



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

REGULAR MEETING MARCH 19, 2013 ACTION MINUTES

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in *regular 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 Muenzer led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- c) **PRESENTATION & RECOGNITIONS, BOARD ANNOUNCEMENTS:**

BOARD OF SUPERVISORS:

Present Proclamation to San Benito County Farm Bureau proclaiming March 2013 as the month for San Benito County Farm Day in San Benito County.

Upon motion made by Supervisor Barrios and seconded by Supervisor Muenzer, proclaimed March 2013 as the month for San Benito County Farm Day in San Benito County and authorized the Chairman to sign. (Unanimous) File #430

HUMAN RESOURCES:

Present Certificate of Recognition to Cynthia Singh, Deputy Director of Health and Human Services for two years of dedicated service with the County of San Benito.

Supervisor Barrios presented the Certificate of Recognition to Cynthia Singh.

Ms. Singh thanked the County of San Benito, adding that it was a wonderful experience and community and that she had worked with a dedicated staff.

File #630

- d) **Public Comment:** Art Bliss, Grand Jury Foreman, indicated that he worked for San Benito County and was firmly committed to recusing himself from county studies if needed. He made three points which were; they were promoting recruitment for the grand jury and encouraged others to be watch dogs of county government; the current grand jury felt their budget was in line with what they needed; and they were the only county out of 58 in California that did not have its

own securable space. He added that the CAO had stated that when the courts move, area may be available.

Marty Richman, Hollister resident, spoke in regards to the City Council meeting discussion of public safety the night before. He urged the Board to level the playing field by incorporating a 1% sales tax in unincorporated areas. He estimated that 1% would bring in 1 ¼ to 1 ½ million dollars a year adding that it would take some guts to put it on the ballot. He noted that the City of Hollister has a 1% tax and the City of San Juan Bautista has a ¾% tax.

Belen Martinez, home care provider, stating that she was making the request in person for a conversation with the Board in regards to the change in fund for In Home Support Services (IHSS).

- e) **Department Head Announcements:** Interim County Administrative Officer Ray Espinosa stated that the Administration Office would like to move item number 7 from consent to the regular agenda.

Interim Health & Human Services Agency Director Maria Corona spoke in regards to the managed health care item that was moved to March 19, 2013 and informed the Board that some of the stakeholders could not make it and stated that it would be on the April 2, 2013 agenda.

Supervisor De La Cruz noted that at the last meeting Ms. Corona indicated that timing was important and if they pushed it to April 2, 2013 he wanted them to make sure they can approve it and move forward with it.

Ms. Corona concurred noting that time was crucial as expected implementation was June 1, 2013.

Chairman Botelho commented that HHSA Director Corona was doing fine.

County Librarian Nora Conte handed out fliers for the celebration of National Library Week in honor of the County Library's 96th Anniversary. She stated that she wanted to publicly thank Interim CAO Espinosa as she was impressed with his dedication and commitment and appreciated his concern and carefulness in looking at departments.

Supervisor Muenzer stated that he had been receiving emails from a group called Library Drive for Five and asked Ms. Conte who they were.

Ms. Conte explained that the group had met in January to see if they could help make a difference for libraries.

Supervisor Muenzer asked if fundraising was their goal.

Ms. Conte stated that fundraising was part of their goal.

Supervisor Barrios expressed appreciation for the library's partnership with the Women's Club.

- f) **Board Announcements:** Supervisor Rivas stated that he attended the AMBAG meeting the previous week along with Supervisor Muenzer and reported that AMBAG had launched a new website which was more user friendly and provided much easier access. He spoke of the 2013 education program that AMBAG had launched. He added that all information for the different classes was available by calling 831-264-5102 or visiting the new website.

Supervisor Muenzer indicated that when he attended the AMBAG meeting, Lynn Robinson of the City of Santa Cruz, thanked the tri-county area for their support during the loss of their two fallen police officers. He added that he attended the San Benito County Working Landscape group meeting who were doing what they could to assist ranchers. He noted that many of the

conversations that came up during their survey were concerns of government interferences in the way they did their ranching.

Supervisor Barrios reported that she and Supervisor Muenzer attended a San Benito Health Foundation Strategic Plan meeting where they talked of low income health care programs. She added that they recommended community meetings to speak of the changes to come. She further reported that she and Supervisor Muenzer had attended a meeting of the group that was working on the San Benito County Olive Festival and read their mission statement. Supervisor Barrios reported what the Intergovernmental Committee was working on.

CONSENT AGENDA:

*Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Barrios, **approved** Consent Agenda Items with the exception of Items 1, 2, 6, 8, 9 and 12 which were pulled for discussion (Unanimous)*

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 1) **Adopt Resolution accepting the contract as provided by the Dept. of Health Care Services (DHCS) and authorize the Behavioral Health Director to sign the contract and certification form between DHCS and the County for the period of May 1, 2013 through April 30, 2018. (Res. No. 2013-17)**

Item was pulled for discussion.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor De La Cruz, **adopted Resolution No. 2013-17 accepting** the contract as provided by the Dept. of Health Care Services (DHCS) and **authorized** the Behavioral Health Director to sign the contract and certification form between DHCS and the County for the period of May 1, 2013 through April 30, 2018.*

File #810

BOARD OF SUPERVISORS:

- 2) **Approve Proclamation honoring Leon Panetta for his commitment and years of service as the 23rd Secretary of State. To be presented at a later date. (Supervisor Botelho)**

Item was pulled for discussion.

Supervisor Barrios noted the correction that Leon Panetta was Secretary of Defense and not Secretary of State.

Upon motion duly made by Supervisor Barrios and seconded by Supervisor Muenzer approved the proclamation honoring Leon Panetta for his commitment and years of service with the correcting change to Secretary of Defense. (Unanimous)

File #430

HEALTH & HUMAN SERVICES AGENCY – M. Corona:

- 3) ***Re-appointed* Ms. Nelda Escamilla to the Youth Employment Program Council to represent an Organization that has experience in Youth Activities member for the term of March 19, 2013 through March 19, 2016. (CSWD) File #939**

HEALTH & HUMAN SERVICES AGENCY – M. Corona:

- 4) ***Re-appointed*** Ms. Katherine Hough to the Workforce Investment Board to represent the private sector for a three year term effective March 19, 2013 through March 19, 2016. (CSWD) ***File #939***

HEALTH & HUMAN SERVICES AGENCY – M. Corona:

- 5) ***Re-appointed*** Ms. Carrie Fosdick to the Workforce Investment Board to represent the private sector for a three year term effective March 19, 2013 through March 19, 2016. (CSWD) ***File #939***

HEALTH & HUMAN SERVICES AGENCY – M. Corona:

- 6) **Approve contract with the Homeless Coalition of San Benito County for the period of March 11, 2013 to March 10, 2014, for the amount not to exceed \$203,014 and authorize the HHSA Interim Director to sign for the purpose of this grant.**

Item was pulled for discussion.

Doug Emerson of the Homeless Coalition thanked the Board for the partnership and the grant, noting it was the first time funds had gone to San Benito County.

*Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Rivas, **approved** the contract with the Homeless Coalition of San Benito County for the period of March 11, 2013 to March 10, 2014, for the amount not to exceed \$203,014 and **authorized** the HHSA Interim Director to sign for the purpose of this grant. (Unanimous)*

File #939

HEALTH & HUMAN SERVICES AGENCY – M. Corona:

- 7) **Modify the schedule of authorized positions for Health & Human Services Agency; add 4.00 FTE's Eligibility Worker in the budget unit 2211500.**

Item was pulled for discussion.

Interim CAO explained that there was a request to add four eligibility workers.

Interim HHSA Director Maria Corona spoke of the changes to programs and of the funds to be utilized to fund four positions. She stated that they needed more eligibility workers to prepare for the new changes to the MediCAL program and New Healthy Family cases as well.

Discussion ensued between Board members and staff.

Chairman Botelho opened the matter up for public comment.

Marty Richman recalled that years before they talked about a C4 System that was supposed to get rid of the backlog and then HHSA Director Kathy Flores stated that it would take 4 to 6 months to train and then the C4 System would be automatic. He commented that today it's all gone and will take 4 to 6 months to train as without the C4 System. He felt the State had no respect for hard earned money that was made and given to the State.

*Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Barrios, **approved** and **directed** staff to **modify** the schedule for new positions, with no funding to come from the General Fund and make employees aware, when hiring, that if the funds run out, the position ends. (Unanimous)*

File #130

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 8) **Review status report on Proposed Resource Recovery Park project and direct staff as appropriate.**

Item was pulled for discussion.

Chairman Botelho called for public comment.

Tammy Jackson indicated that they were asking for 3 years of numbers on the recovery park and felt that it should be very easy to get the numbers. She wondered why the public was denied numbers for so long.

Integrated Waste Manager Mandy Rose explained that the item was on just to keep the Board updated. She stated that she said that she would get the rest of the information out that week and Ms. Jackson kindly offered to get the information out to the people on her email list.

Shorty Silva stated that they were not against the recovery park but that it was irresponsible to move forward without knowing the cost or returns.

Chairman Botelho closed the public comment section and noted that it was a review only item.

File #142

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 9) **Adopt Resolution rejecting all bids received in response to IFB PWB-1302 for Warehouse Fencing at 2301 Technology Parkway, reevaluating the County's cost estimates, and declaring that a contract can be negotiated with the original bidder at a lower price than that in any of the bids received, pursuant to Public contract code section 20150.10; and authorize the Public Works Administrator to negotiate a contract to perform the work with the original bidder. (4/5 vote)**

Item was pulled for discussion.

The Board asked questions of staff which were answered.

*Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Barrios, **adopted Resolution No. 2013-18 rejecting** all bids received in response to IFB PWb-1302 for Warehouse Fencing at 2301 Technology Parkway, reevaluating the County's cost estimates, and declaring that a contract can be negotiated with the original bidder at a lower price than that in any of the bids received, pursuant to Public contract code section 20150.10; and **authorized** the Public Works Administrator to negotiate a contract to perform the work with the original bidder. (Unanimous)*

File #105.3

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 10) **Adopted Resolution No. 2013-19 authorizing** the Public Works Administrator to execute fund transfer agreements pertaining to Truck Road Planning Grants with CAL TRANS.

File #105

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 11) **Adopted** the plans and specifications for the Building Improvements – Agriculture Commissioner's Office project. *File #105.3*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 12) **Adopt the plans and specifications for Veteran’s Memorial Park Irrigation Well project.**

Item was pulled for discussion.

Discussion ensued between Board members and staff.

Chairman Botelho thought Supervisor De La Cruz made a good point and asked that a discussion to review parks monies.

Interim CAO Espinosa stated that he would put the matter on the second meeting in April.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Muenzer, **adopted** the plans and specifications for Veteran’s Memorial Park Irrigation Well project to start the conversation regarding cost sharing. (Unanimous)*

File #105.3

SHERIFF’S OFFICE – D. Thompson:

- 13) **Approved** Amendment No. 6 to the Aramark Food service contract authorizing the annual Consumer Price Index (CPI) increase of 1.5% percent for the period of October 28, 2012 through October 27, 2013. *File #120.5*

REGULAR AGENDA:

ADMINISTRATION – R. Espinosa:

- 14) **Direct staff to initiate request for proposals (RFP) for fire services.**

Chairman Botelho gave a history of the 2012 standing committee for fire protection and their progress.

Interim CAO Ray Espinosa gave a staff report.

Discussion ensued between Board members, staff, CALFire Chief Hutchinson, City of Hollister Mayor Ignacio Velazquez and City of San Juan Bautista Councilmember Robert Lund.

Chairman Botelho opened public comment.

Those speaking under public comment were Marty Richman, SJB City Councilman Andy Moore and Rob Bernosky.

Chairman Botelho closed public comment.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor De La Cruz, **directed** staff to request Request For Proposals (RFPs) for fire services and bring back to the Board with no date certain. (Unanimous)*

File #60

The Board adjourned for a break at 10:31 a.m. and reconvened into regular session at 10:41 a.m.

EMERGENCY SERVICES – J. Clark:

- 15) **Read title of Ordinance for the record: “An Ordinance of the County of San Benito amending Chapter 11.01 (“Civil Emergencies”) of Title 11 of the San Benito County Code, to add a section regarding the offices of Director and Assistant Director of Emergency Services; accept introduction; waive further reading of the ordinance and continue to April 2, 2013 for adoption.**

Emergency Services Manager James Clark spoke of the amendments to the Ordinance.

Assistant County Counsel Barbara Thompson read the title of the ordinance for the record.

*Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Botelho, **accepted** the introduction of the ordinance and **waived** further reading of the ordinance and **continued** the matter to April 2, 2013 for adoption. (Unanimous)*

File #75.5

HUMAN RESOURCES – J. Credico:

16) Discuss and direct staff regarding Professional Accountant position.

Interim CAO Ray Espinosa gave a staff report.

Discussion ensued between Board members and staff.

*Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Muenzer, **directed** staff to come back with a new fte Accountant III funded equally (50/50) by Health and Human Services Agency and Public Works Departments. (Unanimous)*

File #630

HUMAN RESOURCES – J. Credico:

17) Discuss and direct staff regarding recruitment for Director of Health and Human Services Agency and consider contract for executive search, with Avery and Associates, for approval.

Interim CAO Ray Espinosa gave a staff report.

Management Analyst Jacki Credico stated that they recommended using the executive search firm contract which was \$17,900.

Supervisor Barrios noted that the AIT says \$17,900 but the contract states not to exceed \$19,900.

Management Analyst Credico stated that it was an error, noting that she copied the wrong contract and it was \$17,900 and was all inclusive.

Supervisor Barrios felt it should be less since they had all the information from the County.

Ms. Credico reiterated that it was \$17,900.

*Upon motion duly made by Supervisor Muenzer and seconded by Supervisor De La Cruz, **accepted** Option 1 **approving** the contract with Avery and Associates in the amount of \$17,900.*

At the end of the meeting after closed session, Interim CAO Espinosa asked that Item #17 be reopened.

Chairman Botelho reopened the matter.

Management Analyst Credico stated that the contract was \$19,900 as was stated on the contract and apologized for her error.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas, **amended** the prior motion to reflect approval of the contract in the amount of \$19,900. (Unanimous)*

File #630

INTEGRATED WASTE MANAGEMENT – M. Rose:

18) Appoint an Ad Hoc Subcommittee to review the 2013 COLA for Waste Connections, Inc. and finalize the COLA for 2012 and 2011.

Integrated Waste Manager Mandy Rose gave a brief staff report.

Chairman Botelho appointed himself and Supervisor Muenzer to the Ad Hoc Committee to review the 2013 COLA for Waste Connections, Inc.

File #142

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 19) **Review the proposal from Waste Connections, Inc. for John Smith Road Landfill and direct staff as appropriate.**

Integrated Waste Manager Mandy Rose gave a staff report on the matter including background.

Discussion ensued between Board members and staff.

Chairman Botelho opened public comment.

Those speaking under public comment were Marty Richman and Richard Bettencourt.

Chairman Botelho closed public comment.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas, **reviewed** the proposal from Waste Connection, inc. and **directed** staff to come back with draft language. (Unanimous)*

File #142

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 20) **Approve Amendment #2 to the contract with Environmental Stewardship & Planning, Inc., in the amount of \$18,000, for the proposed Resource Recovery Park.**

Integrated Waste Manager Mandy Rose stated that they aren't new dollars but were dollars that weren't spent, \$18,000 plus left in species survey.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas, **approved** Amendment #2 to the contract between the County of San Benito and Environmental Stewardship and Planning, Inc. in the amount of \$18,000.*

File #142

PLANNING DEPARTMENT – G. Armstrong:

- 21) **Discuss the proposed Groundwater Extraction changes, determine the appeal option and direct staff to conduct any necessary CEQA analysis on the proposed changes, and then bring back the proposed changes for further consideration and potential adoption.**

Planning Director Gary Armstrong gave a staff report noting that the San Benito County Water District (SBCWD) would prefer to leave the appeal process with SBCWD.

Discussion ensued between Board members and staff about which entity should have responsibility for the appeal process.

San Benito County Water District Deputy District Engineer Dale Rosskamp stated that his Board wanted to feel comfortable if the Board of Supervisors were doing the final appeal and they did not feel the safety mechanisms were built in as they were for SBCWD.

*Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Barrios, **directed** staff to conduct any necessary CEQA analysis on the proposed changes, leaving the appeal process with the San Benito County Water District. (The motion passed 4-1 with Supervisor De La Cruz voting no)*

File #790

The Board adjourned into Closed Session at 2:08 p.m. and reconvened into regular session at 2:45 p.m.

CLOSED SESSION:

- 22) **Conference with Legal Counsel-Anticipated Litigation.**
Significant Exposure to litigation pursuant to subdivision (d) of Section 54956.9: Number of Cases: (1)
Closed session is authorized by Section 54956.9(d)(2),(e)(2):The State Controller's Office states the County of San Benito underfunded the Education Revenue Augmentation Fund (ERAF) from July 1, 1991 and June 30, 2001.

Marty Richman and Pat Loe spoke under public comment in regards to the Closed Session matter.

No reportable action was taken.

File #235.6

- 23) **Conference with Legal Counsel-Anticipated Litigation.**
Significant Exposure to litigation pursuant to subdivision (d) of Section 54956.9: Number of Cases (1)
Closed session is authorized by Section 54956.9(d)(3) and (d)(2),(e)(2): Application of City County Tax Sharing Agreement to Minor Subdivision 860-89 approved in 1989.

Pat Loe spoke under public comment in regards to the Closed Session matter.

The Board engaged in initial discussion on the Closed Session item and decided not to further discuss but to agendize as an open session item at a future meeting.

File #235.6

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 2:47 p.m. to April 2, 2013 at 9:00 a.m.

ANTHONY BOTELHO, CHAIRMAN

San Benito County Board of Supervisors

ATTEST:

Denise R. Thome, Clerk of the Board