



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

c) PRESENTATIONS & RECOGNITIONS:

- **Present Certificate of Recognition to Raymond Stevenson who is retiring after 5 years of service and dedication to the County of San Benito.**

Supervisor Botelho presented the plaque to Ray Stevenson. *File #630*

- **Approve Proclamation declaring April 15-21, 2012 as Safety Seat Checkup Week in San Benito County.**

Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Barrios, approved proclamation declaring April 15 – 21, 2012 as Safety Seat Checkup Week in San Benito County.

Supervisor Muenzer presented the proclamation to Health and Human Services Agency Director Kathy Flores.

Kathy Flores introduced Erika Vallin who had been hired through a traffic safety grant.

Ms. Vallin spoke on the importance of child safety seats. *File #430*

d) Public Comment:

Georgana Gularte, representing a small group of San Juan Bautista volunteers, thanked Supervisor Botelho and the Board for the resolution for better signing at the adobe structure at the Highway 156 turnoff. She explained that it started with a small group of volunteers cleaning up the lateral at Highway 156 turnoff where the adobe structure is and it ended up with developing a better

signage program. She presented Supervisor Botelho with a commemorative photo and binder.

Supervisor Botelho thanked Ms. Gularte, the volunteers and the Board for making it happen.

Mark Starritt stated that baby seats were a law and did not see why we were throwing away grant money. He stated that he would like to see curbing of vacation of unrepresented employees of the county, but it was a baby step. Mr. Starritt indicated that everyone on the Board was a public servant and that after two terms they were entitled to a lifetime of health benefits. He asked what that served and indicated that he would like to see that eliminated.

e) **Department Head Announcements:**

Behavioral Health Department Director Alan Yamamoto stated that they had submitted a Cal Ema grant and had received an award letter and grant of \$200,000 which was the maximum award. He indicated it was for the after treatment program in regards to AB 109. He explained that they would be starting a Sober Living Environment (SLE) and would be asking for an additional counselor. He thanked the agencies that partnered with them.

Management Analyst Janelle Cox displayed the Bike Week poster and explained that they would be kicking off the event with a walk and roll event on Saturday, April 28, 2012 at K-Mart. She noted that there would be a free bike repair clinic, bike beauty contest, licenses issued and raffles.

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

Supervisor Rivas asked for clarification regarding the County fire contract they were negotiating and when it would be coming back.

County Administrative Officer Rich Inman stated that it would be back to the Board at the May 1, 2012 meeting.

Supervisor Muenzer reported that he attended the ribbon cutting ceremony for the new visitor center on the west side of the Pinnacle. He added that Congressman Sam Farr was still committed to making the Pinnacles a national park. He further reported that he attended an Association of Monterey Bay Area Governments (AMBAG) meeting and that the Monterey Bay Unified Air Pollution Control District (MBUAPCD) would be hosting a workshop the next day at 10:00 a.m.

Supervisor Barrios indicated that they had a Budget ad hoc committee meeting with department heads to explore ideas for budget cuts and they would bring the ideas back at the next budget meeting. She reported that she attended the unveiling of the new logo at the library. She added that she attended the Mobility Partnership meeting in Los Banos the previous Friday regarding the interest in toll roads. She reported that not one person there spoke in favor of toll roads and that the feasibility study should be ready soon.

Supervisor De La Cruz thanked the San Benito Free Library for their event and Supervisors Rivas and Barrios for attending. He also thanked Melissa Flores, reporter for the Free Lance, for promoting the library event.

Supervisor Botelho reported that he attended the Senate Subcommittee meeting regarding transportation and housing in regards to Senate Bill 1155 sponsored by Senator Canella. Supervisor Botelho noted that he had testified in favor of the bill and the vote was 4-5 in favor of the bill. He then proceeded by reading a prepared statement in regards to the fire protection proposals received

by the City of Hollister and Cal Fire. He concluded by stating that there would be a town hall meeting on Tuesday, April 24, 2012 at 6:00 p.m. at the San Juan Community Center.

CONSENT AGENDA:

Chairman De La Cruz stated that Item #10 under Consent Agenda had a supplemental agreement that was not uploaded to the agenda on the website. He indicated that the Board had received copies of the agreement and that copies of the agreement were available to the public at the back of the room.

*Upon motion duly made by Supervisor Rivas and seconded by Supervisor Muenzer, **approved** Consent Agenda items with the exception of items 5 and 8 which were pulled for discussion. (Unanimous)*

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 1) **Approved** contract renewal with Value Options, Inc. for Administrative Services Organization (ASO) for the period of July 1, 2012 to June 30, 2013, for an amount not to exceed \$10,000 and **authorized** the Behavioral Health Director to sign said contract. *File #810*

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 2) **Approved** Proclamation recognizing the month of May 2012 as Mental Health Month in San Benito County. *File #430*

BOARD OF SUPERVISORS:

- 3) **Approved** Certificate of Recognition for the 2011 Teacher of the Year Award recipients for presentation at a later date. *File #156*

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- 4) **Adopted Resolution No. 2012-16** supporting the need to improve traffic conditions on Nash Road. *File #156*

CLERK OF THE BOARD – D. Thome:

- 5) **Approve the action minutes of the March 20, 2012 regular meeting.**

Supervisor Barrios stated that she would like to add more wording to what was printed in the minutes to clarify matters. She stated that under item #20 of the March 20, 2012 minutes she wanted to add the following:

*Add **specifically centralized servers and domains** to “take a close look at IT department”*

*Add **and caps** to “vacation accruals”. **NOTE:** This amendment could not be made as the recording reflected that only vacation accruals was stated and not caps.*

*Add **recommend court collection with dedicated employee that could pay for itself** to “Probation Department fees lower than other counties”.*

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Botelho, **approved** the minutes of the March 20, 2012 as amended. (Unanimous)*

COUNTY ADMINISTRATION OFFICE – R. Inman:

- 6) **Approved** the budget transfer in the amount of \$3,500 from General Fund Non-Department Expenses to Grand Jury. *File #865*

COUNTY ADMINISTRATION OFFICE – R. Inman:

- 7) **Approved** budget augmentation for the Capital Budget Communications/Radio Infrastructure project in revenues and expenses of \$75,000. (4/5 vote) (Unanimous) *File #119*

COUNTY ADMINISTRATION OFFICE – R. Inman:

- 8) **Approve the submission of a grant proposal to The Health Trust for funding to complete a feasibility analysis pertaining to the establishment of special district to support parks, recreation, and library services and develop an implementation plan.**

Hollister resident Marvin Jones warned that the grant needed to be worded carefully. He told of the situation in Santa Clara County where the bond issue was passed on 50% +1 and the court ruled that it benefitted the whole county and ruled it void.

Supervisor Botelho asked Ms. Cox if that was a concern of hers.

Management Analyst Janelle Cox stated that she did not know enough of the upcoming process to answer but would get back to the Board.

Supervisor Botelho stated that it was an important issue going forward.

Supervisor Barrios noted that the high school was also looking at a special district bond issue.

Ms. Cox stated that they were coordinating with the Superintendent of Schools.

*Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Barrios, **approved** the submission of a grant proposal to The Health Trust for funding to complete a feasibility analysis pertaining to the establishment of special district to support parks, recreation, and library services and develop an implementation plan. (Unanimous) File #119*

COUNTY COUNSEL – M. Granger:

- 9) **Approved** a letter of support for proposed bill providing governmental immunity when necessary water, sewer or refuse collection fees are not approved by affected property owners and **authorized** the Chair to sign. *File #156*

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 10) **Adopted Resolution No. 2012-17 authorizing** signatory authority and the issuance of the irrevocable Trust Agreement and Certificate of Deposit for corrective action for mandatory compliance with financial assurance requirements of the Post-Closure permit. *File #75.4*

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

PLANNING DEPARTMENT – G. Armstrong:

- 11) **Conduct a public hearing; review the project record and Planning Commission Resolution No. 2012-02; adopt Ordinance amending Chapter 25.29 of Title 25 of the San Benito County Code pertaining to Sign Regulations.**

Planning Director Gary Armstrong gave a staff report.

Chair De La Cruz opened the public hearing.

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

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Barrios, **conducted** a public hearing; **reviewed** the project record and Planning Commission Resolution No. 2012-02; **adopted Ordinance No. 893** **amending** Chapter 25.29 of Title 25 of the San Benito County Code pertaining to Sign Regulations. (Unanimous) File #790*

REGULAR AGENDA:

BOARD OF SUPERVISORS:

12) Discussion and/or direction concerning the hours of operation of the Tax Collector's Office during tax season. (Supervisor De La Cruz)

Chair De La Cruz stated that he had received several phone calls during the tax week about the Tax Collector's office not being open from 8 to 9 and 4 to 5 or during the lunch hour.

Treasurer-Tax Collector Mary Lou Andrade stated that they were open during the lunch hour.

Chair De La Cruz asked Ms. Andrade if she could stay open from 8 to 5 instead of 9 to 4 during the two tax weeks during the year.

Ms. Andrade thanked the San Benito County property owners for paying their taxes and thanked the Treasurer-Tax Collector staff for their hard work and doing the best that they could. She further thanked Supervisors Barrios, Rivas and Botelho for mailing in their tax payments. She spoke of how her staff had been reduced and did not recommend any changes to hours open during the season. She added that she had not received any complaints directly.

Chair De La Cruz suggested bringing in a retired person to help out during the two weeks per year.

Ms. Andrade stated that it was a delicate situation to bring in a part time person with respect to the handling of money.

Supervisor Barrios asked when the lines started.

Ms. Andrade indicated that there were about 4 days of long lines each week.

Supervisor Barrios stated that Ms. Andrade had made a real effort on stating the other ways to pay and asked her to keep educating the public of the other ways.

Hollister resident Marty Richman stated that this was a customer service issue during tax time. He suggested they could use a part time person to answer the phones and not handle money, or an auto message on the phone. He further suggested doing shifts, with the same number of hours but shift to when public is there to make sure the public gets service. He proceeded with further suggestions.

Ms. Andrade replied that she had tried all those things.

Chair De La Cruz directed Ms. Andrade and CAO Inman to explore new ideas.

Supervisor Barrios stated that they would include it with the Budget Committee. *File #156*

BOARD OF SUPERVISORS:

13) Discussion and/or direction concerning illegal vendors in the county. (Supervisor Muenzer)

Supervisor Muenzer stated that one of his constituents had an issue with a roadside vendor. He explained that her vehicle had sustained slight damage from an umbrella that had blown off a cart.

Supervisor Barrios spoke of the Intergovernmental Committee's efforts on the subject.

Supervisor Rivas indicated that they would agendaize it for the next Intergovernmental Committee meeting.

County Administrator Inman reviewed the history of the efforts made, noting that they ran into a problem with confiscating goods and having somewhere to put them. He indicated that they would put it back on the Intergovernmental Committee meeting.

Supervisor Botelho felt it was weak then and it is weak now. He felt they needed a permitting process and they could store the confiscated product at the county landfill. He stated that when he is re-elected and is Chair he would make it a priority.

Supervisor Rivas stated that he wanted to do things right and everyone is entitled to due process. He explained that the law says they cannot confiscate food and throw it away.

Supervisor Botelho stated that other counties don't put up with it. He added that they needed to find a solution and work towards it.

Hollister resident Mark Starritt commented that if they gave them a citation they would be on their way.

Hollister resident Marty Richman stated that half the time the produce is stolen. He stated that he disagreed with Supervisor Rivas and that if vendors were out there selling bad food it was a health risk. He spoke of storing the produce in a cooler for 6 months when the vendor doesn't even have it on ice when selling it. He noted that the vendors go to the same spots, so it wasn't as if we don't know where they're at.

Hollister resident Richard Bettencourt stated that he and Supervisor Botelho had been working on the issue of the vendors at Highway 129 for awhile, noting that on weekends there were 6 to 7 vendors on that corner. He indicated that they spoke with the sheriff and others and it seemed to have helped. He agreed that something needed to be done.

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

Planning Director Gary Armstrong explained that the food and health portion was environmental health and that Planning works with the Sheriff regarding cease and desist with vendors.

Supervisor Muenzer commented that he was glad for the responses received and felt they needed to discuss further if things did not happen with the Intergovernmental Committee.

Chair De La Cruz directed the matter be sent to the Intergovernmental Committee. *File #156*

CLOSED SESSION:

14) 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 10:24 a.m. and reconvened into regular session at 11:01 a.m.

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

SITTING AS THE PUBLIC AUTHORITY FOR IN HOME SUPPORTIVE SERVICES:

15) **Conference with Labor Negotiator**

Authority: California Government Code Section 54957.6

Agency Designated Chief Negotiator: Jacki Credico, Management Analyst

Employee Organization: SEIU LTCW (In-Home Support Services)

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

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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 at 11:03 a.m. to May 1, 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