



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 December 1, 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

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Absent: De La Cruz

a. Pledge of Allegiance

Chairwoman Barrios asked Supervisor Botelho to lead the Board in the Pledge of Allegiance. Absent: De La Cruz

Supervisor Anthony Botelho.

b. Acknowledge of Certificate of Posting

Certificate of Posting for December 1, 2015

Anthony Botelho motioned to approve of Certificate of Posting.. Jerry Muenzer seconded the motion.

Ayes: Barrios, Botelho, Muenzer, Rivas

Absent: De La Cruz

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.

Chairwoman Barrios entertained public comments.

No speaker cards were received by the Clerk and no members of the public provided public comment.

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

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e. **Board Announcements: Information Only**

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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.

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1. **ASSESSOR - T. SLAVICH**

Approve Waiver of County Personnel Policies & Procedures Handbook Rule 1.H.3 Prohibiting CalPERS Benefits for Temporary Employees (Property Transfer Assessment Technician retroactive to September 28, 2015 and Appraiser I retroactive to November 16, 2015).
SBC FILE NUMBER: 7.

This item was approved as part of the consent calendar.

Jerry Muenzer motioned approval of this item as part of the Consent Calendar.. Anthony Botelho seconded the motion.

Ayes: Barrios, Botelho, Muenzer, Rivas

Absent: De La Cruz

2. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD**

Approve the leasing pilot program for HHSA for the six Chevy Impalas, (with an additional four vehicles to come back to the Board for future approval) including approve the Master Equity Lease Agreement, the Addendum to the Lease Agreement, Self Insurance Addendum and the Maintenance Agreement; and authorize the Chair to sign the agreements; and request that HHSA reports back to the Board on the cost-benefit analysis of this program prior to the end of the five-year term. Direct Administrative staff return to the Board with the Vehicle Maintenance Policy for review and discussion. Authorize the CAO to sign any additional paperwork necessary for the order and delivery and lease of the six Chevy Impalas. Approve budget adjustment increase of \$7,518.16 for the FY 15/16 and an annual cost of \$33,518.16 for a term of five years. (4/5 vote required).
SBC FILE NUMBER: 130.

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This item was pulled from the consent calendar for discussion.

Anthony Botelho motioned approval of this item after separate discussion from Consent Calendar per staff recommendation.. Margie Barrios seconded the motion.

Ayes: Barrios, Botelho, Muenzer, Rivas

Absent: De La Cruz

3. **HUMAN RESOURCES - G. COCHRAN (Interim Director)**

Receive the 2015 San Benito County Holiday Closure schedule for all departments, receive the 2016 San Benito County Office Hours schedule for all departments, adopt a Resolution of the San Benito County Board of Supervisors authorizing the hours of operation for the December 2015/January 2016 holiday closure period and the 2016 office hours and days of operation. (Resolution Number 2015-88).
SBC FILE NUMBER: 630.

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This item pulled from Consent Calendar for discussion.

Mr. Marty Richman suggested that temporary holiday hours be sent for publication to the local media to inform the public. Mr. Richman also suggested that the new regular hours be published at the beginning of the new calendar year.

The Chair directed the Clerk of the Board to transmit the new schedules to the media.

Jerry Muenzer motioned approval of this item after separate discussion from Consent Calendar per staff recommendation.. Anthony Botelho seconded the

motion.

Ayes: Barrios, Botelho, Muenzer, Rivas

Absent: De La Cruz

4. **RESOURCES MANAGEMENT AGENCY - B. BARNES**

Approve the plans, specifications, and bid documents for the sewer line repair at the County Migrant Labor Camp at 3225 Southside Road, project No. 082-2; and authorize the Board Chair to sign the bid documents.
SBC FILE NUMBER: 750

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This item was pulled from Consent Calendar for discussion.

Brent Barnes presented the item to the Board.

Anthony Botelho motioned approval of this item after separate discussion from Consent Calendar per staff recommendation.. Margie Barrios seconded the motion.

Ayes: Barrios, Botelho, Muenzer, Rivas

Absent: De La Cruz

5. **RESOURCE MANAGEMENT AGENCY - B. BARNES**

Approve the plans and specifications and bid documents for the Slurry Seal project at the County Migrant Labor Camp at 3225 Southside Road, project 082-1; and authorize the Chair of the Board to sign the bid documents.
SBC FILE NUMBER: 750

This item approved as part of Consent Calendar per staff recommendation.

Jerry Muenzer motioned approval as part of the Consent Calendar.. Anthony Botelho seconded the motion.

Ayes: Barrios, Botelho, Muenzer, Rivas

Absent: De La Cruz

6. **RESOURCE MANAGEMENT AGENCY - B. BARNES**

Approve one open purchase requisition in an amount not to exceed \$100,000 for the purchase of fleet fuel and one open purchase orders for material in an amount not to exceed \$50,000.
SBC FILE NUMBER: 105

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This item was pulled from Consent Calendar for discussion.

Anthony Botelho motioned approval of this item after separate discussion from Consent Calendar per staff recommendation.. Jerry Muenzer seconded the motion.

Ayes: Barrios, Botelho, Muenzer, Rivas

Absent: De La Cruz

7. **SHERIFF'S OFFICE - D. THOMPSON**

Augment Sheriff's Schedule of Expenditure and Revenue for Equipment Utilizing SAFE Task Force Grant Funding by approving the augmentation to budget 1175/Sheriff-Operations increasing expenditures in the amount of \$6,800 and revenue in the same amount. (4/5 vote required).
SBC FILE NUMBER: 110

This item approved as part of the Consent Calendar per staff recommendation.

Jerry Muenzer motioned approval as part of the Consent Calendar.. Anthony Botelho seconded the motion.

Ayes: Barrios, Botelho, Muenzer, Rivas

Absent: De La Cruz

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.*

8. **PROBATION DEPARTMENT - R.T. BARAAN**

Receive Gang Prevention Policy Committee Update and Recognition.
SBC FILE NUMBER: 510

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Public Presentation - No Action Taken.

Absent: De La Cruz

9. **PROBATION DEPARTMENT - R.T. BARAAN**

Receive report for Grizzly Youth Academy, A National Guard program for youth that have dropped out, or are at risk of dropping out of High School. US National Guard Staff and Student Cadets will present more information on how this program is a resource for San Benito County.
SBC FILE NUMBER: 510

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Report presented to the Board - No Action Taken.

Absent: De La Cruz

10. **BOARD OF SUPERVISORS**

Approve out-of-state travel for Supervisor Muenzer on December 8-10, 2015 to Washington D.C. to support HR 1838, a bill that would establish the Clear

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CAO Espinosa presented the item.

Supervisor Muenzer provided a brief description of the request to travel as it relates to the Clear Creek matter.

Chairwoman Barrios indicated she supports the request 100%.

Supervisor Botelho indicated he supports the request 100%.

Margie Barrios motioned approval per staff recommendation.. Anthony Botelho seconded the motion.

Ayes: Barrios, Botelho, Muenzer, Rivas

Absent: De La Cruz

11. **COUNTY ADMINISTRATION OFFICE - R. ESPINOSA**

Provide staff direction regarding City of Hollister Special Joint Meeting Request.

SBC FILE NUMBER: 119

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CAO Espinosa presented the item.

Clerk of the Board provided a recap of the invitation transmitted via the City Clerk's Office from the City of Hollister, CA for a Joint Meeting.

Chairwoman Barrios provided a recap of the topics discussed with the City of Hollister via the Intergovernmental Committee.

Attorney Paul Rovella who serves as Assistant City Attorney advised that to his knowledge the City Staff of Hollister meets each Tuesday at 9:00 AM.

Supervisor Rivas suggested that a draft agenda be presented by the City of Hollister for consideration by the Board at the December 15 Board of Supervisors Agenda.

Mr. Marty Richman provided public comment. on his ideas to pursue discussion with the City of Hollister.

Hollister City Manager Bill Avera arrived and addressed the Board and reiterated the comments made by Chairwoman Barrios.

Supervisor Botelho indicated he was glad that Mr. Avera appears and that he very much prefers to have specific agenda items presented to the Board for consideration.

Supervisor Muenzer indicates that he is very much in favor of joint meetings with the Cities of Hollister and San Juan Bautista but feels that sometimes discussions go astray due to lack of a complete members present to make decisions.

An agenda item will be brought back for the December 15 BOS Meeting.

Absent: De La Cruz

12. **COUNTY COUNSEL - M. GRANGER**

Approve the first amendment to the legal services agreement with the law firm of Meyers, Nave, Riback, Silver and Wilson, in an amount not to exceed \$240,000, for a total contract amount not to exceed \$290,000, for legal services related to the Hospital Road Bridge and Union Road Bridge projects (primarily eminent domain services for the Hospital Road Bridge project); and authorize the Board Chair to sign the first amendment to the agreement.
SBC FILE NUMBER: 160

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Item presented by County Counsel Matt Granger.

Deputy County Counsel Shirley Murphy provided additional information about the scope of services included in the original contract related to Eminent Domain cases.

Supervisor Botelho indicated he would not support this contract as it was too much money and the delays are completely unacceptable.

Supervisor Muenzer asked if this item could be continued due to potential litigation issues.

County Counsel Matt Granger indicated this was possible.

Chairwoman Barrios indicated why both items were included together.

Deputy Counsel Murphy explained the negotiation process and the unfolding of the project over the course of the last few months.

Chairwoman Barrios asked for public comment on this item but none was received. Jerry Muenzer motioned Motion. Robert Rivas seconded the motion.

Absent: De La Cruz

13. **OFFICE OF EMERGENCY SERVICES - K. O'NEILL**

Accept 2015 UASI Grant MOU by approving the attached budget augmentation and authorizing the Board Chair to sign two original copies of the MOU on behalf of the Board of Supervisors. (4/5 vote required)
SBC FILE NUMBER: 75.5

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Motion approved per staff recommendation.

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

Ayes: Barrios, Botelho, Muenzer, Rivas

Absent: De La Cruz

14. **RESOURCE MANAGEMENT AGENCY - B. BARNES**

Declaration of Flood Emergency - Pacheco Creek.

Make CEQA finding and Adopt resolution finding that an emergency exists, as defined by California Public Resources Code section 21060.3 and California Fish & Game Code sections 1610(c), & 1610, with regard to potential flooding and endangerment of persons and property in the vicinity of Pacheco Creek at its crossing of Lovers Lane, thus allowing work to be performed without a stream bed alteration permit. (Resolution 2015-89)

SBC FILE NUMBER: 105

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This item approved per staff recommendation.

Margie Barrios motioned approval per staff recommendation.. Jerry Muenzer seconded the motion.

Ayes: Barrios, Botelho, Muenzer, Rivas

Absent: De La Cruz

15. **COUNTY COUNSEL - M. GRANGER**

Approve the Certificate of Cancellation of Land Conservation Act Contracts associated with the Panoche Valley Solar Project, including making the CEQA finding, accepting Assessor's certification of the value, certifying the cancellation fee, finding that all the conditions and contingencies enumerated in the certificates of tentative cancellation have been met, and authorize the Chair of the Board of Supervisors to execute the Certificate of Cancellation of Land Conservation Act Contracts, cause the certificate to be recorded, and direct the Clerk of the Board to send a copy of to the Director of Conservation.

SBC FILE NUMBER: 160

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The Board took up this item for action after returning from Closed Session at 11:18 AM.

Assistant County Counsel presented the item to the Board.

The Chair entertained public comment on the item.

Mr. Eric Cherness with Panoche Valley thanked the Board for their support and advised that the final permits were received from Fish and Wildlife so that construction activities could commence.

Supervisor Botelho thanked Mr. Cherness for maintaining their support through very difficult opposition from outside groups.

This item was approved per staff recommendation.
Margie Barrios motioned approval per staff recommendation.. Anthony Botelho seconded the motion.

Ayes: Barrios, Botelho, Muenzer, Rivas

Absent: De La Cruz

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.)

16. CLOSED SESSION –CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: Allyson Hauck, Dania Torres-Wong, Ray Espinosa, Joe Paul Gonzalez, Melinda Casillas, Georgia Cochran, Steve Coffee

Employee Organizations:
Institutions Association
Law Enforcement Management
Management Employees' Group
SEIU Local 529 (General Unit Employees)
SEIU United Long Term Care Workers Local 6434
Deputy Sheriff's Association
Confidential Employees
Confidential Management Employees
Appointed Department Heads
Unrepresented Employees

AUTHORITY:
California Government Code Section 54957.6

SBC FILE NUMBER: 235.6

At 10:54 AM, the Board retired to Closed Session to discussion Closed Session Item 16.

Regular Session Item 15 will be discussed upon return of the Board.

At 11:16 AM, the Board reconvened in public session.

County Counsel Matt Granger reported out of Closed Session no reportable action.
Absent: De La Cruz

17. CLOSED SESSION - PUBLIC EMPLOYEE APPOINTMENT

Title: Assistant County Administrative Officer

Authority: California Government Code 54957

SBC FILE NUMBER: 235.6

After taking up item 16 in Public Session, the Board moved to retire into Closed Session again at 11:24 AM.

Meeting reconvened from Closed Session at 12:00 PM.

The Chair asked County Counsel to report out.

County Counsel advised there was no reportable. action.

Absent: De La Cruz

ADJOURNMENT

ADJOURNMENT - THE NEXT REGULARLY SCHEDULED MEETING OF THE SAN BENITO COUNTY BOARD OF SUPERVISORS IS SCHEDULED FOR TUESDAY, DECEMBER 15, 2015 AT 9:00 A.M.

Meeting adjourned at 12:01 PM. Absent: De La Cruz

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