

**SAN BENITO COUNTY
BOARD OF SUPERVISORS
REGULAR MEETING ACTION MINUTES
SEPTEMBER 14, 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. in the County Administration Building, Board of Supervisors Chamber, 481 Fourth Street, Hollister, California. Supervisors Loe; Monaco, Kesler and Cruz were all present. Supervisor Scagliotti was absent. Also present was County Counsel Karen R. Forcum; Management Analyst Susan Lyons and Assistant Clerk Sally Navarez. Chairman Bob Cruz presiding when the following was had to wit:

CALL TO ORDER:

- a) Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged the Certificate of Posting.*
- c) **Public Comment:** The following persons informed the Board they were opposed to a casino in San Benito County: Annette Giacomazzi representing Casinos Represent a Poor Solution (CRAPS) ; Mary Maggio, local resident; Kim Baine, local resident; Francine Mandeville, local resident; Steve Merrill, local resident; Marilyn Hill, local resident; Marc Frelier, local resident; Jonathon Strong, local resident; Marcella Butler, local resident; Kristy Eggers, local resident; Stephanie Meyers, San Juan Bautista resident; Joy Chadham, local resident; Ruth Nordstrom; lifelong resident; and Manny Amaral, local resident.
- A local resident, who refused to give her name, asked the Board to look into an allegation she had presented to the Board Clerk.
- Supervisor Loe informed the audience it was difficult for the Board to listen to the pleas of the people and not be able to address the matter. Supervisor Loe stated the Board will be holding a public meeting on September 24, 2004 in order to start the review process.
- Supervisor Loe noted she would like to have this matter addressed at the next Board meeting to which Chairman Cruz so directed staff.
- d) **Department Head Announcements:** There were no announcements.
- e) **Board Announcements, Introductions and Presentations:** Chairman Cruz noted to the audience that the Board of Supervisors was scheduling a meeting at the Veterans Memorial Building on October 21st in order to receive public input regarding the proposed Indian Gaming Casino. Chairman Cruz indicated that officials from the surrounding areas will be invited to attend and participate and get the community involved. Representatives from the California State Association of Counties (CSAC) as well as Supervisor Valerie Brown of Sonoma County. Supervisor Brown will be able to inform the Board and audience of the pros and cons of such a facility within the community.

CONSENT AGENDA:

Upon motion duly made by Supervisor Kesler and seconded by Supervisor Monaco, approved the Consent Agenda Items #1 through Item #15. Motion passed 4-0 with Supervisor Scagliotti being absent for the vote.

BOARD OF SUPERVISORS:

- 1) **Approved** Certificate of Recognition for retiring County employee Linda Price for presentation at a later date. *(file #156)*
- 2) **Approved** Certificate of Recognition for retiring County employee Pam Beale for presentation at a later date. *(file #156)*

COMMUNITY SERVICES & WORKFORCE DEVELOPMENT - K. Flores:

- 3) **Approved** the request to:
 - a) **Rejected** all bids for the Joe Serna Jr. Farm Worker Housing Grant rehabilitation project at the unaccompanied adult labor camp received under previous Invitation For Bid (IFB) and approved by the Board on July 6, 2004; and
 - b) **Approved** revised Invitation For Bid (IFB) with a reduction to the scope of work; and
 - c) **Authorized** Director of CSWD to issue said revised IFB. *(file #750)*

COUNCIL OF GOVERNMENTS - T. Quigley:

- 4) **Approved** Proclamation declaring the week of October 4-8, 2004 as "Rideshare Week" in San Benito County and **authorized** Chair to sign. *(file #1035)*

DISTRICT ATTORNEY - J. Sarsfield:

- 5) **Approved Resolution No. 2004-96 Granting Approval And Submission Of An Application For Funding Of The Victim/Witness Assistance Program Of The District Attorney's Office** and submit same to the Governor's Office of Emergency Services and **authorized** Chair to sign. *(file #205)*

INTEGRATED WASTE MANAGEMENT - M. Rose:

- 6) **Approved and accepted** Used Oil Block Grant funds in the amount of \$24,969 from the California Integrated Waste Management Board and **authorized** Director to sign the grant agreement. *(file #142)*

LIBRARY - J. Wahdan:

- 7)
 - a) **Approved and accepted** a Global Language Materials Grant; and
 - b) **Authorized** County Librarian to sign documents related to Grant; and
 - c) **Approved** budget augmentation to increase Revenues and Expenditures in the amount of \$3,000. *(file #80)*

MARSHAL - R. Scattini:

- 8)
 - a) **Approved and accepted** report regarding Bailiff services for the courts; and
 - b) **Authorized** reduction/deletion of the Deputy Marshal classification from the Marshal Budget, Budget Unit 211; and
 - c) **Directed** Human Resources to take the necessary actions for layoff of said position effective October 15, 2004. *(file #265)*

MENTAL HEALTH - A. Yamamoto:

- 9) **Approved** agreement renewal with Gary Ernst in the amount of \$59,000 for administrative consultant services with a contract term of July 1, 2004 through June 30, 2005 and **authorized** Chair to sign. *(file #810)*
- 10) **Approved** agreement renewal with IDEA Consulting in the amount of \$98,000 for implementation of the Children's System of Care (CSOC) project with a contract term of July 1, 2004 through June 30, 2005 and **authorized** Chair to sign. *(file #810)*

- 11) **Approved** agreement with Central Coast Ambulance Services in the amount of \$3,500 for transportation of clients with a contract term of July 1, 2004 through June 30, 2005 and **authorized** Chair to sign. (file #810)
- 12) **Approved** agreement renewal with Nusrat Malik, M.D. in the amount of \$5,000 for the provision of physician evaluation services with a contract term of July 1, 2004 through June 30, 2005 and **authorized** Chair to sign. (file #810)
- 13) **Approved** agreement renewal with Merced County Mental Health in the amount of \$15,000 for the provision of outpatient and day treatment services with a contract term of July 1, 2004 through June 30, 2005 and **authorized** Chair to sign. (file #810)
- 14) **Approved** agreement renewal with Victor Treatment Center in the amount of \$80,000 for the provision of residential treatment services with a contract term of July 1, 2004 through June 30, 2005 and **authorized** Chair to sign. (file #810)

SUBSTANCE ABUSE PROGRAM - M. Narasaki:

- 15) **Approved** agreement with the City of Hollister Police Department in the amount of \$2,250 for the provision of Family Wellness Classes with a contract term of September 1, 2004 through June 30, 2005 and **authorized** Chair to sign. (file #1053)

PUBLIC HEARINGS:

PLANNING DEPARTMENT - R. Mendiola:

- 16) **Hold public hearing to consider an ordinance adding Chapter 19A to the San Benito County Code to provide assistance to residential tenants who will be displaced from their current housing due to its substandard condition, violations of the housing codes, county code, fire codes or for the unlawful existence, use or occupancy of the unit. Applicant: San Benito County Planning Department. Location: The Unincorporated Area of the County.**

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

Donald Marcus, local businessman, suggested additional language that the County bear the initial costs before being reimbursed by the responsible property owner, if none is known at first and agreed a separate accounting mechanism needs to be in place.

John Wolgamott, local resident who is currently homeless at this time, suggested the Board look into either transitional housing or a homeless shelter.

Gail Baraby, local resident who is currently homeless at this time, agreed that the county needed both transitional housing and a homeless shelter for those down on their luck, but not alcoholics nor drug addicts.

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

BOARD ACTION: *Upon motion duly made by Supervisor Monaco and seconded by Supervisor Kesler, directed staff to incorporate amended language changes and bring amended ordinance back before the Board of Supervisors for final action at their meeting of September 28, 2004 and directed that Auditing create a fund in the amount of \$10,000, with said monies coming from General Fund Contingencies, for said relocation costs with said costs to be reimbursed by the responsible property owner. Motion passed 4-0 with Supervisor Scagliotti being absent for the vote. (file #790)*

AG COMMISSIONER / SEALER OF WEIGHTS & MEASURES: P. Matulich:

- 17) **Hold public hearing to consider a proposed ordinance adopting fees/charges for services of the San Benito County Agricultural Commissioner/Sealer of Weights and Measures.**

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

BOARD ACTION: Upon motion made by Supervisor Kesler and seconded by Supervisor Monaco, adopted **Ordinance #773 Adopting Fee/Charges For Services Of The San Benito County Agricultural Commissioner/Sealer Of Weights And Measures.** Motion passed 4-0 with Supervisor Scagliotti being absent for the vote. (file #1.1)

REGULAR AGENDA:

COMMUNITY SERVICES & WORKFORCE DEVELOPMENT - K. Flores:

18) **Consider Workforce Investment Act Plan modification approval for Program Year 2004/2005.**

BOARD ACTION: Upon motion duly made by Supervisor Loe and seconded by Supervisor Kesler, approved the Workforce Investment act Plan modification for Program Year 2004/2005 as outlined by CSWD Director Kathryn Flores and authorized submission to the State. Motion passed 4-0 with Supervisor Scagliotti being absent for the vote. (file #9390)

HEALTH & HUMAN SERVICES AGENCY - M. Coppola:

19) a) **Consider acceptance of funding from the Hazel Hawkins Hospitals Foundation, in an amount not to exceed \$46,278, to support the San Benito County Diabetes Collaborative Outreach Services; and**

b) **Consider authorization to appoint a part-time (.50 FTE) Health Education Associate to perform the Outreach Services through June 30, 2005; and**

c) **Augment the Public Health (424) budget and revenue in the amount of \$27,100; not to exceed \$46,278.**

BOARD ACTION: Upon motion duly made by Supervisor Kesler and seconded by Supervisor Monaco:

a) *Accepted funding from the Hazel Hawkins Hospitals Foundation, in an amount not to exceed \$46,270 to support the San Benito County Diabetes Collaborative Outreach Services project; and*

b) *Authorized the appointment of a part-time .50FTE Health Education Associate to perform the Outreach Services through June 30, 2005 with the understanding that when the monies have run out, the position will be eliminated; and*

c) *Augmented the Public Health budget and revenue in the amount of \$27,100 but not to exceed \$46,278.*

Motion passed unanimously 4-0 with Supervisor Scagliotti being absent for the vote. (file #420)

ELECTIONS - J. Hodges:

20) **Consider agreement with Michael Hodges in the amount of \$15,000 for election services for the November 2, 2004 Presidential General Election with a contract term of September 7, 2004 through November 30, 2004. (cont. from mtg. of 9/7/04)**

BOARD ACTION: Upon motion made by Supervisor Cruz and seconded by Supervisor Kesler, directed Mr. Hodges bring back three (3) quotes within two (2) weeks regarding the provision of election services for the November 5, 2004 Presidential General Election with the results of roll call vote as follows:

Supervisor Loe - yes

Supervisor Monaco - no

Supervisor Kesler - yes

Supervisor Cruz - yes

Motion passed 3-1 with Supervisor Scagliotti being absent for the vote. (file #285)

21) **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. from mtg. of 9/7/04)

BOARD ACTION: Upon motion duly made by Supervisor Loe and seconded by Supervisor Monaco:

- a) Accepted agreement with Sequoia Pacific to do printing of ballots and booklets for the November 5, 2004 Election; and
- b) Directed staff move forward with the 3% discount pre-payment clause; and
- c) Asked Mr. Hodges to be sure to go over the sample ballot and booklets so there won't ever have to have this discussion again.

Motion passed 4-0 with Supervisor Scagliotti being absent for the vote. (file #285)

22) **Consider request from Election Department for outside legal counsel.**

BOARD ACTION: Upon motion duly made by Supervisor Loe and seconded by Supervisor Kesler, tabled the request of Mr. Hodges for outside legal counsel and to give Mr. Hodges the opportunity to review proposed resolution requesting that San Benito County be considered to have a separate Registrar of Voters office. Motion passed 4-0 with Supervisor Scagliotti being absent for the vote. (file #285)

Item #20 Revisited: Following repeated request of the Board of Supervisors to provide three quotes, Mr. Hodges had his office bring two quotes from his desk which he then provided copies to the Board.

BOARD ACTION: Upon motion duly made by Supervisor Loe and seconded by Supervisor Monaco, approved with Michael Hodges for the provision of election services for the November 5, 2004 Presidential General Election with a contract term of September 7, 2004 through November 30, 2004. Motion passed 4-0 with Supervisor Scagliotti being absent for the vote. (file #285)

COUNTY COUNSEL - K. Forcum:

23) **Consider proposed ordinance establishing campaign finance reform:**

- 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 28, 2004**

Board meeting.

Following discussion, it was determined that additional language changes needed to be incorporated into the proposed ordinance before final adoption.

BOARD ACTION: Upon motion made by Supervisor Loe and seconded by Supervisor Kesler, continued this matter to the meeting of September 28, 2004 for consideration of adoption, incorporating additional language changes. Motion passed 4-0 with Supervisor Scagliotti being absent for the vote. (file #156)

24) **Consider proposed 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 28, 2004**

Board meeting.

BOARD ACTION: Chairman Cruz appointed Supervisor Loe and Supervisor Monaco to a Board Sub-Committee to review this matter further and bring it back at a later date with further recommendations. Motion passed 4-0 with Supervisor Scagliotti being absent for the vote. (file #156)

CLOSED SESSION AGENDA:

Counsel Forcum indicated to the Board that Item #30 had been added to the Closed Session agenda and that item was a Public Employee Discipline/Dismissal/Release issue.

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: 3

Prior to entering Closed Session, Counsel Forcum indicated that all three cases were withdrawn. (file #235.6)

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

Prior to entering Closed Session, Counsel Forcum indicated that two cases were withdrawn; thereby leaving one case for discussion.

Regarding remaining case, upon exiting Closed Session, Counsel Forcum reported that by a 4-1 vote, with Supervisor Scagliotti being absent, the Board of Supervisors authorized initiation of litigation, the action, defendants and other specifics will be disposed to any person upon inquiry once the action has been formally commenced. (file #235.6)

26) Conference with Legal Counsel - Existing Litigation

a) Sandman vs. County of San Benito.

Upon exiting Closed Session, Counsel Forcum indicated no action was taken on this matter. (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 Forcum indicated no action was taken on this matter. (file #235.6)

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

Upon exiting Closed Session, Counsel Forcum indicated no action was taken on this matter. (file #235.6)

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

Upon exiting Closed Session, Counsel Forcum indicated no action was taken on this matter. (file #235.6)

e) Stafford-Pelt vs. State of California, County of San Benito, City of Hollister, et al.

Upon exiting Closed Session, Counsel Forcum indicated no action was taken on this matter. (file #235.6)

27) Conference with Labor Negotiators:

Agency Designated Representative: Elizabeth Brown, Human Resources Director

Employee Organization: General Unit - SEIU, Local 817

Upon exiting Closed Session, Counsel Forcum indicated no action was taken on this matter. (file #235.6)

- 28) **Conference with Labor Negotiators:**
Agency Designated Representative: Elizabeth Brown, Human Resources Director
Employee Organization: Management Employees Group (MEG)
Upon exiting Closed Session, Counsel Forcum indicated no action was taken on this matter. (file #235.6)
- 29) **Public Employment**
Title: County Administrative Officer
Upon exiting Closed Session, Counsel Forcum indicated no action was taken on this matter. (file #235.6)
- 30) **ADDENDUM: Public Employee Discipline/Dismissal/Release**
Upon exiting Closed Session, Counsel Forcum indicated no action was taken on this matter. (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:	P. Loe; R. Monaco, R. Kesler & B. Cruz
NOES:	SUPERVISORS:	None
ABSENT:	SUPERVISORS:	R. Scagliotti

There being no further business the Board adjourned to its next regularly scheduled meeting on Tuesday, September 28, 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