



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 June 28, 2016 9:00 AM

CALL TO ORDER

The meeting was called to order by Chairman Rivas promptly at 9:00AM PST.

a. Pledge of Allegiance

Vice Chair Jaime De La Cruz led the group in the Pledge of Allegiance.

**Pledge of Allegiance to be led by Supervisor Jaime De La Cruz,
District No. 5.**

b. Acknowledge of 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, Medina, Muenzer, 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.)

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

County Counsel Granger read Closed Session Items 1 - 5 into the record.

There was no public comment received for Closed Session items.

The Board retired into Closed Session at 9:04AM PST.

The Board reconvened from Closed Session at approximately 10:06AM PST.

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

Mr. Granger reported as follows:

Closed Session Agenda Item five (5) was discussed. The record shall reflect that only one case was discussed in Closed Session. The second case was not discussed and was stricken from the agenda. Mr. Granger advised there was no reportable action on this item.

Closed Session Agenda Item 2 was stricken from the Agenda and was not discussed.

Closed Session Agenda Items one (1), three (3) and four (4) were discussed during the Closed Session working lunch beginning at 12 Noon.

The record shall reflect that the Board recessed into Closed Session immediately following the completion of Regular Agenda Item 38 at the conclusion of the Board's morning open session to discuss Closed Session items 1, 3 and 4 during a working lunch.

The Board retired to Closed Session until 1:30PM PST.

Following the Closed Session/Working Lunch, the Board reconvened in Open Session at approximately 1:30PST.

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

Mr. Granger reported out as follows:

For Closed Session Agenda Item one (1), the Board took no reportable action.

For Closed Session Agenda Item three (3), the Board took no reportable action.

For Closed Session Agenda Item four (4), 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 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
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
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-**

ANTICIPATED LITIGATION

Significant Exposure to litigation pursuant to Section 54956.9: Number of Cases: (2)

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. 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.

The following individuals provided the Board with public comment for items NOT appearing on the Board Agenda:

1. Marvin Spoke about his observations at the John Smith Landfill and 18-wheel trucks that dump trash at the landfill.
2. Marty Richman from Hollister spoke about the need to get a one-percent sales tax measure on the ballot for consideration by the electorate.

d. Department Head Announcements: Information Only

The Chair recognized CAO Ray Espinosa.

CAO Espinosa called on Joe Paul Gonzalez, County Clerk-Auditor-Recorder.

Mr. Gonzalez updated the Board regarding the transition from Bank of America to Wells Fargo Bank with regard to banking services.

Mr. Gonzalez advised that the transition is scheduled to be completed by July 31, 2016.

Brent Barnes, the Director of the Resource Management Agency, updated the Board about the declining trash collection rate in the County, his attendance at the City of Hollister Planning Commission Meeting where the Conditional Use Permit for the Homeless Shelter was approved. Mr. Barnes reported that the City Planning Commission congratulated the Board of Supervisors for their leadership in this policy area.

Mr. Barnes also reported he will be discussing the possibility of a Joint Use Agreement with the Hollister School Board for use of the parks by the K-8 School and possibly the community that will be located in the Santana Ranch subdivision development. Mr. Barnes indicated he would like to at least initiate the conversation.

Mr. Barnes also reported that Sunnyslope School is looking to complete a major re-construction of that school.

Mr. Barnes also reported that he met with the Caltrans Project Manager for the 156 Project as the Union Road Utility relocation will begin in the Fall of 2018 with construction to begin in the Fall of 2019.

CAO Espinosa reported that there was a semi-colon in the middle of Agenda Item 19 with no substantive changes being applicable.

e. Board Announcements: Information Only

Chairman Rivas recognized Supervisor Barrios.

Supervisor Barrios reported on her meeting with the Seniors Council in San Juan Bautista in cooperation with Supervisor Botelho, her attendance at the Kids in the Park Program and she thanked Mr. Marvin Jones for his continuous participation in the Board Meetings. She thanked him for his dedicated service.

The Chair recognized Vice Chair De La Cruz.

Supervisor De La Cruz also extended his thanks to Mr. Jones.

The Chair recognized Supervisor Muenzer.

Supervisor Muenzer reported his attendance at the Audit Committee and he also thanked staff for their dedicated work regarding the Audit report.

Supervisor Muenzer also thanked Marvin Jones for his attendance at the Board of Supervisors Meetings.

Supervisor Muenzer wished everyone a safe 4th of July Holiday.

The Chair recognized Supervisor Botelho.

Supervisor Botelho also thanked Marvin Jones for all his participation and service.

Supervisor Botelho also reported that he attended the RCRC Meeting last week including discussion about California's Tree Mortality Problem.

He also reported on a presentation by San Diego County Supervisor Greg Cox regarding his bid to become 2nd Vice President of NACO.

Supervisor Botelho indicated that Mendocino County reported a problem with their Wildlife Services and legal actions that had been brought against that jurisdiction. He urged that the County monitor this situation for potential litigation.

Finally, Supervisor Botelho indicated that the population rate for the State of California is growing at 0.9 percent per year. For San Benito County, the increase was 0.4 percent with the City of Hollister at 0.5 percent. The unincorporated areas were at 0.1 percent growth.

Chairman Rivas reminded the public there is a special meeting scheduled for

Thursday, June 30th at San Juan Oaks, a Joint Session between the City and County regarding the Master Tax-Sharing agreement.

The Chair thanked Marvin Jones for his participation.

The Chair wished everyone a happy summer.

CONSENT AGENDA

The Chair inquired of the Board if any member wished to pull any agenda item from the Consent Calendar.

Supervisor Botelho asked that Consent Agenda Items 9, 13 and 32 be pulled from the Agenda.

No member of the public wished to pull any items and there was no public comment on the remaining items.

Vice Chair Jaime De La Cruz made a motion to to approve the Consent Agenda with the exception of Consent Items 9, 13 and 32. Supervisor Margie Barrios seconded the motion.

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

6. **AGRICULTURE DEPARTMENT - K. OVERSTREET**

Approve state contract with the California Department of Food and Agriculture for exotic insect pest detection trapping activities, from July 1, 2016 through June 30, 2017, for an amount of \$46,321.00.

SBC FILE NUMBER: 1.1

7. **AGRICULTURE DEPARTMENT - K. OVERSTREET**

Approve the re-appointments of Charles Strohn and Jim & Mike Myers to the Taylor Act Grazing Advisory Board, for the term of July 1, 2016 to June 30, 2019.

SBC FILE NUMBER: 1.1

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

Approve contract renewal with Merced County, Psychiatric Health Facility and Outpatient Clinic Services for the period of July 1, 2015 to June 30, 2018; for a maximum annual amount of \$175,000.

SBC FILE NUMBER: 810

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

Approve contract with Marquee Medical Transport for non-medical emergency transportation for the period of July 1, 2016 through June 30, 2016, in an amount not to exceed \$40,000.00.

SBC FILE NUMBER: 810

Supervisor Anthony Botelho made a motion to to approve the item for the purchase

of vehicles as presented in the staff report.. Supervisor Jerry Muenzer seconded the motion.

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

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

Approve contract renewal with Victor Treatment Centers Inc., for the Period of July 1, 2016 through June 30, 2017, for a total sum not to exceed \$80,000.00. SBC FILE NUMBER: 810

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

Approve contract for automobile purchase from Tiffany Ford for a 2016 Ford Taurus SE and waiving of the Competitive Bid Process as per Preference for Local Businesses Sect. 13-11 County Purchasing Ordinance; and authorize the Behavioral Health Director to sign said contract. SBC FILE NUMBER: 810

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

Approve contract with Sun Street Centers for room and board housing resources in Sober-Living Environment for the period of July 1, 2016 through June 30, 2017, for a total amount not to exceed \$72,000.00. SBC FILE NUMBER: 810

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

Approve Amendment No. 1 to the contract with the City of Hollister to provide animal control services, extending the term of the contract through December 31, 2016. SBC FILE NUMBER: 425

Supervisor Anthony Botelho made a motion to to approve the temporary extension of the Animal Control Services Contract with the City of Hollister as presented in the staff report.. Supervisor Jerry Muenzer seconded the motion.

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

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

Approve agreement between Santa Cruz Regional 9-1-1 and the County of San Benito for Communications Services for a term of July 1, 2016 to June 30, 2017, with automatic renewals for an additional three years unless otherwise terminated. The final budget for 2016-2017 is \$463,677, which has increased from the previous estimate of \$462,454. SBC FILE NUMBER: 116

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

Approve Amendment #1 to Contract with Lynx Technologies for GIS consulting services for a term to begin on July 1, 2016 through June 30, 2017 for a total of \$40,000.00 including Basemap Maintenance (\$12,000.00), Web GIS Application Development (\$15,000.00) and Database Development and

Integration (\$13,000.00).
SBC FILE NUMBER: 7.5

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

Approve Amendment #1 to Contract with Miller Starr Regalia for legal services regarding implementation of the San Juan Oaks project conditions and Development Agreement in the amount of \$35,000.00, for a total contract amount not to exceed \$320,000.00.

SBC FILE NUMBER: 160

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

Approve 2nd Amendment to the legal services agreement with the law firm of Meyers, Nave, Riback, Silver and Wilson, to increase the compensation due under the contract by an additional \$50,000.

SBC FILE NUMBER: 160

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

Request approval to submit grant application for continuation of funding of the San Benito County Victim/Witness Assistance Center and adopt Resolution granting approval and submission of application for funding of the Victim/Witness Assistance Program.

SBC FILE NUMBER: 165

RESOLUTION NO: 2016-50

19. **EMERGENCY MEDICAL SERVICES - K. O'NEILL**

Adopt Resolution to Extend Services for County Service Area 36; "Emergency Medical Services & Advanced Life Support".

SBC FILE NUMBER: CSA #36

RESOLUTION NO: 2016-51

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

Adoption of Resolution Amending Resolution #2016-33 authorizing an agreement with the Department of Housing & Community Development for rehabilitation and improvements to the San Benito County Migrant Center. OMS has shared with the County that the resolution provided was incorrect and is now requiring that we approve a revised resolution which now includes the total award on the resolution.

SBC FILE NUMBER: 130

RESOLUTION NO: 2016-52

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

Approve contract with the City of San Jose for the Housing Opportunities for Persons with AIDS (HOPWA) for the period of July 1, 2015 through June 30, 2017, in the amount of \$47,750 for Fiscal Years 2015/16 & 2016/17.

SBC FILE NUMBER: 130

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

Approve the Workforce Development Board (WDB) Memorandum of Understanding between the San Benito County WDB and partners of the America's Job Center for the period of July 1, 2016 through June 30, 2019.

SBC FILE NUMBER: 130

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

Adopt Resolution accepting the Workforce Innovation & Opportunity Act (WIOA) Title 1 Master Subgrant, Youth Program Allocation for Program Year 2016-2017 in the amount of \$202,210.

SBC FILE NUMBER: 130

RESOLUTION NO: 2016-53

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

Approve and authorize the Director of the Health & Human Services Agency (HHSA) to sign the Tri-County Commercially Sexually Exploited Children (CSEC) Project Agreement, with Santa Cruz County Human Services Department, and Monterey County Department of Social Services for the period April 1, 2016 - June 30, 2017.

SBC FILE NUMBER: 130

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

Adopt Governing Body Resolution Authorizing Certain County Positions to Execute Applications for FY 2016 California Office of Emergency Services Grants.

SBC FILE NUMBER: 75.5

RESOLUTION NO: 2016-54

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

Approve Budget Transfer of funds from the Emergency Medical Services (EMS) budget into the OES budget in the amount of \$103,731.00.

SBC FILE NUMBER: 75.5

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

Approve MOU with AMBAG for the 2015 Regional Orthophotography Project for the period of June 1, 2016 through June 30, 2017; for a total not to exceed \$20,972.00.

SBC FILE NUMBER: 1111

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

Approve Contract with Biggs Cardosa Associates, Inc. for Union Road Bridge Project for for the period June 28, 2016 to June 30, 2018 for a total contract value of \$831,850.00 to bring the project to completion.

SBC FILE NUMBER: 105

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

Approve Amendment #1 with Field Solutions, Inc. for service on the extraction wells demand specialized maintenance for optimum performance. This is a amendment extending the term of the original contract through June 30, 2018 and including an additional \$32,000 for services.

SBC FILE NUMBER: 75.4

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

Approve Amendment #1 with Stericycle, Inc. extending the term of the original

contract through June 30, 2017 and including an additional \$20,000 for services.

SBC FILE NUMBER: 142

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

Approve Amendment #2 to contract with CSG Consultants, Inc. extending the term of the original contract through June 30, 2017.

SBC FILE NUMBER: 142

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

Approve Contract Amendment #2 with Nolte Associates, Inc. for Anzar Road Bridge, extending contract from June 30, 2016 to June 30, 2018, making modifications to the scope of work and increasing the budget by \$35,286.00.

SBC FILE NUMBER: 105

Supervisor Anthony Botelho made a motion to to approve the agreement as presented in this staff report.. Supervisor Margie Barrios seconded the motion.

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

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

Approve Amendment #2 with Golder Associates, Inc. extending the term of the original contract through June 30, 2017 for one additional year of monitoring and reporting.

SBC FILE NUMBER:75.4

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

Approve Amendment #4 to the Contract with California Forensic Medical Group for Health Care Services to the County Jail and Juvenile Hall to as follows: Extending the term of the contract to June 30, 2017; changing the CPI index to the All Consumers-West Urban Region-Medical Care from All Consumers-San Francisco-Oakland Region; and increase the monthly payment and per diem price by 3.71% to \$84,500.54 from \$81,500.54 and \$4.28 from \$4.13 respectively.

SBC FILE NUMBER: 110

PUBLIC HEARING

Chairman Rivas opened the Public Hearing by calling on EMS Director Kevin O'Neill regarding CSA 36 for the County of San Benito for EMS and advanced life support related to the benefit assessment fee.

Supervisor Anthony Botelho made a motion to to adopt Resolution 2016-55 as presented.. Vice Chair Jaime De La Cruz seconded the motion.

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

35. **EMERGENCY MEDICAL SERVICES - K. O'NEILL**

(To be heard at 9:00 a.m. or as soon thereafter as the matter may be heard by the Board of Supervisors)

Hold a Public Hearing to consider the Continuation of a benefit assessment in fiscal year 2016-2017 that funds County Service Area #36 for Emergency Medical Services and Advanced Life Support services for the County of San Benito; consider and adopt proposed Resolution accepting Annual Report for CSA #36 Emergency Medical Services and Advanced Life Support.

SBC FILE NUMBER: CSA #36

RESOLUTION NO: 2016-55

REGULAR AGENDA

36. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGWORD**

Adopt Resolution appointing Dr. Martin Fenstersheib M.D. as Acting County Public Health Officer; and approve a professional services contract for the period of June 28, 2016 to December 28, 2016, in the amount of \$50,000.00;

SBC FILE NUMBER: 420

RESOLUTION NO: 2016-56

Vice Chair Jaime De La Cruz made a motion to to adopt Resolution 2016-56 to appoint Dr. Marty Finsterschieb as the Public Health Officer on an interim basis for 20 hours per week for San Benito County.. Supervisor Anthony Botelho seconded the motion.

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

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

Discussion and update regarding the Proposed Southside New Community Study Area.

SBC FILE NUMBER: 790

This is an information item only, no formal action taken by the Board.

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

Director's Monthly Progress Report - San Benito County Community Service Center including discussion of the Recycle Force Program during his trip to Indianapolis, IN,

There was no formal action taken by the Board, receive and file.

PUBLIC HEARING

There was no public comment received on this item.

Vice Chair Jaime De La Cruz made a motion to to direct \$500,000.00 towards

Information Technology Infrastructure/Security (\$450,000.00 for infrastructure and \$50,000.00 security) from County Disaster Relief Fund.. Supervisor Margie Barrios seconded the motion.

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

There was no public comment on this item.

Supervisor Anthony Botelho made a motion to to approve the Capital Improvement Budget as presented by staff for FY 2016-17 as presented (temporary do pass).. Supervisor Jerry Muenzer seconded the motion.

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

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

Receive and approve capital improvement budget for 2016-2017.
SBC FILE NUMBER: 865

ADJOURNMENT

Chairman Rivas adjourned the meeting in honor of the 240th Birthday of the United State of Government.

The record shall reflect that the Board adjourned to the June 27, 2016 Special Board Meeting (Budget Hearings) so as to take up additional items regarding the County's Fiscal Year Budget that remained pending.

Supervisor Margie Barrios made a motion to to adjourn the meeting to the Special Meeting of June 27, 2016 (Budget Hearings).. Supervisor Jerry Muenzer seconded the motion.

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

Adjourn to July 26, 2016 Regular Meeting.