

**SAN BENITO COUNTY
BOARD OF SUPERVISORS
SPECIAL MEETING ACTION MINUTES
DECEMBER 17, 2004**

The Board of Supervisors of San Benito County met in the Board Chambers on the above date **special** session. Supervisors Loe; Scagliotti; and Cruz were all present. Supervisors Monaco and Kesler were absent. Also present was Management Analyst III Robin Scattini, 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.
- b) *Upon motion duly made by Supervisor Loe and seconded by Supervisor Scagliotti, acknowledged the Certificate of Posting.*

CONSENT AGENDA:

Upon motion duly made by Supervisor Loe and seconded by Supervisor Scagliotti, approved Consent Agenda Item #2. Motion passed 3-0 with Supervisors Monaco and Kesler absent for the vote.

INTEGRATED WASTE MANAGEMENT - M. Rose:

- 1) **Approved** proposed **Resolution No. 2004-128 - Approving Minor Revisions Of The Rate Schedule For Disposal Of Solid Waste At John Smith Road Landfill** and authorized Chair to sign. (file #142)

CLOSED SESSION AGENDA:

Prior to entering Closed Session, Counsel Forcum indicated that Supervisor Kesler would be joining said session via telephone.

2) **Conference with Legal Counsel - Existing Litigation**

a) **De La Cruz and Velazquez vs. County of San Benito, Ruth Kesler, et al.**

Prior to entering Closed Session, Counsel Forcum indicated that Supervisor Kesler would be joining said session via telephone conferencing.

Upon exiting Closed Session, Counsel Forcum stated that the Board authorized, by four (4) votes with one (1) Supervisor absent, the County entering into a retention agreement with the firm of Fish & Richardson and authorized payment of legal fees in an amount not to exceed \$100,000 to the firm of Fish & Richardson with monies coming out of General Fund Contingencies. (file #235.6)

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

Upon exiting Closed Session, Counsel Forcum indicated the Board authorized, by a vote of the three (3) Supervisors present, payment of \$5,000 in legal fees to Jon Giffen's firm, contingent on a final settlement agreement being executed by all parties.(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. 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, January 4, 2005 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