

# Sheriff, board chair disagree over Newsom's mask order

**By Nick Baptista**

Two of Calaveras County's top elected officials got into a verbal sparing match at Tuesday's Board of Supervisors meeting regarding the governor's orders to wear face masks.

Sheriff Rick DiBasilio addressed the board outlining his reasons for not arresting or citing people who do not wear masks while in public during the novel coronavirus outbreak. While four of the board members voiced appreciation to the sheriff for his stance "encouraging" the

wearing of masks when out in the public, Board Chair Merita Callaway criticized DiBasilio for not coming out and saying the public "must" wear masks.

Gov. Gavin Newsom on June 18 issued the mask-wearing order. Since that time, the number of COVID-19 cases in California have skyrocketed with the state breaking its single-day record for positive virus cases on Wednesday with 12,807 new cases and 115 deaths. California now leads the nation in positive cases, surpassing New York.

The sheriff told the board he supports the county and its efforts to combat the virus, but everyone needs to recognize constitutional rights in this matter.

"People still have constitutional rights and I have not seen anything, anywhere that said a pandemic changes the authority of the governor or anybody to take away our constitutional rights," DiBasilio said.

He also criticized the governor's plan to grant earlier releases to 8,000 prisoners,

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# Sheriff

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some of who have the virus.

"In my humble opinion, for him to release people who have COVID into our community is wrong ... They have a way to segregate and treat them within the (prison) facility," he added. "Criminals are going to be coming into our communities with COVID. Do you think they're going to wear a mask? I guarantee you they won't because they didn't go by the rules before so what makes you think they'll go by the rules again, so I will not make criminals out of people who will not wear a mask."

The sheriff asked the public to be respectful of one another.

"I want people to understand that the biggest issue we have going on right now is the lack of respect," the sheriff said. "If people are outside and within that social distance, they don't

need to wear a mask. The governor has said that."

In addition to encouraging the public to wear a mask when necessary, the sheriff said he has directed his staff to wear masks when they go into buildings, or can't socially distance.

Callaway voiced her displeasure with DiBasilio's comments. She said they did not go far enough and instead of encouraging the public to wear masks in public, he should of said they "shall."

The word encourage, Callaway said, "is not a definite word for me, I would like to see you go a step further and say 'you shall wear masks.'"

Saying COVID-19 is a health not a constitutional issue, Callaway added, "I want your office and you to be part of the collective team to keep us safe. That is what I would have liked to have seen from you."

"I will not tell people they 'shall,'" the sheriff responded.

"I believe that's a violation of their constitutional rights and I won't do that."

What about changing to the word "must," Callaway asked the sheriff.

"I'll compromise," he said, "They must wear a mask when they're in public and not able to social distance, but I'm not going to arrest and I'm not going to cite."

District 4 Supervisor Dennis Mills sided with the sheriff.

"We give the government certain rights and privileges, but in exchange for that we maintain certain rights and privileges as well," Mills said. "It goes back to the very foundation of the constitution."

District 5 Supervisor Ben Stopper said the sheriff presented his position well, adding, "The spirit of the law and the letter of the law is something that's very subjective, and I think you demonstrated your position very well."

District 2 Supervisor Jack Garamendi said he agreed the county should not make criminals out of citizens over face coverings, but "with great freedoms come great responsibilities."

District 1 Supervisor Gary Tofanelli agreed with the sheriff that the governor may have overstepped his authority under the law.

Garamendi said he was pleased to see greater compliance to the governor's face-covering order.

"A mask by itself won't take the place of physical distancing and hand washing and all of the other things we recommend people do," said Dr. Dean Kelaita, the county health officer, "but a mask in conjunction with those things is a highly effective intervention in reducing transmission of this disease in our community during a pandemic the likes of which we've not seen in our lifetimes."