



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 MINUTES JULY 21, 2015

Mission Statement

The County Board of Supervisors will recognize the public trust it holds, will on all occasions conduct business with honesty, integrity, and respect for the individual, and will hold the organization of County government to that same standard.

The San Benito County Board of Supervisors welcomes you to this meeting and encourages your participation.

- *If you wish to speak on a matter which does not appear on the agenda, you may do so during the Public Comment period at the beginning of the meeting. Please complete a Speaker Card and provide it to the Clerk of the Board prior to the meeting. Except as otherwise provided by law, no action shall be taken on any item not appearing on the agenda. When addressing the Board, please state your name for the record. Please address the Board as a whole through the Chair.*
- *If you wish to speak on an item contained in the agenda please complete a Speaker Card identifying the item(s) and provide it to the Clerk of the Board prior to consideration of the item.*

Each individual speaker will be limited to a presentation total of three (3) minutes.

9:00 a.m. CALL TO ORDER:

Chairwoman Barrios called the meeting to order immediately following the conclusion of the Special Meeting that had been convened at 8:15 a.m. where in the Board discussed two Closed Session items.

- a) Pledge of Allegiance to be led by Supervisor Rivas.

Chairwoman Barrios asked Supervisor Rivas to lead the Pledge of Allegiance and asked that the Board and the audience to remain standing after the Pledge of Allegiance in memory of the sons of San Benito County who had fallen during the Vietnam War as an acknowledgement of the Vietnam Veteran's Memorial Traveling Wall that had recently been displayed in Hollister.

- b) Acknowledge Certificate of Posting.

The Chair entertained a motion to acknowledge the Certificate of Posting.

- Supervisor Muenzer made a motion to acknowledge the Certificate of Posting.

- Motion was seconded by Supervisor Rivas.

- **Motion Approved 5 to 0.**

<u>Voting Yes</u>	<u>Voting No</u>
Barrios	None
Botelho	
De La Cruz	
Muenzer	
Rivas	

c) **PRESENTATIONS & RECOGNITIONS:**

The Chair entertained a motion to approve all Proclamations and Certificates of Recognition as presented on the Agenda.

- Supervisor De La Cruz made a motion to acknowledge the Certificate of Posting.

- Motion was seconded by Botelho.

- **Motion Approved 5 to 0.**

<u>Voting Yes</u>	<u>Voting No</u>
Barrios	None
Botelho	
De La Cruz	
Muenzer	
Rivas	

BOARD OF SUPERVISORS:

Present Certificate of Recognition to Roy Sims for winning the U.S. Nationals in the Heavyweight and Open Division Classes at the U.S. Sumo Nationals on June 13, 2015 in Missouri.

The Chair called on Supervisor Rivas to make this presentation on behalf of the Board of Supervisors. The Chair asked Supervisor Rivas for leave to join him in making this particular presentation as Mr. Sims is both her Nephew and Godson.

Chairwoman Barrios and Supervisor Rivas presented Mr. Sims with a Certificate of Recognition with congratulations for winning the U.S. Nationals in the Heavyweight and Open Division Classes at the U.S. Sumo Nationals.

BOARD OF SUPERVISORS:

Present Proclamations to Angelica Rojas of the San Benito Health Foundation declaring August 9-15, 2015 as Health Center Week, August 2015 as Breastfeeding Awareness Month and the day of August 3, 2015 as Farm Worker Health Day in San Benito County.

The Chair called on Supervisor Botelho to make the presentation to the Health Foundation on behalf of the Board of Supervisors to Margaret Nunez who accepted the proclamation on behalf of the health center.

The Chair called on Supervisor De La Cruz to make the Farm Worker Health day presentation on behalf of the Board in recognition of Farm Worker Health Day in San Benito County. Supervisor De La Cruz read his presentation into the record as there was no representative from that organization present to accept the certificate. Chairwoman Barrios indicated the Board would present the certificate again at a later date.

Chairwoman Barrios made the presentation in recognition of Breastfeeding Awareness Month on behalf of the Board of Supervisors.

BOARD OF SUPERVISORS:

Present Certificate of Recognition to Frank Ledesma for serving 9 years as a member of the Community Action Board (CAB) of San Benito County.

Chairwoman Barrios presented this Certificate of Recognition on behalf of the Board to Mr. Ledesma.

Mr. Ledesma thanked the Board and audience for their recognition and attention.

COUNTY ADMINISTRATION OFFICE:

Recognize and congratulate Juan Manuel Puente as the recipient of this year's Trindel Safety Award and recognize nominee Sheyla Funes who has demonstrated an outstanding effort toward a safe and healthy workplace for the County of San Benito.

The Chair invited Trindel Representative Gene Herndon, Director of Loss Prevention, to present the Trindel Safety Award for 2015. Mr. Herndon presented the 2015 awarded to Juan Manuel Puente.

- d) **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.

The Chair invited the public the opportunity to comment on items not on the agenda.

The Chair asked the Clerk of the Board if any speaker cards had been submitted.

The Clerk advised affirmatively and announced the first speaker, Sheri Stephenson, Veteran Services Representatives for San Benito County.

Mr. Michael Silverman, Vice President of SEIU and Denise Quintana, bargaining team member commented on the compensation plan for employees and their need to receive an increase in wages.

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

The Chair recognized CAO Espinosa.

CAO Espinosa called on Probation Department Chief R.T. Baraan to make an announcement on behalf of his department.

Chief Baraan announced the hiring of the new Juvenile Hall Chief Joseph Frontella and the Administration. Chief Baraan thanked the Board for their support during the recruitment for this position.

CAO Espinosa announced the follow-up retreat date on August 11, 2015 at 9:00 AM.

The CAO also requested that Agenda Item 11 be pulled for corrections.

The CAO that the Clerk of the Board's Office will be streamlining and condensing the Meeting Minutes for the purposes of providing greater brevity to the preparation process.

Supervisor Botelho expressed he was pleased with these actions and he also asked that a summary of County Contracts be provided. The CAO announced staff's efforts to become more transparent with regard to these documents by placing them on the website.

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

The Chair recognized Supervisor Botelho.

Supervisor Botelho announced that he represented the County along with Supervisor Muenzer at the San Juan Road Interchange Ribbon Cutting. Mr. Botelho indicated that the interchange is a major improvement for the San Benito County region.

He also announced a major fire that took place in San Juan Bautista along State Highway 156. Supervisor Botelho indicated he was very pleased with the Fire Department's response to this incident.

The San Juan Committee has also established a visitor's center in a bakery shop in the City of San Juan Bautista.

The Chair recognized Supervisor Muenzer.

Supervisor Muenzer indicated that he also attended the San Juan Road Interchange Ribbon Cutting event and that attended representing the San Benito County Council of Governments as well as the Association of Monterey Bay Area Governments (AMBAG).

Supervisor Muenzer also acknowledged the fire that took place in San Juan Bautista and he asked the public to remember to yield to emergency vehicles are traveling on the road.

Supervisor Muenzer also reported that the Council of Governments is working diligently to revive the Regional Transportation Plan to have State Route 25 returned to the constraint list and that this task should be completed by the end of the first quarter of 2016.

Also, with regard to the General Plan that will be discussed today and the fact that the San Justo Reservoir has been closed since 2010 and that this issue should be revisited. Supervisor Muenzer asked that this item be agendized at a meeting of the Board in the very near future.

The Chair thanked Supervisor Botelho and Muenzer for representing the County at the ribbon cutting ceremony.

The Chair recognized Supervisor De La Cruz.

Supervisor De La Cruz echoed Supervisor Muenzer' comments with regard to his comment related to San Justo and he indicated that Mr. Muenzer could count on his support with regard to this issue.

Supervisor De La Cruz also recounted his experience attending a family reunion in Palmdale, CA and that he was extremely impressed with the Softball Tournament that was taking place in that community and that San Benito County should pursue this type of recreational project.

The Chair recognized Supervisor Rivas.

Supervisor Rivas indicated he had no repot.

The Chair then provided her own report by requesting that staff agendize Highway 25 for discussion on a future agenda.

The Chair also wanted to recognize and thank the Saddlehorse Parade and show. She recognized Joe Paul Gonzales for appearing in the parade.

CONSENT AGENDA:

These matters shall be considered as a whole and without discussion unless a particular item is removed from the Consent Agenda. Approval of a consent item means approval of the recommended action as specified on the Agenda Item Transmittal.

If any member of the public wishes to comment on a Consent Agenda Item, please fill out a speaker card, present it to the Clerk prior to consideration of the Consent Agenda and request the item be removed and considered separately.

The Chair advised that items 9 and would be pulled and brought back for approval after corrections on August 4th.

Supervisor Anthony Botelho advised the Chair that he was declaring a conflict of interest with regard to Consent Agenda items 19 and 23 as he has business relationships with those parties.

The Chair asked County Counsel Matt Granger if Supervisor Botelho needed to leave the room in order for the Board to proceed with approving the remaining items.

Mr. Granger advised that the statute technically requires that Mr. Botelho remove himself from the room while those items are considered by the remaining board members.

The Chair recognized Supervisor De La Cruz.

- Supervisor De La Cruz made a motion that Consent Agenda items 9, 11, 19 and 23 be removed from the Consent Agenda as presented and that the remaining items be approved as presented.

Prior to entertaining a second on Supervisor De La Cruz's motion, the Chair asked if any member of the public wished to remove any of the remaining Consent Agenda items for further discussion.

No requests to do so were made by the public.

Chairwoman Barrios reiterated Supervisor De La Cruz's motion as previously stated and entertained a second.

- Supervisor Muenzer seconded the motion.
- The Consent Agenda items, as amended (removing items 9 and 11 for corrections to be brought back to the Board at a later meeting and pulling Items 19 and 23).
- **Motion Approved 5 to 0.**

<u>Voting Yes</u>	<u>Voting No</u>
Barrios	None
Botelho	
De La Cruz	
Muenzer	
Rivas	

Immediately following this vote, Supervisor Anthony Botelho, having declared a conflict on Consent Agenda Items 19 and 23, physically exited the Board Chambers and retired to the Board Conference Room.

The Chair then entertained a motion to approve the remaining agenda items.

- Supervisor De La Cruz made a motion to approve Consent Agenda Items 19 and 23 as presented.

- The motion was seconded by Supervisor Muenzer.
- Supervisor De La Cruz's motion was approved 4 to 0 with Supervisor Anthony Botelho not present in the Board Chamber during this action as he declared a conflict with these items.
- **Motion Approved 5 to 0.**

<u>Voting Yes</u>	<u>Voting No</u>
Barrios	None
Botelho	
De La Cruz	
Muenzer	
Rivas	

AGRICULTUAL COMMISSIONER – K. Overstreet:

- 1) Approve the Memorandum of Understanding between the California Commissioners and Sealers Association and the County of San Benito County for the data entry and submission of pesticide use reports from July 1, 2015 through June 30, 2016, for a total of \$8,968.00.

AGRICULTUAL COMMISSIONER – K. Overstreet:

- 2) Approve Contract with the California Department of Food & Agriculture for petroleum labeling and advertising activities from July 1, 2015 through June 30, 2016, for a total of \$975.00.

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 3) Approve the contract renewal with Transcend/Christine A. Henriques, Facilitation of Domestic Violence and MHSA prevention and early intervention groups for Victims of Domestic Violence for the period of July 1, 2015 through June 30, 2016, for a maximum total of \$25,000.

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 4) Approve contract renewal with Traditions Behavioral Health for Psychiatry Services for the period of July 1, 2015 through June 30, 2016, for a maximum annual total of \$409,094.

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 5) Approve contract renewal with Project Ninety, Inc, residential treatment facility for the period of July 1, 2015 through June 30, 2016, for a maximum total not to exceed \$50,000.

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 6) Approve contract renewal with Hollister Youth Alliance, for the provision of Mental Health Services for the period of July 1, 2015 through June 30, 2016, in the amount of \$167,000.

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 7) Approve contract renewal with Medical Search, LLC for Psychiatry Services for the period of July 1, 2015 through June 30, 2016, for a maximum annual total of \$374,400.

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 8) Approve contract with Sun Street Centers, Sober Living Environment for the period of July 1, 2015 through June 30, 2016, for a maximum total of \$72,000.

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 9) Approve the appointment of Robin Louise as a public interest/consumer member for Supervisorial District 4 to the Behavioral Health Board effective July 21, 2015 through July 21, 2018 (This item was pulled for further administrative processing to be brought back at a future Board Meeting).

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 10) Authorize the County's Behavioral Health Director to sign Amended Contract Agreement No. 14-90087 and Certifications with the State Department of Health Care Services, Substance Use Disorders programs for FY 2014-15-16-17; and adopt Resolution to accept the Amended Contract Agreement.
(Res. No. 2015-53)

CLERK OF THE BOARD – L. Valdez:

- 11) Approve the action minutes of the March 17, 2015 regular meeting, April 7, 2015 special meeting, the April 7, 2015 regular meeting, the May 5, 2015 regular meeting and the May 19, 2015 regular meeting (Pulled for corrections, to be brought back for consideration by the Board on August 4, 2015).

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

- 12) Authorize seven designated County Employees to attend the 2015 New World Customer Conference in Dallas, Texas to be held September 13th through September 15th 2015; at a cost of \$2,740 per attendee to be charged to each employee's respective travel budget.

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 13) Approve contract with Mary White consultant for the period of July 21, 2015 through September 30, 2016, in the amount of \$64,800.

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 14) Approve contract with the California Department of Social Services (CDSS) Adoptions Unit for adoption services for the period of July 1, 2015 through June 30, 2016.

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 15) Approve Memorandum of Understanding (MOU) between Superior Court of California, County of San Benito-Court Appointed Special Advocates Program (CASA) and Health & Human Services for the period of July 1, 2015 to June 30, 2017.

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 16) Approve out-of-state travel to Montana for a CPS Social Worker in connection with placement of a dependent child for the period of July 26, 2015 to July 27, 2015.

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 17) Approve contract with Jose Vasquez for Grant Development and Writing Services for the period of July 21, 2015 through July 20, 2016 with a not-to-exceed amount of \$75,000.

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 18) Approve contract between CSWD and the Community Services Development Corporation for the 2014 U.S. Department of Housing and Urban Development (HUD) Continuum of Care (COC) Homeless Assistance Grant for the period of August 1, 2015 through March 31, 2016, for the amount not to exceed \$118,882; and authorize the HHSA Director to sign any amendments and documents pertaining to this contract.

PLANNING DEPARTMENT – B. Turner:

- 19) Approve reimbursement agreement with Earthbound Farm LLC., to reimburse expenses; approve contract with Kimley-Horn and Associates, Inc. for work related to the proposed Earthbound Farm Expansion, in an amount not to exceed \$98,767; authorize the Assistant Planning Director to approve minor contract amendments, authorizing additional work within the 10% contract contingency amount

PROBATION DEPARTMENT – R. T. Baraan:

- 20) Approve contract with Paula Norton as a tutor for the period of July 1, 2015 through June 30, 2016, for an amount not to exceed \$20,000.

PROBATION DEPARTMENT – R. T. Baraan:

- 21) Approve contract with Youth Alliance for aftercare reentry program for the period of July 1, 2015 through June 30, 2016, for an amount not to exceed \$70,000.

PROBATION DEPARTMENT – R. T. Baraan:

- 22) Approve contract with King & Associates for Youthful Offender's Block Grant for the period of July 1, 2015 through June 30, 2016, for amount not to exceed \$20,000.

PUBLIC WORKS DEPARTMENT – J. Horwedel:

- 23) Approve contract Amendment No. 2 with Cornerstone Structural Engineering Group for the design services and preparation of plans and specifications for the Y Road Bridge at San Benito River crossing in an amount not to exceed \$1,665,890.00 for the total contract; authorize Public Works Director to issue change orders, in an amount not to exceed \$166,589.00.

PUBLIC WORKS DEPARTMENT – J. Horwedel:

- 24) Receive bid from Bracewell Engineering, Inc., finding it to be the lowest responsive, responsible bid received in response to IFGB PWB-1502; approve

contract with Bracewell Engineering, Inc., for operation and maintenance of Water and Wastewater Treatment Plants for CSA's 22 (Cielo Vista, #31 (Stonegate) and #50 (Dunnville Estates), for the period of July 1, 2015 through June 30, 2016.

PUBLIC WORKS DEPARTMENT – J. Horwedel:

- 25) Adopt Resolution adopting the Final Negative Declaration, required CEQA findings and the Mitigation Monitoring and Reporting for the Rosa Morada Road Bridge. (Res. No. 2015-54)

SHERIFF'S OFFICE – D. Thompson:

- 26) Amend Sheriff's Schedule of Authorized Positions adding 1 FTE Sheriff's Sergeant in the operations division (budget unit 101.40.1175) to be offset with Trial Court Security funds; and Augment Sheriff's Expenditures/Salary & Benefits in the amount of \$97,000; and increase Sheriff's Revenue/Trial Court Security in the amount of \$97,000. (4/5 vote)

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

AGRICULTURAL COMMISSIONER – K. Overstreet:

- 27) Hold a Public Hearing to hear objections, protests or requested changes or corrections to the written report regarding the Mosquito and Disease Control Assessment rate to be imposed; and adopt Resolution accepting the annual report for the Mosquito and Disease Control Assessment and levying the rate of \$11.22 per unit Mosquito and Disease Control Assessment for FY 2015/2016 based on the Engineer's Report. (Res. No. 2015-55)

CAO Ray Espinosa introduced the item to the Board and indicated Agriculture Commissioner Karen Overstreet would be handling this proceeding.

Commissioner Overstreet prefaced the commencement of the Public Hearing by advising the Board that the Resolution of Intent had already been adopted by the Board of Supervisors on June 2, 2015 to levy the assessment pending today's scheduled hearing.

The Commissioner offered clarification regarding the use of the CPI as referenced in the engineer's report and that the figure used is correct for San Benito County as it was part of an 11 County region.

Furthermore, the CPI Adjustment Schedule allows any unused CPI from previous years to be used in subsequent years. For 2012, 2.12 percent was unused, in 2013, 2.69 percent was unused and in 2014, 2.67 percent was unused for an accumulated CPI is 7.48 percent. Commissioner Overstreet indicated that her department was asking for a three-percent increase that would increase the overall assessment by \$5,790.00.

Kyle Taggard with SCI Consulting prepared the engineering report.

The Chair opened the public hearing and entertained public comment.

No members of the public provided comment.

The Chair entertained comments and questions from the Board.

Supervisors Botelho asked questions about variance in the numbers presented.

- Supervisor Botelho made a motion to adopt Resolution 2015-55 as presented.
- The motion was seconded by Supervisor De La Cruz.
- **Motion Approved 5 to 0.**

<u>Voting Yes</u>	<u>Voting No</u>
Barrios	None
Botelho	
De La Cruz	
Muenzer	
Rivas	

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

- 28) Hold a Public Hearing to consider adopting a Resolution adopting increases in certain rates set forth in the previously adopted rate schedule for materials accepted at the John Smith Road Landfill; adopt Resolution revising the rate schedule at John Smith Road Landfill, to take effect July 21, 2015; and approve the payment of \$250,000 to Waste Solutions Group, LLC for the FY 2014-2015 COLA and Change of Law Costs. (Res. No. 2015-56)

Management Analyst Sara Fontanos presented the item on behalf of the CAO's Office after the item was read into the record by CAO Espinosa.

- Supervisor Botelho made a motion to adopt Resolution 2015-56 as presented. The Chair asked Supervisor Botelho if he could amend his motion to include the approval of the payment of \$250,000.00 payment to waste solutions, as amended. Supervisor Botelho agreed to amend his motion as requested.
- The motion was seconded by Chairwoman Barrios as amended by Supervisor Botelho.
- **Motion Approved 4 to 1.**

<u>Voting Yes</u>	<u>Voting No</u>
Barrios	
Botelho	
	De La Cruz
Muenzer	
Rivas	

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 29) Hold a Public Hearing to hear all objections, protests, or requested changes or corrections to the written report of service charges for County Service Area #36 (Emergency Medical Services and Advanced Life Support) for FY 2015/2016; and adopt Resolution accepting the annual report for CSA #36 and benefit assessment charges set forth therein and authorize the Chair to sign. (Res. No. 2015-57)

The item was read into the record by CAO Espinosa and was presented by Health and Human Services Director James Rydingsword on behalf of his department.

- Supervisor De La Cruz made a motion to hold the public hearing as recommended by staff and to adopt Resolution 2015-57 as incorporated in the motion.
- The motion was seconded by Supervisor Muenzer.
- **Motion Approved 5 to 0.**

<u>Voting Yes</u>	<u>Voting No</u>
Barrios	None
Botelho	
De La Cruz	
Muenzer	
Rivas	

REGULAR AGENDA:(65:40)

For each regular agenda item, the following schedule shall occur:

- a) *Staff report.*
- b) *Public opportunity to address the Board on a particular agenda item. Please fill out a speaker card and present it to the Clerk prior to consideration of the item.*
- c) *Consideration by the Board.*

Chairwoman Barrios asked for a consensus of the Board in hearing Regular Agenda Item 38 so as to provide her time to attend funeral services along with the person presenting Item 38. The Chair received unanimous consent to her request to take up Regular Agenda item 38 which was heard at 66:16.

After the Board took a ten-minute break, the meeting reconvened at 91:55 with Vice Chair Robert Rivas presiding in Chairwoman Barrios' absence as the record shall reflect she left the meeting session to attend a funeral.

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 30) Review and accept Homeless Services update.

James Rydingsword, Director of the Health and Human Services Agency, presented the item on behalf of his department as well as Joe Horwedel, Interim Director of Public Works, Public Works Department via PowerPoint Presentation.

- Chairwoman Barrios made a motion to accept the Homeless Center Update as presented.
- The motion was seconded by Supervisor De La Cruz
- **Motion Approved 5 to 0.**

<u>Voting Yes</u>	<u>Voting No</u>
Barrios	None
Botelho	
De La Cruz	
Muenzer	
Rivas	

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 31) Receive staff presentation and accept the 2015 San Benito County Homeless Census Executive Summary report.

James Rydingsword, Director of the Health and Human Services Agency, presented the item on behalf of his department.

- Supervisor Botelho made a motion to accept the Homeless Center Update as presented.
- The motion was seconded by Chairwoman Barrios.
- **Motion Approved 5 to 0.**

<u>Voting Yes</u>	<u>Voting No</u>
Barrios	None
Botelho	
De La Cruz	
Muenzer	
Rivas	

PUBLIC WORKS DEPARTMENT – J. Horwedel:

- 32) Discussion of options of the use of the Homeless Center CDBG Grant; and selection of Use of CDBG Grant as a Project Recoverable for the Homeless Service Center.

The Chair acknowledged CAO Espinosa to introduce the item to the Board.

James Rydingsword, Director of the Health and Human Services Agency, presented the item on behalf of his department as well as Joe Horwedel, Interim Director of Public Works, Public Works Department.

- Supervisor Botelho made a motion to continue this agenda item until the first meeting date of September 2015 with additional information provided by HHSA Staff regarding specific options.

- The motion was seconded by Supervisor Rivas.

- **Motion Approved 5 to 0.**

<u>Voting Yes</u>	<u>Voting No</u>
Barrios	None
Botelho	
De La Cruz	
Muenzer	
Rivas	

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 33) Authorize submittal of grant application for \$75,000 to State Toxic Substance Control Agency for environmental assessment of Southside Road Property Area; and authorize the Director of HHSA to sign application and all necessary documents for processing.

James Rydingsword, Director of the Health and Human Services Agency, presented the item on behalf of his department.

- Supervisor Muenzer made a motion to authorize submittal of grant application for \$75,000 to State Toxic Substance Control Agency for environmental assessment of Southside Road Property Area; and authorize the Director of HHSA to sign application and all necessary documents for processing.

- The motion was seconded by Supervisor Rivas.

- **Motion Approved 5 to 0.**

<u>Voting Yes</u>	<u>Voting No</u>
Barrios	None
Botelho	
De La Cruz	
Muenzer	
Rivas	

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 34) Authorize HHSA to participate in an Intergovernmental Transfer (IGT) with the California Department of Health Care Services (DHCS) in order to increase Medi-Cal reimbursement for services previously provided to Blue Cross Medi-Cal enrollees by HHSA during the base FY 2013-14; authorize the HHSA Director to execute an Intergovernmental Transfer agreement and to transfer up to \$250,000 to DHCS; authorize the HHSA Director to execute an Intergovernmental Transfer Assessment Fee agreement with the California DHCS for the base year 2013-14; and authorize the HHSA Director to sign an Amendment to the existing Agreement with Blue Cross in substantially the same form, for payment of Medi-Cal managed care capitation rate increases by Anthem Blue Cross to San Benito County to San Benito County HHSA to reimburse the County for services previously provided and to enable the County to provide additional health care services to San Benito County residents.

James Rydingsword, Director of the Health and Human Services Agency, presented the item on behalf of his department.

- Supervisor De La Cruz made a motion to Authorize HHSA to participate in an Intergovernmental Transfer (IGT) with the California Department of Health Care Services (DHCS) in order to increase Medi-Cal reimbursement for services previously provided to Blue Cross Medi-Cal enrollees by HHSA during the base FY 2013-14; authorize the HHSA Director to execute an Intergovernmental Transfer agreement and to transfer up to \$250,000 to DHCS; authorize the HHSA Director to execute an Intergovernmental Transfer Assessment Fee agreement with the California DHCS for the base year 2013-14; and authorize the HHSA Director to sign an Amendment to the existing Agreement with Blue Cross in substantially the same form, for payment of Medi-Cal managed care capitation rate increases by Anthem Blue Cross to San Benito County to San Benito County HHSA to reimburse the County for services previously provided and to enable the County to provide additional health care services to San Benito County residents.
- The motion was seconded by Supervisor Botelho.
- **Motion Approved 5 to 0.**

<u>Voting Yes</u>	<u>Voting No</u>
Barrios	None
Botelho	
De La Cruz	
Muenzer	
Rivas	

At 183:12, Chairwoman Barrios announced that the Board would retire into Closed Session over the lunch period to take up Closed Session Agenda Items 41 through 44. Please see Closed Session section for additional information.

PUBLIC WORKS DEPARTMENT – J. Horwedel:

- 35) Approve the concept for the Resource Management Agency; direct the Administration to present, subject to County Counsel review and approval the necessary amendments to the County Code to consolidate Public Works, Planning and Building and Integrated Waste Management Departments into a Resource Management Agency.

The Chair asked Interim Public Works Director Joe Horwedel to present the item to the Board on behalf of his department via PowerPoint Presentation.

Supervisor Muenzer made a motion to approve the concept for the Resource Management Agency; direct the Administration to present, subject to County Counsel review and approval the necessary amendments to the County Code to consolidate Public Works, Planning and Building and Integrated Waste Management Departments into a Resource Management Agency.

- The motion was seconded by Supervisor Botelho.

- **Motion Approved 5 to 0.**

<u>Voting Yes</u>	<u>Voting No</u>
Barrios	None
Botelho	
De La Cruz	
Muenzer	
Rivas	

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

- 36) Appoint Brent Barnes as Resource Management Agency Director at Step D; approve and authorize the CAO to execute employment contract with Mr. Barnes for the Resource Management Agency Director.

The Chair asked CAO Espinosa to introduce the agenda item on behalf of the administration.

CAO Espinosa asked Interim Human Resources Director Georgia Cochran to present the item to the Board.

- Supervisor Muenzer made a motion to appoint Brent Barnes as Resource Management Agency Director at Step D; approve and authorize the CAO to execute employment contract with Mr. Barnes for the Resource Management Agency Director.
- The motion was seconded by Supervisor Botelho.

- **Motion Approved 5 to 0.**

<u>Voting Yes</u>	<u>Voting No</u>
Barrios	None
Botelho	
De La Cruz	
Muenzer	
Rivas	

AGRICULTURAL COMMISSIONER – K. Overstreet:

- 37) Accept the 2014 Crop Report; and authorize the release of the report via the Agricultural Commissioner's website.

CAO Espinosa called on Agriculture Commissioner Karen Overstreet to introduce this item to the Board.

Commissioner Overstreet presented the Crop Report to the Board and recommended that the Board accept it as presented as well as authorize the release of the report via the Agricultural Commissioner's Website.

- Supervisor Botelho made a motion to accept the 2014 Crop Report and to authorize the release of the report via the Agricultural Commissioner's website.
- The motion was seconded by Supervisor Muenzer.
- **Motion Approved 5 to 0.**

<u>Voting Yes</u>	<u>Voting No</u>
Barrios	None
Botelho	
De La Cruz	
Muenzer	
Rivas	

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

- 38) Hear presentation on “Stuff the Bus” program; approve transfer of \$1,000 from contingencies to the CBO program. (4/5 vote)

The item was read into the record by CAO Espinosa and advised the Board that a funding option also available was from County Budget Object Number 623628 – Special Department Expense that was once 180 General Contributions which was earmarked for sales tax initiative. There may be funds available there and also consideration was given to CBO funds available at the end of the year.

Victoria Fortino, San Benito County Coordinator from the United Way was asked to present this item to the Board.

- Chairwoman Barrios made the motion to transfer \$1000.00 from contingencies.
- The motion was seconded by Supervisor Rivas.
- **Motion Approved 5 to 0.**

<u>Voting Yes</u>	<u>Voting No</u>
Barrios	
	Botelho
	De La Cruz
	Muenzer
	Rivas

At this point of the meeting, the Board took a break for ten minutes at which point Chairwoman Barrios left the meeting to attend the funeral services for a friend as previously announced. Vice Chair Rivas presided over the meeting after the break.

PUBLIC WORKS DEPARTMENT – J. Horwedel:

- 39) Approve the Plans and Specifications for the Main Jail Expansion Project, PWB-150XX; and authorize the Public Works Director to solicit bids for the Main Jail Expansion Project following the approval of the State Department of Finance.

CAO Espinosa introduced Interim Public Works Director Joe Horwedel and asked him to present the item to the Board on behalf of the administration.

Mr. Horwedel asked the Board to approve the Plans and Specification for the Main Jail Expansion Project, PWB-150XX; and authorize the Public Works Director to solicit bids for the Main Jail Expansion Project following the approval of the State Department of Finance.

- Supervisor Muenzer made a motion to approve the Plans and Specification for the Main Jail Expansion Project, PWB-150XX; and authorize the Public Works Director to solicit bids for the Main Jail Expansion Project following the approval of the State Department of Finance.

- The motion was seconded by Chairwoman Barrios.

- **Motion Approved 5 to 0.**

<u>Voting Yes</u>	<u>Voting No</u>
Barrios	None
Botelho	
De La Cruz	
Muenzer	
Rivas	

PUBLIC WORKS DEPARTMENT – J. Horwedel:

- 40) Adopt Resolution to Initiate the Formation of CFD 2015-01 Santana Ranch; and set a Public Hearing for September 1, 2015 at 9:00 a.m. (Res. No. 2015-61).

CAO Espinosa asked Joe Horwedel, Interim Public Works Director, to introduce the item on behalf of the administration to the Board.

- Supervisor Botelho made a motion to Adopt Resolution to Initiate the Formation of CFD 2015-01 Santa Ranch ;(Res. No. 2015-61).
- The motion was seconded by Chairwoman Barrios.

- **Motion Approved 5 to 0.**

<u>Voting Yes</u>	<u>Voting No</u>
Barrios	None
Botelho	
De La Cruz	
Muenzer	
Rivas	

The Chair noted that that motion did not include the setting of the public hearing date and time which she indicated could be done in a separate motion.

- Supervisor Botelho made a motion to set a Public Hearing for September 1, 2015 at 9:00 a.m. in connection with the adoption of Resolution 2015-61 to initiate the Formation of CFD 2015-01 Santa Ranch.
- The motion was seconded by Chairwoman Barrios.
- **Motion Approved 5 to 0.**

<u>Voting Yes</u>	<u>Voting No</u>
Barrios	None
Botelho	
De La Cruz	
Muenzer	
Rivas	

The Board recessed for a five minute break at the conclusion of business of the Regular Agenda prior to commencing the Public Hearing regarding the San Benito County General Plan.

CLOSED SESSION:(183:12)

Matters discussed during Closed Session include existing and pending litigation, personnel matters and real property negotiations. Reportable actions taken by the Board during Closed Session will be announced during open session. (Gov. Code Section 54957.1(a) & (b), Ralph M. Brown Act.)

At 183:12, Chairwoman Barrios announced that the Board would retire into Closed Session over the lunch period to take up Closed Session Agenda Items 41 through 44.

The Chair asked County Counsel Matt Granger to read the Closed Session items listed on the agenda into the record.

Mr. Granger read Closed Session Agenda items 41-44 into the record.

Chairwoman Barrios asked the public if there was any comment on any of the Closed Session items listed. There were no comments offered by the public.

The Board retired into Closed Session and the Chair announced the open session would reconvene at 1:30PM when the remainder of the Regular Agenda Items would be taken up by the Board.

- 41) Conference with Legal Counsel-Anticipated Litigation.
Initiation of litigation pursuant to subdivision (d) (4) of Section 54956.9: Number of Cases: (2)
- 42) 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: Receipt of claim from Citadel Exploration Inc., dated July 9, 2015

- 43) Conference with Legal Counsel-Existing Litigation.
Subdivisions (a) and (d) (1) of Section 54956.9
Name of Case: Sierra Club, et al. v. County of San Benito, et.al, filed in the California Superior Court for the County of San Benito, Case No. CU-15-00081
- 44) 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).

The Board reconvened from Closed Session at approximately 1:30PM.

The Chair asked County Counsel Matt Granger to report out from the Closed Session on behalf of the Board. For Closed Session Agenda Items 41-44, Mr. Granger advised that the Board took no reportable action for the Closed Session items as listed.

PUBLIC HEARING – 1:30 p.m. *(Or as soon thereafter as the matter may be heard)*

PLANNING DEPARTMENT – B. Turner:

- 45) Hold a Public Hearing to review and consider adoption of the Draft 2035 General Plan and consider certification of the EIR for the General Plan; 1) adopt Resolution certifying the EIR and adopting the CEQA Findings and Statement of Overriding Considerations; 2) adopt Resolution adopting the 2035 General Plan, with the 2035 General Plan Errata, and 3) Adopt Resolution adopting the 2035 General Plan Mitigation Monitoring and Reporting Program (MMRP). (Res. No. 2015-58), (Res. No. 2015-59), Res. No. 2015-60).

The Chair reconvened the meeting and asked Mr. Byron Turner, Planning Director, to present the item to the Board on behalf of the administration.

Mr. Turner introduced the item to the Board by providing a brief legislative history and background of the agenda item as presented.

Mr. Turner spoke to issues related to the Errata and subsequent changes and updates that have taken place during the course of the development of the draft general plan document.

Mr. Turner turned the presentation over to Michael Groves, President of EMC Planning Group, to provide a history of this project via PowerPoint. The PowerPoint file is attached to this document for reference.

Mr. Groves thanked staff and assistance from San Benito County.

Mr. Groves then explained that the purpose of the public hearing was:

- Consider the Planning Commission Recommendation.
- Consider input from the public and other agencies.
- Consider the adoption of 2035 General Plan by the Board of Supervisors.

Resolution 1 includes Attachment Number 1 including Certification of the Environmental Impact Report on the General Plan and the findings of fact and statement of overriding consideration.

- Exhibit A is the SBC General Plan EIR.
- The draft EIR is in the second binder presented to the Board.

Resolution 2 includes Attachment Number 2 – Adoption of General Plan.

- Exhibit is the General Plan of May 6th endorsed by the Board of Supervisors to move it initiate the environmental impact process.
- The Second Exhibit is the ERRATA includes all updates, changes and corrections.

Resolution 3 includes attachment 3 which includes exhibit mitigation, monitoring and reporting program.

After the conclusion of the presentation by Groves, the Board members offered individual comments and observations with regard to the General Plan and the associated processes.

At the conclusion of all staff presentations, Chairwoman Barrios opened the Public Hearing and entertained comments from the public.

The Chair asked if the Clerk of the Board if any public comment cards had been submitted. No comment cards were received by the Clerk.

The Chair invited any members of public to provide Public Comment to the Board.

The Board received public comments from Marty Richman, Resident of the City of Hollister, CA and Christina Chavez-Wyatt with the San Benito County Business Council.

At the conclusion of public comments, the Chair closed the public hearing and entertained closing comments/remarks from the Board.

The Chair requested guidance from County Counsel Matt Granger with regard to action to be taken by the Board on the resolutions as presented.

Mr. Granger advised that each resolution presented should be taken up individually.

The Chair entertained a motion with regard to Public Hearing Agenda Sub-Item Number 1, adoption of Resolution 2015-58 as presented by staff.

*The record shall reflect that while Chairwoman Barrios referred to agenda sub-item number two while entertaining a motion to adopt Resolution 2015-58 as listed in the Agenda Item Transmittal (AIT), the aforementioned resolution is listed on the Board Meeting Agenda as agenda sub-item number one under the Public Hearing Agenda Item Number 45. The Chair's numerical reference does not have any substantive bearing on the resolutions as listed and/or as adopted. This comment is provided only for reference and guidance to the reader.

- Supervisor Jaime De La Cruz made a motion to adopt Resolution 2015-58.

- The motion was seconded by Supervisor Jerry Muenzer.

- **Motion was Approved 5 to 0.**

- | <u>Voting Yes</u> | <u>Voting No</u> |
|-------------------|------------------|
| Barrios | None |
| Botelho | |
| De La Cruz | |
| Muenzer | |
| Rivas | |

The Chair then entertained a motion with regard to Public Hearing Agenda Sub-Item Number 2, adoption of Resolution 2015-59 as presented by staff.

- Supervisor Anthony Botelho made a motion to adopt Resolution 2015-59.

- The motion was seconded by Chairwoman Margie Barrios.

- **Motion was Approved 5 to 0.**

- | <u>Voting Yes</u> | <u>Voting No</u> |
|-------------------|------------------|
| Barrios | None |
| Botelho | |
| De La Cruz | |
| Muenzer | |
| Rivas | |

The Chair then entertained a motion with regard to Public Hearing Agenda Sub-Item Number 3, adoption of Resolution 2015-60 as presented by staff.

- Supervisor Jerry Muenzer made a motion to adopt Resolution 2015-60.

- The motion was seconded by Chairwoman Margie Barrios.

- **Motion was approved 5 to 0.**

- | <u>Voting Yes</u> | <u>Voting No</u> |
|-------------------|------------------|
| Barrios | None |
| Botelho | |

De La Cruz
Muenzer
Rivas

The Chair entertained a motion to adjourn the meeting.

- Supervisor Rivas made a motion to adjourn the board meeting.
- The motion was seconded by Supervisor De La Cruz.
- **Motion was approved 5 to 0.**
- | <u>Voting Yes</u> | <u>Voting No</u> |
|-------------------|------------------|
| Barrios | None |
| Botelho | |
| De La Cruz | |
| Muenzer | |
| Rivas | |

MEETING ADJOURNED TO TUESDAY, AUGUST 4, 2015 AT 9:00 A.M.

NOTE: A copy of this Agenda is published, along with supportive documents, on the County's Web site on the Friday preceding each Board meeting and may be viewed at www.cosb.us/government/meetings-agendas/. All proposed agenda items with supportive documents are also available for viewing at the San Benito County Administration Building, 481 Fourth Street, Hollister, CA between the hours of 8:00 a.m. & 5:00 p.m., Monday through Friday (except holidays). This is the same packet that the Board of Supervisors reviews and discusses at each Board meeting.

As required by Gov. Code Section 54957.5 any public record distributed to the Board of Supervisors less than 72 hours prior to this meeting in connection with any agenda item shall be made available for public inspection at the office of the Clerk of the Board, San Benito County Administration Building, 481 Fourth Street, Hollister, CA 95023. Public records distributed during the meeting will be available for public inspection at the meeting if prepared by the County. If the public record is prepared by some other person and distributed at the meeting it will be made available for public inspection following the meeting at the office of the Clerk of the Board.

In compliance with the Americans with Disabilities Act (ADA) the Board of Supervisors meeting facility is accessible to persons with disabilities. If you need special assistance to participate in this meeting, please contact the Clerk of the Board's office at (831) 636-4000 at least 48 hours before the meeting to enable the County to make reasonable arrangements to ensure accessibility.