



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

November 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 Anthony Botelho,
District #2.**

The Pledge of Allegiance was led by Supervisor Anthony Botelho.

Supervisor Botelho said that Monday is a very important day for our Nation in remembrance of our Veterans and hope that we all go out on Monday in honor of them and their sacrifices.

b. Acknowledge Certificate of Posting

Certificate of Posting.

MOTION:

Motion to Acknowledge the
Certificate of Posting:

Made by **Supervisor Jim Gillio** and seconded by **Vice-
Chair Jaime De La Cruz**

5 - 0

For (5):

Against (0):

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

c. **Presentations and Recognitions**

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.

Jerry Tatro spoke in regards to the Salinas Grade Road. He said that he would like to see something down the road is a mess. The guardrails need repair, etc.

e. **Department Head Announcements: Information Only**

Interim Director of OES Kris Mangano provided an update on the power outages. She said there were about 1,300 residents of San Benito County affected they were in the rural areas of the County. We did have a community resource center open at the Mission San Juan Bautista parking lot and over the three day's they were open they saw 15 people that passed through. Don't see any of those events happening anytime soon.

Supervisor Gillio thanked Kris for working all weekend on this, appreciated it.

RMA Director Harry Mavrogenes gave an update on the roads. We have completed the two pothole contracts with PCS and Granite. Panoche Road is now completed. He said potholes are emergency work and they are not going to be the smoothest surface but they are primarily to prevent accidents. He said that we have a small crew that will be working additional pothole repairs. He said that the Board recently approved money for projects between Measure G and Enterprise Funds and we are now in design on those. Will start early spring to do the major paving on some roads. Also working on the slurry seal on CSA's and chip seal.

Agricultural Commissioner Karen Overstreet provided an update on the Cannabis Business applications. She said there has been 6 applications they are moving to phase 3, which is the interview process and is scheduled for November 20th.

Librarian Nora Conte spoke about the annual report. Thanked CAO Ray Espinosa for his recommendations on the budget along with the Board for their approval of the budget because it has significant impact on the Library. She said the Library is thriving. Thanked the Board and the public for their support.

Tax Collector/Treasurer Melinda Casillas spoke about an issue they had with the tax bills. They have sent out corrected bills and she provided information why; which was due to two voter approved bonds that had been approved but did not reflect on the tax bills. She provided information on the process they are doing in their office to straighten this out.

Clerk/Auditor/Recorder/Elections Joe Paul Gonzalez provided additional information on the bond payments and how they were in the roll. He said that the day after bills were printed it was discovered that two of the bonds were not on the bill. They contacted Megabyte who is the one that prints the bills and they said that they would help fix the problem at no charge. He said that mistakes happen and we need to recognize them as soon as they happen and fix them as soon as we can. Was glad he was able to work with Melinda to work this out.

Chairman Medina asked how we can prevent this from happening in the future.

Mr. Gonzalez provided information.

Ms. Casillas provided additional information.

Supervisor Jaime De La Cruz asked if you will give an extension of time to turn in the payment.

Ms. Casillas said that they will be working with those on their payment. She apologized for the inconvenience of this and thanked those who came in and made their payments.

Clerk/Auditor/Recorder/Elections Joe Paul Gonzalez gave an update from the Auditor's Office. They participated in the CalPers Conference. CalPers just created a pension outlook estimator for use for all of the agencies that can put in information and it will give you the payout. He reported that the elections office is working on signature checking for the referendum that was presented last month to the Clerk of the Board and that it should be completed by the end of the week and will be agendaized for the next meeting for the Board to consider what they want to do.

CAO Ray Espinosa said that CalPers is definitely looking at a lot of different things. They are looking at delivering more affordability for health care due to the rising costs. He also announced that they are pulling Item #13 from the agenda.

f. Board Announcements: Information Only

Supervisor Anthony Botelho reported that he and Supervisor Gillio, Administrative staff, COG staff and the RMA Director met with Senator Caballero in regards to the roundabout at Hwy 25 and 156 in regards to some of the issues that the County and City has with it. He said that he is also concerned about the Salinas Grade Road, we need to deal with the guardrails and illegal dumping on that road. He mentioned at the last meeting he spoke about a complaint filed he had filed against him in regards to a conflict of interest, which he said that he has responded to. He said that the FPPC determined that it is not worth investigating, so it is closed.

Supervisor Peter Hernandez reported that he met with Tina with Hollister Recreation to address concerns about the implementation of sub-leases and protecting the counties interest at Vet's Park. He said that he also met with Dulce Alonso and Economic Development Corporation and went over what is needed to bring small businesses to the County. Said that he met with Dulce and the one that is doing the feasibility study for the Library and it was a good conversation. He reported that he attended the Treat Streets Event on Halloween and it was a great success. He thanked Tina Garza and Jennifer Rodriguez from Hollister Recreation for putting it together.

Supervisor Jaime De La Cruz reported that he also attended the Treat Street Event with Supervisor

Gillio, Medina and Hernandez. He said it was a great community service event and thanked the City of Hollister for putting it on. Attended the Red Ribbon event on Saturday.

Supervisor Jim Gillio reported that he attended a CaLAFCO event in Sacramento and attended a session about dealing with troubled districts, special districts that are having problems and ways to deal with them and what LAFCO can do in the County. Attended Small Steps for San Benito County over the weekend and the turn out was amazing. Attended Environmental Day; Red Ribbon Event; Farm Bureau Dinner Saturday night and Kay Felice was honored. Attended the Flu Clinic. Thanked all team members and the road department for all that you do.

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 #1-11 as presented: Made by **Supervisor Anthony Botelho** and seconded by **Supervisor Jim Gillio**

5 - 0

For (5):

Against (0):

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

1. **ASSESSOR'S OFFICE - T. SLAVICH**
Adopt Resolutions establishing Agricultural Preserves and approve the Land Conservation Act Contracts for William Rist & Robin Rist (Rist William & Robin Family Trust) and Armond Rist, Jr. & Ann Rist (Rist Family Trust UTD 2001), and authorize the Board Chairman to sign the Resolutions and LCA Contracts.
SBC FILE NUMBER: 7
RESOLUTION NO: 2019-107
RESOLUTION NO: 2019-108
2. **BOARD OF SUPERVISORS**
Approve Proclamation declaring November 14, 2019 as Philanthropy Day in San Benito County. To be presented at ceremony at San Juan Oaks.
SBC FILE NUMBER: 430
3. **BOARD OF SUPERVISORS**
Approve Certificates of Recognition for 2019 LULAC Veteran of the Year Honorees: Jim Gibson, Ralph Marquez and Adam Mendolla, to be presented at the Veterans Day Breakfast on November 11, 2019.
SBC FILE NUMBER: 156

4. **CLERK OF THE BOARD OF SUPERVISORS - J. SLIBSAGER**
Approve the action minutes of the August 20, 2019 regular meeting and the September 10, 2019 regular meeting
SBC FILE NUMBER: 119

5. **COUNTY ADMINISTRATION OFFICE - R. ESPINOSA**
Approve budget amendment to transfer \$142,177.19 from the General Fund to Health & Human Services for reimbursement of foster care recoupment payments starting from FY 16/17 through FY18/19. (4/5 vote)
SBC FILE NUMBER: 130

6. **HEALTH AND HUMAN SERVICES AGENCY – T. BELTON**
Adopt Resolution accepting the Disgorgement Assistance Program (DAP) grant agreement in the amount of \$12,902.00; and approve Standard Agreement No. 20D-1029 with the State of California Department of Community Services and Development for the term of October 1, 2019 through December 31, 2020; approve budget adjustment/transfer in the amount of \$12,902.00. (4/5 vote)
SBC FILE NUMBER: 130
RESOLUTION: 2019-109

7. **HEALTH AND HUMAN SERVICES AGENCY - T. BELTON**
Approve the License Agreement between the County of San Benito and the Department of Housing and Community Development authorizing the limited use of the San Benito County Migrant Center as a Family Winter Shelter Program during the period of December 16, 2019 through March 31, 2020.
SBC FILE NUMBER: 130

8. **HEALTH & HUMAN SERVICES AGENCY - T. BELTON**
Approve contract with First 5 San Benito for Child Abuse Prevention Services for a 5 year term of November 1, 2019 through June 30, 2024, in an amount not to exceed of \$750,000.00.
SBC FILE NUMBER: 130

9. **PROBATION DEPARTMENT - J. FRONTELLA, JR.**
Authorize the appropriation of the Community Corrections Partnership (CCP) AB109 funding as agreed and voted upon by the San Benito County Community Corrections Partnership Executive Committee (CCP-EX); approve budget adjustment/transfer in the amount of \$107,333.98. (4/5 vote)
SBC FILE NUMBER: 510

10. **RESOURCE MANAGEMENT AGENCY - H. MAVROGENES**
Adopt Resolution codifying that the County will use the Caltrans policies and procedures described in Chapter 10 of the Caltrans Local Assistance Procedures Manual (LAPM), entitled "Consultant Selection", as the process by which the County retains Consultant Services related to federal and state funded transportation projects.
SBC FILE NUMBER: 105
RESOLUTION NO: 2019-110

11. **RESOURCE MANAGEMENT AGENCY – H. MAVROGENES**

Approve additional change order authority for RMA Director in the amount of \$720,000.00 or approximately (3) three percent of the contract total for the construction of the Jail Expansion Project. Approve a budget amendment transferring \$300,000 of Jail Impact fees to the capital improvement fund and a capital budget amendment increasing appropriations on the Jail Expansion project by \$500,000. (4/5 vote)
SBC FILE NUMBER: 120.5

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.*

12. **COUNTY COUNSEL'S OFFICE - B. THOMPSON**

Discuss and provide direction to staff regarding scope of conflict of interest advice to be provided by the County Counsel's Office.
SBC FILE NUMBER: 160

County Counsel Barbara Thompson provided information regarding scope of conflict of interest advice and how it was provided in the past, asked for direction from the Board if they want them to give advice, and if so, who should give the advice and should there be a limit of time spent.

Supervisor Jim Gillio said as a new Board member he is interested in having this to be able to get advise.

Supervisor Anthony Botelho said that he also supports this, is important to have some kind of policy going forward for future needs of elected leaders, department heads and staff. I think we should have something in place which allows some advice that could be helpful for a person.

Chairman Mark Medina said that it would be wise for every Supervisor to sign something stating that our legal counsel is not responsible for anything that arises out of the advise.

Supervisor Jaime De La Cruz said if the Board is going to go in that direction it would be proper that you provide a report of which Supervisor has come to you for advice.

Supervisor Peter Hernandez said that he would like to be able to get advice on things at times to prevent issues.

Public Comment:

Richard Bettencourt, Public member of LAFCO, said that we hire County Counsel for our council and sometimes I feel it could be a conflict.

Chairman Medina asked if County Counsel had direction.

CAO Ray Espinosa said that yes they have direction.

13. **RESOURCE MANAGEMENT AGENCY - H. MAVROGENES**

Approve legal services agreement with Burke, Williams & Sorenson to assist with land use entitlement and CEQA advice concerning proposed developments within the County, in an amount not to exceed \$20,000.00.
SBC FILE NUMBER: 790

This item was pulled from the agenda.

CLOSED SESSION

County Counsel Barbara Thompson read the closed session items in to the record.

The Board adjourned in to closed session at 9:56 a.m. and reported out of closed session at 10:40 a.m.

There was no reportable action.

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.)

14. **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

Potential of additional litigation regarding Master Tax Agreement currently being litigated in *Award Homes and BMC Promise Way*.

SBC FILE NUMBER: 235.6

No reportable action.

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

No. of cases: 1 Subdivisions (a) and (d)(1) of Section 54956.9 Name of Case:

Preserve Our Rural Communities v. County of San Benito, Superior Court of California, County of San Benito, Case No. CU-19-00174.

SBC FILE NUMBER: 235.6

No reportable action.

ADJOURNMENT

Adjourn to the next regular meeting of November 19, 2019.

MOTION:

Motion to adjourn the meeting at 10:41 a.m.: Made by **Supervisor Jim Gillio** and seconded by **Supervisor Peter Hernandez**

For (5):

Against (0):

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

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.