



SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios
District No. 1
Chair

Anthony Botelho
District No. 2

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4
Vice-Chair

Jaime De La Cruz
District No. 5

County Administration Building – Board of Supervisors Chambers, 481 Fourth Street, Hollister, California

REGULAR MEETING DECEMBER 16, 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 for the morning session and Clerk of the Board Denise Thome for the afternoon session. Chair Muenzer presided.

9:30 a.m. CALL TO ORDER:

- a) Supervisor Botelho led the Pledge of Allegiance.
- b) Acknowledged Certificate of Posting.

c) PRESENTATIONS & RECOGNITIONS:

HUMAN RESOURCES:

Presentation of Certificates of Appreciation to County Employees Upon Retirement: Nadine DaRoza, Administrative Services Manager, Health and Human Services, 12.9 years; Patrick Palacios, Deputy District Attorney III, District Attorney's Office, 7.6 years; Jim Plourd, Social Worker IV, Health & Human Services, 14+ years; Ron Ross, Ag Commissioner, Ag Commissioner's Office, 23+ years; Nancy Velho, Child Support Branch Manager, Child Support Services, 22 years.

Supervisor Botelho presented Certificate of Recognition to Agricultural Commissioner Ron Ross for his 23+ years working with the County.

Mr. Ross thanked the Board of Supervisors and his staff for their support.

Supervisor Barrios presented Certificate of Recognition to Child Support Branch Manager Nancy Velho for her 22 years working with the County.

Ms. Velho said it was a privilege to work at the Department of Child Support Services, we have a fabulous staff and I have no problem with them moving forward without me. She said that she will miss them and thanked everyone.

Supervisor De La Cruz provided Certificate of Recognition to Deputy District Attorney Patrick Palacios for his 7+ years working with the County.

Approved by the Board of Supervisors on 3/17/15

Mr. Palacios said it was a privilege serving the people of San Benito County, I loved this job and wish things could have worked out. He thanked everyone he worked with at the District Attorney's Office and the law enforcement, he said they were great staff and would miss them.

Supervisor Rivas presented Certificate of Recognition to Administrative Service Manager Nadine DaRoza for her 12+ years with the County.

Ms. DaRoza thanked the County and enjoyed her time with the County.

- d) **Public Comment:** Marvin Jones, Hollister resident, thanked the Board of Supervisors for their patience they have showed him over the past year and wished everyone a Happy Hanukah, Merry Christmas, and Happy New Year.

Marty Richman, Hollister resident, wished everyone a Merry Christmas and a Happy New Year. He also thanked the County staff for their cooperation and patience with him whenever he had questions. He also mentioned that Assemblyman Alejo made a presentation yesterday at the City of Hollister and spoke about a county water program requirements and grants that are available if you are a part of the group. He said that he would like the county to look into this and agendize for a future meeting.

Preston Artman, Hollister resident, said he is requesting that a waiver of all the impact fees for his manufactured home at 194 Comstock Road, Hollister be waived. He provided information as to why he was requesting this and asked that this be put on the agenda for the January 2015 meeting for consideration.

Supervisor Barrios asked if the CAO or County Counsel could meet with Mr. Artman to discuss this matter.

CAO and County Counsel agreed that they would meet with Mr. Artman.

Richard Bettencourt thanked the Public Works Department for a job well done on Southside Road and on Taylor Way when they had a landslide due to the rain.

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

Interim Public Works Director Joe Horwedel reported that staff was out Thursday night working on the storm and are out today cleaning up. He said that they did prior cleanup prior to the storm. He also mentioned that they had to hire an outside contractor because of the mudslides on Southside Road and anticipates the cost to probably be about \$25,000. He thanked Hank and his crew for being on top of it.

Supervisor Botelho mentioned that along Bixby Lane Road there are a lot of bad pot holes and there is no way we are going to be able to fix them. Was wondering if we could just close part of the road down during the winter. He also thanked Public Works Department for taking care of a matter off of Hudner Lane.

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

Supervisor Rivas wished everyone a Happy Holiday and fun and safe Happy New Year.

Supervisor De La Cruz wished everyone a Merry Christmas and a Happy New Year and to be safe and enjoy your time with family members.

Supervisor Barrios announced that she and Chairman Muenzer are part of the Resource Recovery Park committee and that they have a potential tenant for the resource recovery park, a lot of potential there and would keep the board apprised as to what is happening. She also mentioned that they are moving

along in regards to the Homeless situation. She thanked the HHSA Director, we have been moving along very diligently with meetings and that we are currently considering some sights and our Public Works Director will be bringing that to the Board in the near future. She also announced that a faith based group had a luncheon for our homeless population at the La Catrina restaurant; it was well attended and very successful. She wished everyone a safe and Happy Holiday and a very wonderful 2015.

Supervisor Botelho reported that he attended a San Juan Bautista neighborhood watch meeting and how great it was to get together with folks that are concerned about public safety and their community. We got to speak as to how the City and the County partner with the Sheriff's and the Fire Department and how we hope to improve those services going forward in the next new year. He wished everyone Merry Christmas and to enjoy it with their family.

Supervisor Muenzer reported that he attended on December 6th the U. S. Flag Retirement Ceremony done by a local Boy Scout troop at the Historical Park. Devine Wright as part of his eagle scout project built a burn pit that the flags on retirement have to be burned, so the Boy Scouts can retire any of our community flags that need retiring. He said it was very interesting and learned a lot as to how flags are retired. He also wished everyone a Happy and Merry Holiday Season and a blessed New Year.

CONSENT AGENDA:

*Upon motion made by Supervisor Barrios and seconded by Supervisor Botelho, **approved** Consent Agenda Items 1-16, with the exception of Items #5, #15 and #16 which was pulled for discussion. (5-0)*

AGRICULTURAL COMMISSIONER – R. Ross:

- 1) **Approved** contract with the Department of Food & Agriculture for Light Brown Apple Moth Regulatory Services for the period of October 1, 2014 through September 30, 2015, for a total of \$16,694.75. **File #1.1**

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 2) **Authorized** the Behavioral Health Director to sign Contract Agreement No. 14-90087 and Certifications with the State Department of Health Care Services, Substance Use Disorders Programs for FY 2014-15-16-17; and **adopted Resolution No. 2014-103**, to accept the Contract Agreement with the State Department of Health Care Services. **File #810**

CHILD SUPPORT SERVICES – K. Johnson:

- 3) **Approved** the Memorandum of Understanding with Santa Cruz County for the Santa Cruz-San Benito Regional Department of Child Support Services effective July 1, 2014 through June 30, 2015, and are automatically renewable thereafter from fiscal year to fiscal year; and **authorized** the County Administrative Officer to sign. **File #22**

CHILD SUPPORT SERVICES – K. Johnson:

- 4) **Approved** the Plan of Cooperation between the California Department of Child Support Services and the San Benito Department of Child Support Services and **authorized** the Regional Director of Santa Cruz/San Benito Department of Child Support Services to sign the Plan of Cooperation on behalf of the County. **File #22**

Approved by the Board of Supervisors on 3/17/15

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

- 5) **Approve** maintenance agreement with Schneider Electric to inspect the current cooler equipment at the IT office in the amount of \$10,943.00; and authorize the CAO to sign the Time & Material Authorization for the inspection of equipment.

Item was pulled by Supervisor Barrios for discussion.

BOARD ACTION: Upon motion made by Supervisor Barrios and seconded by Supervisor De La Cruz **approved** per staff recommendation. (5/0 vote) *File #119.1*

COUNTY COUNSEL – M. Granger:

- 6) **Approved** Amendment No. 1 to legal services contract with Cota Cole, LLP, in the amount of \$42,400. *File #160*

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

- 7) **Received** the Annual Impact Fee Report for FY 13/14; and direct staff to bring the report back at the first Board of Supervisors meeting in 2015 for Board approval. *File #870*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 8) **Appointed** Ms. Samantha Conatti-Fowler to the Community Action Board as the District 2 Representative, for the period of December 2, 2014 through December 2, 2017. *File #130*

HEALTH & HUMAN SERVICES AGENCY - J. Rydingsword:

- 9) **Approved** Software License and Support Agreement with AACTS in the amount of \$22,848; **approved** Service Provider Agreement with CareAccess in the amount of \$1,680. *File #130*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 10) **Approved** Memorandum of Understanding between San Benito County and San Benito Health Foundation for Hospital Preparedness Program (HPP) for use of Grant Funds in the amount of \$10,257.40. *File #130*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 11) **Approved** contract with the State Department of Public Health for the Maternal, Child and Adolescent Health (MCAH) Program in the amount of \$482,665.00, for the period of July 1, 2014 through June 30, 2015; and **authorized** the HHS Director to sign the Agreement and any amendments. *File #130*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 12) **Adopted Resolution No. 2014-104**, authorizing the submission of a grant application for the Achieving Tobacco-Related Health Equity Among California's Diverse Populations for funding period July 1, 2015 through June 30, 2020; and **authorized** the HHS Director to sign and submit the 15-100 application and any amendments on behalf of the County. *File #130*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 13) **Approved** Amendment #1 to the Ambulance Agreement with American Medical Response, for rate increase, effective January 1, 2015. *File #6*

Approved by the Board of Supervisors on 3/17/15

HUMAN RESOURCES – G. Cochran:

- 14) **Adopted Resolution No. 2014-105**, rescinding Resolution #2014-94 and approving the revised collective bargaining agreement between the County of San Benito and 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 agreement; **authorized** the County Administrator or his/her designee to make any technical edits as later identified; and **adopted Resolution No. 2014-106**, fixing the employer's contribution under the Public Employees' Medical and Hospital Care Act with respect to members of the MEG and Unrepresented employee groups. *File #630*

PUBLIC WORKS DEPARTMENT – J. Horwedel:

- 15) **Adopt Resolution authorizing the transfer of \$995,500 of Traffic Impact Fee Funds and authorizes the appropriation of funds to a Revolving Fund for the benefit of CSA No. 31 (Stonegate Water System Improvement Project) and Authorize Budget Augmentation, transferring expenses as a loan from Traffic Impact Fee account for a total FY14-15 allocation of \$2,774,512. (4/5 vote) (Res. No. 2014-107)**

Item pulled by Supervisor Botelho for discussion.

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

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Barrios, **adopted Resolution No. 2014-107**, which authorizes the transfer of \$995,500 of Traffic Impact Fee fund and authorizes the appropriation of funds to a Revolving Fund for the benefit CSA No. 31; and **authorized** budget augmentation, transferring expenses as a loan from Traffic Impact Fee account for a total FY 14-15 allocation of \$2,774,512; **authorized** Chair to sign resolution and budget augmentation. (5/0 vote) File #CSA #31*

PUBLIC WORKS DEPARTMENT – J. Horwedel:

- 16) **Approve the Highway Maintenance Agreement with the State of California, Department of Transportation for the Pinnacles National Park Highway (SR 25) (aka: 25 Bypass).**

Item pulled by Supervisor Botelho for discussion.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Barrios, **approved** per staff recommendation. (5/0 vote) File #105*

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

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 17) **Hold a public hearing to consider adoption of an Ordinance to Amend Ordinance #919, the Emergency Medical Services Fees Ordinance; adopt ordinance establishing a revised fee schedule for Emergency Medical Services; and direct the Clerk of the Board, within 15 days to publish a post-adoption summary of the ordinance pursuant to Government Code Section 25124(b). (Ord. No. 932)**

Health & Human Services Director James Rydingsword provided information in regards to the ordinance to amend Ordinance #919, the

Emergency Medical Services Fees Ordinance. He said the new ordinance if adopted is a revised fee schedule for Emergency Medical Services.

Discussion ensued by Board and staff.

Chairman Muenzer opened the public hearing.

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

Chairman Muenzer closed the public hearing.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor Botelho, **adopted Ordinance No. 932**, establishing a revised fee schedule for Emergency Medical Services; **directed** the Clerk of the Board, within 15 days to publish a post-adoption summary of the ordinance pursuant to Government Code Section 25124(b). (4/1 vote, De La Cruz voted no) **File #75.5***

REGULAR AGENDA:

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

18) Receive report from Chief O'Connor, City of Hollister Fire Department, in regards to the 2014 Fire Services for San Benito County.

City of Hollister Fire Chief Mike O'Connor provided a PowerPoint presentation in regards to the Contract for Fire Protection County Wide for 2014. Contents covered were: Duration of Contract; Emergency Services Provided; Scope of Community Involvement/Fire Prevention; San Benito County Fire Department; Hollister City, San Juan Bautista and San Benito County Fire Department; Currently Protecting the County; Incidents years 2013 & 2014; Protection in the county with the Hollister's Contract; Fire Protection Prior to County Contract; Planned Staffing and Station Increases; Maps of Stations and Response Areas; Fiscal Impacts; Insurance Services Office; Issued Burn Permits; Building Permits Issued; Possible Grants Available; Summary.

Supervisor Botelho thanked Chief O'Connor for a great presentation. He said that the city has met his expectations.

Supervisor Barrios dittoed Supervisor Botelho. She thanked Chief O'Connor for their service and also thanked their staff.

Supervisor De La Cruz said to keep up the good work.

Supervisor Rivas thanked Chief O'Connor for the great presentation and agreed with everything that had been said, but he said we can always improve.

Supervisor Muenzer said that we have made great strides in providing great fire services.

Chief O'Connor thanked his staff and the City Manager for their help. **File #60**

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

19) Adopt Resolution, approving the Transfer of Funds to the Fresno Community Development Financial Institution and authorizing the County Administrative Officer to execute a contract or any necessary documents with the Fresno Community Development Financial Institution in order to effectuate the transfer prior to December 31, 2014 and taking other related action. (Res. No. 2014-108)

City Manager Bill Avera provided information in regards to the Revolving Loan Fund program and the transfer of funds to the Fresno Community Development Financial Institution. He mentioned that this decision needs to be made by December 31st.

Supervisor Barrios had some questions.

Mr. Avera provided explanations.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor Botelho, **adopted Resolution No. 2014-108**, approving the Transfer of Funds to the Fresno Community Development Financial Institution, and **authorizing** the County Administrative Officer to execute a contract or any necessary documents with the Fresno Community Development Financial Institution in order to effectuate this transfer prior to December 31, 2014 and taking other related action. (5/0 vote) File #119*

PUBLIC WORKS DEPARTMENT – J. Horwedel:

20) Consider the draft Goals and Policies for Mello-Ross Community Facilities Districts and provide feedback on possible additions and revisions; and schedule adoption of the Goals and Policies for a January Board meeting.

Interim Director Joe Horwedel provided information in regards to the draft goals and policies for Community Facilities District (CFD's) Mello-Roos Facilities District. He went over the staff report and mentioned that there are questions for the Board: Is this something we want to entertain doing, and if so, when the circumstances that we would want to do this. He provided some advantages and disadvantages that should be considered by the Board in regards to using Mello-Roos CFDs to fund public services and infrastructure.

He said that we are here today to give the Board an opportunity to look over and provide possible additions or revisions and come back possibly in January to adopt some goals and policies for Mello-Roos Facilities Districts. He said that he was available for questions along with Shirley Murphy from the County Counsels Office.

Discussion ensued by Board and staff.

Mr. Horwedel said that this would come back at the January 20th meeting after receiving the feedback from the Board of Supervisors. *File #105.3*

COUNCIL OF GOVERNMENTS – M. Gilbert:

21) Receive update on the State Route 25 4-Lane Widening Project Development.

Interim Executive Director Mary Gilbert provided an update on the Hwy 25 project and the steps that COG is taking in regards to the Regional Transportation Plan Amendment-State Route 25. Items she covered were Financial Element; Project Review; and Amendment.

Supervisor Botelho said that this is not an easy project. He asked if this needed to be put on the ballot as a sales tax and what was the timeline.

Ms. Gilbert provided information.

Supervisor Muenzer said that the project before us right now is a project that we will never be able to afford. We have to come up with a project we can afford. He said that Hwy 25 will be paid by the residents of San Benito County.

Supervisor Barrios said that Hwy 25 is important; we cannot put on the shelf any longer. She suggested that COG provide a report to the Board of Supervisors every 3 months.

Supervisor De La Cruz had a question in regards to proper fee schedule.

Ms. Gilbert provided information.

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

File #1035

Chairman Muenzer announced that they would be moving to closed session Items #28, #30 and #32 to here from those wanting to speak from the public.

Speaking from the public on Item #30 were: Larry Rebecchi, San Benito County Rising; Andy Hsia-Coron, San Benito Rising; Mary Hsia-Coron, San Benito Rising; Ann Marie Sayers, Hollister resident; Samuel Ramos, San Benito Rising; Natasha Wist, San Benito Rising; Thomas Bishop, Hollister resident; Demetro Pruneda, San Benito Rising; Sara Steiner, Hollister resident; Joe Morris, Hollister resident; Margaret Rebecchi, San Benito Rising. Item #32: Andy Hsia-Coron, San Benito Rising.

Board adjourned into the closed session at 12:00 p.m. and reconvened into regular session at 12:40 p.m.

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

22) Presentation of the Performance Review Project by Optimity Advisors and direct staff to further pursue recommendations.

Tyler Covey of Optimity Advisors said he was here today to present the Board of Supervisors with the results of the review which they were requested to do by the Board of Supervisors in regards to a review of the County's organizational structure. He encouraged the Board of Supervisors to read the entire 85 page report, because it will fill in a lot of the details and a lot of the perspectives and give them a better ideal of the effort and the amount of work that went into it. Mr. Covey gave special thanks to Ray Espinosa, Denise Thome and Dina Bies as well as the Department Heads, staff and directors that we interviewed throughout the process. He said everyone was very cooperative and we couldn't have done it without them.

Mr. Covey presented PowerPoint presentation. Items covered: Purpose and Agenda; Who is Optimity Advisors; Meet the Advisors; Scope and Approach; Peer Counties; Executive Summary; Health & Human Services Agency; Information Technology; Public Works Department; Integrated Waste Management; Planning and Building Department; San Benito County Performance Review Report and Recommendations; Contact Information.

Discussion ensued by Board and staff.

Those speaking from the public were: Former Board of Supervisor Pat Loe.

Chairman Muenzer mentioned that this would be reviewed by the Board of Supervisors and brought back at a later date for further discussion. *File #119*

Board took a short lunch break from 1:35 p.m. and reconvened at 2:00 p.m. to Item #34.

PUBLIC HEARINGS – 1:30 p.m. (Or as soon thereafter as the matter may be heard)

ASSESSOR'S OFFICE – T. Slavich:

34) Review Land Conservation Act Requests for Compatible Use and Division Request for the following:

1-A) Compatible Use Request – Isha Institute of Inner Sciences – (Assessor Parcel Number 012-160-003 comprising of 62.77 acres under LCA Contract #75-48.) Applicant requests to construct a 110' x 110' (12,100 Sq. Ft.). Yoga Hall Building with patios and parking areas.

Assessor Tom Slavich provided additional information to the compatible use request by applicant and mentioned that the Agricultural Preserve Advisory Committee recommends that the Board of Supervisors review and consider the minutes and recommendations of the committee.

Supervisor Barrios had questions.

Mr. Slavich provided information to her questions.

Chairman Muenzer opened the public hearing.

Attorney Dan DeVries provided additional information to Ms. Barrios' question. He also spoke on behalf of the applicant and provided information as to why this application should be considered deemed as compatible use to agriculture.

Those speaking from the public were: Ann Hall, Civil Engineer; Mr. Venkat, Isha Foundation; Jayakrishnan Chathu, Isha Foundation; Michael Linthicum, San Juan Bautista resident; Tony Ruiz, Hollister resident; Ray Sanchez, San Juan Bautista resident; Laurie Farmer, San Juan Bautista resident; Alfonso Castillo, Hollister resident; Diana Carr, San Juan Bautista resident; Richard Pitschka, San Juan Bautista resident; James Dassel, San Juan Bautista resident; Paul Benoit, San Juan Bautista resident; Tami Adam, San Juan Bautista resident; Jim Adam, San Juan Bautista resident; Mary Hsia-Coron, Aromas resident; Jolene Cosio, San Juan Bautista resident; Jerome Peters; Marty Richman, Hollister resident; Vani Bahl, Isha Foundation, San Juan Bautista resident.

Chairman Muenzer closed the public hearing.

Discussion ensued by Board and staff.

Mr. Slavich stated that with an ag preserve they need to produce agricultural product and certain requirements had to be met. He indicated that they would meet the minimum.

Supervisor Botelho stated that he would like to see this property come out of the Williamson Act.

Deputy County Counsel Shirley Murphy explained that parts of the Williamson Act are not incorporated into the ordinance that refers to other recreational uses that are compatible.

Supervisor Rivas asked if recreational use was not in our ordinance per the deputy County Counsel.

Mr. Slavich explained that each county develops their own.

Supervisors Rivas stated that he believed Ms. Murphy said no recreational use was in our ordinance and he did not think that was true.

Ms. Murphy stated that you can have a preserve that is not ag related but San Benito County did not incorporate that.

Supervisor Rivas indicated that they were told no and they made changes, came back and improved on the concept. He felt it was a compatible use. He spoke of the positive effects and of the deal the Board of Supervisors cut with Mr. Chambers.

Supervisor Barrios stated that she did not feel they cut him a deal. She indicated that Isha made changes with a smaller footprint. She felt it was compatible now because it is incidental and not detrimental. She also felt there should be conditions, i.e., come out of the Williamson Act when the term is up, take the fencing out and not a bigger building.

County Counsel Granger stated that they could make a finding of compatibility on conditions.

Chairman Muenzer spoke of the planting of trees over the easement of a water line and that was not being a good neighbor. He encouraged the applicant to do everything they could to be a good neighbor.

Supervisor De La Cruz stated that he would support it.

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Rivas, **directed** staff to return at a future meeting with the finding that this request meets the criteria of the San Benito County Code section 19.01.023(B)(9), (C) & (F), and California Government Code section 51238.1 and that although the Agricultural Preserve Advisory Committee did not make a recommendation regarding this application, the Board of Supervisors hereby **approves** this compatible use request, based on the findings and conditions of approval set forth in County Code section 19.01.023(B)(9),(C)&(F) and California Government Code section 51238.1, and on the further conditions that the applicant fulfill all offers made in the application and agrees not to seek renewal or reinstatement of the agricultural preserve during or following the expiration of the non-renewal period currently in effect for the contract, the building be no larger than 12,000 square feet, removal of the fence and convey property to the San Benito Land Trust for the entire preserve. (The motion passed 5-0) File #7*

2-B) Division Request – Erickson/Holt – (Assessor Parcel Numbers 025-200-065, 025-200-023, 025-200-066 & 025-210-046 consisting of 209.62 acres under LCA Contract 75-013). This request is to divide the preserve of 209.62 acres into 2 preserves of 65.42 acres and 144.20 acres.

Assessor Tom Slavich gave the staff report.

Chairman Muenzer opened the public hearing.

There were no speakers and the Chairman closed the public hearing.

Upon motion duly made by Supervisor Botelho and seconded by Supervisor Rivas, approved the division request made by Erickson/Holt – (Assessor Parcel Numbers 025-200-065, 025-200-023, 025-200-066 & 025-210-046 consisting of 209.62 acres under LCA Contract 75-013) to divide the preserve of 209.62 acres into 2 preserves of 65.42 acres and 144.20 acres. (The motion passed 5-0) File #7

The board adjourned into a break at 3:40 p.m. and reconvened into regular session (item #23) at 3:49 p.m. Supervisor De La Cruz was absent at this time.

CLERK OF THE BOARD – D. Thome:

23) Approve the 2015 Board of Supervisors Meeting Calendar and Agenda Item Submittal Deadline Listing, as submitted.

CAO Espinosa gave a brief staff report noting that March 31, April 28, May 26 and June 9 had been earmarked for special meetings to discuss budget. He added that budget hearings were slated for June 15, 16 and 17. He noted that the board retreat was set for February 10th.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Botelho, **approved** the 2015 Board of Supervisors meeting calendar and agenda item submittal deadline listing, as submitted. (The motion passed 4-0-1 with Supervisor De La Cruz absent) File #156*

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

24) Receive the Fiscal Year End 13/14 financial report; and the 1st Quarter 14/15 financial update.

Management Analyst Melinda Casillas gave a report on the fiscal year end 13/14 financial report and the first quarter 14/15 financial update.

Supervisor Botelho asked about the biggest staffing problem.

Ms. Casillas replied the Sheriff's Department noting that there were a lot of overtime issues as well.

CAO Espinosa noted that based on overall tracking they were a little bit ahead on the revenue side.

Speaking under public comment was Marty Richman. He felt they needed to get some bang on the revenue side and had to develop economic activity.

Supervisor Botelho commented that was a point well taken.

Mr. Espinosa reported that they would put economic development on the agenda for the Board retreat and addressing the sphere of the influence.

Supervisor De La Cruz returned to the meeting at 4:14 p.m. *File #865*

HUMAN RESOURCES – G. Cochran:

25) Adopt Resolution for exception to the 180 day wait period under Government Code Sections 7522.56 and 21224 to allow the retiring Agricultural Commissioner/Sealer of Weights and Measures to serve on a part-time temporary basis while the position is being filed and authorize employment of Ron Ross on a part-time basis, effective January 12, 2015. (Res. No. 2014-109)

CAO Espinosa gave a staff report.

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Rivas, **adopted Resolution No. 2014-109** for exception to the 180 day wait period under Government Code Sections 7522.56 and 21224 to allow the retiring Agricultural Commissioner/Sealer of Weights and Measures to serve on a part-time temporary basis while the position is being filed and **authorized** employment of Ron Ross on a part-time basis, effective January 12, 2015. (The motion passed 5-0) File #630*

CLOSED SESSION:

The Board adjourned into closed session at 4:20 p.m. and reconvened into regular session at 6:49 p.m.

26) 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

Approved by the Board of Supervisors on 3/17/15

Under Negotiation: price and terms of payment
Authority: California Government Code Section 54956.8
No reportable action. File #235.6

- 27) **Conference with Legal Counsel – Anticipated Litigation**
Initiation of Litigation pursuant to subdivision (d) (4) of Government Code Section 54956.9; Number of Cases: 1
No reportable action. File #235.6
- 28) **Conference with Legal Counsel – Anticipated Litigation**
Initiation of litigation pursuant to subdivision (d) (4) of Government Code Section 54956.9; Number of Cases: 1
No reportable action. File #235.6
- 29) **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
- 30) **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
- 31) **Conference with Legal Counsel-Existing Litigation**
Subdivisions (a) and (d) (1) of Section 54956.9
Number of Cases: 2
Name of Cases: Service Employees International Union Local 521 v. County of San Benito, Public Employment Relations Board, Case No. SF-CE-946-M
Service Employees International Union Local 521 v. County of San Benito, Public Employment Relations Board, Case No. SF-CE-1059-M
No reportable action. File #235.6
- 32) **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
- 33) **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

Approved by the Board of Supervisors on 3/17/15

**Management Employees' Group
SEIU Local 521 (General Unit Employees)
Deputy Sheriff's Association
SEIU United Long Term Care Workers Local 6434
Unrepresented Employees**

Authority: California Government Code Section 54957.6

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 6:53 p.m. to January 20, 2015 at 9:00 a.m.

JERRY MUENZER, CHAIRMAN
San Benito County Board of Supervisors

ATTEST:
Denise R. Thome, Clerk of the Board
Janet Slibsager, Asst. Clerk of the Board

Approved by the Board of Supervisors on 3/17/15