



# SAN BENITO COUNTY BOARD OF SUPERVISORS

**Don Marcus**  
District No. 1  
Chair

**Anthony Botelho**  
District No. 2

**Pat Loe**  
District No. 3

**Reb Monaco**  
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 SEPTEMBER 25, 2007

### **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.**

### **9:30 a.m. CALL TO ORDER:**

- a) Pledge of Allegiance to be led by Supervisor Monaco.
- 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.*

### **BOARD OF SUPERVISORS:**

- 1) Consider proclamation declaring October 5, 2007 as "California Arts Day" in San Benito County and authorize Chair to sign said proclamation. (Supervisor Monaco)

**ADMINISTRATIVE BUSINESS – S. Thompson:**

- 2) Approve contract with Jovenes de Antano to provide meals to senior citizens in San Benito County in the amount of \$40,000 for period of September 25, 2007 to June 30, 2008.
- 3) Approve contract with Seniors' Council to provide services to the senior citizens of San Benito County in the amount of \$29,388 for the period of September 25, 2007 to June 30, 2008.
- 4) Cancel the Board of Supervisors meetings of January 2, 2008 (Wednesday) and November 12, 2008 (Wednesday) due to the New Year's and Veteran's Day holidays falling on a scheduled Tuesday meeting date.

**AGRICULTURAL COMMISSIONER– P. Matulich:**

- 5) Accept West Nile Virus Grant Award funding in the amount of \$11,110 for mosquito control surveillance and equipment; authorize purchase of listed equipment and approve budget adjustment.
- 6) Approve out of state travel expenses in the amount of \$560.32 for Christina Rachuy-Clayton who attended the Western Weights & Measures Association's annual conference in Lake Tahoe, Nevada on September 10-11, 2007.

**CLERK OF THE BOARD – L. Churchill:**

- 7) Approve the minutes of the August 7-9, 2007 budget hearings.

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

- 8) Approve contract with Grace and Associates, CPA's effective September 11, 2007 to June 30, 2008 for the audit of the County's Financial Statements ending June 30, 2007.

**HEALTH & HUMAN SERVICES – K. Flores:**

- 9) Appoint Mr. Nicholas L. de Lorenzo to the Workforce Investment Board to represent the public sector for a three-year term effective September 25, 2007 to September 24, 2010. (CSWD)
- 10) Appoint Mr. Todd Farr to the Workforce Investment Board to represent the public sector for a three-year term effective September 25, 2007 to September 24, 2010. (CSWD)
- 11) Appoint Ms. Gina Perry to the Community Action Board to represent District #3 Private Sector Representative for a three-year term effective September 25, 2007 to September 24, 2010.
- 12) Approve purchase and installation of new EMS Base radio from Eden Radio and augment EMS budget by increasing fixed assets by \$10,200 and transfer from trust by same amount.

**INTERNAL SERVICES – R. Inman:**

- 13) Approve employment agreement with Ms. Judi Johnson as Executive Director of LAFCO effective September 2007 and ending September 2010.

- 14) Ratify out of state travel for the Director of Internal Services to attend the California Association of Joint Powers Authorities annual conference in South Lake Tahoe, Nevada from September 18, 2007 to September 20, 2007.
- 15) Approve amendment extending term of contract with Jo Dan and Associates for negotiation services to February 29, 2008 and increase maximum amount by \$20,000.
- 16) Approve Amendment #1 to Memorandum of Understanding with the Deputy Sheriff's Association effective October 1, 2006 to September 30, 2008.

**PUBLIC WORKS – J. Lo:**

- 17) Approve allocation of 2000 Per Capita Grant funds for the renovation of one of the restroom buildings in Veteran's Memorial Park and direct staff to prepare the project application to the State of California for use of the grant funding for the proposed project.
- 18) Adopt Resolution approving right-of-way agreement and accepting grant deed for the purchase of 1.5351 acres of real property for road right-of-way and grants of permanent drainage and overhead utility easements and temporary construction and landscape easements for the Lone Tree Road Bridge from Thomas and Patricia Grant; and authorize the vice-chair to sign related documents; and authorize payment for such purchases. (Res. No.2007-76)
- 19) Approve contract with Matthew J. Kelley, Inc. dba Kelly Engineering & Surveying for surveying services for an amount not to exceed \$80,000 for period of September 26, 2007 to September 25, 2008.
- 20) Approve plans, specifications and bid documents for repair of the Cienega Road Bridge at Bird Creek Crossing and authorize staff to solicit bids for said project.

**SHERIFF'S DEPARTMENT – C. Hill:**

- 21) Approve out of state travel for Sheriff Curtis Hill to attend the 3<sup>rd</sup> Annual National Learning Congress on Organ Donation and Transplantation in Nashville, Tennessee on October 9-10, 2007.
- 22) Approve contract with Nelda Escamilla to provide anger management counseling to the inmates for period of October 1, 2007 to October 31, 2008 and authorize the Sheriff to sign said contract.
- 23) Approve appointment of the Communications Dispatcher II position at Step F (Range 17.2) effective September 25, 2007.

**TAX COLLECTOR/TREASURER – M. Andrade:**

- 24) Approve lease/rental agreement with Newcal Industries, Inc. for a Canon IR 3035 Copier for a period of 5 years at a cost not to exceed \$1034 per year for period of September 25, 2007 to September 24, 2012.

## **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.

### **INTERNAL SERVICES – R. Inman:**

- 25) Approve request from Pacheco Pass Water District to allow a five-year audit instead of an annual audit.
- 26) Appoint a member of the Board of Supervisors to an interview panel for the position of Chief Probation Officer.
- 27) Approve the Memorandum of Agreement (MOA) to implement and sustain the Geographical Information System (GIS) program for period of July 1, 2007 to June 30, 2008.

### **COUNTY COUNSEL – D. LeClerc:**

- 28) Approve agreements with Bingham, McCutchen, LLP and Hoge, Fenton, Jones & Appel, Inc. to provide outside legal services to the County to be effective September 25, 2007.

### **AGRICULTURAL COMMISSIONER – P. Matulich:**

- 29) Accept first quarter report on the Wildlife Services Program.

### **HEALTH & HUMAN SERVICES – K. Flores:**

- 30) Accept Federal Emergency Shelter Grant (FESG) follow-up report and authorize chair to sign support letters to other funding sources on behalf of the Homeless Task Force and the Emmaus House.

### **PLANNING DEPARTMENT – A. Henriques:**

- 31) Receive report and update on proposed California High Speed Train and provide direction on attached letter.

## **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.)*

- 32) Conference with Legal Counsel – Existing Litigation – (Subdivision (a) of Section 54956.9)
  1. Jesse Polk v. California Department of Child Support Services, etal (Case #CU06-00096)
  2. Reynoso v. County of San Benito, etal (Case No. C06 07920)

- 33) Conference with Legal Counsel - Anticipated Litigation – (Government Code Section 54956.9)  
(a) Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9.  
Number of cases: 1
- 34) Conference with Labor Negotiators:  
Authority: California Government Code Section 54957.6  
Agency Designated Representatives: Rich Inman  
Employee Organization: Confidential and Confidential Management Employees

**1:30 p.m. PUBLIC HEARING (or as soon thereafter as the matter may be heard):**

**PLANNING DEPARTMENT – A. Henriques:**

- 35) Hold a public hearing to consider an ordinance for Zone Change 06-150. Applicants: Jae and John Eade. Location: Northwest corner of State Highway 25 and Southside Road in the unincorporated area of Tres Pinos, San Benito County, CA, APN: 22-20-09 and 22-20-10. Request: A zone change from R-1 (Single-Family Residential District) to C-1 (Commercial Thoroughfare District) in order to facilitate placement of a hotel. Zoning: Single-Family Residential. General Plan: Rural/Urban.

**ADJOURN TO TUESDAY, OCTOBER 2, 2007 AT 9:30 A.M.**

**AGENDA DEADLINE IS MONDAY, SEPTEMBER 24, 2007 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](http://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.

***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.***