



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

SPECIAL MEETING MAY 29, 2012 ACTION MINUTES

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in *special session*. Supervisors De La Cruz, Botelho, Rivas, Muenzer and Barrios were present. Also present was County Administrative Officer Rich Inman, County Counsel Matt Granger, and Clerk of the Board Denise Thome. Chair 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.*

Chair De La Cruz stated that they would be moving closed session before regular agenda.

CONSENT AGENDA:

Upon motion duly made by Supervisor Botelho and seconded by Supervisor Barrios, approved Consent Agenda Items. (Unanimous)

AGRICULTURAL COMMISSIONER – R. Ross:

- 1) **Accepted** the Preliminary Engineer's Report from SCI Consulting Group for the Mosquito Abatement Program; scheduled a public hearing for June 19, 2012 and **adopted Resolution No. 2012-22** of intention to continue Assessment's for Fiscal Year 2012/2013. *File # 1.1*

HEALTH & HUMAN SERVICES AGENCY – M. Corona:

- 2) **Approved** the layoff of 1.00 FTE Vocational Assistant effective on or about July 1, 2012. *File #130*

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 3) **Approved** Amendment #1 to the contract with Environmental Stewardship & Planning, Inc., in an amount not to exceed \$12,410.00. *File #142*

The Board then adjourned into closed session at 9:04 a.m. and reconvened into regular session at 10:01 a.m.

REGULAR AGENDA:

COUNTY ADMINISTRATIVE OFFICER – R. Inman:

4) **Discussion and/or direction concerning actions on the Fiscal Year 2012-2013 budget.**

Clerk-Auditor-Recorder Joe Paul Gonzalez gave an update on special legislation Assemblyman Alejo's office was presenting on behalf of the County.

County Administrative Officer Inman deferred to the Budget Committee.

Supervisor Barrios reported that they had met with the County actuary to discuss the idea to reduce OPEB contributions. She stated that the Budget Committee did not recommend that the County take that path. She reported that the Committee met with employee representatives and department heads and directed staff to research the following possibilities:

1. Debt collection alternatives.
2. County park concessions.
3. Solar installation at jail facility.
4. Probation fines and how they can be collected.

Supervisor Barrios continued by stating that they had a problem with the layoff notices but unfortunately it has to be done. She noted that they would be focusing on reducing the impact to law enforcement. She spoke of the 3 correctional officers that were to be reclassified and funded under AB 109. Supervisor Barrios indicated that the Committee recommended reducing the car allowance by 30% from \$500 to \$350 per month with a savings of \$19,800. She further indicated that the Committee was recommending to reduce Employment Development Corporation (EDC) from \$50,000 to \$42,000 with a savings of \$8,000 and reducing Community Based Organizations (CBO) from \$80,000 to \$67,200 for a savings of \$12,800. She added that the Clerk of the Board was looking into Assessment Appeal fees. She apologized for no written report from the Budget Committee.

Supervisor Rivas reminded that the savings the Budget Committee recommended will not fill the large gap to be covered. He stated they had no choice but to make our county smaller. He noted they were looking at ways to cut spending and it was extremely challenging. Supervisor Rivas explained that they needed to cut where the money was and the largest area is employees' salaries and benefits and that layoffs were unavoidable. He apologized to the County workforce and stated that as a Board and a Budget Committee they did not have any other options. He added that other wage and benefit cuts were contractually unavailable to them at this time.

Supervisor Botelho stated that it was hard not to have all the information, again, and that he would like to have descriptions of the recommendations. He questioned how they continued to fund EDC when there is no effectiveness. He felt it was tough to make these decisions without all the pieces of the puzzle and reiterated that he would like to have written information. Supervisor Botelho indicated that information was coming out very slowly and that was a concern for him. He proposed the idea of browning out government for the last month of the year for non-essential departments and perhaps cutting out CBO contributions completely. He felt that the other three Board members did not have enough input on this.

CAO Inman noted that he did not generate the layoff list in front of the Board.

Chair De La Cruz called for a short break and asked the Clerk of the Board to provide copies of the layoff list for the audience.

CAO Inman continued by stating that the methodology came from what each department costs and 40% of the total was the sheriff, jail and operation. He noted that the Sheriff had adjusted to reduce layoffs. He stated that in reality, the only way to be sustainable was to reduce the workforce. CAO Inman explained that the layoffs in front of them came from the departments on how they would make budget. He stated that they needed to begin the process for notification for reduction in force. He indicated they were going to have 174 employees to what 300 used to do. He summarized that in order to survive they needed to reduce the work force.

District Attorney Candace Hooper stated that they were asked what positions were going to be effected. She noted that her status had changed and that her legal secretary was retiring at the end of June and she had received a resignation from a Deputy District Attorney.

Chief Probation Officer Brent Cardall gave a PowerPoint presentation. He stated that they were doing everything they possibly could by cutting management and positions not connected to mandates or grants.

Chair De La Cruz asked if the gang prevention was fully funded by grants.

CPO Cardall replied affirmatively and noted that the CAO Office may do the clerical and take the grant money.

Public Works Administrator Steve Wittry spoke of the idea of looking at what has been done in the past in regards to budget savings. He also spoke of their 2 positions which will not be filled.

Clerk-Auditor-Recorder Joe Paul Gonzalez spoke of the positions to be laid off in the Auditor's office and the duties they are responsible for. He stated that losing any of the positions would have ramifications. He commented that internal control becomes weakened when the Auditor's office is unable to do their job and also the issue of proper reporting.

Supervisor Botelho stated that safety was the highest priority by the public and auditing was the most underrated. He asked if there were any other options.

CAR Gonzalez stated that he had gone through deep introspection and everything they do there was important and he could not cut anywhere else.

Jail Commander Lieutenant Eddie Escamilla stated that he had high expectations that they would be spared but now it was getting down to correctional deputies. He felt that AB 109 would trickle down and end up in jail. He spoke of minimal staffing issues and asked the Board to reconsider layoffs from the correctional staff. He explained that three correctional deputies were to be reclassified to correctional technicians with funding from AB 109. He further explained that as technicians they would not have peace officer powers, would wear plain clothes and be stripped of their authority.

CPO Cardall stated that the three technicians would do other duties and would not be tied to the correctional facility. He explained that there would be one in the control room and two out in the community.

Lt. Escamilla stated that the inmates knew they were understaffed and overburdened.

Supervisor Muenzer stated that a lot of their issues were AB 109 and the State dumping their problems on us and not providing sufficient funds.

Lt. Escamilla stated that AB 109 was a small fraction of the inmate population.

CPO Cardall stated that they were setting money aside because they knew they were going to grow and would need a new jail.

Supervisor Botelho stated that the entire county was coming together with employee concessions and if other groups don't make the concessions, there will be cuts. He added that if they want to save jobs, the message was out that they needed to get agreements and concessions in place.

County Librarian Nora Conte spoke of the increased number of daily visits at the library. She stated that they were extremely busy and cuts would have an effect. She further spoke of the possibility of the library becoming a passport center.

The Chair called for public comment.

Ruth Erickson voiced her thoughts and concerns regarding the proposed budget for the library. SEIU Local 521 Internal Organizer Henry Soria spoke on behalf of the general unit employees and talked about the increase in managerial positions and the decrease in general unit positions. He asked the Board not to take any action on the reduction of time for the Gang Prevention Office Assistant and to review every management position.

Secretary of the Friends of the Library Judi Johnson spoke of the benefits of the library and explained how libraries were so much more than books.

President of the Friends of the Library Rebecca Salinas stated that she knew the Board supported the library and spoke of the literacy tutoring work that she does at the Library. She noted that education was the great equalizer.

Marty Richman stated that he did not see anyone offering solutions. He felt the California Public employees had the best retirement system in the world. He spoke of the upcoming increase in the employer's share noting the larger contribution for public safety. He noted that only 10% of property taxes went to the County.

Sheriff's Deputy Ralph Morden stated that he was born and raised in San Benito County and had been told that the Sheriff and Police Departments were revolving doors and this was the first time they had a staying work force. He felt if they started cutting jobs they would find jobs other places and probably wouldn't come back and they would spend more money getting replacements.

Deputy District Attorney III Patrick Palacios stated that he was speaking on his own behalf. He felt there was an inequity on the layoff list and questioned the layoff of the management analyst in the Administration Office that was retiring anyway. He spoke of the District Attorney's Office having fewer attorneys than County Counsel's Office. He asked how they could ask for the cuts when they weren't seeing cuts at the top.

Chair De La Cruz closed the public comment section. He stated that the Board was about to make decisions that will have serious impacts.

Supervisor Botelho felt that some departments should have a higher priority than others. He expressed concern with EDC and why they were still in the equation and also the CBO contributions. He commented that they received the same information that they received two weeks before and they needed more clarity. He felt the list may need to be expanded, adding that the Planning Department had issued only 2 permits this year.

Supervisor Barrios thanked everyone for their testimony and noted that the layoff list was a suggested list and they could add to it. She stated that she did not want to see EDC go away completely and that CBO contributions were organizations that were saving the County money.

Supervisor Muenzer stated that they were aware of the effects but had to close the dollar amount and budget cuts had to come. He indicated that they may have to change the use of the library to not be free noting that the school receives a lion's share of the property tax money but wanted the county to keep the library open and support them. He hoped that the school districts would step up to help keep the library open otherwise he did not know if he could vote to keep the library open. He felt that Supervisor Botelho brought up a good point in regards to the Planning Department. He speculated whether they needed all the planners they had if they have only issued 2 permits. He stated that if they approve the layoff list today, they could always tweak it, but they had to start somewhere.

Supervisor Rivas thanked everyone that spoke and noted that the County was not heavy anywhere. He stated that what they spend on benefits on all employees was spiraling up and out of control and moving forward they could only spend less on employee compensation.

Chairman De La Cruz stated that he did not like to see correctional officers reclassified. He further stated that he supported the library and will never make a motion to close it. He indicated that he was speechless when it came to the auditors and felt they needed to expand the layoff list.

Supervisor Barrios spoke of a range of options provided by the County actuary for possible savings in health insurance for retirees. She added that Human Resources was checking into healthcare coverage with CSAC.

CAR Gonzalez reminded that would not change the current OPEB contribution but would change in the future if the benefit is restructured. He stated that the current liability for OPEB is 29 million dollars.

Supervisor Botelho asked for a picture and a cost analysis asking if all layoffs take place, where would the deficit be.

CAO Inman answered that it would shrink from 7.1 million to 1.6 million including these layoffs. He stated that he could give a summary at the next Board meeting. He noted that since the last meeting there was a half million dollar increase to OPEB. He stated that they would work with departments that may have other alternatives by the time it comes to layoffs.

Chairman De La Cruz stated that he would like to have the budget hearings in June so they would be effective July 1st.

Supervisor Barrios recommended a budget agenda item every meeting for the next month.

Supervisor Barrios moved to recommend decreasing department head car allowances by 30% from \$500 to \$350 a month resulting in \$19,800 savings, further recommended reducing the Economic Development Corporation (EDC) contribution from \$50,000 to \$42,000 resulting in \$8,000 savings and further recommended reducing Community Based Organization (CBO) contributions from \$80,000 to \$67,200 resulting in \$12,800 savings.

Supervisor Rivas seconded the motion.

Under the question, discussion ensued between Board members and staff.

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

Marty Richman felt they should get rid of the car allowance, run it a couple of months and see who should and who shouldn't get a car allowance as some use it and some don't. He reiterated that they should get rid of the car allowance.

SEIU Internal Organizer Henry Soria stated that in addition to getting mileage reimbursement, employees could take a County vehicle and not get reimbursement. He indicated that general employees do that and save the County money.

County Counsel Matt Granger stated that when department heads met with the Budget Committee they agreed to give up their car allowances as part of their 10% reduction. He explained that they were told that it was more a question of abuse of the car allowance and in response department heads gave up 4% to pay PERS. He indicated that if the Board goes ahead with eliminating the car allowance the department heads will be giving a 15% concession and as a matter of fairness, they would be extracting more from department heads than any other.

Supervisor Botelho stated that the Board gave up their car allowance.

CAO Inman reminded that they still receive it from Public Works.

Supervisor Barrios noted that all three actions in the motion were recommendations.

BOARD ACTION: *Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Muenzer moved for a division of the motion. The motion passed 4 to 1 with Supervisor Barrios voting no.*

BOARD ACTION: *Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas moved to recommend decreasing department head car allowances by 30% from \$500 to \$350 a month resulting in \$19,800 savings. The motion passed 3 to 2 with Supervisors De La Cruz and Botelho voting no.*

BOARD ACTION: *Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas moved to recommend reducing the Economic Development Corporation (EDC) contribution from \$50,000 to \$42,000 resulting in \$8,000 savings. The motion passed 3 to 2 with Supervisors Botelho and Muenzer voting no.*

BOARD ACTION: *Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas moved to recommend reducing Community Based Organization (CBO) contributions from \$80,000 to \$67,200 resulting in \$12,800 savings. The motion passed 3 to 2 with Supervisors De La Cruz and Botelho voting no.*

Supervisor Barrios indicated that if they approved the layoff list for notification purposes it did not mean they couldn't come back with additions and/or deletions.

CAO Inman explained that it would be a motion to initiate reduction of the work force.

The Board adjourned at 12:16 p.m. for a short break and reconvened into regular session at 12:23 p.m.

Supervisor Barrios wanted to take the layoff list by each line item and noted questions such as in Admin, was the vacancy for a full year.

CAO Inman anticipated the analyst vacancy January or before December.

Supervisor Botelho stated that he liked having the numbers, the savings amount. He asked how they were to reach numbers without numbers in front of them.

CAO Inman stated that he could get the numbers to the Board at the next meeting.

Supervisor Barrios stated that they were still short \$400,000 and her idea was to look at individually and make sure they protect public safety. She suggested calling Admin a .50 position reduction and add another .50.

CAO Inman stated that he needed to find \$67,000 and part of that was losing an analyst half a year. He noted that some departments did not meet the number they were required to.

Supervisor Barrios suggested taking from Admin to give to Public Safety.

CAO Inman asked for them to give him direction if they wanted another \$250,000 to fund one or two or three deputies and he could look at it, adding that maybe there were other ways he could do it.

Supervisor Barrios stated that she would like real numbers and if it was a retirement and not a layoff they needed to know that. She stated that in addition they needed to make the changes brought forth by the District Attorney as well. She stated that she would change the direction they were taking and give themselves the opportunity to look at the sheet a little differently, with different numbers, but in the meantime, they still needed to give direction to the CAO to move forward with the notifications. She stated that she would need to make the motion with the idea that they would come back and try to save some of the positions, primarily for the public safety.

BOARD ACTION: *Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas gave direction to move forward with the layoffs, with the idea that they would come back and try to save some of the positions, primarily for the public safety. The motion passed 3 to 2 with Supervisors De La Cruz and Botelho voting no.*

Chairman De La Cruz asked when the numbers would be brought back.

CAO Inman suggested a special meeting on June 12, 2012.

DIRECTION GIVEN: *Supervisor Barrios gave direction for a special meeting on June 12, 2012 to discuss the layoffs and further directed that corrections be made to the list for the Library, Admin and District Attorney.*

INTERNAL SERVICES DEPARTMENT – J. Credico:

5) **Adopt two Resolutions regarding employer-paid member contributions with the California Public Employees Retirement regarding miscellaneous and safety employees.**

Management Analyst Jacki Credico gave a staff report.

Supervisor Botelho asked how much savings this provided.

Management Analyst Credico stated that she did not know for the Deputy Sheriff's Association (DSA) but for Department Heads it was approximately \$100,000. She added that the effective date would be May 31, 2012 and it would be effective on the July 1, 2012 payroll.

Speaking under public comment:

Marty Richman stated that the employer contribution was going up 1% to 2% in the next few years and that layoffs were a bad answer as it will increase the Cal PERS contribution.

BOARD ACTION: *Upon motion duly made by Supervisor Botelho and seconded by Supervisor Muenzer **adopted Resolution No. 2012-23** for Employer Paid Member Contributions (Safety Employees) and **Resolution No. 2012-24** for Employer Paid Member Contributions (Miscellaneous Employees). (Unanimous) File #119.2*

CLOSED SESSION:

The Board adjourned into Closed Session at 9:04 a.m. and reconvened into regular session at 10:01 a.m.

- 6) **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, Deputy Sheriff's Association (DSA), Institutions Association

County Counsel Matt Granger stated that there was no reportable action. He reported that due to time constraints they would adjourn to Closed Session to discuss item #7 after the regular agenda.

The Board adjourned into closed session at 12:45 p.m. and reconvened into regular session at 1:09 p.m.

- 7) **Conference with Legal Counsel-Anticipated Litigation.**
Initiation of litigation pursuant to subdivision (c) of Section 54956.9:
Number of Cases: (1)
 County Counsel Matt Granger stated that there was no reportable action.

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:	De La Cruz, Botelho, Rivas, Muenzer, Barrios
NOES:	SUPERVISORS:	None
ABSENT:	SUPERVISORS:	None

There being no further business the Board adjourned at 1:10 p.m. to June 5, 2012 at 9:00 a.m.

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

ATTEST:
Denise R. Thome, Clerk of the Board