



SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios
District No. 1

Anthony Botelho
District No. 2
Vice-Chair

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4

Jaime De La Cruz
District No. 5
Chair

County Administration Building – Board of Supervisors Chambers, 481 Fourth Street, Hollister, California

REGULAR MEETING MARCH 20, 2012 ACTION MINUTES

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in *regular session*. Supervisors Botelho, Rivas, Muenzer, Barrios and De La Cruz were present. Also present were County Administrative Officer Rich Inman, County Counsel Matt Granger and Clerk of the Board Denise Thome. Chairman Jaime De La Cruz 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) **PRESENTATIONS AND RECOGNITIONS:**

Present Certificate of Recognition to Nora Jimenez for approximately 7 years of service to San Benito County upon retirement.

Supervisor Barrios presented the plaque to Nora Jimenez. *File #630*

Present Proclamation to Health & Human Services Agency declaring April 2, 2012 to April 8, 2012 as Public Health Week.

Supervisor Rivas presented the proclamation to Dr. Garza.

Upon motion made by Supervisor Rivas and seconded by Supervisor Barrios, approved proclamation declaring April 2, 2012 to April 8, 2012 as Public Health Week. File #430

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

Receive presentation by Health Officer Dr. Alvaro Garza regarding community health practice basics and provide further direction if needed.

Health Officer Dr. Alvaro Garza gave a Powerpoint presentation. *File #420*

d) **Public Comment:**

Local resident Marty Richman spoke in regards to the possibility of the library and the animal shelter being self supportive.

Local resident Esperanza Torres addressed the proposed budget cuts to the In Home Supportive Services (IHSS) program by the State and spoke of the importance of the program.

e) **Department Head Announcements:**

Public Works Administrator Steve Wittry gave an update on AB 900 and the Phase II grant award for the construction of the jail. He explained that they rescinded the Phase I award and appropriated Phase I into Phase II and the process was expected to take 6 months. Mr. Wittry fielded questions from the supervisors.

Community Services and Workforce Development (CSWD) Deputy Director Enrique Arreola spoke of the progress in regards to the grant for continuum of care for the homeless.

f) **Board Announcements:**

Supervisor Muenzer reported that they were working on the fire contract and had received both proposals and had set interviews with both.

Supervisor Barrios reported that she had attended a presentation by Nobel Prize winner James Heckman on the effects of early childhood education at the California State University Monterey Bay. She stated that she also attended the 30 year anniversary of E=MC2, an electronics company that employs 200. She spoke of the studies being done by the Pajaro River Watershed Flood Prevention Authority. Supervisor Barrios gave an update on the Governor's realignment initiative.

Supervisor Botelho spoke of the Regional Council of Rural Counties (RCRC) meeting that he had attended recently and gave updates on AB 1676 and AB 1245.

Chairman De La Cruz asked for the status on the fleet maintenance repair contract.

Public Works Administrator Steve Wittry replied that they were working with the City closely and that they were looking at a joint contract with something likely in April.

CONSENT AGENDA:

*Upon motion made by Supervisor Rivas and seconded by Supervisor Barrios, **approved** Consent Agenda items with the exception of items 2,4,12,17 and 18 which were pulled for discussion and item 10 which was continued to a date uncertain. (Unanimous)*

ADMINISTRATIVE OFFICER – R. Inman:

- 1) **Appointed** Holly McWhinnie to the Redevelopment Oversight Board for the local Redevelopment Agency. *File #119*

CLERK OF THE BOARD – D. Thome:

- 2) **Approve the action minutes of the February 21, 2012 and March 6, 2012 regular meetings and the February 28, 2012 special meeting.**

Supervisor Muenzer stated that the changes had already been made to the minutes.

*Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Rivas, **approved** the action minutes of the February 21, 2012 and March 6, 2012 regular meetings and the February 28, 2012 special meeting. (Unanimous) File #156*

COUNCIL OF GOVERNMENTS – L. Rheinheimer:

- 3) **Approved** letter of support for Council of San Benito County Governments' Community-Based Transportation Planning Grant application for complete streets, safe routes to school and access study of state route 156 in San Juan Bautista. *File #1035*

COUNTY ADMINISTRATIVE OFFICER – R. Inman:

- 4) **Re-appoint** Jesse Vallejo as Youth Commissioner for the Parks and Recreation Commission for a second one-year term effective March 20, 2012 through March 19, 2013; authorize Chair to sign Certificate of Appreciation for Daniel Modic, Youth Commissioner from March 22, 2011 through March 20, 2012; and recognize the vacant (1) Youth Commissioner position.

Supervisor Barrios thanked Mr. Modic for his service and commended the young people that are getting involved.

Upon motion made by Supervisor Barrios and seconded by Supervisor Botelho, re-appointed Jesse Vallejo as Youth Commissioner for the Parks and Recreation Commission for a second one-year term effective March 20, 2012 through March 19, 2013; authorized Chair to sign Certificate of Appreciation for Daniel Modic, Youth Commissioner from March 22, 2011 through March 20, 2012; and recognized the vacant (1) Youth Commissioner position. (Unanimous) File #93

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 5) **Re-appointed** Ms. Nancy Martin to the Workforce Investment Board for a three year term effective March 20, 2012 through March 20, 2015. (CSWD) *File #939*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 6) **Re-appointed** Ms. Sherrean Carr to the Workforce Investment Board for a three year term effective March 20, 2012 through March 20, 2015. (CSWD) *File #939*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 7) **Re-appointed** Mr. Esequiel Arrizon to the Workforce Investment Board for a three year term effective March 20, 2012 through March 20, 2015. (CSWD) *File #939*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 8) **Approved** the sub-recipient agreement on "conditional basis" with the Emmaus House for the period of March 20, 2012 through June 30, 2014; and **authorized** the HHS Director to sign said agreement. *File #130*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 9) **Adopted Resolution No. 2012-10** recognizing Emmaus House as an integral and needed part of the community's efforts in providing shelter and much needed assistance to victims of domestic violence. *File #130*

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 10) **Authorize the County Administrative Officer (or designee) to sign all documents related to the lot line adjustments needed at the John Smith Road Landfill for the expansion and any other compliance related issues.**

This matter was continued to a date uncertain. *File #75.4*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 11) **Accepted** all responsive bids in the bid summary report for the CSA #9 (Ridgemark) Street Sweeping Services and **approved** three-year contract with Villa & Sons Builder Services as the lowest responsive, responsible bidder for the period of March 20, 2012 through June 30, 2015 in the amount of \$27,302. *File CSA #9*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 12) **Approve contract Amendment #1 with Biggs Cardosa for additional engineering services for the Rosa Morada Bridge Replacement Project in an amount not to exceed \$200,104, for a total contract value not to exceed \$538,104; approve budget adjustment/transfer of funds.** (4/5 vote)

Supervisor Botelho expressed concern that it looked as if they were shifting money based on Cal Trans.

Public Works Administrator Steve Wittry explained that the funding is not general fund money and both projects are 100% funded by feds and Cal Trans.

Supervisor Barrios asked if it would affect the timeline of Hospital Road.

Mr. Wittry replied that it would not.

Supervisor Muenzer reminded that Hospital Road has been out for almost 15 years and encouraged all staff to expedite the project.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Botelho, **approved** budget adjustment/transfer of funds, reducing the Hospital Bridge Replacement Project Budget Unit #2102-706. (Unanimous) File #105*

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Muenzer, **approved** contract amendment #1 with Biggs Cardosa, for additional engineering services for the Rosa Morada Bridge Replacement Project, in an amount not to exceed \$200,104, for a total contract value not to exceed \$538,104. (Unanimous) File #105*

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas, **authorized** the Chair to sign the budget augmentation and contract amendment #1. (Unanimous) File #105*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 13) **Adopted Ordinance No. 892 amending** Chapter 17.01 (Motor Vehicles and Traffic) of Title 17 (Traffic Regulations) of the San Benito County Code, establishing a speed limit of 50 miles per hour (mph) on Fallon Road between Fairview Road and Spring Grove Road. (Continued from March 6, 2012) *File #105*

SHERIFF'S OFFICE – D. Thompson:

- 14) **Approved** the multi-year lease agreement with Dataflow Business Systems for a copier and two printers in the amount of \$400.14 per month; and **authorized** the Sheriff to sign said agreement. *File #110*

SHERIFF'S OFFICE – D. Thompson:

- 15) **Approved** the purchase of two (2) live scan fingerprint machines through L-1 Identity Solutions; **approved** the addition of two fingerprint equipment units to the Sheriff's operations schedule of fixed assets; **approved** the appropriations and revenue of \$17,852 to the operating budget adjustment/transfer form. (4/5 vote) *File #110*

SHERIFF'S OFFICE – D. Thompson:

- 16) **Approved** the maintenance agreement with L-1 Identity Solutions for the period of April 1, 2012 through March 31, 2013 in the amount of \$21,598; and **authorized** the Sheriff to sign said agreement. *File #110*

SHERIFF'S OFFICE – D. Thompson:

- 17) **Approve the Memorandum of Understanding (MOU) with South Bay Regional Public Training Center for the transfer and disposition of decommissioned patrol vehicles in exchange for training activities; and authorize the Sheriff to sign said MOU.**

The Board asked questions of Deputy Scott Becker with respect to the MOU being considered.

*Upon motion made by Supervisor Barrios and seconded by Supervisor Muenzer, **approved** the Memorandum of Understanding (MOU) with South Bay Regional Public Training Center for the transfer and disposition of decommissioned patrol vehicles in exchange for training activities; and **authorized** the Sheriff to sign said MOU. (Unanimous) File #110*

SHERIFF'S OFFICE – D. Thompson:

- 18) **Adopt Resolution approving the submission of an application for Off-Highway Grant Funds by the County Sheriff, or designated representative. (Res. No. 2012-11)**

Supervisor Barrios noted that the first line of the title of the resolution should have "county" after San Benito and before board.

Adopted Resolution No. 2012-11, with recommended changes, approving the submission of an application for Off-Highway Grant Funds by the County Sheriff, or designated representative. File #110

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

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 19) **Receive Health & Human Services Agency Director's report; hold a public hearing to receive public comment on the proposed application; adopt resolution approving and authorizing submission of the 2012 CDBG grant application and authorizing the HHSA Director or Deputy Director to accept the grant, if awarded, enter into and execute the grant agreement and any subsequent amendments with the State of California; and authorize the County Administrator to execute the Assurances pertaining to the grant.**

CSWD Deputy Director Enrique Arreola gave a staff report and indicated that the total grant request was for \$500,000.

This being the time and place, the Chair opened the public hearing.

Chair of the San Benito County Homeless Coalition Emery Smith spoke of the coalition's mission statement and thanked the Board.

Local resident Marty Richman thanked staff and stated that people did not realize how much work goes into a grant application.

Patrice Kuerschener representing the Emmaus House indicated that they had received the benefits of the CDBG grant funds. She indicated that San Benito

County had more calls regarding domestic violence than gang problems and that the average occupancy at the Emmaus House was 75%.

CSWD staff member Sylvia Jacquez spoke as to what they do and what they would do if grant funds were received. She asked for support of the application.

There being no further public comment, the Chair closed the public hearing.

Supervisor Barrios felt that recognition needed to go to staff and volunteers.

Received Health & Human Services Agency Director's report; **held** a public hearing to receive public comment on the proposed application; **adopted Resolution No. 2012-12 approving and authorizing** submission of the 2012 CDBG grant application and **authorizing** the HHSA Director or Deputy Director to accept the grant, if awarded, enter into and execute the grant agreement and any subsequent amendments with the State of California; and **authorized** the County Administrator to execute the Assurances pertaining to the grant. (Unanimous) File #130

The Board adjourned at 10:25 a.m. for a break and reconvened at 10:35 a.m. into regular session.

REGULAR AGENDA:

ADMINISTRATIVE OFFICER – R. Inman:

20) **Discussion and direction concerning FY 2012-2013 budget issues.**

County Administrative Officer Rich Inman sought direction in regards to the following outstanding budget issues:

1. County budget policies
2. Feedback from meeting with employee representatives and Budget Committee on March 12, 2012
3. County Library funding of \$609,000
4. Contribution to EDC of \$50,000
5. Contribution to Community Based Organizations (CBO's) of \$80,000
6. Other

CAO Inman stated the budget committee met with the county employee representatives. He indicated that he was working on a survey for all county employees for ideas of cost saving measures. He stated that a draft would be presented to representatives for their feedback and then it would be jointly issued to county employees, which he felt was a significant step.

Supervisor Barrios offered the following suggestions that were received from the five bargaining units

- Seek out large companies and offer incentives as a County
- Provide a dedicated planner to expedite
- Market our County
- Take a close look at IT department for optimum savings, specifically centralized servers and domains and cost savings opportunities
- Have internal grant writers
- Vacation accruals
- Rethink furlough for non-represented groups
- Suggestion boxes for employees at all departments
- Allow County Counsel to serve as chief negotiator instead of an outside contractor

- Consolidation of services; fire, police and planning
- Bring back Williamson Act for discussion
- Recycle opportunity partnerships
- Probation Department fees lower than other counties. Recommend court collection with dedicated employee that could pay for itself.
- More flexible furloughs in represented groups – close county on a designated day
- Equitability from all departments county wide.
- Other health insurance options – San Joaquin Valley has a joint powers agreement
- Look for internal duplication of positions

Discussion ensued regarding budget issues and reserves.

The Chair then opened it up to public comment.

There was no public comment.

Supervisor Muenzer felt the Board should be notified if the hiring freeze was overridden.

CAO Inman stated that they could include that as a policy.

Supervisor Rivas wanted to include a new policy which was, any action the Board takes, all actions related to budget be open and transparent and communicated to the public.

Supervisor Barrios liked the idea and felt they should put it in writing. She wanted it to state that it has always been transparent and future Boards have to follow.

Supervisor Rivas stated that they would bring it back.

Supervisor Botelho concurred that the Board had always been transparent.

Supervisor Barrios noted that the Library, Economic Development Corporation (EDC) and Community Based Organizations (CBO) were aware that cuts have to be made and would be part of the savings cut percentage as other departments.

CAO Inman indicated that the Library had been given their number, but the other two were not operational departments.

Supervisor Muenzer was not sure that they could keep a free library and that perhaps staff should come back with user fees for the library. He added that it took a significant amount to sustain the library and maybe other agencies such as school districts or the City of Hollister could step up to keep it open.

Supervisor Rivas concurred with what was said and commented that there were no sacred cows.

Supervisor Botelho stated that they would have to balance the budget and maintain a prudent reserve. He felt the community would have to step up for a number of the community based organizations by way of fundraisers, etc.

Chair De La Cruz felt that they should cut the \$50,000 to EDC as it had been funded long enough. He further felt the County library was important.

There was no public comment.

Supervisor Botelho noted that no comment from the public told him that cuts are expected and will be very broad. He felt they should be applied with fairness and rationale.

Supervisor Barrios stated that her idea was to cut but also save the programs that are so important to the community. She added that programs may not be mandated by the State but could be mandated by the community. She felt that cuts would need to be made to the library. In addition, she felt they should cut a portion to

EDC and save them as they were important. In addition she felt that CBOs should also have a portion cut and save them as well as they provided an invaluable service.

Supervisor Rivas suggested the budget committee and staff take a look at the three areas (library, EDC and CBOs) and bring back some ideas they will generate in regards to funding and reductions.

Items 24 and 23 were heard, in that order, after Item 20.

BOARD OF SUPERVISORS:

21) **Consideration and adopt resolution regarding limits of accrual of vacation for the Unrepresented Employee Groups. (Supervisor De La Cruz)**

Chair De La Cruz stated that at the last budget meeting the Chair asked to have the vacation cap discussion be put on the agenda. He asked County Administrative Officer Inman to discuss the agenda.

CAO Inman stated that it was not his resolution.

Chair De La Cruz stated that the resolution before the Board was presented by staff addressing vacation caps. He indicated that through the community he brought a different resolution to staff. He stated that there was a difference in the resolution he gave to staff and the one presented through compromise on the agenda. He explained that they would consider the resolution before them, listen to public input, and once public session is closed discuss if they wish to incorporate any other items on the resolution.

Supervisor Rivas asked County Counsel for clarification on what they could do in the way of the two resolutions.

County Counsel Matt Granger stated that they could consider the resolution that was on the agenda but not the other resolution that was received that morning because it wasn't agendaized. He stated the Board could suggest changes to the resolution to be brought back at a later date for consideration.

Supervisor Barrios apologized to the unrepresented staff for not having handled the matter through the process in place, which is the Budget Committee process. She felt they owed respect and consideration for all of their employees whether represented or not. She stated that in retrospect she wished it had happened differently. She felt that moving forward they could find common ground.

Chair De La Cruz opened the matter up for public comment.

Karen Rogers, Chapter Secretary of the S.E.I.U. Local 521, spoke in support of an amended resolution.

Denise Quintana, Chapter Vice-President of the S.E.I.U. Local 521, spoke in support of an amended resolution.

Deborah Narvaez, Regional Director of S.E.I.U. Local 521, spoke in support of an amended resolution.

Marty Richman, local resident, spoke of the unfunded liability for accrued vacation and sick pay. He felt that unrepresented employees deserved a fair shot to look at what's being proposed and it should be fair, right and limited.

Management Analyst Jacki Credico explained that most rank and file and management county employees are in recognized bargaining units that have union representation in collective bargaining and employer employee relations matters covered in the Meyers Miliias Brown Act. She explained that the County considers some employees as confidential and are unrepresented, not part of

any bargaining unit nor are they covered under the Meyers Miliias Brown Act. She reported on what was received by the bargaining units and not by the unrepresented group. Ms. Credico indicated that it was not a secret that the resolution was crafted by the local S.E.I.U. 521 and presented to the Board for consideration. She indicated while most are in agreement that vacation caps are necessary to help the long term liability to the county, the manner by which the resolution comes to the Board was a bit out of the ordinary. She requested that the Board consider continuing the resolution addressing vacation caps to another date to allow alternate language to be presented for approval.

There being no further public comment the Chair closed the public comment section.

Chair De La Cruz asked and was answered by staff in regards to vacation accruals and caps for different groups.

Supervisor Barrios reported that she and Supervisor Rivas met with the unrepresented group the day before and the group did not feel they had a chance to present their ideas and concessions to the committee. She stated that in fairness to them she stated they could approve the resolution and make adjustments to the recommendations made, or the budget committee could meet with them and come back to the Board. She wanted to make sure that the wording was consistent with the S.E.I.U. She recommended that they give the unrepresented an opportunity to address.

Supervisor Rivas felt that they needed to look at the vacation balances and caps. He spoke of the huge financial liability with the vacation balances. He questioned the legality of forcing unrepresented to take vacation time that is over the cap. Supervisor Rivas felt the vacation policy needed to be done right.

Supervisor Botelho felt standardization was needed for vacation and sick for everyone and a cap for all levels of employees. He did not want to refer it back to the Budget Committee. He spoke of others issues such as employees paying a portion of their Public Employees Retirement System (P.E.R.S.) and sharing of medical costs that needed to be addressed. He indicated that he wanted to move forward with the resolution.

Supervisor Muenzer felt they needed to resolve the matter in equity. He stated that the reason people join unions is so they don't have work situations shoved down their throat. I feel the unrepresented group, who are not part of a union, are being asked to have something shoved down their throat. He felt they needed to have time to look over the resolution. Supervisor Muenzer felt that they needed to have all the employees treated the same. He felt the people that are being affected should have a chance to input their ideas. He suggested it go back to the committee and be brought back to the Board on a date certain.

Supervisor Barrios indicated that the unrepresented group had formulated some thoughts and ideas in the eleventh hour because that is when they received the resolution.

CAO Inman stated that there was a planned closed session that day where they were going to share the proposal of the confidential employees.

Supervisor Rivas suggested continuing the matter until after closed session and move forward after.

The Board adjourned into closed session (item 28) at 1:52 p.m. and reconvened into regular session at 2:56 p.m.

Henry Soria, Internal Organizer for S.E.I.U. Local 521, stated that management analyst Jacki Credico spoke as an individual representing her own

economic interests and those of her co-workers. He felt that having Ms. Credico go into closed session as a designated representative of the county was a conflict of interest and a violation of the Brown Act as she was representing herself on behalf of the county. He felt the Board should disclose any discussions and information shared in closed session to the public and provide any direction that was given or decision that was made. He indicated that earlier that day the Board committed itself to conduct itself and its business in transparency. He commented that clearly the Board had a long way to go.

Supervisor Barrios stated that pertaining to item 21 she would like to move to direct staff through the Budget Committee to bring back a formal resolution that addresses the following items for the unrepresented group; vacation caps, retirement contribution, furloughs and step freezes.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Muenzer, **directed** staff through the Budget Committee to bring back a formal resolution that addresses the following items for the unrepresented group; vacation caps, retirement contribution, furloughs and step freezes. (The motion passed 4 to 1 with Supervisor De La Cruz voting no) File #156*

BOARD OF SUPERVISORS:

- 22) **Adopt Resolution supporting no action on the use of Methyl Iodide.**
(Supervisor Barrios)

Upon motion duly made by Supervisor Barrios and seconded by Supervisor Botelho, removed item #22 from the agenda. (Unanimous) File #156

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 23) **Recommend that the Chair appoint an Ad Hoc Subcommittee to review and make recommendations to the Board for the 2012 COLA and Cost Increases due to changes in law for Waste Connections, Inc. (contract operator of John Smith Road Landfill).**

Integrated Waste Management Director Mandy Rose gave a staff report and noted that the committee appointments were a contractual obligation.

Supervisor Barrios suggested that the Chair and another supervisor be appointed to the ad hoc subcommittee.

Chairman De La Cruz stated that he would be happy to serve. He expressed concern with guaranteed cost of living allowances (COLA's) and the cost to users.

The Chair opened the matter up to public comment.

There was no public comment.

Chair De La Cruz appointed himself and Supervisor Muenzer to the Ad Hoc Subcommittee to review and make recommendations to the Board for the 2012 COLA and cost increases due to changes in law for Waste Connections, Inc.

The Board adjourned at 11:50 a.m. to lunch and reconvened into regular session at 1:15 p.m. to hear item 21.

INTERNAL SERVICES DEPARTMENT – M. Riopel:

- 24) **Approve the San Benito County Annual Impact Fee Report for 2010/2011.**

Management Analyst Margie Riopel gave a staff report. She explained that this was for the end of 2010/11.

The Board asked questions and were answered by staff.

The Chair opened the matter up to public comment.

There was no public comment.

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Rivas, **approved** the San Benito County Annual Impact Fee Report for 2010/2011. (Unanimous) File #119.2*

PLANNING DEPARTMENT – G. Armstrong:

- 25) **Discuss the proposed sign ordinance and provide any comments to staff. The matter will be brought back to the Board of Supervisors after Planning Commission review and recommendation.**

Planning Director Gary Armstrong gave a staff report. He indicated that the revision would allow the Casa de Fruta sign to remain on the property. He added that it would be going to the Planning Commission and would be back to the Board of Supervisors on April 17, 2012.

There was no public comment.

The Board received the report. *File #790*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 26) **Accept all responsive bids in the bid summary report for the Sheriff Administration/County Permit Center Building Improvements project; hear and consider bid protest from William A. Thayer Construction, Inc.; find that the protest does not have merit, based on documents and testimony in the record; award and approve the contract with Calstroy Construction as the lowest responsive, responsible bidder, removing the deductive alternative related to optional interior electrical work from scope of work, with a corresponding reduction in the bid of \$8,000.00 for a contract amount of \$442,000.00; authorize the Public Works Administrator to execute the contract upon receipt of documents as required per the project; and authorize the Public Works Administrator to issue change orders, in an amount not to exceed \$34,600.00.**

Public Works Administrator Steve Wittry gave a staff report and noted that there was a bid protest from William Thayer. He added that they checked references and explained the name change.

There was no public comment.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas, **accepted** all responsive bids, **considered** the protest of William A. Thayer Construction, Inc. and **found** that it did not have merit, **awarded** and **approved** the contract with Calstroy Construction, **authorized** Public Works Director to **execute** the contract and **authorized** the Public Works Director to issue change orders, in an amount not to exceed \$34,600.00. (Unanimous) File #105.3*

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.)

- 27) **PUBLIC EMPLOYEE APPOINTMENT**

Government Code Section: 54957

Title: Interim Director, County of San Benito Health and Human Services Agency

The Board adjourned into closed session at 3:10 p.m. and reconvened into regular session at 3:21 p.m.

County Counsel Granger stated that there was no reportable action. *File #235.6*

28) **Conference with Labor Negotiator:**

Authority: California Government Code Section 54957.6

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

Employee Organization: Unrepresented Employees

The Board adjourned into closed session at 1:52 p.m. and reconvened into regular session at 2:56 p.m.

County Counsel Granger stated that there was 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, Barrios, De La Cruz
NOES:	SUPERVISORS:	None
ABSENT:	SUPERVISORS:	None

There being no further business, the Board adjourned at 3:22 p.m. to April 3, 2012 at 9:00 a.m.

JAIME DE LA CRUZ, CHAIR
San Benito County Board of Supervisors

ATTEST:
Denise R. Thome, Clerk of the Board