



SAN BENITO COUNTY BOARD OF SUPERVISORS

Mark Medina
District No. 1
Chair

Anthony Botelho
District No. 2

Peter Hernandez
District No. 3

Jim Gillio
District No. 4

Jaime De La
Cruz
District No. 5
Vice-Chair

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

REGULAR MEETING MINUTES

March 19, 2019

9:00 AM

Mission Statement

The County Board of Supervisors will recognize the public trust it holds, will on all occasions conduct business with honesty, integrity, and respect for the individual, and will hold the organization of County government to that same standard.

The San Benito County Board of Supervisors welcomes you to this meeting and encourages your participation.

- If you wish to speak on an item contained in the agenda please complete a Speaker Card identifying the item(s) and provide it to the Clerk of the Board prior to consideration of the item.

Each individual speaker will be limited to a presentation total of (3) minutes unless otherwise permitted by the Board Chair.

CALL TO ORDER

The meeting was called to order at 9:00 a.m. by Chairman Mark Medina. Those present were Supervisors Anthony Botelho, Jim Gillio, Peter Hernandez and Jaime De La Cruz, as well as County Counsel Barbara Thompson, County Administrative Officer Ray Espinosa and Clerk of the Board Janet Slibsager.

Chairman Medina recognized a former Supervisor in the audience Richard Place and thanked him for his attendance.

- a. Pledge of Allegiance

**Pledge of Allegiance to be led by Supervisor Anthony Botelho,
District #2.**

The Pledge of Allegiance was led by Supervisor Anthony Botelho.

b. Acknowledge Certificate of Posting

Certificate of Posting.

MOTION:

Motion To Acknowledge the
Certificate of Posting:

Made by **Vice-Chair Jaime De La Cruz** and seconded
by **Supervisor Jim Gillio**

5 - 0

For (5):

Against (0):

Ayes: Botelho, De La Cruz, Gillio, Hernandez, Medina

CLOSED SESSION

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.)

Chairman Medina announced that we will be going in to closed session to hear an item before going into the rest of the meeting.

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

The Board adjourned into closed session at 9:02 a.m.

The Board reported out of closed session at 9:25 a.m. to state that they would continue the closed session item to later this afternoon.

1. **CLOSED SESSION PER GOVERNMENT CODE SECTION 54957**
Public Employee Discipline/Dismiss/Release
SBC FILE NUMBER: 235.6

No reportable action.

c. **Presentations and Recognitions**

BOARD OF SUPERVISORS

Present Proclamation to the National Kidney Foundation recognizing March 2019 as National Chronic Kidney Disease month in San Benito County.

SBC FILE NUMBER: 430

Supervisor Jaime De La Cruz announced that no one was present from the kidney foundation so he will present the proclamation at a later date in San Francisco.

Supervisor De La Cruz gave some information on kidney disease and dialysis. He mentioned that he is a recipient of a kidney transplant and read some of the Proclamation.

MOTION:

Motion To approve the Proclamation:

Made by Supervisor Anthony Botelho and seconded by Supervisor Jim Gillio

5 - 0

For (5):

Against (0):

Ayes: Botelho, De La Cruz, Gillio, Hernandez, Medina

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: Tami Aviles, Coalition for a new Library and resource center, she reported that they are continuing their work and wanted to let everyone know that Saturday, April 6th is their next meeting at the Library at 10:00 a.m. She thanked Supervisor Gillio for his meeting.

Barbara Taddeo, Heatherwood Estates resident, spoke in regards to John Smith Road and how the road has become patch upon patch with a hole in the middle. She said that the people who are patching are doing an inadequate job. She mentioned how she has had major damage to her car. She said that this road needs to get repaved that is why she is here today. Wants the Board to put this high on their agenda to make this a safer road.

Valerie Eglund, R.E.A.C.H., mentioned that they will have the moonlight walk on the De Anza Trail this evening at 5:30 p.m.

e. Department Head Announcements: Information Only

Joe Paul Gonzalez, Auditor/Controller, updated the Board on the status of Airbnb paying TOT. He said that they are requesting that they comply with the county's ordinance and fill out a tax return for the last three years in regards to hotel services along with Expedia. He said that he will see where this takes them and would report back in the future.

Deputy Health and Human Services Director Enrique Arreola announced that they were notified of two awards in regards to applications that they submitted to the State. One is in the amount of \$500,000 for the rent assistance tenant based program, for those who are having a hardship and the second was for \$1,000,000 for the first time home buyers program. He said that they will be working with the housing coordinator in regards to this project.

Melinda Casillas, Treasurer/Tax Collector, reminded the public that the second installment of property taxes are due on April 10th and there are a couple of different options available for you to pay. You can pay them on line and there are some fees associated with that, mail them, come in to our office or we are going to have a drive through drop off in the alley between the old courthouse and the Office of Education/Library building but we will not except cash and you will receive a stamp showing that they were received and that will be only on April 10th. She said if you have any questions to call our office we are open 8:00 a.m. to 5:00 p.m.

CAO Ray Espinosa said that there is a correction on Item #22 on the consent agenda. The amount shows \$52,800.00 and should read \$69,600.00.

f. Board Announcements: Information Only

Supervisor Jaime De La Cruz thanked Christina Soto and her staff at the Community Homeless Service Center for allowing the San Benito County Niners Organization to host a first annual help feed the less fortunate they were out there Sunday providing Carnitas, etc. to the homeless. He said it was rewarding to see the faces of the member of the community and how appreciative they were. He also reported on March 14th the ad hoc committee of Supervisor Hernandez and Himself along with the City Council ad hoc committee for Big League Fields visited three sports complex (Twin Creeks, Santa Clara, Big League Dreams in Manteca and Mistlin Sports Park Fields in Ripon), the committee viewed the fields to see how the fields are being used so that we can do something like that in our community for all the kids.

He also reported that he attended the Community Action Board meeting on March 14th. He met with Enrique Arreola and Cynthia Holthouse to see how we can provide housing for local citizens to afford.

Supervisor Anthony Botelho announced that we lost one of our Hollister citizens Leonard Poletti, former Mayor and Council member who was very active in the community and operated the local ambulance company for many years, and asked that you have him in your prayer and thoughts . He reported that he attended RCRC meeting last week, had a policy change on selective governor appointees. Met with Assemblyman Robert Rivas while he was in Sacramento. Reported that Supervisor Hernandez and himself had a meeting last week with County Counsel's Office, Ag Commissioner and RMA in regards to Hemp ordinance. He spoke about them starting with a temporary moratorium and that they would continue to work with department heads to develop the ordinance as quickly as possible.

He said that he would like to request an update on the commercial nodes on 101 at the April 2nd meeting.

Supervisor Peter Hernandez also reported on the ad hoc committee meeting for Hemp. Attended budget meeting at the Probation Department which was really informative. Also spoke of the ad hoc committee for field of dreams and visiting the three sports complexes and how important that would be to have one in our county.

He said that if it was the will of the Board he would like to amend the ad hoc committee to include a tell center.

Chairman Mark Medina said that he gave the ad hoc committee the blessing to combine Field of Dreams Field and Tell Center as one ad hoc committee.

Supervisor Jim Gillio reported that Supervisor Botelho, himself and county team members had an ad hoc committee meeting for landfill, had nothing to report at this time. Also reported that he attended the following: AMBAG meeting in Monterey; had a tour of the jail and spoke about AB109; attended a Chamber of Commerce ribbon cutting for Mansmiths BBQ; announced that this Saturday is fur ball Pet Friend's fundraiser at 5:30 p.m. at Ridgemark; attended a Lulac's ethics training on Saturday; attended community input meeting which was very informative; attended a meeting in regards to subscribed burns. He asked CAO Ray Espinosa why the John Smith Road project was not on the agenda today.

Chairman Mark Medina said that he had nothing to report.

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 #2-27 with the exception of Item #12, #13, #23 and #24, which were pulled for discussion and with the correction of Item #22 changing the amount from \$52,800 to \$69,600; and Supervisor Gillio recusing himself from Item #23:

Made by **Vice-Chair Jaime De La Cruz** and seconded by **Supervisor Jim Gillio**

5 - 0

For (5):

Against (0):

Ayes: Botelho, De La Cruz, Gillio, Hernandez, Medina

2. **AGRICULTURAL COMMISSIONER - K. OVERSTREET**
Approve State contract, 1-0293-011-SF, for Asian Citrus Psyllid (ACP) for trapping activities, from October 1, 2018 through September 30, 2019, for a total contract value is \$111,448.00.
SBC FILE NUMBER: 1.1
3. **AGRICULTURAL COMMISSIONER - K. OVERSTREET**
Adopt a resolution amending the Cannabis Business Activities Tax Rate for Cannabis Business Activity Type: Microbusiness (Non-Retailer) from 4% to 3.5% of gross receipts and readopting the full schedule of Cannabis Business Activities Tax Rates.
SBC FILE NUMBER: 1.1
RESOLUTION NO: 2019-20
4. **CLERK OF THE BOARD OF SUPERVISORS - J. SLIBSAGER**
Approve the action minutes of the February 5, 2019 regular meeting.
SBC FILE NUMBER: 119
5. **COUNTY ADMINISTRATION OFFICE - R. ESPINOSA**
Adopt Policy 2019-01-000 updating the shared cost agreement between partnering agencies for County GIS Department.
SBC FILE NUMBER: 7.5
6. **COUNTY ADMINISTRATION OFFICE - R. ESPINOSA**
Approve budget adjustment from Treasurer budget unit to Tax Collector budget unit in the amount of \$25,000.00.
SBC FILE NUMBER:685.2
7. **COUNTY ADMINISTRATION OFFICE - R. ESPINOSA**
Approve budget adjustment to increase economic development

appropriations in the amount of \$32,000.00.
SBC FILE NUMBER: 865

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

Adopt a resolution authorizing the Chair to execute Agreement Number 18G26135 with the Secretary of State's Office to receive Help America Vote Act (HAVA) Federal grant funds in the amount of \$10,000.00 (Polling Place Accessibility) and authorizing the County Clerk-Auditor-Recorder & Ex-Officio Registrar of Voters, or their designee, to conduct all negotiations, execute and submit all documents including, but not limited to, payment requests for reimbursement of HAVA Section 251 authorized expenditures.

SBC FILE NUMBER: 285
RESOLUTION NO: 2019-21

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

Adopt a resolution authorizing the Chair to execute Agreement Number 18G27135 with the Secretary of State's Office to receive 2018 HAVA Election Security Funds in the amount of \$10,000.00 (VoteCal Security) and authorizing the County Clerk-Auditor-Recorder & Ex-Officio Registrar of Voters, or their designee, conduct all negotiations, execute and submit all documents including, but not limited to, payment requests for reimbursement of HAVA Federal funds authorized expenditures.

SBC FILE NUMBER: 285
RESOLUTION NO: 2019-22

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

1. Adopt a resolution authorizing the Chair to execute Agreement Number 18G30135 with the Secretary of State's Office to receive AB-1824, Chapter 38 (Stats. 2018) grant funds in the amount of \$348,500.00 and authorizing the County Clerk-Auditor-Recorder & Ex-Officio Registrar of Voters, or their designee, to conduct all negotiations, execute and submit all documents including, but not limited to, payment requests for reimbursement, and is authorized to execute any further documents, contract extensions or amendments as is necessary to implement the award of reimbursement; and
2. Approve budget adjustment in the amount of \$75,000.00 (revenue increase) for FY-2018/19. (4/5 vote)

SBC FILE NUMBER: 285
RESOLUTION NO: 2019-23

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

Approve Amendment No. 3, to legal services agreement with Colantuono, Highsmith & Whatley, PC in the additional amount not to exceed \$10,000 to provide legal representation in the matter of County of San Benito v. Richard Scagliotti, Superior Court of California, County of San Benito, Case No. CU-16-00007, including proceedings at the Court of Appeal.

SBC FILE NUMBER: 160

12. **FISH AND GAME COMMISSION**

Approve budget transfer in the amount of \$100.00 to purchase 3 digital trail cameras for a total amount not to exceed \$600.00; for Fish and Wildlife to be used for patrol purposes within the county for wildlife crime and public safety.
(4/5 vote)

SBC FILE NUMBER: 24

Supervisor Anthony Botelho pulled this item for the Fish & Game Commission to explain what the cameras will be used for.

Chairman Richard Place of the Fish & Game Commission provided information as to what the cameras would be used such as law enforcement for the Sheriff's Office and Fish and Wildlife.

Supervisor Botelho thanked former Supervisor Richard Place for his years of service on the Fish & Game Commission.

MOTION:

*Motion To approve per staff
recommendation:*

Made by **Supervisor Anthony Botelho** and seconded by
Supervisor Jim Gillio

5 - 0

For (5):

Against (0):

Ayes: Botelho, De La Cruz, Gillio, Hernandez, Medina

13. **HEALTH AND HUMAN SERVICES AGENCY - T. BELTON, INTERIM**

Approve and Authorize the Chair to Sign the California State Automated Welfare System Joint Powers Agreement and Memorandum Of Understanding.

SBC FILE NUMBER: 130

14. **HEALTH AND HUMAN SERVICES AGENCY - T. BELTON, INTERIM**

Approve Contract Amendment in the amount of \$20,000 with ECenter Reserach for Change Management Requirements.

SBC FILE NUMBER: 130

15. **HEALTH AND HUMAN SERVICES AGENCY - T. BELTON, INTERIM**

Approve contract with Schipper Design, in the amount of \$12,000.00, for the Production of an Informational Video for the Health & Human Services Agency (HHS), for the period of March 5, 2019 through June 30, 2019.

SBC FILE NUMBER: 130

Supervisor Peter Hernandez pulled this item with a question and concern about the cost of the contract.

Enrique Arreola of Health and Human Services provided information as to what the contract is for and why the cost. He also provided information as to how this went out for bid and that they had only got this one response back.

Discussion ensued by Board and staff.

MOTION:

Motion To approve per staff recommendation:

Made by Supervisor Anthony Botelho and seconded by Supervisor Jim Gillio

3 - 2

For (3):

Against (2):

Ayes: Botelho, Gillio, Medina Nays: De La Cruz, Hernandez

16. **HEALTH AND HUMAN SERVICES AGENCY - T. BELTON, INTERIM**
Update General Assistance Maximum Aid amounts effective April 1, 2019; and approve budget adjustment in the amount of \$105,000.00. (4/5 vote)
SBC FILE NUMBER: 130
17. **HEALTH AND HUMAN SERVICES AGENCY - T. BELTON, INTERIM**
Approve Amendment to the Bay-Peninsula Regional Planning Unit (BPRUP) Memorandum of Understanding (MOU) for sharing of travel and training dollars as they related to the Workforce Innovation and Opportunity Act activities under subgrant #K7102072.
SBC FILE NUMBER: 130
18. **HEALTH AND HUMAN SERVICES AGENCY - T. BELTON, INTERIM**
Approve IT Related Purchases for Health & Human Services Agency (HHS) for an Estimate of \$92,811
SBC FILE NUMBER: 130
19. **HEALTH AND HUMAN SERVICES AGENCY - T. BELTON, INTERIM**
Ratify Contract Change Order #1 with VSSI for the total amount of \$2,218.35 for the Migrant Camp Slurry Seal Project #082-1; and authorize payment of the invoice.
SBC FILE NUMBER: 130
20. **HUMAN RESOURCES - E. NOLASCO**
Approve the offer of employment for the Chief Probation Officer, Mr. Frontella in accordance with the attached offer letter effective March 10, 2019.
SBC FILE NUMBER: 630
21. **INFORMATION TECHNOLOGY DEPARTMENT - R. ESPINOSA**
Approve purchase of IT capital equipment, two Quantum QXS-312RC units, with a three-year support plan, from KISCC, in an amount not to exceed \$42,159.44.
SBC FILE NUMBER: 119.1
22. **PROBATION DEPARTMENT - J. FRONTELLA**
Approve the allocation of Community Corrections Partnership (CCP) SB109 reserve funding for Proposal Nos. 8 and 10, as voted and agreed upon by the San Benito County Community Corrections Partnership Executive Committee (CCP-EX), and approve the budget adjustment/transfer in the amount of \$52,800.00 (4/5 vote)
SBC FILE NUMBER: 510

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

Adopt the plans and specifications for the County Service Areas #5, #8, #9, #11 and #35 Road Maintenance Project, PWB-1903, and authorize the advertisement for bids.

SBC FILE NUMBER: 105

Richard Ferreira, CSA #35 representative, spoke as how it had been two months since they settled the agreement for CSA #35 and how they had a meeting with the CAO and staff and how it was a very good meeting. He said a couple of weeks later they met with Deputy CAO Edgar Nolasco where they went out to the project, and how it was very beneficial. He said that several months have gone by and RMA has not reached out to talk to us about the specifications. We have a lot of damage that has occurred and would like to know what is going on.

Supervisor Anthony Botelho stated that the CSA's should be able to take a look at the plans and specifications as it is their money, not an unreasonable request.

CAO Ray Espinosa said that he did not think it was unreasonable but this is out of the RMA Office. He said that he looks at this as a financial point of view. He said that it is important that RMA lets them know what is happening.

Chairman Mark Medina spoke about the other CSA's and not having the expertise, so we are dependent upon our County staff for that expertise. He said we need communication to our CSA's.

Mr. Ferreira responded to the CAO's explanation pertaining to it being a budget item.

Chairman Medina mentioned that El Toro and Bonnieview were on the list. He asked RMA Director if this was a total resurface and what the time frame was for it to be done.

RMA Director John Guertin provided response that it is a slurry seal and May or June to start.

MOTION:

Motion To adopt the plans and specifications for CSA #5, #8, #9, #11 and #35 road maintenance project; and authorize the advertisement for bids. Supervisor Gillio recused himself. Made by **Vice-Chair Jaime De La Cruz** and seconded by **Supervisor Anthony Botelho**

4 - 0

For (4):

Against (0):

Ayes: Botelho, De La Cruz, Hernandez, Medina

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

Approve a Reimbursement Agreement with Bristol SB, LLC in order to fully reimburse the County for internal staff time, and planning and legal consultant costs associated with a preliminary project review for the potential to build an autonomous driving vehicle test facility on the 2770 +/- acre Floriani Ranch property located within the county.

SBC FILE NUMBER: 790

Chairman Mark Medina pulled this item with a question in regards to housing funds and reimbursement money.

RMA Director John Guertin provided information.

Discussion ensued by Board and staff.

Public Comment:

Rob Oneto, RJA-property owner/applicant representative, stated that the Floriani's want to maintain their homestead ranch on this property.

MOTION:

Motion To approve per staff recommendation:

Made by Supervisor Jim Gillio and seconded by Supervisor Anthony Botelho

5 - 0

For (5):

Against (0):

Ayes: Botelho, De La Cruz, Gillio, Hernandez, Medina

25. RESOURCE MANAGEMENT AGENCY - J. GUERTIN

Approve the purchase of a Jail Radio System at the new and existing Jail Facility from Dishnet Direct Inc., dba DAS Systems in the amount of \$151,137.50 from the Sheriff's Equipment Impact Fee fund.
SBC FILE NUMBER: 120.5

26. RESOURCE MANAGEMENT AGENCY - J. GUERTIN

Approve contract with Rincon Consultants for Environmental Impact Review (EIR) services of the Specific Plan for the Lima Property Project for the term of March 19, 2019 through June 30, 2021 in the amount not to exceed \$352,199.00.
SBC FILE NUMBER: 790

27. TREASURER/TAX COLLECTOR - M. CASILLAS

1. Adopt a resolution re-authorizing the San Benito County Treasury Oversight Committee and superseding Board Resolution Nos. 96-21, 97-30, 2004-4, and 2016-71; and
2. Adopt a resolution confirming the County Treasurer's nominations to the San Benito County Treasury Oversight Committee.
SBC FILE NUMBER: 685.2
RESOLUTION NO: 2019-24
RESOLUTION NO: 2019-25

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.*

28. BOARD OF SUPERVISORS

Adopt Resolution designating the Annual Tour on the Juan Bautista De Anza

National Historic Trail as the "Annual Jim West Antique Auto Tour", to be held on the second Saturday in May.
SBC FILE NUMBER: 156
RESOLUTION NO: 2019-26

Supervisor Anthony Botelho asked Valerie Egland from R.E.A.C.H. to provide information.

Valerie Egland provided information as to why they want to designate the Annual Tour on the De Anza Trail as the "Annual Jim West Antique Auto Tour", naming the drive over after Jim West, honoring him and the trail.

Supervisor Jim Gillio thanked Valerie and Supervisor Botelho for thinking of way to honor Jim West.

MOTION:

Motion To adopt Resolution No. 2019-26, designating the Annual Tour on the Juan Bautista De Anza National historic Trail as the "Annual Jim West Antique Auto Tour":

Made by **Supervisor Anthony Botelho** and seconded by **Supervisor Jim Gillio**

5 - 0

For (5):

Against (0):

Ayes: Botelho, De La Cruz, Gillio, Hernandez, Medina

29. LONG TERM CARE COMMISSION

Receive update and report from the Commission.
SBC FILE NUMBER: 156

Executive Director of the Senors Council Clay Kemp spoke on the Long Term Care Commission and provided a handout with some bills that they would like the Board of Supervisors support with. He highlighted the State Budget Augmentations for the Senior Nutrition Programs (meals on wheels program) in the amount of \$17.5 million; Multipurpose Senior Services Programs (MMSP), available for individuals who are designated eligible to be in nursing homes and medical eligible in the amount of \$25 million increase spread over three years. He said that there is no MSSP program in San Benito County. Some of the State Legislation bill he spoke about were: AB 1382 - creates a master plan on Aging for California; AB 1136 - creases a California Department of Community Living; AB 1137 - Modernize the Older Californians Act. He said that the commission is looking at how to address several other emerging needs for helping older adults and people with disabilities in our community such as; the expansion of CalFresh benefits to recipients of SSI starting June 1st, 2018; and work on the development of Age-Friendly Cities and Communities.

Supervisor Peter Hernandez asked what is an age friendly community.

Mr. Kemp replied a community that tries to create a life style for the aging in place than in nursing homes such as; public transit, available housing, educational opportunities, etc.

Supervisor Jim Gillio thanked him for his report.

Chairman Mark Medina said it was a presentation only.

30. **AGRICULTURAL COMMISSIONER - K. OVERSTREET**

Adopt resolution to adopt the cannabis business permit application procedures and to acknowledge the initial application period designated by the County Agricultural Commissioner.

SBC FILE NUMBER: 1.1
RESOLUTION NO: 2019-27

Agricultural Commissioner Karen Overstreet provided information on the proposed resolution for permit application procedures for cannabis business permit. She announced that the application period will begin April 1, 2019 at 9:00 a.m. until May 31, 2019 at 4:00 p.m. and all applications need to be submitted to the Ag Commissioners office, 3224 Southside Road. Applications will be available at their office or online.

She said the application process will be broken up into 4 phases; Phase 1, is the initial phase where we receive a completed application, two hard copies, pay the \$10,650.00 deposit, zoning verification and background check. Phase 2, we will look at the applications a little more detailed; location, security plan, safety plan, neighborhood compatibility, business plan and safety plan. We will use the services of HDL to score them and rate them on criteria. Anyone passing with an 80% or better will move on to phase 3. Phase 3, is kind of like a job applicant they look really good on paper now we will schedule appointments and interview them. This will be done by the County's Selection committee. They will be scored based on: ownership, community benefits, enhanced product safety, security plan, safety plan, business plan, labor & employment/local enterprise, environmental impact mitigation, neighborhood compatibility plan and qualifications of owners. Once this phase is completed and those moving forward will go to phase 4 which is then a public meeting. All residents within a 1,000 of the proposed site will be invited to a public meeting to voice their concerns or support. All this will be taken into consideration and we may have to go back and view the sites and then make a recommendation to our CAO on which businesses we feel should be permitted for a cannabis business permit. If you want more details on the specifics David is here from HDL to provide additional information.

Supervisor Anthony Botelho had a question in regards to from the beginning to the end how long is the process. He asked if we would be looking at any cannabis being grown this year. He mentioned that he was in support of the 4 phase process but hope we could move up the time line a little bit.

Ms. Overstreet replied it will depend on how many applications we get. We anticipate a couple of months to possibly get through them all. It will be first come first served basis. She said maybe September or October we could possibly be issuing permits. She said that there would probably be no cannabis being grown this year due to the time frame.

Supervisor Jim Gillio thanked them for coming up with a very detailed process. He encouraged who ever is doing the process to look at the facts.

Supervisor Peter Hernandez had a question in regards to the \$10,650.00 deposit amount and how it was picked.

Ms. Overstreet replied that the costs were based on an estimate of the outline of estimated hours and the costs. She said it is not a hard figure it is merely a deposit which could change if the costs end up being more.

Public comment:

Jim Keener, said that the cost seems fair to him. Appreciates all of the work that is being done.

Had a question on where to get a live scan.

CAO Ray Espinosa said that we are establishing the process and the applicants will be aware of where they can go to get a live scan.

Ms. Overstreet said that the live scans can be done at other locations.

MOTION:

Motion To adopt Resolution No. 2019-27, cannabis business permit application procedures and to acknowledge the initial application period designated by the County Agricultural Commissioner:

Made by **Supervisor Anthony Botelho** and seconded by **Vice-Chair Jaime De La Cruz**

5 - 0

For (5):

Against (0):

Ayes: Botelho, De La Cruz, Gillio, Hernandez, Medina

31. RESOURCE MANAGEMENT AGENCY - J. GUERTIN

Receive a report on potential projects for the FY 2019-20 SB 1 road program and give direction to staff.

SBC FILE NUMBER: 105

Supervisor Jim Gillio asked if public comment could be made before hearing the item.

Public Comment:

Al Cortez, Hollister resident, spoke about road impacts on Cienega Road and the impact that Hollister Hills park has made on the roads approaching the park. Spoke about tax on the quarry on Cienega Road and asked how much money has been collected through the MOU for Cienega Road.

Chairman Mark Medina asked if this could be put on the agenda for the April 2nd meeting regarding Cienega Road.

RMA Director John Guertin provided information and provided a PowerPoint on SB 1 road program. Items covered were: List of projects SB-1 (2018-2019); List of projects SB 1 (2017-2018); John Smith Road if you want to move forward with working on that now without doing the realignment we have an opportunity to move some money from projects on the 2018-19 list. He provided 2 options: realignment or resurfacing the existing road. To resurface the cost would be about \$350,000 and take about 2 years; the realignment cost would be about 1 1/2 to 2 million dollars and take 3 to 5 years. He said realignment is good for safety concerns and should consider.

Discussion ensued by Board and staff.

Mr. Guertin said that we have a list of projects that we recommend, but we would like direction from the Board where you would like to see the dollars spent. He said that if you want to get John Smith Road done this year we can bump a few of the projects for this year to next year.

CAO Ray Espinosa said that we do have Enterprise funds that we could also use and recommended using.

Supervisor De La Cruz said that he would like to have John Smith Road on the next meeting so that we could approve it.

Chairman Medina asked if it could be done now.

Supervisor Gillio said that the consensus was to move forward with heavy rehabilitation and come back with some options and do a fiscal analysis.

Chairman Medina gave direction for RMA to hold off on presentation of SB 1 future projects until April 2nd meeting to bring back a detailed report along with the costs for John Smith Road project and options.

MOTION:

Motion To direct staff to come back on April 2nd with a fiscal analysis for project and what our funding options are so that we can move forward:

Made by **Supervisor Jim Gillio** and seconded by **Vice-Chair Jaime De La Cruz**

5 - 0

For (5):

Against (0):

Ayes: Botelho, De La Cruz, Gillio, Hernandez, Medina

CLOSED SESSION

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

Supervisor Jim Gillio recused himself from closed session item #35 and Chairman Mark Medina recused himself from item #34.

The Board reported into closed session at 12:15 a.m. and reported out of closed session at 1:12 p.m.

The Board reported out on item #36, authorized litigation. 5/0 vote

There was no reportable action on all of the other items.

Matters discussed during Closed Session include existing and pending litigation, personnel matters and real property negotiations. Reportable actions taken by the Board during Closed Session will be announced during open session. (Gov. Code Section 54957.1(a) and (b), Ralph M. Brown Act.)

32. CLOSED SESSION PURSUANT TO SECTION 54956.95: LIABILITY CLAIMS

Claimant: Ischelle Gonzales (Claim No. TIBS-600154 and TIBR-550422)
Agency claimed against: San Benito County -(member Trindel Insurance Fund)
SBC FILE NUMBER: 235.6

No reportable action.

33. 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

No reportable action.

34. CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Government Code Section 59456.8

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

Agency Negotiator(s): Ray Espinosa, CAO; Tracey Belton, Interim HHSA Director, Enrique Arreola, Deputy Director HHSA, Barbara Thompson, County Counsel, Irma F. Valencia, Deputy County Counsel

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

Under Negotiation: Price and terms of payment
SBC FILE NUMBER: 235.6

No reportable action.

35. CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - TO BE HELD AFTER THE REGULAR AGENDA

Significant exposure to litigation pursuant to subdivision (d)(2), (e)(2) of Government Code Section 54956.9

Number of cases: 1

Facts and Circumstances Justifying Closed Session: Potential of litigation relating to letter received on January 22, 2019 and March 5, 2019, requesting County to enforce zoning contract between the County and Ridgemark Corporation.

SBC FILE NUMBER: 235.6

Authorized litigation. (5/0 vote)

36. 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 April 2, 2019.

MOTION:

Motion To adjourn the meeting
at 1:14 p.m.:

Made by **Vice-Chair Jaime De La Cruz** and seconded by
Supervisor Jim Gillio

5 - 0

For (5):

Against (0):

Ayes: Botelho, De La Cruz, Gillio, Hernandez, Medina

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.