



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 15, 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 Assistant Clerk of the Board Janet Slibsager. Chair Muenzer presided.

9:00 a.m. CALL TO ORDER:

- a) Supervisor Rivas led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- c) **PRESENTATIONS & RECOGNITIONS:**

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

Award the Child Abuse Prevention Council's Annual Blue Ribbon Award to Esther Curtice.

HSA Director James Rydingsword presented the Annual Blue Ribbon Award to Esther Curtice, Executive Director for Court Appointed Special Advocates (CASA).

Ms. Curtice thanked Mr. Rydingsword for the award on behalf of CASA.

Supervisor Botelho thanked Ms. Curtice for her great work with CASA.

Ms. Curtice announced that they are having their annual event that is scheduled for Saturday, May 10th at a private ranch in Hollister. It is a BBQ and a Texas Hold em Poker Tournament that is being held after the BBQ. The tickets are \$25.00 for the dinner and if you would like to play poker it is \$50.00 for both. She said it is a fun event and you are helping the organization as well.

Supervisor Barrios mentioned that there is no one more deserving of this award and thanked her for what she does for our community and what she does for children. *File #130*

BOARD OF SUPERVISORS:

Present Proclamation to Water Resources Association of San Benito County declaring May as Water Awareness Month in San Benito County.

Supervisor Botelho presented Proclamation to Shawn Novack of the Water Resource District.

Mr. Novack spoke in regards to water supply and water efficiency and how our local reservoirs are low. He mentioned that the month of May is the time they focus on because that is when people start wrapping up their irrigation. He said that his agency can help people. He announced that they are holding a class on Saturday, May 3rd from 9:00 a.m. to 1:00 p.m., on how to be a smart gardener, bring your questions, it is free and they provide snacks.

Mr. Novack also announced that they provide a free service where they can come out and evaluate irrigation system and provide suggested water scheduling. He said that he could be reached at 637-4378 or you can go to the website at wrasbc.org. *File #430*

- d) **Public Comment:** Opportunity to address the Board on items of interest not appearing on the agenda. No action may be taken unless provided by Govt. Code Section 54954.2.

Ed Tobin, Marina resident, spoke in regards to recreating out at Clear Creek and how the Bureau of Land Management (BLM) has locked the gates on Clear Creek Road and how you are now required to get a permit from them and pay a fee to enter. He said if the BLM is allowed to persist with this closure they could do this anywhere in the Western States, he said they are starting here because they are a small county. He said that he was encouraging the Board to resist and to get the County Sheriff to go down and remove the locks from the gates and reopen the county roads. He also asked the Board to lodge an immediate protest in regards to this and to contact Senator Feinstein, Boxer and Congressman Sam Farr. He said if the County takes no action Rick Cooper wins, the American Public loses.

Marvin Jones, Hollister resident, spoke in regards to Agenda 21 and passed out a handout in regards to Simulated Reserve and Corridor System to protect Biodiversity.

Terry Sandoval was an interpreter for Mirsha Sharone Mongragon, SEIU representative, who spoke in regards to the need for in Home Health Care services. He asked the Board to listen to them and their needs and to support them.

Erika Andrade, SEIU Caregiver, spoke in regards to the money that she gets paid is not enough to support her family. She is asking the Board for their support for better salaries and benefits, so that the health care workers can support their families.

Terry Sandoval was an interpreter for Norma Gutierrez, SEIU Health Care Worker, who spoke in regards to having to take care of her 19 year old son who has special needs. She said that she is asking the Board for their support.

George H. Dixon, new Director, of the Military Veterans Affairs Office for San Benito and Monterey County spoke in regards to the partnership they have with California Department of Veterans Affairs and introduced Mr. Calvin Angel.

Calvin Angel, Local Interagency Network Coordinator of the California Department of Veterans Affairs, spoke in regards to what he does for the 5 counties that he represents. He spoke in regards to the month of August being Identify a Veterans Month and asked if San Benito County Board of Supervisors would do a proclamation to support Identify a Veteran Month.

Shari Stevenson, San Benito County Veteran Service Representative, thanked the Board and Administrative staff for their continued support to their

department and veterans, without your support the services and assistance to county veterans would be a hardship to obtain.

Supervisor Barrios asked the CAO to put on a future calendar for support of a Proclamation to Identify a Veteran Month.

Dee Murphy spoke in regards to a picture that she took of a sign outside of the BLM office, a map she received from BLM that does not show the new areas that are available to public and the permit that is now required for the Clear Creek Management Area. She also spoke in regards to support of the Board for a letter of no confidence for Rick Cooper and help to keep our roads open at Clear Creek.

Brooke Murphy spoke in regards to opening clear creek and keeping it open. She said she has never gone there but her parents use to go there a lot.

Sierra Murphy said that she was on the same point as her sister and her mom to reopen the BLM Clear Creek area. She said it is hurting my Dads business and other businesses.

Marty Richman, Hollister resident, said the he supports the contact a Veteran program. He also spoke in regards to the County Board getting more involved in the County's education issues. He said the school ratings are not good in our County.

Gil Solorio, Executive Officer for the Superior Court, announced that the Superior Court is soliciting for Civil Grand Jury for the next fiscal year, which is July 1st through June 30th. He encouraged the community and the people in the audience who are 18 years of age and older and are interested to apply. He provided his number 656-4057 if anyone had any questions and left applications with the Clerk of the Board and in the lobby.

Supervisor Barrios made a request to prepare a letter of no confidence for Rick Cooper and BLM. She noted that she feels that their actions are injustice for San Benito County; I think they have lacked effort, cooperation and accurate information for what they have done and for that reason she would like that letter to be prepared in hope that she can get the support of the rest of the Board.

Supervisor Botelho stated that he supported Supervisor Barrios in that request.

Chairman Muenzer asked the CAO to put it on the May 6th meeting.

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

Lynn Schmitt-McQuitty, Director of the San Benito County U. C. Cooperative Ag Extension, announced that they have moved and they are now located at 3228 Southside Road. She thanked Public Works and Adam Goldstone for their help with the move. She announced that they are having an Open House on May 8th from 4 to 6 pm. She said that they would also be celebrating their 100 year anniversary of the signing of the Smith-Lever Act which officially began the cooperative extension movement in the United States.

Ms. McQuitty also announced that in May they would be recruiting for a faculty member in the area of livestock, natural resources and range. She said that they are hoping this person would be on board by October and the focus is going to be on range management, water use and land management.

CAO Ray Espinosa announced that he met with Jeff at the San Benito County Water District in reference to CSA #31 Stonegate. He said that they have currently reached levels of water use where they are at their limits. They

are going to be putting a letter out to Stonegate residents that they need to be very careful with their water usage.

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

Supervisor De La Cruz reported that he attended the Vets Commission meeting and one of the items of discussion was the possibility of the expansion of the Skate Board Park at the Vets Park.

Supervisor De La Cruz announced that he participated in the Walk a Mile in My Shoes fundraiser and that he walked in high heels for a mile down town. He said it was very educational and brought awareness to domestic violence. He said that he would like to have a team from the Board of Supervisors there next year.

Supervisor Botelho announced that April 27th is Fremont Peaks Day from 11:30 a.m. until 3:00 p.m. He said it is an annual event that has been going on for years, hosted by the San Juan Veterans along with the Native Daughters of San Juan Bautista. He said it is a day of family fun to enjoy a picnic lunch and children's games. He said the event commemorates Captain John C. Fremont and his U.S. flag raising in 1846.

Supervisor Barrios announced that a milestone was reached in regards to the Pajaro River Bench Excavation project that has been completed.

Chairman Muenzer reported that AMBAG met and staff reported that the close of the public comment period for the Metropolitan Transportation Plan was April 8th.

Chairman Muenzer also announced that on Friday, April 11th he attended a workshop at the Pinnacles which was engaging the new America in the Pinnacle National Park. He said it was a very good workshop.

CONSENT AGENDA:

*Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios, **approved** Consent Agenda Items 1-15. (Unanimous)*

AGRICULTURAL COMMISSIONER – R. Ross:

- 1) **Approved** contract with the Department of Food & Agriculture to provide European Grapevine Moth trapping services for the period of February 1, 2014 through August 31, 2014, for a total of \$8,415.00. *File #1.1*

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 2) **Approved** contract with California Locums, PC for Psychiatry Services for the period of April 15, 2014 through June 30, 2015, for a maximum annual total of \$373,400. *File #810*

BOARD OF SUPERVISORS:

- 3) **Confirmed** Supervisor De La Cruz's nomination of Robert Kutz for appointment to the San Benito County Fish & Game Advisory Commission representing District 5 effective April 15, 2014. *File #24*

BOARD OF SUPERVISORS:

- 4) **Approved** Certificate of Recognition for the 2014 Teacher of the Year Award recipients for presentation at a later date. *File #156*

CLERK OF THE BOARD – D. Thome:

- 5) **Approved** the action minutes of the September 10, 2013, November 5, 2013, November 19, 2013 and March 18, 2014 regular meetings and November 13, 2013 special meeting.

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

- 6) **Approved** a transfer from contingencies to General Fund in the amount of \$16,328 to be used for the additional Court Maintenance of Effort (MOE) for FY 13/14. *File #119*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 7) **Approved** contract Amendment #1 with Shared Vision Consultants, Inc., in the amount of \$3,750.00 for additional hours to complete the System Improvement Plan (SIP) for Child Welfare Services. *File #130*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 8) **Adopted Ordinance No. 923** repealing and replacing Ordinance No. 637 providing for regulation of Ambulance and Emergency Medical Services. (Continued from April 1, 2014 meeting) *File #1068*

HUMAN RESOURCES – G. Cochran:

- 9) **Adopted Resolution No. 2014-30**, approving the 457 Plan between MassMutual Financial Group and the County of San Benito; **authorized** the County Administrative Officer to sign the attached plan documents. *File #630*

HUMAN RESOURCES – G. Cochran:

- 10) **Adopted Resolution No. 2014-31**, electing to be subject to Public Employees' Medical and Hospital Care Act and Fixing the Employer's Contribution at an amount equal to or Greater than that prescribed by Government Code Section 22892(b) which adds the Institutions Association as a separate unit for health benefit purposes. *File #630*

PROBATION DEPARTMENT – D. Blevins:

- 11) **Authorized** the Interim Chief Probation Officer to submit an application for the Juvenile Justice Development Plan for the Youthful Offender Block Grant. *File #510*

PROBATION DEPARTMENT – D. Blevins:

- 12) **Authorized** the Interim Chief Probation Officer to submit an application for the Juvenile Crime Prevention Act (JJCPA) to the Board of State and Community Corrections (BSCC) provided by this act. *File #510*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 13) **Accepted** all responsive bids for the Fairview Road/John Smith Road (Install Guardrail); **awarded** and **approved** contract with Midstate Barrier, Inc., as the lowest responsive, responsible bidder in the amount of \$21,650; **authorized** the Assistant Director to execute the contract upon receipt of all documents as

required in the Invitation for Bids; **authorized** the Assistant Director to issue change orders, not to exceed \$2,165. *File #105*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 14) **Accepted** all responsive bids for the Salinas Grade (Upgrade Guardrail); **awarded** and **approved** the contract with Midstate Barrier, Inc., as the lowest responsive, responsible bidder in the amount of \$39,837; **authorized** the Assistant Director to execute the contract upon receipt of all documents as required in the Invitation for Bids; **authorized** the Assistant Director to issue change orders, in an amount not to exceed \$3,984. *File #105*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 15) **Accepted** all responsive bids for the John Smith Road Overlay Project; **awarded** and **approved** the contract with Road Reconstructors, Inc. as the lowest responsive, responsible bidder in the amount of \$714,222.; **authorized** the Assistant Director to execute the contract upon receipt of all documents as required in the Invitation for Bids; **authorized** the Assistant Director to issue change orders, in an amount not to exceed \$48,211. *File #105*

PUBLIC HEARINGS – 9:00 a.m. (Or as soon thereafter as the matter may be heard)

PLANNING DEPARTMENT – B. Turner:

- 16) **Conduct a Public Hearing to review the project record and Planning Commission Resolution 2014-04 and to consider the proposed zone change 13-77 (890 Buena Vista Road); make the CEQA and Zone Change findings as found in the discussion of this report; adopt the mitigated negative declaration and mitigation monitoring and reporting program; adopt the ordinance to approve Zone Change 13-177 (890 Buena Vista Road), based on the aforementioned findings and on the conditions of approval found in Exhibit B of the proposed ordinance. (Ord. No. 924)**

Interim Planning Director Byron Turner provided information in regards to Zone Change 13-177 proposal to rezone five acres at 890 Buena Vista Road from Agricultural Productive to Residential Multiple to construct 13 two-story buildings with 80 below-market rate apartments, a shared residence center, a laundry facility, private gated drives, 152 parking spaces and solar panels. The project also proposes Buena Vista Road street/sidewalk improvements, landscaping, and utility connections. He said that the project is required to go to LAFCO prior to building permits to secure water and sewer services. The Planning Commission held public hearing on this item on February 19 and April 2, 2014, and at the latter meeting adopted Resolution 2014-04 recommending that the Board of Supervisors approve ZC 13-177 based on findings and conditions of approval within that resolution.

Mr. Turner provided an aerial photo of the plan for Buena Vista project and provided staff recommendations: Conduct public hearing to review the project record and to consider the proposed zone change; make the CEQA and Zone change findings as found in the discussion of this report; adopt the mitigated negative declaration and mitigation monitoring and reporting program; and make a motion to adopt the ordinance to approve Zone Change 13-177, based on the

aforementioned findings and on the conditions of approval found in Exhibit B of the proposed ordinance.

Supervisor De La Cruz questioned Mr. Turner if he has had a chance to discuss with Lisa Rheinheimer at COG safety issues along Buena Vista Road.

Mr. Turner replied that yes he has had on going conversations with COG along with the Public Works Department and that they have prepared a letter to CHP requesting that they monitor the area, but they are having an ongoing conversation about how to make that area safer.

Chairman Muenzer opened the public hearing that had been continued. There being no speakers the public hearing was closed.

BOARD ACTION: Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios; ***made*** the CEQA and Zone Change findings as found in the discussion of this report; ***adopted the mitigated negative declaration and mitigation monitoring and reporting program;*** ***made a motion*** to adopt **Ordinance No. 924**, to approve Zone Change 13-177, based on the aforementioned findings and on the conditions of approval found in Exhibit B of the proposed ordinance. (Unanimous) File #790

PLANNING DEPARTMENT – B. Turner:

- 17) **Hold a public hearing to consider and potentially adopt a resolution initiating proceedings for the formation of County Service Area No. 56 (Creekside 6); adopt a resolution initiating proceedings for the formation of County Service Area No. 56 (Creekside 6); direct the Public Works Department to prepare and file the required Engineer's Report; direct Planning Department to negotiate a deposit and reimbursement agreement with Stonecreek to cover formation and start-up costs for the proposed CSA (Res. No. 2014-32)**

Interim Planning Director Byron Turner provided information in regards to forming a CSA Creekside 6 subdivision; is approximately 4.19 acres in size and will include 9 residential lots along Los Altos Drive, and a 0.75 acre open space parcel to be dedicated to the County. The project will connect to the City of Hollister sewer and will be provided water by the Sunnyslope Water District. On April 2, 2013, staff received correspondence from Stonegate requesting that a County Service Area (CSA) be formed for the project since the subdivision is too small to form a HOA. On May 7, 2013, the Board discussed the request as part of Regular Agenda and concluded that formation of a CSA for the Creekside 5 and Creekside 6 subdivision could be initiated. CSA 55 for Creekside 5 has already been formed. Mr. Turner stated staff recommendations: Hold public hearing; adopt a resolution initiating proceedings for the formation of County Service Area No. 56 (Creekside 6); direct the Public Works Department to prepare and file the required Engineer's Report; direct Planning Department to negotiate a deposit and reimbursement agreement with Stonegate to cover formation and start-up costs for the proposed CSA.

Discussion ensued by Board and staff.

Chairman Muenzer opened the public hearing.

Those speaking from the public were: Marty Richman, Hollister resident.

Chairman Muenzer closed the public hearing.

BOARD ACTION: Upon motion made by Supervisor Barrios and seconded by Supervisor Botelho, ***approved per staff recommendation*** including the adoption of **Resolution No. 2014-32**. (Unanimous) File #790

The Board adjourned for a break at 10:17 a.m. and reconvened into regular session at 10:33 a.m.

REGULAR AGENDA:

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

- 18) **Direct staff to move forward with and development of an agreement between the County and City of Hollister for Firehouse #3; direct staff to amend the fire services contract to include \$30,000 annually for on-going operational costs to cover Firehouse #3.**

CAO Ray Espinosa provided information regards to Firehouse #3 and additional operational costs.

Fire Chief Mike O'Connor provided information in regards to Firestation #3, which is to be located at the Hollister Municipal Airport at 90 Airport Drive. Mr. O'Connor explained that staff requests approval to move forward with development of improvements and furnishings of the new firehouse. He said that funding is available in the County Fire Facility Capital Improvement project and the cost for the tenant improvements and furnishings are estimated between \$200,000 to \$300,000. He also mentioned that after the Firestation #3 opens there would be additional costs for operations in the amount of \$30,000. The contract with this amendment would come back to the Board for approval. He said Firestation #3 would not open until July 1, 2014, so no expenditure would be necessary until FY 14/15.

Supervisor Barrios announced that she appreciated that we have a plan within a year of contracting with the City. She said that she supports moving forward with Firestation #3.

Discussion ensued by Board and Mr. O'Connor in regards to additional costs for operations of Firestation #3.

The Board asked to have a breakdown of additional costs from Mr. O'Connor at a future meeting.

Those speaking from the public were: Marty Richman, Hollister resident.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor De La Cruz, **directed** staff to move forward with the development of an agreement between the County and City of Hollister for Firehouse #3; **directed** staff to amend the fire services contract to include \$30,000 annually for on-going operational costs to cover Firehouse #3. (Unanimous) File #60*

BOARD OF SUPERVISORS:

- 19) **Consider resolution regarding Regional Transportation Plan prepared by Council of Governments (COG) and adopt if majority approves. (Supervisor Botelho) (Res. No. 2014-33)**

Supervisor Botelho provided information to his request for a resolution regarding Regional Transportation Plan consistent with the Association of Monterey Bay Area Governments Draft 2012 Regional Growth Forecast and Regional Travel Demand Model, which he said that he hopes the rest of the Board would support. Supervisor Botelho provided copies regarding Regional Transportation Planning and Programming Process chart; State and Federal

Programming process; and a list of Transportation Projects in the County totaling about \$121,000.

Supervisor Botelho said that he has met with COG and AMBAG staff in regards to his proposed resolution. Supervisor Botelho mentioned due to timing it needs to be done by this Thursday.

Lengthy discussion ensued by Board and staff.

Chairman Muenzer opened public comment. Those speaking from the public were: Marty Richman, Hollister resident; Pat Loe, Hollister resident.

Chairman Muenzer closed public comment.

Discussion continued by Board and staff in regards to the 2010 San Benito County Traffic Model and the Monterey Bay Area Governments Draft 2012 Regional Travel Demand Model.

*Motion made by Supervisor Botelho and seconded by Supervisor Rivas, **adopt** Resolution with the deletion of the wording **and ordered** to be taken off of the second resolved in the resolution; and **requested** Chair to sign; also **requested** that alternate representative to COG attend Thursday's meeting.*

Under the question by Supervisor Rivas: He said that the only way he would support this motion is if it is included in the resolution the projection range numbers.

Discussion ensued by Board and staff regarding numbers regarding growth plan and the general plan.

County Counsel Matt Granger stated the Board has no power to direct COG to do anything. All this Board has power over is the two members of this Board that are appointed to COG. Mr. Granger mentioned that in this motion he does not believe they could solve the problem with the General Plan and COG at the same time. They are actually two separate problems even though they are somewhat related.

Mr. Granger pointed out that if COG chooses not to go with the AMBAG model it threatens our funding from the Feds and the States. If the general plan uses a 2008 population number someone could attack it. If the Board wants to use the 2012 number, the down side there is in regards to the general plan, is that it is going to cost more money and take more time.

Mr. Granger said that Board needs to choose between the lesser of the evils; 1) to risk the federal funding of COG and leave open the possibility that the general plan is either challengeable or will cost a lot of money to change; or 2) go with a number that you think matches the general plan and make that consistent, which is good, but then puts at risk the funding for the traffic project.

Chairman Muenzer pointed out there was a motion and a second on the table.

Discussion ensued by Board.

Supervisor Rivas questioned Counsel on Supervisor Botelho's second part of motion requesting that the alternate representative attend COG meeting.

County Counsel replied that he does not know if the Board can or cannot instruct the alternate to show up, it seems to me that the regular member should be allowed to attend. He said that Supervisor Botelho could rephrase his motion to say; that the appointed Board members to COG vote in accordance to the resolution adopted by the majority of the Board.

Supervisor Botelho said that he agreed with rephrasing the language.

Supervisor De La Cruz spoke in regards to his defense. He asked County Counsel if it was legal to direct a committee member by resolution to vote that way.

County Counsel Matt Granger replied that if we were to pull out the board rule procedures that govern the Board, in the Board rules there is a provision regarding committees that states the Chair together with the majority of the Board has the right to appoint to a committee. So he believes the majority of the Board could instruct the appointed COG members to follow the will of the majority, and if a Board member would say I can't do that it is against my conscience or whatever, then the Board, again composed of the majority, would have the right to remove that member from COG and appoint another one in his or her place.

Supervisor Botelho said that he does not mean any disrespect to Supervisor De La Cruz.

Supervisor De La Cruz said that he would be consistent to his vote, so he recommends making it official and remove him from this Thursday's COG meeting.

Mr. Granger said that we currently have a motion that has not been acted on yet for a proposed Resolution by Supervisor Botelho.

Chairman Muenzer clarified the motion and second on the table: He said that the Resolution only instructs the COG members of this Board to support the AMBAG numbers; we do not have a range as part of the motion. He asked the rest of the Board if they were o.k. with that.

Supervisor Rivas said that the only way he could accept this motion is if they agendize for a future meeting for a greater discussion beyond COG and what they are going to do related to our general plan related to the 2008, 2012 numbers. He said that he needs greater clarification about this inconsistency.

Chairman Muenzer said that he believes that they are having a general plan update at the May 6th meeting so he would make sure the consultant is aware of this.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Rivas; **adopted Resolution No. 2014-33**, with the deletion of the wording **and ordered** to be taken off of the second resolved in the resolution; and **requested** Chair to sign; and **agendize** for a later meeting discussion in regards to numbers for General Plan Revision. (3-2 vote, no De La Cruz and Barrios)*

Chairman Muenzer wanted to verify that everything was crystal clear: That the two representatives to COG were comfortable with the fact that they have been directed to vote accordingly on Thursday.

Supervisor De La Cruz replied no.

Supervisor Botelho replied yes.

Chairman Muenzer asked if the representative that is not comfortable if he can excuse himself now and allow the alternate to attend the meeting.

County Counsel Matt Granger replied that Supervisor De La Cruz could voluntarily step down and ask that another one pointed in his place, but is voluntary on his part.

Supervisor De La Cruz asked that it be done by a motion by the Board.

Mr. Granger explained that if Supervisor De La Cruz is removed from the COG committee and whoever is appointed in his place, would be the new COG committee member until another action was taken place.

Supervisor Barrios questioned why this was taking place.

Chairman Muenzer stated because part of the motion was that the COG representatives would vote accordingly, and one of the COG representatives stated that he would not follow that.

BOARD ACTION: Upon motion made by Supervisor Botelho and seconded by Supervisor Muenzer, ***moved*** to remove Supervisor De La Cruz from the COG Board. (3-2 vote, De La Cruz and Barrios no)

BOARD ACTION: Upon motion made by Supervisor Muenzer and seconded by Supervisor Botelho, ***moved*** to appoint himself as the new COG member with Supervisor De La Cruz as an alternate. (3-2 vote, Barrios and De La Cruz no) *File #156*

The Board adjourned at 12:13 p.m. for lunch and reconvened at 1:35 to regular session.

FIRST 5 SAN BENITO – L. Faulkner:

- 20) **Read title of ordinance for the record: “An Ordinance Amending Subsection (A) of Section 11.11.005 (“Membership of Chapter 11.11 “First 5 San Benito” of Title 11 of the San Benito County Code; and waive further reading of the ordinance and continue to May 6, 2014 at 9:00 a.m. for adoption.**

Assistant County Counsel Barbara Thompson provided information and introduction of the ordinance amending the membership requirements for the First 5 Commission. The Title of the Ordinance was read for the record.

Discussion ensued by Board and staff.

BOARD ACTION: Upon motion made by Supervisor Barrios and seconded by Supervisor Botelho, ***approved*** per staff recommendation. (Unanimous) *File #1055*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 21) **Approve San Benito County Health & Human Services Reorganization, Budget Augmentation, Class Specifications and Position Changes. (4/5 vote)**

Health & Human Services Director James Rydingsword provided a PowerPoint presentation in regards to the reorganization and staffing of the HHSA phase 1. Items covered were: Current Eligibility Division; Proposed Eligibility Division; Eligibility Caseload 2013-14; HHSA Eligibility Division Program Analysis; HHSA Eligibility Division Fiscal Analysis; HHSA Medi-Cal Corrective Action Plan/Program Integrity Unit Fiscal Analysis; Social Services Division: Current Social Services Division; Proposed Social Services Division; Cost Justification: one Social Worker III; In Home Supportive Services Caseload Trend; HHSA Departmental Support Division: Current Structure-Administrative Services; Proposed Structure Departmental Support Division; Proposed Structure Balancer & Coordination.

Mr. Rydingsword explained that almost all of funding comes from Federal and State fees and realignment sources, non-county general fund requests. This is due to needs for added staff due to a large influx in cases as well as changes needed in the Department Support Unit.

Mr. Rydingsword said that a review of the organization structure and needs of the Health & Human Services Agency shows a need for both added staff and reclassification of positions throughout the Agency which he had specified in his staff report. He said that he was asking approval from the Board to move forward with this reorganization.

Discussion ensued by Board and staff.

BOARD ACTION: Upon motion made by Supervisor Botelho and seconded by Supervisor Barrios, **approved** the class specifications and position changes/actions as described in the staff report and attachments; **approved** the Budget Augmentation; no use of County General Fund. (Unanimous) File #130

HUMAN RESOURCES – G. Cochran:

22) Adopt Resolution for CalPERS for exception to the 180 day wait period under Government Code Sections 7522.56 and 21224. (Res. No. 2014-34)

Interim Human Resources Director Georgia Cochran provided information in regards to the initiation of pension reform that went in to effect January 1, 2013 in regards to CalPERS regulations that now prohibits the re-hiring of a retired annuitant within 180 days of his/her retirement date with a few exceptions.

Ms. Cochran said that we currently have a situation where our Welfare Fraud Supervisor retired effective December 30, 2013 and the six month period would not be up until June 30, 2014. She said this is a request to allow H & HSA to bring her back on a limited intermittent basis for the period of April 21, 2014 to June 30, 2014 to assist in the training of the new employee. She said that CalPERS does require an extensive resolution as well as a personnel action form, which she provided to the Board for their review.

BOARD ACTION: Upon motion made by Supervisor Barrios and seconded by Supervisor Botelho, **approved** as to staff recommendation. (Unanimous) File #630

PLANNING DEPARTMENT – B. Turner:

23) Approve the Reimbursement Agreement with Paicines Rocks, LLC to fully recover County costs to review and process a Conditional Use Permit and Reclamation Plan and authorize the Chair to sign.

Interim Planning Director Byron Turner provided information in regards to the reimbursement agreement for Paicines Rocks, LLC to operate a quarry on the property commonly known as the Paicines Ranch. After approval of the reimbursement agreement, the County will retain a Consultant for the Environmental Document and other consultants as necessary for processing this project which would be a use permit and reclamation plan in a timely and efficient manner. He said that there would be a minimum of three public hearings before a decision can be made on this project; this is simply to hire the firm to handle the environmental document.

Mr. Turner provided staff recommendation which was to approve the reimbursement agreement between Paicines Rocks, LLC and San Benito County to fully recover County costs to review and process a Conditional Use Permit and Reclamation Plan.

Discussion ensued by Board and staff.

BOARD ACTION: Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios, **approved** the Reimbursement Agreement between Paicines Rocks, LLC and San Benito County to fully recover County costs to review and process a Conditional Use Permit and Reclamation Plan; and **authorized** the Chair to sign said agreement. (Unanimous) File #790

PUBLIC WORKS DEPARTMENT – S. Wittry

24) Receive status update on Cienega Road Realignment Project (2102-680).

Assistant Public Works Director Arman Nazemi provided information in regards to the status of the Cienega Road Realignment Project which is scheduled for completion by April 21, 2014. He said that they would be having a Ribbon Cutting Ceremony on Monday, April 21st at 11:00 a.m. for the opening and was welcoming the Board and the public.

Chairman Muenzer thanked staff for all the hard work and diligence that went in to this project and getting it done. *File #105*

Board adjourned into closed session at 2:22 p.m. and reconvened in to open session at 3:50 p.m.

CLOSED SESSION:

- 25) Closed Session-Conference with Labor Negotiators**
Agency designated representatives: Dania Torres Wong, Ray Espinosa, Joe Paul Gonzalez, Melinda Casillas, Allyson Hauck, 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 6435
Law Enforcement Management
Deputy Sheriff's Association
Authority: California Government Code Section 54957.6
No reportable Action. File #235.6
- 26) Closed Session pursuant to Government Code Section 54957 (b):**
Public Employee Discipline/Dismissal/Release
The Board accepted the resignation of Public Works Administrator Steve Wittry. (Unanimous) File #235.6
- 27) Closed Session Pursuant to Government Code Section 54957 (b) (1)**
Public Employee Performance Evaluation
Title: County Counsel
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:	Muenzer, De La Cruz, Rivas, Botelho, Barrios
NOES:	SUPERVISORS:	None
ABSENT:	SUPERVISORS:	None

There being no further business the Board adjourned to May 6, 2014 at 9:00 a.m.

JERRY MUENZER, CHAIRMAN
San Benito County Board of Supervisors

ATTEST:
Janet Slibsager, Asst. Clerk of the Board