



## 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

### SPECIAL MEETING TUESDAY, JULY 2, 2013 (A.M.) ACTION MINUTES

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

#### REGULAR AGENDA:

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

##### 1) **Request for direction on use of Landfill Rock/John Smith Road Landfill.**

Integrated Waste Management Director Mandy Rose explained that they needed direction on what to do with the landfill rock they excavate, noting that the amount was overwhelming. She spoke of the different options.

Discussion ensued between the Board and staff as to what to do with the rock.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor De La Cruz, **allowed** Public Works the flexibility to determine final use of the rock with encouragement to sell to the highest possible bidder. (Unanimous) File #75.4*

#### PUBLIC HEARING – 9:00 a.m. (Or as soon thereafter as the matter may be heard)

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

##### 2) **Hold a public hearing in regards to revisions to revised rate schedule at John Smith Road Landfill; adopt Resolution revising the rate schedule at John Smith Road Landfill, to take effect immediately. (Res. No. 2013-50)**

Integrated Waste Management Director Mandy Rose gave a staff report.

Chairman Botelho opened the public hearing.

Marty Richman commented that the 20% increase in fee from \$10.00 to \$12.00 was excessive.

Integrated Waste Management Director Rose explained that the fee was \$5.00 for 20 years and in 2005 it was increased to \$10.00. She noted that the subcommittee was going to try and keep up with smaller increases.

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

*Upon motion duly made by Supervisor Rivas and seconded by Supervisor Barrios, **adopted Resolution No. 2013-50 revised** the rate schedule at John Smith Landfill, to take effect immediately. (Unanimous) File #75.4*

#### **CLOSED SESSION:**

### **3) Public Employee Appointment**

**Title: Assistant County Administrative Officer**

**Authority: California Government Code 54957**

Chairman Botelho opened public comment.

Pat Loe indicated that she had many questions on the item and asked how it qualified for backroom discussion. Ms. Loe asked why the Board was making the appointment and why not wait until they hire a new CAO. She proceeded with further comments.

Marty Richman stated that he was not an expert on the Brown Act but the point made by Pat Loe about hiring the Assistant CAO before hiring the CAO made a lot of sense. He asked if they were hiring a CAO in the afternoon.

Chairman Botelho explained that they were interviewing the last two candidates in the afternoon. The Chairman closed public comment and stated that they were not appointing anyone that day.

County Counsel Granger stated that there was some misunderstanding and the Board was not appointing a CAO that day. He stated that if and when they appointed a CAO it would be in open session, perhaps July or August. He apologized to Pat Loe and indicated that she could contact him directly and that staff had posed a different question to him. He read from the code regarding the Board's authority to appoint.

The Board adjourned into closed session at 9:29 a.m. and reconvened into regular session at 10:08 a.m.

*No reportable action.*

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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 10:09 a.m. to July 2, 2013 at 1:00 p.m.

**ANTHONY BOTELHO, CHAIRMAN**

San Benito County Board of Supervisors

**ATTEST:**

Denise R. Thome, Clerk of the Board