



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 JANUARY 25, 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, Botelho, Rivas, Muenzer and De La Cruz were present. Also present were County Administrative Officer Rich Inman, County Counsel Matthew Granger, and Clerk of the Board Denise Thome. 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) **Public Comment:** Aurelio Zuniga, Hollister resident, expressed concern with the recent appointment of a Planning Commissioner for District 5. He explained that Supervisor De la Cruz's appointment did not reside in District 5. He felt the ordinance should be amended to require that Planning Commissioners reside in the district they represent.

Sally Bettencourt, Hollister resident, expressed concern with the possibility of the Communications Center going to Santa Cruz. She thought there might be a loss of integrity with the transfer. She spoke of a letter to the editor in the Free Lance from Sean Lever which stated several important items to consider. Ms. Bettencourt's further concerns consisted of Santa Cruz's inability to check warrants or probation status which can be a potential life-saving procedure for police and sheriff.

Marty Richman, Hollister resident, spoke on the subject of the possibility of the Communications Center going to Santa Cruz. He noted that there would always be trade-offs. He thought it would be nice to have the ability for medical dispatch for immediate aid, which Santa Cruz can provide. Mr. Richman noted that when the presentation was made to the City of Hollister, the City Manager commented that they could not continue with the communications as they have as it was not affordable.

Stephen Rosati, Hollister resident, commented on the Governor's proposal to return government back to the locals. He hoped that all counties would be getting together with their state legislators to insure that legislature returns the

property tax situation to pre-ERAF. Mr. Rosati felt the county deserved to get the money back from property taxes that the State starting taking 8 to 9 years ago.

Alan Barker proposed that it was time for some internal audits. He felt there were areas that could still be trimmed. Mr. Barker recommended that a better job of keeping the website up to date be done. He added that there is still not an approved budget for 2009/2010 online.

Supervisor De La Cruz indicated that he would like to hear from CAO Inman at a later date on the matter.

Chair Barrios directed CAO Inman to agendaize the matter for a future meeting. She asked if there was a consensus to agendaize the issue of district represented planning commissioners that Mr. Zuniga brought up.

Supervisor De La Cruz spoke of looking at all commissions under each supervisor's responsibility and try to minimize concurrent terms.

Chair Barrios stated that perhaps they could look at that at the same time they look at the planning commissioner issue.

- d) **Department Head Announcements:** Health and Human Services Agency Director Kathy Flores announced an upcoming event they were sponsoring which centered on earned income tax credit. It is a program offered by the IRS that provides a financial boost for working people hit by hard economic times. She further noted that they were partnering with Volunteers In Tax Assistance (VITA) and would be hosting them at their site. Ms. Flores proceeded to introduce two new staff members in the Health and Human Services Agency; Dr. Alvaro Garza, Public Health Officer and Vivian Nelson, Environmental Health Manager.

Brent Cardall, Chief Probation Officer, spoke of the nice article The Pinnacle wrote on the Probation Department's mentoring program headed by Richard Vasquez who was doing a great job.

Richard Vasquez stated that he was honored to work with the Probation Department and his goal was for a mentor to be assigned to every kid that wants one.

Director of Planning and Building Gary Armstrong stated that there would be a community workshop for the general plan update on Wednesday, January 26, 2011 from 6 to 8 p.m. at the Vet's Hall.

Public Works Director Steve Wittry introduced new employee Lynette Redmond who would be the CSA Coordinator.

- e) **Board Announcements, Introductions and Presentations:** Supervisor Botelho reported that he attended an Regional Council of Rural Counties (RCRC) meeting in Sacramento and there appeared to be a shift of services and responsibility back to the local level. He further reported that he and the Chair had met as an ad hoc fire committee the previous day to evaluate the San Juan Bautista contractual agreement.

Supervisor Muenzer noted that Supervisor De La Cruz had asked him to serve on the Economic Development Corporation board in his place.

Chair Barrios stated that change would be fine. She reported that she had met with State Senator Anthony Canella about not wanting to accept mandates without dollars. She indicated that she passed on her concerns with respect to early childhood education and agricultural needs.

CONSENT AGENDA:

*Upon motion made by Supervisor Rivas and seconded by Supervisor Muenzer, **approved** Consent Agenda Items with the exception of Items 1, 5 and 10 which were pulled for discussion. (Unanimous)*

Supervisor Muenzer announced that he would be excusing himself from item #12 on the regular agenda as he serves on the Hollister Downtown Association and there is a possible conflict of interest.

BOARD OF SUPERVISORS:

- 1) **Appoint Debra Cable to represent Supervisorial District 4 on the San Benito County Parks & Recreation Commission effective January 25, 2011 through January 2015.**

Item was pulled for discussion.

*Upon motion duly made by Supervisor Muenzer and seconded by Supervisor De La Cruz, **appointed** Debra Cable to represent Supervisorial District 4 on the San Benito County Parks and Recreation Commission effective January 25, 2011 through January 2015. File #93*

BEHAVIORAL HEALTH DEPARTMENT – A. Yamaoto:

- 2) **Approved** contract renewal with Country Villa Merced Behavioral Health Center for the FY 2010/11 term for a maximum annual amount of \$89,000. *File #810*

CHILDCARE LOCAL PLANNING COUNCIL – K. Bobsin:

- 3) **Certified** the annual Childcare Local Planning Council membership and **authorized** the Chair to sign certification statement. *File #166*

HEALTH & HUMAN SERVICES – K. Flores:

- 4) **Appointed** Donald K. Dixon Sr. to the Workforce Investment Board as a public sector representative for a three-year term effective January 25, 2011 through January 24, 2014. (CSWD) *File #939*

PROBATION DEPARTMENT – B. Cardall:

Item pulled for discussion.

- 5) **Authorize Chief Probation Officer to hire a Probation Department Intern for a period of January 1, 2011 to December 31, 2012 at \$9.00 per hour not to exceed 1000 hours per each county fiscal year. (4/5 vote)**

*Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Muenzer, **authorized** Chief Probation Officer to hire a Probation Department Intern for a period of January 1, 2011 to December 31, 2012 at \$9.00 per hour not to exceed 1000 hours per each county fiscal year. (Unanimous) File #510*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 6) **Adopted Resolution No. 2011-1** authorizing the submittal of grant applications to the California Department of Resources Recycling and Recovery Grant Programs; and authorize the Public Works Administrator to execute grant applications and all necessary documents and finding that the identified projects funded under these opportunities are exempt from CEQA. *File #105*

- 7) **Approved** contract with the California Conservation Corps for the Historical Park Nature Loop Trail at San Benito County Historical Park for the period of January 17, 2011 through May 1, 2011 in the amount of \$19,834.44. *File #105.3*
- 8) **Adopted Resolution No. 2011-2** calling for a Mail Ballot Election for County Service Area No. 53, Riverview Estates, for Tuesday May 3, 2011 in connection with Property-Related Fees. *CSA #53 File*

SHERIFF'S DEPARTMENT – D. Thompson:

- 9) **Adopted Resolution No. 2011-3** authorizing closure on a temporary basis a portion of Old San Juan Highway, San Justo Road, Anzar Road in order to ensure the safety of the public for the Hollister Rotary Clubs 28th Annual Mission 5-k run on January 29, 2011. *File #110*

TREASURER/TAX COLLECTOR – M. L. Andrade:

Item pulled for discussion.

- 10) **Adopt Resolution for delegating authority to the County Treasurer to invest and reinvest county funds and other depositors' funds in the County Treasury or to sell or exchange securities so purchased, pursuant to the requirement of state law.**

Discussion was had regarding the possibility of a treasury oversight committee and frequency of treasury reports to be brought back at a later date. CAO Inman suggested the Board of Supervisors retreat.

Allen Barker, a member of the public, complained that the treasurer's quarterly reports were not current on the website and the one online was 2 years old.

Treasurer-Tax Collector Mary Lou Andrade stated that she provided the report to the Board and it was available to the public if they asked.

Marty Richman, a member of the public, suggested having IT put the report on instead of the departments. He suggested the Treasurer-Tax Collector have the current quarterly report available at their counter.

*Upon motion duly made by Supervisor Rivas and seconded by Supervisor Botelho, **adopted Resolution No. 2011-4** for delegating authority to the County Treasurer to invest and reinvest county funds and other depositors' funds in the County Treasury or to sell or exchange securities so purchased, pursuant to the requirement of state law. (Unanimous) File #685.2*

9:00 A.M. - PUBLIC HEARING (Or as soon thereafter as the matter may be heard)

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 11) **Held a public hearing and adopt Resolution tabulating protests and confirming the consolidated fee report, fee schedule and fee for property-related fees in connection with CSA No. 53, authorizing the levy of the fees in Fiscal Year 2011-12 and subsequent years, and taking certain related actions.**

Management Analyst Janelle Cox gave a staff report and an overview of the process.

Chair Barrios opened the public hearing.

There being no public comment, the Chair closed the public hearing.

Clerk of the Board Denise Thome reported that there were no reports of protest.

Staff answered the Board's questions.

*Upon motion duly made by Supervisor Muenzer and seconded by Supervisor De La Cruz, **adopted Resolution No. 2011-5** tabulating protests and confirming the consolidated fee report, fee schedule and fee for property-related fees in connection with CSA No. 53, authorizing the levy of the fees in Fiscal Year 2011-12 and subsequent years, and taking certain related actions. (Unanimous) File #CSA #53*

The Board adjourned at 10:00 a.m. for a short break and reconvened at 10:12 a.m.

REGULAR AGENDA:

ADMINISTRATION – R. Inman:

- 12) **Recognize \$6,435 of the \$184,948 in revenues in the General Fund General Purpose Revenue; appropriate \$6,435 in General Fund Non Departmental Expense; and authorize the Chair to execute the Preliminary Petition to Form the Downtown Hollister Property Based District. (4/5 vote)**

Supervisor Muenzer, as announced previously, excused himself from item #12 on the regular agenda as he serves on the Hollister Downtown Association and there is a possible conflict of interest. He left the chambers.

Steve Rosati, member of the Downtown Association and Property Based Improvement District (PBID) Steering Committee, gave an overview of the proposal and answered questions from the Board.

Members of the public speaking on the item were: Marty Richman, Richard Ferreira and Gordon Machado.

BOARD ACTION: *Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Botelho, **authorized** the Chair of the Board to execute preliminary petition to form the Downtown Hollister Property Based Assessment District. (4-1 vote with Supervisor Muenzer abstaining) File #119*

Supervisor Muenzer returned to chambers.

- 13) **Approve the agreement with State of California Department of Parks and Recreation, Hollister Hills District, funding Parks and Recreation Commission administration and collaborative parks planning efforts, for a total amount of \$35,000, not to exceed \$11,000 for the period January 25, 2011 through June 30, 2011, and \$24,000 for the period July 1, 2011 through June 30, 2012; and approve the administration of the Parks and Recreation Commission by the County Administrative Office; approve the Budget Adjustment appropriating \$11,000 to the Parks Budget Unit. (4/5 vote)**

Management Analyst Janelle Cox gave a staff report.

Allen Barker, a member of the public, spoke in support of the program.

Marty Richman, a member of the public, also spoke in support of the program.

Hollister Hills District Superintendent Jeff Gaffney expressed that this was a great opportunity and how appreciated the efforts.

Chair of the Parks and Recreation Commission Don Kelly extended appreciation of the Parks and Recreation Commission to the state and county

staff. He stated that it was a unique opportunity and expressed appreciation to the Board for their support.

BOARD ACTION: Upon motion duly made by Supervisor Botelho and seconded by Supervisor De La Cruz, **approved** the agreement with State of California Department of Parks and Recreation, Hollister Hills District, funding Parks and Recreation Commission administration and collaborative parks planning efforts, for a total amount of \$35,000, not to exceed \$11,000 for the period January 25, 2011 through June 30, 2011, and \$24,000 for the period July 1, 2011 through June 30, 2012; and **approved** the administration of the Parks and Recreation Commission by the County Administrative Office; **approved** the Budget Adjustment appropriating \$11,000 to the Parks Budget Unit. (Unanimous) File #93

14) **Adopt Resolution of the San Benito County Board of Supervisors regarding Compensation for the Unrepresented Employee Groups.**

Management Analyst Jacki Credico gave a staff report on the matter noting that total savings would be \$468,000, with \$336,000 from the general fund. She added that elected department heads were not included in the group as their salaries are reduced on a voluntary basis. Ms. Credico indicated that the resolution would be effective from July 1, 2011 through June 30, 2012.

Chair Barrios opened the matter up for public comment.

There was no public comment.

Chair Barrios commented that a savings of \$468,000 was amazing and was a step in the right direction during these tough economic times. She thanked Ms. Credico for bringing it forward.

BOARD ACTION: Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Botelho, **adopted Resolution No. 2011-6** of the San Benito County Board of Supervisors regarding compensation for the Unrepresented Employee Groups. (Unanimous) File #630

15) **Consider options for County Flag and provide direction to staff.**

Discussion was had amongst supervisors as to the possible designs for the county flag.

Janet Slibsager, representing the Ag Boosters, stated that there was not a time restraint to create the flag and that it was used for when they have conferences. She added that FFA did not have any preference.

The following members of the public offered comments on the creation of the county flag: Linda Lampy; Allen Barker and Marty Richman.

BOARD ACTION: Upon motion duly made by Supervisor Rivas and seconded by Supervisor Botelho **directed** staff to come back with an amended flag that mirrors the California State flag with a red stripe on the bottom, county seal in the middle and San Benito County in large block letters above the bottom stripe. (4-1 vote) File #119

Supervisor De La Cruz voted no.

BOARD OF SUPERVISORS:

16) **Consider the creation of a budget committee and provide direction as appropriate.**

Supervisor Rivas felt that the creation of a budget committee would create a more formal structure for the Board. He felt it was important to establish the

committee and there was a need to spend more time working with the budget and staff.

Supervisor De La Cruz felt the Budget Committee was a good concept and asked that the Chair carry the same appointment of himself and Supervisor Rivas who are currently on the Finance Committee. He asked if the committee would be subject to the Brown Act.

County Counsel Matt Granger stated that any committee formed by the Board with less than two people would be subject to the Brown Act. He added that the Chair had the power to create an ad hoc committee of two supervisors, similar to what the Finance Committee is now, and that ad hoc committee would not be subject to the Brown Act. Any committee more than two supervisors or if it becomes a regular standing committee with a regular agenda and meeting at a regular time, that committee would be subject to the Brown Act.

Discussion was had by the supervisors.

County Administrative Officer Rich Inman expressed a desire that it be an ad hoc committee.

Marty Richman felt that there was a problem with a budget committee incorporating a finance committee. He stated that the budget was complex and a broad charge. He suggested a budget based on income and that they should charge the committee to look at forecasted income of each program.

Chair Barrios directed the re-naming of the Finance Committee as the Budget Committee as an ad hoc committee and keep the same committee members of Supervisors De La Cruz and Rivas. She further directed that the committee meet at least monthly, report to the Board on a monthly basis on the outcome and look at income first.

County Counsel Granger advised that the definition, for Brown Act purposes, the ad hoc committee should not meet at a regular time, should be flexible and informal.

Chair Barrios noted that the ad hoc Budget Committee would remain flexible. *File #865*

The Board adjourned into Closed Session at 11:50 a.m. and reconvened into regular session at 12:11 p.m.

CLOSED SESSION:

17) **Conference with Labor Negotiators**

Chief Negotiator: Linzie Daniel

Authority: California Government Code Section 54957.6

Employee Organizations: All Bargaining Groups (MEG, DSA, SEIU)

No reportable action was taken. File #630

The Board adjourned for lunch at 12:12 p.m. and reconvened into regular session at 1:30 p.m.

**AFTERNOON SESSION
1:30 P.M.**

1:30 P.M. PUBLIC HEARING *(Or as soon thereafter as the matters may be heard)*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 18) **Hold a public hearing to consider and potentially adopt a resolution making the necessary CEQA findings, adopting Mitigated Negative Declaration, approving/adopting the Mitigation Monitoring and Reporting Program, and taking other related actions, including the determination of whether or not to proceed, regarding the proposed Stonegate Well and Pipeline Project, Tres Pinos.**

Public Works Director Steve Wittry gave a staff report. He explained that there had been substantial noticing beyond the requirements, noting there were two letters of concern and those along with the responses were in the Board packets.

Chair Barrios opened the public hearing.

There being no public comment, the Chair closed the public hearing.

Discussion ensued by Board and staff.

BOARD ACTION: *Upon motion duly made by Supervisor Muenzer and seconded by Supervisor De La Cruz, **adopted** the Mitigated Negative Declaration, The Mitigation Monitoring and Reporting Program, and **adopted Resolution No. 2011-7** for the Stonegate Well and Pipeline Project, based on the CEQA findings and Mitigation Measures.(Unanimous) CSA File*

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

There being no further business the Board adjourned at 1:44 p.m. to February 1, 2011 at 9:00 a.m.

MARGIE BARRIOS, CHAIR
San Benito County Board of Supervisors

ATTEST:
Denise R. Thome, Clerk of the Board