

**SAN BENITO COUNTY  
BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
MARCH 23, 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 R. Forcum and Assistant Clerk Sally Navarez. Chairman Bob Cruz presiding when the following was had to wit:

<b>9:30 a.m. CALL TO ORDER:</b>
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- a) Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged the Certificate of Posting.*
- c) **Public Comment:** Web Winans, Lovers Lane resident came forward. Mr. Winans asked the Board to see something agendized regarding the City of Hollister having a hard time in making up their mind on whether or not to have the motorcyclists come or not. Mr. Winans stated he was concerned about the money aspect; how it is going to affect the County and thought we should have a report as soon as possible from Robert Scattini on what is going on so that the Board can make their plans and be sure everybody is on the same page at the same time.

Chair Cruz noted that could be done and asked CAO Terrence May if Sheriff Hill; Communications and Councilman Scattini and put this on an agenda for discussion.

CAO May indicated that could be done per request of Chairman Cruz.

Supervisor Loe asked if the Health Department was also involved. Doesn't the Health Department go out and inspect the food booths? Supervisor Loe stated she would like to know what fees are being charged for that and how much that costs the County or costs to any other department that the rally affects financially.

Chair Cruz agreed with Supervisor Loe. Chair indicated he would like a report to the Board from any department that is involved and/or impacted by the rally and open the matter up for discussion.

- d) **Department Head Announcements.** CAO May indicated there were no Department Head announcements.

- e) **Board Announcements, Introductions and Presentations.** Supervisor Kesler noted she was in Sacramento last Wednesday and Thursday for a CSAC Conference. Supervisor Kesler noted this included all of the elected people throughout California. They meet once in the Spring and once in the Fall.

Supervisor Kesler noted she was privileged in several ways because she got to see a lot of people that are doing the same thing that she is trying to do. She indicated the Governor spoke. The room was twice as big as our Board room and filled with cameras. Supervisor Kesler thought the Governor would come through the center aisle and so she sat at an aisle seat; however, the Governor came out from behind a curtain on the stage. After shaking hands with the CSAC officers, the Governor went to the podium and when he started speaking, Supervisor Kesler noted she had never heard him speak as he did. The speech was very, very short and he acted as if he were scared to death. The Governor was talking to California's' leaders and he knew that. The speech was very short, he thanked the people for voting for Propositions 57 and 58 and then said we needed to bring jobs back to California and we need jobs, jobs, jobs. Supervisor Kesler noted it reminded her of somebody in San Benito County the way he says jobs, jobs, jobs.

Supervisor Kesler noted that was the extent of the Governor's speech. The Governor did meet with CSAC representatives later on that morning and allowed 15 minutes. But, it turned out that the Governor met with the representatives for 45 minutes.

Supervisor Kesler noted she attended the CEWAER - that is all of the elected women in the State of California. As you know, each County has five people on their Board of Supervisors no matter how large or small except San Francisco. There are five on the City Council; five on the Board of Supervisors and then they became an entity and now have eleven Supervisors.

Supervisor Kesler noted she was very unhappy when she went to the Women's breakfast. We have fourteen counties that have no women on their Boards at all and she felt that was a crying shame. Because when you have five women doing something or five men doing something, you don't get the true picture. Out of that, thirteen are Hispanic, out of all of them. Supervisor Kesler noted she passed out this information to the press and hoped it would be put in the paper and tell people in this County what we don't have and what we do have.

Supervisor Kesler noted CSAC's program for 2004 consists of four elements:

- 1) a fair, balanced budget;
- 2) no permanent, disproportionate property tax shift;
- 3) additional federal program support; and
- 4) commitment to alternative proposals.

Supervisor Kesler thanked the public because the taxpayers sent her there and appreciated their support.

Chair Cruz noted that Supervisor Kesler was the San Benito County Boards' representative to Sacramento. She goes there and brings back all this vital information. Supervisor Kesler is a key between the County and what is going on in Sacramento.

Supervisor Monaco noted on March 15, 2004, he was over in Salinas attending an agricultural forum. Supervisor Monaco commended those interested parties from County of San Benito, who were well represented there. Basically, this was a forum which presented a lot of information from the American Farmland Trust people and there was a lot of good information shared on how to preserve ag land not only in Monterey County, but in our own county as well. San Benito County had good representation there and wanted to report this out.

Chair Cruz asked who put the forum on.

Supervisor Monaco noted it was a conglomerate of people from Monterey County and San Benito County.

## **CONSENT AGENDA:**

Chair Cruz noted he would take a motion to approve the Consent Agenda to which Supervisor Kesler made the motion to approve the Consent Agenda.

Under the questions, Supervisor Scagliotti noted he would like to discuss Item #3.

Chair Cruz asked Supervisor Kesler if she would withdraw her motion to which Supervisor Kesler indicated she would.

Supervisor Scagliotti made the motion to approve the Consent Agenda, Items #1 through #17. Supervisor Kesler was second on the matter.

*Upon motion duly made, seconded and carried, approved Consent Agenda Item #1 through Item #17. Motion passed unanimously 5-0.*

- 1) Approved amendment to the agreement with Gregory LaForge, Esq. re: Indigent Criminal Legal Defense Services for one year to June 30, 2005 with no change in compensation and authorized Chair to sign. (CAO - file #149)

2) Received update re: Request For Proposals (RFP) for first-level Conflict Indigent Criminal Defense services. (CAO - file #149)

3) **Received, acknowledged and filed letter from the State Water Resources Control Board (SWRCB) re: New Idria cleanup grant application.** Supervisor Scagliotti asked that this matter be pulled from the Consent Agenda for discussion.

Supervisor Scagliotti stated he wanted to make it known that apparently the State has responded for the New Idria cleanup and there is no money available. Supervisor Scagliotti noted it was funny that the State seems to think it will have the money in six months, but wondered if that would be the case or if anybody had a better timeframe than that. This was kind of like a blowout.

Supervisor Monaco noted his concern as well. The State was basically telling us we see the need, but nobody was going to come up with the money. In six months, do we reapply? Supervisor Monaco noted he was exactly sure what was going to happen.

Supervisor Scagliotti noted the State is going to hold the County's' application until such time as the money is available, but wondered just how long that would be.

Supervisor Kesler noted, the way everyone was speaking in Sacramento last week, there's no money and Counties are going to have to get used to it. Supervisor Kesler noted this is what was being told to the Counties over and over and over. There is no money. (CAO - file #142.2)

4) Approved and authorized CAO to fill vacant Management Analyst position at up to Step F of salary range. (CAO - file #630)

5) Approved the reappointment of John Eade and Charles Strohn to the Taylor Act Grazing Advisory Committee each for a three year term effective July 1, 2004 through June 30, 2007. (Ag Commissioner - file #1.1)

6) Approved Assessment Roll Corrections. (Assessor - file #7.2)

7) Approved Departmental Claims. (Auditor)

8) Approved Proofs of Publications. (Clerk of the Board)

9) Approved the minutes of the Special Meetings of March 10, 2004 and March 15, 2004. (Clerk of the Board)

10) Approved amendment to agreement with the Hollister School District re: Migrant Education "Home Based Preschool" services and authorized Chair to sign. (Chld & Families - file #155)

11) Approved the appointment of Connie Herndon and reappointment of Shelley Giancola to the Workforce Investment Board representing the private sector both for a three year term effective April 1, 2004 through March 31, 2007. (CSWD - file #939)

12) Approved the reappointment of Elsa Rodriguez to the Community Action Board representing Supervisorial District #3 for a three year term effective April 1, 2004 through March 31, 2007. (CSWD - file #939)

13) Approved request for augmentation to FY2003/2004 Professional Services line item #1001-109-6235 from General Fund Contingencies. (County Counsel - file #160)

14) Approved request to amend FY2003/2004 Fixed Assets Schedule reflecting proposed purchase of printers. *(County Counsel - file #160)*

15) Approved agreement with Eden Radio, Inc. re: maintenance of radio equipment at Fremont Peak, Call Mountain, San Benito Peak, Hospital Base Station and Sheriff's Office rooftop with a contract term of January 1, 2004 through December 31, 2005 and authorized Director of Emergency Services to sign on behalf of the County. *(OES - file #75.5)*

16) Approved the reappointment of Kim Dryden to the Substance Abuse Advisory Board for a three year term effective February 1, 2004 through January 31, 2007. *(Substance Abuse - file #1053)*

17) Approved the reappointment of Susan Woltzen to the Substance Abuse Advisory Board for a three year term effective February 1, 2004 through January 31, 2007. *(Substance Abuse - file #1053)*

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

18) **Consider approval of installation of seasonal low water crossing at Hospital Road and approval of budget augmentation from General Fund Contingencies for purchase of required materials.** Administrative Officer May noted to the Chair that due to some last minute information that came up on this particular item, Mr. Corn has asked to delay or defer consideration of Item #18, the seasonal low water crossing at Hospital Road until the next meeting. CAO May noted this matter would be re-agendized for the first meeting in April.

Supervisor Scagliotti made the motion that this matter be moved to the first meeting of April, 2004. Supervisor Monaco was second on the matter.

*Upon motion duly made, seconded and carried, continued approval of installation of seasonal low water crossing at Hospital Road and approval of budget augmentation from General Fund Contingencies for purchase of required materials to the meeting of April 6, 2004 as requested. Motion passed 5-0. (Public Works - file #105)*

#### **9:50 a.m. CLOSED SESSION AGENDA:**

19) **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 Forcum reported that all three (3) cases have been withdrawn. (file #235.6)*

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

*Prior to entering Closed Session, Counsel Forcum reported one (1) case has been withdrawn and there were two (2) cases to hear.*

*Upon exiting Closes Session, Counsel Forcum reported on one case, on behalf of Special Counsel Nancy Miller, it was reported out that at the request of the District Attorney, the Board authorized funding in an amount not to exceed \$20,000 from General Fund Contingencies to retain the services of an investigator to investigate alleged election irregularities.*

*Regarding remaining case, Counsel Forcum reported there was no action taken. (file #235.6)*

- 20) **Conference with Legal Counsel - Existing Litigation**  
a) **Sandman vs. County of San Benito.**  
*Upon exiting Closed Session, Counsel Forcum reported there was no action taken. (file #235.6)*  
b) **Monteon vs. Richard Scagliotti, San Benito County Board of Supervisors, San Benito County Financing Corporation, et al.**  
*Upon exiting Closed Session, Counsel Forcum reported there was no action taken. (file #235.6)*  
c) **California Farm Bureau Federation, et al. vs. California Department of Forestry and Fire Protection, et al.**  
*Upon exiting Closed Session, Counsel Forcum reported there was no action taken. (file #235.6)*  
d) **County of San Benito vs. Kenneth Bettencourt, et al.**  
*Upon exiting Closed Session, Counsel Forcum reported there was no action taken. (file #235.6)*
- 21) **Public Employment**  
**Title: Agricultural Commissioner**  
*Upon exiting Closed Session, Counsel Forcum reported that Paul Matulich was appointed as the Agricultural Commissioner / Sealer of Weights and Measures effective April 19, 2004. (file #235.6)*
- 22) **Conference with Labor Negotiators:**  
**Agency Designated Representatives: Terrence May, CAO and Elizabeth Brown, Human Resources Director**  
**Employee Organization: General Unit - SEIU, Local 817**  
*Upon exiting Closed Session, Counsel Forcum reported there was no action taken. (file #235.6)*
- 23) **Conference with Real Property Negotiators:**  
**Property: APNs: 052-080-001, 052-300-001**  
**Negotiating Parties: County of San Benito (Supervisor Cruz and Supervisor Monaco) and Gray Thorning Lumber Co.**  
**Under Negotiation: Price and terms of payment.**  
*Upon exiting Closed Session, Counsel Forcum reported there was no action taken. (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. 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, April 6, 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