



SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios
District No. 1
Chair

Anthony Botelho
District No. 2

Robert Rivas
District No. 3
Vice-Chair

Jerry Muenzer
District No. 4

Jaime De La Cruz
District No. 5

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

REGULAR MEETING JANUARY 20, 2015 ACTION MINUTES

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

BOARD RE-ORGANIZATION:

c) **Open nominations and conduct election for Chair of the Board of Supervisors.**

*Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Rivas, **nominated** and **elected** Supervisor Barrios for Chair of the Board of Supervisors for 2015. (Unanimous) File #156*

Chair Barrios presented a plaque to Supervisor Muenzer in gratitude for his service as chairman for 2014.

Supervisor Muenzer expressed his gratitude.

d) **Open nominations and conduct election for Vice-Chair of the Board of Supervisors.**

*Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Botelho, **nominated** and **elected** Supervisor Rivas for Vice-Chair of the Board of Supervisors for 2015. (Unanimous) File #156*

Chair Barrios wished everyone a Happy New Year and congratulated Supervisor Rivas on being voted Vice-Chair. She stated that she was honored to sit as Chair and represent the County of San Benito. She thanked the board for the confidence they expressed in her and hoped they would work together as they have done in the past and get a lot done. She noted that they may not always agree but have the utmost respect for each other. She expressed that

they had a great deal of work ahead and could not do it without the support of department heads and staff. She thanked them for everything they do.

e) Receive Committee appointments from the newly elected Chair of the Board of Supervisors.

Newly elected Chair Barrios announced the committee assignments for 2015 and a list was provided to Board members and the public.

Chair Barrios spoke stated that few changes were made with the expectation that supervisors would continue to serve in the best interest of the county and its residents. She noted that there were no significant changes to Council of Government (COG) appointments as the make-up of the board remained the same after the election of 2014 and she respected the decision of the board made in 2014. She believed Supervisors Muenzer and Botelho have the direction the board has asked and will expeditiously address the Highway 25 issues. She indicated that they wanted to add it to the constrained list, as already expressed, by resolution from the county and the City of Hollister and identify funding methods to improve it, even if they had to use private money. Chair Barrios felt they needed to keep Highway 25 in the forefront and make great strides in the planning process and the ability to improve it. She stated that important in 2015 was the adoption of the general plan. She stated that it was high on the list and they had accepted a new timeline in the latter part of the year and any change to that would not be acceptable. Chair Barrios stated that they would be making every effort to provide their departments with much needed staff to better serve our residents. She explained that staff was working on skeletal crews and that is not acceptable. She added that they knew the reason had been budgetary and they needed to think outside the box to provide the necessary staff needed for services.

Chair Barrios surmised that there were so many areas of need in the county but they would have to focus on one of the county's greatest needs and that was roads. She stated that they needed a plan and to figure out how they were going to improve and keep them from deteriorating even more. She noted that the governor recognizes the lack of resources and has promised to make every effort to see how funding can trickle down to counties so that they can improve them. She indicated that at state level they were 58 billion dollars short to improve state roads, bridges and highways.

Chair Barrios indicated that attracting business and tourism would always be high on her list and they were needed for the sustainability of San Benito County. She felt they needed to make a greater effort to move towards that end. She thanked everyone and looked forward to working with them and knew that 2015 was going to be a very successful year.

County Counsel Granger stated that he had received a letter from Bob Braitman of LAFCO explaining the terms.

Chair Barrios stated that she would make the LAFCO appointments for the two members and the alternate through March 1, 2015 and directed that they be brought back March 1, 2015.

f) **PRESENTATIONS & RECOGNITIONS:**

BOARD OF SUPERVISORS:

Present Certificate of Recognition to Mike Sanchez for over 40 Years of service to education and youth in the Community.

*Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Botelho, **approved** the certificate of recognition to Mike Sanchez for over 40 years of service to education and youth in the community. (Unanimous)*

Chair Barrios presented the certificate to Mike Sanchez.

Daniel Dodge, representing Assemblyman Alejo's office, presented Mr. Sanchez with a certificate of recognition.

Mr. Sanchez expressed his gratitude. *File #156*

BOARD OF SUPERVISORS:

Present Certificate of Recognition to Jim West for his eight years of service on the Parks and Recreation Commission.

Supervisor Botelho presented the certificate of recognition to Jim West for his service on the Parks and Recreation Commission.

Mr. West expressed his gratitude. *File #93*

The Board adjourned for a break at 9:29 a.m. and returned into regular session at 9:35 a.m.

f) **Public Comment:**

Andy Hsia-Coron spoke in regards to the court decision regarding Biological Diversity.

John Wolgamott, self-described as residentially challenged, spoke in regards to possible solutions to help out the homeless.

Mark Patton and Michael Silverman, President and Vice-President of the San Benito County Chapter of S.E.I.U. 521, introduced themselves to the board.

Marvin Jones congratulated Chair Barrios and Vice-Chair Rivas. He suggested that they consider increasing the law enforcement budget as they are short-handed.

Mary Hsia-Coron, member of San Benito Rising, expressed that there was good news as they were awarded a \$25,000 grant and that they had raised almost \$30,000 over the last two months for the legal fund. She stated that they did not pass Measure J to burden the county after its passage. She expressed confidence that they would raise a substantial amount of money for the county legal defense.

g) **Department Head Announcements:**

County Administrative Officer Ray Espinosa reported that the joint fiber project would be completed in December. He thanked Public Works, I.T. and the city for their joint effort. He estimated that they would save about \$600,000 over a five year period. He gave an update on the Enterprise Resource Planning (E.R.P.) system and their progress. He stated that they would be pulling item #6 from consent and moving it to the regular agenda.

h) **Board Announcements:**

Supervisor Rivas wished everyone a happy new year and expressed that he looked forward to working with his colleagues.

Supervisor De La Cruz congratulated Supervisor Barrios and Supervisor Rivas.

Supervisor Muenzer wished a happy new year and congratulated Supervisor Barrios. He expressed that he had made a promise this time last year to have a general plan and they did not. He asked that they agendaize the update on the general plan for February.

Supervisor Botelho congratulated Supervisor Barrios and wished all a happy new year. He thanked supervisor Muenzer for an outstanding year. He stated that he ran his term as chair and his campaign with integrity. He stated that the general plan has to get done and should be on the next agenda.

CAO Espinosa stated that it would be on the February 3rd meeting.

Supervisor Botelho reported that the facilities committee was evaluating locations for the homeless shelter and that it would be brought back to the full board for a decision. He reported on the Council of Governments (COG) meeting he attended the previous week. He cited the serious problems with roads in the county and how they needed to work together with the cities to have a chip seal program and overlays. He suggested they prioritize the roads to be maintained and discuss a joint sales tax with the cities and the counties. He concluded that those items were high on his list.

Chair Barrios reported that Chiala Farms on Fairview Road had a ground breaking ceremony. She explained that it was a state of the art agricultural produce plant and was an asset to San Benito County. She noted that they would hire over 100 people and up to 500 people when they were built out.

The Board adjourned as the Board of Supervisors and reconvened as the Board of Directors of the San Benito County Financing Corporation at 10:02 a.m.

9:00 A.M. – (Or as soon thereafter as the matter may be heard)
County Board of Supervisors
SITTING AS THE BOARD OF DIRECTORS OF THE SAN BENITO COUNTY FINANCING CORPORATION

Acknowledge Certificate of Posting.

Approve the minutes of the January 8, 2013 meeting.

Appointments of officers for the year 2015.

The Board adjourned as the Board of Directors of the San Benito County Financing Corporation and reconvened as the Board of Supervisors at 10:05 a.m.

CONSENT AGENDA:

Upon motion made by Supervisor Botelho and seconded by Supervisor Rivas, approved Consent Agenda items 1 through 16 with the exception of items 3, 6 and 15, which were pulled for discussion. (Unanimous)

BOARD OF SUPERVISORS:

- 1) **Approved** Certificate of Recognition for Chamber of Commerce Man and Woman of the Year and Businesses of the year for 2015, to be presented at a later date. *File #156*

BOARD OF SUPERVISORS:

- 2) **Appointed** District 2 Parks and Recreation Commissioner Valerie J. Eglund for the term of January 20, 2015 through December 31, 2015 by Supervisor Botelho. *File #93*

CLERK OF THE BOARD – D. Thome:

- 3) **Approve the action minutes of the Board of Supervisors regular meeting of October 7, 2014, October 21, 2014 and November 4, 2014.**

Chair Barrios stated that there was a correction on #13 of the November 4, 2014 minutes wherein it states seated and should be sealed.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Botelho, **approved** the action minutes of the Board of Supervisors regular meeting of October 7, 2014, October 21, 2014 and November 4, 2014 with the correction to the November 4, 2014 minutes. (Unanimous)*

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

- 4) **Approved** and **authorized** the County Administrative officer to sign and utilize the Authorization to Order under State Contract between San Benito County and AT&T for network telecommunications services. *File #119*

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

- 5) **Approved** the transfer of funds from the Planning Department to the County Counsel's Office to appropriately apply costs for current stages of development projects. *File #160*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 6) **Approve Memorandum of Understanding between the Consulate General of Mexico in San Jose and the San Benito County Health & Human Services Agency to provide services to vulnerable children in our county.**

Health and Human Services Deputy Director Maria Corona talked about the MOU and introduced Consul General Carlos Ponce and Consul Alterro Javier Aguilar.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor De La Cruz, **approved** Memorandum of Understanding between the Consulate General of Mexico in San Jose and the San Benito County Health & Human Services Agency to provide services to vulnerable children in our county. (Unanimous) File #130*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 7) **Adopted Resolution No. 2015-1 accepting** the 2015 Low Income Home Energy Assistance Program (LIHEAP) Grant, approving Grant Agreement, and **delegating** authority to the HHSA Director to sign the grant agreement and any amendments. *File #130*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 8) ***Adopt Resolution No. 2015-2 accepting*** the 2015 Community Services Block Grant (CSBG) and authorizing the HHS Director to approve and execute the grant agreement and any amendments. *File #130*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 9) ***Adopted Resolution No. 2015-3 approving*** the Children's Medical Services 2014-2015 Plan and budget in the amount of \$375,894 for the term of July 1, 2014 through June 30, 2015; ***authorized*** the chair to sign the Certification Statements and ***authorized*** the HHS Director to sign the agreement and any amendments. *File #130*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 10) ***Accepted*** funding from the California Department of Public Health Tuberculosis Control Branch for FY 2014-2015; and ***authorized*** the Director of HHS to sign the Acceptance of Allotment Agreement and other required Certifications. *File #130*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 11) ***Appointed*** and ***Re-appointed*** representatives as listed on the AIT, to the Emergency Medical Care Commission for terms beginning January 20, 2015 through December 31, 2016. *File #130*

HUMAN RESOURCES – G. Cochran:

- 12) ***Approved*** the salary steps as outlined on the AIT for the job class of Public Health Officer. *File #630*

PLANNING DEPARTMENT – B. Turner:

- 13) ***Approved*** Amendment No. 2 to contract with Aspen Environmental Group, in an additional amount of \$98,300, for a total amount not to exceed \$255,100, for preparation of SEIR; ***authorized*** the Interim Planning Director to approve minor contract amendments, increasing the 10% contingency amount by \$11,680, for a revised not to exceed a total of \$25,510. *File #790*

SHERIFF'S OFFICE – D. Thompson:

- 14) ***Approved*** County contributions for one temporary employee in the Sheriff's Office-Jail Division for a time not to exceed June 30, 2015. *File #110*

SHERIFF'S OFFICE – D. Thompson:

- 15) **Approve change to Sheriff's Schedule of Fixed Assets, Expenditure, and Revenue Schedules adding two (2) Zero Electric Motorcycles under the Electric Vehicle (EV) Replacement Program with the Monterey Bay Unified Air Pollution Control District in amount not to exceed \$26,680. (4/5 vote)**

Supervisor De La Cruz asked if an electric vehicle would compromise the deputies going into rough terrain, emergencies, etc.

Captain Tony Lamonica stated that they were increasing capabilities with 178 miles on a charged battery.

Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Rivas, approved changes to Sheriff's Schedule of Fixed Assets, Expenditure, and Revenue Schedules adding two (2) Zero Electric motorcycles

under the Electric Vehicle (EV) Replacement Program with the Monterey Bay Unified Air Pollution Control District in an amount not to exceed \$26,680. (The motion passed 5-0) File #110

TREASURER-TAX COLLECTOR-ADMINISTRATOR – M. L. Andrade:

- 16) ***Adopted Resolution No. 2015-4 delegating*** authority to the County Treasurer to invest and reinvest county funds and other depositor's funds in the county treasury or to sell or exchange securities so purchased, pursuant to the requirement of state law. *File #685.2*

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

PLANNING DEPARTMENT – B. Turner:

- 17) **Open the Public Hearing and take any public comment on Appeal of the Planning Commission's Approval of Use Permit 1103-14 (Verizon Wireless) by Appellant Frank V. Guerra-Guerra Nut Shelling Company; staff then recommends that the Board continue the Public Hearing, to Board of Supervisors meeting of February 3, 2015 at 9:00 a.m. without closing public hearing.**

Interim Planning Director Byron Turner stated that they were requesting a continuance but that the hearing had already been noticed. He stated that they should open the hearing and continue the matter without closing the hearing.

Chair Barrios opened the public hearing.

There was no public comment.

Upon motion duly made by Supervisor Botelho and seconded by Supervisor Rivas, continued the public hearing to February 3, 2015 at 9:00 a.m. (Unanimous) File #790

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

PUBLIC WORKS DEPARTMENT – J. Horwedel:

- 18) **Hold a Public Hearing to consider the landowners' petition to vacate Vasquez Creek Road, (County Road #8030) as provided by staff; and adopt a Resolution vacating Vasquez Creek Road (County Road #8030).**

Interim Public Works Administrator Joe Horwedel gave a staff report.

Chair Barrios opened the public hearing.

Brad Sullivan of L+G, LLP, representing Panoche Valley Solar, stated that he was there to answer questions.

Supervisor Rivas asked if the road was no longer used for public travel. He also asked about access and if it was used at all.

Mr. Sullivan stated that as far as they knew it was never used. He added that it was news to the ranch people that it was a public road.

Supervisor Muenzer stated that they had not purchased the property and if it doesn't go through the owners will come back regarding the road. He felt it was premature until they own the land.

Supervisor Botelho asked how the current Vasquez Road was detrimental to the project. He added that the road goes through the middle of the design. He noted that they had been adamant in not vacating roads to the Bureau of Land Management. He expressed concern with the message they would be sending.

County Counsel Granger stated that the Board could make findings for vacation of the road.

Supervisor Botelho felt the benefit would only be if the project goes forward.

Mr. Granger indicated that they suggested a sunset clause.

Supervisor Botelho suggested doing it in reverse.

Mr. Granger explained the problem of a cloud over the title with the lender, etc.

Karl Skow thanked the board for all their work and noted that abandoning any roads or right of ways in the county is short sighted. He noted that the payment of \$13,000 per year to the county would end. He added that was something they wouldn't get back. He asked why give up their rights and abandon the road.

Marty Richman felt they should just approve it and remove the road block. He stated that it was their decision to make it easy or hard to approve the solar project. He indicated that they proved to him that they would do the mitigation. He added there would be no jobs if no energy.

There being no further comment, Chair Barrios closed the public hearing.

Supervisor De La Cruz asked if they approved the resolution as is would there be language in there for the sunset clause.

Deputy County Counsel Shirley Murphy stated not as drafted and suggested that they could continue it to later and she could re-do it.

Mr. Horwedel read the proposed changes to the resolution.

Supervisor Botelho asked if they were confident that owners along the road support this.

Mr. Horwedel expressed great confidence in the work staff had done.

Mr. Sullivan stated that part of the mitigation was public access to certain portions.

Supervisor Muenzer stated that he would like to continue the matter to February 3, 2015 as there were too many unanswered questions. He stated that he would like to be able to reach out to property owners and they could bring the language back at that time.

Chair Barrios asked if 2 weeks would affect it as she didn't want to set it back.

Mr. Sullivan stated that they were aiming for April or May of this year for construction and this is a cloud. He noted that they brought the information to Public Works last year. He added that there were a lot of hurdles.

Supervisor Botelho felt that it was Supervisor Muenzer's district and his rationale was that more time was needed to look into it. He commented that two weeks was not a deal breaker.

Supervisor Rivas agreed as well that it was Supervisor Muenzer's district and that it should come back February 3rd.

Supervisor De La Cruz supported approving the language today as they had waited too long and they had to move forward.

Chair Barrios expressed that she respected that it was Supervisor Muenzer's district but that it was a community project.

Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Rivas, continued the matter to February 3, 2015. (The motion passed 3 to 2 with Supervisors Barrios and De La Cruz voting no) File #105

SHERIFF'S OFFICE – D. Thompson:

- 19) **Augment the Sheriff's Schedule of Authorized Positions adding 4 FTE Deputy Sheriff; and increase FY 2014-15 expenditures in the amount of \$72,335 (\$55,575 salary/benefits; \$16,760 operating expenses) for two (2) deputy sheriffs; and commit to funding two (2) additional deputy sheriffs in the FY 2015-16 budget, creating an annual estimated cost of \$490,000 for a total of four (4) deputy sheriffs. (4/5 vote)**

Sheriff Darren Thompson gave a staff report on their shortage of staff.

The Chair called for public comment.

Paul Wattis, south county resident, stated that they were not getting their money's worth of fire, police and roads down there. He stated that they needed two deputies assigned to South County and asked that they give the sheriff what he needs.

Marty Richman, Hollister resident, felt the Sheriff's department was severely understaffed. He suggested that the ideal answer would be to upgrade south county positions.

County Administrative Officer Ray Espinosa indicated that they gave it some consideration and looking at finances on the administrative side they knew the sheriff needed staff. He spoke of the different factors involved such as the actual cost of new vehicles, court security amount of \$400,000 still not approved by the state and consideration of the jail expansion project in the amount of \$700,000. He recommended up to the maximum of 2 deputies and start the recruitment process. He highly discouraged additional staff until they could go through the budget process. He added that they would be considering all staffing in the county.

Supervisor De La Cruz stated that he would support the sheriff for two positions and noted that they start the budget process in March.

Supervisor Botelho stated that it was prudent to support two deputies as quickly as they could so they could put them on the street. He indicated that he would commit to two.

Supervisor Rivas stated that he agreed with all said and agreed with starting the recruitment process and keep them unfilled until they have a clear picture of the budget. He added that once they have projections for next year they would have a better picture. He commented that there was no question that the sheriff needed to increase.

Chair Barrios stated that she supported the two deputies with the leverage for the Sheriff to recruit.

Supervisor Muenzer stated that he had always supported the Sheriff and that he was committed to help the Sheriff fulfill his campaign promise of using deputy reserves. He also supported law enforcement consolidation under the Sheriff with the cities and county.

Sheriff Thompson stated that two deputies would help but it was short of the twelve they need. He explained that the police academy was starting mid June and that they could not wait for June. He stated that he would come back in May for two more.

*Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Botelho, **augmented** the Sheriff's schedule of authorized positions adding two FTE deputy sheriff; and **increased** the fy 2014-2015 expenditures in*

the amount of \$72,335.00 for two deputy sheriffs without commitment. (The motion passed 5-0) File #110

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

20) **Review and approve the FY 2013/2014 Annual Impact Fee Report.**

Management Analyst Sara Fontanos gave a staff report.

Discussion was had amongst board members and staff.

There was no public comment.

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor De La Cruz, **accepted** the fy 2013/2014 Annual Impact Fee report. (Unanimous) File #119*

PUBLIC WORKS DEPARTMENT – J. Horwedel:

21) **Consider the draft agreement with the City of Hollister and the San Benito High School District; direct staff to complete the temporary closure agreement negotiations with the other agencies, the CEQA and public engagement process and return with a formal approval to consider the temporary closure; and delegate to the County Administrative Officer approval authority to facilitate a tentative offer of dedication with the School District to the County.**

Supervisor Rivas disclosed that he was an employee at San Benito High School and received a paycheck. He added that he did not work there full time and did none of the decision making there. He indicated that he would not benefit in any way.

Interim Public Works Administrator Joe Horwedel gave a staff report.

Chair Barrios stated that she supported it.

Supervisor Botelho stated that he supported it.

Supervisor Rivas expressed that he was pleased with the direction as this was an issue in his district.

Speaking under public comment was Parks and Recreation Commissioner Valerie Eglund.

*Upon motion duly made by Supervisor Rivas and seconded by Supervisor De La Cruz, **approved** the draft agreement with the City of Hollister and the San Benito High School District; **directed** staff to complete the temporary closure agreement negotiations with the other agencies, the CEQA and public engagement process and return with a formal approval to consider the temporary closure; and **delegated** to the County Administrative Officer approval authority to facilitate a tentative offer of dedication with the School District to the County. (The motion passed 5-0) File #105*

CLOSED SESSION:

22) **Conference with Real Property Negotiator**

Property: 5381 Fairview Road (APN 017-130-004), Hollister, California

Agency Negotiator(s): Joe Horwedel, Interim Public Works Director; Arman Nazemi, Assistant Public Works Director; James A. Rydingsword, Director of Health & Human Services; Ray Espinosa, CAO; Matthew W. Granger, County Counsel; Barbara Thompson,

Assistant County Counsel; Shirley Murphy, Deputy County Counsel and Sara Fontanos, Management Analyst
Negotiating Parties: Larry Drury, on behalf of Go Kids
Under Negotiation: price and terms of payment
Authority: California Government Code Section 54956.8
No reportable action. File #235.6

23) **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

24) **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

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:	Barrios, Rivas, De La Cruz, Botelho, Muenzer
NOES:	SUPERVISORS:	None
ABSENT:	SUPERVISORS:	None

There being no further business, the Board adjourned at 12:45 p.m. to February 3, 2015 at 9:00 a.m.

MARGIE BARRIOS, CHAIR
San Benito County Board of Supervisors

ATTEST:
Denise R. Thome, Clerk of the Board