SAN BENITO COUNTY
BOARD OF SUPERVISORS

Margie Barrios	Anthony Botelho	Pat Loe	Reb Monaco	Jaime De La Cruz
District No. 1	District No. 2 Chair	District No. 3	District No. 4 Vice-Cahiur	District No. 5

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

REGULAR MEETING AGENDA
MARCH 24, 2009

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 subject matter within the jurisdiction of the Board of Supervisors and 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 Monaco.

b) Acknowledge Certificate of Posting.

c) **Public Comment:** *Opportunity to address the Board on items of interest on a subject matter within the jurisdiction of the Board of Supervisors and 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.

PRESENTATIONS & RECOGNITIONS:

1) Presentation of Certificate of Recognition to Cassandra Spencer who is retiring after 22 years of dedicated service with the County of San Benito.

2) Presentation of Certificate of Recognition to Lorraine Castro who is retiring after 13 years of dedicated service with the County of San Benito.

3) Presentation of Trindel Employee Safety Award to county employee Tracey Belton of the Health & Human Services Agency.

4) Recognize the 2009 Industry Achievement Award by California Building Officials, awarded to Precision Inspection Company, Inc.

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.

BEHAVIORAL HEALTH – A. Yamamoto:

5) Approve the request to hire a 0.50 FTE Mental Health Nurse I at Range 22.5, Step F effective March 24, 2009.

BOARD OF SUPERVISORS:

6) Approve Certificates of Recognition for the 2009 Teacher of the Year Award recipients for presentation on March 26, 2009 during the San Benito County Joint Boards of Trustees Dinner Meeting.

7) Appoint Gregg Zanella to the San Benito County Fish and Game Advisory Commission representing Supervisorial District 1 with term effective April 1, 2009 through March 31, 2013. (Supervisor Barrios)

8) Re-appoint James Ingram and Tom Manning to the San Benito County Fish and Game Advisory Commission representing Supervisorial District 2 with terms effective April 1,2009 through March 31, 2013. (Supervisor Botelho)

9) Re-appoint Bruce Eisenman and Larry Brown to the San Benito County Fish and Game Advisory Commission representing Supervisorial District 5 with terms effective April 1,2009 through March 31, 2013. (Supervisor De La Cruz)

CLERK OF THE BOARD – L. Churchill:

10) Adopt Resolution amending the County's Conflict of Interest Code to reflect the addition of the Behavioral Health Board and the Child Abuse Prevention Council and removing the Substance Abuse Advisory Board, Mental Health Board and Child Welfare Commission. (Res. No. 2009-23)

11) Approve the action minutes of the meeting on February 24, 2009 and March 3, 2009 meetings.

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

12) Authorize the Director of Health & Human Services Agency to accept donations, monetary and non-monetary, for the benefit of Public Heath Division programs.

13) Find that property to be leased is not, and will not be, needed for County purposes for the duration of the lease, and that extending the lease term serves the public interest because it ensures continuity and availability of safe and Affordable housing for unaccompanied farm workers; and, approve Amendment #4 to the lease with the Farm Labor Association for Southside Road unaccompanied Adult Farm Labor Camp to extend the term until December 31, 2009 and authorize the Vice Chair to sign said amendment.

14) Re-appoint Ms. Brenda Weatherly as a public sector representative on the Workforce Investment Board for a three-year term effective March 24, 2009 to March 24, 2012. (CSWD)

PROBATION DEPARTMENT – B. Cardall:

15) Approve agreement with San Benito County Behavioral Health for Mental Health and Substance Abuse services in amount not to exceed $23,055.

PUBLIC WORKS DEPARTMENT – J. Cox:

16) Accept all bids in the bid summary report; award contract to Don Chapin Company as the lowest responsive, responsible Bidder for Surface Transportation Assistance Act improvements at Orchard and Fairview Roads, in the amount of $34,140 and authorize the Road Commissioner to issue change orders to the construction contract in an amount not to exceed $5,000.

SHERIFF'S DEPARTMENT – C. Hill:

17) Allow the Sheriff to accept a donation of $300 from Seminis Vegetable Seeds, Inc. to offset the cost of the Rural Crime Prevention Task Force that was held in Shell Beach, CA in February 2009.

18) Approve maintenance agreement with L-1 Identity Solutions in the amount of $31,021 for the annual maintenance of six (6) Identix fingerprint machines for the period April 1, 2009 through March 31, 2010.

19) Authorize County Office of Emergency Services to submit the fiscal year 2009 Emergency Performance Grant Program totaling $86,845.00 on behalf of the County Operational Area.

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.

SAN BENITO COUNTY ARTS COUNCIL – S. Van Rooy:

20) Request for County participation in funding a Core Historic Structure Report on the Granada Theater.

ADMINISTRATIVE BUSINESS – S. Thompson

21) Quarterly Status Report on Economic Development Corporation activities.

BEHAVIORAL HEALTH - A. Yamamoto:

22) Approve the County Behavioral Health Department's submission of the FY 2007-2010 Mental Health Services Act (MHSA) Prevention and Early Intervention Program and Expenditure Plan requesting $842,142 to the State Department of Mental Health; and authorize the County Behavioral Health Director to sign County Certificate.

PUBLIC WORKS – J. Cox:

23) Adopt a resolution establishing the guidelines for the funding of reserves, the handling of surplus funds and the establishment of a Contingency Reserve within the County Service Area Fund.

24) Adopt a Resolution of Intention to impose a property related fee in various County Service Areas, approving a fee report and setting a public hearing for May 26, 2009.

COUNTY COUNSEL – B. Thompson:

25) Approve legal services agreement with the law firm of Bingham, McCutchen, LLP, for limited legal services related to general land use issues, primarily the 2009 Update of the General Plan Housing Element and associated technical updates to other General Plan elements and County ordinances in the amount not to exceed $10,000.

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.)

26) Conference with Legal Counsel – Existing Litigation
Subdivision (a) of Section 54956.9
Name of Case: Association for Equal Information and Governmental Integrity v. County of San Benito, Superior Court of California, County of San Benito, Case No. CU-09-00043.

27) Conference with Real Property Negotiators:
Authority: California Government Code Section 54956.8
Property: 327 Fifth Street, Hollister, CA 95023
Agency Negotiator: Susan Thompson, County Administrative Officer and Alan Yamamoto, County Behavioral Health Director.
Negotiating Parties: Philip C. Herbert, Patrick Herbert, Catherine Ann Herbert, Joseph P. Herbert and George Shore Properties.
Under Negotiation: Price and terms of purchase.

28) Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:
Number of Cases: (1)
Closed session is authorized by Section 54956.9(b)(3)(E).

AFTERNOON SESSION
1:30 P.M.

CONSENT AGENDA:

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COUNTY COUNSEL – B. Thompson:

29) Approve contract with Abbott & Kindermann for specific legal advice on a matter of pending litigation in an amount not to exceed $5,000.

REGULAR AGENDA:

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INTEGRATED WASTE MANAGEMENT DEPARTMENT – M. Rose:

30) Receive Progress Report on the Resource Recovery Park at John Smith Road Landfill and direct staff as appropriate.

PLANNING & BUILDING DEPARTMENT – A. Henriques:

31) Follow-up review of County policy for release of project Administrative Draft Environmental Impact Reports (ADEIR) and take action as deemed appropriate.

32) Approve Amendment #1 to the contract with Denise Duffy and Associates regarding planning and project management services for the El Rancho San Benito project in the additional amount of $165,000 for the contract term.

33) El Rancho San Benito Project Quarterly Update.

34) Report on Foreclosure Prevention Workshop scheduled for Saturday, April 25, 2009 at the Veteran's Memorial Building.

ADJOURN TO TUESDAY, APRIL 7, 2009 AT 9:00 A.M.

AGENDA DEADLINE IS MONDAY, MARCH 30, 2009 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.