



STOCKTON BRANCH



August 7, 2020

The Honorable Board of Supervisors
Board-Supervisor/Clerk-Board San Joaquin County
44 North San Joaquin Street, Sixth Floor
Suite 627
Stockton, CA 95202

Re: County Response to the COVID-19 Pandemic, COVID CARES Act Funds, Equity Issues, Homelessness, and Harmful Algal Bloom Response

Dear Honorable Supervisors:

San Joaquin County Together engages with our residents in honest, empathetic, respectful, and factually accurate conversations around multiple issue areas including racism, LGBTQ rights, gender equity, and social, economic and environmental justice reforms. We seek to empower residents to advocate for themselves regarding these issues with local government agencies. We, and the coalition members listed at the close of this letter, are writing to express our deep concern with San Joaquin County's flawed response to the COVID-19 pandemic, lack of transparency regarding COVID CARES Act spending, equity issues that remain unaddressed in regard to the County's COVID-19 response, support of directors and officers during the pandemic, and the County's lack of timely response to harmful algal blooms at Stockton's waterfront in relation to homelessness and COVID-19.

Before addressing our concerns with the above listed issues, we feel it is necessary to review with the Board of Supervisors [the duties of supervisors and the legal structure of San Joaquin County](#) as described by the California State Association of Counties. We

are making reference to the legal structure of San Joaquin County and Board of Supervisor duties because our critique is not just about advocating for policies grounded in the principles of equity, but because we also believe that San Joaquin County is not meeting its legal duties to serve the public. First, as San Joaquin County is a general law county, the “California Constitution authorizes [the] county to make and enforce local ordinances that do not conflict with general laws.” Second, the Board “performs its executive role when it sets priorities for the county, ...oversees most county departments and programs and annually approves their budgets; supervises the official conduct of county officers and employees; controls all county property; and appropriates and spends money on programs that meet county residents’ needs.”

Last, a county is the “largest political subdivision of the state having corporate powers. It is vested by the Legislature with the powers necessary to provide for the health and welfare of the people within its borders.” San Joaquin County is, therefore, mandated to provide for the health and welfare of its residents by executing the above-mentioned duties also mandated by the California Constitution and in accordance with the laws of the state, including laws in regard to equity.

Turning first to San Joaquin County’s flawed response to the pandemic, we were deeply disturbed by a report in [CalMatters](#) that identified San Joaquin County as one of seven counties that has had to resort to “triaging” contact tracing of individuals who have had exposure to an individual infected with COVID-19. With the accelerated increase in reported cases, hospitalizations, and deaths, triaging contact tracing is an inadequate and insufficient response to pandemic conditions, especially when the County has \$100 million in reserves from the COVID CARES Act. It is reasonable to expect that the County should use a portion of this funding to hire individuals to handle contract tracing in a more systematic and efficient manner. It should also be noted that Geneva Sanfield, an African American community leader, who was the tracer manager for the County during the Ebola crisis and HIV pandemic offered to assist the County with contact tracing at the beginning of the pandemic, but was refused by Dr. Park.

Instead of using a portion of COVID-19 CARES Act funding to protect public health and to meet the needs of county residents, as mandated under general law for the operation of the County and within the [expressed legislative intent of the COVID CARES Act](#), San Joaquin County is prioritizing future budget planning due to a faulty interpretation of the state’s budget process. San Joaquin County presently has \$60 million in reserves. The state’s 2020-2021 budget year does not include revenue reductions for San Joaquin County. Property tax values increased 7.29% for 2020. All total assessed property value for San Joaquin County is \$84.9 billion. A tax rate for the County of 1% means anticipated revenues of \$849 million. While there will be reductions in funding most certainly for the 2021-2022 budget cycle, the County is not in immediate danger of seeing a budget shortfall.

County residents, however, are in immediate danger of contracting COVID-19. As our coalition is working on this letter, one of our colleagues, a leader in Stockton’s Black Church community, is ill with COVID-19, and her husband is in ICU as a result of the

virus. We understand a total of six African American pastors and bishops have tested positive recently for COVID-19. COVID-19 is just not about statistics. It is the cause of serious illness and death for friends and family here in San Joaquin County. The need to protect lives, particularly for people of color who are infected at higher rates, is immediate.

Not one partner in our coalition is advocating for reckless spending of reserves. As explained in our July 17, 2020 letter, we understand the County's need to maintain reserves for a worsening economy. However, the County must strike a balance for providing for the immediate health and welfare of its residents by spending on programs to meet resident needs, while planning for a more uncertain financial future. One of the primary principles of government is to provide for the general welfare of the public. Refusing to fund and execute proper contract tracing during a pandemic to meet the County's public health mandate is a failure of the County to meet its requirements to serve area residents. It also ignores the legal requirements of the COVID CARES Act and is an inappropriate work around of adherence to the general law that the County is obliged to follow.

We have similar concerns around the County's limited progress to conduct outreach to the LatinX community regarding COVID-19 prevention and the distribution of PPE. Infections among San Joaquin County's LatinX population are at the highest percentage rate for infection. As of the writing of this letter, we are happy with the County's decision to spend \$650,000 on COVID-19 testing/housing for migrant workers. We applaud the staff for finally using CARES ACT funding for its intended purpose. Yet, it only addresses one demographic within the LatinX population, and it provides zero for the second most disproportionately impacted community, our African American community.

We are pleased that Supervisor Chuck Winn pushed for this outreach program; however, we note that his actions are in response to advocacy for San Joaquin County farmers – not the LatinX community at large. There was no discussion about how to message and reach the County's urban LatinX population, even though a large percentage of this demographic works in food processing, manufacturing, grocery, retail and other essential positions. Perhaps what was even more disturbing was Supervisor Winn's reference to Mexican immigrant workers standing around at gas stations as the source of spread for COVID. His comments fail to recognize that LatinX families, and all economically disadvantaged families, live in closer quarters, making it difficult to stop transmission within families. Outreach policies must not simply serve the economic interest of the agricultural industry in San Joaquin County. Our LatinX and African American brothers and sisters live within all demographics, and messaging to them on how to stop COVID-19 transmission within more challenging living quarters is needed now.

Members of the LatinX and African American communities are our families, our friends, our professional colleagues – they are our neighbors. San Joaquin County, and better off area residents, have a moral duty to ensure that these communities receive the support that they need during the pandemic. Legally, as stated above, San Joaquin

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County is “vested by the Legislature with the powers necessary to provide for the health and welfare of the people within its borders.” That means all its people, not just those who serve particular economic interests.

We understand that County is creating programming with a mobile unit for COVID-19 outreach. We are not confident that one mobile unit driving from community to community with outreach materials and messaging is enough to get the job done with urgency; we are not confident that the outreach program is advancing fast enough to prevent further spread of the virus and deaths; we are not confident that outreach to community based organizations is happening fast enough; and we fear that requests by the county to CBO’s for outreach assistance will become another unfunded mandate by the County, with COVID Cares ACT funding not dispersed to CBO’s doing the work. We acknowledge that Supervisor Miller is working to advance public outreach but is hindered by fellow Supervisors who do not understand their duties regarding protecting the health and welfare of the people within the County.

This brings us to another point regarding Supervisor Winn’s conduct during the August 4, 2020 Board of Supervisors meeting and repeated conduct we have witnessed during prior meetings by Supervisor Tom Patti since the start of the pandemic. While San Joaquin County Supervisors are charged with supervising the “official conduct of county officers and employees” as a general law county, their powers come with limits. As explained by the California State Association of Counties:

The Board of Supervisors may supervise the official conduct of county officers and require them faithfully to discharge their duties, but the Board cannot add to those duties or relieve the officers from these obligations. The Board may not direct or control the day-to-day operations of a county department, or otherwise limit the exercise of discretion vested by law in a particular officer.

Comments by Supervisor Winn, Supervisor Elliott, and Supervisor Patti and pressuring of Dr. Park regarding the need of businesses to reopen violates the principles under which a county supervisor is to execute his or her duties. ([Click here](#) to watch meeting video from the August 4, 2020 Board of Supervisors meeting beginning at 41:00 to roughly 52:00.) The pressure placed by all three Supervisors on Dr. Park appears as harassment to public observers and misogynistic. Under California Code § 1365 Dr. Park, our public health officer “shall retain powers, duties, and responsibilities relating to the protection of public health as set forth in Section 452 of the Health and Safety Code.” As a general law county, San Joaquin County Supervisors are required to uphold general state laws, regardless of the demands of the larger business community.

Furthermore, San Joaquin County Supervisors are required to provide for the welfare of all residents, not just those industries that support their electoral prospects. Last, the men who serve the public on the Board of Supervisors set the tone for the region on how female peers in government service are to be treated. Whether women are elected officials or civil servants, they are to be treated as peers and respected for their areas of expertise, just as men who hold similar positions. The repeated harassment of Dr. Park

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by male board members for enforcing state laws and mandates around public health requirements during the pandemic needs to end. Dr. Park is not responsible for the death of the economy; she is responsible for making public health decisions. While it is expected of Supervisors to ask hard questions and insist on high performance levels from all employees, badgering a female officer during meetings for upholding the law as required by her position is not acceptable.

Last, as San Joaquin County is struggling to respond to the COVID-19 crisis, the public health dangers of harmful algal blooms (HABs) have returned to the region. On July 21, the Central Valley Regional Water Quality Control Board notified San Joaquin County of dangerous levels of cyanobacteria at Stockton's waterfront, Mormon Slough, and Morelli Park Boat Launch, and warning levels of caution at the Calaveras River, Lois Park, and Smith Canal. On July 28, 2020, San Joaquin County was notified of warning levels of cyanobacteria at Potato Slough on the San Joaquin River, and areas of caution at Tinsley Island and Lost Isle for cyanobacteria. San Joaquin County has failed to take any appropriate action.

While state law does not mandate a public notification plan, it is known that when the California Water Boards notify Contra Costa County about bacteria present in harmful algal blooms, their Department of Public Health and Emergency Services take immediate action to protect the public. They post signs; they alert their local media; they use social media to get the word out about the dangers of cyanobacteria in the waterways. Why is it that San Joaquin County ignores the hazard? Would the County fail to notify residents of a dangerous fire because such reporting is not mandated by the State?

On July 30, 2020, one of the authors of this letter was observing water quality changes at Morelli Boat Launch and noticed that there are no public warning signs, despite dangerous levels of cyanobacteria in the waterways. The author of this letter had to chase down a family on a jet ski, and a family preparing to launch a boat with a toddler present, to warn them about not coming in contact with the water, and the respiratory dangers from the water droplets. HABs bacteria are particularly dangerous for small children and can lead to liver failure if ingested.

Moreover, like last year, the County has made no effort to relocate the homeless population living at Mormon Slough or on the Calaveras River, who are exposed to these blooms. While we understand that under COVID-19 rules from HUD, the homeless cannot be disturbed unless they can be placed into housing, we want to remind the County that in their attestation for reopening to the State, they assured the State that our homeless population would be placed in housing through hotel acquisitions and other sources. San Joaquin County, however, has dragged its feet implementing the promised housing programs because it fears liability at hotel properties and because Supervisor Patti continues to push for different types of homeless housing programs tied to the Salvation Army, which does not serve the LGBTQ+ population, and, thus, discriminates in housing the homeless.

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They County, between COVID-19 and HABs, has an obligation to protect the homeless and to expedite removing them from our waterways into housing. This obligation is part of protecting the general welfare of San Joaquin County residents and is part of general law county duties. This failure to protect and notify the general public, including the homeless, of the danger associated with HABs coupled with San Joaquin County's refusal to participate in the US Census count reveals an institutional unwillingness to ensure that the homeless, communities of color, and economically disadvantaged communities receive fair and equal treatment by County institutions.

Furthermore, reports from other parts of the state are identifying the presence of the COVID-19 virus in wastewater treatment systems. As the homeless do use our waterways for sanitation, we are quite concerned about the possible transmission of COVID-19 into our surface waterways. We cannot comprehend why the County Office of Emergency Services and Public Health continue to ignore the HABs problem, or the immediate need for relocating the homeless population near our waterways during the pandemic. We cannot comprehend how County Supervisors and officials can drive by the waterfront daily and pretend nothing is happening at that location, or in regard to the looming threat with the spread of cyanobacteria further into the Delta. This is an even worse public health crisis in the making as the combination of cyanobacteria, HABs air pollution, and COVID-19 are a potentially lethal threat to area residents.

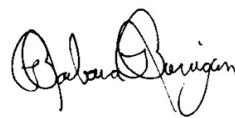
We have also learned that the Public Health Department for San Joaquin County hides comments on social media sites made by several members of this coalition. As nobody in our coalition says anything threatening, or not factually based, we find it disturbing that the County is squelching critique of its performance. Even more disturbing is the fact that San Joaquin County is the only California county spending its time during the pandemic hiding public comments in its social media threads instead of contact tracing.

We expect immediate action by County Supervisors and Administrators on the numerous items described in this letter. The *Zeitgeist* for public service, equity, respect of employees and people of color, and support for public health and welfare needs immediate reformation. We will continue observing what unfolds in these areas and reporting our findings as needed to the public, media, and other public institutions.

Sincerely,



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Co-Facilitator
San Joaquin County Together



Barbara Barrigan
Co-Facilitator
San Joaquin County Together

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Assemblymember Susan Talamantes Eggman
California State Water Resources Control Board
Central Valley Regional Water Quality Control Board
California Rural Legal Assistance
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