

District No. 1

Chair

SAN BENITO COUNTY BOARD OF SUPERVISORS

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 SEPTEMBER 8, 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 <u>not</u> 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:

The meeting was called to order at 9:00 a.m.

a) Pledge of Allegiance to be led by Supervisor Muenzer.

The Chair asked Supervisor Muenzer to lead the meeting in the Pledge of Allegiance.

- 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.
 - Supervisor Rivas seconded the motion.

Motion Approved 5 to 0.

Voting Yes Voting No Barrios Botelho De La Cruz Muenzer Rivas

c) **Public Comment:** Opportunity to address the Board on items of interest <u>not</u> appearing on the agenda. No action may be taken unless provided by Govt. Code Section 54954.2.

The Chair entertained public comment from members of the public on its not listed on the agenda.

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

The Clerk advised that Mary Schneider had asked to speak.

Ms. Schneider from the San Benito County Friends of the Library Vice President spoke about Congressman Sam Farr's comments about the County not being bondable for state grants. She indicated that their organization started a library future fund with the Community Foundation in the amount of \$3.00 so as to prepare the County's position to improve library facilities.

The Chair expressed her thanks for her organization's help and assistance.

There was no additional public comment.

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

The Chair recognized CAO Espinosa who invited Brent Barnes, Resource Management Agency Director, to address the Board. Mr. Barnes reported that he will be preparing a policy statement and goals along with a draft process regarding development projects and fiscal neutrality issues as part of the development review process.

CAO Espinosa announced that he received an email communication ranking San Benito County as the 98th for scenery and climate in the United States out of approximately 3,111 counties throughout the United States according to a poll conducted by the Washington Post.

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

Department Head announcements having concluded, the Chair moved on to Board Announcements.

The Chair called on Supervisor Rivas. Supervisor Rivas had no report.

The Chair called on Supervisor Muenzer. He reported his attendance at the Monterey Bay Unified Air Pollution Control District Board of Directors Meeting and the Pinnacles Gateway Partnership Workshop.

The Chair recognized Supervisor Botelho. Supervisor Botelho reported on his tour of the San Justo Reservoir Tour that included federal, state and county staff and provided a progress report on the status of its re-opening date.

The Chair recognized Supervisor De La Cruz. Supervisor De La Cruz asked a question about why San Justo cannot be opened to fishing.

The Chair suggested that the item be agendized for future discussion.

Supervisor De La Cruz also reported on the activities associated with 16 de Septiembre Mexican Independence Day Celebration beginning on Sunday at 11:30 a.m.in Downtown Hollister.

The Chair thanked the Farm Bureau for their invitation to the Farmworker Appreciation Bar B Q which she attended. She also attended the Fair Kickoff Dinner. The County Fair will take place on October 1 to 4. The Chair also reported on Congressman Sam Farr's Town Hall Meetings in San Benito County.

Chairwoman Barrios also announced that Professor Brad Barbeaux with the Institute for Innovation for Entrepreneurial Development (I.I.E.D.) at California State University – Monterey Bay (CSU-MB) is working on a regional economic development grant that could potentially benefit San Benito County. The Chair also attended the CSAC Board Meeting via telephone which primarily dealt with transportation issues.

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 inquired of the Board if any member desired to pull any item from the Consent Agenda for individual discussion.

Supervisor Botelho advised the Chair that he would be recuse himself from Consent Agenda Item 12 due to a Conflict of Interest as his family does business with Granite Rock. Supervisor Botelho also requested that Consent Agenda Item 6 be pulled for discussion.

Supervisor De La Cruz asked that Consent Agenda Item 18 be pulled for individual discussion.

Upon entertaining a motion to approve the remaining Consent Agenda Items, the Chair indicated that she found it advisable to pull Consent Agenda Item 12, as

well, so as to allow Supervisor Botelho to vote on the remaining Consent Agenda Items.

- The Chair entertained a motion to approve the Consent Agenda with the exception of Agenda Items 6, 12 and 18.
- Supervisor De La Cruz made a motion to approve the Consent Agenda with the exception of Agenda items 6, 12 and 18.
- > Supervisor Rivas seconded the motion.

Motion Approved 5 to 0.

Voting Yes Voting No Barrios Botelho De La Cruz Muenzer Rivas

CLERK OF THE BOARD – L. Valdez:

 Approve the action minutes for the meetings of March 17, 2015 regular meeting, April 7, 2015 special meeting, April 7, 2015 regular meeting, May 5, 2015 regular meeting and the May 19, 2015 regular meeting.

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

2) Approve the response prepared on behalf of the County Board of Supervisors, and authorize the Chair to sign; and direct staff to submit the prepared response to the Presiding Judge of San Benito County Superior Court in regard to the FY 2014-2015 Grand Jury Report.

EMERGENCY SERVICES OFFICE- K. O'Neill:

 Adopt Governing Body Resolution that authorizes the county positions named to execute for and on behalf of the County of San Benito for making application, filling, and obtaining state and federal assistance and funding under the State Homeland Security Grant and Emergency Management Grant Programs. (Res. No. 2015-65)

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

4) Adopt Resolution approving the Formation and Naming of the Workforce Development Board (WDB) of San Benito County from the Former Name of Workforce Investment Board (WIB). (Res. No. 2015-66)

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

5) Approve contract with Accela, Inc., (formerly Decade Software) to oversee EH CERS Program effective June 19, 2015; authorize the Director of Environmental Health to sign said contract and any amendments thereto.

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

6) Approve contract with Mary White for the period of September 8, 2015 through September 30, 2016, in the amount of \$112,210.00.

This item was pulled by Supervisor Botelho.

Supervisor Botelho indicated that the listed amount of money was significant to address the elements listed in the contract.

James Rydingsword, the Director of the Health and Human Services Agency, explained that the monies to be expended are restricted to the purposes listed in the contract by federal regulations.

Supervisor Botelho recused himself from discussion of this item due to a declared Conflict of Interest. Supervisor Botelho exited the Board Chambers during the discussion of this item in accordance with State Statutes.

Mr. Marvin Jones, resident of San Benito County, responded to Supervisor Botelho's comment regarding Hazel Hawkins Hospital and informed the Board that the hospital does have a full Ebola protocol in place.

There was no additional public comment.

- The Chair entertained a motion to approve Consent Agenda Item 6 as presented.
- Supervisor Muenzer made a motion to approve Consent Agenda 6 as presented.
- Supervisor De La Cruz seconded the motion.

Motion Approved 5 to 0.

Voting Yes Voting No Barrios Botelho De La Cruz Muenzer Rivas

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

7) Approve the Field Practicum Agreement with the California San Jose State University for the Social Work Program for the period of August 1, 2015 through July 31, 2016, with (4) one year renewals.

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

8) Approve contract with Earley Consulting Services for consulting services for Child Welfare for the period of September 8, 2015 through June 30, 2016, in the amount of \$60,000; approve the recommendation actions reflected on the Budget Adjustment/Transfer Form which results in the transfer of Realignment funds in the amount of \$60,000.00. (4/5 vote)

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

9) Approve agreement with Relias Learning, LLC. for online employee training for a period of five years, effective September 8, 2015 in the amount of \$19,725.00.

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

10) Authorize the Human Services Director to hire a Staff Analyst at step "E" of range 25.4.

HUMAN RESOURCES – G. Cochran:

11) Approve contract between the Board of Directors on behalf of the Council of San Benito County Governments (COG) and the San Benito County Board of Supervisors and Mary Gilbert effective September 13, 2015.

RESOURCE MANAGEMENT AGENCY/PLANNING DEPT. – B. Barnes:

12) Approve the Reimbursement Agreement between the Graniterock Company and San Benito County to fully recover County costs to review and process the project for the Graniterock AR Wilson Quarry.

The record shall reflect that Supervisor Anthony Botelho left the Board Chambers due to his declared Conflict of Interest regarding this agenda item.

- Supervisor De La Cruz made a motion to approve Consent Agenda 12 as presented.
- Supervisor Rivas seconded the motion.

The Chair acknowledged the Supervisor De La Cruz's motion and Supervisor Rivas' second of the motion. She proceeded to open the item to public comment.

No public comment was received for this item.

Motion Approved 4 to 0.

| Voting Yes | Voting no/Not Voting |
|------------|---|
| Barrios | |
| | Botelho (Not Voting - Conflict of Interest) |
| De La Cruz | |
| Muenzer | |
| Rivas | |

RESOURCE MANAGEMENT AGENCY/PUBLIC WORKS DEPT. – B. Barnes:

13) Approve the Final Map for TSM 12-85, Tract No. 308, Unit 2 (37 lots); accept all offers of dedications as shown on the Final map on behalf of public for public use, excluding maintenance of these easements which will be covered by other means; authorize Chair to sign the final map to allow recordation of the map.

RESOURCE MANAGEMENT AGENCY/PUBLIC WORKS DEPT. – B. Barnes:

14) Approve the Final Map for TSM 12-85, Tract No. 308, Unit 3 (38 lots); accept all offers of dedications as shown on the Final map on behalf of public for public use, excluding maintenance of these easements which will be covered by other means; authorize Chair to sign the final map to allow recordation of the map.

SHERIFF'S OFFICE – D. Thompson:

15) Approve the multi-year renewal lease with DataFlow Business Systems for thirtysix (36) months for a copier and two printers at \$400.14 per month.

SHERIFF'S OFFICE – D. Thompson:

16) Approve out-of-state travel for two (2) deputies to attend the 2015 the International Outlaw Motorcycle Gang Investigator's Association (IOMGIA) Conference in Laughlin, Nevada on September 13-18, 2015, in the amount of \$2,229.00.

SHERIFF'S OFFICE - D. Thompson:

17) Approve out-of-state travel for Sheriff Thompson to attend the Western States Sheriff's Conference September 14-17, 2015 in Sierra Vista, Arizona.

VICTIM/WITNESS – J. Roybal:

18) Review the proposed Grant Application for continuation funding for the San Benito County Victim/Witness Assistance Program; adopt Resolution designating the District Attorney's Office as the Implementing Agency for the program and authorizing the Victim/Witness Coordinator and County Auditor to sign and submit all appropriate documentation to effect the purpose of the grant application. (Res. No. 2015-67).

The Chair recognized Supervisor De La Cruz and he asked staff from the Victim Witness Program to approach the podium. Supervisor De La Cruz advised Judy that she had done a wonderful job with the program and he wished her a Happy Birthday.

- Supervisor De La Cruz made a motion to approve Consent Agenda Item 18 as presented.
- Supervisor Rivas seconded the motion.

The Chair acknowledged the Supervisor De La Cruz's motion and Supervisor Rivas' second of the motion. She proceeded to open the item to public comment.

No public comment was received for this item.

Motion Approved 5 to 0.

Voting Yes Voting No Barrios Botelho De La Cruz Muenzer Rivas

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

RESOURCE MANAGEMENT AGENCY/PUBLIC WORKS DEPT. – B. Barnes:

19) Hold a Public Hearing on the formation of County of San Benito Community Facilities District No. 2015-01 (Santana Ranch) pursuant to the Mello-Roos Community Facilities Act of 1982; adopt Resolution establishing a Community Facilities District and authorizing the Levy of Special Taxes, pursuant to the Mello-Roos Act; and adopt a Resolution Calling Special election, pursuant to the Mello-Roos Act. (Res. No. 2015-68) (Res. No. 2015-69).

The Chair recognized Joe Horwedel, Special Project Director from the Resource Management Agency.

Mr. Horwedel presented the item to the Board on behalf of his department including the staff recommendation and he suggested to the Chair that she open the public hearing.

The Chair opened the public hearing and invited the public to provide public comment.

Mr. Marvin Jones spoke about the election what consists of six people and he offered these comments merely as an observation.

There was no additional public comment after which the Chair closed the public hearing.

The Chair entertained a motion from the board regarding the listed agenda item.

- Supervisor De La Cruz made a motion to adopt Resolution establishing a Community Facilities District and authorizing the Levy of Special Taxes, pursuant to the Mello-Roos Act; and to adopt a Resolution Calling Special election, pursuant to the Mello-Roos Act. (Res. No. 2015-68) (Res. No. 2015-69).
- > Chairwoman Barrios seconded the motion.

Motion Approved 5 to 0.

Voting Yes Voting No Barrios Botelho De La Cruz Muenzer Rivas

Immediately following the Board's approval of the Resolutions, Mr. Horwedel asked Angela Curro, San Benito County Assistant County Clerk for Elections to approach the podium and to report the results of the election to the Board.

Ms. Curro reported that 100% of the property owners voted Yes to create the Community Facilities District (CFD).

Mr. Horwedel explained that the next step to this process is to present another resolution to the Board asking them to acknowledge the certified results of the election after which tax levies could begin.

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:

 (1) Receive program updates from San Benito County Chamber of Commerce, Monterey Bay Economic Partnership (MBEP), San Benito County Economic Development Corporation and the Monterey County Business Council (MCBC);
 (2) Allocate funding under the Economic Development Program for FY 15/16.

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

CAO Espinosa outlined a brief history of the item and the allocated budgetary amounts for economic development.

Today's item provides presentations from four separate organizations who have requested funds for economic development as well as a presentation from Resources Management Agency (RMA) Director Brent Barnes.

Mr. Espinosa asked Management Analyst Melinda Casillas presented the item to the Board on behalf of the administration. Ms. Casillas introduced the presenters in the following order wherein all organizations provided an overview of their programs and services.

- Brian Turnlington, Executive Director, Monterey County Business Council addressed the Board along with Monterey Bay Technical Procurement Technical Assistance Center (P-TAC) Program Manager Teri Williams Monterey Bay Economic Partnership represented by Kate Roberts, President.
- Julie Avera from the San Benito County Chamber of Commerce.

• Eric Johnson from the San Benito County Economic Development Corporation.

At the conclusion of the presentations, the Chair entertained public comment on this item but none was provided. The Chair brought the discussion back to the Board.

CAO Espinosa indicated that he would like to ask Brent Barnes to address the Board regarding this issue. Mr. Barnes suggested to the Board that an exploration of a harmonized approach to economic development be explored by this department for future presentation to the Board.

At the conclusion of all presentations, Ms. Casillas indicated that the sum total of all organizational funding requests was \$37,000.00 and that the additional \$12,000.00 would need to be transferred from contingency funds should the Board vote to fulfill all requests in their entirety to make up for the shortfall between the allocated \$25,000.00 currently budgeted and the sum total cited herein.

- After extensive discussion among the Board Members, the CAO and administrative staff, Supervisor Jerry Muenzer made a motion to adopt Staff Recommendation Option Number 4 to fund the San Benito County Chamber of Commerce at the \$18,000.00 level, the San Benito County Economic Development Corporation at the \$5,000.00 level and the Monterey County Business Council at the \$2,000.00 level.
- > The motion was seconded by Supervisor Anthony Botelho.

Motion Approved 3 to 2.

| Voting Yes | Voting No |
|------------|------------|
| Barrios | - |
| Botelho | |
| | De La Cruz |
| Muenzer | |
| | Rivas |

The Chair thanked all organizations for their presentations.

The Chair announced that the Board would take a short break and return to open session in ten minutes.

Chairwoman Barrios reconvened the Board Meeting after a ten minute break as the Board took up Regular Agenda Item 21.

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

21) Approve contract with ECS Imaging, Inc., for the purchase, installation and training for the Novus Agenda System and Laserfiche Document Management System for the period of September 8, 2015 through September 8, 2016 with an option to renew for two additional years through September 8, 2018; and authorize the Board Chair to sign the approved contract as presented.

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

CAO Espinosa called on James Rydingsword, Director of Health and Human Services and Louie Valdez, Clerk of the Board of Supervisors to present the item to the Board.

- Supervisor Botelho made a motion to Approve contract with ECS Imaging, Inc., for the purchase, installation and training for the Novus Agenda System and Laserfiche Document Management System for the period of September 8, 2015 through September 8, 2016 with an option to renew for two additional years through September 8, 2018; and authorize the Board Chair to sign the approved contract as presented.
- > The motion was seconded by Supervisor Robert Rivas.

Motion Approved 4 to 1.

| Voting Yes | Voting No |
|------------|------------|
| Barrios | |
| Botelho | |
| | De La Cruz |
| Muenzer | |
| Rivas | |

ASSESSOR'S OFFICE – T. Slavich:

22) Receive and accept the Assessor's 2015-2016 Annual Report.

The Chair asked CAO Espinosa to present the item on behalf of his department.

CAO Espinosa asked County Assessor to present the item to the Board.

County Assessor Tom Slavich presented the item with an overview of his report as submitted. There was no public comment made

- Supervisor De La Cruz made a motion to receive and accept the Assessor's 2015-2016 Annual Report.
- Supervisor Rivas seconded the motion.
- Motion Approved 5 to 0.

Voting Yes Voting No Barrios Botelho De La Cruz Muenzer Rivas

COUNTY COUNSEL – M. Granger:

23) Approve Legal Services Agreement with Cota Cole, LLP, for representation in action against Richard Scagliotti to recover attorney's fees incurred in the defense of Pekin (Monteon) v. Scagliotti, et.al, California Superior Court for the County of San Benito, Case No. CU-03-00150, effective September 8, 2015 through June 30, 2017.

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

CAO Espinosa asked Assistant County Counsel Barbara Thompson to present the item to the Board on behalf of the administration.

Assistant County Counsel Thompson provided an overview of the item and provided the Board with staff's recommendation. There was no public comment received for this item.

- Supervisor Botelho made a motion to receive and accept the Assessor's 2015-2016 Annual Report.
- > Supervisor Rivas seconded the motion.

Motion Approved 5 to 0.

Voting Yes Voting No Barrios Botelho De La Cruz Muenzer

EMERGENCY SERVICES OFFICE- K. O'Neill:

24) Adopt the Resolution adopting the August 2015 update to the San Benito County Operations Area Emergency Operations Plan. (Res. No. 2015-70).

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

CAO Espinosa asked Office of Emergency Services Director Kevin O'Neill to present the item to the Board on behalf of the administration.

Mr. O'Neill provided a brief overview of the item and provided the Board with staff's recommendation. There was no public comment made for this item.

- Supervisor De La Cruz made a motion to adopt the resolution adopting the August 2015 update to the San Benito County Operations Area Emergency Operations Plan (Res. No. 2015-70).
- > Chairwoman Barrios seconded the motion.

Motion Approved 5 to 0.

Voting Yes Voting No Barrios Botelho De La Cruz Muenzer

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.)

The Chair asked Assistant County Counsel Barbara Thompson to read the Closed Session Agenda items into the record on behalf of the Board.

Assistant County Counsel Barbara Thompson read Closed Session Items 25 and 26 into the record.

25) 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 6434 Deputy Sheriff's Association Confidential Confidential Management Department Heads Unrepresented Employees Authority: California Government Code Section 54957.6

26) Conference with Real Property Negotiator: Property: (APN 051-110-033), Hollister, California Agency Negotiator(s): Alan Yamamoto, Behavioral Health Services Director; Brent Barnes, Resource Management Director; Joe Horwedel, Public works; Ray Espinosa, CAO; Joe Paul Gonzalez, County Clerk-Auditor-Recorder; Maria Sanchez, Behavioral Health Case Management Services/Administrative Services Specialist II; Matthew W. Granger, County Counsel; Barbara J. Thompson, Assistant County Counsel; and Shirley L. Murphy, Deputy County Counsel Negotiating Parties: George Renz, Renz and Renz Real Estate Brokerage Under Negotiation: price and terms of payment Authority: California Government Code Section 54956.8

Chairwoman Barrios adjourned the meeting to Closed Session.

Upon returning from Closed Session, Chairwoman Barrios asked Assistant County Counsel Barbara Thompson to report out of Closed Session on behalf of the Board.

Assistant County Counsel advised that there was no reportable action taken by the Board during Closed Session.

ADJOURN TO TUESDAY, SEPTEMBER 22, 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 <u>www.cosb.us/government/meetings-agendas/</u>. 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 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.