

**SAN BENITO COUNTY
BOARD OF SUPERVISORS
ACTION MINUTES
NOVEMBER 9, 2004**

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 Interim County Administrative Officer Gil Solorio, County Counsel Karen R. Forcum and Assistant Clerk Sally Navarez. Chairman Bob Cruz presiding when the following was had to wit:

9:30 a.m. CALL TO ORDER:

- a) Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged the Certificate of Posting.*
- c) **Public Comment:** Supervisor Kesler noted she wanted to bring to the attention of the public that San Benito County did have homeless persons and would like to see more services made available to them.
- d) **Department Head Announcements:** There were no Department Head announcements.
- e) **Board Announcements, Introductions and Presentations:** None

CONSENT AGENDA:

*Upon motion duly made by Supervisor Kesler and seconded by Supervisor Monaco, **approved** Consent Agenda Items #1 through #6. Motion passed unanimously.*

BOARD OF SUPERVISORS:

- 1) **Approved** proclamation declaring November 15, 2004 as "National Philanthropy Day" in San Benito County and **authorized** Chair to sign. (file #430)
- 2) **Approved** Memorandum of Understanding with the San Benito County Management Employees Group (MEG) for the period of October 1, 2004 through September 30, 2007 and **authorized** Chair to sign. (file #630)

CLERK OF THE BOARD:

- 3) **Approved** Proof of Publication.

COMMUNITY SERVICES & WORKFORCE DEVELOPMENT - K. Flores:

- 4) **Approved** agreement with the Community Service Development Corporation (CSDC) in the amount of \$49,735 for use of mobile homes for sheltering homeless families with a contract term of October 1, 2004 through July 31, 2005 and **authorized** CSWD Director to sign on behalf of the County. (file #939)

COUNTY COUNSEL - K. Forcum:

- 5) **Rejected** claim of Rick Barclay, filed with the clerk of the board on October 14, 2004 and **directed** clerk to notify claimant. (file #235)

PROBATION - D. Botts:

- 6) **Approved** budget augmentation and contract re: midyear receipt of \$10,000 in Challenge funds:
- a) **Augmented** FY2004/2005 Probation revenues and expenditures by \$10,000; and
 - b) **Approved** contract renewal with Paula Norton in an amount not to exceed \$10,000 re: Early Intervention Program Services with a contract term of July 1, 2004 through June 30, 2005 and **authorized** Chair to sign. (file #510)

9:40 a.m. REGULAR AGENDA:

PRESENTATIONS / RECOGNITIONS:

- 7) **Consider presentation of Certificate of Recognition for retiring County Librarian Jo Wahdan.**

BOARD ACTION: Approved Certificate of Recognition for retiring County Librarian Jo Wahdan after 25-years of dedicated service. (file #80)

- 8) **Consider presentation of Certificate of Recognition for retiring Health & Human Services Agency Director Marilyn Coppola.**

HEALTH & HUMAN SERVICES AGENCY - M. Coppola:

- 9) **Consider the following re: funds received from a First 5 San Benito/Children and Families Commission grant:**

a) **Augmentation of FY04/05 budget #2214-446 (Child Care Health Linkages) in the amount of \$29,539; and**

b) **Authorize increase of .5 FTE Health Education Associate I/II to the FY04/05 Schedule of Authorized positions through June 30, 2005. (cont. from 11/2/04 mtg)**

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

a) **Approved augmentation of FY04/05 budget #2214-446 (Child Care Health Linkages) in the amount of \$29,539; and**

b) **Authorized the increase of a .5FTE Health Education Associate I/II to the FY04/05 Schedule of Authorized Positions through June 30, 2005 as a result of receiving funds from a First 5 San Benito/Children and Families Commission grant. Motion passed unanimously. (file #420)**

PLANNING DEPARTMENT - R. Mendiola:

- 10) **Consider recommendation of the Transfer of Development Credits (TDC) Advisory Group to the Board of Supervisors to amend the San Benito County Growth Control Ordinance. (cont. from 11/2/04 mtg.)**

BOARD ACTION: Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, directed staff to go ahead and allow the TDC Committee to pursue line of inquiry and investigation with Board of Supervisors approval. Motion passed unanimously. file #790)

- 11) **Consider status report of the Planning Commission re: Hillside Development Ordinance. (cont. from mtg. of 9/28/04)**

Tom Manning, San Juan Bautista resident, spoke in opposition to proposed ordinance.
Charles McCullough, Paicines resident, spoke in opposition to proposed ordinance.

Tom Tobias, representing the Farm Bureau, spoke in opposition to proposed ordinance.

BOARD ACTION: Upon motion duly made by Supervisor Loe and seconded by Supervisor Scagliotti, set public hearing for December 7, 2004 and directed staff to go forward with advertising of the notice and to bring back an ordinance. Motion passed 4-1 with Supervisor Monaco voting no on the matter. (file #790)

COUNTY COUNSEL - K. Forcum:

12) **Consider the establishment of an ad hoc Campaign Ethics Advisory Committee/Study Group. (cont. from 11/2/04 mtg.)**

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

a) Established ad hoc committee concerning Campaign Ethics Advisory Committee; and

b) Staff to research how to form that standing body; and

c) Directed staff to solicit nominations from the appropriate bodies; and

d) Directed staff to return with a list of individuals available to serve on the ad hoc Advising Committee at this time.

Motion passed unanimously. (file #285)

ADMINISTRATIVE BUSINESS:

13) **Consider First Quarter Financial Report. (Interim CAO)**

BOARD ACTION: Received first quarter financial report from Interim CAO Gil Solorio. Informational only - no formal action taken. (file #865)

14) **Consider options for the position of County Administrative Officer. (Interim CAO)**

Input was received from Supervisors Elect Marcus, Botelho and DeLaCruz.

BOARD ACTION: Upon motion duly made by Supervisor Monaco and seconded by Supervisor Loe, selected Option #2 directing staff to begin **external** recruitment for a permanent CAO and authorized funding in the amount of \$30,000 to offset costs associated with said recruitment. Allocation of \$30,000 to come from General Fund Contingencies. Motion passed unanimously. (file #630)

15) **Consider report on public information meetings held on Indian Gaming in San Benito County. (Supervisor Loe)**

BOARD ACTION: Received update/information from Supervisor Loe relative to meetings held in San Benito County and with the City of Gilroy on Indian Gaming being approached as a regional issue and Supervisor Loe will continue to keep the Board of Supervisors informed. Informational only - no formal action taken. (file #156)

10:00 a.m. CLOSED SESSION AGENDA:

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**

Prior to entering Closed Session, Counsel reported there was one case to hear and two cases were withdrawn.

Upon exiting Closed Session, Counsel indicated there was no reportable action on remaining case. (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 reported there was one case to hear and two cases were withdrawn.

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

17) Conference with Legal Counsel - Existing Litigation

a) Sandman vs. County of San Benito.

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

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

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

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

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

e) Lawrence Family, LLC vs. Charles Frost Roofing, R.M. Bracco, Inc., County of San Benito, et al.

Upon exiting Closed Session, Counsel reported that this case has been settled at this time. (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:	Loe; Scagliotti; Monaco, Kesler & Cruz
NOES:	SUPERVISORS:	None
ABSENT:	SUPERVISORS:	None

There being no further business the Board adjourned to its next regularly scheduled meeting on Tuesday, December 7, 2004 at 9:30 a.m.

BOB CRUZ, CHAIR
San Benito County, Board of Supervisors

ATTEST:
John R. Hodges
Clerk of said Board

BY:
Sally Navarez
Assistant Clerk of said Board