



# SAN BENITO COUNTY BOARD OF SUPERVISORS

Don Marcus  
District No. 1

Anthony Botelho  
District No. 2  
Vice-Chair

Pat Loe  
District No. 3

Reb Monaco  
District No. 4

Jaime De La Cruz  
District No. 5  
Chair

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

## REGULAR MEETING JULY 22, 2008 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, Marcus, Botelho and De La Cruz were present. Also present was County Administrative Officer Susan Thompson, County Counsel Dennis Le Clere and Clerk of the Board Linda Churchill. Chairman Jaime De La Cruz presided.

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

- a) Supervisor Marcus led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- c) **PRESENTATIONS / RECOGNITIONS:**  
**Present proclamation declaring July as “Parks and Recreation Month” in San Benito County. (Public Works)**  
Supervisor Monaco presented the proclamation to Jim West, a current member of the Parks and Recreation Commission of San Benito County.
- d) **Public Comment:** Sharry Jones, local resident, stated that she and several people spoke at a previous meeting with regards to the delaying large building projects until after the General Plan is finished noting they were passionate in their statements because of their deep love for San Benito County and after they spoke Marty Richman spoke and she was appalled that he was allowed to speak about their beliefs in such a rude manner. Ms. Jones stated that they were for managed, responsible growth and expressed her concerns about the El Ranch San Benito project and felt that the people of San Benito County will have no power and no influence with the Board of Supervisors and by the time people vote on this project there will be so much momentum we won't be able to stop it.
- e) **Department Head Announcements:** Kathy Flores, Health & Human Services Agency Director, reported that she had fantastic news from the State Housing & Community Development Block Grant representative that San Benito County is one of the counties that was awarded \$500,000 in CDBG funds. Ms. Flores commended her staff for their hard work in submitting this grant.  
Gary Byrne, on behalf of the Board of Directors of Emmaus House, thanked the supervisors for their support in this grant application.

Dale Yarmouth, on behalf of all of the clients of Emmaus House, thanked the supervisors for their continued support.

Cindy Parra, on behalf of the clients of the Homeless Task Force, also thanked the county for their support.

Lisa Rheinheimer, Council of Governments Director, provided an update on the Highway 25 Bypass project stating that the detour on Sunnyslope Road and Airline Highway would start sometime today. Ms. Rheinheimer stated that completion of this project is expected in October or November 2008.

Art Henriques, Planning Director, reported that he would be coming back to the Board of Supervisors within the next couple of weeks with an information memo on First Time Home Buyer Workshops. Mr. Henriques said they have been working with the City of Hollister to compliment their efforts and they are planning to hold a workshop on Saturday, September 20<sup>th</sup>.

County Administrative Officer (CAO) Susan Thompson provided a brief update on the status of the state budget stating that at this point nothing is happening and it is very frustrating. Ms. Thompson noted that there are several agreements and business actions that will be considered on today's agenda and we have to ask the Board to take action even though we don't know what the outcome of the state budget is going to be because at this point in time the counties are not relieved from any of their mandated services and we must move forward on this.

- f) **Board Announcements, Introductions and Presentations:** Supervisor Monaco reported on a July 2<sup>nd</sup> conference call meeting with the Agricultural and Natural Resource Policy Committee of CSAC (California State Association of Counties). Supervisor Monaco reported that one of the main topics of concern in that meeting was the Williamson Act for our county. The State Legislative Analyst Office has proposed phasing out the program but there has been no action in Conference Committee in that direction and also there is a rumor that there will be a 10% cut which has not attracted much attention. Supervisor Monaco stated that CSAC has made a commitment to build a stronger coalition to support Williamson Act.

Supervisor Monaco further reported that there was a lengthy discussion over the Governor's emergency response initiative and concerns were expressed by the Ag and Natural Resources Committee were that none of the money is going to local fire departments and that is a concern of CSAC that they plan to monitor.

Supervisor Monaco read the first paragraph of the CSAC draft policy direction on state water proposals.

CAO Susan Thompson stated she would be getting written reports to Board members with regards to the drought in the county and some of the things that have happened in regard to the Delta Smelt noting we are in a very serious situation statewide at this time.

Supervisor Loe thanked everyone who participated in the Jazz Under the Stars event that was held on July 19<sup>th</sup> at the Ridgemark Tennis Facility benefiting the Emmaus House and the Homeless Task Force stating it was a huge success.

Supervisor Loe reminded everyone that the Relay for Life event opens Friday, August 1, 2008 at 4:00 p.m. at the High School football field.

## **CONSENT AGENDA:**

Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus, approved Consent Agenda Items 1 through 23 with the exception of Item 16, which was moved to the next meeting, Items 18 and 19 which were pulled for discussion, Item 20 which was removed from the agenda and Item 24 which was pulled for discussion. (Unanimous)

**ADMINISTRATION:**

- 1) **Approved** rejection of all bids for the Courthouse Modifications project. *File #119*
- 2) **Approved** Amendment #2 with Wald, Ruhnke, and Dost Architects, LLP reducing the compensation by \$13,317.35 for a total agreement amount of \$144,048.65. *File #119*
- 3) **Approved** contract with Hollister Veterinarian Clinic to provide veterinarian services for the County of San Benito for the period of July 1, 2008 to June 30, 2010 in amount not to exceed \$6,000 annually. *File #119*

**AGRICULTURAL COMMISSIONER – P. Matulich:**

- 4) **Approved** contract Amendment #1 with the California Dept. of Food & Agriculture for Light Brown Apple Moth Trapping services for FY 2007/2008 to amend contract by an additional amount of \$1,490.00 for total of \$11,107.00. *File #1.1*
- 5) **Approved** contract with the California Dept. of Food & Agriculture for Organic Inspection Services for FY 2008/2009 in the amount of \$4,675.00 and **authorized** Agricultural Commissioner to sign contract certification. *File #1.1*

**BEHAVIORAL HEALTH – A. Yamamoto:**

- 6) **Approved** contract renewal with John Muir Behavioral Health Center for inpatient acute, psychiatric hospital care for the FY 2008/09 for amount not to exceed \$50,000. *File #810*
- 7) **Approved** contract renewal with Victor Treatment Inc. for mental health services for the FY 2008/09 for amount not to exceed \$80,000. *File #810*
- 8) **Approved** contract with JDT Consultants for Therapeutic Behavioral Services for the FY 2008/09 for amount not to exceed \$50,000. *File #810*
- 9) **Approved** contract renewal with Project Ninety, Inc. for residential substance abuse treatment and recovery services for the FY 2008/09 in amount not to exceed \$105,000. *File #810*
- 10) **Approved** contract with Unity Care Group Inc. for mental health services for the FY 2008/09 in amount not to exceed \$75,000. *File #810*
- 11) **Approved** contract renewals with Heritage Oaks Hospital, Inc. and Sierra Vista Hospital, Inc. for inpatient psychiatric hospital services for the FY 2008/09 in amount not to exceed \$50,000. *File #810*
- 12) **Approved** contract renewal with St. Helena Hospital Center for Behavioral Health and St. Helena Hospital for psychiatric hospital services for FY 2008/09 in amount not to exceed \$50,000. *File #810*

- 13) **Approved** contract renewal with Santa Cruz Counseling Center, Inc., Si Se Puede & Hermanas Facilities for residential substance abuse treatment for a maximum total of \$115,190.20 for the FY 2008/09. *File #810*
- 14) **Approved** contract with Cal State University Monterey Bay for student intern field placement for the period of July 22, 2008 to July 22, 2011 and **authorized** the County Behavioral Health Director to sign. *File #810*
- 15) **Approved** contract renewal with Merced County for psychiatric health facility and outpatient clinic services in the amount of \$75,000 for the period of July 1, 2008 to June 20, 2010. *File #810*

**CITY OF HOLLISTER – W. Avera:**

- 16) Adopt Resolution authorizing the submittal of the 2007 Comprehensive Economic Development Strategy (CEDs) report to the Economic Development Administration. (Res. No. 2008-82)  
***This item was moved to the next meeting on August 5, 2008.***

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

- 17) **Approved** the action minutes for the meeting of June 24, 2008 and the special meetings of July 3, 2008 and July 8, 2008.

**INTERNAL SERVICES – R. Inman:**

- 18) **Approve amended job descriptions for Communications Dispatcher II and III to require completion of Basic Dispatcher Course and possession of a Dispatcher Certification from P.O.S.T. be attained within one (1) year from date of hire.**

Chairman De La Cruz asked about the requirement for P.O.S.T. certification within one year.

Director of Internal Services Rich Inman explained that P.O.S.T. is discretionary for a local agency and is not a requirement and this standard has been a hindrance to our ability to recruit dispatchers which is a critical piece to our public protection program. Mr. Inman stated that this will enhance the recruitment process and the Sheriff agrees with this process.

**BOARD ACTION:** *Upon motion made by Supervisor Marcus and seconded by Supervisor Monaco, approved Item 18 as requested.(Unanimous) File #630*

- 19) **Approve hourly rate of \$86 for the County Medical Director and Public Health officer.**

Chairman De La Cruz asked about the justification of this increase?

Internal Services Rich Inman explained that this has been discussed for over a year about the compensation for these positions. Mr. Inman noted that there has not been an increase since 1994 and it makes sense to do this now.

Mr. Inman answered questions posed by Board members.

**BOARD ACTION:** *Upon motion made by Supervisor Botelho and seconded by Supervisor Marcus approved hourly rate of \$86 as requested.(Unanimous) File #630*

- 20) Award bid and approve contract with Mobile Modular Management for the construction of the interior walls for the Ag Commissioner Modular Facility as the lowest bidder at a total not to exceed \$19,708.  
***This item was removed from the agenda.***

**PROBATION DEPARTMENT- B. Cardall:**

- 21) ***Approved*** agreement with the San Benito County Office of Education to continue the Truancy Reduction Program for the FY 2008/09 in amount of \$47,500. *File #510*

**SHERIFF'S DEPARTMENT – C. Hill:**

- 22) ***Authorized*** the applicant grant (OES Manager) to submit the Emergency Operations Center Facility Construction Grant on behalf of the County Operation Area. *File #75.5*
- 23) ***Made*** a finding that it would not be in the best interest of the public to go out for a competitive bid and ***declared*** Eden Radio as a sole source provider for radio maintenance and ***approved*** contract renewal with Eden Radio, Inc. for maintenance and repair for the repeater sites effective July 1, 2008 to June 30, 2009 at a cost not to exceed \$26,400. *File #110*

**TREASURER/TAX COLLECTOR –M. L. Andrade:**

- 24) **Approve contract with Martha Romero for outside counsel for bankruptcy case in an amount not to exceed \$6,500.00.**

Supervisor Loe expressed concern that it may not be feasible to handle this matter in this manner and wondered if it was worth it since we would only receive \$7700 from this bankruptcy case and asked if the other districts involved would be paying anything towards the attorneys fees.

Treasurer/Tax Collector Mary Lou Andrade explained that we have a method in place already where all the parties would be taxed money prior to them receiving the money - our cost for Tax Collector, Assessor, Auditor and other agencies – they deduct those costs prior to distributing the tax money so actually we're covered. So if our fees go up then we pull more money on those portions.

Lengthy discussion ensued regarding the feasibility of hiring outside counsel.

**BOARD ACTION:** *Directed the County Administrative Officer to work with County Counsel and the Treasurer/Tax Collector and come back as soon as possible with answers pertaining to other districts involved (cost sharing), possible assistance from the State and to provide early feedback on whether or not we might actually collect. File #675*

**REGULAR AGENDA:**

**ADMINISTRATION – S. Thompson:**

- 25) **Status update on the Zebra Mussel infestation and eradication plan – San Justo Reservoir.**

County Administrative Officer (CA0) Susan Thompson provided background information stating that the County of Fresno, in cooperation with a number of state

agencies and local agencies, have been working for several months on the issue of Zebra Mussels at the San Justo Reservoir. CAO Thompson announced that today the Bureau of Reclamation was present to discuss details about what's happening, where we are and where we think we're going and there are also representatives present from the Department of Fish & Game and the San Benito County Water District.

CAO Thompson introduced Michael Jackson, the Area Manager of the South Central California Area Office of the Bureau of Reclamation who would be providing an introductory Power Point Presentation.

Mr. Jackson provided a Power Point Presentation titled "Invasive Species Briefing to San Benito County Board of Supervisors, July 22, 2008". The presentation included the following points:

- What are quagga and zebra mussels?
- How Mussels Spread
- Impacts to Waterways and Systems
- Impacts to the Environment
- Zebra Mussels in San Justo Reservoir
- Current and Proposed Actions
- Environmental Compliance

Harry Blohm, San Benito County Water District Senior Consultant addressed the Board stating that San Justo Reservoir is critical to the operation of the Water District

Questions posed by the Board were answered by Mr. Blohm, Mr. Jackson and representatives from State Department of Fish & Game.

Lengthy discussion ensued with regards to the eradication process, the possible use of potash for eradication, not jeopardizing the use of this water; and, the situation pertaining to use of boats that may be infected from San Benito County in other lakes in California and how each county differs in allowing boats into their lakes through some sort of examination process.

Mr. Blohm reported that the San Benito County Water District has retained a consultant and they have developed a work plan for dealing with all issues simultaneously. Mr. Blohm stated that the issues include: Making sure we deal with all water allocations; making sure we protect the valuable resource for the future; anything we do now does not cause the Mussels to migrate into the water system; the possible migration of mussels into the system; address concerns that as we drop the reservoir that should the areas be exposed where there is leakage that we have a better understanding of what action need to be taken just to protect reservoir and its surrounding areas. Mr. Blohm said the Water District is working the Bureau of Reclamation, who own the reservoir, and there will be a plan completed.

*No action taken. Received report. File #119*

#### **AGRICULTURAL COMMISSIONER – P. Matulich:**

26) **Accept the 2007 Crop Report and authorize the release of the report to the public via the department web site.**

Agricultural Commissioner Paul Matulich submitted the 2007 San Benito Crop Report and gave a verbal report.

**BOARD ACTION:** *Upon motion made by Supervisor Marcus and seconded by Supervisors Monaco, accepted the 2007 Crop Report and authorized the release of the report via the department website. (Unanimous) File #1.1*

**CITY OF HOLLISTER REDEVELOPMENT AGENCY – W. Avera:**

- 27) **Adopt Resolution subordinating the County’s interest in tax increment revenues to proposed bonded indebtedness of the Redevelopment Agency of the City of Hollister.**

Bill Avera, City of Hollister Redevelopment Agency (RDA), provided background information explaining that in 1984 the RDA and the County entered into a pass-through agreement which essentially is a guarantee that County of San Benito is not hurt financially by the RDA so all of the property taxes that the County would normally receive in the project area continue to come through the County. This is the eighth year that the RDA has come before the Board of Supervisors within the last 25 years to have this subordination agreement considered by the Board of Supervisors. Mr. Avera noted that currently the pass-through agreement for the County is about \$2.4 million annually.

Mr. Avera referred to a spreadsheet, which was included in the Board’s packets, prepared by the RDA underwriters illustrating how much of the growth income money is generated on an annual basis.

**BOARD ACTION:** *Upon motion made by Supervisor Monaco and seconded by Supervisor Marcus, adopted Resolution No. 2008-83 subordinating the County’s interest in tax increment revenue to proposed bond indebtedness of the Redevelopment Agency of the City of Hollister. (Unanimous) File #20*

**INTERNAL SERVICES – R. Inman:**

- 28) **Approve “Car Allowance Policy”.**

Internal Services Director Rich Inman explained that the intent of the Car Allowance Policy is to correct an ambiguity that exists. Mr. Inman stated that all of the department heads currently receive a \$500 a month car allowance and this policy will distinguish the difference between what travel is covered by a car allowance and what travel is eligible for a per mile reimbursement for county related business travel. This policy would establish a fifty (50) mile radius that applies to the car allowance and when that radius is exceeded then mileage reimbursement would be allowable.

**BOARD ACTION:** *Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, approved the Car Allowance Policy as recommended. (Unanimous) File #630*

**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.)*

The Board adjourned into Closed Session at 11:05 a.m. and reconvened into Regular Session at 1:49 p.m. (after lunch break) re:

- 29) **Public Employee performance evaluation – Title: County Counsel – (Government Code Section 54957)**

***No reportable action. File #235.6***

- 30) **Authority: California Government Code Section 54957  
Consider Discipline/Dismissal/Release matter of a Public Employee**

**BOARD ACTION:** *Adopted Resolution No. 2008-82 providing disability retirement for Deputy Sheriff. (Unanimous) File #235.6*

- 31) **Conference with Legal Counsel – Existing Litigation – (Subdivision(a) of Section 54956.9)**  
**Number of Cases:**
1. *Guerrero v. County of San Benito, et al*; U.S. District Ct., North District; Case No. CO8-00307 PVT.  
**No reportable action.**
  2. *Monteon v. Scagliotti, et al*; San Benito County Superior Court; Case No. CU-03-00150.  
**No reportable action.**
  3. *Sarsfield v. County of San Benito, et al*; U.S. District Court, Northern District; Case No. C07-2528 JF.  
**No reportable action.**
  4. *Del Carlo v. County of San Benito, et al*, Superior Court, San Benito County; Case No. CU-06-00078.  
**BOARD ACTION:** *Authorized hiring of outside counsel to represent County in this case. (3-2 vote. Monaco & De La Cruz voted no.)*
  5. *Friends of Tres Pinos v. County of San Benito, et al*; Superior Court, San Benito County; Case No CU-07-00186.  
**No reportable action. File #235.6**

## **AFTERNOON AGENDA**

### **1:30 P.M.**

<b>CONSENT AGENDA:</b>
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*Upon motion made by Supervisor Monaco and seconded by Supervisor approved Consent Agenda Items 32 through 40 with the exception of Item 33, which was pulled for a correction to the agenda, and Item 41 also pulled for discussion. (Unanimous)*

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

- 32) **Appointed** Ms. Maria Davies to the Youth Employment Council to represent the San Benito High School-Workability Program for term effective July 22, 2008. (CSWD) *File #939*
- 33) **Approve contract with City of San Jose for Housing Opportunities for Persons with Aids (HOPWA) for the period of July 1, 2008 to June 20, 2009 in the amount of \$25,950 and authorize the H&HSA Director to sign contract.**  
 Health & Human Services Agency Director Kathy Flores noted that there should be a correction to the agenda changing the end date to June 30, 2009.  
**BOARD ACTION:** *Upon motion made by Supervisor Marcus and seconded by Supervisor Monaco, approved contract with the City of San Jose for Housing Opportunities for persons with aids (HOPWA) for the period July 1, 2008 to June 30, 2009 in the amount of \$25,950 and authorized the H&HAS Director to sign contract. (Unanimous) File #130*
- 34) **Approved** Amendment #1 to contract with Michelle House to provide program evaluation services for the Tobacco Control Program for the period of April 1,



2007 to June 30, 2010 for an amount not to exceed \$9,000 and **directed** H&HSA Director to sign amendment. *File #130*

- 35) **Approved** contract with the National Council on Crime and Delinquency for Structured Decision Making (SDM) Child Welfare Risk Assessment Tool for the period July 1, 2008 to June 30, 2009 in amount of \$23,000 and **authorized** the H&HSA Director to sign contract. *File #130*
- 36) **Approved** contract renewal with Janette Simin for nursing services for the period of July 21, 2008 to October 24, 2008 in amount not to exceed \$13,000 and **authorized** the H&HSA Director to sign contract. *File #420*
- 37) **Re-appointed** Ms. Soila Rojas to the Workforce Investment Board to represent the private sector agency for a three-year term effective August 1, 2008 to July 31, 2011. *File #939*

**PUBLIC WORKS DEPARTMENT – J. Lo:**

- 38) **Approved** contract with Christina Perez Architect, Wald, Ruhnke & Dost Architects, LLP and Huboi Architecture for architectural and engineering services in an amount not to exceed \$75,000 for each contract for the period of July 1, 2008 to June 30, 2009. *File #105*
- 39) **Adopted** specifications for the purchase, delivery and application of the Asphaltic Emulsion for the Chip Seal Project and **directed** staff to solicit bids for the work and **ratified** the public notice. *File #105*
- 40) **Approved** authorization agreement with Clearwire and T-Mobile to perform preliminary testing to construct and operate communication facilities at Veterans Memorial park and **authorized** chair to sign the agreement and letter of authorization. *File #105*
- 41) **Award contract to Johnson Controls, Inc., as the lowest responsive, responsible bidder for the repair to an evaporative cooler and installation of a heat pump at Juvenile Hall in an amount not to exceed \$42,310 and authorize the Public Works Director to approve change orders, when needed, not to exceed 10% of the contract amount.**

Supervisor Marcus expressed concern that only one bid was received. Chief Probation Officer Brent Cardall explained that they contacted 14 agencies, and nine agencies were actually called, to give them a heads up and it was also advertised in the newspaper. CPO Cardall stated they only received one bid.

*Chairman De La Cruz stated that this type of practice for getting information out for potential bids should be implemented, not only placing the ad in the newspaper but to call individuals that can meet the requirements for the job specifications.*

CAO Susan Thompson stated that we will certainly implement these practices when we can and she asked that departments add this information to their agenda items so we don't have to answer this question every time.

**BOARD ACTION:** *Upon motion made by Supervisor Marcus and seconded by Supervisor Monaco, 1) Accepted the bid received by Johnson Controls, Inc. as responsive; 2) Awarded contract to Johnson Controls, Inc. as the lowest responsive, responsible bidder for repairs to the evaporative cooler and installation of a heat pump*

at Juvenile Hall, in an amount not to exceed \$42,310, and authorized the Chair to sign said contract; and, 3) Authorized the Public Works Director to approve change orders, when needed, not to exceed 10% of the contract amount, or \$4,231.

## **REGULAR AGENDA:**

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

#### **42) Receive report on outreach and mosquito abatement program activities.**

Health & Human Services Agency Director Kathy Flores and Agricultural Commissioner Paul Matulich provided an update on what the West Nile Virus Task Force is doing right now and also an update on the mosquito abatement program activities.

Ms. Flores reported that Ag Commissioner and his staff have began the task of treating areas that have been designated as potential breeding grounds for mosquitoes and they have now found a big challenge mainly due to the foreclosure situation that has occurred in this county and statewide with regards to abandoned swimming pools and we are calling “green pools”. Ms. Flores reported that 40 pools have been identified that need to be treated. Ms. Flores further reported that they are working with the City of Hollister to coordinate these efforts.

Ms. Flores stated that Mike Chambliss from the City of Hollister; Stacy Watson, County Code Enforcement Officer; and, Bob Shingai, Environmental Health Department were all present to answer questions.

Ag. Commissioner Paul Matulich reported that the second treatment of storm drains would start in October. Mr. Matulich further reported that currently the program has traps at 11 different locations to identify different types of mosquitoes. The Sentinel Chicken Flocks located in the Lovers Lane area are doing very well and supplying a lot of eggs. 37 green pools have been contacted and 21 have been treated and we have been unable to get to the remaining 16 and are in the warrant process for forced entry.

Mr. Matulich further reported that out of the approximately 2500 homes in foreclosure there are an estimated 200 to 300 pools on these properties. Mr. Matulich stated that we are currently in a re-active program rather than pro-active because of the extra work that the green pools has created.

Mike Chambliss from the City of Hollister and Shawn Miller, Vector Control Technician, County of San Benito answered questions posed by Board members.

*Accepted Report. File #130*

#### **43) Recommend preparation of contract amendment extending AMR’s contract for an additional five years beyond current termination date of June 30, 2009.**

Health & Human Services Agency Director Kathy Flores indicated that supplemental information had been placed on the desks of the Board of Supervisors and there were additional copies in the back of the chambers for public review. This document is clarifying language that will be incorporated into the staff report as she presents it today. Ms. Flores announced that there were representatives from the American Medical Response (AMR) present.

Ms. Flores provided background information stating that on May 27, 2008 the Board directed staff to proceed with a five-year contract extension to the current AMR contract. Ms. Flores explained the provisions of the contract and the proposed contract revisions. Ms. Flores stated that staff recommends Option 3 for a restructured billing scheme as detailed in the staff report. Ms. Flores indicated that it was likely that

Emergency Medical Services (EMS) would not need to pursue Proposition 218 process if this was approved today.

**BOARD ACTION:** *Upon motion made by Supervisor Botelho and seconded by Supervisor Marcus, directed staff to proceed with preparation of contract amendment extending AMR's contract for an additional five years beyond the current termination date of June 30, 2009 and to incorporate Option 3 into said amendment, with an effective date of July 1, 2009. (Unanimous) File #1068*

**44) Accept the H & HSA Director's report related to recent Wildfires.**

Health & Human Services Agency Director Kathy Flores provided background information stating she was asked to provide an update on the health advisories that have been issued recently related to wildfires and the air quality. Ms. Flores introduced Dr. Elizabeth Falade, County Public Health Officer and Ed Kendig, Director for the Monterey Bay Unified Air Pollution Control District who were present to provide reports.

Dr. Falade reported that on July 10, 2008 the San Benito County Health Department received a health advisory from Monterey County indicating that they were highly affected by the fires burning in that area noting that subsequent advisories were sent to our County Health Department. Dr. Falade reported that here in San Benito County they have only received one or two inquiries about scratchy throat or itchy eyes. Dr. Falade stated that she has sent out a health advisory for our county to alert people what they can do themselves to prevent the effects from the smoky air.

Mr. Kendig reported that this has been a very bad summer in California so far. Mr. Kendig stated that there have been hundreds and hundreds of fires throughout the state covering all of the state in a blanket of smoke for weeks. Mr. Kendig noted that the two biggest fires in the state at this time are still going in South Monterey County, the Indians Fire and the Basin Complex Fire, which together now total over 220,000 acres. Mr. Kendig reported that the smoke produced from these fires just in Monterey County has been colossal; however, San Benito County has experienced less of an impact. Mr. Kendig referred to his handout, a written report to the Board, "Air District Response to Wild Fires" noting that there were enough copies for members of the public. *File #130*

**PUBLIC WORKS DEPARTMENT – J. Lo:**

**45) Receive Status report on the Stonegate community water emergency and direct staff as necessary.**

County Administrative Officer Susan Thompson provided background information stating that over the past several weeks County Public Works staff, in cooperation with the San Benito County Water District, have been engaged in an intensive activity to address a water emergency that is affecting the residents and homeowners of Stonegate (CSA #31). CAO Thompson stated that the county has been working with the Stonegate Homeowners Association, who are represented here today, the Tres Pinos Water District, the City of Hollister and also the Sunnyslope Water District. Ms. Thompson stated that she is very grateful for the quickness and the spirit with which people are responding.

Public Works Director Jerry Lo reported that the Stonegate Community (CSA 31) has been issued two emergency notices. The first notice sent out on July 11, 2008 stated that the use of blue-valve water for landscape watering must stop immediately until further notice, and the second notice sent out on July 16, 2008 prohibited all landscape watering and also limited water to 50 gallons person per day. Mr. Lo reported that the San Benito County Water District is currently working to identify potential water transfers from other users within and outside of its system to ensure that

adequate water is available to the Stonegate community for health and safety purposes through the summer rationing period ending August 31, 2008.

Lengthy discussion ensued.

Mike Randall, President of the Homeowners Association of Stonegate, addressed the Board stating that this is an emergency situation and we need to find a solution. Mr. Randall stated that the Board of Supervisors' support is critical to declare a State of Emergency Declaration.

Anne Hall, San Benito Engineering, who provides engineering services for the Tres Pinos Water District, stated that the Board could decide today to declare an emergency and this would help with Caltrans allowing a pipeline across Highway 25.

The following Stonegate homeowners addressed the Board of Supervisors: Mike Beecham; Wendy Krulee; John Gianelli; and, Gordon Wood.

*It was a unanimous consensus of the Board of Supervisors to have metering of water usage from each residence monitored.*

County Counsel Dennis LeClere explained that a 7-day notice and public hearing are required in order to declare an emergency situation.

CAO Thompson reported that there would be a meeting with the San Benito County Water District and Stonegate representatives and other interested parties on Thursday and the lines of communications are being kept open. The five options that have been discussed and need to be explored are:

1. Tres Pinos hook-up on a permanent basis and not a temporary.
2. Need to explore a hook-up to Sunnyslope Water District, which could be as much as five years out and needs to be discussed.
3. A new well – whether it is a Granite Rock well; or,
4. Another well in another place.
5. Getting their existing well, already in place, brought into the system.

Supervisor Loe stated that she had no problem exploring these options and if the county is paying for something that it could be paid back over a long term.

Jeff Cattaeno, San Benito County Water District Manager, stated that as far as the transfer of the water there has always been some concern about moving the Zone 3 water into Zone 6 but the Water District has always been open to that and working with the community to try to overcome that issue.

Supervisor Marcus stated that the people of Stonegate need a short term fix which needs to be clearly defined and needs to be done right away and it needs to be facilitated by somebody such as a water expert and possibly a sub-committee, to work on this on a day to day basis to get the short term fix accomplished within the next week or two. Supervisor Marcus stated that the long-term fix is going to take years.

*The Board of Supervisors agreed with the forming of an ad hoc committee with at least one or two Board members working on this issue to expedite the results.*

Supervisor Monaco agreed with the forming of a committee and also supports having an outside water expert for advice. Supervisor Monaco stated that immediate concerns have been dealt with at some level but long-term solutions need to be seriously looked at.

Discussion ensued with regards to the Prop. 218 process.

**BOARD ACTIONS:** *Direction was given to move forward with a short-term fix; get the metering of water usage process into place immediately; set a public hearing as soon as possible (August 5, 2008) to consider a proposed resolution declaring a water shortage emergency and come back with answers pertaining to the cost of a water expert and the scope of work and to provide an update on short-term fix options.*

*An ad hoc committee was created consisting of San Benito County Water District representative; Tres Pinos Water District representative; Mike Randall, Stonegate*

*Homeowners Association President; County Administrative Officer Susan Thompson and District 4 Supervisor Reb Monaco.*  
*CSA 31 / 105.3 Files.*

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, Marcus, Botelho, De La Cruz  
NOES: SUPERVISORS: None  
ABSENT: SUPERVISORS: None

There being no further business the Board adjourned at 4:00 p.m. to August 5, 2008 at 9:00 a.m. for a regular meeting.

**JAIME DE LA CRUZ, CHAIRMAN**  
San Benito County Board of Supervisors

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