



# 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 De La Cruz  
District No. 5

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

## REGULAR MEETING NOVEMBER 22, 2005 ACTION MINUTES

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 County Administrative Officer Susan Thompson, Deputy County Counsel Shirley Murphy and Senior Board Clerk Linda Churchill. Chairman Monaco called the meeting to order at 9:30 a.m.

### 9:30 a.m. CALL TO ORDER:

- a) Pledge of Allegiance.
- b) *Acknowledged Certificate of Posting.*
- c) **Public Comment:** Joe Thompson, Tres Pinos resident, came forward. Mr. Thompson stated that the county would not have to worry about preparing a new General Plan if the Santa Clara Valley Transportation Authority has their way with their Southern Gateway Study noting a disparity between the two counties. Mr. Thompson said there was nothing in the law that he knows of that says that another county can impose a transportation and land use policy on another county. Mr. Thompson urged that a task force or subcommittee be established to address the transportation solutions and land use solutions for this county and not let it be taken over by Santa Clara County and to gather resources to protect the interests of the people of San Benito County.
- d) **Department Head Announcements:** Kathy Flores, Health & Human Services Agency Executive Director, reported that the county has finally received the Community Development Block Grant (CDBG) contract. This contract is a result of an application that the county submitted. The activities will demonstrate a wide collaboration of the county and other community organizations such as Emaeus House, Homeless Task Force, YMCA, and also fund some of the Community Services Workforce Development division for their ongoing year-round shelter operation. Ms. Flores will bring back several agreements related to this contract for Board consideration.  
County Administrative Officer (CAO) Susan Thompson reported that she and an interview panel interviewed one candidate last Friday for the Planning Director position. A background check is presently being done on this individual and she may have a recommendation for the Board in the near future. Ms. Thompson reported that the flyer for recruitment on the Public Works Director will go out this week and the recruitment will begin immediately.  
Ms. Thompson further reported that she just completed the last of three daylong sessions with the Vision San Benito Sub-committee in preparing the draft visioning documents that will be taken back to the full Vision San Benito Board in January.

- e) **Board Announcements, Introductions and Presentations:** Chairman Monaco reported that he attended the annual Philanthropy Day on November 15, 2005 and presented the Board of Supervisor's proclamation noting that it was very well received.

## **CONSENT AGENDA:**

*Upon motion made by Supervisor De La Cruz and seconded by Supervisor Marcus, approved Consent Agenda through Item 21.1 with the exception of Items 1, 2, 6, 16 and 19 that were pulled for discussion. (Unanimous vote.)*

### **AUDITOR – D. Vrtis:**

- 1) **Consider agreement with Public Management Resource Group (PRM) in an amount not to exceed \$6,500 for preparation of the Cost Allocation Plan (A-87).**  
Supervisor De La Cruz had a question regarding Page 2 of the agreement pertaining to the percentage of compensation.  
Joe Paul Gonzalez, Accounting Manager for the Auditing Department, stated this was standard with cost allocation contracts.  
**BOARD ACTION:** *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Marcus approved the contract with PRM as recommended. (Unanimous) File #608*
- 2) **Consider agreement renewal with Maximus in an amount not to exceed \$18,000 for State Mandated Claiming Services.**  
Supervisor De La Cruz questioned the effective date of the contract which states July 1, 2005.  
Joe Paul Gonzalez, Accounting Manager for the Auditing Department, explained that the contract is dated July 1<sup>st</sup>; however, the contractor work has not begun yet.  
**BOARD ACTION:** *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Marcus, approved agreement renewal with Maximus as recommended. (Unanimous) File #680*
- 3) **Approved** renewal of agreement with Sungard Bi-Tech, Inc. for Application Support Provider (ASP) services. *File #608*

### **COUNTY ADMINISTRATIVE OFFICE:**

- 4) **Accepted** job specification for Supervising Appraiser and set salary Range at 24.4 (*cont. from 11/8/05 mtg*) (CAO) *File #630*
- 5) **Approved** revised job specification for the Assistant Board Clerk position to reflect recently completed desk audit and in accordance with Resolution 2002-4. (CAO) *File #630*
- 6) **Consider correction to the Assistant County Administrative Officer job description designating the position as "Exempt" under the Personnel Rules effective upon its approval of September 6, 2005; and, consider authorization for compensation rate at Step F due to extensive experience of the incumbent effective September 6, 2005. (CAO)**  
Supervisor Loe asked how much the total pay increase actually is and wanted an explanation of the whole package before making a decision.  
CAO Susan Thompson explained that the salary itself is the same salary that was proposed to the Board in a prior action regarding this item and she had assumed that it would automatically be within 20% of her own salary. Ms. Thompson said that issue today was whether the position was "Exempt" or "Non Exempt" and that somehow triggered some

complication in the county's pay schedule and it didn't allow us to compensate this individual at 20% of the CAO salary.

Supervisor De La Cruz expressed concern that we were creating a whole new position and classification and he didn't support having someone at 80%.

Ms. Thompson explained that until recently there was always an Assistant CAO position.

Supervisor Loe stated that she agreed with the salary range but not Step F noting that we cannot afford a 38% increase when other employees got 3%.

Joe Paul Gonzalez, Auditing Department, commented that the "Exempt" status of that position was pre-existing and the change occurred at the time that the position was brought back and refined to change the job specifications. This was always an "Exempt" position and the error occurred when it was incorrectly determined to be a general employee and it created a problem in the Auditor's office in order to pay this person because Personnel Rules must be followed.

**BOARD ACTION:** Upon motion made by Supervisor Botelho and seconded by Supervisor Marcus approved Item 6 as recommended. (4-1 vote. Supervisor Loe voted no.)  
*File # 630*

- 7) **Authorized** Chair to cast San Benito County's vote for Supervisor Bob Pickard, Mariposa County, to represent small counties in the County Medical Services Program (CMSP) Governing Board. (CAO) *File #36*
- 8) **Approved** side letter agreement for San Benito County Confidential Employees effective October 1, 2005. *File #36*
- 9) **Approved** adjustment to the Human Resources Authorized Position Schedule to reflect flexible staffing of the 1.0 FTE Human Resources Assistant I-II / Human Resources Technician. (CAO) *File #630*

**CLERK OF THE BOARD:**

- 10) **Approved** the minutes of the meetings of October 25, 2005, November 1, 2005 and November 8, 2005.

**COUNCIL OF GOVERNMENTS – T. Quigley:**

- 11) **Adopted Resolution No. 2005-110** certifying that the San Benito County Bikeway and Pedestrian Master Plan are compliant with the Highways Code Section 891.2 and the San Benito County Regional Transportation Plan. *File #1035*

**COUNTY COUNSEL – C. Biddle:**

- 12) **Adopted Resolution No. 2005-111** establishing a records retention schedule for the County Counsel's Office. *File #160*

**DEPARTMENT OF EMERGENCY SERVICES – M. Riopel:**

- 13) **Adopted Resolution No. 2005-112** terminating the existence of a local emergency – Thomas Road. *File #104*

**HEALTH & HUMAN SERVICES AGENCY – K. Flores:**

- 14) **Approved** amendment to agreement with Chamberlains Mental Health Services in the amount of \$39,984 for the provision of additional parent education classes and **authorized** the H&HSA Director to sign on behalf of the County. *File #130*
- 15) **Approved** agreement with Department of Health Services Nutrition Network agreement in the amount of \$31,573 for the provision of nutrition education outreach services with a contract

term of October 1, 2005 through September 30, 2006 and **authorized** the H&HSA Director and/or Chair to sign said agreement. *File #130*

**INTEGRATED WASTE MANAGEMENT – M. Rose:**

- 16) **Authorize acceptance of award in the amount of \$24,837 for the Eleventh Cycle Used Oil Block Grant Funds and authorize the Director of Integrated Waste Management to sign grant agreement.**

Supervisor Botelho asked what this grant was used for.

Mandy Rose, Integrated Waste Management Director, explained that the monies come from unredeemed monies from the \$.04/per quart deposit paid at the time of purchase of motor oil. The funds will be used to support existing used oil collection programs.

**BOARD ACTION:** *Upon motion made by Supervisor Marcus and seconded by Supervisor Botelho, accepted the Eleventh Cycle Used Oil Block Grant funds as recommended. (Unanimous) File #142.2*

**MENTAL HEALTH – A. Yamamoto:**

- 17) **Approved** agreement with Kings View Corporation in the amount of \$74,776 for the provision of management information system with a contract term of November 22, 2005 through June 30, 2006 and **authorized** the County Mental Health Director to sign said agreement. *File #810*
- 18) **Approved** performance based agreement with the University of California Davis in the amount of \$27,600 for the provision of Parent Child Interaction Therapy (PCIT) services with a contract term of November 1, 2005 through October 31, 2006 and **authorized** the County Mental Health Director to sign said agreement. *File #810*

**PROBATION – D. Botts:**

- 19) **Consider and adopt Probation Department sliding fee schedule.**

Supervisor Botelho asked how these rates were determined.

Probation Officer Deborah Botts explained that the original amounts were set at a public hearing sometime ago and it is the actual amount of doing services noting that this sliding scale is modeled after Fresno County. Ms. Botts noted that these are fees and not fines.

Supervisor Botelho asked how the fees are collected.

Ms. Botts answered that they see the clients on a regular basis and some are paid up front and some are monitored on a monthly basis. Ms. Botts further stated that her department was going to start sending out statements on a monthly basis so it wouldn't get too far behind noting that last year they collected approximately \$250,000 from clients.

**BOARD ACTION:** *Upon motion made by Supervisor Botelho and seconded by Supervisor Marcus, adopted the Probation Department sliding fee schedule as submitted. (Unanimous) File #510*

- 20) **Approved** amendment to agreement with Fouts Springs Youth Facility reflecting increased costs for placements at said facility. *File #510*

**SHERIFF – C. Hill:**

- 21) Regarding the purchase of equipment for the School Resource Officer (SRO), considered the following:
- a) **Allowed** the Sheriff to purchase items including a Dell lap top computer using the County approved contract with Dell Computers and radio, lights and siren for the SRO's vehicle; and
  - b) **Increased** the Services and Supplies Office Equipment 1001-210 in the amount of \$4,125; and

- c) **Approved** the transfer of funds from Sheriff's Trust, Juvenile Challenge Grant (4243105) to Revenue Grants 1001210-570015 in the amount of \$1,952 and funds from Crime Prevention (4243102) in the amount of \$2,171. **File #110**

21.1) Addendum. **CHILD SUPPORT SERVICES – L. Miller**

**Approved** the closure of the local Child Support office on December 6, 2005 from 10:45 a.m. to 2:00 p.m. to allow Child Support employees to attend the regional State Disbursement of payments kick-off followed by a holiday luncheon. **File #22**

**REGULAR AGENDA:**

**AUDITOR – D. Vrtis:**

- 22) **Discuss and provide direction to staff regarding policy consideration of retroactive pay for department head retirees.**

Joe Paul Gonzalez, Accounting Manager for the Auditing Department, provided background information stating this was a request for the Board of Supervisors to provide policy direction for the county, especially the Auditor's office, with regards to retroactive pay to former employees or retirees and specifically in this case retirees. Mr. Gonzalez reported that there were three (3) department heads who retired; two of which retired as of December 31, 2004 and the third as of January 31, 2005. The Cost-of-Living-Adjustment (COLA) was signed on February 22, 2005 but by the time this COLA adjustment was signed these three department heads were no longer employed by the County. The Auditor's Office has declined to issue retroactive pay to these retirees. Mr. Gonzalez stated that retroactive pay has never been allowed for inactive employees by this county and this would be a break in our past practice of not paying retroactive pay. Mr. Gonzalez stated direction was needed from the Board noting there were several reasons outlined in the staff report why retroactive pay should not be done. Mr. Gonzalez noted that there were several options to address this issue as outlined in the staff report.

Mr. Gonzalez further reported that these retirees were told (not by the Auditors Office) before the Board of Supervisors took action that they would receive this retroactive pay.

Public comment was received from Ron Stubblefield, local resident, who stated that we hear a lot of fiscal responsibility talk and it was time to show it. We are in debt and we are giving away more money for all kinds of different things and we need to slow down and do things like they are suppose to be done and this was opening the flood gates, as was mentioned, to all kinds of future actions. Mr. Stubblefield stated we need to use common sense and not worry whether or not we know these people.

Discussion was held by Board members regarding their options in making this decision and it was the consensus of the Board that these three department heads were told they would receive the retroactive pay.

**BOARD ACTION:** *Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, granted a one-time only retroactive pay for three retired designated department heads. (4-1 vote. De La Cruz voted no.)*

*Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, set a policy that retroactive pay for retirees and terminated employees will not be allowed in the future. (Unanimous) File #608*

**COUNTY COUNSEL – C. Biddle:**

- 23) **Discussion of various approaches to address issue of crowing fowl complaints.**

Deputy Counsel Shirley Murphy provided background information stating this issue arose in the context of noise complaints regarding a particular operation and resulted in taking a look at the current Zoning Ordinance where there is a broad area on very small parcels where people can have quite a lot of crowing fowl and it is fairly unregulated. Ms. Murphy stated that County Counsel Claude Biddle researched ordinances from other counties and looking at our existing Zoning

Ordinance and Animal Control Ordinance to see how best to regulate those issues. A draft ordinance has been prepared and is included in the Board's packet for consideration.

Web Winans, Lovers Lane resident, came forward stating that he was glad to see this being taken care of noting that he had a problem in his back yard with chickens that no one claimed and there was no law to have them penned. Mr. Winans stated that penning should also be addressed.

Gail Gomez, neighbor to the crowing fowl, came forward stating that the noise was getting worse and it was continuous. Ms. Gomez urged the Board to please pass this ordinance.

Supervisor Marcus stated that he would like to add language to the draft ordinance with regards to including a management plan for sanitation. Also, regarding Section 18-14.4, Standards for Approval, in the findings made by the Planning Director that there is no adverse impact on public health, safety and welfare he would like to have included in that Section that the findings made, not only by the Planning Director, but also the County Health Officer, the Agricultural Commissioner and/or a designee. Supervisor Marcus further stated that the last item to be addressed is how many roosters does a county resident need to have on their property, in practical terms. If it is for agricultural purposes then it is fine but the matrix that we looked at for San Benito County would include Rural Residential parcels would be limited to five (5) crowing fowl in any combination; Agricultural Productive Zoning limiting that crowing fowl number to 10 and in Agricultural Rangeland Zoning anything over 30 crowing fowl would trigger a permit. Supervisor Marcus wanted to make sure these items were included.

Supervisor De La Cruz stated with regards to Section 18-4.7 we need to exclude other organizations similar to 4-H that are bonified youth organizations pertaining to projects lasting for a limited amount of time.

Brad Sullivan, local attorney, suggested that he would expand the definition stating that he had a problem with emu with a city attorney and this bird doesn't make noise but they breed and really leave messes. Mr. Sullivan suggested including containment and also you may want to include some language about noxious smells and keeping the animal penned.

**BOARD ACTION:** *Chairman Monaco directed County Counsel to bring back a proposed ordinance with amended language included as discussed today. File #790*

24) **Adopt ordinance repealing Chapter 36 of the San Benito County Code pertaining to Campaign Finance Reform.** *(cont. from 11/8/05 mtg.)*

Deputy County Counsel Shirley Murphy provided background information and introduced Deputy Counsel Tara Chaffee who was present to answer questions regarding this ordinance.

Chairman Monaco asked for comment from the public. There was none.

Supervisor Loe asked questions regarding the language on the original ordinance and why it couldn't be changed.

Ms. Chaffee explained the content of the ordinance noting that it is unclear in a number of areas such as whose responsibility some of these tasks are and it seems to be alluding to the Elections Department and does specify the Elections Department in some areas and in other areas it specifies no one. Ms. Chaffee stated that the ordinance would have to pretty much be re-written line by line.

Supervisor Loe asked why if the ordinance was incorrect then why didn't County Counsel's office come back with a re-write.

Ms. Chaffee stated a re-write could be done but the ordinance would stay in force until that was done and they are already receiving calls from the public and from a few local attorneys who are ready to take the county on about it and this could potentially be a problem for the county.

Supervisor Loe asked County Clerk John Hodges how far his staff was in implementing the ordinance which has been in force since September 2004.

Mr. Hodges stated that he was not able to implement the ordinance because he did not have clear direction as to how to do so. Mr. Hodges further stated that as far as placing information on the website it would cost between \$15,000 and \$25,000 which is part of the IT budget on board for the upcoming year and he hoped to have that in place by Spring if he gets the funding to do it.

District Attorney John Sarsfield came forward stating he was one of the original supporters of the Campaign Finance Ordinance. Mr. Sarsfield said that the concept is a good one and a fair one for a variety of reasons but it is without a doubt an extremely complicated ordinance. Mr. Sarsfield stated that there should be a contribution limit drawn somewhere and the reports should be posted on the Internet. Mr. Sarsfield further felt it should be made absolutely clear that the limits apply to a calendar year basis the way the State has it set up. Mr. Sarsfield urged the Board of Supervisors to ask County Counsel to re-draft the ordinance rather than repeal it in its entirety.

Supervisor De La Cruz stated we already have state and federal election laws guiding the allocation of what a candidate can receive. This is about people's rights and we are limiting people's freedom of speech. Supervisor De La Cruz stated they shouldn't muddy the motion.

*Supervisor De La Cruz made a motion to repeal Chapter 36 of the County Code.*

Chairman Monaco asked Supervisor De La Cruz to hold off on the motion for further comment.

Supervisor Marcus stated that we need to create a better document but we need to repeal it first to protect the county's legal aspects and then move forward to make the document right for the next election cycle.

Deputy Counsel Shirley Murphy indicated that it was the timelines involved that caused the recommendation to repeal this ordinance at this time.

Supervisor Botelho stated that he agreed with some of Mr. Sarsfield's comments that this ordinance came about because of the financing of Measure G noting that he was in the trenches of Measure G and it scares him that that if something like this were implemented at that time then they would have lost that campaign. There was no way that they would have been able to get their word out. Supervisor Botelho stated that we should place the reporting forms on line. As far as donations made in the larger amounts the public has the right to know and that is already required by state law. We want to encourage people to participate in the election process. Supervisor Botelho feels the ordinance should be repealed today and not have an ordinance that might bring on litigation in the future and then if consensus of the Board in the future we can start from scratch.

Supervisor Loe felt that we had a different reason for going into this and thought that basically referendums and initiatives were exempt and that this was just for candidates. Supervisor Loe stated she would support re-looking at this issue and coming up with new guidelines and rules if the Elections Department does put the forms on the Internet for the next upcoming election.

Chairman Monaco stated he did not support the ordinance when it was originally voted on the first time and his reasons are that the State already regulates it and also he believes that the ordinance was unclear from the beginning and that this ordinance favors the wealthy and the incumbents and it would really restrict retired school teachers from running for public office and that concerns him. Chairman Monaco stated he still does not support this ordinance.

Chairman Monaco asked Supervisor De La Cruz to re-state his motion.

*Supervisor De La Cruz made a motion to adopt Ordinance No. 792 repealing Chapter 36 of the San Benito County Code in its entirety.*

Under the question. Supervisor Marcus clarified then that maneuvering back into the future as far as amending the present ordinance or working towards a new fresh document is not part of today's discussion so we would have to implement that on its own.

Supervisor Botelho asked about placing the Statement of Economic Forms on the website and wasn't that a directive anyway to get this information online.

County Clerk John Hodges explained that what the Board of Supervisors wants the Elections Department to do is put the 460 Form on the internet and that is listing the donations or monies received and that would be about 10 candidate forms and that is what his department is working towards doing and he was working with Administration on getting the software and equipment

necessary to getting this done. Mr. Hodges stated that he plans on doing this as directed by the Board even though there are no state mandates to do so.

**BOARD ACTIONS:** *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Marcus adopted Ordinance No. 792 repealing Chapter 36 of the San Benito County Code. (4-1 vote. Loe voted no.)*

*It was the consensus of the Board to direct Administration Staff and Elections Department to implement placing the 460 Forms on the website for the upcoming election. File #285*

25) **Adopt ordinance of the Board of Supervisors of the County of San Benito adding Article XVI to Chapter 2 of the San Benito County Code establishing the appointive position of Clerk of the Board of Supervisors.** *(cont. from 11/8/05 mtg.)*

County Administrative Officer Susan Thompson provided background information stating this was the second reading for approval of an ordinance which would implement the removal of the duties of the Clerk of the Board from the Clerk/Auditor/Recorder function and make it a separate and stand alone appointment of the Board of Supervisors under the direction and supervision of the County Administrative Officer. If adopted, the ordinance would become effective within 30 days at which time she will bring the necessary paperwork back to the Board to make that happen and to appoint an individual as Clerk of the Board.

**BOARD ACTION:** *Upon motion made by Supervisor Botelho and seconded by Supervisor De La Cruz adopted Ordinance No. 793 adding Article XVI to Chapter 2 of the San Benito County Code establishing the appointive position of Clerk of the Board of Supervisors. (Unanimous.) File #943*

**ADMINISTRATIVE BUSINESS:**

26) **Receive report regarding the potential use of the County facility located at 3110 Southside Road for a One-Stop Center and direct staff to develop a request for proposal for remodeling the building and return to Board for approval. (ACAO)**

Susan Lyons, Assistant County Administrative Officer, came forward stating this was a report from the Board's Facilities/Building Subcommittee to potentially change the county-owned facility located at 3110 Southside Road (Hazel Hawkins Convalescent Hospital) into a One Stop Center where all of the departments for the permitting process would be located in one section so a client could come in and take care of all of their permitting needs at one center. It also moves the Planning Department staff out of their present location and Environmental Health and Public Works would also have offices there. Ms. Lyons indicated that funds would potentially come from a trust fund (Tobacco Securitization Fund) that was set aside for facilities

Michael Bethke, Interim Planning Director, presented a Power Point presentation walking the Board through an overview of the existing facility and how it could possibly be rehabilitated into various forms of offices and also showed a graphic illustration of an award winning One Stop Permit Center in the City of Santa Clara which he helped set up about 15 years ago.

There was no comment from the public.

It was the consensus of the Board that this was a great idea and would be a great facility and the county would be utilizing the building for a great need. There was some concern expressed about the location and if it was close enough to town.

*Chairman Monaco directed the Facilities/Building Subcommittee (Supervisors Marcus and Botelho) to come back to the Board of Supervisors with more detailed information including options for adding on capabilities and incorporate architectural designs, etc.*

**BOARD ACTION:** *Upon motion made by Supervisor Marcus and seconded by Supervisor De La Cruz, directed staff to move forward with remodel plans for the current County facility located at 3110 Southside Road. (Unanimous) File #646*



27) **Consider credit to Building Department fees for cost of steamer hydrant installed by Martin Seiler due to staff error. (ACAO)**

Assistant County Administrative Officer Susan Lyons provided background information stating this item was to consider credit of the Building Department fees for the cost of the steamer hydrant that was installed in the county by Martin Seiler as a mitigating circumstance because of an error by a county employee. The Administrative Fire Captain sent a letter to the building department indicating that a fire sprinkler system was required however, this letter was not included in the permit package and Mr. Seiler relied on the permit application indicating that no sprinkler system was required.

Ms. Lyons further reported that as a result of several meetings between the Fire Department and Planning staff it was recommended that Mr. Seiler install a steamer hydrant at a cost of \$5,240 and Mr. Seiler is requesting that a credit be given to his total fees in the amount of \$5,240 because the steamer hydrant was installed by him as a result of an error.

**BOARD ACTION:** *Upon motion made by Supervisor Marcus and seconded by Supervisor Loe, approved a credit in the amount of \$5,240 to Mr. Martin Seiler on Permit No. 11098 to be deducted from the final remaining fee amount of \$29,734.90. (Unanimous) File #7*

28) **Consider approval of traffic impact fee study cost to be shared with the City of Hollister in the amount of \$17,500 for the County' share and authorize and augmentation in the of \$17,500 to the Non-Departmental FY2005/2006 Professional Services budget to be paid by General Fund Contingency funds. (ACAO)**

County Administrative Officer Susan Thompson stated that she was pulling this item from the agenda and would be bringing it back on a date uncertain. (file #790)

**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.)*

29) **Conference with Legal Counsel – Existing Litigation**

Authority: California Government Code Section 54956.9(a)

a) Stafford-Pelt vs. County of San Benito et al.

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

a) **No reportable action.**

b) **No reportable action. File #235.6**

30) **Conference with Labor Negotiator**

Authority: California Government Code Section 54957.6

Agency Designated Representative: Susan Thompson, Co. Admin. Officer

Employee Organization: Deputy Sheriff's Association (DSA)  
Department Heads

**No reportable action. File #235.6**

31) **Conference With Labor Negotiator**

Authority: California Government Code Section 54957.6

Agency Designated Representative: Susan Thompson, Co. Admin. Officer & Gifford Swanson, Public Authority Manager (IHSS)

Employee Organization: SEIU, Local 817 – In Home Supportive Services (IHSS)

**No reportable action. File #235.6**

**1:30 p.m. PUBLIC HEARING (or as soon thereafter as the matter may be heard):**

**PLANNING DEPARTMENT – M. Bethke:**

32) Hold public hearing to consider an appeal of a decision made by the Planning Commission on October 19, 2005 regarding Tract Map 03-69 (Bertuccio). Location: Union Road at Summerset Drive, Hollister. Appellant: Mary Damm. Applicant: Tina Bertuccio. Zoning: Agricultural Productive (AP). ***(Request for continuance has been received from Appellant's attorney)***

Byron Turner, Associate Planner, provided background information, stating there was a request by the appellant to continue this appeal noting that Planning staff has no objection to this request.

Supervisor Marcus stated that this item has been before the Board of Supervisors twice before and it has been through a long, lengthy process and he understands the Damm's concern and right to appeal, which the Board is going to respectfully undertake, but he would like to minimize the extension requested by Bruce Tichinin, Attorney for the appellant.

**BOARD ACTION:** *Upon motion made by Supervisor Marcus and seconded by Supervisor Botelho, extended the appeal request to December 6, 2005 at 2:00 p.m. (Unanimous) Appeal File*

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 Tuesday, December 6, 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