

SAN BENITO LOCAL AGENCY FORMATION COMMISSION

REGULAR MEETING AGENDA

Thursday, February 10, 2022 – 4:00 P.M.

Board of Supervisors Chambers
481 Fourth Street, Hollister CA

Pursuant to AB 361, and the resolutions adopted thereunder, relating to the convening of public meetings in response to the COVID-19 pandemic, and pursuant to the recommendation from Dr. Gellert dated January 5, 2022, members of the Commission are allowed to attend the meeting via teleconference and to participate in the meeting to the same extent as if they were present.

The meetings are closed to the public. The meeting will be available through Zoom for those who wish to join or require accommodations with the instructions below:

Webinar ID: 813 6413 5674

Webinar Password: 901620

This meeting can be accessed in the following methods:

Through Zoom (<https://zoom.us/join>) per the instruction stated below, and other methods as described further below.

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.

Written Comments & Email Public Comment

Members of the public may submit comments via email prior to the LFACO meeting to the Clerk of the Board at jfrechette@cosb.us

Public Comment Guidelines

- A.** The LAFACO 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 three (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.

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

1. Call to Order and Roll Call
2. Recitation of the Pledge of Allegiance
3. Approve Affidavit of Posting Agenda

BUSINESS ITEMS – GENERAL BUSINESS, NON-HEARING ITEMS

4. Adopt proposed resolution authorizing teleconferencing options for meetings of the Local Agency Formation Commission for the period of February 10, 2022, to March 12, 2022 pursuant to AB 361.

PUBLIC COMMENT PERIOD

5. Public Comment Period - This is an opportunity for members of the public to speak on items that are not on the agenda.

SELECTION OF OFFICERS

6. Open nominations and conduct election for Chair for calendar year 2022.
7. Open nominations and conduct election for Vice-Chair for calendar year 2022.

CONSENT AGENDA

8. Approval of minutes: October 14, 2021 and Special Joint Meeting of October 27, 2021.

BUSINESS ITEMS – PUBLIC HEARING ITEMS

None

BUSINESS ITEMS – NON-HEARING ITEMS

None

INFORMATIONAL

9. Introduction to upcoming budget process for 2022-23 Fiscal Year.
10. Commissioner Announcements and Requests for Future Agenda Items.
11. Executive Officer oral status report on pending proposals and other LAFCO business items.
12. Adjourn to the next regular meeting of March 10, 2022 at 4 p.m.

Disclosure of Campaign Contributions – LAFCO Commissioners are disqualified and are not able to participate in proceedings involving an “entitlement for use” if, within the 12 months preceding the LAFCO decision, the Commissioner received more than \$250 in campaign contributions from the applicant, an agent of the applicant or a financially interested person who actively supports or opposes the LAFCO decision on this matter.

Those who have made such contributions are required to disclose that fact for the official record of the proceedings. Disclosures must include the amount of the contribution and the recipient Commissioner and may be made either in writing to the Executive Officer of the Commission prior to the hearing or by an oral declaration at the time of the hearing.

The foregoing requirements are set forth in the Political Reform Act of 1974, specifically in Government Code section 84308.

Disability Accommodations - Persons with a disability who require any disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the meeting are asked to contact the LAFCO Clerk’s Office at least three (3) days prior to the meeting by telephone at 831/636-4000, Ext. 13 or by email at Jfrechette@cosb.us.

*LOCAL AGENCY FORMATION COMMISSION
2301 Technology Parkway
Hollister, CA 95023*



CERTIFICATE OF POSTING

Pursuant to Government Code § 59454.2(a) I, Jennifer Frechette, Clerk of the Board of Supervisors, certify that the **REGULAR MEETING AGENDA** for the

SAN BENITO COUNTY LOCAL AGENCY FORMATION COMMISSION

Scheduled for February 10, 2022 was posted at the San Benito County Planning Department, 2301 Technology Parkway, Hollister, CA and at the San Benito County Administration Office, 481 Fourth Street, Hollister, CA on this 4th Day of February, 2022.

All locations freely accessible to the general public.

Jennifer Frechette

Clerk of the Board of Supervisors

BUSINESS – GENERAL BUSINESS, NON-HEARING ITEMS

4. Adopt proposed resolution authorizing teleconferencing options for meetings of the Local Agency Formation Commission for the period of February 10, 2022, to March 12, 2022, pursuant to AB 361.



LOCAL AGENCY FORMATION COMMISSION
SAN BENITO COUNTY

2301 Technology Parkway
Hollister, CA 95023
Phone: (831) 637-5313

DATE: February 10, 2022 (Agenda)
TO: Local Agency Formation Commission
FROM: *BN*
Bill Nicholson, Executive Officer

Proposed resolution authorizing teleconferencing options for meetings of the Local Agency Formation Commission for the period of February 10, 2022 to March 12, 2022 pursuant to AB 361.

(Agenda Item 4)

REQUEST

It is requested the Commission adopt the proposed Resolution No. 2022-01 authorizing teleconferencing options for meetings of the Local Agency Formation Commission for the period of February 10, 2022 through March 12, 2022, pursuant to AB 361.

DISCUSSION

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, amending his prior Executive Order N-29-20 and waiving certain provisions of the Brown Act relating to teleconferences/remote meetings by local agency legislative bodies. The Executive Order waived, among other things, the provisions of the Brown Act that otherwise required the physical presence of members of local agency legislative bodies or other personnel in a particular location as a condition of participation or as a quorum for a public meeting. These modifications remained in effect through September 30, 2021.

On September 16, 2021, the Governor signed Assembly Bill (AB) 361, a bill that codifies certain teleconference procedures that local agencies have adopted in response to the Governor's Brown Act-related Executive Orders. Specifically, AB 361 allows a local agency to continue to use teleconferencing under the same basic rules as provided in the Executive Orders under certain prescribed circumstances or when certain findings have been made and adopted by the local agency legislative body.

When the state of emergency lasts longer than 30 days, as is the case presently, the legislative body must make findings every 30 days to continue using the bill's exemption to the Brown Act teleconferencing rules. AB 361 mandates that the legislative body must find that there is a continuing need for teleconferencing due to dangers posed by the

Commissioners: Bob Tiffany, Chair ♦ Richard Bettencourt, Vice Chair ♦ Ignacio Velazquez ♦ Cesar Flores ♦ Bea Gonzales

Alternate Commissioners: Roland Resendiz ♦ Peter Hernandez ♦ Ella Salinas **Executive Officer:** Bill Nicholson

Local Agency Formation Commission
Adoption of Resolution Authorizing Teleconferencing Options for Meetings Pursuant to
AB 631
February 10, 2022
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ongoing state of emergency. This means that local agencies will have to put an item on the public meeting agenda at least every thirty days to make findings regarding the circumstances of the emergency and to vote to continue relying upon the law's teleconference provisions.

Reducing the circumstances under which people come into close contact remains a vital component of the County's COVID-19 response strategy. Local agency public meetings are an essential government function and the last 22 months have proven that the hybrid format protects public access while minimizing exposure to COVID-19.

Staff therefore recommends that the Commission adopt findings that conducting in-person meetings at the present time would present an imminent risk to the health and safety of attendees. A resolution to that effect and directing staff to return each 30 days to afford the Commission the opportunity to reconsider such findings, is included herewith. If the Commission adopts the proposed resolution, they may continue to meet under the modified Brown Act teleconference rules of AB 631 through March 12, 2022.

Enclosure – Resolution No. 2022-01

LAFCO No. 2022-01

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF SAN BENITO
COUNTY AUTHORIZING CONTINUED REMOTE TELECONFERENCE MEETINGS PURSUANT
TO AB 361

WHEREAS, the Local Agency Formation Commission of San Benito County is committed to preserving and nurturing public access and participation in 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 Omicron variant of COVID-19, is spreading quickly throughout 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/omicron-variant.html>); and,

WHEREAS, the transmission and existence of COVID-19 remains prevalent in the Community, as evidenced by the statistics located on the San Benito County website at: <https://hhsa.cosb.us/public-health/covid-19/>; and,

WHEREAS, on September 30, 2021, Dr. Ghilarducci, Interim San Benito County Public Health Officer, issued a recommendation on Social Distancing at public meetings of legislative bodies within San Benito County; and

WHEREAS, on January 5, 2022, Dr. Gellert, San Benito County Public Health Officer, issued an updated recommendation on continued Social Distancing at public meetings of legislative bodies within San Benito County, attached hereto as Exhibit "A", and incorporated herein by this reference; and

WHEREAS, the Commission has an important governmental interest in protecting the health, safety, and welfare of those who participate in meetings 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 Local Agency Formation Commission of San Benito County deems it necessary to find that a requirement to meet in person for meetings of the Commission 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, the Commission has considered all information related to this matter, as presented at the public meetings of the Commission, including but not limited to the current circumstances related to the state of emergency, which continues to remain in active.

WHEREAS, the 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 Local Agency Formation Commission of the County of San Benito as follows:

1. The Commission finds that the facts set forth in the recitals to this Resolution are true and correct and are incorporated into this Resolution by this reference.
2. The Commission hereby proclaims that a local emergency continues to exist throughout the County, and social distancing orders are currently in place and needed to protect the health and safety of the citizens.

3. The above findings and this resolution apply to all meetings of the Local Agency Formation Commission of San Benito County subject to the Brown Act for the period of February 10, 2022, to March 12, 2022.

4. 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 as necessary, an item to continue the findings required by AB 361.

5. 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 Commission may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953; and,

6. The Executive Officer and LAFCO Counsel are directed to take such other necessary or appropriate actions to implement the intent and purposes of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

PASSED AND ADOPTED by the Local Agency Formation Commission of San Benito County,
on this 10th day of February 2022, by the following vote:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSTAINING: COMMISSIONERS

ABSENT: COMMISSIONERS

Dated: _____
Bob Tiffany, Chair
San Benito Local Agency Formation Commission

ATTEST:

Bill Nicholson, Executive Officer
San Benito Local Agency
Formation Commission

APPROVED AS TO LEGAL FORM:

Shirley L. Murphy

Shirley L. Murphy, Deputy County Counsel
Acting LAFCO Counsel

DATE: _____

DATE: *Feb. 1, 2022*

EXHIBIT A



SAN BENITO COUNTY

HEALTH & HUMAN SERVICES AGENCY

GEORGE GELLERT MD, MP, MPA
HEALTH OFFICER

TRACEY BELTON
AGENCY DIRECTOR

PUBLIC HEALTH SERVICES
Healthy People in Healthy Communities

January 5, 2022

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 and more recently the Omicron variant, I strongly urge 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. The conduct of public meetings in a remote or hybrid manner enables members of the community to participate from the comfort of their homes without having to risk contracting these viruses by attending in-person meetings.

In addition, these measures help contain the spread of the disease and protect the community. All events public gatherings, including public meetings, create environments where these virus variants can potentially spread among attendees and participants. However, when combined with social distancing and effective masking practices, along with continued efforts to increase vaccination uptake within San Benito County, a remote or hybrid format for meetings maximizes avenues for public access and input and minimizes the risk of infection for the public, agency staff, meeting presenters, and legislative body members as well.

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

George Gellert MD, MPH, MPA
Health Officer

PUBLIC HEALTH SERVICES
351 Tres Pinos Road, Suite A-202
Hollister CA 95023
831-637-5367

ENVIRONMENTAL HEALTH
351 Tres Pinos Road, Suite C-1
Hollister CA 95023
831-636-4035

MEDICAL THERAPY UNIT
761 South Street
Hollister CA 95023
831-637-1989

SELECTION OF OFFICERS

6. Open nominations and conduct election for Chair for calendar year 2022.

7. Open nominations and conduct election for Vice-Chair for calendar year 2022.



LOCAL AGENCY FORMATION COMMISSION
SAN BENITO COUNTY

2301 Technology Parkway
Hollister, CA 95023
Phone: (831) 637-5313

February 10, 2022 (Agenda)

Local Agency Formation Commission
2301 Technology Parkway
Hollister CA 95023

Selection of LAFCO Officers for 2022
(Agenda Items 6 and 7)

Dear Members of the Commission:

RECOMMENDATION

It is recommended that the Commission select a Chairperson and Vice-Chairperson to serve for 2022.

DISCUSSION

The Commission's Rules and Procedures provide that the Commission shall elect a Chair and Vice-Chair at the first meeting of the calendar year for one year terms. The Rules and Procedures also state that "...the positions of Chair and Vice-Chair shall be rotated among the members unless a Commissioner declines a nomination."

Chair Tiffany, has completed his term for the 2021 calendar year, and Richard Bettencourt has also completed his term as Vice-Chair. It is up to the Commission to make the appointments with one limitation: Alternate members cannot be selected as Chair or Vice-Chair. All Regular Commissioner positions are filled and are eligible to be selected.

Sincerely,



Bill Nicholson
Executive Officer

CONSENT AGENDA

8. Approval of minutes: October 14, 2021 and Special Joint Meeting of October 27, 2021.



**SAN BENITO LOCAL AGENCY FORMATION
COMMISSION
MINUTES OF MEETING**

October 14, 2021

Board of Supervisors Chambers - Hollister, CA

CALL TO ORDER

1. Chair Bob Tiffany called the meeting to order at 4:04 p.m. Those present were Executive Officer Bill Nicholson and Commissioners: Cesar Flores, Bea Gonzales, Richard Bettencourt, Bob Tiffany, and Ignacio Velazquez. Also present were Reed Gallogly, LAFCO Counsel, and Jennifer Frechette, Recording Secretary.
2. Commissioner Bettencourt led the Pledge of Allegiance.

3. APPROVE AFFIDAVIT OF POSTING AGENDA

Commissioner Flores made a motion to accept the Affidavit of Posting, Commissioner Gonzales seconded. (5/0 vote)

Ayes: Tiffany, Bettencourt, Gonzales, Velazquez, and Flores

Noes: None

Abstain: None

Absent: None

BUSINESS ITEMS – GENERAL BUSINESS, NON-HEARING ITEMS

4. **Adopt proposed resolution authorizing teleconferencing options for meetings of the Local Agency Formation Commission for the period of October 14, 2021 to November 13, 2021 pursuant to AB 361.**

Commissioner Tiffany gave a brief background regarding the proposed resolution and explained this resolution would need to be approved at every meeting so that the meetings could include the option of teleconferencing.

Commissioner Flores made a motion to accept the Resolution authorizing teleconferencing option, Commissioner Velazquez seconded. (5/0 vote)

Ayes: Tiffany, Bettencourt, Gonzales, Velazquez, and Flores
Noes: None
Abstain: None
Absent: None

PUBLIC COMMENT

5. **Public Comment Period:** No comments.

CONSENT AGENDA

6. **Approval of minutes: August 12, 2021**

Commissioner Velazquez made a motion to approve the minutes of June 10, 2021, Commissioner Gonzales seconded.

Ayes: Tiffany, Bettencourt, Gonzales, Velazquez, and Flores
Noes: None
Abstain: None
Absent: None

BUSINESS ITEMS – GENERAL BUSINESS, NON-HEARING ITEMS:

7. **LAFCO 541 - Martinez Annexation to the Aromas Water District: Involving the annexation of approximately 6.93 acres located on the east side of Cole Road and approximately 1,500 feet north of Ricardo Drive into the Aromas Water District. The purpose of the request is to receive district water for the existing residence at 681 Cole Road (Assessor's Parcel Number 011-260-005). The actions requested are to determine the annexation is exempt from environmental review under sections 15303(d) and 15319 of the CEQA Guidelines and to consider approval of the annexation.**

Executive Officer Bill Nicholson gave a brief overview of the Martinez Annexation to be annexed into the Aromas Water District. In January LAFCO approved an annexation across the street from the property. It is a very logical

approach to consider as there is a water line from the Aromas Water District down the street. Staff recommends approval of this annexation.

The Commissioners had no comments.

Public Comment: No public comment.

Commissioner Flores made a motion to approve the Martinez Annexation to the Aromas Water District per Option 1, seconded by Commissioner Bettencourt.

Ayes: Tiffany, Bettencourt, Gonzales, Velazquez, and Flores

Noes: None

Abstain: None

Absent: None

INFORMATIONAL:

- 8. Announcement of the scheduled Training Session/Workshop hosted by San Benito LAFCO with the San Benito County Board of Supervisors, and the City of Hollister and San Juan Bautista City Councils, set for 5:00 pm, Wednesday, October 27, 2021 at the Ridgemark Golf Course Clubhouse.**

Executive Officer Bill Nicholson gave a brief overview of the training session that will be taking place with LAFCO, City of Hollister, and San Juan Bautista City Councils. This will be a public meeting so members of the public can attend and will be available by Zoom. This is a training event not a decision-making event so decisions will not be made on current applications. Past examples can be given, but there will not be any discussion on current or future projects.

LAFCO Counsel Reed Gallogly explained that past actions can be discussed.

Commissioner Tiffany asked if microphones would be available for members to be able to ask questions and asked if all agencies had RSVP'd.

Mr. Nicholson affirmed that there will be microphones and gave the logistics of the meeting. Everyone has affirmed that they are available to attend the joint training session.

Commissioner Bettencourt asked if the planning commissioners will be invited as they have a lot of new members. He suggested they also receive a presentation.

Commissioner Gonzales agreed with Commissioner Bettencourt for the planning commissioners to be given a presentation.

Mr. Nicholson stated that they had not been invited. He has given separate training sessions to the planning commissioners from San Juan Bautista. Including the planning commissioners in this session would be too difficult as there are already 4 bodies together and it would be difficult to ask questions. The best thing to do is have separate presentations for those planning commissions.

Commissioner Tiffany asked LAFCO Counsel Reed Gallogly if the Executive Officer or the LAFCO Clerk could let the Planning Commissioners know about this joint session and that they can attend as private citizens.

County Counsel Reed Gallogly stated he discouraged the invitation to the planning commissioners. However, those people can exercise their rights as individual citizens to attend.

Commissioner Velazquez agreed with counsel. He also liked the comment of discussing past examples during the presentation to provide for better planning.

Commissioner Tiffany instructed Mr. Nicholson to reach out to the individual planning commissions to arrange a separate presentation for them.

9. Commissioner Announcements and Requests for Future Agenda Items.

There were no requests for future agenda items.

Commissioner Tiffany attended the CALAFCO meeting by Zoom and not a lot came from the meeting. There was not a lot of content other than awards given.

Executive Officer Bill Nicholson mentioned that the Executive Director for CALAFCO is retiring.

Commissioner Betancourt asked if only elected officials can run for the position of Executive Director.

Executive Officer Bill Nicholson explained that the position not an elected position. The Board for CALAFCO appoints that position.

10. Executive Officer oral status report on pending proposals and other LAFCO business items.

Executive Officer Bill Nicholson stated that there are no current applications, so he does not foresee a November meeting. Currently he is just working on environmental documents and working on General Plan issues for both the City of Hollister and San Juan Bautista.

Commissioner Bettencourt asked Mr. Nicholson if he is working on any MSRs.

Mr. Nicholson stated the only MSR getting any traction right now is with the county service areas and the county for localized implementation. There is a new consultant with the county to review the CSAs.

11. Adjourn to special training/workshop meeting held jointly with the San Benito County Board of Supervisors, and the City of Hollister and San Juan Bautista City Councils on October 27, 2021, at 5:00 pm to be held at the Ridgemark Golf Club located at 3800 Airline Highway, Hollister.

Upon a motion by Commissioner Flores, and seconded by Commissioner Gonzales, adjourned meeting at 4:40 p.m.

Final Minutes Approved by the Commission
on _____

By: _____

Bob Tiffany, Chairman

**SAN BENITO LOCAL AGENCY FORMATION
COMMISSION
MINUTES OF SPECIAL JOINT MEETING**

October 27, 2021

Ridgemark Golf Club, Fremont Room - Hollister, CA

CALL TO ORDER

1. Chair Bob Tiffany called the meeting to order at 5:07 p.m. Those present for LAFCO were Executive Officer Bill Nicholson and Commissioners: Cesar Flores, Bea Gonzales, Richard Bettencourt, Bob Tiffany, and Ignacio Velazquez. Those present for the City of Hollister were Mayor Ignacio Velazquez, Council Members Perez and Resendiz. Those present for the City of San Juan Bautista were Mayor Jordan and Council Members Flores and Freeman. Those present for San Benito County were Supervisors Gonzales, Tiffany, Kosmicki, and Hernandez. Also present were Reed Gallogly, LAFCO Counsel, and Jennifer Frechette, Recording Secretary.
2. Commissioner Tiffany led the Pledge of Allegiance.

3. **APPROVE AFFIDAVIT OF POSTING AGENDA**

Commissioner Velazquez made a motion to accept the Affidavit of Posting, Commissioner Tiffany seconded. (5/0 vote)

*Ayes: Tiffany, Bettencourt, Gonzales, Velazquez, and Flores
Noes: None
Abstain: None
Absent: None*

PUBLIC COMMENT

4. **Public Comment Period:** Elia Salinas.

SPECIAL ITEM – JOINT TRAINING SESSION/WORKSHOP:

5. **The City Council of the City of Hollister, the City Council of the City of San Juan Bautista, the Board of Supervisors of San Benito County, and the Commissioners of the San Benito Local Agency Formation Commission (LAFCO) will receive a presentation from the Executive Officer of San Benito LAFCO, and the Council Members, Board of**

Supervisors and Commissioners of San Benito LAFCO, along with representative staff from each respective agency, will ask questions and seek clarification on issues concerning spheres of influence, annexations and service extensions outside jurisdictional boundaries. No actions or decisions by the various public agencies present are requested or contemplated during this workshop.

Executive Officer Bill Nicholson gave a presentation and background on the purpose of LAFCO, how LAFCO members are elected, their responsibilities, and the local role of LAFCO in San Benito County. Mr. Nicholson also reviewed the city limits and spheres of influence of the Cities of Hollister and San Juan Bautista, and the relationship with San Benito County's General Plan and land use authority. Mr. Nicholson explained the LAFCO annexation process and the unique issues of Hollister extending sewer service into the unincorporated County territory.

There was a discussion among the commissioners, council members, and supervisors throughout the presentation. Public comment was also given throughout the presentation.

Upon a motion by Commissioner Tiffany, and seconded by Mayor Jordan, adjourned meeting at 7:50 p.m.

Final Minutes Approved by the Commission
on _____

By: _____

Bob Tiffany, Chairman

INFORMATIONAL

9. Introduction to upcoming budget process for 2022-23 Fiscal Year.
10. Commissioner Announcements and Requests for Future Agenda Items.
11. Executive Officer oral status report on pending proposals and other LAFCO business items.
12. Adjourn to the next regular meeting of March 10, 2022, at 4 p.m.



LOCAL AGENCY FORMATION COMMISSION

SAN BENITO COUNTY

2301 Technology Parkway

Hollister, CA 95023

Phone: (831) 637-5313 Fax: (805) 647-7647

DATE: February 10, 2022 (Agenda)

TO: Local Agency Formation Commission

FROM: *BN*
Bill Nicholson, Executive Officer

RE: Introduction to the Annual Budget Process for the 2022-23 Fiscal Year
(Agenda Item 9)

The annual budget process is coming up, with a State requirement for LAFCOs to adopt a proposed budget by May 1 and a final budget by June 15 of each fiscal year (Government Code section 56381(a)). Given our Commission meeting calendar, we will need to schedule adoption of the proposed budget at the April 14 meeting and adoption of a Final Budget at the May 12 meeting, which would allow an extra scheduled meeting on June 9th should there be a need for continuance or any final amendments. The budget for the current 2021-22 Fiscal Year is \$149,579. The primary activity of staff and the Commission has been the processing of boundary change applications for cities and special districts, primarily involving annexations and sphere of influence expansions, with approval of service extensions outside an agency's boundary (typically sewer service extensions by Hollister outside their City limits) also being a common application.

In terms of special projects, staff has been engaged with the San Benito County Resource Management Agency in issues involving County Service Areas (CSAs) operated by the County and provided input in 2019 into a County-initiated CSA study which included a Draft Municipal Service Review (MSR) document. While efforts to complete the MSR stalled after the engineering consultant was let go, there continue to be issues with the CSAs and the current MSR is almost 15 years old.

As the Commission is aware, it is LAFCOs responsibility to prepare and periodically update MSRs under Government Code section 56430. For the MSRs covering the Cities of Hollister and San Juan Bautista, it would be appropriate to update the MSRs after the completion of the General Plan Updates and corresponding Sphere of Influence studies which are underway: An updated MSR is a formal requirement before updating a Sphere of Influence.

This agenda item will provide an opportunity for the Commission to discuss any priorities for LAFCO and considerations for development of the upcoming work program. Any direction given by the Commission, such as initiating one or more MSR updates, will be used in the preparation of the Proposed Budget for the April 14th public hearing.

Commissioners: Bob Tiffany, Chair ♦ Richard Bettencourt, Vice Chair ♦ Ignacio Velazquez ♦ Cesar Flores ♦ Bea Gonzales

Alternate Commissioners: Rolan Resendiz ♦ Ella Salinas ♦ Peter Hernandez **Executive Officer:** Bill Nicholson

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Action Requested

Initiate discussion on the upcoming 2022-23 Fiscal Year Budget process and provide any desired direction to the Executive Officer for activities or issues to investigate including in the work program.