



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 OCTOBER 7, 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 Management Analyst Melinda Casillas, County Counsel Matthew Granger, and Clerk of the Board Denise Thome. Chairman Muenzer presided.

9:00 a.m. CALL TO ORDER:

- a) Supervisor Botelho led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- c) **BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:**
Approve Proclamation declaring October 23-31, 2014 as San Benito County's Red Ribbon Week.
*Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Rivas, **approved** proclamation declaring October 23-31, 2014 as San Benito County's Red Ribbon Week. (the motion passed 5-0) File #810*
- d) **Public Comment:**
Marvin Jones spoke of the bio-diversity map and asked why Bush banned incandescent light bulbs, environment? He noted that light bulbs are imported from China that have Mercury. He spoke of the ban of expanded Styrofoam starting next year. He mentioned meters on private water wells next year and the water going to the Delta Smelt.
Marty Richman stated that he opposed Measure J and posed the question why radicals had targeted San Benito County. He stated that there was no fracking here and they hadn't targeted Monterey because there were no problems there in one hundred years. He felt it was insulting to have teachers endorse the measure and noted that more young people die in traffic accidents and the effects of poverty than enhanced oil production.
Pamela Silkwood, attorney for the Suttons, stated that a public nuisance action needed to be taken at 300 Swan Court for illegal spraying. She noted that she had spoken to CAO Ray Espinosa. She explained that there are limits for spraying, no more than 2 cars per year. She reported that her client had been in the emergency room for respiratory treatment and his sister-in-law had cardiac

arrest. She provided medical records. Ms. Silkwood stated that Mr. Clayton and his wife, who was an employee of the county, have ignored the orders. She spoke of the monitor in the Sutton's home that measured volatile limits of methane and the alarm went off. She asked if the county was waiting for someone to die and requested staff to direct a public nuisance.

John Sutton stated that they had problems with chemicals coming into their home and they were taking a health hit. He stated that Mr. Clayton had more right to spray cars and make them sick. He reported that the previous night Mr. Clayton was spraying the top of a 1955 Chevy and it was blowing in the air. He explained that his house suffered from a wind tunnel effect and a specialist had tested his house and they have a negative atmosphere and when he sprays it .3 to 1.3. He added that he talked to Mr. Clayton and tried to work it out and had also talked to the county and the health department and fire department. He stated that they had been injured and spoke of his neighbor and his three young children.

e) **Department Head Announcements:**

Management Analyst Casillas noted the following changes to the agenda; continue item #17 to October 21, 2014, continued item #13 to October 21, 2014, and pulled item #8.

Assistant Clerk-Recorder-Registrar of Voters Angela Curro gave an election update and handouts to the Board. She thanked the volunteers.

HHSA Director James Rydingsword gave an update on the status of the grant applications along with an update on a subsidized employment program in Cal Works. He reported that there would be a Virtual Job Fair on October 15, 2014 on CMAP channels 17, 18, 19 and 20.

f) **Board Announcements:**

Supervisor Barrios commended the HHSA staff for the luncheon for the homeless population noting that the surveys worked well. She asked that a landscape ordinance be on a future agenda for landscaping to conserve water.

Supervisor Rivas agreed and noted that they were meeting regarding gray water and in addition they could talk about a landscaping ordinance.

Chairman Muenzer felt that was an excellent idea for that committee to address that as well.

Supervisor Barrios spoke of the discussion of Community Base Organizations at the Intergovernmental Committee meeting. She noted receiving a positive response from the City and they wanted to be on board. She indicated that they don't have an application process and directed staff to communicate with them. She spoke in regards to Cal Trans and Highway 25 in which it was made clear that it's not a priority for California.

Further discussion ensued.

Chairman Muenzer reported that he attended the RCRC annual convention and spoke of the subject matter of the seminars. He thanked the 33rd Agricultural District for a great fair. He spoke of the issue in Ridgemark with the owner of the golf course removing trees, both diseased and perfectly healthy trees. He indicated that there was no tree ordinance and stated that we need to have one.

CONSENT AGENDA:

Upon motion made by Supervisor Barrios and seconded by Supervisor Botelho, approved Consent Agenda Items with the exception of Items 1, 2, 4 and 9 which were pulled for discussion. (the motion passed 5-0)

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 1) **Approve the County Behavioral Health Department’s FY 2014-15-16-17 MHSA 3 year plan and submission to the Mental Health Services Act Oversight and Accountability Commission and authorize the County Behavioral Director to sign and authorize the County Auditor upon Auditor’s approval sign the MHSA Plan Auditor’s Fiscal Certification.**

Rebecca Jones, Emergency Room RN and director of the emergency department at Hazel Hawkins Hospital requested that item #1 be pulled as Hazel Hawkins Hospital was not included. She spoke of how Hazel Hawkins Hospital was not a licensed psychiatric facility and the lack of transportation available. She asked that the item be revisited.

Behavioral Health Director Alan Yamamoto stated that there were two sides to every story. He stated that the Mental Health Care Advisory Act does not cover involuntary care. He spoke of how the Mental Health Plan was post, publicized and a public hearing held. He added that statutes were followed. He explained that there was an issue of involuntary care and transportation is a separate issue. He explained the process when a person is dropped at the hospital.

Supervisor Barrios asked if it was an issue they should discuss with the ambulance contractor.

Mr. Yamamoto replied affirmatively and added that they don’t have a contract with AMR. He felt it should be an agreement between Hazel Hawkins Hospital and the ambulance company, suggesting that they include a timely clause.

Further discussion ensued between board members and staff.

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Muenzer, **continued** the matter to November 4, 2014 out of concern for the hospital’s opportunity for input, noting that he did not disagree that there was opportunity to comment. (The motion passed 3-2 with Supervisors De La Cruz and Barrios voting no). File #810*

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 2) **Approved** appointment of Pat Loe as a public interest/consumer family member to the Behavioral Health Board effective October 7, 2014 to October 7, 2017. *File #810*

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 3) **Approve contract renewal with Natividad Medical Center for psychiatric inpatient hospital services, for the period of July 1, 2014 through June 30, 2015, in an amount not to exceed \$250,000.**

Public comment speaker was Rebecca Jones who stated that if the hospital was going to meet with Mr. Yamamoto of Behavioral Health, she would waive speaking on the matter.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Botelho, **approved** the contract renewal with Natividad Medical Center for psychiatric inpatient hospital services, for the period of July 1, 2014 through June 30, 2015, in an amount not to exceed \$250,000. (Unanimous) File #810*

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 4) **Approve Memorandum of Understanding (MOU) with Anthem Blue Cross for Managed Care Plan-MCP for the period of July 1, 2014 until terminated; and authorize the Behavioral Health Director to sign.**

Public comment speaker Rebecca Jones withdrew her request to speak on the matter.

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Barrios, **approved** Memorandum of Understanding (MOU) with Anthem Blue Cross for Managed Care Plan-MCP for the period of July 1, 2014 until terminated; and **authorized** the Behavioral Health Director to sign. (Unanimous) File #810*

CLERK OF THE BOARD – D. Thome:

- 5) **Approved** the action minutes of the July 8, 2014 regular meeting, September 9, 2014 special meeting and September 9, 2014 regular meeting.

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

- 6) **Approved** the cancellation of the November 18, 2014 Board of Supervisors meeting. *File #156*

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

- 7) **Approved** the revisions to the California Home Finance Authority Joint Powers Agreement as approved by the California Home Finance Board of Directors on August 13, 2014; and **adopted Resolution No. 2014-85 approving** proposed revisions to the California Home Finance Authority Joint Powers Agreement. (Unanimous) *File #119*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 8) **Appointed** Ms. Kim Washington to the Youth Employment Program Council effective October 7, 2014 through October 7, 2017. *File #130*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 9) **Approve a five year Ambulance Agreement with American Medical Response (AMR) to provide Advanced Life Support (ALS) and ambulance transportation services for the period of October 1, 2014 through June 30, 2019.**

Speaking under public comment was Gordon Machado, President of the Hazel Hawkins Hospital Board of Directors. He stated that they would like the opportunity to sit down and discuss the contract to include non-emergency transportation. He added that they pay a tax for the ambulance on the county tax bill and it should include more than just 911.

Supervisor Botelho asked if the hospital was part of the Emergency Medical Care Commission (EMCC).

Mr. Machado replied affirmatively.

Further discussion ensued.

Supervisor Barrios suggested getting HHSA, Hazel Hawkins Hospital, Behavioral Health together to find a solution outside the box.

Doug Pettrick, General Manager of the American Medical Response, stated that he would be more than happy to talk about it.

Chairman Muenzer directed that they form some type of committee to meet with the Hazel Hawkins Hospital District to be brought back at a future date.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor De La Cruz, **approved** a five year ambulance agreement with American Medical Response (AMR) to provide Advance Life Support (ALS) and ambulance transportation services for the period of October 1, 2014 through June 30, 2019. (Unanimous) File #130*

The Board adjourned at 10:40 a.m. for a break and reconvened into regular session at 10:53 a.m.

SHERIFF'S OFFICE – D. Thompson:

- 10) **Augmented** the Schedule of Authorized Positions in the Sheriff's operations division by .2 FTE by **increasing** the Sheriff's technician position to 1.0 FTE from .8 FTE; and **decreased** the Schedule of Authorized Positions in the Sheriff's jail division by 1.0 FTE by **eliminating** 3.0 FTE Sheriff's technicians and **adding** 2.0 FTE correctional officer positions upon the completion of the correctional officer hiring process. *File #110*

SHERIFF'S OFFICE – D. Thompson:

- 11) **Adopted Resolution No. 2014-86 approving** the submission of an application for Off-Highway Grant Funds by the County Sheriff, or designated representative. *File #110*

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

PLANNING DEPARTMENT – B. Turner:

- 12) **Hold a public hearing to read title of ordinance for the record: An Ordinance amending Chapter 19.21 (“Oil and Gas Wells”) of Title 19 (“Land Use and Environmental Regulations”) of the San Benito County Code to Implement New Procedures regarding Determinations of Exemption from Measure J, the Initiative regarding Petroleum Operations within San Benito County, A Measure to be Voted Upon at the November 4, 2014 Election; make the findings set forth in Attachment “A” for approval; including that adoption of the proposed ordinance is statutorily exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines; and accept introduction and waiver further reading of the ordinance and continue to October 21, 2014 at 9:00 a.m. for adoption.**

Interim Planning Director Byron Turner stated that it was an implementation ordinance and they were neither supporting nor against it.

Assistant County Counsel Barbara Thompson gave a PowerPoint presentation.

Discussion ensued between board members and staff.

Chairman Muenzer opened the public hearing.

Those speaking were Marty Richman, Mary Hsia-Coron, Margaret Rebecchi, Kristina Chavez-Wyatt, Richard Bianchi, Paul Rovella, Jason Retterer, Marvin Jones and John Eade.

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

Further discussion ensued among board members.

Ms. Thompson read the title of the ordinance for the record.

*Upon motion duly made by Supervisor Rivas and seconded by Supervisor Botelho, **made** the findings set forth in Attachment "A" for approval, including that adoption of the proposed ordinance is statutorily exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines and **accepted** the introduction and **waived** further reading of the ordinance and **continued** the matter to October 21, 2014 at 9:00 a.m. for adoption. (The motion passed 4-1 with Supervisor Barrios voting no.) File # 790*

REGULAR AGENDA:

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

- 13) **Receive PowerPoint presentation of the other Post Employment Benefits (OPEB) Bi-annual actuarial valuation July 2013; and provide direction to the County Auditor as to the appropriate discount rate related to the OPEB irrevocable trust held with CalPERS. File #608**

This matter was continued to October 21, 2014.

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

- 14) **Approve the responses to 2013-14 San Benito County Grand Jury Reports for Juvenile Hall, County Jail, Sheriff's Office and Board of Supervisors; direct staff to submit the prepared responses to the reports to the Presiding Judge of the San Benito County Superior Court and authorize the Chair to sign.**

Interim Human Resources Director Georgia Cochran gave a staff report including three total responses from the CAO, Sheriff and Probation.

Supervisor Barrios thanked staff for going through the process and indicated that she agreed with the responses in the report.

There was no public comment.

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Barrios, **approved** the responses to the 2013-14 San Benito County Grand Jury Reports for Juvenile Hall, County Jail, Sheriff's Office and Board of Supervisors and **directed** staff to submit the prepared responses to the reports to the Presiding Judge of the San Benito County Superior Court and **authorized** the Chair to sign. (Unanimous)File #605*

The Board adjourned into closed session at 11:53 a.m. and reconvened into regular session at 12:55 p.m.

CLOSED SESSION:

- 15) **CLOSED SESSION-CONFERENCE WITH LABOR NEGOTIATORS**
Agency designated representatives: 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)
Deputy Sheriff's Association
SEIU United Long Term Care Workers Local 6434

Authority: California Government Code Section 54957.6

County Counsel Matt Granger stated that they would be adding Sheriff Darren Thompson and Chief Probation Officer Ted Baraan to the list.

Marty Richman spoke under public comment.

No reportable action. File #235.6

- 16) **CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to subdivision (d) (2) of Government Code Section 54956.9; Number of Cases: 1

No reportable action. File #235.6

- 17) **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Title: County Administrative Officer

Authority: California Government Code 54957

This matter was continued to October 21, 2014. *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 12:56 p.m. to October 21, 2014 at 9:00 a.m.

JERRY MUENZER, CHAIRMAN
San Benito County Board of Supervisors

ATTEST:
Denise R. Thome, Clerk of the Board