



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 November 20, 2018 9:00 AM

CALL TO ORDER

The meeting was called to order at 9:04 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 asked for everyone to remain standing after the pledge for a moment of silence for the fire victims in California who have lost their lives, homes, businesses and gratitude to the first responders and volunteers during this time.

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
Supervisor Mark Medina

5 - 0

For (5):

Against (0):

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

c. Presentations and Recognitions

d. Public Comment

Opportunity to address the Board on items of interest not appearing on the agenda. No action may be taken unless provided by Govt. Code Section 54954.2.

There was no one to speak.

e. Department Head Announcements: Information Only

CAO Ray Espinosa announced that out of the Clerk of the Board's Office that Publication Notices for Public Hearing's are due to the paper Wednesday, November 21st by noon for publication for the next Board meeting on December 11th due to the Holiday.

He also spoke about the the process for Public Records Requests that are maintained by the Clerk of the Board and that the instructions are posted on the website.

He highlighted that the Health Fair went really well in October and there was a request from the Employees about training. He said that the Human Resource Department will be doing an employee benefit survey to help educate the employees about their health benefits.

Budget Officer Stewart Patri reported that they had a bond training and everything is going smoothly and hope to receive those funds sometime in February for the Jail expansion and Behavioral Health new building.

Resource Management Agency Director John Guertin spoke on the costs of the Jail expansion project and how it is coming along.

f. Board Announcements: Information Only

Supervisor Robert Rivas wished everyone a happy and safe Thanksgiving. He announced that this would be his last Board meeting, he will be submitting his resignation letter to the CAO to be effective November 30, 2018 at 5:00 p.m. He said that he is very excited to be sworn in on December 3rd at the State Legislator. He thanked everyone for the opportunity to serve them in his home town and serve as a member of this Board. He spoke of his time spent as a Board member and the opportunity for him and his family. He thanked past and present Board members and staff for everything. He said that he looks forward to being a voice for San Benito County in Sacramento.

Supervisor Jerry Muenzer also wished everyone a safe and happy Thanksgiving. He reported that he and CAO Ray Espinosa attended a joint operation and policy board meeting of the Monterey Bay Community Power. He said that the cities of San Luis Obispo and Morro Bay are going to be joining Community Power and that we will be getting a revised JPA the first of the year.

He also reported that AMBAG celebrated their 50 years of operation last Wednesday.

Supervisor Jaime De La Cruz thanked the public and the committee for passing Measure G. He said that now we have the ability to fix our roads. He said that we as a Board need to commit that every single penny will be used to fix those roads. He thanked and congratulated Supervisor

Botelho for his leadership on Measure G and thanked the Major Ignacio Velasquez for having the bold idea to push for 1%. He congratulated Supervisor Rivas as our new Assembly Member and said that it was a privilege to work with him.

Chairman Anthony Botelho spoke about needing to move Hwy 25 faster and having support at the State level. He reported that he met with Santa Clara Open Space Authority concerning the RCIS mapping plan and that it would be coming to our Board the first part of next year to present their perspective to our comments. He congratulated Supervisor Rivas on his new opportunity in Sacramento. He said that it has been great working with him on the Board of Supervisors and will miss his perspective.

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 #1-18, with the exception of Item #10, #14, #15, and #16 which were pulled by the Board for discussion:

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

1. AGRICULTURAL COMMISSIONER - K. OVERSTREET

Approve State contract, 18-0252, for exotic insect pest detection trapping activities, from July 1, 2018 through June 30, 2019, Total contract value is \$46,321.00.

SBC FILE NUMBER: 1.1

2. AGRICULTURAL COMMISSIONER - K. OVERSTREET

Approve Memorandum of Understanding (MOU) with the California Agricultural Commissioners and Sealers Association (CACASA) for submission of pesticide use reports for the period from July 1, 2018 through June 30, 2019 in the amount of \$8,968.00.

SBC FILE NUMBER: 1.1

3. BOARD OF SUPERVISORS

Approve the re-appointment of Cameron Wright, Ted Thoney, and Kelli Shingai to the San Benito Resource Conservation District Board of Directors for a term to expire on the last Friday of November 2022.

SBC FILE NUMBER: 156

4. **BOARD OF SUPERVISORS**
Approve the appointment of Maria Spandri to the Parks & Recreation Commission and the Veteran's Park Commission effective 11/20/18 as an At Will Position, appointed by the VFW Hollister Post 9242, due to the resignation of Richard Gallagher.
SBC FILE NUMBER: 156
5. **CLERK OF THE BOARD OF SUPERVISORS - J. SLIBSAGER**
Approve the action minutes of the November 6, 2018 regular meeting.
SBC FILE NUMBER: 119
6. **COUNTY ADMINISTRATION OFFICE - R. ESPINOSA**
Approve Agreement with San Juan Oaks, LLC.
SBC FILE NUMBER: 119
7. **COUNTY CLERK-AUDITOR-RECORDER-ELECTIONS - J. P. GONZALEZ**
Approve Restated and Revised Trindel Insurance Fund Joint Powers Agreement, and authorize the Chairman to sign the agreement.
SBC FILE NUMBER: 943.1
8. **HUMAN RESOURCES - E. BAROCIO**
Receive the 2018 San Benito County Holiday Closure schedule for all departments; receive the 2019 San Benito County Office Hours schedule for all departments; adopt a Resolution of the San Benito County Board of Supervisors authorizing the hours of operation for the December 2018/January 2019 holiday closure period and the 2019 office hours and days of operation.
SBC FILE NUMBER: 630
RESOLUTION NO: 2018-78
9. **OFFICE OF EMERGENCY SERVICES - K. O'NEILL**
Adopt Governing Body Resolution Authorizing the County Administrative Officer and/or the Emergency Services Manager to execute any actions necessary for the purpose of obtaining financial assistance through the California Office of Emergency Services Grants for the FY 2018 Homeland Security Grant Program (HSGP) and the FY 2018 Emergency Management Performance Grant (EMPG), which may include executing applications and filings.
SBC FILE NUMBER: 75.5
RESOLUTION NO: 2018-79
10. **OFFICE OF EMERGENCY SERVICES - K. O'NEILL**
Approve MOU with San Benito County Community Foundation for Disaster Financial related donation management services in the event of a large scale emergency or disaster.
SBC FILE NUMBER: 1068

Supervisor Jaime De La Cruz pulled this item with questions for OES Director Kevin O'Neill.

Kevin O'Neill provide information.

Supervisor Mark Medina commended Kevin for the job that he is doing.

MOTION:

Motion to approve 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

11. RESOURCE MANAGEMENT AGENCY-J. GUERTIN

Approval of Final Map for TSM 14-91, Tract No. 342, commonly known as Sunnyside Estates located at North and West of the intersection of Hospital Road and Southside Road, and take other related action.

SBC FILE NUMBER: 105

12. RESOURCE MANAGEMENT AGENCY - J. GUERTIN

Approve a contract Amendment with NV5 Inc. in the amount of \$650,000.00 to pay for engineering services as part of the continued pre-engineering portion of the the bridge replacement program; and approve a budget transfer in the amount of \$400,000.00 from Salary and Benefits to Services and Supplies Other Consultants to use salary savings to offset the portion of the contract amendment that is not reimbursable.

SBC FILE NUMBER: 105

13. RESOURCE MANAGEMENT AGENCY - J. GUERTIN

Approve contract amendment with Hayashi & Wayland LLP to add additional scope of work to include an "Agreed-Upon Procedures Engagement" with the RMA department to research, analyze, and provide recommendations regarding the operational effectiveness and fiscal analysis of the County's Impact Fees, Road Fund, and CSA Fund programs.

SBC FILE NUMBER: 790

14. RESOURCE MANAGEMENT AGENCY - J. GUERTIN

Approve an on-call contract with Associated Right of Way Services Inc. in an amount not to exceed \$200,000 to provide professional right-of-way services between November 21, 2018 and June 30, 2023.

SBC FILE NUMBER: 105

Chairman Anthony Botelho pulled this item with questions for the RMA Director John Guertin.

John Guertin provided information.

Supervisor Jerry Muenzer said that we need to do what ever we need to do to get these projects started, would like to see them approved today.

MOTION:

Motion to approve per staff

Made by Chairman Anthony Botelho and seconded by Vice

recommendation:

Chair Jerry Muenzer

5 - 0

For (5):

Against (0):

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

15. RESOURCE MANAGEMENT AGENCY - J. GUERTIN

Approve an on-call contract with Dokken Engineering in an amount not to exceed \$200,000 to provide professional right-of-way services between November 21, 2018 and June 30, 2023.

SBC FILE NUMBER: 105

Chairman Anthony Botelho pulled this item with questions for the RMA Director John Guertin.

John Guertin provided information.

Supervisor Jerry Muenzer said that we need to do what ever we need to do to get these projects started, would like to see them approved today.

MOTION:

Motion to approve per staff
recommendation:

Made by Chairman Anthony Botelho and seconded by Vice
Chair Jerry Muenzer

5 - 0

For (5):

Against (0):

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

16. RESOURCE MANAGEMENT AGENCY - J. GUERTIN

Approve an on-call contract with Overland, Pacific & Cutler LLC in an amount not to exceed \$200,000 to provide professional right-of-way services between November 21, 2018 and June 30, 2023.

SBC FILE NUMBER: 105

Chairman Anthony Botelho pulled this item with questions for the RMA Director John Guertin.

John Guertin provided information.

Supervisor Jerry Muenzer said that we need to do what ever we need to do to get these projects started, would like to see them approved today.

MOTION:

Motion to approve per staff
recommendation:

Made by Chairman Anthony Botelho and seconded by Vice
Chair Jerry Muenzer

5 - 0

For (5):

Against (0):

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

17. TREASURER-TAX COLLECTOR-M. L. ANDRADE

Adopt Resolution to Release Unclaimed Checks from their respective funds to the General Fund pursuant to Govt. Code Section 50055.

SBC FILE NUMBER: 685.2
RESOLUTION NO: 2018-80

18. **TREASURER- TAX COLLECTOR- M. L. ANDRADE**

Adopt Resolution to Release Unclaimed Checks from their respective funds to the General Fund pursuant to Govt. Code Section 50053.

SBC FILE NUMBER: 685.2
RESOLUTION NO: 2018-81

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.*

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

Consider adoption of an Ordinance amending Chapter 7.02 of the San Benito County Code (originally enacted by Ordinance No. 964) related to cannabis businesses within the unincorporated area of San Benito County:

- 1) Read title of ordinance;
 - 2) Make a motion to accept the introduction;
 - 3) Waive the reading of the ordinance; and
 - 4) Continue to December 11, 2018 for adoption.
- SBC FILE NUMBER: 119

CAO Ray Espinosa thanked Management Analyst Dulce Alonso, Taven Brown from RMA and Sarah Dickinson in legal for their hard work to get this done this year.

Management Analyst Dulce Alonso provided an overview of how the ordinances work together and the stage where we are now. The PowerPoint presentation covered information as to the Where, How and Chapter 7.02 of the County Code related to cannabis businesses in the unincorporated area of San Benito County. She said that the County has been working with HDL Companies to create the regulatory program; Timeline overview; Cannabis Policy; Cannabis Activities; Introduction of Ordinance 7.02 related to cannabis businesses; zoning map and questions.

Tim Cromartie of HDL Companies provided information to the 7.02 of the ordinance related to cannabis businesses. Provided a PowerPoint presentation which covered: Agenda; Overview of Local Regulatory progress; Overview: Proposed Regulatory Ordinance; Authority, Purpose and Intent; Definitions; Cannabis Business Regulatory Program; Application Evaluation Process; Cannabis Business Permit; Cannabis Employee Work Permit; Fees and Charges; Limitations on County's Liability; Regulatory Ordinance: Details; Application Process; Application Process-Phase 1; Phase 2; Phase 3; Phase 4; Permit Fees; Employee Badges; Cannabis Permit Application Process by Phase; Cannabis Permit Application Process; questions.

Supervisor Mark Medina and Supervisor Jaime De La Cruz had some questions for Mr. Cromartie of HDL.

Supervisor Anthony Botelho opened it up for elected officials and staff to speak prior to the public comment.

Captain Taylor stated that their office has been working with staff and want to be a part of the process going forward. He said that they have some concern in regards to public safety. He said that oversight of a program of this magnitude will require, in our opinion, additional staffing in the Sheriff's Office. Our office would like to be involved with the applicants and the process so that we can squash the illegal businesses. He said that there will also be more impaired motorist on the road which is a safety issue. He thanked the Board for listening and allowing them to be part of the process. He said that they look forward to moving this forward in a positive process.

HSA Director James Rydingsword spoke of how the legislature also recognizes that there maybe public health issues involved in the use of marijuana. He said that he wants to ask the Board and the County to beware at looking at that as a public health issue.

Sarah Dickinson from County Counsel said that Supervisor De La Cruz had a question that she wanted to address in regards to the CAO having authority with regards to implementing regulations of the program. She said that there is a provision written into the ordinance now which authority would be delegated to the CAO to make regulations to the program.

Chairman opened the public comment period.

Those speaking from the public were: Peter Brazil, Attorney for JRG representing multiple clients. He thanked staff, Board and HDL and said that this has been a long process. He said that there were a couple of things that he wanted to address: permit maximums on cultivation, cultivation scale to compete and denial process language.

Elia Salinas spoke in regards to separate phase to go through for a work permit. Said that the City of Hollister has done a great job and maybe we can follow what they are doing. She also spoke of having another process for delivery is an extra step.

Steve Becerra spoke in regards to the number of permits, security and the duty to protect and enhance our current tourism in the County. He said that he feels that the new Supervisors need to have a change to look at this and have in put on the ordinance.

Peter Hernandez spoke in regards to tourism and how it is a huge benefit. He said that we need to come up with a game plan to protect the beauty and capitalize on what we already have. He said that he looks forward to learning more about the cannabis ordinance and to be able to have an answer for his constituents moving forward. He thanked Jerry Muenzer and Robert Rivas for their service.

Charlie Bedolla with the Hollister Fire Department said that he supports what Sheriff Taylor had to say about cannabis and the regulations and enforcement. He said that it does take more personnel. He said that it is a full time job for him to regulate and to make sure the facilities are safe for the employees and the public. He said that he does recommend that we figure out staffing to support police and fire.

Jason Noble, Tres Pinos resident, spoke in regards to peoples well water rights.

Chairman Botelho closed the public comment period.

Supervisor De La Cruz spoke in regards to more staffing and his concern. He said that he will not

support the CAO coming to the Board in the future to support staffing out of general fund monies.

CAO Ray Espinosa said like any business, or start up business, there has to be some initial investment. He said that we budgeted for that this year by hiring HDL and moving forward with getting the plan together. He said with that there come fees associated with this as well as taxes. The plan is to make sure those funds are utilized in regards to cannabis and the ordinance. He said that we do have money that we have invested in this to get it to move forward and the goal is to make sure that this is self sufficient.

Discussion ensued by Board and staff in regards to the 50 applications or permits.

Chairman Botelho said that this ordinance after a period of time will most likely change, but we have to take the first step. He said that this is to be a revenue source it is not going to solve all of our problems. He thanked Dulce Alonso and Sarah Dickinson for their hard work and getting it to this point. He said that it was a goal of his to get this ordinance through.

Tim Cromartie with HDL mentioned that the Board needs to be aware that we expect there is going to be a glut on the market in terms of cultivation capacity because as of April 1st of this year the California Department of Food and Agriculture has issued enough licenses to account for 200% of the demand in California, was food for thought.

MOTION:

Motion to approve per staff recommendation and Made by **Supervisor Jaime De La Cruz**
continue to December 11, 2018 for adoption: and seconded by **Supervisor Mark Medina**

4 - 1

For (4):

Against (1):

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

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

Approve Contract with the City of Hollister for Countywide Fire Protection Services for the period of January 1, 2019 through December 31, 2025, in the amount of \$1,845,000.00 for 2019.

SBC FILE NUMBER: 60

OES Director Kevin O'Neill provided information and a PowerPoint presentation in regards to the fire protection contract with the City of Hollister. The PowerPoint presentation covered the following: 2018 San Benito County Fire Services Contract; Fire Service Contract History; General Contract Overview; Changes to Proposed Contract and Recommendation to approve contract with the City of Hollister for Countywide Fire Protection Services and authorize the Chair of the Board of Supervisors to sign said contract.

Supervisor Jerry Muenzer thanked Kevin for all of his hard work for getting it here today and his presentation.

Chairman Botelho irradiated what Supervisor Muenzer said. He said that this is beneficial to the City of Hollister and the County for fire protection in moving forward.

Supervisor Jaime De La Cruz had a question in regards to 12.5% in the incorporated or unincorporated area and a potential fire station at Rosa Morada.

Mr. O'Neill and Fire Chief provided information to his question.

Supervisor Robert Rivas thanked staff, City of Hollister and the Chief for this contract and that he looks forward to a sufficient fire service.

MOTION:

Motion to approve per staff recommendation:

Made by **Supervisor Mark Medina** and seconded by **Supervisor Robert Rivas**

5 - 0

For (5):

Against (0):

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

21. HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD

Receive Community Homeless Planning Committee Report from Health and Human Services Agency Director.

SBC FILE NUMBER: 130

HSA Director Jim Rydingsword provided a PowerPoint presentation on the Homeless & Housing Services update. Items covered were: Housing & Homeless Services Pathway; Phase II Support Services-Opening in April; Phase III Transitional Housing; Phase IV-Job Development; Phase V-Permanent Housing; San Benito County since February 2014; Homeless & Housing Services HEAP Application-Prop1; Community Block Development Grant; Lessons Learned; Moving Forward; questions.

Mr. Rydingsword thanked the Board for their political leadership and insight.

Chairman Botelho thanked Mr. Rydingsword for taking the time to put together this presentation.

Chairman Botelho opened it up for public comment.

Those speaking from the public were: Tony Zuniga said that he benefited from one of the programs and appreciates the funding for this program. He said that he has been in the shelter and has received help to get him on the right track.

Christina Soto, Program Manager for Community Homeless Solutions, said that she was there at the ribbon cutting and that everyone works together for the same reason to help people. She announced that on December 5th they will be celebrating their one year Anniversary and will be having a open house from 11:00 a.m. to 2:00 p.m. She thanked the Board for the opportunity to help the population that not many people want to help.

CAO Ray Espinosa thanked Jim for his hard work and for moving forward in homelessness. He spoke of how other Counties are asking how we are doing it and how we have become a role model for them.

Supervisor Robert Rivas also thanked Jim and everyone involved in making this happen.

22. RESOURCE MANAGEMENT AGENCY- J. GUERTIN

Receive an update regarding safety concerns for the intersection of Fairview Road and Fallon Road; and provide direction to staff.

SBC FILE NUMBER: 105

RMA Director John Guertin provided an update in regards to the intersection of Fairview and Fallon Road. He said that with Measure G passing, at the election, this is a project that is on the list and is a priority under the Measure G funding. We will be putting together within the next couple of months a 5-10 year strategy plan for how we are going to use measure G and what projects need to get done over that period and the funding strategy. He said that this is one of the higher priorities and that in the interim they would be looking at some safety improvement measures; flashing signs to warn people of the intersection coming up to try and get people to slow down as they go through the intersection.

Supervisor Mark Medina asked when the safety measures he talked about would be completed.

Mr. Guertin said hopefully before Christmas or by the first of the year.

Chairman Anthony Botelho said that we will continue to monitor this along with the other projects.

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

Receive an update on the County's Federally-funded Bridge Projects and authorize the RMA Director to request \$687,068 from the Council of Government's Regional Surface Transportation Program (RSTP) funds for Local project costs.

SBC FILE NUMBER: 105

RMA Director John Guertin presented a PowerPoint update on the Bridge Program & Bridge Projects that have been sitting on a shelf with very little work being done for what ever reason. He covered the following: Federal Aid Highway Bridge Program-Status Summary 2018; 11 Bridges: Hospital Road Bridge-Overview; Shore Road Bridge & San Felipe-Existing & proposed; Federal Aid Program Fund Summary; Hospital Road Bridge-Overview; Y Road Bridge-Overview; Rosa Morada Bridge-Overview; Limekiln Bridge-Overview; Anzar Road Bridge-Overview; Rocks Road Bridge-Overview; Panoche Road Bridge-Overview; Union Road Bridge Overview. They are all scheduled for construction by 2020 or 2021.

Discussion with Board and staff regarding the low water crossing on Hospital Road. Mr. Guertin said that it has worked to the Counties advantage because it would not have been funded 100% as a low water crossing and by waiting it will be fully funded.

Discussion with Board and staff regarding the Union Road Bridge project.

Chairman Botelho opened it up for public comment.

Robert Johnson the General Manager of the Aromas Water District, spoke in regards to Rocks Road Bridge project and how their district would like to request that the Rocks Bridge be taken off the list of bridges to be worked on. He said that the reason for that is their water main runs across that road and would cost their district money. He said that if there is a need to move this project forward that they could work together on the process to make it beneficial to both the County and the District. He thanked the Board for the opportunity to speak.

Chairman Botelho closed public comment.

Mr. Guertin said that there are hurdles that we will need to overcome with all of these projects and deadlines in regards to funding. We need to keep moving forward to try and get them done.

He said that he would work with Mr. Johnson in regards to the issue on the Rocks Bridge project.

MOTION:

Motion to approve per staff recommendation and request \$687,068 from COG Regional Surface Transportation Program and approve 14, 15 and 16:

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

24. COUNTY ADMINISTRATION OFFICE - R. ESPINOSA

Adopt Resolution establishing the 2019 Board of Supervisors Meeting Agenda Schedule, pursuant to Ordinance 3.01.001.

SBC FILE NUMBER: 119

RESOLUTION NO: 2018-82

CAO Ray Espinosa provided information in regards to the Board of Supervisors draft meeting calendar for 2019. He highlighted the swearing in ceremony that is set for January 7th at 10:00 a.m. and the regular Board meeting of January 15th and the holiday on January 21st. We have special board meetings set for budget beginning in March through May. We have June 24th as our budget hearing date.

He said that he wanted to discuss the Board retreat which is set for February 13th through the 14th. He said that last year we had a good retreat which was located at San Juan Oaks. He said that unfortunately they are not able to accommodate them this year for the three days. He said that the reason for a three day retreat is to discuss policy review, best practices as well as creating a strategic plan for the County. He said that we have also discussed having a joint meeting with the Planning Commission and the Board, so we were thinking about doing it during this time frame. He said that we can keep those dates tentative and look for another location for the retreat. He said that the other option was to have it on February 20th through the 22nd, but that will be a busy week as there is a holiday as well as a regular board meeting scheduled.

Chairman Botelho said that he would support the three day retreat as we have a lot of information and a couple of new members on the Board.

MOTION:

Motion to approve 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

CLOSED SESSION

County Counsel Barbara Thompson mentioned that there is an Urgency Item for the Board to consider before we go in to closed session. She said that the Board would have to add the item to the agenda by taking a vote that the item came to the attention to the agency after the posting of the

agenda and it can't wait until the next meeting.

HSA Director Jim Rydingsword said that a few days ago we had a gentleman show up in Hollister who has dementia, he wondered here from another State. He said that he is a resident of Texas and they have been in touch with the authorities in Texas and would like to return him home. He said that we will need permission for out of state travel and would be using a couple of deputy's from the Sheriff's Office to make sure he gets there safety. He said that we will need a requisition signed by the CAO as it is over our signing authority.

Supervisor Jaime De La Cruz made a motion to add as a urgency item.

Supervisor Jerry Muenzer asked if this should have came before we started the meeting.

County Counsel Barbara Thompson said that she just found out about it right now.

Chairman Anthony Botelho seconded the motion to add to the agenda for discussion.

Roll call vote:

Medina-No

Rivas-Yes

Muenzer-No

Botelho-Yes

De La Cruz-yes.

Motion failed 3/2, as it requires a 4/5 vote.

Mr. Rydingsword said that they will return to the Board in the future.

The Board adjourned for lunch and will return at 1:30 for Closed Session.

The Board reconvened at 1:33 p.m. for closed session.

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

The Board adjourned in to closed session at 1:35 p.m.

The Board reported out of closed session at 2:40 p.m.

County Counsel Barbara Thompson reported that there was 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.)

25. CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Section 54956.8

Property street address: 2733 John Smith Road, Hollister, CA 95023

Agency Negotiators: Ray Espinosa, County Administrative Officer; Kathleen

Gallagher and Kevin McCarthy, Sustainability Programs Managers and CSG Consultants; Deputy County Counsel Shirley Murphy, County Counsel Barbara Thompson

Negotiating parties: County of San Benito and Waste Connections, Inc.

Under Negotiation: Price and Terms of Payment
SBC FILE NUMBER: 235.6

No reportable action.

26. 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.

27. CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

Name of Case: Rose, et. al. v. County of San Benito, Superior Court of California, County of San Benito, Case No. CU-17-00151.

SBC FILE NUMBER: 235.6

No reportable action.

28. CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL:

Conference with Legal Counsel - Anticipated Litigation

Initiation of litigation pursuant to subdivision (d)(4) of Government Code Section 54956.9

Number of Cases: 1

SBC FILE NUMBER: 235.6

No reportable action.

ADJOURNMENT

Adjourn to the next regular meeting of Tuesday, December 11, 2018 at 9:00 a.m.

MOTION:

Motion to adjourn at
2:42 p.m.:

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

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.