

**SAN BENITO COUNTY
BOARD OF SUPERVISORS
REGULAR MEETING
AUGUST 10, 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:** None
- d) **Department Head Announcements:** None.
- e) **Board Announcements, Introductions and Presentations:** Supervisor Monaco reported that on Wednesday, August 4, 2004 he met with Congressman Sam Farr at the County Historical Park. Congressman Farr was very impressed with the work that has been done at the Park by the local Historical Park Committee.

CONSENT AGENDA:

Upon motion made by Supervisor Monaco and seconded by Supervisor Kesler, approved Consent Agenda Items 1 through 9.

AGRICULTURAL COMMISSIONER:

- 1) **Approved** agreement with the California Department of Pesticide Regulation in the amount of \$8,144 for Pesticide Use Reporting Services, FY 2004/2005 with a contract term of July 1, 2004 through June 30, 2005. *File #1.1*

AUDITOR:

- 2) **Approved** Departmental Claims.
- 3) **Approved** agreement with MAXIMUS for provision of professional services for the Cost Plan Preparation for FY 2004/2005 in the amount of \$6,250 plus \$750 expenses for 2004/2005 effective August 10, 2004. *File #608*

- 4) **Approved** agreement with Bartig, Basler & Ray, CPA's in the amount of \$40,000 for audit services of the fiscal records of the County of San Benito as of and for the fiscal year ending June 30, 2004 for FY 2004/2005 effective August 10, 2004. *File #608*

CLERK OF THE BOARD:

- 5) **Approved** the action minutes of the meeting of July 27, 2004.

COUNTY COUNSEL

- 6) **Re-appointed** Karen Forcum as County Counsel for a four-year term commencing February 14, 2005, including a waiver of the residence qualifications pursuant to Government Code Section 27641.1 *File #160*

MENTAL HEALTH:

- 7) **Appointed** Kathy Engelhardt as a public interest member to the Mental Health Board with a term of August 10, 2004 to January 1, 2005. *File #810*

PUBLIC WORKS:

- 8) **Declared** Administration Office vehicle as surplus equipment per County procedure and **approved** removal of vehicle from inventory. *File #105*
- 9) **Approved** agreement with Republic Electric to provide construction inspection services on new traffic signal at Fairview Road/Sunnyslope intersection with a contract term of August 10, 2004 to December 31, 2004. *File #105*

9:40 a.m. REGULAR AGENDA:

COUNTY COUNSEL:

- 10) **Consider report regarding preparation of a Campaign Finance Reform Ordinance.**

County Counsel Karen Forcum provided background information reporting that at the Board of Supervisors (BOS) meeting on August 3, 2004 County Counsel's office was directed to prepare a Campaign Finance Reform Ordinance and bring it back to the meeting of August 24, 2004 for consideration and in the interim bring back any sort of clarification questions that may arise in the drafting of that ordinance.

Discussion was held and County Counsel received clarifications from the Board with regards to the campaign contribution limits they wanted to include in the proposed ordinance as well as how to define organizations and businesses.

BOARD ACTIONS: *Directed staff to look into an Ethics Committee.*

Directed County Counsel to prepare a proposed Campaign Finance Reform Ordinance incorporating items discussed today (8/10/04) and agendize the introduction of the ordinance for the August 24, 2004 meeting. File #156

ADMINISTRATIVE BUSINESS:

11) Consider resolution in opposition to proposed Santa Cruz County Landfill in the immediate vicinity of Aromas.

Supervisor Kesler stated that she was the person who placed this item on the agenda noting that this was a big issue in her district and even though this may be premature in the process there were several people present who would like to address the Board with their concerns.

Chairman Cruz opened the item for comment from the public.

The following persons spoke in opposition to this proposed Santa Cruz County Landfill in the immediate vicinity of Aromas: Richard Saxe, Aromas resident; Robert Scoles, Aromas resident; George Mortan, Aromas resident; Patty Brown, Aromas resident; and, Anthony Botelho, San Juan Bautista resident.

Mr. Scoles submitted a copy of a letter dated May 26, 2004 to the Santa Cruz County Board of Supervisors from the Santa Cruz County Public Works Director regarding Emerging Waste Management Technologies and also a copy of the public comment page from the Santa Cruz Sentinel dated Tuesday, August 10, 2004.

Discussion was held regarding the appropriateness of a resolution at this stage of the process.

BOARD ACTIONS: *Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, directed staff to prepare a letter for signature by the Chairman to the Santa Cruz County Board of Supervisors requesting that San Benito County be included as a part of the process in choosing a site for a proposed Santa Cruz County Landfill in order to represent the citizens of San Benito County, particularly the Aromas area. (The motion passed 4-1. Kesler voted no.)*

Directed staff (Integrated Waste Management Department) to agendize the response from Santa Cruz County for further discussion and to update the Board of Supervisors at least once a month thereafter. File #142

10:00 a.m. CLOSED SESSION AGENDA:

12) 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**

1 case withdrawn by County Counsel.

2 cases – No reportable action.

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

3 cases withdrawn by County Counsel. File #235.6

13) 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 vs. 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

14) Public Employment

Title: County Administrative Officer

No reportable action. 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: 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 24, 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