



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 SEPTEMBER 24, 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. Chairman Botelho presided.

9:00 a.m. CALL TO ORDER:

- a) Pledge of Allegiance was led by Supervisor Barrios.
- b) Acknowledge Certificate of Posting.

c) **BOARD OF SUPERVISORS:**

Legislative update and presentation by Assemblyman Alejo.

Assemblyman Alejo provided a legislative update. Some of the things he covered were his accomplishments and the 9 bills on the Governor's desk to be signed. Some of those bills he covered were Prop 30; middle class scholarship; voted to reform school finance; AB900 Health Bill (Skilled Nursing Facilities); AB21 safe drinking water program; AB60 Immigrants to obtain a drivers license; and the minimum wage bill to increase within two years to \$10.00 per hour. He said he would be meeting in Washington D.C. next week to hopefully push to pass Comprehensive Immigration Reform.

Mr. Alejo placed a brochure on the back table in chambers (Let's Talk about what my office can do for you) to let the public know that they could contact his office with questions and concerns. Mr. Alejo thanked the Board for their service and allowing him to report some of the highlights this year.

Supervisor Barrios thanked him for taking the time to come out and present to our community the issues that he takes on.

Chairman Botelho also thanked Mr. Alejo on behalf of the Board and stated that he appreciated the work with AB900 Bill as it was really important to our Community. Mr. Botelho thanked Mr. Alejo for all his support in San Benito County.

Supervisor Rivas also expressed his appreciation for Mr. Alejo's accessibility. Mr. Alejo presented a Resolution from his office to Royal Circuit

Solutions in honor of being named 2013 Small Business of the year award, in California and San Benito County.

CEO Milan Shah of Royal Circuit Solutions thanked honorable Assemblyman, honorable Board of Supervisors and Community Members, he said it was a great honor and privilege to receive this honor, he said that he would make sure that he shares it with all the employees and suppliers and the people who make a difference.

Mr. Shah said that they are located at 21 Hamilton Court. He said they are currently hiring and they are hiring veterans. He said more important, the City of Hollister and the County of San Benito have been very supportive and the people of Hollister and San Benito County in terms of workers and supplier base are very honest, full of integrity and very hard working and we are very blessed. He thanked Mr. Alejo for his support and kind words.

BOARD OF SUPERVISORS:

Present Proclamation to San Benito County Health Foundation declaring October 12-21, 2013 as Bi-National Health Week in San Benito County.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor Rivas, approved Proclamation.*

Supervisor Barrios presented Proclamation to the San Benito County Health Foundation declaring October 12-21, 2013 as Bi-National Health Week in San Benito County. (Unanimous) File #430

- d) **Public Comment:** Marvin Jones, Hollister resident, spoke in regards to Biodiversity, United Nations Local Agenda 21; sustainability, climate change, Greenhouse Gas and global temperature.

Mark Patton, Therapist at Behavioral Health Dept. spoke in regards to the current MOU and proposed benefit cuts. He said that we need to do something other than cut benefits and services because the county is going to suffer.

Michael Silverman, Agriculture Inspector and member of SEIU 521, spoke in regards to the current proposal and benefits. He said he is asking that the Board reconsider proposed cuts.

Nora Hockman, Organizer SEIU 521, spoke in regards to Home Care Workers, county revenue and contract negotiations.

Nestor Rivera, Organizer for SEIU-Long Term Care Workers, spoke in regards to Home Care Workers, and health benefit negotiations.

Felicitas Corona, Homecare Worker, spoke in regards to a fair and just process in regards to their negotiations.

Irma Rodriguez, Homecare Provider, spoke in regards to how no one recognizes the worth of their work and how she would like to see negotiations reopened and talk about the raise that they earned and health insurance.

Belen Martinez, Homecare provider, spoke in regards to health benefits for Health Care Workers and negotiations.

Marty Richman, Hollister resident, thanked Mr. Alejo for his support of the cutbacks in the Medical for long term care throughout the State. He said as far as uninsured drivers there is no enforcement in the law and they could be enforced if the State wanted to.

Martha Booker, Behavioral Health Dept. Worker/SEIU 521, spoke in regards to increased health care costs in San Benito County. She said she is

asking the Board to please consider how their decisions affect families that work and live here and how you would feel if you were in their position.

Department Head Announcements: Interim CAO Ray Espinosa announced that today is the Employee Health Benefit Fair at the Veteran's Building from 11:00 a.m. to 2:00 p.m.

Interim CAO Ray Espinosa announced that there was a typing area on agenda Item #7 and it should read October 1, 2013 not October 2, 2013. He mentioned that agenda Item #12 is being pulled for corrections and will come back at a later date; there is a request from our Animal Control Officer to move Item #16 to the first item on the regular agenda as they will need to leave as soon as possible.

Public Works Administrator Steve Wittry announced that there has been some vandalism on our County roads, folks are taking their vehicles and destroying road signs along Cienega Road, Southside Road and Quien Sabe Road. He asked everyone to drive with caution if out in that area and if anyone sees something that is suspicious to call the Sheriff's Office or the Public Works Department, as it costs the tax payers dollars. He said they have had about 20 signs go down within the last couple of weeks.

Executive Director of San Benito County COG Lisa Rheinheimer announced that San Benito County Express would be offering free shuttle service to the San Benito County Fair on October 4, 5 and 6th. She also announced that COG's is encouraging folks to walk to school on International Walk to School Day. She said that the incentive is to register a walking school bus and enter to win a \$200 gift card for Swank Farms. She said that she left flyers in the back of the room for the County Express free shuttle to the fair and the International Walk to School Day.

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

Supervisor Barrios commended the Hollister Fire and San Benito Fire Department for their quick response to the aid of a neighbor. She said that she was able to witness firsthand how effective and quickly and caring they were and was very proud to see the team effort, partnership working so well.

Supervisor Muenzer announced that he attended the Monterey Bay Unified Air Pollution Control Board meeting and they allotted the fiscal year 13-14 AB2766 grant awards and San Benito County would be receiving \$86,000, two projects went to San Benito High School District and the other to the Public Works Department. He said that this was the grant that gave the county money last year to buy the infamous electric vehicle.

Chairman Botelho reported that he and Supervisor De La Cruz attended the COG meeting and received a report from Caltrans District 5 on the 156 project that is moving forward.

Chairman Botelho mentioned at the COG meeting they voted to donate one of the older vanpool vehicles to the American Legion so that they could utilize locally for our local veterans to get to appointments.

Supervisor De La Cruz mentioned the prescription coverage program that is available for families that cannot afford health insurance.

CONSENT AGENDA:

*Upon motion duly made by Supervisor Rivas and seconded by Supervisor Barrios, **approved** Consent Agenda Items 1 through 13, with the exception of Items #11 and Item #12, which was pulled for discussion. (Unanimous)*

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 1) **Approved** contract renewal with St. Helena Hospital Center for Behavioral Health & St. Helena Hospital for the period of July 1, 2013 through June 30, 2014, for a maximum amount not to exceed \$70,000. **File #810**

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 2) **Approved** contract renewal with the Santa Cruz Counseling Center, Inc. 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:

- 3) **Approved** contract with Hillside Christian Fellowship for Sober Living environment for the period of October 1, 2013 through June 30, 2014, for a maximum total of \$30,000. **File #810**

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 4) **Approved** Proclamation declaring October 21-27, 2013 as San Benito County's Red Ribbon Week. **File #810**

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

- 5) Set and pass the FY 2013/2014 Tax Rates, Debt Service Rates and Direct Assessment Charges; **authorized** the levy of these rates against the taxable secured property within the county, which is subjected to each rate; **adopted Resolution No. 2013-69**, which sets and approves the FY 2013/2014 tax rates as shown on Appendix A; and **approved** the collection fee allowed by Section 29142. **File #608**

CLERK OF THE BOARD – D. Thome:

- 6) **Approved** the action minutes of the January 29, 2013 and the August 27, 2013 special meetings.

COUNTY ADMINISTRATIVE OFFICE – R. Espinosa:

- 7) **Approved** Memorandum of Understanding for the San Benito Monterey Bay Area Microwave System Extension between San Benito County, Monterey County and Santa Cruz County to be effective October 2, 2013 and to remain in effect for a period of five (5) years. **File #119**

COUNTY LIBRARY – N. Conte:

- 8) **Approved** out-of-state travel for the County Librarian and another Librarian to attend the 2013 Association of Rural and Small Libraries Conference in Omaha, Nebraska from September 26-28, 2013. **File #80**

HEALTH & HUMAN SERVICES AGENCY – M. Corona:

- 9) **Approved** and **accepted** CDC Comprehensive Agreement with Ca. Department of Public Health for the period of July 1, 2013 through June 30, 2014, in the amount of \$351,492, and **authorized** the Interim Director to sign said agreement; **authorized** a temporary part-time Emergency Services Specialist; and **approved** the budget augmentation in the amount of \$26,070. (4/5 vote) **File #420**

HEALTH & HUMAN SERVICES AGENCY – M. Corona:

- 10) **Approved** contract with the California Department of Social Services (CDSS) Adoptions Unit for adoption services for the period of July 1, 2013 through June 30, 2014; and **authorized** the H&HSA Interim Director to sign said contract. **File #130**

HEALTH & HUMAN SERVICES AGENCY – M. Corona:

- 11) **Approve contract with the City of San Jose for the Housing Opportunities for Persons with Aids (HOPWA) for the FY 2013/14 7 2014/15, in the amount of \$47,755 and authorize the H&HSA Interim Director to sign said contract.**
Item pulled by the public for discussion.

Marvin Jones, Hollister resident, had a couple of questions (1) what does CSWD mean; (2) is San Benito County going to be providing housing for folks from San Jose?

Deputy Director Enrique Arreola answered that (1) (CSWD) stands for Community Services and Workforce Development and is the department that oversees this grant; (2) as far as San Benito County providing housing for individual from other communities, no that is not the case, he said any services that we provide to individuals in regards to housing have to be residents of San Benito County. He mentioned that this program will provide services to individuals with documented HIV or Aids as approved by the granter.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios, **approved** contract as provided. (Unanimous) File #130*

HEALTH & HUMAN SERVICES AGENCY – M. Corona:

- 12) **Approve the Workforce Investment Act Local Strategic Workforce 5-Year plan for program years 2013-2017 for submission to the State.**

Item pulled by Deputy Director Enrique Arreola to correct page 3 of the plan, paragraph two reflecting the miles between San Benito County to Monterey to 40 miles and from San Benito County to San Jose 50 miles.

BOARD ACTION: *Upon motion made by Supervisor Rivas and seconded by Supervisor Muenzer, **approved** the Workforce Investment Act Local Strategic Workforce 5-Year plan for program years 2013-2017 for submission to the State with the changes. (Unanimous) File #130*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 13) **Approved** the revised job descriptions for the following positions: Public Works Superintendent, Road Maintenance Superintendent and Heavy Equipment Mechanic II. **File #105**

Chairman Botelho announced that they would move to Item #16 then proceed on with Item #14 through Item #21.

REGULAR AGENDA:

COUNTY ADMINISTRATIVE OFFICE – R. Espinosa:

16) Discussion concerning animal control and vicious dogs; receive information and provide direction to staff.

Julie Carriero of City of Hollister Animal Control gave a presentation and provided handouts and information in regards to vicious dogs and the dangerous dog law in San Benito County.

Ms. Carriero mentioned that in 2007 the City of Hollister adopted its own more restrictive Dangerous Dog Ordinance and has been very successful in reducing the number of attacks and serious injuries caused by dogs. And with that reduction and the number of attacks the San Benito County Board of Supervisors adopted the same ordinance that the city had in 2009 to help combat the problem that we had.

Ms. Carriero said that the animal control officers are trained in recognizing the many types of aggression in dogs and they treat each dangerous dog case individually. She said no two dangerous dog cases are alike. So if a dog engages in conduct which meets the definition of the dangerous dog ordinance the dog can be seized by the animal control officer and held at the animal care facility pending a hearing to determine if there is enough evidence to deem the dog dangerous. She said that the cost associated with the seizure and board fees are at the dog owner's expense, so the County and City do not bear the costs of the board fees and so forth.

Mrs. Carriero said that in 2012 animal control investigated 66 dog bites, and that involved all kind of different dogs, in 2013 the number went down and that was due to the City of Hollister enacting the mandatory spay and neuter ordinance for pit bulls, Chihuahua and mixes of those breeds. So in 2013 we investigated 52, so the numbers are going down as far as dog bites. She said that the dog bites are probably about half and half between city and county.

Ms. Carriero said that she wants to make sure people recognize warning signs that they make sure they keep their dogs contained to their property. Dogs need to be managed, contained and controlled.

Ms. Carriero said that she encourages people to get their dogs licensed, vaccinated and know how to take their dogs for obedience training. She said that would help reduce dog bites and dog attacks on dogs and livestock. Please report any animal bites or attacks to the Animal Control.

Discussion ensued by Board and Animal Control.

Chairman Botelho opened the public comment.

There being no public comment, public comment closed.

Chairman Botelho thanked Animal Control for report. **File #425**

Item #14 and Item #15 will be combined together for discussion.

PLANNING DEPARTMENT – B. Turner:

14) Receive progress report on the General Plan Update.

Interim Director Byron Turner provided an update to the General Plan update. Mr. Turner mentioned that the RFP is out and they have requested a response by the end of the month. He said that they discussed the General Plan at length at the Planning Commission meeting last week and they are interested in having a joint meeting with the Board of Supervisors and also appointing an ad

hoc committee to focus on the process and the milestones as opposed to the substance of the plan after a consultant is hired. He said that he would be doing a monthly update for the Planning Commission also. He said that he would be reporting back at the next Board meeting to see what responses they get from the RFP.

Discussion ensued by Board and staff in regards to the formation of an ad hoc committee.

Chairman Botelho opened public comment.

Marty Richman, Hollister resident, said that he hopes that none of the Supervisors are going to try and use the Planning Commission to put a stop to portions they oppose of the decisions the Board has made as a whole about what's suppose to be in the general plan. He said we need a program manager to be in charge, it can't be a committee. He said you need someone that is able to bull dog this every day.

Chairman Botelho closed the public comment.

Supervisor Muenzer said that if we do not get any RFP responses he thinks we should consider going back to our original consultant. **File #790**

BOARD OF SUPERVISORS:

15) Appoint General Plan Ad Hoc Sub-Committee to monitor the progress of the General Plan update. (Supervisor Botelho)

No action was taken to appoint an ad-hoc committee for the general plan at this time. (Unanimous) File #156

COUNTY ADMINISTRATIVE OFFICE – R. Espinosa:

17) Receive update of the San Justo Reservoir from the San Benito County Water District.

Dale Rosskamp Engineer with the San Benito County Water District provided an update in regards to the zebra mussel infestation at the San Justo Reservoir and the efforts to date to perform eradication.

Mr. Rosskamp provided some back ground information on the Central Valley Project water and stated that the zebra mussels were observed in San Justo Reservoir starting in January 2008. In March 2009 it was confirmed they were in the Hollister conduit pipeline. Since 2008 the San Justo Reservoir was closed to the public and quarantined in an attempt to stop the zebra mussels. This was jointly decided by the U. S. Bureau of Reclamation (USBR), California Dept. of Fish and Wildlife (Game), and the San Benito County Water District to have the reservoir quarantined to the public.

He said that USBR and the San Benito County Water District have been working towards a total eradication of the infestation in the pipeline in the reservoir so that we can eventually reopen the reservoir to the public for recreational use. He said that it has been decided to go with potash or potassium chloride as the material that would be used to eradicate the mussels. The reason why potash was chosen is that it is very specie specific and that it was used successfully at the Millbrook Quarry in Virginia in 2006. It is the only successful eradication that had been attempted.

Mr. Rosskamp provided a description of the proposed eradication process and the environmental work status.

He said when the USBR can complete the National Environmental Policy Act (NEPA) document , USBR next steps would include: completion of project

plans, specifications, and bid documents, making a formal request to Congress for a Federal budget allocation to execute the eradication; and execution of the eradication. Currently the Federal government is not budgeting for the project at any level. The most recent estimated cost of conducting the proposed eradication is \$2.5 million dollars. He asked the Board if they had any questions.

Discussion ensued by Board and Mr. Roskamp.

Mr. Roskamp said that the problem that is going on is the U. S. Bureau of Reclamation and the California Dept. of Fish and Wildlife will not budge on removing the quarantine in any fashion. It is closed until the eradication occurs.

Discussion continued by Board and Mr. Roskamp.

Chairman Botelho opened the public comment.

Chairman Botelho closed the public comment.

After Board discussion the consensus of the Board was to agendize a Resolution to be sent to Congressman Sam Farr, asking for his support in regards to getting the reservoir open. (Unanimous) File #139

COUNTY COUNSEL – M. Granger:

- 18) Review and approve response to the 2012-2013 San Benito County Grand Jury Report; direct staff to submit the prepared response to the Presiding Judge of San Benito County Superior Court; and authorize the Chair to sign.**

Assistant County Counsel Barbara Thompson provided information in regards to the 2012-2013 San Benito County Grand Jury Report, the requirements to the findings and response to be sent to the Presiding Judge of San Benito County Superior court.

BOARD ACTION: *Upon motion made by Supervisor Muenzer and seconded by Supervisor Barrios, **approved** response to the 2012-2013 San Benito County Grand Jury Report; **directed** staff to submit the prepared response to the Presiding Jude of the San Benito County Superior Court. (Unanimous) File #605*

HEALTH & HUMAN SERVICES AGENCY – E. Arreola:

- 19) Presentation from the San Benito County Community Action Board (CAB).**

Deputy Director Enrique Arreola from Health & Human Services Agency introduced Hazel Winfrey White from the Community Action Board who provided a PowerPoint presentation in regards to their purpose and activities performed by the Community Action Board. Items she covered were: CAB services; San Benito County Migrant Center; One-Stop Career Center services; funding for services; supporting the community; a matter of homelessness; dormitories construction; aerial view of the migrant center; ribbon cutting for the new kitchen; laundry facilities; CAB cooking at the homeless shelter; Santa visits the winter shelter; the 19th Annual Christmas Party for families housed at the winter shelter; the devoted volunteers; leadership in the community; CAB making a difference for low income families.

Chairman Botelho and Supervisor Barrios thanked Ms. White for her report to the Board and the community. **File #130**

The Board adjourned for lunch at 12:08 p.m. will return at 1:05 for the discussion of closed session item #25 and then continue with the regular agenda.

The Board reconvened into closed session at 1:07 p.m.

- 25) Conference with Labor Negotiators
Agency designated representatives: Dania Torres Wong, Allyson Hauck, Ray Espinosa, Joe Paul Gonzalez, Melinda Casillas, and Georgia Cochran

Employee Organizations:
Management Employees' Group
Institutions Association
SEIU Local 521 (General Unit Employees)
SEIU United Long Term Care Workers Local 6434
Law Enforcement Management

Authority: California Government Code Section 54957.6

No reportable action. File #235.6

The Board reported out of closed session at 2:15 p.m. and reconvened into Regular Session at 2:16 p.m.

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 20) **Receive update on the progress of relinquishing the abandoned Southside Hospital and provide direction to staff.**

Public Works Administrator Steve Wittry provided information and the schedule as to where they are at now with the progress with the abandoned Southside Hospital. Mr. Wittry said that at the October 1st meeting they would be bringing an item before the board on the lot line adjustment for approval to be able to declare the property surplus. Once it has gone through a surplus property declaration we go through the process to offer it to other state or local agencies and they can take the property if they so desire.

Mr. Wittry said assuming that we don't get any takers we have been in contact with people within the City and County and there doesn't seem to be a lot of interest in the property. He said that the goal is to try and get rid of that property in a responsible fashion.

Discussion ensued by Board and staff.

Chairman Botelho thanked Mr. Wittry for the report. **File #105.3**

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 21) **Receive report and update on the Road zipper performance on New Idria Road.**

Public Works Administrator Steve Wittry provided a PowerPoint presentation on the road zipper performance on the New Idria Road rehabilitation project this last summer. He said that Public Works was very pleased in how the machine worked and they look forward to purchasing one of these machines. Items covered were: Maintenance approach; why they needed to use a grinder; the asphalt zipper at work May 20, 2013; comparison of teeth; chip seal August 14, 2013; before and after photos and the costs. He said that they would be doing an evaluation as to how the road holds up through the winter.

Discussion ensued by Board and staff.

Chairman Botelho thanked Mr. Wittry for the report. **File #105**

Board adjourned into closed session at 2:42 p.m. and reconvened in to regular session at 4:22 p.m.

CLOSED SESSION:

- 22) CONFERENCE WITH REAL PROPERTY NEGOTIATOR:
Property: -Palmtag Ranch (APN 020-170-017), off of Cienega Road, Hollister, California
-San Benito High School (APNs 020-170-043, 059-020-001 & 059-020-003), off of Nash Rd., Hollister, California
-Chick/TAG Paintball (APN 020-280-050), San Benito Street, Hollister, California

Agency Negotiator(s): Steve Wittry, Public Works Administrator; Adam Goldstone, Capital Projects Manager; Ray Espinosa, Interim CAO; Matthew Granger, County Counsel, Barbara Thompson, Assistant County Counsel and Shirley Murphy, Deputy County Counsel

Negotiating Parties: Ron Ross, on behalf of Palmtag Ranch property owners; Michael Robustelli, on behalf of the San Benito High School District; and Roland Chick, on his own and on behalf of TAG Paintball

Under Negotiation; price and terms of payment

Authority: California Government Code Section 54956.8

No reportable action. File #235.6

- 23) County Employee Appointment
Title: County Administrative Officer
Authority: California Government Code 54957
No reportable action. File #235.6

- 24) County Employee Appointment
Title: Director-Health & Human Services Agency
Authority: California Government Code 54957
The Board on a 5-0 vote accepted and approved contract of Mr. James Rydingsword and would begin employment on October 14, 2013. File #235.6

There being no further business the Board adjourned at 4:24 p.m. to October 1, 2013 at 9:00 a.m.

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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

ANTHONY BOTELHO, CHAIRMAN
San Benito County Board of Supervisors

ATTEST:
Janet Slibsager, Assistant Clerk of the Board