

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 DECEMBER 18, 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 Interim County Administrator Ray Espinosa, 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 Botelho led the Pledge of Allegiance.

Chairman De La Cruz thanked everyone as it was his last meeting as Chairman and that it had been an honor.

Chairman De La Cruz called for a moment of silence for the victims of the Sandy Hook Elementary School in Newtown Connecticut.

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

c) **Public Comment:**

Marvin Jones thanked Supervisor De La Cruz for serving as Chair. He wished all a Merry Christmas and Happy Kwanza. He spoke of the Sandy Hook shooting as well as the one at the Oregon Mall noting the similarity of the shooter being a citizen with a concealed weapon. He commented that having closed session first would probably prompt CMAP viewers to change the channel and the people in the audience at the meeting getting bored and leaving.

d) **Department Head Announcements:**

Public Works Administrator Steve Wittry gave an update on the status of the county property on Hospital Road.

County Librarian Nora Conte reported that they received a \$15,000 grant from the Pacific Library Partnership and that the Friends of the Library had secured an additional \$5,000 from Target and Services Foundation for literacy program.

Supervisor Muenzer commended Ms. Conte and thanked her for going out and obtaining grants to augment funding.

Ms. Conte stated that she was honored to work for and with them and noted \$1,000 revenue earned during the first four weeks that they began issuing passports.

e) PRESENTATION & RECOGNITIONS, BOARD ANNOUNCEMENTS:

BOARD OF SUPERVISORS – Supervisor Muenzer:

Present Certificate of Recognition to Doug Emerson for 8 years of service as Councilman for the City of Hollister.

Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Barrios, **approved** certificate of recognition to Doug Emerson for 8 years of service as Councilman for the City of Hollister. (Unanimous)

Supervisor Muenzer presented the certificate to Doug Emerson.

Mr. Emerson stated that he looked at the friendships he had made over the last 8 years which had made his life richer.

Supervisor Botelho expressed his gratitude to Mr. Emerson and commented on what a pleasure he was to work with.

Supervisor Barrios stated that Mr. Emerson had gone above and beyond and his work with the Homeless Coalition was commendable.

Supervisor Rivas thanked Mr. Emerson. File #156

HUMAN RESOURCES:

Board Presentation of Certificates of Recognition for Years of County Service upon Retirement:

- Steven Distance, Accountant II (H&HSA), Thirteen Years
- Lupe Eclarin, Office Services Supervisor (Public Health), Thirty Five Years
- Margie Riopel, Management Analyst III (Internal Services), Twenty Six Years
- Catherine Shaw, Management Analyst III (Administration), Three Years
- Laura Schipper, Employment & Training Services Counselor (H&HSA), Twenty Seven Years

Upon motion duly made by Supervisor Barrios and seconded by Supervisor Botelho, **approved** certificates of Recognition for years of county service upon retirement. (Unanimous)

Chairman De La Cruz presented a certificate of recognition to Steve Distance for thirteen years of service.

Clerk-Auditor-Recorder Joe Paul Gonzalez and Nadine DaRoza of HHSA both expressed their gratitude to Mr. Distance.

Supervisor Rivas presented a certificate of recognition to Lupe Eclarin for thirty five years of service noting that she was a true servant of the public.

Interim HHSA Director Maria Corona expressed her appreciation for Ms. Eclarin, spoke of her historical knowledge and expressed how much they would miss her.

Supervisor Botelho presented a certificate of recognition to Margie Riopel for twenty six years of service. He stated that it was a somewhat sad moment to lose someone with such history. He indicated that she was a dear friend and that she had given her heart and soul for twenty six years.

Ms. Riopel thanked the Board for the plaque and stated that it had been an honor to work for the county. She added that she had been fortunate to work with a lot of incredible people. She thanked her family as she had spent a lot of time at work and they had been supportive. She expressed that she was looking forward to retirement.

Supervisor Barrios stated that Ms. Riopel had been such a dedicated person

and had given her heart and soul. She noted that her family had sacrificed. She added that they appreciated her and would miss her institutional memory.

Supervisor Muenzer expressed that he appreciated her dedication.

Supervisor Rivas expressed that he appreciated her insight and dedication.

Chairman De La Cruz spoke of Ms. Riopel's dedication, heart and

compassion. He stated that they would miss her and thanked her for her service.

Ms. Catherine Shaw was not present.

Supervisor Barrios presented a certificate of recognition to Laura Schipper for 27 years of service. She expressed that Ms. Schipper did a lot of work behind the scenes and was so appreciated.

Ms. Schipper explained that she moved to San Benito County 34 years ago and didn't know a soul. She stated that she has met many wonderful people and her job has been a wonderful experience.

Enrique Arreola of HHSA stated that it had truly been a pleasure working with Ms. Schipper. He spoke of her tenacity and great attitude and stated that they would miss her. *File #630*

f) Board Announcements:

Supervisor Rivas wished everyone Happy Holidays.

Supervisor Muenzer wished everyone Happy Holidays as well. He spoke of the changes that Muenzer's would be going through after 102 years in business. He explained that they would continue just as a locksmith and key service. He stated that they were not closing, just changing.

Supervisor Botelho wished everyone Happy Holidays and Merry Christmas. He expressed that his heart was heavy after the Sandy Hook incident and that he held them in his prayers.

Supervisor Barrios agreed with Supervisor Botelho, wished everyone Happy Holidays and felt it was a good time to reflect on how important children and family are. She reported that she attended the Behavioral Health Training the week before.

Chairman De La Cruz expressed that he was saddened by the situation as well. He offered congratulations to the Monterey Santa Cruz San Benito Boy Scouts soccer club.

The Board adjourned into closed session at 9:38 a.m. and reconvened into regular session at 11:22 a.m.

CLOSED SESSION: 9:00 a.m.

1) Conference with Labor Negotiator:

Authority: California Government Code Section 54957.6

Agency Designated Chief Negotiator: Jodan and Associates, Linzie Daniel and Management Analyst Jacki Credico

Employee Organization: Management Employees' Group and Institutions Association.

No reportable action. File #235.6

CONSENT AGENDA:

Upon motion duly made by Supervisor Botelho and seconded by Supervisor Muenzer, **approved** Consent Agenda Items with the exception of Items 10, 12, and 15 which were pulled for discussion. (Unanimous)

<u>ADMINISTRATIVE OFFICE – R. Espinosa:</u>

2) Approved contract with Senior Council Area Agency on Aging for the time period of December 19, 2012 through June 30, 2013 in the amount of \$23,437 for the purpose of serving the San Benito County Senior Citizens. File #119

ASSESSOR'S DEPARTMENT – T. Slavich:

3) Adopted <u>Resolutions 2012-80 and 2012-81</u> establishing Agricultural Preserve.

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

4) **Approved** the Psychiatric Mental Health Nurse Practitioner Intern Filed Placement MOU Agreement with Cal. State University, Fresno, and Department of Nursing and **authorized** the County Behavioral Health Director to sign the CSUF Agreement for the term of January 1, 2013 to January 1, 2016 for the placement of Psychiatric Mental Health Nurse Practitioner Interns. File #810

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

5) **Authorized** the County Behavioral Health Director to sign the Contract Amendment Agreement between DMH and the County for the term of April 1, 2012 through April 30, 2013, effective December 30, 2012. File #810

COUNTY COUNSEL – M. Granger:

6) Adopted Ordinance No. 911 adding Section 3.01.123 to Article VIII of the San Benito County Code establishing Procedures and Limitations Period for Filing Claims against the County. File #160

HEALTH AND HUMAN SERVICES AGENCY – M. Corona:

7) Approved deletion of the 1.0 FTE Accountant II in budget unit 2214 400 and approved the addition of 1.0 FTE Accounting Technician in Budget Unit 2214 400. File #420

HEALTH AND HUMAN SERVICES AGENCY – M. Corona:

Approved Memorandum of Understanding between San Benito County and Hazel Hawkins Memorial Hospital for Hospital Preparedness Program (HPP) for use of Grant Funds in the amount of \$28,110 and authorized the Interim HHSA Director to sign said agreement. File #130

HEALTH AND HUMAN SERVICES AGENCY – M. Corona:

9) Adopted <u>Resolution No. 2012-82</u> authorizing closure of all Public Health Services to include Public Health Department on Fourth Street, the Emergency Medical Services and Environmental Health Office located on San Felipe Road from 8am-5pm on January 8, 2013. File #130

HEALTH AND HUMAN SERVICES AGENCY – M. Corona:

10) Approve Memorandum of Understanding between San Benito County and San Benito Health Foundation for Hospital Preparedness Program (HPP) for use of Grant Funds in the amount of \$21,800.40 and authorize the HHSA Interim Director to sign said agreement.

Item pulled for discussion.

Supervisors asked questions of staff regarding the Memorandum of Understanding.

Efren Gomez of the San Benito Health Foundation for Hospital Preparedness Program and Interim Health and Human Services Agency Director Maria Corona answered questions.

Further discussion ensued.

There was no public comment.

Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Barrios, **approved** the Memorandum of Understanding between San Benito County and San Benito Health Foundation for Hospital Preparedness Program (HPP) for use of Grant Funds in the amount of \$21,800.40 and **authorized** the HHSA Director to sign said agreement with the **correction** of changing to Foundation in 6b. (Unanimous) File #130

HUMAN RESOURCES DEPARTMENT – J. Credico:

11) Adopted <u>Resolution No. 2012-83</u> of the San Benito County Board of Supervisors **Authorizing** the Closure of County Offices on Certain Days in Fiscal Year 2012/2013. File #630

PUBLIC WORKS DEPARTMENT – S. Wittry:

12) Approve contract with Rincon Consultants, Inc. for professional services for the AB900 Jail Expansion project in the amount of \$18,664 for period of December 18, 2012 through December 31, 2013.

Item pulled for discussion.

Supervisor Barrios questioned item #2 on page 250 noting that the contractor can bill us above and beyond which seemed out of the ordinary.

Public Works Administrator Steve Wittry explained that the language was taken from the standard fee schedule and there was no contingent to charge beyond the contract amount of \$18,664.

There was no public comment.

Upon motion duly made by Supervisor Barrios and seconded by Supervisor Botelho, **approved** contract with Rincon Consultants, Inc. for professional services for the AB900 Jail Expansion project in the amount of \$18,664 for period of December 18, 2012 through December 31, 2013. (Unanimous) File #105.3

PUBLIC WORKS DEPARTMENT – S. Wittry:

Adopted <u>Resolution No. 2012-84</u> approving a Right-of-Way Agreement and Grant Deed form with the State of California for the Hospital Road Bridge Project, authorizing the Public Works Administrator to accept the Grant Deed on the approved State of California form, and payment for the purchase in an amount not to exceed \$5,000. File #105

PUBLIC WORKS DEPARTMENT – S. Wittry:

Adopted <u>Resolution No. 2012-85</u> approving a Right-of-Way Agreement with and Grant Deed from the Ortiz Family Trust for the Hospital Road Bridge Project authorizing the Chair to execute the agreement and Grant Deed and authorizing payment for the purchase in an amount not to exceed \$15,400. File #105

PUBLIC WORKS DEPARTMENT – S. Wittry:

15) Approve contract with San Benito Tire, Inc. for the period of December 20, 2012 through December 31, 2015.

Item was pulled for discussion.

Supervisor Barrios stated that other service companies felt the process was unconventional and that the specs were not specific enough.

Public Works Administrator Steve Wittry explained that they went through the RFP process noting that it was done three years ago and they had refined it. He referred to page 310 and added that they did not want to include all the vehicles on the list. He further explained that they had received four proposals. He indicated that one was rejected as it was in too early and was not resubmitted, one was late and two were analyzed by the panel.

Supervisor Barrios stated that she would not support it.

Supervisor Botelho asked if it was better to do in house and if special tools or training were needed.

Supervisor Muenzer felt the RFP was difficult for vendors to deal with.

Chairman De La Cruz suggested shortening the contract so they can put it out again.

Mr. Wittry stated that they made efforts to get it out and that the two that were submitted had never done government work before and that one was submitted a week in advance and was not sealed. He noted that doing an RFP annually would take a lot of staff time.

There was no public comment.

Chairman De La Cruz suggested creating a different process in which the county develops hourly rates and the departments go to whoever they want with the department only getting reimbursement for the set amount.

Supervisor Rivas felt it sounded chaotic and lacked structure.

Upon motion duly made by Supervisor Rivas and seconded by Supervisor Botelho, **approved** contract with San Benito Tire, Inc. for countywide vehicle and maintenance and repair services for the period of December 20, 2012 through December 31, 2015. (the motion passed 3 to 2 with Supervisors Barrios and De La Cruz voting no) File #105

SHERIFF'S OFFICE - D. Thompson:

16) **Increased** expenditures in budget unit 1001 220, Sheriff-Jail in the amount of \$46,394 and revenue in the same amount to provide for the increase in the State Criminal Alien Assistance Program Award. File #110

<u>SHERIFF'S OFFICE – D. Thompson:</u>

17) Approved the expenditure increase in budget unit 1001 210 / Sheriff's Operations in the amount of \$4,090 for the purchase of computer forensic software and maintenance. Increased revenue in the amount of \$4090 to allow

for the reimbursement of expenditures through the S.A.F.E. Task Force Grant. *File* #110

SHERIFF'S OFFICE – D. Thompson:

18) **Approved** the contract with the Department of Parks and Recreations, Hollister Hills State Vehicular Recreation Area unit for non-OHV related law enforcement. *File #110*

REGULAR AGENDA:

ADMINISTRATIVE OFFICE – R. Espinosa:

Receive report and presentation on the conceptual design of the proposed River Parkway between Fourth Street and Hospital Road and the Regional Park (Focus Area) and approve the regional park conceptual design, Alternate C.

Management Analyst Janelle Cox gave a PowerPoint presentation and introduced Allison Hobbs from SSA Landscape Architects, Inc. who presented the conceptual design via a PowerPoint presentation as well.

Supervisor Barrios indicated that she was pleased and would be supporting alternate C because it was from community input.

Supervisor Muenzer expressed hope that it would be an economic stimulus and felt that alternate C does the best.

Supervisor Botelho felt it was a nice layout but that there was concern from some folks that it was pretty elaborate. He spoke of systematically phasing in components of it.

Supervisor Rivas agreed with all that had been said and expressed appreciation for the time and effort that had gone into the planning. He felt they needed to aim for the moon and asked about the timeline.

Ms. Cox spoke of sponsorships for the hub area.

There was no public comment.

Don Kelly, Chairman of the Parks and Recreation Commission stated that the project was always about the potential of partnership with the county obtaining and securing property and then entertaining partnerships to develop the proposals. He indicated that it was never intended for the county to foot the bill.

Supervisor Botelho expressed that he was concerned with taking care of the parks we have and they needed to understand that financial availability for Parks and Recreation was minimal.

Mr. Kelly replied that the Parks and Recreation Commission heard the Board of Supervisors loud and clear that they were not to impact the General Fund. He felt it would be a great economic boost for the community.

Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Barrios, **received** report and **selected** alternate C and the conceptual design of the proposed River Parkway between Fourth Street and Hospital Road. (Unanimous)

Supervisor Botelho asked if they were locking the county into an acreage to acquire.

Ms. Cox replied no and that it was just a conceptual design.

Supervisor Botelho commented that as long as it doesn't bind them into a financial obligation.

Supervisor Muenzer felt that with a defined plan they should be able to get grants. File #93

The Board adjourned for lunch at 12:31 and reconvened into regular session at 1:30 p.m. At this time the Board adjourned into Closed Session that was agendized for 1:30 p.m.

ADMINISTRATIVE OFFICE - R. Espinosa:

20) Receive the report and data analysis on the Feasibility Study Regarding the Establishment of a Community Services District for Parks, Recreation and Library Services.

Management Analyst Janelle Cox gave a PowerPoint presentation.

Supervisor Botelho had asked if the Board had approved.

Ms. Cox stated that it was done on an advisory level and the survey asked voters what level of taxation they would support. She introduced Curt Bellows of Fairbank, Maslin, Maullin, Metz & Associates – FM3 who then went through the statistical data received from the survey.

Ms. Cox highlighted and summarized the data and recommended keeping positive dialogue moving forward. She suggested conducting another public survey after a year of community outreach.

Supervisor Rivas felt it might be more feasible if it was a narrower scope, for example, just parks or just library.

Supervisor Botelho felt a \$225 parcel fee was not realistic and perhaps a \$50 parcel fee. He noted that Salinas had passed a library measure and asked how they did it.

Ms. Cox stated that she would gladly research that.

Supervisor Barrios stated that she would like to bring it back and not let it die. She wanted to keep it positive noting that the response was due to the economic times of which we were on the upside. She suggested doing the survey again, for a minimal amount of money, in a couple of years.

Supervisor Muenzer thanked Ms. Cox and the Parks and Recreation Commission for obtaining the grant to do the survey to test the waters. He noted that the Board urged them to include the library and the original intent was just the parks and recreation. He did not want to see the effort die.

Chairman De La Cruz stated that his district supports it.

Chairman De La Cruz opened the matter for public comment.

Comments were received from Interim County Administrative Officer Ray Espinosa, Clerk-Auditor-Recorder Joe Paul Gonzalez, Parks and Recreation Chairman Don Kelly, Council of Governments Director Lisa Rheinheimer and County Librarian Nora Conte.

Chairman De La Cruz closed public comment.

Ms. Cox explained that the next step was to report to the Health Trust who may be willing to support additional efforts. She stated that they would do a survey in another year before moving forward with the November 2014 ballot.

County Counsel Matt Granger explained that they can pass a general fund tax to be spent on what they want. He noted the issue of trust by the public if the money will be spent as stated. He added that legally the Board could do whatever they want with it.

Supervisor Botelho concurred with Supervisor Barrios about wanting to be very task orientated to achieve and outcome in a reasonable amount of time. He

indicated that they needed to discuss going into next year's budget and perhaps put something on the next election and see how it flies. He suggested letting the public know if it passed, the library would be open and if not, they would close it. He asked that they come back with a recommendation with some other options for the Board of Supervisors to move forward with. *File* #93

AUDITOR'S OFFICE – JP. Gonzalez:

Augment the Elections Budget Unit Grant Revenue and Special Department Expense with the Secretary of State HAVA Grant in the amount of \$20,000. Authorize the Department Head to purchase hardware and software from Dell Computer/CDW in an amount not to exceed \$20,000 prior to December 31, 2012.

Clerk-Auditor-Recorder Joe Paul Gonzalez gave a staff report.

Discussion ensued between supervisors and staff.

Chairman De La Cruz opened the matter for public comment.

There being no comment, the Chairman closed public comment.

Upon motion duly made by Supervisor Rivas and seconded by Supervisor De La Cruz **augmented** the Elections Budget Unit Grant Revenue and Special Department Expense with the Secretary of State HAVA Grant in the amount of \$20,000 and **authorized** the Department Head to purchase hardware and software from Dell Computer/CDW in an amount not to exceed \$20,000 prior to December 31, 2012. This matter requires a 4/5 vote. (The motion passed 5-0) File #608

EMERGENCY SERVICES – J. Clark:

Approve the Resolution adopting the December 2012 Update to the San Benito County Operational Area Emergency Operations Plan.

Emergency Services Manager James Clark gave a staff report.

Supervisor Barrios asked if they planned to go to the State for approval.

Mr. Clark replied yes and that it ends up at CalEMA.

Supervisor Muenzer noted that they had just received the packet and asked if they could wait until January 8th.

Supervisor Rivas wanted to adopt that day.

Supervisor Botelho wanted to adopt that day.

Supervisor Barrios wanted to adopt that day.

Chairman De La Cruz opened public comment.

Management Analyst Margie Riopel commended Mr. Clark for all the work he had done on the plan and exercise. She commented that she was leaving them in good hands.

Chairman De La Cruz closed public comment.

Upon motion duly made by Supervisor Rivas and seconded by Supervisor Barrios, **adopted** Resolution No. 2013-86 adopting the December 2012 update to the San Benito County Operational Area Emergency Operations Plan. (Unanimous) File #75.5

HUMAN RESOURCES – J. Credico:

23) Update on Vacation Balances.

Management Analyst Jacki Credico gave an update on vacation balances on unrepresented groups, listing data, but not names.

Chairman De La Cruz asked if she could share that information with the Board.

Ms. Credico stated that she would rather not and that employees were working on it. She noted that departments were short staffed and it was hard to take vacation.

Supervisor Barrios stated that it was a 2 year plan to reduce balances and a half a year had gone by. She asked if 25% had been used.

Ms. Credico answered that some people had retired and that it was not apples to apples, indicating that another 6 months was needed.

Supervisor Botelho thanked the unrepresented employees and asked staff to come back in 6 months to report again.

Ms. Credico confirmed.

Supervisor Botelho *directed* staff to put together a report to show cost savings.

Ms. Credico replied that she could do that.

There was no public comment. File #630

PUBLIC WORKS DEPARTMENT – S. Wittry:

24) Declare the vehicles and equipment listed to be surplus and direct staff to remove surplus vehicles and equipment from inventory per County practice.

County Administrative Officer Ray Espinosa explained that he put the matter on the regular agenda and noted that the money received was set to go to the department but the code states that the money should go to the general fund and not the department.

Public Works Administrator Steve Wittry spoke of his understanding and the strings attached to the original purchase adding that it was not a windfall of a lot of money. He explained that he had success the last time selling the vehicles on site as opposed to sending them to Modesto. He proposed doing the sale here and if they did not sell, send them to Modesto.

Supervisor Barrios stated that a few years ago they had asked for a standardized scrap format noting that there were no details on the vehicles, such as year, mileage or if they were operable. She felt that if they had a standardized form it would have all the data and she would like to use that format throughout all departments in the county.

Supervisor Botelho agreed that it would be helpful to the Board.

Mr. Wittry stated that the form fell through the cracks and next time they would take care of the issue.

There was no public comment.

Upon motion duly made by Supervisor Botelho and seconded by Supervisor Rivas **declared** the vehicles and equipment listed to be surplus and **directed** staff to remove surplus vehicles and equipment from inventory per County practice. (The motion passed 4 to 1 with Supervisor Barrios voting no) File #105.3

The Board adjourned into Closed Session at 1:30 p.m. and reconvened into Regular Session at 2:35 p.m., noting that Closed Session items #26 and #27 would be heard after the Regular Agenda items.

CLOSED SESSION: 1:30 p.m.

25) **Public Employment Recruitment**

Title: County Administrative Officer

Authority: California Government Code 54957 (continued from 12/11/12 mtg)

No reportable action. File #235.6

The Board adjourned into Closed Session at 4:05 p.m. and reconvened into Regular Session at 6:06 p.m. Supervisor Muenzer recused himself from Item #27.

CLOSED SESSION:

26) Public Employee Performance Evaluation

Title: Interim County Administrative Officer Evaluation

Government Code Section: 54957

No reportable action. File #235.6

27) 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)(B) – Implementation of Disciplinary Action against County Employee.

No reportable action. (Supervisor Muenzer recused himself from the matter) 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: Botelho, Rivas, Muenzer, Barrios, De La Cruz

NOES: SUPERVISORS: None ABSENT: SUPERVISORS: None

There being no further business the Board adjourned at 6:08 p.m. to January 8, 2013 at 9:00 a.m.

JAIME DE LA CRUZ, CHAIRMAN

San Benito County Board of Supervisors

ATTEST:

Denise R. Thome, Clerk of the Board