



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 FEBRUARY 24, 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:

- Pledge of Allegiance** to be led by Supervisor Loe.
- Acknowledge Certificate of Posting.**
- 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.*
- Department Head Announcements:** Information only.
- 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.

CLERK/AUDITOR/RECORDER – J. P. Gonzalez:

- 1) Re-appoint Michael O’Connell, Sam E. Lomanto Jr. and Mark Wright as Directors of the Pacheco Pass Water District.

CLERK OF THE BOARD – L. Churchill:

- 2) Approve the action minutes for the meeting of February 3, 2009.

DEPARTMENT OF CHILD SUPPORT SERVICES – K. Johnson:

- 3) Authorize out of state travel for the Regional Director to attend the ERICSA conference in Myrtle Beach, South Carolina on March 29, 2009 through April 2, 2009; and approve the expenditure of travel and registration expenses not to exceed \$1,500.

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 4) Approve Amendment #2 with the California Statewide Automated Welfare System Consortium IV Joint Exercise of Powers Agreement and Memorandum of Understanding (MOU).
- 5) Appoint Mr. Jorge M. Ramirez to the Community Action Board to represent District #4 Low Income Representative for a three-year term, effective February 24, 2009 to February 24, 2012. (CSWD)

INTERNAL SERVICES DEPARTMENT – R. Inman:

- 6) Approve second amendment to the contract with the California Department of Forestry and Fire Protection (Cal Fire) for FY 08/09; and adopt Resolution acknowledging the amendment. (Res. No. 2009-16)

PROBATION DEPARTMENT – B. Cardall:

- 7) Approve agreement with City of Hollister for use of Hollister Police Department’s shooting range and authorize the Chief Probation Officer to sign agreement.
- 8) Approve contract with Hollister Youth Alliance to provide weekly educational groups for youth referred by Probation in an amount not to exceed \$42,000.

PUBLIC WORKS DEPARTMENT – J. Cox:

- 9) Adopt specifications for the Sheriff Building Air Duct Replacement Project.
- 10) Adopt the plans and specifications for the Courthouse Inmate Entry Project.

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

INTERNAL SERVICES:

- 11) Hold public hearing to consider an ordinance amending Chapter 13.01 (Animals and Fowl) of Title 13 the San Benito County Code, waive reading of the ordinance and continue to March 3, 2009 for adoption of ordinance.

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.

CLERK/AUDITOR/RECORDER – J. P. Gonzalez:

- 12) Presentation of the audited Fiscal Year 2008 Comprehensive Annual Financial Report (CAFR) by the County of San Benito's Independent Auditor, Grace and Associates, CPA's; accept the audited fiscal Year 2008 Comprehensive Annual Financial Report.

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 13) Approve Memorandum of Understanding (MOU) making San Benito County a participating partner in the Monterey Bay Area Green Business Program (MBAGBP) and authorize the Administrative Officer to sign.

INTERNAL SERVICES DEPARTMENT – R. Inman:

- 14)
 1. Introduce ordinance entitled "An Ordinance Amending Chapter 3.01(Administration Generally) of Title 3 of the San Benito County Code", waive first reading and set for adoption on Tuesday, March 3, 2009.
 2. Adopt Resolution entitled "Resolution of the San Benito County Board of Supervisors regarding office hours and days of operation of County Offices.
- 15) Hear Employee Appeal of Denial of request to receive donation of paid leave and render a decision.

PUBLIC WORKS DEPARTMENT – J. Cox:

- 16) Discuss the concept of a regional park project; direct staff to include funding for a possible project in the FY 2009-10 recommended budget, in the amount of \$2.5 million; and direct staff to work with the Parks and Recreation Commission to further research the feasibility of the Regional Park Project.

ADMINISTRATIVE BUSINESS – S. Thompson:

- 17) Discuss and provide staff direction on possible future use of the Southside Hospital facility by the Homeless task force for a permanent homeless shelter.
- 18) Receive status report on the State Budget local impact and direct staff as appropriate.

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.)

- 19) Authority: California Government Code Section 54957
Consider Discipline/Dismissal/Release Matter of a Public Employee
- 20) Conference with Legal Counsel-Anticipated Litigation
Initiation of litigation pursuant to subdivision (c) of Section 54956.9:
Number of Cases: (1)

- 21) Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to subparagraph (C) of paragraph (3) of subdivision (b) of Government Code Section 54956.9. Number of cases: 2

AFTERNOON SESSION

1:30 P.M.

COUNTY COUNSEL – B. Thompson:

- 22) Approve legal services agreement with Bingham, McCutchen, LLP, in an initial amount not to exceed \$75,000, for legal services related to processing the Santana Ranch Specific Plan application.

PLANNING & BUILDING DEPARTMENT – A. Henriques:

- 23) Approve contract with Denise Duffy & Associates, for planning consultant services related to the 2009 General Plan Housing Element Update and associated technical updates to other elements of the General Plan and County ordinances that are triggered by the Housing Element Update, in an amount not to exceed \$59,000.
- 24) Review comment letter to the State Department of Housing and Community Development (HCD) regarding Proposed Regulations for Annual Housing Element Progress Reports and direct chair to sign letter.
- 25) Approve Amendment #1 to the Phase one contract with David Powers and Associates regarding environmental work for the El Rancho San Benito project in the additional amount of \$42,900 (bringing the total contract amount to \$138,420) for the contract term.
- 26) Approve contract for General Plan Update Phase Two services with Mintier Harnish in the amount not to exceed \$812,030.
- 27) Adopt Resolution granting the appeal of the Santana Ranch Owner's group and provide the appellant with 22 allocations or take alternate action.

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

AGENDA DEADLINE IS MONDAY, FEBRUARY 23, 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. 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.