



SAN BENITO COUNTY BOARD OF SUPERVISORS

Mark Medina
District No. 1

Anthony Botelho
District No. 2
Vice - Chair

Robert Rivas
District No. 3

Jerry
Muenzer
District No. 4

Jaime De La Cruz
District No. 5
Chair

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

REGULAR MEETING MINUTES January 23, 2018 9:00 AM

CALL TO ORDER

The meeting was called to order at 9:00 a.m. by Chairman Jaime De La Cruz. Those present were Supervisors Anthony Botelho, Mark Medina, Robert Rivas and Jerry Muenzer, as well as, County Administrative Officer Ray Espinosa, County Counsel Barbara Thompson and Assistant Clerk of the Board Janet Slibsager.

a. Pledge of Allegiance

Pledge of Allegiance to be led by Supervisor Mark Medina, District #1.

Pledge of allegiance was led by Supervisor Mark Medina.

b. Acknowledge Certificate of Posting

MOTION:

Motion to acknowledge
Certificate of Posting:

Made by Supervisor Jerry Muenzer and seconded by
Supervisor Robert Rivas

5 - 0

For (5):

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

Against (0):

Certificate of Posting

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.)

1. **CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATOR:**

Property: 3100 Southside Road (APN 020-320-029), Hollister, California

Agency Negotiator(s): John Guertin, RMA Director; Adam Goldstone, Capital Program Manager; Ray Espinosa, CAO; Barbara L. Thompson, County Counsel; and Shirley L. Murphy, Deputy County Counsel

Negotiating Parties: Sonny Flores and Seth Capron, Community Services Development Corporation

Under Negotiation: price and terms of payment

Authority: California Government Code section 54956.8
SBC FILE NUMBER: 235.6

No reportable action.

c. **Presentations and Recognitions**

BOARD OF SUPERVISORS

(1) Open nominations and conduct election for Chair of the Board of Supervisors;

(2) Open nominations and conduct election for the Vice-Chair of the Board of Supervisors.

SBC FILE NUMBER: 156

Chairman Jaime De La Cruz opened the nomination for Chair.

Supervisor Robert Rivas nominated the current Vice-Chair Anthony Botelho for Chair, seconded by Supervisor Jerry Muenzer. (5/0 vote)

Newly appointment Chair Anthony Botelho opened nomination for Vice-Chair.

Supervisor Jaime De La Cruz nominated Supervisor Mark Medina, it was not seconded.

Supervisor Robert Rivas mentioned that the proper order of rotation should be District #4 next for the rotation of Vice-Chair, therefore, nominated Supervisor Jerry Muenzer for Vice-Chair, seconded by Supervisor Jaime De La Cruz. (5/0 vote)

BOARD OF SUPERVISORS

Receive Committee appointments from the newly elected Chair of the Board of Supervisors.

SBC FILE NUMBER: 156

Chairman Anthony Botelho announced that he has put a list of the committee appointments for the Board of Supervisors for 2018 in the back of the room for the public to review and a copy has also been handed out to the Board of Supervisors for their review. He asked if there were any concerns

or comments from his colleagues with their assignments or from the public.

He said he eliminated some of the committees that were somewhat inactive and tried to accommodate the Supervisors with the time of some of the meetings.

MOTION:

Motion to approve the committee assignments as presented:

Made by **Supervisor Robert Rivas** and seconded by **Chairman Jaime De La Cruz**

5 - 0

For (5):

Against (0):

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

BOARD OF SUPERVISORS

Present the outgoing Chair of the Board of Supervisors, Jaime De La Cruz, with a plaque of appreciation for his term as Chair of the Board of Supervisors for 2017.

SBC FILE NUMBER: 156

Chairman Anthony Botelho presented outgoing Chair Jaime De La Cruz with a plaque for his service as Chair for 2017 from the Board of Supervisors.

Supervisor Jaime De La Cruz thanked the Board and the Community for allowing him to be Chair for 2017.

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: Marty Richman, Hollister resident, spoke in regards budget items at the State in regards to the bullet train budget and the former Senator Cannella who is going to retire sold his vote on SB1 for five hundred million dollars for his district, for the train to go through his county.

e. Department Head Announcements: Information Only

County Administration Officer Ray Espinosa announced that there was an announcement from the Elections Department Joe Paul Gonzalez.

Joe Paul Gonzalez announced that he was going to have his Assistant Angela Curro speak about the 2018 Statewide Direct Primary and what they are doing in their office and on their website to assist the candidates and the public.

Ms. Curro provided a PowerPoint presentation which consisted of how the website has been enhanced by Mike Parsons, which she mentioned without him this would not be possible in their department. She mentioned that most of the functions are done electronically in their office which allows them to have the information on the website instantly. Some of the things that were pointed out was: New voter section; Candidate information-scheduling appointments; Candidate Handbook; Nomination process; Deadlines; Candidates that have filed or taken out papers for the office they are interested in; Qualifications for Candidacy; maps to show boundaries for districts. She said that the public can visit them on twitter at sbcvote for all the latest information.

Joe Paul Gonzalez wanted to recognize Mike Parsons, he said that without him they would not have that function on their website.

Mr. Espinosa mentioned that there was an announcement from the County Counsel's Office.

County Counsel Barbara Thompson introduced Sean Collins, new Deputy County Counsel, from their office.

Chairman Anthony Botelho welcomed Mr. Collins.

Candidate Information regarding the June 5, 2018 Statewide Direct Primary Election

f. **Board Announcements: Information Only**

Supervisor Mark Medina asked what the status was of the fire study.

Supervisor Jaime De La Cruz reported that he attended CSAC phone conference in regards to SB1. He said that CSAC is asking the Counties for a letter of support of opposition to SB1. He said that he voted to support the opposition of SB1.

Supervisor De La Cruz reported that with the assistance of Supervisor Muenzer he attended the Monterey Bay Community Power meeting. He said that it was very excited because we are going to start seeing rate reductions to the members of our community hopefully in the later part of 2018. Supervisor De La Cruz reported that he also attended the COG meeting, one of the items of discussion was to bring a sales tax for roads and repairs to our community. He said the State of California is not going to give us money to do our roads so we are going to have to do it ourselves. He said that COG is going to have a special study session on February 3rd at 1:00 p.m. here in the Board Chambers if anyone wishes to attend.

Supervisor Robert Rivas wished everyone a Happy New Year, and said that he looked forward to Supervisor Botelho's leadership.

Supervisor Jerry Muenzer also wished everyone a Happy New Year and that he too said that he looks forward to working with Chairman Botelho on issues for the coming year.

Supervisor Muenzer said that in regards to Supervisor Medina's request of a fire report; a report was given by the consultant at our special fire meeting a couple of weeks ago in regards to consolidation of fire districts. He said that he has heard that the firm that gave the report is not happy with what was given and that they are going to be rewriting it and that we will receive another report.

Chairman Botelho asked Kevin O'Neill from Office of Emergency Services to speak in regards to the report.

Kevin O'Neill said what happened was a project manager from the firm gave the presentation at the last fire protection committee meeting and he didn't do a very good job. He said that he raised these concerns with him which he ended up speaking to the CEO in the company who did a review of the plan and he couldn't stop apologizing. He said that he has committed to making it right and we should have the new report by the end of February. Mr. O'Neil said that he feels the next report will be usable for all three jurisdictions for fire protection services.

Supervisor Muenzer said that it was the recommendation of the fire protection committee that we have a joint three agency meeting which we are looking to possibly the end of February.

Chairman Anthony Botelho reported that he attended RCRC meeting and some of the items they discussed were: (1) Received a presentation from iFoster, a program that RCRC has contributed to which qualifies some foster children to get a lap top. He said that we can see if any of our foster children might qualify; (2) received a report for the water supply and Water Quality Act of 2018; (3) a Supervisor from Colusa County was appointed the Director of USDA for the State of California.

CONSENT AGENDA

These matters shall be considered as a whole and without discussion unless a particular item is removed from the Consent Agenda. Approval of a consent item means approval of the recommended action as specified on the Agenda Item Transmittal.

If any member of the public wishes to comment on a Consent Agenda Item, please fill out a speaker card, present it to the Clerk prior to consideration of the Consent Agenda and request the item be removed and considered separately.

No items were pulled from the Consent Agenda

MOTION:

Motion to approve the consent agenda
Items 2-37 per staff recommendation:

Made by **Chairman Jaime De La Cruz** and
seconded by **Supervisor Jerry Muenzer**

5 - 0

For (5):

Against (0):

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

2. **AGRICULTURAL COMMISSIONER - K. OVERSTREET**

Approve the re-appointment of Ed Strohn, Robert Frusetta and Jim Hawkins to the Taylor Act Grazing Advisory Board, for the term of July 1, 2017 to June 30, 2020.

SBC FILE NUMBER: 1.1

3. **AGRICULTURAL COMMISSIONER - K. OVERSTREET**

Approve State contract, 17-0127, for exotic insect pest detection trapping activities, from July 1, 2017 through June 30, 2018, for a total contract value of \$52,359.00.

SBC FILE NUMBER: 1.1

4. **AGRICULTURAL COMMISSIONER - K. OVERSTREET**

Request approval for Agricultural Commissioner to travel out of state to Washington, D.C. from March 4, 2018 through March 9, 2018, to attend the California Agricultural Commissioners and Sealers Association (CACASA) annual delegation.

SBC FILE NUMBER: 1.1

5. **AGRICULTURAL COMMISSIONER - K. OVERSTREET**

Approve the MOU between Monterey County and San Benito County to transfer surplus Weights and Measures testing equipment and authorize the Agricultural Commissioner to accept the donated equipment on behalf of San Benito County.

SBC FILE NUMBER: 1.1

6. **AGRICULTURAL COMMISSIONER - K. OVERSTREET**

Approve a 60 Month Lease Agreement for Xerox Copier with Xerox Corporation in the amount of \$9,899.40 (\$164.99 per month) and a monthly maintenance fee to be determined based on actual use.

SBC FILE NUMBER: 1.1

7. **BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO**
Approve contract with Carrie Nash, LMFT for mental health assessments and psychotherapy for the period of July 1, 2017 through June 30, 2018, a maximum annual total of \$39,000.00.
SBC FILE NUMBER: 810
8. **BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO**
Approve contract with John Muir Behavioral Health Center for the period of July 1, 2017 through June 30, 2018, for a maximum total not to exceed \$75,000.00.
SBC FILE NUMBER: 810
9. **BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO**
Approve Contract renewal with Remi Vista, Inc. for Therapeutic Behavioral Services for the period of July 1, 2017 through June 30, 2018, for a maximum amount of \$70,000.00.
SBC FILE NUMBER: 810
10. **BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO**
Approve contract with Dr. Lewis Aptekar, Ph.D. for psychology services for the period of July 1, 2017 through June 30, 2018, for a maximum annual total of \$55,000.00.
SBC FILE NUMBER: 810
11. **CLERK OF THE BOARD**
Approve action minutes from the Board of Supervisors: January 10, 2017 Special Meeting; April 18, 2017 Special Meeting; April 25, 2017 Regular Meeting; May 16, 2017 Special Meeting; May 23, 2017 Regular Meeting; June 13, 2017 Regular Meeting; June 26, 2017 - June 29, 2017 Budget Hearings; June 29, 2017 Board of Supervisors Special Meeting; July 18, 2017 Regular Meeting; August 22, 2017 Regular Meeting; August 29, 2017 Special Meeting; October 3, 2017 Special Meeting; October 10, 2017 Regular Meeting; December 12, 2017 Regular Meeting.
SBC FILE NUMBER: 119
12. **COUNTY ADMINISTRATION OFFICE - R. ESPINOSA**
Approve Agreement for Sales, Use and Transactions Tax Audit and Information Services with Hinderliter, de Llamas and Associates effective January 23, 2018, in an amount not to exceed \$250,000.00 per year; adopt Resolution authorizing examination of sales, use and transactions Tax Records.
SBC FILE NUMBER: 119
RESOLUTION NO: 2018-1
13. **COUNTY ADMINISTRATION OFFICE - R. ESPINOSA**
Approve contract with County of Monterey for Veteran's Services for San Benito County for the period of July 1, 2017 to June 30, 2020, in the amount of \$264,000 (\$88,000.00 per year).
SBC FILE NUMBER: 125

14. **COUNTY ADMINISTRATION OFFICE - R ESPINOSA**
Approval of funding for the Park & Rec Commission for the cost of mailing of Park Cards in an amount not to exceed \$1,000.00 to be paid from General Expenses utilizing the Special Departmental Expense category
SBC FILE NUMBER: 93
15. **COUNTY ADMINISTRATION OFFICE - R ESPINOSA**
Approve 2ND Quarter Vacancy Adjustment.
SBC FILE NUMBER: 119
16. **COUNTY ADMINISTRATION OFFICE - R. ESPINOSA**
Review and approve the FY 2016/2017 Annual Impact Fee Report, which was first presented for public review at the Board of Supervisors' meeting of December 12, 2017.
SBC FILE NUMBER: 119
17. **COUNTY CLERK/AUDITOR/RECORDER/ELECTIONS - J. P. GONZALEZ**
Approve Memorandum of Understanding between the Successor Agency of the Redevelopment Agency of the City of Hollister and San Benito County to provide staffing services to the oversight board of the Successor Agency to the Redevelopment Agency of the City of Hollister, and direct Chair of the Board of Supervisors to sign the MOU.
SBC FILE NUMBER: 608
18. **COUNTY CLERK/AUDITOR/RECORDER/ELECTIONS - J.P.GONZALEZ**
Adopt Resolution amending the County's Conflict of Interest Code.
SBC FILE NUMBER: 943.1
RESOLUTION NO: 2018-2
19. **COUNTY CLERK-AUDITOR-RECORDER-ELECTIONS - J. P. GONZALEZ**
Request approval of and authorization for the Chair to sign a lease/managed services agreement with Dominion Voting Systems, Inc. for the term of January 23, 2018 through December 31, 2025, for an amount not to exceed \$79,949.80 per fiscal year, plus applicable sales tax, for an advanced technology, certified voting system with election support and services.
SBC FILE NUMBER: 285
20. **COUNTY CLERK/AUDITOR/RECORDER/ELECTIONS - J.P. GONZALEZ**
1. Adopt Resolution, approving the County of San Benito to participate in the Electronic Recording Delivery Act of 2004 as enacted by Assembly Bill No. 578 (Government Code section 27390 et seq.);

2. Authorize the County Clerk-Auditor-Recorder, as agent with the DOJ;

3. Authorize the County Clerk-Auditor-Recorder, as agent, to conduct negotiations and execute and submit all documents which may be necessary

for completion of the Electronic Recording Delivery System, including, but not limited to, to execute and, as necessary, amend or terminate, a Memorandum of Understanding (MOU) substantially similar to **Attachment A**, DOJ 2017-18 NOI_Recorder MOU with the California Department of Justice (DOJ) for County participation in the Electronic Recording Delivery System, with prior approval as to form from County Counsel;

4. Authorize the County Clerk-Auditor-Recorder to impose a fee in an amount not to exceed one dollar (\$1.00) for each instrument that is recorded by the County to offset the cost of the Electronic Recording Delivery System; and

5. Authorize the County Clerk-Auditor-Recorder, as agent, to approve payments to the California Attorney General through the DOJ for the County's allocated share of direct cost of regulation and program oversight for the Electronic Recording Delivery System.

SBC FILE NUMBER: 1112.5

RESOLUTION NO: 2018-3

21. **COUNTY COUNSEL'S OFFICE - B. THOMPSON**

Approve legal services agreement with Renne Sloan Holtzman Sakai LLP that will be changed to Sloan Sakai Yeung & Wong LLP effective March 1, 2018 in the amount not to exceed \$150,000, plus costs, to provide legal representation in the matter of Rose et. al vs. County of San Benito, CU 17-00151.

SBC FILE NUMBER: 160

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

Adopt Resolution ratifying the grant application submitted on November 17, 2017 for the Community-Based Transitional Housing Program grant application for funding from the California Department of Finance Community Based Transitional Housing Program.

SBC FILE NUMBER: 130

RESOLUTION NO: 2018-4

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

Accept Maternal, Child and Adolescent Health (MCAH) Allocation with the CA Department of Public Health (CDPH) in the amount of \$206,389.00 for term of July 1, 2017 through June 30, 2018; and authorize the HHSA Director to sign associated documents.

SBC FILE NUMBER: 130

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 July 1, 2017 - June 30, 2020.

SBC FILE NUMBER: 130

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

Ratify Rural CUPA Support grant application and accept Certified Unified Program Agency Support Grant in the amount of \$100,000 and approve Budget Adjustment to Appropriate the Funds in the amount of \$100,000.00. (4/5 vote)
SBC FILE NUMBER: 130

26. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD**
Approve contract with Dr. David Ghilarducci for professional services as Acting County Public Health Officer (HO) for the term November 1, 2017 - June 30 2018 in the event of absence of current Health Officer, Dr. Gail Newel, when she is on vacation, sick leave or other absence at a cost not to exceed \$12,000.00.
SBC FILE NUMBER: 130
27. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD**
Accept the Oral Health Grant allocation and approve Grant Agreement No. 17-10716 from California Department of Public Health, Oral Health Program (OHP) for a maximum sum of \$747,815.00 (\$149,563.00 per year for 5 years). Authorize Health and Human Services Director or designee to sign grant agreement; approve Public Health Services budget augmentation of \$149,563.00 for fiscal year 2017-18. (4/5 vote)
SBC FILE NUMBER: 130
28. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD**
Approve the Memorandum of Understanding for Affiliation with California State University, Stanislaus for the term January 28, 2018 through June 30, 2018.
SBC FILE NUMBER: 130
29. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD**
Authorize the acceptance of the California Opioid Safety Network Accelerator Program Grant from the Center of Health Leadership/Public Health Institute (PHI) for technical assistance from leading experts on best practices in opioid addiction prevention, treatment, policy formation and implementation, community partnership and research. This grant also includes one personnel (Americorps Vista Volunteer) recruited, assigned to the local health jurisdiction, and funded by the PHI. No monies are allocated through this grant, it exclusively provides technical assistance.
SBC FILE NUMBER: 130
30. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD**
Approve the new appointment to the Community Action Board (CAB) of Ms. Darlene Boyd as District #2 Representative for the period of January 23, 2018 through January 23, 2021.
SBC FILE NUMBER: 130
31. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD**
Approve Out of State Travel for Casey Estorga to Attend the Tyler Technologies Conference in Boston Massachusetts on April 22-25, 2018.
SBC FILE NUMBER: 13

32. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD**
Approve the Re-Appointment of Mr. Duane Bradford to represent the Public Sector, and a new appointment of Mr. Randy Brown, to represent the Public Sector to the Workforce Development board, for a three year term, effective 1/23/2018 through 1/23/2018.
SBC FILE NUMBER: 939
33. **OFFICE OF EMERGENCY SERVICES - K. O'NEILL**
The Office of Emergency Services (OES) requests approval to purchase three separate items utilizing Homeland Security Grant Program (HSGP) funds to purchase Active Shooter Personal Protection Equipment for Law Enforcement in an amount not to exceed \$17,000, Thermal Imaging Camera Modification for Self Contained Breathing Apparatus (SCBA) for the Hollister Fire Department in an amount not to exceed \$18,000, and Handheld, Mobile, and Base Station Radio equipment for Law Enforcement and Fire Department field units in an amount not to exceed \$21,000.
SBC FILE NUMBER: 1068
34. **RESOURCE MANAGEMENT AGENCY - J. GUERTIN**
Approve a one-year extension of the Real Property Option Agreement, find that the sale of 3100 Southside Road (APN 020-320-032) to the Community Services Development Corporation, for the sum of one dollar (\$1.00), together with CSDC's performance of environmental remediation, demolition and cleanup of the subject property, in compliance with federal, state and County requirements, to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15301 and 15308, and approve the Agreement for Sale of Surplus County-Owned Real Property and the Grant Deed, transferring the subject property to CSDC.
SBC FILE NUMBER: 790
35. **RESOURCE MANAGEMENT AGENCY - J. GUERTIN**
Approve donation agreement with SBC Amateur Radio Association, a 501(c)(3) non-profit organization, in the amount of \$3,000 for roof repair of a county building located at 3226 Southside Road Hollister, CA 95023; Accept \$3,000.00 donation from SBC Amateur Radio Association; and approve budget adjustment to appropriate the donation funds in the amount of \$3,000.00.
SBC FILE NUMBER: 105.3
36. **RESOURCE MANAGEMENT AGENCY - J. GUERTIN**
Approve contract with Brown Reynolds Watford Architects for architectural design services for the Fire Station #3 project for the period of January 23, 2018 through June 30, 2019, in the amount of \$61,230.00.
SBC FILE NUMBER: 60
37. **RESOURCE MANAGEMENT AGENCY - J. GUERTIN**
Approve contract amendment #4 with HMC Architects for the Jail Expansion project in the amount of \$16,332.25, for a total contract amount not to exceed \$1,580,842.25.

FINANCE CORPORATION

The Board will adjourn as the Board of Supervisors and reconvene as the Board of Directors of the San Benito County Financing Corporation.

- a. Acknowledge Certificate of Posting.
- b. Public Comment. Opportunity to address the Board on items of interest not on the agenda.

CONSENT AGENDA

Approve the action minutes of the January 10, 2017 meeting.

MOTION:

Motion to approve the action minutes of the January 10, 2017 meeting: Made by **Supervisor Robert Rivas** and seconded by **Supervisor Jerry Muenzer**

5 - 0

For (5):

Against (0):

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

REGULAR AGENDA

Appointment of officers for the year 2018 (President, Vice-President and Secretary-Treasurer).

(The Board will adjourn as the Board of Directors of the San Benito County Finance Corporation and reconvene as the Board of Supervisors)

MOTION:

Motion to appoint Anthony Botelho as President and Supervisor Jerry Muenzer as Vice-President, and the Secretary-Treasurer Mary Lou Andrade:

Made by **Chairman Jaime De La Cruz** and seconded by **Supervisor Jerry Muenzer**

5 - 0

For (5):

Against (0):

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

PUBLIC HEARING

38. COUNTY CLERK/AUDITOR/RECORDER/ELECTIONS - J.P. GONZALEZ

Conduct public hearing regarding the draft County Fees Ordinance (amending Chapter 5.01 of the San Benito County Code); Find that adoption of Ch. 5.01,

is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378, subdivision (b)(4) (the activity is not a "project") and direct the County Recorder to file a Notice of Exemption; and consider adoption of an Ordinance amending Chapter 5.01 of the San Benito County Code relating to County Fees:

- 1) Waive the reading;
 - 2) Accept the introduction; and
 - 3) Adopt the Ordinance.
- SBC FILE NUMBER: 1112.5
ORDINANCE NO:966

Clerk/Auditor/Recorder Joe Paul Gonzalez mentioned that this item concerns a fee request for the recorders office concerning electronic recording that requires the Board to allow the recorder to collect the \$1.00 fee.

Questions from the Board to Joe Paul Gonzalez.

Chairman Botelho opened the public hearing. There was no one from the public wishing to speak.

Chairman Botelho closed the public hearing.

MOTION:

Motion to waive the reading: accept the introduction read by County Counsel Barbara Thompson and adopt Ordinance No. 966:

Made by **Chairman Jaime De La Cruz** and seconded by **Supervisor Mark Medina**

5 - 0

For (5):

Against (0):

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

REGULAR AGENDA

For each regular agenda item, the following schedule shall occur:

- a) Staff report.*
- b) Public opportunity to address the Board on a particular agenda item. Please fill out a speaker card and present it to the Clerk prior to consideration of the item.*
- c) Consideration by the Board.*

39. COUNTY ADMINISTRATION OFFICE - R. ESPINOSA

Presentation of findings by OpTerra Energy Services of the energy study authorized by the Board of Supervisors in April 2017.

SBC FILE NUMBER: 119

County Administration Officer Ray Espinosa provided information in regards to this item which would help cut costs in regards to lighting and getting better systems in place as well as possibly bringing in some solar panels. He said that Ashu with OpTerra Energy Services was asked to look at what they could do in our County. He said that Ashu is here today to present to the Board as to what they have proposed for our County.

Ashu Jain thanked the Board for allowing him to present to them today. He also introduced two of

his members of the company that helped put the proposal together: Isabelle Gecils, Project Manager and Jake Rada, Project Engineer.

Mr. Ashu mentioned that there has been a name change from OpTerra Energy Services to Engie Services U.S., he said that this name change actually took place as of yesterday.

Mr. Ashu provided a PowerPoint presentation which covered the following: Program Scope; Facility Indoor & Outdoor Lighting LED Retrofit; HVAC Upgrades at various County Facilities; Energy Management System; Solar Energy Systems for various County Facilities; Window Film & Awnings; Project Financial Analysis; Project Benefits; Road-map; Program Development; Contract Approval and Implementation.

Elizabeth Russell from AMBAG commended the Board on their leadership on undertaking this effort to see how they can improve energy use. She said that in the financials that they will see they would be receiving the AMBAG energy rebates which would be approximately forty thousand dollars, and would be saving about fifty percent of their energy costs.

Board had questions for Mr. Ashu.

Discussion ensued by Board, staff and Mr. Ashu.

Those speaking from the public were: Marty Richman, Hollister resident, had some questions for Mr. Ashu.

Mr. Ashu provided answers to Mr. Richman's questions.

CAO Ray Espinosa said that he was asking for direction from the Board as to what they would like to do.

Supervisor De La Cruz said that if we move forward that he would like to see a plan, some substance. He said that he would like to work on moving forward.

Chairman Botelho said that he was very supportive of this. Would like to see it go forward.

Chairman thanked Mr. Ashu for the presentation.

MOTION:

Motion to direct staff to proceed with the analysis, proposal and legal review by County Counsel and come back at the next meeting with a course of action:

Made by **Supervisor Jerry Muenzer** and seconded by **Chairman Jaime De La Cruz**

5 - 0

For (5):

Against (0):

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

40. COUNTY ADMINISTRATION OFFICE - R. ESPINOSA

Adopt resolution of support for the Pinnacles Gateway Partners. Receive presentation from Pinnacles Gateway Partner members.

SBC FILE NUMBER: 119

RESOLUTION NO: 2018-5

Management Analyst Louie Valdez provided information on the Resolution for the Pinnacle Gateway Partnership. He said that Mary Paxton from the Development Office is here with a couple of other individuals to provide the Board with a presentation of what the Partnership represents and what they request will be. He said that he wanted to make it clear that there is no financial support being requested.

Ms. Paxton introduced Craig Kaufman Coordinator with the Salinas Valley Tourism & Visitors Bureau who presented the Board with a PowerPoint in regards to the Pinnacle Gateway Partnership. Items covered were: In January 2013 the Park went from National Monument to National Park; Community Benefit; A Dream to Reality - Soledad, CA - King City, CA - Hollister,

CA; Discovering Paths towards Mutual Benefit; Pinnacles Gateway Partners Mission; Benefits; Think of it This Way; Opportunities; Share our Vision and Join us by signing a Resolution of Support, Sign a Declaration of Cooperation, Contribute Funds.

Mr. Kaufman thanked the Board for their time.

MOTION:

Motion to Adopt Resolution No. 2018-5 for the Pinnacles Gateway Partnership:

Made by **Chairman Jaime De La Cruz** and seconded by **Supervisor Mark Medina**

5 - 0

For (5):

Against (0):

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

41. COUNTY ADMINISTRATION OFFICE - R. ESPINOSA

Approve Letter of support of recommendations by the California State Association of Counties related to the repeal of the Road Repair and Accountability Act of 2017 (SB 1) and the accompanying constitutional protection measure (ACA 5) on behalf of the San Benito County Board of Supervisors.

SBC FILE NUMBER: 119

CAO Ray Espinosa provided information in regards to the letter of support from the California State Association of Counties (CSAC) related to SB 1 in regards to roads within our County.

Supervisor Jaime De La Cruz provided information in why he is opposing SB 1.

CAO Ray Espinosa provided additional information from the CEO meeting.

Supervisor Mark Medina asked what the numbers were.

Chairman Anthony Botelho said that our roads in our County and two Cities are just crumbling. He said that he agreed with Supervisor De La Cruz that we need to be out there supporting SB 1 and educating the public on our roads.

Those speaking from the public were: Marty Richman, Hollister resident, also opposes SB 1.

Elia Salinas, Hollister resident, said we need to fix the roads. She said the Board needs to be more assertive to protect our county residents, keep the money here in our county.

Chairman Botelho said that he doesn't agree that we won't get our money's worth with SB 1. He said that we need this.

CAO Espinosa said that we are asking that the Board be in line with CSAC on this.

Supervisor Robert Rivas asked if there was a time limit on presenting this letter. He said there are some discrepancies and we need to weigh in the numbers. We need to make sure we get our fair share.

Supervisor De La Cruz said that there is no time frame. Would be good to get more information on the numbers. He said let's hold off to the next meeting.

CAO Espinosa said we can hold off on this, no urgency, we can do some homework and bring back to the Board if they wished.

Supervisor De La Cruz recommended now that Supervisor Rivas is a member of CSAC that he work with CSAC on this and come back at the next meeting with a recommendation.

Supervisor Rivas agreed that he could work with staff and CSAC on this and bring back to the next meeting.

MOTION:

Motion to table for a

Made by **Chairman Jaime De La Cruz** and seconded by **Vice**

February meeting:

Chair Anthony Botelho

5 - 0

For (5):

Against (0):

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

42. COUNTY ADMINISTRATION OFFICE - R ESPINOSA

Approve 2 invoices from the City of Hollister related to repairs on our fire engines, invoices total \$38,346.7; approve budget augmentation of \$8,347.00 for repairs related to fire engines, and receive Status Update from City of Hollister regarding services and future needs. (4/5 vote)
SBC FILE NUMBER: 60

Budget Analyst Melinda Casillas provided information on the two invoices for repair on fire engines received from the City of Hollister, the total invoices amount to \$38,346.7. She said she put \$30,000.00 in the budget for this particular issue, so that leaves an additional \$8,347.00 which can be covered out of general expenses which she said that she is asking for the Boards approval on that.

Ms. Casillas said that the City of Hollister was here to give an update on service calls and the status of the contract.

Fire Chief Bob Martin Del Campo introduced Battalion Chief Rod Dover who is the fleet manager.

Mr. Dover went over the repair costs on the fire engines and mentioned that some of the damages occurred to the engines during the floods on Lovers Lane some of the other issues were normal wear and tare.

He mentioned that the City of Hollister is not dumping all of the repairs on the County, the City of Hollister has done all of the maintenance on the County Fleet and that over the last two years the City of Hollister has spent about \$52,000.00 just maintaining the County's fire equipment. He said that they are here hoping the County will take care of the two invoices.

Mr. Dover mentioned on a future matter that Engine 12 has some additional issues which the engine is going to need an in frame over hale, which means there will be a future repair bill coming, which he anticipates will be in the \$30,000.00 dollar range.

Fire Chief Del Campo went over the Chiefs report which highlights the accomplishments that the department has sustained over the year which included Career Development; HFD Apparatus Report; Arson Task Force which is a combination of all three public safety organizations; Fire Chief's Report broke down by District 1, District 2, District 3 and District 4; Strength Management; Operations - Training; 2017; Office of Emergency Services (OES) Master Mutual Aid response.

Chairman Botelho thanked the Chief for his report.

CAO Ray Espinosa said that the Board needs to act on the current repairs. He said that for future repairs he has asked Management Analyst Louie Valdez to contract COG to see if we can save some money going through their diesel mechanic and come back to the Board with some information.

MOTION:

Motion to approve the two invoices with the City of Hollister for the repairs to our fire engines, invoices totaling \$38,346.70 which exceeds our budget by \$8,347.00:

Made by **Supervisor Mark Medina** and seconded by **Supervisor Robert Rivas**

5 - 0

For (5):

Against (0):

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

43. BOARD OF SUPERVISORS

Approve letter of support for the San Benito High School District and their application to be a part of the New Markets Tax Credit Program for the development of an Aquatic Center and new Recreational Facilities.

SBC FILE NUMBER: 156

CAO Ray Espinosa said that Supervisor Robert Rivas requested this item.

Supervisor Robert Rivas provided information on the support letter from the San Benito High School District for a program to try and leverage some funding from the federal government for the development of an Aquatic Center and new Recreational Facilities.

Those speaking from the public were: Marty Richman, Hollister resident, spoke in regards to his supports for this program.

Elia Salinas, Hollister resident, also spoke in regards to her support of the program.

MOTION:

Motion to approve letter of support for San Benito High School as presented:

Made by Supervisor Robert Rivas and seconded by Supervisor Jerry Muenzer

5 - 0

For (5):

Against (0):

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

CLOSED SESSION

CAO Ray Espinosa wanted to thank Dina Bies for all of her work, she has been a great employee and that she is going to be moving on and wanted to let the Board know that there is cake in the back office before we go into closed session.

County Counsel Barbara Thompson read the closed session items 44-48 into the record. The Board adjourned in to closed session at 11:18 a.m. The Board reported out of closed session at 1:45 p.m.

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.)

44. 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: request to enter tolling agreement.

SBC FILE NUMBER: 235.6

No reportable action

45. **CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL_ EXISTING LITIGATION**

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

Name of Case: Del Real et. al. v. County of San Benito, U.S. District Court for the Northern District of California, Case No. 5:17-cv-06859-NC

SBC FILE NUMBER: 235.6

No reportable action

46. **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

No reportable action

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

Initiation of litigation pursuant to subdivision (d)(4) of Section 54956.9:

Number of Cases: (2)

SBC FILE NUMBER:235.6

The Board authorized the County to file a small claims action to recover funds owed to the County. (5/0 vote)

48. **CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL_ EXISTING LITIGATION**

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

Name of Case: Edward E. Salcedo, Superior Court of California, County of San Benito, Case No. SC 17-00350.

SBC FILE NUMBER: 235.6

No reportable action

ADJOURNMENT

Adjourn to the next regular meeting of Tuesday, February 6, 2017 at 9:00 a.m.

MOTION:

Motion to adjourn to the next meeting of Tuesday, February 6, 2018 at 9:00. The meeting adjourned at 1:50 p.m.:

Made by **Chairman Jaime De La Cruz** and seconded by **Supervisor Jerry Muenzer**

5 - 0

For (5):

Against (0):

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

NOTE: A copy of this Agenda is published, along with supportive documents, on the County's Web site on the Friday preceding each Board meeting and may be viewed at www.cosb.us/government/meetings-agendas/. All proposed agenda items with supportive documents are also available for viewing at the San Benito County Administration Building, 481 Fourth Street, Hollister, CA between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday (except holidays). This is the same packet that the Board of Supervisors reviews and discusses at each Board meeting.

As required by Gov. Code Section 54957.5 any public record distributed to the Board of Supervisors less than 72 hours prior to this meeting in connection with any agenda item shall be made available for public inspection at the office of the Clerk of the Board, San Benito County Administration Building, 481 Fourth Street, Hollister, CA 95023. Public records distributed during the meeting will be available for public inspection at the meeting if prepared by the County. If the public record is prepared by some other person and distributed at the meeting it will be made available for public inspection following the meeting at the office of the Clerk of the Board.

In compliance with the Americans with Disabilities Act (ADA) the Board of Supervisors meeting facility is accessible to persons with disabilities. If you need special assistance to participate in this meeting, please contact the Clerk of the Board's office at (831) 636-4000 at least 48 hours before the meeting to enable the County to make reasonable arrangements to ensure accessibility.