

**SAN BENITO COUNTY  
FISH & GAME ADVISORY COMMISSION**

*Commissioners:*

*Gregg Zanella (Chairman), Robert Scagliotti (Vice-Chairman), David Castro, Tom Nino,  
Tim Scagliotti, Robert Earl Groeling, Scott Adessa, Marty Martinez,  
Matt Kirkland, & Marty McCullough*

**AGENDA  
MONDAY, OCTOBER 25, 2021  
6:00 P.M.**

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

Webinar ID: 839 1749 6555  
Webinar Password: 122799

*The meetings are open to the public, under the following conditions: All Attendees must comply and wear a face covering if not fully vaccinated and show proof. If providing proof attendees will not need to wear a face covering. If you are exempt from the state face covering guidance or not fully vaccinated, you will be required to wear a face shield which will be provided to attend the meeting; All attendees must comply with any other rules of procedures/instructions announced by the Commission and/or County Staff. Any violations of the above may result in the Chair closing the meeting, effective immediately, or clearing the room, as well as other enforcement actions. The meeting will be available through Zoom for those who wish to join or require accommodations with the instructions below:*

**Pursuant to AB 361, and the Board of Supervisors' resolution(s) relating thereto, relating to the convening of public meetings in response to the COVID-19 pandemic, Commissioners are allowed to attend the meeting via teleconference and to participate in the meeting to the same extent as if they were present. In order to continue meeting remotely, the Commission will be requested to adopt a meeting on today's agenda.**

**This meeting can be accessed in the following methods:**

- 1. Public in-person attendance following the CDPH face covering guidelines; per instructions listed below.**
- 2. Through Zoom (<https://zoom.us/join>) per the instruction stated below, and other methods as described further below;**

**Public Attendance in Person: at the Board of Supervisors Chambers: 481 4<sup>th</sup> St, Hollister, CA, 95023.**

**For the safety of public and County employees, please note the following. As of April 20, 2021, the Commission meetings will be open to the public, following the conditions listed below:**

**A. All attendees must comply with the June 15, 2021, or any subsequently issued, California Department of Public Health face covering requirements, found at: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>; and,**

**B. All attendees must wear a face covering if not fully vaccinated as defined by CDPH (*\*fully vaccinated: two weeks after completing the second dose of a two-dose COVID-19 vaccine (e.g., Pfizer-BioNTech or Moderna) or two weeks after receiving a single dose of a one-dose COVID-19 vaccine (e.g., Johnson & Johnson/Janssen)*). **If you are exempt from the state face covering guidance and not fully vaccinated, you will be required to wear a face shield which will be provided to attend the meeting. Attendee may show proof of vaccination, the attendee may be excused from the face covering requirement if they have met the fully vaccinated definition.****

**C. Due to changing conditions statewide, the Chair or the Commission may modify the above requirements for any future meeting.**

**D. All attendees must comply with any other rules of procedure/instructions announced by the Chair.**

#### **Participating by Zoom:**

Three ways to attend Zoom meetings: on a web browser, through the Zoom App, or over the phone. Each webinar will have a webinar ID and password, which is a unique number associated with an instant or scheduled meeting (found at the top of this text). The chat feature is disabled for all participants. Additionally, the video function is not available to the public. Zoom regularly provides new versions of the Zoom desktop client and Zoom mobile app to release new security features and fix bugs. To ensure you can join the meeting and participate through public comment, please launch the web address to download the Zoom application: <https://zoom.us/support/download>. Furthermore, we recommend upgrading to the latest version of Zoom once it is available. Please visit <https://support.zoom.us/hc/en-us/articles/201362233-Upgrade-update-to-the-latest-version> to ensure you have the newest Zoom update.

#### **A. Zoom on Web-browser:**

a. If joining through web-browser, launch the address <https://zoom.us/join> or open the direct link listed below: <https://zoom.us>

#### **B. Or launch the Zoom app on your Tablet or Smartphone:**

b. Select **"JOIN A MEETING"**

c. The participant will be prompted to enter **Webinar ID and Password listed above** and name to join the meeting. The meeting agenda can be found at <https://www.cosb.us/>

d. The participant can launch audio through their computer or set it up through the phone.

e. **Public Comment:** Select the "**Participants Tab**" and click "**Raise hand**" icon, and the Zoom facilitator will unmute you when your turn arrives.

### C. Zoom Audio Only (phone):

a. If you are **calling in as audio-only**, please dial **US: +1 669 900 6833 or +1 408 638 0968**

b. It will ask you to enter the **Webinar ID listed above**, followed by the **"#" key** (pound key), then enter **Webinar Password listed above** at the top page of the agenda. The meeting agenda can be found at <https://www.cosb.us/>

c. It will then ask for a **Participant ID**, press the **"#" key** (pound key) to continue.

d. Once you enter the Zoom meeting, you will automatically be placed on mute.

e. **Public Comment:** If you are using a phone, please press **"\*9"** (star-nine) to raise your hand, and the Zoom facilitator will unmute you when your turn arrives.

### Remote Viewing:

Members of the public who wish to watch the meeting can view a livestream of the meeting online through:

**A. San Benito County Facebook Page:** <https://www.facebook.com/sbccalifornia>

### Written Comments & Email Public Comment

Members of the public may submit comments via email by 5:00 PM prior to the meeting to the Clerk of the Board at [jfrechette@cosb.us](mailto:jfrechette@cosb.us)

### Public Comment Guidelines

**A.** The Fish and Games Commission welcomes your comments.

**B.** If participating on Zoom, once you are selected you will hear that you have been unmuted: At this time, please state your first name, last name, and county you reside in for the record.

**C.** Each individual speaker will be limited to a presentation total of two (3) minutes, or such other time as may be designed by the Chair.

D. 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.

**FAILURE TO COMPLY WITH THE ABOVE GUIDELINES:**

1. The individual may be asked to leave the Board Chambers.
2. The Chair may call a recess of the meeting.
3. If the recess does not result in the individual complying with the above requirements or leaving the meeting, the Commission may close the meeting to the public and resume the meeting exclusively through Zoom and phone-in participation, at any point during the meeting.

**Alternatively, the Chair and the Commission may take other action as they deem necessary for the orderly conduct of the meeting.**

**Further, the meeting may be closed to the public at any time AB 361 remains in effect, by order of the Chair or the Commission.**

If you have any questions, please contact the Clerk of the Board Jennifer Frechette, at (831) 636-4000, Ext. 13 or email [JFrechette@cosb.us](mailto:JFrechette@cosb.us)

***The San Benito County Fish & Game Commission welcomes you to this meeting and encourages your participation.***

- *If you wish to speak on a matter that does not appear on the agenda, you may do so during the Public Comment period at the beginning of the meeting. Except as otherwise provided by law, no action shall be taken on any item not appearing on the agenda. When addressing the Commission, please state your name for the record. Please address the Commission as a whole through the Chair.*
- *If you wish to speak on an item contained in the agenda please seek recognition from the Chairman prior to consideration of the item.*

<b>6:00 P.M. CALL TO ORDER</b>
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1. PLEDGE OF ALLEGIANCE.
2. ROLL CALL.
3. PUBLIC COMMENT: *Opportunity to address the Commission on items of interest not appearing on the agenda. No action may be taken unless provided by Govt. Code Section 54954.2.*

<b>REGULAR AGENDA</b>
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4. APPROVE THE MINUTES OF THE JULY 26, 2021 REGULAR MEETING.

5. PROPOSED RESOLUTION PURSUANT TO AB 361- Adopt proposed resolution authorizing teleconferencing options for meetings of the Commission for the period of October 25, 2021, through November 24, 2021, pursuant to AB 361.
6. BUDGET REPORT. Receive budget report on status of FY 2020-2021 budget.
7. DISCUSS AND PROVIDE STAFF DIRECTION REGARDING CONTRACTING WITH UNION PACIFIC OR ANY OTHER AUTHORITY OF OPENING THE BLOCKING OF PESCADERO CREEK.
8. DISCUSSION AND PROVIDE UPDATE OF ZEBRA MUSSELS AT SAN JUSTO RESERVOIR.
9. DISCUSSION ON FUNDRAISING OPTIONS FOR THE FISH AND GAME COMMISSION AND PROVIDE STAFF DIRECTION.
10. DISCUSSION ON CONTRIBUTING TO SIGNAGE FOR CHEER AND PROVIDE STAFF DIRECTION.
11. COMMISSIONER REPORTS. No discussion of these items shall occur, but the Commission may direct any of the reports to be agendized for a future meeting.

<b>AGENCY REPORTS</b>
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12. AGENCY REPORTS:

California Fish and Wildlife, Bureau of Land Management (BLM), Pinnacles National Park Representatives, Fisheries, San Benito County Sheriff's Office or the San Benito Water District, Other Cooperative Agencies, and Grant Awardees are invited to make brief reports to the Commission. No discussion of these items shall occur, but the Commission may direct any of the reports to be agendized for a future meeting.

13. FUTURE AGENDA ITEMS.

**ADJOURNMENT:**

The next regularly scheduled meeting of the San Benito County Fish and Game Commission is Monday, January 24, 2022, at 6:00 p.m.

*As required by Gov. Code Section 54957.5 any public record distributed to the San Benito County Fish & Game Advisory Commission 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.***

**SAN BENITO COUNTY  
FISH & GAME ADVISORY  
COMMISSION**

**CERTIFICATE OF POSTING**

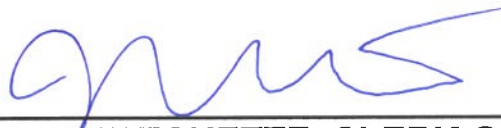
**Pursuant to Government Code Section #59454.2(a), the agenda for the San Benito County Fish & Game Commission meeting of October 25, 2021 was posted on the 22<sup>nd</sup> day of October, 2021 at the following locations, freely accessible to the public:**

**The front entrance of the old County Courthouse, Monterey Street,  
City of Hollister, County of San Benito, State of California**

**and**

**The front entrance of the San Benito County Administration  
Building, 481 Fourth Street, Hollister, CA**

**I, Jennifer Frechette, certify under penalty of perjury, that the foregoing is true and correct.**



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**JENNIFER FRECHETTE, CLERK OF THE BOARD  
COUNTY OF SAN BENITO**

**BEFORE THE SAN BENITO COUNTY FISH & GAME ADVISORY  
COMMISSION, COUNTY OF SAN BENITO**

**RESOLUTION NO. 2021-\_\_\_**

**RESOLUTION OF THE SAN BENITO COUNTY FISH & GAME ADVISORY  
COMMISSION AUTHORIZING CONTINUED REMOTE  
TELECONFERENCE MEETINGS**

**WHEREAS**, the County of San Benito and the San Benito County Fish & Game Advisory Commission (FGAC) is committed to preserving and nurturing public access and participation in meetings of the Board of Supervisors and Commission meetings, subject to the Ralph M. Brown Act (“Brown Act”); and

**WHEREAS**, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

**WHEREAS**, on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic; and,

**WHEREAS**, the proclaimed state of emergency remains in effect; and,

**WHEREAS**, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 that suspended the teleconferencing rules set forth in the California Open Meeting law, Government Code section 54950 et seq. (the “Brown Act”), provided certain requirements were met and followed; and,

**WHEREAS**, on June 11, 2021, Governor Newsom issued Executive Order N-08-21 that clarified the suspension of the teleconferencing rules set forth in the Brown Act, and further provided that those provisions would remain suspended through September 30, 2021; and,

**WHEREAS**, on September 16, 2021, Governor Newsom signed AB 361 that provides that a legislative body subject to the Brown Act may continue to meet without fully complying with the teleconferencing rules in the Brown Act provided the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees, and further requires that certain findings be made by the legislative body every thirty (30) days; and,

**WHEREAS**, California Department of Public Health (“CDPH”) and the federal Centers for Disease Control and Prevention (“CDC”) caution that the Delta variant of COVID-19, currently the dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations (<https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>); and,



**WHEREAS**, the Board of Supervisors is empowered by Article XI, section 7 of the California Constitution to take actions necessary to protect public, health, welfare, and safety within the unincorporated areas of the County; and,

**WHEREAS**, the County has an important governmental interest in protecting the health, safety, and welfare of those who participate in meetings of the County's various legislative bodies subject to the Brown Act; and,

**WHEREAS**, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the San Benito County Board of Supervisors deemed it necessary to find that a *requirement* to meet in person for meetings of all County of San Benito related legislative bodies subject to the Ralph M. Brown Act would present imminent risks to the health or safety of attendees, and thus, intends to invoke the provisions of AB 361 related to teleconferencing; and,

**WHEREAS**, on September 30, 2021, Dr. Ghilarducci, Interim San Benito County Public Health Officer, issued a recommendation on Social Distancing, attached hereto as Exhibit "A", and incorporated herein by this reference; and,

**WHEREAS**, on October 12, 2021, the Board of Supervisors of San Benito County adopted a resolution authorizing teleconferencing meetings pursuant to AB 361; and

**WHEREAS**, the Board of Supervisors' adopted resolution applies to all legislative bodies of the County, thus allowing all bodies to utilize the provisions of AB 361; and,

**WHEREAS**, the Fish & Game Advisory Commission is presented by this resolution for the opportunity to determine whether AB 361 should be specifically applied to Fish & Game Advisory Commission meetings;

**WHEREAS**, the San Benito County Fish & Game Advisory Commission has considered all information related to this matter, as presented at the public meetings of the Fish & Game Commission identified herein, including any supporting reports by County Staff, and any information provided during public meetings, including but not limited to the current circumstances related to the state of emergency, which continues to remain in active.

**WHEREAS**, the San Benito County Fish & Game Advisory Commission further finds that the state of emergency continues to directly impact the ability of the members to meet safely in person.

**NOW, THEREFORE, BE IT RESOLVED**, by the San Benito County Fish & Game Advisory Commission as follows:

1. The San Benito County Fish & Game Advisory Commission finds that the facts set forth in the recitals to this Resolution are true and correct;
2. The above findings and this resolution apply to all San Benito County Fish & Game Advisory Commission meetings;

3. As long as the State Emergency remains in effect or until directed otherwise by the Commission, staff shall present to the Commission at every meeting an item necessary to continue the findings required by AB 361;

4. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of thirty (30) days from adoption of the Resolution or such time the Commission adopts a subsequent Resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Fish & Game Advisory Commission may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953; and,

5. The County Administrative Officer and County Counsel are directed to take such other necessary or appropriate actions to implement the intent and purposes of this resolution.

**PASSED AND ADOPTED** by the San Benito County Fish & Game Advisory Commission, County of San Benito, State of California on this 25<sup>th</sup> day of October 2021, by the following vote:

AYES:	SUPERVISORS
NOES:	SUPERVISORS
ABSTAINING:	SUPERVISORS
ABSENT:	SUPERVISORS

By \_\_\_\_\_  
Gregg Zanella, Chair  
San Benito County Fish & Game Advisory Commission

ATTEST:  
Jennifer Frechette, Clerk of the Board

APPROVED AS TO LEGAL FORM:  
Barbara J. Thompson, County Counsel

*Barbara Thompson*

By: \_\_\_\_\_

By: \_\_\_\_\_  
County Counsel

Date: \_\_\_\_\_

Date: \_\_\_\_\_

EXHIBIT "A"



**SAN BENITO COUNTY**

HEALTH & HUMAN SERVICES AGENCY

DAVID GHILARDUCCI, MD, FACEP  
INTERIM HEALTH OFFICER

TRACEY BELTON  
AGENCY DIRECTOR

**PUBLIC HEALTH SERVICES**  
Healthy People in Healthy Communities

September 30, 2021

CAO Ray Espinosa  
San Benito County Administration

Re: Recommendation on Social Distancing and Hybrid Meetings

Given the considerable impact on our community from the COVID-19 virus and the Delta variant, I strongly recommend that all legislative bodies, including but not limited to the County, cities, and special districts, local commissions and committees, and subsidiary bodies, continue social distancing measures for public meetings, including offering, at the legislative body's discretion, a remote or hybrid format for public meetings. Social distancing and masking remain crucial strategies in our fight to prevent contagion. Conducting public meetings in a remote or hybrid manner allows for members of the community to participate from the comfort of their homes without having to risk contracting the virus by attending in-person meetings.

These measures serve to help contain the spread of the disease and protect the community. All events public gatherings, including public meetings, create environments where a virus can potentially spread among attendees and participants. However, when combined with social distancing and masking policies, and the continued effort to increase vaccination within San Benito County, a remote or hybrid format for meetings maximizes avenues for public access and input and minimizes the risk of contagion for not only the public, but for agency staff, presenters, and legislative body members as well.

If you have any questions regarding this recommendation, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "David Ghilarducci MD".

David Ghilarducci MD  
Interim Health Officer

PUBLIC HEALTH SERVICES  
351 Tres Pinos Road, Suite A-202  
Holister CA 95023  
831-637-3367

ENVIRONMENTAL HEALTH  
351 Tres Pinos Road, Suite C-1  
Holister CA 95023  
831-636-4333

MEDICAL THERAPY UNIT  
761 South Street  
Holister CA 95023  
831-637-1585

08/23/21

# Budget Performance Report

Fiscal Year to Date 10/21/21

Include Rollup Account and Rollup to Base

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	% Used/Rec'd	Prior Year Total
<b>Fund 263 - Fish &amp; Game Fund</b>									
<b>REVENUE</b>									
Department 15 - County Administrative Office									
Division 3070 - Fish & Game Commission									
Program/Section/Activity 1000 - Administration									
<b>Fines, Forfeitures and Penalties</b>									
520	Fines, Forfeitures and Penalties County Other Fines	250.00	.00	250.00	.00	.00	250.00	0	384.75
520.501	<b>520 - Fines, Forfeitures and Penalties Totals</b>	\$250.00	\$0.00	\$250.00	\$0.00	\$0.00	\$250.00	0%	\$384.75
<b>Use of Money and Property</b>									
541	Use of Money and Property Interest	50.00	.00	50.00	.00	.00	50.00	0	20.18
541.001	<b>541 - Use of Money and Property Totals</b>	\$50.00	\$0.00	\$50.00	\$0.00	\$0.00	\$50.00	0%	\$20.18
Program/Section/Activity 1000 - Administration Totals									
Division 3070 - Fish & Game Commission Totals									
Department 15 - County Administrative Office Totals									
<b>REVENUE TOTALS</b>									
<b>EXPENSE</b>									
Department 15 - County Administrative Office									
Division 3070 - Fish & Game Commission									
Program/Section/Activity 1000 - Administration									
<b>Services and Supplies</b>									
619	Services and Supplies Office Supplies	1,000.00	.00	1,000.00	.00	.00	1,000.00	0	.00
619.174	<b>619 - Services and Supplies Totals</b>	\$1,000.00	\$0.00	\$1,000.00	\$0.00	\$0.00	\$1,000.00	0%	\$0.00
<b>Other Charges</b>									
649	Other Charges Cost Plan	.00	.00	.00	.00	.00	.00	+++	9.00
649.101	<b>649 - Other Charges Totals</b>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	+++	\$9.00
Program/Section/Activity 1000 - Administration Totals									
Division 3070 - Fish & Game Commission Totals									
Department 15 - County Administrative Office Totals									
<b>EXPENSE TOTALS</b>									
Fund 263 - Fish & Game Fund Totals									
<b>REVENUE TOTALS</b>									
<b>EXPENSE TOTALS</b>									
Fund 263 - Fish & Game Fund Totals									
Grand Totals									
<b>REVENUE TOTALS</b>									
<b>EXPENSE TOTALS</b>									
Grand Totals									

# Trial Balance Listing by Fund

Through 10/21/21  
 Detail Balance Sheet Listing  
 Exclude Rollup Account

Account	Account Description	Balance Forward	MTD Debits	MTD Credits	Ending Balance	Prior Year MTD Balance
Fund 263.00.0000	Fish & Game Fund.Non-Department.Non-Division					
Department 00	Non-Department					
Division 0000	Non-Division					
101.990000000	Cash	5,041.17	.00	.00	5,041.17	4,697.62
310.101	Fund Balance Restricted	(.37)	.00	.00	(.37)	(.37)
340.101	Fund Balance Assigned	(4,644.65)	.00	.00	(4,644.65)	(4,644.65)
350.101	Fund Balance Unassigned	(.22)	.00	.00	(.22)	(.22)
	Division 0000 - Non-Division Totals	\$395.93	\$0.00	\$0.00	\$395.93	\$52.38
	Department 00 - Non-Department Totals	\$395.93	\$0.00	\$0.00	\$395.93	\$52.38
	P/Y Fund Equity Adjustment	(395.93)	.00	.00	(395.93)	.00
Fund 263.00.0000	Fish & Game Fund.Non-Department.Non-Division	\$0.00	\$0.00	\$0.00	\$0.00	\$52.38
	Grand Totals	\$0.00	\$0.00	\$0.00	\$0.00	\$52.38