



# 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 SEPTEMBER 22, 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:**

The meeting was called to order promptly at 9:00 a.m. by Chairwoman Barrios.

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

The Chair asked Supervisor Rivas 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 Rivas made the motion to acknowledge the Certificate of Posting.
- Supervisor Muenzer seconded the Motion.

➤ **Motion Approved 5 to 0.**

Voting Yes                      Voting No  
Barrios  
Botelho  
De La Cruz  
Muenzer  
Rivas

c) **PRESENTATIONS & RECOGNITIONS:**

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

➤ Supervisor Muenzer made the motion to approve the Presentations and Recognitions on the agenda.

➤ Supervisor De La Cruz seconded the Motion.

➤ **Motion Approved 5 to 0.**

Voting Yes                      Voting No  
Barrios  
Botelho  
De La Cruz  
Muenzer  
Rivas

**BOARD OF SUPERVISORS:**

Recognize Mike Rovella for his 46 years as a mail carrier for the U. S. Postal Service in Hollister, California.

Chairwoman Barrios presented the Certificate of Recognition to Mr. Rovella. Mr. Rovella thanked the Board for their recognition.

**BOARD OF SUPERVISORS:**

Present Proclamation to the San Benito County Health Foundation declaring October 3-18, 2015 as Bi-National Health Week in San Benito County.

Supervisor De La Cruz presented the Proclamation to the Health Foundation Representative on behalf of the Board.

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 members of the public to provide public comment to items not appearing on the Board of Supervisors Agenda.

Mr. Marty Richman addressed the Board by thanking them for supporting Panoche Valley 2 and the Del Webb Projects which he believes will be of great benefit to the community.

Grace Nutter, employee of San Benito County in the Health and Human Services Department, who expressed her concerns about the significant increase in health insurance costs being paid by County Employees.

Mark Wyrick, organizer with Service Employees International Union (S.E.I.U) Local 521, expressed his concerns about the potential increase of health care costs to be paid by County Employees in San Benito County.

Denise Quintana and Joe Miranda, Bargaining Team Members with S.E.I.U) Local 521 expressed their concerns with the current proposals at the bargaining tables and deemed them extremely inadequate.

There was no additional comment.

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

The Chair recognized CAO Espinosa.

CAO Espinosa requested that Regular Agenda Item 27 be moved up to the top of the Regular Agenda Section to be considered before agenda item 23. It was so ordered by the Chair without objection from the Board.

CAO Espinosa called on Mary Gilbert, newly appointed Executive Director of the San Benito County Council of Governments (C.O.G) to provide announcements from here Department.

Ms. Gilbert informed the Board that in accordance with the Board's request regarding the inclusion of Highway 25 on the Constrained Project List in connection with the Regional Transportation Plan. An agenda item will be placed on the Board's next meeting agenda wherein the Executive Director of the Association of Monterey Bay Area Government (A.M.B.A.G.) will provide information how COG is moving forward with that amendment.

Ms. Gilbert also informed the Board that the Traffic Impact Fee Study Draft will be available sometime in October and/or November for review and action by the Board of Supervisors.

At last week's COG meeting, the COG Board approved a Memorandum of Understanding with the Valley Transportation Authority for re-invigorating the Mobility Partnership with discussion topics that included State Route 152 Improvement Projects and 25/101 Corridor Improvement Project near the Santa Clara County border.

County Express will be offering a free shuttle to the County Fair offered by the Valley Transportation Authority.

CAO Espinosa called on Brent Barnes from the Resource Management Agency (RMA) to report to the Board.

Mr. Barnes provided a brief status update on the Buena Vista Subdivision Final Map so as to confirm that the project is officially on the record with San Benito.

Prior to the recording of the final map, the improvement plan and the bonding must be adjusted. The project developer has agreed to all of the conditions set forth by San Benito County that will be included before the final map is recorded as follows:

- The bonding amount added by the City of Hollister, CA includes a new level of improvement bond that has been completed and agreed.
- The definition of "Rain Garden" as opposed to a "Bio Retention Area" is being resolved.
- Description of the easements exactly as the County Board wants them described.
- Street rights of way dedicated in fee.
- Dedication in fee for Line Street.
- Showing of City and County boundary on the map.

CAO Espinosa called on Health and Human Services Director James Rydingsword to provide an update from his report.

Mr. Rydingsword reported that a grant in the amount of \$55,000.00 to \$65,000.00 to conduct a feasibility study for the cleanup of the from the State Department of Substance Control at the Old Hospital and Quarry site in correspondence received from that agency dated September 4, 2015.

CAO called on Nora Conte, San Benito County Library Director, provided a report on the results of the 2015 Summer Reading Program.

The Clerk of the Board introduced the new City of Hollister, CA City Clerk, Mr. Tom Graves.

The CAO informed the Board that on the November 3, 2015 agenda, the Del Webb Project will be brought before the Board for their consideration.

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

The Chair called on Supervisor Muenzer to provide his report to the Board. Mr. Muenzer had no report.

Mr. Botelho reported on his questions to Caltrans on to Highway 101 on the weekends.

Supervisor De La Cruz thanked the Board, County Executive Staff Members and SEIU for their support in lobbying the state legislature regarding ERAF Monies on behalf of San Benito County.

Supervisor Rivas had no report.

The Chair announced that she attended the 9/11 Memorial Ceremony at the Veteran's Building and she thanked all first responders. She also announced that she attended the Panoche Valley Rally at the County Courthouse and was pleased that the Court upheld the County's right to proceed with the Panoche Valley Project. She thanked all the water agencies for their presentation at San Juan Oaks regarding water conservations measures.

### **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 with the Board Members if they would like to pull any items from the Consent Agenda as presented.

Supervisor Muenzer requested that Consent Agenda Item 2 be pulled for individual discussion.

The Chair announced that she would be pulling Consent Agenda Items 6 and 20 for individual discussion.

No member of the public requested that any Consent Agenda Items be pulled.

The Chair entertained a motion to approve the remaining Consent Agenda Items.

- Supervisor Muenzer made the motion to approved the Consent Agenda as presented with the exception of items pulled for individual discussion including agenda items 2, 6 and 20
- Supervisor Botelho 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 Department of Pesticide Regulation for the collection and submission of data between July 1, 2015 through February 29, 2016, with reimbursement not to exceed \$13,654.52; adopt Resolution approving agreement #15-C0017 for the collection and submission of compliance and enforcement data pertaining to Calendar year 2014; and approve budget

Augmentation for unanticipated revenue/fixed assets for computer/technology upgrades in the amount of \$13,000. (4/5 vote) (Res. No. 2015-71)

**BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:**

- 2) Approve contract renewal with Charis Youth Center, Inc. for Therapeutic Behavioral Services for the period of July 1, 2015 through June 30, 2016, for a maximum amount of \$80,000.

This item was pulled for individual discussion by Supervisor Muenzer.

Mr. Muenzer indicated the Board had previously approved the same contract at a previous Board meeting in July 8, 2014 for the same amount and he inquired whether or not these services had been used and is there any opportunity to reduce the costs.

Mr. Alan Yamamoto, Director of the Behavioral Health Department, indicated that, in essence, the contract has not been used historically but they must be in place in order to fulfill the legal mandate. Director Yamamoto also indicated that the contract was a new agreement having just been received and that placement decisions are not made by the County or his department.

There was no public comment on this item.

- Supervisor Muenzer made the motion to approve the Presentations and Recognitions on the agenda.
- 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             |                  |

**BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:**

- 3) Authorize the County Behavioral Health Director to assign \$25,000 of County MHSA Prevention and Early Intervention Funds to CalMHSA for FY 2015-16 for the purpose of sustainment and development of mental health prevention and early intervention projects that have regional and State-wide benefit.

**BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:**

- 4) Approve the appointment of Robin Louise as a public interest/consumer member, residing in Supervisorial District 4 to the Behavioral Health Board effective September 22, 2015 through September 22, 2018.

**CHILD SUPPORT SERVICES – K. Johnson:**

- 5) Approve the Plan of Cooperation between the California Department of Child Support Services and the San Benito Department of Child Support Services; and authorize the Director of the San Benito Department of Child Support Services to sign the Plan of Cooperation on behalf of the County.

**CLERK OF THE BOARD – L. Valdez:**

- 6) Approve the action minutes of the May 26, 2015 special meeting and the June 2, 2015 regular meeting.

The Chair pulled the item for grammatical corrections that occur on Page 92.

There was no comment from the public on this item.

- Chairwoman Barrios made a motion to approve the minutes with corrections on Page 92.
- 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             |                  |

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

- 7) Adopt Resolution accepting the certified statement of election results for the September 8, 2015 Special Community Facilities District No. 2015-01 (Santana Ranch CFD) Special Election. (Res. No. 2015-72)

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

- 8) Set and pass the FY 2015/2016 Tax Rates, Debt Service Rates and Direct Assessment Charges; authorize the levy of these rates against the taxable secured property within the County, which is subjected to each rate; adopt Resolution, which sets and approves the FY 2015/2016 tax rates as shown on Appendix A, attached and authorize the Chair to sign; approve the collection fee allowed by Section 29142 and described above. (Res. No. 2015-73)

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

- 9) Authorize the Chair to sign letter directed to Rob Bishop, Chair of the Natural Resources Committee; and authorize the Chair to sign letter directed to the Director of the California State Parks, Director of the California State Parks, Off Highway Division, and the OHMVR Commission in regards to the Clear Creek Management Area: HR 1838 Request for Hearing at House Natural Resources Committee.

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

- 10) Approve contract for services with the City of Hollister and CSG Consultants, Inc. to complete the permit renewal application process as required by the California Department of Toxic Substance Control for the period of July 1, 2015 through June 30, 2016, in the amount of \$10,895.50.

**COUNTY COUNSEL – M. Granger:**

- 11) Approve Amendment #1 to contract with Miller Starr Regalia, for legal services regarding the San Juan Oaks Specific Plan project, in an amount not to exceed \$84,375 for a total contract amount not to exceed \$285,000.

**EMERGENCY SERVICES OFFICE – K. O'Neill:**

- 12) Approve the budget adjustment of \$31,100 from Special Departmental Expenses to Fixed Assets for Homeland Security Funding and approval for purchase of vehicle using GSA Master Contract program.

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

- 13) Appoint Mr. Jeffrey Anyeneh as Representative for District #1 to the Community Action Board for a three-year term effective August 18, 2015 through August 18, 2018 and Carol Thomas, Representative for District #1 for a three-year term effective August 29, 2015 through August 29, 2018.

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

- 14) Approve contract with Youth Alliance for Counseling Services for Cal Works recipients and Family Stabilization identified families for the period of October 1, 2015 through June 30, 2016, in the amount of \$60,000.

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

- 15) Approve the transfer of appropriations within the affected budgets to the fixed asset category to allow for the payment of pending invoices for the purchase of fixed assets.

**IT DEPARTMENT – S. Villicana:**

- 16) Approve the bulk purchase of desktops, laptops and tablets and associated peripherals (monitors, keyboard, not including printers); authorize the Auditor-Controller to pay for Windows 7 upgrade project invoices up to amount not to exceed \$175,000; and require the IT Department to track all invoices related to the Windows 7 Project through the ERP and other means, as determined by the IT Department.

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

- 17) Approve appointment of Temporary Secretary I in the Probation/Gang Prevention Unit.

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

- 18) Adopt Resolution approving the Right-of-Way Agreement and accepting the Grant Deeds and easement grants for the purchase of real property for the road right-of-way easements for the Union Road Bridge project; and authorize payment of \$90,190.00 to Ridgefield Storage Company, a Washington



Corporation and associated escrow fees for the purchase of road right-of-way.  
(Res. No. 2015-74)

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

- 19) Approve contract amendment #3 with Bengal Engineering, LP, for the renewal of the permits and providing environmental services for Hospital Road Bridge Project, and extend the contract term from December 31, 2015 to December 31, 2017 and expanding scope for a contract amendment not to exceed value of \$15,000 and total contract value of \$350,016.20.

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

- 20) Approve the plans and specifications and bid document for Phase II of the John Smith Rubberized Asphalt Overlay project No. 2102-711.

This item was pulled by Chairwoman Barrios so as to correct an error where in the plan names the State as San Benito County on Page 367. This should be changed to read as "State of California."

- Chairwoman Barrios made a motion to approve the minutes with corrections on Page 367.
- Supervisor Botelho 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 – B. Barnes:**

- 21) Approve contract Amendment #2 with Associated Right of Way Services, increasing existing contract by \$16,500 for a total contract value not to exceed \$162,800.

***Having concluded action on the Consent Agenda, Chairwoman Barrios adjourned the meeting of Board of Supervisors and reconvened the session as the IHSS Public Authority re:***

**SITTING AS THE PUBLIC AUTHORITY FOR IN- HOME SUPPORTIVE SERVICES:**

**HUMAN RESOURCES – G. Cochran:**

- 22) Approve the Recognition Agreement between San Benito County In-Home Support Services Public Authority and SEIU United Long Term Care Workers (ULTCW) recognizing SEIU Local 2015 as the recognized employee organization for the IHSS Providers and authorize the Chair of the Board to sign the Recognition Agreement.

The Chair recognized Georgia Cochran, Interim Human Resources Director, to present Agenda Item 22 to the Board on behalf of the administration.

- Supervisor Muenzer made a motion to approve Agenda Item 22 as presented by staff.
- Supervisor De La Cruz seconded the Motion.

➤ **Motion Approved 5 to 0.**

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

***Having concluded action as the IHSS Public Authority, the Board adjourned as the Board of the IHSS Public Authority and reconvened as the Board of Supervisors re:***

**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.*

The record shall reflect that the Board took up discussion of Regular Agenda Item 27 prior to taking up the balance of the agenda items listed under the Regular Agenda Items section of the Board Meeting Agenda.

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

- 23) Discussion on Unincorporated Sales Tax, Public Education and Outreach:
- (1) Agree to three dates for public education workshops-October 27, November 18, and December 17 at 7 p.m.-locations to be determined;
  - (2) Direct staff to advertise the RFP for a polling opinion or decide against polling;
  - (3) Discuss and determine the public outreach/educational message; or
  - (4) Direct staffs to determine the public outreach message as presented, and coordinate workshop agendas.

Following the short break at the conclusion of the discussion of Regular Agenda item 27, the Board resumed the meeting session beginning with Regular Agenda Item 23.

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

CAO Espinosa provided introductory remarks and then asked Management Analyst Sara Fontanos to present the item to the Board on behalf of the administration.

Ms. Fontanos presented the agenda item to the board via PowerPoint Presentation outlining options, costs and important dates and benchmarks going forward including staff recommendations to the Board.

- Chairwoman Barrios made a motion to follow staff's recommendation to agree to three dates for public education workshops (vs., Town Hall Public Meetings) in November 2015, December 2015 and January 2016 and direct staff to hire a professional to help us put this message out professionally in association with a one percent unincorporated sales tax ballot measure.
- Supervisor Botelho seconded the motion for the sake of discussion.
- Further discussion ensued among the Board Members. CAO Espinosa suggested that the professional staff to be hired be tasked with tying together all questions and details related to the tax measure.
- Chairwoman Barrios amended her original motion so as to proceed with the one percent unincorporated sales tax ballot measure, provide the public education workshops in November, December and January and be prepared to answer questions and education on who we are, what we do, what are our needs now and our anticipated needs.
- Supervisor Botelho seconded the amended motion.

➤ **Motion was Approved 5 to 0.**

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

The Board broke for lunch and the Chair announced they would reconvene at 1:30 p.m. PST

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

- 24) (1) Approve a pilot program for credit card purchases for a number not to exceed fifteen cardholders – five in the Health & Human Services Department, one in the county Administrative Office, one in Public Works, one in Probation, one in the sheriff's Office, and the others to be determined as appropriate for sampling needs;
- (2) Approve Chapter 8, "Procurement Card Policies" to be included as part of the County Purchasing and Contracting Policy Manual;
- (3) Authorize the Auditor to sign all Department of General Services participation documents in order to begin program setup and implementation;
- (4) Allow the pilot program for twelve months upon completion of program setup; and

(5) Request that the Auditor and CAO bring back their recommendations upon commencement of the twelve month pilot program.

Chairwoman Barrios reconvened the Board Meeting at approximately 1:30 p.m. after the Board's afternoon lunch break.

- Supervisor Botelho made the following motion:
  - 1) Approve a pilot program for credit card purchases for a number not to exceed fifteen cardholders – five in the Health & Human Services Department, one in the county Administrative Office, one in Public Works, one in Probation, one in the sheriff's Office, and the others to be determined as appropriate for sampling needs;
  - (2) Approve Chapter 8, "Procurement Card Policies" to be included as part of the County Purchasing and Contracting Policy Manual;
  - (3) Authorize the Auditor to sign all Department of General Services participation documents in order to begin program setup and implementation;
  - (4) Allow the pilot program for twelve months upon completion of program setup; and
  - (5) Request that the Auditor and CAO bring back their recommendations upon commencement of the twelve month pilot program.

➤ Motion was seconded by Supervisor De La Cruz.

➤ **Motion was Approved 5 to 0.**

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

**COUNTY COUNSEL – M. Granger:**

- 25) Make CEQA Findings, read title of Ordinance, accept introduction, waive further reading and Adopt Urgency Ordinance, adding new Chapter 11.15 to the San Benito County Code, restricting and regulating marijuana cultivation within San Benito County, or in the alternative, continue the matter to October 6, 2015 for adoption. (4/5 vote)

The Chair asked County Counsel Matt Granger to introduce the item to the Board.

Assistant County Counsel presented the item to the Board on behalf of the Office of County Counsel.

After extensive discussion, presentation by staff and public comment, the following actions were taken.

- Assistant County Counsel Barbara Thompson read the title of the proposed ordinance for the record as follows: an Urgency Ordinance of the Board of Supervisors of the County of San Benito adopting a Marijuana Cultivation Ordinance by adding Chapter 11.15 to title 11 the San Benito County Code.
- Supervisor Botelho made a motion to accept the introduction and waive further reading of the ordinance and adopt the urgency ordinance number 2015-939 as well as adding the CEQA findings listed in paragraph b of the staff report.
- The motion was seconded by Chairwoman Barrios.

➤ **The motion was not approved as it did not receive a 4/5 vote as required by California Law with regard to urgency ordinances.**

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

Following the vote, Assistant County Counsel Barbara Thompson advised the Board that they could proceed with the First Reading of the proposed Ordinance as it was alternatively amended as a Non-Urgency, Regular Ordinance.

The Board proceeded with consideration of the proposed measure as a Regular, Non-Urgency Ordinance.

Assistant County Counsel Barbara Thompson read the title of the proposed ordinance for the record as follows:

An Ordinance of the Board of Supervisors of the County of San Benito adopting a Marijuana Cultivation Ordinance by adding Chapter 11.15 to title 11 the San Benito County Code.

Counsel advised that the motion should include the changes as listed in the attached staff report in paragraph (b) with regard to the CEQA findings and paragraph (d) with regard to the changes in the language in the ordinance as a result of its failure to receive a four-fifths (4/5) vote for approval as an urgency ordinance and consideration as a regular ordinance.

- Supervisor Botelho made a motion to accept introduction and waive further reading of the ordinance with changes as directed by staff and continue the matter to October 6, 2015 with the findings specified in paragraph b listed in the staff report.

- Chairwoman Barrios seconded the motion.

➤ **The Motion was Approved 3 to 2.**

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

Immediately following the conclusion of the discussion of this item, Chairwoman Barrios announced that the Board would take a short break of five minutes.

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

- 26) Approve and authorize the Chief Probation Officer to sign a one year contract with Lexipol for a flat cost of \$72,000 for implementation of services and 1<sup>st</sup> year subscription fee of \$9,465.00 and an ongoing annual subscription fee of \$7,425 thereafter.

Chairwoman Barrios reconvened the meeting after the break.

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

CAO Espinosa asked Probation Chief R.T. Baraan to present the item to the Board.

- Supervisor Muenzer made a motion to approve Agenda Item 26 per staff recommendation.
- Supervisor Botelho 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 – B. Barnes:**

- 27) Approval of direction for the use of Homeless Service Center Community Development Block Grant and recommended action per Agenda Item Transmittal (AIT).

CAO Espinosa asked Joe Horwedel, Special Project Director, to present the item to the Board on behalf of the administration.

Mr. Horwedel presented the findings of staff research regarding this issue as well as staff recommendations on the direction for the use of the Homeless Service

Center Community Development Block grant as listed on the Agenda Item Transmittal.

After extensive discussion by the Board Members with regard to the location of the Homeless Service Center, the Board moved to hold a separate, special board meeting to re-visit the location of the Homeless Service Center.

- Supervisor Botelho made a motion to hold a Special Meeting to discussion the location of the Homeless Service Center in the Board Chamber to be scheduled on September 29, 2016 at 7:00 p.m.
- Supervisor De La Cruz seconded the Motion.

➤ **Motion Approved 5 to 0.**

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

The Board then proceeded with discussion of the items listed in the Agenda Item Transmittal (AIT) report provided by staff requesting direction on policy and operations questions related to the Homeless Service Center. The ensuing discussion took up Item Number One listed in the AIT.

- Chairwoman Barrios made a motion to approve to proceed with a modified 24 hour operation concept.
- Supervisor Botelho seconded the Motion.

➤ **Motion Approved 4 to 1.**

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

The Board then proceeded with discussion Item Number Two as listed in the Agenda Item Transmittal (AIT) report to seek a qualified regional homeless services organization to negotiate a contract for the operations of a homeless services center.

- Supervisor Botelho made a motion to approve to seek a qualified regional homeless services organization to negotiate a contract for the operations of a homeless services center.

- Supervisor De La Cruz seconded the Motion.

➤ **Motion Approved 4 to 1.**

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

The Board then proceeded with discussion of Item Number Three as listed in the Agenda Item Transmittal (AIT) report to coordinate with the selected regional operator to seek a qualified builder in compliance with the Public Contracts Code (PCC).

- Supervisor Botelho made a motion to coordinate with the selected regional operator to seek a qualified builder in compliance with the Public Contracts Code (PCC).
- Supervisor De La Cruz seconded the Motion.

➤ **Motion Approved 4 to 1.**

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

The Board then proceeded with discussion of Item Number Four as listed in the Agenda Item Transmittal (AIT) report to proceed with appropriate California Environmental Quality Act (CEQA) Review for the concept.

**Upon staff's recommendation, this item was continued to the September 29, 2016 Board Meeting for further discussion and action.**

At the conclusion of the discussion of this item, the Board took a short break.

**RESOURCE MANAGEMENT AGENCY/PLANNING DEPARTMENT – B. Barnes:**

- 28) (1) Read title of ordinance for the record: “An Ordinance Adding Article X to Chapter 21.01 of the San Benito County Code entitled “Small Residential Rooftop Solar Energy System Review Process”:
- (2) Find that the proposed ordinance is exempt from CEQA pursuant to Section 15061(B) (3) of the State CEQA Guidelines because it can be seen with certainty that adoption of the ordinance does not result in a physical change in the environment; and accept introduction and waive further reading of the ordinance and continue to October 6, 2015, for the adoption of said ordinance.



Chairwoman Barrios asked CAO Espinosa to introduce the item to the Board.

CAO Espinosa called on Brent Barnes, Director of the Resource Management Agency (RMA) to present the item to the Board on behalf of this department.

Mr. Barnes presented the item to the Board and explained that he was asking for a CEQA finding to be made by the Board by taking action on the ordinance as presented.

Assistant County Counsel Barbara Thompson read the title of the ordinance for the record as listed in the staff report.

- Supervisor Botelho made the following motion:  
Find that the proposed ordinance is exempt from CEQA pursuant to Section 15061(B) (3) of the State CEQA Guidelines because it can be seen with certainty that adoption of the ordinance does not result in a physical change in the environment; and accept introduction and waive further reading of the ordinance and continue to October 6, 2015, for the adoption of said ordinance.
- Supervisor, Ordinance Number 15-940
- 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.)*

Having concluded all regular business, the Chair asked County Counsel Matt Granger to read the Closed Session items into the record.

Mr. Granger read Closed Session Items 29 to 31 into the record.

The Board recesses to Closed Session.

- 29) 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

- 30) Conference with Legal Counsel-Existing Litigation.  
Subdivisions (a) and (d) (1) of Section 54956.9  
Name of Case: 926 North Ardmore Avenue, LLC v. County of Los Angeles,  
California Supreme Court, Case No. S222329.  
Authorization for county Counsel Matt Granger to appear, through signature on  
written brief, as amicus curiae.
- 31) 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).

Chairwoman Barrios reconvened the meeting from Closed Session.

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

Mr. Granger advised in open session that the Board took no reportable action on  
Closed Session Agenda items 29 to 31.

The Chair entertained a motion to adjourn the meeting.

- Supervisor made a motion to adjourn.
- The motion was seconded by Supervisor Muenzer.
- **The Motion was Approved 5 to 0.**

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

**ADJOURNMENT TO NEXT BOARD OF SUPERVISORS MEETING SCHEDULED  
FOR TUESDAY, OCTOBER 6, 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/](http://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.***