



SAN BENITO COUNTY BOARD OF SUPERVISORS

Mark Medina
District No. 1
Chair

Anthony Botelho
District No. 2

Peter Hernandez
District No. 3

Jim Gillio
District No. 4

Jaime De La
Cruz
District No. 5
Vice-Chair

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

REGULAR MEETING MINUTES

March 5, 2019

9:00 AM

Mission Statement

The County Board of Supervisors will recognize the public trust it holds, will on all occasions conduct business with honesty, integrity, and respect for the individual, and will hold the organization of County government to that same standard.

The San Benito County Board of Supervisors welcomes you to this meeting and encourages your participation.

- If you wish to speak on an item contained in the agenda please complete a Speaker Card identifying the item(s) and provide it to the Clerk of the Board prior to consideration of the item.

Each individual speaker will be limited to a presentation total of (3) minutes unless otherwise permitted by the Board Chair.

CALL TO ORDER

The meeting was called to order at 9:00 a.m. by Chairman Mark Medina. Those present were Supervisors Anthony Botelho, Jim Gillio, Peter Hernandez and Jaime De La Cruz as well as County Counsel Barbara Thompson, County Administrative Officer Ray Espinosa and Clerk of the Board Janet Slibsager.

- a. Pledge of Allegiance

**Pledge of Allegiance to be led by Supervisor Peter Hernandez,
District #3.**

Pledge of Allegiance was led by Supervisor Peter Hernandez.

- b. Acknowledge Certificate of Posting

Certificate of Posting.

MOTION:

*Motion: Acknowledged
Certificate of Posting:*

Made by **Supervisor Jim Gillio** and seconded by
Supervisor Anthony Botelho

5 - 0

For (5):

Against (0):

Ayes: Botelho, De La Cruz, Gillio, Hernandez, Medina

c. Presentations and Recognitions

BOARD OF SUPERVISORS

Present Proclamation to the National Kidney Foundation recognizing March 2019 as National Chronic Kidney Disease month in San Benito County.
SBC FILE NUMBER: 430

This Proclamation was pulled to bring back at the February 19, 2019 meeting.

d. Public Comment

Opportunity to address the Board on items of interest not appearing on the agenda. No action may be taken unless provided by Govt. Code Section 54954.2.

Vanessa Gonzalez, Field Representative for Senator Anna Caballero, introduced herself and mentioned that she will be working with San Benito County and will provide everyone with her contact information.

e. Department Head Announcements: Information Only

County Administrative Officer Ray Espinosa announced that Health and Human Services Director Jim Rydingsword had retired and thanked him for all of this work, especially with the homelessness we have in our County. He announced that we have an Interim Director Tracey Belton for Health and Human Services.

Mr. Espinosa reminded the Board that next Tuesday, March 12th is our special meeting related to budget. We will be discussing Q2 and other budget items along with the budget process for 2019. He also mentioned that we will have other budget special meetings in April and May and budget hearings will start on June 24th.

Supervisor Anthony Botelho said that he would like to request to add an item to the agenda for the special meeting pertaining to code enforcement. Would like to talk about strategies and thoughts on how we are going to address this.

Mr. Espinosa mentioned that Item #7 is being pulled from the consent agenda and being put at the end of the regular agenda today if o.k. with the Board.

Mr. Espinosa reported on the NACO Conference: Met with Feinstein's Office, Panetta's Office, OMB, Bureau of Reclamation to discuss San Justo Reservoir, Clear Creek, Pacheco Creek, roads, transportation and the Thomas Vehicle project that we have. He said that he thought they were very good meetings that we had and definitely fast paced. He said that Supervisor De La Cruz

and Botelho may highlight further.

f. Board Announcements: Information Only

Supervisor Peter Hernandez mentioned that he had a busy week. He said that he and Supervisor Gillio attended CSAC training in Sacramento and felt it was very informational and felt like he learned a lot.

Supervisor Jaime De La Cruz, reported that he attended NACO Conference at felt like it was very productive. He said we first met with Congressman Panetta and talked about the San Justo Reservoir closure and mussels; Clear Creek and the Thomas vehicle project. Also met with Senator Feinstein and staff about Pacheco Creek.

Supervisor Anthony Botelho said that he enjoyed the opportunity to meet our Legislatures and confer with other counties about what they are experiencing. He said how Supervisor De La Cruz did an outstanding job advocating for San Justo Reservoir to try and open the facility. He said that one of the seminars he found interesting was the Immigration reform. He thanked CAO Ray Espinosa for his leadership.

Supervisor Jim Gillio thanked staff and our roads crew. He said that they are out there working hard trying to keep up with our roads, especially in district 4. He reported that he attended the CSAC training along with Supervisor Hernandez and met with Assemblyman Robert Rivas. He thanked Samantha Sykes for the event she did downtown on personal awareness and bullying. He said that he would like to give her a certificate of recognition for her amazing work.

Also said that he will be receiving and update on South County Hwy 25 curve correction from Caltrans at meeting this evening at 5:30 p.m. at the Inn in Tres Pinos. Reported that the Snip Bus was here over the weekend they had another successful weekend out at the airport. Attended a committee meeting regarding the AMR ambulance contract that will expire this year.

CONSENT AGENDA

These matters shall be considered as a whole and without discussion unless a particular item is removed from the Consent Agenda. Approval of a consent item means approval of the recommended action as specified on the Agenda Item Transmittal.

If any member of the public wishes to comment on a Consent Agenda Item, please fill out a speaker card, present it to the Clerk prior to consideration of the Consent Agenda and request the item be removed and considered separately.

MOTION:

Motion: To approve consent agenda Items #1-11, with the exception of Item #7 which was pulled to be heard under the regular agenda:

Made by **Supervisor Jim Gillio** and seconded by **Supervisor Peter Hernandez**

5 - 0

For (5):

Against (0):

Ayes: Botelho, De La Cruz, Gillio, Hernandez, Medina

1. BOARD OF SUPERVISORS

Approve the appointment of Erica Grant to the Long Term Care Commission as a member at large for the period of March 5, 2019 through January 5, 2023.

SBC FILE NUMBER: 156

2. **BOARD OF SUPERVISORS**

Change the appointment to LAFCO to Mark Medina and Jim Gillio, Alternate Peter Hernandez.

SBC FILE NUMBER: 156

3. **BOARD OF SUPERVISORS**

Change the appointment to the Mobility Committee to Anthony Botelho.

SBC FILE NUMBER: 156

4. **COUNTY ADMINISTRATION OFFICE - R. ESPINOSA**

Approve budget augmentation of \$4,480.06 from General Fund Balance to Fire Fund and approve payment to the City of Hollister for fire engine repairs in the amount of \$34,480.06. (4/5 vote)

SBC FILE NUMBER: 60

5. **HEALTH AND HUMAN SERVICES AGENCY - T. BELTON, INTERIM**

Approve contract with Monica Gutierrez, LMFT for Crisis and Therapy Counsel for Families involved with Child Welfare Services, for the period of February 1, 2019 through June 30, 2020, not to exceed \$20,000.00.

SBC FILE NUMBER: 130

6. **HEALTH AND HUMAN SERVICES AGENCY - T. BELTON, INTERIM**

Approve Budget Adjustment for the Oral Health Program to Receive Carry Forward Funding in the amount of \$136,713.00. (4/5 vote)

SBC FILE NUMBER: 130

7. **HUMAN RESOURCES - E. NOLASCO**

Adopt Resolution for Exception to the 180-Day Wait Period Government Code Sections 7522.56 & 21224 for Rita Campbell.

SBC FILE NUMBER: 630

RESOLUTION NO: 2019-17

Deputy CAO Administrator Edgar Nolasco provided information to the Resolution for the 180 day waiver for an employee that has retired to bring her back for extra training and help.

Supervisor Jim Gillio said that he did not have a problem with the concept at all. Talked about an over hire and an accurate assessment of hours so that we don't go over.

Mr. Nolasco said that is why it is important to get the waiver.

CAO Ray Espinosa provided additional information.

MOTION:

Motion: To approve per staff recommendation and Adopt Resolution No. 2019-17:

Made by **Supervisor Jim Gillio** and seconded by **Supervisor Peter Hernandez**

Approved by the Board of Supervisors on 4/02/19

5 - 0

For (5):

Against (0):

Ayes: Botelho, De La Cruz, Gillio, Hernandez, Medina

8. **PROBATION DEPARTMENT - J. FRONTELLA**
Approve Waiver of County Personnel Policies & Procedures Handbook Rule 1.H.3 Prohibiting CalPERS Benefits for Temporary Employees and approve appointment of two Extra Help Juvenile Institution Officers for Probation/Juvenile Hall who previously worked as CalPERS employees in another county.
SBC FILE NUMBER: 510
9. **RESOURCE MANAGEMENT AGENCY - J. GUERTIN**
Approve a contract with NBS for annexation services for the County Wide Community Facilities District (CFD) in an amount not to exceed \$25,500.00 and for the term of February 19, 2019 through June 30, 2020.
SBC FILE NUMBER: 790
10. **RESOURCE MANAGEMENT AGENCY - J. GUERTIN**
Receive and file this report regarding emergency actions taken to repair the storm drain located on Duffin Drive in County Service Area (CSA) No. 9 Ridgemark.
SBC FILE NUMBER: CSA #9
11. **TREASURER/TAX COLLECTOR - M. CASILLAS**
Request Out of State Travel for two people to attend the Governmental Investment Officer Association (GOIA) Conference in Las Vegas, NV on 03/19/2019 - 03/22/2019. The estimated cost for two people to attend is \$1,690.00.
SBC FILE NUMBER: 685.2

PUBLIC HEARING

12. **RESOURCE MANAGEMENT AGENCY - J. GUERTIN**
Hold a Public Hearing; Adopt Resolution Initiating Proceedings for the annexation of Nguyen Subdivision into existing CSA No. 24 (Santa Ana Acres).
SBC FILE NUMBER: CSA #24
RESOLUTION NO: 2019-18

Principal Planner Taven Kinison Brown in for John Guertin provided information on the project for the annexation of Nguyen subdivision into existing CSA #24 (Santa Ana Acres).

Chairman Mark Medina said that he had a couple of concerns. He said that we as a Board do not want to add anymore homes into CSA's or create any new CSA's; and less than a year ago there was a similar circumstance and they were not allowed to join the CSA. Looks like we are picking and choosing what we want.

Mr. Brown said that he could not answer to that as he is not aware of the other project. He

provided additional information to this project.

Discussion ensued by Supervisor Medina and Mr. Brown on additional questions.

Supervisor Medina said I think that we need to go back and look at equal treatment.

Supervisor Jim Gillio said the he had a question in regards to development agreement and would like to know more about this before he renders a vote on it.

County Counsel Barbara Thompson provided information. She said that we can continue this and look at the conditions of approval for this subdivision and discuss if the property owner would want to go with a CFD or CSA.

Mr. Brown provided additional information.

Supervisor Anthony Botelho said that he could see the concern of the Chair. He said at LAFCO they are talking about consolidating CSA's. He said that he feels there should be only one CSA for that area and right now there are two. He said what we need to be reimbursed for the services out there.

Public Comment:

Ann Hall, San Benito Engineering, spoke on behalf of the applicant. She provided additional information on the project for Nguyen and the Klauer project in question. She said that the Homeowners Association is written that they could do a CSA or CFD.

Discussion ensued by Board and staff.

Supervisor Gillio said that with the new information provided it makes sense, so he is prepared to make a motion.

Further discussion by Board and staff.

MOTION:

Motion: To Adopt Resolution 2019-18 Initiating Proceedings for the annexation of Nguyen Subdivision into existing CSA No. 24 (Santa Ana Acres): Made by **Supervisor Jim Gillio** and seconded by **Supervisor Anthony Botelho**

5 - 0

For (5):

Against (0):

Ayes: Botelho, De La Cruz, Gillio, Hernandez, Medina

REGULAR AGENDA

For each regular agenda item, the following schedule shall occur:

- a) Staff report.*
- b) Public opportunity to address the Board on a particular agenda item. Please fill out a speaker card and present it to the Clerk prior to consideration of the item.*
- c) Consideration by the Board.*

13. AGRICULTURAL COMMISSIONER - K. OVERSTREET

Adopt a resolution setting the initial Cannabis Business Activities Tax rates.
SBC FILE NUMBER: 1.1
RESOLUTION NO: 2019-19

Management Analyst Dulce Alonso provided information on the tax range that was approved by the voters-July 2019. Provided a handout with some changes to Exhibit A-Tax Measure; Lower range; San Benito County Fiscal Analysis.

David McPherson of HDL spoke on the recommendations: A lower range; goals; businesses are sustainable; looking at surrounding counties-Santa Cruz; correction on the retail; state regulations have changed.

Chairman Mark Medina said that one of the things he is looking at is the \$3.00 amount when the market s \$5.00. Should not go lower than Monterey County.

Supervisor Anthony Botelho agreed with Chairman Medina. Said that we are not hungry for cannabis businesses. He said that we need to make sure it is worth wild for this county to do. He said that he would not support \$3.00, we need to be better than \$5.00.

Supervisor Jim Gillio echoed the comments of his fellow Supervisors. We need to make sure we cover our tax bases. Commented on Lake County, they are a complete different county than San Benito County. He said that we shouldn't expect any revenue probably for the first several years.

Supervisor Jaime De La Cruz said that he would not support the \$3.00 amount.

Supervisor Peter Hernandez said that he appreciated the comments of his colleagues. He said that we need to think about the positives and the negatives. Agrees with Supervisor Gillio if we value our community we need to sell it at the highest price.

Mr. McPherson provided additional information. He said that the goal is to give them a starting point and evaluate that and assess in a year or two and then address an increase.

Public Comment:

Victor Gomez, Pinnacle Strategy, representing about 20 companies that are going to be submitting applications in San Benito County. Spoke in regards to what is hindering these businesses is the cost of construction; taxes is another component. The Government makes the most off of the sale of marijuana than anyone else. He said that he advocates for a more reasonable rate of \$5.00 a sq. ft. Encouraged the Board to look at it as a business prospect.

Discussion ensued by Board and staff.

Assistant County Counsel Sarah Dickenson provided addition information on the worksheet and if the Board wanted to make any changes to it.

Chairman Medina did a roll call vote:

Supervisor Hernandez-No
Supervisor De La Cruz-Yes
Supervisor Botelho-Yes
Supervisor Gillio-Yes
Supervisor Medina-Yes

MOTION:

Motion: To Adopt Resolution No. 2019-19 to increase to \$5.00 rate for cultivation; 4% Distribution; 4% Manufacturing; 4% Micro-business; 3% Retailer and 1.25% Laboratory: Made by **Supervisor Anthony Botelho** and seconded by **Vice-Chair Jaime De La Cruz**

4 - 1

For (4):

Against (1):

Ayes: Botelho, De La Cruz, Gillio, Medina Nays: Hernandez

14. COUNTY ADMINISTRATION OFFICE - R. ESPINOSA

Approve budget adjustment to increase economic development appropriations in the amount of \$67,000.00; and receive staff recommendations on the allocation of Economic Development Funds for FY 18/19.

SBC FILE NUMBER: 865

Budget Officer Stewart Patri provided information on the staff report. Historically the Board has allocated \$35,000 towards economic development in San Benito County. He said last year the allocation was to four organizations that are within the community: Monterey County Business Council, Monterey Bay Economic Partnership, Economic Development Corporation, San Benito County Chamber. He said that the Board had requested staff to review options for increasing funding and provide some alternative recommendation on how to use that funding. He said for the current year we are going to be proposing to reallocate \$67,000 from the Lobbyist budget to Economic Development for the current year, that is the amount that is left over from our Lobbyist contract. He said at the Board request at budget hearings we can reallocate the lobbyist contract funds going forward towards economic development. He said that this years amount that was allocated was \$120,000.00.

He said that the 3 options that we are proposing to the board are: (1) Hire a full time Economic Development Coordinator (would be a new full-time position); (2) Contract with a non government organization; (3) Increase funding to the current economic NGO's.

Chairman Mark Medina asked if the Economic Development Corporation would like to do their presentation.

Eric Johnson, Chairman of the Economic Development Corporation in San Benito County, provided a PowerPoint presentation of a five-year plan. Information covered: Background information of the Economic Development Corporation; Investment; Re-Energizing; Rebuilding momentum for Economic Development; Cooperating organizations; Plenty of baseline setting last several years; Critical to build momentum; 5 year plan; Investment Dividends together we can; Projects on the Radar; Questions:

Supervisor Jim Gillio thanked him for their plan. Had some questions.

Mr. Johnson provided information.

Supervisor Peter Hernandez said that he appreciated some of the comments. He said that we have to have strong measurements and expectations. Had some questions.

Mr. Johnson provided information.

Supervisor Jaime De La Cruz thanked them for their presentation. Said that he has a lot of reservation about funding this program. He needs more time and research.

Mr. Johnson provided a response.

Supervisor Anthony Botelho thanked them for their report. Said that he is a fan of EDC and was impressed with the 5 year plan. He said that we need to get serious about economic development and we need the participation of the City of Hollister if we make this step. Said that he is very supportive of this and that it needs to be brought to the Intergovernmental committee and we need to evaluate during budgets.

County Administrative Officer Ray Espinosa said that economic development is extremely important for our County and to have a person to go to for direction would be beneficial.

Public Comment:

Cameron Langer, Monterey Bay Procurement Technical Assistance Center, hosted by the Monterey Bay Business Council. Spoke about their product activity. He said that they are asking the Board to support option #3.

Graham Mackie, Member of the San Benito Business Council, said that he is recommending the Board support the money to get EDC operational.

Bob Tiffany, President of the San Benito County Business Council, voiced his support for the EDC. Said that we have the same goal that is to bring economics vitality to our community. Very supportive of this proposal made by Mr. Johnson of the EDC.

Kate Roberts, President of Monterey Bay Economic Partnership, thanked Board for their support of being part of our member organization. She said that they work on the really tough problems like affordable housing, transportation, workforce development, pipeline and broadband. She spoke as to how they can support our county.

Elias Salinas said that she encourages the Board to support this 5 year plan with EDC.

Chairman Medina said that the decision for him is rather simple we need business and it is time to follow through. Said that he supports the EDC.

Discussion ensued by Board.

Supervisor De La Cruz called for a division of the motion. He said that he would support the motion if he pulls out the \$100,000.00 and discuss further at budget period.

Further Discussion by the Board and staff with some questions for EDC.

Supervisor Hernandez said that he supports, but wants benchmarks included in the motion.

Supervisor Gillio said that he would amend his motion to include that and asked for another second of the motion.

MOTION:

Made by
Motion: To fund the Monterey County Business Council \$2,0000.00, Monterey Bay Supervisor

Economic Partnership \$5,000.00, Economic Development Corporation \$45,000.00, and the San Benito County Chamber \$15,000.00 totally \$67,000.00 which is the balance of the left over funds from the lobbyist fund and make a tentative agreement to fund the economic development corporation director for 5 years at \$100,000.00 pending other commitments from other agencies as well as making through our budget process and to include benchmarks:

Jim Gillio
and
seconded
by
Chairman
Mark
Medina

5 - 0

For (5):

Against (0):

Ayes: Botelho, De La Cruz, Gillio, Hernandez, Medina

15. HEALTH AND HUMAN SERVICES AGENCY - T. BELTON, INTERIM

Receive presentation on the Workforce Development Board and the Hallmarks of Excellence.
SBC FILE NUMBER: 130

Health and Human Services Deputy Director Enrique Arreola gave a brief update and PowerPoint presentation on the Workforce Development Board and the certification of Hallmarks of Excellence overview. Items covered were: San Benito County Workforce Development Board; Menu of Services; On-Site Partners; Occupations Trained In; Workforce Development Board Local Plan Industry Sectors; Unemployment Rates-Labor Force; Workforce Regional Program Units; Workforce Development Board is required to have an AJCC Operator.

David Mirrione the AJCC operator spoke on the Hallmarks of Excellence and the 8 things they are looking for: Physical location; Ensures Universal Access, with an emphasis of individuals with barriers to employment; Actively supports the One-Stop System through effective partnerships; Provides Integrated, Customer-Centered services; Is an on-ramp for skill development; Actively engages industry and labor and supports regional sector strategies; Has high-quality, well-informed, cross-trained staffing; Achieves business results through data-driven continuous improvement; spoke of the ranking for Hallmarks of Excellence and the Workforce Developments being 27 and how ranking helps you with getting grants.

Supervisor Anthony Botelho thanked them for the presentation and Mr. Arreola for the work he has done at the One-Stop Center.

Supervisor Jim Gillio said that he also appreciated Mr. Arreola's work.

Presentation only.

CLOSED SESSION

County Counsel Barbara Thompson read the closed session items into the record.

Item #19 being continued to the next meeting so that the RMA Director could be present.

The Board adjourned into closed session at 12:06 p.m. and reported out at 1:13 p.m.

County Counsel Barbara Thompson reported out as follows:

#16 the Board approved adding additional dependents. 5/0 vote

No reportable action on the rest.

Matters discussed during Closed Session include existing and pending litigation, personnel matters and real property negotiations. Reportable actions taken by the Board during Closed Session will be announced during open session. (Gov. Code Section 54957.1(a) and (b), Ralph M. Brown Act.)

16. **CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Subdivisions (a) and (d)(1) of Section 54956.9

Name of Case: County of San Benito, et. al. v. AmerisourceBergen Drug Corporation, et. al. United States District Court, Northern District of California,

Case No. 5:18-cv-02733

SBC FILE NUMBER: 235.6

Board approved adding the following dependents: Albertsons, Amneal Pharmaceuticals, LLC., Par Pharmaceutical, Rite Aid, SpecGx, LLC., Thrifty Payless, Inc., and Walgreens. (5/0 vote)

17. **CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (d)(2), (e)(2) of Government Code Section 54956.9

Number of cases: 1

Facts and Circumstances Justifying Closed Session: Potential of litigation relating to County's actions and/or policies under the Lanterman-Petris-Short Act.

SBC FILE NUMBER: 235.6

No reportable action.

18. **CLOSED SESSION - PUBLIC EMPLOYEE APPOINTMENT**

Title: Assistant County Administrative Officer

Authority: California Government Code 54957

SBC FILE NUMBER: 235.6

No reportable action.

19. **CLOSED SESSION-CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION**

Significant Exposure to litigation pursuant to Section 54956.9: Number of Cases: (1)

Closed session is authorized by Section 54956.9(d)(2), (e)(1).

SBC FILE NUMBER: 235.6

This item was continued to the next meeting so that RMA Director could be present.

20. **CLOSED SESSION - PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Title: County Counsel

Authority: California Government Code 54957

SBC FILE NUMBER: 235.6

No reportable action.

ADJOURNMENT

Adjourn to the next special meeting of March 12, 2019.

MOTION:

Motion: To adjourn the meeting at 1:14 p.m.: Made by **Supervisor Jim Gillio** and seconded by **Vice-Chair Jaime De La Cruz**

5 - 0

For (5): *Ayes: Botelho, De La Cruz, Gillio, Hernandez, Medina*

Against (0):

NOTE: A copy of this Agenda is published, along with supportive documents, on the County's Web site on the Friday preceding each Board meeting and may be viewed at www.cosb.us/government/meetings-agendas/. All proposed agenda items with supportive documents are also available for viewing at the San Benito County Administration Building, 481 Fourth Street, Hollister, CA between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday (except holidays). This is the same packet that the Board of Supervisors reviews and discusses at each Board meeting.

As required by Gov. Code Section 54957.5 any public record distributed to the Board of Supervisors less than 72 hours prior to this meeting in connection with any agenda item shall be made available for public inspection at the office of the Clerk of the Board, San Benito County Administration Building, 481 Fourth Street, Hollister, CA 95023. Public records distributed during the meeting will be available for public inspection at the meeting if prepared by the County. If the public record is prepared by some other person and distributed at the meeting it will be made available for public inspection following the meeting at the office of the Clerk of the Board.

In compliance with the Americans with Disabilities Act (ADA) the Board of Supervisors meeting facility is accessible to persons with disabilities. If you need special assistance to participate in this meeting, please contact the Clerk of the Board's office at (831) 636-4000 at least 48 hours before the meeting to enable the County to make reasonable arrangements to ensure accessibility.