

**SAN BENITO COUNTY
BOARD OF SUPERVISORS
REGULAR MEETING
JULY 6, 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, Monaco, Kesler and Cruz were present. Supervisor Scagliotti was absent. Also present was County Administrative Officer Dan Vrtis, and County Counsel Karen Forcum. Senior Board Clerk Linda Churchill was present for the morning session and Assistant Clerk of the Board Sally Navarez was present for the afternoon session.

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:** There was no public comment.
- d) **Department Head Announcements:** Sheriff Curtis Hill reported that the Biker Rally held over the Fourth July weekend was relatively quiet from a law enforcement standpoint and a quiet weekend overall. Sheriff Hill commended the Communications Dispatchers for an outstanding job and also noted the good job done by the Hollister Chief of Police and the California Highway Patrol.

The supervisors thanked the Sheriff's Department and the Emergency Services Department for a job well done.

County Administrative Officer Dan Vrtis stated that Supervisor Loe asked him to bring up some study session items for the Board of Supervisors (BOS) to consider. One item would be a discussion regarding Campaign Finances. Mr. Vrtis asked if the BOS would like to schedule workshops during the two-week recess taken by the BOS that begins next week. The Board agreed to hold a workshop re: Campaign Finances next Tuesday, July 13, 2004.
- e) **Board Announcements, Introductions and Presentations:** There were no announcements.

County Counsel Karen Forcum announced there has been a request by the Integrated Waste Management Director to add an item to the regular agenda as Item Number 38. Ms. Forcum stated that the BOS would need to find that there is a need to take immediate action and the need for action came to the county subsequent to the agenda being posted. The item is entitled Brownfields Assessment Grant Award Submittal Package. The need to take the action today is based on the fact that the grant package needs to be submitted by July 9, 2004 which is this coming Friday and it must be addressed before that date.

BOARD ACTION: Upon motion made by Supervisor Kesler and seconded by Supervisor Monaco, moved to add Item #38 to the Regular Agenda as explained by County Counsel.
(4-0 vote. Scagliotti absent.)

CONSENT AGENDA:

Upon motion made by Supervisor Kesler and seconded by Supervisor Monaco, approved Consent Agenda Items 1 through 25 with the exception of Item 16 that was continued to the meeting of July 27, 2004.

ADMINISTRATIVE BUSINESS:

1) **Approved** application for an Early Learning Opportunity Grant and **designated** the Local Childcare Planning Council (LPC) to serve as the Early Learning Opportunity Grant Council for the San Benito County Region. (Supervisor Kesler) *File #1055*

AGRICULTURAL COMMISSIONER - P. Matulich:

2) **Approved** agreement with the State Department of Food and Agriculture in the amount of \$45,743 for pest detection trapping services with a contract term of July 1, 2004 through June 30, 2005. *File #1.1*

AUDITING - J. Hodges:

3) **Approved** Departmental Claims.

CLERK OF THE BOARD:

4) **Approved** the action minutes of the meetings of May 25, 2004 and June 22, 2004 and special meeting of June 25, 2004.

5) **Approved** Proofs of Publications. *File #530*

COMMUNITY SERVICES & WORKFORCE DEVELOPMENT - K. Flores:

6) **Approved** agreement with the Private Industry Council, Inc. in an amount not to exceed \$16,170 for reimbursement of management services with a contract term of July 1, 2004 through June 30, 2006. *File #939*

7) **Approved** acceptance of State Agreement #03-FWHG-275, the Joe Serna Jr. Farm Worker Housing Grant for additional rehabilitation work at the Unaccompanied Adult Farm Labor Camp and **authorized** either CSWD Director or County Administrative Officer to execute agreement and any amendments thereto. *File #750*

8) **Approved** bid documents for rehabilitation of the Unaccompanied Adult Labor Camp and **authorized** CSWD staff to issue an Invitation to Bid. *File #750*

COUNCIL OF GOVERNMENTS - T. Quigley:

9) **Approved** agreement with the Airport Land Use Commission for professional and clerical services with a contract term of July 1, 2004 through June 30, 2005. *File #1035*

10) **Approved** agreement with the Council of Governments for professional and clerical services with a contract term of July 1, 2004 through June 30, 2005. *File #1035*

11) **Approved** agreement with the Local Transportation Authority for professional and clerical services with a contract term of July 1, 2004 through June 20, 2005. *File #1035*

12) **Approved** agreement with the Measure A Authority for professional and clerical services with a contract term of July 1, 2004 through June 30, 2005. *File #1035*

13) **Approved** agreement with the Service Authority for Freeways and Expressways for professional and clerical services with a contract term of July 1, 2004 through June 30, 2005. *File #1035*

COUNTY CLERK / AUDITOR / RECORDER - J. Hodges:

14) **Approved** agreement with Professional Hispanic Services in an amount not to exceed \$3,000 for translation of elections materials for the November 2, 2004 General Election with a contract term of June 11, 2004 through November 2, 2004. *File #285*

COUNTY COUNSEL - K. Forcum:

15) **Rejected** claim of Glen E. Davis, Jr. filed with the clerk of the board on May 27, 2004 and **directed** clerk to notify claimant. *File #235*

HUMAN RESOURCES - E. Brown:

16) Consider employment agreement with Dan Vrtis as County Administrative Officer with a contract term of June 7, 2004 through June 8, 2005. **(Continued this item to the July 27, 2004 meeting.)**

IN HOME SUPPORTIVE SERVICES (IHSS) - G. Swanson:

- 17) a) **Accepted** the resignation of Doris Houghtaling from the IHSS Advisory Committee as the advocate for persons who are autistic; and
b) **Approved** the appointment of Cynthia Abrams to the IHSS Advisory Committee as the advocate for persons who are autistic. *File #30.1*

INTEGRATED WASTE MANAGEMENT - M. Rose:

18) **Approved** agreement with Conor Pacific/EFW in the amount of \$25,000 for consultation services for operation of the John Smith Road Landfill with a contract term of July 1, 2004 through June 30, 2005. *File #142*

19) **Approved** agreement with Conor Pacific/EFW in the amount of \$46,305 for groundwater monitoring services at the John Smith Road Landfill with a contract term of July 1, 2004 through June 30, 2005. *File #142*

20) **Approved** out of state travel request for the Director of the Integrated Waste Management Department to Seattle, Washington for the period of July 13-15, 2004 to attend the regional conference for Brownsfield sponsored by the United States Environmental Protection Agency. *File #142*

MENTAL HEALTH DEPARTMENT - A. Yamamoto:

21) **Approved** agreement with Good Samaritan / Mission Oaks Hospital in the amount of \$45,000 for inpatient acute care treatment needs with a contract term of June 1, 2004 through May 31, 2005. *File #810*

22) **Approved** agreement with Hallis, LLC in the amount of \$5,000 for services for completion of annual State required Cost Report with a contract term of July 1, 2004 through June 30, 2004. *File #810*

23) **Adopted Resolution No. 2004-80** to amend staff and facilities granted Board authority for evaluation / treatment of involuntarily detained clients. *File #810*

SHERIFF - C. Hill:

24) **Adopted Resolution No. 2004-81** authorizing submission of a grant proposal to the Office of Emergency Services for operation of the County United Narcotic Enforcement Team (UNET) Task Force for Fiscal Year 2004/2005. *File #110*

SUBSTANCE ABUSE PROGRAM - M. Narasaki:

25) **Approved** agreement with Santa Cruz Community Counseling Center (Si Se Puede) in the amount of \$44,210 for residential treatment services with a contract term of July 1, 2004 through June 20, 2005. *File #1053*

9:40 a.m. REGULAR AGENDA:

COMMUNITY SERVICES & WORKFORCE DEVELOPMENT (CSWD) - K. Flores:

26) **Consider grant revenues and expenditures reduction for FY2004/2005 and authorize layoff of 3.0 FTE positions.**

BOARD ACTION: *Upon motion made by Supervisor Kesler and seconded by Supervisor Monaco moved to:*

- 1) *Approve authority to layoff 3.0 Full Time Equivalent (FTEs) effective 8/13/04 from the FY 2004/05 CSWD budget as follows: Vocational Assistant (1.0 FTE), Employment and Training Services Counselor II (1.0 FTE), and Vocational Adult Education Teacher (1.0 FTE);*
- 2) *Reduce 1.0 FTE to .75 FTE for one Eligibility Worker II position effective 8/31/04;*
- 3) *Reduce 1.0 FTE to .5 FTE for one Deputy Director position for the period 9/1/04 to 4/30/05, with reinstatement to 1.0 FTE on 5/5/05;*
- 4) *Reduce 1.0 FTE to .75 FTE for the Executive Director position for the period 7/1/04 to 6/30/05, with reinstatement to 1.0 FTE on 7/1/05; and,*
- 5) *Direct the CSWD Director to work with the Human Resources Department in commencing with the layoff process per the San Benito County Layoff Policy.*

(4.0 vote. Scagliotti absent) File #939

COUNTY CLERK / AUDITOR / RECORDER - J. Hodges:

- 27) a) **Consider the Bilingual Election Program Coordinator job description; and**
b) **Consider authorization for Human Resources to begin the recruitment process for the Bilingual Election Program Coordinator position immediately; and**
c) **Consider approval of hiring authority to the County Clerk / Auditor / Recorder for the position of Bilingual Election Program Coordinator; and**
d) **Consider approval of the Bilingual Election Program Coordinator to be included within the County's FY2004/2005 Schedule of Authorized Positions; and**
e) **Authorize the CAO to include, as a final budget change in the FY2004/2005 Budget, funding for the Bilingual Election Program Coordinator.(cont from 6/22/04 mtg.)**

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Kesler, moved to:*

- 1) *Approve Human Resources recommendation of the Bilingual Election Program Coordinator job description;*

- 2) Approve Human Resources to begin the recruitment process for the Bilingual Election Program Coordinator position immediately;
- 3) Approve hiring authority to the County Clerk, Auditor, and Recorder for the position of Bilingual Election Program Coordinator;
- 4) Approve the Bilingual Election Program Coordinator to be included within the County's 2004/2004 Authorized Positions; and,
- 5) Authorize the CAO to include, as a final budget change, in the FY 2004/2005 Budget funding for the Bilingual Election Program Coordinator.

(4-0 Vote. Scagliotti absent.) File #285

- 28)
 - a) Authorize amendment of the FY2003/2004 Schedule of Authorized Positions to add the position of Deputy County Clerk / Recorder II;
 - b) Consider recruitment for the position of Deputy County Clerk / Recorder II;
 - c) Authorize the Human Resources Department to begin recruitment for the position immediately. (cont. from 6/22/04 mtg.)

BOARD ACTION: Upon motion made by Supervisor Kesler and seconded by Supervisor Monaco continued this item to Budget Hearings to be held beginning August 2, 2004. File #285

PUBLIC WORKS DEPARTMENT - A. Nazemi:

- 29)
 - a) Accept all bids; and
 - b) Award agreement to Granite Construction Company in an amount not to exceed \$1,412,412 as lowest responsive, responsible bidder and waive immaterial defects for Historical Park Bridge project @ Tres Pinos Creek; and
 - c) Authorize CAO to make a final budget increase for FY2004/2005 to reflect contract price.

BOARD ACTION: Upon motion made by Supervisor Monaco and seconded by Supervisor Loe moved to: a) Accept all bids; b) Award agreement to Granite Construction as recommended by Public Works; and, c) authorized CAO to make final budget increase for FY 2004/2005 to reflect contract price.

(4-0 vote. Scagliotti absent) File #105

- 30)
 - a) Accept all bids; and
 - b) Award agreement with Beltramo Electric, Inc. in the amount of \$71,500 as lowest responsive, responsible bidder for installation of traffic signal at Sunnyslope / Fairview intersection; and
 - c) Authorize CAO to make a final budget increase for FY2004/2005 to reflect contract price.

BOARD ACTION: Upon motion made by Supervisor Monaco and seconded by Supervisor Kesler moved to: a) Accept all bids; b) Awarded agreement to Beltramo Electric, Inc. as recommended by Public Works; and, c) Authorized CAO to make a final budget increase for FY 2004/2005 to reflect contract price.

(4-0 vote. Scagliotti absent) File #105

ADMINISTRATIVE BUSINESS:

31) Consider acceptance of Proposed Budget for Fiscal Year 2004/2005 as expenditure authority until approval of the final budget at budget hearings. (CAO)

County Administrative Officer Dan Vrtis reported that the total budget recommended for FY 2004/2005 is \$72,576,972.00 for all funds. Of this total figure, \$29,026,601 is the recommended total for the General Fund. This figure includes an estimated General Fund balance on July 1st of \$4,000,000.00 from which \$1,350,000 is recommended to be appropriated for contingencies.

Mr. Vrtis commended the Department Heads for their cooperation noting that they did an outstanding job in reducing their budgets by 5%. Mr. Vrtis acknowledged staff members, Robin Scattini, Susan Lyons and Mary Oteri for their contributions to the preparation of the proposed budget.

BOARD ACTION: *Upon motion made by Supervisor Kesler and seconded by Supervisor Loe moved to:*

- 1) *Accept the FY 2004/2005 Proposed Budget as expenditure authority until adopted as the Final Budget at budget hearings with such changes, additions or deletions as approved by the BOS;*
- 2) *Set budget hearings for August 2nd, 3rd and 4th of the year 2004 to publicly review and adopt the FY 2004/2005 Proposed Budget as the Final Budget for FY 2004/2005 and direct the Clerk of the Board to post and publish public notice of the hearings as required by law;*
- 3) *Adopt a fixed asset rate of \$3000 for all County departments wherein any fixed asset purchase that exceeds \$3000 requires Board approval prior to point of purchase;*
- 4) *Withhold authorization for all new positions and fixed assets recommended in the FY 2004/2005 Proposed Budget pending completion of budget hearings unless specifically addressed and authorized;*
- 5) *Extend the hiring freeze for all vacant positions indefinitely (under parameters as adopted on March 25, 2003) until rescinded or amended by the BOS;*
- 6) *Set General Fund Contingencies at \$1.35 million pending any changes made by the Board during budget hearings; and,*
- 7) *Use \$1,800,000.00 of General Reserves to balance the FY 2004/2005 General Fund Budget pending any changes made by the Board during Budget Hearings.*

(4-0 vote. Scagliotti absent) File #865

10:00 a.m. CLOSED SESSION AGENDA:
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32) 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

2 cases withdrawn by County Counsel.

1 case – Authorized legal costs for the District Attorney in connection with mediation efforts in an amount up to \$5000 to be paid out of General Fund Contingencies. Jon Giffen will be retained on behalf of the District Attorney.

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

2 cases withdrawn by County Counsel.
1 case – No reportable action. File #235.6

33) 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) California Farm Bureau Federation, et al. vs. California Department of Forestry and Fire Protection, et al.

No reportable action.

d) United States Of America v. San Benito County, John R. Hodges, et al.

Authorized retention of Renne, Sloan, Holtzman & Sakai to assist the county with Consent Decree compliance and provision of Elections Law advice.

e) County of San Benito vs. Doodlebug LLC.

No reportable action. File #235.6

1:30 p.m. PUBLIC HEARINGS

PLANNING DEPARTMENT - R. Mendiola

34) Hold public hearing to consider the update to the San Benito County General Plan Housing Element 2001–2008 and an amendment to Land Use Element Policy 18 (Project #GPA 2004-25) and proposed resolution.

Detailed background information was received from Senior Planner Mary Paxton.

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

Jim DeLaPena, Chaplain of the County Jail and member of Hillside Christian Fellowship, came forward. Mr. DeLaPena urged the Board to include transitional housing in the Element. Mr. DeLaPena indicated when persons are released from jail, if there are no family members willing to take the released persons, they are left to either wander the streets or get picked up for vagrancy and are incarcerated yet again.

Mike Cowell, resident and member of Hillside Christian Fellowship, came forward. Mr. Cowell agreed with Mr. DeLaPena and asked the Board to view this situation as an "unmet need" for such displaced persons. Mr. Cowell suggested that an unused building be remodeled for men and women to utilize in such circumstances. Mr. Cowell urged the Board to consider transitional housing.

Carl Chase, local resident, reading from a prepared statement, urged the Board to consider implementation of an economic development plan to produce revenue to meet the needs of the County.

Brian Abbott, Executive Director of the Community Services Development Corporation, came forward. Mr. Abbott urged the Board to support the Housing Element and praised the document for incorporating the affordable housing issues that plague the County. Mr. Abbott indicated he was most impressed with staff members Mary Paxton and Susan Heiser for their hard work and outreach to the community on this plan.

Kathryn Flores, Director of the Community Services & Workforce Development department came forward. Ms. Flores urged the Board to adopt the Housing Element as this serves as a blueprint and makes the County eligible to apply for necessary CDBG and HOME funding. Ms. Flores indicated that since 1995, the County has applied for and received a total of \$5.3 million from CDBG, HOME and other grants.

Ms. Flores indicated in the previous Housing Element, that blueprint paved the way for the development of Riverview Estates, affordable housing project and again, urged the Board to approve the Element today.

Al Martinez, Executive Director of the Economic Development Corporation, came forward. Mr. Martinez stated that the lack of affordable housing, especially rental units, is a major factor in this community. Mr. Martinez cited that there are very few affordable rental units available. Mr. Martinez stated that the average price of a home in San Benito County is \$500,000. There were very few available from \$300,000 on up to \$1-million. He urged the Board to include more rental units as a means of affordable housing for not only seniors and farm workers, but those just trying to get by.

Web Winans, Lovers Lane resident, came forward. Mr. Winans noted people need a place to live. But, there isn't enough room in our schools and lack of adequate infrastructure need to be addressed first. Mr. Winans suggested starting from scratch since the County needs to take care of all families, businesses, roads, etc.

Mr. Winans suggested that the option of rental complexes and manufactured homes be explored as well.

Attorney Bradley Sullivan, representing Lombardo & Gilles, came forward. Mr. Sullivan indicated that the background information supplied by Ms. Paxton was addressing points raised by him in a letter. Mr. Sullivan noted he recognized the need of the Housing Element, but it shouldn't just be to comply with State regulations. Mr. Sullivan noted he would like the Board to address incentives for market rate development that would assist in subsidizing affordable housing and there could be exemptions to the growth management ordinance.

Maribel Garcia, 1240 Sunset Drive, came forward. Ms. Garcia noted there was a serious, critical need for affordable housing in the County. Ms. Garcia indicated she tried to buy a home here but even working two jobs, she couldn't afford to buy and at one point was forced to leave the area due to inflated prices here.

There being no one further wishing to address the Board, Chairman Cruz closed the public hearing.

Senior Planner Mary Paxton stated she felt the Element addressed many of the comments made today.

Planning Director Rob Mendiola came forward. Mr. Mendiola noted there were exceptions to the growth management plan. The County could approve 5% *if* 4% is specifically affordable housing. There has to be control of lot creation for market rates and that has been kindly dealt with and staff has worked to stimulate affordable units.

Chairman Cruz cited a recently approved project that came forward and gave 30% of its project to affordable homes from the \$150,000 to \$214,000 price range.

Supervisor Monaco noted the Housing Element was a living document that could be modified in the future and that point should be kept in mind.

Supervisor Loe made the motion to approve this item as recommended by staff. Supervisor Monaco was second on the matter.

Held Public Hearing.

BOARD ACTION: *Held Public Hearing. Upon motion duly made, seconded and carried:*

- a) Accepted comments from CA Department of Housing & Community Development;*
- b) Accepted written and public comments;*
- c) Approved Mitigated Negative Declaration for GPA 2004-25;*
- d) **Approved Resolution No. 2004-82 approving GPA 2004-25 and adopting Mitigated Negative Declaration.***

Motion passed 3-0 with Supervisors Kesler and Scagliotti being absent for the vote. (file #790)

INTEGRATED WASTE MANAGEMENT - M. Rose:

35) a) **Hold public hearing on the proposed revision of John Smith Road Landfill Rate Schedule; and**

b) **Consider proposed resolution to implement said revised rate schedule.**

Waste Management Director Mandy Rose indicated a public hearing was necessary for any increases and/or decreases of the fee schedule. At their meeting of June 22nd, the Board directed Ms. Rose to schedule a public hearing today to discuss said rates and to revise the schedule and presented overheads with rate comparisons and other detailed information.

This being the duly noted time and place, Chairman Cruz opened the public hearing; however, hearing no one wishing to address the Board, Chairman Cruz closed said public hearing.

Supervisor Monaco made the motion to approve **Resolution No. 2004-83** as recommended by staff. Supervisor Kesler was second on the matter.

BOARD ACTION: *Upon motion duly made, seconded and carried, approved Resolution No. 2004-83 Approving An Amended Rate Schedule For The Disposal Of Solid Waste At John Smith Landfill. Motion passed 4-0 with Supervisor Scagliotti being absent for the vote. (file #142)*

36) a) **Hold public hearing to clarify the applicability of solid waste transportation franchise fees; and**

b) **Consider proposed resolution setting solid waste transportation franchise fees.**

Waste Management Director Mandy Rose indicated at the meeting of June 22nd, the Board directed her to schedule a public hearing today to clarify the applicability of solid waste transportation franchise fees.

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

Brigit Winans, Lovers Lane resident, came forward. Mrs. Winans inquired as to whether or not a permit was necessary to transport green waste.

Director Mandy Rose indicated only for those transporting out of county waste.

Hearing no one further wishing to address the Board, Chairman Cruz closed the public hearing.

Supervisor Monaco made the motion to approve the resolution as outlined by staff. Supervisor Kesler was second on the matter.

BOARD ACTION: *Held Public Hearing. Upon motion duly made, seconded and carried, approved Resolution 2004-84 Setting The Solid Waste Transportation Franchise Fees. Motion passed 4-0 with Supervisor Scagliotti being absent for the vote. (file #142)*

REGULAR AGENDA:

37) **Consider third amendment to the operating agreement between the County of San Benito and Waste Solutions Group.**

Waste Management Director Mandy Rose indicated the third amendment was needed to memorialize the use of funds for diversion activities, etc.

Supervisor Monaco made the motion to approve said agreement as outlined by staff. Supervisor Kesler was second on the matter.

BOARD ACTION: *Upon motion duly made, seconded and carried, approved the third amendment to the operating agreement between the County of San Benito and Waste*

Solutions Group. Motion passed 4-0 with Supervisor Scagliotti being absent for the vote. (file #142)

ADDENDUM:

INTEGRATED WASTE MANAGEMENT - M. Rose:

38) Consider Brownfields Assessment Grant Award Submittal Package.

Director Mandy Rose noted that Counsel Forcum pointed out during the morning session that this matter arose after the posting of the agenda and that a response was necessary by July 9, 2004. Ms. Rose indicated correspondence had been received from the Environmental Protection Agency (EPA) making the County aware that there were some unforeseen costs associated with this package. Ms. Rose indicated there was an exhaustive list of what is eligible and what is not, but the bottom line was the County could spend between \$35,000 to \$50,000 over the next two years in pursuing this matter for mitigation.

Ms. Rose indicated the documents had to be filed by July 9th, this Friday and needed direction from the Board on how to proceed with this matter.

Discussion ensued regarding the best avenue to pursue. Discussion included checking with the San Benito County Water District for assistance, citing their contribution of \$5,000 for groundwater testing; District Attorney John Sarsfield seeking assistance from Mr. Ray Heubert, an environmental circuit prosecutor to determine who is the responsible property owner, etc.

Supervisor Monaco made the motion to direct staff as appropriate to proceed with grant award submittal package and authorized the County Administrative Officer to sign the Brownfields documents reflecting that the Integrated Waste Manager is the county contact person. Supervisor Monaco was second on the matter.

BOARD ACTION: *Upon motion duly made, seconded and carried:*

a) *Directed staff as appropriate to proceed with said grant award submittal package; and*

b) *Authorized the County Administrative Officer to sign the Brownfield grant documents; and*

c) *Designated the Director of Integrated Waste Management as the County of San Benito contact person for grant related business..*

Motion passed 4-0 with Supervisor Scagliotti being absent for the vote. (file #142.9)

32) 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 (Cont. from the morning session - one case to hear)

Upon exiting Closed Session, Counsel Forcum reported that the Board of Supervisors authorized legal costs for the District Attorney in conjunction with mediation efforts in an amount up to \$5,000 to be paid out of General Fund Contingencies. Jon Giffen will be retained on behalf of the District Attorney. (file #235.6)

Integrated Waste Management Director Mandy Rose asked the to briefly revisit Item #35 - John Smith Road Landfill Rate Schedule.

Ms. Rose asked that the Board amend language as follow:

"NOW, THEREFORE, BE IT RESOLVED by the San Benito County Board of Supervisors that the attached schedule of disposal rates is approved and becomes effective August 1, 2004."

Supervisor Monaco made the motion to amend language in Resolution Number 2004-83 as outlined by Ms. Rose. Supervisor Kesler was second on the matter.

BOARD ACTION: *Upon motion duly made, seconded and carried, approved Resolution Number 2004-83 with an amendment to language incorporated to reflect effective date for the John Smith Road Landfill Rate Schedule as August 1, 2004. Motion passed 4-0 with Supervisor Scagliotti being absent for the vote. (file #142)*

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: Pat Loe, Reb Monaco, Ruth Kesler, Bob Cruz
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: Richard Scagliotti

There being no further business the Board adjourned to its next regularly scheduled meeting on Tuesday, July 27, 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

(Morning Session)

Sally Navarez

Assistant Board Clerk

(Afternoon Session)