



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 MARCH 22, 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 Asst. Clerk of the Board Janet Slibsager. Chair Barrios presided.

9:00 a.m. CALL TO ORDER:

- a) Supervisor Botelho led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- c) **Public Comment:** Ed Tobin, Salinas Ramblers Motorcycle Club, thanked the County Public Works Departments and the road crews for their diligent efforts in keeping the roads open in spite of the heavy rains just before their National Hare Scrambles and National Youth Hare Scrambles on February 19th and 20th. Mr. Tobin also thanked the Board of Supervisors for making the decision a year ago to keep the roads open in the Clear Creek Management Area, despite the fact that the Bureau of Land Management had temporarily closed the area to recreational use. Mr. Tobin announced that the OHMVR Commission will be holding a meeting in Hollister on April 5th and 6th and encouraged the Board of Supervisors to participate to the best of their ability.

Esperanza Torres, Caregiver IHSS, spoke in regards to the Home Care Program and the cuts and how they would affect the clients in San Benito County.

Maria Gonzalez, Hollister resident, said that she is a single parent who receives in home care support and does not want to see anymore changes in home care program.

Maria Perez, Hollister resident, who also receives in home support care for her daughter who is in a wheel chair, said that she hopes that the Board of Supervisors would reconsider any cuts to this program.

Irma Rodriguez, SEIU program, asked that the Board of Supervisors make no cuts to this program, as these people who are in the program are not able to care for themselves.

Richard Bettencourt, Hollister resident, thanked the Board of Supervisors for putting the Board of Supervisors entire agenda on line for the public to view.

Marty Richman, Hollister resident, said that he opposes any Health Care cuts, it is a good program and is a good deal, and therefore he supports the program.

- d) **Department Head Announcements:** Planning Director Gary Armstrong announced that he attended the yearly conference for the American Association of Environmental Professionals for the State and was proud to announce that our County and our Consultant Aspen Environmental won an award for the outstanding environmental analysis document for the Panoche Valley Solar Farm EIR.

Supervisor Botelho thanked the Planning Department and County staff for a great job and the award was well deserved.

Chair Barrios concurred with Supervisor Botelho

Deputy Director of Community Service & Welfare Development Enrique Arreola spoke of two events that were coming up: Employer recognition for the One-Stop Career Center on Thursday March 24th at San Juan Oaks from 8:00 a.m. to 9:30 a.m.; and the 10 Year Anniversary of the One-Stop Career Center at the One Stop Career Center on Thursday March 24th from 10:00 a.m. to 1:00 p.m.

- e) **Board Announcements, Introductions and Presentations:** Supervisor De La Cruz announced that he attended the Council of Governments (COG) meeting, South County Housing meeting with the City of Hollister and a budget meeting with the CAO Rich Inman.

Supervisor Rivas spoke in regards to an issue he had read about in the Mercury News about an environmental disaster that has been brewing in South San Benito County at New Idria Mines. He said it has been reported that this is one of the Nation's worst polluted places. Supervisor Rivas voiced frustration as to why the San Benito County Board of Supervisors has not made it their top priority to clean this place up. Supervisor Rivas said that he has a lot of questions that need to be answered and would like to see this item agendized for a later board meeting in regards to the actions that have been taken by our county and the history of the New Idria Mines since he is a new Board member.

Supervisor Botelho announced that he attended a Council of Governments (COG) meeting. He also mentioned that he was asked to serve on the Monterey Bay Chapter selections committee for the hero's celebration for Monterey and San Benito County, which would be on May 14th at the Naval Post Graduate School.

Chair Barrios mentioned that she participated in the American Red Cross hero's nomination committee and that she attended Farm Day at Bolado Park.

Chair Barrios thanked Janelle Cox, Steve Wittry and the Parks and Recreation Commission for the community meeting they held in regards to input for the Regional Parkway area.

Chair Barrios said that she would like to have an item on the April 12th meeting in regards to discussion on the Clear Creek Management Area.

Supervisor Muenzer responded to Supervisor Rivas's concerns about New Idria Mines and asked that Integrated Waste Manager Mandy Rose provide a brief update.

Mandy Rose announced that there will be a public meeting on April 5th in the Board Chambers in regards to New Idria Mines.

Supervisor Rivas reported that he attended the Inter Governmental Committee and discussed illegal vendors in our County and they are currently studying the issue and will bring back information at a later date.

Chair Barrios provided additional information in regards to the illegal vendors and how they would be moving forward.

CONSENT AGENDA:

Upon motion made by Supervisor Rivas and seconded by Supervisor Botelho, approved Consent Agenda items 1 through 20, with the exception of 1, 3, 5, 14, 16 and 17, which were pulled for discussion. (Unanimous)

ADMINISTRATION – R. Inman:

- 1) **Appoint Jesse Vallejo and Daniel Modic to the San Benito Parks and Recreation Commission as Youth Commissioners for a one-year term effective March 22, 2011 through March 20, 2012.**

Item pulled for discussion.

BOARD ACTION: *Upon motion made by Chair Barrios and seconded by Supervisor Rivas, approved appointments of Jesse Vallejo and Daniel Modic to the San Benito County Parks and Recreation Commission as Youth Commissioners for the period of March 22, 2011 through March 20, 2012. (Unanimous) File #93*

AGRICULTURAL COMMISSIONER – R. Ross:

- 2) **Approved contract with California State Department of Pesticide Regulation for Pesticide Regulation reporting services for the FY 2011/2012 in the amount of \$17,936.00. File #1.1**

BOARD OF SUPERVISORS:

- 3) **Adopt FY 2011-2012 Budget Policies.**

Item pulled for discussion.

BOARD ACTION: *Upon motion made by Supervisor Rivas and seconded by Supervisor Botelho, adopted Budget Policies for FY 2011-2012. (Unanimous) File #865*

BOARD OF SUPERVISORS:

- 4) **Accepted the nomination of Jack Swallow and Richard Boomer to the San Benito County Fish and Game Advisory Commission; appointed Jack Swallow and Richard Boomer to the San Benito County Fish and Game Commission effective April 1, 2011 through March 31, 2015. File #24**

COUNCIL OF GOVERNMENTS – L. Rheinheimer:

- 5) **Approve Amendment #5 to Employment Agreement with the Council of San Benito County Governments and Lisa Rheinheimer.**

Item pulled for discussion.

BOARD ACTION: *Upon motion made by Supervisor Muenzer and seconded by Supervisor De La Cruz, approved Amendment #5 to Employment Agreement with the Council of San Benito County Governments and Lisa Rheinheimer. (Unanimous) File #1035*

FIRST 5 SAN BENITO – K. Castillo:

- 6) **Re-appointed** Dr. Friedman to the First 5 San Benito Children and Families Commission for a three year term effective April 1, 2011 through March 31, 2014. *File #155*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 7) **Approved** Memorandum of Understanding between San Benito County and Hazel Hawkins Memorial Hospital for Hospital Preparedness Program (HPP) for use of Grant Funds in the amount of \$30,691; and **authorized** the HHSA Director to sign said agreement. *File #130*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 8) **Approved** the Notice of Intent related to System Improvement Plan and the Office of Child Abuse Prevention Programs CAPIT/CBCAP/PSSF Plan contracts for San Benito County and **authorized** San Benito County Health & Human Services Agency as the designated Agency to oversee program services and funding. *File #130*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 9) **Approved** the revised San Benito County Community Action Board (CAB) Bylaws to be effective from the time of Board of Supervisors approval. (CSWD) *File #939*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 10) **Re-appointed** Ms. Kendra Bobsin to the Workforce Investment Board to represent the public sector for a three-year term effective April 1, 2011 through March 31, 2014. (CSWD) *File #939*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 11) **Re-appointed** Ms. Mimi Laurent to the Workforce Investment Board to represent the public sector for a three-year term effective April 22, 2011 through April 21, 2014. (CSWD) *File #939*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 12) **Approved** Memorandum of Understanding with the San Benito Health Foundation for Hospital Preparedness Program (HPP) for use of grant funds in the amount of \$10,960; and **authorized** the HHSA Director to sign said agreement. *File #130*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 13) **Adopted Resolution No. 2011-12**, accepting the 2011 Low Income Heating Energy Assistance Program (LIHEAP) grant, approving the grant agreement; and **authorized** the HHSA Director to enter into and sign the grant agreement and any amendments and other documents related to the grant on behalf of the County of San Benito. *File #939*

PLANNING DEPARTMENT – G. Armstrong:

- 14) **Adopt Resolution upholding the Planning Commission's denial of M-District Review 91-10 and denying Applicant's appeal for a flea market located at 1771 San Felipe Road, Hollister. (Res. No. 2011-23)**

Item pulled for discussion.

BOARD ACTION: Upon motion made by Chair Barrios and seconded by Supervisor Botelho, **adopted Resolution 2011-23**, upholding the Planning Commission's Denial of M-District Review 91-10 and denying Applicant's appeal. (4-1 vote) De La Cruz Abstained File #790 Appeal

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 15) **Declared** vehicles and equipment to be declared surplus; and direct staff to remove surplus vehicles from inventory per County practice. File #105

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 16) **Approve the Budget Adjustment, increasing the Street Rehab-Santa Rosa Drive project by \$121,109 to \$362,614; and approve contract change order increase from \$28,891 to \$150,000 for the Road Improvements project at El Camino Paraiso & Santa Rosa Drive; and authorize the Public Works Administrator to approve change orders on this project in the amount not to exceed \$150,000.**

(4/5 vote)

Item pulled for discussion.

BOARD ACTION: Upon motion made by Chair Barrios and seconded by Supervisor Muenzer, **approved** item as presented. (Unanimous) File #105

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 17) **Acknowledge Verizon Wireless request to perform modifications on their communications site located at 1023 Memorial Drive (Veterans Memorial Park); and authorize Chair to sign letter of authorization and City of Hollister Development Project application.**

Item pulled for discussion.

BOARD ACTION: Upon motion made by Chair Barrios and seconded by Supervisor De La Cruz, **approved** item as presented. (Unanimous) File #1053

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 18) **Accepted** all bids received on February 2, 2011; **awarded** and **approved** contract to Della Mora Heating Sheet Metal and Air Conditioning Inc. for the replacement of the Courthouse Chiller and Cooling Tower project in the amount of \$103,950; and **authorized** the Public Works Administrator to issue change orders to the construction contract in the amount not to exceed \$10,395. File #105.3

SHERIFF'S DEPARTMENT – D. Thompson:

- 19) **Approve agreement with Jon Smith, MD for Autopsy Services at the Monterey County Coroner's facilities for the period of March 22, 2011 through June 30, 2011; and authorize the Sheriff to sign said agreement.**
Item was pulled from the agenda per the Sheriff's Office. File #110

SHERIFF'S DEPARTMENT – D. Thompson:

- 20) **Approved** Memorandum of Understanding between the Santa Cruz/San Benito Counties Chapter of the American Red Cross and San Benito County Sheriff's Office of Emergency Services and authorize the County's Director of Emergency Services to sign said MOU. File #1068

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.

ADMINISTRATION – R. Inman:

- 21) **Approve contract between San Benito County and the Local Agency Formation Commission of San Benito County (LAFCO) effective March 24, 2011.**

County Administrative Officer Rich Inman provided information in regards to contract with LAFCO due to the resignation of Judy Johnson. Mr. Inman mentioned that the Planning Department will take on the duties until June 30, 2011.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Rivas, **approved** contract with LAFCO effective March 24, 2011. (Unanimous) File #790A*

COUNTY COUNSEL – M. Granger:

- 22) **Read title of ordinance for the record: “an Ordinance of the Board of Supervisors of the County of San Benito amending section 3.01.001 (“Meetings of the Board of Supervisors”) of Article I of Chapter 3.01 of Title 3 of the San Benito County Code, modifying the San Benito County Code regarding meetings of the Board of Supervisors”; accept introduction and waive further reading of ordinance and continue to April 5, 2011 for adoption of said ordinance.**

Assistant County Counsel Barbara Thompson provided information in regards to proposed ordinance amending section 3.01.001 to provide flexibility in regards to the meeting dates for the Board of Supervisors. Ms. Thompson read the title of ordinance for the record.

Marty Richman, Hollister resident, said that he does not agree to changing the Board of Supervisors meetings from three to two times a month.

Supervisor Botelho said that this item was discussed at length at their Board Retreat.

Chair Barrios said that this would provide the Board more flexibility to their meeting dates.

BOARD ACTION: *Upon motion made by Supervisor Muenzer and seconded by Chair Barrios, **accepted** introduction and **waived** further reading of ordinance and **continued** to April 5, 2011 at 9:00 a.m. for adoption of said ordinance. (Unanimous) File #156*

COUNTY COUNSEL – M. Granger:

- 23) **Read title of ordinance for the record; “An Ordinance of the Board of Supervisors of the County of San Benito amending Section 3.05.050 of Article III of Chapter 3.05 of Title 3 of the San Benito County Code, adding a requirement that all future Planning Commissioners reside in the District represented.”; accept introduction and waive further reading of ordinance and continue to April 5, 2011 for adoption of said ordinance.**

Assistant County Counsel Barbara Thompson provided information in regards to the proposed ordinance for the appointment of Planning Commissioners. Ms. Thompson read the title of ordinance for the record.

Joe Tonascia, past Planning Commissioner, said that it should not matter what district they reside in, but you need the best qualified Planning Commissioner possible. He said he was not sure why the change at this time. Mr. Tonascia said after all the Supervisors have the final vote.

Richard Bettencourt, Hollister resident, said that he agreed with Mr. Tonascia that it should be the best qualified individual in the County no matter what district they reside in.

Discussion ensued by Board.

BOARD ACTION: *Upon motion made by Chair Barrios and seconded by Supervisor Botelho, **accepted** introduction and **waived** further reading of ordinance and **continued** to April 5, 2011 for adoption of said ordinance. File #790.2 (4-1 Vote, De La Cruz voted no)*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 24) **Approve Proclamation designating the week of April 4, 2011 to April 10, 2011 as Public Health Week.**

Health Officer Alvaro Garza thanked the Board of Supervisors for proclaiming April 4th to April 10th as Public Health Week in San Benito County. Mr. Garza provided information in regards to Public Health Week in San Benito County and the activities that would be taking place; the theme is "Safety is no accident-Live Injury Free".

BOARD ACTION: *Upon motion made by chair Barrios and seconded by Supervisor Rivas, **approved** Proclamation designating the week of April 4, 2011 to April 10, 2011 as Public Health Week. Chair Barrios presented Proclamation to Mr. Garza. File #430*

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 25) **Approve contract with Stericycle, Inc. for community-wide collection of Medical Waste (Pharmaceuticals and Sharps) for the period of March 22, 2011 through March 21, 2013 in the amount of \$20,000.**

Integrated Waste Director Mandy Rose provided information in regards to the contract with Stericycle, Inc. for the community wide collection of Medical Waste (Pharmaceuticals & Sharps).

Marty Richman, Hollister resident, said that he supports this contract and mentioned that there should be a drop off place if someone sells pharmaceuticals, at a secure location.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Rivas, **approved** contract with Stericycle, Inc., at a total cost not to exceed \$20,000 for a two year term effective March 22, 2011 to March 21, 2013. (Unanimous) File #142*

PLANNING DEPARTMENT – G. Armstrong:

- 26) **Approve staff report as the written report issued by the Board of Supervisors describing the measures taken to alleviate the conditions which lead to the adoption of the urgency ordinance; and direct staff to continue researching the issue and return on April 5, 2011 to extend the moratorium; and direct staff to return at a later date with an Ordinance to**

either ban or regulate marijuana dispensaries in San Benito County.

Assistant Planning Director Byron Turner provided information and a written staff report in regards to the urgency ordinance that was adopted on February 11, 2011.

BOARD ACTION: Upon motion made by Supervisor Muenzer and seconded by Supervisor Rivas, **approved** staff report as the written report issued by the Board of Supervisors describing the measures taken to alleviate the conditions which lead to the adoption of the urgency ordinance; **directed** staff to continue researching the issues and return on April 5th, 2011 to extend the moratorium; **directed** staff to return at a later date with an Ordinance to either ban or regulate marijuana dispensaries in San Benito County. (Unanimous) File #790

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 27) Receive report that San Benito County Water District certified the Program Environmental Impact Report for the Hollister Urban Area Water and Wastewater Master Plan and coordinated Water Supply and Treatment Plan.

Public Works Administrator Steve Wittry introduced Harry Blum from the San Benito County Water District who provided background information and an update in regards to the Environmental Impact Report for the Hollister Urban Area Water and Wastewater Master Plan.

Discussion ensued by Board with questions directed to Mr. Blum of the San Benito County Water District. File #1005.1

SHERIFF'S DEPARTMENT – D. Thompson:

- 28) Approve the allocation of one full-time equivalent (1.0 FTE) Correctional Officer I/II to be funded by the Superior Court; approve the Budget Adjustment/Transfer Form increasing salary and benefits by \$19,830 as well as revenue, Deputy Services, by the same amount. (4/5 Vote)

Lieutenant Iler provided information in regards to the reinstatement of one full-time Correctional Officer with the understanding that the Court shall reimburse the Jails budget for related salaries and benefits.

Discussion ensued by Board and staff.

Marty Richman, Hollister resident, said that he supported the Correctional Officer being brought back on someone else's budget.

BOARD ACTION: Upon motion made by Supervisor De-La Cruz and seconded by Supervisor Botelho, **approved** reinstatement of one full-time equivalent (1.0 FTE) Correctional Officer I/II with the understanding that the Court shall reimburse the Jail's budget for the related salaries and benefits; **approved** Budget adjustment Transfer increasing salary and benefits by \$19,830 as well as revenue, Deputy Services, by the same amount. (Unanimous) File #110

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) & (b), Ralph M. Brown Act.)

- 29) Conference with Legal Counsel – Existing Litigation – (Subdivision (a) of Section 54956.9)
Name of Case(s):

1. **Larsen vs. County of San Benito, et al., (U.S. District Ct., San Jose: Case No. 10-CV-00735 HRL)**

No Reportable Action. File #235.6

30) Conference with Legal Counsel-Existing Litigation – (Subdivision (a) of Section 54956.9)

Name of Case: *Cheeks v. County of San Benito, et al., (U. S. District Court of Northern California, Case No. C09-02844 RMW)*

County Counsel Matt Granger reported that the Board of Supervisors had agreed to a Settlement Agreement and executed a general and neutral release between the parties, with each side to bear their own costs and attorney fees. No money was paid to the Plaintiff on this claim.

31) Conference with Labor Negotiators

Authority: California Government Code Section 54957.6

Employee Organizations: ALL EMPLOYEE GROUPS

No Reportable Action. File #235.6

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 to April 5, 2011 at 9:00 a.m.

MARGIE BARRIOS, CHAIR

San Benito County Board of Supervisors

ATTEST:

Janet Slibsager, Asst.Clerk of the Board