



# 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 OCTOBER 4, 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:** County resident Dana Mills asked the Board to consider looking at the noise disturbance ordinance in regards to barking dogs. She noted that the ordinance reads “habitual” barking but does not provide parameters.
- d) **Department Head Announcements:** Chief Probation Officer Brent Cardall introduced Richard Vasquez who invited the Board and the public to a community forum regarding parents’ rights to be held on October 12, 2011 from 6:30 to 8 p.m. at the Veteran’s Memorial Building.
- e) **Board Announcements, Introductions and Presentations:** Supervisor De La Cruz reported on the booth he had at the San Benito County Fair.  
Chair Barrios reported that she volunteered at the fair in the Y.M.C.A. booth. She further reported that she and Supervisor Rivas attended the Gang Prevention meeting and had met the new officer, Carlos Rodriguez.

### CONSENT AGENDA:

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Rivas, **approved** Consent Agenda items with the exception of items 5, 6 and 7 which were pulled for discussion. (Unanimous)*

### BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 1) **Approved** contract renewal with Project Ninety, Inc. for residential treatment facility for the period of July 1, 2011 through June 30, 2012, in the amount of \$105,000. *File #810*

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

- 2) **Approved** contract renewal with Kings County for Telepsychiatry Services for the period of July 1, 2011 through June 30, 2012, in the amount of \$110,000. *File #810*

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

- 3) **Approved** contract with North Valley Behavioral Health, LLC to provide acute psychiatric facility for the period of July 1, 2011 through June 30, 2012, for a maximum amount of \$100,000. *File #810*

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

- 4) **Authorized** the County Behavioral Health Director to act as the representative for the County in the Calif. Mental Health Services Authority (CalMHSA) to participate with other California counties in jointly developed and funded mental health services and education programs on a regional or state-wide basis; and authorize the Behavioral health Director to sign said application. *File #810*

**CLERK OF THE BOARD – D. Thome:**

- 5) **Approve the 2012 Board of Supervisors Meeting Calendar and Agenda Item Submittal Deadline Listing reflecting the cancellation of the January 3, 2012 meeting.**

Item was pulled for discussion.

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Rivas, **approved** the 2012 Board of Supervisors Meeting Calendar and Agenda Item Submittal Deadline Listing reflecting the cancellation of the January 3, 2012 meeting. File #156*

**CLERK OF THE BOARD – D. Thome:**

- 6) **Approve the action minutes of September 13, 2011 regular meeting.**

Item was pulled for discussion.

Chair Barrios noted that the last name of the School District's financial officer was Bachofer.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Muenzer, **approved** the action minutes of September 13, 2011 regular meeting, as amended.*

**COUNTY COUNSEL – M. Granger:**

- 7) **Adopt Resolution amending Resolution No. 2011-81, establishing Audit Committee as a standing committee. (Res. No. 2011-89)**

Item was pulled for discussion.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Muenzer, **adopted Resolution No. 2011-89, establishing Audit Committee as a standing committee. File 608***

**COUNTY COUNSEL – M. Granger:**

- 8) **Adopted Ordinance No. 882 amending §§1.03.003 and 1.03.005 and adding §§1.03.015 and 1.03.016 to Chapter 1.03 of Title 1 of the San Benito County Code" (Code Enforcement). File #160**

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

- 9) ***Appointed*** Rita Lucas to the Youth Employment Program (YEP) Council to represent a parent of in-school and out-of-school youth for the period of October 4, 2011 through October 4, 2014. *File #939*

**HUMAN RESOURCES – J. Credico:**

- 10) ***Adopted Resolution No. 2011-90 amending*** Resolution 2011-6 regarding Compensation for the Unrepresented Employee Groups to provide that Department Heads of Non-General Fund Departments shall be exempt from Mandatory Furloughs. *File #630*

**PLANNING DEPARTMENT – G. Armstrong:**

- 11) ***Adopted Ordinance No. 883 amending*** Chapter 21.07 of Title 21 of the San Benito County Code pertaining to the Growth Management System. *File #790*  
***Adopted Ordinance No. 884 amending*** §19.29.005 of Chapter 19.29 of Title 19 of the San Benito County Code pertaining to Potential Residential Growth Increase (PRGI). *File #790*  
***Adopted Ordinance No. 885 amending*** §19.29.003 of Chapter 19.29 of Title 19 of the San Benito County Code pertaining to General Plan Amendments. *File #790*

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

**INTERNAL SERVICES DEPARTMENT – M. Riopel:**

- 12) **Held a public hearing to consider and potentially adopt an Ordinance amending chapter 5.01 of title 5 of the San Benito County Code to adopt fees for Geographical Information System (GIS) data distribution and services.**

Management Analyst Margie Riopel gave a staff report.

Chair Barrios opened the public hearing.

There was no public comment.

Chair Barrios closed the public hearing.

Discussion was had by Board and staff.

***BOARD ACTION:*** *Upon motion duly made by Supervisor Botelho and seconded by Supervisor Rivas, continued the consideration and potential adoption of an Ordinance amending chapter 5.01 of title 5 of the San Benito County Code to adopt fees for Geographical Information System (GIS) data distribution and services to October 18, 2011. File #7.5*

**REGULAR AGENDA:**

**ADMINISTRATION – R. Inman:**

- 13) **Discussion and direction concerning San Benito County's participation in AMBAG.**

Supervisor Botelho gave a brief overview of the subject at hand.

Council of Government (COG) Transportation Planner Manager Mary Gilbert and Association of Monterey Bay Area Governments (AMBAG) Associate Planner Randy Deslazo spoke on the subject.

Lengthy discussion ensued between Board and staff.

Hollister residents Marvin Jones and Marty Richman spoke under public comment. *File #1111*

**ADMINISTRATION – R. Inman:**

**14) Discussion and direction concerning County Budget.**

Lengthy discussion ensued between Board and staff.

Chair Barrios appointed Supervisor Muenzer and Supervisor Botelho to an ad hoc revenue committee to look at the opportunity to bring in additional revenue. *File #865*

**ADMINISTRATION – R. Inman:**

**15) Convene a special meeting of the Board of Supervisors for Wednesday October 19, 2011 at 9:00 a.m. to hear grievance filed by SEIU 521 against the County Behavioral Health Department.**

County Administrative Officer Rich Inman explained the need for the proposed special meeting.

**BOARD ACTION:** *Upon motion duly made by Supervisor Rivas and seconded by Supervisor Botelho, set a special meeting of the Board of Supervisors for Wednesday October 19, 2011 at 9:00 a.m. to hear grievance filed by SEIU 521 against the County Behavioral Health Department. File #810*

**BOARD OF SUPERVISORS:**

**16) Receive presentation from Don Amador of the Blue Ribbon Coalition and potentially adopt a Resolution designating Clear Creek Management Area as a National Recreation Area.**

Don Amador of the Blue Ribbon Coalition gave a presentation on the possibility of designating Clear Creek Management Area as a national recreation area.

Those speaking under public comment were; Dee Murphy, Ed Tobin, John Ortiz and Marty Richman.

**BOARD ACTION:** *Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Barrios, adopted **Resolution No. 2011-91 supporting Congressional designation of the Clear Creek Management Area as a national recreation area.** File #156*

**BOARD OF SUPERVISORS:**

**17) Receive report from Chair Barrios from last RCRC meeting held in South Lake Tahoe.**

Chair Barrios reported out on issues discussed at the Regional Council of Rural Counties (RCRC) conference that she attended the previous month. The following issues were discussed:

- State responsibilities – SRA fees
- Inmate fire crews being diminished because of AB109
- State park closures
- AB 885 water control policy
- State Water Resource Control Board – storm water permits
- Mountain lion issue
- Zebra mussel issue

*File #1065*

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

- 18) **Receive report and consider the recommendations of the Veterans Memorial Park and Parks and Recreation Commissions to not combine the two commissions at this time; and provide direction to staff.**

Public Works Director Steve Wittry gave a staff report.

Discussion was had. *File #93*

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

- 19) **Adopt Resolution establishing Public Use and Necessity for the Cienega Road Realignment. (4/5 vote)**

Public Works Director Steve Wittry gave a staff report.

Bob Poland spoke under public comment.

***BOARD ACTION:*** *Upon motion duly made by Supervisor Botelho and seconded by Supervisor Rivas, **adopted Resolution No. 2011-92 determining that the public interest and necessity require the acquisition of certain land and directing the filing of eminent domain proceedings.** File #105*

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 10:57 a.m. to October 18, 2011 at 9:00 a.m.

**MARGIE BARRIOS, CHAIR**

San Benito County Board of Supervisors

**ATTEST:**

Denise R. Thome, Clerk of the Board