



SAN BENITO COUNTY BOARD OF SUPERVISORS

Don Marcus
District No. 1
Vice-Chair

Anthony Botelho
District No. 2

Pat Loe
District No. 3
Chair

Reb Monaco
District No. 4

Jaime DeLaCruz
District No. 5

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

SPECIAL MEETING JANUARY 30, 2006 ACTION MINUTES

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in **special session**. Supervisors Reb Monaco, Jaime De La Cruz, Anthony Botelho, Don Marcus and Pat Loe were all present. Also present was County Administrative Officer Susan Thompson, Interim County Counsel Claude Biddle and Clerk of the Board Linda Churchill. Chair Pat Loe presided.

1:30 p.m. CALL TO ORDER:

- a) Pledge of Allegiance. Supervisor De La Cruz led the pledge.
- b) *Acknowledged Certificate of Posting.*

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.)

Prior to adjourning into Closed Session the Board of Supervisors heard comments from District Attorney John Sarsfield concerning Item 1.

District Attorney (D.A.) Sarsfield noted that the Chair, the CAO and County Counsel were provided a copy of a packet of information concerning the facts of the matter of the MK Ballistics case. D.A. Sarsfield advised the Board that it was his opinion that it is not appropriate, in light of the fact that MK Ballistics is a criminal matter, to discuss the matter in Closed Session. D.A. Sarsfield said he understands a letter has been received threatening litigation but the Brown Act does not authorize discussions of criminal matters in Closed Session and the Public Safety exception clearly does not apply and he requested that the Board hear the matter in open session, which the Brown Act does allow. D.A. Sarsfield further stated that the threat of litigation itself is a hollow one for a variety of reasons that is spelled out in his report to the Board.

County Counsel Claude Biddle stated that the county does not receive hollow threats and we must take each one on its face value and there is a threat of pending litigation based on an action of a department and he believed it would be proper subject to discuss in closed session. County Counsel Biddle further explained that what we should do in light of this threat is to make MK Enterprises pull or investigate further these allegations forged by Greg La Forge and that is what he will be discussing in Closed Session.

The Board adjourned into Closed Session and reconvened into Regular Session re:

1) Conference with Legal Counsel – Anticipation Litigation

- a) Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9. Number of cases: **1**

BOARD ACTION: *County Counsel Claude Biddle reported that it was agreed that Item 1 would be deferred to an open special meeting to be held on Friday, February 3, 2006 at 1:30 p.m. to discuss the MK Enterprise / Inspector Simpson matter. File #235.6*

2) Conference with Legal Counsel – Existing Litigation

Authority: California Government Code Section 54956.9(a)

- a) Casarez vs. County of San Benito et. al.

No reportable action. File #235.6

3) Public Employment

Authority: California Government Code Section 54957

Title: County Counsel

No reportable action. File #235.6

The vote of each member of the Board of Supervisors upon each matter at the foregoing meeting, unless otherwise stated, was as follows:

AYES: SUPERVISORS: Monaco; De La Cruz; Botelho; Marcus & Loe

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

There being no further business the Board adjourned. to a special meeting on Friday, February 3, 2006 at 1:30 p.m.

PAT LOE, CHAIR

San Benito County Board of Supervisors

ATTEST:

Linda Churchill

Clerk of the Board