

**SAN BENITO COUNTY
BOARD OF SUPERVISORS
REGULAR MEETING
OCTOBER 5, 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, Monaco, Kesler and Cruz were present. Supervisor Scagliotti was absent. Also present was Interim County Administrative Officer Gil Solorio, 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:** Henry Sumaya, Hollister resident, came forward. Mr. Sumaya stated that he wanted to respond to an article in the local newspaper with regards to himself and other people regarding a meeting with Nativo Lopez, who belongs to a Mexican national organization in Los Angeles, which was attended by Chairman Cruz, Supervisor Loe and City Councilman Brian Conroy. Mr. Sumaya said this concerned him because basically we are beating a dead horse and he thought that the District Attorney was taking care of the problem – if there was a problem. Mr. Sumaya indicated that he had been in touch with two attorneys and with legal counsel of the Mexican-American Political Association and he felt the public deserves an answer to what happened and he would be turning over his letter from Nativo Lopez to the newspaper.

Chairman Cruz cautioned Mr. Sumaya about mentioning names of persons who were not present at the meeting today. Chairman Cruz stated that while he did meet with Nativo Lopez he had nothing to do with Mr. Lopez coming here.

Supervisor Kesler suggested that Mr. Sumaya should go to the media and that it was not appropriate for him to come before the Board of Supervisors with regards to this matter.

Ruth Nordstrom, Hollister resident, reported there would be a meeting held tonight regarding the proposed Indian Gaming Casino. Ms. Nordstrom said they were working on getting the public informed about this issue and also getting the word out about the October 21st meeting sponsored by the Board of Supervisors to be held at the Veteran's Memorial Building. Ms. Nordstrom asked if there was a way to get the word out more with regards to the meeting.

Chairman Cruz stated that the County has sent out over 100 letters inviting all of our neighbors such as supervisors and city council members. Chairman Cruz noted that he and Supervisor Loe requested that Sheriff Hill invite someone from a Sheriff's Department in a county that already has a casino to be one of the speakers October 21st and Supervisor Loe is going to contact Congressman Sam Farr's office to see if we can get someone from an Indian tribe to come in and talk to us about bringing in an Indian Gaming casino.

Supervisor Monaco noted that the Board of Supervisors had not taken a position on the Indian Gaming Casino nor can they at this point. We are still in the stage of investigating and trying to gather as much information as we can about the impact of gaming casinos in communities.

Laura Lee Foote, San Juan Bautista resident, came forward. Ms. Foote stated that she has sent letters of endorsement to the San Juan Bautista City Council and others and she has received endorsements from Council Members and others in San Juan Bautista who are fighting against this casino with her.

d) **Department Head Announcements:** Pat Johns, University of California Cooperative Extension, came forward. Ms. Johns presented Supervisor Monaco with a plaque for his participation in the Kiss a Pig Contest since he was not able to be present at the fair.

Ms. Johns reported that the Kiss a Pig Contest brought in \$8233.00 and the pig sold for \$10,600.00 for a grand total of \$18,833.00 which means that they reached and exceeded their goal for the local 4-H program.

e) **Board Announcements, Introductions and Presentations:** Chairman Cruz encouraged attendance on October 21, 2004 at 1:30 p.m. at the Veteran's Memorial Building for a public information meeting regarding Indian Gaming in San Benito County.

CONSENT AGENDA:

Upon motion made by Supervisor Kesler and seconded by Supervisor Monaco approved Consent Agenda Items 1 through 15. (4-0 vote. Scagliotti absent)

ASSESSOR - A. Fontes:

- 1) **Approved** Assessment Roll Corrections. *File #7.2*

AUDITOR:

- 2) **Approved** Departmental Claims.

CITY OF HOLLISTER - B. Avera:

- 3) **Adopted Resolution No. 2004-108** accepting and authorizing transmittal of the 2004 Comprehensive Economic Development Strategy update to the U.S. Economic Development Administration. *File #20*

COMMUNITY SERVICES & WORKFORCE DEVELOPMENT - K. Flores:

- 4) **Adopted Resolution No. 2004-109** authorizing an application for an Emergency Housing and Assistance Program (EHAP) grant. *File #939*

DEPARTMENT OF EMERGENCY SERVICES - M. Riopel:

- 5) **Approved** revising the billing requirements for the Emergency Medical Services (EMS) Fund under SB612 and SB476 for the County of San Benito. *File #75.5*
- 6) **Approved** Letter of Intent to develop a local Hazard Mitigation Plan. *File #75.5*

FIRST FIVE SAN BENITO - K. Castillo:

- 7) **Approved** agreement with the Hollister School District in the amount of \$50,000 for the provision of "School Readiness Services" with a contract term of September 1, 2004 through July 31, 2005. *File #155*

HEALTH & HUMAN SERVICES AGENCY - M. Coppola:

- 8) **Approved** Declaration of Intent not to apply for FY2004/2005 Rural Health Services (RHS) Program funding.
- 9) a) **Accepted** the Alternate Work Schedule report from the Health & Human Services Agency; and
b) **Approved** the permanent availability of the alternate work schedule (4/10) for the Social Services unit of the H&HSA; and
c) **Authorized** the continued utilization of the alternate work schedule (4/10) to be at Director's discretion.
- 10) **Approved** agreement with Sacred Heart School in the amount of \$2,271.60 for the provision of school nursing services with a contract term of July 1, 2004 through June 30, 2005. *File #420*

HUMAN RESOURCES - E. Brown:

- 11) **Adopted Resolution No. 2004-110 and Resolution No. 2004-11** fixing the employer's contribution under the Public Employees Medical and Hospital Care Act. *File #630*

MENTAL HEALTH - A. Yamamoto:

- 12) **Approved** agreement with Gloria Lee, LMFT in the amount of \$20,000 for the provision of therapy services for adults and children with a contract term of July 1, 2004 through June 30, 2005. *File #810*
- 13) **Approved** agreement renewal with Jadille Minkoff, LCSW in the amount of \$5,000 for the provision of mental health assessments and psychotherapy services with a contract term of July 1, 2004 through June 30, 2005. *File #810*

PUBLIC WORKS:

- 14) **Approved** declaring District Attorney office equipment as surplus. *File #105*

SUBSTANCE ABUSE PROGRAM - M. Narasaki:

- 15) **Approved** agreement with Asian American Residential Recovery Services in the amount of \$72,000 for the provision of residential treatment services with a contract term July 1, 2004 through June 30, 2005. *File #1053*

10:00 a.m. CLOSED SESSION AGENDA:

The Board adjourned into Closed Session and reconvened into Regular Session re:

- 16) **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 – 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**
3 cases – Withdrawn by County Counsel. File #235.6
- 17) **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. File #235.6

18) Conference with Labor Negotiators:

Agency Designated Representative: Elizabeth Brown, Human Resources Director

Employee Organization: General Unit - SEIU, Local 817

No reportable action. File #235.6

19) Conference with Labor Negotiators:

Agency Designated Representative: Elizabeth Brown, Human Resources Director

Employee Organization: Management Employees Group (MEG)

No reportable action. File #235.6

1:30 p.m. CLOSED SESSION AGENDA:

20) Conference with Legal Counsel - Existing Litigation

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

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, Reb Monaco, Ruth Kesler, Bob Cruz

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: R. Scagliotti

There being no further business the Board adjourned to its next regularly scheduled meeting on October 12, 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