

Deception Report Summary

Strada Verde is a Poison Pill:

From its inception, the Strada Verde project has contained one major – and undeniable – poison pill.

Specifically, Strada Verde is proposed to be sited immediately adjacent to a major chemical facility (Trical), which produces and stores numerous toxic agricultural chemicals in highly dangerous quantities.

The Trical facility was intentionally built on an isolated site far away from “locations of human habitation and employment” because it handles large volumes of poisonous chemicals.

The danger presented by Trical caused the County to enact the General Plan’s Health and Safety Policy (HS-6.9), explicitly requiring an “appropriate buffer zone” between “new sensitive land uses” and any operational industrial facility handling these types of chemicals. Strada Verde as proposed would be in clear violation of HS-6.9.

Hazards Report:

In compliance with policy HS-6.9, in 2020 the County commissioned an outside consultant to complete the Hazards Report to analyze the Strada Verde project and the resulting need for a buffer around Trical.

This County report concluded that a minimum 3.5-mile buffer zone should be placed around the Trical facility and that **“the land uses that would be allowed under the Strada Verde proposal are not appropriate within this minimum buffer zone and should not be approved.”**

Cover-Up:

This Hazards Report was actively suppressed – then delayed and dismissed – by a handful of County officials, including County Counsel Barbara Thompson, Deputy County Counsel Joel Ellinwood and County Supervisors. Supervisor Anthony Botelho is now employed by the project’s developer. *How did they do this?*

- Internal County emails confirm that the Hazards Report was a “final report”, yet County Counsel insisted it be referred to as an “administrative draft” to prevent its public release.
- County Counsel, grasping at straws to try to blunt the public release of the report, called for multiple peer reviews despite the fact that the report had yet to even be presented to the Board of Supervisors.

- **All because those internal agents for the developer (i.e.: Supervisor Botelho and County Counsel Thompson and Dep. Counsel Ellinwood) knew the results of the report would kill the project.**
- **Lone County Voice for Truth:** In response to Thompson, Botelho, and Espinosa’s actions, Resource Management Agency (RMA) Director Mavrogenes, who was directly responsible for the project’s application, sent an internal email to Thompson and her boss Espinosa accusing them of “searching for a different conclusion” and “burying the report” in a manner that is “morally wrong”.
- Ignoring Director Mavrogenes warnings regarding their misconduct, County Counsel then urged the “peer review” consultant to attack immaterial assumptions in the report, misleading the public and undermining the expert report’s conclusions. Despite all of this, the peer review consultant ultimately supported Dr. Sahu’s bottom-line conclusion: a substantial buffer is necessary.
- Moreover, Asst. County Counsel (Ellinwood) acknowledged that there is not much difference between the two reports’ analysis of the necessary buffer, and the peer review consultant agreed!
- **Despite the scientific support for a buffer, County Counsel Thompson, Dep. Counsel Ellinwood and Chief Administrative Officer Espinosa, along with members of the Board of Supervisors (Botelho in particular), did their best to tarnish the reputation of the original expert consultant (EMC/Sahu) and effectively prevented the BOS from establishing a safety buffer around Trical.**
- After misleading the citizens that Trical posed no danger to the public, Court-compelled records revealed that Barbara Thompson and Joel Ellinwood authored a private email to the Board of Supervisors, advising the Board, “it is abundantly clear that the Trical facility presents a potential health and safety risk to a portion of San Benito and Santa Clara counties, especially to travelers on Highway 25, regardless of whether or not the Strada Verde project is ever developed.” Clearly, Barbara Thompson, Supervisor Botelho and Ray Espinosa’s actions were knowingly designed to conceal the danger to the County.

Developer & County Deception and Lawsuits:

Prior to the County completing the Hazards Report, the Strada Verde developer attempted to pass a local ballot measure that would have surreptitiously eliminated the “buffer zone” requirement for the project – and County Counsel failed to inform voters of the true and “objective” impact of that measure, as required by law.

The County Counsel's ballot question was later determined to be "deficient" and was modified by a Superior Court (a highly unusual determination). County voters rejected this ballot measure, with 60% voting against the measure.

That same County Counsel (Thompson) withheld public records regarding the Hazards Report and other public documents until after the 2020 election. The County only turned over the records after losing two Public Records Act (PRA) lawsuits and being compelled by the court to do so.

Current Situation:

1. Now a slightly modified version of the same project is being considered once again – well inside the recommended buffer zone contained in the expert Hazards Report, in violation of the County's General Plan and with inadequate regard for public health and safety.
2. County Counsel Thompson and Deputy Counsel Ellinwood are still opposing PRA requests for more documents that would reveal additional details about what was and is happening with the County's processing of the Strada Verde project.

There is no compelling public interest in a large-scale high density development project – that voters already overwhelmingly rejected – immediately adjacent to a dangerous chemical plant would put workers and citizens at an immediate and dramatic health and safety risk.

Unanswered Questions:

1. Why have County Counsel Thompson and Chief Administrative Officer Espinosa been actively trying to suppress the true risk of locating a dense urban development next to a dangerous and potentially lethal chemical plant?
2. Why is the Board of Supervisors allowing Thompson and Espinosa to fight (and ignore) the PRA requests for the County documents explaining Thompson's, Espinosa's, and Botelho's dealings with the developer that have been ongoing for over four years?