



# SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios  
District No. 1

Anthony Botelho  
District No. 2  
Chair

Robert Rivas  
District No. 3

Jerry Muenzer  
District No. 4  
Vice-Chair

Jaime De La Cruz  
District No. 5

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

## REGULAR MEETING MAY 7, 2013 ACTION MINUTES

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in *regular session*. Supervisors De La Cruz, Rivas, Barrios, Muenzer and Botelho were present. Also present were Assistant County Counsel Barbara Thompson, Interim County Administrative Officer Ray Espinosa and Clerk of the Board Denise Thome. Chairman Botelho presided.

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

- a) Supervisor De La Cruz led the Pledge of Allegiance.
- b) *Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Rivas, acknowledged Certificate of Posting.*

### c) PRESENTATIONS & RECOGNITIONS:

#### **Present Proclamation declaring May 19-25, 2013 as “National Public Works Week”.**

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas, **approved** the proclamation declaring May 19-25, 2013 as “National Public Works Week”. (Unanimous) (File #430)*

Supervisor Muenzer presented the proclamation to Public Works Administrator Steve Wittry.

#### **Present Proclamation recognizing May 18, 2013 as National Kids to Parks Day.**

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas, **approved** the proclamation recognizing May 18, 2013 as “National Kids to Parks Day”. (Unanimous) (File #93)*

Supervisor Barrios presented the proclamation to Vice-Chair of the San Benito County Parks and Recreation Commission, Debra Cable.

### d) Public Comment:

Teresa Owens, office manager for Marsh Creek, LLC indicated that their client was Homes for Troops and they were requesting to be added to a future agenda to request the waiver of building impact fees for an injured vet.

Chairman Botelho suggested speaking to the district supervisor.

Ms. Owens replied that she had and was told to come to the meeting.

Hollister resident Marty Richman spoke in support of the Homes for Troops program.

e) **Department Head Announcements:**

Interim CAO Ray Espinosa indicated that they would be moving item #12, managed care, to the last item on the agenda and moving item #22, oil ordinance, to the first item on the regular agenda.

Council of Government (COG) Director Lisa Rheinheimer announced that Thursday, May 9<sup>th</sup> was "Bike to Work and School Day" and on Tuesday, May 14<sup>th</sup> Association of Monterey Bay Area Governments (AMBAG) would be holding a meeting at 6:00 to 7:30 p.m. at the City of Hollister Community Center to discuss sustainable community strategy and people were encouraged to attend.

f) **Board Announcements:**

Supervisor De La Cruz reported that he had attended the Homes for Troops event. He asked that their request be put on a future agenda.

Supervisor Muenzer thanked all firefighters that kept the fire in the Tres Pinos Hills from causing any structural damage. He added that it was shaping up to be a bad fire season and asked all to be careful with combustible items. He reported that he had attended an Off Highway Motor Vehicle Commission meeting in San Jose regarding the Bureau of Land Management final EIS. He added that he went to Sacramento and there was a successful day of testimony on SB446 with a 5-0 vote in favor of moving to the appropriation committee.

Supervisor Barrios supported Supervisor De La Cruz's request to put the Homes for Troops on the agenda, noting that it was now a formal request from two supervisors. She spoke of the Continuum of Care grant for the homeless and thanked HHSA and the Homeless Coalition for placing families. She reported that the Intergovernmental Committee planned to discuss the shopping cart dilemma issue in the county and that they would like to explore. She further reported that she attended the Pajaro River Watershed meeting and that the silt study was done. She stated that she would report on the results at a later date.

**CONSENT AGENDA:**

*Upon motion duly made by Supervisor Rivas and seconded by Supervisor De La Cruz, **approved** Consent Agenda items with the exception of Items 4,7,8 and 9 which were pulled for discussion. (Unanimous)*

**CLERK OF THE BOARD – D. Thome:**

- 1) **Approved** the action minutes of the November 13, 2012 Special Meeting Board Retreat.

**COUNTY COUNSEL – M. Granger:**

- 2) **Approved** legal services contract with the law firm of Miller Starr Regalia, related to processing and forming the Santana Ranch CFD, in an amount not to exceed \$15,000. (File #160)

**COUNTY COUNSEL – M. Granger:**

- 3) **Adopted Resolution No. 2013-31 approving** contract with the law firm of Renne Sloan Holtzman Sakai LLP for the services of an Interim Human Services

Director, **authorizing** County Counsel to execute the contract and taking other related action. (File #160)

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

Item pulled for discussion.

- 4) **Approve the Kofile Preservation Inc. (DBA-Brown River Marotti Co.) contract for the preservation and restoration of official records for the period of May 1, 2013 through July 30, 2013, in amount not to exceed \$80,000.**

Supervisor Barrios asked why it had not gone out to bid.

Clerk-Auditor-Recorder Joe Paul Gonzalez explained that they had looked at 3 different companies and since then two of them had merged. He indicated that the companies were very specialized. He added that they had been looking at the program for about five years and had been negotiating with Kofile for quite a long time.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Muenzer, **approved** the Kofile Preservation, Inc. (DBA-Brown River Marotti Co.) contract for the preservation and restoration of official records for the period of May 1, 2013 through July 30, 2013 in an amount not to exceed \$80,000. (Unanimous) (File #943.1)*

**HEALTH & HUMAN SERVICES AGENCY – M. Corona:**

- 5) **Re-appointed** Ms. Katherine Hart as the Private Sector Representative for District #4 to the Community Action Board for a three year term effective May 7, 2013 through May 7, 2016. (File #130)

**HEALTH & HUMAN SERVICES AGENCY – M. Corona:**

- 6) **Adopted Resolution No. 2013-32 extending** services for CSA 36 “Emergency Medical Services & Advanced Life Support”. (Unanimous) (File: CSA#36)

**HEALTH & HUMAN SERVICES AGENCY – M. Corona:**

Item pulled for discussion by the public.

- 7) **Approve the Temporary Operating Permit issued to Westmed Ambulance Service.**

Hollister resident Marvin Jones had pulled the item for discussion but then realized it was the wrong item.

*Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Barrios, **approved** the Temporary Operating Permit issued to Westmed Ambulance Service. (Unanimous) (File #130)*

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

- 8) **Approve contract with Ruby Canyon Engineering for Green House Gas Verification Services, on behalf of the Regional Agency for the period of July 1, 2013 through December 31, 2013, at a cost not to exceed \$12,000.**

Supervisor Barrios felt there was confusion as it said not to exceed \$12,000 but it was for \$13,000.

Interim CAO Ray Espinosa explained that Mandy Rose had requested to pull the contract and continue it to the next meeting as she had a family emergency.

Speaking under public comment was Hollister resident Marvin Jones.

Supervisor Barrios made a motion do approve the contract per staff recommendation.

The motion died for lack of a second.

Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Rivas, **continued** the contract with Ruby Canyon Engineering for Green House Gas Verification Services to May 21, 2013. *(The motion passes 4-1 with Supervisor Barrios voting no) File #142*

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

- 9) **Accept all responsive bids in the bid summary report for the Building Improvements – Agriculture Commissioner’s Office project and approve contract for the Building Improvements with John Hodges as the lowest responsive responsible bidder in the amount of \$18,303.86; and authorize the Public Works Administrator to execute the contract and issue change orders, in an amount not to exceed \$5,000.**

Supervisor Barrios asked why they were giving almost a 25% variance for the change order when they usually do 10%.

Public Works Administrator Steve Wittry explained that it was such a small project, the percentage was higher.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas, **accepted** all responsive bids in the bid summary report for the Building Improvements – Agriculture Commissioner’s Office project and **approved** contract for the Building Improvements with John Hodges as the lowest responsive responsible bidder in the amount of \$18,303.86; and **authorized** the Public Works Administrator to execute the contract and issue change orders, in an amount not to exceed \$5,000. (Unanimous) File #105.3*

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

- 10) **Approved** the Budget Adjustment, **increasing** the Public Works-Road Maintenance Fund (2101-303) by \$142,232 from \$2,943,153 to \$3,085,385. (4/5 vote) *(Unanimous) File #105*

**REGULAR AGENDA:**

**BOARD OF SUPERVISORS:**

- 11) **Discussion on Bureau of Land Management Final EIS for Clear Creek; adopt Resolution and approve protest letter setting forth county’s objections to the Final EIS and proposed plan. (Supervisor Muenzer and Barrios)**

Chairman Botelho stated that it was a real important resolution and it was public use of public lands. He added that science didn’t support health issues for problems. He expressed appreciation to staff and supervisors efforts made.

Supervisor Muenzer felt they should draft a resolution regarding HR 1776 and a protest letter. He noted that Congressman Farr had a bill to create Clear Creek Recreation Area and set aside lands for Joaquin Rocks Recreational Area.

Chairman Botelho called for public comment.

Steve Wells stated that he was a life-long resident of Monterey County and he has recreated at Clear Creek for the last 42 years. He stated that he was a healthy 54 year old and there were no health claims regarding Clear Creek. He advised caution about Congressman Sam Farr’s bill as he felt there were other things wrapped up in the bill.

Hollister resident Marty Richman stated there was something wrong when they will not look at science. He felt there had to be a statistical significant risk. He felt they had to fight on principal.

San Benito County resident Debra Cable spoke of the beauty of New Idria and its historical significance which best represented our county. She expressed support of the letter to BLM and felt they should leave the lands open to recreate.

*Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Barrios, **adopted Resolution No. 2013-34** and **approved** the protest letter setting forth the county's objections to the Bureau of Land Management's Final EIS and proposed plan for Clear Creek. (Unanimous) File #755*

## **BOARD OF SUPERVISORS:**

### 12) **Discuss Central California Alliance for Health's decision for not expanding in county and create a sub-committee to address the Alliance's concerns.**

Interim County Administrative Officer Ray Espinosa gave a staff report and noted that the Central California Alliance for Health unanimously voted to not move forward with San Benito County.

Chairman Botelho expressed disappointment, speaking from the community's standpoint, that the health providers couldn't work it out. He added that there were other options for managed care and it was important for the county to be active, show leadership and create an ad hoc committee.

Interim Health and Human Services Agency Director Maria Corona stated that she had called the State to see what the next step was since the Alliance chose not to partner with the county. She added that managed care will happen September 1, 2013 and they will be choosing a managed health care plan for San Benito County. She indicated that she had talked to them about forming a committee and they thought it was a great idea.

Further discussion ensued by Board members and staff.

Dr. Lawrence Cappel, Executive Director of the San Benito Medical Associates, explained the history of the San Benito Medical Associates and what they do. He speculated the choice would be the Blue Cross network.

Further discussion ensued by Board members and Dr. Cappel.

Chairman Botelho called for public comment.

Gloria Torres, nurse at Hazel Hawkins Hospital, spoke of the exceptional care provided at Hazel Hawkins Hospital.

Darlene De Brito, Director of Diagnostic Imaging at Hazel Hawkins Hospital, spoke of her work experience history and spoke of the attributes of the hospital.

Dr. Ariel Hurtado stated that he was born in Hollister and went to school on a Hazel Hawkins Hospital scholarship. He indicated that he had worked at several hospitals, including Cedar Sinai, and better care was received here at Hazel Hawkins Hospital. He noted that he was an anesthesiologist.

Hollister resident Marty Richman stated that he was coming to the Board as a consumer of health services. He stated that the regular health care at Hazel Hawkins Hospital was quality healthcare.

Ken Underwood, Hazel Hawkins Hospital District, stated that the District supported San Benito Medical Associates taking the lead support and their efforts to collaborate with Blue Cross. He expressed further support of a sub-committee that would hopefully evolve into an advisory committee. He recognized nurses as it was nurses' week.

Chairman Botelho appointed Supervisors Barrios and De La Cruz to an ad hoc committee for managed health care.

Supervisor Muenzer directed staff to bring forth a resolution to support the San Benito Medical Association.

Interim CAO Espinosa stated that he could do that.

*File #156*

**BOARD OF SUPERVISORS:**

- 13) **Allow the Interim CAO to request a proposal from the Sheriff and the City of Hollister Police Department for safety services within the County.**

Interim CAO Ray Espinosa gave a staff report.

Discussion ensued between board members and staff.

Hollister resident Marty Richman spoke under public comment and suggested they look at where there was duplication between the Sheriff and the City Police.

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

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor De La Cruz, **allowed** the Interim CAO to request a proposal from the Sheriff and the City of Hollister Police Department for safety services within the County.*

*(Unanimous) File #156*

**BOARD OF SUPERVISORS:**

- 14) **Adopt Resolution supporting Comprehensive Immigration Reform that addresses full legalization with a path to citizenship and future immigration of families and workers.**

Supervisor Rivas explained that he put the resolution on the agenda, following the example of other local governments like Monterey County. He further explained that it calls on national leaders in Congress and the President to do something regarding immigration reform.

Chairman Botelho opened it up for public comment.

Those speaking under public comment were Marty Richman, Marvin Jones, Rob Bernosky, Veronica Diaz, Monica Quiroz Rivera, Natasha Wist, Samuel Ramos, Lizett Rodriguez, Francisco Maravilla, Felicita Gonzalez, Margaret Rebecchi, Mickie Solorio Luna, Alfred Valenzuela, Katrina Valdez, Belen Martinez, Sarait Martinez, Gaylord Smith, Carolyn Israel, David Ponce and Irma Rodriguez.

There being no further speakers, the Chairman closed the public hearing.

Further discussion ensued among board members.

***Adopted Resolution No. 2013-33 supporting Comprehensive Immigration Reform that addresses full legalization with a path to citizenship and future immigration of families and workers.***

*The Board adjourned at 12:02 p.m. for lunch and reconvened at 1:00 p.m.*

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

- 15) **Approve contract with SouthTech Systems for the automating of FPPC Form 700/Statement of Economic Interest for the period of May 7, 2013 to June 30, 2014, in the amount of \$92,107; and approve the budget augmentation to the Election Budget Unit, 1001-140, in the amount of \$92,107. (4/5 vote)**

Assistant County Clerk-Recorder Angela Curro gave a staff report and explained the need for the service not only by their office but that of Clerk of the Board and Human Resources.

Discussion ensued between board members with questions being answered by staff.

Hollister resident Marty Richman spoke under public comment.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas, **approved** contract with SouthTech Systems for the automating of FPPC Form 700/Statement of Economic Interest for the period of May 7, 2013 to June 30, 2014, in the amount of \$92,107; and **approved** the budget augmentation to the Election Budget Unit, 1001-140, in the amount of \$92,107. (4/5 vote) (Unanimous) File #943.1*

#### **HEALTH & HUMAN SERVICES AGENCY – M. Corona:**

- 16) **Approve FY 2012/13 budget augmentation in the amount of \$192,000 for the Community Development Block Grant activities; and approve the use of up to 4.0 Part-Time, Temporary positions of Employment Training Services Counselor I/II's for the duration of the grant funding. (4/5 vote)**

HHS Deputy Director Enrique Arreola gave staff report.

Chairman Botelho asked for clarification on budget and staff which Mr. Arreola gave.

Supervisor Muenzer stated that before they hired part time people they needed to check to see if there were CalPERS issues as they did not want to go down that road again.

*Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Muenzer, **approved** FY 2012/13 budget augmentation in the amount of \$192,000 for the Community Development Block Grant activities; and **approved** the use of up to 4.0 Part-Time, Temporary positions of Employment Training Services Counselor I/II's for the duration of the grant funding. (4/5 vote) (Unanimous 5-0) File #939*

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

- 17) **Review and accept the Annual Rate Adjustment Notification from Recology San Benito County (formerly Norcal Waste Systems of San Benito County).**

Interim CAO Ray Espinosa explained that it was an informational item and that Integrated Waste Management Director Mandy Rose was not at the meeting.

Phil Couchee, Manager of Recology San Benito County, answered the board's questions.

*Upon motion duly made by Supervisor Rivas and seconded by Supervisor De La Cruz, accepted the Annual Rate Adjustment Notification from Recology San Benito. (Unanimous) File #142*

#### **PLANNING DEPARTMENT – G. Armstrong:**

- 18) **Discussion in regards to Brigantino Annexation Fee Reduction/Waiver Request; and provide direction to staff.**

Planning Director Gary Armstrong gave a PowerPoint presentation.

Discussion ensued between board members and staff.

Planning Director Armstrong advised that the Board should consider the precedent they would be setting and noted that if this applicant is successful others may jump on the bandwagon. He added that the fee was due at

occupancy. He suggested that if the board decided on a reduction, they may want to go back to a milestone rate as displayed in the PowerPoint presentation.

Further discussion ensued.

Supervisor Barrios felt that the findings were important. She did not understand why an applicant would pay \$500 and nothing would happen. She added that she would like to make a decision today rather than wait.

Supervisor Rivas felt it was an unfortunate situation but the only thing they could do is go with option 1 or with option 2. He did not want to see a recurrence of the Wendell Chambers deal.

John Brigantino gave the history of the annexation of the property and felt that what happened back then was not above board. He asked to split 50/50 of what the adjusted fee was at that time.

Discussion ensued between the board and Mr. Brigantino.

The Chairman called for public comment.

Hollister resident Marty Richman did not think the board understood how much money was being pulled in and what for. He suggested they make sure it wasn't a double payment. He felt the 50/50 split was fair.

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

Discussion ensued.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Muenzer, **reduced** the fees to 50% of the rate of the annexation fee at the time of occupancy and **directed** staff to work with the City of Hollister to bring back an agreement. (The motion passed 4-1 with Supervisor Rivas voting no). File #790*

#### **PLANNING DEPARTMENT – G. Armstrong:**

##### **19) Receive report on Various Development Agreements.**

Planning Director Gary Armstrong gave update reports on the Solargen, Santana Ranch and Fairview Corners development agreements.

There was no public comment. *File #790*

#### **PLANNING DEPARTMENT – G. Armstrong:**

##### **20) Discuss the merits of the formations of a CSA(s), or alternate financing mechanism, to handle the maintenance of the approved, but not yet constructed projects; and provide direction to staff.**

Planning Director Gary Armstrong gave a staff report.

Brian Curtis of Stonecreek Properties stated that most CSAs in the county have water and sewer issues and that this one was only for road maintenance as it had Sunnyslope water and Hollister sewer.

Discussion ensued between the board and Mr. Curtis.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Botelho, **directed** to move forward and support the development of CSAs for Creekside 5 and Creekside 6 projects. (Unanimous) File #790*

#### **PLANNING DEPARTMENT – G. Armstrong:**

##### **21) Review and consider the proposed amendment of Section 23.25.007 of the San Benito County Code; introduce and waive reading of the ordinance entitled “An Ordinance Amending Sections 23.25.007 of Title 23 of the San Benito County Code pertaining to the requirements of County Service Areas in New Subdivisions” and continue to May 21, 2013 at 9:00 for adoption of the ordinance.**



Assistant Planning Director Byron Turner gave a staff report.

There was no public comment.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas, introduced and waived the reading of the Ordinance and continued the matter to May 21, 2013 at 9:00 a.m. for adoption of the ordinance. (The motion passed 4-0-1 with Supervisor De La Cruz absent for the vote) File #790*

**PLANNING DEPARTMENT – G. Armstrong:**

- 22) **Review and consider the proposed amendment; read title of ordinance for the record: “An Ordinance Amending Chapter 19.21 (“Oil and Gas Wells”) of Title 19 of the San Benito County Code; make the CEQA Finding No. 1, set forth on Attachment “A”; and accept introduction, waiver further reading of the ordinance and continue to May 21, 2013 at 9:00 a.m. for adoption.**

Planning Director Gary Armstrong gave a staff report noting the revisions that had been made.

Assistant County Counsel Barbara Thompson recited the policy decisions and changes. She noted that comments had been received from California Independent Petroleum Association (CIPA) the day before and passed the letter out to the board.

Supervisor Barrios stated that there were typos and she would go over those with County Counsel.

Supervisor Muenzer stated that at the last meeting a representative from Division of Oil, Gas, and Geothermal Resources (DOGGR) stated that the DOGGR bonds covers wells from birth to death. He felt that in the ordinance it was redundant and they were moving into state areas. He suggested changing the word well in that section to facility. He felt they needed to stay out of the state responsibility area.

Chairman Botelho spoke of the protection of San Benito County and the taxpayers. He expressed concern that \$15,000 was not enough for an entire facility and if they went to facility it should be a greater number.

Supervisor Muenzer stated that there would still be a \$100,000 cap and spoke of the definition of how many wells in a facility. He stated that it should be \$15,000 per facility for 6 or fewer facilities with 7 or more facilities having a blanket bond for \$100,000.

Discussion ensued between the board and staff.

Those speaking under public comment were:

Aromas resident Rob Ryan, Natural Resources Defense Council Senior Attorney Damon Nagami, Aromas Water District Director Wayne Norton, San Juan Bautista resident Bill Hunter, Aromas resident Pat Lerman, San Juan Bautista resident Jean Zlotkin, Co-founder of the Prunedale Neighbors Group Ed Mitchell and Aromas resident Seth Capron.

There being no further speakers the chairman closed the public hearing.

Chairman Botelho thanked all who participated in the drafting of this ordinance and felt that it was a good ordinance for a small county. He expressed concern with changing the language at that time noting that bad legislation is legislation that leaves loopholes. He explained that they had met with the oil industry a number of times and them coming forward with the language of facility instead of well smelled like a loophole.

Supervisor Rivas felt most comfortable leaving the language as is. He thanked staff and his colleagues for their work and stated that it was always about taking every step for protection of San Benito County. Protection of the agriculture of the county, the air and water quality and the infrastructure. He indicated that the possible effects of fracking were far too great and he was proud of the ordinance and was impressed by the involvement of the residents.

Supervisor Barrios stated that when DOGGR was at the last meeting they said they collected money from applicants and it had built up and they rarely used it. She stated that she knew they were doing the right thing by this ordinance. She agreed with Supervisor Muenzer to some extent on the amount to cover a cleanup and would be willing to reduce it to \$10,000.

Supervisor Muenzer asked if her intention was to leave the word well in and lower it to \$10,000.

Supervisor Barrios replied yes.

Supervisor Muenzer stated that they had worked hard on the ordinance and it was a defensible document and would work for the long term. He stated that DOGGR bonds ended after a certain amount of time but the responsibility went from birth to death. He asked why the county would be asking for bonding to do that and the bond should be to cover staff to get to the site. He stated that he did not want to kill oil. He felt that it was an idiotic thing to give billions of dollars to people who hate our guts for Middle East and Saudi Arabian oil. He reiterated that he did not want to stop oil drilling in San Benito County. He stated that they were mostly in his district and he would do everything he could to facilitate. Supervisor Muenzer explained that he was looking for one more compromise today.

Chairman Botelho stated that the committee never looked at a complete restraint of oil in the county. He spoke of CIPA's comments and their suggestion to request an additional facility bond if the applicant represents a bad actor. He concluded that if they had a bad actor, it was too late and that an oil well is a huge investment and about a half million to a million per well. He said that \$5,000 was a fraction of the cost and would not make or break. He added that it comes with a cap anyway. He did not feel it was exorbitant.

Assistant County Counsel Thompson suggested that they could change section 19.21.006 at the end of the sentence add a comma before not waive fees. She added that typos need not be read into the record. She asked Supervisor Barrios for the typos she was referring to.

Supervisor Barrios read the typos.

Assistant County Counsel Thompson read the full title of the ordinance into the record.

*Supervisor Muenzer moved to make the CEQA finding #1, accepted the introduction, waived further reading of the ordinance, amended the ordinance by changing the typos specified by Supervisor Barrios, changed well to facilities as read into the record and continued to May 21, 2013 at 9:00 a.m. for adoption. Supervisor Barrios seconded the motion.*

Under the question:

Supervisor Muenzer clarified his motion by stating that in section 19.21.007, wherever well is mentioned, change it to facility or facilities and change to add up to 6 wells.

Chairman Botelho asked if he meant that a facility was 6 wells or less.

Supervisor Muenzer stated that it would be \$15,000 for up to 6 facilities.

Chairman Botelho indicated that 6 wells cover quite an area and the whole intent was to provide the proper level of local oversight and assurance of environment. He commented that you may as well remove financial assurances all together.

Supervisor Barrios asked for an example.

Supervisor Muenzer stated that \$15,000 would cover up to 36 wells under one use permit.

Chairman Botelho surmised that they just approved Citadel's 15 exploratory wells and that would be only \$15,000.

Supervisor Muenzer stated that the intent was that they were looking for a bond to make sure staff has the ability to oversee DOGGR and make sure DOGGR does the clean up.

Supervisor Barrios felt that \$15,000 was a sufficient amount for staff to follow up on DOGGR and make sure requirements are being met.

Planning Director Armstrong felt it was difficult to determine and that it depended on the level of oversight for the occurrence.

Supervisor Rivas stated that they had a huge problem in the county with the budget and were even struggling to keep the library open. He commented that it would incorporate a huge loophole for the oil industry to maximize profits and that is what it amounted to. He posed the question of whether we had the resources to cover that spill and replied absolutely not.

Supervisor Muenzer stated that the money was not coming into the General Fund and the county was not doing the cleanup.

Supervisor Rivas felt that what Supervisor Muenzer was proposing did not make much sense.

Chairman Botelho stated that he understood it was not coming into the General Fund. He stated that when you were out of compliance with the use permit, financial assurances were done routinely in the mining industry. He added that if you don't have \$15,000 to bond, then you shouldn't be in the business.

Supervisor Muenzer clarified his motion by stating that the changes included changing the word well to facility(s) in section 19.21.007 and the definition of facility was that it added up to 6 wells with a blanket bond for more than 7 facilities.

Supervisor Barrios concurred with her second. She stated that she was supporting it because they had made every effort to protect the environment and it makes the county more self sufficient and to not completely make us unfriendly to drilling.

*Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Barrios, **moved** to make the CEQA finding #1, **accepted** the introduction, **waived** further reading of the ordinance, **amended** the ordinance by changing the typos specified by Supervisor Barrios, **changed** well to facilities as read into the record and continued to May 21, 2013 at 9:00 a.m. for adoption.*

*There was a roll call vote with the following results:*

*Supervisor De La Cruz -yes*

*Supervisor Rivas -no*

*Supervisor Barrios -yes*

*Supervisor Muenzer -yes*

*Supervisor Botelho -no*

*The motion passed 3 to 2. File #790*

The Board adjourned for a break at 10:49 a.m. and reconvened into regular session at 10:58 a.m.

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

- 23) **Approve the Lico & Greco Properties LLC Large Lot-Phase I Subdivision Map for Tract Number 300 [TSM #04-70A]; and authorize County Engineer to submit said map to County Recorder for its recordation.**

Public Works Administrator Steve Wittry gave a staff report noting that it was just a formality.

There was no public comment.

*Upon motion duly made by Supervisor Rivas and seconded by Supervisor Muenzer **approved** the Lico & Greco Properties LLC Large Lot-Phase I Subdivision Map for Tract Number 300 [TSM #04-70A]; and **authorized** County Engineer to submit said map to County Recorder for its recordation. (Unanimous) File #105*

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

- 24) **Review Janitorial Services contract proposal and provide direction to staff.**

Public Works Administrator gave a staff report.

Assistant County Counsel asked if the issue should be looked at by the Renee Sloan firm since the previous work had been done by an employee.

Mr. Wittry stated that they have had some sort of custodial contract in place since 1991 and the previous employee only did the Administration Building.

Chairman Botelho expressed his preference to contract out and that he would like to see more frequent cleanings in high use areas.

Interim County Administrative Officer Ray Espinosa reported that due to it being a health and safety issue, Trindell was willing to pay \$5,000 next year.

*Supervisor Muenzer directed staff to go forth and research the numbers and talk to their new Human Resources people. File #105.3*

*Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Barrios, moved to adjourn the meeting.*

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

There being no further business, the Board adjourned at 4:18 p.m. to May 14, 2013 at 9:00 a.m.

**ANTHONY BOTELHO, CHAIRMAN**  
San Benito County Board of Supervisors

**ATTEST:**  
Denise R. Thome, Clerk of the Board