



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

SPECIAL MEETING JUNE 28, 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 Matt Granger, and Assistant Clerk of the Board Janet Slibsager. Chair Barrios presided.

9:00 a.m. CALL TO ORDER:

- a) Chair Barrios led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*

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

HEALTH AND HUMAN SERVICES AGENCY – K. Flores:

- 1) **Hold public hearing to hear all objections, protests, or requested changes or corrections to the written report of service charges for County Service Area #36 (Advanced Life Support and Emergency Medical Services for FY 11/12); and adopt Resolution accepting the annual report for CSA #36 and benefit assessment charges set forth therein. (Res. No. 2011-58)**

Management Analyst Margie Riopel asked that the Board of Supervisors postpone this public hearing until July 26, 2011, due to an error in the publication notice, so that it can be reposted correctly.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Muenzer, **moved** to strike this item from the agenda. (Unanimous) File #865*

CONSENT AGENDA:

*Upon motion made by Supervisor Botelho and seconded by Supervisor De La Cruz, **approved** Consent Agenda items with the exception of items 2,4,6,7 and 10, which were pulled for discussion. (Unanimous)*

ADMINISTRATION – R. Inman:

- 2) **Approve Year End Budget clean-up for the following departments: Board of Supervisors, Clerk of the Board, CAO and Department of Child Support Services. (4/5 Vote)**
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 #865

ADMINISTRATION – R. Inman:

- 3) **Approved** Joint Use Agreement with Tres Pinos Union School District for the Tres Pinos School Athletic Fields Renovation and maintenance for the period of June 28, 2011 through June 28, 2041. (Unanimous) File #119

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

- 4) **Approve Year End Budget Clean-up** for the following departments: Elections, County Clerk and Recorder's Operating Budget Adjustments; **approve the interdepartmental transfers totaling \$111,300 as identified on the budget transfer document.**

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 #865

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 5) **Approved** Budget Transfer of revenue and expenditures from various budget units to other budget units within the overall Public Health Fund as per Budget Adjustment Transfer for FY 2010/11. (Unanimous) File #130

HUMAN RESOURCES – J. Credico:

- 6) **Approve contract renewal with McTavish and Wender Insurance Services for the period of July 1, 2011 through June 30, 2014 in the amount of \$24,198 for the 1st year, \$24,198 for the 2nd year and \$26,886 for the 3rd year.**

Item pulled for discussion.

BOARD ACTION: Upon motion made by Supervisor Botelho and seconded by Supervisor De La Cruz, **approved** item as presented and directed staff to go out and get other bids for review. (Unanimous) File #36

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 7) **Approve Amendment #3 to the Joe Serna Jr. Farmworker Housing Grant Program Standard Agreement to extend the expiration date of June 30, 2011 to June 30, 2012 and authorize the Director to sign said amendment.**

Item pulled for discussion.

Health & Humans Services Director Kathy Flores said that she had pulled this item for clarification, as an error had been made on page 5 by the State. Ms Flores said that she was asked by Shirley Murphy at County Counsel to read the corrections into the record for approval by the Board of Supervisors authorizing her to make the changes to contract when they come in from the State.

BOARD ACTION: Upon motion made by Chair Barrios and seconded by Supervisor Botelho, **approved** as to staff recommendations with the revisions that are coming forth from the State. (Unanimous) File #130

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 8) **Approved** Budget Adjustment/Transfer of funds, reducing the Public Works Yard Improvements Budget Unit by \$7,030, and appropriating \$7,030 to the 4th Street Parking Lot Project Budget Unit. (Unanimous) File #865

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 9) **Approved** Budget Adjustment/Transfer of funds for CSA #23 (Rancho San Joaquin), settlement agreement in the amount of \$24,237. (4/5 Vote) (Unanimous)
File #CSA #23

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 10) **Approve Budget Adjustment/Transfer of funds, reducing the McCarthy Park Playground project budget unit by \$25,583, and appropriating \$978.00 to the Historical Park BBQ's replacement project budget unit and \$24,605 to the Veterans Park Improvement project budget unit.**

Item pulled for discussion.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Muenzer, approved item as presented. (Unanimous) File #105.3*

Adjourned as the Board of Supervisors and reconvened as the Governing Authority of the County Service Areas re:

GOVERNING AUTHORITY OF THE COUNTY SERVICE AREAS:

- 11) **Approve Agreement between the County of San Benito and the Governing Authority of the County Service Areas, for a loan from the Integrated Waste Proprietary Fund to the County Service Area Internal Service Fund Contingency Reserve, in the amount of \$97,312. (4/5 Vote)**

County Service Area Coordinator Lynette Redman provided information in regards to the agreement between the Governing Authority and San Benito County for the County Service Areas No. 23, 28, 42, 47 and 50 for a loan from the Integrated Waste Proprietary Fund.

Paul Wattis, County resident, asked that when referring to CSA #'s to please verify the names also, so that the public knows which ones they are.

BOARD ACTION: *Upon motion made by Supervisor Muenzer and seconded by Supervisor Botelho, approved item as presented. (Unanimous) File #CSA's*

Adjourned as the Governing Authority of the County Service Areas and reconvened as the Board of Supervisors re:

REGULAR AGENDA:

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 12) **Rescind the May 10, 2011 action to lay off 1.0 FTE Eligibility Worker in the CSWD budget unit due to unanticipated revenues.**

Deputy Director Enrique Arreola provided information in regards to rescinding the May 10, 2011 action to lay off 1.0 FTE Eligibility Worker.

Discussion ensued by Board and staff.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Botelho, approved item as presented. (Unanimous) File #939*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 13) **Approve the Budget Adjustment increasing the Capital Road Improvement Project #2102-687, by \$16,253 from \$300,000 to \$316,253 and authorize a**

loan of \$201,297.90 from the Traffic Impact Fee fund to the Fairview/Comstock Road Benefit Area. (4/5 Vote)

Asst. Director of Public Works Arman Nazemi provided information in regards to the budget adjustment for the Capital Road Improvement Project for Fairview/Comstock Road Benefit area.

Discussion ensued by Board and staff.

Marty Richman, Hollister resident, spoke on this item.

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

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 14) **Approve agreement with the Governing Authority of the County Service Areas, for a loan from the Integrated Waste Proprietary Fund to the County Service Area Internal Service Fund Contingency Reserve, in the amount of \$97,312.30; and approve the recommended Budget Adjustment/Transfer to CSA #23, #28, #42, #47 & #50, for a total amount of \$97,312.30. (4/5 Vote)**

County Service Area Coordinator Lynette Redman provided information in regards to the agreement with the Governing Authority of San Benito County for the CSA's and the budget transfer of the loan.

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

SHERIFF'S DEPARTMENT – D. Thompson:

- 15) **Consider and Approve the reduction of three (3) FTE's in the Sheriff's Corrections Division that include the layoff of two (2) FTE Correctional Officer II's and the transfer of one (1) FTE Building and Grounds Maintenance Worker II to the Building & Grounds Maintenance budget unit 1001-160; and consider layoff options A, B and C for the Sheriff's Operations Division; and approve Option A; and direct Human Resources staff to immediately prepare notices to staff as required, and implement the County's Layoff Policy for these positions.**

Sheriff Darren Thompson provided information in regards to staff reductions to the Sheriff's Corrections Budget and Sheriff's Operations Budgets and staffing levels.

Sheriff provided an amendment to Attachment A pertaining to the options for budget cuts. The Sheriff said that he was recommending, that if the Board must cut their budget, he asked that they go with Option A even though it doesn't save more money but it keeps more patrol on the street. The Sheriff mentioned that none of these options are going to be good and that it is going to affect their department and the safety of the community immensely.

Those speaking from the public were: Marty Richman, Hollister resident; Rob Scattini, Hollister resident; Scott Collier, Correctional Deputy; Richard Bettencourt, Hollister resident; Lt. Ed Escamilla.

Lengthy discussion ensued by Board.

BOARD ACTION: Upon motion made by Supervisor Rivas and seconded by Chair Barrios, **approved**, the reduction of three (3) FTE's in the Sheriff's Corrections Division that include the layoff of two (2) FTE Correctional Officer II's and the transfer of one (1) FTE Building and Grounds Maintenance Worker II to the Building and Grounds Maintenance budget unit 1001-160 to be **effective** August 15, 2011. (3-2 vote, Muenzer/De La Cruz voted no)

BOARD ACTION: Upon motion made by Supervisor Rivas and seconded by Supervisor De La Cruz, **considered** layoff options and **approved** Option A; directed Human Resources staff to prepare notices to staff **effective** August 15, 2011. (4-1 vote, Muenzer voted no) *File #110*

SHERIFF'S DEPARTMENT – D. Thompson:

- 16) **Consider and approve End of Year contingency Transfer for Sheriff's Operations and Jail Budget Units in the total amount of \$490,000. (4/5 vote)**

Sheriff Thompson provided information in regards to the reason for end of year contingency transfer for the Sheriff's Operations and Jail Budget Units totaling \$490,000.

BOARD ACTION: Upon motion made by Supervisor Muenzer and seconded by Chair Barrios, **approved** item as presented. (Unanimous) *File #110*

The Board adjourned into closed session at 11:00 a.m. and reconvened into regular session at 12:02 p.m.

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.)

- 17) Conference with Legal Counsel-Anticipated Litigation.
Significant exposure to litigation pursuant to subdivision (b) (3) (C) of Section 54956.9 Number of Cases: (1)
No reportable action was taken. File #235.6
- 18) Conference with Legal Counsel-Initiation of litigation pursuant to subdivision (c) of Section 54956.9: Number of Cases: (1)
The Board instructed County Counsel to initiate legal action and the identity of the parties have been switched to legal action and will be initiated and disclosed after legal action has been initiated. File #235.6
- 19) Conference with Legal Counsel-Existing Litigation. (Subdivision (a) of Section 54956.9) Name of Case: Sprint Telephony PCS, L.P. et. al. v. State Board of equalization, et. al., Superior Court of the State of California, City and County of San Francisco, Case No. CGC-11-511398.
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: Barrios, De La Cruz, Botelho, Rivas, Muenzer
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: None

There being no further business the Board adjourned to July 12, 2011 at 9:00 a.m.

MARGIE BARRIOS, CHAIR
San Benito County Board of Supervisors

ATTEST:
Janet Slibsager, Asst. Clerk of the Board