



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 DECEMBER 3, 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, Muenzer and Barrios were present. Also present were County Administrative Office Ray Espinosa, County Counsel Matt Granger, and Clerk of the Board Denise Thome. Supervisor Rivas was absent. 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 and seconded, acknowledged Certificate of Posting.*

- c) **PRESENTATIONS & RECOGNITIONS:**

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Muenzer, **approved** proclamation and certificates of appreciation. (Motion passed 4-0-1 with Supervisor Rivas absent).*

BOARD OF SUPERVISORS:

Proclamation proclaiming December 6, 2013 as the 100th Anniversary of the Women's Club of Hollister.

Supervisor Barrios presented the proclamation to representatives of the Hollister Women's Club. *File #430*

HUMAN RESOURCES:

Presentation of Certificates of Appreciation to County Employees Upon Retirement: Victoria Fernquist, Supervising Welfare Fraud Investigator, 23.5 years; Cheryl Tyler, Assistant Assessor, 14.5 years; Robert Vanetti, Road Maintenance Supervisor, 31 years.

Supervisor De La Cruz presented a certificate of appreciation to Victoria Fernquist.

Supervisor Botelho presented a certificate of appreciation to Cheryl Tyler.

Assessor Tom Slavich spoke in regards to Cheryl Tyler.

Supervisor Muenzer presented Robert Vanetti's certificate of appreciation to Public Works Administrator Steve Wittry who accepted on his behalf. *File #630*

- d) **Public Comment:** Marvin Jones spoke in regards to sustainable development.
- e) **Department Head Announcements:** County Administrative Officer Ray Espinosa reported on the CSAC conference he attended November 20 -22, 2013.
- f) **Board Announcements:**
Supervisor Barrios spoke in regards to the CSAC conference attended.
Supervisor De La Cruz reported that he attended the CSAC conference on Wednesday and Thursday adding that he had won the grand prize in the raffle which was enrollment at next year's conference with a value of \$1,000.
Supervisor Muenzer addressed Marvin Jones' public comments in which he stated that Clear Creek Road was closed. He stated that was not true and the county roads were still open and unmaintained. He added that you would need a 4 WD with high clearance. Supervisor Muenzer noted that the first ceremonial 211 call had been made prior to the Lights On parade and that the 211 phone service for the HHSA was now up and running.
Chairman Botelho reported that there had been a terrible fire in the San Juan Bautista city limits with two businesses affected but no one hurt. He added that consolidated fire did their job and it worked. He reported on the work that he, Supervisor Barrios and CAO Espinosa had done with Veterans Service regarding office facilities and that they would be working with the UC Ag. Extension to move them to another facility. Chairman Botelho was surprised and impressed at the quick solution that CAO Espinosa found.
CAO Espinosa stated that they were looking at moving the UC Ag. Extension to Southside Road.

CONSENT AGENDA:

*Upon motion duly made by Supervisor Muenzer and seconded by Supervisor De La Cruz, **approved** Consent Agenda items with the exception of Items 3 and 6 which were pulled for discussion. (The motion passed 4-0 with Supervisor Rivas absent)*

CLERK OF THE BOARD – D. Thome:

- 1) **Approved** the action minutes from March 26, 2013 special meeting.

COUNTY ADMINISTRATIVE OFFICE – R. Espinosa:

- 2) **Approved** Five Year Impact Fee Report for FY 2008/2009 through FY 2012/2013. *File #870*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 3) **Adopt Resolution authorizing the closure of the San Benito County Migrant Center during the period of December 23, 2013 through January 3, 2014.**

Item pulled for discussion.

Supervisor Barrios listed a few corrections to the resolution.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Muenzer **adopted Resolution No. 2013-83** authorizing the closure of the San Benito County Migrant Center during the period of December 23, 2013 through January 3, 2014 with corrections. (The motion passed 4-0 with Supervisor Rivas absent) File #130*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 4) **Appointed** Mr. James A. Rydingsword to the Workforce Investment Board to represent the public sector for a three year term effective December 3, 2013 through December 3, 2016. *File #130*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 5) **Accepted** all responsive bids for the Cienega Road Realignment project; **awarded** and **approved** contract with The Don Chapin Company, Inc., as the lowest responsive, responsible bidder in the amount of \$993,939.30; **authorized** the Public Works Administrator to execute the contract and issue change orders, in an amount not to exceed \$99,394.00. *File #105*

SHERIFF'S OFFICE – D. Thompson:

- 6) **Approve County contributions for two temporary employees in the Sheriff's Office.**

Item pulled for discussion.

Georgia Cochran, Human Resources, gave a staff report and explained the background.

Chairman Botelho called for public comment.

Marty Richman spoke under public comment.

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

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Barrios **approved** County contributions for two temporary employees in the Sheriff's Office. (The motion passed 4-0 with Supervisor Rivas absent) File #110*

SHERIFF'S OFFICE – D. Thompson:

- 7) **Adopted Resolution No. 2013-84 authorizing** the Sheriff to submit a grant application under the Edward Byrne Memorial Justice Assistance Grant Program; and **authorized** the Sheriff or his designee to sign and submit the grant application. *File #110*

REGULAR AGENDA:

COUNTY ADMINISTRATIVE OFFICE – R. Espinosa:

- 8) **Review and discuss the process and cost to impose an increase to the Transient Occupancy tax; and provide direction to staff.**

Management Analyst Janelle Cox gave a staff report and explained the different taxes and deadlines.

Supervisor Muenzer asked if they could use the additional for economic development or tourism or safety.

County Counsel Granger stated that the Board could discuss and make a decision on how the monies were to be used. He added that they could put an advisory vote on the ballot on how the money would be used from additional Transient Occupancy Tax (TOT).

Supervisor Barrios asked if they could put it on the ballot.

County Counsel Granger advised that putting it on the ballot as a specialized tax changes the number to pass from 50% for general to 2/3 vote to pass a specialized tax. He indicated that they could have an advisory only vote on how the money is to be spent.

Clerk-Auditor-Recorder Joe Paul Gonzalez explained how they would like to keep the ballot to one card as it would keep costs down. He further explained how costs were apportioned.

Chairman Botelho called for public comment.

Marty Richman expressed no objection to raising the TOT. He looked forward to supporting it and hoped the Board would do new impact fees to support the library.

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

Discussion ensued between Board members and staff.

Management Analyst Cox stated that they would be shooting for the November 2014 ballot with a May deadline.

Chairman Botelho asked if it had to be on the November 2014 ballot.

Ms. Cox stated that it would end up going to the Board for review. *File #119*

COUNTY ADMINISTRATIVE OFFICE – R. Espinosa:

- 9) **Receive the presentation of the logo, recommended by the Parks and Recreation Commission, to represent parks and recreation in San Benito County.**

Management Analyst Janelle Cox presented the new Parks and Recreation logo and explained what the depiction represented.

Board members expressed positive feedback.

The Chairman called for public comment.

Marty Richman asked that they please not forget to trademark it, with and without the wording, so it couldn't be used without their permission.

Ms. Cox explained that the next step was development of a web site.

Supervisor De La Cruz asked the cost for that.

Ms. Cox replied that it was included in the grant. *File #93*

PLANNING DEPARTMENT – B. Turner:

- 10) **Make CEQA findings, adopt Negative Declaration and accept introduction of Ordinance amending Chapter 15.05 of the San Benito County Code relating to Groundwater/Aquifer Protections and continue to December 17, 2013 at 9:00 a.m. for adoption.**

Interim Planning Director Byron Turner gave a staff report.

There was no public comment.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Muenzer, **made** CEQA findings, **adopted** Negative Declaration and **accepted** introduction of Ordinance amending Chapter 15.05 of the San Benito County Code relating to Groundwater/Aquifer Protections and **continued** to December 17, 2013 at 9:00 a.m. for adoption. (The motion passed 4-0 with Supervisor Rivas absent) *File #790**

PLANNING DEPARTMENT – B. Turner:

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

Interim Planning Director Byron Turner gave a staff report. He added that they were still negotiating the contract and expected to be back on December 17th with the consultant contract for review. He explained that County Counsel was reviewing it and they were committed to having it on for December 17th.

Further discussion ensued between Board members and staff.

There was no public comment. *File #790*

The Board adjourned into closed session at 10:18 a.m. and reconvened into regular session at 12:27 p.m.

CLOSED SESSION:

- 12) **CLOSED SESSION-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 Code Section: 54957.6
No reportable action. File #235.6
- 13) **Conference with Legal Counsel-Anticipated Litigation**
Initiation of litigation pursuant to subdivision (d)(4) of Section 54956.9.
Number of Cases: (1)
Accepted settlement offer from the Office of Education in the amount of \$1,650.42 for damage to a county owned car (The motion passed 4-0 with Supervisor Rivas absent) File #235.6
- 14) **Conference with Legal Counsel-Anticipated Litigation**
Significant exposure to litigation pursuant to California Government Code Section 54956.9 (d)(4)
Number of Cases: (1)
No reportable action. 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: Botelho, De La Cruz, Barrios, Muenzer
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: Rivas

There being no further business the Board adjourned at 12:30 p.m. to December 17, 2013 at 9:00 a.m.

ANTHONY BOTELHO, CHAIR
San Benito County Board of Supervisors

ATTEST:
Denise R. Thome, Clerk of the Board