

**SAN BENITO COUNTY
BOARD OF SUPERVISORS
REGULAR MEETING
JUNE 1, 2004**

ACTION MINUTES

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:

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 address the Board under the Public Comment Period.
- d) **Department Head Announcements:** Per Administrative Officer Terrence May, there were no Department Head Announcements.
- e) **Board Announcements, Introductions and Presentations:** There were no Board announcements.

CONSENT AGENDA:

Supervisor Scagliotti made the motion to approved the Consent Agenda Item #1 through Item #10. Supervisor Monaco was second on the matter.

Upon motion duly made, seconded and carried, approved the Consent Agenda Item #1 through Item #10. Motion passed unanimously 5-0.

AUDITOR:

- 1) **Approved** Departmental Claims.

CLERK OF THE BOARD:

- 2) **Approved** the minutes of the meeting of May 11, 2004.

COMMUNITY SERVICES & WORKFORCE DEVELOPMENT:

3) **Approved** the appointment of Marilyn Castro to the Community Action Board (CAB) as District #1 Private Sector representative for a three year term effective June 1, 2004 through May 31, 2007. *(file #939)*

4) **Approved** the reappointment of Verna Blaine and Mike Walters to the Workforce Investment Board (WIB) as Private Sector representatives, each for a three year term effective June 1, 2004 through May 31, 2007. *(file #939)*

MENTAL HEALTH:

5) **Approved Resolution No. 2004-73** re: hourly rate adjustment for temporary help position of Psychiatrists and authorized Chair to sign. *(file #810)*

6) **Approved** authorization to accept donations from private citizens, businesses and public service organizations. (file #810)

7) **Approved Resolution No. 2004-74** accepting Department of Mental Health funds and agreement re: Medical Managed Care, Specialty Health Services with a contract term of July 1, 2004 through June 30, 2005 and authorized Chair to sign. (file #810)

PROBATION:

8) **Approved** and accepted Director's informational update of Department activities. (file #510)

SUBSTANCE ABUSE PROGRAM:

9) **Approved** authorization to execute a grant agreement amendment re: Safe and Drug Free Schools and Communities (SDFC) Grant for FY2002/2003; FY2003/2004; FY2004/2005 and authorized both the Substance Abuse Program Administrator and the Finance Director to sign related documents on behalf of the County. (file #1053)

10) **Approved** agreement with the California Department of Alcohol and Drug Programs re: Negotiated Net Amount (NAA) with a contract term of July 1, 2004 through June 30, 2008. (file #1053)

9:30 PUBLIC HEARING (or as soon thereafter as the matter may be heard):

COUNTY COUNSEL - K. Forcum:

11) **Hold public hearing to consider an ordinance adding Section 10-7 re: Prohibition of Rodent Blasting to Chapter 10 of the San Benito County Code, Offenses - Miscellaneous.**

Darren Bogie, Deputy County Counsel, provided staff report and background information on the matter.

This being the duly noted time and place, Chairman Cruz opened the public hearing.

Members of the audience speaking in favor of using the Rodent Blasting included:

Anthony Botelho, representing the San Benito County Farm Bureau
Brett Johnson, 513 Lone Tree Road, Hollister
Sara Kimmich, 6990 San Felipe Road, Hollister
Jan Joseph, South County Resident
Mike Halpern, local Organic Farmer
Ray Perez, 231 Pan Tempo Way, Hollister
Jack Kimmich, 6990 San Felipe Road - Owner - Gopher Blasters, Inc., Hollister
Annamarie Crosier, Orchard Road, Hollister
Thomas Kimmich, local resident, Hollister
Ann Phillips, 231 Pan Tempo Way, Hollister
Joshua Joseph, local Resident

Members of the audience speaking in opposition to use of Rodent Blasting included:

Doug Padrick, 513 Lone Tree Road, Hollister
Jan Padrick, 513 Lone Tree Road, Hollister

Hearing no one further wishing to address the Board, Chairman Cruz closed the public hearing period and brought the matter back to Board level for further discussion.

Supervisor Monaco made the motion to direct staff to make amendments to the language clarify that neighbors within 500 feet of the property planning to blasting be notified 24-hours prior to use of this device; there be no restrictions around parcel sizes and

Supervisor Scagliotti was second on the matter; however, under the question Supervisor Scagliotti asked for a better definition of notification and suggested a telephone call or a walk across the street to notify the neighbors or if the person so desired to actually send out something in writing.

Supervisor Monaco, as maker of the motion agreed.

Supervisor Scagliotti, further commented as long as there is a reasonable attempt to which Supervisor Monaco agreed, whether it be by phone call, a visit or written statement.

Supervisor Monaco amended his motion to reflect that the language of "reasonable attempt" be added.

Chairman Cruz, under the motion, asked the maker of the motion and the second, that there be better notification for a grammar school or for senior housing that borders a site.

Supervisor Monaco indicated he would again amend his motion to include public facilities including schools, residential facilities, etc. as well. Supervisor Scagliotti, as second on the matter agreed.

Upon motion duly made, seconded and carried, directed staff return with this matter incorporating language to reflect:

- a) *that neighbors within 500-feet of property planning to use the blasting device notify the neighbors 24-hours prior to utilizing said device;*
- b) *further clarifying that a reasonable attempt in notifying neighbors included a phone call, personal visit and/or written statement;*
- c) *that language be included reflecting notification to public schools and/or residential care facilities prior to utilization of said device.*

Motion passed unanimously 5-0. (file #156)

9:40 a.m. REGULAR AGENDA:

PRESENTATIONS / RECOGNITIONS:

12) Presentation of Trindel Safety Incentive Award to County employees.

Presentation of Trindel Safety Incentive Awards was made by Human Resources Director. Ms. Brown presented said awards to the following:

Maria Corona - Social Work Supervisor of the Health & Human Services Agency

Pat Dunn - Heavy Equipment Mechanic of the Public Works Department

Matilde Hernandez - Work Crew Supervisor of the Public Works Department

Denise Quintana - Office Assistant III of the Regional Division of Child Support Services. (file #630)

ADMINISTRATIVE BUSINESS:

13) Consider and receive County Administrative Officer's FY2004/2005 Budget update. (CAO) (cont. from mtg. of 5/25/04) (CAO)

a) **Budget Update; and**

b) **Consider and accept report re: San Benito County Property Tax Audit for Fiscal Years July 1, 1997 through June 30, 2002; and**

c) **Consider half-cent sales tax increase.**

Received Budget Update; accepted report regarding San Benito County Property Tax Audit for Fiscal Years July 1, 1997 through June 30, 2002 and Directed the County

Administrative Officer meet with the respective City Managers for the City of Hollister and City of San Juan Bautista to discuss said half-cent sales tax increase and report back to the Board with comments/input from said City Managers. (file #865)

Adjourned as the San Benito County Board of Supervisors and reconvened as the San Benito County Financing Corporation.

FINANCING CORPORATION MINUTES HAVE BEEN DONE SEPARATELY.

Adjourned as the San Benito County Financing Corporation and reconvened as the San Benito County Board of Supervisors.

10:00 a.m. CLOSED SESSION AGENDA:

14) 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

Per Counsel, all three items were withdrawn. (file 235.6)

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

Per Counsel, two cases were withdrawn; thereby leaving one case for discussion.

Upon exiting Closed Session, Counsel Forcum indicated there was no reportable action taken on the remaining case. (file #235.6)

15) Conference with Legal Counsel - Existing Litigation

a) Sandman vs. County of San Benito.

Upon exiting Closed Session, Counsel Forcum indicated there was no reportable 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 indicated there was no reportable 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 indicated there was no reportable action taken. (file #235.6)

d) Lawrence Family, LLC, vs. Charles Frost Roofing, R.M. Bracco, Inc., County of San Benito, et al.

Upon exiting Closed Session, Counsel Forcum indicated there was no reportable action taken. (file #235.6)

e) County of San Benito vs. Oliveira, et al.

Upon exiting Closed Session, Counsel Forcum indicated there was no reportable action taken. (file #235.6)

f) United States of America v. San Benito County, John R. Hodges, et al.

Upon exiting Closed Session, Counsel Forcum indicated there was no reportable action taken. (file #235.6)

16) **Conference with Labor Negotiators:**
Agency Designated Representatives: Elizabeth Brown, Human Resources Director & Daniel Vrtis, Finance Director
Employee Organization: General Unit - SEIU, Local 817
Upon exiting Closed Session, Counsel Forcum indicated there was no reportable action taken. (file #235.6)

17) **Public Employee Discipline/Dismissal/Release**
Upon exiting Closed Session, Counsel Forcum indicated there was no reportable action taken. (file #235.6)

18) **Public Employee Discipline/Dismissal/Release**
Upon exiting Closed Session, Counsel Forcum indicated there was no reportable 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, June 8, 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