



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 September 27, 2016 9:00 AM

CALL TO ORDER

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in regular session. Supervisors Margie Barrios, Jerry Muenzer, Anthony Botelho and Jaime De La Cruz were present. Also present were County Administrative Officer Ray Espinosa, Assistant County Counsel Barbara Thompson and Assistant clerk of the Board Janet Slibsager.

The meeting was called to order at 9:00 a.m. by Chairman Robert Rivas.

a. Pledge of Allegiance

Pledge of Allegiance to be led by Supervisor Botelho, District #2.

The Pledge of Allegiance was led by Supervisor Anthony Botelho, District #4.

b. Acknowledge of Certificate of Posting

Certificate of Posting

Supervisor Jerry Muenzer made a motion to acknowledge Certificate of Posting. Supervisor Anthony Botelho seconded the motion.

Ayes: Barrios, De La Cruz, 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.)

Assistant County Counsel Barbara Thompson read the closed session Items 1-5 into the record. Chairman Robert Rivas asked if there was public comment on the closed session items. Paul Rovella spoke in regards to closed session Item #5. Supervisor Jerry Muenzer recused himself from closed session Item #2.

The Board adjourned into closed session at 9:06 a.m.

Assistant County Counsel reported out of closed session at 10:02 a.m.

1. **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

No reportable action.

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

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

Name of Case: County of San Benito v. Richard Scagliotti, Superior Court of California, County of San Benito, Case No. CU-16-00007.

SBC FILE NUMBER: 235.6

No reportable action.

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

Property: (APN's 020-170-043, 059-020-003 and 059-020-001), Hollister, California

Agency Negotiator(s): Adam Goldstone, Capital Project Manager; Brent Barnes, Resource Management Agency Director; Ray Espinosa, CAO; Joe Paul Gonzalez, Clerk-Recorder-Auditor; Matthew W. Granger, County Counsel; Barbara J. Thompson, Assistant County Counsel; and Shirley L. Murphy, Deputy County Counsel

Negotiating Parties: John Perales, Superintendent, San Benito High School District

Under Negotiation: price and terms of payment

Authority: California Government Code section 54956.8

SBC FILE NUMBER: 235.6

No reportable action.

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

Initiation of litigation pursuant to subdivision (d)(4) of Section 54956.9, related to the contract with the City of Hollister for Fire Protection Services. Number of Cases: (1).

SBC FILE NUMBER: 235.6

No reportable action.

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

Significant Exposure to litigation pursuant to Section 54956.9: Number of Cases: (3)

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

SBC FILE NUMBER: 235.6

No reportable action.

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

c. **Presentations and Recognitions**

Vice Chair Jaime De La Cruz made a motion to approve Proclamation. Proclamation was presented by Supervisor Margie Barrios. Behavioral Health Director Alan Yamamoto gave recognition and thank you to their allied partners both County, Community and the State CHP for their help with the implementation. He also recognized the amazing generosity of our business community who continues to support this event with generous contributions. Mr. Yamamoto introduced Steve Reid their program manager for Substance Abuse who shared some of the activities that would be taking place during Red Ribbon Week. He thanked everyone who continue to sponsor with them and help make this event happen in San Benito County. Supervisor Margie Barrios seconded the motion.

Ayes: Botelho, 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.

Those speaking from the public were: Tim Hutten, Regional Account Manager for Ygrene Energy Fund. He spoke in regards to renewable energy and water conservation projects and how they would like to serve San Benito County.

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

CAO Ray Espinosa announced that they would like to pull Item #20 from the agenda to be heard sometime in October or November. He also mentioned that there were some Department Head Announcements from the following:

Resource Management Agency Director Brent Barnes announced that Associate Planner Michael Krause will be leaving and going to Monterey County. He also introduced the new Senior Engineer Jim Polfer who is from Fresno County.

Mr. Polfer said that he appreciates the opportunity to come to Hollister, San Benito County, and hopes to serve the County well.

Assistant County Counsel Barbara Thompson introduced Chase Graves he is working as a temporary employee as a paralegal in the County Counsel's office.

f. Board Announcements: Information Only

Supervisor Margie Barrios wanted to inform the community that she and Supervisor Jerry Muenzer have been working and attending the Mobility Partnership meetings and that there is an outreach plan which they plan to bring more information to the Board in the future. She also announced that the Pajaro River Watershed authority has a booklet and will be coming to the Board in the future to give a full presentation on watershed to the Pajaro River.

Supervisor Jaime De La Cruz announced on September 18th the Catholic Church had its annual parade to honor Mexico Independents Day. He wanted to acknowledge and thank some of the members who attended; the City Major Ignacio Velasquez, City of Hollister Fire Department and the City of Hollister Police Department and thanked them for their participation.

Supervisor De La Cruz also announced that he and Supervisor Jerry Muenzer attended the Audit Committee meeting and wanted to mention that with the help of Joe Paul Gonzalez they are doing a good job to make sure that our reports will be on time.

Supervisor Jerry Muenzer announced that San Benito COG through its local Transportation Authority will be offering free bus services to the San Benito County Fair again this year and for the schedule you can go to their website.

Supervisor Muenzer also announced that the Monterey Bay Air District awarded its AB2766 grants and was happy to report that San Benito High School received new maintenance trucks through the grant process.

Supervisor Anthony Botelho announced that he attended a Farm Worker housing round table sponsored by the San Benito County Farm Bureau. Attendees included the Congressional Candidates, Assemblyman Alejo, a couple of large growers, the Migrant Camp operator and the Major of Hollister. He said that they had a good discussion, one of the main ones was farm worker housing. He said that he wanted to remind the Board that this is an on going issue that needs to be addressed as we have a continued growth in our community.

CONSENT AGENDA

Vice Chair Jaime De La Cruz made a motion to approve consent agenda Items 6-18 with the exception of Item #10, Item #16, which were pulled for discussion. Supervisor Jerry Muenzer seconded the motion.

Ayes: Barrios, Botelho, Rivas

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

Approve contract renewal with St. Helena Hospital Center for Behavioral Health & St. Helena Hospital for the period of July 1, 2016 through June 30, 2017, in the amount not to exceed \$78,000.00.
SBC FILE NUMBER: 810

Vice Chair Jaime De La Cruz made a motion to approve per staff recommendation. Supervisor Jerry Muenzer seconded the motion.

Ayes: Barrios, Botelho, Rivas

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

Approve 2014-15-16-17 AO4 Multi-Year Dept. of Health Care Services. (DHCS) and County Amended Contract for Substance Use Disorder Services (SUDS), Agreement No. 14-90087, in the amount of \$1,687.961.00; and authorize the Behavioral Health Director to sign; adopt Resolution to accept the Amended Contract Agreement AO4, No. 14-90087, with the State Department of Health Care Services, Substance Use Disorders Programs for FY-2014-15-16-17.
SBC FILE NUMBER: 810
RESOLUTION NO: 2016-82

Vice Chair Jaime De La Cruz made a motion to approve per staff recommendation, adopted Resolution No. 2016-82. Supervisor Jerry Muenzer seconded the motion.

Ayes: Barrios, Botelho, Rivas

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

Approve contract with Lidia Gamulin, LCSW for Interpreter Training as per the terms of the contract to begin on September 27, 2016 through June 30, 2017, for a maximum annual total of \$26,560.
SBC FILE NUMBER: 810

Vice Chair Jaime De La Cruz made a motion to approve per staff recommendation. Supervisor Jerry Muenzer seconded the motion.

Ayes: Barrios, Botelho, Rivas

9. **BOARD OF SUPERVISORS**

Appoint Maria C. Corona and Ana Cabrera to the San Benito County Long Term Care Commission for the period of September 2016 through September 2019.

SBC FILE NUMBER: 156

Vice Chair Jaime De La Cruz made a motion to approve per staff recommendation. Supervisor Jerry Muenzer seconded the motion.

Ayes: Barrios, Botelho, Rivas

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

Request for approval of minutes for the listed Board of Supervisors Meeting dates.

- March 22, 2016 Regular Meeting
- April 12, 2016 Regular Meeting
- April 26, 2016 Regular Meeting
- May 10, 2016 Regular Meeting
- June 14, 2016 Regular Meeting
- June 28, 2016 Regular Meeting
- July 26, 2016 Regular Meeting
- August 9, 2016 Regular Meeting.

This item was pulled by Supervisor Margie Barrios for corrections. Will correct and bring back at a later meeting.

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

Approve contract with UC Regents for Ag Extension Division, in the amount of \$30,000 for the period of September 1, 2016 through June 30, 2017.

SBC FILE NUMBER: 865

Vice Chair Jaime De La Cruz made a motion to approve per staff recommendation. Supervisor Jerry Muenzer seconded the motion.

Ayes: Barrios, Botelho, Rivas

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

Approve Supplemental Nutrition Assistance Program-Education (SNAP-ED) contract Amendment with Monterey County from October 1, 2016 through September 30, 2019 up to \$186,164 per year.

SBC FILE NUMBER: 130

Vice Chair Jaime De La Cruz made a motion to approve per staff recommendation. Supervisor Jerry Muenzer seconded the motion.

Ayes: Barrios, Botelho, Rivas

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

Approve new appointment of Mr. Hartmann to represent the Local Union, Ms. Para, Mr. Rodriguez, Mr. Anyeneh and Mr. Perez to represent the Private Sector, a mandated board position to the Workforce Development Board, for a three year term, effective 9/27/2016 through 9/27/2019.
SBC FILE NUMBER: 130

Vice Chair Jaime De La Cruz made a motion to approve per staff recommendation. Supervisor Jerry Muenzer seconded the motion.

Ayes: Barrios, Botelho, Rivas

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

Approve lease agreement with Xerox for a Xerox Model 7855PT, under State of California General Services Agreement No. GS-25F-0062, for a period of 60 months at the cost of \$260.58 monthly, with print costs at the rates of \$0.0050/black and white copy and \$0.0456/color copy.
SBC FILE NUMBER: 105.3

Vice Chair Jaime De La Cruz made a motion to approve per staff recommendation. Supervisor Jerry Muenzer seconded the motion.

Ayes: Barrios, Botelho, Rivas

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

Approve change in Sheriff's Schedule of Fixed Assets and Expenditures adding a replacement vehicle using insurance recovery funds in the amount of \$46,419.00; and Augment the Schedule of Fixed Assets to include a 2017 Dodge Charger / delete the 2009 Dodge Charger; and increase expenditures, (fixed assets - vehicles), in the amount of \$46,419; and increase fixed assets - insurance recoveries in the same amount. (4/5 vote)
SBC FILE NUMBER: 110

Vice Chair Jaime De La Cruz made a motion to approve per staff recommendation. Supervisor Jerry Muenzer seconded the motion.

Ayes: Barrios, Botelho, Rivas

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

Approve appropriation increase to the Sheriff's Operations budget providing for specialized training and certification for the Veteran's Peer Response Program in the amount of \$5,082 using donations exclusively for this program.

(4/5 vote)

SBC FILE NUMBER: 110

This item was pulled by the public Marty Richman. He encouraged the Board to accept the donation and thanked those who donated the funds.

Supervisor Margie Barrios made a motion to approve per staff recommendation. Supervisor Anthony Botelho seconded the motion.

Ayes: De La Cruz, Muenzer, Rivas

17. **TREASURER/TAX COLLECTOR - M. L. ANDRADE**

Approve the amendment to the Treasurer-Tax Collector's Schedule of Fixed Assets to include a desktop remittance processor, and approve Procurement of Desktop Remittance Processor, for the total of \$42,995, plus tax, and annual support costs of \$5,934.00, and delegate authority to the Chair to sign attached agreement and proposal with RT Lawrence Corporation in an amount not to exceed \$51,929.

SBC FILE NUMBER: 685.2

Vice Chair Jaime De La Cruz made a motion to approve per staff recommendation. Supervisor Jerry Muenzer seconded the motion.

Ayes: Barrios, Botelho, Rivas

18. **BOARD OF SUPERVISORS**

Approve appointment of Mike Smith to San Benito County Parks and Recreation Commission by Vice Chair Jaime De La Cruz, representing District No. 5.

Vice Chair Jaime De La Cruz made a motion to approve per staff recommendation. Supervisor Jerry Muenzer seconded the motion.

Ayes: Barrios, Botelho, Rivas

REGULAR AGENDA

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

Make CEQA Findings, Read Title of Ordinance, Accept Introduction, Waive Further Reading and Adopt Urgency Ordinance, adding new Chapter 11.15 to the San Benito County Code, restricting and regulating marijuana cultivation within San Benito County, or in the alternative, accept introduction, waive reading and continue the matter to October 11, 2016 for adoption.

SBC FILE NUMBER: 160

Assistant County Counsel Barbara Thompson provided a PowerPoint presentation in regards to the Urgency Ordinance. Items covered were: Urgency Ordinance requirements; the Board's Direction; Summary of Agency Materials; Summary of

Ordinance; Existing Nonconforming Cultivation-Urgency Ordinance; Additional Requirements for Limited Immunity; Registration of Existing Cultivation Sites; Additional Amortization Period; Differences between Urgency and Non-Urgency Ordinances; Non-Urgency Ordinance Contains Sunset Clause; Other changes.

Discussion ensued by Board and Staff.

Those speaking from the public were: Steve Becerra, Residents for a Drug-Free San Benito County; Jack Kirk, Residents for a Drug-Free San Benito County; Stephanie Smith, Residents for a Drug-Free San Benito County; Marty Richman, Hollister resident; Aaron Johnson, Lombardo & Gilles.

Discussion ensued by Board and Staff.

Supervisor Anthony Botelho made a motion to adopt Urgency Ordinance No. 949, per staff recommendation. Supervisor Jerry Muenzer seconded the motion.

Ayes: Barrios, De La Cruz, Rivas

20. **BOARD OF SUPERVISORS**

Discussion of (1) whether to direct negotiators to approach the County's bargaining units regarding establishment of San Benito County Holiday entitled Cesar Chavez Day in recognition of the contributions and achievements of farm labor and civil rights icon Cesar Chavez; and (2) adopt resolution, if desired, granting Cesar Chavez Day to unrepresented employees.

SBC FILE NUMBER: 156

This item was pulled from the agenda, to be brought back to a future Board meeting.

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

Receive Fire Chief's Monthly Report.

SBC FILE NUMBER: 60

Fire Chief Bob Martin Del Campo provided a PowerPoint presentation for the September 10, 2016 Fire Report. Items covered were: Career Development; Apparatus Report; Fire Strategic Plan; Service Area Population; Expected Population Increase 2016; Staffing Levels; Staffing Sources; Staffing Retention Plan; Current Subsidized Funding/Without Subsidized Funding; Results of Inadequate Staffing; Recommendations; Statistics; Common Operation Picture; Questions.

Those speaking from the Public were: Marty Richman, Hollister resident; Vince Grehwal, Hollister Fire Department.

Discussion ensued by Board and Fire Chief.

This was a report only, no action taken.

The Board adjourned for lunch at 12:05 p.m.

The Board reconvened to regular meeting at 1:30 p.m.

22. **RESOURCE MANAGEMENT AGENCY - B. BARNES (To be heard at 10:00 a.m. or soon thereafter as the matter maybe heard)**

Make CEQA Findings, Adopt Addendum to EIR, and Accept introduction & waive further reading of an ordinance amending Chapter 21.03 of Title 21 of the San Benito County Code (County of San Benito Affordable Housing Regulations), and continue the matter to October 11, 2016 at 10:00 a.m. for final adoption. APPLICANT: San Benito County Location: San Benito County (county-wide).

SBC FILE NUMBER: 790

Resource Management Agency Director Brent Barnes provided information in regards to the Affordable Housing red line Ordinance changes.

Discussion ensued by Board and Staff.

Those speaking from the public were: Alfred Diaz-Infante, CHISPA; Scott Fuller, San Juan Oaks.

Vice Chair Jaime De La Cruz made a motion to approve as amended by Brent Barnes, continued to October 12, 2016 meeting for adoption of the Ordinance. Supervisor Margie Barrios seconded the motion.

Ayes: Botelho, Muenzer, Rivas

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

Receive the San Benito County Monthly Homeless Services Director's Report.
SBC FILE NUMBER: 130

Health and Human Services Agency Director James Rydingsword and Deputy Director Enrique Arreola gave an update on the Homeless Services and provided a PowerPoint presentation. Items covered were: Connecting the Community; Housing First; Homeless Service Update; 2016/2017 Warming Shelter; Whole Person Care-Connecting the Community; San Benito County Whole Person Care; Economic Development; Low Income Housing Development.

This was a report only, no action taken.

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

Request for Board direction to develop state legislative request to State House and State Senate representatives for alternative options specific to San Benito County for the posting of public notices and publication of the same in newspapers of general circulation in adjacent county jurisdictions.

SBC FILE NUMBER: 119

Assistant Clerk of the Board/Analyst Louie Valdez provided information in regards to posting of public notices in the San Benito County Freelance and other alternatives for posting in regards to the requirements.

Discussion ensued by Board and Staff.

Supervisor Jerry Muenzer made a motion to explore the alternative options to posting with the State Legislative, State House and State Senate representatives. Vice Chair Jaime De La Cruz seconded the motion.

Ayes: Barrios, Botelho, Rivas

25. **CLERK-AUDITOR-RECORDER - J. P. GONZALEZ**

1) First reading and motion to accept introduction, waive further reading of the ordinance, and continue the matter to October 11, 2016, at 10:00 a.m. for adoption of the proposed ordinance amending Ordinance No. 828, regarding compensation for the Board of Supervisors of San Benito County, to establish that the Board of Supervisors shall be paid special compensation in the same manner as Elected Department Heads.

SBC FILE NUMBER: 156

Clerk/Auditor/Recorder Joe Paul Gonzalez provided information in regard to Ordinance for compensation for special compensation benefits for the Board of Supervisors in the same manner as Elected Department Heads.

Those speaking from the public were: Marty Richman, Hollister resident for Pat Loe as she needed to leave early.

Discussion ensued by Board and Staff.

Vice Chair Jaime De La Cruz made a motion to approve per staff recommendation, continued to October 11, 2016 meeting for the adoption of the Ordinance. Supervisor Margie Barrios seconded the motion.

Ayes: Botelho, Muenzer, Rivas

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

Report regarding jurisdictional issues related to M & M Plant Sales Garden Mart as directed by the Board of Supervisors located at 190 San Benito Street in Hollister, CA and update regarding staff recommended options for securing adjacent property.

SBC FILE NUMBER: 119

Clerk of the Board/Analyst Louie Valdez provided information in regards to the Garden Mart and Ms. Huston's issues with the Homeless. Mr. Valdez provided some different options that the Board may want to consider.

Discussion ensued by Board and Staff.

Marci Huston, thanked the Board for bringing this before the Board for discussion.

She said that this is a City problem and would like to get this resolved and soon as possible, it is affecting her business.

Clerk/Auditor/Recorder Joe Paul Gonzalez provided information that the County has no jurisdiction on that property. The County could try to work with the City of Hollister.

Captain Tony Lamonica said that he was sorry to hear what is going on. He said that the Sheriff has spoke to Mr. Westrick and has offered their assistance.

Those speaking from the public were: Marty Richman, Hollister resident.

Chairman Robert Rivas, thanked staff and said that we can monitor the issue and would try to work with colleagues.

ADJOURNMENT

Adjourn to the next regular meeting of Tuesday, October 11, 2016.

Supervisor Margie Barrios made a motion to to adjourn the meeting at 4:12 p.m. to the October 11, 2016 regular meeting. Vice Chair Jaime De La Cruz seconded the motion.

Ayes: Botelho, Muenzer, Rivas