



# 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 APRIL 5, 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 Rivas led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*

- c) **Public Comment:** Ray Iddings of Three Rocks Research stated that he had done much research on the County roads in the Clear Creek area and indicated that he was willing to share the historical information that he had compiled, with the County.

Dee Murphy reminded all that there would be a community meeting regarding the Clear Creek area at the Veterans' Building at 1:00 p.m. that day.

Joe Pendry, representing the Gavilan Kennel Club, told about their dog show that was to be held April 30 through May 1 at Bolado Park. He invited the Chair to come to the show on the Sunday and present the Best of Show Award.

Chair Barrios stated that she would be there.

Mr. Pendry noted that they were encouraging the dog-loving public to patronize businesses in San Juan Bautista and Tres Pinos and that they were boycotting the City of Hollister as they chose to enact anti-dog legislation. He added that they were housing the judges in San Juan Bautista. He further spoke of the donation they had given to the San Benito County Sheriff's Department for dogs in law enforcement.

Ron Wilcher of Three Rocks Research commented that he thought that the County should pave the roads at Clear Creek once a year. He felt it would not only improve the roads but would assert the County's ownership.

Mark Starrit stated that he had been a general contractor in San Benito County for 30 years and that the County building permit fees were higher than anyone else. He felt it was punitive and asked the Board to consider a moratorium on building permits.

Tony Ruiz commented on what smart growth and sustainability was.

Dan Burton director of an organization called Walkable and Livable Communities explained their goal was to turn communities focus back to people. His quick observation of Hollister was that it had the right bones with a few ingredients missing, which he would identify.

Chair Barrios noted that Mr. Burton would be presenting at the City of Hollister Council Chambers that night at 5:00 p.m.

Marvin Jones, Hollister resident, commented that the Hollister City Council's agenda backup online was much more user friendly than the San Benito County's, which he felt was much harder to navigate. He hoped that it would be improved.

d) **Department Head Announcements:** Information only.

C.A.O. Rich Inman stated that the City of Hollister would be holding a public workshop on 911 regional feasibility study on April 11<sup>th</sup> from 6 to 8 p.m. at the Veterans' Hall and that all were invited.

County Librarian Nora Conte invited the Board to the National Library Week potluck. She noted that National Library Week was April 10<sup>th</sup> through 16<sup>th</sup>.

Integrated Waste Manager Mandy Rose said that the Public Works Workshop for the Resource Recovery Park was scheduled for April 20, 2011 at Vet's Hall at 7 p.m.

e) **Board Announcements, Introductions and Presentations:** Information only.

Supervisor Botelho reported on a special COG meeting the previous week where they received the study on Traffic Impact Fees nexus report. He indicated that the report listed projects, one of which was the 156 Super Highway, noting that Cal Trans had a supplemental EIR out. He felt the matter needed to be agendized and spoke to the impacts of such a project. Supervisor Botelho added that they need to inform Caltrans that there is no local match and if it was to move forward it would have to be without a local match. He further expressed concern with the possibility of the County accepting a frontage road, which would be a high maintenance road. He felt the matter should be agendized for the next meeting.

Supervisor Rivas requested an update from staff on local redistricting process. He noted that even though the County only grew 5% it warranted establishing a County Redistricting Committee with members appointed by the Board.

Supervisor Muenzer spoke of a luncheon he attended that was put on by non-profit organizations. He stated that speaker Russell Hancock, CEO/President of Joint Venture of Silicon Valley, gave a very enlightening talk about working together to share resources.

Supervisor De La Cruz reported on the COG meeting that he attended and indicated that he shared Supervisor Botelho's views on 156 and that it needs to be put on the agenda. He felt they needed to discuss 156 first and then traffic impact fees.

Chair Barrios noted that the Board of Supervisors meeting was being broadcast live that day for the first time. She spoke of the community plan presented by the Joint Venture of Silicon Valley speaker. She noted that the Off Highway Vehicle presentation was being held at Vets Hall that day and encouraged other Board members to attend, on an individual basis. Furthermore, she encouraged community members to attend. She gave a CSAC

update and stated that she had taken part in a phone conference of the CSAC meeting and that the Governor had attended and spoken for 1 ½ hours. They voted as to whether or not to support the Governor's constitutional amendment. The vote was 45 to 4 in favor.

#### **CONSENT AGENDA:**

*Upon motion made by Supervisor De La Cruz and seconded by Supervisor Rivas, approved Consent Agenda items with the exception of items 2,4,5,8,12 and 15 which were pulled for discussion and item 11 which was being removed to be continued. (Unanimous)*

#### **BOARD OF SUPERVISORS:**

- 1) **Approved** Certificate of Recognition for the 2011 Teacher of the Year Award Recipients for Presentation at a later date. *File #156*

#### **BOARD OF SUPERVISORS:**

- 2) **Accept the nomination of Alan Renz and Rani Douglas to the San Benito County Fish and Game Advisory Commission; appoint Alan Renz and Rani Douglas to the San Benito County Fish and Game Advisory Commission representing Supervisorial District 3 with terms effective April 1, 2011 through March 31, 2015.**

*Item was pulled for discussion.*

**BOARD ACTION:** *Upon motion duly made by Supervisor Rivas and seconded by Supervisor Muenzer, accepted the nominations of Alan Renz and Rani Douglas and appointed them to the San Benito County Fish & Game Advisory Commission representing Supervisorial District 3 with terms effective April 1, 2011 through March 31, 2015. (4-1 vote with Chair Barrios voting no) File #24*

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

- 3) **Approved** the action minutes of the February 22, 2011 and the March 1, 2011 regular meetings and March 10, 2011 special meeting.

#### **CLERK/AUDITOR/RECORDER – J. P. Gonzalez:**

- 4) **Augment the Elections FY 2010-11 Budget with \$200,000 from General Fund Contingency for the Hollister School District Election. (To be reimbursed by the Hollister School District) (4/5 vote required)**

*Item was pulled for discussion.*

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor De La Cruz, approved augmentation to the Elections fiscal year 2010-11 Budget #1001140 with \$200,000 from the Election Services Fund. (4/5 vote required) (5-0 vote) File #285*

#### **CLERK/AUDITOR/RECORDER – J. P. Gonzalez:**

- 5) **Adopt Resolution authorizing the election and provision of services by the Registrar of Voters for the Hollister School District for the June 7, 2011 Special Election. (Res. No. 2011-24)**

*Item was pulled for discussion.*

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor De La Cruz, adopted **Resolution No. 2011-24** authorizing the election and provision of services by the Registrar of Voters for the Hollister School District for the June 7, 2011 Special Election. File #285*

**COUNTY LIBRARY – N. Conte:**

- 6) **Accepted** Library Services and Technology Act (LSTA) funding of \$50,000 for the mobile "ABC Express Project"; and **approved** the Budget Transfer augmenting the Library budget in salaries, materials and operating expenses by \$28,840 in the FY 10/11 budget. *File #80*

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

- 7) **Appointed** Mr. Rick Espino as the Community Member at Large to the Emergency Medical Care Commission from April 5, 2011 through December 31, 2012. *File #130*

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

- 8) **Approve Environmental Health Budget Augmentation in the amount of \$11,000, as a result of Target Environmental Settlement.**  
Item was pulled for discussion.  
*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Rivas, approved the Environmental Health budget augmentation in the amount of \$11,000. File #142.9*

**HUMAN RESOURCES – J. Credico:**

- 9) **Approved** San Benito County Whistleblower policy. *File #630*

**INTERNAL SERVICES – R. Inman:**

- 10) **Approved** CALNET II Authorization to Order Exhibit A-2 to Expand Telecommunications Services under State Contract; and **authorized** the County Administrative Officer to sign. *File #119.1*

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

- 11) **Approve Budget Adjustment, increasing the Public Works-Road Maintenance Fund by \$659,711 from \$2,326,020 to \$2,985,731. (4/5 Vote)**  
Item was pulled to be continued. *File #105*

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

- 12) **Approve Amendment No. 1 with Overland Pacific & Cutler, Inc. for right-of-way appraisal services on the Hospital-Road Bridge project, increasing the contract amount by \$3,000 to an amount not to exceed \$31,600.**  
Item was pulled for discussion.  
Supervisor Botelho had a hard time accepting that and still felt the contractor should pay.  
**BOARD ACTION:** *Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Barrios, approved Amendment No. 1 with Overland Pacific & Cutler, Inc. for right-of-way appraisal services on the Hospital Road Bridge project, increasing the contract amount by \$3,000 to an amount not to exceed \$31,600. (3-2 vote with Supervisors Botelho and De La Cruz voting no) File #105*

**SHERIFF'S OFFICE – D. Thompson:**

- 13) **Accepted** the FY10 Homeland Security Grant Program (HSGP) Funding of \$215,080 and **approved** the augmentation of Budget Unit #1001263 in the amount of \$43,940 in revenue and expense for FY 2010/2011. (4/5 Vote) *File #1068*

**SHERIFF'S OFFICE – D. Thompson:**

- 14) **Approved** the Budget Augmentation increasing expenditures and revenue to budget unit 1001-214 Sheriff UNET by \$26,758 as detailed in the Operating Budget Adjustment/Transfer Form (4/5 Vote) *File #110*

**TREASURER-TAX COLLECTOR – M. L. Andrade:**

- 15) **Approve the closure of the Treasurer and Tax Collector office for one day, Friday, April 22, 2011, as a furlough day.**

Item was pulled for discussion.

**BOARD ACTION:** *Upon motion duly made by Supervisor Botelho and seconded by Supervisor Rivas, denied closure of the Treasurer-Tax Collector's Office as a furlough day on Friday, April 22, 2011 and the office was to stay open to the public. Discussion was had under the question (3-2 vote with Supervisors Barrios and Muenzer voting no.) File #685.2*

The Board took a break at 10:32 a.m. and reconvened into regular session at 10:42 a.m.

**TREASURER-TAX COLLECTOR – M. L. Andrade:**

- 16) **Adopted Resolution No. 2011-25** rescinding Resolution 93-111 and abolishing the County Tax Refund Committee. *File #673*

**TREASURER-TAX COLLECTOR – M. L. Andrade:**

- 17) **Reviewed and approved** the list of parcels listed in Exhibit A intended for internet tax sale; **adopted Resolution No. 2011-26** approving the sale of tax-defaulted property pursuant to California Revenue and Taxation Code Section 3698 et. seq. *File #685.2*

**PUBLIC HEARINGS – 9:00 A.M. (Or as soon thereafter as the matter may be heard)**

**PLANNING DEPARTMENT – G. Armstrong:**

- 18) **Read Title of Ordinance; conduct public hearing; accept introduction and waive further reading of ordinance; and adopt Urgency Ordinance extending a temporary moratorium on marijuana dispensaries and extending and amending Article V, of Chapter 25.29 of Title 25 of the San Benito County Code, and provide further direction to staff.** (4/5 vote required)

Assistant County Counsel Barbara Thompson read the title of the ordinance and read the changes to the resolution which added "attached hereto and incorporated by this reference" after "exhibit" in both places.

Assistant Planning Director Byron Turner gave a staff report.

Chair Barrios opened the public hearing. There was no public comment. The Chair closed the public hearing.

Supervisor Rivas asked if they were still in operation.

Mr. Turner stated that he believed so and that they were currently undergoing code enforcement with that operation.

Supervisor Rivas stated that he would like a monthly update.

Mr. Turner stated that he would do so.

**BOARD ACTION:** Upon motion made by Supervisor Rivas and seconded by Supervisor Botelho, **adopted Ordinance No. 869** with monthly updates on staff's process to bring forward a permanent ordinance and **directed** staff to complete a draft ordinance to either ban or regulate medical marijuana dispensaries and present the draft ordinance to the Planning Commission for review and recommendation to the Board of Supervisors. (4/5 vote required) (5-0 vote) File #790.

## REGULAR AGENDA:

Chair Barrios stated that they would be moving item #24 up.

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

- 24) **Receive report from U.S. Environmental Protection Agency representative on the New Idria Mercury Mine's proposed listing to the National Priorities list and what that process means for cleaning up the site.**

Integrated Waste Manager Mandy Rose gave a brief report and introduced representatives from the Environmental Protection Agency; Matt Mittgard, David Cooper and Kelly Manheimer. She added that there would be a public meeting that evening in the Board Chambers and that it was advertised in The Pinnacle.

Kelly Manheimer, Environmental Protection Agency representative, handed out a New Idria timeline and reported on the EPA's proposed plans for New Idria.

Discussion ensued between Board members with questions answered by Ms. Manheimer.

Chair Barrios directed the CAO to bring back the matter as an agenda item with a letter of support from the Board for the EPA comment period.

Chair Barrios opened it up for public comment.

Ray Iddings, president of New Idria Historical Preservation Project, spoke in favor of New Idria being put on the Superfund list.

Mark Starritt, Hollister resident, spoke in respect to the EPA not getting much done.

Marty Richman, Hollister resident, felt they needed something akin to the Good Samaritan Law for environmental. File #142

### **COUNTY COUNSEL – M. Granger:**

- 19) **Adopt Ordinance amending §3.01.001 of the San Benito County Code; approve the amendment to the "Rules of Procedure" of the San Benito County Board of Supervisors; adopt Resolution Establishing Board of Supervisors meetings from May 10, 2011 through December 31, 2011.**

Assistant County Counsel Barbara Thompson gave a staff report.

Chair Barrios opened the matter up for public comment. There was no public comment.

**BOARD ACTION: Adopted Ordinance No. 870 amending §3.01.001 of the San Benito County Code; approved the amendment to the "Rules of Procedure" of the San Benito County Board of Supervisors; adopted Resolution No. 2011-27 establishing Board of Supervisors meetings from May 10, 2011 through December 31, 2011. File #156**

**COUNTY COUNSEL – M. Granger:**

- 20) **Adopt Ordinance amending §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.**  
**BOARD ACTION:** *Adopted Ordinance No. 871 amending §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. (The motion passes 4-1 with Supervisor De La Cruz voting no.) File #790.2*

**HUMAN RESOURCES – J. Credico:**

- 21) **Approve the Second Amendment to the Memorandum of Understanding between the County of San Benito and the Law Enforcement Management Group (LEM) related to employee concessions, effective April 5, 2011.**  
Management Analyst Jacki Credico gave a staff report.  
Discussion ensued between Board members and staff.  
Those speaking under public comment were; Mark Starritt, Hollister resident, and Marc Williams, San Benito County deputy sheriff and Deputy Sheriffs Association (DSA) board member.  
**BOARD ACTION:** *Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Botelho, continued items 21, 22, and 23 to closed session. File #630*  
County Administrative Officer Rich Inman stated that he would put it on the April 12, 2011 closed session.

**HUMAN RESOURCES – J. Credico:**

- 22) **Approve the Fourth Amendment to the Memorandum of Understanding between the County of San Benito and the Deputy Sheriff's Association (DSA) related to employee concessions, effective April 5, 2011.**  
**BOARD ACTION:** *Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Botelho, continued items 21, 22, and 23 to closed session. File #630*

**HUMAN RESOURCES – J. Credico:**

- 23) **Approve the Third Amendment to the Memorandum of Understanding between the County of San Benito and the Management Employees' Group (MEG) related to employee concessions, effective April 5, 2011.**  
**BOARD ACTION:** *Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Botelho, continued items 21, 22, and 23 to closed session. File #630*

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

- 25) **Receive report from Recology San Benito.**  
Integrated Waste Manager Mandy Rose gave a staff report noting that there would be a 3.62% increase. She noted that there was a decrease the previous year and this increase put them back to where they were two years previous. *File #142*

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

- 26) **Adopt Resolution and approve agreement authorizing a Pledge of Revenue, as defined, to be used for compliance with the funding of the Corrective Action Fund requirements of CCR Title 27, Chapter 6, Section 22200 et seq.**  
Integrated Waste Manager Mandy Rose gave a staff report.  
**BOARD ACTION:** *Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Muenzer adopted Resolution No. 2011-28 and approved agreement authorizing a Pledge of Revenue, as defined, to be used for compliance with the funding of the Corrective Action Fund requirements of CCR Title 27, Chapter 6, Section 22200 et seq. File #75.4*

**INTERNAL SERVICES – R. Inman:**

- 27) **Receive Information Technology 5 year Plan Review.**  
IT Manager Ray Espinosa gave a PowerPoint presentation. *File #119.1*

Chair Barrios stated that she would like to take public comment on item 28 and come back from lunch at 2:30 p.m.

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

- 28) **Receive the County Service Area status report encompassing the period April 1, 2010 through March 31, 2011.**  
Chair Barrios opened the matter for public comment.  
Mark Starritt, Hollister resident, commented on his dissatisfaction in regards to the Torrano Estates County Service Area.

The Board adjourned to lunch at 12:15 p.m. and reconvened into regular session at 2:30 p.m.

Public Works Director Steve Wittry gave a staff report along with quarterly updates. He spoke to Mr. Starritt's concerns regarding Torrano Estates County Service Area and explained what options there were.

Chair Barrios asked if the money was earmarked for specifics.

Mr. Wittry indicated that he would have to check on that and noted that the Board for the C.S.A. has the right to redistribute funds. *File #CSA's*

The Board adjourned into Closed Session at 2:39 p.m. and reconvened into regular session at 2:58 p.m.

**CLOSED SESSION:**

- 29) Conference with Legal Counsel-Existing Litigation. (Subdivision (a) of Section 54956.9)  
Name of Case: *Save Panoche Valley et.al. v. San Benito County, et.al., Superior Court of California, County of San Benito, Case No. CU-10-00220.*  
*No reportable action was taken. 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 at 2:59 p.m. to April 5, 2011 special meeting at 3:00 p.m.

**MARGIE BARRIOS, CHAIR**

San Benito County Board of Supervisors

**ATTEST:**

Denise R. Thome, Clerk of the Board