



## 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 SEPTEMBER 11, 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 Matt Granger and Asst. Clerk of the Board Janet Slibsager. Chair De La Cruz presided.

#### **9:00 a.m. CALL TO ORDER:**

- a) Supervisor Botelho led the Pledge of Allegiance.

*(A moment of silence for the victims and families of 9/11/01).*

- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*

- c) **PRESENTATIONS AND RECOGNITIONS:**

#### **HUMAN RESOURCES:**

**Certificate of recognition to the following employees for years of County Service upon retirement:**

- **Jean Gillaspie-Secretary II (Ag. Commissioner's Office), 10 years**
- **Barbara Larios-Child Support Specialist III (Child Support), over 34 years**
- **Patricia Maderis-Administrative Services Specialist (Planning & Building), over 22 years**
- **Irene Uribe-Office Assistant III (Public Works), almost 19 years**

Supervisor Barrios presented Certificate of Recognition to Patricia (Trish) Maderis who is retiring.

Supervisor Botelho presented Certificate of Recognition to Irene Uribe who is retiring. Irene thanked the Board of Supervisors.

Linda McElroy spoke on behalf of Public Works and how it was a pleasure to work with Irene and what a great asset she was to the department and the County.

Those not present to receive their Certificate of Recognition were Jean Gillaspie and Barbara Larios. (File #630)

- d) **Public Comment:** Ed Tobin Salinas of Ramblers Motorcycle Club asked the Board of Supervisors to consider at a future meeting a letter to Congressman Sam Farr to intercede on behalf of the county and recreationists to get the temporary closure of Clear Creek lifted. Mr. Tobin thanked the Board for the consideration of this suggestion.

Joan Sattler resident of San Benito County spoke in regards to current efforts being set forth to bring new revenues to our residents, businesses and non-profits, the faith community and governmental jurisdictions within San Benito County. Ms. Sattler mentioned that the California State Controller's Office is holding more than 17 million unclaimed property accounts and that there is more than 30% of Hollister residents that have unclaimed monies on hold in Sacramento. Ms. Sattler said that she is hoping that some of these unclaimed monies will be celebrated by individuals and their families and will be used to strengthen the vital programs provided in San Benito County.

Robert Scoles, on behalf of the Community Action Board, thanked those people in organizations that were influential in having the State overturn the initial denial of our request for CDBG funding. Mr. Scoles said in late August they were notified that they would be receiving \$500,000 to support Emmaus House, the Homeless Coalition and Community Services Workforce Development One-Stop Career Center Workforce Services. Mr. Scoles said that he would like to express their thanks to Congressman Sam Farr's office, Assemblyman Luis Alejo's office, all members of the San Benito County Board of Supervisors and their staff, County Counsel's office, CAO Rich Inman and a special thanks to Joe Paul Gonzalez and his office.

Supervisor Botelho thanked the Community Action Board and their Board members for their part in it too. Supervisor Botelho thanked Mr. Scoles for acknowledging everyone that was involved because it was a huge victory for San Benito County.

Marty Richman, Hollister resident, spoke of how America has become deaf to the drum beat and casualties in Afghanistan. He also mentioned it was nice to see that we are working on improving Veteran Services and hopes that the members of the community remember what these Veterans have done for us, and help employ them and take care of them.

- e) **Department Head Announcements:**

CAO Rich Inman announced that we would be hosting the Board of Directors Trindel Insurance Fund meeting at San Juan Oaks on September 12th and 13<sup>th</sup>. Mr. Inman also mentioned that he would be meeting on Friday, September 14<sup>th</sup> with other CAO's from Santa Cruz, Monterey, and Merced Counties to discuss mutual things that we can do as a region.

Janelle Cox announced that there is a community workshop scheduled for Thursday, September 13<sup>th</sup> at 6:00 at the Hollister Community Center for the River Parkway and Regional Park proposed behind the San Benito High School. She said that the community is encouraged to attend to provide input on these community parks.

Interim Director Maria Corna announced that they were approved for \$500,000 CDBG Grant and thanked everyone who supported them to get it considered and approved.

Enrique Arreola mentioned that this was a huge win for San Benito County and that the funds will support hundreds of low income individuals including Homeless Coalition, Emmaus House and the One Stop Career Center.

Public Works Administrator Steve Wittry announced that they were going to start road work (winterizing) on Fairview Road beginning the first week in October, so the public needs to expect delays on that road.

Mr. Wittry also announced that they are tentatively planning an open house for September 25<sup>th</sup> following the Board of Supervisors meeting in the afternoon to allow the Board and the public to attend at their new location on Technology Drive.

f) **Board Announcements, Introductions and Presentations:**

Supervisor Barrios thanked Joan Sattler for coming and informing the community of monies that may be out there for all of us, it was important information and will serve the community well.

Supervisor Barrios also announced that she attended the CSAC conference by phone for and a few of the items discussed were Prop 30, Prop 31, pension reform and the high speed rail. Supervisor Barrios said that she would like to agendize the high speed rail item to see if our county would like to support or not support the high speed rail. Supervisor Barrios said she would like to also agendize the pension reform to see if the county would like to support the governor with that also.

Supervisor Barrios also reported that San Benito County has been asked to support a Charter School through the Hollister School District in the very near future.

Supervisor Barrios announced the Gang Prevention Committee met and was proud to announce that Anzar and San Benito High School are taking a real strong interest in what they are doing.

Supervisor Barrios mentioned that she would like to have the Facilities Committee start meeting and planning for ideas at the courthouse.

Chair De La Cruz announced that he has replaced Supervisor Rivas with Supervisor Barrios on the General Plan Ad Hoc committee beginning the first of this month, and thanked Supervisor Rivas for serving on the committee.

Chair De La Cruz announced that they would be moving Item 25 to the beginning of the regular session and they were going to move closed session to 1:30 p.m. if they go past 12:00 p.m.

**CONSENT AGENDA:**

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Rivas **approved** Consent Agenda items with the exception of Item 8 which was pulled for discussion. (Unanimous)*

**AUDITORS OFFICE – J. P. Gonzalez:**

- 1) Set and passed the FY 2012/2013 Tax Rates, Debt Service Rates and Direct Assessment Charges; authorize the Auditor to levy the above mentioned rates and charges; and **adopted Resolution No. 2012-53** for FY 2012/2013. **File #608**

**BOARD OF SUPERVISORS – M. Barrios:**

- 2) **Approved** proclamation declaring September 2012 as “Childhood Cancer Awareness Month” in San Benito County and **authorized** the Chair to sign. **File #430**

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

- 3) **Adopted Resolution No. 2012-54**, retroactively approving the grant application to the S.L. Gimbel Foundation to support promotion of recreational trails, parks and open space in San Benito County, in the amount of \$14,800. **File #93**

**COUNTY COUNSEL – M. Granger:**

- 4) **Approved** contract with LexisNexis for online legal research service for the period of December 12, 2012 through May 31, 2016 in an amount not to exceed \$563.00 per month and **authorized** County Counsel to execute the contract. **File #160**

**DISTRICT ATTORNEY – C. Hooper:**

- 5) **Approved** contract with LexisNexis for online legal research service for the period of October 1, 2012 through September 30, 2015 in an amount not to exceed \$551.00 per month and **authorized** the District Attorney to sign said contract. **File #205**

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

- 6) **Approved** Memorandum of Understanding with the California State University of Monterey Bay for the placement of undergraduate student interns for the period of September 11, 2012 to August 31, 2015 and **authorized** the Health & Human Services Interim Director to sign. **File #103**

**HUMAN RESOURCES – J. Credico:**

- 7) **Approved** an increase in the allocation of one Deputy County Counsel III position by .1 FTE from .6 to .7 FTE effective September 1, 2012. **File #630**

**HUMAN RESOURCES – J. Credico:**

- 8) **Adopt Resolution regarding county office days and hours of operation with corrected Exhibit A, which omitted the change for the Probation Department.**

**(Res. No. 2012-55)**

*Item pulled for discussion.*

*Supervisor Barrios had a question in regards to closing hours for lunch for some of the departments.*

*Management Analyst Jacki Credico provided clarification for the Planning, Public Works and Tax Collectors Office, and mentioned that a new Exhibit A sheet would be done to reflect their closure at lunch from 12:00 to 1:00 p.m.*

**BOARD ACTION:** *Upon motion made by Supervisor Barrios and seconded by Supervisor Muenzer, **adopted Resolution No. 2012-55**, regarding county office days and hours of operation, with the correction. (Unanimous) File #630*

**PROBATION DEPARTMENT – B. Cardall:**

- 9) **Approved** contract with Juliana M. Taymans for “Thinking for A Change” Training from July 10, 2012 through July 13, 2012 for an amount not to exceed \$7,725.00. *File #510*

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

- 10) **Approved** Contract Change Order #1 with Calstroy Construction for the Sheriff/Administration/County Permit Center Building Improvements project in the amount of \$22,849.90; **authorized** the Public Works Administrator to sign change order and restore Public Works Administrator’s authority to \$34,600.00 for the remaining work on the project. (4/5 vote) *File #105.3*

**PUBLIC HEARINGS – 9:00 A.M. (Or as soon thereafter as the matter may be heard)**

**PLANNING AND BUILDING – G. Armstrong:**

- 11) **Hold a public hearing regarding an Ordinance amending Section 23.15.008 of Title 23 of the San Benito County Code pertaining to Parkland Dedication, introduce and waive further reading of the ordinance and continue to September 25, 2012 for adoption and order publication of display ad.**

Planning Director Gary Armstrong provided a staff report along with staff’s recommendations in regards to ordinance pertaining to Parkland Dedication.

Chair De La Cruz opened the public hearing. No one from the public spoke.

Chair De La Cruz closed the public hearing.

Supervisor Barrios had a question regards to wording on the ordinance on page 9, Section J and asked County Counsel if they could change some wording.

Assistant County Counsel Barbara Thompson said that if they had the specific language that she would like changed they could still do the first reading of the ordinance.

*The wording on Section J will be changed to read the following: Subject to the recommendation by the Parks and Recreation Commission to the Board of Supervisors.*

Chair De La Cruz reopened the public hearing due to the change in the wording. No one from the public spoke.

Chair De La Cruz closed the public hearing.

**BOARD ACTION:** *Upon motion made by Supervisor Barrios and seconded by Supervisor Botelho, read title of the ordinance for the record with the recommended changes; made a motion to make CEQA findings as seen on Attachment A to the AIT and **adopted** the Negative Declaration **accepted** introduction, **waived** further reading of the ordinance, and **continued** to September 25, 2012 for adoption; and to retroactively order that display ad regarding the proposed ordinance be published on August 31<sup>st</sup> and that a second display ad be published within 15 days of adoption of the ordinance in accordance with the California Government Code. (Unanimous) *File #790**

**PLANNING AND BUILDING – G. Armstrong:**

- 12) **Hold a public hearing to adopt an Ordinance approving Zone Change 12-174, changing the zoning designation of a 4 acre parcel located on**

**Bridgevale Road (APN's:019-240-031 & 032) owned by Ruben Rodriguez from Ag. Productive (AP) to Residential Multiple (RM). (Ord. No. 904)**

Planning Director Gary Armstrong provided a staff report along with staff's recommendations in regards to ordinance for zone change.

Chair De La Cruz opened the public hearing. No. one from the public spoke.

Chair De La Cruz closed the public hearing.

**BOARD ACTION:** *Upon motion made by Supervisor Rivas and seconded by Supervisor Muenzer, **moved** to adopt the recommended CEQA and zone change findings set forth in Attachment A to the AIT; **adopted** the Negative Declaration for zone change petition 12-174; **adopted Ordinance No. 904**, approving zone change No. 12-174, based on the findings reflected in Attachment A to the Board AIT, and the conditions of approval set forth in Exhibit B to the ordinance, and as recommended by the Planning Commission. (Unanimous) File #790*

**PLANNING AND BUILDING – G. Armstrong:**

- 13) **Hold a public hearing to adopt an Ordinance amending Article III of Chapter 25.29 of Title 25 of the San Benito County Code pertaining to sign regulations and order publication of display ad. (Ord. No.905)**

Planning Director Gary Armstrong provided a staff report along with staff recommendation in regards to sign regulations and ordinance.

Chair De La Cruz opened the public hearing. No one from the public spoke.

Chair De La Cruz closed the public hearing.

**BOARD ACTION:** *Upon motion made by Supervisor Muenzer and seconded by Supervisor Barrios, **moved** to make the CEQA findings set forth on Attachment A to the AIT, **adopted** the Negative Declaration and **adopted Ordinance No. 905**, adopting amendments to Chapter 25.29 of Title 25 of the San Benito County Code pertaining to sign regulations and retroactively order that display ad regarding the proposed ordinance be published on August 31<sup>st</sup> and that a second display as be published within 15 days of adoption of the ordinance in accordance with the California Government Code. (Unanimous) File #790*

<b>REGULAR AGENDA:</b>
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*Per Chair De La Cruz moved to Item #25.*

**INTERNAL SERVICES – M. Riopel:**

- 25) **Approve the Comprehensive Impact Fee Study for San Benito County developed by Willdan Financial Services and direct staff to bring back ordinances setting the impact fees as they relate to said Impact Fee Study.**

Management Analyst Margie Riopel provided background information in regards to the Comprehensive Impact Fee Study with Willdan Financial Services for law enforcement, fire, road maintenance equipment and park and recreation facilities. Ms. Riopel said that Willdan would be making a presentation today summarizing an analysis of development impact fees needed to support future development in San Benito County through 2035.

Carlos Villarreal from Willdan Financial Services provided a power point presentation which covered: Impact fees-Basic WFS Methodology; facility

standards; WFS methodological approach; methodology by facility category; allocating cost of new facilities; the need for alternative funding sources; preliminary planned facilities; additional funding needed; adjusting to changes in development patterns; maximum justified fee schedule.

Lengthy Discussion ensued by Board, staff and Willdan.

Those speaking from the public were: Marty Richman, Hollister resident; Marvin Jones, Hollister resident.

Supervisor Muenzer said that he would like to have the matter continued to a future meeting to be able to study further.

Supervisor Botelho agreed with Supervisor Muenzer.

Supervisor Rivas said that he didn't have a problem with moving this item forward at this time, but if the rest of the board needs more time he was o.k. with that.

Supervisor Barrios said that she felt that these numbers needed to be looked at periodically and would like to move forward to get the ordinances in front of them so that they could make the preliminary plan facility changes and the impact fees that they would like to see.

CAO Rich Inman explained that the ordinances identify the basis by which you want to impose impact fees. The ordinance will reference a resolution which will be very specific in establishing what you are going to charge and you can change that in the board meeting. He stated you need the underlying foundation which is the ordinance.

Chair De La Cruz asked if there was a time line to come back so that they could hash out the issues that Supervisor Botelho or Muenzer have.

Ms. Riopel said that she would like approval today to so that we can begin to do the ordinances.

**BOARD ACTION:** *Upon motion made by Supervisor Rivas and seconded by Supervisor Barrios, **approved** the Comprehensive Impact Fee Study for San Benito County developed by Willdan Financial Services; **directed** staff to bring back ordinances setting the impact fees as they relate to the impact study prepared by Willdan Financial Services. (Unanimous) File #870*

*Per Chair De La Cruz will hear Item #14 followed by #19 and #20.*

#### **BOARD OF SUPERVISORS:**

#### **14) Discussion and/or direction concerning the county budget: 1) County Library; 2) Other.**

Supervisor Botelho mentioned that since the budget hearings we haven't given the final approval to the proposed budget and that should be telling us something. He said that we are still about 1 million dollars short. We have used \$200,000 from the reserve and approximately \$730,000 of one time monies that we got back from HSA from a loan. He said that he can see this being a real problem.

Supervisor Botelho said that he had attended numerous meetings with employees, bargaining units and the only way we were going to make it through these very difficult times was to have concessions and we all have to work on that. He said that we have had some bargaining units that have come through but we have one bargaining unit that didn't and that is the big elephant in the room and because of that our county is really hurting.

Supervisor Botelho said that he does not want to wait to 2013 to try and do something that they should have done earlier. Therefore, he said at this time he would have to recommend closing the library and saving that money for the ongoing needs of public safety and general services in the county that are at the bare minimum.

Supervisor Botelho said that he was very proud of the library and believes that we have the best librarian in the world right now and was very proud of the programs that she has been able to implement since she has been here. He said that he was eternally grateful for that but this was all about dollars and cents. He said that this needs to be discussed and we need a plan right now.

Supervisor Barrios said that she would like to take an opposition to Supervisor Botelho's suggestion on closing the library. She said that she does agree that we need to start looking to the future and where we will have to cut for the next budget year. She said I believe this budget year has already been determined.

Supervisor Barrios said by closing the library we would really be punishing the people that are trying to improve themselves. She said that we need to find other ways to cut for our future budget year.

Chair De La Cruz asked Supervisor Barrios what she meant by other ways.

Supervisor Barrios said that we have already discussed at length and had our budget hearings for FY 2012-2013. She said we have a plan, that plan is in place, every department has made their cuts and what we have to do now is appoint another ad hoc committee and start looking at other things.

Supervisor Muenzer said he has said it many times and will continue to say it, that one word needs to be dropped from the name of the library and that is "Free". He said that he appreciates the supporters of the library and them coming to their meetings but what he would like to get through to them is that the library is always going to be on thin ice if it has to look to the general fund for its support. He said somehow the library has to create a new sustainable revenue source. He said that we cannot continue to fund the library from our general fund.

Supervisor Rivas thanked Supervisor Botelho for stepping up and offering his opinions even though he may not agree with it. He said it is not easy to propose closing a library, especially, when it is the only library in San Benito County.

Supervisor Rivas said that we need to set up our priorities and he is not sure what they are for the Board and his colleagues. He said that in his opinion the most important thing that we can invest in is economic development. We need to invest in our futures economic development; how do we support our small businesses, how do we get new businesses to come here. The library is the last little investment that we have going for this county.

Supervisor Rivas said that we have a balanced budget for this fiscal year, it wasn't pretty but it is balanced. He said that closing the library is not an option in his opinion. He said that he hopes that they can work as a board with the library with the employees, stake holders to look for additional ideas.

Supervisor Rivas said that he encourages people to step up and help out and that at this time he is not voting to close the library.

Chair De La Cruz said that we have balanced the budget for this year with the array of accounts. We did lay-offs; we did cuts, reduction of hours. He said

what comes for next year's budget I don't know, we might have to do more cuts, but I am not going to support anything now until next year's budget process.

Those speaking from the public were: Judi Johnson, Secretary of Friends of the Library; Jillian Wilson, Friends of the Library; Marty Richman, Hollister resident; Harriet Brin, Treasurer of Friends of the Library; Gerry Wright, Hollister resident; Monica Quiroz Rivera, Hollister resident; Bill Tiffany, Hollister resident; Julie Morris, Vision San Benito County; Lanty Mason, Hollister resident; Ruth Erikson, Friends of the Library; Karminder Brown, Hollister resident; Jennifer Westphal, Hollister resident; Ken Dursa, Hollister resident.

Supervisor Botelho said that he is not saying that we don't need the library, we do. Everyone is doing a great job. The point is how we are going to address our million dollars deficient. He said I don't believe this is going to be a permanent issue; we need to get over this revenue problem that we have right now. We have ideas that we are working on but at this time the train has wrecked.

Supervisor Botelho said that he felt that the budget committee did not work and that we need to do something now, not later.

Supervisor Muenzer said that he appreciated the thoughts of Supervisor Botelho. He said that we do need to realize that we are still a million dollars short on our budget and it doesn't look like we have a million dollar increase in revenues.

Supervisor Muenzer said that every one of them sitting on the board have any doubts of the importance of the library. He said that we need to hear what ideas are out there to generate revenue for it, because it is going to be very difficult to keep funding through the general fund next year.

Supervisor Muenzer said that he appreciated the librarian and everything that she has done, but someone is going to have to come up with some kind of long term funding source.

Supervisor Barrios said that she agreed with Supervisor Botelho that we do need to be proactive and we do need to start now. She said that the budget committee did work. She noted that they didn't have the solutions to the enormous amount of deficit we had but did bring some solutions to the table.

Supervisor Barrios said that we need to continue down that same path sooner than later. She suggested appointing a new budget ad hoc committee today.

Supervisor Barrios said that she wants to give the library an opportunity to move forward with the special district. She said to close it now it would completely eliminate everything that they have done and it would eliminate the grants that they have. She said that we need to give them an opportunity to find other resources.

Supervisor Rivas said as a committee they invested so much time meeting with staff, our employees. He said it wasn't a perfect process but he said that he does support it and would like to see it move forward. He said that he would encourage two new members to be on there because it is always great to have a new set of eyes on these numbers.

Supervisor Rivas said that he believes the library is a vital investment. He said that we need to maybe establish a library group that consists of board members, staff, members of the public and elected officials from the city council. He said we need to make this a collaborate effort.

County Counsel Matt Granger advised the Board that they had to dissolve the current budget ad hoc committee before another one could be appointed.

Chair De La Cruz said that he was going to appoint a library ad hoc committee which would meet until May 1, 2013, which at that time they would make their presentation to the Board of Supervisors and the budget ad hoc committee. He said the budget ad hoc committee would take those recommendations and move forward during the budget process.

Chair De La Cruz appointed Supervisor Botelho and Supervisor Barrios to the library ad hoc committee. *File #865*

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

**19) Adopt Resolution authorizing HHSA and Community Services and Workforce Development to accept the donation of a 2010 Ford Escape Hybrid vehicle and authorize the addition to the schedule of assets.**

Deputy Director of HHSA Enrique Arreola provided information in regards to the donation of a 2010 Escape vehicle from Central Coast Energy Services.

Executive Director Dennis Osmer from Central Coast Energy Services provided information as to how they were able to donate a car to the San Benito County Community Services Workforce Development Department. Mr. Osmer presented the certificate of title and the keys to a 2010 Ford Escape Hybrid to Mr. Arreola from CSWD.

Supervisor Botelho and Supervisor Barrios thanked Mr. Osmer of Central Coast Energy Services for their considerate donation to San Benito County.

**BOARD ACTION:** *Upon motion made by Supervisor Rivas and seconded by Supervisor Muenzer, **adopted Resolution No. 2012-56**, authorizing HHSA-Community Services and Workforce Development to accept the donation of a 2010 Ford Escape Hybrid vehicle; **authorized** addition to schedule of assets. (Unanimous) File #939*

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

**20) Presentation by Central Coast Energy Services (CCES) on weatherization services provided in San Benito County.**

Deputy Director of HHSA Enrique Arreola announced that he was asked by Supervisor Muenzer to provide a brief presentation to the Board and the public in regards to weatherization services.

Executive Director Dennis Osmer of Central Coast Energy Services provided a PowerPoint presentation in regards to the weatherization services provided to San Benito County residents. Items covered were: programs; home weatherization services and measures; 2012 income guidelines; documents required; CSWD referrals to weatherization program; homes weatherized YTD and current CCES backlog for home weatherization services.

Supervisor Muenzer and Supervisor Botelho thanked them for their presentation. *File #130*

*The Board of Supervisors broke for lunch and reconvened at 1:35 p.m. to closed session:*

**CLOSED SESSION:**

- 30) **Conference with Labor Negotiators**  
**Authority: Government Code Section 54957.6**  
**Agency Designated Representatives: JoDan and Associates, Linzie Daniel and Human Resources Analyst Jacki Credico**  
**Employee Organizations: SEIU Local 521 and Management Employees Group (MEG) and Institutions Association**  
*No reportable action. File #235.6*
- 31) **Public Employee Evaluation**  
**Government Code Section 54957**  
**Title: County Administrative Officer**  
*Continued to September 25, 2012 meeting File #235.6*

*The Board reported out from closed session at 2:06 p.m. and reconvened to the regular agenda items, starting with Item #15 to be followed with Item #27 and #28 then will go back to the remaining regular agenda items.*

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

- 15) **Discussion and direction concerning consolidation of Behavioral Health with Health and Human Services Agency.**

CAO Rich Inman provided background information in regards to the consolidation of Behavioral Health with the Health and Human Services Agency.

Mr. Inman said that he asked Behavioral Health Director Alan Yamamoto to present his analysis in regards to the proposed consolidation.

Mr. Yamamoto said that they have been talking about this potential consolidation for about six months now. He presented his analysis to the Board for review and direction along with a letter of concern from Interim Director of Health and Human Services Agency Maria Corona and his response to her concerns.

Mr. Yamamoto said that we are at a critical time right now, we are at a time of physical hardship, we are at a situation that realignment is being forced upon us by the State, which gives us a whole new set of responsibilities. Some that provide risk and some that provide us opportunity. He said that with realigned money, if we can redirect it, save it, use it in the most effective way possible; we can reinvest that money towards services. So the ultimate question would be; can the consolidation provide a more efficient way of doing business, will it save money, and would it help improve the quality of service.

Mr. Yamamoto said that he would not have prepared the sixteen page report or be before them today if he didn't think it could be done. He said that he has nothing but the highest regard for the management staff at Health and Human Services, he said that he has a long history with working with that department and thought they have worked well together. He feels that they could do it better and more efficiently.

Mr. Yamamoto provided information in regards to services he would like to see take place and the possible use of some space located on technology way. He said that he would like to hear from the Board in regards to their thoughts in regards to the consolidation and whether they would like to move forward on this or not.

Lengthy Discussion ensued by Board and staff.

Interim Director of Health and Human Services Agency Maria Corona said that she believes that this is an opportunity to redesign an agency, share resources, streamline services and increase program knowledge. She said that she would continue to assist the board closely to evaluate the immensity of this merger as it relates to the proposed organizational structure and savings.

Ms. Corona said she was very encouraged about the innovative vision about streamlining services between child welfare since that was a passion of hers. She said that Health and Human Services has hard working staff and managers that strive each day to meet the needs of the members of our community and strive to improve our services no matter if there is a merger or not.

Ms. Corona said that their agency would support the final decision and direction of the Board.

Discussion continued between the Board and staff.

Deputy Director of HHSA Enrique Arreola spoke in regards to some deficiencies and how he felt that it wasn't a true collaboration between the two departments when the report was produced by Behavioral Health. He said that he feels it was a one sided report and that it lacks comprehensive analysis, it does not address the functions and the oversight of the Workforce Investment Board, the Community Action Board and how it addresses services to our low-income community members, etc. He said that he feels there are holes and that it was rushed and needs further analysis.

Mr. Arreola said in his opinion it is a risk although it is worth venturing, let's look at it closely and not rush into things.

CAO Rich Inman informed the Board that this was not on the agenda today for approval or denial of a merger; it is discussion and direction concerning it. This is the first discussion with the public to get input. Mr. Inman said that Mr. Yamamoto presented the proposal because he had brought the idea of consolidation to the table.

Further discussion ensued between Board and staff.

Those speaking from the public were: Marty Richman, Hollister resident.

Mr. Yamamoto said that he wanted to clarify that he wasn't here to lobby on his behalf. He said that he made every opportunity and attempted to meet with the management staff and the outgoing director as much as he could. There were people at the table at different times and there was input from everyone for this report.

Ms. Corona said that she believes that it was a good report.

Mr. Arreola said that he thinks that we really need to look at the big picture; he feels that it was too rushed and needs more analysis.

Supervisor Barrios' recommendation was to move forward with the merger and allow Mr. Yamamoto be the interim director and report back to the Board in six months to see if it is working or not. She said that would give all staff an opportunity to have input and have hands on.

Supervisor Muenzer said that he gets the feeling that some of the staff is not comfortable with the merger and he would like to hear from staff more. He said that he would not support the merger at this time.

CAO Rich Inman said that he would strongly recommend that the Board doesn't make a decision in regards to the interim director. He said that he would prefer to have more time to sit down with staff and discuss the merger.

Supervisor Botelho said that he would like to see a little bit more cohesiveness; the main thing is that we want to provide the services and want to be as efficient as we possibly can. He said he would like to have it come back in six months or so with more information to see if some of the services could be able to be consolidated.

Supervisor Rivas said that he is not concerned of the time; he wants to get it right.

*Chair De La Cruz said that the direction of the Board was to have the departments get together and work things out and come back to the board at a later time with their report. File #119*

**PLANNING DEPARTMENT – G. Armstrong:**

**27) Review letters regarding California Foothills Legacy Area Program and direct staff accordingly. (Continued from August 21, 2012 meeting)**

Planning Director Gary Armstrong provided information in regards to the California Foothills Legacy Area program and spoke of letters and resolutions that other counties are sending to the U.S. Fish and Wildlife Services in regards to opposition to the program. He said that the Planning Commission has recommended to staff and the Board of Supervisors to write a letter of opposition or withdrawal to the U.S Fish and Wildlife in regards to the Foothill Legacy program. He said at this time the staff is looking for recommendation from the Board as to their desire.

Those speaking from the public were: John Eade, Hollister resident; Jeff Gilles, Lombardo & Gilles; Marty Richman, Hollister resident and Brad Sullivan, Hollister resident.

Supervisor Muenzer said that he did contact Kern County and spoke with them. He said he doesn't want to see this happen.

Supervisor Barrios said that she supports letter of opposition and would also like to see a Resolution that would help strengthen their position as a county.

Supervisor Botelho said he agreed with Supervisor Barrios to write a letter supported by the resolution as soon as possible.

*Chair De La Cruz directed staff to bring back letter and resolution as soon as possible. File #790*

**PLANNING DEPARTMENT – G. Armstrong:**

**28) Discussion regarding Level of Service C vs. D for purposes of the General Plan. (Continued from August 21, 2012 meeting)**

Planning Director Gary Armstrong provided information to the Level of Service which pertains to our roadways and intersections. He explained options C and D that was prepared by staff. He said at the present our county has had a goal of level C and that was being proposed in current general plan. He said that staff is recommending the Board review the options and provide direction to staff.

Those speaking from the public were: James Thysell, Hollister resident; Brad Sullivan, Hollister resident; Jeff Gilles Lombardo & Gilles on behalf of Otto Knamm of Earth Bound Farms; Robert Scales, Cal Trans Transportation Engineer; Marty Richman, Hollister resident; Greg Swett, Farm Bureau; Paul Rovella on behalf of John Ivancovich; Pat Loe, Hollister resident.

Lengthy discussion ensued by Board, staff and consultants.

Public Works Administrator Steve Wittry spoke in regards to his concerns in the county roadway network. He said that his recommendation would be option 1, level of service C.

Supervisor Botelho said that he was in favor of option 3, which needs to be written, combination from what has been discussed today which would fit better with our general plan.

Supervisor Rivas said that he would prefer option 2, with flexibility for a possible option 3, but does not want to delay the process anymore.

Supervisor Botelho made a motion for option 2 amending it to level of service C at all locations and using that same language. (Motion failed 2-3, Barrios, Rivas and De La Cruz no).

**BOARD ACTION:** *Upon motion made by Supervisor Barrios and seconded by Supervisor Rivas, revise language to option 2, level of service D. (vote 3/2, Muenzer and Botelho no) File #790*

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

##### **16) Discussion and direction concerning Proposition 30 entitled Sales and Income Tax Initiative.**

Supervisor Botelho provided a brief description of Proposition 30, the governor's tax initiative. He said that he would support taking a position on it.

Supervisor Muenzer said that he would go along with the rest of the Board if they wanted to support it, but he said he had an issue with it.

Supervisor Barrios said that she sat in on a phone conference with CSAC and they supported Proposition 30. She said that they also highly recommended that the counties support it also.

Supervisor Botelho asked the Board for a recommendation or motion for direction for RCRC.

**BOARD ACTION:** *Upon motion made by Supervisor Rivas and seconded by Supervisor Barrios, recommended yes in supporting Proposition 30. (Unanimous) File #119*

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

##### **17) Discussion and direction concerning Proposition 31 entitled The Government Performance and Accountability Act (the California Forward Measure).**

Supervisor Botelho provided a brief description of Proposition 31. He said that he wasn't enthused in taking a position on it; personally we should abstain from this one.

Supervisor Barrios said that she sat in on a phone conference with CSAC and they were neutral on Proposition 31.

**BOARD ACTION:** *Upon motion made by Supervisor Muenzer and seconded by Supervisor Barrios, **moved** to not take a stand on Proposition 31. (4-1, Rivas voted no) File #119*

At 4:38 p.m. De La Cruz, Chair had to leave so the Vice-Chair Botelho conducted the rest of the meeting.

**COUNTY COUNSEL – M. Granger:**

- 18) Consider proposal of Fee Schedule for Applications for Changed Assessment and Preparation of Written Findings of Fact and set public hearing to adopt fees.**

Deputy County Counsel Shirley Murphy provided information in regards to proposed fee schedule pertaining to assessment appeals and preparation of written findings of fact. Ms. Murphy provided the Board with information that was gathered from other counties in regards to what their fees were.

Ms. Murphy said that she was here to get direction from the Board so she could then draft an ordinance. She advised the board that a public hearing has been set for September 25, 2012 for adoption of ordinance.

Assessor Tom Slavich provided additional information as to what some of the neighboring counties are charging which was between \$40.00 to \$50.00 flat fees. Mr. Slavich said that his recommendation would be to go with a flat fee between \$40.00 to \$50.00 dollars.

Discussion ensued by Board in regards to fee schedule charge.

*The direction of the Board was to have County Counsel draft an ordinance with a \$45.00 fee for applications and a \$500.00 deposit fee for written findings of fact for adoption on September 25, 2012. File #160*

**HUMAN RESOURCES – J. Credico:**

- 21) Approve layoffs in various departments effective November 1, 2012.**

Management Analyst Jacki Credico provided information to the proposed lay-offs in the various departments to take effect November 1, 2012.

**BOARD ACTION:** *Upon motion made by Supervisor Muenzer and seconded by Supervisor Barrios, **approved** recommended list of layoffs, effective November 1, 2012. (4-1, De La Cruz absent) File #630*

**HUMAN RESOURCES – J. Credico:**

- 22) Approve Amendment #5 to the Memorandum of Understanding between San Benito County and the San Benito County Deputy Sheriff's Association, effective retroactive to July 1, 2012 through December 31, 2014.**

Management Analyst Jacki Credico provided information to the amendment to the MOU with the Deputy Sheriff's Association.

Supervisor Barrios thanked DSA for stepping up to the plate.

Vice-chair Botelho also thanked DSA for their negotiations. He said now we need SEIU to do their part.

Marty Richman, Hollister resident, thanked the DSA for their concessions. He said that we need to get the same level of concessions from all of the bargaining units, it is simply not fair.

Supervisor Muenzer and Supervisor Rivas also thanked the DSA for stepping up to the plate and helping out at this time.

**BOARD ACTION:** *Upon motion made by Supervisor Rivas and seconded by Supervisor Barrios, **approved** 5<sup>th</sup> Amendment to the Memorandum of Understanding between San Benito County and the San Benito County Deputy Sheriff's Association, effective retroactive to July 1, 2012 through December 31, 2014. (4-1, De La Cruz absent) File #1010*

#### **HUMAN RESOURCES – J. Credico:**

- 23) **Adopt Resolution for employer-paid member contributions with the California Public Employees Retirement regarding the safety employees.**

Management Analyst Jacki Credico provided information to the resolution for employer-paid contributions with the California Public Employees Retirement for safety employees to comply with the Public Employees Retirement Law.

**BOARD ACTION:** *Upon motion made by Supervisor Barrios and seconded by Supervisor Muenzer, **adopted Resolution No. 2012-57**, regarding Employer-Paid Member contributions with the California Public Employees Retirement regarding the Safety Employees. (4-1, De La Cruz absent) File #630*

#### **HUMAN RESOURCES – J. Credico:**

- 24) **Approve Countywide Employee Cash Incentive Program to participate in PERS Select Employee-Only Health Plan for Calendar Year 2013.**

Management Analyst Jacki Credico provided information in regards to the Countywide Employee Cash incentive Program to participate in PERS Select Employee-Only Health Plan for calendar year 2013.

**BOARD ACTION:** *Upon motion made by Supervisor Muenzer and seconded by Supervisor Barrios, **approved** item as presented. (4-1, De La Cruz absent) File #630*

#### **INTERNAL SERVICES – M. Riopel:**

- 26) **Approve contract amendment #2 with the California Dept. of Forestry and Fire Protection for the period from July 1, 2009 through June 30, 2012 with specifics for three year FY 2011-2012 “Schedule A” services and adopt Resolution to reflect an amount not to exceed \$949,953 for “Schedule A” services for FY 2011-2012.**

Deputy County Counsel Barbara Thompson provided information in regards to the Amendment #2 with the California Dept. of Forestry for fire protection services and resolution for Schedule A for Fiscal year 2011-2012.

**BOARD ACTION:** *Upon motion made by Supervisor Muenzer and seconded by Supervisor Rivas, **approved** contract amendment #2 with the California Department of Forestry and Fire Protection for the period of July 1, 2009 through June 30, 2012 with specifics for year three FY 2011-2012 “Schedule A” and **authorized** chair to sign; **adopted Resolution No. 2012-58**, to reflect an amount not to exceed \$949,953 for “Schedule A” services for Fiscal Year 2011-2012 and **authorized** chair to sign. (4-1, De La Cruz absent) File #60*

Supervisor Rivas said that he would like to have an update at the next meeting as to what happens after 2012.

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

- 29) **Receive report regarding the AB900 Phase II Local Jail Construction Financing Program and provide direction to staff.**

Public Works Administrator Steve Wittry said that Adam Goldstone was going to provide a PowerPoint presentation in regards to the AB900 Phase II Jail Expansion project overview.

Mr. Goldstone mentioned that on August 7<sup>th</sup> the California Board of State and Community Corrections awarded \$15,053,000 to San Benito County to construct a 60 bed expansion of our jail facility. Items covered in the PowerPoint

presentation were schedule-milestones deadlines; schedule-task estimated completion; budget; scope; bond summary statistics; detailed bond debt service.

Clerk/Auditor/Recorder Joe Paul Gonzalez provided information on the bond financing summary.

Discussion ensued by Board and staff regards to phases, bond, deadlines and funds.

Mr. Goldstone said that they would be back once they find out what happens with 109 and that they would continue to meet their deadlines. ***File #120.5***

\* \* \* \* \*

*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 5:45 p.m. to **September 25, 2012 at 9:00 a.m.**

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

**ATTEST:**  
Janet Slibsager, Asst. Clerk of the Board