



SAN BENITO COUNTY BOARD OF SUPERVISORS

Mark Medina Anthony Botelho Peter Hernandez Jim Gillio Jaime De La
District No. 1 District No. 2 District No. 3 District No. 4 Cruz
Vice-Chair District No. 5
Vice-Chair

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

REGULAR MEETING MINUTES April 7, 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 9:02 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

Approved by the Board of Supervisors on 5/19/20

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

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

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/id546505307>

· Android App store:

<https://play.google.com/store/apps/details?id=u.s.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.
4. **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.

d. Presentations and Recognitions

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.

Barbara Snyder, please postpone any Board meetings until the shelter in place order has been lifted, nothing you will be voting on in the next couple of months will be an emergency. The County residents have a right to participate in the public hearing process, zoom is no substitute for actually being in the room and participating. It requires an up to date computer with all current drivers and can exclude many people from the meetings. If you have an agenda item that does not pertain to the

COVID-19 virus please postpone for a few months.

Cheryl Vaughan-Booth, spoke about the Santana Ranch retention pond and thought it was going to be put on the agenda. She would like to request the same information that she was requesting before; would like to know where the water is going to flow and how much water, how it is going to affect our properties, who is going to be responsible if there is any damage to our property from the water flow, who is going to be responsible for maintaining the safety of it and who is going to be responsible for making it not an eye sore.

Mary Hsia-Coron spoke about how zoom is hard to follow and use in a meeting. The current interface is different than from the last meeting and is confusing.

Jacqueline Morris-Lopez spoke in regards to the platform of zoom and how it is different from last time and this is not a true open meeting.

Frank Barragan, San Benito County resident, spoke about people talking about how confusing zoom is, it has been around for awhile. There is going to be a learning curve for a lot of people but it is a very good platform.

Rolan Rezendiz spoke about zoom and how it is a little different.

Andy Hsia-Coron spoke about violating California's constitution to enact any ordinances or zoning changes at this time due to the COVID-19 pandemic, San Benito County is under a shelter in place order. This makes it impossible and illegal for citizens to exercise their rights to referend locally enacted ordinances or any other local legislative actions. The people of San Benito County have already spoken clearly when they rejected Ordinance 991 by a super majority.

f. Department Head Announcements: Information Only

County Counsel Barbara Thompson introduced their new Deputy County Counsel Reed Goodoly.

Mr. Goodoly said that he was excited to join the team and get to work.

Supervisor Mark Medina wanted to let the public know that he was present along with Supervisor Anthony Botelho, Clerk of the Board, CAO, County Counsel, Edgar and Dulce.

County Counsel Barbara Thompson mentioned that on consent agenda Item #5 there were minor changes to the reimbursement agreement that makes it more protective to the County as compared to the last draft that was presented to the Supervisors. If you want detailed information the item can be pulled from consent and presented.

g. Board Announcements: Information Only

Supervisor Hernandez-none.

Supervisor Medina-none.

Supervisor Botelho-none.

Supervisor Jim Gillio provided an update on the weekly meeting on Friday that himself and

Supervisor De La Cruz had with the two Mayors on how everyone is doing. Talked about the new order through May 3rd and the aspects of the new order.

Chairman De La Cruz said that it was a nice weekly meeting with elected officials and departments to pull resources together to better protect the community.

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 the consent agenda (#1-13) as presented:

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

1. **CLERK OF THE BOARD OF SUPERVISORS - J. SLIBSAGER**
Approve the action minutes of the February 4, 2020 regular meeting.
SBC FILE NUMBER: 119
2. **COUNTY CLERK-AUDITOR-RECORDER-ELECTIONS - J. P. GONZALEZ**
Adopt Resolution accepting the certified Statement of Election Results for the March 3, 2020 Presidential Primary Election.
SBC FILE NUMBER: 285
RESOLUTION NO: 2020-21
3. **COUNTY COUNSEL'S OFFICE - B. THOMPSON**
Approve Amendment No. 1 to legal services contract with Hooper, Lundy & Bookman, LLP for legal services in an additional amount of \$25,000 for a total contract amount not to exceed \$75,000.
SBC FILE NUMBER: 160
4. **COUNTY COUNSEL'S OFFICE - B. THOMPSON**
Approve new fax/electronic signature policy, and authorize the CAO to authorize amendments to the policy as necessary in the future, with County Counsel approval.
SBC FILE NUMBER: 160
5. **COUNTY COUNSEL'S OFFICE - B. THOMPSON**
Approve Reimbursement and Indemnification Agreement with McDowell Trust Entities Re. Betabel C-1 Rezone Application.

SBC FILE NUMBER: 160

6. **COUNTY COUNSEL'S OFFICE - B. THOMPSON**
Authorize the CAO to execute contract with grant writer to secure grants for the Tres Pinos Water District.
SBC FILE NUMBER: 160

7. **HEALTH AND HUMAN SERVICES AGENCY - T. BELTON.**
Accept presentation on National Public Health Week, Proclaim and Recognize National Public Health Week April 6-10, 2020.
SBC FILE NUMBER: 130

8. **HEALTH AND HUMAN SERVICES AGENCY - T. BELTON**
Approve the re-appointment of Carol Thomas to the Community Action Board (CAB) as a District #3 Representative of the Private Sector, for a three-year term effective 3/12/2020 through 3/12/2023.
SBC FILE NUMBER: 130

9. **HEALTH AND HUMAN SERVICES AGENCY - T. BELTON**
Approve Amendment #1 to Go Kids, Inc. contract, from \$54,968.00 to \$116,085.00 for the term of July 1, 2019 to June 30, 2021.
SBC FILE NUMBER: 130

10. **COUNTY ADMINISTRATION OFFICE - R ESPINOSA**
Approve Request for Proposal (RFP) COSB IT #2020-01 for Professional Information Technology (IT) Services and delegate authority to CAO or designee to solicit proposals.
SBC FILE NUMBER: 119.1

11. **RESOURCE MANAGEMENT AGENCY – H. MAVROGENES**
Adopt the plans and specifications for the Measure G Projects At Various Locations PWB-2010 Union Rd - E/S PCC Bridge to Southside Rd, PWB-2011 Southside Rd - E/S PCC Bridge to W/S PCC Bridge, and PWB-2012 Buena Vista Rd - HWY 156 E/S to 4535' E/O HWY 156 - FY 19-20; find the projects are categorically exempt under CEQA Guidelines Sections 15301 and 15302 and; authorize the advertisement for bids.
SBC FILE NUMBER: 105

12. **RESOURCE MANAGEMENT AGENCY – H. MAVROGENES**
Adopt the plans and specifications for the SB-1 Projects At Various Locations FY 2019-2020 PWB-2004 Fairview Rd from Ludis Lane to HWY 156, PWB-2005 Union Rd-1 mile S Union Heights to W/S PCC Bridge, PWB-2006 Cienega Rd from Hospital Rd to Hidden Valley, PWB-2007 Southside Rd-1 M S Blossom Rd to W/S PCC Bridge, PWB-2008 Crestview Lane from Valley View Rd to End, PWB-2009 Hillcrest Road from 200' E Busby Court to 0.3 M W Fairview Road; find the projects are categorically exempt under CEQA Guidelines Sections 15301 and 15302 and; authorize the advertisement for bids.
SBC FILE NUMBER: 105

13. RESOURCE MANAGEMENT AGENCY - H. MAVROGENES

Receive written report on potential projects for the FY 2020-21 SB1 Road Program; and adopt resolution adopting projects for Fiscal Year 2020-21 Funded by SB1: The Road Repair and Accountability Act of 2017.

SBC FILE NUMBER: 105

RESOLUTION NO: 2020-22

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.

14. 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 the COVID-19 virus as follows: Entered in to a new Shelter in Place order and it is available on the website. California Data as of April 4th: Approximately 131,000 tests have been conducted the State is moving rapidly to get tests completed, but we are still a little behind in the testing; 13,438 confirmed cases; Our County Data as of yesterday: 13 active cases, 30 confirmed cases, 2 deaths, 15 recovered. Encourages everyone to continue to look at the posting it provides updated data on a daily basis; Face covering recommendation, not a requirement at this time; continue to wash our hands frequently and avoid touching our mouth and stay away from sick people; Shelter in Place non-essential business enforcement; Questions.

Supervisor Anthony Botelho asked if we are observing a flattening in San Benito County. Mentioned the higher standard for business and modifications.

Dr. Marty replied that we haven't seen a flattening yet we are still seeing additional cases. He said Statewide we are starting to see flattening. Haven't reached a peak yet, expect the numbers to start flattening by staying away from others. That is one of the reasons for the masks is to help from spreading it to other people.

Dr. Marty also commented on the significant changes in a couple of areas for agriculture being essential services and social distancing. We are requiring businesses to come up with a protocol. On the construction trying to decide what is essential and what isn't.

Ms. Belton added that the changes are posted on the website.

Supervisor Jim Gillio asked if the Doctor was aware of the private locations who are testing individuals. He also had a question about personal protective equipment.

Dr. Marty said that there are a number of private labs and they are supposed to report those to us. He said it is taking a long time to get the information because they are back logged. Hazel Hawkins will have in house testing coming soon where they can get the results in a couple of days.

Supervisor Peter Hernandez had a question in regards to our new Shelter in Place and goals in regards to the construction element and how many projects may be moving forward. Also had questions in regards to affordable housing.

CAO Ray Espinosa mentioned that they are going to be discussing the affordable housing element in regards to Shelter in Place which will be from our RMA Director Harry Mavrogenes, the OES Director Kris Mangano along with Budget Officer Stewart Patri will be discussing the PPE's and expenditures.

Chairman Jaime De La Cruz asked if San Benito County should have a more more stringent order on masks like Riverside County just took. Also mentioned how employees safety is important.

Dr. Marty replied that it is one more thing that we could do. At this point everyone is using it as a recommendation, we don't want people to think it is in replace of anything else. The first thing is to give people the opportunity to get comfortable, we cannot provide people these masks. Would like to see how people respond before we make it a requirement. Employers need to have plans for protecting their employees and yes their safety is important. We need to get the public to put on masks when they to in to the stores and observe social distancing.

Ms. Belton provided additional information on essential businesses and how they need to abide by the order and the requirements. If you go in to a store and don't see them following the order you need to report it to our hot line.

RMA Director Harry Mavrogenes spoke on the stringent order and how it changed the definition of construction projects in San Benito County as far as essential projects. Spoke of residential developers health and safety plan and how the construction industry has been hit really hard by this.

Discussion ensued by Board and staff in regards to construction projects, affordable housing units and concerns.

OES Manager Kris Mangano provided information as to what they are doing in the Office of Emergency Services. Spoke about EOC activation levels, and that we are currently at level 2. Have been very busy in delivering PPE equipment and supplies. The supplies they have distributed are hand sanitizer, masks, disinfectant wipes, gowns, gloves, shoe covers, goggles, ventilators for HHH; spoke about the resource request that is a State requirement.

Supervisor Gillio thanked Ms. Mangano for all her hard work on this and for working with the hospital.

Budget Officer Stewart Patri reported to date we have spent approximately \$415,000 of the one million. This includes PO's we have encumbered and have outstanding. Highlighted what they are doing in the finance section of the EOC: This is a little different than a normal EOC because we are teleworking and social distancing than what we would have in another type of disaster; have drafted some guidance to the departments for filling out their time sheets and forms; we are receiving a lot of our documentation that we will be submitting and the end of all of this to FEMA for potential reimbursement; additionally we have implemented our project codes in tracking procedures in our ERP System; we have submitted our request for public assistance to FEMA the deadline was the 17th, we are waiting for a program manager to consider it and get back to us for guidance; questions.

Supervisor Botelho said that we allocated a million dollars and wanted to know how we are

operating with that million dollars and if FEMA is going to reimburse us can we count on that to be credited to our million.

Mr. Patri responded that there is going to be a combination of things we will spend money on like our PIO, hoping to get fully reimbursed on that along with the PPE equipment, but from a County stand point we have employees that are just doing their COVID-19 work responding to this that we are paying for which is outside of the million dollars that was authorized by the Board. We are not sure if we are going to be getting reimbursed for things, we are tracking everything in hopes to get reimbursed.

CAO Ray Espinosa said that the residents and their safety is our priority and we are keeping track of everything that we are spending and will address it with FEMA.

Treasure/Tax Collector Melinda Casillas spoke about taxes and COVID-19. Provided some clarification on property taxes and the 2nd installment and an update from their office. The 2nd installment became due on February 1st and there is a grace period to April 10th without penalties. The deadline of April 10th is established by State Law. On April 4th Governor Newsom issued a press release that praises county's for pledging to use their local authority for penalties and charges that are related to COVID-19, he did not extend the deadline it is still April 10th. He did recognize each County's Tax Collectors ability to exercise the cancellation of penalties or charges. We encourage tax payers to pay timely if they are able to, the County's special districts and school districts rely on these funds for vital services. They will begin accepting penalty waivers due to the impact of COVID-19 virus after April 30th and they will be reviewed. As of yesterday the collection rate was 73%, we have confirmed wires that will bring that to 87%. We are anticipating about a 90% collection even though we are dealing with the COVID virus. There office is open from 8:30 to noon, Monday through Friday, we are accepting cash and we have implemented a social distancing procedure. Payments can also be mailed in or we have a door slot in the office that is available 24/7 and also on line options. There is a convenience fee that is charged by the vendor not our office with those payments that are credit card payments or checks.

PIO David Westrick said that he is very busy assisting other agencies within our County in getting messaging out. Have done about 50 plus press releases. A lot of folks are using our nixle feed for information. Have gone to several meetings at City of Hollister and San Juan Bautista. Is willing to help any agency in the County in regards to their messaging to get it out in one place.

Supervisor Botelho had a questions in regards to a call he received from Rich Brown, City of San Juan Bautista code enforcement, they are interested in communicating directly with their citizens in regards to making sure their needs are met. They are looking at a different platform.

Ms. Mangano provided information as to what they are doing in the City of San Juan Bautista if someone needs help they are putting a red sign up in the window. She said that she is not really in favor of that.

Mr. Westrick provided additional information on options: 1) go through him where in can zero in to SJB and message someone that is signed up with nixle. He recommends that the City do a campaign using their zip code for nixle; 2) use the app next door, which would cover the entire City as well, free to the citizens. He feels that nixle is the best thing that they can use because they can rapidly get any information out to the public as soon as they possibly can.

Public Comment:

Cheryl Vaughan-Booth, said that she is a Nurse in San Jose and shopping should not be a social activity right now, that is the worse thing that you could do. We need to get the message out to the

community one person once a week do the shopping, cannot be a social outing. The more people in the store the more people we are putting at risk. She asked if our County's Sheriff's Department has a hold on any convictions in our County.

Rolan Resendez had a question in regards to ventilators: 1) how many do we have at Hazel Hawkins Hospital; 2) how many are coming; 3) what is plan b if we are not able to meet the emergency crisis. Spoke on how we are presenting data.

Andy Hsia-Coron had some concerns about affordable housing and being prioritized and mandated. The people that are contracted to work are from out of town so we are letting outsiders in to the County and putting it at a much larger risk. Asked if we have looked into making Elderberry products accessible to people in our County, is one of the most potent products available over the counter and blocks the attachment of viruses to cells. Our County right now has an abundant of Elderberry resources in the State and should see if we could use this resource.

Mary Hsia-Coron spoke about exemptions to Santana Ranch and other development and not having local contractors or people. These people can be vectors for carrying the disease.

Jacqueline Morris-Lopez speaking as a Health Care provider said our focus should be on prevention and we need to have some outlook and what is essential.

Natashia Wist spoke about the housing industry and the homeless people that are most at risk and that they should be put in vacant motel rooms.

Elia Salinas spoke in regards to construction on the low income housing and the workers being from out of town. What about our citizens that live here and work out of town, are we going to restrict those people from coming back home. Would like the Board to continue with the construction it is still needed and viable. PIO Mr. Westrick mentioned all the electronic information that is out there, what about the people that don't have access to that.

CAO Ray Espinosa thanked staff that have been working many hours during this time. He mentioned that we are still using the old fashion snail mail as a way of communicating.

County Counsel Barbara Thompson mentioned that we do have an eviction notice in place in our County that applies to the unincorporated area.

This was a report only.

PUBLIC HEARING

15. **RESOURCE MANAGEMENT AGENCY - H. MAVROGENES**
Public hearing continued from the March 24, 2020 meeting to consider the recommendation of the San Benito County Planning Commission; that the Board of Supervisors adopt ordinance amending the zoning map to add a Commercial Thoroughfare (C-1) zoning combining district to a 29-acre area.
SBC FILE NUMBER: 790
ORDINANCE NO: 1,008

Assistant County Counsel Joel Ellinwood announced that Taven Kinison Brown from RMA

would be making the presentation on the Betabel Road re zoning proposal.

Mr. Brown provided background information on the project as follows: On March 24, 2020 the Board of Supervisors adopted a Resolution to approve the addendum to certify the EIR. Adopted an ordinance to repeal the C-3 Zoning of 29 acre parcel. Also at the meeting the Board of Supervisors continued the public hearing to today to review the ordinance to establish C-1. Provided a brief review of the Betabel frontage road and the 29 acre parcel. The request today is to apply the C-1 combining districts to help implement the general plan policy's for economic development along Highway 101. Any development would be subject to administrative permits or use permits for conditional uses and design review by the Planning Commission. To make it clear the C-1 district would have no housing. C-1 designation would allow construction up to 40% of the building area for commercial businesses. The proposal would need to be consistent with General Plan Policies, CEQA Compliance. There is no project on the table at this time. A site specific project review would be needed for any project proposed on a C-1 combining district at this location. The C-1 overlay at Betabel is consistent with the General Plan and does line up with the land uses identified. The re zoning to C-1 is only 29 acres of the applicants 114, is located along 101 and would have easy access and requires the Planning Commission to consider.

Mr. Brown said that the Planning Commission and staff recommends that the Board receive additional testimony from the public and the applicant; direct questions to the staff and the applicant; close the hearing and deliberate the matter and entertain a motion to the ordinance. He said that the applicant would like to speak.

Assistant County Counsel Joel Ellinwood announced that all of the public comments that were received prior to March 24th and that have been received within the last week and up today are part of the public record and have been distributed to the Board of Supervisors. That it is not necessary to read them to be included in the public record.

Chairman Jaime De La Cruz continued the public hearing.

Zach Walton, on behalf of the applicant, spoke about the project and some of the public's concerns. He said that the economic impacts will be terrible due to the coronavirus. The project will not start probably before 2023. He said that if the Board considers the zone change, or if the public challenges it stated three things: 1) there has been commercial development on the property in the past and is adjacent to an RV Park; 2) projects proposed under the C-1 zone are still subject to design review; 3) these are not ordinary times.

Public Comment:

Valerie Eglund spoke about the Betabel project on Highway 101 and how it would be an excellent project and that it is in her view shed and could bring added services, income and jobs to our County.

Bob Tiffany, President of the San Benito Business Council and long time resident, said that we need to prepare now for what the COVID-19 will bring to our community. We need revenue for our County and it is going to get tougher for the people and businesses affected by COVID-19. Please support this zone change in this very difficult time, it is the only fiscal decision that you can make.

James Starkewolf spoke about the Native American Indian groups aligning to work against this infraction of their sacred lands. He said that this is unconstitutional and is against native graves act and will be opening up a lot of issues. We should not be talking about this in the midst of a pandemic.

Mary Hsia-Coron said that Betabel is in a flood plane and a number of San Juan Bautista residents have spoke out against commercial development along San Juan Bautista and that includes Betabel and how it will impact their businesses.

Cara Vonk said that we don't want our San Juan Bautista Highway corridor to be commercially developed.

Kanyon ? spoke about sacred areas and that we need to protect them. Don't want to develop these corridors, oppose this.

Jacqueline Morris-Lopez, San Juan Bautista resident, said using this as an answer to bail out our economic woes and putting commercial development on sacred land and scenic land. San Juan Bautista is rich in history and you are missing the point to capitalize on our beautiful site.

Tom Karis, Aromas/Monterey County, said that citizens are being denied their rights to appeal by referendum because they are not being able to go out and get signatures due to the virus.

Mia Casey said that we have heard a lot about the will of the people and think that the phrase needs to be used with caution. Preserve Our Rural Community believes that no vote on K somehow translated to no development. People voted no to the Measure K question, shall C-3 zoning be adopted in to the general plan. Measure K was defeated and you comply with that law and remove the C-3 zoning from the Betabel project. In P.O.R.C.'s efforts to squash development on 101 they have forgotten about people and the effect to everyday workers. Betabel will provide jobs for people it will promote San Benito County activities and local products. Approve the C-1 zoning today.

Andy Hsia-Coron, President of Preserve our Local Community, read a statement that it would violate California's Constitution to enact any ordinances or zoning changes at this time. Due to the Covid 19 Pandemic, San Benito County is under a shelter in place order. This makes is impossible and illegal for citizens to exercise their rights to referend locally enacted ordinances or any other local legislative actions. The people have already spoke clearly when they rejected Ordinance 991 by a super majority. It is our intention to referend this subversion of the people's will once it becomes lawful and safe for us to gather signatures on a referendum petition.

Lou Chiamonte suggested that the Board re examine the cultural resource issues around Betabel and consider halting approval of a rezone until it is determined if a proper archaeological study was commissioned for the project area in question.

Natasia Wist said that the voters of this county do not want development at Betabel and can not believe the time the Board has spend on this, it is a tragedy.

Krystal Holland said that all jobs are necessary. These resources will significantly help our community.

Frank Barragan thanked the Board of Supervisors for working through the Covid-19 and making sure our residents our safe and protected. Appreciates that the Supervisors have a vision and foresight to understand that the community needs these sales taxes to improve our services.

Elia Salinas said that Measure K was the zoning for C-3. This project is very important and liable to this community and would like the Board and the Planning Commission to go forward on this Betabel project.

Chairman De La Cruz closed the public hearing.

Supervisor Jim Gillio said that no application for a project has been filed at this time and that there is no housing in C-1 zoning. Any project submitted will have to go through an extensive review including Planning Commission.

Mr. Brown from RMA said that is accurate.

Assistant County Counsel Mr. Ellinwood said that the CEQA process that would be required for any specific development must include tribal consultation and cultural review of the site to determine if there are any sacred burial sites, etc.

Supervisor Mark Medina said that there were comments that this was illegal. He would like to know if this is legal. He said that he was the one that continued this from two weeks ago to educate the public on how to attend this meeting, which he said he believes he was able to do that.

Assistant County Counsel Mr. Ellinwood provided information that the Board has the right to proceed forward and have it determined by the Courts if it is challenged.

Supervisor Medina said that Measure K was defeated that consisted of four nodes. This is not Measure K this is something entirely different. This is one development with a certain amount of acres, we are not over turning Measure K.

Supervisor Peter Hernandez said that what he is hearing from some is they want us to shut down business completely. The Governor provided an Executive Order to allow us to continue to do business. We set up a system so that we could get the public's in put. We need to keep doing business and said that he believes in this project.

Supervisor Anthony Botelho said that we have also received a signed petition from over four hundred San Benito County constituents in favor of the C-1 zoning. This is about a zoning process that has been going on for about three years. We need diversification of our County. This will help to conserve our community and this is an opportunity to help San Juan Bautista, it won't hurt it. He said that he supports this project.

Chairman De La Cruz said that he sticks to his position that he would not support this.

County Counsel Barbara Thompson read the title of the ordinance for the record.

MOTION:

Motion to Adopt Ordinance No. 1,008 amending the zoning map to add a Commercial Thoroughfare (C-1) zoning combining district to a 29-acre area at Betabel:

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

4 - 1

For (4):

Against (1):

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

CLOSED SESSION

County Counsel Barbara Thompson read the closed session items in to the record, Item #16, #17,

and #18.

The Board adjourned in to closed session at 12:38 p.m.

The Board adjourned out of closed session at 1:53 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.)

16. **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.

17. **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.

18. **CLOSED SESSION-CONFERENCE WITH LABOR NEGOTIATORS**

Agency designated representatives: Michael McDougall, Ray Espinosa, Edgar Nolasco, Stewart Patri, Elvia Barocio and Barbara Thompson.

Employee Organizations:

Institutions Association

Law Enforcement Management

Management Employees' Group

SEIU Local 521 (General Unit Employees)

Deputy Sheriff's Association

Confidential Employees

Confidential Management Employees

Appointed Department Heads

Unrepresented Employees

AUTHORITY: California Government Code Section 54957.6

SBC FILE NUMBER: 235.6

No reportable action.

ADJOURNMENT

Adjourn to the next regular meeting of April 21, 2020.

MOTION:

Motion to Adjourn the meeting Made by **Supervisor Peter Hernandez** and seconded by
at 1:53 p.m.: **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/. 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.