



SAN BENITO COUNTY BOARD OF SUPERVISORS

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| 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 December 11, 2018 9:00 AM

CALL TO ORDER

The meeting was called to order at 9:03 a.m. by Chairman Anthony Botelho. Those present were Supervisors Jaime De La Cruz, Mark Medina, and Jerry Muenzer, as well as County Counsel Barbara Thompson, County Administrative Officer Ray Espinosa, and Clerk of the Board Janet Slibsager.

Chairman Botelho started the meeting by acknowledging the passing of the honorable Jim West, Mayor of San Juan Bautista this past week. He said that Jim was very involved in the Community and was a good friend. Besides serving as Mayor he was on the Hazel Hawkins Hospital Board, one of the founding Commissioners of the Parks & Recreation and belonged to many charitable organizations. He said that he will be sorely missed. He asked for everyone to remain standing after the Pledge of Allegiance for a moment of silence.

a. Pledge of Allegiance

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

The Pledge of Allegiance was led by Supervisor Jerry Muenzer.

b. Acknowledge Certificate of Posting

Certificate of Posting.

MOTION:

Motion to Acknowledge the
Certificate of Posting:

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

4 - 0

For (4):

Against (0):

Ayes: Botelho, De La Cruz, Medina, Muenzer

c. **Presentations and Recognitions**

BOARD OF SUPERVISORS

Present the outgoing Chair of the Board of Supervisors, Anthony Botelho, with a plaque of appreciation for his term as Chair of the Board of Supervisors for 2018.

SBC FILE NUMBER: 156

Vice Chair Jerry Muenzer presented Chairman Anthony Botelho with a plaque from the Board for his year as Chairman of the Board of Supervisors.

Chairman Botelho thanked the people of San Benito County for the privilege of serving as a County Supervisor. He thanked all of the dedicated County Employees; Department Heads, Elected Department Heads, County Clerk, County Counsel and CAO Espinosa. He thanked Supervisor Rivas, Supervisor Medina, Supervisor De La Cruz and Supervisor Muenzer. He said that nothing gets done unless with all work as a team for the betterment of the entire County. He said to Supervisor Muenzer that it had been a pleasure working with you as you have proven to be a tireless leader working on many of the County projects and committees, a regional leader being Chairman of Ambag and Monterey Bay Pollution Control Board and Mobility Partnership. Thank you for your leadership in the Homeless program, Cleaning up Southside Hospital, improving fire protection and many other accomplishments. Good luck to you and Carol.

He said that I am very proud of the accomplishments of San Benito County in 2018. He went over a few highlights: The Board made a commitment to improve revenue by placing a number of taxes on the ballot. In June the County was successful with Measure C the Cannabis Tax, the revenue from this will help improve public safety as we get deputies on the street and improve more services; successful with Measure B raising the transient Occupancy Tax from 8% to 12%, the revenue from this source will improve the County's commitment to economic development; in November the County had Measure H which established a business license requirement in the unincorporated areas of the County, not only will this assist the County with zoning compliance and enforcement it will provide revenue for road maintenance and other services. He said that the big win was Measure G a 1% sales tax to widen Highway 25 and maintain our roads. He said that this will also open the door for additional leverage funding from the State in that San Benito County is now a self help County. This will add millions of dollars to our roads that we did not have before. In 2018 the County reviewed and updated its fee structure to make sure we have cost recovery for services that we provide. We also established Community Finance Districts on new developments to recover on going impacts that occur with growth. For economic development the County is in the process of implementing zoning changes in the commercial nodes on the 101 corridor that will attract business, create jobs and improve tax revenue. Besides enhancing our future revenue for San Benito County that will be enjoyed for years to come the County has accomplished a number of big projects. He said that the ones I am most proud of are the multi agency agreements such as the opening of Nash Road between the San Benito High School and the City of Hollister working together to improve safety to the High School and opened up future development of the County Regional Park. The City of San Juan Bautista, Hollister and the County entered into a contract with Recology for waste pickup. The parties also agreed to a fire protection contract. We also entered into a contract for energy services with Engie which will include new energy efficient lighting and development of solar on County properties the cost is over 8 million dollars financed through the savings generated from the energy savings. It is projected that the County will realize 11 million in net savings over the 30 year life span of this project. This will reduce County energy costs by 80% and our carbon foot print.

He said looking forward the jail project should be completed next year and to date RMA needs to be commended in keeping this project on time and within budget. RMA and John Guertin got the bridge projects back on track and construction on a number of bridges should begin soon.

He said in today's meeting we will most likely approve a cannabis ordinance and moving forward in awarding contracts for our new Behavioral Health building with construction beginning this spring. We also hope to complete next year a new contract with Waste Connection for the John Smith Landfill.

He said that Jim Rydingsword and his team has done a great job in making the difference in lives of some of our homeless citizens. We are seeing dividends in his efforts and other Counties want to copy what San Benito County is doing today.

He said in closing and as a Supervisor that has been around for awhile I have not been more optimistic for San Benito County's future. He said that he looks forward to working with the new members of the Board, Supervisor Elect Jim Gillio and Supervisor Elect Peter Hernandez and continuing working with Supervisors Medina and De La Cruz to meet the challenges we will undoubtable face in 2019. He said thank you and Happy Holiday's.

BOARD OF SUPERVISORS - J. MUENZER

Present Certificate of Recognition to Ray Pierce Planning Commissioner for eight years on the commission.

SBC FILE NUMBER: 156

Supervisor Jerry Muenzer presented Certificate of Recognition to Planning Commissioner Ray Pierce for his eight years of service on the Planning Commission as his representative. He said that they had a great working relationship and appreciated his time and dedication as Planning Commissioner.

Mr. Ray Pierce said that it had been a great opportunity and thanked Jerry for asking him to step forward. He said that Planning has always been a passion of his and this allowed him to fill a goal of his. He said that it has been great working with Barbara and all of the staff and thanked him for the certificate.

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: Suzy Caston, SEIU, thanked the Board of Supervisors, Administration Department all of the staff on behalf of SEIU for all that was done this year for our employees. She said we have some challenging time ahead of us but look forward to the partnership in the future. Said thank you and Happy Holidays.

e. Department Head Announcements: Information Only

Adam Goldstone of RMA provided an update in regards to the energy project. He mentioned that starting tomorrow there will be some closures in some of the county parking lots due to the solar project and there will be a significant parking deduction for at least a couple of months.

CAO Ray Espinosa thanked our current Tax Collector/Treasurer Mary Lou Andrade for all of her work and dedication over the years. He asked Melinda Casillas to join him at the podium. He mentioned that Melinda has worked in Administration and within the County for seventeen years

and has spent many long hours working on many different things particularly the County budget and has done a fantastic job. He presented her with a Certificate of Recognition and congratulated her on her new venture as the new Treasurer/Tax Collector.

Melinda Casillas thanked the Board and Ray Espinosa and said that it has been a wonderful opportunity and is excited to move on in her new position. She said she appreciated working with everyone and thanked Ray for all of his help but she was not going far.

County Counsel Barbara Thompson provided additional information in regards to consent agenda Item #4, Item #9 and Item #19 modifying the schedule to reflect the RMA Office to have the same hours as the Assessor's Office, closed on December 24 and reopen on January 2.

f. Board Announcements: Information Only

Supervisor Jaime De La Cruz thanked Chairman Botelho for leading 2018. Congratulated those who were voted to the City Council. He said that we need to work with the City of Hollister to ensure our Community becomes a community for all. He wished everyone a Merry Christmas and a Happy New Year.

Supervisor Jerry Muenzer voiced his sympathy to the family of Jim West.

He announced that last week at the Monterey Bay Community Power Policy Board meeting the counties of San Luis Obispo and Morro Bay became official members. He said that they are growing and is very successful in what they are doing and those who are participating should be seeing a 3% rebate on their bill in December.

He thanked the residents for the past 8 years serving at this position. He said that it has been an honor, pleasure representing the voters of San Benito County and working with staff and the Boards that he served on and representing San Benito County.

Chairman Anthony Botelho reported that he attended the RCRC meeting and the main discussion was the fire in Butte County.

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 the Consent Agenda Items #1-34, with the exception of Item #16 and #22 which was pulled by the Supervisors for discussion and the changes made by County Counsel on Item #4, #9 and #19.:

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, Muenzer

1. AGRICULTURAL COMMISSIONER - K. OVERSTREET

Approve State contract, 18-0413-000-SA, for Asian Citrus Psyllid regulatory activities, from July 1, 2018 through June 30, 2019. Total contract value is

\$4,862.68.

SBC FILE NUMBER: 1.1

2. **ASSESSOR'S OFFICE - T. SLAVICH**
Adopt Resolutions and approve contracts establishing Agricultural Preserves for APN 022-130-029, Frank J. Casillas Jr. and Melinda L. Casillas and APN 022-130-130, Frank J. Casillas Jr. and Melinda L. Casillas as Trustees of the Revocable Living Trust and authorize Chairman to sign these Land Conservation Act contracts and Resolutions.
SBC FILE NUMBER: 7
RESOLUTION NO: 2018-83, 2018-84
3. **CHILD SUPPORT SERVICES - J. MURRAY**
 1. Approve the federal fiscal year 2018-19 Plan of Cooperation between the California Department of Child Support Services and the San Benito Department of Child Support Services, and authorize the Director of Santa Cruz/San Benito Regional Department of Child Support Services to sign on behalf of the County; and
 2. Approve the Santa Cruz/San Benito County Regional Department of Child Support Services Memorandum of Understanding for the purpose of continued consolidated administrative functions of their respective local child support services agencies, and authorize the County Administrative Officer to sign on behalf of the County.SBC FILE NUMBER: 22
4. **COUNTY ADMINISTRATION OFFICE - R. ESPINOSA**
Receive the Annual Impact Fee Report for 2017-2018 and the Five year Impact Fee Report for Fiscal year ending in 2013-2014 through 2017-2018.
SBC FILE NUMBER: 119
5. **COUNTY ADMINISTRATION OFFICE- R. ESPINOSA**
Approve additional Authorized Positions to the FY18/19 Budget for Behavioral Health and Health & Human Services Agency.
SBC FILE NUMBER 865
6. **COUNTY ADMINISTRATION OFFICE - R. ESPINOSA**
Approve contract with Vanir Construction Management, Inc. for the period of November 1, 2018 through December 31, 2019, in an amount not to exceed \$275,000.00, to provide a countywide Facilities and Capital Improvement Master Plan.
SBC FILE NUMBER: 119
7. **COUNTY ADMINISTRATION OFFICE - R. ESPINOSA**
Approve contract with Vanir Construction Management, Inc. in an amount not to exceed \$75,000, to provide a Facilities Safety and Security Assessment.
SBC FILE NUMBER: 119
8. **COUNTY ADMINISTRATION OFFICE - R. ESPINOSA**
Adopt a Resolution declaring an intention to reimburse expenditures for certain capital projects from the proceeds of tax-exempt obligations.

SBC FILE NUMBER: 119
RESOLUTION NO: 2018-85

9. **COUNTY ADMINISTRATION OFFICE - R. ESPINOSA**
Adopt Resolutions granting an additional bonus for the employee units/associations, and the unrepresented employees wishing to be included in the recommended offer by the County Administrative Office, and meet the established criteria of the bonus. The bonus is to be paid January 4, 2019; approve Budget Adjustment/Transfer in the amount of \$250,000.00. (4/5 vote)
SBC FILE NUMBER: 630
RESOLUTION NO: 2018-86, 2018-87
10. **COUNTY ADMINISTRATION OFFICE - R. ESPINOSA**
Approve and sign letter to express our support for the California, State University Monterey Bay's LaunchPad Incubator proposal to the U.S. Economic Development Administration (EDA).
SBC FILE NUMBER: 119
11. **COUNTY CLERK-AUDITOR-RECORDER-ELECTIONS - J. P. GONZALEZ**
Adopt Resolution Accepting the Official Canvass-Statement of Vote for the November 6, 2018 Statewide General Election.
SBC FILE NUMBER: 285
RESOLUTION NO: 2018-88
12. **COUNTY COUNSEL'S OFFICE - B. THOMPSON**
Approve Amendment No. 1 to legal services agreement with Sloan Sakai Yeung & Wong LLP, in the additional amount of \$95,000, for a total contract amount of not to exceed \$245,000, plus reasonable costs, to provide legal representation in the matter of Rose et. al vs. County of San Benito, CU 17-00151.
SBC FILE NUMBER: 160
13. **COUNTY COUNSEL'S OFFICE - B. THOMPSON**
Approve Amendment #1 to Contract with Miller Starr Regalia for legal services regarding legal work for the Angeles Company (Wynn Project), in the additional amount of \$20,000, for a total contract amount not to exceed \$30,000.00.
SBC FILE NUMBER: 160
14. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD**
Adopt Resolution accepting the 2019 Community Services Block Grant and approving Standard Agreement #19F-4034 in the amount of \$267,930.00, and authorizing the Director or Deputy Director to execute agreement.
SBC FILE NUMBER: 130
RESOLUTION NO: 2018-89
15. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD**
Approve the License agreement between the County of San Benito and the Department of Housing and Community Development authorizing the limited

use of the San Benito County Migrant Center as a Family Winter Shelter Program during the period of December 3, 2018 through March 31, 2019.
SBC FILE NUMBER: 130

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

Approve hiring a child welfare Social Work Supervisor II at Step G.
SBC FILE NUMBER: 130

This item was pulled by Supervisor Jaime De La Cruz who had a question and concern on the pay scale of other employees in the department and bringing in someone from the outside at a G step.

Health and Human Services Director Jim Rydingsword provided information. Said that this person has 11 years of experience and that we are having trouble attracting people because of the pay. He said that we need to do something about pay in San Benito County.

Discussion ensued by Board and staff.

MOTION:

*Motion to approve per staff
recommendation:*

Made by **Supervisor Mark Medina** and seconded by
Chairman Anthony Botelho

3 - 1

For (3):

Against (1):

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

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

Approve Renewal of Safe Measures contract for Child Welfare Services in the amount of \$12,600 for a two year term of January 1, 2019 through December 31, 2020.
SBC FILE NUMBER: 130

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

Approve contract Amendment #2 with the City of San Jose for the Housing Opportunities for Persons with AIDS (HOPWA) in the amount of \$50,000 retroactive to July 1, 2018.
SBC FILE NUMBER: 130

19. **HUMAN RESOURCES - E. BAROCIO**

Approve the revised 2018 San Benito County Holiday Closure schedule for the Assessor; adopt a Resolution of the San Benito County Board of Supervisors authorizing the revised hours of operation for the December 2018/January 2019 holiday closure period for the Assessor.
SBC FILE NUMBER: 630
RESOLUTION NO: 2018-90

20. **PROBATION DEPARTMENT - J. FRONTELLA**

Authorize Probation Department to enter into a Contract with Gavilan Joint Community College District to provide the "Gavilan College Noncredit Program" in the San Benito County Jail and Community Transition Center for the period of July 1, 2018 through June 30, 2019, in the amount not to exceed

\$10,000.00.
SBC FILE NUMBER: 510

21. **PROBATION DEPARTMENT - J. FRONTELLA**
Approve Addendum to Commercial Lease Agreement between the County of San Benito and Community Services Development Corporation for the Community Transition Center (CTC) located at 1111 San Felipe Road, Suite 101, Hollister, CA, for FY2018-2019.
SBC FILE NUMBER: 510
22. **RESOURCE MANAGEMENT AGENCY - J. GUERTIN**
Approve a contract amendment with 4-Leaf Inc. adding \$250,000.00 to the existing contract to pay for code enforcement and planning management services.
SBC FILE NUMBER: 790

This item was pulled by Supervisor Mark Medina with a question if we have plans to bring this in house in the future.

RMA Director John Guertin provided information and said that they are working on recruitment of some positions but it has proven to be difficult based on the experience.

Discussion ensued by Board and staff in regards to hiring in house and paying a outside contractor.

Mr. Guertin said if the Board would like to modify the contract he would be o.k. with deleting the code enforcement part and keep the planning management position.

MOTION:

Motion to approve contract for planning management services in the amount of \$250,000 not code enforcement services and authorize the CAO to sign the amended contract:

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, Muenzer

23. **RESOURCE MANAGEMENT AGENCY - J. GUERTIN**
Approve contract with Hibser-Yamauchi Architects for architectural services for the new Behavioral Health Building project in the amount of \$322,431.00 for the term of December 11, 2018 through December 31, 2020.
SBC FILE NUMBER: 810
24. **RESOURCE MANAGEMENT AGENCY - J. GUERTIN**
Approve contract Amendment #1 with Hibser Yamauchi Architects to extend the term of their contract for the Juvenile Hall Renovation project to June 30, 2019.
SBC FILE NUMBER: 120.5
25. **RESOURCE MANAGEMENT AGENCY - J. GUERTIN**

Adopt plans and specifications for PWB-1810 New Behavioral Health Center Modular Bid project and authorize the advertising for bids.
SBC FILE NUMBER: 810

26. **RESOURCE MANAGEMENT AGENCY - J. GUERTIN**
Approve contract amendment #1 with In Studio Architecture to extend the term of their existing contract for the Homeless Services Center Phase II project through June 30, 2019.
SBC FILE NUMBER: 130
27. **RESOURCE MANAGEMENT AGENCY - J. GUERTIN**
Approve the purchase and installation of a vehicle lift for the Road Maintenance Division of the Resource Management Agency (RMA) in the amount of \$11,664.02.
SBC FILE NUMBER: 105
28. **RESOURCE MANAGEMENT AGENCY - J. GUERTIN**
Approve contract Amendment #1 in an amount not to exceed \$6,055.00 with First On Compliance to continue providing hazardous waste certification training services to County staff through December 31, 2019.
SBC FILE NUMBER: 142.2
29. **RESOURCE MANAGEMENT AGENCY - J. GUERTIN**
Approve a contract amendment with Regional Analysis & Planning Services Inc. to extend the expiration date of service from December 31, 2018 to December 31, 2019.
SBC FILE NUMBER: 790
30. **RESOURCE MANAGEMENT AGENCY - J. GUERTIN**
Approve purchase of office furniture from Pivot Interiors in the amount of \$61,764.61 for Phase II of the Homeless Services Center using CDBG grant funds.
SBC FILE NUMBER: 130
31. **RESOURCE MANAGEMENT AGENCY - J. GUERTIN**
Approve contract with Accent Clean and Sweep for street sweeping services for the following CSA's: Long Acres (21), Santa Ana Acres (24), Heatherwood (28), Ausaymas Estates (34), Quail Hollow (46), Oak Creek (47), and Comstock (51) in the amount of twenty-six thousand six hundred sixteen dollars (\$26,616.00) for a three (3) year contract; and thirty-five thousand four hundred eighty-eight dollars (\$35,488.00) for a four (4) year contract; or forty-four thousand three hundred sixty dollars (\$44,360) for a five (5) year contract for the term of January 1st, 2019 through January 1st, 2022 with two (2) one-year options to extend the term, unless sooner terminated.
SBC FILE NUMBER: 105
32. **RESOURCE MANAGEMENT AGENCY - J. GUERTIN**
Approve contract with Jack Davenport Sweeping Services for street sweeping services for CSA 9 (Ridgemark) in the amount of thirty-nine thousand three hundred thirty-six dollars (\$39,336.00) for three (3) year contract; or fifty-two

thousand four hundred and forty-eight dollars (\$52,448.00) for a four (4) year contract; or sixty-five thousand five hundred and sixty dollars (\$65,560.00) for five (5) year contract for the term of January 1st, 2019 through January 1st, 2022 with two (2) one-year options to extend the term, unless sooner terminated.

SBC FILE NUMBER: 105

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

Approval of two contracts with Biggs Cardosa Associates Inc., one for the Rosa Morada Road Bridge Replacement Project in the amount of \$365,892.70 and one for the Union Road Bridge Replacement Project in the amount of \$1,001,450.50 for the period of January 1, 2013 through June 30, 2022, to pay for previous and future engineering, design, and environmental services. Neither contract has an impact on the General Fund.

SBC FILE NUMBER: 105

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

Approval of contract with NV5 Inc. for the Rocks Road Bridge Replacement Project in the amount of \$296,038.00 for the period of December 11, 2018 through June 30, 2022, to pay for engineering, design, and environmental services. This contract has no impact on the General Fund.

SBC FILE NUMBER: 105

The Board will adjourn as the Board of Supervisors and reconvene as the IHSS Public Authority re:

SITTING AS THE PUBLIC AUTHORITY FOR IN-HOME SUPPORTIVE SERVICES:

35. **HUMAN RESOURCES- E. BAROCIO**

Adopt a resolution approving a new collective bargaining agreement between County's In-Home Supportive Services Public Authority and SEIU Local 2015. SBC FILE NUMBER:130.1

The Board will adjourn as the IHSS Public Authority and reconvene as the San Benito County Board of Supervisors re:

The Board adjourned as the Board of Supervisor and reconvened as the IHHS Public Authority.

Mark Gregerson, Consultant, provided information in regards to the new collective bargaining agreement between the County's In Home Supportive Services and SEIU Local 2015 and addressed some house keeping items.

Supervisor Jaime De La Cruz said that this program is very important to the members of our community who need assistance. He thanked the Board and the In Home Supportive Services for their efforts.

CAO Ray Espinosa thanked Health and Human Services for their help on this.

MOTION:

Motion to Adopt Resolution No. 2018-92 approving the MOU between San Benito County In-Home Supportive Services Public Authority and the Service Employees International Union Local 2015 (SEIU) and items #2 and #3:

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, Muenzer

REGULAR AGENDA

The Board adjourned as the IHSS Public Authority and reconvened as the Board of Supervisors:

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.*

36. COUNTY ADMINISTRATION OFFICE - R. ESPINOSA

Accept informational presentation from Lisa Faulkner Executive Director of First 5 San Benito County and strategic plan for FY 2018-2022.
SBC FILE NUMBER: 119

First 5 Director Lisa Faulkner provided a PowerPoint presentation in regards to their Strategic Plan 2018-2022. She said that every four years they are required to look at their strategic plan.

She said that she was here to highlight what is new and some background about what they have invested in over the past and why they have developed new strategies and plan.

She said one of the biggest investments over the past 5 years has been in their Family Wellness program which she explained what it is about. She spoke of some other key investment programs such as their Literacy program and infrastructure as an independence entity, She said in 2015 they became independent from San Benito County. She said that they are looking forward to the new plan and meeting with the Board individually to continue to gather in put on phases of the new plan.

She said that the biggest change for First 5 is focusing on entire families and looking into a Impact Center to create a trauma-informed Children, Youth & Families center that demonstrates the effectiveness of therapeutic approaches within an early education and intervention program for children and families who have experienced trauma and adversity. The center is planned to be at the old Fortino building by the YMCA and plans to bring this back at a later date for input.

Supervisor Mark Medina said that he sits on the commission and that they do great things for this community and supports it 100%.

Supervisor Jaime De La Cruz said that he has a question for legal counsel as to why we are hearing this presentation since they asked to be severed ties from the County.

County Counsel Barbara Thompson said that they are still obligated by the MOU to present documents to the Board periodically on an annual basis even though they are technically separate and apart and we still appoint the First 5 commission.

Discussion ensued by Board, staff and Ms. Faulkner.

Chairman Botelho thanked Ms. Faulkner for the report.

37. COUNTY CLERK-AUDITOR-RECORDER-ELECTIONS - J. P. GONZALEZ

Report on November 6, 2018 Statewide General Election.
SBC FILE NUMBER: 285

Auditor Controller Joe Paul Gonzalez said that they are doing a PowerPoint presentation to show how the November 6th election went and explain how their new voter system worked.

Angela Curro, Assistant Clerk/Recorder, provided the details: San Benito County Historical Voter Turnout by Election-Vote by Mail-Polling Place-Early vote; San Benito County Historical Registrations Processed by Year-going back to 1990; Some of our Challenges for 2018; Thanked the Volunteers.

Ms Curro said that we have some good news, we have some grant funding coming from (HAVA) Help America Vote Act which is for accessible polling place and ADA to access to voting. We have a current grant of \$10,000.00 and two additional grants coming from the federal government for \$20,000.00. In addition the State of California has granted \$348,500.00 to San Benito County for matching funds towards a new voting system and that includes previous purchase new voting systems. So we can get some money back for what we have already paid.

She spoke about preparing for the March 2020 primary and post election processing and that they are going to Sacramento for a new law workshop for new legislation in place for 2019 & 2020. She said that they will be preparing for the 2020 census.

Supervisor Mark Medina thanked them for an excellent job.

38. RESOURCE MANAGEMENT AGENCY - J. GUERTIN

Receive a report and provide direction to staff on the County Service Areas (CSA) program.
SBC FILE NUMBER: CSA's

RMA Director John Guertin provided information regarding CSA's. He said that they had been directed by the Board to come back with a report on the CSA program. He said that they had filled the CSA Coordinator position with Jessica Stratton and was able to get help from Precision Engineering to help with the report. He said that they have a high level collection to date on the CSA;s.

Ken of Precision Engineering provided a PowerPoint presentation which covered: Rules Regulations Governing CSA;s; Prop 13, Prop 218, County Service Area Law, LAFCO, Board of Directors for CSA is County Board of Supervisors; CSA Map; Services Provided; CSA 22-Cielo Vista; CSA 31-Stonagate; CSA 50-Dunneville; 3 Prong Approach: Improve CSA Finances, Improve Internal County Processes, Improve Public Outreach & Education; Budget Summary; Budget Findings; Budgeted Recommendations; CSA's to be Dissolved: CSA-19 Springwood;

CSA-25 Vineyard Estates, CSA-29 Brown Magladry; CSA-30 McCloskey Acres; CSA-33 Torrano Estates; CSA-38 Ashford Heights; CSA-45 Rancho Larios, CSA-49 Hollister Ranch, CSA-52 Monte Bello, CSA-9 Ridgemark, CSA-22 Cielo Vista, CSA-31 Stonegate, CSA-35 Union Heights; CSA's in Process of being Dissolved: (In active CSA's) CSA-1, CSA-2, CSA-3, CSA-10, CSA-12, CSA-13, CSA-15, CSA-17, CSA-26, CSA-27, CSA-40; Organizational Constraints: Staffing, Time reporting/cost allocation, Budgeting, Vendor services/contracts, Capital improvement program, Public outreach/education; CIP Program Flow Chart; Public Outreach; Public Information and Education; Benefits of Neighborhood Working Group; County Website; Vendor Services; Vendor Services Recommendations; Implementation Schedule; Next Steps; Accomplishments Since Initial Analysis; Questions:

Chairman Anthony Botelho said that we need to improve going forward. He said that he is encouraged by the analysis and recommendations from the presentation.

Mr. Guertin summed up by saying there is a number of issues that they are trying to address and mentioned some of the things that they have done like mowing and drain improvements. He said that some of the things that they will be working on is getting direction from the Board to proceed with the inactive CSA's through LAFCO and working with Precision to develop an engineers estimate and engineers plan for capital improvement so that the folks in the CSA's have a annual perspective and expectation of services on an annual basis, There are a lot of issues that have been hanging out there for a long time and we need to work better together to resolve that.

Chairman Botelho said that the CSA;s do deserve the services. Chairman Botelho opened the public comment period.

Those speaking from the public were: Richard Ferreira representing 22 property owners in Union Heights CSA 35. He spoke in regards to storm drainage maintenance, road maintenance, CSA 35 history, current RMA, finances, CSA 35 being funded by property owners, established boundaries and tasks.

Chuck Serafini spoke in regards to Union Heights dedications and portion of Union Heights Drive being a county road, being taxed on drainage and the road supposed to be slurred every 5 years and being faced with additional expense because a road is deteriorating.

Jack Murphy, CSA #9, spoke in regards to report given by Percision today and the road maintenance.

Stephen Mills, CSA #9 Vice-President of Ridgemark Bluffs, spoke in regards to road maintenance inside the gates and \$600,000 sitting in a fund at the County they have paid into and being billed for road maintenance and being told that they can't do road maintenance that it is a Board's decision. Would like the Board to take action to resolve this problem.

Chairman Botelho closed the public comment period and brought it back to the Board for discussion.

Chairman Botelho said that we need to state what our next steps are as to how we are going to resolve this. He said that the comments are very valid and we need to take some action and move forward.

Supervisor Mark Medina said that dissolving inactive CSA's should be a no brainer. He said as far as providing services per the agreement for each CSA, we need to be held accountable and provide the services. He said in regards to gated communities he does not agree to taking them down, he

said that if they paid in to a fund then they should be able to do the road maintenance. It is not public funds it came from their tax. He said that we need to work forward with a plan.

Supervisor Jerry Muenzer thanked John Guertin and Percision for the report. He said that it is a good first step but more steps are needed. He said that he agrees with dissolving inactive CSA's but need to reach out to them in regards to dissolving them.

Supervisor Jaime De La Cruz thanked staff for their presentation and the public for their comments. He said that we need to move forward.

Chairman Botelho spoke about his frustration how things never got done with prior staff. He said that we have to get this right. He said that John Guertin is doing his best for what he has right now. He said that we need to work on our communication skills countywide and give him a chance to straighten this mess out. He said that we have an obligation if we collected for road maintenance and that he supports this program.

John Guertin said on the issue of gates we are trying to find solutions like every body else. He spoke about the implementation schedule in order to get it up to date and support from everyone to try and make progress.

Supervisor De La Cruz said that he would like for them to come back to the Board on a monthly basis with information including current staff time.

Mr. Guertin agreed that they could do that.

Chairman Botelho said that was a good suggestion. He thanked Percision for their report.

39. COUNTY ADMINISTRATION OFFICE - R. ESPINOSA

Introduce cannabis program application overview presentation and adopt resolution allowing the Sheriff's Department to access state and federal criminal information for cannabis businesses operators and their employees.
SBC FILE NUMBER:119
Resolution No. 2018-91

Management Analyst Dulce Alonso provided a PowerPoint presentation of the brief overview of the application process to date and the resolution that authorizes the Sheriff's Department to do a background check.

PowerPoint covered: The Cannabis Application Overview; Application Phases; Phase 1: Application Submittal & Determination of Eligibility; Resolution No. 2018-91-Authorizes County's Sheriff's Department to access state and federal criminal history for cannabis operators and employees; Phase 2: Application Evaluation & Initial Ranking; Phase 3: Interviews and second ranking; Phase 4: Public meeting and County Administrator Final Selection; Organizational Overview; Questions.

Chairman Anthony Botelho thanked Ms. Alonso, consultant and staff for putting this together.

CAO Ray Espinosa said that there has been a lot of work that has gone in to this and it will be back to the Board in January for the final stage.

There was no public comment.

MOTION:

*Motion to Adopt Resolution 2019-81
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, Muenzer

**PUBLIC
HEARING**

40. **COUNTY ADMINISTRATION OFFICE - R. ESPINOSA**
- a) Ordinance amending Sections 25.07.005, 25.17.023, 25.17.044, and 25.17.063 of Title 25 of the San Benito County Code; b) Ordinance adding Chapter 19.43 to the San Benito County Code; and c) Ordinance amending Chapter 7.02 of Title 7 of the San Benito County Code.**
-
- 1) PUBLIC HEARING - Conduct public hearing at 9:00 a.m. or as soon thereafter regarding the draft ordinance relating to zoning for cannabis businesses in San Benito County (Amending Sections 25.07.005, 25.17.023, 25.17.044, and 25.17.063 of Title 25 of the San Benito County Code); - Conduct public hearing regarding the draft ordinance relating to cannabis business land use regulations in San Benito County (Adding Chapter 19.43 to the San Benito County Code); and Conduct public hearing regarding the draft ordinance relating to regulation and permitting of cannabis businesses (Amending Chapter 7.02 of Title 7 of the San Benito County Code);**
-
- 2) Make 2035 General Plan consistency findings and determinations as set forth in the Planning Commission's Resolution No. 2018-08; No. 2018-09; and No. 2018-10.**
-
- 3) Find that adoption of the Ordinance amending Sections 25.07.005, 25.17.023, 25.17.044, and 25.17.063 of Title 25; that adoption of the Ordinance adding Ch. 19.43; and amending Ch. 7.02, of the San Benito County Code, is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15308 (regulatory activity to assure the protection of the environment), and California Business and Professions Code Section 26055, subd. (h) (Ordinance will require discretionary review under CEQA to approve licenses to engage in commercial cannabis activity in the County); and direct the RMA Director to file a Notice of Exemption;**
-
- 4) Consider adoption of an Ordinance amending Sections 25.07.005, 25.17.023, 25.17.044, and 25.17.063 of Title 25; adding Chapter 19.43; and Ordinance amending Chapter 7.02 of the San Benito County Code relating to zoning for cannabis businesses in the unincorporated area**

of the County:

i) Waive the readings;

ii) Accept the introductions; and

iii) Adopt the Ordinances; and

-

5) Retroactively approve publications of first display ad and direct County Counsel to publish second display ads after adoption.

SBC FILE NUMBER: 119

ORDINANCE NO: 974

ORDINANCE NO: 975

ORDINANCE NO: 976

Tavin Kinison Brown with RMA provided a PowerPoint presentation in regards to the land use, zoning and permitting aspect which covered the following: Map showing agriculture range land designation and zoning designation pertaining to Chapter 25.07 & 25.17; Zoning District Additions; AR District, Controlled Manufacturing, light industrial, heavy industrial M-2; New Section-19.43; Cannabis Business Land Use Regulations; Findings for Cannabis Business Land Uses; General Development Standards Applicable to all Cannabis Businesses; Restrictions; Operating Requirements Applicable to all Cannabis Businesses; Cannabis Business Land Use Regulations; Jump to Ordinances: Title 19.43 and Title 25.07, 25.17; Questions.

Tim Cromartie of HDL provided a PowerPoint presentation in regards to the Regulatory Provisions Process which included: Overview: Proposed Regulatory Ordinance; Cannabis Business Regulatory Program; Application Evaluation Process; Cannabis Business Permits; Cannabis Employee Work Permit; Cannabis Permit Application Process; Questions.

Sheriff Darren Thompson provided some brief thoughts in regards to safety impacts and the resolution adopted today. He said that the success of this industry is going to be contingent upon the consumer base, some of those consumers will become impaired and choose to get behind a wheel of an automobile. The key to the success of this permitted industry will be partly contingent upon our ability to dismantle the non permitted industry, to provide oversight to the permitted industry and conduct effective enforcement of the non permitted industry. To keep our community safe from impaired drivers, etc. my office is going to need more staff and that staff is going to need more training. The voters have the role of determining the politics but you have the role of determining the policy. If you commit to this policy today I would hope that you would also commit to supply the staff necessary to make this ordinance successful and keep our community safe. I heard a conversation a few minutes ago from our CAO that we will be returning January to talk about our finances and at that time it would be great if we could talk about the cost to have additional staffing to make sure that this new program is a success and make sure that we can keep our community safe.

Chairman Botelho said as one Supervisor he heard that message loud and clear and would hope that if we do move forward with this ordinance and this industry that we are going to be able to provide additional public safety.

Supervisor Jaime De La Cruz thanked the Sheriff for his opinion and information. He said that they will help to support his department.

County Counsel Sarah Dickenson said that some copies have been put in the back of the room of the updates of the ordinance and the Planning Commission Resolution.

Chairman Botelho opened the public hearing.

Those speaking from the public were: Jim Keener of San Juan Bautista spoke in regards to the county needing tax money and in door and out door grows.

Pete Brazil, Attorney for JRG representing several clients, thanked the Board, staff, community and HDL for developing and producing the ordinances that we now have before us. He said that this is a good start, good place to begin this business in the County. He spoke about the permit limits in the ordinance and having a flexibility. He said that he supports the ordinance.

Jack Kirk, Community, had a couple of questions about outside grows, protecting the 5 and 10 acre home sites and the County budget to front money to invest in this.

Chairman Botelho closed the public comment.

Discussion ensued by Board and staff.

County Counsel Sarah Dickenson provided information on questions that the public had in regards to out door grow and 5-10 acres.

She said that there are no out door grows for commercial or personal.

Set back requirements stated in section 19.43.071 indicates if on 10 acres or less the business should be 300 feet set back. Set backs do not apply in the industrial zone.

County Counsel Sarah Dickenson suggested a separate motion for each ordinance.

1. Motion by Supervisor Medina to adopt Ordinance No. 974 amending Sections 25.07.005, 25.17.023, 25.17.044, and 25.17.063 of Title 25 of the San Benito County Code making 2035 General Plan consistency findings and determinations as set forth in the Planning Commission's Resolution No. 2018-08; finding that adoption of the Ordinance amending those Sections are exempt from the requirements of the CEQA guidelines section 15308 and California Business and professions Code Section 26055 subdivision (h) and direct RMA Director to file a Notice of Exemption; consider adoption of the Ordinance amending those sections of Title 25; waive the reading; accept the introduction; and adopt the ordinance; and Retroactively approve publications of the first display ad and direct County Counsel to publish second display ads after adoption. Motion seconded by Supervisor De La Cruz. (4/0 vote)
2. Motion by Supervisor Medina to adopt Ordinance No. 975, adding Chapter 19.43 to the San Benito County Code; Make 2035 General Plan consistency findings and determinations as set forth in the Planning Commission's Resolution No. 2018-09; finding that adoption of the Ordinance amending those Sections are exempt from the requirements of the CEQA guidelines section 15308 and California Business and professions Code Section 26055 subdivision (h) and direct RMA Director to file a Notice of Exemption; consider adoption of the Ordinance amending those sections of Title 25; waive the reading; accept the introduction; and adopt the ordinance; and Retroactively approve publications of the first display ad and direct County Counsel to publish second display ads after adoption. Motion seconded by Supervisor De La Cruz. (4/0 vote)
3. Motion by Supervisor Medina to adopt Ordinance No. 976, amending Chapters 7.02 of Title 7, of the San Benito County Code; Make 2035 General Plan consistency findings and determinations as set forth in the Planning Commission's Resolution No. 2018-10; finding that adoption of the Ordinance amending Chapter 7.02 is exempt from the requirements of the CEQA guidelines section

15308 and California Business and professions Code Section 26055 subdivision (h) and direct RMA Director to file a Notice of Exemption; consider adoption of the Ordinance amending those sections of Title 25; waive the reading; accept the introduction; and adopt the ordinance; and Retroactively approve publications of the first display ad and direct County Counsel to publish second display ads after adoption. Motion seconded by Supervisor De La Cruz. (4/0 vote)

Chairman Botelho thanked staff and consultant for working so hard on this.

MOTION:

Motion to adopt Ordinance 974, Ordinance 975 and Ordinance 976 as stated above::

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, Muenzer

41. **CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION Subdivisions (a) and (d)(1) of Section 54956.9**
Name of Case: Aguilar et. al. v. County of San Benito, U.S. District Court for the Northern District of California, Case No. 5:17-cv-06859-NC
SBC FILE NUMBER: 235.6

No reportable action.

42. **ASSESSOR'S OFFICE - T. SLAVICH**
(The hearing will begin at 1:30 pm or soon thereafter as the matter may be heard by the Board of Supervisors).
-
- Review Land Conservation Act requests for Divisions (LCA Contract No. 69-034 - Las Aguilas Corp., LCA Contract No. 74-39 - Shingai, LCA Contract Nos. 11-02 & 11-03 - The Wine Group, LCA Contract Nos. 68-50 & 1973 Enlargement - Tobias Trust/Partnership), Compatible Use Determinations (LCA Contract No. 68-113 for a compost facility - D & D Brigantino (withdrawn), LCA Contract No. 71-059 for Event Center uses - Lone Tree Ranch, and LCA Contract #69-034 for Event Center uses - Las Aguilas Corp.), and Lot Line Adjustments (LCA Contract #68-100 - Asellus-Benito LLC), and make determinations approving or denying each request.**
SBC FILE NUMBER: 7

Assessor Tom Slavich provided information on each of the LCA hearings before the Board today and provided the recommendation on each:

LCA Contract-Las Aguilas Corp: Committee recommended approval of this request;
Motion: to approve the recommendation by Supervisor De La Cruz and seconded by Supervisor Muenzer (4/0 vote)

LCA Contract-Shingai: Committee recommended approval of this request;

Motion: to approve the recommendation by Supervisor Muenzer and seconded by Supervisor De La Cruz (4/0 vote)

Division Request-The Wine Group: Committee recommended approval;

Motion: to approve the recommendation by Supervisor De La Cruz and seconded by Supervisor Medina (4/0 vote)

LCA Contract-Tobias Trust/Partnership: Committee recommended approval;

Motion: to approve the recommendation by Supervisor De La Cruz and seconded by Supervisor Muenzer (4/0 vote)

Compatible Use-D & D Brigantino: withdrew their application. Committee recommends the Board accept the withdrawal.

Motion: to accept the withdrawal by Supervisor De La Cruz and seconded by Supervisor Medina.

LCA Contact-Lone Tree Ranch: Committee recommended approval;

Supervisor Medina had question in regards to taxes.

Tom Slavich provided information.

Motion: to approve the recommendation by Supervisor Muenzer and seconded by Supervisor De La Cruz (4/0 vote)

Compatible Use-Las Aguilas Corp.: Committee recommended approval;

Motion: to approve the recommendation by Supervisor Botelho and seconded by Supervisor Muenzer (4/0 vote)

Lot Line Adjustment- Asellus-Benito LLC.: Committee recommended approval;

Motion: to approve the recommendation by Supervisor De La Cruz and seconded by Supervisor Muenzer (4/0 vote)

CLOSED SESSION

Chairman Anthony Botelho announced that they will have a working lunch and will go into closed session.

County Counsel Barbara Thompson read the closed session items into the record. She reported that Item #45 was deleted from the agenda.

The Board adjourned into closed session at 12:00 noon and reported out at 1:40 p.m.

The Board continued on with the remaining Board items, #39 and #40.

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.)

43. **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.

44. **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.

45. **CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
Government Code Section 54956.9, subd. (d)(2), (e)(1)
Number of potential cases: 1
SBC FILE NUMBER: 235.6

This item was pulled from the agenda per County Counsel.

ADJOURNMENT

Adjourn to the next regular Board meeting on Tuesday, January 15, 2019 at 9:00 a.m.

MOTION:

Motion to adjourn the meeting at 2:43 p.m.: Made by **Vice Chair Jerry Muenzer** and seconded by **Supervisor Jaime De La Cruz**

4 - 0

For (4):

Against (0):

Ayes: Botelho, De La Cruz, Medina, Muenzer

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.