



SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios
District No. 1

Anthony Botelho
District No. 2

Pat Loe
District No. 3
Vice-Chair

Reb Monaco
District No. 4
Chair

Jaime De La Cruz
District No. 5

County Administration Building – Board of Supervisors Chambers, 481 Fourth Street, Hollister, California

REGULAR MEETING AGENDA JANUARY 26, 2010

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 matter which 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 Barrios.
- b) Acknowledge Certificate of Posting.
- c) **Public Comment:** *Opportunity to address the Board on items of interest 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.

BOARD OF SUPERVISORS:

- 1) Appoint Supervisor Pat Loe to the SR 152 Mobility Partnership (ad hoc committee) for 2010. (Chairman Monaco)

ADMINISTRATION:

- 2) Approve budget augmentation in the amount of \$11,000 authorizing the transfer of contingency fund appropriations (BU 999) to Public & Legal Notices in the board's budget (BU 100).

BEHAVIORAL HEALTH – A. Yamamoto:

- 3) Authorize Chair to sign the JAG/OTP Grant Award Face Sheet and Certification of Assurance of Compliance, and authorize the Behavioral Health Director and the Fiscal Administrative Services Manager to sign the Signature Authorization and Instruction Form; and authorize the Behavioral Health Department to accept the Cal EMA, JAG/OTP Grant Funding of \$168,863 upon award.
- 4) Ratify contract renewal with Natividad Medical Center for psychiatric inpatient hospital beds for FY 2008-09 for a maximum annual total of \$250,000.
- 5) Authorize the Behavioral Health Department's Substance Abuse Services to implement a revised adjustable schedule of fee charges and adopt resolution effective as of February 1, 2010. (Res. No. 2010-7)

CLERK OF THE BOARD – L. Churchill:

- 6) Approve the action minutes of the December 1, 2009 regular meeting.

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

- 7) Approve addendum to the master agreement with DFM Associates for the Election Information Management System (EIMS) dated June 27, 2000.

HEALTH & HUMAN SERVICES – K. Flores:

- 8) Authorize HHSA Director to hire a PHN III at Step F, of Range 25.5 effective January 27, 2010 due to significant expertise, training, and education in the nursing field that will positively impact Public Health services.

INTEGRATED WASTE – M. Rose:

- 9) Adopt resolution authorizing the submittal of the Waste Tire Cleanup and Amnesty Event Grant on behalf of the San Benito County Integrated Waste Management Regional Agency to implement programs to reduce, reuse and recycle unwanted tires and protect the public health and safety of the environment. (Res. No. 2010-8)
- 10) Receive 2008 California Climate Action Registry Emissions Report.
- 11) Receive report on Landfill Fee Waiver for Non-Profit Donation Collection Sites and direct further updates only if waiver is utilized.

PULIC WORKS DEPARTMENT – S. Wittry:

- 12) Adopt ordinance amending Chapter 3.05 of Title 3 of the San Benito County code relating to the San Benito County Parks and Recreation Commission.
(Continued from 1/12/10 meeting). (Ord. No.850)
- 13) Approve specifications for the County Service Area (CSA) Water and Wastewater Services.

SHERIFF'S DEPARTMENT – C. Hill:

- 14) Approve the Memorandum of Understanding with the Aromas San Juan Unified School District to promote school safety by providing School Resource Officers at local campuses.

TREASURER/TAX COLLECTOR – M. Lou Andrade:

- 15) Adopt resolution that provides for establishing a Records Retention Schedule for Treasurer and Public Administrator. (Res. No. 2010-9)

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.*

ADMINISTRATION:

- 16) Accept and review the statements of explanation regarding 6/30/09 year end budget transfer as they pertained to specific departments.

INTERNAL SERVICES – R. Inman:

- 17) Approve agreement with Cost Control Associates for energy and telecom bill analysis and authorize Director of Internal Services to execute the agreement.

PLANNING DEPARTMENT – A. Henriques:

- 18) Accept State-approved plan to re-activate the HOME Investment Partnership First-Time Homebuyer (FTHB) Program for homebuyer down payment assistance in San Benito County and transfer administration of this program from the Community Services and Workforce Development Department (CSWD) to the Housing & Economic Division of the Planning and Building Department; adopt resolution adopting said Program; and, approve the necessary budget transfers.

PUBLIC WORKS – S. Wittry:

- 19) Adopt resolution supporting the findings of the California Statewide Local Streets and Roads Needs Assessment.
- 20) Receive report on County Road Maintenance Strategy and provide direction to staff.

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.)

- 21) Conference with Legal Counsel-Anticipated Litigation.
Initiation of litigation pursuant to subdivision (c) of Section 54956.9: Number of Cases: (1)
(Discussion regarding filing small claims actions to recover unpaid debt to County)

- 22) Authority: California Government Code Section 54957
Consider Discipline/Dismissal/Release Matter of a Public Employee
- 23) Conference with Real Property Negotiator:
Property: 2733 John Smith Road, Hollister, CA
Agency Negotiator: Susan Thompson, County Administrative Officer
Negotiating Party: Newlight Technologies
Under Negotiation: Price and terms of Lease

**AFTERNOON SESSION
1:30 P.M.**

PUBLIC HEARING – 1:30 p.m. (Or as soon thereafter as the matters may be heard):

PLANNING & BUILDING DEPARTMENT – A. Henriques:

- 24) Hold a public hearing to consider an appeal of the decisions made by the San Benito County Planning Commission on December 2, 2009 to deny the following Use Permits:
USE PERMIT NO. 1010-08 REQUEST: The applicant is requesting a Use Permit for a seasonal rodeo and music stage, including an arena surrounded by portable bleachers, livestock pens, beverage concession stand, a food catering truck, portable toilets, and portable hand washing stations. The rodeo may be held in conjunction with the flea market proposed under Use Permit 1011-08.
USE PERMIT NO. 1011-08 REQUEST: The applicant is requesting a Use Permit for a seasonal flea market with 50 vendor booths, chemical toilets, hand-washing stations, a food truck and a beverage stand. The flea market may be held in conjunction with the rodeo proposed under Use Permit 1010-08.
APPLICANT: Robert and Araceli Rodriguez. LOCATION: 1370 Shore Road, Hollister, CA (015-040-007). ZONING: Agricultural Productive.
The uses will also share one parking area with 212 parking spaces. For a complete description of the proposed uses, please refer to the use permit applications on file with the Clerk of the Board.

Board action may include granting, denying or taking other action on the appeal.

ADJOURN TO TUESDAY, FEBRUARY 2, 2010 AT 9:00 A.M.

AGENDA DEADLINE IS MONDAY, JANUARY 25, 2010 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 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.

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.