



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 APRIL 7, 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 Asst. Clerk of the Board Janet Slibsager. Chair Barrios presided.

9:00 a.m. CALL TO ORDER:

- a) Supervisor Muenzer led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- c) **PRESENTATIONS & RECOGNITIONS:**

BOARD OF SUPERVISORS:

Approve proclamation declaring April 11, 2015 as Walk a Mile in Her Shoes Day in San Benito County. *Motion made by Chair Barrios and seconded by Supervisor Muenzer, **approved** proclamation.*

Supervisor De La Cruz presented Proclamation to Patrice Kuerschner of the Emmaus House and Debbie of Community Solutions who are the ones hosting the Walk a Mile in Her shoes event.

Ms. Kuerschner and Debbie thanked the Board of Supervisors for recognizing April 11th as being the third Walk a Mile in Her Shoe Day. They invited the public to attend. **(File #430)**

- d) **Public Comment:** Andy Hsia-Coron, San Benito Rising, said that as of Friday Citadel Exploration's lawyers made a motion to have their suit against our County dismissed in regards to Measure J. He thanked the Board of Supervisors.
Mary Hsia-Coron, San Benito Rising, said that all through the major legal threat to San Benito County and to Measure J has been adverted there still remains a smaller risk of future takings claims by individuals who wish to pursue fracking and other high drilling techniques. She said she would like to recommend today that we all continue to build up our legal defense funds. She said that they have some fundraisers coming up themselves.

Larry Rebecchi, Hollister resident, would like to reiterate what Andy said; He also thanked the community for their support regarding Measure J.

Margaret Rebecchi, Hollister resident, thanked Supervisor Rivas and Botelho who supported Measure J from the beginning. She said that this was not only a win for our County it was also a win for the State of California. She also thanked Andy and Mary Hsia-Coron for their hard work in support of Measure J and the community for getting out there and voting.

Marty Richman, Hollister resident, spoke in regards to the Panoche Valley Solar project.

- e) **Department Head Announcements:** Interim COG Director Mary Gilbert reported in regards to the poll that was done with registered voters in the County. She said that 80% of the voters are really recognizing the need for transportation funding in San Benito County. There was also a support for a sales tax to support transportation. Some of the projects that the voters were interested in was the widening of Highway 25; roadway repair and better transit services for youth, seniors and people with disabilities.

Supervisor Botelho thanked Ms. Gilbert for her report. He said that we need to continue to educate the public as far as the deterioration of our local roads and streets.

HSA Director James Rydingsword spoke in regards to the Homeless Coalition Helping Hands grant and how their department will be helping out the Homeless Coalition with this temporarily.

Clerk/Auditor/Recorder Joe Paul Gonzalez announced that the CAFR report was completed and submitted on March 31st, the deadline date, to the Federal Audit Clearing House and the State Controller's Office. He thanked the Board for assisting him in getting a private CPA firm (Hayashi & Wayland) to come and help prepare the CAFR. He also thanked Mike and Betty Grace the Independent Auditors for the County for their tremendous job.

Chair Barrios said that we appreciate the hard work that was done.

Supervisor Muenzer echoed the Chairs sentiments; he also appreciated all the hard work that Mr. Gonzalez did.

Supervisor De La Cruz said that he also appreciated all the work that Mr. Gonzalez did and the rest of the team.

CAO Ray Espinosa gave a special thanks to Mr. Gonzalez and all the staff and departments for helping to get this done; we could not have done it without them.

Librarian Nora Conte reported that she had some exciting news; applied for a \$30,000 grant with the State Library for funds to facilitate the needed infrastructure for our new technology that will be coming forth.

Ms. Conte also announced that National Library Week is April 12-19th; she provided a handout of the events that would be taking place for the week. She thanked the Women's Club and the Friends of the Library for their partnership in the Champaign Tea Event that took place.

Treasurer/Tax Collector Mary Lou Andrade announced that the Tax Collectors Office would be open on April 10th for tax payments until 5:00 p.m.

CAO Ray Espinosa introduced the new Interim Fire Chief Bill Garringer with the City of Hollister.

Mr. Garringer said that it was a pleasure to be here, he has lived in Hollister for thirty years, born and raised in San Jose and has worked for the San

Jose Fire Department for twenty-nine years and had the privilege of being the Fire Chief here from 2001-2007. He said that he looks forward to working with the dedicated staff at the Hollister Fire Department.

CAO Ray Espinosa introduced the new Agricultural Commissioner Karen Overstreet.

Ms. Overstreet said that she was pleased to be selected as the new Agricultural Commissioner and thanked the Board for the confidence they have placed in her and giving her the opportunity to serve the County. She said that the transition has been very comfortable and is enjoying working with her staff and the public.

CAO Ray Espinosa spoke in regards to Governor Brown's executive order B-29-15 calling for a mandatory statewide reduction in water use, new state actions to conserve water and enforcement of water usage within our community. He said on April 10th we will be meeting with the Water Board Officials via phone call to discuss the executive order. We will come back to the Board at a later date to explain what we need to do within our community to conserve water.

Supervisor Rivas thanked the CAO for that announcement. He said that he looks forward in getting a water report from the Water Resource Association of San Benito County just to see how this reduction is going to impact our residents, and more importantly see how we as a County can work together to help accomplish that reduction.

Chair Barrios mentioned that this was a good segue for putting Supervisor Rivas on the Governance committee and replacing me. She officially announced that Mr. Rivas would be on the Governance committee with Supervisor Botelho.

- f) **Board Announcements:** Supervisor De La Cruz said that he was challenging his fellow supervisors to join him to walk in high heels this Saturday for Walk a Mile in Her Shoes event.

Supervisor Muenzer said that he received notice from the Monterey Bay Unified Air Pollution Control District that they have released the notice of availability of air district budget rule revision and policy document and public meeting schedule. The district is considering permit fee changes and the first workshop will be here in the Board of Supervisors Chambers at 11:00 a.m. on April 10th.

Chair Barrios thanked the Chief Probation Officer for inviting us to the unveiling of the Probation Department wall. It is a history of the Probation Department that was done by his staff; she said it was done beautifully.

Chair Barrios mentioned that the fight for the Panoche Valley Solar project continues. CAO Espinosa and Supervisor De La Cruz and I had a meeting with Congressman Sam Farr last week to help us to get the permitting process moving along at the federal level. She announced that she would be going to Sacramento to meet with Secretary of the Natural Resources and on April 16th they will be meeting in Fresno with the Calif. Dept. of Fish and Wildlife Director; let them know that we are wanting this to move forward and that we are in need of this project. She said we are fighting the fight.

Chair Barrios announced that she attended the Board meeting of all the Boards in San Benito County and a Dr. Anthony Mohamed did a presentation in regards to building cohesive teams, creating clarity, organizational health, he said that was the way for success in most government agencies.

CONSENT AGENDA:

*Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Rivas, **approved** Consent Agenda items 1 through 15, with the exception of items #5 and #8, which were pulled for discussion. (5-0 vote)*

ASSESSOR'S OFFICE – T. Slavich:

- 1) **Approved** step increase for part-time Appraiser II position from 22.9/D to 22.9/E. (File #7)

ASSESSOR'S OFFICE – T. Slavich:

- 2) **Approved** the Job Specifications and Salary Range for the Supervising Computer Mapping Specialist. (File #7)

ASSESSOR'S OFFICE – T. Slavich:

- 3) **Approved** the Job Specifications and Salary Range for the Property Transfer Assessment Technician. (File #7)

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 4) **Adopted Resolution No. 2015-17**, authorizing the Director of Behavioral Health Department to sign and execute said Alcohol and/or other Drug Outpatient Services Certification requirements on behalf of San Benito County. (File #810)

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 5) **Approve the waiving of the Competitive Bid process and approve the purchase of a 2015 Ford Fusion from Tiffany Ford; approve contract for purchase of one (1) 2015 Ford Fusion Sedan and authorize the Behavioral Health Director to sign contract.**

Item pulled by Chair Barrios for clarity in regards to the percentage for local dealers and services being 5% or 10%.

Mr. Yamamoto said that it should be 10% per Sara Fontana.

BOARD ACTION: *Upon motion made by Chair Barrios and seconded by Supervisor Muenzer, **approved** per staff recommendation. (5-0 vote) (File #810)*

BOARD OF SUPERVISORS:

- 6) **Approved** the letter of support of Assembly Bill 203 (Obernolte), to extend the deadline for paying or disputing a fire prevention fee that Cal Fire levies on property owners from 30 days to 60 days from the date of assessment; and authorize the Chair to sign. (File #156)

CLERK OF THE BOARD – D. Thome:

- 7) **Approved** the action minutes of the February 17, 2015 and the March 3, 2015 regular meetings.

COUNCIL OF GOVERNMENTS – M. Gilbert:

- 8) **Extend the appointment of Mary Gilbert as COG Interim Executive Director to July 31, 2015.**

Item was pulled by Chair Barros for clarification of date that the previous Director of COG left. She said it should read August 10, 2014 not 2015.

BOARD ACTION: Upon motion made by Chair Barrios and seconded by Supervisor Muenzer, **approved** extended appointment of Mary Gilbert as COG Interim Executive Director. (5-0 vote) (File #1035)

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 9) Find that competitive bidding would not be in the public interest because local vender Tiffany Ford can provide an equivalent vehicle at a price equal to the price the State received through its competitive bid process; **approved** the purchase of Ford Escape from Tiffany Ford for the base price of \$24,995.00, including applicable taxes; **authorized** the HHSA Director to sign purchase contract. (File #130)

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 10) **Adopted Resolution No. 2015-18**, accepting the 2015 Community Services Block Grant (CSBG) DWAP Contract #15-2407 and **authorized** the HHSA Director to approve and execute the Grant Agreement (Contract #15F-2407), and any amendments and other documents related to the grant, for and on behalf of the County of San Benito. (File #130)

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 11) **Adopted Resolution No. 2015-19**, authorizing submission of an application, work plan and budget for the receipt of Public Health Emergency Preparedness (PHEP) Ebola Supplemental Funding and accepting the award amount of \$66,157.00 for funding period of April 1, 2015 to September 30, 2016; **authorized** the HHSA Director to sign the PHEP award agreement; and upon receipt of PHEP funds, **authorized** and **approved** the hiring of a Public Health consultant for the term of the contract. (File #130)

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 12) **Approved** changes to the Schedule of Authorized Positions for Human Services as follows: **Deleted** 1.0 FTE Staff Services Manager and **added** 1.0 FTE Deputy Director to the Schedule of Authorized Positions. (Funding for this position exists in the current and projected HHSA budgets. There are no county general funds requested.) (File #130)

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 13) **Approved** the addition of 1.0 FTE Social Work Supervisor I/II to Schedule of Authorized Positions for Health & Human Services; and **approved** the budget augmentation for FY 2014-15 in Budget 2211-500 related Child Protective Services. (4/5 vote) (File #130)

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 14) **Approved** Tri-County Commercially Sexually Exploited Children (CSEC) agreement between Monterey, Santa Cruz and San Benito Counties for the period of March 1, 2015 through June 30, 2015; **authorized** the HHSA Director to sign agreement; and **approved** budget augmentation for budget #221.80.2285.1000. (4/5 vote) (File #130)

TREASURER/TAX COLLECTOR – M. L. Andrade:

- 15) **Reviewed** list of parcels/assessments for sale and **adopted Resolution No. 2015-20**, to provide authorization to hold Public Internet Auction Sale on June 19-22, 2015. (File #685.2)

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

COUNTY COUNSEL’S OFFICE – M. Granger:

- 16) Hold a public hearing on proposed water conservation ordinance for CSA 31 (“Stonegate”); read title of the ordinance for the record; make the CEQA findings set forth on Exhibit “A” to this AIT; accept introduction, waive further reading, and adopt Ordinance, entitled “An Ordinance of the County of San Benito Establishing a Water Conservation Program for the Area Served by County Service Area No. 31 (“Stonegate” for the 2015-2016 Water Year and Amending Exhibit “B” of Ordinance 927.” (Ord. No. 935)

Assistant County Counsel Barbara Thompson announced that on April 6th she received a letter from the Board of Directors of CSA 31 indicating support of the ordinance, as they were not able to be here today. Ms. Thompson provided information in regards to the proposed water conservation ordinance; she read title of the ordinance for the record. She said after the close of the public hearing make the CEQA findings set forth in Exhibit A of the AIT and make the motion that is set forth in the AIT.

Chair Barrios opened the public hearing.

Those speaking from the public were: John Rose, resident within CSA #31, he commended the Board of Supervisors for extending the ordinance and reducing it in light of the severe water drought. He also spoke in regards to how the previous ordinance was never reinforced.

Chair Barrios closed the public hearing.

Supervisor Muenzer said to address the concern, he said that Public Works has diligently, over the last year, been replacing water meters that were not functioning properly, so now we have a way of measuring the amount of water being used by each property owner where before we didn’t have that ability.

Supervisor Botelho asked if there was any type of fee structure in place that would penalize people who could be overusing their water.

Ms. Thompson replied no we don’t have that yet; it would have to go through a Prop 218 process.

Supervisor Muenzer addressed Supervisor Botelho’s comments; he mentioned that Ms. Thompson, public works and himself have been working with the Board of CSA 31 (Stonegate) trying to work through some of these issues.

BOARD ACTION: Upon motion made by Supervisor Muenzer and seconded by Supervisor Botelho, **made** the CEQA findings set forth in Exhibit “A” to the AIT; **accepted** introduction, waiver further reading of the ordinance; and **adopted Ordinance No. 935.** (5-0 Vote) (File #CSA 31)

COUNTY COUNSEL’S OFFICE – M. Granger:

- 17) **Hold a public hearing; read title of ordinance for the record, “An Ordinance Adopting a Permanent Tree Protection Ordinance by amending Article VII “Tree Protection” of Chapter 25.29 (“General Requirements”) of Title 25 (“Zoning”) of the San Benito County Code, Establishing Regulations on the Removal of Protected Trees to Protect and Preserve Mature Trees in RM and R-1 Zones of San Benito County”; make the CEQA Findings Set Forth on Attachment “A” to AIT; accept the introduction and waive further reading of the ordinance; adopt Ordinance; and retroactively order that display ad regarding the proposed ordinance be published on March 27, 2015, and that a second display ad be published within 15 days of adoption of the ordinance in accordance with the California Government Code. (Ord. No. 936)**

Assistant County Counsel Barbara Thompson provided information to the tree ordinance; she mentioned that there have been a few changes made to the proposed ordinance that are set forth in the red lined version in the Board packet.

She mentioned the main changes; the deletion of the sunset clause; some definitions in the urban residential, changed the definition of front yard back yard; definitions of trees of special protection; provision that allows the director to allow a permit request to be reviewed directly by the Planning Commission when 3 or more trees are going to be removed.

Ms. Thompson read the title of the ordinance for the record and asked the Board to open the public hearing and then make the motion on the AIT.

Chair Barrios opened the public hearing.

Those speaking from the public were: Patty Speirs, County resident; Ed Franks, Hollister resident; John Giannetto, Hollister resident; Bill Healy, Hollister resident; Penny Bettencourt, Hollister resident; Pamela Kovacich, Hollister resident; Marvin Jones, Hollister resident.

Chair Barrios closed the public hearing.

Supervisor Botelho said that we need something like this in place, he would support this ordinance.

Supervisor Muenzer thanked Ms. Thompson for all her hard work on this ordinance; he said that there were some additional issues that need to be addressed, but that this was definitely a first step, he would also support this ordinance.

Supervisor Rivas said that this is something that he certainly supports this ordinance; this is a tough issue and is more of an issue between the local residents and the business owners of Ridgemark, but there is a community need to protect trees.

Supervisor De La Cruz said that he also supports this ordinance as we need to protect our trees.

Chair Barrios said that she would not support this ordinance; she values trees but believes that this ordinance was a result of an isolated issue, which was a valid issue. It should have been specifically designed for future development in private and public properties. I believe this is going to add unnecessary burden to community residents and add additional work to our staff and possibly additional cost to San Benito County. So with that being said I will not be

supporting this ordinance, but I appreciate my Supervisors and it is a majority of the Board to decide.

BOARD ACTION: Upon motion made by Supervisor Muenzer and seconded by Supervisor Rivas, **made** the CEQA findings Set forth on Attachment "A" to the AIT; **accepted** introduction and **waived** further reading of the ordinance; and **adopted Ordinance No. 936** and **ordered** that display ad be published. (4-1 vote, Chair Barrios voted no) (File #119)

Board took a break from 10:27 a.m. to 10:40 a.m.

REGULAR AGENDA:

CLERK/AUDITOR/RECORDER – J. P. Gonzalez:

- 18) **Receive PowerPoint presentation of Governmental Accounting Standards Board (GASB) No. 68 by Mike Nolan of Hayashi & Wayland; adopt Resolution which adopts a measurement date of June 30, 2014 for GASB No. 68 implementation. (Res. No. 2015-21)**

Clerk/Auditor/Recorder Joe Paul Gonzalez provided information in regards to the Government Accounting Standards Board (GASB No. 68). He mentioned that Hayashi & Wayland would be doing a presentation and at the end of the presentation the Board would be asked to adopt a measurement date.

Mike Nolan of Hayashi & Wayland provided a PowerPoint presentation regarding GASB. No. 68. Items covered were: GASB 68 and the impact to the County (pension obligations to current and former employees); key changes; financial statement presentation; financial statement impact; pension funding policy; important reminders; measurement date; measurement date example; frequently asked questions.

Supervisor Muenzer thanked Mr. Nolan for their help in getting the CAFR done for this year.

Mr. Muenzer said that we seem to be at the mercy of CalPERS and GASBY on this. He said that it looks like the only measurement date that we could use was the June 30, 2014 date.

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

Mr. Gonzalez provided additional information.

BOARD ACTION: Upon motion made by Supervisor De La Cruz and seconded by Supervisor Muenzer, **adopted Resolution No. 2015-21.** (5-0 vote) (File #608)

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

- 19) **Receive report from BMC Promise Way, LLC, a Delaware limited liability company; DBA Benchmark Communities; and provide direction to staff, as applicable.**

CAO Ray Espinosa provided information in regards to Benchmark's Communities request to give a presentation to the Board and public with regards to their concerns to the city and county's tax sharing agreement. He said that Jim Fletcher and Holly Cordova would be doing a PowerPoint presentation.

Jim Flecher, Division President for BMC Promise Way (Benchmark Communities) provided information and concerns regards to annexation fees in regards to their Homestead development project in the City of Hollister.

Holly Cordova, General Counsel provided PowerPoint presentation. Items covered were: request to the Board-confirm that annexation fee will not be

assessed for the project; reasons; timeline for project; conclusion #1-1999 annexation fee does not apply because it has expired; conclusion #1-2011 annexation fee does not apply and why; annexation fee violates state law; state law; conclusion #3-the annexation fee is an unlawful exaction, and the county and city are legally prohibited from collecting it; summary-the county should confirm that no annexation fee will be assessed against the project because the 1999 TSA has expired, 2011 TSA does not apply to the project, the annexation fee is an unlawful exaction prohibited under state law and you could face significant legal liability if you attempted to collect or enforce it. She said for that reason we do request that the County confirm that no annexation fee will be assessed for our project. She said we cannot afford to wait any longer on this issue, so we are really hoping for a resolution very quickly. She said if we don't get that from the Board our next step would be seek legal remedies through court that is something we don't take lightly, it is something we don't want to do. We don't think it is in the best interest of the County, the City and certainly something that we don't want to go down the road on we think it is more appropriate for this to be addressed at the Board level.

Discussion ensued by Supervisor Muenzer and Ms. Cordova.

Mr. Fletcher stated that he appreciated Supervisor Muenzer's comments and can understand his frustration. He said but fair is fair; we think we have been operating under a clear understanding as to what the law says. We have been working with your staff since September when I first became aware of this different opinion. He said we are always looking to find a win win situation if there is one out there. That is why we are here we would like to see if there is a way to get this resolved in a quick and painless fashion for all of us as best we can.

Those speaking from the public were: Marvin Jones, Hollister resident; Doug Le De Boer, Highlands Partner Group; Mark Tiernan, Award Homes; Marty Richman, Hollister resident.

Chair Barrios said that her recommendation at this time would be to set up a closed session item on April 21st to give Board and staff an opportunity to do some research to give us more information to investigate this issue and possibly make a decision on that day. She also asked for a copy of the PowerPoint presentation for all of the Supervisors.

Supervisor De La Cruz said that he supported Chair Barrios' recommendation.

Supervisor Rivas said that he appreciated those who spoke but said that he would not be supporting a reduction of fees.

Supervisor Botelho said that he supported the Chair's recommendation. He also said that he had concerns about reduction of fees.

Supervisor Muenzer said that a year or so ago we lowered the impact fees to try and encourage the building community and I feel today we got our thank you for that. He said that he would support the Chair's recommendation. *(File #119)*

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

- 20) Chair shall provide the LAFCO assignments effective March 1, 2015, for a term to be specified by the Chair.**

Chair Barrios provided the LAFCO assignment; she appointed herself to the LAFCO Board through 2019, Supervisor Rivas would remain the Alternate..

She also asked for Supervisor Rivas to replace her on the Governance Committee from earlier.

BOARD ACTION: Upon motion made by Supervisor Barrios and seconded by Supervisor Muenzer, **made** the LAFCO appointment as stated above. (5-0 vote) (File #790A)

COUNCIL OF GOVERNMENTS – M. Gilbert:

21) Receive presentation on the Central Coast Coalition 2015 Sacramento Legislative Day.

Interim COG Director Mary Gilbert reported that Supervisor Botelho joined me in Sacramento on March 11th with the Central Coast Coalition for our annual legislative day. Ms. Gilbert provided background information as to who Central Coast Coalition is and what their goals are; to raise awareness of efforts and partnership; advocate for new State funding opportunities; discuss potential solutions; bonds, sales tax, road charges; 2015 State Legislative platform; some of the folks we met with: Assembly Budget Director Chris Woods, funding proposal; CalSTA Secretary Brian Kelley, goal to generate new revenue for transportation; CTC Executive Director Will Kempton, transportation partnerships; CTC Commissioner Jim Earp, public opinion and education; meetings with several Legislators: Assembly Member Luis Alejo; Senator Anthony Canella; Senator Bill Monning; Assembly Member Mark Stone, we delivered out message and talked about our needs. She said that the Central Coast Coalition will continue our advocacy we will be sending letters to everyone we met with thanking them for the opportunity and reiterating our platform. She said that they are also looking for community input and building some support for the objectives that we have.

Chair Barrios thanked Supervisor Botelho for having you come and do this presentation. She said that I think that all of us are aware of the challenges that we have with the lack of money for our roads.

Supervisor Botelho said that we have to continue to put this in the forefront and educate the public where we are at with this. He said it is a State problem and issue. He said that if we are going to ask the public to support a sales tax we really have to get off the stick and figure out what type of tax that is going to be.

Chair Barrios mentioned that the CAO, Supervisor De La Cruz and herself on the Intergovernmental Committee will be bringing back to the Board and agreement at that level that we do want to do a general sales tax, but the educational part is critical so that people understand that if we do this it is for the quality of life of San Benito County. She said that we are moving forward with a plan and look forward to bringing back the survey information. (File #1035)

FIRST 5 SAN BENITO – L. Faulkner:

22) Receive Presentation from First 5 San Benito Executive Director regarding the proposal for First 5 to become independent from the County; read title of ordinance for the record, “An Ordinance Adding Section 11.11.015 (“Legal Status of the Commission”) of Title 11 of the San Benito County Code, Changing the Legal Status of First 5 San Benito to that of an Independent Public Entity”; accept introduction, waive further reading of the ordinance and continue the matter to April 21, 2015 at 9:00 a.m. for adoption; and direct staff to begin negotiations on a Separation agreement

and possible Management Agreement with First 5 San Benito and/or provide direction to staff.

Executive Director of COG Lisa Faulkner provided information in regards to First 5 becoming Independent from the County. She provided a PowerPoint presentation: How First 5 San Benito County was established; First 5 as a County Agency; First 5 as a State Agency; the fiscal reality; feasibility study 2011; organizational changes; positioning First 5 for independence; proposed organizational structure; administrative & financial services contractor; next steps to become independent.

CAO Ray Espinosa mentioned that this is not new concept there are 33 other counties in the State that have gone independent and there are 25 that fall under the county umbrella. Out of the 33 that are independent there are a better part of 20 that manage or work with the county with different services. The Treasury would still be handling some of the financial side of things.

Discussion ensued by Board and staff.

Those speaking from the public were: Al DeVos, Gang Prevention Coordinator & First 5 Commissioner, said that this separation would allow us to provide more services to the community but stay within that strategic frame work.

Ms. Faulkner said that she appreciates the support, she doesn't see the relationship changing and that she looks forward to meeting with the Board annually to give an update. She said that this is going to allow them to be just a little more conducive for the types of programs that First 5 runs.

BOARD ACTION: Upon motion made by Supervisor Botelho and seconded by Chair Barrios, ***moved*** per staff recommendation. Assistant County Counsel Barbara Thompson read the title of the ordinance for the record. (4-1, Supervisor De La Cruz voted no) (File #1055)

The Board adjourned for lunch at 12:05 p.m. and reconvened at 1:30 p.m.

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 23) Approve the Second Amendment to the Commercial Lease Agreement and Subordination, Attornment and Nondisturbance Agreement with CSDC for premises at 1111 & 1131 San Felipe Road, Hollister, CA.**

Deputy County Counsel Irma Valencia provided information to the Amended lease agreement. She mentioned that it does not change any terms of the lease it only substitutes the lenders in the agreement.

BOARD ACTION: Upon motion made by Supervisor Botelho and seconded by Supervisor Rivas, ***approved*** the Second Amendment to the Commercial Lease Agreement and Subordination, Attornment and Nondisturbance Agreement with CSDC for 1111 & 1131 San Felipe Road. (5-0 vote) (File #130)

PLANNING DEPARTMENT – B. Turner:

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

Interim Planning Director Byron Turner provided an update to the General Plan. He said that the Environmental Impact Report is out to the public and state agencies for review. The comment period will end on May 7th until 5:00 p.m. There will be a public meeting on Monday, April 13th at 7:00 p.m. in the board chambers to solicit comments on the Environmental document. He said that we are on track with the last schedule and that he would return in two weeks to let the Board how the comments are coming. (File #790)

The Board adjourned into closed session at 1:38 p.m.

CLOSED SESSION:

- 25) **County Employee Appointment**
Title: Assistant County Administrative Officer
Authority: California Government Codes 54957
No reportable action. (File #235.6)
- 26) **Pursuant to Government Code Section 54956.95, the San Benito County Board of Supervisors will meet in closed session with James Rydingsword, Ray Espinosa, Joe Paul Gonzalez, Georgia Cochran and JPA Trindel Insurance Fund to discuss a workers' compensation settlement (V. Fernquist).**
No reportable action. (File #235.6)
- 27) **Conference with Legal Counsel – Anticipated Litigation**
Significant exposure to litigation pursuant to subdivision (d)(2),(e)(2), (e)(3) of Government Code Section 54956.9
Number of cases: 1
Facts and Circumstances Justifying Closed Session: Passage of Measure J, and the October 21, 2014, adoption of the Measure J Implementing Ordinance; multiple letters regarding Measure J exemption process.
No reportable action. (File #235.6)
- 28) **Conference with Legal Counsel-Existing Litigation**
Subdivisions (a) and (d)(1) of Section 54956.9
Name of Case: Citadel Exploration, Inc. v. County of San Benito, et.al., filed in the California Superior Court for the County of San Benito, Case No. CU-15-00028.
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 3:35 p.m. to April 21, 2015 at 9:00 a.m.

MARGIE BARRIOS, CHAIR
San Benito County Board of Supervisors

ATTEST:
Janet Slibsager, Asst. Clerk of the Board