

**SAN BENITO COUNTY  
BOARD OF SUPERVISORS  
REGULAR MEETING  
SEPTEMBER 7, 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 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:** The following people came forward in opposition to a proposed Indian Gaming Casino that may be built in San Benito County: Mike Walters, North County resident; Marilyn Hill, Hollister resident; Dave Nicholaysen, Hollister resident; San Benito County Sheriff Curtis Hill; and Tom Dietrich, Hollister resident. All the speakers urged the Board of Supervisors to oppose this plan that they felt would deteriorate our county.  
Chairman Cruz noted that the County has invited representatives from California State Association of Counties (CSAC) who have been very involved with others casinos throughout California. A public hearing will be held sometime in October to discuss this proposal and the pros and cons.  
Management Analyst Susan Lyons indicated that there were two tentative dates (the 20<sup>th</sup> and 21<sup>st</sup> ) to choose from in October to hold this hearing noting that Supervisor Mike McGowan and Supervisor Valerie Brown will be present to lead an educational workshop with the Board of Supervisors and to allow the public to be able to comment. Ms. Lyons stated that the City of Gilroy would be invited also.
- d) **Department Head Announcements:** There were none.
- e) **Board Announcements, Introductions and Presentations:** There were none.

**CONSENT AGENDA:**

***Upon motion duly made by Supervisor Kesler and seconded by Supervisor Loe continued Consent Items 8 and 9 and moved Items 22 and 23 from Regular Agenda to the Consent Agenda and approved Consent Agenda with the exception of Items 8 and 9.***

ADMINISTRATION:

1) **Approved** agreement with Suicide Prevention Service of the Central Coast in the amount of \$6,000 for the provision of suicide prevention and grief support with a contract term of July 1, 2004 through June 30, 2005. *File # 22*

2) **Approved** agreement with the Law Offices of Senior Citizens Legal Services in the amount of \$3,000 for the provision of legal assistance to the elderly of San Benito County with a contract term of July 1, 2004 through June 30, 2005. *File #1040*

ASSESSOR - A. Fontes:

3) **Approved** Assessment Roll Corrections. *File #7.2*

AUDITOR - J. Hodges:

4) **Approved** Departmental Claims.

CLERK OF THE BOARD:

5) **Approved** the minutes of the special meeting of August 31, 2004.

County Clerk John Hodges came forward stating that he had requested that Consent Item #5 be pulled for discussion.

Chairman Cruz stated that he would allow Mr. Hodges to speak on the matter.

Discussion was held.

COMMUNITY SERVICES & WORKFORCE DEVELOPMENT - K. Flores:

6) a) **Approved** agreement with Monterey County in the amount of \$55,270 for training assistance with a contract term of October 1, 2003 through April 30, 2005; and

b) **Authorized** CSWD Director to sign agreement on behalf of the County; and

c) **Approved** augmentation of CSWD FY2004/2005 budget to incorporate funds. *File #939*

DEPARTMENT OF EMERGENCY SERVICES - M. Riopel:

7) **Approved** agreement with Monterey Information Technologies in the amount of \$49,500 for integration of existing fiber optic network with the City of Hollister with a contract term of September 8, 2004 through March 1, 2005 and **authorized** Director of OES to sign on behalf of the County. *File #75.5*

ELECTIONS - J. Hodges:

8) Consider agreement with Michael Hodges in the amount of \$15,000 for election services in the November 2, 2004 Presidential General Election with a contract term of September 7, 2004 through November 30, 2004. (cont. his item to a date uncertain.)

9) Consider agreement with Sequoia Pacific Systems in an amount not to exceed \$150,000 for services associated with the November 2, 2004 Presidential Election. (cont. this item to a date uncertain.)

HEALTH & HUMAN SERVICES AGENCY - M. Coppola:

10) **Approved** appointment of a Social Worker III Extra-Help position at Step F of Range 19.2. *File #130*

IN HOME SUPPORTIVE SERVICES – G. Swanson:

11) **Approved** the re-appointment of Committee members as follows:  
a) Victoria Lopez, Irma Fletcher, Patsy Pence and Josephine Ocampo for three year terms effective August 28, 2003 through August 28, 2006; and  
b) Kay Gibson, Anita Jones and Rafael Oliveras, Jr. for three year terms effective August 28, 2004 through August 28, 2007. *File #130.1*

LONG TERM CARE COMMISSION - G. Swanson:

12) **Approved** the following :  
a) Appointment of Patsy Pence, Linda Robinson, Lynnette Barrara, Joan Sattler and Mary Macias for the term of January 1, 2004 through December 31, 2006; and  
b) Re-appointment of Alexandra Aranda Morris, Terry Hancock and Ilona Montel for the term of January 1, 2004 through December 31, 2006; and  
c) Accept the resignation of Doris Houghtaling from said Commission. *File #1042*

MENTAL HEALTH - A. Yamamoto:

13) **Approved** agreement renewal with Hope Rehabilitation Services in the amount of \$25,000 for training opportunities and work experience for clients with a contract term of July 1, 2004 through June 30, 2005. *File #810*

14) **Approved** agreement renewal with K&R, Salvador Lodge Board and Care Facilities in the amount of \$10,000 for board and care residential treatment services with a contract term of July 1, 2004 through June 30, 2005. *File #810*

15) **Approved** agreement renewal with OMBUDSMAN/Advocate, Inc. in the amount of \$7,200 for client access to patient rights advocacy services with a contract term of July 1, 2004 through June 30, 2005. *File #810*

PROBATION - D. Botts:

16) **Approved** augmentation of FY04/05 overtime budget in the amount of \$6,368.08 for reimbursement of overtime expenses from the City of Hollister in association with the July 4<sup>th</sup>, 2004 Motorcycle Rally activities. *File #510*

PUBLIC WORKS:

17) **Adopted Resolution No. 2004-93** approving Federal Apportionment Exchange Program for Regional Surface Transportation Program (RSTP) funds and State Match Program Agreement. *File #105*

SHERIFF - C. Hill:

- 18) a) **Adopted Resolution No. 2004-94** accepting Quotation and purchase of new Fingerprint Equipment for the Jail, Juvenile Hall and Office of Education using trust funds; and  
b) **Approved** augmentation of funds from Trust Fund to Sheriff's Budget (Fixed Assets); and  
c) **Approved** adjustment to FY04/05 Fixed Asset Schedule to include the Fingerprint Equipment. *File #110*

- 19) **Adopted Resolution No. 2004-95** accepting a \$5,000 private donation for marijuana eradication efforts by the Unified Narcotics Enforcement Team (UNET). *File #110*

SUBSTANCE ABUSE PROGRAM - M. Narasaki:

- 20) **Approved** Final Amended (V.2) Negotiated Net Amount (NNA) agreement with the California Department of Alcohol and Drug Programs for FY2003/2004. *File #1053*

INTEGRATED WASTE MANAGEMENT - M. Rose:

- 21) **Approved** out of state travel request for Director of Integrated Waste to attend United States Environmental Protection Agency conference for Brownfields in St. Louis, Missouri, September 20 - 22, 2004. *File #142*

- 22) **Approved** third amendment to agreement with NorCal Waste Systems of San Benito County revising the franchise roll-off rates effective October 1, 2004. *File #142*

**9:40 a.m. REGULAR AGENDA:**

PROCLAMATION - United Way of San Benito County - C. Obeso-Bradley:

- 23) **Consider proclaiming September 2004 as "United Way Month" in San Benito County.**

**BOARD ACTION:** *Upon motion made by Supervisor Scagliotti and seconded by Supervisor Loe, approved the Proclamation declaring the month of September 2004 as "United Way Month in San Benito County and authorized the Chair to sign said Proclamation. The motion passed unanimously. File #430*

COUNTY COUNSEL - K. Forcum:

- 24) **Consider ordinance to amend the Purchasing Chapter of the County Code:**  
a) **Introduce ordinance; and**  
b) **Waive the reading of said ordinance; and**  
c) **Allow for Board discussion and public input regarding said ordinance; and**  
d) **Continue the consideration of the ordinance to the September 14, 2004 meeting.**

**BOARD ACTION:** *Chairman Cruz directed County Counsel to incorporate into the ordinance the suggestions made by District Attorney John Sarsfield relating to a litigation exception for the hiring of experts in the middle of a trial and the suggestion by Mental Health Director Alan Yamamoto to include an exemption for Mental Health related contracts including consulting contracts for specialized Mental Health services.*

**BOARD ACTION:** Chairman Cruz directed County Counsel to incorporate language into the ordinance that the department head at least ask for a quote from another vendor, if possible, for the benefit of the general public and the taxpayer.

**BOARD ACTION:** Chairman Cruz directed County Counsel to add a section to the purchasing chapter noting that any donation to the County has to be approved by the Board of Supervisors.

**BOARD ACTION:** Supervisor Scagliotti made a motion directing County Counsel to bring back the ordinance on September 14, 2004 with the changes as discussed. Supervisor Loe seconded the motion. The motion passed unanimously. File #156

## **10:00 a.m. CLOSED SESSION AGENDA:**

The Board adjourned into Closed Session at 10:20 a.m. and reconvened into Regular Session at 1:00 p.m. re:

### **25) Conference with Legal Counsel - Anticipated Litigation**

a) Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9. Number of cases: **4**

***2 cases – No reportable action.***

***2 cases withdrawn by County Counsel.***

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

***All 3 cases withdrawn by County Counsel. File #235.6***

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

***No reportable action.***

d) County of San Benito vs. Doodlebug LLC

***No reportable action.***

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

***No reportable action. File #235.6***

### **27) Conference with Labor Negotiator:**

Agency Designated Representative: Elizabeth Brown, Human Resources Director

Employee Organization: General Unit - SEIU, Local 817

***No reportable action. File #235.6***

**28) Conference with Labor Negotiators:**

Agency Designated Representative: Elizabeth Brown, Human Resources Director  
Employee Organization: Management Employees Group (MEG)  
**No reportable action. File #235.6**

**29) Public Employment**

Title: County Administrative Officer

**BOARD ACTION:** *County Counsel Karen Forcum reported that on September 3, 2004 Dan Vrtis submitted to the Board of Supervisors a letter of resignation from his position as County Administrative Officer effective September 8, 2004. The Board accepted the resignation and a press release is forthcoming regarding this matter. The motion passed 4-1. Scagliotti was absent for the vote. 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: SUEPRVISORS: None  
ABSENT: SUPERVISORS: None

There being no further business the Board adjourned to its next regularly scheduled meeting on September 14, 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