



# 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

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

## REGULAR MEETING ACTION MINUTES MAY 25, 2010

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, Assistant Clerk Janet Slibsager for the morning session and Clerk of the Board Linda Churchill for the afternoon session. Chairman Reb Monaco presided.

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

- a) Supervisor Botelho led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- c) **PRESENTATIONS & RECOGNITIONS:**

#### **Present Certificate of Recognition to Jack O'Donnell for over thirteen years of service on the Historical Heritage Advisory Committee.**

Chairman Monaco and Supervisor Barrios presented Certificate of Recognition to Jack O'Donnell for thirteen years of service on the Historical Heritage Advisory Committee. *File #92.1*

- d) **Public Comment:** Peter Leroe Munoz, President of the San Benito County Latino Legal Professional and Lawyers Association, spoke in regards to SB1070, the Arizona Immigration Law and a sample resolution that he had prepared for the Board of Supervisors review and encouraged the San Benito County Board of Supervisors to register similar opposition.

Chairman Monaco addressed this particular issue by providing information from the Brown Act and stated that this item is not a topic that is within the subject matter of this Board of Supervisors.

Supervisor Barrios said that she opposed SB1070.

Marty Richman, Hollister resident, mentioned that Memorial Day is a very special day to honor those that have given their lives in the defense of this

Nation. Mr. Richman thanked the Board of Supervisors and the public for supporting the veterans and the troops.

Mr. Richman thanked Supervisor Loe for being there whenever the veteran's need support.

e) **Department Head Announcements:** County Administrative Officer Susan Thompson mentioned that we have received the Governor's revised budget and it is shameful. Ms. Thompson said that we have a lot of work to do but we are going to do what we can locally and balance the budget with or without the State.

f) **Board Announcements, Introductions and Presentations:** Supervisor Barrios announced that she attended the Expo Job Fair and that it was very well attended and organized and felt that the Community did a wonderful job of putting it together.

Supervisor Barrios announced that she attended the Special Sanctuary Association of Monterey Bay Area Governments (AMBAG) meeting and that there is concern in regards to a Ocean Sanctuary.

Supervisor Botelho announced that he attended the Richard Place dedication to the De Anza Trail.

Supervisor Botelho said that he would like to have an update in the near future from the Parks & Recreation Commission in regards to the progress and completion of the master plan.

Supervisor Botelho said that he attended the Council of Governments (COG) meeting and one of the issues on the agenda that he was concerned about was the Hwy 25 expansion. Supervisor Botelho said that he would like to have a presentation to the Board of Supervisors from (COG) and Caltrans in regards to the proposal and the direction of the project.

Supervisor De La Cruz and Supervisor Loe concurred with Supervisor Barrios and would also like to have a presentation to the Board of Supervisors as soon as possible.

Supervisor Loe announced that May 31<sup>st</sup> is Memorial Day and there is going to be a memorial service at the Veteran's Memorial Building in support of our fallen veterans. Supervisor Loe encouraged the public to come out and show the troops that we support them.

Chairman Monaco announced that he attended the Job Fair Expo and congratulated Nancy Martin for an outstanding job in putting this all together and mentioned that it was extremely successful.

Chairman Monaco announced that on May 19<sup>th</sup> he attended a meeting at the San Benito County Office of Education where he had the honor of presenting Certificate of Recognitions to several teachers in San Benito County for their outstanding service.

## **CONSENT AGENDA:**

*Upon motion made by Supervisor Barrios and seconded by Supervisor De La Cruz, approved Consent Agenda Items 1 through 23 with the exception of Items 8, 15, 19 and 20 which were pulled for discussion (Unanimous)*

**BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:**

- 1) **Reappointed** Kim Dryden as a public interest member to the Behavioral Health Board effective May 2010 to May 2013. *File #92.1*
- 2) **Reappointed** Marian C. Cruz as a public interest and family member to the Behavioral Health Board effective May 2010 to May 2013. *File #810*
- 3) **Reappointed** Christine Harwood as a public interest member to the Behavioral Health Board effective June 2010 to June 2013. *File #810*
- 4) **Authorized** the County's Behavioral Health Director to sign the FY 2009-10 Amendment No. 2 to the negotiated Net Amount contract for the term of July 1, 2007 through June 30, 2010, with the State Department of Alcohol and Drug program; and **adopted Resolution No. 2010-54** to accept the ADP FY 2009-10 Amendment No. 2. *File #810*
- 5) **Authorized** the County's Behavioral Health Director to sign the Multi-Year Negotiated Net Amount contract with the State Department of Alcohol and Drug Programs for the term of FY 2010-11 through FY 2012-13; and **adopted Resolution No. 2010-55** to accept the ADP FY 2010-11 through FY 2012-13 contract. *File #810*

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

- 6) **Approved** the action minutes of the April 27, 2010 and the May 4, 2010 meetings.

**COUNTY COUNSEL – M. Granger:**

- 7) **Approved** settlement agreement regarding claim submitted on April 20, 2010 by Robbie Scattini. *File #160*

**COUNTY LIBRARY – N. Conte:**

- 8) **Approve out-of-state travel for the County Librarian to attend the 2010 American Library Association Conference in Washington, D.C. from June 23 through June 29, 2010 in the amount of \$2,070.80.**

*Itemed pulled for discussion.*

**BOARD ACTION:** *Upon motion made by Supervisor Barrios and seconded by Supervisor Loe, approved the reimbursement of personal expenses for out-of-state travel for the County Librarian to attend the 2010 American Library Association Conference in Washington, D.C. from June 23 to June 29, 2010, including travel time. File #80 (3-2 vote. (Botelho and De La Cruz no)*

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

- 9) **Approved** the MOU with Planned Parenthood Mar Monte for the administration of the Community Challenge Grant Program for funding in the amount of \$46,400 for the period of July 1, 2010 to June 30, 2011; and **authorized** the HHSA Director to sign said MOU. *File #130*

- 10) **Approved** contract renewal with Dr. Johnson-Schroetlin for Psychological Services Related to Child Welfare for the period of July 1, 2010 through June 30, 2011 in the amount of \$30,000. *File #130*
- 11) **Adopted Resolution No. 2010-56** authorizing the Director of the Health & Human Services Agency to submit an application to the California Integrated Waste Management Board for the Local Enforcement Grant for FY 2010/11 in the amount of \$15,894. *File #130*
- 12) **Approved** contract with the National Council on Crime and Delinquency for Structured Decision making report services for the period of July 1, 2010 through June 30, 2011 in the amount of \$12,000. *File #130*
- 13) **Approved** contract renewal with Dr. Elizabeth Lee for Psychological Services Related to Child Welfare for the period of July 1, 2010 through June 30, 2011 in the amount of \$72,180. *File #130*
- 14) **Adopted Resolution No. 2010-57** extending services for CSA 36 "Emergency Medical Services & Advanced Life Support". *File #130/CSA#36*
- 15) **Approve contract with the Food Bank of San Benito County to provide food services to low-income families for an amount not to exceed \$250,000 from May 25, 2010 through September 30, 2010.**  
*Item pulled for discussion.*  
Mary Ann Hughes, Executive Director of the Hollister Food Bank, said that she was thrilled to have these funds because donations are down both financially and donated foods and it is getting harder and harder to serve their clients. Ms. Hughes thanked the Board of Supervisors for their support and trust in them.  
**BOARD ACTION:** *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Botelho, approved contract with Food Bank of San Benito County to provide food services to low-income families for an amount not to exceed \$250,000 from May 25, 2010 through September 30, 2010. File #130 (Unanimous)*
- 16) **Approved** sublease between the County and NALEO Education Fund for the period of January 6, 2010 through May 31, 2010 for \$500.00 per month, payable to HHSa and **authorized** the Director of HHSa to sign said sublease. *File #130*

**INTERNAL SERVICES – R. Inman:**

- 17) **Adopted Ordinance No. 856**, authorizing an amendment to the contract between the Board of Supervisors and the Board of Administration of the California Public Employees' Retirement System (CalPERS). *(Continued from 5/11/10 meeting) File #630*
- 18) **Adopted Resolution No. 2010-58 and Resolution No. 2010-59**, for Confidential Management and Confidential Employees for fiscal year 2010-2011. *File #630*
- 19) **Approve the San Benito County Purchasing and Contracting Policy Manual.**  
*Item pulled for discussion.*

**BOARD ACTION:** Upon motion made by Supervisor Barrios and seconded by Supervisor Loe, **approved** the San Benito County Purchasing and Contracting Policy Manual, with changes presented by Internal Services Department. File #119.1 (Unanimous)

- 20) **Approve contract with Bob Murray and Associates for the County Administrative Officer Recruitment Services, effective May 25, 2010 through November 30, 2010.**

*Itemed pulled for discussion.*

**BOARD ACTION:** Upon motion made by Supervisor Barrios and seconded by Supervisor Loe, **approved** contract with Bob Murray and Associates for the County Administrative Officer Recruitment services, effective May 25, 2010 through November 30, 2010. File #630 (Unanimous)

**PROBATION DEPARTMENT – B. Cardall:**

- 21) **Approved** budget augmentation increasing expenditures and revenue to Probation/Juvenile Hall's budget recognizing grant funding in the amount of \$3,994.60. File #510

**FIRST 5 SAN BENITO – K. Castillo:**

- 22) **Re-appointed** Kim Dryden to the First 5 San Benito Children and Families Commission for a term of three (3) years beginning June 2010. File #155

**SHERIFF'S DEPARTMENT – C. Hill:**

- 23) **Approved** the Memorandum of Understanding between the California State Sheriff's Association and County of San Benito to work together toward the mutual goal of providing maximum available assistance for crime victims residing in California; and authorize the Sheriff to sign. File #110

**REGULAR AGENDA:**

**SAN BENITO COUNTY FIRE SAFE COUNCIL – C. Reeves:**

- 24) **Approve San Benito Community Wildfire Protection Plan and authorize Supervisor Botelho to sign document on behalf of the Board of Supervisors.**

Jan Jensen, President of the Fire Safe Council, provided background information in regards to the San Benito Fire Council and what they do for the community.

Scott Eckardt, Project Manager for Dudek, provided a PowerPoint presentation in regards to the San Benito Community Wildfire Protection Plan for San Benito County.

Discussion by Board and questions answered by Scott Eckardt of Dudek and Cindy Reeves of the San Benito County Fire Safe Council.

Marty Richman, Hollister resident, said that the biggest hazard for fire is the people who have initiated events and they were careless.

**BOARD ACTION:** Upon motion made by Supervisor Botelho and seconded by Supervisor De La Cruz, **approved** the San Benito County Wildfire Protection

Plan and **authorized** the Chairman to sign the document on behalf of the Board of Supervisors. File #60 (Unanimous)

**BOARD OF SUPERVISORS:**

- 25) **Receive informational report on the Children Uniting Nations grant application for services to local youth and authorize Chairman to submit a letter of support to the grant funding agency, the U.S. Department of Education. (Supervisor Barrios)**

Frank Beitz, Program Coordinator of the San Benito County Foster Youth Services, spoke in regards to the letter of support and the Children Uniting Nations grant application for the local youth of San Benito County.

Supervisor Barrios, De La Cruz, Loe and Botelho all stated that this was a wonderful program and incredible opportunity for San Benito County.

Chairman Monaco thanked Mr. Beitz for bringing this forward and Supervisor Barrios for bringing this to our Board's attention and stated that he would be delighted to sign a letter of support.

Health & Human Services Director Kathy Flores said that if we can get this it would be fantastic and great opportunity for us.

**BOARD ACTION:** Upon motion made by Supervisor Barrios and seconded by Supervisor Monaco, **authorized** the Chairman to submit a letter of support to the grant funding agency, the US Department of Education. File #156 (Unanimous)

- 26) **Adopt Resolution supporting efforts by the Hollister Youth Alliance to obtain grant funding to be used for restoration of Dunne Park. (Supervisor Loe)**

Lisa Faulkner, Hollister Youth Alliance, explained the Resolution and provided information as to how the Dunne Park facility was chosen for this grant.

Discussion ensued by Board and Ms. Faulkner.

**BOARD ACTION:** Upon motion made by Supervisor Loe and seconded by Supervisor De La Cruz, **adopted Resolution No. 2010-60** supporting efforts by the Hollister Youth Alliance to obtain grant funding to be used for restoration of Dunne Park. File #156 (Unanimous)

- 27) **Approve letter to the Central Coast Regional Water Quality Control Board in response to its preliminary Draft Agricultural order to control Discharges from Irrigated Lands and authorize the Chair to sign said letter. (Supervisor Botelho)**

Supervisor Botelho said that he would like to take a position and send a letter of response to the Central Coast Regional Water Quality Control Board in regards to the Preliminary Draft Agricultural Order to Control Discharges from Irrigated Lands and Regulations (Ag Waiver).

Richard Bianchi, Director of the San Benito County Farm Bureau, spoke on behalf of the Farm Bureau and their concern in regards to this Ag Waiver and regulations.

Supervisor Barrios, De La Cruz, Loe said that they would support a letter of response in regards to the Ag Waiver.

Sally Bettencourt, Hollister resident, said that the people in the State of California are getting tired of all these regulations, rules, governing how we run our counties and our state and that it is forcing people out of work and people to leave California.

Chairman Monaco thanked Supervisor Botelho for taking this on and said that he supports signing a letter.

**BOARD ACTION:** Upon motion made by Supervisor Botelho and seconded by Chairman Monaco, **approved** letter to the Central Coast Regional Water Quality Control Board in response to its Preliminary Draft Agricultural Order to Control Discharges from Irrigated Lands and **authorized** the Chair to sign. File #695 (Unanimous)

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

- 28) **Accept the HHSA Directors report and approve the layoff of .5 FTE Office Assistant I/II effective on or about July 1, 2010.**

Health & Human Services Director Kathy Flores spoke in regards to the funding situation in Public Health and her request to modify the existing request and to consider proposed layoff of a .5 FTE Office Assistant I/II.

Discussion by Board and staff.

Chairman Monaco commended Ms. Flores for a great job during these very difficult economic times.

**BOARD ACTION:** Upon motion made by Supervisor Barrios and seconded by Supervisor Loe, **approved** the layoff of .5 FTE Office Assistant I/II, effective on or about July 1, 2010. File #130 (Unanimous)

- 29) **Receive NALEO presentation on Census 2010 outreach results.**

Lydia Zendejas, the NALEO representative for the Tri-County region, provided information on the results of the Census Outreach efforts in San Benito County and the door to door participation rate. Ms. Zendejas said that Hollister finished at 74% and the County at 73%. File #130

### **ADMINISTRATION:**

- 30) **Receive clarifying report on the status of County Reserve Funds.**

County Administrative Officer Susan Thompson provided a clarifying report on the status of County Reserve funds by means of a PowerPoint presentation. Items covered were: Estimated General Fund Balance; Estimated Fund Balance available July 1, 2010; General Fund Balance Detail; Combined Detail; General Fund Balance Projections; Tobacco Securitization Funds as of April 28, 2010.

Discussion ensued by Board and staff.

Board Members thanked staff for the presentations which cleared up questions they had. File #865

## **AFTERNOON SESSION**

1:30 P.M.

**CONSENT AGENDA:**

*Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios, approved Consent Agenda Items 33, 34, 35 and 37 and pulling Items 31, 32 and 36 for discussion. (Unanimous)*

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

- 31) **Approve two-year contract with Field Solutions, Inc. for Extraction Well Maintenance at John Smith Road Landfill for the period of July 1, 2010 through June 30, 2012 in the amount of \$12,450.**

*This item was pulled for discussion.*

*Upon motion made by Supervisor Barrios and seconded by Supervisor Botelho approved contract as recommended. (Unanimous) File #75.4*

- 32) **Approve contract with Golder Associates, Inc. for installation of a compliance well at John Smith Road Landfill for the period of May 25, 2010 through September 30, 2010 in the amount of \$19,711.**

*This item was pulled for discussion.*

*Upon motion made by Supervisor Barrios and seconded by Supervisor Loe, approved contract as recommended. (Unanimous) File #75.4*

- 33) **Accepted** the award of \$16,374 in Local Government Waste Tire Cleanup and Amnesty Event Grant Program funds and **authorized** the Director of Integrated Waste Management to sign grant agreement; and **augmented** budget unit 3010301 in the amount of \$16,374. *File #142*

- 34) **Reviewed** and **approved** the renewal contract with Clean Harbors Environmental Services, Inc. as Amendment #1 for hazardous waste management services. *File #142*

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

- 35) **Approved** Fiscal Year 2009-2010 proposed Proposition 1B Funding Disbursement Plan; and **adopted Resolution No. 2010-61**, establishing an annual Proposition 1B Funding Disbursement Plan in the amount of \$1,231,641. *File #105*

- 36) **Approve Uniform Rental Service Agreement with Cintas for mechanic uniform and shop towel service for a period of 60 months for the period of May 25, 2010 through May 25, 2015 in the amount of \$2,496 per year.**

*This item was pulled for discussion.*

*Upon motion made by Supervisor Barrios and seconded by Supervisor De La Cruz, approved agreement as recommended. (Unanimous) File #105*

- 37) **Adopt Resolution No. 2010-62** and **accepted** the corrected grant deed for the Cienega Road Realignment Project and **authorized** the Chair to sign the Certificate of Acceptance and Consent Record and **authorized** and **directed** the

**REGULAR AGENDA:**

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

- 38) **Direct staff as to any reimbursement owed to Waste Connections, Inc. the contract operator at John Smith Road Landfill, or roll over any surplus funds against future COLA increases.**

Director of Integrated Waste Management Mandy Rose provided background information.

Question and answer period ensued.

**BOARD ACTION:** *Upon motion made by Supervisor Barrios and seconded by Supervisor Botelho, authorized Integrated Waste Management Director to pay for the Module 3A Clay Cost in the amount of \$10,290 and the additional landfill gas perimeter monitoring probes in the amount of \$52,796 from the budgeted Capital projects and the \$122,731 banked would be credited for the \$74,028 COLA leaving a balance of approximately \$45,000. (Unanimous) File #142*

**BOARD OF SUPERVISORS:**

- 38.1) **Addendum. Report and discussion on the affordable Inclusionary Housing Policies.** (Supervisors Barrios & Botelho)

Supervisor Botelho provided background information stating that he and Supervisor Barrios have been working on this item since February and have received input from various stakeholders as well as staff and today summarizes what they've accomplished to date.

C.J. Valenzuela, Housing Coordinator, presented a PowerPoint presentation titled Inclusionary Housing Ordinance Update and covering the following points: Current Inclusionary Housing Ordinance No. 766 and proposed ordinance changes; Major Proposed Incentive – Possible Reduction of Traffic Impact Fees Based on Affordability Levels, Level(s) of Affordability and Example of % Reduction; and, Key Reminders.

Discussion ensued.

The following members of the public addressed the Board and provided input: Tony Ruiz, local resident; Marty Richman, local resident and Scott Fuller, San Juan Oaks.

Chairman Monaco stated that his concerns were the impact fees because that is the crux of the issue and impact fees wind up being essential for some services and it is a balancing act and someone has to pay for it and there needs to be a fair and equitable ways to pay for what services you require or at least analyze the services that are being required. Chairman Monaco also agreed with the statements about incentivizing being significant.

*Chairman Monaco stated that he would like to have this back in for consideration sometime in August.*

Chairman Monaco asked Board members to summarize their input for the ad hoc committee and staff to work with.

Supervisor Loe stated that the key to this ordinance will be buy-in from the local developers and this must be addressed.

Supervisor Botelho stated that it was the intention of the ad hoc committee to meet with the stakeholders again and do a little more work on a pro-forma type of research to have an understanding of what percentages we are talking about. Supervisor Botelho said impact fees need to be addressed.

Supervisor De La Cruz suggested that it move forward and implement the ideas that have been discussed today.

Supervisor Barrios stated that we do need to get the pro-forma model, as suggested by the County Administrative Officer, in order to come up with the percentages that would work for our county and we also need to meet with the stakeholders and developers whose biggest concern is reducing impact fees. Supervisor Barrios stated that timelines are important and this needs to happen sooner than later.

County Administrative Officer Susan Thompson stated that we are hearing loud and clear that we need to bring the traffic impact fee issue back to the Board and this is a COG issue also and it would be helpful to have a joint meeting with the City of Hollister and COG to discuss these matters.

*Chairman Monaco suggested that this matter be discussed at the next Inter-Governmental meeting and also talk about a joint meeting. File #105.3*

The Board adjourned for a break at 3:05 p.m. and reconvened at 3:13 p.m.

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

**39) Provide direction to staff regarding desired parking regulations at 4<sup>th</sup> and West Street Parking Lot.**

Adam Goldstone, Capital Projects Manager, noted that the parking lot across the street was now under construction for repair. Mr. Goldstone stated that an ordinance is being proposed regarding the use of that lot and staff recommends banning parking in the lot between 11:00 p.m. and 5:00 a.m. and somehow state that the use of the lot is for the public employee and official government business. Mr. Goldstone asked for direction from the Board of Supervisors with regards to these proposals.

Chairman Monaco addressed the issue of the Planning Commission meetings which are held in the evening.

Phil Fortino, local resident, noted that the Planning Commission does not listen to any new items after 9:30 p.m. so the 11:00 p.m. restriction should be okay.

Board members provided input.

Marty Richman, local resident, stated it should be looked at for future use when the new courthouse is built.

*It was the consensus of the Board, with the exception of Supervisor Loe, to close the West Street parking lot from 11:00 p.m. to 5:00 a.m. File #105.3*

**40) Receive report and approve response letter to Bureau of Land Management (BLM) regarding the opening of county road in the Clear Creek Management Area.**

Public Works Administrator Steve Wittry provided background information stating that this item was a result of the April 6, 2010 Board action to re-open the roads in the Clear Creek Management Area. Mr. Wittry stated that we received a

letter from Rick Cooper of BLM regarding several concerns they felt were left unaddressed by opening those roads. Mr. Wittry noted that these six major concerns are included in the Board packet and he summarized the concerns for the benefit of the public.

Lengthy discussion ensued with regards to the county not performing maintenance on the roads.

County Counsel Matt Granger explained the legal issues with regards to non-street vehicles on certain roads.

Supervisor Botelho felt the county should explore ways, such as adopt a highway/road, for legitimate groups or some of the property owners to perform some type of maintenance.

County Counsel Granger stated it was within the Board's ability to order a level of maintenance it desires; however, the Government Code specifically provides that in roads that are not officially maintained by the county or the proper resolution has been passed and the proper signage has been posted on those roads, which occurred in 1994, the county is immunized for any lawsuits and liability that may result on those roads. Mr. Granger also stated that the conservative reading of that statute is that when it says no maintenance, it means no maintenance and if the Board were to allow any maintenance, either through its own conduct or conduct authorized by volunteers, it would open up the county for arguments that the immunity has been lost. Mr. Granger said he could not say if that would hold up in court or not, but he could say that if the County allows any maintenance on the roads and give rise to an argument that the immunity might be pierced.

Board members stated they appreciated the letter as written and expressed their main concerns.

Ray Iddings, landowner in Clear Creek Management Area and resident of Santa Cruz, expressed his concerns and handed out two documents titled "A Single Example of Damage Caused by the Bureau of Land Management to Clear Creek Stream and a San Benito County Road" and also "Substantive Comment.

Dee Murphy, Hollister resident, expressed her concerns and provided a handout from the Federal Register dated December 24, 1991.

Rick Cooper, Bureau of Land Management (BLM), thanked the Board of Supervisors for getting back to them addressing its concerns. Mr. Cooper stated they would be figuring out how to work with the landowners with regards to right of ways and alternative routes.

Chairman Monaco stated the county is working towards equitable solutions and working closely with Bureau of Land Management to resolve these issues.

Mr. Cooper answered questions posed by Board members.

Ron Wilcher addressed the Board stating he hasn't seen BLM doing any maintenance on these roads for years and there has been a boulder on the road for some time.

Mr. Cooper responded that BLM did not do anything about the boulder since it is on the county road but there has been maintenance on roads in the Clear Creek Management Area by BLM prior to May 2008.

Ray Iddings stated that he has had conversations with BLM regarding moving slide material on the county road and removing boulders and he was told that he would be cited and asked if he would be cited.

Mr. Cooper answered Mr. Iddings stating that if landowners and right of way grantees come to BLM and work with them BLM will figure out how to move the boulder. Mr. Cooper stated that what he is trying to prevent is off site damage occurring. Mr. Cooper said he would be happy to work with Mr. Iddings on the boulder.

**BOARD ACTION:** *Upon motion made by Supervisor Barrios and seconded by Supervisor De La Cruz, authorized the Chairman of the Board to send a response letter to the Bureau of Land Management as presented. (Unanimous) File #755*

- 41) **Adopt Resolution declaring the results of the County Service Area mail ballot election conducted on May 4, 2010 and direct staff to immediately cease the provision of utilities for street lights in CSA Nos. 25, 30, 33, 34 and 53.**

Management Analyst Janelle Cox explained the Proposition 218 process to this point and provided the election results from the County Service Area mail ballot election.

Ms. Cox answered questions posed by Board members.

**BOARD ACTION:** *Upon motion made by Supervisor Botelho and seconded by Supervisor Monaco, adopted **Resolution No. 2010-63** declaring the results of the mail ballot election conducted on May 4, 2010, imposing the property-related fees in CSA Nos.: 16, 21, 23, 28, 42, 46, 47, 48, 50 and 51; and, rejecting the property-related fees for County Service Area Nos.: 19, 25, 30, 33, 34, 35 and 54 (non-septic related services); and, directed staff to immediately cease the provision of utilities for street lights in CSA Nos. 25, 30, 33, 34 and 53 noting that CSA Nos. 19 and 54 do not receive utility services. (Unanimous) CSA File*

- 42) **Adopt Resolution of Intention to impose a property related fee in County Service Area No. 34 and 53, preliminarily approving a fee report and setting a public hearing for July 9, 2010.**

Management Analyst Janelle Cox provided background information stating that a Fee Report was included in the Board's packet for preliminary approval and a request to set a public hearing. Ms. Cox explained that these are two CSA's that recently went through the process and didn't approve the fee and have requested that we initiate the process and our rule is to conduct the mail-ballot election by August 31, 2010 which is the last State set mail-ballot election date for this calendar year.

**BOARD ACTION:** *Upon motion made by Supervisor Barrios and seconded by Supervisor Monaco, adopted **Resolution No. 2010-64** a Resolution of Intention to impost a property related fee in County Service Area No. 34 and 53, preliminarily approving a Fee Report, and setting a public hearing for July 9, 2010 at 1:30 p.m. (Unanimous) CSA 34 & CSA 53 Files.*

**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.)

43) **Conference with Legal Counsel-Existing Litigation. Subdivision (a) of Section 54956.9**

Name of Case: John L. Sarsfield v. County of San Benito et.al., United States District Court for the Northern District of California, San Jose Division, Case No. C07-2528 JF

**No reportable action.** File #235.6

44) **Conference with Legal Counsel – Existing Litigation – (Subdivision (a) of Section 54956.9) Number of Cases(s):**

- 1. Larsen vs. County of San Benito, et al. (U.S. District Ct., San Jose; Case No. 10-CV-00732 HRL)

**No reportable action.** File #235.6

\*\*\*\*\*

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

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

There being no further business the Board adjourned at 4:50 p.m. to June 1, 2010 at 9:00 a.m. for a regular meeting.

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

**ATTEST:**  
Janet Slibsager, Assistant Clerk  
Morning Session  
Linda Churchill, Clerk of the Board  
Afternoon Session