



SAN BENITO COUNTY BOARD OF SUPERVISORS

Mark Medina
District No. 1

Anthony Botelho
District No. 2

Peter Hernandez
District No. 3

Jim Gillio
District No. 4
Vice-Chairman

Jaime De La
Cruz
District No. 5
Board Chairman

County Administration Building - Board of Supervisors Chambers, 481 Fourth Street, Hollister,
California

SPECIAL MEETING MINUTES

April 28, 2020

9:00 AM

Mission Statement

The County Board of Supervisors will recognize the public trust it holds, will on all occasions conduct business with honesty, integrity, and respect for the individual, and will hold the organization of County government to that same standard.

The San Benito County Board of Supervisors welcomes you to this meeting and encourages your participation.

- If you wish to speak on an item contained in the agenda please complete a Speaker Card identifying the item(s) and provide it to the Clerk of the Board prior to consideration of the item.

Each individual speaker will be limited to a presentation total of (3) minutes unless otherwise permitted by the Board Chair.

CALL TO ORDER

The meeting was called to order at 9:03 a.m. by Chairman Jaime De La Cruz. Those present were Supervisors Anthony Botelho, Jim Gillio, Peter Hernandez and Mark Medina, as well as County Counsel Barbara Thompson, County Administrative Officer Ray Espinosa and Clerk of the Board Janet Slibsager.

- a. Pledge of Allegiance

The Pledge of Allegiance to be led by Supervisor Anthony Botelho, District #2.

The Pledge of Allegiance was led by Supervisor Anthony Botelho.

- b. Acknowledge Certificate of Posting

Certificate of Posting.

MOTION:

Motion to Acknowledge Certificate of Posting: Made by **Vice-Chair Jim Gillio** and seconded by **Supervisor Mark Medina**

5 - 0

For (5):

Against (0):

Ayes: Botelho, De La Cruz, Gillio, Hernandez, Medina

NOTICE OF TEMPORARY PROCEDURES FOR BOARD OF SUPERVISORS MEETINGS

Management Analyst Dulce Alonso provided information as to how the public could join the meeting by Zoom.

Pursuant to California Governor Gavin Newsom's Executive Order N-29-20 issued on March 17, 2020, relating to the convening of public meetings in response to the COVID-19 pandemic. Additionally, members of the Board of Supervisors are allowed to attend the meeting via teleconference and to participate in the meeting to the same extent as if they were present.

Members of the public are encouraged to participate in Board meetings in the following ways:

1. Remote Viewing

Members of the public who wish to watch the meeting can view a livestream of the meeting online through Community Media Access Partnership (CMAP) YouTube, San Benito County Government
https://www.youtube.com/channel/UCLj3iW3_dsDzbYqnY1KdCvA.

2. Written Comments & Email Public Comment

- Members of the public may submit comments via email by 5:00 PM. on the Monday prior to the Board meeting to the Clerk of the Board at JSlibsager@cosb.us. Regardless of whether the matter is on the agenda. Every effort will be made to provide Board Members with your comments before the agenda item is heard.

3. Board of Supervisors meeting Zoom Instructions for remote Participants:

Three ways to attend zoom meetings: over the phone, on a web browser, or through the Zoom App. Each meeting will have a meeting ID, which is a unique number associated with an instant or scheduled meeting.

1. Over the phone (Audio only):

- (669) 900-6833 or (408) 638-0968.

2. Open the Web-browser:

- <https://zoom.us/join>

3. Smart device Application:

- Apple App store: <https://apps.apple.com/us/app/id744-573-640>
- Android App store: <https://play.google.com/store/apps/details?id=us.zoom.videomeetings>

Zoom Audio Only (phone)

If you are calling in as audio-only, please dial (669) 900-6833 or (408) 638-0968.

1. It will ask you to enter the Meeting ID #744-573-640, followed by the “#” key, which can be found at the top page of the agenda. The meeting agenda can be found at <http://cosb.us/>
2. It will then ask for a Participant ID, press the “#” key to continue.
3. Once you enter the zoom meeting, you will automatically be placed on mute.
4. Public Comment: If you are using a phone, please press the “*9” to raise your hand, zoom facilitator will unmute you when your turn arrives.

Zoom On Web-browser or Zoom app on Tablet or Smartphone

If joining through web-browser launch: <https://zoom.us/join> or launch the Zoom app on your Tablet or Smartphone

1. Select “JOIN A MEETING”
2. The participant will be prompted to enter Meeting ID #744-573-640 and name to join the meeting. Which can be found at the top page of the agenda. The meeting agenda can be found at <http://cosb.us/>
3. Participant can launch audio through their computer or set it up through the phone.
 1. Public Comment: select the “Participants Tab” and click “Raise hand” icon, the zoom facilitator will unmute you when your turn arrives.

Public Comment Guidelines

- If participating on zoom Once you are selected, you will hear that you have been unmuted: State your first name, last name, and county you reside in for the record.
- The San Benito County Board of Supervisors welcomes your comments.
- Each individual speaker will be limited to a presentation total of three (3) minutes.
- Please keep your comments, brief, to the point, and do not repeat prior testimony, so that as many people as possible can be heard. Your cooperation is appreciated.

If you have any questions, please contact the Clerk of the Board at (831) 636-4000, Ext. 11 or email JSlibsager@cosb.us

REGULAR AGENDA

1. **HEALTH AND HUMAN SERVICES AGENCY - T. BELTON**
Receive presentation and update from HHSA/Public Health Services on the respiratory disease coronavirus, also known as COVID-19.
SBC FILE NUMBER: 130

Health and Human Services Director Tracey Belton provided an update on COVID-19: Since the last Board meeting our case count has increased by 4 we currently have 3 active cases, 43 recovered and 48 confirmed cases; Face Covering Order and Shelter in Place Amended Order: The County Health Officer issued a Face Covering Order on Friday, April 24, 2020 went in to effect at 8:00 a.m., all individuals engaging in essential activity or in the public are required to wear face coverings, if you are working in your own office working you will not need to wear face coverings if someone enters your office you are required to wear a face covering, children 12 years

and under are not required to wear a face covering. If parents, or guardians, want them to wear them it is up to their discretion and are advised to monitor them. There are also limitations to those that have a health issue, the instructions are listed on the county's website; The County Health Officer amended the Shelter in Place Order and allowed parks and golf courses to open with protocols. The County continues to assess these protocols; The County continues to assess the need of the current Shelter in Place order due to expire on May 3, 2020; We continue to assess the need for a County specific Shelter in Place order versus the Governors Stay at Home order; It's imperative to remember that the Governors Stay-at-Home Order issued on March 19, 2020 had no end date and must be followed; The County encourages input on how to relax the shelter in place order while adhering to the Governors Stay-at-Home order. Please email ideas and suggestions for consideration to publichealthreferral@cosb.us; The Governor is expected to discuss how he plans to reopen businesses today; Recommendations and changes being assessed to Shelter in Place Order: The County is recommending the development of a Roadmap to Recovery Advisory Committee made up of a Representative from each of the following: County Administrative Office, City managers from SBC cities, Law enforcement, Office of Education, Health Care Community, Business Community, Faith Based Community and Public Health. The Committee is not intended for elected officials; The County cannot lift restrictions on its own without the Governor modifying the statewide stay-at-home order. But the committee's goal will be to ensure a coordinated approach to gradually re-open the County while addressing the public health and economic emergencies; The County is currently assessing the ability to relax the following businesses and activities in the following order: Construction, Faith Based Services, Funeral and Weddings, Real Estate Services, Automobile Sales and Gardeners; The Governor proposed an Emergency Feeding Program for Seniors: The purpose of the emergency feeding Program is to ensure Californians that are the age of 65 and over or individuals who have been exposed to our contracted COVID-19, but do not need hospitalization, or are high-risk with underlying health conditions have regular access to prepared meals. Extending wrap-around services to this at risk population will reduce the amount of people that will need to be in non-congregate shelters while fulfilling the mission of taking care of the most vulnerable population during this pandemic; The County is currently assessing the need for this, requirements and short-time frame to determine if this program is feasible for the County; Governor and CDPH partnership: San Benito County has been chosen to provide priority COVID-19 testing; Optum Serve has contracted with the state to conduct the testing, possible start date is May 4, 2020 at the Veterans Building as the main site for testing; The County is exploring sites in San Juan Bautista and/or Arroyo; There will be no fee associated with the test; Possibility for alternative and weekend hours; The County is responsible for coordination with OptumServe, Marketing and Cleaning of the testing site; There will be clinical criteria for testing; Specific Populations to be tested: Healthcare workers, first responders, skilled nursing staff, individuals with chronic health conditions, over 60, farmworkers, individuals with mild symptoms who don't need the emergency room; We are in phase II in the rollout Shelter; They are hoping to test between 90 and 100 each day and the test results come back within 2 to 3 days; Shelter in Place Non-Essential Business Enforcement: To date we have 40 businesses that have deemed non-essential and have closed their operations; 1 business was initially non-compliant and they city revoked its business license. The business is now closed; 5 businesses are pending investigation. There is a panel available that was requested by the Board and public for information that consists of the following: Lynn Mello, RN and Deputy Director, Mallory Schmitt, MPH, Epidemiologist, Mary White, Pharmacist and County Health Officer, Dr. Marty.

Dr. Marty said that he was happy to see that our case numbers are moving in the right direction, since the shelter-in-place order as people are staying home. In order to be able to start to open we need to see the numbers go down and have enough hospital beds available if we get more cases. We are in the status of green right now. We have been designated as a testing site in San Benito County which is great news. We have the facial covering order in place which became effective on Monday. He said that the reason for this is to protect people as we begin to open up. There is new

data out there that is telling us that the amount of virus you get is based on the amount of droplets. Another good reason for having the facial covering in place. He said that he feels that they had a good meeting with the business community at their Town Hall meeting and we need to figure out new business practices once the Governor opens up. When we begin to open up we need to do it safely and so that all of these businesses are performing in a way that they are protecting their workers and patriots coming in to their establishment. Other Counties will be updating their orders probably tomorrow. We will be hearing from the Governor today but the order may not come for several weeks. He said that he would like to slowly open our community.

Supervisor Anthony Botelho reported that he sat in on a conference call last week in regards to increase the testing in the State by the end of this month. He asked if the testing order was going to be essential workers and the elderly.

Dr. Marty said that the testing will focus on people that are at the highest risk and working in essential services our vulnerable populations, elderly, skilled nursing facilities. You will need to be registered to be tested and they will be used for current statistics, snap shot test.

Supervisor Mark Medina had a few questions one about the testing and that we have the highest test rate per 100,000, our test positive rate is about 5.4% in comparison with Santa Clara which is 8.2% and Santa Cruz 3.5%. He said that he is looking at a couple of different things that he agrees 100% with the decision that we made on the shelter in place, the shelter in place for the State of California did not start until March 12, 2020 two days later. We were more strict than the State order and have seen our cases drop dramatically. He asked why can't we just adopt the California order and what is the time frame to get things open. He said that he would like to educate everyone out there listening on COVID-19. The State of California has a shelter in place order and we need to abide by it. He asked the Dr. if he would be willing to look at this and have San Benito County adopt the State of Californians ordinance. He thanked Dr. Marty for his expertise and information.

Dr. Marty provided information. We have the same capability to open the community but we have a little more guidelines about going about doing this, it is to our advantage. We still need to follow the State guidelines in general. We don't want to back pedal and end up with more cases. We can start opening up right away, our testing won't be in place until probably next week. We can look at opening construction, landscaping and gardening, golf courses, car washes. The order expires on Sunday.

Supervisor Jim Gillio said that we at the County listen to your advise and appreciate your explanation about why don't we let our order expire and follow the State order. What I heard you say made a lot of sense because the State order is very vague and if we have something in place that allows a path to reopening that makes a lot of sense. Many of my constitutions feel that we should be focusing on a risk based plan rather than a blanket, one all fits approach. Asked the Dr. about our numbers and being able to open up. we need to get going today and meet and go with a plan to reopen in a safe matter.

Dr. Marty said that he agrees and provided information to questions.

Supervisor Peter Hernandez said that he is frustrated and feels that there are holes in the mask order. How are businesses going to police their customers to wear masks when some people don't need to wear them that have medical reasons. How can a business prove that someone is exempt. The burden is laid on the people themselves. You say guidelines are not policy which it is hard to figure it out. Spoke about the shelter in place order and why don't we trust the people. He spoke about the public health order being faulty. He said that he would like to ask the Board to terminate their relationship with the Doctor. He wants all conversation items to be in open session, no closed

session, the public needs to be more engaged.

Dr. Marty said that he acknowledged his comments.

Chairman Jaime De La Cruz said that we follow your directions Doctor because you are the medical expert. We have a balancing act between saving lives and saving local businesses, it is a very tough act. Supports what you recommend with conditions that we start opening up businesses. Our businesses are very important to our community and we need to start opening up with guidelines, policy and procedures.

Supervisor Medina responded to Supervisor Hernandez's comments. I don't feel that terminating our contract with the Doctor because he hasn't given an answer we don't want to hear. We need to follow the State order. I cannot support terminating a contract with him.

Supervisor Botelho said that some of Supervisor Hernandez's comments were good but emotions get out in front of us. Dr. Marty has given us information, answers and opinions that we don't want to hear right now but we need to work with the State order to get things up and running. We need to try and maintain our emotions.

Lynn Mello spoke about epidemiology and that more information is available on their website on the daily data report.

Mallory Schmitt covered some things that haven't already been mentioned. The update that is provided each day, the case count, test results, 2% of population have been tested, 5% tested have been positive, patient age range, county comparisons, case rates-second highest in neighboring counties, exposure source graph in community transmission.

Ms. Mello provided information in regards to the question on a hospital search plan. Currently the hospital is in the green and it is based on the number of beds occupied and staffing. They get a daily census report as to what is happening at the hospital and that report is also provided to the State and they compile a report for the whole State of California. We do have an alternate care site we have an agreement at another location. We are also having conversations with Santa Cruz County about overflow in the event if we need it.

Public Comment:

Hunter Cuneo spoke about the protocol he is going to be using as a safety instructor when they lift the shelter in place. He spoke about firing the Health Officer if he does not lift the shelter in place today, he is not qualified.

Mary Hsia-Coron said that she supports our health officials, they are being unfairly attacked. She understands that our businesses are suffering but instead of these attacks maybe our health officials good convene meetings using zoom with certain sectors of our economy that they wish to open with guidelines, etc.

Rob Bernoskey thanked the Board of Supervisors for having this meeting and allowing people to join in. Said that he does not think someone should be attacked for not being present at the meeting. A great deal of the people do feel we are over the top for restrictions.

Matt Kirkland, pastor in the County, said that suicide hot lines have increased by 20% and the stay in place order should not be a long term solution.

Courtney Evans spoke about the essential services that her business provides to this community.

She owns a yoga studio and there are many medical and physical benefits of yoga. Is against making it mandatory to have people wear masks. Confused as to what is essential.

Hylie Thompson, Cross fit San Benito, spoke about the looming economic crisis that we have. Fitness is important to fighting off diseases. We have lost memberships and are having difficulty keeping our business open, there is no loans for us, etc. Strongly believe in opening our businesses while trying to keep people safe, we have plans in place.

Adam Nannini agrees with the previous speakers. Spoke about what this has done to our working people and the Country. Spoke about our freedom of religion. The Governor and Health Officer is prohibiting gathering of our churches.

Vedona Freitas thanked the first caller who spoke and Supervisor Hernandez for him articulating the freedoms we should all be experiencing right now. You need to trust your people and get open. We need to have an economy for people to go back to.

Andy Hsia-Coron was disturbed by Supervisor Hernandez's comments about the elected officials vs public servants that are not elected. Our Doctor is doing a good job in trying to protect the people in this County.

Manuel Castro, flower shop owner, respects what Supervisor Hernandez is trying to get across in regards to the businesses. Does support the Doctor in his reasoning behind the shelter in place on March 17th, but we do have to start looking at prioritizing the businesses that are not deemed essential to start opening their businesses.

Shana Strohn spoke about their office being able to social distance even though they do have to wait on the public, would like to see businesses being able to open.

Patrick, did not state his last name, spoke about the numbers in the County and the numbers that Stanford put out. We have no one in the hospital right now, where has all of the serious cases been. We need to start opening the businesses.

Kodie Dalton, Golden Eagle Mortgage, they are an essential business, however, they are not seeing as many people coming in because there is really no economy right now. Would like to see more testing to truly show the statistics. The economy needs to come back alive, we need to start opening these businesses.

Ariel Hurtado, Medical Doctor specializing in Anesthesia and Pain Management. Spoke about focusing more on science and provided some basic medical knowledge derived from his 20 years in medicine that politicians, public health figures and media do not understand.

Dana Mills, Hair Salon in Hollister for 30 plus years, which has been deemed non essential but is essential to her family. Would like to be able to open up and set parameters to be able to continue to work.

Heather Quezada, Hair Salon owner, agrees with Ms. Mills they have no paycheck coming in and their business is important to their families.

Dulce Alonso provided information to the question that was asked by a public speaker as to why the chat session is closed to the public during the meeting.

Discussion ensued by Board in regards to trying to open up businesses.

Supervisor Medina suggested that they should have two officials on a committee consisting of Anthony and Peter or Jaime to work on opening businesses.

County Counsel Barbara Thompson pointed out if there was more than two board members it would be a violation of the Brown Act.

Chairman Jaime De La Cruz mentioned there is already a committee that meets on Friday's that includes himself and Supervisor Gillio and other members and has been going very successful. Would like to have that format continue.

Discussion continued by Board.

Supervisor Gillio said that he agrees with having Supervisor De La Cruz and Botelho being the committee for opening businesses.

County Counsel Ms. Thompson wanted clarity if this was going to be a separate ad hoc committee.

Chairman De La Cruz replied that is correct.

Supervisor Peter Hernandez said that he would like to be on the ad hoc committee.

Supervisor Medina said that he would support Supervisor Hernandez being on the committee.

Chairman De La Cruz it would be himself and Botelho as the Ad Hoc Committee.

CLOSED SESSION

County Counsel Barbara Thompson announced that they are removing closed session item #2 from the agenda and read the closed session item #1 in to the agenda.

Those speaking from the public on Item #1 were the following:
Andy Hsia-Coron, President of Preserve our Rural Community.
Zachary Walton, Owner of the Property.
Salvador Mora, resident of the County.
Mary Hsia-Coron, member of Porc.

The Board adjourned in to closed session at 11:35 a.m.

The Board reported out of closed session at 12:55 p.m.

There was no reportable action for Item #1.

Matters discussed during Closed Session include existing and pending litigation, personnel matters and real property negotiations. Reportable actions taken by the Board during Closed Session will be announced during open session. (Gov. Code Section 54957.1(a) and (b), Ralph M. Brown Act.)

1. CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL

Threat to Public Services or Facilities
Government Code 54957a.

Tracey Belton, Director of Health and Human Services Agency.
SBC FILE NUMBER: 235.6

No reportable action.

2. **CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL**

Closed session regarding pending litigation Gov. Code sec. 54956.9 (a)
Preserve Our Rural Communities v. County of San Benito et al San Benito
County Superior Court Case No. CU-20-0053.
SBC FILE NUMBER: 235.6

This item was pulled from the agenda.

MOTION:

Motion to adjourn the meeting Made by Supervisor Anthony Botelho and seconded by
at 12:56 p.m.: Chairman Jaime De La Cruz

5 - 0

For (5):

Against (0):

Ayes: Botelho, De La Cruz, Gillio, Hernandez, Medina

ADJOURNMENT:

In compliance with the Americans with Disabilities Act (ADA) the Board of Supervisors meeting facility is accessible to persons with disabilities. If you need special assistance to participate in this meeting, please contact the Clerk of the Board's office at (831) 636-4000 at least 48 hours before the meeting to enable the County to make reasonable arrangements to ensure accessibility.