



## 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

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

### REGULAR MEETING MINUTES

April 2, 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.

- a. Pledge of Allegiance

**Pledge of Allegiance to be led by Supervisor Jim Gillio, District #4.**

The Pledge of Allegiance was led by Supervisor Jim Gillio.

- b. Acknowledge Certificate of Posting

**Certificate of Posting.**

MOTION:

Motion To Acknowledge  
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.)*

County Counsel Barbara Thompson said that this closed session item will be heard with the rest of the closed session items after the regular agenda.

### **1. CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

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

Number of cases: 1

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

SBC FILE NUMBER: 235.6

No reportable action.

### **c. Presentations and Recognitions**

#### **BOARD OF SUPERVISORS**

Approve Proclamation declaring April 13, 2019 as Walk a Mile in Her Shoes Day in San Benito County and present proclamation to Community Solutions and the Emmaus House.

SBC FILE NUMBER: 430

Supervisor Jaime De La Cruz presented the Proclamation to Community Solutions and Emmaus House for Walk a Mile in my Shoes day.

Erica Elliott of Community Solutions provided information on community domestic violence in San Benito County and welcomed everyone to participate in the Walk a Mile in my Shoes day on April 13th.

#### **BOARD OF SUPERVISORS**

Approve Proclamation proclaiming April 7-13, 2019 as National Crime Victims' Rights Week.

SBC FILE NUMBER: 430

Supervisor Jim Gillio presented Proclamation to Patricia Salcedo of Victim Witness for National

Crime Victims' Rights week in San Benito County.

Ms. Salcedo Program Manager for Victim Witness Services thanked the Board for acknowledging National Crime Victims Week and the Proclamation. She provided some information about Crime Victims Week and acknowledge staff, Amanda Hector and Monica Torres for all of their work.

**BOARD OF SUPERVISORS**

Approve Proclamation proclaiming the week of April 7-13, 2019 as National Library Week.

SBC FILE NUMBER: 430

Supervisor Anthony Botelho presented Proclamation to Librarian Nora Conte for National Library Week.

Nora Conte thanked the Board and provided information on Library Week in San Benito County. She also introduced her Assistant Erin Baxter for her outstanding job along with the rest of her staff. She announced that the Library is now open 7 days a week.

**COUNTY LIBRARY - N. CONTE**

Present Certificate of Recognition's to San Benito County businesses for their help and support of the Summer Reading Program at the San Benito County Free Library.

SBC FILE NUMBER: 80

Librarian Nora Conte provided information in regards to the Summer Reading Program and provided certificates to some of our businesses who supported the Summer Reading Program.

Chairman Mark Medina presented certificates to the following businesses who participated: Mountain Mike's Pizza, Lighthouse 55 Bakery, Balbas & Tiffany Law Firm, San Benito County Express and Ohana Shave Ice.

Chairman Medina thanked all of the businesses who participated in this program.

Nora Conte also thanked the businesses for stepping up to the plate to help make the program a success. She also thanked Mary Gilbert at COG for providing the free shuttle to the summer reading program.

**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: Dr. Shawn Tennenbaum, Superintendent of San Benito High School, applauded the Library for being open on the weekend. He shared a few words with the Supervisors for appreciation and gratitude and a big thank you from the San Benito High School District. He presented each of the Board of Supervisors with the Baler Strong Award.

Sue Logue, President of Friends of the Library, thanked the Board for being supportive of the Library. She announced that a couple of weeks ago they had a fundraiser called Tea and Treasures and they had over 40 businesses who donated to the silent auction. She said that they were able to raise \$4,000 dollars, which will go to the library to support the many programs.

She provided information on some of the programs that they have available through the Library.

Maria Spandri, Parks & Recreation Commissioner, spoke about the Historical Park and wanted to know the status of the potable water because they are wanting to have a Scouting Jamboree out there in August.

Chairman Medina asked if it was possible to find out about the drinking water out there.

CAO Ray Espinosa replied yes they would work on that.

**e. Department Head Announcements: Information Only**

Behavioral Health Director Alan Yamamoto spoke on drug medical system program and how they have chosen to opt in for the next window that is available by the State which would be July 1st. He said he would be coming forward with a contract in the near future for the Board to approve.

Supervisor Anthony Botelho thanked Alan for explaining and wondered why it took time to opt in.

Mr. Yamamoto provided information.

Supervisor Botelho asked that he communicate with the non profits that were interested in this.

COG Director Mary Gilbert gave an update on Measure G efforts that they are working on at COG. She said that the tax went in to effect April 1st, which is an additional 1%. She announced that they will be recruiting for the Citizens Oversight Committee that will be a 11 member committee appointed by the Council of Governments Board. The application and information is available on the COG website: [sanbenitocog.org](http://sanbenitocog.org). Applications are due April 30th. She spoke about how they will be putting together a cash flow analyst and strategic plan for Measure G.

Supervisor Jim Gillio thanked the COG team, Mary and her staff for the professional package that she put out for the Oversight Committee. He said hopefully we will get a lot of applicants.

Supervisor Jaime De La Cruz said that he would like to have the oversight committee represent all of the supervisors district. He also thanked everyone who voted for Measure G.

Ms. Gilbert said that yes, COG voted that the committee would consist of all of the supervisor districts.

Librarian Nora Conte announced that the Library is having their 100th Year Celebration on April 12th at 6:00 p.m. at the Library and welcomed everyone to attend. She also mentioned in 2009-2010 when our CAO was ahead of technology, I asked him what he thought about open source. He said yes, we should do this and our Board received the proposal and we went from paying \$11,000 for our support of our information management system for the Library to 1/2 of what we were paying and have saved some money. She thanked the CAO and the Board for their support in this system.

Chief Probation Officer Joe Frontella said a few weeks ago he had been introduced by CAO Ray Espinosa but was not available to be here. He was here today to officially introduce himself. He said that it is with great enthusiasm that he resume the role of Chief Probation Officer for San Benito County. He said that the departments hours will continue to be 8:00 a.m to 5:00 p.m., Monday through Friday. He said that he is looking forward to working with the very talented staff

that he has at the Probation Department and looks forward to working with the Board of Supervisors. He welcomed the Board to come down and visit when they have time.

Supervisor Anthony Botelho welcomed him aboard.

Supervisor Jim Gillio congratulated him and thanked him for his service.

Health and Human Services Deputy Director Enrique Arreola announced at the last board meeting you approved a contract for video production for the Health and Human Services Agency. You had asked a question as to how the RFP had been promoted. He said that I just wanted to respond that they did send out to 10 different video productions in the County and asked staff to research and send it out and that did happen. He said that we also posted on the Community Action Board website. I was asked if we posted on our social media and benitolink and I responded yes. I found out that was not accurate, as staff confirmed that they did not send it. He said that I take full responsibility for that, and as a result, we have decided to re issue the RFP to make it more transparent and more accessible to San Benito County companies that may be interested. He said that I wanted to bring it to their attention.

Chairman Mark Medina commended Mr. Arreola for his full responsibility and fine example of what we have in this community.

Supervisor Peter Hernandez said that he appreciated his honesty and integrity that means a lot.

Supervisor Jaime De La Cruz thanked Enrique, he also suggested maybe cutting the video shorter if possible.

Mr. Arreola also announced that on April 10th they have the Job Fair/Resource Fair from 2:00 p.m. to 5:00 p.m. at the Vet's Memorial Building and encouraged the public to attend for those who are in search of employment. He also announced that they are providing their volunteer Income Tax Assistance Program to the Community at the Library every Monday from 9:00 a.m. to 5:00 p.m., for information you can call 637-9293.

CAO Ray Espinosa said there are a few announcements out of administration. He said at our last meeting there was a gentleman asking about live scan checks at the Jail. I did reach out to the Sheriff and they will be doing them. They can be done at the Hollister PD and other facilities. He also announced that they would be coming back to the Board to discuss Landfill capacity.

He also asked to remove Items 16, 28 and 33 from the agenda.

**f. Board Announcements: Information Only**

Supervisor Anthony Botelho reported that he attended the Mobility Partnership committee meeting, said that they had a report on the high speed rail and it is still being worked on and they are on a time line. He said the highlight of the meeting was a presentation of the 152 realignment project.

Supervisor Jaime De La Cruz reported that he attended the Vet's Park Commission meeting and they spoke of concerns of the restrooms at the park. He said that he would like to put on a future Board agenda to discuss. He said that the Vet's Commission approved to allow the San Benito High School to hold their carnival there on May 10-12 at the park. He also reported that he met with Friends of the Library meeting it was a good discussion.

Supervisor De La Cruz asked to remove Item #3 off of the consent agenda as they are not going to

be able to act on that today.

Supervisor Jim Gillio reported that he attended the Arts & Crafts Festival in San Juan Bautista. He also attended the Pet Friends Fur Ball fundraiser event at Ridgemark. Attended the Central Coast Coalition through Director Gilbert at COG. Spoke of his meeting in Sacramento where he met with Senator Ana Caballero, Assemblyman Robert Rivas and Governor Newsom's office in regards to local rail and SB 1, and AB109, etc.

Supervisor Peter Hernandez reported that he visited the jail; attended Audit Committee meeting; had a meeting with the Library which was a very good meeting; attended Intergovernmental Committee meeting; had a meeting with Kinship group in how we can support them and a Hemp ad hoc committee meeting.

Chairman Mark Medina said that he had a couple of requests: Wants to see if staff can do a quick study on repair of pot holes by a 3rd party, as it is too much for our roads department to handle with such a small crew. He wanted to see if we could come up with a plan.

CAO Ray Espinosa said that they have met with a company last week that specializes in assisting with pot holes, as well as Measure G. He said that we have already started the process to address that and as soon as he gets some feedback from them he would come back to the Board with the information.

Chairman Medina said that his second request was: Agendize for a later date what's going right or not going right with Grand Jury. He said that we need to find out how we can have a stronger Grand Jury.

Supervisor Anthony Botelho said that he was asked by the media to comment on the Grand Jury. He said that he stated that he would like to review the ordinance and go from there. He said that we do need a dynamic group and agrees that it needs to be reviewed.

CAO Ray Espinosa said that it could be put on the next meeting of April 16th.

## **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 #2-17, with the exception of Item #3, which was removed from the agenda, #8, which was pulled by the public and #16, which was removed from the agenda:*

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*

2. **BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO**  
Approve contract renewal with County of Monterey for Psychiatric Inpatient Hospital Services at Natividad Medical Center, from March 1, 2019 through June 30, 2021, for a total sum not to exceed \$250,000.00.  
SBC FILE NUMBER: 810
3. **BOARD OF SUPERVISORS**  
Approve sublease agreement between the City of Hollister and the Hollister Black Jacks Corporation and Central Coast Athletics (hereinafter Leasee) of the small softball field at Vet's Memorial Park; and have the Chair sign Indemnification Agreement.  
SBC FILE NUMBER: 156

Item was removed from the agenda.

4. **CLERK OF THE BOARD OF SUPERVISORS**  
Approve the action minutes of the February 19, 2019 regular meeting and the March 5, 2019 regular meeting.  
SBC FILE NUMBER: 119
5. **COUNTY ADMINISTRATION OFFICE - R. ESPINOSA**  
Approve out of state travel for 4 County Employees to attend the National Association of Counties Annual Conference & Exposition to be held on July 12 - 15 in Clark County Las Vegas, Nevada in accordance with San Benito County Travel Policies and Procedures, for an estimated travel cost of \$10,130.00.  
SBC FILE NUMBER: 119
6. **COUNTY ADMINISTRATION OFFICE - R. ESPINOSA**  
Approve a budget adjustment increasing appropriations by \$10,000 and increasing revenue by \$37,125 for Census 2020 Hard to Count areas to account for State funding.(4/5 vote)  
SBC FILE NUMBER: 156
7. **COUNTY ADMINISTRATIVE OFFICE- R. ESPINOSA**  
Delegate authority to CAO or Deputy CAO for all operational matters which require execution from RMA Director, and appoint the same to act in the capacity of RMA Director for County Code purposes.  
SBC FILE NUMBER: 119
8. **COUNTY ADMINISTRATION OFFICE - R. ESPINOSA**  
Approve the Agreement for Vendor's usage of Veterans Memorial park for San Benito High School District to host the Carnival on May 10, 11, and 12 of 2019.  
SBC FILE NUMBER: 127

This item was pulled by a public member.

Maria Spandri, spoke about the carnival contract for San Benito High School and what the money

from the carnival is used for. She spoke of how great it was for all of the organizations that use the park to support our High School.

MOTION:

*Motion To approved item as presented:* Made by Supervisor Jim Gillio and seconded by Supervisor Peter Hernandez

5 - 0

*For (5):* *Against (0):*  
*Ayes: Botelho, De La Cruz, Gillio, Hernandez, Medina*

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

Approve contract with PARC Corp LLC Accounting Services for the period of July 1, 2018 through June 30, 2019, in the amount not to exceed \$55,402.35 (on a flat fee basis), to provide revised reconciliation services using updated County financial data downloads with revised warrant listings and GL transaction descriptions which will assist the County Office of Education with the cash reconciliation of County District Schools funds held in the County Treasury.

SBC FILE NUMBER: 943.1

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

Adopt Resolution requesting authorization for the County Clerk to render election services to the Pacheco Pass Water District for a Landowner Mail Ballot Election.

SBC FILE NUMBER: 285

RESOLUTION NO: 2019-28

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

Approve Farm Labor Association Lease for Southside Road Unaccompanied Adult Farm Labor Camp; adopt Resolution declaring an intent to lease an interest in real property for purposes of providing safe and affordable housing to qualified seasonal farm workers and emergency shelter to homeless persons during any emergency, at the Southside Road Migrant Farm worker Labor Camp.

SBC FILE NUMBER: 130

RESOLUTION NO: 2019-29

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

Approve Contract with Gabriella Grant Consulting for Training and Consultation with the San Benito Child Abuse Prevention Council in the Amount of \$12,100.00.

SBC FILE NUMBER: 130

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

Approve contract Amendment #1 with GO KIDS for additional funding to the Child Care Bridge Program for a new not to exceed amount of \$68,976.00.



SBC FILE NUMBER: 130

14. **OFFICE OF EMERGENCY SERVICES - K. O'NEILL**  
Approve Contract Extension with David Ghilarducci, MD, FACEP, Medical Director for Emergency Medical Services (EMS) for the period of July 1, 2019 through June 30, 2021, in the amount not to exceed \$65,000.00.  
SBC FILE NUMBER: 1068
15. **RESOURCE MANAGEMENT AGENCY**  
Adopt the plans and specifications for the County Service Area #46 (Quail Hollow) Park Slope Repairs PWB-1905, and authorize the advertisement for bids.  
SBC FILE NUMBER: CSA #46
16. **RESOURCE MANAGEMENT AGENCY**  
Adopt the plans and specifications for the County Service Area #50 (Dunneville Estates) Water System Improvements PWB-1906.  
SBC FILE NUMBER: CSA #50

Item was removed from the agenda.

17. **RESOURCE MANAGEMENT AGENCY**  
Approval of Final Map for TSM 12-85, Tract No. 308, commonly known as Santana Ranch, Unit 10, located at East of Fairview Road.  
SBC FILE NUMBER: 790

## **PUBLIC HEARING**

18. **RESOURCE MANAGEMENT AGENCY (To be heard at 9:00 AM or as soon thereafter as the matter may be heard).**  
Hold a Public Hearing; Adopt an Ordinance establishing Water Allotments within County Service Area No. 31 (Stonegate) for the 2019-2020 Water Year and taking other related action.  
SBC FILE NUMBER: CSA #31  
ORDINANCE NO: 980

Administrative Services Manager Scott Lines provided information on the item. He said they are requesting Boards approval for water allotments for service Area (CSA #31) Stonegate for 2019-2020. This is something that comes to the Board each year.

Discussion by Board and staff in regards to going over your allocation.

County Counsel Barbara Thompson read the title of the Ordinance into the record.

MOTION:

*Motion To Adopt Ordinance  
No.980 as presented:*

Made by **Supervisor Jim Gillio** and seconded by  
**Supervisor Peter Hernandez**

For (5):

Against (0):

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

## **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. RESOURCE MANAGEMENT AGENCY**

Delegate authority to the County Administrative Officer (CAO) to move forward with the John Smith Rd overlay project through an Invitation for Bids (IFB) process. Authorize the CAO to approve the scope of work for the project not exceed \$375,000; Approve budget adjustment increasing appropriation in the amount of \$375,000 for the transfer of fund balance from Integrated Waste Management to the Road Fund and \$375,000 for increased appropriations in the Road Fund for expenditures related to the overlay project. (4/5 vote)

**SBC FILE NUMBER: 105**

Deputy CAO Edgar Nolasco provided information on the IFB process for John Smith Road.

Chairman Medina said that the money is not coming from the General Fund.

CAO Ray Espinosa stated that the money is coming from an Enterprise fund from the Landfill, which was to be used for special projects.

Supervisor Jaime De La Cruz asked when do we expect this to be completed.

Mr. Nolasco said at this time we are getting authorization to put out for bid, we would have to come back at a later date with the scope of work.

Supervisor Jim Gillio thanked the Chair, CAO, Staff and Adam Goldstone out at RMA for getting this going.

### **Public Comment:**

Barb Taddeo, Heatherwood Estates resident, asked if this could be done before summer because the pot holes are getting worse. She said that she cannot afford anymore damage to her car.

Gregg Backnell, Contractor/Civil Engineer for the County, hopes to be done by the end of the summer.

Supervisor Anthony Botelho said that he would like this project to go forward as soon as possible but want it done right so we don't have to come back.

**MOTION:**

*Motion To delegate the authority to the County Administrative Officer to move*

Made by  
**Supervisor**

forward with the IFB overlay project for John Smith Road through an Invitation of Bid process; authorize the CAO to approve the scope of work for the project; approve budget adjustment increasing appropriation in the amount of \$375,000 from the transfer of fund balance from Integrated Waste Management to the Road Fund:

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

**5 - 0**

For (5):

Against (0):

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

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

Receive presentation on Off-Highway Vehicle License Fee allocation, approve budget amendment in the amount of \$6,000 for FY18/19 and provide recommendation to staff on FY19/20 budget.

SBC FILE NUMBER: 119

Budget Officer Stewart Patri provided a PowerPoint presentation on Off-Highway Vehicle License Fee allocation. Items covered was: History of Hollister Hills; Expansion opened in 2008; OHVLF Funding prior to 2006; OHVLF Funding-Current; Since 2006 we have received a lot more funding due to the change in legislation; currently the last couple of years we have been receiving between 40 to 60 thousand dollars on each allocation; 2001 MOU ended once the new allocation was brought in by legislation per vehicle code 38240; Historical the semi-annually payments have been deposited with the Sheriff's Office and used for the mitigation of Sheriff impacts; In fiscal year 2016-2017 there was Board discussion on some of the funding being used for road maintenance on Cienega Road for the impact of all of the additional drivers on Cienega Road, being the main entry way to the park; The Board at the time directed staff to deposit \$48,000 to a Cienega Road maintenance fund. This was to cover the period 2008-2016, when the expansion opened; In 2017-2018 we moved an additional \$6,000 in to the road maintenance fund. Currently the fund balance is \$5,000.; Spoke of the State's guidance as to how the funds should be use; The revenue received allocated equally to cities and to counties for providing and operating trails, for the use of off-highway motor vehicles; Questions:

Supervisor Jim Gillio thanked Stewart and the Hollister Hills Superintendent for this report. Spoke about the 2008 expansion amount of \$6,000 allocation we were supposed to receive. He said that the reason he asked to have this on the agenda was to hopefully get the support of the Board to allocate those funds, roughly \$100,000 that comes in on an annual basis, to get Cienega Road up to par.

Supervisor Jaime De La Cruz asked where the money from the State is going. He said that this should be a budget process discussion.

Supervisor Gillio answered that it is going to the Sheriff's Office in a fund and provided additional information.

Chairman Mark Medina said that if something was done incorrect in the past we need to correct it.

Mr. Patri stated that it is a decision of the Board as to how they utilize the funding.

**Public Comment:**

Cathy Alameda, Hidden Valley resident, spoke of how Cienega Road needs to be repaired. It is our welcome mat to San Benito County, She said it is a dangerous road and we have a lot of

outside county people driving it which is a concern. Would like to have the road safe for our local residents and visitors.

Supervisor Anthony Botelho thanked Supervisor Gillio for working with our staff on this was some good information. He said that he supports Supervisor Gillio to redirect funding to Cienega Road and supports our wine industry and residents out there.

Supervisor De La Cruz commended Supervisor Gillio for taking the lead on this. He said that he also supports fixing the road from Union Road to Hollister Hills.

MOTION:

Motion To keep Sheriff's funding status quo and reallocate the exact amount of dollars that is contributed by the State on a bi annual basis, which is roughly \$100,000 dollars to the Cienega Road for year 2018 and beyond:

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*

**21. BOARD OF SUPERVISORS - M. MEDINA**

1. Consider adoption of an interim ordinance as an urgency measure to establish a temporary moratorium on the cultivation of industrial hemp within the unincorporated areas of San Benito County;
2. Read Title of the Urgency Ordinance for the record;
3. Make a motion finding that the proposed Urgency Ordinance is exempt from environmental review under CEQA Guidelines sections 15060, subd. (c)(2), 15061, subd. (b)(3), and 15308; Direct the County Administrative Officer to cause a Notice of Exemption to be filed; and
4. (a) Make a motion to accept the introduction, waive further reading of the Urgency Ordinance and adopt the Urgency Ordinance (**requires four-fifths vote**); or, (b) absent the required four-fifths vote, make a motion to accept introduction, waive further reading of the ordinance and continue the matter to April 16, 2019 for adoption.

SBC FILE NUMBER: 156

ORDINANCE NO: 981

Deputy County Counsel Sara Dickenson provided information and update on Hemp and possible moratorium. She said we were expecting the regulations from the State to be taking effect either today or tomorrow from the Office of Administrative Law. She said at this point the Office of Administrative Law does not have feedback yet from the CDFR and do not have an idea when those regulations might take effect. She asked if there were any questions in regards to the moratorium or what was happening at the State level.

Supervisor Anthony Botelho said that he serves on the ad hoc committee and that they have had a couple of meetings. It sounds like the Food and Agriculture is behind on getting out State regulations for Hemp cultivation, so it kind of takes the urgency matter off for today. He spoke of how some counties are doing a moratorium and some are not. He said that he is opposed to doing a moratorium. He feels that this gives us an opportunity for another crop to be grown and benefit

from it.

Supervisor Peter Hernandez said that he is also on the ad hoc committee. Spoke about cost recovery. He said that he recommends a moratorium at this time until we can get further information on Hemp.

Chairman Mark Medina said that we need to know the difference between Hemp manufacturing and abstraction of the Hemp oil, two totally different processes.

Lengthy discussion ensued by Board and staff.

County Counsel Barbara Thompson mentioned that the May 7th date is not possible due to noticing deadlines, could possibly try for the second meeting in May. She also provided additional information on CEQA document taking a process.

Further discussion ensued by Board and staff.

**Public Comment:**

Victor Gomez, Central Coast Hemp Company, stated that they are operating under a MOU. Said that the CDFA has not released any rules or regulations at this time so adopting a temporary moratorium would not be a bad thing. He said that the staff report does include research, he would request that the Board not include research, only industrial Hemp, for the moratorium if you plan to do so.

Pete Aiello, Central Coast Hemp Processing, stated how farming has become very tough. He urged the Supervisors and staff to not over think this. This could be an opportunity to revive agriculture a little bit.

Elia Salinas, said that you cannot grow Hemp without regulations from the State. She spoke of moratorium concerns and how it would help if there was a bunch of people wanting to grow. There is not a lot of people wanting to grow Hemp. The moratoriums happened before the Farm Bill and does not believe it is necessary.

Discussion ensued by Board and Ag Commissioners Office Ken Griffin.

County Counsel Barbara Thompson spoke about how they could make changes to wording of established agriculture.

Deputy County Counsel Sara Dickenson provided some other possible wording changes.

Supervisor Botelho said that we are a right to farm County, and does not support the moratorium.

**Motion:**

By Supervisor Hernandez and seconded by De La Cruz to do a temporary moratorium which would be valid until June 11th.

County Counsel Barbara Thompson added that it would only be good for 45 days, read ordinance into the record. As part of the motion to consider points 3 and 4 on page 727 and not to include the educational institutions as mentioned by staff.

**Roll Call:**

Hernandez - Yes

De La Cruz - Yes  
Botelho - No  
Gillio - Yes  
Medina - No

Motion Failed (3/2), needed a 4/5 vote.

MOTION:

Motion To agendaize on the April 16th meeting to get a report from the Agricultural Commissioner for local rules: 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*

**22. RESOURCE MANAGEMENT AGENCY**

Receive a report on potential projects for the FY 2019-20 SB 1 road program and adopt Resolution adopting projects for Fiscal Year 2019-20 Funded by SB 1: The road repair and accountability act of 2017.

SBC FILE NUMBER: 105

RESOLUTION 2019-30

Deputy CAO Edgar Nolasco thanked RMA staff for helping put this together. He provided a PowerPoint presentation on SB1 Project Overview which covered: Background information; SB1 Formula-75% is weighed through the vehicles registered in the jurisdiction and the remaining 25% on the maintained mileage; Accountability & Transparency; Excel spread sheet showing list of projects given to the Board originally and the revised list showing 19/20 SB1 revised and alternative project list; staff asked Board if they would like to make any changes to the list.

Supervisor Anthony Botelho said that he liked this list a lot better, but there was a few projects he had a concern with in his own district on the alternative project list.

Mr. Nolasco provided information and a map with roads that are being proposed and said that it is open to the Board to move projects around.

Discussion ensued by Board and staff.

Supervisor Jim Gillio would like to see shifting funds for Hospital Road to Cienega Road approximately \$193,000.

Supervisor Jaime De La Cruz spoke of some pot holes on Buena Vista Road in his district that he would like to have fixed.

Supervisor Anthony Botelho spoke about Carr Road Bridge being put list, would probably fall under Measure G.

**Public Comment:**

Cathy Alameda, had a question on the selection process for choosing what roads are on the list and is the community included in the selection process of the roads to be repaired. She said a call back would be fine.

Wayne Norton, Aromas resident, said that the public set priorities for the roads in November when they voted on Measure G. He said that he was disappointed to see that many of the projects that the voters asked for are not on this list.

Carol Feisthamel, Hidden Valley resident, said that she supported Supervisor Gillio's suggestion, that the area of Hospital Road to Hidden Valley be put on the list of road.

CAO Ray Espinosa mentioned that in regards to Measure G, COG is spear heading that and that the projects that were listed will be addressed. He said that today we are talking about something a little different, SB1 funds, which is different from Measure G and addresses a separate list of roads. He said it is important that the Board moves forward with this or we could loose our funding.

Further discussion by Board and staff.

MOTION:

Motion To approve the staff list of 2020 SB1 Projects with the addition of \$50,000 dollars for Buena Vista Road pot holes and shifting the \$293,000 dollars from 2018/2019 from Cienega Road and Union Road to Hospital Road and the Union extension headed south as well as the listed \$293,000 dollars for 2019/2020, equaling \$1,733,965.00; and Adopt Resolution No. 2019-30 projects for Fiscal Year 2019-20 funded by SB1:

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

4 - 0

For (4):

Against (0):

Ayes: De La Cruz, Gillio, Hernandez, Medina

## 23. **RESOURCE MANAGEMENT AGENCY**

Adopt Resolution to approve CSAC's recommendation to Support a State Commission to Address New Challenges on Local Governments resulting from Restrictions Placed on Exported Recyclables.

SBC FILE NUMBER: 1110

RESOLUTION NO: 2019-31

Management Analyst Dulce Alonso provided information on the Resolution for restrictions placed on exported recyclables. She provided a PowerPoint Presentation which covered the following: California's Export of Recycling; National Sword; Local Government Mandates - AB 939: Divert 50% of solid waste from landfill; AB 341: 75% diversion from landfill by 2020; SB 1383: Reduce 50% disposal of organic waste 2020 and a 75% by 2025; Work with Recology; Statewide Commission Composition - State, Local and Industry; Proposed Resolution No. 2019-31 - CSAC'S recommendation to support a State Commission to Address New Challenges on Local Governments resulting from Restrictions Placed on Exported Recyclables.

MOTION:

Motion To Adopt Resolution No. 2019-31 to approve CSAC's recommendation to Support a State Commission to Address New Challenges on Local Governments resulting from Restrictions Placed on Exported Recyclables:

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

4 - 0

For (4):

Against (0):

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

**24. RESOURCE MANAGEMENT AGENCY -**

Informational report on San Benito County Affordable Housing Ordinance.  
SBC FILE NUMBER: 790

Housing Coordinator for the City of Hollister and San Benito County Jamila Sagga provided a PowerPoint presentation on Affordable Housing Ordinance. Information covered was: Historical Reference - Previous Affordable Housing Ordinance and previous Ordinance; Inclusionary Housing - A county planning ordinance that requires a share of new construction units to be affordable for individuals with very low, low, and moderate incomes; In Lieu Fee; On Site Requirements; Resale Restrictions; Very Low to Moderate San Benito County Income; Very Low to Moderate Determination; Very Low to Moderate Determination; Tools for the Inclusionary Housing Ordinance - Administrative Manual, Housing Advisory Committee; Questions.

Discussion ensued by Board and staff.

Chairman Medina thanked her for the report.

This was an information only report.

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

Approve proclamation and accept the presentation designating the week of April 1, 2019 to April 7, 2019 as Public Health Week in San Benito County.  
SBC FILE NUMBER: 430

Health Officer Gail Newel provided information on Public Health Week in San Benito County, which started on April 1st. This year's theme is Creating the Healthiest Nation; provided a slide show; Tuesday-Violence Prevention; San Benito County Opioid Task Force; Kids Art contest; Wednesday-Rural Health; Cheer crew presents; Fresh Salad Bar; Thursday-Technology and Public Health; Friday-Community Food Bank; Climate Change; County Health Rankings and Ranking Data; Health Outcome-Length of Life-Quality of Life; Health Factors; Questions.

Supervisor Peter Hernandez presented Proclamation to County Health Department for Public Health Week in San Benito County from April 1, 2019 to April 7, 2019.

Ms. Newel thanked the Board for their support of Public Health Services.

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

Discuss and provide direction to staff as to various streamlining processes both in the purchasing ordinance, personnel rules and hiring processes, and County's travel policy, and provide direction to staff as to any desired changes to County purchasing ordinance and purchasing manual; hiring procedures/personnel rules, and travel policy.  
SBC FILE NUMBER: 160

Deputy County Counsel Sara Dickenson provided information as to how this is to clean up the County's purchasing ordinance, personnel rules and hiring process along with the County's travel



policy, etc. She said they are asking for the Board direction today on 10 questions:

**Question 1:** Should the County increase the purchasing authority of the County Administrative officer from \$10,000 to the amount of \$50,000, and increase the authority of Department Heads to \$10,000.

Discussion ensued by Board and staff.

The consensus of the Board was to increase the CAO's authority to \$50,000 and Department Heads \$10,000.

**Question 2:** Authorize the CAO to approve not more than one amendment to a Board approved contract in an additional amount not to exceed \$10,000, in an amount not to exceed 10% of the board approved contract.

Discussion ensued by Board and staff.

The consensus of the Board was good with what was proposed.

**Question 3 and 4:** The Board was good with what was proposed.

**Question 5:** Should contracts less than \$20,000 be reviewed by attorneys or by paraprofessional staff.

Discussion ensued by Board and staff.

The consensus of the Board was good with what was proposed.

**Question 6:** May RFP's less than \$100,000 be approved by the County Administrative Officer, or his/her designee, prior to release.

Discussion ensued by Board and staff.

The consensus of the Board was good with what was proposed.

**Question 7:** Should Department Heads be allowed to hire at the A-C steps and the CAO be allowed to hire at D-G steps.

Discussion ensued by Board and staff.

The consensus of the Board was to allow Department Heads to hire at step A-C, CAO hire D-E, and step F-G needs to go to the Board for approval.

**Question 8:** May out of State Travel less than \$4,000 per employee (\$20,000 aggregate) be approved by the CAO.

Discussion ensued by Board and staff.

The consensus of the Board was good with what was proposed.

**Question 9:** Should most Department Heads (except those otherwise specified in the County

Code) be appointed by the CAO, rather than the Board of Supervisors. Recommendation: Except as otherwise designated. All Department Heads should be hired by the CAO.

Discussion ensued by Board and staff.

The consensus of the Board was good with what was proposed

**Question 10:** Should CAO approval, rather than Board approval, be required prior to providing CalPERS Retirement benefits for Temporary Employees who are prior CalPERS members, when those contributions are required by CalPERS law/regulations. This is for non-retired employees only, hired for extra help.

Discussion ensued by Board and staff.

The consensus of the Board was good with what was proposed.

MOTION:

Motion To Adopt and Approve amended job specifications for the following job specifications Resource Management Agency-Director, County Librarian, Director of Behavior Health and Director-Health and Human Services reflecting the change, is appointed by the CAO and serves at the pleasure of the Board:

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*

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

1. Adopt Resolution Approving Settlement Authority for Workers Compensation Matters, and provide direction to staff; and
2. Adopt Resolution delegating settlement authority to the County Administrative Officer regarding all claims up to \$50,000.

SBC FILE NUMBER: 160

RESOLUTION NO: 2019-32

RESOLUTION NO: 2019-33

MOTION:

Motion To Adopt Resolution No. 2019-33, Delegating Authority to the County Administrative Officer, or His/Her Designee, to Settle and Release Claims Held or Filed by San Benito County, and Held/Filed by Other Parties Against the County in an amount not to exceed \$50,000:

Made by  
**Supervisor Jim Gillio** and seconded  
by **Chairman Mark Medina**

**4 - 0**

For (4):

Against (0):

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

Deputy County Counsel Sarah Dickenson provided information in regards to the two proposed resolutions. The first resolution for Settlement Authority for Workers Compensation Matters and the second one is delegating settlement authority to the County Administrative Officer regarding

claims up to \$50,000. She said that the first Resolution would replace current Resolution 2013-71, in which we currently have Trindel the authority to resolve worker compensation claims. The second proposed Resolution would give CAO authority in excess of \$50,000 but not more than \$100,000.

Discussion ensued by Board and staff.

**MOTION:**

Motion To Adopt Resolution No. 2019-32, replacing Resolution No. 2013-71 and Establishing Settlement Authority for All Workers' Compensation Claims up to \$100,000:

Made by **Supervisor Jim Gillio** and seconded by **Chairman Mark Medina**

**4 - 0**

For (4):

Against (0):

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

**28. COUNTY COUNSEL - B. THOMPSON**

Waiver of Condition of Approval No. 34 (Access through Ridgemark) for Vesting Tentative Subdivision Map TSM 15-94. (The Promontory project), near Ridgemark pursuant to Government Code Section 66462.5  
SBC FILE NUMBER: 160

This item was removed from the Agenda.

**CLOSED SESSION**

County Counsel Barbara Thompson read the closed session items into the record. Closed session Item #33 was pulled.

Supervisor Jim Gillio recused himself from closed session Item #1.

The Board adjourned into closed session at 3:00 p.m. and reported out of closed session at 3:58 p.m.

Closed session Item #31, the Board voted to join this litigation. (5/0 vote)

*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.)*

**29. CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (d)(2), (e)(2) of Government Code Section 54956.9  
Number of cases: 1  
Facts and Circumstances Justifying Closed Session: Potential of litigation relating to County's actions and/or policies under the Lanterman-Petris-Short Act.  
SBC FILE NUMBER: 235.6

No reportable action.

30. **CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (d)(2), (e)(2) of Government Code Section 54956.9  
Number of cases: 1  
Facts and Circumstances Justifying Closed Session: Potential of litigation relating to the collection of impact fees on behalf of the San Benito High School District.  
SBC FILE NUMBER: 235.6

No reportable action.

31. **CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Government Code section 54956.9, subs. (a) and (d)(1)  
Name of Case: Baldwin County, et. al. v. Richard Sackler, et. al, United States District Court for the Southern District of New York, Case No. 1:19-cv-2421  
SBC FILE NUMBER: 235.6

The Board voted to join in this litigation. (5/0 vote)

32. **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.

33. **CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (d)(2), (e)(2) of Government Code Section 54956.9  
Number of cases: 1  
Facts and Circumstances Justifying Closed Session: Potential of litigation relating to needed repairs of the CSA No. 50 water system  
  
SBC FILE NUMBER: 235.6

This item was pulled from the agenda.

34. **CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (d)(2), (e)(2) of Government Code Section 54956.9  
Number of cases: 1  
Facts and Circumstances Justifying Closed Session: Potential of litigation relating to letter received on January 22, 2019 requesting County to enforce zoning contract between the County and Ridgemark Corporation.  
SBC FILE NUMBER: 235.6

This item was removed from the agenda.

## **ADJOURNMENT**

### **Adjourn to the next regular meeting of April 16, 2019.**

MOTION:

Motion To adjourn the meeting at 3:59 p.m.: 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*

*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/](http://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.*