



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 APRIL 27, 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 Loe.

Hold moment of silence in memory of Joe Conconi, long-time San Benito County resident and member of Resource Conservation District Board of Directors.

- b) Acknowledge Certificate of Posting.

- c) **PRESENTATIONS & RECOGNITIONS:**

HEALTH & HUMAN SERVICES – K. Flores:

- Recognize Diane Ortiz as the Child Abuse Prevention Council's Annual Blue Ribbon Award honoree:
- Approve proclamation proclaiming May 6-12, 2010 as National Nurses Week.

BEHAVIORAL HEALTH – A. Yamamoto:

- Adopt resolution recognizing the month of May 2010 as Mental Health Month in San Benito County.

- d) **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.*
- e) **Department Head Announcements:** Information only.
- f) **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.

ASSESSORS OFFICE – T. Slavich:

- 1) Approve contract with Trang Cooper to perform appraisal duties in the Assessor’s Office for the period of April 9, 2010 through June 30, 2010 in the amount of \$3,650.

BOARD OF SUPERVISORS:

- 2) Appoint Richard Place to the San Benito County Fish and Game Advisory Commission representing Supervisorial District 2 for the remainder of the term effective April 27, 2010 through March 31, 2013. (Supervisor Botelho)

BEHAVIORAL HEALTH – A. Yamamoto:

- 3) Approve the submission of the County Behavioral Health Department’s FY 2010-11 MHSA, Annual Plan update to the State Department of Mental Health and authorize the County Behavioral Health Director to sign the required County Certification.

CLERK OF THE BOARD – L. Churchill:

- 4) Approve the action minutes for the meetings of April 6, 2010 and April 13, 2010.

HEALTH & HUMAN SERVICES AGENCY– K. Flores:

- 5) Appoint Ms. Sheri Schmier to the Community Action Board to represent District #1 Representative for a three year-term effective April 27, 2010 to April 27, 2013.
- 6) Appoint Mr. Larry Cain to the Community Action Board to represent District #2 as the Private Sector Representative for a three-year term effective April 27, 2010 to April 27, 2013.
- 7) Approve transfer of \$5,000 in the Public Health Emergency Preparedness budget from special departmental expense to equipment/fixed assets and recognize a fixed asset for closed circuit television security system to the Public Health/HHSA budget and schedule of fixed assets FY 09/10.

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 8) Approve contract with URS Corporation for landfill engineering services for purposes of general and specific regulatory compliance at John Smith Road Landfill for the period of April 27, 2010 to April 26, 2012 not to exceed \$100,000.
- 9) Approve contract with Mark Nicholson, Inc. to provide services to repair the sewer line at John Smith Road Landfill for the period of April 27, 2010 to August 26, 2010 in the amount of \$13,441.

INTERNAL SERVICES – R. Inman:

- 10) Adopt Resolution honoring Don Hemphill, Executive Director of the Trindel Insurance Fund, on his retirement to be presented at his retirement dinner on May 14, 2010. (Res. No. 2010-41)
- 11) Adopt Ordinance repealing Chapter 5.09 “Purchasing” and adding a new Chapter 5.09 “Purchasing”. (*Continued from 4/13/10 meeting.*) (Ord. No. 853)
- 12) Approve Certificate of Recognition for Linda Fine, Eligibility Worker, who retired after over 13 years of service with the Health & Human Services Agency for presentation at a later date.
- 13) Adopt Resolution authorizing the Closure of the County Tax Collector and County Treasurer’s Offices from May 17, 2010 through May 21, 2010. (Res.No.2010-42)

PROBATION DEPARTMENT – B. Cardall:

- 14) Authorize the Chief Probation Officer to submit the Juvenile Justice Crime Prevention Act’s (JJCPA) application to California Standard’s Authority by this Act.
- 15) Authorize the Chief Probation Officer to submit an application for the Juvenile Justice Development Plan for the Youthful Offender Block Grant; adopt Resolution and authorize the Chief Probation Officer to submit said resolution with application to Corrections Standards Authority (CSA). (Res. No. 2010-43)

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 16) Approve reimbursement agreement with City of Hollister for contract administration for Maintenance of county owned and operated Traffic Signals in the amount of \$3,000 per signal maintained for the initial contract term of thirty-six (36) months.
- 17) Approve purchase of Right-of-Way for the Cienega Road Realignment Project and approve Grant Deed for related Irrigation Easement by taking following actions:
 1. Adopt resolution making appropriate findings for the right-of-way acquisition for the Cienega Road Realignment project; and
 2. Approve and authorize the Chairman to sign the right-of-way agreement; and
 3. Accept the grant deed for the Cienega Road Realignment and authorize the Chairman to sign the Certificate of Acceptance and Consent to Record; and

4. Approve the grant deed, conveying an irrigation easement to the Elizabeth Campisi Trust and authorize the Chairman to sign;
5. Authorize payment to the property owner for the right-of-way acquisition and related costs.

SAN BENITO COUNTY ARTS COUNCIL – S. Hicks:

- 18) Adopt Resolution approving the San Benito County Arts Council to serve San Benito County as a State and local partner of the California Arts Council. (Res. No. 2010-44)

SHERIFF’S DEPARTMENT – C. Hill:

- 19) Approve budget augmentation increasing expenditures and revenue to Sheriff’s operation budget recognizing Grant Funding in the amount of \$17,154. (4/5/ Vote)
- 20) Approve the multi-year lease with Dataflow Business Systems for copier lease and authorize the Sheriff to sign said agreement.

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.

INTERNAL SERVICES – R. Inman:

- 21) Approve contract with Woodbury Sustainable Designs, Inc. for the Interim Planning Director.

ECONOMIC DEVELOPMENT CORPORATION – N. Martin:

- 22) Update of activities, accomplishments and next step strategies.

HUMAN RESOURCES – J. Credico:

- 23) Approve Resolution of Intention to approve an Amendment to contract between the Board of Administration of the California Public Employees’ Retirement System and the Board of Supervisors of the County of San Benito.

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 24) San Justo Reservoir Zebra Mussel eradication status report.

HEALTH & HUMAN SERVICES – K. Flores:

- 25) Approve budget transfer augmenting Budget for \$315,497 from the General Fund Contingency Budget Unit; approve the loan from HHSA Fund to the Public Health Fund in the amount of \$140,197 to be repaid in the following fiscal year(s) for the Public Health Related to California Public Employees’ Retirement System (CalPERS).

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 26) Receive report in accordance with the terms and conditions of the Franchise Agreement with Recology San Benito.

COUNTY COUNSEL – M. Granger:

- 27) Consider the Board subcommittee's recommendation and further direct Counsel regarding preparation of a proposed ordinance for weed abatement.

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.)

- 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)(A).
- 29) Conference with Legal Counsel-Existing Litigation.
(Subdivision (a) of Section 54956.9)
Name of Case: Association for Equal Information and Governmental Integrity v. County of San Benito, Superior Court of California, County of San Benito, Case No. CU-09-00043.

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

REGULAR AGENDA:

COUNTY COUNSEL – M. Granger:

- 30) Appoint development agreement negotiating team for the Santana Ranch Project and discuss issues of interest for this negotiation.
- 31) Approve legal services agreement with the law firm of Miller, Starr, Regalia, for the Santana Ranch Specific Plan Project in an amount not to exceed \$90,000.

PUBLIC HEARINGS (1:30 p.m. or as soon thereafter as the matter may be heard):

PLANNING DEPARTMENT – A. Henriques:

- 32) Hold a public hearing to adopt a Resolution to amend the San Benito County General Plan, Land Use Element and adopt an ordinance to amend the zoning designation of the property identified below, adopt Mitigated Negative Declaration and Mitigated Monitoring and Reporting and take other related actions.
Applicants Request: Sally Haydon. Location: 4000 San Felipe Road, San Benito County, CA. APN: 014-090-043. General Plan Amendment No. 08-34 and Zone Change 08-158. The property owner is requesting to change the current General Plan/Zoning designation to Commercial Thoroughfare (C-1) from Agricultural Productive.
- 33) Hold a public hearing regarding an Ordinance to amend Sections 23.01.004, 23.15.011, 23.25.001 and 23.25.007 of the San Benito County Code to modify the current requirements relating to County Service Area (CSA) in new subdivisions, and waive first reading of proposed ordinance and continue to May 4, 2010 for adoption.

ADJOURN TO TUESDAY, MAY 4, 2010 AT 9:00 A.M.

AGENDA DEADLINE IS MONDAY, APRIL 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.