



SAN BENITO COUNTY VETERANS MEMORIAL PARK COMMISSION

Maria Spandri

Peter Hernandez

Robert Duffy

Paul St. John

Mark Medina

Hollister VFW

Board of Supervisors

American Legion

San Juan Bautista VFW

Board of Supervisors

San Benito County Board Chambers – 481 4th Street, Hollister, CA 95023

SPECIAL MEETING
Monday, November 16, 2020
5:07 PM

MEETING MINUTES

1. Call to Order – The meeting was called to order at 5:02 p.m. by Commissioner Spandri.

- a. Pledge of Allegiance was led by Commissioner Duffy.
- b. Roll Call – Jennifer Frechette took roll call; all Commissioners were present; commissioner Hernandez was absent.
- c. Acknowledge Certificate of Posting.

Commissioner Medina made a motion to approve Certificate of Posting, seconded by Commissioner Duffy. (4/0 vote)

2. Consent Agenda

- a. Approval of Minutes of the November 2, 2020, special meeting.

Chair Spandri stated there should just be one correction to the Minutes, the spelling of Jeorge is incorrect, it should be George.

Motion by Commissioner Duffy to approve the minutes as presented. Seconded by Commissioner St. John. (4/0 vote)

3. Discussion/Action Item

A. Discussion of Contractor's compliance with the terms of the Blackjacks/Cal A's/Central Coast Athletics' sublease with the City and discuss Contractor's written response provided to the Commission's letter sent November 2, 2020. Provide written recommendation to City/County related to such non-compliance, and/or provide direction to staff. Discussion will include, but not

be limited to, insurance coverage maintained by Blackjacks and Cal A's, failing to respond as requested to the Commission's letter, and refusal to affirm that no future games will be played on the field while the current state guidance is in effect.

Chair Spandri opened and provided information on the item. The letter was to be responded to by Friday but have only been receiving piece mails of everything.

County Counsel Barbara Thompson read letter sent to Blackjacks and Cal A's requesting they respond to who was responsible for organizing and approving this event, why it occurred even though there were COVID restrictions in place, who was present, and affirmation that no further games will occur as long as prohibited under state guidelines.

Chair Spandri stated that pertaining to who was responsible was that Hollister Heat field was used. No response from Hollister Heat as to why it was used. Was the insurance included to cover to use another field. The county was not listed on the insurance, the coverage is at \$2 Million when the contract states it should be \$5 Million, and there is no workman's comp and automobile coverage, and all these things were listed in the contract.

County Counsel Barbara Thompson reiterated that all these things were in the contract with the City and the City can enforce that. The name of the insurance company was also not provided.

Chair Spandri asked what insurance was actually for the tournament because the insurance she received doesn't go into effect until 11/20.

Joe Monteon stated this was not a tournament just an organizational practice. He submitted something to Tina Garza and he has been corresponding with Tina by email. They hired Hilary Gambs to help them with insurance to make sure it got done. They have been in communication and sending emails, working together this whole time. He received a notice from Barbara to let him know about the Special Meeting and to fill out the requested information, so they could answer all the questions. They sent the letter and talked through the meeting with all the board members and there were no additional questions, so he thought they had completed everything other than working with Tina about the amount of insurance.

Chair Spandri stated they asked for proof of insurance at the time of the games. They also haven't received the roster to prove that the girls where from Hollister. The insurance that was provided was not clear who the insurance was with. They were asking to make sure they were covered for the weekend the game was played.

Joe Monteon said he sent Tina Garza the coverage through Hillard Insurance before this incident happened. He also sent Tina all the addresses for both all the Hollister residents and nonresidents.

Chair Spandri explained that their responsibility on the commission is to make sure there is insurance coverage. She asked what coverage was available when the games happened.

Joe Monteon responded that he can resend what he sent Tina Garza showing they did have coverage as well as the information showing the residences of the players.

Tina Garza responded that on November 2nd she received a certificate of insurance that did not name the City of Hollister as additional insured and did not meet the requirements that the city requires. The insurance document that was provided did not have any contact information or a name. The fields were used on October 24th and 25th without any insurance coverage.

Chair Spandri stated their concern was that there was no proof of insurance for the games played in October.

Joe Monteon said he would send the document he sent Tina Garza because that is what Hilary sent with all the names underlined. He does agree that he did not have the City of Hollister in the name. They did have coverage at the time, they just didn't have the \$5 Million coverage because it was \$2 million or \$3 Million in the past.

Barbara Thompson asked if Joe Monteon had a certificate that shows coverage effective prior to the date of the games.

Joe Monteon stated that they did have coverage it just did not show \$5 Million. They have an insurance agent to help them with this to make sure he did it right.

Barbara Thompson asked if Joe Monteon had a copy of the certificate in front of him.

Joe Monteon stated he did not have a copy.

Chair Spandri stated that the insurance document did not list the City of Hollister or the county on the insurance, so it was not adequate insurance coverage. She asked Tina Garza if she had received anything prior to the games.

Tina Garza stated she did not have anything on file and she received the first document from Mr. Monteon on November 2nd. She informed Mr. Monteon to contact his insurance broker to include the required information. At this time until the city receives the correct certificate of insurance, they cannot give them permission to use the field.

Commissioner St. John asked Tina Garza if she had received the certificate of insurance prior to the date the game was played.

Tina Garza answered that she did not have the certificate of insurance prior to the date of the game.

Commissioner St. John stated that if there is a contract, they must maintain an insurance that identifies who carries that policy.

Chair Spandri stated that the information that was asked for was regarding the time that the games were played in case something were to happen they would have coverage. She asked County Counsel Barbara Thompson if the county, as the property owner, has to be named on the insurance.

County Counsel Barbara Thompson stated that the contract does not call for the county to be on the insurance, just the city because they are the entity leasing it.

Commissioner Medina asked if the insurance broker could contact Tina Garza to provide the correct certificate of insurance.

Tina Garza stated that the certificate does not show the correct information and does not provide the coverage that is required. Therefore, the City Manager has requested that they not allow Blackjacks/Cal A's/Central Coast Athletics' out on the field until they have the proper certificate of insurance.

Commissioner St. John stated that a certificate of insurance must be maintained on file.

Commissioner Medina agreed.

County Counsel Barbara Thompson suggested that the City refer to page 5 of the contract which states that if they fail to maintain the insurance that can be a material breach of the contract. The City can then procure their own insurance and then charge the fees to Blackjacks/Cal A's/Central Coast Athletics'. The City may take action since the insurance is not in place because it is a liability.

Commissioner St. John stated the commission make a decision for closure so there is something on file so there are no issues later.

Chair Spandri is concerned that Cal A is now in the picture because how are they supposed to track that the majority of the players are from Hollister. She questioned Joe Monteon as to what Cal A is.

Joe Monteon explained that Cal A is the same coaching staff as Blackjacks and the same team but it gives an opportunity to the girls to have access to college coaches when they go to camps so they can go to college with scholarships.

Tina Garza stated that the roster submitted on November 2nd, showed there is a majority of Hollister residents, 73%.

Commissioner St. John asked if the information was provided that was requested by the letter that was sent.

Barbara Thompson stated that part of the information came in today and they still do not have the information regarding the insurance that they requested.

Chair Spandri discussed what restrictions are going to be placed during COVID.

Barbara Thompson reviewed the requirements that the letter stated needed to be provided.

Commissioner Medina asked Mr. Monteon when they would be providing the remaining information and reaffirmed that they could not use the field until the completed certificate of insurance was provided.

Joe Monteon stated it would depend on Hilary to answer the remaining questions and agreed that they would not use the field until all the information requested was provided. He also stated that he did not understand why he needed to provide workers comp insurance if they do not have any employees.

Tina Garza explained that they have a gardener that takes care of the field so they would need workers comp insurance.

Joe Monteon argued that he is not an employee.

Barbara Thompson suggested that Mr. Monteon provide a copy of the contract that he has with the worker to show that he is a contractor and not an employee.

Tina Garza agreed that Cal A can provide that information.

Barbara Thompson continued to explain that the letter stated Blackjacks/Cal A's/Central Coast Athletics' needed to provide a list of practice times and that information was provided.

Chair Spandi reiterated to Joe Monteon that if they did not have insurance, he could just state they did not have insurance.

Joe Monteon stated that he wanted it on the record that he has not refused anything or any information. He has been communicating and he feels like he is getting picked on. At these meetings there is agreement on what is needed and then the letters say otherwise.

Barbara Thompson said that there was concern that at the last meeting that he didn't acknowledge the COVID restrictions, so they had to re-emphasis that.

Joe Monteon asked that before there is a Special Meeting someone communicate with him, with an email for example, to let him know that information is missing because he has no problem providing the information.

Chair Spandri said that Tina Garza has been sending emails and communicating with Joe Monteon, but it was their understanding that all the information was requested by Friday and it was not provided. So they have to set a hard deadline.

Joe Monteon stated that at no point did he know that he had a deadline of November 6th. Perhaps there needs to be more people in communication.

Tina Garza replied that she extended the deadline to November 10th and she still did not receive the information requested. She then emailed Joe Monteon regarding the missing information.

Barbara Thompson stated that the direction should be to direct Mr. Monteon on what the commission needs so that everyone can move forward.

Chair Spandri stated they defer to the City to take action as to what seems appropriate since they do not have insurance as requested by the City.

Commissioner Medina asked if Hilary could meet with the Risk Manager to get it straightened out.

Tina stated that it would work.

Joe Monteon wanted to confirm no additional information was needed from him apart from the certificate of insurance.

Chair Spandri stated that deadlines need to be taken more seriously moving forward and directed Joe Monteon that if there are any questions, County Counsel Barbara Thompson or Tina Garza can be contacted to make sure all deadlines are met and information is provided. She also asked Mr. Monteon how the cohorts at the high school level are being run.

Joe Monteon stated that everyone has to wear a mask, they have hand sanitizers, wipes, and everyone is asked to use them and stay 6 feet apart.

County Counsel Barbara Thompson asked Mr. Monteon if he could meet with Tina to let her know how the cohorts are meeting.

Mr. Monteon agreed to meet with Tina to discuss how they handle their cohorts and the measures they take.

Public Comment: No public comment.

Commissioner Duffy made a motion to defer action to the City of Hollister to stop the use of the fields and take appropriate action until the certificate of insurance is received, seconded by St. John. (4/0 Vote)

B. Delegate authority to staff to execute license agreement with Recology for the 2021 Environmental Day dates of January 9, April 17, and September 22, 2021 to facilitate events at the Veteran’s Memorial Commission Park Parking lot with County Counsel approval.

Chair Spandri provided background information regarding the environmental days requested by Recology. She did not get anything back from any of the other groups that these days would be a problem.

Celina Stotler from Integrated Waste Management mentioned that Recology would be doing environmental days, onsite paper shredding, compost give away and e-waste pick up at each event. All activities are social distanced. She will be providing a map.

Public Comment: No comments.

Commissioner St. John asked what days these would be.

Celina Stotler affirmed they would all be on Saturdays.

Chair Spandri stated that the events should follow the current COVID guidelines on the days of those events.

Commissioner Duffy made a motion to execute the license agreement with Recology for the 2021 Environmental Days and for all current COVID guidelines to be followed at those events, seconded by commissioner Medina. (4/0)

4. Adjournment:

Motion made by Chair Medina and seconded by Commissioner St. John to adjourn the meeting; Meeting adjourned at 6:26 p.m. (4/0 vote)