



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 JUNE 8, 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 and Assistant Clerk of the Board Janet Slibsager. 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) **PRESENTATIONS & RECOGNITIONS:**

Present Certificate of Recognition to Joseph Hill Ostenson, Music Teacher/Band Director, Hollister Elementary School District for 45 years of outstanding dedication to the youth in the Community. (Chairman Monaco)

Chairman Monaco presented a Certificate of Recognition to Joe Ostenson for his 45 years of outstanding dedication to the youth in the Community as a Music Teacher/Band Director.

Mr. Ostenson thanked the Board of Supervisors for this honor. *File #156*

- d) **Public Comment:** Marvin Jones, Hollister resident, spoke in regards to his handout, The Declaration of Independence & Constitution of the United States on this Election Day and the endangered species act.
- e) **Department Head Announcements:** County Administrative Officer Susan Thompson announced that she attended the California State Association of Counties (CSAC) Conference and that there are not any expectations in the near future to turn this economy around, stating that we are looking at a 4 to 5 year problem.
Ms. Thompson announced that on Thursday, June 10th she would be attending a work group put on by CSAC in regards to the Williamson Act and possibly how it could be self funding.

f) **Board Announcements, Introductions and Presentations:** Supervisor Loe announced that she attended a meeting with the City of Hollister and County Superintendent Mike Sanchez was there and the schools were invited. One of the topics discussed was vendors on street corners. Supervisor Loe said that they would be meeting with our Environmental Health Department and would be bringing a report back.

Supervisor Barrios said that she also attended the meeting with City/County and Schools; there was a lot of discussion in regards to housing, neighborhood schools, transportation of children and the traffic problem at schools.

Supervisor Barrios announced that she attended the Pajaro River Watershed Flood Prevention Authority meeting and that the discussion was the Highway 152 improvements that were presented by Santa Clara Valley Transportation Authority. Supervisor Barrios said that the biggest concern for the Pajaro River Water-shed Prevention Authority was the Soap Lake flooding area in San Benito County. Supervisor Barrios said that the Board of Supervisors needs to be directly involved with the Highway152 improvements.

Supervisor Barrios said that she and Supervisor Botelho attended the General Plan Advisory Committee meeting and a report would follow at a later date.

Chairman Monaco expressed concern in regards to his District pertaining to traffic issues on Southside Road during school hours.

Supervisor De La Cruz announced that he attended the Veterans Park Commission meeting and that the City of Hollister and San Benito County are trying to recover some of the water costs that are provided to a lot of the sporting leagues for free by setting up some kind of metering system to have some kind of a accountability on how much water usage is being used by the different leagues.

Chairman Monaco reported that he attended the CSAC meeting on June 2nd & 3rd. Chairman Monaco said that some of the items covered were: Budget and Governors revised Budget; Williamson Act; AB 962 Ammunition Restriction Policy; Cal Fire was discussed in regards to issues in rural areas classifying barns as commercial buildings that require sprinklers; CSAC budget was passed; Local Tax Payer Safety Transportation Act. Chairman Monaco noted that the materials from this CSAC meeting would be available for public review with the Clerk of the Board.

CONSENT AGENDA:

Upon motion made by Supervisor Botelho and seconded by Supervisor Loe, approved Consent Agenda Items 1 through 7, with the exception of Items 3, 4 & 6 which were pulled for discussion.

Chairman Monaco announced that he needed to add an urgency item to the closed session agenda that was requested by County Counsel.

County Counsel Matt Granger stated that the County Counsel's office had received a settlement offer in regards to the matter of Sarsfield vs. County of San Benito, which had been received after the posting of the agenda and that the offer expires on June 9, 2010. The item needed to be added per Government Code Section 54954.2 and the Board needs to make the findings that the action is needed

immediately and that the information came to the attention of the staff after the posting of the agenda.

BOARD ACTION: Upon motion made by Supervisor De La Cruz and seconded by Supervisor Loe, **approved** addition of urgency item as #11 making appropriate findings as requested.

BOARD OF SUPERVISORS:

- 1) **Approved** Certificate of Recognition for Dr. Susan Villa, Deputy Superintendent, San Benito County Office of Education, who is retiring after 30 years of dedicated service to the community for presentation at a later date. (Chairman Monaco) *File #156*
- 2) Adopted **Resolution No. 2010-69**, urging the Regional Water Quality Control Board to re-establish the 2004 Ag Waiver and direct Clerk of the Board to forward resolution to the RWQCB and the San Benito County Farm Bureau. (Supervisor Botelho) *File #695*

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

- 3) **Adopt Resolution with regard to waiver of salaries for the Elected Offices of County Assessor, County District Attorney and County Clerk-Auditor-Recorder and accept the completed and signed Elected Officials Base Pay Salary Waiver Forms. (Res. No. 2010-70)**
Itemed pulled for discussion.
BOARD ACTION: Upon motion made by Supervisor Barrios and seconded by Chairman Monaco, **approved** and **accepted** the completed and signed Elected Officials Base Pay Waiver Forms; and **adopted Resolution No. 2010-70.**
File #608 (Unanimous)

PROBATION DEPARTMENT – B. Cardall:

- 4) **County Probation Department is commencing a Night Reporting Center and partnering up with Faith Based Organizations.**
Item pulled for discussion.
Information only item, no action needed. *File #510*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 5) **Accepted** all bids received; **awarded** contract to Commercial–Environment Landscape, as the lowest responsive, responsible bidder for Landscape Maintenance Services for CSA #46, Quail Hollow and CSA #47, Oak Creek for the period of July 1, 2010 through June 30, 2015 for an annual amount not to exceed \$10,800 and waive Provision 4.5(b) of the Purchasing and Contract Policy Manual. *File #CSA's/105.3*
- 6) **Accept all bids received; award contract to Bracewell Engineering, Inc., as the lowest responsive, responsible bidder for operation and maintenance of water treatment plant for County Service a Area #31, Stonegate, #50 Dunneville Estates and wastewater treatment plant at CSA #22 Cielo Vista for the period of July 1, 2010 through June 30, 2015 for an annual amount not to exceed \$143,100 and waive Provision 4.5(b) of the Purchasing and Contract Policy Manual.**

Public Works Administrator Steve Wittry asked that this item be continued to the meeting of June 22, 2010, due to some changes in the contract.

INTEGRATED WASTE MANAGEMENT – M. Rose:

7.1) Addendum: Presentation by US EPA on New Idria Mercury Mine regarding proposed sampling and potential remediation efforts.

Integrated Waste Manager introduced Matt Mittguard of US EPA Region who provided a PowerPoint presentation on the New Idria Mercury Mine and the proposed sampling and potential remediation efforts.

Discussion ensued by Board, staff and Mr. Mittguard.

Marty Richman, Hollister resident, said that he would encourage Mr. Mittguard to have EPA make us a better example and try a new approach.

Chairman Monaco asked if there was something that they need to do to allow this sampling to take place.

County Counsel Matt Granger provided information.

Mr. Mittguard provided additional information. No action required. *File #142*

- 7) **Approved** contract change order increase from \$5,153 to \$20,000 for the County Parking Lot at 4th and West Streets Repaving Project; and **authorized** the Public Works Administrator to approve change orders on this project in an amount not to exceed \$20,000. *File #105*

REGULAR AGENDA:

COUNTY ADMINISTRATIVE OFFICE:

- 8) **Set the budget hearings for FY 2010-11 and specify expenditure limitations effective July 1, 2010.**

County Administrative Officer Susan Thompson provided information pertaining to budget hearings for FY 2010-11 and specified expenditure limitations effective July 1, 2010 and asked Board of Supervisors to set hearings to begin August 10th, 2010.

Chairman Monaco said that this was the same procedure that was taken last year and would support this action.

Supervisor Loe, Botelho and De La Cruz also supported this item.

Supervisor Barrios said that she would like to eliminate the part that the CAO approve all purchases.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Botelho, set Board hearings to begin August 10th, 2010 to publicly review the proposed FY 2010-11 budget and directed the Clerk of the Board to post and publish notice of the hearings as required by law. Final adoption is tentatively scheduled for August 24, 2010; required Board approval for purchase of fixed assets, continued hiring freeze subject to CAO approval for exceptions; continued standing policy that General Fund Contributions to other funds will be limited to the amount necessary to balance the fund even if this results in the contribution being less than the budgeted contribution included in the approved FY 2009-10 budget. File #865 (Unanimous)*

PLANNING DEPARTMENT – C. Woodbury:

- 9) **Review draft comment letter regarding Hollister to Gilroy State Route 25 Draft Environmental Impact Report and direct staff to provide the letter to Caltrans.**

Interim Planning Director Cathy Woodbury provided information in regards to the draft environmental impact report for Hwy 25 widening project and identified some areas of concern by the Public Works and Planning Department staff which have been identified in a comment letter to be sent on the Board of Supervisors behalf to Caltrans.

Council of Governments Executive Director Lisa Reinheimer provided background information on the status of COG and the Hwy 25 widening project.

Project Manager for Caltrans Richard Rosales, provided a PowerPoint presentation covering a brief overview of the State Route Hwy 25 project between Gilroy and Hollister. Items that were covered were: Purpose and need; project scope changes and project development history; alternatives considered but limited; project cost and project schedule.

Lengthy Discussion ensued by Board and staff.

Tom Hart, Hollister resident, voiced his concern that the road as designed is going to disrupt the agriculture land and he would like to see something drawn up that doesn't take away the farm land.

Discussion ensued by Board and staff in regards to changes of the draft comment letter.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios, **directed** staff to modify letter to address the changes that the Board of Supervisors made to the 1st and last paragraph; **authorized** the Chair to sign modified letter with the support of Supervisor Botelho and **directed** staff to send letter to Caltrans. File #790 (Unanimous)*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 10) **Adopt Resolution authorizing one or more of its members to file written arguments in support of the ballot measures presented to the voters at the August 31, 2010, Special Election; and approve the written argument attached as Exhibit A.**

Public Works Administrator Steve Wittry provided information with regards to the proposed resolution authorizing one or more of its members to file written argument in support of the ballot measures for the upcoming CSA Election for Ausaymas Estates and Riverview Estates for the August 31, 2010 Special Election.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor De La Cruz, **adopted Resolution No. 2010-71**, authorizing one or more of its members to file written arguments in support of the ballot measures presented to the voters at the August 31, 2010, All Mail-Ballot Election; and **approved** the written argument attached as Exhibit A. File #CSA's*

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.)

Marty Richman, Hollister resident, addressed the Board in regards to closed session item that was added to the agenda. Mr. Richman said that personnel expenses unfortunately become litigation expenses and he hoped that the Board of Supervisors would take the long view if they are right instead of settling.

- 11) **Urgency Item: Conference with Legal Counsel- Existing Litigation**
Sarsfield vs. COSB, et al., filed in the United States District Court: File No. 307CD02528JF, permitted under Government Code Section 54956.9.
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 to June 22, 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