



# 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 APRIL 28, 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 De La Cruz.
- 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.

### **PRESENTATIONS & RECOGNITIONS:**

- Present the Child Abuse Prevention Council's Annual Blue Ribbon Award to Chris Armstrong.**
- Proclaim May as "Water Awareness Month".** (Shawn Novack, Water Resources Association of San Benito County)

**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.*

**ADMINISTRATIVE BUSINESS – S. Thompson:**

- 3) Approve and County financial participation in the Hollister Urban Area Water Master Plan Implementation Program under terms of existing Memorandum of Understanding (MOU) and authorize County Administrative Officer to process the County share of actual cost payments up to a maximum of \$30,000 between May 1, 2009 and June 30, 2010.

**AGRICULTURAL COMMISSIONER – P. Matulich:**

- 4) Approve contract with the California Department of Food & Agriculture to provide light brown apple moth trapping services for the fiscal year 2008/2009 in the amount of \$11,344.

**BEHAVIORAL HEALTH – A. Yamamoto:**

- 5) Authorize the Behavioral Health Director to sign and submit a request to the State Department of Mental Health for Mental Health Services Act (MHSA), Innovation Community Program Planning funds for an amount of \$72,500.
- 6) Proclaim May 2009 as Mental Health Month in San Benito County and authorize chair to sign proclamation.

**BOARD OF SUPERVISORS:**

- 7) Approve Certificates of Recognition for 2009 MACE (Mexican-American Committee on Education) Man and Woman of the Year, Jose Zepeda and Guille Reynoso, for presentation on May 2, 2009. (Chairman Botelho)

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

- 8) Approve the action minutes of the April 7, 2009 and April 14, 2009 meetings.

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

- 9) Approve the acceptance of \$125,000 grant from the Secretary of State for the Vote Grant Program to improve voter equality opportunity and access; and adopt resolution approving application for grant funds; and authorize the County Clerk/Auditor/ Recorder/Registrar to sign said grant. (Res. No. 2009-30)

**COUNCIL OF SAN BENITO COUNTY GOVERNMENTS – L. Rheinheimer:**

- 10) Approve Amendment #3 to Employment agreement between the County of San Benito County and the Council of San Benito County Governments and Lisa Rheinheimer.

**PROBATION DEPARTMENT – B. Cardall:**

- 11) Authorize Chief Probation Officer to submit fiscal year 2009/2010 Juvenile Justice Crime Prevention Act's Application (JJCPA) to California Standard's Authority (CSA) and to expend the funds provided by this Act in the amount of \$146,007.

**PUBLIC WORKS DEPARTMENT – J. Cox:**

- 12) Reject non responsive bid, accept all responsive bids and approve contract with U.S. National Corp. as the lowest responsive, responsible bidder for the painting of the Courthouse-Hall of Records for the period of May 4, 2009 through July 3, 2009, in the amount of \$41,000; and, authorize the Public Works Administrator to issue change orders to the construction contract in an amount not to exceed \$4,100.

**SHERIFF'S DEPARTMENT – C. Hill:**

- 13) Make finding that Emergency Vehicle Specialist is the sole source provider; and approve service agreement with Emergency Vehicle Specialist for maintenance and repair for the San Benito County repeater sites for the period of May 1, 2009 to June 30, 2010 in an amount not to exceed \$27,720.

**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.*

**AGRICULTURAL COMMISSIONER – S. Thompson:**

- 14) Update on urban and rural wildlife activities; and approve Wildlife Services contract with the United States Department of Agriculture for animal and plant health inspection services for the period of July 1, 2009 through June 30, 2010 and authorize the Agricultural Commissioner to sign said contract, in the amount of \$88,285.

**COUNTY COUNSEL – B. Thompson:**

- 15) Approve amendment to contract with Bingham, McCutchen, LLP, in an additional amount not to exceed \$100,000 for on-going legal services related to processing the El Rancho San Benito (ERSB) Master Community Specific Plan application.

**PUBLIC WORKS DEPARTMENT – J. Cox:**

- 16) Review of Draft Parks and Recreations Facilities Master Plan and provide direction to staff.

**11:00 a.m. 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.)*

- 17) Public Employee Appointment  
Title: County Counsel and Public Works Administrator  
Authority: Government Code Section 54957

## **AFTERNOON SESSION**

### **1:30 P.M.**

#### **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.)*

- 18) Conference with Legal Counsel-Existing Litigation.  
(Subdivision (a) of Section 54956.9)  
Name of Case: Del Carlo v. County of San Benito, Superior Court of California, County of San Benito, Case No. CU 06-00079
- 19) Public Employment Performance Evaluation  
Title: Agricultural Commissioner / Sealer of Weights & Measures  
Authority: California Government Code Section 54957
- 20) Conference with Legal Counsel-Existing Litigation.  
(Subdivision (a) of Section 54956.9)  
Name of Case: Association for Equal Information and Governmental Integrity v. County of San Benito, Superior Court of California, County of San Benito, Case No. CU-09-00043
- 21) Conference with Legal Counsel-Existing Litigation.  
(Subdivision (a) of Section 54956.9)  
Name of Case: New Century Trs Holdings, Inc. et.al; In the United States Bankruptcy Court for the District of Delaware, Case No. 07-10416
- 22) Conference with Legal Counsel-Anticipating Litigation  
Significant Exposure to litigation pursuant to subdivision (b) of Section 54956.9:  
Number of Cases: (2)  
Closed Session is authorized by Section 54956.9(b)(3)(A)

**ADJOURN TO TUESDAY, MAY 5, 2009 AT 9:00 A.M.**

**AGENDA DEADLINE IS MONDAY, APRIL 27, 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.***