



SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios
District No. 1
Vice-Chair

Anthony Botelho
District No. 2

Robert Rivas
District No. 3

Jerry Muenzer
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 MAY 6, 2014 ACTION MINUTES

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

9:00 a.m. CALL TO ORDER:

- a) Supervisor Barrios led the Pledge of Allegiance.
- b) *Upon motion duly made by Supervisor Botelho and seconded by Supervisor Rivas acknowledged Certificate of Posting. (5-0)*
- c) **PRESENTATIONS & RECOGNITIONS:**

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Rivas, **approved** all proclamations. (5-0)*

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

Proclamation recognizing the month of May 2014 as Mental Health Month in San Benito County.

Supervisor De La Cruz presented the proclamation to Alan Yamamoto, Behavioral Health Director. *File #430*

BOARD OF SUPERVISORS:

Present Proclamation to the Monterey Bay Unified Air Pollution Control District declaring the month of May 2014 as Clean Air Month.

Chairman Muenzer presented the proclamation to Ann O'Rourke of the Monterey Bay Unified Air Pollution Control District. *File #430*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

Approve Proclamation declaring May 2014 as Foster Care Awareness Month in San Benito County.

Supervisor Barrios presented the proclamation to HHSA Director James Rydingsword. *File #430*

PUBLIC WORKS DEPARTMENT – A. Nazemi:

Proclamation declaring May 18-24, 2014 as National Public Works Week.

Supervisor Botelho presented the proclamation to Arman Nazemi, Assistant Public Works Director. *File #430*

d) **Public Comment:**

Those speaking under public comment were Celia Martha, Mirsha Sharone, Norma Gutierrez, Belen Martinez, Jesus Rodriguez, Marvin Jones, Dee Murphy and Marty Richman.

e) **Department Head Announcements:**

CAO Ray Espinosa reported that a letter of no confidence re: Bureau of Land Management (BLM) would be coming back to the board. He added that they were in the process of working on the budget, the Optimity study, the ERP. He asked Management Analyst Sara Fontanos to give an update on the Tourism Business Improvement District (TBID). She stated that the Transient Occupancy Tax (TOT) would be coming back sometime in June.

Adam Goldstone, Capital Projects Manager, reported that San Benito County was recently honored by the California County Architects and Engineers (CCAEE) for the small county project at 2301 Technology Way.

CAO Espinosa introduced the new Chief Probation Officer, Ted Baraan.

Chief Baraan stated that he was grateful for the opportunity and had nearly twenty years working in probation.

f) **Board Announcements:** Information only.

Supervisor De La Cruz reported that at the last Intergovernmental Committee meeting, both the City and the County talked of considering a joint position to fill the Public Works position. He spoke of the consensus reached at the Veterans' Commission meeting the night before regarding the skate park. He indicated that it was to come back within one to one and a half months. He reported that he attended the annual MACE function.

Supervisor Rivas spoke in regards to the potential consolidation of the Public Works position and noted that it was a big undertaking. He felt that before staff was assigned to work on it, the matter should be agendaized for the board to see if that was the direction they wanted to move. He expressed appreciation for the Intergovernmental Committee but felt the board should decide.

Chairman Muenzer concurred.

Supervisor Barrios indicated that they asked the CAO and the City Manager to come together to talk the pros and cons of consolidation before bringing it back to the board.

Supervisor De La Cruz explained that the intent of the Intergovernmental Committee was more of an exploring committee to just discuss the ideas and take it back to their respective bodies.

CAO Espinosa stated that was the plan, discuss and bring it to the board.

Supervisor Barrios reported that she attended the MACE event and gave kudos to Supervisor Rivas for representing them well. She further reported that she attended the Probation Department Juvenile Work Service graduation and the Red Cross event. She thanked HHSA Director Jim Rydingsword for continuing to address the homelessness issues.

Supervisor Botelho expressed gratitude for the Rotarian regional beautification project on the orchard behind the plaza on 3rd street with the goal to make it friendlier. He added that the Native Daughters provided breakfast and the City of San Juan provided lunch. He reported that the next day was Peak Day with the flag raising hosted by the Veterans. He added that Monday was Loyalty Day. He further reported that he attended the Intergovernance meeting.

Chairman Muenzer commented that they had a long agenda today. He noted that Running Rooster was working with the United Way and that at lunch that day proceeds would go to the charity. He urged everyone to have lunch there. He brought up the issues in San Benito County with Coverage California and doctors not accepting it. He directed the CAO to agendize and have agencies there to address it.

CONSENT AGENDA:

*Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Rivas, **approved** Consent Agenda items with the exception of item #22 which was pulled for discussion. (The motion passed 5-0)*

ASSESSOR'S OFFICE – T. Slavich:

- 1) **Adopted Resolution No's 2014-35, 2014-36 and 2014-37 approving** a Lot Line Adjustment for agricultural preserves (Pebble Ridge Vineyard/Doodlebug Ranches/Mederios, etal); and adopt Resolution approving Lot Line Adjustment for agricultural preserves (Stadtler, etal/Jacobson, Karin & Jay/Jacobson, Jay); and adopt Resolution denying a Compatible Use Application for agricultural preserve (Isha Institute of Inner Sciences). *File #7*

CLERK OF THE BOARD – D. Thome:

- 2) **Approved** the action minutes of the April 8, 2014 special meeting.

COUNCIL OF GOVERNMENTS – L. Rheinheimer:

- 3) **Approved** appointment of a part-time temporary Heavy Equipment Mechanic Assistant for the Council of Governments. *File #1035*

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

- 4) **Approved** supplemental response to the 2013 San Benito County Grand Jury Reports; and **directed** staff to submit the prepared supplemental response to the Presiding Judge of the San Benito County Superior Court. *File #605*

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

- 5) **Approved** contract with BMI Imaging Systems to provide software upgrade to the Digital Reel System at an amount not to exceed \$11,165; and **authorized** the County Clerk-Auditor-Recorder to execute said contract. *File #943.1*

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

- 6) **Approved** contract with K & H Printing to provide printing services for the period of March 15, 2014 through December 31, 2014, in an amount not to exceed \$75,000; and **authorized** the County Clerk/Auditor/Recorder to sign. *File #285*

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

- 7) **Approved** contract with Kofile Preservation to provide restoration and preservation services for the period of May 6, 2014 through August 30, 2014, in the amount not to exceed \$47,160; and **authorized** the County Clerk/Auditor/Recorder to sign. *File #943.1*

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

- 8) **Approved** the HAVA (Help Americans vote Act) grant contract with the Secretary of State for the period of January 21, 2014 through June 30, 2016. *File #285*

FIRST 5 SAN BENITO – L. Faulkner:

- 9) **Adopted Ordinance No. 925** which **amends** Subsection (A) of Section 11.11.005 (“Membership”) of chapter 11.11 (“First 5 San Benito”) of Title 11 of the San Benito County Code. *File #1055*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 10) **Approved** the revised Bylaws of the Emergency Medical Care Commission as submitted. *File #130*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 11) **Re-appointed** Ms. Kendra Bobsin to the Workforce Investment Board for a three-year term effective May 6, 2014 through May 6, 2017. *File #130*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 12) **Approved** contract with EGG Pediatric Therapy Services for the period of July 1, 2014 through June 30, 2015, for an amount not to exceed \$79,800. *File #130*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 13) **Approved** the purchase of spinal immobilization equipment for local first responders in the amount of \$13,973.34. *File #1068*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 14) **Approved** the Requisition for Premier Office Furniture in the amount of \$17,576.25 for eight work stations delivered and installed. *File #130*

HUMAN RESOURCES – G. Cochran:

- 15) **Approved** the offer of employment for the Chief Probation Officer, Mr. Restituto “Ted” Baraan in accordance with the attached offer letter effective April 28, 2014. *File #510*

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 16) **Approved** two year contract with Field Solutions, Inc. for Extraction Well Maintenance at John Smith Road Landfill for the period of July 1, 2014 through June 30, 2016, in the amount of \$26,900. *File #75.4*

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 17) **Adopted Resolution No. 2014-38 authorizing** the Integrated Waste Management Department to apply for the Household Hazardous Waste Program grant funds on behalf of the San Benito County Integrated Waste Management Regional Agency. *File #142*

PLANNING DEPARTMENT – B. Turner:

- 18) **Approved** Reimbursement Agreement with the Wilbur-Ellis Company to fully recover County costs to review and process the Ashurst-Lewis Quarry project, located in Southeast San Benito County. *File #790*

PLANNING DEPARTMENT – B. Turner:

- 19) **Approved** Reimbursement Agreement with the Graniterock Company to fully recover County costs to review and process the Graniterock San Benito Sand Plant project, located near Hospital Road at the San Benito River, San Benito County. *File #790*

PLANNING DEPARTMENT – B. Turner:

- 20) **Approved** Reimbursement Agreement with Robert Enz to fully recover County costs to review and process the Enz Quarry project located at the end of Limekiln Road in San Benito County. *File #790*

PROBATION DEPARTMENT – R. T. Baraan:

- 21) **Approved** appointment of temporary Secretary I in the Probation/Juvenile Hall Department. *File #510*

PUBLIC WORKS DEPARTMENT – A. Nazemi:

- 22) **Approve open purchase requisition for County Public Works fleet fuel purchases, in the amount of \$50,000; and authorize County Administrative Officer to make purchases and sign the requisition.**

Supervisor Barrios noted that \$50,000 permission was given to Public Works and others were all given \$10,000 limits and asked what the rationale was.

Assistant Public Works Director Arman Nazemi explained that previously when designed, the road commissioner was given a limit up to \$25,000 and the reason is now we don't have a road commissioner per se and they have to bring it before the board. He stated that on May 20th there would be an appointment of a new road commissioner which would alleviate this type of requisition. He added that they buy \$25,000 worth of fuel at a time.

Administrative Manager Linda McElroy stated that the typical fuel purchases averaged \$25,000 every 2 weeks. She explained that if they used a \$10,000 limit there would be 3 quotes every 3 days and they would have to order within 24 hours.

Supervisor De La Cruz felt it would be better to enter into a one year contract or buy off market.

Ms. McElroy stated that they could pursue that and that other counties do. She added that they do vary their vendors.

CAO Espinosa stated that on May 20th it would go back to the board to appoint a Road Commissioner and then it would be a moot point.

Chairman Muenzer called for public comment.

Marvin Jones spoke of \$500,000 to \$600,000 a year for gasoline purchases and asked what sort of discount was available.

Richard Bettencourt stated that it was an average of \$4.00 per gallon and fuel is supposed to go to \$6.00 per gallon. He warned the board to be prepared.

Marty Richman stated that during 1973 fuel the cost of fuel was doubled. He noted that the Center for Biological Diversity was trying to close all fracking and if they get their way, it will double.

Mr. Nazemi noted that the fuel was not just for Public Works but other departments as well.

Chairman Muenzer noted that there shouldn't be any complaints when they get the electronic car from the MBUAPCD.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Botelho, **approved** open purchase requisition for County Public Works fleet fuel purchases, in the amount of \$50,000; and **authorized** the County Administrative Officer to make purchases and sign the requisition. (The motion passed 5-0)
File #105*

PUBLIC WORKS DEPARTMENT – A. Nazemi:

- 23) **Approved** equipment purchase for County Public Works GPS System from Silke Communications, Inc., in the amount of \$16,171.48; and **authorized** County Administrative Officer to make the purchase and sign the requisition. *File #105*

PUBLIC WORKS DEPARTMENT – A. Nazemi:

- 24) **Awarded** and **approved** the contract with the Don Chapin Company, Inc. as the lowest responsive, responsible bidder for the CSA #31 (Stonegate) Water Meter Replacement and Installation project in the amount of \$130,067.50; **authorized** the Asst. Public Works Director to execute the contract and **authorized** the Asst. Public Works Director to issue change orders in an amount not to exceed \$13,006.75. *File CSA #31*

REGULAR AGENDA:

HUMAN RESOURCES – G. Cochran:

- 25) **Approve San Benito County Human Resources reorganization, class specifications and position changes as described in staff report.**

Interim Human Resources Manager Georgia Cochran reported that in looking at the Human Resources (HR) department and operations it came down to staffing recommendations and asked the board to approve some changes. She stated that the goal defined in making the changes were cost neutral and met HR needs with these changes. She added that this coupled with changes made in the Health and Human Services Agency recently. She noted that the ERP system will decentralize some of the HR functions and with all these factors they should get to the service level the county needs.

Supervisor Botelho spoke of the recommended salary ranges and asked how they arrived at that, a survey?

Ms. Cochran explained that they had an entry level salary for the HR analyst and upped it 10% so there is a separation. She stated that in regards to the Director, they looked at funding and felt they would be able to find someone to fill the role and eliminate the contract.

Supervisor Rivas noted that the education was equivalent to graduation from college. He stated that equivalent was garbage. He spoke of education requirements and that it was an excuse that we can't recruit and put the requirements down. He stated that he would not accept that.

Ms. Cochran stated that there were a number of recognized certified

programs. She spoke of equivalent patterns and that any number of things can make that.

Supervisor Rivas reiterated that he was not willing to accept that and he was there to make the county better. He felt they needed significant changes and an HR person that could step into that role. He stated that he would have to leave the board meeting at that time.

Supervisor Rivas left the meeting at 10:10 a.m.

Supervisor Botelho asked what the standard was for a department head for a county our size.

Ms. Cochrane replied that it was about half and half for a county our size. She noted that they had department head specs that were clearly working. She added that it gave the CAO the widest discretion possible. She stated that it could be at the will of the board and that she had talked to a few people that may be interested. She explained that she was trying to find the broadest application possible so they could look at all applicants. She indicated that she had seen those with AA degrees and had completed Harvard programs and she was hard pressed to say that person was not qualified.

Supervisor Barrios added that it does say extensive and experience. She stated that it is very broad which is good and very flexible so that they get the best person. She indicated that she would support this.

Supervisor De La Cruz spoke of a bachelor's degree with years of experience and felt it should be a minimum of a bachelor's degree in personnel administration. He added that if they didn't have a degree in HR, experience could bring them in.

Supervisor Barrios stated that they wouldn't want to rule out a person with an AA degree and extensive Harvard training. She noted that they hired Georgia's firm to find the best scenario and that she supported Ms. Cochrane and didn't want to rule out anyone.

Supervisor Barrios moved to approve the item as agendized.

Supervisor Muenzer seconded the motion.

The motion failed 2-2-1 with Supervisors Botelho and De La Cruz voting no and Supervisor Rivas absent.

Discussion ensued between board members and staff on possible changes.

Ms. Cochrane stated that she could come back after 1:30 p.m. offering the original and an Option 1 and Option 2 for them to review.

The Board adjourned at 10:26 a.m. for a break and reconvened into regular session at 10:34 a.m.

The Board revisited item # 25 at 3:10 p.m.

Ms. Cochrane offered the original action along with an Option 1 and Option 2 as requested by the board. She explained the differences between Option 1 and Option 2.

Supervisor De La Cruz indicated that he would prefer university and that college should be changed to university.

Ms. Cochrane stated that was not a problem and thought it might be better to say Bachelor's Degree.

Supervisor De La Cruz concurred.

Chairman Muenzer noted that they could have a 4 year college without the word university.

Supervisor De La Cruz concurred.

Chairman Muenzer suggested that they add "from an accredited institution".

Ms. Cochrane advised that was very broad, but it was the board's choice.

There was no public comment.

*Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Rivas **approved** Option 1. (The motion passed 4-1 with Supervisor Barrios voting no.) File #630*

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

- 26) **Drought updates from the Sunnyslope County Water District and the San Benito County Water District; and discuss and determine feasible solutions to concerns mentioned by the presenters to ensure water conservation through the summer months.**

San Benito County Water District Manager Jeff Cattaneo gave an update on the water situation in California.

Discussion ensued between board members and staff.

Speaking under public comment was Kristina Wyatt, executive director of the San Benito County Business Council. *File #695*

PLANNING DEPARTMENT – B. Turner:

- 27) **Staff recommends that the Board direct staff to accept EMC Planning Group's proposed changes to the draft GPU, accept the workshop's resolving of landowner requests for inclusion in the draft GPU, review and accept EMC Planning Group's mapping updates, and authorize EMC Planning Group and county staff to begin preparation of a re-circulated EIR for the draft GPU; and discuss consistency issues between the population projections assumed by the General Plan and projections adopted by AMBAG, COG, and other sources or agencies, as well as how these projections relate to the General Plan, local roads, and state highways located within the County and how the use of these projections would impact the current General Plan process.**

Interim Planning Director Byron Turner gave a staff report.

Michael Groves, President of EMC Planning Group and Ashley Hefner of EMC Planning Group gave a PowerPoint presentation and discussed changes with the board.

Chairman Muenzer asked if there were any questions from the public.

Scott Fuller General Manager of San Juan Oaks stated that the Lico Family had a question but had to leave. They wanted to know if they were going to leave the other Lico property on.

Ms. Hefner replied that the Southern Lico property was not on the list because it was not a landowner's request, but it had been incorporated though.

Mr. Fuller asked about the Bolado Park Golf Club,

There was no further public comment.

Mr. Groves stated that the next section to review would be landowner requests.

Ms. Hefner passed out a handout on land use map revisions.

Discussion was had by the board.

Speaking under public comment were Marty Richman and Jason Noble.

Upon motion duly made by Supervisor Barrios and seconded by Supervisor De La Cruz, per staff recommendation, **accepted** the proposed changes to the draft GPU with additional changes made that day including RM. (The motion passed 4-0-1 with Supervisor Rivas absent).

Further discussion ensued between board members and staff.

Speaking under public comment was Maura Twomeg, Executive Director of AMBAG. She stated that a legal question, SB375, was very clear. She stated that we could use the number we have and they could use the number they have and move forward. She stated that AMBAG understood the county was in the process of updating their general plan.

Further discussion ensued.

Those speaking under public comment were Marty Richman, Kristina Wyatt and Pat Loe.

Supervisor Rivas was present at this time – 1:09 p.m.

The Chairman closed public comment.

Chairman Muenzer told Mr. Groves that he had all the direction he needed.

File #790

The Board adjourned at 1:19 p.m. for lunch and reconvened into regular session at 2:00 p.m. to take item #37.

COUNTY COUNSEL – M. Granger:

28) **Removal of Supervisor De La Cruz as the County's representative from the Council of San Benito County Governments (COG) and appointment of replacement Supervisor as County's representative on COG.**

County Counsel Granger reported that in a morning special session the board met in closed session and reported that the actions were not admissible as evidence of violation of the Brown Act.

The chairman called for public comment.

Marty Richman stated that only in government can you un-ring the bell. He indicated that they shouldn't send anyone to a COG meeting without direction from the board.

Richard Bettencourt agreed with what the board was doing but also stood by Supervisor De La Cruz because he didn't back off what he thought was right.

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Rivas, **removed** Supervisor De La Cruz as the county's representative on COG. (The motion passed 3-2 with Supervisors De La Cruz and Barrios voting no.)*

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Rivas, **appointed** Supervisor Muenzer to serve as representative on COG. (The motion passed 3-2 with Supervisors De La Cruz and Barrios voting no.)*

*Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Rivas, **appointed** Supervisor De La Cruz to serve as alternate representative on COG (The motion passed 5-0) *File #160**

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

29) **Approve letter supporting that CHISPA (Comm. Housing Systems Improvement and Planning Assoc.) and County Behavioral Health be granted a waiver by CalHFA (Ca. Housing and Finance Admin.), allowing 4 units (less than the CalHFA 5 unit minimum requirement) to be built with**

County MHSa Housing Funds at the proposed CHISPA Buena Vista Road, Low Income Apartments project.

Behavioral Health Director Alan Yamamoto gave a staff report.

Supervisor Barrios stated that she would support it.

Kristina Wyatt spoke under public comment.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor De La Cruz, **approved** letter supporting that CHISPA (Comm. Housing Systems Improvement and Planning Assoc.) and County Behavioral Health be granted a waiver by CalHFA (Ca. Housing and Finance Admin.), allowing 4 units (less than the CalHFA 5 unit minimum requirement) to be built with County MHSa Housing Funds at the proposed CHISPA Buena Vista Road, Low Income Apartments project. (The motion passed 5-0). File #810*

COUNCIL OF GOVERNMENTS – L. Rheinheimer:

- 30) **Adopt Resolution supporting the City of Hollister’s Active Transportation Program, Safe Routes to School grant application with the California Department of Transportation for funding of the Activating Safe and Equitable Connections in West Hollister project. (Res. No. 2014-39)**

COG Executive Director Lisa Rheinheimer gave a PowerPoint presentation.

*Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Botelho, **adopted Resolution No. 2014-39 supporting** the City of Hollister’s Active Transportation Program, Safe Routes to School grant application with the California Department of Transportation for funding of the Activating Safe and Equitable Connections in West Hollister project. (The motion passed 5-0) File #1035*

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 31) **Receive Annual Rate Adjustment Notification from Recology San Benito County.**

Integrated Waste Management Director Mandy Rose reported that this was an annual visit and this year it was going up.

There was no public comment.

Information only. File #142

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 32) **Approve the Ad Hoc Subcommittee recommendation of paying the FY 2012/2013 John Smith Road Landfill Annual COLA and Change in Law Costs to Waste Connections Inc., in the amount of \$259,971.78.**

Integrated Waste Management Director Mandy Rose gave a staff report.

Marty Richman spoke under public comment.

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Barrios, **approved** the ad hoc subcommittee recommendation of paying the fy 2012/2013 COLA and change in law costs to Waste Connections, Inc., in the amount of \$259,971.78. (The motion passed 5-0) File #75.4*

PLANNING DEPARTMENT – B. Turner:

- 33) **Adopt the CEQA findings set forth in Attachment “A” to AIT; and adopt Resolution of Intention to Amend Section 25.45 of Title 25 of the San Benito County Code pertaining Amendments of the Zoning code and Rezoning. (Res. No. 2014-40)**

Interim Planning Director Byron Turner gave a staff report.
Supervisor De La Cruz left the meeting.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Botelho, **adopted** the CEQA findings set forth in Attachment "A" to AIT; and **adopted Resolution of Intention No. 2014-40 amending** Section 25.45 of Title 25 of the San Benito County Code pertaining Amendments of the Zoning code and Rezoning. (The motion passed 4-0-1 with Supervisor De La Cruz absent for the vote) File #790*

PLANNING DEPARTMENT – B. Turner:

- 34) **Adopt the CEQA findings set forth in Attachment "A" to AIT; and adopt Resolution of Intention to Amend Section 25.43.008 of Title 25 of the San Benito County Code pertaining to the Term of Use Permits. (Res. No. 2014-41)**

Interim Planning Director Byron Turner gave a staff report.
Supervisor De La Cruz returned to the meeting at 3:58 p.m.
Chairman Muenzer left the meeting at 3:59 p.m.
Marty Richman spoke under public comment.

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Rivas, **adopted** the CEQA findings set forth in Attachment "A" to AIT; and **adopted Resolution of Intention No. 2014-41 amending** Section 25.43.008 of Title 25 of the San Benito County Code pertaining to the Term of Use Permits. (The motion passed 4-0-1 with Supervisor Muenzer absent for the vote). File #790*

CLOSED SESSION:

The board adjourned into closed session at 4:01 p.m. and reconvened into regular session at 4:43 p.m. Supervisor Muenzer returned to the meeting at 4:02 p.m.

- 35) **Conference with Legal Counsel-Exiting Litigation.**
Subdivisions (a) and (d)(1) of Section 54956.9
Name of Case: Ronald Rivkin v. Adam Zawadsky, Kate Bentley, County of San Benito, et.al., Superior Court of California, County of San Benito,
Case No. CU-14-00049
No reportable action. File #235.6
- 36) **Conference with Labor Negotiators**
Agency designated representatives: Dania Torres Wong, Ray Espinosa, Joe Paul Gonzalez, Melinda Casillas, Allyson Hauck, Georgia Cochran and Mark Gregersen
Employee Organizations: Management Employees' Group
Institutions Association
SEIU Local 521 (General Unit Employees)
SEIU United Long Term Care Workers Local 6434
Law Enforcement Management
Deputy Sheriff's Association
Authority: California Government Code Section 54957.6
No reportable action. File #235.6

AFTERNOON SESSION 1:30 P.M.

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

- 37) **1) Accept the County Clerk's Certification of Initiative Petition to Ban Fracking; and; 2) pursuant to Election Code 9118: Submit the Ordinance, without alteration; to the voters for the November 4, 2014 statewide general election per Election Code 1405 (b); or direct staff to bring back the matter at a special meeting within 10 days for adoption of the ordinance, without alteration; or before taking either action; order a Fiscal Report pursuant to Election Code 9111, the report shall be presented to the Board within the time prescribed by the Board, but no later than 30 days from today's date.**

CAO Espinosa gave a staff report. He reported that 63.2% were valid signatures and the petition was sufficient. He explained the three options before the board which were; submit the ordinance to the board for adoption, unaltered, direct staff to bring back at a future date with a special meeting within 10 days to be adopted by the board or create a fiscal report under election code 9111 to be brought back to the board within 30 days.

The chairman opened public comment.

Those speaking under public comment were; David Maynard, Robert Parry representing Citadel Exploration, Ann Marie Sayers, Larry Rebecchi, Sara Steiner, Mary Hsia-Coron, Andy Hsia-Coron, Mary Zanger, Marty Richman, Demetrio Pruneda, Nancy Aimola, Kristina Wyatt, Victoria Montoya and Jeannette Langstaff.

Supervisor Rivas stated that he felt passionate about this issue and wanted the board to put forth the issue on the ballot. He felt it was a dangerous gamble with too many questions and not enough answers at this time. He indicated that many companies that frack won't tell us what chemicals they use. He noted cases of sensory and neurological damage. He stated that they needed their water at that time as we are going through a prolonged drought. He stated that he would campaign hard to get this approved. Supervisor Rivas stated that he was sick of hearing how we need to frack for jobs, noting that fracking creates few, poor paying jobs and the workers are exposed to dangerous chemicals. He expressed that he looked forward to voting for this initiative in November.

Supervisor Barrios commented that it was a request to change the general plan. She supported ordering a fiscal plan. She asked what a fiscal plan would give them.

Clerk-Auditor-Recorder Joe Paul Gonzalez stated that a fiscal report would be due 30 days from April 28 and due May 28. He added that the board was not limited to a fiscal report. He explained that they would have to contract this out to a consultant that specializes in this.

Supervisor Barrios asked if the cost was the county's responsibility.

Mr. Gonzalez replied that the board would bear the cost.

Supervisor Barrios stated that it would change the general plan and there was already an ordinance addressing fracking. She stated that she did not support fracking and asked about the ordinance protecting from it.

Mr. Gonzalez felt that was more of a legal question.

County Counsel Granger read from the election code 9111 and stated that if an ordinance is adopted it would change the county's current zoning ordinance.

Discussion ensued between the board and staff.

Supervisor Barrios stated that they didn't have a cost for a fiscal report and a short time to do. She expressed that she didn't know how doable it was.

Chairman Muenzer expressed that a fiscal report would not change their options.

Mr. Gonzalez concurred.

Supervisor Botelho stated that he learned a lot working on the oil ordinance and that he and Supervisor Muenzer put it together as restrictive as possible. He added that fracking is a major concern; not only the water needed but the chemicals used. He indicated that they were exempt from the Clean Water Act and as a citizen he couldn't believe that. He blamed the oil industry that it's such a controversy. He stated that the Department of Oil and Gas come out and check once in awhile, but they were falling way short. He felt they needed to put it on the November 2014 ballot.

Supervisor De La Cruz supported taking it to the public for a vote.

Supervisor Barrios felt it was important that the public know what the cost is going to be.

Mr. Gonzalez stated that to do the finance report, they needed to decide that day.

Mr. Granger stated that he spoke to a Monterey attorney and to prepare a fiscal study would cost about \$25,000.

*Upon motion duly made by Supervisor Rivas and seconded by Supervisor De La Cruz **accepted** the County Clerk's Certification of Initiative Petition to Ban Fracking; and; 2) pursuant to Election Code 9118: **Submit** the Ordinance, without alteration; to the voters for the November 4, 2014 statewide general election per Election Code 1405. (The motion passed 4-1 with Supervisor Barrios voting no.) File #285*

The Board went back to the regular agenda, starting with item #28.

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

There being no further business the Board adjourned at 4:44 p.m. to May 20, 2014 at 9:00 a.m.

JERRY MUENZER, CHAIRMAN
San Benito County Board of Supervisors

ATTEST:
Denise R. Thome, Clerk of the Board