



SAN BENITO COUNTY BOARD OF SUPERVISORS

Don Marcus
District No. 1

Anthony Botelho
District No. 2

Pat Loe
District No. 3

Reb Monaco
District No. 4

Jaime De La Cruz
District No. 5

REGULAR MEETING ACTION MINUTES JANUARY 4, 2005

SWEARING IN CEREMONY

9:15 a.m.

The Presiding Judge of the Superior Court, Steven R. Sanders, administered the oath of office to the following newly elected officials:

Supervisor, District #1
Supervisor, District #2
Supervisor, District #5
Marshal

Don Marcus
Anthony Botelho
Jaime De La Cruz
Robert Scattini

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in regular session. Supervisors Marcus, De La Cruz, Botelho, Loe and Monaco were all present. Also present was Interim County Administrative Officer Gil Solorio, County Counsel Karen R. Forcum and Senior Board Clerk Linda Churchill. Supervisor Monaco called the meeting to order and presided after being elected Chair of the Board for 2005.

9:30 a.m. CALL TO ORDER:

a) Pledge of Allegiance.

BOARD RE-ORGANIZATION:

1) a) **Open nominations and conduct election for Chair of the Board of Supervisors.**

Supervisor Loe nominated Supervisor Monaco for Chair of the Board of Supervisors. Supervisor De La Cruz seconded the nomination. Nominations closed.

Supervisor Reb Monaco was elected as Chairman of the Board of Supervisors for 2005 by a unanimous vote.

b) **Open nominations and conduct election for Vice-Chair of the Board of Supervisors.**

Supervisor Marcus nominated Supervisor Loe for Vice-Chair of the Board of Supervisors. Supervisor Botelho seconded the nomination. Nominations closed.

Supervisor Pat Loe was elected as Vice-Chair of the Board of Supervisors for 2005 by a unanimous vote. File #156

2) **Consider nominations for appointment to the Planning Commission for Supervisorial Districts #1, #2 and #5.**

Supervisor Marcus nominated Mark Tognazzini as Planning Commissioner representing Supervisorial District #1. Supervisor De La Cruz seconded the nomination.

Mark Tognazzini was appointed to the San Benito County Planning Commission representing Supervisorial District #1 by a unanimous vote.

Supervisor Botelho nominated Dan DeVries as Planning Commissioner representing Supervisorial District #2. Supervisor Marcus seconded the nomination.

Dan DeVries was appointed to the San Benito County Planning Commissioner representing Supervisorial District #2 by a unanimous vote.

Supervisor De La Cruz nominated Albert Arajuo as Planning Commissioner representing Supervisorial District #5. Supervisor Botelho seconded the nomination.

Albert Arajuo was appointed to the San Benito County Planning Commissioner representing Supervisorial District #5 by a unanimous vote. File #790.2

3) **Consider Committee appointments by the Chair of the Board of Supervisors.**

Chairman Monaco announced his committee appointments for 2005 as follows:

BUILDING/EXPANSION COMMITTEE:

- Don Marcus
- Anthony Botelho

CDBG REHAB COMMITTEE:

- Don Marcus

CHILDREN'S & FAMILIES / FIRST 5 COUNTY COMMISSION:

- Jaime De La Cruz

CITY REVOLVING LOAN FUND COMMITTEE:

- Jaime De La Cruz

C.O.G.

- Pat Loe
- Anthony Botelho
- Jaime De La Cruz, Alternate

C.S.A.C.:

- Reb Monaco – Director
- Don Marcus – Alternate

ECONOMIC DEVELOPMENT CORP:

- Jaime De La Cruz

EMERGENCY MEDICAL CARE COMMISSION

- Anthony Botelho

HOME REUSE COMMITTEE:

- Jaime De La Cruz

INTER-GOVERNMENTAL COMMITTEE

- Pat Loe
- Don Marcus

JUVENILE JUSTICE COMMISSION

- Pat Loe

LAFCO:

- Reb Monaco
- Jaime De La Cruz

- Don Marcus – Alternate

M.B.U.A.P.C.D.:

- Reb Monaco – Director
- Pat Loe – Alternate

MENTAL HEALTH BOARD:

- Pat Loe

PAJARO RIVER WATERSHED FLOOD CONTROL COMMISSION:

- Anthony Botelho

TREASURY OVERSIGHT COMMITTEE:

- Anthony Botelho (*Official Appointment to be made by Resolution*)

VETERANS PARK COMMISSION:

- Jaime De La Cruz
- Reb Monaco

File #156

CALL TO ORDER (Continued):

b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*

c) **Public Comment:** Paul Wattis, Paicines resident, came forward to congratulate the new Board members stating it was refreshing to see this change. Mr. Wattis stated that he has spent entirely too much time in the Board Chambers this last year in protecting private property rights and he would like to see the Board let us devote our time to something other than that.

d) **Department Head Announcements:** Interim County Administrative Officer Gil Solorio announced there was problem that came to his attention over the weekend and that was a landslide on Panoche Road. Mr. Solorio asked the Board to consider adding the discussion and direction relating to the landslide to the Regular Agenda as Urgency Item 21.1.

BOARD ACTION: *Supervisor De La Cruz made a motion to add the discussion and possible direction relating to the Panoche Road landslide as Urgency Item 21.1 making findings that there is a need to take immediate action and need for action came to the attention of the County after the posting of this agenda. Supervisor Loe seconded the motion.*

The motion to add Urgency Item 21.1 relating to the Panoche Road landslide was passed unanimously.

e) **Board Announcements, Introductions and Presentations:** *There were none.*

CONSENT AGENDA:

Upon motion made by Supervisor Botelho and seconded by Supervisor Loe, approved Consent Agenda Items 1 through 19 as follows:

ASSESSOR - A. Fontes:

4) **Approved** Assessment Roll Corrections. *File #7*

AUDITOR - J. Hodges:

5) **Approved** Departmental Claims.

CLERK OF THE BOARD:

- 6) **Approved** Proofs of Publications.
- 7) **Approved** Action Minutes for the meeting of December 7, 2004 and the special meetings of December 1, 2004 and December 17, 2004.

COMMUNITY SERVICES & WORKFORCE DEVELOPMENT - K. Flores:

- 8) **Approved** the appointment of Katherine Vais-Bedolla, representing the private sector and Michael J. Dodgin, representing organized labor, to the Workforce Investment Board each for a three-year term effective January 1, 2005 through December 31, 2007. *File #939*
- 9) **Approved** the re-appointment of Robin Scattini, Management Analyst, to represent the County Administrative Office, to the Workforce Investment Board, for a three year term effective January 1, 2005 through December 31, 2007. *File #939*
- 10) **Approved** the appointment of the Workforce Investment Board Youth Employment Program members as presented on membership roster, effective January 1, 2005. *File #939*

ELECTIONS – J. Hodges:

- 11) **Adopted Resolution No. 2005-2** accepting the Certified Statement of Election Results for the November 2, 2004 Presidential General Election. *File #285*

FIRST 5 SAN BENITO - K. Castillo:

- 12) **Approved** agreement with the Tres Pinos Union School District re: "Rural Mobile Preschool" services with a contract term of January 1, 2005 through June 30, 2005. *File #155*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 13) **Approved** agreement renewal with the California Department of Health Services re: Immunizations Assistance Program (IAP) services with a contract term of July 1, 2004 through June 30, 2007. *File #420*
- 14) **Authorized** Chair to sign Certification for Funding re: California Children's Services allocation for FY2004/2005. *File #130*
- 15) **Authorized** the hiring of a Deputy Director at Step D of Range 24.6 effective January 11, 2005. *File #130*

INTEGRATED WASTE MANAGEMENT – M. Rose

- 16) **Approved** agreement with ATC Associates, Inc. re: asbestos survey on County owned property at 2733 John Smith Road with a contract term of January 4, 2005 through April 3, 2005. *142*

MENTAL HEALTH - A. Yamamoto:

- 17) **Adopted Resolution No. 2005-1** and agreement renewal with the Department of Mental Health re: State hospital bed use with a contract term of July 1, 2004 through June 30, 2005. *File #810*
- 18) **Approved** the re-appointment of Kathy Englehardt to the Mental Health Board for the term of January 1, 2005 through December 31, 2007. *File #810*

- 19) **Approved** the re-appointment of Judith Ann Cain to the Mental Health Board for the term of January 1, 2005 through December 31, 2007. *File #810*

9:40 a.m. REGULAR AGENDA:

AMERICAN RED CROSS – S. O'Brien:

- 20) **Consider proclamation declaring January 2005 as “National Volunteer Blood Donor” month in San Benito County.**

Chairman Monaco read the proclamation.

Kay Crull, CEO of the Blood Center in Northern California for the American Red Cross, accepted the proclamation and thanked the Board of Supervisors for recognizing January 2005 as Volunteer Blood Donor Month and commended the citizens of San Benito County who in 2004 contributed over 300 units of blood.

BOARD ACTION: *Proclaimed January 2005 as “National Volunteer Blood Donor” month in San Benito County. File #430*

ASSESSOR – A. Fontes

- 21) **Consider proposed resolution re: authorizing Assessor to process Assessment Roll Corrections without approval by the Board of Supervisors and County Counsel.**

Assessor Arnold Fontes provided background information explaining that the Assessor is responsible for the assessment of all real and personal property in San Benito County and must produce an Assessment Roll by July 1 of each year. Any corrections made to the Roll after July 1 are currently subject to the additional approvals of Legal Counsel and the Board and these approvals slow down the time it takes to make prompt corrections. Mr. Fontes noted that they contacted 25 counties, including all of the neighboring counties, and none of them due to the implementation of computerized systems, require approvals by Legal Counsel or the Board of Supervisors in order to process an Assessment Roll Correction. Mr. Fontes requested adoption of a resolution to allow the Assessor to process Assessment Roll Corrections in order to streamline operations of both the Assessor and the Auditor and would save time in County Counsel's office as well as the Clerk of the Board.

BOARD ACTION: *Upon motion made by Supervisor Loe and seconded by Supervisor De La Cruz, adopted **RESOLUTION 2005-3** authorizing certain acts to be performed by the Assessor and enrolled by the Auditor without approval by the Board of Supervisors and Legal Counsel. (Unanimous) File #7*

PUBLIC WORKS – P. Corn

- 21.1) **Urgency Item re: Panoche Road Landslide.**

Assistant Public Works Director Pete Corn provided a status report and update with regards to the landslide which occurred on Panoche Road (Jones Ranch) due to the heavy rains. Mr. Corn stated that a bid was received on January 3, 2005 from Pavex Construction for a large excavator. Mr. Corn estimated that repair work would cost \$25,000 to \$30,000, which will be absorbed in the Public Works budget. The work should be completed by Friday, January 7, 2005.

COMMUNITY SERVICES & WORKFORCE DEVELOPMENT – K. Flores:

22) **Consider status report and provide direction re: 2001 Community Development Block Grant (CDBG) for construction of low-income Childcare Center.**

Community Services & Workforce Development Director Kathy Flores gave a status report and asked for direction regarding disencumbering the 2001 CDBG grant and pursuing 2005 CDBG funding for the childcare center project.

Chairman Monaco asked County Counsel if Supervisor Marcus would have a conflict of interest regarding this item due to the bid submitted by Marcus Building Systems for the project although it was not the lowest bid for the project and he was not involved any further.

County Counsel Karen Forcum stated that the conflict had ended.

BOARD ACTION: *Chairman Monaco appointed Supervisor Marcus and Supervisor Loe to a sub-committee to meet with Ms. Flores to better understand the process and bring back their findings at the January 25, 2005 Board of Supervisors meeting. File #939*

1:30 p.m. CLOSED SESSION AGENDA:

The Board adjourned at 10:30 a.m. and reconvened at 1:30 p.m. for Closed Session re:

23) **Conference with Legal Counsel - Anticipated Litigation**

a) Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9. Number of cases: **3**

2 cases – No reportable action.

1 case – Withdrawn by County Counsel.

b) Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9. Number of cases: **3**

3 cases – Withdrawn by County Counsel. File #235.6

24) **Conference with Legal Counsel - Existing Litigation**

County Counsel Karen Forcum reported that the following items were scheduled for discussion to update all of the Board of Supervisors, especially the new Board members, and no action was taken on any item.

a) Sandman vs. County of San Benito

b) Monteon vs. Richard Scagliotti, San Benito County Board of Supervisors, San Benito County Financing Corporation, et al.

c) Fancher and Roybal vs. County of San Benito, John Sarsfield, et al.

d) Martinez vs. County of San Benito, Tom Quigley, et al.

e) County of San Benito vs. John Anderson, et al.

f) Casarez vs. County of San Benito and Sheriff Curtis Hill

g) De La Cruz and Velasquez vs. County of San Benito, Ruth Kesler, et al.

Supervisor De La Cruz was excused from Closed Session during the discussion of this item.

h) Densmore vs. County of San Benito, et al.

- i) Fort et al. vs. County of San Benito, et al.
- j) Jimenez vs. County of San Benito, et al.
- k) Lucero vs. County of San Benito, et al.

- l) Stafford-Pelt vs. State of California, County of San Benito, City of Hollister, et al.
- k) Torres vs. County of San Benito, et al.

No reportable action on any of the above noted items. 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: Don Marcus, Jaime De La Cruz, Anthony Botelho,
Pat Loe, Reb Monaco
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: None

There being no further business the Board adjourned to its next regularly scheduled meeting on January 11, 2005 at 9:30 a.m.

REB MONACO, CHAIRMAN

San Benito County Board of Supervisors

ATTEST:

John R. Hodges

Clerk of the Board

BY:

Linda Churchill

Senior Board Clerk