



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

May 12, 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 9:00 a.m by Vice-Chairman Jim Gillio. Those present were Supervisors Anthony Botelho, Peter Hernandez, Mark Medina, as well as County Counsel Barbara Thompson, County Administrative Officer Ray Espinosa and Clerk of the Board Janet Slibsager. Chairman Jaime De La Cruz was absent.

a. Pledge of Allegiance

Pledge of Allegiance to be led by Supervisor Peter Hernandez, District #3.

The Pledge of Allegiance was led by Supervisor Peter Hernandez.

b. Acknowledge Certificate of Posting

Certificate of Posting.

MOTION:

Motion to Acknowledge the
Certificate of Posting:

Made by Supervisor Peter Hernandez and seconded by
Supervisor Anthony Botelho

4 - 0

For (4):

Against (0):

Ayes: Botelho, Gillio, Hernandez, Medina

NOTICE OF TEMPORARY PROCEDURES FOR BOARD OF SUPERVISOR MEETINGS

Assistant Clerk of the Board Jennifer Frechette 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/id920-3355-1324>, Password: 649581
- 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 #920-3355-1324, Password: 649581, 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 #920-3355-1324, Password: 649581 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.
- No Chat function.

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

CONSENT AGENDA

MOTION:

Motion to approve Consent Agenda Item #1 as presented: Made by Supervisor Mark Medina and seconded by

4 - 0

For (4):

Against (0):

Ayes: Botelho, Gillio, Hernandez, Medina

1. COUNTY ADMINISTRATION OFFICE - R. ESPINOSA

Approve mid-year budget adjustments for multiple departments in FY19/20.
(4/5 vote for identified adjustments)
SBC FILE NUMBER: 865

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. Approve letter to Gov. Newsom, and authorize the chair to sign.
SBC FILE NUMBER: 130

MOTION:

Motion to approve letter by Supervisor Gillio to the Governor: Made by Supervisor Anthony Botelho and seconded by Supervisor Mark Medina

4 - 0

For (4):

Against (0):

Ayes: Botelho, Gillio, Hernandez, Medina

Health and Human Services Director Tracey Belton provided an update in regards to COVID-19 as follows: Since the last Board of Supervisors meeting our cases have increased by 4, 1 active case; Update on OptimServe Testing Site: The site is open Sunday through Thursday's from 8:00 a.m. to 8:00 p.m. at the Veterans Memorial Building, in order to schedule an appointment you need to go on their website or call the call center the information is on the County's website. During the soft opening from May 5th to current we have tested 137 first responders, and on an average have been completing 76 tests and they have the capacity to test 132 a day. The County has transitioned to State 2 per the Governors roadmap. We have gradually opened curbside for retail, manufacturing and logistics. A reminder to these businesses it is curbside pickup only. This morning at 8:34 a.m. the County submitted our county variance detestation form indicating that we are ready to move forward in the expanded Stage 2. Today the Governor is expected to release guidance on how to expand that expansion so we are looking forward to that. We will be updating our website with the guidance once we receive it. The County is in partnership with United Way, Area Agency on Aging, County Express along with our local restaurants in providing meals for qualified seniors, three meals a day. We don't have a start date yet we are working diligently on rolling this out for seniors in the community. She stated that our Interim Health Officer Dr. Ghilarducci was on the line if the Board had any questions.

Supervisor Mark Medina said that he has received a lot of phone calls for an against the masks, he said that he personally agrees with the mask ordinance, but has noticed in the last week or so there has been other counties that are relaxing the ordinance. Wanted to get the Doctor's input on why these other county's are relaxing their ordinance.

Dr. Ghilarducci replied when it came to the question of facial coverings for the public we felt pretty strongly that as we open up again, as we start to relax our restrictions and looking in to expanding in to phase 2 there is a lot more interaction between people, it seemed contradicting to relax the facial covering order, it will increase submission. The last thing any of us want to do is to fall backward and get in to a more restrictive situation again. I can't say why some county's have relaxed their restriction, but expect there is some political pressure that has driven those decisions. From a disease control prospective the facial covering are an important social tool that will help us limit the spread of disease as we take on more activities that are risky.

Supervisor Anthony Botelho mentioned that Supervisor Hernandez and himself, the roadmap to recovery ad hoc committee, has been meeting everyday with the business community with workshops to try and help open up the community, they have had a lot of participation which has been outstanding. We can't take a step backwards as far as infection rate. We are moving forward to try and get to Stage 2. We need to comply with these guidance's that we have demonstrated in our workshops and what has come from the State. He thanked everyone that has participated in the workshops and staff that has helped. His question for the Doctor was how long do you think we may be locked in to Stage 2 before we can move to Stage 3.

Dr. Ghilarducci replied it depends on what happens on how the disease spreads, we are concerned about a boomerang in the fall. It is going to take awhile to know what the affect of Stage 2 will be, especially for those county's that are applying for variance. We are not going to get back to normal until we have a vaccine available and are able to control the disease.

Supervisor Mark Medina asked about normal and vaccine, what is the time you think the vaccine could be available.

Dr. Ghilarducci replied in normal times the vaccine takes about 4 to 5 years to develop. My understanding is that this vaccine is probably going to go a lot faster possibly 15 months from now, but could be as early as a year. I'm hopeful that a vaccine can be developed. We will gradually get back to the life as it use to be.

Supervisor Peter Hernandez asked what is the formula and how can we justify why we are not able to open up.

Dr. Ghilarducci replied that the intent is to have an objective means of measuring the rate of spread, the prevalence of disease and the ability of the health care system to respond to it. The State order makes sense through that prospective that it provides benchmarks for county's to meet and shoot for. The overall objective is to have a situation where the rate of spread exceeds the ability of our health care system to handle these cases.

Supervisor Botelho thanked the Doctor for his outstanding work on getting the variance application out this morning to the State for us to try to move to Phase 2.

Supervisor Hernandez said that the State is pushing for increased testing. Is is about risk or math.

CAO Ray Espinosa provided additional information in regards variance for Stage 2 to modify the stay at home order. Things that we needed to address to qualify with the State, there were some benchmarks: No more than 1 covid case per 10,000 in the past 14 days which is based on population of 62,000 which we are able to have 6.2 cases or less to qualify. Once it is accepted we can move to Stage 2 and businesses can start opening up. If we go over the 6.2 cases the State is not saying that we have to shut down we need to continue to monitor to make sure that we are doing everything in our power to have a safe environment. In regards to testing capacity there is a minimum daily testing volume that we need to have done, a containment capacity requirement that we have to adhere to. There are 12 pages of questions that we have to be very on point with and adhere to. He thanked Tracey and her team for working over the weekend to get this done. There are some requirements to ask of the Board now which is a letter of support from the local hospitals in the event the county does not have a hospital or health care system so that they can adhere to the requirements. Wanted the Board to codify that the Board has requested support letters for finding more funding from our Legislatures as well as support to try and move forward to Stage 2.

Ms. Belton said that Ray covered everything, can only let you know what has been posted on line. Today we should have more guidance. We did submit everything that was required by us at 8:34 a.m. this morning. We will be working diligently in getting information out to the businesses that are able to reopen with some guidance.

Public Comment:

Hunter Cuneo spoke as a representative of San Benito Strength and other's in the County who are asking for their Freedom not in phases but right now. Addressed the order sent out by Health and Human Services about 10 days ago.

Kathryn Wallace spoke on behalf of the Beauty Industry in San Benito County. Thanked the Board for hearing them as they value their careers. Sanitation is always part of their process. We understand social distancing may be challenging for them but will implement a procedure along with a mask requirements, hand sanitizing and temperatures will be taken, etc.

Courtney Evans owner of a yoga studio said that she was disappointed in our local elected officials and the Public Health Officer, there is no appeals process this is unlawful. She spoke about the benefits that her business provides. She said that she refuses to comply to the Governor's orders.

David Patrick said that he is disappointed the curve is not flat it is gone. The vaccine is not the answer and this lock down is unnecessary along with wearing masks. We are destroying our local businesses.

Robert Bernosky thanked the Board for having these special meeting and allowing the public to speak. He said that the Board's actions are taking a emotional toll on many. He is concerned about our Mental Health in the County. Has a problem with the Governor's actions so far.

Al Guerra agrees with some of the previous speakers. Would like to ask that we use the statistics of our County not the States and use common sense. We need to remove the masks and open San Benito County.

Jackie Morris Lopez agreed with Supervisor Botelho today in upholding common sense and following the Governor's guidelines to protect our community, district and our County. I'm a Health Care provider and this is not a hoax this is real.

Ariel Hurtado, physician in San Benito County, said that we have flattened the curve we have to stop and think this is mother nature it is a virus, a seasonal cold. We need to be working to build up our reserves to be ready for this next phase in the fall.

Vedana Freitas said amen to the previous speakers. This is a flu it will be here every year. We need to loose the masks for now and open businesses now. The Board needs to go to bat for us and not listen to the Governor.

Elia Salinas thanked the Supervisors for following the Governor's guidelines, we don't want people infected. We all want to be able to get back to a normal life, not sure if that is going to happen. We need to adjust to a new way of living.

Maria Lamberson thanked the Supervisors that have followed the Governor's order. This is very real and it is a pandemic, yes many people and their small businesses have been affected. We have a constitutional right to uphold the law. We need to shelter in place until we get this pandemic under control.

Supervisor Hernandez said that it is frustrating that the Governor is damaging the economy. He said that he is done with the Governor and his statements. He read the 14th Amendment to the Constitution. Every business is essential, we need consistency and clarity and we need to work away from the Governor, we need to sue the State and walk away from him.

Supervisor Botelho said that we have been having special meetings weekly during this crisis to try and keep the public informed as to where we are at and what we are doing. We have made real good strides to to move forward with the variances to Stage 2. We feel for the businesses and their employees and yes the pain is real and we don't take it lightly. We are getting more and more cases every day in this country and our state and there are more deaths. For us to walk a way from health orders from our doctors whether at the state level or local level is not a wise move. We have to stay in the course and be in compliant with the state and have a safe opening.

Supervisor Gillio said that he has written a personal letter to the Governor that he published to the community. We need to look at this as not a blanket situation we are all different. We jumped on this very early asking the community to do a lot and they have done a great job and this is one of the reasons our infection rate is low. Our previous Dr. Marty our current Doctor and the Health Department has done an amazing job to get testing here. We have met some very stringent requirements to be able to move forward in Stage 2. Nobody likes the situation we are in, we do not want to progress backwards. There are consequences for county's that choose not to follow the States order.

Supervisor Medina said that there are two things on the agenda that we need to deal with; one is a letter to the Governor to have signed by our Chair, would like to change that to be signed by all of the Supervisors and the second one is the letter we need to send to the public health officer that goes to the Governor.

County Counsel Barbara Thompson said that she would like to make a couple of changes to the letter as follows: Increase cases to 56 and active cases to 1 as it states 2 and modify the last sentence in the first paragraph referring to more general.

Supervisor Hernandez would like to make a friendly amendment, need to have a strong recommendation to allow or respect our own local plan to promote public health, civil liberties and the economy.

MOTION:

Motion to have the letter signed by all of the Supervisors with the amendment recommended by Supervisor Hernandez to include public health, civil liberties and the economy:

Made by **Supervisor Mark Medina** and seconded by **Supervisor Peter Hernandez**

4 - 0

For (4):

Against (0):

Ayes: Botelho, Gillio, Hernandez, Medina

2. COUNTY ADMINISTRATION OFFICE - R. ESPINOSA

Receive update on FY20/21 recommended budget, budget policies, OPEB, and Pension.

SBC FILE NUMBER: 865

CAO Ray Espinosa mentioned that today's meeting was supposed to have been for the budget but COVID-19 has had many impacts on everybody including the budget. Budget Analyst Stewart

Patri is going to highlight some plans for our budget and dates in regards to the budget.

Stewart Patri said at the last meeting we did revise the budget timeline; we are planning on bringing the recommended budget to the Board on June 15th for review and if adopted by the Board it would give spending authority starting July 1st, would follow with a public hearing by July 23rd, budget hearings starting August 3rd and then adopting the final budget for FY 20/21. He provided a PowerPoint presentation which included the following: FY 20/21 Forecasting: Phase II reopening (with limitations) which include the following sectors: Retail, Logistics, Manufacturing, Personal services; Governor's office is projecting rise in unemployment to 18%; still too early to determine the full impact of COVID-19; Revised General Fund Revenue: Property Tax, Sales Tax, Transient Occupancy Tax, Business Tax, Documentary Transfer Tax; 2011 & 1991 Realignment: 2011 Realignment: 14.7% reduction in FY 19/20 with an increase of 3% in FY 20/21; 1991 Realignment: 18% reduction in FY 19/20 and an additional 6% decrease in FY 20/21; Other Post Employment Benefits (OPEB) Trust; OPEB Trust Balances: CERBT; P.A.R.S.; OPEB Trust Funding; CalPERS Pension Impacts: CalPERS total asset market value hit a low of \$335 billion on 3/19/2020; Valuation as of 5/11/2020 was \$376.5 billion; current discount rate is at 7% it does not seem likely that CalPERS will meet this target by fiscal year end; the County will see this impact in two years when the valuation report for 2020 becomes available; Enterprise Funds Updates: Enterprise Fund (Landfill); new contract entered in October; changed terms include the following components: Haul Route Payments totaling: \$200,000 per year (up to \$2 million); Annual Road Impact Payments: \$1 per ton (approx. \$348,000 per year to the Road Fund); Landfill Depletion Fees (Net General Fund Transfers): \$500,000 - \$750,000 per year; John Smith/Fairview Road: \$2 million (upon final expansion approval); Current fund balance allocations to roads total approximately: \$4.5 million; Capital Projects - FY 20/21: Behavioral Health Building \$12,000,000; Homeless Shelter Phase III \$950,000, HEAP Project \$1,100,000; Road/Bridge Projects: Eight Total Bridges on CIP the following have started or are proposed to begin next fiscal year, most of them are Federal Funded; SB1 Projects totaling \$1.7 million; Measure G Local Projects totaling \$1.7 million; Landfill Haul Routes (Enterprise Fund) Projects totaling \$1.5 million; Budget Policies: General Fund Reserve Policy recommendations; General Fund Reserve Structure: Pension Obligation Reserve; Emergency Disaster Reserve; Economic Uncertainty Reserve; Initial recommendation is a reserve of \$1 million with the rest of the balances to be allocated by the Board of Supervisors for various projects; Formal policy will help protect the County from potential future risk/liability issues or capital and programming needs; Questions.

Discussion ensued by Board and staff in regards to general fund reserves, revenues and expenditures and road maintenance funds, etc.

Public Comment:

Mecca Nix, spoke in regards to her business in San Benito County and how she wants San Benito County to open the businesses and sue the State if we have to.

Supervisor Peter Hernandez stated he would like to have an agenda item for Constitution Day which is September 17th, would like to read the Constitution. Second item was in regards to suing the State and a Resolution that we would not support the State Order. He said we cannot hold our community hostage anymore.

Vice Chairman Jim Gillio asked him to work with staff on the item for Constitution Day but does not see any support from the rest of the Board in regards to suing the State or not supporting the States Order.

Jackie Morris-Lopez appreciated the report as to where the money is going and she looks forward to the public hearing on the budget. She had a question for Supervisor Hernandez in regards to him

not wanting to follow the States order, is he willing to turn back funding for COVID back to the State if you are in defiance of his orders.

Adjourn to the next regular meeting of May 19, 2020.

MOTION:

Motion to adjourn the meeting
at 11:45 a.m.:

Made by **Supervisor Anthony Botelho** and seconded by
Supervisor Peter Hernandez

4 - 0

For (4):

Against (0):

Ayes: Botelho, Gillio, Hernandez, Medina

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.