

**SAN BENITO COUNTY
BOARD OF SUPERVISORS
ACTION MINUTES
AUGUST 24, 2004**

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in regular session at 9:30 a.m.. Supervisors Loe; Scagliotti; Monaco, Kesler and Cruz were all present. Also present was County Administrative Officer Dan Vrtis, County Counsel Karen R. Forcum and Assistant Clerk Sally Navarez. Chairman Bob Cruz presiding when the following was had to wit:

CALL TO ORDER:

a) **Pledge of Allegiance.**

Chairman Cruz asked for a moment of silence remembering Lena Pacheco, mother of Senior Clerk Linda Churchill, who passed away early this morning.

b) *Upon motion duly made, seconded and carried, acknowledged the Certificate of Posting.*

c) **Public Comment.** There was no public comment.

d) **Department Head Announcements.** There were no Department Head announcements.

e) **Board Announcements, Introductions and Presentations.** Chairman Cruz invited the public to attend an "Election Informational Forum" which was being sponsored by the League of United Latin American Citizens (LULAC) this evening in the Board Chambers at 7:00 p.m.

CONSENT AGENDA:

Chairman Cruz indicated Counsel Forcum asked that Item #20 be pulled for clarification.

Counsel Forcum indicated there was specific language incorporated to Schedule A of the agreement in order for the item to be consistent with the language contained within the standard county contract form. Ms. Forcum recommended the item be approved.

Upon motion duly made, seconded and carried, approved Consent Agenda Items #1 through #21. Motion passed unanimously.

ADMINISTRATION:

1) **Approved** 36-month copier lease with Simplified Office Systems effective August 24, 2004 and authorized CAO to sign said lease on behalf of the County. (Management Analyst) (file 119)

2) a) **Approved** agreement with the California Department of Forestry and Fire Protection for fire protection services with a contract term of July 1, 2003 through June 30, 2006; and

b) **Approved Resolution 2004-90 Adopting Contract For Fire Protection Services With The California Department of Forestry For FY2003/2004** to reflect a total of \$732,900 in Schedule A Services for Fiscal Year 2003/2004 and authorized Chair to sign. (Management Analyst) (file #60)

3) **Approved** agreement with Jovenes de Antano in the amount of \$30,000 for senior citizens services with a contract term of July 1, 2004 through June 30, 2005 and authorized Chair to sign. (Management Analyst) (file #1042)

AUDITOR:

4) **Approved** Departmental Claims.

CLERK OF THE BOARD:

5) **Approved** the action minutes of the meetings of August 3, 2004; August 10, 2004; and special meeting of August 2, 2004.

6) **Approved** Proofs of Publications.

COMMUNITY SERVICES & WORKFORCE DEVELOPMENT - K. Flores:

7) **Approved** reappointment of David Wright to the Workforce Investment Board representing the private sector for a three year term effective September 1, 2004 through August 31, 2007. (file #939)

8) **Approved** renewal of sublease with the State Employment Development Department in the amount of \$28,696 for One-Stop Career Center space and authorized CSWD Director to sign on behalf of the County. (file #939)

9) **Approved** agreement with Labor Consultants of California in the amount of \$8,920 for labor standards enforcement and review services related to rehabilitation of the Unaccompanied Adult Labor Camp with a contract term of August 1, 2004 through December 31, 2005 and authorized CSWD Director to sign on behalf of the County. (file #750)

10) **Approved** agreement with Labor Consultants of California in the amount of \$10,120 for labor standards enforcement and review services related to CDBG grant for construction of a low-income childcare center with a contract term of September 1, 2004 through June 30, 2005 and authorized CSWD Director to sign on behalf of the County. (file #939)

11) **Approved** request to submit a Workforce Investment Act (WIA) Incentive Award application. (file #939)

HEALTH & HUMAN SERVICES AGENCY - M. Coppola:

12) **Approved** agreement with the State Department of Health Services in the amount of \$5,705 to conduct a Chlamydia Awareness and Prevention Program (CAPP) for a five year term effective July 1, 2004 through June 30, 2009 and authorized Chair to sign. (file #420)

13) **Approved** agreement with the State Department of Health Services in the amount of \$31,686 to assist in the implementation of a Statewide Immunization Information System (SIIS) with a contract term of July 1, 2004 through June 30, 2005 and authorized Chair to sign. (file #420)

14) **Approved** increase for In Home Supportive Services (IHSS) provider rates to \$9.50/hr in accordance with MOU. (file # 130.1)

15) **Approved** Local Public Health Preparedness certification against supplanting funds and authorized Chair to sign said certification. (file e#420)

16) **Approved** agreement with the San Benito High School District in the amount of \$7,572 for school nursing services with a contract term of July 1, 2004 through June 30, 2005 and authorized Chair to sign. (file #420)

PROBATION - D. Botts:

17) **Approved** agreement with Shasta County Crystal Creek Regional Boys' Camp in the amount of \$85/hr per ward for intervention and commitment program for minors for a contract term of three (3) years and authorized Chair to sign. (file #510)

PUBLIC WORKS:

18) **Approved** agreement with the California State Controller's Office, Division of Audits in the amount of \$3,000 for services to prepare Annual Road Fund Audit Report for FY2003/2004 and authorized the Assistant Director of Public Works to sign on behalf of the County. (file 105)

19) **Approved Resolution No. 2004-91 Approving Delegation Of Authority For Executing California Department Of Transportation (CalTrans) Documents** and authorized Chair to sign. (file #105)

SHERIFF - C. Hill:

20) **Approved** agreement renewal with Frank Ledesma in the amount of \$16,644 for inmate GED Instructor services with a contract term of July 1, 2004 through June 30, 2005 and authorized Chair to sign. (file #110)

SUBSTANCE ABUSE PROGRAM - M. Narasaki:

21) **Approved** agreement with Sheri's Maintenance in the amount of \$3,000 for office cleaning services with a contract term of July 15, 2004 through June 30, 2005 and authorized Chair to sign. (file #1053)

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| REGULAR AGENDA: |
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UC EXTENSION / FARM ADVISOR - P. Johns:

22) **Consider endorsement of San Benito County 4-H Council "fun raising" plan.**

Board received information and background on the "Fun Raising" campaign from Director Pat Johns who explained the "Kiss a Pig" contest and 4-H member Mark Tobias who is raising the pig to be sold at the County Fair, presented pictures of the animal.

BOARD ACTION: Upon motion, duly made by Supervisor Monaco, seconded by Supervisor Loe and carried, endorsed the San Benito County 4-H "fun raising" project with the revenue generated be used to reduce the net cost to the county for the UC Cooperative Extension through public donations. Motion passed unanimously. (file #3)

COUNTY COUNSEL - K. Forcum:

23) **Conduct discussion regarding the formation of an Ethics Commission in the County of San Benito.**

BOARD ACTION: Supervisor Loe made the motion to bring this matter back for a public hearing at the meeting of September 28, 2004. Supervisor Scagliotti was second on the matter.

Under the question, Chairman Cruz asked Counsel and the Administrative Officer if this has been made available to the public.

CAO Vrtis explained it was in the packet and a copy of the packet is in the building Lobby available for public review. Mr. Vrtis stated additional copies of the examples from the City/County of San Francisco and the City of San Jose can be placed in the Lobby for the public to review.

Motion passed unanimously. (file #156)

24) **Consider proposed ordinance establishing campaign finance reform; introduce ordinance; waive reading of said ordinance; allow for discussion and public input and continue consideration to the meeting of September 7, 2004.**

BOARD ACTION: Upon motion duly made seconded and carried, directed County Counsel to bring the matter back at the meeting of September 14, 2004 to introduce a revised ordinance incorporating deletions/changes as outlined and with an inclusion of a provision on the establishment of an Ethics Committee. Motion passed unanimously.

ADMINISTRATIVE BUSINESS:

25) **Consider proposed resolution in support of Proposition 63 - The Mental Health Services Act. (Supervisor Cruz & Mental Health Director A. Yamamoto)**

BOARD ACTION: Upon motion duly made, seconded and carried, approved **Resolution No. 2004-92 In Support Of Proposition 63 - The Mental Health Services Act.** Motion passed unanimously. (file #810)

6) **Discussion of county office space needs.**

BOARD ACTION: Directed staff circulate survey to all departments in order to get a better idea what the needs are for office space within the next five years and report back to the Board at a later date.

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| CLOSED SESSION AGENDA: |
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27) **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, there was one case to hear and two cases were withdrawn.

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

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

Per Counsel, there was one case to hear and two cases were withdrawn.

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

28) Conference with Legal Counsel - Existing Litigation

a) Sandman vs. County of San Benito.

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

c) United States of America vs. San Benito County, John R. Hodges, et al.

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

d) County of San Benito vs. Doodlebug LLC.

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

e) Fancher and Roybal v. County of San Benito, John Sarsfield, et al.

Upon exiting Closed Session, Counsel reported the Board authorized an allocation of \$20,000 for the District Attorney's legal costs in conjunction with this litigation with monies to come from General Fund Contingencies. (file #235.6)

29) Conference with Labor Negotiator:

Agency Designated Representative: Elizabeth Brown, Human Resources Director

Employee Organization: General Unit - SEIU, Local 817

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

30) Conference with Labor Negotiators:

Agency Designated Representative: Elizabeth Brown, Human Resources Director

Employee Organization: Management Employees Group (MEG).

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

31) Public Employment

Title: County Administrative Officer

Upon exiting Closed Session, Counsel indicated there was 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:

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| 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, September 7, 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