



## SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios	Anthony Botelho	Robert Rivas	Jerry Muenzer	Jamie De La
District No. 1	District No. 2	District No. 3	District No. 4	Cruz
Chair		Vice - Chair		District No. 5

*County Administration Building - Board of Supervisors Chambers, 481 Fourth Street, Hollister, California*

### REGULAR MEETING MINUTES November 17, 2015 9:00 AM

#### ***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 (3) minutes.***

#### **CALL TO ORDER**

- a. Pledge of Allegiance

Chairwoman Barrios asked Supervisor Rivas to lead the Board in the Pledge of Allegiance.

Supervisor Rivas

- b. Acknowledge of Certificate of Posting

**c. 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.

Mr. Marvin Jones made comments related to global warming.

Ms. Lisa Knowles addressed the Board about growing marijuana in San Benito County and presented a book to the Board about gardening.

**d. Department Head Announcements: Information Only**

CAO Ray Espinosa advised of the following Department Head announcements:

Chief Probation Officer R. Ted Baraan announced California Association of Probation Institution Administrators was recently elected to represent the Central California Region, Mr. Joe Frontela.

Mr. Frontela thanked Chief Baraan for his support and provided an overview of CAPIA organizational initiatives.

Mr. Brent Barnes, Director of the Resource Management Agency, provided an update regarding the implementation of the San Benito County General Plan.

Mr. Kevin O'Neill, Director of the Office of Emergency Services, provided an update to the Board regarding El Nino Informational Sessions being provided by his office around the County.

**CAO Espinosa announced a correction to Presentation Agenda Item 2, as follows:**

Approve Certificate of Recognition presented for Mr. Ron Ross, San Benito County farm Bureau, 2015 Farmer of the Year as presented by Supervisor Anthony Botelho at the Farm Bureau Dinner on November 7, 2015.

The item in the agenda packet was incorrectly listed as follows:

"Certificate of Recognition for Ron Ross, San Benito County Parks and Recreation Commission, District 2."

Chariwoman Barrios indicated that the correction would be noted as part of the motion to approve the certificates as listed on the agenda.

**e. Board Announcements: Information Only**

The Chair entertained announcements from the Board beginning with Supervisor Anthony Botelho, District 2.

Supervisor Botelho announced that the ad-hoc committee met last week with staff

and discussed the current draft proposal with pending changes that have been suggested.

The full board is invited to a public hearing on Wednesday, December 9th at 6:00 PM to seek public input. The Chair clarified that the gathering would be posted as a Special Meeting.

The Chair recognized Supervisor Jaime De La Cruz, District 5.

Supervisor De La Cruz advised that the Intergovernmental Committee met and that he would wait to review topics discussed in connection with an item listed on the current Board agenda.

Supervisor De La Cruz did express that some of the key players at the Intergovernmental Committee voted 5 to 0 at the City of Hollister City Council Meeting to support to Technology Educational Library Center. Furthermore, they expressed a willingness to work with all community stakeholders on this project.

The Chair recognized Supervisor Rivas, District 3.

Supervisor Rivas indicated he was also excited about the topics to which Supervisor De La Cruz alluded but that he would be more excited when the County received money to support this project. However, he indicated that was a different discussion.

Supervisor Rivas wished everyone a safe holiday and he wished everyone a Happy Thanksgiving.

The Chair recognized Supervisor Muenzer, District 4.

Supervisor Muenzer announced that COG will be having a workshop after their regularly scheduled meeting at 4:30 PM in conjunction with the Stakeholders Committee to discuss the sales tax initiative and he invited the public to attend.

Chairwoman Barrios announced that the Mobility Partnership was moving forward with the discussion regarding CA State Highway 152 with three (3) San Benito County Representatives at the table.

The Chair also requested the Board be provided with monthly updates regarding the progress of Rosa Morada Fire Station. She asked that project updates and timeline be provided so as to help the Board stay on top of the issue.

The Chair also announced that Regular Agenda Items 14 and 15 would be taken in reverse order.

The Chair asked the Board if they wished to pull any items from Consent Agenda Calendar.

Supervisor De La Cruz asked that Consent Agenda Item Number 11 be pulled for

discussion by the Full Board.

Supervisor Botelho asked that Consent Agenda Item 13 be pulled for discussion by the Full Board.

## **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 asked the Board if they wished to pull any items from Consent Agenda Calendar.

Supervisor De La Cruz asked that Consent Agenda Item Number 11 be pulled for discussion by the Full Board.

Supervisor Botelho asked that Consent Agenda Item 13 be pulled for discussion by the Full Board.

Sara Fontanos asked that Consent Agenda Item 5, Presentation to Wilbur White, San Benito County Parks and Recreation Commission. Ms. Fontanos announced that Mr. White was present.

The record shall reflect for all remaining Consent Agenda Items, all items were approved 5 to 0 as indicated by the vote tally below.

Jaime De La Cruz motioned to approve consent agenda items with the exception of agenda items 5, 11 and 13 and Item number 2 with corrections requested by CAO Espinosa.. Jerry Muenzer seconded the motion.

Ayes: Barrios, Botelho, De La Cruz, Muenzer, Rivas

### **1. SBC FILE NUMBER: 156**

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

Approve Certificates of Recognition for 2015 LULAC Veteran of the Year Honorees George Nava, Tommie Nava, David Nava and Nathan Vasquez

Anthony Botelho motioned Motion. Jerry Muenzer seconded the motion.

Ayes: Barrios, Botelho, De La Cruz, Muenzer, Rivas

### **2. SBC FILE NUMBER: 156**

#### **BOARD OF SUPERVISORS**

Approve Certificate of Recognition for Ron Ross, San Benito County Parks

and Recreation Commission District 2.

3. **SBC FILE NUMBER: 156**

- **BOARD OF SUPERVISORS**

Approve Certificate of Recognition for Jennifer Bagley, San Benito County Parks and Recreation Commission, District 3 for her two years and eight months of service with the Parks and Recreation Commission.

4. **SBC FILE NUMBER: 156**

- **BOARD OF SUPERVISORS**

Approve Certificate of Recognition for Debra Cable - San Benito County Parks and Recreation Commission - District 4.

5. **SBC FILE NUMBER: 156**

- **BOARD OF SUPERVISORS**

Approve Certificate of Recognition for Wilbert White Jr., San Benito County Parks and Recreation Commission, District 5.

The Chair invited staff to introduce this item.

Sara Fontanos, Management Analyst, introduced Mr. White and thanked him for all his service to San Benito County.

Chairwoman Barrios invited Mr. White to speak.

Mr. White indicated that even though he resigned from the Parks and Recreation Commission he still looks forward to being of service to San Benito County.

The Chair thanked Mr. White for his service.

Mr. De La Cruz indicated that he had appointed Mr. White to Serve as his Planning Commissioner and that he recalls Mr. White being very excited about his work on the Commission when he ran into him at the Cozy Cup Cafe.

Jaime De La Cruz motioned moved to approve this item per staff recommendation.. Margie Barrios seconded the motion.

Ayes: Barrios, Botelho, De La Cruz, Muenzer, Rivas

6. **SBC FILE NUMBER: 93**

- **BOARD OF SUPERVISORS**

San Benito County Parks and Recreation Commission Appointment of Jeremy Dirks from District 3 and Appointment of Paul Scherer to District 4 for terms of office commencing on 11/17/2015 and expiring on December 31, 2018.

7. **SBC FILE NUMBER: 608**

-  
**CLERK-AUDITOR-RECORDER-CONTROLLER-ELECTIONS**

Authorization for the County Auditor to pay Pacheco Pass County Water District Expenses.

8. **SBC FILE NUMBER: 160**

-  
**COUNTY COUNSEL - M. Granger**

Approve of Legal Services Agreement with Cota Cole LLP in an amount not to exceed \$120,000 to represent the County in the matter *Rancho Gavilan, v. County of San Benito*, et. al, California Superior Court for the County of San Benito, Case No. CU-15-00142.

9. **SBC FILE NUMBER: 1068**

-  
**HEALTH AND HUMAN SERVICES AGENCY - J. Rydingsword**

Approve Revenue Agreement with the California State Department of Parks and Recreation Hollister Hills Vehicle Recreation Area (SVRA) to fund Emergency Medical Services (EMS) and mitigate impacts of Hollister Hills SVRA.

10. **SBC FILE NUMBER: 130**

-  
**HEALTH AND HUMAN SERVICES AGENCY - J. Rydingsword**

Approve renewal contract with Dr. Carol Johnson-Schroetlin for the period of November 3, 2015 through June 30, 2016 in an amount not to exceed \$20,000.00 and approve the recommended actions reflected in the Budget Adjustment/Transfer Form which results in the transfer of Realignment funds in the amount of \$20,000.00. (4/5 vote).

11. **SBC FILE NUMBER: 105**

-  
**RESOURCE MANAGEMENT AGENCY - B. Barnes**

Approve Amendment #2 to the current agreement with Interwest Consulting Group to replace the services in the original contract with specified duties for special projects and extend the term to December 31, 2016.

The Chair recognized Supervisor De La Cruz.

Supervisor De La Cruz directed his question to the CAO regarding outside consultants continuing to serve as staff members. Supervisor De La Cruz indicated he was not feeling comfortable going forward.

CAO Espinosa indicated that the ultimate goal was to remove all consultants from the staff but that with light staffing levels across all departments, difficulty in recruiting qualified and experienced staff and critical projects pending, the need to keep consultants in certain capacities was essential to the overall success of the re-organization of the administration.

Supervisor De La Cruz indicated he would like to see a three month report and a

phasing out period to address this item.

The Chair recognized Supervisor Botelho.

Supervisor Botelho advised that he was very much in favor of extending Mr. Horowdel's contract as he felt it would be very helpful to the development of the RMA Department.

The Chair indicated she would support the measure to insure the overall success of the project.

The Chair solicited public comment on this item. No comments from the public were offered.

Discussion concluded.

Motion approved 5 to 0.

Jaime De La Cruz motioned to approve agenda item per staff recommendation.. Margie Barrios seconded the motion.

Ayes: Barrios, Botelho, De La Cruz, Muenzer, Rivas

12. **SBC FILE NUMBER: 110**

- **SHERIFF'S OFFICE - D. Thompson**

Augment Sheriff's Schedule of Expenditures and Revenue to Provide for Funding Received Under the State Criminal Alien Assistance Program (SCAAP); increase expenditures in budget 1195/Sheriff-Jail in the amount of \$33,181 and revenue in the same amount as outlined in the Budget Adjustment/Transfer Form to provide for the State Criminal Alien Assistance Program Award. (4/5 vote)

13. **SBC FILE NUMBER: 110**

- **SHERIFF'S OFFICE - D. Thompson**

Approve use of funds via inter-departmental transfer in the amount of \$48,452.36 from the law enforcement impact fee fund to the Sheriff's 15/16 Fixed Asset Budget for purchase of the interior and exterior code enforcement vehicle accessories, a purchase that is subject to the competitive bidding procedures of the County of San Benito; and authorize the Sheriff's Office to purchase said equipment; and upon receipt of all equipment authorize the Auditor's Office to release the check to the appropriate vendors for payment; and approve the four vehicles and cost of law enforcement accessories as fixed assets. (Resolution 2015-95)

Supervisor Botelho asked if the radios would work in the "dark" or "black" areas of the County.

Captain Eric Taylor from the San Benito County Sheriff's Department addressed the Board and Supervisor Botelho's question directly.

He advised that a study has been completed and indicated inter-operability and upgrading would be seamless. While there are still some problematic areas, the coverage is much more expansive and the radios are more powerful.

The Chair recognized CAO Espinosa.

He indicated that Tony Weir had been missioned to work on this project and that a report would be brought back to the Board in the future if so required.

The Chair solicited public comment on this item. No comments from the public were offered.

Discussion concluded.

Motion approved 5 to 0.

Anthony Botelho motioned Motion by Supervisor Muenzer to approve item as presented.. Jerry Muenzer seconded the motion.

Ayes: 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.*

### **14. SBC FILE NUMBER: 130**

#### **HEALTH AND HUMAN SERVICES AGENCY - J. Rydingsword**

Authorize Health and Human Services Agency (HHSA) to operate the Expanded Winter Shelter Program from December 2015 - March 2016; and Approve the sublease between the Farm Labor Association and the San Benito County Health & Human Services Agency for the operations of the Expanded Winter Shelter Program and authorize the Director of HHSA to sign said sublease and any amendments pertaining to said sublease.

The record shall reflect that this agenda item was discussion AFTER agenda item 15.

The Chair recognized CAO Espinosa.

CAO Espinosa introduced Health and Human Services Director James Rydingsowrd and asked him to present this item to the Board.



Mr. Rydingsword prestened this item to the board and provided background and historical discussion points regarding this issue.

The Chair recognized Supervisor Botelho.

Supervisor Botelho indicated that he and Supervisor Muenzer took a road trip to tour a homeless center and that it only added to his anxiety regarding this issue.

Supervisor Botelho asked why staff feels the need to add extra space and capacity to the program.

Mr. Rydingsword indicated that San Benito County has over 200 chronically homeless individuals currently within its jurisdiction and that there is no way to know what type of winter conditions may prevail this season. The agenda item was about being prepared more than anything else.

The Chair added that if the rains and flooding occur as expected, the County will need to be proactive in their response.

Margie Barrios motioned to approve this item per staff recommendation.. Jaime De La Cruz seconded the motion.

Ayes: Barrios, Botelho, De La Cruz, Muenzer, Rivas

15. **SBC FILE NUMBER: 130**

**HEALTH AND HUMAN SERVICES AGENCY - J. Rydingsword**

Approve the sublease between the Farm Labor Association and the Homeless Coalition for the operations of the Homeless Winter Shelter and authorize the Chair to sign said sublease and any amendments pertaining to said sublease.

The record shall note that this item was discussed BEFORE agenda item 14.

The Chair recognized CAO Espinosa who asked Health and Human Services Director James Rydingsword to present the item to the Board.

Mr. Rydingsword presented the item and advised that approval is required so that Farm labor Association and the Homeless Coalition could continue to provide a Winter Shelter Program.

The Chair entertained comments from the public on this agenda item.

No public comments were offered.

The Chair brought the discussion back to the Board for a decision.

Discussion Consluded

Anthony Botelho motioned to approve per staff recommendation.. Jerry Muenzer seconded the motion.

Ayes: Barrios, Botelho, De La Cruz, Muenzer, Rivas

16. **SBC FILE NUMBER: 119**

- **COUNTY ADMINISTRATION OFFICE - R. Espinosa**

Update regarding Unincorporated Sale Taxes: Sunsets, Bonding, and Other Financing; determine whether or not the potential unincorporated sales tax measure has a short-term sunset, long-term in order to meet bonding capacity, or in perpetuity; and/or direct staff to bring back more information before determining a term of a potential unincorporated sales tax measure.

No action taken by the Board - Presentation regarding financing option to be provided by staff at the December 15, 2015 Board Meeting.

17. **SBC FILE NUMBER: 119**

- **COUNTY ADMINISTRATION OFFICE - R. Espinosa**

Authorize County staff to work with the City of Hollister to develop and advertise a Request for Proposal/Qualifications for a needs assessment for a Technology, Education, and Library Center; and direct staff to keep the Board of Supervisors informed of action taken by the Intergovernmental Committee on this item on a monthly basis. Joint Use Facility: Technology, Education, and Library Center.

This motion approved 5 to 0 by the Board of Supervisors. Jaime De La Cruz motioned to approve this agenda item per staff recommendation.. Margie Barrios seconded the motion.

Ayes: Barrios, Botelho, De La Cruz, Muenzer, Rivas

18. **SBC FILE NUMBER: 630**

- **HUMAN RESOURCES - G. Cochran (Interim Director)**

Adopt a resolution approving the collective bargaining agreement between the County of San Benito and the Management Employees Group (MEG). Authorize the County Administrative Officer and County Auditor to take the necessary administrative actions appropriate to effectuate the purpose and intent of this action including signing the final MOU agreement. Authorize the County Administrator or his/her designee to make any technical edits as later identified. (Resolution 2015-86).

Anthony Botelho motioned to approve Resolution 2015-86 per staff recommendation defining technical changes as immaterial and non-substantive (as requested by Supervisor Jaime De La Cruz).. Jerry Muenzer seconded the motion.

Ayes: Barrios, Botelho, De La Cruz, Muenzer

Absent: Rivas

19. **SBC FILE NUMBER: 630**

- **HUMAN RESOURCES - G. Cochran (Interim Director)**

Adopt a resolution approving the wages, hours, benefits and other terms and conditions of employment for the County's specified unrepresented employees (Confidential, Confidential Management and Unrepresented). Authorize the County Administrative Officer and County Auditor to take the necessary administrative actions appropriate to effectuate the purpose and intent of this action. Authorize the County Administrator and/or his/her designee to make any technical edits as later identified. (Resolution 2015-87).

Margie Barrios motioned to approve Resolution 2015-87 per staff recommendation.. Jaime De La Cruz seconded the motion.

Ayes: Barrios, Botelho, De La Cruz, Muenzer, Rivas

20. **SBC FILE NUMBER: 156**

- **BOARD OF SUPERVISORS**

Appointment of two (2) San Benito County Representative(s) to the Area Agency on Aging Advisory Council.

Absent: 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) and (b), Ralph M. Brown Act.)*

County Counsel Matt Granger reported out that there was No Reportable Action taken by the Board for all Closed Session Items listed on the agenda.

21. **SBC FILE NUMBER: 236.5**

- **CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL-  
ANTICIPATED LITIGATION**

Initiation of litigation pursuant to subdivision (d)(4) of Section 54956.9: Number of Cases: (1).

22. **SBC FILE NUMBER: 236.5**

- **CLOSED SESSION - CONFERENCE WITH REAL PROPERTY  
NEGOTIATOR**

Property: Lantis-Ward (APNs 020-280-050 & 020-280-053),  
at 2100 Cienega Rd., Hollister, California

Agency Negotiator(s): Brent Barnes, RMA Director; Joe Horwedel, Interwest Consulting Group; Ray Espinosa, CAO; Matthew Granger, County Counsel, Barbara Thompson, Assistant County Counsel, and Shirley Murphy, Deputy County Counsel

Negotiating Parties: Dave Lantis

Under Negotiation: price and terms of payment

Authority: California Government Code section 54956.8.

23. **SBC FILE NUMBER: 236.5**

**CLOSED SESSION- CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Property : 1161 San Felipe Road (APN 019-040-017-000), Hollister, CA.

Agency Negotiator(s): Brent Barnes, RMA Director; Joe Horwedel, Interwest Consulting Group; Ray Espinosa, CAO; Joe Paul Gonzales, Clerk-Recorder-Auditor; James Rydingsword, HHSA Director, Matthew Granger, County Counsel; Barbara Thompson, Assistant County Counsel; and Shirley Murphy, Deputy County Counsel.

Negotiating Parties: Thor Wiles, CBRE, Inc.

Under Negotiation: Price and terms of payment.

Authority: California Government Code Section 54956.8.

(A15--5644)

24. **SBC FILE NUMBER: 236.5**

**CLOSED SESSION-CONFERENCE WITH LABOR NEGOTIATORS**

Agency designated representatives: Allyson Hauck, Ray Espinosa, Joe Paul Gonzalez, Melinda Casillas, Georgia Cochran, Steve Coffee.

Employee Organizations:  
Institutions Associations  
Law Enforcement Management  
Management Employees' Group  
SEIU Local 521 (General Unit Employees)  
SEIU Local 2015 (IHSS)  
Deputy Sheriffs Association  
Confidential

Confidential Management  
Department Heads  
Unrepresented Employees

Authority:  
California Government Code Section 54957.6.

## **ADJOURNMENT**

The next regular meeting of the San Benito County Board of Supervisors is scheduled for Tuesday, December 1, 2015 at 9:00 A.M. PST.

*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. and 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.*

<i>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.</i>
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