



SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios
District No. 1

Anthony Botelho
District No. 2
Chairman

Pat Loe
District No. 3

Reb Monaco
District No. 4
Vice-Chair

Jaime De La Cruz
District No. 5

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

REGULAR MEETING FEBRUARY 24, 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 Assistant Clerk of the Board Janet Slibsager. Chairman Anthony Botelho presided.

9:00 a.m. CALL TO ORDER:

Supervisor Monaco asked that everyone remain standing after the Pledge of Allegiance for a moment of silence for Veronica Botelho, Chairman Botelho's Grandmother and for Joseph Zanger who both passed away.

- A) Supervisor Loe led the Pledge of Allegiance.
- B) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- C) **Public Comment.** Joe Thompson, local resident, voiced concern with regards to the continuing seriousness of the condition of our local small businesses.
Marty Richman, Hollister resident, spoke in regards to the state budget and stating the County should sacrifice.
Mary Zanger, local resident, spoke on behalf of Hollister People for Peace and San Benito County Democratic Council. Ms. Zanger spoke in regards to the campaign contributions and the ethics resolution and announced that monthly movie night at the library will be on Wednesday, February 25th at 7:00 p.m. and the movie being shown would be on the economic melt down.
- D) **Department Head Announcements.** County Administrative Officer Susan Thompson stated that she would be talking later today in regards to the budget.
Planning Director Art Henriques announced that they would be having the first General Plan Advisory Committee meeting this evening in the board chambers at 6:00 p.m.
Clerk, Auditor and Recorder Joe Paul Gonzalez announced that the Governor signed a bill calling for a special statewide election on May 19, 2009 and there would be six measures on the ballot and the intent is that the State would reimburse the counties for the cost of that election.

E) **Board Announcements, Introductions and Presentations.**

Supervisor Barrios mentioned that she wanted to acknowledge a letter that was received from the San Benito County Chamber of Commerce in regards to the One Stop Center and stated that she would like to have it agendized for a future meeting for discussion.

County Administrative Officer Susan Thompson mentioned that the ad hoc committee is working on that project and should convene first before bringing to the Board.

Supervisor Barrios also thanked the Assessors Office and the County Tax Collectors Office in regards to the suggestion of postponing of property taxes. Ms. Barrios stated there is information available at their offices for the public if anyone has any questions.

Supervisor De La Cruz mentioned that he had some calls from some Spanish speakers in his district that actually turned in a check with the tax letter that was sent out regarding assessed property from Los Angeles. Supervisor De La Cruz mentioned he was going to meet with Tom Slavich, assessor, to see if there was anything that could be done.

Supervisor De La Cruz stated that he would not be attending the NACO Conference this year.

Supervisor Loe announced that she and CAO Susan Thompson met with Hilary Pearson from Senator Barbara Boxer's office last week in regards to the stimulus package and the disservice that happens to small communities with entitlement money coming from the Federal Government.

Supervisor Loe stated that she and Supervisor Barrios attended the San Benito High School Board meeting when they talked about not becoming involved with the putting together of the gang coordinator position.

Supervisor Monaco stated that he also met with Hilary Pearson from Senator Boxer's office in regards to changing the designation of the Pinnacles National Monument to Pinnacles National Park.

Supervisor Barrios mentioned that she also met with Ms. Pearson from Senator Boxer's office in regards to the level of foreclosures in San Benito County and if there was anything at the federal level to assist local families. Ms. Pearson mentioned that she would look into that.

Chairman Botelho said he was very disappointed that the High School was not participating with the gang coordinator plans and hopes they will change their mind in the near future.

CONSENT AGENDA:

Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, approved Consent Agenda Items 1, 4 and 5 and pulled Items 2, 3, 6, 7, 8, 9 & 10 for discussion. (Unanimous)

CLERK/AUDITOR/RECORDER – J. P. Gonzalez:

- 1) ***Re-appointed*** Michael O'Connell, Sam E. Lomanto Jr. and Mark Wright as Directors of the Pacheco Pass Water District. *File #285*

CLERK OF THE BOARD – L. Churchill:

- 2) **Approve the action minutes for the meeting of February 3, 2009.**

Supervisor Barrios mentioned there is a correction to be made on page one, third paragraph from the bottom. It reads that the state or law will allow us to discontinue providing services to people and should read that the law will not allow us.

BOARD ACTION: Upon motion made by Supervisor Barrios and seconded by Supervisor De La Cruz, **approved** action minutes as corrected. (Unanimous)

DEPARTMENT OF CHILD SUPPORT SERVICES – K. Johnson:

- 3) **Authorize out of state travel for the Regional Director to attend the ERICSA conference in Myrtle Beach, South Carolina on March 29, 2009 through April 2, 2009; and approve the expenditure of travel and registration expenses not to exceed \$1,500.**

Chairman Botelho mentioned that he had concern in regards to the out of state travel due to the current circumstances with our state budget and stated he does not support the out of state travel at this time.

Supervisor Barrios mentioned that this person is being asked to represent California in numerous round tables and would be a presenter not just an attendee and supports this person attending the conference.

Supervisor Monaco stated he also supports the out of state travel.

Supervisor Loe mentioned that maybe the board needs to take a more active roll in advance in looking at some of these out of state travels to determine what is, or is not, appropriate. Supervisor Loe stated she believes that we need to watch every dime we spend.

County Administrative Officer Susan Thompson provided background information in regards to this particular out of state travel.

BOARD ACTION: Upon motion made by Supervisor Barrios and seconded by Supervisor Loe, **approved** out of state travel for the Regional Director to attend the ERICSA conference in Myrtle Beach, South Carolina. (4/1 Vote, Botelho voted no) File #22

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 4) **Approved** Amendment #2 with the California Statewide Automated Welfare System Consortium IV Joint Exercise of Powers Agreement and Memorandum of Understanding (MOU). File #130
- 5) **Appointed** Mr. Jorge M. Ramirez to the Community Action Board to represent District #4 Low Income Representative for a three-year term, effective February 24, 2009 to February 24, 2012. (CSWD) File #939

INTERNAL SERVICES DEPARTMENT – R. Inman:

- 6) **Approve second amendment to the contract with the California Department of Forestry and Fire Protection (Cal Fire) for FY 08/09; and adopt Resolution acknowledging the amendment. (Res. No. 2009-16)**

Supervisor Barrios questioned the amount of \$316,750 and if it was part of a different budget since it was not included in the year's cost.

Management Analyst Margie Riopel provided the background information in regards to this amount.

BOARD ACTION: Upon motion made by Supervisor Barrios and seconded by Supervisor Monaco, **approved** the second amendment to the contract with the

PROBATION DEPARTMENT – B. Cardall:

- 7) **Approve agreement with City of Hollister for use of Hollister Police Department's shooting range and authorize the Chief Probation Officer to sign agreement.**

Supervisor Barrios commented on what an excellent sharing of resources this is and commend Mr. Cardall on trying to find ways to save money and use the resources of all the agencies in the County and City of Hollister.

BOARD ACTION: Upon motion made by Supervisor Barrios and seconded by Supervisor Loe, **approved** agreement with the City of Hollister for use of Hollister Police Departments shooting range and **authorized** the Chief Probation Officer to sign. (Unanimous) File #510

- 8) **Approve contract with Hollister Youth Alliance to provide weekly educational groups for youth referred by Probation in an amount not to exceed \$42,000.**

Supervisor Barrios stated that she had a question in regards to the person that will be doing the intervention and if there is a written agreement for a completion date.

Chief Probation Officer Brent Cardall stated that there is a timeline and they need to spend this money by June 30, 2009 and they are prepared to go forward.

BOARD ACTION: Upon motion made by Supervisor Barrios and seconded by Supervisor Monaco, **approved** contract with Hollister Youth Alliance to provide weekly educational groups for youth referred by Probation in an amount not to exceed \$42,000. (Unanimous) File #510

PUBLIC WORKS DEPARTMENT – J. Cox:

- 9) **Adopt specifications for the Sheriff Building Air Duct Replacement Project.**

Supervisor Barrios stated that she wanted to express her appreciation for considering our local contractors.

BOARD ACTION: Upon motion made by Supervisor Barrios and seconded by Supervisor Monaco, **adopted** the specifications for the Sheriff Building Air Duct Replacement Project. (Unanimous) File #110

- 10) **Adopt the plans and specifications for the Courthouse Inmate Entry Project.**

Public Works Administrator Janelle Cox provided an update as to where the project has been and where it is currently going.

County's Capital Project Manager Teresa Yee provided background information in regards to the courthouse project; enclosing the courthouse walkway with a security mesh and building out the lobby entry way and building an inmate entry area on the back end. Ms. Yee said at this time the Board is considering the specifications for the inmate entry portion of the project.

Ms. Yee said the anticipated construction is slated to begin on May 11, 2009.

Supervisor Monaco stated that he supports this project.

Supervisor Barrios had a concern in regard to expenditures.

Theresa Yee provided information.

BOARD ACTION: Upon motion made Supervisor Monaco and seconded by Supervisor Loe, **adopted** the plans and specifications for IFB No PWB-0902 for the Courthouse Inmate Entry Project. (Unanimous) File #120.5

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

INTERNAL SERVICES:

- 11) **Hold public hearing to consider an ordinance amending Chapter 13.01 (Animals and Fowl) of Title 13 the San Benito County Code, waive reading of the ordinance and continue to March 3, 2009 for adoption of ordinance.**

Chairman Botelho opened public hearing at 9:55 a.m.

Management Analyst Margie Riopel stated that the ordinance that is being introduced today for the Board's consideration updates and replaces the existing Chapter 13.01 Animals and Fowls ordinance. Ms. Riopel said that this ordinance allows for the collection of fees by the City of Hollister on behalf of the County and a resolution will be brought before the Board on March 3, 2009 for the Boards consideration and adoption of animal control fees.

Ms. Riopel provided additional information in regards to the fees, fee schedule and the ordinance. The revenues will be generated upon the adoption of the ordinance and approval of fees.

Ms. Riopel stated at this time she is requesting that the Board consider amending Chapter 13.01 Animals and Fowls of the San Benito County Code and allow for the continuance of this hearing to March 3, 2009 for adoption of the ordinance.

Supervisor Monaco mentioned that he received several phone calls from constituents in South County concerning the issues of regulations for the rural areas. Supervisor Monaco also had concern of giving more power to a City Animal Control Officer in the rural county than in the past.

Acting County Counsel Barbara Thompson replied that it would depend on the issue being addressed at the time if it would be handled by the animal control officer or county counsel to enforce.

Supervisor Barrios had a question in regards to the appointment of a licensed veterinarian to serve and hold office and if it was a volunteer position.

Ms. Riopel replied that there is a two-year contract with Dr. Painter, the current veterinarian, and when contract comes up for renewal they do go out for quotes.

County Administrative Officer Susan Thompson mentioned that the County, under state statute is mandated to provide animal control in the county and including the incorporated cities. Ms. Thompson stated that we have a partnership with the City of Hollister where we are sharing the cost.

Art Gaeta, Hollister resident, had a question in regards to any restrictions on pit bulls stating they can be aggressive and could be dangerous.

Acting County Counsel Barbara Thompson replied that could fall under the section identified as dangerous animals, which is identified in the ordinance.

Supervisor De La Cruz asked if they were not happy with the language at sometime could they revise it.

Ms. Thompson replied yes they could.

Chairman closed public hearing at 10:12 a.m.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, waived the formal reading of the ordinance and continued to March 3, 2009 for adoption of said ordinance. (Unanimous) File #425*

REGULAR AGENDA:

CLERK/AUDITOR/RECORDER – J. P. Gonzalez:

- 12) **Presentation of the audited Fiscal Year 2008 Comprehensive Annual Financial Report (CAFR) by the County of San Benito's Independent Auditor, Grace and Associates, CPA's; accept the audited fiscal Year 2008 Comprehensive Annual Financial Report.**

Clerk, Auditor, Recorder Joe Paul Gonzalez provided information in regards to the first time report pertaining to the Comprehensive Annual Financial Report (CAFR). Mr. Gonzalez also mentioned that this report is available for the public @ www.san-benito.ca.us. Mr. Gonzalez introduced Mike Grace of Grace and Associates who audited the financial statements portion of the (CAFR).

Mr. Grace provided information in regards to the report and the savings benefits for the county down the road pertaining to financial cost. Mr. Grace mentioned it also adds to the transparency and the accountability in today's economic times, which is very important.

Supervisor Barrios had a question in regards to retiree benefits and costs and if all the costs have been addressed. Supervisors Barrios congratulated the Auditor and staff on a job well done.

County Administrative Officer Susan Thompson mentioned that we do the pay as you go, which is the current cost for retirees plus normal cost.

Supervisor De La Cruz commended Joe Paul Gonzalez and Grace and Associates for doing a good job.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco, **accepted** the audited fiscal year 2008 Comprehensive Annual Financial Report (CAFR) (Unanimous) File #608*

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 13) **Approve Memorandum of Understanding (MOU) making San Benito County a participating partner in the Monterey Bay Area Green Business Program (MBAGBP) and authorize the Administrative Officer to sign.**

Integrated Waste Management Director Mandy Rose provided information in regards to the Monterey Bay Area Green Business program. Ms. Rose mentioned that they have asked us for a number of years to be a partner and she is asking the Board today to be a full partner in this program.

Supervisor Barrios mentioned that this could have not come at a better time and believes it is a great thing to happen in this county now.

David Huboi, Architect, said that he is glad to see the green awareness building. Mr. Huboi mentioned that he likes the MOU as it is different from achieving change by the threat of penalty assessment from the State or Federal level and urges the board to approve this memorandum.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Barrios, **authorized** and **directed** the County Administrative Officer to sign the Memorandum of Understanding (MOU) making San Benito County a*

INTERNAL SERVICES DEPARTMENT – R. Inman:

- 14) 1. Introduce ordinance entitled “An Ordinance Amending Chapter 3.01(Administration Generally) of Title 3 of the San Benito County Code”, waive first reading and set for adoption on Tuesday, March 3, 2009.
2. Adopt Resolution entitled “Resolution of the San Benito County Board of Supervisors regarding office hours and days of operation of County Offices.

Director of Internal Services Rich Inman provided information in regards to an ordinance amending Chapter 3.01 (Administration Generally) of Title 3 of the San Benito County Code to allow for more flexibility from the Board to allow for county office hours to be established by resolution and not county ordinance.

Mr. Inman mentioned there is an accompanying resolution with an exhibit, which amends the veteran’s service office, which would be effective upon the adoption of this ordinance establishing the hours of current operation.

BOARD ACTION: Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco, introduced ordinance entitled “An Ordinance Amending Chapter 3.01 (Administration Generally) of Title 3 of the San Benito Code, waived first reading and set for adoption on Tuesday, March 3, 2009. (Unanimous)

Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, **adopted Resolution No. 2009-17**, entitled “Resolution of the San Benito County Board of Supervisors regarding office hours and days of operation of county offices. (Unanimous) File #630

- 15) **Hear Employee Appeal of Denial of request to receive donation of paid leave and render a decision.**

Director of Internal Services Rich Inman provided background information in regards to this employee’s denial request. Mr. Inman mentioned that this is an issue of donation of time when someone has exhausted all their sick leave, vacation and other time due to a medical condition.

Jacki Credico read information pertaining to county employee request for leave time, donation of leave time, and county policy at the time of the request and the reason of the denial from the County Administrative Officer Susan Thompson.

Employee Catherine Farnham spoke in regards to her situation and provided a handout to the Board of Supervisors. Ms. Farnham spoke in regards to the donation of leave time signed by the Board of Supervisors.

Ms. Farnham stated that she is asking for the financial harm from her family from the County Administrative Officers inappropriate refusal to be made whole. Ms. Farnham is requesting that the Board of Supervisors consider her appeal and find that she properly followed the policies and procedures in effect at the time of her Family Medical Leave request and physicians certification and direct that her financial loses be reimbursed in full by the county or reinstate her opportunity to request a donation of time from her coworkers.

Insurance Organizer with SEIU, Joel Hill, provided information and a handout to the Board of Supervisors in regards to this employee's request for leave time.

Contract Enforcement Representative with SEIU Frank Garden spoke in regards to the county's donation of leave time policy and the requirement for a formal meet and confer process which did not occur for what ever reason in regards to this employee.

Mr. Garden asked that staff be directed to engage them in the formal meet and confer process, specifically on the issue of this donation of leave policy.

Lori McClelland, Hollister resident spoke in regards to her husband who is a county employee and is offering two weeks of his sick and vacation time be donated in regards to this issue. Ms. McClellan is asking the Board to reconsider the donation request for this employee.

Marty Richman, Hollister resident, asked that the board put off making a decision in regards to this matter until all the I's are dotted and T's are crossed because what ever decision is made you will have to do forever in the interest of fairness.

Rich Inman stated he wanted to refocus the Board on the issue, which was prior to the policy that was adopted on December 16, 2008 the common practice was to require the CAO's approval and she did not give that approval in accordance with the policy that was currently in effect.

Discussion ensued by Board and staff.

County Administrative Officer Susan Thompson provided background information in regards to her decision making of this denial.

Ms. Thompson stated that this employee chose to take time off before she received approval for this. Ms. Thompson mentioned that planning on this employee's part to work a few more months could have generated sufficient time without asking employees for help and cause the county to incur additional costs necessary to calculate, collect, pay out and track all these donations. It isn't without costs and is not an entitlement.

Supervisor De La Cruz stated he had mixed decisions and supports the meet and confer process.

Chairman Botelho mentioned that he looks for consistency and control of how we use this time.

Supervisor Loe said that the policy that was in effect prior to the ordinance stated the request for a donation should come through the department head for County Administrative Officers approval. Supervisor Loe stated at this point it looks like procedures were followed.

BOARD ACTION: Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco, **overturned** the County Administrative Officers decision and **directed** staff to figure out the 1/3 percent difference to make sure the employee is paid in full in combination with the state disability. (Unanimous) File #630

PUBLIC WORKS DEPARTMENT – J. Cox:

- 16) **Discuss the concept of a regional park project; direct staff to include funding for a possible project in the FY 2009-10 recommended budget, in the amount of \$2.5 million; and direct staff to work with the Parks and Recreation Commission to further research the feasibility of the Regional Park Project.**

Acting Public Works Administrator Janelle Cox stated that this is the opportunity to discuss and direct staff to further research and work with the parks and recreation commission on a proposed regional park concept.

Ms. Cox passed out a map sitting the proposed park and provided background information that has taken place and what the plans are in regards to the regional park project.

Parks and Recreation Commission Chairman Don Kelley provided information in regards to the vision for the regional park concept. Mr. Kelley stated through their information gathering they have found that there is an overwhelming support from the property owners, stakeholders and the potential users in favor of this project.

Mr. Kelley said at this time they are looking for the Board's consideration and approval of the concept of the regional park so they could move forward in a more efficient manner.

Supervisor Monaco mentioned that he would like to see the completion of the master plan before he could take action on this project.

Supervisor Monaco questioned if the 2.5 million dollar funding we are talking about for this project could be jeopardized if we do not act on it in a rather quick fashion and another concern was with the parks that currently exist, how we can improve them and maintain them better.

Ms. Cox responded that the resolution does require that the funds need to be expended within five years of collection and it is prudent that we go ahead and begin allocating these dollars towards the remaining projects.

Supervisor De La Cruz stated that he would like to go forward to spend these dollars towards parks.

Supervisor Barrios mentioned that this is partnering at its best to make a vision and a dream come true for this community. Supervisor Barrios stated it is an incredible opportunity to make San Benito County a destination place and supports it whole-heartedly.

Supervisor Loe said she is very pleased to see this come forward as a vision and the only way to accomplish some of these things is to move forward and encourages the Board to do so.

Ms. Cox mentioned that the draft master plan would be presented to the Parks and Recreation Commission on March 17, 2009 and they are inviting all stakeholders that have been involved in the development of the master plan to date and if there were any changes they would bring back to the board for approval.

The Board directed staff to come back with the master plan when completed and bring back any use agreements and language pertaining to land donation. File #93

ADMINISTRATIVE BUSINESS – S. Thompson:

17) Discuss and provide staff direction on possible future use of the Southside Hospital facility by the Homeless task force for a permanent homeless shelter.

County Administrative Officer Susan Thompson stated this was an idea for discussion on whether or not the Board wants to entertain the idea of a possible permanent homeless shelter at the Southside Hospital facility.

Supervisor Monaco voiced concern of how much money we would have to put into it to make it habitable and the possible issues of asbestos. Supervisor

Monaco supports doing something with this facility, possibly spending some money to have some firm assess this facility to see what we could do with it.

Supervisor Loe mentioned we need to do an asbestos study no matter what we do and would like the board to commit to spending funds to do the study so we could move forward.

Supervisor Barrios said that she supports the study.

Chairman Botelho also supports the study and supports it being a year round shelter.

Architect David Huboi and member of the Homeless Task Force stated that he attended a walkthrough at the old Convalescent Hospital with fellow members and provided a handout of the floor plan to the Board of Supervisors. Mr. Huboi believes the building to be serviceable and could provide a much-needed permanent shelter, but there is also the physical space that may in cooperation with transitional housing with integrated services and counseling and possible room for Community Pantry.

The following Homeless Task Force shelter staff spoke in support of a need of a year round shelter Brittany Ferland, Cindy Parr, Doug Emerson and Kathleen Ruiz.

Rodrigo Gonzalez, Hollister resident, mentioned that the basic fundamentals of homeless shelters in San Benito County are not being meant. Mr. Gonzalez said there are organizations that will help with the need of asbestos and lead poisoning in facilities free of charge.

Marty Richman, Hollister resident, supported the project stating it has a lot of potential to do a lot of good and urges the board to take the first step in a speedy fashion.

Staff directed to come back with a dollar amount to move forward.

Chairman Botelho continued Items #18, #19, #20 and #21 to the afternoon session at 1:30 p.m. and adjourned for lunch.

Chairman Botelho was not present for the afternoon session. Vice Chairman Monaco presided.

18) Receive status report on the State Budget local impact and direct staff as appropriate.

County Administrative Officer Susan Thompson provided information in regards to the budget approved by the State and some concerns affecting us which pertain to our Social Services and Health Programs.

Ms. Thompson mentioned that there are some things happening in the budget that are dependent on the federal stimulus package producing a certain amount of dollars to California, but this is one time money and doesn't really solve the problem.

Ms. Thompson mentioned that our biggest issue is not the State budget. It is our local revenue streams and the two main ones are our property taxes and our interest revenue income.

Ms. Thompson said that she would have the mid year budget report on Tuesday, March 3, 2009 at the Board of Supervisors meeting and hopes to have more specific numbers then.

Supervisor Barrios thanked Ms. Thompson for a watchful eye.

Supervisor Loe mentioned that she is having a hard time with the County having to pay for an election and that the Governor will be taking First Five and

Mental Health money to balance the budget. Supervisor Loe said that she would like to have a discussion in regards to this.

Supervisor Monaco thanked Ms. Thompson for keeping the citizens of San Benito County and the board apprised of the situation. *File #119*

The Board adjourned for a 5-minute break at 2.55 p.m. and reconvened into Closed Session at 3:00 p.m. re:

CLOSED SESSION:

- 19) **Authority: California Government Code Section 54957**
Consider Discipline/Dismissal/Release Matter of a Public Employee
BOARD ACTION: *Acting County Counsel Barbara Thompson reported that the Board of Supervisors adopted Resolution No. 2009-18, relative to the application of Patricia Egan for Industrial Disability Retirement from her Employment with the County of San Benito Sheriff's Office. *File #235.6**
- 20) **Conference with Legal Counsel-Anticipated Litigation**
Initiation of litigation pursuant to subdivision (c) of Section 54956.9:
Number of Cases: (1)
No reportable action. File #235.6
- 21) **Conference with Legal Counsel – Anticipated Litigation**
Significant exposure to litigation pursuant to subparagraph (C) of paragraph (3) of subdivision (b) of Government Code Section 54956.9.
Number of cases: 2
No Reportable action. File #235.6

COUNTY COUNSEL – B. Thompson:

- 22) **Approve legal services agreement with Bingham, McCutchen, LLP, in an initial amount not to exceed \$75,000, for legal services related to processing the Santana Ranch Specific Plan application.**
Deputy County Counsel Shirley Murphy provided information in regards to the proposed legal services agreement with Bingham, McCutchen related to processing the Santana Ranch Specific Plan project. Ms. Murphy stated they are asking that the Board approve the contract.
BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor De La Cruz, **approved** legal services agreement with the law firm of Bingham, McCutchen, LLP, in an amount not to exceed \$75,000 for legal services related to services related to processing the Santana Ranch Specific Plan application; and **authorized** the Chair to sign the agreement. (Unanimous)
*File #160**

PLANNING & BUILDING DEPARTMENT – A. Henriques:

- 23) **Approve contract with Denise Duffy & Associates, for planning consultant services related to the 2009 General Plan Housing Element Update and associated technical updates to other elements of the General Plan and County ordinances that are triggered by the Housing Element Update, in an amount not to exceed \$59,000.**

Planning Director Art Henriques provided information in regards to the request for approval of contract with Denise Duffy and Associates.

Discussion ensued by Board and staff.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor, **approved** contract with Denise Duffy & Associates for planning consultant services related to the 2009 General Plan Housing Element Update and associated technical updates to other Elements of the General Plan and County ordinances that are triggered by the Housing Element Update, in an amount not to exceed \$59,000; and **authorized** the Chair to sign contract. (Unanimous) File #790*

24) Review comment letter to the State Department of Housing and Community Development (HCD) regarding Proposed Regulations for Annual Housing Element Progress Reports and direct chair to sign letter.

Planning Director Art Henriques and Housing Program Coordinator C.J. Valenzuela provided information in regards to the proposed comment letter that they are asking the Board to approve and send to the State Department of Housing and Community Development pertaining to the proposed regulations for the Annual Housing Element Progress Reports to meet the March 9, 2009 deadline.

Supervisor Barrios asked if there are other counties addressing the State.

Mr. Valenzuela replied yes, he has checked with the neighboring counties.

Supervisor Monaco thanked Planning for a good report and supported the letter.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios, **directed** the Chair to sign Comment Letter to State Department of Housing and Community Development regarding Proposed Regulations for Annual Housing Element Progress Reports to meet the March 9, 2009 deadline. (Unanimous) File #790*

25) Approve Amendment #1 to the Phase one contract with David Powers and Associates regarding environmental work for the El Rancho San Benito project in the additional amount of \$42,900 (bringing the total contract amount to \$138,420) for the contract term.

Planning Director Art Henriques provided information in regards to the request to amend the Phase One contract with David Powers and Associates for the El Rancho San Benito project for an additional amount of \$42,900 to the existing contract.

Discussion ensued by Board and staff.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios, **approved** Amendment #1 to the Phase one contract with David Powers and Associated regarding environmental work for the El Rancho San Benito project in the additional amount of \$42,900 (bringing the total contract amount to \$138,420) for the contract term; and **authorized** the Chair to sign said agreement. (Unanimous) File #790*

26) Approve contract for General Plan Update Phase Two services with Mintier Harnish in the amount not to exceed \$815,030.

Planning Director Art Henriques provided information in regards to the General Plan Update Phase Two services to get the general plan update work completed.

Mr. Henriques stated he is asking the Board to approve a contract with Mintier Harnish for professional planning consultant services in the amount not to exceed \$815,630.

Discussion ensued by Board and staff.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor Loe, **approved** contract for General Plan Update Phase Two professional planning consultant services with Mintier Harnish in the amount not to exceed \$815,630; and **authorized** Chair to sign contract. (Unanimous) File #790*

27) Adopt Resolution granting the appeal of the Santana Ranch Owner's group and provide the appellant with 22 allocations or take alternate action.

County Administrative Officer Susan Thompson stated that Chairman Botelho requested this item be postponed to March 3, 2009 due to his absence. Ms. Thompson stated that the Guerra's have agreed with the postponement.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, rescheduled item to March 3, 2009. (Unanimous)*

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 to March 3, 2009 at 9:00 a.m. for a regular meeting.

ANTHONY BOTELHO, CHAIRMAN (Morning Session) San Benito County Board of Supervisors

REB MONACO, VICE CHAIRMAN (Afternoon Session) San Benito County Board of Supervisors

ATTEST:
Janet Slibsager
Asst. Clerk of the Board