



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 APRIL 5, 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:

- Pledge of Allegiance** to be led by Supervisor Rivas.
- Acknowledge Certificate of Posting.**
- 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.*
- Department Head Announcements:** Information only.
- 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) Approve Certificate of Recognition for the 2011 Teacher of the Year Award Recipients for Presentation at a later date.

BOARD OF SUPERVISORS:

- 2) Accept the nomination of Alan Renz and Rani Douglas to the San Benito County Fish and Game Advisory Commission; appoint Alan Renz and Rani Douglas to the San Benito County Fish and Game Advisory Commission representing Supervisorial District 3 with terms effective April 1, 2011 through March 31, 2015.

CLERK OF THE BOARD – D. Thome:

- 3) Approve the action minutes of the February 22, 2011 and the March 1, 2011 regular meetings and March 10, 2011 special meeting.

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

- 4) Augment the Elections FY 2010-11 Budget with \$200,000 from General Fund Contingency for the Hollister School District Election. (To be reimbursed by the Hollister School District) (4/5/ Vote)

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

- 5) Adopt Resolution authorizing the election and provision of services by the Registrar of Voters for the Hollister School District for the June 7, 2011 Special Election. (Res. No. 2011-24)

COUNTY LIBRARY – N. Conte:

- 6) Accept Library Services and Technology Act (LSTA) funding of \$50,000 for the mobile "ABC Express Project"; and approve the Budget Transfer augmenting the Library budget in salaries, materials and operating expenses by \$28,840 in the FY 10/11 budget.

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 7) Appoint Mr. Rick Espino as the Community Member at Large to the Emergency Medical Care Commission from April 5, 2011 through December 31, 2012.

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 8) Approve Environmental Health Budget Augmentation in the amount of \$11,000, as a result of Target Environmental Settlement.

HUMAN RESOURCES – J. Credico:

- 9) Approve San Benito County Whistleblower policy.

INTERNAL SERVICES – R. Inman:

- 10) Approve CALNET II Authorization to Order Exhibit A-2 to Expand Telecommunications Services under State Contract; and authorize the County Administrative Officer to sign.

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 11) Approve Budget Adjustment, increasing the Public Works-Road Maintenance Fund by \$659,711 from \$2,326,020 to \$2,985,731. (4/5 Vote)

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 12) Approve Amendment No. 1 with Overland Pacific & Cutler, Inc. for right-of-way appraisal services on the Hospital Road Bridge project, increasing the contract amount by \$3,000 to an amount not to exceed \$31,600.

SHERIFF'S OFFICE – D. Thompson:

- 13) Accept the FY10 Homeland Security Grant Program (HSGP) Funding of \$215,080 and approve the augmentation of Budget Unit #1001263 in the amount of \$43,940 in revenue and expense for FY 2010/2011. (4/5 Vote)

SHERIFF'S OFFICE – D. Thompson:

- 14) Approve the Budget Augmentation increasing expenditures and revenue to budget unit 1001-214 Sheriff UNET by \$26,758 as detailed in the Operating Budget Adjustment/Transfer Form (4/5 Vote)

TREASURER-TAX COLLECTOR – M. L. Andrade:

- 15) Approve the closure of the Treasurer and Tax Collector office for one day, Friday, April 22, 2011, as a furlough day.

TREASURER-TAX COLLECTOR – M. L. Andrade:

- 16) Adopt Resolution rescinding Resolution 93-111 and abolishing the County Tax Refund Committee. (Res. No. 2011-25)

TREASURER-TAX COLLECTOR – M. L. Andrade:

- 17) Review and approve the list of parcels listed in Exhibit A intended for internet tax sale; adopt Resolution approving the sale of tax-defaulted property pursuant to California Revenue and Taxation Code Section 3698 et. seq. (Res. No. 2011-26)

PUBLIC HEARINGS – 9:00 A.M. (Or as soon thereafter as the matter may be heard)

PLANNING DEPARTMENT – G. Armstrong:

- 18) Read Title of Ordinance; conduct public hearing; accept introduction and waive further reading of ordinance; and adopt Urgency Ordinance extending a temporary moratorium on marijuana dispensaries and extending and amending Article V, of Chapter 25.29 of Title 25 of the San Benito County Code, and provide further direction to staff. (4/5 Vote)

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.*

COUNTY COUNSEL – M. Granger:

- 19) Adopt Ordinance amending §3.01.001 of the San Benito County Code; approve the amendment to the "Rules of Procedure" of the San Benito County Board of Supervisors; adopt Resolution Establishing Board of Supervisors meetings from May 10, 2011 through December 31, 2011.

COUNTY COUNSEL – M. Granger:

- 20) Adopt Ordinance amending §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.

HUMAN RESOURCES – J. Credico:

- 21) Approve the Second Amendment to the Memorandum of Understanding between the County of San Benito and the Law Enforcement Management Group (LEM) related to employee concessions, effective April 5, 2011.

HUMAN RESOURCES – J. Credico:

- 22) Approve the Fourth Amendment to the Memorandum of Understanding between the County of San Benito and the Deputy Sheriff's Association (DSA) related to employee concessions, effective April 5, 2011.

HUMAN RESOURCES – J. Credico:

- 23) Approve the Third Amendment to the Memorandum of Understanding between the County of San Benito and the Management Employees' Group (MEG) related to employee concessions, effective April 5, 2011.

INTEGRATED WASTE MANAGEMENT - M. Rose:

- 24) Receive report from U.S. Environmental Protection Agency representative on the New Idria Mercury Mine's proposed listing to the National Priorities list and what that process means for cleaning up the site.

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 25) Receive report from Recology San Benito.

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 26) Adopt Resolution and approve agreement authorizing a Pledge of Revenue, as defined, to be used for compliance with the funding of the Corrective Action Fund requirements of CCR Title 27, Chapter 6, Section 22200 et seq.

INTERNAL SERVICES – R. Inman:

- 27) Receive Information Technology 5 year Plan Review.

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 28) Receive the County Service Area status report encompassing the period April 1, 2010 through March 31, 2011.

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: *Save Panoche Valley et.al. v. San Benito County, et.al., Superior Court of California*, County of San Benito, Case No. CU-10-00220.

ADJOURN TO TUESDAY, APRIL 12, 2011 AT 9:00 A.M.

AGENDA DEADLINE IS MONDAY APRIL 4, 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.