



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 August 7, 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 Mark Medina, District #1.

The Pledge of Allegiance was led by Supervisor Mark Medina.

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
Vice Chair Jerry Muenzer

5 - 0

For (5):

Against (0):

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

c. **Presentations and Recognitions**

BOARD OF SUPERVISORS

Present proclamation to Jacob's Heart Children's Cancer Support Services

declaring the month of September 2018 as "Childhood Cancer Awareness Month" in San Benito County.
SBC FILE NUMBER: 430

Supervisor Mark Medina was to present the Certificate, but no one was present to receive.

BOARD OF SUPERVISORS

Present Proclamations to the San Benito County Health Foundation declaring August 12-18, 2018 as Health Center Week; August 2018 as Breastfeeding Awareness Month; and August 13, 2018 as National Farmworker Day in San Benito County.

SBC FILE NUMBER: 430

Supervisor Jaime De La Cruz presented the San Benito Health Week Proclamation, no one was present to receive, but read the Proclamation.

Supervisor Jerry Muenzer presented the National Farm Worker Day Proclamation, no one was present to receive, but read the Proclamation.

Supervisor Robert Rivas presented the Breastfeeding Awareness Month Proclamation, no one was present to receive, but read the Proclamation.

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.

Chairman Anthony Botelho opened the public comment.

Those speaking from the public were: Gary Arnold, spoke in regards to an article and magazine he provided to the Board in regards to threats to the Santa Cruz Board and in regards to AMBAG. He encouraged the Board to break their ties with AMBAG and agenda 21.

Victgorius Alexander, Santa Clara County, stated that he has been going around to all of the County Board of Supervisor meetings and recording them and scrutinizing the brown act and seeing what counties are in violation of the brown act.

Nancy Martinez, Owner of Innovative Creations, spoke in regards to filing a lawsuit in regards to her son. She said the suit was done and was in favor of San Benito County. She said it doesn't mean that is over that was just a bump in the road. She spoke about San Benito County abusing mentally ill people for at least 7 years. She said that she is going to file a complaint with the Grand Jury the Attorney General and everyone else she can think of.

Susan Logue, resident, thanked the Board for their support of the Library and allowing the Library to be open on Sunday's. She said she is a representative of the Coalition for the new Library and Resource Center. She spoke in regards to the summer reading program.

Richard Bettencourt, Southside Road resident, spoke in regards to the slide again last Thursday on Southside Road. He said the public needs to be more aware of what is going on.

e. Department Head Announcements: Information Only

CAO Ray Espinosa announced that the City of Hollister is shutting down water today and tomorrow from 9:00 a.m. to 4:30 p.m. around the area of our office. He said that portable units have been put in the back of the office and in the old courthouse parking lot to use and if anyone needs bottled water to check with us

f. **Board Announcements: Information Only**

Supervisor Jaime De La Cruz congratulated Ray Friend on his resignation from the City Council. He wished him well on his endeavor and thanked him for all of his community service.

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 #1-26, with the exception of Item #8 which was pulled by the public:

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

5 - 0

For (5):

Against (0):

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

1. **AGRICULTURAL COMMISSIONER - K. OVERSTREET**
Approve State contract, 18-0262-000-SA, for nursery stock inspection activities, from July 1, 2018 through June 30, 2019, for a total contract amount of \$500.00.
SBC FILE NUMBER: 1.1
2. **AGRICULTURAL COMMISSIONER - K. OVERSTREET**
Approve State contract, 18-0195-000-SA, for organic registration and inspection activities, from July 1, 2018 through June 30, 2019 for a total contract amount of \$5,960.00.
SBC FILE NUMBER: 1.1
3. **AGRICULTURAL COMMISSIONER - K. OVERSTREET**
Approve State contract, 17-0453-031-SF, for Glassy Winged Sharp Shooter survey and detection activities, from July 1, 2018 through June 30, 2020, for a total contract amount of \$20,642.52.
SBC FILE NUMBER: 1.1
4. **BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO**
Approve contract renewal with Kings View Corp. for Telepsychiatry Service for the period of July 1, 2018 through June 30, 2019, for a maximum total of \$100,000.00.

SBC FILE NUMBER: 810

5. **BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO**
Approve contract renewal with Door to Hope Substance Abuse Residential Treatment Facility for the term of July 1, 2018 to June 30, 2019, for a maximum total of \$50,000.00.
SBC FILE NUMBER: 810
6. **BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO**
Approve contract with Sun Street Centers, Sober Living Environment (SLE) for the term of July 1, 2018 to June 20, 2019, for a maximum total of \$72,000.00.
SBC FILE NUMBER: 810
7. **BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO**
Approve contract renewal with Sun Street Centers, 'Women's' Sober Living Environment (SLE) for the term of July 1, 2018 to June 30, 2019, for a maximum total of \$72,000.00.
SBC FILE NUMBER: 810
8. **COUNTY ADMINISTRATION OFFICE - R. ESPINOSA**
Adopt Resolution approving County's participation in the Association of Monterey Bay Area Governments (AMBAG) On Bill Financing (OBF) program offering a 0% loans for qualified energy efficiency projects, and approve related contracts.
SBC FILE NUMBER: 119
RESOLUTION NO: 2018-50

Gary Arnold spoke in regards to AMBAG and begged the Board to assume their authority and disengage themselves from AMBAG.

MOTION:

Motion to approve per staff recommendation:

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

9. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD**
Approve the Continuum of Care (CoC) Grant Agreement in the amount of \$241,357.00 to provide housing, support services and case management to eligible homeless individuals and families, for the period of April 1, 2018 through March 31, 2019; and authorize the HHSA Director or Deputy Director to approve and execute the grant agreement and any amendments thereto, and any other documents related to the grant.
SBC FILE NUMBER: 130
10. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD**
Adopt Resolution, accepting the Workforce Innovation & Opportunity Act (WIA) Title 1 Master Subgrant, Youth Program Allocation for Program Year

2018-2019 in the amount of \$206,274.00.
SBC FILE NUMBER: 130
RESOLUTION NO: 2018-51

11. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD**
Approve contract Amendment #2 with California Institute for Behavioral Health Solutions (CIBHS) for an additional \$141,440.00 to allow for additional software customization and training activities.
SBC FILE NUMBER: 130
12. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD**
Approve contract with Youth Alliance in the amount of \$50,000.00 for the provision of Counseling Services for CalWORKs clients, for the period of July 1, 2018 through June 30, 2019.
SBC FILE NUMBER: 130
13. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD**
Ratify and approve the Director of Health & Human Services Agency's signature on a five year agreement with the State of California Health Benefit Exchange for Certification as a Medi-Cal Certified Enrollment Entity from July 1, 2018 through June 30, 2023.
SBC FILE NUMBER: 130
14. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGWORD**
Approve Waiver of County Personnel Policies & Procedures Handbook Rule 1.H.3 Prohibiting CalPERS Benefits for Temporary Employees and approve appointment of Extra Help Social Worker for Health & Human Services - Protective Services Division who has previously worked as a CalPERS employee in another county.
SBC FILE NUMBER: 130
15. **OFFICE OF EMERGENCY SERVICES - K. O'NEILL**
Approve procurement of two projects utilizing Homeland Security grant funds. All projects are going directly to first responder agencies as approved and recommended by the grant approval authority (gang of 5). Projects include Cradle point Modems (\$27,762.31) for Hollister Police Department Vehicles, and Scene Light System (\$17,122.25) for Hollister Police Department.
SBC FILE NUMBER: 75.5
16. **OFFICE OF EMERGENCY SERVICES - K. O'NEILL**
Approve WebEOC Purchase Order to be paid with grant funds for a total amount of \$13,500.00 with Juvare for a one year subscription of WebEOC Core using sole source procurement procedure defined in County Code Section 5.09.010 (N).
SBC FILE NUMBER: 1068
17. **OFFICE OF EMERGENCY SERVICES - K. O'NEILL**
Approve procurement using NASPO contract pricing of Active Shooter Personal Protective Equipment (\$28,088.28) for Hollister Fire Department utilizing Homeland Security grant funds.

SBC FILE NUMBER: 1068

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

Approve out of State travel for Kevin O'Neill, Emergency Services Manager and Bryan La Sota, Emergency Services Specialist to attend the 2018 International Association of Emergency Managers (IAEM) conference in Grand Rapids, Michigan October 21 through October 24, 2018.

SBC FILE NUMBER: 1068

19. **PROBATION DEPARTMENT - R. T. BARAAN**

Approve Contract between San Benito County Probation Department and Youth Alliance for the Parenting and Family Counseling Project for period July 1, 2018 to June 30, 2019 in the amount of \$50,000.00.

SBC FILE NUMBER: 510

20. **PROBATION DEPARTMENT - R. T. BARAAN**

Approve contract between San Benito County Probation Department and Youth Alliance for servicing at-risk minors and their families for period July 1, 2018 to June 30, 2019 in the amount of \$70,000.00.

SBC FILE NUMBER: 510

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

Approve contract Amendment #1 with Precision Civil Engineering Inc. for an additional \$200,000.00 and extend the existing contract until June 30, 2019.

SBC FILE NUMBER: 105

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

Approve contract amendment with Nolte Associates for an additional \$150,000.00 to complete environmental compliance and design work for Anzar Road Bridge Project.

SBC FILE NUMBER: 105

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

Approve contract amendment with Quincy Engineering for an additional \$148,214.00 to complete environmental compliance and design work for Limekiln Road Bridge Project.

SBC FILE NUMBER: 105

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

Approval of Final Maps for TSM 12-85, Tract No. 308, commonly known as Santana Ranch, Unit 4 (39 lots) and Unit 5 (40 lots).

SBC FILE NUMBER: 790

25. **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: 105

RESOLUTION NO: 2018-52

26. RESOURCE MANAGEMENT AGENCY - J. GUERTIN

Adopt Resolution approving a right-of-way agreement and accepting a grant deed for right of way and a storm drainage easement grant for the Hospital Road Bridge project from the Christiano Trust.

SBC FILE NUMBER: 790

RESOLUTION NO: 2018-53

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.

27. BOARD OF SUPERVISORS

Accept presentation by San Benito Water District, Jeff Cattaneo; approve and sign letter of support for the basin boundary modification proposed by San Benito County Water District (SBCWD).

SBC FILE NUMBER: 1005.1

CAO Ray Espinosa provided background information concerning the basin boundary modification and how the San Benito County Water District is asking for the Board's support.

Jeff Cattano, General Manager, of the San Benito County Water District spoke in regards to sustainable ground water plan. He spoke in regards to the basin proposed for consolidation which includes, Bolsa, Hollister, San Juan Bautista and Tres Pinos Valley, which is for management purposes. He said that the reason for doing this is to simplify the process into one plan instead of four separate plans. In the preparation of a single plan there would still be four different management areas but by doing this it makes it easier for us to manage. He said they are asking for a letter of support from the Board to consolidate.

Supervisor Jaime De La Cruz had a question in regards to San Felipe water.

Jeff Cattaneo provided information.

MOTION:

Motion to approve Letter of Support
per staff recommendation:

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

5 - 0

For (5):

Against (0):

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

28. OFFICE OF EMERGENCY SERVICES - K. O'NEILL

Update on 2017 Winter Storm Disaster Cost Recovery.

SBC FILE NUMBER: 75.5

EMS Director Kevin O'Neil provided a PowerPoint presentation in regards to 2017 Winter Storms

Progress Update. Items covered were: Background Information; Current Status of Grants; Status of Long Term Recovery Projects; Next Steps: Complete all work at Lovers Lane and the San Benito Historical and Recreational Park, Close out disaster recovery grants.

Discussion ensued by Board and staff.

This was a report only.

29. COUNTY COUNSEL'S OFFICE - B. THOMPSON

In regard to formation of new 3 subdivision CFD:

Adopt Resolution regarding local goals and policies; and Adopt Resolution of Intent establishing public hearing date of September 11, 2018, and establishing the rate and method of apportionment.

SBC FILE NUMBER: 160

RESOLUTION NO: 2018-54

RESOLUTION NO: 2018-55

County Counsel Barbara Thompson provided information to the County Wide CFD which includes 3 subdivisions (The Bluffs, Brigantino and Fay Bennet). Today is the first step to adopt Resolution regarding local goals and policies and establishing the rate and method of apportionment; and adopt Resolution of Intent to establish public hearing date of September 11, 2018.

Discussion ensued by Board and staff in regards to methodology, tracking services, etc.

CAO Ray Espinosa said that why we are here, we were asked by the Board to form County Wide CFD's, which is to be able to provide better service.

RMA Director John Guertin said that they will be managed just like the CSA's, by our new full time staff member. He will be dedicated to that which will hopefully improve our services.

MOTION:

Motion to Adopt Resolution No. 2018-54, adopting goals and policies and appraisal standards for Community Facility Districts (CFDs); Adopt Resolution No. 2018-55, Intention to establish Community Facilities District, No. 2018-1 (Residential Services and future annexation area);

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

30. COUNTY ADMINISTRATION OFFICE - R. ESPINOSA

Adopt resolution calling for an election to be consolidated with the November 6, 2018 general election, to submit to the voters for approval, an ordinance imposing a business license tax.

SBC FILE NUMBER: 119

RESOLUTION NO: 2018-56

CAO Ray Espinosa provided background information in regards to an election for a business

license tax at the November 6, 2018 election and option 1 that the Board voted on at the last Board meeting to go forward with.

Management Analyst Dulce Alonso provided a PowerPoint presentation in regards to Business Tax Ordinance. Items covered were: Overview-Background, proposed measure, timelines/Analysis, next steps; Background; Proposed Measure; Timeline/Analysis; Recommendation-Adopt resolution calling for an election to be consolidated with the November 6, 2018 general election, to submit to the voters for approval, and an ordinance imposing a business license tax.

CAO Ray Espinosa made one slight correction: The Board was going to move forward with Option #1, with 20% increase instead of Option #2.

County Counsel Barbara Thompson mentioned that there was a typo that had been corrected and the Resolution that will be adopted today incorporates the elections code which allows any of the Board members to submit an argument in favor and deadline for that is the same as deadline for the analysis.

Vice Chair Jerry Muenzer asked if there was any comment from the public, there was none.

He asked what the wishes of the Board was.

MOTION:

Motion to Adopt Amended Resolution No. 2018-56 per staff recommendation:

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

5 - 0

For (5):

Against (0):

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

**PUBLIC
HEARING**

31. COUNTY ADMINISTRATION OFFICE - R. ESPINOSA

- 1. Hold a public hearing regarding the proposed Ordinance:**
- 2. Introduce and waive reading of an Ordinance Amending Certain Sections of the San Benito County Code, to Adopt the "San Benito County Master Fee Schedule", and to Adopt Increases and Reductions in Certain County Fees; and**
- 3. Continue the Ordinance to the August 21, 2018 Board Meeting for further consideration for adoption.**

SBC FILE NUMBER: 425

CAO Ray Espinosa mentioned that this is a public hearing for the master fee schedule for the County and Management Analyst Dulce Alonso will present.

Ms. Alonso provided a PowerPoint presentation of the San Benito County Master Fee Schedule which was performed by Willdan which took about a year to complete. She said she has incorporated their suggested changes into the fee schedule she is presenting today to the Board for adoption. The information covered was: Overview - User fee History - Master Fee Schedule Process - Fees summary - Next Steps: August 7, 2018, introduce and waive reading of Master Fee

ordinance; August 21, 2018, continue the Ordinance to Board meeting for further consideration for adoption; September 24, 2018, effective date of all changes.

Chairman Botelho opened the public hearing.

Chairman Botelho closed the public hearing, there were no speakers.

Supervisor Mark Medina commented with any increase of fees also comes the increase of customer service.

County Counsel Barbara Thompson noted that there was one change on page 10 under County Counsel fees to add in house counsel \$125.00 per hour.

County Counsel Barbara Thompson read the Title of the Ordinance for the record.

MOTION:

Motion to move 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

CLOSED SESSION

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

The Board adjourned into closed session at 10:13 a.m.

The Board reconvened at 11:39 a.m.

No reportable action taken on closed session items except Item #32.

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.)

32. CLOSED SESSION - PUBLIC EMPLOYEE APPOINTMENT

Title: Interim County Counsel

Authority: California Government Code 54957

SBC FILE NUMBER: 235.6

The Board appointed Laura Zagaroli as Interim County Counsel effective August 20, 2018.

33. 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: Email regarding River

Parkway EIR.
SBC FILE NUMBER: 235.6

No reportable action.

34. **CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATORS**

Agency designated representatives: Ray Espinosa, Joe Paul Gonzalez, Elvia Barocio, Steve Coffee, Dania Torres Wong, Mark Gregersen

Employee Organizations:

Institutions Association

Law Enforcement Management

Management Employee's Group

SEIU Local 521 (General Unit Employees)

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.

35. **CLOSED SESSION - Conference with Real Property Negotiator**

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

Agency Negotiator(s): John Guertin, RMA Director, Adm Goldstone, Capital Program Manager; Ray Espinosa, CAO; James Rydingsword, HHSA Director, 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.

36. **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.

ADJOURNMENT

Adjourn to the next regular meeting of August 21, 2018.

MOTION:

Motion to adjourn the Board meeting at 11:40 a.m.:

Made by **Supervisor Robert Rivas** and seconded by **Vice Chair 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.