



# 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 NOVEMBER 4, 2014 ACTION MINUTES

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

### 9:00 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.*
- c) **Public Comment:**  
Those speaking under public comment were Marty Richman and Marvin Jones.
- d) **Department Head Announcements:**  
Behavioral Health Director Alan Yamamoto gave an update on the non-emergency ambulance service.  
Clerk-Auditor-Recorder Joe Paul Gonzalez noted that it was Election Day and announced that the election facility would be at the Hall of Records. He presented a diagram that depicted how ballots would be brought into the facility to ensure accountability for all the ballots. He predicted a higher voter turnout.
- e) **Board Announcements:**  
Supervisor Botelho expressed hope that people would take the time to vote, noting that it was an important election for a number of reasons. He noted that next week was Veteran's Day and asked all to thank a vet for their sacrifice so we can vote.  
Supervisor Barrios spoke of honoring the vets in the county and the nation, noting the veterans in her family. She reminded people to vote.  
Supervisor Rivas reported that the Gray Water Committee met regarding a gray water ordinance and a landscaping ordinance and commented that it was going to take some time. He added that the two ordinances would save a lot of water in the county and the city. He urged everyone to vote, stressing the importance of voting.

Supervisor De La Cruz commended the Boy Scouts of America for the beautiful sign they created for Vet's Park honoring the veterans. He spoke of the importance of Veterans' Day.

Chairman Muenzer thanked the veterans and announced that a ceremony at the Vet's Building would start at 11:11 a.m. and the parade would begin at 1:00 p.m. He thanked people for taking the time to vote. He commented that after the election, the community needed to come back together noting some diverse things on the ballot.

#### **CONSENT AGENDA:**

*Upon motion made by Supervisor De La Cruz and seconded by Supervisor Rivas, **approved** Consent Agenda items with the exception of items 3, 4, 9, 12 and 13 which were pulled for discussion. (Unanimous)*

#### **BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:**

- 1) **Approved** the County Behavioral Health Department's FY 2014-15-16-17 Mental Health Services Act, 3 Year Plan and submission to the Mental Health Services Act Oversight and Accountability Commission; **authorized** the County Behavioral Health Director to sign; and **authorized** the County Auditor upon Auditors approval signing of the MHSA Plan Auditor's Fiscal Certification. *File #810*

#### **BOARD OF SUPERVISORS:**

- 2) **Approved** Certificate of Recognition for Bonnie Mahler for her Contribution and Service on the Aromas Water District Board, to be presented at a later date by Supervisor Botelho. *File #156*

#### **BOARD OF SUPERVISORS:**

- 3) **Approve Proclamation declaring November 13, 2014 as National Philanthropy Day in San Benito County, to be presented at a later date.**

Supervisor Barrios noted that the recommended action on the AIT states November 15<sup>th</sup> for the event and it should be November 13<sup>th</sup>.

*Upon motion made by Supervisor Barrios and seconded by Supervisor Botelho **approved** proclamation declaring November 13, 2014 as National Philanthropy Day in San Benito County, to be presented at a later date. (Unanimous) File #430*

#### **CLERK OF THE BOARD – D. Thome:**

- 4) **Approve the action minutes of the August 5, 2014 regular meeting and the September 23, 2014 regular meeting.**

Supervisor Barrios noted the wording stated improved and should be approved on number 20 of the August 5<sup>th</sup> minutes needed to be changed.

*Upon motion made by Supervisor Barrios and seconded by Supervisor Botelho **approved** the action minutes of the August 5, 2014 regular meeting and the September 23, 2014 regular meeting, with changes. (Unanimous)*

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

- 5) **Approved** contract with Hayashi Wayland, LLP for assistance in preparation of the County's Comprehensive Annual Financial Report; **approved** the transfer from General Fund Contingency to augment the County Auditor's Budget in the amount of \$60,000. (4/5 vote) *File #608*

**COUNTY COUNSEL – B. Thompson:**

- 6) **Approved** Amendment No. 1 to the contract with Ray Espinosa County Administrative Officer effective November 4, 2014 through November 4, 2017. *File #160*

**HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:**

- 7) **Adopted Resolution No. 2014-89 authorizing** closure of all Public Health Divisions on November 20, 2014 from 8:00 a.m. to 5:00 p.m. to conduct state mandated emergency exercises, said closure to include the Public Health Department at 439 Fourth Street, Emergency Medical Services and Environmental Health offices located at 1111 San Felipe Road. *File #130*

**HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:**

- 8) **Appointed** Ms. Michelle J. Ramirez to the Workforce Investment Board for the period of November 4, 2014 through November 4, 2017. *File #130*

**INTEGRATED WASTE MANAGEMENT – M. Rose:**

- 9) **Approve contract with California Product Stewardship Council in the amount of \$56,669.00 for Grant Management Services for CalRecycle Grant HD23, Household Hazardous Waste Grant FY 2014/2015.**

Chairman Muenzer stated that attachment A is work to be done and he wanted more detail on what they would be doing for us.

Integrated Waste Manager Mandy Rose stated that they would help them contract business and do outreach with media regarding the collection of batteries, fluorescent tubes and gas cylinders. She noted that public education was a component and they would have a collection station so they don't have to wait until the third Saturday of each month.

*Upon motion made by Supervisor Botelho and seconded by Supervisor Barrios, approved contract with California Product Stewardship Council in the amount of \$56,669.00 for Grant Management Services for CalRecycle Grant HD23, Household Hazardous Waste Grant FY 2014/15. (Unanimous) File #75.4*

**LIBRARY – N. Conte:**

- 10) **Authorized** the County Librarian to complete and return the "Letter of Agency" to the California State Library for participation in the Corporation for Education Network Initiatives in California (CENIC) E-Rate Consortium. *File #80*

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

- 11) **Approved** 60 month lease contract with Pitney Bowes through 2019, in the amount of \$603/year, for a total lease amount of \$3,015. *File #105.3*

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

- 12) **Authorize the issuance of a purchase order to My Chevrolet of Salinas for the purchase of a fleet van, in an amount not to exceed \$30,244.45; and authorize the Interim Public Works Director to sign.**

Supervisor De La Cruz asked why not go to a local vendor.

Interim Public Works Director Joe Horwedel explained that they tried talking to the local dealership, Greenwood Chevrolet, and they couldn't achieve the price.

Supervisor De La Cruz spoke of the 5% allowance for local vendors and if that would make the difference.

Mr. Horwedel stated that My Chevrolet beat the state price by \$400 and Greenwood Chevrolet couldn't come close to beating it. He suggested that they could defer the matter to December 2<sup>nd</sup> and see if the 5% makes a difference.

Speaking under public comment was Marty Richman, asking about the sales tax.

*Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios, **continued** the matter to December 2, 2014 to get more information. (Unanimous) File #105.3*

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

- 13) **Approve contract with Brigantino Irrigation, Inc. for the Veteran's Memorial Park Irrigation project, in the amount of \$46,500, effective November 4, 2014 and authorize the Interim Public Works Director to execute the contract and issue change orders, in an amount not to exceed \$4,655.**

Chairman Muenzer recused himself from this matter as it involved someone that was involved in his campaign.

Supervisor De La Cruz asked what was different and what had changed.

Interim Public Works Director Joe Horwedel explained that they did a short bid window, a decision made as staff. He added that they reached out to all local companies. He explained why they did what they did with the bid process.

Supervisor De La Cruz asked if they gave other vendors an equal opportunity.

Mr. Horwedel explained that staff member Arman Nazemi called around to see if they were interested and that the electrical portion was only about \$2,000 out of \$45,000. He indicated that it was a high overhead piece of work. He noted that they had promised we would be off City water by the end of the year and he wanted to meet that promise.

Supervisor Barrios indicated that the resolution says it's a sealed bid but it isn't.

Mr. Horwedel suggested wording for the record.

Supervisor Barrios asked if County Counsel was okay with that.

Deputy County Counsel Shirley Murphy replied yes.

Speaking under public comment was Marty Richman.

*Upon motion made by Supervisor De La Cruz and seconded by Supervisor Botelho, **approved** contract with Brigantino Irrigation, Inc. for the Veteran's Memorial Park Irrigation project, with amendments to contract in paragraph 4, in the amount of \$46,550, effective November 4, 2014 and **authorized** the Interim Public Works Director to execute the contract and issue change orders, in an amount not to exceed \$4,655.(Unanimous) File #105.3*

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

- 14) **Adopted Resolution No. 2014-90 approving** the Right-of-Way Agreement and **accepting** the Grant Deeds and easement grants for the purchase of real property for the road right-of-way easements for the Union Road Bridge project; and **authorized** payment of \$9,300 to San Benito County Water District and associated escrow fees for the purchase of road right-of-way. *File #105*

#### **SHERIFF'S OFFICE – D. Thompson:**

- 15) **Received** report in regards to Inmate Welfare Expenditures for FY 2013-14. *File #110*

**SHERIFF'S OFFICE – D. Thompson:**

- 16) **Approved** contract with Executive Information Services, Inc., for maintenance services for the period of July 1, 2014 through June 30, 2015, in the amount of \$14,074.50. *File #110*

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

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

- 17) **Conduct a Public Hearing to consider names for the new frontage road; and adopt Resolution naming the new frontage road as Red Barn Road. (Res. No. 2014-91)**

Interim Public Works Director Joe Horwedel gave a staff report.

Discussion was had among board members and staff.

Chairman Muenzer opened the public hearing.

Manuel Del Gadillo, vice president of Stage Coach, gave a history of the building and felt it was only fair that the name of the road be Big Red Barn.

Chairman Muenzer closed the public hearing.

*Upon motion made by Supervisor Botelho and seconded by Supervisor De La Cruz, adopted Resolution No. 2014-91 naming the frontage road as Red Barn Road. (Unanimous) File #105*

**REGULAR AGENDA:**

**PLANNING DEPARTMENT – B. Turner:**

- 18) **Receive progress report on the General Plan Update.**

Michael Groves, President of EMC, passed out a handout and went over the chronological progress listed in the handout.

Discussion ensued including subject matters of the San Benito County Model, the AMBAG model, Highway 25 and other matters.

Mr. Groves apologized for being three months behind schedule.

Supervisor Botelho noted that a lot of people needed the General Plan done. He suggested trimming time in any areas that they could.

Speaking under public comment was Marty Richman.

Supervisor Botelho hoped that staff could look into trimming the timeline as they had many constituents that have jobs on hold. *File #790*

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

- 19) **Adopt Resolution approving the collective bargaining agreement between the County of San Benito and the Law Enforcement Management Unit; authorize the County Administrative Officer and County Auditor to take the necessary administrative actions appropriate to effectuate the purpose and intent of this action including signing the final MOU Agreement; and authorize the County Administrator or his/her designee to make any technical edits as later identified.**

**(Res. No. 2014-92)**

County Administrative Officer Ray Espinosa gave a staff report and thanked staff and LEM.

Upon motion made by Supervisor Barrios and seconded by Supervisor Rivas **adopted Resolution No. 2014-92 approving** the collective bargaining agreement between the County of San Benito and the Law Enforcement Management Unit; **authorized** the County Administrative Officer and County Auditor to take Necessary administrative actions appropriate to effectuate the purpose and intent of this action including signing the final MOU agreement; and **authorized** the County Administrator or his/her designee to make any technical edits as later identified. (Unanimous) File #119

#### **HUMAN RESOURCES - G. Cochran:**

- 20) **Adopt Resolution adding LEM as a separate unit for health insurance contributions and fixing the employer's contribution under the Public Employees' Medical and Hospital Care Act only with respect to members of the Law Enforcement Management (LEM) unit; and fix the employer's contribution at an amount at or greater than that prescribed by Section 22892(b) of the Government Code. (Res. No. 2014-93)**

Interim Human Resources Director Georgia Cochran gave a staff report.

Upon motion made by Supervisor Botelho and seconded by Supervisor Rivas, **adopted Resolution No. 2014-93 adding LEM as a separate unit for health insurance contributions and fixing** the employer's contribution under the Public Employees' Medical and Hospital Care Act only with respect to members of the Law Enforcement Management (LEM) unit; and **fix** the employer's contribution at an amount at or greater than that prescribed by Section 22892(b) of the Government Code. (Unanimous) File #630

#### **HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:**

- 21) **Approve FY 2014/2015 Budget Augmentation and Transfer of \$948,199 for Community Services and Workforce Development Activities; and add 1.0 FTE Integrated Case Worker I to the Schedule of Authorized positions for budget #584. (4/5 vote)**

Health and Human Services Agency Director Jim Rydingsword gave a staff report and explained the five grants involved and the additional staff person requested.

Discussion ensued between board members and staff.

Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios, **approved** FY 2014/2015 Budget Augmentation and Transfer of \$948,199 for Community Services and Workforce Development activities; and **add** 1.0 FTE Integrated Case Worker 1 to the Schedule of Authorized positions for budget #584 (4/5 vote) (Unanimous) File #939

The Board adjourned at 11:06 a.m. for a break and reconvened into regular session at 11:11 a.m.

#### **OFFICE OF EMERGENCY SERVICES – K. O'Neill:**

- 22) **Receive presentation on the activities, achievements, and working project of San Benito County Office of Emergency Services.**

Emergency Services Manager Kevin O'Neill gave a PowerPoint presentation which gave an update on what they're doing. He introduced Kristann Mangano who was just hired in his department.

Discussion ensued between Board members and staff. File #1068

**PROBATION DEPARTMENT – R. Ted Baraan:**

- 23) **Authorize the Probation Department and Public Works to explore feasibility of application for San Benito regarding SB 81 Funding for the construction of a new Juvenile Hall.**

Chief Probation Officer Ted Baraan gave a staff report. He spoke of what it would take to apply for the grant and how far behind they would be if starting now.

Discussion ensued between Board members and staff.

Speaking under public comment was Marty Richman.

No action was taken. *File #510*

*The Board adjourned for lunch at 12:02 p.m. and reconvened into regular session at 1:33 p.m. Supervisor De La Cruz left the meeting at 12:02 p.m. and did not return for the rest of the meeting.*

*The Board adjourned into closed session at 1:34 p.m. and reconvened into regular session at 2:47 p.m.*

**CLOSED SESSION:**

- 24) **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)**
- SEIU United Long Term Care Workers Local 6434**
- Deputy Sheriff's Association**
- Confidential/Confidential Management**
- Department Heads**
- Unrepresented Employees**

**Authority: California Government Code Section 54957.6**

*No reportable action . File #235.6*

- 25) **Conference with Legal counsel-Existing Litigation**  
**Subdivisions (a) and (d)(1) of Section 54956.9**  
**Name of Case: Center for Biological Diversity v. San Benito County, et.al.**  
**Superior Court of California, County of Monterey, Case No. M123956**  
**(Citadel Exploration, Inc.-Real party in Interest).**

*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 2:50 p.m. to December 2, 2014 at 9:00 a.m.

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

**ATTEST:**  
Denise R. Thome, Clerk of the Board