



## 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-Chair

Jaime De La  
Cruz  
District No. 5  
Vice-Chair

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

### REGULAR MEETING MINUTES May 19, 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 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

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 the  
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*

### **c. NOTICE OF TEMPORARY PROCEDURES FOR BOARD OF SUPERVISORS 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](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](mailto: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/id961-5291-5597>, Password 343209;

· 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 #961-5291-5597**, **Password 343209**, 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 #961-5291-5597**, **Password 343209** 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](mailto:JSlibsager@cosb.us)

#### **d. Presentations and Recognitions**

### **BOARD OF SUPERVISORS**

Approve Proclamation declaring May as "Water Awareness Month" in San Benito County.

SBC FILE NUMBER: 156

Shawn Novack from the San Benito County Water District read the Proclamation declaring May as

Water Awareness Month in San Benito County.

MOTION:

*Motion to approve the Proclamation as read by Mr. Novack:* Made by **Vice-Chair Jim Gillio** and seconded by **Supervisor Anthony Botelho**

4 - 1

*For (4):*

*Against (1):*

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

**e. Public Comment**

Opportunity to address the Board on items of interest not appearing on the agenda. No action may be taken unless provided by Govt. Code Section 54954.2.

Rachel Meja spoke about how the shelter in place has been hard for them and how areas are being blocked off so they are unable to go to playgrounds, etc. and the regulations.

Courtney Evans requests a complaint process for the community to track the public voice and record it. Would like the Sheriff's Office to get involved.

Elia Salinas spoke about the proposition 218 forms for public to protest in regards to Recology rates and how there is some confusion because it is for property owners and it should also be for rate payers to be able to protest. Should allow renters to be able to protest. Due to the situation we are in Recology should wait a year to see where we are at before increasing rates.

**f. Department Head Announcements: Information Only**

CAO Ray Espinosa thanked the Technology Department for bringing in laptops for the Supervisors so that they can show their faces for the community. Would like to remove Item #22 from the agenda.

**g. Board Announcements: Information Only**

Supervisor Anthony Botelho reported that Supervisor Hernandez and himself have been hard at work on the Roadmap to Recovery Ad Hoc Committee, they have been meeting with local businesses in trying to get them to open safely. All the workshops have been successful. Would like to take another step in regards to testing. Spoke about farmworkers and more testing for them.

Supervisor Jim Gillio reminded people about the Great Plates Program for any restaurants that are interested in participating along with seniors that qualify for the program, thanked those that helped get our County in the program with the State. Thanked staff and the community for getting us in to phase 2b. Agrees with Supervisor Botelho in regards to agriculture workers to get testing for them. He said that he would like to get some regular updates from Council of Governments meetings because there is a lot going on in the community.

Chairman Jaime De La Cruz asked the CAO to invite Mary Gilbert from COG to give an update at the next meeting along with Supervisor Peter Hernandez.

Supervisor Peter Hernandez mentioned that they are having a COG meeting this Thursday, they are working on Hwy 25 and a lot of local stuff, they will have some updates soon. He spoke about the focus group meetings and how they have been productive. The salons are ready to come back to

work, they are working on ways to protect the public. He said there is a growing trend from different County's to stand up to the Governor.

## CONSENT AGENDA

*These matters shall be considered as a whole and without discussion unless a particular item is removed from the Consent Agenda. Approval of a consent item means approval of the recommended action as specified on the Agenda Item Transmittal.*

*If any member of the public wishes to comment on a Consent Agenda Item, please fill out a speaker card, present it to the Clerk prior to consideration of the Consent Agenda and request the item be removed and considered separately.*

### MOTION:

Motion to approve Consent Agenda #1-19 as presented: Made by Supervisor Anthony Botelho and seconded by Supervisor Mark Medina

**5 - 0**

For (5):

Against (0):

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

1. **AGRICULTURAL COMMISSIONER - K. OVERSTREET**  
Approve State contract, 19-0994-014-SF, for European Grapevine Moth detection survey activities, from January 1, 2020 through December 31, 2020 for a total contract value is \$42,090.00.  
SBC FILE NUMBER: 1.1
2. **CLERK OF THE BOARD OF SUPERVISORS - J. SLIBSAGER**  
Approve the action minutes of March 31, 2020 special meeting, the April 7, 2020 regular meeting and the April 14, 2020 special meeting.  
SBC FILE NUMBER: 119
3. **COUNTY ADMINISTRATION OFFICE - R. ESPINOSA**  
Ratify emergency disinfecting cleaning services Amendment #1 to contract with Cleaning Services, executed by the County Administrative Officer in the amount not to exceed a total of \$132,800.00, for disinfecting services through September 31, 2020 to include Veteran's Memorial Hall.  
SBC FILE NUMBER: 119
4. **COUNTY ADMINISTRATION OFFICE - R. ESPINOSA**  
Adopt Resolution approving the amendments to the County's Primary and/or Alternate CSAC Excess Insurance Authority (EIA) Joint Powers Authority Agreement; and authorize the County's Primary and/or Alternate Board Member to Execute the Amended Joint Powers Authority Agreement.  
SBC FILE NUMBER: 119  
RESOLUTION NO: 2020-31
5. **COUNTY COUNSEL'S OFFICE - B. THOMPSON**  
Approve attorney conflict of interest waiver procedure.

SBC FILE NUMBER: 160

6. **COUNTY COUNSEL'S OFFICE - B. THOMPSON**  
Approve First Amendment to Reimbursement and Indemnification Agreement with McDowell Charitable Remainder Uni-trust, et al re. litigation Preserve Our Rural Communities v. County of San Benito, et al. San Benito County Superior Court Case No. CU-20-00053.  
SBC FILE NUMBER: 160
7. **COUNTY COUNSEL'S OFFICE - B. THOMPSON**  
Approve Amendment No. 5, to legal services agreement with Colantuono, Highsmith & Whatley, PC in the additional amount not to exceed \$18,000 to provide legal representation in the matter of County of San Benito v. Richard Scagliotti, 6th DCA Case No. H045887, and to increase the length of the contract by one year to June 30, 2021.  
SBC FILE NUMBER: 160
8. **COUNTY COUNSEL'S OFFICE - B. THOMPSON**  
Approve one year agreement with LexisNexis, the County's online legal research database for a cost of \$989.80 per month for the term 6/1/2020 through 5/31/2021, an increase of \$9.80/month.  
SBC FILE NUMBER: 160
9. **HEALTH AND HUMAN SERVICES AGENCY - T. BELTON**  
Approve contract renewal with Relias LLC for the term of October 1, 2020 to September 30, 2025, in the amount of \$121,364.99.  
SBC FILE NUMBER: 130
10. **RESOURCE MANAGEMENT AGENCY - H. MAVROGENES**  
Receive a report and adopt resolution authorizing staff to apply for the State Housing & Community Development Local Early Action Planning Grant (LEAP) funds for use in preparing the County's upcoming cycle of Regional Housing Needs Allocation (RHNA).  
SBC FILE NUMBER: 790  
RESOLUTION NO: 2020-32
11. **RESOURCE MANAGEMENT AGENCY - H. MAVROGENES**  
Proclaim May 17-23, 2020 as National Public Works Week in San Benito County.  
SBC FILE NUMBER: 105
12. **RESOURCE MANAGEMENT AGENCY - H. MAVROGENES**  
Authorize the Resource Management Agency Director to enter into a High Cost Agreement with the California Department of Transportation (Caltrans) to secure federal funding from the Highway Bridge Program (HBP) necessary for the construction of the Union Road Bridge Replacement Project – FAP No. BRLS-5943(043) and to secure budget authority to fund the entire estimated construction phase costs currently estimated at \$38.4 million while awaiting reimbursement from the HBP grant funding.  
SBC FILE NUMBER: 105

13. **RESOURCE MANAGEMENT AGENCY – H. MAVROGENES**  
Approve contract Amendment #2 with Lewis Engineering for an additional \$102,000.00 and to extend the existing contract until June 30, 2021.  
SBC FILE NUMBER: 790
14. **RESOURCE MANAGEMENT AGENCY – H. MAVROGENES**  
Approve contract Amendment #2 with True Point Solutions for an additional \$43,000.00 and to extend the existing contract until June 30, 2022.  
SBC FILE NUMBER: 790
15. **RESOURCE MANAGEMENT AGENCY – H. MAVROGENES**  
Approve contract Amendment #3 with NV5 Inc. for an additional \$1,005,000.00 and to extend the existing contract until June 30, 2021.  
SBC FILE NUMBER: 790
16. **RESOURCE MANAGEMENT AGENCY – H. MAVROGENES**  
Approve contract Amendment #1 with In Studio Architecture to extend the existing contract until June 30, 2021, with no increase in the contract amount.  
SBC FILE NUMBER: 810
17. **RESOURCE MANAGEMENT AGENCY – H. MAVROGENES**  
Approve contract with CSG Consultants for an amount not to exceed \$89,000.00.  
SBC FILE NUMBER: 790
18. **TREASURER/TAX COLLECTOR'S OFFICE - M. CASILLAS**  
The San Benito County Tax Collector respectfully requests consideration of the discharge of the following Delinquent Unsecured Taxes. These taxes have become uncollectable in the normal course of business. The discharge of these taxes does not relieve the taxpayer of their responsibility to pay the taxes, they just cannot be subject to further aggressive means of collection, especially with respect to bank seizures. The office of the San Benito County Tax Collector intends to continue to pursue the payment of these taxes.  
SBC FILE NUMBER: 685.2
19. **TREASURER/TAX COLLECTOR'S OFFICE - M. CASILLAS**  
Adopt Resolution, authorizing the Treasurer to temporarily transfer funds in his/her custody as may be necessary to provide funds for meeting the obligations incurred for maintenance purposes by any political subdivision whose funds are in his/her custody and are paid out solely through his/her office, pursuant to Article XVI Section 6 of the Constitution of the State of California.  
SBC FILE NUMBER: 685.2  
RESOLUTION NO: 2020-33

## **REGULAR AGENDA**

*For each regular agenda item, the following schedule shall occur:*

- a) *Staff report.*

*b) Public opportunity to address the Board on a particular agenda item. Please fill out a speaker card and present it to the Clerk prior to consideration of the item.*

*c) Consideration by the Board.*

**20. HEALTH AND HUMAN SERVICES AGENCY - T. BELTON**

Receive presentation and update from HHS/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 a PowerPoint presentation in regards to COVID-19 as follows: We have 6 active cases, 53 recovered and 2 deaths, we continue to monitor these on a daily basis; State 2 and Expanded Stage 2 that the County is in: On May 12th the Governor did advance us in to Stage Early Stage 2 which includes the following: Curb-side Retail, Manufacturers, Logistics, Childcare for those outside of the essential workforce, Office-based business, Select Services: car washes, pet grooming, and landscape gardening, Outdoor museums, and open gallery spaces and other public spaces with modifications; May 13th Expanded Stage 2 and what we are having to do to be able to get to that point; San Benito County Recommendations: Follow guidance for related industry, Post a copy of the completed guidance checklist at your business, Self Certify and post that you have completed the checklist and you are following the guidance for your business, Should the guidance not be followed, the County is at risk of a possible surge and will need to assess the need for a county specific Shelter in Place order, The Health Officer continues to monitor the need for the face covering order; COVID-19 Governor's Update: On May 18th the Governor noted that 24 counties to date have filed local variance attestations. The Governor encouraged members of the public to visit the COVID-19 website to track their county data online; They have been tracking the number of hospitalizations as well as those in ICU's over the past fourteen days, which we have seen a decline which is great news; If rates continue to remain steady, the Governor announced he would be making statements in the next few weeks to allow for in-store retail modifications, sporting events without spectators, and potentially haircuts as well; New guidelines for the faith based community to allow for faith-based counseling and for faith-based workforce to resume operations such as an office would, with modifications; however, there is still is not allowance for congregations to reconvene in person; We have the Great Plates Program for our senior population the information is on our website; OptumServe Testing Data (Veteran's Memorial Building): There has been a delay in some of the results being received: Tested 785 since May 5th we are still waiting for 246 results, we encourage everyone to continue to get tested. The testing sight is open until 8:00 p.m. by appointments. Are looking to move a testing sight to San Juan Bautista or the Aromas area to provide for a different population. Dr. Ghilarducci is not available for today's meeting he had other commitments. If you have any questions for him you can email us and we will get back to you.

Discussion ensued by Board and Staff.

CAO Ray Espinosa provided additional information in regards to the Great Plates Program, we have 90 seniors signed up and 8 restaurants as well and will go live tomorrow. We have received surgical masks and we plan to get PPE equipment out to the businesses.

**Public Comment:**

David Patrick said that it was stated that we won't get back to normal until we get a vaccine. Masks should be withdrawn, healthy people should not wear masks. The lock down of businesses must end.

April Rael said that she agrees with previous caller, the masks continue to cause problems. We

need to stop enabling our State.

Jessa Fraser said that we have the freedom to be responsible, the Governor has taken away our liberty. We need the Board to stand up for us. Declare our City a Sanctuary City so that liberty can be restored.

Hunter Cuneo, said that we need to end this mask request and run the Health Officer out of town. Would like to request that the Board of Supervisors put on the agenda for next week discussion to declare San Benito County a Sanctuary County for businesses and churches.

Courtney Evans spoke of free speech and due process. We should be a Sanctuary City.

Jackie Morris-Lopez feels that masks should be used, this is a new virus.

Mike Waller spoke about the position we are in today and how we can move forward in life. Spoke about the well being of our children and how schools may move forward in the future.

Michelle Perry, hair stylist in town, agrees with previous speakers. Yes we have a virus but we cannot live in fear. I have to comply with the rules because I will lose my license, doesn't mean I agree with it.

Vedana Freitas spoke about previous speakers, supports removing the mask order today and declare San Benito County a Sanctuary County, we need to open all businesses.

Adam Nannini, resident of Hollister, spoke of the decisions that are coming from Sacramento are arbitrary not scientific. The mask order is destroying social confusion in our community, it should be a recommendation not a requirement.

Jessica Dutra spoke about shelter in place order and mask requirements, we need to get rid of this order. People are being segregated and harassed, we need to reopen our county.

Frank Barragan, resident of San Benito County, appreciates the speakers. Spoke about the mask order and that his family has issues with asthma, you can get CO2 poisoning from wearing masks.

Bailey Evans, resident of San Benito County, spoke about the mask order and that it should be lifted. Spoke of the Mental Health of people in the U.S. it is difficult times and how domestic and child abuse has sky rocketed.

Mark Rogers spoke about the issue of masks and orders, we need to open our community and declare San Benito County a Sanctuary County.

Elia Salinas kudos to the Supervisors for following State Law, the virus is still out there. In favor of the Shelter in Place and the mask order.

Emily Skow said that she does not agree with the mask order and she does not wear one. We need to declare a Sanctuary City.

Glen Pacheco spoke about shutting down the economy and how all businesses need to open immediately. Mask order should be lifted, social distance learning is not acceptable. All parks should be open with sports, summer is coming up.

Jared Gallagher spoke about resources and we need to free our County.

Rob Bernosky asked why are public officials not addressing the economic impact and the constitutional rights issue. Asked the Board to consider having a special meeting just to address these issues.

Supervisor Anthony Botelho said that we are not enjoying wearing a mask, but feel there is an obligation to try and protect ourselves and others from infection. I feel because we have been successful we have been able to move to Phase 2b. Testing is going to give our Health Officer more information to move forward. We have to follow the State Law, do not support being a Sanctuary City. I support the direction that we are going in and will continue to get businesses open. This disease is going to be in our environment for a period of time.

Supervisor Jim Gillio said that he does everything that he can to listen to the public everyday. I understand law and order and possibly enforcing laws that you don't agree with. We have an obligation to follow the laws of the County and State. I do agree with some of the people that spoke today. I have never led through a pandemic and I am doing the best that I can to listen to our community. I am using safety facts to support my decision making and I will continue to rely on our Public Safety Officer and the facts. We will get through this, we are doing good things. I personally signed a letter to the Governor to represent the public and will continue to do so.

Supervisor Peter Hernandez said that there are two sides. We are doing things and it doesn't seem to be enough. I don't support the sentiment of the Board. We are shutting down our economy. We haven't focused on the constitutionality of things. He read a portion of the Declaration of Independence. Spoke about mortality rate. We need to have law and order but cannot hurt the people. The punishment is on the people there is no substance or element in what we are doing and we are not addressing constitutional rights. I encourage us to alter and abolish our current forms of government that are not consistent with us as the Board of Supervisors supporting the constitution of the people and if that means we violate the State Law then I would agree with it. I believe we should become a Sanctuary County, that is where I stand.

County Counsel Barbara Thompson reassured the Board we are tracking all of the cases in California. So far there has been no court that has overturned or invalidated the State of California's order. There have been several lawsuits that have been filed in California and other States. The constitutionality of this will be determined by those court cases and because California is more liberal than some of the other States this may actually go up to the Supreme Court eventually and decided. The Board has the ability to follow the order until it has been determined illegal. She will keep the Board informed as developments occur.

**21. COUNTY COUNSEL'S OFFICE - B. THOMPSON**

Discuss the COVID-19 eviction ordinance which is due to expire May 31, 2020. If desired, Read Title, Waive further reading, accept introduction and adopt an Urgency Ordinance extending a Temporary Prohibition on COVID-19 Pandemic Related Evictions of the County of San Benito to Impose a Substantial Limitation on Residential and Commercial Evictions for an additional thirty days, or provide other direction to staff.

SBC FILE NUMBER: 160

ORDINANCE NO: 1,010

County Counsel Barbara Thompson provided information to ordinance in regards to evictions that expires on May 31st. There has been some developments in regards to the executive order that was issued by the State of California which is also due to expire on May 31st, we have not seen any

extensions as of yet. It is our recommendation that we don't believe a local ordinance is necessary at this time because there is no ability for a court to issue a summons except as necessary for Health and Safety emergencies. The State has adequately covered those grounds. It is before the Board today because the Ordinance expires on May 31st.

Discussion ensued by Board.

**Public Comment:**

Courtney Evans said that we need to keep track of litigation to the State and the County locally.

Hunter Cuneo its absurd to suggest we wait for the State to dictate leadership and we wait to see if it's constitutional or not.

Chairman Jaime De La Cruz said that the direction is to wait and follow what the State does.  
Supervisor Hernandez voted no.

**22. BOARD OF SUPERVISORS - P. HERNANDEZ**

Approve in concept, the use of Vets Park for a weekly farmer's market, subject to the Veterans Park Commission's review and approval. Authorize the CAO to execute any necessary contracts after Vet's Park Commission's approval. Authorize financial support, as determined necessary to offset actual costs to the Chamber, not to exceed \$35,000 from the Board's previous emergency appropriation to support any costs related to the use of Vets Park.

SBC FILE NUMBER: 119

This item was removed from the agenda.

**23. COUNTY ADMINISTRATIVE OFFICE- R. ESPINOSA**

Discuss and provide direction to staff regarding the process which should be followed for the negotiation of a project specific (or master) Tax Agreement with the City of Hollister related to commercial annexations.

SBC FILE NUMBER: 119

County Counsel Barbara Thompson provided information on the Master Tax Agreement with the City of Hollister related to residential annexations. She said that there is now a new pending commercial project that was approved by the City Council to proceed to LAFCO at the end of 2019 but it still has not gone to LAFCO that will need a commercial tax agreement, it does not have to be a master tax agreement can be a project specific agreement for commercial, but does need to have an agreement with the City of Hollister in order for that annexation to proceed to LAFCO. There is different ways that we can go the Board; can appoint an Ad Hoc, staff can negotiate it. We suggest that staff negotiate the terms with the City Manager and bring back to the Board for action. She defers to the Board for direction.

Chairman Jaime De La Cruz asked the Board if they wish to have staff negotiate or have an Ad Hoc committee.

Supervisor Botelho, let staff deal with it.

Supervisor Gillio, let staff.

Supervisor Hernandez, let staff.

Supervisor Medina, let staff.

Chairman De La Cruz said that the consensus of the Board was to let staff negotiate.

Supervisor Medina recommends that it comes back after staff negotiates.

## **PUBLIC HEARING**

24. **HEALTH AND HUMAN SERVICES AGENCY - T. BELTON**  
**Hold a Public Hearing to receive public comment on the proposed application; adopt Resolution approving and authorizing submission of the 2020 CDBG grant application; authorize the HHS Director or Deputy Director to accept the grant, if awarded, enter into and execute the grant agreement and any subsequent amendments with the State of California, and execute Funds Requests and other required reporting forms for purposes of administering the grant; authorize the County Administrator to execute the Assurances pertaining to the grant.**  
**SBC FILE NUMBER: 130**  
**RESOLUTION NO: 2020-34**

Deputy Director Enrique Arreola provided a PowerPoint presentation on the 2020 CDBG grant application as follows: Purpose of the Public Hearing is to discuss the 2020 Community Development Block Grant application and to provide citizens an opportunity to comment on the proposed activities; This is the second of two public hearings that is being conducted to notify the public of the opportunity for the County to apply for CDBG funds available through the California Department of the Community Housing Development and for the County to receive public input; The first public hearing was held on February 20, 2020: Background Information; CDBG Applications Awarded; The purpose of the CDBG program; Eligible activities; 2020 CDBG Application: San Benito County will apply for \$3,500,000 to include; Public Services \$500,000; 2020 CDBG Application Phase III - Public Facilities \$3,000,000; Questions.

Chairman Jaime De La Cruz opened the public hearing. There was no public comment, the Chairman closed the public hearing.

Discussion ensued by Board and staff.

MOTION:

Motion to adopt Resolution No. 2020-34 as presented:

Made by Supervisor Anthony Botelho and seconded by Vice-Chair Jim Gillio

**5 - 0**

For (5):

Against (0):

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

## **CLOSED SESSION**

County Counsel Barbara Thompson read the closed session items #25 and #26 in to the record.

The Board adjourned in to closed session at 11:43 a.m.

The Board reported out of closed session at 11:59 a.m.

There was no reportable action.

*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.)*

**25. CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (d)(2), (e)(2) of Government Code Section 54956.9

Number of cases:1

Potential of litigation relating to COVID-19's effects on Developer's obligations established in the San Juan Oaks Development Agreement.  
SBC FILE NUMBER: 235.6

No reportable action.

**26. CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Government Code section 54956.9, subds. (a) and (d)(1)

Name of Case: County of San Benito v. Richard Scagliotti,  
Sixth Appellate District Court of Appeal, Case No. H045887.

SBC FILE NUMBER: 235.6

No reportable action.

**ADJOURNMENT**

**Adjourn to the next regular meeting of June 2, 2020.**

MOTION:

*Motion to adjourn the meeting  
at 12:00 p.m.:*

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

**5 - 0**

*For (5):*

*Against (0):*

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

*NOTE: A copy of this Agenda is published, along with supportive documents, on the County's Web site on the Friday preceding each Board meeting and may be viewed at [www.cosb.us/government/meetings-agendas/](http://www.cosb.us/government/meetings-agendas/). All proposed agenda items with supportive documents are also available for viewing at the San Benito County Administration Building, 481 Fourth Street, Hollister, CA between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday (except holidays). This is the same packet that the Board of Supervisors reviews and discusses at each Board meeting.*

*As required by Gov. Code Section 54957.5 any public record distributed to the Board of Supervisors less than 72 hours prior to this meeting in connection with any agenda item shall be made available for public inspection at the office of the Clerk of the*

*Board, San Benito County Administration Building, 481 Fourth Street, Hollister, CA 95023. Public records distributed during the meeting will be available for public inspection at the meeting if prepared by the County. If the public record is prepared by some other person and distributed at the meeting it will be made available for public inspection following the meeting at the office of the Clerk of the Board.*

*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.*