



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

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

REGULAR MEETING APRIL 7, 2009 ACTION MINUTES

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

9:00 a.m. CALL TO ORDER:

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

PRESENTATIONS & RECOGNITIONS:

- c) **Present Certificate of Recognition to Jim Hawkins for 12 years of dedicated service on the San Benito County Fish & Game Advisory Commission.**

Supervisor Barrios presented Certificate of Recognition to Jim Hawkins.

Mr. Hawkins thanked the Board of Supervisors for the opportunity to have served on the Fish & Game Advisory Commission.

Jim Ingram, Chairman of the Fish & Game Advisory Commission, thanked Mr. Hawkins and expressed appreciation for his dedicated service.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, approved the Certificate of Recognition as presented to Mr. Hawkins for his 12 years of dedicated service. (Unanimous) File #24*

- d) **Present Proclamation to Sexual Assault Advocate, Debbie Ruiz, declaring the month of April as Sexual Assault Awareness Month in San Benito County. (Chairman Botelho)**

Chairman Botelho presented the proclamation to Debbie Ruiz of Community Solutions.

Ms. Ruiz explained the program and accepted the proclamation on behalf of Community Solutions.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Barrios, proclaimed the month of April as Sexual Assault Awareness Month in San Benito County and authorized the Chairman to sign. (Unanimous) File #24*

- e) **Public Comment:** Marty Richman, local resident, spoke on behalf of San Benito County resident Phillip Galvan, a veteran Marine who was wounded in Iraq, expressing dissatisfaction with the Veteran's Service Office noting that they are not well trained and were experiencing computer problems and he was unable to get the necessary forms he needs. Mr. Richman said that Mr. Galvan complained to the Hollister City Council at

their meeting last night and he was told to bring his complaints to the county. Mr. Richman stated that hopefully a new computer could be placed in the Veteran's Service Office.

Chairman Botelho appointed Supervisor Loe to look into these specific complaints and handle this matter.

Joe Thompson, local resident, announced that the California State Bar Association put out a statewide alert to warn members of the Bar about the epidemic of predators or fraud artists who are practicing mortgage, or debt relief, and people are getting bad advice from people who are not trained.

Mr. Thompson stated that there was something that could actually be done to promote economic development and that is to have the Board of Supervisors formally support SB356, which would help get the money off the backs of small business owners.

Mr. Thompson referred to a Public Records Act Request that he had recently submitted to the Board of Supervisors stating that we need to get to the bottom of secretive litigation that is getting out of control in this county.

- f) **Department Head Announcements:** County Administrative Officer (CAO) Susan Thompson reported that she has been meeting with department heads for several days on their budgets and will be bringing recommendations to the Board of Supervisors prior to and during budget hearings. CAO Thompson also reported that she and County Clerk/Auditor/Recorder Joe Paul Gonzalez are working on bringing financial policies for the Board to consider at the end of the month.

Agricultural Commissioner Paul Matulich provided an update on the Light Brown Apple Moth in San Benito stating that as of today, April 7, 2009, two positive trappings have occurred in the Fairview and Ausaymas areas. Mr. Matulich stated that the good news is that the two moths were not within one and one half miles of each other, therefore, no Federal quarantine is in existence at this time.

Mr. Matulich also reported that as Director of the San Benito County Mosquito Abatement District Program he would be submitting a letter to the Assembly Agriculture Committee in opposition to AB 622. Mr. Matulich stated that if this bill is passed and becomes law it would restrict aerial applications of any pesticides within 3.3 miles of what they consider a residence or a sensitive area. Mr. Matulich stated that they would effectively preclude mosquito and vector control agencies from meeting their statutory charge of protecting the health and safety of the citizens of California.

It was the consensus of the Board to have Mr. Matulich bring a letter back on April 14, 2009 for approval for the Board of Supervisors to send as well.

Health & Human Services Agency Director Kathy Flores reported that with regard to the Public Health Division she previously received approval by the Board of Supervisors to accept monetary and non-monetary donations. Ms. Flores reported that they received a \$5,000 check from the Health Trust of Santa Clara County to help fund the cost of the Kids at the Park Health and Safety Fair here in San Benito County.

County Clerk/Auditor/Recorder Joe Paul Gonzalez reported that as County Registrar of Voters he was notified this morning that the County has received a Right to Vote grant for \$125,000 which will help us to facilitate the ADA requirements at polling places and other access during elections.

Chief Probation Officer Brent Cardall reported that his office is looking into a couple of grants such as federally funded COPS grant and also a BURN grant for a equipment where there is no matching funds required.

CAO Thompson noted that sometimes we may have to go ahead and submit these time sensitive grants and then bring it to the Board at subsequent Board meetings for approval.

- g) **Board Announcements, Introductions and Presentations:** Supervisor Barrios reported that in response to Mr. Richman's public comment this morning we did receive

a letter from Network of Care for Veterans and Service members. This site was put together as a joint venture with the State, Counties and Trilogy Integrated Resources and it's for returning veterans to get assistance and resources to help themselves and families. Supervisor Barrios said it was available to give to the gentleman that needs additional help noting that the website is *networkofcare.org*.

Supervisor Barrios also reported with regards to telephone calls that she has been getting from constituents in CSA 50 (Dunnville) and she, along with Acting Public Works Director Janelle Cox, will be setting up a meeting for CSA 50 residents to get more information about the proposed fees.

Supervisor Barrios stated that she has talked with Bill Tiffany, President of the San Benito High School Board of Trustees with regards to the hiring of the Gang Prevention Coordinator and he is open to, and believes the rest of the School Board is also open to, in-kind funds that are needed for this Committee.

Supervisor Barrios reported that the First Five Commission is struggling with the idea that they are going to be losing 50% of their monies if Proposition 1D passes and their main concern is the funding they have received in the past for local help for school readiness programs and some of the assistance given to other programs. Supervisor Barrios stated that the First Five Commission wanted the community to be aware of this possibility.

Supervisor Barrios announced that a local actor, Cesar Flores, would be in a movie called "August Evening" which would be showing at the local Premiere Cinemas on April 8, 2009.

Supervisor De La Cruz reported that he and Acting Public Works Director Janelle Cox met with residents of Riverview Estates with regards to their CSA and were able to explain to the many Spanish-speaking people the process and answer their questions.

Supervisor Loe announced that the Relay for Life Kickoff, "Paint the Town Purple" would be held May 1, 2009 in front of the Veteran's Memorial Building at 5 p.m. and invited everyone to attend.

Supervisor Monaco thanked Supervisor De La Cruz and Public Works staff Janelle Cox and Loretta Smith for representing him at the Riverview Estates homeowners meeting with regards to the CSA proposed fees stating he appreciated Supervisor De La Cruz attending and being able to explain to the Spanish-speaking residents about the CSA process.

Supervisor Monaco announced that the final draft for our County Parks Master Plan is coming up for review tomorrow evening, April 8, 2009, in the Board of Supervisor's Chambers and it is important that the community attends and provides their input on this very important document.

Supervisor Botelho reported that on April 4, 2009 he attended an event at the Casa Maria in San Juan Bautista for the Community Food Bank and he encouraged people to contribute to this organization and others as well because support is really needed.

Supervisor Botelho also attended the annual Easter Parade in San Juan Bautista over the weekend.

Supervisor Botelho commented with regards to Mr. Richman's public comment about Recovery Act monies and how it is spent stating that he would love to be able to do something like that and be able to use the money as we see fit. Supervisor Botelho stated that we would look into the needs of the Veterans and their services.

CONSENT AGENDA:

Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco, approved Consent Agenda Items 1 through 15, with the exception of Items 4 and 6, which were pulled for discussion and noting the abstention of Supervisor Botelho from Item #5. (Unanimous)

BOARD OF SUPERVISORS:

- 1) **Appointed** James E. Pacheco to the San Benito County Fish and Game Advisory Commission representing Supervisorial District 1 with term effective April 7, 2009 through March 31, 2013. (Supervisor Barrios) **File #24**

CLERK OF THE BOARD – L. Churchill:

- 2) **Approved** the action minutes of the meeting on March 10, 2009.

COUNTY CLERK, AUDITOR & RECORDER – J. P. Gonzalez:

- 3) **Made** a finding in regard to sole source and **approved** contract with K & H Integrated Print Solutions for the May 19, 2009 Special Statewide Election for the period of March 1, 2009 through July 31, 2009 at a cost not to exceed \$100,000. **File #285**

DISTRICT ATTORNEY’S OFFICE – C. Hooper:

- 4) **Authorize the District Attorney’s Office to submit a grant application for funding of the San Benito County Victim/Witness Assistance Center and Vertical Prosecution of Cases involving violent crimes against women for a three-year cycle beginning July 1, 2009 and ending June 30, 2012; and authorizing the submission of Grant Application. (Res. No. 2009-26)**

Supervisor Barrios commended District Attorney Candace Hooper for moving forward and trying to get grants for the County stating this was a good investment.

BOARD ACTION: Upon motion made by Supervisor Barrios and seconded by Supervisor Monaco, **adopted Resolution No. 2009-26** and authorized the Chair to sign. (Unanimous) **File #205**

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 5) **Approved** Amendment #1 to the Joe Serna Jr. Farmworker Housing Grant Program Standard Agreement to extend the expiration date of June 30, 2009 to June 30, 2010; and **authorized** the Director of Health & Human Services to sign said agreement. (4/0 Vote. Botelho abstained). (CSWD) **File #285**

- 6) **Approve the revised San Benito County Community Action Board (CAB) Bylaws to be effective April 7, 2009.** (CSWD)

CSWD Director Enrique Arreola stated that there was a correction that needed to be made to the Bylaws changing Article X, Section B to read complete Ethics Training every two years rather than three years as stated.

BOARD ACTION: Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, approved CAB Bylaws effective April 7, 2009 with an amendment changing Article X, Section B to read: *Must complete Ethics Training every “two (2)” years.* (Unanimous) **File #939**

- 7) **Approved** agreement with Pacific Gas & Electric for California Alternate Rates for Energy (CARE) for 2009-2011; and **authorized** the Health & Human Services Director to sign said agreement and any subsequent amendments. **File #939**

- 8) **Approved** FY 08/09 budget augmentations for the CalWorks Programs in the amount of \$273,340 and the Meds Security implementation in the amount of \$109,500. (Unanimous) **File #285**

- 9) **Approved** budget augmentation in the amount of \$57,744 for Community Services Block Grant. (Unanimous) **File #285**

INTERNAL SERVICES – R. Inman:

- 10) **Approved** the addition of 1.0 FTE to the Schedule of Authorized Positions for Staff Analyst in the Probation Department's Budget Unit #4238136 (Gang Prevention Fund). *File #510*
- 11) **Approved** Class Specifications for Child Support Accounting Specialist and set current salary range of 17.9; **deleted** the following from the Department of Child Support Services Schedule of Authorized positions: 1.0 FTE Account Clerk Supervisor, 1.0 FTE Account Clerk II, 1.0 FTE Office Services Supervisors, 1.0 FTE Special Programs Coordinator; **added** the following to the Department of Child Support Services Schedule of Authorized positions: 1.0 FTE Child Support Specialist I/II, 1.0 FTE Accounting Technician, 1.0 FTE Child Support Accounting Specialist. *File #510*

PUBLIC WORKS DEPARTMENT – J. Cox:

- 12) **Accepted** the bid received on March 17, 2009; **awarded** contract to Pacific Air as the lowest responsive responsible bidder for the replacement of the Sheriff Building HVAC External Ducts for the period of April 13, 2009 through June 12, 2009 in the amount of \$14,240; and **authorized** the Acting Public Works Administrator to issue change orders to the construction contract, in an amount not to exceed \$2,000. *File #105.3*
- 13) **Approved** contract change order No. 1, 2, 3, 5, 7, 8, and 10-14 with Sanchez, Inc. for the Clerk/Recorder Office Remodel project, in the amount of \$32,716 for a total contract amount of \$294,716. *File #105*

SAN BENITO COUNTY FIRE DEPARTMENT – M. Marlow:

- 14) **Adopted Resolution No. 2009-27** accepting Agreement #7FG80083 with the California Department of Forestry and Fire Protection for Volunteer Fire Assistance (VFA) funds in the amount of \$8,000; and **authorized** chair to sign resolution; **authorized** chair to sign Agreement in the amount of \$8,000 with the California Department of Forestry and Fire Protection. *File #60*

SHERIFF'S DEPARTMENT – C. Hill:

- 15) **Approved** the request to apply for grant funding under the American Recovery and Reinvestment Act, referred to as "the stimulus bill", for three funding opportunities; COPS Hiring Recovery Program (CHRP); Edward Byrne Memorial Competitive Grant Program; and the Assistance to Rural Law Enforcement to Combat Crime and Drugs. *File #110*

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

AGRICULTURAL COMMISSIONER – P. Matulich:

- 16) **Held public hearing regarding (1) an ordinance amending Chapter 7.07 of Title 7 of the San Benito County Code pertaining to lettuce inspection and (2) a resolution which would amend lettuce inspection fees authorized by the San Benito County Code; (3) waive first reading of said ordinance and continue to April 14, 2009 for adoption; and adopt said resolution.**

Agricultural Commissioner Paul Matulich provided background information stating the main reason for changing the fees is to recover our costs and noting that the fees for lettuce inspection haven't been changed for the last nine years.

Mr. Matulich and Acting County Counsel Barbara Thompson answered questions posed by Board members about the justification of raising these fees.

Chairman Botelho opened the public hearing. There was no one from the public who wished to address the Board. Chairman Botelho closed the public hearing.

BOARD ACTION: Upon motion made by Supervisor Monaco and seconded by Supervisor Barrios, waived first reading of the ordinance and continued the item to April 14, 2009 for adoption of said ordinance; and, adopted **Resolution No. 2009-28** allowing for the increase in the head lettuce inspection fees. (Unanimous) **File #1.1**

REGULAR AGENDA:

COUNTY COUNSEL – B. Thompson:

- 17) **Approve legal services agreement with the proposed law firm of Rankin, Landsness, Lahde, Serverian & Stock to recover costs incurred by the County pursuant to an indemnification agreement.**

Acting County Counsel Barbara Thompson reported that this item is related to the Friends of Tres Pinos matter stating that County Counsel's Office will be holding mediation meetings and if that is not successful then the County would like to obtain this law firm to represent the county in litigation that would be brought to enforce the indemnification agreement.

BOARD ACTION: Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, approved the agreement with Rankin, Landsness, Lahde, Serverian & Stock as recommended and authorized the Chairman to sign. (Unanimous) **File #160**

- 18) **Discuss current litigation, Association for Equal Information and Governmental Integrity v. County of San Benito, Case No. CU-09-00043 and provide direction to staff and approve contract with law firm of Cota Cole & Associates.**

Acting County Counsel Barbara Thompson provided a Power Point presentation covering the following points:

- What is a Petition for a Write of Mandate?
- What does this Petition Seek?
- The First Cause of Action.
- The Second through Fifth Causes of Action.
- California Environmental Quality Act (CEQA) – An Overview
- What is the purpose of CEQA?
- What is a Project?
- The Fee Report Stated.
- Issue 2 – Proposition 218
- Differences between a Fee and an Assessment
- What is a Special Benefit?
- Questions from Homeowners
- Timeline of Litigation
- Costs of Defense
- Does the County need assistance from the Homeowners Association in preparing the defense?
- Questions Relating to Law Firm to be Selected
 - Interview of Law Firms
 - Proposition 218 Litigation
 - Representation in CEQA Matters
- Derek Cole's Response
- William Abbott's Response
- Michael Colantuono's Response
- What is the hourly charge for travel time?
 - Cole's, Abbott's, Colantuono's Responses
- What are your other charges and rates for each, especially what surcharge is imposed on actual expenses incurred?
 - Cole's, Abbott's, Colantuono's Responses

- Is there a difference in charges (legal or expenses) if the client is a homeowners association? If so, please state what they are.
 - Cole's, Abbott's, Colantuono's Responses
- Have any of your representations regarding Prop 218 and/or CEAQ mandamus actions been published? If so, please give citations.
 - Cole's, Abbott's, Colantuono's Responses
- Have you been hired as amicus on appellate cases revolving around an underlying mandamus challenge of Prop 218 and/or CEQA? If so, whom? How many governments or its affiliates? How many environmental organizations? Have those cases been published?
 - Cole's, Abbott's, Colantuono's Responses

Acting County Counsel Thompson provided an analysis of the three separate law firms and recommended Cota Cole & Associates based on their Prop 218 and CEQA experience.

Supervisor Monaco thanked fellow Board members for bringing this particular item to an open public meeting and also thanked Acting County Counsel Thompson for an outstanding job of researching this item and bringing it to this point. Supervisor Monaco stated that the purpose here today is 1) To discuss the current litigation and to provide direction; and, 2) to approve a contract with a law firm to represent our county. Supervisor Monaco provided background information with respect to the issues involving Stonegate, including the water problem, and the Prop 218 process and this lawsuit.

Lengthy discussion ensued and Acting County Counsel Thompson and CAO Susan Thompson answered questions posed by Board members and the public.

Chairman Botelho stated that he hoped these "unknown" people would reconsider this lawsuit.

The following members of the public addressed the Board: Diana Cisneros, Stonegate resident; Mike Randle, President of Stonegate Homeowners; Mike Biechman, Stonegate homeowner; Marty Richman, local resident; Craig Demante, Stonegate resident; and, Tad Mitchell, resident of Stonegate and private attorney who stated that the attorney for the lawsuit against the county could be deposed and through that deposition you could find out the name, or names, of the individuals responsible for bringing this action.

Supervisor Monaco stated that the litigation had now been discussed and County Counsel has received enough direction to move forward.

BOARD ACTION: *Supervisor Monaco made a motion to approve the contract with the law firm of Cota Cole & Associates and authorize the Chair to sign said contract. Supervisor De La Cruz seconded the motion.*

Under the question. Supervisor Barrios said that she realized we probably are under a timeline here but it appeared that Stonegate residents may be pulling together a meeting to get a little more information and asked if we should maybe put a hold on this and perhaps if there is no merit it may be pulled.

Acting County Counsel Thompson recommended that we move forward now noting that the Stonegate Homeowners Association is in favor of moving forward at this time stating that she did not expect this matter was going to be resolved anytime soon.

It was the consensus of the Board that it was critical to move right away.

Supervisor De La Cruz stated that we should take into consideration the comments made by the last public speaker (Tad Mitchell).

Chairman Botelho called for the question.

The motion passed unanimously to approve the contract with Cota Cole & Associates. File #160

The Board adjourned for a five minute break at 10:55 a.m. and reconvened at 11:00 a.m.

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 19) **Approve Agreement with American Medical Response to provide countywide Emergency Advanced Life Support ground ambulance coverage for the period of July 1, 2009 through June 30, 2014.**

HHSA Director Kathy Flores explained that the current agreement came into effect on July 1, 2004 and is set to expire June 30, 2009. Ms. Flores noted that the CSA 36 property owners would see a decrease in their annual assessment based on the proposed rate structure.

Jim Clark, Emergency Services Manager, and former Emergency Medical Services Coordinator, highlighted the proposed rate structure and where the savings would be realized for CSA 36.

Mr. Clark answered questions posed by Board members.

Marty Richman, local resident, stated that government gets back about forty cents on the dollar and the balance is all picked up by private insurance. Mr. Richman asked if it could be explained to him how this is going to work when the government has all of the insurance. Mr. Richman stated that universal health care wouldn't work.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor Monaco, approved the agreement with American Medical Response to provide county-wide Emergency Advanced Life Support ground ambulance coverage effective July 1, 2009 through June 30, 2014. (Unanimous) File #130*

- 20) **Approve FY 2008/09 budget augmentation in the amount of \$209,149 for the Workforce Investment Act programs; and amend schedule of authorized positions to include 2 Employment Training Counselors I/II's, 2 Temporary Employment Training Counselors I/II and 1 Temporary Vocational Assistant Positions for the duration of available American Recovery Reinvestment Act (ARRA) funding. (4/5 Vote)**

HHSA Director Kathy Flores provided background information stating she previously reported to the Board of Supervisors that under the Community Services & Workforce Development (CSWD) division that we would be receiving a substantial amount of Stimulus Act money for American Recovery Reinvestment Act (ARRA) funds to place people in job training opportunities and also to place them in temporary on the job training or subsidized work experience and a large portion of the funds will be going to a Summer Youth Program. Ms. Flores explained that since some of these funds must be expended in this fiscal year a budget augmentation must be done.

Enrique Arreola CSWD Deputy Director, provided a Power Point presentation on the American Recovery Reinvestment Act and how it relates to San Benito County. Mr. Arreola covered the following points:

- CSWD Mission Statement
- What services do we offer?
- Scope of the Crisis
- San Benito County WIA ARRA Allocations
- WIA Services – ARRA & Non-ARRA services
- SBC Youth Allocation – Summer Youth Employment Training
- SBC Dislocated Worker Allocation – Individual Training Accounts
- Unprecedented Expectations
- ARRA – The Stimulus Creates...
- ARRA – What else it creates... is up to us.

Mr. Arreola answered questions posed by Board members

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios, approved FY 2008-2009 budget augmentation in the amount of \$209,149 for the Workforce Investment Act Programs, and moved to amend the Schedule of Authorized Positions to include two Employment Training Counselors I/II,*

two Temporary Employment Training Counselors I/II and one Temporary Vocational Assistant Positions for the duration of available ARRA funding. (Unanimous) File #130

PLANNING & BUILDING DEPARTMENT – A. Henriques:

- 21) **Approve Memorandum of Understanding with the Council of Governments (COG), the San Benito Airport Land Use Commission, the City of Hollister, and the County of San Benito for the Airport Land Use Compatibility Plan for the Hollister Municipal Airport at a cost to the county in the amount of \$32,500.**

Planning Director Art Henriques provided background information stating that consistent with state law requirements it is time to update the Airport Land Use Compatibility Plan. Mr. Henriques reported that we've been meeting with the City of Hollister and COG and have agreed to a cooperative Memorandum of Understanding (MOU) to work together on the costs and the County's expected cost is \$32,500. Mr. Henriques noted that the MOU must be approved by all three entities.

Mr. Henriques answered questions posed by Board members.

Marty Richman, local resident, noted that at the Hollister City Council meeting on April 6, 2009 the Council approved the Cal Fire lease which will now provide a permanent base at the airport and although it would serve other counties they will be close to us here. Mr. Richman also stated that CALStar would now be based at the airport also.

BOARD ACTION: Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, approved the MOU with COG, the San Benito County Airport Land Use Commission, the City of Hollister and the County of San Benito for the Airport Land Use Compatibility Plan for the Hollister Municipal Airport and authorized the Chair to sign said agreement; noting that the County's share of the funding will not exceed \$32,500 for the update and will be including in the Planning budget for Fiscal Year 2009-2010. (Unanimous) File #790

The Board adjourned into Closed Session and reconvened into Regular Session 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.)

- 22) **Conference with Real Property Negotiators:**

Authority: California Government Code Section 54956.8

Property: 327 Fifth Street, Hollister, CA 95023

Agency Negotiator: Susan Thompson, County Administrative Officer and Alan Yamamoto, County Behavioral Health Director.

Negotiating Parties: Philip C. Herbert, Patrick Herbert, Catherine Ann Herbert, Joseph P. Herbert and George Shore Properties.

Under Negotiation: Price and terms of purchase.

No reportable action. File #235.6

- 23) **Conference with Legal Counsel-Existing Litigation.**

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-09-00043.

No reportable action. File #235.6

- 24) **Conference with Legal Counsel-Anticipated Litigation.**
Significant Exposure to litigation pursuant to subdivision (b) of Section 54956.9: Number of Cases (1) Closed session is authorized by Section 54956.9(b)(3)(E).
No reportable action. File #235.6
- 25) **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

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

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

There being no further business the Board adjourned at to April 14, 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