



# 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 21, 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, Assistant County Counsel Barbara Thompson, and Assistant Clerk of the Board Janet Slibsager. Chair Muenzer presided.

### 9:30 a.m. CALL TO ORDER:

- a) Supervisor Barrios led the Pledge of Allegiance.

*A moment of Silence for Geoffrey "Craig" Hunt a Cal Fire Air Tanker Pilot who lost his life while fighting a wildfire near Yosemite National Park.*

- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting. (5-0)*

- c) **Public Comment:** Marvin Jones, Hollister resident, spoke in regards to how California was once the 4<sup>th</sup> Largest Economy in the world; he said we are now 8<sup>th</sup> or 9<sup>th</sup> and the United States had the largest economy in the world, he said we have dropped to 2<sup>nd</sup>. He also spoke in regards to other economic issues.

Marty Richman, Hollister resident, spoke in regards to a person who spoke at the previous meeting in regards to Measure J. He also spoke in regards to foreign oil.

- d) **Department Head Announcements:** Information only.

CAO Ray Espinosa asked to have Item #10 removed from the agenda as Assemblyman Alejo was not going to be able to attend, will hopefully reschedule for the November 4<sup>th</sup> meeting.

CAO Ray Espinosa announced that the Assessor's Office did receive acceptance in the State-County Assessors' Partnership Agreement Program and will be receiving \$450,000 over a 3 year period.

Health & Human Services Director James Rydingsword announced that they applied for a Community Development Block Grant to help and improve services for the Homeless Community in San Benito County. He said he was happy to announce that they received a letter stating that they have been awarded a grant in the amount of one and a half million dollars.

Approved by the Board of Supervisors on 1/20/15

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

Supervisor De La Cruz commended Supervisor Barrios and Mayor Velasquez for their passion in working together with Health & Human Services in regards to the homeless. He said it was nice to be able to get help for the homeless in our community.

Supervisor De La Cruz reported that he, Chairman Muenzer and Mayor Velasquez attended the acknowledgement of 3.1 million dollars presented by Congressman San Farr that was awarded by the Federal Aviation Administration to the Hollister Municipal Airport to upgrade its runways.

Supervisor Barrios thanked the community and the organizers of the Olive Festival that was held at Bolado Park, she said it was a wonderful event, excellent food and representation from the County growers and wine industry.

Supervisor Barrios congratulated all those who put the courthouse dedication together, she said it was very well attended and it will serve us well over many years to come.

Supervisor Barrios asked to get an accounting cost of the Measure J cost for this county and have a report at a later date.

CAO Ray Espinosa replied that they could get that together for a future meeting.

Chairman Muenzer reported that he attended and gave a speech at the dedication ceremony for the Courthouse and that it was well attended. He said that he also attended the Olive Festival and is an event that will continue to grow and is a great asset to the community and reported that he attended the Airport Ceremony along with Supervisor De La Cruz.

Chairman Muenzer mentioned that COG meeting staff has held their first community stake holder meeting and heard that it was an excellent meeting. He said what they are trying to do is to come up with a plan for (Hwy. 25) that is doable in a reasonable amount of time.

Chairman Muenzer said that it is important that the County have in place policies either in the general plan or code that would protect the existing recreation amenities in the County. He said that he would like full discussion at board level and would like staff to agendize this for discussion at a future meeting.

CAO Ray Espinosa said that they would agendize for a future meeting.

**CONSENT AGENDA:**

*Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios, **approved** Consent Agenda Items 1-9, with the exception of Item #6 and #7 which was pulled for discussion. (5-0)*

**AGRICULTURAL COMMISSIONER – R. Ross:**

- 1) **Approved** contract with the Department of Food & Agriculture to provide exotic pest detection services for the period of July 1, 2014 through June 30, 2015, for a total of \$46,321. **File #1.1**

**ASSESSOR'S OFFICE – T. Slavich:**

- 2) **Approved** appointment of the Computer Mapping Specialist II (.8 FTE) at Step E of Range 17.8 in the Assessor's Office, effective October 27, 2014. **File #7**

**CLERK OF THE BOARD – D. Thome:**

- 3) **Approved** the action minutes of the Board of Supervisors regular meeting of June 3, 2014.

**COUNTY ADMINISTRATION OFFICE – R. Espinosa:**

- 4) **Approved** the new guidelines of the Community Based Organizations (CBOs) application package as presented to the Board of Supervisors on 9/23/14; and **directed** the CBO Committee to invite the City of Hollister in their meetings.  
*File #119*

**HUMAN RESOURCES – G. Cochran:**

- 5) **Approved** the payment of the County's share of CalPERS contributions for the temporary Account Clerk II position in the Agricultural Commissioner's Office.  
*File #630*

**PUBLIC WORKS DEPARTMENT – J. Horwedel:**

- 6) **Approve amendment #1 to contract with M.A. Jones, Inc., dba: Cleaning Services for additional Janitorial Services in an amount not to exceed \$19,365.00, for a new contract value of \$280,005.00.**  
*Item was pulled for discussion.*  
*Supervisor Barrios pulled item for clarification to the contract amendment.*  
*Supervisor De La Cruz asked about taking it out to bid.*  
*Interim Public Works Director Joe Horwedel provided information.*  
**BOARD ACTION:** *Upon motion made by Supervisor Barrios and seconded by Supervisor Botelho, **approved** per staff recommendation. (5-0 vote) File #105.3*

**PUBLIC WORKS DEPARTMENT – J. Horwedel:**

- 7) **Find no responsive bids were received for the Veteran's Memorial Park Irrigation Project; and authorize the Interim Public Works Director to negotiate a contract.**  
*Item pulled for discussion.*  
*Supervisor Botelho pulled item to question how they were going to move forward on this item.*  
*Supervisor Barrios had a question in regards to contractors.*  
*Interim Public Works Director Joe Horwedel provided information.*  
**BOARD ACTION:** *Upon motion made by Supervisor Botelho and seconded by Supervisor De La Cruz, **approved** per staff recommendation. (5-0 vote) File #105.3*

**TREASURER/TAX COLLECTOR – M. L. Andrade:**

- 8) **Adopted Resolution No. 2014-97**, to release unclaimed checks from their respective funds to the general fund pursuant to Government Code Section 50055. *File #685.2*

**TREASURER/TAX COLLECTOR – M. L. Andrade:**

- 9) **Adopted Resolution No. 2014-88**, to transfer unclaimed check funds from their respective funds to the general fund pursuant to Government Code Section 50053. *File #685.2*

The Board adjourned for a recess at 9:35 a.m. and reconvened in to regular session at 9:42 a.m.

**REGULAR AGENDA:**

**BOARD OF SUPERVISORS:**

- 10) **Assemblyman Alejo will be giving a presentation regarding Legislative Update and the Drought.**

*Item pulled from the agenda as Assemblyman Alejo had to cancel.*

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

- 11) **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.**

Clerk/Auditor/Controller Joe Paul Gonzalez provided a PowerPoint presentation in regards to the Other Post Employment Benefits (OPEB) Bi-Annual Actuarial Valuation dated July 2013 as required by the Government Accounting Standards Board (GASB) for the current fiscal year and the next fiscal year 15-16. Information covered: What is the mission of the GASB; Why are we talking about GASB; What is OPEB; Overview-GASB 43, 45 & 57 Retiree Benefit Valuation; Benefits paid by the County; 2014 Employee Medical for hires prior to 01-01-2010; Vesting Benefit Paid by the County; San Benito County OPEB Liability; OPEB Actuarial Accrued Liability; OPEB Unfunded Actuarial Accrued Liability (UAAL) Amortization; San Benito OPEB Normal Cost; Comparative Annual Required Contributions; San Benito County Annual Required Contribution; Actuarial Report Overview.

Mr. Gonzalez said that he was before the Board today to get direction as to what discount rate the Board wishes to use for the OPEB plan. He said it is a Board decision as to whether we stick with the 7.61 at this time or to take some proactive measures and choose one of the lower discount rates.

Discussion ensued by Board and staff.

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

Mr. Gonzalez provided his opinion as being the conservative position from a financial stand point; he said the CAO has to take a position on what we can afford from the budget perspective. He said the whole idea here is to make a decision for the FY 2015/2016, he said so there is time to make this decision and that it may be more appropriate to go forward with this decision during the budget process.

CAO Ray Espinosa said that he would prefer waiting and deferring the decision by the Board at one of our budget hearing meetings, we may have a better idea in a few months from now.

The consensus of the Board was to wait until budget hearings to discuss further. *File #608*

**COUNTY COUNSEL – M. Granger:**

- 12) Read title of ordinance for the record, “An Urgency Ordinance Adding Article VII “Tree Protection” to Chapter 25.29 “General Requirements” of Title 25 (“Zoning”) of the San Benito County Code Establishing A Moratorium on Cutting of Protected Trees to Protect and Preserve Mature Trees in the Urban Area of San Benito County”; make CEQA Findings Set forth on Exhibit “A” to the AIT; accept introduction and waive further reading of ordinance; and adopt an Urgency Interim Ordinance, establishing a moratorium on cutting trees 8 inches or greater in diameter, in the Urban Area (the RM and R-1 Zones) of San Benito County. (4-5 vote) (Ord. No. 929)

Assistant County Counsel Barbara Thompson provided information in regards to the urgency ordinance “Tree Protection” for 45 days. She provided the proposed change to exemption language and provided a handout with the changes if the Board wishes to adopt.

Chair Jerry Muenzer opened public comment period.

Those speaking from the public were: Tarasa Bettencourt, Hollister resident; Patty Speirs, Hollister resident; Victor Gomez, Hollister resident; Fedele Scornzienchi, Hollister resident; Carolyn Folmar, Hollister resident; Marty Richman, Hollister resident; Peggy Churchill, Hollister resident; Mel Tungate, Hollister resident; Dennis Dillon, Hollister resident; Eric Boyd, Ridgemark Golf Superintendent; Robert Carpenter, Hollister resident; Herman Fehl, Hollister resident; John Prichett, Hollister resident; Jack Markle, Hollister resident; Alex Kehriotis, President Ridgemark Golf course; John Kehriotis, Manager of Ridgemark Golf course; Stephen Mills, Hollister resident; John Bessa, Hollister resident; Pamela Kovavich, Hollister resident; Yolanda Gale, Hollister resident; Charles (Chuck) Kayser, Vice-president Ridgemark Homes Association; Richard Bettencourt, Hollister resident.

Chair Jerry Muenzer closed public comment period.

Discussion ensued by Board of Supervisors and staff.

Supervisor Rivas mentioned that he had no problem in moving forward with this ordinance it is for 45 days and we need to tackle this, he said we need to work together.

Supervisor Botelho said he supports the urgency ordinance but everyone needs to work together.

Supervisor De La Cruz thanked all the citizens for coming and sharing their thoughts. He said that we need to work together and feels that this issue is political.

Supervisor Barrios said that she can support moving forward only if she can be assured that there will be no liability to the County or cost to the County within those 45 days.

**BOARD ACTION:** Upon motion made by Supervisor Botelho and seconded by Supervisor De La Cruz, **adopted Urgency Ordinance No. 929** adding Article 7 to the “Tree Protection” to Chapter 25.29 “General Requirements” of Title 25 (“Zoning”) of the San Benito County Code Establishing a Moratorium on Cutting of Protected Trees to Protect and Preserve Mature Trees in the Urban Area of San Benito County” with the change of the penalties to make it an infraction and the incorporated modified language that was passed out. (4-1) Barrios voted no. (File #160)

(The Board adjourned for lunch and reconvened at 1:30 p.m.)

**PLANNING DEPARTMENT – B. Turner:**

- 13) **Make 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; adopt 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 (Ord. No. 930)**

Interim Planning Director Byron Turner provided information in regards to the proposed ordinance. He said that we will be buying the mineral rights and it is a safety net.

Those speaking from the public were Marty Richman, Hollister resident said that he supports this ordinance, opposes Measure J.

**BOARD ACTION:** *Upon motion made by Supervisor Rivas and seconded by Supervisor Botelho, approved per staff recommendation; **adopted Ordinance 930**, 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. (4-1 vote) Barrios voted no. (File #790)*

*The Board adjourned into closed session at 1:37 p.m. and reported out at 3:24 p.m.*

**CLOSED SESSION:**

- 14) **CLOSED SESSION-CONFERENCE WITH LABOR NEGOTIATORS**  
Agency designated representatives: Allyson Hauck, Ray Espinosa, Joe 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. (5-0 vote) (File #235.6)**
- 15) **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. (5-0 vote) (File #235.6)**

16) PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Title: County Administrative Officer  
Authority: California Government Code 54957  
**No reportable action. (5-0 vote) (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 3:25 p.m. to November 4, 2014 at 9:00 a.m.

**JERRY MUENZER, CHAIRMAN**  
San Benito County Board of Supervisors

**ATTEST:**  
Janet Slibsager, Asst. Clerk of the Board