



SAN BENITO COUNTY BOARD OF SUPERVISORS

Don Marcus
District No. 1

Anthony Botelho
District No. 2

Pat Loe
District No. 3
Vice-Chair

Reb Monaco
District No. 4
Chair

Jaime DeLaCruz
District No. 5

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

REGULAR MEETING ACTION MINUTES APRIL 12, 2005

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; Loe and Monaco were all present. Supervisor Botelho was absent. Also present was Acting County Administrative Officer Susan Lyons, Interim County Counsel Claude Biddle 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) Acknowledge Certificate of Posting.
- c) **Public Comment:** There was no Public Comment.
- d) **Department Head Announcements:** Chairman Monaco welcomed Interim County Counsel Claude Biddle.

Megan Booth, Interim Human Resources Director, gave the Board an overview of how the recruitment for the position of County Administrative Officer was coming along. Ms. Booth indicated applications will be screened on April 14th with interviews taking place April 27-28, 2005. Following interviews, sub-committee will refer the top three candidates to the Board on May 12th for final interview.

- e) **Board Announcements, Introductions and Presentations:** Chairman Monaco noted he had attended the Hunger Fighter Awards ceremony on April 7th in Aptos.

Interim Counsel Biddle indicated Item #13 on the Closed Session was withdrawn from the agenda. Mr. Biddle also noted that regarding Closed Session Item #14a, #14b and #14c were withdrawn from the agenda; thereby leaving only Item #14d for discussion in Closed Session.

Chairman Monaco indicated Item #7 was being pulled for further discussion and entertained a motion from the Board for the balance of the Consent Agenda.

BOARD ACTION: Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Marcus, **approved** Consent Agenda Items #1 through #10, excluding #7. Motion passed 4-0 with Supervisor Botelho being absent for the vote.

CONSENT AGENDA:

ADMINISTRATION:

1) **Approved** amended agreement with Advanced Information Management (AIM) for employment services of an Interim County Librarian at a rate of \$37.50 per hour and authorize the Acting County Administrative Officer to sign said agreement on behalf of the County. (Management Analyst) (file #80)

2) **Approved** appointment of Claude L. Biddle as Interim County Counsel and consider approval of employment agreement for the term of April 11, 2005 to October 11, 2005. (file #160)

AUDITING – J. Hodges:

3) **Approved** Departmental Claims.

BOARD OF SUPERVISORS:

4) Regarding Fish and Game Commission appointment representing Supervisorial District 5, consider the following:

a) **Accepted** the nomination of Bruce E. Eisenman to the San Benito County Fish and Game Advisory Commission, and

b) **Appointed** Bruce E. Eisenman to the San Benito County Fish and Game Advisory Commission representing Supervisorial District #5 with a term effective April 1, 2005 through March 31, 2009. (file #24)

CLERK OF THE BOARD:

5) **Approved** Proofs of Publications.

COUNTY COUNSEL:

6) **Rejected** claim of Pedro Antonio H., filed with the Clerk of the Board on March 4, 2005 and direct Clerk to notify claimant. (file #235)

7) **Accept claim of Jose Gonzalez filed with the Clerk of the Board on March 7, 2005, as submitted, and direct Clerk to notify claimant.**

Chairman Monaco indicated this matter was pulled for further discussion.

Interim Counsel Biddle noted that the recommended action on this claim should be to accept it in the amount of \$1300.

BOARD ACTION: Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Marcus, **accepted** the claim of Jose Gonzalez filed with the clerk of the board on March 7, 2005 in the amount of \$1,300 and directed clerk to notify

claimant. Motion passed 4-0 with Supervisor Botelho being absent for the vote. (file #235)

DEPARTMENT OF EMERGENCY SERVICES – M. Riopel:

- 8) **Reaffirmed** 14-Day Proclamation of Local Emergency – Thomas Road. *(file #104)*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 9) **Approved** Declaration of Intent **not** to contract for FY2004/2005 Emergency Medical Services Appropriation funds and authorize Chair to sign said Declaration. *(file #420)*

U C COOPERATIVE EXTENSION – P. Johns:

- 10) **Approved** lease agreement for a copy machine with Stringer Business Systems for a forty-eight (48) month period. *(file #3)*

9:30 a.m. REGULAR AGENDA:

PRESENTATIONS:

- 11) **Consider presentation and consider request of Peter Frusetta for liability insurance re: private library in Tres Pinos.**

Chairman Monaco indicated since Mr. Frusetta was absent, Item # 12 would be heard first and then the Board would revisit Item #11.

- 12) **Consider presentation and consider proposed resolution opposing Assembly Constitutional Amendment #5 regarding benefit plans for Union workers.**

Mayra Mora, Political Advisory for SEIU Local #817, came forward. Ms. Mora began by requesting to withdraw the proposed resolution for consideration.

Ms. Mora provided an overview of Assembly Constitution Amendment #5 which was to consider pension reform and the financial impacts on the county and retirees.

Luis Aguilar, employee from the City of Hollister, came forward. Mr. Aguilar also noted to the Board the State would continue to borrow billions of dollars from CalPERS in order to balance the budget, and this would only be detrimental to retirees, those soon to retire and cost much more for counties to provide benefits to its employees.

Discussion ensued regarding the potential financial impacts to the County.

BOARD DIRECTION: *Chairman Monaco indicated this matter would be referred to the Board Budget Sub-Committee to keep abreast on.*

- 11) **Consider presentation and consider request of Peter Frusetta for liability insurance re: private library in Tres Pinos. REVISITED**

Chairman Monaco noted Mr. Frusetta was still not present.

Interim Administrative Officer Susan Lyons noted she had spoken with the County's insurance carriers and the carriers did not recommend incurring the liability for Mr. Frusetta's proposal.

BOARD ACTION: *No action taken. (file #156)*

10:00 a.m. CLOSED SESSION:

- 13) **Conference with Legal Counsel – Anticipation Litigation**
 - a) **Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9. Number of cases: 3**
Withdrawn from agenda. (file #235.6)
 - b) **Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9. Number of cases: 3**
Withdrawn from agenda. (file #235.6)
- 14) **Conference with Legal Counsel – Existing Litigation**
 - a) **Sandman vs. County of San Benito**
Withdrawn from agenda. (file #235.6)
 - b) **Monteon vs. Richard Scagliotti, San Benito County Board of Supervisors, San Benito County Financing Corporation, et al.**
Withdrawn from agenda. (file #235.6)
 - c) **Martinez v. County of San Benito, Tom Quigley, et al.**
Withdrawn from agenda. (file #235.6)
 - d) **Fancher and Roybal v. County of San Benito.**
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: Marcus; De La Cruz; Loe & Monaco
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: Botelho

There being no further business the Board adjourned to its next regularly scheduled meeting on April 26, 2005 at 9:30 a.m.

REB MONACO, CHAIRMAN
San Benito County Board of Supervisors

ATTEST:

BY:

John R. Hodges
Clerk of the Board

Sally Navarez
Assistant Board Clerk