

**SAN BENITO COUNTY  
BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
JANUARY 6, 2004**

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in regular session. Supervisors Loe, Cruz, Monaco, Kesler and Scagliotti were all present. Also present was County Administrative Officer Gil Solorio, County Counsel Karen Forcum and Senior Board Clerk Linda Churchill. Chairman Richard V. Scagliotti presided 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, approved Certificate of Posting.*

**CONSENT AGENDA:**

*Upon motion duly made, seconded and carried, approved Consent Agenda Items 1 through 18 with the exception of Items 9 and 11 which were pulled for discussion or action.*

ADMINISTRATION

- 1) Approved revised proposal to State Water Resources Control Board for clean-up and abatement funds regarding New Idria Mine site. *File #142.2*

AGRICULTURAL COMMISSIONER

- 2) Approved agreement renewal with the State Department of Pesticide Regulation re: Pesticide Enforcement Services for fiscal year 2003/2004 with a contract term of July 1, 2003 through June 30, 2004. *File #1.1*
- 3) Approved agreement renewal with the State Department of Pesticide Regulation re: Pesticide Use Reporting Services for fiscal year 2003/2004 with a contract term of July 1, 2003 through June 30, 2004. *File #1.1*

ASSESSOR

- 4) Approved Assessment Roll Corrections. *File #7.2*

AUDITING

- 5) Approved Departmental Claims.

CLERK OF THE BOARD

- 6) Approved the minutes of the meeting of December 16, 2003.

COMMUNITY SERVICES & WORKFORCE DEVELOPMENT (CSWD)

- 7) Adopted **RESOLUTION NO. 2004-01** authorizing CSWD Executive Director to execute and sign Community Services Block Grant (CSBG) #04F-4460. *File #939*
- 8) Appointed Ms. Irma Bozardt to the Community Action Board as the District #2 low-income representative for a three-year term effective January 1, 2004 through December 31, 2006. *File #939*
- 9) Re-appointed Ms. Marian Cruz as the District #5 Board of Supervisors representative and Ms. Ruby Zamorez as the District #5 low-income representative to the Community Action Board each for a three year term effective January 1, 2004 through December 31, 2006.

*The motion passed 4-1 with Supervisor Cruz abstaining. File #939*

- 10) Approved Contract Amendment #1 with Gutierrez/Associates re: architectural services for rehabilitation work at the Farm Labor Camp with a contract term of October 7, 2003 through September 30, 2004 and authorized the CSWD Director to sign said contract. *File #750*
- 11) Continued consideration of approval of bid documents for rehabilitation work of the Farm Labor Camp and authorizing CSWD staff to issue an Invitation for Bid to the meeting of January 13, 2004. *File #750*

#### MENTAL HEALTH

- 12) Re-appointed Teres Ryan of District #4 to the Mental Health Board as a Family Member representative for a three-year term effective January 1, 2004 through December 31, 2006. *File #810*
- 13) Re-appointed Peggy Corrales of District #3 to the Mental Health Board as a Public Interest representative for a three-year term effective January 1, 2004 through December 31, 2006. *File #810*
- 14) Re-appointed Wes W. Walker of District #4 to the Mental Health Board as a Public Interest/Sheriff's Department representative for a three-year term effective January 1, 2004 through December 31, 2006. *File #810*

#### PLANNING DEPARTMENT

- 15) Adopted **RESOLUTION NO. 2004-02** amending the Planning Commission approval of the Fiscal Year 2003-2004 Preliminary Allocation pursuant to the County Growth Management System, and granting the appeal of Joe Zanger Sr. and Fairview Properties (David Baumgartner). *File #790.2*

#### PUBLIC WORKS

- 16) Declared San Benito County Library equipment as surplus. *File #105*

#### REGIONAL DEPARTMENT OF CHILD SUPPORT SERVICES

- 17) Approved amendment of Fiscal Year 2003/2004 Fixed Asset Schedule to reflect purchase of five printers and seven computers. *File #105*
- 18) Approved lease renewal with Kenneth D. Gimelli and Nancy J. Gimelli for office space located at 2320 Technology Parkway extending the term through September 2004. *File #22*

### **9:40 a.m. REGULAR AGENDA:**

#### COUNTY COUNSEL – K. Forcum:

- 19) **Consider adoption of an ordinance granting non-exclusive franchise to Charter Communications for the operation of a community antenna television system. (Cont. from 12/16/03 mtg.)**

County Counsel Karen Forcum provided background information stating that this ordinance was introduced at the December 16<sup>th</sup> meeting and there were some questions raised at that meeting. Ms. Forcum specifically addressed the concern regarding county liability with regard to any expenses that Charter may incur during the extent of their franchise. Ms. Forcum noted that County Code Section 6A-14, which is part of the Community Antenna Television Systems current provision, the more extensive provisions than the ordinance proposed today, includes conditions and limitations of the franchise that are quite extensive. Specifically Subdivision G addresses the question that was raised at the December 16<sup>th</sup> meeting. Subdivision G states "the grantee shall have no recourse whatsoever against the County for any loss, cost, expense or damage arising out of any provision or requirement of this chapter or of any franchise issued hereunder or because of its enforcement".

Ms. Forcum noted that Ms. Jennifer Cunningham of Charter Communications was present at the meeting to address any questions the Board may have at this time.

Chair Scagliotti asked if there were any questions and hearing none asked what was the pleasure of the Board.

*Upon motion made by Supervisor Kesler and seconded by Supervisor Monaco, adopted **ORDINANCE NO. 765** GRANTING A NON-EXCLUSIVE FRANCHISE TO CHARTER COMMUNICATIONS and authorized the Chair to sign said ordinance. File #117*

## PUBLIC WORKS

### **20) Consider options re: potential repair of the crossing over San Benito River @ Hospital Road.**

Arman Nazemi, Assistant Director of Public Works, came forward. Mr. Nazemi reported that Public Works is seeking direction from the Board of Supervisors in taking appropriate actions with regards to Hospital Road at its crossing of the San Benito River. As a result of the 1998 storm, Hospital Road crossing at San Benito River was washed out entirely. The restoration of that project has been delayed due to environmental and financial concerns with the proposed options. Mr. Nazemi stated that now that the county has a letter of commitment from the Office of Emergency Services (OES) and FEMA to finance the restoration work the Public Works staff has proposed four (4) options for the Board's consideration.

Mr. Nazemi reported that the history of Hospital Road reveals that the road has been one of the few crossings on San Benito River that link the community on the west with the community on the east, especially in the southern section of the community in the Cienega Road District. The river crossing at Hospital Road has been a vital east/west link for numerous years often preferable to the only other accessible east/west connection, which is Union Road. However as a result of housing development completed within the last several years, Union Road has been increasingly impacted resulting from the additional traffic created from these developments. Mr. Nazemi stated therefore it is easily understood that the absence of the crossing on Hospital Road has only heightened the region's dependence on Union Road.

Mr. Nazemi further reported that it is important to highlight the public safety aspect of this heightened dependence on Union Road. During the wet season Union Road bridge is the only east/west connection for the developments along the west side of the river. This means that Union Road provides the only bridge/river crossing for police, fire and other emergency services. Hospital Road is classified as a minor collector road which before closure had 750 vehicle trips per day on it. Mr. Nazemi stated that it was important to note that if Hospital Road is reopened it can again serve as a vital role as a short cut for police, fire and ambulance service during emergency events for over 150 residents in the proximity, as well as for the visitors to Hollister Hills and all of the local vineyards in Cienega and all the way down to Thousand Trails. Mr. Nazemi stated that he would go over each of the four options including the advantages and disadvantages of each option.

#### Option #1 – Abandoning the crossing.

Advantages: 1) It is the least cost to General Fund and taxpayers which is about \$50,000 to provide turn around facility, road barricades and fence on each side of the river. 2) We would not need to deal with permitting agencies such as Department of Fish & Game or the Army Corp of Engineers because we don't have a crossing. 3) Abandonment of the crossing would eliminate through traffic on Hospital Road and the residents in that area would continue to enjoy less traffic.

Disadvantages: 1) Abandonment of the crossing will cause a longer response time for police, fire and ambulance for residents living on the west side of San Benito River during emergency events. Safety is a big concern. Also, due to the two crossings that connect east/west of Hollister and the unincorporated area of San Benito County, one is Union Road

and one is the old Highway 156, and both of these bridges are sub-standard and any high magnitude earthquake could destroy these bridges and that leaves us no crossing all the way to the Highway 156 bypass. 2) The abandonment of the crossing will continue to divert more traffic into nearby county roadways and would deteriorate the level of service of other roadways and accelerate the need for improvements such as what we did for Union Road (traffic signals). 3) This may require an Environmental Impact Report (EIR) because most of the projects that were approved on the west of San Benito River all went through an EIR based on the assumption that this is the existing roadway network and it was going to be perpetuated to a permanent bridge structure.

Option #2 – Constructing seasonal low water crossing.

Unfortunately the seasonal low water crossing is no longer an option due to the fact that Fish and Game has told us that a seasonal low water crossing is an option only if the local agency (meaning the County) has a permanent solution in hand or a plan or program that shows a “good faith effort” that the program is being followed; and, on those conditions they issue us seasonal low water crossings which is temporary. Mr. Nazemi referred to a letter just received from Fish and Game with regards to options.

Option #3 - Placing a permanent low water crossing.

Advantages: 1) Construction of a permanent low water crossing will provide additional east/west access to the community which resolves the safety problem. 2) It would cost a lot less than a bridge considering no federal assistance or program is available for other structures. The estimated cost of a low water crossing would cost the County \$1,000,000 versus a bridge which is estimated at \$5,700,000.

Disadvantages: 1) Although construction of a permanent low water crossing is less costly than a bridge, in the long term it is going to cost taxpayers and General Fund much more impact than a bridge would cost because OES and FEMA have told us that if a permanent low water crossing is the chosen option they will only contribute 25% of the cost. This means that it would only be a reimbursement of \$250,000 and the remaining \$750,000 would have to come from General Fund or county taxpayers. 2) This would not be a year round crossing because during high flow events it would be impassable so the safety concerns would still exist during those times with regards to response time for emergency services. 3) Construction has a high annual maintenance due to the fact that every year we have to go through the permitting process, mitigation due to environmental constraints.

Option #4 – Constructing a new bridge.

Advantages: 1) Construction of a new bridge would be the least cost to the county due to the fact that FEMA and OES have committed themselves to pay us 100% of the local match if we were to qualify for a bridge through the HBRR program. HBRR pays 80% of the cost of the bridge and the remaining 20% would be made from OES disaster agency assistance fund. Mr. Nazemi noted that the County has a letter stating that both OES and FEMA would both contribute 100% of the local match therefore there would be no cost to the General Fund or to the County taxpayer. 2) Construction of a bridge would generate very low maintenance costs. Most bridges built today are basically maintenance free. 3) A new bridge would be accessible all year round and all of those concerns from CDF, CHP and the traffic consultant would already be addressed when we have a bridge structure in place. 4) A new bridge would alleviate potential deterioration of other existing roadways in the County because of the diversion of the traffic to other ways because of non-access at the river crossing at Hospital Road.

Disadvantage: 1) Hospital Road will be impacted by through traffic and the residents who have been enjoying no traffic, or just their local traffic, would no longer be the case. 2) A new bridge will have to be integrated into the Cienega Road realignment project slated for the summer of 2004. Mr. Nazami stated that these were two independent projects and do not impact each other and could be discussed at a future Board of Supervisor’s meeting.

Mr. Nazemi summarized by stating that Public Works recommends Option 4, construction of a bridge over San Benito River. This would take care of all of the safety concerns and accessibility, as far as distribution of the traffic, in an evenly manner.

Supervisor Monaco stated that he appreciated Mr. Nazemi's report and the thoroughness in investigating these options. Supervisor Monaco said that we received this letter from Serge Glushkoff of the Department of Fish and Game and in the letter it is not clear that the only option would be a bridge. It is certainly indicated that some of the other options may be some kind of a low river crossing. Supervisor Monaco stated that given the nature of that particular roadway that we are talking about and the number of people that we do service, he would like the county to further investigate the possibility of a permanent low river crossing there. Supervisor Monaco noted that there was a permanent low river crossing at Tres Pinos that functions fairly well. Supervisor Monaco said he realized that the report states it would cost \$20,000 per year to maintain a low river crossing and in his experience he has not observed a lot of maintenance on the low river crossing at Tres Pinos Creek in Southside. Supervisor Monaco said he would like to investigate this further and maybe enter into some kind of discussion with Fish and Game at some point and invite them down to look at this.

Supervisor Monaco further stated that with relevance to the federal funding available he did not know if it would behoove us to approach FEMA and OES again to see if there wouldn't be some funding available for a permanent low river crossing. We have approached them concerning a bridge and maybe if we approached them concerning a permanent low river crossing there would be some of those fundings available.

Supervisor Monaco said personally he would like to see us investigate further the possibility of a permanent low river crossing primarily because of cost. A bridge is a significant cost even if it is paid for by taxpayer dollars from other sources. It is still taxpayers dollars that are paying for it. Supervisor Monaco said he was not completely convinced that a permanent low river crossing wouldn't suffice in that particular crossing so he would like to at least open it up so that we can move ahead and explore those two options. Supervisor Monaco did not feel that Options 1 and 2 were even realistic. He felt we need to look at some fix that is permanent and done right but he would like to be able to look at both of the options of a permanent low river crossing and a bridge for financial concerns and the area where it is served and for that reason he would like to explore this further and bring it back for some other considerations having some interaction with Fish and Game and their recommendations. Supervisor Monaco said he would like to make that in the form of a motion.

Chairman Scagliotti said he would not accept the motion at this time because it was still opened for further public and Board comment.

Supervisor Kesler stated that it seems to her that this county, as long as she has been here which is only 25 years and that is nothing in comparison to a lot of people here, and we seem to go the cheapest way that we can possibly go. It's been that way for such a long time and now here is a chance that we can get a nice bridge paid for. Supervisor Kesler said to let the people have a nice bridge instead of going the cheaper way of letting them run through the river.

Vic Loftin, Captain, San Benito County Fire Department, came forward stating that Mr. Nazemi recently approached him regarding a bridge at Hospital Road, or lack of. Captain Loftin said that recently he has done a time study and found that currently by going down Union Road to Cienega and back up Cienega you are extending your response time from three (3) to five (5) minutes, depending upon the time of day. In the event that we have a major event and lose the bridge on Union Road you really don't have any other crossings other than down in the Tres Pinos area so it would impact the response times. Captain Loftin stated that time was very important to CDF. In a heart attack in three minutes you are clinically dead and five minutes you are biologically dead and currently we are extending that time by going up

and around Union Road. If we can cut that response time for people who are suffering heart attacks they would have a higher survivor rate.

Captain Loften stated that with regards to fires, a residential fire doubles in size for every one minute. That is the rule of thumb. And, by the time we go up and around, for example in Hidden Valley, we could have a fully involved structure in lieu of possibly getting it contained in one room. So a bridge is very important to this community and it is important to the fire service and particularly for all public safety and public safety is his concern.

Captain Loften stated that if a low water crossing were put in place you still have the possibility of a flood taking that out. Having a permanent bridge established and by making that expenditure, in the case you do have major catastrophe to the bridge on Union Road you would still have a viable bridge to handle traffic on that side of the roadway. Either way the Board goes they need something there for public safety and it would cut response time down.

Supervisor Loe asked for clarification that a fire doubles in size every minute.

Captain Loften said that as a rule of thumb and that is what happens in a typical structure fire. It doubles in size for every minute that it burns.

Supervisor Cruz noted that on a permanent low water crossing we are going to get back \$250,000 on \$1 million asking if that was written in concrete. Supervisor Cruz stated that he did have a letter from OES that talks about the 20% but he did not see anything in writing telling us that FEMA would back. Would it then come out of the General Fund?

Mr. Nazemi said that was true and explained that OES was actually going to up front the money and there was no cap. If it is a low water crossing we finance 25% of it but if it is a bridge then it would finance 100% of the local match which in this case if we went through HBRR all we would need is 20%. They can give us up to 25% but based on their commitment they only would give us the local match portion for the bridge replacement. But, for other structures they were very clear by saying take it or leave it because these options are not going to last that long because as time goes by there are budgetary constraints with the State and other things and that could be vanishing if we don't lock in quickly.

Supervisor Cruz said if we go into this deal and things get tougher in 2004/05 then there is a chance that we might not get anything. Supervisor Cruz stated that he realized that there was always that possibility.

Chairman Scagliotti stated that the programs that were being discussed are Federal Highway Administration monies. FEMA is only a portion of that but FEMA usually revolves around a disaster. In following this over the years that crossing never qualified for a bridge under FEMA. It didn't even qualify for the low water crossing because FEMA only reimburses us for what we had prior to the disaster. Chairman Scagliotti said this has been an ongoing concern for years and an ongoing maintenance burden for this community. Chairman Scagliotti pointed out that if the funding is not available then you don't build a bridge. You then back step and look at other alternatives. This is like every bridge that is on the replacement program in this county, and every county in the state, if the funding isn't there you don't build the bridge. We are not mandated to build this bridge. Chairman Scagliotti stated that if this is approved then the paperwork will be processed by Public Works and send it in with a 20% match and OES will match the 20% with federal highway dollars. If it is approved then they will move forward. Chairman Scagliotti stated that there really is zero (0) cost to the county. We wouldn't have to build the bridge and we could look at other options that are available.

Supervisor Loe felt that at this point we should go ahead with Option #4 which is construction of a new bridge.

*Supervisor Monaco made a motion to at least consider Option #3, which is a permanent low river crossing, and at least discuss this with Fish and Game and explore the possibility of some funding for that.*

*The motion died for a lack of a second.*

Supervisor Loe asked if both options could forward at the same time. Could we go ahead and make the proper applications but continue to talk with Fish and Game and get the answers to the questions asked by Supervisor Monaco or do we have to just go forward with Option 4?

Chairman Scagliotti said he felt it would be counterproductive to give Fish and Game a choice when it really is the Board's choice. Chairman Scagliotti said his feeling was that if you go forward and direct staff to build the bridge then we will find out either we can build the bridge or we can't build the bridge. We've been down this road before and going through the 1995 and 1998 floods there is no money available through FEMA to fund a low water crossing. We've asked that question for years or else a low water crossing would probably already have been constructed. Chairman Scagliotti said there is money available now that can be applied for at zero (0) cost to the taxpayers of this county to build a new bridge or we can build a low water crossing that would cost approximately \$750,000 of local match. Supervisor Scagliotti stated that this was a no brainer. If it is denied then staff can come back to the Board and discuss the other three options.

*Supervisor Loe made a motion to move forward with construction of the bridge. Supervisor Kesler seconded the motion.*

*The motion passed 4-1 with Supervisor Monaco voting no. File #105*

#### COUNTY COUNSEL:

#### **27.1) Addendum. Consider Reaffirmation of Settlement Authority for Trindel Insurance Fund.**

County Counsel Karen Forcum stated that it may be appropriate to consider Addendum Item 27.1 now rather than after closed session as scheduled.

Ms. Forcum reported that some of the county's litigation is handled by outside counsel provided in conjunction with the county's participation in the Trindel Insurance Fund. In early 1995 the Board of Supervisors granted the Executive Director for Trindel the authority to settle any case in an amount up to \$20,000 as long as the amount of settlement would not require any additional appropriation from the county. Since the original granting of the settlement authority, the George Hills Company, Inc. has become the claims administration for Trindel. Because it has been almost nine (9) years since the original grant of settlement authority it is recommended that the Board consider a re-affirmation of the authority at this time.

Ms. Forcum stated that the recommendation is that the Board re-affirm the Trindel Insurance Authority by granting the Executive Director for the Trindel Insurance Fund and George Hills Company, Inc. settlement authority for any amount up to \$20,000, as long as the amount of the settlement does not require an additional appropriation from the County and subject to consultation with the County Counsel's office prior to making specific settlement offers.

Ms. Forcum stated that the George Hills Company is very good at communicating with County Counsel's office with regard to status of cases and they have requested various settlement authority and Ms. Forcum thought it was important to bring this back before the Board to get this grant and importantly subject to the consultation with County Counsel in regard to specific cases.

*Supervisor Kesler made a motion to reaffirm the Trindel Insurance Fund settlement authority by granting the executive director for the Trindel Insurance Fund and George Hills Company, Inc. settlement authority for any amount up to \$20,000, as long as the amount of the settlement would not require an additional appropriation from the County of San Benito, and subject to consultation with the Office of the County Counsel prior to making specific settlement offers. Supervisor Loe seconded the motion.*

## **PUBLIC COMMENT / ANNOUNCEMENTS:**

- a) **Public Comment.** *(Opportunity to address the Board on items of interest not appearing on the agenda. No action may be taken unless provided by Govt. Code Sec. 54954.2) Speakers are limited to five (5) minutes.*

Ron Rodrigues, former supervisor for District 4 came forward. Mr. Rodrigues stated that the words humble, professionalism and work ethic are just a few of the words that describe Gil Solorio. Mr. Rodrigues said he had the pleasure of working with Gil for many years as Chairman of the Board of Supervisor and as a member of the Board. Mr. Rodrigues said that the County would really miss Gil greatly. Mr. Rodrigues said Gil was always available to him when he served as Chair of the Board. Mr. Rodrigues stated that every dollar invested in Gil Solorio by the County was well spent. Mr. Rodrigues wished Gil the best in his future endeavors and lots of luck in the future and thanked Gil for all of his help over the years.

Brian Conroy, City of Hollister Council member, came forward stating that he stepped before the Board of Supervisors about a year ago after the Council appointed him Mayor. Mr. Conroy wanted to thank the Board of Supervisors for the Certificate of Appreciation presented to him last evening at the City Council meeting by Supervisor Bob Cruz and signed by all of the Board of Supervisors. As a council member and mayor Mr. Conroy said he has received a lot of plaques and certificates and this meant more to him than all of those recognitions put together. It meant we had achieved the goals that he had wished for with regards to open communication and working in a positive and productive manner. Mr. Conroy said he wishes to continue with this open communication, although he is not on COG or the Inter-Governmental Relations Committee, he does remain available to help facilitate and work in a positive manner. Mr. Conroy thanked the Board of Supervisors for the very meaningful Certificate of Appreciation.

Richard Herrera from Assemblyman Simon Salinas' office came forward on behalf of Assemblyman Salinas. Mr. Herrera stated that Assemblyman Salinas wanted Mr. Solorio to know that he appreciates all of his hard work and as a former supervisor he understands the complexity of the CAO position and the role in the community and commitment to the Board of Supervisors and especially the commitment to the residents of San Benito County. Mr. Herrera presented Mr. Solorio the California State Assembly Certificate of Recognition.

Mr. Herrera stated that personally he has worked with Gil on a number of issues and found him to be professional, straight forward, always tells it like it is and he is honest.

Web Winans, Lovers Lane resident, came forward. Mr. Winans stated that he had something to say from his heart and as a member of the public he felt that Gil has done a real fine job in looking out for "John Q Public" of which he and his wife are one and they have been to many meetings and have seen how things are operated and this is a sad day for our county. Mr. Winans said he hoped that it was new day and a happy day for Gil in whatever he will be doing and he would always have support and would certainly be a success. Mr. Winans thanked Gil.

- b) **Department Heads' Announcements.** (Informational only)

Chairman Scagliotti said that he had an announcement and presented Gil Solorio with a plaque in appreciation for over 14 years of outstanding dedication and service to the County of San Benito with profound gratitude from the San Benito County Board of Supervisors. Chairman Scagliotti thanked Mr. Solorio knowing how tough it had been on him and people



didn't realize how much Gil put into the job and what he had given to this team. Chairman Scagliotti thanked Mr. Solorio for everything he has done stating that he will be missed.

Mr. Solorio thanked everyone stating that if he really was that good he would be taking John Hodges with him. Mr. Solorio said that it was actually John Hodges who originally hired him to work for the county and he did really appreciate John.

Mr. Solorio stated that this has really been a team effort and he really appreciated the recognition and he was sure that he would see all of us from time to time.

## **BOARD REORGANIZATION:**

Chairman Scagliotti entertained a motion for the election of a new Chair.

### **21) Election of new Board officers**

#### **a) Election of Chair**

*Supervisor Loe nominated Supervisor Bob Cruz for Chair. Supervisor Kesler seconded the nomination.*

Nominations were closed.

*Upon motion duly made seconded and carried, elected Bob Cruz as Chair for 2004.*

*Motion passed unanimously.*

*Chairman Scagliotti gave up the Chair to Supervisor Cruz.*

#### **b) Election of Vice-Chair.**

*Supervisor Scagliotti nominated Ruth Kesler for Vice Chair. Supervisor Loe seconded the nomination.*

*Upon motion duly made, seconded and carried, elected Ruth Kesler as Vice-Chair for 2004. Motion passed unanimously. File #156*

### **22) Appointments of Board Sub-Committee assignments by new Chair**

New Chair Bob Cruz distributed his sub-committee assignments (as included in the Board's packet) to all supervisors, County Administrative Officer, Clerk of the Board and County Counsel.

Chair Cruz stated that he would be available after the meeting to talk with any supervisor who had questions or a problem with their appointments. *File 156*

The Board took a 10-minute break and reconvened at 10:30 a.m.

## **10:00 a.m. CLOSED SESSION AGENDA:**

The Board adjourned into Closed Session and reconvened into Regular 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*

*No reportable action on 3 cases.*

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

*1 case – No reportable action.*

*2 cases were withdrawn by County Counsel. File #235.6*

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

- a) Frascioni et al. vs. County of San Benito et al.  
*No reportable action.*
- b) Sandman vs. County of San Benito  
*No reportable action.*
- c) McGovern vs. San Benito County et al.  
*No reportable action.*
- d) Monteon vs. Richard Scagliotti, San Benito County Board of Supervisors, San Benito County Financing Corporation, et al.  
*No reportable action.*
- e) Madonia vs. San Benito Hospital District, County of San Benito, et al.  
*No reportable action.*
- f) Lucero vs. County of San Benito, et al.  
*No reportable action. File #235.6*

25) **Conference with Real Property Negotiators:**

Property: APN 052-080-001

Negotiating parties: County of San Benito (Supervisors Bob Cruz & Reb Monaco) and Gray Thorning Lumber Co.

Under Negotiation: Price and terms of payment

*No reportable action. File #235.6*

26) **Conference with Labor Negotiator**

Agency Negotiator: Gil Solorio, CAO

Employee Organization: In Home Supportive Services (IHSS)

*No reportable action. File #235.6*

27) **Public Employment:**

Title: County Administrative Officer

*The Board appointed Terrance May as Interim County Administrative Officer effective January 7, 2004.*

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: P. Loe, B. Cruz, R. Monaco, R. Kesler, R. Scagliotti

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

There being no further business the Board adjourned to its next regularly scheduled meeting on Tuesday, January 13, 2004 at 9:30 a.m.

RICHARD V. SCAGLIOTTI, CHAIRMAN  
San Benito County Board of Supervisors

ATTEST:

John R. Hodges

Clerk of the Board

BY:

Linda Churchill

Senior Board Clerk