

**REGULAR MEETING
ACTION MINUTES
MARCH 1, 2005**

The Board of Supervisors of San Benito County met in the Board Chambers located at 481 Fourth Street, Hollister, California, on the above date in regular session. Supervisors Marcus, De La Cruz; Botelho; Loe and Monaco were all present. Also present was Acting County Administrative Officer Susan Lyons, County Counsel Karen R. Forcum and Assistant Clerk Sally Navarez. Chairman Reb Monaco presiding when the following was had to wit:

9:30 a.m. CALL TO ORDER:

- a) Pledge of Allegiance.

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

- c) **Public Comment:** Joe Thompson, local resident, came forward. Mr. Thompson urged the Board to let the Technical Advisory Committee know what new directions to take to bring the County forward. Mr. Thompson urged the Board to have the agricultural community, the Chamber of Commerce and the Employment Development Corporation provide input relative to the transportation needs and future needs of the county.

- d) **Department Head Announcements:** There were no announcements per Acting CAO Susan Lyons.

- e) **Board Announcements, Introductions and Presentations:** Chairman Monaco asked each Board member their thoughts on the Retreat held Monday, February 28th.
Supervisor De La Cruz the retreat was educational covering areas of the Brown Act and internal aspects of the organization.
Supervisor Marcus noted the retreat was educational and the importance of the Board working together as a team but knowing it was okay to agree to disagree and move on.
Supervisor Botelho noted as a new Supervisor, the importance of knowing policies and procedures in relation to working with staff and Department Heads. Supervisor Botelho concluded by noting he would like to continue to have retreats a couple of time a year in what to look for in working with staff and achieving goals.
Supervisor Loe noted it was a good meeting as well. Supervisor Loe stated the Board members need to agree on policies and procedures, but next time, she would like to have input from the public as well. Supervisor Loe concluded by stating she would like to do this again as well.
Chairman Monaco indicated it was goog to work well together and liked the interaction of the Board and staff. Chairman Monaco also stated he would like to continue to hold such meetings in the future as those meeting were very productive.
Acting CAO Susan Lyons also stated it was a good meeting to see how staff continues to work with the Board.
Counsel Karen Forcum stated it was important to understand policies and procedures and she would like to see public input as well.
Chairman Monaco directed the Acting CAO to send a formal letter of thanks to the 33rd Agriultural District for use of the facilities.

Supervisor Marcus stated he, Supervisor Botelho and Supervisor De La Cruz attended meetings in Sacramento on February 23rd and 24th and appreciated the opportunity to attend and learn process.

Supervisor Botelho and Supervisor De La Cruz both agreed with Supervisor Marcus and found the meetings to be highly informative.

Chairman Monaco took the opportunity to thank staff for all of their hard work at the recent special meeting for input on Indian Gaming in San Benito County. Chairman Monaco stated most of the staff stayed until after 10:00 p.m. and wanted to commend staff for a job well done.

Chairman Monaco stated the meeting was well attended with over 400 persons showing up and there were at least 50 speakers. He commended the public for attending and voicing their opinions and concerns about this very important issue facing the County.

CONSENT AGENDA:

Chairman Monaco indicated there was a request to pull Item #2 and Item #14 for further discussion.

Supervisor Botelho made the motion to approve the Consent Agenda less Item #2 and Item #14. Supervisor Marcus was second on the matter. Motion passed unanimously 5-0.

ADMINISTRATIVE BUSINESS:

1) **Approved** Resolution No. 2005-16 - A Resolution Recognizing Retired Assessor Arnold Fontes for presentation at a later date. (*file #156/630*)

2) Regarding augmentation of Marshal's budget to restore services; consider the following:

- a) Augment Salaries and Benefits by \$24,905 to fund a full-time Secretary I; and
- b) Augment Services and Supplies by \$2,850 to fully fund operating expenditures; and
- c) Augment Revenues by \$21,672 for the use of Trust Funds; and
- d) Authorize the use of \$6,083 General Fund Contingencies for the balance of expenditures. (Acting CAO)

Chairman Monaco reminded the Board and audience that this matter was pulled for further discussion.

Lengthy discussion ensued among the Board, Acting CAO Lyons and Marshall Scattini regarding what funds are currently being utilized by the Marshal for his expenses (Debtor Fees, Escort Fees or from the General Fund).

Direction was given to the Acting CAO to prepare a report for later presentation to the Board regarding gasoline expenses of the Marshal and the funds supporting said expenses.

BOARD ACTION: *Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Marcus, **augmented** Salaries and Benefits of the Marshal's budget by \$24,905 to fund a full-time Secretary 1. Motion passed unanimously 5-0.*

BOARD ACTION: *Upon motion duly made, by Supervisor De La Cruz and seconded by Supervisor Marcus, **augmented** Services and Supplies of the Marshal's budget by \$2,850 to fully fund operation expenditures. Motion passed 4-1 with Supervisor Loe voting no on the matter.*

BOARD ACTION: *Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Marcus, **augmented** Revenues of the Marshal's budget by \$21,672 for the use of Trust Funds. Motion passed unanimously 5-0.*

BOARD ACTION: Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Marcus, **authorized** the use of \$6,083 from General Fund Contingencies for the balance of expenditures associated with the Marshal's budget. Motion passed 4-1 with Supervisor Loe voting no on the matter. (file #265)

3) **Approved** agreement with the Seniors' Council for the period of March 1, 2005 through June 30, 2005. (file #1040)

AGRICULTURAL COMMISSIONER – P. Matulich:

4) **Approved** agreement with Ryerson, Master & Associates to administer grants with the Monterey Bay Unified Air Pollution Control District for the conversion of agricultural engines with a contract term of November 8, 2004 through November 8, 2006. (file #1.1)

CLERK OF THE BOARD:

5) **Approved** the minutes of the special meeting of February 18, 2005.

COUNTY COUNSEL – K. Forcum:

6) **Rejected** claim of David A. Waddell filed with the clerk of the board on January 21, 2005 and **directed** clerk to notify claimant. (file #235)

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

7) **Authorized** purchase a replacement vehicle utilizing a State contract for vehicle procurement. (file #420)

8) **Authorized** Letter of Intent to contract with the State Department of Health Services for Local Public Health Services Section (LPHSS) for FY2005/2006. (file #420)

9) **Authorized** formal letter of "Declination" to cancel the HIV Education and Prevention Memorandum of Understanding (MOU) between the Department of Health Services and the County of San Benito. (file #420)

HUMAN RESOURCES – M. Booth:

10) **Approved** agreement with Liebert, Cassidy & Whitmore re: consortium training and consulting services with a contract term of January 1, 2005 through December 31, 2005. (cont. from 2/22/05 mtg) (file #630)

INTEGRATED WASTE MANAGEMENT – M. Rose:

11) **Approved** agreement with His Image Services for consulting services to acquire a permanent Household Hazardous Waste Facility permit with a contract term of March 1, 2005 through June 30, 2005. (file #142)

PUBLIC WORKS:

12) **Approved** Resolution No. 2005-17 Accepting One Grant Deed For The Purchase Of Real Property For Road Right Of Way And To Authorize Payment For Such Purchase On Cienega Road. (file #645)

13) **Approved** and acknowledge completion of the Historical Park Bridge. (file #93)

SHERIFF – C. Hill:

- 14) Regarding the Sheriff's Budget, consider the following:
- a) Augment Revenues by \$9,080.41; and
 - b) Augment Fixed Asset Expense, Capital Lease by \$9,080.41; and
 - c) Amend Fixed Asset Schedule to include a patrol vehicle for the City of San Juan Bautista.

Supervisor De La Cruz asked Lt. Turturici if the Sheriff's Office went through the bid process to which Lt. Turturici indicated the department went through the State Department of General Services.

BOARD ACTION: *Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Marcus, **augmented** Revenues of the Sheriff's budget by \$9,080.41. Motion passed unanimously 5-0.*

BOARD ACTION: *Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Marcus, **augmented** Fixed Asset Expense, Capital Lease of the Sheriff;s budget by \$9,080.41. Motion passed unanimously 5-0.*

BOARD ACTION: *Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Marcus, **amended** Fixed Asset Scedchedule to include a patrol vehicle for the City of San Juan Bautista. Motion passed unanimously 5-0. (file #110)*

9:40 a.m. REGULAR AGENDA:

ADMINISTRATION / BOARD OF SUPERVISORS:

- 15) Regarding Commencement of Transfer of Court Facilities under SB 1732, consider the following:
- a) Establishment of a Court Facility Transfer Negotiation Committee; and
 - b) Appointment of a Board Subcommittee to the Committee; and
 - c) Direction to the County Administrative Officer and County Counsel to serve on the Committee.

BOARD ACTION: *Upon motion duly made by Supervisor Marcus and seconded by Supervisor De La Cruz:*

- a) **Approved** the establishment of a Court Facility Transfer Negotiation Committee; and
- b) **Approved** the appointment of Supervisor Monaco and Supervisor Botelho as a Board Subcommittee to the Committee; and
- c) **Directed** the Acting County Administrative Officer and County Counsel to serve on said Committee. Motion passed unanimously 5-0. (file #156)

10:00 a.m. CLOSED SESSION AGENDA:

- 16) **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**

Prior to entering Closed Session, Counsel Forcum noted there were three cases to hear.

Upon exiting Closed Session, Counsel Forcum reported that there was no action taken on the three (3) cases. (file #235.6)

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

Prior to entering Closed Session, Counsel Forcum noted that all three (3) cases were withdrawn. (file #235.6)

17) Conference with Legal Counsel - Existing Litigation

a) Sandman vs. County of San Benito.

Upon exiting Closed Session, Counsel reported no action was taken. (file #235.6)

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

Upon exiting Closed Session, Counsel reported no action was taken. (file #235.6)

c) Martinez v. County of San Benito, Tom Quigley, et al.

Upon exiting Closed Session, Counsel reported no action was taken. (file #235.6)

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

Upon exiting Closed Session, Counsel reported no action was taken. (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: Marcus; De La Cruz; Botelho; Loe & Monaco

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

There being no further business the Board adjourned to its next regularly scheduled meeting on, Tuesday, March 8, 2005 at 9:30 a.m.

REB MONACO, CHAIRMAN

San Benito County Board of Supervisors

ATTEST:

John R. Hodges

Clerk of the Board

BY:

Sally Navarez

Assistant Board Clerk