SAN BENITO COUNTY
BOARD OF SUPERVISORS

Don Marcus	Anthony Botelho	Pat Loe	Reb Monaco	Jaime De La Cruz
District No. 1	District No. 2	District No. 3	District No. 4	District No. 5
Chair				Vice-Chair

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

REGULAR MEETING AGENDA
OCTOBER 2, 2007
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, Botelho, De La Cruz and Marcus were all present. Also present was County Administrative Officer Susan Thompson, County Counsel Dennis Le Clere and Assistant Clerk of the Board Janet Slibsager. Chairman Don Marcus presided.

9:30 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.*

Chair Marcus stated there was an announcement prior to public comment: Bill Coates from the Cooperative Extension Office introduced the new 4-H Program Representative, Joe Buchanan.

c) **Public Comment:** Joe Thompson, local resident, expressed his opinion regarding a letter he received from the COG Executive Director Ms. Rheinheimer in answer to a public records act request. Mr. Thompson questioned the authority for COG to access taxes and asked that this matter be delegated to a sub-committee or put on an agenda for discussion because the people in this county are taxed to the max.

Marty Richman, local resident, stated he was very gratified to see that the budget for San Benito County is in good shape.

d) **Department Head Announcements:** County Administrative Officer (CAO) Susan Thompson reported that she attended the reception at the David and Lucille Packard Foundation offices in Los Altos along with Gary Burns from the San Benito Health Foundation. Ms. Thompson stated they took a tour of the facility and that the county will be getting local visits from their consultant staff and they will be getting more involved in San Benito County's issues and would like to get to know more about our community.

Ms. Thompson stated that she attended the San Benito County Fair and felt it was the community's heart and soul and was definitely a family event.

COG Director Lisa Rheinheimer announced that they started paving on the new Hwy. 25 bypass. Ms. Rheinheimer also stated that there would be an open house at the Marguerite Maze School Library on October 9, 2007 from 4:00 p.m. to 7:00 p.m that

would provide an opportunity for the public to come and take a look at the plans and ask questions about the construction of the bypass.

e) **Board Announcements, Introductions and Presentations:** Supervisor Monaco mentioned that he also attended the San Benito County Fair and agrees with Ms. Thompson it was a pleasure.

Supervisor De La Cruz stated he had a booth at the San Benito County Fair and thanked everyone who visited his booth.

Chair Marcus concluded that he is going to personally call Bill Laudermilk from the State Fish and Game who helped facilitate some of the fairs infrastructure, parking issues and river crossing issues. Mr. Marcus stated he also participated in the fair and it was a great event.

CONSENT AGENDA:

Upon motion made by Supervisor Monaco and seconded by Supervisor Botelho, approved Consent Agenda Items 1, 2 4, 5 and 6, with the exception of Items #3 and #6.1 were pulled for discussion. (Unanimous)

CLERK OF THE BOARD – L. Churchill

1) ***Approved*** the minutes of the September 10, 2007 Special Joint Meeting.

FISH & GAME ADVISORY COMMISSION – J. Hawkins

2) ***Approved*** amended San Benito County Fish & Game Advisory Commission By-Laws as amended by said Commission on September 17, 2007. ***File #24***

COUNCIL OF GOVERNMENTS – L. Rheinheimer:

3) ***Approve amendment to contract with San Benito County to relinquish the office space located at 3216 Southside Road effective November 10, 2007***.

Joe Thompson, county resident, expressed his concern with regards to moving this agency to another location.

Supervisor Botelho stated that he wanted to clarify the reason why this item was on the agenda. Supervisor Botelho stated the current office facility is inadequate, and has problems with access to the public, heating, etc. and it is prudent to try and maintain professionalism in our county departments.

Chair Marcus agreed that the facility is inadequate, unsafe and it is a cost benefit to the relocation of that organization.

BOARD ACTION: Upon motion made by Supervisor De La Cruz and seconded by Supervisor Botelho, ***approved*** amendment to contract with COG and San Benito County. (Unanimous) ***File #1035***

HEALTH & HUMAN SERVICES – K. Flores:

4) ***Approved*** Declaration of Intent **not** to contract for FY 2007/2008 Emergency Medical Services Appropriation funds and ***authorized*** chair to sign said Declaration. ***File #1068***

PUBLIC WORKS – J. Lo:

5) ***Declared*** vehicle(s) and equipment surplus, as listed, per County procedure and to remove from inventory and ***directed*** the Public Works Department to dispose of the items properly. ***File #105***

6) ***Approved*** letter of support to endorse the City of Hollister's Roberti-Z'Berg Harris Non-Urbanized Grant Program application. *(Unanimous)* ***File #105.3***

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

6.1) Authorize the County Clerk/Auditor/Recorder to sign agreement with Premier Elections Solutions, formally known as Data Information Managements, Inc., for Vote Remote for the Elections Department; and, approve budget transfer to cover sales taxes for purchase.

Supervisor Loe questioned what other counties use this voting system and also wanted clarification of the budget transfer.

Assistant Clerk/Recorder Lillian Pereira stated there are twelve other counties that have purchased Vote Remote and they are all very happy with the system. Ms. Pereira stated the purpose is to capture the signature from the registration system and then verify signature match. Ms. Pereira stated the additional amount was approved in the budget for 2007/2008.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Monaco,* ***approved*** *agreement with Premier Elections Solutions for Vote Remote for the Elections Department and* ***approved*** *budget transfer. (Unanimous)* ***File #285***

REGULAR AGENDA:

INTEGRATED WASTE MANAGEMENT – M. Rose:

7) ***Appoint a subcommittee to work with staff on researching the revenue and cost implications of adjusting the rates at John Smith Road Landfill.***

Mandy Rose, Integrated Waste Management Department, provided background information and suggested the Board appoint a subcommittee to work with staff to look into this matter and to provide direction.

Lengthy discussion ensued.

Marty Richman, local resident, came forward stating this is a very important subject and no one wants to pay attention until it is time to pay their bill. Mr. Richman stated he was glad to see this problem is being taken care of.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz,* ***appointed*** Supervisor Botelho and Supervisor Loe to serve as the sub-committee regarding the rate issue at the John Smith Road landfill. (Unanimous) ***File #142.6***

8) ***Landfill Capacity Update/Review of Closure/Post-Closure Fund Mechanisms at John Smith Road Landfill and direct staff if necessary.***

Mandy Rose, Integrated Waste Management Department, provided an informational report regarding capacity update and the closure/post-closure funds at the John Smith Road Landfill.

Susan Thompson, County Administrative Officer, asked that Ms. Rose give the current balance of both funds for the public record. Ms. Rose stated that the balance in the closure fund is $1,412,435.00 and the balance in the post closure fund is $1,812,256.00. ***No action taken.*** ***File #142.6***

9) ***Hold discussion regarding establishing a Waste Diversion Facility and direct staff accordingly.***

Mandy Rose, Integrated Waste Management Department, stated there were three members from Waste Connections, the contract operator at John Smith Landfill, in the audience to provide information if anyone may have any questions. Ms. Rose stated this item is before the Board for consideration to see if there is any interest in developing the property adjacent to the landfill into a construction demolition diversion facility.

Tom Riley from Waste Connections, Inc. provided information as to how this site could be turned into a resource recovery park. Mr. Riley stated that diversion costs money but approximately 20% could possibly go back to the landfill. Mr. Riley stated there is a facility in San Luis Obispo and if anyone was interested in visiting the facility that could be arranged.

Susan Thompson, County Administrative Officer, stated there is a facility in Fresno that she is aware of and it works beautifully.

Chair Marcus stated he has visited the facility in San Luis Obispo and questioned if there is some kind of benefit to the cost savings of the construction agency. Mr. Riley answered by pricing of the different types of loads.

Chair Marcus stated that he did not want the diversion to interfere with the future liability of the property and would not like the facility applicable to other counties.

Supervisor Monaco stated he supports this idea and is familiar with a facility in Monterey County where they have everything for the public to go through.

Supervisor Botelho voiced concern regarding the cost savings to the county if we go in this direction.

Supervisor De La Cruz voiced concern as to what would be the cost of the construction or diversion and how this could affect the citizens and stated he would like to visit one of these facilities.

Supervisor Loe stated that AMBAG has funding for different studies so maybe we could get some kind of grant from them.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco,* ***moved*** to conduct a feasibility report in conjunction with the sub-committee (Supervisors Loe & Botelho), appointed earlier in the meeting, working toward the establishment of a Waste Diversion Facility. *(Unanimous)* ***File #142.6***

ADMINISTRATIVE BUSINESS:

10) ***Appoint Board members to an ad hoc committee regarding San Juan Bautista and San Benito County Water District EDA (Economic Development Administration) grant.***

Susan Thompson, County Administrative Officer, provided information regarding the EDA grant.

Lengthy discussion ensued.

Chair Marcus stated as chairman he would like to bring this position forward and would like to have direction from the rest of the board today and would like to appoint himself and Supervisor Botelho to the committee with full reporting power back to the Board.

Marty Richman, local resident, came forward and voiced his concern.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, supported the* ***appointment*** *of Chairman Marcus and Supervisor Botelho to the ad hoc committee and to follow the direction given this far from the Board; and, report back to the Board periodically with the information concerning the City of San Juan Bautista and San Benito County Water District (EDA) grant issues. (Unanimous)* **File #1119**

The Board adjourned into Closed Session and reconvened into Regular Session regarding:

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.)

11) Conference with Labor Negotiators:
Authority: California Government Code Section 54957.6
Agency Designated Representative(s): Rich Inman
Employee Organization: Law Enforcement Management (LEM)
No reportable action. ***File #235.6***

Meeting adjourned until 1:30 p.m. for Assessment Appeal Hearing.

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

There being no further business the Board adjourned to October 9, 2007 at 9:30 a.m. for a regular meeting.

DON MARCUS, CHAIRMAN
San Benito County Board of Supervisors

Attest:
Janet Slibsager, Asst. Clerk of the Board