



# SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios  
District No. 1

Anthony Botelho  
District No. 2

Pat Loe  
District No. 3  
Vice-Chair

Reb Monaco  
District No. 4  
Chair

Jaime De La Cruz  
District No. 5

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

## REGULAR MEETING MARCH 23, 2010 ACTION MINUTES

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

### 9:00 a.m. CALL TO ORDER:

- a) Supervisor Barrios led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- c) **Public Comment:** The following members of the public spoke with regards to the closure of the Clear Creek Management Area: Ray Iddings, Justin Hensley, Steve Wells, Dee Murphy and Marty Richman.
- d) **Department Head Announcements:** County Administrative Officer Susan Thompson reported that she received a request from RCRC (Regional Council of Rural Counties) inviting her to join a working group composed of various rural counties to talk about follow-up on the Williamson Act and how we might suggest funding.  
It was the consensus of the Board members, with the exception of Supervisor De La Cruz, that CAO Thompson accept this invitation and move forward.  
Public Works Administrator Steve Wittry reported that Phase II of the paving of Southside Road began this morning noting one lane is closed so persons using this road would need to allow themselves extra time.
- e) **Board Announcements, Introductions and Presentations:** Supervisor Loe reported that she and Supervisor Barrios attended an Anti-Gang Task Force planning meeting on Saturday, March 20<sup>th</sup> stating it was very informative and she feels there will be great strides made in our community. Supervisor Loe also reported that she attended a CTC meeting in Sacramento yesterday, March 22<sup>nd</sup>, to speak out with regards to STIP monies and urging them not to take away any of the monies for future transportation funding.

Supervisor Botelho reported that he attended a meeting at the County Library with concerned citizens to discuss the future of the library and possible expansion of the facility.

Supervisor Botelho reported that he and Supervisor Loe met with the County Fire Chiefs to discuss Fire Department concerns.

Supervisor Botelho also attended a meeting at the San Benito County Water District where he learned that the allocation of water for agricultural uses has increased to 25% from 5% stating that this is still of great concern to the agricultural industry and is making a huge economic impact.

Supervisor Botelho also reported that he and Supervisor Barrios met with the development community in regards to the Inclusionary Housing Ordinance and they are making terrific progress. Further the GPAC (General Plan Advisory Committee) met this past week and they are making good progress and they also talked about the M District and C District Review process.

*Chairman Monaco directed staff to provide a report sometime in April on the effectiveness and needs for the C District and M District review process.*

*Supervisor Loe stated she would like the input of the GPAC before the Board of Supervisors make any decisions.*

Chairman Monaco reported that he would be attending the CSAC Board of Directors meeting on Thursday, March 25, 2010 where the Williamson Act will be a topic of discussion.

Chairman Monaco also reported that he attended a large gathering last week of the contractors for the new courthouse construction noting that local contractors would realize some benefits from this project.

*Chairman Monaco also requested that a report be agendized in the near future on the status of the Zebra Mussel problem at San Justo Reservoir.*

*Supervisor Barrios stated that she would like an action item on the April 6, 2010 agenda to open the Clear Creek roads and specifically have the coordination mandate discussed also.*

Supervisor Barrios reported that she and several supervisors attended Farm Day at Bolado Park last week stating this has been a great and informative event held for the past 16 years and she would like a resolution or recognition of this event prepared.

Supervisor Barrios also reported on the Gang Prevention Policy Coordinator's Coordination Committee stating that she and Supervisor Loe attended and noting there is a renewed energy for this committee.

Supervisor Barrios also attended an Emergency Preparedness workshop held by the Health and Human Services Agency where she presented the role of the County in an emergency situation.

Supervisor De La Cruz reported that he also attended Farm Day at Bolado Park noting it was a great event.

Supervisor De La Cruz also attended a COG (Council of Governments) meeting along with Supervisor Botelho where there was a healthy discussion.

Supervisor Barrios stated that the business community has really stepped up to the plate with suggestions for the Inclusionary Housing Ordinance.

## **CONSENT AGENDA:**

*Upon motion made by Supervisor Barrios and seconded by Supervisor De La Cruz, approved Consent Agenda Items 1 through 15 with the exception of Items 3, 8 and 14 which were pulled for discussion. (Unanimous)*

### **AGRICULTURAL COMMISSIONER – R. Ross:**

- 1) **Approved** contract for pesticide regulation reporting services with California Department of Pesticide Regulation for FY 2010/2011 in the amount of \$17,356. *File #1.1*

### **ASSESSOR – T. Slavich:**

- 2) **Adopted** the following three (3) resolutions for Land Conservation Act (LCA) Compatible Use Applications heard on December 1, 2009:
  - 1) **Resolution No. 2010-28** denying Compatible Use Request on Agricultural Preserves in Panoche Valley, under Contract Numbers 68-070, 68-097, 68-098, 68-099, 71-037, 72-039, 74-108, 77-002, and 98-001 for a Solar Energy Farm (Solargen).
  - 2) **Resolution No. 2010-29** approving Compatible Use Request on Agricultural Preserve, Under Contract Number 85-001 (Regan) for a residence.
  - 3) **Resolution No. 2010-30** approving Compatible Use Request on Agricultural Preserve under Contract Number 71-059 (Lone Tree Ranch) for hunting cabins and lodge headquarters, associated with the outdoor recreational use of the land for hunting. *File #7.1*

### **BOARD OF SUPERVISORS:**

- 3) **Approve out of state travel for Supervisor De La Cruz to attend the 2010 Naco Annual Conference and Exposition in Reno, Nevada July 16-20, 2010.**  
This item was pulled for discussion.  
*Item was tabled to next meeting to look into saving on the costs. File #156*

### **CLERK OF THE BOARD – L. Churchill:**

- 4) **Approved** the action minutes for the meeting of March 2, 2010.

### **HEALTH & HUMAN SERVICES – K. Flores:**

- 5) **Approved** TANF ECF Work Site Agreement Template and **authorized** HHSA Director and or the Deputy Director of CSWD signatory authority. *File #130*
- 6) **Appointed** Michael Conley to the Community Action Board to represent District #3 Private Sector Representative for a three-year term effective March 23, 2010 to March 23, 2013. (CSWD) *File #939*

### **INTEGRATED WASTE MANAGEMENT – M. Rose:**

- 7) **Accepted** the award of \$21,928 in Fifteenth Cycle Used Oil Block Grant funds and **authorized** the Director of Integrated Waste Management to sign grant application; and **augmented** budget in the amount of \$6,928.00 to accept unanticipated revenue and expenses. *File #142*

**PLANNING DEPARTMENT – A. Henriques:**

- 8) **Approve budget adjustment in the amount of \$779,391 authorizing the increase in revenues and increase in expenditures for Fiscal Year 2009-10 for budget Unit No. 273 for work performed by Aspen Environmental.**

This item was pulled for discussion.

**BOARD ACTION:** *Upon motion made by Supervisor Botelho and seconded by Supervisor Barrios, approved item as recommended. (Unanimous) File #790*

**PUBLIC WORKS DEPARTMENT – S Wittry:**

- 9) **Found** that competitive bidding would not be in the public interest because it would be unnecessarily costly for the County to go through its own competitive bidding process when Kern County has already done so and **authorized** the issuance of a purchase order to Bakersfield Truck Center for a 6-Ton Dump Truck with Self Loading Bucket, in the amount of \$154,688.90. *File #105*
- 10) **Approved** contract with San Benito Engineering & Surveying, Inc. for engineering and surveying services for the John Smith Road Realignment project for the period of March 23, 2010 through June 30, 2010, in an amount not to exceed \$39,260. *File #105*
- 11) **Approved** the budget adjustment, transferring appropriated budget in the amount of \$14,100 from Planning and Building and appropriating \$14,100 to General Fund Contributions-Regional Water Plan; and **approved** the amendment to the Memorandum of Understanding with San Benito County Water District, Sunnyslope County Water District and City of Hollister for implementation stages associated with the Hollister Urban Area Water and Wastewater Master Plan interim cost sharing allocation. *File #695*
- 12) **Approved** budget adjustment, increasing the Union and Fairview Road AC Overlay project from \$317,715 to \$375,000, **accepted** all responsive bids in the bid summary report, **awarded** contract to C.F. Archibald Paving, Inc. as the lowest responsive-responsible bidder, **approved** contract with C.F. Archibald Paving, Inc. for the Fairview Road Asphalt Overlay Project in the amount of \$183,751; and **authorized** the Road Commissioner to issue change orders to the construction contract not to exceed \$18,375.10. *File #105*
- 13) **Accepted** all responsive bids in the bid summary report, **awarded** contract to C.F. Archibald Paving, Inc. as the lowest responsive-responsible bidder, **approved** the contract with C.F. Archibald Paving Inc. for the Union Road Asphalt Overlay Project in the amount of \$119,175; and **authorized** the Road Commissioner to issue change orders to the construction contract not to exceed \$11,817.50. *File #105*

**SHERIFF'S OFFICE – C. Hill:**

- 14) **Approve the Operational Agreement with the Aromas San Juan Unified School District, Monterey County Sheriff's Office and the California Highway Patrol for establishing a Law Enforcement Community Field Office and authorize the Sheriff to sign.**

This item was pulled for discussion.

Supervisor Loe asked the Sheriff's Department to come back with a report on this program.

**BOARD ACTION:** *Upon motion made by Supervisor Barrios and seconded by Supervisor Botelho, approved item as recommended. File #1110*

- 15) **Approved** Memorandum of Understanding between Partnering Agencies regarding the South Bay Sharing System to develop and implement a Regional Justice Information Sharing System and **authorized** the Sheriff and County Administrative Officer to sign. *File #110*

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

**INTEGRATED WASTE MANAGEMENT – M. Rose:**

- 16) **Held** a public hearing to consider a resolution to approve the following amended rates for disposal at John Smith Road Landfill:

- a) **Residual Solid Waste Rate: \$30.00/ton.**
- b) **Removal of Clean, Sorted Agricultural Plastic from source separated category; which returns rate to Solid Waste Rate of \$57.00/ton.**
- c) **Clarification that \$10.00 charge for Furniture, Appliances and Scrap Metal is a handling fee in addition to per ton solid waste fee.**

Director of Integrated Waste Management Department Mandy Rose handed out a revised Exhibit A to the proposed resolution noting it was only a change in the format. Ms. Rose provided background information stating that three rate changes are being considered and those are: 1) Residual Solid Rate which is currently at \$26 per ton to be changed to \$30 per ton; 2) Agricultural Plastic would return to \$57 per ton; and, 3) A clarification of the charge for furniture, appliances and the like.

Ms. Rose and Lacy Ballard of Waste Connections, Inc. answered questions posed by Board members.

Chairman Monaco opened the public hearing. There was no one from the public who addressed the Board. Chairman Monaco closed the public hearing.

**BOARD ACTION:** *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Loe, adopted **Resolution No. 2010-31** approving the amended rates for disposal at John Smith Road Landfill as proposed. (Unanimous) File #75.4*

**REGULAR AGENDA:**

**AGRICULTURAL COMMISSIONER – R. Ross:**

- 17) **Receive the analysis regarding the cost effectiveness of the contract with SCI Consulting Group for the Mosquito Abatement Program and consider providing the services in-house.**

Margie Riopel, Management Analyst, provided background information stating that the Board of Supervisors approved the contract with SCI consulting Group on November 10, 2009 to administer the Mosquito Abatement program. Ms. Riopel reported that SCI determines the annual property tax assessment for each parcel in the mosquito assessment area and prepare the annual Engineer's Report and perform related work for the calculation and collection of the funding assessments. Ms. Riopel further reported that upon approval of the contract the

Board requested that we consider doing the work in-house and today's analysis is for the Board's review.

Ms. Riopel reported that the Internal Services Department facilitated a meeting with members of the SCI Consultants Group and staff from the Ag Commissioner's Office, Auditor's Office, Assessor's Office and Information Technology to consider the task of providing the work in house that SCI Consultants Group has been providing for the last three (3) years.

Ms. Riopel gave an overview of the work prepared by SCI as provided in the staff report and spreadsheet included in the Board packet and explained how the Mosquito Abatement program budget would have to be increased. Ms. Riopel stated that based on the information gathered, staff recommends not providing this service in-house due to its not being cost effective at this time.

Discussion ensued and Agricultural Commissioner Ron Ross explained how the program works and noting that he checked with counties similar to San Benito County who started with SCI and quit and after losing county staff had to go back to SCI. Mr. Ross said it didn't appear we have the expertise to do this.

*It was the consensus of the Board to continue with the contract with SCI Consulting Group.*

Supervisor Botelho expressed his concerns about having a consultant administer this program stating we need to be vigilant about how we spend our money.

The Board adjourned a break at 10:30 a.m. and reconvened at 10:40 a.m.

#### **INTERNAL SERVICES – R. Inman:**

18) **Approve contract with Bob Murray and Associates for the recruitment of the County Planning Director.**

Internal Services Director Rich Inman provided background information stating that the County has used the services of this firm for County Counsel and the Public Works Administrator and the firm is familiar with the County and has worked with staff and the Board of Supervisors in the past so the learning curve already exists.

Supervisor Barrios suggested that the effective date of the contract should be changed from March 9, 2010 to today's date.

Supervisor Barrios stated that the Business Council expressed an interest in providing input on this matter and she felt we should work this into the process.

Chairman Monaco said he had already talked with Mr. Inman about including business organizations into the process and he was working on that.

Supervisor De La Cruz asked about getting an Interim Public Works Director.

CAO Thompson said she was working on getting an interim.

**BOARD ACTION:** *Upon motion made by Supervisor Barrios and seconded by Supervisor Loe, approved the contract with Bob Murray and Associates for the recruitment of the County Planning Director amending the effective date to read March 23, 2010 to August 30, 2010. (Unanimous) File #119.2*

- 19) **Approve the selection of Zucker Systems as the consultant for the Permit Streamlining Analysis and direct staff to bring contract back for Board of Supervisor's approval.**

Internal Services Director Rich Inman stated that he would like to defer any action on this item noting that he would like to further explore the relationship between the recruiting effort and the Board of Supervisors and staff and the streamlining process; and, also to evaluate how we might either attract some more responses to the RFP or look at other alternatives.

Marty Richman, local resident, stated that he thinks the vast majority of this should be done in-house and should come in at the end of the process and staff should do a flow chart as to how this really works and suggested that an "exit interview with Art Henriques" be done.

Further discussion ensued.

**BOARD ACTION:** *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios tabled this matter for a future date. (Unanimous) File #119.2*

- 20) **Introduce an ordinance repealing Chapter 5.09 "Purchasing" and adding a New Chapter 5.09 "Purchasing"; waive the reading of said ordinance; and continue to April 13, 2010 for adoption of said ordinance.**

Margie Riopel, Management Analyst, provided background information stating that the County first adopted a purchasing ordinance on March 6, 2007 and the existing chapter defines purchasing and public projects in the same chapter. Ms. Riopel reported that on November 10, 2009 the Board of Supervisors had a discussion and there was a recommendation to develop two new chapters, a chapter for Purchasing and a chapter for Public Projects.

Ms. Riopel noted that both the existing and new proposed purchasing chapters are included in the Board packets. Ms. Riopel outlined the recommended changes to the ordinance.

Discussion ensued with regards to local preference and it was the consensus of the Board to include a limit of 10% for local preference.

Marty Richman, local resident, disagreed with local preference stating why should taxpayers pay more for something they can get for less and suggested helping local contractors with government process for bidding.

Further discussion ensued about the benefits to the County if a local preference is included.

Supervisor Barrios noted that on Page 4, Sec. 5.09.010, it needs to be re-lettered to include Insurance as a separate item.

**BOARD ACTION:** *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios, introduced ordinance directing staff to add 10% preference for locals to said ordinance and have County Counsel look into the legality of doing so, waived reading of ordinance and continued to April 13, 2010 for adoption of said ordinance. (Unanimous) File #119.2*

- 21) **Introduce an ordinance adding a new chapter, Chapter 15.09 "Public Projects"; waive the reading of said ordinance; and continue to April 13, 2010 for adoption of said ordinance.**

Margie Riopel, Management Analyst, provided background information stating that development of the Public Projects chapter will define public projects,

recognize the mandatory limits for competitive bidding and provide clear direction as per the Public Contract Code. Ms. Riopel outlined the provisions (1 through 9) defined in the Chapter which were included the staff report.

Ms. Riopel stated that there was previous discussion at the November 10, 2009 Board of Supervisors meeting to include language for preference of local contractors and staff is advising not to include any language that is in violation of the Public Contracts Code to avoid possible litigation. Ms. Riopel stated that to address concerns raised by the Board the County can take steps to encourage developers who are submitting proposals to consider utilizing local contractors and resources that are available; however, as far as providing local preference for public projects we cannot award the contract based on that criteria.

Ms. Riopel answered questions posed by Board members about the local preference and the litigation in others counties because of it.

*Supervisor Barrios felt that Sec. 15.09.008, Rejection of Bids, beginning with the second sentence, was very vague as written and would like it clarified as it is too difficult to understand.*

Ms. Riopel explained that there is a lot more language in the Policy Manual itself that will define these procedures.

CAO Susan Thompson clarified that the concept is that if there are two or more bids at the lowest level and they are equal, and everything else is equal, then the County can accept whichever one they choose.

Marty Richman, local resident, reiterated that local contractors need to learn how to be more competitive and the County should come up with a program to train these contractors so they are qualified.

Further discussion ensued and Public Works Administrator Steve Wittry answered questions.

**BOARD ACTION:** *Upon motion made by Supervisor Botelho and seconded by Supervisor Loe, introduced ordinance, waived reading of ordinance and continued item to the April 13, 2010 for adoption of said ordinance. (Unanimous) File #119.2*

Chairman Monaco moved Item #25 up to accommodate those in the audience who were present for this item.

### **PUBLIC WORKS DEPARTMENT – S. Wittry:**

25) **Accept the San Benito County Parks and Recreation 2010 Quarterly Status Report and provide direction to staff.**

Public Works Administrator Steve Wittry introduced Don Kelly, Chairman of the Parks & Recreation Commission, who presented a PowerPoint Presentation titled San Benito County Parks and Recreation Status Report and covering the following points: Meet the Commission, Youth Involvement, Gang Prevention, SBC Park Revenue, Commission Processes, Archival System “Scrapbook”, Spring Grove Athletic Field, Master Plan and Regional Park.

Board members provided input and Mr. Kelly and Mr. Wittry answered questions. *File #93*

The Board adjourned for lunch at 12:13 p.m. and reconvened at 1:30 re:

## ADMINISTRATION:

- 22) **Approve seven budget adjustments in the amount of \$244,600, authorizing the reduction of Interest Revenue and Expenditures in FY 2009-10 as submitted by the Sheriff Operations, Assessor, Ag Extension and Recorder-Clerk-Elections-Auditors Budgets.**

Catherine Shaw, Management Analyst, reported that today's item is another budget transfer in the amount of \$244,600. Ms. Shaw stated that only the Sheriff took reductions specifically to his department and everyone else's reductions will go to offset the General Fund Interest Revenue reduction. Ms. Shaw reported that to date we have expense reductions in the amount of \$403,075 and Departmental Revenue reductions amounting to \$228,630 which nets out to \$174,445 against General Fund Interest Revenue.

CAO Thompson stated that all departments have stepped up to the plate to make these reductions.

Ms. Shaw answered questions posed by Board members.

**BOARD ACTION:** *Upon motion made by Supervisor Botelho and seconded by Supervisor Loe, approved seven Budget Adjustments in the amount of \$244,600, authorizing the reduction of Interest Revenue and expenditures in FY 2009-10 as submitted by the Sheriff, Assessor, Ag. Extension, Recorder-Clerk-Elections-Auditor budgets. (Unanimous) File #865*

## PLANNING DEPARTMENT – A. Henriques:

- 23) **Adopt Resolution adopting the amended HOME Investment Partnerships Program (HOME) First-Time Homebuyer (FTHB) Program Guidelines to submit to the State of California, Department of Housing Community Development (HCD) for approval, designating \$250,000 from Housing & Economic Development for the HOME First-Time Homebuyer Program for down payment assistance.**

Planning Director Art Henriques introduced C.J. Valenzuela, County Housing Programs Coordinator, who provided background information stating that on January 26, 2010 the Board of Supervisors approved a transfer of County HOME funds from the Community Services and Workforce Development (CSWD) Department to the Housing and Economic Development Division. Mr. Valenzuela stated that before final implementation of the program the Board gave direction to staff to come up with a more detailed plan in regards to allocation of a certain amount of funds specifically for down payment assistance and to come up with a more realistic maximum subsidy which they felt was too high. Mr. Valenzuela stated that staff is now proposing to designate \$250,000 of the funds to kick-start this program.

Mr. Valenzuela also reported that staff recommends a Loan Committee to be established to oversee all loan activity.

Mr. Valenzuela answered questions posed by Board members.

Marty Richman, local resident, stated that Mr. Valenzuela did a great job on the staff report and statistics and he thinks this current program is better.

Chairman Monaco noted that he agreed with the recommendation by Supervisor Botelho to have the Board Chair make appointments to this committee.

CAO Thompson stated that we need to get the word out about this Loan Committee in order to get interested and qualified public members to apply.

**BOARD ACTION:** Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios, adopted **Resolution No. 2010-32** adopting the amended HOME Investment Partnership Program (HOME) First-Time Homebuyer (FTHB) Program Guidelines; to submit to the State of California Department of Housing and Community Development (HCD) for approval and designating \$250,000 from Housing & Economic Development (BU 267), Accts 630113 (Home Loans) for the HOME First-Time Program for down payment assistance. (Unanimous)  
File #790

24) **Adopt Resolution establishing the County's Affordable Housing 2010 In-Lieu Fee at zero (0) dollars per lot/unit and adopting the County's 2010 annual in-lieu fee table.**

Assistant County Counsel Barbara Thompson, handed out a corrected resolution which corrects grammatical and typographical errors.

Planning Director Art Henriques provided background information.

Assistant Planning Director Byron Turner reported that the County is in the process of updating its Housing Element and as a part of that update, per direction of the Board of Supervisors, staff has removed all inclusionary requirements and replacing it with language supporting an incentive program in order to benefit and generate affordable housing. Mr. Turner stated that in the meantime we have projects on hold pending the resolution of this issue; therefore pursuant to the ordinance staff has prepared an updated resolution adopting an updated fee table which replaces the in-lieu fee for inclusionary housing from \$27,000 per lot and replacing it with a fee of zero (0).

Chairman Monaco stated that he wanted to make it clear that when times change and we need to re-visit this issue we can re-visit it at any time.

Mr. Turner answered questions posed by Board members.

Chairman Monaco stated that this was an opportune time to look at developing some kind of process where we are better able to re-evaluate when we need to make adjustments in the in-lieu fees. Chairman Monaco encouraged staff to look into a process in which we can re-evaluate more expediently.

Marty Richman, local resident, agreed with Chairman Monaco. Mr. Richman suggested working with the City of Hollister with regards to the number of affordable units.

Jason Guerra, local developer, asked for clarification as to the options for in lieu fees with regards to the size of the development or lots and whether concessions would be made for larger parcels.

Supervisors Barrios and Botelho answered that they hope to have the wording included in the Inclusionary Housing Ordinance that would clarify the concerns addressed by Mr. Guerra.

Further discussion ensued between Board members, Mr. Guerra and staff.

Jerry Muenzer, Tres Pinos resident, stated that he feels that the Board is taking a very good first step in bring the in-lieu fee to zero and is very important during this time and he was glad that the 30% inclusionary was being addressed at this time also.

**BOARD ACTION:** Upon motion made by Supervisor De La Cruz and seconded by Supervisor Botelho, adopted **Resolution No. 2010-33** approving the County's annual fee table for the County's In-Lieu Fee pursuant to Section 21.03.008 and making related findings with an amendment to the title of the resolution inserting the word County. (Unanimous)

The Board adjourned into Closed Session at 2:23 p.m. and reconvened into Regular Session at 3:30 p.m. re:

**CLOSED SESSION:**

*Matters discussed during Closed Session include existing and pending litigation, personnel matters and real property negotiations. Reportable actions taken by the Board during Closed Session will be announced during open session. (Gov. Code Section 54957.1(a) & (b), Ralph M. Brown Act.)*

- 26) **Conference with Real Property Negotiator:**  
Authority: Government Code Section 54956.8  
Property: 2733 John Smith Road, Hollister, CA  
Agency Negotiator: Susan Thompson, County Administrative Officer  
Negotiating Party: Newlight Technologies  
Under Negotiation: Price and terms of Lease  
**No reportable action. File #235.6**
- 27) **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)(A).  
**No reportable action. File #235.6**
- 28) **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)(C).  
**No reportable action. File #235.6**
- 29) **Conference with Legal Counsel – Existing litigation (Subdivision (a) of Government Code Section 54956.9) Name of case(s):**  
1. *Guerrero v County of San Benito, et al.*; U. S. District Ct, San Jose; Case No. C08 00307PVT  
**No reportable action. File #235.6**  
2. *Stevens v. San Benito County, et al.*; U. S. District Ct, San Jose; Case No. C09 02169RS  
**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: Botelho, Loe, Barrios, De La Cruz, Monaco  
NOES: SUPERVISORS: None  
ABSENT: SUPERVISORS: None

There being no further business the Board adjourned at 3.22 p.m. to April 6, 2010 at 9:00 a.m. for a regular meeting.

**REB MONACO, CHAIRMAN**  
San Benito County Board of Supervisors

**ATTEST:** Linda Churchill, Clerk of the Board