



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 AUGUST 25, 2009 ACTION MINUTES

The Board of Supervisors of San Benito County met in the Board Chambers on the above date *in regular session*. Supervisors Monaco, Loe, Barrios, De La Cruz and Botelho were present. Also present was County Administrative Officer Susan Thompson, County Counsel Matthew Granger and Assistant Clerk Janet Slibsager. 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.*
- c) **Public Comment:** There was no public comment.
- d) **Department Head Announcements:** County Administrative Officer Susan Thompson said that she is continuing to work with the Department of Health and Human Services with regards to the impact of the Governor's blue pencil on some of the programs and the legislature's reduction in programs. Ms. Thompson said they would bring those to the Board of Supervisors within a month.
Sheriff Curtis Hill announced that the legislature in Sacramento has started working on a 1.2 billion dollar corrections bill package that had been carried over from the Governor signing the budget.
Sheriff Hill said that our local legislator, assembly member Anna Caballero has been doing a great job in keeping in contact with the public safety side and said that he feels that we are being well represented in Sacramento.
- e) **Board Announcements, Introductions and Presentations:**
Supervisor Monaco announced that he had passed out an article from the Farm Bureaus Ag Alert to the Board of Supervisors concerning Siskiyou County's involvement with the Williamson Act.
Supervisor Monaco announced that he participated in a California State Association of Counties (CSAC) conference call, which was specifically addressing the Williamson Act and what counties can do about it. Supervisor Monaco said that it was almost unanimous in not supporting any non-renewal bill language. Supervisor Monaco said that they expressed the need to work

together to lobby the legislature and the Governor to restore this subvention funding for the Williamson Act.

Supervisor Monaco announced that he attended the Fremont Peak BBQ with Chairman Botelho, which was to support keeping the park open with reference to the observatory that is used by several universities. Supervisor Monaco said that it would be a real loss to have the park shut down.

Supervisor Barrios said that our part as the County Board of Supervisors is to now report back to CSAC with our plan as to how we are going to address the loss of the subvention money for the Williamson Act.

Supervisor Barrios announced that she attended the Regional Council of Rural Counties (RCRC) meeting on August 19, 2009 and shared information as to what was discussed. Supervisor Barrios mentioned that there is a grant application called the California Energy Commission Block grant program and if we want to apply for that program we need to do it within a certain time line. Supervisor Barrios said that it was mentioned that they want every county to participate in the 2010 Census, as it would be critical in the amount of money we get from the Feds.

Supervisor Barrios said that she had received a phone call from a private individual with regards to concern of private burial sites on private property in San Benito County. Supervisor Barrios asked if anyone had any information as to how a citizen in the county could pursue visiting, cleaning, etc. these cemeteries that are on private property.

Supervisor De La Cruz thanked Rich Inman and staff that helped launch the San Benito County free discount prescription program. Supervisor De La Cruz said it is a discount card that has been distributed to all the local pharmacies and provides a discount on medications for those who do not have health care insurance.

Supervisor De La Cruz announced that on August 11th he attended a Tri-County Latino Association meeting in Santa Cruz with Supervisor Barrios and the topic was gang activity and prevention programs.

Supervisor De La Cruz said that there have been meetings with the City of Hollister and San Benito County staff in regards to a solar energy program for homeowners. Planning Director Art Henriques would provide more information later on in the agenda.

Chairman Botelho announced that a good friend of his passed away, George Rowe of San Juan Bautista. He was an outstanding person and citizen and would be missed by many in San Juan Bautista.

Chairman Botelho announced that he attended the Fremont Peak Observatory BBQ, which was to bring out public awareness of the possibility of the closure of the park. Chairman Botelho said that he believes this is a very vital asset to this region and hopes that the Community can work together to keep that park accessible.

CONSENT AGENDA:

Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, approved Consent Agenda Items 1 through 23 with the exception of Items 7, 19, 20 and 21, which was pulled for discussion. (Unanimous)

BOARD OF SUPERVISORS:

- 1) **Approved** Certificate of Recognition for the 2009 LULAC Woman of the Year Award recipient Anita Canul Franchi for presentation at a later date. *File #156*

AGRICULTURAL COMMISSIONER – P. Matulich:

- 2) **Approved** annual contract with the California Department of Food & Agriculture to provide nursery inspection services for FY 2009/2010 in the amount of \$4,542. *File #1.1*
- 3) **Approved** annual contract with the California Department of Food & Agriculture to provide services for Weighmaster reporting for FY 2009/2010 for a total amount of \$2325. *File #1.1*
- 4) **Approved** contract with California Department of Food & Agriculture for weed management services effective January 1, 2010 through December 31, 2010 in the amount of \$16,758. *File #1.1*

BEHAVIORAL HEALTH – A. Yamamoto:

- 5) **Approved** contract with the Suicide Prevention Services of the Central Coast for prevention and early intervention services for the period of August 4, 2009 to June 30, 2010 for a maximum amount not to exceed \$9,000. *File #810*
- 6) **Approved** contract renewal with Victor Treatment Inc. for mental health services for the term of FY 2009-2010 for a maximum amount not to exceed \$80,000. *File #810*
- 7) **Receive 2008 Annual Behavioral Health Board Report on County Mental Health Services.**

Supervisor Monaco asked for some clarification on the report in regards to the Mental Health training for the Sheriff's Deputies.

Sheriff Curtis Hill provided clarification and information regarding the services of the Sheriff's Department.

Supervisor Barrios had a question about incorporating shelter for the homeless.

Behavioral Health Director Alan Yamamoto provided information.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Barrios, **approved** the report. (Unanimous) File #810*

- 8) **Approved** the revised County Behavioral Health Board By-Laws. *File #810*

CLERK OF THE BOARD – L. Churchill:

- 9) **Approved** the action minutes of the July 7, 2009, July 28, 2009 and August 4, 2009 meetings and the Special Joint meeting of July 16, 2009.

COUNTY LIBRARIAN – N. Conte:

- 10) **Approved** out-of-state for the County Librarian to attend the 2009 Association of Rural and Small Libraries Conference in Gatlinburg, Tennessee from September 10-14, 2009. *File #80*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 11) **Ratified** out-of-state travel for social worker approved by County Administrative Officer due to emergency nature related to child welfare case. *File #130*
- 12) **Approved** contracts with UC Davis for child welfare and eligibility training in the amounts of \$11,040 and \$25,024 respectively for the term July 1, 2009 to June 30, 2010 and **authorized** the HHSA Director to sign said contracts. *File #130*
- 13) **Appointed** Ms. Sandra Romero as an in-school youth representative for the Youth Employment Program (YEP) Council for a three-year term effective August 25, 2009 through August 25, 2012. (CSWD) *File #939*
- 14) **Appointed** Ms Kylie Sullivan as an in-school youth representative for YEP Council for a three-year term effective August 25, 2009 through August 25, 2012. (CSWD) *File #939*
- 15) **Re-appointed** Ms. Sylvia Sanchez as a private sector representative for Workforce Investment Board (WIB) for a three-year term effective August 25, 2009 through August 25, 2012. (CSWD) *File #939*
- 16) **Approved** and **adopted** the Workforce Investment Act (WIA) On-the-Job-Training Agreement template and **authorized** the Executive Director of HHSA or the Deputy Director of CSWD to enter contracts on the county's behalf on the approved agreement template. *File #939*

INTERNAL SERVICES – R. Inman:

- 17) **Approved** budget adjustment for year-end FY 2008-2009 for Budget Unit #2600101 (County Fire) and Budget Unit #3000806 (Capital Outlay). *File#865*
- 18) **Approved** Modified Class Specifications for Employment Services/Computer Specialist; increase the position from .75 to 1.0 Full-Time Equivalent in the schedule of authorized positions for Community Services and Workforce Development. *File #630*
- 19) **Adopt job specification for Database Administrator for the Information Technology Division of Internal Services.**

Supervisor Barrios asked why a degree was not required for this position.

IT Manager Ray Espinosa explained the reason a degree is not required for this position.

Supervisor De La Cruz stated that he was glad that we are moving in the right direction and commended Mr. Espinosa.

BOARD ACTION: Upon motion made by Supervisor Barrios and seconded by Supervisor De La Cruz, **adopted** job specification for Database Administrator and set salary at Range 23.1. (Unanimous) *File #630*

20) **Approve First Amendment to Employment Agreement with San Benito County Law Enforcement Management employees.**

Supervisor Barrios wanted to make a correction in regards to the year to read August 2013 on page 4 of the agreement.

Management Analyst Jackie Credico said that she would correct the year before it was signed.

BOARD ACTION: Upon motion made by Supervisor Monaco and seconded by Supervisor Barrios, **approved** First Amendment to Employment Agreement with San Benito County Law Enforcement Management employees with the correction. (Unanimous) File #630

21) **Approve contract with the California Department of Forestry and Fire Protection for fire protection services for the period of July 1, 2009 through June 30, 2012; and adopt resolution to reflect an amount not to exceed \$948,600 in Schedule A services for Fiscal Year 2009-2010. (Res. No. 2009-76)**

Supervisor Barrios asked for clarification as to why the amount is different from the amount that was budgeted and the Schedule A overtime.

Management Analyst Margie Riopel provided clarification of both items.

Chairman Botelho said that he had been approached in regards to considering other options than Cal Fire. Chairman Botelho said that he believes that Cal Fire has done a great job and hopes to continue the partnership.

Supervisor De La Cruz had a question in regards to Exhibit D, Schedule B that lists Unit Personnel of Cal Fire.

Phil Matheson of Cal Fire explained Exhibit D, Schedule B and how the services work provided by Cal Fire.

Mr. Matheson introduced the new Battalion Chief Paul Avila who would be serving San Benito County.

Mr. Avila said that he looks forward to working in San Benito County.

BOARD ACTION: Upon motion made by Supervisor Barrios and seconded by Supervisor De La Cruz, **approved** retroactive contract with the California Department of Forestry and Fire Protection for the time period of July 1, 2009 through June 30, 2012 and **authorized** the Chair to sign; and **adopted Resolution No. 2009-76** to reflect an amount not to exceed \$948,600 in Schedule A services for Fiscal Year 2009-2010 and **authorized** the Chair to sign. (Unanimous) File #60

PROBATION DEPARTMENT – B. Cardall:

- 22) **Approved** out-of-state travel to Rite of Passage for one to two probation officers to transport court wards and to provide mandated monthly visits to comply with Title IV-E requirements and to ensure that the minor's needs are being met. File #510

SHERIFF DEPARTMENT – C. Hill:

- 23) **Allowed** the Sheriff to accept a donation of \$200 from the Deputy Sheriff's Association in support of National Night Out held on August 4, 2009. File #110

SAN BENITO COUNTY FREE LIBRARY – N. Conte:

24) Hold a public hearing to consider a resolution authorizing the San Benito County Public Library to adopt new fees and revise existing fees and fines.

Librarian Nora Conte provided information in regards to the proposed fees and fines for the San Benito County Public Library.

Supervisor De La Cruz said that he had a problem with some of the fees and does not support increase of the fines.

County Administrative Officer Susan Thompson provided more clarification in regards to the fines.

Librarian Nora Conte provided additional information in regards to fees for new proposed services.

Chairman Botelho said that staff has done a great job in putting together these rates, fees and fines and does support it whole heartedly.

Supervisor Loe said that she had some concerns in regards to the fee for the fax machine and questioned if we would even want to provide the service and the charge of \$10.00 an hour for the multi-purpose room. Supervisor Loe asked if every organization is going to pay the \$10.00 or are some going to be waived stating she does not support picking and choosing.

Supervisor Monaco said that he agrees with Supervisor Loe in regards to the multi-purpose room charge and you need to set the rate so it is affordable for every organization and you need to charge everyone or you have no charge at all. Supervisor Monaco said that he would not get involved in the fax business.

Ms. Conte said that if it is the Board's direction that she would charge the \$10.00 across the board.

Supervisor Barrios said that she concurs with some of the other Board members that the fax amount is too expensive and would recommend paying \$1.25 for the first page and .50 cents thereafter. Supervisor Barrios said that she also recommend the fee for the multi-purpose room is set at \$5.00 per hour.

Supervisor De La Cruz said that he also agrees that the charge for the multi-purpose room be charged across the board and does not agree with having the fax service.

Chairman Botelho said that he also agrees with charging across the board for the multi-purpose room.

Lengthy discussion ensued by Board and staff.

Chairman Botelho opened the public hearing.

Marty Richman, Hollister resident, complimented the Librarian on how nice the Library looks and mentioned that it seems that a lot of people are using it.

Mr. Richman said that he was saddened to hear that the Library would be closing on Saturdays. Mr. Richman stated that the Board should approve what has been presented and try to find a way to keep the Library open.

Stephen Rosati, Hollister resident, said that from a consumer stand point these are services that would be used if someone needs them.

Chairman Botelho closed the public hearing.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, **found** that the proposed establishment and modification of library fees and fines does not meet the California Environmental Quality Act's definition of a "project" and/or is for the purpose of meeting operational expenses*

and encouraging prompt return of materials, and is therefore exempt from the provisions of CEQA pursuant to Public Resources Code Sections 21065 and 21080(b)(8); and **adopted Resolution No. 2009-78** making findings contained therein and approving increases in certain library fees and fines designated in the Resolution with the following changes; eliminate fax service and charge \$5.00 per hour for the multi-purpose room with the rest of the fees remaining as presented.

ROLL CALL VOTE:

Supervisor Monaco – Yes
Supervisor Loe – Yes
Supervisor Barrios – Yes
Supervisor De La Cruz – Yes
Chairman Botelho – Yes
(5/0 vote)

Chairman Botelho asked the Librarian to report back in a year in regards to the utilization of the meeting room and any issues or problems in regards to the rates. *File #80*

REGULAR AGENDA:

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

25) Adopt Resolution adopting the Final Budget for the FY 2009-2010.

Clerk/Auditor/Recorder Joe Paul Gonzalez provided information in regards to adopting the final budget for FY 2009-10.

County Administrative Officer Susan Thompson provided additional information in regards to the ending budget balance.

Supervisor Barrios had a question in regards to Schedule 2 and the amounts not matching.

Mr. Gonzalez provided clarification and stated that when the final budget is printed the amounts would all be the same. Mr. Gonzalez said that the figures do not change the grand total.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor Monaco **adopted Resolution No. 2009-79** approving the Final Budget for fiscal year 2009-2010 per the amended Resolution. (Unanimous) *File #865**

26) Adopt Resolution establishing the Proposition 4 Appropriation Limit for the FY July 1, 2009 to June 30, 2010 at \$26,632,510.

Clerk/Auditor/Recorder Joe Paul Gonzalez provided information in regards to the Proposition 4 Appropriation Limit referred to as the Gann Limit for FY 2009-2010 and how it works.

Supervisor Barrios had a question in regards to the appropriations.

Mr. Gonzalez provided information.

Supervisor De La Cruz had a question in regards to the factors and if they could be changed.

Mr. Gonzalez and CAO Susan Thompson provided answers.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, **adopted Resolution No. 2009-80** establishing the Proposition 4 Appropriation Limit for the Fiscal Year July 1, 2009 to June 30, 2010 at \$26,632,510. (Unanimous) *File #865**

INTERNAL SERVICES – R. Inman:

- 27) **Adopt resolution entitled “Resolution of San Benito County Board of Supervisors Authorizing the Closure of County Offices on Certain Days in Fiscal Years 2009-2010 and 2010-2011; and cancel Board of Supervisors meetings on November 24, 2009, January 6, 2010, November 23, 2010 and January 4, 2011.**

Management Analyst Jackie Credico provided information in regards to the closure of County Offices on certain days for the fiscal years 2009-2010 and 2010-2011 to accommodate employees’ furloughs.

Ms. Credico stated there was a correction to the cancellation of Board of Supervisor meeting for January 6, 2010 stating it should be January 5, 2010.

County Administrative Officer Susan Thompson announced that the Board Retreat scheduled for November 19th would also have to be rescheduled to a later date if the Board wishes.

Supervisor Monaco said that he is opened for discussion in regards to the retreats and strongly supports them. Supervisor Monaco said that he would like to have this item agendized for discussion at a later meeting.

Supervisor De La Cruz said that he also supports retreats.

Chairman Botelho said that he would like to have the discussion for retreats set as an agenda item for an upcoming meeting.

Lupe Maldonado, Elections Department Employee, asked for clarification in regards to one of the dates that is scheduled as a closure date, which county employees already get as a four hour holiday.

Ms. Credico provided clarification.

Supervisor Barrios had a question in regards to the District Attorney’s closure dates and if it coincides with the State Offices.

Ms. Credico answered that the District Attorney’s dates of closures had been set with the court’s schedule of closure dates.

Discussion ensued by Board and staff.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor Monaco, **adopted Resolution No. 2009-81** entitled “Resolution of San Benito County Board of Supervisors authorizing the closure of County Offices on certain days in Fiscal Years 2009-2010 and 2010-2011; and **cancelled** Board of Supervisors meetings on November 24, 2009, January 5, 2010, November 23, 2010 and January 4, 2011. (4/1 vote De La Cruz) File #630*

ADMINISTRATION:

- 28) **Adopt resolution staying processing and approval of applications for formation of new agricultural preserves, pending reinstatement of payment of subventions by the State of California. (Williamson Act)**

County Administrative Officer Susan Thompson announced some corrections to be made to the Resolution; page one changing date to read September 30th not September 31st and page two California Land Conservation Act not State Land Conservation Act.

CAO Thompson provided background information in regards to the effect of the Williamson Act and the proposed Resolution regarding new applications in San Benito County.

Supervisor Monaco said when he attended the CSAC Conference call meeting and it was unanimous as a State and small Rural Counties that we need

to send a clear message to the Governor that the thirty five million dollars that he decided to withhold from counties has really created some devastation. Supervisor Monaco said that he supports what has been brought before them today and said that the message has to get out loud and clear in regards to their support.

Assessor Tom Slavich said that most of the counties are in a wait and see attitude in hoping the funds would be reinstated sometime in the future.

Mr. Slavich mentioned that the Resolution before the board today is stating no new acreage is going to be allowed in the Williamson Act until these subventions are re-enacted. The applications for compatible uses, lot line adjustments that are currently in the Williamson Act would still be allowable.

Supervisor Barrios said that she supports the Resolution and would like to take it one step further by sending a copy to CSAC showing we are following state process and let them know that we had to use our reserves to balance our budget, etc.

Chairman Botelho said that he agrees with Supervisor Barrios and Monaco that we need to send a clear message and would like to send the same to RCRC.

BOARD ACTION: Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, ***adopted Resolution No. 2009-77*** staying and processing and approval of applications for formation of new agricultural preserves, pending reinstatement of payment of subventions by the State of California. (Unanimous) File #7

29) Discuss and provide direction to staff concerning Highway 152, Highway 156 and Highway 25 as regional transportation priorities.

Chairman Botelho asked that the discussion on each Hwy be separate and would like to start with the discussion of Hwy 156 first.

Chairman Botelho provided information and clarification from the joint meeting that was held with City Council, San Juan Bautista Council, Council of Governments and the Board of Supervisors.

Discussion ensued by the Board of Supervisors in regards to Hwy 156.

Scott Fuller, San Juan Oaks Golf Course, said that safety and capacity improvements are needed and we cannot afford to lose the 60 million dollar funding from the State for this improvement project and we need to move forward with something. Mr. Fuller said that he urges some agreement locally and then take that alternative to Caltrans.

Jerry Muenzer, Hollister Downtown Association Member, read a letter from the Downtown Association Board of Directors in regards to their support to traffic circulation improvements to Hwy 156.

Stephen Rosati, Hollister resident, said that it has taken years to get a consensus and a plan together for transportation and improvements and he urges the Board to move forward.

Marty Richman, Hollister resident, said that there are three problems; flooding, more drainage and non grade crossings median and they should just fix them without going back to the drawing board.

Marvin Jones, Hollister resident, said that Caltrans is going to move on this no matter what because they have their own guidelines.

Supervisor Monaco said that he supports Scott Fuller's statements and believes that we need to go back to Caltrans with some kind of alternative and that we do not want to lose 60 million dollars.

Chairman Botelho mentioned that there is a group in San Juan Bautista that has filed a litigation challenging this project. Chairman Botelho said that he thinks that we need to pull community together. Chairman Botelho said that he feels there are other alternatives.

Supervisor Barrios asked if it would be feasible to have representatives from the Board meet with the folks of San Juan Bautista that have filed this litigation.

Matt Granger, County Counsel, said that we could have a sub-committee go meet with the members of San Juan Bautista.

Discussion continued by Board and staff.

Supervisor Monaco suggested that Supervisor Barrios and Chairman Botelho meet with the people of San Juan Bautista that are concerned about this issue and then make a request to Council of Governments for a special meeting to discuss this.

Lisa Rheinheimer, Council of Governments (COG), said that COG's role in Hwy 156 is not to design it; it is to plan for the long-term needs of San Benito County. It is a Caltrans decision ultimately that COG concurred with at the time and still concurs with. It is not COG's decision as to which alternative in that environmental document is chosen. It is Caltrans decision.

Chairman Botelho said that he would pursue trying to put some kind of meeting together.

Chairman Botelho directed staff to bring back item pertaining to Hwy 25 and Hwy 152 at the September 1, 2009 meeting. File #119

Supervisor Barrios said that she would like to propose to put on the agenda for discussion a way to change the makeup of Council of Governments (COG) regarding representation.

Discussion ensued by Board and staff.

Chairman Botelho asked to have this item agendaized for a later date for discussion.

CLOSED SESSION:

- 30) Conference with Legal Counsel-Existing Litigation.
(Subdivision (a) of Section 54956.9)
Name of Case: Del Carlo v. County of San Benito, Superior Court of California, County of San Benito, Case No. CU 06-00079
No reportable action. File #235.6

AFTERNOON SESSION 1:30 P.M.

CONSENT AGENDA:

Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco, approved Consent Agenda Items 31 through 36 with the exception of Items 34 and 36, which was pulled for discussion. (Unanimous)

PLANNING DEPARTMENT – A. Henriques:

- 31) **Approved** second amendment to the environmental services agreement with Pacific Municipal Consultants (PMC) in an additional amount not to exceed \$81,595, for preparation of a Traffic Impact Fee Analysis and Fiscal Impact Analysis review in relation to the EIR, preparation for the Santana Ranch Specific Plan. *File #790*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 32) **Accepted** all bids and award contract to Mechanical Systems Inc. as the lowest responsive, responsible bidder for the Juvenile Hall HVAC project; **approved** the contract for the period August 25, 2009 through October 9, 2009 in the amount of \$51,000; and, authorize the Public Works Administrator to issue change orders to the construction contract in an amount not to exceed \$5,100. *File #120.5*

- 33) **Accepted** all bids and authorize the issuance of a purchase order to Edward R. Bacon Co., Inc., for the Aerial Boom Truck in the amount of \$134,923.75. *File #105*

- 34) **Approve County Equipment and Vehicle Auction Policy and direct staff to implement policy as County practice.**

Supervisor Monaco asked for clarification in regards to sealed bids.

Public Works Administrator Steve Wittry provided clarification.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, approved recommended County Equipment and Vehicle Auction Policy; and directed staff to implement policy as County practice. File #105*

- 35) **Adopted Resolution No. 2009-82** of Intention to levy and collect a property related fee in County Service Area No. 31, Stonegate, for Fiscal Year 2009-10, preliminarily approving Fee Report and setting a public hearing for September 8, 2009. *File #CSA 31*

- 36) **Approve letter to Jim Dassel of Dassel's Petroleum, Inc., recognizing the generous donation for construction of recreation facilities (Horseshoe Pit) at San Benito County Historical Park and authorize Chair to sign said letter.**

Chairman Botelho said that he would like to thank Dassel's Petroleum and Jim Dassel for their generous contribution at the Historical Park.

BOARD ACTION: *Upon motion made by Chairman Botelho and seconded by Supervisor De La Cruz, approved letter to Mr. Jim Dassel of Dassel's Petroleum, Inc. recognizing the generous donation of the Horseshoe Pit construction materials; authorized the Chair to sign. File #105*

REGULAR AGENDA:

PLANNING & BUILDING DEPT. – A. Henriques:

- 37) **Accept report on Environmental Quality Act (CEQA) Guidelines Sections Proposed to be added or amended in regards to Climate Change Action (SB97) and provide comments.**

Planning Director Art Henriques provided information in regards to Environmental Quality Act (CEQA) Guidelines Report AB32 and SB97 and

provided a handout regarding comments on proposed amendments to 14 Sections of the CEQA Guidelines that was sent to the California Resources Agency in Sacramento.

Discussion ensued by Board and staff.

Marvin Jones, Hollister resident, said that this would be expensive and recommends delaying action on this until our Assembly completes their action on Assembly Bill 118 to repeal AB32.

Sally Bettencourt, Hollister resident, spoke in regards to her opposition in regards to more regulations to greenhouse gases that are crippling our State. Ms. Bettencourt asked that the Board vote no and send a resolution to Sacramento to not go along with AB32 and to put an end to CARB.

Brad Sullivan, Hollister, said that he urges the Board to have staff increase discretion for overrides and have the flexibility to go back to revise the rules that are ultimately passed.

Chairman Botelho asked if we are required right now to incorporate AB32 in our CEQA process.

Mr. Henriques provided information.

Supervisor Monaco mentioned that we need to hang on to as much local control as possible.

Supervisor Barrios asked Mr. Henriques to continue to send in comments when reviewing the guidelines from California Resources Agency and to address by way of letters, participations in public hearings, etc. and stay on top of it. *File #790*

38) Review report regarding renewable energy development and direct staff accordingly.

Planning Director Art Henriques provided information with regards to solar and other alternative energy industry in San Benito County and asked for input from the public and the Board with any suggestions.

Discussion ensued by Board and staff.

Sally Bettencourt, Hollister resident, said that she hopes that the Board remembers the residents of San Benito County and how that would affect our local residents.

Mr. Henriques said that they would address the points mentioned and focus on solar and renewables and incorporate in the general plan technical amendments to be presented in the future. *File #790*

PUBLIC WORKS DEPARTMENT - S. Wittry:

39) Update on the status of County bridge debris cleaning in preparation for winter storms.

Public Works Administrator Steve Wittry provided information with regards to the status and update of County bridge debris cleaning in preparation for winter storms in San Benito County. Mr. Wittry provided a handout with a list of eleven bridges that are setup for debris removal.

Chairman Botelho mentioned that he had a couple of bridges in his district that also needs cleaning, which are not on the list, and would like to have them included if possible.

Supervisor Monaco said that he appreciated the report and would like bridges ranked in order of the need.

Supervisor Barrios thanked Mr. Wittry for moving forward on this matter.

Mr. Wittry said that if there are other bridges, that are not listed, we could add them to the list. Mr. Wittry said that this would need to be done as quickly as possible so we can get to the State so we can get the permits back in order to do the work. *File #105*

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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 to September 1, 2009 at 9:00 a.m. for a regular meeting.

ANTHONY BOTELHO, CHAIRMAN
San Benito County Board of Supervisors

ATTEST:
Janet Slibsager, Assistant Board Clerk