



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 FEBRUARY 17, 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 Matthew Granger, and Assistant Clerk of the Board Janet Slibsager. Chair Barrios presided.

9:00 a.m. CALL TO ORDER:

- a) Supervisor Rivas led the Pledge of Allegiance.
- b) Acknowledged Certificate of Posting.
- c) **Public Comment: Opportunity to address the Board on items of interest not appearing on the agenda. No action may be taken unless provided by Govt. Code Section 54954.2.**

Brooke Murphy, thanked the Board for their letter of support in regards to H.R. 1776 for Clear Creek.

Dee Murphy thanked the Board for their letter of no confidence for the BLM and wanted to remind them that she would be back every year or as often as she needs to, to remind them that Clear Creek is very important and how everyone would love to have it open. She said that the Board needs to keep fighting and work more with Sam Farr in regards to H.R. 1776 and keep it on the forefront.

Mary Hsia-Coron, San Benito Rising, spoke in regards to the letters that have been sent to the County in regards to Measure J.

Andy Hsia-Corn, San Benito Rising, spoke in regards to the letters that the County has been receiving in regards to Measure J.

Marvin Jones, Hollister resident, spoke in regards to the 5th Amendment of the Constitution which says when you the San Benito County Board of Supervisors takes property; you have to compensate the owners. Process is you take the property, Measure J they have to file a claim before they can sue you. He said that now that you have enacted Measure J, you better start putting some reserves in your budget it is going to be expensive.

Approved by the Board of Supervisors on 4/7/15

d) **Department Head Announcements:** Information only.

CAO Ray Espinosa reported that they had a great 3 day training last week in regards to strategies of implementing change for our higher performing organizations. Some of the items covered were: Evaluating standards of operations, hygiene and employee engagement. He said that there was a lot of information that was covered and we look forward to our continued work on this for the County.

d) **Board Announcements:** Information only.

Supervisor De La Cruz thanked his wife for her patience, took a trip up to San Francisco and spent the night for Valentine's Day. He said that he loves San Francisco, but he loves our community and San Benito County.

Supervisor Botelho thanked the CAO Ray Espinosa and staff for a great Board Retreat last week. The presentations were very good; the dialogue amongst the Board was very constructive and gives us a good path to achieve this coming year. He said that he was looking forward to having some success.

Supervisor Muenzer reported that he attended the Association of Monterey Bay Area Governments (AMBAG) meeting and they are working on the 2015 Ortho Imagining project which is a GIS project which he would forward on to our CAO to see if this is something we need to be involved in. He said that AMBAG also has a MOU with the Western Riverside Council of Government, developing a California Hero Program, which is a low interest loan for people to improve their houses for energy efficiency, which will also be passed on to our CAO for review.

Supervisor Muenzer also announced that he attended the funeral of Charles Dorn a long time employee of the U.S Parks Service and husband of Superintendent Karen Beppler-Dorn of the Pinnacles National Monument who passed away from his battle with cancer.

Chair Barrios echoed what Supervisor Botelho had said in regards to the Board Retreat, it was very well organized. She mentioned that they would be having another one probably in July.

Chair Barrios said that she had gotten feedback on the training that happened for the Department Heads, and it was very good.

Chair Barrios said that we as Supervisors have a lot of commitments and we have all been appointed to committees and commissions, which in our busy lives we need to try to make time to attend that, do require a quorum. We are sent emails, letters or calls to remind us of the meetings and she wanted to encourage all of us, including herself that we respond so that they can plan accordingly. She said that our involvement is very essential, important and they welcome us and I just want to make sure that we are committed to the committees and commissions that we have been assigned to.

Chair Barrios invited James Rydingsword from HHSa to join her and the Major of Hollister to present to the City of San Juan Bautista information on the Homeless committee that we are planning to start to let them know what we have been doing and bring them up to speed and invite them to support us and to participate in the committee and also in the future plans that we have.

CONSENT AGENDA:

*Upon motion made by Supervisor De La Cruz and seconded by Supervisor Rivas, **approved** Consent Agenda Items 1-8, with the exception of Items #1, #4 and #7, which was pulled for discussion. (5-0)*

CLERK OF THE BOARD – D. Thome:

1) Approve the action minutes of the January 20, 2015 regular meeting.

Item pulled by Chair Barrios.

She said that she was starting to get a complex; we need to make sure that all the comments from the Board of Supervisors under board announcements are considered. She said that when she was appointed as chair she mentioned her goals and objectives for the coming year and there was no mention of that. I just want to make sure that the public is aware that we all have something to say and it is important and that we all get recognized if we make a comment or announcements.

BOARD ACTION: *Upon motion made by Chair Barrios and seconded by Supervisor Muenzer, **approved** minutes.*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

2) *Approved* FY 2014/2015 Budget Augmentation and Transfer of \$141,000 for the San Benito County Migrant Center for the property needs assessment repairs and upgrades. (4/5 vote) (File #750)

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

3) *Approved* additional positions for Human Services due to increased State Funding for Medi-Cal and Eligibility Programs as follows: 4.0 FTE Eligibility Worker I/II, 1.0 FTE Eligibility Worker III, 1.0 FTE Eligibility Supervisor, 4.0 FTE Office Assistant I/II, 1.0 FTE Screener; and **approved Budget Augmentation for FY 2014-15 in budget 2212-500 related to Medi-Cal/Eligibility Programs in the amount of \$239,549. (4/5 vote) (File #130)**

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

4) Approve Modifications to the Schedule of Authorized Positions for Health & Human Services as follows: Budget 2214-400; delete 1.0 Public Health Nurse IV, add 1.0 Supervising Public Health Nurse, add 1.0 Occupational Therapist I/II; Budget 2402-012; delete 1.0 Integrated Case Worker I/I, add 1.0 Employment and Training Worker I/II.

Item pulled for discussion by Chair Barrios.

She said that she just wanted to make sure that the paper work that they are approving for this plan does have the right date of 2014.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor De La Cruz, **approved** per recommendation. (5-0 vote) (File #130)*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

5) *Approved* agreement with California Statewide Automated Welfare Systems Consortium IV Joint Powers Authority for the purchase of seven C-IV workstations, scanners, printers, and ongoing maintenance for the period of FY 2014/2015 to FY 2019/2020. (File #130)

OFFICE OF EMERGENCY SERVICES – K. O’Neill:

- 6) **Adopted Ordinance No. 933**, amending sections 11.01.002, 11.01.003, and 11.01.005 and changing the title of Chapter 11.01 from “Civil Emergencies” to “Emergency Services” in the San Benito County Code. (Ord. No. 933) *(File #75.5)*

PLANNING DEPARTMENT – B. Turner:

- 7) **Adopt Resolution upholding the Planning Commission’s Approval of Use Permit No. 1103-14 for (Verizon Wireless), and denying the appeal of Guerra Nut Shelling Company heard on February 3, 2015. (Res. No. 2015-8)**

Item pulled for discussion by Supervisor Muenzer.

He said that he had no comment on this item; he just wanted to pull it for a vote.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Barrios, adopted Resolution No. 2015-8, upholding the Planning Commission’s Approval of Use Permit No. 1103-14, and denying the appeal filed November 24, 2014. (3-2 vote, Supervisor Muenzer and De La Cruz voted no) (File #790)*

PUBLIC WORKS DEPARTMENT – J. Horwedel:

- 8) **Approved** Final Map for TSM 14-92, Tract No. 321, for Community Housing Improvement System and Planning Association, Inc., commonly known as CHISPA; **authorized** the Chair to sign the Final Map; and **authorized** staff to record the Final Map. *(File #105.3)*

REGULAR AGENDA:

COUNTY ADMINISTRATIVE OFFICE – R. Espinosa:

- 9) **Accept introduction, read title and waive further reading of an Ordinance amending Article 1 of Chapter 3.01 of Title 3 of the San Benito County Code to specify compensation paid to Grand Jurors and continue to March 3, 2015 for adoption.**

CAO Ray Espinosa provided information in regards to an amendment to our current ordinance, Article 1 of Chapter 3.01 of the Title 3 of our San Benito County Code, per our discussion at the Board Retreat. He said that we are here today to read title of ordinance for the record; and have the Board accept introduction and waive further reading of the ordinance and continue the matter to March 3, 2013 for the adoption of the ordinance. He said this is to clean up our current ordinance in regards to reimbursement for the Grand Jury.

Chair Barrios asked if there were any comments from the public. Those speaking from the public were: Deane Judd, current member of the Grand Jury, said that the background information provided with the proposed ordinance amendment lacks any rationale for the change. It only states that the amendment is with compliance with state law. He said that he had some things that he would like to address; 1) About 6 months ago the foreperson notified the County Administrative Officer that our budget was insufficient and that we would run out of funds at the beginning of 2015. At that time the CAO gave assurances to our foreperson that the problem would be taken care of; 2) this proposed amendment is apparently in response to the budget short fall, however it does nothing to solve our current budget problem; 3) today we are out of funds, so the jury work is suspended. The jury is not allowed to incur expenses over the budget, if we

meet we incur expense, so until funds are available we do not meet we are stopped; 4) the two reports required by law each year will not be completed, unless funds are quickly allocated so we can restart our meetings. This amendment does nothing in that regard; 5) as of last Thursday there were 16 members of the Grand Jury there may be fewer today. We are supposed to have 19 members, last year we were also below. Recruitment is difficult some jurors have spent many hours of unpaid time recruiting at community events, yet we are still under our specified 19 members; 6) most of the time I spend on the Grand Jury is attending meetings of the two committees which I serve. While all members serve on the Jury to be of service to the community the current jury pay and mileage reimbursement provide a modicum of reward for what is often difficult and time consuming work. If you approve this amendment you will remove even that small recognition of our service, recruitment and retention will suffer. I urge you to reject this proposed amendment, at the very least; table it until you review the current and future financial needs of the Grand Jury, review what other counties are doing and in particular immediately allocate sufficient funds so that we can complete our current term.

Steve Austin, Grand Jury member, said this is his first year and has no plans of resigning over this at all; I am not in it for the money. After all when I first started the Grand Jury I didn't even know we got paid. The Grand Jury's purpose is to protect the public interest; our primary function is to investigate city, county government and school district. The civil investigations result in recommendations for improvements to save tax payer dollars and improve services. We make sure that money for bond measures are spent the way the voters want it spent. We insure that inmates, both juvenile and adult, are treated humanely. We check to see if there is no mismanagement of funds by any public agency. We are the watch dogs for the public and we do all this for a \$15.00 a meeting and mileage, quite a bargain for the people of San Benito County. Penal Code 890 specifies the pay for Grand Juror's and allows local government to pay higher fees and mileage rates. He said even as a committee member, we do in fact; represent the entire Grand Jury as the other Grand Jury members depend on the information that we get in our committee. He asked the Board to not consider the ordinance and continue with the current arrangement.

Gene Hopp, Grand Jury member, said that he joined the Grand Jury a couple of months ago and was appalled at learning of the budgetary problems impacting the Grand Jury operations going forward. The problem has been addressed several times with County Administration by the Grand Jury with no meaningful response. Instead of fixing the budget problem the County Administration has chosen, instead, to propose an ordinance based, as it appears, largely upon a 22 year old opinion. I believe the intent of this proposal is to severally impact the lawful duties of the Grand Jury and I strongly urge the Board to reject this proposal.

Bill Healy, Grand Jury member, said to help clarify the issue there are individuals within this room who have no idea what the responsibility of the Grand Jurors are and why the California Legislation has put it in and why it should be supported. Because the Grand Jury's work, they can do what no other group or individual can do. He said we do not report to the Supervisors, we don't even report to the Superior Court Judge here, even the Attorney General has no control over an individual Grand Jury. We are an entity by ourselves. The Grand Jury's budget is provided by the county general fund and the sitting Grand Jury

could and should provide information to the budget, we were not asked, and we were never contacted in regards to what the budget should be. No one had an idea what was the previous years and what caused the increase in the budget. The Grand Jury's need for equipment, supplies and training was never asked. A poorly funded Grand Jury will not be as effective as it could be. The Grand Jury cannot exceed its budget, as was mentioned. He said that there is a Penal Code 938.4 which states the Superior Court shall arrange for a suitable meeting room and other support as the court determines necessary for the Grand Jury. The County must from their existing resources, and shall absorb all costs accrued by the Court as result of this section so we can have our own room. We meet at Mars Hill and we talk confidential information, so I just want to make sure that the County Counsel understands that they have been non compliant for 16 years. He said that he would follow up with a note to the Attorney General. We have contacted the CAO and the Superior Court 5 different times telling them what our budget was and what it should be, we have received no action. The last time we met, the CAO said I would get back to you. That was January 30th. He said that he wants to know why the San Benito County Administration is not responding to the request of the Grand Jury to do additional funding. Why is the San Benito County Administration changing reimbursement schedules after we have contacted him 5 times? He said as a Grand Jury member he makes \$60.66 a week, roughly 15 to 20 hours worth of work, which is a cheap buy. Why does the County Administration want to reduce the payment and what is the intent and the purpose of this action.

Michelle Gutierrez, Grand Jury member, said that she would like to reiterate what her fellow Grand Jury members have spoken today. We work very hard as Grand Jury members and take our job very serious. The amount of money that we get paid does not compensate the work that we do, so we must be in it for the heart of the work that we do. I just want to say please look over the ordinance and consider the work that we do. We have reports hanging in limbo right now that we cannot complete because of the budget problem that we are having. She said that some Grand Jury members may quit and we don't want to lose these members, we have a hard enough time getting 19 members. Please reconsider changing the ordinance.

Rohit Sharma, Grand Jury member, said that we have 3 primary functions; we serve as a watch dog for the county over seeing local government; we hold the power to remove elected officials with just cause and on rare occasions we can be sworn as a criminal grand jury. We are told time and time again that our services are greatly appreciated and valued. It is a thankless job and even more so with your intended actions. While we were lead to believe that we are an asset to the community, we are being treated as a burden. Although, we are not elected officials like yourselves, but citizens appointed by the Court, we both share the same purpose to serve our community. The County Administration Officer's suggestion to eliminate our meetings and car pool whenever possible and only get reimbursed for out of county interviews is insulting. Indicating our committee meetings are frivolous. I fear your intended actions may cause current members to resign and deter future members from serving, leaving the county with no Grand Jury. What then, explain to the State why San Benito County is the only county in California unable to sustain a Grand Jury? The first report is due to be reviewed by County Counsel. There are at least 9 other investigations near completion alot of hard work and numerous hours spent by

my fellow jurors, many who are in attendance today. We don't just want to be heard but rather listened to. Do the right thing, do not amend this ordinance.

Marvin Jones, Hollister resident, states that Penal Code 898 establishes a floor for compensation for the Grand Jury members that varies from State to State, County to County; we are pretty much in line. If we have two meetings a day we only get reimbursed for one. Santa Clara County pays \$20.00 we only do \$15.00, but we are in line there. If you approve this one, you will change that floor to a ceiling. That's not the way to do it; I hope you do not enact this ordinance.

John Meeks, past member and foreman of the Grand Jury. I am also against the change of the compensation agreement within the law. We are a bedroom community of the Silicon Valley, a lot of the people we draw from the Grand Jury are citizens who work in the Silicon Valley. Anyone who is on the Grand Jury that works in the Silicon Valley needs to take off work that day to be able to come and perform interviews or investigations or anything that needs to be done during the business hours. They deserve some kind of additional compensation. You are going to put a hammer in their ability to perform the job that you and the state are asking them to do, be a watch dog. So I encourage you not to approve this ordinance change.

Marty Richman, Hollister resident, mentioned that he served a term as a member of the Grand Jury and I think that you all know that the \$15.00 you get is merely a symbol it has nothing to do with compensation, but symbols are important. You can't compensate someone \$15.00 for a meeting and say that we are giving you fair compensation, this is not compensation it is nothing but a symbol. Symbolically you are saying there is some value to what you do and I think every meeting of every Grand Jury subcommittee has value. Change your message.

Andy Hsia-Coron, Citizen, said that the Grand Jury plays an incredibly important role in keeping government honest. He said that you need to send a signal in this county that you want to have the highest standards of openness for government and that you want to make sure what you do here is fully accountable, and for that you need a robust Grand Jury and you need to send a signal that you support them.

Supervisor Botelho said that the Grand Jury is absolutely an essential organization that serves the people of San Benito County and we certainly feel the need for the work that is accomplished by that group. With that said, we do have a budgetary problem and I find it hard to believe that we are not aware of the budget process that this county has in the late spring and the adoption in the early summer. He said that the money that we allocate for every department and the deliberations are very transparent; it ordinarily takes about a couple of days and is part of our governmental process. We expect every single department to be within their budget and that should include the Grand Jury. I would support reconsideration of their budget if it is properly outlined why more funds are needed. There has not been a major discrepancy or change in the Grand Jury's budget for a number of years. Here we are in February and we have blown through the entire budget. Some level of accountability needs to take place. If it was any other department the Grand Jury would probably be investigating them as to why they have blown through their entire budget in a half of year, and rightfully so. All I am asking is to have some level of accountability and to work with the county, we expect this from every department, and I don't think that is

too much to ask for. Knowing that our budget process is in June, the foreman or the judge, agrees to the budget allocated by this County, or doesn't agree, so that we can deliberate whether or not you have the resources available to do your work, which is absolutely vital.

Supervisor Botelho said he didn't know if we need to pass this today, or if we need to form an Ad Hoc committee to work with the Court or the Judge to find out the right level of compensation, but I think there still needs to be accountability, how much is being spent, and why.

Supervisor Rivas said that it sounds like we need to have a Grand Jury investigation of why the budget has run out. He said that we all appreciate what the Grand Jury does. He said that he agreed with Supervisor Botelho and this is definitely a concern for our Board, but we need to try and fix the problem. The work that the Grand Jury has to accomplish needs to get done and we have to do what is necessary. He said whether we appoint an Ad Hoc committee or approve the ordinance, madam Chair it is your call.

Supervisor De La Cruz said that he believes that we should fund them to the end of this fiscal year. He said the he too also agreed with his fellow Supervisors and once the budget process comes, hopefully there will already be a sub-committee or some kind of Grand Jury review to see why the money is needed and see if we can reach some point. He said that I do believe that the Grand Jury is important; they are another set of eyes to our community and we need to help them out and do what is best for the community. He said that he would support continuing funding as is right now with some sight of control by the administration and then during the budget process, hopefully there will be someone to give recommendation to the Board of Supervisors.

Supervisor Muenzer said that his concern is when our watch dog agency is not watching their own budget. He said that one of the speakers got up and said how would you feel if you showed up for work and were told there is no more money for your salary, we have had to tell a lot of county employees that exact thing over the last few years because there was no money. He said that the Grand Jury is accountable to the voters of San Benito County, specifically the voters of District 4. He said what I am hearing today was that the Grand Jury doesn't feel that they are accountable to anybody, that is wrong. Every process of the government is accountable to somebody and you are accountable for your budget, to live within your budget and set the example for everybody else. He said that he would support an Ad Hoc subcommittee to look into this. If we don't go that way, he said that he was willing to support the ordinance.

Chair Barrios said that she appreciated the comments that have been made by the Grand Jury. She said that we as an agency have made great changes and important changes because of what you have brought forward, so we do take your work very seriously and we do appreciate it. But like Supervisor Botelho said we have a lot of other departments and units who have to live by their budget and that is the reason why we set them, because we need to live by them and we need to make sure there are constraints. Otherwise, if we did this with every department who knows where we would be, we would be approving additional funds which shouldn't be the way we do business. She said maybe what we could do was to put a timeline on this new ordinance, because that ordinance is a state ordinance and it will provide us with a opportunity to limit what we can spend and maybe the budget can be different come July. She said that this ordinance should take place no later than July 1st. She said that she

would support passing the ordinance but making sure that we wait until the budget year to get it going. She said in the interim she would take the advice of the rest of the Board and consider if an Ad Hoc committee is necessary.

Chair Barrios said that she was going to look to the CAO, I know that there has been conversation that we haven't met, but I believe he has discussed this issue with them and as far as meeting at Mars Hill that is not where they need to meet because when we got our building at Technology Parkway we made sure that there was room for the Grand Jury and for your files there.

CAO Ray Espinosa said that they have met on more than one occasion to discuss location; I know that they have been at an area where they cannot lock files for many years; but we have been working diligently with the facilities committee to discuss that. We have started the process already, our Public Works Director has been working on that and we have actually brought in an architect to redesign at 2300 Technology Parkway to add some office space and a locked location for them. We anticipate the cost to be about \$15,000 for that, so that is well above what their budget allocation was, but we are doing our part in getting a location for them. The plan is to have something within this calendar year for them. They do actually meet at 2300 Technology Parkway in the large conference area.

Supervisor Botelho asked how much needs to be allocated to be able to get through this fiscal year.

CAO Ray Espinosa replied that their budget is currently almost expended. In 2009/2010 the actual amount spent out of their budget was \$18,700 plus; and in 2011/2012 \$17,200; and in 2013/2014 \$11,000; and in 2013/2014 \$19,400 plus. Our budget for them this year was \$19,500, which they were at 82.15% as of December. We did meet with them in January as they stated. He said they are requesting \$12,821 to get them through the year with the additional hiring an architect for the expansion in the amount of \$15,000, so we are looking at \$28,000 total in addition to their \$19,500. It is well over 100%, our concern in administration like any other department we've got to manage the budget and this is our job in administration.

Chair Barrios said that if every department came back this time of the year and asked for 75% more of their budget that would certainly not be acceptable. So we have to treat everybody fairly.

Supervisor Botelho asked if there has been any discussion or dialogue as far as maybe trimming back some of these costs that have been incurred going forward, or do we just write a blank check.

CAO Espinosa replied that one of his questions to the Grand Jury was maybe reducing the amount of individuals attending the meetings. Instead of having 6 or 7 or more individuals attending a meeting, maybe reduce that down to 2 or the minimum amount that can be used, and that would help to reduce the cost. There has to be some change, there has to be a mechanism in place at the beginning of the year in regards to the budget and keep it in check.

Supervisor Botelho said that I certainly don't want to set a new ceiling at \$28,000, I think that we need to allocate more money to the Grand Jury's mission, but on the other hand they need to understand that is not the new ceiling.

Supervisor De La Cruz said lets reach some type of compromise, let's give them some money to run the rest of the year and hopefully with our CAO and their Foreman they can work together. It is their prerogative if they want to

have 3 people or 15 people on a committee. Hopefully they can show a good faith effort by coming and seeing the CAO to work through the end of the year. Then that will give us time to develop some policies so that when we do go through the budget process then it is a clear indication for next fiscal year they will have this amount of money. If we set a benchmark of how the committee makeup will be, we really don't want to infringe on their ability to investigate or do the work by saying you can only have 3 to a committee. If they want to have 10 to a committee and they know there is only so many dollars available, it as their prerogative, it is their budget level, there responsibility for their budget. They need to plan for the rest of the year how they are going to do it for next year. I don't want to cut them right now; we are close to the budget process I would like to help them out. They know they are on notice today and have a due date of July 1st when we go through the budget process that if they are not willing to work with us then we will implement a budget for them.

Chair Barrios said that what I am hearing that we do want to help them until the end of the year, but we will have to ask our CAO to figure out where that money is going to come from and how much it can be. She said that we have another meeting on March 3rd; I would like to bring this item back with a recommendation from our staff as to how much we can afford to give for the rest of the fiscal year, and bring back the ordinance for further discussion or pass it effective for the July 1st fiscal year if this is o.k. with the rest of the Board.

The consensus of the Board was to bring back the ordinance at the March 3rd meeting.

Chair Barrios mentioned that Supervisor De La Cruz and she will meet with CAO to help out with the discussion of this as an Ad Hoc committee just until the next meeting.

BOARD ACTION: *Upon motion made by Supervisor Muenzer and seconded by Supervisor De La Cruz, **moved** to continue this item to the March 3, 2015 meeting. (5-0 vote) (File #605)*

COUNTY COUNSEL – M. Granger:

- 10) **Review the draft tree protection ordinance, and provide direction to staff as to any necessary changes; make the CEQA findings set forth in Attachment “A” to the AIT; adopt Resolution of Intention to Amend Article VII of Chapter 25.29 of the San Benito County Code. (Res. No. 2015-9)**

Assistant County Counsel Barbara Thompson provided background information in regards to the tree ordinance and adopting a Resolution of Intention to amend Article VIII of Chapter 25.29 of the San Benito County Code.

Ms. Thompson said that the procedure today is to have the Board give further direction of what it would like to see in a tree protection ordinance, or if satisfied with the direction of the ordinance at this time; we would make the CEQA findings set forth in Attachment A and adopt the resolution of intention. She said procedurally it is schedule to go to the Planning Commission tomorrow night for their review and approval of the draft ordinance and then it would be brought back to the Board of Supervisors on March 17th. If the Board wishes to make changes today, then we would bring it back for further direction from the Board at the March 3rd meeting and then go to the Planning Commission and then come back to us sometime in April.

Ms. Thompson provided some changes that have been made to the draft ordinance. She said the changes are thrown out for the Board and the public's comments and any direction from the Board in regards to this ordinance.

Discussion ensued by Board and staff.

Those speaking from the public were: Bill Healy, Hollister resident; Carol Dutra, Hollister resident; Dan Valcazar, Hollister resident; Rich Brem, Hollister resident; Marvin Jones, Hollister resident; Yolanda Gayle, Hollister resident.

Supervisor Botelho asked why it has to go back to the Planning Commission if they approve it today. He also expressed a concern with the sunset clause.

Ms. Thompson replied, because it is a permanent zoning ordinance it has to go to the Planning Commission for recommendation and then to the Board of Supervisors for final adoption.

Supervisor De La Cruz said that we definitely need to protect our trees, it is important. He said that he wants to make sure that there is a flexibility to make any changes or adjustments that need to occur later on. He does support the sunset clause and protecting the trees, this will give an opportunity for us to do a trial run to make sure our trees are protected and that this ordinance is right or if it needs tweaking later on.

Supervisor Rivas said that he is not a big fan of the sunset clause; I would hope that we could do without it, we can always revise it. He said I don't think a sunset clause is necessary. This tree ordinance is not only needed in Ridgemark but is needed throughout our county. He said for him it is about our sustainability as a county and a community. He said a lot of what the speakers have said is true, so I hope that we can do without a sunset clause, but also I understand the need to have exemptions.

Ms. Thompson provided information that the exemptions were on page 74 of the draft ordinance and said what they were.

Supervisor Rivas Thought it was through and that was something that he could support.

Supervisor Muenzer thanked the comments of the other Board members and the members of the public that have come to many meetings speaking on this issue. He said that this did kind of come to the forefront because of the issue in Ridgemark, but my view of this is, it is an ordinance to protect the whole county. He said the sunset clause he didn't have a problem with, we can review at the end of the 5 years whether it has the sunset clause in it or doesn't. He said we definitely need an ordinance to protect our trees and to protect the residents.

Chair Barrios said that this is not really a county issue it is a Ridgemark issue and for me it is unfortunate. I love trees, they are essential to life but I want to look beyond Ridgemark. She said this is going effect every small homeowner in San Benito County. She said I think it is over burdensome, if there was going to be a tree ordinance it should really be about future development in areas that have been used by public or private open spaces. Those are the things we should be addressing. To add additional burden to property owners who at their own expense put these trees in, and if we want to remove them now we can't. She said that she would not be supporting this ordinance.

Further discussion by Board and staff.

BOARD ACTION: Upon motion by Supervisor Muenzer and seconded by Supervisor Botelho, **make** the CEQA findings set forth in Attachment "A" to the

*AIT; adopted **Resolution No. 2015-9**, of Intention to Amend Article VII of Chapter 25.29 of the San Benito County Code. (4-1 vote, Barrios voted no) (File #790)*

COUNTY LIBRARY – N. Conte:

- 11) **Approve the contract with CENIC-Califa for the period of December 2, 2014 through June 30, 2016 to provide high speed networking to the County Library, to obtain data circuits to connect the library to CENIC and the CalREN connection; direct E-Rate reimbursement payment be deposited into the Library Project Budget in fiscal 2015/2016; and authorize the County Librarian to apply for more CENIC grant funding as available.**

CAO Ray Espinosa provided information in regards to the contract with CENIC-Califa for high speed networking for the library.

John Shelley provided additional information in regards to the internet service and the contract.

Librarian Nora Conte said that this is a very exciting step that we could take at a nominal cost for our County.

Chair Barrios said that it looks like we will be getting most of this money back. She said that this could be so beneficial to continue providing that kind of service to the community.

Ms. Conte said absolutely, this will be great. Members of the community will be able to come in and have access to a faster internet that they will be able to access all types of information. For the library to be able to provide training to the public as a group where it is not staff consuming and more sufficient use of staff's time. She said that she was really excited about this and about the partnership with Califa and Cenic to the (CalREN) network because it will certainly get us on that fast internet highway.

Those speaking from the public were: Mary Schneider, President of Friends of the Library, said that she supports this contract.

Harriet Brin, Friends of the Library, said that she hopes the Board approves this action.

Marty Richman, Hollister resident, said that he also support this.

Ms. Conte said that she would like to commend her staff for their openness to train and learn more about technology and strengthen their skills. She also thanked the Board of Supervisors for their support along with the CAO, County Counsel and IT Department for their support.

Supervisor Muenzer had a question in regards to the contract and the term.

Ms. Conte provided information.

CAO Ray Espinosa provided additional information.

Supervisor De La Cruz had a question in regards to the gigabytes. Said that this is very important and is excited about this.

Mr. Shelley provided information.

Supervisor Botelho said that we are going in the right direction, and this helps us move forward into the future. He said we have to continue to try and get an impact fee for the library in place so that we can accommodate for the future growth.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios, **approved** the CENIC-Califa contract from December 2, 2014-June 30, 2016 (a) to provide high speed networking to the County Library;*

and (b) to obtain data circuits to connect the library to CENIC and the CalREN connection; and **authorized** the Board chair to sign contract; **direct** E-Rate reimbursement payment be deposited into the Library Project Budget in fiscal 2015/2016; **authorized** the County Librarian to apply for more CENIC grant funding, as available. (5-0 vote) (File #80)

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 12) **Approve waiver of County Policies and Procedures Handbook Rule 1.H.3 Prohibiting CalPERS benefits for Temporary Employees for Office Assistant II in Health and Human Services Agency.**

H&HSA Director James Rydingsword provided background information in regards to wavier of County Personnel Policies Rule 1.H.3 Prohibiting CalPERs benefits for temporary employees request.

Supervisor De La Cruz had a question.

Mr. Rydingsword provided information.

BOARD ACTION: Upon motion made by Supervisor Muenzer and seconded by Supervisor Rivas, **approved** per staff recommendation. (5-0 vote) (File #130)

PLANNING DEPARTMENT – B. Turner:

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

Interim Planning Director Byron Turner provided information and a handout in regards to Revised Schedule as of January 2015 for the Completion of San Benito County GPU and EIR. He said that he would be back at the March 3rd meeting with another update.

Chair Barrios had a question for County Counsel in regards to additional funding for the legal review. She said that she would like an update on that end of it.

County Counsel Matt Granger said that the Board did appropriate monies to assist the County Counsel's office in performing legal review. He said that legal review has been underway for approximately 2-3 weeks and is proceeding smoothly. There are no major issues and we anticipate the review will be done March 3, 2015.

Chair Barrios thanked them for the report; this is exactly what we want to be updated on at every meeting. (File #790)

PUBLIC WORKS DEPARTMENT – J. Horwedel:

- 14) **Approve contract change order with All Phase Excavating Construction, Inc. for a total amount of \$161,992.62 for the County Fiber Optic Infrastructure project and authorize: \$141,000 payable to All Phase Excavating Construction, Inc.; \$240.00 to pay for damages to the residence of Manuel Romero at 419 North Street; and \$20,752.62 to the Don Chapin Company for restoration of the damaged sewer line in North Street.**

Interim Public Works Director Joe Horwedel provided a staff report and information for the change order with All Phase Excavating Construction, Inc. for the County Fiber Optic Infrastructure project and the reason for the increased costs. He said that staff is asking for the Boards concurrence to approve an amendment to the contract to increase the amount and pay for the damages to a homeowner for sewage problems.

Mark Hansen, Supervisor for All Phase, said that he was here to answer any questions. He said County staff has been very good with us; any successful

job takes the work of all people involved. This was a challenging task but it was very successful and we look to resolve this.

Chair Barrios had a question in regards to the money paid to Don Chapin Company; we will be deducting those costs from the final amount meaning that the contractor is taking full responsibility for that, so we will get reimbursed.

Mr. Horwedel provided information.

Supervisor Botelho had a question; all in all, this project came within our budgeted perimeters.

Mr. Horwedel said that we had set aside \$650,000 in the original budget; this is a project funded half by the city half by the county. So when we started this project it would have been \$325,000 out of each. He said that we are under the \$650,000 we originally approved.

BOARD ACTION: *Upon motion made by Supervisor Muenzer and seconded by Supervisor Rivas, **approved** per staff recommendation. (5-0 vote) (File #105.3)*

PUBLIC WORKS DEPARTMENT – J. Horwedel:

15) Adopt Resolution adopting the Goals and Policies for Mello-Ross Community facilities Districts. (Res. No. 2015-10)

Interim Public Works Director Joe Horwedel provided information as a follow discussion from the December 16th meeting; he said they have brought forward draft goals and policies for the board's consideration. We captured all the things the County has talked about that we would want to protect ourselves for. He said that the adoption of the Goals and Policies for Mello-Ross Community Facilities Districts will allow developments to ask the County to consider formation of Mello-Ross Community Facilities Districts as a replacement to the County Service Area mechanisms used previously. Currently the staff is beginning to work with the developer for the Santana Ranch development on the formation of a CFD to address maintenance costs for the new residential subdivision.

Mr. Horwedel said they believe this is a really good starting point that has us at 98% where we need to be and it does set a floor.

Supervisor Botelho said this is a great start, it beats what we have.

Those speaking from the public: Marty Richman, Hollister resident, spoke how he supports the need to pay Mello-Ross taxes.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Barrios, **adopted Resolution No. 2015-10**, adopting Goals and Policies for Mello-Ross Community Facilities Districts. (5-0 vote) (File #105.3)*

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

16) Receive presentation in regards to 2014 Year End Report.

CAO Ray Espinosa provided a PowerPoint presentation in regards to the 2014 Year End Report of 2014 accomplishments. Thanked the Board for allowing staff to come to you this year and share a year end report. He said that there has been a lot of work; it has kind of been fast and furious. He said there have been 2 large projects; the fiber optic project and the ERP system. He said that there is going to be a lot of departments that are going to be stemming different modules from the ERP which will help them out tremendously, so that is going to be a task item for 2015 System. Other items covered: San Benito County-January 2014; San Benito County-February 2014; San Benito County-March 2014; San Benito County-April 2014; San Benito County-May 2014; San

Benito County-June 2014; San Benito County-July 2014; San Benito County-August 2014; San Benito County-September 2014; San Benito County-October 2014; San Benito County-November 2014; San Benito County-December 2014; Library; Information Technology; Planning & Building; Child Support Services; Behavioral Health; Human Resources; Probation Department; Integrated Waste Management; GIS; WebGIS; Parcel Report; Parcels and Addresses; Parcels and Imagery; Fire Incidences; Fire Severity Hazards; FEMA Flood Zones.

Chair Barrios thanked the CAO for a wonderful report. She said that we appreciate being able to see what we have accomplished. There is so much work that the staff does every single day, and to remind us of what we have accomplished in spite of budget cuts and being short staffed. It reminds us of the work that has been done and the work that needs to be done for the following year.

Supervisor Botelho thanked Ray for his presentation. He said that this is just the tip of the iceberg as far as what the county is doing and there is so much more going on. He said considering the staffing levels that we have, he is feels really good for what we are able to accomplish, because we have real good department heads and staff.

Mr. Espinosa said that he wanted to mention that we weren't able to put everything, this was a condensed version.

Chair Barrios asked Mr. Espinosa to thank the staff for them the next time there is a staff meeting. *(File #119)*

Closed session items were introduced for public comment at 12:00 p.m.

There was no public comment.

The Board adjourned at 12:04 p.m. for lunch and reconvened at 1:30 p.m. to closed session.

The Board reported out of closed session at 2:23 p.m.

CLOSED SESSION:

- 17) 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. vs. Center for Biological Diversity; San Benito County, et.al., Court of Appeal, Sixth Appellate District, Case No. H041650
No reportable action. (File #235.6)

- 18) 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)

- 19) Conference with Legal Counsel-Anticipated Litigation**
Significant Exposure to litigation pursuant to subdivision (d)(2) of Section 54956.9: Number of Cases: (1)
Closed session is authorized by Section 54956.9(d)(2),(e)(2), due to pending employee grievance regarding on-call pay.

No reportable action. (File #235.6)

- 20) **Conference with Legal Counsel-Anticipated Litigation.**
Significant Exposure to litigation pursuant to Section 54956.9:
Number of Cases (1)
Closed session is authorized by Section 54956.9(d)(2), (e)(1).
This item was struck from the agenda, do not need to discuss.

- 21) **County Employee Appointment**
Title: Assistant County Administrative Officer
Authority: California Government Codes 54957
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:	Barrios, Rivas, De La Cruz, Botelho, Muenzer
NOES:	SUPERVISORS:	None
ABSENT:	SUPERVISORS:	None

There being no further business the Board adjourned at 2:25 p.m. to March 3, 2015 at 9:00 a.m.

MARGIE BARRIOS, CHAIRPERSON
San Benito County Board of Supervisors

ATTEST:
Janet Slibsager, Asst. Clerk of the Board