



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 APRIL 16, 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 Barrios led the Pledge of Allegiance.
- b) Upon motion duly made by Supervisor Rivas and seconded by Supervisor Barrios acknowledged Certificate of Posting.

Chairman Botelho noted the full agenda and asked the Board if they wanted to bring in lunch and do closed session during a one and a half hour lunch or 45 minutes for lunch and 45 minute closed session. The consensus was to bring in food and work through lunch.

c) PRESENTATIONS & RECOGNITIONS:

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Muenzer, **approved** all presentations and proclamations. (Unanimous)*

BOARD OF SUPERVISORS:

Present Certificate of Recognition to Fred Cheshire for his years of dedicated service with the City of Hollister Fire Department upon his retirement. (Supervisor Rivas)

Supervisor Rivas presented the certificate of recognition to Fred Chesire. *File #156*

BOARD OF SUPERVISORS:

Present Proclamation to San Benito County Library proclaiming April 14-20, 2013 as National Library Week.

Chairman Botelho presented the proclamation to County Librarian Nora Conte. *File #430*

BOARD OF SUPERVISORS:

Present Proclamation to Water Resources Association of San Benito County declaring May as Water Awareness Month in San Benito County.

Supervisor De La Cruz presented the proclamation to Water Conservation Program Manager Shawn Novack of the Water Resources Association. *File #430*

BOARD OF SUPERVISORS:

Present Proclamation to the Monterey Bay Unified Air Pollution Control District declaring the month of May 2013 as Clean Air Month.

Supervisor Muenzer presented the proclamation to a representative of the Monterey Bay Unified Air Pollution Control District. *File #430*

HEALTH & HUMAN SERVICES AGENCY – M. Corona:

Award the Child Abuse Prevention Council's Annual Blue Ribbon Award to Denise and Delbert Perry.

Chairman Botelho asked Interim Health and Human Services Agency Director Maria Corona present the award to Denise and Delbert Perry. *File #130*

HUMAN RESOURCES – J. Credico:

Present Certificate of Recognition to Margie Diener, Senior Staff Services Analyst for Health and Human Services for over 26 years of service upon retirement.

Supervisor Barrios presented the certificate of recognition to Margie Diener. *File #630*

d) **Public Comment:**

Those speaking under public comment were Marty Richman and Joe Thompson.

e) **Department Head Announcements:**

Council of Governments Director Lisa Rheinheimer announced the ribbon cutting ceremony for the San Juan Bike Lane on April 26, 2013 at 3:00 p.m. at Anzar High School. She also announced the Walk and Roll Event to be held on April 27, 2013 from 10 to 2 at the Veterans Memorial Building courtyard.

Public Works Administrator Steve Wittry spoke of the chip sealing schedule for the county. He answered questions about the mowing schedule.

Agricultural Commissioner Ron Ross spoke of the reimbursement from the fuel tax which should cover 41% of the county net cost.

County Librarian Nora Conte handed out booklets entitled "The emerging story of California public libraries".

f) **Board Announcements:**

Supervisor De La Cruz announced that he would not be able to attend the May 14, 2013 special meeting.

Supervisor Muenzer announced that the MBUAPCD would be holding a workshop for AB 2766 grant on April 25, 2013 at 10:00 a.m.

Supervisor Barrios reported that she had emceed the first annual Walk a Mile in Her Shoes walk against abuse of women. She also noted that she had attended the groundbreaking ceremony at Hwy. 101 and San Juan Road. She

added that she and Chairman Botelho sat on the facilities committee and noted that they had a rating system as to who needed space at the old courthouse.

Chairman Botelho stated that the committee would bring back the results to the full board for review in May.

CONSENT AGENDA:

*Upon motion duly made by Supervisor Rivas and seconded by Supervisor Muenzer **approved** Consent Agenda items with the exception of Items 9 and 15 which were pulled for discussion. (Unanimous)*

AGRICULTURAL COMMISSIONER – R. Ross:

- 1) **Approved** contract with the Department of Food & Agriculture to provide Asian Citrus Psyllid detection services for the period of October 1, 2012 through September 30, 2013, for a total of \$20,923. *File #1.1*

AGRICULTURAL COMMISSIONER – R. Ross:

- 2) **Determined** that the services provided by SCI Consulting Group falls under the County's sole source provider policy; and **approved** contract with SCI Consulting Group for a total cost of \$27,000 for a period of three (3) years. *File #1.1*

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 3) **Approved** the reappointment of Kim Dryden as a public interest member to the Behavioral Health Board for a three-year term effective May 16, 2013 to May 16, 2016. *File #810*

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 4) **Adopted** Resolution No. 2013-27 recognizing the month of May 2013 as Mental Health Month in San Benito County. *File #810*

CLERK OF THE BOARD – D. Thome:

- 5) **Approved** the action minutes of the November 1, 2013 special meeting and November 6, 2013 regular meeting.

HEALTH & HUMAN SERVICES AGENCY – M. Corona:

- 6) **Approved** the 2011/2012 EMS Plan Update as presented and direct staff to submit the plan to the California Emergency Services Authority. *File #1068*

HEALTH & HUMAN SERVICES AGENCY – M. Corona:

- 7) **Approved** the Temporary Operating Permit issued to American Medical Response West. *File #1068*

HEALTH & HUMAN SERVICES AGENCY – M. Corona:

- 8) **Approved** the Temporary Operating Permit issued to Silicon Valley Ambulance, Inc. *File #1068*

HEALTH & HUMAN SERVICES AGENCY – M. Corona:

- 9) **Approve** FY 2012/2013 budget augmentation in the amount of \$192,000 for the Community Development Block Grant activities; and amend Schedule

of Authorized Positions to include two regular Employment Training Services Counselor I/II. (4/5 vote)

Supervisor Muenzer expressed that he had a hard time with the fact that it was the third meeting in a row that HHSA was asking for new employees. He stated they had just approved a new employee for CDBG, why another new employee.

Deputy Director Enrique Arreola indicated that it was the first time before them for approval and was completely different. He explained that in the past two contracts received from two grants received approximately \$192,000 for this fiscal year and for the work to be done they needed a couple of positions.

Interim Director Maria Corona further explained that the positions requested before were for eligibility workers.

Supervisor Muenzer stated that the request was made at the last meeting.

Mr. Arreola indicated that they had requested approval of the contract previously and they should have requested the budget augmentation concurrently with approval at the last meeting.

Chairman Botelho stated that \$200,000 doesn't cover a lot of ground and he was more inclined to support training at the job site.

Mr. Arreola stated that was one of their programs, on the job training. He added that this was primary vocational training schools approved by the state.

Chairman Botelho felt that it was a better way to spend \$200,000 for tuition as opposed to hiring two positions.

Supervisor Barrios stated that not all the money was going to salaries and benefits and with these grants there was a lot of detail and reporting and as long as the grants cover the additional folks and if the funds are not available they know the job ends.

Supervisor Muenzer read from the April 2, 2013 AIT and asked if they hired anyone on April 2nd.

Mr. Arreola replied no.

Supervisor Muenzer asked if the Workforce Investment Act hired a position.

Mr. Arreola responded no, that they didn't hire.

Chairman Botelho felt they needed more information.

Supervisor De La Cruz stated that by not approving, they may as well not implement the program.

Mr. Arreola added that if they didn't they pretty much had to return the money.

Supervisor De La Cruz suggested they come back to the next meeting after a meeting with the Chair.

Supervisor Rivas asked that it be put on the regular agenda.

*Upon motion duly made by Supervisor Muenzer and seconded by Supervisor De La Cruz, **continued** the item to May 7, 2013. (Unanimous) File #939*

HUMAN RESOURCES – J. Credico:

- 10) **Modified** Schedule of Authorized Positions for Public Works Department; **added** 1.0 FTE Accountant III to the (Roads Division, Budget 2101-303); and **authorized** the Health & Human Services Agency to reimburse the Public Works (Roads Division, budget 2101-303) for half of the actual costs of the salary and benefits for an Accountant III. *File #105*

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 11) **Approved** contracts with Golder Associates, Inc. for Groundwater Monitoring and General Services at John Smith Road Landfill, for the period off July 1, 2013 through June 30, 2015, in the amounts of \$144,635 and \$25,000. *File #75.4*

PROBATION DEPARTMENT – B. Cardall:

- 12) **Approved** 36 month leasing contract with US Bank Equipment Finance at \$323.41 plus applicable tax per month for a Konica Minolta Bizhub 552 copier; and approve a 36 month maintenance contract with Monterey Bay Systems at a monthly fee of \$.0049 per copy; and authorize the Chief Probation Officer to sign. *File #510*

PROBATION DEPARTMENT – B. Cardall:

- 13) **Authorized** the Chief Probation Officer to submit an application for the Juvenile Justice Development Plan for the Youthful Offender Block Grant. *File #510*

PROBATION DEPARTMENT – B. Cardall:

- 14) **Authorized** the Chief Probation Officer to submit the Juvenile Justice Crime Prevention Act's application for FY 2013-2014 to the California Standard's Authority (CSA). *File #510*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 15) **Adopt Resolution approving grant deeds pertaining to County-owned parcels, to perfect lot line adjustment 04-449 at the Southside Hospital property. (Res. No. 2013-28)**

Supervisor Barrios noted that the date on the resolution said April 14th and should be April 16th.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Muenzer, **adopted Resolution No. 2013-28 approving** grant deeds pertaining to County-owned parcels, to perfect lot line adjustment 04-449 at the Southside Hospital property. (Unanimous) File #105*

SAN BENITO RESOURCE CONSERVATION DISTRICT – S. Ruffoni:

- 16) **Approved** appointments of Rani Douglas to the San Benito Resource Conservation District for a term to expire the last Friday of November 2014, and Jae Eade for a term to expire on the last Friday of November 2016. *File #1059*

PUBLIC HEARING – 9:00 a.m. (Or as soon thereafter as the matter may be heard)

HEALTH & HUMAN SERVICES AGENCY – M. Corona:

- 17) **Hold a public hearing to adopt Ordinance establishing a new fee schedule for Environmental Health Services of the Health & Human Services Agency and repeal Ordinance No. 814. (Ord. No.915)**

Management Analyst Margie Riopel gave a staff report.

Discussion was had amongst Board members and staff.

Environmental Health Officer Darren Wong stated that the fees were not excessive and it was just one fee broken into several months with a flat fee. He added that previously it was a \$402 annual fee even if just for two weeks and now it would be broken into installments.

Supervisor Barrios stated that she would appreciate something similar to the old schedule A. She added that raising fees 23% was not appropriate and they should do a phasing.

Ms. Riopel explained cost recovery on mandated programs and that costs were well within. She indicated that they wanted to maintain services and cover their costs.

Supervisor Barrios stated that it was the fault of the Board of Supervisors or previous boards for not doing previously. She did not feel it was a fair way to do.

Administrative Services Manager Nadine DaRoza stated that even if they raised the fees, Environmental Health was not sufficient and to sustain they were using Public Health Realignment fees.

Supervisor De La Cruz felt they should develop a 3 year plan and stated that he could not support a 5 year plan.

Chairman Botelho opened the public hearing.

Those speaking under public comment were Joe Thompson and Marty Richman.

There being no further public comment, the Chair closed the public hearing.

Ms. Riopel reminded that they were still not to the level of the first method/fee schedule and were still way behind. She added that it was the cost of doing business. She noted that the 23% increase was only on a certain type of food permitted and was a small portion. She indicated that the increase was not for all types and that some were only 4%, 10% and 11%. She advised them to be very careful and prudent about time allotted to each. Ms. Riopel stated that no matter how you looked at it, the fees had to be raised.

Supervisor Muenzer asked if it would be on the agenda before July 1 and each year they would take a look at the Consumer Price Index (CPI) to see if they wanted to increase it.

Ms. Riopel answered yes and noted that previously it automatically increased.

*Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Rivas, **adopted Ordinance #915 establishing a new fee schedule for Environmental Health Services of the Health & Human Services Agency and repeal Ordinance No. 814. (The motion passed 3 to 2 with Supervisors De La Cruz and Barrios voting no) File #142.9***

The Board adjourned at 10:39 a.m. for a break and reconvened at 10:49 a.m.

REGULAR AGENDA:

ADMINISTRATION – R. Espinosa:

- 18) **Review the proposed ordinance establishing an Administrative Citation Ordinance; read the title of ordinance for the record: “An Ordinance of the County of San Benito, adding Chapter 1.04 “Administrative Citations” to Title 1 of the San Benito County Code to allow for the issuance of Administrative Citations for violations of the San Benito County Code; accept introduction and waive further reading of the ordinance; and continue to May 21, 2013 for adoption.**

Management Analyst Margie Riopel gave a staff report. She indicated that most counties and cities have citations to take the burden off the courts.

Assistant County Counsel Barbara Thompson stated that they went through the research on the matter.

Code Enforcement Officer Stacey Watson explained that they started researching this about two years ago and if it goes to the court the county ends up with five to six dollars per fine. She added that this process was more resourceful and they needed the board's blessing to move forward.

Supervisor Botelho stated that it was absolutely needed and that animal control was a serious issue.

Supervisor De La Cruz felt they were transferring a lot of authority to staff over people's rights. He expressed fear that they would be creating a monster.

Ms. Riopel stated that it was given to code enforcement and not just animal control.

Ms. Thompson stated that it would not affect dangerous dogs procedures. She indicated that it would affect running unleashed, unlicensed and unvaccinated.

Supervisor De La Cruz stated that he did not support dangerous dogs but animal owners have rights.

Hollister Police Captain Westrick explained that it was a replacement for a criminal citation and was a lesser option. He added that it did not have anything to do with dangerous dogs or impoundment.

Discussion was had regarding who would be the hearing officer(s) and how many people would be deciding.

Supervisor Rivas asked how it worked in other jurisdictions.

Ms. Watson replied that it worked well in other jurisdictions. She explained that education was her first response and that she was of a proactive nature. She indicated that repeat offenders warrant this type of ticket.

Supervisor De La Cruz expressed concern with giving authority to staff regarding property rights.

Ms. Watson indicated that she already has the authority to write citations and send to court. She added that she wrote only one infraction this year and one ticket over the last five years. She stated that if the program didn't work they could tweak it. She explained that she was a property rights person as well and there were certain regulations to comply with and it was her job to educate them.

Chairman Botelho called for public comment.

Speaking under public comment was Joe Thompson.

Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas, read the title of the ordinance, accepted the introduction of the proposed ordinance establishing an Administrative Citation Ordinance; read the title of ordinance for the record: "An Ordinance of the County of San Benito, adding Chapter 1.04 "Administrative Citations" to Title 1 of the San Benito County Code to allow for the issuance of Administrative Citations for violations of the San Benito County Code, directed staff to take recommendations, ideas and amendments made and apply to the ordinance and continue to May 21, 2013. (Unanimous) File #119

ADMINISTRATION – R. Espinosa:

19) **Approve letter of support and adopt Resolution to rename Bolsa Road and Airline Highway as Pinnacles National Park Highway.**

Interim County Administrative Officer Ray Espinosa gave a brief staff report.

Supervisor Barrios reported that the Intergovernmental Committee had put the matter on their agenda to discuss. She stated that the Intergovernmental Committee was supporting the effort.

Supervisor Muenzer indicated that his first reaction was “great” and his second reaction was “oh no, the residents are going to freak out”. He explained where the term Airline Highway came from. He supported it but felt they had to do due diligence in explaining why. He spoke of the people that use mail services on Airline Highway.

Supervisor De La Cruz spoke of when the area code changed from 408 to 831 and felt we could manage.

Supervisor Rivas felt it was a proactive step in the right direction.

Lisa Rheinheimer of Council of Governments explained the two ways to do it and noted that very few parcels on Airline Highway have mailing addresses and that the actual number of properties with mailing addresses was under twenty.

Chairman Botelho called for public comment.

Marty Richman agreed that they needed to change it and the public would decide who gets business from the park.

Lisa Rheinheimer reported that she contacted the post office and they allowed a one year overlap to change the address and if they keep the numbers the same it would help the Post Office out.

Public Works Administrator Steve Wittry explained there had been some misinformation to the Intergovernmental Committee about the number of signs to be changed which they originally said 100 to 200 signs. He indicated that they physically checked the number of signs and one said Airline Hwy.-Tres Pinos Schools, north there were no signs, only one going to Bolsa Road, the new portion of the bypass was named Airline Highway.

The Chairman closed public comment.

Supervisor Rivas noted that in the first paragraph Barack was spelled incorrectly.

*Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Barrios, **approved** the letter and **adopted Resolution No. 2013-29** to **rename Bolsa Road and Airline Highway as Pinnacles National Park Highway.** (Unanimous) File #119*

ADMINISTRATION: - R. Espinosa:

20) **Receive report on Park and Recreation Impact Fees and provide direction to staff.**

Management Analyst Janelle Cox gave a staff report.

Discussion ensued among Board members and staff.

Chairman Botelho asked if they acquired the land how much would it be for the land acquisition.

Supervisor Rivas stated that was a future meeting discussion regarding the allocated amount for the land acquisition and to get some estimates.

Supervisor Barrios stated that they were negotiating and trying to get the property at no cost to the county.

Supervisor Rivas asked if the update would be in regular or closed session.

Public Works Administrator Steve Wittry stated that the negotiated items would be in closed session.

Scott Fuller of San Juan Oaks requested that staff include an in lieu provision of parks and recreation.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas, **directed** staff to prepare an ordinance. (Unanimous) File #93*

The Board adjourned into closed session (item #s 26, 27 and 28) at 12:03 p.m. and reconvened into regular session at 1:35 p.m.

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

- 21) **Discuss the various budgetary financing scenarios to meet the OPEB ARC and prior-Year catch-up contributions and provide direction to staff.**

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor De La Cruz, **continued** the matter to April 30, 2013. (Unanimous) File #865*

HEALTH & HUMAN SERVICES AGENCY – M. Corona:

- 22) **Adopt Resolution designating the following fire stations as Safe Surrender Sites pursuant to Health & Safety Code §1255.7(a)(1)(A): Aromas Fire Station, Hollister Fire Station 1, Hollister Fire Station 2 and Cal Fire/San Benito County Fire Station.**

Emergency Medical Services Coordinator Marcie Morrow gave a staff report.

*Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Barrios **adopted Resolution No. 2013-30 designating** the following fire stations as Safe Surrender Sites pursuant to Health & Safety Code §1255.7(a)(1)(A): Aromas Fire Station, Hollister Fire Station 1, Hollister Fire Station 2 and Cal Fire/San Benito County Fire Station. (Unanimous) File #130*

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 23) **Review the draft 7th Amendment to the operating agreement and the 1st Amendment to the New Landfill Agreement with Waste Connections, Inc. and provide comments and direction to staff.**

Integrated Waste Management Director Mandy Rose gave a staff report and noted that Josh Shaw of Waste Connections, Inc. was present.

Supervisor Barrios asked if there were any changes to the recommendations the Board made at the March 19th meeting.

Ms. Rose replied no and asked for a date certain to bring the matter back.

Supervisor Muenzer asked if County Counsel had approved it.

Ms. Rose replied affirmatively.

Chairman Botelho directed that the agreement be brought back on April 30, 2013. *File #75.4*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 24) **Approve contract Amendment #2 with Parikh Consultants, Inc. for material testing services for the San Juan Bike Lane Project, in amount not to exceed \$18,809.96 for a total amount value of \$52,152.20.**

Public Works Administrator Steve Wittry gave a staff report and indicated that Parikh had incurred costs above the contract amount and in good faith they finished the job – a leap of faith. He added that they did a lot of contracts with the county. He stated that it was within the funded sources. He explained that they went beyond the scope because of Caltrans requirements for daily testing.

Chairman Botelho stated that he had a lot of questions and was not inclined to vote in favor of it. He felt that some of the tests done were not necessary and was suspicious of the whole thing. He reminded that they had already done an amendment and what assurance would they have that would not come back again.

Principal of Parikh Consultants Gary Parikh stated that he had been in the business for forty years and with this firm for 20 years. He explained that they were called out by the construction manager and it was a quality control and assurance. He noted that asphalt had to be tested on the same day. Mr. Parikh stated that the tests aren't made up and there were Caltrans specifications R-16 guidelines. He indicated that they were at the mercy of the contractor but also stated that they were not blaming the contractor either. He reported that they had been out there 27 different days and that they brought that up back in July and told the project manager at the county.

Chairman Botelho stated that the contractor said they couldn't move forward without their compaction test.

Mr. Parikh answered that they are done daily and he was probably referring to the asphalt test which is done in the lab. He stated that they had billed on a regular basis and received an email saying that they were doing fine. He added that they had talked to Assistant Director of Public Works Arman Nazemi.

The Chairman called for public comment.

Marty Richman stated that he had commented the last time this came up. He felt they needed to put their finger on who's responsible for the delays and penalize them. He suggested paying the guy who did the service and taking money from the guy that called him out.

Supervisor Barrios asked if they were blaming Caltrans.

Public Works Administrator Steve Wittry stated that they were not really blaming anyone. He added that there were some delays with Gary Parikh's test results as there was a delay from the sub-consultant with the firm. He explained that the bike lane lends itself to not a lot of product being laid each day. He noted that the billings were a little bit late.

Supervisor Barrios stated that a \$20,000 project ends up costing \$52,000.

Public Works Administrator Steve Wittry explained that it was a joint project with COG.

Supervisor Muenzer stated that with state and federal money they had to build to Caltrans standards.

Mr. Wittry concurred.

Chairman Botelho felt the contractor had to have accountability.

*Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Rivas, **approved** the contract amendment #2 with Parikh Consultants, Inc. for material testing services for the San Juan Bike Lane Project in an amount not to exceed \$18,809.96 for a total contract amount value of \$52,152.20 and **authorized** the Chair to sign. (the motion passed 4-1 with Supervisor Botelho voting no) File #105*

PUBLIC WORKS DEPARTMENT – S. Wittry:

25) Provide staff direction regarding Janitorial Services contract.

*Upon motion duly made by Supervisor Rivas and seconded by Supervisor De La Cruz **continued** the matter to May 7, 2013. (Unanimous) File #105.3*

The Board adjourned into closed session at 12:03 p.m. and reconvened in regular session at 1:35 p.m.

- 26) **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.
No reportable action. File #235.6
- 27) **Conference with Legal Counsel-Anticipated Litigation**
Significant Exposure to litigation pursuant to subdivision (b) of Section 54956.9:
Number of Cases: (1)
Closed session is authorized by Section 54956.9(d)(2)& (e)(3) – receipt of claim on March 5, 2013.
No reportable action. File #235.6
- 28) **Public Employee Performance Evaluation**
Title: Interim County Administrative Officer
Authority: California Government Code 54957
No reportable action. File #235.6

AFTERNOON SESSION
1:30 P.M.

HEALTH & HUMAN SERVICES AGENCY – M. Corona:

- 29) **Approve the language in the letter of interest to the State Department of Health Care Services for a partnership between the Central California Alliance for Health and the County of San Benito.**

Interim Health and Human Services Agency Director Maria Corona gave a staff report and introduced Alan McKay of the Alliance, Ken Underwood and Rosa Vivian Fernandez.

Executive Director of the Central California Alliance for Health spoke of how the alliance works.

Discussion ensued between Mr. McKay and board members.

Supervisor Barrios noted that main offices were in the Scotts Valley region, Salinas and Merced and asked if they are planning for a San Benito County office.

Mr. McKay stated that the scale of the San Benito County membership may not justify a full time office.

Further discussion ensued between Mr. McKay, Mr. Underwood and board members.

Rosa Vivian Fernandez stated that it was not just about broken relationships but was about patient care preferences. She strongly believed there should not be differential access based on ability to pay. She felt that in terms of a sliding

fee, the sliding fee should be provided up front based on ability to pay and not a discount if they pay up front. She indicated that it could be worked out but they needed a serious commitment from all. She added that she would like to see the same care for those that aren't insured as those that are insured. She strongly urged them to not limit the choices of care for the uninsured.

Further discussion ensued.

Chairman Botelho called for public comment.

Victoria Montoya requested that the county assures that the provider network include St. Louise Hospital. She spoke of several family members' bad experiences at Hazel Hawkins Hospital.

Arcanio Viveros stated that he was a San Benito Health Foundation board member and patient. He felt it was important to pay attention to matters more than before. He noted that the clinic was established in this community because of lack of care in the county. He indicated that the clinic served 85% of 9,000 patients who are the poorest of the poor and they provided health care according to their ability to pay.

Angelica Rojas, nutrition and health coordinator and representative of the San Benito Health Foundation, asked the board for support. She felt it should be the goal of every health official in the community not to limit their service or options.

Esperanza Walters stated that they were seeking the best quality care for those that can least afford it. She urged them to sign a letter of intent. She was hopeful of assurance of seeing patients in a timely manner and considering the sliding scale.

Robert Mackler Associate Executive Director of San Benito Medical Associates indicated that the state had given them more time. He explained that managed care is a managed medical system and choice will always be diminished. He stated that good services are available at the foundation and the hospital.

Marty Richman stated that it was obvious they have internal problems that need to be solved. He indicated that he got the impression that everyone is doing it for profit and Hazel Hawkins is a non-profit but doctors were entitled to make a profit.

Gordon Machado, president of the Hospital Board, stated that as a citizen of San Benito County it is our obligation. He stated that he was happy with their staff and administration and thought that both agencies have different goals. He expressed concern that they were an acute care hospital.

There being no further public comment, the Chairman closed public comment.

Interim Director Corona stated that she was there to request a letter of interest. She reported that the State had contacted her and were very concerned and they urged them to partner with the alliance and resolve issues. She added that if not, they would go to a commercial contract. She noted that we were not the only ones that are struggling and that they had moved the date to September 1st.

Supervisor Muenzer understood that today they were not naming anyone to govern the body nor including or excluding a health care center and that first they were going in on the alliance.

Ms. Corona replied yes and that it was a letter of intent to state that the county was interested in partnering with the alliance.

Supervisor Muenzer stated that if they didn't there would be less control over managed care.

Ms. Corona stated that if they went with the alliance or not, the issue would still be there. She spoke of the benefits of going with the alliance and noted that with the alliance they would have a voice and with commercial they wouldn't.

Supervisor De La Cruz stated that the San Benito Health Foundation was in the middle of his district, his constituents and he expected the two agencies to agree. He added that he wanted to go with the alliance.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor De La Cruz, **approved** the language in the letter of interest to the State Department of Health Care Services for a partnership between the Central California Alliance for Health and the County of San Benito and **authorized** the chair to sign.*

PLANNING DEPARTMENT - G. Armstrong:

30) **Review Revisions to Chapter 19.21 of Title 21 (Land Use and Environmental Regulations) of the San Benito County Code regarding Oil and Gas Well regulations and direct staff to return to the Board of Supervisors for formal introduction of the ordinance.**

Planning Director Gary Armstrong gave a staff report and introduced Tim Kustic of California Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR), stated that once it leaves the oil field site it was outside of their jurisdiction. He stated that DOGGR was founded in 1915 and proceeded to give the history of the department and their role. He added that the one that serviced San Benito County was in Coalinga. He stated that their goal was to get to every well every year. He indicated that they did not show any hydrologically fractured wells in San Benito County.

Assistant County Counsel Barbara Thompson gave a PowerPoint presentation.

Discussion ensued between Board and staff.

Ms. Thompson stated that she was looking for direction from the Board.

Supervisor Rivas referred to section 1 and noted that the language includes a sunset of the ordinance and that was not in the original.

Ms. Thompson stated that was just in case the State does enact laws regarding monitoring. She stated that it would be fine not to have the sunset.

Supervisor Rivas stated that he would rather not have a sunset clause as it didn't make any sense.

Ms. Thompson explained that it would have to go through CEQA to change if not sunsetted.

Discussion ensued regarding bonds.

Chairman Botelho felt it was reasonable to have a bond in place for \$15,000.

Mr. Kustic stated that was unprecedented and was reasonable.

Chairman Botelho called for public comment.

Those speaking under public comment were John Freeman, Pat Lerman, Seth Capron, Jane Rekedal, Rob Ryan, Robert Scoles, Robert Frusetta, Marty Richman, Paul Rovella, Jean Zlotkin, Steve Coombs, and Bill Hunter.

There being no further speakers, the Chairman closed the public comment.

Supervisor De La Cruz apologized to the community for having spent so much time and effort on this.

Assistant Planning Director Byron Turner explained that the sunset keeps it more flexible and provided a better ability to change. He added that it was not intended to go away in two years.

Chairman Botelho stated that the intentions were to do minor changes and the key issues were; temporary ordinance, minimum holder liability, bond level, insurance level, and water monitoring verbiage.

Supervisor Muenzer added definition of applicant.

Supervisor Barrios expressed issues with the language on page 394, section 19.22.00.6 regarding permit procedures at the discretion of petroleum administrators can be waived. She said they should be done and not waived.

Mr. Armstrong stated that there was another issue of 500 foot setbacks

Supervisor Barrios expressed that she liked flexibility but not in this case.

Chairman Botelho surveyed the Board as to whether they would like to see a permanent or temporary ordinance.

Supervisor Rivas replied permanent.

Supervisor De La Cruz replied temporary.

Supervisor Muenzer replied that they could take it out and make it permanent.

Supervisor Barrios replied to remove the temporary and make it permanent.

Chairman Botelho replied permanent and gave direction that the ordinance should be permanent.

Discussion was had regarding mineral rights.

Discussion was had regarding bonds.

Mr. Kustic stated that bonding was an issue and it is in the statute. He added that there has been talk of raising it and noted that it was tied to the well.

Supervisor Muenzer asked if they were trying to protect the citizens of San Benito County should they increase the bond or insurance to protect.

Mr. Kustic stated that their bonds were not adequate. He stated that he could not tell him which way.

Supervisor Muenzer suggested lowering the bond and raising the insurance level.

Chairman Botelho felt that insurance needed a catastrophe to collect and a bond was more accessible.

Supervisor Barrios said to raise the bonds.

Supervisor Rivas replied fine.

Supervisor De La Cruz replied fine.

Supervisor Muenzer said raise the bonds and leave the insurance at one million.

Discussion was had re: setbacks

Supervisor Barrios wanted to allow the administrator flexibility and she supported with variances.

Supervisor Rivas supported a 500 foot setback in the ordinance.

Supervisor De La Cruz did not support.

Chairman Botelho supported the setback with flexibility.

Supervisors Rivas, Barrios, Muenzer and Botelho agreed to approve the water monitoring as it.

Discussion was had regarding the Petroleum Administrator the right to waive.

Supervisor Barrios wanted the waiving of fees to the Board of Supervisors and the rest to the Planning Commission.

Supervisor De La Cruz stated that he was against changing from the Petroleum Administrator to the Planning Commission.

Supervisor Rivas preferred that it remain as it but was fine either way.

Supervisor Muenzer wanted it to stay with the Petroleum Administrator.

Chairman Botelho wanted the Petroleum Administrator.

Chairman Botelho gave direction to staff for the changes to be made to incorporate and bring back for formal introduction of the ordinance at the May 7, 2013 meeting. File #790

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

There being no further business, the Board adjourned to May 7, 2013 at 9:00 a.m.

ANTHONY BOTELHO, CHAIR
San Benito County Board of Supervisors

ATTEST:
Denise R. Thome, Clerk of the Board

ADJOURN TO TUESDAY, MAY 7, 2013 AT 9:00 A.M.