



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 18 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 De La Cruz led the Pledge of Allegiance.

Moment of silence for Supervisor Rivas's great grandmother Alisia Flores who passed away at the age of 99.

- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*

- c) **PRESENTATIONS AND RECOGNITIONS:**

Present Proclamation to the Friends of the Library, proclaiming October 16-22, 2011 as Friends of the Libraries Week in San Benito County.

*Upon motion made by Supervisor Rivas and seconded by Supervisor Botelho, **approved** Proclamation.*

Supervisor Botelho presented Proclamation to the Friends of the Library.

Ruth Erickson thanked the Board of Supervisors for the Proclamation and announced that the public was invited to attend a potluck and other activities at the San Benito County Library on Wednesday, October 19th from 6:00 p.m. to 8:00 p.m. *File #430*

Approve Proclamation declaring October 23 through October 30, 2011 as Red Ribbon Week in San Benito County. (Behavioral Health)

*Upon motion made by Supervisor Botelho and seconded by Supervisor Muenzer, **approved** Proclamation.*

Supervisor Rivas presented Proclamation to Behavioral Health declaring October 23-30 as Red Ribbon Week in San Benito County.

Director of Behavioral Health Alan Yamamoto provided additional information in regards to Red Ribbon Week and the events that would be taking place.

Present Certificate of Recognition to Joyce Swett (First 5-School Resource Coordinator) who is retiring after 7 Years of Service with the County of San Benito.

Chair Barrios presented Certificate of Recognition to Joyce Swett who retired from the County of San Benito after 7 years with First 5.

Present Certificate of Recognition to Michael Watson, Public Works Superintendent who is retiring after 22 Years of Service with the County of San Benito.

Supervisor Muenzer presented Certificate of Recognition to Michael (Mike) Watson who retired after 22 years with the County of San Benito Public Works Department.

- d) **Public Comment:** Angela Rocchio, Program Specialist with the Energy Upgrade California Program, provided information on Energy Efficiency programs that are available to homeowners and businesses to help increase energy efficiency and hopefully lower utility bills. Ms. Rocchio mentioned that the program is a state wide program funded by the California Recovery Investment Act. Ms. Rocchio left brochures and information in the lobby for the public to review and provided her phone number 831-706-1882 if anyone would like to call her.

Dick Gallagher, of the Veteran's Parade Committee, said that he was before the Board of Supervisors today to ask for money for their Veteran's Day Parade scheduled for November 11th at 1:30. Mr. Gallagher invited the public to attend and left applications on the back table in the board chambers for their bicycle decoration contest for anyone who was interested.

Marty Richman, Hollister resident, spoke in regards to the Hollister anti-gang task force and all the cooperating agencies involved on what a great job they are doing.

Rick Hutchinson, Fire Chief with Cal Fire, spoke in regards to the new and ongoing county fire service issues that have not been worked out and the ability to continue providing cooperative fire protection services to the San Benito County Fire Department. Mr. Hutchinson said that due to these continued failures to address some of those significant issues Cal Fire will be unable to continue to provide service after the current cooperative agreement expires on June 30, 2012. Mr. Hutchinson said that they have no intention to extend or renew this agreement, but does not mean that they cannot salvage the operation. However, there are hurdles they must overcome before the 30th to continue this partnership. Cal Fire would remain in place to serve its state functions.

Supervisor Botelho said that he would like to agendize this issue for the next Board of Supervisors meeting and bring resolution to some of the concerns that the Chief brought out and hopefully resolve this partnership.

Chair Barrios said that she would like to meet with the ad hoc committee before it is brought back to the Board of Supervisors for discussion.

Nancy Martin, Economic Development Corporation, announced for everyone to log on to cutthecommuter.com and take the survey so that they can understand where our residence commute to and what they are doing and possibly win an iPad 3g or some gas cards.

Ms. Martin said that we lack places to stay in our county and that they were going to put on a workshop on how to open and operate a Bed & Breakfast facility on Saturday November 12th from 9:00 a.m. to 4:00 p.m. for anyone who is interested.

Richard Bettencourt, Hollister resident, spoke in regards to the Flea Market on Hwy 129 and 101 and his concern in regards to booths outside the area being a safety issue.

e) **Department Head Announcements:** No Department Head announcements.

f) **Board Announcements, Introductions and Presentations:** Supervisor Muenzer reported that he attended the Gang Task Force Prevention forum at the Veterans Memorial Building and that it was very well attended and it was a very good presentation.

Supervisor Muenzer said he also attended the fundraiser for Eric Tognazzini memorial which was also very well attended.

Supervisor De La Cruz reported that he also attended the Gang Task Force Prevention forum and fundraiser for Eric Tognazzini.

Supervisor Botelho reported that he attended the California Transportation Commission Regional meeting in Santa Barbara and the emphasis of the meeting was the highway improvements on the 101 corridor.

Supervisor Botelho said that he would like to thank the San Benito County District Attorney Candice Mancino for her great job in her participation in a major sting operation that netted 122 drug and gang dealers throughout several counties.

Chair Barrios reported that she also attended the Gang Task Force Prevention forum and that it was a great presentation and thanked the District Attorney Candice Mancino, Gang Prevention Coordinator Carlos Rodriguez and all the other agencies for making this such a successful event. She said she also attended the Mobility Partnership meeting and that on October 26th she would be traveling to Sacramento to represent San Benito County.

County Administrative Officer announced that he was just informed that in the past we have contributed to the Veterans Parade and that we had budgeted \$300 this year for the parade, so we can go ahead and issue them a check.

CONSENT AGENDA:

*Upon motion duly made by Supervisor Rivas and seconded by Supervisor De La Cruz, **approved** Consent Agenda items with the exception of items 1, 7 and 8 which were pulled for discussion. Item 6 was pulled entirely from the agenda to come back at a later date. (Unanimous)*

ADMINISTRATION – R. Inman:

1) **Approve contract with Economic Development Corporation for the period of July 1, 2011 through June 30, 2012, in an amount not to exceed \$50,000.**
Item was pulled for discussion.

CAO Rich Inman provided a correction to the Scope of Services Attachment A to be replaced in the contract and Supervisor Muenzer read the changes to the scope of service for the record.

Chair Barrios asked that EDC be put on the agenda for November 1, 2011 to provide a quarterly report to the Board of Supervisors, as a report was suppose to take place in October.

BOARD ACTION: Upon motion made by Chair Barrios and seconded by Supervisor De La Cruz, **approved** contract with Economic Development Corporation and **authorized** the Chair to sign with the changes of the payment being made in February as the CAO suggested, the changes to the scope of service and the report being made on November 1, 2011 to the Board of Supervisors. (Unanimous) File #1105.1

ADMINISTRATION – R. Inman:

- 2) **Approved** contract with Three-sixty HR, LLC for investigating services for an amount not to exceed \$13,000; and approve budget transfer. *File #630*

BOARD OF SUPERVISORS – A. Botelho:

- 3) **Adopted Resolution No. 2011-93**, supporting the efforts to modify and change the directional green signage on State Route 101 to identify San Juan Bautista as a place of destination and point of interest for early California history. *File #156*

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

- 4) **Approved** two lease agreements with US Bancorp Business Equipment Finance Group for replacement copy machines for a period of 60 months at the cost of \$198.24 month and \$127.33 month; approve two Maintenance Agreements with Monterey Bay Systems for a period of 60 months, at the rate specified in the maintenance agreement with no minimum billing requirements. *File #285*

COUNTY COUNSEL – M. Granger:

- 5) **Approved** Legal Services Agreement with Cota Cole LLP for legal services to obtain an injunction against Purple Cross Rx effective October 18, 2011; approve General Fund Contingency Transfer in the amount of \$35,000. (4/5 vote) *File #160*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 6) **Approve the California Reportable Disease Information Exchange (CaREDIE) Data Use and Disclosure Agreement with California Department of Public Health; and authorize the County of San Benito Health Officer sign said agreement.**

Item pulled from the agenda to bring back at another meeting.

HUMAN RESOURCES – J. Credico:

- 7) **Adopt (2) Resolutions for 2012 Employer contributions for CalPERS Health Insurance Premiums for Retirees of San Benito County. (Res. No. 2011-94 & Res. No. 2011-95)**

Item pulled as Chair Barrios asked Management Analyst Jacki Credico to announce to the public why this is being done as it is a contractual item.

That speaking under public comment was Marty Richman, Hollister resident.

BOARD ACTION: Upon motion made by Supervisor Rivas and seconded by Supervisor Botelho, **adopted Resolution No. 2011-94 and No. 2011-95**, for 2012 Employer Contributions for CalPERS Health Insurance Premiums for Retirees of San Benito County. (Unanimous) *File #630*

HUMAN RESOURCES – J. Credico:

- 8) **Modify Class specifications and Modify Schedule of Authorized Positions for the Clerk-Recorder, Elections and Auditor's Offices.**

Item pulled for discussion.

Per motion by Supervisor Muenzer and seconded by Supervisor De La Cruz moved to bring this Item back at 1:30 p.m. after budget committee meets with Clerk/Auditor/Recorder Joe Paul Gonzalez at 1:15 p.m.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Rivas, adopted new class specifications of Senior Clerk-Recorder-Elections and Bilingual Senior Clerk-Recorder-Elections to replace the Elections Coordinator and Bilingual Elections Coordinator in the Class title and Pay Plan and the County's Schedule of authorized positions (with the same range of 16.9) with an effective date of January 1, 2012 or as soon as vacated by retiring incumbent employees; modified schedule of authorized positions in the Auditor's budget to delete 1.0 FTE Accountant I/II/III and add 1.0 FTE Account Clerk I/II/III or 1.0 Accountant I. (Unanimous) File #630*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 9) **Adopted Ordinance No. 886**, amending Chapter 17.01 of the San Benito County Code, Traffic Regulations, establishing a speed limit of 55 miles per hour (mph) on McCloskey Road between Fairview Road and the city limits. (Continued from September 13, 2011) (Unanimous) File #105

SHERIFF'S OFFICE – D. Thompson:

- 10) **Approved** out-of-state travel for the UNET detectives to attend the California Narcotic Officers' Association Training Institute and Law Enforcement Exposition in Sparks, Nevada from November 12-15, 2011; approve the budget augmentation increasing expenditures in the amount of \$6,392. (4/5 vote) (Unanimous) File #110

REGULAR AGENDA:

ADMINISTRATION – R. Inman:

- 11) **Cancel the special Board of Supervisors meeting scheduled for Wednesday October 19, 2011 and schedule a special meeting for the Behavioral Health grievance hearing for Thursday, December 8, 2011 at 9:00 a.m.**

CAO Rich Inman provided information in regards canceling special meeting for October 19, 2011 and rescheduling special meeting for December 8, 2011 at 9:00 a.m.

BOARD ACTION: *Upon motion made by Chair Barrios and seconded by Supervisor Botelho, approved item as presented. (Unanimous) De La Cruz absent File #119*

CLERK OF THE BOARD – D. Thome:

- 12) **Schedule a special meeting to accept bids, award and approve contract for the San Juan Highway Bike Lane Project 2102-688 for Tuesday, October 25, 2011 at 8:30 a.m.**

Public Works Administrator Steve Wittry provided information as to why he was asking for a special meeting for October 23, 2011 at 8:30 a.m. for this item.

BOARD ACTION: Upon motion made by Supervisor Botelho and seconded by Supervisor Rivas, **approved** item as presented. (Unanimous) File #119

COUNTY COUNSEL'S OFFICE – M. Granger:

- 13) **Adopt Resolution supporting Community Vision San Benito County (CVSBC) community activities and authorizing department heads, staff, and/or county volunteers to work with CVSBC and professional facilities at its three-day Vision Summit on October 26-28, 2011.**

County Counsel Matt Granger provided information in regards to the Community Vision Resolution which was per the request of the Board of Supervisors.

Those speaking under public comment were: Julie Morris, Executive Director of Community Vision; Gary Byrnes, Community Vision; Richard Bettencourt, Hollister resident; Jeff Gilles, Business Owner; Marty Richman, Hollister resident.

Discussion ensued by Board and staff.

The consensus of the Board was to modify the wording on the last paragraph of the Resolution to read; Now, therefore be it resolved that the Board of Supervisors of the County of San Benito does hereby recognize the CVSB in its efforts to gauge the opinions of residents and work with professional facilitators at a three-day Vision Summit October 26-28, 2011 to refine and finalize a clear vision for our county before adoption.

BOARD ACTION: Upon motion made by Chair Barrios and seconded by Supervisor Botelho, **adopted Resolution No. 2011-96**, as modified. (Unanimous) File #160

INTERNAL SERVICES DEPARTMENT – M. Riopel:

- 14) **Adopt Resolution adopting new GIS Fees for Service.**

Management Analyst Margie Riopel provided information in regards to GIS fees for services which was continued from the October 4th meeting. Ms. Riopel said that after meeting with staff that the recommendation was to now adopt a Resolution rather than an Ordinance for GIS fees.

BOARD ACTION: Upon motion made by Supervisor Botelho and seconded by Supervisor Rivas, **adopted Resolution No. 2011-97**, adopting new GIS Fees for Service. (Unanimous) File #7.5

SHERIFF'S OFFICE – D. Thompson:

- 15) **Amend the Sheriff's authorized positions due to funding for the California Multi- Jurisdictional Methamphetamine Enforcement Team (Cal-MMET) Program; approve appropriations and revenues of \$162,812 for the Cal-MMET Program. (4/5 vote)**

Sheriff Darren Thompson provided information in regards to funds that they have received through the California Multi-Jurisdictional Methamphetamine Enforcement Team (Cal-MMET), to aid San Benito County in their drug and enforcement efforts. The Sheriff said that he was before the Board today to request the Board reinstate one of the laid-off Deputies which would provide the staffing for this Cal-MMET effort, the funding is enough to cover the costs of the deputy.

Sheriff Thompson announced the conclusion of a long term covert investigation which expanded through four counties involving 39 local, state and

federal agencies. The eighteen month long investigation yielded 186 criminal investigations, approximately 47 firearms, 87 stolen vehicles and significant amounts of methamphetamines, marijuana, heroin, cocaine, etc. As of Friday morning 103 suspects have been arrested in association with this project. Twenty of those 103 arrestees live here in San Benito County.

The Sheriff said that we are very fortunate to receive this funding and could make good use of a reinstated deputy.

Supervisor Botelho said that he was very pleased to hear about the sting operation and getting criminals off the streets.

Chair Barrios thanked the Sheriff and his staff along with the District Attorney for this great effort.

BOARD ACTION: Upon motion made by Supervisor Rivas and seconded by Supervisor Botelho, **approved** the recall of one (1) FTE Deputy Sheriff; **approved** the transfer of one (1) FTE Deputy Sheriff; and **approved** appropriations and revenues of \$162,812 for the Cal-MMET program. (Unanimous) File #110/630

AFTERNOON SESSION 1:30 P.M.

REGULAR AGENDA: (Continued)

PLANNING DEPARTMENT – G. Armstrong:

- 16) 1. Review the revised conditions of approval and site plan based on the direction provided at the September 27th meeting in regards to Commercial District Review 67-10 for JMK Golf LLC (Ridgemark Golf and Country Club);
2. Adopt Resolution making CEQA and C-District Review Findings, adopting the Negative Declaration prepared for CDR 67-10, denying the appeal and approving CDR 67-10 pursuant to San Benito County Code §25.47.002 (B) based on the changes made to the revised site plan and the revised conditions of approval.

Planning Director Gary Armstrong provided information in regard to the revised conditions and site plan presented by the applicant based on the direction at the September 27, 2011 meeting by the Board of Supervisors. Mr. Armstrong provided a PowerPoint presentation which showed the revised site plan, revised landscaping plan, revised conditions which included traffic flow; noise/air heating units; right of access; and the proposed pre-case masonry fence will no longer be constructed.

Mr. Armstrong said that they are happy with the changes brought back from the applicant and are asking the Board for approval today as presented.

Discussion ensued by Board and staff.

Mr. Armstrong addressed the concerns of the Ridgemark Homes Association letter dated October 12, 2011.

Applicant Alex Kheriotis said that he feels at this time they have addressed the issues and concerns of the Board of Supervisor's set forth at the September 27th meeting with the Planning Department.

Those speaking under public comment were: Sue Dillion, Ridgemark resident and Herman Fehl, Ridgemark resident.

BOARD ACTION: Upon motion made by Supervisor Botelho and seconded by Supervisor Rivas; **reviewed** the revised conditions of approval and site plan based on the direction provided at the September 27th meeting; and **adopted Resolution No. 2011-98**, making CEQA and C-District Review Findings, adopting the Negative Declaration prepared for CDR 67-10, denying the appeal and approving CDR 67-10 pursuant to San Benito County Code §25.47.002 (B) based on the changes made to the revised site plan and the revised conditions of approval with the correction on Item #33 that was pointed out by the chair. (Unanimous) File #790

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 Labor Negotiators:

Authority: California Government Code Section 54957.6

Agency Designated Chief Negotiator: Linzie Daniel, JoDan and Associates, Jacki Credico, Management Analyst

Employee Organizations: All Bargaining Groups and Unrepresented Employees

No reportable action. File #235.6

18) Conference with Legal Counsel-Anticipated Litigation.

Initiation of litigation pursuant to subdivision (c) of Section 54956.9:

Number of cases: (1)

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

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

MARGIE BARRIOS, CHAIR

San Benito County Board of Supervisors

ATTEST:

Janet Slibsager, Asst. Clerk of the Board

