



## 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

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

### REGULAR MEETING MINUTES July 24, 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. Supervisor's Robert Rivas and Jerry Muenzer were running late. Also present were Deputy County Counsel Irma Valencia, County Administrative Officer Ray Espinosa, and Clerk of the Board Janet Slibsager.

Chairman Botelho announced that they would be breaking for closed session at 11:15 a.m. and would resume back to regular meeting after that.

#### a. Pledge of Allegiance

**Pledge of Allegiance to be led by Supervisor Jaime De La Cruz, District #5.**

The Pledge of Allegiance was led by Supervisor Jaime De La Cruz.

#### b. Acknowledge Certificate of Posting

Certificate of Posting.

#### MOTION:

Motion to Acknowledge the  
Certificate of Posting:

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

**3 - 0**

For (3):

Against (0):

*Ayes: Botelho, De La Cruz, Medina*

c. **Presentations and Recognitions**

**COUNTY ADMINISTRATION OFFICE - R. ESPINOSA**

Certificate of Recognition for Rene Anchieta, GIS Analyst for outstanding work performed on the Block Boundary Suggestion Project (2020 US Census Preparation).

SBC FILE NUMBER: 7.5

Angela Curro, Assistant Clerk-Auditor-Recorder-Registrar of Voters presented Certificate of Recognition to Rene Anchieta, GIS Analyst for his outstanding work performed on the Black Boundary Suggestion Project (2020 Census Preparation) for the County.

Ms. Curro provided information in regards to the 2020 Census Suggestion Project. She said that thanks to Mr. Anchieta San Benito County was one of the first counties in the State of California to meet the applicable benchmarks and awarded grant funding of \$15,000.00 for our participation (\$7,500.00 San Benito County and \$7,500.00 City of San Juan Bautista).

CAO Ray Espinosa thanked Rene for being instrumental and moving forward with GIS in our County. He said that he has been fantastic and a pleasure to work with and thanked him for working on this for our County.

Chairman Anthony Botelho said that he really appreciated all of his hard work and dedication in doing a great job.

Supervisor Jaime De La Cruz also thanked Rene for all his hard work.

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: Janie Lausten, County resident, spoke in regards to all of the trash in the County. She said she is challenging the Board to take a 1/2 hour a day, week or month to help clean up your area. She said that George Lake isn't taking prisoners anymore to help clean up trash so we need someone to do it. She said that we need to clean up our County and would appreciate the Board finding out how we can do that.

Marty Richman, Hollister resident, thanked the people through out the County and Hollister for kind words for him and his wife during their illnesses. He also spoke in regards to his concerns about the hospital. He thanked the doctors and the hospital for services while his wife was there. He said that we can't afford to loose the hospital.

Tami Aviles, County resident, spoke in regards to the coalition for a new community library and service center. She said the coalition will be a meeting on July 28th at the library. She also thanked the Board for their continued support.

Elia Salinas, County resident, spoke in regards to a group called the San Benito River, which goes and clean up the river. The last time they meant was in April. She welcomed anyone that would like to come out and help.

She also spoke in regards to fire lines around properties in the County which is a fire hazard and the illegal cannabis growers in San Benito County and how they are not being touched by law enforcement. She said she encourages our Supervisors to give direction the Sheriff's Department to do some enforcement about the black market.

Richard Bettencourt, Southside road resident, reported on the slide on Southside Road. He thanked the Board and County folks along with Chapin for their work on Southside Road, looks like they may have a handle on it. He also thanked the neighbors for getting together to help each other go through their property.

**e. Department Head Announcements: Information Only**

CAO Ray Espinosa reported that he attended the NACO Conference and that it was very informational and a great conference. He said that one of the sessions pertained to more technology which he will be working on.

Health and Human Services Director James Rydingsword reported on the Whole Person Care Program and how it helps people improve their lives. He shared a few stories.

Clerk-Auditor-Recorder-Registrar of Voters Joe Paul Gonzalez, spoke about election security systems.

Librarian Nora Conte spoke in regards to the Whole Person Care program and how they are collaborating with them. She also spoke about their summer reading program and how it was a great success. She thanked the Board and the CAO for their support.

**f. Board Announcements: Information Only**

Supervisor Jaime De La Cruz reported that he attended the NACO Conference and provided some information on some of the classes/meetings.

Supervisor Robert Rivas reported that he also attended the NACO Conference and said that it was a great experience. He spoke in regards some of the classes and meetings he attended.

Chairman Anthony Botelho said that we in San Benito County have a revenue problem and we have been working hard to address those problems.

**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 1-38, with the exception of      Made by **Supervisor**  
Item #18 which was pulled by Supervisor Medina. Item #23 and #33      **Jaime De La Cruz** and

which was pulled by Supervisor De La Cruz and Item #24 which was seconded by Supervisor Robert Rivas  
pulled by the public for discussion.

**4 - 0**

For (4):

Against (0):

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

1. **BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO**  
Approve contract renewal with Victor Treatment Centers Inc., for the period of July 1, 2018 through June 30, 2019, in the amount not to exceed \$80,000.00.  
SBC FILE NUMBER: 810
2. **BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO**  
Approve contract renewal with North Valley Behavioral Health, LLC., for the period of July 1, 2018 through June 30, 2019, for a maximum amount of \$100,000.00.  
SBC FILE NUMBER: 810
3. **BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO**  
Approve contract renewal with Remi Vista, Inc., for the period of July 1, 2018 through June 30, 2019, for an amount not to exceed \$70,000.00.  
SBC FILE NUMBER: 810
4. **BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO**  
Approve contract renewal with Unity Care Group Inc., for the period of July 1, 2018 through June 30, 2019, for a total sum not to exceed \$40,000.00.  
SBC FILE NUMBER: 810
5. **BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO**  
Approve contract renewal with Rebekah Children's Services, Inc., for the period of July 1, 2018 through June 30, 2019, for an amount not to exceed \$40,000.00.  
SBC FILE NUMBER: 810
6. **BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO**  
Approve contract renewal with Suicide Prevention of the Central Coast, for the period of July 1, 2018 through June 30, 2019, for a sum not to exceed \$18,390.00.  
SBC FILE NUMBER: 810
7. **BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO**  
Adopt Resolution and Authorize County Behavioral Health Director to enter into and sign Participation Agreement for the California Mental Health Services Authority (CalMHSA) Inter-Member Transfer Program.  
SBC FILE NUMBER: 810  
RESOLUTION NO: 2018-38
8. **BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO**  
Approve contract renewal with Traditions Psychology Group, Inc., for

Psychiatry Services for the period of July 1, 2018 through June 30, 2019, for a total sum not to exceed \$456,352.00.

SBC FILE NUMBER: 810

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

Adopt Resolution accepting the amendment to existing Standard Agreement #12-89387 and approval of Standard Contract #17-94606 with the Dept. of Health Care Services for the provision of Specialty Mental Health Services for County Behavioral Health (the Managed Care MH Plan).

SBC FILE NUMBER: 810

RESOLUTION NO: 2018-39

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

Approve appointment of Tina Garza to the Behavioral Health Board for the Term of July 24, 2018 to July 24, 2021.

SBC FILE NUMBER: 810

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

Approve contract with Valley Health Associates.

SBC FILE NUMBER: 810

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

Approve contract renewal with Crisis Support Services of Alameda County for the term of July 1, 2018 through June 30, 2019, for a maximum amount not to exceed \$60,000.00.

SBC FILE NUMBER: 810

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

Approve contract renewal with Merced Behavioral Center for the term of July 1, 2018 through June 30, 2019 for a maximum annual amount of \$89,000.00.

SBC FILE NUMBER: 810

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

Approve contract renewal with Sumo Medical Staffing for Psychiatry Services for the term of July 1, 2018 through June 30, 2019 for a maximum annual total of \$374,400.00.

SBC FILE NUMBER: 810

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

Approve contract renewal with the Youth Alliance (YA) for for the term of July 1, 2018 through June 30, 2019 in the amount of \$208,000.00.

SBC FILE NUMBER: 810

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

Approve contract renewal with Project Ninety, Inc., for the term of July 1, 2018 through June 30, 2019 for a maximum total not to exceed \$50,000.00.

SBC FILE NUMBER: 810

17. **BOARD OF SUPERVISORS**

Appoint the following to the San Benito County Long Term Care Commission

for the term of July 1, 2018 through July 1, 2021: Laurie Lutz, Joan Miranda and Nikki Loehr.

SBC FILE NUMBER: 156

18. **BOARD OF SUPERVISORS**

Approve the appointment of Marie Peterson to the Parks and Recreation Commission representing District #1, due to the resignation of Tim Foley, effective July 23, 2018 through January 1, 2021.

SBC FILE NUMBER: 156

Supervisor Mark Medina pulled this item to recognize and thank Marie Peterson for her interest in wanting to be appointed to the Parks & Recreation Commission as his representative. He said it is greatly appreciated.

MOTION:

Motion to approve the appointment of Marie Peterson to the Parks & Recreation Commission for the period of July 23, 2018 through January 1, 2021: Made by **Supervisor Mark Medina** and seconded by **Supervisor Jaime De La Cruz**

**4 - 0**

For (4):

Against (0):

Ayes: Botelho, De La Cruz, Medina, Rivas

19. **CLERK OF THE BOARD - J. SLIBSAGER**

Approve the action minutes of the April 3, 2018 regular meeting, June 7, 2018 special meeting, June 12, 2018 regular meeting, June 25, 2018/June 26, 2018 Budget Hearings, and June 26, 2018 regular meeting .

SBC FILE NUMBER: 119

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

Adopt a Resolution declaring intention to reimburse expenditures for certain Capital Projects from the proceeds of Tax-Exempt obligations.

SBC FILE NUMBER: 119

RESOLUTION NO: 2018-40

21. **COUNTY CLERK-AUDITOR-RECORDER-ELECTIONS - J.P. GONZALEZ**

Adopt Resolution accepting the certified statement of Election results for the June 5, 2018 Statewide Direct Primary Election.

SBC FILE NUMBER: 285

RESOLUTION NO: 2018-41

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

Adopt ordinance approving and establishing fees for the County Counsel's office, and amending Article III, "Fees for County Services" of Chapter 5.01 "County Fees" of Title 5 of the San Benito County Code, by the Addition of Subarticle IX "County Counsel".

SBC FILE NUMBER: 160

ORDINANCE NO:

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

Approve Amendment No. 1, to legal services agreement with Colantuono, Highsmith & Whatley, PC in the amount not to exceed \$40,000 to provide legal representation in the matter of County of San Benito v. Richard Scagliotti, Superior Court of California, County of San Benito, Case No. CU-16-00007, including proceedings at the Court of Appeal.  
SBC FILE NUMBER: 160

Supervisor Jaime De La Cruz pulled this item to ask if this item was going to be discussed in closed session. Deputy County Counsel Irma Valencia replied yes it was. He replied if this item can be heard after the closed session item. County Counsel replied that they could.

Supervisor De La Cruz asked to pull this item from consent to be heard after the closed session item is heard.

Chairman Anthony Botelho said that part of this item was heard in closed session.

**MOTION:**

Motion to pull this item from consent to be heard after the closed session item. Motion to approve contract per staff recommendation:

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

**4 - 0**

For (4):

Against (0):

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

**24. COUNCIL OF GOVERNMENTS - M. GILBERT**

Adopt Resolution Calling for a Special Election for the Consideration of Measure \_\_ on the November 6, 2018 Ballot and Consolidating the Special Election with the General Election.

SBC FILE NUMBER: 1035

RESOLUTION NO: 2018-42

Marty Richman, Hollister resident, pulled this item to say that he was in support of this as we do need to do something with our roads. He said that it is important to have a program that will get the benefit up front.

Chairman Anthony Botelho replied that is what our intentions are, is to get the tax passed so we can fix our roads.

Supervisor Jaime De La Cruz said that he feels this is the best way through COG to try and get our roads fixed.

**MOTION:**

Motion to Adopt Resolution 2018-42 calling for a Special Election for the Consideration of Measure on the November 6, 2018 Ballot:

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

**4 - 0**

For (4):

Against (0):

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

25. **DISTRICT ATTORNEY'S OFFICE - C. HOOPER**  
Acceptance of grant funds from CalOES in the amount of \$136,421 for the County Victim's Services Grant (XC) and to change the performance period of the award.  
SBC FILE NUMBER: 165
26. **DISTRICT ATTORNEY'S OFFICE - C. HOOPER**  
Approve out-of-state travel for two Victim Witness Advocates to attend the National Center for Victims of Crime Training Institute on September 5-7, 2018 in Orlando, FL.  
SBC FILE NUMBER: 165
27. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD**  
Approve contract with Peninsula Pediatric Therapy for Occupational and Physical Therapy Services for the period of July 1, 2018 through June 30, 2019, in the amount of \$157,696.00.  
SBC FILE NUMBER: 130
28. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD**  
Approve contract with Coastal Kids Home Care for Physical Therapy Services for the period of July 1, 2018 through June 30, 2019, in the amount of \$54,720.00.  
SBC FILE NUMBER: 130
29. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD**  
Approve contract with Mary White, Pharm D., Emergency Preparedness and Pharmacist consultant for the period of July 1, 2018 through June 30, 2019, in the amount of \$113,000.00.  
SBC FILE NUMBER: 130
30. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD**  
Approve Data & Privacy Agreement with California Integrated Vital Records System for Public Health Vital Statistic Records for a 5 year term and authorize the Department Head or his designee to sign the agreement.  
SBC FILE NUMBER: 130
31. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD**  
Approve contract with Accela for Environmental Health Software System for Two Years (June 19, 2018 to June 18, 2020) for \$25,122.75.  
SBC FILE NUMBER: 142.9
32. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD**  
Approve contract with Jose Vasquez for grant writing services for the period of July 1, 2018 through June 30, 2019, for a total not to exceed \$50,000.00.  
SBC FILE NUMBER: 130
33. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD**  
Adopt Resolution, authorizing the submittal of an application to the CA State Department of Housing and Community Development for funding in the



amount of \$1,000,000 for First Time Home Buyer Program.  
SBC FILE NUMBER: 130  
RESOLUTION NO: 2018-43

Supervisor Jaime De La Cruz pulled this item asking if this grant would be used for the homeless shelter.

James Rydingsword replied, no that it would be used for the Southside Road self help units where the old hospital use to be.

Chairman opened public comment.

Those speaking from the public was: Elia Salinas, County resident.

MOTION:

Motion to Adopt Resolution No. 2018-43 Made by **Supervisor Jaime De La Cruz** and  
per staff recommendation: seconded by **Supervisor Robert Rivas**

**4 - 0**

For (4): Against (0):

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

34. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD**  
Adopt Resolution, authorizing the submittal of an application to the CA State Department of Housing and Community Development for funding in the amount of \$500,000.  
SBC FILE NUMBER: 130  
RESOLUTION NO: 2018-44
35. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD**  
Approve and Authorize Chair to Sign the CalREDIE System Data Use and Disclosure Agreement for a term of three years.  
SBC FILE NUMBER: 130
36. **RESOURCE MANAGEMENT AGENCY - J. GUERTIN**  
Adopt the plans and specifications for PWB-1807 Homeless Services Center Building Improvements – Phase II, and authorize the advertisement for bids.  
SBC FILE NUMBER: 130
37. **RESOURCE MANAGEMENT AGENCY - J. GUERTIN**  
Adopt Resolution Confirming County Administrator's Authority to Enter Emergency Contracts Under Public Contracts Code 22050, Finding that there is a Need to Continue emergency Action; and Finding Repair Work Exempt from CEQA As An Emergency Project. (4/5 vote required) SBC FILE NUMBER 75.5  
RESOLUTION NO: 2018-45
38. **COUNTY COUNSEL'S OFFICE - B. THOMPSON**  
Authorize the CAO to execute contracts with one or more attorneys as designated by the County Counsel's office, to provide additional staffing to the

office as needed, for the period July 30, 2018 through November 1, 2018, and authorize a general fund contingency as necessary to cover those expenses, in an amount not to exceed 66,000.00.  
SBC FILE NUMBER: 160

## **PUBLIC HEARING**

### **39. EMERGENCY MEDICAL SERVICES - K. O'NEILL**

PUBLIC HEARING – (1) Consider the continuation of a benefit assessment in FY 2018-19 that funds County Service Area #36 for Emergency Medical Services and Advanced Life Support (paramedic services) for the County of San Benito; and (2) Consider and adopt proposed Resolution accepting the annual report for CSA #36 Emergency Medical Services and Advanced Life Support and adopting the benefit assessment charge of \$20.00 per legal parcel; and (3) authorize the chair to sign three copies.

SBC FILE NUMBER: CSA #36

RESOLUTION NO: 2018-48

Kevin O'Neill Office of Emergency Services Director turned this over to the EMS Coordinator Kris Mangano who provided information and a handout titled Snapshot 2017 for this past year for CSA #36 Emergency Medical Services and Advanced Life Support (paramedic services) within the County.

Discussion ensued by Board and staff.

Chairman Anthony Botelho opened the public hearing.

Those speaking from the public were: Marty Richman, Hollister resident, spoke in regards to the number of calls that are in other areas than the populated area.

Tami Avila, County resident, said that she appreciates the services in the County.

Chairman Botelho closed the public hearing.

#### **MOTION:**

Motion to Adopt Resolution No. 2018-48 Made by **Chairman Anthony Botelho** and  
per staff recommendation: seconded by **Supervisor Mark Medina**

**4 - 0**

For (4):

Against (0):

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

### **40. AGRICULTURAL COMMISSION - K. OVERSTREET**

Hold a Public Hearing - Mosquito and Disease Control Assessment; and Adopt Resolution to levy the rate for the FY 2018/2019 Mosquito and Disease Control Assessment.

SBC FILE NUMBER: 1.1

RESOLUTION NO: 2018-46

Agricultural Commissioner Karen Overstreet said that they would be opening a public hearing to hear comment from the public in regards to the Mosquito Abatement program and assessment. She said that SCI prepared the engineers report that determines the fees that are needed for the program. She provided information in regards to the program and stated that they are recommending that the amount remain at \$11.22 per single family equivalent at this time.

Chairman Anthony Botelho opened the public hearing.

Chairman Botelho closed the public hearing as there was no speakers.

MOTION:

Motion to Adopt Resolution No. 2018-46. Made by **Supervisor Mark Medina** and seconded by **Supervisor Robert Rivas**  
per staff recommendation:

**3 - 0**

For (3): Against (0):

Ayes: Botelho, Medina, Rivas

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

Open public hearing, to Approve Energy Services Contract with ENGIE Services U.S. (ENGIE) to provide energy services through San Benito County, contract amount is eight million fifty-six thousand nine hundred twenty-two dollars (\$8,056,922). Make CEQA findings, Consider and Adopt Addendum and Adopt Resolution making certain findings, and approving an energy services contract with ENGIE Services U.S.

SBC FILE NUMBER: 425

RESOLUTION NO: 2018-47

CAO Ray Espinosa mentioned that this public hearing was continued from the last Board meeting. He provided information in regards to the Energy Services contract with ENGIE Services to provide energy services throughout San Benito County.

Ashu Jain the Director of Engie Services said that there was no significant change since the last Board meeting a couple of weeks ago. He said that he was available to answer any question.

Discussion ensued by Board and staff.

Chairman Anthony Botelho opened the public hearing.

Chairman Botelho closed the public hearing, there was no one from the public that spoke.

MOTION:

Motion to Adopt Resolution No. 2018-47. Made by **Supervisor Mark Medina** and seconded by **Supervisor Robert Rivas**  
per staff recommendation:

**4 - 0**

For (4): Against (0):

Ayes: Botelho, De La Cruz, Medina, 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.*

### **42. COUNTY ADMINISTRATION OFFICE - R. ESPINOSA**

Adopt Resolution calling for an Election for the Consideration of an ordinance establishing a business license tax to generate revenue for local government services; Measure \_\_\_ on the November 6, 2018 Ballot.

SBC FILE NUMBER:

RESOLUTION NO: 2018-

SBC FILE NUMBER: 119

CAO Ray Espinosa provided background information in regards to HDL's proposed business license ordinance and tax and the options that they are providing to the Board for consideration today to move forward. He said that the suggestion from staff is to go with option 1 with the 40% adding the regulatory piece of this, the agri-business piece, and surface mining at 10 cents.

Mr. Espinosa thanked Joshua Davis of HDL, Joe Paul Gonzalez and the Board for their work on this.

Joe Paul Gonzalez asked does the Board want to use this methodology to increase County Revenues or do you want to use it for only regulatory purposes. He said that is the basic question that the Board needs to answer first before you can really move forward on this.

Discussion ensued by Board and staff.

Chairman Anthony Botelho opened public comment.

Those speaking from the public were: Elia Salinas, County resident, spoke in regards to the business licenses and how it would be great for revenue to the County.

Chairman Botelho closed public comment.

Discussion continued by Board and staff.

Supervisor Robert Rivas said that he was o.k. with what ever option the Board wanted to go.

Supervisor Jaime De La Cruz said that he would go with Option 1, 20%.

Clerk-Auditor-Recorder-Registrar of Voters, Joe Paul Gonzalez, said that this would come back at the August 7th meeting with an ordinance, with the option that the Board approved, for adoption to be put on the November 2018 election.

MOTION:

Motion to approve Option 1, with 20% at the November election Countywide including the two cities and including

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

**3 - 1**

For (3):

Against (1):

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

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

Accept HdL Companies presentation for professional services related to the County's development and implementation of a cannabis regulatory program, and provide input and direction to staff and consultant regarding a proposed ordinance to operate and regulate cannabis business.

**SBC FILE NUMBER: 425**

CAO Ray Espinosa provided background information in regards to the cannabis business tax that was voted on and passed on June 6th.

Management Analyst Dulce Alonso provided additional information in regards to the business tax and introduced David McPherson, Cannabis Compliance Director of HDL Companies who will present a PowerPoint presentation on their company and services for the implementation of cannabis regulatory.

Mr. McPherson provided additional information and the PowerPoint that covered the following: About HDL; Agenda; Draft Ordinance addressing key issues; Categories of use; Number of permits allowed; San Benito County Zoning Districts; Agriculture Productive, Agriculture Range land, Commercial District, Manufacturer District; Application process-What type of application process should the County consider; Application Selection Criteria process; fees and taxes; Fiscal Analysis-Cannabis Revenues estimates: Conservative \$2,097,600 - \$4,130,200 (37 Businesses), Moderate \$3,421,800 - \$6,688,600 (60 Businesses), Aggressive \$4,431,000 - \$8,737,000 (78 Businesses).

He said what they are needing from the Board is direction: What type of activities that you want to move forward with or what you don't want to move forward with.

CAO Ray Espinosa provided additional information and stated how this is a working process, but will need direction from the Board as how they want to move forward with what HDL presented.

Discussion ensued by Board and staff.

Chairman Botelho opened public comment:

Those speaking from the public were: Michael Caragio, Founder of Za Miracle, spoke in regards to plant science and strains and his business.

Tim McCord, County resident, asked the Board to take a hard look at the agriculture view in our County and what it is used for. We need to look at the health and welfare of the people who live here. I don't feel we need marijuana in our County we need agriculture.

Marlee Smith, Pinnacle Strategy, spoke in support of HDL Companies for the County of San Benito.

Sean Kali-Rai, Silicon Valley Cannabis Alliance, spoke in regards to signing contract with HDL

Companies.

Aaron Johnson, representing several applicants. He does support HDL's process. Supports outdoor grows.

Jack Kirk, said that people are concerned about having this close to their homes. HDL looks like a good company. It is not a quick revenue source.

Chairman Botelho said that they would continue this discussion after lunch. They were going to adjourn into closed session.

The Board reconvened back to regular session at 1:22 p.m. Continued with this item.

Elia Salinas, San Benito County resident, questioned why the Board had approved one pacific company (HDL) to come and present when there are other companies out there. Has there been a contract, etc. Spoke about outdoor grows should be done in South County.

Steve Becerra, said that HDL has a good work history and has worked with other County and Cities. This is a good move for the County.

Chairman Botelho closed public comment.

Chairman Botelho said that we are not going to get an ordinance done unless we get outside help. He said that HDL does work for other cities and counties and they have a lot of experience. He said the first and foremost is the development of a growing ordinance. The Board today needs to have a discussion as to what the process we would like to see going forward to finalize. He said possibly two ways of doing it; workshop format or have a committee formed to work with staff and HDL.

CAO Ray Espinosa said that the Board had directed this to move forward, but the concern that administration or staff has is depending on which direction your Board decides to go, are we going to generate enough revenue to have staff on hand. How are we going to handle it at a cost and revenue perspective. He said that is why they gave some scenarios in regards to some numbers.

HDL provided additional information on the scenarios and the different grows and the approximate amount of revenue it could generate.

CAO Espinosa said that is what we need to have from the Board to move forward is how many grows do you want in our County in order to be sustainable.

Discussion ensued by Board and staff.

CAO Ray Espinosa said that the contract is going to be more than \$10,000 we have a \$50,000 cannabis budget. He said that we have the contract right now to accept and then we need to give some direction to move forward.

Supervisor Jaime De La Cruz recommended that we approve contract with HDL and have them call each Supervisor to see what they would like to see and then bring back to the Board.

CAO mentioned that could be a concern with a violation of the brown act, we need to be very careful.

Deputy County Counsel Irma Valencia said as long as the information from each Supervisor is not being disclosed to the other Supervisors.

Chairman Botelho said why don't we start with that then.

MOTION:

Motion to approve contract with HDL and have HDL meet with each Supervisor and bring back a summary report to the Board as to what we want to do:

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

**4 - 0**

For (4):

Against (0):

Ayes: Botelho, De La Cruz, Medina, Rivas

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

To approve Equipment Lease/Purchase Agreement with Banc of America Public Capital Corp to fund the ENGIE contract in the amount of eight million one hundred and sixty thousand dollars (\$8,300,000) for the Engie contract and Issuance Cost. Adopt Resolution.

SBC FILE NUMBER: 425

RESOLUTION NO: 2018-49

Management Analyst Dulce Alonso provided information in regards to the solar Engie project and the assistance of Municipal Advisor KNN who is assisting the County with arranging the financing for the project with Banc of America Public Capital Corporation.

CAO Ray Espinosa added that this has been a long process and that there will be one more piece at our next Board meeting that deals with Ambag. He said that the following is a continued update and review from KNN from the last Board meeting.

Bobby Chung from KNN provided a brief overview and PowerPoint presentation that covered the following: Role of the Municipal Advisor; Summary Plan of Finance by date; Progress since Last Meeting; Estimated Savings Based on BofA's Interest Rate; Next Steps: July 24th County Board to approve financing Resolution; Post Board of Supervisors approval and obtain required signatures from County and B of A for closing; August 3rd closing of lease financing, August 22nd expiration of B of A interest rate lock.

Discussion ensued by Board and staff.

Chairman Anthony Botelho opened public comment.

Chairman Botelho closed public comment, there were no one wishing to speak.

CAO Ray Espinosa said that this has been a long and growing process. He thanked everyone that had been a part of this project.

Chairman Botelho said that it is a good project and also thanked everyone who worked on this. He asked the Board for a motion.

MOTION:

Motion to Adopt Resolution No. 2018-

Made by **Supervisor Jaime De La Cruz** and

49, per staff recommendation:

seconded by Supervisor Mark Medina

**3 - 0**

For (3):

Against (0):

*Ayes: Botelho, De La Cruz, Medina*

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

Accept Willdan, Fee study and consider recommendations on increasing fees thought San Benito County.

SBC FILE NUMBER: 425

Dulce Alonso Management Analyst provided information to the Willdan Fee Study. She said at the next Board meeting she would be bringing back the master fee study to approve from the presentation today from Willdan on the fees that they gathered.

Tony Thatcher Project Manager for Willdan provided information to the user fees that they determined for the different departments within the County. He provided a PowerPoint presentation which covered the following: What are user fees; What is user fee study; Objectives of user fee study; Summary steps of the study; Typical fee composition; Fee cost composition example; Scope of the study: review and calculate cost of providing services and related fees charged by the following departments and divisions: Agricultural Commissioner, Assessor, Building, Clerk of the Board, Code Enforcement, Emergency Medical Services, Environmental Health, Geographic Information Systems, Library, Mental Health, Planning, Probation, Public Health, Sheriff's Office, Tax Collector; Data & county staff participation; Policy considerations; Questions.

Supervisor Mark Medina commented that if we increase fees we need to increase our services and give our customers superior customer service.

Chairman Anthony Botelho opened public comment.

Those speaking from the public were: Elia Salinas, County resident, said that this is a great study, but in making the decision as to what fees will be increased consider you constitutions.

Chairman Botelho closed the public comment.

Chairman Botelho said that he wants to make sure our fees are updated and we look at cost recovery.

Discussion ensued by Board and staff.

Ms. Alonso announced that a master fee study will come to the Board at the next meeting with the suggested fees to be approved.

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

Update on 2017 Winter Storm Disaster Cost Recovery.

SBC FILE NUMBER: 75.5

This item is being continued to the next meeting August 7, 2018.

**CLOSED SESSION**



Deputy County Counsel Irma Valencia read the closed session items into the record.

The board adjourned into closed session at 11:15 a.m. and reconvened back into regular session at 1:22 p.m.

Deputy County Counsel Irma Valencia reported out of closed session:

Item #48 pertaining to the Hollister School District v. County of San Benito, Case No. CU-17-00085, the Board authorized a settlement agreement with the School District with a vote of 3/0.

No reportable action on the rest of the items.

*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.)*

**47. CLOSED SESSION –CONFERENCE WITH LABOR NEGOTIATORS**

Agency designated representatives: Burke Dunphy, Dania Torres Wong, Ray Espinosa, Joe Paul Gonzalez, Melinda Casillas, Elvia Barocio, 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

No reportable action.

**48. 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

The Board authorized a settlement agreement with the School District with a vote of 3/0.

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

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

Name of Case: County of San Benito v. Richard Scagliotti, Superior Court of California, County of San Benito, Case No. CU-16-00007.

SBC FILE NUMBER: 235.6

No reportable action.

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

Property: 3239 Southside Road (020-320-031), Hollister, California

Agency Negotiator(s): John Guertin, RMA Director; Adam Goldstone, Capital Program Manager; Ray Espinosa, CAO; Barbara Thompson, County Counsel; Irma F. Valencia, Deputy County Counsel and G. Michael Ziman, Deputy County Counsel

Negotiating Parties: Farm Labor Association (Pat Wirz, President).

Under Negotiation: price and terms of payment

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

No reportable action.

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

Significant Exposure to litigation pursuant to Section 54956.9: Number of Cases: (3 )

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

No reportable action.

52. **CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION UPDATE**

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

Name of Case: Kane County, Utah, v. United States, United States Court of Federal Claims, Case Nos. 17-739C and 17-1991C.

SBC FILE NUMBER: 235.6

No reportable action.

53. **CLOSED SESSION - PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Title: County Counsel

Authority: California Government Code 54957

No reportable action.

54. **CLOSED SESSION PURSUANT TO SECTION 54956.95: LIABILITY CLAIMS**

No of Cases: 1

Name of Claimant: Corina DeLeon

Agency claimed against: San Benito County (member of Trindel Insurance

Fund)  
Claim No.: TIBP-550100

SBC FILE NUMBER: 235.6

No reportable action.

## **ADJOURNMENT**

### **Adjourn to the next regular meeting of August 7, 2018.**

The Board adjourned the meeting at 3:16 p.m.

*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/](http://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.*