

SAN BENITO LOCAL AGENCY FORMATION COMMISSION

REGULAR MEETING AGENDA

Thursday, October 13, 2022 – 4:00 P.M.

Board of Supervisors Chambers
481 Fourth Street, Hollister CA

Pursuant to California Governor Gavin Newsome's Executive Order No. N-29-20 issued on March 19, 2020, relating to the convening of public meetings in response to the COVID-19 pandemic, 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 open to the public, under the following conditions: All Attendees may attend the Commission meeting in person and follow the State guidelines. If an attendee is not fully vaccinated it is highly recommended that an attendee wears a face covering or face shield. All attendees must comply with any other rules of procedures/instructions announced by the LAFCO Commission and/or LAFCO Staff. The meeting will be available through Zoom for those who wish to join or require accommodations with the instructions below:

The meeting can also be accessed by the public in the following methods: Through Zoom (<https://zoom.us/join>) per the instruction stated below, and other methods as described further below with the following ID and Password:

Webinar ID: 822 9642 9774
Webinar Password: 067608

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.

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> 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.

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- 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 by 5:00 PM on the Wednesday prior to the meeting to the LAFCO Clerk at VDelgado@cosb.us.

Public Comment Guidelines

- a. The 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 LAFCO Clerk at (831) 636-4000, Ext. 13 or email VDelgado@cosb.us

1. Call to Order and Roll Call
2. Introduction of Kate McKenna, Acting Executive Officer providing temporary support in her capacity as Monterey LAFCO Executive Officer
3. Recitation of the Pledge of Allegiance
4. Approve Affidavit of Posting Agenda

BUSINESS ITEMS – GENERAL BUSINESS, NON-HEARING ITEM

5. Adopt proposed resolution authorizing teleconferencing options for meetings of the Local Agency Formation Commission for the period of October 13, 2022, to November 12, 2022, pursuant to AB 361.

PUBLIC COMMENT PERIOD

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

CONSENT AGENDA

7. Approval of Minutes of the August 11, 2022, and the September 8, 2022, Commission Meetings.

BUSINESS ITEMS – GENERAL BUSINESS

8. Consideration of Exemption from LAFCO Review Under Government Code Section 56133(e)(4) for continuation of sewer service from the City of Hollister for a “HEAP” grant funded homeless transitional housing project consisting of 11 “tiny homes” located at the County Migrant Farm Labor Housing Center at 33235 Southside Road (Assessor’s Parcel Number 020-300-030). The project is proposed by the San Benito County Resource Management Agency.

INFORMATIONAL BUSINESS ITEMS – GENERAL BUSINESS, NON-HEARING ITEMS

9. Status of Recruitment for the LAFCO Executive Officer Position (Henie Ring, Human Resources Director, San Benito County)

INFORMATIONAL

10. Update on sewer extension status for projects in the Fairview Road/Airline Highway Area following planned Sunnyslope County Water District (Drew Lander) presentation to Hollister City Council on October 03, 2022 (Oral Report by Chair Tiffany)
11. Commissioner Announcements and Requests for Future Agenda Items
12. Adjourn to next regular meeting on November 10, 2022, unless meeting is cancelled by the Chair

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 VDelgado@cosb.us.

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



CERTIFICATE OF POSTING

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

SAN BENITO COUNTY LOCAL AGENCY FORMATION COMMISSION

Scheduled for October 13, 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 6th Day of October, 2022.

All locations freely accessible to the general public.

Vanessa Delgado

Vanessa Delgado
Clerk of the Board of Supervisors

INFORMATIONAL BUSINESS
ITEMS – GENERAL
BUSINESS, NON-HEARING
ITEMS

5. Adopt proposed resolution authorizing teleconferencing options for meetings of the Local Agency Formation Commission for the period of October 13, 2022, to November 12, 2022, pursuant to AB 361.



LOCAL AGENCY FORMATION COMMISSION

SAN BENITO COUNTY

2301 Technology Parkway

Hollister, CA 95023

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

DATE: October 13, 2022 (Agenda)
TO: Local Agency Formation Commission
FROM: ^{BN} Bill Nicholson, Outgoing Executive Officer

Proposed resolution authorizing teleconferencing option for meetings of the Local Agency Formation Commission for the period of October 13, 2022 to November 12, 2022 pursuant to AB 361 (Agenda Item 5)

REQUEST

It is requested the Commission adopt the proposed Resolution No. 2022-04 authorizing teleconferencing options for meetings of the Local Agency Formation Commission for the period of October 13, 2022 to November 12, 2022 pursuant to AB 361.

DISCUSSION

On June 11, 2021, Governor Gavin 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 21, 2021.

On September 16, 2021, the Governor signed Assembly Bill (AB) 361, a bill that codifies certain teleconferencing 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 legislative body.

When the state of emergency lasts longer than 30 days, as in 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 ongoing state of emergency. This means that local agencies will have to put an item on the public meeting agenda at least every

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

Alternate Commissioners: Rolin Resendiz ♦ Peter Hernandez ♦ Elia Salinas **Executive Officer:** Bill Nicholson

thirty days to make findings regarding the circumstances of the emergency and to vote to continue relying on the law's teleconferencing provisions.

Reducing the circumstances in 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 30 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 and allowing a hybrid meeting format is a necessary option. 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 361 through November 12, 2022.

Enclosure – Resolution No. 2022-04

LAFCO No. 2022-04

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 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,

San Benito LAFCO
LAFCO Resolution No. 2022-04

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/>

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.
2. 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 October 13, 2022, to November 12, 2022.
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 as necessary, an item 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 Commission may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953; and,

San Benito LAFCO
LAFCO Resolution No. 2022-04

5. 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.

PASSED AND ADOPTED by the Local Agency Formation Commission of San Benito County, on this 13th day of October 2022, by the following vote:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSTAINING: COMMISSIONERS

ABSENT: COMMISSIONERS

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

ATTEST:

APPROVED AS TO LEGAL FORM:

Kate McKenna, Acting Executive Officer
San Benito Local Agency
Formation Commission

DocuSigned by:

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Reed Gallogly, LAFCO Counsel

DATE: _____

DATE: 10/4/2022

PUBLIC COMMENT PERIOD

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



CONSENT AGENDA

7. Approval of Minutes of the August 11, 2022, and the September 8, 2022, Commission Meetings.



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

August 11, 2022

Board of Supervisors Chambers - Hollister, CA

CALL TO ORDER

1. Chair Bob Tiffany called the meeting to order at 4:02 p.m. Those present were Executive Officer Bill Nicholson and Commissioners: Bea Gonzales, Richard Bettencourt, Bob Tiffany, Rolan Resendiz, and Cesar Flores. Commissioner Ignacio Velazquez arrived by Zoom at 4:30 p.m. and Commissioner Resendiz left. Also present were Reed Gallogly, LAFCO Counsel, and Vanessa Delgado, Recording Secretary.
2. Commissioner Gonzales led the Pledge of Allegiance.
3. **APPROVE AFFIDAVIT OF POSTING AGENDA**

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

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

BUSINESS ITEMS – GENERAL BUSINESS, NON-HEARING ITEM

4. **Adopt proposed resolution authorizing teleconferencing options for meetings of the Local Agency Formation Commission for the period of August 11, 2022 to September 10, 2022, pursuant to AB 361.**

There was no public comment.

Commissioner Gonzales made a motion to adopt the proposed resolution authorizing teleconferencing options for meetings of the Local Agency Formation Commission for the period of August 11, 2022 to September 10, 2022, pursuant to AB 36, Commissioner Flores seconded. (5/0 vote)

*Ayes: Tiffany, Bettencourt, Gonzales, Resendiz, and Flores
Noes: None*

Abstain: None
Absent: None

5. PUBLIC COMMENT PERIOD

There was no public comment.

CONSENT AGENDA

6. Approval of minutes: May 12, 2022

There was no public comment.

Commissioner Gonzales made a motion to approve the minutes from the meeting on May 12, 2022, Commissioner Bettencourt seconded. (5/0 vote)

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

BUSINESS ITEMS – PUBLIC HEARING ITEM:

- 7. LAFCO 532 – Cole Road II & Rocks Road Annexation to the Aromas Water District: Involving the annexation of approximately 244 acres (28 parcels) located on the east and west side of Cole Road and extending approximately one mile north from a point approximately one quarter mile north of Ricardo Drive. Along Rocks Road, one area consists of four parcels containing 20.3 acres located on the north side of Rocks Road, approximately one-third mile east of the Highway 101 undercrossing. The second area is located on the south side of Rocks Road and west of the intersection with Via Vaquero Norte involving two parcels containing 11.2 acres, in the unincorporated Aromas area. 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 presentation on the proposal to annex parcels into the Aromas Water District, the purpose of the annexation,

the Aromas sphere of influence, the Cole Rd. annexation area, factors of evaluation, land use and General Plan Zoning, topography and natural features, population, governmental services and controls, the impact on prime ag land, open space, and agriculture, assessed values and tax rates, landowner consent, environmental justice and affordable housing, and the environmental review. Mr. Nicholson recommended the commission approve the annexation.

There was one public comment from Matthew C. Medeiro with questions regarding the new water fee, information about the hook up, who would be contracted to do the connection, and asked if the residents would be able to choose a contractor.

Robert Johnson, General Manager of the Aromas Water District provided information regarding the connection and the contractors clarifying the District would install the connection from the water trunk line to the individual parcel and the water meter. Private property extension from meter to home is up to landowners. Mr. Johnson also indicated the connector fee would be \$16,170 and additional fees to cut into Cole and Rocks Road. Connection to the District is voluntary and their water is only for domestic use. Landowners can keep any agricultural wells.

Commissioner Velazquez arrived to the meeting at 4:30 PM.

There was discussion among the commissioners and Mr. Johnson regarding adding additional dwelling units (ADUs) on those lots and the possibility of more properties being annexed in the future and how that would affect the service to those lots. In response to a question from Commissioner Velazquez, Mr. Johnson indicated that the district must get approval from the Pajaro Valley Water Management Agency for connections and this could affect water supply available, as will vacant lots already within the district.

Commissioner Bettencourt made a motion to approve the annexation of Cole Road II & Rocks Road to the Aromas Water District, Commissioner Gonzales seconded.

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

Executive Officer Bill Nicholson stated the annexation would become final after the protest period passed and this item would then be put on consent at a future meeting.

**INFORMATIONAL BUSINESS ITEMS – GENERAL BUSINESS,
NON-HEARING ITEMS**

8. Announcement of Fall 2022 CALAFCO Conference Registration: Annual California Association of Local Agency Formation Commissions Conference in Newport Beach from October 19 to October 21, 2022.

Executive Officer Bill Nicholson gave information regarding the annual CALAFCO conference in October of 2022 that will be held in Newport Beach from October 19th through the 21st. He stated the deadline to nominate a commissioner representative for the CALAFCO Board election would be September 19th. The conference agenda has not been prepared yet but trainings will be held at the conference.

There was discussion among the commissioners and staff regarding which commissioners would be interested in attending and how to book the hotel and pay for the registration.

9. Commission Direction on the Recruitment of the San Benito LAFCO Executive Officer

Commissioner Flores left the meeting at the beginning of this item.

Commissioner Tiffany gave a brief background regarding the ongoing recruitment process for the vacancy of the Executive Officer, and the efforts being made and the role of county staff in assisting to recruit.

San Benito County Human Resources Manager Henie Ring gave an overview regarding what has been done in the past for the recruitment of the position of LAFCO Executive Officer, Human Resources assistance in building a job spec and information, and the option of contracting a headhunter which could cost approximately \$20,000.00.

There was discussion among the commission and staff regarding hiring a headhunter.

The commission advised staff not to move forward with hiring a headhunter at this time, but to complete the job announcement, and share it with CALAFCO and the commissioners attending the October conference can seek applicants.

INFORMATIONAL

10. Executive Officer oral status update on sewer extension status for projects in the Fairview Road/Airline Highway Area.

Executive Officer Bill Nicholson gave an update and background on LAFCO's action being on hold regarding the projects in the Fairview Road/Airline Highway Area because Sunnyslope County Water District is looking for support from the Hollister City Council on the alternative to providing a District sewer connection. They could rely on Hollister's treatment plant and Sunnyslope County Water District would only be collecting the wastewater and maintaining the sewer lines.

Commissioner Gonzales requested that this item be put on a future agenda as an update.

11. Commissioner Announcements and Requests for Future Agenda Items

Commissioner Tiffany asked Commissioner Velazquez regarding the status of the 2040 General Plan update.

Commissioner Velazquez stated there was no update as work needs to be done by October.

Executive Officer Bill Nicholson provided a letter from the State Water Resources Control Board to the commission regarding Sunnyslope County Water District working to provide water to two existing subdivisions in the Best Road area.

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

Executive Officer Bill Nicholson stated there were no new applications.

ADJOURNMENT

13. **Upon a motion by Commissioner Bettencourt, and seconded by Commissioner Gonzales, and carried 4 – 0, the meeting was adjourned at 5:50 p.m.**

Final Minutes Approved by the Commission
on _____

By: _____

Bob Tiffany, Chairman

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

September 8, 2022
Board of Supervisors Chambers - Hollister, CA

CALL TO ORDER

1. Chair Bob Tiffany called the meeting to order at 4:01 p.m. Those present were Executive Officer Bill Nicholson and Commissioners: Bea Gonzales, Richard Bettencourt, and Bob Tiffany. Also present were Reed Gallogly, LAFCO Counsel, and Denise Rivas, Recording Secretary. Commissioners Ignacio Velazquez and Cesar Flores were absent.
2. Commissioner Bettencourt led the Pledge of Allegiance.

3. **APPROVE AFFIDAVIT OF POSTING AGENDA**

Commissioner Gonzales made a motion to accept the Affidavit of Posting, Commissioner Bettencourt seconded. (3/0 vote)

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

PUBLIC COMMENT

4. **Public Comment Period:** Public comment was given by Elia Salinas thanking Executive Officer Bill Nicholson for his time given with LAFCO and the work done for San Benito County.

CONSENT AGENDA

5. There were no minutes or other consent items.

GENERAL BUSINESS – NON-HEARING ITEMS:

6. **2022 CALAFCO Board of Director Nominations and Appointment of Voting Delegate and Alternate for the Board Elections and Related Business at the October 20, 2022, Business Meeting**

Public comment was given by Elia Salinas. She stated that she is interested in attending the CALAFCO conference.

Executive Officer Bill Nicholson gave a brief overview and background of the CALAFCO Conference and Voting Delegate nomination process. He informed the commission no approval is needed to attend the conference as the budget allows for two commissioners to attend. Those who choose to run should attend the conference to campaign. The commission will need to approve a Voting Delegate and an Alternate Delegate. Nominations are to be received by September 19th, 2022, at 5:00pm. Commissioner Gonzales informed the Commissioners she was interested in attending and serving for the CALAFCO Board.

Commissioner Tiffany made a motion to nominate Commissioner Gonzales as the Voting Delegate. Commissioner Gonzales seconded that motion.

Commissioner Tiffany made a motion to nominate Commissioner Salinas as the Alternate Delegate. Commissioner Gonzales seconded that motion.

(3/0 Vote)

Ayes: Tiffany, Bettencourt, and Gonzales

Noes: None

Abstain: None

Absent: Velazquez, Flores

7. Status of Recruitment for the LAFCO Executive Officer Position

Public comment was given by Elia Salinas. She didn't think the Commission should retain a headhunter firm.

San Benito County's Human Resources Manager Henie Ring gave an overview regarding the minimum qualifications for the LAFCO Executive Officer Position. She explained the need for a possible outside search firm and presented rates to the commission. She presented MRG's proposal with a projected estimated fee of \$19,975.00.

There was discussion among the commissioners regarding the cost rates of the different outside executive search firm.

Executive Officer Bill Nicholson stated Monterey County LAFCO has volunteered to assist San Benito County LAFCO while recruitment is in progress.

LAFCO Counsel Reed Gallogly stated there are no legal concerns regarding Monterey County LAFCO assisting while recruitment is in progress.

Commissioners Tiffany, Gonzales, and Bettencourt were not in favor of currently electing a headhunter but were in favor of Monterey County assisting while recruitment is in progress by San Benito County's Human Resources Department Manager, Henie Ring.

INFORMATIONAL:

- 8. Update on sewer extension status for projects in the Fairview Road/Airline Highway Area including Sunnyslope County Water District presentation to Hollister City Council on September 6, 2022 (Oral Report by Executive Officer and Commission).**

Executive Officer Bill Nicholson explained that the Hollister City Council presentation regarding the Fairview Road/Airline Highway area was delayed and has been rescheduled for the October 3rd, 2022, City Council Meeting, therefore there was no update to report.

Public Comment was given by Robert Huenemann. He stated he has a copy of the MOU for the Hollister Urban Area – he continued to state there are some undefined areas of expansion. Before anything can be done with the Hollister Urban Area the areas need to be defined.

- 9. Commissioner Announcements and Requests for Future Agenda Items**

Commissioner Tiffany presented a Certificate of Appreciation to Executive Officer Bill Nicholson as it was his last LAFCO meeting.

There was discussion among the commission regarding the start time of the LAFCO meetings and possible adjustment.

Commissioner Gonzales requested a copy of the Commissioner's Handbook. Executive Officer Bill Nicholson will be providing each Commissioner a printed copy.

Commissioner Gonzales would like for a meeting hyperlink on the agenda.

There was discussion among the Commissioners regarding LAFCO and public engagement. There was also a brief discussion on alternatives for having the Hollister wastewater treatment plant be managed by a regional governmental agency such as a joint powers authority (JPA) or a special district. Questions involved who would initiate the effort and the exemption of a JPA from LAFCO authority under state law.

During public comment, Elia Salinas mentioned there was talk of expanding the Hollister Urban Area in the original Memorandum of Understanding.

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

Executive Officer Bill Nicholson stated he will be attending a protest hearing in Aromas on Thursday, September 15, 2022, at 3:00pm regarding the recent Cole Road II & Rocks Road Annexation. If there was a 25% to 50% protest, then the annexation would require an election, but if there is less than 25% protest, it would not need an election or need to come back to LAFCO. As of now there are no protests. Once the hearing is complete Mr. Nicholson will process the application accordingly.

No other applications are pending before LAFCO.

Mr. Nicholson identified an item that may come up in the future is the Sunnyslope County Water District dealing with subdivisions in the Best Road area that may lead to an annexation due to poor water quality in existing wells.

Mr. Nicholson stated that a potential out of boundary water extension from the City of Hollister may be another potential application that will come to LAFCO. Currently the State Water Resource Control Board has been working on the Valenzuela water system on property next to the San Benito River. The farm labor housing complex has a small public water system. The water is bad, so they are drinking bottled water. They are trying to receive grant money from the State to connect to the City of Hollister water system. There is no benefit for the city to annex the property, so a water extension is a reasonable alternative.

Mr. Nicholson stated the City of San Juan Bautista sewer connection to Hollister is exempt from LAFCO review, but this determination has not been formally requested in the past. Based on direction from the Commission, the LAFCO Executive Officer cannot take it upon himself to write a letter of exemption from LAFCO review. The same situation applies to the planned potable water connection from the San Benito County Water District Westhills treatment plant. The City of Hollister and San Benito County Water District have concluded these connections to San Juan Bautista are exempt, but due to controversy over other exemptions, it would be appropriate to state LAFCO's exemption in writing. Commissioner Gonzales asked Executive Officer Bill Nicholson if he would be able to memorialize it by writing a Letter of Exemption for the record and the other Commissioners concurred. Executive Bill Nicholson agreed to write a Letter of Exemption.

No public comment was provided.

ADJOURNMENT

- 11. Upon a motion by Commissioner Tiffany, and seconded by Commissioner Gonzales, and carried 3 – 0, the meeting was adjourned at 6:29 p.m.**

Final Minutes Approved by the Commission
on _____

By: _____

Bob Tiffany, Chairman

BUSINESS ITEMS - GENERAL BUSINESS

8. Consideration of Exemption from LAFCO Review Under Government Code Section 56133(e)(4) for continuation of sewer service from the City of Hollister for a “HEAP” grant funded homeless transitional housing project consisting of 11 “tiny homes” located at the County Migrant Farm Labor Housing Center at 33235 Southside Road (Assessor’s Parcel Number 020-300-030). The project is proposed by the San Benito County Resource Management Agency.



LOCAL AGENCY FORMATION COMMISSION
SAN BENITO COUNTY

2301 Technology Parkway
Hollister, CA 95023
Phone: (831) 637-5313 Fax: (805) 647-7647

October 13, 2022 (Agenda)

Local Agency Formation Commission
2301 Technology Parkway
Hollister, CA 95023

**Consideration of Exemption from Government Code 56133(e)(4) for the
Continuation of sewer service from the City of Hollister to a second “HEAP” grant-
funded homeless transitional housing project
(Agenda Item 8)**

Dear Members of the Commission:

RECOMMENDATION

Direct the Commission Chair to sign a letter to the City of Hollister and the San Benito County Resources Management Agency verifying that their use of historic sewer connections for the proposed “HEAP” homeless transitional housing “tiny home” project at 3235 Southside Road is exempt from LAFCO approval under Government Code section 56133(e)(4).

DISCUSSION

Government Code section 56133(a) requires a LAFCO Commission’s review and approval of service extensions by a city or special district to property located outside their respective boundary. Under this section of the Government Code, there are specific criteria for granting approval along with several exemptions from LAFCO review and approval.

Steve Loupe, Interim Resource Management Agency Director for San Benito County, in an email dated September 26, 2022, (Copy attached), has requested LAFCO provide a letter confirming that the proposed homeless transitional housing project (“HEAP”) consisting of 11 “tiny homes” to be located on the County’s migrant farmworker housing complex on Southside Road, is exempt from LAFCO approval for an out of agency boundary sewer connection from the City of Hollister. Specifically, the request is for the Commission to determine that the project complies with the exemption from LAFCO review and approval under Government Code section 56133(e)(4): “An extended service that a city or district was providing before January 1, 2001.”

To support this exemption, Mr. Loupe conducted research with Enrique Arreola, San Benito County Health and Human Services Agency, and with Kari Wagner, PE with Wallace Group, Civil Engineering consultants to the County. This research is consistent with the determination made

Executive Officer's Report

Exemption from GC Section 56133 for "HEAP" Homeless Transitional Housing Project

October 13, 2022

Page 2

by the Commission approximately 18 months ago in consultation with Mr. Arreola, in his authority for the County regarding the Migrant Farmlabor Center, has agreed to transfer the sewer capacity previously used for mobile home and recreational vehicle (RV) spaces to this grant funded HEAP tiny home project. Based on historic usage and occupancy, Mr. Arreola has identified there were eight (8) mobile home sites that will remain vacant in order to accommodate the historic wastewater treatment volume for this HEAP project. (For the Commission's information, in the Commission's action on March 11, 2021, there were five dwelling unit credits transferred to the first phase of the HEAP project consisting of five units.)

In the attached correspondence from Kari Wagner, PE, she identifies the reduced wastewater demand per unit for the proposed "tiny homes" compared to traditional dwellings similar to the mobile home spaces that had historically been connected to the City sewer system. This memo supplies the evidence to support that the 11 tiny homes have the equivalent wastewater generation rate to the previous eight units that have been removed.

In the future, if the County Farmworker Housing Center was included within the City's sphere of influence and recognized as a regional public facility in the City's General Plan, the Commission could approve wastewater extensions for new development under Government Code section 56133(b).

However, for the current proposal, Staff is comfortable that the historic level of sewer service would be approximately the same as required for the tiny housing units proposed in the "HEAP" housing project and supports the determination that the City of Hollister provided sewer service to the migrant farmlabor facility at 3235 Southside Road prior to January 1, 2021, and that the new project does not represent an increase from historic service levels.

Sincerely,



Bill Nicholson

Outgoing Executive Officer

ATTACHMENTS:

Email dated September 26, 2022, from Steve Loupe, Interim RMA Director to Bill Nicholson; Memorandum from Kari Wagner, PE with Wallace Group dated August 31, 2022; Vicinity Map identifying location of the project on Southside Road; Site Map identifying the HEAP housing project location and the adjacent Mobile Home spaces on an aerial photo; and Draft Exemption Letter

Vanessa Delgado

From: Bill Nicholson
Sent: Monday, October 3, 2022 10:06 PM
To: Vanessa Delgado
Subject: Fw: Tiny Homes - Sewer Connections
Attachments: Tiny Homes (HEAP) Project Location.pdf; 2022_08_31 County of San Benito Tiny Home Memorandum.pdf

From: Steve Loupe <SLoupe@cosb.us>
Sent: Monday, September 26, 2022 7:15 AM
To: Bill Nicholson <BNicholson@cosb.us>
Cc: Enrique Arreola <EARreola@cosb.us>; Karen Gumin <KGumin@cosb.us>
Subject: Tiny Homes - Sewer Connections

Hi Bill,

As we recently discussed, the attachments pertain to a future Tiny Homes/HEAP project that could occur at the migrant center site along the County Labor Camp Road adjacent to Southside Road (see first attachment for project location). The first phase of the project is nearing completion and already has sanitary sewer connections allocated for those small homes.

Phase II of the project is intended to house 11 additional Tiny Homes, however, there are currently only 8 available residential, standard sanitary sewer connections/credits available for the Phase II construction. The proposed 11 Tiny Homes units have fewer bedrooms and smaller floor areas than those of a standard single-family home. Consequently, we've attached a Memorandum produced by a wastewater consultant noting that 11 Tiny Home sewer connections will generate a smaller volume of sewer flows (880 gpd) than would be produced by 8 standard, single-family homes (1,040 gpd).

As you transition out of your COSB LAFCO role, please let us know your thoughts on the above.
Thank you!

Best regards,

Steve Loupe

Interim RMA Director

Assistant Director - Public Works Engineering/Operations

County Engineer



Resource Management Agency

Ph: (831) 902-2271

MEMORANDUM

Date: August 31, 2022

To: Steve Loupe, PE
County of San Benito

From: Kari Wagner, PE Kari Wagner

Subject: Wastewater Generation for Tiny Homes

Digitally signed by Kari Wagner
DN: cn=US,
e=Kariw@wallacegroup.us,
o=Wallace Group, cn=Kari Wagner
Date: 2022.08.31
09:28:51-0700'



CIVIL AND
TRANSPORTATION
ENGINEERING

CONSTRUCTION
MANAGEMENT

LANDSCAPE
ARCHITECTURE

MECHANICAL
ENGINEERING

PLANNING

PUBLIC WORKS
ADMINISTRATION

SURVEYING /
GIS SOLUTIONS

WATER RESOURCES

The County of San Benito is requesting an evaluation of the typical wastewater generation from proposed Tiny Homes (700 s.f.) versus a typical residential single-family home (1,800 s.f.). Water usage has significantly decreased over the last decade due to water conservation measures. Through State mandates in 2015, water use decreased in San Benito County over 25%. The majority of the water conservation occurred in outdoor water use by converting lawns into low water use landscaping. In addition, indoor water usage also dropped by switching out fixtures such as toilets and faucets with low-flow fixtures.

Wallace Group completed a Water Master Plan in 2018, a Sewer Master Plan in 2010, and a Sewer Master Plan Update in 2018 for the City of Hollister. Using City water historical use data, the water use in 2018 was estimated at 76 gallons per day per capita (gpcd) and the wastewater use was estimated at 40 gpcd. This was down from the 2010 estimates of 50 gpcd or a 20% reduction in wastewater use.

A typical residential single-family home has a density of 3.50 persons per household in the City of Hollister and 3.33 in San Benito County per the 2020 California census data. Therefore, a typical residential single-family home in the Hollister Urban Area prior to 2010 used between 160 and 175 gpd. After the water conservation measures, wastewater flows are between 130 and 140 gpd per residential single-family home.

The Tiny Homes proposed by the County of San Benito are anticipated to house 1 to 2 persons, not the average 3.5 persons per household of a residential single-family home. Therefore, the anticipated wastewater flows from the Tiny Homes is 80 gpd per tiny home.

The County has sewer credits for 8 residential single-family homes. Based on sewer flow estimates prior to 2015, the wastewater that would have been generated from these 8 homes would have been between 1,280 to 1,400 gpd. Post 2015, the wastewater that would be generated from these 8 homes is estimated between 1,040 and 1,120 gpd. The County is currently seeking to install 11 Tiny Homes with 11 sewer connections. Using the anticipated wastewater flow of 80 gpd per tiny home, the estimated wastewater flow of the proposed 11 Tiny Homes is 880 gpd or 15% lower than the post 2015 wastewater flows that would have been generated by 8 standard residential single-family homes (i.e., 1,040 gpd). Consequently, the County is requesting that LAFCO approve this request to allow for a total of 11 Tiny Homes sewer connections in lieu of the 8 unused sewer credits that currently exist.

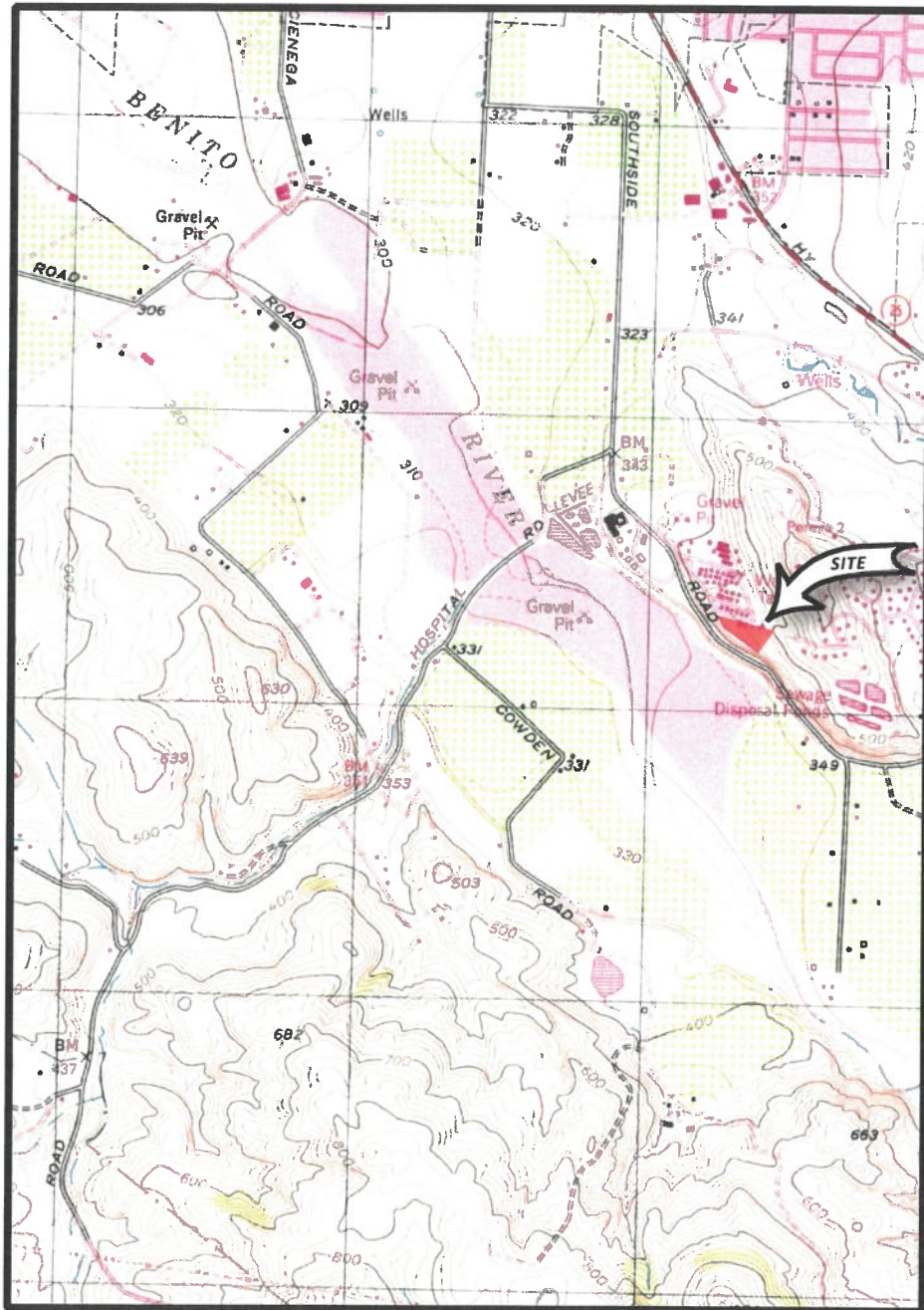
WALLACE GROUP
A California Corporation

612 CLARION CT
SAN LUIS OBISPO
CALIFORNIA 93401

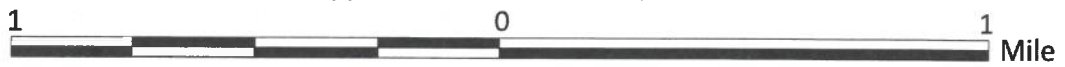
T 805 544-4011
F 805 544-4294

www.wallacegroup.us

TN
MN
15



Approximate Scale 1: 24,000



Base: USGS Topographic Map of the Hollister 7.5-minute quadrangle, 1995

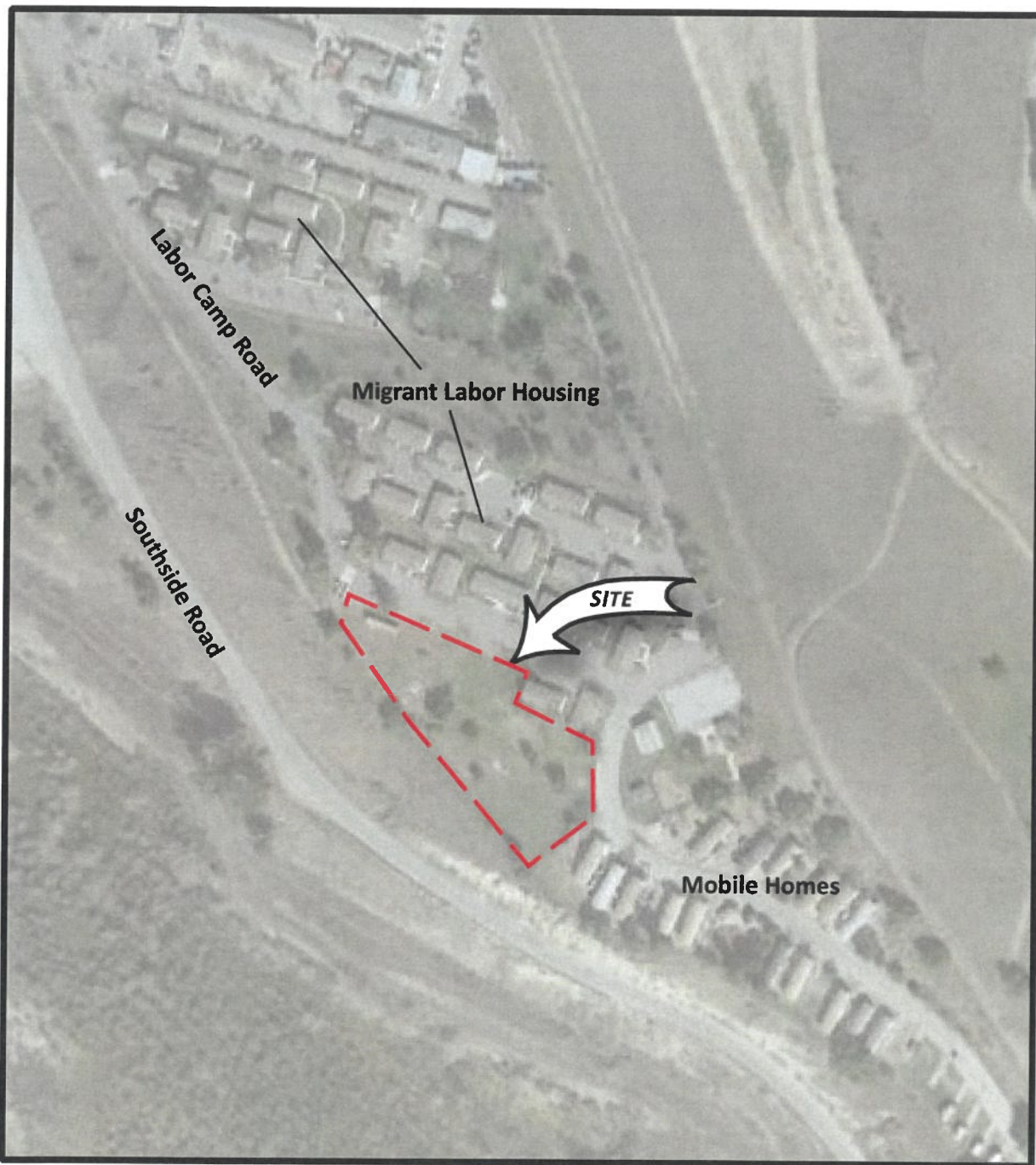


Earth Systems Pacific

Hollister Labor Camp Transition Housing
3235 Southside Road
Hollister, California

Vicinity Map

302165-022



Base: Google Earth Image, dated 9/07/2022



Approximate Scale in Feet



Earth Systems Pacific

Hollister Labor Camp Transition Housing
3235 Southside Road
Hollister, California

Site Map

302165-022

LOCAL AGENCY FORMATION COMMISSION
SAN BENITO COUNTY

2301 Technology Parkway
Hollister, CA 95023
Phone: (831) 637-5313 Fax: (805) 647-7647

October 13, 2022

Steve Loupe, Interim Director
San Benito County Resource Management Agency
2301 Technology Parkway
Hollister, CA 95023

RE: Exemption from Government Code 56133(e)(4) for the continuation of sewer service from the City of Hollister to a second "HEAP" grant-funded homeless transitional housing project

Dear Mr. Loupe:

The Commission reviewed the County's request for San Benito LAFCO review of the proposed sewer extension to 11 "tiny homes" proposed through grant funding under the "HEAP" transitional homeless housing program, which are to be installed at the County Migrant Farmlabor Housing Center at 3235 Southside Road. At the October 13, 2022, regular meeting, the Commission voted to find the service extension qualifies as an exemption from Commission review under Government Code section 56133(e)(4): "An extended service that a city or district was providing before January 1, 2001."

This determination was based on research conducted by Enrique Arreola, Deputy Director of the San Benito County Health and Human Services Agency and with technical support from Kari Wagner, PE with Wallace Group Civil Engineers.

This letter serves as notice that the LAFCO of San Benito County has determined the existing connections to the City of Hollister sewer system is at an equivalent capacity to accommodate the proposed 11 unit "HEAP" tiny home project at 3235 Southside Road, and is therefore exempt from the Commission's review and approval.

Sincerely,

Bob Tiffany
LAFCO Chair

cc: Brett Miller, City Manager, City of Hollister

**INFORMATIONAL
BUSINESS ITEMS –
GENERAL BUSINESS,
NON-HEARING ITEMS**

**9. Status of Recruitment for the LAFCO
Executive Officer Position (Henie Ring, Human
Resources Director, San Benito County)**



San Benito Local Agency Formation Commission

San Benito LAFCO

Executive Officer

Recruitment



ABOUT COUNTY OF SAN BENITO

Located in California's Central Coast region, 130 miles south of San Francisco, San Benito County (pop. 62,808) maintains a rural feel while offering a strong sense of community and historic charm in the County's two incorporated cities and three unincorporated towns. The County encompasses almost 1,400 square miles and was formed from parts of Monterey County in 1874.

Agriculture, by acreage, is San Benito County's largest industry with fertile valley soil supporting some of the most productive farmland in the state. Cool ocean air regulates the County's temperature resulting in warm summers and mild winters perfect for enjoying the many outdoor pursuits available in the area.

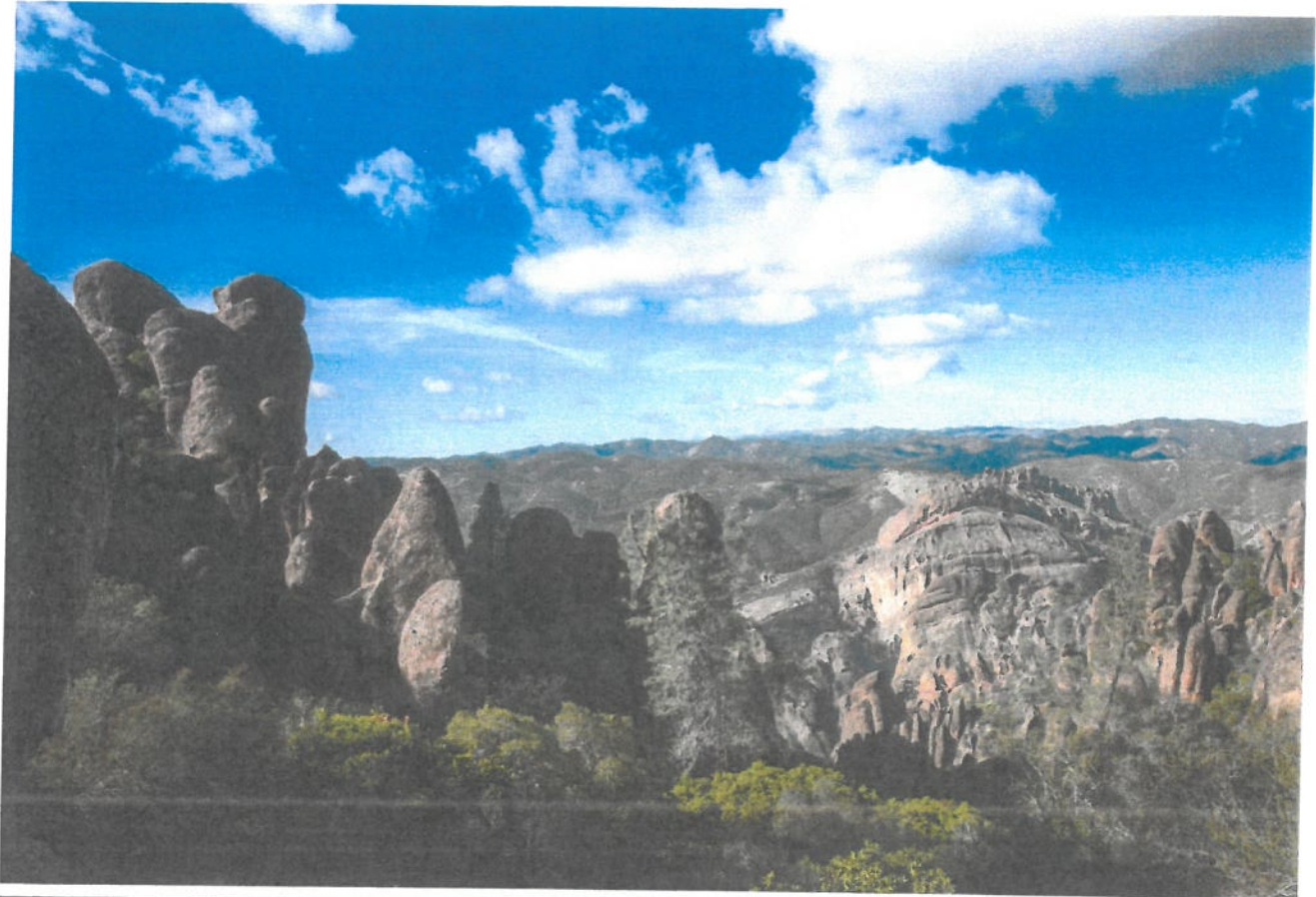
San Benito County offers visitors and residents a wide array of "hidden" treasures. In February of 2013, the majestic mountains of Pinnacles National Monument were officially designated at the 59th National Park in the U.S. The County's emerging wine country offers highly acclaimed and award-winning wines set among the scenic landscape of the area. Home to mission San Juan Bautista, the County also offers the enjoyment of an array of outdoor recreational activities, Agri-tourism, public library, museums, art festivals and galleries. The ideal proximity situated between the Silicon Valley and Monterey Bay provides easy access to the numerous amenities of the big city, while still offering an idyllic and scenic setting with affordable housing and a quality lifestyle.



ABOUT THE POSITION

Under direction of the Local Agency Formation Commission (LAFCo), administers, plans, and directs the activities necessary for the proper and efficient management of the San Benito LAFCo as determined by the Commission and by State law; provides leadership, fiscal and policy guidance, strategic direction, and performs the day-to-day management of LAFCo duties. Fosters cooperative working relationships with, and provides guidance and advice to cities, special districts, and potential applicants; reviews and analyzes proposals in accordance with State law and local policy, develops recommendations for Commission action and performs related work as required.

The LAFCo Executive Officer is a part-time at-will contract position responsible for administering the business of the State-mandated Local Agency Formation Commission, created to promote the wise use of land resources, public services and facilities while providing for the present and future needs of a community. As a contract position, the salary is negotiable depending on experienced and qualifications of the candidate. The contractor will also be required to carry professional liability insurance and commercial automobile insurance. Direction is received from the San Benito Local Agency Formation Commission.



EXAMPLES OF DUTIES

Duties may include, but are not limited to the following:

- Receive and analyze applications and petitions for LAFCo actions; determine legal acceptability for filings; conduct complex analysis and prepare written reports and recommendations to the Commission.
- Prepare and administer LAFCo's annual budget as adopted by the Commission; serve as the LAFCo fiscal officer, exercise continuous budgetary controls to ensure proper expenditures of authorized funds.
- Prepare staff analyses, reports, proposed determinations and other agenda materials for the Commission relating to matters within the Commission's authority under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Government Code Section 56000 et seq. ("Act"), including but not limited to; boundary proposals, contracts for provision of new and extended services outside city and district jurisdictional boundaries, sphere of influence amendments, municipal service reviews, and periodic review of sphere of influence reports.
- Call and notice Commission meetings in accordance with the Act and LAFCo policies and procedures.
- Solicit bids, develop contracts, and review work product to be completed by consultants contracted with LAFCo.
- Actively participate in LAFCo related organizations and professional associations; apprise LAFCo Commissioners of organization activities, current events, new legislation, and other matters of interest related to LAFCo.
- Ensure the preparation, mailing, filing, publishing, and record keeping of agendas, notices and other required official documents on behalf of the Commission.
- Respond to inquiries and provide information and technical assistance to interested public agencies and individuals.



SKILLS AND ABILITIES



ESSENTIAL FUNCTIONS

- Operate a personal computer and other office equipment.
- Communicate effectively with others in person and over the telephone.
- Meet deadlines under stressful conditions, complete multiple priority projects with conflicting deadlines.
- Analyze data, interpret directions, procedures, and regulations, and develop appropriate responses.
- Establish, implement, and achieve goals and objectives.
- Train, support staff.
- Frequent use of depth perception, peripheral vision, and color perception.
- Frequently lift, carry, reach, push, pull, twist and manipulate large and small objects.
- Frequent use of hand-eye coordination; normal dexterity, frequent holding and grasping.
- Occasionally lift and carry up to 40 pounds.

Knowledge of:

- The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
- Principles, practices, and techniques of urban and regional planning functions.
- Federal, State, and local laws and regulations relating to financing, and functions of counties, cities, and special districts.
- The California Environmental Quality Act (CEQA) and its application to LAFCO actions.
- Community and infrastructure planning, environmental laws, local government structure, public finance, and budget preparation.
- Research and statistical methods.
- General public purchasing and contracting practices.
- Public finance; public infrastructure; interagency relationships.
- Geographic Information System (GIS) software.

Ability to:

- Communicate effectively both orally and in writing.
- Facilitate consensus building and decision-making.
- Direct, coordinate and implement large and/or controversial projects.
- Collect, analyze, and interpret data; formulate recommendations; solve complex problems.
- Establish and maintain effective working relationships with varied communities of interest including property owners, project developers, local boards, and commissions, elected and/or appointed officials and community groups.
- Meet deadlines, work independently and as a team member.
- Resolve conflicts and respond appropriately to complaints.
- Represent the Commission with the community and other agencies.

QUALIFICATIONS

Experience:

Five (5) years increasingly responsible experience in a professional capacity developing and/or managing a public program involving multiple constituencies or LAFCo related responsibilities.

Education:

Graduation from an accredited college with a bachelor's degree in public administration, urban/regional planning, or a closely related field.

THE RECRUITMENT PROCESS

To be considered, candidates must submit an application and professional resume via www.governmentjobs.com. For confidential inquiries or additional information, please contact Human Resources Manager, Henie Ring at HRing@cosb.us or call San Benito County Human Resources at (831) 636-4000.



INFORMATIONAL

10. Update on sewer extension status for projects in the Fairview Road/Airline Highway Area following planned Sunnyslope County Water District (Drew Lander) presentation to Hollister City Council on October 03, 2022 (Oral Report by Chair Tiffany)

11. Commissioner Announcements and Requests for Future Agenda Items

12. Adjourn to next regular meeting on November 10, 2022, unless meeting is cancelled by the Chair

