



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 July 26, 2016 9:00 AM

The record shall reflect that Supervisors Barrios, Botelho, De La Cruz, Muenzer and Rivas were present.

CALL TO ORDER

The meeting was called to order by Chairman Robert Rivas.

a. Pledge of Allegiance

Chairman Anthony Botelho, District 2, led the audience in the Pledge of Allegiance.

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

b. Acknowledge of Certificate of Posting

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

Ayes: Barrios, Botelho, De La Cruz, 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 listed on the board meeting agenda into the record.

Mr. Granger read Closed Session Items one (1) through (6) into the record.

The Chair entertained public comment on the Closed Session items, none was received from the public.

The Board retired into Closed Session at approximately 9:05AM PST.

The Board reconvened in open session at approximately 10:02AM PST.

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

Mr. Granger reported out as follows:

Mr. Granger advised that the Board met and discussed Closed Session Agenda Item One (1) during the morning session and advised there was no reportable action.

Mr. Granger further advised that the Board did not discuss Closed Session Item two (2) through (6) and that they would retire to Closed Session in the afternoon after the conclusion of the remainder of the agenda.

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 Section 54956.9: Number of Cases: (2)

Closed session is authorized by Section 54956.9(d)(2), (e)(1).
SBC FILE NUMBER: 235.6

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

Subdivision (a) and (d)(1) of Government Code section 54956.9

Name of Case:

San Benito County v. Citadel Exploration, Inc, et al., Superior Court of California, County of San Benito, Case No. CU-15-00162.

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: John Eade, et. al. v. County of San Benito, et. al, California Superior Court for the County of San Benito, Case No. CU-16-00065.

SBC FILE NUMBER: 235.6

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

Significant exposure to litigation pursuant to subdivision (d)(2), (e)(3) of Government Code Section 54956.9

Number of cases: 2

Facts and Circumstances Justifying Closed Session: Receipt of claim from E. Grace and J. Martinez Gutierrez.

SBC FILE NUMBER: 235.6

6. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Title: Agricultural Commissioner/Sealer of Weights and Measures

Authority: California Government Code 54957

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 Chair entertained public comment for agenda items NOT listed on the agenda.

Karsen Klauer, City of Hollister Council Member, expressed concerns regarding allegedly delayed tax bills being mailed by the San Benito County Tax Collector's Office.

Marci Huston, proprietor of Garden Mart in the City of Hollister, registered a complaint regarding the County's and City's lack of responsiveness as it relates to her concerns about homeless persons disrupting her place of business on San Benito Street.

The Chair indicated he would follow up with staff to address the matter.

Mary Schneider, Vice President of the San Benito County Friends of the Library, informed the Board of the Summer Reading Program and thanked Union Bank for their contribution of \$500.00.

Mr. Marty Richman spoke about his concerns regarding Gavilan College and his meet-and-greet meeting with the newly appointed President of that institution. He asked that Gavilan be asked to put together a five-year plan to address needs in San Benito County.

d. Department Head Announcements: Information Only

The Chair recognized CAO Espinosa to begin Department Head and Staff Reports.

Joe Paul Gonzalez, County Clerk-Auditor-Recorder, informed the Board of the impending filing deadline to run for public office in San Benito County.

Nora Conte informed the Board about the Summer Reading Program at the Free County Library.

Karen Overstreet, County Agriculture Commissioner, informed the Board that her department has completed the annual crop report. The crop yield this year surpassed last year's yield which accounts for \$360 Million USD.

Brent Barnes, Director of the Resource Management Agency, reported that he met with the Hollister High School District to discuss the regional park and the County's response to the Environmental Impact Report. He also met with the Hollister School District (K-8) to create an umbrella MOU for joint use of park and school facilities County-wide in addition to specific agreements for each location (park/school).

On August 9th, Mr. Barnes plans to present a General Plan Implementation Update to the Board. He is also preparing code provisions for the CR Zone along Highway 101 which will be presented to the Planning Commission.

Jim Rydingsword, Director of the Health and Human Services Agency, reported that the 2014 CDBG Grant Conditions have been met and the County will be reimbursed for the expense of purchasing the 1161 San Felipe Road property. He also announced that the 2016 CDBG Grant Public hearing will be presented and the County is eligible to apply for this grant. In addition, over-the-counter grant funds will be applied for by the County at the request of the state.

CAO Espinosa announced the Countywide Employee Bar-B-Q on Thursday, July 28th.

Regarding the budget, the CAO announced that the formal budget adoption will likely take place in late September.

The CAO announced that Louie Valdez, the current Clerk of the Board, has been

hired as the County's new Management Analyst. Chairman Rivas implored the public to take a good look at the person at the podium and to send any and all requests directly to him.

Fire Chief Bob Martin Del Campo provided the Board with an update regarding staffing levels including lay offs of twelve (12) fire fighters. The first round of the grants issued by FEMA was announced last week and it did not include the City of Hollister. To date, two rounds have been completed and there are three rounds pending that might include the City of Hollister.

The Fire Chief also discussed mutual aid support and an update regarding the various fires around the state.

e. Board Announcements: Information Only

The Chair recognized Supervisor Barrios.

Supervisor Barrios congratulated the Clerk of the Board on his promotion and thanked him for his service. She also announced her attendance at the Mobility Partnership Meetings.

Vice Chair De La Cruz announced his attendance at the Council of Government Meetings and his education regarding STIP funding. He informed the Board that Greg Cox from San Diego County was elected second vice president of NACO.

Supervisor Muenzer announced his attendance of the State Department of Parks and how it affects the OHMVR Program that runs Hollister Hills. Supervisor Muenzer asked that an agenda item be placed on the next agenda, an item be placed on the agenda to support HR 1838, the Clear Creek Bill. He also asked that the Board also agendize support of the Northern Most Route as discussed by the Mobility Partnership. He also received notification that Caltrans is conducting pot hole repair on Highway 25 which may cause traffic delays.

Supervisor Botelho also congratulated the Clerk of the Board and advised that there are plenty of hours in the day to do both jobs. Mr. Botelho also agreed with Mr. Muenzer regarding the STIP funding. He also attended the Regional Park Meeting and advised that the County must be more diligent to schedule regular meeting with all agencies to keep the project moving forward.

He also attended the Business Council Meeting where he met the new President of the Gavilan College District and he advised he was heartened on the new President's views in serving the community. He further indicated the Board should reach out and invite her a Board Meeting.

The Board Chair also congratulated Mr. Valdez on his promotion to the Management Analyst's position and he thanked him for all his work as Clerk of the Board on implementing new technologies in the Clerk's office on behalf of San Benito County.

Chairman Rivas asked today's board Meeting be adjourned on behalf of two

individuals including Mr. Gino Carter, who passed away, who had a significant positive impact on youth in San Benito County and Northern California as well as Giovanni Gonzalez, a student at San Benito High School with whom Chairman Rivas worked, who left us much too soon.

The Chairman's request was so ordered without objection.

CONSENT AGENDA

The Chair announced that Consent Agenda Item 24 would be pulled as Supervisor Muenzer has declared a conflict of interest with this item.

Supervisor Barrios asked that Consent Agenda item 18 be pulled due to an incorrect name on the resolution.

Mr. Marty Richman, a member of the public, asked that Consent Agenda item 15 be pulled.

There was no public comment on any items listed on the Consent Agenda.

Vice Chair Jaime De La Cruz made a motion to approve all Consent Agenda Items with the exception of items 15, 18 and 24.. Supervisor Jerry Muenzer seconded the motion.

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

7. **AGRICULTURAL COMMISSIONER - K. OVERSTREET**

Approve Memorandum of Understanding (MOU) with the California Agricultural Commissioners and Sealers Association for submission of pesticide use reports for the period from July 1, 2016 through June 30, 2017 in the amount of \$8,968.00.

SBC FILE NUMBER: 1.1

8. **AGRICULTURAL COMMISSIONER - K. OVERSTREET**

Approve State contract 16-0395-SF with the California Department of Food and Agriculture for Sudden Oak Death regulatory activities, from July 1, 2016 through June 30, 2017, for a total contract value of \$689.91.

SBC FILE NUMBER: 1.1

9. **AGRICULTURAL COMMISSIONER - K. OVERSTREET**

Approve State contract, 16-0419-SF, with the California Department of Food and Agriculture for Glassy Winged Sharp Shooter survey and detection activities, from July 1, 2016 through June 30, 2018, for a total contract value of \$20,643.14.

SBC FILE NUMBER: 1.1

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

Approve Behavioral Health Dept. Purchase of 28 (twenty-eight) Replacement Computers, Monitors and Sound Bars in the amount of \$22,947.80.

SBC FILE NUMBER: 810

11. **BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO**
Approve contract with Medical Doctor Associates LLC, for Psychiatry Services for the period of July 1, 2016 through June 30, 2017, in an amount not to exceed \$375,000.00.
SBC FILE NUMBER: 810
12. **BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO**
Approve contract with the Dept. of Health Care Services (DHCS), Division of Mental Health (DMH) – Contract Agreement # 16-93136, for the Term of July 1, 2016 to June 30, 2017; adopt Resolution accepting the Realignment Mental Health Services, MHSA Performance Contract as provided by the Dept. of Health Care Services (DHCS) and authorize the Board Chair to sign said resolution.
SBC FILE NUMBER: 810
RESOLUTION NO: 2016-?
13. **BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO**
Approve contract renewal with the Encompass Community Services (aka. Santa Cruz Counseling Center, Inc.) for the period of July 1, 2016 through June 30, 2017, for a maximum total of \$50,000.
SBC FILE NUMBER: 810
14. **BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO**
Approve contract renewal with Kings View Corp. for MIS (Management Information System) for the term of FY 2016-17-18-19 with the Kings View Corporation for an annual FY 16-17 total of \$136,865 and (2) two subsequent annual automatic renewals subject to cost increases of 2.5% per year based on prior year total contract price and a subscription user fee of 0% to 5% based on possible added county subscriptions.
SBC FILE NUMBER: 810
15. **BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO**
Approve authorization for the Behavioral Health Department to Pay the County Share of CalPERS Contribution for a Temporary MH Nurse.
SBC FILE NUMBER: 810

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

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

16. **BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO**
Approve contract renewal with Charis Youth Center for special services program for the period of July 1, 2016 through June 30, 2017, for a maximum amount of \$80,000.
SBC FILE NUMBER: 810
17. **BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO**

Authorization for Time Limited OA-II Position Allocation Overfill, Due to an Employee Absence On Leave Transition Period, Prior to Effective Employment Departure Date.
SBC FILE NUMBER: 810

18. **BOARD OF SUPERVISORS**

Approve the appointment of Kelli Shingai to the San Benito Resource Conservation District Board of Directors for a term to expire on the last Friday of November 2018.
SBC FILE NUMBER: 156

There was no public comment on this item.

Supervisor Margie Barrios made a motion to approve the item per staff recommendation as amended with the correction of the name in the first paragraph, second sentence.. Supervisor Jerry Muenzer seconded the motion.

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

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

Approve the action minutes of the May 24, 2016 regular meeting and the June 14, 2016 regular meeting.
SBC FILE NUMBER: 943

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

Approve contract with United Way for the 2016 Stuff the Bus campaign in the amount of \$1,000.00 for the period of July 26, 2016 through June 30, 2017.
SBC FILE NUMBER: 865

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

Approve Stipulation for Entry of Judgment in County of San Benito v. Cristina M. Martinez, et al., Superior Court of California, County of San Benito, Case No. CU-15-00063.
SBC FILE NUMBER: 160

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

Approve contract renewal with Melissa Molina-Casas for Crisis and Therapy Counsel for Families involved with Child Welfare Services.for Counseling Services for the period of July 1, 2016 through June 30, 2017, not to exceed \$15,000.00.
SBC FILE NUMBER: 130

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

Approve Contract for Services with Shared Visions Consultants for the Provision of Services Pertaining to the Implementation of State Mandated Child Welfare Services Programs for the period of March 1, 2016 through June 30, 2017, in an amount not to exceed \$18,400.00.
SBC FILE NUMBER: 130

24. RESOURCE MANAGEMENT AGENCY - B. BARNES

Approve Contract with Rincon Consultants, Inc. for Environmental Evaluation under CEQA of the proposed LICO application, a 160-unit residential subdivision for the period of July 28, 2016 through completion in an amount not to exceed \$74,121.00.
SBC FILE NUMBER: 790

Vice Chair Jaime De La Cruz made a motion to to approve the item per staff recommendation with Supervisor Jerry Muenzer recusing himself from discussion of this item as his wife owns property next door to this location.. Supervisor Margie Barrios seconded the motion.

Ayes: Barrios, Botelho, De La Cruz, Rivas

Abstain: Muenzer

PUBLIC HEARING

25. AGRICULTURAL COMMISSIONER - K. OVERSTREET

Hold a Public Hearing - Mosquito and Disease Control Assessment; and Adopt Resolution to levy the rate for the FY 2016/2017 Mosquito and Disease Control Assessment.
SBC FILE NUMBER: 1.1
RESOLUTION NO: 2016-
10 Minutes

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

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

26. HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD

Hold a Public Hearing to receive public comment on the proposed application; adopt Resolution approving and authorizing submission of the 2016 CDBG grant application; authorize the HHSA Director or Deputy Director to accept the grant, if awarded, enter into and execute the grant agreement and any subsequent amendments with the State of California, and execute Funds Requests and other required reporting forms for purposes of administering the grant; authorize the County Administrator to execute the Assurances pertaining to the grant and authorize the budget adjustment for the grant funds in the amount of \$3,700,000.00. (4/5 vote)
SBC FILE NUMBER: 130
RESOLUTION NO: 2016-?

Supervisor Anthony Botelho made a motion to to approve the 2016-17 CDB Application.. Supervisor Margie Barrios seconded the motion.

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

REGULAR AGENDA

27. **CHILD SUPPORT SERVICES - J. MURRAY**

Receive Oral Report on Child Support Services Program and approve Proclamation recognizing August 2016 as Child Support Awareness Month in San Benito County.
SBC FILE NUMBER: 22

Supervisor Margie Barrios made a motion to approve the Proclamation in recognition of Child Support Awareness Month.. Vice Chair Jaime De La Cruz seconded the motion.

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

28. **HUMAN RESOURCES - G. COCHRAN, INTERIM DIRECTOR**

Receive a report regarding health care providers for county employees and retirees; direct staff to return on August 9, 2016 with a recommendation and appropriate documents as necessary.

There was not formal action taken on this item by the Board.

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

Approve Amendment No. 1 to Contract with Rincon Consultants, Inc. for "The Bluffs at Ridgemark" project in the additional amount of \$91,198, for the period of July 26, 2016 to completion; approve and authorize the RMA Director a 10% contract contingency in the amount of \$9,118, and, if necessary, an amendment for Hexagon to perform transportation impact analysis in the amount of \$30,774.
SBC FILE NUMBER: 105.3

Supervisor Anthony Botelho made a motion to to approve Amendment No. 1 to contract with Rincon Consultants Inc for the Bluffs at Ridgemark project in the additional amount of \$91,198.00 for the period of July 26, 2016 to completion, approve and authorize the RMA Director a 10 percent contract contingency in the amount of \$9,118.00 and, if necessary, an amendment for Hexagon to perform transportation impact analysis in the amount of \$30,744.00. Vice Chair Jaime De La Cruz seconded the motion.

Ayes: Barrios, Botelho, De La Cruz, Rivas

Abstain: Muenzer

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

Approve Amendment #3 to the contract with CSG Consultants amending the

scope of work of the original contract and increasing the total contract value by \$23,403.00; authorize the RMA Director to exercise a 10% contingency, as necessary, in the total amount of \$23,403.00; and authorize the Chair to sign Amendment #3.

SBC FILE NUMBER: 142

Vice Chair Jaime De La Cruz made a motion to approve Amendment No. 3 to the contract with CSG Consultants amending the scope of work of the original contract and increasing the total contract value by \$23,403.00, authorize the RMA Director to exercise a ten percent contingency, as necessary, in the total amount of \$23,403.00 and authorize the Chair to sign Amendment No. 3.. Supervisor Margie Barrios seconded the motion.

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

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

Adopt Revised Program Requirements and Budget for County General Assistance Payments; adopt Resolution repealing Resolution No. 2014-27, establishing a New General Assistance Standard of Aid, and adopting revised General Assistance Program Policies and Procedures.

SBC FILE NUMBER: 130

RESOLUTION NO: 2016-?

Supervisor Margie Barrios made a motion to Adopt Revised Program Requirements and Budget for County General Assistance Payments and adopt resolution 2014-47.. Supervisor Anthony Botelho seconded the motion.

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

ADJOURNMENT

At the request of Chairman Rivas, today's board Meeting is adjourned in memory of Mr. Gino Carter, who passed away. Mr. Carter made a significant positive impact on youth in San Benito County and Northern California.

Today's Board Meeting is also adjourned in memory of Giovani Gonzalez, who passed away.

Giovani was a student at San Benito High School with whom Chairman Rivas worked as a teacher and who Chairman Rivas lamented had left us much too soon.

Without objection, the record shall reflect the request by Chairman Rivas was so ordered without objection.

Adjourn to the August 9, 2016 Regular Meeting.