



SAN BENITO COUNTY BOARD OF SUPERVISORS

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 ACTION MINUTES MARCH 13, 2007

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 Deputy Clerk of the Board Sally Navarez. Chair Don Marcus presiding when the following was had to wit:

9:30 a.m. CALL TO ORDER:

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

PRESENTATIONS / RECOGNITIONS:

- c) **Approve Proclamation Recognizing March 2007 As National Chronic Kidney Disease Education Month in San Benito County. (Supervisor De La Cruz)**

Supervisor De La Cruz read said Proclamation into the record.

BOARD ACTION: *Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Monaco, **declared and recognized** March 2007 as National Chronic Kidney Disease Education month in San Benito County. Motion passed unanimously. (file #430)*

- d) **Public Comment:** Joe Thompson, local resident, noted at last weeks' stakeholders meeting, a jurisdictional dispute between COG and the County Planning Department relative to the updating of the General Plan arose. Mr. Thompson stated the Board is the ultimate authority in the county and that COG should be taking direction from the Board.
- e) **Department Head Announcements:** CAO Thompson noted she received information from Sheriff representatives that the Board meeting scheduled for Thursday, July 5th will have to be rescheduled as law enforcement needed the Chambers and Conference Room due to the Motorcycle Rally being held that weekend. CAO Thompson noted she will place the matter on the next agenda for discussion.

Planning Director Art Henriques indicated the second stakeholders meeting held was well attended. Mr. Henriques noted good information was shared and will be back before

the Board shortly with a scheduled for future public input meetings, Planning Commission review and will continue to keep the Board apprised of progress.

f) **Board Announcements, Introductions and Presentations:** Supervisor Monaco indicated he and Supervisor Marcus had met with Court staff regarding Courthouse Security matters. Supervisor Monaco indicated they were working to resolve issues such as handicap accessibility and will keep the Board informed.

Supervisor Loe reminded the public that the Relay For Life kickoff has started and encouraged all to participate in this important community function August 3-4, 2007 at the high school track.

Supervisor Botelho noted he attended a San Juan Bautista town hall meeting regarding sewer and water rate hikes. Supervisor Botelho indicated that while no one wants their rates raised, it is a necessity to work towards the San Juan Bautista water project and fees are increasing on all fronts state-wide to continue services.

Supervisor De La Cruz noted last weekend as he was at the movies, a fight broke out in front of the theater. Supervisor De La Cruz stated he understood it was an "initiation" fight to induct a new member into a local gang. Supervisor De La Cruz noted this was a crisis in our community and we needed to all support law enforcement. Supervisor De La Cruz stated gangs were not just a City of Hollister problem, but a county-wide problem and this affects all – education, economics, etc. in this community.

Supervisor Loe stated it was time the County and City held a town hall meeting to discuss this matter.

County Counsel Dennis Le Clere noted if it was the pleasure of the Board to pursue such a meeting, he stated to schedule a special joint session between entities.

Supervisor Marcus noted Assemblywoman Anna Caballero met with the Board in a special meeting last week and the topic of gang violence/activity was the main topic of discussion.

Supervisor Marcus directed CAO Thompson to confer with the City of Hollister City Manager to schedule a joint meeting to discuss gang activity in the county.

Supervisor Marcus also directed that a letter of thanks be forwarded onto Assemblywoman Caballero thanking her for a good meeting and the opportunity to discuss gangs, transportation issues and other matters concerning San Benito County.

CONSENT AGENDA:

BOARD ACTION: *Upon motion duly made by Supervisor Monaco and seconded by Supervisor De La Cruz, **approved** Consent Agenda Items #1 through #10. Motion passed unanimously.*

BOARD OF SUPERVISORS:

1) **Approved** Certificate of Recognition honoring Paul Armbruster, San Benito County 2007 Hunger Fighter of the Year, for presentation at a reception to be held on March 29, 2007. (Chairman Marcus) (file #430)

2) **Appointed** Matthew McGrew and Richard Boomer to the San Benito County Fish and Game Advisory Commission representing Supervisorial District 3 with terms effective April 1, 2007 through March 31, 2011. (Supervisor Loe) *(file #24)*

3) **Appointed** Jack Swallow and Anthony Bisceglia to the San Benito County Fish and Game Advisory Commission representing Supervisorial District 4 with terms effective April 1, 2007 through March 31, 2011. (Supervisor Monaco) *(file #24)*

CLERK OF THE BOARD – L. Churchill:

4) **Approved** the minutes of the meeting of February 27, 2007.

INTERNAL SERVICES – R. Inman:

5) **Approved** amendment #2 to employment agreement with Art Henriques, Director of Planning and Building. *(file #630)*

6) **Adopted** San Benito County Reasonable Accommodation policy. *(file #630)*

PUBLIC WORKS – J. Lo:

7) **Approved** joint use agreement with the City of Hollister establishing the responsibilities for the renovation and maintenance of the John Z. Hernandez Park for the period of March 13, 2007 through March 13, 2017 in an amount not to exceed \$50,000; authorize the Chair to sign said agreement and direct the Public Works Director to submit all documents necessary for the Project Application Process. *(file #20 & #93)*

8) Regarding Cienega Road Bridge Replacement project, consider the following:

- 1) **Accepted** all bids in the bid summary report and accept Shasta Constructors, Inc. as the lowest responsive, responsible bidder; and
- 2) **Approved and awarded** the contract to Shasta Constructors, inc.; and
- 3) **Authorized** the Chair to sign contract for \$948,625; and
- 4) **Authorized** the Public Works Director to approve change orders, when needed, not to exceed 10% of the contract amount, or \$94,862.

SHERIFF – C. Hill:

9) **Approved** purchase of equipment for use in the Central Coast Rural crime Prevention Program and approve budget augmentation increasing expenditures in the amount of \$18,464 and offsetting revenue for same. *(file #110)*

VICTIM WITNESS ASSISTANCE PROGRAM – K. Fancher:

10) Regarding application for funding of the Victim/Witness Assistance Program, consider the following:

- a) **Reviewed** the proposed Grant Application for continuation of funding for the San Benito County Victim/Witness Assistance Program; and
- b) **Adopted** Resolution No. 2007-13 designating the County Administrative Officer as the Implementing Agency for the program and **authorized** the Victim Witness Program Administrator and the County Auditor to sign and submit all appropriation documentation to effect the purpose of the grant application. *(file #165)*

REGULAR AGENDA:

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

11) **Adopt Ordinance No. 812 repealing Ordinance 798 (Medical Marijuana Program ID Cards) that was replaced by Ordinance 809.** *(Continued from the March 6, 2007 meeting.)*

Director Kathryn Flores provided background information relative to this matter.

Discussion ensued.

BOARD ACTION: *Upon motion duly made Supervisor Monaco and seconded by Supervisor Botelho, adopted Ordinance #812 repealing Ord. 798 regarding Medical Marijuana Program ID Cards. Motion passed unanimously. (file #420)*

PLANNING DEPARTMENT - A. Henriques:

12) **Receive update and provide direction to staff for action items on Affordable Housing and Inclusionary Housing Programs.**

Background information and a power-point presentation was received from Planning Director Art Henriques.

HSA Director Kathryn Flores provide input relative to community based organizations and noted that the Housing Authority of Santa Cruz is now accepting applications for Section 8 housing in the San Benito County area.

Discussion ensued relative to City/County collaboration on zoning adjacent to sphere-of-influence; how when the City moratorium is lifted the influx of activity that can/will take place affecting housing in the County and formation of community partnerships.

Joe Thompson, local resident; Kathleen Ruiz, Chair of the Homeless Task Force; Ron Crates, Superintendent of the Hollister School District; Dennis Lalor, Executive Director of South County Housing and Brad Sullivan, local resident, all provided input.

Lengthy discussion ensued which included Supervisor Loe's request again to obtain which projects include the amounts charged or not charged for such units and the formula used; potential establishment of a sliding scale to provide flexibility; impacts to rural residents who wish to remodel/renovate or place modular homes; forming partnerships within the community; discussing this matter at a future Inter Governmental Committee meeting with the City of Hollister and returning this matter back to the Planning Commission with recommendations for the Board to consider at a later date.

BOARD ACTION:

- a) Direction given to CAO to meet with City of Hollister staff to schedule an Inter-Governmental Committee meeting to discuss shared staffing and program collaboration
- b) *Direction given to the Planning Director to bring back specific recommendations for Board consideration including Inclusionary Housing percent reduction, allowable rural property second residence or other building flexibility to support increased housing availability and establishing partnerships within the community and community based organizations and report back on the level of necessary staff support to address this matter;*
- c) *Direction given to Counsel and CAO to review if ordinance changes will best be as an amendment to an existing ordinance or repeal of current ordinance and introduce an entirely new one; and*
- d) *Authorize Chairman Marcus to work with staff to move these items along. (file #790)*

ADMINISTRATIVE BUSINESS:

13) Acknowledge receipt of the Notice of Preparation of a Draft EIR for the City of Hollister Spray Field Project and Regional Recycled Water Project.

CAO Susan Thompson provided background information relative to this matter.

Lengthy discussion ensued regarding points desalinization/demineralization of ground water; environmental impacts – long and short term; how potential sites were chosen over others and rationale behind the ranking of such sites; total Board support of the opinions of the San Benito County Water District; and economic impacts as well as environmental impacts.

BOARD ACTION: *Directed the CAO to agendize this matter for the March 27, 2007 Board meeting and draft a letter to the City of Hollister requesting comments/concerns of the Board be incorporated into the Notice of Preparation of the Draft EIR for this project as follows:*

- a) *Address the long term environmental impacts/affects of spraying at chosen site beyond the 2015 closure date; or
The inclusion of language specifying the absolute deadline date for use of the chosen site be 2015; and*
- b) *Rationale and ranking of site selected; and*
- c) *Include that the San Benito County Board of Supervisors unanimously supports the expert opinions of the San Benito County Water District; and*
- d) *Make inquiry as to why the eastern part of the County, which is very arid and has no spray field site for evaluation; and*
- e) *Seek address of the blending of Central Valley Project water and well water as a viable alternative to the demineralization of ground water.(file #790)*

CLOSED SESSION:

14) Public Employment

Authority: California Government Code Section 54957

Title: County Counsel

Performance Evaluation

Upon exiting Closed Session, Chairman Marcus noted the Board of Supervisors will utilize the same evaluation forms on this matter as was previously used for the evaluation of the CAO. This matter to brought back at the April 3, 2007 Closed Session portion of Board meeting. (file #235.6)

15) Conference with Legal Counsel – Existing Litigation – Subdivision(a) of Section 54956.9)

Name of Case(s):

1. Sarsfield vs. San Benito County Board of Supervisors, et al. (San Benito Superior Court, Case no. CU 06 00062)

No action taken. (file #235.6)

2. MK Ballistics Systems, et al. vs. Simpson, et al (Northern District Court, Case no. C07 00688)

*Upon exiting Closed Session, Counsel Le Clere noted by a vote of 4-1, **denied** counsel request of Mr. Simpson. (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, Loe, Botelho, De La Cruz, Marcus
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: None

There being no further business the Board adjourned to a ***special meeting on Tuesday, March 20, 2007 for Board of Supervisors retreat*** at 9:00 a.m.

DON MARCUS, CHAIRMAN
San Benito County Board of Supervisors

ATTEST:
Linda Churchill, Clerk of the Board

BY:
Sally Navarez, Assistant Clerk