



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

EMERGENCY MEDICAL SERVICES – M. Morrow:

Proclaim May 20-26, 2012 as Emergency Medical Services Week; identify May 23rd as EMS for Children Day to focus on child safety and injury prevention; and recognize individuals for outstanding EMS Service as recommended by the EMS Agency and the persons saved by their teamwork and service.

Upon motion duly made by Supervisor Barrios and seconded by Supervisor Botelho, approved proclamation declaring May 20-26, 2012 as Emergency Medical Services Week and identified May 23rd as EMS for Childrens Day.

Supervisor De La Cruz presented the proclamation to Medical Services Coordinator Marcie Morrow for the county.

Ms. Morrow thanked the Board of Supervisors for the Proclamation and announced on May 23rd families will be able to bring kids to the local fire station to learn about smoke alarms. The agency will give out 50 free smoke alarms, with 25 donated by Ace Hardware.

Ms. Morrow recognized the following people who have saved lives locally: Officer Scott Jenson, a CHP officer who on February 16, 2011 responded to a head-on collision.

A team who responded when a female was found floating unconscious in a pool at local athletic club: Communications Dispatchers Billy Barrett and Keri Cooper; American Medical Response's Steven Sotomayor and Kris Klay,

Hollister Fire Department's Kenny Melin, Sean Olquin and Vince Grewohl; Hazel Hawkins' San Wong and Kristi Piccoli, as well as citizens who responded including James Schafer, Danielle Simin, Jeannie Simin and Debra a staff member at the athletic club.

On April 6, 2012 a team responded to Debra Crabtree who suffered a cardiac arrest: Santa Cruz Regional 911 Dispatcher Gina Loftin; American Medical Response Paramedic Bradlee Jones; EMT Dustin Van Gundy; Hollister Fire Department Captain Charlie Bedolla; Engineer Wayne Thomas; Firefighter Phil Rossi; County Fire Department Engineer Josh Silvera; Firefighter Armando Michalski; Hazel Hawkins Hospital RN Mary Dowell; RN Steven Gallion, MD Jeffrey Peterson; CALSTAR Primary Flight Nurse Kerry Brown; Secondary Flight Nurse Syrina Shuebruk; pilot Neal Winterling and Citizen Hero her husband Dennis Crabree.

Mr. Crabtree thanked the group of people who helped save his wife's life.

Ms. Morrow announced that following the Board of Supervisors meeting there would be a reception honoring those mentioned today at the Hollister Fire Department.

On behalf of Marcie Morrow's team; Maria Corona presented her with a Certificate of Recognition for her outstanding commitment to provide quality patient care and timely response for the sick and injured in San Benito County, and using her many years of EMS experience to improve policies and procedures to ensure quality patient care. *File #1068*

HEALTH & HUMAN SERVICES AGENCY – M. Corona:

Award the Child Abuse Prevention Council's Annual Blue Ribbon Award to Hollister Hills Off-Road Association.

Interim Director of Health & Human Services Agency Maria Corona provided background information on the Child Abuse Prevention Council's Blue Ribbon Award which was awarded to the Hollister Hills Off-Road Association.

Supervisor Muenzer presented the award to Margie Ghione, the Secretary of the Board and Des Hughes, the President of the Board of the Hollister Hills Off-Road Association.

Mr. Hughes thanked the Board and said that they enjoy doing this for the kids. File #130

HEALTH & HUMAN SERVICES AGENCY – M. Corona:

Proclaim May 19, 2012 as "Prematurity Awareness-March for Babies Day"

Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas, approved proclamation declaring May 19, 2012 as Prematurity Awareness-March for Babies Day.

Supervisor Barrios presented proclamation to Catherine Farnham, RN at the Public Health Department. *File #130*

Ms. Farnham thanked the Board for the Proclamation and provided a handout, 2012 Ambassador Story. *File #130*

BOARD OF SUPERVISORS:

Present Certificate of Recognition to Enza Zaden U.S.A., Inc. for their continued and expanded business in San Benito County.

Supervisor Botelho said that he would present the Certificate of Recognition to Enza Zaden U.S.A. Inc., at a later date since they were not

present. Supervisor Botelho provided information about the company that is located in San Juan Bautista. *File #156*

BOARD OF SUPERVISORS:

Present Certificate of Recognition to Susan Bessette, Teacher at Calaveras School for receiving the KSBW Crystal Apple Award for April 2012.

Supervisor Botelho presented the Certificate of Recognition to Susan Bessette.

Ms. Bessette thanked the Board of Supervisors for the certificate and said that she loved working with her class and watching them grow and felt honored to work with amazing children. *File #156*

- d) **Public Comment:** Marvin Jones, Hollister resident, said he wanted to thank all the first responders. Mr. Jones also spoke in regards to a letter he had received from BLM in regards to range land heritage. He said it was just another way for the government to take control of private property.

Henry Soria, representing SEIU Local 521 general county employees, spoke of how the members are dedicated to this community and how the members appreciate and understand that the county's budget difficulties are real and recognize that the county cannot continue business as usual. He said that they recognize that they have an important role to play in this as well, and per the Board's request they have indicated their willingness to sit down with the county to discuss cost saving measures and budget reform from PERS to OPEB and other cost savings opportunities. Mr. Soria said that they are willing to sit down and do their part to ensure that San Benito County moves forward with sustainable solutions that will protect public services and lessen the need for lay-offs.

Mr. Soria said that earlier this year this board took action to put an end to wasteful perks, thank you, we told you that was an issue for our members and we appreciate that you took action. He said we now look forward to mileage stipends being addressed and asks that the Board consider other cost saving opportunities as well. He said that they are ready, willing and able to work with the county and that they may be the only bargaining unit that is willing to do that but they understand that they have a role to play.

Mr. Soria said that he would like the Board to encourage the County Administration Office to move forward and meet with them to consider opportunities for cost savings and reform which he said that he would be addressing in the future as an agenda item. He said that he cannot comprehend why they cannot get a date to sit down and talk.

County Administration Officer Rich Inman responded that they had provided SEIU months ago with dates to meet, which they have not yet responded, so the Board is just not hearing the truth.

Management Analyst Jacki Credico said that last Monday, May 1st she provided SEIU with four dates to meet and to date they have not responded. She said they were trying to get earlier dates which schedules do not allow for. She said for them to say that they are willing to meet is not true. We started to try and meet with them back in October, we had a few days scheduled, we met on January 4th and after that they decided they didn't want to meet with us and wanted us to go through the budget committee in collaborate discussions. They have not agreed to another meeting since. Ms. Credico said she feels that the

county has continued to send e-mails to re-schedule other meetings and they have not responded.

Supervisor Botelho said that this should have been done months ago. What is so hard right now to figure out a date, so that we can get on to talking about what we can do about cost savings, saving jobs and be able to move forward. He said we are out of time and it is very important right now to talk about ideas and try to get everybody on board. He said he didn't understand why we haven't made more progress up to this point.

Supervisor Botelho said he couldn't see why we couldn't leave here today, staff and representatives, as far as nailing down a date for the budget committee to participate in and share ideas, so that we can be ready to make decisions in a week or so.

Supervisor Barrios replied that the ad hoc committee is not the negotiating team and that was not their job. She said that they have met with some of the members and they did bring some ideas and those ideas had been presented and is what we took action on.

Supervisor Barrios said what we are talking about right now is meeting and conferring which is not the scope for the budget ad hoc committee.

Supervisor Barrios said that she accepted the willingness of our representative to meet with them to make it work. She said that this is critical to the decisions that they are going to have to make. We need to find a date; we need to make it happen on behalf of the budget ad hoc committee.

Supervisor Muenzer voiced concern about a lot of talk and discussion in public comment, and feels this item should be discussed under an agenda item.

Chair De La Cruz agreed with Supervisor Muenzer and advised Mr. Soria that he would be afforded an opportunity to issue a position at that time.

Mark Starrit, Hollister resident, spoke in regards to an item that had been discussed at the last meeting in regards to a grant that had been applied for and had not been applied for correctly and had been rejected. He said there were a lot of excuses given for it. He said he would like to complement Mr. Muenzer for asking why if 80 percent of people who applied for this grant were able to qualify, he said we need to find out how to correct that.

e) **Department Head Announcements:**

Deputy Director of Health & Human Services Agency Enrique Arreola asked to have an urgency item added to the agenda. He explained why the need for the action to take place before the next scheduled Board of Supervisor's meeting.

Supervisor Barrios made a motion to add this item to the agenda, Supervisor Rivas seconded the motion. Item added to the agenda as item #17A.

Public Works Administrator Steve Wittry announced that the San Juan Bautista Bike Lane project would be moving forward within the next week or so.

Clerk/Auditor/Recorder Joe Paul Gonzalez announced that he had been notified by the Hollister Post Office that approximately 500 vote by mail ballots somehow got wet and if anyone gets one that is in poor condition that you can bring it to the Elections Office, or you can fill out the ballot and return it to our office and they would duplicate the ballot manually and it would still be counted.

f) **Board Announcements:**

Supervisor Muenzer announced that he attended the AMBAG meeting and that a report was given on the 2014 Metropolitan transportation plan and the California Interregional Blue Print.

Supervisor Barrios thanked Counsel and Public Works for going with her to North San Benito County and addressing some issues that a property owner had.

Supervisor Barrios also mentioned that she and Fernando Gonzalez received an honor as man and woman of the year from the Mexican American Committee on Education on Cinco de Mayo day. She said she would like to congratulate MACE this was their 42nd annual event where they have a scholarship fundraiser and all the monies received go to local students to help them continue their education.

Supervisor Botelho said that it was a privilege to attend the MACE celebration and congratulated Supervisor Barrios on receiving the woman of the year award.

CONSENT AGENDA:

*Upon motion duly made by Supervisor Rivas and seconded by Supervisor Barrios **approved** Consent Agenda items with the exception of item #3 which was pulled for discussion. (Unanimous)*

AGRICULTURAL COMMISSIONER – R. Ross:

- 1) **Approved** contract with the Department of Food & Agriculture to provide Petroleum Product and Weighmaster Enforcement Services for the period of July 1, 2012 through June 30, 2013, for a total of \$2,325. *File #1.1*

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

- 2) **Approved** budget augmentation for Administration of RDA Dissolution as required by the State of California. (4/5 vote) *File #608*

COUNTY COUNSEL – M. Granger:

- 3) **Approve General Fund Contingency transfer in the amount of \$31,508 to augment the County Counsel's 2011-2012 budget. (4/5 vote)**
Item pulled for discussion.

BOARD ACTION: *Upon motion made by Supervisor Muenzer and seconded by Supervisor Botelho, **approved** item as presented. (Unanimous) File #160*

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 4) **Received** annual rate adjustment notification from Recology San Benito County. *File #142*

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 5) **Approved** Amendment #1 to the contract with Environmental Stewardship & Planning, Inc. for an additional amount not to exceed \$27,328. *File #75.4*

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 6) **Approved** the two-year contract with Field Solutions, Inc. for extraction well maintenance at John Smith road Landfill for the period of July 1, 2012 through June 30, 2014, in the amount of \$26,900. *File #75.4*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 7) ***Rejected*** all bids received for the Automatic Gates at 3235 Southside Road project; and ***adopted Resolution No. 2012-21***, declaring that it is the Board's opinion that the project can be completed at a lower cost by negotiating with the original lowest bidder; and ***authorized*** the Public Works Administrator to negotiate with the original lowest bidder. (4/5 vote) *File #105*

REGULAR AGENDA:

PARKS & RECREATION COMMISSION – D. Dungy:

- 8) **Accept Bennie Benitoite as the Parks and Recreation Commission Mascot.**

Dan Dungy, Chair of the Parks and Recreation Commission spoke in regards to a few public engagement activities they participate in such as: Kids at the Park, Rock n Roll, and National Night Out. He said that their activities ad-hoc committee came up with the idea of a mascot to represent our county parks and activities throughout the year. Mr. Dungy said that they are asking the Board to approve their mascot.

Mr. Dungy introduced Commissioner Debra Cable who provided more information in regards to how they come up with the idea of a mascot and how they named the mascot Bennie Benitoite. Ms. Cable introduced the artist of Bennie Benitoite Kelli Doyle who created the mascot with the description given by the activities ad-hoc committee.

Ms. Cable presented a draft of a brochure they hope to give out to residents once a final draft is completed. The brochure lists all the parks in the county, including city, state and federal locations as well as the county parks and calendar of events. The brochure also calls for some interaction from kids, giving them an opportunity to take a picture with Bennie Benitoite at a local park or to draw a picture of their favorite park and submit it for a contest. The drawings submitted would be displayed at the San Benito County Historical Park, with awards given on July 28, 2012. Ms. Cable also said that the brochure would be bi-lingual and she was hoping to launch it at Kids at the Park in June.

Supervisor Muenzer said that this was great work and commended the Commission. Supervisor Muenzer suggested some changes to be made to the brochure.

Supervisor Barrios said that when she saw this, he put a smile on her face and if he could do that for an adult he would do that for children. She said she thought he was a good representative for San Benito County. She also suggested some changes to brochure and congratulated all and said that she supported this effort.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Muenzer, **accepted** Bennie Benitoite as the Parks and Recreation Commission Mascot. (Unanimous) File #93*

COUNTY ADMINISTRATION OFFICE – R. Inman:

- 9) **Move the special Board of Supervisors meeting on the budget from May 22, 2012 to May 29, 2012.**

CAO Rich Inman asked the Board to move the recommended meeting set for May 22nd to May 29th due to him being out of the office for his daughter's graduation and having more time for budget committee to prepare for meeting.

Supervisor Muenzer questioned why we were having a meeting on May 22nd or May 29th if we haven't yet met with bargaining units. He suggested having a meeting in June.

Mr. Inman replied that the meeting was set to resolve other issues and layoffs.

Supervisor Botelho said that we need to tighten up meeting schedule in order to get things done. He said he doesn't mind changing to May 29th, but they better have a clear picture of what they are doing. He also said that he has shared some other suggestions with the budget committee and staff other than lay-offs.

Supervisor Rivas clarified that they had met with the bargaining units back in March and that they did present a list of cost savings ideas at a previous Board meeting that has happened. He said that they would continue to meet with them, that was not a problem at all.

Supervisor Barrios said that she had a concern as part of the ad hoc committee was that on the 29th they are to bring a list of recommendations and also include things that they are not going to consider and the reason why.

Supervisor Barrios questioned that if staff meets with bargaining units and they come up with cost savings ideas, will there be enough time to put this together and be part of the packet for the meeting of the 29th.

CAO Mr. Inman replied that no that would not be possible for the meeting of the 29th.

Supervisor Barrios said that if that is not possible for the meeting of the 29th then it kind of defeats the purpose of having a meeting on the 29th. We wanted to have a more comprehensive list of where we want to go. She also suggested maybe a meeting in June instead.

CAO Rich Inman said that if we wait until June to have a meeting that would postpone any possible layoffs until August and that would cost us money.

Supervisor Barrios suggested that if staff could meet with bargaining units before the 29th they would not have time to prepare their list for the packet and it would have to be presented the day of the meeting.

CAO Inman said that he was sure that they wouldn't have any resolutions to meeting with any of bargaining units by the 29th.

Chair De La Cruz asked why.

Mr. Inman replied timing, scheduling the respective parties to agree when they would be available.

Chair De La Cruz asked SEIU representative Henry Soria to step up to the podium and asked him when he would be available.

Mr. Soria replied that he would have to pull up e-mail as he did not save it on his calendar.

Mr. Soria said that they could work with the timeline on lay-offs, they had flexibility. He said they could modify qualifications.

Mr. Soria said that he had e-mailed the County Administrative Office saying that they may not be able to sit down and he said that he never got a response. He said let's start talking now, that they would do whatever it takes. He said they would like the opportunity to sit down before any layoff notices are issued.

Mr. Soria said to avoid the perception of games being played they would like to invite, with the approval of the chair, Supervisor Botelho and Muenzer to sit in and observe their discussions, so that there is no misconstruing of what has

happened or what was stated. He said that we need to get this done now; we cannot afford any road blocks.

CAO Inman said he didn't want to get into a dialog but you are just hearing untruth. Mr. Inman said there is a process that they have established to resolve these issues and they would proceed with that.

Chair De La Cruz polled the Board if they wanted to deviate away from the current process of meeting and deferring and have a board member be a part of the bargaining meetings: Supervisor Muenzer, said yes; Supervisor Barrios, said yes; Supervisor Botelho, said yes; Supervisor Rivas, said yes; Chair De La Cruz, said yes.

Supervisor Barrios asked County Counsel Matt Granger, if this is the direction they should be taking and would it protect the County in every way.

County Counsel Matt Granger said that there are some legal ramifications to it, but at the end of the day it is the Board's decision. He said that he did not feel comfortable going into the legal ramifications in open session, that there are reasons why you have a county negotiation team, there are good legal reasons. He said that he understands the urgency, the frustration of possibly not moving as quickly as the Board would want and that it was ultimately the Board's decision how much risk they want to juggle. He said that he would be willing to talk to each Board member separately to discuss ramifications.

Supervisor Rivas said that he was not comfortable with being observers; he said we have a system in place and he would rather adhere to that system.

Supervisor Barrios said that after hearing from County Counsel she was going to change her mind and say no. She said what she thinks they need to do as the Board is to relay the urgency of this and put pressure on all bargaining units and our administrators to meet and confer and get this done.

Supervisor Muenzer asked if they could go into closed session right now and hear from County Counsel.

County Counsel Matt Granger responded no they could not because it was not agendized, but if they would like to talk to him one on one they could take a short break.

Chair De La Cruz asked to take a 5 minute break.

Board adjourned at 10:44 a.m. and reconvened at 11:04 a.m.

Chair De La Cruz asked Supervisor Muenzer what his position was after talking to County Counsel; Mr. Muenzer said he would change his position to no.

Chair De La Cruz said that the answer is no that they are going to continue with the same process.

Supervisor Botelho said that he had concerns about delaying.

CAO Inman said that there is still a need for concessions over and above what we would have done with the layoffs; there is still a million dollar hole. He said that there could be an executive session to interact with your negotiator to talk about things that you want to see done or see if there is any progress with negotiations.

Chair De La Cruz asked Ms. Credico if bargaining units are going to be able to meet.

Ms. Credico replied that they are going to need a couple more meetings to meet and confer, would not have time to come back on the 22nd or the 29th with any answers. She said that layoff notices take a minimum of 30 days and explained the layoff policy procedure and how it takes time.

Supervisor Botelho said that the layoff list is disturbing, he said that he has a hard time laying off a third of the Sheriff's office, he just can't do that. He said that he was not happy with the budget committee's recommendation.

Ms. Credico said that through the negotiation process unfortunately the Board has been faced with that position because they have not gotten enough concessions.

Supervisor Barrios noted that the budget committee is also unhappy with the decisions that they have to make, she said that they are in a bad position. She said that they are going to have to continue the conversations hoping that they can get some concession and maybe get other ways to address the deficit but probably won't be able to avoid layoffs 100%.

Henry Soria spoke in regards to layoff list and reduction of positions. He said instead of decisions being made away from the public this needs to be a public process. He said for his group to make concessions they need to understand what is going on, they should be part of the process. He said that it is going to be difficult to do if the Board is not part of the process beyond just meeting and conferring. He said that his people are not willing to subsidize a position for a bargaining group that may not be willing to give up positions and taking a huge cut for people that are not willing to do anything. He said he wouldn't take a cut to subsidize someone who is not willing to do anything to make this county move into the future. He said that is the mentality, he thinks that they can do something but they do need to be part of the process and hopes that the Board reconsiders that because they have some very serious concerns if this is going to be a process that is going to proceed in good faith. He said he thinks it has been very clear through e-mails and that there have been some inconsistencies. He said that they would like to proceed in good faith.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor Rivas, **moved** the Board of Supervisors meeting on the budget from May 22, 2012 to May 29, 2012 at 9:00 a.m., in the hope that we will continue trying to meet and confer and get some concessions and bring back to Board a more comprehensive list of ideas. (Unanimous) File #119*

COUNTY ADMINISTRATION OFFICE – R. Inman:

- 10) **Approve/amend the letter requesting reevaluation of the Clear Creek Management Area Risk Analysis and authorize the Chair to sign.**

CAO Rich Inman provided information in regards to the draft letter to ask Bureau of Land Management to submit a formal request to the Environmental Protection Agency to reevaluate the Clear Creek Management Area Risk Analysis that was used to close the CCMA.

Supervisor Barrios supports this letter and recommended a change in the last paragraph to add an s to hundred.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Barrios, **approved** letter with the recommended change. (Unanimous) File #755*

COUNTY ADMINISTRATION OFFICE – R. Inman:

- 11) **Approve the extension of the existing contract for fire protection services with Cal Fire; direct that the extension come back to the Board for final action and discussion and direction regarding fire protection issues.**

CAO Rich Inman said that this was more a formality from the last Board meeting discussion. He said he was asking for an indication from the Board to bring back an extension to the existing contract with Cal Fire.

Supervisor Barrios had a comment in regards to the AIT where it talks about further discussion of an ad hoc committee. She said she understood the discussion was for a community committee or an agency committee that would include members of the San Juan Fire Department, Cal Fire, City of Hollister, San Benito/Aromas Fire Department so that they could have people at the table to bring back ideas for improving the fire service for San Benito County.

County Counsel Matt Granger advised the Board that that committee would be subject to the Brown Act. That committee would also have to post an agenda, have public comment and be treated as any other Brown Act meeting.

Supervisor Botelho said he supports that fully and believes that it should be open to the public to participate. He said that the two cities and the county needs to work together to answer some questions about fire protection services and address long term liability.

Supervisor Muenzer concurred.

Supervisor Barrios asked if they could make modifications not just extend the existing contract in regards to some of the issues that they had.

CAO Rich Inman said that there would be some changes to the existing contract that he has already met with Cal Fire and have talked about certain exhibits to add to the document.

Supervisor Barrios said that she would like Cal Fire to embrace the San Juan volunteers, not that it hasn't been done in the past, but would like to see greater effort, greater professionalism and make sure that they are respected and trained and certified to make them part of the Cal Fire family.

Supervisor Rivas said that he couldn't agree more that should be the priority of the new fire committee, to amend those relationships and everyone be on the same page.

Supervisor Muenzer had a question in regards to the recommended action on the AIT. It says approve the extension of the existing contract. He asked if it could be changed to read approve the extension of the contract.

CAO Inman said that would be more appropriate to change it to read approve the extension of the contract.

BOARD ACTION: *Upon motion made by Supervisor Muenzer and seconded by Supervisor Barrios, **approved** the extension of the contract for fire protection services with Cal Fire and **directed** that the extension come back to the Board for final action. (Unanimous)*

Chair De La Cruz said that they need to create a standing committee; he suggested himself and Supervisor Barrios.

Supervisor Botelho asked that he and Supervisor Muenzer continue as the standing committee.

Discussion ensued in regards to the creation of the committee.

Supervisor Barrios suggested that the county be the lead agency to move this forward and asked that they agendize this item for further discussion.

Supervisor Rivas agreed with Supervisor Barrios.

The direction of the Board was to agendize this item for the June 5th meeting for further discussion and formulation process.

CAO Rich Inman mentioned that the intergovernmental committee meets the first Thursday of the month, and that this item may be appropriate to agendize

for that meeting for a broader discussion. He said that he would like to agendaize this item for the Board after that meeting which would be the meeting of June 19th.

Chair De La Cruz stated that would be fine. *(Unanimous) File #119*

COUNTY COUNSEL'S OFFICE – M. Granger:

- 12) **Read title of ordinance for the record: “An Ordinance adding Article III (“Youth Protection Ordinance”) to Chapter 9.01 (“Offenses Miscellaneous”) and amending Sections 9.01.008 through 9.01.010 of Chapter 9.01 of Title 9 (“Offenses”) of the San Benito County Code”; accept introduction and waive further reading of the ordinance; and continue the matter to June 5, 2012 for adoption of said ordinance.**

Assistant County Counsel Barbara Thompson read the title of the ordinance for the record and pointed out a typo error on Page 5.

Ms. Thompson provided a PowerPoint presentation covering goals and objectives; day and night time curfew hours; parents & guardians; exceptions to the ordinance; penalties for minors; penalties for adults. Ms. Thompson noted that the ordinance would take effect August 1, 2012.

Supervisor Rivas said that he was pleased with the work that has been put into this by everyone and hopes that it will truly make a difference

Supervisor Muenzer thanked County Counsel, but had a question under the night time curfew in public places. He asked if a minor is involved in the San Benito County Fair or if they are at the movies or a carnival at the High School are those incidents enforceable or the exception.

Ms. Thompson said she thinks that would be in the exception; a minor going to and from a public meeting or place of entertainment such as a movie place or sporting event.

Supervisor Barrios concurred with Supervisor Rivas and thanked all the agencies that took a part in this, it was a job well done.

Supervisor Botelho said that he echoed Supervisor Barrios.

BOARD ACTION: *Upon motion made by Supervisor Rivas and seconded by Supervisor Barrios, **accepted** the introduction of the ordinance and **waived** further reading of the ordinance; and **continued** this matter to June 5, 2012 for adoption of said ordinance with the changes. (Unanimous) File #160*

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 13) **Receive presentation from Integrated Waste Management Department, ECS Refining and the Community Food Bank of San Benito County in regards to electronics recycling at John Smith Road Landfill.**

Integrated Waste Director Mandy Rose gave a presentation in regards to Electronics Recycling at John Smith Road Landfill change of vendor to ECS Refining and the benefit to the Community Food Bank of San Benito County.

Ms. Rose said that she was pleased to report that ECS Refining is now donating between \$800.00 to \$1,000 a month to the Community Food Bank of San Benito County on behalf of the County of San Benito through the generous recycling by our residents.

Pat Potter from ECS Refining spoke about her company and their Ecocollective program and how it benefits non-profits in many communities. *File #75.4*

PLANNING DEPARTMENT – G. Armstrong:

- 14) **Receive presentation in regards to San Benito County Habitat Conservation Plan (HCP) Alternatives; and provide comments and direction to staff.**

Planning Director Gary Armstrong provided a staff report and asked for direction from the Board to move forward with the full comprehensive Habitat Conservation Plan (HCP) or do other alternatives which he provided information.

Discussion ensued by Board and staff.

Those speaking from the public were: Richard Bettencourt, Hollister resident and Don Kelly, Parks & Recreation Commission.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor Botelho, **moved** to revise the HCP Ordinance No.541 to allow flexibility in the use of the funds and **recommend** that we utilize the collected funds for the development of the river park project and or any other areas for habitat and conservation enhancement and continue to collect the interim mitigation fee for the development of smaller habitat base projects in the future. (Unanimous) File #790*

PLANNING DEPARTMENT – G. Armstrong:

- 15) **Receive presentation in regards to Ag Exempt Ordinance; and provide comments and direction to staff.**

Assistant Planning Director Byron Turner provided a staff report in regards to Ag Exempt Ordinance and revisions to proposed Ordinance being presented today by staff. Mr. Turner said once staff has received direction from the Board to move forward with the process, a negative declaration will need to be prepared and circulated.

Discussion ensued by Board and staff.

Chair De La Cruz said that the direction of the Board was to proceed with the process. File #790

PLANNING DEPARTMENT – G. Armstrong:

- 16) **Receive presentation in regards to San Benito County Sign Ordinance; and provide comments and direction to staff.**

Senior Planner Lissette Knight presented staff report and the sign draft ordinance for the Boards review and comments. Ms. Knight said that staff has also had discussion with the Farm Bureau as they are one of the groups in the public particularly interested in amending the sign ordinance.

Discussion ensued by Board and staff.

Chair De La Cruz said that the direction of the Board was to proceed with some of the suggestions that the Board has given. File #790

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 17) **Receive report from staff regarding improvements to Nash Road traffic conditions and provide direction.**

Public Works Administrator said that the county is working on a parks and recreation River Parkway master plan which would fareway behind the High School. He said that the High School is working on their master plan and how it would accommodate future growth. Mr. Wittry said that one of the concerns discussed at previous meeting was the congestion where high school students cross the street between the main campus and freshmen campus.

Mr. Wittry said that ultimately the solution to Nash Road is Westside Boulevard; it would be a regional route that would transfer traffic around the high school and serve as a main entry access point for the regional park. He said the project would be 15 to 20 years away before possible funding allows construction to begin. He said that in the interim there is a possible solution, which he provided a map, showing an interim bypass to Nash Road which would serve as an interim entrance to the regional parkway facility. The Interim road essentially would allow San Benito County to close a portion of Nash Road between Monterey and West which would allow the high school to pursue their plans to unify their campus and do whatever they need to do for future expansions.

Mr. Wittry said that this idea has been brought before the Council of Governments, City Council, Parks & Recreation Commission and the San Benito High School Trustees. He said what they are looking for is comments, concerns and direction from the different agencies so staff can begin working towards an MOU or some other agreements to be able to move the process forward.

Mr. Wittry said that he was asking for input from the Board and the public today as to how they should move forward with this proposal. He said the timeline for this once the Board approves the direction to go forward with the interim proposal would be about two years to complete this process.

Supervisor Barrios said that when she first heard this idea she thought "wow", but she said what she is hearing is that we would be using our money to do this. She said she thought it would be more of a partnership where everyone would share in the concept, now they are getting money for the land. This actually benefits the high school; they should be giving us money to do this and working with us to get this done. She said she didn't like the idea of using our park money. She said that she was not sure if she could support that direction.

Mr. Wittry said what we need to remember is in order for the park to function we have to have a road; it doesn't matter if it is free or not. We are looking at developing access to the park. He said what he was asking from the Board today was authorization to move forward and bring something back regarding the funding, because if we say no to this type of opportunity we are limiting ourselves to access Westside Boulevard and then the park would be delayed for 20 years.

Supervisor Barrios said she would like to see all three agencies help in the funding of the road and it then becomes a true partnership and everyone wins.

Supervisor Rivas thanked Mr. Wittry for his presentation. He asked if he would be able to work with the other agencies to come to some type of agreement.

Mr. Wittry said that he thought he would be able to; because it would be a win, win for everyone.

Supervisor Botelho said that he was confident that they were moving in the right direction, and looked forward to staff bringing back more information.

Mr. Wittry said that the estimated construction of the road would be about \$500,000 because it would be a county standard road without sidewalks, etc.

Those speaking from the public were: Dan Dungy, Parks & Recreation Commission, was concerned about the pool of impact fees and wanted to try to leverage it the best we can. He thinks it is a little premature at this point, likes the idea of working together.

Don Kelly, Parks & Recreation Commission, said he tends to agree with Commissioner Dungy as far as putting the cart before the horse on this project.

He said that it needs to go through the process of coming before the Parks Commission and taken to the project team to make sure that landscape architects are aware this is going on before they get into any funding issues.

Mr. Wittry said that the process is under way and that they are at the table at the moment.

Supervisor Muenzer suggested that the parks commissioners be involved in meetings so that there is an understanding of the impact on parks.

The direction of the Board was to have Mr. Wittry meet with the other agencies and bring more information back to the board at a future meeting. File #105

HSA & AUDITOR’S OFFICE – M. Corona: (URGENCY ITEM)

17A) **Approval the Trade Adjustment Assistance Community College and Career Training Grant Program (TAA-CCCT) collaborative MOU for workforce services; and authorize the Director and/or Deputy Director or designee to sign the MOU and any contract and amendments pertaining to the MOU.**

Deputy Director Enrique Arreola provided information in regards to the MOU and grant proposal opportunity for workforce services.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor Rivas, **approved** item as presented. (Unanimous) File #130*

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 June 5, 2012 at 9:00 a.m.

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

ATTEST:
Janet Slibsager, Asst. Clerk of the Board