



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 JULY 9, 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 Assistant Clerk of the Board Janet Slibsager for items 1 through 35 and Clerk of the Board Denise Thome for items 36 through 40. Chairman Botelho presided.

9:00 a.m. CALL TO ORDER:

- a) Pledge of Allegiance was led by Supervisor De La Cruz.
- b) Acknowledge Certificate of Posting.
- c) **Public Comment:** Marvin Jones, Hollister resident, spoke in regards to sustainable development.
Eric Larson, Representative of SEIU Care Workers, spoke in regards to the affordable care act and the IHSS care providers.
Kathy Golden Krantz, Leader in Communities Organized for Power in Action (COPA) and Chair of the Santa Cruz County Health Care team spoke in regards to Health Care Worker wages.
Dean Lundholm, COPA Leader in Santa Cruz County spoke in support of Health Care Workers wages and contract negotiations.
Cindy Valdez, In Home Supportive Service (IHSS) worker spoke in regards to the wages and how they are not enough.
- d) **Department Head Announcements:** Interim CAO Ray Espinosa asked to remove Agenda Item #19 from the consent agenda, and stated that is would be brought back at another time.
Clerk/Auditor/Recorder Joe Paul Gonzalez announced that in order to get ahead of the curve for the March 31st deadline for the submission of a single audit to the State Controller's Office and the Audit Clearing House, they have met at the audit committee level to discuss a calendar that was created in his office and distributed to department heads as to what are the requirements of each department to be able to close the end of the fiscal year and create the financial report that is required by the county every year. He said hopefully this next week

we can close out the 2012/13 Fiscal Year and be prepared to submit a complete comprehensive annual financial report to the agencies prior to March 1st.

Supervisor Muenzer thanked Mr. Gonzalez for bringing this before the Board. He said that he would like to have this agenda item for the next meeting so that they could see the calendar he presented to the Department Heads. He said they we need to stay on top of this.

Chairman Botelho agreed that we need to meet these deadlines and the Board needs to stay on top of it.

Behavioral Health Director Alan Yamamoto announced that they are required to create an annual Mental Health Service Act Plan update which requires a 30 day public posting prior to public hearing to provide public comment. The public hearing will be on Thursday, July 18th at 12:00 p.m. in the Behavioral Health conference room.

e) **Board Announcements:** Information only.

Supervisor De La Cruz thanked the City of Hollister for showing pride for the 4th of July Rally; he said he believed it was a success. He said that he hopes it is the beginning of more rallies to come in San Benito County and Hollister.

Supervisor De La Cruz announced that he attended the COG meeting and they discussed the Airline Highway situation and at the meeting it was voted 3-2 to push back the request for renaming the highway at this time.

Supervisor De La Cruz said that he has heard that Assemblyman Alejo has now sponsored a bill to rename part of Monterey Highway as National Pinnacles Highway.

Supervisor Muenzer announced that he attended a tour hosted by Hollister Hills at the Clear Creek area. The tour was to show that Clear Creek could be reopened as a motorcycle park. He said that the Federal and State governments are still arguing over the danger of asbestos down there. He said that if we want Clear Creek to open as a motorcycle park it is going to take the passage of Congressmen Farr H.R. 1776 bill (Clear Creek National Recreation Area and Conservation Act). He said it was a very good tour and a good day spent down there.

Supervisor Barrios said that we need to be advocates; we need to be very diligent in moving forward to get Clear Creek reopened. She said it is not acceptable for San Benito County.

Supervisor Barrios mentioned that she and Supervisor Muenzer will continue to meet with the folks that are interested in keeping the name Airline Highway and will continue to research other options.

Supervisor Barrios announced that she attended the 80th Annual Rodeo event along with some of the other Supervisors. She said it is a tradition that never gets old; it was a beautiful event and was well attended. She also mentioned that she attended the 4th of July Rally and hopes that it was a real boost for the City of Hollister and the County of San Benito.

CONSENT AGENDA:

*Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Rivas, **approved** Consent Agenda Items 1 through 26, with the exception of Item #9, #17, and #18, which was pulled for discussion. (Unanimous)*

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 1) **Approved** contract renewal with Monterey County Behavioral Health for Behavioral Health Services for the period of July 1, 2013 through June 30, 2014, for a maximum amount of \$25,000. *File #810*

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 2) **Approved** contract renewal with 7th Avenue Center LLC., skilled nursing facility for the period of July 1, 2013 through June 30, 2014, for a maximum amount of \$89,000. *File #810*

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 3) **Approved** contract renewal with Front Street, Inc., for residential care facility for the period of July 1, 2013 through June 30, 2014, for a maximum amount not to exceed \$48,000. *File #810*

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 4) **Approved** contract renewal with Project Ninety, Inc., substance abuse residential treatment facility for the period of July 1, 2013 through June 30, 2014, for a maximum total not to exceed \$50,000. *File #810*

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 5) **Approved** contract renewal with Mary Helen Lopez, LCSW, to provide specialty mental health services for the period of July 1, 2013 through June 30, 2014, for a maximum annual total of \$20,000. *File #810*

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 6) **Approved** contract renewal with Door to Hope, residential treatment facility for the period of July 1, 2013 through June 30, 2014, for a maximum total of \$50,000. *File #810*

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 7) **Approved** contract renewal with Connecting Principles/Liz Alameda, facilitation of domestic violence diversion groups for the period of July 1, 2013 through June 30, 2014, for a maximum total amount of \$25,000. *File #810*

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 8) **Approved** contract renewal with K & R Manor and Salvador Lodge for board and care for the period of July 1, 2013 through June 30, 2014, for a total annual maximum amount not to exceed \$15,000. *File #810*

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 9) **Approve contract renewal with Hollister Youth Alliance, for mental health services for the period of July 1, 2013 through June 30, 2014, for a maximum amount not to exceed \$182,610 annual total inclusive of \$21,000 prior year rollover.**

Item pulled for discussion.

Supervisor Barrios and Supervisor De La Cruz had a question in regards to the roll over amount being \$21,000 or \$31,000.

Behavioral Health Director Alan Yamamoto provided information and mentioned that the correct roll over amount was \$31,000.

Those speaking from the public were: Marty Richman, Hollister resident.

BOARD ACTION: Upon motion made by Supervisor Barrios and seconded by Supervisor Muenzer, **approved** as to staff recommendation noting that the prior year roll over is \$31,000. (Unanimous) **File #810**

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 10) **Approved** appointment of Randy Brown to the Behavioral Health Board for the term of July 9, 2013 through July 9, 2016, as a public interest member. **File #810**

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 11) **Approved** contract renewal with Country Villa Merced Behavioral Health Center for skilled nursing services for the period of July 1, 2013 through June 30, 2014, for a maximum annual amount of \$89,000. **File #810**

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 12) **Approved** contract renewal with Victor Treatment, Inc. for mental health services for the period of July 1, 2013 through June 30, 2014, for a maximum amount not to exceed \$80,000. **File #810**

CLERK OF THE BOARD – D. Thome:

- 13) **Approved** the action minutes from the November 20, 2012 and March 19, 2013 regular meetings and the June 17-18, 2013 budget hearings.

HEALTH & HUMAN SERVICES AGENCY – M. Corona:

- 14) **Appointed** Ms. Marie Aceves as Representative for District #1 to the Community Action Board for a three year term effective July 9, 2013 through July 9, 2016. **File #130**

HEALTH & HUMAN SERVICES AGENCY – M. Corona:

- 15) **Appointed** Ms. Lissette Knight as Representative for District #2 to the Community Action Board for a three year term effective July 9, 2013 through July 9, 2016. **File #130**

HEALTH & HUMAN SERVICES AGENCY – M. Corona:

- 16) **Approved** amendment to Commercial Lease Agreement with Community Services Development Corporation for additional office space beginning August 1, 2013. **File #130**

HUMAN RESOURCES – J. Credico:

- 17) **Receive status report on usage of Frozen Vacation Banks by Unrepresented Employees.**

Item pulled for discussion.

Supervisor Barrios said that she was concerned about hours/days not being used and if the employees were being informed on a regular basis.

Interim Director of Human Resources Georgia Cochran provided information in regards to factors of furloughs, heavy workloads. She said she would check into how often employees are notified in regards to the banked hours.

Discussion ensued by Board and staff.

Clerk/Auditor/Recorder Joe Paul Gonzalez provided additional information in regards to banked hours.

Ms. Cochran mentioned that since the furloughs ended on June 30, 2013, she would hope and expect some significant decrease in those hours.

Supervisor Barrios thanked Ms. Cochran for bringing this report to the Board. *File #630*

HUMAN RESOURCES – G. Cochran:

- 18) **Adopt Class Specification for Assistant County Administrator with a Range No. of 40.2 (\$10,457-\$13,353/month); and abolish existing class specifications of Director of Internal Services/Assistant County Administrator and Assistant County Administrative Officer.**

Item was pulled by the public for discussion.

Mary Schneider, Friends of the Library and Hollister resident, questioned why hire an Assistant CAO before hiring a CAO.

Jillian Wilson, President of Friends of the Library, also questioned why this position was needed and where are the funds coming from.

Marty Richman, Hollister resident, had a question as to why some of these discussions of positions are discussed in closed session. He suggested that maybe a sentence under that item can state what is being done in closed session for the public's clarification.

Chairman Botelho closed public comment.

Supervisor Botelho explained why this item was on closed session at their last meeting. He stated how this position was an essential position to the county and how this was a position that was cut at last year's budget hearings. He stated what they were currently doing right now was broadening the job class specifications, but that it was the Board's prerogative to be able to appoint a Department Head position.

Supervisor Barrios agreed how this was a position they already had and the intent was to broaden the scope of responsibilities.

Supervisor Rivas said that we are adopting a class specification but where we go from here is going to be a decision we will have to make.

Interim Director of Human Services Ms. Cochran added that what this does is allow the Board and the CAO the flexibility to change what the county needs over time, broadens the scope of the position.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Rivas, **adopted** per staff's recommendation. (Unanimous) File #630*

HUMAN RESOURCES – J. Credico:

- 19) **Adopt Resolution for Employer Paid Member Contributions for Miscellaneous Employees. (Res. No. 2013-51)**

This item was pulled from the agenda.

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 20) **Adopted Resolution No. 2013-52**, authorizing the Integrated Waste Management Department to apply for the Oil Payment Program grant funds on behalf of the San Benito County Integrated Waste Management Regional Agency. *File #142*

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 21) **Reviewed** and **approved** contract with the California Conservation Corps to perform storm drain marker maintenance and public refuse and recycling container maintenance for the period of July 9, 2013 through June 30, 2014, in the amount of \$18,000; and **authorized** the Director of Integrated Waste Management to sign said contract. *File #142*

PROBATION DEPARTMENT – B. Cardall:

- 22) **Approved** contract with Paula Norton, for pre-testing, tutoring and post-testing of minors with learning style profiles for the period of July 1, 2013 through June 30, 2014, in an amount not to exceed \$18,500. *File #510*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 23) **Accepted** all responsive bids for the Fairview Road and Santa Ana Road signal project; award and approve contract with Don Chapin Co., Inc. as the lowest responsive, responsible bidder in the amount of \$250,821; and **authorized** the Public Works Administrator to execute the contract and to issue change order in an amount not to exceed \$25,041. *File #105*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 24) **Approved** contract with HMC Group for architecture and engineering services for the AB900 Jail Expansion project effective July 9, 2013, in the amount of \$1,470,000. *File #120.5*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 25) **Approved** contract with Rincon Consultants, Inc., for professional services to prepare an environmental impact report for the River Parkway/Regional Park Master Plan project, in the amount of \$132,436. *File #93*

SHERIFF'S DEPARTMENT – D. Thompson:

- 26) **Approved** Memorandum of Agreement with the City of Hollister agreeing that the \$12,586 allocation of JAG award funds be distributed to the City of Hollister. *File #110*

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

AGRICULTURAL COMMISSIONER – R. Ross:

- 27) **Hold a public hearing to hear objections, protests or requested changes or corrections to the written report regarding the Mosquito and Disease Control Assessment rate to be imposed; adopt Resolution accepting the annual report for the Mosquito and Disease Control Assessment and levying the rate of \$10.90 per unit Mosquito and Disease Control Assessment for FY 2013/2014 based on the Engineer's report. (Res. No. 2013-53)**

Ag Commissioner Ron Ross summarized that at the June 4th meeting the Board was presented with an Engineer's Report for the Mosquito Abatement Assessment and adopted a Resolution of intent to levy an assessment based on the findings of the engineers report.

Mr. Ross explained that this rate can be adjusted each year depending on the San Francisco bay area price index. He said since the last time we changed the rate we have the ability to raise up to \$11.15 per parcel, but the engineers report recommended a rate of \$10.90 per unit.

Mr. Ross said that we are here to hold a public hearing to gather public comment regarding the assessment to be imposed and adopt a Resolution accepting the findings of the engineers report and approve the rate for the FY 2013/14.

Chairman Botelho opened the public hearing.

Those speaking from the public were: Marvin Jones, Hollister resident, Marty Richman, Hollister resident.

Chairman Botelho closed the public hearing.

Mr. Ross responded to questions the public had in regards to percentage of rate increase and abandon pools.

Supervisor Muenzer had a question in regards to the rate percentage increase and the banked Cost of Living Allowances (COLAS).

Assistant County Counsel Barbara Thompson provided additional information in regards to the banked demerits.

Supervisor Muenzer asked if this item could be continued so that we could get clarification in regards to the banked COLAS.

Ms. Thompson said that if the Board wished to continue to the next meeting for further clarification that can be done.

Supervisor Barrios replied that she is very confident that we can bank these percentages because we have asked counsel in the past and it had been confirmed.

BOARD ACTION: *Upon motion made by Supervisor Muenzer and seconded by Supervisor De La Cruz, **moved** to continue this item to July 23, 2013 at 9:00 a.m. (3-2, Barrios/Rivas no) File #1.1*

HEALTH & HUMAN SERVICES AGENCY – M. Corona:

- 28) **Hold a public hearing in regards to establishing a new fee schedule for the Emergency Medical Services Division; adopt Ordinance establishing a new fee schedule; and order that a display ad be published pursuant to Government Code §25124(b). (Ord. No. 919)**

Management Analyst Margie Riopel provided information in regards to a new fee schedule for the Emergency Medical Services Division and the new ordinance.

Chairman Botelho opened the public hearing.

No public comment, Chairman Botelho closed the public hearing.

BOARD ACTION: *Upon motion made by Supervisor Muenzer and seconded by Supervisor Barrios, **adopted Ordinance No. 919**, establishing a new fee schedule for the Emergency Medical Services Division; **authorized** the chair to sign; **ordered** that a display ad be published pursuant to Government Code 25124(b). (Unanimous) File #130*

PLANNING DEPARTMENT – B. Turner:

- 29) **Hold a public hearing to review the General Plan Housing Element 2012 Progress Report; and direct staff to submit the report to the State Department of Housing and Community Development (HCD) and the Governor's Office of Planning and Research (OPR).**

Interim Director Byron Turner mentioned that this is a progress report on our General Plan Housing Element. He said that the State Government requires that the County submit an annual report on the progress toward the implementation of our housing element to the State Department of Housing and Community Development every year. This report is required to describe to what degree the County has met its Regional Housing Needs Allocation.

Mr. Turner said it is recommended that the Board hold a public hearing to review the General Plan Housing Element 2012 Progress Report and direct staff to submit the report as required.

Supervisor Barrios appreciated the report.

Chairman Botelho opened the public hearing.

No public comment, Chairman Botelho closed the public hearing.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor Rivas, **directed** staff to submit the report to the State Department of Housing and Community Development (HCD) and the Governor's Office of Planning and Research (OPR). (Unanimous) File #790*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 30) **Hold a public hearing in regards to San Benito County AB900 Jail Expansion Project Mitigated Negative Declaration; adopt Resolution adopting the Mitigated Negative Declaration, the related CEQA findings, and the Mitigation Monitoring and Reporting Program for the Jail Expansion Project; and authorize staff to proceed with the preparation of construction documents for the Jail Expansion project. (Res. No. 2013-54)**

Capital Project Manager Adam Goldstone provided information in regards to holding a public hearing to adopt a resolution adopting the Mitigated Negative Declaration, Mitigation Monitoring Report & Related CEQA Findings for the San Benito County AB900 Jail Expansion Project.

Chairman Botelho opened the public hearing.

No public comment, Chairman Botelho closed the public hearing.

BOARD ACTION: *Upon motion made by Supervisor Rivas and seconded by Supervisor Muenzer, **adopted Resolution No. 2013-52**, adopting the Mitigated Negative Declaration, the related CEQA findings, and the Mitigation Monitoring and Reporting Program for the Jail Expansion Project; and **authorized** staff to proceed with the preparation of construction documents for the Jail Expansion Project. (Unanimous) File #105.3*

REGULAR AGENDA:

HEALTH & HUMAN SERVICES AGENCY – M. Corona:

- 31) **Presentation on Eligibility and Enrollment under the Health Care Reform Act.**

Interim Director Maria Corona provided a PowerPoint presentation in regards to the Eligibility and Enrollment under the Affordable Health Care Reform Act. Items covered were: Presentation Overview; ACA Implementation-Great Urgency; Affordable Care Act Basics; Affordable Care Act Estimates; Governance; County Operations Today; 2014 Operations-Automation; 2014 Operations-Phone Network; Operations-Culture Change for All; Expectations of County Human Services; Funding for Eligibility Operations; Operations-

Horizontal Integration; Expansion Timeline; Key Challenges; CWDA & CSAC Implementation Support; Implementation Needs-Our County; Our Vision.

Discussion ensued by Board and staff.

Those speaking from the public were: Marty Richman, Hollister resident, Marvin Jones, Hollister resident and Christina Chavez White, Healthy San Benito.

Supervisor Botelho thanked Ms. Corona for the report and asked that she keep the Board updated with the progress. *File #130*

HEALTH & HUMAN SERVICES AGENCY – M. Corona:

32) Presentation of 2013 San Benito County Homeless Census Report; and accept the 2013 San Benito County Homeless Census Report.

Deputy Director Enrique Arreola provided information in regards to the 2013 San Benito County Homeless Census Report & Survey. Mr. Arreola introduced the following who provided additional information:

Executive Director of the San Benito County Homeless Coalition provided some statistics and information as to how they got their numbers.

Peter Connery, Applied Survey Research, provided a PowerPoint presentation in regards to the 2013 Homeless Census Report & Survey Final Findings. The items covered were: Methodology; Definition of Homelessness; Census Results; ARS and Pit Counts; Purpose of the 2013 Pit Count; ASR Approach to Pit Counts; Point in Time Homeless Census & Annual Estimate; Sheltered vs. Unsheltered Homeless Population; Population Demographics; Residency; First Time Homelessness & Primary Cause of Homelessness; Medical Needs and Conditions; Assistance and Support; HUD Focus Subpopulations Chronically Homeless and Veterans; Families and Unaccompanied Children; Acknowledgements.

Those speaking from the public were: Marty Richman, Hollister resident, who had a question in regards to the count from 2011 to 2013 and comparing apples to apples.

Mr. Connery provided information in regards to Mr. Richman's question.

Doug Emerson, Chairman of the Board of the Homeless Coalition, announced and invited everyone to attend their annual fundraiser Jazz under the Stars on July 27, 2013 from 6:00 p.m. to 9:00 p.m. at the St. Benedict's Hall, which will help cover costs for the Homeless Coalition.

Mr. Arreola thanked everyone for doing a fabulous job on this report.

Supervisor Barrios thanked Mr. Arreola for this report, but mentioned that our work is not done.

Supervisor Barrios mentioned that the greatest thing that has happened was to partner with Monterey County. She said that she also believes that the Board needs to work with the Farm Worker housing that we have to provide year round homes for the homeless. She said there is a lot of opportunity; we just need to get creative.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor Muenzer, **accepted** the Census Report as presented. (Unanimous) File #130*

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

33) Accept the report on SB 391 from the County Recorder; and direct Board Chair to sign letter of opposition to SB 391.

Clerk, Auditor, Recorder Joe Paul Gonzalez provided report and information in regards to Senate Bill 391 regarding the California Homes and Job Act. Which if enacted, a fee of \$75 per transaction would be imposed on the recordation of all real estate documents, excluding documents recorded "in connection with" a real estate transaction.

Mr. Gonzalez said that the reason he was here today was to ask the Board to direct the Chair to sign a letter of opposition to be sent to the Assembly Housing and Community Development Committee Chair and the other legislators listed in the attached report in regards to SB391.

BOARD ACTION: Upon motion made by Supervisor Barrios and seconded by Supervisor De La Cruz, **accepted** the report on SB391 from the County Recorder and; **directed** Board Chair to sign and forward to the members of the Assembly committee of Housing & Community Development letter of opposition to SB391. (Unanimous) **File #285**

The Board adjourned for lunch at 11:52 a.m. and reconvened into Regular Session at 1:06 p.m.

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

- 34) Receive status report on The Health Trust Grant for parks and recreation services; receive the Parks and Recreation Sustainability Plan matrix and proposed use of grant funds; review the request for qualifications for marketing services; and provide direction to staff.**

Management Analyst Janelle Cox provided a status report on the Health Trust Grant for Parks & Recreation Services, the Parks and Recreation Sustainability Plan matrix and proposed use of the grant funds. She asked the Board if they had any questions:

Discussion ensued by Board and staff.

Chairman Botelho opened public comment.

Those speaking from the public were: Marty Richman, Hollister resident and Marvin Jones, Hollister resident.

Chairman Botelho closed public comment.

Discussion continued between Board and staff.

BOARD ACTION: Upon motion made by Supervisor Barrios and seconded by Supervisor De La Cruz; **received** status report on the Health Trust Grant for parks and recreation services; **reviewed** the Parks & Recreation Sustainability Plan matrix and proposed use of grant funds; **reviewed** the request for qualifications for marketing services; and **directed** staff to move forward with this recommendation from staff. (4-1, Botelho no)

Motion under discussion: Supervisor Muenzer had additional questions and concerns.

Supervisor Barrios stated that if the Parks & Recreation Commission supports this that they need to also, they work really hard to try to carry out the wishes of the Board.

Chairman Botelho said that it is a great concept, but would like to deal with other more important issues in the County. He said that he could not support at this time. File #119

COUNTY COUNSEL – M. Granger:

- 35) Approve and authorize the release of the Request for Qualifications ("RFQ") for Second Tier Indigent Defense Services.**

Supervisor Barrios provided information in regards to the Request for Qualifications (RFQ) for Second Tier Indigent Defense Services on behalf of the ad hoc committee. She said that this happened very quickly; the Ad Hoc Committee met with Judge Sanders, Public Defenders, and County Counsel Matt Granger to discuss budgetary savings. We realized that there is a potential savings here; and if this is put into place by September 1st we could save as much as a \$100,000. Supervisor Barrios thanked staff for doing a great job. She said this will now give us an opportunity to put RFQ out to private attorneys in San Benito County to offer services, great direction.

Discussion ensued by Board and staff.

BOARD ACTION: Upon motion made by Supervisor Muenzer and seconded by Supervisor Barrios, **approved** and **authorized** the release of the attached Request for Qualifications ("RFQ") for Second Tier Indigent Defense Services. (Unanimous) File #149

PLANNING DEPARTMENT – B. Turner:

36) Receive report on General Plan Update and direct staff accordingly.

Interim Planning Director Byron Turner gave a staff report and PowerPoint presentation. He noted that the consultant was to handle the comments regarding the greenhouse gas and cattle reduction. He spoke of applicants offering assistance with staffing to process applications. He added that he would like to work with Human Resources and Counsel in getting help to work on the comments.

Supervisor Rivas felt the problem was Mintier-Harnish and that they should get someone else to do steps 9, 10 and 11 and cut our losses. He commented that there were many inconsistencies as well as no balance in the document. He added that attracting economic business was underwhelming in the document and suggested a request for proposal (RFP) and perhaps get someone local on the job.

Chairman Botelho concurred adding that up to this point he was disappointed and that it was only going to cost more money. He added that he had never supported Mintier-Harnish and they had messed things up from the start. He noted that Mintier-Harnish was not even present that day.

Supervisor De La Cruz felt they should get rid of them but expressed concern with starting all over again.

Chairman Botelho called for public comment.

Marvin Jones spoke of the different elements of the General Plan and advised the supervisors to read the plan before they vote on it. He felt they should delete the health and safety section in its entirety as it is not required.

Jason Noble felt they should direct staff to include the extension of the urban limits to Tres Pinos.

Marty Richman felt that money invested in the General Plan was a waste of money and that past projection had been wrong. He advised that they meet the minimal legal requirements and stay as flexible as possible.

Jim West stated that he lived in San Juan Bautista and worked for Granite Rock. He added that he was Chair on the General Plan Advisory Committee (GPAC). He spoke of the quarry by the rail line and getting it zoned for industrial, noting that the recommendation went from GPAC to the Planning Commission and now it's gone.

Joe Zanger spoke of the large area of viniculture in the northern part of the county where they had grown grapes since 1994 that was not included. He stated that he had submitted comments about it to Planning Director Gary Armstrong and the Board of Supervisors and he never heard back from anyone. He felt that north San Benito County was overlooked.

Larry Barr, president of San Benito County Business Council, commented that Supervisor Rivas gets it. He stated that the first consultant had a lot of inaccuracies in the document and misrepresentations and received money by back charging. He stated that the San Benito County Business Council felt that additional support and options were needed to get the process back on track. He advised that they do an RFP for a new consultant.

Bill Weismann spoke on behalf of Lico Grieco Properties and spoke of the zoning requests for the 2 properties that was submitted. He stated that GPAC made the recommendation but it was not addressed.

John Eade stated that he was in the cattle business in Santa Ana Valley and that the consultant used the number of cattle sold in the county in 2010 and not the resident herd. He felt the greenhouse gas was based on incorrect numbers.

Pat Lowe felt when they looked at a new consultant; they needed to have a big vision of economic development, large areas. She felt they needed to tell people we want their business and make it encouraging with large areas.

The Chairman closed public comment as there were no further speakers.

Supervisor Muenzer stated that he wanted to go on the record saying that he did not want to solve greenhouse gas emissions on the back of the cattle industry. He agreed that the Tres Pinos sphere of influence should be included in the General Plan as they already had infrastructure. He further felt that heavy industry in Aromas should be included. He concurred that they did not get what they paid for with the General Plan adding that the consultant did not follow the Board's direction from a year ago. Supervisor Muenzer supported an RFP for a new consultant for steps 9, 10 and 11 and make sure the other steps are done the way we want.

Supervisor Barrios wanted to make sure the General Plan isn't specific and does not tie future Boards' hands. She noted that they had asked Mintier-Harnish to be flexible but they didn't pay attention, nor did they pay attention to GPAC. She added that she and Supervisor De La Cruz were on the General Plan Committee and asked them to use the word encourage instead of required and those word changes were not done by Mintier-Harnish.

Chairman Botelho felt that jobs creation zoning was not in there enough. He commented that it was as if Mintier-Harnish didn't attend the GPAC meetings. He felt there should be a consultant in place, get someone in Planning to help the Director, review the wine trail and review the procedure for the General Plan amendment.

Supervisor Rivas felt that yes it was the consultant but a certain level of responsibility is on staff and that Gary Armstrong deserved a phone call lashing. He added that the Assistant Planning Director understands what they need and that the Director needs to make sure what the Board says get's done. He commented that he was looking for more leadership from staff.

Supervisor De La Cruz asked what time frame they were looking at and noted that was important because he didn't want to go beyond this year.

Interim Planning Director Turner stated that they could incorporate the time frames in the proposal and if a consultant was unable to meet those time frames,

they shouldn't apply. He indicated they could set it to be done by the end of the year.

Supervisor Barrios asked if the end of the year was realistic.

Supervisor Muenzer recommended that staff come back at the next meeting with RFQ and what will be included.

*Upon motion duly made by Supervisor Rivas and seconded by Supervisor De La Cruz, **directed** Planning and County Counsel staff to work together to end the relationship with Mintier-Harnish, get money back from the greenhouse gas portion and come back to the Board with a Request for Proposal (RFP) plan. (Unanimous)*

Supervisor Barrios asked if they still owed money to Mintier-Harnish.

County Counsel Matt Granger stated that there was money left to respond to technical comments.

Interim Planning Director Turner stated that responses to technical comments were going on now. He added that they didn't want to stop work on the greenhouse gas effect.

Supervisor Barrios stated that any savings they could have, they needed to get the money back. *File #790*

PUBLIC WORKS DEPARTMENT – S. Wittry:

37) **Consider the evaluation criteria established for the Courthouse space planning efforts, and provide direction to staff on the importance factor of each criteria.**

Interim County Administrative Officer Ray Espinosa gave a staff report.

Capital Improvements Project Manager Adam Goldstone passed out a handout and explained that they were looking for more input from the Board as to the importance of each item of criteria.

Supervisor Barrios asked about the assessment of liability by Trindell.

Interim County Administrative Officer Ray Espinosa stated that it had not happened yet but should within the next few weeks following the facility meeting.

Supervisor Barrios felt that the ability to provide revenue was not as valuable as providing service.

Further discussion ensued between Board members and staff.

Public Works Administrator Steve Wittry asked that they keep in mind the cost to move anybody into the building, tenant improvement costs.

Clerk-Auditor-Record Joe Paul Gonzalez indicated that Trindell would be here July 29th and 30th for a 2 day review of the building.

Chairman Botelho directed the facilities committee to develop two to three options and come back to the Board for consideration and a decision.

Supervisor Barrios noted that storage was critical and there were old records that needed to be preserved. She asked what category on the survey that would fall under.

Mr. Wittry replied category #2 under risk factors.

There was no public comment.

Mr. Goldstone asked if they would actually decide which departments.

Supervisors Barrios and Botelho of the Facilities Committee replied yes.

The Board adjourned into closed session at 3:14 p.m. and reconvened into regular session at 4:24 p.m.

CLOSED SESSION:

38) **Conference with Labor Negotiator**
Authority: California Government Code Section 54957.6
Agency Designated Chief Negotiator: Georgia Cochran, Interim Director of Human Resource and Jacki Credico, Management Analyst
Employee Organization: Institutions Association
No reportable action. File #235.6

39) **Conference with Legal Counsel-Anticipated Litigation**
Initiation of litigation pursuant to subdivision (c) of Government code Section 54956.9; Number of Cases: 1
No reportable action. File #235.6

40) **County Employee Appointment**
Title: Assistant County Administrator
Authority: California Government Code 54957

Under public comment:

Pat Loe asked if there would be an appointment that day.

Chairman Botelho stated that the job description for Assistant CAO was on the open agenda and the actual appointment was in closed session.

Ms. Loe asked if the discussion would be restricted to the individual and not general policy discussion.

County Counsel Matt Granger replied that was correct and that it was limited to the recruitment and candidates and whoever was appointed it would come back to open session for appointment.

No reportable action. 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 4:26 p.m. to July 23, 2013 at 9:00 a.m.

ANTHONY BOTELHO, CHAIRMAN
San Benito County Board of Supervisors

ATTEST:

Janet Slibsager, Assistant Clerk of the Board
Denise R. Thome, Clerk of the Board