



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 SEPTEMBER 9, 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.

9:30 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. (5-0)*

c) **PRESENTATIONS & RECOGNITIONS:**

BOARD OF SUPERVISORS:

Present Proclamation to the San Benito County Free Library Adult Literacy Program, recognizing September 2014 as "Adult Literacy Awareness Month".

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor Botelho, **approved** Proclamation. (5-0)*

Supervisor Rivas presented Proclamation to Nora Conte, Librarian of the San Benito County Free Library for the Adult Literacy Awareness month program.

Ms. Conte thanked the Board for the Proclamation and mentioned that this is a very special celebration. **File #430**

- d) **Public Comment:** Marvin Jones, Hollister resident, spoke in regards to Agenda 21: private property; grazing of livestock; plowing of fields; underground water, the status of the roads in San Benito County roads in Clear Creek that BLM closed and Major J.

Marty Richman, Hollister resident, provided a handout and spoke in regards to how much petroleum does the U.S. import from foreign countries.

Mike Cullinan, President of the 33rd Ag District, introduced the new C.E.O. Fair Manager Donnette Carter that has come from Porterville.

Ms. Carter spoke in regards to the 91st San Benito County Fair that will run from October 3rd through the 5th and the many changes and events that will take place. She spoke of the new sponsorship program that is helping the sustainability of the San Benito County Fair and the Bolado Park Event Center

and a great partnership with an opportunity for us to promote our local businesses in San Benito County. She also thanked the Sheriff's Department for assisting them with the traffic patterns and parking and invited everyone to come out and enjoy your local community fair. She mentioned that tickets and pre fair packets will go on sale tomorrow.

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

CAO Ray Espinosa announced that on item #10 in the agenda packet the annual salary should not read \$447,676 it should read \$47,676.

CAO Ray Espinosa announced that the Health & Human Services Agency would like to pull item #24 from the agenda to be brought back another day.

CAO Ray Espinosa updated the Board on the meeting for the Hall of Records remodel project, 211 services to be presented at the Department Head meeting and other things that would be coming to the Board of Supervisors in the future.

Interim Director of Council of Governments (COG) Mary Gilbert announced the Local Transportation Authority will be offering a free bus shuttle to the San Benito County Fair all three days and that a schedule would be posted on their website: at www.sanbenitocountyexpress.org.

Ms. Gilbert also announced that the Traffic Impact Fee Program is currently negotiating a contract with the consultant and that it would tie into the general plan update.

Librarian Nora Conte announced that the Celebration for Literacy is on September 18th at 2:00 p.m. and invited everyone to attend. She also spoke about the new triple eye webpage and thanked John Shelley from the IT department for his support and help in getting it set up. She also announced that the Bookmobile will be at the San Benito County Fair on October 4th.

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

Supervisor Botelho expressed gratitude to the Public Works Department and the quick response to questions that the San Benito Fire Safe Council had in order to get a grant application in for a shaded field break project up the San Juan Canyon.

Supervisor Barrios welcomed Donnette as manager to the San Benito County Fair.

Supervisor Barrios announced that she attended the San Juan Bautista City Council meeting and they agreed and voted 5-0 to a letter of no confidence to BLM in regards to Clear Creek Area.

Supervisor Barrios asked through the chair to agendize an informational presentation from Jason Marshall the Deputy Director of Oil, Gas and Geothermal Resources on September 23rd on current State regulations for oil and gas.

CAO Ray Espinosa said that he would agendize for September 23rd meeting.

Chairman Muenzer announced that he attended the pre fair dinner and that he had a great time.

Chairman Muenzer mentioned that he also had the pleasure of introducing Congressman Farr at the Town Hall meeting in our chambers and said that it was a well attended meeting.

CONSENT AGENDA:

Upon motion made by Supervisor Botelho and seconded by Supervisor Barrios, approved Consent Agenda Items 1-13, with the correction made in Item #10. (5-0)

AGRICULTURAL COMMISSIONER – R. Ross:

- 1) **Authorized** the issuance of a Purchase Order to My Chevrolet of Salinas for the purchase of one fleet vehicle (pickup truck) in an amount not to exceed \$31,045.18; and **authorized** the Agricultural Commissioner to sign the purchase order. *File #1.1*

ASSESSOR'S OFFICE – T. Slavich:

- 2) **Adopted Resolution No. 2014-79** approving the Division of one agricultural preserve (Contract Number 10-007, Sans) *File #7*

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 3) **Renewed** MOU agreement for Student Intern Field Placements from Cal. State University Monterey Bay (CSUMB) Undergraduate and Graduate Department for the period of September 9, 2014 through September 13, 2019, and **authorized** the Behavioral health Director to sign. *File #810*

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 4) **Adopted Resolution No. 2014-80**, accepting the Realignment Mental Health Services, MHSA Performance contract; and authorize the Behavioral Health Director to sign contract agreement and certification forms for the State Department of Health Care Services (DHCS) for the period of July 1, 2014 through June 30, 2015. *File #810*

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 5) **Approved** contract renewal with Merced Behavioral Health Center (Country Villa) for the period of July 1, 2014 through June 30, 2015, for a maximum annual amount of \$89,000. *File #810*

CLERK OF THE BOARD – D. Thome:

- 6) **Approved** the action minutes of the May 6, 2014 regular meeting, the May 27, 2014 special meeting and the August 19, 2014 regular meeting.

COUNCIL OF GOVERNMENTS – M. Gilbert:

- 7) **Approved** amended Joint Exercise of Powers Agreement for the Council of San Benito County Governments. *File #1035*

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

- 8) **Approved** contract with Seniors Council for services to be provided to the community from September 1, 2014 through June 30, 2015, in the amount of \$30,000. *File #119*

COUNTY LIBRARY – N. Conte:

- 9) **Accepted** the donation of one iPad Air to the County Library Department by the local community, Pre-Owned Leads Business with a value of \$599.00. *File #80*

HUMAN RESOURCES – G. Cochran:

- 10) ***Adopted*** new class specification for Transportation Planning Technician with a salary range of 15.4. ***File #630***

HUMAN RESOURCES – G. Cochran:

- 11) ***Adopted*** new class specifications for Sheriff's Technician with a salary range of 13.6; ***deleted*** the class specifications for Corrections Technician and the classes of Sheriff's Records Specialist I/II/III; ***deleted*** 3.0 FTE Corrections Technician and 0.8 FTE Civil Clerk; ***added*** a 3.8 FTE Sheriff's Technician. ***File #630***

PROBATION DEPARTMENT – R. T. Baraan:

- 12) ***Approved*** and ***authorized*** Chief Probation Officer to submit a Letter of Interest to apply for the Community Recidivism Reduction Grant with the Board of State and Community Corrections (BSCC). ***File #510***

PUBLIC WORKS DEPARTMENT – J. Horwedel:

- 13) ***Authorized*** the issuance of a purchase order to My Chevrolet of Salinas for the purchase of two fleet vehicles in the amount not to exceed \$56,820.22; and ***authorized*** the Public Works Director to sign the purchase order. ***File #105***

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

PLANNING DEPARTMENT – B. Turner:

- 14) **Conduct a public hearing; read title of ordinance for the record: “An Ordinance Adding Subsection (F) of Section 25.43.008 of Title 25 of the San Benito County Code pertaining to the Term of Use Permits”; make the CEQA findings set forth in Attachment “A” to the AIT; and accept introduction and waiver further reading of the ordinance and continue the matter to September 23, 2014 at 9:00 a.m. for adoption.**

Interim Director Byron Turner provided information in regards to hearing pertaining to Use Permits and provided staff recommendations.

Chairman Muenzer opened the public hearing.

Those speaking from the public were: Joseph Nehls, resident of San Benito County and Richard Bettencourt, Hollister resident.

Chairman Muenzer closed the public hearing.

Discussion ensued by Board and staff.

BOARD ACTION: Upon motion made by Supervisor Barrios and seconded by Supervisor De La Cruz, ***approved*** per staff recommendation. (5-0) ***File #790***

REGULAR AGENDA:

ASSESSOR'S OFFICE – T. Slavich:

- 15) **Accept the Assessor's 2014-2015 Annual Report.**

Assessor Tom Slavich provided information in regards to the Assessor's Annual Report covering taxable values throughout San Benito County for the 2014-15 Tax Year. Mr. Slavich commended his staff for their hard work and dedication.

Supervisor Barrios thanked Mr. Slavich for a great report.

Supervisor Botelho stated that we are headed in the right direction but still have a way to go. He said that staff does a great job for being understaffed and thanked him and his office for their hard work.

Supervisor De La Cruz had a question in regards to Prop 8 properties.

Mr. Slavich provided information.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios, **accepted** the Assessor's 2014-15 Annual Report. (5-0) File #7*

ASSESSORS OFFICE – T. Slavich:

- 16) **Adopt Resolution authorizing the County Assessor to submit an application, in the form and manner specified by the California Department of Finance, for participation in a three-year State-County Assessors' Partnership Agreement Program. (Res. No. 2014-81)**

Assessor Tom Slavich provided information in regards to the three-year State-County Assessor's Partnership Agreement Program that would help provide more funding for the Assessor's Office and the application process.

Discussion ensued by Board and staff.

Those speaking from the public were: Marty Richman, Hollister resident, said that he hopes the Board would support.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor De La Cruz, **adopted Resolution No. 2014-81**, authorizing the County Assessor to submit an application, in the form and manner specified by the California Department of Finance, for participation in a three-year State-County Assessor's Partnership Agreement Program. (5-0) File #7*

The Board broke at 10:25 a.m. and reconvened at 10:37 a.m.

BOARD OF SUPERVISORS:

- 17) **Receive presentation by Shawn Novack of the San Benito County Water District to discuss potential gray water in San Benito County; and direct staff for further action to determine if gray water use is feasible.**

Supervisor Rivas said that he was excited to bring this item to the Board because he believes this is a great opportunity for our Board and our County during this time of a severe drought. He said that he had been approached by Mr. Novack from the San Benito County Water District with an idea of utilizing gray water by using a simple system which is called a "complex system".

Supervisor Rivas said that he had asked Mr. Novack to come today and speak in regards to the potential use of gray water in our community and our County and how as a Board we can take a proactive step in requiring gray water systems for new construction.

Mr. Novack thanked the Board for inviting him to speak in regards to this issue during this time of a drought. He spoke of how we need to be efficient with every drop of water we receive and how the gray water system is one more way we can be efficient with that water.

Mr. Novack provided information in regards to gray water use including an explanation of the reuse process and other aspects of graywater usage in our homes and how it could be done for new construction.

Chairman Muenzer said that he feels that using gray water for landscaping is the right way to go and will support whatever we need to do to go forward. He

said that we need to look at new construction utilizing gray water systems and prep for solar systems; we need to look forward to our energy needs.

Supervisor Barrios commended Supervisor Rivas for bringing this forward, and supports moving this forward for new construction.

Supervisor Botelho said that he was very much in support of this as well.

Supervisor De La Cruz said that he thinks we need to look in to this and get public input.

Supervisor Rivas said that maybe the next step would be to have an ad hoc committee that works with our staff and the water resource association to draft up an ordinance in regards to gray water requirements for new construction, hopefully prior to the new general plan.

Mr. Novack said that he is a resource and would be happy in helping out however he could. He said that this was a good time to implement something.

Discussion ensued by Board and staff in regards to putting this in the general plan.

Those speaking from the public were: Marty Richman, Hollister resident, said that we need to try and get this implemented as soon as possible, as there are currently new homes going in off of Fairview Road.

Mr. Novack said that the water resource represents the City of Hollister, San Juan Bautista, Sunnyslope Water District and the San Bento County Water District. He said that he has been working with building and planning in the County and City as well.

CAO Ray Espinosa said that he would request the Board to move forward on this and create an ad hoc committee to start moving forward with a plan.

Chairman Muenzer asked that this be agendized for the next meeting.

Supervisor Rivas said that Mayor Velasquez is well aware of this plan and that he is looking forward to his leadership to step up and lead his City in the direction of our Board. *File #156*

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

18) Receive Animal Control Quarterly report for the period of July 2014 through September 2014; and provide direction to staff.

Chief Westrick of the Hollister Police Department provided information in regards to the 4th Quarter FY 2013-14 Animal Control Report. Items covered were the animal control services provided by the City of Hollister: calls for service; animals processed.

Supervisor Botelho said that he appreciates what the Hollister Police Department and Animal Control does within the contract.

Supervisor De La Cruz had a question in regards to calls for service.

Mr. Westrick provided information in regards to service calls.

Chairman Muenzer had a question in regards to the County's 55% of the expenses per the contract and where the majority of the service calls are.

Mr. Westrick provided information in regards to the County's expenses and where the majority of the service calls are.

Discussion ensued by Board and Mr. Westrick in regards to the service calls and the cost of services within the City and County. *File #425*

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

- 19) **Direct the CAO's office to negotiate a purchase agreement with CALSTAR for the purchase of a temporary modular, and to bring back the proposed agreement to the Board for final approval; direct Public Works Department to draft an Invitation for Bids for the Fire Station project for the Board's review and approval; and direct Planning Department to determine whether project is exempt from CEQA or whether the project requires further CEQA analysis, such as through a Negative Declaration, and to bring recommendation or prepared CEQA analysis back to the Board for its consideration.**

Fire Chief O'Connor provided a PowerPoint presentation in regards to discussion of a temporary site location of Fire Station 3 at 703 Flynn Road adjacent to the county jail/juvenile hall and the purchase of a modular from CALSTAR in the amount of \$30,000, which is currently located out at the airport site. Items covered were: the cost breakdown to move and install on a permanent foundation at its new location; all expenses are approximated-final costs will include taxes, fees, and cost of all required permits. Mr. O'Connor provided information as to how the site location being at Flynn Road is a better location than the Airport.

Chairman Muenzer mentioned that the fire committee reviewed this recommendation and that they were o.k. with it.

Supervisor Barrios said that this is much needed, and she supports it being out at the Flynn Road site.

Supervisor Botelho said that he agrees with this temporary location to see how it works out.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor Botelho, **approved** per staff recommendation. (5-0 vote) File #60*

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

- 20) **Approve the three amendments to each of the contracts providing indigent public defender services for Law Offices of Gregory M. LaForge; Harry J. Damkar and Arthur Cantu; and authorize the Chair to sign each amendment approving the extension of each contract and applicable revised compensation terms through October 31, 2017.**

Supervisor De La Cruz asked to abstain himself from this item.

County Counsel Matt Granger provided information in regards to the contracts that the county has with the three attorneys' that provide Public Defender services to the county. These contracts were arrived at by a lot of hard work of the ad hoc committee, in an effort to keeping the costs under control.

Supervisor Botelho thanked Mr. La Forge, Mr. Damkar and Mr. Cantu for their willingness to work with the county to arrive at a contract that works for everyone for a much needed service.

Supervisor Barrios agreed with Supervisor Botelho and said that they are always looking for a way to save the county money.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Rivas, **approved** the amendments to the three contracts for the public defender services for the Law Offices of Gregory LaForge, Harry Damkar and Arthur Cantu, and **authorized** the Chair to sign each amendment approving*

the extension of each contract and applicable revised compensation terms through October 31, 2017. (4-1 vote) De La Cruz Abstained File #149

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

- 21) Approve contract renewal with the County of Monterey for Veteran's Services for the period of July 1, 2014 through June 30, 2017, in the amount of \$73,427 per year not to exceed \$220,281.**

Supervisor Botelho asked to abstain himself from this item.

CAO Ray Espinosa provided information in regards to the contract with Monterey County for Veterans Services.

Wes Morrill, Management Analyst and Shari Stevenson, Veterans Representative from the Monterey office spoke in regards to some changes in services to the contract by Monterey County and thanked the Board of Supervisors for their continued support.

Ms. Stevenson provided additional information in regards their accomplishments last year and services provided to San Benito County Veterans.

Supervisor Barrios said that Monterey County has done a really good job in addressing the concerns we have had in the past in regards to our Veterans Services in San Benito County.

Supervisor De La Cruz thanked Supervisor Botelho for taking on the task to address some issues regarding our Veterans. Supervisor De La Cruz thanked Monterey County for doing a good job.

Those speaking from the public were: Marty Richman, Hollister resident, said that the services are better than a couple of years ago.

Chairman Muenzer congratulated Shari Stevenson for her appointment as a City Council member.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios, **approved** contract renewal for veterans' services with Monterey County in the amount of \$73,427 per year not-to-exceed \$220,281 to commence on July 1, 2014 and end on June 30, 2017; and **authorized** the Chair to sign said contract. (4-1 vote) Botelho Abstained File #119*

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

- 22) Receive the Frozen Leave Balance Report.**

CAO Ray Espinosa announced a correction on page 319, last sentence should read 2014 not 2013.

Interim Human Services Director Georgia Cochran provided information in regards to the frozen leave balances as of June 30, 2014 and what the plan would be to reduce the banked hours by Unrepresented Employees, appointed Department Heads, Confidential Management and Confidential Employees. She said that a report will come back to the Board in December 2014.

CAO Ray Espinosa provided additional information in regards to the amount of hours that needs to be reduced along with limited staffing. He said we will be trying to make headway and there were only about 7 employees that have a substantial amount of banked hours. **File #119**

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 23) Approve CalPERS retirement employer contributions for Temporary Employee (non-general fund) in Health and Human Services Agency.**

Health & Human Services Director James Rydingsword provided information in regards to the request to approve CalPERS retirement contributions for a full time employee that resigned August 29, 2014 for personal reasons to come back on a temporary part-time basis for a period of time until they get someone else in place as needed during the roll-out of the ERP training program.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Barrios, **approved** CalPERS retirement contributions for temporary employee (non-general fund) in Health and Human Services Agency. (5-0 vote) File #130*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 24) Adopt Resolution authorizing a loan up to \$1,000,000 to Community Housing Improvement Systems and Planning (CHISPA) from Home Funds program income for the construction of affordable housing and authorize H&HSA Director to execute a standard loan agreement on behalf of the County and any amendments thereto and any other related documents necessary to the granting of the loan; and approve budget augmentation in the amount of \$1,000,000.**

(4/5 vote) (Res. No. 2014-82)

Item was pulled from the agenda to be brought back at the September 23, 2014 meeting.

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 25) Direct staff to prepare the (3) year contractual extension to the Recology San Benito contract under the same terms and conditions as the existing contract; and direct staff to prepare description for membership in the Materials Management Committee for Board review and approval.**

Integrated Waste Director Mandy Rose provided information in regards to the Recology San Bento request for a three (3) year extension to the contract and asked for direction from the Board to prepare and bring back contract at the September 23, 2014 meeting.

Discussion ensued by Board and staff.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor Botelho, **approved** per staff recommendation. (5-0 vote) File #142*

PLANNING DEPARTMENT – B. Turner:

- 26) Receive General Plan Update.**

Interim Planning Director Byron Turner provided an update to the status of the General Plan. He said they are still on schedule and are very aware how important this document is to the Board and they are keeping it as their number one priority.

Chairman Muenzer asked if the general plan would be done by the end of the year.

Mr. Turner answered that they would be at public hearings before the end of the year.

Supervisor Botelho stated that we need to stay on track for a lot of reasons. *File #790*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 26.1) Approve and ratify out-of-state travel by San Benito County Health & Human Services Agency Director for purposes of assessing the safety, health and well-being of San Benito County dependent children placed in South Carolina for purposes of complying with the court recommendation in case JV11-00022.**

Health & Human Services Director James Rydingsword provided background information in regards to the request for out-of-state travel related to a Child Welfare Case for purposes of assessing the safety, health and well-being of San Benito County dependent children placed in South Carolina for the purpose of complying with the court recommendations. He said if the Board approved this they would be sending one of their staff members on Sunday and they would return on Wednesday. He said the cost would come out of the department's budget through the Child Welfare funding, which should be about \$1,500.00.

Discussion ensued by Board and staff.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor De La Cruz, **approved** the request of the Health & Human Services Agency for out-of-state travel. (5-0 vote) File #130*

The Board adjourned into closed session at 12:08 p.m. and reported out at 12:53 p.m.

CLOSED SESSION:

- 27) Closed Session-Conference with Labor Negotiators**
Agency designated representatives: Dania Torres Wong, Allyson Hauck, Ray Espinosa, Joe Paul Gonzalez, Melinda Casillas, and Georgia Cochran
Employee Organizations: Institutions Associations
Law Enforcement Management
Management Employees' Group
SEIU Local 521 (General Unit Employees)
SEIU United Long Term Care Workers Local 6434
Deputy Sheriffs Association
Authority: California Government Code Section 54957.6
No reportable action. File #235.6
- 28) Conference with Real Property Negotiator:**
Property: 3110 Southside Road (APN 020-320-029), Hollister, California
- Agency Negotiator(s):** Joe Horwedel, Interim Public Works Director; Ray Espinosa, CAO; Matthew W. Granger, County Counsel; Barbara J. Thompson, Assistant County Counsel; and Shirley L. Murphy, Deputy County Counsel
- Negotiating Parties:** Caroline C. Anyeneh

Under Negotiation: Price and terms of payment

Authority: California Government Code Section 54956.8

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 at 12:55 p.m. to September 23, 2014 at 9:00 a.m.

JERRY MUENZER, CHAIRMAN
San Benito County Board of Supervisors

ATTEST:

Janet Slibsager, Asst. Clerk of the Board