

SAN BENITO COUNTY BOARD OF SUPERVISORS REGULAR MEETING AUGUST 3, 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 present. Also present was County Administrative Officer Dan Vrtis, County Counsel Karen Forcum and Senior Board Clerk Linda Churchill. Chairman 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:** Michael Martin, Assistant Chief with the Department of Forestry advised the Board of Supervisors (BOS) that due to re-organization within the San Benito/Monterey Unit he will be assuming the Assistant Chief responsibilities for San Benito County and the County Fire Department. Mr. Martin said he would be administering contracts and would be the point of contact right below Chief Sam Mazza.
- d) **Department Head Announcements:** There were none.
- e) **Board Announcements, Introductions and Presentations:** Information only.
Supervisor Monaco reported that he and Supervisor Loe attended the swearing in ceremony of our new Volunteer Mounted Search and Rescue Unit at Bolado Park and noted that it was a very impressive event.

CONSENT AGENDA:

Upon motion made by Supervisor Kesler and seconded by Supervisor Loe approved Consent Agenda Items 1 through 7.

AGRICULTURAL COMMISSIONER - P. Matulich:

- 1) **Approved** agreement with the California Department of Food and Agriculture in the amount of \$38,110.11 for Pierce's Disease Glassy Wing Sharp Shooter Inspection Program services with a contract term of July 1, 2004 through June 30, 2005. *File #1.1*
- 2) **Approved** agreement with the California Department of Food and Agriculture in the amount of \$3,244.98 for Nursery Inspection Program services with a contract term of July 1, 2004 through June 30, 2005. *File #1.1*

AUDITOR:

- 3) **Approved** Departmental Claims.

MENTAL HEALTH - A. Yamamoto:

- 4) **Approved** out of state travel request for Mental Health staff member to conduct quarterly case management evaluation of client placed in out of state group home, August 25 - 26, 2004. *File #810*

PROBATION - D. Botts:

- 5) **Approved** amendment to agreement with Fouts Springs Youth Facility in the amount of \$30,000 reflecting increased costs for juvenile placement at said facility. *File #510*

SHERIFF - C. Hill:

- 6) **Approved** out of state travel request for one Sheriff's Sergeant to attend 30th Annual International Outlaw Motorcycle Gang Investigators Association Conference in Buffalo, New York, September 11-17, 2004. *File #110*
- 7) **Adopted Resolution 2004-88** authorizing acceptance of a cash donation to the K-9 Unit to assist with food and vaccinations for K-9 "Jack" in Fiscal Year 2004/2005.
File #110

9:40 a.m. REGULAR AGENDA:

HEALTH & HUMAN SERVICES AGENCY - M. Coppola

- 8) **Consider and accept the Self-Assessment for Children's Protective Services Report.**
Marilyn Coppola, Director of Health & Human Services provided background information and outlined the report.

BOARD ACTION: *Accepted the Self-Assessment for Children's Protective Services Report. File #130*

COUNTY COUNSEL - K. Forcum:

- 9) **Consider report regarding the effect of Proposition 218 on the Board of Supervisors' Adoption of County Service Area charges.**

County Counsel Karen Forcum stated that she would like more time to research this complex issue noting that her preliminary conclusion is that our process is legal.

Chris Trytten, Hollister Ranch Estates (CSA 49), said he would wait for the final report before addressing the BOS.

BOARD ACTION: *Continued the item to a date uncertain for a final report from County Counsel. File #156.1*

PUBLIC WORKS:

- 10) **Consider a proposed resolution confirming the amended annual report, as per Government Code Section 25210.77a, for CSA #49 (Hollister Ranch Estates).** *(cont. from 7/27/04 public hearing)*

Pete Corn, Assistant Public Works Director, provided background information stating that this item was continued from the public hearing held on July 27, 2004 when it was realized that CSA #49, Hollister Ranch Estates, consisted of three sub-zones and consequently resulted in varying parcel charges within the entire CSA.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Kesler adopted **Resolution No. 2004-89** confirming the amended report of County Service Area #49 (Hollister Ranch Estates) setting forth the charges for each parcel of real property receiving services through CSA #49 for FY 2004-2005.*

The motion passed unanimously. CSA 49 File

11) Consider and accept report / update regarding Nash Road Bridge project.

Arman Nazemi, Assistant Public Works Director, provided an update stating that the project should be completed by October 2005.

BOARD ACTION: *Accepted report. File #105*

12) Consider and approve plans and bid documents for construction of the Nash Road Bridge and authorize staff to solicit for construction bids.

Arman Nazemi, Assistant Public Works Director, requested approval of the plans and bid documents noting that the documents were available for review with the Clerk of the Board.

BOARD ACTION: *Upon motion made by Supervisor Loe and seconded by Supervisor Monaco approved the plans and specifications and authorized staff to solicit bids for construction of the Nash Road Bridge project. File #105*

ADMINISTRATIVE BUSINESS:

13) Consider County employee picnic / barbecue. (CAO)

County Administrative Officer Dan Vrtis reported that during a recent Department Head meeting a discussion was held regarding the recognition and contributions and the dedication of San Benito County employees. Mr. Vrtis said he as asked the department heads to work with Administration and Human Resources to establish an Employee of the Month program and an employee barbeque to recognize the efforts of a safe workplace and to say thank you. Mr. Vrtis asked the BOS for approval.

BOARD ACTION: *Upon motion made by Supervisor Loe and seconded by Supervisor Kesler directed the County Administrative Officer (CAO) to go ahead with the Employee Recognition BBQ with monies to come from the Safety Incentive Rebate Budget and Non-Departmental Expenses Budget not to exceed \$5000.*

(The motion passed 4-1. Scagliotti voted no.) File #119

14) Consider and discuss Campaign Finance reform issues. (CAO & Counsel)

County Administrative Officer Dan Vrtis provided background information stating that this item is a continued discussion from the special study session held on July 13, 2004 to discuss campaign financing. Direction was given to investigate whether the Elections Department can put the FPPC (Fair Political Practices Commission) reports (Form 460) on the Internet.

Discussion was held regarding content of a proposed Campaign Finance reform ordinance and placing the FPPC 460 Forms on the Internet.

Mary Lou Andrade, Treasurer/Tax Collector, felt that we should look into how several other counties handle campaign financing and not to implement this right away and take the time to do it right.

Anthony Botelho, San Juan Bautista resident, said he would like to see the process encourage people to participate and hoped that whatever is done it would not hinder people from participating.

Tim Foley, Superintendent of Schools, said he endorsed the openness of the elections by posting the 460 Form on the Internet and as a part of the study of the campaign finance reform for San Benito County he encouraged the BOS to seek a broader context of the ethical oversight, possibly by forming a committee to make sure campaigns are conducted above board.

John Hodges, Clerk/Auditor/Recorder, said he felt it was a good idea to post the 460 Forms on the Internet noting that it would require more labor and they would need equipment to scan the forms for the Internet. Mr. Hodges said this would probably encourage better 460 reports noting that they are governed by the State of California and the Elections Department is strictly a pass-through office.

Discussion ensued regarding the personal information redacting requirements for placing information on the Internet.

BOARD ACTION: Supervisor Loe made a motion directing County Counsel to agendize a report for discussion at the August 10, 2004 BOS meeting regarding preparation of a Campaign Finance Reform ordinance and to prepare a proposed ordinance for consideration at the August 24, 2004 BOS meeting including the following: For candidates agreeing to a spending limit the cap for a district race would be \$10,000 and for a countywide race it would be \$25,000 per election; and, for individual donations if a candidate does not agree to the spending limit the cap would be \$100 per individual and if they do agree to the spending limit the cap would be \$250 per individual. Supervisor Loe stated that this ordinance could go into effect in December 2004 and would not affect this election and would include Board of Supervisor members and elected county officials at this time. Supervisor Scagliotti seconded the motion:

ROLL CALL VOTE:

Supervisor Loe	Yes
Supervisor Scagliotti	Yes
Supervisor Monaco	No
Supervisor Kesler	No
Supervisor Cruz	Yes

The motion passed 3-2.

Upon motion made by Supervisor Loe and seconded by Supervisor Kesler directed the Elections Department staff to post the FPPC 460 Forms for local races on the Internet as soon as possible noting that certain personal information would be left out according to the Government Code. **The motion passed unanimously. File #156**

10:30 a.m. CLOSED SESSION AGENDA:
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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**

2 cases – No reportable action.

1 case withdrawn by County Counsel.

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

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. Supervisor 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.

No reportable action.

- e) County of San Benito vs. Doodlebug LLC.

No reportable action. File #235.6

17) Public Employment

Title: County Administrative Officer

No reportable action.

18) Public Employee Performance Evaluation

Title: County Counsel.

No reportable action.

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, Richard Scagliotti, Reb Monaco, Ruth Kesler, Bob Cruz

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

There being no further business the Board adjourned to its next regularly scheduled meeting on August 10, 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