SAN BENITO COUNTY
BOARD OF SUPERVISORS

Don Marcus	Anthony Botelho	Pat Loe	Reb Monaco	Jaime De La Cruz
District No. 1	District No. 2	District No. 3	District No. 4	District No. 5
Chair				Vice-Chair

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

REGULAR MEETING
ACTION MINUTES
APRIL 3, 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 Clerk of the Board Linda Churchill. Chairman Don Marcus presided.

9:30 a.m. CALL TO ORDER:

a) Supervisor De La Cruz led the Pledge of Allegiance.

b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*

c) **Public Comment:** Joe Thompson, Tres Pinos resident, commented with regards to the partnership with the Valley Transportation Authority (VTA) and the shocking stories that have come out. Mr. Thompson stated that the Board of Supervisors should discuss revoking the County's partnership with VTA at their next meeting. Mr. Thompson further commented with regards to the recent Economic Development Workshop held at the Board's Retreat meeting stating this was a problem of priority.

d) **Department Head Announcements:** County Administrative Officer Susan Thompson noted that Closed Session Item 8 was withdrawn from the agenda. The reasons are stated under that item.

Ms. Thompson reported on her attendance at the recent California State Association of Counties (CSAC) Legislative Conference held in Sacramento on March 28 – 29 stating that the main issues of discussion were corrections reform and health reform. Ms. Thompson further reported that Governor Schwarzenegger addressed the conference attendees.

Chairman Marcus directed the CAO to have the Sheriff provide an update to the Board at the next meeting or the April 24th meeting with regards to corrections reform.

e) **Board Announcements, Introductions and Presentations:** Supervisor Monaco reported on his attendance at the CSAC Legislative also stating that the Governor spoke to the attendees in a relaxed manner for over one half hour. Further the Secretary of the Food and Drug Department addressed the e-coli issue. Also discussed was concern over SB576 which would prevent animal feeding operations within five miles of historical parks noting that CSAC has take a position against this bill.

Supervisor Botelho reported that he and Supervisor Loe attended the Association of Monterey Bay Area Governments (AMBAG) meeting where the sediment and erosion issue around the Monterey Bay Sanctuary was discussed.

Supervisor Botelho also reported that he and Supervisor Loe attended the Second Harvest Food Bank's Awards Dinner honoring the Hunger Fighter of the Year, Paul Armbruster. Supervisor Botelho then made a presentation to Dina Bies, County Administrative Secretary, who coordinated the holiday food drive for the county employees. San Benito County was awarded the trophy for the most pounds of food donated.

Supervisor Loe stated she was impressed with the hard work of the County employees.

Supervisor De La Cruz thanked the City of Hollister for beginning to paint over graffiti in his area. Further Supervisor De La Cruz reported another gang related shooting occurred on Line Street in Hollister noting that there is an underground society planning these things because the City of Hollister is short funded and there is less police out on the streets.

Chairman Marcus appointed Supervisor Botelho as liaison to the Juvenile Justice Commission replacing Supervisor Monaco who has a conflict in meeting dates.

Chairman Marcus reported that he met with Assemblywoman Anna Caballero and her Finance Manager, along with Supervisor Botelho, San Juan Bautista City Manger Jan McClintock and San Juan Bautista City Council member George Dias to discuss the financial plight of the City of San Juan.

CONSENT AGENDA:

Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco, approved Consent Agenda Item 1. (Unanimous)

CLERK OF THE BOARD: L. Churchill

1) ***Approved*** the minutes of the special meeting (Board Retreat) held on March 20, 2007.

REGULAR AGENDA:

PLANNING & BUILDING – A. Henriques:

2) **Discuss and provide direction to staff regarding Hillside Development Guidelines.**

Art Henriques, Director of Planning and Building Department, provided background information and presented Power Point Presentation titled Hillside Development Ordinance and Design Review Guidelines.

The following members of the public addressed the Board: Denny Madigan, Hollister resident; Brad Sullivan, Hollister resident; Doug Marshall, Attorney, Santa Cruz, California; and Joe Thompson, Tres Pinos resident. It was the opinion of the speakers to rescind the ordinance.

Lengthy discussion ensued with regards to rescinding the ordinance, amending the ordinance, the enforcement of guidelines; having guidelines during the time between the rescinding of the ordinance and the approval of a new General Plan.

Chairman Marcus provided his suggestions for amendments to the existing ordinance.

County Counsel provided input as to the appropriate action that could be made given the way the item was agendized.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, directed staff to come back with the necessary paperwork to rescind the Hillside Ordinance and in doing that to make recommendations for those stop-gap measures*

that we need to fill the gap of time in which we wouldn't have a General Plan and to get the Planning Commission's input. (4-1 Vote. Loe voted no.) ***File #790***

ADMINISTRATIVE BUSINESS:

2) Consider agreement with the Administrative Office of the Courts (AOC) concerning disposition of existing County Courthouse and donation of land for new County Courthouse.

County Administrative Officer Susan Thompson reported that a recent opportunity has arisen for the County's new courthouse construction project funds to be considered for inclusion in the Governor's May-Revise budget. The State Department of Finance will make the determination of inclusion but are requiring the County to submit documentation of preliminary transfer terms acceptable to the Judicial Council of California Administrative Office of the Courts in order for this inclusion to be considered.

Court Executive Officer Gil Solorio was present to address the Board.

Question and answer period ensued.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor De La Cruz, approved and authorized the Chairman to sign a Preliminary Term Sheet for submission to the Judicial Council of California Administrative Office of the Courts relating to the transfer agreement – new courthouse construction project; and, approved the commitment of County funds equivalent to one half of the actual cost for certified appraisal of two County offered parcels of land and the Court's equity in the current County courthouse estimated at $5,000.00. (Unanimous)* ***File #595***

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.)

4) **Public Employment**
Authority: California Government Code Section 54957
Title: County Counsel
Performance Evaluation
No reportable action. ***File #235.6***

5) **Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Section 54956.9)**
Name of Case: M.K. Ballistics Systems v. Simpson, et al; Case No. C07-00688
No reportable action. ***File #235.6***

6) **Conference with Legal Counsel – Anticipated Litigation**
(a) Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9 - Number of cases: 2
No reportable action. ***File #235.6***

7) **Conference with Legal Counsel – Anticipated Litigation**
(a) Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9 – Number of cases: 2
No reportable action. ***File #235.6***

SITTING AS THE PUBLIC AUTHORITY FOR IN HOME SUPPORTIVE SERVICES:

8) **Conference With Labor Negotiator**

Authority: California Government Code Section 54957.6

Agency Designated Representative: JoDan & Associates, Inc.

Employee Organization: SEIU, Local 817 – In Home Supportive Services (IHSS)

Withdrawn from agenda.

County Administrative Office Susan Thompson reported that staff has concluded the negotiations with the SEIU – IHSS workers and the negotiating team has, in fact, signed the documents as of last Monday and we are awaiting members' ratification and anticipate that the agreement will be ready for Board of Supervisor's consideration as early as April 24, 2007. ***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 April 10, 2006 at 9:30 a.m. for a regular meeting.

DON MARCUS, CHAIRMAN
San Benito County Board of Supervisors

Attest:
Linda Churchill, Clerk of the Board