



SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios
District No. 1

Anthony Botelho
District No. 2
Chair

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4
Vice-Chair

Jaime De La Cruz
District No. 5

County Administration Building – Board of Supervisors Chambers, 481 Fourth Street, Hollister, California

REGULAR MEETING FEBRUARY 5, 2013 ACTION MINUTES

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

9:00 a.m. CALL TO ORDER:

- a) Supervisor De La Cruz led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- c) **Public Comment:** No public comment.
- d) **Department Head Announcements:**

Interim County Administrative Officer Ray Espinosa stated that Interim Health and Human Services Agency Director Maria Corona had an urgency item.

Interim HHSA Director Corona indicated she recently found out they were eligible for a grant. She explained that they found out Thursday of the last week after the posting of the agenda and the deadline to submit was February 7th.

Upon motion duly made by Supervisor Rivas and seconded by Supervisor Barrios, moved to place the matter on the agenda as an urgency item.

Chairman Botelho stated that it would be 14a.

Interim HHSA Director Corona further reported that there would be a health meeting on February 8th from 10:00 a.m. to noon at 2301 Technology Parkway.
- e) **Board Announcements:**

Supervisor Muenzer informed the public that there would be a ribbon cutting ceremony for the Pinnacles National Park on February 11th at 3:45 p.m. He noted that the Secretary of the Interior would be there along with Representative Sam Farr. He added that Senator Boxer was the author of the bill in the Senate.

Chairman Botelho stated that he was meeting with the Director of the San Benito County Water District regarding Ordinance No. 778 which deals with well groundwater management and it needed to be updated. He asked that the matter be agendized for February 19, 2013

CONSENT AGENDA:

*Upon motion made by Supervisor De La Cruz and seconded by Supervisor Rivas, **approved** Consent Agenda items with the exception of items 1, 2, 3, 4, 7, 9, 10 and 12 which were pulled for discussion. (Unanimous)*

Chairman Botelho announced that he would be abstaining from item #2.

ADMINISTRATION – R. Espinosa:

- 1) **Approve contract with Turner Consulting and Actuarial LLC to provide Medical Program Consulting/Actuarial Services in the amount of \$12,000, for the period of February 5, 2013 to March 31, 2013; and approve transfer from contingency funds to professional services in the amount of \$12,000. (4/5 vote)**

Item was pulled for discussion.

Supervisor Barrios expressed concern as the contract appeared to be open ended and there may be some additional fees. She stated that any request for additional expenditures needed to come before the Board.

Interim County Administrative Officer Ray Espinosa stated that it was an ongoing concern and spoke of monitoring time and funds and bringing back before the Board.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Muenzer, **approved** contract with Turner Consulting and Actuarial LLC to provide Medical Program Consulting/Actuarial Services in the amount of \$12,000, for the period of February 5, 2013 to March 31, 2013; and **approved** transfer from contingency funds to professional services in the amount of \$12,000. (4/5 vote) (Unanimous) File #119*

ASSESSOR'S OFFICE – T. Slavich:

- 2) **Adopt Resolutions approving Land Conservation Act Compatible Use and Division applications heard on December 4, 2012. (Res. No. 2013-8 & Res. No. 2013-9)**

Item was pulled for discussion.

Chairman Botelho abstained from the item and turned the meeting over to Vice-Chairman Muenzer noting that he had a conflict as he did business with one of the parties involved. Chairman Botelho then left the chamber.

County Assessor Tom Slavich gave a presentation.

Vice-Chairman Muenzer called for public comment.

Marvin Jones felt if they want to do business in the county and want to expand operations, they have to pay a fee. He commented that if it was their property, it was their business and they will pay taxes.

Marty Richman expressed that he was opposed to adding any land to LCA that is not prime ag land and not under pressure of development, due to the budget. He reported that it costs the county \$750,000 per year. He stated that any non prime farm land in any area not under development, they should not be under LCA.

Richard Bettencourt stated that San Benito Conservation District put his application to be on and that its totally voluntary. He added that they didn't want vineyards going up in that area. He expressed concern that they didn't want vineyards in that country.

Assessor Slavich explained that this was row crop and 200 acres of property in San Juan Bautista is already in the Williamson Act. He further explained that it

was an expansion and the division was requested because the family wants to sell some acreage. He added that it was voluntary and that it was not vineyard property and will bring in jobs and money to the county.

*Upon motion duly made by Supervisor Rivas and seconded by Supervisor Barrios, **adopted Resolution Nos. 2013-8 and 2013-9 approving Land Conservation Act Compatible Use and Division applications heard on December 4, 2012.** (The motion passed 4 to 1 with Supervisor Botelho abstaining) File #7*

ASSESSOR'S OFFICE – T. Slavich:

- 3) **Adopt Resolutions establishing Agricultural Preserve and authorize the Chair to sign Land Conservation Act contracts. (Res. No. 2013-10, 2013-11, 2013-12)**

Item was pulled for discussion.

Assessor Tom Slavich gave a staff report.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas, **adopted Resolution No. 2013-10, 2013-11 and 2013-12 establishing Agricultural Preserve and authorized the Chair to sign Land Conservation Act contracts.** (Unanimous)File #7*

COUNTY LIBRARY – N. Conte:

- 4) **Accept the donation of eight iPad 2's to the County Library Department.**

Item was pulled for discussion.

Chairman Botelho directed a certificate of appreciation for the family that donated the iPad 2's.

Librarian Nora Conte expressed appreciation and acknowledgement of the Edward Dodd Family.

Chairman Botelho called for public comment.

Marty Richman thanked the donors for the lovely gifts and hoped the Board would give them a certificate of appreciation.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Muenzer, **accepted the donation of eight iPad 2's to the County Library Department and directed that a certificate of recognition be sent.** (Unanimous) File #4*

HEALTH & HUMAN SERVICES AGENCY – M. Corona:

- 5) **Approved** the revised San Benito County Community Action Board (CAB) Bylaws to be effective February 5, 2013. *File #130*

HUMAN RESOURCES – J. Credico:

- 6) **Approved** budget transfer to budget #1001-106 for overtime costs in Information Technology Division. (4/5 vote) *File #119.1*

HUMAN RESOURCES – J. Credico:

- 7) **Approve contract with Avery and Associates for the Director of Health and Human Services Executive Recruitment.**

Item was pulled for discussion.

Supervisor Barrios suggested there were other ways to handle besides spending this amount of money. She suggested recruiting Directors from other counties to sit on a panel and conduct a search. She further suggested

advertising free of charge with CSAC and RCRC and that the county shouldn't be spending that type of money.

Supervisor Muenzer asked if it was general fund money being spent.

Interim CAO Espinosa stated that the intention was that it was out of HHSA and not general fund. He added that Supervisor Barrios made some valid points and noted that Human Resources was not there to answer those questions.

Supervisor Barrios commented that even if it wasn't general fund money it was money that could go to services.

Interim CAO Espinosa suggested using free resources and practice due diligence. He added that if there was no suitable hire they could use Avery for recruitment.

Discussion was had regarding a timeline for recruitment.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor De La Cruz, **directed** taking 30 days to pursue ideas as to what's available from other counties to put a panel together, explore alternative recruitment process and come back in 30 days. (The motion passed 4 -1 with Supervisor Muenzer voting no.) File #130*

PROBATION DEPARTMENT – B. Cardall:

- 8) **Approved** and **authorized** Chair and Chief Probation Officer to sign a three year, four month contract with Corrections Software Solutions, L.P. (CSS) for a total cost of \$67,265.85 with a term to begin on February 23, 2013 and end on June 30, 2016. *File #510*

PROBATION DEPARTMENT – B. Cardall:

- 9) **Modify the Schedule of Authorized Positions for the Gang Prevention Budget as follows: Delete 1.0 FTE Office Assistant III and add .75 FTE Secretary I.**

Item was pulled for discussion.

Supervisor De La Cruz indicated that it was important that Management Analyst Jacki Credico of Human Resources was not there as she could have answered his question. He wanted to know if it was the same position that was talked of previously.

Chief Probation Officer Brent Cardall replied yes.

Supervisor De La Cruz asked if it would cost additional money.

Chief Probation Officer Cardall replied that it would not.

*Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Rivas **modified** the Schedule of Authorized Positions for the Gang Prevention Budget as follows: **Delete** 1.0 FTE Office Assistant III and **add** .75 FTE Secretary I.(Unanimous) File #510*

Supervisor De La Cruz stated that he would like to see the fiscal impact going to this one from the last one, including benefits and pension costs if they stay here twenty years.

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 10) **Authorize the issuance of a purchase order to Livermore Ford of Livermore, California for the purchase of one fleet electric vehicle, in the amount of \$40,787.28.**

Item was pulled for discussion.

Public Works Administrator Steve Wittry gave a staff report.

Chairman Botelho asked if there were any matching funds.

Public Works Administrator Wittry replied that there were not.

The Chairman called for public comment:

Marty Richman spoke of what was wrong with the national and state ways of running the budget. He felt they needed an electric car like they needed a hole in the head and that a hybrid was better.

There being no further public comment, the Chairman closed public comment.

Supervisor Muenzer stated that he was the Chairman of the Monterey Bay Unified Air Pollution Control District (MBUAPCD) and explained that it was a grant and Public Works requested an all electric vehicle.

Supervisor Rivas expressed thanks for the explanation.

Public Works Administrator Wittry explained that they did apply specifically to replace the Ford Taurus and that they already had two hybrid vehicles. He stated that the electric vehicle has an 80 mile radius and would be used for around town, San Juan Bautista and North County. He added that the hybrid vehicle was used for South County.

*Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Rivas, **authorized** the issuance of a purchase order to Livermore Ford of Livermore, California for the purchase of one fleet electric vehicle, in the amount of \$40,787.28. (The motion passed 4 -1 with Supervisor De La Cruz voting no)
File #105*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 11) **Approved** contract with Overland Pacific & Cutler, Inc. for additional right-of-way appraisal services for the Hospital Road Bridge, in an amount not to exceed \$28,000. *File #105*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 12) **Approve Budget Adjustment in the amount of \$8,020, authorizing the increases in salaries for FY 2012-13; modify schedule of authorized positions in budget 1001-160 to increase from .60FTE to .80 for the Building and Grounds Facilities Manager.**

Item was pulled for discussion.

Public Works Administrator Steve Wittry gave a staff report.

Supervisor Muenzer asked if the \$8,000 would be coming from impact fees.

Public Works Administrator Wittry stated that the \$8,000 was coming from contingencies to be paid back by impact fees. He went on to explain how the cycle worked.

Supervisor Barrios surmised that it was more of a timing issue. She indicated that she wasn't going to approve or support but if the money was coming back she could support it. She stated that she would like some record of funds coming back through the Clerk of the Board.

Further discussion ensued between Board members and staff.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas, **approved** Budget Adjustment in the amount of \$8,020, authorizing the increases in salaries for FY 2012-13; modify schedule of authorized positions in budget 1001-160 to increase from .60 FTE to .80 for the Building and Grounds Facilities Manager. (Unanimous) File #105.3*

REGULAR AGENDA:

ADMINISTRATION – R. Espinosa:

13) **Consider nominations for appointments to the Planning Commission.**

Supervisor Barrios stated that her nominee served for four years and had done an excellent job and continued to serve.

Chairman Botelho stated that his nominee had served eight years and he was eternally grateful for his tremendous dedication and time spent.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor De La Cruz, **appointed** Jeff Culler, representing District 1, and Daniel DeVries, representing District 2, to the San Benito County Planning Commission with a term co-terminus with that of each duly elected supervisor. (Unanimous)
File #790.2*

HEALTH & HUMAN SERVICES AGENCY – M. Corona:

14) **Discuss and receive feedback from the Board on the County's ineligibility status as a result of the 50% Rule under the 2013 CDBG NOFA.**

Interim Health and Human Services Agency Director Maria Corona explained that Enrique Arreola of her department would be making the presentation.

Mr. Arreola passed out information packets and gave a staff report explaining the county's ineligibility status as a result of the 50% rule.

Supervisor De La Cruz expressed confusion and asked why not submit the costs to be reimbursed and play their gimmicks. He asked if they could sue the state.

County Counsel Granger replied affirmatively.

Supervisor Barrios asked if they could apply again for 2014/15 funds.

Mr. Arreola replied yes and that NOFA funds were released in January. He added that they would be a little more selective in the programs and rethink what services they would apply for, when applying again.

Supervisor Barrios suggested that they stay ahead of the game by picking organizations that can use the money quickly.

Supervisor Muenzer asked if other counties were going through the same issue and if there was a formal protest.

Mr. Arreola expressed that he was more than sure other jurisdictions were going through the same thing and that the City of Hollister was pursuing the application.

Chairman Botelho felt the 50% rule just encouraged agencies to waste money.

Mr. Arreola commented that the City of Hollister was more prepared this time.

The Chairman called for public comment.

Marty Richman expressed that he was happy the City of Hollister was taking advantage of the county's experience and Mr. Arreola's expertise. *File #130*

HEALTH & HUMAN SERVICES AGENCY – M. Corona (URGENCY ITEM):

14a) **Approve Resolution Authorizing San Benito County Health and Human Services Agency to participate in a multi-county grant application with Santa Cruz County and Monterey County for Covered California Outreach and Education Grant Program.**

Interim Health and Human Services Agency Director Maria Corona stated that she received notification Thursday of the previous week and would like the Board

of Supervisor's approval of participation in the multi-county grant application. She explained that they were eligible for about \$34,000.

Supervisor Muenzer asked when the grant was made available.

Interim HHS Director Corona replied January 17th but they didn't receive any grant information until last week and that was when she got notification.

Supervisor Muenzer asked why we were not notified.

Interim HHS Director Corona answered that she did not know.

Further discussion ensued between Board members and staff.

Supervisor De La Cruz asked if there was any matching of funds.

Interim HHS Director Corona replied not that she knew of.

Chairman Botelho felt that the grant stuff was a big game and asked if they were monitoring what they're doing.

Interim HHS Director Corona stated that they were going to be involved in the process and figure the target area.

Chairman Botelho indicated that elderly people didn't know what programs were out there.

Interim HHS Director Corona stated that they could provide the Board with updates.

Supervisor Barrios felt if they put their name on it they needed control and to be involved.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor **adopted Resolution No. 2013-13 authorizing** the HHS Interim Director to participate in the Multi-County grant application with Santa Cruz and Monterey Counties, and **authorized** the Interim Director to sign all necessary documents required to complete the grant application and any amendments pertaining to such grant application. (Unanimous) File #130*

PROBATION DEPARTMENT – B. Cardall:

- 15) **Approve the Community Corrections Partnership's (CCP) additional budget expenditure request for the AB109 funding and authorize the Chief Probation Officer to transfer funding accordingly.**

Chief Probation Officer Brent Cardall gave a staff report noting that they currently have 70 offenders under the AB 109 program.

Discussion ensued between Board members and staff.

Chairman Botelho called for public comment.

Marty Richman asked if they had something between jail and the street, a halfway house? He suggested investing in a voice to text program for the probation officers so they wouldn't have to type their reports.

There being no further public comment, the Chairman closed public comment.

Chief Probation Officer Cardall stated that they have some of the best alternatives in the county and have the community review board to address sanctions and violations. He added that they were using electronic monitoring rather than filling up the jail. He indicated that they were the leaders with alternative advances. He noted that over 100 volunteers have worked in the Probation Department and they couldn't do it without them.

*Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Barrios **approved** the Community Corrections Partnership's (CCP) additional budget expenditure request for the AB109 funding and **authorized** the Chief Probation Officer to transfer funding accordingly, with the correction of changing the date from July 24, 2013 to July 24, 2012. (Unanimous) File #510*

PUBLIC WORKS DEPARTMENT – S. Wittry:

16) **Receive FY 2012/13 Mid-Year Capital Budget Status Report.**

Capital Improvements Program Manager Adam Goldstone gave a PowerPoint presentation. *File #105*

PUBLIC WORKS DEPARTMENT – S. Wittry:

17) **Receive status update regarding Capital projects on John Smith Road and provide direction to staff.**

Public Works Administrator Steve Wittry gave a staff report and explained that there were three projects on John Smith Road; the alignment, road improvement in front of the resource recovery project and gap project, overlay project. He indicated that they were looking for board direction on how to proceed with the gap project.

Supervisor Barrios stated that she would like to see things move forward with the gap project.

Supervisor Muenzer concurred with Supervisor Barrios and expressed concern that they were going to have a road in disrepair at the start, good in the middle and in disrepair at the end. He wondered if the community would understand what they're doing.

Chairman Botelho expressed that he just wanted to see something get done and John Smith Road improvements needed to be done. He added that the Resource Recovery Park needed to get done as well.

Public Works Administrator Wittry explained that there would be a CEQA process, just simpler because of the categorical exemption.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Muenzer, **directed** staff to proceed with gap overlay project portion on John Smith Road. (Unanimous) File #105*

PUBLIC WORKS DEPARTMENT – S. Wittry:

18) **Provide staff direction regarding future countywide cleaning services.**

Interim County Administrative Officer Ray Espinosa stated that they looked at cleaning the bathrooms one day a week and perhaps bring the person back that was let go.

Public Works Administrator Steve Wittry stated that one of the unintended consequences of budget hearings was that the only custodian was laid off and each individual department was responsible for their own cleaning. He noted that it was a health hazard with not being cleaned on a consistent basis. He explained that the contract expires the end of June and they needed to do an RFP. He added that they needed direction from the Board as to the scope, only subvented departments or include cleaning bathrooms only in departments.

Supervisor Barrios stated that she would like to include cleaning of general fund departments.

Supervisor De La Cruz asked what the City was doing regarding janitorial and suggested combining services to get a lower bid. He supported the concept of cleaning the departments.

Further discussion ensued between Board members and staff.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor De La Cruz **directed** the Public Works Administrator to include the General Fund departments in RFP for restroom cleaning for one time per week service and*

directed further discussion with the City of Hollister regarding combined services. (Unanimous) File #105.3

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 19) **Receive the County Service Area (CSA) status report encompassing the period October 1, 2011 through December 30, 2012.**

County Service Area Coordinator Lynette Redman gave a staff report. Discussion ensued between Board members and staff. *File #CSA's*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 20) **Approve Budget Augmentation in the amount of \$3,000 to provide revenue in Building and Grounds for survey and preparation of request for development proposals at 3110 Southside Road, old county hospital. (4/5 vote)**

Public Works Administrator Steve Wittry indicated that the appraisal came in more favorably than they had hoped. He explained that there was a process to go through and they would work with the County Counsel's office. He indicated that they needed to physically separate with a lot line adjustment.

Supervisor Muenzer asked if they could do the lot line adjustment.

Public Works Administrator Wittry explained that it requires a surveyor to do the formal documents, San Benito Engineering.

Supervisor Barrios surmised that potentially it could be less than \$3,000.

Public Works Administrator Wittry stated that it was not to exceed \$3,000.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Muenzer, **approved** Public Works Building and Grounds Budget Augmentation with General Fund Contingency in the amount of \$3,000, **authorizing** the Professional Services and in FY 2012-13 as submitted by the Public Works Department and **authorized** the Chairman to sign budget transfer form. (Unanimous) File #105.3*

The Board adjourned into Closed Session at 11:58 a.m. and reconvened into regular session at 12:22 p.m.

CLOSED SESSION:

- 21) **Conference with Legal Counsel-Anticipated Litigation
Initiation of litigation pursuant to subdivision (c) of Section 54956.9:
Number of Cases: (1)**

*The Board authorized the County to initiate litigation. (The motion passed 4 -1)
File #235.6*

- 22) **Conference with Labor Negotiator:
Authority: California Government Code Section 54957.6
Agency Designated Chief Negotiator: JoDan and Associates, Linzie Daniel
and/or Management Analyst Jacki Credico
Employee Organizations: MANAGEMENT EMPLOYEES' GROUP
INSTITUTIONS ASSOCIATION
SEIU Local 521 (General Unit Employees)
DEPUTY SHERIFF'S ASSOCIATION
UNREPRESENTED EMPLOYEES**

LAW ENFORCEMENT MANAGEMENT

County Counsel Matt Granger stated that the matter was pulled because the County's negotiator was not present. 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, De La Cruz, Rivas, Barrios, Muenzer
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: None

There being no further business, the Board adjourned at 12:24 p.m. to February 19, 2013 at 9:00 a.m.

ANTHONY BOTELHO, CHAIRMAN
San Benito County Board of Supervisors

ATTEST:
Denise R. Thome, Clerk of the Board