



# 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 DECEMBER 1, 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, County Counsel Matthew Granger and Assistant Clerk of the Board Janet Slibsager. Chairman Anthony Botelho presided.

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

*Supervisor Loe asked that everyone remain standing after the Pledge of Allegiance for a moment of silence for Orlaine Tavares who passed away, she was the San Benito County Treasurer/Tax Collector in the 70's.*

- a) Supervisor Barrios led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*

### **PRESENTATIONS & RECOGNITIONS:**

- c) **Present Awards and Certificates of Appreciation to County Employees who have reached Milestone Years of Service.**  
Management Analyst Jacki Credico announced that they were presenting Certificates of Appreciation to County Employees who have reached the Milestone Years of Service of 15, 20, 25, 30, 35 and 40 years. Chairman Botelho assisted in the presentation of the awards. *File #630*
- d) **Present Certificate of Recognition to Barbara Lerma, who is retiring after over 42 years of service with the San Benito County Auditor's Office.**  
Supervisor De La Cruz presented Certificate of Recognition to Barbara Lerma who is retiring after 42 years of service with the San Benito County Auditor's Office. *File #608*
- e) **Present Certificate of Recognition to Thomas Hain, who is retiring after 25 years of Service with the San Benito County Public Works Department.**

Mr. Hain was not present. Supervisor Monaco said that he would take Certificate of Recognition to Mr. Hain who is retiring after 25 years of service with the San Benito County Public Works Department. *File #608*

f) **Present Certificate of Recognition to Tony Alameda, San Benito County Farm Bureau's "2009 Farmer of the Year".**

Chairman Botelho presented Certificate of Recognition to Tony Alameda, San Benito County Farm Bureau's Farmer of the Year for 2009.

Mr. Alameda thanked the board for this recognition. *File #156*

g) **Public Comment:** Sandy Patterson, Local resident, voiced concern as a parent of a student of Willow Grove School regarding unsafe conditions and complaints in regards to the Willow Grove School Board members. Ms. Patterson mentioned that action needs to be taken in regards to the safety and welfare of the Willow Grove students.

Supervisor Monaco thanked Ms. Patterson for coming to the Board of Supervisors and advised her that they do not have jurisdiction over the schools and that she needs to contact the County Superintendent of Schools, District Attorney's Office or the State Superintendent of Schools in regards to her concerns.

Joe Thompson, local resident, voiced his continued concern in regards to the Small Business Owner failures in San Benito County. Mr. Thompson said that he would like to see the Board of Supervisors do something to reverse the increase in the confiscatory taxes and fees that we suffer. Mr. Thompson said that we need some relief for the small business owners.

Nenette Corotto, local resident, spoke in regards to the possible solar project in the Panoche Valley, water use for the project and how it would affect the water tables in the Panoche Valley.

Richard Saxe, local resident, spoke in regards to the Transfer of Development Credits (TDC) Program in San Benito County. Mr. Saxe said that he would like the Board of Supervisors direct the dedicated and capable TDC Committee to update the staff report and take to the Planning Commission for consideration and action at their earliest possible meeting.

h) **Department Head Announcements:** Health & Human Services Director Kathy Flores announced that they had received the Community Development Block Grant funds and they would be awarded \$400,000 and that the application would fund three non-profit organizations in San Benito County; the Emmaus House, Homeless Task Force and the Food Bank each at \$110,000.

i) **Board Announcements, Introductions and Presentations:** Supervisor Monaco said that he would have a formal report at the next Board meeting on the California State Association of Counties (CSAC) Conference that was held in Monterey, California on November 17<sup>th</sup> – 19<sup>th</sup>.

Supervisor Monaco made a recommendation that he would like to have the facilities committee meet with the CAO and the Sheriff in regards to the new jail expansion and new Sheriff's Office facility and bring a status report back to the Board of Supervisors in mid January.

*Chairman Botelho said that he agreed with that recommendation and would arrange with the CAO, Sheriff, Public Works and the committee to meet and return with a status report.*

Supervisor Loe thanked Public Works Administrator Steve Wittry for working so quickly to get the railroad tracks at South Street and throughout Hollister fixed.

Supervisor Barrios announced that San Benito County hosted the Tri-County Latino Elected Officials Summit last month and had a nice presentation as to what San Benito County is doing to be very proactive in gang prevention.

Supervisor Barrios announced that the Governance Committee met and the Hollister Urban Area Master Implementation Program Plan has been finalized and now our task is to go out and try to secure monies to see if we could put this plan to work in San Benito County.

Supervisor De La Cruz mentioned that he would also be reporting at the next Board meeting in regards to the CSAC Conference.

Chairman Botelho announced that he attended the ribbon cutting for the St. Francis Retreat that was rebuilt after their fire.

Chairman Botelho announced that he attended the Juvenile Hall Open House and mentioned that our Probation Chief and his staff have done a phenomenal job as far as adding structure to those young folks that are in the facility noting it was clean and it has a different atmosphere than in the past.

#### **CONSENT AGENDA:**

*Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, approved Consent Agenda Items 1 through 10, with the exception of Items 7, 9 and 10 that were pulled for discussion. (Unanimous)*

#### **BOARD OF SUPERVISORS:**

- 1) **Approved** and signed Certificates of Recognition, for presentation at a later date, recognizing Anita Wilson, Mary Anne Hughes, Mike Sanchez and Juan Cruz III who were selected by the Hollister Youth Alliance for their contributions to the community. (Supervisor Barrios) *File #156*

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

- 2) **Approved** the action minutes of the October 13, 2009 and October 27, 2009 meetings.

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

- 3) **Appointed** David Mirrione to the Workforce Investment Board (WIB) as a private sector representative effective December 1, 2009 for a three-year term. (CSWD) *File #939*
- 4) **Appointed** Mr. Jess Bosque to the Workforce Investment Board (WIB) as a private sector representative effective December 1, 2009 through December 1, 2012. *File #939*
- 5) **Adopted Resolution No. 2009-109** declaring an intent to lease an interest in real property for purposes of providing safe and affordable housing to qualified seasonal Farmworker, and winter shelter to homeless persons, at the Southside Road Migrant Farmworker Labor Camp; **approved** lease with Farm Labor Association for Southside Road Unaccompanied Adult Farm Labor Camp for the term January 1, 2010 to December 31, 2010; and **authorized** the Vice-Chair to sign said lease. *File #130*

- 6) **Reviewed, approved** and **accepted** Center for Disease Control (CDC) Comprehensive Agreement in the amount of \$658,308 for the period of July 1, 2009 to August 9, 2010; and **authorized** the H&HSA Director to sign said agreement; **Augmented** Emergency Preparedness Budget Unit by \$208,219 in revenues and \$208,219 in expenditures. *File #420*
- 7) **Approve contract with Schipper Design for the provision of marketing strategies for the One-Stop Career Center for an amount not to exceed \$42,415 from December 1, 2009 through March 31, 2010; and authorize the H&HSA Director to sign.**

Supervisor Barrios mentioned that she pulled this item to give recognition to the many partners and the collaboration noting it is really exceptional.

**BOARD ACTION:** *Upon motion made by Supervisor Barrios and seconded by Supervisor De La Cruz, approved contract with Schipper Design for the provision of Marketing Strategies for the One-Stop Career Center for an amount not to exceed \$42,415 from December 1, 2009 through March 31, 2010 and authorized the H&HSA Director to sign on behalf of the County. (Unanimous)*  
*File #939*

#### **INTERNAL SERVICES – R. Inman:**

- 8) **Approved** agreement with A-Check American, Inc. for DMV Record Reporting.  
*File #630*

#### **PUBLIC WORKS DEPARTMENT – S. Wittry:**

- 9) **Authorize chair and the Public Works Administrator to sign the Local Assistance Projects Bicycle Transportation Account CWA Cycle 7 Budget Authority form, and any other related documents, extending the funds to June 30, 2012.**

Supervisor Barrios asked if San Benito County would be responsible for any additional costs and who would benefit from this bike path.

Public Works Administrator Steve Wittry replied that there doesn't look like there would be any additional expenses to the County and the students of Anzar High School and residents of San Juan Bautista would benefit from this bike path.

**BOARD ACTION:** *Upon motion made by Supervisor Barrios and seconded by Supervisor Monaco, authorized the Chair of the San Benito County Board of Supervisors to sign the enclosed Local Assistance Projects Bicycle Transportation Account CWA Cycle 7 Budget Authority Lapsing June 30, 2010 as of July 31, 2009) form, and: authorized signing authority to the Public Works Administrator for the Local Assistance Projects Bicycle Transportation Account CWA Cycle 7 Budget Authority Lapsing June 30, 2010 (As of July 31, 2009) form, including all necessary documents, to extend the Bicycle Transportation Account funds lapsing date to June 30, 2012. (Unanimous) File #105*

- 10) **Adopt resolution taking action related to construction of CSA No. 31 (Stonegate), test well, including but not limited to, acceptance of all proposals; award of contract to Guardino Well Drilling, Inc. in an amount not to exceed \$111,102; authorization of change orders not to exceed**

**\$11,110; approval of letter of understanding for access to Granite Rock property and making related CEQA findings. (Res. No. 2009-110)**  
*(Item continued to the Board of Supervisors meeting on December 15, 2009)*

**REGULAR AGENDA:**

**INTERNAL SERVICES – R. Inman:**

- 11) Adopt resolution relieving Arman Nazemi of the duties of the San Benito County Road Commissioner, in accordance with California Streets and Highways, Code Section 2006(a).**

Management Analyst Jacki Credico provided information in regards to the resolution relieving Assistant Director Arman Nazemi of the duties of the San Benito County Road Commissioner. Ms. Credico said that Mr. Nazemi had been appointed as temporary Road Commissioner for San Benito County until the department head position with Public Works had been filled.

Supervisor Loe thanked Arman Nazemi for his work while temporary Commissioner and for his 20 years of service to San Benito County.

**BOARD ACTION:** *Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz; adopted Resolution No. 2009-110 dismissing Arman Nazemi as the San Benito County Road Commissioner. (Unanimous) File #105*

**9:00 A.M. PUBLIC HEARING (Or as soon thereafter as the matter may be heard)**

**INTERNAL SERVICES – R. Inman:**

- 12) Hold a public hearing to consider the qualifications of the following candidate for appointment to the position of Road Commissioner: Steve Wittry, Public Works Administrator, County of San Benito; and adopt resolution appointing Steve Wittry as the San Benito County Road Commissioner.**

Management Analyst Jacki Credico provided information with regards to appointing Public Works Administrator Steve Wittry as the San Benito County Road Commissioner.

Chairman Botelho opened the public hearing. There was no one wishing to address the Board.

Chairman Botelho closed the public hearing.

Supervisor Monaco welcomed Mr. Wittry aboard and said that he would like to see some kind of policy with regards to road maintenance and how we plan on maintaining them. Supervisor Monaco said that he strongly supports this appointment.

Supervisor De La Cruz said that he also supports this appointment and agreed with Supervisor Monaco that we need a road maintenance policy.

**BOARD ACTION:** *Upon motion made by Supervisor Monaco and seconded by Supervisor Barrios, held a public hearing regarding the qualifications of Steve Wittry for San Benito County Road Commissioner; adopted Resolution No. 2009-111, appointing Steve Wittry as the San Benito County Road Commissioner. (Unanimous) File #105*

**REGULAR AGENDA (Continued):**

**ADMINISTRATION:**

**13) California First Statewide AB 811 Property Assessed Clean Energy Financing Program – Presentation and Authorization to Participate in the California First Program.**

Management Analyst Margie Riopel said we are looking at a program that has been offered to the County to participate in along with the City of Hollister, San Juan Bautista and thirteen other counties and over 140 cities. Ms. Riopel said the goal of this program is to create and market adoption of distributed generation renewable energy sources and energy efficiency improvements for the property owners in San Benito County. Ms. Riopel said that after today's presentation they would be asking for direction and authorization to complete a more formal process to participate in this program.

Brennen Jensen, Program Specialist from Ecology Action Agency, Santa Cruz, California provided a brief presentation of the California First Statewide AB811 Assessed Clean Energy Financing Program.

CAO Susan Thompson provided additional information stating the program would offer the community the opportunity to borrow funds to put solar energy on your home or to work on your home to be more energy efficient which would be paid back through your property taxes.

Discussion ensued by Board, staff and Ms. Jenson.

Brian O'Halloran, local resident, said that it sounds like a great program and would appreciate the Boards consideration.

Marty Richman, local resident, said that programs like this have good intentions but didn't know whether it would work. Mr. Richman said that he has no faith in the system anymore.

**BOARD ACTION:** *Upon motion made by Supervisor Barrios and seconded by Supervisor De La Cruz, **directed** and **authorized** staff to prepare resolutions necessary for participation in the California First Program for future approval of the Board. (Unanimous) File #119*

**14) Consider request of Grand Jury for budget augmentation from the General Fund Contingency and direct staff to prepare necessary budget augmentation for Chairman's signature at amount determined by the Board not to exceed \$12,500. (4/5 Vote)**

County Administrative Officer Susan Thompson reported on the Grand Jury's request for budget augmentation.

Grand Jury Foreman Patrick McKenzie provided information in regards to their request for funds in the amount of \$12,500.

Chairman Botelho said that he supports the work that the Grand Jury does but would like to phase into these augmentations by reviewing quarterly.

Mr. McKenzie replied that would be the Board's decision.

Supervisor Loe stated that she also concurred with Chairman Botelho but stated that the difference of \$5,000 was due to the printing of materials. Supervisor Loe said that she had no problem with approving today.

Supervisor Loe said that she would like the Foreman of the Grand Jury, or someone on the Grand Jury that is watching the budget, meet with someone in Auditing Department in regards to expenditures.

Supervisor Barrios questioned if travel for the Grand Jury was local or out of state.

Mr. McKenzie responded.

Supervisor Barrios stated that she also supported the work of the Grand Jury; but the only problem she had was there were several other departments in the County that are having to cut back and watch their budgets and felt that everyone should be treated the same. Supervisor Barrios stated that she did not want to approve at this time.

CAO Susan Thompson provided additional information in regards to charges that had billed for printing services that was above what had been budgeted for last year and this year.

Discussion ensued by Board and staff.

**BOARD ACTION:** *Upon motion made by Supervisor Loe and seconded by Supervisor Monaco; **moved** to augment budget for printing costs in the amount of \$3,000. (Unanimous) File #605*

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

**15) Review the report regarding renewable energy development and direct staff accordingly.**

Planning Director Art Henriques reported on where they were with the San Benito County alternative energy policies.

Byron Turner noted that this item is not related to any specific project nor does it change the way we process an energy development, utility or natural resource project. It is an attempt to bring our general plan and zoning ordinance into the twenty first century in establishing policies for solar and other types of energy production.

Mr. Turner provided information as to the alternative energy goal, policy, programs, recommendations, other agency involvement and financial considerations.

Discussion ensued by Board and staff.

Speaking in regards to renewable solar energy were: Collette Cassidy, Local resident; Christie Kissinger, Soquel, CA; Daneille Kissanger, Local resident; Kim Williams, Local resident; Rani Douglas, Local resident; Craig Breon, Attorney, San Jose, CA; Brian O'Halloran, Local resident; Shani Kleinhaus, Environmental Advocate, Cupertino, CA.

Chairman Botelho stated that he would like our county to have renewable energy and believes that this is the first step to developing a policy. *File #790*

**16) Receive update on the Inclusionary Housing Ordinance; consider the Planning Commission's recommendations and provide direction to staff.**

Planning Director Art Henriques provided update and information in regards to the Planning Commission's recommendation on the Inclusionary Housing Ordinance which is before the Board for direction.

Chairman Botelho said that this had been one of his priorities to resolve by the end of the year.

Speaking in regards to the Inclusionary Housing Ordinance were: Jennifer Coile, Property owner and affordable housing consultant; Bernadette Abramson, Property owner; Al Guerra, Local resident; Brad Sullivan, Attorney; Brian Curtis; Local resident; Marty Richman, Local resident; Jeannette Langstaff, Local

resident; Frank Guerra, Local resident; Janet Brians, Local resident; Jason Guerra, Local resident.

Discussion ensued by Board and staff.

Planning Director Art Henriques provided a Housing Element Draft to Board of Supervisors for review in regards to Housing Income and affordability and the State Projected Housing Needs requirements.

Continued discussion ensued by Board and staff in regards to affordable housing, suspending the ordinance and CEQA issues.

County Counsel Matthew Granger mentioned that if the Board of Supervisors was going to adopt anything less than the twenty percent a new CEQA review is advisable. Mr. Granger stated the Board cannot vote to suspend the ordinance today because it was not properly agendized and needs to have a CEQA analysis.

County Administrative Officer Susan Thompson asked what happens to the housing element if the Board decides to give direction today to come back with all the work necessary to suspend.

Planning Director Art Henriques replied that we could move forward recognizing we have a program in the draft housing element that the Board is not going to pursue and we would have to review that and we would have to advise the State. Mr. Henriques said that after talking with the State he would then come back to the Board at the next meeting if it would delay the approval of the housing element.

Discussion ensued by Board and staff.

**BOARD ACTION:** *Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz; **moved** to agendize for future meeting to suspend this ordinance and find out ratification from State of California in regards to housing element and CEQA.*

Roll Call Vote: Supervisor Monaco – Yes  
Supervisor Loe – Yes  
Supervisor Barrios – No  
Supervisor De La Cruz – Yes  
Chairman Botelho – Yes  
Vote: 4-Yes, 1-No

**BOARD ACTION:** *Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz; moved to **agendize** this item for every future meeting until it is resolved. (Unanimous) File #790*

17) **Review and comment on the “Quarterly Progress Report” on the tasks completed to date by TRA Environmental Sciences, Inc. for the Habitat Conservation Plan (HCP) Feasibility Study.**

Planning Director Art Henriques provided quarterly report on tasks completed by TRA Environmental Sciences, Inc. for the Habitat Conservation Plan (HCP) Feasibility Study.

Mr. Henriques said that the next report would be in February. *File #790*

**PUBLIC WORKS DEPARTMENT – S. Wittry:**

- 18) **Receive Informational Report on American Recovery and Reinvestment Act (ARRA) Energy Grant; and provide direction to staff.**

Public Works Administrator Steve Wittry provided information on the American Recovery and Reinvestment Act (ARRA) Energy Grant. Mr. Wittry said that San Benito County should be receiving approximately \$107,000 in funding for energy efficiency upgrades.

Supervisor De La Cruz said that he encouraged the school districts be notified. *File #105*

- 19) **Receive the Stonegate Water Allocation status report and provide direction to staff.**

Public Works Administrator Steve Wittry provided an update to the Stonegate Water allocation status. *File #CSA 31/105*

**COUNTY LIBRARIAN – N. Conte:**

- 20) **Review and approve the revised Library Barbara Room policy and specify exclusions to the Barbara Room maintenance fee for three entities.**

County Librarian Nora Conte provided information on the revised Library Barbara room policy.

Jennifer Caile, U.S. Census, stated that when they received the notice that there would be a fee for the usage of the room they had to stop using it because the Federal Government cannot issue a check for five dollars and they do not pay for testing sites.

Discussion ensued by Board and staff.

**BOARD ACTION:** *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco; **moved** to eliminate fee policy for the Library Barbara Room. (4-1 vote. Barrios voted no.) File #80*

**BOARD OF SUPERVISORS:**

- 21) **Adopt Resolution establishing collaboration between the County, Cities and Schools in San Benito County for mutual sharing of ideas, vision and problem solving. (Supervisor Barrios)**

Supervisor Barrios provided information in regards to a resolution establishing collaboration between the county, cities and schools in San Benito County for mutual sharing of ideas, vision and problem solving.

**BOARD ACTION:** *Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, **adopted Resolution No. 2009-112** establishing a collaboration between the County, Cities and School in San Benito County for mutual sharing of ideas, vision and problem solving. (Unanimous) File #156*

**CLOSED SESSION:**

The Board adjourned into Closed Session at 1.00 p.m. and reconvened into Regular Session at 1:10 p.m. re:

**Sitting as the Public Authority for In Home Support Services (IHSS):**

- 22) Conference with Labor Negotiator:  
Authority Designated Chief Negotiator: Linzie Daniel

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

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

**ASSESSOR – T. Slavich:**

23) **Held** public hearings to consider the following Land Conservation Act Requests.

**Lone Tree Ranch LLC:** *Compatible Use Request: APN: 15 Assessors Parcels in Book 25, Pages 7, 8, 11, 12, 13 & 14.*

**BOARD ACTION:** *Supervisor Monaco made a motion to direct staff to return at a future meeting with findings that this request meets the criteria of the San Benito County code Section 19.01.023(B)(2),(C) and California Government Code Section 51238.1 and approving this compatible use request for LCA Contract #71-059. Supervisor De La Cruz seconded the motion. (Unanimous)*

**Timothy P. Regan/ Lorene M. Regan:** *Compatible Use Request: APN: 028-150-026-000.*

**BOARD ACTION:** *Supervisor Barrios made a motion to direct staff to return at a future meeting with findings that the use is compatible and approving the Compatible Use Request. Supervisor Monaco seconded the motion. (Unanimous)*

**Solargen Energy, Inc.:** *Compatible Use Request: Representing the following LCA Contract owners:*

**Doodlebug Ranch LLC:** *APN: 027-260-004-000; 027-260-008-000; 027-260-012-000.*  
**Juana Hill Family Trust:** *APN: 027-260-003-000; 027-260-011-000; 027-270-008-000; 027-290-001-000.*

**Stadlter, Philip N.:** *APN: 33 Assessors Parcels in Book 26, Pages 30, 32, and Book 27, Pages 27, 29, 32 & 33.*

**Coleman Ranch LLC:** *APN: 6 Assessor Parcels in Book 26, Page 31 and Book 27, Pages 26, 27 & 28.*

**BOARD ACTION:** *Supervisor Monaco made a motion to uphold the decision of the Agricultural Preserve Advisory Committee (LCA Committee) in this matter and find that it is not a compatible use. Supervisor De La Cruz seconded the motion. (Unanimous)*

*County Counsel Matt Granger clarified the motion stating that the staff would be bringing back findings on the recommendation of the Agricultural Preserve Advisory committee. File #7*

\* \* \* \* \*

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 December 15, 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  
By: Janet Slibsager, Assistant Board Clerk