



# 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 21, 2015 ACTION MINUTES

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

### 9:00 a.m. CALL TO ORDER:

- a) Supervisor Rivas led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- c) **Public Comment:** There was no public comment.
- d) **Department Head Announcements:**
  - Health and Human Services Director James Rydingsword gave an update on the Southside Mobile Home Parks. He indicated that he would be coming back to the Board on the matter at the May 19, 2015 meeting.
  - Supervisor Botelho was pleased that it was dealt with promptly.
  - Chair Barrios asked if there would be any funding during the budget hearing.
  - Mr. Rydingsword indicated not at that moment.
  - Agricultural Commissioner Karen Overstreet provided an update on the Asian citrus psyllid, noting that as part of the routine trapping program, one was detected. She explained the process followed by the California Department of Food and Agriculture upon detection, noting that it was a very targeted approach.
  - County Librarian Nora Conte announced that the Library was awarded \$30,000 to facilitate broadband expansion for the library.
  - CAO Espinosa gave an update on the efforts to bring relief to ERAF and thanked Assemblyman Alejo and Senator Canella for authoring and co-authoring the bill.
- e) **Board Announcements:**
  - Supervisor Muenzer reported that the Monterey Bay Unified Air Pollution Control District (MBUAPCD) staff would be conducting an air quality 101 class

every month at each meeting. He noted that it was not just recently but was in fact shortly after World War II that the State was concerned about air quality. He reported that State Plan 2040 was discussed at AMBAG and COG meetings. He indicated that the State was looking to put in a “don’t want to increase capacity of state highways” which can have ramifications with local roads. He expressed it had the potential of affecting the ability to expand Highway 25.

Supervisor Botelho spoke of the COG meeting, adding that the poll they conducted would be reported on later. He spoke of contracting with an engineering firm for alternative designs for the widening of Highway 25. He indicated that the fight needs to continue and continue every chance we get. He reported on the RCRC meeting he attended in Sacramento. He spoke of Assembly Bill 1362 and Senate Bill 16.

Supervisor De La Cruz spoke of his experience of participating in the Walk a Mile in Her Shoes fundraiser. He mentioned the upcoming Community Action Board Town Hall meeting on affordable housing that would be held on Thursday at the Veterans Memorial Building at 6:00 p.m. and the public was invited.

Chair Barrios reported that she attended a Spring Grove school meeting where they were concerned about traffic safety in the area. She indicated that they were asking if the county could reduce the speed limit on East Fallon. She noted that she would talk to Public Works to see if that was feasible. She stated that on April 9<sup>th</sup> and 16<sup>th</sup> she and County Administrative Officer Espinosa attended state meetings regarding the Panoche Valley Solar Farms. She expressed appreciation that they were listening to them and were willing to work with them. She reported on the outcome of their meeting with John Laird. She thanked CAO Espinosa, the Board, Assemblyman Alejo and Senator Canella who all stepped up to the plate.

#### **CONSENT AGENDA:**

*Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Botelho, **approved** Consent Agenda items with the exception of items 7 and 12 which were pulled for discussion. (Unanimous)*

#### **BOARD OF SUPERVISORS:**

- 1) **Approved** re-appointments of Janie Lausten and Joseph McMahon representing District 4 to the Historical Heritage Advisory Committee with terms for a co-terminus term with that of Supervisor Muenzer (1/2015 – 1/2019). *File #92.1*

#### **BOARD OF SUPERVISORS:**

- 2) **Approved** re-appointments of Jack Swallow and Richard Boomer to the San Benito County Fish and Game Advisory Commission representing District 4 with terms effective April 1, 2015 through March 31, 2019. *File #24*

#### **BOARD OF SUPERVISORS:**

- 3) **Approved** Certificate of Recognition for the 2015 Teacher of the Year Award recipients for presentation at a later date. *File #156*

#### **CLERK OF THE BOARD – D. Thome:**

- 4) **Approved** the action minutes of the March 31, 2015 special meeting.

**COUNTY ADMINISTRATION OFFICE – R. Espinosa:**

- 5) **Approved** the purchase of SAN Maintenance for NOC 1 and NOC 2 and Commvault Maintenance, a budgeted expense, from Discover IT Solutions in the amount of \$36,223.44 for the period of May 1, 2015 through April 30, 2016.  
*File #119.1*

**COUNTY ADMINISTRATION OFFICE – R. Espinosa:**

- 6) **Adopted Resolution No. 2015-22 recognizing** April 2015 as “California Safe Digging Month”. *File #119*

**FIRST 5 SAN BENITO – L. Faulkner:**

- 7) **Adopted Ordinance, “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”. (Ord. No. 937)**

*This item was pulled for discussion.*

Supervisor De La Cruz indicated that he could not support the ordinance.

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Barrios, **adopted Ordinance No. 937**, “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”. (The motion passed 4-1 with Supervisor De La Cruz voting no.) *File #1055**

**HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:**

- 8) **Adopted Resolution No. 2015-23 authorizing** the HHS Director to accept one time supplemental SNAP-Ed funds in the amount of \$25,000 from Monterey County and **authorized** the Director to sign all necessary documents required to receive funds. *File #130*

**HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:**

- 9) **Adopted Resolution No. 2015-24 extending** services for CSA 36 “Emergency Medical Services & Advanced Life Support”. *File #130*

**HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:**

- 10) **Approved** the agreement for Clinical Affiliation with California State University at Dominguez Hills for the period of May 24, 2015 through May 23, 2018; and **authorized** the Director of HHS to sign agreement. *File #130*

**HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:**

- 11) **Approved** contract renewal with Refined Technologies, Inc. for application and hosting support for the period of March 1, 2015 through June 30, 2015 at a cost not to exceed \$1,600. Contract will automatically renew on July 1<sup>st</sup>, of each year and terminate on June 30<sup>th</sup> of the following year for a cost not to exceed \$4,800; and **authorized** the HHS Director to sign. *File #130*

**HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:**

- 12) **Review and approve the State budget and Legislative Bill positions and authorize the Chair to sign the letters of support for these State Budget and Legislative Bills. There are no County General fund impacts in any of these proposed actions by the California State Legislature.**

*This item was pulled for discussion.*

Supervisor Botelho noted that there were five different bills at the state level. He expressed concern and had reservations.

HHS Director James Rydingsword explained that there were five bills recommended for their support which had been pared down from a long list of bills. He indicated that it was not something that had been done before. He stated that if there were any bills that Board members wanted to pull or move to two weeks from now, that would be okay.

Supervisor Botelho noted that CSAC was supporting all five bills. He explained that he had mixed feelings with one bill and that's why it was hard to support all five. He added if they were to be approved on an individual basis that would be easy. He expressed concern with immunizations.

Mr. Rydingsword explained that he did not want to present the five bills separately and suggested that they could take action only on the bills the Board wants to move forward on.

Supervisor Botelho stated that he would have preferred them segregated out.

Mr. Rydingsword stated that he could separate them out and bring them back in two weeks.

Margie Barrios stated that she was also concerned with immunizations and combining private and public. She indicated that she would like to separate that one if nothing else.

Supervisor De La Cruz spoke of immunizations and hospitals and stated that he tended to support the conventional wisdom of immunizing kids.

Supervisor Rivas preferred that it be brought back. He commented that he didn't want to make a rash decision.

Supervisor Muenzer concurred.

Chair Barrios suggested that they could vote on the others.

Supervisor Botelho stated that he would also like to contemplate SB 23 and the idea of rewarding people to have more kids and collect more welfare. He wanted to study it further and felt two more weeks would be helpful.

Chair Barrios suggested that they isolate those two and vote on the three remaining.

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Rivas, **approved** letters with the exception of those letters (5) regarding Cal Works and Immunization. (Unanimous) File #130*

#### **HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:**

- 13) **Approved** the MOU between San Benito County and Hazel Hawkins Memorial Hospital for Hospital Preparedness Program (HPP) for use of grant funds in the amount of \$53,530; and **authorized** the Director of HHS to sign said agreement. *File #130*

#### **HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:**

- 14) **Approved** the MOU between San Benito County and San Benito Health Foundation for Hospital Preparedness Program (HPP) for use of grant funds in the amount of \$16,225; and authorize the Director of HHS to sign said agreement. *File #130*

#### **PLANNING & BUILDING DEPARTMENT – B- Turner:**

- 15) **Approved** Amendment #3 to contract with Aspen Environmental Group, in an additional amount of \$44,000, for a total contract amount not to exceed \$299,100, for preparation of SEIR, **authorized** the Planning Director to approve minor contract amendments, **increasing** the 10% contingency amount by \$4,400 for a revised not to exceed a total of \$29,910. *File #790*

**PLANNING & BUILDING DEPARTMENT – B. Turner:**

- 16) **Approved** Amendment #2 to contract with Rincon Consultants, Inc., to prepare the San Juan Oaks project EIR, in an amount not to exceed \$128,149, for a total contract amount not to exceed \$419,471; and **authorized** the Interim Planning Director to approve minor contract amendments, **authorizing** additional work within the 10% contract contingency amount not to exceed \$41,947. *File #790*

**PROBATION DEPARTMENT – R. T. Baraan:**

- 17) **Allowed** Probation Department to enter into a reimbursement agreement with the Monterey Bay Unified Air Pollution Control District (MBUAPCD's) for a amount not to exceed \$27,000 and apply for \$2,500 federally eligible rebate for the purchase of an Electric Vehicle; amend the Schedule of Fixed Assets to include one (1) Electric Vehicle; and **increased** expenditures (fixed assets-vehicle) by \$29,500; and **increased** revenue \$29,950 recognizing funding from the MBUAPCD District and rebate. (4/5 vote) *File #510*

**PROBATION DEPARTMENT – R. T. Baraan:**

- 18) **Authorized** the Chief Probation Officer to submit an application for the Juvenile Justice Crime Prevention Act (JJCPA) to the Board of State and Community Corrections (BSCC) provided by this Act. *File #510*

**PROBATION DEPARTMENT – R. T. Baraan:**

- 19) **Authorized** the Chief Probation Officer to submit an application for the Juvenile Justice Development Plan for the Youthful Offender Block Grant. *File #510*

**REGULAR AGENDA:**

**COUNCIL OF GOVERNMENTS – M. Gilbert:**

- 20) **Receive Presentation on Council of Governments Voter Survey Results.**  
COG Interim Executive Director Mary Gilbert introduced Ruth Bernstein of EMC Research who conducted the survey.  
Chair Barrios asked if the sales tax has to be specific with regards to funding.  
Supervisor Botelho stated that he asked that in Sacramento and the feeling he got was that it needed to be a specific tax dedicated to transportation to be designated a self help county.  
Ms. Bernstein gave the PowerPoint presentation.  
Supervisor Muenzer asked if they passed it in June would they qualify for self help.  
County Counsel Matt Granger replied affirmatively.  
Chair Barrios called for public comment.  
Marty Richman stated that the price of 58 million for two miles of improvement on Highway 25 was ridiculous. He surmised with that being considered it didn't make any sense to put any of this tax towards Highway 25. He noted that the county had no agreement with Cal Trans.

Supervisor Botelho stated that he didn't disagree with much of Mr. Richman's statements, but they had to move forward with the planning progress. He felt they needed to look at alternative designs that were favorable to the county and had to start somewhere. He indicated that they took criticism for taking Highway 25 off the constrained list and to put it back on they would need a local funding measure. He suggested doing the project in a phased fashion and noted that toll roads are going to be the future in funding highways of this state. He spoke further of what a sales tax would generate and the cost to repair roads. He felt they needed to decide yesterday.

Supervisor Muenzer concurred with Supervisor Botelho. He stated that last year they talked about putting Highway 25 back on the constrained list and this was an important step in that goal. He stated that they needed to get Highway 25 back on the list so that it is eligible. He suggested COG take the presentation to the cities of Hollister and San Juan and ask the respective councils to take a stand if they want to support going forward with support of a tax in 2016. He felt it should be put on the next meeting to take a position.

Chair Barrios indicated that with the consent of the Board, she felt it should be 1%.

Supervisor Muenzer reminded that it would be county-wide and would raise the city tax levels.

Chair Barrios wanted to see it as a future agenda item and that they would include Highway 25 in the plan.

Supervisor De La Cruz stated that if it's county-wide 1% the city would be short-changed on this. He reported that he had walked his neighborhood and talked to the constituents about the tax and they wanted the sidewalks fixed, bikeways, paths and pot holes fixed.

Supervisor Muenzer stated that was all part of road maintenance.

Supervisor De La Cruz expressed that he didn't want it stuck at the end of the list.

Supervisor Rivas felt they needed to do something and was concerned with the public's trust, the cost of Highway 25 and the cost of roads increasing. He indicated that they had to do something. He thanked staff for their time and EMC for their research.

Chair Barrios offered her thanks as well. She indicated that along with discussion and the amount of sales tax, they would need a lot of detail which she requested from Management Analyst Sara Fontanos. She felt that how the money was to be spent should be in the discussion as well.

Further discussion ensued amongst board members.

Chair Barrios directed that this be an agenda item ASAP. *File #1035*

#### **COUNTY ADMINISTRATION OFFICE – R. Espinosa:**

- 21) **Receive informational report from the Sunnyslope County Water District on the Action Plan Update regarding Governor Executive Order B-29-15, Statewide Mandatory Water Reduction Order and provide direction to staff, if necessary.**

Sunnyslope County Water District General Manager Don Ridenhour gave an update on mandatory water conservation and new development limitations. He indicated that if the drought worsens, he didn't know where they would go. He stated that one way the County could help would be to develop a model landscape and other restrictions.

Discussion ensued between board members and staff.

San Benito County Water District Manager Jeff Cattaneo explained that they had a different situation as they had no direct urban customers. He explained how their allocations worked. He commented that they were in relatively good shape and could weather this for a number of years. He added that it's what comes after that. Mr. Cattaneo explained that they had passed a water shortage emergency resolution and their customers would be subject to a healthy penalty of \$2,000 per acre foot, as that was the amount it would cost the district to find water on the open market.

Further discussion ensued.

Water Conservation Program Manager Shawn Novack stated that this was the new water reality and they couldn't go back now. He explained that the California population increases and water is a finite resource in addition to the climate change. He spoke of the different programs offered such as low flow replacement toilets and turf removal. He stated that residents could call him at 637-4378 at the San Benito County Water Resources Association.

Further discussion ensued.

Chair Barrios called for public comment.

Marty Richman spoke of the high effective washer that he had purchased that uses very little water.

Marvin Jones spoke of how he took out his water softener 6 to 7 years before and other water conserving measures he practices. *File #695*

The Board adjourned into a break at 11:04 a.m. and reconvened into regular session at 11:07 a.m.

#### **COUNTY ADMINISTRATION OFFICE – R. Espinosa:**

- 22) **Chair to appoint two Supervisors for the Resource Recovery Park Ad Hoc committee to be continuous until the ad hoc committee determines the work is complete.**

Management Analyst Sara Fontanos stated that the Clerk of the Board pointed out that the ad hoc committee had not been appointed for 2015.

Chair Barrios appointed Supervisors Botelho and Muenzer to the Resource Recovery Park ad hoc committee.

There was no public comment. *File #119*

#### **PLANNING & BUILDING DEPARTMENT – B. Turner:**

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

Interim Planning Director Byron Turner gave a brief update on the General Plan Update noting that he would be back in two weeks to let them know where they were at. He indicated that May 7<sup>th</sup> was the deadline for public comment on the draft EIR. *File #790*

#### **CLOSED SESSION:**

The Board adjourned into closed session at 11:25 a.m. and reconvened into regular session at 1:04 p.m.

- 24) **Conference with Real Property Negotiator:**  
**Property:** 1135 San Felipe Road (APN -51-110-034), Hollister, California  
**Agency Negotiator(s):** Alan Yamamoto, Behavioral Health Services Director; Joe Horwedel, Interim Public Works Director; Ray Espinosa CAO; Matthew W. Granger, County Counsel and Shirley L. Murphy, Deputy County Counsel  
**Negotiating Parties:** George L. Renz  
**Under Negotiation:** price and terms of payment  
**Authority:** California Government Code Section 54956.8  
*No reportable action. File #235.6*
- 25) **Conference with Legal Counsel – Anticipated Litigation**  
**Initiation of litigation pursuant to subdivision (d)(4) of Government Code Section 54956.9; Number of Cases: 1**  
*No reportable action. File #235.6*
- 26) **Conference with Legal Counsel-Anticipated Litigation.**  
**Significant Exposure to litigation pursuant to subdivision (d) of Section 54956.9**  
**Number of Cases: (1)**  
**Closed session is authorized by Section 54956.9(d),(2),(e)(2)**  
**On March 16, 2015, the County Counsel’s Office received a pre-filing complaint from BMC Promise Way, LLC, dba: Benchmark Communities, which challenges the Annexation Fee as applied to Vesting Map approved December 19, 2013.**  
*No reportable action. File #235.6*
- 27) **Conference with Legal Counsel – Anticipated Litigation**  
**Significant exposure to litigation pursuant to subdivision (d)(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: Center for Biological Diversity v. San Benito County, et.al. Superior Court of California, County of Monterey, Case No. M123956; and the**  
  
**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*



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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 1:07 p.m. to April 28, 2015 at 9:00 a.m.

**MARGIE BARRIOS, CHAIR**  
San Benito County Board of Supervisors

**ATTEST:**  
Denise R. Thome, Clerk of the Board