



# SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios  
District No. 1

Anthony Botelho  
District No. 2  
Chair

Robert Rivas  
District No. 3

Jerry Muenzer  
District No. 4  
Vice-Chair

Jaime De La Cruz  
District No. 5

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

## REGULAR MEETING AGENDA AUGUST 6, 2013

### **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) **PRESENTATIONS & RECOGNITIONS:**  
Presentation by Judge Sanders on the status of the new Courthouse Construction Project.
- 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:** 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 with the Dept. of Food & Agriculture to provide Light Brown Apple Moth Services for the period of October 1, 2012 through September 20, 2013, for a total of \$3,454.93.

**AGRICULTURAL COMMISSIONER – R. Ross:**

- 2) Approve contract with the Dept. of Food & Agriculture for Nursery Inspection Program for the period of July 1, 2013 through June 30, 2014, for a total of \$1,162.00.

**AGRICULTURAL COMMISSIONER – R. Ross:**

- 3) Approve contract with the Dept. of Food & Agriculture for Organic Inspections for the period of July 1, 2013 through June 30, 2014, for a total of \$8,940.00.

**BOARD OF SUPERVISORS:**

- 4) Confirm Supervisor Rivas's nomination of Pat Loe for appointment to the San Benito County Planning Commission representing District 3 effective August 6, 2013.

**CLERK OF THE BOARD – D. Thome:**

- 5) Approve the action minutes from the December 4, 2012 regular meeting, December 11, 2012 special meeting, July 2, 2013 Special Meeting (A.M.), July 2, 2013 Special Meeting (P.M.) May 21, 2013 regular meeting and July 23, 2013 regular meeting.

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

- 6) Review the FY 2012-13 Year End Audit Preparation Instructions and Calendar.

**EMERGENCY SERVICES – J. Clark:**

- 7) Adopt Governing Body Resolution that authorizes the county positions named to execute for and on behalf of the County of San Benito for making application, filing and obtaining state and federal assistance and funding under the State Homeland Security Grant and Emergency Management Performance Grant Programs. (Res. No. 2013-57)

**HEALTH & HUMAN SERVICES AGENCY – M. Corona:**

- 8) Approve and adopt the Workforce Investment Act (WIA) Individual Training Account Agreement Template and authorize the Director of HHSA and/or Deputy Director of CSWD to enter into said contracts; and authorize the Deputy Director of CSWD to sign all existing ITA Agreements.

**HEALTH & HUMAN SERVICES AGENCY – M. Corona:**

- 9) Approve and adopt the Individual Training Account Template for non-WIA funded programs effective July 1, 2013; and authorize the Director and/or Deputy Director of HHSA to enter on the County's behalf.

**HUMAN RESOURCES – G. Cochran:**

- 10) Adopt new class specifications for Clerk-Auditor-Recorder-Elections (CARE) Information Systems Deputy and set a salary range 19.4 of the County's Class Title and Pay Plan.

**HUMAN RESOURCES – J. Credico:**

- 11) Approve letter of Agreement between San Benito County and the San Benito County Institutions Association, effective August 6, 2013 through September 30, 2013.

**INTEGRATED WASTE MANAGEMENT – M. Rose:**

- 12) Approve a Budget Augmentation of \$34,000 from Landfill Contingency; and approve the purchase of the Hazmat unit as identified in the Safety Storage quote dated July 25, 2013 in an amount not to exceed \$34,000. (4/5 vote)

**PROBATION DEPARTMENT – R. Campbell:**

- 13) Approve reciprocal agreement with Monterey County for certain wards requiring protective custody.

**PUBLIC WORKS DEPARTMENT – S. Wittry:**

- 14) Approve the plans, specifications and bid documents for guardrail installation at Salinas Grade Road at mile post 2.91 and 3.85 Project No. 2102-707.

**PUBLIC WORKS DEPARTMENT – S. Wittry:**

- 15) Approve the plans, specifications and bid documents for guardrail installation at Fairview and John Smith Roads Project No. 2102-701.

**PUBLIC WORKS DEPARTMENT – S. Wittry:**

- 16) Approve contract with Hayashi & Wayland Accounting and Consulting, LLP. for Public Works accounting services for the period of August 6, 2013 through June 30, 2014, in an amount not to exceed \$32,000.

**PUBLIC HEARINGS – 9:00 a.m. (Or as soon thereafter as the matter may be heard)**

**PUBLIC WORKS – S. Wittry:**

- 17) Hold a public hearing with regards to the proposed new Property Related Fee in County Service Area No. 50 (Dunneville Estates); adopt Resolution tabulating protests, and confirming the fee report, fee schedule and fee for a new Property Related Fee, imposing the fee on the FY 2013-14 tax roll; and taking other related actions. (Continued from July 23, 2013 meeting) (Res. No. 2013-58)

**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.*

**PLANNING DEPARTMENT – B. Turner:**

- 18) Review materials and the scope of work for the completion of the General Plan Update and provide direction.

**PLANNING DEPARTMENT – B. Turner:**

- 19) Approve contract with Rincon Consultants, Inc. to prepare EIR for the San Juan Oaks project, in an amount not to exceed \$265,722; and authorize the Planning Director to approve minor contract amendments, authorizing additional work within 10% contract contingency amount not to exceed \$26,572.

**PUBLIC WORKS DEPARTMENT – S. Wittry:**

- 20) Receive presentation from staff regarding courthouse space planning and selection of tenants 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.  
Significant Exposure to litigation pursuant to subdivision (d) of Section 54956.9:  
Number of Cases (1)  
Closed session is authorized by Section 54956.9 (d)(2), (e)(2)  
On November 19, 2012 the California Supreme Court rendered its decision in the case City of Alhambra et.al. vs. County of Los Angeles, et.al 55 Cal. 4<sup>th</sup> 707 which resolved an issue about how a county calculates and imposes a Property Tax Administration fee (hereinafter “PTAF”) on a city for its share of the County’s cost in administering the property tax system.
- 22) Conference with Real Property Negotiator:  
Property: - Palmtag Ranch (APN 020-170-017), off of Cienega Road, Hollister, California  
- Lantis-Ward (APNs 020-170-045 & 020-280-052) at 2100 Cienega Rd., Hollister, California  
- San Benito High School (APNs 020-170-043, 059-020-001 & 059-020-003), off of Nash Rd., Hollister, California  
- TAG Paintball (APN 020-280-050), 2120 San Benito Street, Hollister, California  
Agent Negotiator(s): Steve Wittry, Public Works Administrator; Ray Espinosa, Interim CAO; Matthew Granger, County Counsel, and Shirley Murphy, Deputy County Counsel  
Negotiating Parties: Ron Ross, on behalf of Palmtag Ranch property owners; Dave Lantis, on behalf of the Lantis-Ward property owners; Michael Robustelli, on behalf of the San Benito High School District; and Roland Chick, on behalf of TAG Paintball  
Under Negotiation: price and terms of payment  
Authority: California Government Code section 54956.8
- 23) Conference with Legal Counsel-Existing Litigation  
Subdivisions (a) and (d)(1) of Section 54956.9  
Name of Case: Purple Cross Rx. et.al. vs. County of San Benito, Superior Court of California, County of San Benito, Case No. CU-12-00060

- 24) Conference with Legal Counsel-Anticipated Litigation  
Initiation of litigation pursuant to subdivision (d)(4) of Section 54956.9: Number of Cases: (1)

**CLOSED SESSION – 1:00 p.m. (Or as soon thereafter as the matter may be heard)**

*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.)*

- 25) County Employee Appointment  
Title: County Administrator Officer  
Authority: California Government Codes 54957

**ADJOURN TO TUESDAY, AUGUST 20, 2013 AT 9:00 A.M.**

NOTE: A copy of this Agenda is published, along with supportive documents, on the County's Web site on the Friday preceding each Board meeting and may be viewed at [www.cosb.us/government/meetings-agendas/](http://www.cosb.us/government/meetings-agendas/). All proposed agenda items with supportive documents are also 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.***