



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 August 9, 2016 9:00 AM

The record shall reflect that Chairman Rivas, Vice Chair De la Cruz, Supervisor Botelho and Supervisor Muenzer were present for this meeting.

Supervisor Barrios did not attend this meeting as she was on vacation.
Absent: Barrios

CALL TO ORDER

The meeting was called to order by Board Chairman Robert Rivas.
Absent: Barrios

a. Pledge of Allegiance

Supervisor Jerry Muenzer from District 4 led the Board in the Pledge of Allegiance.
Absent: Barrios

Pledge of Allegiance to be led by Supervisor Jerry Muenzer, District #4.

b. Acknowledge of Certificate of Posting

Vice Chair Jaime De La Cruz made a motion to approve the Certificate of posting as presented.. Supervisor Anthony Botelho seconded the motion.

Ayes: Botelho, De La Cruz, Muenzer, Rivas

Absent: Barrios

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.)

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

Mr. Granger reported out as follows:

Closed Session Item number two (2) was discussed by the Board during the morning Closed Session. There was no reportable action.

For Closed Session Items 1, 3, 4, and 5, those items may be discussed when the Board retires to Closed Session again after the conclusion of the open meeting portion of the session in the afternoon.

After completion of discussion on Regular Agenda Item 28, the Board retired to Closed Session.

Upon the conclusion of the Closed Session at approximately 4:50 PM PST, Board Chairman Robert Rivas asked County Counsel Matt Granger to report out of Closed Session on Behalf of the Board.

Mr. Granger reported out as follows:

Closed Session Agenda Item 1 was discussed, there was no reportable action taken by the Board.

Closed Session Agenda Item 2 was discussed again during the afternoon Closed Session, there was no reportable action taken by the Board.

Closed Session Agenda Item 3 was discussed, there was no reportable action taken by the Board.

Closed Session Agenda Item 4 was discussed, there was no reportable action taken by the Board.

Closed Session Agenda Item 5 was not discussed and was deferred to a future Board Meeting Date.

Absent: Barrios

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

Significant Exposure to litigation pursuant to Section 54956.9: Number of

Cases: (1)

Closed session is authorized by Section 54956.9(d)(2), (e)(2). Issues relating to the legal status of the Office of Education.

SBC FILE NUMBER: 235.6

2. **CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATORS**

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

Employee Organizations:

Institutions Associations

Law Enforcement Management

Management Employees' Group

SEIU Local 521 (General Unit Employees)

Deputy Sheriff's Association

SEIU United Long Term Care Workers Local 6434

Unrepresented Employees (Confidential, Confidential Management,

Appointed Department Heads)

Authority:

California Government Code Section 54957.6

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: 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

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

Property: (APN's 050-110-030 and 050-110-031), Hollister, California

Agency Negotiator(s): Alan Yamamoto, Behavioral Health Services Director; Adam Goldstone, Capital Project Manager; Brent Barnes, Resource Management Agency Director; Ray Espinosa, CAO; Joe Paul Gonzalez, Clerk-Recorder-Auditor; Maria Sanchez, Behavioral Health Case Management Services/Administrative Services Specialist II; Matthew W. Granger, County Counsel; Barbara J. Thompson, Assistant County Counsel; and Shirley L. Murphy, Deputy County Counsel

Negotiating Parties: Sonny Flores, Executive Dir., Community Services Development Corporation

Under Negotiation: price and terms of payment

Authority: California Government Code section 54956.8

SBC FILE NUMBER: 235.6

PLEASE NOTE: THE BOARD OF SUPERVISORS WILL CONVENE TO

REGULAR SESSION AT 10:00 A.M. OR AS SOON THEREAFTER AS POSSIBLE.

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

Significant Exposure to litigation pursuant to Section 54956.9: Number of Cases: (1)

Closed session is authorized by Section 54956.9(d)(2), (e)(1).

SBC FILE NUMBER: 235.6

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

c. Presentations and Recognitions

Supervisor Muenzer presented the Board's Proclamation to the San Benito Health Foundation declaring August 2016 as Breastfeeding Awareness Month in San Benito County.

Chairman Robert Rivas presented the Board's Proclamation declaring August 11, 2016 as National Farm Worker Day in San Benito County.

Vice Chair Jaime De La Cruz made a motion to approve the Board's Proclamation to the San Benito Health Foundation declaring August 2016 as Breastfeeding Awareness Month in San Benito County and approve Board's Proclamation declaring August 11, 2016 as National Farm Worker Day in San Benito County..

Supervisor Jerry Muenzer seconded the motion.

Ayes: Botelho, De La Cruz, Muenzer, Rivas

Absent: Barrios

Watch Video

Supervisor Botelho presented the Certificate of Recognition to the R.E.A.C.H San Benito Foundation acknowledging Jim Ostdick. Valerie Eglund and Anita Kaine accepted the certificate on behalf of Mr. Ostdick.

Supervisor Anthony Botelho made a motion to approve the Certificate of Recognition to the R.E.A.C.H San Benito Foundation acknowledging Jim Ostdick. Valerie Eglund and Anita Kaine accepted the certificate on behalf of Mr. Ostdick..

Supervisor Jerry Muenzer seconded the motion.

Ayes: Botelho, De La Cruz, Muenzer, Rivas

Absent: Barrios

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.

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The following persons provided Public Comment to the Board for items NOT appearing on the Board Agenda:

1. Rebecca Salinas, Treasurer, Friends of the Library.
 2. Marci Huston, owner, Garden Mart.
 3. Kathy Larabell, Retired Teacher, Friends of the Library.
 4. Susan Logue, Friends of the Library.
 5. Marty Richman, traffic congestion on Highway 101 and bullet train expenses.
 6. Rob Lee, Hollister Art League, Friends of the Library.
- Absent: Barrios

e. Department Head Announcements: Information Only

The Chair recognized CAO Ray Espinosa.

CAO Espinosa called upon the following individuals to provide reports to the Board:

1. City of Hollister Chief of Police David Westrick regarding homeless issues.
 2. MA Louie Valdez regarding the County's response to Garden Mart.
 3. Assistant CAO and Acting Assistant County Counsel Barbara Thompson regarding the revised marijuana ordinance.
 4. Brent Barnes, Director of the Resource Management Agency, regarding unauthorized grow houses in San Benito County.
- Absent: Barrios

f. Board Announcements: Information Only

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The Chair recognized Vice Chair Jaime De La Cruz.

Vice chair De La Cruz indicated he would provide his Board Report during the NACO Agenda Item discussion.

Supervisor Muenzer reported that he attended the Mudstone Ranch Grand Opening and presented a Certificate of Recognition on behalf of the Board.

Supervisor Botelho had no report.

Chairman Rivas reported that he was encouraging the community to make arrangements to visit the new facilities made available to students as a result of Measure G during a scheduled open house on campus next week.

Absent: Barrios

CONSENT AGENDA

Vice Chair Jaime De La Cruz made a motion to approve the Consent Agenda Items as presented with the exception of Consent Item 18 (pulled by Supervisor De La Cruz) and Consent Agenda Item 20 (pulled by Supervisor Muenzer).. Supervisor Anthony Botelho seconded the motion.

Ayes: Botelho, De La Cruz, Muenzer, Rivas

Absent: Barrios

6. **AGRICULTURAL COMMISSIONER - K. OVERSTREET**
Approve State contract, 16-C0024, with the Department of Pesticide Regulation for the collection and submission of historical compliance and enforcement data for Calendar Year 2015 for the period of July 1, 2016 through February 28, 2017, in the amount of \$13,654.52.
SBC FILE NUMBER: 1.1
7. **BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO**
Approve contract renewal with North Valley Behavioral Health, LLC for the period of July 1, 2016 through June 30, 2017, for a maximum amount of \$100,000.00.
SBC FILE NUMBER: 810
8. **BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO**
Approve contract with Sumo Medical Staffing for Psychiatry Services for the period of July 1, 2016 through June 30, 2017, for a maximum annual total of \$374,440.00.
SBC FILE NUMBER: 810
9. **BOARD OF SUPERVISORS**
Approve Proclamation declaring September 2016 as "Childhood Awareness Month" in San Benito County. To be sent to the American Cancer Fund for Children, Inc.
SBC FILE NUMBER: 430
10. **CLERK/AUDITOR/RECORDER - J. P. GONZALEZ**
Appointment of Louie Valdez of the Administrative Office as the Alternate member to the Trindel Board of Directors.
SBC FILE NUMBER: 608
11. **CLERK/AUDITOR/RECORDER - J. P. GONZALEZ**
Appoint Louie Valdez of the Administrative Office as the Alternate member to the CSAC-EIA Board of Directors.
SBC FILE NUMBER: 608
12. **COUNTY CLERK-AUDITOR-RECORDER-ELECTIONS - J. P. GONZALEZ**
Adopt Resolution accepting the certified Statement of Election results for the June 7, 2016 Presidential and Statewide Primary Election.
SBC FILE NUMBER: 285
RESOLUTION NO: 2016-66
13. **EMERGENCY MEDICAL SERVICES - K. O'NEILL**
Approval to update the San Benito County Emergency Medical Services Patch.
SBC FILE NUMBER: 1068

14. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD**
Approval of Revised CalWORKs Expanded Subsidized Employment (ESE) agreement Template.
SBC FILE NUMBER: 130
15. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD**
Adopt Resolution accepting the 2016 Community Services Block Grant Targeted Initiatives grant, approving the grant agreement and authorizing the Director or Deputy Director to approve and execute the grant agreement and any amendments and other documents related to the grant, for and on behalf of the County Of San Benito, and authorize budget adjustment to appropriate the funds.
SBC FILE NUMBER: 130
RESOLUTION NO: 2016-61
16. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD**
Approve Contract with Nancy Diehl for Public Health Nursing Services and Training for the Maternal, Child, Adolescent Health (MCAH) Program for the period of July 1, 2016 through June 30, 2017, for a total amount not to exceed \$75,000.00.
SBC FILE NUMBER: 130
17. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD**
Authorize the submission of the 2016 Emergency Solutions Grant (ESG) application through the Monterey/Salinas/San Benito County Continuum of Care (CoC) in the amount of \$230,000.
SBC FILE NUMBER: 130
18. **HUMAN RESOURCES - G. COCHRAN**
Approve and adopt new class specification and salary range for Paralegal - County Counsel with a salary range of \$18.4904 to \$24.7904 per hour.
SBC FILE NUMBER: 630

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There was no public comment on this item.

Vice Chair Jaime De La Cruz made a motion to approve and adopt new class specification and salary range for Paralegal County Counsel with salary range of \$18.4904 to \$24.7904 per hour.. Supervisor Jerry Muenzer seconded the motion.

Absent: Barrios

19. **HUMAN RESOURCES - G. COCHRAN**
Receive status report of "frozen" vacation balances of unrepresented employees.
SBC FILE NUMBER: 630

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

Approve contract with In Studio Architecture for architectural services on the Homeless Services Center project in the amount of \$66,400.

SBC FILE NUMBER: 105.3

Mr. Marty Richman offered public comment on this item.

Supervisor Jerry Muenzer made a motion to approve contract with In Studio Architecture for architectural services on the Homeless Service Center project in the amount of \$66,400.00. Vice Chair Jaime De La Cruz seconded the motion.

Ayes: Botelho, De La Cruz, Muenzer, Rivas

Absent: Barrios

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

Declare the vehicles and equipment on the attached list to be surplus; and authorize staff to remove surplus vehicles and equipment from inventory per County policy and practice.

SBC FILE NUMBER: 105.3

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

Approve Amendment #1 to contract with First Carbon Solutions in the amount of \$52,800 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 \$5,280 to the RMA Director.

SBC FILE NUMBER: 105

REGULAR AGENDA

23. **HUMAN RESOURCES - G. COCHRAN**

Receive a report regarding health care providers for county employees and retirees; take action to select provider, and approve documents for selected provider, or provide other direction to staff.

SBC FILE NUMBER: 630

Immediately following the discussion of this item, the Board broke for lunch.

Supervisor Anthony Botelho made a motion to to select CSAC-EIA as the County's Health Insurance provider.. Supervisor Jerry Muenzer seconded the motion.

Ayes: Botelho, Muenzer, Rivas

Nays: De La Cruz

Absent: Barrios

This motion died for lack of a second from another member of the Board of Supervisors.

Vice Chair Jaime De La Cruz made a motion to to select Keenan and Associates as San Benito County's Health Insurance provider.. seconded the motion.

Absent: Barrios

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The following individuals provided public comment on this item:

1. Elsie Marshall, San Benito County retiree, in favor of remaining with CalPERS.
2. Susan Thompson, former San Benito County CAO and retiree, in favor of remaining with CalPERS.
3. Curtis Hill, former San Benito County Sheriff and retiree, in favor of remaining with CalPERS.
4. Karen Rogers, San Benito County retiree, in favor of remaining with CalPERS.
5. Michael Silverman, current San Benito County Employee and President of SEIU, in favor of leaving CalPERS.
6. Laura Nacarato, current San Benito County employee and member of County Health Insurance Advisory Committee, in favor of leaving CalPERS.
7. Judy Johnson, San Benito County retiree, in favor of remaining with CalPERS.
8. Suzie Caston, current San Benito County Employee, in favor of remaining with CalPERS.
9. Kathy Postigo, current San Benito County Employee and member of Health Insurance Advisory Committee, in favor of leaving CalPERS.
10. Denise Quintana, current San Benito County Employee, in favor of leaving CalPERS.
11. Betty Mason, current San Benito County Employee, in favor of leaving CalPERS.
12. Marty Richman, resident of the City of Hollister, reminding attendees that free is no longer free for many retired government employees.
13. Margie Riopel, San Benito County retiree, in favor of remaining with CalPERS.
14. Katherine Shaw, San Benito County retiree, in favor of remaining with CalPERS.
15. Mark Wyrick, current San Benito County Employee and SEIU Organizer, in favor of leaving CalPERS.
16. Keith Brown, Vice President of Keenan and Associates, summarized summary of services provided by his firm.
17. Tom Sheerer, representative of CSAC-EIA, summarized fees in general as offered by his firm.

There was no further public comment on this item.

Discussion ensued between members of the Board of Supervisors and Interim Human Resources Director Georgia Cochran regarding options proposed by staff.

The record shall reflect that Clerk of the Board Louie Valdez informed the Board of the need to approve two resolutions to exit CalPERS including 2016-67 and 2016-67.

Supervisor Anthony Botelho made a motion to approve Resolutions 2016-67 and 2016-68 to exit CalPERS.. Supervisor Jerry Muenzer seconded the motion.

Ayes: Botelho, De La Cruz, Muenzer, Rivas

Absent: Barrios

24. **HUMAN RESOURCES - G. COCHRAN**

1) Adopt Resolution, approving side letters with all bargaining groups (Including the Service Employees International Union, Local 521 (SEIU), the Institutions Association (IA), the Deputy Sheriff's Association (DSA), the Management Employees Group (MEG) and the San Benito County Law Enforcement Management Group (LEM), establishing a 2% COLA effective July 3, 2016, direct deposit of payroll, and electronic submission of time sheets; and taking other related action;

(2) Adopt Resolutions; providing these same benefits to, and requirements on, unrepresented employees (confidential, confidential management and unrepresented), appointed department heads, and elected department heads.

SBC FILE NUMBER: 630
RESOLUTION NO: 2016-62; RESOLUTION NO: 2016-63; RESOLUTION NO: 2016-64; RESOLUTION NO: 2016-65

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Interim Human Resources Director, Georgia Cochran, presented the item to the Board on behalf of the administration.

Board Chairman Robert Rivas entertained public comment.

The Clerk of the Board announced the following public speakers:

Suzie Caston thanked the Board for the raise in salary.

Mr. Marty Richman, resident of the City of Hollister, implored the Board to make sure that appropriate security measures be taken to protect employees.

Ms. Cochran advised the Board that Mr. Richman's comments would be taken into consideration during the course of implementation of this system.

25. RESOURCE MANAGEMENT AGENCY - B. BARNES

Approve contract with Earth Systems for Geotechnical Investigation Services for the Fire Station #3 Project in the amount of \$14,550; and receive Fire Chief update.

SBC FILE NUMBER: 105.3

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City of Hollister Fire Chief addressed the Board and provided a report on his department's activities.

The Chair entertained public comment for this item.

Mr. Marty Richman, resident of the City of Hollister, commented on remarks related to the homeless made by Supervisor De La Cruz and he also thanked Supervisor Botelho for discussing the urgency of fire service needs within San Benito County. Supervisor Jerry Muenzer made a motion to approve contract with earth Systems for Geotechnical Investigation Services for the fire Station No. 3 Project in the amount of \$14,550.00. Supervisor Anthony Botelho seconded the motion.

Ayes: Botelho, De La Cruz, Muenzer, Rivas

Absent: Barrios

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

Receive General Plan Implementation Update; including discussion regarding CR District and Affordable Housing.

SBC FILE NUMBER: 790

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Receive and file, no formal action taken by the Board on this item.

Absent: Barrios

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

Approve letter of support of HR 1838, a bill which would establish the Clear Creek National Recreation Area.

SBC FILE NUMBER: 119

Assistant CAO Barbara Thompson presented this item to the Board.

She provided a revised letter to the Board for their consideration that was not included in the initial board agenda packet.

Supervisor Jerry Muenzer made a motion to approve letter of support of HR 1838, a bill which would establish the Clear Creek National Recreation area.. Supervisor Anthony Botelho seconded the motion.

Ayes: Botelho, De La Cruz, Muenzer, Rivas

Absent: Barrios

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

Receive report from attendees of the National Association of Counties (NACo) conference, held in Long Beach, California, from July 22, 2016-July 25, 2016.

SBC FILE NUMBER: 1112

Watch Video

Receive and file, no formal action taken by the Board on this item.

Following discussion of Regular Agenda Item 28, the Board reconvened into Closed Session to discuss Closed Session Items 1, 3, 4 and 5.

Absent: Barrios

PUBLIC HEARING

29. **PUBLIC HEARING: 1:30 P.M.**

County Administrative Office. Open Joint Public Hearing on (1) 2016-2017

Recommended County Budget and (2) 2016-2017 Capital Outlay Budget. Close Public Hearing, and Adopt 2016-2017 Budget, including all associated budgets, including but not limited to Capital Outlay Budget, Road and Ridges, and County Service Areas; (2) Adopt Resolution Adopting 2016-2017 budget, including all budget schedules, Schedule of Authorized Positions, and Schedule of Fixed Assets, and (3) Adopt Resolution Establishing Gann Limit.

Immediately following discussion of this item, the Board Chair moved discussion back to Regular Agenda Item 25.

Supervisor Anthony Botelho made a motion to approve Resolution 2016-69 (GANN Limit) for the 2016-17.. Supervisor Jerry Muenzer seconded the motion.

Ayes: Botelho, De La Cruz, Muenzer, Rivas

Absent: Barrios

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The record shall reflect that this item was heard immediately following agenda item 24.

The record shall reflect that the Board directed staff to create a new fund to be named the Cienega Road Maintenance Fund and that \$48,000.00, with this initial amount to be transferred from contingency funds of the County, and with \$6,000.00 to be deposited into this fund each fiscal year as of FY 2016-17. The source of the yearly \$6,000.00 allocation shall be based upon traffic counts to be conducted by RMA on the roadway leading to Hollister Hills SVRA (Cienega Road).

Item Number Four (4), Appropriation for Contingency, shall now read as \$977,000.00 and the appropriate changes will also be made to the General Expenses line item as a result of the appropriation to the Cienega Road Maintenance Fund (a newly created fund).

The Chair entertained public comment on this item.

Kathy Alameda from the Hollister Hills Home Owners Association addressed the Board regarding the history of the MOU.

Carol Fiesternal address the Board regarding the Hollister Hills MOU.

Supervisor Anthony Botelho made a motion to adopt 2016-17 San Benito County Budget including all associated budgets (Resolution 2016-66) but not limited to Capital Outlay Budget, Roads and Bridges and County Service Areas as well as adoption of resolution adopting the 2016-17 budget including all budget schedules, Schedule of Authorized Positions and Schedule of Fixed Assets and adopt Resolution Establishing Gann Limit.. Vice Chair Jaime De La Cruz seconded the motion.

Ayes: Botelho, De La Cruz, Muenzer, Rivas

Absent: Barrios

ADJOURNMENT

Vice Chair Jaime De La Cruz made a motion to to adjourn the meeting.. Supervisor Anthony Botelho seconded the motion.

Ayes: Botelho, De La Cruz, Muenzer, Rivas

Absent: Barrios

Adjourn to the next regular meeting of August 23. 2016.