



SAN BENITO COUNTY BOARD OF

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 AUGUST 2, 2005 ACTION 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 County Administrative Officer Susan Thompson, Interim County Counsel Claude Biddle and Senior Board Clerk Linda Churchill. Chairman Monaco called the meeting to order at 9:30 a.m.

9:30 a.m. CALL TO ORDER:

- a) Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- c) **Public Comment:** Joe Thompson, Tres Pinos resident, and member of the Citizen's Rail Advisory Committee, came forward. Mr. Thompson referred to his memorandum that summarizes a series of United States Supreme Court decisions that have severely restricted and reduced our rights to private property under the 5th Amendment in the Bill of Rights. Mr. Thompson asked the Board of Supervisors, as a matter of urgency, to do exactly what the Orange County Board of Supervisors did last week and that is to resolve formally, for the sake of the property owners and homeowners in our county, to support Senate Constitutional Amendment No 15.
- d) **Department Head Announcements:** There were no announcements.
- e) **Board Announcements, Introductions and Presentations:** Chairman Monaco thanked the Board of Supervisors and staff for a successful Board Retreat held last week. Chairman Monaco stated that he would like to have the setting of quarterly retreats agendaized and establish the dates early in the year.
Chairman Monaco wished Supervisor Loe a happy birthday.
Chairman Monaco announced that Congressman Sam Farr has scheduled a town hall meeting to be held in the Board Chambers on August 22, 2005 from 6:30 p.m. to 8:30 p.m.
Supervisor Botelho stated that he has been watching the progression of the San Juan water grant and cooperation between the City of San Juan Bautista and the San Benito County Water District. In talking with both those jurisdictions Supervisor Botelho stated that the cooperation level has deteriorated substantially and he was going to try to bring the parties together to lay out exactly what the problem is as far as mutual cooperation.

CONSENT AGENDA:

Upon motion made by Supervisor De La Cruz and seconded by Supervisor Marcus approved Consent Items 1 through 9. (Unanimous)

CLERK OF THE BOARD:

- 1) **Approved** the minutes of the meeting of June 28, 2005.

COMMUNITY SERVICES & WORKFORCE DEVELOPMENT – K. Flores:

- 2) **Approved** the appointment of Ms. Guadalupe Maldonado to the Community Action Board (CAB) as the District #5 low-income representative for a three-year term effective August 2, 2005 through July 31, 2008. **File #939**

DEPARTMENT OF EMERGENCY SERVICES – M. Riopel:

- 3) **Reaffirmed** 14-Day Proclamation of Local Emergency – Thomas Road. **File #104**

FISH AND GAME COMMISSION – K. Range:

- 4) Regarding contribution to the Nan Pipestem Wildlife Rehabilitation Center, consider the following:
 - a) **Approved** contract with the Nan Pipestem Wildlife Rehabilitation Center for the period of August 2, 2005 through June 30, 2006 in the amount of \$4,000; and
 - b) **Authorized** Chair to sign said agreement. **File #24**

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 5) **Approved** agreement with Sacred Heart School in an amount not to exceed \$1,660.20 for the provision of school nursing services with a contract term of August 2, 2005 through June 30, 2006. **File #420**

HUMAN RESOURCES – M. Booth:

- 6) **Approved** Transportation Planning Manager salary increase to (\$65,820 - \$84,036) 27.0 of the San Benito County Salary Range and the amendment to the Allocation Schedule. **File #1035**

PUBLIC WORKS:

- 7) **Declared** UNET vehicle as surplus and remove from inventory. **File #105**

SHERIFF – C. Hill:

- 8) **Accepted** informational report regarding Inmate Welfare expenditures. **File #110**

SUBSTANCE ABUSE PROGRAM – M. Narasaki:

- 9) **Approved** agreement with Paths Training, LLC in an amount not to exceed \$6,000 for consultation and training of K-3 teachers from the Hollister School District with a contract term of August 2, 2005 through June 30, 2006. **File #1053**

REGULAR AGENDA:

ASSESSOR – T. Slavich:

- 10) **Consider Assessor's Annual Report.**
Assessor Tom Slavich presented the Assessor's Annual Report covering taxable values throughout San Benito County for the 2005-2006 Tax Year.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Loe approved the Assessor's Annual Report. (Unanimous) File #7*

PUBLIC WORKS:

- 11) **Confirm report to adopt charges for extended services in CSA #31 (Stonegate) and CSA #45 (Rancho Larios) for FY2005/2006 and approve proposed resolution confirming report.** *(cont. from 6/28/05 mtg)*

Pete Corn, Assistant Director Public Works, provided background information stating that a public hearing was held on July 26, 2005 and at that hearing requests were made to continue CSA #31 and CSA #45 for FY 2005-06 to allow parcel owners to meet with their respective Supervisor and staff. Mr. Corn stated that parcel owners now understand noting that their fees will remain the same.

BOARD ACTIONS: Upon motion made by Supervisor Botelho and seconded by Supervisor Monaco, confirmed the reports and adopted the charges for extended services in County Service Areas #31 (Stonegate) and #45 (Rancho Larios) for FY 2005-2006.

Upon motion made by Supervisor Botelho and seconded by Supervisor Monaco adopted **Resolution No. 2005-82** confirming the report for CSA #31 (Stonegate) and CSA #45 (Rancho Larios) for FY 2005-2006 and authorized Chair to sign said resolution. (Unanimous) CSA File / File #105

COUNTY COUNSEL – C. Biddle:

12) **Discussion re: parameters of a Noise Ordinance.**

Interim County Counsel Claude Biddle provided opening statements noting that he has reviewed the existing structure which we have for enforcing codes for noise abatement stating it is very brief indeed. Mr. Biddle reported that the Noise Element of the General Plan was last updated in 1984 and the survey it was based on was conducted in 1975. There seems to be a portion where agriculture has certain exemptions and he did not believe that livestock would be included. The existing code allows County Counsel to pursue any noise related complaint under nuisance abatement and that is the way he would proceed at this time based on the scarcity of ordinances we have on the abatement of noise. Mr. Biddle stated that the current zoning ordinance addresses noise

Discussion was held by the supervisors with public input from the following persons: Richard Bettencourt, Southside Road resident; Web Winans, Lovers Lane resident; and, Brad Sullivan, Prune Street resident.

Senior Planner Mary Paxton offered a suggestion that the vocabulary in the County's Zoning Ordinance could be reviewed and changed and to modify current regulations and help clarify what is actually allowed.

BOARD ACTION: Upon motion made by Supervisor Botelho and seconded by Supervisor Loe directed the Planning Department staff to review the vocabulary in the Zoning Ordinance and bring recommended changes back to the Board of Supervisors for consideration before sending it to the Planning Commission. (Unanimous) File #790

ADMINISTRATIVE BUSINESS:

13) **Consider agreement with MuniFinancial as the lowest, responsive/responsible bidder in the amount of \$28,000 re: preparation of a countywide fee study with a contract term of August 2, 2005 through December 31, 2005. (Management Analyst)**

Susan Lyons, Management Analyst, provided background information stating that on June 14, 2005 the Board approved a request for proposal (RFP) for a countywide fee study. Three qualified and responsive proposals were received. Ms. Lyons stated that staff recommends approval of a contract with MuniFinancial as the lowest, responsible proposal in the amount of \$28,000.

BOARD ACTION: Upon motion made by Supervisor Marcus and seconded by Supervisor De La Cruz approved agreement with MuniFinancial for a Countywide Fee Study with a contract period of August 2, 2005 through December 31, 2005 in the amount of \$28,000. (Unanimous)

CLOSED SESSION:

Matters discussed during Closed Session include existing and pending litigation, personnel matters and real property negotiations. Reportable actions taken by the Board during Closed Session will be announced during open session. (Gov. Code Section 54957.1(a) & (b), Ralph M. Brown Act.)

The Board adjourned into Closed Session at approximately 11:10 a.m. and reconvened into Regular Session at 11:50 a.m. re:

- 14) **Conference with Legal Counsel – Anticipated Litigation**
a) Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9 Number of cases: 1
No reportable action. File #235.6
- 15) **Conference with Legal Counsel – Existing Litigation**
Authority: California Government Code Section 54956.9(a)
a) Stafford-Pelt v. County of San Benito
Directed County Counsel to terminate the services of Fish & Richardson as representatives of the county in this matter and to facilitate the hiring of Rankin, Landsness, Lahde, Serverian & Stock to represent the county's interest and all parties concerned.

b) Fancher & Roybal v. County of San Benito
No reportable action. File #235.6
- 16) **Conference with Labor Negotiator**
Authority: California Government Code Section 54957.6
Agency Designated Representative: Susan Thompson, County Administrative Officer
& Megan Booth, Interim HR Director
Employee Organization: General Unit – SEIU, Local 817
No reportable action. File #235.6

BUDGET HEARINGS (or as soon thereafter as the matter may be heard):
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The Board reconvened at 1:30 p.m. re:

- 17) **Budget Hearings for Fiscal Year 2005/2006 continued from August 1, 2005.**
The minutes of budget hearings have been done separately.

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: Don Marcus, Jaime De La Cruz, Anthony Botelho, Pat Loe,
Reb Monaco
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: None

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

REB MONACO, CHAIRMAN
San Benito County Board of Supervisors

ATTEST:
John R. Hodges
Clerk of the Board
BY:
Linda Churchill
Senior Board Clerk