



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 AUGUST 18, 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 Board Meeting to order promptly at 9:00 a.m.

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

The Chair asked Supervisor Botelho to lead the Board in the Pledge of Allegiance.

- b) Acknowledge Certificate of Posting.

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

- Supervisor Jerry Muenzer made a motion to acknowledge the Certificate of Posting.
- Supervisor Anthony Botelho seconded the motion.

➤ **Motion Approved 5 to 0.**

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

c) **PRESENTATIONS & RECOGNITIONS:**

BOARD OF SUPERVISORS:

Recognize Robert Scoles for serving 9 years as a member of the Community Action Board (CAB) of San Benito County.

Mr. Scoles was not present to receive the certificate. Supervisor Botelho presented the certificate to Sherri Stephenson, the Chair of the Community Action Board, who accepted the certificate on behalf of Mr. Scoles. Ms. Stephenson is the sister of Supervisor Botelho.

HUMAN RESOURCES – G. Cochran:

Present Certificate of Recognition to Kenneth Nattell, Facilities and Grounds Manager, Public Works for his 7 years of service with the County of San Benito upon his retirement.

Supervisor Rivas presented the certificate to Mr. Nattell. Supervisor Rivas thanked Mr. Nattell for his seven years of service to San Benito County. CAO Espinosa thanked Mr. Nattell for his service to the County especially after hours.

OFFICE OF EMERGENCY SERVICES – K. O'Neill:

Presentation of a check by P.G. & E. in the amount of \$3,000 to the San Benito County Office of Emergency Services to be used for the Community Emergency Response Team (CERT) volunteer program funding; approve the Budget Augmentation in the amount of \$3,000. (4/5 vote)

CAO Espinosa asked Mr. Kevin O'Neill to present the item to the Board which includes a \$3000.00 award to San Benito County from Pacific Gas and Electric (PG&E) to be used towards the Community Emergency Response Team (CERT).

Mr. O'Neill provided background information about the program and introduced Eric Daniels, Safety Officer, with PG&E to provided additional information.

Mr. Daniels described the nature of the \$3000.00 grant for the CERT Program and asked the Board to conduct a photo opportunity.

- Supervisor Anthony Botelho made a motion to acknowledge the Certificate of Posting.
- Supervisor Jerry Muenzer seconded the motion.

➤ **Motion Approved 5 to 0.**

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

- 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 to provide comments to the Board with regard to any items not appearing on the agenda. No comments were made by any member of the public.

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

CAO Espinosa invited James Rydingsword, Director of Health and Human Services, to provide an update on Homeless Services in San Benito County. Mr. Rydingsword advised that an action item would likely be presented to the Board for their consideration and action in September of this year, likely at the September 22nd Board Meeting.

He also informed the Board that the Intergovernmental Funds Transfer agenda item approved earlier in the year by the Board, which included an application for federal funds, had approved and that the infusion of funds to the County would be approximately \$150,000.00.

Supervisor Botelho asked if Mr. Rydingsword could provide a total cost amount for Homeless Services. Mr. Rydingsword that an approximately figure would be provided to the Board in September.

CAO Espinosa reported to the Board regarding the results of the Board Retreat. Mr. Espinosa also introduced the newly appointed Director of the Resources Management Agency, Mr. Brent Barnes.

Sara Fontanos, Management Analyst, informed the Board that the City Council approved a resolution to authorize the closure of Nash Road. She also provided an update on the possible re-opening of the San Justo Regional Recreation Area.

The CAO also announced the new Speaker Timer System.

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

The Chair entertained activity reports from the Board Members.

Supervisors De La Cruz and Rivas advised they had no report.

Supervisor Muenzer described the traffic delays on Tres Pinos Road and reminded the public to drive safely.

Supervisor Botelho reported on his vacation. He also raised concerns he received from his constituents with regard to maintenance by Pacific Gas and Electric (PG&E) related to the removal of trees. He advised he would pursue mitigation measures in the form of a tree bank.

The Chair reported that he met with Eric Daniels from PG&E and she echoed Supervisor Botelho's concerns and efforts. She also advised she had been invited by the San Benito County Chamber of Commerce to discuss the possible sales tax measure(s) being considered by the Board. She invited her colleagues to attend, space permitting.

The Chair reported about discussions related to possible Sales Tax Measures during the Intergovernmental Committee Meeting. The Chair indicated the importance of having a unified vision heading into the Sales Tax Election.

The Chair reported on correspondence from the Consulado General de Mexico consisting of an open invitation to all persons to attend a Labor Rights Week Event beginning on Monday, August 31st, 2015.

She also indicated that she would be speaking with Brent Barnes and Joe Horwedel from the newly formed RMA Department to discuss citizen concerns related to the parking of eighteen wheel semi vehicles along San Felipe Road around the Dunnville area.

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 invited the public to provide comments on this item but none was received.

- The Chair entertained a motion to approve the Consent Agenda items as presented with the exception of agenda items 14 and 15 (pulled by Supervisor Botelho) and item 17 (pulled by Chairwoman Barrios).
- Supervisor De La Cruz made a motion to approve the Consent Agenda items as presented with the exception of agenda items 14 and 15 (pulled by Supervisor Botelho) and item 17 (pulled by Chairwoman Barrios).

- Supervisor Rivas seconded the motion.

➤ **Motion Approved 5 to 0.**

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

AGRICULTURAL COMMISSIONER – K. Overstreet:

- 1) Approve contract with the California Department of Food & Agriculture for Certified Farmers Market Inspections for FY 2015/2015 for a total contract of \$4,000.

BOARD OF SUPERVISORS:

- 2) Approve Proclamation declaring September 2015 as “Childhood Cancer Awareness Month” in San Benito County.

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

- 3) Approve contract with Hayashi Wayland for assistance in preparation of the County’s Comprehensive Annual Financial Report (CAFR) in an amount not to exceed \$25,000.

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

- 4) Approve contract with The Regents of the University of California to provide general program assistance in for the period of September 1, 2015 through June 30, 2016, in the amount of \$20,000.

COUNTY COUNSEL – M. Granger:

- 5) Approve Legal Services Agreement with Cota Cole, LLP, for work in the defense of Award Homes, Inc. v. County of San Benito, City of Hollister, et.al, Superior Court of California, Case No. CU-15-00099 for the period of August 15, 2015 through June 30, 2017, in an amount not to exceed \$77,500.

COUNTY COUNSEL – M. Granger:

- 6) Approve Legal Services Agreement with Serlin & Whiteford, LLP, Joint Representation Agreement and Agreement with Center for Biological Diversity related to the County’s collection efforts (Citadel Exploration, Inc.).

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 7) Approve the Field Practicum Agreement with the California State University of Stanislaus Social Work Program and authorize the Director of HHSA to sign said agreement.

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 8) Authorize the HHSA Director to approve and execute the grant agreement and any amendments related to the three year grant for Tobacco Education contract with California Tobacco Control Program (CTCP) in the amount of \$150,000 for the period of July 1, 2015 through June 30, 2016.

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 9) Adopt Resolution authorizing closure of all Public Health Divisions to include Public Health Department (including EMS) at 439 Fourth Street and Environmental Health at 1111 San Felipe Road from 8:00 a.m. to 5:00 p.m. on November 19, 2015 for mass flu vaccination clinic. (Res. No. 2015-64)

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 10) Approve the requisitions for Premier Office furniture in the total amount of \$26,766.97 for the workstations delivered and installed for the Agency expansion; and augment fixed assets with \$27,000 from the Federal and State Public Assistance Administration as requested in the Budget Adjustment/Transfer form. (4/5 vote)

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 11) Approve contract with Jennifer Westphal to develop and/or resurrect fruit and vegetable gardens in four elementary schools, preschools or after school programs that serve San Benito County's low-income population for the period of August 18, 2015 to September 30, 2015, in the amount of \$16,000.

RESOURCE MANAGEMENT AGENCY/PUBLIC WORKS DEPARTMENT- B. Barnes:

- 12) Approve the reclassification of 1.0 FTE Road Maintenance Superintendent to 1.0 FTE Public Works Superintendent as identified in the scheduled of authorized positions for Road Maintenance Division Public Works using County Personnel Rule 7.G.1.

RESOURCE MANAGEMENT AGENCY/PUBLIC WORKS DEPARTMENT- B. Barnes:

- 13) Award the contract for Elevator maintenance Services to ThyssenKrup Elevator Company for the period of August 1, 2015 through July 31, 2016 with an automatic renewal for up to three consecutive years, in the amount of \$8,100.

RESOURCE MANAGEMENT AGENCY/PUBLIC WORKS DEPARTMENT- B. Barnes:

- 14) Approve the purchase of a Caterpillar Backhoe and attachments from Quinn Caterpillar Company in an amount not to exceed \$130,000; and authorize the Resource Management Agency Director to approve the necessary documents.

This item was pulled by Supervisor Botelho; He asked Joe Horwedel a question with regard to the financing of this purchase. He also asked if additional crews will be available to conduct additional maintenance.

Mr. Horwedel explained future uses of the equipment and provided details regarding the purchasing requirements considered from different vendors.

Mr. De La Cruz asked about the sales tax rate.

The Chair invited the public to provide comments on this item but none was received.

- Supervisor Botelho a motion to approve Consent Agenda item 14.
- Supervisor Muenzer seconded the motion.

➤ **Motion Approved 5 to 0.**

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

RESOURCE MANAGEMENT AGENCY/PUBLIC WORKS DEPARTMENT- B. Barnes:

- 15) Approve the purchase of a John Deere Compact Utility Tractor, and a Heavy Duty Flail Mower, a Front Loader and Backhoe attachments from Cal-Coast Machinery; approve the purchase of Frontier Pallet forks, 4 in 1 Bucket and Medium Box Bland and attachments from Cal-Coast Machinery, Inc., in an amount not to exceed \$52,000; and authorize the Resource Management Agency Director to sign the necessary documents.

Supervisor Botelho indicated that all his questions had been answered during the discussion of item 14.

The Chair invited the public to provide comments on this item but none was received.

- Supervisor Botelho a motion to approve Consent Agenda Item 15.
- Supervisor Muenzer seconded the motion.

➤ **Motion Approved 5 to 0.**

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

RESOURCE MANAGEMENT AGENCY/PUBLIC WORKS DEPARTMENT- B. Barnes:

- 16) Approve contract with Hayashi & Wayland Accounting and Consulting, LLP. for Public Works account services for the period of August 18, 2015 through June 30, 2016, with automatic renewals up to a maximum of three years, for an annual amount not to exceed \$32,000.

RESOURCE MANAGEMENT AGENCY/PLANNING DEPARTMENT – B. Barnes:

- 17) Approve the reimbursement agreement with Catalyst Development Partners/Todd A. Deutscher to recover County costs to review and process this project (subdivide approximately 27 acre property located off Southside Road into approximately 90 residential lots).

Chairwoman Barrios indicated that there was a small error on Page 195 of the agenda packet in the following sentence, “the cost deposit balance of at least \$10,000.00,” but in parenthesis the amount listed is \$20,000.00.

Byron Turner, Planning Director, indicated that one deposit amount was \$10,000.00 and the other was \$20,000.00 but that he would correct this error prior to transmitting the correspondence to the third party.

The Chair invited the public to provide comments on this item but none was received.

- Chairwoman Barrios made a motion to approve Consent Agenda Item 17 with corrections as requested on Page 195.
- Supervisor Muenzer seconded the motion.

➤ **Motion Approved 5 to 0.**

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

REGULAR AGENDA:

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.

COUNTY ADMINISTRATION OFFICE – R. Espinosa

- 18-A) Presentation by Economic Development Groups and their request for funding for Fiscal Year 2015-16.

(Please note: The records shall reflect that Agenda Item 18-A was added to the August 18, 2015 Regular Agenda as a Supplement posted separately on August 14th, 2015 at 10:30am in accordance with California State Statutory Requirements listed in the Ralph M. Brown Act.)

Chairwoman Barrios indicated that the next time to be taken up for discussion was Supplemental Agenda Item 18-A as listed on the agenda.

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

CAO Espinosa asked Management Analyst Melinda Casillas to present the item to the Board.

Ms. Casillas advised the Board that one topic of conversation at last week's retreat was economic development with recommendations to provide funding to local agencies that dedicate a majority of their resources to economic development within San Benito County.

She further advised that during the Board's most recent budget hearings for FY 2015-16, \$25,000.00 had been allocated to support these types of activities.

Both the San Benito County Chamber of Commerce as well as the Monterey Bay Economic Partnership (MBEP) approached San Benito County with each organization requesting funding in the amount of \$10,000.00.

After much discussion, the consensus of the Board was to allow the San Benito County Chamber of Commerce to make their presentation and to then allow the Monterey Bay Economic Partnership to present to the Board at the September 8, 2015 Board Meeting. A decision about funding would be made by the Board at their discretion either at the end of the Chamber's presentation or later in September.

Julie Viera from the Chamber provided the Chamber's presentation to the Board. She described the Chambers new marketing efforts and tourism campaign including a newly re-designed website, Facebook page, community outreach, job fairs, and solicitation of state and federal grant funding and representation of the County business sector.

After the Chamber's presentation, the Chair entertained public comment.

Mr. Marty Richman, Resident of the City of Hollister, CA, described about the collection of taxes by businesses on behalf of the local government sectors. He encouraged the Board to fund entities that use allocated monies in the most effective manner.

Mr. Aaron Johnson, President of the San Benito County Economic Development Corporation, addressed the Board and requested the opportunity to address the Board on the renewed activities of his organization on behalf of San Benito County.

After additional discussion among the Board Members regarding the value of funding efforts by the Board of Supervisor, the consensus of the Board was to bring Agenda Item 18-A back to the Board in September for further consideration.

There was no formal action taken by the Board on this item.

PROBATION DEPARTMENT – R. T. Baraan:

- 18) It is respectfully recommended that the Board accept the Local Action Plan as approved by the Community Corrections Partnership; authorize the addition of 1.0 FTE Probation Officer and 1.0 FTE Office Assistance III funded by AB 109; and authorize the Chief Probation Officer to negotiate an amendment to the County's commercial lease agreement with the Community Services Corporation for the purposes of establishing a "Community Transition Center."

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

CAO Espinosa explained the item in brief and introduced Probation Department Chief R. T. Baraan.

Chief Baraan presented the item to the Board on behalf of his department via PowerPoint.

Chief Baraan provided an explanation of AB 109 which is the State of California's Criminal Justice System Re-alignment and described his local jurisdictional plan for San Benito County to utilize these funds.

Discussion between Board Members and the CAO ensued related to the longevity of the funding for this program and the allocation of positions within the County.

There were no public comments submitted for this item.

- Supervisor De La Cruz made a motion to approve Regular Agenda Item 18.
- Chairwoman Barrios seconded the motion.

Motion Approved 5 to 0.

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

CLOSED SESSION:

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.)

- 19) Closed Session – Conference with Labor Negotiators
Agency designated representatives: Allyson Hauck, Ray Espinosa, Joe Paul Gonzalez, Melinda Casillas, Georgia Cochran, and Steve Coffee
Employee Organizations: Institutions Associations
Law Enforcement Management

Management Employees' Group
SEIU Local 521 (General Unit Employees)
SEIU United Long Term Care Workers Local 6434
Deputy Sheriffs Association
Confidential
Confidential Management
Department Heads
Unrepresented Employees

Authority: California Government Code Section 54957.6

- 20) Closed Session – Conference with Legal Counsel-Existing Litigation
Subdivisions (a) and (d)(1) of Government Code Section 54956.9
Name of Case: County of San Benito v. Cristina M. Martinez, et.al., Superior Court of California, County of San Benito, Case No. CU-15-00063
- 21) Closed Session – Conference with Legal Counsel-Existing Litigation
Subdivisions (a) and (d)(1) of Government Code Section 54956.9
Name of Case: County of San Benito v. Maximo R. Ornelas and Juanita L. Ornelas, et.al, Superior Court of California, County of San Benito, Case No. CU-15-00077
- 22) Closed Session – Conference with Legal Counsel-Anticipated Litigation
Initiation of litigation pursuant to subdivision (d)(4) of Section 54956.9
Number of Cases: (2)

Chairwoman Barrios asked County Counsel Matt Granger to read the Closed Session Agenda items 17 through 22 into the record on behalf of the Board.

The Chair entertained public comment but none was made.

The Chair recessed the meeting into Closed Session.

The Board reconvened at 12:43 p.m. from Closed Session.

Chairwoman Barrios asked County Counsel Matt Granger to report out from Closed Session on behalf of the Board.

Mr. Granger advised that there was no reportable action taken by the Board on Closed Session Agenda Items 17 through 22.

The Chair entertained a motion to adjourn the meeting.

- Supervisor Rivas made a motion to adjourn the Board Meeting.
- Supervisor Muenzer seconded the Motion.
- **Motion Approved 5 to 0.**

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

ADJOURN TO TUESDAY, SEPTEMBER 8, 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.