



# 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 JULY 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:**

- a) Pledge of Allegiance to be led by Supervisor De La Cruz.
- 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.*

### **ADMINISTRATION:**

- 1) Consider cancellation of the August 11, 2009 Board of Supervisors Meeting.

**AGRICULTURAL COMMISSIONER – P. Matulich:**

- 2) Approve contract with the California Department of Food & Agriculture for organic inspection services for the FY 2009/2010 in the amount of \$4,675.00.
- 3) Approve Memorandum of Understanding (MOU) with the Department of Interior for weed control work at Pinnacles National Monument.

**BEHAVIORAL HEALTH – A. Yamamoto:**

- 4) Approve contract renewal with John Muir Behavioral Health Center for acute psychiatric hospital care for the period of July 1, 2009 through June 30, 2010 for a maximum total not to exceed \$70,000.
- 5) Approve contract renewal with St. Helena Hospital Center for acute psychiatric hospital services for the period of July 1, 2009 through June 20, 2010 for a maximum amount not to exceed \$70,000.
- 6) Approve contract Chamberlain's Children Center, Inc. for Therapeutic Behavioral Services for the period of July 1, 2009 through June 30, 2010 for a maximum annual total of \$40,000.
- 7) Approve the request for the Behavioral Health Department's Substance Abuse Program Manager to attend the Project Director's Meeting in Washington, D.C. scheduled for August 3-5, 2009, sponsored by the United States Education Department.
- 8) Approve contract renewal with Hope Rehabilitation Services for the FY 2009-10 for a maximum annual total of \$25,000.
- 9) Approve contract renewal with the Department of Mental Health for State Hospital Bed Use for the FY 2008-09; and authorize the Behavioral Health Director to sign contract; adopt Resolution signifying Board approval to enter into contract. (Res. No. 2009-67)

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

- 10) Approve the action minutes of the June 2, 2009 and June 23, 2009 meetings.

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

- 11) Approve contract with the State Department of Public Health for Immunization Assistance Program for the period of July 1, 2009 through June 30, 2010 in the amount of \$35,000 and authorize the HSA Director to sign.
- 12) Adopt Resolution extending authority to levy an additional \$2.00 for every \$10.00 or fraction thereof until January 1, 2014, upon every fine, penalty or forfeiture imposed and collected by the courts for specified criminal offenses and vehicle code violations for emergency medical services. (Res. No. 2009-68)
- 13) Re-appoint Ms. Loree Van Bebber to the Workforce Investment Board for a three-year term effective August 1, 2009 through July 31, 2012. (CSWD)

- 14) Appoint Mr. Alex Arias to the Workforce Investment Board for a three-year term effective July 28, 2009 through July 27, 2012. (CSWD)
- 15) Appoint Mrs. Mary Tomlinson to the Community Action Board for a three year-term effective July 28, 2009 through July 27, 2012. (CSWD)

**INTERNAL SERVICES – R. Inman:**

- 16) Approve deletion of six county vehicles assigned for 24-hour use and approve attached Exhibit B entitled “County Vehicle Log-24 Hour-Recommended”.
- 17) Approve Exhibit A, an amendment to Rule 19 B 3 of County of San Benito Personnel Policies and Procedures Handbook concerning use of accrued vacation for probationary employees who have already completed a previous probationary period.
- 18) Approve the Third Amendment to the Memorandum of Understanding (MOU) with the Deputy Sheriff’s Association (DSA).
- 19) Approve the First Amendment to the Memorandum of Understanding (MOU) with Management Employees (MEG).

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

- 20) Approve the application and adopt Resolution authorizing the Integrated Waste Management Director to apply for 15<sup>th</sup> Cycle Used Oil Block Grant funds with the California Integrated Waste Management Board (CIWMB). (Res. No. 2009-69)

**PLANNING DEPARTMENT – A. Henriques:**

- 21) Approve contract with Resource Design Technology, Inc. for Annual Quarry and Mine Inspections as required by State Law for the period of July 28, 2009 through June 30, 2012 in an amount not to exceed \$42,000 per year.

**PUBLIC WORKS DEPARTMENT –S. Wittry:**

- 22) Approve agreement with the California Department of Transportation for the Regional Surface Transportation Program (RSTP) Federal Exchange and State Match Program for FY 2008-09, in the amount of \$239,849; adopt resolution approving the same. (Res. No. 2009-70)
- 23) Approve the reimbursement agreement with City of Hollister for contract administration for Pavement Design of two county roads El Camino Paraiso and Santa Rosa Drive, in the amount of \$17,000.
- 24) Approve lease agreement with Toshiba Business Solutions for two Toshiba E-Studio copiers for a period of 48 months through July 28, 2013 in the amount of \$3,936 per year.
- 25) Approve contract with LSA Associates, Inc. for biological services for the period of July 28, 2009 through June 30, 2011 in the amount of \$50,000.

- 26) Approve contract with San Benito Engineering Company for construction staking and engineering support during the construction of the bridge for the period of July 22, 2009 to June 30, 2010.

**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.

**COUNTY SUPERINTENDENT OF SCHOOLS – M. Sanchez:**

- 27) Receive the County Superintendent's Report on visits to schools rated at Decile 3 or below in San Benito County.

**PUBLIC HEARING: (9:00 a.m. or as soon thereafter as the matters may be heard)**

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

- 28) Hold public hearing to consider proposed resolution confirming the Annual Report for CSA #36 (Emergency Medical Services and Life Support) and adopt said resolution accepting the annual report and adopting the benefit assessment charges contained therein.

**AGRICULTURAL COMMISSIONER – P. Matulich**

- 29) Hold a public hearing regarding the Mosquito and Disease Control Assessment; discussion regarding the rate to be imposed for Mosquito and Disease Control Assessment; adopt Resolution to levy the rate of the Mosquito and Disease Control Assessment for FY 2009-10 based on the Engineer's Report prepared by SCI Consultants.

**REGULAR AGENDA (Continued):**

**AGRICULTURAL COMMISSIONER – P. Matulich:**

- 30) Approval of elimination of position and recommended layoff in the Mosquito Abatement Program, effective on or around October 1, 2009.

**ADMINISTRATIVE BUSINESS:**

- 31) Consider the scheduling of Full or Partial County office closures necessary to effectively manage unpaid furlough time off necessary to balance the fiscal year 2009-10 budget and provide direction to staff.

**BOARD OF SUPERVISORS:**

- 32) Hear report on the Cities, Counties, Schools (CCS) summit held in Sacramento on July 17-18, 2009. (Supervisor Barrios)

**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.)*

- 33) Conference with Legal Counsel – Existing litigation (Subdivision (a) of Government Code Section 54956.9) Number of cases: 1  
Name of case: Guerrero v. County of San Benito, et al; U.S. District Ct, San Jose; Case No. C08 00307PVT
- 34) Public Employee Performance Annual Evaluation  
Title: County Administrative Officer  
Authority: California Government Code Section 54957
- 35) Conference with Legal Counsel – Anticipated Litigation  
Initiation of litigation pursuant to subdivision (c) of Section 54956.9: Number of Cases: (2)
- 36) 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)(C).

**ADJOURN TO TUESDAY, AUGUST 4, 2009 AT 9:00 A.M.**

**AGENDA DEADLINE IS MONDAY, JULY 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.***