



SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios
District No. 1

Anthony Botelho
District No. 2

Pat Loe
District No. 3
Vice-Chair

Reb Monaco
District No. 4
Chair

Jaime De La Cruz
District No. 5

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

REGULAR MEETING ACTION MINUTES JULY 27, 2010

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in *regular session*. Supervisors Botelho, Loe, Barrios, De La Cruz and Monaco were present. Also present was County Administrative Officer Susan Thompson, County Counsel Matthew Granger, Assistant Clerk Janet Slibsager for the morning session and Clerk of the Board Linda Churchill for the afternoon session. Chairman Reb Monaco presided.

9:00 a.m. CALL TO ORDER:

- a) Supervisor Loe led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- c) **PRESENTATIONS & RECOGNITIONS:**

Present Certificate of Recognition to Daniel Coughlin who is retiring after over 21 years of service with the County of San Benito.

Chairman Monaco presented Certificate of Recognition to Daniel Coughlin who was retiring after 21 years of service with the County of San Benito.

Mr. Coughlin thanked his staff and the Board of Supervisors.

SHERIFF'S DEPARTMENT – C. Hill:

Accept donation of a duty vest for K-9 Nantos from Gavilan Kennel Club.

Undersheriff Pat Turturici introduced K-9 Nantos, German Sheppard from Germany and Nantos partner for the last four months Johnny Pina.

Joe Pendry representing the Gavilan Kennel Club of Gilroy, Hollister and Morgan Hill announced that Gavilan Kennel Club donated a duty vest for K-9 Nantos and have supported the Sheriff's Department in the past.

- d) **Public Comment:** There was no one from the public to address the Board.
- e) **Department Head Announcements:** County Administrative Officer Susan Thompson mentioned that there has been no news out of Sacramento in regards

to the budget. Ms. Thompson announced that the County Budget would be available on line at the County's website on Saturday July 31st and available by hard copy in the office of the County Administration Office, 481 Fourth Street, Hollister, CA 95023 on Monday, August 2nd and budget hearings would start on Tuesday, August 10th at 1:30 p.m.

Chairman Monaco said that we cannot base our budgetary actions on rumors until we actually see what happens in Sacramento.

- f) **Board Announcements, Introductions and Presentations:** Supervisor Loe announced two fun events coming up: Relay for Life at the San Benito High School Football Field on Saturday, July 31st starting at 10:00 a.m. and going until Sunday, August 1st at 10:00 a.m.; and the Kids at the Park on Wednesday, August 4th at 10:00 a.m. at Dunne Park. Supervisor Loe encouraged the public to come out and attend.

Supervisor Loe mentioned that she made a visit to the San Benito County Veteran's Service Office and she said that she was very impressed with the professionalism there and believes we are moving in the right direction.

Supervisor Loe reported that through the sub-committee of the City Council and the Board of Supervisors they have looked at an initial report on bringing in a consultant to look at consolidation of the Police and Sheriff's Department and she would be bringing back more information at a later date.

Chairman Monaco appointed a sub-committee consisting of Supervisor Loe and De La Cruz to work with the CAO and the committee members of the City Council, and other members of the Inter-Governmental Committee to look into the consolidation and report back to the Board of Supervisors at a later date.

Supervisor Botelho reported that he and Supervisor Barrios met with key staff people in regards to the traffic impact fees and the development of a temporary resolution for the reduction of traffic impact fees to be brought back to the Board of Supervisors at the earliest possible date. Supervisor Botelho said that the resolution would reflect the delay of Hwy 25 and Union Road improvements and the impact fees would reflect that reduction.

Supervisor Botelho said that there was a COG meeting and staff was directed to start work on the new traffic study which would permanently set future traffic impact fees.

Supervisor Barrios thanked Supervisor Loe for visiting the Veteran's Service Office.

Supervisor Barrios announced that she volunteered for a surface water sub-committee group who would be looking into a new water treatment plant location. Supervisor Barrios said that she would be reporting back to the Board of Supervisors as things occur.

Supervisor Barrios announced that she sits on the Council for Foster Youth Focus and their goal is to provide educational cohesiveness for children that are in Foster Youth Care.

Supervisor De La Cruz announced that he attended the Council of Governments (COG) meeting and the Airport Committee meeting.

Chairman Monaco announced that he attended the dedication for the Pinnacles National Monument on July 9th and said that it was a very good event.

CONSENT AGENDA:

Upon motion made by Supervisor Botelho and seconded by Supervisor De La Cruz, approved Consent Agenda Items 1 through 20, with the exception of Items 1, 7 and 18 which were pulled for discussion. (Unanimous)

ADMINISTRATION – S. Thompson:

- 1) **Appointed** Victoria Coronado to the Area Developmental Disabilities Board VII representing San Benito County for the term August 1, 2010 – August 1, 2013.
File #1054

AGRICULTURAL COMMISSIONER – R. Ross:

- 2) **Approve contract with the California Department of Food & Agriculture for Pest Detection Trapping Services for the period of July 1, 2010 through June 30, 2011 in the amount of \$42,541.**

Item pulled for discussion.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor Monaco, approved contract as presented. (Unanimous) File #1.1*

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 3) **Authorized** the County Behavioral Health Director to sign and submit to the State ADP the Comprehensive Drug Court Implementation Notice of Grant Award application allowing the acceptance of \$17,502 of State General Funds for the period of January 1, 2011 through December 31, 2011. *File #810*
- 4) **Approved** contract renewal with Merced County for Psychiatric Health Facility and Outpatient Clinic Services for the period of July 1, 2010 through June 30, 2013, for a maximum amount annually of \$75,000. *File #810*
- 5) **Approved** contract renewal with Chamberlain's Children Center, Inc. for Therapeutic Behavioral Services for the period of July 1, 2010 through June 30, 2011, for a maximum annual total of \$40,000. *File #810*

BOARD OF SUPERVISORS:

- 6) **Appointed** Wilbert White, Jr. to represent Supervisorial District 5 on the San Benito County Parks & Recreation Commission effective July 27, 2010 to fill the vacancy for an unexpired term ending January 2013. (Supervisor De La Cruz)
File #93

CLERK OF THE BOARD – L. Churchill:

- 7) **Approve the action minutes of the June 1, 2010 morning session, June 8, 2010 regular meeting, June 22, 2010 regular meeting, July 1, 2010 special meeting and July 9, 2010 special meetings.**

Item pulled for discussion.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor De La Cruz, approved minutes of the June 1, 2010 morning session, June 8, 2010 regular meeting, June 22, 2010 regular meeting, July 1, 2010 I and July 9, 2010 special meetings reflecting the changes to minutes of June 1, 2010 morning session and July 9, 2010 special meeting (Unanimous)*

COUNTY COUNSEL – M. Granger:

- 8) **Approved** Legal Services Agreement with Jefferson Elementary School District for the period of July 27, 2010 through June 30, 2011. *File #160*

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

- 9) **Adopted Resolution No. 2010-81** accepting the certified Statement of Election for the June 8, 2010 Statewide Primary Election. *File #285*

HEALTH & HUMAN SERVICES – K. Flores:

- 10) **Approved** contract with State Department of Public Health for Immunization Assistance Program for the period of July 1, 2010 through June 30, 2011 in the amount of \$25,500. *File #130*
- 11) **Approved** Memorandum of Understanding with Community Food Bank for use of the Community Food Bank site for mass vaccination clinics in the event of a public health emergency. *File #130*
- 12) **Approved** contract with City of San Jose for Housing Opportunities for Persons with Aids (HOPWA) for the period of July 1, 2010 through June 30, 2011, in the amount of \$27,250. *File #130*
- 13) **Approved** continuing monthly out-of-state travel for H&HSA Social Worker for purposes of complying with the monthly child/social worker contracts as ordered by the court case #JV08-00031 of the Superior Court of California, County of San Benito. *File #130*

HUMAN SERVICES – J. Credico:

- 14) **Adopted Resolution No. 2010-82** regarding the County Contributions for the Retirement Benefit for the Chief Probation Officer. *File #630*

PROBATION DEPARTMENT – B. Cardall:

- 15) **Adopted Resolution No. 2010-83** and **authorized** the Chief Probation Officer to submit the JABG Application and said resolution to the California Standard's Authority. *File #510*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 16) **Approved** Memorandum of Understanding (MOU) with the City of Hollister pertaining to the Design and Construction of the paving of Hillcrest Road between Memorial Drive and Fairview Road. *File #105*
- 17) **Approved** Joint Use Agreement with the City of San Juan Bautista for the construction and ongoing maintenance of a new restroom at Abbe Park, for the period of July 27, 2010 through July 27, 2030 in an amount not to exceed \$100,000; directed the Public Works Administrator to submit all documents necessary for the project application and payment processes with the State of California. *File #105.3*
- 18) **Declare equipment and vehicles surplus; and direct staff to remove surplus equipment from inventory per County practice.**
Itemed pulled for discussion.

BOARD ACTION: Upon motion made by Chairman Monaco and seconded by Supervisor Barrios, **declared** equipment and vehicles surplus; and **directed** staff to remove surplus equipment from inventory per County practice. File #105

- 19) **Approved** the plans and specifications for the San Juan Highway Bike Lane Project. File #105

SHERIFF'S DEPARTMENT – C. Hill:

- 20) **Received** Informational report regarding Inmate Welfare Expenditures for FY 2008/2009/2010. File #110

REGULAR AGENDA:

ADMINISTRATION:

- 21) **Approve funding recommendations presented by the Community Foundation for San Benito County for FY 2010-11.**

Gary Byrne's of the Community Foundation gave a brief overview of the process that was used for the selection of non-profit funding for FY 2010-11 by the Community Foundation Grant committee.

Mr. Byrne provided their recommendation to the Board of Supervisors for seven agencies that provide wonderful services to the County. Mr. Byrne said the total grant amount of \$133,000 would be going to those seven agencies; \$70,000 comes from the County and \$63,000 from the Community Foundation.

Discussion ensued by Board, staff and Mr. Byrne.

Chairman Monaco said that he feels that we need to explore some other kind of funding stream for the Advocacy, Inc. Program and other agencies beyond what the Community Foundation is doing.

Chairman Monaco said that he would like to appoint a sub-committee from the Board of Supervisors to work with County staff and the Advocacy program and other agencies that fall into a unique group to find a secure funding stream and report back to the Board of Supervisors at a later date.

Chairman Monaco appointed Supervisor Loe and Botelho to the sub-committee to work with staff and Advocacy Inc. and other agencies.

Kathleen Johnson, Executive Director of Advocacy, Inc. spoke in regards to their program. Ms. Johnson said that they are a Federal and State mandated program and the only program that provides rights protection assistance to family and family members that end up in a facility.

Clay Kempf, Executive Director of Senior Council, provided information in regards to the Area Agency on Aging Program.

Pauline Valdivia, Executive Director, of Jovenes de Antano spoke in regards to their program and thanked the Board of Supervisors for their continued funding. Ms. Valdivia said that she would like to see the Board of Supervisors consider full funding of \$40,000 instead of \$20,000.

Mary Anne Hughes, Executive Director, of Community Food Bank of San Benito County spoke in regards to their program and thanked the Board of Supervisors for their support.

Marty Richman, Hollister resident, thanked all the non-profits for all the work they have done and the Community Foundation for their responsibility and hard work in regards to their funding efforts. Mr. Richman said that it would be a mistake to take the funding process away from the Community Foundation.

Lengthy discussion ensued by Board and staff.

Chairman Monaco along with the other Supervisors stated that they appreciated the work that the Community Foundation had done.

BOARD ACTION: Upon motion made by Supervisor Loe and seconded by Supervisor De La Cruz, ***moved*** to continue this item to budget hearings beginning on August 10, 2010. (Unanimous) File #119

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

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 22) Hold a public hearing to consider the adoption of a San Benito County Parks and Recreation Facilities Master Plan, and adopt resolution making necessary CEQA findings, adopting the Negative Declaration prepared for the Master Plan, and adopting said Master Plan. **Applicant:** San Benito County. **Location:** County-wide.

Public Works Administrator Steve Wittry provided information in regards to the review of the San Benito County Parks and Recreation Facilities Master Plan with a PowerPoint presentation.

Don Kelly, Chairman of the San Benito County Parks and Recreation Commission, spoke in regards to the joint effort of all the departments to put this plan together. Mr. Kelly said that it was the enthusiasm and the encouragement by Management Analyst Janelle Cox that made this plan come alive.

Mr. Kelly thanked Chairman Monaco for his vision to create the Parks and Recreation Commission and for caring so much about this County.

Ray Pierce, Parks and Recreation Commissioner, thanked Chairman Monaco, Janelle Cox, Commissioners and staff members for all their hard work to help put this plan together.

The Board of Supervisors thanked the Parks and Recreation Commission and staff for all their hard work.

Chairman Monaco opened the public hearing.

There was no one from the public addressing the Board.

Chairman Monaco closed the public hearing.

Mr. Wittry explained what the next steps would be if the Board of Supervisors goes ahead and adopts a resolution making all necessary CEQA findings.

BOARD ACTION: Upon motion made by Chairman Monaco and seconded by Supervisor Barrios; ***reviewed*** the Parks and Recreation Facilities Master Plan and ***adopted Resolution No. 2010-84***, making all necessary CEQA findings, adopting the Negative Declaration prepared for the Master Plan and adopting the San Benito County Parks and Recreation Facilities Master Plan. (Unanimous) File #93

REGULAR AGENDA (Continued):

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 23) Issue a proclamation declaring July as "Parks and Recreation Month' in San Benito County.

BOARD ACTION: Upon motion made by Supervisor Botelho and seconded by Supervisor De La Cruz, ***approved*** proclamation declaring July as Parks and Recreation Month in San Bento County. (Unanimous) File #430

AGRICULTURAL COMMISSIONER – R. Ross:

- 24) **Accept the 2009 Crop Report; authorize the release of this report to the public via the department web-site.**

Agricultural Commissioner Ron Ross provided the 2009 Crop Report to the Board of Supervisors that was prepared by the Agriculture Commissions Office.

Mr. Ross said that the report would be available to the public on the Agricultural Commissioner's website once it was approved by the Board of Supervisors.

Chairman Monaco stated that he was glad to see that the Agricultural Commissioner's Office dedicated the annual crop report to former Agricultural Commissioner Paul Matulich.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Chairman Monaco; **accepted** the 2009 Crop Report; **authorized** the release of this report to the public via the department web-site. (Unanimous) File #1.1*

INTERNAL SERVICES – R. Inman:

- 25) **Appoint Mr. Gary Armstrong as Director of Planning and Building Department.**

Director of Internal Services Rich Inman provided information in regards to the Planning Director recruitment and the recommendation to appoint candidate Mr. Gary Armstrong as the new Planning Director.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Loe; **appointed** Mr. Gary Armstrong as Director of Planning and Building; **appointed** at salary range 39.2, Step F of the County's Department Head Salary Plan less an agreed to 5% reduction in salary as a condition of the county's work furlough program; credit 120 hours of administrative leave on August 9, 2010 for the remainder of 2010 and thereafter credit 120 hours of administrative leave each calendar year on January 1.; provide car allowance of \$500 per month; provide 90 days notice of intent to terminate and 90 days of severance pay; provide a moving allowance not to exceed \$5,000 subject to the lowest of three competitive bids acceptable to the County Administrative Officer; appropriate \$1,500, if needed, in the Planning Department budget for annual membership in American Institute of Certified Planners (AICP) and necessary support to remain accredited; provide all other benefits provided to appointed department heads. (Unanimous) File 119.2*

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

Items 26, 27, 28, 29 and 30 were moved to the afternoon session.

ADMINISTRATION:

- 26) **Receive update on FY 2010-11 budget preparation and status and adopt the FY 2010-11 Budget Policies.**

County Administrative Officer Susan Thompson provided an update on the FY 2010-11 budget providing three documents titled: 1) Updated Estimated General Fund Reserve Balances at July 1, 2010; 2) Capital Reserves status and optional plans; and 3) FY 2010-2011 Budget Balancing Strategy. CAO Thompson reported that the fund balance at minimum will be up \$1.3 million higher than what we estimated previously and we estimate that it will now be \$3.5 million of unallocated fund balance bringing the Fund Balance Carry Forward Estimate to \$22,000,000. CAO reported that the total designated reserves amount to \$16,824,948 leaving a total unassigned fund balance of \$5,175,062.

CAO Thompson reported that the \$6,000,000 Prudent Reserves may be needed to balance the 2010-11 Budget.

CAO Thompson answered questions posed by Board members.

CAO Thompson explained the Capital Reserve Status and Optional Plans stating that at the end of June 30, 2010, in the Capital Reserves after the expenditures we incurred in the 2009-2010 budget, there is a reserve total of \$7,983,006. CAO Thompson recommended utilizing the funds that are in Capital Reserves right now for operating budget gap financing. CAO Thompson said it would be her recommendation to use \$2 million of Capital Reserves this year to help balance the General Fund and reserve \$2 million more for next year to help balance the General Fund.

CAO Thompson answered questions posed by Board members.

CAO Thompson explained Handout #3 the FY 2010-2011 Budget Balancing Strategy.

Question and answer period ensued and Board members provided comments.

CAO Thompson read the proposed FY2010-11 Budget Policies recommending a change to Paragraph #1 changing \$5 million to \$4 million and, a change to Paragraph #5 increasing one-third to 100% of the undesignated unrestricted General Fund Balance (rainy day fund) to support priority ongoing operating cost during FY 2010-2011 otherwise unfunded by local discretionary revenues.

BOARD ACTION: Upon motion made by Supervisor De La Cruz and seconded by Supervisor Loe, adopted FY 2010-2011 Budget Policies as proposed with changes to Paragraph #1 from \$5 million to \$4 million and Paragraph #5 to appropriate up to 100% of the unrestricted General Fund Balance as recommended by County Administrative Officer Thompson. (Unanimous) File #865

SITTING AS THE COUNTY BOARD OF EQUALIZATION:

ADJOURNED AS THE BOARD OF SUPERVISORS AND RECONVENED AS THE COUNTY BOARD OF EQUALIZATION RE:

Assistant County Counsel Barbara Thompson explained the request for Extension of Time and delegating authority to the Chair to approve and execute future Extension of Time Requests. Ms. Thompson noted that the Extension of Time Requests was from Bombardier Aerospace Corporation DBA: Flexjet, NetJets Aviation, Inc. and Flight Options LLC.

COUNTY COUNSEL – M. Granger:

- 27) Approve "Extension of Time Requests" as submitted and authorize the Chair to execute the Extensions on behalf of the Board; delegate authority to the Chair of the San Benito County Board of Supervisors, acting as Chair of the County Board of Equalization, to approve and execute future "Extension of Time Requests" on behalf of the Board.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor De La Cruz, approved the Extension of Time Requests as recommended and delegated authority to the Chairman of the County Board of Equalization to approve and execute future Extension of Time Requests on behalf of the Board. (Unanimous) File #197*

ADJOURNED AS THE COUNTY BOARD OF EQUALIZATION AND RECONVENED AS THE BOARD OF SUPERVISORS.

Closed Session Items 28, 29 and 30 were moved to the end of the agenda:

CONSENT AGENDA:

Upon motion made by Supervisor Loe and seconded by Supervisor De La Cruz, approved Consent Agenda Items 32 and 33. (Unanimous)

PLANNING DEPARTMENT – C. Woodbury:

- 31) **Approve the assignment and assumption of contract from Resource Design to Benchmark Resources for mining inspections for the remainder of the existing contract that expires on June 30, 2012.**

Supervisor Botelho recused himself from this item.

This item was pulled for discussion.

Chairman Monaco directed staff to come back with a report on the first meeting of December 2010 after researching the efficiency of training staff to do the inspections.

Jim West, Granite Rock, stated that he has been involved many years with mining inspections and the inspectors must stay up to date with the Surface Mining Reclamation Act, which is amended yearly, and he did not think it would be cost effective to train staff and he would hate to see the County get back into that.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios, approved the assignment and assumption contract from Resource Design to Benchmark Resources as recommended. (4-0 Vote. Botelho abstained.) File #790*

- 32) **Approved** Reimbursement Agreement with Fairview Corners to fully recover County costs to review Fairview Corners Specific Plan project. *File #790*
- 33) **Approved** contract with Impact Sciences, Inc. to provide peer review on the Fairview Corners Specific Plan Environmental Impact Report for an amount not to exceed \$29,425. *File #790*

PLANNING DEPARTMENT – C. Woodbury:

34) Receive General Plan update status report.

Byron Turner, Assistant Planning Director, stated that the purpose of this item is to give the Board an update on the progress that we are making with the General Plan Update. Mr. Turner noted that Tim Foley, Chairman of the General Plan Advisory Committee (GPAC) and Larry Mintier and Jessica Law from the consulting firm Mintier and Harnish were present to give a presentation on the General Plan Update. Mr. Turner stated he was very pleased to report that we are making great progress on this progress stating that we are on schedule and within the budget and the GPAC is working well with the consultants along with Michael Kelly of the Planning Department who is managing the process.

Larry Mintier provided a PowerPoint presentation covering the following points: Status of General Plan Update; Major Milestone documents; General Plan Advisory Committee; Other Planning Processes and Next Steps.

Mr. Mintier indicated that the project will take approximately another 18 months to complete and should be complete in early 2012.

Tim Foley, GPAC Chairman, stated that the Board of Supervisors picked the GPAC well noting it was a very diverse and good group of citizens. Mr. Foley reported on the accomplishments of the GPAC.

Marty Richman, local resident, stated that a lot of time and effort have gone into this General Plan project and it was now a good time for the Board of Supervisors to make these efforts work with some kind of a system in place.

Chairman Monaco thanked everyone involved in this project. *File #790*

The Board adjourned for a short break at 3:15 p.m. and reconvened at 3:25 p.m.

35) Discuss and direct staff regarding amendments to San Benito County Code Section 21.01.02I(L) requiring fire sprinklers in non-residential buildings; find that such amendments are in the best interest of the people,+ and set a public hearing and direct that the proposed amendments be published according to the requirements of County Code Section 21.01.006.

Assistant Planning Director Byron Turner provided background information reporting that in early 2008 the Board of Supervisors adopted the 2007 California Fire Code with local multiple amendments but probably the most significant was the requirement that non-residential buildings greater than 500 square feet be equipped with automatic fire sprinklers. Mr. Turner stated that in response to concerns from the public and the Board regarding the application of stricter sprinkler requirements to non-residential uses, further amendments are recommended in order to make the County Code consistent with the California Fire Code requirements. Mr. Turner reported that we do have a local ordinance regarding this so pursuant to the County Code Section 21.01.006, "If a proposed amendment is considered by the Board of Supervisors to be in the best interest of the people, the Board shall fix a time for a hearing and direct that the substance of the proposed amendment be published at least once in the newspaper of general circulation, printed and published in the county, the publication shall be at least ten days prior to the date set for hearing". Mr. Turner noted that the amendments being proposed are 1) Reverting the

automatic sprinkler requirements for non-residential structures back to what is required by the California Fire Code.

Chairman Monaco stated that there seems to have been a breakdown in communication with regards to the fire ordinance that was adopted previously.

Chairman Botelho stated that he and former Supervisor Marcus worked on this item with fire staff and the intent was to give more flexibility for residential opportunities in the rural areas that may not sustain an adequate fire flow. Supervisor Botelho said that the restrictions that were adopted were not what the Board of Supervisors understood them to be. Chairman Botelho stated that there is no need to have restrictions that exceed what the California Fire Code mandates and this is now before the Board to resolve the problem.

Discussion ensued.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor De La Cruz, made findings that such amendments are in the best interest of the people because requiring fire sprinklers for non-residential structures above and beyond what is required in the 2007 California Fire Code creates an unnecessary economic burden on the public; and further amendments to San Benito County Code Section 21.01.021(L)(13), requiring fire sprinklers to non-residential buildings be amended back to the original 2007 California Fire Code requirements, and directed staff to set a hearing for August 24, 2010 at 9:00 a.m. and directed that the proposed amendments be published according to the requirements of County Code Section 21.01.006. (Unanimous) File #790*

The Board adjourned into Closed Session at 3:37 p.m. and reconvened into Regular Session at 4:10 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.)

28) Conference with Legal Counsel-Existing Litigation. (Subdivision (a) of Section 54956.9)

Name of Case: Association for Equal Information and Governmental Integrity v. County of San Benito, Superior Court of California, County of San Benito, Case No. CU-0900043.

No reportable action. File #235.6

29) Real Property Negotiations

Property: 2301 Technology Parkway (APN 051-152-004)

Agency Negotiator: Susan Thompson

Negotiating parties: County of San Benito and the Evelyn Pivetti Trust

Under negotiation: Both price and terms of payment

No reportable action. File #235.6

30) Public Employee Performance Annual Evaluation

Title: County Counsel

Authority: California Government Code 54957

No reportable action. File #235.6

The vote of each member of the Board of Supervisors upon each matter at the foregoing meeting, unless otherwise stated, was as follows:

AYES: SUPERVISORS: Botelho, Loe, Barrios, De La Cruz, Monaco
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: None

There being no further business the Board adjourned at 4:10 p.m. to August 3, 2010 at 9:00 a.m.

REB MONACO, CHAIRMAN
San Benito County Board of Supervisors

ATTEST:
Janet Slibsager, Assistant Clerk
Morning Session
Linda Churchill, Clerk of the Board
Afternoon Session

ADJOURN TO TUESDAY, AUGUST 3, 2010 AT 9:00 A.M.