



SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios
District No. 1

Anthony Botelho
District No. 2
Vice-Chair

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4

Jaime De La Cruz
District No. 5
Chair

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

SPECIAL MEETING NOVEMBER 1, 2012 ACTION MINUTES

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in *special session*. Supervisors Botelho, Rivas, Muenzer and De La Cruz were present. Also present was County Counsel Matt Granger and Clerk of the Board Denise Thome. Supervisor Barrios was absent. Chairman De La Cruz presided.

6:00 p.m. CALL TO ORDER:

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

REGULAR AGENDA:

PLANNING DEPARTMENT – G. Armstrong:

1) Oil and Gas Well Ordinance workshop.

Chairman De La Cruz went over the format for the workshop. He stated that Supervisors Muenzer and Botelho were on the task force. He noted that Supervisor Barrios was in Sacramento regarding AB 109.

Assistant Planning Director Byron Turner gave a PowerPoint presentation.

Seth Capron and Wayne Norton gave a PowerPoint presentation during their allotted speaking time.

Blair Knox, Director of Public Affairs for California Independent Petroleum Association stated that his members sell to refineries and produce about 70% of what is produced in California. He indicated that he would like to see the committee look at a side by side analysis. He further invited the other regulatory agencies to speak to the committee and wanted a cost benefit analysis.

San Benito County resident Graham Mackie understood why citizens were sensitive to drilling and fracking, but there were no environmental problems with fracking. He spoke of adequate control as it exists and asked why they would add another level when the county already has fiscal problems. He added that most drilling was done on private land and they are going to make sure the land is protected. He stated that to his knowledge, there were no problems with

drilling companies in San Benito County since he moved here in 1979. He concluded by stating why fix something that's not broken.

Aromas citizen Rob Ryan congratulated Planning on requiring exposure of fluids in fracking fluids. He added that he had read about thousands of problems with fracking and felt they should find out what has happened to other communities like ours. He felt Supervisor Muenzer should ask County Counsel if he should recuse himself as he had direct economic benefit if it fails.

George Willis Devon Pack felt there were 3 elements to look at which were; cumulative impact, transparency and seismological double checks.

Steve Coombs, President of Patriot Resources, LLC, stated that he had a small oil operation in South County and was a petroleum engineer. He expressed concern with the proposed regulations and that people have a fear of the unknown. He added that the comments came from a lack of knowledge and understanding. He stated that the level of activity in San Benito County is very low and he did not believe there would be a rush in the county. He asked the Board to consider why they would pass regulations in a county with very little activity until they identified the concerns.

San Benito County resident Pat Lerman expressed astonishment by the comments from the oil industry and waiting till after there was a problem. He added that if there is not much activity, this was the time to address it before something happens. He noted that there were no other agencies regulating this and that Division of Oil, Gas, & Geothermal Resources (DOGGR) had no regulations for fracking. He indicated that there were no fracking accidents because they're not reported. He stated that it was happening all over California and agencies were having to deal with it because it is not being regulated. He noted that Patriot Resources has a lot of wells and was not a Mom and Pop operation.

Phyllis Katz spoke of what DOGGR will govern and what is in the county guidelines. She explained that DOGGR did the underground and the county governs what comes back up out of the wells and how the groundwater was being treated, oil refuge with soil and air and noticing before drilling takes place. She stated that in regards to the permitting process most wells being drilled were by limited liability drillers and what the county puts in place will protect residents, resources, environment and wild life.

There being no further comment, the Chairman closed the public comment.

Supervisor Rivas commented that it was great to have an evening meeting with participants who were unable to attend the morning sessions. He spoke of the deregulation of our financial markets and that people at the top did not suffer, but the middle class did. He stated that he wanted to be proactive and that they could suffer if something happens. The oil companies won't suffer. He understood that they could not ban oil drilling but they needed to be cognizant. Supervisor Rivas felt they needed to protect public health, safety and quality of life in San Benito County. He stated that fracking was based on opinion and they did not know the results because it has not been tracked. He stated that he knew where he stood and thanked everyone for coming.

Supervisor Muenzer thanked everyone for coming out. He stated that he would not address the accusation made towards him. He added that it was not correct and was misstated. He indicated that he would speak with County Counsel and looked forward to working with the committee and had every intention of working with the committee.

Supervisor Botelho also thanked everyone for coming out that evening. He explained that the ad hoc committee would sit down with staff and take comments from tonight and do their best to craft an ordinance built on the consensus and most importantly, protect San Benito County.

Chairman De La Cruz thanked the audience for being there and having respect for one another. *(File #790)*

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:	De La Cruz, Botelho, Rivas, Muenzer
NOES:	SUPERVISORS:	None
ABSENT:	SUPERVISORS:	Barrios

There being no further business, the Board adjourned at 6:52 p.m. to November 6, 2012 at 9:00 a.m.

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

ATTEST:
Denise R. Thome, Clerk of the Board