



# 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 MAY 1, 2012 ACTION MINUTES

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

- a) Supervisor Rivas led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged the Certificate of Posting.*
- c) **PRESENTATIONS & RECOGNITIONS:**
  - **Present Certificate of Recognition to Kathy Flores, Director of Health and Human Services Agency for almost 26 years of service and dedication to the County of San Benito.**

Supervisor Barrios presented the plaque to Kathy Flores.  
Ms. Flores thanked the Board, staff and community members for their support. *(Unanimous) File #630*
  - **Proclamation declaring May 2012 as “Water Awareness Month” in San Benito County.**

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Rivas, **proclaimed** May 2012 as “Water Awareness Month” in San Benito County.*

Supervisor Botelho presented the proclamation to Water Conservation Program Manager Shawn Novack of the San Benito County Water District.  
Mr. Novack spoke of areas of concern and ways to be efficient with water which was critically important. *(Unanimous) File #430*
  - **Proclamation declaring May 20-26, 2012 as “National Public Works Week”.**

*Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Barrios, **proclaimed** May 20 – 26, 2012 as “National Public Works Week”.*

Supervisor Muenzer presented the proclamation to Public Works Administrator Steve Wittry and Road Maintenance Supervisor Hank Brown. *(Unanimous) File #430*

- **Proclamation designating May 6-12, 2012 as “National Nurses Week”.**

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Muenzer, **proclaimed** May 6 -12, 2012 as “National Nurses Week”.*

Supervisor Barrios presented the proclamation to Director of Nursing Jeanne Melius. *(Unanimous) File #430*

- **Proclamation declaring May 7-11, 2012 as “Be Kind to Animals Week”.**

*Upon motion duly made by Supervisor Rivas and seconded by Supervisor De La Cruz, **proclaimed** May 7-11, 2012 as “Be Kind to Animals Week”.*

Supervisor Rivas presented the proclamation to Julie Carreiro, supervisor at the Hollister Animal Care and Services. *(Unanimous) File #430*

d) **Public Comment:**

Local business owner Bill Mifsud spoke in regards to illegal street vendors and the problems he had encountered with vendors. He suggested an advisory board to address the issue.

Local resident Marvin Jones spoke in regards to the difficult task of the budget and the fire protection contract. He suggested a \$10 per parcel tax to support the library.

Local resident Marty Richman indicated that he was writing an article on taxes and was amazed at where the money came from and where it goes. He noted that money being taken in for property taxes is higher than when it was boom time. He added that much less personal income tax was being taken in because people were unemployed and that personal income tax is the biggest source of tax in the State of California.

County Administrative Officer Rich Inman noted that the Board had inquired about AB 900 and indicated that they were working on a presentation for the Board in regards to strategy.

e) **Department Head Announcements:**

Health and Human Services Agency Director Kathy Flores stated that there was an urgency item in regards to the CDBG grant application. She explained that they received word that the requirement for the single audit report was not met and their application would not be considered as they did not meet the April 6<sup>th</sup> deadline. She stated that the State Housing and Community Development (HCD) was holding firm to their decision. She reported that 16 out of 96 other counties were in the same predicament. She indicated that it was the first time they had made the submission of the audit part of the application.

Clerk-Auditor-Recorder Joe Paul Gonzalez asked that the item be added to the agenda for the Board to consider taking action on a letter of reconsideration.

Chair De La Cruz asked if the item was urgent or not.

Ms. Flores explained that it was urgent as they did not want to receive the rejection notice.

County Counsel Matt Granger explained that if there is a need for immediate action which cannot reasonably wait until the next regularly scheduled meeting and that it came to the attention of staff after the agenda was posted, with a 2/3 majority vote they could place it on the agenda to consider.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Botelho, found that there is a need for immediate action which cannot reasonably wait until the next regularly scheduled meeting and that the matter came to the attention of staff after the agenda was posted and therefore moved to add the item to the agenda as item 23A. (Unanimous. 5-0 vote)*

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

Supervisor Rivas reported that there would be a function sponsored by Mexican American Education in San Benito County on May 12 from 5 to 11 at San Juan Oaks.

Supervisor Muenzer reported that the fire committee met the previous evening regarding the first draft of the contract. He felt there should be an actual evening workshop on the fire contract and asked staff to facilitate one. He felt the public needed the opportunity to address questions to the Board and staff.

Supervisor Rivas stated that the special meeting the next week was to vote on the contract and he did not want to have a workshop. He suggested moving the special meeting to an evening meeting.

CAO Inman suggested that they could have the budget special meeting during the day and the fire contract that same night.

Supervisor Barrios thanked staff and their work in regards to constituents' concerns with CSA 50. She reported that she and Supervisor Rivas had continued to meet with department heads as an ad hoc budget committee and would bring back suggestions at the next budget meeting. She added that she had attended the Gang Prevention Committee meeting.

Supervisor Botelho stated that he and Supervisor Barrios had attended the LAFCO meeting the previous Thursday and reviewed the draft budget.

**CONSENT AGENDA:**

CAO Inman asked that item #7 be continued and item #11 be pulled for discussion.

*Upon motion duly made by Supervisor Rivas and seconded by Supervisor Barrios **approved** Consent Agenda items with the exception of item #7 which was to be continued and items 6, 8 and 11 which were pulled for discussion. (Unanimous)*

**AGRICULTURAL COMMISSIONER – R. Ross:**

- 1) ***Re-appointed*** Helen Matulich and Jerry Hammond to the Taylor Act Grazing Advisory board for a three-year term effective July 1, 2012 through June 30, 2015. *File #1.1*

**AGRICULTURAL COMMISSIONER – R. Ross:**

- 2) ***Approved*** amendment to contract with the State Department of Food and Agriculture for Statewide Exotic Pest Detection Trapping for FY 2011/2012 in the amount of \$48,776. *File #1.1*

**BOARD OF SUPERVISORS:**

- 3) **Approved** Certificates of Recognition for 2012 MACE (Mexican-American Committee on Education) Man and Woman of the Year, Fernando Gonzalez and Margie Barrios, for presentation on May 5, 2012. *File #156*

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

- 4) **Approved** contract with K & H Print Solutions regarding printing for the upcoming June 5, 2012 Presidential Primary Election. *File #285*

**CLERK OF THE BOARD – D. Thome:**

- 5) **Approved** the action minutes of the April 3, 2012 and April 17, 2012 regular meetings.

**COUNTY ADMINISTRATIVE OFFICER – R. Inman:**

- 6) **Appoint Maria Corona as Interim Director of the Health and Human Services Agency at Range 39.8 Step A, effective May 7, 2012.**  
Item was pulled for discussion.

Management Analyst Jacki Credico indicated that there was information that was not on the AIT. She stated that information was that in appointing the interim HHS Director, retreat rights back to her deputy position were afforded if another director was chosen.

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Rivas **appointed** Maria Corona as Interim Director of the Health and Human Services Agency at Range 39.8 Step A, effective May 7, 2012. (Unanimous) File #130*

**COUNTY COUNSEL – M. Granger:**

- 7) **Approve General Fund Contingency Transfer in the amount of \$17,508 to augment the County Counsel's 2011-2012 Budget; and Augmentation of Budget with Additional Revenue, in the amount of \$14,000. (4/5 vote)**

This item was pulled and continued to a later date.

**COUNTY COUNSEL – M. Granger:**

- 8) **Approve letter of support for proposed bill AB 2075 Repealing Public Resources Code §25502.3.**

Supervisor Barrios asked if the current year cost of \$35,000 was an error on the AIT.

Assistant County Counsel stated that it was a mistake and should be 0.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas, **approved** letter of support for proposed bill AB 2075 Repealing Public Resources Code §25502.3. (Unanimous) File #160*

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

- 9) **Adopted** revised funding policy for County Service Area #36 to provide for a Paramedic Emergency Medical Services program. *File #75.5*

**PLANNING DEPARTMENT – G. Armstrong:**

- 10) **Approved** Amendment No. 1 to extend the contract for Consultant's Services with Benchmark Resources, Inc. for an extended term of July 1, 2012 through June 30, 2015, in an amount not to exceed \$42,000 per year. *File #790*

**PLANNING DEPARTMENT – G. Armstrong:**

- 11) **Approve Assignment and Assumption of contract from Precision Inspection Company, Inc., to CSG Consultants, Inc., dba: Precision Inspection for the remainder of the existing contract which expires on June 30, 2016.**

Item was pulled for discussion.

Planning Director Gary Armstrong stated that he had received a letter from a competitor. He explained that Precision Inspection Company chose to partner with a new firm and this paperwork was needed to show the new names.

Supervisor Barrios summarized that the contract was continuing and they were just adding names.

Director Armstrong concurred.

Supervisor Muenzer asked Counsel if they needed to do a request for proposal (RFP).

County Counsel Granger replied that an RFP was not necessary and that it fell under professional services and a bid process was not required.

There was no public comment.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Muenzer, **approved** Assignment and Assumption of contract from Precision Inspection Company, Inc., to CSG Consultants, Inc., dba: Precision Inspection for the remainder of the existing contract which expires on June 30, 2016. (Unanimous) File #790*

**PROBATION DEPARTMENT – B. Cardall:**

- 12) **Authorized** the Chief Probation Officer to submit an application for the FY 2012-2013 Juvenile Justice Development Plan for the Youthful Offender Block Grant. *File #510*

**PROBATION DEPARTMENT – B. Cardall:**

- 13) **Authorized** the Chief Probation Officer to submit the Juvenile Justice Crime Prevention Act's (JJCPA) application for FY 2012-2013 to the California Standard's Authority. *File #510*

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

- 14) **Approved** the plans, specifications, and bid documents for the new Manager's Office/Apartment at San Benito County Migrant Farm Worker Camp project. *File #750*

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

- 15) **Approved** the Right-Of-Way Agreement; and **adopted Resolution No. 2012-18** and **accepted** Grant Deed for the purchase of real property for the road right-of-way and the temporary construction easements for the Hospital Road Bridge project; and **authorized** the payment of \$2,500 to Granite Rock Company for the purchase of road right-of-way. *File #105*

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

- 16) **Approved** the purchase of 0.1 acre from Pajaro River Mitigation Bank for the Hospital Road Bridge project as part of environmental mitigation; **approved** the

purchase contract with Conservation Holdings LLC., in the amount of \$22,500.  
*File #105*

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

- 17) ***Approved*** contract with Ghiradelli Associates for construction management services for the Hospital Road Bridge project, from May 1, 2012 to June 30, 2015, in an amount not to exceed \$825,400. *File #105*

**SAN BENITO COUNTY ARTS COUNCIL - R. Inman:**

- 18) ***Adopted Resolution No. 2012-19 approving*** the San Benito County Arts Council to serve San Benito County as a State and Local partner of the California Arts Council. *File #119*

<b>REGULAR AGENDA:</b>
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**COUNTY ADMINISTRATIVE OFFICER – R. Inman:**

- 19) **Approved agreement with the Historical Society pertaining to the use of 498 Fifth Street (Wapple Building) for the Historical Museum and specified portions of the Historical and Recreational Park premises.**

Management Analyst Janelle Cox gave a staff report.

Supervisor Barrios disclosed that she was a member of the Historical Society and paid dues as a token of appreciation and asked County Counsel if that was a conflict.

County Counsel Matt Granger replied no and that she was just supporting their efforts.

Supervisor Rivas stated that there were concerns in the community about this type of shared use agreement.

Public Works Administrator Steve Wittry stated that there were no fees associated with this item.

Parks and Recreation Commission Chairman Dan Dungy spoke in support of the agreement.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Botelho, **approved** agreement with the Historical Society pertaining to the use of 498 Fifth Street (Wapple Building) for the Historical Museum and specified portions of the Historical and Recreational Park premises. (Unanimous) File #91*

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

- 20) **Discuss park facility rental fee waivers and discounts; and provide direction to staff.**

Public Works Administrator Steve Wittry gave a staff report, noting that there is an ordinance in place that does not allow leeway in the fees.

Delbert Doty, president of the San Benito County Historical Society spoke of annual fundraising events they hold three times a year at the park and that they had never paid a fee before. He further spoke of the many volunteer hours put in by Society volunteers at the park.

Parks and Recreation Commission Chairman Dan Dungy stated that he heard there were 450 hours of volunteer service per month. He indicated that the Commission agreed to support the waiver of fees to the Historical Society.

Hollister resident Marty Richman spoke in testimony of Mr. Doty's enormous donations of time and money and always being a supporter of the Historical Society.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Botelho, **directed** staff to waive the fees for the San Benito County Historical Society and to formulate a plan with agreed upon dates for use for specific events and to come back with a fee schedule by way of an ordinance. (Unanimous) File #105.3*

### **BOARD OF SUPERVISORS:**

- 21) **Consideration to support California Off-Road Vehicle Association (CORVA) In their request to the Environmental Protection Agency (EPA) to reevaluate the Clear Creek Management Area Risk Analysis. (Supervisor Barrios)**

Supervisor Barrios spoke of the history of the matter and stated that she felt the EPA findings for closure were inaccurate. She stated that the closure effects the economy and that it was an injustice. She requested that the Board submit a letter to the EPA and Congressman Sam Farr.

Supervisor Botelho concurred that with Clear Creek closed it had an impact on economics and the community. He noted that with Clear Creek closed Hollister Hills was very crowded. He felt they should send a letter.

Supervisor Rivas concurred with Supervisor Barrios. Ed Tobin of the Salinas Ramblers asked that a letter be sent to the Bureau of Land Management (BLM) and Congressman Sam Farr.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas, directed staff to prepare a letter that pretty much follows the CORVA letter to be brought back to the Board for consideration. (Unanimous) File #755*

The Board adjourned at 10:25 a.m. for a break and reconvened into regular session at 10:34 a.m.

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

- 22) **Presentation on the effects of redistricting, top two primary and other important Election information.**

Clerk-Auditor-Recorder Joe Paul Gonzalez introduced his staff; Assistant Clerk-Recorder-Registrar of Voters Angela Curro, Senior Deputy Clerk-Recorder-Elections Jenn Schultz and Bilingual Senior Deputy Clerk-Recorder-Elections Francisco Diaz who proceeded to give a PowerPoint presentation on the subject matter. *File #285*

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

- 23) **Adopt Resolution regarding the Waiver of Salaries for the Elected Offices of County Supervisor for District 1, 2, 3, 4 and 5; and accept the completed and signed Voluntary Elected Officials Salary and Benefit Waiver Forms.**

Management Analyst Jacki Credico gave a staff report.

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Barrios, **adopted Resolution No. 2012-20** regarding the Waiver of Salaries for the Elected Offices of County Supervisor for District 1, 2, 3, 4 and 5; and **accepted** the completed and signed Voluntary Elected Officials Salary and Benefit Waiver Forms. (Unanimous) File #630*

**HHS&A & AUDITOR'S OFFICE – K. Flores & J.Gonzalez: (URGENCY ITEM)**

**23) Request Board approve letter to State Housing & Community Development (HCD) regarding CDBG application and audit submission requirement.**

Kathy Flores gave a synopsis of the situation.

There was no public comment.

Clerk-Auditor-Recorder Joe Paul Gonzalez felt the issue related to unfairness and that they should get together with state representatives as well as federal.

Chair De La Cruz volunteered to help.

Supervisor Botelho expressed concern stating that the County could not afford not to get the grant and that it would be devastating. He further expressed that it was worrisome and urged staff to be active in trying to resolve the matter.

HHS&A Director Kathy Flores indicated that there was going to be a conference call between the counties that were impacted.

Mr. Gonzalez stated that HHS&A Deputy Director Enrique Arreola included a certified copy of the single audit in the packet. He noted that the requirement that the single audit has to be sent from the State Auditor was new and was ridiculous.

Supervisor Barrios volunteered to help as well.

Supervisor Muenzer noted that the majority of applicants were aware of the condition and we were not. He asked why.

Ms. Flores replied that it was a matter of timing.

Mr. Gonzalez explained that they provide a single audit to the State Controller each year. He felt that large organizations have a tremendous amount of resources and pay people to do them. In turn, smaller agencies have less resources.

*Upon motion duly made by Supervisor Rivas and seconded by Supervisor Barrios, **approved** the letter to the State Housing and Community Development (HCD) regarding CDBG application and audit submission requirement, on Board of Supervisors letterhead, and **authorized** the Chair to sign. (Unanimous)File #130*

The Board adjourned into Closed Session at 11:31 a.m. and reconvened into regular session at 11:55 a.m.

**CLOSED SESSION:**

- 24) Conference with Labor Negotiator:**
- Authority: California Government Code Section 54957.6**
- Agency Designated Chief Negotiator: Linzie Daniel and Jacki Credico, Management Analyst**
- Employee Organization: SEIU Local 521 (General Unit Employees), Management Employees Group**
- No reportable action was taken. 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 11:57 a.m. to May 8, 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