



# SAN BENITO COUNTY BOARD OF SUPERVISORS

**Margie Barrios**  
District No. 1  
*Chair*

**Anthony Botelho**  
District No. 2

**Robert Rivas**  
District No. 3

**Jerry Muenzer**  
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 DECEMBER 6, 2011 ACTION MINUTES

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in *regular session*. Supervisors Barrios, De La Cruz, Botelho, Rivas and Muenzer were present. Also present were County Administrative Officer Rich Inman, County Counsel Matt Granger, and Asst. Clerk of the Board Janet Slibsager. Chair Barrios presided.

### **9:00 a.m. CALL TO ORDER:**

- a) Supervisor Muenzer led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting*
- c) **PRESENTATIONS AND RECOGNITIONS:**  
**Present Certificate of Recognition for Years of Service to the following employees upon retirement:**
  - 1. **Sharon Jennings, (Public Health Services – Office Assistant) – 10.5 years**
  - 2. **Virginia Ramos, (Health and Human Services – Account Clerk) – 18 years**

Chair Barrios announced that Sharon Jennings was not able to attend today and that her Certificate would be presented at a later date.

Chair Barrios presented Certificate of Recognition to Virginia Ramos.
- d) **Public Comment:** There was no public comment.
- e) **Department Head Announcements:** There were no department head announcements.
- f) **Board Announcements, Introductions and Presentations:** Supervisor Botelho wished everyone a Happy Holiday Season. Supervisor Botelho announced that there was a tragic auto accident in San Juan Valley yesterday and wanted to give his condolences to the victim and reminded everyone to drive careful.  

Chair Barrios provided direction to CAO Rich Inman to put the following items on the agenda for the December 20<sup>th</sup> meeting; presentation by Chair Barrios CSAC information to the Board and public; and the opportunity for the

Board of Supervisors to take action to determine their position on the constitutional protections regarding the realignment.

#### **CONSENT AGENDA:**

*Upon motion made by Supervisor De La Cruz and seconded by Supervisor Botelho, **approved** Consent Agenda Items with the exception of Items 5, 8, 13, 14, 15, and 17 which were pulled for discussion. (Unanimous)*

#### **AGRICULTURAL COMMISSIONER – R. Ross:**

- 1) **Approved** contract with the Department of Food & Agriculture to provide Light Brown Apple Moth quarantine trapping services for the period of October 1, 2011 through December 31, 2011, for a total of \$9,316.65. *File #1.1*

#### **AGRICULTURAL COMMISSIONER – R. Ross:**

- 2) **Approved** contract Amendment with the State Department of Food & Agriculture to provide detection services for Glassy Wing Sharpshooter for an amended total of \$37,914.30 for the period July 1, 2010 through June 30, 2012. *File #1.1*

#### **BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:**

- 3) **Approved** the addition of one (1) FTE Substance Abuse Counselor position allocation to the County Behavioral Health Department, Substance Abuse Program FY 11-12 schedule of position allocations; and approve a budget adjustment of \$79,000 to the Behavioral Health Department, Substance Abuse Program FY 2011-12 expenditures and revenues. *File #810*

#### **BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:**

- 4) **Authorized** the Behavioral Health Department to submit an application for enrollment as a Medicare Provider to the Center for Medicare and Medicaid Services; authorize the Chair of the Board and County Behavioral Health Director to sign required associated documents. *File #810*

#### **CLERK OF THE BOARD – D. Thome:**

- 5) **Approve the action minutes for the regular meetings on November 1 and 15, 2011.**

Chair Barrios pulled item for correction of name change and missed spelled name which were corrected.

**BOARD ACTION:** *Upon motion made by Chair Barrios and seconded by Supervisor Muenzer, **approved** minutes as corrected. (Unanimous)*

#### **HEALTH & HUMAN SERVICES AGENCY – K. Flores:**

- 6) **Adopted Resolution No. 2011-102** approving the Operation and Maintenance contract #11-OMS-944 with the State Department of Housing and Community Development (HCD) for FY 2011/2012 in the amount of \$409,812; **authorized** the HHSA Director to sign said contract and any subsequent amendments to said contract; and **approved** budget augmentation for \$11,135. *(Unanimous) File #750*

#### **HEALTH & HUMAN SERVICES AGENCY – K. Flores:**

- 7) **Approved** Sublease Agreement with the State of California for premises located at 1111 San Felipe Road, Suite 107, Hollister effective October 1, 2011 through September 30, 2018; **approved** monthly rental in amount of \$2,784.09 from

October 1, 2011 through September 30, 2014 and \$2,923.29 from October 1, 2014 through September 30, 2018; and **authorized** the Health & Human Services Director to sign said sublease. *File #130*

**HUMAN RESOURCES – J. Credico:**

- 8) **Adopt modified Class Specifications for Deputy Treasurer-Public Administrator I/II/III.**

Chair Barrios pulled item for sentence corrections in the job classifications.

**BOARD ACTION:** *Upon motion made by Chair Barrios and seconded by Supervisor De La Cruz, **adopted** modified class specifications with amended changes. (Unanimous) File #630*

**HUMAN RESOURCES – J. Credico:**

- 9) **Adopted Resolution No. 2011-103** amending Resolution 2011-15 regarding Waiver of Salaries for the Elected Offices of County Supervisor for District 1, 2, 3, 4, & 5. *File #130*

**INTEGRATED WASTE MANAGEMENT – M. Rose:**

- 10) **Approved** contract with Lawrence & Associates, Inc. for engineering work on Landfill Expansion Project at John Smith Road Landfill for the period of December 6, 2011 to December 5, 2012 in the amount of \$60,690. *File #75.4*

**INTEGRATED WASTE MANAGEMENT – M. Rose:**

- 11) **Approved** contract with Environmental Stewardship & Planning, Inc. for CEQA Compliance Work on Landfill Expansion Project at John Smith Road Landfill for the period of December 6, 2011 and ending at project completion, in the amount of \$70,031. *File #75.4*

**PUBLIC WORKS DEPARTMENT – S. Wittry:**

- 12) **Declared** vehicles and equipment to be declared surplus. *File #105*

**PUBLIC WORKS DEPARTMENT – S. Wittry:**

- 13) **Approve Amendment #1 with ANC Specifications Consultants for specification writing services for the Sheriff Administration/County Permit Center, increasing the contract by \$1,875, for a total not to exceed of \$23,500.**

*Item pulled for discussion.*

**BOARD ACTION:** *Upon motion made by Supervisor Botelho and seconded by Supervisor Rivas, **approved** items as presented. (Unanimous) File #105.3*

**PUBLIC WORKS DEPARTMENT – S. Wittry:**

- 14) **Approve Amendment No. 2 with Brummel, Myrick & Associates for mechanical engineering services for the Sheriff Administration/County Permit Center project, increasing the contract by \$1,800, for a total not to exceed of \$13,800.**

*Item pulled for discussion.*

**BOARD ACTION:** *Upon motion made by Supervisor Botelho and seconded by Supervisor Rivas, **approved** items as presented. (Unanimous) File #105.3*

**PUBLIC WORKS DEPARTMENT – S. Wittry:**

- 15) **Approve Amendment No. 2 with Thoma Electric, Inc. for electrical engineering services for the Sheriff Administration/County Permit Center project, increasing the contract by \$2,850, for a total not to exceed \$17,550.**  
*Item pulled for discussion.*

**BOARD ACTION:** *Upon motion made by Supervisor Botelho and seconded by Supervisor Rivas, **approved** items as presented. (Unanimous) File #105.3*

**PUBLIC WORKS DEPARTMENT – S. Wittry:**

- 16) **Approved** the purchase of and add two Vehicle Rock Plow Attachments to the FY 2011-12 Road Maintenance Fund Schedule of Fixed Assets, in the amount of \$17,500, reducing the Fixed Asset Budget for one John Deere Mower Arm from \$80,000 to \$62,500. *File #105*

**SAN BENITO COUNTY SADDLE HORSE ASSOCIATION – K. Ferreira:**

- 17) **Approve 2012 San Benito County Saddle Horse Show, Rodeo operating budget.**

*Item pulled for discussion.*

*Chair Barrios pulled this item to recognize the level of commitment from Kelly Ferreira and his staff at Bolado Park.*

*Mr. Ferreira announced that the San Benito County Fairgrounds will be open next year for the fair even though the State cut their funding.*

**BOARD ACTION:** *Upon motion made by Chair Barrios and seconded by Supervisor Muenzer, **approved** 2012 San Benito County Saddle Horse Show, Rodeo operating budget. (Unanimous) File #55*

**SHERIFF'S OFFICE – D. Thompson:**

- 18) **Approved** Amendment No. 5 to the Aramark contract originally signed on December 9, 2006 authorizing the annual CPI increase of .06 percent for the period of November 1, 2011 through October 31, 2012. *File #110*

<b>REGULAR AGENDA:</b>
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**ADMINISTRATION – R. Inman:**

- 19) **Presentation and update on the transition of Communications from San Benito County to Santa Cruz Regional 9-1-1 by Scotty Douglas, General manager of Santa Cruz Regional 9-1-1.**

CAO Rich Inman introduced Scotty Douglas, General Manager of 9-1-1 of Santa Cruz Regional who provided an update in regards to the transition of 9-1-1 facility from San Benito County to Santa Cruz and how they are working on backup systems. Mr. Douglas also mentioned some of the hiccups that have occurred during the transition and how they are working through them. Mr. Douglas said they are working with Fire and EMS in regards to responses. Mr. Douglas mentioned they are very pleased with the dispatchers that transferred from San Benito County.

AT & T representative spoke in regards to their solution to any 9-1-1 missed calls due to problems with land lines.

Discussion ensued by Board, Sheriff Thompson and Mr. Douglas.

Chair Barrios thanked Mr. Douglas for responding to the concerns of transition and also thanked A T & T for being present to answer any questions.  
*File #119*

**ADMINISTRATION – R. Inman:**

- 20) **Provide direction concerning a possible joint Hollister City Council/Board of Supervisors special meeting to hear a presentation by Mike Walker of Municipal Resource Group, LCC of the initial analysis of consolidating the Hollister Police Department with the San Benito County Sheriff's Office.**

CAO Rich Inman provided information on having a possible joint City Council Board meeting on December 13, 2011 at 6:00 p.m.

**BOARD ACTION:** *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Botelho, **approved** joint special meeting for Tuesday, December 13, 2011 at 6:00 p.m. to be held in the Board of Supervisors chambers. (Unanimous) File #119*

**ASSESSOR'S OFFICE – T. Slavich:**

- 21) **Approval to initiate steps to implement AB1265 (Williamson Act) as outlined in staff recommendations and schedule a public hearing on December 20, 2011 at 1:30 p.m.**

Assessor Tom Slavich provided background information in regards to the Williamson Act and the steps that would need to be taken by the Board to implement AB 1265; by setting a public hearing for December 20, 2011 at 1:30 to make a final determination. and what would occur if the Board decided to move forward with the implementation.

Lengthy discussion ensued by Board and staff.

Those speaking from the public were: Marty Richman, Hollister resident.

Mr. Slavich provided the Board with the options if they decided to move forward with the implementation and if they decided not to, the matter would die for this year.

Board directed questions to Mr. Slavich.

*The consensus of the Board directed Mr. Slavich to bring back to Board next year.*

Mr. Slavich reminded the Board that due to timeline we did have to go ahead and have the notice published with the newspaper for the December 20<sup>th</sup> public hearing but would check with the paper to see if it could be pulled or if we needed to do a cancellation notice. *(Unanimous) File #7*

**COUNTY OFFICE OF EDUCATION – M. Sanchez:**

- 22) **Receive the County Superintendent's Report.**

County Superintendent Mike Sanchez presented the Annual Superintendent's report for 2011-2012. *(File #13)*

**INTEGRATED WASTE MANAGEMENT – M. Rose:**

- 23) **Receive report on Landfill Expansion Project at John Smith Road Landfill.**

Integrated Waste Director Mandy Rose provided an update on the Landfill Expansion project at John Smith Road Landfill.

Chair Barrios directed questions to Ms. Rose. *(Unanimous) File #75.4*

### **INTEGRATED WASTE MANAGEMENT – M. Rose:**

- 24) Adopt Resolution transferring the designation of the Enforcement Agency from the San Benito County Environmental Health Division to the California Department of Resources, Recycling and Recovery.**

CAO Rich Inman provided information in regards to transferring the responsibility of the Enforcement Agency from San Benito County to the California Department of Resources and staff's recommendation.

Lengthy discussion ensued by Board and staff.

Those speaking from the public were Marty Richman, Hollister resident.

Discussion continued by Board and staff.

**BOARD ACTION:** *Upon motion made by Supervisor Rivas and seconded by Supervisor Botelho, **adopted Resolution No. 2011-104**, transferring the Designation of the Enforcement Agency from San Benito County Environmental Health Division to the California Department of Resources, Recycling and Recovery to include a presentation from the State of California in regards to their service, contract information and cost comparison on local control. (4/1 vote, De La Cruz voted no) File #142*

### **PUBLIC WORKS DEPARTMENT – S. Wittry:**

- 25) Approve contract with Huboi Architecture for professional services for the Migrant Camp Manager's Office project in the amount of \$36,842.**

Public Works Administrator Steve Wittry provided information in regards to the contract with Huboi Architecture for the Migrant Camp.

Those speaking from the public were Richard Bettencourt, Hollister resident.

**BOARD ACTION:** *Upon motion made by Supervisor Rivas and seconded by Supervisor Muenzer, **approved** contract with Huboi Architecture as presented. (Unanimous) File #750*

### **PLANNING DEPARTMENT – G. Armstrong:**

- 26) Conduct an appeal hearing of Staff decision to deny agricultural exemption for a 45,000 sq. ft. riding arena constructed without permits at 7800 Lake Road (Chambers) and provide direction to staff.**

Planning Director Gary Armstrong provided information in regards to the appeal hearing for an agriculture exemption for a 45,000 sq. ft. riding arena at 7800 Lake Road (Chambers). Mr. Armstrong provided a list of options for the Board of Supervisors to review and provide their direction to staff.

Chair opened the appeal hearing.

Matt Kelley, Engineer representing the applicant (Chambers) provided information as how the building should qualify for the agricultural exemption.

Discussion ensued by Board and staff.

*Chair Barrios made a motion to consider a possible settlement proposal agreeable to the applicant whereby applicant agrees to allow the building to be inspected, submit plans and plan-checking fee to Planning Building and make any necessary corrections as would be required through the Building Permit, and recommend that it is Ag Exempt; Supervisor De La Cruz seconded the motion.*

County Counsel Matt Granger provided suggestions to the Board that if they took a vote today and finds this project is ag exempt, the Board has offered to the applicant the possibility of proposing a settlement, there is really no

incentive on the applicant's part after the board votes this building ag exempt to enter into any settlement with the County, because the determination has already been made. Mr. Granger suggested that if it is the Board's wish to have the parties enter into a settlement they should continue this matter to a later board meeting to allow staff to go back and work with the applicant to obtain the settlement proposal and bring back to the Board for the Board's consideration or approval. If the settlement is acceptable to the Board, the Board will then determine that the building is ag exempt.

**BOARD ACTION:** *Upon motion made by Chair Barrios, amended her motion to the recommendation of the County Counsel to consider it Ag exempt with settlement proposal for building inspection fees and bring it back at the next available meeting for approval, Supervisor De La Cruz seconded the amended motion. Applicant was agreeable to the terms that were given by Mr. Armstrong. (4-1 vote, Rivas voted no) File #790*

#### **CLOSED SESSION:**

- 27) Public Employee Performance Evaluation**  
**Authority: California Government Code Section 54957**  
**Title: County Administrative Officer**  
*No reportable action. File #235.6*
- 28) Public Employee Performance Evaluation**  
**Authority: California Government Code Section 54957**  
**Title: Agricultural Commissioner/Sealer of Weights and Measures**  
*No reportable action. File #235.6*
- 29) Public Employee Performance Annual Evaluation**  
**Authority: California Government Code Section 54957**  
**Title: County Counsel**  
*No reportable action. File #235.6*

## **AFTERNOON SESSION**

### **1:30 p.m.**

#### **INTEGRATED WASTE MANAGEMENT – M. Rose:**

- 30) Recognize the San Benito High School Outdoor Club and their advisor Jim Ostdick for their six years of work in helping keep the San Benito River clean.**

Public Works Administrator Steve Wittry provided information in regards to the adopt-a-road river program.

Integrated Waste Director Mandy Rose thanked the Board for recognizing the San Benito High School Outdoor Club that is under the leadership of Jim Ostdick.

Mr. Ostdick provided a PowerPoint presentation as to what the outdoor club volunteers have been doing, how they were formed and what the clubs goals are.

Chair Barrios presented certificates of recognition to club members that were present. *File #156*

The vote of each member of the Board of Supervisors upon each matter at the foregoing meeting, unless otherwise stated, was as follows:

AYES:	SUPERVISORS:	Barrios, De La Cruz, Botelho, Rivas, Muenzer
NOES:	SUPERVISORS:	None
ABSENT:	SUPERVISORS:	None

There being no further business the Board adjourned at 4:42 p.m. to December 20, 2011 at 9:00 a.m.

**MARGIE BARRIOS, CHAIR**  
San Benito County Board of Supervisors

**ATTEST:**  
Janet Slibsager, Asst. Clerk of the Board