



## 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

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

### REGULAR MEETING MINUTES April 26, 2016 9:00 AM

#### CALL TO ORDER

Absent: Rivas

a. Pledge of Allegiance

Pledge of Allegiance to be led by Supervisor Muenzer.

b. Acknowledge of Certificate of Posting

Supervisor Margie Barrios made a motion to to approve the acknowledgement of the Certificate of Posting.. Supervisor Anthony Botelho seconded the motion.

Ayes: Barrios, Botelho, De La Cruz, Muenzer

Absent: Rivas

#### CERTIFICATE OF POSTING

#### ***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 items into the record on behalf of the Board.

Mr. Granger read Closed Session Item 1 through 3 and the fourth item added as an addendum.

The Vice Chair asked the Clerk of the Board if any speaker cards had been submitted.

The Clerk advised that none were received.

The Vice Chair queried the audience if anyone had public comment on the Closed Session items but none was offered.

The record shall reflect that the Certificate of Recognition was presented to San Benito County Retiree Hank Brown prior to the Closed Session and noted accordingly under the Presentations section of these meeting minutes.

The Board proceeded to retire into Closed Session at approximately 9:08AM PST.

The Board reconvened from Closed Session at 10:08AM PST.

Chairman Rivas called the open session to order.

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

Mr. Granger reported out as follows:

For Closed Session Item 1, the Board took no reportable action

For Closed Session Item 2, the Board took no reportable action.

For Closed Session Item 3, the Board took no reportable action.

For the Closed Session Item added as an Addendum, the Board took no reportable action.

1. **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

2. **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

3. **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

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

c. Presentations and Recognitions

Watch Video

As noted in the Closed Session Section above, the CAO asked the Vice Chair if the agendized presentation for Mr. Hank Brown, Retiring Road Crew Supervisor, could be presented prior to the Board's retirement to Closed Session.

The Vice Chair agreed and he ordered a two minute break while the Clerk retrieved the Certificate.

Upon his return, the Clerk presented the Certificate to Vice Chair De La Cruz who then asked Supervisor Margie Barrios to present the Certificate of Recognition to Mr. Hank Brown.

**The following events took place after the Closed Session Session:**

The Chair asked Supervisor Barrios to present the Proclamation related to Mental Health Month.

The Chair asked Supervisor Muenzer to present the Certificate of Recognition to the Richard Boomer for his service to the Fish and Game Commission.

The Chair asked Supervisor Botelho to present the Proclamation related to the Children's Center.

The Chair then called on the Health and Human Service Department to present the Blue Ribbon Award.

The Blue Ribbon recipient for 2016 was Chris Hills from the Hollister Police Department, Detective.

Supervisor Margie Barrios made a motion to to approve all Certificates of Recognition and Proclamations as presented on the agenda.. Supervisor Jerry Muenzer seconded the motion.

Ayes: Barrios, Botelho, De La Cruz, Muenzer

Absent: 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 following individuals offered public comment on items NOT appearing on the agenda:

1. Representatives from L.I.U.N.A regarding community organizing efforts.
2. Marty Richman regarding Measure P.
3. Keith Snow regarding street and road conditions in San Benito County.

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

Watch Video

The Chair called on the CAO to introduce Departmental Reports.

CAO Espinosa asked Management Analyst Sara De Leon to provide a report.

MA De Leon reported on her attendance at the Parks and Recreation Commission Meeting.

RMA Director Brent Barnes introduced Shandell Clark as the new Planner in the Department.

**f. Board Announcements: Information Only**

Watch Video

The Chair recognized Supervisor Barrios.

Supervisor Barrios reported on her attendance at the Area Agency on Aging meeting in Capitola.

The Chair recognized Vice Chair De La Cruz.

Vice Chair De La Cruz reported on his attendance at the Audit Committee. The Vice Chair asked that the oversight committee of the Tax Collector/Treasurer should be reinstated.

The CAO advised that in accordance with the California Government Code, this oversight committee was required to meet as provided for under the statutes.

Vice Chair De La Cruz reported a Retirement Event for Retiring Congressman Sam Farr will be held on Friday, May 5th at 5:30 PM. The Vice Chair thanked the Board for the proclamation approved in Congressman Farr's honor.

The Chair recognized Supervisor Muenzer.

Supervisor Muenzer reported on his attendance of the April 13, 2016 AMBAG Board Meeting.

The Chair recognized Supervisor Botelho.

Supervisor Botelho reported on his attendance at the RCRC Meeting in Glenn County and his tour of Walnut shelling operations.

Supervisor Botelho announced a Town Hall Meeting that he will be hosting this Sunday related to Measure P at 5:00PM at the Grange in Aromas on Sunday afternoon.

The Chair issued a public apology to Ken Lindsey with regard to his comments related to Mr. Lindsey's lack of involvement in the Homeless Service Center debate.

## **CONSENT AGENDA**

Watch Video

The record shall note that additional agenda items were added to this Board of Supervisors Agenda via an Addendum that included one additional Closed Session Item regarding anticipated litigation (No reportable Action), three Consent Agenda Items and one Regular Agenda Item that included:

FY2015-16 Budget Adjustments (Approved 5 to 0),

2016 Updated County Maintained Road Mileage (Approved 5 to 0),

Legal services agreement with Colantuono, Highsmith and Whatley, PC in the amount of \$140,000.00 in Case No. CU-15-00056 (Approved 5 to 0).

Approve letter of Opposition to AB2935 (please see Regular Agenda Section of Minutes for further information regarding this item). Supervisor Botelho made a motion to approve the letter of opposition as presented in the staff recommendation, motion seconded by Supervisor Muenzer. Motion approved 5 to 0.

Following discussion of this item, the Board moved back into Closed Session to take up discussion of Closed Session Item 16, Public Employee Performance Evaluation of the Agricultural Commissioner. County Counsel Matt Granger advised that there was no reportable action on this item following the Closed Session.

Addendum Agenda Items are not viewable in the NOVUS Minutes Template due to programming issues experienced by the aforementioned vendor. Vice Chair Jaime De La Cruz made a motion to to approve all Consent Agenda items including the three items added via the Addendum process with the exception of Consent Agenda Item 9 which was pulled by Supervisors Barrios and Botelho.. Supervisor Jerry Muenzer seconded the motion.

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

4. **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: 2016-26

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

Consideration of the FY16-17 Juvenile Justice Crime Prevention Act's (JJCPA) Application and Authorization to submit said application to Board of State and Community Correction (BSCC).

SBC FILE NUMBER: 510

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

Consideration of the FY2016-2017 Youthful Offender Block Grant (YOBG) Funding Application for the Juvenile Justice Development Plan and authorization to submit said application to the Board of State and Community Corrections (BSCC).

SBC FILE NUMBER: 510

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

Re-Appointment to the Workforce Development Board.

SBC FILE NUMBER: 130

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

Approve Final Map TSM 13-89, Tract No. 308, Unit 7 (34 lots), commonly known as Santana Ranch.

SBC FILE NUMBER: 790

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

Approve Government Contract with Carahsoft Technology Corporation for the acquisition and implementation of new Land Development and Permit Processing Software in an amount not to exceed \$82,628.00.

SBC FILE NUMBER: 790

Watch Video

Supervisor Barrios thanked RMA Director Brent Barnes for bringing this item to the Board for action and she indicated it was a long time coming.

Supervisor Botelho also commended Mr. Barnes as he indicated that Board has been eager to take action on this type of item for the last six to seven years. Supervisor Margie Barrios made a motion to approve the agenda item per staff recommendation.. Supervisor Jerry Muenzer seconded the motion.

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

**ADDENDUM TO THE  
April 26, 2016  
BOARD OF SUPERVISORS  
REGULAR MEETING AGENDA**

The following item has been added to the April 26, 2016 agenda:

**CONSENT AGENDA:**

**10. COUNTY ADMINISTRATION OFFICE - R.ESPINOSA  
FY 15/16 BUDGET ADJUSTMENTS**

Watch Video

Absent: Rivas

**PUBLIC HEARING**

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

Continued Public Hearing from the April 12, 2016 meeting on the implementation of a Library Facilities Development Impact Fee; adopt resolution approving the Library Facilities Impact Fee Study and imposing the fee; introduce Ordinance establishing the Library Facilities Development Impact Fee and amending Title 5 of the San Benito County Code; waive full reading of the ordinance, accept introduction, and continue to May 10, 2016 for adoption.

**Environmental Determination:** Categorically Exempt

SBC FILE NUMBER: 80

RESOLUTION NO. 2016-27

Watch Video

The Chair asked that CAO Espinosa introduce the item.

CAO Espinosa asked Management Analyst Sara De Leon and Assistant CAO Barbara Thompson to present the item to the Board.

Supervisors Botelho and Barrios raised the issue of equity regarding further study of this item.

Supervisor Anthony Botelho made a motion to to approve per staff recommendation to adopt Resolution 2016-27 imposing the Library Impact Fee within the unincorporated areas of San Benito County, accept and waive further reading of the ordinance and continue the hearing until the May 10, 2016 Board of Supervisors Meeting.. Vice Chair Jaime De La Cruz seconded the motion.

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

**REGULAR AGENDA**

The record shall reflect that the agenda item added via the Addendum process regarding the letter of opposition to AB 2395 proposing elimination of landline telephone service was approved as proposed by staff in the agenda packet. This Regular Agenda Item does not appear in the minutes of the April 26, 2016 Minutes Template but was posted as part of the Regular Meeting Agenda as an Addendum.

Please see attached agenda.

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

Approve the Contract with Lew Edwards Group for a Communication and Outreach Plan for a term of two years effective April 12, 2016 through June 30, 2018; for a total amount not to exceed \$55,000.  
SBC FILE NUMBER: 119

Watch Video

The Chair asked CAO Espinosa to introduce the item.

CAO Espinosa asked Management Analyst Sara De Leon to present the item to the Board.

MA De Leon provided general background related to this issue.

Supervisor Barrios indicated that as a member of the Ad Hoc Committee on this issue, the recommended vendor was the best qualified to present to the full board. Supervisor Jerry Muenzer made a motion to approve per staff recommendation. Vice Chair Jaime De La Cruz seconded the motion.

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

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

Discuss and provide direction regarding the office hours for the Tax Collector Treasurer's Office; and potentially Adopt Resolution to set a revised office schedule.  
SBC FILE NUMBER: 685.2  
RESOLUTION NUMBER: 2016-28

Watch Video

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

CAO Espinosa provided a presentation regarding the background and history of this item to the Board.

The Chair recognized the County Treasurer/Tax Collector Mary Lou Andrade.

The Tax Collector provided comments to the Board regarding the status of her Department's Office Hours and the employment status of certain employees with her office.

The following people spoke during public comment regarding this issue:

1. Keith Snow

2. Marty Richman

The Board settled on Option 2 as presented in the staff recommendation which

requires the Tax Collector's Office to be open from 8:00AM to 5:00PM, including lunch, Monday through Friday beginning May 1, 2016.  
Supervisor Jerry Muenzer made a motion to to adopt Resolution 2016-28 using Option 2 effective May 1, 2016.. Supervisor Anthony Botelho seconded the motion.

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

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

Update on San Benito County Information Technology Infrastructure.  
SBC FILE NUMBER: 119.1

Watch Video

Receive and file report - no formal action taken by the Board.

Absent: Rivas

15. **BOARD OF SUPERVISORS**

Receive Comments from Supervisor Botelho regarding concerns raised in the Aromas areas regarding Council of San Benito County Governments' Transportation Expenditure Plan for revenue received under proposed Transactions and Use Tax, scheduled for election in June 2016. Adopt Resolution recommending the realignment of Anzar Road, Aromitas Road and Carr Avenue be removed from any list of proposed projects.  
SBC FILE NUMBER: 156  
RESOLUTION NUMBER: 2016-29

Watch Video

Supervisor Anthony Botelho made a motion to to adopt resolution 2016-29.as presented in the staff recommendation.. Supervisor Margie Barrios seconded the motion.

Absent: Rivas

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

Receive update on General Plan Implementation.  
SBC FILE NUMBER: 790

Watch Video

The meeting was reconvened at 1:33PM by Chairman Rivas.

The Chair asked the RMA Director Brent Barnes to present the item.

Receive and file - no action taken.

**CLOSED SESSION**

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*Section 54957.1(a) and (b), Ralph M. Brown Act.)*

At 2:45PM returned from Closed Session.

Matt Granger reported out on behalf of the Board.

There was no reportable action.

17. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Title: Agricultural Commissioner/Sealer of Weights and Measures

Authority: California Government Code 54957

SBC FILE NUMBER: 235.6