



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

SPECIAL MEETING BOARD RETREAT TUESDAY, FEBRUARY 10, 2015 ACTION MINUTES

The Board of Supervisors of San Benito County met in the San Benito County Planning/Public Works/Sheriff's Building Conference Room at 2301 Technology Parkway, Hollister, CA. on the above date in *special session*. Supervisors Barrios, De La Cruz, Botelho and Muenzer were present. Supervisor Rivas was absent. Also present was County Administrative Officer Ray Espinosa, County Counsel Matt Granger and Clerk of the Board Denise Thome. Chair Barrios presided.

CALL TO ORDER 9:00 A.M.

- a) CAO Espinosa led the Pledge of Allegiance.
- b) *Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Muenzer, acknowledged Certificate of Posting.*

SPECIAL AGENDA

Purpose: Review upcoming year priorities, challenges, and tasks.

I. Overview: Last Year's Retreat [Accomplishments/Rollover]

CAO Espinosa gave an introduction and overview of the retreat. He explained that they may not be able to finish everything in four hours but that there would be a part two of the retreat on July 28, 2015.

Supervisor Botelho asked why they weren't doing it sooner.

Mr. Espinosa stated that they could adjust the time after the budget hearings and that up until June there were many meetings. He spoke of the ERP being accomplished and what a great feat that was. He indicated that the public relations issue was on hold per the board's request. He added that he felt it was important. He indicated that he had started the brown bag lunch with the CAO and there had been a lot of progress.

II. General Plan

CAO Espinosa reported that staff met on Friday and spoke of the importance of the meeting deadline. He added that it was currently in County Counsel's hands and an outside firm was working on it.

County Counsel Granger stated that there would be an update at the February 17th meeting and that everyone understood the deadlines. He anticipated completion by the March 3, 2015 meeting. He added that they all knew that if anything significant arises they were to call him.

III. PRIORITIES

a. ROADS and BRIDGES INFRASTRUCTURE

i. Staff Perspective of priority concerns (Joe Horwedel)

CAO Espinosa stated that there was much work to be done to get the roads up to par.

Interim Public Works Director Joe Horwedel felt they needed to do a new assessment regarding the roads. He explained that they were currently fixing potholes and dealing with safety issues. He stated that to chip seal all 378 miles, without repairing existing structural deficiencies was a minimum of \$17,000,000.00.

Supervisor De La Cruz asked what the lifetime would be if they did that.

Mr. Horwedel stated that it would vary as to where the pavement goes. He indicated that a pavement management system decides where it is best to spend the money to get the best protection.

Supervisor Botelho stated that it was a huge issue for him. He noted that he had a number of artery roads in his district and he truly felt they should be able to use some of the highway impact fees. He stated that the wear and tear on Union Road was from additional traffic due to growth. He asked why they didn't deal with it now while oil is cheap. He added that truck traffic was the culprit on San Justo Road and they needed to minimize and enforce. He felt they needed to find some bonding or use highway impact funds and to invest some real money.

Supervisor De La Cruz stated that he was on board as long as there was fair distribution throughout the districts.

Supervisor Botelho stated that Union and Fairview Roads had the most traffic.

Supervisor De La Cruz stated that Wright Road had high traffic. He spoke of raising the county tax percentage to the same as the city with the difference going to improve roads. He added that it was all about the infrastructure.

Supervisor Muenzer felt that a sales tax measure needed to be thought about long and hard. He indicated that he understood the county used to put some general fund money towards roads and he felt they needed to get back to that and also figure another source of funding. He stated that they needed a new assessment of the roads.

Chair Barrios felt that it was going to take different pockets of money and if they were going to put a tax out there they needed a clear plan. She reported that at Intergovernmental they decided they need to have a series of community meetings.

Supervisor Botelho agreed that they needed to start talking and getting it out to the public. He felt an additional 1% sales tax should go to the roads. He added that they should do a bond.

Supervisor De La Cruz stated that if they used the sales just for roads, the library and parks were big in his district and there was less traffic on southern roads.

Chair Barrios asked if the assessment was sufficient to move forward.

Mr. Horwedel stated that it was a starting point and they needed a current assessment. He added that it was an ongoing cost. He indicated that bridges get lost and that many don't qualify for state or federal dollars.

Supervisor Botelho asked why they kept adding on bridges but never finished any bridge projects.

Mr. Horwedel stated that he had someone coming in at 10:30 that day who only does Cal Trans billing.

Supervisor Botelho commented that it was important to get the bridges done.

Chair Barrios opened the matter up to public comment.

Jim West felt they needed to get the trucks out of San Juan Bautista. He spoke of resources with Granite Rock, Don Chapin, etc. to donate time to work with Public Works.

Chair Barrios asked if there were any limitations on time donated.

Mr. Granger stated that nothing was ever truly free as there was workman's compensation and liability which could be worked out.

ii. Staff recommended action plan to address (Joe Horwedel)

b. BUILDING INFRASTRUCTURE

i. Staff Perspective of priority concerns (Joe Horwedel)

Mr. Horwedel stated that there were a million square feet of facilities not including Health and Human Services Agency. He explained that they had scaled back ongoing maintenance of buildings and were looking at the Behavioral Health building as they were paying \$200,000 a year in rent. He reported that roofs on most of the county buildings were past their useful life.

Supervisor Muenzer stated that money they were receiving for solar panels needed to be a top priority. He suggested parking lot covers at the Administration parking lot on 4th and West Streets and the jail.

Mr. Horwedel felt it may make more sense to put the solar panels on top of the Sheriff/Planning building and that way they wouldn't have to build parking structures.

Supervisor Botelho noted that there were so many projects and what with Adam Goldstone's position vacant.

Mr. Horwedel explained that they had recruited for his position but there were no viable candidates before. He stated that Plan B was to contract with someone. He suggested that they had to think of what is their facility future.

There was no public comment.

ii. Staff recommended action plan to address (Joe Horwedel)

iii. Department Needs: Growth of BH and HHSA

c. STAFFING LEVELS

i. Sheriff

ii. Planning and Public Works

iii. County Counsel

iv. Information Technology

d. TECHNOLOGY INFRASTRUCTURE and EQUIPMENT

IV. FUNDING PRIORITIES

a. Raymond James: Bonds (roads and buildings)

Emily Giles, Vice President of Public Finance for Raymond James gave a PowerPoint presentation.

Chair Barrios asked if their firm tested voter's probability.

Ms. Giles stated that was outside their duties.

Supervisor De La Cruz asked the difference between general sales tax and bonds sales tax.

Clerk-Auditor-Recorder Joe Paul Gonzalez stated that with a general sales tax they couldn't tout just for roads.

Supervisor De La Cruz asked the advantage of bonding capacity as opposed to general tax.

Ms. Giles replied that it was a lower percentage of interest and a general tax required 50% +1.

Supervisor Botelho felt the board needed to develop a strategy as to what they needed to do.

Chair Barrios noted that the City's expired in 2018 and they would support us if we did it in 2016. She mentioned San Juan Bautista and indicated that they needed to be on board as well.

Mr. Espinosa indicated that they were just receiving the presentation today and they could give direction to staff to move forward. He explained that they would report to the Intergovernmental Committee and then report to the Board.

Chair Barrios stated that there was a consensus to move forward and have staff bring back information.

Supervisor Muenzer spoke of having a company come in with a regular bond against the property tax roll.

There was no public comment.

b. Bank of America: Loans (buildings)

Mr. Espinosa stated that Bank of America was unable to attend that day and they would come back at a later date or the next retreat.

c. General and Special Taxes

Management Analyst Sara Fontanos explained the timeline to put a tax on the ballot. A final decision would have to be made by May 2016 with a resolution to the Board in June 2016 with August 12th as the deadline to Elections.

Supervisor Botelho stated that they should be working it out long before that and heed lessons learned from the Transient Occupancy Tax failure. He commented that the Board didn't do a very good job.

Supervisor De La Cruz asked when they would discuss it.

Chair Barrios answered when staff brings back options.

Mr. Espinosa stated that they could discuss it during the special budget meetings at the first one in March.

Chair Barrios asked if they needed a public hearing.

Mr. Granger replied no.

Mary Gilbert of Council of Governments (COG) stated that they would help with messaging and getting it out to the community and they would work with county staff.

Supervisor De La Cruz commented that the more involvement from the community, the better.

d. Project Revenue: Development Agreements

Mr. Espinosa stated that they would defer this matter to the end of the meeting or the July retreat.

e. Economic Growth (Melinda)

Mr. Espinosa stated that they would defer this matter to the end of the meeting or the July retreat.

V. SUSTAINING GROWTH

a. Tax Sharing Agreement with City of Hollister

Mr. Espinosa reminded the Board of the reason why there was an annexation fee in place and that was basically to recoup costs.

b. Annexation and Sphere of Influence [Share Info. From Developers/Bob B.]

Mr. Espinosa spoke of the letter received with a request for the fee to be removed. He indicated that there was a letter from Award Homes claiming unfairness. He noted that the incident wherein the fees were reduced by 50% was one of special circumstances.

Chair Barrios added that the circumstances were compelling.

Mr. Espinosa stated that they were denying the request but he wanted to make the Board aware.

Supervisor Botelho stated that they were interested in recouping costs. He added that a better avenue may be to defer over Mello Roos and spread it out.

Mr. Granger explained that Mello Roos was used before to keep the county's fiscal neutrality while development is in the county. He added that it didn't make sense when the property is annexed into the city noting that they have a Mello Roos in the city.

LAFCO Executive Director Bob Braitman spoke of the low taxes here and creating an impediment to developers annexing into the city. He added that the problems here are fixable. He indicated that he submitted a proposal to help and that it would be separate from his LAFCO duties. He expressed that he was pleased that they were having this conversation.

Chair Barrios asked how soon they could address the problem.

Mr. Braitman answered four months.

Supervisor Botelho fully supported that major development should be in the city.

Supervisor De La Cruz asked how they weighed the political concept.

Mr. Braitman asked to give them four months to give an answer.

City of Hollister Manager Bill Avera spoke of the Racovich property under construction and the first homes were under the annexation agreement and required to pay \$9,800. He asked the board if they wanted them to collect it. He indicated that it would probably end up in litigation and he felt it was not a legal fee for them to collect on the county's behalf. He requested direction ASAP.

Mr. Granger stated that they could not make a decision that day and that it would probably have to be in a closed session. He added that there was a contract in place between the County of San Benito and the City of Hollister which had not changed and was still enforceable. He stated that the city needed to perform under the current contract.

City of Hollister Attorney Brad Sullivan stated that if they were to pursue that would be County Counsel's issue.

Supervisor Botelho stated that they all agreed that they wanted staff to go back and work with LAFCO.

Chair Barrios stated that there was clear direction. She asked Mr. Braitman if there were any conflict.

Mr. Braitman stated that there was no conflict and he wouldn't take it if there was conflict. He stated that he would be doing it as Braitman and Associates.

Scott Fuller of San Juan Oaks asked when the different contract was coming. He stated that the annexation fee is disincentive to annexation. He urged them to address the matter as soon as they could.

Chair Barrios reiterated the timeline of four months.

Mr. Sullivan asked for a resolution or something from County Counsel to collect and hold.

Mr. Granger replied that they have a contract.

Mr. Sullivan stated that it had not been enforced.

Mr. Granger stated that they would need to go into closed session and that they have a contract with the City of Hollister to collect.

Chair Barrios directed that it be put on closed session for the next meeting.

Mr. Espinosa noted that agenda review was that afternoon.

Mr. Granger indicated that no one has said that they're going to file a lawsuit tomorrow.

Supervisor Muenzer felt they needed to work together.

c. Fiscal Neutrality: Development Impact Fees

Mr. Espinosa stated that they would defer this matter to the end of the meeting or the July retreat.

VI. CREATING EFFICIENCIES AND IMPROVING PROCESSES

a. Organization -Departments (Re-organization)

Mr. Espinosa spoke of the areas of reorganization such as working with Human Resources, moving Office of Emergency Services to Admin and the Sheriff's reorganization. He spoke of the Public Works, Planning and Integrated Waste Agency consolidation as recommended by the Optimity report done last year. He explained that they would be creating a super agency, so to speak, with one department head and multiple assistants. He added that there would be a savings with less department heads.

Supervisor De La Cruz stated that the Integrated Waste position was now vacant and that the Cities of Hollister and San Juan should come in and help with funding. He suggested tearing the position apart and starting from scratch.

Supervisor Botelho expressed concern with department heads and that some may be stuck doing menial tasks which would be a waste of a department head.

Supervisor De La Cruz expressed that he would like to see a student from San Jose State come in and work in Public Works.

Mr. Espinosa indicated that the same discussion came up at the last department head meeting, the possibility of paid interns from San Jose State, Monterey Bay, San Francisco and other local universities. He added that they had a lot of interim department heads and they were in a transitional stage. He stated that it was a big hole to fill and there was a lot happening from a recruiting point.

Supervisor Botelho asked about addressing the interim positions and perhaps they have some resolution to those positions.

Mr. Espinosa stated that with the Optimity study, having the interim position works to our advantage.

Supervisor De La Cruz spoke of how Morgan Hill loved hiring the recruits that San Benito County hires and trains.

Chair Barrios felt they needed succession planning.

Grand Jury:

Mr. Espinosa spoke of the Grand Jury needing to keep within their budget of \$19,000. He indicated that they were requesting another \$12,000 in addition to their regular budget.

Mr. Granger explained that the ordinance can be interpreted to be more generous but that Judge Sanders agrees to the minimum amount, which is when jurors all meet as a group. He stated that the county ordinance was vague and that Grand Jury members were attending Board of Supervisors meetings and getting paid for attending plus mileage. He recommended that they change the ordinance to default to the minimum. He added that the court was comfortable with that.

Supervisor Botelho thought it was a great idea.

Chair Barrios directed staff to go back to the legal minimum.

Supervisor De La Cruz stated that he would not support it.

Mr. Espinosa indicated that the Grand Jury wants a letter saying that the Board won't increase their budget.

There was no public comment.

Mr. Granger stated that it would be brought back on February 17th or March 3rd to change the ordinance.

i. Organization

Mr. Granger brought up the question of who does the Chief Probation Officer (CPO) report to. He spoke of a case in 2011 when Nevada County asked that question. The Attorney General came back and said yes if it is the Board's desire, the Board can be responsible for appointment, management, etc. of the CPO and eliminate the court all together. He indicated that the Board does not have the ability to hire, fire and supervise the CPO currently. He stated that he wanted to bring that to the Board's attention and if they were interested there would have to be some changes. He explained that he would have to be incorporated into the county system. He reported that initially there was push back from the judges and that other counties have included judges in the hiring process. He added that more counties were moving to this, especially with AB109.

Chair Barrios asked if there was a disadvantage for the CPO.

Chief Probation Officer Ted Baraan felt that if the county were to take control it should be done collaboratively with all 44 counties. He indicated that all counties were different with 10 directly appointed by Board of Supervisors, 23 by the court and 10 were hybrid counties and all were different. He noted that he was the 11th in Chief Probation Officers in San Benito County since 1909. He asked not to be placed in a weird position with the court.

Chair Barrios stated that they would be cognizant of the relationship and that the mandates did not change.

Supervisor Botelho agreed that it should be collaborative. He indicated that he saw the advantage of being under board control.

Mr. Granger suggested an ad hoc committee to broach the subject with the judges.

Supervisor De La Cruz commented that he always felt they always got the short end of the stick on AB109. He felt that the board should either take over or turn the whole department over to the courts.

Chair Barrios asked that an ad hoc committee be put on the agenda for a future meeting.

Sheriff Thompson reminded the board to keep in mind that the mission of the Chief Probation Officer was to execute the will of the judges out of the court process. He suggested that they be careful in keeping the core values in focus.

Supervisor Muenzer felt that the ad hoc committee was a great idea and that they should not rush into anything.

ii. Re- Organization Consolidation

iii. RCRC - IW JPA (Mary Pitto)

Chair Barrios welcomed Ms. Pitto.

Mary Pitto of RCRC gave a presentation on the integrated waste JPA.

Mr. Espinosa stated that they would bring it back to the Board regarding organic waste.

Chair Barrios asked if they had to be part of the JPA to get the exemption.

Ms. Pitto replied no and that they were welcome to use the sample resolution. She added that their advocacy was on behalf of RCRC counties. She explained that there were JPA meetings five times a year and they should join the JPA if they thought their staff would benefit from those meetings.

b. TECHNOLOGY

i. New World – Need Demo (Nathanael)

Mr. Espinosa noted that the board approved New World over a year ago.

Management Analyst Melinda Casillas gave a computer presentation on the New World system.

Chair Barrios asked about contracts.

Mr. Espinosa indicated that would be in the next phase.

ii. Open Gov and Five Year Plan –(Melinda)

Ms. Casillas gave a computer presentation on Open Gov. She noted that it included all historical data from Bi-Tech from 1999 on.

iii. GIS - Development Tracker

c. COMMUNICATION

i. Quarterly Newsletter

d. County Administrative Office Policy Manual (Sara)

i. Developing and Improving Policies

e. Succession Planning: HPO training

VII. RETREAT PART II : July 28, 2015 (3-4 hours)

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: De La Cruz, Botelho, Muenzer, Barrios

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: Rivas

There being no further business the Board adjourned at 1:00 p.m. to February 10, 2015 at 1:30 p.m.

MARGIE BARRIOS, CHAIR
San Benito County Board of Supervisors

ATTEST:
Denise R. Thome, Clerk of the Board