



# 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 JUNE 5, 2012 ACTION MINUTES

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

### 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:**

#### **INTEGRATED WASTE MANAGEMENT:**

**Recognition of Recycling Art Poster contest winners, a Public Education Program of the San Benito County Integrated Waste Management Regional Agency.**

Recycling and Resource Recovery Coordinator Lisa Jensema spoke of the winners of the contest noting that there were 5 within the city limits and 1 in the unincorporated area.

Supervisor Muenzer presented Monica Ocampo, an 8<sup>th</sup> grader at Spring Grove School with a certificate of appreciation. *File #142*

- d) **Public Comment:** Shore Road resident Heather Pereira expressed concern with all the dirt being brought in by neighbor Robert Rodriguez and also with the truck traffic doing the hauling. She wanted to know if they had a permit and stated that she could not get any answers.

Supervisor Barrios indicated that she contacted the Pereiras telling them that there was a permit issued for the movement of dirt, noting that the soil is being tested. She noted that she had asked the Planning Department to look into to make sure it was within the permit they had taken out.

Chairman De La Cruz asked the Planning Department staff to respond by way of memo to Ms. Pereira.

Supervisor Barrios asked that she receive a follow up since it was in her district.

Chairman De La Cruz asked the Planning Department to contact Supervisor Barrios first before sending the letter out.

Ed Tobin of the Salinas Ramblers Motorcycle Club thanked the Board in regards to their record regarding Clear Creek. He noted that Congressman Farr would be introducing legislature to open Clear Creek sometime in the near future. He spoke of the budget cuts to state parks that Governor Brown was proposing by taking money from the Off Highway Vehicle (OHV) trust fund. He asked that the Board send a letter to Assembly member Luis Alejo, Senator Anthony Cannella, Darryl Steinberg, Speaker of the Assembly John Perez, Secretary of Resources John Laird, Director of State Parks Ruth Coleman and Governor Brown asking them to find a different solution than the taking of the OHV trust fund money.

Chairman De La Cruz asked that the matter be agendaized for the next meeting.

Hollister resident Marty Richman stated that he could not believe they were still voting by pencil or pen and there were half a million dollars worth of voting machines in a warehouse. He expressed dissatisfaction with having every name on the ballot.

- e) **Department Head Announcements:** County Administrative Officer Rich Inman gave an update on the status of AB 1676 dealing with Educational Revenue Augmentation Funds (ERAF). He reported that the Community Development Block Grant (CDBG) application had been accepted for consideration. He noted that there was an urgency item for out of state travel for Supervisor Muenzer as he had been invited to testify in Washington D.C. to make the Pinnacles National Monument a National Park.

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Barrios, **added** the urgency item for out of state travel for Supervisor Muenzer finding that there was not enough notice to put the matter on the agenda and that it cannot wait until the next meeting.*

Chairman De La Cruz stated the item would be 30a and would be the last item on the agenda.

- f) **Board Announcements, Introductions and Presentations:** Supervisor Barrios encouraged everyone to vote and welcomed county resident and student Katie Thorpe, a junior at U.C. Berkley studying political economy with a minor in public policy who was willing to volunteer her time to help the Board in any way she can during the summer. Supervisor Barrios reported that she attended the Legislative Conference in Sacramento, May 30<sup>th</sup> and 31<sup>st</sup> and the CSAC conference as well with the main issues of realignment and health care being discussed along with pension reform. She spoke about what was asked for in those areas. She noted that there was an expected 5% growth in revenue to be used at the State level to help balance the budget in the coming years. Supervisor Barrios reported on the proposed increase on gas tax.

Supervisor Rivas had nothing to report.

Supervisor Botelho congratulated staff on getting consideration of the CDBG back. He commented that ERAF had been an issue for over a decade. He urged everyone to vote.

Supervisor Muenzer also encouraged the public to vote if they had not done so already. He spoke of the art contest sponsored by Monterey Bay Unified Air Pollution Control District (MBUAPCD) in conjunction with Clean Air Month. He indicated that Meryl Eggleston from Bitterwater Tully School and Delaney Dover from Cerra Vista School had been two of the winners.

Chairman De La Cruz stated that item #30 would be continued indefinitely.

#### **CONSENT AGENDA:**

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas **approved** the consent agenda with the exception of Items 2, 4, and 19 which were pulled for discussion. (Unanimous)*

*Supervisor Botelho announced that he would abstain from Item 18.*

#### **AGRICULTURAL COMMISSIONER – R. Ross:**

- 1) **Approved** contract with the Department of Food & Agriculture to provide services in the Pierce's Disease Glassy Wing Sharp Shooter program for FY 2012/2013 & 2013/2014, for a total of \$12,136. *File #1.1*

#### **CLERK OF THE BOARD – D. Thome:**

- 2) **Approve the action minutes of the May 1, 2012 regular meeting the May 8, 2012 special meeting and the May 15, 2012 regular meeting.**  
Item pulled for discussion.

Supervisor Barrios stated that there were two corrections to the minutes which the Clerk of the Board was aware of.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas, approved the action minutes of the May 1, 2012 regular meeting, the May 8, 2012 special meeting and the May 15, 2012 regular meeting with corrections. (Unanimous)*

#### **COUNTY ADMINISTRATIVE OFFICE – R. Inman:**

- 3) **Approved** the appointment of Alicia Liddle to the San Benito Parks and Recreation as Youth Commissioner effective September 1, 2012 through August 31, 2013. *File #93*

#### **COUNTY ADMINISTRATIVE OFFICE – R. Inman:**

- 4) **Approve agreement with the California Department of Parks and Recreation for park planning support services for the period of July 1, 2012 through June 30, 2015, for a total agreement amount of \$35,000.**

Item pulled for discussion.

Supervisor Barrios stated that she pulled the item for recognition and thanked Jeff Gaffney of Hollister Hills, Janelle Cox and Parks and Recreation for their work.

Management Analyst Janelle Cox stated that it was a true collaboration partnership with Hollister Hills.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Muenzer **approved** agreement with the California Department of Parks and Recreation for park planning support services for the period of July 1, 2012 through June 30, 2015, for a total agreement amount of \$35,000. (Unanimous) File #93*

**COUNTY COUNSEL – M. Granger:**

- 5) Youth Protection Ordinance adding Article III to Chapter 9.01 and amending Sections 9.01.008 through 9.01.010 of Chapter 9.01 of Title 9 of the San Benito County Code; ***continued*** to June 19, 2012 for adoption. *File #160*

**FIRST 5 SAN BENITO CHILDREN AND FAMILIES COMMISSION – L. Faulkner:**

- 6) ***Re-appointed*** Randy Brown to the First 5 San Benito Children and Families Commission. *File #1055*

**HEALTH & HUMAN SERVICES AGENCY – M. Corona:**

- 7) ***Approved*** contract with Dr. Lee for psychological services for the period of July 1, 2012 through June 30, 2013, in the amount of \$72,180. *File #130*

**HEALTH & HUMAN SERVICES AGENCY – M. Corona:**

- 8) ***Approved*** contract with Sandra Montgomery for physical therapy services for the period of July 1, 2012 through June 30, 2013, in an amount not to exceed \$24,000. *File #130*

**HEALTH & HUMAN SERVICES AGENCY – M. Corona:**

- 9) ***Approved*** the contract with Goodfellow Occupational Therapy Services for the period July 1, 2012 through June 30, 2013, for an amount not to exceed \$79,800. *File #130*

**HEALTH & HUMAN SERVICES AGENCY – M. Corona:**

- 10) ***Approved*** contract with Dr. Carol Johnson-Schroetlin for psychological services for the period of July 1, 2012 through June 30, 2013, in the amount of \$30,000. *File #130*

**HEALTH & HUMAN SERVICES AGENCY – M. Corona:**

- 11) ***Approved*** the California Reportable Disease Information Exchange (CalREDIE) Data Use and Disclosure Agreement with California Department of Public Health; and authorize the San Benito County Health Officer to sign said agreement. *File #420*

**HEALTH & HUMAN SERVICES AGENCY – M. Corona:**

- 12) ***Adopted Resolution No. 2012-25 accepting*** the Workforce Investment Act (WIA) Title 1 Master Subgrant, Youth Program Allocation for program year 2012-2013 in the amount of \$212,412, ***approving*** the subgrant agreement and ***delegating*** signatory authority to the Interim Director of HHSA. *File #939*

**HEALTH & HUMAN SERVICES AGENCY – M. Corona:**

- 13) ***Appointed*** Ms. Nora Jimenez to the Community Action Board as District #4 Representative for a three-year term effective June 5, 2012 through June 5, 2015. *File #130*

**HEALTH & HUMAN SERVICES AGENCY – M. Corona:**

- 14) ***Appointed*** Mr. Arturo Contreras to the Workforce Investment Board for a three-year term effective June 5, 2012 through June 5, 2015. *File #130*

**HEALTH & HUMAN SERVICES AGENCY – M. Corona:**

- 15) ***Appointed*** Ms. Maria C. Corona to the Workforce Investment Board effective June 5, 2012 through June 5, 2015. *File #130*

**HEALTH & HUMAN SERVICES AGENCY – M. Corona:**

- 16) ***Adopted Resolution No. 2012-26 extending*** services for CSA 36 “Emergency Medical Services & Advanced Life Support”. *File #1068*

**INTEGRATED WASTE MANAGEMENT – M. Rose:**

- 17) ***Adopted Resolution No. 2012-27 authorizing*** the Integrated Waste Management Department to apply for the Oil Payment Program grant funds on behalf of San Benito County Integrated Waste Management Regional agency. *File #142*

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

- 18) ***Approved*** joint use agreement with Earthbound Farms for use and maintenance of properties for Public Works equipment storage and Earthbound Farms office parking. (4-0-1 with Supervisor Botelho abstaining) *File #105.3*

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

- 19) **Approved submission of grant proposal to the Monterey Bay Unified Air Pollution Control District for AB2766 Motor Vehicle Emission Reduction Grant program.**

Item pulled for discussion.

Richard Bettencourt spoke in regards to the \$31,000 grant from MBUAPCD to upgrade for CARB. He noted that grant money was not free money.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas, **approved** submission of grant proposal to the Monterey Bay Unified Air Pollution Control District for AB2766 Motor Vehicle Emission Reduction Grant Program. (Unanimous) File #1005*

**SAN BENITO COUNTY LONG TERM COMMISSION – P. Valdivia:**

- 20) ***Appointed*** Ms. Jennifer Cress MSW to the Long Term Care Commission for a three year term effective January 1, 2012 through December 31, 2014; and ***reappointed*** Debbie Reed to the Long Term Care Commission for a three year term effective January 1, 2012 through December 31, 2014. *File #156*

**SHERIFF’S OFFICE – D. Thompson:**

- 21) ***Approved*** change to Sheriff’s Schedule of Fixed Assets, Expenditures and Revenue Schedules adding replacement vehicle. (4/5 vote) *File #110*

**VICTIM WITNESS PROGRAM - J. Roybal:**

- 22) ***Reviewed*** the proposed Grant Application for continuation funding for the San Benito County Victim Witness Assistance Program; and ***adopted Resolution No. 2012-28 designating*** the District Attorney’s Office as the Implementing Agency for the program and ***authorized*** the Victim Witness Coordinator and County Auditor to sign and submit all appropriate documentation for the grant application. *File #165*

**ASSESSOR'S OFFICE – T. Slavich:**

**23) Hold public hearings to consider the following Land Conservation Act Requests:**

Assessor Tom Slavich gave a staff report.

- **Moules, Tony & Susanna: Enlargement: APN: 27-22-11 & 27-24-17**

Chairman De La Cruz opened the public hearing.

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

*Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Botelho, **directed** staff to return at a future meeting with the findings that this request meets the criteria of the San Benito County Code §19.01.021(B)(1), and that the Agricultural Preserve Advisory Committee recommends the Board of Supervisors approve this enlargement request, based on the findings and conditions of approval set forth in Code §19.01.021(B)(1). (Unanimous) File #7*

- **McDonald Trust: Lot Line Adjustment: 21 Assessor Parcel No's in Book 28, Pages 26, 28, 31 & 33 and Book 29, Page 16.**

**Daugherty: APN: 028-260-002, Lot Line Adjustment**

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Muenzer, **directed** staff to return at a future meeting with the findings that this lot line adjustment meets the criteria of Government Code Section 51257 and San Benito County Code §19.01.021 (B)(3) & (D)(1) and that the Agricultural Preserve Advisory Committee recommends the Board of Supervisors approve this lot line adjustment request, based on the findings and conditions of approval set forth in Government Code Section 51257 and San Benito County Code §19.01.021(B)(3) & (D)(1). (Unanimous) File #7*

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

**24) Hold a public hearing to adopt an Ordinance amending section 5.01.144(B) and (C) of the San Benito County Code, amending Veteran's Memorial Park User Fees and adopting limited waivers of Historical Park and Veteran's Memorial Park User Fees. (4/5 vote)**

Public Works Administrator Steve Wittry gave a staff report.

The Chair opened the matter up for public comment.

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

*Upon motion duly made by Supervisor Rivas and seconded by Supervisor Muenzer **adopted Ordinance No. 894** amending section 5.01.144(B) and (C) of the San Benito County Code, **amending** Veteran's Memorial Park User Fees and **adopting** limited waivers of Historical Park and Veteran's Memorial Park User Fees. (Unanimous) File #105*

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

**25) Hold a public hearing to adopt an Ordinance amending sections 5.01.048 and 5.01.049 of the San Benito County Code, amending the Public Works Department's Engineering Services and Development Processing Fee Schedules. (4/5 vote)**

Public Works Administrator Steve Wittry gave a staff report.

The Chair opened the matter up for public comment.

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

Supervisor Barrios noted that some costs were four to five times higher than in the past and asked if it could be done in a tiered manner.

Mr. Wittry explained that some time ago when the County adjusted rates for departments, the then Public Works Director did not want to be a part of the fee study. He added that this would bring the fees up to par and that they had been undercharging for a long time. He noted that there was not a lot of traffic through the office for this.

Chairman De La Cruz stated that the Board could set the rates the way they wanted to and could do a scale fee if they wanted.

Supervisor Barrios commented that it was unfortunate that they would continue to be behind and lose money. She added that she was reluctant but would support it.

Supervisor Botelho expressed concern with the complexity of it and suggested an hourly fee of perhaps \$150. He noted the problem of people in the County doing things without a permit.

Deputy County Counsel Shirley Murphy noted that the proposed ordinance would take effect in 30 days.

Chairman De La Cruz opened the public hearing.

Those speaking under public comment were Marty Richman and Richard Bettencourt.

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

Supervisor Muenzer expressed concern with the fees being raised noting that they were trying to overcome the reputation that the County was an expensive and difficult place to do business.

Supervisor Botelho wanted to understand the methodology noting that if you increased the fees too high, chances are people wouldn't come in for permits.

Mr. Wittry explained that they took each category and figured out how long each takes and how many hands it goes through. He stated that it was a true cost recovery for how much time was spent. He added that the increase was essential in the cost to do business noting that the General Fund was covering the difference.

Supervisor Botelho expressed concern with this not being done sooner.

Mr. Wittry referenced page 341 of the full agenda which showed a cost comparison with Santa Cruz and Monterey noting that San Benito County was in the ballpark, if not cheaper.

Supervisor Rivas stated that he wanted to move forward and have the process in place. He made reference to the Gilroy Gaits project which was done without permits and then they came to the Board and were cut a deal.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas, **adopted Ordinance No. 895 amending** Sections 5.01.048 and 5.01.049 of the San Benito County Code, **amending** the Public Works Department's Engineering Services and Development Processing fee schedules, making it effective 90 days after adoption with revised language. (Unanimous) File #105*

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

- 26) **Hold a public hearing to adopt a Resolution, imposing a property-related fee in County Service Area Nos. 16, 21, 22, 23, 24, 28, 31, 34, 35, 42 46, 47, 48, 50, 51, 53, and 54, confirming the Fee Report, Fee Schedule and Fee,**

**providing for the levy of the Fiscal Year 2012/13 Property-Related Fees, and making certain related findings.**

Chairman De La Cruz was absent at this time.

County Service Areas Coordinator Lynette Redman gave a staff report.

Supervisor Barrios stated that the matter was well presented, broken down and easy to follow.

Vice-Chair Botelho opened the public hearing.

There being no public comment the Vice-Chair closed the public hearing.

*Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Botelho **adopted Resolution No. 2012-29 imposing** a property-related fee in County Service Area Nos. 16, 21, 22, 23, 24, 28, 31, 34, 35, 42, 46, 47, 48, 50, 51, 53 and 54, **confirming** the Fee Report, Fee Schedule and Fee, **providing** for the levy of the Fiscal Year 2012/13 Property-related fees and **making certain related findings.** (The vote passed 4 to 1 with Chairman De La Cruz absent) File: CSAs*

Vice-Chair Botelho called for a short break. The Board adjourned into a break at 10:13 a.m. and reconvened into regular session at 10:22 a.m.

Chairman De La Cruz returned to the meeting.

*The Board adjourned as the San Benito County Board of Supervisors and reconvened as the San Benito County Board of Equalization:*

<p><b>SAN BENITO COUNTY BOARD OF SUPERVISORS sitting as the COUNTY BOARD OF EQUALIZATION:</b></p>
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**ASSESSOR'S OFFICE – T. Slavich:**

- 27) **Approve the stipulation for reduction of assessment for the 2009-2010 tax year for Natural Selection Foods LLC., waive the appearance of the person affected, and change the assessed value in accordance with Revenue & Taxation Code Section 1610.8.**

Supervisor Botelho stated that he was abstaining from the matter due to his relationship with Natural Selection Foods and left the chambers at this time.

Assessor Tom Slavich gave a staff report noting the agreed value was 33,796,436.00. He explained that the applicant had been reporting duplicate costs.

Chairman De La Cruz opened the public hearing.

There being no public comment, Chairman De La Cruz closed the public hearing.

*Upon motion duly made by Supervisor Rivas and seconded by Supervisor Muenzer, **approved** the stipulation for reduction of assessment for the 2009-2010 tax year for Natural Selection Foods LLC, **waived** the appearance of the person affected, and **changed** the assessed value in accordance with Revenue and Taxation Code Section 1610.8. (The vote passed 4 to 1 with Supervisor Botelho abstaining) File #197*

*The Board adjourned as the San Benito County Board of Equalization and reconvened as the San Benito County Board of Supervisors:*



## **REGULAR AGENDA:**

### **PLANNING DEPARTMENT – G. Armstrong:**

- 28) **Receive presentation in regards to San Benito County Parkland Dedication Code (Section 23.15.008 of the Subdivision Ordinance); and provide comments and direction to staff.**

Senior Planner Lissette Knight gave a staff report.

Supervisor Barrios expressed appreciation that they had gone through due process.

Chairman De La Cruz opened the public comment section.

There being no public comment, Chairman De La Cruz closed the public comment section.

No direction was given to staff. *File #790*

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

- 29) **Read title of ordinance for the record: “an Ordinance Adding Section 19.07.006 to Chapter 19.07 (“County Service Areas”) of Title 19 of the San Benito County Code relating to the refund of County Service Area Fees; and accept introduction, waive further reading of the ordinance and continue to June 19, 2012 for adoption of said ordinance.**

County Service Areas Coordinator Lynette Redman gave a staff report.

Chairman De La Cruz opened the public comment section.

There being no public comment, Chairman De La Cruz closed the public comment section.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Botelho **read** the title of the ordinance for the record: “an Ordinance adding Section 19.07.006 to Chapter 19.07 (“County Service Areas”) of Title 19 of the San Benito County Code relating to the refund of County Service Area Fees”; **accepted** introduction, **waived** further reading of the ordinance and **continued** to June 19, 2012 for adoption of said ordinance. (Unanimous) File #CSAs*

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

- 30) **Receive report and presentation on the status of the San Benito River Parkway Conceptual Master Plan project.**

Chairman De La Cruz stated that this matter was continued indefinitely.

### **COUNTY ADMINISTRATIVE OFFICE – R. Inman:**

- 30a) **URGENCY ITEM: Approve out-of-state travel for Supervisor Muenzer to Washington, D.C.**

County Administrative Officer Rich Inman gave a staff report noting that Supervisor Muenzer had been invited to testify in support of HR 3641 in an effort to establish Pinnacles National Monument as a unit of the National Park Systems, estimating the cost of the trip at about \$1,866.

Supervisor Muenzer stated that he could cover his mileage and meals himself.

Supervisor Botelho expressed support as it would be a benefit to have Pinnacles National Monument declared a National park. He suggested that perhaps Supervisor Muenzer could also raise the issue of what's going on with Clear Creek and San Justo Reservoir as well when testifying.

Chairman De La Cruz opened the matter to public comment.  
There being no public comment, the Chair closed public comment.  
Supervisor Barrios indicated that she had testified at state level and believed it to be worthwhile.

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Barrios, **approved** the out-of-state travel for Supervisor Muenzer to Washington D.C. on June 7 – 9, 2012 in the amount of \$1,866 and **approved** the budget transfer of \$1,866 from salaries and benefits classification to services and supplies classification in order to **augment** the travel budget by the same amount. (Unanimous) File #156*

<b>CLOSED SESSION:</b>
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31) **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 announced that the Closed Session had been pulled because the reason for it no longer existed.

\* \* \* \* \*

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 10:38 a.m. to the June 12, 2012 special meeting at 9:00 a.m.

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

**ATTEST:**  
Denise R. Thome, Clerk of the Board