



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

### **SPECIAL MEETING MINUTES** **June 9, 2020** **12:00 PM**

#### ***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 12:00 noon 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 was led by Supervisor Peter Hernandez.

- 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 Peter Hernandez

**5 - 0**

For (5):

Against (0):

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

## **NOTICE OF TEMPORARY PROCEDURES FOR BOARD OF SUPERVISOR 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](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/id940-5309-6109>, password 065376
- 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 #940-5309-6109, Password

065376, 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 #940-5309-6109, Password 065376 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](mailto: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

CAO Ray Espinosa thanked the Board of Supervisors and the public for making time available today for this special meeting. Due to information coming out from the State it was imperative to meet to benefit the business community. Highlighted the meetings we have been having in regards to COVID since March 2020. Thanked staff, it takes a lot of work to put these together. He asked the Board for a regular Board meeting on July 21st to follow up with COVID, the Board was supposed to have the month of July off, would like to get a dialogue from the Board.

Chairman Jaime De La Cruz asked the Board if they would like to have a regular meeting on July

21st. The consensus of the Board was to have a July 21st meeting.

Director of Health and Human Services Tracey Belton provided an update to COVID-19 as follows: San Benito County Data (new details) Have updated the dash board to include more details and information; Update on County Variance: On June 5th the Governor did release guidance for additional sectors in State 3, the guidance provides sectors with information on public health modifications they should implement prior to reopening. The Health Officer will be addressing the Board where we are as a County to advance in to Stage 3. The following Statewide guidance was released for the following: Day Camps, Schools and School Based Programs, Updated Childcare Programs and Providers, Family Friendly Practices for Employers, Support for Working Families; The following guidance for Variance Counties was released for the following: Campgrounds, RV Parks, and Outdoor Recreation, Hotels for tourism and individual travel, Card rooms and Racetracks, Family Entertainment Centers and New Movie Theaters, Restaurants, Bars, and Wineries, Gyms and Fitness Centers, Museums, Galleries, Zoos, and Aquariums, Casinos; The following sectors, businesses, establishments, or activities are not permitted to operate in the State of California as this time: Personal services such as nail salons, tattoo parlors, body waxing, Indoor playgrounds such as bounce centers, ball pits and laser tag, Live theater, Saunas and steam rooms, Nightclubs, Concert venues, Festivals, Theme parks, Higher education; San Benito County Recommendation: Follow guidance for related industry, Self Certify and post that 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, As the State of California moves through the process of reopening, they will continue to publish guidance for business and activities currently allowed under that stage. The San Benito Public Health is obligated to adhere to state issued guidance for businesses and activities. We do not have the authority to allow activities that are not specifically allowed under these guidance's, nor is the Public Health Department in a position to evaluate or endorse any particular plan. Instead, it is the responsibility of each business or activity that wishes reopen to refer to the state guidelines and to use their best judgment in interpreting these guidelines in their reopening plans. The guidelines are available at [www.covid19.ca.gov](http://www.covid19.ca.gov). for anyone that would like to see them; OptumServe Testing Data (Veterans Memorial Building).

Dr. David Ghilarducci provided information in regards to Stage 3 Implementation following state schedule. We recommend that everyone go to the website if you have any questions about their industry. Public Health General Update: We have seen an uptick in cases locally and and at the state level since the Memorial Day Weekend, but also due to the relaxation of the Shelter in Place. We don't know right now in regards to the nationwide protests, it could possibly increase within the next couple of weeks. The State does monitor our metrics and looks at our rate of increase, testing rates, etc., and may actually revoke our variance if issues arise, fortunately, we are in a good place right now. Face Covering Order Update: Face covering order will remain with modifications, applies to all activities currently open per state reopening plan. There was a recent survey done by County Health Officer's in California, 41 out of 47 support a facial covering order. Most counties in the State have mandatory orders that have much lower cases than what we have. 30% of people with COVID are A symptomatic, have never had symptoms or may be pre symptomatic, they are infectious several days before they come down with any signs of illness. We don't have any vaccine or medication to prevent this. We need to be careful, four important reasons for businesses as to why this order is imprint: 1) It helps businesses protect their essential workers and to stay open, 2) helps ensure customers who are weary, 3) does reduce the changes to reverting back to Stage 1, 4) It takes the heat off of business owners who have customers that are upset about having to wear a face covering, and put it directly on me. Questions:

Supervisor Mark Medina had a question in regards to schools opening, what authority do we have as Supervisors along with the Public Health Officer, if anything.

Dr. Ghilarducci replied that we really don't have any authority in respect to that, there are statewide guidance for schools. The Department of Education has released a very detailed guidance for schools in the State. I think the schools are obligated to follow each of those. The schools are going to have to make a decision what they can implement on a practical basis. They are going to be responsible for the safety of their students. We are not in a position to approve or not approve their plans we will need to leave it to them, we can provide support and answer questions. Their reopening will be up to the Board of Education and the individual schools.

Supervisor Medina also had a question in regards to mask order, what are the metrics in the future to gauge when we will be able to not have a mandatory mask order.

Dr. Ghilarducci replied obviously when you are outside maintain social distancing. When you are on a hiking trail and pass somebody going the opposite direction there is no difference whether you are wearing a mask or not. It is when you get in to situations where it is hard to maintain the separation where someone sneezes or coughs, that is the logic behind it. As far as when the mask order can go away it is hard to say, the masks are not perfect. Maybe when we have a vaccine or medication is when the mask order may go away. I think it is easier to have a blanket order, best way to maintain order at this point.

Supervisor Jim Gillio made a comment about the States order for face coverings for salons and our local order, duplicate orders could be confusing. Asked the Doctor if we receive a complaint about schools if we could set clear guidance as to who are they to report to the County, State, etc.

Dr. Ghilarducci responded that we are relying on the state guidance. When these conflicts come up I will work with Tracey to figure out a way to address them.

Supervisor Anthony Botelho thanked the Doctor for taking time today. He said that he is very satisfied with the mask order explanation, it is important to continue down this path so we can try and open more businesses and put people back to work and improve our economy. I can see where the face order is essential in different places. Supports the Doctors recommendations and expertise. He asked the Doctor about the new number of cases and is it out of line with other counties. He thanked the Doctor for all of his work.

Dr. Ghilarducci said that compared to other county's our rate of infection per capita is a little bit higher, we still meet all of the variance criteria to be a variance county, but we need to watch it closely. Our rate is higher based on our population. He said that we don't want to lose the progress that we have made.

Supervisor Peter Hernandez said that he would take his mask off while he speaks as he has had some complaints about having a hard time hearing him. He asked the Doctor to explain the difference between A symptomatic and pre symptomatic.

Dr. Ghilarducci said that pre symptomatic refers to a period of time you caught the illness but do not feel the affects and in three or four days you may actually feel sick with symptoms. A symptomatic you may be infected and can infect others with out even knowing, they never develop symptoms.

Supervisor Hernandez would like to see some kind of studies regards to pre symptomatic and infectious. Heard from a Health Nurse you have to have symptoms to be infectious, said there is confusing information.

Dr. Ghilarducci said that it has been a real challenge, we don't have all of the answers. This virus appears to be different, we still need more science.

Supervisor Hernandez asked what counties has he spoken to that do not have a mask order and does the mask replace 6 foot distancing.

Dr. Ghilarducci replied that the counties that don't have one for the most part seem to be small rural counties: Alpine, Calaveras, Colusa, Kings, Madera, Mariposa, Nevada, Ventura and San Bernardino. If you are able to maintain 6 foot distancing and you are outside I don't think the mask adds much but when you get in to closer contact it probably adds protection. We recommend both if you can. When you are out walking or hiking it doesn't make a lot of sense to wear a mask if you are able to maintain those distances. We define a significant exposure as being within 6 feet for 10 or 15 minutes.

Supervisor Hernandez asked how do we guarantee consistency in our economy with the current health order.

Dr. Ghilarducci replied that we need to maintain the spread the best that we can and continue to follow guidelines the best that we can. We need to think about the people around us it is not like wearing a bike helmet. We don't have a lot of tools. He thanked everyone for the great questions and dialogue and we will keep working together.

Ms. Belton asked the Doctor if he is granting the authority to expand in to Stage 3 per the guidance's that were issued on Friday.

Dr. Ghilarducci replied that is correct.

Ms. Belton said that they have posted some general guidance on their website.

Supervisor Hernandez said that we need to talk about the impacts when it comes to schools, I think it would be good to have a joint meeting with all the schools to see how it is going roll out, there is a lot of questions.

Supervisor Gillio said that he had a conversation with Tracey they have been meeting with all of the Superintendents on a weekly basis for about the last month maybe Tracey can talk some about that. It sounds there is a good plan in place to move forward.

Ms. Belton said that they do meet every Wednesday morning and the Office of Education coordinates the meetings with all of the schools. We are talking about health issues and school issues. The schools are receiving guidance, we have an excellent partnership with them and working with them to roll things out.

Chairman Jaime De La Cruz polled the Board to see if they would like to have a special Board meeting with the school districts, etc.

Supervisor Botelho said no it looks like it is already happening, maybe have Supervisor Hernandez join in the meeting and go from there.

Supervisor Gillio supports Botelho.

Chairman De La Cruz supports Botelho, mentioned if Supervisor Hernandez and Gillio would like to join the meeting and they can report back to them.

**Public Comment:**

David Patrick spoke about protests, and how covid cases have gone down, social distancing and masks. He addressed concerns from last meeting.

Jarad Gallergo spoke about compromise in regards to masks.

Val Hallar spoke in regards to masks and why we need to wear them. Spoke in regards to kids and when they have to go back to school.

Salvador Mora spoke about being kind to one another on both sides, we might not always agree, on both sides of the issue.

Rob Bernosky encourages the Board of Supervisors to keep an open mind in regards to a joint meeting with the schools, we need to be connected. A majority of people wants their kids back in school but it is a huge challenge, we need to work together on this.

Hunter Cuneo spoke in regards how it was okay to have a 1,000 people gather on Saturday even local officials when it is for a politically approved reason when we are told we can't gather in the amount of 10 to bury our loved ones, we can't allow our kids to have graduation ceremony's. There is no health crisis in San Benito County and there is no police brutality crisis in San Benito County but you are using these issues to create more tension. We ask that the mask order be addressed again.

Courtney Evans spoke about the research that has been going on in regards to A symptomatic and how the health department is harassing businesses. You need to listen to the people.

Elia Salinas thanked the Board of Supervisors for being one of the first ones to do the shelter in place along with the facial masks. We need to be respectful to each other. It is not up to the Board to dictate what the schools do it is up to the State and the State Public Health Department. She said she is advocating for Farm Workers to get tested and they are essential workers.

Vedana Freitas spoke about how Dr. Ghilarducci is a government worker, he takes orders from health officials at the State. It is hard to sit here and listen to these orders.

Emily Skow asked that the mask requirement in San Benito County be lifted.

Mecca Nix spoke about A symptomatic and masks. We need to lift all Covid-19 restrictions now.

Kevin Barcellos thanked the Board of Supervisors for keeping the mask order in place. He addressed comments about protest last weekend, all participants were masked.

Supervisor Hernandez asked if we could pole the Board to see if we could have a meeting with the schools.

Supervisor Botelho, no.

Supervisor Gillio, no, continue in the direction that we are going.

Chairman De La Cruz gave permission to Supervisor Hernandez to attend the school meetings if he would like.

## **CLOSED SESSION**

County Counsel Barbara Thompson read the closed session Item #1 in to the record.

The Board adjourned in to closed session at 1:38 p.m. The Board reported out of closed session at 2:05 p.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.)*

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

Conference with Legal Counsel - Anticipated Litigation

Initiation of litigation pursuant to subdivision (d)(4) of Government Code Section 54956.9

Number of Cases: 1

SBC FILE NUMBER: 235.6

No reportable action.

MOTION:

*Motion to adjourn the meeting at 2:06 p.m.:* Made by **Supervisor Anthony Botelho** and seconded by **Supervisor Peter Hernandez**

**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.*