



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 JUNE 12, 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 were County Administrative Officer Rich Inman, County Counsel Matthew Granger and Clerk of the Board Denise Thome. Chairman De La Cruz presided.

9:00 a.m. CALL TO ORDER:

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

CONSENT AGENDA:

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Muenzer **approved** the consent agenda. (Unanimous)*

COUNTY COUNSEL – M. Granger:

- 1) **Honored** the request for the Hollister Elementary School District and **authorized** the Clerk of the Board to date, sign and return the notice to Orrick, Herrington & Sutcliffe LLP, no later than June 18, 2012. *File #13*

HEALTH & HUMAN SERVICES AGENCY – M. Corona:

- 2) **Adopted Resolution No. 2012-30 authorizing** the HHSA Interim Director or designee to apply for and sign the Emergency Solutions Grant (ESG) grant application for an amount not to exceed \$150,000, for and on behalf of the County of San Benito. *File #130*

HUMAN RESOURCES – J. Credico:

- 3) **Approved** agreement between San Benito County and SEIU Local 521 to meet regarding Employee Concessions effective June 12, 2012 through October 1, 2012. *File #119*

REGULAR AGENDA:

COUNTY ADMINISTRATION OFFICE – R. Inman:

- 4) **Approve the draft letter to various legislative offices opposing the transfer of Off-Highway Local Assistance Funds to State Parks budget.**

Management Analyst Janelle Cox gave a staff report.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Muenzer **approved** the draft letter to various legislative offices opposing the transfer of Off-Highway Vehicle local assistance funds to State Parks budget. (Unanimous) File #119*

COUNTY ADMINISTRATION OFFICE – R. Inman:

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

County Administrative Officer Rich Inman passed out a handout. He explained the handout and gave the new budget numbers with OPEB. He spoke of the possibility of the State assuming In Home Supportive Services (IHSS) responsibility and requiring the County to provide maintenance of effort. He explained that the three and a half million dollar number was based on two months ago and would increase again as they worked through each individual budget. CAO Inman stated that he would be speaking to the Department Heads the next day.

Supervisor Barrios reported that the Budget Committee was continuing to meet with Department Heads and directed the CAO to discuss reorganizing with the Department Heads the next day. She spoke of some possible rental property noting that nothing was concrete yet. She reported that negotiations have started and they appreciated the bargaining units coming to the table.

Supervisor Rivas reported that the Budget Committee have met and will continue to meet noting that they were not satisfied with the cuts they have made. He added that they have to do more.

Supervisor Botelho asked the Budget Committee if they were still talking about the same list of employees being cut.

Supervisor Barrios indicated that nothing had been ruled out and that they would have to do it strategically.

Supervisor Muenzer asked if the Budget Committee had considered any additional consolidation of departments.

Supervisor Barrios replied that they had discussed consolidation but they found out that it was not as easy as it sounds and at that time was not a viable solution.

Supervisor Rivas added that reorganization was a huge undertaking with reclassification, etc. and that it would not happen in the next 2 to 3 months.

Supervisor Botelho talked about finding ways to increase revenues.

CAO Inman stated that they were given the challenge of not only cutting but to look at revenues.

Supervisor Barrios indicated that the Budget Committee had met with the Ag Commissioner the day before and stated that the wildlife service may be cut first. She commented that raising rates just because we need money in the budget isn't the way to do it.

Chairman De La Cruz opened the public comment section.

Those speaking under public comment were Ruth Erickson, Nora Conte, Jennifer Bagley, Henry Soria, Jenna Cruz, Angelo Cruz, Julie Morris, Marty Richman, Renee Gimelli, Ralph Morden, Adam Lobdell, Patrick Palacios and Mary Schneider.

There being no further public comment Chairman De La Cruz closed public comment.

CAO Inman stated that the unincorporated area population in 1990 was 16,500 and in 2012 it is 18,856 with a growth of a little over 2000 or about 14% over 20 years. He added that 20 years ago they were 11 officers in the Sheriff's Department and currently there are 19 officers plus 3 funded positions.

County District Attorney Candace Hooper commented that those statistics were applicable to the Sheriff's Department but not to the District Attorney's Office as they handle the City and the County.

Supervisor Barrios asked about the District Attorney's status on the layoff list being changed.

CAO Inman indicated that it was on the June 19, 2012 agenda to correct and for the Board to take action.

Supervisor Barrios asked if there were any others.

CAO Inman stated that there were none that he was aware of.

Supervisor Muenzer noted that the majority of the speakers were supporting the library and commented that for each call he received about the library he received 3 calls about potholes. He added that the last time a parcel tax for the library was put out to the public it was voted down, so he questioned county-wide support. He agreed with Supervisor Botelho's idea of a special district to support the library. Supervisor Muenzer commended the library on raising \$61,000 in grant money and indicated that it was hard to make these cuts. He spoke of the school board member that got up to speak and how the school districts closed their libraries to solve their budgets and then they tell the County Board to keep the library open. He commented that the schools get the lion's share of the property tax and they should come to the Board to work together to keep the library open.

Supervisor Barrios stated that she appreciated and respected Supervisor Muenzer's view but the library went far beyond school age children and served a much broader population with deeper long term value.

Supervisor Botelho stated that they were piecing this together and felt they should go full bore into the budget process. He added that they didn't know what was going to happen with negotiations with the bargaining units and that was a direct correlation. He felt the bargaining units needed to step up right away so that they had all the pieces on the table to make decisions. He added that he would like to consider some sort of brown out for the holiday period for non-essential services.

Chairman De La Cruz asked Board members if they would like to explore the possibility of a brown out and have staff report back in a month.

Supervisor Rivas replied no. He felt they should have appropriate research and that it is a negotiable item.

Supervisor Muenzer replied yes.

Supervisor Barrios replied no. She stated that they had already done that and that it is a negotiable item. She expressed that things could not be done with a broad brush stroke over the budget. She stated that if they were involved with the ad hoc committee they would realize the time that it takes in putting together

the meetings and getting together with folks. She commented that it was not as easy as it may appear to some. She concurred that across the board cuts were not fair but they had to start somewhere.

Chairman De La Cruz replied yes. He felt that 30 days was not enough time but that they should start working on it and review in December.

CAO Inman stated that he could not give the Board options with incomplete information and concessions were a major part of how they were going to address the problem.

Chairman De La Cruz directed that the CAO put that option on the table for all the groups.

CAO Inman indicated that they could talk about it in closed session.

Chairman De La Cruz stated that he definitely did not want to lay off employees and to put it on the table.

Supervisor Barrios noted that the Budget Committee was to meet with the County Auditor and CSAC on June 18th to talk about their health insurance program. She stated that was the kind of challenge the Budget Committee was up against.

CAO Inman stated that it would greatly help him if the Board would decide on Economic Development Corporation (EDC).

Supervisor Botelho stated that he never meant the Budget Committee had an easy task, but that it was very difficult and involved a lot of work. He added that it was not meant as a criticism, but was just from his perspective. Supervisor Botelho explained that there are needs and wants with the budget and he was concerned they were going too far in one direction and were running out of time. He indicated that he had been talking about a brown out for weeks and just wanted a detailed reason in writing why it would or would not work. He listed several places where it has worked.

Chairman De La Cruz asked CAO Inman if there were any recommendations he wanted the Board to give today.

CAO Inman stated that he would like the Board's decision on EDC since he understood the City of Hollister was not going to fund their \$75,000 and didn't know if the viability of the organization could continue.

Chairman De La Cruz asked Board members for their position on EDC and direction for staff.

Supervisor Muenzer stated that he would like to cut EDC by half to \$25,000.

Supervisor Barrios stated that if the City of Hollister was not going to fund they needed to think outside the box and she valued an Economic Development person helping the County to bring businesses to San Benito County. She felt the County did not have staff for that dollar amount to be able to dedicate to doing that. She suggested if the City is cutting back perhaps do a contract and have the person only work for San Benito County unincorporated area businesses. She was not in favor of cutting it.

Supervisor Rivas agreed with Supervisor Barrios and wanted to have Ms. Martin before the Board to see if she has a plan. He reiterated that he would like to hear from Ms. Martin and the EDC and until that was done, he could not eliminate that important function.

CAO Inman indicated that Ms. Martin of the EDC was scheduled on the agenda for the next meeting.

Supervisor Botelho stated that he was a representative on the EDC Board and they were looking at other alternatives because of the funding changes from both the City and possibly the County. He stated that there would be a full report at the next meeting and it would be better to have the information.

Chairman De La Cruz stated that there was not enough support to provide direction in regards to the EDC.

CAO Inman spoke of the methodology in regards to reductions and they needed to do more based on where the expense was. He spoke of the discussions by various groups with regard to priorities and reminded the Board that if they give somewhere they would have to take from somewhere else. He stated that the action didn't necessarily have to be the closing of the library, but there could be various degrees of reduction if they wanted to dedicate money to public safety. He noted that there were three AB109 funded correctional technicians which reduces the budget by about \$271,000 which would probably be able to save two deputies, if they wanted to do that, which he recommended they do. He explained that the money would come from the replacement of 3 budgeted correctional officers with three AB109 funded positions. He indicated that they could transfer the money from the jail to operations.

Chairman De La Cruz stated that it raised the question of what's more important, correctional officers or deputies. He asked if the Board would like to address that issue today.

Supervisor Barrios stated that she would like to address a different issue. She stated that there were still some departments, including the Board of Supervisors which is mostly salaries, that have not come back with cuts.

Supervisor Muenzer asked the CAO if he had discussed the matter with the Sheriff and asked what his desires were.

CAO Inman replied that he had not.

Supervisor Muenzer indicated that he wanted to hear from the Sheriff.

The Board adjourned to a break at 10:34 a.m. and reconvened into regular session at 10:43 a.m.

CAO Inman reported that the Sheriff agreed with having two deputies rather than correctional officers and shifting the funding from the jail to operations.

Supervisor Muenzer stated that it had his support also.

Clerk Auditor Recorder Joe Paul Gonzalez wanted to bring it to the Board's attention that the County Budget Act requires them to pass a balanced budget. He stated that even with all the cuts they still had 2.3 million, roughly, to make up and the deficit had not been covered yet. He felt it was important that the Board realize there were additional cuts to be made.

Chairman De La Cruz asked Board members their position on the correctional officers or deputies issue.

Supervisor Muenzer stated that he had given his position.

Supervisor Barrios stated that she had given her position.

Supervisor Rivas stated that he agreed with the CAO.

Supervisor Botelho replied yes.

Chairman De La Cruz stated that the CAO did have direction to fund those positions back.

CAO Inman asked to have a motion.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas moved to **fund** the two deputy sheriff positions and to **rescind** the layoff notices for deputy sheriff's positions. (Unanimous)*

COUNTY ADMINISTRATION OFFICE – R. Inman:

6) **Set FY 2012-13 budget hearings and specify expenditure limitations effective July 1, 2012.**

County Administrative Officer Rich Inman spoke of the three actions required for budget hearings and added that was the formal opportunity for the public and department heads to testify in front of the Board.

Chairman De La Cruz noted that they would be starting budget hearings on Monday, July 23, 2012 and suggested that Board members set aside the week of July 23rd.

Supervisor Barrios asked for clarification on the wording that stated if a proposed budget has not been adopted the amounts deemed appropriated shall be based on the budget of the previous year. She asked since they were making deeper cuts than the previous year, how that would pan out.

CAO Inman stated that a one or two month period would not have a major impact on the adjustments they would need to make on the 2012-13 final budget, so they would make whatever adjustments they needed to make. He indicated that they needed to have money appropriated so people could continue to function.

Chairman De La Cruz reminded that the longer they pass the due date the more cuts they would have to make on the second half of the budget year.

Chairman De La Cruz opened it up to the public.

Marty Richman indicated that he had called what had happened before the budget hearings and that he was wrong and these were not the formal budget hearings which were upcoming. He stated that he was technically wrong in the articles that he wrote when calling them the budget hearings.

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

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Muenzer **set** board budget hearings to begin July 23, 2012 to publicly review the proposed FY 2012-13 budget and **directed** the Clerk of the Board to post and publish notice of the hearings as required by law. (Unanimous) File #865*

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Muenzer **moved to require** Board approval for purchase of any fixed assets, **continue** hiring freeze subject to CAO approval for exceptions, and **mandate** CAO review and approval for all purchases authorizing CAO to deny any purchase request not deemed critical to ongoing operations for safety or necessary to complete grant funded program obligations. (Unanimous) File #865*

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Muenzer **continued** standing policy that General Fund contributions to other funds will be limited to the amount necessary to balance the fund even if this results in the contribution being less than the budgeted contribution included in the approved FY 2011-12 budget. (Unanimous) File #865*

The Board adjourned into closed session and reconvened into regular session

CLOSED SESSION:

7) **Conference with Legal Counsel-Anticipated Litigation.**
Significant Exposure to litigation pursuant to subdivision (b) of Section 54956.9:
Number of Cases: (1)
Closed session is authorized by Section 54956.9 (b)(3)(C).
County Counsel Matt Granger stated that there was no reportable action.
File #235.6

8) **Conference with Labor Negotiator:**
Authority: California Government Code Section 54957.6
Agency Designated Chief Negotiator: Linzie Daniel, Jordan and Associates and Jacki Credico, Management Analyst
Employee Organization: Deputy Sheriff’s Association, SEIU Local 521, Management Employees Group
County Counsel Matt Granger stated that there was no reportable action.
File #235.6

SITTING AS THE PUBLIC AUTHORITY FOR IN HOME SUPPORTIVE SERVICES:

9) **Conference with Labor Negotiator:**
Authority: California Government Code Section 54957.6
Agency Designated Chief Negotiator: Gifford Swanson, Public Authority Manager and Jacki Credico, Management Analyst
Employee Organization: SEIU Local ULTCW (In-Home Supportive Services)
County Counsel reported that the matter was cancelled as there was no further information to provide to the Board. *File #235.6*

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 to the June 19, 2012 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