



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 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 Botelho, Rivas, Muenzer, Barrios and De La Cruz were present. Also present was County Administrative Officer Rich Inman, County Counsel Matt Granger and Clerk of the Board Denise Thome. Chairman 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 Certificate of Posting.*

REGULAR AGENDA:

HUMAN RESOURCES – J. Credico:

1) Approve Side Letter of Agreement between San Benito County and the Law Enforcement Managers effective July 1, 2012.

Management Analyst Jacki Credico reported that there was a tie vote on the matter at the June 27, 2012 meeting and was continued. She gave a brief staff report on the item noting that concessions represented a total of 6% and at the end of their contract on October 1, 2013 they would receive a 5% Cost of Living Allowance (COLA).

Supervisor Barrios asked when the 5% raise was effective.

Ms. Credico replied August or September 2013. She added that because it did not effect this fiscal year, they could go back to the table for 2013/14.

Supervisor Barrios asked if any other groups had given concessions beyond one fiscal year.

Ms. Credico replied no and indicated that the Deputy Sheriffs Association (DSA) also has a COLA at the end of their agreement.

Supervisor Barrios asked if any other groups had given any concessions that the Law Enforcement Managers (LEM) did not.

Ms. Credico stated that the unrepresented had contributed a higher amount.

Supervisor Barrios asked to hear from the other supervisors their compelling reasons why the agreement was not acceptable.

Supervisor Botelho expressed concern in the fact that they had been looking for 10% in concessions from everyone. He indicated that if they settled for 6% from LEM, what message would they be sending to units that they still had to negotiate with. He stated that if not through the COLA, they needed an extra 5% and he

would like to direct staff to go back and renegotiate. He felt the Board was not helping themselves.

Supervisor Rivas agreed but felt they needed to adopt what concessions had been agreed to and go back to the table. He added that from a percentage basis the unrepresented gave 12.27%. He expressed the desire to move forward with the matter.

Supervisor Muenzer stated that it was brought to his attention and asked if this group has a step G.

Ms. Credico replied that SEIU, MEG and management do and that DSA and LEM do not.

Supervisor Muenzer felt they needed to get them consistent. He agreed with Supervisor Botelho that they may be sending the wrong message to other groups if there was a 5% COLA out there. He thought the only way to move forward was if they negotiated out in the next year.

Ms. Credico explained that DSA and LEM received higher COLAs before the G step. She did not believe the 5% was meant to make up for not having a G step and that the G step was almost a longevity step. She did not want them to mistake the 5% COLA for a step trade off for DSA and LEM.

Supervisor Barrios asked if they were wanting concessions to be made in the next fiscal year which they had not done with any of the other groups.

Ms. Credico noted that they were trying to have the same COLA deleted from DSA.

Supervisor Barrios asked even though it would not effect this fiscal year.

Ms. Credico replied yes.

Chairman De La Cruz suggested they accept what's being presented and then direct staff to address the 5% for 2013/14. He opened the matter up for public comment.

Lieutenant Eddie Escamilla asked if they didn't approve the concessions for LEM would they get 40 hours admin leave back and just go back to the contract. He asked who does that hurt. He stated that they had come in good faith and they had not had a raise in a long time and did not get overtime pay. He spoke of the concessions they were willing to give and stated that one thing they did not give up was the COLA. He indicated that he tries to help do everything and this is what they got. He commented that it was a slap in the face.

Supervisor Botelho felt Lt. Escamilla could recognize the dilemma the Board was in and they could only ask for help from employees or lay off. He stated that he didn't know how else to save jobs unless they made concessions with salaries. He asked Lt. Escamilla if he had any other ideas to bring the 6% up to 10%.

Lt. Escamilla indicated that the only thing was the COLA and they were not willing to give that up. He stated that if they gave up 5% they were still going to lay off people.

Supervisor Botelho explained that if there were no concessions 30 layoffs would turn into 50 or 60.

Supervisor Muenzer expressed that they appreciated what Lt. Escamilla did and that they were not trying to stick a knife in their back and twist it. He indicated that other bargaining units would throw this in their face and that was what he worried about.

Lt. Escamilla asked if other units had given up vacation caps.

Supervisor Muenzer stated that some had and they were negotiating with others.

Chairman De La Cruz closed the public comment section.

Supervisor Barrios asked if there was any other area to go with LEM to make up the percentage.

Ms. Credico replied a larger amount of furlough. She added that LEM only has 5 days of furlough whereas MEG, SEIU and Confidential employees have 15 days.

Supervisor Barrios suggested that they accept the concessions and go back to equalize furloughs to what others have.

Ms. Credico noted that LEM had given up 1 week admin leave and with 1 week furlough, the difference was 1 week which was about 1.92%

Supervisor Barrios stated that she would like to accept the concessions and ask for more furlough days later.

Supervisor Muenzer asked Supervisor Barrios if she was asking to negotiate for this or next fiscal year COLA.

Supervisor Barrios replied this year for furloughs and next fiscal year negotiate for 5% COLA. She felt it was appropriate to accept concessions and hold off the resolution.

Ms. Credico reminded that furloughs were to go in effect on Monday.

Supervisor Barrios stated that they could make furloughs retroactive.

Supervisor Botelho stated that other departments had already undergone salary decreases, etc. and if they don't have them meet the threshold now, what does that do? He felt it created a problem with other groups and asked what it did to the numbers the Budget Committee had been working on if they accept 6%. He stated that he was all for going back to the bargaining unit.

Supervisor Muenzer indicated that we have to come to accept a new norm adding they may be down to these numbers for a long time. He indicated that he would vote for it if staff and groups were hearing the message that they need to negotiate.

Supervisor Rivas stated that if they moved forward they were going back and looking for an additional 4% of 3.2%. He commented that he was against any type of furloughs as he felt they added to the problem and they needed to have reductions in pay.

*Upon motion made by Supervisor Rivas and seconded by Supervisor Barrios, **approved** Side Letter of Agreement between San Benito County and the Law Enforcement Managers (LEM), effective July 1, 2012 with the understanding to instruct staff to go back to the negotiation table to find an additional 4% to try to achieve the 10% goal idea. The motion passed 4 to 1 with Supervisor Botelho voting NO. File #630*

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The vote of each member of the Board of Supervisors upon each matter at the foregoing meeting, unless otherwise stated, was as follows:

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

There being no further business, the Board adjourned to July 10, 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