

***BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO***

**RESOLUTION NO. 2021- 5**

**RESOLUTION OF THE COUNTY OF SAN BENITO BOARD OF SUPERVISORS  
ESTABLISHING COUNTY IDEALS AND PRIORITIES FOR COVID ENFORCEMENT**

**WHEREAS**, On December 3 and 6, 2020, due to an increasing surge of COVID-19 cases, the State of California issued new Regional Stay at Home Orders based on limited ICU capacity below 15% of capacity, which went to effect for San Benito County as part of the San Joaquin Valley Region on December 6, 2020;

**WHEREAS**, the daily report of COVID-19 statistics for San Benito County for January 13, 2021 reflects a total of 4,596 cases since March 1, 2020, with 701 active cases, and a total of 41 deaths;

**WHEREAS**, our local community hospital has experienced an ICU at full capacity, with currently five persons hospitalized in the ICU within the County, and has been actively engaged in expanding its ICU capacity;

**WHEREAS**, as of January 13, 2021, a total of 17 patients are currently hospitalized within San Benito County;

**WHEREAS**, the January 13, 2021 update from San Benito County Public Health Services indicates that San Benito County's Positivity Rate is 16.3%;

**WHEREAS**, the adjusted case rate for San Benito County per 100,000 population is currently 95.9 cases, the fifth highest in the State of California, following only four counties: Los Angeles, Riverside, San Bernardino, and Ventura;

**WHEREAS**, the adjusted case rate per 100,000 population, for neighboring counties are all much lower than San Benito County: Santa Clara County's rate is 40.4, Santa Cruz County's rate is 53.2, Monterey County's rate is 84.3 and Merced County's rate is 69.5.

**WHEREAS**, the Board of Supervisors finds and declares that greater enforcement is necessary to protect the health and lives of San Benito County residents, and in conjunction with its adoption of the urgency COVID enforcement ordinance, the Board desires to issue the following goals and priorities in the implementation of such enforcement.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Supervisors of the County of San Benito that:

1. The following goals shall guide San Benito County:

- The County of San Benito shall endeavor through its CAO to dedicate sufficient staff for active education and outreach;
- The County of San Benito shall endeavor through its CAO to dedicate enough staff for site visits on a daily basis to locations within the County with the goal of obtaining voluntary compliance;
- The County of San Benito is encouraged to use direct mailing, social media and other outreach to notify the public of the adoption of the urgency ordinance and the critical importance of COVID prevention;
- The County of San Benito shall endeavor to engage in comprehensive public outreach to better educate the public regarding COVID, and the best mechanisms to prevent the spread of COVID-19 in the community.


2. The following goals shall guide enforcement actions:

- San Benito County's goal in enforcement is to prioritize education and outreach before fines or other enforcement;
- As always, Code Enforcement Personnel are encouraged to obtain voluntary compliance. Such voluntary compliance can be obtained through community visits, advice regarding any activity in violation of state or local health orders, and a warning that a violation will be issued if the activity does not cease;
- Code Enforcement personnel are encouraged to work closely with code enforcement officers of the City of San Juan Bautista and the City of Hollister, as well as with the agents from state enforcing agencies;
- Code Enforcement personnel are encouraged to focus resources on violations that present the greatest health risks;
- Code Enforcement personnel are tasked with ensuring that businesses utilize to the greatest extent possible, all lawful means to conduct business when there are opportunities to do so (e.g. if a business may lawfully operate outdoors, it is expected to do so);
- Code Enforcement personnel are tasked with ensuring that even the largest businesses within our community follow all restrictions that have been enacted to protect the public health;
- If voluntary compliance is not achieved, Code Enforcement personnel are encouraged to use administrative fines in appropriate circumstances;
- The use of civil injunctions should be limited, such as when compliance cannot be achieved through voluntary compliance or administrative citations;

- In enforcement actions within the incorporated Cities of Hollister and San Juan Bautista, it is anticipated and expected that city enforcement staff will take the lead in enforcement proceedings; and,
  - The County of San Benito shall endeavor to ensure that businesses that are lawfully complying with COVID-19 Guidelines are not placed at an unfair competitive advantage by other businesses that operate in violation of State Law.
3. The following shall guide future review and changes to the urgency ordinance:
- If the respective cities desire any changes to this urgency ordinance, the Board of Supervisors welcomes requested changes be made through the submission of an adopted City Council Resolution so that the Board may consider the City's request at its earliest convenience; and,
  - The County of San Benito shall review the status of the urgency ordinance no later than April 2021, and thereafter as may be directed by the Board, so that it may be terminated at the earliest possible opportunity.

**PASSED AND ADOPTED** by the San Benito County Board of Supervisors, State of California, at the meeting of said Board held on the 15th day of January 2020.

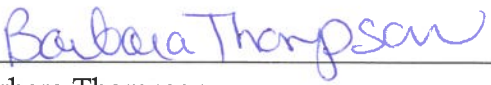
AYES: *Medina, Gonzales, Kosmiicki, Tiffany*  
 NOES: *Hernandez*  
 ABSTAIN: *none &*  
 ABSENT: *none &*

  
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 Mark Medina, Chair  
 San Benito County Board of Supervisors

**ATTEST:**  
 Jennifer Frechette, Clerk of the Board

By:   
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**APPROVED AS TO LEGAL FORM:**  
 San Benito County Counsel's Office

  
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 Barbara Thompson  
 County Counsel