



# 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

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County Administration Building – Board of Supervisors Chambers, 481 Fourth Street, Hollister, California

## REGULAR MEETING OCTOBER 15, 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 De La Cruz led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- c) **PRESENTATIONS & RECOGNITIONS:**

#### **BOARD OF SUPERVISORS:**

**Present Proclamation to the San Benito County 4-H All Stars declaring 2013 as Centennial Year of the California 4-H Youth Development Program.**  
(Supervisor Muenzer)

*Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Barrios approved proclamation to the San Benito County 4-H All Stars declaring 2013 as Centennial Year of the California 4-H Youth Development Program.*

Supervisor Jerry Muenzer presented the proclamation to 4-H representatives Delaney Gross, Jessica Bliss, Christian Bliss, Andrew Little and Heather Perreira. *File #430*

- d) **Public Comment:** Paul Wattis spoke of a poaching incident in South County and how the Sheriff's Department was unable to respond to pick up the poacher they collared and were holding. He noted that Fish and Game picked the poacher up. He commented that they needed public safety in South County and recommended they reconsider their budget priorities.  
Sheriff Thompson thanked Mr. Wattis for his support of the Sheriff's Department and spoke of how it would be great to increase their fund for South County at mid-year review.

Denise Quintana, San Benito County Child Support Specialist and Vice-President of SEIU, stated that they had been negotiating in good faith and that the last, best and final offer by the Board of Supervisors was rejected

unanimously. She stated that they didn't want the Board to balance the entire budget on the backs of the front line workers.

Wendy Solorio, Child Support Services employee, stated that she was born and raised here and she was not the problem or the enemy. She stated that she won't continue to allow the Board of Supervisors to balance the budget on their backs. She indicated that she donated and volunteered here and asked the Board to order the management team to come back to the table to negotiate with them.

Fernando Silveira, Child Support Services employee, stated that he did not live in this county and lives in Merced County. He explained that he had transferred and one goal, one dream, was to get his family out of the valley. He indicated that cuts proposed now put that into jeopardy stating that he would be working for insurance and gas money. Mr. Silveira explained that he saw Hollister and San Benito County as an ideal place to raise a family. He requested that the Board come back with something realistic. He commented that with his wage he qualified for Food Stamps and MediCal and was one step away from Welfare.

Felicitas Corona, In Home Support Services (IHSS), respectfully urged the Board to negotiate a wage increase. She stated that she donated a lot of time and that she didn't have sick pay but that was okay. She added that she worked long hours.

Joan Miranda, HHSA Eligibility Worker and SEIU officer, spoke of the effects of the proposed cuts. She explained that they help the families in the community when they were most vulnerable. She spoke of the high turnover rate in their department and the long hiring process. She warned that if they continued down this path the community would be at risk. Ms. Miranda stated that she would not allow the County to budget on the backs of the employees. She asked that they instruct staff to return to the negotiation table.

Alisha Cardenas, Child Support Services employee, stated that she was one of the non-general funded departments contributing back to the general fund. She added that they do a lot of outreach and they couldn't hold on to people if they're paying so little. She commented that of 18 full time employees, 7 have other jobs. Ms. Cardenas stated that she understood the Board had a job to do but asked the Board to go out and find other ways of making money like their employees are doing. She added that you can only stretch a rubber band so far and they were doing this to the community and not just the employees.

Marty Richman spoke in regards to the Sheriff's Department and South County and complimented Sheriff Thompson as an elected official. He expressed concern with emergency coverage in the county and was concerned with no station in South County.

e) **Department Head Announcements:**

Interim County Administrative Officer Ray Espinosa pulled Consent Agenda item #6 to another day. He reported that there would be a special meeting on October 22, 2013 regarding the Farm Labor Association and Homeless Coalition contract and letter to the State. He stated that he would like to publicly thank Maria Corona for her service as Interim Health and Human Services Agency Director for over a year and a half. He spoke of the amount of work she had to do and thanked her.

Interim HHSA Director Maria Corona thanked the Board for the opportunity to serve as Interim HHSA Director. She said as captain of the ship she would be unable to do it without the sailors and that management was not able to do it without them. She thanked them for their patience and stated that she was looking forward to working with new director Jim Rydingsword.

All supervisors expressed their thanks for her service.

Supervisor Barrios recommended the CAO present a certificate of recognition signed by the Board that the CAO could present by himself.

Interim County Administrative Officer Ray Espinosa introduced James Rydingsword, the new Health and Human Services Agency Director, who had 25 plus years of executive management experience.

Health and Human Services Agency Director James Rydingsword stated that one of the reasons he considered coming here was because he had worked with Maria and he felt it might be interesting to apply to serve in San Benito County. He noted that he and his wife were looking for property to move here and that they were married 19 years ago in San Juan Bautista. He stated that they had a really good staff and that people worked in this business because they have a passion for it. He indicated that he was happy to be there.

Supervisors welcomed him and wished him well.

Interim CAO Espinosa reminded that the Great California Shakeout, which was an earthquake drill, was on Thursday, 10/17 at 10:17 a.m.

Public Works Administrator Steve Wittry reported that on October 7, 2013 the Tres Pinos Water District notified them of a failure of the water well and requested assistance. He explained that they worked with Stonegate to put in the temporary connection. He thanked staff and stated that backup water was up in 24 hours. He noted that they were working with the City of Hollister with the asphalt zipper and exchanging and borrowing equipment to save the community money.

f) **Board Announcements:**

Supervisor Rivas requested a budget update at the 1<sup>st</sup> or 2<sup>nd</sup> meeting in November.

Interim CAO Espinosa stated that they were having an internal admin. meeting and were planning a quarterly report in November.

Supervisor Barrios reported a successful discussion regarding partnerships, primarily fiber optic. She noted that the Pinnacles National Park was still on the agenda with respect to efforts to promote. Supervisor Barrios indicated that she had shoulder replacement surgery and thanked all her well wishers.

Supervisor Muenzer congratulated the 33<sup>rd</sup> Agricultural District for a great and successful fair. He noted that COG provided free shuttles to the fair. He spoke of the great collaboration with the Stonegate HOA and people helping Tres Pinos. He spoke of the presentation on the HERO program at AMBAG last week. Supervisor Muenzer commented on the South County safety issues, noting about 2 incidents per month in South County. He stated that the incidents were important but there weren't very many and they needed a cost effective method to meet the needs. He added that they were looking at volunteer stations in South County. He stated that they needed to take a look at the sheriff's budget and expressed disappointment that the City did not choose to look at consolidation of law enforcement.

## **CONSENT AGENDA:**

*Upon motion made by Supervisor Rivas and seconded by Supervisor Muenzer, **approved** Consent Agenda Items with the exception of Item 4 which was pulled for discussion and Item 6 which was pulled by Interim CAO Espinosa to be heard at a later date. (Unanimous)*

## **BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:**

- 1) **Approved** contract renewal with Traditions Behavioral Health for psychiatry services for the period of July 1, 2013 through June 30, 2014, for a maximum annual total of \$310,191. *File #810*

## **BOARD OF SUPERVISORS:**

- 2) **Appointed** Bernardette Hernandez and Caitlyn Fernandez as Youth Commissioners on the Parks and Recreation Commission, for a one year term effective October 15, 2013 through August 31, 2014. *File #93*

## **BOARD OF SUPERVISORS:**

- 3) **Adopted Resolution No. 2013-74** requesting support by local assembly and congressional representatives for the Zebra Mussel Eradication at San Justo Reservoir. *File #156*

## **CLERK OF THE BOARD – D. Thome:**

- 4) **Approve the action minutes of the February 5, 2013 and the August 6, 2013 regular meetings.**

Item was pulled for discussion.

Supervisor Barrios had a question on page 39 of the minutes and asked the Clerk of the Board to take a look at it and change it if necessary.

*The Clerk of the Board found that the minutes were correct and no change was necessary.*

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Muenzer **approved** the action minutes of the February 5, 2013 and the August 6, 2013 regular meetings.*

## **HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:**

- 5) **Adopted Resolution No. 2013-75 authorizing** closure of all Public Health Services to include Public Health Department on Fourth Street, the Emergency Medical Services and Environmental Health Office located on San Felipe Road from 8:00 a.m. to 5:00 p.m. on November 7, 2013. *File #130*

## **HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:**

- 6) **Approve the sixty (60) month lease with Pitney Bowes for a postage machine at \$257.77 per month for the San Benito County Health & Human Services; and authorize the Director to sign.**

*Item 6 was pulled by Interim CAO Espinosa to be heard at a later date.*

*File #130*

**PUBLIC WORKS DEPARTMENT – S. Wittry:**

- 7) **Adopted Resolution No. 2013-76 approving** the purchase agreement with the Frances Palmtag Trust, et al for the purchase of real property APN 020-170-017 in the amount of \$415,000, approving the form of a grant deed and authorizing the Public Works Administrator to accept the fully executed grant deed and sign the certificate of acceptance and consent to record, for and on behalf of the County of San Benito. *File #105.3*

**REGULAR AGENDA:**

**COUNTY ADMINISTRATIVE OFFICE – R. Espinosa:**

- 8) **Approve the response to 2013 San Benito County Grand Jury Report No. 8 & 9; direct staff to submit the prepared response to the Presiding Judge of the San Benito County Superior Court; and authorize Chair to sign letter.**

Assistant County Counsel Barbara Thompson gave a staff report.

There was no public comment.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Muenzer, **approved** the response to 2013 San Benito County Grand Jury Report No. 8 and 9 and **directed** staff to submit the prepared response to the Presiding Judge of the San Benito County Superior Court and **authorized** the Chair to sign (Unanimous) File #605*

**COUNTY COUNSEL – M. Granger:**

- 9) **Adopt ordinance amending subsection (D) of Section 3.01.091 (Qualifications) of Article VI (County Administrative Officer) of Chapter 3.01 of Title 3 of the San Benito County Code.**

Assistant County Counsel Barbara Thompson gave a staff report.

There was no public comment.

*Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Barrios, **adopted Ordinance No. 920 amending** subsection (D) of Section 3.01.091 (Qualifications) of Article VI (County Administrative Officer) of Chapter 3.01 of Title 3 of the San Benito County Code. (The motion passed 4 to 1 with Supervisor Rivas voting no.) File #160*

**FIRST 5 SAN BENITO – L. Faulkner:**

- 10) **Receive presentation from First 5 San Benito regarding the proposal for First 5 to become independent from the County; adopt resolution supporting First 5 San Benito Children and Families Commission's goal of becoming independent from the County of San Benito.**

Lisa Faulkner of First 5 San Benito gave a presentation.

Supervisor Barrios expressed that they had the full support of the Commission to go independent adding that the commission membership would not change and they would be well represented by county individuals.

Supervisor Rivas felt it was a no brainer and would make First 5 a stronger organization. He noted that government can sometimes hold organizations back.

Supervisor De La Cruz stated that he would support it and asked if Prop. 10 funds would still go to First 5.

Assistant County Counsel Thompson replied yes.

There was no public comment.

Further questions were answered by staff.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor De La Cruz **adopted Resolution No. 2013-77 supporting First 5 San Benito Children and Families Commission's goal of becoming independent from the County of San Benito. (Unanimous) File #1055***

**PLANNING DEPARTMENT – B. Turner:**

**11) Receive progress report on the General Plan Update.**

Interim Planning Director Byron Turner gave a brief update on the General Plan. He explained that they had a team of qualified people to review proposals and once ranked, they would sit down to secure a contract to bring before the board. He stated that he would come back to the Board in two weeks.

The Chairman called for public comment:

Marty Richman spoke about reviewing the proposal and the official program manager.

The Chairman closed public comment.

Supervisor Barrios asked if they would individually look at the proposals and after reviewing, interview the applicants.

Interim Planning Director Turner replied yes.

Chairman Botelho stated that they were expecting a lot out of Mr. Turner and that the project was a top priority. *File #790*

**PLANNING DEPARTMENT – B. Turner:**

**12) Make CEQA Findings, Adopt Negative Declaration and Accept Introduction of Ordinance amending Chapter 15.05 of Title 15 of the San Benito County Code relating to Groundwater Aquifer Protections; waive further reading of the ordinance and continue to November 5, 2013 at 9:00 a.m. for adoption.**

Interim Planning Director Byron Turner gave a staff report.

There was no public comment.

Supervisor Barrios had a question about the sub-basin.

Dale Rosskamp of the San Benito County Water District stated that SBCWD monitored water in the northern half of the county and they knew how different sub-basins interact and they had a methodology that they had been following.

Supervisor Barrios asked if they had a way to monitor.

Mr. Rosskamp replied yes.

Further discussion ensued.

Chairman Botelho thanked the San Benito County Water District for their history of working with the County on this matter and having the data.

Assistant County Counsel Barbara Thompson noted that CEQA findings recommended action should be changed from Attachment "C" to Exhibit 2.

*Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Barrios, **adopted** the CEQA findings set forth in Exhibit 2; **approved** and **adopted** the Negative Declaration and **accepted** introduction, **waived** further reading of the ordinance, and **continued** the item to November 5, 2013 at 9:00 a.m. for adoption. (Unanimous) File #790*

**PUBLIC WORKS DEPARTMENT – S. Wittry:**

**13) Approve Final Map for TSM 08-80, Track No. 306, commonly known as Creekside 5 Subdivision (Stonecreek Properties, aka Anderson Homes, Inc.); and approve Road Maintenance Agreement.**

Public Works Administrator Steve Wittry gave a staff report.

Discussion ensued between Board members and staff.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Muenzer, **approved** final map for TSM 08-80, Track No. 306, commonly known as Creekside 5 Subdivision (Stonecreek Properties, aka Anderson Homes, Inc.); and **approved** Road Maintenance Agreement. (Unanimous) File #105*

The Board adjourned into closed session at 10:43 a.m. and reconvened into regular session at 12:02 p.m. Before adjourning into closed session the Board took public comment on item #14.

**CLOSED SESSION:**

- 14) **CONFERENCE WITH LABOR NEGOTIATORS**  
**Agency designated representatives:** Barbara Thompson, Dania Torres Wong, Allyson Hauck, Ray Espinosa, Joe Paul Gonzalez, Melinda Casillas, Georgia Cochran and Mark Gregersen  
**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  
Public comment: Marty Richman spoke in regards to labor negotiations and benefits paid.  
*No reportable action. File #235.6*
- 15) **CONFERENCE WITH REAL PROPERTY NEGOTIATOR:**  
**Property:** -San Benito High School (APNs 020-170-043, 059-020-001 & 059-020-003), off of Nash Rd., 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:** Michael Robustelli, on behalf of the San Benito High School District  
**Under Negotiation;** price and terms of payment  
**Authority:** California Government Code Section 54956.8  
*No legal action taken. File #235.6*
- 16) **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**  
**Title:** Interim County Administrative Officer  
**Authority:** California Government Code 54957  
*This matter was withdrawn per the amendment to the agenda. File #235.6*

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The vote of each member of the Board of Supervisors upon each matter at the foregoing meeting, unless otherwise states, was as follows:

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

There being no further business the Board adjourned at 12:03 p.m. to November 5, 2013 at 9:00 a.m.

**ANTHONY BOTELHO, CHAIRMAN**  
San Benito County Board of Supervisors

**ATTEST:**  
Denise R. Thome, Clerk of the Board