

**SAN BENITO COUNTY
BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
FEBRUARY 24, 2004**

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in regular session. Supervisors Loe, Scagliotti, Monaco, Kesler and Cruz were all present. Also present was County Administrative Officer Terrence May, County Counsel Karen Forcum and Senior Board Clerk Linda Churchill. Chairman Bob Cruz presided.

9:30 a.m. CALL TO ORDER:

a) Pledge of Allegiance.

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

c) **Public Comment:** Jan Padrick, Lone Tree Road resident, came forward stating that they were having a problem with some of the neighbors and she had a petition of 60 neighbors. Ms. Padrick stated that this person is using a Propane Gopher Blaster. They have been using it for two months and there are two neighbors that are sharing the machine that blast anywhere from half hour to six hours a day and sometimes up to 70 blasts in a day. Ms. Padrick stated that they have petitioned Agricultural Commissioner Mark Tognazzini to look into it. There is nothing they can do because they are zoned five-acre parcels and its Ag Productive and they say they are protecting their family orchard and a three-acre hay crop. Ms. Padrick said they refuse to give notice when they do it so that we can put our animals away or make sure our kids are not riding the horses or having lessons so people don't get hurt. There is no consideration for safety. Ms. Padrick said they would like to get this stopped. They have had eight dogs run away and one horse has been hurt, one horseshoer has gotten hurt and they have no regard for the neighbors. Ms. Padrick stated that they have asked him to stop and they refuse and say they are going to do it indefinitely. Ms. Padrick said she has had one irrigation pipe broken from the blast. They say it is only as loud as a 12-guage shotgun and it is much louder. It's rattling windows. There are alternatives to using this machine. Ms. Padrick stated that it has been banned in Colorado. Even their literature says it shouldn't be used in a residential area. Ms. Padrick said they have to talked to the District Attorney and have left paperwork for the D.A., Ag Commissioner Mark Tognazzini, Planning Director Rob Mendiola and the Sheriff. This one person is a San Jose cop and we have contacted Internal Affairs trying to see if we can get some leverage. They have refused mediation with the Ag Department so that we could work out something. Ms. Padrick said she just wanted to let the Board of Supervisors (BOS) know that they have 60 people in that neighborhood who are upset and they would like some from some area to get these two people stopped.

Chairman Cruz said that the Board cannot take action today, but as the Chair he would look into it with the Ag Commissioner and the Planning Director.

d) **Department Head Announcements:** *There were no announcements.*

e) **Board Announcements, Introductions and Presentations:** Supervisor Monaco reported that he attended the Economic Development Corporation (EDC) meeting on February 17th and with Al Martinez's diligent work they are still progressing although things are relatively slow

right now. There is not a lot of pressure to get companies coming in to San Benito County but they are still working very hard on it.

CONSENT AGENDA:

Upon motion duly made, seconded and carried, approved Consent Agenda Items 1 through 13.

ADMINISTRATIVE BUSINESS:

- 1) Approved amendment to commercial lease agreement and subordination, attornment and nondisturbance agreement with CSDC re: office space at 1111 and 1131 San Felipe Road. *File #939.1*

ASSESSOR:

- 2) Approved Assessment Roll Corrections. *File 7.2*
- 3) Appointed James Pacheco to the Agricultural Preserve Advisory Committee as an at-large member. *File #7*

AUDITING:

- 4) Approved Departmental Claims.

CHILDREN AND FAMILIES COMMISSION:

- 5) Approved amendment to agreement with the San Benito County Health & Human Services Agency re: "Great Beginnings" program. *File #155*
- 6) Approved amendment to agreement with the San Benito County Public Health Department re: "Child Care Health Linkages" project. *File #155*
- 7) Approved amendment to agreement with Jefferson School District re: "Mobile Early Childhood Program" contract. *File #155*

CLERK OF THE BOARD:

- 8) Approved Proofs of Publications. *File #530*

ELECTIONS:

- 9) Adopted **RESOLUTION NO. 2004-16** authorizing provision of services for the City of San Juan Bautista by the Registrar of Voters for the March 2, 2004 Statewide Primary Election. *File #285*

HEALTH & HUMAN SERVICES AGENCY:

- 10) Approved appointment of .85 FTE Occupational Therapist and a .15 FTE Extra Help Occupational Therapist, both at Step F of Range 22.1. *File #420*

PUBLIC WORKS:

- 11) Approved agreements with Hollister Little League, Hollister Babe Ruth and Hollister Heat re: use of ball fields at Veterans Memorial Park with contract terms of January 1, 2004 through December 31, 2004. *File #127*

SHERIFF:

- 12) Adopted **RESOLUTION NO. 2004-17** authorizing the Sheriff to purchase certain items from the California State Department of General Services. *File #110*

TREASURER / TAX COLLECTOR:

- 13) Approved authorization for sale of defaulted property and amending date of sale from March 1, 2004 to May 12 & 13, 2004. *File #685.2*

9:30 a.m. REGULAR AGENDA:

SHERIFF - C. Hill:

14) **Consider agreement with Property Disposal and authorize disposition of evidence surplus property via web based auction.**

Sheriff Curtis Hill came forward stating that he was before the BOS a couple of weeks ago on another matter and an issue of revenue to the county came up in that conversation. Sheriff Hill said at that time if he had revenues generating potential items he would bring those to the BOS and this is one today. Sheriff Hill stated that this was a request to authorize him to dispose of unclaimed or dispositioned items that are currently in his evidence locker and/or miscellaneous county properties such as old equipment that still has a potential re-sale value and to enter into an agreement with an organization called the Property Bureau. This is a nationwide firm that is basically the E-Bay for old police evidence. Sheriff Hill stated that there are a number of organizations; and, in fact every law enforcement organization in our neighborhood has this system such as Morgan Hill, Gilroy, Hollister Police, Santa Cruz Sheriff's office, etc.

Sheriff Hill explained that what it does is that as we are purging our evidence locker of items all attempts have been made to find a victim. Perhaps they have moved, perhaps they no longer care to have it back because the insurance company purchased it and has reimbursed them and the insurance company doesn't want it. Or, perhaps there is a property item that has a monetary value that is unclaimed after posting in the newspaper and looking for the owner. After all that is said and done and we've met our regulations and different codes in the state then this company would come in, take the property, photograph it and place it on the internet for sale on their website. This works very well from what we understand from the allied agencies and it does bring in some funds. Sheriff Hill said he could not estimate the dollar amount for the first year. He has no idea what it would be because he couldn't tell what the monetary value is for some of these items that meet the criteria or that he has in his evidence locker right now waiting for disposal.

Sheriff Hill explained that the contract states that the Sheriff's Office and the Property Bureau would share the revenues from the auctions on the Internet. There are no up-front fees. Capitalization or fixed costs are necessary for the use of the service. Their agreement provides a 50% split on revenues of items that close auction at under \$1000 and then provides for 75% of revenues to come to the Sheriff's Office on items that close on \$1000 or more.

Sheriff Hill stated that the benefit to San Benito County is that over the years, and we have all been through this if involved in public service, is that when we have county auctions there is a tremendous drains on staff just to get those organized and set aside a day. It is primarily on a Saturday when you would have an auction in the community to sell this old stuff, and the revenues never match the cost to put one of these things on and this is an ongoing issue. Sheriff Hill said he has difficulty where items begin to back up in the evidence locker because the stuff just starts to sit. Sheriff Hill stated that the pros far outweigh the cons on this issue.

Sheriff Hill said he was here for consideration and he commended County Counsel's staff working on this with him. Sheriff Hill said that one of the things that we are going to do, because he gets phone calls from people asking when the county would be having an auction, is that as these items go out they will be advertising when they are going to be hitting the internet because we can control that with the Property Bureau. Sheriff Hill said he was told that some agencies do that so we would be putting an ad in the newspaper to check this website for items that are going to be on there from our County.

Sheriff Hill further explained the case of an item with a serial number. For instance if someone lost a TV or VCR in a burglary and we find it and we have gone through the due diligence of trying to find a victim and we come up short and so this ends up going out then

this also has a website where a victim who has their serial number can go into the website and enter that serial number and if the item is in there you can call them up and they will send it to you for free. So the victim gets the property back for nothing as long as the insurance company hasn't paid it off and other things that are factored.

Sheriff Hill said this was the proposal for the BOS to consider and he asked the BOS to approve the participation with the web based program run by the Property Bureau and authorize the Sheriff to sign the property disposal agreement.

Supervisor Kesler asked for clarification that there would be no cost to the county to do this.

Sheriff Hill answered that was correct.

Supervisor Kesler then asked after the items go to the auction do we get 50% of all of whatever we send in?

Sheriff Hill answered it was 50% of items sold for under \$1000 and then we get 75% for anything sold for \$1000 or more.

Chairman Cruz asked about the children's bikes and if parents could come up with the serial number then they could get them back.

Sheriff Hill answered yes.

Chairman Cruz asked about the surplus in the evidence locker room and if he was working with the District Attorney because the D.A. has some of his stuff in the Sheriff's locker room.

Sheriff Hill answered that was correct and these items would not go to the Property Bureau until every avenue was taken to get the items back to their rightful owner noting that they take a lot of due diligence to get that done. Sheriff Hill stated that with regards to bicycles, every year he has the inmates take bicycles apart and put good bikes together and we get those bikes out to kids at Christmas and they are going to continue to do that so a lot of bikes are not going to be going into this program.

Sheriff Hill also asked the BOS to approve any revenues from this that come into the County would go into the Crime Prevention Trust Account that is used for such things as the Day at the Park, August Nights and everything related to crime prevention. It would be for everything relative to crime prevention such as when deputies get calls from the community for help with neighborhood watch and such and he would like those funds just for those types of crime prevention functions.

District Attorney John Sarsfield came forward stating that he agreed with this whole concept and he asked, if there was no objection, although he has shut down his department's evidence room there are still some old items and he would like to be able to participate in this as well. Mr. Sarsfield said he has no objections to the revenues, whatever they may be, going to the Sheriff's Crime Prevention Trust Fund and this way he will not have to come back and ask for specific authorization.

Supervisor Scagliotti made a motion to accept the recommended actions. Supervisor Monaco seconded the motion. The motion unanimously carried.

Sheriff Hill asked if the motion includes the modification of the District Attorney's items as well.

Chairman Cruz answered yes. *File #110*

9:40 a.m. CLOSED SESSION AGENDA:

The Board adjourned into Closed Session and reconvened into Regular Session re:

- 15) **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**
All three cases were withdrawn by County Counsel
 b) Initiation of litigation pursuant to subdivision (c) of Government code Section 54956.9. Number of cases: **3**
1 cases was withdrawn by County Counsel
2 cases – No reportable action. File #235.6
- 16) **Conference with Legal Counsel - Existing Litigation**
 a) Sandman vs. County of San Benito
No reportable action.
 b) Monteon vs. Richard Scagliotti, San Benito County Board of Supervisors, San Benito County Financing Corporation, et al.
No reportable action.
 c) Stafford-Pelt vs. State of California, County of San Benito, City of Hollister, et al.
The Board authorized the retention of special counsel to defend the Stafford-Pelt case.

The vote of each member of the Board of Supervisors upon each mater at the foregoing meeting, unless otherwise stated, was as follows:

AYES: SUPERVISORS: P. Loe, R. Scagliotti, R. Monaco, R. Kesler, B. Cruz
 NOES: SUPERVISORS: None
 ABSENT: SUPERVISORS: None

There being no further business the Board adjourned to its next regularly scheduled meeting on Tuesday, March 2, 2004 at 9:30 a.m.

BOB CRUZ, CHAIRMAN
 San Benito County Board of Supervisors

ATTEST:
John R. Hodges
 Clerk of the Board
 BY:
Linda Churchill
 Senior Board Clerk