



SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios
District No. 1
Vice-Chair

Anthony Botelho
District No. 2

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4
Chair

Jaime De La Cruz
District No. 5

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

REGULAR MEETING APRIL 1, 2014 ACTION MINUTES

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in *regular session*. Supervisors Muenzer, De La Cruz, Rivas, Botelho and Barrios were present. Also present were County Administrative Officer Ray Espinosa, County Counsel Matt Granger and Clerk of the Board Denise Thome. Chair Muenzer presided.

9:00 a.m. CALL TO ORDER:

- a) Pledge of Allegiance to be led by Supervisor Barrios.
- b) *Upon motion duly made by Supervisor Barrios and seconded by Supervisor Botelho acknowledged Certificate of Posting. (The motion passed 5-0)*
- c) **PRESENTATIONS & RECOGNITIONS:**
*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas, **approved** the three proclamations. (The motion passed 5-0)*

BOARD OF SUPERVISORS:

Approved proclamation declaring April 2014 as Sexual Assault Awareness Month in San Benito County.

Supervisor Rivas presented the proclamation to Erica Elliott of Community Solutions. *File #430*

BOARD OF SUPERVISORS:

Approved proclamation declaring April 5, 2014 as Walk a Mile in Her Shoes Day in San Benito County.

Supervisor Barrios presented the proclamation to Erica Elliott of Community Solutions. *File #430*

HEALTH & HUMAN SERVICES AGENCY:

Approved proclamation designating the week of April 7, 2014 to April 13, 2014 as Public Health Week in San Benito County.

Supervisor De La Cruz presented the proclamation to Sam Perez and Lynn Mello of the San Benito County Health Department. *File #430*

- d) **Public Comment:**
Those speaking under public comment were:

Marvin Jones spoke of the global warming claims and stated that the ice really isn't melting. He asked if the county's latest version of the General Plan was on the internet.

Erika Andrade, IHSS provider, stated that they were asking for a raise in wages because the money was not enough.

A translator speaking for Minsha Mondadgon stated that they were there asking for the Board's support and understanding of the need for better wages for home care workers.

Belen Martinez stated that she takes care of her daughter who has cerebral palsy and has done so for 27 years. She indicated that they needed a raise to make a living and that she couldn't afford insurance for herself. She asked for the Board's support.

Lupe Salcedo stated that she was a caregiver and spoke for the elderly and the handicapped. She indicated that it was important for these people to live with dignity and respect and to keep them home.

Sally Diaz stated that she was a care worker and member of the Long Term Care Workers. She spoke of insurance and more hours needed for their care. She added that they don't get paid for mileage or gas. She felt they deserved higher pay than they were receiving.

David Werlin, Regional Director of SEIU United Long Term Care Workers, stated that these folks do their job everyday and since next week was public health week it would be a great time to take care of these health workers. He indicated that the \$10.50 per hour paid was the lowest paid county in the central coast and it was time for the county to move up.

Uriel De Avila stated that he was there to get help from the Board. He reported that his kid, serving ice cream, makes more money than he does. He added that his friend, a bartender, makes \$15 per hour. He expressed that they needed their help.

e) **Department Head Announcements:** Information only.

County Administrative Officer Ray Espinosa referred to item #3 and noted that during the scanning process page number 11 was missed. He stated that they were looking at an April 8th special board meeting to address budget and finances, critique last year's budget process and timelines and a 3 to 5 year forecast. He reported that at the last board meeting the item came up of racing in the Buena Vista Road and Westside Street areas. He noted that they had met with the City and increased sheriff and police patrol. He further reported that they met with LAFCO regarding the sphere of influence and annexation fee and that it will come back to the board.

Clerk-Auditor-Recorder-Elections Joe Paul Gonzalez gave an update on the ERP program.

Discussion ensued between board members and staff regarding the ERP program.

Fire Chief Mike O'Connor gave a quarterly report.

Public Works Administrator Steve Wittry reported on road repairs being done in the county.

f) **Board Announcements:**

Supervisor Barrios reported that she, HHSA Director James Rydingsword and Doug Emerson attended a leadership council meeting regarding a grant. She

further reported that she attended a joint boards meeting at San Juan Oaks with all school boards, which was well attended.

Chair Muenzer reported on his attendance at the RCRC meeting.

CONSENT AGENDA:

*Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Botelho, **approved** Consent Agenda items with the exception of Item 8 which was pulled by the public. (The motion passed 5-0)*

AGRICULTURAL COMMISSIONER – R. Ross:

- 1) **Approved** contract with the Department of Food & Agriculture for Light Brown Apple Moth Regulatory Services for the period of January 1, 2014 through September 30, 2014, for a total of \$13,787.90. *File #1.1*

ASSESSOR'S OFFICE – T. Slavich:

- 2) **Approved** step increase for part-time Appraiser II position from 22.9/C to 22.9/D. *File #7*

CLERK OF THE BOARD – D. Thome:

- 3) **Approved** the action minutes of the April 16, 2013 and the June 4, 2013 regular meetings.

COUNTY ADMINISTRATIVE OFFICE – R. Espinosa:

- 4) **Approved** contract with Optimity Advisors to conduct a performance review of the County of San Benito for the period of April 7, 2014 through July 15, 2014, at an amount not to exceed \$98,250. *File #119*

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

- 5) **Adopted Resolution No. 2014-25 authorizing** the consolidation and provision of services by the County Clerk for the San Benito County Board of Education District Election to be held on June 3, 2014 Statewide Primary Election. *File #285*

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

- 6) **Adopted Resolution No. 2014-26 authorizing** the consolidation and provision of services by the County Clerk for the San Benito High School District Bond Election to be held on June 3, 2014 Statewide Primary Election. *File #285*

COUNTY COUNSEL'S OFFICE – M. Granger:

- 7) **Approved** legal services agreement with the law firm of Miller Starr Regalia, for legal services related to the San Benito County Regional Park-River Parkway project effective April 1, 2014, in an amount not to exceed \$56,250. *File #160*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 8) **Adopt Resolution adopting the San Benito County General Assistance Policy and Procedure Handbook, which incorporates the new standard of aid and sets forth the policies for the administration of the General Assistance program; approve budget augmentation to cover the projected costs of \$95,000 for the remainder of the fiscal year. (4/5 vote) (Res. No. 2104-27)**

Lauren Hansen, Attorney for Public Interest Law Project, stated that they had been sending letters regarding general assistance and thanked the county for being very cooperative when they pointed out the deficiencies with the program. She spoke of the 3 month time limit for those deemed employable. She cited that statewide 75% are unemployable and only about 9 people are employable. She stated that she grew up on public benefits and indicated these benefits do matter for people. She answered questions of the board.

Chairman Muenzer stated that he had assurance from staff that if they instituted the 3 month time limit they would revisit it in 3 months.

Supervisor Barrios expressed appreciation for Ms. Hansen's passion and stated that she supported general assistance. She felt they had to limit it and liked the idea of assessing after the trial period and revisit.

Supervisor Botelho concurred with Supervisor Barrios. He commented that he read the letter and wished they could extend it to a year or more, but they couldn't and they had to move in this direction for the time being. He appreciated Ms. Hansen coming in and giving them the information that she did.

Richard Bettencourt stated that he went through the document and he understood that it was a loan to folks to be paid back.

Health and Human Services Agency Director Jim Rydingsword stated that was correct and there were liens placed as with MediCal. He added that if there were funds available in the future the county can asked to be repaid.

*Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Barrios, **adopted Resolution No. 2014-27 adopting the San Benito County General Assistance Policy and Procedure Handbook, which incorporates the new standard of aid and sets forth the policies for the administration of the General Assistance program; approved budget augmentation to cover the projected costs of \$95,000 for the remainder of the fiscal year and directed staff to come back in a year. (The motion passed 5-0) (4/5 vote) File #130***

HUMAN RESOURCES – G. Cochran:

- 9) **Adopted Resolution No. 2014-28 approving** the adoption of CalPERS Supplemental Income 457 Plan and authorize the County Administrative Officer to execute the CalPERS Adoption Agreement. *File #630*

HUMAN RESOURCES – G. Cochran:

- 10) **Approved** appointment of temporary Agricultural Biologist/Inspector in the Agricultural Commissioner's Office. *File #630*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 11) **Accepted** all bids and award contract to All-Phase Excavating & Construction, Inc. for the Fiber Optic Cable Infrastructure Project in the amount of \$383,000.00; **authorized** the Public Works Administrator to execute the contract; and **authorized** the Public Works Administrator to issue change orders in an amount not to exceed \$31,650. *File #105.3*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

12) Open a public hearing to receive public comment on the proposed application and continue the public hearing to April 8, 2014.

Health and Human Services Agency (HHS) Director Jim Rydingsword gave an introduction.

HHS Deputy Director Enrique Arreola gave a PowerPoint presentation.

Supervisor Barrios thanked staff for the aggressive and much needed plan. She felt they were headed in the right direction and doing what's right for the community.

Supervisor De La Cruz commended Supervisor Barrios for being active in the cause and thanked staff as well. He felt the ongoing experience needed to be addressed and hoped they don't come to the Board in the future for funds.

Mr. Rydingsword indicated that it was a first step and then get together and talk about where we need to go from here.

Supervisor Rivas stated that there were also other needs within the community. He indicated that for him it was an issue of transparency for the whole process and that it came through Intergovernmental as an expedited process. He commented that participation of local citizens did not happen during this time period and it fell short of addressing the community. He felt they should do more to have an outreach plan and was frustrated with how the process moved forward. He hoped they could fix it in the future.

Supervisor Botelho indicated that he had shown some concerns as Supervisor Rivas had. He explained that he mentioned it to the CAO and received clarification. He stated that the homeless facility is completely inadequate. He agreed with Supervisor Rivas to keep working hard with the outreach portion. He added that he was supportive of this through Intergovernmental and the Community Action Board.

Mr. Rydingsword expressed appreciation for the comments from the board and saw this as the first step and spoke of further discussion.

Chairman Muenzer shared Supervisor De La Cruz's concern about long term funding. He asked if there was a plan in place to spend the 50% in order to reapply.

Mr. Rydingsword stated that he had Public Works' assurance that they would make it happen.

Chairman Muenzer asked if the City was going to step up and commit.

Mr. Rydingsword explained what the City was doing to help.

Chairman Muenzer opened the public hearing.

Doug Emerson of the Homeless Coalition stated that the Homeless Coalition fully supported the application and this exactly fit in with their vision and mission. He noted that our homeless numbers are growing. He explained that the new facility would allow for a day center which is the focus of the coalition and medical service and drug abuse counseling as well. He stated that current restrictions do not allow them to serve families and the new facility will allow them to do that.

There was no further public comment and Chairman Muenzer continued the public hearing to April 8, 2014 at 9:00 a.m. *File #130*

The Board adjourned for a break at 10:39 a.m. and reconvened into regular session at 10:50 a.m.

REGULAR AGENDA:

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

13) Receive report on findings from the Healthy San Benito County Initiative.

Sam Perez of the Health Department gave a PowerPoint presentation. She proceeded to demonstrate the website link for community dashboard which provides real time information.

Further discussion ensued between board members and staff.

Christina Wyatt spoke under public comment. *File #130*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

14) Introduce and read title of Ordinance for the record: “An Ordinance amending Chapter 11.09 (“San Benito County Emergency Medical Services Ordinance”) of Title 11 of the San Benito County Code; continue to the April 15, 2014 meeting for adoption. (Continued from the March 4, 2014 meeting)

HHSA Director Jim Rydingsword reported that they received comments from the Hazel Hawkins hospital staff.

Discussion ensued between board members and staff.

CAO Espinosa stated that he had met with Hazel Hawkins CAO Ken Underwood who said that nothing directly or indirectly affects Hazel Hawkins Hospital and they were okay with it.

*Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Botelho, **introduced** and **read** title of Ordinance for the record: “An Ordinance **amending** Chapter 11.09 (“San Benito County Emergency Medical Services Ordinance”) of Title 11 of the San Benito County Code; **continued** to the April 15, 2014 meeting for adoption. (The motion passed 5-0) File #1068*

INTEGRATED WASTE MANAGEMENT – M. Rose:

15) Direct staff as to the preparation of a Request for Proposal (RFP) for the San Benito County Resource Recovery Park; and consider appointment, if desirable, of an Ad Hoc Subcommittee to work with staff or direct staff to prepare a draft document for full Board of Supervisors review.

Director of Integrated Waste Management Mandy Rose stated that she was there to request direction from the Board.

Supervisor Barrios supported adding an ad hoc committee.

Chairman Muenzer felt that it should not be done by a sub-committee but at full board level to ensure full transparency.

Supervisor Botelho supported Chairman Muenzer as he agreed that the whole process needed to be completely transparent.

Supervisor Rivas stated that he wanted to see the process move forward and rapidly. He felt that there would be benefit from an ad hoc committee and that transparency was not a problem. He stated that they have ad hoc committees for fire protection, gas ordinance, etc. and it allows the board to progress rapidly and it is reviewed by the whole board anyway.

Supervisor De La Cruz stated that he supported an ad hoc committee.

Chairman Muenzer opened public comment.

Shorty Silva stated that his concern was the promises made to the public and had a problem if it was not in full disclosure, before the full board.

There was no further public comment.

Chairman Muenzer noted that the consensus was for an ad hoc committee.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas **directed** staff to prepare a Request for Proposal (RFP) for the San Benito County Resource Recovery Park; and **appointed** Supervisors Muenzer and Botelho to an Ad Hoc Subcommittee to make a recommendation for full Board of Supervisors review. (The motion passed 3 to 2 with Supervisors Muenzer and Botelho voting no). File #142*

CLOSED SESSION:

The Board adjourned into closed session at 11:40 a.m. and reconvened into regular session at 12:05. Supervisor De La Cruz left at some point during closed session.

- 16) **Conference with Legal Counsel-Anticipated Litigation**
Significant Exposure to litigation pursuant to Section 54956.9:
Number of Cases: (1)
Closed session is authorized by Section 54956.9(d)(2),(e)(1)
No reportable action. File #235.6

Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas, adjourned to lunch at 12:08 p.m. and reconvened into regular session at 1:30 p.m. (The motion passed 4-0-1 with Supervisor De La Cruz absent).

Supervisor De La Cruz was present at 1:30 p.m.

The Board adjourned into closed session at 1:30 p.m. and reconvened into regular session at 3:06 p.m.

- 17) **Conference with Legal Counsel-Anticipated Litigation**
Initiation of litigation pursuant to subdivision (d)(4) of Section 54956.9:
Number of Cases: (1)
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: Muenzer, De La Cruz, Rivas, Botelho, Barrios
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: None

There being no further business the Board adjourned at 3:07 p.m. to April 15, 2014 at 9:00 a.m.

JERRY MUENZER, CHAIRMAN
San Benito County Board of Supervisors

ATTEST:
Denise R. Thome, Clerk of the Board