



# 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 DECEMBER 2, 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 Rivas led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*

- c) **PRESENTATIONS:**

**BOARD OF SUPERVISORS:**

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

Assemblyman Alejo gave a PowerPoint presentation updating legislation and the drought.

Board members thanked Assemblyman Alejo. *File #156*

- d) **Public Comment:**

Al De Vos, Gang Prevention Coordinator, acknowledged Supervisors De La Cruz and Rivas that sit on the committee and presented them with certificates.

Marvin Jones spoke of the Las Valientes hearing that was going on and noted that if the county loses they will have to pay for ten years of legal fees. He spoke of potential lawsuits for Measure J.

Margaret Rebecchi thanked the Registrar of Voters Office for having Spanish speakers.

Andy Hsia-Coron, an active member of the Measure J Campaign, thanked Supervisors Rivas and Botelho for supporting their measure. He added that it was a tribute to the power of democracy and felt confident that the county could defend Measure J.

e) **Department Head Announcements:**

County Administrative Officer Ray Espinosa noted that Administration was requesting to move item #23 from consent to regular agenda. He stated that there were a few corrections to item #15 and that item would be pulled. He stated that item #14 had a typo in which it should be code 03 instead of code 01. He indicated that they were not pulling the item, but instead were reading the corrections for the record.

Health and Human Services Agency Director Jim Rydingsword reported that they were awarded a three year grant of \$500,000 for tenant based rental assistance.

Supervisor Botelho asked how people would apply.

Mr. Rydingsword stated that they would need to contact CSWD.

Behavioral Health Director Alan Yamamoto reported that in regards to Emergency Service Transportation he did research on ambulance providers and had also met with Ken Underwood of Hazel Hawkins Hospital. He added that he was not aware of the issue with the ambulance provider for those with medical problems. He stated that the problem was two-fold and shared. He indicated that Hazel Hawkins Hospital was to speak with American Medical Response (AMR) to find out the cost to get lower emergency transportation. He added that they did not have this problem in previous years and it was hard to find a way to get money to pay additional.

Further discussion ensued.

Sheriff Thompson reminded the Board of the desperate staffing levels in their office. He indicated that he would be returning with an agenda item.

Supervisor Botelho stated that they were fully aware of the staffing challenges and it needed to be a priority. He suggested the sheriff agendize the matter for the December 16<sup>th</sup> meeting or the first meeting in January. He expressed that he was glad Assemblyman Alejo was there to hear it.

Supervisor De La Cruz expressed support and felt they should move forward.

Supervisor Rivas expressed appreciation for Sheriff Thompson's comments and felt it absolutely necessary for the County Administrative Office to be involved as there's also a fiscal component and the question of "can we do it?" He noted that overtime has always been a significant issue. He felt they had to do something but that it had to be fiscally responsible.

Chairman Muenzer expressed support and felt they should use retired and reserve deputies.

CAO Espinosa stated that he would work with the Sheriff and have an agenda item either December 16 or the first meeting in January.

f) **Board Announcements:**

Supervisor Rivas stated that he would like an update from the City regarding the state of our fire department. He indicated that he was getting questions that he could not answer. He felt the City needed to step up to the plate. He commented that he was starting to think the contract was a big mistake.

Supervisor De La Cruz stated that La Catrina had their grand opening on Sunday and he wished them success. He noted tax dollars for the community.

Supervisor Barrios reported on the Pajaro River Watershed Prevention Authority's activities.

Supervisor Botelho stated that his commissioner, Jim West, from the Parks and Recreation Commission was resigning and he wished him the best of luck as

a Councilman in San Juan Bautista. He noted that the Fire Protection Committee receives reports from the Fire Chief. He added that there was talk last month of starting a JPA. He indicated that they were also working on an equipment breakdown in the department as he felt they should be more informed. He felt it should absolutely be agendized for the first part of the coming year.

Chairman Muenzer stated that he would like to see it agendized early next year and wanted an update from the City of Hollister on their status. He reported that he had been nominated and voted as the next president of AMBAG.

#### **CONSENT AGENDA:**

*Upon motion made by Supervisor De La Cruz and seconded by Supervisor Rivas, **approved** Consent Agenda Items with the exception of items 11, 15 and 23 which were pulled for discussion. (Unanimous)*

#### **ADMINISTRATIVE OFFICE – R. Espinosa:**

- 1) **Adopted Resolution No. 2014-94 approving** a new collective bargaining agreement between the County of San Benito and the Management Employees Group; **authorized** 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 and **authorized** the County Administrator or his/her designee to make any technical edits as later identified. *File #119*

#### **ADMINISTRATIVE OFFICE – R. Espinosa:**

- 2) **Reviewed** and **adopted** revised Use Policy for the Board of Supervisors Chambers and all County conference rooms effective January 1, 2015. *File #156*

#### **ASSESSOR'S OFFICE – T. Slavich:**

- 3) **Approved** the adjustment to the Schedule of Authorized Positions for the Computer Mapping Specialist from .80 FTE to 1.00 FTE; **approved** the budget augmentation to accept grant award of \$150,000 from the State County Assessor's Partnership Agreement Program (SCAPA); **approved** the budget augmentation related to the acceptance of the grant and **directed** the County Auditor to set-aside unspent SCAPA funds at the end of each fiscal year, to be available for the next fiscal year's budget. (4/5 vote) *File #7*

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

- 4) **Approved** the hiring of a Behavioral Health Clinical Supervisor at range 27.7, Step F. *File #810*

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

- 5) **Approved** facility Amendment to Lease Agreement for 544 San Benito Street, Suite 102, Hollister, CA 95023 for the term of December 1, 2014 to November 30, 2019. *File #810*

#### **COUNTY CLERK-AUDITOR-RECORDER – J. P. Gonzalez:**

- 6) **Adopted Resolution No. 2014-95 accepting** the certified statement of election results for the November 4, 2014 Statewide General Election and **authorized** Chair to sign. *File #285*

**COUNTY CLERK-AUDITOR-RECORDER – J. P. Gonzalez:**

- 7) **Approved** contract with K&H Printing to provide election services in a total lump sum of \$124,941.96. *File #285*

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

- 8) **Approved** Hospital Preparedness Program's (HPP) Healthcare Coalition Memorandum of Understanding between San Benito County, San Benito County Office of Emergency Services, San Benito County Emergency Medical Services, San Benito Health Foundation and Hazel Hawkins Memorial Hospital for collaboration during a wide disaster and **authorized** the director of H&HSA to sign said MOU. *File #30*

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

- 9) **Adopted Resolution No. 2014-96 approving** and **authorizing** submission of the 2014 Emergency Solutions Grant application and **authorizing** the HHSA Director to accept the grant through the California Department of Housing and Community Development in the amount of \$175,000. *File #130*

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

- 10) **Approved** contract with National Council on Crime and Delinquency (NCCD) for internet access to SafeMeasures from January 1, 2015 to December 31, 2016 in the amount of \$12,000. *File #130*

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

- 11) **Authorize the Health and Human Services Agency Director, or designees to accept donations, monetary and non-monetary to be used for the benefit of the Agency's Clients through various programs, including but not limited to Protective Services, the Winter Shelter Program (Homeless), CalWorks, the One-Stop Career Center, Adolescent Family Life Program, Cal Learn and the Great Beginnings.**

Supervisor Barrios stated that she pulled the item as she had discussed with Jim Rydingsword about getting a report of donations at the end of the year.

Mr. Rydingsword stated that he would be happy to do that and added that he was trying to get it more organized.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas **authorized** the Health and Human Services Agency Director, or designees to accept donations, monetary and non-monetary to be used for the benefit of the Agency's Clients through various programs, including but not limited to Protective Services, the Winter Shelter Program (homeless), CalWorks, the One-Stop Career Center, Adolescent Family Life Program, Cal Learn and the Great Beginnings and **directed** the HHSA Director to provide a yearly report of contributions received. (Unanimous) File #130*

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

- 12) **Approved** contract with the California Department of Social Services (CDSS) Adoptions Unit for adoptions services for the period of July 1, 2014 to June 30, 2015, in the amount of \$44,978. *File #130*

**HUMAN RESOURCES – G. Cochran:**

- 13) ***Adopted Resolution No. 2014-97*** fixing the employer's contributions under the Public Employees' Medical and Hospital Care Act only with respect to members of the Management Employees Group and the unrepresented groups and fix the employer's contribution at an amount at or greater than that prescribed in Section 22892(b) of the Government Code. *File #630*

**HUMAN RESOURCES – G. Cochran:**

- 14) ***Adopted Resolution No. 2014-98*** for Employer-Paid Member Contributions for Miscellaneous Employees represented by MEG and for those in the Confidential, Confidential Management, Appointed Department Heads, and other Unrepresented employees with the California Public Employees Retirement. *File #630*

**HUMAN RESOURCES – G. Cochran:**

- 15) **Approve paid closure days for unrepresented employees and adopt a resolution of county schedule of office hours/closures for FY 2014-15 Holiday closure period. (Res. No. 2014-99)**

Interim Human Resources Director Georgia Cochran explained that they revised Exhibit A and that Eligibility and Food Stamps would be open for the holiday.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas, approved paid closure days for unrepresented employees and adopted Resolution No. 2014-99 of county schedule of office hours/closures for FY 2014-15 Holiday closure period. (Unanimous) File #630*

**HUMAN RESOURCES – G. Cochran:**

- 16) ***Adopted*** Class Specification Revisions for Agricultural Commissioner/Sealer of Weights and Measures. *File #630*

**HUMAN RESOURCES – G. Cochran:**

- 17) ***Adopted*** new class specification for Information Technology Supervisor with a salary range of 28.8 and ***added*** to the Authorized Position Schedule; and ***added*** the Database Administrator (+1.00 FTE) with a salary of 23.1 to the Authorized Position Schedule and ***eliminated*** (-1.0 FTE) Information Technology Support Technician III and ***re-classified*** the incumbent in that position. *File #630*

**PLANNING & BUILDING DEPARTMENT – B. Turner:**

- 18) ***Approved*** the Amendment No. 1 to contract with Aspen Environmental Group, in an additional amount of \$41,800 for a total contract amount not to exceed \$156,800 for preparation of a Supplemental Environmental Impact Report for the Panoche Valley Solar Project (PVSP) and ***authorized*** the Planning Director to approve minor contract amendments, increasing the 10% contingency amount by \$2,330 not to exceed \$13,830. *File #790*

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

- 19) ***Adopted Resolution No. 2014-100*** approving the Right-of-Way Agreement and ***accepting*** the Grant Deeds and easement grants for the purchase of real property for the Union Road Bridge Project and ***authorized*** payment of \$2,500 to Granite Rock for associated escrow fees for the purchase of right-of-way. *File #105*

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

- 20) **Approved** Contract Amendment #1 with Associated Right of Way Services **increasing** existing contract by \$26,500 for a total contract value not to exceed \$146,300 related to Union Road Bridge Project 2102-695. *File #105*

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

- 21) **Authorized** the issuance of a purchase order to Downtown Ford Sales of Sacramento for the purchase of one mechanic truck, not to exceed \$119,431.37 and **authorized** the Public Works Director to sign the purchase order. *File #105*

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

- 22) **Authorized** the issuance of a purchase order to Riverview International Trucks, LLC of Sacramento for the purchase of one water truck not to exceed \$151,678.00 and **authorized** the Public Works Director to sign the purchase order. *File #105*

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

- 23) **Authorize the issuance of a purchase order to My Chevrolet of Salinas for the purchase of one fleet van not to exceed \$30,244.45 and authorize the Public Works Director to sign the purchase order.**

Interim Public Works Director Joe Horwedel explained the bid process and GSA contracts. He stated that My Chevrolet beat the GSA price by several hundred dollars and that the sales tax part of the purchase goes back to the county because the vehicle is registered here.

Supervisor De La Cruz asked if they told Greenwood Chevrolet about the flexibility.

Mr. Horwedel stated that he informed Greenwood that they would get a 5% local preference.

*Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Botelho, **authorized** the issuance of a purchase order to My Chevrolet of Salinas for the purchase of one fleet van not to exceed \$30,244.45 and **authorized** the Public Works Director to sign the purchase order. (Unanimous) File #105*

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

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

- 24) **Hold a Public Hearing to consider and adopt a resolution authorizing the annual levying of a special tax within the Creekside 6 subdivision which has been approved for annexation into CSA 55. (Res. No. 2014-101) (Res. No. 2014-102)**

Interim Public Works Director Joe Horwedel gave a staff report.

Chairman Muenzer opened the public hearing.

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

Assistant County Counsel Barbara Thompson stated that the special election ballot was received and would be presented to the County Clerk, Joe Paul Gonzalez, to certify.

Upon motion duly made by Supervisor Barrios and seconded by Supervisor De La Cruz, **made** CEQA findings set forth in Attachment "A" and **adopted Resolution No. 2014-101 declaring** intent to levy special tax, **approving** mailed ballot election, and taking other related action. (Unanimous)

Upon motion duly made by Supervisor Barrios and seconded by Supervisor Botelho, **adopted Resolution No. 2014-102 declaring** election results, **establishing** appropriations limit, **ordering** levy of special tax commencing in FY 2015/2016 as may be determined from time to time by the Board and taking other related action and **approved** Owner's Covenant and Irrevocable Agreement to Annex to the City of Hollister. (Unanimous) File #730

The Board adjourned for lunch at 11:55 a.m. and reconvened into regular session at 1:30 p.m.

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

- 25) **Approve final map for TSM 08-79, Tract No. 311 commonly known as Creekside 6 Subdivision done by Stonecreek Properties, aka Anderson Homes, Inc.**

Interim Public Works Director Joe Horwedel gave a staff report.

Chairman Muenzer opened the public hearing.

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

Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Botelho, **approved** final map for TSM 08-79, Tract No. 311 commonly known as Creekside 6 Subdivision done by Stonecreek Properties, aka Anderson Homes, Inc. (Unanimous) File #105.3

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

**COUNTY COUNSEL – M. Granger:**

- 26) **Hold a Public Hearing to consider and adopt an interim Ordinance, to extend the temporary moratorium adopted on October 21, 2014 on cutting of protected trees in the urban area of San Benito County for an additional 10 months and 15 days. (Ord. No.931)**

Barbara Thompson, Assistant County Counsel gave a staff report and suggested adding exemption J.

Chairman Muenzer opened the public hearing.

Those speaking under public comment were; Bill Healy, Carol Dutra, Jack Murphy, Alex Kheriotis, John Kheriotis, Fedelo Scornaienchi, Tarasa Bettencourt, Peggy Churchill, Chuck DeVita, Rich Brem, Pamela Kovacich, Eric Boyd, Mel Tungate, Yolanda Gale, Sharol Bernardo, Stephen Mills, Shirley Murphy (who disclosed that she was not speaking in her official capacity as deputy County Counsel but rather in regards to her personal constituent rights), and Marvin Jones.

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

Ms. Thompson read the title of the ordinance into the record, noting one reference to 868 which should be 929.

Discussion ensued between board members and staff.

Supervisor Barrios moved to, per staff recommendation, adopt Ordinance 931 with change of additional 90 days. Supervisor Botelho seconded the motion.

Ms. Thompson added that it would change to 10 months, 15 days to reflect 90 days.

Supervisor Rivas stated that he could not support.

The motion failed 2-3 with Supervisors Rivas, De La Cruz and Muenzer voting no.

*Upon motion duly made by Supervisor Rivas and seconded by Supervisor De La Cruz, per staff recommendation **adopted Ordinance No. 931** with the **amendment** of the addition of exemption J, **directed** staff to come back in 90 days or less with a permanent ordinance. (The motion passed 4 to 1 with Supervisor Barrios voting no.) File #160*

## **REGULAR AGENDA:**

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

- 27) **Acknowledge Waste to Energy, LLC as a successful respondent to the Request for Proposal process on the Resource Recovery Park project; and create an Ad Hoc Subcommittee to initiate negotiations with Waste To Energy, LLC.**

Integrated Waste Management Director Mandy Rose gave a staff report and requested that an ad hoc committee be created.

Supervisor Barrios stated that this is what we wanted to see happen with the Resource Recovery Park.

Supervisor Botelho concurred and expressed that there is a need for these facilities.

Chairman Muenzer created an ad hoc sub-committee to initiate negotiations with Waste to Energy, LLC and appointed himself and Supervisor Barrios. *File #142*

### **BOARD OF SUPERVISORS:**

- 28) **Receive overview information from Supervisor Margie Barrios on the Annual 2014 CSAC Conference.**

Supervisor Barrios gave a report on the 120<sup>th</sup> annual CSAC Conference. *File #156.*

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

- 29) **Approve Organizational Changes to Health and Human Services Agency as indicated in staff report.**

Health and Human Services Director Jim Rydingsword gave a PowerPoint presentation on the two phases of re-organization of the Health and Human Services Agency.

There was no public comment.

*Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Barrios, **approved** organizational changes to the Health and Human Services Agency as indicated in the staff report. (Unanimous) File #130*



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

- 30) **Approve contract for Emergency Medical Services (EMS) Medical Director, effective December 1, 2014 through November 30, 2015, not to exceed \$71,000.**

Health and Human Services Agency Director Jim Rydingsword gave a staff report.

Discussion ensued between board members and staff.

There was no public comment.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor De La Cruz, **approved** contract for Emergency Medical Services (EMS) Medical Director effective December 1, 2014 through November 30, 2015, not to exceed \$71,000. (Unanimous) File #130*

The Board adjourned into Closed Session at 2:38 p.m. and reconvened into regular session at 5:09 p.m. Supervisor Rivas left the meeting at 4:45 p.m.

**CLOSED SESSION:**

- 31) **Public Employee Performance Evaluation.**  
**Title: Agricultural Commissioner and Sealer of Weights and Measures**  
**Authority: Government Code Section 54957**  
*No reportable action. File #235.6*
- 32) **Conference with Legal Counsel-Anticipated Litigation**  
**Initiation of litigation pursuant to subdivision (d)(4) of Section 54956.9:**  
**Number of Cases: (1)**  
*No reportable action. File #235.6*
- 33) **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*
- 34) **Conference with Legal Counsel – Anticipated Litigation**  
**Significant exposure to litigation pursuant to subdivision (d)(2), (e)(2), (e)(3) of Government Code Section 54956.9. Number of Cases: 1**  
**Facts and circumstances justifying Closed Session: Receipt of letter from Citadel Exploration Inc. dated November 6, 2014, passage of Measure J, and the October 21, 2014, adoption of the Measure J Implementing Ordinance.**  
*No reportable action. 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 5:11 p.m. to December 16, 2014 at 9:00 a.m.

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

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