



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 NOVEMBER 5, 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, Muenzer and Barrios 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 Rivas led the Pledge of Allegiance.
- b) *Upon motion duly made by Supervisor Muenzer and seconded by Supervisor De La Cruz acknowledged Certificate of Posting.*
- c) **PRESENTATIONS & RECOGNITIONS:**

Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Barrios approved the following three certificates of recognition. (Unanimous)

BOARD OF SUPERVISORS:

Present Certificate of Recognition to Ralph Brigantino, San Benito County Farm Bureau's "2013 Farmer of the Year". (Supervisor Botelho)

Supervisor Muenzer presented the Certificate of Recognition and noted that no one from the family was there to accept. *File #156*

BOARD OF SUPERVISORS:

Present Certificate of Recognition to 1st Sgt. Hector Torres, 2013 LULAC Veteran of the Year Honoree. (Supervisor Rivas)

Supervisor Rivas presented the Certificate of Recognition to Hector Torres. *File #156*

HEALTH & HUMAN SERVICES AGENCY:

Present Certificate of Recognition to Dave Wright of Wright Brothers for serving 29 years as a member of the Workforce Investment Board of San Benito County.

Supervisor Barrios presented the Certificate of Recognition to Dave Wright.

Dave Wright thanked the county for letting him serve and that it had been a lot of fun. He noted that they offered a hand up and not a hand out.

Supervisor Muenzer appreciated Mr. Wright's leadership and that it was a pleasure to serve with him. *File #130*

d) **Public Comment:**

Ron Rivkin stated that he was a resident living in a guest house in Aromas and it had become an illegal guest house. He explained that if you are in an illegal second residence you have limited or no access to 911. He indicated that he found this out by complaining to AT & T about internet service. He explained the reason it was slow was because there was no fiber optic label and there was only one per residence. He added that if he called 911 they could show up to the main house or not at all. He reported that he called the building inspector and sent a letter. He also called Supervisor Botelho and indicated that he was impressed with his sensitivity to the issue and renewed his faith in government.

Marty Richman remarked on the beauty of the landscaping at the new courthouse and offered congratulations on a great project. He gave a shout out to the WW2 veterans.

Marvin Jones spoke of the thirty year cyclical period of cooling.

Alfred Valenzuela asked to speak to the board about the water and the West Hills project. He reported that he had a six year power log and felt their water was being used to dilute water from the federal government to show it's good. He indicated that he had spoken to Interim Planning Director Byron Turner, Supervisors Botelho and De La Cruz. He stated that he would like some answers and asked the board to help him out.

e) **Department Head Announcements:**

Interim County Administrative Officer Ray Espinosa spoke in regards to the contract with Monterey County Veterans Services.

f) **Board Announcements:**

Supervisor Rivas invited the community to the Veteran's breakfast Monday, November 11, 2013 from 7 to 12 in the San Benito High School cafeteria. He stated that it was \$8.00 per person and they were honoring Hector Torres.

Supervisor Barrios stated that they would be having the presentation of veterans from 8 to 9 a.m. and encouraged everyone to take a veteran to breakfast. She spoke of Girls Incorporated that pays attention to young women at risk, health and safety. She reported that there was a branch in Salinas and they were looking at getting a branch here.

Supervisor Muenzer reported that he attended the first annual San Benito County Olive Festival and that it was well received and was a great first time event. He indicated that there was a 4-H meeting to celebrate the 100th year of 4-H in California and he gave them the proclamation. He reported that on October 30th there was a San Benito High School forum looking at a bond issue to upgrade. He reported that there was a San Benito County Farm Bureau Dinner to honor Ralph Brigantino. He stated that November 16th was the United Way Christmas dinner and he had tickets for sale.

Chairman Botelho reported that on Thursday afternoon he received a phone call from Judge Sanders and the topic was court security. He indicated that he asked the CAO to join he, Judge Sanders, Gil Solorio and Sheriff Thompson. He reported that they were getting ready to move into the new courthouse and unfortunately they weren't aware of additional costs of state mandated security

for the courthouse. He stated that there was a question of how to meet costs not budgeted for.

Interim CAO Espinosa estimated cost at \$300,000 to \$400,000 per year.

Chairman Botelho reported that he attended the Farm Bureau meeting to speak with Senator Canella regarding legislation to ease the burden. Chairman Botelho asked that it be agendized for the next board meeting. He stated that it was a huge problem and the courts were prepared with three to four options. He indicated that another option would be to delay the opening of the new courthouse. He felt they needed a commitment from the state and that the county general fund could not sustain additional costs.

CONSENT AGENDA:

Upon motion made by Supervisor De La Cruz and seconded by Supervisor Rivas approved Consent Agenda items. (Unanimous)

AGRICULTURAL COMMISSIONER – R. Ross:

- 1) **Approved** contract with the Department of Food & Agriculture for Sudden Oak Death Disease for the period of July 1, 2013 through June 30, 2014, in the amount of \$401.82. *File #1.1*

CLERK OF THE BOARD – D. Thome:

- 2) **Approved** the action minutes of the February 19, 2013 and the October 1, 2013 regular meetings and February 26, 2013 special meeting.

CLERK OF THE BOARD – D. Thome:

- 3) **Approved** the 2014 Board of Supervisors Meeting and County Holiday Calendar and Agenda Item Submittal Deadline Listing, as submitted. *File #156*

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

- 4) **Appointed** the County Auditor Joe Paul Gonzalez to the CSAC-EIA Board of Directors as the voting member of the County of San Benito; **appointed** Janet Norris of the Auditor's Office as the Alternate member to the CSAC-EIA Board of Directors. *File #608*

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

- 5) **Approved** contract with Community Food Bank of San Benito County for services to the Community from November 1, 2013 through June 30, 2014, in the amount of \$10,200. *File #119*

COUNTY LIBRARY – N. Conte:

- 6) **Received** Grant Award of \$45,000 from California State Library related to the Library Technology Services Act; **approved** budget/adjustment transfer document augmenting the Library Budget Unit in revenues and expenses by \$25,000. (4/5 vote) *File #80*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 7) **Re-appointed** Ms. Yuko Duckworth to the Workforce Investment Board to represent the public sector for a three-year term effective November 5, 2013 through November 5, 2016. *File #130*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 8) **Appointed** Ms. Keri Lynn Battin to the Community Action Board as a private sector representative for District #1 for a three-year term effective November 5, 2013 through November 5, 2016. *File #130*

HEALTH & HUMAN SERVICES AGENCY - J. Rydingsword:

- 9) **Re-appointed** Ms. Hazel Winfree-White to the Community Action Board as a private sector representative for District #5 for a three-year term effective November 5, 2013 through November 5, 2016. *File #130*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 10) **Re-appointed** Ms. Tonia Sunseri to the Community Action Board as a private sector representative for District #3 for a three-year term effective November 5, 2013 through November 5, 2016. *File #130*

HUMAN RESOURCES – G. Cochran:

- 11) **Adopted** the new class specification of Property and Title Identification Technician and set at salary range 13.6 of the County's Class Title and Pay Plan. *File #630*

HUMAN RESOURCES – G. Cochran:

- 12) **Approved** appointment of Temporary Property and Title Identification Technician in the Assessor's Office. *File #630*

HUMAN RESOURCES – G. Cochran:

- 13) **Adopted Resolution No. 2013-78** for Employer Paid Member Contributions for General Unit Employees in the San Benito County Courts. *File #630*

PLANNING DEPARTMENT – B. Turner:

- 14) Update on the status of the Ordinance amending Chapter 15.05 of the San Benito County Code relating to Groundwater Aquifer Protections. *File #790*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 15) **Declared** the real property located at 3110 Southside Road (APN 020-320-029) containing the former Southside Convalescent Hospital, as surplus County Property and **authorized** the Public Works Administrator to add it to the inventory of surplus County property. *File #105.3*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 16) **Approved** contract with Associated Right of Way Services, Inc. for the Union Road Bridge Project for the period of November 5, 2013 through June 30, 2016, in the amount of \$119,800; **authorized** Public Works Administrator to sign contract amendments up to \$11,980. *File #105*

SHERIFF'S OFFICE – D. Thompson:

- 17) **Approved** agreement with Stanley Security Systems for Central Control Security Electronics System for a term of thirty-six months, for an annual cost of \$11,472; and **authorized** the Sheriff to sign said agreement. *File #110*

SHERIFF'S OFFICE – D. Thompson:

- 18) **Approved** agreement with the San Benito High School District for School Resource Officer services. *File #110*

REGULAR AGENDA:

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

- 19) **Discuss proposed transactions and Use Tax Ballot Measure and provide direction to staff.**

Management Analyst Janelle Cox gave a PowerPoint presentation. She reported that they had received support from San Juan Bautista but had not received support from the City of Hollister.

Discussion ensued among board members.

Those speaking under public comment were Marty Richman and Marvin Jones.

Ms. Cox indicated that they really didn't need the dollars until 2015-16 and they had some dollars next year to work on development.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor De La Cruz, **confirmed** that the County will not proceed with placement of a Transactions and Use general tax measure for approval by the voters during the November 2014 election process; and **directed** staff to budget funding to analyze the feasibility of the placement of a Transactions and Use general tax measure on the November 2016 ballot, to include funding for community outreach, a public opinion poll, and legal services, for consideration during the FY 2014-15 budget process. (The motion passed 4-1 with Supervisor Rivas voting no) File #119*

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

- 20) **Receive Five Year Impact Fee Report for FY 2008/2009 through FY 2012/2013; make Impact Fee Report available to the public for review; schedule for meeting of December 3, 2013 for review and to approve the Impact Fee Report.**

Management Analyst Margie Riopel gave a staff report on the five year Impact Fee report.

Discussion ensued between board members and staff.

Marty Richman spoke under public comment.

Further discussion ensued.

*Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Barrios, **received** Five Year Impact Fee Report for FY 2008/2009 through FY 2012/2013 and made Impact Fee Report available to the public for review; **scheduled** meeting of December 3, 2013 for review and to approve Impact Fee Report. (Unanimous) File #870*

BOARD OF SUPERVISORS:

- 21) **Appoint two members of the Board to sit on an Ad Hoc Committee for County Impact Fees.**

Chairman Botelho indicated that the ordinance was pretty dated and agreed that they needed an ad hoc committee as they may need additional impact fees for other items.

Supervisor Muenzer indicated that they have impact fees for all kinds of things and suggested creating an impact fee to benefit the library.

Chairman Botelho appointed Supervisors Muenzer and Botelho to an ad hoc committee for county impact fees to meet with staff and report to the Board on a regular basis. *File #119*

PLANNING DEPARTMENT – B. Turner:

- 22) **Receive and discuss the request for Homes for Troops waiver of impact fees and provide direction to staff.**

Interim Planning Director Byron Turner gave a report on the request of waiver which was \$17,500 and an additional \$8,500 to the school district. He explained that they had no mechanism for waiving fees and it would need to be backfilled with general funds. He added that if they approved it they would enter into a contract with Homes for Troops.

Discussion ensued among board members and staff.

Marty Richman spoke under public comment.

*Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Barrios **moved** to table the issue until the November 19, 2013 meeting and have the Impact Fees ad hoc committee come back with a recommendation. (Unanimous) File #790*

PLANNING DEPARTMENT – B. Turner:

- 23) **Receive progress report on the General Plan Update.**

Interim Planning Director Byron Turner reported that they had ranked and scored the proposals and they would bring it back the first meeting of December.
File #790

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 24) **Receive update on the progress of the Fiber Optic Cable Infrastructure Project.**

Capital Project Manager Adam Goldstone gave a PowerPoint presentation.

Marty Richman spoke under public comment. *File #105.3*

The Board adjourned into closed session at 10:51 a.m. and reconvened into regular Session at 11:52 a.m.

CLOSED SESSION:

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

Employee Organizations: Institutions Association

Law Enforcement Management

Management Employees' Group

SEIU Local 521 (General Unit Employees)

SEIU United Long Term Care Workers Local 6434

Authority: California Government Code Section 54957.6

No reportable action. File #235.6

26) **Public Employee Appointment**

Title: Agricultural Commissioner and Sealer of Weights and Measures

Authority: Government Code Section 54957

*Upon motion duly made and seconded, **made** statutory appointment of Agricultural Commissioner pursuant to Food and Agriculture Code Section 2122 and **made** statutory appointment of Sealer of Weights and Measures pursuant to Business and Professions Code Section 12200. (Unanimous) 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 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 at 11:54 a.m. to November 19, 2013 at 9:00 a.m.

ANTHONY BOTELHO, CHAIRMAN
San Benito County Board of Supervisors

ATTEST:
Denise R. Thome, Clerk of the Board