



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 MAY 26, 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 Assistant County Administrative Officer Rich Inman, 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.

Supervisor Loe called for a moment of silence honoring the military and their families.

- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*

- c) **Public Comment:** Joe Thompson, local resident, expressed his concerns over the continuing problems of the small business owners noting that many are filing bankruptcy. Mr. Thompson noted that every county in the State of California went against increasing taxes at the recent special election stating that we should be shrinking government.

- d) **Department Head Announcements:** Sheriff Curtis Hill reported that last week he joined 35 sheriffs in Sacramento to talk to the legislature about the budget. Sheriff Hill stated that the voters spoke clearly and it was the consensus of the 47 legislators that they talked to that Proposition 1A would not be suspended and we'll have to wait to see what the Governor will be doing on that. Sheriff Hill stated that the Sheriff's Association and CSAC (California State Association of Counties) need to team up together to oppose the State coming in and raiding the counties of \$2 billion.

- e) **Board Announcements, Introductions and Presentations:** Supervisor Monaco reported that last Friday he toured the west side of the Pinnacles National Monument with Chief Ranger Eric Brunneman noting that they have received \$1 million from the federal government to revamp the visitor's center at the west side. Supervisor Monaco stated that the plan is to have this center be solely solar powered.

Supervisor Barrios reported that Senate Bill 777, proposed by bi-partisan legislators, is being looked into and pertains to instituting reforms through statutory provisions requiring a new focus for the State Budget that will integrate performance outcomes with spending priorities. Supervisor Barrios stated that this senate bill, if passed, would promise more stability and the potential to get past the partisanship. Supervisor Barrios said it was important to get the word out that this is being discussed and hopefully we will support it as a county.

Supervisor Barrios also reported that she and Supervisor Monaco met with the Planning Department to discuss the possibilities of policy language regarding alternative and renewable energy that may be coming in the future with companies that may want to locate in San Benito County.

Supervisor Barrios stated that there is no word from Sacramento regarding reimbursement of the election costs that were spent on the May 19, 2009 Special Election and this is something to think about since we may not be getting reimbursed the close to \$200,000 that was promised to San Benito County.

Supervisor De La Cruz thanked his fellow supervisors for postponing the date of the schedule Board Retreat due to his annual medical evaluation.

Supervisor De La Cruz stated with regards to renewable energy he has been doing research for the last three months on AB811, AB35 and SB375 which pertains to greenhouse gas emission reduction. Supervisor De La Cruz said he would like to work with the City of Hollister to develop a program on this issue since the federal government is creating opportunities that will 1) Create jobs through renewal energy; 2) Reduce greenhouse gas emissions in the area; 3) Develop a renewal energy source; and 4) Become energy efficient by 2020. Supervisor De La Cruz said he hoped to bring a proposal to the Board of Supervisors in the near future.

CONSENT AGENDA:

Upon motion made by Supervisor Monaco and seconded by Supervisor Barrios approved Consent Agenda Items with the exception of Item #1 which was continued to the next Board meeting and with the exception of 2, 3, 7, 8, 10, 13, 16 and 17, which were pulled for discussion. (Unanimous)

ADMINISTRATIVE BUSINESS:

- 1) Approve amendments to agreements with San Benito County Planning Director Art Henriques and San Benito County Internal Services/Assistant CAO Rich Inman extending agreement to January 2013 for Mr. Henriques and June 2013 for Mr. Inman.

This item was continued to the June 2, 2009 Board of Supervisor's meeting.

AGRICULTURAL COMMISSIONER – P. Matulich:

- 2) **Approve Mountain Lion survey request letter; authorize Chairman to sign and direct staff to send to the California State Department of Fish & Game.**

Supervisor Barrios thanked Mr. Matulich for bringing this important letter forward for approval and she hopes we'll get a response.

Supervisors Botelho and Monaco both stated they would encourage RCRC and CSAC to support this request also.

BOARD ACTION: Upon motion made by Supervisor Barrios and seconded by Supervisor Monaco approved the Mountain Lion survey letter as recommended. (Unanimous) File #24

BEHAVIORAL HEALTH – A. Yamamoto:

- 3) **Approve request for Behavioral Health Department staff to travel out of state to the Academy of Sisters in Bend, Oregon for quarterly case management visits for June 8, 2009 through June 10, 2009.**

Supervisor Barrios expressed concern that we're not receiving the best travel flight discount and could possibly get a better rate.

Mr. Yamamoto stated he would look into it for the next three flights since the one flight that was purchased was done in a short timeframe as was required.

BOARD ACTION: Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz approved request for travel out of state as requested. (Unanimous) File #810

- 4) **Approved** contract with Front Street, Inc. for Residential Care Facility for the Elderly (RCFE) for the period May 26, 2009 to June 30, 2010 for a maximum amount not to exceed \$48,000. File #810
- 5) **Approved** FY 2009-10 Substance Abuse Crime Prevention Act and Offender Treatment Program Plans for submission to the State Department of Alcohol and Drug Programs and **authorized** the Behavioral Health Director to sign; and **adopted Resolution No. 2009-34** signifying Board approval of said plans. File #810

BOARD OF SUPERVISORS:

- 6) **Approved** Certificate of Recognition for Jacquelyn Munoz, Superintendent of the Aromas-San Juan Unified School District, who is retiring after more than 35 years in public education for presentation at a later date. (Chairman Botelho) File #156

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

- 7) **Approve contract with Grace & Associates for professional auditing services for period of June 1, 2009 to June 30, 2014.**

Supervisor De La Cruz expressed opposition to the allowance of \$2000 increments after the second year stating that in this current economic time we should possibly wait for the third year.

Supervisor Barrios suggested that we use language from previous contracts where we use the Consumer Price Index (CPI), whichever is smaller and this would be a fairer process.

Joe Paul Gonzalez, Clerk/Auditor/ Recorder, stated that contractors respond to the Request for Proposals (RFP) and either we reject it or reject it with provisos that we would accept it upon certain conditions. Mr. Gonzalez noted that we currently only received one proposal from the 10 that were sent out.

Supervisor De La Cruz removed his request.

Supervisor Barrios made a motion to approve the contract with Grace & Associates for profession auditing services with a minor change of considering Consumer Price Index, whichever is smaller.

Supervisor Monaco asked for clarification regarding whether we have to accept this contract as presented to us or else reject it and give direction to Mr. Gonzalez to go back to solicit any kind of modification.

Acting County Counsel Barbara Thompson stated that the Board could approve the contract as amended and then present it to the contractor and see if he agrees to it.

Supervisor Loe stated that procedurally we should do this on all contracts and not just pull out one contract.

Supervisor Barrios felt that we should look at each individually because they all apply to different kinds of services.

BOARD ACTION: *Supervisor Barrios restated her motion as requested by Chairman Botelho as follows: Approve the contract with Grace and Associates for professional auditing services with an amendment to read that instead of receiving \$2000 each year for the next four consecutive fiscal years that we increment their contract amount per the consumer price index, whichever is smaller.*

Acting County Counsel Thompson clarified that it could say that with the amendment to read that they shall receive \$2000 per year increase or the amount determined by the Consumer Price Index, as determined by the County Auditor, whichever is smaller.

*Supervisor De La Cruz seconded the motion. (4-1 Vote. Loe voted no.)
File #608*

CLERK OF THE BOARD – L. Churchill:

8) **Approve the action minutes of the April 28, 2009 and May 5, 2009 meetings and the May 19, 2009 special meeting.**

Supervisor Barrios stated that on the minutes of April 28, 2009, Item e, Board Announcements, it needs more clarification where Supervisor De La Cruz mentioned that he had done some research on the 25 cents bag. Supervisor Barrios said this really did not identify what bags we were talking about noting that Supervisor De La Cruz made that comment after she requested that Integrated Waste Management look into the plastic bag initiative for San Benito County and that prompted the questions from Supervisor De La Cruz.

Supervisor Barrios requested that the minutes read that Supervisor Barrios requested Integrated Waste Management look into the plastic bag initiative for San Benito County and its effects on the County.

Supervisor Barrios also asked for a correction of the spelling of a name in the May 5, 2009 minutes noting that the correct spelling is Delgadillo and not Delgado.

Chairman Botelho continued the entire Item #8 to the next meeting with revisions included.

HEALTH & HUMAN SERVICES – K. Flores:

9) **Approved** Memorandum of Understanding (MOU) between San Benito County Community Services and Workforce Development and the Department of Rehabilitation for the One-Stop Career Center activities for the period July 1, 2009 to June 30, 2012, and **authorized** the Director of Health & Human Services to sign. *File #939*

- 10) **Approve FY 2008/09 budget augmentation in the amount of \$9,825 for the Workforce Investment Act Rapid Response activities; and amend schedule of authorized positions to include an additional 1.0 FTE Employment Training Services Counselor I/II and an additional 1.0 FTE Vocational Assistant Position for the duration of available American Recovery Reinvestment Act (ARRA) funding.**

Marvin Jones, local resident, commented that the County was looking to spend close to \$10,000 and get \$200,000 in return noting that's a pretty good investment then he realized that the \$200,000 is coming from the taxpayers. Mr. Jones stated that he hopes the county adheres to the position that when this money is spent that the position created will be gone as well.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios approved the FY 2008/09 budget augmentation and amend schedule of authorized positions as recommended. (Unanimous) File #939*

- 11) **Adopted Resolution No. 2009-35** authorizing the Director of the Health and Human Services Agency to submit an application to the California Integrated Waste Management Board for the Local Enforcement Grant for FY 09-10. *File #130*
- 12) **Approved** the Sub-Recipient Agreement, Amendment #1, with the Community Pantry for the period of January 6, 2009 to December 31, 2009 for an amount not to exceed \$41,815; and **authorized** the Health & Human Services Director to sign. *File #130*

PUBLIC WORKS DEPARTMENT – J. Cox:

- 13) **Approve the second amendment to the agreement with NBS Government Finance for Proposition 218 services for county services areas, extending the term through September 30, 2009 at no increase to compensation.**

Joe Thompson, local resident stated he understands that the consultants are assisting with this struggle over the Right to Vote for Taxes Act and how to interpret it for us. Mr. Thompson said when he received his first letter from the consultant, NBS Government Finance, he wrote a letter to NBS and he would like to know whether or not if a member of the public writes to the County's consultant, should we expect a response or will we get the same kind of treatment as COG (Council of Governments) gives.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor Monaco, approved second amendment to the agreement with NBS Government Finance for Proposition 218 services for county services areas as recommended. CSA File / 105*

- 14) **Approved** amendment to the joint use agreement with the North County Joint Union School District (NCJUSD); and **directed** the Acting Public Works Administrator to re-submit to the State for reimbursement of the obligated funds. *File #105.3*
- 15) **Approved** plans and specifications for the Cienega Road Bridge at Bird Creek Project. *File #105*
- 16) **Accept bids received on May 8, 2009; award contract to Beltramo Electric, Inc. as the lowest responsive responsible bidder; approve contract for the**

Pedestrian Push Button Improvement Project for period of May 26, 2009 to September 7, 2009, in the amount of \$21,397; authorize the Public Works Administrator to issue change orders to the construction contract in amount not to exceed \$5,000; and approve budget adjustment in the amount of \$10,000. (4/5 Vote)

Supervisor Barrios noted that this item shows 33% inflation increase and expressed concern that this might set some sort of precedence for other projects to increase their proposals by that much. Supervisor Barrios asked if the \$5000 was included in the \$30,000 total?

Acting Public Works Director Janelle Cox answered yes it was.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor De La Cruz, accepted bids received on May 8, 2009, awarded contract to Beltramo Electric, Inc. as the lowest responsive responsible bidder; approved contract as recommended and authorized the Public Works Administrative change orders as recommended and approved budget adjustment. (Unanimous) File #105*

SHERIFF'S DEPARTMENT – C. Hill:

- 17) **Approve the radio service three-year agreement with Motorola effective July 1, 2009 through June 30, 2012.**

Supervisor Barrios said that the Agenda Item Transmittal shows that this was not a budgeted item noting that the incorrect box was checked.

Sheriff Hill answered that it is a budgeted item.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor Monaco, approved the radio service three-year agreement with Motorola as recommended. File #110*

- 18) **Approved** revised Memorandum of Agreement with the City of Hollister to apply for funding under the Edward Byrne Memorial Justice Assistance Grant. *File #110*

REGULAR AGENDA:

SITTING AS THE PUBLIC AUTHORITY FOR IN HOME SUPPORTIVE SERVICES:

The Board adjourned as the Board of Supervisors and reconvened as the Public Authority for In Home Supportive Services re:

IN HOME SUPPORTIVE PUBLIC AUTHORITY:

- 19) **Approve the Public Authority rate decrease for IHSS Providers from \$10.50 per hour to \$9.85 per hour; approve the rate for hourly Public Authority Administrative Costs of \$.38; authorize the Clerk to sign required minute order.**

HHSA Director Kathy Flores asked the Board of Supervisors to adjust our IHSS Provider wage in order to be in compliance with upcoming change in the State rate that was caused by budget actions that occurred in December 2008 for Fiscal Year 2009-2010. Ms. Flores stated that in order to conform to the upcoming State's participation cap or limitation it would require a rate adjustment.

Ms. Flores reported that currently our IHSS Provider range is \$10.50 per hour and the adjusted rate that would keep the County's cost at the current rate of \$1.41 per hour out of that total provider rate is \$9.85 per hour and reflects a six percent decrease in the overall wage. Ms. Flores said that the current MOU (Memorandum of Understanding) covers a time period January 1, 2007 through December 31, 2009.

Ms. Flores stated that because of the economic crisis that is being experienced in the State, and other states across the nation, it has resulted in reduction to state revenues and local revenues and the State has had to make numerous cuts in various programs and this IHSS Provider wage being an example.

Lengthy discussion and question and answer period ensued.

Discussion was held with regards to continuing the rate as is to December 31, 2009 to see if, in fact, we would receive reimbursement from the federal government. Concern was expressed that if we did not receive reimbursement from the federal government in December we would not be able to afford the \$10,000 a month from July 1st to December 31st due to the current budget crisis.

Joe Thompson, local resident, thanked the Board of Supervisors for their common sense views and stated it was a joy to be represented by five people on this matter and expressed his opposition to not having equal representation from each district on all authorities.

Benigno Delgado, representing SEIU United Long Term Care Workers Union, Local 6434 stated that this money is coming retroactively from October 1, 2008 and we could actually retain the \$10.50 and the County is still going to pocket some money. Mr. Delgado stated they wanted to make sure everyone understands that these workers only average about 97 hours per month and this is because a Social Worker comes in and assesses how many hours of care a person needs a day. Mr. Delgado stated these are only wages here and no benefits and he encouraged the Board of Supervisors to look at all options.

Marty Richman, Hollister resident, stated that the Board might as well get ready to do this every week noting that the problem is not here in the county but at the State level and he sympathizes with the decision that the Board will be faced with.

Eva Del Toro addressed the Board in Spanish with Mr. Delgado translating on her behalf. Ms. Del Toro said she takes care of her 22 year old son who needs 24 hours care per day, seven days a week, and she still doesn't get paid for all of the 24 hours as there is a maximum that individuals can get paid per month. Ms. Del Toro truly believes she needs the help of the Board of Supervisors to make sure she can continue to do the work she is doing and taking care of her son.

Marvin Jones, Hollister resident, stated that the Board should honor the MOU and stick to their word that if you run out of money you run out of hours.

P.J. Fowler, local resident, stated there is a human face to this issue that needs to be considered and it's not just a budget matter. Ms. Fowler stated that these are the very people who come in and help the caregiver to the end stage of life.

Assistant County Administrative Officer Rich Inman clarified that the MOU is a contract that is mutually negotiated between the Union and the County and the terms and conditions that are agreed to. Mr. Inman quoted from the MOU which states, "the wage will be reduced by an amount necessary to keep the total

Public Authority and/or County cost the same as it was before the State and/or Federal change”.

Further discussion ensued.

BOARD ACTION: *Supervisor Monaco made a motion to 1) Approve the Public Authority rate decrease for IHSS Providers from \$10.50 to \$9.85 per hour; 2) Approve the rate for hourly Public Authority Administrative costs of \$.38; and, 3) Authorize the Clerk of the Board to sign a minute order, in order to provide the California Department of Social Services with verification of the approved rate decrease. Supervisor Loe seconded the motion.*

Roll Call Vote:

<i>Supervisor Monaco ----</i>	<i>Yes</i>
<i>Supervisor Loe -----</i>	<i>Yes</i>
<i>Supervisor Barrios -----</i>	<i>No</i>
<i>Supervisor De La Cruz--</i>	<i>No</i>
<i>Supervisor Botelho -----</i>	<i>Yes</i>

The motion passed 3-2.

File #130.1

The Board adjourned as the Public Authority for In Home Supportive Services and reconvened as the San Benito County Board of Supervisors.

The Board took a 5-minute break at 10:30 a.m. and reconvened at 10:35 a.m.

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

PUBLIC WORKS – J. Cox:

20) Hold public hearing to accept public comment and testimony on the proposed property-related fees for 29 CSA’s (County Service Areas) and adopt proposed resolution approving fee reports, confirming the water/sewer portion of the proposed fees and calling for a mail-ballot election with respect to the remainder portion of the proposes fees.

Acting Public Works Administrator Janelle Cox provided background information stating that on March 24, 2009 the Board adopted a resolution that proposed property related fees and set the public hearing for today, May 26, 2009. Ms. Cox stated that since that time she and staff have met with several of the County Services Areas at their request to discuss the services provided and the proposed fees. Ms. Cox stated that the purpose of today’s hearing is to approve the proposed water and wastewater related fees, to set a mail ballot election for August 25, 2009 for the balance of the fees and then to receive and tabulate the protests. Ms. Cox stated that the fees that are being discussed today support the costs to support the County Service Areas. Ms. Cox explained the proposed fees.

Pablo Perez, NBS Consultant for the Proposition 218 process addressed the Board and explained the public process. Mr. Perez stated that property owners had to submit a written protest against the fee and if we receive written protests from the majority of the property owners within the CSA then all the components of the fee will never see the second threshold of the process. Mr. Perez stated that property owners also had the option to oppose a portion of the fee such as storm drainage, road maintenance, and water/wastewater. Mr. Perez said he would be tabulating the protest letters and then we will be moving

on and call a mail ballot election for those CSA's where any portion that is not for water and wastewater will be approved today if they pass.

Chairman Botelho opened the public hearing for CSA 16, Santa Ana/Holiday Estates.

The following property owners addressed the Board: Sam Helmke, Christine Morrell and Kevin Carter.

Acting County Counsel Barbara Thompson and Mr. Perez answered questions posed the property owners.

Chairman Botelho opened a public hearing for each of the following CSA's: CSA 19, Springwood; CSA 21, Long Acres; CSA 22, Cielo Vista; CSA 23, Rancho San Joaquin; and CSA 24, Santa Ana Acres.

There was no one who wished to address the Board of any of these CSA's.

Chairman Botelho opened the public hearing for CSA 25, Vineyard Estates.

Joe Thompson, property owner, addressed the Board.

Chairman Botelho opened the public hearing for each of the following CSA's: CSA 28, Heatherwood/Fox Hill; CSA 30, McCloskey Acres; CSA 33, Torrano Estates; and CSA 34, Ausaymas Estates.

There was no one who wished to address the Board of any of these CSA's.

Chairman Botelho opened the public hearing for CSA 35, Union Heights. The following property owners addressed the Board: Richard Ferreira; Sharon Slattery; Andrea Bentson; and Charles Serafini.

Mr. Perez answered questions posed the property owners.

Chairman Botelho opened the public hearing for CSA 42, Lemmon Acres. There was no one who wished to address the Board.

Chairman Botelho opened the public hearing for CSA 45, Rancho Larios. Marty Kret, President Rancho Larios Homeowners Association, addressed the Board.

Chairman Botelho opened the public hearing for CSA 46, Quail Hollow. Manny Amaral, property owner, addressed the Board.

Chairman Botelho opened the public hearing for each of the following CSA's: CSA 47, Oak Creek; CSA 48, Dry Creek; CSA 49, Hollister Ranch Estates.

There was no one who wished to address the Board on any of these CSA's.

Chairman Botelho opened the public hearing for CSA 50, Dunneville.

Jim Chapman, property owner, addressed the Board. Mr. Chapman handed out a document that he prepared pertaining Water Costs from July 1 to

date indicated. Patricia Bentson, Doug Herring and P. J. Fowler, property owners also addressed the Board.

Ms. Cox and Mr. Perez answered questions and provided explanations.

Chairman Botelho opened the public hearing for each of the following CSA's: CSA 51, Comstock Estates; CSA 53, Riverview Estates and CSA 54, Pacheco Creek Estates.

There was no one who wished to address the Board on any of these CSA's.

Marty Richman, local resident, addressed the Board with regards to the hiring or assignment of someone to manage and work directly with the CSA's.

Chairman Botelho noted that the County is moving in that direction and working towards CSA service improvement. Chairman Botelho stated that it would be the choice of the County Service Area resident if they want the County to continue to administer these services or have homeowners associations or individual communities do it themselves

Supervisor Loe stated that what she heard during this public hearing was a lot of frustration and the Board of Supervisors and Public Works must do a good job and break the cycle of holding these same types of meetings. Supervisor Loe said the Board needs to make a public statement today and we have to assure these people that we are going to look at this on a quarterly basis and invite property owners to come back and if we're still having problems we will re-address them at that time.

Supervisor Loe stated that she would like to see a commitment from the Board of Supervisors that we set a meeting in September and listen to any frustrations that the property owners may have at that time.

Chairman Botelho suggested that an advisory committee from the CSA homeowners make direct contact with a CSA Public Works Coordinator on a quarterly basis as well.

Supervisor Barrios suggested that an ad hoc committee be established and when we get a new Public Works Director in place the committee would meet with the new director and talk about all of these concerns.

Jim Chapman of CSA 50 and Sharon Slattery of CSA 35 had further questions that were addressed by Acting County Counsel Barbara Thompson and Acting Public Works Administrator Janelle Cox.

Chairman Botelho closed the public hearing for all CSA's.

Clerk of the Board Linda Churchill reported that Mr. Perez has tabulated the written protests received by the Clerk of the Board and we found a majority protest for the following CSA's:

- CSA 22, Cielo Vista
- CSA 45, Rancho Larios
- CSA 50, Dunneville

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, adopted **Resolution No. 2009-36** imposing, in some instances subject to voter approval, property related fees in connection with various County Service Areas, calling a mail ballot election for Tuesday, August 25, 2009, in connection with those fees requiring voter approval, providing for the levy of Fiscal Year 2009-10 fees, and taking certain*

related actions and noting that CSA's 22, 45 and 50 will be removed from Exhibit C of the resolution. (Unanimous)

BOARD ACTION: Upon motion made by Supervisor Loe and seconded by Supervisor Monaco set a follow-up meeting in September 2009 pertaining to the status of County Service Areas (CSA's). (Unanimous) File #105 / CSA File

The Board adjourned at 12:10 p.m. and moved the Closed Session Items to the end of the afternoon session.

AFTERNOON SESSION 1:30 P.M.

CONSENT AGENDA:

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 23) **Approve contract with Clean Harbors Environmental Services, Inc. for hazardous waste management services effective July 1, 2009 to June 30, 2010.**

Supervisor De La Cruz abstained from this item noting that he works for a company that has a business relationship with this company.

BOARD ACTION: Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, approved contract with Clean Harbors Environmental Services, Inc. as recommended. (4-0 vote. De La Cruz abstained).

REGULAR AGENDA:

AGRICULTURAL COMMISSIONER – P. Matulich:

- 24) **Accept the 2008 Crop Report and authorize the release of the report to the public via the department web site.**

Agricultural Commissioner Paul Matulich handed out the 2008 San Benito County Crop Report. Mr. Matulich reported that this year's report shows an 11% decrease from last year which is approximately \$30 million. Mr. Matulich reported that because of the drought trend over the last two and a half years cattle producers have reduced herd sizes from one third to one half and that coupled with declining prices has dropped the cattle industry by 36%.

Mr. Matulich noted that these are gross income figures and not net profit.

BOARD ACTION: Upon motion made by Supervisor Monaco and seconded by Supervisor Loe authorized the release of the 2008 San Benito County Crop Report to the public via the department website. (Unanimous) File #1.1

- 25) **Status update on Light Brown Apple Moth.**

Agricultural Commissioner Paul Matulich provided an update on the Light Brown Apple Moth (LBAM). Mr. Matulich reported that the LBAM quarantine area in the county was expanded due to the discover on May 15th of another

adult Light Brown Apple Moth on Grant Road just off of Fallon Road noting that the map provided shows the new boundaries of the quarantine.

Mr. Matulich stated that inside the boundaries of the quarantine area all growers, growing what are considered host products, must sign a compliance agreement with the United States Department of Agriculture and the California Department of Food and Agriculture that specifies all inspection requirements and quarantine procedures that must be complied with to ship product that they are growing. Mr. Matulich reported that all growers of non-host products must have an approved IPM Management Program approved by the University of California at Davis.

Mr. Matulich answered questions posed by Board members. *File #1.1*

1:30 P.M. - PUBLIC HEARING (or as soon thereafter as the matter may be heard):

INTEGRATED WASTE MANGEMENT – M. Rose:

26) **Hold a public hearing and adopt resolution amending the rates for disposal at the John Smith Road Landfill as follows:**

a) Compacted Franchise Solid Waste: \$43.00

b) Residual Solid Waste: \$26.00

c) “CLEAN” Agricultural Plastic, wood waste, yard waste, fill dirt, asphalt, concrete, brick, porcelain and base rock: \$26.00

Mandy Rose, Integrated Waste Management Department Director, provided background information stating that today's public hearing is to take comment on the revised rate schedule at John Smith Road Landfill. Ms. Rose noted that on May 12, 2008 the Board approved the fifth amendment to the operating agreement between the County and Waste Connections, Inc. which allowed a mechanism to use a COLA (Cost of Living Adjustment) and the Board would determine how that COLA would be implemented. Ms. Rose stated that In this case the sub-committee recommended that we increase specific rates and the proposed rate increases are the packer rate and the source separated rates.

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 Loe adopted **Resolution NO. 2009-37** revising the rate schedule at John Smith Road Landfill to take effect immediately. (Unanimous) *File #75.4*

REGULAR AGENDA (continued):

PLANNING & BUILDING DEPARTMENT – A. Henriques:

27) **Review options for fee recovery of Housing Element Revision and other General Plan Update Costs and direct staff accordingly.**

Planning Director Art Henriques provided background information stating that the Board previously requested that staff return with some initial thoughts on options for cost recovery for paying for the next Housing Element. Mr. Henriques reported that staff is working with County Counsel to see how much retro can we go versus proactively moving forward. Mr. Henriques reported that as of

February 6, 2009 the current General Plan fee is \$50 per planning application and \$800 has been deposited into the account. Mr. Henriques noted that applications are down this year due to the state of the economy and therefore staff went back and looked at a more typical year with planning applications. Mr. Henriques reported that based on development activity over the past four years approximately \$25,000 to \$30,000 would have been collected.

Mr. Henriques stated that staff has begun to gather information from other counties as to how they have approached both the Housing Element and their General Plan update costs noting there is no one standard approach and he would be coming back in the future with more details.

Mr. Henriques answered questions and received comments by Board members.

It was the consensus of the Board to refine the study and bring back a more formalized report that is reasonable and fair and fits this County. File #790

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.)

21) 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-09-00043

No reportable action. File #235.6

22) 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

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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 12:10 p.m. to June 2, 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