



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 8, 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 Clerk of the Board Janet Slibsager.

a. Pledge of Allegiance

**Pledge of Allegiance to be led by Supervisor Jerry Muenzer,
District #4.**

The Pledge of Allegiance was led by Supervisor Jerry Muenzer.

b. Acknowledge Certificate of Posting

Certificate of Posting.

MOTION:

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**

MOTION:

Motion to approve both

Made by Vice Chair Jerry Muenzer and seconded by

Proclamations:

Supervisor Jaime De La Cruz

5 - 0

For (5):

Against (0):

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

BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO

Approve Proclamation Recognizing May 2018 as Mental Health Month in San Benito County.

SBC FILE NUMBER: 810

Supervisor Jerry Muenzer presented Proclamation to the Mental Health Department recognizing Mental Health month.

Alan Yamamoto, Mental Health Director, thanked the Board for the Proclamation. He provided information in regards to Mental Health month.

Maria Sanchez spoke in regards to the events that were taking place during Mental Health month.

RESOURCE MANAGEMENT AGENCY - J. GUERTIN

Approve Proclamation recognizing May 20th - May 26th, 2018 as National Public Works Week, in San Benito County.

SBC FILE NUMBER: 430

Supervisor Jaime De La Cruz presented Proclamation to the Resource Management Agency for Public Works week. He thanked the Public Works employees that were present for their hard work.

John Guertin, RMA Director, thanked the Board for the Proclamation and the acknowledgement to staff that were present. He said that they are out there every day in the rain, heat and are usually up against a lot of different challenges they have to face on a daily basis and this is our time to recognize them.

The Board thanked them all for their hard work and mentioned how they are appreciated. They said that this is a group of men and woman that they are really proud of.

Patrick Dobbins representing American Public Works Association (APWA) of the Monterey Bay Chapter which covers Monterey, San Benito and Santa Cruz counties made a presentation of a poster for RMA to hang in their office.

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 that spoke.

e. Department Head Announcements: Information Only

Joe Paul Gonzalez, Clerk-Auditor-Recorder and Registrar of Voters, announced that yesterday was the start of early voting at 440 5th Street (second floor). The office will be open daily from 8:00 to

5:00. On June 2 and 3rd the election office will be open from 9:00 a.m. to 3:00 p.m. He said that there is no reason for no one to vote.

County Counsel Barbara Thompson announced that Item #25 was being pulled from the agenda.

Clerk of the Board Janet Slibsager introduced Lauren Hull the new Assistant Clerk of the Board.

Lauren Hull said that she was very excited to be here and grateful for the opportunity to serve the County and our Community and looks forward to working with everyone.

Chairman Botelho welcomed Ms. Hull.

f. Board Announcements: Information Only

Supervisor Jaime De La Cruz reported that they had a COG meeting and there was a discussion for a 1% sales tax for our roads.

Chairman Anthony Botelho reported that he attended RCRC meeting in Humboldt County. He said that the Board did take an action and a position on a couple of items. First was action to support SB1, the appeal which addresses road maintenance and congestion. He said the opposition appealing, we need that tax. They also supported Prop 69 for motor vehicle fees and taxes for support of monies for SB1. Third SB623 supporting water quality protection.

He also said he had the opportunity to tour a marijuana manufacturing business which was very interesting. He said it had no smell which is a big concern as we move forward with our tax in June.

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:

Motion to approve Consent Agenda Items 1-24, with the exception of Item #21, which was pulled for discussion by Supervisor Medina and Item #24 which Chairman Botelho abstained from: 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

1. AGRICULTURAL COMMISSIONER - K. OVERSTREET

Approve State contract, 17-0549-007-SF, for European Grapevine Moth detection survey activities, from January 1, 2018 through December 31, 2018. Total contract value is \$51,971.00.

SBC FILE NUMBER: 1.1

2. **BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO**
Approve Automobile Purchase from Greenwood Chevrolet and waiving of the Competitive Bid Process as per Preference for Local Businesses Sect. 13-11 County Purchasing Ordinance.
SBC FILE NUMBER: 810
3. **BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO**
Approve contract renewal with John Muir Behavioral Health Center for FY 2018-19, for a maximum total not to exceed \$75,000.00.
SBC FILE NUMBER: 810
4. **BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO**
Approve contract renewal with Salvador Lodge Board and Care for FY 2018-19, for a total annual maximum amount not to exceed \$40,000.00.
SBC FILE NUMBER: 810
5. **BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO**
Approve contract renewal with Gary Ernst, Administrative/Fiscal Consultant for Term of FY 2018-19, for a maximum annual total of \$115,000.00.
SBC FILE NUMBER: 810
6. **BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO**
Approve contract renewal with California Locums, PC., for Psychiatry Services for the term of FY 2018 - 2019, for a maximum annual total of \$375,000.00.
SBC FILE NUMBER: 810
7. **BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO**
Approve contract renewal with Front Street, Inc. Residential Care Facility for the Term of FY 2018-19, for a maximum amount not to exceed \$48,000.00.
SBC FILE NUMBER: 810
8. **BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO**
Approve contract renewal with Charis Youth Center Inc., for the term of FY 2018-19, for a maximum amount of \$80,000.00.
SBC FILE NUMBER: 810
9. **BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO**
Approve contract renewal with 7th Avenue Skilled Nursing Facility for the term of FY 2018-19, for a maximum amount of \$89,000.00.
SBC FILE NUMBER: 810
10. **BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO**
Approve contract renewal with IDEA Consulting for FY 2018-19, for a maximum annual total of \$147,000.00.
SBC FILE NUMBER: 810
11. **CLERK OF THE BOARD - J. SLIBSAGER**

Approve the action minutes of the March 6, 2018 regular meeting, the March 13, 2018 special meeting and the April 10, 2018 special meeting.
SBC FILE NUMBER: 119

12. **CLERK/AUDITOR/RECORDER/ELECTIONS - J. P. GONZALEZ**
Adopt the County's Certification of Funding Policy and GASB OPEB Reporting Compliance applicable for Fiscal Years 2017-18 and 2018-19.
SBC FILE NUMBER: 608
13. **COUNTY ADMINISTRATION OFFICE - R. ESPINOSA**
Approve and sign letter supporting Senate Bill 623. Advocate by sending Support letter to Assembly Member Bill Monning, and CC: Senate pro team Kevin de Leon, Principle Co-Author; Kip Lipper, Office of Senate Pro Tempore Kevin de Leon; and ALF Brandt, Office of Assembly Speaker Anthony Rendon.
SBC:119
14. **COUNTY ADMINISTRATION OFFICE - R. ESPINOSA**
Approve and sign letter taking a Opposing Unless Amended position on AB 1964. Send letter to Assembly Member, Jim Wood, OPPOSING UNLESS AMENDED position on AB 1964 and CC: Assembly Member, Brian Maienschein; Honorable Members, Assembly Health Committee; Assembly Republican Caucus; and California State Association of Counties .
SBC FILE NUMBER: 119
15. **COUNTY ADMINISTRATION OFFICE - R. ESPINOSA**
Approve and sign letter taking a Opposing position on AB 1912. Send letter to Priya Mathur, President of the CalPERS Board of Administration and Marcie Frost, CalPERS Chief Executive Officer.
SBC FILE NUMBER: 119
16. **DISTRICT ATTORNEY'S OFFICE - C. HOOPER**
Acceptance of grant funds from CalOES in the amount of \$193,019 for the CalOES Victim/Witness Grant for FY17/18, with the funds to be used for providing victims of crime with mandatory and optional services.
SBC FILE NUMBER: 165
17. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD**
Approve MOU between the Workforce Development Boards of Monterey and San Benito Counties for Pre-Apprenticeship Training Round II Grant, in the amount of \$40,225.00.
SBC FILE NUMBER: 130
18. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD**
Approve Retroactive Emergency Out of State Travel For Child Welfare Emergency.
SBC FILE NUMBER: 130
19. **HUMAN RESOURCES OFFICE - S. COFFEE**
Approve new Test Rental and Use Agreement with CPS HR Consulting

providing merit system testing for the Department of Child Support Services (DCSS) and Health and Human Services Agency (HHSA), term of the contract through February 22, 2020.
SBC FILE NUMBER: 630

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

Approve Third Amendment to Current Franchise Agreement for short term extension between the County of San Benito and Recology South Valley (f/k/a South Valley Disposal and Recycling, d/b/a Norcal Waste Systems of San Benito County); adopt Resolution approving the Third Amendment to the current Franchise Agreement.

SBC FILE NUMBER: 142

RESOLUTION NO: 2018-16

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

Approve contract with 4 Leaf Inc. for the period of May 1, 2017 through June, 30 2018 to pay for building inspection, plan review, and technical assistance in the Planning and Building Division of the Resource Management Agency for FY2016-17 and 2017-18, in the amount of \$490,550.00

SBC FILE NUMBER: 105.3

This item was pulled by Supervisor Mark Medina who had a question in regards to the contract and the amount in regards to 4Leaf.

RMA Director John Guertin said that this was before his time but provided some background information.

John Guertin introduced Scott Lines, Administrative Services Manager, said that he comes with a lot of experience in contract management, so we will be tracking our contracts to make sure that they don't overlap, etc.

Discussion ensued by Board and staff.

Clerk-Auditor-Recorder Joe Paul Gonzalez provided additional information in regards to the invoices.

MOTION:

Motion to approve per staff recommendation:

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

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

Adopt the plans and specifications for the SB-1 Seal Coat (Chip) and Slurry Seal Project at Various Locations (County Project No. PWB-1802) and SB-1 0.15' HMA Overlay Project at Two Locations (County Project No. PWB-1803); find the projects are categorically exempt under CEQA Guidelines Sections 15301 and 15302; and authorize the advertisement for bids.

SBC FILE NUMBER: 105

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

Approve contract with Villa & Sons Building Services for street sweeping services in County Service Area (CSA) #9 for the period of July 1, 2017 through December 31, 2018, in the amount of \$16,200.00.

SBC FILE NUMBER: CSA #9

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

Approve change orders and authorize the Auditor Controller to pay invoice EW#1 from Graniterock Inc. for unanticipated emergency repair work that occurred between November 30 and December 31, 2017 at the Pacheco Creek Levee in the amount of \$77,024.91.

SBC FILE NUMBER: 105

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.

25. **COUNTY COUNSEL'S OFFICE - B. Thompson**

Approve Hiring of Deputy County Counsel III, at Step F.
SBC FILE NUMBER: 160

This item was pulled from the agenda per County Counsel Barbara Thompson.

26. **LONG TERM CARE COMMISSION**

Receive update and report from the commission.

SBC FILE NUMBER: 156

Mitch Matthews, Chair person for the Aging and Long Term Care Commission, provided an update to the Board on the program. He informed the board of some critical issues; Budget Augmentations; Senior Nutrition; Ombudsman; MSSP Rate Increase; AB1955-Alzheimers; AB2233-Assisted Living Waiver; AB2324-Elder Abuse; AB2430-Medi-Cal Eligibility; AB3200-Public Social Services; SB1026-Fall Prevention; Senior Scam Alert prevention presentation on June 4, 2018 at Hazel Hawkins Hospital from 2:00-3:30 p.m. sponsored by the San Benito County Health and Human Services Agency.

Chairman Anthony Botelho thanked them for all their hard work and support.

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

Lobbyist, Kim Stone, to provide an update and advise the Board of Supervisors on topics of interest to San Benito County.

SBC FILE NUMBER: 119

Kim Stone, Lobbyist, provided an update to the Board in regards to some current bills. Spoke in regards to AB623 regards to drinking water, which the Board is supporting; AB1964 which would

add to the County Health Departments obligations to oversee day camps for children with no additional funding or resources which the Counties would have to absorb. She said that she would work with the representatives in Sacramento to make sure that doesn't happen; AB1912 regards to Joint Powers Association (JPA's), which the County is opposing.

This was informational only.

28. RESOURCE MANAGEMENT AGENCY - J. GUERTIN

Request Approval of Contract Amendment #5 in the amount of \$339,009.00 for CSG Consultants for the period of May 9, 2018 through June, 30 2019, to continue providing program management and technical assistance support for the Integrated Waste Management (IWM) program.

SBC FILE NUMBER: 142

RMA Director John Guertin provided information in regards to the CSG contract and what they have accomplished and amending services.

Discussion ensued by Board and staff.

Mr. Guertin said that he would bring quarterly reports to the Board in regards to the progress.

Chairman Botelho opened public comment.

Chairman Botelho closed public comment as there was no speakers.

Chairman Botelho said what he appreciated about this contract was that they bring a high level of expertise that cannot be generated in house at this time. Recommends that we move forward with this contract with quarterly reports.

Supervisor Jaime De La Cruz said that he was o.k. with quarterly reports, but would like to see a chart of details and goals.

MOTION:

Motion to approve per staff
recommendation:

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

4 - 1

For (4):

Against (1):

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

29. RESOURCE MANAGEMENT AGENCY - J. GUERTIN

Landfill Ad Hoc Committee's Recommendation to Approve Waste Connections Inc. Landfill Operating Agreement 2018 Cost of Living Adjustment (COLA) request for \$153,397.00; Approve annual COLA; and Direct staff to make this payment through use of funds in the landfill (IWM) Enterprise Fund 301.

SBC FILE NUMBER: 142

RESOLUTION NO: 2018-17

RMA Director John Guertin provided information in regards to Cost of Living Increase (COLA)

with Waste Connections, Inc.

Kevin McCarthy of CSG provided additional information in regards to the COLA adjustment.

MOTION:

Motion to approve per staff
recommendation:

Made by **Supervisor Mark Medina** and seconded by **Vice
Chair Jerry Muenzer**

5 - 0

For (5):

Against (0):

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

30. RESOURCE MANAGEMENT AGENCY - J. GUERTIN

Landfill Ad Hoc Committee's Recommendation to Reduce In-County Waste Tipping Fee Rates at the John Smith Road Landfill.

SBC FILE NUMBER: 142

RESOLUTION NO: 2018-18

RMA Director John Guertin said that Kevin McCarthy would give the presentation.

Kevin McCarthy of CSG provided information to the tipping rates at the John Smith Landfill. He said that the recommendation from the Ad hoc committee is to approve one of two scenarios.

Discussion ensued by Board and staff.

Supervisor Robert Rivas said that he would like to know what those other options are first, very vague. He said we either make this decision today or we don't and maybe kick it back to the Ad hoc committee.

Supervisor Mark Medina said he agreed with Supervisor Rivas, but since receiving the information in such a short period of time, he would like some more time to review to be able to make a decision.

Supervisor Rivas said that he had no problem with that, we just need to be more clear. Need to come back with some other options probably in about a month.

Chairman Botelho stated that the amount of trucks that come from out of County is substantial. They are filling up our landfill and are getting a big break and our citizens are subsidizing that. He said it is wrong. He said that he was all for doing something today, option B.

MOTION:

Motion to delay to seek other options and
information and bring back to the meeting of July
24, 2018:

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

3 - 2

For (3):

Against (2):

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

31. RESOURCE MANAGEMENT AGENCY - J. GUERTIN

Landfill Ad Hoc Committee's Recommendation to Not Approve Waste Connections Inc. Landfill Operating Agreement 2018 Change in Law (CIL) Adjustment request for \$88,271.95; and Adopt Resolution not approving Waste Connections Inc. Landfill Operating Agreement 2018 CIL request for \$88,271.95.

SBC FILE NUMBER: 142

RESOLUTION NO: 2018-19

Kevin McCarthy of CSG provided information in regards to the changes in law request from Waste Connections. He said that the Ad hoc committee has agreed not to approve Waste Connections, Inc. change in law request.

Supervisor Mark Medina said that he agrees with the Ad hoc committee.

MOTION:

Motion to approve per staff recommendation:

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

32. RESOURCE MANAGEMENT AGENCY - J. GUERTIN

Landfill Ad Hoc Committee's Recommendation to hire Lewis Engineering to Conduct an Independent Landfill Disposal Capacity Study of the John Smith Road Landfill for an amount not to exceed \$18,722.00; Adopt Resolution 2018- approving a contract with Lewis Engineering for a not to exceed amount of \$18,722.00.

SBC FILE NUMBER: 75.4

RESOLUTION NO: 2018-20

Kevin McCarthy of CSG provided information from the Landfill Ad hoc committee to hire Lewis Engineering to do a capacity study at the landfill.

Discussion ensued by Board and staff.

MOTION:

Motion to approve per staff recommendation:

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

5 - 0

For (5):

Against (0):

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

33. RESOURCE MANAGEMENT AGENCY - J. GUERTIN

Take no action on TSM 15-94 approval appeal, publicly noticed but since withdrawn by the appellant.

SBC FILE NUMBER: 790

CLOSED SESSION

County Counsel Barbara Thompson read the closed session items into the record.

Chairman Anthony mentioned that he wanted to talk on Item #35.

Board adjourned into closed session at 11:12 a.m. and reconvened at 12:15 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.)

**34. 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.

**35. 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

Chairman Botelho pulled this item for his comment on this litigation matter. He said that we have faithfully tried to meet to resolve this issue but was not able to. He said that it is very disappointing that the Hollister School District has chosen to litigate this in court rather than trying to resolve it with the County. He said that we are now being forced to incur attorney fees to try and defend this action. We would prefer our funds be directed to program services benefiting the people of San Benito County and the kids in the Hollister School District. We are further disheartened by the fact that the Hollister School District doesn't seem to be that interested in settling the case to benefit both parties. He said that this is not good government just bad politics, etc. He said we have made considerable efforts in trying to engage with the Hollister School District in a settlement and they have not reciprocated. He said the County will continue to strive to resolve this conflict in a reasonable matter.

Supervisor Mark Medina said that it is disheartening not to be able to communicate with our fellow residents.

Those speaking from the public was: Ann Ross, County citizen, appreciated the Chairs strong statement to address the underlying politics behind this matter. It is disturbing to have these situations that cost the taxpayers money. You get my full support in getting this matter resolved in the position that you are taking.

No reportable action.

ADJOURNMENT

The Board adjourned the meeting at 12:16 p.m.

Adjourn to the next regular meeting of Tuesday, May 22, 2018.

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.