



# SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios  
District No. 1

Anthony Botelho  
District No. 2  
Chair

Pat Loe  
District No. 3

Reb Monaco  
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 AGENDA JANUARY 27, 2009

### **Mission Statement**

***The County Board of Supervisors will recognize the public trust it holds, will on all occasions conduct business with honesty, integrity, and respect for the individual, and will hold the organization of County government to that same standard.***

***The San Benito County Board of Supervisors welcomes you to this meeting and encourages your participation.***

- *If you wish to speak on a subject matter within the jurisdiction of the Board of Supervisors and does not appear on the agenda, you may do so during the Public Comment period at the beginning of the meeting. Please complete a Speaker Card and provide it to the Clerk of the Board prior to the meeting. Except as otherwise provided by law, no action shall be taken on any item not appearing on the agenda. When addressing the Board, please state your name for the record. Please address the Board as a whole through the Chair.*
- *If you wish to speak on an item contained in the agenda please complete a Speaker Card identifying the item(s) and provide it to the Clerk of the Board prior to consideration of the item.*  
**Each individual speaker will be limited to a presentation total of three (3) minutes.**

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

- a) Pledge of Allegiance to be led by Supervisor Barrios.
- b) Acknowledge Certificate of Posting.
- c) **Public Comment:** *Opportunity to address the Board on items of interest on a subject matter within the jurisdiction of the Board of Supervisors and not appearing on the agenda. No action may be taken unless provided by Govt. Code Section 54954.2.*
- d) **Department Head Announcements:** Information only.
- e) **Board Announcements, Introductions and Presentations:** Information only.

### **CONSENT AGENDA:**

*These matters shall be considered as a whole and without discussion unless a particular item is removed from the Consent Agenda. Approval of a consent item means approval of the recommended action as specified on the Agenda Item Transmittal.*

*If any member of the public wishes to comment on a Consent Agenda Item, please fill out a speaker card, present it to the Clerk prior to consideration of the Consent Agenda and request the item be removed and considered separately.*

**AGRICULTURAL COMMISSIONER – P. Matulich:**

- 1) Approve contract with the California Department of Food & Agriculture for Pest Detection Trapping Services for the period of July 1, 2008 to June 30, 2010 in the amount of \$85,082.

**AUDITOR-CONTROLLER – J. P. Gonzalez:**

- 2) Approve settlement agreement with the U.S. Department of Justice, Office of Justice Programs regarding Southwest Border Prosecution Initiative Program.

**CLERK OF THE BOARD – L. Churchill:**

- 3) Approve the action minutes for the meetings of November 25, 2008 and January 6, 2009.

**COUNTY COUNSEL’S OFFICE – B. Thompson:**

- 4) Approve legal services agreement with Santa Clara County; and approve recommended budget transfer in an amount not to exceed \$60,000.
- 5) Approve amendments to legal services agreements with Bingham, McCutchen, LLP and Hoge, Fenton, Jones & Appel, Inc. for the for on-going legal services related to processing the El Rancho San Benito (ERSB) Master Community Specific Plan application in additional amounts not to exceed \$125,000 for each law firm.

**HEALTH & HUMAN SERVICES AGENCY – K. Flores:**

- 6) Declare intent not to contract for FY 08/09 Emergency Medical Services Appropriation (EMSA) funds and authorize chair to sign the declaration of intent.
- 7) Appoint Mr. Joseph M. Torquato as representative for YEP Council for a three-year term effective January 26, 2009 through January 26, 2012.
- 8) Re-appoint Ms. Sherrean Carr as a public sector representative for Workforce Investment Board for a three-year term effective January 26, 2009 through January 26, 2012.
- 9) Re-appoint Mr. Esequiel Arrizon as a private sector representative for Workforce Investment Board for a three-year term effective January 26, 2009 through January 26, 2012.
- 10) Approve Amendment #2 to the existing contract with Janette Simin extending the term to June 30, 2009 and increasing the contract total from \$26,000 to \$48,000; and authorize the Health & Human Services Agency Director to sign amendment.
- 11) Approve 2008/2009 Workforce Investment Act Job Training Plan modification for submission to the State. (CSWD)

**INTEGRATED WASTE MANAGEMENT DEPARTMENT – M. Rose:**

- 12) Approve contract with the California Conservation Corps to perform storm drain marker maintenance and public refuse and recycling container maintenance and authorize the Director of Integrated Waste Management to sign said contract.

**PUBLIC WORKS DEPARTMENT – J. Cox:**

- 13) Accept the bids received on January 5, 2009; award contract to Mechanical Systems, Inc. for HVAC Maintenance and Services, for the period of February 1, 2009 through January 31, 2010 in an amount not to exceed \$90,000.
- 14) Accept the bids received on January 7, 2009; award contract to EarthTech Landscape, for County Service Area Landscape Maintenance and Services, for the period of April 1, 2009 through March 31, 2010 in the amount of \$44,280.
- 15) Review and accept the Grant Allocation policy guidelines as established by the San Benito County Parks and Recreation Commission.
- 16) Approve plans and specifications and authorize staff to solicit bids for the improvements on Orchard Road at Fairview Road intersection.

**TREASURER/TAX COLLECTOR/PUBLIC ADMINISTRATOR – M. L. Andrade:**

- 17) Adopt Resolution delegating authority to the County Treasurer and authorize delegation of authority to the County Treasurer to invest and reinvest county funds and other depositors' funds in the County Treasury or to sell or exchange securities so purchased, pursuant to the requirement of state law. (Res. No. 2009-7)

**9:30 A.M. PUBLIC HEARING: *(Or as soon thereafter as the matter may be heard)***

**INTEGRATED WASTE MANAGEMENT – M. Rose:**

- 18) Hold public hearing to consider adoption of an ordinance amending Chapter 15.01, "Solid Waste Regulations", of Title 15 of the San Benito County Code, waive first reading of ordinance and set adoption of ordinance for February 3, 2009; and adopt a resolution confirming the exclusive franchise fee; and establishing a non-exclusive franchise fee and approve as to form of the non-exclusive franchise agreement.

**REGULAR AGENDA:**

*For each regular agenda item, the following schedule shall occur:*

- a) *Staff report.*
- b) *Public opportunity to address the Board on a particular agenda item. Please fill out a speaker card and present it to the Clerk prior to consideration of the item.*
- c) *Consideration by the Board.*

**ADMINISTRATIVE BUSINESS – S. Thompson:**

- 19) Approve and authorize the Chairman to sign a Memorandum of Understanding with the City of Hollister, County Office of Education and Hollister School District establishing a Gang Prevention Coordinator Position, governance structure and funding formula.

**INTERNAL SERVICES DEPARTMENT - R. Inman:**

- 20) Approve contract with the City of Hollister to provide Animal Control and Animal Shelter Services to the County of San Benito for the period of July 1, 2008 to June 30, 2013.

**PUBLIC WORKS DEPARTMENT – J. Cox:**

- 21) Receive report on California State Budget for transportation funding and potential federal economic stimulus funding.

**SHERIFF’S DEPARTMENT – C. Hill:**

- 22) Approve the addition of one (1) FTE Deputy Sheriff Range L1 to the Sheriff’s schedule of authorized positions with the understanding that this position will be exclusively assigned to the Court as well as fully funded by the Court; and approve the budget adjustment/transfer increasing salary and benefits by \$46,000. (4/5 Vote)

**CLOSED SESSION:**

*Matters discussed during Closed Session include existing and pending litigation, personnel matters and real property negotiations. Reportable actions taken by the Board during Closed Session will be announced during open session. (Gov. Code Section 54957.1(a) & (b), Ralph M. Brown Act.)*

- 23) 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)(A).

**AFTERNOON SESSION  
1:30 P.M.**

**1:30 P.M. PUBLIC HEARING (Or as soon thereafter as the matter may be heard)**

**PLANNING DEPARTMENT – A. Henriques:**

- 24) Hold a public hearing to consider an ordinance revising the hillside development regulations (Ordinance No. 781) Section 18-148.2 of the San Benito County Code Chapter 18 (Zoning Ordinance No. 479), Article XIII, (which will become § 25.29.031 of Article II of Chapter 25.29 of Title 25 of the recodified County Code.) Action may include adoption of the ordinance recommended by the Planning Commission on January 7, 2009 and/or further direction to staff regarding alternative ordinances.

**REGULAR AGENDA:**

**PLANNING & BUILDING DEPARTMENT – A. Henriques:**

- 25) Update on the Inclusionary Housing Ordinance and provide direction to staff.

**ADJOURN TO TUESDAY, FEBRUARY 3, 2009 AT 9:00 A.M.**

**AGENDA DEADLINE IS MONDAY, JANUARY 26, 2009 AT 1:00 P.M.**

NOTE: A copy of this Agenda is published on the County's Web site on the Friday preceding each Board meeting and may be viewed at [www.san-benito.ca.us/agendas](http://www.san-benito.ca.us/agendas). All proposed agenda items with supportive documents are available for viewing at the San Benito County Administration Building, 481 Fourth Street, Hollister, CA between the hours of 8:00 a.m. & 5:00 p.m., Monday through Friday (except holidays). This is the same packet that the Board of Supervisors reviews and discusses at each Board meeting.

*As required by Gov. Code Section 54957.5 any public record distributed to the Board of Supervisors less than 72 hours prior to this meeting in connection with any agenda item shall be made available for public inspection at the office of the Clerk of the Board, San Benito County Administration Building, 481 Fourth Street, Hollister, CA 95023. Public records distributed during the meeting will be available for public inspection at the meeting if prepared by the County. If the public record is prepared by some other person and distributed at the meeting it will be made available for public inspection following the meeting at the office of the Clerk of the Board.*

***In compliance with the Americans with Disabilities Act (ADA) the Board of Supervisors meeting facility is accessible to persons with disabilities. If you need special assistance to participate in this meeting, please contact the Clerk of the Board's office at (831) 636-4000 at least 48 hours before the meeting to enable the County to make reasonable arrangements to ensure accessibility.***