



SAN BENITO COUNTY BOARD OF SUPERVISORS

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

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

REGULAR MEETING MINUTES April 12, 2016 9:00 AM

CALL TO ORDER

- a. Pledge of Allegiance

Pledge of Allegiance to be led by Supervisor Botelho.

Chairman Rivas asked Supervisor Botelho to lead the Pledge of Allegiance.

- b. Acknowledge of Certificate of Posting

ACKNOWLEDGE CERTIFICATE OF POSTING

Vice Chair Jaime De La Cruz made a motion to to approve the acknowledgement of the Certificate of Posting.. Supervisor Jerry Muenzer seconded the motion.

Ayes: Barrios, Botelho, De La Cruz, Muenzer, 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.)

Chairman Rivas asked County Counsel Matt Granger to read the Closed Session Items into the record.

Mr. Granger read Closed Session item One through Four into the record.

Chairman Rivas inquired of the Clerk of the Board if Public Comment Cards had been submitted for comment on Closed Session items.

The following individuals provided Public Comment as follows:

1. Christine Kemp - Homeless Shelter (Against)
2. Albert Mendonsa - Homeless Shelter (Against)
3. C. Matthew Didalfusky - Homeless Shelter (Against)
4. Ken Harris - Homeless Shelter (Against)
5. James Dassen - Homeless Shelter (Against)
6. Maria Velasquez - Homeless Shelter (Against)
7. Lesley Kohn - Homeless Shelter (Against)

The Board retired into Closed Session at 9:27 a.m.

At 10:18 a.m.. the Board reconvened from Closed Session.

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

Mr. Granger provided the following report:

Closed Session Item 1 - No reportable action

Closed Session Item 2 - No reportable action

Closed Session Item 3 - No reportable action

Closed Session Item 4 - No reportable action

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-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

4. **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: Grievance filed by SEIU Local 521, on or about January 19, 2016 regarding one employee.

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

c. Presentations and Recognitions

Chairman Rivas asked Vice Chair Jaime De La Cruz to present the item on behalf of the Board.

Supervisor Jaime De La Cruz presented the Certificate of Recognition to Mary Ann Bataglia on the occasion of her retirement from San Benito County Health Department after 17 years of services.

Supervisor Muenzer made a motion to approve the Certificate as presented.

Vice Chair De La Cruz seconded the motion.

The motion was approved 5 to 0.

Supervisor Jerry Muenzer made a motion to to approve the Certificates of Recognition as presented.. Vice Chair Jaime De La Cruz seconded the motion.

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

The Chair asked Supervisor Muenzer to present the item.

Vice Chair De La Cruz made a motion to approve the Certificate as presented.

Supervisor Barrios seconded the motion.

The motion was approved 5 to 0.

Vice Chair Jaime De La Cruz made a motion to to approve the Proclamation in recognition of National Small Business Week as presented.. Supervisor Margie Barrios 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 announced the opportunity to address the Board with regard to items NOT appearing on the agenda.

The following individuals spoke during Public Comment:

1. Rob Bernosky - Requested Board Appointments to Pacheco Pass Water District Board.

2. Marty Richman - Wayfinding Signs at San Justo Reservoir

e. Department Head Announcements: Information Only

Watch Video

The Chair acknowledged CAO Espinosa.

Mr. Espinosa announced that the Clerk Auditor-Recorder-Registrar of Voters had an announcement related to the 2016 Primary and General Election.

Clerk-Auditor-Recorder Joe Paul Gonzalez and Assistant Clerk-Recorder provided a brief presentation to the Board along with a packet of information.

Mr. Gonzalez also provided clarification of the comments made by a previous speaker indicating that Pacheco Pass Water District is a registered voter election, not a property owner election.

CAO Espinosa recognized District Attorney Candice Hooper.

DA Hooper announced the denial of parole for convicted murderer Gustavo Marlow. She thanked the Board and the community and for their assistance and support.

CAO Espinosa recognized Brent Barnes, Director of the Resource Management

Agency.

Director Barnes introduced Adam Goldstone as the new Capital Program Manager.

Mr. Goldstone provided a brief presentation regarding Fire Station Number 3.

Mr. Barnes also reported on a visit from CalOSHA.

CAO Espinosa also announced that the April 19, 2016 Special Board Meeting has been cancelled.

The CAO asked that Item 23 on the agenda be continued to the April 23rd BOS Meeting but that public comment on this item could be received by the Board.

f. Board Announcements: Information Only

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The Chair began Board Announcements by acknowledging Supervisor Botelho.

Supervisor Botelho read a letter he received into the record thanking the County for a quick response to a road issue related to signage.

Supervisor Botelho also indicated he received a complaint about the closure of the tax office on Fridays. Mr. Botelho asked that the Board review the Hours of Operation and that they be adjusted to meet the needs and convenience of the public.

Supervisor Botelho also asked that the issue regarding office consolidation be revisited.

The Chair directed the CAO to review the issue for Board Action.

The Chair then recognized Supervisor Muenzer.

Mr. Muenzer also indicated he received several complaints regarding the Tax Collector/County Treasurer's Office being closed on Fridays and he echoed the sentiments of Supervisor Botelho and Muenzer.

The Chair then recognized Supervisor Barrios.

Supervisor Barrios asked that the Board provide her the opportunity to direct the CAO to agendaize the Pacheco Pass issue since the area falls within her Supervisory District. Without objection, it was so ordered by the Board Chair.

Supervisor Barrios also thanked Supervisor Botelho for his participation in the Walk A Mile in Your Shoes event and for wearing the red shoes in memory of victims of domestic violence.

Vice Chair Jaime De La Cruz made a motion to Motion. Supervisor Margie Barrios seconded the motion.

CONSENT AGENDA

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The Chair announced that he received a request from the public to move Agenda Items 26 and 27 to be heard immediately following Agenda item 24.

Without objection from the Board, it was so ordered.

Supervisor Botelho asked that Item 16 be pulled.

Supervisor Barrios asked that Item 17 be pulled.

Supervisor Muenzer asked that Item 18 be continued until the April 26, 2016 BOS Meeting.

Vice Chair Jaime De La Cruz made a motion to to approve the Consent Agenda items as amended.. Supervisor Margie Barrios seconded the motion.

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

5. **AGRICULTURAL COMMISSIONER - K. OVERSTREET**

Approve State contract, 16-0052-SA, for Petroleum labeling and advertising activities from July 1, 2016 through June 30, 2017, for the amount of \$975.00.
SBC FILE NUMBER: 1.1

6. **AGRICULTURAL COMMISSIONER - K. OVERSTREET**

Approve State contract, 16-0120-SA, for Weighmaster Enforcement activities from July 1, 2016 through June 30, 2017, for the amount of \$720.00.
SBC FILE NUMBER: 1.1

7. **BOARD OF SUPERVISORS**

Approve Certificate of Recognition's for 2016 Teacher of the Year Recipients and 2016 Classified Employee of the Year Recipients to be presented at a later date.
SBC FILE NUMBER: 156

8. **CLERK/AUDITOR/RECORDER - J. P. GONZALEZ**

Approve Modification of Schedule of Authorized Positions for the Fiscal Year 2015-16 Adopted Budget as follows:
1.) Delete 1.0 FTE Account Clerk III and add one 1.0 FTE Accounting Technician with the authority to under-fill with 1.0 FTE Account Clerk III
2.) Delete 1.0 FTE Account Clerk III and add one 1.0 FTE Payroll Technician with the authority to under-fill with 1.0 FTE Account Clerk III
SBC FILE NUMBER: 608

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

Appointment of Sal Felice (Supervisor District 1) and Shari Stevenson (Supervisor District 5) to the San Benito County Parks and Recreation

Commission by Supervisor Margie Barrios, District 1 and Vice Chair Jaime De La Cruz, District 5.
SBC FILE NUMBER: 93

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

Approve Amendment No. 1 with Miller Starr Regalia, for general legal assistance in the areas of land use and environmental law, in the additional amount of \$40,000.

SBC FILE NUMBER: 160

11. **DISTRICT ATTORNEY'S OFFICE - C. HOOPER**

Approve the contract and licensing agreement between Karpel Computer Systems and the District Attorney's Office in order for the DA to receive a efficient and functional database system.

SBC FILE NUMBER: 205

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

Approval of Contract with Farm House Communications for the provision of Rapid Response Lay-Off Aversion Strategies for the Workforce Development Board.

SBC FILE NUMBER: 130

13. **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

14. **HUMAN RESOURCES - G. COCHRAN**

Adopt a Resolution for Employer Contributions for CalPers Health Insurance Contributions for Retirees and Actives in the Deputy Sheriff's Association (DSA).

SBC FILE NUMBER: 630

RESOLUTION NO: 2016-17

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

Approve purchase of television screens and related equipment for the Emergency Operations Center located at the Hollister Police Department 395 Apollo Way with vendor CDW-G for technology equipment not to exceed \$13,000.

SBC FILE NUMBER: 1068

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

Adopt Resolution of the County of San Benito authorizing submittal of a regional application for which the San Benito County Integrated Waste Management Regional Agency is eligible.

SBC FILE NUMBER: 142

RESOLUTION NO: 2016-18

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Supervisor Anthony Botelho made a motion to to approve Consent Item 16 as

provided in the staff recommendation.. Supervisor Jerry Muenzer seconded the motion.

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

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

Ratify Contract with ACCO Engineering Systems and Ratify Expense for an Emergency Air Conditioning Replacement for the County Central NOC.
SBC FILE NUMBER: 119.2

Watch Video

Supervisor Margie Barrios made a motion to to approve Consent Item 17 as presented in the staff recommendation.. Vice Chair Jaime De La Cruz seconded the motion.

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

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

Receive 2016 Updated County Maintained Road Mileage; adopt Resolution certifying the 2016 Updated County Maintained Road Mileage.
SBC FILE NUMBER: 119
RESOLUTION NO: 2016-19

This item was continued to the April 26, 2016 BOS Meeting at the request of Supervisor Jerry Muenzer. There was no formal action taken by the Board on this item.

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

Adopt Resolution urging the state to provide new sustainable funding for state and local transportation infrastructure.
SBC FILE NUMBER: 119
RESOLUTION NO. 2016-20

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

Approve the addition of 1.0 FTE "Planner-Associate" to the schedule of Authorized positions. Approve budget adjustment form increasing revenue and expenses due to new associate planner. Funding is previously approved through Development Agreement with Panoche Valley Solar Farm Project through the life of the construction project, providing necessary staff coverage which will oversee project compliance. (4/5 vote)
SBC FILE NUMBER: 790

21. **SHERIFF'S DEPARTMENT - D. THOMPSON**

Approve change in Sheriff's Schedule of Fixed Assets and Expenditures adding replacement vehicle using insurance recovery; approve budget adjustment in the amount of \$47,948. (4/5 vote)
SBC FILE NUMBER: 110

PUBLIC HEARING

22. **(To Be Heard at 10:00 a.m. or as soon thereafter ad the matter may be heard)**

RESOURCE MANAGEMENT AGENCY - B. BARNES

Conduct a Public Hearing and receive staff report; and Adopt Resolution Adopting the Addendum to the General Plan Amendment (GPA) 09-42 Final environmental Impact Report and to the GPA 09-43 Negative Declaration and adopting an amendment to the San Benito County General Plan (General Plan Amendment 15-49), thereby adopting the 2014–2023 Housing Element Update.

SBC FILE NUMBER: 790

RESOLUTION NO. 2016-21

Watch Video

Vice Chair Jaime De La Cruz made a motion to to approve the payment of \$20,000.00 as presented to EMC Planning with the stipulation that the vendor submit a detailed invoice and a copy of the water bill for the additionally requested amount of funds and that the payment adhere to legal counsel's interpretation of the contract payment terms to insure timely payment thereof by the Office of the County Auditor.. Supervisor Margie Barrios seconded the motion.

Ayes: Barrios, De La Cruz, Muenzer, Rivas

Nays: Botelho

23. **(To Be Heard at 10:00 a.m. or soon thereafter as the matter may be heard)**

COUNTY ADMINISTRATION OFFICE - R. ESPINOSA

Hold a Public Hearing on the implementation of a Library Facilities Development Impact Fee; adopt resolution approving the Library Facilities Impact Fee Study and imposing the fee.

Environmental Determination: Categorically Exempt

SBC FILE NUMBER: 80

RESOLUTION NO. 2016-22

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The public hearing was opened by the Chair but County Counsel asked that the item be continued as amended.

REGULAR AGENDA

24. **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. This item was held over to the April 12, 2016 BOS Meeting with staff being directed to ask the consultant for additional, detailed billing information.

SBC FILE NUMBER: 790

Vice Chair Jaime De La Cruz made a motion to add \$20,000.00 to the EMC Contract with Supervisor Barrios stipulations that include submitting a detailed invoice and paperwork for the water bill. Furthermore, that the auditor send out

payment forthwith and that this payment be made in accordance with guidance from County Counsel.. Supervisor Margie Barrios seconded the motion.

Ayes: Barrios, De La Cruz, Muenzer, Rivas

Nays: Botelho

25. RESOURCE MANAGEMENT AGENCY

Purchase of Property at 1161 San Felipe Road for Community Services Center. Board action, includes but is not limited to: finding acquisition is Categorically Exempt from CEQA under Class 32 Infill Development; adopting Resolution approving the executed Real Property Purchase Agreement and accepting the Grant Deed; and approving loan of \$1,000,000.00 from the Health and Human Services Agency (HHSA), fund 221, to Capital Projects, fund 300, as reflected in the Budget Adjustment/Transfer form, and direction to staff.
SBC FILE NUMBER: 105.3

Watch Video

Supervisor Margie Barrios made a motion to to approve Resolution 2016-25 per staff recommendation.. Vice Chair Jaime De La Cruz seconded the motion.

Ayes: Barrios, Botelho, De La Cruz, Muenzer

Nays: Rivas

26. RESOURCE MANAGEMENT AGENCY - B. BARNES

Adopt Resolution Declaring San Benito County Subject to Geologic Hazard Abatement District (GHAD) Laws.
SBC FILE NUMBER: 790
RESOLUTION NO. 2016-23

Watch Video

The meeting reconvened at 1:30pm after lunch.

The Chair recognized Brent Barnes, Director of RMA, to present this item to the Board.

Mr. Barnes introduced the item.

Supervisor Anthony Botelho made a motion to to approve Resolution 2016-23 as presented in the staff recommendation.. Supervisor Jerry Muenzer seconded the motion.

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

27. RESOURCE MANAGEMENT AGENCY - B. BARNES

Adopt Resolution Setting Public Hearing - Formation of San Juan Oaks Geologic Hazard Abatement district (GHAD).
SBC FILE NUMBER: 790
RESOLUTION NO. 2016-24

Watch Video

Hearing set for May 10, 2016.

Supervisor Jerry Muenzer made a motion to to approve Resolution 2016-24 per staff recommendation.. Supervisor Anthony Botelho seconded the motion.

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

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

Receive presentation from Shawn Novack from the Water Resource Association San Benito County in regards to May being Water Awareness Month; and approve Proclamation declaring May 2016 as Water Awareness Month.

SBC FILE NUMBER: 119

Watch Video

The report by Shawn Novak was received and filed, no formal action taken by the Board.

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

Receive Economic Development Funding Reports FY 15/16.

SBC FILE NUMBER: 119

Watch Video

No formal action taken by the Board.

30. **CLERK/AUDITOR/RECORDER - J. P. GONZALEZ**

Approve contract for Independent Financial Auditing Services with Gallina, LLP for the period of April 12, 2016 through June 30, 2021.

SBC FILE NUMBER: 608

Watch Video

Clerk-Auditor-Recorder recommended that Galena LLC be selected as the County's Auditing Firm.

There was no public comment on this item.

Vice Chair Jaime De La Cruz made a motion to to approve the contract with Galena LLC as the County's Auditing Firm for the next fire years making an exception to the County Procurement Policy.. Supervisor Jerry Muenzer seconded the motion.

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

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

Discussion of a local campaign contribution ordinance. If desired, direct staff to proceed with drafting a proposed ordinance for further consideration of the Board of Supervisors, or appoint ad hoc committee to work with staff in the preparation of the draft ordinance.

SBC FILE NUMBER: 160

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Board Chairman presented this item to the Board as he indicated that he has worked with County Counsel staff to begin the discussion for local campaign finance regulations for San Benito County as discussed during his State of the County Address.

Assistant County Counsel and Assistant CAO Barbara Thompson presented the item to the Board.

The Chair entertained public comment on this item.

Mr. Marty Richman, resident of the City of Hollister, spoke out against the proposed measure. He indicated he was not in favor of limits but that he was very much in favor of transparency. Mr. Richman indicated that the County needed term limits instead of campaign finance limits.

After polling the Board during the meeting discussion, the Chair determined that Supervisors De La Cruz, Muenzer and Botelho were in favor of moving forward. Supervisor Barrios felt that the matter should be revisited in the future.

The Chair established an Ad Hoc Committee for Campaign Finance Reform and appointed himself as well as Supervisor Anthony Botelho with the expectation that an ordinance would be brought forward to the Board for consideration by the end of this calendar year.

There was no formal action taken by the Board.

32. RESOURCE MANAGEMENT AGENCY - B. BARNES

Approve the consultant agreement with Pavement Engineering, Inc. for Pavement Management System Services in the amount of \$174,150.00. The project is exempt from CEQA under CEQA Guidelines §15262 Feasibility and Planning Studies.

SBC FILE NUMBER: 105

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Brent Barnes, Director of the Resource Management Agency, presented the item to the Board for their consideration.

He indicated that the consultant would provide a comprehensive presentation to the Board once the road inventory was completed and that the inventory would be used as a management tool for future reference.

This would be part of a series of management systems that would help compile the Capital Improvement Program for the County.

There was no public comment on this item.

County Auditor Joe Paul Gonzalez spoke in favor of this item.
Supervisor Jerry Muenzer made a motion to to approve the contract with Pavement Engineering as presented per staff recommendation for a pavement management system and inventory in the amount of \$174,150.00.. Supervisor Anthony Botelho seconded the motion.

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

ADJOURNMENT

Adjourn to April 26, 2016 regular meeting.

Supervisor Margie Barrios made a motion to to adjourn the meeting.. Supervisor Jerry Muenzer seconded the motion.

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