



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 OCTOBER 6, 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 Loe.
- b) A moment of silence in memory of San Benito County Agricultural Commissioner Paul Matulich.
- c) Acknowledge Certificate of Posting.
- d) **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.*
- e) **Department Head Announcements:** Information only.
- f) **Board Announcements:** Information only.
- g) **PRESENTATIONS / RECOGNITIONS:**
Approve Certificate of Recognition for the Aromas Water District for 50 Years serving the water needs of the Aromas area, to be presented to Vicki Morris, General Manager. (Chairman Botelho)

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) Approve contract with Seniors Council Area Agency on Aging to assist Seniors Council to provide services to the senior citizens of San Benito County for the period of October 7, 2009 through June 30, 2010 in the amount of \$29,100.

BEHAVIORAL HEALTH – A. Yamamoto:

- 2) Approve the request for the Behavioral Health Department to retroactively assign pay Range 22.5, Step F beginning September 16, 2009 to a Temporary Extra Help Mental Health Nurse I.

BOARD OF SUPERVISORS:

- 3) Approve certificate of recognition for Linda Mounday, Clerk of the Boards for the Monterey Bay Unified Air Pollution Control District, who is retiring after 23 years of service, for presentation at a later date. (Supervisor Monaco)

CLERK OF THE BOARD – L. Churchill:

- 4) Approve the action minutes of the September 8, 2009 meeting.

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

- 5) Set and pass the FY 2009-2010 Tax Rates, Debt Service Rates, and Direct Assessment Charges; authorize the Auditor to levy the rates and charges; adopt resolution for FY 2009-2010; approve the collection fee authorized by Government Code §29142. (Res. No. 2009-95)

COUNTY COUNSEL – M. Granger:

- 6) Approve Addendum B to the Toshiba Business Solutions rental agreement for the copier located at the County Counsel's Office, providing for a one-year extension of the lease for the current copier, on the same price and terms at the current rental agreement and subject to a 30-day termination clause.

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 7) Adopt Resolution approving the contract for \$10,270 with the California Department of Public Health (CDPH) for Sexually Transmitted Disease Prevention and Awareness Program for the period of July 1, 2009 through June 30, 2011. (Res. No. 2009-96)

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 8) Review and approve the Fluorescent Light Voluntary Recycling Partners Agreement and authorize the Director of Integrated Waste Management to sign said agreement.

INTERNAL SERVICES – R. Inman:

- 9) Adopt resolution-authorizing change of hours for the County Child Support Services Area. (Res. No. 2009-97)

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 10) Approve Amendment #2 to the Joint Use Agreement with the North County Joint Union School District (NCJUSD) for renovation and construction of the athletic fields at the Spring Grove School increasing the agreement amount by \$5,000 for a total of \$455,000; approve the Budget Adjustment increasing the Spring Grove School Athletic Fields Renovation project by \$5,000, from \$9,860 to \$14,860; direct Public Works Administrator to re-submit to the State the amended agreement. (4/5 Vote)
- 11) Approve agreement with California State Association of Counties (CSAC) Excess Insurance Authority for Department of Transportation required substance abuse testing services.
- 12) Adopt ordinance amending Chapter 17.01 of the San Benito County Code, Motor Vehicles and Traffic, establishing speed limits along Airline Highway (Highway 25 Bypass) of 55 miles per hour (mph) between San Felipe and Santa Ana Roads and 45 miles per hour (mph) on County segments between Santa Ana and Sunnyslope Roads. (Continued from Sept. 22, 2009 mtg.) (Ord. No. 844)
- 13) Approve Amendment to the Memorandum of Understanding with Council of Governments for the San Juan Highway Bike Lane Project.

SHERIFF'S DEPARTMENT – C. Hill:

- 14) Adopt Grant Award Resolution authorizing submission of Grant Proposal by the Sheriff/Coroner for the California Emergency Management Agency grant; authorize the Sheriff to sign the Grant Award Agreement and any extensions or amendments thereof. (Res. No. 2009-98)

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.*

BOARD SUPERVISORS:

- 15) Consider and take action regarding request for funding in the amount of \$300 from the Veterans' Day Parade Committee to sponsor the November 11, 2009 Hollister Veterans' Day Parade. (Supervisor Loe)
- 16) Consider and authorize staff to undertake a review of alternative Council of Government Board of Director structures in concert with our City of Hollister and San Juan Bautista partners. (Supervisor Barrios)

INTERNAL SERVICES - R. Inman:

- 17) Receive report on Information Technology Five (5) Year Plan Review.

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-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).
- 19) Public Employee Employment:
Title: Acting Agricultural Commissioner and Sealer of Weights and Measures
Authority: Government Code Section: 54957

**AFTERNOON SESSION
1:30 P.M.****SITTING AS THE COUNTY BOARD OF EQUALIZATION:**

- 20) Approve Requests by Foster Farms, Inc. and Ridgemark Golf & Country Club (RG&CC) for an extension of Assessment Appeal Hearings scheduled for October 8, 2009.

1:30 P.M. - PUBLIC HEARINGS *(Or as soon thereafter as the matters may be heard):***PLANNING DEPT. – A. Henriques:**

- 21) Open and conduct the public hearings regarding amendment of the General Plan Land Use Element and Map (GPA 07-29) and Zone Change Petition (ZC 07-154). Consider the proposed General Plan Amendment and proposed Zone Change Petition. Adopt Resolution amending the General Plan Land Use Element and map and adopt Ordinance approving Zone Change No. 07-154. Applicant: Bianchi Family Limited Partnership (Bianchi). Location: 2200 Cienega Road, San Benito County, CA. APN: 020-280-053. Environmental Review: Mitigated Negative Declaration.

REGULAR AGENDA:**PLANNING DEPARTMENT – A. Henriques:**

- 22) Review staff report regarding Housing Programs Coordinator Fiscal Year 2009-2010 Quarterly Update and provide direction to staff.
- 23) Review of the staff report and the Housing Community Development (HCD) comment letter; direct staff to complete the required revisions to the Housing Element Update and schedule the final public hearings before the Planning Commission.

ADJOURN TO TUESDAY, OCTOBER 13, 2009 AT 9:00 A.M.

AGENDA DEADLINE IS MONDAY, OCTOBER 5, 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.