



# SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios  
District No. 1

Anthony Botelho  
District No. 2  
Chair

Pat Loe  
District No. 3

Reb Monaco  
District No. 4  
Vice-Chair

Jaime De La Cruz  
District No. 5

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

## REGULAR MEETING JANUARY 27, 2009 ACTION MINUTES

The Board of Supervisors of San Benito County met in the Board Chambers on the above date *in regular session*. Supervisors Monaco, Loe, Barrios, De La Cruz and Botelho were present. Also present was County Administrative Officer Susan Thompson, Acting County Counsel Barbara Thompson and Clerk of the Board Linda Churchill. Chairman Anthony Botelho presided.

### 9:00 a.m. CALL TO ORDER:

- a) *Supervisor Barrios led the Pledge of Allegiance.*
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- c) **Public Comment:** Thomas Dotta, Hollister resident, came forward and handed out a letter addressed to the Board of Supervisors, which he read into the record. The letter expresses his frustration over what he feels are unnecessary costs associated with an allocation approval for two lot splits and the additional application fees that are charged. Mr. Dotta asked that this onerous matter be addressed.  
Joe Thompson, local resident, expressed his concerns with regards to the status of small businesses that are in debt and stating that we should shrink government rather than adding additional burden. Further Mr. Thompson stated there is no legal authority for COG (Council of Governments) and to please change that.
- d) **Department Head Announcements:** County Administrative Officer Susan Thompson reported with regards to budget issues stating she has begun meeting with each of the General Fund departments and noting that the General Fund at the conclusion of December 31, 2008 we had expended, overall, 43% of the budget and stating that was a very good sign. CAO Thompson expressed concern over the possible loss of Williamson Act revenue in the amount of approximately \$650,000.  
CAO Thompson also reported that she attended the Tri County Economic Conference in Seaside on Friday, January 23<sup>rd</sup> along with several of the supervisors stating she it found it very interesting.

Supervisor De La Cruz stated that the allocations for community-based organizations would be affected by this budget crisis and would have to be addressed. Supervisor De La Cruz also expressed concern over vacant positions and re-classification issues.

Lisa Rheinheimer, Executive Director of COG, thanked the Board of Supervisors for attending the ribbon cutting held yesterday (January 26, 2009) for the Highway 25 Bypass. Ms. Rheinheimer stated she was hoping to see the highway opened on Friday noting that signal lights must first be checked out.

e) **Board Announcements, Introductions and Presentations:**

Supervisor Monaco reported that he attended the Tri County Economic Conference along with the CAO and Supervisor Barrios stating that everything is about money and he was inspired by ideas from attendees especially with ideas around construction techniques that are environmentally friendly and economically viable.

Supervisor Loe congratulated the Board of Supervisors, COG Board and staff and County staff for the support shown at the ribbon cutting ceremony for the Highway 25 bypass noting it was a very positive thing happening in our county.

Supervisor Barrios stated she appreciated the tremendous amount of time and hard work that went into the Highway 25 Bypass noting it began in 1984 with Supervisor Loe on the original committee.

Supervisor Barrios reported that she too attended the Tri County Economic Conference stating that California is a very innovative state and therefore it is believed that it is not all gloom and doom.

Supervisor De La Cruz also attended the Highway 25 Bypass ceremony and thanked everyone that was involved in making this happen. Supervisor De La Cruz commended CAO Thompson and staff for good fiscal responsibility here in our County.

Supervisor De La Cruz commended Supervisor Botelho on being the Chairman of three bodies, the Board of Supervisors, the Council of Governments and the Association of Monterey Bay Area Governments.

Chairman Botelho stated that the Highway 25 Bypass ribbon cutting ceremony was a very good and positive event.

Chairman Botelho thanked the City of Hollister for donation of tiles from the old Fremont School roof for the San Juan Mission restroom project. Chairman Botelho also commended the Planning Commission for moving forward quickly with the Earthbound Farms expansion project, as it is very important for business in the county.

*Chairman Botelho directed staff to continue to move forward with the General Plan Revision and requested that an update be placed on the second meeting of February's agenda.*

Supervisor Barrios reported that in November Proposition 11 was passed which is the Voter's First Act and there would be public meetings held in Sacramento, San Francisco and Fresno and the State Auditor is hoping to select a Citizen's Redistricting Commission and a commission of Californians to implement this Voter's First Act. Supervisor Barrios stated that she had telephone numbers and addresses of contacts if there was anyone from the public who is interested in being a part of the committee.

## CONSENT AGENDA:

*Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, removed Agenda Items 13 and 14 from the agenda, pulled Items 1, 3, 4, 5, 16 and 17 for discussion and approved remainder of Consent Agenda Items. (Unanimous)*

### **AGRICULTURAL COMMISSIONER – P. Matulich:**

- 1) **Approve contract with the California Department of Food & Agriculture for Pest Detection Trapping Services for the period of July 1, 2008 to June 30, 2010 in the amount of \$85,082.**

Marvin Jones, Hollister resident, asked why this contract was six months late.

County Administrative Officer Susan Thompson answered that this is a revenue agreement with the State of California noting we are just as frustrated but want to move forward

**BOARD ACTION:** *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios, approved contract as requested. (Unanimous) File #1*

### **AUDITOR-CONTROLLER – J. P. Gonzalez:**

- 2) **Approved** settlement agreement with the U.S. Department of Justice, Office of Justice Programs regarding Southwest Border Prosecution Initiative Program. *File #608*

### **CLERK OF THE BOARD – L. Churchill:**

- 3) **Approve the action minutes for the meetings of November 25, 2008 and January 6, 2009.**

*Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, approved the action minutes for the meetings of November 25, 2008 and January 6, 2009 with Supervisor Barrios abstaining from the vote on the November 25, 2008 minutes. (Unanimous. Barrios abstained from 11/25/09 minutes approval)*

### **COUNTY COUNSEL'S OFFICE – B. Thompson:**

- 4) **Approve legal services agreement with Santa Clara County; and approve recommended budget transfer in an amount not to exceed \$60,000.**

Supervisor Loe stated she was not in favor of spending money on outside counsel at this point in time.

Discussion ensued about the need for added land use attorney fees at this time.

**BOARD ACTION:** *Supervisor De La Cruz made a motion to approve the legal services agreement with Santa Clara County and approve budget transfer as requested. Supervisor Barrios seconded the motion.*

#### **Roll Call Vote:**

*Monaco ----- No*

*Loe ----- No*

*Barrios ----- Yes*

*De La Cruz- Yes*

*Botelho ----- No*

***Motion failed 3-2. File #160***

- 5) **Approve amendments to legal services agreements with Bingham, McCutchen, LLP and Hoge, Fenton, Jones & Appel, Inc. for the for on-going legal services related to processing the El Rancho San Benito (ERSB) Master Community Specific Plan application in additional amounts not to exceed \$125,000 for each law firm.**

Supervisors Barrios and Botelho stated they would like this item continued for further review of the letter submitted by Deputy County Counsel Shirley Murphy dated January 27, 2009 to Mr. Michael J. Roberts, Vice President, DMB-El Rancho San Benito.

Deputy Counsel Murphy explained the details that led up to the letter she sent in response to a letter from DMB-El Rancho San Benito formally objecting to the proposed amendments to the legal services agreements, which are being considered today. Deputy Counsel Murphy indicated that County Counsel's office is working on revising the scope of services for these agreements and stated that the request is for the Board of Supervisors to approve the amendments at this time, subject to further refinement of scopes and budget in the near future, in order to avoid any delays in processing the application.

Lengthy discussion ensued with regards to the scope of services and the possibility of a duplication of services.

Michael J. Roberts, Vice-President, DMB- El Rancho San Benito addressed the Board stating that DMB has accepted the Board's recommendation that we deal with two firms for legal services but they would prefer that they had only had one point of contact and one firm for consistency. Mr. Roberts stated that they see very limited work product from the all hands meetings and take the position that there has been no duplication of services.

Mr. Roberts stated their primary concern with regards to these two agreements is one phrase that reads: Participation in the Development Agreement negotiations and preparation process and their concern was that once it's in an agreement it's very hard to change it.

Mr. Roberts stated that if the Board is not ready to make a decision today as to who is going to be the lead then he would have to ask that these agreements be approved with Subsection F deleted and picked up when the Board is ready to make that decision as to who will be the lead. Mr. Roberts stated that they don't recommend one firm over the other but simply would like to avoid any duplication of services or perceived duplication of services.

Marty Richman and Marvin Jones, local residents, addressed the Board.

Further discussion ensued with regards to whether there is a duplication of services, whether the amendments need to be approved today and whether or not further discussion is needed with regards to the scope of services.

***BOARD ACTION:*** *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Loe, approved amendments to current legal services agreements with the law firms of Bingham, McCutchen, LLP and Hoge, Fenton, Jones & Appel, Inc., for the on-going legal services related to processing the El Rancho San Benito Master Community Specific Plan application; in additional amounts not to exceed \$125,000 for each law firm and directed staff to bring back an item on the February 10, 2009 agenda to address the Board of Supervisor's and community's concerns and questions regarding scope of services for both contracts and to discuss modifications or termination of a contract. (Unanimous)*

Under the question. Supervisor Barrios asked for clarification as to who is the lead agency.

Supervisor Loe clarified that the County Counsel is the lead agency.

Supervisor Barrios asked to clarify between the two outside legal firms that we have hired.

Acting County Counsel Barbara Thompson explained as far as the negotiations of the development agreement at the present time and that specific part, the tasks have been very precisely defined. Ms. Thompson stated that it was the one area that was not clarified in the amendment and it is staff's recommendation that the Bingham firm be the lead on the negotiation of the development agreement and then address the other concerns raised by the Board of Supervisors at the February 10, 2009 meeting and they will have recommendations for the Board at that time.

*The Chair called for the question.*

***The motion passed unanimously. File 160***

The Board took a five-minute break at 10:32 a.m. and reconvened at 10:40 a.m.

#### **HEALTH & HUMAN SERVICES AGENCY – K. Flores:**

- 6) ***Declared*** intent not to contract for FY 08/09 Emergency Medical Services Appropriation (EMSA) funds and ***authorized*** chair to sign the declaration of intent. *File #75.5*
- 7) ***Appointed*** Mr. Joseph M. Torquato as representative for YEP Council for a three-year term effective January 26, 2009 through January 26, 2012. *File #939*
- 8) ***Re-appointed*** Ms. Sherrean Carr as a public sector representative for Workforce Investment Board for a three-year term effective January 26, 2009 through January 26, 2012. *File #939*
- 9) ***Re-appointed*** Mr. Esequiel Arrizon as a private sector representative for Workforce Investment Board for a three-year term effective January 26, 2009 through January 26, 2012. *File #939*
- 10) ***Approved*** Amendment #2 to the existing contract with Janette Simin extending the term to June 30, 2009 and increasing the contract total from \$26,000 to \$48,000; and ***authorized*** the Health & Human Services Agency Director to sign amendment. *File #420*
- 11) ***Approved*** 2008/2009 Workforce Investment Act Job Training Plan modification for submission to the State. (CSWD) *File #939*

#### **INTEGRATED WASTE MANAGEMENT DEPARTMENT – M. Rose:**

- 12) ***Approved*** contract with the California Conservation Corps to perform storm drain marker maintenance and public refuse and recycling container maintenance and ***authorized*** the Director of Integrated Waste Management to sign said contract. *File #142*

#### **PUBLIC WORKS DEPARTMENT – J. Cox:**

- 13) Accept the bids received on January 5, 2009; award contract to Mechanical Systems, Inc. for HVAC Maintenance and Services, for the period of February 1, 2009 through January 31, 2010 in an amount not to exceed \$90,000.

***This item was removed from the agenda.***

- 14) Accept the bids received on January 7, 2009; award contract to EarthTech Landscape, for County Service Area Landscape Maintenance and Services, for the period of April 1, 2009 through March 31, 2010 in the amount of \$44,280.

***This item was removed from the agenda***

- 15) ***Reviewed*** and ***accepted*** the Grant Allocation policy guidelines as established by the San Benito County Parks and Recreation Commission. *File #93*

- 16) **Approve plans and specifications and authorize staff to solicit bids for the improvements on Orchard Road at Fairview Road intersection.**

Supervisor Barrios asked if this item was budgeted.

Acting Public Works Director Janelle Cox answered yes noting the wrong box was checked on the Agenda Item Transmittal.

**BOARD ACTION:** *Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, approved plans and specifications and requested.*

*File #105*

**TREASURER/TAX COLLECTOR/PUBLIC ADMINISTRATOR – M. L. Andrade:**

- 17) **Adopt Resolution delegating authority to the County Treasurer and authorize delegation of authority to the County Treasurer to invest and reinvest county funds and other depositors' funds in the County Treasury or to sell or exchange securities so purchased, pursuant to the requirement of state law. (Res. No. 2009-7)**

Chairman Botelho asked if it was possible to have more detailed, definitive reports from the Treasurer's Office especially now with the economy crisis.

Treasurer/Tax Collector/Public Administrator Mary Lou Andrade answered that she could certainly agendaize an item regarding investments.

Supervisor Loe suggested that a study session might be the best way to go in order to have a clearer understanding.

*Chairman Botelho asked Ms. Andrade to work with the County Administrative Officer to set a study session date.*

Marty Richman, local resident, had some general questions with regards to what controls the Treasurer has concerning these investments.

Acting County Counsel Barbara Thompson explained that the Government Code lists the types of investments that the County can make and has specifics to the types of investments that appropriate for the County.

**BOARD ACTION:** *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco, adopted **Resolution NO. 2009-7** delegating authority to the county treasurer to invest and reinvest county funds and other depositors' funds in the county treasury or to sell or exchange securities so purchased, pursuant to the requirement of state law. (Unanimous) File #673*

10:50 a.m.

**INTEGRATED WASTE MANAGEMENT – M. Rose:**

- 18) **Held public hearing to consider adoption of an ordinance amending Chapter 15.01, “Solid Waste Regulations”, of Title 15 of the San Benito County Code, waive first reading of ordinance and set adoption of ordinance for February 3, 2009; and adopt a resolution confirming the exclusive franchise fee; and establishing a non-exclusive franchise fee and approve as to form of the non-exclusive franchise agreement.**

Director of Integrated Waste Management Department Mandy Rose provided background information stating that this was basically a housekeeping item to add additional language to the new county code just recently codified. Ms. Rose stated that the amendment includes language to expand non-exclusive franchises to include roll off containers.

Ms. Rose answered questions posed by Board members.

**BOARD ACTION:** *Upon motion made by Supervisor Barrios and seconded by Supervisor Loe, introduced ordinance amending Solid Waste Regulations, Chapter 15.01, to expand non-exclusion solid waste collection franchises to include 10-50 yard dumpsters (Roll-offs), to establish the penalty for failing to meet solid waste construction and demolition diversion and to make other miscellaneous changes; waived reading of ordinance and set the adoption of the ordinance for February 3, 2009; approved non-exclusion franchise agreement as to form; and adopted **Resolution No. 200908** confirming the exclusion solid waste and recycling franchise fee and adding a franchise fee for non-exclusion franchises. (Unanimous) File #120.5*

**REGULAR AGENDA:**

**ADMINISTRATIVE BUSINESS – S. Thompson:**

- 19) **Approve and authorize the Chairman to sign a Memorandum of Understanding with the City of Hollister, County Office of Education and Hollister School District establishing a Gang Prevention Coordinator Position, governance structure and funding formula.**

County Administrative Officer (CAO) Susan Thompson provided background information stating that this was a request for consideration by the Board to sign an MOU establishing a Gang Prevention Coordinator position, a governance structure for the oversight of the functions and duties of that position and a multi-agency funding formula. Ms. Thompson stated this MOU would be composed of several partner agencies.

Ms. Thompson answered questions posed by Board members.

Marty Richman, local resident, stated that he supported this items but was disappointed in how slowly this was moving and something should be done immediately about the gang problems.

Sheriff Curtis Hill responded to Mr. Richman’s concerns stating that he was correct but he should be addressing these concerns to a different governing body (City of Hollister).

**BOARD ACTION:** *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios, approved MOU with the City of Hollister, County Office of*

*Education and Hollister School District establishing a Gang Prevention Coordinator position, governance structure and funding formula and authorized the Chairman to sign said MOU. (Unanimous) File #119*

The Board adjourned at 11:10 a.m. as the Board of Supervisors and reconvened as the San Benito County Financing Corporation.

The minutes for the Financing Corporation have been prepared separately.

The Board adjourned as the San Benito County Financing Corporation and reconvened as the Board of Supervisors at 11:14 a.m. re:

**INTERNAL SERVICES DEPARTMENT - R. Inman:**

- 20) **Approve contract with the City of Hollister to provide Animal Control and Animal Shelter Services to the County of San Benito for the period of July 1, 2008 to June 30, 2013.**

Margie Riopel, Administrative Office Management Analyst, provided background information stating that according to state law, the County of San Benito is obligated to provide Pound master services. Ms. Riopel reported that the County of San Benito has contracted with the City of Hollister for many years and the new contract outlines additional services to be rendered to include enforcement and licensing of county dogs. The City will track and audit county collections and will provide an offset of county revenue for these services.

Ms. Riopel reported that the delay of this contract was tied to an update of the 1980 County Animal Ordinance that requires substantial changes and the coordination of relevant ordinances belonging to the City of Hollister.

Ms. Riopel further noted that the new County Animal Control Ordinance would be brought before the Board for adoption as a separate item.

Ms. Riopel answered questions posed by Board members.

Marvin Jones, local resident, asked if the county already implemented some of these services noting that the contract is six months late.

Ms. Riopel stated that the only reason it is retroactive is we didn't want it overlap into another fiscal year and the existing contract has been effect.

**BOARD ACTION:** *Upon motion made by Supervisor Monaco and seconded by Supervisor Barrios, approved contract with the City of Hollister is an amount not to exceed 55% of the actual costs expended each year less revenues collected to provide animal control and animal sheltering services for the County of San Benito with a term of July 1, 2008 to June 30, 2013. (Unanimous) File #425*

**PUBLIC WORKS DEPARTMENT – J. Cox:**

- 21) **Receive report on California State Budget for transportation funding and potential federal economic stimulus funding.**

Acting Public Works Director Janelle Cox stated that this status report is on the impacts of the State budget on county infrastructure projects and potential economic stimulus funding. Ms. Cox referred to the report as submitted to the Board in their packets.

Ms. Cox answered questions posed by Board members.

Supervisor Barrios indicated that she had many of her constituents who are concerned about road repairs.

Ms. Cox said she would provide a list of planned road repairs to Supervisor Barrios.

Discussion ensued with regards to the bidding process and possible higher percentage of preference for local contractors.

Lisa Rheinheimer, Executive Director of Council of Governments, noted that when projects are put out to bid and get lowest bidder you may have people who are out of town doing work and if the workers are here in San Benito County when on the job they would be spending money here in the County and that helps to stimulate local economy.

Joe Thompson, local resident, expressed his frustration over the small businesses who cannot afford to be competitive in this county or in the state and that is why people are leaving California because they are taxed to death and put too many restrictions on them. Mr. Thompson asked why we don't put out something proactive and aggressive to the State that says these priorities are crazy.

Marty Richman, local resident, stated that there are other ways to get local businesses to bid and they should have an advantage if they are a local firm. They are located here and their equipment is here and they should have a real advantage over an outsider and maybe they need some training and possibly our Economic Development people work with them and provide training.

**No action taken. Report received. File #105**

#### **SHERIFF'S DEPARTMENT – C. Hill:**

- 22) **Approve the addition of one (1) FTE Deputy Sheriff Range L1 to the Sheriff's schedule of authorized positions with the understanding that this position will be exclusively assigned to the Court as well as fully funded by the Court; and approve the budget adjustment/transfer increasing salary and benefits by \$46,000. (4/5 Vote)**

Sheriff Curtis Hill provided background information stating that the Administrative Officer of the Courts was also present to answer any questions. Sheriff Hill stated that a discussion occurred with Superior Court with regards to improving the security of the county courthouse and the security of the courts. Sheriff Hill stated that the State has funding available to cover this cost.

**BOARD ACTION:** *Upon motion made by Supervisor Barrios and seconded by Supervisor De La Cruz, 1) Approved the addition of one (1) FTE Deputy Sheriff Range L1 to the Sheriff's Schedule of Authorized Positions with the understanding that this position will be exclusively assigned to the Court as well as fully funded by the Court; and, 2) Approved the Budget Adjustment/Transfer Form increasing salary and benefits by \$46,000 as well as revenue, Deputy Services, by the same amount. (Unanimous) File #110*

The Board adjourned for lunch at 12:00 p.m. and reconvened at 1:15 p.m. re:

#### **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.)*

- 23) **Conference with Legal Counsel-Anticipated Litigation.**  
Significant Exposure to litigation pursuant to subdivision (b) of Section 54956.9:  
Number of Cases: (1)  
Closed session is authorized by Section 54956.9(b)(3)(A).

**No reportable action.** File #235.6

Acting County Counsel Barbara Thompson made a brief comment to the Board stating that earlier today there was discussion about whether local preference could be applied to Public Works type projects that are bid under the Public Contracts Code. Ms. Thompson clarified that local preference is not used for that purpose noting that the Public Contracts Code contemplates the role of a responsible bidder, which is statutory. Ms. Thompson stated that local preference is given to the other types of projects that the county does a bidding through, such as an RFP's (Requests for Proposals) for other types of goods and services, and therefore that is where they come up with the local preference that's been established.

**AFTERNOON SESSION  
1:30 P.M.**

**1:30 P.M. PUBLIC HEARING (Or as soon thereafter as the matter may be heard)**

**PLANNING DEPARTMENT – A. Henriques:**

24) ***Held a public hearing to consider an ordinance revising the hillside development regulations (Ordinance No. 781) Section 18-148.2 of the San Benito County Code Chapter 18 (Zoning Ordinance No. 479), Article XIII, (which will become § 25.29.031 of Article II of Chapter 25.29 of Title 25 of the recodified County Code.)***

***Action may include adoption of the ordinance recommended by the Planning Commission on January 7, 2009 and/or further direction to staff regarding alternative ordinances.***

Planning Director Art Henriques provided background information.

Assistant Planning Director Byron Turner presented a PowerPoint summary stating that on January 13, 2009 the Board of Supervisors directed staff to return with options and alternatives regarding the amendments to the Hillside Development Ordinance. Mr. Turner reported that there were four options provided for the Board's consideration. The PowerPoint presentation covered the following items: Options and Alternatives; Option 1 – Amend the applicability to projects on 30% slopes or greater; Option 2 – Revisit the "Viewshed Design Review Ordinance"; Option 3 – Leave current Ordinance "as-is" and address alternatives as part of the Comprehensive General Plan Update; Option 4 – "Hybrid" or other alternatives as directed by the Board

Mr. Turner answered questions posed by the Board.

Chairman Botelho opened the public hearing.

The following members of the public addressed the Board: Jeanette Langstaff, local resident; Robert Brians, local resident; Janet Brians, local resident; Mary Zanger, local resident; Scott Fuller, representing San Juan Oaks; Sharry Jones, local resident; Gordon Machado, San Benito County Planning Commissioner; Marvin Jones, local resident; and Sally Bettencourt, local resident.

Chairman Botelho closed the public hearing.

Board members expressed their views with regards to the current ordinance and possible options.

Further discussion ensued and Mr. Turner and Mr. Henriques answered questions posed by Board members and clarified main differences between options.

**BOARD DIRECTION:** Directed staff to move ahead with Option #4 (Hybrid ordinance) with corridors as identified, (Highways 156 and 101 and Highway 25 ending at Panoche Road, and Fairview Road); using 15% or 200 feet as benchmarks; will pertain to all residential building permits; and, send the draft ordinance directly to the Planning Commission for consideration before bringing it back to the Board of Supervisors.

Mr. Henriques said they would be back to the Board of Supervisors in February after review by the Planning Commission. *File #790*

The Board adjourned for a break at 3:00 p.m. and reconvened at 3:05 p.m. re:

## **REGULAR AGENDA:**

### **PLANNING & BUILDING DEPARTMENT – A. Henriques:**

25) **Update on the Inclusionary Housing Ordinance and provide direction to staff.**

Planning Director Art Henriques provided background information stating that the item was discussed at the last Planning Commission meeting and they noted what direction the Board of Supervisors wanted to go and lots of good ideas were exchanged.

Assistant Planning Director Byron Turner summarized that the changes include reducing the inclusionary requirement from 30% to 20% and adding flexibility to the ordinance so we can include things like Senior Second Dwellings; including apartment style and rental units; include some form of equity sharing; and discussion with regards to a Housing Advisory Committee.

Mr. Turner stated that the timeline they are following should have the ordinance before the Board of Supervisors for consideration on April 7, 2009.

*File #790*

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, Barrios, De La Cruz, Botelho  
NOES: SUPERVISORS: None  
ABSENT: SUPERVISORS: None

There being no further business the Board adjourned at 3:10 p.m. to February 3, 2009 at 9:00 a.m. for a regular meeting.

**ANTHONY BOTELHO, CHAIRMAN**  
San Benito County Board of Supervisors

### **ATTEST:**

Linda Churchill  
Clerk of the Board