



# 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 JUNE 2, 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.

### **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:**

- 1) Approve amendments to agreements with San Benito County Planning Director Art Henriques and San Benito County Internal Services/Assistant CAO Rich Inman extending agreement to January 2013 for Mr. Henriques and June 2013

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

- 2) Approve the revised action minutes of the April 28, 2009 and May 5, 2009 meetings and the May 19, 2009 special meeting. *(Continued from 5/26/09 meeting.)*

**COUNTY COUNSEL – B. Thompson:**

- 3) Approve general fund contingency transfer in the amount of \$110,000 to pay attorneys' fees and costs owed to the law firm of Hoge, Fenton, Jones & Appel ("Hoge Fenton") for fees and costs that were incurred in the defense of the Friends of Tres Pinos matter. *(4/5 Vote)*

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

- 4) Adopt Resolution revising the effective date of Resolution 2009-37 regarding the rate schedule at John Smith Road Landfill to July 1, 2009. *(Res. No. 2009-38)*

**INTERNAL SERVICES – R. Inman:**

- 5) Approve the job classification for Psychiatrist and set current salary at a flat hourly rate of \$110.00; and approve addition of .75 FTE Psychiatrists, MD to the Behavioral Health Department's schedule of authorized positions.
- 6) Approve contract with Lynx Technologies to administer and maintain the Countywide GIS System for the Countywide GIS Enterprise for the period of July 1, 2009 to June 30, 2010 in an amount not to exceed \$62,500.

**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.*

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

- 7) Informational report on styrofoam/polystyrene and plastic bags.
- 8) Receive report on Landfill Fee Waiver for Non-Profit Donation Collection Sites and direct staff as appropriate.

**INTERNAL SERVICES – R. Inman:**

- 9) Adopt Voluntary Time Off Program.
- 10) Adopt Resolution adopting policy titled Identity Theft "Red Flags" policy.
- 11) Presentation of Capital Improvement Program by Willdan Financial Services (formerly MuniFinancial)

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

- 12) Discuss and approve consultant contract with TRA Environmental Sciences, Inc. for a Habitat Conservation Plan feasibility study in an amount not to exceed \$50,000.

**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.)*

- 13) Conference with Legal Counsel-Existing Litigation.  
(Subdivision (a) of Section 54956.9)  
Name of Case: Simpson v. County of San Benito, Superior Court of California, County of San Benito, Case No. Cu 08-00038
- 14) Conference with Legal Counsel – Existing Litigation – (Subdivision (a) of Section 54956.9) Name of Case(s): Sarsfield vs. County of San Benito, et al. (Northern District Court, Case No. C07-2528 JF)
- 15) Conference with Legal Counsel-Anticipated Litigation.  
Initiation of litigation pursuant to subdivision (c) of Section 54956.9: Number of Cases: (1)

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

**AGENDA DEADLINE IS MONDAY, JUNE 1, 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.***