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
MAY 8, 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.*

PRESENTATIONS / RECOGNITIONS:

c) 1) ***Approved*** proclamation declaring May 6 - 12, 2007 as "National Nurse Week" in San Benito County. (HHSA) ***File #430***

2) ***Approved*** proclamation declaring May 6-12, 2007 as "Building Safety Week" in San Benito County. (Planning Dept.) ***File #430***

3) ***Presented*** Certificate of Recognition to Babe Ruth Baseball President Steven Ferranti honoring their 50th anniversary in San Benito County. (Supervisor De La Cruz) ***File #156***

4) ***Presented*** Certificate of Recognition to Cyndee Colman, retiring after 21 years of services to the San Benito County Sheriff's Office. (Human Resources) ***File #156***

5) ***Presented*** Certificate of Recognition to Eva Reyna in appreciation of over thirty years of dedicated service to the citizens of San Benito County. (Supervisor De La Cruz) ***File 156***

d) **Public Comment:** Tony Ruiz, local resident, came forward and expressed concern over the proposed site for the new Gavilan College Campus stating that the process has not been very transparent and he felt the views of the supervisors should be known to their constituents. Mr. Ruiz encouraged the

Board members and the public to attend the meeting to be held tonight (May 8, 2007) in the Board Chambers to hear input about this proposed site.

e) **Department Head Announcements:** Curt Itson, Battalion Chief, Cal Fire, announced that it was Wildfire Awareness Week as declared by Governor Schwarzenegger, noting that fire season officially begins on May 14th at 8:00 a.m. Chief Itson encouraged the community to be aware of the high fire danger here in the county this year.

f) **Board Announcements, Introductions and Presentations:** Supervisor De La Cruz commented with regards to Mr. Ruiz's public comment about the proposed Gavilan Campus site. Supervisor De La Cruz felt it should be closer to the west side of the city indicating that he would be attending the meeting that evening.

Supervisor Botelho reported that over the weekend he attended the Aromas Recreation Field groundbreaking ceremony and also a reception held at the Mairose home in San Juan Bautista supporting the St. Francis Retreat, which is well on its way to being re-built after the fire. Supervisor Botelho encouraged contributions to this facility that brings in over 7000 people during the year for various retreats, workshops, meetings and etc.

Chairman Marcus, who serves as the Chairman of the Pajaro River Watershed Flood Prevention Authority, reported that the Authority has made a strong effort to remind our legislature how extremely important and urgent the Pajaro River Flood Control Project is to the region.

CONSENT AGENDA:

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Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco, approved Consent Agenda Items 7, 8, and 10 and pulling Items 6 and 9 for discussion and also clarification of Items 11 and 11.1. (Unanimous)

AGRICULTURAL COMMISSIONER – P. Matulich:

6) **Approve two (2) letters of support for Senate Bill #311 regarding funding for Weed Management Areas and direct clerk to forward said letter to Senator Dave Cogdill and Senator Jeff Denham**.

Marvin Jones, local resident, came forward and spoke in favor of this state program and warned the Board not to use this as a precursor for another program like the Mosquito Abatement Program and then at some time having to tax the citizens.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Botelho, approved the two letters of support for Senate Bill 311 as recommended.* (Unanimous) ***File #156.1***

CLERK OF THE BOARD – L. Churchill

7) ***Approved*** the action minutes of the April 24, 2007 meeting.

PLANNING AND BUILDING – A. Henriques:

8) ***Approved*** and ***authorized*** the Chairman to sign letter of concern regarding Senate Bill 68 and ***directed*** letter be sent to State Representatives. ***File #156.1***

PUBLIC WORKS – J. Lo:

9) **Approve amendment No. 2 to the agreement with CM Pros, Inc. for construction management services, increasing agreement by $250,000 for a total of $750, 000.**

Lengthy question and answer period ensued regarding the Board's concern with the continued increase in the costs association with this agreement.

It was the consensus of the Board of Supervisors to prioritize this matter as a future agenda item for clarification and explanation by the Public Works Director.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Loe, approved Amendment No. 2 to the agreement with CM Pros, Inc. as recommended and authorized the Chair to sign the agreement. (Unanimous)* ***File #105***

SHERIFF – C. Hill:

10) ***Approved*** out of state travel for Lt. Escamilla to tour Stanley Integrated Systems manufacturing facility May 21-23, 2007 in Noblesville, Indiana. ***File #110***

11) ***Approved*** 36-month lease agreement with Monterey Bay Office Products for the lease of a copier/printer and scanner. ***File #110***

11.1) Addendum: ***Authorized*** applicant/agent (Emergency Services Manager) to submit the FY 07 Emergency Management Performance Grant Program on behalf of the County Operational Area. ***File #1068***

PUBLIC HEARING *(9:30 A.M. or as soon thereafter as the matter may be heard):*

PLANNING DEPARTMENT – A. Henriques:

12) **Hold public hearing to consider an appeal of the San Benito County Planning Commission decision made on April 4, 2007 re: Minor Subdivision No. 1194-06. Request: Modification of Condition Of Approval 14(a), requiring certain roadway improvements on John Smith Road along the property's frontage, to allow deferment of said roadway improvements. Applicant/Appellant: Al Silva, Jr. Location: 4155 John Smith Road, Hollister, CA**. ***(A request for continuance has been submitted by the appellant.)***

Byron Turner, Principle Planner, reported that the appellant has requested a continuance of this appeal noting that staff has no problem with the request.

The Chairman opened the public hearing.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco, continued the public hearing to June 12, 2007 at 1:30 p.m. (Unanimous)* ***Appeal File***

REGULAR AGENDA:

Moved Item 17 as first Regular Agenda Item.

ADMINISTRATIVE BUSINESS:

17) **Receive informational update from the Hollister Motorcycle Rally Committee. (Supervisor De La Cruz)**.

Robbie Scattini, Hollister Motorcycle Rally Committee, introduced Seth Doulton of Horse Power Promotions who provided a report on the plans and status of the upcoming Hollister Motorcycle Rally. Mr. Doulton handed out car stickers and an informational post card.

No action required. ***File #124***

SHERIFF – C. Hill:

13) **Approve request to add an additional Detective to the California Multi-jurisdictional Methamphetamine Enforcement Task Force (CalMMET).**

Sheriff Hill provided background information noting that this will be a critical piece of drug suppression efforts.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Botelho, approved the addition of one (1) Deputy Sheriff – Range 21.7 for the sole purpose of the Cal-METT Program. (Unanimous)* ***File #110***

PLANNING DEPARTMENT – A. Henriques:

14) **Review hearing officer selection and compensation process and adopt ordinance amending Chapter 19 of the San Benito County Code pertaining to Code Enforcement.** *(cont. from 4/24/07 mtg.)*

Art Henriques, Director of Planning, provided background information stating that a description of the proposed Hearing Officer qualifications and compensation was included in the Board's packet as previously requested.

BOARD ACTION: *Upon motion made by Supervisor Marcus and seconded by Supervisor De La Cruz, adopted* ***ORDINANCE NO. 816*** *AMENDING SECTION 19-6 OF CHAPTER 19, CODE ENFORCEMENT, OF THE SAN BENITO COUNTY CODE, TRANSFERRING THE RESPONSIBILITY OF ADMINISTRATIVE HEARINGS FROM THE COUNTY ADMINISTRATIVE OFFICER OR DESIGNEE TO A "HEARING OFFICER"; and directed staff to report back to the Board of Supervisors in six months as to how this system is working. (Unanimous)* ***File #790***

15) **Receive update report on the General Plan progress and provide direction as necessary.**

Art Henriques, Director of Planning, reported that Phase One of the General Plan Update is underway with staff and consultant having completed a series of meetings with key stakeholders from the community and workshops for the general public and a countywide survey are being planned. It is hoped that Phase Two can begin in the fall.

No action required. ***File #790***

INTERNAL SERVICES – R. Inman:

16) **Tentatively approve San Benito County Drug and Alcohol Abuse Policy and bring back policy for final approval after meeting and conferring with employee representatives.**

Rich Inman, Director of Internal Services, stated that this would be a milestone in adding another degree of sophistication to the county's personnel policies and procedures. Mr. Inman reported that this would be creating a standard that pretty much exists already within public agencies within the state and throughout the country.

Question and answer period ensued.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, tentatively approved the San Benito County Drug and Alcohol Abuse Policy and directed staff to bring back the policy for final approval after meeting and conferring with employee representatives. (Unanimous)* ***File #630***

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.)

18) **Conference with Legal Counsel - Existing Litigation - (Subdivision(a) 54956.9) Name of Case(s):**

a. MK Ballistics Systems, et al v. Wm. Simpson, et al. (Case No. C-07-00688)

No reportable action. ***File #235.6***

19) **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**

1 Case withdrawn.

1 Case – No reportable action. ***File #235.6***

20) **Conference with Legal Counsel – Anticipated Litigation**

Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9. Number of Cases: **2**

1 Case withdrawn.

1 Case – 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, Loe, Botelho, De La Cruz, Marcus
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: None

There being no further business the Board adjourned to May 22, 2007 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