



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 August 20, 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 Jaime De La Cruz,
District #5.**

The Pledge of Allegiance was led by Supervisor Jaime De La Cruz.

- b. Acknowledge Certificate of Posting

Certificate of Posting.

MOTION:

Motion to Acknowledge the
Certificate of Posting:

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

5 - 0

For (5):

Against (0):

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

c. Presentations and Recognitions

BOARD OF SUPERVISORS

Present proclamation to Jacob's Heart Children's Cancer Support Services declaring the month of September 2019 as "Childhood Cancer Awareness Month" in San Benito County.

SBC FILE NUMBER: 430

No one was present from Jacob's Heart Children's Services. Supervisor Jim Gillio said that this Proclamation is honoring Jacob's Heart Children's Cancer Support Services and Childhood Cancer Awareness Month in San Benito County and read part of the Proclamation and provided information on Jacob's Heart; formed in 1998 and is a way of support for families and children that are going through cancer for folks in our community.

BOARD OF SUPERVISORS

Approve proclamation proclaiming September 7th & 8th, 2019 the San Juan Bautista Sesquicentennial Celebration. "Let us continue to celebrate our diversity, our freedom, our oneness and our home, San Juan Bautista".

SBC FILE NUMBER: 430

Supervisor Anthony Botelho spoke about the Board of Supervisors and that they will be presenting this Proclamation on the 7th in San Juan Bautista proclaiming 150 years of San Juan Bautista being a City.

Supervisor Botelho invited Ann Finch from San Juan Bautista to the podium to say a few words about the event. She invited everyone to come to San Juan on the 7th of September, she said they will be having a parade, a lot of classic cars and horses. After the parade we will be going over to Abby Park for a family day in the park with lots of entertainment. She thanked the Board for recognizing their day.

MOTION:

Motion to approve the Proclamation to
presented to San Juan Bautista:

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:

Jerry Tatro, San Juan Bautista resident, spoke in regards to road conditions on Salinas Grade Road. He said that he had a problem with a tree that came down in the culvert and it needed to be taken care of and that he took care of it. He presented the Board with a bill for removal of the tree in the amount of \$1,700.00. He said that little effort is being done on the culverts and guardrails, etc. Would like more help on Salinas Grade road.

Randy Starbuck, Interim Director of the San Benito County EDC, introduced himself and Casey Johnson. He said he was here today to say hello and thanked the Board for their support and that he looks forward to working with all of them and the staff.

e. Department Head Announcements: Information Only

There were no department head announcements.

f. Board Announcements: Information Only

Supervisor Peter Hernandez reported that on August 6th he attended the National Night Out in downtown Hollister; August 7th attended a First Five meeting, working on getting grant funding; August 8th attended the McCarthy Park Grand Opening; August 8th attended the San Benito County Business Council meeting in regards to EDC; August 15th met with the Library folks in regards to feasibility study; August 19th met with Commissioner Spandri on the Vet's Park Commission in regard to improving the park; August 21st met with Harry Mavrogenes at RMA in regards to sports complex concept. He said that he would like to bring our National Motto to the Board Chambers as a sign of unity to show who we are.

Supervisor Jim Gillio reported that he attended the EDC round table meeting in regards to new businesses; attended COG meeting and spoke about SB1 funding and how it is likely to change which would mean a less of a match for us. Also spoke about the roundabout at Hwy 25/156. He mentioned that the Citizens Advisory Committee is up and running for COG. Met with Congressman Panetta in regards to opening San Justo Reservoir and Clear Creek National Park.

Supervisor Anthony Botelho announced that Aromas Days is this Sunday, it is a fun time in Aromas starting off with a Pancake Breakfast at the La Grange from 7:00 a.m. to 9:00 a.m., with booths set up through Carpeteria Street. Reported that he attended an RCRC meeting and that Monterey County has now joined the organization. They took a position on Assemblyman Rivas's Bill 1783 on Agricultural Employee Housing, they took a neutral position; reported that he attended COG meeting and that they need to work with CalTrans on Hwy 25/156 because it is a dangerous intersection.

Supervisor Jaime De La Cruz reported that he attended the Nights Out Celebration in downtown Hollister; attended the Streets Safety and Improvements at the Veterans Hall; attended the Business Council meeting at San Juan Oaks; attended the McCarthy Park Grand Opening Ceremony; attended the San Benito County Health Foundation grand opening of their self sufficient building. He thanked the Farm Bureau for hosting a nice BBQ at the Labor Camp.

Chairman Mark Medina attended the City Council which he said that they selected their Ad Hoc

committee for the tax sharing. He asked if Supervisor Hernandez would be part of an Ad Hoc committee with him for the tax sharing for the County.

Supervisor Hernandez excepted.

Chairman Medina spoke about an Ego. He said that we were elected to take care of our constituents and to put our personnel feelings aside and do what is best for the community. Sometimes that is agreeing or working with people that you do not agree with 100% but you take some of their thoughts and together you get a fa-nominal decision. He wants everyone to think about it every time they make a decision that they represent the residents the public.

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 #1-14, with the exception of Item #2 and Item #5, which were pulled for discussion:

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

1. **AGRICULTURAL COMMISSIONER - K. OVERSTREET**

Approve State contract, 19-0647-000-SA, for nursery stock inspection activities, from July 1, 2019 through June 30, 2020, for a total contract value of \$500.00.

SBC FILE NUMBER: 1.1

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

Adopt a Resolution approving a Proposition 68 Grant application for the San Benito County River Parkway Focus Area Project and delegate authority to the CAO to sign and submit the necessary documentation for the grant.

SBC FILE NUMBER:

RESOLUTION NO: 2019-78

This item was pulled by Supervisor Peter Hernandez to thank CAO Ray Espinosa and staff for moving this forward.

Supervisor Jim Gillio said that he echoed Supervisor Hernandez.

MOTION:

Motion to Adopt Resolution No. 2019-78

Made by **Supervisor Peter Hernandez** and

per staff recommendation:

seconded by Supervisor Jim Gillio

5 - 0

For (5):

Against (0):

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

3. COUNTY ADMINISTRATION OFFICE - R ESPINOSA

Accept the annual reports from Community-Based Organizations (CBOs) regarding the funding allocations they received for FY 18/19.
SBC FILE NUMBER: 119

4. COUNTY ADMINISTRATION OFFICE - R ESPINOSA

Approve contracts with the Community-Based Organizations (CBOs) receiving allocations of funding approved in the FY 19/20 Approved Budget for the period of July 1, 2018 to June 30, 2019 in the total amount of \$40,000.

Community Food Bank	\$12,000
Emmaus House	\$15,000
CASA	\$ 5,000
Chamberlains Children Center	\$ 4,000
San Benito Arts Council	\$ 4,000

SBC FILE NUMBER: 119

5. COUNTY CLERK/AUDITOR/RECORDER/ELECTIONS - J. P. GONZALEZ

Adopt Voluntary Collection Agreement with Airbnb, Inc. for Proposed Transient Occupancy Tax Agreement; and delegate authority to the Chair to execute, including approving any changes to the agreement if required by Airbnb.

SBC FILE NUMBER: 675

This item was pulled by Supervisor Anthony Botelho who thanked the Auditor for bringing this forward. He also had a question on why it is a Voluntary Agreement not mandatory.

Auditor Joe Paul Gonzalez provided information as to why it is a voluntary agreement.

County Counsel Barbara Thompson provided additional information.

Discussion ensued by Board and staff.

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

6. COUNTY COUNSEL'S OFFICE - B. THOMPSON

Approve Amendment No. 3 to legal services agreement with Thomas Law

Group in additional amount not to exceed \$60,000.00 for a total not to exceed \$109,900.00; and authorize the CAO to execute an additional amendment to this agreement if necessary in the amount not to exceed an additional 20%.
SBC FILE NUMBER: 160

7. **HEALTH AND HUMAN SERVICES AGENCY – T. BELTON, INTERIM**
Approve contract Amendment #2 for Shared Vision Consulting for Child Welfare Services in the amount of \$250,000 for a total sum not to exceed \$631,120.00.
SBC FILE NUMBER: 130
8. **HEALTH & HUMAN SERVICES AGENCY - T. BELTON, INTERIM**
Approve and Authorize the Chair to sign a Contract Amendment with Community Solutions to clarify the persons to be included for travel.
SBC FILE NUMBER: 130
9. **RESOURCE MANAGEMENT AGENCY – H. MAVROGENES**
Accept all bids for the Shore Road Bridge (43C0012) & San Felipe Road Bridge (43C0051) Replace Guard Railings – STPLX-5943(057) PWB-1908, find Bugler Construction as the lowest responsive responsible bidder; award contract to Bugler Construction in the amount of \$595,371.00; approve contract and authorize the RMA Director to execute the contract upon receipt of all contract documents required in the Invitation For Bids, and authorize the RMA Director to issue change orders in an amount of not to exceed \$42,268.55 (Contract Contingency Amount).
SBC FILE NUMBER: 105
10. **RESOURCE MANAGEMENT AGENCY - H. MAVROGENES**
Receive and file the updated County Service Area (CSA) FY 2019-2020 fee/tax report that corrects an administrative error.
SBC FILE NUMBER: CSA'S
11. **RESOURCE MANAGEMENT AGENCY-H. MAVROGENES**
Approval of Final Map for TSM 12-85, Tract No. 308, commonly known as Santana Ranch, Unit 11, located at East of Fairview Road.
SBC FILE NUMBER: 790
12. **RESOURCE MANAGEMENT AGENCY - H. MAVROGENES**
Approve Stipulation for Entry of Administrative Order and Administrative Order Thereon for matter of 2050 Chittenden Road, Aromas, California 95004.
SBC FILE NUMBER: 790.3
13. **SHERIFF'S OFFICE - D. THOMPSON**
Authorize Sheriff to accept a MRAP/MATV rescue vehicle, free of charge, from the Federal Government and amend Sheriff's Schedule of Fixed Assets to include MRAP/MATV rescue vehicle.
SBC FILE NUMBER: 110
14. **TREASURER/TAX COLLECTOR - M CASILLAS**
Approve an MOU between CSAC Financing Corporation and the County of San Benito for participation in the Tax Refund Exchange and Compliance

REGULAR AGENDA

For each regular agenda item, the following schedule shall occur:

- a) Staff report.*
- b) Public opportunity to address the Board on a particular agenda item. Please fill out a speaker card and present it to the Clerk prior to consideration of the item.*
- c) Consideration by the Board.*

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

Receive presentation of the 2019 San Benito County Homeless Census Executive Summary Report.
SBC FILE NUMBER: 130

Enrique Arreola from Health and Human services provided a PowerPoint presentation on the San Benito County Homelessness Census 2019 Executive Summary Report which included: Salinas/Monterey/San Benito County Continuum of Care members; Homeless Census: Longitudinal Trend, 2011-193, 2013-365, 2015-651, 2017-527, 2019-283; Homeless Executive Summary: 2019 Sheltered/unsheltered population; First episode of Homelessness; Accommodation on County Night; Age; Gender; Primary event or condition that led to Homelessness; Ways to obtain Permanent Housing; Duration of current episode of Homelessness; Self reported Health; Disabling conditions; Services and Assistance; Questions.

Discussion ensued by Board and staff.

Presentation only.

16. TREASURER/TAX COLLECTOR - M CASILLAS

Receive presentation of FY 2019 Tax Collections statistics and Adopt Resolution approving Request for Discharge of Accountability of delinquent unsecured accounts.
SBC FILE NUMBER: 685.2
RESOLUTION NO: 2019-79

Treasurer/Tax Collector Melinda Casillas provide information on collection statistics and what they do in the Tax Collectors Office. She provided a PowerPoint presentation that included the following: San Benito County Office of the Tax Collector as of June 30, 2019 paid & unpaid taxes by type; As of June 30, 2019 Each Type of Receivable Approximately \$118 Million Average Collection Rate 96%; Supplemental Bills; New Communications and Information: Bilingual services provided in the office; New answering machine message; Bilingual inserts; Targeted delinquent areas; Delinquent Unsecured about 1 Million dollars to collect from 2002-2018; Proposed Discharge of Delinquent Unsecured Taxes as of June 30, 2018: Total unpaid \$842,300.38; Proposed net discharge \$391,470.95; Proposed discharge analysis; Questions.

She said that she is here today to have the Board adopt a Resolution approving request for Discharge of Accountability of delinquent unsecured accounts.

Discussion ensued by Board and staff.

MOTION:

Motion to Adopt Resolution No.
2019-79 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

17. OFFICE OF EMERGENCY SERVICES - K. O'NEILL

Receive presentation on emergency preparedness activities by the Office of Emergency Services.

SBC FILE NUMBER: 75.5

Office of Emergency Services Director Kevin O'Neil provided a PowerPoint presentation on the Office of Emergency Services 2019 Update which included the following: Background information of what EMS does in a disaster; Upcoming Community Engagement: CERT Basic Course-Mid to Late Fall; Emergency Preparedness Workshops-November 2019; 211 Campaign;EOC Update: New, warm EOC currently in progress at the Airport; Updating Plans; Backup EOC - Hollister Pd & SBC Sheriff's Office; Training: EOC Courses; Countywide Emergency Preparedness Webinar; Exercise: Functional Field Based Exercise-Bolado Park; EOC Tabletop Exercise; EOC Functional Exercise; Coordination: Monthly Stakeholder meetings; School Preparedness; Fire Safe Council; Other Ongoing Projects: PSPS, 211; Partner MOUs; Management of Grants; Plan Updates for 2019/2020; 2017 Flood Recovery; Various Regional Projects; Questions.

Discussion ensued by Board and staff.

Supervisor Jim Gillio thanked Kevin for a great presentation. Said that he supports this.

Supervisor Peter Hernandez said that he is passionate about supporting this.

Supervisor Anthony Botelho said that he appreciated the report.

Report only.

CLOSED SESSION

County Counsel Barbara Thompson announced that closed session Item #18 and #19 will be continued to the next meeting. She read the remaining closed session items in to the record.

The Board adjourned in to closed session at 10:58 a.m.

The Board reported out of closes session at 12:21 p.m.

County Counsel reported that there was no reportable action.

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

18. **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 current landfill agreement.

SBC FILE NUMBER: 235.6

This item was continued to the next Board meeting.

19. **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 additional litigation regarding Master Tax Agreement currently being litigated in *Award Homes, Inc. v. County of San Benito, et. al*, Case No. CU-15-00099, and *BMC Promise Way, LLC, dba Benchmark Communities v. County of San Benito, et. al.*, Superior Court of California, County of San Benito, Case No. CU-15-00056.

SBC FILE NUMBER: 235.6

This item was continued to the next Board meeting.

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

Significant Exposure to litigation pursuant to Section 54956.9: Number of Cases: (1)

Closed session is authorized by Section 54956.9(d)(2), (e)(1).

SBC FILE NUMBER: 235.6

No reportable action.

21. **CLOSED SESSION - CONFERENCE WITH REAL PROPERTY
NEGOTIATORS Section 54956.8**

Property street address: 0 Buena Vista Road (APN 019-230-002) (On Buena Vista Road across the road from where Buena Vista Road makes a 90 degree turn towards the north)

Agency Negotiators: Ray Espinosa, County Administrative Officer; County Counsel Barbara Thompson

Negotiating parties: Graniterock

Under Negotiation: Price and Terms of Payment

SBC FILE NUMBER: 235.6

No reportable action.

22. **CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL**

Threat to Public Services or Facilities

Government Code 54957a.

SBC FILE NUMBER: 235.6

No reportable action.

23. CLOSED SESSION-CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: Michael McDougall, Ray Espinosa, Edgar Nolasco, Stewart Patri, Elvia Barocio and Barbara Thompson.

Employee Organizations:

Institutions Association

Law Enforcement Management

Management Employees' Group

SEIU Local 521 (General Unit Employees)

Deputy Sheriff's Association

Confidential Employees

Confidential Management Employees

Appointed Department Heads

Unrepresented Employees

AUTHORITY: California Government Code Section 54957.6

SBC FILE NUMBER: 235.6

No reportable action.

ADJOURNMENT

Adjourn to the next regular meeting of September 10, 2019.

MOTION:

Motion to adjourn the meeting at 12:21 p.m.: 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

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.