



SAN BENITO COUNTY BOARD OF SUPERVISORS

Mark Medina
District No. 1

Anthony Botelho
District No. 2
Chair

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4
Vice - Chair

Jaime De La Cruz
District No. 5

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

REGULAR MEETING MINUTES

May 22, 2018

9:00 AM

CALL TO ORDER

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

Chairman Botelho asked that everyone remain standing after the Pledge of Allegiance for a moment of silence in honor of Memorial Day.

- a. Pledge of Allegiance

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

The Pledge of Allegiance was led by Supervisor Mark Medina.

- b. Acknowledge Certificate of Posting

Certificate of posting.

MOTION:

To acknowledge the Certificate of Posting: Made by **Supervisor Robert Rivas** and seconded by **Supervisor Jaime De La Cruz**

5 - 0

For (5):

Against (0):

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

- c. **Presentations and Recognitions**

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.

There was no one from the public who wished to speak.

e. Department Head Announcements: Information Only

County Administrative Officer Ray Espinosa announced that there was a typo in the staff report on Item #1 and Item #10. The correction should read 452.051 miles.

County Counsel Barbara Thompson announced that an attachment was added to Item #7. The attachment described the land owned by the applicant.

Supervisor Muenzer asked a question about Item #7 and whether accepting the attachment into the item gave the project legal status.

County Counsel Thompson replied that it did not give any legal status.

County Clerk/Auditor/Recorder Joe Paul Gonzalez reported that his office held inspector and poll worker trainings last weekend that were very successful. Additionally, the Elections office needs more bilingual poll workers. Anyone interested is encouraged to call the office at (831) 636-4016.

Supervisor Medina asked Mr. Gonzalez to elaborate on the new no-postage needed ballots.

Mr. Gonzalez provided information regarding the new service being offered this election.

Supervisor Rivas asked Mr. Gonzalez to provide further clarification about statistics out of the Elections office.

Mr. Gonzalez provided clarification.

f. Board Announcements: Information Only

Supervisor Medina had nothing to report.

Supervisor De La Cruz had nothing to report.

Supervisor Rivas announced that there will be a workshop sponsored by the Monterey Bay Economic Partnership, in collaboration with San Benito County and the City of Hollister, called "Housing 101". It will be held on May 30 at the Vet's Memorial Building from 6 PM - 8 PM.

Supervisor Muenzer announced that Monterey Bay Community Power will be holding a public forum on May 23 at the Vet's Memorial Building from 7 PM - 8 PM. Additionally, he announced that he and the Chair visited the old hospital on Southside Road that is being converted to self-help housing. He also advised commuters that CalTrans will be doing roadwork on Highway 25 from 9 AM - 3 PM for the next few days.

Supervisor Botelho announced that it was exciting to attend the grand opening of the community food bank.

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.

MOTION:

To approve Consent Agenda Items #1 - 12, with the exception of Item #6, which was pulled for discussion: Made by **Supervisor Jaime De La Cruz** and seconded by **Vice Chair Jerry Muenzer**

5 - 0

For (5):

Against (0):

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

1. **COUNTY COUNSEL'S OFFICE - B. THOMPSON**
Approve Amendment No. 2 with Colantuono, Highsmith & Whatley, PC for legal services in the additional amount of \$85,000 for a total contract amount not to exceed \$97,000.00.
SBC FILE NUMBER: 160
2. **COUNTY LIBRARY - N. CONTE**
Approve Out of State Travel for the County Librarian, Nora Conte, to attend the 2018 annual American Library Association (ALA) conference in New Orleans, Louisiana, from June 20, 2018 through June 26, 2018.
SBC FILE NUMBER: 80
3. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD**
Approve Contract Amendment #1 with California Institute for Behavioral Health Solutions (CIBHS) for an additional \$3,500 to allow for additional training activities.
SBC FILE NUMBER: 130
4. **HEALTH AND HUMAN SERVICES - J. RYDINGSWORD**
Approve the agreement between the San Benito County Health & Human Services Agency and the City of Salinas for a non-entitlement Emergency Solutions Grant (ESG) for an amount of \$190,801 for the period of April 5, 2018 through April 30, 2019.
SBC FILE NUMBER: 130
5. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD**
Approve Memorandum of Understanding between the Workforce Development Boards of the City and County of San Francisco, The City of Sunnyvale, The County of San Benito and the City of San Jose to conduct regional and local training for a total shared pool amount of

\$200,000.00, effective January 18, 2018 and will remain in effect until terminated.

SBC FILE NUMBER: 130

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

Adopt resolution approving use of reimbursement agreements for development projects and authorizing the County Administrative Officer and/or the Chair of the Board to sign such agreements.

SBC FILE NUMBER: 160

RESOLUTION NO: 2018-21

This item was pulled by Supervisor Jerry Muenzer for clarification from staff regarding why this resolution was needed as opposed to having the reimbursement agreements come before the board on an as-needed basis.

County Counsel Barbara Thompson stated that it was brought to the board as an idea to streamline the process.

Supervisors Mark Medina, Jerry Muenzer, Jaime De La Cruz, and Anthony Botelho spoke about how reimbursement agreements should continue to come before the board. Supervisor Botelho added that it is important to streamline processes, but reimbursement agreements should continue to come before the board. Supervisor De La Cruz added that the public needs an opportunity to speak to the board about reimbursement agreements.

County Clerk/Auditor/Recorder Joe Paul Gonzalez provided additional information about the item and spoke about how the resolution would help the county to recover all of their costs.

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

Approve Reimbursement Agreement with ANGELS COMPANY, LLC for full reimbursement of County costs related to a pending project application within the Ridgemark subdivision.

SBC FILE NUMBER: 790

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

Approve Third Amendment to the Irrevocable Offer of Dedication of Conservation Easement in regards to the Panoche Valley Solar Project Preserve, noting that the 3rd Amendment needs to be finalized and approved by the California Department of Fish & Wildlife prior to recordation. Authorize the Chair authority to approve any additional needed changes, and to execute the 3rd Amendment after the 3rd Amendment is approved by DFW.

SBC FILE NUMBER:160

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

Approve Contract with Nancy Diehl for Public Health Nursing Services and Training for the Maternal, Child, Adolescent Health (MCAH) Program for the period of July 1, 2018 through June 30, 2019, for a total amount not to exceed \$52,000.00.

SBC FILE NUMBER: 130

10. **RESOURCE MANAGEMENT AGENCY - J. GUERTIN**
Adopt Board Resolution Certifying County Maintained Road Mileage for year 2018.
SBC FILE NUMBER: 105
RESOLUTION NO: 2018-22

11. **SHERIFF'S OFFICE - D. THOMPSON**
Approve agreement with California Department of Health Care Services for the Medi-Cal County Inmate Program for the period of July 1, 2018 through June 30, 2019, in an amount not to exceed \$2,447.76; adopt Resolution authorizing the execution of the agreements with California Department of Health Care Services.
SBC FILE NUMBER: 110
RESOLUTION NO: 2018-23

12. **SHERIFF'S OFFICE - D. THOMPSON**
Approve agreement with Justice Benefits, Inc., (JBI) for a period of four (4) years, July 1, 2018 through June 30, 2022, to assist in identifying Federal, State, and other revenue sources including the continued assistance with the State Criminal Alien Assistance Program (SCAAP) cost recovery.
SBC FILE NUMBER: 110

PUBLIC HEARING

13. **RESOURCE MANAGEMENT AGENCY - J. GUERTIN**
Hold Public Hearing and Adopt Resolution Imposing a Fee/Tax Assessment in FY2018-19 for utilities and services provided to County Service Areas (CSA).
SBC FILE NUMBER: CSA'S
RESOLUTION NO: 2018-24

RMA Director John Guertin provided information on the resolution that would establish fees for CSAs and CFDs in the county.

Mr. Guertin clarified that the fees are not being increased; they are the staying the same.

He reported that the county has engaged Precision Engineering to realign the fees with actual costs in the CSAs and to clarify what services residents will be getting.

Chairman Botelho opened up public comment.

Richard Bettencourt asked how they could raise fees when the county isn't doing their job as it is.

Seeing no other members of the public who wished to speak, Chairman Botelho closed public comment.

Supervisor Muenzer reiterated that fees are not being raised.

Supervisor Medina commented that they have failed in regards to the CSAs. There isn't a full-time CSA Coordinator and money is still being collected but there are a lot of things that aren't done.

Discussion ensued between staff and the Board. Mr. Guertin addressed the successes they have had and that he doesn't agree that they are failing.

MOTION:

To adopt Resolution No. 2018-24 imposing a fee/tax assessment in FY 2018-19 for utilities and services provided to County Service Areas.:

Made by **Vice Chair Jerry Muenzer** 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.

14. **RESOURCE MANAGEMENT AGENCY - J. GUERTIN**

Receive report on options for the proposed construction of a new Behavioral Health office building and provide direction to staff.

SBC FILE NUMBER: 810

RMA Director John Guertin provided a report and reiterated the two main options for constructing a new Behavioral Health office building which included:

Option A: Modular style of construction which is estimated to cost around \$6 million.

Option B: Traditional style of construction which is estimated to cost around \$8.8 million.

Staff recommends Option A.

MOTION:

To direct staff to move forward with a modular style of construction (Option A) for the new Behavioral Health office building:

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

5 - 0

For (5):

Against (0):

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

CLOSED SESSION

County Counsel Barbara Thompson read Closed Session Items #15 - 17 into the record. The Board adjourned to Closed Session at 9:39 AM. The Board reported out of Closed Session at 10:20 AM.

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.)

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

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

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

SBC FILE NUMBER: 235.6

No reportable action.

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

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

Name of Case: County of San Benito, et. al. v. AmerisourceBergen Drug Corporation, et. al. United States District Court, Northern District of California, Case No. 5:18-cv-02733

SBC FILE NUMBER: 235.6

The Board authorized the county to file a first amended complaint (5/0 vote).

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

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

Name of Case: Hollister School District v. County of San Benito, et. al., Superior Court of California, County of San Benito, Case No. CU-17-00085.

SBC FILE NUMBER: 235.6

No reportable action.

ADJOURNMENT

Adjourn to the next regular meeting of June 12, 2018 at 9:00 a.m.

MOTION:

To adjourn to the next regular meeting of Tuesday, June 12, 2018 at 9:00 AM. The meeting adjourned at 10:22 AM.:

Made by **Supervisor Jaime De La Cruz** and seconded by **Chairman Anthony Botelho**

5 - 0

For (5):

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

Against (0):

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.