



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 MARCH 23, 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.

AGRICULTURAL COMMISSIONER – R. Ross:

- 1) Approve contract for pesticide regulation reporting services with California Department of Pesticide Regulation for FY 2010/2011 in the amount of \$17,356.

ASSESSOR – T. Slavich:

- 2) Adopt the following three (3) resolutions for Land Conservation Act (LCA) Compatible Use Applications heard on December 1, 2009:
 - 1) Resolution denying Compatible Use Request on Agricultural Preserves in Panoche Valley, under Contract Numbers 68-070, 68-097, 68-098, 68-099, 71-037, 72-039, 74-108, 77-002, and 98-001 for a Solar Energy Farm (Solargen). (Res. No. 2010-28)
 - 2) Resolution approving Compatible Use Request on Agricultural Preserve, Under Contract Number 85-001 (Regan) for a residence. (Res. No. 2010-29)
 - 3) Resolution approving Compatible Use Request on Agricultural Preserve under Contract Number 71-059 (Lone Tree Ranch) for hunting cabins and lodge headquarters, associated with the outdoor recreational use of the land for hunting. (Res. No. 2010-30)

BOARD OF SUPERVISORS:

- 3) Approve out of state travel for Supervisor De La Cruz to attend the 2010 Naco Annual Conference and Exposition in Reno, Nevada July 16-20, 2010.

CLERK OF THE BOARD – L. Churchill:

- 4) Approve the action minutes for the meeting of March 2, 2010.

HEALTH & HUMAN SERVICES – K. Flores:

- 5) Approve TANF ECF Work Site Agreement Template and authorize HHS Director and or the Deputy Director of CSWD signatory authority.
- 6) Appoint Michael Conley to the Community Action Board to represent District #3 Private Sector Representative for a three-year term effective March 23, 2010 to March 23, 2013. (CSWD)

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 7) Accept the award of \$21,928 in Fifteenth Cycle Used Oil Block Grant funds and authorize the Director of Integrated Waste Management to sign grant application; and augment budget in the amount of \$6,928.00 to accept unanticipated revenue and expenses. (4/5 vote)

PLANNING DEPARTMENT – A. Henriques:

- 8) Approve budget adjustment in the amount of \$779,391 authorizing the increase in revenues and increase in expenditures for Fiscal Year 2009-10 for budget Unit No. 273 for work performed by Aspen Environmental. (4/5 vote)

PUBLIC WORKS DEPARTMENT – S Wittry:

- 9) Find that competitive bidding would not be in the public interest because it would be unnecessarily costly for the County to go through its own competitive bidding process when Kern County has already done so and authorize the issuance of a purchase order to Bakersfield Truck Center for a 6-Ton Dump Truck with Self Loading Bucket, in the amount of \$154,688.90.
- 10) Approve contract with San Benito Engineering & Surveying, Inc. for engineering and surveying services for the John Smith Road Realignment project for the

period of March 23, 2010 through June 30, 2010, in an amount not to exceed \$39,260.

- 11) Approve the budget adjustment, transferring appropriated budget in the amount of \$14,100 from Planning and Building and appropriating \$14,100 to General Fund Contributions-Regional Water Plan; and approve the amendment to the Memorandum of Understanding with San Benito County Water District, Sunnyslope County Water District and City of Hollister for implementation stages associated with the Hollister Urban Area Water and Wastewater Master Plan interim cost sharing allocation.
- 12) Approve budget adjustment, increasing the Union and Fairview Road AC Overlay project from \$317,715 to \$375,000, accept all responsive bids in the bid summary report, award contract to C.F. Archibald Paving, Inc. as the lowest responsive-responsible bidder, approve contract with C.F. Archibald Paving, Inc. for the Fairview Road Asphalt Overlay Project in the amount of \$183,751; and authorize the Road Commissioner to issue change orders to the construction contract not to exceed \$18,375.10. (4/5 vote)
- 13) Accept all responsive bids in the bid summary report, award contract to C.F. Archibald Paving, Inc. as the lowest responsive-responsible bidder, approve the contract with C.F. Archibald Paving Inc. for the Union Road Asphalt Overlay Project in the amount of \$119,175; and authorize the Road Commissioner to issue change orders to the construction contract not to exceed \$11,817.50.

SHERIFF'S OFFICE – C. Hill:

- 14) Approve the Operational Agreement with the Aromas San Juan Unified School District, Monterey County Sheriff's Office and the California Highway Patrol for establishing a Law Enforcement Community Field Office and authorize the Sheriff to sign.
- 15) Approve Memorandum of Understanding between Partnering Agencies regarding the South Bay Sharing System to develop and implement a Regional Justice Information Sharing System and authorize the Sheriff and County Administrative Officer to sign.

PUBLIC HEARING – 9:30 A.M. (Or as soon thereafter as the matter may be heard)
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INTEGRATED WASTE MANAGEMENT – M. Rose:

- 16) Hold a public hearing to consider a resolution to approve the following amended rates for disposal at John Smith Road Landfill:
 - a) Residual Solid Waste Rate: \$30.00/ton.
 - b) Removal of Clean, Sorted Agricultural Plastic from source separated category; which returns rate to Solid Waste Rate of \$57.00/ton.
 - c) Clarification that \$10.00 charge for Furniture, Appliances and Scrap Metal is a handling fee in addition to per ton solid waste fee.

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 – R. Ross:

- 17) Receive the analysis regarding the cost effectiveness of the contract with SCI Consulting Group for the Mosquito Abatement Program and consider providing the services in-house.

INTERNAL SERVICES – R. Inman:

- 18) Approve contract with Bob Murray and Associates for the recruitment of the County Planning Director.
- 19) Approve the selection of Zucker Systems as the consultant for the Permit Streamlining Analysis and direct staff to bring contract back for Board of Supervisor's approval.
- 20) Introduce an ordinance repealing Chapter 5.09 "Purchasing" and adding a New Chapter 5.09 "Purchasing"; waive the reading of said ordinance; and continue to April 13, 2010 for adoption of said ordinance.
- 21) Introduce an ordinance adding a new chapter, Chapter 15.09 "Public Projects"; waive the reading of said ordinance; and continue to April 13, 2010 for adoption of said ordinance.

ADMINISTRATION:

- 22) Approve seven budget adjustments in the amount of \$244,600, authorizing the reduction of Interest Revenue and Expenditures in FY 2009-10 as submitted by the Sheriff Operations, Assessor, Ag Extension and Recorder-Clerk-Elections-Auditors Budgets.

PLANNING DEPARTMENT – A. Henriques:

- 23) Adopt Resolution adopting the amended HOME Investment Partnerships Program (HOME) First-Time Homebuyer (FTHB) Program Guidelines to submit to the State of California, Department of Housing Community Development (HCD) for approval, designating \$250,000 from Housing & Economic Development for the HOME First-Time Homebuyer Program for down payment assistance.
- 24) Adopt Resolution establishing the County's Affordable Housing 2010 In-Lieu Fee at zero (0) dollars per lot/unit and adopting the County's 2010 annual in-lieu fee table.

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 25) Accept the San Benito County Parks and Recreation 2010 Quarterly Status Report 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.)

- 26) Conference with Real Property Negotiator:
Authority: Government Code Section 54956.8
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
- 27) 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).
- 28) 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).
- 29) Conference with Legal Counsel – Existing litigation (Subdivision (a) of Government Code Section 54956.9) Name of case(s):
 - 1. *Guerrero v County of San Benito, et al.*; U. S. District Ct, San Jose; Case No. C08 00307PVT
 - 2. *Stevens v. San Benito County, et al.*; U. S. District Ct, San Jose; Case No. C09 02169RS

ADJOURN TO TUESDAY, APRIL 6, 2010 AT 9:00 A.M.

AGENDA DEADLINE IS FRIDAY, MARCH 26, 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 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.