



SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios
District No. 1

Anthony Botelho
District No. 2

Robert Rivas
District No. 3
Chair

Jerry Muenzer
District No. 4

Jaime De La
Cruz
District No. 5
Vice-Chair

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

REGULAR MEETING MINUTES March 22, 2016 9:00 AM

The record shall reflect that Supervisors Barrios, Botelho, De La Cruz and Muenzer were present for the Board Meeting.

Chairman Rivas was not present.

CAO Ray Espinosa and County Counsel Matt Granger were present.

Clerk of the Board Louie Valdez was present.

CALL TO ORDER

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

a. Pledge of Allegiance

Pledge of Allegiance to be led by Supervisor Barrios.

b. Acknowledge of Certificate of Posting

Acknowledge Certificate of Posting

Margie Barrios made a motion to to approve the Certificate of Posting as presented.. Jerry Muenzer seconded the motion.

Ayes: Barrios, Botelho, De La Cruz, Muenzer

Absent: Rivas

Adjourn to Closed Session

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.)

Vice Chair De La Cruz asked County Counsel Matt Granger to read the Closed Session item into the record on behalf of the Board.

Mr. Granger read Closed Session Items 1 through 8 into the record.

Vice Chair De La Cruz entertained Public Comment on the Closed Session Items as presented.

Clerk of the Board Louie Valdez announced there were four Speaker Cards received for Closed Session Item Number 2 as listed on the agenda.

The following individuals spoke with regard to the Closed Session Items:

Larry Darwy, Executive Director, Go Kids Inc. of Gilroy, CA.

C. Matthew Didaleusky, Attorney, TTM Ventures LLC.

Christine Kemp, Attorney, TTM Ventures, LLC.

Jim Dassel, Resident, Dassels Petroleum, Inc.

Nak Y. Hyun, Owner, Wiebe Motel of Hollister, CA.

After the conclusion of Public Comment, the Board recessed to Closed Session at approximately 9:12 a.m.

The Board reconvened from Closed Session at 10:07 a.m.

The record shall reflect that Chairman Robert Rivas arrived to preside.

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

Mr. Granger advised that only Closed Session 1, 2 and 8 were discussed during Closed Session and that Closed Session Items 3,4,5 and 7 will be heard after the conclusion of the Regular Meeting Session.

Mr. Granger advised that for Closed Session items 1, 2 and 8, the Board took no reportable action.

The record shall reflect that the Board recessed to Closed Session at

approximately 11:45 a.m. following the continuation of Regular Agenda Session item 25 which the Board indicated they would take up after the second Closed Session discussion so as to provide EMC Planning's representatives additional time to arrive at the Board meeting to be heard with regard to their agenda item Number 25.

The board reconvened at 12:28 p.m.

Chairman Rivas asked County Counsel Matt Granger to report out on behalf of the Board.

Mr. Granger advised that the Board discussed Closed Session Item 3,4,5 and 7 during Closed Session Agenda.

With regard to Item 3, the Board took no reportable action.

With regard to Item 4, the Board took no reportable action.

With regard to Item 5, the Board took no reportable action.

With regard to Item 7, the Board voted 4 to 0 to approve the disability retirement of a deputy sheriff's office.

1. **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 Association

Law Enforcement Management

Management Employees' Group

SEIU Local 521 (General Unit Employees)

SEIU Local 2015 (IHSS)

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

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

Significant exposure to litigation pursuant to subdivision (d)(2), (e)(5) of Government Code Section 54956.9

Number of cases: 1

Facts and Circumstances Justifying Closed Session: Statement made regarding potential litigation if County proceeds forward with the purchase of 1161 San Felipe Road for a new homeless shelter

SBC FILE NUMBER: 235.6

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

Significant exposure to litigation pursuant to subdivision (d)(2), (e)(2) of Government Code Section 54956.9

Number of cases: 1

Facts and Circumstances Justifying Closed Session: Potential of additional litigation regarding Master Tax Agreement currently being litigated in *Award Homes, Inc. v. County of San Benito, et. al*, Case No. CU-15-00099, and *BMC Promise Way, LLC, dba Benchmark Communities v. County of San Benito, et. al.*, Superior Court of California, County of San Benito, Case No. CU-15-00056.

SBC FILE NUMBER: 235.6

4. **CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL_EXISTING
LITIGATION**

Subdivisions (a) and (d)(1) of Section 54956.9

Name of Case: Award Homes, Inc. v. County of San Benito, City of Hollister, et. al., Superior Court of California, County of San Benito, Case No. CU-15-00099

SBC FILE NUMBER: 235.6

5. **CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL-EXISTING
LITIGATION**

Subdivisions (a) and (d)(1) of Section 54956.9

Name of Case: BMC Promise Way, LLC, dba Benchmark Communities v. County of San Benito, City of Hollister, Superior Court of California, County of San Benito, Case No. CU-15-00056

SBC FILE NUMBER: 235.6

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

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

SBC FILE NUMBER 235.6

7. **CLOSED SESSION PER GOVERNMENT CODE SECTION 54957**

Public Employee Discipline/Dismissal/Release

SBC FILE NUMBER: 235.6

8. **CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL-EXISTING
LITIGATION**

Subdivisions (a) and (d)(1) of Section 54956.9

Name of Case: Rancho Gavilan v. County of San Benito, et. al, California Superior Court for the County of San Benito, Case No. CU-15-00142.

SBC FILE NUMBER: 235.6

Reconvene into Regular Session (at 10:00 a.m. or as soon thereafter)

c. **Presentations and Recognitions**

Supervisor Margie Barrios presented the first Proclamation with regard to the Prevention of Sexual Exploitation.

Supervisor Jaime De La Cruz presented the Proclamation with regards to Walk a Mile in her Shoes.

Supervisor Botelho presented the Proclamation with regards to National Public Health Week.

Lynn Mello from the Public Health Department led a presentation to the Board via PowerPoint.

Supervisor Muenzer presented the Proclamation with regard to Child Abuse Prevention Month in San Benito County.

Margie Barrios made a motion to to approve all the Proclamations listed on the Board Meeting agenda as presented.. Jaime De La Cruz seconded the motion.

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

d. **Public Comment**

Opportunity to address the Board on items of interest not appearing on the agenda. No action may be taken unless provided by Govt. Code Section 54954.2.

Watch Video

The Chair entertained public comment for items not appearing on the agenda.

Mr. Marty Richman spoke about his attendance at the Hollister City Council Meeting advising that Gavillan College has no interest in using a particular property for an education center.

Mr. Donald Guerland made comments regarding a zoning issue related to his property. Mr. Guerland submitted a written statement to the Board.

Absent: Rivas

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

Watch Video

The Chair recognized CAO Espinosa to provide Department Head reports.

CAO Espinosa announced two special meetings on March 29th at 9:00 a.m. and a Joint County Planning Commission/Board of Supervisors Meeting on April 5th at 6:00 p.m.

Health and Human Services Director Jim Rydingsword made an announcement.

Behavioral Health Department Alan Yamamoto extended an invitation to the Board

at the Dual Language Academy Thursday April 7 Walk In Our Shoes.

Absent: Rivas

f. **Board Announcements: Information Only**

Watch Video

Supervisor Barrios reported her attendance at a fundraiser and the Transportation Mobility Partnership Meeting.

Supervisor De La Cruz reported about his meeting with the City's representatives regarding the Medical Marijuana Committee. The Ad Hoc Committee agreed to continue meeting every two month.

Supervisor Muenzer announced that HR 1838 regarding Clear Creek was unanimously reported out of the House Sub Committee. He also announced that the Monterey Board unaimously approved guidelines for grants towards electric car purchases. He also mentioned that he was very excited about COG's Sales Tax Initiative which he hopes will address road transportation and maintenance issues especially regarding Highway 25.

Supervisor Botelho reported his attendance at at meeting in Sacramento with the MTA.

Chairman Rivas announced the April 5th Special Joint Meeting to prioritize planning activities within San Benito County.

CONSENT AGENDA

Watch Video

Approved by the Board 5 to 0 with Supervisors Barrios, Botelho, De La Cruz, Muenzer and Rivas voting yes.

Jaime De La Cruz made a motion to to approve the consent agenda items as presented with the exception of items 15 (pulled by HHSA) and 18 (pulled by Supervisor Botelho).. Jerry Muenzer seconded the motion.

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

9. **BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO**

Approve the 2014-15-16-17 V3 Multi-Year Dept. of Health Care Services (DHCS) and County Amended Contract for Substance Use Disorder Services (SUDS), Agreement No. 14-90087; and authorize the Behavioral Health Director to sign; adopt Resolution accepting the Amended Contract Agreement No. 14-90087 with the State Department of Heath Care Services; and authorize the Chair to sign.

SBC FILE NUMBER; 810

RESOLUTION NO. 2016-13

Approved by the Board 5 to 0 with Supervisors Barrios, Botelho, De La Cruz, Muenzer and Rivas voting yes.

10. **CLERK OF THE BOARD - L. VALDEZ**

Approve the action minutes of the February 23, 2016 Regular Meeting and the March 8, 2016 Regular Meeting.

Approved by the Board 5 to 0 with Supervisors Barrios, Botelho, De La Cruz, Muenzer and Rivas voting yes.

11. **COUNTY COUNSEL'S OFFICE - M. GRANGER**

Approve Amendment No. 1 with Cota Cole LLP, to serve as interim contracted legal assistance, for up to 340 hours of work (average of less than 20 hours per week), through August 31, 2016.
SBC FILE NUMBER: 160

Approved by the Board 5 to 0 with Supervisors Barrios, Botelho, De La Cruz, Muenzer and Rivas voting yes.

12. **COUNTY COUNSEL'S OFFICE - M. GRANGER**

Approve legal services agreement with Colantuono, Highsmith & Whatley, PC in the amount of \$50,000 to provide legal representation and serve as counsel of record in the matter of *Award Homes, Inc. v. County of San Benito, et. al*, Case No. CU-15-00099.
SBC FILE NUMBER: 160

Approved by the Board 5 to 0 with Supervisors Barrios, Botelho, De La Cruz, Muenzer and Rivas voting yes.

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

Approve Public Health Budget Augmentation for the Public Health Emergency Preparedness Program. (4/5 vote)
SBC FILE NUMBER: 130

Approved by the Board 5 to 0 with Supervisors Barrios, Botelho, De La Cruz, Muenzer and Rivas voting yes.

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

Approve Contract with Solutions West for Specialized Eligibility Worker Training for the period of March 28, 2016 through June 30, 2016, in an amount not to exceed \$61,500.00.
SBC FILE NUMBER: 130

Approved by the Board 5 to 0 with Supervisors Barrios, Botelho, De La Cruz, Muenzer and Rivas voting yes.

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

Approve increase In Employment Status of Emergency Services Specialist From Temporary Part Time to Temporary Full Time with an expiration date of June 30, 2016.
SBC FILE NUMBER: 130

This item was permanently pulled by the department. No action taken.

16. **HUMAN RESOURCES - G. COCHRAN**

Adopt new class specification and salary range for the Assistant District Attorney with a salary range of \$42.22-\$56.61 per hour.
SBC FILE NUMBER: 630

Approved by the Board 5 to 0 with Supervisors Barrios, Botelho, De La Cruz, Muenzer and Rivas voting yes.

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

Approve Contract with First Carbon Solutions in the amount of \$51,500 for Environmental Work related to the Fay Major Subdivision Project for the period of March 3, 2016 to completion; and authorize a 10% change order authority in the amount not to exceed \$5,150 to the RMA Director.
SBC FILE NUMBER: 105

Approved by the Board 5 to 0 with Supervisors Barrios, Botelho, De La Cruz, Muenzer and Rivas voting yes.

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

Accept the responsive bid received on February 29, 2016 by Coast Counties Truck & Equipment; award contract to Coast Counties Truck & Equipment, for the purchase of one motor transport and lowbed trailer, for the period of March 22, 2016 through August 31, 2016, in the amount of \$202,253.22; and authorize the RMA Director to sign contract upon receipt of contractor signed contract, bonds and insurance certificates.
SBC FILE NUMBER: 105

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Mr. Botelho asked about the feasibility of this purchase and whether procuring a grader made more sense.

RMA Director Brent Barnes indicated that this item can be continued until the next meeting.

Margie Barrios made a motion to to approve the purchase of the truck and trailer as recommended by staff with the request to bring back additional information regarding the equipment available to the RMA Department at the next meeting..
Jerry Muenzer seconded the motion.

Ayes: Barrios, Muenzer, Rivas

Nays: Botelho, De La Cruz

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

Accept all bids in the attached bid summary report, award contract in the amount of \$62,971.00 to VSS International, Inc. as the lowest responsive, responsible bidder, approve the contract with VSS International, Inc. and authorize RMA Director to execute the contract upon receipt of signed contract documents as required per the project specifications, and grant RMA Director change order authority, in an amount not to exceed \$6,297.10.
SBC FILE NUMBER: 750

Approved by the Board 5 to 0 with Supervisors Barrios, Botelho, De La Cruz,

Muenzer and Rivas voting yes.

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

Approve hiring of Capital Program Manager at Step D.

SBC FILE NUMBER: 105

Approved by the Board 5 to 0 with Supervisors Barrios, Botelho, De La Cruz, Muenzer and Rivas voting yes.

REGULAR AGENDA

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

Receive quarterly report from the Long Term Care Commission.

SBC FILE NUMBER: 119

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No formal action taken by the Board.

However, it was the consensus of the Board to direct staff to approve a resolution supporting the Long Term Care issue as presented.

There was no public comment on this matter.

No formal action taken - receive and file.

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

Adopt Resolution approving the collective bargaining agreement between the County of San Benito and The San Benito County Deputy Sheriff's Association; 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; and authorize the County Administrator or his/her designee to make any technical edits as later identified.

SBC FILE NUMBER: 1010

RESOLUTION NO. 2016-14

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The Chair asked CAO Espinosa to introduce the item.

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

Margie Barrios made a motion to to approve the agreement with the Deputy Sheriff's Association via Resolution 2016-14.. Jaime De La Cruz seconded the motion.

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

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

Staff requests Board direction and approval to pursue one of the options listed

on Agenda Item Transmittal for the Sheriff-Admin Building Elevator.
SBC FILE NUMBER: 110

Watch Video

Option 3 as outlined in the staff recommendation was approved by the Board. Jerry Muenzer made a motion to to approve option 3 as presented in the staff recommendation.. Anthony Botelho seconded the motion.

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

24. ELECTED DEPARTMENT HEADS

Receive presentation from Elected County Department Heads who are requesting that the Board of Supervisors consider providing Elected Department Heads similar wages, hours, benefits and terms and conditions of employment as currently granted to the County's appointed department heads. If desired, Adopt Resolution Regarding Compensation and Benefits for Elected Department Heads, and Adopt Resolution Reducing Employer Paid Member Contributions for the Elected Department Heads in the Miscellaneous Group to 0%; and/or provide direction to staff.

SBC FILE NUMBER: 630

RESOLUTION NUMBER: 2016-15

RESOLUTION NUMBER : 2016-16

Watch Video

Michael Silverman, President of SEIU Chapter of San Benito County. spoke in opposition to the item as presented. He requested that the agenda item be pulled with a vote of now.

Mr. Marty Richman spoke in favor of the proposal to compensate the elected officials as presented in the proposal.

Margie Barrios made a motion to to approve the agreement as presented by staff to include the new waivers to be signed as presented by County Counsel.. Anthony Botelho seconded the motion.

Ayes: Barrios, Botelho, Muenzer, Rivas

Nays: De La Cruz

25. RESOURCE MANAGEMENT AGENCY - B. BARNES

Approve Amendment No. 1 to the contract with EMC Planning Group, Inc. for Planning & Environmental Services, 2035 General Plan Update in the additional amount of \$10,918.96, or other action as may be determined appropriate by the Board of Supervisors.

SBC FILE NUMBER: 790

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This item was held over until after the second Closed Session that will take place after the current open session.

The Board recessed into closed session again at 11:45 a.m.

Following the reporting out of the second Closed Session at approximately 12:28 p.m., the Board took up Regular Agenda Item 25.

Mr. Barnes presented the item to the Board on behalf of the administration.

There was no public comment on this item.

The item was continued to the April 12, 2016 Board Meeting.

ADJOURNMENT

The meeting was adjourned in memory of Jesus Villareal, Father in Law of Supervisor Jaime De La Cruz.

Jaime De La Cruz made a motion to Motion. Anthony Botelho seconded the motion.

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

Adjourn to April 12, 2016 regular meeting.