



# 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 APRIL 3, 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 was County Administrative Officer Rich Inman, County Counsel Matt Granger and Clerk of the Board Denise R. Thome and Assistant Clerk of the Board Janet Slibsager for Item 10 in the afternoon. Chair Jaime De La Cruz presided.

### 9:00 a.m. CALL TO ORDER:

- a) Supervisor Barrios led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- c) **PRESENTATIONS & RECOGNITIONS:**

#### **ADMINISTRATION – R. Inman:**

**Present this year's Trindel Safety Award to Andi Anderson, Community Services & Workforce Development (CSWD) Department and recognize the nominees who have demonstrated an outstanding effort toward a safe and healthy workplace for the County of San Benito employees.**

Gene Herndon, Director of Loss Prevention Programs for Trindel, presented the safety award to Andi Anderson of the Community Services Workforce Development and recognized the other three nominees who were; Gordon McClelland of the Ag Commissioner's Department, Ron Terry of the Ag Commissioner's Department and Michael Krausie of the Planning Department.

- d) **Public Comment:**

Hollister resident Marty Richman, spoke in regards to the flier put out by S.E.I.U. Local 521 and likened it to a hit piece on candidates that were running. He added that this was the way the union had chosen to work. He asked that they not run hit pieces with no truth. He blamed the employees as the union works for them and the employees have a right to decide.

Commander of Hollister Gilroy California Highway Patrol (CHP) Allen Stallman introduced himself and spoke of the CHP's mission. He stated that April is Distracted Driver Awareness Month.

Henry Soria, Internal Organizer for S.E.I.U. Local 521, stated that the fliers went out and were not an attack on Supervisor Botelho and that they were just trying to get the facts out. He felt the resolution was full of gimmicks. He referred to the last Board of Supervisors meeting and stated that the Board went into closed session with Management Analyst Jacki Credico, whom he felt was representing her own interest which was a violation of the Brown Act. He asked the Board to cure and correct that matter and make sure it doesn't happen again. Mr. Soria thanked Supervisor Barrios for coming to the S.E.I.U. member interview process. He added that Supervisor Barrios stated that the budget meetings were open to the public.

Court Executive Officer Gil Solorio reported that the court construction had begun and Kitchell Construction Manager was on the project. He thanked the Board of Supervisors along with many others for the collaborative project. He estimated that it would take 16 to 18 months with occupancy in later 2013. He added that there would be a pre-construction meeting on April 9, 2012.

Denise Quintana, vice-president of S.E.I.U. local 521, stated that the fliers went out to inform the public and went to every supervisor's district.

e) **Department Head Announcements:**

Public Works Administrator Steve Wittry reported that there would be a spring auction the next day at the Public Works yard beginning at 9:00 a.m.

f) **Board Announcements, Introductions and Presentations:**

Supervisor Botelho reported that he had spoken at the Orange Brotherhood Vietnam Group and noted that March 29<sup>th</sup> was Vietnam Veterans Day. He gave statistics of the number of soldiers that served, were injured or were killed in the war.

He gave an update of the Audit Committee meeting he and Supervisor Muenzer had attended, stating that he would keep the Board informed. He stated that he did not know if the S.E.I.U. flier was a hit piece or not, but that it felt like one. He indicated that he was not sure of S.E.I.U.'s motives but was sure of where they were at with negotiations with employees. He added that the flier was inappropriate and that all county employees deserve the respect and dignity afforded to them. He hoped they could move forward in a positive manner.

Supervisor Barrios agreed that the flier may not have been intended to be negative but it was negative and felt like an attack. She stated that they wanted to make sure all employees in the county were respected and heard. Supervisor Barrios gave an update on AB 1676.

<b>CONSENT AGENDA:</b>
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*Upon motion made by Supervisor Botelho and seconded by Supervisor Rivas, **approved** the Consent Agenda items with the exception of Items 2 and 3 which were pulled for discussion. (Unanimous)*

**CLERK OF THE BOARD – D. Thome:**

- 1) **Approved** the action minutes of the March 13, 2012 special meeting.

**COUNTY CLERK-AUDITOR-RECORDER – J. P. Gonzalez:**

- 2) **Adopt Resolution authorizing San Benito County Clerk to perform all necessary election services for the City of Hollister in consolidation with the Statewide Primary Election to be held on June 5, 2012. (Res. No. 2012-13)**

Item was pulled for discussion.

Supervisor Barrios asked questions of and was answered by the Clerk-Auditor-Recorder.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Muenzer, **adopted Resolution No. 2012-13 authorizing** San Benito County Clerk to perform all necessary election services for the City of Hollister in consolidation with the Statewide Primary Election to be held on June 5, 2012. (Unanimous) File #285*

**PARKS & RECREATION COMMISSION – J. Cox:**

- 3) **Review and approve Parks and Recreation Commission Youth Commissioner Recruitment process.**

Item was pulled for discussion.

Supervisor Barrios offered some suggestions for the application format.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Botelho, **approved** Parks and Recreation Commission Youth Commissioner Recruitment process. (Unanimous)*

Chair De La Cruz asked staff to give a copy of the final draft of the form to each Board member. *File #93*

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

- 4) **Accepted** all responsive bids for Stonegate Water Tank Repair and Relining project; reject all non-responsive bids; **awarded** and **approved** contract with Crosno Construction Inc. as the lowest responsive bidder, in the amount of \$65,000; and **authorized** the Public Works administrator to execute contract upon receipt of documents as required per the project specifications; and **authorized** the Public Works Administrator to issue change orders, in an amount not to exceed \$6,500. *File CSA #31*

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

- 5) **Adopted** the plans and specifications for the construction of Stonegate Water Supply project. *File CSA#31*

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

- 6) **Adopted** the plans, specifications and bid documents for the Automatic Gates at 3235 Southside Road project. *File #105.3*

**REGULAR AGENDA:**

**BOARD OF SUPERVISORS:**

- 7) **Presentation by Ray Rodriquez, Trustee for the San Benito High School Board, concerning traffic safety around the High School. (Supervisor De La Cruz)**

Ray Rodriguez, trustee for the San Benito High School Board, gave a PowerPoint presentation and gave handouts on the subject matter.

Discussion ensued between Board members and staff.

Hollister resident Pat Loe expressed that she was extremely happy that the High School was before the Board noting that the traffic and safety had been a problem for years. She felt they could not drop the ball on a long term solution.

Chair De La Cruz indicated that he had asked that the matter also be put on the Council of Governments (COG) agenda.

Supervisor Barrios suggested that the Board do a resolution of support.

There was a consensus to bring forth a resolution and direction was given to staff to do so.

CHP Captain Stallman indicated that he was going to go by and take a look at the situation and stated that they would work on the matter from their side.

Krystal Lomanto, principal of San Benito High School, reported that the students were quite passionate about the matter and each one had a "that close" story. She told of the different scenarios she has seen take place when students were crossing.

The Board adjourned into a break at 10:15 a.m. and reconvened into regular session at 10:25 a.m.

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

8) **Adopt resolution endorsing Pacific Gas and Electric Company Economic Development Rate. (Supervisor Botelho)**

Supervisor Botelho spoke on the resolution.

Wendy Sarsfield, Pacific Gas & Electric (P.G. & E.) Central Coast Manager – Government Relations, explained that P.G. & E. was committed to developing a strong economy.

Hollister resident Marty Richman spoke on the matter.

**BOARD ACTION:** *Upon motion duly made by Supervisor Botelho and seconded by Supervisor Barrios, **adopted Resolution No. 2012-14 endorsing Pacific Gas and Electric Company Economic Development Rate. (Unanimous)***  
*File #156*

#### **HUMAN RESOURCES – J. Credico:**

9) **Adopt Resolution regarding compensation and benefits for the unrepresented employee groups.**

Management Analyst Jacki Credico stated that the AIT should read 2009/10 and continued to read parts of the resolution.

Supervisor Barrios gave some history on the matter and indicated that she and Supervisor Rivas, the Budget Committee, felt it was fair for the unrepresented to meet with the Budget Committee. She stated that the resolution was a result of that meeting and that the 12.27% concession offered by the unrepresented was higher than what was expected.

Discussion ensued among Board members and staff.

Chair De La Cruz noted that car allowances were not discussed.

Supervisor Barrios stated that it was not part of this resolution and would be brought back and discussed.

Hollister resident Marty Richman spoke about several aspects of the resolution noting that there were no gimmicks. He expressed that he would like to see a comprehensive plan for all employees and not a contract at a time.

Martha Booker, president S.E.I.U. local 521, felt that the resolution was written by the unrepresented employees for the unrepresented employees. She stated that the county cannot work employees for free and that furloughs equaled no savings. She implored the Board to amend the resolution that day.

Henry Soria, Internal Organizer for S.E.I.U. local 521, read a letter that was signed by 48 employees in regards to vacation accrual and furlough use.

Management Analyst Catherine Shaw spoke in regards to what the unrepresented employees have given up in the past years. She spoke of the divide and conquer method used by the union and indicated that there were 400 people employed by the taxpayers of San Benito County, not S.E.I.U., not M.E.G. and not D.S.A. Ms. Shaw stated that the unrepresented employees had offered 12.27% in concessions. She noted that S.E.I.U. employees paid about \$134,000 annually in dues. She challenged S.E.I.U. to voluntarily take a 12.27% cut in dues which would return about \$16,000 back to county employees. She spoke in regards to other aspects of the resolution including the endless extra hours worked by unrepresented employees without receiving extra pay. She added that in the administrative office alone, 7 days of furlough went unused last year because there was work to be done. She stated that the managers and administrative staff had presented a 12.27% cut that will come directly off of their paychecks, and for the Board to limit the vacation accrual rate to the same levels as S.E.I.U. was disrespectful and de-moralizing. She requested that the Board re-consider item 2 and change the limits from two to four as originally presented to the Budget Committee.

Clerk-Auditor-Recorder Joe Paul Gonzalez spoke of the technical difficulty of keeping the frozen vacation balance at the frozen wage amount. He suggested freezing only the vacation balances and the system could apply one rate.

Supervisor Botelho felt it could be done with the two different rates.

Mr. Gonzalez stated that it would be very difficult to implement and keep track of and would be subject to error since it was being done manually.

County Counsel Matt Granger stated that it applied to 39 employees.

Supervisor Muenzer stated that it was important to him that the dollar value be frozen.

Discussion ensued.

County Administrative Officer Rich Inman stated that higher payouts were usually due to step increases, which weren't happening and promotions, which weren't happening much either which made it inconsequential.

Supervisor Rivas stated that they would revisit the matter at the beginning of 2013.

Further discussion ensued.

Supervisor Muenzer asked if the furlough was use it or lose it.

Management Analyst Credico explained that there was a smoothing effect on the payroll and the 5.7% was applied all throughout the year.

Supervisor Muenzer asked if the pay decrease happens regardless of whether the furlough days were taken off.

Ms. Credico replied that was correct.

**BOARD ACTION:** Upon motion duly made by Supervisor Barrios and seconded by Supervisor Botelho, **adopted Resolution No. 2012-15** regarding compensation and benefits for the unrepresented employee groups, with the following amendments to Attachment B, page 1, #4 under vacation accrual limits: **remove** "have the authority to" and **add** "the Board of Supervisors requires

*reporting of banked hours in frozen account no later than every six months beginning July 1, 2012". (Unanimous) File #630*

The Board moved up the closed session item #11 before adjourning for lunch.

**ADMINISTRATION OFFICER – R. Inman:**

**10) Review Fire Proposals for Fire Protection Services and direct staff to negotiate a contract for Fire Services with City of Hollister.**

Management Analyst Margie Riopel provided a staff report on the history of events in relation to fire services in the county, an explanation of services currently rendered, an evaluation of the proposals received, and a comparison of services proposed by CAL FIRE and the City of Hollister. Ms. Riopel provided maps from CAL FIRE and City of Hollister showing proposed fire station location coverages and the fire agencies that exist in the County of San Benito.

Ms. Riopel went over four questions on the comparison sheet that she felt were important in the proposals; Item #4, number of personnel to be assigned to each shift and the total number; Item #8, how many facilities will be needed to provide fire protection services Item #11, how do you intend to incorporate our agreement with the San Juan Bautista Fire Department and Item #12, cost for total services.

Unit Chief of San Benito and Monterey Rich Hutchinson of CAL FIRE provided clarification in regards to Items #4, Item #8, Item #11, and Item #12, in their proposal.

City of San Juan Bautista Councilman Andy Moore spoke in regards to disappointment in CAL FIRE Service. He said that he wished that the relationship with CAL FIRE could be better.

City of Hollister Fire Chief Fred Cheshire provided information as to what the City of Hollister would provide as far as fire protection services.

City of Hollister City Councilman Doug Emerson spoke in regards to saving money, consolidating and providing the best service for the entire community. Mr. Emerson mentioned that in 2004 there was an agreement that the County and the City were going to work together on problems.

San Benito County Farm Bureau representative Joe Zanger said that at the Farm Bureau's meeting in March the board passed a resolution in support of CAL FIRE continuing to represent the County response area. Mr. Zanger mentioned that CAL FIRE has always been there for them and have done a great job.

Ms. Riopel presented letters received from the public from Sandra Davidson, Richard Pitschka, Michael Reid and Ron Smith.

Those speaking from the public were: Richard Pitschka, San Juan Bautista; Liz Chandler, San Juan Bautista; Pete Roybal, Rancho Larios; Nancy Garner, Hollister; Nancy Reid, San Juan Bautista; Michael Reid, San Juan Bautista; Michael Linthicum, San Juan Bautista; Joan Lottermosen, San Juan Bautista; Josh Padron, San Juan Bautista; Marty Richman, Hollister; Robert Lund, San Juan Bautista; Josh Silveira, Hollister; Greg Lopez, Hollister.

Closed public comment and took a break at 3:25 p.m.

Reconvened at 3:30 p.m.

Supervisor Botelho spoke as an ad hoc representative. He said there have been countless meetings with citizens, fire chiefs, fireman, etc. to try and figure out the best proposal and compare apples to apples.

Supervisor Botelho said that he wanted to make it clear as to what brought this about. CAL FIRE came to our Board of Supervisors meeting and said that they were not going to be able to offer fire protection services to San Benito County past October unless something radically changed, so that is why we felt we needed to look for other options and then approached the City of Hollister to see if they had the capability to offer a proposal.

Supervisor Botelho said that there has been a long history of issues with San Juan Bautista Fire Volunteers and County Fire and he has worked diligently with both agencies to try and resolve them.

Supervisor Botelho said that he is not happy with CAL FIRE in regards to some issues that have taken place in his district. He said that he is not going to jeopardize what he feels is right, and believes that the City of Hollister can do the fire response in all areas and would like to pursue contract with the City of Hollister at this time. Supervisor Botelho said that he would like to continue to try and work with CAL FIRE to resolve some of the other issues that we have in regards to EMS, County Com, Sheriff and San Juan Volunteers.

Supervisor Muenzer spoke as an ad hoc representative. He said that he wanted to disclose again that he has a son that is a captain for CAL FIRE; he does not live with him but has that relationship with CAL FIRE.

Supervisor Muenzer said that he is looking for providing the best possible response to structure fires, first responder emergency services that we can for the county. He said in the past the report from the Grand Jury was to try and consolidate services and he said he would like to see the fire services consolidated and look at law enforcement too.

Supervisor Muenzer said that we need to have a committee of some kind and have the Board of Supervisors, City Councilman from Hollister and San Juan Bautista all at the table talking about fire issues and figure out how we can get the best service with the people we have and resolve some issues between the agencies. He said this has not been an easy committee to be on.

Supervisor Barrios thanked Supervisor Botelho and Muenzer for their time, many meetings and their effort to bring this forward.

Supervisor Barrios said that she is not comfortable with the proposal at this point and thinks that it was very unfair to the residents of this county that we didn't get the level of service that was deserved and the cooperation because two agencies were not professional enough to come up with common ground and find a way to resolve these issues.

Supervisor Barrios said moving forward she would like to see several things happen but at the same time has some concerns which were: if the city bond would be available later if we go with the City of Hollister and the level of service they would be able to provide; auto aid agreements and volunteers; third station proposed by the City of Hollister: response time.

Supervisor Barrios said that her recommendation would be to stay with CAL FIRE for one more year and get all these issues resolved before we make any move. Extend the contract and have real clear wording as to who is responsible for what and the chain of command are very clear and if things don't work out, we will have to make some changes next year.

Supervisor Rivas said that he doesn't think either of these plans is adequate. He said that he would like to see consolidation of services between City of Hollister and CAL FIRE and by doing that it would offer obvious opportunity to improve our county's fire protection services. He said that he was ready to move forward today.

Chair De La Cruz said that for a long time members of the public including other outlets have expressed that the County and the City should consider consolidation of law enforcement, fire protection and other services too.

Chair De La Cruz said that he feels it is a good opportunity to move forward and meet the needs of the public and it is good opportunity to talk about it, and realizes that there are some concerns from fellow supervisors and the public. He said that he feels that we should not contract with CAL FIRE, but go with the City of Hollister for the following reasons: local control; opportunity for local dollars to stay here and give us an opportunity to talk about merging services to help balance the budget down the road.

Chair De La Cruz said that at this time he was ready to entertain a motion from fellow supervisors.

**BOARD ACTION:** *Upon motion made by Supervisor Rivas and seconded by Supervisor Botelho; **moved** to have staff work with City of Hollister staff to negotiate a contract for fire services with the City of Hollister. (3-2 vote) Barrios/Muenzer voted no File #119*

#### **CLOSED SESSION:**

The Board adjourned at 11:50 a.m. into closed session and reconvened into regular session at 12:20 p.m.

11) **Conference with Legal Counsel-Anticipated Litigation**  
**Significant exposure to litigation pursuant to subdivision (b) (3) (A) of Section 54956.9: 1 potential case**

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

The Board adjourned at 12:21 p.m. for lunch and reconvened into regular session at 1:30 p.m. to hear item #10.

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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 to April 17, 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  
Janet Slibsager, Assistant Clerk of the Board