



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 APRIL 21, 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:

- 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:** 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) Re-appointments of Janie Lausten and Joseph McMahon representing District 4 to the Historical Heritage Advisory Committee with terms for a co-terminus term with that of Supervisor Muenzer (1/2015 – 1/2019).

BOARD OF SUPERVISORS:

- 2) Re-appointments of Jack Swallow and Richard Boomer to the San Benito County Fish and Game Advisory Commission representing District 4 with terms effective April 1, 2015 through March 31, 2019.

BOARD OF SUPERVISORS:

- 3) Approve Certificate of Recognition for the 2015 Teacher of the Year Award recipients for presentation at a later date.

CLERK OF THE BOARD – D. Thome:

- 4) Approve the action minutes of the March 31, 2015 special meeting.

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

- 5) Approve the purchase of SAN Maintenance for NOC 1 and NOC 2 and Commvault Maintenance, a budgeted expense, from Discover IT Solutions in the amount of \$36,223.44 for the period of May 1, 2015 through April 30, 2016.

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

- 6) Adopt Resolution recognizing April 2015 as “California Safe Digging Month”. (Res. No. 2015-22)

FIRST 5 SAN BENITO – L. Faulkner:

- 7) Adopt Ordinance, “An Ordinance adding Section 11.11.015 (“Legal Status of the Commission”) of Title 11 of the San Benito County Code, Changing the Legal Status of First 5 San Benito to that of an Independent Public Entity”. (Ord. No. 937)

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 8) Adopt Resolution authorizing the HHS Director to accept one time supplemental SNAP-Ed funds in the amount of \$25,000 from Monterey County and authorize the Director to sign all necessary documents required to receive funds. (Res. No. 2015-23)

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 9) Adopt Resolution extending services for CSA 36 “Emergency Medical Services & Advanced Life Support”. (Res. No. 2015-24)

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 10) Approve the agreement for Clinical Affiliation with California State University at Dominguez Hills for the period of May 24, 2015 through May 23, 2018; and authorize the Director of HHS to sign agreement.

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 11) Approve contract renewal with Refined Technologies, Inc. for application and hosting support for the period of March 1, 2015 through June 30, 2015 at a cost

not to exceed \$1,600. Contract will automatically renew on July 1st, of each year and terminate on June 30th of the following year for a cost not to exceed \$4,800; and authorize the HHS Director to sign.

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 12) Review and approve the State budget and Legislative Bill positions and authorize the Chair to sign the letters of support for these State Budget and Legislative Bills. There are no County General fund impacts in any of these proposed actions by the California State Legislature.

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 13) Approve the MOU between San Benito County and Hazel Hawkins Memorial Hospital for Hospital Preparedness Program (HPP) for use of grant funds in the amount of \$53,530; and authorize the Director of HHS to sign said agreement.

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 14) Approve the MOU between San Benito County and San Benito Health Foundation for Hospital Preparedness Program (HPP) for use of grant funds in the amount of \$16,225; and authorize the Director of HHS to sign said agreement.

PLANNING & BUILDING DEPARTMENT – B. Turner:

- 15) Approve Amendment #3 to contract with Aspen Environmental Group, in an additional amount of \$44,000, for a total contract amount not to exceed \$299,100, for preparation of SEIR, authorize the Planning Director to approve minor contract amendments, increasing the 10% contingency amount by \$4,400 for a revised not to exceed a total of \$29,910.

PLANNING & BUILDING DEPARTMENT – B. Turner:

- 16) Approve Amendment #2 to contract with Rincon Consultants, Inc., to prepare the San Juan Oaks project EIR, in an amount not to exceed \$128,149, for a total contract amount not to exceed \$419,471; and authorize the Interim Planning Director to approve minor contract amendments, authorizing additional work within the 10% contract contingency amount not to exceed \$41,947.

PROBATION DEPARTMENT – R. T. Baraan:

- 17) Allow Probation Department to enter into a reimbursement agreement with the Monterey Bay Unified Air Pollution Control District (MBUAPCD's) for a amount not to exceed \$27,000 and apply for \$2,500 federally eligible rebate for the purchase of an Electric Vehicle; amend the Schedule of Fixed Assets to include one (1) Electric Vehicle; and increase expenditures (fixed assets-vehicle) by \$29,500; and increase revenue \$29,950 recognizing funding from the MBUAPCD District and rebate. (4/5 vote)

PROBATION DEPARTMENT – R. T. Baraan:

- 18) Authorize the Chief Probation Officer to submit an application for the Juvenile Justice Crime Prevention Act (JJCPA) to the Board of State and Community Corrections (BSCC) provided by this Act.

PROBATION DEPARTMENT – R. T. Baraan:

- 19) Authorize the Chief Probation Officer to submit an application for the Juvenile Justice Development Plan for the Youthful Offender Block Grant.

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.

COUNCIL OF GOVERNMENTS – M. Gilbert:

- 20) Receive Presentation on Council of Governments Voter Survey Results.

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

- 21) Receive informational report from the Sunnyslope County Water District on the Action Plan Update regarding Governor Executive Order B-29-15, Statewide Mandatory Water Reduction Order and provide direction to staff, if necessary.

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

- 22) Chair to appoint two Supervisors for the Resource Recovery Park Ad Hoc committee to be continuous until the ad hoc committee determines the work is complete.

PLANNING & BUILDING DEPARTMENT – B. Turner:

- 23) Receive progress report on the General Plan Update.

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) Conference with Real Property Negotiator:
Property: 1135 San Felipe Road (APN -51-110-034), Hollister, California
Agency Negotiator(s): Alan Yamamoto, Behavioral Health Services Director; Joe Horwedel, Interim Public Works Director; Ray Espinosa CAO; Matthew W. Granger, County Counsel and Shirley L. Murphy, Deputy County Counsel
Negotiating Parties: George L. Renz
Under Negotiation: price and terms of payment
Authority: California Government Code Section 54956.8
- 25) Conference with Legal Counsel – Anticipated Litigation
Initiation of litigation pursuant to subdivision (d)(4) of Government Code Section 54956.9; Number of Cases: 1
- 26) 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 March 16, 2015, the County Counsel's Office received a pre-filing complaint from BMC Promise Way, LLC, dba: Benchmark Communities, which challenges the Annexation Fee as applied to Vesting Map approved December 19, 2013.

- 27) Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (d)(2), (e)(3) of Government Code Section 54956.9
Number of cases: 1
Facts and Circumstances Justifying Closed Session: Passage of Measure J, and the October 21, 2014, adoption of the Measure J Implementing Ordinance; multiple letters regarding Measure J exemption process.
- 28) 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; and the Citadel Exploration, Inc. vs. Center for Biological Diversity: San Benito County, et.al., Court of Appeal, Sixth Appellate District, Case No. H041650

ADJOURN TO TUESDAY, MAY 5, 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.