



SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios
District No. 1
Chair

Anthony Botelho
District No. 2

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4

Jaime De La Cruz
District No. 5
Vice-Chair

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

REGULAR MEETING AGENDA MARCH 22, 2011

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 Botelho.
- 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.

ADMINISTRATION – R. Inman:

- 1) Appoint Jesse Vallejo and Daniel Modic to the San Benito Parks and Recreation Commission as Youth Commissioners for a one-year term effective March 22, 2011 through March 20, 2012.

AGRICULTURAL COMMISSIONER – R. Ross:

- 2) Approve contract with California State Department of Pesticide Regulation for Pesticide Regulation reporting services for the FY 2011/2012 in the amount of \$17,936.00.

BOARD OF SUPERVISORS:

- 3) Adopt FY 2011-2012 Budget Policies.

BOARD OF SUPERVISORS:

- 4) Accept the nomination of Jack Swallow and Richard Boomer to the San Benito County Fish and Game Advisory Commission; appoint Jack Swallow and Richard Boomer to the San Benito County Fish and Game Commission effective April 1, 2011 through March 31, 2015.

COUNCIL OF GOVERNMENTS – L. Rheinheimer:

- 5) Approve Amendment #5 to Employment Agreement with the Council of San Benito County Governments and Lisa Rheinheimer.

FIRST 5 SAN BENITO – K. Castillo:

- 6) Re-appoint Dr. Friedman to the First 5 San Benito Children and Families Commission for a three year term effective April 1, 2011 through March 31, 2014.

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 7) Approve Memorandum of Understanding between San Benito County and Hazel Hawkins Memorial Hospital for Hospital Preparedness Program (HPP) for use of Grant Funds in the amount of \$30,691; and authorize the HHSA Director to sign said agreement.

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 8) Approve the Notice of Intent related to System Improvement Plan and the Office of Child Abuse Prevention Programs CAPIT/CBCAP/PSSF Plan contracts for San Benito County and authorize San Benito County Health & Human Services Agency as the designated Agency to oversee program services and funding.

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 9) Approve the revised San Benito County Community Action Board (CAB) Bylaws to be effective from the time of Board of Supervisors approval. (CSWD)

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 10) Re-appoint Ms. Kendra Bobsin to the Workforce Investment Board to represent the public sector for a three-year term effective April 1, 2011 through March 31, 2014. (CSWD)

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 11) Re-appoint Ms. Mimi Laurent to the Workforce Investment Board to represent the public sector for a three-year term effective April 22, 2011 through April 21, 2014. (CSWD)

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 12) Approve Memorandum of Understanding with the San Benito Health Foundation for Hospital Preparedness Program (HPP) for use of grant funds in the amount of \$10,960; and authorize the HHSA Director to sign said agreement.

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 13) Adopt Resolution accepting the 2011 Low Income Heating Energy Assistance Program (LIHEAP) grant, approving the grant agreement; and authorize the HHSA Director to enter into and sign the grant agreement and any amendments and other documents related to the grant on behalf of the County of San Benito. (Res. No. 2011-22)

PLANNING DEPARTMENT – G. Armstrong:

- 14) Adopt Resolution upholding the Planning Commission's denial of M-District Review 91-10 and denying Applicant's appeal for a flea market located at 1771 San Felipe Road, Hollister. (Res. No. 2011-23)

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 15) Declare vehicles and equipment to be declared surplus; and direct staff to remove surplus vehicles from inventory per County practice.

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 16) Approve the Budget Adjustment, increasing the Street Rehab-Santa Rosa Drive project by \$121,109 to \$362,614; and approve contract change order increase from \$28,891 to \$150,000 for the Road Improvements project at El Camino Paraiso & Santa Rosa Drive; and authorize the Public Works Administrator to approve change orders on this project in the amount not to exceed \$150,000. (4/5 vote)

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 17) Acknowledge Verizon Wireless request to perform modifications on their communications site located at 1023 Memorial Drive (Veterans Memorial Park); and authorize Chair to sign letter of authorization and City of Hollister Development Project application.

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 18) Accept all bids received on February 2, 2011; award and approve contract to Della Mora Heating Sheet Metal and Air Conditioning Inc. for the replacement of the Courthouse Chiller and Cooling Tower project in the amount of \$103,950; and authorize the Public Works Administrator to issue change orders to the construction contract in the amount not to exceed \$10,395.

SHERIFF'S DEPARTMENT – D. Thompson:

- 19) Approve agreement with Jon Smith, MD for Autopsy Services at the Monterey County Coroner's facilities for the period of March 22, 2011 through June 30, 2011; and authorize the Sheriff to sign said agreement.

SHERIFF'S DEPARTMENT – D. Thompson:

- 20) Approve Memorandum of Understanding between the Santa Cruz/San Benito Counties Chapter of the American Red Cross and San Benito County Sheriff's Office of Emergency Services and authorize the County's Director of Emergency Services to sign said MOU.

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 – R. Inman:

- 21) Approve contract between San Benito County and the Local Agency Formation Commission of San Benito County (LAFCO) effective March 24, 2011.

COUNTY COUNSEL – M. Granger:

- 22) Read title of ordinance for the record: "an Ordinance of the Board of Supervisors of the County of San Benito amending section 3.01.001 ("Meetings of the Board of Supervisors ") of Article I of Chapter 3.01 of Title 3 of the San Benito County Code, modifying the San Benito County Code regarding meetings of the Board of Supervisors"; accept introduction and waive further reading of ordinance and continue to April 5, 2011 for adoption of said ordinance.

COUNTY COUNSEL – M. Granger:

- 23) Read title of ordinance for the record; "An Ordinance of the Board of Supervisors of the County of San Benito amending Section 3.05.050 of Article III of Chapter 3.05 of Title 3 of the San Benito County Code, adding a requirement that all future Planning Commissioners reside in the District represented."; accept introduction and waive further reading of ordinance and continue to April 5, 2011 for adoption of said ordinance.

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 24) Approve Proclamation designating the week of April 4, 2011 to April 10, 2011 as Public Health Week.

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 25) Approve contract with Stericycle, Inc. for community-wide collection of Medical Waste (Pharmaceuticals and Sharps) for the period of March 22, 2011 through March 21, 2013 in the amount of \$20,000.

PLANNING DEPARTMENT – G. Armstrong:

- 26) Approve staff report as the written report issued by the Board of Supervisors describing the measures taken to alleviate the conditions which lead to the adoption of the urgency ordinance; and direct staff to continue researching the issue and return on April 5, 2011 to extend the moratorium; and direct staff to return at a later date with an Ordinance to either ban or regulate marijuana dispensaries in San Benito County.

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 27) Receive report that San Benito County Water District certified the Program Environmental Impact Report for the Hollister Urban Area Water and Wastewater Master Plan and coordinated Water Supply and Treatment Plan.

SHERIFF'S DEPARTMENT – D. Thompson:

- 28) Approve the allocation of one full-time equivalent (1.0 FTE) Correctional Officer I/II to be funded by the Superior Court; approve the Budget Adjustment/Transfer Form increasing salary and benefits by \$19,830 as well as revenue, Deputy Services, by the same amount. (4/5 Vote)

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.)

- 29) Conference with Legal Counsel – Existing Litigation – (Subdivision (a) of Section 54956.9)

Name of Case(s):

1. *Larsen vs. County of San Benito, et al.*, (U.S. District Ct., San Jose: Case No. 10-CV-00735 HRL)

- 30) Conference with Legal Counsel-Existing Litigation – (Subdivision (a) of Section 54956.9)

Name of Case: *Cheeks v. County of San Benito, et al.*, (U. S. District Court of Northern California, Case No. C09-02844 RMW)

- 31) Conference with Labor Negotiators

Authority: California Government Code Section 54957.6

Employee Organizations: ALL EMPLOYEE GROUPS

ADJOURN TO TUESDAY, APRIL 5, 2011 AT 9:00 A.M.

AGENDA DEADLINE IS MONDAY MARCH 28, 2011 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.