



SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios
District No. 1
Chair

Anthony Botelho
District No. 2

Robert Rivas
District No. 3
Vice-Chair

Jerry Muenzer
District No. 4

Jaime De La Cruz
District No. 5

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

REGULAR MEETING AGENDA FEBRUARY 3, 2015

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:** 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 Department of Food & Agriculture to provide Asian Citrus Psyllid detection services for the period of October 1, 2014 through September 30, 2015, for a total amount of \$49,154.

CLERK OF THE BOARD – D. Thome:

- 2) Approve the action minutes of the December 2, 2014 regular meeting and the January 20, 2015 special meeting.

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

- 3) Re-appoint Pat Loe to represent Supervisorial District 3 on the San Benito County Planning Commission, effective February 3, 2015 through January 2019; and re-appoint Ray Pierce to represent Supervisorial District 4 on the San Benito County Planning Commission, effective February 3, 2015 through January 2019.

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

- 4) Re-appoint Jennifer Bagley to represent Supervisorial District 3 on the San Benito County Parks and Recreation Commission, effective February 3, 2015 through January 2019; and re-appoint Debra Cable to represent Supervisorial District 4 on the San Benito County Parks and Recreation Commission, effective February 3, 2015 through January 2019.

COUNTY COUNSEL – M. Granger:

- 5) Approve legal services agreement with the law firm of Miller Starr Regalia, in an amount not to exceed \$197,500 for legal services related to the Sunnyside Estates project.

FIRST 5 SAN BENITO CHILDREN & FAMILIES COMMISSION – L. Faulkner:

- 6) Approve Waiver of County Policies and Procedures Handbook Rule 1.H.3. Prohibiting CalPERS benefits for Temporary Employees and authorize the current Secretary III temporary employee at First 5 to exceed 1,000 hours for the 14-15 fiscal years, with employment not to exceed June 30, 2015 without further approval by the Board of Supervisors.

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 7) Appoint Ms. Nancy Roberts-Knight as the Representative for the Private Sector for District #4 to the Community Action Board for a three-year term effective January 8, 2015 through January 8, 2017.

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 8) Appoint Ms. Samantha Conatti-Fowler as the Representative for the Poor for District #2 to the Community Action Board for a three-year term effective December 11, 2014 through December 11, 2017.

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 9) Appoint Ms. Ann Ross as the Representative for the Board of Supervisors for District #4 to the Community Action Board for a three-year term effective January 8, 2015 through January 8, 2017.

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 10) Appoint Mr. Christopher Rizzuto to the Youth Employment Program Council (YEP) to represent the private sector, for a three-year term effective January 8, 2015 through January 8, 2017.

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 11) Appoint Mr. Duane Bradford to the Workforce Investment Board to represent the private sector, for a three-year term effective January 8, 2015 through January 8, 2017.

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 12) Re-appoint Mr. Richard Bianchi to the Workforce Investment Board to represent the private sector, for a three-year term effective February 7, 2015 through February 7, 2017.

HUMAN RESOURCES – G. Cochran:

- 13) Adopt Resolution establishing the position of Assistant County Administrative Officer as a Department Head level position. (Res. No. 2015-5)

PUBLIC WORKS DEPARTMENT – J. Horwedel:

- 14) Approve for transfer of the agriculture structure(s) to the San Benito County Historical Park for reconstruction and delegate to the County Administrative Officer approval authority for all necessary documents related to the transfer and reconstruction.

SHERIFF'S OFFICE – D. Thompson:

- 15) Approve out-of-state travel for the court security supervisor to attend the court security training seminar, February 24-26, 2015 in Las Vegas. NV.

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

PLANNING DEPARTMENT – B. Turner:

- 16) Continue Public Hearing on Appeal of the Planning Commission's Approval of Use Permit 1103-14 (Verizon Wireless) by Appellant Frank V. Guerra-Guerra Nut Shelling Company; Consider the merits of the appeal; and direct staff to prepare a Resolution for the Board of Supervisors to either grant the appeal, deny the appeal, or other action including modification of the project or returning the project to the Planning Commission.

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

PUBLIC WORKS DEPARTMENT – J. Horwedel:

- 17) Continue Public Hearing to consider the landowners' petition to vacate Vasquez Creek Road, (County Road #8030) as provided by staff; and adopt a Resolution vacating Vasquez Creek Road (County Road #8030). (Res. No. 2015-6)

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) Receive progress report on the General Plan Update.

COUNTY COUNSEL – M. Granger:

- 19) Approve the legal services agreement with the law firm of Miller Starr Regalia, in an amount not to exceed \$50,000, for legal services related to the San Benito County General Plan Update.

PUBLIC WORKS DEPARTMENT – J. Horwedel:

- 20) Review the information in staff report attached to the Agenda Item Transmittal (AIT) in order to consider the selection of one of the three described properties for use as a project development site for the proposed permanent Homeless Shelter Center Facility of San Benito County.

OFFICE OF EMERGENCY SERVICES – K. O’Neill:

- 21) Read title of ordinance for the record: An Ordinance of the County of San Benito amending Chapter 11.01 (“Civil Emergencies”) of Title 11 (“Public Health and Safety”) of the San Benito County Code; accept introduction and waive further reading of the ordinance and continue to February 17, 2015 at 9:00 a.m. for adoption of said ordinance.

COUNTY COUNSEL – M. Granger:

- 22) Approve the transfer of General Fund Contingency to Non-Departmental Expenses in the amount of \$265,500 to pay settlement in Center for Biological Diversity v. County of San Benito. (4/5 vote)

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

- 23) Adopt Resolution for exception to the 180 day wait period under Government Code Sections 7522.56 and 21224 to allow the retiring Director of Integrated Waste Management to serve on a part-time basis while the position is being filled and authorize employment of Normandy Rose on a part-time basis, effective February 4, 2015. (Res. No. 2015-7)

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.)

- 24) County Employee Appointment
Title: Assistant County Administrative Officer
Authority: California Government Codes 54957
- 25) Conference with Legal Counsel-Anticipated Litigation.
Initiation of litigation pursuant to subdivision (d)(4) of Section 54956.9: Number of Cases: (2)
- 26) Conference with Legal Counsel-Existing Litigation.
Subdivisions (a) and (d)(1) of Section 54956.9

Name of Case: Center for Biological Diversity v. San Benito county, et.al., Superior Court of California, County of Monterey, Case No. M123956 (Citadel Exploration, Inc.-Real Party in Interest).

ADJOURN TO TUESDAY, FEBRUARY 17, 2015 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/. 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.