

**SAN BENITO COUNTY
BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
MARCH 2, 2004**

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in regular session. Supervisors Loe; Monaco, Kesler and Cruz were all present. Supervisor Scagliotti was absent. Also present was County Administrative Officer Terrence May, County Counsel Karen R. Forcum and Assistant Clerk Sally Navarez. Chairman Bob Cruz 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.** There was no one wishing to speak under Public Comment.
- d) **Department Head Announcements.** CAO May encouraged the audience to go and vote.
- e) **Board Announcements, Introductions and Presentations.** Supervisor Monaco noted that he and Supervisor Loe attended the Veterans Memorial Park Commission meeting and discussed the BMX track area. Supervisor Monaco indicated while there were issues with the BMX track, those issues were being worked out. Supervisor Loe concurred.
Supervisor Kesler also encouraged the public to go out and vote.

CONSENT AGENDA:

- 1) Approved Assessment Roll Corrections. (*Assessor - file #7.2*)
- 2) Approved Departmental Claims. (*Auditor*)
- 3) Approved amendment to agreement with the San Benito Health Foundation re: "Dental Health, Nutrition and Assessment" Project and authorized Chair to sign. (*child & fam commission - file #155*)
- 4) Approved the minutes of the meetings of February 3, 2004; February 10, 2004 and February 24, 2004. (*Clerk of the Board*)
- 5) Rejected claim of Juan Manuel Alvarado filed with the clerk of the board on January 21, 2004 and directed clerk to notify claimant. (*County Counsel - file #235*)
- 6) Approved agreement with Monterey Information Technologies (MIT) re: fiber optic network maintenance and authorized Chair to sign. (*OES - file #75.5*)
- 7) Approved modified proposal to State Water Resources Control Board for clean up and abatement funds for New Idria Mine. (*Waste Mgmt - file #142*)
- 8) Approved **Resolution No. 2004-18 Authorizing Renewal of Agreement With The Department Of Mental Health For State Hospital Bed Use For Fiscal Year 2003/2004** and authorized Chair to sign. (*Mental Health - file #810*)
- 9) Approved Memorandum Of Understanding (MOU) between San Benito County Mental Health Services and the San Benito County Office of Education re: reimbursement for mental health services for Fiscal Year 2003/2004 and authorized Chair to sign. (*Mental Health - file #810*)
- 10) Approved **Resolution No. 2004-19 Upholding The Planning Commission Denial Of Appeal 03-03 From The Planning Director's Stop Activities Order, And Denying The Appeal Of San Benito Heating And Sheetmetal, Inc. To The Board Of Supervisors** and authorized Chair to sign. (*Planning - Appeal file*)

9:40 a.m. REGULAR AGENDA:

THERE WERE NO ITEMS SCHEDULED FOR THE REGULAR AGENDA

9:40 a.m. CLOSED SESSION AGENDA:

11) 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 reported that all three (3) items were withdrawn.

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

Prior to entering Closed Session, Counsel reported that two (2) items were withdrawn and one (1) item would be heard.

Upon exiting Closed Session, Counsel noted that no action was taken on the remaining one (1) item. (file #235.6)

12) Conference with Legal Counsel - Existing Litigation

a) Sandman vs. County of San Benito

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

c) Fort et al. vs. County of San Benito et al.

Upon exiting from Closed Session, Counsel reported that the Board authorized Chairman Cruz to execute the waiver of a potential conflict of interest in conjunction with Kathleen Williams' representation of the County in the Fort case. (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: P. Loe; R. Monaco, R. Kesler & B. Cruz

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: R. Scagliotti

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

BOB CRUZ, CHAIR

San Benito County, Board of Supervisors

ATTEST:

BY:

John R. Hodges

Clerk of said Board

Sally Navarez

Assistant Clerk of said Board