



SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios
District No. 1
Vice-Chair

Anthony Botelho
District No. 2

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4
Chair

Jaime De La Cruz
District No. 5

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

SPECIAL MEETING MARCH 11, 2014 ACTION MINUTES

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

3:00 p.m. CALL TO ORDER:

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

REGULAR AGENDA:

SHERIFF'S OFFICE – D. Thompson:

- 1) **Accept and approve the Sheriff's Staffing Plan for the new courthouse, including position classifications; and accept and approve a one-time contribution of \$100,000 from the Court for the specific and limited purpose of funding Security Services at the new courthouse; and direct the County Administrative Office to deposit the Court's one-time contribution of \$100,000 so that any unexpended funds are carried forward into the subsequent fiscal year with the same specific and limited purpose of funding Security Services at the new courthouse; and accept and approve the MOU for Security Services at the new courthouse and authorize the Chair to sign the MOU; and direct the sheriff to provide an update to the Board of Supervisors by July 1, 2014 with regard to the status of permanently increasing the State's funding for Security Services.**

County Administrative Officer Ray Espinosa gave background information on the matter.

Sheriff Darrin Thompson stated that they were facing a long term problem but today they were bringing them a short term solution, for about a year with more long term solutions to come.

Captain Don Bradley explained that he explored retired annuitants to work and had a capable group ready to go if the plan was approved. He indicated that the test runs were done and they had created a short term solution. He stated that they were prepared to run the facility with six personnel, baseline staffing. He

detailed the location of the six deputies and indicated that they would be paid an hourly wage with no benefits given to the retired annuitants. He stated that two deputies were to work in the court holding facility and that it was not in the M.O.U., general fund employees. Captain Bradley added that security companies charged a higher hourly rate than retired annuitants. He suggested they could report back July 1, 2014. He stated that in a cost analysis the money from the courts will help to offset costs and that there would be \$646,000 in estimated costs. He stated that funding for security would be exhausted by late February, early March of 2015. He indicated that the M.O.U. allowed flexibility to move staff up or down as needed. He stated that the term of the agreement is one year and spoke of the financial crisis clause. He stated that the dialogue was in place but a long term funding solution was not in place. Captain Bradley concluded that it bought them one year to seek a permanent solution.

Court Executive Officer Gil Solorio expressed appreciation of the Board of Supervisor's consideration. He stated that he knew all long term funding questions had not been answered and appreciated their consideration of the M.O.U.

The Board adjourned for a break at 3:14 p.m. and reconvened at 3:16 p.m.

Chairman Muenzer stated that they would be going into closed session.

Supervisor Rivas asked why they were going into closed session and since closed session related to this item, why didn't they have closed session first?

The Board adjourned into closed session at 3:17 p.m. and reconvened into special session at 3:55 p.m.

CLOSED SESSION:

2) **Conference with Legal Counsel-Anticipated Litigation
Initiation of litigation pursuant to subdivision (d)(4) of Section 54956.9
Number of Cases (1)**

No reportable action. File # 235.6

The Board continued with special agenda item 1:

Supervisor Rivas stated that there was new information received and requested that they continue the matter to March 18, 2014.

Supervisor Barrios felt that they should have the team of negotiators of the CAO, Supervisor Barrios, Supervisor Botelho, Sheriff and the courts to continue to negotiate immediately, given the new information.

Supervisor Rivas moved to have the team of negotiators of the CAO, Supervisor Barrios, Supervisor Botelho, Sheriff and the courts to continue to negotiate immediately, given the new information.

Supervisor Barrios seconded the motion.

Under the question:

Chairman Muenzer expressed that he was uncomfortable not sharing the information.

CAO Espinosa stated that new information was received late that morning from CSAC regarding agreements that other counties have with the court system. He gave the example of Tulare County whose court security service with the sheriff is in the agreement and the county was no longer responsible for additional services or personnel for court security at their new courthouse. He

read from the item. He stated that there was concern in administration from a budgetary view to make sure to have staffing without impact to the general fund. He added that their agreement held the State responsible for additional services. CAO Espinosa stated that the County of Merced also holds their county not responsible for additional services. He stated that they would like to bring it back to the table and meet with the courts and have some type of language in there and include a time.

Supervisor Botelho understood that the courts, county and sheriff wanted a safe facility and that was the whole goal. He felt that the State ought to be funding security. He added that dialogue had been good with all parties. He noted that there were counties mentioned that haven't even constructed their courthouses yet and they have agreements beforehand. He stated that they needed to meet needs and protect the general fund.

Supervisor Rivas stated that as a Board they were being very cautious and that the agreement addresses a short term answer. He added that with new information, other counties have agreements for long term solutions. He expressed appreciation of the work done and wanted to reach an agreement.

Sheriff Thompson stated that their position was one of full cooperation and he was supportive of exploring other options. He stated that the courts were expected to open on Monday as scheduled and they don't have staffing at this time to be there on Monday. He suggested that if they did not approve Temporary Extra Help Deputy Sheriffs (TEHDS) to work on Monday, instead they either use patrol staff or call people in at time and a half. He recommended approval of item #1, period. He explained that it did not tie them to the M.O.U. or funding and that temporary employment can be dismissed at any time. He further stated that until they accepted the money, fees would be out of the general fund which was cheaper than time and a half.

Chairman Muenzer asked the Sheriff if he was ready to man the courthouse on Monday.

Sheriff Thompson replied yes.

Chairman Muenzer asked if they moved on item #1, would that assist him.

Sheriff Thompson stated that was his position.

Chairman Muenzer asked if he needed a 10 to 15 minute break to analyze or did he feel confident.

Sheriff Thompson replied that he felt confident at that point.

Supervisor Rivas amended his motion to approve item #1 and continue the remainder of the items to Tuesday, March 18, 2014.

Supervisor Barrios agreed to the amendment to the motion that she seconded.

Under the question:

Supervisor Barrios stated that it was only a one year contract and this M.O.U. to continue until they reach another M.O.U. She expressed that she was afraid the money would run out before the year was up and a new M.O.U.

Sheriff Thompson stated that they would be there on Monday when the courts open and they would pay \$28.41 per hour for TEHDS or overtime.

The motion passed 5-0. File # 110

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

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

There being no further business the Board adjourned at 4:12 p.m. to March 18, 2014 at 9:00 a.m.

JERRY MUENZER, CHAIRMAN
San Benito County Board of Supervisors

ATTEST:
Denise R. Thome, Clerk of the Board