of support re: SB164 (Ducheny) which requires the state to reimburse a county with a population of 250,000 or less for the full cost of providing In-Home Supportive Services (IHSS). (Supervisor Marcus)

Supervisor Marcus stated passage of this Senate Bill was critical to small counties who have limited resources available and needed to be reimbursed by the State.

Interim Director of Health & Human Services Kathryn Flores agreed passage will help in the caring for the home bound citizens.

BOARD ACTION: Upon motion duly made by Supervisor Botelho and seconded by Supervisor Marcus, **authorized** letter of support for SB164 (Ducheny) requiring the state to reimburse counties with a population of 250,000 or less for the full cost of providing In-Home Supportive Services. Motion passed unanimously. (file #156)

CLOSED SESSION:

Adjourn to Closed Session.

27) Conference with Labor Negotiator

Authority: California Government Code Section 54957.6

Agency Designated Representative: Megan Booth, Interim HR Director

Employee Organization: General Unit – SEIU, Local 817

27.1) Public Employment

County Administrative Officer

Authority: California Government Code Section 54957

Upon exiting Closed Session, Chairman Monaco indicated Item #27 and #27.1 would continue discussion in Closed Session following the afternoon public hearing at 2:30 p.m.

27.2) URGENCY ITEM: Acting CAO Susan Lyons indicated an urgency item came up regarding the addition of a Closed Session Item with said item being:

Conference with Legal Counsel – Existing Litigation

Authority: California Government Code Section 54956.9(a)

a) Fancher and Roybal v. County of San Benito.

Interim County Counsel Claude Biddle indicated this item came up subsequent to the posting of the agenda and needed Board action thereby qualifying the item as an "urgency."

BOARD ACTION: *Upon motion duly made by Supervisor Monaco and seconded by Supervisor De La Cruz, added Urgency Item #27.2 to the Closed Session agenda acknowledging item came up subsequent to the posting of the agenda and item needed Board action. Chair Monaco noted the item would be heard in Closed Session at 2:30 p.m.*

Supervisor Marcus asked that issue #2 of Item #28 be heard first for the public hearing. Supervisor Marcus felt receiving the report of the Assessor on Williamson Act AB1492 was important as some of the division requests.

Chairman Monaco indicated issue #2 of Item #28 would be heard before holding the public hearings on the LCA requests.

1:30 p.m. PUBLIC HEARING (or as soon thereafter as the matter may be heard):

ASSESSOR – T. Slavich:

28) 2) Receive report on Williamson Act AB 1492

Assessor Tom Slavich provided a report on AB1492 per request of Supervisor Marcus and the impacts and/or changes to limitations on the sizes of parcels under Williamson Act contract.

28) 1) Hold public hearings to consider Land Conservation Act (LCA) Requests and take action as appropriate re:

a) Acquistapace, Gene Compatible Use

Assessor Tom Slavich indicated this was a request to place a telecommunication site with antenna tower and radio equipment to support the antennas. Mr. Slavich noted the LCA Advisory Committee recommended approval.

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

BOARD ACTION: *Upon motion duly made by Supervisor Marcus and seconded by Supervisor De La Cruz, **approved** the compatible use request. Motion passed unanimously. (file #7)*

b) Bryan, K&M Family Tr. Compatible Use

Mr. Slavich noted this was a request to add an additional residential unit for a family member. Mr. Slavich noted the LCA Advisory Committee recommended approval.

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

BOARD ACTION: *Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Marcus, **approved** the compatible use request. Motion passed unanimously. (file #7)*

c) Erickson, Margaret Joanne Et Al. Compatible Use

Mr. Slavich noted this was a request to drill an exploratory oil and gas well. Mr. Slavich noted the LCA Advisory Committee recommended approval.

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

BOARD ACTION: *Upon motion duly made by Supervisor Botelho and seconded by Supervisor Loe, **approved** the compatible use request. Motion passed unanimously. (file #7)*

d) Rever/Ginsburg Living Tr. Compatible Use

Mr. Slavich noted this was a request to open a Guest Ranch accommodating 2 to 14 guests per night.

This being the duly noted time and place, Chairman Monaco opened the public hearing.

Dr. Barbara Rever, applicant came forward. Dr. Rever noted there was currently an active olive oil business on the premises comprised of approximately 1200 olive trees. Dr. Rever noted the guest ranch would not impact the olive oil business.

Supervisor Monaco asked if persons attending the Guest Ranch would be spending the night?

Dr. Rever indicated that was correct and the Ranch would be responsible for paying the appropriate occupancy taxes.

Discussion ensued regarding the Guest Ranch, appropriate permits, handicap accessibility, etc.

Supervisor Monaco indicated this matter would still have to go before the Planning Commission as well.

BOARD ACTION: *Upon motion duly made by Supervisor Monaco and seconded by Supervisor Marcus, **approved** the compatible use request. Motion passed unanimously. (file #7)*

e) Bettencourt, Peggy Ann **Division**

Mr. Slavich indicated this was a request to divide 350-acres into two contracts of 170 and 180 acres each. Mr. Slavich noted the LCA Advisory Committee recommended approval.

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

BOARD ACTION: *Upon motion duly made by Supervisor Marcus and seconded by Supervisor De La Cruz, **approved** the division request. Motion passed unanimously. (file #7)*

f) Brigantino, Danita **Division**

Mr. Slavich indicated this was a request to divide 2-contracts of 475-acres and 1005-acres into three contracts of 165-acres, 595-acres and 720-acres each. Mr. Slavich noted the LCA Advisory Committee recommended approval.

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

BOARD ACTION: *Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Marcus, **approved** the division request. Motion passed unanimously. (file #7)*

g) Friis, Thomas Ranch L.P. **Division**

Mr. Slavich indicated this was a request to divide 570-acres into three contracts of 62, 249 and 258-acres each. Mr. Slavich noted the LCA Advisory Committee recommended approval.

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

BOARD ACTION: *Upon motion duly made by Supervisor Marcus and seconded by Supervisor Botelho, **approved** the division request. Motion passed unanimously. (file #7)*

h) Garbini Family Trust **Division**

Mr. Slavich indicated this was a request to divide 250-acres into two contracts of 89 and 161-acres each. Mr. Slavich noted the LCA Advisory Committee recommended approval.

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

BOARD ACTION: *Upon motion duly made by Supervisor Marcus and seconded by Supervisor De La Cruz, **approved** the division request. Motion passed unanimously. (file #7)*

i) Gregory, Patricia H. Et. Al. **Division**

Mr. Slavich indicated this was a request to divide 1029-acres into three contracts of 190, 400 and 439-acres each. Mr. Slavich noted the LCA Advisory Committee recommended approval.

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

BOARD ACTION: *Upon motion duly made by Supervisor Marcus and seconded by Supervisor De La Cruz, **approved** the division request. Motion passed unanimously. (file #7)*

j) Miller Rev. Liv. Tr. Et. Al.

Division

Mr. Slavich indicated this was a request to divide 1319 acres into two contracts of 290 and 1029-acres each. Mr. Slavich noted the LCA Advisory Committee recommended approval.

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

BOARD ACTION: Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Loe, approved the division request. Motion passed unanimously. (file #7)

k) Hawkins, William E. Liv.

Notice of Non-Renewal

Mr. Slavich indicated this was a request to non-renew 37-acres under current contract. Government Code § 51245 pertaining to the Land Conservation Act allows the non-renewal on a portion of land under a contract subject to approval by the Board of Supervisors. Mr. Slavich noted the LCA Advisory Committee recommended approval.

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

BOARD ACTION: Upon motion duly made by Supervisor Marcus and seconded by Supervisor Botelho, approved the non-renewal request. Motion passed unanimously. (file #7)

CLOSED SESSION continued:

27) Conference with Labor Negotiator

Authority: California Government Code Section 54957.6

Agency Designated Representative: Megan Booth, Interim HR Director

Employee Organization: General Unit – SEIU, Local 817

No action taken. (file #235.6)

27.1) Public Employment

County Administrative Officer

Authority: California Government Code Section 54957

Interim County Counsel reported regarding employment with Susan Thompson for the position of County Administrative Officer, an agreement has been agreed upon and that agreement will be released as soon as it is completed in typed form. (file #235.6)

27.2) URGENCY ITEM:

Authority: California Government Code Section 54956.9(a)

a) Fancher and Roybal v. County of San Benito.

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: Marcus; De La Cruz; Botelho; Loe & Monaco

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

There being no further business the Board adjourned to its next regularly scheduled meeting on Tuesday, June 28, 2005 at 9:30 a.m.

REB MONACO, CHAIRMAN

San Benito County Board of Supervisors

ATTEST:

John R. Hodges
Clerk of the Board

BY:

Sally Navarez
Assistant Board Clerk