



SAN BENITO COUNTY BOARD OF SUPERVISORS

Mark Medina	Anthony Botelho	Robert Rivas	Jerry	Jaime De La Cruz
District No. 1	District No. 2	District No. 3	Muenzer	District No. 5
	Chair		District No. 4	
			Vice - Chair	

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

REGULAR MEETING MINUTES November 6, 2018 9:00 AM

CALL TO ORDER

The meeting was called to order at 9:01 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.

Chairman Botelho talked about Veterans Day being next week and shared a phrase: America is good not because it is great, but America is great because we are good!

He asked Supervisor De La Cruz to lead us in the Pledge of Allegiance and asked for everyone to remain standing in respect and gratitude to our Veteran's.

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

For (5):

Against (0):

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

c. Presentations and Recognitions

BOARD OF SUPERVISORS

Present Certificate of Recognition to Canyon Sayers-Roods, 2018
Community Inspiration Award for Hollister Youth Alliance.
SBC FILE NUMBER: 156

Chairman Anthony Botelho mentioned that he and Supervisor Robert Rivas attended a Hollister Youth Alliance event and one of the honorees was Canyon Sayers-Roods from San Benito County.

He said that she was unable to attend today to receive her Certificate of Recognition but would make sure she gets it.

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: Sheila Cordova, IHSS Worker, spoke in regards to health care workers and their proposal for a wage increase.

Cynthia Abrams, IHSS Worker, spoke in regards to their contract and their work. She asked that their contract be discussed in closed session today and make a decision to support possibly today.

e. Department Head Announcements: Information Only

CAO Ray Espinosa said that there were a couple of announcements today from the following:

Budget Officer Stewart Patri provided background and an update in regards to the Monterey Bay Community Power Authority program. He said that they have been notified by River City Bank that the credit guarantee that the County entered into with them in the amount of \$550,000 for collateral for the program has been released and the funds will go back into the general fund balance.

EMS Director Kevin O'Neil reported that he attended the City Council meeting last night where the Council considered the County and the City of Hollister Fire contract. He said that the City did approve it with a vote of 4/1, with the Major voting no. He said that this contract will be on the Board of Supervisors meeting of November 20th for the Board's consideration and approval. He said that the San Juan Bautista contract has not been approved, it was tabled to the November 19th for the Council to consider.

COG Director Mary Gilbert announced that they have a new service available through the Local Transportation Authority and County Express to purchase bus passes and tokens if you have a smart phone. You can download a free app called token transit using a credit card.

f. **Board Announcements: Information Only**

Supervisor Robert Rivas said that he wants to encourage everyone to go out and vote.

He also reported that he attended a meeting in Gilroy related to the Zbest expansion project which is extremely concerning. He said that he feels that this Board needs to address this as soon as possible. He said that San Benito County is going to see all of the impacts on Hwy 25 and it will impact our County. He urges the Board to agendaize next meeting or early next year because this is going to have a significant impact on the flow of traffic and the residents of San Benito County.

Supervisor Mark Medina said that he has spoke with the Associate Planner and that they are planning on having a learning session in the near future.

Chairman Botelho said that he thinks it would be good to have a study session during a Board of Supervisors meeting, possibly in the afternoon.

Supervisor Jerry Muenzer mentioned that this has also been on the Mobility Partnership Committees' radar also.

He also mentioned that the Monterey Bay Community Power will be expanding. They are looking at scheduling a special meeting for next Wednesday, November 14th to consider the acceptance of Morro Bay and San Luis Obispo to the Community Power's Authority.

He announced that AMBAG will be celebrating their 50th Anniversary on November 14th.

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 - 14, with the exception of Item #5, which was pulled to be put on a future agenda. Item #11, which was pulled by Supervisor Muenzer and Botelho 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. **ASSESSOR'S OFFICE - T. SLAVICH**

Approve the acceptance of the grant award of \$250,000 from the State Supplementation for County Assessor's Program (SSCAP); Approve the 3 additional positions to the Schedule of Authorized Positions; Approve the budget augmentation related to the acceptance of the grant and county annual

match and direct the County Auditor to set-aside unspent SSCAP funds at the end of each fiscal year, to be available for the next fiscal year's budget. (4/5 vote)

SBC FILE NUMBER: 7

2. **BOARD OF SUPERVISORS**

Approve Proclamation declaring National Philanthropy Day Thursday, November 15th. To be presented at San Juan Oaks ceremony.

SBC FILE NUMBER: 430

3. **BOARD OF SUPERVISORS**

Approve Proclamation declaring November 26 through November 30, 2018 as California Clerk of the Board of Supervisors Week.

SBC FILE NUMBER: 430

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

Approve the action minutes of the October 23, 2018 regular meeting.

SBC FILE NUMBER: 119

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

Approve Agreement with San Juan Oaks, LLC.

SBC FILE NUMBER: 119

This item was pulled from the agenda to be brought back at a future meeting.

6. **COUNTY LIBRARY - N. CONTE**

The San Benito County Free Library requests Board approval to close the Library on Saturday, November 24th in observance of the Thanksgiving Holiday, and Saturday December 22nd and Monday, December 24th in observance of the December holidays.

SBC FILE NUMBER: 80

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

Approve contract Amendment #1 with Mary White for expanded scope of services in Emergency Preparedness Program for fiscal year 2018-2019.

SBC FILE NUMBER: 130

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

Approve contract with Seneca Family of Agencies for Resource Family Approval and associated services for the period of July 1, 2018 through June 30, 2019, not to exceed amount of \$90,000.00.

SBC FILE NUMBER: 130

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

Adopt Resolution accepting the 2019 Low Income Home Energy Assistance Program (LIHEAP) grant in the amount of \$201,500 and Approve Standard Agreement No. 19B-5029 with the State of California Department of Community Services and Development for the term of October 1, 2018 through June 30, 2020.

SBC FILE NUMBER: 130

RESOLUTION NO: 2018-76

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

Re-Appoint Ms. Kristina Chavez Wyatt to represent the Economic Development and Mr. Al Gonzalez Jr., to represent the Labor Organizations, to the Workforce Development Board for a three year term, effective 10/23/18 through 10/23/21.

SBC FILE NUMBER: 130

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

Approve a Reimbursement Agreement with Richland Communities, Inc. to reimburse all County costs incurred, including contracts with outside consultants and counsel, for the preparation and processing of a specific plan, zoning code amendments, environmental impact report and other necessary related documents.

SBC FILE NUMBER: 790

This item was pulled by Chairman Botelho and Supervisor Muenzer for discussion.

Supervisor Muenzer asked if it was legal to deny an application for a general plan amendment or a housing development.

County Counsel Barbara Thompson replied that the Board can establish a policy so that they come before the Board for review before the EIR process.

Chairman Botelho said that he had a problem with this agreement, it is a massive project and we don't have the sewer and water, etc. and are approving a project. He said that this project is premature and is not voting for this today. He said that he does not feel this is the process that they should be following for this project.

Supervisor Mark Medina said that it amazes him that we can pick and choose projects, there is no consistency. He said that he agreed that something needs to be done, but we need to follow protocol.

Supervisor Jaime De La Cruz said that he too is at a position that he doesn't want to approve it, but we need to be consistent and we have a process, so because of that I will support it.

Discussion ensued by Board and staff.

Supervisor Robert Rivas said that the merit of the project is not before us, we need to let process run its course and be consistent. If we are going to change the process it needs to be done administratively through this Board.

Chairman Botelho opened public comment:

Brian Hardy with Richland Communities spoke about the agreement and how this is just the beginning and it is going to be a long process. He said that the project is consistent with the current general plan. He said that this plan will be coming back to the Board for review.

Scott Fuller, San Juan Oaks, said that you need to see what the project really is before you reject it.

Chairman Botelho closed the public comment.

Supervisor Muenzer asked if the Board wants staff to bring back a new policy for these developments before we get to this point.

Chairman Botelho had a question in regards section 5 of the agreement in regards to the expiration date and the amounts.

County Counsel Barbara Thompson provided information.

RMA Director John Guertin provided additional information.

Supervisor Medina asked what mechanism do we have in place to make sure we are reimbursed in a timely matter.

RMA Director John Guertin said there is a process in place to track contracts.

MOTION:

Motion to Approve Reimbursement Agreement with Richland Communities to fully recover all County costs incurred for the preparation and consideration of a specific plan, zoning code amendment, EIR and any other documents required for the specific plan:

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

4 - 1

For (4):

Against (1):

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

12. RESOURCE MANAGEMENT AGENCY – J. GUERTIN

Adopt the plans and specifications for the Arroyo De Las Viboras Bridge on Fairview Road (PWB-1809); find the projects are categorically exempt under CEQA Guidelines Sections 15301 and 15302; and authorize the advertisement for bids.

SBC FILE NUMBER: 105

13. 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, (4/5 vote required). SBC FILE

NUMBER: 105

RESOLUTION NO: 2018-77

14. RESOURCE MANAGEMENT AGENCY - J. GUERTIN

Approve a Job Order Contracting (JOC) work order for the construction of a new Picnic Shelter at the Migrant Camp in the amount of \$71,134.89; and authorize the RMA Director to sign the work order.

SBC FILE NUMBER: 750

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.

15. COUNTY ADMINISTRATION OFFICE - R. ESPINOSA

Accept informational presentation from Hollister School District, Director of Facilities, for new school at Santana Ranch .

SBC FILE NUMBER: 119

Management Analyst Dulce Alonso said that the Hollister School District is going to give a presentation in regards to the proposed Santana Ranch School.

John Teliha, Director of Facilities, provided a PowerPoint presentation in regards to the proposed school at Santana Ranch. He spoke about the following: Proposed building site- 3 Tier approach; Diagram of the two story building; First Floor Plan and Second Floor Plan; Transitional K-8 Grade School with the capacity of 750 to 900 students; West Elevation/East Elevation/South Elevation; Overall view; View from the Playground; Main Entry; View looking North East.

He thanked Chair Botelho and Supervisor Medina for working with the School District on certain matters. He said that they will keep the Board updated as it moves forward.

Dr. William Barr, Interim Superintendent of the Hollister School District, spoke of how the School District is making the best out of what they were given to work with. The school will be small but it will be a very nice school. He said that it will not have a multi-purpose room because they ran out of money because what they had to pay for the land and how much the multi-purpose room would cost.

Chairman Botelho thanked Mr. Barr for his message.

Supervisor Medina asked when will the school be opened.

Mr. Teliha provided information along with a tentative date of January 1, 2021.

Supervisor Muenzer asked that they consider a traffic flow design for this.

Chairman Botelho thanked them for the presentation and said that it looks like it is going to be a beautiful school.

16. BOARD OF SUPERVISORS

Accept presentation from the Independent Committee for San Benito County Job Growth.

SBC FILE NUMBER: 156

CAO Ray Espinosa mentioned that Supervisor Mark Medina asked that this item be put on the agenda.

Management Analyst Dulce Alonso introduced Richard Goozh the Chief Officer of Teknova who formed the Independent Committee for San Benito County Job Growth.

Mr. Goozh provided a PowerPoint presentation which covered the following: Overview of the Independent Committee for San Benito County Job Growth; Committee Structure; Committee

Participants; Jobs in San Benito County; Outbound Commuters; Local Government Budgets; Preliminary Recommendations; Benefits on Increasing Job Growth; Questions.

Chairman Anthony Botelho thanked him for a good presentation.

Discussion ensued by Board and Mr. Goozh.

Chairman Botelho opened public comment.

Valerie Egland spoke of a need for entry level jobs in San Benito County and the job center in San Benito County. She supports the idea of the San Benito County Chamber of Commerce in getting information out to the public.

Elia Salinas spoke in regards to if the cannabis industry was factored into the job growth in the City and County.

Chairman Botelho closed public comment.

Mr. Goozh thanked the Board for their input and said that they will be back with more information.

17. COUNTY ADMINISTRATION OFFICE - R. ESPINOSA

Accept informative presentation from Council of Governments on the Regional Housing Needs Allocation Plan overview.
SBC FILE NUMBER: 1035

CAO Ray Espinosa said that at our last meeting the Board asked for COG to provide information in regards to the housing element overview. He said that RMA will be giving us an update from their department at a future meeting.

COG Director Mary Gilbert provided a PowerPoint presentation in regards to the Regional Housing Needs Allocation: Items covered were: Background/Requirements; Regional Housing Needs Allocation; Methodology; San Benito County Allocations; Total Allocations by Jurisdiction; Housing Element Updates; Questions.

Chairman Anthony Botelho had a question in regards to Housing Community Development allocations and how neighboring counties meet their allocations.

Ms. Gilbert provided information.

Chairman Botelho thanked Ms. Gilbert for her report.

CLOSED SESSION

County Counsel Barbara Thompson read the closed session items into the record. She said that Item #20 would be pulled from the agenda.

The Board entered into closed session at 10:50 a.m. and reported out at 11:52 a.m.

County Counsel Barbara Thompson reported that there is no reportable action.

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.)

18. **CLOSED SESSION: LIABILITY CLAIMS**

Government Code Section 54956.95

Name of Claimant: Corey Cheeks

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

Claim Nos.: TIBR-550543/TIBN-541402

SBC FILE NUMBER: 235.6

No reportable action.

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

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

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.

20. **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

This item was pulled from the agenda.

21. **CLOSED SESSION - PUBLIC EMPLOYEE ANNUAL REVIEW**

Title: County Administrative Officer

Authority: California Government Code 54957

SBC FILE NUMBER: 235.6

No reportable action.

ADJOURNMENT

Adjourn to the next regular meeting of Tuesday, November 20, 2018.

MOTION:

Motion to adjourn meeting at 11:53 a.m.: 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

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.